

**TREMONTON CITY CORPORATION
PLANNING COMMISSION
November 27, 2012**

Members Present:

Richard Seamons, Chairman
Rosa Gonzales, Commission Member
Robert Anderson, Commission Member
Jared Summers, Commission Member
David Deakin, City Councilmember
Linsey Nessen, Deputy Recorder

Chairman Richard Seamons called the Planning Commission Meeting to order at 5:34 p.m. The meeting was held November 27, 2012, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Richard Seamons, Commission Member Rosa Gonzales, Commission Member Robert Anderson, Commission Member Jared Summers, City Councilmember David Deakin, Zoning Administrator Steve Bench, Deputy Recorder Linsey Nessen, and City Manager, Shawn Warnke were in attendance. Commission Member Brian Mickelson, Commission Member Troy Forrest, and Commission Member Micah Capener were excused.

1. Approval of agenda:

Motion by Commission Member Anderson to approve the November 27, 2012 agenda. Motion seconded by Commission Member Gonzales. Vote: Chairman Seamons – aye, Commission Member Gonzales – aye, Commission Member Anderson – aye, and Commission Member Summers – aye. Motion approved.

2. Approval of minutes: November 13, 2012

Motion by Commission Member Gonzales to approve the minutes of November 13, 2012. Motion seconded by Commission Member Anderson. Vote: Chairman Seamons – aye, Commission Member Gonzales – aye, Commission Member Anderson – aye, and Commission Member Summers – aye. Motion approved.

3. Public Hearing:

Chairman Seamons called a Public Hearing to order at 5:36 p.m. There were no people in attendance.

a. Proposed Tremonton RDA Moderate Income Housing Plan.

Zoning Administrator Bench stated that Commission Member Capener had brought up issues with the occupancy rates of some of the apartments in town and

the rent amounts shown in the RDA Moderate Income Housing Plan when the Planning Commission reviewed it in a previous meeting. The City called the apartments in question again and received updated occupancy rates, which have been noted in the Plan. The rent amounts are only listed as a reference and the City discussed the amounts with BRAG and decided the numbers already on the Plan were close to the actual rent amounts in the City so they were not changed. City Councilmember Deakin asked City Manager Warnke if he feels the City has adequate low and moderate income housing available for its residents. City Manager Warnke stated that he feels the City has adequate affordable housing and that its residents have many opportunities to find a place to live in Tremonton. The Plan does show a deficiency in the 30% Average Median Income that the City is monitoring to see why that is. There were no public comments.

Chairman Seamons closed the Public Hearing at 5:42 p.m.

Motion by Commission Member Gonzales to recommend the proposed RDA Moderate Income Housing Plan to the City Council. Motion seconded by Commission Member Summers. Vote: Chairman Seamons – aye, Commission Member Gonzales – aye, Commission Member Anderson – aye, and Commission Member Summers – aye. Motion approved.

Chairman Seamons called a public hearing to order at 5:43 p.m. There were no people in attendance.

b. Proposed zone change at 880 W 1200 S.

Zoning Administrator Bench stated that Micheal Chadwick's property at 880 West 1200 South is currently zoned as R1 and he is proposing changing the zoning to R1-10 and splitting the lot into three lots. There is currently R1-10 zoning located to the north and to the east of this property. Commission Member Summers asked if the third lot's access would be on 1200 South or 850 West. Zoning Administrator Bench stated that the City would like to keep as many accesses as possible off of 1200 South so the third lot's access would be on 850 West. There were no public comments.

Chairman Seamons closed the Public Hearing at 5:46 p.m.

Motion by Commission Member Anderson to recommend the proposed zone change at 880 W 1200 S to the City Council. Motion seconded by Commission Member Gonzales. Vote: Chairman Seamons – aye, Commission Member Gonzales – aye, Commission Member Anderson – aye, and Commission Member Summers – aye. Motion approved.

4. Unfinished Business:

- a. Continued discussion and review of Title I Zoning Ordinance, Chapters 23, and 28-34.

The Planning Commission invited City Manager Warnke to the meeting to discuss chapters 1.27 Signs and 1.02 Non-Conforming Structures with him.

Zoning Administrator Bench stated that Ms. Kristi Morgan, from Reagan Outdoor Advertising, attended the last Planning Commission meeting and was going to email draft sign ordinances to him to review. He has not received anything yet from Ms. Morgan. City Manager Warnke thanked the Planning Commission for their work in reviewing the Code and for inviting him to attend the meeting and share some of the thoughts that went in to the first draft of the ordinance. Signage is one of the more important elements in the City's Code as far as the impact and the visual effect it can have on a community. The questions brought forward were concerning billboards but City Manager Warnke asked the Planning Commission to pay specific attention to all of the different signage as they were addressed and changes were made to some to make them clearer and more separation between different zoning districts in order to address issues within those separate zoning districts.

