PRESIDING: Brady Jugler Chair

PRESENT: Kathryn Murray Commissioner
Ron Jones Commissioner
Michael Britton Commissioner
Robert Browning Commissioner
Steve Parkinson Commissioner
Chris Uccardi Alternate Commissioner
Mallory Call Alternate Commissioner
Karece Thompson Alternate Commissioner

ABSENT: Michael Millard Commissioner

STAFF PRESENT: Stuart Williams City Attorney
JJ Allen Assistant City Manager
Spencer Brimley Development Services Manager
Brie Brass Assistant City Attorney
Christine Horrocks Building Permits Specialist

VISITORS: Rebecca Reimann, Ben Burnett, Patti Taylor, Terry Taylor, Kenneth Mullan

The Pledge of Allegiance was led by Chair Jugler.

APPROVAL OF MINUTES FROM FEBRUARY 1, 2017 PLANNING COMMISSION MEETING

Commissioner Jones moved to approve the minutes of the February 1, 2017 Planning Commission meeting as written. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Jones, Call, Parkinson, Murray, Britton, and Browning. Voting NO: None.

Chair Jugler suggested discussing the Zoning Text Amendment prior to the General Plan Amendment.

Commissioner Britton moved to discuss item number four on the agenda before number three. Seconded by Commissioner Browning. The motion carried on the following vote: Voting AYE: Commissioners Jones, Call, Parkinson, Murray, Britton, and Browning. Voting NO: None.
PUBLIC HEARING ON GPA 1702-0001, A REQUEST TO AMEND THE CLEARFIELD CITY GENERAL PLAN, INCLUDING THE ADOPTION OF THE DOWNTOWN SMALL AREA PLAN TO BE INCLUDED AS AN EXHIBIT TO THE CLEARFIELD CITY GENERAL PLAN.

Chair Jugler declared the public hearing open at 7:04 p.m.

There were no public comments.

Commissioner Jones moved to close the public hearing at 7:05 p.m. Seconded by Commissioner Murray. The motion carried on the following vote: Voting AYE: Commissioners Jones, Call, Parkinson, Murray, Britton, and Browning. Voting NO: None.

PUBLIC HEARING ON ZTA 1701-0003, A REQUEST BY CLEARFIELD CITY STAFF FOR A ZONING TEXT AMENDMENT TO CITY CODE § 11-9A-11, RESIDENTIAL ZONE (R-1-9); § 11-9B-11, RESIDENTIAL ZONE (R-1-8); § 11-9C-11, RESIDENTIAL ZONE (R-1-6); AND, § 11-9G-11, RESIDENTIAL ZONE (R-1-OPEN), TO ALLOW FOR THE KEEPING OF CHICKENS WITHIN CLEARFIELD CITY IN ALL R-1, SINGLE FAMILY RESIDENTIAL ZONES. THIS AMENDMENT WOULD BE EFFECTIVE WITHIN THE LAND USE CODE FOR CLEARFIELD CITY, A DOCUMENT REGULATING THE DEVELOPMENT OF CLEARFIELD CITY AS A WHOLE.

Chair Jugler declared the public hearing open at 7:06 p.m.

PUBLIC COMMENT:
Ken Mullan, Clearfield, said he hadn’t seen what was proposed.

Spencer Brimley, Development Services Manager, read the proposed requirements for the keeping of chickens in an R-1 zone.

Mr. Mullan wanted to state justification for the reduction in the size of the lot required to have chickens. He said the Humane Farm Animal Care recommended the area required for the most humane keeping of chickens was 108 square feet per chicken which allowed 60 chickens on the 6,500 square foot minimum lot size for the proposed change.

Chair Jugler asked for clarification that the R-1 zones did not allow for the keeping of chickens and the proposed change would allow chickens but the agricultural zoned properties were not affected. Mr. Brimley said the requirements in the A-1 zone would not be changed.

Benjamin Burnett, Clearfield, said he lived in an A-1 zone but the size of his lot didn’t allow chickens. He was in favor of the change and requested the ordinance change for the smaller lots in the A-1 zone to allow chickens.

Rebecca Reimann, Clearfield, said she was happy to have the proposed ordinance change move forward. She liked the way the ordinance was written but desired the number of allowed chickens
be changed from five to six. She said the lot size was adequate for the needs of the chickens. She asked for clarification on “15 feet from any adjacent residence.”

Mr. Brimley explained the intent of the language referred to the residential structure on the adjacent lot not the property line.

Commissioner Browning asked if changes to the A-1 zone could be made. Mr. Brimley said the notice was specifically for R-1 zones.

