Pledge of Allegiance was led by Chair Peterson.

APPROVAL OF AGENDA

Chair Peterson said the minutes for the August 17, 2011 meeting were not ready for approval and the election of the vice-chair would be removed and addressed at a later meeting. Commissioner Gaerte moved to approve the agenda with changes as noted. Seconded by Commissioner Butcher. The motion carried upon the following vote. Voting AYE – Commissioners Butcher, Gaerte, Stanger, Brooks, Brown and Baron. Voting NO – None.

APPROVAL OF MINUTES FROM JUNE 15, 2011 PLANNING COMMISSION MEETING

Commissioner Stanger moved to approve the minutes of June 15, 2011 as written. Seconded by Commissioner Gaerte. The motion carried upon the following vote. Voting AYE – Commissioners Butcher, Gaerte, Stanger, Brooks, Brown and Baron. Voting NO – None.

APPROVAL OF MINUTES FROM AUGUST 17, 2011 PLANNING COMMISSION MEETING

Removed from the agenda

ELECTION OF VICE-CHAIR
Removed from the agenda

PUBLIC HEARING, ZTA 1109-0010, FOR AMENDMENT TO THE CLEARFIELD CITY LAND USE ORDINANCE TITLE 11, CHAPTER 3 AND CHAPTER 13

Chair Peterson declared the Public Hearing open at 7:09 P.M.

PUBLIC COMMENT

Kathryn Murray said it was a good move for Clearfield City to restrict the number of payday lending institutions due to the low to moderate income population.

Commissioner Butcher moved to continue the public hearing Wednesday, December 7, 2011 at 7:00 p.m. Seconded by Commissioner Gaerte. The motion carried upon the following vote. Voting AYE – Commissioners Butcher, Gaerte, Stanger, Brooks, Brown and Baron. Voting NO – None.

Valerie Claussen, Acting Community Development Director, stated there were two texts amendments proposed. The proposed change in Text A was distance requirement between payday lenders. The Text B version was distance plus a per capita limit. Text B also required the business to renew its license or lose non-conforming status. The provision to relocate was also included. Changes were also made to the definitions. Ms. Claussen said there was a list of the existing businesses and their addresses. She said the discussion states how the master plan goals were met, how the master plan was tied to “Vision 2020”, and how the economic component was tied to the decisions. There was also additional research and information referencing the City’s 2010 Community Development Block Grant (CDBG) Analysis of Impediments that indicated the City’s demographics. Ms. Claussen said there was general information on how other cities were regulating similar businesses. She said staff included additional findings due to the nature of the request. Ms. Claussen encouraged the commissioners to include any other findings and thoughts.

Chair Peterson said during a previous meeting discussion the regulation between distance and per capita was indecisive. Commissioner Stanger commented to Brian Brower that he noticed in the examples shown across the United States, Utah was one of a few states that regulated by density. Mr. Brower said the City would be safer if the regulation was only with distance rather than per capita. He said there had been studies that concluded that payday lenders were predatory to low income individuals. Legally it was more difficult for a city to defend a per capita regulation. Mr. Brower said with both regulations there was greater weight two different types of regulations would be defended. Mr. Brower said there were positives and negatives for both. He said he and Ms. Claussen had discussion with a land use attorney who agreed with their logic.

Commissioner Stanger asked if the spacing between residential or schools and the hours of operation would be regulated. Mr. Brower expressed concern if the city were going to single out a particular type of business to regulate differently from others, it needed to show reasons for doing
so. He said the Planning Commission needed to show why the city wanted to avoid clustering and an overabundance of the payday lending establishments in the community overall. Mr. Brower said he had a difficult time stating why these establishments should be kept away from churches or schools.

Chair Peterson said the Planning Commission needed to decide with the per capita and distance regulations, what was detrimental to residents and attracting new businesses. Commissioner Butcher asked if a cap could be placed on the interest rate. He said with the military base in the area many non-commissioned officers had problems with finances, which showed this was a reason for a cap. Ms. Claussen said land use authority had no involvement in the interest rate and that would be a decision for the City Council. Brian Brower said the Planning Commission should detail why the regulation was in the best interest of Clearfield City and its residents, whether the reason was the military or the clustering effect should be part of the discussion on the record in addition to the findings that were detailed.

