

## CLEARFIELD PLANNING COMMISSION MEETING

September 2, 2009

7:00 P.M. - Regular Session

PRESIDING:	Kenneth Jeppesen	Chairman
PRESENT:	Matt Hartvigsen	Commissioner
	Darren Carpenter	Commissioner
	Bill Moore	Commissioner
	Nike Peterson	Commissioner
	Matt Stones	Commissioner
	Ron Jones	Alternate Commissioner
	Doyle Sprague	Council Liaison
EXCUSED:	Jeff Hogg	Alternate Commissioner
	Tyler Gibson	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:	Antone Clark – Standard Examiner, Jean Toennis, Jerry Smith, Shari Grover, Curtis Grover, Ernie Higham, Mr. & Mrs. Rob Bowne, Mr. & Mrs. John Noriega, Jan Day, David D. Wheeler, Mr. & Mrs. Morris Butcher, Dale Hall, Louise Hall, Sandy Saplkowskis, Steve Cook, Jason Groberg, Jesse Aranda, Lynn Shaughnessy, Joann Senniger, Francisca Blanc, Kenneth Parker, Jan Barber, Debra Doxey, Gordon Doxey, Mike Whiting, Diana Whiting, Susan Reed, Debbie Curry, Roland Tibbs, Anjanette Reese, Minnie Jensen, Julian Santana, Paula Olivarez, Violeta Landeros, Tamie Jo Reynolds, Cindy Simmons, Norma Bergeoff, Janice Pierce, Ken Pierce, Jodi Evans, Maria Espinoza, Ben Myers, Leopoldo Arevato, Maria J. Lopez, Leticia Hernandez, Gabriel Duran, Marcela Villafuerte, Brandon Quinn Vowles, Jerry Baker, Israel Barojas, John Noriega, Claudia Morales, Manuel Ramirez, Linda French, Dennis Hobson, Kathy Hobson, Sharon Bodily, Jon Bodily, JoVonna Amidan, Lari A. Ortiz, Abel Ortiz Gomez, Roci Ortiz Gomez, Araceli Santos, Angelica Chavez, Margarita Lira, Mr. & Mrs. Richard Schulze, Margarita Lopez, Leon Tarrant, Marsha Tarrant, Rodney Lynch, Teresa Lynch, Chris Brown, Kelli Brown, Ashlee Giles, Philip Reeves, Josefina Garnica, Francisco Garnica, Ellen Riddings, Dan Parkin, Vivana Garcia, Noe Sanchez, Alvaro Castillo, Julio Flores, Maria Flores, Alfredo Auila, Ivan Santos, Elizabeth Gastelum, Guadalupe Gomez, Sonia Salido, Raymundo Munriquez, Martha Palafox, Maria J. Lopez, Hector Conco, Claudia Perez, Petra Rocio Dominguez, Hugo Bahena Miranda, Jorge Lujan, Guadalupe Lujan, Victor Resollo, Gabriela Lugo, Richard Kelley, Mark Leavitt, Richard Cain, Jose Ortega, Annette Clayton, Margaret Larsen, Ronald Larsen, Gene Alexander, Ian Cunanan, Jessica Mendez, Anthony Lopez, Amalia Lopez, Katie Connelly, Joe Connelly, Matthew, Holli Groberg, Fernando	

Rodriguez, Nicole Valdes, Tyler Trinnaman, Marilee Valdes, Ryan Van Dyke, Kathryn Murray, Tristan Van Dyke, Ramona Silva, Edgar Nieto, Veronica Aldama, Juan Ramirez, Carmen Ortega, Zulema Cordova, Dulce Ortega, Rosa Avila, Alfredo Avila, Mireya Zuniga, Jose Flores, Salvador Polo, Cleotilde Sanchez, Osvaldo Santos, Gaby Santos, Armando Velasco, Bety Lopez, Luis Hernandez, Paulina Lopez, Esther Morales, Jorge Castaneda, Juan Palma, Angela R. Tolentino, Margarita Martinez, Isooc Mendez, Francisco Earnica, Carlos Andrade, Hayde Avila, Maria T. Lynch, Cindy Godfrey, Melinda Gerr, Linda, Bryan Brandley, Gary Walker, Don Harward, Kevin Cox, Matt Collier, Alan Barker, Paul Covell

Pledge of Allegiance was led by Commissioner Jeppesen.