Commissioner Browning moved to close the public hearing at 7:15 p.m. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Jones, Call, Parkinson, Murray, Britton, and Browning. Voting NO: None.

**DISCUSSION ON ZTA 1701-0003, A REQUEST BY CLEARFIELD CITY STAFF FOR A ZONING TEXT AMENDMENT TO CITY CODE § 11-9A-11, RESIDENTIAL ZONE (R-1-9); § 11-9B-11, RESIDENTIAL ZONE (R-1-8); § 11-9C-11, RESIDENTIAL ZONE (R-1-6); AND, § 11-9G-11, RESIDENTIAL ZONE (R-1-OPEN), TO ALLOW FOR THE KEEPING OF CHICKENS WITHIN CLEARFIELD CITY IN ALL R-1, SINGLE FAMILY RESIDENTIAL ZONES. THIS AMENDMENT WOULD BE EFFECTIVE WITHIN THE LAND USE CODE FOR CLEARFIELD CITY, A DOCUMENT REGULATING THE DEVELOPMENT OF CLEARFIELD CITY AS A WHOLE.**

Spencer Brimley, Development Services Manager, said along with the proposed changes to Title 11 of the Clearfield City Code, changes were proposed for Title 6 and would be considered by the City Council. Staff reviewed regulations for keeping of chickens from surrounding cities and the regulations varied significantly. He said the residential lots in Clearfield are generally smaller than other cities and staff determined that five was an appropriate number of chickens for a 6,500 square foot lot so staff was proposing to allow the keeping of five chickens.

Commissioner Britton suggested the last word of number two of the proposed code be changed from residence to residential structure. Mr. Brimley said it could state “primary structure.” Commissioner Britton said the language should differentiate the structure from the property line. Mr. Brimley said an accessory building was accessory to a residential structure and could be considered a residential structure and the intent was for separation from the primary structure on an adjacent property which created a buffer for the neighbor.

Commissioner Britton recommended the number of chickens allowed be increased from five. Mr. Brimley said staff determined five was sufficient for residentially zoned properties.

Commissioner Murray said Layton City required a minimum 10,000 square foot lot to have chickens which would eliminate 90 percent of the residential lots in Clearfield. She said the regulations in Clinton City were strict about location to the owner’s lot line and size. She said lot sizes in Clearfield were a lot smaller than the majority of the lots in neighboring cities.

Commissioner Britton said not every resident would have chickens. Commissioner Murray said consideration needed to be given for the impact to the neighbor that didn’t want chickens.

Commissioner Parkinson said the ordinance in Clinton allowed six chickens for lots 8,000 square
feet or larger. He liked the requirements of a coop with two square feet per chicken and attached to a run. Commissioner Parkinson said Roy also allowed chickens on lots 8,000 square feet and larger with requirements which included: permits, a coop that was two square feet per chicken, a run that was a maximum of 150 square feet and distances from adjacent residential structures. He suggested the run be limited in size so a building permit was not required, and recommended a use permit with a nominal fee, and a site plan showing where the coop and run were located and proximity to neighbors. Commissioner Parkinson said if chickens were allowed on a 6,500 square foot lot, he recommended the number of chickens stay at five. Mr. Brimley said the requirement of a no fee land use permit would allow documentation for the placement of structures on the property.

Commissioner Murray said that the run needed more than a wire fence along the ground to stop predators. Commissioner Parkinson said the runs should be predatory resistant but requirements should not be dictated.

Commissioner Murray had difficulty allowing chickens on a 6,500 square foot lot noting if a 10,000 square foot lot was required it eliminated a lot of the residential lots in Clearfield. Commissioner Parkinson said if the 6,500 square foot properties were allowed then the majority of the residents would be able to have chickens. Commissioner Murray agreed to the smaller lot if other stipulations applied.

Commissioner Browning preferred six chickens be allowed but no more and suggested a permit be required. Commissioner Parkinson said he preferred requiring a no fee permit which encouraged more residents to get the permit. Commissioner Britton was opposed to permitting and licensing.

Chair Jugler asked Mr. Brimley to explain the process involved if a permit were required. Mr. Brimley said permits were regulated in Clearfield City Code § Title 6. His opinion was that the permit would be more successful if a fee was not required. He said an over-the-counter land use review would be appropriate to ensure the lot size met the requirements for having chickens but didn’t want to impose regulations that were more onerous in administration.

Commissioner Parkinson said a site plan approval was a permit in his opinion. Commissioner Jones agreed. Mr. Brimley suggested an addition that the applicant was required to submit a site plan for review and approval from the Community Development office.

