



**Planning Commission Members**

***Chair – Tony Thompson***

***Vice Chair – Mark Gregersen***

***Dereck Bauer***

***Dan Evans***

***Jolene Cressall***

***Ed Olsen***

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| <b>Date of Meeting</b>   | <b>April 19, 2022</b>   | <b>Call to Order</b> | <b>7:00 p.m.</b> |
| <b>Staff Present</b>   | Peter Matson and Lisa Titensor recorded the minutes.  |                      |                  |
| <b>Citizens Present</b>  | Marie Dougherty, Richard Higginson, Rick Lee, David Higginson   |                      |                  |
| <b>Prayer or Thought</b>   | Commissioner Thompson   |                      |                  |
| <b>Pledge</b>  | Commissioner Cressall   |                      |                  |
| <b>Roll Call/Attendance</b>  | Present were: Commissioners Dereck Bauer, Jolene Cressall, Dan Evans, Mark Gregersen and Tony Thompson<br><br>Commissioner Ed Olson was excused.  |                      |                  |
| <b>Declaration of Conflicts</b>  | There were none.  |                      |                  |
| <p><b>1. PUBLIC HEARING: REVIEW AND ACTION ON A REQUEST BY RICHARD HIGGINSON FOR A REZONING OF APPROXIMATELY 1.68 ACRES LOCATED AT THE NORTHEAST CORNER OF 1500 WEST AND 300 NORTH (PARCEL NO. 14-065-0103) FROM A-1 (AGRICULTURE) TO R-1-6 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT.</b></p> |   |                      |                  |
| <b>Petitioner</b>  | Richard Higginson, Property Owner<br>Submitted by: Peter Matson, Community Development  |                      |                  |
| <b>Discussion</b>  | <p>Mr. Matson reported this rezoning request consists of approximately 1.68 acres at the northeast corner of 1500 West and 300 North. The subject property is at the southern tip of the narrow extension of the Clinton City boundary surrounded by Clearfield City to the east and south and West Point city to the west (see attached location and base maps). The rezoning from the A-1 zone to the R-1-6 zone will accommodate the future development of a single-family residential subdivision. The sketch plan which is attached to the staff report indicates the site can accommodate up to six lots including a lot set aside for the existing home (1480 W. 300 N.) located on the eastern portion of the property. The R-1-6 zoning district standards include residential lots that are a minimum of 6,000 square feet.</p> <p>Mr. Higginson contacted PacifiCorp/Rocky Mountain Power (RMP) about the power line easements on the property, which are as follows:</p> <ul style="list-style-type: none"> <li>▸ 8 feet around the base of the tower must remain clear of structures.</li> <li>▸ All structures must be at least 20 feet from the physical power line. This includes allowing structures under the power lines with the structure's peak height no closer than 20 feet from the lines.</li> </ul> <p>City staff will request that a letter from RMP accompany the subdivision plat application. The letter will provide confirmation of the easement details, and RMP will be required to sign the subdivision plat.</p> <p>The rezone request is consistent with the General Plan and Land Use Map. The property is master planned for the R-1-6 land use and single family subdivisions in the area have developed in the same manner.</p> |                      |                  |

