

## CLEARFIELD PLANNING COMMISSION MEETING

August 1, 2007

7:00 P.M. - Regular Session

PRESIDING:	Victor Olson	Chairman
PRESENT:	Mark Shepherd	Commissioner
	Matt Hartvigsen	Commissioner
	Bill Moore	Commissioner
	Josh Taylor	Commissioner
	Kenneth Jeppesen	Alternate Commissioner
	Tyler Gibson	Alternate Commissioner
	Phillip Hoggan	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Cornell Griffeth	Commissioner
	Darren Carpenter	Commissioner
STAFF PRESENT:	Scott Hodge	Director Public Works
	Kent Bush	Planning/Zoning Administrator
	Christine Horrocks	Building Permits Specialist
	Gregg Benson	Planning/Zoning GIS Specialist
VISITORS:	Edward Harbertson, Mike LeBaron, Brad Caldwell, Jim Woodruff, Martine Phelps, Don Wood, Cary Fisher, Richard Fisher, Marilyn Porter, Orson Porter, Ann Kutterer, Mike Kutterer, Jay R. Glad, Jeffrey Hogg, Ethan Warnick, Brian Stewart, Robert Simmons, Drew Stewart, Anne Webster, Dustin Webster, Vern Phipps, Melissa Maroney, Todd Northrop, Kolton Hirst, Marilyn Fryer, Jim Schilling, John Ragan	

Pledge of Allegiance was led by Commissioner Olson.

### REVIEW CONDITIONAL USE PERMIT FOR I.S.A.T. COUNSELING & REHABILITATION CENTER AT 189 SOUTH STATE STREET #160

Todd Northrup was present representing I.S.A.T. Chairman Olson said the Conditional Use Permit was approved in December. Mr. Northrup said they deal with a variety of clientele. They treat sex abuse victims, sex offenders, domestic violence victims, domestic violence offenders and general mental health. Chairman Olson asked if the City had received any feedback from the public on this business. Kent Bush stated the Police Department has not had any calls in that building since November. He said we received word there were some concerns of the female employees of other tenants in the building about the use of the common rest rooms. Councilmember Sprague asked if their business was doing well. Mr. Northrup said they were

doing okay and it is a good location.

**Commissioner Shepherd moved to approve this request for continuation of the Conditional Use Permit for I.S.A.T. Counseling & Rehabilitation Center at 189 South State Street #160. Seconded by Commissioner Jeppesen. All Voting AYE.**

REVIEW CONDITIONAL USE PERMIT FOR HOME OCCUPATION PERMIT FOR WALLACE EDWARDS TO BUILD FIREPLACE MANTLES IN AN ACCESSORY BUILDING AT 1690 EAST 1100 SOUTH

Wallace Edwards was not present. Kent Bush said no complaints or concerns have been heard on this home occupation license. Chairman Olson confirmed that Mr. Edwards was building fireplace mantles.

**Commissioner Jeppesen moved to approve this request for continuation of the Conditional Use Permit for a home occupation to build fireplace mantels at 1690 East 1100 South. Seconded by Commissioner Moore. All Voting AYE.**

FINAL SUBDIVISION APPROVAL FOR JNH COMMERCIAL SUBDIVISION AT 320 WEST 1700 SOUTH

Ed Harbertson said they want to subdivide the property for future commercial development. Chairman Olson asked Mr. Harbertson what type of development they were planning. Mr. Harbertson said at this point they have no plans. He said their family originally owned 27 acres but now they have about 7 or 8 acres. The City has been approached about a car wash on part of the property. Chairman Olson said there are sewer and storm drain issues existing on the property. Mr. Harbertson said they will do what is needed to solve the problem the way the City wants.

**Commissioner Hartvigsen moved to send this request for Final Subdivision Approval for JNH Commercial Subdivision at 320 West 1700 South to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Shepherd. All Voting AYE.**

SITE PLAN APPROVAL FOR MIDTOWN VILLAGE AT 1900 EAST 700 SOUTH

Chairman Olson said there has already been much discussion on this project. It will be a huge, beautiful complex with eight stories with some residential and retail together. John Ragan was present representing Midtown Village Project. Chairman Olson asked the Commissioners if they had looked at the site plan and if they had any questions or comments. Commissioner Shepherd said he spoke with City staff about his concerns for the water pressure and signage and those

questions were answered.

