

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
December 4, 2012 – WORK SESSION
Amended November 29, 2012

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

Mission Statement: To provide leadership in advancing core community values; sustain safety, security and health; and provide progressive, caring and effective services. We take pride in building a community where individuals, families and businesses can develop and thrive.

Councilmember Shepherd will participate in the meeting from Texas electronically via a speaker phone.

6:00 P.M. WORK SESSION

Planning Commission Interviews
Discussion of Planning Commission Vacancies
Discussion on the Findings of the Utility Rate Study
Discussion on Establishing a New Mixed Use (MU) Zone in the City
Discussion on the City Budget and Re-opening the Budget scheduled for the December 11th
Policy Session
Discussion on the Authorization and Execution of Contracts
Discussion on Amendments to Title 1, Chapter 6 – Administration, Mayor and City Council

****ADJOURN WORK SESSION AND RECONVENE IN A SPECIAL SESSION****

SPECIAL SESSION

Call to Order: Mayor Wood

SCHEDULED ITEMS:

1. CONSIDER APPROVAL OF RESOLUTION 2012R-22 AUTHORIZING AMENDMENTS TO THE INTERLOCAL AGREEMENT WITH THE DAVIS SCHOOL DISTRICT REGARDING USE OF THE CLEARFIELD AQUATIC CENTER WEIGHT ROOM
2. CONSIDER APPROVAL OF AMENDMENTS TO THE CONTRACT WITH MERRILL SHERRIFF CONSTRUCTION FOR THE WEST PARK VILLAGE PARK AND BARLOW PARK PROJECTS

****COUNCIL ADJOURN****

Dated this 29th day of November, 2012.

/s/Nancy R. Dean, City Recorder

The City of Clearfield, in accordance with the 'Americans with Disabilities Act' provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 525-2714, giving her 48-hour notice.



November 28, 2012

RE: Planning Commission Interviews December 4, 2012

Dear Mr. Mayor, Council Members and Chair Peterson,

Attached are the letters of interest that the City received from individuals who want to serve on the Planning Commission. These letters are in the same order in which they will be interviewed at the following dates and times:

December 4, 2012

6:00 p.m. Timothy Roper

6:10 p.m. Keri Benson

Also included in this packet is a sample of the questions that the candidates will be asked in their interviews. There are currently two alternate positions that are open. The discussion on the preferred candidates to fill these positions will occur during the December 4, 2012 Council Work Session. Following that meeting, the selected individuals will be notified. If they accept, it is anticipated that they will be appointed to the Commission at the December 11, 2012 City Council Meeting.

Should you have any further questions please do not hesitate to contact me at (801) 525-2785 or via email at vclaussen@clearfieldcity.org.

Sincerely,

Valerie Claussen, MPA, AICP
Development Services Manager

CC: Adam Lenhard, City Manager
JJ Allen, Assistant City Manager
Nancy Dean, City Recorder

Timothy E. Roper
422 North 360 West
Clearfield, Utah 84015
(801)682-6296
troper77@live.com

Dear Clearfield City Council and Staff Members:

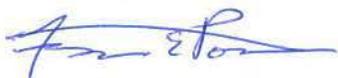
I am interested in being a member of the Clearfield City Planning Commission and ask that you consider me for one of the current open seats. I have served previously on the Planning Commission in 2008 and 2009 and resigned my position to finish my bachelor's degree at the University of Phoenix. I have since completed my degree in business marketing and currently work as a Marketing Consultant for Red Tide Marketing and Design located in Salt Lake City which serves all types of businesses along the Wasatch Front. I have resided in Clearfield City for almost 10 years with my wife, Marie, we have five beautiful children.

I enjoy living in Clearfield City and call it my home. I have volunteered as a coach for Jr. Jazz and have served and supported my local Boy Scout troop both as a parent and a leader. I enjoy my associations I have made while living here and found many people who share my values and principles. I also enjoy the diversity Clearfield has and find it a great place to raise my family, as well as develop a business.

As an interested member of our community, I would like to volunteer my time, skills, and talents to assist in planning the future of our great city. I want to make our community a wonderful place for generations to come and for people to be proud to live in this city. What has piqued my interest in seeking appointment to the Planning Commission is my deep desire to serve the city I live in. My previous experience with the Planning Commission, the knowledge I have gained working with all types of business, as well as my education, give me the ability to best serve in this capacity. I am also in a great position in my life to be dedicated to fulfill my term and attend each meeting.

I respectfully request your support in being appointed to the Clearfield City Planning Commission and look forward to meeting with you soon.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy E. Roper", written in a cursive style.

Timothy E. Roper

Valerie Claussen

From: Keri <bensohome@aol.com>
Sent: Wednesday, November 07, 2012 9:08 AM
To: Valerie Claussen
Subject: Re: Planning Commission Vacancies

Follow Up Flag: Follow up
Flag Status: Flagged

Valerie, my name is Keri Benson and I am interested in being on the planning commission board. I have lived in Clearfield for just over 5 yrs. I don't know much about the position except what I have learned in going thru Clearfield University this spring. I am interested in politics and am interested in this community. I enjoy learning and am very involved in community affairs. I would love an opportunity to serve in this capacity if given the chance. Thank you for your time. Keri Benson

1902 S 575 E
Clearfield Utah 84015
801-866-6450
Bensonshome@aol.com

Sent from my iPhone

On Oct 30, 2012, at 10:49 AM, Valerie Claussen <vclaussen@clearfieldcity.org> wrote:

Dear Clearfield-U Graduates-

Clearfield City is seeking residents who would like to serve as an alternate on the City's Planning Commission. The commission consists of seven regular members and two alternates who advise the City Council on land use decisions, development activities, planning policy matters and interpretations. The Commission makes recommendations to the Council on amendments to the Master Plan and re-zonings, as well as final action on items such as Conditional Use Permits and Site Plans. Meetings are held on the first Wednesday of each month at 7 pm at City Hall. If interested in the opportunity for active involvement in the community and playing an important role in the development of Clearfield City, please submit a letter of interest, that also includes your name, address, phone number, and email address **no later than Wednesday, November 14, 2012** to Valerie Claussen, Development Services Manager, Clearfield City, 55 S. State Street, Clearfield, UT 84015.

