

**TREMONTON CITY CORPORATION  
PLANNING COMMISSION  
May 12, 2015**

Members Present:

Robert Anderson, Chairman  
Jared Summers, Commission Member  
Arnold Eberhard, Commission Member  
Ben Greener, Commission Member  
Troy Forrest, Commission Member  
Micah Capener, 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 5:32 p.m. The meeting was held May 12, 2015 in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Chairman Robert Anderson, Commission Member Jared Summers, Commission Member Arnold Eberhard, Commission Member Ben Greener, Commission Member Troy Forrest, Commission Member Micah Capener (arrived at 5:43 p.m.), Commission Member Tom Stokes, City Councilmember Bret Rohde, Zoning Administrator Steve Bench, ACO/Code Enforcement Officer Gregory Horspool, and Deputy Recorder Linsey Nessen were in attendance.

1. Approval of agenda:

**Motion by Commission Member Forrest to approve the May 12, 2015 agenda.**

Motion seconded by Commission Member Summers. Vote: Chairman Anderson – aye, Commission Member Summers – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, Commission Member Forrest – aye, and Commission Member Stokes – aye. Motion approved.

2. Approval of minutes: April 14, 2015

**Motion by Commission Member Eberhard to approve the April 14, 2015 minutes.**

Motion seconded by Commission Member Stokes. Vote: Chairman Anderson – aye, Commission Member Summers – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, Commission Member Forrest – aye, and Commission Member Stokes – aye. Motion approved.

3. Public Hearing:

Chairman Anderson opened the public hearing at 5:35 p.m. There were 19 people in attendance.

- a. To receive public input on the proposed Title amendments to Title I Zoning Ordinance adding Chapter 1.35 Industrial and Agricultural Protection Area and adding language concerning Industrial and Agriculture Protection Area to Chapter 1.31 Rezoning of Property, Chapter 1.34 Annexations, and Title II Subdivision Ordinance

Commission Member Greener asked if the acreage requirements to be in the Industrial and Agriculture Protection Area of 6 ½ acres and 20 ½ acres are from the State Code. Zoning Administrator Bench stated that those acreages are not from the State Code. The City wants to put the Treatment Plant, which is 6.7 acres, into the Industrial Protection Area and as such, it is proposed that the minimum acreage requirement for the Industrial Protection Area be 6.5 acres.

Commission Member Forrest stated that he used to run the Agriculture Protection Program for the Conservation District and stated that most of the surrounding areas have a minimum acreage requirement of 5 contiguous acres rather than 20 ½ acres for Agriculture Protection Areas. Zoning Administrator Bench stated that recommendation could be made to make the acreage requirement for Agriculture Protection Areas smaller. Commission Member Forrest stated that would be his recommendation to keep it the same as the surrounding areas to avoid confusion.

Zoning Administrator Bench asked Commission Member Forrest if he had ever seen any requirements on Industrial Protection Areas. Commission Member Forrest stated that he has not and didn't think there were many around.

Chairman Anderson asked if there were any other comments or questions. There were no other comments or questions. Chairman Anderson closed the public hearing at 5:40 p.m.

Chairman Anderson opened the public hearing at 5:40 p.m. There were 19 people in attendance.

- b. To receive public input on the proposed Title amendment to Title I Zoning Ordinance, Chapter 1.08 Commercial and Industrial Zone Districts and other Sections of Title I as needed to include Body Art/Tattoo as a conditional use in a Commercial Highway (C-H) zone including all of the intersection of 1000 West Main Street

Ms. Cassidy Snell stated that she is seeking approval to bring Tremonton a great business opportunity that will benefit the community, as well as its economic growth. The business license has already been approved for part of the business she would like to start and wants to add one more service to make it more of a success. The business name is "My Style" and is located at 980 West Main. Ms. Snell stated that they have been working hard to fix up the building and it is starting to look good.

Ms. Snell stated that they are planning to set up the facility in accordance with the health and zoning regulations of the State of Utah, the Committee, as well as other governing laws. "My Style" will offer services for all of their clients' cosmetic wants and will focus on both males and females. The services they plan to offer will be provided to the clientele by professional, licensed, independent contractors. The services will include, but are not limited to, Massage Therapy, Reflexology, permanent make-up, tattoos, hair and nails, and other fun extras like eyelash extensions, manicures, and pedicures.