Commissioner Butcher said he chose option B, which included per capita. Commissioner Stanger said he chose B and would like to add 500 feet from a residence. Brian Brower said the Commission should look at why a payday lender would not be allowed within 500 feet but another commercial use would be allowed. Chair Peterson asked what was the direct negative effect to the residents. Commissioner Butcher said the predatory effect. Chair Peterson said if the payday lending establishment was in close proximity the resident could walk. She said it would negatively impact the tax revenue paid by local businesses because the residents were paying interest that could be spent on goods. Commissioner Stanger said the value and desirability of a home increased or decreased because of proximity to commercial or residential property and people were concerned that with certain types of businesses, crime rate increased. Chair Peterson said that a goal of Vision 2020 was attracting new retail development. Commissioner Butcher said he heard several comments from residents that Clearfield City could only attract tattoo parlors, car lots and payday lending institutions. Chair Peterson said comments that were returned with the Vision 2020 survey stated the citizens wanted to see higher end retail and restaurants.

Commissioner Butcher asked why the proposed ordinance stated “1 establishment for every 5,000 residents” when some surrounding cities were one for every 10,000 residents. Ms. Claussen said the lower number was strategic and more conservative. She said there were currently seven payday lending establishments with an active business license. Chair Peterson stated if the ordinance stated every 5,000, there were already more than the ordinance would allow. Mr. Brower said the legal businesses would have legal non-conforming use status. Ms. Claussen listed the cities that allowed one per 10,000 and noted that South Salt Lake had one per 5,000. Mr. Brower stated South Salt Lake was comparable to Clearfield. Commissioner Brooks asked if it were possible to go with one per 10,000 even though the city exceeded that number because the precedence had been set with one in 10,000 with the other non-conforming cities. Mr. Brower said less restriction on a per capita basis made the city’s position more defensible.

Commissioner Gaerte asked if the two payday lending establishments not registered with the city would be considered legal nonconforming. Ms Claussen said one business was closed and
research had not been done on the other business. Mr. Brower said a business not renewing its license does not negate its legal non-conforming status. If the use were discontinued it would be considered abandoned after a specified period of time. Commissioner Gaerte said he worked in the court system and knew payday lending establishments have an effect in the court system. Some courts had to expand personnel and time to accommodate the number of court cases from payday lenders.

Chair Peterson asked them to review the issue in the next month and in December the decision could be made. Commissioners Butcher and Stanger wanted to have the distance from schools and residential areas added. Commissioner Butcher wanted to have the ordinance at one per 10,000 not the one per 5,000. When Chair Peterson asked the commissioners which they would prefer the one in 5,000 or 10,000 it was a split decision. There would be further discussion of the ordinance at the December 7, 2011 meeting.

**DISCUSSION ON MODIFICATIONS TO THE CLEARFIELD CITY PLANNING COMMISSION RULES AND REGULATIONS**

Valerie Claussen gave the commissioners proposed changes to the Clearfield City Planning Commission Rules and Regulations. She said in order to prepare next year’s meeting schedule a change needed to be made to the rules and regulations. Page 4, Article 3C the proposal was, “Planning Commission will be held once a month, typically the first Wednesday of each month or at the request of the Chair when necessary and after properly noticed.” This change gave an applicant the option to hold a special meeting if needed. The next proposed change was to delete Article 3B Order of Business and replace it with Agenda Setting. The last proposed change was to Article 6C. The new wording was, “Items Scheduled. Upon Complete submittal and full review, the request(s) will be scheduled for the next available Planning Commission Meeting, after assuring required public notification had been completed.”

Commissioner Butcher asked if taking out the order of business would affect the applicants. Ms. Claussen stated the agenda was posted as required. Some items were more straight forward and didn’t require much discussion when others required lengthy discussion. Ms. Claussen said it doesn’t change the procedure for the Planning Commission meetings.

