

**TREMONTON CITY CORPORATION
PLANNING COMMISSION
December 11, 2012**

Members Present:

Jared Summers, Commission Member/Acting Chairman
Rosa Gonzales, Commission Member
Brian Mickelson, Commission Member
Micah Capener, Commission Member
David Deakin, City Councilmember
Linsey Nessen, Deputy Recorder

Acting Chairman Jared Summers called the Planning Commission Meeting to order at 5:40 p.m. The meeting was held December 11, 2012, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Acting Chairman Jared Summers, Commission Member Rosa Gonzales, Commission Member Brian Mickelson, Commission Member Micah Capener, City Councilmember David Deakin, Zoning Administrator Steve Bench, and Deputy Recorder Linsey Nessen were in attendance. Chairman Richard Seamons, Commission Member Robert Anderson, and Commission Member Troy Forrest were excused.

1. Approval of agenda:

Motion by Commission Member Gonzales to approve the December 11, 2012 agenda. Motion seconded by Commission Member Mickelson. Vote: Acting Chairman Summers – aye, Commission Member Gonzales – aye, Commission Member Mickelson – aye, and Commission Member Capener – aye. Motion approved.

2. Approval of minutes: November 27, 2012

Motion by Commission Member Capener to approve the minutes of November 27, 2012. Motion seconded by Commission Member Gonzales. Vote: Acting Chairman Summers – aye, Commission Member Gonzales – aye, Commission Member Mickelson – aye, and Commission Member Capener – aye. Motion approved.

3. New Business

a. Approval of 2013 Annual Meeting Schedule

Motion by Commission Member Mickelson to approve the 2013 Annual Meeting Schedule. Motion seconded by Commission Member Capener. Vote: Acting Chairman Summers – aye, Commission Member Gonzales – aye, Commission Member Mickelson – aye, and Commission Member Capener – aye. Motion approved.

4. Unfinished Business:

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

The Planning Commission began reviewing Chapter 1.28 Building Permit. Zoning Administrator Bench read from the ordinance that a permit is required when you “construct, enlarge, alter, repair, move, demolish, or change occupancy of the building or structure or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, which is regulated by the code.” Commission Member Capener stated that he believes that many residents only think a permit is required for large projects such as changing load bearing walls. Zoning Administrator Bench agreed that residents often don’t realize they need to get a permit for certain projects. Commission Member Mickelson asked for examples of projects in a home that a homeowner would or wouldn’t be required to get a permit for. Zoning Administrator Bench stated that finishing a basement requires a permit but if a homeowner was to remodel their kitchen, as long as no walls are being torn out and they don’t add any electrical, they would not be required to get a permit. Replacing a water heater or furnace does require a permit. Some examples of items that don’t require a permit are replacing a toilet or sink fixtures, re-shingling a roof, windows if they are replaced with the same size window, siding, etc. Commission Member Mickelson stated that he was unaware a permit was required for most of these items. Commission Member Capener suggested a change to the code because as it reads now, residents would be required to get a permit for most everything they do. Zoning Administrator Bench stated that the language in the code was taken from the International Building Code, which was adopted by the State of Utah and the City.

Commission Member Mickelson asked about calling a contractor to do the work rather than a homeowner and if the contractor would know to get a permit. Zoning Administrator Bench and Commission Member Capener agreed that contractors probably don’t know either that a permit should be pulled before they do the work. City Councilmember Deakin asked who would be in violation, the homeowner or the contractor, if a contractor did the work without a permit. Zoning Administrator Bench stated that it would be the homeowner unless there was a contract between the homeowner and the contractor, which would place the first responsibility on the contractor.

City Councilmember Deakin asked what needs to be done in the future. Zoning Administrator Bench stated that it comes down to residents not realizing they need a permit and the majority of residents will never read the code. City Councilmember Deakin asked about making the contractor responsible for making sure a permit has been pulled. Zoning Administrator Bench stated that he didn’t think the contractor could be made responsible unless a contract was signed between them and the homeowner. Commission Member Mickelson asked how

much a permit is. Zoning Administrator Bench stated that the minimum permit is \$52.00. City Councilmember Deakin asked what the penalty is for doing work without a permit. Zoning Administrator Bench stated that the penalty is a double permit fee. Commission Member Capener asked if permits are public record. Zoning Administrator Bench stated that they are.

Zoning Administrator Bench stated that he has put together an information sheet about building a home that is available to residents and that he could also put together an information sheet about permits.

Zoning Administrator Bench again read from the code that a person can build their own home without a contractor but if they do hire a contractor, they must be licensed. Also, if a person builds their own home, a permit is required and it must meet code, and the person who built the house must live in it for 3 years before they can sell it. No public notice is required in order for the Building Official to approve a permit. The review and approval procedures are that the Zoning Administrator verifies that piece of property is zoned properly and is legal. The Building Official does the plan review to make sure the project appears to conform to the Building Code. The Building Official shall also ensure that the subdivision is legal and approved, improvements have been installed, and culinary water and sewer are in place.

The Planning Commission reviewed Chapter 1.29 Variance. Zoning Administrator Bench read from the code "Variance provide potentially for land owners whose property may have special circumstances or unique physical characteristics whereby a strict enforcement of the Land Use Ordinance will result in an unnecessary hardship, not including a financial hardship. A variance shall not be granted for a Land Use." This ordinance was written typically for unusual pieces of property, that meet the size requirements, but the shape would put a corner of the house well within where the required setback would be. Upon receiving an application for a variance, a public hearing is held and it is reviewed by the City Attorney, who is the Land Use Authority for issuance of a variance. The approval criteria contains a list of five requirements, as listed in the State code, that all have to be met in order for a variance to be granted; lateral enforcement of the Land Use Ordinance would cause an unreasonable hardship for the applicant, there are special circumstances attached to the property that do not generally apply to other properties in the same district, granting a variance is essential for the adjoining of substantial property possessed by other properties in the same district, the variance shall not substantially affect the general plan, and shall not be contrary to public interest.

Zoning Administrator Bench stated that the Planning Commission will review Chapters 31-34 next meeting.

5. Adjournment:

Motion by Commission Member Capener to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 7:11 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 22 day of January, 2013



Darlene S. Hess
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.