APPROVAL OF MINUTES FROM AUGUST 5, 2009 PLANNING COMMISSION MEETING

**Commissioner Moore moved to approve the minutes of August 5, 2009 as written, seconded by Commissioner Peterson. All Voting AYE.**

SITE PLAN REVIEW FOR A DENTAL OFFICE AT 975 SOUTH STATE STREET

Don Harward, with Harward Associates, Kevin Cox, owner of the dental office, and Matt Collier, Civil Engineer were there to present the information for the site plan. Mr. Harward said there is an existing home on the site that has been used as a dental office. Dr. Cox has been using the home and desires to improve the property with a new building. There will be new landscaping and lighting for the parking area. There will be a fence with screening on the south, but open to the east and the north. The elevations of the new building were displayed. It will be a one level structure, with a mechanical room in the basement and there will be a shed on site. A lift station will be required for the sewer. ADA requirements will be met in the parking area, sidewalk and two public restrooms. Chairman Jeppesen asked about the existing home. Mr. Harward said they will fence off the area for construction so Dr. Cox doesn't have too much down time and the demolition of the house will be at the last. Commissioner Peterson asked what the time schedule would be for razing and reconstruction of the parking area and landscaping. Mr. Harward said it will depend on the general contractor. They want to get in the new building as soon as possible; however, it will probably be spring before the construction is complete. At that time they will move into the new building and then demolish the house. Commissioner Hartvigsen asked what type of a screened fence they would be installing. Mr. Harward said they are considering a 6' vinyl fence along the south side until they are within 20' of the front walk area at that point it will drop to 3' or 4'. The east and north sides will have more of a see-through type. At this point they are planning to build a vinyl fence. Commissioner Hartvigsen asked what type of lights will be in the parking lot. Mr. Harward said they will use a light that shines only on his property. The monument sign in the front of the building will remain.

**Commissioner Hartvigsen moved to approve this request for Site Plan Approval for a dental office at 975 South State Street as proposed, seconded by Commissioner Moore. All Voting AYE.**

PUBLIC HEARING TO CONSIDER REZONING OF SEVERAL PROPERTIES

Adam Lenhard explained that two years ago we started rewriting City code. Tonight we are reviewing Title 11, Land Use Ordinance. There are seven different properties that are being considered tonight. Mr. Lenhard said the mobile home zone was last used for development nineteen years ago. He said there are no foreseeable plans for new mobile home park development. Administratively the question came up as to why continue to have a zone that hasn't been utilized for so many years. There is a lot of concern with the residents as to what will happen to the homes and communities they live in. If the current mobile home zone is repealed then existing mobile home properties will become a legal nonconforming use. That means that every right you have now as a land use you get to continue legally into the future and permanently as long as the land is continued to be used as a mobile home park. The use is grandfathered. No rights are removed. Mr. Lenhard said only the Cambridge Mobile Home Park conforms to the current mobile home zone. All other mobile home parks in the City are already a legal nonconforming use.

Adam Lenhard said one of the concerns that have been voiced is if the zoning changes, will taxes go up. The taxes should not be affected by a change in zoning because they are still residential properties. Another concern was that plans were already in place to redevelop the mobile home park. He said the City is not aware of any plans for redevelopment of the existing mobile homes. Brian Brower told the visitors the Planning Commission is an advisory board and any changes made tonight will not be the final action. The City Council will receive recommendation from the Planning Commission and then as Land Use Authority, the City Council, will make the final decision. Adam Lenhard said that a Public Hearing with the City Council has been tentatively set for October 13<sup>th</sup>. At that time the City Council will consider the recommendation made by the Planning Commission. Gregg Benson said the properties will be posted again for that meeting.

Chairman Jeppesen said he will open the public hearing, but the properties will be reviewed one at a time. He will take them out of the order they are listed on the public hearing notice. He told those who want to make comment to do so at the appropriate time. He said everyone that comments will have three minutes. He also encouraged them to listen to the other comments and to not duplicate comments that have already been considered.

Chairman Jeppesen declared the public hearing open at 7:28 p.m.

**1322 West 300 North and 1484 West 300 North – from R-M to A-1**

Adam Lenhard said the properties are single family dwellings and meets the lot size for the A-1 zone and that is the reason the proposed zone is A-1.

PUBLIC COMMENT:

*Alan Barker, Clearfield* – said he didn't ask for the rezone and when his wife called the City she was told they would be able to have barnyard animals. He said he didn't want barnyard animals and wouldn't want his neighbors to have them. If you want to rezone it for a housing place that is what it is, it isn't a farm.

Gregg Benson said the A-1 zone was chosen because of the size of the lot and there is A-1 zoning across the street. Commissioner Hartvigsen said that the nearest residential zone would be R-1-9.

**485 South Main Street – from B-1 to PF**

Adam Lenhard said this property is the PARC School. The property is surrounded by manufacturing. The proposed zone is to the public facilities zone given that it is a school.

There were no public comments.

**1280 West 300 North – from R-M to C-2**

Adam Lenhard said the recommended zone is C-2. Commissioner Carpenter said this property currently is between a dental office and pizzeria and would fit well into the C-2 zone.

There were no public comments.

**442 South State Street – Clearfield Mobile Home Park – from R-M to C-2**

Adam Lenhard said the general plan shows this as a mixed use. The recommendation is to rezone this property to C-2.