Ms. Snell stated that there are still some people who have an issue with the tattooing portion of the services. We were taught growing up that the only people who are supposed to have tattoos are people who have served in the military, been to prison, or are gang members. But that was then and we now live in a generation where it is more accepted and less frowned upon. Tattoos are in such high demand; it is a luxury that even a recession could not 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 such as fundraisers and private parties, but they will not cater to the late night crowds that might be "under the influence". "My Style" clients are not stereotypical to that of a tattoo parlor; they are a true representation of the Tremonton population.

Ms. Snell stated that she has her required licensing to be in this line of work, which she has worked hard for in order to receive. The required licensing for the State of Utah, as well as Tremonton City, includes: the Blood Borne Pathogens Class, which must be renewed annually, the Doing Business As (dba) or Limited Liability Company (LLC), and the City Business License, all of which she has completed.

Ms. Snell stated that anyone being tattooed will be required to show valid I.D. and sign a consent form. The tattoo area is in a separate part of the building to ensure the required sterile environment needed to perform the service. It is in clear writing indicating that no one without permission will be allowed beyond that point. There have been two rooms built in the back of the building that can only be entered through a door to ensure a sterile environment.

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 for Life, she recently participated in a suicide prevention walk in Salt Lake City, 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.

Ms. Snell stated that the spa is set to have its grand opening on May 23, 2015, where they expect a big crowd, during which they will also be doing the Relay For Life Fundraiser. Ms. Snell invited those in attendance to join them at the grand opening to see the unique and fun environment in which the spa is set and thanked the Commission Members for giving her the opportunity to make it this far and show how much this will be an asset to the community.

City Councilmember Rohde asked Ms. Snell what her plans are for the outside of the building. Ms. Snell stated that they have started cleaning up the outside, including having a crew come in and clean up along the canal where old trees have been knocked down. The weeds will be tilled up in the back and they have started weed eating around the curbs. Eventually she hopes to remove the old lights currently on the property and plant flowers. After the inside of the building is done, she plans to paint the outside of the building and make it look presentable.

City Councilmember Rohde asked Ms. Snell if she is willing to close at a certain time at night to not cater to the late night crowds. Ms. Snell stated that they will have set business hours posted on the doors and is planning to close between 6:00 p.m. and 8:00 p.m. at night. The only time it would be later than that is if there is an event or fundraiser that may go later into the night. City Councilmember Rohde asked City Attorney Dustin Ericson if the City can restrict the hours at night that a business is open. Attorney Ericson stated that the rest of the City has a 24 hour open business policy so it would be difficult, based on the way the City Code is set up right now, to restrict hours. Ms. Snell stated that she doesn't plan on being open that late and doesn't plan on leaving the salon open for the other independent contractors to work. She will be the one to open the doors in the morning and locking the doors at night.

Chairman Anderson stated that Ms. Snell mentioned before that she doesn't do her artwork on people under the age of 18. Ms. Snell stated that the last tattoo shop she worked at, it was allowed if the parent consented but felt it is easier to not tattoo anyone under the age of 18 and would rather not take that risk. It will be posted on the door into the tattoo area that no one under the age of 18 will be allowed beyond that point without permission. Attorney Ericson stated that there is a State Statute that prohibits the tattooing or piercing of minors between the ages of 14 and 17 without parental consent. Under the age of 14, tattooing cannot occur even with parental consent. The City would not need to regulate that as

there is already a State regulation in place. City Councilmember Rohde asked how that regulation is audited. Attorney Ericson stated that it is law enforcement that regulates that and would require a citizen complaint in order for them to investigate. Commission Member Stokes asked if both parents have to consent to a tattoo on a minor or just one parent. Attorney Ericson stated that it only requires a single parents' consent.

Attorney Ericson stated that as part of the Conditional Use Permit, the Planning Commission could make the recommendation to the City Council to approve a condition of their business license of more frequent inspections than done on other businesses. The Health Department will also be doing inspections of the business. Chairman Anderson asked if the content being tattooed can be regulated. Attorney Ericson stated that there are no restrictions on content of tattoos and the City would run into free speech issues. If someone did get a tattoo that would be outside the realm of free speech, it wouldn't be the tattoo parlor at issue, it would be that individual. The City cannot regulate content that is being tattooed on people. Ms. Snell stated that she is the artist and if she is offended by a tattoo, she will not do it. She has that right to say no, but people will go wherever they need to get the tattoo they want.

