



**CLINTON CITY PLANNING COMMISSON
CITY HALL
2267 North 1500 W Clinton UT 84015**

Planning Commission Members

Chair – Jacob Briggs

Vice Chair – Bob Buckles

Tony Thompson

Dave Coombs

Jolene Cressall

Jeff Ritchie

Andy Hale

Date of Meeting	June 7, 2016	Call to Order	7:00 p.m.
Staff Present	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	Monica Sellers, Scott Hall, Theron Watson		
Pledge of Allegiance	Commissioner Ritchie		
Prayer or Thought	Commissioner Buckles gave a thought acknowledging the sacrifices of all our Veterans both past and present in honor of Memorial Day and D Day.		
Roll Call & Attendance	Present were: Commissioners’ Bob Buckles, Dave Coombs, Jolene Cressall, Jeff Ritchie, Tony Thompson and Andy Hale Excused were: Commissioner Jacob Briggs		
City Council Report	Mr. Wright reported on the May 24, 2016 City Council meeting as recorded in the minutes.		
Declaration of Conflicts	There were none.		
Approval of Minutes	Commissioner Cressall moved to approve the May 17, 2016 Planning Commission Work Session minutes. Commissioner Coombs seconded the motion. Commissioners’ Buckles, Coombs, Ritchie, Thompson, Cressall & Hale voted in favor of the motion.		
1. CONDITIONAL USE PERMIT - REVIEW AND ACTION UPON A REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A TEMPORARY MOBILE STORE, FIREWORKS STAND, AT 1101 WEST 1800 NORTH, CLINTON, UT IN THE NORTH EASTERN AREA OF THE PARKING LOT OF THE CLINTON ELEMENTARY SCHOOL.			
Petitioner	Theron Watson owner of Olympus Fireworks represented by Monica Sellers		
Discussion	<p>Theron Watson explained this request is to run a temporary fundraising program to benefit the Davis County School District.</p> <p>Mr. Wright reviewed the following information included in the staff report:</p> <ol style="list-style-type: none"> 1. Olympus Fireworks is requesting to operate a fireworks stand in the parking lot of Clinton Elementary School from June 29 through July 4th and July 22nd through 24th. 2. Location of the stand is on the north east corner of the school’s eastern parking lot on the corner of 1800 N 1000 W 3. There is plenty of parking in this area of the schools parking lot for patrons to access and make their purchases. 4. Applicant has a Permit and Use Agreement from Davis School District for the use of this space. 5. The City requires separation between fire work stands of 500 feet, which is not an issue at this location. <p>The set up and take down of this stand will occur within seven days before and after the dates listed above.</p>		

	<p>The location of the stand will comply with State Fire Code requirements.</p> <p>A generator is available to provide approved lighting in the tent.</p> <p>The hours will be approximately 9 a.m. to 10 p.m. The booth will have someone on site 24 hours a day.</p> <p>Staff recommends approval of the Conditional Use Permit for a Temporary Mobile store with the following stipulations:</p> <ol style="list-style-type: none"> 1. Applicant obtains a business license as required to operate a business in Clinton City. 2. Both the Building Official and Fire Department staff will inspect this stand for health and safety purposes. 3. Additionally, per 10-13-6 of the City Code, the Fire Department issues a permit to Sell Fireworks. 4. All signage will comply with the City’s sign ordinance regulations. 5. Parking or standing vehicles are prohibited on 1800 North as it is a major arterial street and State highway. <p>The CUP may be reviewed by staff upon complaint and forwarded to the Commission for hearing upon recommendation from staff.</p> <p>Commissioner Buckles opened the public hearing at 7:19 p.m. With no public comment, he closed the public hearing at 7:20 p.m.</p>
CONCLUSION	<p>Commissioner Cressall moved to approve the Conditional Use Permit to operate a Temporary Mobile Fireworks Stand at 1101 West 1800 North, Clinton, UT in the north eastern area of the parking lot of the Clinton Elementary School with compliance of items 1 – 5 listed above for a five year period. Commissioner Coombs seconded the motion. Voting by roll call is as follows: Commissioner’s Ritchie, Hale, Thompson, Cressall, Coombs and Buckles voted in favor of the motion.</p>
2. WORK SESSION – REVIEW OF CHAPTER 3 OF THE CLINTON CITY SUBDIVISION ORDINANCE:	
Discussion	<p>26-3-3 <u>Sketch Plat</u></p> <p>(1) Application Procedure and Requirements: Prior to subdividing land and after meeting with the Community Development Director, the owner of the land, or his authorized agent, shall file an application for approval of a sketch plat with the Community Development Department. The Community Development Director shall prepare the application for presentation to the Planning Commission. The application shall:</p> <ol style="list-style-type: none"> (a) Be made on forms available at the Community Development Department; (b) Include all contiguous holdings of the owner including land in “common ownership” as defined in these regulations, with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership. The affidavit shall advise as to the legal owner of the property, the contract owner of the property (if any), the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock; (c) Be accompanied by minimum of seven (7) copies of the sketch plat as described in these regulations and complying in all respects with these regulations; (d) Be accompanied by a preliminary title report; (e) Be presented to the Community Development Director; (f) Be accompanied by a fee that is set from time to time and passed in resolution by the City Council; (g) The application shall include an address and telephone number of an agent located within the local area who shall be authorized to receive all notices and correspondences required by these regulations.