PUBLIC COMMENT:

*Francisca Blanc, Policy Analyst with the Utah Housing Coalition* – said the current use is mobile home residential. This park contains both mobile home and manufactured homes. The mobile home zoning gives them some protection in case of park closure. She said two years ago she worked with the state legislation to get a nine month eviction notice in case of a mobile home park closure. She said based on her knowledge and experience, if the zoning changed it will make park closure an easier process.

Commissioner Carpenter said he understands her comments; however, he does not foresee change and that Clearfield has plenty of affordable housing.

Adam Lenhard said the property owner always has the right to come to petition the City to change the zone. If the owner came to the City with development that conformed to the new zone, then the public hearings necessary for rezone would not be required. He said if he understood correctly, there is a fear that a level of protection is gone.

**450 North 1300 West – Sundown Mobile Home Park – From B-1 and R-M to R-1-6**

*Kenneth Parker, representing Utah Manufactured Home Owners Action Group* – said these are not mobile homes. He challenged anyone to hook one up to a pickup and drag it out. It cost anywhere from \$12,000 to \$17,000 to move one. Some of the communities are not HUD approved. He estimated there are about 800 residents in these properties. We rent ground, not rooms and have as much invested as the landowner. Most people live in their home for 30 years. They are affordable housing and not government subsidized. If the landowner decides to sell, where do they move? He said if the park is deteriorating, it is the responsibility of the landowner.

Adam Lenhard explained the existing mobile home zone, also includes modular homes, which includes manufactured homes. All the standards in the mobile home zone are specifically for mobile homes, pre-1975, pre-HUD regulations. The manufactured homes are different from a mobile home. They are not contemplated in the ordinance that is proposed to be repealed. He said state law requires that anywhere we allow a single family detached residence a manufactured home is also allowed. One of the reasons staff felt that the mobile home zone ordinance was obsolete because it didn't address a large number of the homes in the communities. If it was rezoned to R-1-6, a manufactured home can legally be built in that R-1-6 zone or any other residential zone in the City.

*Robert Bowne, Clearfield* – said the trailer he lives in right now is a 1974 trailer. If they attempted to move it, it would fall apart. He said ARC is not going to sell.

*Ernest Higham, Clearfield* – said if the R-M zone changes to R-1-6, nothing is taken away from the mobile home park. They still have to adhere to all the ordinances. As long as the owner keeps the park intact they keep the same ordinance as it is stated today.

Chairman Jeppesen said he was correct that nothing changes unless the use ceases.

*Annette Clayton* – said her mother lives in the mobile home she owns. Her concern is the change of the lot size. Chairman Jeppesen said it would stay the same and only if it ceased to be a mobile home park would the lot size change. She stated that manufactured and modular homes are different. If you want to move one, there is no financing available. Her sister is in a 1965 mobile home and it can't be moved. The residents are afraid they will need to vacate. Financing is harder to get than before. She said she doesn't think that any good can come from the rezone.

*Gary Walker, Clearfield* – said he had a question as to why the City is going through the expense of the rezone. He knows the City doesn't do anything unless there is a reason. Why not leave it

the way it is and place a moratorium on future development of mobile home parks. He asked if he could get in writing that nothing was going to change. He feels it is making it easier for the landowners to sell the land and kick them out.

Commissioner Carpenter said the property owner can come in at any time and request a zone change.

*Bryan Brandley, Clearfield* – said he owns a trailer and he thinks it sounds like the City is removing a layer for the owners of the property to change the ordinance. He suggested changing the mobile home ordinance so it protects the residents. He said to grandfather in the older homes change the others to conform and then they are protected.

*Blanca Ramirez, Clearfield* - said all the Hispanics want to know why there isn't an interpreter so they would know what was being said. She doesn't think that is fair; Hispanic people live there too. They say they are not going anywhere.

Chairman Jeppesen asked her if they understood that they aren't being sent anywhere. He asked her to interpret for them and tell them they aren't being sent anywhere.

Brian Brower told her on the notice of the public meeting there is a note that states if extra accommodations are needed to contact the City office giving at least 24 hours notice and we will make arrangements as needed to help all understand. He reminded those present that the Planning Commission is only an advisory board to the City Council and they will be the ones making the final decision. There will be additional meetings and for those that may need an interpreter should contact the City Recorder, Nancy Dean, and she will make those arrangements.

### **1370 West 300 North – Cambridge Mobile Home Park – from R-M to R-1-6**

#### **PUBLIC COMMENT:**

*Melinda Gerr, Salt Lake City, Mobile Home Park Issues Coordinator for Salt Lake Community Action Program* – said she recently worked with a park closure in Bountiful, Utah and about ten of her displaced families moved to Cambridge. She doesn't want them to go through with a move again. She asked to keep that extra layer of protection for the owners of the homes. She said if they want help working on the ordinances there are things that could be done to help the parks conform.