Ms. Caitelin Branca stated that she has three tattoos; one for her daughter, one for her late sister, and one for her late brother that committed suicide. For her, the tattoos have become a part of her therapy. She gets one every year to symbolize making it another year in life and another year being there for her daughter. The tattoos have become a big part of her life and helping remember the positive notes. Her parents both have tattoos for her late sister also. Every tattoo and piercing has a story. It would be a great idea to have a tattoo place closer and with someone she trusts and it brings more money into the community.

Mr. Rod Tolboe stated that he has been an acquaintance of Ms. Robyn Vanderhoof for the past 3 ½ years, during which time Ms. Vanderhoof has had 3 different tenants in her building. Ms. Snell has done more to improve the inside and outside of the building in one month than the other tenants did the entire time they were in the building and are not here to disgrace Tremonton. Mr. Tolboe also stated that he can help Ms. Snell remove the old lights in the front of the building. Code Enforcement Officer Gregory Horspool stated that the City is currently working with Ms. Vanderhoof to have the old signage and lights removed from the property. Ms. Snell stated that the money they receive from selling the old lights on the property will be put back into the building in making the outside look better. Commission Member Forrest asked if any of the public in attendance were against this business coming to Tremonton. There were no public comments.

Chairman Anderson asked if there is going to be parking designated in front of the building. Ms. Snell stated that they plan on painting lines and getting actual set parking, but it may not be done before the grand opening. Code Enforcement

Officer Horspool stated that previous tenants used the area along the canal behind the building for parking and that area is not a part of the property and is owned by the Canal Company. Ms. Snell is looking to create parking in front of the building so the public isn't parking on the Canal Company's property.

Ms. Adesa Cox stated that she is Ms. Snell's mom and wanted to give the Commission a snippet of Ms. Snell's character. Ms. Snell is not a typical tattoo artist as she is not covered from head to toe in tattoos. She had been doing tattoos for 3 ½ years before she got her first tattoo, which was a requirement of the shop she worked for. Ms. Snell came to Ms. Cox first to ask for permission before getting the tattoo. Ms. Cox stated that she went through Ms. Snell's Facebook page to look at pictures of the tattoos Ms. Snell has done and there were no tattoos with vulgarity or any that were even questionable. As for the shop having set business hours, Ms. Cox stated that Ms. Snell does have a daughter and three step children at home and they want to be home at night and are good at cutting it off and differentiating between work time and family time.

Commission Member Capener stated that if the shop does not perform as defined in the Conditional Use Permit then the Permit could be revoked, meaning the City can give the business a chance and if they do what they say they are going to do, there should be no problems. Attorney Ericson stated that was correct. Conditions may be put on the Permit and if the conditions are violated, the Permit is then revoked. Commission Member Capener asked what the conditions are in the Code in regards to tattoo parlors. Attorney Ericson stated that they are undefined right now. If conditions are going to be placed on the Permit, it is the Planning Commission's task to recommend those conditions to the City Council, who makes the final decision. Commission Member Capener asked if neighboring cities have conditions already written for tattoo parlors that the City could use as a template. Attorney Ericson stated that he hasn't done any research on that as of yet, but he is very confident the City could find language and suggestions from other cities.

Chairman Anderson asked if there were any other comments or questions. There were no further comments or questions.

Chairman Anderson closed the public hearing at 6:08 p.m.

4. New Business:

- a. Discussion and consideration of amending setback requirements to Spring Hollow Legends Subdivision – Ricky and Jay Christensen

Mr. Bryce Rigby was in attendance for Ricky and Jay Christensen. Mr. Rigby stated that they are trying to put house plans together for the Spring Hollow Legends Subdivision and need to have the setback requirements amended in order

to fit a 2,000 to 2,200 square foot home on the property. Zoning Administrator Bench stated that the City looked at other City Ordinances and came up with the current setback requirements, which are 25 feet in the front, 20 feet in the rear, and the minimum of one side setback is 6 feet with a total of 16 feet required between the two side setbacks.

Mr. Rigby stated that there will be a walking path that runs along the back of all of the lots and other amenities that go along with active adult communities. The proposal is to change the rear setback from 20 feet to 15 feet because the rear of the lots will be open to the walking path. The goal for the front setback is to be able to fit a full size truck in the driveway and not have it impede on the sidewalk. Mr. Rigby has contacted other active adult community developers and their setbacks closely mirror the setback requirements being proposed for Spring Hollow Legends Subdivision.