Sincerely,
Valerie

P.S. Please forward this information to anyone else you think may be interested!

Valerie Claussen, MPA, AICP
DEVELOPMENT SERVICES MANAGER

Clearfield City Community Development
55 South State Street * Clearfield, UT 84015
vclaussen@clearfieldcity.org

Planning Commission Interview Rating Form

Date: _____

Job Title: Planning Commissioner

Rater: _____

Applicant: _____

4-5 =the applicant answered the question in such a way that the rater feels comfortable the level of performance will be superior to the performance of other candidates and exceed required performance standards

2-3 =the applicant answered the question in such a way that the rater feels that the level of performance will be on par with the performance required for the position

1 =the applicant answered the question in such a way that the rater feels that the level of performance will not meet the requirements of the position

Total Score: _____

#	Question	Rating	Comments
1	<i>Asked by:</i>		
	Why are you interested in serving on the Planning Commission? Please provide at least two reasons.	1 2 3 4 5	
2	<i>Asked by:</i>		
	What characteristic do you possess that will make you an effective Planning Commissioner?	1 2 3 4 5	
3	<i>Asked by:</i>		
	A developer comes up to you at a private function you are attending and starts "selling" his project to you, a Commissioner, two weeks before the project is scheduled to be heard at the Planning Commission. How do you respond? What do you do?	1 2 3 4 5	
4	<i>Asked by:</i>		
	Being a part of the Planning Commission requires a significant time commitment. Tell me how you would make this appointment fit into your current schedule. Are there other commitments that would keep you from regular attendance?	1 2 3 4 5	
5	<i>Asked by:</i>		
	As an alternate member, it is still the expectation to come to meetings prepared, familiar with the agenda and having read the material, but you may not have the opportunity to be seated as a participating Commissioner at meetings if all the regular members are in attendance. Are you still willing to make a full commitment and dedication to the position, even if it sometimes means observing the meeting?	1 2 3 4 5	
Total Score		____ / ____ = ____	



Community Development

Planning & Zoning, Building Inspections,
Business Licensing, and CDBG Administration

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: Valerie Claussen, MPA, AICP
Development Services Manager
vclaussen@clearfieldcity.org or (801) 525-2785

MEETING DATE: December 4, 2012

SUBJECT: Discussion on **ZTA 1208-0004**, amendments to the Clearfield City Land Use Ordinance Title 11 for the establishment of a new Mixed Use (MU) zoning district within the City.

RECOMMENDATIONS

This item is for discussion only. No recommended action is proposed.

EXECUTIVE SUMMARY

Planning Commission Recommendation

The Planning Commission will hold a public hearing and consider taking action on this item at the December 5, 2012 Planning Commission meeting. This item will then be brought forward, with a recommendation from the Commission, at the December 11, 2012 Policy Session. The public hearing has been scheduled and advertised for this date as well.

Executive Summary

At the last Planning Commission meeting, the draft language of the text amendment for the establishment of a Mixed Use (MU) zone was discussed in detail. The draft text amendment the Commission discussed is attached to this report (*See Attachment A: November 7, 2012 Planning Commission Staff Report*).

Some of the anticipated changes to the text amendment from the discussion that was held include the following:

- Reference to "Industrial" to be replaced with "Business Park", "Employment", or "Light Industrial"
- Minimum acreage required, may be reduced from proposed 40 acres
- Residential Design Requirements will be qualified with terms as "encouraged" or "should", versus "shall" or "will".
- Non-residential design guidelines may be considered and also included

A final draft Ordinance of the text amendment will be presented to Council at the December 11, 2012 Policy Session.

The October 3, 2012 Planning Commission Staff Report and related exhibits are attached to this report for further reference and background on form-based codes and hybrid zoning districts (See *Attachment B*).

ATTACHMENTS

- A. November 7, 2012 Planning Commission Staff Report
- B. October 3, 2012 Planning Commission Staff Report



PLANNING COMMISSION

STAFF REPORT

AGENDA
ITEM
#4

TO: Planning Commission

FROM: Valerie Claussen, MPA, AICP
Development Services Manager
vclaussen@clearfieldcity.org (801) 525-2785

MEETING DATE: November 7, 2012

SUBJECT: Public Hearing, Discussion and Possible Action on **ZTA 1208-0004**, amendments to the Clearfield City Land Use Ordinance Title 11 Chapter 11 and Chapter 12 for the establishment of new zoning and overlay districts within the City.

RECOMMENDATIONS

- A.) Continue the public hearing.
- B.) Move to **continue**, ZTA 1208-0004, amendments to the Clearfield City Land Use Ordinance Title 11 Chapter 11, to the December 5, 2012 Planning Commission meeting.

PROJECT SUMMARY

The draft text amendment will be provided at the meeting and the components thoroughly discussed.

Staff's recommendation is to review the proposal and take final action at the December 5, 2012 Planning Commission Meeting. The earliest this item can be scheduled for a public hearing before City Council is December 11, 2012.

Should the Commission want to move forward with the proposal at this time and make a recommendation to Council is also a viable option.

“Exhibit A”

Text Amendment for Mixed Use (MU) Zoning District

(Revisions shown with CAPS and deletions shown with ~~strikethrough~~.)

TITLE 11, CHAPTER 11 ARTICLE F. MIXED-USE ZONE (MU)

11-11E-1: Purpose:

A Mixed Use Zoning district is intended to provide a variety of land uses that are purposely combined. Mixed-Use areas are intended to support a broad range of residential, commercial, recreational, entertainment, office, and civic uses within single buildings (vertical mixed-use), or within neighborhoods (horizontal mixed-use). The Mixed-Use zoning permits non-residential (commercial or industrial) development, or non-residential and residential development, but it does not permit residential development without a substantial non-residential component.

