

CLEARFIELD PLANNING COMMISSION MEETING

October 21, 2009

7:00 P.M. - Regular Session

PRESIDING:	Kenneth Jeppesen	Chairman
PRESENT:	Darren Carpenter	Commissioner
	Nike Peterson	Commissioner
	Matt Stones	Commissioner
	Jeff Hogg	Alternate Commissioner
	Ron Jones	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Bill Moore	Commissioner
	Matt Hartvigsen	Commissioner
STAFF PRESENT:	Brian Brower	City Attorney
	Adam Lenhard	Community Development Director
	Kent Bush	Planning/Zoning Administrator
	Gregg Benson	Planner
	Christine Horrocks	Building Permits Specialist
VISITORS:	Gary Tyler, Corey, Chase, G. Davis Jensen, Jake Naegle, Elijah Limb, Zach Morrell, Jack Werner, Jason Walker, Randy Morrell	

Pledge of Allegiance was led by Commissioner Jeppesen.

Welcomed Scout Troop 190

REVIEW FINAL SUBDIVISION PLAT FOR 200 NORTH STREET SUBDIVISION AT 900 WEST 200 NORTH

Gary Tyler, Richards Bott Architects representing the LDS Church, said the property will be used for a new ward meetinghouse. Mr. Tyler said the street coming to the side of the property, 250 North, would be a dead end and there would be curb and gutter wrapped around the property. He said there would be a pedestrian gate in the fence and the sidewalk will be extended through. The Commissioners had a few questions and were told they would be addressed at the site plan approval process. Adam Lenhard said they will also finish the curb, gutter and sidewalk on 300 North in front of the other lots in the subdivision.

Commissioner Carpenter moved to recommend to the City Council approval of the Final Subdivision Plat for 200 North Street Subdivision at 900 West 200 North with the following condition, that an engineers estimate must be submitted for the subdivision improvements

prior to the recordation of the subdivision plat, seconded by Commissioner Peterson. All Voting AYE.

DISCUSSION ON CHANGES TO TITLE 11 CHAPTERS 3 & 13

Adam Lenhard gave the Commissioners a table that will be used as a worksheet throughout the discussion. He said it was decided to make all the changes to Title 11 at one meeting. The changes being discussed this evening will be presented at a Public Hearing at the next Planning Commission meeting, November 4, 2009.

The changes that will be discussed are marked in red. The definition of major and minor auto repair were combined into one definition. Automobile repair will be a conditional use in C-1 and permitted in M-1. The definition for building has been simplified. The definition for carport had the statement added "except for necessary supporting columns and customary architectural features." Check cashing has been added for a reference to payday lending. Mr. Lenhard said the definition of day treatment facility will be removed, but it is proposed to use the definition for behavior, drug or alcohol treatment facility instead.

Adam Lenhard reviewed the two different definitions under family. He said research was done to see how the courts are interpreting the issue of family. Social pressures and other circumstances say we are not a traditional family type society. There are other groups that are functioning as a family. Courts are saying if a group functions as a family then we should consider them to be a family and we shouldn't consider a family to be based purely on biological relationships. The definition being proposed is that 3 or more unrelated adults could be allowed as long as they function as a family. The criteria for determining if it is equivalent to a functional family are outlined in the definition and were discussed.

Councilmember Sprague said the City is being pressured from the Realtor's Association to change the definition of the family and he is very much opposed. He feels we are causing more problems which will allow more families living in one house. Commissioner Carpenter thinks the "or more" is inappropriate for what we want in the City. Chairman Jeppesen asked if "traditional" is a generally accepted term. Adam Lenhard said that the definition of a "traditional family" would generally be a father, mother and children. Chairman Jeppesen feels that "traditional family" needs to be defined. Councilmember Sprague said in his opinion we don't want multiple families living in single family residences. Commissioner Peterson said with her experience in Vision 2020, one of the most preeminent concerns addressed was property owner rights. Commissioner Peterson said she sees the need to put a cap on the number and wouldn't want it to go above 3, but she can also see the economic need. She feels it would become an issue for code enforcement with cars in driveways, lawns being mowed, and property being maintained. Councilmember Sprague said the looser we get with the rules, the harder it is to enforce.