*Cindy Godfrey, Clearfield* – said she just put \$5,000 into her trailer, it was her complete savings, can't afford to move it. She said she is disabled. If she had to move, the trailer it would fall to the ground. She asked if things would be grandfathered to be the same.

Chairman Jeppesen said unless the landowner decided to do something else, you could stay as is for an indefinite period of time. He said if the zone stays as it is and the landowner decided to change the use, then we would have a hearing similar to this.

Ms. Godfrey asked what percentage of the council listens to the people. Chairman Jeppesen said that the Planning Commission makes recommendation to the City Council and tries to listen to different comments. Ms. Godfrey wanted to know if the City would listen to the people or the landowner. Chairman Jeppesen said he tries to vote on the best interest of the entire City.

**75 West 250 North – Hidden Glen Estates – From R-M to R-1-6**

Chairman Jeppesen read a letter from the property owner, Carl Liljenstolpe, stating his opposition to the change in zoning.

**PUBLIC COMMENT:**

*Marilee Valdez, Clearfield* –said there is not much to add to Carl’s letter. She said she could never imagine the closeness of the community. It is a tight knit community and she wouldn’t live anywhere else.

*Ben Myers, Clearfield* – said he bought his home eight years ago and has put \$15,000 worth of improvements to the home. He had an apartment before and a mobile home beats an apartment ten times over. He feels that property values will drop and will make it difficult to sell. His family will need to move into something larger because his family is growing. He would be taking a loss because of the improvements he put into the property. Everyone is against it.

*Katie Connelly, Clearfield* – asked if the changes have been in place for twenty years and there is only one mobile home park that is up to code, why is it an issue now. She said her son has autism and to move him would be devastating. She said they work to keep their lot clean and they are required to have their trailer up to standards. You can’t find rent as cheap as lot rent. She said everyone would have to move if the property was rezoned.

Adam Lenhard explained there are two issues to be resolved. First, there is an ordinance that has not been utilized for 20 years. There are no plans to utilize it in the future. If the zoning changes then the existing uses become legal nonconforming. He said that is the case in most of the homes in these zones already. The current zoning ordinance was enacted after the mobile home parks were developed those homes became legal nonconforming uses and as such are able to continue to the present day just as they were back then. The use continues as it is today, it is grandfathered. If zoning were to change from R-M to R-1-6, they are still legal nonconforming uses. There is no requirement to go anywhere. You can continue to exist as you are today.

Chairman Jeppesen explained that three of the four mobile home parks are currently legal nonconforming. The ordinance changed after they were put in place. If the R-M zone was repealed then the fourth mobile home park will also be legal nonconforming.

Katie Connelly commented what is the point to change, if nothing is going to change.

*Roland Tibbs, Clearfield* – said he still hasn't heard any good reasons for the property to be rezoned, if it isn't in compliance why change. He said the perception of Clearfield City is that it has a lot of low income, high density housing.

Doyle Sprague told Mr. Tibbs that all the zones in the City are being reviewed and cleaned up. They are looking to the future. We are looking forward ten to twenty years with a vision of what we want Clearfield City to become. He explained that at one time the entire City was zoned R-3.

*Maria T. Lynch, Clearfield* – she said there are a lot of the people in attendance that live at Hidden Glen. They are concerned with the issue and don't want to change the zoning. They are very comfortable where they are. The place is very well kept by the manager and those that live there. She said they have invested a lot in their homes. She said they were not aware it didn't meet the requirements of the City when she moved there or she would have moved to a regular home. She said they want a permanent situation and vote to leave things as they are.

Chairman Jeppesen said he was sensing some misunderstanding of what a nonconforming use is. He explained nonconforming use with pole signs as an example. He said the City ordinance has changed and new pole signs are not allowed to be installed; however, they do not require legally nonconforming pole signs to be removed.

Chairman Jeppesen said to accommodate those that would like to speak and don't feel comfortable to do so in English, if there is someone they feel comfortable to translate for them, they should feel free to fill out a form and speak.

*Hayde Avila, Clearfield* – asked why if the City officials say nothing is going to happen why did you have everybody come here for nothing? Why on the paper does it say that everyone will need to leave? Chairman Jeppesen asked what paper she was referring to and what language specifically gave her the impression she would be forced to move. She said the public notice. She said they are being told the parking spaces aren't right.

Chairman Jeppesen said the issue here is that there will be no further development of mobile homes. It will not do away with the mobile home communities. It just has to do with future development. Brian Brower said because of the over abundance of higher density residential property, the City officials are striving to get a greater balance. We are trying to implement policies that will encourage more single family developments in the community.