**Commissioner Stanger moved to approve the proposed changes to the Clearfield City Planning Commission Rules and Regulations, Article 3B, Article 3C and Article 6C. Seconded by Commissioner Brooks. The motion carried upon the following vote. Voting AYE – Commissioners Butcher, Gaerte, Stanger, Brooks, Brown and Baron. Voting NO – None.**

**DISCUSSION ON POSSIBLE TEXT AMENDMENT FOR TATTOO AND BODY-PIERCING ESTABLISHMENTS**

Valerie Claussen said the use of tattoo and body-piercing establishments was not established in any zoning district. She said there was a need to have it established and staff recommended it be
allowed in the M-1 zone. Commissioner Stanger asked if a certain business were being singled out and not allowed in a commercial zone, but only in a manufacturing zone how was that perceived. Brian Brower said zoning decisions were relative to what zones allowed particular types of uses in are given wide latitude. He said the Planning Commission might want to articulate some additional justification. Ms. Claussen said questions might be asked it was zoned out. She asked if the tattoo parlor should be a permitted use or a conditional use. Kathryn Murray mentioned permanent cosmetics were a form of tattooing. Commissioner Gaerte asked if a salon that performed cosmetic tattoos would be required to be in the manufacturing zone. Ms. Claussen said the definition stated “any business that is engaged primarily in the practice of physical body adornment…” Commissioner Gaerte asked what percentage would be considered primarily. Staff would review and clarify the percentage. Commissioner Brooks asked what the concern was with tattoo or piercing businesses in the community. Commissioner Stanger said many people go there to hang out and it becomes a loitering issue and cleanliness for the city. Chair Peterson stated with the Vision 2020 issue this was not a use that would be excluded, but it was to look at what was already in the City and ask if it were adequate to meet the needs of the residents. She said if the City were trying to push redevelopment in the downtown corridor, it would be difficult to get another business next to a payday lending or tattoo parlor. Chair Peterson said it was not so much don’t come here, but more of a balanced profile.

STAFF REPORTS

Valerie Claussen said with the meeting schedule change to once a month, the first Wednesday, in July would be on the 4th. It was determined the meeting would be scheduled for the second week in July. She said at the next meeting the agenda would include the review of 2011, goal setting and elections for the following year.

Update on projects in the city:

- Burrito Grande - the project is close to completion.
- Tyton Center - good progress is being made, but a completion date was not available.
- Maverik - the parking lot was put in, the ramada built and a masonry wall installed.
- Lifetime - project for a pallet shed in Freeport the North Davis Fire District signed off on having three walls.
- 1000 West 700 South intersection would not warrant a signal, but would clear up the landscaping to allow better visibility at the corner.
- Wight House not sure when it would come forward.
- Dawson Homes would come forward soon.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Peterson – Welcomed the three new commissioners. She asked them to introduce themselves.

Commissioner Brooks – said she lived in Clearfield City about 30 years. She would soon retire from federal government employment. She was excited to do what she could to make a difference
Commissioner Brown – said he had been in Clearfield about four years. He was married and had four kids. He wanted to make a difference in Clearfield. He worked in construction and knew the value of planning.

Commissioner Baron – said she was a stay at home mom. She had lived in Clearfield since 1999. She would like to be more involved in the community.

Commissioner Stanger – said he was a transplant from southern California, he did financial planning and real estate. He wanted Clearfield to get more teeth for planning zoning and code enforcement and make some changes.

Councilmember Sprague – appreciated being the Planning Commission Liaison and he has learned a lot from the group.

Chair Peterson – said she had lived in Clearfield for seven years. She was a stay at home mom with six children. She was glad to have the new members on board.

Brian Brower – said he was the City Attorney and a former Clearfield resident. He liked the community and working for Clearfield City.

Commissioner Gaerte – said he had been in Clearfield for about seven years. He was glad to be part of the Planning Commission.

Commissioner Butcher – said he had been a Clearfield City resident since 1984. He had been on the Planning Commission for a few years. He was a systems engineer at Hill Air Force Base and would retire in 35 work days. He appreciated all the effort and work that went into putting the package together.

There being no further business to come before the Planning Commission, **Commissioner Baron moved to adjourn at 8:36 P.M.**