

CLEARFIELD CITY COUNCIL  
AGENDA AND SUMMARY REPORT  
June 9, 2015 – POLICY SESSION

Executive Conference Room  
55 South State Street  
Third Floor  
Clearfield, Utah

**6:30 P.M. WORK SESSION**

Discussion on the Consolidated Fee Schedule

Discussion on Clearfield High School Scholarship Requirements

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

**7:00 P.M. POLICY SESSION**

CALL TO ORDER:

Mayor Shepherd

OPENING CEREMONY:

Councilmember Bush

APPROVAL OF MINUTES:

May 26, 2015 – Policy Session

May 27, 2015 – Appeal Hearing

June 2, 2015 – Work Session

***PUBLIC HEARING:***

1. **PUBLIC HEARING TO RECEIVE COMMENT ON THE 2015/2016 FISCAL YEAR BUDGET**

**BACKGROUND:** Utah Code requires cities to hold a public hearing regarding the adoption of the upcoming fiscal budget. The City staff has prepared and submitted to the Council a balanced tentative budget for the fiscal year 2015/2016 which begins July 1, 2015 and ends June 30, 2016. The submitted tentative budget was adopted on May 12, 2015 and included all funds.

**RECOMMENDATION:** Receive public comment and close the public hearing.

***SCHEDULED ITEMS:***

2. **CITIZEN COMMENTS**
3. **REVIEW AND APPROVE CLEARFIELD CITY'S ANALYSIS OF IMPEDIMENTS (AI) TO FAIR HOUSING CHOICE 2015**

**BACKGROUND:** Council has had an opportunity to review the Analysis of Impediments (AI) to Fair Housing Choice 2015. Citizens were given the opportunity to review the Plan in the

Community Development Department from May 11, 2015 to May 26, 2015. Comments on the Plan were submitted from City staff as well as Michele Hutchins with HUD's Office of Fair Housing & Equal Opportunity.

RECOMMENDATION: Approve Clearfield City's Analysis of Impediments (AI) to Fair Housing Choice 2010 and authorize the Mayor's signature to any necessary documents.

4. CONSIDER APPROVAL OF ORDINANCE 2015-12 AMENDING THE CONSOLIDATED FEE SCHEDULE

BACKGROUND: Staff is recommending certain amendments to the City's Consolidated Fee Schedule including the addition of fees for curbside recycling and receptacles, adjustments to residential solid waste fees and utility fees, the elimination of the disconnect/reconnect fees and a construction water fee associated with building permits.

RECOMMENDATION: Approve Ordinance 2015-12 amending the Consolidated Fee Schedule and authorize the Mayor's signature to any necessary documents.

5. CONSIDER APPROVAL OF THE AWARD OF BID TO CONSOLIDATED PAVING AND CONCRETE INC. TO PERFORM WORK AS DESCRIBED FOR THE 2015 ROADWAY MAINTENANCE PROJECT

BACKGROUND: Bids were received from three construction companies to perform the work for the 2015 Roadway Maintenance Project. The scope of the work consists of reconstruction of 400 East from 1700 South to 1850 South; installation of a pavement chip seal treatment to various roads throughout the City; and installation of a slurry seal on the cemetery road. The lowest responsible bid was received from Consolidated Paving and Concrete Inc. with the bid amount of \$272,343.45.

RECOMMENDATION: Approve the award of bid to Consolidated Paving and Concrete Inc. to perform the work for the 2015 Roadway Maintenance Project for the bid amount of \$273,343.45; and approve funding of the project for the bid amount of \$273,343.45 with contingency and engineering costs of \$54,656.55 for a total project cost of \$328,000.00; and authorize the Mayor's signature to any necessary documents.

6. CONSIDER APPROVAL OF THE FINDINGS, CONCLUSIONS AND DETERMINATION OF THE APPEAL AUTHORITY REGARDING THE PLANNING COMMISSION'S DECISION TO GRANT A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL (CUP-SP 1503-0004) FOR STAKER & PARSONS COMPANIES ON PROPERTY LOCATED AT 690 WEST 1700 SOUTH

BACKGROUND: On May 27, 2015, acting in a quasi-judicial capacity as the land use appeal authority, the City Council heard appeals regarding the Planning Commission's decision to grant a Conditional Use Permit and Site Plan Approval (CUP-SP 1503-0004) for Staker & Parsons Companies on property located at 690 West 1700 South.

RECOMMENDATION: Approve and adopt the Findings, Conclusions and Determination of the Appeal Authority regarding the Planning Commission's decision to grant a Conditional Use Permit and Site Plan Approval (CUP-SP 1503-0004) for Staker & Parsons Companies on

property located at 690 West 1700 South and authorize the Mayor's signature to any necessary documents.

**COMMUNICATION ITEMS:**

Mayor's Report  
City Councils' Reports  
City Manager's Report  
Staffs' Reports

**\*\*ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE CDRA\*\***

1. APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE MAY 26, 2015 POLICY SESSION

**PUBLIC HEARING:**

2. PUBLIC HEARING TO RECEIVE COMMENT ON THE CDRA 2015/2016 FISCAL YEAR BUDGET

BACKGROUND: Utah Code requires a public hearing regarding the adoption of the CDRA's upcoming fiscal year budget. Staff has prepared and submitted to the Board a balanced tentative budget for the fiscal year 2015/2016 which begins July 1, 2015 and ends June 30, 2016. The submitted tentative budget was adopted on May 12, 2015 and included all funds.

RECOMMENDATION: Receive public comment and close the public hearing.

**\*\*ADJOURN AS THE CDRA\*\***

Dated this 4<sup>th</sup> day of June, 2015.

/s/Kimberly S. Read, City Deputy 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.

# Staff Report



**To:** Mayor Mark Shepherd and City Councilors  
**From:** Rich Knapp, Administrative Services Director  
**Date:** June 4, 2015  
**Re:** Fee Schedule Changes June 2015

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## Recommended Action

Staff recommends the City Council approve the consolidated fee schedule.

## Description / Background

### Base Fee—1<sup>st</sup> trash container

The recent RFP for garbage collection resulted in a reduction to FY13 levels. Also, the increase in costs has not been as much as anticipated and the garbage fund balance is sufficient. The proposed reduction of .50 cents, from \$15.25 to \$14.75, would reduce revenue by about \$35k.

### Each additional trash container

The current amount of \$7 does not cover the current direct cost of \$7.42. The change to \$7.50 will result in a \$12k increase in revenue, however this does not take into effect the probable decrease in second cans with the addition of recycling.

### First and each additional recycling container

The city anticipates a 50 to 75% participation rate in recycling. The city will be charged \$3.75 at this participation level. An additional 4% was added to arrive at the \$3.90 rate.

### Utility Service Fee

The cost to shut-off and reconnect a meter is at least \$35. A portion of the costs are fixed so the more that is done at one time the cheaper the cost per meter. \$35 assumes about 85 meters shut-off at a time, if less are shut-off at one time then the cost per meter is higher. In recent months, the city has been shutting-off/reconnecting over 120 meters at a time.

### Disconnect/Reconnect Fee

The fee was deleted and "utility" was added to the service fee referenced above. This fee is redundant with the service fee.

## List of Attachments

- Consolidated Fee Schedule

CLEARFIELD CITY COUNCIL MEETING MINUTES  
7:00 P.M. POLICY SESSION  
May 26, 2015

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson	Councilmember
	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Scott Hess	Development Services Manager
	Curtis Dickson	Community Services Deputy Dir.
	Rich Knapp	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder
EXCUSED:	Eric Howes	Community Services Director

VISITORS: Brad Lasater, Leasa Socchi, Brent Allred, Nike Peterson, Kyle Jones, Bob Bercher, Verlan E. Robinson, Kathryn Murray, Con L. Wilcox, Jeri Wilcox, Rick Scadden, John W. Hansen.

Mayor Shepherd called the meeting to order at 7:03 p.m.

Mayor Shepherd informed the citizens present that if they would like to comment during Public Hearings or Citizen Comments there were forms to fill out by the door.

Councilmember Benson conducted the Opening Ceremony.

APPROVAL OF THE MINUTES FROM THE FEBRUARY 6, 2015 WORK SESSION, THE MAY 12, 2015 POLICY SESSION AND THE MAY 13, 2015 WORK SESSION

**Councilmember LeBaron moved to approve the minutes from the May 12, 2015 policy session, and the May 13, 2015 work session as written, seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

**Councilmember LeBaron moved to approve the minutes from the February 6, 2015 work session as written, seconded by Councilmember Benson. The motion carried upon the**

**following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young.  
Voting NO – None.**

PRESENTATION TO BRENT ALLRED FOR RECOGNITION OF RECEIVING THE RANK  
OF EAGLE SCOUT

Brent Allred completed the requirements to receive the rank of Eagle Scout. Mayor Shepherd and the City Council desired to recognize Brent and acknowledge his achievement.

Mayor Shepherd stated becoming an Eagle Scout was difficult to achieve and expressed how pleased he was with Brent Allred completing all requirements to receive the recognition. He requested Brent share some of his scouting experiences on the road to completing his Eagle Scout.

Brent Allred stated he had completed numerous service projects, participated in several campouts and learned the importance of time management skills. He informed the Council that he had made whisper phones and distributed them to local elementary schools. He explained what a whisper phone was, how it was used, and how it benefitted the students.

The Mayor and Council presented Brent and his mother with a certificate acknowledging his achievement.

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED STREET  
VACATION OF 550 SOUTH AND RELOCATION OF THE 550 SOUTH RIGHT-OF-WAY  
AND THE FINAL SUBDIVISION PLAT LOCATED AT 497 SOUTH MAIN

Scott Hess, Development Services Manager, stated the City Council generally didn't hold a public hearing for Final Subdivision plats, but in this case a public hearing was required for the Street Vacation of 550 South which was necessary for reorganizing the City's Public Works and Parks facilities. The plat would also be the mechanism by which 550 South Street was vacated and moved to the south. The purpose for moving the road was to allow City operations to take place on a single parcel rather than being split down the center by a public right-of-way. The new road would be called 575 South and would provide a more direct route to the businesses located east of the City Shops while avoiding the high level of cross traffic that the City operations created.

Mr. Hess explained the property had been previously rezoned to Public Facilities (PF) zone and shared an illustration which identified the proposed new road of 575 South and the proposed site plan. He mentioned this approved approval from the Planning Commission during its meetings in May.

Mayor Shepherd opened the public hearing at 7:14 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember LeBaron moved to close the public hearing at 7:15 p.m. seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSED REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 850 WEST 1600 SOUTH FROM (C-2) COMMERCIAL TO (R-3) RESIDENTIAL

The request was for approximately 2.28 acres to be rezoned from (C-2) Commercial to the (R-3) Residential with the intent to construct 30 dwelling units, specifically designed as two 12-plexes and one 6-plex. This property was part of an overall plan for the corner of Antelope Drive and 1000 West that included 26 businesses developed over multiple phases. The remaining property was tucked back off Antelope Drive with no frontage on a major commercial transportation corridor. The property owner indicated that the property had been marketed as commercial for over 17 years. The property owner believed the parcel had limited commercial viability and that multi-family residential currently represented the highest and best use for the property. The Planning Commission recommended denial of the rezone.

Scott Hess, Development Services Manager, explained only a portion of the property was requested to be rezoned and shared an illustration. He pointed out the rezone request met the City's General Plan designation of residential in the area, of which R-3 was a permitted residential zoning classification. He stated staff recommended approval of the rezone as drafted and conditioned and reported the Planning Commission during its meeting on Wednesday, May 6, 2015, recommended denial of the rezone based on its desire for an R-2 product as well as the site plan as presented.

Mayor Shepherd opened the public hearing at 7:16p.m.

Mayor Shepherd asked for public comments.

IN FAVOR:

Kyle Jones, owner of the GoodYear Service Center, expressed his support for the rezone. He believed the proposed project would improve the store's business. He believed the residential growth would contribute to the success of all commercial businesses in the area.

**Councilmember Bush moved to close the public hearing at 7:17 p.m. seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSED REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 837 WEST 300 NORTH FROM (A-1) AGRICULTURAL TO (R-1-8) RESIDENTIAL

Scott Hess, Development Services Manager, stated the request was for approximately 0.51 acres to be rezoned from (A-1) Agricultural to (R-1-8) Residential with the intent to construct one additional single-family dwelling unit on the rear portion of the property with frontage facing

825 West. The property was currently a single parcel with an existing home fronting 300 North. He reviewed zoning for the surrounding properties. The request for the rezone was combined with a subdivision plat request to create two lots that conformed to the R-1-8 (Residential) standards. The request was consistent with the General Plan land use classification for residential. The Planning Commission considered the item at its meeting on Wednesday, May 6, 2015 and recommended approval.

Mayor Shepherd opened the public hearing at 7:18 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Young moved to close the public hearing at 7:19 p.m. seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

#### CITIZEN COMMENTS

There were no citizen comments.

#### DENIAL OF ORDINANCE 2015-11 AUTHORIZING THE PROPOSED REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 850 WEST 1600 SOUTH FROM (C-2) COMMERCIAL TO (R-3) RESIDENTIAL

Con Wilcox, Wilcox Farms L.C. and resident, stated he was part owner of Wilcox Farms and was proud to be a four generation farmer. He expressed appreciation to staff for the comprehensive background analysis and background associated with the application and its recommendation for approval as conditioned based on history, facts and merit. He emphasized the application met all planning and zoning criteria and pointed out the following:

- It was consistent with General Plan.
- Bordered the power corridor to the east and C-2, commercial, to the south and west.
- Didn't have street frontage on a major commercial transportation corridor.
- It already has a commercial component which had been established with 26 businesses developed in multiple phases over the previous 17 years.
- The daycare had acquired 1.12 acres of Lot 14 for future expansion.

Mr. Wilcox read from a past letter which had been submitted to the City which requested a hold be placed on a previously submitted R-2 zoning request until General Plan amendments which were being considered at the time were finalized and completed. He indicated the amendments were completed in December of 2014. He pointed out there had been market changes and changes to the parcel since that time so the request was modified and submitted as an R-3 development. He believed the shape, size and current market justified the R-3 zoning request as well as the following:

- The conceptual site plan fit the odd-shaped parcel well.
- The plan met all parking and open space requirements.

- The proposed development would complement the area and businesses.
- There was not another product like it in the area.
- Believed it was the highest and best use for the property.

Rick Scadden, buyer and developer, shared an illustration demonstrating the concept of the proposed development and indicated he was willing to consider any recommended changes suggested by the City. He believed the millennial generation appreciated the style proposed for the development and believed the City could be proud of it and shared the following points:

- There had been no interest by big box retailers for the property due to the low residential component in the area.
- Believed R-3 zoning would benefit the neighboring commercial businesses.
- The development would contribute to increased adjacent residential property values.
- Parking requirements were convenient to each residential unit and corresponding visitors.
- Adjacent business owners were in favor of the proposed development.
- The site provided great access to the freeway and Antelope Drive could accommodate any additional local traffic.

Mr. Scadden agreed with staff's recommendation for approval of the R-3 zoning as the highest and best use for the property. He believed the City would be proud of the project as well as future residents. He requested the opportunity to bring additional information specific to the development to the Council for future consideration.

Mayor Shepherd reminded the Council the decision before them was for rezoning the property, not approval of the development as a whole.

Councilmember Young commented about the area itself and believed information was lacking in order to approve the R-3 rezone with the agriculture property to the north. He suggested the City needed to have a better understanding of how the property to the east was proposed to be developed given its proximity to the power corridor as well as the property to the north. He mentioned the Planning Commission had been comfortable with the R-2 zoning designation and without additional information justifying the R-3 zone he wouldn't be comfortable with the R-3 zoning classification for the property at this time. He also mentioned the City had been cautious in encouraging high density residential and believed the General Plan and development agreement should also be considered with the rezone request. He requested to have additional information submitted prior to moving forward any rezoning of the property.

Councilmember Benson inquired if the General Plan identified zoning designations for potential future uses specific to properties. Mr. Hess responded the City's General Plan was very simplistic consisting of five land use categories and mentioned there were varying levels of complexity and the proposed update could include recommendations identifying areas for high, medium and low densities. He emphasized the current General Plan was written vague enough that any residential zone was permitted within the residential land use category.

Councilmember LeBaron inquired if the property which was recently rezoned light manufacturing was part of the original R-2 zoned property. Mr. Wilcox responded that

application had lapsed and was never recorded because the project didn't happen. He clarified it was originally, and still was zoned C-2, commercial.

Councilmember Bush agreed with Councilmember Young's comments and also agreed the businesses in the area needed people to become their customers and suggested the City could increase tax revenue by bringing residents to the area that would in turn purchase items from existing businesses. He stated the R-3 zoning classification fit the location, however; based on the discussions during the work session regarding the adjacent property to the north and given the road didn't meet the Streets General Plan; he didn't believe it was ready for approval. He suggested once those items had been addressed he could agree to the R-3 zoning.

Councilmember LeBaron stated he wasn't comfortable with the R-3 zoning classification especially since the Council recently denied another R-3 zoning request along the State Street corridor. He complimented the entire Wilcox Farms development in that area and said it was an asset to the City. He didn't want to see the project unsuccessful and expressed agreement with Councilmembers Young and Bush that the Council would need more information prior to approving a rezone. He suggested denial of the current rezone application with the understanding that any fees which had been paid by the applicant not be duplicated as he may bring forward another application attempting to address the Council's concerns and questions about the proposed development.

**Councilmember LeBaron moved to deny Ordinance 2015-11 authorizing the proposed rezone for property located at approximately 850 West 1600 South from (C-2) Commercial to (R-3) Residential** Councilmember Benson interjected prior to any second of Councilmember LeBaron's motion by stating that she was also a business owner on Antelope Drive and reported that she had visited the site and spent some time in that location. She suggested as the General Plan was being revised the Council should designate specific areas for R-1, R-2 and R-3 zoning classifications for future growth. She expressed agreement with Councilmember LeBaron's comments that the area probably wasn't ready for the R-3 zoning classification at this time.

**Councilmember LeBaron then amended his original motion by moving to deny Ordinance 2015-11 authorizing the proposed rezone for property located at approximately 850 West 1600 South from (C-2) Commercial to (R-3) Residential, ensuring application fees paid by the applicant were not duplicated after completing research and obtaining additional information in order to respond to questions posed by the Council, seconded by Councilmember Young.** Prior to a vote on that motion, Councilmember Bush inquired if the motion needed to specifically identify what additional information the Council wanted prior to another application submission. **Councilmember LeBaron then added the requirement that a Development Agreement would also need to be submitted to his motion, which was then seconded by Councilmember Young.**

Prior to any vote on that motion, Nancy Dean, City Recorder, requested that the motion be clarified for the record.

**Councilmember LeBaron then amended his motion and moved to deny Ordinance 2015-11 authorizing the proposed rezone for property located at approximately 850 West 1600**

**South from (C-2) Commercial to (R-3) Residential, ensuring that the application fees paid by the applicant would not duplicated after the applicant completed further research and obtained additional information in order to respond to the questions posed by the Council and while working with staff on the project, directing the negotiation of a development agreement to accompany any further consideration of a request to rezone the property.**

Adam Lenhard, City Manager, clarified that he believed the Council was trying to minimize the amount of any work being repeated thereby trying to be as efficient as possible. He requested clarification of Council's preference regarding the General Plan and suggested the revision could possibly take months and asked the Council to more clearly identify its expectations for staff and the applicant.

Councilmember Young responded he would like to see a regional plan. He suggested development for the property adjacent to the north and the east would need to be identified in order to get an idea of how it blended with the Streets Master Plan and surrounding businesses. Councilmember LeBaron reminded the Council of the work session which Planning Commission Chair, Nike Peterson, attended and suggested staff divide the City into quadrants to determine what kind of development it would like to see in each of those areas during the General Plan review. He stated he would like to see that review and suggested it might not be a lengthy process.

Councilmember Young mentioned that given the flexibility of the current General Plan, it could be used to determine what would best suit that specific area of the City. Brian Brower, City Attorney, expressed some concern to the Council that because the current application may possibly meet all the requirements of the General Plan, with the exception of the streets, and cautioned the Council against tying the revision of the General Plan to the current rezone application.

**Councilmember LeBaron's most recent motion was then Seconded by Councilmember Benson. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

Councilmember LeBaron emphasized Mr. Wilcox and Mr. Scadden should work with staff to try to move forward with a project on the property.

**APPROVAL OF ORDINANCE 2015-10 AUTHORIZING THE PROPOSED REZONE FOR PROPERTY LOCATED AT APPROXIMATELY 837 WEST 300 NORTH FROM (A-1) AGRICULTURAL TO (R-1-8) RESIDENTIAL**

Mayor Shepherd requested clarification if the property consisted of two lots. Scott Hess, Development Services Manager, responded the Council needed to initially consider the rezone and if the rezone was approved then the subdivision approval would need to happen.

Councilmember LeBaron clarified the size of the property and believed the residential made sense for the property.

Mayor Shepherd inquired how the size of the property would fit with the others within the Autumn Ridge subdivision. Mr. Hess stated it was nearly identical to the R-1-Open subdivision size. He believed there were a number of homes which could reasonably fit on the lot.

**Councilmember Young moved to approve Ordinance 2015-10 authorizing the proposed rezone for property located at approximately 837 West 300 North from (A-1) Agricultural to (R-1-8) Residential and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Jones. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF THE FINAL SUBDIVISION PLAT FOR PROPERTY LOCATED AT 837 WEST 300 NORTH

This item was a request by Leesa Socci on behalf of Cherry LLC for Final Plat approval to create two building lots from a single lot located at 837 West 300 North (TIN: 12-019-0110) which was an old agriculturally zoned parcel of property which had slowly been surrounded by a smaller lot single-family development. The properties to the west of the lot were part of a subdivision in the R-1-9 zoning classification. The current property owner met with staff a number of times to discuss the potential for subdividing the rear portion of the property to create a single family lot. In this rare case the property was large enough and the original home was sited in such a way that it had proven to be possible to create a legal two lot subdivision. The property was approximately 0.51 acres. The sidewalk, curb, gutter, asphalt, sewer, storm water, and culinary water had all been installed and existed adjacent to the lots. The improvement plans reflected simple connections to the existing utilities in 825 West to serve the new Lot 2 created by the proposed subdivision. The Planning Commission approved the Preliminary Subdivision plat, and recommended approval of the Final Subdivision plat as conditioned in the staff report during its meeting on Wednesday, May 6, 2015.

Scott Hess, Development Services Manager, explained there would be a small amount of road dedication to the City which would clean up the lot lines for the property. He added all improvements such as curb, gutter and sidewalk had already been completed with the only item remaining would be minor street cuts and utility stubbing for Lot 2. He reported Lot 2 consisted of 8,200 square feet, was 95 feet wide (frontage) and 87 feet deep.

**Councilmember Jones moved to approve the Final Subdivision Plat for property located at 837 West 300 North as presented by staff and conditioned in the staff report and authorize the Mayor's signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF THE PROPOSED STREET VACATION OF 550 SOUTH AND RELOCATION OF THE 550 SOUTH RIGHT-OF-WAY AND THE FINAL SUBDIVISION PLAT LOCATED AT 497 SOUTH MAIN

Clearfield City Public Works staff and the North Davis Fire District reviewed the plat and expressed no comments or concerns. The plat was prepared by the City Engineer, who had approved the design of all utility changes, streets, and City infrastructure.

**Councilmember Benson moved to approve the street vacation of 550 South and Relocation of the 550 South Right-Of-Way and the Final Subdivision Plat located at 497 South Main and authorize the Mayor’s signature to any necessary documents, seconded by Councilmember Young. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

APPROVAL OF THE DEVELOPMENT AGREEMENT FOR THE ROSENBERG SUBDIVISION LOCATED AT APPROXIMATELY 938 SOUTH 2000 EAST

The Final Subdivision Plat for the Rosenberg Subdivision located at approximately 938 South 2000 East was approved during the April 28, 2015 City Council meeting. A development agreement generally provided the developer’s undertakings and the City’s undertakings and represented a contract between the two parties outlining specifics of the development. The submitted Development Agreement met the requirements of the Planning Commission and City Council and staff recommended approval as drafted.

Scott Hess, Development Services Manager, pointed out the following points which had not been directly addressed in the Development Agreement:

- Paragraph D – the date would need to be changed to May 19, 2015. He shared an illustration reflecting what the homes in the development would look like with garages side by side.
- Adding an additional paragraph/exhibit specific to landscaping which would ensure it met the number of bushes, trees and seed mix to eliminate a possible weed patch hill.
- Moving exhibit E to F which was a deed restriction for Lots 1 & 2 of the commercial component. He explained the plat itself would be listed as commercial only and the deed restriction would be tied to those lots. He mentioned the final subdivision agreement including that specific change but it was not included in the Development Agreement included in the packet and indicated changes would be made appropriately based upon what was approved during the Council meeting.