*Lari Ortiz, Clearfield* – said these are not just mobile, manufactured or modular homes. These are people's actual houses. We live here and care about the community. We have done what we could to make it better. The rezone would make it easier for a potential future owner to change the use of the property. She doesn't want to move, she loves living there, and said it is a beautiful community.

*Paul Covell, Clearfield* – addressed Brian Brower and said when Clearfield had only five police officers he was patrolling the streets of Clearfield. At that time there were no more or no less trailer parks. He said you talk about a high density. How can it suddenly be high density now, when it wasn't a problem back then, we are talking 40 years ago? There has been no growth in mobile homes.

Brian Brower stated the direction that the City has endeavored to take is a more global solution, not directed at mobile homes, but to increase the single family homes. If the property owners of these mobile home parks don't make any changes, all the current uses can stay as legal nonconforming uses even if the rezones take place. Many of the rezones that have been taking place are looking to the future and looking toward what will happen ten to twenty years down the road.

Mr. Covell said he wanted to make sure this wasn't paving the way of weeding out the mobile homes to upgrade Clearfield City.

Chairman Jeppesen said he personally has not heard it said that someone wanted to get rid of any mobile home park. There are a lot of high density owners that have been in here also. These are City wide changes that we are making.

Mr. Covell said that a lot of his neighbors live on less than \$1,000 per month social security income. If a move was in the future for them it would be devastating.

*Rodney Lynch, Clearfield* – said he wants to live in the trailer park 10 to 20 years from now. He said to build around the trailer park but he wants it to stay the same. Leave the trailer parks the way they are and build around them.

*Richard Schulze, Clearfield* – said he lives in the Sundown Mobile Home Park. His understanding is that the original problem was high density housing. High density housing started the whole thing. He agrees the City needs to look to the future. There are trailer parks that have been here for a long time. He said the crime rate in Sundown is less there because they check references such as: credit, criminal history. If you did that for every resident in Clearfield, Clearfield itself would be a lot better. He recommends leaving the zoning as R-M and making the land owner come to the Planning Commission to change the zoning. He also recommended having no new mobile home parks in the City.

Chairman Jeppesen asked Adam Lenhard if there is a way to keep the mobile home zone and say there will be no further development of mobile home parks. Mr. Lenhard said that is one of the alternatives considered. A draft copy of the amended R-M Mobile Home zone has been supplied to the Planning Commission. It addresses not only mobile homes, but modular homes and manufactured homes. If the Planning Commission wants to keep the R-M zone, then staff recommends going with the amended text. Two changes would need to be changed to the draft:

1. The minimum width per space needs to change from the current 50' to 35', which will bring all spaces into compliance. 2. Space per site would need to change from 4,500 sq. ft. to 3,500 sq. ft. which will bring all spaces into conformance with the ordinance. Then we would have to look at the general plan and at policies to prohibit future development of new mobile home parks, but wouldn't have an effect on the current mobile home parks. Mr. Lenhard said that given that these properties were noticed separately, each should be considered separately.

*Franisca Blanc, Utah Housing Coalition* – asked if she could speak again about the Cambridge Mobile Home Park. Chairman Jeppesen said her comments had to be absolutely specific to that property. She said there is a need to look at this particular zoning ordinance because there is no vision in the future to have more mobile or manufactured home parks. They can work to help residents purchase the park if it is put up for sale and to own it in a cooperative as resident owned communities. Chairman Jeppesen commented that it would still be legal nonconforming if the mobile home park was to become a co-op. Brian Brower said if a rezone took place and the ownership of any property changed, the new owner could apply for another zone.

*Jesus Noe Obeso, Clearfield* – asked if any of the members of the Planning Commission lived in a mobile home community. He was told no. Then he said you wouldn't understand us because you don't know our situation. Chairman Jeppesen said that is why the citizens were invited to the meeting tonight. Mr. Obeso said you need to think very carefully about what you are doing with the zoning because they cannot do anything else. He said he didn't know if it was a right time to move the homes to another place. Maybe someone will want to build a mall or something in the area, but there are a lot of people living there.

*Juan Palma, Clearfield* – said he has three points to make. Whatever plan it is, would you put your heart and human sense into the decision. He feels they are families and not a chess game. Please take into consideration that we have children, they are the future of the nation. The children are more important to the future than a commercial zone.

**Commissioner Hartvigsen moved to close the Public Hearing at 8:52 P.M., seconded by Commissioner Stones. All Voting AYE.**

Commissioner Carpenter addressed the letter by Carl Liljenstolpe. He wondered how many of the mobile homes were rental and how many were owner occupied. Adam Lenhard said there may be some property managers that could give some details. He said in Clearfield Mobile Home Park the actual ownership is very low compared to Sundown or Cambridge where we understand the ownership is much higher. Marilee Valdez, from Hidden Glen Mobile Home Park said they don't allow rentals; it must be a family member living in the home. She said they like owner occupied because they are more apt to keep their homes and property up.

