

CLEARFIELD PLANNING COMMISSION MEETING

February 17, 2010

7:00 P.M. - Regular Session

PRESIDING:	Kenneth Jeppesen	Chairman
PRESENT:	Nike Peterson	Commissioner
	Matt Stones	Commissioner
	Ron Jones	Commissioner
	Jeff Hogg	Alternate Commissioner
	Kathryn Murray	Council Liaison
EXCUSED:	Bill Moore	Commissioner
	Matt Hartvigsen	Commissioner
	Randy Butcher	Alternate Commissioner
	Doyle Sprague	Council Liaison
UNEXCUSED:	Darren Carpenter	Commissioner
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:	Mike Schultz	

Pledge of Allegiance was led by Commissioner Jeppesen.

APPROVAL OF MINUTES FROM NOVEMBER 4, 2009 PLANNING COMMISSION MEETING

The minutes of November 4, 2009 were approved on February 3, 2010. Since that time there were additional changes made and they are being presented again for approval. Councilmember Murray commented the wording in the last sentence of paragraph 4 on page 3 needs to be changed. After some discussion it was determined to change the sentence to read: "The definition states what a family is regardless of the type of dwelling."

Commissioner Hogg moved accept the modified minutes from the Planning Commission Meeting of November 4, 2009 with the additional change as noted on page 3 paragraph 4, seconded by Commissioner Stones. Voting AYE Commissioners Stones, Jeppesen, Hogg, and Jones. Commissioner Peterson was not present for the vote.

AMENDED DEVELOPMENT AGREEMENT FOR TANNER HERITAGE ESTATES

Adam Lenhard said the Tanner Heritage Development Agreement was approved by the City in 2007. The subdivision was taken over by Wells Fargo Bank. Mike Schultz with Castle Creek Homes has the remaining lots under contract with Wells Fargo. If they can get the amended development agreement approved, then their intention will be to purchase the property and begin building homes. Mr. Lenhard stated that an updated development agreement was sent to the Planning Commission members that day. In that copy the remaining changes that would need discussion were noted in underlined or strike-through format.

Commissioner Hogg asked what the parameters are in which he would recuse himself from being included in this discussion. Chairman Jeppesen said it is his opinion that if a commissioner felt there is something the group should know, and then the Planning Commission can discuss it. He continued that sometimes a commissioner can just announce that he or she has a perceived interest or consider him close to the situation. And from there a commissioner can recuse himself if he wants. Adam Lenhard said the only requirement is that if a commissioner has a conflict it needs to be disclosed, and whether or not the commissioner recuses himself is up to that person. The law requires disclosure of any issue. Commissioner Hogg said he purchased a home from Castle Creek builders in 2007 in Autumn Ridge Estates. He said he has had an unsatisfactory experience with the company. He has made repeated attempts at rectifying his situation with no favorable or equitable outcome. Commissioner Hogg said he didn't know if that was grounds for him to recuse himself, but he just wanted to make that clear right from the beginning. Chairman Jeppesen said, not to put him on the spot, but if Commissioner Hogg was going to recuse himself he needed to let the Planning Commission know, because then the Planning Commission technically didn't have a quorum. Commissioner Hogg said that is why he brought it up. He didn't know if that was grounds for recusing himself or not. It has been several years and it is not that he has a negative feeling, but he was unhappy with the outcome. Councilmember Murray said the question is can you be unbiased. Commissioner Hogg said he felt that he could. Chairman Jeppesen said if he feels he can be unbiased then he doesn't see it as a problem. Commissioner Hogg said he will make every attempt to be unbiased.

Adam Lenhard said the first item to discuss is in regards to reimbursement to the City for expenses incurred to finish Jacobsen Park. The park was already there and serving the neighborhood to the north. The original developer started work on the park and tore it apart but it was never completed. The residents in that area went from having a park to having nothing. So the City incurred costs to finish the park. It has been the position of the City that no additional building permits will be issued until reimbursement for the park has been made. The developer proposed a repayment schedule. They would be allowed to pick up seven building permits. Before the eighth permit is picked up 50% of the total cost (\$94,300) will be paid to the City. The remaining 50% will be paid before the twelfth building permit is issued. However, in no case, would we go beyond one year from the date of the executed agreement, regardless of the number of permits that have been issued, before the City would need to be reimbursed 100% of the costs.

Mr. Lenhard said there are subdivision improvements that have not been completed; sidewalks are not in and there are drainage issues that need to be resolved. The risk to the City is additional families in the subdivision and the City has not recovered any of its costs. He said the City wants Tanner Heritage to be built. With the payment schedule they are trying to balance the risk to the City and allow the home builder to get some momentum going and then be able to make the payments. Staff feels comfortable with the reimbursement schedule, but also wanted the Planning Commission to see the risks.

Mike Schultz with Castle Creek Homes addressed Mr. Hogg and apologized that he had an unfavorable experience and asked him to give him a call. He said where it has been four years or so he doesn't know if he can rectify the situation but he would like to hear his concerns.