Councilmember LeBaron clarified the Council was being asked to make Exhibit E, Exhibit F. Mr. Hess responded the Council had never seen Exhibit E, the deed restriction; rather, discussion had only been referred to it. He emphasized there was a lot of language in the Development Agreement which spoke to Lots 1 & 2 (or A & B) as commercial. He expressed his confidence the lots wouldn’t be used in any other way other but commercial.

Councilmember LeBaron reviewed the following modifications:

- The date on Exhibit D be changed to reflect May 19, 2015
- Exhibit E – Landscaping plan added
- Exhibit F – Deed Restriction also added with language reflecting staff to complete.

Councilmember Benson mentioned an additional item was discussed during the work session. She inquired if the “gate” installed at the end of the development should also be included.

Mr. Hess responded it also needed to be included. He explained the original design of the subdivision ended in a cul-de-sac which was now designed as a through street to the parking lot to the west. He requested an additional call out be included under the Developer's Undertakings which stated that when the City park was developed, any sort of gate would be removed. He also suggested the gate design would need to be acceptable to the North Davis Fire District (NDFD). He mentioned a letter had already been sent from the NDFD to the developer explaining what kind of gate should be installed allowing access. Mr. Hess suggested making this requirement be "L" and moving "L" to "M" under I. Developer's undertaking in the agreement.

Mr. Hess reviewed the points which needed to be included in the motion:

- I. Developer's Undertaking, F, exhibit D- the date needed to reflect May 19, 2015
- Letter G – adding an exhibit E – identified as "Landscape Plan"
- Letter I – correct the exhibit E to F which was the Deed Restriction and delegating staff to complete anything additional
- Letter M – removal of gate when the City park becomes developed

Brian Brower, City Attorney, stated he would be comfortable for the motion to be made "approved as stated".

**Councilmember LeBaron moved to approve the Development Agreement for the Rosenberg Subdivision located at approximately 938 South 2000 East with modifications as stated by staff, Scott Hess, and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush.** Councilmember Young requested language be included in the motion to reflect, "as stated by Scott Hess during this meeting".

**Councilmember LeBaron moved to approve the Development Agreement for the Rosenberg Subdivision located at approximately 938 South 2000 East with modifications as stated by staff, Scott Hess, in this meeting, and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

#### APPROVAL OF AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE US AIR FORCE FOR MONITORING WELLS

The US Air Force had monitoring wells throughout the City to conduct groundwater and soil testing in connection with the groundwater monitoring project. The proposed amendment to the agreement allowed the Air Force to locate and maintain the groundwater monitoring wells.

Adam Lenhard, City Manager, explained the amendment to the lease agreement would increase the fee paid to the City by the Air Force for the monitoring wells. Mayor Shepherd inquired if the amendment was requested by the Air Force. Mr. Lenhard replied it was as request by the Air Force.

Councilmember Bush asked why the City received the funds and not the residents. Mr. Lenhard explained the wells were located within the City's rights-of-way. Brian Brower, City Attorney,

added if a well was located on private property the Air Force would have an agreement with the property owner.

**Councilmember Young moved to approve an Amendment to the License Agreement with the US Air Force for monitoring wells and authorize the Mayor's signature to any necessary documents, seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

## COMMUNICATION ITEMS

### ***Mayor Shepherd***

1. Stated he was glad to be back in town. He reported on his visit to the Pentagon with the Utah Defense Alliance. He stated he also had the opportunity to meet with Utah's Congressional Delegation, the Chief of Staff of the Air Force, who is the highest ranking individual with the Air Force, to specifically discuss the F-35 program at HAFB (Hill Air Force Base). He reported the project was on track and HAFB would receive the first F-35 in October. He indicated a celebration would be planned and stated it was a big deal for the Air Force and HAFB. He spoke of the opportunities to the State in regards to the Air Force.
2. Informed the Council of a possible defense contractor desiring to locate in Utah. He explained the contractor wanted to partner with an existing contractor with military ties. He reported this would be a good opportunity for the City and provided a list of possible contacts.
3. Announced the float for the Fourth of July would begin assembly on Saturday, June 20, 2015, and requested the Council clear its calendar in order to participate that day.

***Councilmember Benson*** –Announced the first audition date for Clearfield's Got Talent was only two weeks away and encouraged participants to submit applications.

### ***Councilmember Bush***

1. Stated he had enjoyed the recent Open House at the Aquatic Center.
2. Announced the North Davis Sewer District (NDSD) would be partnering with other sewer districts and local legislators to form a committee to influence the DWQ (Department of Water Quality).

***Councilmember Jones*** – nothing to report.

### ***Councilmember LeBaron***

1. Stated he had attended the Scholarship Awards Ceremony at Clearfield High School and acknowledged the City's scholarship recipient in the audience.
2. Mentioned the police and security personnel were honored at HAFB (Hill Air Force Base) and commented it was a very touching ceremony.
3. Reported he had also attended the Starbucks grand opening located on Falcon Hill. He stated Starbucks had teamed up with Operation Red White and Blue which promoted the hiring of veterans. He emphasized the public could now turn to the east on 650 North to shop at Starbucks and believed it would benefit the entire development as well as the City.

***Councilmember Young*** – nothing to report.

***Adam Lenhard, City Manager*** – nothing to report.

## STAFFS' REPORTS

### *Nancy Dean, City Recorder*

1. Reviewed the Council's calendar:
  - Wednesday, May 27, 2015 the Council would be meeting as the Appeal Authority to hear an appeal on a decision by the Planning Commission
  - Neighborhood Open House scheduled for Tuesday, June 2, 2015 at Wasatch Elementary
2. Reminded the Council Declaration of Candidacy would begin Monday, June 1, 2015.

*Scott Hess, Development Services Manager* – Announced the Utah Department of Transportation (UDOT) would be hosting a Road Respect event in the City on Friday, June 19, 2015. He explained there would be a community bicycle ride from 4-6 p.m. on the east side of State Street and along the Canal Trail for approximately 5 miles.

*Curtis Dickson, Community Services Deputy Director* – Announced the 10-year Anniversary for the Aquatic Center was scheduled for Friday, June 5, 2015 with an Open House beginning at 7:30 p.m. He stated there would be a small ceremony just prior to the Open House.

**Councilmember LeBaron moved to adjourn as the City Council and reconvene as the Community Development and Renewal Agency (CDRA) at 8:25 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron and Young. Voting NO – None.**

*\*\*The minutes for the CDRA are in a separate location\*\**

CLEARFIELD CITY COUNCIL MEETING MINUTES  
 7:00 P.M. APPEAL AUTHORITY HEARING  
 (Acting in Quasi-Judicial Capacity as the Appeal Authority  
 For a Decision by the Planning Commission)  
 May 27, 2015

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Keri Benson Kent Bush Ron Jones Mike LeBaron Bruce Young	Councilmember Councilmember Councilmember Councilmember Councilmember
COUNSEL:	Jody Burnett	Williams & Hunt
STAFF PRESENT:	Adam Lenhard JJ Allen Brian Brower Scott Hess Nancy Dean	City Manager Assistant City Manager City Attorney Development Services Manager City Recorder

Visitors: Nike Peterson, Loyal Hulme – Kirton McConkie, DAK Maxfield – Staker Parsons Companies, Scott Buehler – VanCott Bagley Cornwall & McCarthy, Verlan E. Robinson, Brent Burr – Staker Parsons Companies, Jacob Briggs – Durbano Law Firm, Con Wilcox, Jeri Wilcox, Gail McLaughlin, Lowell Zaugg, Michelle Collier, Jeff Randall, Nicole Zaugg

Mayor Shepherd called the meeting to order at 7:00 p.m.

HEARING ON AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO ISSUE A CONDITIONAL USE PERMIT AND SITE PLAN APPROVAL (CUP-SP 1503-0004) FOR STAKER & PARSONS COMPANIES ON PROPERTY LOCATED AT 690 WEST 1700 SOUTH

Mayor Shepherd welcomed everyone and described how the proceedings would continue.

Scott Buehler, VanCott Bagley Cornwall & McCarthy representing America First Credit Union (AFCU), explained the credit union owned a branch immediately west at 750 West and Antelope Drive. He indicated AFCU appreciated the objective of Staker Parsons to improve that property and acknowledged that the project proposed would be an improvement over what was currently there. He expressed AFCU's concerns that the Planning Commission did not adequately address traffic flow, traffic pattern and traffic analysis when considering the Conditional Use Permit and Site Plan approval. He stated the failure to address that issue, may create adverse consequences for traffic flow. He shared the example of how the site plan showed two adjacent driveways on 750 West that did not align. He explained 750 West was a short road that ended about 150 yards north of Antelope Drive creating a circumstance where traffic would attempt to access the two

businesses in a short proximity. He also pointed out there was no traffic control on that intersection which might contribute to traffic congestion and poor judgement from individuals attempting to make left hand turns onto Antelope Drive. Mr. Buehler stated AFCU was concerned about the adverse impact to the safety of those using the street for access to both Staker Parsons' parcel and AFCU's branch.

Mr. Buehler stated that according to the Clearfield City Code, the Planning Commission had the duty to reasonably consider anticipated detrimental effects before approving a CUP or site plan. He argued that duty included addressing traffic flow patterns and increased traffic that would become part of the record on its decision. He submitted the application did not address issues regarding any form of traffic. Mr. Buehler also explained traffic was only mentioned in the staff report regarding the CUP briefly on page four where it is called out that "...traffic will...potentially increase with this use..." He argued staff recognized traffic might have an adverse impact if approval was given; however, nowhere is the impact or mitigation of the traffic further discussed. Mr. Buehler pointed out the City's ordinance specifically required an analysis of the potential adverse effects of traffic but the staff report for the site plan responded, "There is not anticipated to be further impact to the traffic than what existed previously." He submitted the statement was an unsubstantiated conclusion with no supporting evidence let alone the type of substantial evidence that was normally required. He also pointed out the staff report for the site plan referred to vehicle and pedestrian use with the proposed driveway being planned for an acceptable location with no additional improvements recommended. He stated staff was deferring to a decision by the public works department about ingress and egress and if the proposal would be appropriate. He further referenced a letter by the city engineer that was attached to the staff report that was completely silent on the traffic issues. He noted it did propose, "...the extension of 750 West Street along with the supporting utilities should be considered." He submitted the notation indicated the city engineer's concern with the confluence of driveways on the far end of 750 West and perhaps one way to address that would be to extend that street. He suggested any reference to the city engineer not seeing a problem with traffic was pure conjecture. He stated it would have been appropriate for the engineer to address the traffic one way or the other.

Mr. Buehler also argued that the minutes from the April 1, 2015 Planning Commission meeting reflected a number of public comments that touched on traffic issues but there did not appear to be anything in the minutes indicating the Commission directly addressed those types of traffic issues. He referenced Chair Peterson's comment where she asked the commissioners to list the adverse impacts for the site but no concerns were raised about the detrimental effect of traffic patterns or increased traffic from the site. He expressed concern that the Commission's determination appeared to be completely silent about the traffic except for its Condition #9, "Ready-mix, or other similar concrete production, mixing....is limited to servicing small, single-trailer uses ....not to exceed 2 cubic yards per load....all concrete related operations must be fully enclosed and fully self-contained in order to prevent any dust, dirt or debris." He suggested the call-out for all concrete related operation being fully enclosed was part of the reason for the limitation of size for the trucks. He added the trucks being allowed were still very large trucks that would be converging onto 750 West with Credit Union traffic and the retail customer traffic; therefore, the decision did not appear to be good planning for the area.

Mr Buehler summarized that a final decision of the land use authority was valid only if supported by substantial evidence on the record as required by both the ordinance and the code. He argued that increased traffic and issues related to traffic flow should be considered an anticipated detrimental impact that might arise from the approval of either the CUP or Site Plan. He requested the decision be overturned or modified until such time as there was a reasonable analysis of the impact and the possible issues for mitigation.

Joseph Barber, Nelson Christensen Hollingworth & Williams representing Wilcox Farms L.C. and four parties, stated the arguments turned on the interpretation of three definitions: “adjacent,” “landscape supply yard,” and “manufacturing.” He stipulated Staker Parsons Companies’ property was adjacent to the Wilcox Farms’ property which was designated a residential zone on the Master Plan. He stated City Code § 11-11D-2 stated, “...uses which create traffic hazards, excessive noise, dust, fumes, odors, smoke, vapor, vibration or industrial waste disposal problems for adjacent residential uses shall not be permitted.” He contended the rock crusher’s intended use by Staker Parsons would be used adjacent to a residential parcel. He pointed out the City’s argument on adjacent, as being defined in a prior decision by the City, was being in the middle of the street if there is a street that borders a property. He noted “adjacent” was not defined in City Code. He argued it could also be defined as “close-by” and stated there were only 200 feet between the Wilcox Farms’ property and Staker Parsons’ rock crusher that would create dust, noise and vibration for an adjacent parcel. He stated the Planning Commission recognized there would be dust, noise and vibration that would be felt.

Mr. Barber explained Wilcox Farms did not have a concern with the front of the parcel being used as a landscape supply yard but rather the use of the back of the parcel for recycling purposes. He stated recycling uses were not a permitted use in the manufacturing zone. He argued that the processes proposed for the back part of the parcel were traditional recycling. He stated the Planning Commission expressed concern about the uses of the back of the parcel and that they would be for recycling purposes and not in the traditional sense of a landscape supply yard. He continued the Planning Commission minutes indicated waste asphalt and concrete would be coming to the site and a lot of that product would be shipped off site for different uses not for sale on the front of the parcel. He stated there was evidence the Planning Commission felt like the use might be considered a transfer station and not part of the landscape supply yard. He read the definition for “landscape supply yard.” He cited Staker Parsons’ response to the appeal which stated that the crushed rock, limestone and asphalt were recycled as key components of the applicant’s concrete processing and mixing operation. He argued that statement substantiated the use was for recycling purposes. He continued the products would be used as components to mixing and using concrete. He stated a traditional landscape supply yard would already have the components for concrete ready with water to mix and go but Staker Parsons’ intent was to make the components with the majority of those being transferred off site. He argued that was the definition of recycling.

Mr. Barber summarized the position of Wilcox Farms was the use of the rock crusher on the back of the parcel and the converting and recycling of those products were illegal and not supported by substantial evidence. He stated the Planning Commission minutes reflected a lot of questions and concerns by its members regarding the rock crusher. He cited examples from the minutes regarding concerns about noise and dust. He argued there wasn’t enough substantial

evidence given to the Planning Commission to make an informed decision that a rock crusher wouldn't make too much vibration and noise especially next to a residential area. He noted businesses in the area already complained they felt the vibrations from the current operations and had concerns about the larger rock crusher proposed to be used by Staker Parsons.

Mr. Barber further summarized that the use proposed by Staker Parsons for the front of the property fell under the City's definition for a landscape supply yard. He stipulated the piece in the back did not fall under that definition or a manufacturing definition. He proposed it was highly unlikely that customers would come to the facility to buy crushed asphalt to decorate their yards. He stated the proposed use was illegal and not supported by substantial evidence. He also submitted that the Wilcox Farms' property was adjacent to the Staker Parsons' property because it was "close-by" and dust and vibrations knew no boundaries and would not stop at the property line.

Loyal Hulme, Kirton McConkie representing Staker & Parsons Companies, responded to the appeal. He stated the site currently had an existing operation that created challenges for the City in terms of traffic, noise and all the issues cited by the parties. He suggested Staker Parsons' proposed use for the property would significantly reduce those issues and in some cases eliminate them. He agreed there would still be some traffic and noise but it would be significantly decreased under the proposed use. He expressed his opinion the Planning Commission weighted the factors and made the right decision on the issues. He also reminded the members of the Appeal Authority that they had convened to determine if the Planning Commission made a gross error in approving the Conditional Use Permit and Site Plan for the property. He explained the body needed to consider the cumulative effect of the Planning Commission's decision. He argued that was an enormous hurdle to overturning the Planning Commission's decision.

Mr. Hulme cited Utah Code § 10-9a-507, "...a conditional use shall be approved if reasonable conditions are imposed to mitigate the anticipated detrimental effects." He stated it was not Staker Parsons' argument that there were no detrimental effects to the proposed use. He noted the Planning Commission recognized the detrimental effects and imposed 18 additional conditions to the use to make sure the impacts were minimized. He acknowledged the solutions were not perfect but argued the Planning Commission went to great lengths to protect the City. He suggested the argument that there was not substantial evidence was a difficult burden.

Mr. Hulme reviewed the definitions key to the arguments. He stated the M-1 Zone was to provide areas in the City where processing, assembling, manufacturing, warehousing and storage activities could be placed. He continued a landscape supply yard with outdoor storage was a site for the sale, temporary storage, mixing, processing, composting or distribution of landscape products including but not limited to, soils, rocks, concrete, vegetation and other similar materials. He stated those uses were exactly what Staker Parsons was doing. He said it appeared to be overlooked that the front of the facility would be a very nice retail facility that would provide materials such as reused asphalt so customers could build things such as RV pads or basketball courts. He argued it would not be the same materials used for speck UDOT type of developments. He explained the materials would be used in projects that were generally residential in nature. He emphasized it was important to remember that fact. He stated the facility

would supply road base, drain rock, sand, recycled asphalt for residential projects. He argued those types of recycled materials were used to keep residential projects cost effective. He noted the storage and rock crushing uses proposed were one-third the size of the existing use on the property. He pointed out the City approved Stone Castle Recycling as a recycling facility in the manufacturing zone as well as Ace Disposal in 2004. He acknowledged that the City Code could not define every conceivable use but the uses proposed by Staker Parsons were clearly within the definition of landscape supply yard and outdoor storage.

Mr. Hulme reviewed each of the conditions imposed on Staker Parsons by the Planning Commission. He emphasized the rock crusher could only be used during normal business hours unlike the current operations that continued 24/7. He stated there was substantial evidence on the record and conditions were imposed to protect the appellants. He noted excavation and gravel pits were not allowed, there were restrictions to the size of trucks and height limitations were imposed. He feared that Staker Parsons' proposal was being compared to the existing use when it was actually a significant improvement to the site. He also stipulated that the facility could be permitted under the definition for manufacturing but Staker Parsons chose to apply for a Conditional Use Permit which imposed 18 new conditions for the use.

Mr. Hulme addressed the traffic concerns cited by opposing counsel. He argued it was not the Planning Commission's job to do the due diligence. He stated staff had the burden for due diligence on the traffic issues and staff indicated it was not anticipated that traffic would be significantly impacted by the use. He cited page four of the staff report indicated traffic was not expected to be impacted by the use. He suggested one of the reasons there did not appear to be an impact was because the site currently had only one ingress and egress but the new use proposed a second entrance to enhance health and safety. He offered Staker Parsons voluntarily agreed to reduce the size of the trucks for concrete. He submitted traffic was addressed. He stipulated the decision was whether there was substantial evidence and the cumulative effect of what staff reviewed and the Planning Commission's decision. He argued the facts supported the Planning Commission's decision and staff did its job. He emphasized there was substantial evidence for the reason the Planning Commission made its decision and Staker Parsons was imposed 18 conditions in order to operate on the site.

Mr. Hulme summarized the standard was high and the Appeal Authority had to find there wasn't substantial evidence and the record was large. He reiterated Utah Law required approval of a Conditional Use Permit if the conditions were reasonable. He argued the conditions were reasonable and the use clearly met the definition of a landscape supply yard and outdoor storage. He stated the storage was for building materials, goods and raw materials so that residents could come and get materials that could be used in RV pads, decorative yards and residential uses. He concluded there was a significant burden to be proved for the Appeal Authority to overturn the Planning Commission's decision. He stated the use proposed by Staker Parsons would enhance the area and be a positive alternative for the City. He suggested the Planning Commission understood that fact.

Brian Brower, Clearfield City Attorney representing the Planning Commission, reminded the Appeal Authority the appeal was on the constituted record and it was not allowed to take new evidence. He emphasized anything submitted by the parties which could not be found in the

constituted record could not be considered in making a determination on the appeal. He also informed the Appeal Authority it had the authority to act in every respect as the land use authority on the matter if the decision was ruled illegal or not supported by substantial evidence.

Mr. Brower argued there was some merit to at least one point established by the appellants. He agreed that the decision reached by the Planning Commission allowed for uses that were neither permitted or conditional uses in the M-1 Zone. He also agreed that the site plan approval process required consideration of traffic conditions and site layout with respect to vehicular and pedestrian traffic. He respectfully disagreed with Mr. Barber's argued position on the definition of adjacency and explained that a future land use designation for a property was not admissible rather the current zoning for the property. He argued the minutes from a previous appeal were not binding but rather the Findings, Conclusion and Determination from the appeal were the binding factor.

Mr. Brower stated the appellants correctly argued that the results of the Planning Commission's decision allowed for rock crushing and recycling of concrete and asphalt on the site. He acknowledged Staker Parsons argued that those particular uses were included in the definition for a landscape supply yard. He defined a landscape supply yard as a commercial building, structure, or site used for the sale, temporary storage, mixing, processing, composting, or distribution of landscape products, including but not limited to soils, rocks, concrete, vegetation and other similar materials. He argued the definition included examples of landscape products like soils, rocks and concrete and emphasized they were considered "landscape" products. He suggested there was a good argument to be made in this case that the sale, temporary storage, mixing, processing and distribution of those items was not for landscaping but rather for things like major road construction. He continued if those products were for that purpose the proposed use did not meet the definition of a landscape supply yard and its approval would not be lawful for the M-1 Zone. He suggested a gravel pit could meet the definition if applied broadly.

Mr. Brower suggested the appellants raised a valid question about whether the evidence in the record sufficiently demonstrated the Planning Commission met its obligation to consider the effect of site development on traffic conditions on the abutting streets and the site layout with respect to entrances, exits and driveways. He agreed with the appellants that the record did not offer any analysis on the subject. He acknowledged there were some conclusions from staff but not any information as to a basis for those conclusions. He agreed it could be speculated that no mention from the city engineer about traffic could indicate he had no concerns but there is no evidence to suggest it was considered. Mr. Brower suggested the Appeal Authority needed to determine whether or not that requirement in site plan approval was adequately considered. He also argued that some of the arguments presented by the counsel for Staker Parsons appeared not to be supported by the record. He suggested there was nothing in the record to indicate what the current or previous levels for noise and dust were for the rock crushing use. He stated it was a difficult proposition to establish a reduction in those levels by the proposed use. He believed the record did not indicate that the current use was operated 24/7. He referred to page 23 of the minutes which indicated Dak Maxfield, representative for Staker Parsons, said the rock crushing use would be needed more frequently. He stated the Notice of Decision addressed the condition of smaller size trailers on the trucks as only applicable to Ready Mix concrete use which would be available on the site.

Mr. Brower agreed the conditions imposed by the Planning Commission clearly indicated an effort to mitigate detrimental effect but if the use was not listed as either permitted or conditional in the City Code it must be considered illegal. He referred to the Staker Parsons application that indicated the project was for a landscape and recycle yard. He also referred to it being presented in the minutes as some sort of transfer station. He argued the applicant's argument that the use is permitted seem to suggest the project was more of a concrete batch plant.

Mr. Brower summarized the issue was whether or not the applicant's proposed uses for the site were uses that were legal for the M-1 Zone. He suggested some of the uses might be legal such as those uses that were specific to the landscape supply yard but the crushing of rock, recycled concrete and asphalt materials, as raised by Staker Parsons, were questionable. He recognized the Planning Commission was trying to do the very best it could with the information it had. He conceded, in hindsight, staff, including legal counsel, could have provided better information to the Commission. He stated the Planning Commission found the decision very difficult as evidenced by the length of the record. He stated the reason the appeal process was in place was to provide the stakeholders with due process where decision were either illegal or not supported by substantial evidence. He continued the appeal process was designed to correct any mistakes that might have been made in the previous proceedings.

Nike Peterson, Planning Commission Chair, offered some additional light on what transpired during the Planning Commission deliberations on the issue. She expressed her opinion that the Staker Parsons arguments submitted by its legal counsel were based on conclusions and findings that were not supported by the officially adopted minutes from the April 1, 2015 meeting. She stated the applicant listed the following points for consideration: 1) the use fits squarely within the M-1 Zone, 2) the imposition of 18 conditions ensures safety and security for the community, 3) the applicant's use of the property did not impact traffic, and 4) the Planning Commission's actions were based on substantial evidence and not illegal.

