The Pledge of Allegiance was led by Chair Roper.

APPROVAL OF MINUTES FROM FEBRUARY 3, 2016 PLANNING COMMISSION MEETING

Commissioner Mabey moved to approve the minutes of the February 3, 2016 Planning Commission meeting as written. Seconded by Commissioner Jones. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Murray and Browning. Voting NO: None.

PUBLIC HEARING FOR PSP 1601-0001, A REQUEST BY HEATHER OVIATT, ON BEHALF OF TOM STUART CONSTRUCTION, FOR A 3-LOT SUBDIVISION TO BE KNOWN AS THE TAI PAN SUBDIVISION. THE SITE IS LOCATED AT APPROXIMATELY 1400 EAST 700 SOUTH (TIN: 09-020-0035). THE PROPERTY IS IN THE C-2 (COMMERCIAL) ZONING DISTRICT, AND IS APPROXIMATELY 8.847 ACRES

Chair Roper declared the public hearing open at 7:02 p.m. and asked for public comment.

There were no public comments.
Commissioner Murray moved to close the public hearing at 7:03 p.m. Seconded by Commissioner Mabey. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Murray, and Browning. Voting NO: None.

Commissioner Britton entered at 7:05 p.m.

DISCUSSION ON SP 1511-0008, A REQUEST FOR SITE PLAN APPROVAL FOR A LIQUID NITROGEN PROCESSING FACILITY LOCATED TO THE NORTH OF THE EXISTING BUILDING AT 1051 SOUTH INDUSTRIAL PARKWAY (TIN: 12-066-0026). THE PROPERTY IS LOCATED IN THE M-1 (MANUFACTURING ZONE) ZONING DISTRICT AND IS APPROXIMATELY 33.70 ACRES

Spencer Brimley said in 2010 site plan approval was given for ATK at 1051 South Industrial Parkway which allowed less than the required ten percent landscaping. He said the proposed new site plan landscape percentage was not at ten percent but the percentage would increase and included the addition of landscape islands and trees on the north and east side of the property for an additional buffer for adjacent properties. Mr. Brimley said new tanks would be housed on a 7,800 square foot concrete pad. He said an eight foot ornamental fence would be installed around the area.

Mr. Brimley stated the building had 600,000 square feet of warehouse and manufacturing space and 15,000 square feet of office space. He said the proposal included 20.7 percent landscape and open space and the improvements provided 3.3 percent landscape. He said the number of trees and shrubs would be provided prior to the facility receiving final approval for operation. Mr. Brimley said the proposed new site plan provided a total of 380 parking stalls and eight ADA stalls. He said the parking area would be consistent with City Code § 11-14-5 which included but was not limited to landscape islands, trees, shrubs and appropriate surfacing and drainage for the parking area.

Mr. Brimley said the silos were ten feet in diameter and varied from 40 feet to 52 feet in height. He said because the property was surrounded by M-1 zoned properties, City Code § 11-13-11 allowed for an exception to the height requirement. Mr. Brimley said the only new structure, other than the silos, on the site would house the compressor for the facility. He said staff recommended approval as conditioned and reviewed the conditions of approval.

Warren Brown, Orbital ATK, said an ornamental grey or white fence was planned to be erected around the area. Commissioner Murray asked what the purpose of the eight foot fence was with silos that are at least 40 feet tall. Mr. Brown stated the fence was for security reasons. He said the site was unmanned and monitored by electronics. He said it was critical to the operation for the facility to run all the time. Commissioner Murray said an eight foot fence would not stop someone from climbing over. Mr. Brown said there were cameras monitored by security personnel.

Mr. Brimley said trucks would deliver product once a month. Mr. Brown said the liquid nitrogen would come once a month compared to the current delivery of twice a day.
Commissioner Mabey commented that the landscaping helped provide a buffer. Mr. Brown said the purpose was to reduce sight from railroad tracks. Mr. Brimley said there was a grade change to be considered from property to the east. Commissioner Murray said one reason that the ten percent landscaping was not required was because the area was isolated and ten percent landscaping would have created a park.

APPROVAL OF SP 1511-0008, A REQUEST FOR SITE PLAN APPROVAL FOR A LIQUID NITROGEN PROCESSING FACILITY LOCATED TO THE NORTH OF THE EXISTING BUILDING AT 1051 SOUTH INDUSTRIAL PARKWAY (TIN: 12-066-0026). THE PROPERTY IS LOCATED IN THE M-1 (MANUFACTURING ZONE) ZONING DISTRICT AND IS APPROXIMATELY 33.70 ACRES

Commissioner Jones moved to approve SP 1511-0008, a proposal for a liquid nitrogen processing facility located to the north of the existing building at 1051 South Industrial Parkway, based on the findings and discussions in the Staff Report with the following conditions:

1) The Construction Documents submitted for building permits shall be in substantial conformance with the documents submitted in this Site Plan approval, SP 1511-0008, and shall adequately address the comments of all reviewers (e.g. Planning, the City Engineer, Public Works, North Davis Fire District, etc.) to their satisfaction.