**Commissioner Shepherd moved to approve this request for Site Plan Approval for Midtown Village at 1900 East 700 South. Seconded by Commissioner Gibson. All Voting AYE.**

PUBLIC HEARING TO CONSIDER REZONING PROPERTY AT 84 SOUTH 1000 WEST FROM A-1 TO PF(SP)

Chairman Olson told the public that tonight they would be discussing a very challenging topic. It is a complex topic with some possible emotional debate that will go along with that. He said his job is to control that emotional debate. He told them they would be allowed three minutes per person.

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:14 P.M.

Weber Basin Water Conservancy District did not have a representative at the meeting.

FOR:  
None

AGAINST:

Brian Stewart said he was thankful for the Public Hearing. He brought some scouts that are working on their citizenship merit badge. He lives across from Miya Farms and he is absolutely against this. Mr. Stewart feels at this time the design is vague for construction. He is nervous that they say it will be green space, but there is no architectural design. He feels there is not enough known at this time to assure the people in the community that it is what they have been promised it will be. It is nice to see some good development in Clearfield to bring the property values up. He feels this is industrial and should be in an industrial area. Mr. Stewart said at a minimum it should be tabled for a few months. Let the proposal for what is going there be something that is a platform for those running for re-election. Let it be voted on by the community.

Drew Stewart said he is against putting the water tank up. He feels it will be ugly and shouldn't go up at all.

Richard Fisher said his property is on the south side of the proposed development. Some issues that have not been addressed is the water table, in that area it is only 8' below ground. He hasn't seen any engineering drawings and wanted to know how far out of the ground the tank will be. Mr. Fisher knows there will be a containment pond on the west end, but what happens on the north end.

Orson Porter said this was brought up in City Council and they were told not to discuss it. It was not public at that point in time. We have had no public meetings with information disseminated to the public. He said when you ask questions, there are no answers. The 100 million gallon tank is equivalent to a 400,000 square foot warehouse, which would be the size of two Wal-mart Superstores end to end. He feels that this should not be found in a residential area. He said their property values will decrease. There are estimates that a minimum of 10% will be impacted on the property value in this area. However, nothing has been given about the revenues that would be expected from moving the tank to this location. He said they are willing to donate 16 to 19 acres for parks. If this water tank is to be so beautiful, why doesn't it stay where it is and put a 30 acre park on top of the water tank. We are told you can sink water tanks in the ground and make them attractive. Apparently that is false; if this was true, they wouldn't be moving the tank. He doesn't feel that the government should be a quasi business. He told the Commissioners to think how many would vote positive if it were going in your back yard.

Jeffrey Hogg said he has met several times with Weber Basin. He said he chose to stay in Clearfield City. He asked the Commissioners to take a vote to put the decision squarely on the City Council. Those that serve on the City Council are paid and elected and are beholden to the citizens of Clearfield City. There are many reasons that he is against the water tank, however, the biggest reason is the secrecy behind this project at the beginning of the project. He said we need a voice in Clearfield. Help us to move forward so others won't point their fingers at Clearfield City saying they are the ones with the tank.

Brad Caldwell told the Planning Commission that he appreciates their service. He said he lives "downstream" from the water tank. He has seen what the City has done in the past and doesn't trust the City to follow through and make this a project that is viable for our neighborhood. He may be gone in 10 years when the tank goes in. He doesn't want to clean out someone's basement when the tank doesn't work. It is a major issue for our subdivision. He heard about the tank six months ago and he was told the tank would be totally underground and there would be a park on top of it. This past week the Mayor said that even though it will be 25' out of the ground it will be hidden by shrubs and trees. He said big water tanks are hard to hide with shrubs and trees. He said as far as putting a park on top of the tank, it is a long ways for my kids to fall off. Asked the Commissioners to vote this down and put it on the shoulders of the City Council and proposed that we don't hear anything until the November election.

Jeff Bunderson feels there isn't enough information to make a firm decision. We hear the other development will bring tax revenue to the city. Where are the numbers and how will that affect our taxes. He feels there is so much unknown and the voice of the citizen is being ignored. Mr. Bunderson feels they are rushing to get it done for the developer and that is a recipe for disaster.

**Commissioner Hartvigsen moved to close the Public Hearing at 7:34 P.M. Seconded by Commissioner Shepherd. All Voting AYE.**

Commissioner Shepherd said he would like to remark about some comments that were made. He told the citizens that the members of the Planning Commission have been appointed by the City Council as an advisory board to them. He hoped that the decision the Planning Commission makes is accepted by the City Council. He said there was talk about the secrecy that went on with the water tank issue. In defense of that, anytime there is a deal going on there has to be secrecy. He was concerned about the water table and putting a water tank there. As a City we have been talking about whether we want new citizens and changing the City from rental properties to bringing in new residents. The City has been requesting bigger houses and in the area where bigger houses have been built they now want to put a water tank. He feels this is the wrong thing to do at this time.