Ms. Peterson addressed the applicant's argument that the proposed use was likely permitted without conditions under the M-1 Zone. She stated quoting the definition and purpose of the zone did not support the argument alone because all the zones have similar features. She continued the applicant's proposed use, landscape supply yard, would clearly be a conditional use at best. Ms. Peterson asserted the Planning Commission discussed large amounts of evidence for a lengthy period of time. She suggested the volume of information and meeting length could not be interpreted that the Commission was satisfied with the result but rather the comments indicated significant concern and unrest regarding the proposed uses and how to impose conditions that would mitigate the detrimental effects. She cited specific comments by members of the Planning Commission on page 30 of the official minutes raising serious concerns about negative impacts and whether the use met the scope of a landscape supply yard. She also offered there were no findings or discussion in the record establishing a baseline for site operations for current and historical uses. She reiterated that Dak Maxfield, representative for Staker Parsons, clearly stated Staker Parsons intended a more intensive use of the site. She also referred to Mr. Maxfield's comments in the minutes where he referred to the rear portion of the property as a transfer facility and the front area as the landscape supply yard.

Ms. Peterson summarized the evidence in the record actually supported the appellants' contention the Planning Commission may have acted illegally by granting the CUP and Site Plan for uses that did not fall within the scope and definition of a landscape supply yard. She urged the Appeal Authority to carefully examine the Planning Commission's decision.

Mr. Hulme stated Staker Parsons was hopeful at the end of the proceedings it would be able to provide the City with a landscape supply yard that would enhance the City. He referred the Appeal Authority back to the language defining landscape supply yard in the City Code. He stated it was Staker Parsons' intent to use the property for such. He stated the products on the site were for residential use and a small area would be applicable for that. He further stated there was no intent to expand the project into a large batch plant. He continued a batch plant could have no recycled materials and the size of the lot prohibited its use as such. He argued there was reasonable analysis of the CUP and Site Plan. He suggested the size of the yard was a key component understood by the planning staff. He reiterated the facility would be beneficial to the City. He urged the Appeal Authority to uphold the decision of the Planning Commission.

Councilmember Benson asked what "generally residential" meant regarding the use of the crushed rock. Mr. Hulme explained there might be times some of the gravel and sand could be used in another situation but most of the material stored there would be recycled and would not be allowed on UDOT projects. He reiterated the use of the sand and gravel was expected to be most generally residential.

Councilmember Benson asked if the rock crusher would be used 24/7. Mr. Hulme clarified the current owner was using a rock crusher 24/7 on the property but Staker Parsons would hold its use to Monday through Friday from 8:00 a.m. to 6:00 p.m. as conditioned by the Planning Commission.

Councilmember Bush asked if there had been any complaints by surrounding property owners about the current business. Jody Burnett, Williams & Hunt counsel for the Appeal Authority, stated only complaints addressed in the record could be considered by the Appeal Authority. Brower Brower stated the record referred to some public comments about the existing conditions. He agreed anything not on the record could not be considered by the Appeal Authority.

Councilmember LeBaron asked Mr. Buehler if America First Credit Union had representation at the Planning Commission meeting and if any comments were offered there by them. Mr. Buehler acknowledged AFCU did not attend or make comment at the meeting.

**Councilmember Jones moved to adjourn to closed session for decision making and deliberation during the judicial process at 8:31 p.m., seconded by Councilmember LeBaron. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron, Young. Voting NO – None.**

The Appeal Authority reconvened in open session at 9:12 p.m.

**Councilmember LeBaron moved to grant the appeal in part to the extent that recycling as determined by the Planning Commission, and cited in the record, is an illegal use in the M-1 Zone, but uphold the remainder of the Planning Commission's decision on that basis that it is supported by substantial evidence and not otherwise illegal.**

**I would further direct Mr. Burnett to prepare a written decision for City Council adoption at the first available city council meeting. Seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Benson, Bush, Jones, LeBaron, Young. Councilmember LeBaron commented that the use was referred to, in part, as recycling in the literature supplied as the official record. Voting NO – None.**

**Councilmember LeBaron moved to adjourn at 9:17 p.m., seconded by Councilmember Young. All voting AYE.**

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 P.M. WORK SESSION  
June 2, 2015

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Ron Jones	Councilmember
	Mike LeBaron	Councilmember
	Bruce Young	Councilmember
EXCUSED:	Keri Benson	Councilmember
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Mike Stenquist	Asst. Police Chief
	Maria Cabrera	Code Enforcement Officer
	Scott Hodge	Public Works Director
	Dan Schuler	Storm Water Manager
	Scott Hess	Development Services Manager
	Eric Howes	Community Services Director
	Curtis Dickson	Community Services Deputy Dir.
	Summer Palmer	Human Resource Manager
	Natalee Flynn	Public Relations/Special Events
	Nancy Dean	City Recorder

VISITORS: Nancy Shime, Charles Shime, Alicia Wilson, Cheryl Fansler, Antonio Wilson, Jason Smith, Mike Boss, Kristi Bush, Jordan Cooper, Michael Cooper, Tanner Norman Durrant, Gaven Durrant, Sarah Loftin Smith, Jonah Howell, Gabriel Robertson, Isaac Lueckler, Caleb Leavitt, Harris Nydegger, Ceil Hansen, Collin Poe, Leo Howell, Tyler Furlong, Timothy Roper, Stuart Clark, Alicia Clark, Lee Dortzbach, Camden Dortzbach, Tamarah Dortzbach

CITY COUNCIL OPEN HOUSE FOR WASATCH ELEMENTARY SCHOOL  
NEIGHBORHOODS

Mayor Shepherd, the City Council, and staff welcomed residents to the open house highlighting different city services. Residents were provided with information about the budget, economic development, planning and zoning, police department efforts, code enforcement, emergency preparedness, fire safety, utility and road projects and recreational opportunities.

The meeting adjourned at 8:00 p.m.

# Clearfield City

## Analysis of Impediments to Fair Housing Choice 2015



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# Clearfield’s Analysis of Impediments to Fair Housing Choice

## Ch. 1 Introduction and Executive Summary

Since Clearfield completed its last Analysis of Impediments (AI) study in 2010, the U.S. Department of Housing and Urban Development (HUD) has been in the process of revising the specified scope and content of the AI. In 2013 a new rule was proposed and in 2014 a new checklist developed. Although proposed changes to the AI are not yet through the final public comment and approval process, this study will aim to fulfill and satisfy the recommendations.

This study has been prepared by Clearfield City staff under the direction of CDBG coordinator, Stacy Millgate and with the help of consultant Megan James. JJ Allen (Assistant City Manager), Scott Hess (Development Services Manager) and LaNiece Davenport (Consolidated Plan Consultant) were also involved. The study was funded with CDBG administrative funds.

The study was available for public comment and review from May 11 - 26, 2015 and presented to the city council on June 9, 2015 for approval.

This study (the AI), will incorporate all the features of the traditional AI including: a review of laws, regulations, administrative policies and practices and how those laws and practices affect the availability and accessibility of housing and housing choice. It will identify restrictions of housing choice because of race, color, religion, sex, disability, familial status, or national origin and create an action plan to overcome identified impediments and further fair housing choice within Clearfield City and the region.

A regional analysis of Impediments to Fair Housing Choice for Davis County was completed in May of 2014. This Clearfield AI study will take full advantage of the wealth of information and data available in the regional analysis and use that data, along with other sources, and the maps in order to analyze Clearfield on a local level. The regional analysis provides useful and vital insight into what is happening with housing across the region. Clearfield is significantly impacted by the zoning ordinances, transportation, job opportunities, and housing prices of its neighbors and vice versa. According to HUD’s Fair Housing Guide “Jurisdictions should not waste



effort restudying and reanalyzing problems for which good information already exists. Instead, they need to plan and carry out actions to address the problems.”<sup>1</sup>

It is clear that a more coordinated regional approach to housing, transportation and planning in general is necessary. The Davis county AI study recommends collaboration between service providers and jurisdictions to reduce the concentration of protected class households in Clearfield, Sunset and Layton. Lack of a regional approach is one cause of the concentration of affordable housing, minorities, and low and very low-income households in just a few cities in the county.

Although the focus of this AI study will be Clearfield specifically, many recommendations will include coordination with the county and regional partners. Through analyzing regional and local data, Clearfield aims to identify specific neighborhoods, housing types, and protected classes that need to be served better and identify specific measures and realistic means by which to improve housing choice and the city overall.

#### Impediments Found

1. **Large populations of minorities, disabled, low-income and other protected classes found in Clearfield.** Affordable housing for protected classes was found to be available throughout Clearfield with very little segregation, but there is not enough throughout the county leading to concentrations of protected class populations within Clearfield City, (as well as Sunset and Layton) and a need for a more regional approach to serving protected classes and providing an adequate supply of affordable housing.

Low income households looking for affordable rental housing are likely to find what they’re looking for within and around Clearfield, but years of zoning restrictions in other cities has led to concentrations of protected class populations within Clearfield and fewer low-income housing opportunities in other areas of the county. Clearfield has more low-income, minority, single-parent, households with disabilities, and non-English speaking households than other cities. The regional AI study also suggests that there be a regional approach to providing more affordable housing throughout the county to desegregate the concentrations found within certain cities, including Clearfield. While segregation of protected classes does not appear to be a significant problem within Clearfield itself, it does seem to be a problem on regional level.

#### **Recommendations for Regional Planning for Affordable Housing:**

Clearfield City will look for opportunities to collaborate with other cities and the county on housing, transportation and employment issues in order to

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<sup>1</sup> HUD Fair Housing Planning Guide <http://www.hud.gov/offices/ftheo/images/fhpg.pdf>

reduce concentrations of minority renters. Clearfield city will work on taking a regional approach to affordable housing issues and will look for opportunities to collaborate and thereby improve neighborhoods within Clearfield City.

Clearfield is already involved in a number of regional planning efforts. Clearfield City staff, particularly the CDBG coordinator, will educate planning staff and public officials on fair housing issues and disseminate findings and action plan of AI by (date). Planners and public officials attending regional meetings can commit to use these meetings as a way to move forward regional affordable housing goals.

2. **Not enough accessible and visitable single family homes or large accessible rental units.** This is true throughout the region. Large families and households including a person with a wheelchair are extremely limited geographically due to lack of supply of large accessible rentals and accessible single family homes. These families are further limited in places they can go and visit by a lack of “visitable” homes.

**Accessibility and Visitability Recommendations:**

HUD endorses the “visitability” concept, which is a voluntary standard promoted by the Department in new construction and existing properties. Visitability means that at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk and the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space. Visitability allows mobility impaired residents to visit families and friends where this would not otherwise be possible. A visitable home also serves persons without disabilities (for example, a mother pushing a stroller, a person delivering large appliances, a person using a walker, etc.).

Clearfield City will endorse the “visitability” concept in all city funded rehabilitation projects and will promote this concept in the planning and permitting process.

Clearfield will consider amending its zoning code to grant a density bonus or another financial incentive to developers building single family homes. This bonus would allow developers to build more single family homes per acre or receive another financial incentive if they make a certain percentage of the newly constructed homes “visitable.”

Clearfield City will also consider what can be done to help disabled section 8 voucher holders. The city in cooperation with the housing authority could provide CDBG funds (a specified limited amount) to disabled section 8 voucher holders to make a unit accessible in order to meet his/her needs.

Clearfield City will consider adopting an accessibility standard for all new multi-family construction consistent with accessibility requirements of the Fair Housing Act.

3. **Lack of single family homes suitable for large families and large Hispanic families at or above median income.** Clearfield has an abundance of homes suitable for families in the low to moderate income range, but large families at or above median income often move out of Clearfield in order to find a suitable home to rent or buy.

**Recommendations for increasing housing choice for large families:**

Clearfield city recognizes a need for more homeownership opportunities for all incomes, especially moderate income families. In Clearfield, there is a large inventory of homes to choose from for someone looking to buy a home under \$200,000. There is also a large rental market with rentals available and affordable to those almost anywhere on the income scale. But for those at or above median income looking to buy a home in Clearfield, there is not much inventory. There is a need for higher end single family homes to balance the community and keep families in the city once they're ready to move on from their first "starter home." The city council and planning commission recognize this need and will address this through proper zoning and planning.

4. **Bank loan applications for Hispanics have roughly twice the denial rate than whites in Clearfield and Layton.** Due to the number of applications turned down with no documented reason, the reason for this disparity is unknown. But because of Clearfield's large Hispanic population and low home-ownership rates this disparity could be an important impediment to fair housing choice.

**Recommendations to ensure equal opportunity to lending:**

The CDBG coordinator will conduct meetings or initiate written correspondence with the leading banks in Clearfield covered by the city's HMDA review; the city will present its HMDA analysis to the banks and encourage them to establish a "second look" procedure, adopt more flexible underwriting guidelines, and conduct fair housing and sensitivity training for its staff.

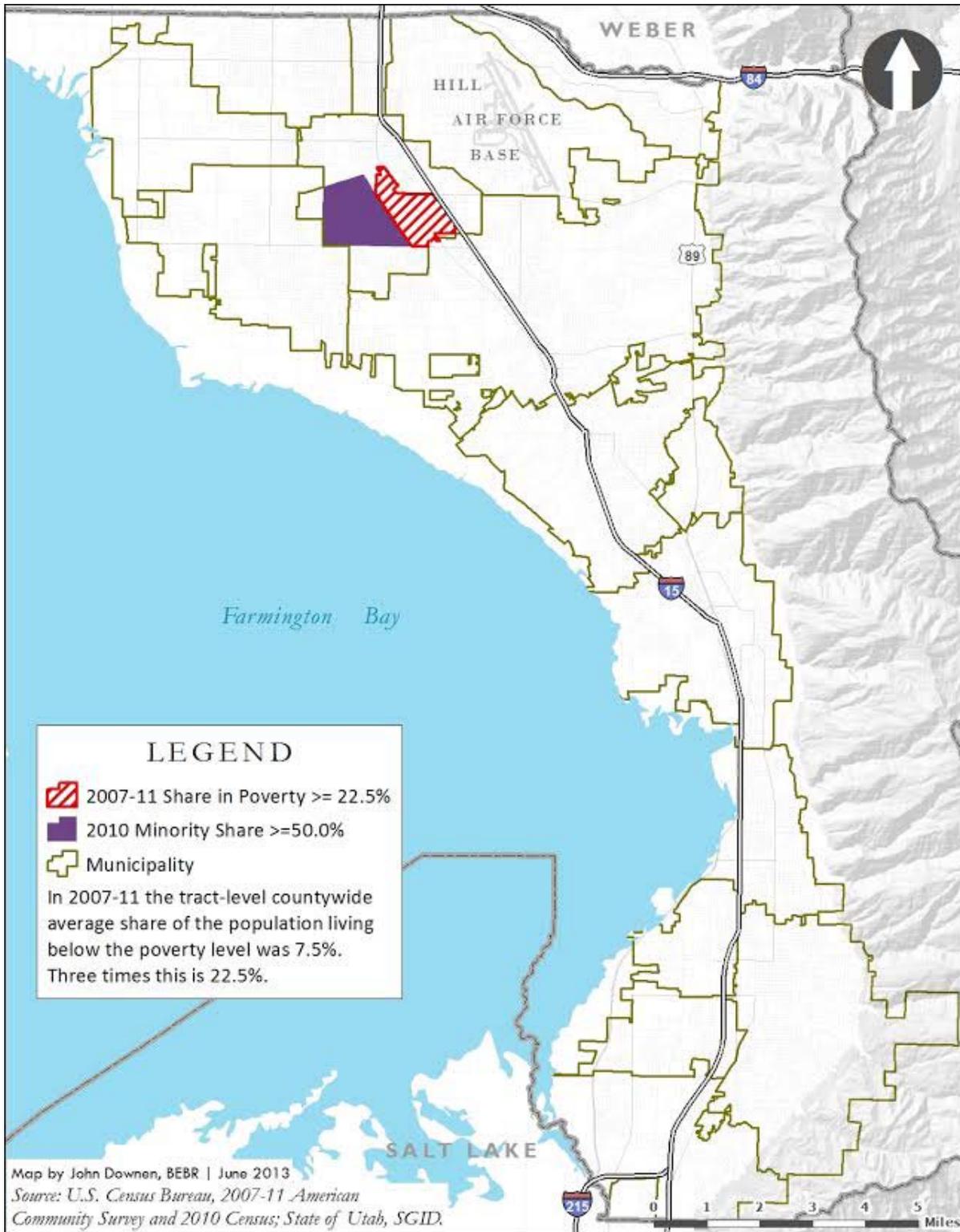
5. **There are specifically 2 census tracts within Clearfield (shown on the following map)** that have higher rates of poverty, minorities, low-income disabled, deteriorating housing stock, and medically underserved populations. The tract on the west has very little population living there and it is mainly an industrial area. However, the tract shown on the east could greatly benefit by investment. Improvements to these neighborhoods in terms of infrastructure and public transportation, improving Title 1 schools and supporting English programs for LEP adults, and economic development will improve housing choice and neighborhood stability and increase opportunities within Clearfield City.

**Recommendations for improving underserved census tracts:**

Clearfield will target the 2 underserved census tracts for reinvestment activities such as rehabilitation and, as necessary, demolition of vacant housing and the construction of replacement housing.

Clearfield will offer economic incentives for housing developers/ sponsors, businesses (for commercial and employment opportunities), bankers, and other interested entities that assist in the revitalization effort.

Clearfield will coordinate this information with already designated RDA zones and set priorities based on need. Clearfield City already has RDA 7, RDA 9, RDA 10, EDA 3 (ATK), and the Clearfield Station CDA that fall within these two underserved census tracts. All of them are available to be utilized as tools to incentivize redevelopment or investment in those tracts. EDA 3 is specific to industrial development (job creation), but it does include funding that will be utilized for a pedestrian bridge so that people working in the Freeport Center can access the FrontRunner station more easily.



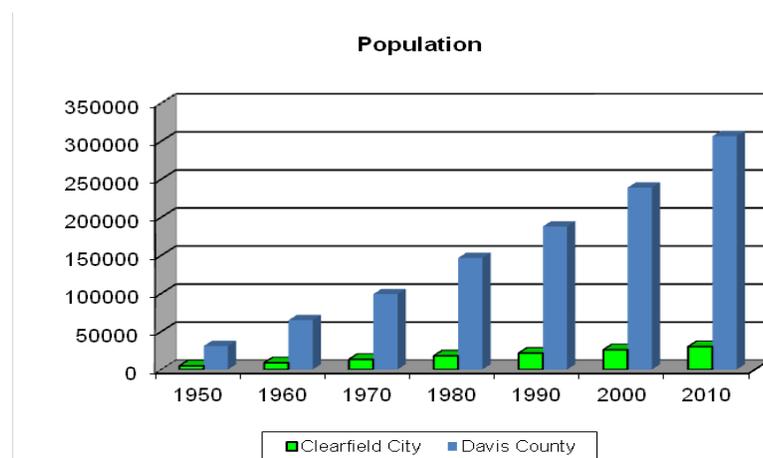
## Ch. 2 Jurisdictional Background Data

Clearfield’s 10-year strategic plan outlines core values, a vision statement and a comprehensive action plan for the community. Some of the most important planning issues addressed are: air quality, mobility and transportation choice, water resources, open space, housing opportunities for a range of family/income types, and infrastructure needs. Realizing that it is increasingly important and challenging to tackle these issues simultaneously, Clearfield is strategically preparing to accomplish their goals. Housing and poverty advocates are working to make sure this includes people in all social classes protected by Fair Housing Laws.

Both median household income and level of educational attainment are higher than average in Davis County compared with the U.S. and also the rest of Utah.<sup>2</sup> However, the higher median income for Davis County does not hold true within Clearfield City. Clearfield has the lowest median income in Davis County and lower than average homeownership rates as well. Lack of housing price diversity, due in part to zoning in other cities, has led to concentrations of low-income minority and ethnic groups in some neighborhoods in Clearfield. This has detrimental impacts on the community as a whole.<sup>3</sup>

### **Growth:**

Growth management is a major issue facing all of the Wasatch Front and Davis County in particular at this time. Davis County is the smallest county in the state in terms of land area, but the third most populous. Clearfield City is the third largest city in Davis County with around 10% of Davis residents living in Clearfield. The population of Clearfield City is approximately 30,112 according to city estimates and is expected to grow to just over 35,000 by 2040.

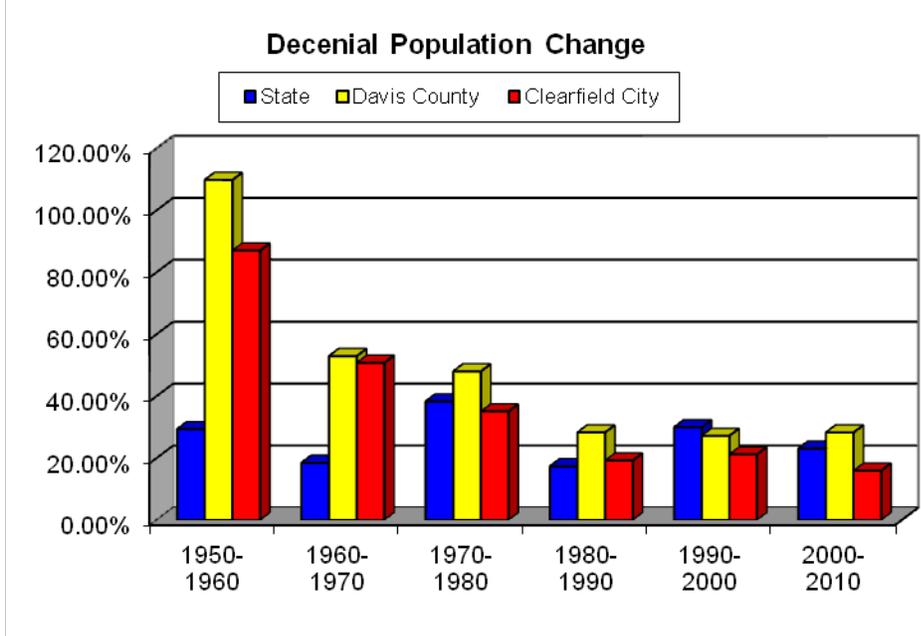


Source: U.S. Census 2010

<sup>2</sup> Census 2010 “Quick Facts” <http://www.census.gov/>

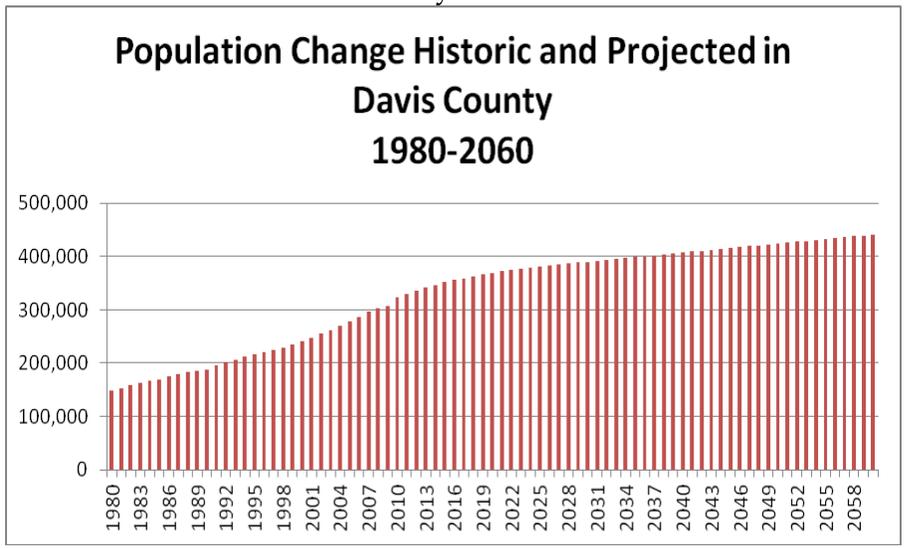
<sup>3</sup> Davis County AI, 2014.

Over the last 50 years until the mid 1990s, Davis County has grown at a much faster pace than Utah in general. Recently the rates of growth for Clearfield City have been falling. The chart below shows Clearfield’s rate of population change by decade compared with both the state and with the county. Clearfield’s population grew most drastically in the 1950s. This recent slowing is related to the rapid growth of new fringe cities developing on the borders of the county where land is still available. Clearfield city itself is largely built out and experiencing relatively little growth compared with newer fringe areas.