The following objectives are among those sought to be accomplished in the MU zoning:

- a. To accommodate variations in building design, lot arrangements and land uses
- b. To provide for a coordinated and compatibly arranged variety of land uses through innovative site planning.
- c. To provide a maximum choice in the types of environments for residential, commercial, and industrial uses and facilities
- d. To encourage an efficient and safe traffic circulation, including the separation of pedestrian from vehicular traffic.
- e. To encourage economy in the construction and maintenance of streets and utilities.
- f. To encourage the provision of usable open space.
- g. To assist in the fulfillment of the goals, objectives and policies of the Clearfield City Master Plan and any amendments thereto.
- h. To maintain a reasonable quality of living standard and minimize adverse environmental impact on surrounding areas during developments.

11-11E-1 Area Requirements. The minimum area of an MU Zone shall be forty (40) acres.

11-11E-1 Location. MU developments shall be located at transportation nodes and along transportation corridors and other locations where “walkable” components (e.g., housing choices, convenience commercial, employment community facilities, transportation linkages, parks or other open space, schools, churches) are already present, planned, or where the size and scale of development is such that said components can be provided within the project itself. The location of the MU Zone shall typically be within a quarter (1/4) mile, or a five (5) minute walking distance, of the elements described above.

“Exhibit A”

11-11E-1 Ownership. The development shall either be entirely owned by a single legal entity (whether by an individual, partnership or other corporate entity), or under option to purchase by such at the time of the application; otherwise the application shall be filed jointly by all owners of the property.

#####: ZONE ESTABLISHMENT:

Each proposed MU Zone shall be accompanied by a Master Development Plan (“MDP”).

Purpose and Applicability. A (“MDP”) is intended to create well designed, pedestrian-oriented, economically viable neighborhoods, and achieve the related goals and objectives identified in the City’s Master Plan, particularly for the Mixed-Use Land Use Classification.

An MDP should be a graphically oriented development code clearly describing the required urban and architectural design patterns, while also carefully regulating the uses of the buildings and lots within the project area. An MDP should also specify the allowed residential densities and intensity of the development that may be achieved for the entire project area. It should also describe and regulate the design of the public space network that provides the framework and infrastructure for the specified MU zoned property, focusing on a circulation network that balances the use of all travel modes, including automobiles, pedestrians, bicycles and transit.

TITLE HERE. In the development of the MDP in the Mixed Use (MU) zone the following provisions shall be considered in order to protect the intended characteristics of the zone:

Development Standards: Standards, including the following but not limited to, area and frontage regulations, yard requirements, height regulations, lot coverage, parking, loading and access shall be established in the zoning amendment process in conjunction with a submitted and approved Master Development Plan (“MDP”).

Mixture of Unit Type: The blend or mixture of residential unit type (e.g., condominiums/apartments, twin homes, single-family, unit size, etc.), within a development shall be determined depending upon the size, scale, and location of the project. Housing units shall include a mix of housing types, housing size, and number of bedrooms.

Traffic: The developer shall demonstrate that all potential traffic concerns regarding existing intersections, substandard streets, inadequate improvements, and access are mitigated to the City’s satisfaction.

Surrounding Properties: The developer shall demonstrate to the satisfaction of the City, that sufficient measures have been incorporated into the development plan to assure that adjacent properties will not experience significant impacts as a result of the proposed development.

Pedestrian Realm: In order to achieve an overall "walkable" development, appropriate land uses, pedestrian connections, cross easements, common driveways, consistent site standards, etc., must be coordinated within the respective MU zone area, even though properties may be individually owned.

“Exhibit A”

Each proposed MU Zone shall be accompanied by an MDP, a document prepared by the applicant, which shall incorporate the above provisions and include, at minimum, the following items:

- a. Project Area
- b. Land Use Regulation Plan
- c. Residential and Non-Residential Acreage, Density, Units and Square footage
- d. Permitted Uses and Conditional Uses
- e. Development Standards as described in this Chapter
- f. Maximum Building Heights
- g. Circulation and Roads (delineating private and public)
- h. Phasing Plan
- i. Architectural Controls
- j. Parking and Loading Standards
- k. Open and Public Spaces
- l. Sign Standards, if applicable

Adoption by Ordinance: The MDP shall be adopted by the ordinance establishing the MU zone district for a given property or project area. A development agreement between the city and the applicant may be required by the city council and executed before the zoning designation shall be effective.

Minimum and exclusive standards. The requirements of an MDP regarding site development, massing, materials, construction methods, forms and colors are mandatory; standards that do not meet these requirements are not acceptable. The requirements for an MDP are minimum standards for the promotion of the public health, safety, and general welfare in a mixed-use zoning district.

Phased developments and approved individual plats and site plans shall conform to the MDP.

FINDINGS

The Planning Commission must make the following findings to approve a recommendation to the City Council for re-zoning the property to the MU zone:

- 1.) The MDP is consistent with the statement of objectives of a mixed-use (MU) zone contained in this Chapter.
- 2.) To the extent that the MDP departs from zoning and subdivision regulations otherwise applicable to the property (including but not limited to density, bulk and use) it is nevertheless still consistent with adopted master plan land use maps and policies.
- 3.) The ratio of residential to non-residential uses in the planned development is consistent with the Master Plan; specifically, that the MDP provides a substantial non-residential component in comparison with the residential uses proposed.
- 4.) The common open space provided in the MDP exceeds the minimum area and improvement standards.
- 5.) The proposed development can be adequately served by public facilities and complies with the minimum design criteria for these public facilities, including but not limited to water, storm drain, and sewer.