Chairman Jeppesen said he didn't have a vote, but was interested in pursuing something to prevent future development. The citizens in attendance were told that the City Council will be holding a meeting in October to discuss and make the final decision on issues discussed this

evening. Brian Brower explained to them it will also be a public hearing and they can voice their opinions. The agenda for the City Council is posted on the City's website and are usually posted on Friday afternoon prior to the Tuesday meeting. Kent Bush told them the properties will be posted so they will know the date of the meeting. Commissioner Moore also reminded the citizens that the City Council meetings are published in the newspaper. Chairman Jeppesen told them if they were unsure of when a meeting would be held to call the City building.

Commissioner Stones asked the representatives from the mobile home and manufactured home housing community for a copy of the flyer that was being distributed that would give him some contact information.

Commissioner Peterson thanked all the citizens for coming to the meeting. She said it is important to have resident feedback. She mentioned the 2007 public opinion survey. Commissioner Peterson said she would like to pursue the option of capping any additional use for mobile homes. She has heard many people ask "why" for the rezone and she said she would like to address the "why". In the survey one of the questions asked was, "because the City is 95% built out or developed what would you like the City to do with the remaining 5%?" One resounding reply was the need for additional retail. The citizens want to see improvements, amenities, but we need more money and we get that with additional businesses. One of the reasons to capping this development is not to single out the mobile homes, but it is the response to the feedback that the citizens want to see more retail. Chairman Jeppesen clarified that the study didn't say to get rid of mobile home parks, it said with the land we have left they want to see commercial development.

Commissioner Hartvigsen said he can tell there is a lot of misunderstanding with the public, staff, Planning Commission and the City Council. He has heard a lot of things said that aren't true. It is important to understand we are in the process of updating the City ordinances and the zoning is part of that. Changes are being made to other zones; this zone is not being singled out. We cannot change the land use, what is being changed is the intended use of the land in the future if the land use should change. If the property owner wants to change the use of his land he must come to the City. He doesn't want anyone to feel like they are being kicked out; he wants all to feel wanted in the community. This change does exactly what has been stated. It does make it easier for the property owner to change the use. It is not the intent of the Planning Commission to take away any of your rights. As Planning Commissioners we are looking out for the community and it is unfortunate that you mistrust us. He said he heard that mobile home parks tax the resources of the City; however, I have never heard any concrete evidence to back up that statement. It is the general perception. His opinion is there is a risk if you are leasing the ground your home is on. You have given some control to the property owner and you need to assume responsibility for that risk. He said if that was where he lived, he wouldn't want the balance tipped against him. Some of the properties that have been considered in the R-M zone can be changed without taking away rights because they are nonconforming uses now. He said the recommendations of the Planning Commission could be changed at the City Council level. They are your elected officials.

Gregg Benson said with the Sundown Mobile Home Park there are two parcels that should remain buffer, changes to a residential zone would go against the general plan which shows it as commercial.

Commissioner Peterson said she feels we can provide a layer of protection that the citizens would like to have in place. She is in favor of giving the residents additional time to voice their concerns if the property owner chose to rezone the property.

**Commissioner Carpenter moved to recommend to City Council a rezone from R-M, Mobile Home Residential, to R-1-9, Residential, for the property located at 1322 West 300 North, Clearfield, Davis County, or more particularly parcel number 14-065-0092 and 1484 West 300 North, Clearfield, Davis County, or more particularly parcel number 14-065-0075, seconded by Commissioner Hartvigsen. All Voting AYE.**

**Commissioner Hartvigsen moved to recommend to City Council a rezone from B-1, Buffer, to PF, Public Facilities, for property located at 485 South Main Street, Clearfield, Davis County, or more particularly parcel numbers 12-003-0091, 12-003-0092 and 12-003-0093, seconded by Commissioner Moore. All Voting AYE.**

**Commissioner Carpenter moved to recommend to City Council a rezone from R-M, Mobile Home Residential, to C-2, General Commercial, for property located at 1280 West 300 North, Clearfield, Davis County, or more particularly parcel number 14-065-0002, seconded by Commissioner Stones. All Voting AYE.**

