

**TREMONTON CITY CORPORATION  
PLANNING COMMISSION  
September 9, 2014**

Members Present:

Richard Seamons, Chairman  
Jared Summers, Commission Member  
Arnold Eberhard, Commission Member  
Micah Capener, Commission Member  
Bret Rohde, City Councilmember  
Steve Bench, Zoning Administrator  
Linsey Nessen, Deputy Recorder

Chairman Richard Seamons called the Planning Commission Meeting to order at 5:34 p.m. The meeting was held September 9, 2014, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Richard Seamons, Commission Member Jared Summers, Commission Member Arnold Eberhard, Commission Member Micah Capener, City Councilmember Bret Rohde, Zoning Administrator Steve Bench, and Deputy Recorder Linsey Nessen were in attendance. Commission Member Robert Anderson and Commission Member Troy Forrest were excused.

1. Approval of agenda:

**Motion by Commission Member Summers to approve the September 9, 2014 agenda.**

Motion seconded by Commission Member Eberhard. Vote: Chairman Seamons – aye, Commission Member Summers – aye, Commission Member Eberhard – aye, and Commission Member Capener – aye. Motion approved.

2. Approval of minutes: August 12, 2014

**Motion by Commission Member Capener to approve the August 12, 2014 minutes.**

Motion seconded by Commission Member Summers. Vote: Chairman Seamons – aye, Commission Member Summers – aye, Commission Member Eberhard – aye, and Commission Member Capener – aye. Motion approved.

3. New Business:

a. Discussion and consideration of a Conditional Use Permit for a Dog Kennel at 994 West 600 South – Todd Jensen

Zoning Administrator Bench stated that Mr. Todd Jensen came to a Planning Commission meeting recently for a zone change of his property to RR-1. It was discussed about having a dog kennel in that meeting, but as the dog kennel process moved forward, City staff found that it states in the Tremonton City Revised Ordinances that the Planning Commission is charged with issuing kennel licenses through a Conditional Use Permit.

Chairman Seamons asked Mr. Jensen how many dogs and what kind of dogs he is going to have. Mr. Jensen stated that he will have four adult Australian Shepherds. Currently he has a two year old neutered male, a nine month old male, a female that will be six months later in the week, and is currently in the process of buying another. Zoning Administrator Bench stated that Mr. Jensen stated in the rezoning meeting that he was planning on having four adult dogs so that is one of the conditions set forth in the Conditional Use Permit. Commission Member Capener asked if there is the potential that Mr. Jensen would need more than four dogs. Mr. Jensen stated that he didn't believe he would need more than four adult dogs. Zoning Administrator Bench also stated that the Code states that pups must be gone after they are weaned so another condition of Mr. Jensen's Conditional Use Permit states that pups must be gone thirty days after they are weaned and asked Mr. Jensen if that is sufficient time. Mr. Jensen stated that timeframe worried him a little, but hoped that would be sufficient time to sell the pups.

Mr. Jensen stated that he no longer has sheep and has turned his sheep shed into a dog shed. There are doggy doors on the shed and individual kennels that allow the dogs to go in and out of the shed as they please. Officer Greg Horspool has been to his house to inspect the dog shed and also told Mr. Jensen of noise complaints received earlier from neighbors. Mr. Jensen stated that he purchased two static collars from Petsmart for the two pups that doesn't shock the dog but makes some kind of noise vibration that the dogs don't like and the two pups have been very quiet since.

Zoning Administrator Bench went through the conditions of the Conditional Use Permit, which include: no more than four adult dogs, litters must be gone thirty days after they are weaned, the kennel license shall be renewed annually per the Revised Ordinances, the kennel license is issued as a Conditional Use Permit and is subject to review and possible revocation if the Planning Commission in conjunction with Tremonton Animal Services finds deficiencies or receives complaints, the kennel shall not have continuous or intermittent noise and the owner may be required to buy bark collars for all adult dogs, proper kennel and living conditions must be adhered to, the kennel license is not transferable to another location or owner, once the owner begins selling pups a business license is required, and all applicable standards and requirements contained in Title 13 Animal Offenses of the Revised Ordinances must be complied with. Zoning Administrator Bench stated that himself, Officer Horspool, Mr. Jensen, and Mr. Jensen's spouse will be required to sign the Conditional Use Permit, which will then act as his kennel license. Commission Member Capener asked if these same conditions will be across the board for any other kennel license. Zoning Administrator Bench stated that these conditions will be kept as a template for other kennel licenses.