Adam Lenhard said the reason this definition is so hard is because there are so many different scenarios. He feels ultimately we need to put a number to it and say this is where we stand. The Commissioners decided they would recommend keeping the current definition. Mr. Lenhard said at the next meeting when it is presented they should choose the option they recommend to the City Council. Mr. Lenhard said that City Council asked staff to provide criteria that could be evaluated. So both options will need to be presented. Kathryn Murray said the reason this came about was a realtor and a landlord came to a City Council work meeting and wanted the ordinance changed to allow a couple to rent out a room or allow a landlord to rent one apartment to three different individuals. One of the reasons we are trying to do a definition of functional family is to require them to be under one contract. They need to function as a family. She feels if we leave the number at two the definition still needs to be tightened. Commissioner Carpenter said the definition of family needs to be applicable to each unit, whether it is a single family dwelling or an apartment. The Commissioners felt they would like the current definition to stay.

Adam Lenhard said definitions for the following have been modified or added: fireworks stand, hotel or motel wording was added “may also contain a caretaker residence”, mobile food vendor, outdoor storage added “building materials, equipment and fuels”, payday lending establishment, pawn and second hand business. Tattoo or body piercing establishments states “any business engaged primarily...” Mr. Lenhard said getting your ears pierced at a hair salon would not be the primary business and would not fall under that definition. One of the unintended consequences may be that of permanent makeup. Someone who is in the business of applying tattoos receives the exact same certifications as someone doing permanent makeup. The feeling behind regulating certain businesses comes from the fact the current establishments are in buildings that suffer from very poor design and in some cases have been poorly maintained over the years. Commissioner Hogg said he thinks branding and scarification is against the law. Adam Lenhard said he will check to see if there is a state statute. The definition for temporary or seasonal merchant has been added.

Chapter 13, Supplementary Regulations:

Payday lending, pawn and secondhand business, tattoo and body piercing and day treatment facility regulations were discussed. The Commissioners felt that one per every 10,000 residents is adequate and that there should be 1,500 feet between like establishments.

11.13.30, fireworks stand is being added. So in each instance it will read: *Fireworks stand, temporary or seasonal merchant and mobile food vendor*. Adam Lenhard asked if there should be a minimum separation requirement for these vendors. The Commissioners felt no separation requirements would be necessary.

Adam Lenhard reviewed the new definitions that had been discussed and the Commissioners determined what in which zones they would be allowed and if it will be a permitted or conditional use.

Behavior drug or alcohol treatment facility – C-1 and C-2 – conditional use

Fireworks Stands – C-2 – permitted

Mobile Food Vendors – C-2 and M-1 – permitted, C-R – conditional use
Payday lending – C-2 – conditional use
Pawn and secondhand business – C-2 – conditional use
Tattoo and body piercing – C-2 – conditional use
Temporary or seasonal merchants – C-2 – permitted

Adam Lenhard said these changes will be incorporated into the ordinance and presented to you at the next meeting.

Commissioner Hogg expressed to Mr. Lenhard his appreciation for the good job in a difficult process. Mr. Lenhard said this is a great city and he enjoys working with each of the members of the Planning Commission.

PLANNING COMMISSIONER'S MINUTE

Commissioner Jeppesen – Nothing

Commissioner Carpenter – He questioned the 200' from a restaurant for a mobile food vendor. He was told it will probably be self regulated.

Commissioner Peterson – Nothing

Commissioner Stones – Nothing

Commissioner Hogg – Nothing

Commissioner Jones – Nothing

Councilmember Sprague – encouraged the Commissioners to come to City Council if they want to voice your concerns.

There being no further business to come before the Planning Commission, **Commissioner Carpenter moved to adjourn at 8:42 P.M.**