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|  | <p><b>PUBLIC COMMENT</b></p> <p>One adjacent property owner reached out to city staff, Mr. Schmutz, who lives directly north of the subject property. He inquired about the proposed zoning, and if his property qualifies for similar zoning.</p> <p>Mr. Higginson commented that there are four homes already existing in the same power line opening a block and a half north of this location.</p> <p>Commissioner Thompson opened the public hearing at 7:09 p.m. and with no comment, closed the public hearing at 7:10 p.m.</p>  |
| <p><b>CONCLUSION</b></p>   | <p><i>Commissioner Cressall moved to forward a recommendation onto the City Council for approval of Ordinance 22-03Z, a request from Richard Higginson for a rezone of approximately 1.68 acres from the A-1 zone to the R-1-6 (single-family residential) zone located at the northeast corner of 1500 West and 300 North (Parcel No. 14-065-0103). Commissioner Bauer seconded the motion. Voting by roll call is as follows: Commissioner Bauer, aye; Commissioner Cressall, aye; Commissioner Evans, aye; Commissioner Gregersen, aye and Commissioner Thompson, aye.</i></p>   |
| <p><b>2. REVIEW AND DISCUSSION OF VARIOUS PROPOSED ZONING ORDINANCE AMENDMENTS:</b></p> <p>a. <b>LANDSCAPING STANDARDS – WATER WISE (XERISCAPE) STANDARDS</b></p> <p>b. <b>INTERNAL ACCESSORY DWELLING UNITS (IADU)</b></p> <p>c. <b>PUBLIC NOTICE STANDARDS</b></p> |   |
| <p><b>Petitioner</b></p>   | <p>Peter Matson, Community Development</p>  |
| <p><b>Discussion</b></p>   | <p>The Planning Commission discussed the items listed below. Mr. Matson reported these items will be coming before the Planning Commission for review and action in the near future.</p> <p><b>Planning and zoning regulations required or allowed by State law:</b></p> <ul style="list-style-type: none"> <li>a. <u>Landscape Standards</u> – Review of existing city landscape regulations, and proposed updates addressing residential and commercial properties for more water wise landscapes. The City Council discussed some of these provisions during a work meeting a few weeks ago. Staff will review some of the details of the Council’s discussion including, but not limited to the following:             <ul style="list-style-type: none"> <li>i. Regulations for new residential lots and new commercial developments.</li> <li>ii. Maximum percentages of grass, rocks, and impermeable surfaces.</li> <li>iii. Minimum percentages of live plant material – ground cover, shrubs, etc.</li> </ul> </li> <li>b. <u>Internal Accessory Dwelling Units</u> – Our code refers to these as Immediate Family Dwelling Units. Code change is needed to remove the requirement that occupants need to be blood relative of main dwelling owner.</li> <li>c. <u>Public Notice Standards</u> – State law provides various options for public hearing notices. For example, a minimum of 10 days notice is the State standard while Clinton’s code requires 15 days.</li> </ul> <p>Mr. Matson reviewed the following information with the Planning Commission, he explained there will be necessary changes to the Clinton City Code to comply with changes in State Code:</p> |

Summary of City and State Codes  
Immediate Family Dwelling Unit vs. Internal Accessory Dwelling Unit

| Clinton City Code – Immediate Family Dwelling Unit  | Utah Code – Internal Accessory Dwelling Unit   |
|---|--|
| <p><b>Title 28 Zoning, Chapter 2. Definitions</b></p> <p><b>"Dwelling Unit, Immediate Family"</b></p> <ul style="list-style-type: none"> <li>Exclusively for use by one or two immediate family members and their dependents,</li> <li>the main dwelling unit <b>MUST</b> be owner-occupied</li> </ul> <p><b>Unit must meet the following stipulations:</b></p> <ul style="list-style-type: none"> <li>connected to the main dwelling area</li> <li>not be rented out</li> <li>only be one (1) utility connection</li> <li>access between the main residence and this unit</li> <li>only be one (1) dedicated exterior door access into this unit</li> <li>city inspection every five (5) years or compliant, or change of ownership.</li> <li>recorded with the county.</li> </ul> | <p><b>10-9a-530 Internal accessory dwelling units.</b></p> <p><b>"Internal accessory dwelling unit"</b></p> <ul style="list-style-type: none"> <li>within a primary dwelling;</li> <li>long-term rental of 30 consecutive days or longer.</li> <li>area zoned for residential use as a permitted use</li> </ul> <p><b>A municipality may not establish restrictions -</b></p> <ul style="list-style-type: none"> <li>the size in relation to the primary dwelling;</li> <li>total lot size; or</li> <li>street frontage.</li> <li>shall comply with building, health, and fire codes.</li> </ul> <p><b>A municipality may:</b></p> <ul style="list-style-type: none"> <li>prohibit a separate utility meter</li> <li>require design that does not change the appearance of the primary dwelling</li> <li>one additional on-site parking space</li> <li>to replace any parking spaces if garage or carport space converted to IADU</li> <li>prohibit within a mobile home</li> <li>require license for renting</li> <li>prohibit within a zoning district covering 25% or less of the total area zoned primarily for residential use</li> <li>prohibit if the primary dwelling is served by a failing septic tank;</li> <li>prohibit if the lot is 6,000 square feet or less</li> <li>prohibit rental less than 30 consecutive days</li> <li>prohibit dwelling that is not occupied as the owner's primary residence;</li> <li>hold a lien for ordinance violation             <ul style="list-style-type: none"> <li>if owner fails to cure violation, and files a written objection, schedule and provide notice of hearing to review violation prior to recording lien</li> </ul> </li> <li>record a notice of city-issued permit for IADU.</li> </ul> |