~~(2) **Classification and Approval Procedure:** The Community Development Director shall determine whether the sketch plat constitutes a simple, minor or major subdivision and notify the applicant of the classification within thirty (30) working days from the date that the sketch plat is submitted to the Community Development Director.~~

~~(a) **Simple Subdivision:** If the sketch plat constitutes a simple subdivision, the Community Development Director shall review the application for compliance with the criteria for a simple subdivision and either approve, disapprove or conditionally approve the sketch plat as provided in these regulations. Subsequent to the review by the Community Development Director, the applicant may proceed directly to the filing of an application for approval of a final plat as provided in these regulations. If the sketch plat of a simple subdivision is disapproved by the Community Development Director the applicant may request the simple subdivision be processed as a minor subdivision as provided in these regulations.~~

~~(b) **Minor Subdivision:** A sketch plat is not a requirement for a minor subdivision, however the development of a sketch plat by an applicant will greatly assist with the discussion of requirements outlined in section 3.03.~~

~~(3) **Major Subdivision:**~~

~~(a) **Planning Commission Review:** If the sketch plat constitutes a major subdivision, the Community Development Director shall place the matter on the next available regular meeting agenda of the Planning Commission for the review and recommendations of the Commission.~~

~~(b) **Notice to Proceed:** Subsequent to the Planning Commission review of the sketch plat, the Community Development Director shall issue a Notice to Proceed, only if the sketch plat complies with all applicable laws governing the subdivision of land. The Notice to Proceed shall include, as appropriate, review comments of the Planning Commission and recommended changes in the sketch plat to be incorporated into the preliminary plat to assist the applicant in obtaining preliminary plat approval from the Planning Commission. If the Community Development Director determines that the sketch plat does not comply with all applicable laws governing the subdivision of land and the applicant refuses to modify the sketch plat, the Community Development Director shall issue a Notice of Noncompliance. The Community Development Director shall issue either the Notice to Proceed or the Notice of Noncompliance not later than thirty (30) working days from the date of the meeting of the Planning Commission at which the sketch plat was reviewed, including any adjourned date thereof, is closed. After receipt of a Notice to Proceed, the applicant must first file an application for approval of a preliminary plat, as provided in these regulations, before filing for final subdivision plat approval.~~

~~(c) **Referral of Sketch Plat:** If the Community Development Director issues a Notice to Proceed, the Community Development Director shall transmit the sketch plat for review to appropriate officials or agencies of Clinton City, adjoining counties or municipalities, school and special districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. The Community Development Director shall request that all officials and agencies to whom a request for review has been made, submit their report to the Community Development Director within thirty (30) days after receipt of the request. The Community Development Director will consider all the reports submitted by the officials and agencies concerning the sketch plat and shall submit a report to the Planning Commission upon the applicant's submission of a preliminary plat.~~

26-3-4 Preliminary Plat:

(1) **General:** If the preliminary plat constitutes a ~~minor~~ major subdivision, the Community Development Director shall place the matter on the next available regular meeting agenda of the Planning Commission for formal approval, disapproval or conditional approval of the preliminary plat following a public hearing. The Commission shall provide notice and hold public hearing on the preliminary plat as established in section 3.02. The Planning Commission shall, within thirty (30) days approve,

conditionally approve, or disapprove the preliminary plat from the date of the public hearing including any adjourned date thereof, is closed. Subsequent to an approval or conditional approval by the Planning Commission, the applicant may proceed directly to the filing of an application for approval of a final subdivision plat as provided in these regulations. If the preliminary plat of a minor subdivision is disapproved by the Planning Commission, the applicant may appeal to the City Council as provided in Section 3.09. The applicant shall have 120 days from the date that the preliminary plat is approved by the Planning Commission (or City Council upon appeal) to submit a final subdivision plat, after which time a new preliminary plat must be submitted for approval.

~~(2) **Major Subdivision:** No sooner than thirty (30) days and no later than 120 days after the date of the Notice to Proceed, the applicant may apply for preliminary plat approval. If the applicant fails to apply for preliminary plat approval, with a complete application within the 120 day period, a new sketch plat must be submitted.~~

~~(3) **Application Procedure and Requirements:** Based on the Notice to Proceed, the applicant shall file in duplicate with the Community Development Director an application for approval of a preliminary plat if he elects to proceed. The preliminary plat shall conform substantially with the sketch plat submitted and approved or conditionally approved by the Planning Commission and which formed the basis for the Notice to Proceed. The application shall:~~

~~(a) Be made on forms available at the office of the Community Development Director together with a fee that is set, from time to time and passed in resolution by the City Council;~~

~~(b) Include all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred (100) feet from the subject property, or of that directly opposite the subject property, extending one hundred (100) feet from the street frontage of opposite land, with the names of owners as shown in the County Assessor's files. This information may be shown on a separate current Tax Map reproduction from the County Recorder's Office showing the subdivision superimposed on the Tax Map.~~

~~(c) Be accompanied by a minimum of ~~ten (10)~~ six (6) copies of the existing condition drawings as described in these regulations.~~

~~(d) Be accompanied by a minimum of ~~ten (10)~~ six (6) copies of the complete preliminary plat as described in these regulations.~~

~~(e) Be accompanied by a minimum of ~~ten (10)~~ six (6) copies of construction plans for the preliminary plat as described in these regulations.~~

~~(f) Additional copies of the preliminary plans may be required when dealing with services, districts, or roadways that are not under the control of the City.~~

~~(g) ~~Comply in all respects with the sketch plat.~~~~

~~(h) Be presented to the Community Development Director a minimum of four (4) weeks prior to a regular meeting of the Commission.~~

(4) **Public Hearing:** Upon receipt of a formal application for preliminary plat approval and all accompanying material, the Community Development Director shall call a public hearing before the Planning Commission to be held a minimum of four (4) weeks after the date of receipt of the complete application. The Community Development Director shall submit a notice for publication in accordance with Section 3.02.

(5) **Preliminary Approval:** After the Planning Commission has reviewed the preliminary plat and construction plans, the report of the Community Development Director, any municipal recommendations and testimony and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall approve, conditionally approve, or disapprove the preliminary plat within thirty (30) days from the Official Submission Date. One (1) copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat. Before the Commission approves a preliminary plat showing park reservation or land for use by other government or district agency that is proposed to be dedicated to Clinton City, the Commission shall

obtain approval of the park or land reservation from the Clinton City Council. If the Planning Commission disapproves the proposed subdivision, the applicant may execute an appeal in the manner prescribed in Section 3.09.

(6) **Standards for Approval of Preliminary Plats:** No preliminary plat of a proposed subdivision shall be approved by the Planning Commission unless the applicant proves by clear and convincing evidence that:

(a) Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;

(b) If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations;

(c) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions;

(d) The subdivider has the financial ability to complete the proposed subdivision in accordance with all applicable federal, state, and local laws and regulations;

(e) The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking urban services between developed parcels;

(f) The subdivider has taken every effort to mitigate the impact of the proposed subdivision of public health, safety, and welfare.

(7) The Planning Commission is authorized to disapprove the preliminary plat based on findings even though the land proposed for subdivision is zoned for the use to which the proposed subdivision will be put and the proposed use is consistent with the General Plan. If the Planning Commission disapproves the proposed subdivision, the applicant may execute an appeal in the manner prescribed in Section 3.09.

(8) **Public Improvements:** The Planning Commission may require that all public improvements be installed and dedicated prior to the signing of the final subdivision plat (see 26-3-8). ~~by the Chairman of the Planning Commission,~~ the Planning Commission shall require that the applicant execute a subdivision improvement agreement and provide security for the agreement as provided in Section 4.01.3. The Planning Commission shall require the applicant to indicate on the plat all roads and public utility improvements which shall be required to be established or extended, and any other special requirements deemed necessary by the Official Map and the General Plan of Clinton City.

(9) **Effective Period of Preliminary Plat Approval:** All approvals, conditions, and agreements regarding a preliminary plat shall expire one (1) year from the date of preliminary plat approval, by either the Planning Commission or City Council, if required, whichever is later, unless:

(a) The respective final plat, or a phase thereof, has been approved; or

(b) The respective final plat, or a phase thereof, has been submitted to the City, is scheduled for review, and it complies with the City Codes and the preliminary plat approval and requirements.

(c) If done by phases, the developer must continually file for the approval of at least one phase within one year of the most recent plat or phase approval. Said filing must comply with the City Code and the preliminary plat approval and requirements.

(10) **Zoning and Subdivision Regulations:** Every preliminary plat shall conform to existing zoning regulations and subdivision regulations applicable at the time that the proposed preliminary is submitted for the approval of the Planning Commission unless the Planning Commission or City Council has taken official action toward amending the applicable zoning and subdivision regulations and the applicant has reason to know of that action.

(11) **Grading of Site Prior to Final Approval:** Subsequent to preliminary approval the

	<p>developer may apply for a topsoil and excavation permit from the Planning Commission City or such other agency or person as the City Council shall direct, and upon receipt of the permit may commence construction to the grades and elevations required by the approved preliminary plat. RESEARCH</p> <p>(12) Model Homes: For the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission at its sole discretion may permit a portion of a major subdivision involving no more than two (2) lots to be created in accordance with the procedures for minor subdivisions, provided the portion derives access from an existing city, county, or state roadway, and provided no future road or other improvement is anticipated where the lots are proposed. The subdivision plat for the “minor” portion shall be submitted to the Planning Commission simultaneously with the preliminary plat for the entire major subdivision. Subsequent to preliminary approval, the model homes may be constructed, subject to such additional requirements as the Planning Commission may require.</p>
Future Work Session	Continue with Chapter 3 discussion beginning with 26-3-5.
Issues & Concerns	There were none.
ADJOURNMENT	Commissioner Cressall moved to adjourn. Commissioner Ritchie seconded the motion. All those present voted in favor, the meeting adjourned at 8:59 p.m.