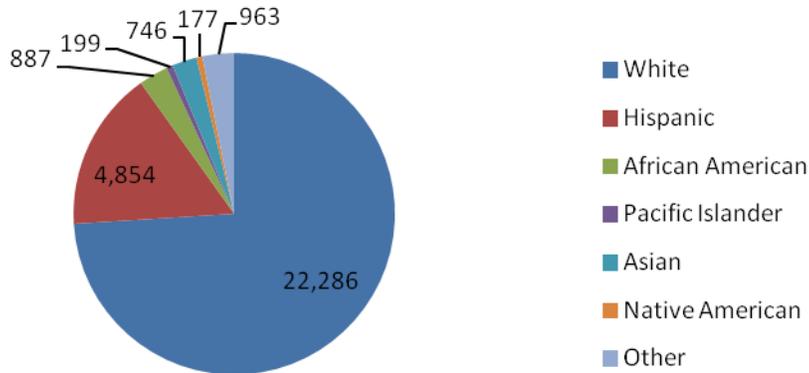
Source: U.S. Census 2010

This rate of slower population growth is expected to continue according to the population projections provided by the Utah Population Estimates Committee both for Clearfield and Davis County.



Source: Utah Governor’s Office of Planning and Budget, Population Estimates Committee

## Clearfield Population Estimates Race and Ethnicity, 2010



Source: U.S. Census 2010

Utah has one of the ten fastest growing foreign-born populations in the country and Davis County is no exception. In the past ten years the county’s minority population increased from 24,358 to 43,430. The share of minority individuals grew from one in ten in 2000 to one in seven in 2010.

Within Clearfield the number is one in four. Hispanics comprise nearly two-thirds of the minority population. As with all Wasatch Front counties, Davis is trending toward more diversity. However, its minority share at 14.2% is the lowest among the four counties that make up the Wasatch Front. Clearfield city has the highest percentage of minorities within Davis County with more than 27% of the population with minority status.

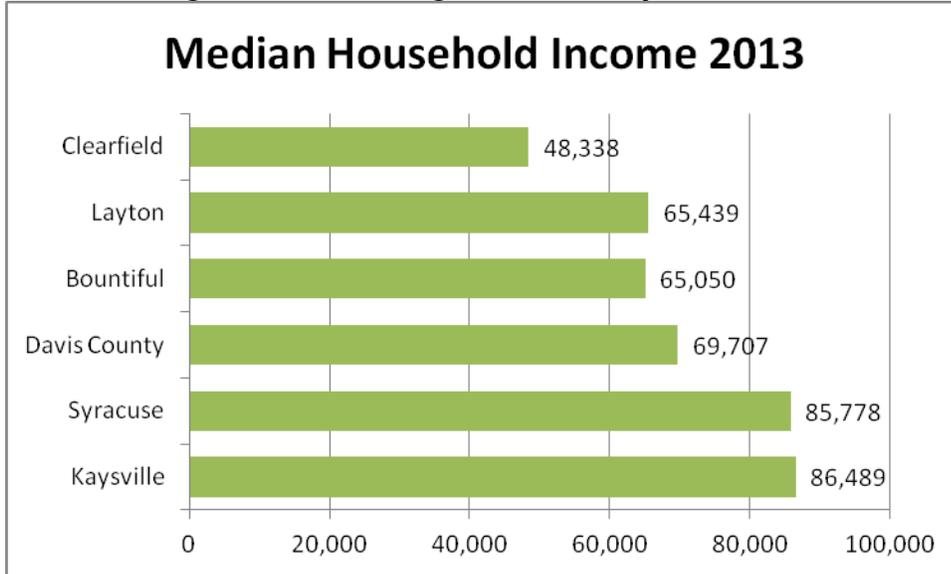
Clearfield City	Minority	Black	Native American	Asian	Hispanic	Multi-Race	Pacific Islander
	27.70%	2.80%	1%	2.40%	18.20%	2%	1.20%

Source: American Community Survey 2009-2013

The share of disabled individuals has remained constant at about one-half of one percent of the population over the past ten years and likewise the share of large families (5 or more people) is at about 24% of all households. The share of senior households is holding steady at 18%. Single parent households (also a protected class) represent 5.7% of households in Davis County, but in Clearfield single parent households number 1,454, which is 15.5% of total households, the highest in the county.

### Income and Employment Data

Job growth is slowly recovering from the 2007-2011 recession. The largest employment center in the county is Hill Air Force Base. The Freeport Center in Clearfield is also a major employment hub. The median household income in Davis County has increased to \$69,707 in 2013. The median household income for Clearfield City is much lower, at \$48,338. Census data also shows that there is wide disparity in income between racial groups. In Davis County the per capita income of Hispanics is only 56% of non-Hispanic whites.<sup>4</sup> In the cities in north Davis County where there are higher concentrations of Hispanics the income data have clear implications for the public school system and the local housing market.



Source: American Community Survey 2013

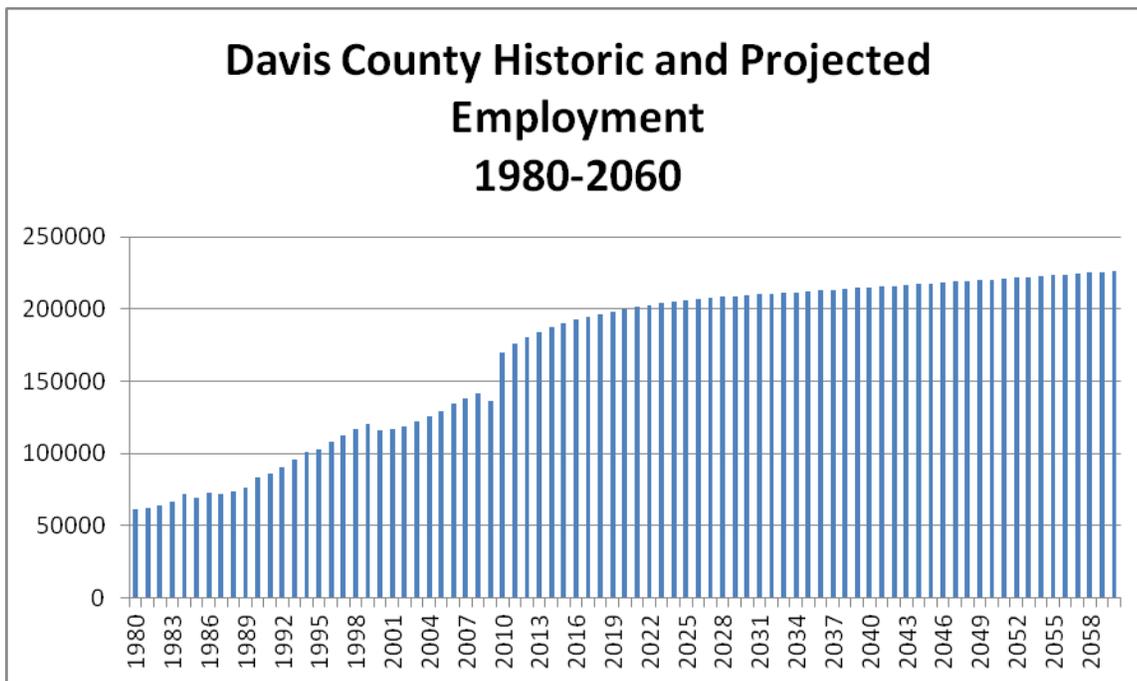
Although there is a large disparity in income between Hispanics and non-Hispanic whites in the county, the gap within Clearfield City between races does not appear to be as significant. According to Census data, the median income for Hispanics in Clearfield is just slightly lower than non-Hispanic whites.

Clearfield Median Household Income by Race/Ethnicity (ACS data)		
Total	9,700	\$48,338
White	80%	\$48,785
Black	2.6%	\$53,750
Native American	1%	\$49,896
Asian	2.3%	\$46,850
Hispanic	12.2%	\$46,655

Source: American Community Survey 2009-2013

<sup>4</sup> Davis County AI Study, 2014.

For many years, Davis County’s economy was driven by Hill Air Force Base (HAFB) and agricultural production. Now the county had diversified its economy with more jobs in manufacturing, trade, services and government. A large and growing population demands more housing and commercial activity. Recent growth in the professional and business services and government (including HAFB) will expand the economy and continue to build payrolls. <sup>5</sup>

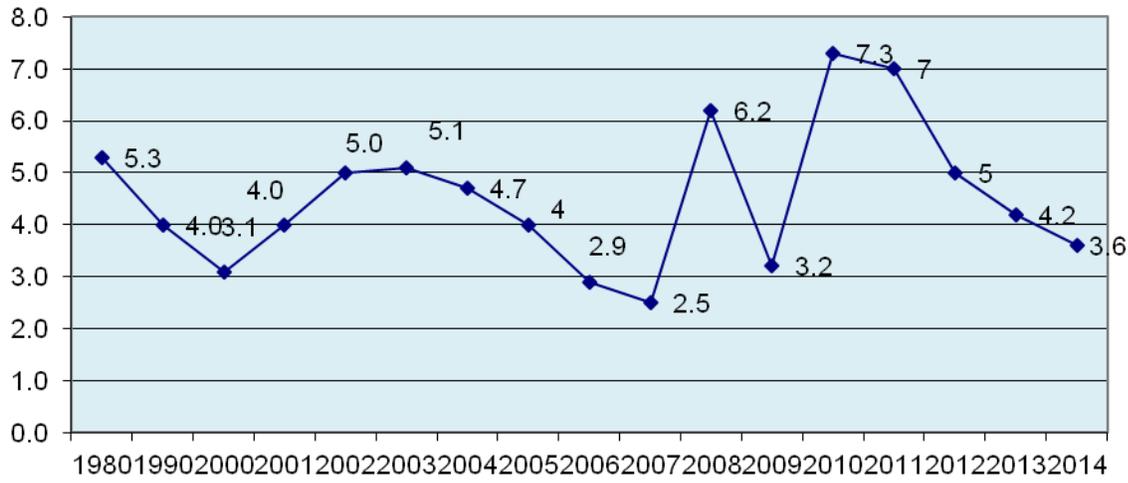


Source: Utah Governor’s Office of Planning and Budget, June, 2010.

The current unemployment rate below reflects the recovering economy. Historically unemployment in Davis County has been relatively low, a reflection of the high job growth conditions of the local economy.

<sup>5</sup> “Davis County” Utah Department of Workforce Services

## Davis County Unemployment Rate 1980-2014



Source: Utah Department of Workforce Services, 2015.

Davis County Unemployment Rates				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
1980	64,399	61,006	3,393	5.3
1990	86,872	83,373	3,499	4.0
2000	119,528	115,797	3,731	3.1
2001	121,492	116,578	4,913	4.0
2002	124,715	118,461	6,254	5.0
2003	128,938	122,368	6,570	5.1
2004	131,860	125,664	6,195	4.7
2005	136,678	131,189	5,489	4.0
2006	141,260	137,191	4,069	2.9
2007	145,210	141,520	3,690	2.5
2008	146,111	136,827	9,045	6.2
2009	146,612	141,490	4,621	3.2
2010	146,402	135,658	10,744	7.3
2011	145,872	136,362	10,250	7.0
2012	147,889	140,485	7,404	5.0
2013	151,430	145,089	6,341	4.2
2014	153,396	147,949	5,447	3.6

Source: Utah Department of Workforce Services, 2015.

**Housing Profile:**

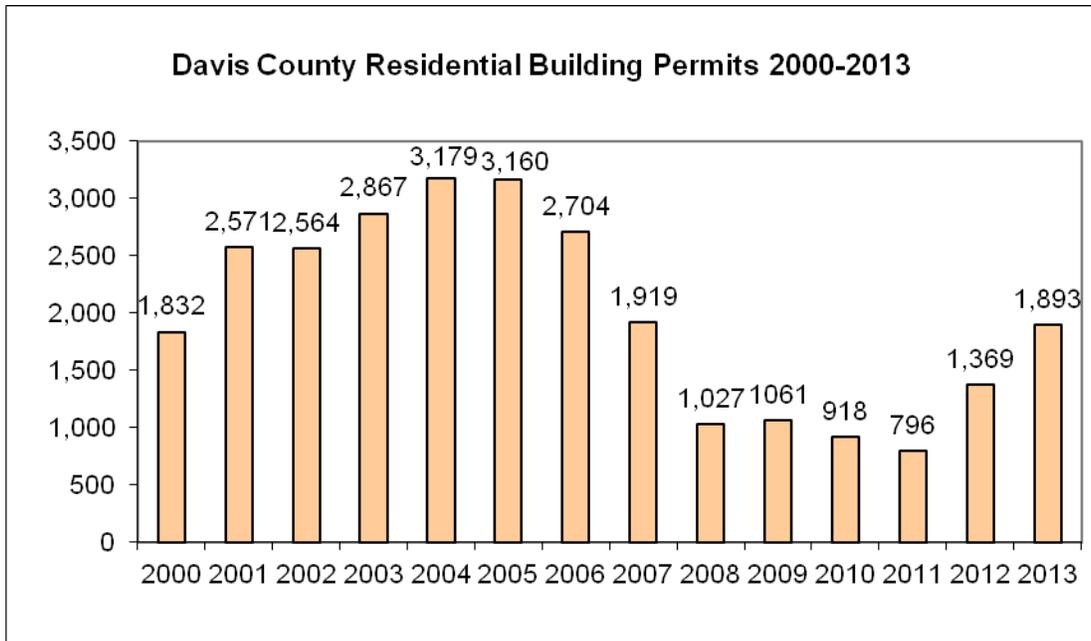
The housing market over the past decade in Utah has seen dramatic upswings and moderate downturns. The recent slow and decline in property values has made home ownership a possibility for some moderate income families who perhaps would not have been able to afford a home before. The housing market saw a peak in 2007 with the median price in Clearfield reaching \$184,650. The median price for a home in Clearfield currently is rapidly approaching the same level at \$180,000.

Davis County Median Home Prices										
	2002	2006	2007	2008	2009	2010	2011	2012	2013	2014
Bountiful	\$173,500	\$242,500	\$285,900	\$238,250	\$221,050	\$230,000	\$202,000	\$220,000	\$229,000	\$238,200
Centerville	\$185,000	\$257,000	\$272,000	\$286,750	\$254,000	\$245,500	\$217,775	\$219,900	\$285,950	\$239,500
Clearfield	\$121,050	\$160,000	\$184,650	\$172,500	\$166,000	\$163,500	\$140,000	\$150,110	\$159,900	\$180,000
Farmington	\$181,000	\$286,500	\$263,000	\$287,000	\$241,625	\$274,643	\$287,750	\$272,450	\$299,100	\$320,000
Kaysville	\$171,500	\$258,000	\$269,000	\$268,000	\$253,500	\$265,950	\$235,000	\$222,000	\$280,000	\$267,000
Layton (zip 84040)	\$171,500	\$218,750	\$246,250	\$209,000	\$236,750	\$237,750	\$236,000	\$213,000	\$234,400	\$250,000
Layton (zip 84041)	\$132,500	\$172,520	\$200,500	\$195,000	\$176,000	\$184,189	\$174,900	\$179,442	\$191,000	\$182,500
North Salt Lake	\$222,650	\$255,000	\$253,282	\$239,000	\$238,205	\$273,227	\$212,450	\$239,000	\$245,750	\$244,920
Syracuse	\$155,000	\$231,950	\$250,000	\$235,000	\$232,500	\$217,000	\$220,450	\$214,500	\$249,900	\$236,450
Woods Cross	\$152,000	\$206,000	\$231,250	\$219,000	\$219,900	\$212,000	\$198,150	\$219,186	\$224,000	\$230,000

Source: Salt Lake Tribune "Home Prices Along the Wasatch Front 2014"

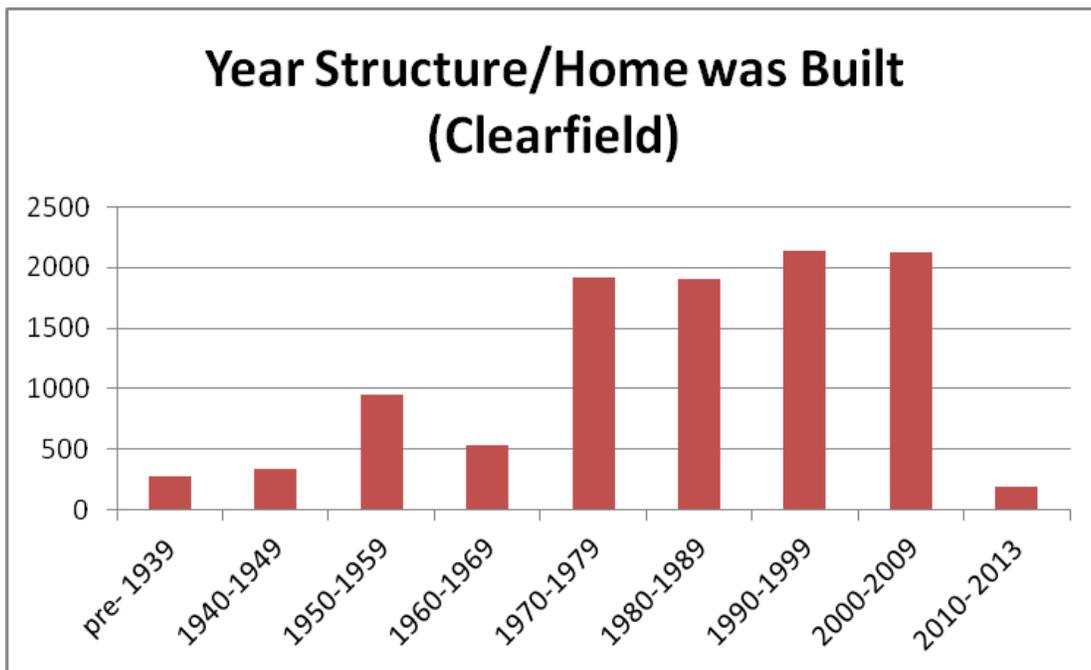
Exceptionally low interest rates have spurred on the lagging construction business. Residential construction activity in Davis County reached an all time peak in 2004 with 3,179 residential building permits issued. The construction activity remained strong through 2005 and then started to drop off seeing the largest drop in 2008. Current rates of construction are approaching the same levels as 2007. The rates shown below are for Davis County as a whole and the majority of new construction is happening in newer fringe cities, not in Clearfield.



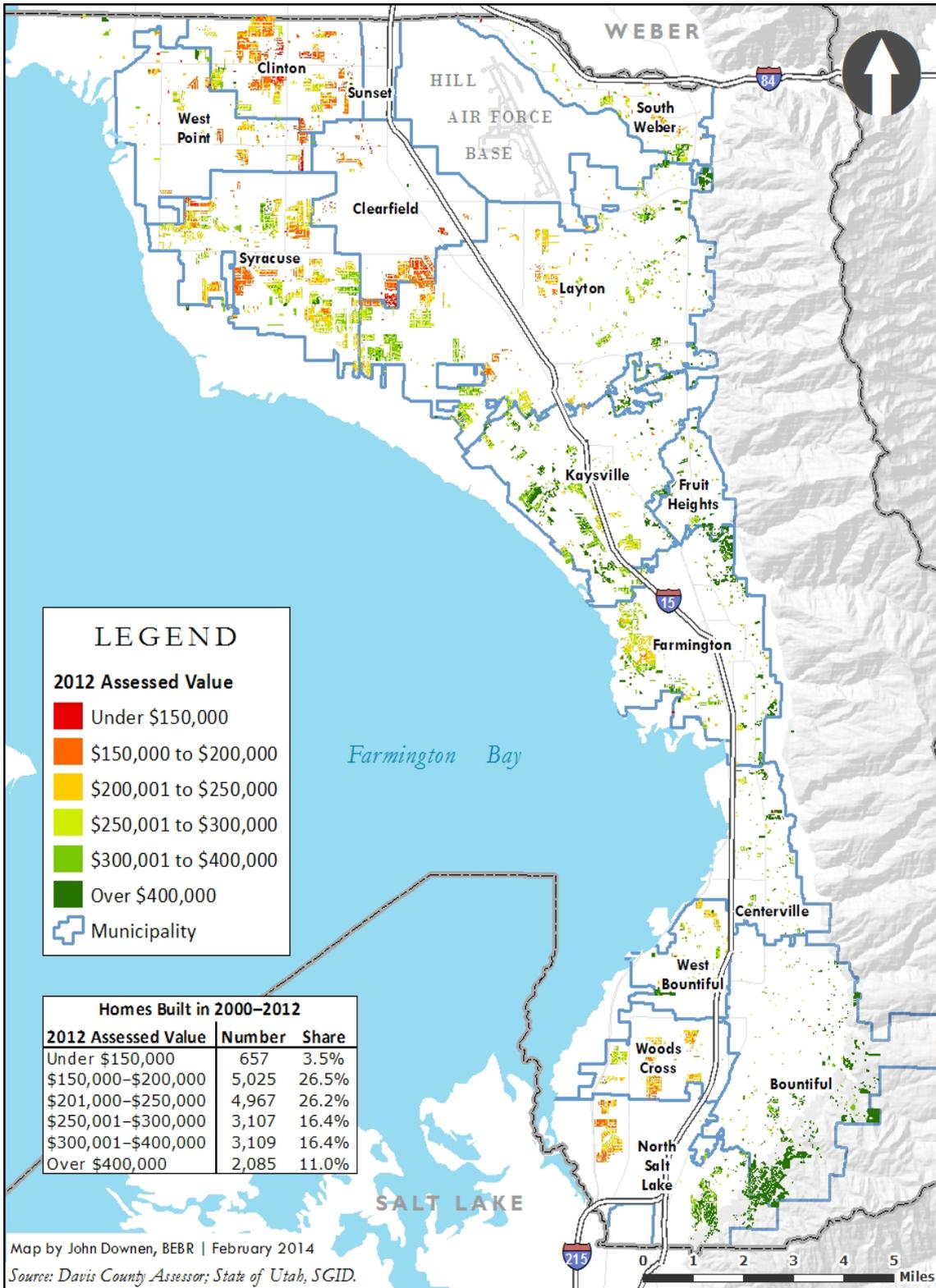


Source: U.S. Census, American Community Survey 2013

Most of Clearfield’s newer construction (since 2000) tends to be on the south end of the city bordering Layton. However, most of the 192 homes built in Clearfield since 2010 have been on the west side of the City, bordering Syracuse. Three of the four active new construction subdivisions are located right off of 1000 W, between 1200 S and 300 North. More detailed housing information will be discussed in the 4th section “Identification of Impediments to Fair Housing Choice”.