2) Site shall be developed in compliance with all submitted and approved site, landscaping and related plans.

3) Parking area shall be developed in accordance with Section 11-14-5 of the City Code including:
   a. Surfacing:
      i. Parking areas shall be properly surfaced with concrete, asphalt, or masonry pavers, maintained in good condition, and kept free of weeds, dust, trash, and debris.
   b. Grading:
      i. Parking lots shall be graded for proper drainage
   c. Landscaping:
      i. Parking lot landscaping to be completed as outlined in Section 11-14-5(F) of the City Code.

4) That permitting the new facility is designed and is consistent with the purpose of Chapter 18 of Title 11 of the City Code; that it will not adversely affect neighboring property owners or residents; and that it offers a consistent and compatible design as additions to an existing building.

Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Murray, Browning and Britton. Voting NO: None.
DISCUSSION ON PSP 1601-0001, A REQUEST BY HEATHER OVIATT, ON BEHALF OF TOM STUART CONSTRUCTION, FOR A 3-LOT SUBDIVISION TO BE KNOWN AS THE TAI PAN SUBDIVISION. THE SITE IS LOCATED AT APPROXIMATELY 1400 EAST 700 SOUTH (TIN: 09-020-0035). THE PROPERTY IS IN THE C-2 (COMMERCIAL) ZONING DISTRICT, AND IS APPROXIMATELY 8.847 ACRES

Spencer Brimley said the subdivision created two new lots. He said the city engineer and public works department had concerns with the storm drain system and the applicant had been asked to provide detailed plans for storm water detention for each lot. He said the approval of the preliminary subdivision plat did not cause undue commitment. Mr. Brimley said staff reviewed the parking and landscaping on the site and confirmed that with the subdivision a non-conforming use would not be created.

Mr. Brimley said the two proposed lots were on the north end of the property. He said parking would remain around the facility and some parking islands would be removed. Mr. Brimley said the City had sewer and water lines along 700 South (SR 193) and the public works department was concerned with the loss of access to the City utilities with the creation of the subdivision. He said storm water needed to be retained more on site.

Commissioner Murray asked if the issues were not resolved would the approval be void. Mr. Brimley said if the Planning Commission approved the preliminary subdivision plat then staff would work with the applicant for resolution of the issues. If there was no resolution then the preliminary approval would remain and would not proceed to final subdivision approval. For clarification Mr. Brimley said the Planning Commission would approve as conditioned the preliminary subdivision plat.

Mr. Brimley said the access to the property remained and access to the new lots would be created. He said the Planning Commission didn’t consider the technical aspects of the preliminary subdivision plat; the Planning Commission reviewed the design and configuration of the site and determined if it met City ordinance. Mr. Brimley said staff recommended approval because it complied with the regulatory aspects of the ordinance. He said the technical aspects were included in the conditions of approval.

Heather Oviatt, with Tom Stuart Construction, said they were looking for future possibilities with the lot. Commissioner Browning asked why there was a space between lot number two and the well house. Ms. Oviatt said the lot size was standard for a fast food restaurant pad.

APPROVAL PSP 1601-0001, A REQUEST BY HEATHER OVIATT, ON BEHALF OF TOM STUART CONSTRUCTION, FOR A 3-LOT SUBDIVISION TO BE KNOWN AS THE TAI PAN SUBDIVISION. THE SITE IS LOCATED AT APPROXIMATELY 1400 EAST 700 SOUTH (TIN: 09-020-0035). THE PROPERTY IS IN THE C-2 (COMMERCIAL) ZONING DISTRICT, AND IS APPROXIMATELY 8.847 ACRES IN SIZE

Commissioner Mabey moved to approve as conditioned, PSP 1601-0001, a request by Heather Oviatt, on behalf of Tom Stuart Construction, for a 3-lot subdivision to be known
as the Tai Pan Subdivision. The site is located at approximately 1400 East 700 South (TIN: 09-020-0035), based on the discussion and findings in the Staff Report with the following conditions:

1) The applicant shall correct the Plat to include all red-lines from Planning, Engineering, and Public Works Departments, including but not limited to necessary easements, addresses, and other call-outs as required and shall adequately address the comments of all reviewers (e.g. Planning, the City Engineer, Public Works, North Davis Fire District, etc.) to their satisfaction.

2) Pursuant to the City Code Subdivision Ordinance § 12-4-5, an estimate of public improvements (as outlined in § 12-4-6), shall be submitted, reviewed and approved by the City Engineer prior to obtaining building permits.

3) The applicant shall provide proof of having obtained and of having maintained, as may be periodically requested by the City, all applicable local, state, and federal permits.

Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Jones, Mabey, Murray, Browning and Britton. Voting NO: None.

DISCUSSION ON POTENTIAL CHANGES REGARDING PUBLIC HEARINGS

Spencer Brimley said the current discussion would include the public hearing process and subdivision process. He said at a recent City Council meeting there was discussion about the difference between a public meeting and a public hearing. He said State Statute did not require a public hearing for certain approvals that are currently required in Clearfield City. Mr. Brimley said the main item was a conditional use permit (CUP). He showed the commissioners the current hearing and notification table as provided in Clearfield City Code § 11-1-10.

Mr. Brimley said one possible change was that the public hearing notices might be replaced by a public meeting notice. He said a public hearing required public input, but a public meeting notified the public there was a meeting and provided the topic of discussion at that meeting. Mr. Brimley said the public would still be allowed to be part of the meeting but the public comment portion would be eliminated. He said State Statute was recently changed and CUPs no longer required public hearings.

Stuart Williams, City Attorney, said the public would be given information on contacting the City for comments or concerns. Mr. Brimley said the notices currently sent to residents stated a time, date and location and the item being discussed. He said the proposed change would also include that information plus how to contact City staff for comments. He said the public would be allowed to make comments but it would not be in a public setting. Mr. Brimley said it provided citizens the opportunity before the meeting to voice their opinions. He said it wasn’t required that the citizens be given the chance to make comments.

Mr. Brimley said the change in the City ordinance made it more consistent with State Statute. Commissioner Browning asked if the change eliminated the opportunity for citizens to attend the meetings and voice opinions. Mr. Brimley said the comment period of the public hearing would be removed. Commissioner Browning cautioned the City strongly to not remove the public
hearing and said there must be a way for the citizens to voice their concerns. Commissioner Jones said the City Council had citizen comment period at each meeting. He said the change from the public hearing aspect to a public meeting did not take away the citizens’ rights to comment.

JJ Allen, Assistant City Manager, said a CUP was not a legislative action, it was administrative. He said if an applicant applied for a use that was stated as conditional it must be allowed with conditions. He said the trouble that had been experienced was the public had the opinion the project could be shut down which placed the Planning Commission in a difficult position. Mr. Allen said the procedure to notice the meeting which provided the citizens with more accurate information about their rights without them getting the idea that they had an ability they didn’t have. He said the chair could allow citizens to make comment. Mr. Allen said the Planning Commission must be very careful with what it allowed the public to persuade it to do. Mr. Brimley said the Planning Commission should never base a decision on public clamor. He said a CUP must be approved with conditions that mitigated the concerns.

Commissioner Murray asked if the proposed changes with public hearings and public meetings affected the procedures for the City Council and the Planning Commission. Mr. Allen said there were several discussion points, but the current discussion was to start the commissioners thinking about the process.

Mr. Allen said if the ordinance was amended there would be public hearings for public opinion to be voiced. He said the discussion tonight was about CUP and similar questions applied to subdivision plats.

Mr. Brimley said the purpose was to change Clearfield City Ordinances to be consistent with State Statutes. He said State Statutes did not require a public hearing for a subdivision plat or a conditional use permit; it required a public hearing to amend a subdivision plat. Mr. Brimley said direction was received from City Council for staff and the city recorder to create a notice that was more informative and allowed the public to respond. He said the information would be gathered and included in the staff report. Mr. Brimley said decisions made by the commissioners would be based on City Ordinance rather than on public clamor.

Mr. Brimley said the change wouldn’t prohibit public comment during the meeting because the chair could allow public comment; however, the way it was handled during the meeting would be changed. Commissioner Mabey said the opportunity for comment wasn’t being removed. Mr. Brimley said the notice would emphasize that citizen feedback comments were desired before the meeting.

Chair Roper said the commission could be more educated if comments were received before the meeting. Commissioner Jones said the comments would be received in a less intimidating setting and provided a safer environment for the commissioners and councilmembers. Chair Roper said there were many times that Councilmember LeBaron stepped out of the Planning Commission meeting after a decision was made to explain to the citizens what had happened and why. Commissioner Browning said if the public clamor was removed then the public wouldn’t have the opportunity to be educated. Chair Roper said comments received before the meeting allowed
the public to be educated at that time and removed the emotion from the discussion. Spencer Brimley said the irony was that a public hearing would be held to have changes made to the public hearing process. Stuart Williams cautioned the commissioners that a public hearing would create a record that didn’t need to exist. He said if after listening to public clamor for some time and the decision was made that supported public clamor the applicant could claim the decision was influenced by public clamor.

