

**TREMONTON CITY CORPORATION  
PLANNING COMMISSION  
April 14, 2015**

Members Present:

Robert Anderson, Chairman  
Arnold Eberhard, Commission Member  
Ben Greener, Commission Member  
Tom Stokes, Commission Member  
Bret Rohde, City Councilmember  
Steve Bench, Zoning Administrator  
Linsey Nessen, Deputy Recorder

Chairman Robert Anderson called the Planning Commission Meeting to order at 5:34 p.m. The meeting was held April 14, 2015 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Robert Anderson, Commission Member Arnold Eberhard, Commission Member Ben Greener, Commission Member Tom Stokes, City Councilmember Bret Rohde (arrived at 5:42 p.m.), Zoning Administrator Steve Bench, ACO/Code Enforcement Officer Gregory Horspool, and Deputy Recorder Linsey Nessen were in attendance. Commission Member Jared Summers, Commission Member Troy Forrest, and Commission Member Micah Capener were excused.

1. Approval of agenda:

**Motion by Commission Member Eberhard to approve the April 14, 2015 agenda.** Motion seconded by Commission Member Greener. Vote: Chairman Anderson – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, and Commission Member Stokes – aye. Motion approved.

2. Approval of minutes: February 24, 2015

**Motion by Commission Member Eberhard to approve the February 24, 2015 minutes.** Motion seconded by Commission Member Stokes. Vote: Chairman Anderson – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, and Commission Member Stokes – aye. Motion approved.

3. New Business:

a. Discussion and consideration of a preliminary plat approval for Tremont Center Subdivision Phase 2

Zoning Administrator Bench stated that the preliminary plat approval is for Phase 2 Lot 2 of Tremont Center Subdivision, which is the next lot to the west of Shopko. Commission Member Greener asked what is going to be built on this lot. Zoning Administrator Bench stated that Results Gym & Fitness will be building on the lot.

**Motion by Commission Member Anderson to approve the preliminary plat for Tremont Center Subdivision Phase 2 and send it back to the Land Use Authority Board for final approval.** Motion seconded by Commission Member Stokes. Vote: Chairman Anderson – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, and Commission Member Stokes – aye. Motion approved.

- b. Discussion and consideration of amending Title I Zoning Code adding Chapter 1.35 Industrial and Agriculture Protection Area

Zoning Administrator Bench stated that Chapter 1.35 is a new chapter to the Zoning Code. The County currently has agriculture protection areas outside the City limits and the City is proposing to do this also to protect the Treatment Plant. In the future, when someone buys property near the Treatment Plant, they will know that they are purchasing property by the Industrial and Agriculture Protection Area and that it will remain there. Any of the other manufacturing facilities in the City can also do this if they so elect.

Commission Member Stokes asked if these areas are not currently protected. Zoning Administrator Bench stated that they are protected, but if someone buys property by the Treatment Plant and afterwards complains about the smell, they will have been forewarned about the Plant being there before buying the property.

Zoning Administrator Bench stated that there will be a public hearing scheduled for May 12, 2015 for this change to the Zoning Code.

- c. Discussion and consideration of amending Title I Zoning Code Chapter 1.31 Rezoning of Property adding language concerning Industrial and Agriculture Protection Area

Zoning Administrator Bench stated that language is proposed to be added to this Chapter concerning the new Industrial and Agriculture Protection Area.

- d. Discussion and consideration of amending Title I Zoning Code Chapter 1.34 Annexations adding language concerning Industrial and Agriculture Protection Area

Zoning Administrator Bench stated that language is proposed to be added to this Chapter concerning the new Industrial and Agriculture Protection Area.

- e. Discussion and consideration of amending Title II Subdivision Code adding language concerning Industrial and Agriculture Protection Area

Zoning Administrator Bench stated that there are notes that will need to be included on a plat before it is recorded when the area is within 300 feet of an

Agriculture Protection Area or 1,000 feet of a Industrial Protection Area.

Commission Member Stokes asked if any bonding will be required for irrigation overruns in case a subdivision was flooded. Zoning Administrator Bench stated that is not addressed in the Code. The language used was taken straight from the State Statute.

Zoning Administrator Bench asked the Planning Commission Members to review the changes mentioned as there will be a public hearing to discuss them, which will be scheduled for the May 12, 2015 Planning Commission Meeting.

- f. Discussion and consideration of amending Title I Zoning Code Chapter 1.08 Commercial and Industrial Zone Districts to allow body art/tattoo parlor

Ms. Cassidy Snell provided the Planning Commission Members with a packet of information on her proposed business “My Style”, to showcase how it will be an asset to the community of Tremonton.

Ms. Snell stated that she is coming before the Planning Commission to seek approval to bring Tremonton a great business opportunity that will benefit the community, as well as its economic growth. Ms. Snell currently resides in Tremonton and would like to start her business here. She has always had a love of art and a passion for body art.