Chair Jugler suggested the ordinance state, “Chicken hens must have a predatory resistant chicken coop that was at least two square feet per chicken and also an enclosed covered predatory resistant run with a maximum of 150 square feet.”

Commissioner Britton wanted the allowed number of chickens increased to six. Commissioner Murray said if the lot size was 6,500 square feet she said five chickens should be the maximum allowed.

Spencer Brimley said the 6,500 square foot lot and five chickens allowed for a broader use of the
code by the residents of Clearfield. Staff recommended the minimum lot size of 6,500 square feet and the number of chickens allowed at five.

Commissioner Call had a difficult time determining what was fair or logical and she saw value in incremental lot size and number of chickens allowed, but was fine with allowing six chickens.

Commissioner Browning said his opinion was the number of chickens allowed should be six. Commissioner Jones said chickens had been a topic of conversation for many years and there were plenty of residents that had voiced concerns. He had no concerns with allowing six chickens on 6,500 square foot lots and said the ordinance should be simple. Most of the commissioners supported the change to six chickens.

Chair Jugler reviewed the points that had been discussed:
1) change the number to six chickens,
2) lots must be a minimum of 6,500 square feet,
3) chickens must be provided with a covered, predator resistant chicken coop, and a covered, predator resistant run with a maximum of 150 square feet,
4) applicant would be required to submit a site plan for review to the Community Development Department,
5) change any adjacent residence to any adjacent primary residential structure,
6) change wording to be consistent using chicken coop and chicken run

RECOMMENDATION ON ZTA 1701-0003, A REQUEST BY CLEARFIELD CITY STAFF FOR ZONING TEXT AMENDMENT TO CITY CODE § 11-9A-11, RESIDENTIAL ZONE (R-1-9); § 11-9B-11, RESIDENTIAL ZONE (R-1-8); § 11-9C-11, RESIDENTIAL ZONE (R-1-6); AND, § 11-9G-11, RESIDENTIAL ZONE (R-1-OPEN), TO ALLOW FOR THE KEEPING OF CHICKENS WITHIN CLEARFIELD CITY IN ALL R-1, SINGLE FAMILY RESIDENTIAL ZONES. THIS AMENDMENT WOULD BE EFFECTIVE WITHIN THE LAND USE CODE FOR CLEARFIELD CITY, A DOCUMENT REGULATING THE DEVELOPMENT OF CLEARFIELD CITY AS A WHOLE.

Commissioner Britton moved to recommend to the City Council approval of ZTA 1701-0003, a request by Clearfield City Staff for Zoning Text Amendment to City Code § 11-9A-11, Residential Zone (R-1-9); § 11-9B-11, Residential Zone (R-1-8); § 11-9C-11, Residential Zone (R-1-6); and, § 11-9G-11, Residential Zone (R-1-Open), to allow for the keeping of chickens within Clearfield City in all R-1, single family residential zones, based on the discussion and findings in the Staff Report with the ordinance as follows:

H. Chicken hens and Chicken Coops:
   1. Chicken hens for family food production or pleasure shall be kept in accordance with the following regulations:
      a. No more than six (6) chicken hens shall be kept on any lot
      b. No lot smaller than six thousand five hundred (6,500) square feet shall be used for the keeping of chickens
      c. The chicken hens must be provided with a covered, predator-resistant chicken coop that is properly ventilated, designed to be easily accessed,
and at least two (2) square feet per chicken in size. No coop, pen, cage, or similar structure shall exceed one hundred fifty (150) square feet (includes coop space and chicken run) and shall be no taller than six (6) feet at the highest point of the roof.

d. The keeping of chicken roosters shall not be permitted in any R-1 zone.
e. Applicant shall submit a site plan to the Community Development Department.

2. Neither the chicken coop nor the run may be located less than fifteen (15) feet from any adjacent residence.

Seconded by Commissioner Browning.

Commissioner Murray said she was on the City Council when chickens were discussed before and there were many residents that thanked the City Council for not approving the ordinance. She said she couldn’t vote for six chickens with the small lot size.

The motion carried on the following vote: Voting AYE: Commissioners Jones, Call, Parkinson, Britton and Browning. Voting NO: Commissioner Murray.

DISCUSSION ON GPA 1702-0001, A REQUEST TO AMEND THE CLEARFIELD CITY GENERAL PLAN, INCLUDING THE ADOPTION OF THE DOWNTOWN SMALL AREA PLAN TO BE INCLUDED AS AN EXHIBIT TO CLEARFIELD CITY GENERAL PLAN

Spencer Brimley said in 2015 Clearfield City received a grant for funding of the development of a Downtown Small Area Plan (DSAP) from the north end of Main Street to 700 South State Street. The plan increased and created development opportunities along the corridor. He said the update to the General Plan included the DSAP as a new exhibit. The DSAP was accepted by the City Council and Planning Commission but formal adoption was required to the General Plan. Mr. Brimley said there were some minor wording changes but the substantive issues would be discussed.