Source: American Community Survey, 2013



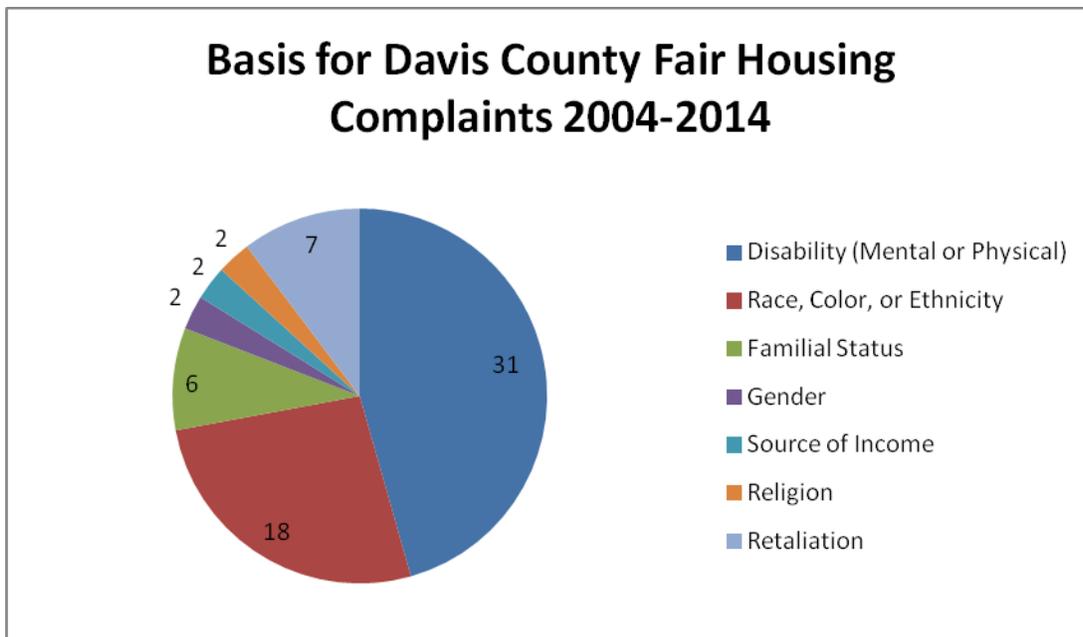
### Ch. 3 Evaluation of Clearfield’s Current Fair Housing Legal Status

#### Fair Housing complaints in Clearfield and Davis County, Utah

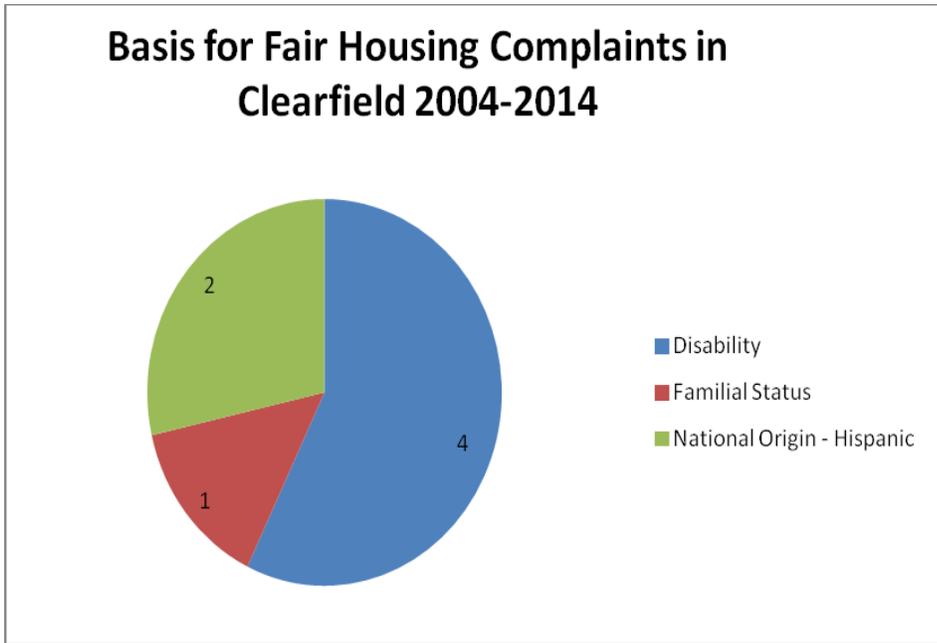
According to the Regional Analysis of Impediments for Davis County, there have been 25 fair housing complaints filed over the past six years with the Utah Antidiscrimination and Labor Division. The basis of 50% of the complaints over the past 8 years was discrimination due to disability (at the time of the 2014 study). Disability leads all categories in perceived reason or basis for complaint.

Since the Davis County AI study was completed in 2014, four complaints with the basis of “retaliation” were filed which bumped “family status” into 4th position behind disability, race and retaliation as the most common basis for complaint. All of the retaliation complaints are still open and under investigation so no determination has been made on them yet. The race and ethnicity of individuals filing complaints is consistent with state and county demographic patterns.

The Disability Law Center is in the process of developing a comprehensive survey regarding housing, transportation, and employment. The housing section of the survey will ask detailed questions regarding housing discrimination and results will provide further insight into the level of housing discrimination based on disabilities.



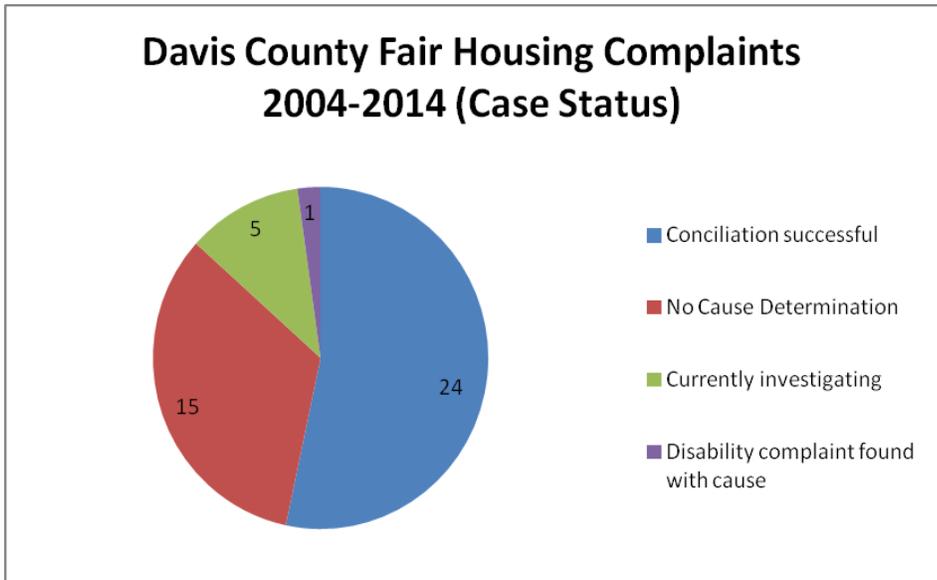
Source: Utah Labor Commission 2015



Source: Utah Labor Commission, 2015

The pie charts show the basis for complaints filed with the State Anti-Discrimination Division. (More than one basis can be selected per complaint). Only 7 complaints have been filed in the past 11 years within Clearfield. Three of those complaints were filed in the last 5 years and one of them (a claim with a disability basis filed in 2010) has been adjudicated and found to be with cause. As of March 2015, there are no cases currently open or pending within Clearfield City.

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Source: Utah Labor Commission, 2015

<sup>6</sup> State of Utah Anti-discrimination and Labor Division, March 2015.

While official complaints may not be a concern for Clearfield City or Davis County, an understanding of the causes of complaints will help the city take preventative action to ensure that decent housing remains accessible to its entire population.

Complaints filed under disability are usually due to a landlord who refuses to make a “reasonable accommodation” for a disabled resident or would-be resident. Part of the State Labor Division’s outreach program is making presentations for property owners in order to better train them on fair housing legislation and what is legally required of them.

Another protected class is familial status, which refers to a group that includes pregnant women, children living with parents/guardians and single parent households. In 2010 there were 22,032 families in Davis County with five or more persons. In Clearfield there were 1,895 large families making up just over 20% of households.



The most important sub category of large family households is those that rent. Renters are the most vulnerable to familial status discrimination. Renters with five or more persons will likely encounter difficulties that impede fair housing choice. Minority large family renters are a protected class group that are the most vulnerable to limited housing opportunities and discrimination.

And large renter families are generally limited in their rental housing opportunities within the county to Layton, Clearfield, and Bountiful. There are not enough affordable rental opportunities in other jurisdictions, especially for large families and the disabled.

Occasionally the section 8 housing manager at Davis Community Housing Authority hears complaints about someone not wanting to rent because of source of income and she refers those complaints directly to SLC HUD office. <sup>7</sup>

It is assumed that there are far more incidents of discrimination than are officially reported. Some people are fearful about reporting discrimination and problems with fair housing to the government, especially if they are foreign. There are numerous problems that are ignored and never reported because those discriminated against do not speak English or do not know how or where to report a problem. Clearfield City recognizes these obstacles and identified a need for

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<sup>7</sup> Jan Winborg, Davis County Housing Authority, interviewed March 3, 2015

further outreach efforts in the last AI report, 2010. Since 2015 Clearfield has started publishing notices for all CDBG hearings and meetings in both English and Spanish.

Clearfield City also began a Good Landlord program in 2008. All landlords are required to obtain a rental license for their residential properties. They can choose to join the Good Landlord Program, but it is not mandatory. However, there are some benefits to joining such as: reduced licensing fee, and notification of police calls to their rentals. In addition, they must attend a Good Landlord training class every two years as well as review a training presentation online. If they choose to join the program they must submit a signed Good Landlord Program Agreement. The majority of licenses and units in Clearfield are on the Good Landlord program. This is one way that Clearfield City has continued to educate landlords on fair housing laws and prevent possible discrimination.

Background checks for potential renters is a part of this program. If persons wishing to rent have a felony conviction within the last three years or have been convicted of a sexual offense or violent crime within the last four years they are not eligible renters until the three or four years have passed. Criminal offenses that are not within the last three or four years do not apply.

**As of March, 2015:**

	<u>Number of Licenses</u>	<u>Number of Units</u>
On GL Program	294	3,156
Not on GL Program	87	113

## Ch. 4 Identification of Impediments to Fair Housing Choice

A. A summary of current housing plans, affordable housing targets, home ownership rates, policies, zoning ordinances, and other housing problems in Clearfield City.

### 1. Housing Plans: What is required by Utah Law?

House Bill 295 (Utah Code Annotated, 10-9-307) states that “the availability of moderate income housing is an issue of statewide concern...municipalities should afford a reasonable opportunity for a variety of housing, including moderate income housing, to meet the needs of people desiring to live there.” The bill also requires each municipality to have a plan addressing moderate income housing as part of its general plan.



### Clearfield City's Housing Plan

In 2008 Clearfield City updated their General Plan including an “Affordable Housing Element”. This Chapter addresses affordability and looks at demographics and housing stock and makes recommendations. Because 55% of the city's housing stock was considered affordable<sup>8</sup> and there are still approximately five acres of undeveloped high-density residential property, the plan and city council are encouraging more single family “non starter homes”.

Although the 2008 plan is now seven years old and the city could benefit by doing an up-date, the 2008 findings and recommendations still seem relevant and on target. The city does have an abundance of certain types of affordable homes and rentals and could benefit by building more homes in a diversity of price ranges.

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<sup>8</sup> Clearfield City General Plan 2008

## 2. Affordable Housing Targets and Supply in Clearfield City

### Clearfield City Break-down of Land-use and Housing Problems (CHAS data)

Profile	Number
Square Miles	7.57
Land Use Inventory	31% Residential 6% Commercial 22% Manufacturing 9% Hill Air Force Base 12% Vacant, Agriculture 17% Road and Rail
Population (2010 estimate)	30,112
Housing Units (CHAS Tables provided by HUD 2011)	9,700
Percent Owner Occupied (2011 HUD)	52.6%
Percent Renter Occupied (2011 HUD)	47.4%
Low to moderate income households with gross rent 30% or more of household income (2011)	33%
Low to moderate income households with monthly owner costs 30% or more of household income (2011)	20%
Percent of low to moderate income households (at or below 80% of median income) with housing cost burdens in excess of 30% of income (2011)	33%
Percent of total households with housing cost burdens in excess of 30% of income (2011)	37%

Although median income for Clearfield City is much lower than the county median, the income limits set by HUD for affordable housing look at the Ogden-Clearfield Metropolitan Statistical Area (MSA). According to HUD “Moderate-income housing” is defined as housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80 percent of the area median income (AMI).

The applicable area median income (AMI) for the Ogden-Clearfield Metropolitan Statistical Area in 2015 is \$73,500. According to this information, low to moderate income in Clearfield City is defined as households of four with an income at or below \$58,800 (80% of AMI for the Ogden-Clearfield MSA). None of the renter households with severe housing problems have government housing or rental assistance.

Ogden-Clearfield MSA Income Limits 2015	
Area Median Income	\$ 73,500
Low Income (80% AMI)	\$ 58,800
Very Low Income (50%)	\$ 36,750
Extremely Low Income (30%AMI)	\$ 24,250

Source: HUD2015, <http://www.huduser.org>

The U.S. Department of Housing and Urban Development specifies that “affordable” housing costs mean that total housing costs consume no more than 30% of a person’s income. 30% of \$58,800 is \$1,470 per month. This is the maximum that should be spent on housing for a person or household of moderate income making 80% of the area median income (AMI). And the same follows for persons/households at 50% area median income (AMI); affordable housing costs should be no more than \$918 per month for a person making \$36,750 annually. For very low income households at 30% of AMI (\$24,250) housing costs should not exceed \$606 per month.

80% AMI = Housing costs \$1,470/mo.  
 50% AMI = Housing costs \$918/mo.  
 30% AMI = Housing costs \$606/mo.

Although the convention is that family housing expenditures should not exceed 30 percent of income, poorer families’ housing expenditures often surpass this amount. For the low income, retaining physical shelter then becomes an overwhelming preoccupation that overshadows other economic necessities (e.g., food, medical care).

In Clearfield approximately 3,340 households (owners plus renters) pay more than 30% of their gross income to cover housing costs. This housing cost burden limits each household’s ability to handle crisis and to gain better job skills and higher paying jobs. For those with moderate incomes and above paying more than 30% of one’s income towards housing costs can be considered a choice, as there are less expensive options available. For those with low and extremely low income there are fewer choices and affordable housing options.

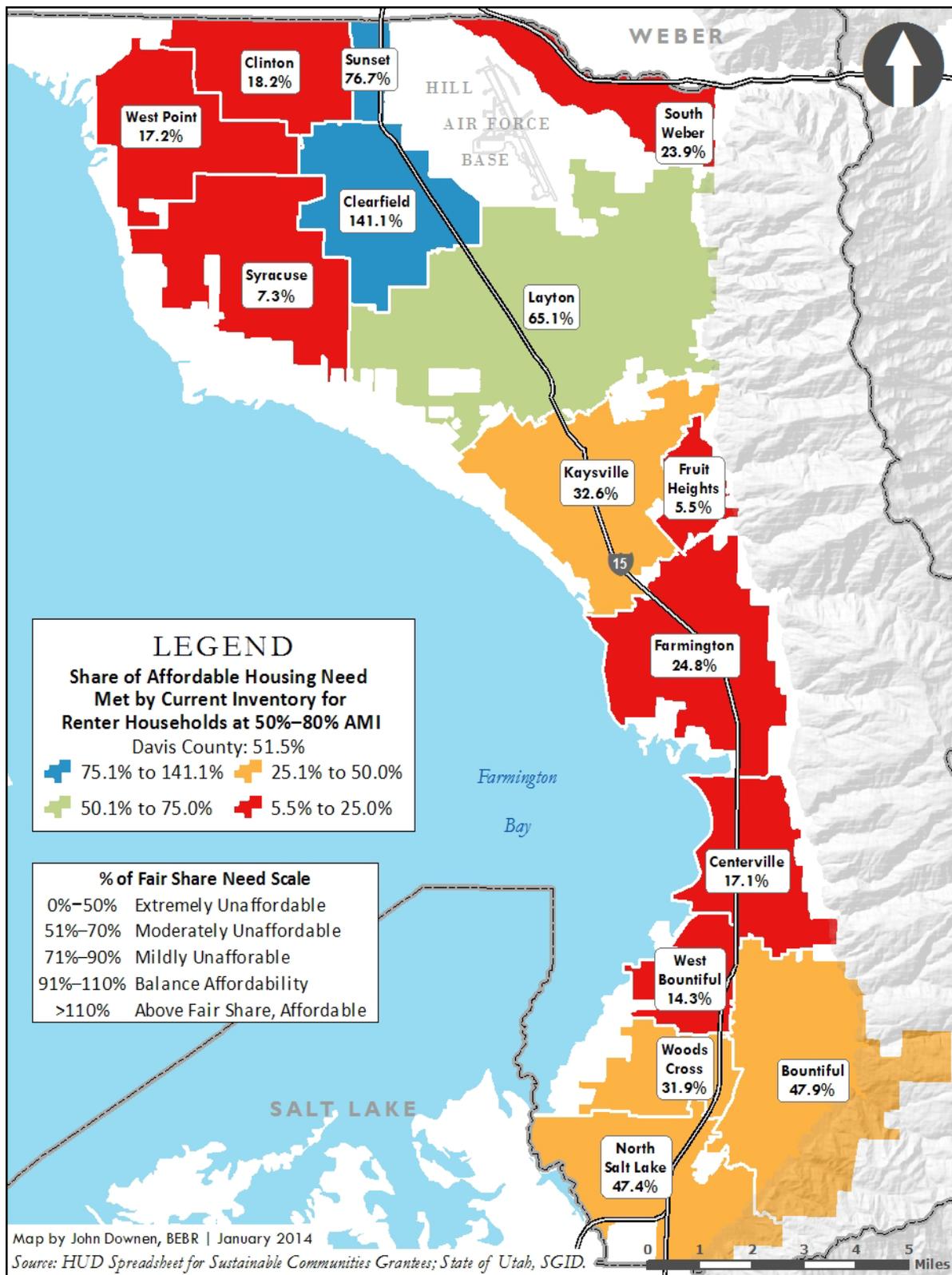
There are many cities within Davis County that have large deficits of affordable rental housing. Clearfield was the only city in the county that was identified as having a surplus of affordable rental units. In Clearfield, there is a deficit of 254 affordable rentals for extremely low income renters but overall a surplus of affordable housing options including rentals.

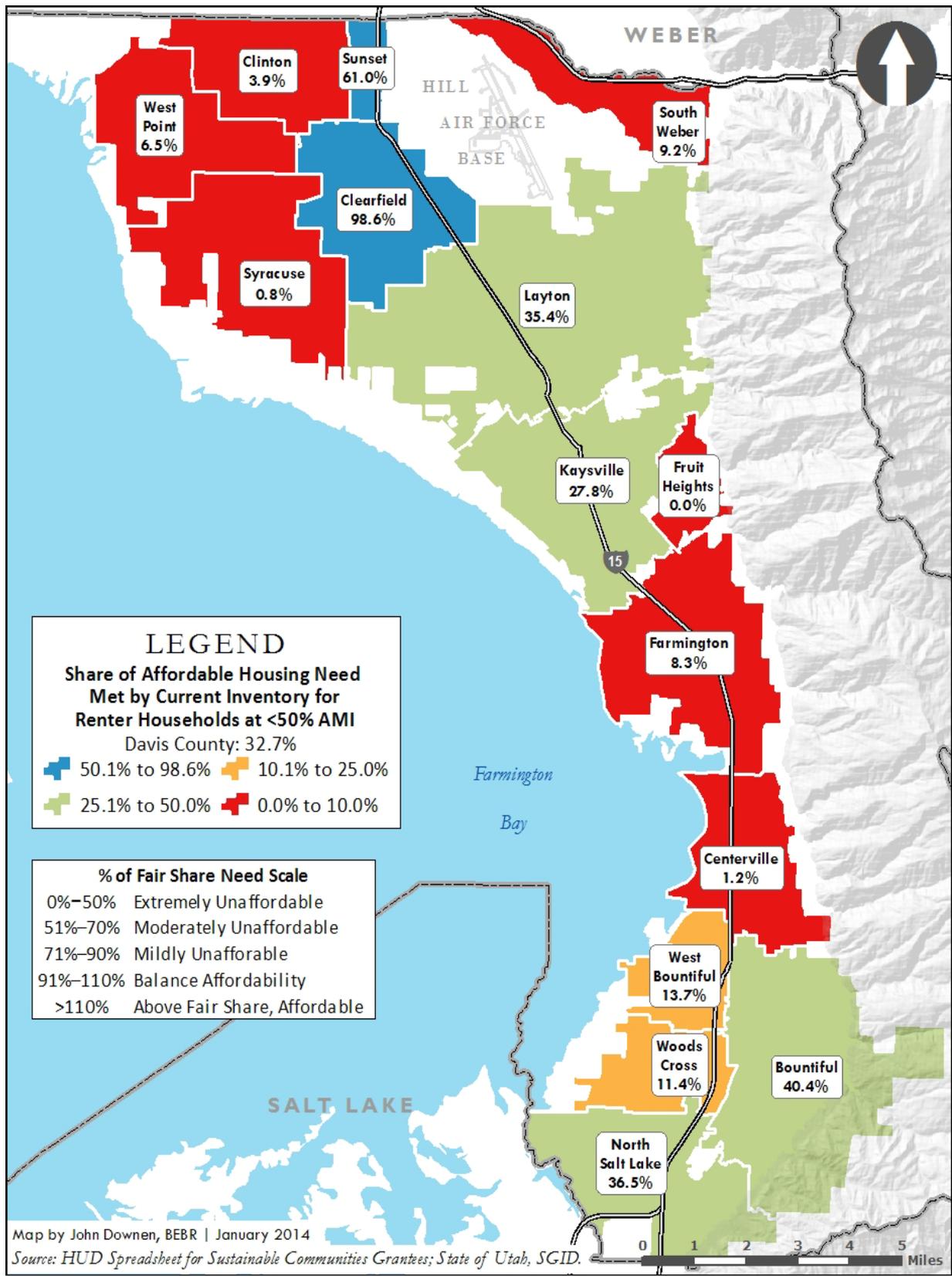
Clearfield Deficit/Surplus of Affordable Rental Units by Income			
<30% AMI (Extremely low income)	30% - 50% AMI (very low income)	51% - 80% (low income)	Total Surplus of Affordable Rental Units in Clearfield
-254	+232	+715	+693

Source: HUD Sustainable Communities Grant, Davis County AI Study, 2014

By definition, 50% of the Ogden-Clearfield Metropolitan Statistical Area’s housing market falls into this category below median income. In order to achieve a balance between housing supply and demand in Clearfield, one half of new housing built needs to be affordable to people making below \$73,500 per year. And following that same logic, roughly one third, or around 33% of new housing needs to be affordable for those making less than \$58,800 (80% AMI) in order to achieve a balance between supply and demand in the housing market and meet the needs of Clearfield households. It appears that Clearfield has a surplus of housing that meets these income limits.

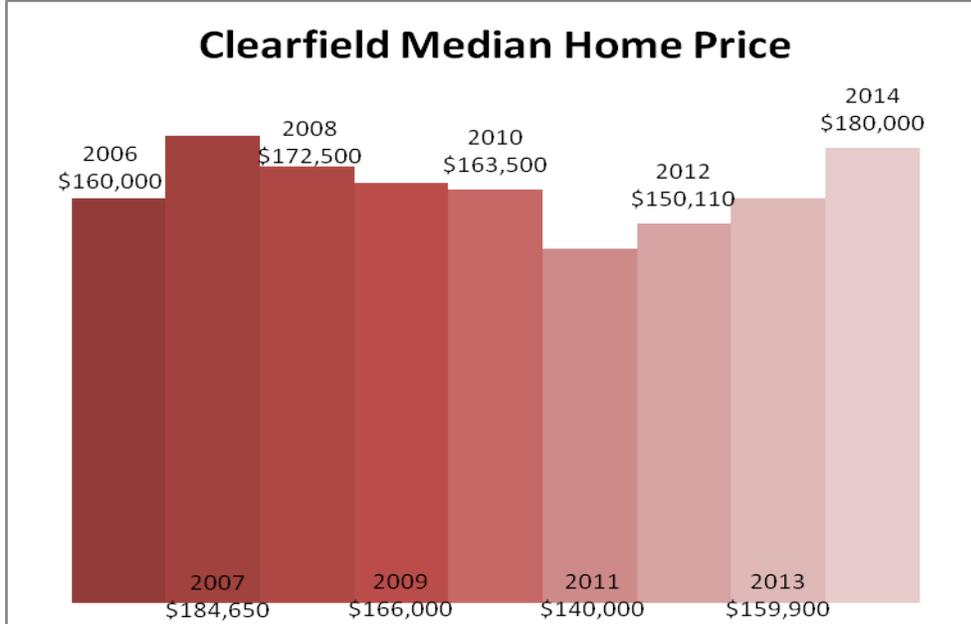
According to the following maps Clearfield also has enough affordable rentals for those making at or below 50% AMI to meet over 98% of the current need. There are no other cities in the county that even come close to this measure.





### 3. Home Values in Clearfield

As of 2011 there are an estimated 9,700 total dwelling units within Clearfield boundaries. This number includes single-family homes, multi-family residences, and mobile homes.



Source: Salt Lake Tribune, "Home Prices along the Wasatch Front"

The median price of a home sold in Clearfield in 2014 was \$180,000, much higher than the median price in 2013 which was \$159,900. Rising prices are approaching the values of homes seen in 2007 before prices fell.

Even with rising prices and home values, a person of moderate income (making approximately \$58,800 per year) could purchase a median priced home in Clearfield. Many opportunities for home ownership are available to moderate income families in Clearfield.

### 4. Home-Ownership Rates

Utah still has one of the highest rates of homeownership in the nation at 70%, despite having high foreclosure and bankruptcy rates. Homeownership rates in Clearfield City are much lower than county, state or national rates according to the US Census 2010 data.

Home Ownership Rates 2009-2013			
Clearfield	Davis County	Utah	U.S.
54.60%	77.70%	70.10%	64.00%

Source: American Community Survey Data 2009-2013

According to the Davis County AI Study completed in 2014, minority owner-occupied housing units in Davis County accounted for just 8.6% of units in 2010. However, according to the American Community Survey Data 53% of Hispanic households in Clearfield are home-owners, just 2.7% lower than the home ownership rate of white alone households.

Home owners and renters in Clearfield, 2009-2013				
	Hispanic		White Alone	
Total Households	1,179		8,485	
Homeowners	623	53%	4,727	55.70%
Renters	556	47%	3,758	44.30%

Source: American Community Survey Data 2009-2013

Minority households are making advances in homeownership. Although Hispanics are falling behind only marginally in terms of home ownership in Clearfield, increasing home ownership opportunities for everyone, including Hispanics and other minorities, will help bring more neighborhood stability to Clearfield.