JJ Allen said that Commissioner Browning had voiced the counter argument in favor of public hearings. He said there were times when the public brought forth a point that hadn’t been considered by staff which resulted in an additional condition or change to a condition. Mr. Allen said the public meeting approach with changes to the procedure for noticing with encouragement for early input would be more safe and effective. He said staff wanted the commissioners’ input and discussion so the decision was thought through when recommendation was given to the City Council.

Chair Roper said he believed the public should have access to the commissioners even though they were not a legislative body. He said the new procedure streamlined the system and allowed the commissioners to be more educated.

Commissioner Mabey said the public meeting notice would be worded differently and the public might sense their feedback mattered. She agreed that education was needed for the public.

Commissioner Jones said there was nothing wrong with tabling an item. He said the new public meeting process allowed citizens to have more one on one attention with staff, the Planning Commission or the City Council. He said the process did not take away; it was his opinion that it made the process more clear.

Commissioner Mabey asked why the change to the State Statute. Mr. Brimley said a CUP must be approved and when the public influenced the decision then it was a legal battle and not a land use discussion.

Mr. Brimley appreciated the emails he had received from several of the commissioners prior to the meeting because it allowed him to do research and then send thoughtful, reasoned responses. He hoped the proposed change encouraged citizens to talk with staff for discussion on their questions.

Commissioner Murray said at some previous public hearings citizens had the opinion they could change what couldn’t be changed.

Mr. Brimley said the land use decisions made by the Planning Commission were made based on City ordinance and changes to City ordinances were made by City Council. Commissioner Jones suggested the Planning Commission could accept written comments from the public to be given to the City Council and inform the public the Planning Commission wanted to hear their comments, but was bound by ordinances.
Mr. Brimley said the proposed change would not eliminate all public hearings; certain types of approval still required a public hearing and would be noticed. Commissioner Roper said more comments might be received through email or other types of communication.

Mr. Brimley said the reason for the current discussion was to get the commissioners’ thoughts but a decision would be made at a later date.

DISCUSSION ON POTENTIAL CHANGES TO THE SUBDIVISION APPROVAL PROCESS

Spencer Brimley said currently staff was the advisory body to the Planning Commission which was the land use authority on a preliminary subdivision plat. He said the Planning Commission was the advisory body to the City Council which was the land use authority on a final subdivision plat. Mr. Brimley said City Council requested staff to evaluate the approval process because it was repetitious. He said it was City staff’s suggestion that the Planning Commission made recommendation to the City Council on a preliminary subdivision plat and then on a final subdivision plat approval the Planning Commission made the final decision. He said City Council wanted to have a voice in the approval process when it was still ongoing.

Mr. Brimley said the difference between a preliminary and final subdivision plat was contours. He said on a final subdivision plat the approval was the boundary lines and at that point there was nothing to be changed. Commissioner Jones asked why the final subdivision plat needed to go back to Planning Commission for final approval and suggested that staff could give final approval. Mr. Brimley said that was the feedback staff wanted. Commissioner Jones said if there were no substantial changes it shouldn’t be required to be discussed again by the Planning Commission. Mr. Brimley said staff wanted to be certain the process allowed input and feedback from the public bodies.

Chair Roper excused Councilmember Benson at 8:18 p.m.

STAFF REPORTS

Spencer Brimley said the first City Council open house meeting was held March 1, 2016. He said the General Plan was being presented at the open house meetings. He said the next open house meeting would be on March 15, 2016 at Antelope Elementary. He asked the commissioners to notify him if they would be in attendance at an open house so a name tag could be provided. He said the last open house meeting would be held on April 19, 2016 at Wasatch Elementary.

Mr. Brimley said there was also a small area plan meeting on February 25, 2016. He said there were about 10 residents and business owners, others that weren’t staff or elected or appointed officials. Mr. Brimley said there was good discussion on the grant for improvements to the downtown area. He said the downtown area included 800 North to 700 South on Main Street and State Street. He said two additional small area plan meetings would be held. One would be March 17, 2016 at the Community Arts Center from 6:30 p.m. to 8:30 p.m. The last meeting would be on April 28, 2016 and would be held at the City building on the second floor in the multi-purpose room.
Commissioner Mabey said there was a survey available on the City’s website for input on the downtown area plan. Mr. Brimley said the survey was brief and allowed citizens the opportunity for feedback on the development of the downtown area. He asked the commissioners to be involved and get their neighbors involved. Chair Roper said the feedback he received on the survey was that the downtown area needed to be better defined.

Mr. Brimley said the goal was to have the General Plan amendment ready for adoption by December 2016.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Britton – Nothing.

Commissioner Browning – Thank you.

Commissioner Murray – Nothing.

Commissioner Mabey – Nothing.

Commissioner Jones – Betos is open. He said he was motivated after Spencer Brimley’s comments.

Chair Roper – Thanked staff.

There being no further business to come before the Planning Commission, Commissioner Murray moved to adjourn at 8:30 p.m. Seconded by Commissioner Britton