Input from the public was received at the City Council open houses in 2016. The proposed changes to the General Plan were:

- Acknowledgements Page
  - Changes were updated to reflect current positions for Elected, Appointed and City Staff.

- Table of Contents
  - Included Exhibit 4 for the Downtown Small Area Plan of Clearfield City

- Chapter 1 - Introduction
  - Minor changes to the language of the General Plan were made and reorganized along with some minor wording changes.

- Chapter 2 – Land Use
Table for current land use in the City had been updated with acreage and percentage for each land use
- Overlay zones would be moved to the end of the section as “Cancelled Zones”
- Minor language updates to Agricultural and Residential districts
- Proposed changes to increase the density in the R-2 and R-3 zones
- Inclusion of the MIDA or “Falcon Hill” District
- Land use guideline language had minor changes
- Changes were made to Goals and Policies for Land Use Element

- Chapter 3 – Transportation
  - Goal 2 for the completion of SR193 shall be removed.
  - Included language for truck routes and reducing the impact of trucks on roads not intended for such heavy traffic

- Chapter 4 – Affordable Housing Element
  - Updated language discussion on affordable housing.
  - Updated statistics from analysis for impediments for 2010 – 2014

Mr. Brimley asked if there was any discussion about the amendments. Commissioner Parkinson said even though Freeport Center was private property it shouldn’t be excluded from the General Plan but general guidelines should be noted. Mr. Brimley said the language could be changed for encouragement to future development.

- General Plan Exhibits
  - Exhibit 1: Future Land Use Map of the General Plan
    Areas considered for land use designation changes:
    - Corridor of State Street and Main Street which included the Downtown Small Area Plan
    - Clearfield Station changes for consistency with the new plans for the site
    - Mixed Use at 1700 South and 1000 East
  
  - Exhibit 2: Transportation Map of the General Plan
    - Updated to show completion of SR 193
    - Removal of the southernmost portion of Industrial Parkway
    - Road completed for University Ridge Subdivision
    - Incorporate changes from Downtown Small Area plan for connections
    - Change future streets from the Clearfield Station property

  - Exhibit 3: Trails Master Map of the General Plan
    - Canal trail would be realigned to the canal right-of-way
    - Changes from Downtown Small Area plan incorporated for connections

  - Exhibit 4: Downtown Small Area Plan

Commissioner Britton asked for an explanation of tax increment financing. Mr. Brimley said it
was a mechanism the State had given to local government to garner additional funding to help incentivize development and was based on property taxes. Commissioner Browning had some technical amendments.

Mr. Brimley said the purpose of the Downtown Small Area Plan and General Plan was to speak broadly and generally about an area of consideration and over time the intent was to see change in the identified areas.

RECOMMENDATION FOR GPA 1702-0001, A REQUEST TO AMEND THE CLEARFIELD CITY GENERAL PLAN, INCLUDING THE ADOPTION OF THE DOWNTOWN SMALL AREA PLAN TO BE INCLUDED AS AN EXHIBIT TO CLEARFIELD CITY GENERAL PLAN

Commissioner Browning moved to recommend approval of GPA 1702-0001, to the City Council of the proposed changes to the Clearfield City General Plan, including the adoption of the Downtown Small Area Plan, as an exhibit to the General Plan and amendments as discussed. Seconded by Commissioner Britton. The motion carried on the following vote: Voting AYE: Commissioners Jones, Call, Parkinson, Murray, Britton and Browning. Voting NO: None.

STAFF COMMUNICATIONS

Spencer Brimley said the April meeting had been moved from April 5th to April 12th.

Stuart Williams, City Attorney, introduced Brie Brass Assistant City Attorney.

PLANNING COMMISSIONERS’ MINUTE

Commissioner Jones – Nothing

Commissioner Call – Nothing

Commissioner Parkinson – Appreciated all Spencer Brimley had done.

Commissioner Murray – Nothing

Commissioner Britton – Nothing

Commissioner Browning – Nothing

Commissioner Jugler – Welcomed the new commissioner, Karece Thompson. He had been at the meeting but left early.

There being no further business to come before the Planning Commission, Commissioner Jones moved to adjourn at 9:12 p.m. Seconded by Commissioner Murray.