“Exhibit A”

- 6.) Any development-related adverse impacts, such as traffic, noise, orders, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods, are mitigated by improvements or modifications either on-site or within the public right-of-way.
- 7.) Where an MDP proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the project area and the integrity of the plan and, where the plan provides for phases, the period in which the application for each phase must be filed.
- 8.) That each individual unit or phase of the development, as well as the total development, can exist independently and be capable of creating a good environment in the locality and be as desirable and stable in any phase as in the total development.
- 9.) The project will not result in material prejudice of surrounding properties, and will not endanger the health, safety, and welfare of the community.
- 10.) The development complies with the development standards set forth in Title 11 of the Municipal Code.
- 11.) The MDP has a beneficial relationship to the neighborhood and area in which it is proposed to be established.

#####: DEVELOPMENT REVIEW:

As determined through the MDP approval, portions of the project area that are specifically given Site Plan approval (pursuant to Title 11 Chapter X) will proceed directly to the building and engineering permitting process (pursuant to Title XX Chapter XX). Portions of the project that are not identified as obtaining Site Plan approval at the time of the MDP approval, will proceed through the Site Plan approval process (pursuant to Title 11 Chapter X).

Should at any time, the determination be made by the Zoning Administrator, or assigned designee, that submitted construction documents are not in substantial conformance with the approved MDP, the submittal will be referred to and reviewed by the Planning Commission and will follow the modification procedures as outlined in this Chapter.

MDP Modifications. Changes in an MDP which constitute a change in concept, land use, density, unit type or configuration of any portion or phase of the MDP will justify review of the entire MDP by the Planning Commission, and final decision by the City Council. If the modifications are determined by the City Council to be material, the project will be required to go through the Zoning Amendment process as outlined in Title 11 Chapter X.

Future changes of use on developed properties in the MU Zone may still be subject to Site Plan or Conditional Use approval.

CONSTRUCTION WITHOUT APPROVAL PROHIBITED. No building or zoning permit shall be issued for any use under a MU zoning designation prior to approval of the MDP as prescribed herein.

Length of approval. Construction, as defined by the Uniform Building Code, will be required to commence within two (2) years of the date of the approval of the MDP. After construction commences, the MDP shall remain valid as long as it is consistent with the approved specific project phasing plan as

“Exhibit A”

set forth in the MDP. It is anticipated that the specific project phasing and may require Planning Commission review and reevaluation of the project at specified points in the development of the project.

Municipal Code Provisions. The MDP adopted by ordinance will be considered a subpart of the City’s Zoning Ordinance Title 11 and be identified by MDP Project Name.

Responsibility for Administration. The MDP shall be administered by the Zoning Administrator, or assigned designee and the other decision-making authorities identified in the Plan. All findings, approvals, determinations and discretionary judgments, including those delegated to subordinates pursuant to the MDP by the Manager, his or her successors or designees, shall be carried out in a manner consistent with the purposes of the adopted MDP, the City Zoning Ordinance, the City Master Plan, and the orderly development of the City.

Relationship of Master Development Plan to Municipal Code:
Municipal Code and Zoning Ordinance Provision. An adopted MDP is a subpart of the zoning ordinance. As is the case with other provisions of the Zoning Ordinance, all other provisions of the Clearfield City Municipal Code continue to apply within an approved MDP.

If a conflict occurs between a requirement or other provision of an adopted MDP and a requirement or other provision of the Zoning Ordinance, the provision of the MDP shall control regardless of whether the MDP provision is more liberal or more restrictive. In any instance where there is no conflict between a requirement of an adopted MDP and a requirement or other provision of the Zoning Ordinance because a development-related subject is addressed in the Zoning Ordinance, but not in the MDP, the zoning ordinance provision shall apply.

In any instance where there is no conflict between a requirement of MDP and a requirement or other provision of the Municipal Code because a regulatory subject is addressed elsewhere in the Municipal Code, but not in an adopted MDP, such as, by way of example but without limitation, the home occupation requirements set forth in Title 11, Chapter 16 of the Municipal Code, or the SOMETHING HERE of the Municipal Code, the Municipal Code provision is intended to, and shall, apply.

Interpretation. Whenever the Zoning Administrator determines that the meaning or applicability of any requirement of the MDP is subject to interpretation generally or as applied to a specific case, the Zoning Administrator shall issue an official interpretation.

Findings and Basis for Interpretation. The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the City Master Plan and Zoning Ordinance.

Record of Interpretations. Official interpretations shall be in writing and shall quote the provisions of the MDP being interpreted, the applicability in the specific or general circumstances that caused the need for interpretations, and the determination.

“Exhibit A”

#####: RESIDENTIAL DESIGN REQUIREMENTS:

When a residential component is being considered in the MU Zone, residential dwellings shall consist of quality materials and SOMETHING HERE.

A. Walkable Elements: Where possible, multi-family development shall front onto open space or public streets with appropriate walkable elements, including sidewalks and park strips with street trees. When approved, private streets shall be so designed to resemble a walkable public street design.

B. Multi-Family Residential: Multi-family residential development shall conform to requirements heretofore presented. Approved setbacks shall be determined by the Planning Commission based upon acceptable layout and design and in conjunction with the MDP.

1. The following should be incorporated for multi-family residential design:

a. Properly designed off street surface parking hidden from streets, or provided within parking terraces.
b. Surface parking, where possible, shall be designed in a linear fashion to better resemble a public street design.

c. Garage units associated with multi-family development should be rear loaded. Where front loaded garages are approved, they shall be so designed to be "subservient" (set back at least 5 feet from the front line of the dwelling) to the architecture of the residential structure.

d. Roofs with a four to twelve (4/12) pitch or greater, unless otherwise approved by the Planning Commission.

e. Dwelling and garage gables facing streets and alleys.

f. Extensive windows facing streets, alleys and pedestrian connections.

g. Covered entrance porches.

h. Entry sidewalks that connect directly to public sidewalks.

i. Variety of building sizes, shapes and building heights.

j. Open space and project amenities compatible with project scale and market.

2. The following standards for multi-family residential shall be encouraged:

a. Multilevel structures.

b. Dormers and/or shutters, and other window treatments.

c. Street side balconies/decks.