#### 5. Zoning Ordinances and Policies and their impact on low to moderate income housing in Clearfield City.

1. Does current residential zoning exclude, encourage or have neutral effect on low to moderate income housing?

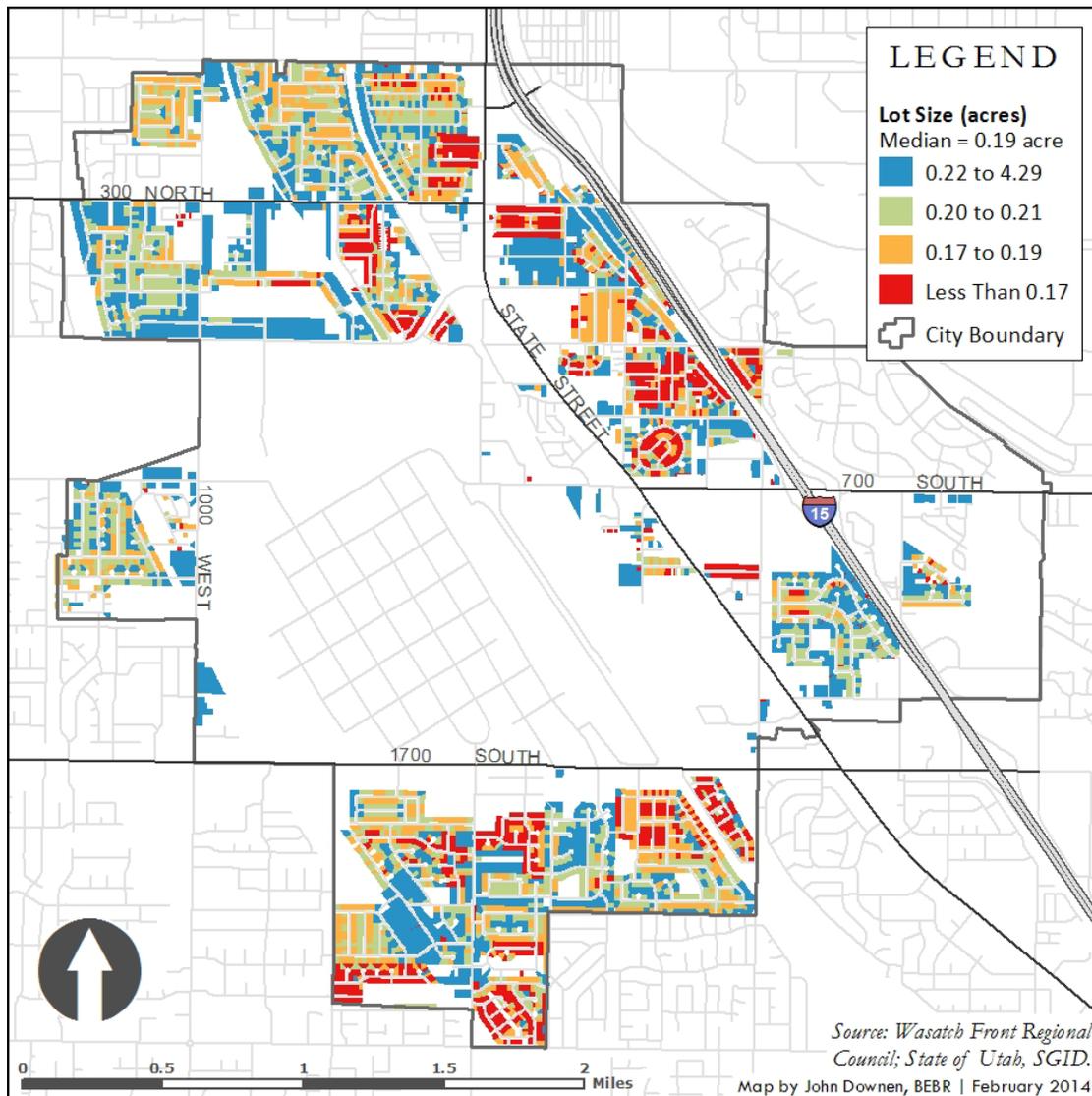
Existing Zoning - There are currently seventeen (17) zoning classifications in Clearfield:

- Two (2) Agricultural zones,
- Eight (8) zones that allow only residential use,
- Three (3) mixed use zones that allow light commercial and residential together,
- Two (2) strictly commercial zones,
- One (1) manufacturing zone,
- One (1) Public facilities zone, and
- A designation for Hill Air Force Base that is not regulated by the city.

Residential zoning currently only makes up 31% of Clearfield’s total land use. The residential zones for single family homes go as small as 4,500 square feet for mobile homes and framed homes range from 6,500 square feet and up to a minimum of 9,000 square feet within the R-1-9 zone. The higher density zones for multi-family units and mixed-use have been designed as high as 30 units per acre, but average between 10 to 16 units per acre for most developments. Current Clearfield Zoning is not a barrier or impediment to fair housing choice.

2. Does current zoning allow for high density development of available vacant ground?

There are approximately 200 vacant acres of developable land left in Clearfield. There are 67 vacant single family lots and they issue an average of 35 - 40 permits per year.<sup>9</sup> High density housing is allowed in several zones within the city. The highest density currently allowed is 16 dwelling units per acre within the R-3 Zone. There are approximately 7 acres of available R-3 zoned property in the City.



<sup>9</sup> Adam Lenhard, Clearfield City Manager, 2015

3. Do building, hook-up and impact fees affect development of low to moderate income housing?

Current Fees

Fees vary depending on whether or not the home is built inside of an existing subdivision. The building fee is 1% of the value of the construction plus additional impact fees can add up to over \$9,000. Additional fees for building outside of an existing subdivision can total another \$1,500.

All cities in the region also impose impact fees so although impact fees adding up to over \$10,000 can definitely present an obstacle to affordable housing, the impact fees are in line with the surrounding area and are well used by cities to provide much needed services. In a city where open land is relatively scarce these impact fees also help to preserve much needed open space, maintain parks and water resources and provide necessary transportation services.

4. Do building requirements (set-backs, front yard, side yard or amenities) for housing impede the development of low to moderate income households?

Current Building Requirements - Building requirements in Clearfield are not a significant factor in excluding low to moderate income housing. Requirements are: street frontage of 60-90ft., side yard dimensions 6-10ft., front yard setbacks of 25-30 feet. Vinyl siding is restricted on the front of new single family homes built within the most common residential zone R-1-8.

5. Is cluster dwelling (e.g. Planned Unit Development) encouraged versus single family home sites?

No, cluster development zones or PUD ordinances currently exist in the city and there are no plans in the future. However, zoning does not prohibit cluster development.

6. Does definition of "family" prevent sharing of housing?

Sharing Housing Space -State law says that in a city with a university, "3 unrelated adults" qualify as a family. Since Clearfield has a university within its limits (one building from the WSU-Davis campus), the City Council approved an ordinance in 2012 that changed the definition from 2 to 3 unrelated adults.

7. Are group homes (nursing homes, facilities for disabled) permitted throughout community?

Group Home Ordinance - Group homes are restricted by location and they cannot be within 3/4 mile of another group home. Nursing home and elderly care are restricted to the C-1 zone. Any restrictions on group homes could be an impediment to fair housing choice and reconsidering this restrictive ordinance is recommended.

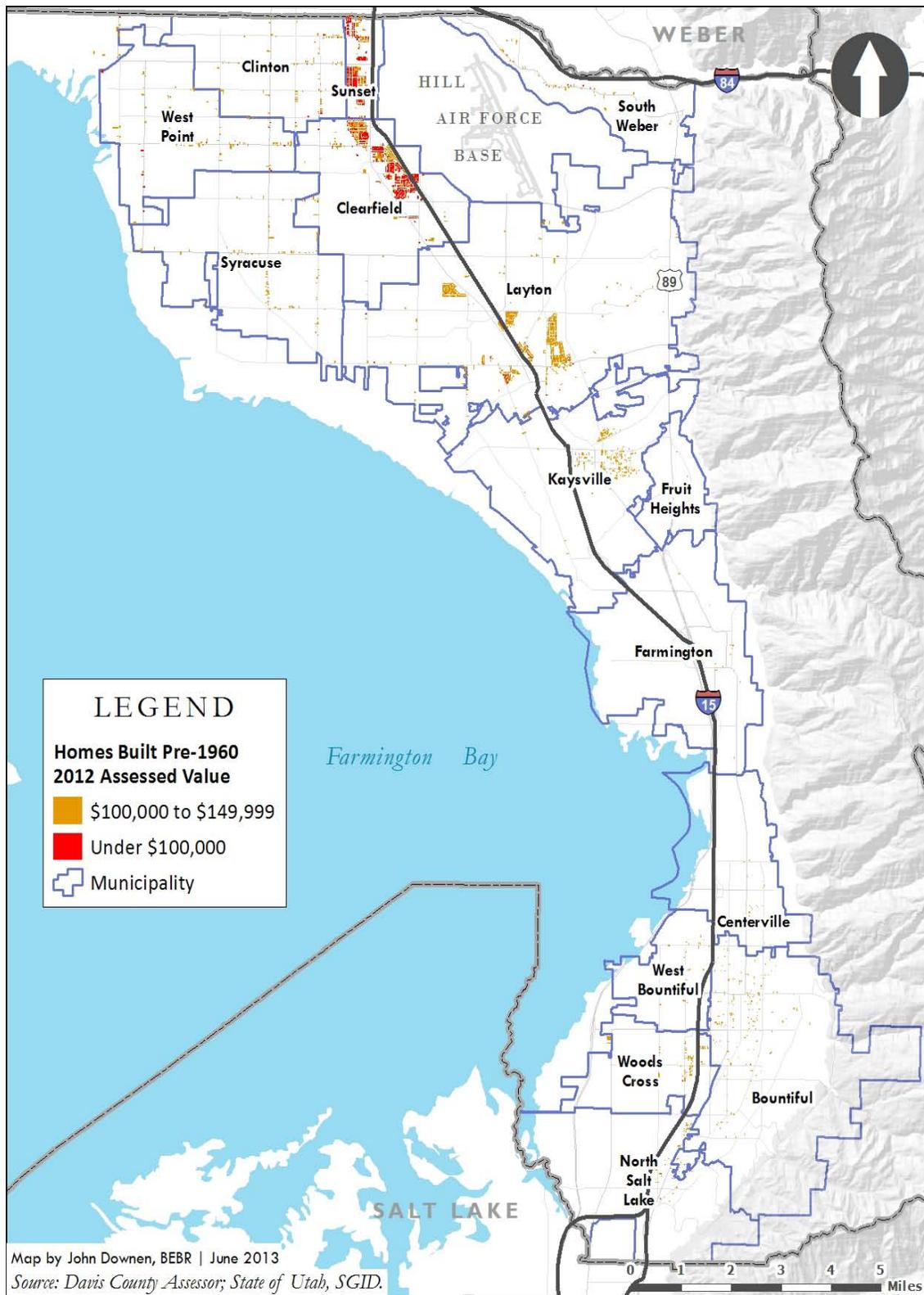
#### 6. Deteriorating Housing Stock

The condition of housing stock can impose significant costs on low-income households and be a detriment to opportunity. Opportunities to move may be limited and energy costs in older deteriorating homes is high. The map below shows homes that were built prior to 1960 and are valued at less than \$150,000. Again these areas along I-15 in Sunset and Clearfield have a majority of older homes with a high risk of high energy costs. Both the county and nonprofit organizations (Habitat for Humanity, HOME funds) have programs to address these problems in these neighborhoods. <sup>10</sup>

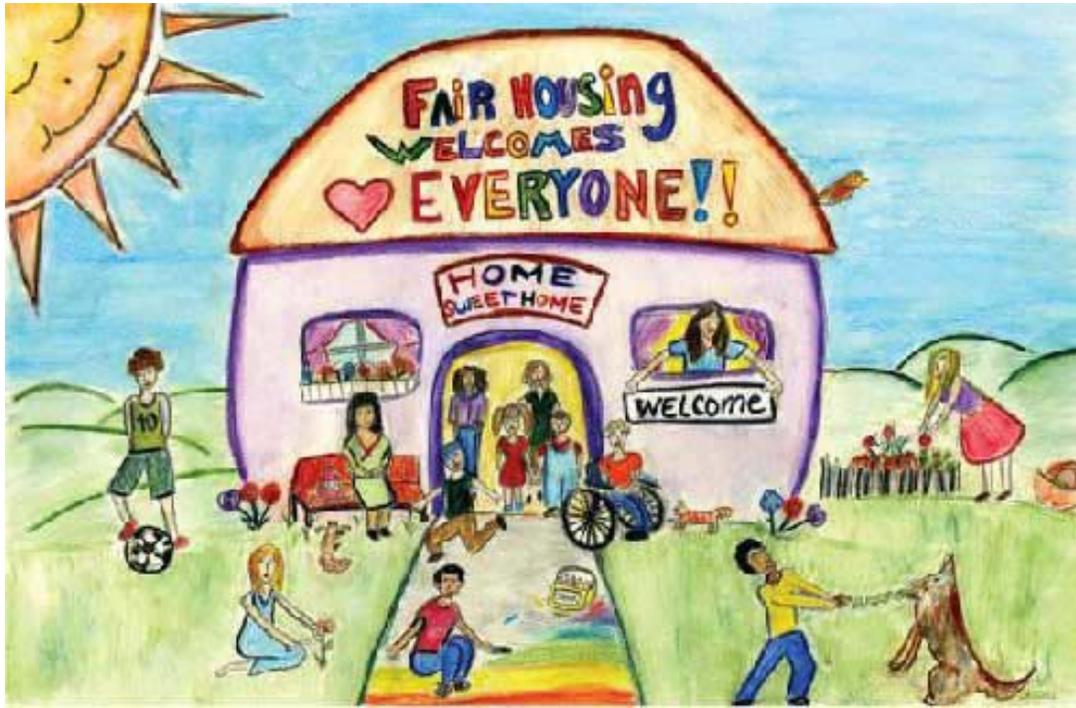


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<sup>10</sup> Davis County AI Study, 2014



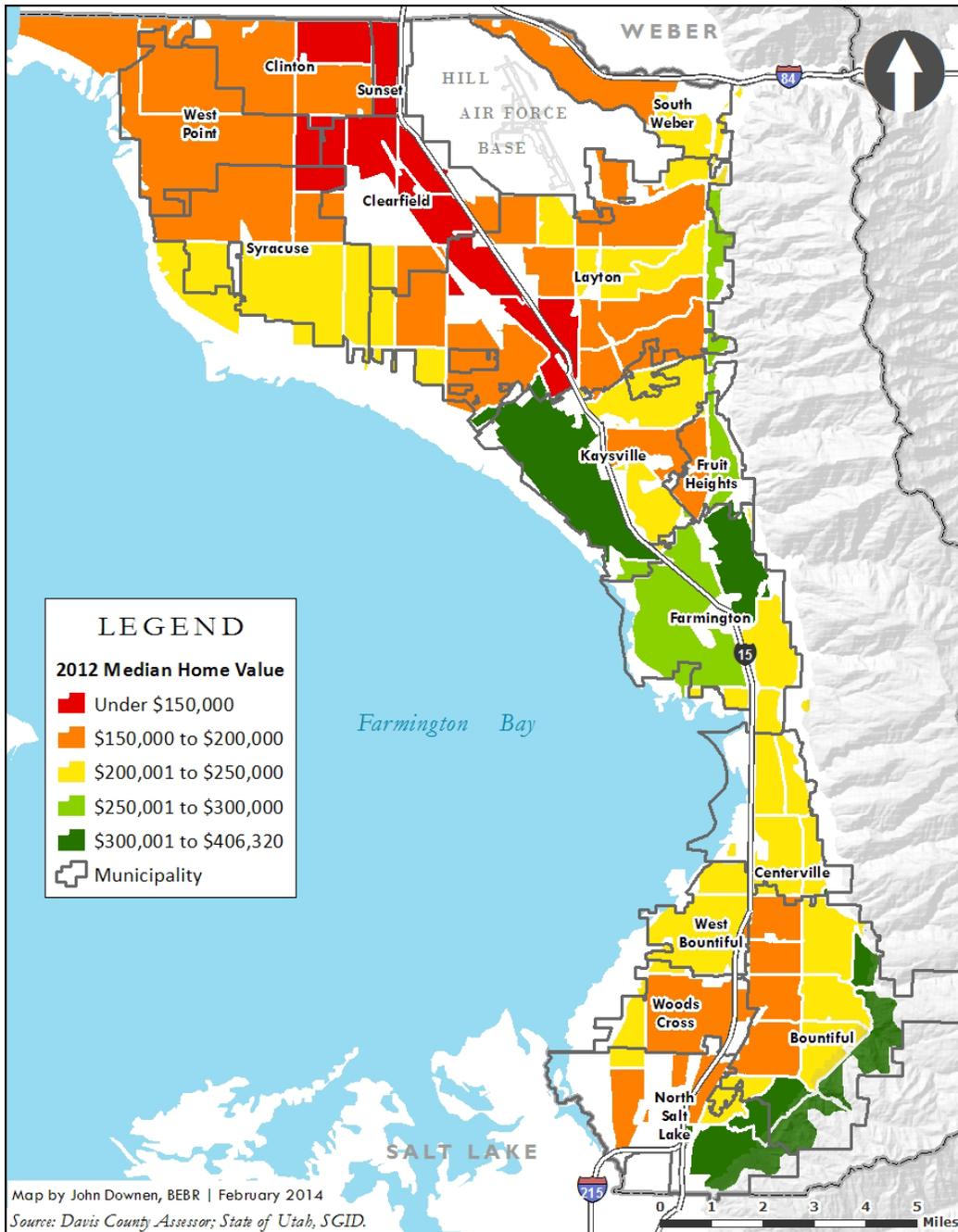
B. Segregation (RCAP and ECAP), Opportunity, Education and low-income schools, infrastructure investments and transportation and other factors contributing to fair housing choice.



### 1. Segregation within Clearfield City

Demographic growth in Davis County has led to greater diversity of population but also to areas of increased racial and ethnic concentrations. Public policies such as zoning and land use regulations, as well as land availability, funding availability, local economic conditions, access to transportation and lending practices can all contribute to this segregation.

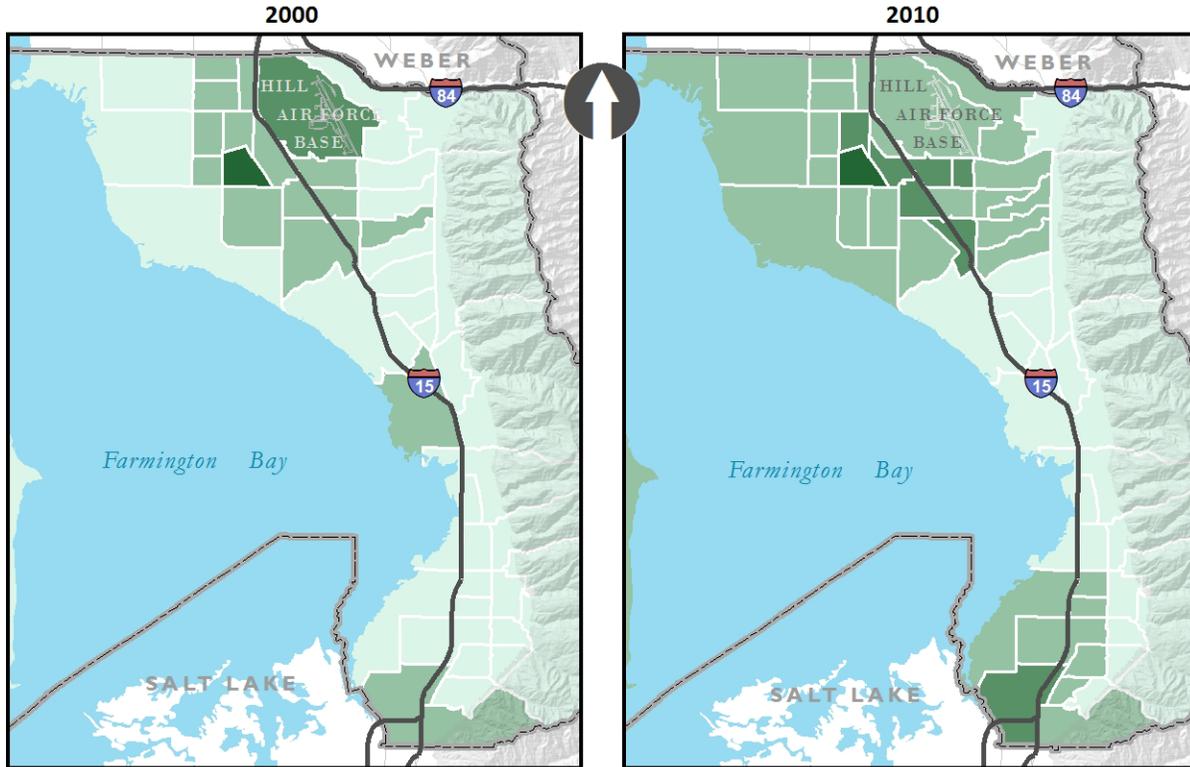
Because the majority of affordable homes are located along the I-15 corridor in Layton, Clearfield, and Sunset, this leads to further isolation and lower opportunity for poor and minority residents of Davis County. This is a regional issue with affordable housing at the county level and Clearfield City alone does not have the power to effectively redistribute affordable housing to create more opportunities in other cities. A regional approach is needed in order to create fair housing choice on a county and regional level. On a city level, Clearfield has plenty of affordable housing stock distributed throughout the city.



The minority population of Davis County is heavily concentrated in the northernmost portion of the county, in the cities of Layton, Clearfield, Clinton, and Sunset. There has been slight improvement in the distribution of minorities throughout the county since 2000. Clearfield maintains the largest share of minority residents in the county with 26% of its population minority. Over the past ten years the Hispanic population in Clearfield has increased by 56.6%<sup>11</sup>

<sup>11</sup> Davis County AI Study, 2014.

The growth of minority populations in certain census tracts in Clearfield can be seen on the following maps comparing the 2000 Census with 2010 findings. The growth of the minority populations in certain areas is significant while other areas remained virtually the same.



**LEGEND**

Some census tracts merged, split, or otherwise changed their boundaries between 2000 and 2010.

**Minority Share**

- 3.2% to 10.0%
- 10.1% to 25.0%
- 25.1% to 50.0%
- 50.1% to 55.9%

The lowest shares were 3.2% in 2000 and 5.0% in 2010. The highest shares were 53.8% in 2000 and 55.9% in 2010.