Commissioner Hartvigsen said in reference to Clearfield Mobile Home Park at 442 South State when we asked for comments, there were no residents that spoke in behalf of that park. Kent Bush said he talked to the property manager of the mobile home park and he was aware of it. Gregg Benson said they had received calls about the rezone. Commissioner Hartvigsen asked if any had voiced concerns. Mr. Benson said some did with comments like we had heard this evening. Commissioner Hartvigsen said he was surprised that no one came to represent that park because it is right in the center of the City and it is surrounded by Commercial. He said he sees its future use as being commercial. He feels it would serve the general community best if it were commercial. Kent Bush said about five years ago the owner of the Shady Grove Mobile Home Park requested to rezone to C-2 and it has had continual use as the mobile home park. The owner felt with the rail stop going in his property value would increase if he ever wanted to sell it. That is what the manager of the Clearfield Mobile Home Park indicated when they visited with him, in the future if the mobile home park were to go, the logical thing would be commercial. A resident in the audience spoke up and said he was from the Clearfield Mobile Home Park. Chairman Jeppesen asked him if he was in attendance during the public hearing. He said he was. Chairman Jeppesen then asked him why he didn't comment. He said his concerns and the concerns of the other residents had already been addressed. He didn't see the point of saying the same comment three or four times. Chairman Jeppesen asked for his name for the record. Mr. Brandon Quinn

Vowles said his opinions were similar to those made and he didn't make any comment for that reason.

Commissioner Carpenter said there is a different demographic from the three we heard a lot of comments on and the Clearfield Mobile Home Park. He felt that because there are mostly rentals in the Clearfield Mobile Home Park, residents haven't invested into the homes. Commissioner Moore asked for clarification from Kent Bush if he said the owner of the Clearfield Mobile Home Park would readily request a change to commercial. Mr. Bush said it wasn't the owner, but the manager on site and he didn't indicate they were ready to make any changes. He said with it being on State Street and surrounded by commercial it would be the logical change if someone come in to buy it.

Adam Lenhard said if you leave the R-M zone in the City code, then he would recommend in addition to the changes already proposed then we need to change the space width to be 35' and the space size to be 3,000 sq. ft. and that should bring all the existing ones into conformance with the mobile home zone. If there is a desire for additional changes regarding future development that would be a separate action.

**Commissioner Hartvigsen moved to recommend to City Council that property at 450 North 1300 West, Clearfield, Davis County, or more particularly parcel numbers 14-065-0106 and 14-065-0091 which is the Sundown Mobile Park remain as a R-M Mobile Home residential zone and the appropriate changes will be made to Title 11, seconded by Commissioner Carpenter. All Voting AYE.**

**Commissioner Peterson moved to recommend to City Council that property at 1370 West 300 North, Clearfield, Davis County, or more particularly parcel number 14-065-0094, the Cambridge Mobile Home Park remain as a R-M Mobile Home residential zone and any necessary changes be addressed in Title 11, seconded by Commissioner Stones. All Voting AYE.**

**Commissioner Carpenter moved to recommend to City Council that property at 75 West 250 North, Clearfield, Davis County or more particularly parcel numbers 12-020-0096 and 12-020-0097, Hidden Glen Mobile Home Park to remain as R-M Mobile Home residential zone and the appropriate changes will be made to Title 11, seconded by Commissioner Moore. All Voting AYE.**

**Commissioner Peterson moved to recommend to City Council that the property at 442 South State Street, Clearfield, Davis County or more particularly parcel number 12-003-0108, Clearfield Mobile Home Park, remain R-M Mobile Home residential and any changes will be addressed in Title 11, seconded by Commissioner Stone. Voting Aye: Commissioners Peterson, Stones, and Moore. Voting Nay: Commissioners Carpenter, Hartvigsen, Jones, and Jeppesen.**

Motion failed

**Commissioner Carpenter moved to recommend to City Council a rezone from R-M, Mobile Home Residential, to C-2, General Commercial, Clearfield Mobile Home Park at approximately 442 South State Street, Clearfield, Davis County or more particularly parcel number 12-003-0108, seconded by Commissioner Hartvigsen. All Voting AYE.**

Brian Brower asked if the Commissioners would state the reasons for voting. He said he understands that this property is unique from the other mobile home properties. Commissioner Carpenter said the surrounding properties include a car dealership and retail directly across the street. From a General Plan perspective it makes more sense to rezone to commercial. Chairman Jeppesen said that ownership vs. rental is a big difference. Commissioner Hartvigsen said that the general idea of this area is commercial development and he sees it as a better use of the land. The low response we had tonight and the concept that most of those properties are rented rather than owned were some reasons for his vote. Commissioner Jones said the owner has no desire to change it now, but feels it will change in the future depending on where it stands and the owner feels that will be the change and based on its surroundings it should be commercial.

#### TITLE 11, CHAPTERS 1 THROUGH 18 AND TABLES 11.1 AND 11.2 ORDINANCE AMENDMENTS

Chairman Jeppesen declared the public hearing open at 9:47 P. M.

Adam Lenhard said there are approximately 175 pages of new and amended ordinances. He said the process to amend the entire Title 11 zone started two years ago. There is a new zone being proposed, the A-2, Agricultural Zone. At this time there are no properties to be re-zoned to A-2. He said there were two versions of the R-M, Mobile Home zone that were given to the Commissioners. One version would repeal the Mobile Home zone and one amends it. In light of the actions just taken, he would recommend you amend the R-M zone which would bring many of the properties into conformance. There is another new zone, R-3R and Chapter 18, Design Standards is a new chapter.