Commission Member Capener asked if the Land Use Authority Board has reviewed this proposal and made any recommendations. Zoning Administrator Bench stated that the Land Use Authority Board has discussed it, but has not made any recommendations. The City currently has six-foot side yards in the Park Meadows area and 25 foot front setbacks and 20 foot rear setbacks so the smaller setbacks are not uncommon in the City. There is a 25 foot space in the rear of the lots for the walking path, which will also be a utility easement, to allow space for vehicles to get in and fix any problems that may arise, making a 40 foot rear yard essentially.

Zoning Administrator Bench stated that his only concern would be the front setback. Mr. Rigby stated that they are trying to be reasonable with the setback proposals. Commission Member Forrest stated that if a property owner buys a 25 foot truck and they don't have room to park it on the side of their house and it can't fit in the garage, they are going to be parking on the street. Zoning Administrator Bench stated that people interested in building in the subdivision will need to be made aware that there won't be RV pads and a lot of yard space.

Commission Member Capener asked what the typical rear setback requirement is. Zoning Administrator Bench stated that it is 25 feet, but 20 foot setbacks have been done in some areas in the City. Commission Member Capener stated that he would feel better about moving the house back 5 feet leaving a 10 foot rear setback because of the 25 foot walking path. Zoning Administrator Bench asked if the backyard is going to be dual fenced or left open. Mr. Rigby stated that will depend on how they write up the CC&R's, but they would like to see them left open for ease of maintenance. Zoning Administrator Bench stated that he didn't see a problem with pushing the houses back 5 feet and keeping the 25 foot front setback and creating a 10 foot rear setback. Mr. Rigby stated they would look into that.

Zoning Administrator Bench asked if when someone buys the property to build on, if the house could be customized to fit their needs such as building a 26 foot garage to accommodate a large truck. Mr. Rigby stated that these setbacks would only affect 12 of the lots in the subdivision. If a property owner wants a bigger garage or more space, they will be able to buy a bigger lot elsewhere in the subdivision.

Zoning Administrator Bench stated that a public hearing will be scheduled for this change to the Ordinance.

- b. Discussion and consideration of approving and recommending to the City Council the proposed Title amendments to Title I Zoning Ordinance adding Chapter 1.35 Industrial and Agriculture Protection Area and adding language concerning Industrial and Agriculture Protection Area to Chapter 1.31 Rezoning of Property, Chapter 1.34 Annexations, and Title II Subdivision Ordinance

**Motion by Commission Member Forrest to approve and recommend to the City Council proposed Title amendments to Title I Zoning Ordinance adding Chapter 1.35 Industrial and Agricultural Protection Area, with the minimum acreage of the Agriculture Protection Area being changed to 5 acres, and adding language concerning Industrial and Agriculture Protection Area to Chapter 1.31 Rezoning of Property, Chapter 1.34 Annexations, and Title II Subdivision Ordinance.** Motion seconded by Commission Member Stokes. Vote: Chairman Anderson – aye, Commission Member Summers – aye, Commission Member Eberhard – aye, Commission Member Greener – aye, Commission Member Forrest – aye, Commission Member Capener – aye, and Commission Member Stokes – aye. Motion approved.

- c. Discussion and consideration of approving and recommending to the City Council the proposed Title amendment to Title I Zoning Ordinance, Chapter 1.08 Commercial and Industrial Zone Districts and other Sections of Title I as needed to include Body Art/Tattoo as a conditional use in a Commercial Highway (C-H) zone including all of the intersection of 1000 West Main Street

Commission Member Capener stated that his opinion is that the City should be less motivated in telling people what they can do with their property if they are going to meet the Codes and do what they say they are going to do. Chairman Anderson stated that the State has regulations that are in force and the business will be governed by those rules and regulations.

**Motion by Commission Member Capener to approve and recommend to the City Council the proposed Title amendment to Title I Zoning Ordinance, Chapter 1.08 Commercial and Industrial Zone Districts and other Sections of Title I as needed to include Body Art/Tattoo as a conditional use in a Commercial Highway (C-H) zone including all of the intersection of 1000**

Chairman Anderson – aye, Commission Member Summers – aye, Commission Member Eberhard – nay, Commission Member Greener – aye, Commission Member Forrest – aye, Commission Member Capener – aye, Commission Member Stokes – aye. Motion approved.

5. Adjournment

**Motion by Commission Member Forrest to adjourn the meeting.** Motion seconded by consensus of the Board. The meeting adjourned at 6:41 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 26<sup>th</sup> day of May, 2015



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.