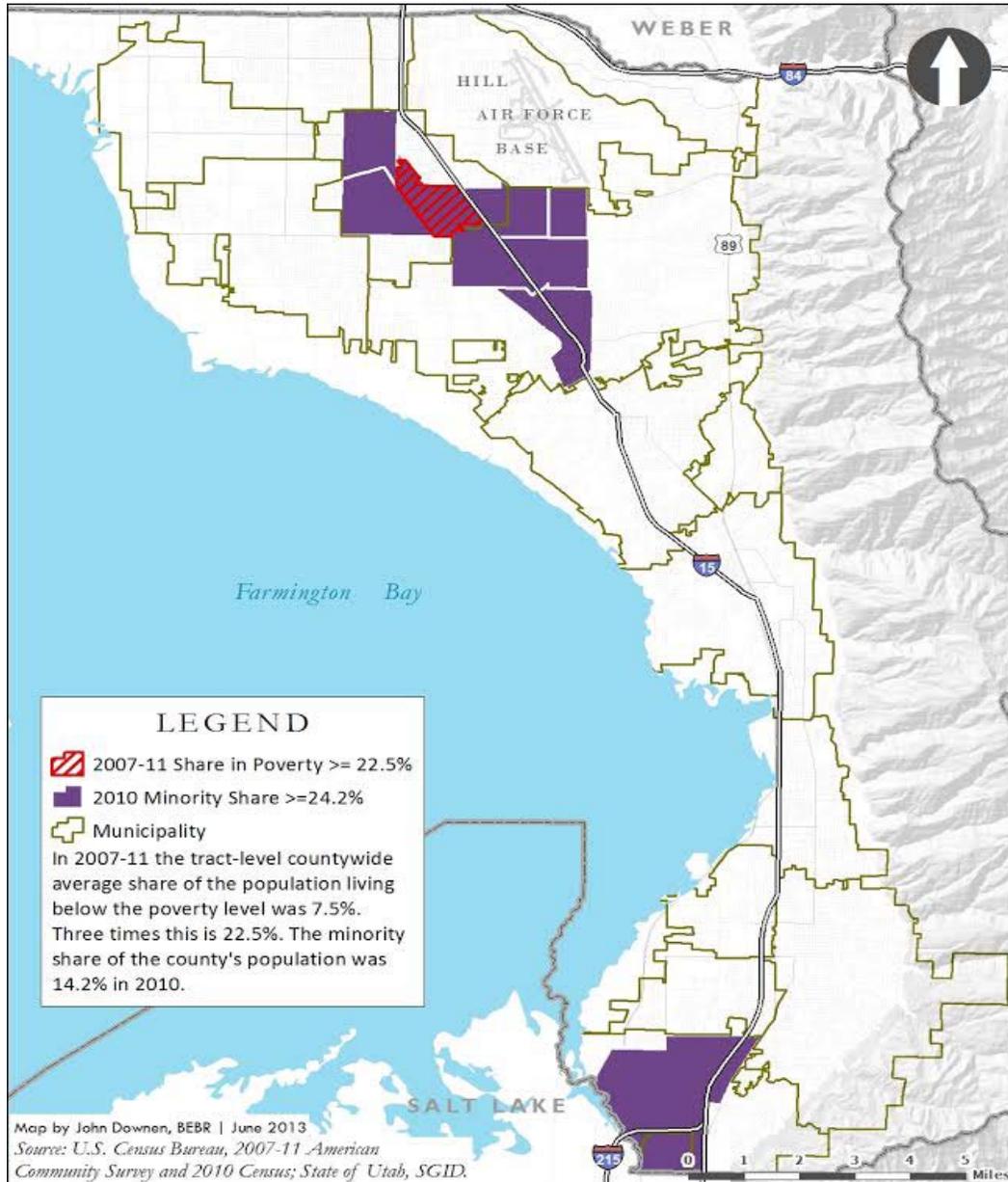


Map by John Downen, BEBR | June 2013

Source: U.S. Census Bureau, 2000 and 2010 Censuses; State of Utah, SGID.

Large renter families and the disabled are generally limited in their rental housing opportunities within the county to Layton, Clearfield, and Bountiful. There are not enough affordable rental opportunities in other jurisdictions, especially for large families and the disabled. This leads to concentrations of protected class renters in certain areas of Clearfield.

According to the American Community Survey 2005-2009, Clearfield was the only city to exceed the predicted number of minorities moving into the city during those years. All other cities within Davis County were below their predicted shares. This could be because the other cities are for the most part high income and high land cost cities and Clearfield absorbs the majority of minorities moving into the county.



Indices that measure areas of segregation and high concentrations of racial and ethnic populations for the Ogden-Clearfield Metropolitan Area, which includes Clearfield, show that overall segregation is decreasing over time and only low levels of segregation were found. Several measures of segregation have been reviewed in the Davis County

AI study completed in 2014, and none indicated high levels of segregation anywhere in Davis County.

Within Clearfield City, blacks show some isolation within certain census tracts. The average black resident in Clearfield lives in a census tract where 7.2 percent of the residents are black but blacks only represent 3.9 percent of the population.<sup>12</sup> But the isolation and exposure indices show improvement and less isolation over time and data shows that blacks in Clearfield live in more diverse neighborhoods in 2010 than they did in 1980.<sup>13</sup>

The most segregated group is Hispanics on a county level but this does not hold true within Clearfield City when looked at it in context with the isolation and exposure indices which are low and reduce concerns about segregation. According to the Davis County AI study “Concentrations of minorities in Davis County do not reach the threshold of even moderate levels of segregation.”

2. Racially concentrated areas of poverty (RCAP) and ethnically concentrated areas of poverty (ECAP)

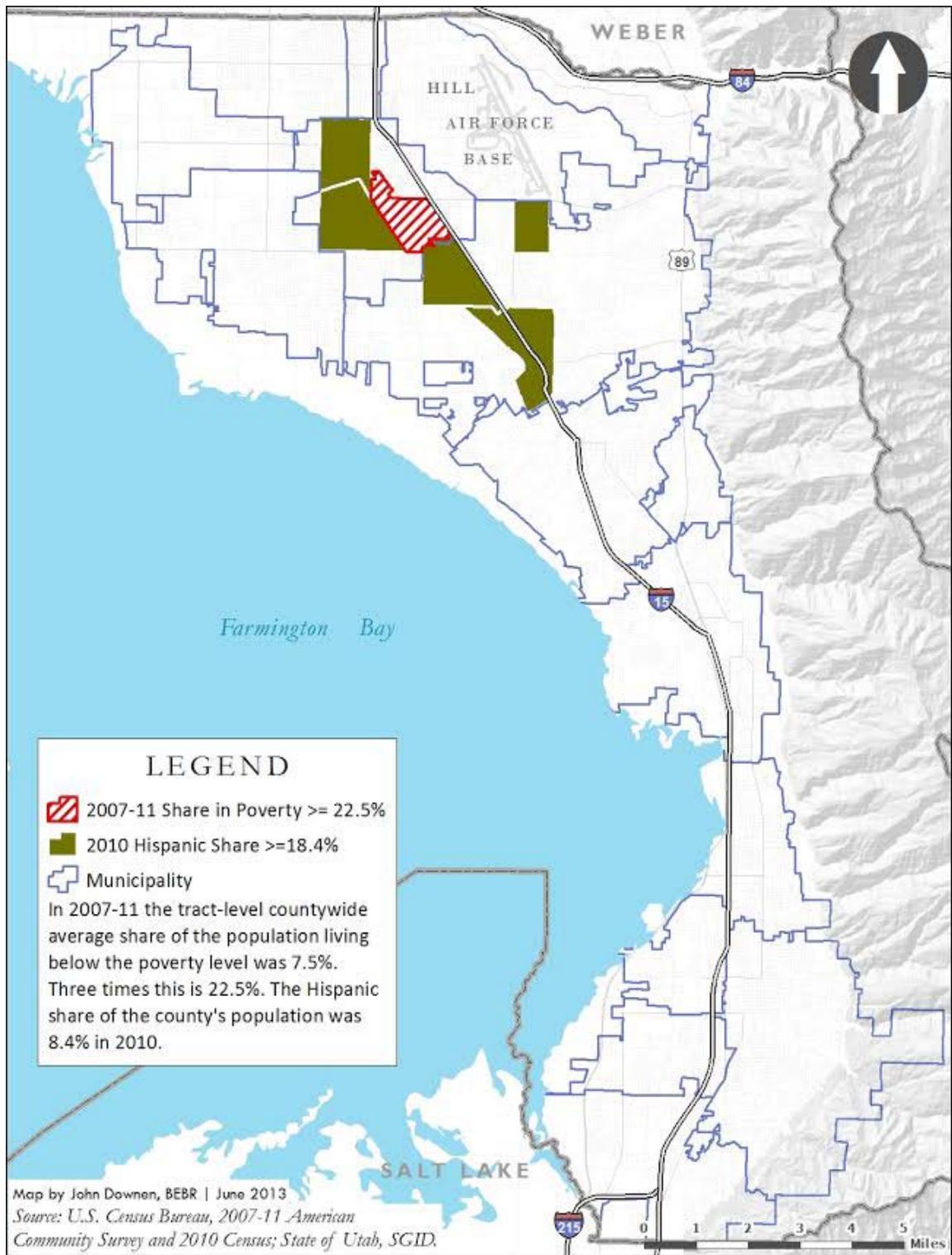
Davis County is unique in that its minority population maintains the lowest poverty rate of any major county in the state. Nevertheless, disparity between non-Hispanic whites and other minorities remains. Clearfield has the highest poverty rate in the county, with nearly 17% of the population living in poverty.

	Low Income White	Low Income Minority	Total Low Income	Minority Share of Low Income	Total Population	% Low Income
Davis County	12,087	4,655	16,742	27.80%	278,782	6%
Clearfield	2,703	1,758	4,461	39.40%	26,453	16.90%

Source: Census 2010

<sup>12</sup> HUD CPD maps 2015

<sup>13</sup> Davis County AI Study, 2014



The poor minorities of the county tend to live in the northern half of the county in Layton, Clearfield, and Sunset due to greater access to low-wage employment and

affordable rental housing including a large number of rent assisted apartment projects.  
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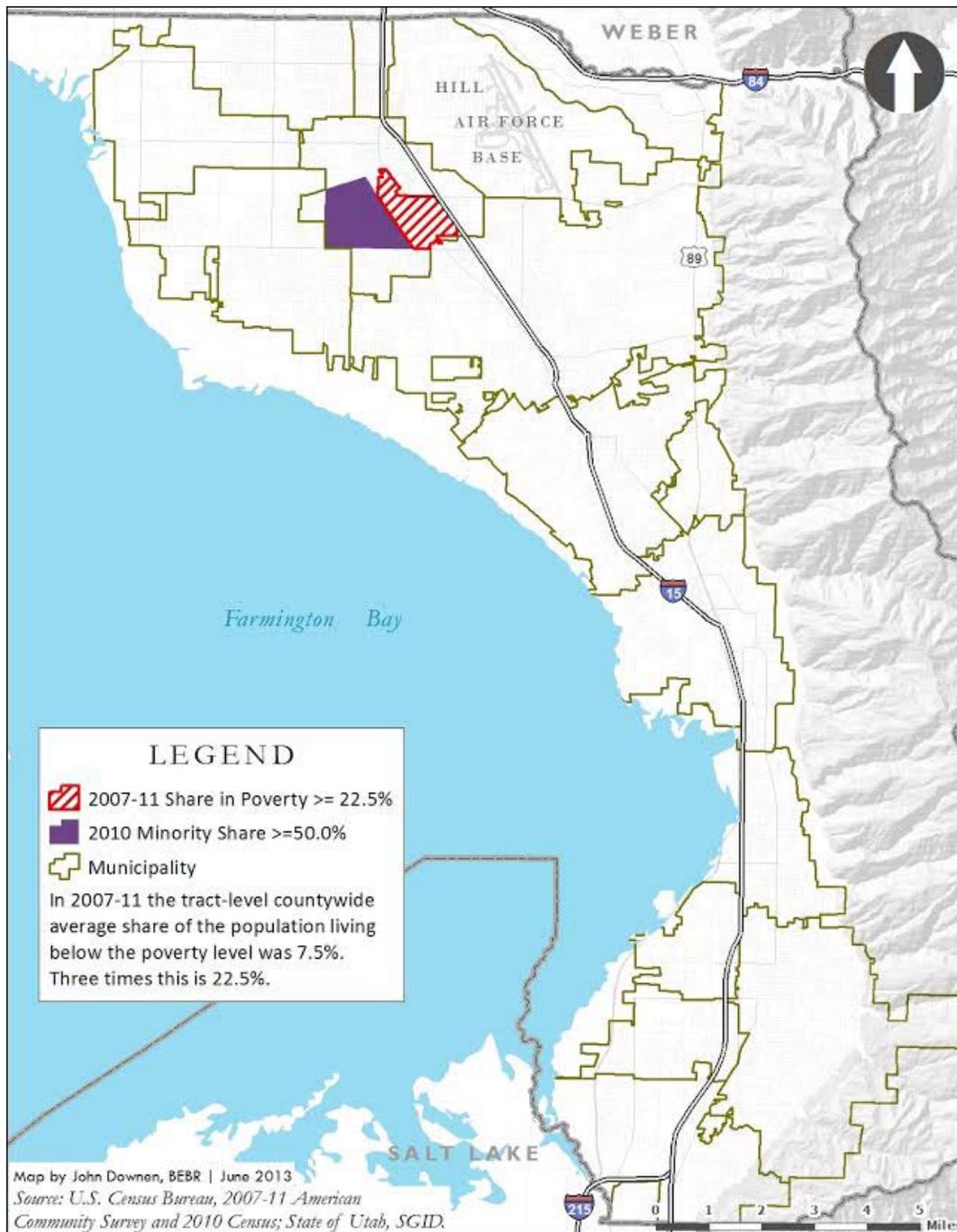
HUD places emphasis on identifying concentrations of low income and poverty and racial and ethnic segregation. According to HUD, an area that has a poverty rate three times the county average is considered a concentration of poverty. There is one census tract in the county that qualifies as having a concentration of poverty, but it does not have a minority-majority population. There is one tract in the county with a minority-majority population and it is adjacent west to the high poverty tract, also in Clearfield as shown on the map below.

However this tract (minority-majority) has very little population, and is almost entirely industrial property (the Freeport Center). There are some single-family homes on 1000 West, and two small-to-medium sized apartment complexes and also the Clearfield Job Corps (a school with dorms that serves underprivileged youth.) The population of this census tract is small in comparison with other tracts in Clearfield, and the bulk of the population resides in just 2 apartment complexes.

A conclusion that continues to come up is that a regional approach to offering more affordable rental housing in other cities throughout the region is needed to alleviate the concentration of both minorities and poverty in Clearfield.

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<sup>14</sup> Davis County AI Study, 2014



While Clearfield does not technically have any census tracts that meet HUD’s criteria for RCAP/ECAP eligibility, there are indeed areas of poverty and concentrations of minority populations that are vulnerable to such classifications. The two census tracts identified above are at high risk. The two census tracts identified above also appear on maps indicating low access to fresh food, deteriorating housing stock, and medically underserved indicating that these two census tracts have the lowest opportunity and should be the focus of investments.



### 3. Disparities in Opportunity

There are so many various factors that contribute to fair housing choice and in order to get a big picture it is necessary to analyze transportation, the location of employment and educational opportunities. Effectively connecting people to jobs, schools and other services is part of creating sustainable healthy and diverse neighborhoods.

In order to identify neighborhoods that have fewer opportunities HUD developed an index that scores school proficiency, job access, labor market, poverty, and housing stability. These five scores are combined into a single composite score for each census tract by HUD. These scores were calculated by BEBR for the Davis County AI Study, 2014, at the city level by adding in calculations using Census population data.

The overall average opportunity score in Davis County was 6.3 on a scale from 1 - 10. There was a lot of variation by city. The city level opportunity scores ranged from 1 in Sunset to 9.5 in Fruit Heights. Based on HUD's opportunity index there are two low opportunity, four moderate opportunity, and nine high opportunity cities in the county.

Davis County	School Proficiency	Job Access	Labor Market Engagement	Poverty	Housing Stability	Opportunity
Clearfield	2	7.2	3.9	2.1	3.3	2.4

Source: HUD Spreadsheet for Sustainable Communities grantees, Davis County AI Study, 2014.

Clearfield City scores 2nd to lowest with Sunset scoring a 1.0. Clearfield City scores highest in the county in terms of job access. The difference between Clearfield and higher scoring cities is found in high rates of poverty and high concentrations of minority renters.<sup>15</sup>

### 4. Infrastructure Investments and Public Transportation

Because protected classes are less likely to have reliable private transportation, access to a transportation network is an important part of fair housing choice and opportunity. Dollars spent on public transportation need to focus on serving the 40% of households in Davis that are considered low and very low income.

Although public transportation is rather limited, according to the Davis County AI Study, the job opportunities are in very close proximity to minority households. There is a reasonable match between job opportunities and affordable housing in Davis County on the whole.

Maps throughout this study have shown the distribution of minorities, the disabled, single parent renters, and large renter households and the poor disproportionately

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<sup>15</sup> Davis County AI Study, 2014

located in Clearfield. The data collected and analyzed in the Davis County AI study shows the existing transportation network serves protected class groups relatively well.



According to the Davis County AI study 2014, “Protected classes in the Layton, Clearfield, and Sunset are generally within reasonable access of public transportation.” There are very few commuters who currently rely on public transportation in Clearfield. According to the Census information, fewer than 3% of workers in Clearfield use public transportation to commute to work. Hopefully this number will improve and increase as more investments are made in public transportation.

	Total	Drove alone	Carpooled	Public Transportation
Workers in Clearfield	13,579	10,686	1,699	350

Source: American Community Survey 2009-213

The FrontRunner line as well as bus routes connect the central tracts with employment . The study found that there is a general lack of East-West running bus routes but the exception to this was central Clearfield. There are significant numbers of affordable homes in Clearfield with reasonable transportation access to employment centers in Layton, Hill Air Force Base, and the FrontRunner stop. However, bus route frequency and hours of operation can be a factor in restricting the ability of residents to safely rely on public transit for employment.

When future UDOT and UTA projects are analyzed they appear to be serving suburban commuters who live farther from services and amenities, and also have the means to easily drive to and from school, employment and other destinations. It is concerning that most future planned bus routes and public transportation is not improving transit options for concentrated areas of minorities and low-income ethnic groups in Clearfield. Funds to improve public transportation in Davis County should not only look at serving outlying suburban communities, but also bus frequency and reliability for

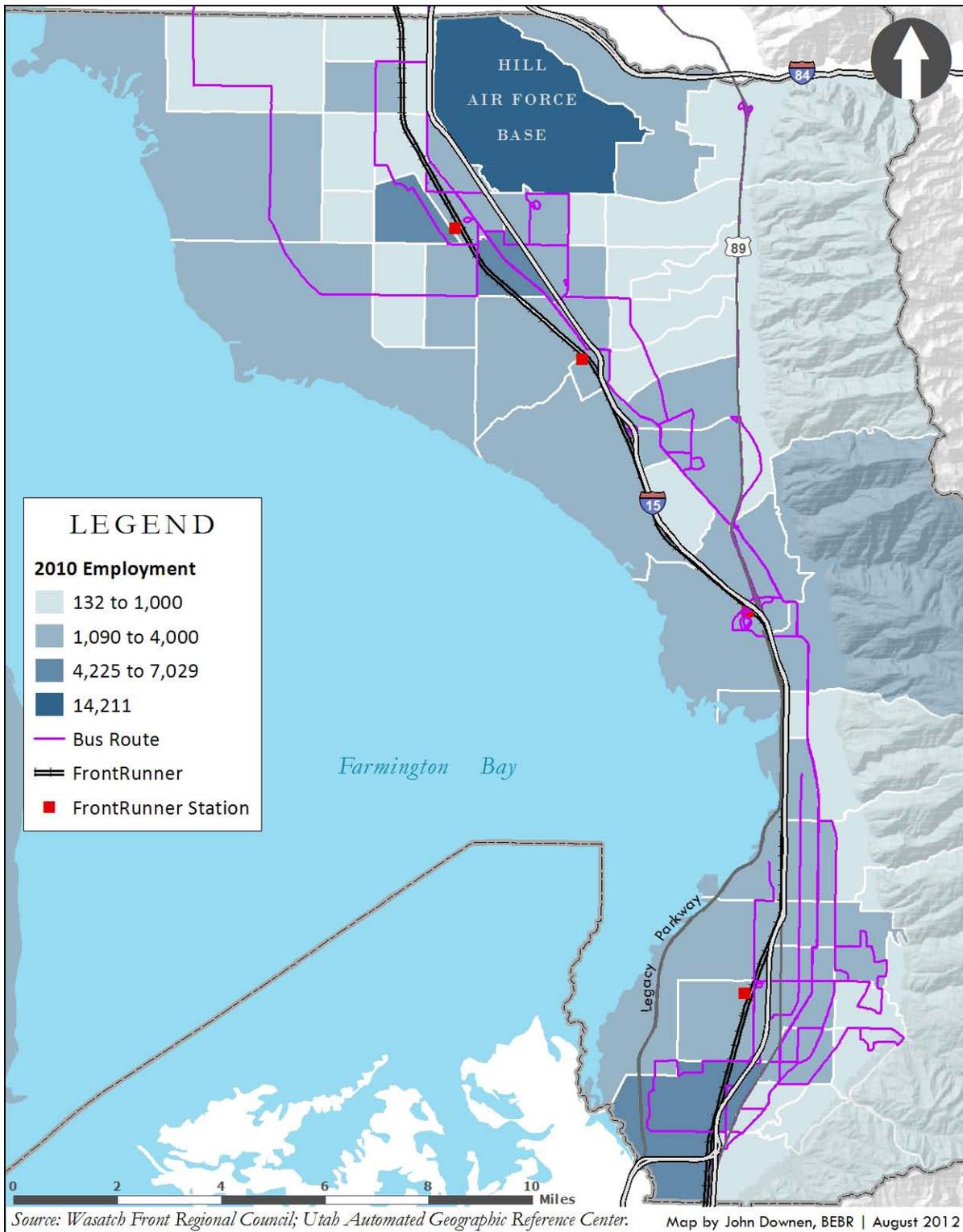
inner-city residents in order to better serve the people who are most reliant on public transportation.

For those without a car, bus service to access FrontRunner stations is sometimes lacking and the train is not a viable option for commuting without adding more bus options. According to 2010 Census data over one fifth of Davis County's minority population lives within a mile and a half of the Clearfield and Layton FrontRunner stations. The extent to which people in that immediate area are using FrontRunner to commute to a job is not currently known. <sup>16</sup> UTA, in partnership with Clearfield City, Layton City, and a variety of other entities, completed a bus circulator study to analyze the potential for service to this 1<sup>st</sup> mile and last mile around the FrontRunner station. It identified a few possible routes, but there has not been funding to launch new service.

Clearfield has designated a redevelopment EDA 3 zone which is specific to industrial development (job creation), but includes funding that will be utilized for a pedestrian bridge so that people working in the Freeport Center can access the FrontRunner station more easily.

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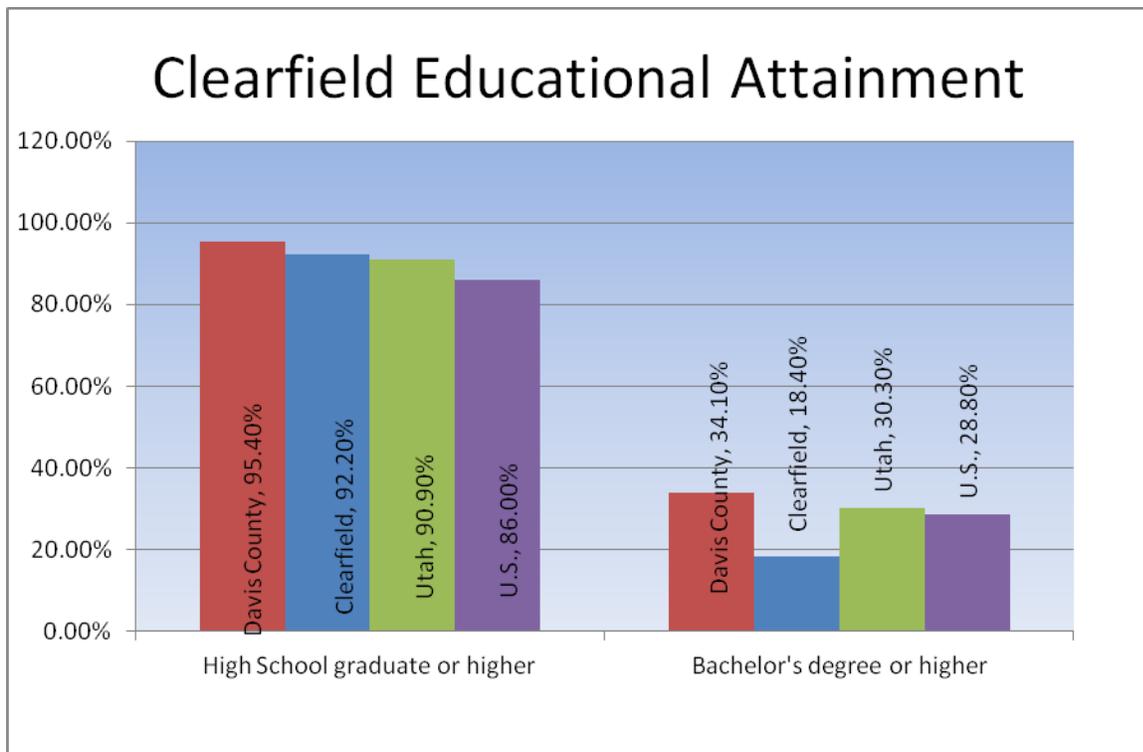
<sup>16</sup> Davis County AI Study, 2014



## 5. Education:

One barrier to affordable housing choice is education level. Persons with higher levels of education are likely to have higher earnings than persons without a high school diploma. Higher earnings result in less restriction of housing choice. The Harvard study *The State of the Nation's Housing: 1999* found that people with a college degree have a higher likelihood of becoming homeowners. This can be attributed to an increase in earning power among those with degrees as compared to those without college degrees.

