

TREMONTON CITY CORPORATION
PLANNING COMMISSION
September 23, 2014

Members Present:

Robert Anderson, Acting Chairman
Jared Summers, Commission Member
Arnold Eberhard, Commission Member
Troy Forrest, Commission Member
Micah Capener, Commission Member
Bret Rohde, City Councilmember
Steve Bench, Zoning Administrator
Linsey Nessen, Deputy Recorder

Acting Chairman Robert Anderson called the Planning Commission Meeting to order at 5:37 p.m. The meeting was held September 23, 2014, in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Acting Chairman Robert Anderson, Commission Member Jared Summers, Commission Member Arnold Eberhard, Commission Member Troy Forrest (arrived at 5:45 p.m.), Commission Member Micah Capener, City Councilmember Bret Rohde, Zoning Administrator Steve Bench, and Deputy Recorder Linsey Nessen were in attendance. Chairman Richard Seamons was excused.

1. Approval of agenda:

Motion by Commission Member Capener to approve the September 23, 2014 agenda. Motion seconded by Commission Member Summers. Vote: Acting Chairman Anderson – aye, Commission Member Summers – aye, Commission Member Eberhard – aye, and Commission Member Capener – aye. Motion approved.

2. Approval of minutes: September 9, 2014

Motion by Commission Member Summers to approve the September 9, 2014 minutes. Motion seconded by Commission Member Capener. Vote: Acting Chairman Anderson – aye, Commission Member Summers – aye, Commission Member Eberhard – aye, and Commission Member Capener – aye. Motion approved.

3. Public Hearing:

Acting Chairman Anderson called the public hearing to order at 5:39 p.m. There were no persons in attendance.

- a. To receive public input on proposed amendments to Title I Zoning Ordinance Chapter 1.01 General Provisions, Section 1.01.040 Penalty for Violating Title

Zoning Administrator Bench stated that the proposed changes are being added to

Section 1.01.040 for clarification and is proposed to read, “Unless otherwise stated by State Law or this Title, and no other classification exists in State Law or City Ordinance, or the violation of any of the provisions of this Title shall be a Class B Misdemeanor. The provisions shall not be used against City Officers and staff in their good faith attempts to administer and enforce the terms of this Title. All punishments, fines, and/or fees shall be assessed in accordance with the Consolidated Bail and Fee Schedule of Tremonton City.

Commission Member Eberhard asked if this would include things such as trash blowing around from construction sites. Zoning Administrator Bench stated that if it mentions trash from construction sites in the Zoning Code, then it would pertain to this section. The Revised Ordinances of Tremonton City that discuss trash and nuisances would deal with that, however, Zoning Administrator Bench stated that the Consolidated Bail and Fee Schedule of Tremonton City does address all of these items within the City.

Commission Member Capener asked the reason for changing the Code and if the current penalty is not stiff enough. Zoning Administrator Bench stated that the City has updated the Consolidated Bail and Fee Schedule with help from the Court and the fines listed in the Schedule are the same fines that a person would pay if they went to Court. For example, the weed nuisance fine went from a \$25 fine to a \$300 fine. City Councilmember Rohde stated that he felt the changes were a good thing, the City just needs to be better at enforcing the Code.

Commission Member Capener reiterated that if a person violates any of the Code, it is now a Class B Misdemeanor rather than a Class C Misdemeanor. Zoning Administrator Bench stated that was correct. Commission Member Capener asked if this change only applies to the Zoning Title. Zoning Administrator Bench stated that it does, but if the Subdivision Title or others reference this Section, it would apply to them as well. Commission Member Capener asked if a Class B Misdemeanor is what other cities have done. Zoning Administrator Bench stated that he didn’t know for sure, but thought some of the bigger cities are probably even stricter than that.

Acting Chairman Anderson closed the public hearing at 5:46 p.m.

4. New Business:

- a. Discussion and consideration of approving and recommending to the City Council the proposed amendments to Title I Zoning Ordinance Chapter 1.01 General Provisions, Section 1.01.040 Penalty for Violating Title

Commission Member Capener asked if there is a reason the City is making this a stiffer penalty and if there have been problems with it in the past. Zoning Administrator Bench stated that the City Council has already approved and

adopted the updated Consolidated Bail and Fee Schedule and the Planning Commission is just amending and updating the Code to meet the new Schedule. Commission Member Capener asked City Councilmember Rohde why the City made the penalty stiffer. City Councilmember Rohde stated that the City Council wanted some stricter penalties that will stick a little stronger for different enforcements.

Motion by Commission Member Eberhard to approve and recommend to the City Council the proposed amendments to Title I Zoning Ordinance Chapter 1.01 General Provisions, Section 1.01.040 Penalty for Violating Title. Motion seconded by Commission Member Capener. Vote: Acting Chairman Anderson – aye, Commission Member Summers – aye, Commission Member Eberhard – aye, Commission Member Forrest – aye, and Commission Member Capener – aye. Motion approved.

- b. Discussion of proposed amendments to Title I Zoning Ordinance Chapter 1.26 Permit Required – Master Site Plan

Zoning Administrator Bench stated that after talking about an upcoming development in the Land Use Authority Board meeting, it was realized that the Master Site Plan requirements are too demanding and wanted everything up front. In reading through the Code, it was found that a few changes could be made to relax the requirements slightly. A Master Site Plan and individual Site Plans will still be required to go through the approval process, but the changes allow developers the ability to proceed forward with individual sites and present a Master Site Plan along with it.

Zoning Administrator Bench read item A that is a proposed change to be added to the section, “Delaying the Submission of Documents. Depending on the size and scale of a proposed Master Site Plan area, the Land Use Authority Board may determine that it is more appropriate to delay the submission of some of the required Master Site Plan documents until review of an individual phase of a Site Plan.” Commission Member Capener stated that the Master Site Plan will still be required; this change just allows the Land Use Authority Board the ability to delay some of the detailed construction drawings until the Site Plan is actually defined. Zoning Administrator Bench stated that the Land Use Authority Board could approve a concept Master Site Plan that doesn’t show all the drainage, grading, etc. but it would show an outlay of what the development would potentially look like when it’s done.

Zoning Administrator Bench stated that the proposed changes will be set for a public hearing.

- c. Discussion of proposed amendments to Title I Zoning Ordinance Chapter 1.18 Landscaping, Buffering, and Fencing Regulations Section 1.18.030 Commercial,

Industrial, Institutional, and Multi-Family Dwelling Landscape Requirements

Zoning Administrator Bench stated that when there are big parcels of land, but only a small portion is being developed, it doesn't make sense to require the entire parcel of land to be landscaped and read the proposed item C, "Large Parcels of Property. Since site conditions and develop constraints vary largely on large parcels of property, the Land Use Authority Board is authorized to approve landscape plans that deviate from strict compliance with the provision of this Chapter." Zoning Administrator Bench stated that he would recommend adding to the Section that although there would be authorization to approve the plan deviation from compliance that the remaining parcels of property that is not being landscaped at that time is still maintained.

Zoning Administrator Bench stated that the proposed changes will be set for a public hearing.

d. Open and Public Meeting Act Training

Zoning Administrator Bench asked Deputy Recorder Nessen to send the link for the Open and Public Meeting Act Training provided by David Church from the Utah League of Cities and Towns to the Planning Commission Members and asked them to view the video.

5. Adjournment

Motion by Commission Member Capener to adjourn the meeting. Motion seconded by consensus of the Board. The meeting adjourned at 6:13 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 14th day of October, 2014



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.