Mr. Lenhard referred to table 11.1 and said some changes had been made. First change is underneath the line for "Land use ordinance or map amendment" we will add an application type for a subdivision ordinance or amendment and the changes made are consistent with state statute. The word "subdivision" is added to preliminary, final plat, and amendment of approved plat to clarify that term. On the appeals for a variance and a preliminary plat amendment, the first appeal will be to the City Council or the Planning Commission for a variance and then both go to district court.

There are changes recommended to 11-1-12 (D) will be reworded "That the appeal authority shall schedule a hearing for the appeal at a public hearing" because a Public Hearing is not required.

11-13-25 – supplementary regulations – this is added in case the mobile home park zone was repealed and so it is recommended that this section not be included. This will cause the paragraphs following to be renumbered.

11-13-26 (J) – Mr. Lenhard asked to amend the recommendation so that in chapter 15 no signs are allowed on bus benches or shelters.

To clarify some information you have received on the sign ordinance the recommendation is to keep the pole sign standards the same as they are now, no signs on bus benches or shelters and no new bill boards.

In your recommendation please make it subject to the changes that have been presented to you. In the draft there is a summary of all the Title 11 changes as well as tables, but they are not a part of the ordinance they were just provided for your convenience in getting through the ordinance.

**PUBLIC COMMENT:**

Steve Cook, asked if a person sells their mobile home would the buyer be able to put another mobile home on that lot because it won't meet the standards. He was told they can't sell the lots. Gregg Benson told him all the property in the mobile home parks are not subdivided and cannot be sold. He thought the size of the lots for the mobile homes would have to change. He was told they were grandfathered. He was told that the use doesn't change. Adam Lenhard said mobile homes can be moved in and out because the entire mobile home park is a legal nonconforming use. Mr. Cook said that it is not fair to those in the Clearfield Mobile Home Park because no one was here to speak for their area. Chairman Jeppesen said he would hope the gentleman from the Clearfield Mobile Home Park would come to the City Council meeting and voice his concerns.

*Ernie Higham, Clearfield* – said his question was answered when Adam Lenhard presented the changes.

**Commissioner Carpenter moved to close the Public Hearing at 10:04 P.M., seconded by Commissioner Moore. All Voting AYE.**

Commissioner Carpenter referred to the A-2 zone, 11-8A-11, other A-1B said there is a typo on the acreage, and it should be 1/3. And then he added he doesn't like the A-2 zone.

**Commissioner Hartvigsen moved to recommend to City Council the changes that have been proposed to Title 11, Chapters 1 through 18 including tables 11.1 and 11.2, ordinance amendments to include the information that has been presented tonight with the exception of not repealing the Mobile Home Residential zone and fix any changes in Title 11 that are necessary because we are keeping the Mobile Home Residential zone. Including the Mobile Home Residential zone that was presented and including the typo correction in the A-2**

**zone, seconded by Commissioner Peterson. Voting AYE: Commissioners Hartvigsen, Moore, Peterson, Stones and Jones. Voting NAY: Commissioner Carpenter.**

Commissioner Carpenter stated his reason for voting Nay is because he doesn't like the A-2 zone, he feels we are encouraging the illegal use of land. He feels we are changing our code so they can be in conformance.

#### STAFF REPORTS

Kent Bush asked the Commissioners that will be going to the ULCT next week to meet after the meeting to talk about carpooling to Salt Lake City.

Gregg Benson asked what the Commissioners would like to do to get their books up to date. He said after the City Council has approved the changes he will have them turn in the books and he will put in the new ordinances. Some Commissioners said they would also like to have a digital copy.

Adam Lenhard said thank your feedback and work on Title 11. He thanked them for the service they provide.

#### PLANNING COMMISSIONER'S MINUTE

Commissioner Jeppesen – gave thanks to staff for the work on Title 11, and to Brian Brower for keeping them on the straight and narrow. He said he appreciated the professionalism shown this evening.

Commissioner Hartvigsen – thanked Commissioner Jeppesen as his role as chair. He was glad we vote our conscience.

Commissioner Moore – thanked staff for all they have done and it good to see all the people that came out tonight. It would make our job easier if more people would show up at the public meetings so we could see what the public wanted.

Commissioner Carpenter – Nothing

Commissioner Peterson – echoes commends to staff for their work.

Commissioner Stones – thanks to everybody and glad Title 11 is done.

Commissioner Jones – Nothing

Councilmember Sprague – appreciates the Planning Commission because they take a lot of abuse that the City Council doesn't get. He said he would give them a B+. He wouldn't have allowed some of those comments at the end.

There being no further business to come before the Planning Commission, **Commissioner Carpenter moved to adjourn at 10:16 P.M.**