AMENITIES?

C. Single-Family Residential: Single-family residential dwellings, unless fronting a "green court", shall have front setbacks that range between twenty two (22) and thirty two feet (32'), measured from the inside edge of the curb to the porch. Front loaded garages shall be subservient to the dwelling and shall not have a setback less than eighteen feet (18') to the sidewalk. Side and rear setbacks shall be determined by the Planning Commission based upon acceptable subdivision layout and design and in conjunction with the MDP.

1. The following should be incorporated for single-family residential design:

“Exhibit A”

- a. "Subservient" garages, i.e., back loaded detached with alley access, front loaded detached, attached but set back from the front line of the home by at least five feet (5'), side entry attached, or a combination of the above.
 - b. Roofs with a four to twelve (4/12) pitch or greater unless otherwise approved by the planning commission.
 - c. Dwelling and garage gables facing streets and alleys.
 - d. Covered open front porches comprising at least fifty percent (50%) of the front elevation (not including the garage), in no case being no less than fifteen feet (15') in width.
 - e. Entry sidewalks that connect directly to public sidewalks.
2. The following standards for single-family residential shall be encouraged:
- a. Two-story dwellings.
 - b. House dormers and/or shutters, and other window treatments.
 - c. Street side balconies/decks.
 - d. Wraparound porches, particularly on corner lots.

DRAFT



PLANNING COMMISSION

STAFF REPORT

AGENDA
ITEM
#8

TO: Planning Commission

FROM: Valerie Claussen, MPA, AICP
Development Services Manager
vclaussen@clearfieldcity.org (801) 525-2785

MEETING DATE: September 5, 2012

SUBJECT: Public Hearing, Discussion and Possible Action on **ZTA 1208-0004**, amendments to the Clearfield City Land Use Ordinance Title 11 Chapter 11 and Chapter 12 for the establishment of new zoning and overlay districts within the City.

RECOMMENDATIONS

- A.) Move to **continue** the public hearing to the November 7, 2012 Planning Commission meeting.
- B.) Move to direct Staff to proceed with **[TOA zoning district or PC zoning district]** ordinance language and **continue**, ZTA 1208-0004, amendments to the Clearfield City Land Use Ordinance Title 11 Chapter 11 and Chapter 12, to the November 7, 2012 Planning Commission meeting.

BACKGROUND

As further discussions and meetings with both the developer and owner of the Clearfield UTA site have occurred over the past couple of months, the anticipated submittals for development of the site are not proposed to fall under conventional zoning districts. Infact, the preliminary information provided is more consistent with a form-based code that would be prepared specifically for the site.

While there is the option to accomplish rezonings for larger parcels being developed in its entirety as a single project, under a more a conventional planned zoning district (i.e. Planned Development, or zoning overlays), there are other enabling processes and mechanisms of a parallel code system that would adopt a form-based code specifically designed for the subject property. This type of zoning may not be appropriate for all properties in a given city, however, there are instances where this is the best opportunity for both the developer and the City, and in

this instance, a third party landowner (UTA) to more fully ensure that development expectations and quality can met throughout the life of the project.

Attached is a document used by permission of Michelle Marx with Sera Architects that discusses the basics of Form-Based Codes (*See Attachment 1: A Primer on Form-Based Codes*). This document concisely explains the differences between conventional zoning and the form-based codes, as well as the benefits and shortcomings of the Form Based Codes and Hybrids.

The proposed text amendment will create a Transit Oriented Area (TOA) District. This zoning district would require a Master Development Plan (MDP) be adopted by ordinance and would also be subject to Development Agreement approval and recordation against the subject properties. The Master Development Plan would be a parallel code system to the City's existing Land Use Ordinance. As the Primer document describes, it would be "A self-contained special chapter with unique provisions, not cross-referenced to other parts of the code."

A Master Development Plan will establish zoning standards and aspects of a project that are not currently contained in the City's Land Use Ordinance, including, but not limited to the following:

- Mixed-Use buildings
- Mid-rise building heights
- Multi-family Densities appropriate for transit stops
- Light Industrial/Flex Warehousing Use
- Architectural Standards and Design Controls
- Private Road Cross Sections
- Open Space programming
- Shared Parking regulations and Parking Structures
- Phasing of a large scale project over time

Other provisions of the text amendment will be qualifying properties for the TOA zone (e.g. over 40 acres, single landowner), and modifications to process administration. For instance, the Master Development Plan may delineate future phases for development that would be considered a "Site Plan" under conventional zoning, but would be reviewed and approved at the staff level, because there is already been approval at the level of detail indicated in the MDP. If Staff determines that the proposed drawings of the development are not in substantial conformance with the MPD, it would be referred to the Planning Commission for review and approval. Revisions to the MPD will require an amendment to the zoning and adopted by ordinance and subject to a new Development Agreement approval.

The developer has provided a template Master Development Plan that is anticipated to be submitted. The Table of Contents for what components are likely to be included¹ is attached for reference (*See Attachment 2: Table of Contents, Master Development Plan*). Aspects of zoning that are necessary, but not already established in the Land Use Ordinance will be able to be established in the Master Development Plan that will be prepared by the applicant and reviewed by the Planning Commission over the course of a couple meetings, with adoption of the plan running concurrent with the request for a rezoning.

¹ Due to the size of the project and other site specific circumstances the Master Development Plan may not have every section represented in it as shown in this Table of Contents exhibit.

Traditional planned zoning districts are still an option and if it is the preferred alternative than a Planned Community (P-C) District is recommended that would set specific standards and requirements and proposed language will be crafted as further direction is given by the Commission at this time. There would still be a requirement of a Master Development Plan, adopted by ordinance and subject to Development Agreement approval. It would be an integrated alternative where the code is cross-referenced and there is base zoning that would exist and minimum standards set through the City's Land Use Ordinance.