Chairman Jeppesen asked how many lots were left. Mr. Schultz said there are 55 lots left to be built on. Chairman Jeppesen asked how many they planned to do right away. Mr. Schultz there would be 48 permits after the first seven are issued. He said they feel confident the building permits will come first. They have already had three or four reservations in the subdivision. Commissioner Hogg asked how many lots were in the subdivision. Mr. Schultz said there are 59 total lots with four having existing homes. Commissioner Hogg asked if after the payment to the City for the park, would the City own the park or will it be maintained by an HOA. Adam Lenhard said it was always intended for it to be a City park.

Adam Lenhard explained there are some improvements that are already complete. The City Engineer is preparing a very detailed punch list of the remaining improvements that will have to be done before the City will accept the public improvements. The proposal is the completed improvements will not have a warranty or an escrow except those items that are found to be deficient by the City Engineer. The items on the punch list will move into the not complete category. The improvements have been there for almost two years and it is normal to have a one year warranty. The Public Works Department feels that even though the utilities and streets have not had the full impact of the traffic 59 families would put on the road; deficiencies would have already appeared or will show up in the inspection. The applicant will be required to have a 110% escrow of the value of the improvements and a standard one year warranty.

Commissioner Stones asked if there were any provisions for damage to the streets from the construction. Adam Lenhard said they will need to escrow for a slurry seal on the streets and all repairs will be made prior to the application of the slurry seal. Commissioner Hogg asked about the current condition of the roads. Adam Lenhard said they are in good condition. Commissioner Stones said he drives the road frequently and there is one spot where the road ties into the Syracuse City road, where there is a bigger ridge. Commissioner Hogg asked if the Syracuse side was higher or lower. Commissioner Stones said there is a slope from the Clearfield side to the Syracuse side.

Adam Lenhard said in the previous development agreement the front yard setbacks were staggered. The developer has requested to have the front setback changed to 25' which is consistent with other subdivisions. They have requested side yards be changed to allow some flexibility to put the home on the lot where the homeowner wants.

Mr. Lenhard said the developer would like to change the requirement for wainscot on the sides of the house on a corner lot facing the street. Mike Schultz said they would like to take the money and put stucco on both sides or if the homeowner chooses they can put the wainscot on both sides. Chairman Jeppesen said he wants it to be consistent with the new ordinance just passed. Gregg Benson read the permitted exterior finishes from the new R-1 Open zone ordinance.

Commissioner Peterson arrived at 7:30 p.m.

Mike Schultz said people perceive a home to have a higher value with stucco on three sides. He feels it looks better to have stucco on both sides. Commissioner Peterson said she likes a more uniform look all around. Commissioner Hogg stated he felt that uniformity is important. After some discussion it was determined to have the development agreement read that side elevations shall be one or more of the following materials: brick, rock, stone, or stucco.

Adam Lenhard spoke about the Homeowners Association (HOA) and the challenges associated with an HOA. He said there is no reason to have an HOA in this subdivision except for the maintenance of parcel A. The original plan for parcel A was to have a walkway to the west connecting to a walkway in Syracuse giving access to a church. Mr. Lenhard said it was suggested that the subdivision plat be amended to make parcel A part of lot 1. An easement could be provided for the walkway or the walkway could be deleted. Mike Schultz said there is an existing right-of-way on the Syracuse side but there is not a walkway. He said it would work best for them to abandon the easement. Kent Bush said there is a ten foot wide utility easement that needs to remain, but the walkway doesn't. He said the plat wouldn't need to be amended; parcel A could be sold with lot 1. Amending the plat is an involved process. The property line could stay there and the owner could have the line deleted at the county if they own both pieces. Adam Lenhard said parcel A needs to be addressed in the Development Agreement in paragraph H to transfer parcel A to the developer and then have the developer handle the transfer with the sale of lot 1. Mr. Lenhard said he would have Brian Brower, City Attorney, draft the changes to the agreement.

Commissioner Stones asked about the drainage on lots 35 through 39 and 56 and 57, and wanted to know what type of improvements will be required at this point. Adam Lenhard said the City is waiting for the final recommendation from the City Engineer who is aware of the problem and is trying to find a solution. Commissioner Stones said he knew there had been quite a bit of standing water in that area. Adam Lenhard said the original developer did not build the subdivision "to plan" which created some of the drainage problems. Commissioner Stones asked if they were providing any landscaping to the homeowners. Mike Schultz said landscaping will be up to the homeowner.

Commissioner Stones moved to recommend approval to the City Council of this amended development agreement with the following conditions, that the elevations on the homes on corner lots will have one or more of the following of the building materials listed in title 11: brick, rock, stone, and stucco and also that the developer will assume ownership of parcel A and in conjunction with lot 1 to be sold together as a single ownership, and it will be disclosed prior to the time of sale that parcel A is sold in conjunction with lot 1, seconded by Commissioner Peterson. All Voting AYE.

