



**Town of Clayton
Planning Board Minutes
January 27, 2020 @ 6:00 P.M.
Town Council Chambers**

BOARD MEMBERS PRESENT:

Travis Avery
Brian Tiede
James Lipscomb
Andria Merritt
Frank Price
James Moore
George "Bucky" Coats

STAFF PRESENT:

Samantha Wullenwaber, Planning Director
Haley Hogg, Sr. Planner
Sharon Sharpe, Planner
Chrissy Freeman, Clerk to the Board
Merrick Parrott, Town Attorney

MEMBERS ABSENT:

Marty Bizzell
Stephen Powers

1 CALL TO ORDER

a)

Planning Board Member Frank Price called the meeting to order at 6:00 p.m.

Planning Board Members Stephen Powers and Marty Bizzell were absent from this meeting.

2 ADJUSTMENT OF THE AGENDA

3 ADMINISTRATION OF OATH(S)

a) Clerk to the Board, Chrissy Freeman administered the Oath of Office to Planning Board Members:

- Travis Avery
- Brian Tiede
- Andria Merritt

4 ELECTION OF CHAIR & CO-CHAIR

a)

Planning Board Bucky Coats nominated Andria Merritt for Chair and Planning Board Price member nominated George "Bucky" Coats as Co-Chair. There were no further nominations.

Chair Andria Merritt introduced the two new members of the Planning Board, Travis Avery and Brian Tiede. Mr. Avery and Mr. Tiede gave a brief overview of their background and experience.

Mr. Price had an update on Planning Board Member Marty Bizzell and stated he has been very ill. Mr. Price state Mr. Bizzell is on the road to recovery and hoping to be back shortly.

5 APPROVAL OF MINUTES

a)

Approval of December 17, 2019 Planning Board Minutes

ACTION: Planning Board Minutes approved.

Motion: Board Member Coats
Second: Board Member Moore
Vote: Unanimous

6 PUBLIC HEARINGS

7 NEW BUSINESS

a) 2019-244-OA Assembly Use - Update Ordinance Amendment

Planning Director Samantha Wullenwaber presented this item. The request is to modify the Unified Development Code (UDC) to change the Assembly use category from a Conditional Use Permit to a Special Use Permit. State law is requiring all jurisdictions to remove Conditional Uses from their UDOs and replace it with the Special Use review process. Assembly is currently permitted via a Conditional Use Permit in the R-E, B-2, and B-3 zoning districts and will simply be modified to require a Special Use Permit instead. Staff is also proposing to add Assembly to the B-1 zoning district, permitted through an issuance of a Special Use Permit as it is currently not permitted. All other land use categories in the UDC will remain as written and adopted by the Town Council. Staff is recommending approval. There were no questions for staff.

ACTION: Recommend 2019-244-OA Assembly Use - Update Ordinance Amendment to Town Council

Motion: Board Member Price
Second: Board Member Lipscomb
Vote: Unanimous

8 INFORMAL DISCUSSION AND PUBLIC COMMENT

a)

Planning Director Samantha Wullenwaber introduce new Planner Sharon Sharpe.

b) Town Attorney's Annual Update

Town Attorney Merrick Parrott gave an update on the Quasi-Judicial process. She went over the process of Quasi-Judicial hearings and each step that is required to make a decision on the public hearing. Planning Board member Price had a question about hearsay evidence. Planning Board member Lipscomb asked about opinion vs. expert evidence. Ms. Merrick explained. Members must recuse themselves when has fixed opinion prior to the hearing that is not subject to change; have a close familial, business, or other association with a participating party; or the decision would have a direct, substantial, and readily identifiable financial impact on the member. Once recused, a member should not participate in the hearing in any way. Findings of Fact need to be read to for the decision. Five votes are required for an approval.

Ms. Merrick also went over the Legislative Update - S.L 2019-111. An act to clarify, consolidate, and reorganize the land use regulation laws of the state. Part I is effective immediately and consists of clarifications. It is restating what has already existed. Ms. Merrick went over some highlights of Part I. Part II is not yet effected until January 1, 2021. Part II of S.L. 2019-111 created a new consolidated chapter 160D applicable to both municipalities and counties. Ms. Merrick went over some highlights for Part II but will go over more as the year goes on.

c)

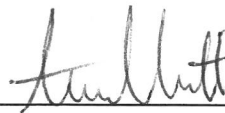
Planning Director Samantha Wullenwaber went over a brief overview of the Highway 42 East connector. There is an article on the Town's website about the extension. Mr. Coats asked a question on one of the connectors. Ms. Wullenwaber stated there is a southern connector that is not approved at this time. Town Council Michael Grannis stated this project is in a very early design.

9 ADJOURN

a)

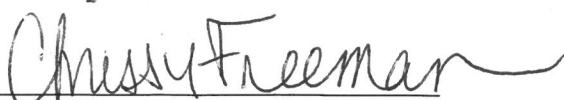
With there being nothing further, the meeting was adjourned at 7:00 pm.

Motion: Board Member Coats
Second: Board Member Price
Vote: Unanimous



Andria Merritt, Chair

ATTEST:



Chrissy Freeman, Clerk to the Board