Zoning Administrator Bench stated that knowing that there has been some barking issues, in the past when the Planning Commission issued a Conditional Use Permit for home occupations, they would grant the Permit and then review it in six months.

If the Conditional Use Permit is granted, Animal Control will do an inspection in six months and see how things are going and report back. Mr. Jensen stated that he is going to stay in close contact with Officer Horspool to manage any issues that arise.

City Councilmember Rohde asked if the Conditional Use Permit has to also be approved through the City Council. Zoning Administrator Bench stated that it only has to be approved by the Planning Commission, but if the license were to be revoked, it would elevate to the City Council as the first appeal. The next appeal would be District Court.

**Motion by Commission Member Capener to approve a Conditional use Permit for a Dog Kennel for Todd Jensen at 994 West 600 South.** Motion seconded by Commission Member Summers. Vote: Chairman Seamons – aye, Commission Member Summers – aye, Commission Member Eberhard – aye, and Commission Member Capener – aye. Motion approved.

4. Unfinished Business:

Commission Member Capener stated that he has a conflict of interest with item 4.a.

a. Discussion and consideration of animal rights at 55 South 950 East Tremonton

Commission Member Capener stated that this item has been discussed previously and he has since moved in to the new house and had the opportunity to speak with all of his neighbors about having animals and they are all agreeable to the situation under certain circumstances that he has addressed. If the Planning Commission is fine with that, he can move forward with adjusting the CC&Rs.

Zoning Administrator Bench stated that the Planning Commission should follow the current rules for animals per acre, which based on Commission Member Capener's lot size of 2.2 acres, would be seven or eight large animals. Commission Member Capener stated that he won't have that many animals and will only have them for a few months each year while his children raise them for the County Fair. Zoning Administrator Bench asked Commission Member Capener what animals he is planning to have. Commission Member Capener stated he will probably have calves and maybe a steer one day.

Zoning Administrator Bench stated that this would be a Conditional Use Permit by the Planning Commission for just Commission Member Capener's lot and stated that before the Planning Commission agrees on it, Commission Member Capener needs to have proof that the CC&Rs have been modified. Zoning Administrator Bench asked about the lot size of Commission Member Capener's neighbors. Commission Member Capener stated that they are a third acre. Zoning Administrator Bench stated that the CC&Rs will have to be modified for just Commission Member Capener's lot so that his neighbors aren't affected by the change since the City doesn't allow animals on less than ½ acre lots.

- b. Discussion and consideration of deferment agreements for lot and subdivision improvements

Zoning Administrator Bench stated that currently in the Code, it is required that improvements either be put in or, if there isn't currently a need, they would pay a fee-in-lieu to the City of what it would cost at the time to put improvements in for any development. A lot was recently subdivided because of a guest home on the property so the subdivision plat triggered the improvements on property that has been there for 9 years down a rural road that is still a County road. Commission Member Capener stated that he thought that if the City was planning within the next five or ten years to put improvements in and someone is developing now, then a fee-in-lieu would be appropriate. In a situation where there is no plan to put in improvements in the near future, it should be put on a deferral agreement. Then whoever owns the property at the time the improvements are put in, will be required to pay their share of the improvements. The deferral agreement would be recorded with the lot so a new owner would know it is tied to that lot.

Zoning Administrator Bench stated that he doesn't have an issue with doing this, it just has to be crafted so that a development that comes in that is in a situation where improvements must be done now, knows that they need to put those in and can't do a deferral agreement. Commission Member Capener suggested looking at the County's Code because they do deferral agreements. Zoning Administrator Bench stated that the City has done deferral agreements in the past, but most of them didn't get recorded and can't be enforced now. Zoning Administrator Bench stated that he will look at the County and other cities and towns and see what they've got and will put something together to bring back to the Planning Commission.

5. Adjournment

**Motion by Commission Member Capener to adjourn the meeting.** Motion seconded by consensus of the Board. The meeting adjourned at 6:09 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 23<sup>rd</sup> day of September, 2014

  
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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.