STAFF REPORTS

Kent Bush told the Commissioners that the meeting on March 3, 2010 will have 3 public hearings. He said there will be a training session presented by Utah Local Governments Trust and the Utah League of Cities and Towns at Midvale City, February 24th. It will cost you \$10 for the materials. The Commissioners requested a copy of the information be emailed to them. Mr. Bush said he would email the information. Mr. Bush said there will be an open house on the West Davis Corridor from 4:30 p.m. to 8:00 p.m. at Syracuse High on Tuesday the 23rd, at the Legacy Events Center at the fairgrounds in Farmington on Wednesday the 24th, and at West Weber Elementary School on Thursday the 25th. He stated the West Davis Corridor will not touch any part of Clearfield City.

PLANNING COMMISSIONER'S MINUTE

Commissioner Jeppesen – Nothing

Commissioner Peterson – Nothing

Commissioner Stones – Nothing

Commissioner Jones – Nothing

Commissioner Hogg – asked to be excused from the annual goal setting meeting.

Councilmember Murray – Nothing

The Planning Commission adjourned to the Executive Conference room at 7:53 p.m. for the annual work meeting.

ANNUAL POLICY AND GOAL SETTING MEETING

Kent Bush gave the Commissioners a copy of the year end reports for 2009. Commissioner Jeppesen encouraged the Commissioners to read the reports.

Commissioner Jeppesen asked Kent Bush to review the Guidelines for the Planning Commission. He mentioned there are some changes that need to be made. The changes requested at the meeting February 4, 2009, have been made.

The following changes were discussed:

- Page 1
 - Article 1 A: change biannually to *biennially*. Correct the second sentence to read “the term will *be* for ...”
 - Article 1 B 7 – “all acts, orders, ...”
 - Article 1 B 11 – “break a tie-vote, *or if his vote is needed to have a quorum.*”
- Page 2
 - Article 1 B 12 –revise the wording so it states, “*It is recommended that the Chair attend...*”
 - Article 1 C – “...where both *the* Chairperson..”
 - Add Article 1 C Vice Chairperson. The duties of the vice chairperson are the duties of the chair in the absence of the chairperson.
 - This will cause the subsequent paragraphs to be renumbered.
- Page 3
 - Article 3 B 4 – “*Discussion Items and Other Business*”
 - Article 3 G - *Training meetings.*
 - Kent Bush questioned the use of “Noticed official meeting” does it just need to say “official.” Chairman Jeppesen told Mr. Bush to talk to Brian Brower about the wording. He wanted to emphasize the underlined portion of Article 3 E Public Hearings. He said the Planning Commission may not appear to vote during the public hearing. It must be unbiased discussion be careful not to approach decision making during the public hearing.
 - Article 4 A – Kent Bush said the only time you can put conditions with a motion is if it is a Conditional Use Permit. The last sentence was changed to read “...findings, *conditions as applicable*, denial...”
- Page 4
 - Article 4 H – There was discussion if the last sentence about reconsidering a motion should be removed. Kent Bush will talk to Brian Brower. Adam Lenhard said it would need to be a very insignificant change. If it was significant change then it would need to be presented again at another Planning Commission Meeting.

- Page 5
Article 5 A – Majority required. There was discussion on how many appointed Planning Commission members there are. Are the alternate members considered in the count of “appointed” members? If regular members are counted then four (4) are required for a quorum. If alternate members are included it would require five (5) members present for a quorum.
The voting body shall include a minimum of four (4), but no more than seven (7). If only four (4) are present, the voting must be unanimous in order for the motion to carry.
Article 6 C – Filing Deadline. “Certified requests” have not been defined and it was determined to change the wording to applications. “*Applications* must be...” “*Applications* shall be” There was some discussion about the deadlines and that sometimes applications may be received and processed in less than the required three weeks. The statement “At the discretion of the Planning and Zoning Administrator applications submitted less than three weeks may be considered.” will be added.
Article 7 C – “elect officers for the coming year *as necessary.*”
- Page 6,
Article 8 B 2 – Change the sentence to read “A Planning Commissioner...from the council *podium* during...”
Article 8 C – Commissioner Removal. It was determined to remove the entire paragraph.

Chairman Jeppesen reviewed the changes that were requested from last year. He said an excused absence of any Planning Commissioner should be made vocally at the beginning of the meeting by the Chairman so it is on record.

Commissioner Peterson said she wished she would have had the guidelines when she was a new commissioner. Chairman Jeppesen asked to have a copy of the revised guidelines given with the next agenda.

Kent Bush said they have some training materials. Chairman Jeppesen requested Mr. Bush and Mr. Benson to schedule a one hour training session the next time there is no meeting or a short meeting. Chairman Jeppesen asked if the guidelines need to be approved in a formal meeting. It was determined to put the guidelines on as an agenda item when all changes have been made.

Commissioner Peterson said Vision 2020 has just been completed. Adam Lenhard said the Vision 2020 document needs to be reviewed and studied by the Planning Commissioners. The Planning Commission will be making changes to the General Plan that will match up to the zoning changes we made to the ordinance. Staff would like Vision 2020 to be considered as the Planning Commission and City Council review the General Plan.

There being no further business to come before the Planning Commission, **Commissioner Peterson moved to adjourn at 8:45 P.M.**