ATTACHMENTS

1. A Primer on Form-Based Codes
2. Table of Contents, Master Development Plan

Date: May 9, 2008

Project Name: Charrette for San Jose District, City of Bisbee

Attention: City of Bisbee: John Charley, Community Development Director; Melanie Greene, Planning Assistant

A PRIMER ON FORM-BASED CODES

“A form-based code is one that is based primarily on “form”—urban form, including the relationship of buildings to each other, to streets and to open space, rather than based primarily on land use. “

A Form-Based Code is a development code that provides the developer/applicant greater flexibility in permitted land uses in exchange for more stringent regulations controlling urban form. These types of codes support mixed-use, pedestrian-friendly and mixed housing development more effectively than conventional codes do because they provide greater guidance on how buildings are expected to face the street, adjacent residential neighborhoods and open spaces. Form-Based Codes are becoming increasingly attractive to municipalities that want greater control over how buildings look and feel. Cities that have adopted Form-Based Codes include Bend and Portland in Oregon; Petaluma, Pleasant Hill, Palo Alto and Hercules in California.

A BRIEF COMPARISON OF CONVENTIONAL CODES AND FORM-BASED CODES

URBAN FORM GENERATING CHARACTERISTICS

CONVENTIONAL CODES	FORM-BASED CODES
<ul style="list-style-type: none"> • Include extensive lists of permitted, prohibited and conditional uses by zone. Many land uses in conventional codes lists are outdated and do not reflect the nature of contemporary employment models or dwelling types • Often disallow a mix of uses • Prohibit adaptability of buildings to other uses over time • On zoning maps, land use designations typically begin and end at the center of the street or Right of Way 	<ul style="list-style-type: none"> • Consider the building “walls” that frame the Right of Way (often referred to as the “public realm”) as one of the primary determinants of form • Regulating plan zone designations typically transition at the back of the lot • The same or similar development standards typically apply to both sides of the street • Land uses allow a much broader range of uses within a zone or subarea; also allow a greater mix of uses • Many uses are allowed if they meet performance standards

GRAPHICS AND PROCESS CHARACTERISTICS

CONVENTIONAL CODES	FORM-BASED CODES
<ul style="list-style-type: none">• Development standards are not illustrated and in many conventional codes the built result of the development standards is not fully understood and/or has never been tested or modeled• Abstract, hard to understand development standards such as FAR (Floor Area Ratio) are used to measure development capacity on site but do not provide a very clear picture of development that results• Zoning map, land use designations and development standards are the primary tools of the conventional code	<ul style="list-style-type: none">• Greater use of graphics to explain community goals and desired urban form to applicants, neighborhood groups and administrators• A Regulating Plan replaces the conventional code zoning map and land use designations; development standards are keyed to the Regulating Plan• Development standards and expected building form is illustrated in plans, sections, 3-D models and/or axonometrics, and photos• Other innovative tools are used by some form-based codes such as Building Types, which codify historic and/or desirable building types. Codes that use this tool include NorthWest Crossing in Bend, Oregon and City of Ventura, California

What are the advantages of Form-Based Codes?

- Form-based codes are better at illustrating community plans and vision
- Building and street design is coordinated
- Urban form is more predictable
- A more gradual transition between adjacent areas with different development intensities is easier to achieve
- Can specify the tapering of height, bulk, massing and lot coverage of buildings toward residential and/or natural edges
- High density development is more carefully designed, attractive and compatible

What are the pitfalls of Form-Based Codes?

- Cities must consider what approving bodies will administer the code and whether current review processes and review bodies will be adequate; rarely is a form-based code able to be administered without some modification
- Some cities have legal restrictions against using illustrations to set development standards; in these cases the illustrations are used to augment text and numerical standards but are not legally binding

What is a Hybrid Code?

- One that incorporates the form-based code approach toward form, but uses the provisions, processes and standards from the current code
- Often take the form of a chapter within the code, similar to a special district or an overlay
- Hybrid codes cross reference other sections of the existing code for development standards such as parking dimensions or landscaping standards

- Hybrid codes are more integrated—not stand alone codes. Some “pure” form-based codes that have been adopted are stand alone codes and because of unresolved administration issues, they are optional for applicants; not mandatory

What are some Form-Based and Hybrid Code fatal flaws?

- When allowed land uses are too complex and don’t allow a mix of uses
- When there is an unresolvable difference between the development capacity allowed by existing zoning and future urban form goals. This is a particular problem with form-based and hybrid codes applied to infill areas
- When there is an unresolvable difference between the existing development standards and future urban form goals
- The vision and plan process must precede the making of a form-based or hybrid code

A BRIEF SUMMARY OF FORM-BASED CODE TYPES

In a form-based code, the development standards that dictate urban form are linked to a Regulating Plan. A Regulating Plan is similar to a zoning map, but with less emphasis on land uses and more emphasis on the building shape, street type and neighborhood character in each zone. Development standards define and shape the public realm by providing pre-set dimensions for every aspect of the site and building.

Form-based codes can take several forms:

- **Street-based** The Regulating Plan locates private realm development standards by street type; that is, the development standards for all site and building characteristics is governed by the site’s relationship to pre-defined street types. In addition to setting the private realm standards, the Regulating Plan defines elements within the public realm (e.g. sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.). This type of form-based code can be useful for areas where streets have not yet been platted.
- **Frontage-based** The Regulating Plan locates private realm design standards by frontage type; that is, the development standards for all site and building characteristics is defined by the edge condition where it meets the primary street (frontage). Frontage-based FBCs may also define street type, but the development standards are not (or not always) tied to street type. This type of form-based code can be useful for areas where streets are already designed and/or built.
- **Street-Frontage Hybrid** Development standards are tied to specific frontage/street combinations.
- **Building Type-based** The Regulating Plan controls the locations of pre-defined building types. The development standards define the configurations, features, and functions of buildings.
- **Transect-based** The Regulating Plan articulates a cross section of street types, frontage types and/or building types along an urban/rural continuum to understand where different uses or building types fit or are inappropriate. The “pure” transect-based FBC uses the SmartCode transect with clearly defined zones from T1 to T6 This system was first created by DPZ (Duany Plater Zyberk).
- **Modified Transect** The concept of the transect is modified to correlate with the existing or zoned local urban to suburban characteristics.