The visual clutter that can be created by signage can lessen the effect of signage, which does play an important role in the community but it is also appropriate for the City to regulate and control signage. The City is actively trying to create some planning processes and opportunities to look at Main Street and signage will be a part of that. The City hasn't restricted billboards in the past and currently has 18 within City limits including 7 on surface streets and 11 on the Interstate. The State Statute is very clear and gives protection to billboard companies so once a billboard is in your City, they are there for a long time. Even if a billboard is damaged, they are allowed to put a billboard back in its place. If the City wanted a billboard removed, they would have to compensate the company for the value of that sign. Chairman Seamons asked if a land owner wanted a billboard removed would the City be responsible for compensating that company. City Manager Warnke stated that the land owner and the company would have a private agreement in place that would take effect and the City would not be involved. But if the City wanted to have the sign removed, then they would be responsible for compensation.

The State Code does allow cities through their zoning to limit billboards and City Manager Warnke stated that he feels now is a good time to do that because there are already plenty of billboards throughout the City and the City's gateways. Part of the recommendation comes based upon what is already in the City's General Plan, which talks about beautifying the appearance of the downtown area and gateways and the importance of making them attractive. The idea of regulating signage in general with that underlying vision was used in proposing and drafting this section of the code. City Manager Warnke stated that he believes that the City

has a sufficient amount of billboards for its size and recommended not allowing any more at this time especially since it is not something that is easily changed or reversed. Commission Member Gonzales asked if the amount of billboards the City currently has is normal for our size of city. City Manager Warnke stated that it depends a lot on interstate access and because we have Interstate 15 and Interstate 84 coming through our City we have more, but on the surface streets we are about average. Zoning Administrator Bench stated that in the time he has worked for the City, he has only received applications for 2 billboards on Main Street and they are several years old. There have also only been about 5 billboards put in on the Interstate in the past 20 years.

Zoning Administrator Bench stated that nothing is set in stone yet and this discussion will give the Planning Commission something to think about before the ordinance is recommended to the City Council.

The Planning Commission discussed Chapter 1.02 Non-Conforming Structures next. Zoning Administrator Bench stated that the question that arose from Commission Member Capener was in Chapter 1.02.025 about an alteration where parking is insufficient which states that “a structure that is not conforming due to the lack of sufficient automobile parking spaces as required by this title may be altered or enlarged provided additional parking spaces are supplied to meet the requirements.” A business can do an interior alteration without having to provide additional parking spaces as long as the business itself doesn’t change and the footprint of the building doesn’t change. Commission Member Capener’s concern was with the businesses on Main Street and if the ordinance needed to be worded differently stating that an interior alteration doesn’t require a business to provide additional parking spaces. Zoning Administrator Bench stated that he didn’t think the ordinance needed to be reworded because there are a lot of buildings on Main Street that could be altered but they don’t have the land to do so, so the only alterations they would be doing would be interior alterations and adding that to the ordinance would only cloud it up.

Commission Member Anderson had a concern in Chapter 1.02.050 Non-Conforming Mobile Home Units. Zoning Administrator Bench read that “if a Non-Conforming Mobile Home is removed from the premises, it cannot hereafter be returned except that: a. if such removal was upon order of the Building Official for correction of a deficiency whereby decision of the owner for the purpose of correcting the deficiency within 60 days; or b. a new mobile home may be moved on the premise within 60 days.” Commission Member Anderson suggested changing “b. a new mobile home” to “b. a conforming mobile home”. Commission Member Anderson asked if an owner doesn’t have the funds to buy a new conforming unit, why the City is requiring them to put a new one in within 60 days. Chairman Seamons stated that if they don’t want to replace the home, they don’t have to.

The Planning Commission then discussed Chapter 1.23 Renewable Energy System which incorporates windmills and solar power into the same chapter. It is proposed that no public noticing will be required for a renewable energy system to be approved. City Councilmember Deakin suggested keeping the noticing requirement so neighbors are aware and have the opportunity to voice any concerns about the system. Zoning Administrator Bench stated that it is a good idea but is not required to comply with State Statutes. Currently, there are no windmills within the City limits and only one solar power system at this time. There is a section in the chapter for Planning Commission Review that if Zoning Administrator Bench saw a potential conflict with a proposed renewable energy system, it would go before the Planning Commission and there would be public noticing.

Zoning Administrator Bench stated that the Planning Commission will review Chapters 28-34 next meeting.

5. Adjournment:

Motion by Commission Member Gonzales to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 6:58 p.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes of the Planning Commission held on the above referenced date. Minutes were prepared by Linsey Nessen.

Dated this 11 day of December, 2012



Darlene S. Hess, RECORDER

*Utah Code 52-4-202, (6) allows for a topic to be raised by the public and discussed by the public body even though it was not included in the agenda or advance public notice given; however, no final action will be taken.