Ms. Snell stated that she has a vision of opening a luxury spa in Tremonton at 980 West Main. This spa will be called “My Style”. The business will provide many services for their clients to receive the ‘Style’ they want, thus fulfilling her vision of “My Style”. The facility will be set up in accordance with health and zoning regulations of the State of Utah, the City, as well as all other governing laws. The services provided at the spa will be provided to the clientele by professional, licensed, independent contractors. The services will include, but are not limited to, Massage Therapy, Reflexology, Hair, Nails, Permanent Make-up, and tattoos.

Ms. Snell stated that some may have an issue with the services provided at the spa, particularly the tattoos, but we now live in a generation where body art or tattoos are considered an art form and because of that, it is more accepted and less frowned upon. Tattoos are in such high demand; it is a luxury that even a recession couldn’t take away. If somebody wants a tattoo, they will go where they need to in order to get one; whether it is from somebody’s home or a tattoo shop in the next city over. Why not provide them somewhere local where they can support their own community.

Ms. Snell stated that what she is offering is not a typically stereotyped tattoo shop, but a classy spa with multiple services, where adults can come to a sterile and relaxing environment without leaving the comfort of being close to home. There

will be set business hours with occasional after hours sessions for events, fundraisers, and private parties but they will not cater to the late night crowds that may be “under the influence”.

Ms. Snell stated that she has been doing tattoos for over four years now and has done over 2,000 tattoos. She has worked in two professional tattoo shops and has gained knowledge not only about tattooing, but also the business side of it as well. Ms. Snell has her required licensing for tattooing, which includes blood borne pathogens for body art, which she renews every year. When doing tattoos, the following will be required of patrons by Ms. Snell: a valid I.D.; no one under the age of 18 years old will be allowed to get a tattoo in her shop. Patrons will also be required to sign a consent form.

Ms. Snell stated that the tattooing area will be in a separate area of the building to ensure the required sterile environment needed to perform the service. Health and safety regulations will be followed completely. During the tattoo procedure, everything will be sterilized and wrapped with plastic wrap. A sterilized, prepackaged needle and barrel are removed from their packaging in front of the client and immediately put into a tattoo machine and covered with a plastic machine cover. The ink is then poured into individual capsules, which are to be used only for the specific clientele and covered during break sessions. The client’s skin will be kept clean at all times using medical grade sterilization soap and wrapped in plastic before any breaks to ensure there is no exposure to their open wound. Latex free gloves and hand sanitizer are a must and will be swapped between any outside use. When the tattoo procedure is finished, the area will be sterilized and any hazardous material, such as the tattoo needles, will be put into a hazard container and will be properly disposed of by a waste disposal company.

Ms. Snell stated that a large portion of the body art she does are memorial and inspirational pieces, such as for victims/survivors of cancer, the veterans that have been lost, and loved ones that have passed. Because these tattoos and stories have such an impact on her personally, she does many community awareness projects, fundraisers, and drives, which help local families and places in the community in need of help. She is currently involved in raising money for the Relay of Life, a fundraiser for a cancer treatment center in Ogden, and the last drive she did she collected clothes, food, toys, and hygiene products, which were donated to shelters, the New Hope Crisis Center, and local families in need.

Ms. Snell asked the Planning Commission to please take a moment to think before voting and allow “My Style” the opportunity to be the next successful business in Tremonton that will allow the locals to support their own community and add a fun, new spark to the town.

Chairman Anderson thanked Ms. Snell for her presentation. Commission Member Eberhard asked how Ms. Snell would address patrons wanting offensive tattoos.

Ms. Snell stated that there will be rules and regulations set up such as no gang tattoos, anti-religious tattoos, or anything that falls within those lines because she doesn't feel comfortable doing those tattoos and can refuse service at that point as she will be the only tattoo artist there. Commission Member Eberhard asked if there will be any limits on offensive language tattoos. Ms. Snell stated that she gives patrons her personal opinion when they choose to do it, if they push forward and want it, it is their right, but it has only happened one or two times in four years. She is trying to keep the business classy and change the way people view tattooing.

Ms. Snell stated that they will have set business hours where patrons call and make appointments just like a regular salon. It will not be a stereotypical tattoo parlor. Commission Member Eberhard asked if someone wants an offensive tattoo, if Ms. Snell has to give them the tattoo. Ms. Snell stated that she can refuse service, and if something personally offends her, she has no problem turning a patron away. But if someone wants a tattoo, they will go where they need to in order to get it.

Ms. Adesa Cox stated that she is the mother of Ms. Snell and in the over 2,000 tattoos Ms. Snell has done, there have been none that Ms. Cox was offended by. Ms. Snell has been presented with patrons wanting vulgarity or questionable tattoos that she has offered an acceptable modification to in order to be able to do the tattoo and make it more presentable. Ms. Robyn Vanderhoof stated that she is the owner of the building and will be working at the spa herself and will make sure that will not happen in her building.

City Councilmember Rohde asked if something about no vulgar or offensive tattoos can be a stipulation of the business license. Zoning Administrator Bench stated that could create a free speech issue if the City tried to do that. Ms. Misty Erikson stated that she is a small business owner in Brigham City and nowadays, because of the way society is, businesses have to be careful who they say yes or no to. Tattoos can be done very tastefully and the environment Ms. Snell is trying to create will be clean, sterile, and professional. Unfortunately, patrons are going to go where they can get the tattoo they want. But Ms. Snell will work on setting a standard in Tremonton that will raise the bar. Progress is coming and tattoos and piercings are popular and if Ms. Snell can set a higher standard, it may be the way to go to get rid of the stereotypical tattoo parlor.

Code Enforcement Officer Gregory Horspool asked Ms. Snell if she would be performing variations of body art such as scarification. Ms. Snell stated that she will not be doing scarification. She is also not planning to do piercings, unless she can find someone who is licensed, it might be a possibility.

Zoning Administrator Bench stated that if this goes forward, the City will consult the City Attorney about conditions and other language to be added to the Code

concerning tattoos and tattoo parlors. There is no vote tonight on this issue as it will have to go to a Public Hearing also because of the potential change to the Code. Commission Member Greener verified that the current Code doesn't allow for tattoo parlors in any zone. Zoning Administrator Bench stated that was correct and has proposed only allowing it in the Commercial Highway Zone. The Planning Commission will be recommending or not recommending the proposal to the City Council, who have the final approval. Chairman Anderson stated that he needs more time to review the Code.

Ms. Snell stated that she felt the proposed location would be ideal for this business. Other businesses have failed there because the building is not right off the freeway and not right in downtown, but it will work well for this business as it will be by appointment only, which will keep it going. All of the licensed independent contractors that will be working there already come with their own clientele. The building is kind of secluded and wouldn't be in the way.

City Councilmember Rohde asked if the hours of operation could be regulated by the City. Ms. Snell stated that she will not stay open later than 8 p.m., except for a special occasion or a schedule that goes a little bit longer.

Zoning Administrator Bench stated that Ms. Snell presented to the City Council last week, who suggested she go through the process starting with seeking approval from the Planning Commission. Zoning Administrator Bench asked the Planning Commission members to do their due diligence and look into the issue to be discussed at the Public Hearing that will be scheduled for May 12, 2015. Chairman Anderson asked what would need to be changed in the Code. Zoning Administrator Bench stated that what is being proposed is to amend the Code to allow for Body Art/Tattooing in the Commercial Highway Zone, which would be a Conditional Use, not Permitted. If someone in the future came in and wanted to open another tattoo parlor, they would also be required to come before the Planning Commission and conditions would be laid out for the business to meet.

Commission Member Greener asked what licenses the State of Utah requires for tattooing. Ms. Snell stated that the State of Utah only requires a blood borne pathogens for body art that is renewed annually. There has been nothing set by the State of Utah requiring a license for tattoo artists. Commission Member Greener asked if the Health Department does inspections. Ms. Snell stated that the Health Department does do inspections and if there are any complaints, random inspections will be done also. The Health Department would also ask to see the consent forms, which only Ms. Snell would have access to. Code Enforcement Officer Horspool stated that he would also be performing inspections.

City Councilmember Rohde stated that he had read that it could be a crime to tattoo a minor. Ms. Snell stated that it could be if the proper consent is not received. Consent must be verified by the patrons providing a birth certificate or

matching last names on driver's licenses. Ms. Snell stated that she is fine with only tattooing patrons 18 years of age or older, checking ID's, and making copies of them. Patrons will sign the consent form, which also secures Ms. Snell, saying that if they get an infection from something they've done outside the building, they cannot sue Ms. Snell. The way the building is set up, even if a minor comes to the spa with their parent, they will not be allowed past a certain point in order to get into the tattoo area.

Chairman Anderson asked if the City could add no tattooing on patrons under 18 years of age as a condition. Zoning Administrator Bench stated that the City can come up with conditions, so long as they are not arbitrary or capricious, and all parties agree to the conditions, then they would become a part of Ms. Snell's license. Commission Member Eberhard asked Ms. Snell if she has the right to refuse service. Ms. Snell stated that she can make remarks before a tattoo is even requested that says no inappropriate or offensive tattoos or inappropriate placement of tattoos. She can place signs around the spa and on the door that states what will not be accepted.

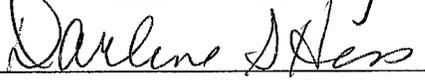
Ms. Kisha Moore stated that vulgar and offensive tattoos typically come from teenagers so a condition of no tattoos on patrons under 18, would help that issue. Code Enforcement Officer Horspool stated that as long as Ms. Snell signs what her intent is, such as having a rights and refusals sign in the building, she has the right to refuse service.

4. Adjournment

**Motion by Chairman Anderson to adjourn the meeting.** Motion seconded by consensus of the Board. The meeting adjourned at 6:30 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 12<sup>th</sup> day of May, 2015

  
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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.