IMPLEMENTATION OPTIONS

Form-based codes replace existing zoning codes and can be either mandatory or optional. There are several options for implementation

- **Integrated** A form-based code can be integrated into the existing code, applied as a “by right” designation to selected zones, and cross-referenced to existing code provisions, such as administrative procedures and/or land uses.
- **Optional parallel** Alternatively, it can take the form of an optional parallel code system--a self-contained special chapter with unique provisions, not cross-referenced to other parts of the code, available as an option in designated zones.
- **Floating zone** Finally, an FBC take the form of a floating zone (either integrated or optional/parallel) which is triggered by an application to rezone a property.

Form-based codes are often confused with design guidelines, however they are not discretionary. While they offer flexibility like design guidelines do, they do so by offering choices between objective standards, rather than by offering multiple ways of meeting an aspirational guideline.



FORM-BASED CODE EXAMPLES FOR SAN JOSE

NorthWest Crossing Prototype Catalogue, Bend, Oregon

This integrated, mandatory building-type-based code (adopted in 2002) has been used to build out an award-winning 500-acre mixed-use, mixed housing neighborhood on the west side of Bend.

Link:

http://www.northwestcrossing.com/Bend_Oregon_Real_Estate/Building_Guides/Prototype_Handbook/

Hercules, California

This integrated, mandatory street-based code (created in 2001) has been used to build out a new town in this California Bay Area town.

Link: <http://www.formbasedcodes.org/images/CentralHerculesFBC.pdf>

Columbia Pike Form-Based Code, Arlington County, Virginia

This integrated, mandatory street-based code (adopted about 2003) has been used to transform 3.5 miles of auto-oriented, region-serving highway to transit-oriented, pedestrian-friendly commercial mixed-use.

Link:

<http://www.arlingtonva.us/Departments/CPHD/Forums/columbia/current/CPHDForumsColumbiaCurrentCurrentStatus.aspx>

Loma Rica Ranch Specific Plan

This developer-driven form-based code, created in 2007, is a good example of how to use a form-based code to identify distinct, complementary neighborhoods. It includes an Architectural Standards section and a well-developed Open Space and Conservation section.

Link: http://www.cityofgrassvalley.com/services/departments/cdd/SDA_LomaRicaRanch.php

Santa Ana Renaissance Specific Plan, Santa Ana, California

This draft Form-Based Code provides a comprehensive example of form-based code approaches, including standards for open space network, streetscapes, building types and architecture.

Link: http://www.santa-ana.org/news/0710_renaissance.asp

OTHER RESOURCES

Form-Based Codes Institute (FBCI)

<http://www.formbasedcodes.org/>

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CLEARFIELD CITY ORDINANCE 2012-15

AN ORDINANCE AMENDING SECTION 1-6-2 (E) OF THE CLEARFIELD CITY CODE DEALING WITH THE APPOINTMENT OF A MAYOR PRO TEMPORE

PREAMBLE: This Ordinance amends Title 1 of the Clearfield City Code by modifying Chapter 6, Section 2 (E).

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 1, Chapter 6, Section 2, Subsection E of the Clearfield City Code is hereby amended to read as follows:

1-6-2: MAYOR AS MEMBER OF CITY COUNCIL:

E. Mayor Pro Tem: ~~*Each calendar year the city council mayor shall elect one of its*~~ *appoint a members of the city council to act as mayor pro tempore during the temporary absence or disability of the mayor. The mayor's annual appointment of the mayor pro tempore shall be subject to the advice and consent of the city council.* During such absence or disability, the mayor pro tempore shall possess the powers of mayor, except that the mayor pro tempore shall continue to cast votes as a member of the city council. The ~~election~~ *appointment and approval* of a mayor pro tempore shall be entered in the minutes of the meeting.

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective January 1, 2013.

Passed and adopted by the Clearfield City Council this 11th day of December, 2012.

CLEARFIELD CITY CORPORATION

Donald W. Wood, Mayor

ATTEST:

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

EXCUSED:

AMENDMENT TO INTERLOCAL AGREEMENT
WEIGHT ROOM
Clearfield City – Davis School District
Gymnasium and Aquatic Center

The BOARD OF EDUCATION OF DAVIS SCHOOL DISTRICT (the “District”) and CLEARFIELD CITY (the “City”) entered into an Interlocal Agreement regarding the development, use, and maintenance of a Gymnasium and Aquatic Center dated June 24, 2003.

The Parties now desire to modify the responsibilities of the Parties with regard to the portion of the Gymnasium known as the “weight room” and the maintenance, repair, and replacement of fitness equipment as follows:

SECTION NINE: GYMNASIUM contained in the June 24, 2003 Interlocal Agreement shall be deleted in its entirety and replaced by the following:

SECTION NINE: GYMNASIUM

The Gym is connected to the Aquatic Center and contains a lobby, a weight room, an indoor running track, basketball courts, locker rooms, and offices. The Parties jointly use the Gym lobby, weight room, indoor running track, and basketball court. The City does not use or access the offices or locker rooms.

A. Ownership of Gym

The School District shall own, maintain and operate the Gym and its supporting facilities at its sole expense and discretion except as otherwise provided herein. The School District agrees to maintain insurance thereon, for the repair or reconstruction in the event of a serious catastrophe, whether it be caused naturally or whether it is manmade.

B. Use and Scheduling of Gym

The Scheduling of the use of the Gym will be done annually by the Parties by and through the Junior High Principal and the Community Services Director of the City or his/her designee. This is to be done prior to September 1st each year and the agreed scheduling will be for the following (12) month period. Additional scheduling may occur as necessary during the school year. The primary purpose of this scheduling process is to identify when one Party may need the Gym at a time that is generally scheduled for the other Party and to avoid conflicts in scheduling.