Chairman Olson said he was disappointed that Weber Basin wasn't here this evening. He would like to have heard their input. He said retail is very important to the City and in the past few years many good things have happened. He said we all have to live with certain disappointments. Chairman Olson said personally he would rather have a water tank than 63 more houses. He also said we need to understand that we are talking about a rezone. This is not a final approval for what is going on in that land.

Commissioner Hoggan asked if Clearfield City purchases water from Weber Basin Water Conservancy District. He was told yes. Where does this tank fit in their scheme inasmuch as they are already providing water supply to Clearfield City. Do they have a plan report for the 30 acres where they "plan" to put the water tank at some point? Chairman Olson said they have a plan report and this would be the Davis Aqueduct. Gregg Benson said this tank has a sister in South Jordan and they are on the same elevation. It will allow for water to go back and forth between the tanks. It allows them to move water from the Bear River to areas where it may be needed.

Commissioner Jeppesen said he feels the pain of the neighborhood. He said we are not approving a site plan; they will need to come back and receive approval for the site plan. He said comments have been made about real estate values. The whole real estate market is down in the nation. He said you can't use uncertainty to argue against the tank and the price of a house. Commissioner Shepherd said you can use history and what it has done in areas where tanks have been built. Commissioner Jeppesen said he doesn't have any facts, but he has heard that an assessor says property value will not change because of the tank. Commissioner Shepherd said an assessor is different, he assesses the tax value. It is a totally different valuation; the assessor is not assessing the sales value of the house. Commissioner Jeppesen said as far as he knows no laws have been broken by our City officials. He said someone asked the question, "What would he do if it was in his neighborhood?" He said he would appreciate the size of the open land.

Commissioner Hartvigsen said this site wasn't the first choice of Weber Basin. He said the City

officials have pushed this along looking out for the best interest of the community as a whole. He agrees with the citizens that there are too many unknowns to move forward at this time. There are some engineering constraints to get the tank down far enough. Commissioner Shepherd asked if there is anywhere else that the tank could go? Councilmember Sprague said if there was another place, he would like to know of it. Commissioner Hartvigsen said he talked to Weber Basin Water about other properties and they said the elevation is a critical element in the selection of the site. It isn't efficient and it takes a lot of energy to move water uphill. They have looked at over a dozen sites in the general area and they have paid to have studies done. The best properties that they found were the property at Legend Hills and the property in Autumn Ridge.

**Commissioner Hartvigsen moved to send this request for rezone of property at 84 South 1000 West from A-1 to PF(SP) to the City Council with recommendation of denial from the Planning Commission. Seconded by Commissioner Shepherd. Voting Aye: Commissioners Shepherd, and Hartvigsen. Voting Nay: Commissioners Taylor, Gibson, Moore, and Jeppesen. Motion Failed.**

**Commissioner Jeppesen moved to send this request for rezone of property at 84 South 1000 West from A-1 to PF(SP) to the City Council with recommendation of approval from the Planning Commission. Seconded by Commissioner Taylor. Voting Aye: Commissioners Taylor, Gibson, Moore, and Jeppesen. Voting Nay: Commissioners Shepherd and Hartvigsen. Motion Passes by majority.**

#### PLANNING COMMISSIONER'S MINUTE

Chairman Olson – Nothing

Commissioner Shepherd – thanked the citizens for their attendance and concerns.

Commissioner Hartvigsen – Nothing

Commissioner Moore – good to see people out taking an interest in their city.

Commissioner Jeppesen – encouraged citizens to stay involved in the site plan approval and let your voices be heard.

Commissioner Gibson – Nothing

Commissioner Hoggan – he has worked in the water business for many years and he is curious to meet with the water conservancy district. He feels the water issue is quite broad in the fact that they have a plan for matching water plans as far apart as South Jordan and Clearfield. Is that plan subject to approval by the populous or are the water conservancy districts commissioned under the guidelines and statues of the state of Utah to proceed to develop water anyway they can. He doesn't see enough information to say that is in the benefit of anybody, but the decision seems to

be already made. He would like to look at the information that should be available for the citizens of Clearfield City and others.

Commissioner Taylor – Nothing

Councilmember Sprague - Nothing

Staff – Gregg Benson said there was an error on the General Plan map. He has made the corrections and gave the new maps to the Commissioners.

There being no further business to come before the Planning Commission, **Commissioner Shepherd moved to adjourn at 7:59 P.M.**