Summary of City and State Codes  
Public Hearing Notice Requirements

| Clinton City Code – Title 28 Zoning   | Utah Code –   |
|---|---|
| <p><b>28-1-4 Public Hearings.</b></p> <p>Public hearings that are required by this ordinance shall be accomplished as outlined herewith.</p> <p><b>(1) Amendments to the Zoning Ordinance.</b> At least <b>fifteen (15) days</b> notice of the time and place of such hearing shall be <b>published in a newspaper</b> of general circulation in the municipality.</p> <p><b>(2) Application for Changes to Property Zoning.</b> At least <b>fifteen (15) days</b> notice of the time and place of such hearing shall be <b>published in a newspaper</b> of general circulation in the municipality.</p> <p>Additionally, a two (2) foot by two (2) foot <b>sign</b> which, in contrasting letters announces a public hearing, a phone number at the city offices where additional information may be obtained, and a copy of the public hearing. Lettering will be of contrasting color to the background and "Public Notice" will be three (3) inches tall, the phone number will be one and one-half (1 ½) inch tall letters. The copy of the public notice will be type written on an 8 ½" x 11" piece of paper contained in a weather resistant, transparent cover. A minimum of <b>one (1) sign shall be placed on each frontage</b> of the subject property.</p> | <p><b>10-9a-205 Notice of public hearings and public meetings on adoption or modification of land use regulation.</b></p> <p>(1) Each municipality <b>shall</b> give:</p> <p>(a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use regulation; and</p> <p>(b) notice of each public meeting on the subject.</p> <p>(2) Each notice of a public hearing under Subsection (1)(a) shall be:</p> <p>(a) <b>mailed</b> to each <b>affected entity</b> at least <b>10 calendar days</b> before the public hearing;</p> <p>(b) <b>posted:</b></p> <p>(i) in at least <b>three public locations</b> within the municipality; <b>or</b></p> <p>(ii) on the <b>municipality's official website</b>; <b>and</b></p> <p>(c)</p> <p>(j) posted on the <b>Utah Public Notice Website</b> created in Section 63A-16-601, at least <b>10 calendar days</b> before the public hearing; <b>or</b></p> <p>(ii) <b>mailed</b> at least <b>10 days</b> before the public hearing to:</p> <p>(A) each <b>property owner</b> whose land is <b>directly affected</b> by the land use ordinance change;</p> <p><b>and</b></p> <p>(B) each <b>adjacent property owner</b> within the parameters specified by municipal ordinance.</p> <p>(3) Each notice of a public <b>meeting</b> under Subsection (1)(b) shall be posted at least <b>24 hours</b> before the meeting:</p> <p>(a) in at least <b>three public locations</b> within the municipality; <b>or</b></p> <p>(b) on the <b>municipality's official website</b>.</p> <p>(4)</p> <p>(a) A municipality shall send a <b>courtesy notice</b> to each <b>owner</b> of private real property whose property is located entirely or partially <b>within a proposed zoning map enactment</b> or amendment at least <b>10 days before</b> the scheduled day of the public hearing.</p> |

**OTHER ISSUES**

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|                    | <p><b>a. Approval of March 15, 2022 Planning Commission Meeting Minutes.</b><br/><i>Commissioner Cressall moved to approve the minutes of the March 15, 2022 Planning Commission Meeting. Commissioner Bauer seconded the motion. Commissioners Bauer, Cressall, Evans, Gregersen, and Thompson voted in favor.</i></p> <p><b>b. City Council Report</b></p> <p><b>c. Commission Reports</b></p> |
| <b>ADJOURNMENT</b> | <p><b>Commissioner Bauer moved to adjourn. Commissioner Evans seconded the motion. The meeting adjourned at 9:17 p.m.</b></p>  |