The general scheduling will provide:

- i. School District will have exclusive use of the Gym each school day from 7:30 a.m. until 5:00 p.m.;
- ii. City will have exclusive use of the joint use areas of the Gym, including the restrooms, prior to 7:30 a.m. and after 5:00 p.m. each school day and all day Saturday and Sunday, and each day that no school is scheduled unless otherwise scheduled by the School District through the scheduling process.
- iii. While school is not in session during the summertime, the City will have exclusive use of the joint use areas of the Gym, including the restrooms, unless otherwise scheduled by the Parties.

Additional scheduling may occur as necessary during the school year. Both Parties will utilize their best efforts to provide for the use of the Gym by both Parties in a cooperative manner. A determination by the School District to close the Gym shall not preclude use by the City. For example, if the School District is the subject of a job action, such as a strike, and the School District determines to close the

Junior High, including the Gym, such action shall not preclude the City's use thereof, scheduled or otherwise.

C. Maintenance of Gym

- i. Outside the Building. The School District agrees to be responsible for the upkeep and maintenance of both the landscaping and the parking area outside of the building as a part of its maintenance of the New Junior High School.
- ii. Inside the Building. The School District agrees to be responsible for the daily cleaning and routine maintenance of the Gym, including the weight room, during the school year. During the summer months this cleaning and maintenance may be reduced to weekly. During the summer, the City will be responsible for routine custodial duties including emptying trash receptacles, sweeping floors, cleaning toilet facilities and keeping the facility orderly.
- iii. Significant Maintenance Projects. Responsibility for the scheduling and cost of maintenance of the Gym shall be divided as follows:
 - a. The School District shall be responsible for scheduling and cost of maintenance necessary as a result of reasonable wear and tear of the Gym except for the weight room.
 - b. Weight Room. The City is the primary user of the weight room and as such, the City shall be responsible for maintenance, including scheduling and contracting for the repair, replacement, and disposal of equipment in the weight room.
 - 1) The City agrees to pay for 75% of the cost of repair/replacement of equipment in the weight room. The District agrees to pay for 25% of the cost of repair/replacement of equipment in the weight room except, the City agrees to pay for all repairs that are less than \$1,000 per occurrence.
 - 2) In order to allow the District to budget for these expenses, the City agrees to notify and seek approval of the District, which shall not be unreasonably withheld, for purchases or commitment of funds which would exceed \$1,000.00 on the District's part.
 - 3) When equipment in the weight room is replaced or upgraded, the City will be responsible for disposing of the old equipment and any funds received from the disposal will be applied to the cost of the new equipment in a ratio equal to the percentage of responsibility of each party.
- iv. Damages to any part of the Gym which exceed reasonable wear and tear shall be provided for as outlined in Section Sixteen of the original Agreement.
- v. Scheduling. Significant maintenance projects shall be included in the yearly schedule identified in subsection B above.
- vi. Operating Expenses. The School District shall assume the cost of utilities associated with use of the Gym, including the weight room, and in return, the City shall assume the cost of the upkeep and maintenance of the Playing Fields and Pocket Park as outlined in Sections Eleven and Twelve.

D. Security and Access

The last party having exclusive use of the Gym on any given day shall be responsible to ensure that the building is secure at the end of the day. All use and security will be coordinated with the School

District's 24-hour security staff. The School District agrees to provide the necessary keys, identification numbers, telephone numbers, or access codes to the City's representative to accommodate direct access. The City agrees that said keys or codes will not be released to any third Party or other person. If such unauthorized release occurs, the City agrees to notify the School District immediately and to reimburse the School District all necessary expenses for changing any numbers, codes, or keys.

E. Rental to Outside Groups

The School District shall have the right to rent the Gym to third Parties according to its own policies and procedures during those times which are designated for the sole use of the School District in the yearly schedule. Any fees collected in conjunction with such rental of the Gym shall be retained by the School District. A rental of the Gym to a third Party by the School District shall not include access to the Aquatic Center. The City shall have the right to rent the Gym to third Parties according to its own policies and procedures during those times which are designated for the sole use of the City in the yearly schedule. Any fees collected in conjunction with such rental of the Gym shall be retained by the City.

DATED this _____ day of _____.

BOARD OF EDUCATION OF
DAVIS SCHOOL DISTRICT

CLEARFIELD CITY

MARIAN STOREY
President

DON WOOD
Mayor

ATTEST:

A TEST:

CRAIG CARTER
Business Administrator

NANCY DEAN
City Recorder

APPROVED AS TO FORM:

APPROVED AS TO FORM:

MICHELLE BEUS
Attorney for District

BRIAN BROWER
Attorney for City

STATE OF UTAH)
 :ss.
COUNTY OF DAVIS)

On the ____ day of _____, 2012 personally appeared before me MARIAN STOREY and CRAIG CARTER, who being by me duly sworn did say, each for herself/himself, that she, MARIAN STOREY, is the President of the Board of Education of Davis School District, and he, CRAIG CARTER, is the Business Administrator of the Board of Education of Davis School District, and that the within and foregoing instrument was signed on behalf of the Board of Education of Davis School District by authority of a Resolution of the Board of Education of Davis School District and each duly acknowledged to me that the Board of Education of Davis School District executed the same.

NOTARY PUBLIC
Residing at:
My Commission Expires:

STATE OF UTAH)
 :ss.
COUNTY OF DAVIS)

On the ____ day of _____, 2012 personally appeared before me DON WOOD and NANCY DEAN, who being by me duly sworn did say, each for himself, that he, DON WOOD, is the Mayor of Clearfield City, Davis County, State of Utah, and she, NANCY DEAN, is the City Recorder of Clearfield City, Davis County, State of Utah, and that the within and foregoing instrument was signed on behalf of the City by authority of the City Council and each duly acknowledged to me that the City executed the same and the seal affixed is the seal of the said City.

NOTARY PUBLIC
Residing at:
My Commission Expires: