

CLEARFIELD PLANNING COMMISSION MEETING

August 20, 2008

7:00 P.M. - Regular Session

PRESIDING:	Victor Olson	Chairman
PRESENT:	Matt Hartvigsen	Commissioner
	Darren Carpenter	Commissioner
	Bill Moore	Commissioner
	Josh Taylor	Commissioner
	Kenneth Jeppesen	Commissioner
	Tyler Gibson	Commissioner
(NON-VOTING)	Mark Bottema	Alternate Commissioner
(NON-VOTING)	Tim Roper	Alternate Commissioner
(NON-VOTING)	Nathan Dunn	Alternate Commissioner
	Doyle Sprague	Council Liaison
STAFF PRESENT:	Adam Lenhard	Community Development Director
	Kent Bush	Planning/Zoning Administrator
	Gregg Benson	Planner
	Christine Horrocks	Building Permits Specialist
STAFF EXCUSED:	Brian Brower	City Attorney
VISITORS:	Brent Haacke	

Pledge of Allegiance was led by Commissioner Olson.

Chairman Olson welcomed the new Commissioners Tim Roper, Mark Bottema, and Nathan Dunn.

APPROVAL OF MINUTES FROM JUNE 18, 2008 PLANNING COMMISSION MEETING

Commissioner Hartvigsen moved to approve the minutes of June 18, 2008 as written, seconded by Commissioner Jeppesen. All Voting AYE.

PUBLIC HEARINGS

CONDITIONAL USE PERMIT FOR A HOME OCCUPATION TO USE THE GARAGE AS PART OF A BUSINESS AT 452 WEST 325 NORTH

Chairman Olson read the Public Hearing Notice and declared the Public Hearing open at 7:04 p.m.

Chairman Olson asked what their business plans would be. Mr. Brent Haacke said they would be

selling products on line and they need to have a place to store items. If the business grows, they will get a storage shed. His wife makes crafts from wood and she would like to sell the crafts. Mr. Haacke said this will be a part time job for him. Chairman Olson asked what type of things they will sell. Mr. Haacke said they look for creative and unique gifts. Chairman Olson asked what hours the business would operate. Mr. Haacke said 24 hours a day. He said they will not be selling from the garage, it will be for storage. He said they wouldn't be running a saw 24 hours a day. They would run the saw 8:00 a.m. to 7:00 p.m. Their customers will order the product online and then they ship it. Occasionally they may have someone in the area that wants to pick up their order, rather than have the product shipped. Chairman Olson said the business will have internet sales, crafts manufacturing, some delivery by truck, storage in the garage and occasional customer pick up. Mr. Haacke said nothing will be stored outside the garage. Commissioner Carpenter asked how much foot traffic they expect. He said maybe once every few weeks.

PUBLIC COMMENT:

None

Commissioner Jeppesen moved to close the Public Hearing at 7:10 p.m., seconded by Commissioner Carpenter. All Voting AYE.

Commissioner Hartvigsen asked if there is a regulation on what can be bought and sold through a home business. Adam Lenhard read the City Code stating what is not allowed in regard to safety and health.

Commissioner Jeppesen moved to approve this request for a Conditional Use Permit for a home occupation license to use the garage for storage of retail supplies and woodworking, with the following conditions: if there is some woodworking it needs to take place between the hours of 8:00 a.m. and 7:00 p.m., with a review in 9 months, seconded by Commissioner Carpenter. All Voting AYE.

DISCUSSION ITEMS

TYPES OF BUSINESSES SUITABLE FOR HOME OCCUPATIONS

Kent Bush said currently Clearfield City requires a home occupation Conditional Use Permit when using the garage or an area other than the living space of the house. The Planning Commission needs to create a list what uses can be allowed as Conditional Uses. Mr. Bush said the new state code states we can't deny a conditional use if they can meet the conditions you place on them. At the last meeting City Attorney, Brian Brower, suggested we make a list of permitted rather than those excluded. Commissioner Taylor asked if the list could have the criteria not wanted as well as those that are acceptable. Adam Lenhard read the current ordinance. Commissioner Taylor asked what the driving factor was behind making the list, because the conditions that were listed sounded pretty concise, well thought out and clear. Kent Bush said the new state code states you can't deny them if they meet the conditions you place on them. Chairman Olson suggested we should use the existing ordinance as a start. Adam Lenhard

asked if the Planning Commission wants to see home occupations. Chairman Olson asked what the option was. Mr. Lenhard said the business license coordinator could determine if it was acceptable and the department could interpret the code. Commissioner Taylor said we could say no business use of the garage and if you need to use the garage you should obtain a storage unit. Commissioner Jeppesen commented that there are a good percentage of new businesses that start in a home. We are discouraging small businesses. Commissioner Hartvigsen said one of the good reasons to continue the way we have been doing the Conditional Use Permit is that we are able to get public comment before we make a decision. Commissioner Taylor said the legality of it is if we deny something that isn't specifically deniable in the City Code we open ourselves to legal action. Kent Bush said the City Attorney wants a list of specific allowable conditional home occupations. The commissioners felt that was impossible. The commissioners wanted to know why we needed a list. Adam Lenhard said we must define what types of home occupations and what circumstances would create the need for a Conditional Use Permit. For example, currently if they use their garage, they are required to get a conditional use permit. He asked the Commissioners what else they would like to see regarding a home occupation required for a Conditional Use Permit. The Planning Commission can impose conditions related to dust, noise, odors, and hours of operation. Anything outside living area has to be evaluated as a conditional use. The Commissioners felt they needed to talk to the City Attorney again. Chairman Olson asked if there was another city that had made the changes. Gregg Benson said that Roy City has adopted the code and has it in place. Kent Bush said they would come up with a list of what we allow if the conditions are met. Commissioner Carpenter asked to have Brian Brower email his ideas about what we need to be doing. Commissioner Taylor wants an example of a conditional use that we aren't covering ourselves on; he doesn't think there are any.

COMMUNICATION ITEMS

STAFF COMMENTS

Staff – Kent Bush gave the Commissioners a list of possible training topics and will do training on conditional uses from the state. He said he had booklets from the U of U, but they no longer provide the videos. See what type of training they want. Chairman Olson said to start with Planning Commission. It was decided to do the training after the meeting. If the meeting goes too long, the training will be deferred to another day.

PLANNING COMMISSIONER'S MINUTE

Chairman Olson – Nothing

Commissioner Hartvigsen – He said sometimes he disagrees with staff, but he wants them to realize that he values their opinion.

Commissioner Moore – Nothing

Commissioner Carpenter – He asked if the City had heard anything about Midtown or the project

Mr. Kennedy had proposed. He was told we have heard nothing. He asked if there was any information about ULCT meeting. Adam told him that it is currently not in the budget, but if they want to go let Kent Bush know.

Commissioner Taylor – Nothing

Commissioner Jeppesen – Nothing

Commissioner Gibson – Nothing

Commissioner Bottema – Nothing

Commissioner Roper – Asked when the sign will be removed from the Haacke's yard. He was told tomorrow

Commissioner Dunn – Nothing

Councilmember Sprague – Glad to see he agreed with the Commissioners.

There being no further business to come before the Planning Commission, **Commissioner Carpenter moved to adjourn at 8:07 P.M.**