Males with a high school diploma earn 60 percent more than those without a high school diploma. Males with a bachelor's degree earn 2.3 times more and those with graduate degrees earn 3 times more than those who have not completed college. Clearfield's High School graduation rate is higher than the national rate and also higher than the state of Utah, but slightly lower than Davis County. Clearfield's rate of college graduation is significantly lower than Davis County.



Source: 2013 American Community Survey, US Census

In Utah, data from the State Office of Education shows that high school drop-out rates tend to be greater for students from school districts with concentrations of low-income and minority families.<sup>17</sup> Davis County will be closer to closing the homeownership gap

<sup>17</sup>Pew Research Center, <http://pewresearch.org/pubs/1368/latinos-education-explaining-the-attainment-gap>

between whites and minorities when more minorities are earning more high school and college degrees.

The rapidly growing Hispanic population has a lower rate of high school graduation as well as college education compared with their non-Hispanic counterparts. According to Census information, in Clearfield City 5 percent fewer Hispanics finish High School or college, compared with their white classmates. Other minority groups, with the exception of Asians, have lower rates of high school and college graduation as well. The difference between Whites and Hispanics is the most pronounced example of the gap in education and is worthy of concern because of the growing Hispanic population and the problems a lack of education can present.<sup>18</sup>

Educational Attainment in Clearfield City 2012					
		High School Diploma or GED		Bachelor's Degree or Higher	
White alone	12,956	4,498	34.72%	2,660	20.53%
Hispanic	2,147	639	29.76%	353	16.44%

Source: American Community Survey, 2012

There are numerous ways to explain the reasons for this gap in educational attainment. Perhaps one of the most significant is the language barrier. Children entering the public school system having limited English language skills are automatically at a disadvantage. Without the programs needed to eliminate this language barrier, they oftentimes get further and further behind as the years go by.



<sup>18</sup> <http://pewresearch.org/pubs/1368/latinos-education-explaining-the-attainment-gap>

## 6. Low-Income Concentrated Schools:

High rates of poverty threaten a school's performance and student achievement. Classroom achievement declines with higher rates of poverty. Although not a perfect measure, the Title 1 designation means that at least 40% of students are eligible for free or reduced lunch. (Not everyone who qualifies for free or reduced lunch is below poverty. It includes those with incomes between 100% and 185% of poverty level.) But this measure does give us some idea of where poorer students and poorer neighborhoods are located. Once a school reaches that Title 1 threshold the school is eligible for federal funds targeted at expanding educational opportunities for poor children.

The distribution of Title 1 schools is very similar to the distribution of minorities, disabled and single parents. Clearfield has 5 schools that qualify as Title 1 schools (4 elementary schools and 1 Junior High school). Because these schools closely coincide with larger populations of protected class groups, investing in these neighborhoods and schools is recommended and improves not only housing choice but overall opportunity.

Title 1 Schools in Clearfield	Address	% Eligible
South Clearfield Elementary	990 E. 700 S.	65.30%
North Davis Junior High	835S. State St.	59.40%
Holt Elementary	448 N. 1000 W.	52.80%
Wasatch Elementary	270 E. Center St.	52.20%
Antelope Elementary	1810 S. Main St.	46.20%

Source: Utah State Office of Education, 2012

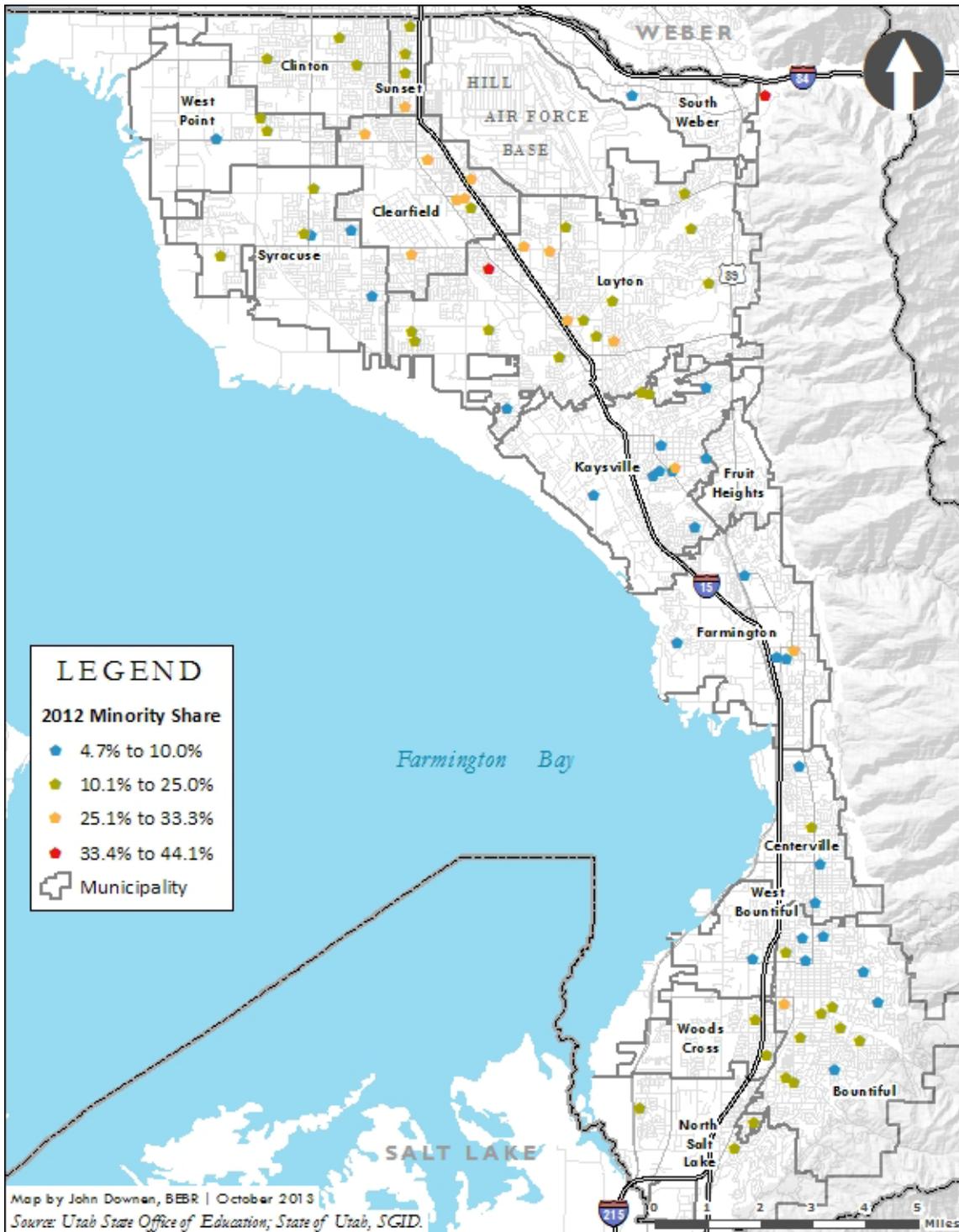
High rates of LEP (Limited English Proficiency) is one typical characteristic of poor areas and schools. Because adults with limited English are less likely to be involved in the education of their children it is especially important for services and outreach programs to be sensitive to the needs of this protected class (national origin) in these areas.<sup>19</sup> The cities with the highest percentage of LEP in the county are Layton, Clearfield and Sunset. In Clearfield more than 10% of the student population has LEP parents/guardians compared to about 1% in South Weber. This is the highest rate in the county. Clearfield scores well in terms of employment opportunities but high rates of poverty and the high number of minority renters and low school proficiency scores bring the overall opportunity score down.

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<sup>19</sup> Davis County AI Study, 2014

School Enrollment by race/ethnicity	Minority	Black	Native American	Asian	Hispanic	Multi-Race	Pacific Islander
Clearfield	27.70%	2.80%	1%	2.40%	18.20%	2%	1.20%

Source: BEBR and Utah State Office of Education, Fall 2012



The good news for Clearfield is that while they have such high percentages of LEP and minority students their schools perform overall as well as other Davis County public schools according to UCAS (Utah Comprehensive Accountability System) scores. “Student proficiency seems to have a broad distribution of performance level with no one city having a large concentration of poorly performing schools” (Davis County AI Study, 2014). The information on where these schools are located still gives Clearfield a good idea of some neighborhoods that could best benefit by housing and other community improvement projects.

### 7. Crime Rates

Crime rates affect neighborhood stability and housing prices therefore housing choice and affordability. The crime rates listed below include homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. The rate is calculated per 1,000 population and is according to the Utah Department of Public Safety in 2011. Clearfield comes in at 3rd highest in the county. Decreasing concentrations of low-income housing by improving housing diversity across the region would presumably help improve the crime rate in Clearfield.

Centerville	29.94
Layton	29.70
Clearfield	28.06
Woods Cross	27.39
West Bountiful	25.95
North Salt Lake	23.97
Bountiful	21.57
Sunset	20.91
Farmington	14.26
Kaysville	13.46
Syracuse	11.88
Davis County	21.63

Source: Utah Department of Public Safety, 2011

### 8. Child Care Opportunities

Availability and access to child care can restrict opportunities for minorities, large families and low-income households. In the Davis County AI study licensed childcare centers across the county were mapped and it appears that the childcare centers are distributed across the county and in most cities. For the most part childcare facilities tend to be along the major roads with bus routes and located near employment centers and populations of protected classes. This holds true in Clearfield and no correlation between protected classes and a lack of childcare is found.

## 9. Food Deserts

A food desert is an area that is low income with low accessibility to nutritious foods and low vehicle ownership. There is often an abundance of fast food but limited fresh food in a food desert. The U.S. Department of Agriculture has published the Food Access Research Atlas, a mapping tool that allows the user to map food deserts by census tract. This tool incorporates the USDA definitions of healthy and nutritious, food affordability, where those foods are available, consumer travel patterns, income, car ownership, and public transportation.<sup>20</sup>

There is some evidence that heart disease, diabetes and obesity rates are higher in poor areas that have limited access to nutritious food. The areas of most concern appear along I-15 in Layton and Clearfield. Cities have a number of different strategies available to them to encourage new grocery store development. The most often used approach has been to use federal financing and incentive programs including tax credits, CDBG funds, Empowerment Zone and HUD's Section 108 Loan program (loan guarantee for economic development.)

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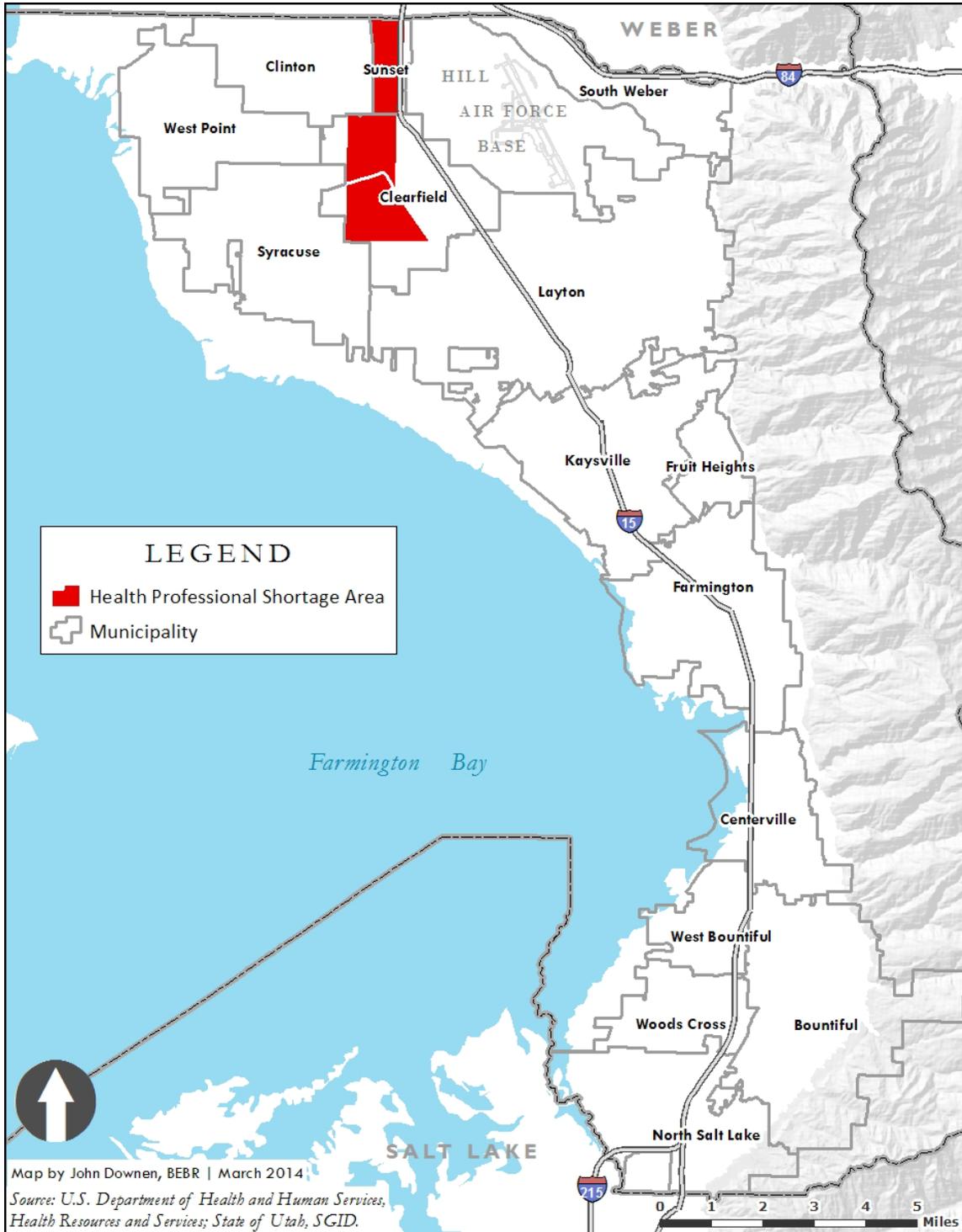
<sup>20</sup> Davis County AI Study, 2014



## 10. Health Professional Shortage Areas and Medically Underserved Areas

Health Professional Shortage Areas have low population to clinician ratios. Medically Underserved Areas have higher infant mortality and poverty rates. They are designated by the U.S. Department of Health and Human Services by county and census tract. Access to healthcare does appear to be a factor limiting opportunity in Clearfield as tracts within Clearfield appear on the following map. The census tract in red furthest South is mainly industrial (Freeport Center) so while it may in fact be medically underserved it is not a highly populated residential area.

Hospitals and clinics not only provide health care services but also job opportunities. Davis Hospital and Medical Center is the closest in proximity to the minority and disabled populations concentrated in Clearfield.

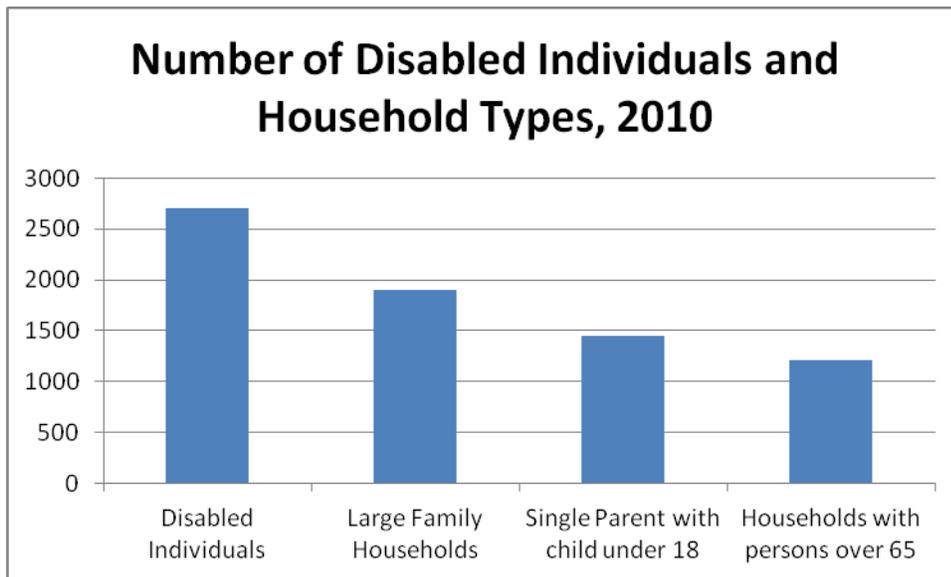


### 11. Accessible and Visitable Housing

In 2010 the number of disabled individuals in Davis County was 23,550 or roughly 9 percent. An estimated 80% of disabled individuals are home-owners or live in a household with a homeowner. Unfortunately these individuals are less likely to have accessible units since the Fair Housing Act does not apply to owner-occupied dwellings.



Visitability and accessibility can be improved through changes in local building codes, education and awareness of home builders and buyers. There is a need for more accessible and visitable owner-occupied housing throughout the county and in Clearfield as well. This need will continue to grow as the baby boom generation continues to age.



Source: Census 2010

For renters there is a shortage of approximately 50 accessible rental units in the county.<sup>21</sup> Renters looking for an accessible unit are largely confined to those communities where tax credit projects have been built with accessibility requirements. These federally assisted projects are in Bountiful, North Salt Lake and Layton. Fair housing choice for disabled renters needing a wheelchair is limited geographically.

As Clearfield develops new housing supply near the Clearfield Front Runner Station and single family homes in other areas, introducing accessibility and visitability standards would benefit disabled home owners and renters and increase fair housing choice.

<sup>21</sup> Davis County AI Study, 2014

## C. Lending Policies and Practices

### Bank Loan Denials (HMDA data)

The Fair Housing Act applies to mortgage lending just as it does to other aspects of housing. Lenders may not:

1. Refuse to make a mortgage loan;
2. Refuse to provide information regarding loans,
3. Impose different terms or conditions on a loan (such as different interest rates, points, or fees); or
4. Discriminate in appraising property based on race, color, national origin, religion, sex, familial status, or handicap.<sup>22</sup>

Most banks and other lending institutions are required to report to the Federal Financial Institutions Examination Council (FFIEC) on their lending practices. Information from the Federal Financial Institutions Examination Council (FFIEC) is available to the public as Home Mortgage Disclosure Act data (HMDA). This data is available at the Ogden-Clearfield Metropolitan Statistical Area (MSA) level and has been broken down at the city level in the Davis County AI study (2014). Following is a summary of that data. For more detailed information and more figures showing loan denial and approval rates and other HMDA data please refer to the Davis County AI study 2014 pages 42-55.

The data when broken down by city and along lines of ethnicity and race shows that Hispanic denial rates have roughly twice the denial rate of non-Hispanic whites in Clearfield and Layton. While the gap between Hispanic denial rates and non-Hispanic whites has been reduced in most areas, the Hispanic denial rate is still higher than that of non-Hispanic whites. Those two cities (Layton and Clearfield) also account for the two Davis County cities with the highest number of Hispanic applicants.

The county AI study also states that the inherent income differences between the two groups (Hispanics and non-Hispanics) could be contributing to this gap. However, when the denial rates are disaggregated by different income categories, the denial rate gap between the two groups persists showing that income aside, there is still a gap. Inherent income distribution differences between non-Hispanic white and Hispanic applicants cannot account for the approval rate gaps.

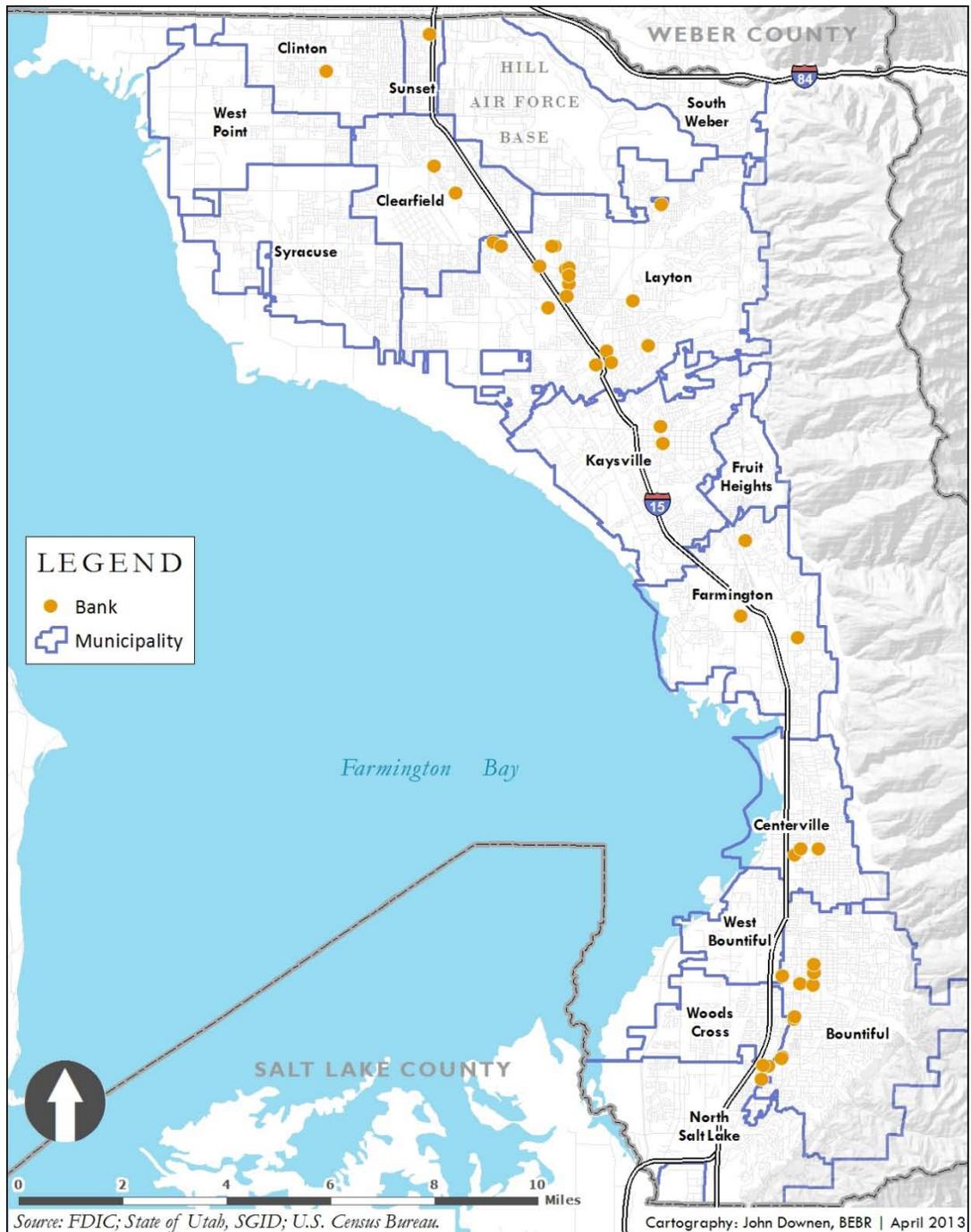
How much of a role does poor credit play and contribute to this gap? It is not required to state a reason to deny a mortgage application so while roughly 30 percent of denials among non-Hispanic whites and Hispanic applicants are due to poor credit history or

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<sup>22</sup> Home Mortgage Disclosure Act data, <http://www.ffiec.gov/>

incomplete credit applications, the large share of denied applications with no documented reason make it inconclusive.

More affluent applicants, regardless of race, have a tendency to apply for properties in the central and southern part of the county, whereas lower-income applicants tend to select northwestern cities such as Clearfield, Clinton, and Sunset. This self-selection effect is more evident across the region rather than within cities.



## Ch. 5 Assessment of current Public and Private Fair Housing Programs

Clearfield City has ongoing outreach programs in place, which continually try to reach those with the greatest needs. All projects and programs that receive CDBG funds from Clearfield City are monitored to ensure compliance with all Federal Fair Housing Law and regulations.

### Davis Community Housing Authority

The Davis Community Housing Authority serves the entire county and many members of protected classes, especially minority, disabled and single parent households. They own or manage 269 units across the county plus 1036 Section 8 vouchers. There are currently over 1500 families on the waiting list for one of their programs (either Section 8 or public housing). At the time of application, the applicant is informed that the wait will probably be two years long. It's a shorter wait for public housing units than for the Section 8 vouchers. The biggest single problem facing Davis County affordable housing is that federal funding is constantly being cut for their programs.<sup>23</sup>



Within Davis County a majority of subsidized housing projects are located in Layton and Clearfield. Rent assisted projects are targeted toward members of protected classes, and are largely located in the north. Years of rent-assisted projects in the same areas have led to concentrations of low-income minority renters. Although these areas do not currently qualify for RCAP or ECAP they could cross that threshold at any time without shifting current policies and trends on a regional level.

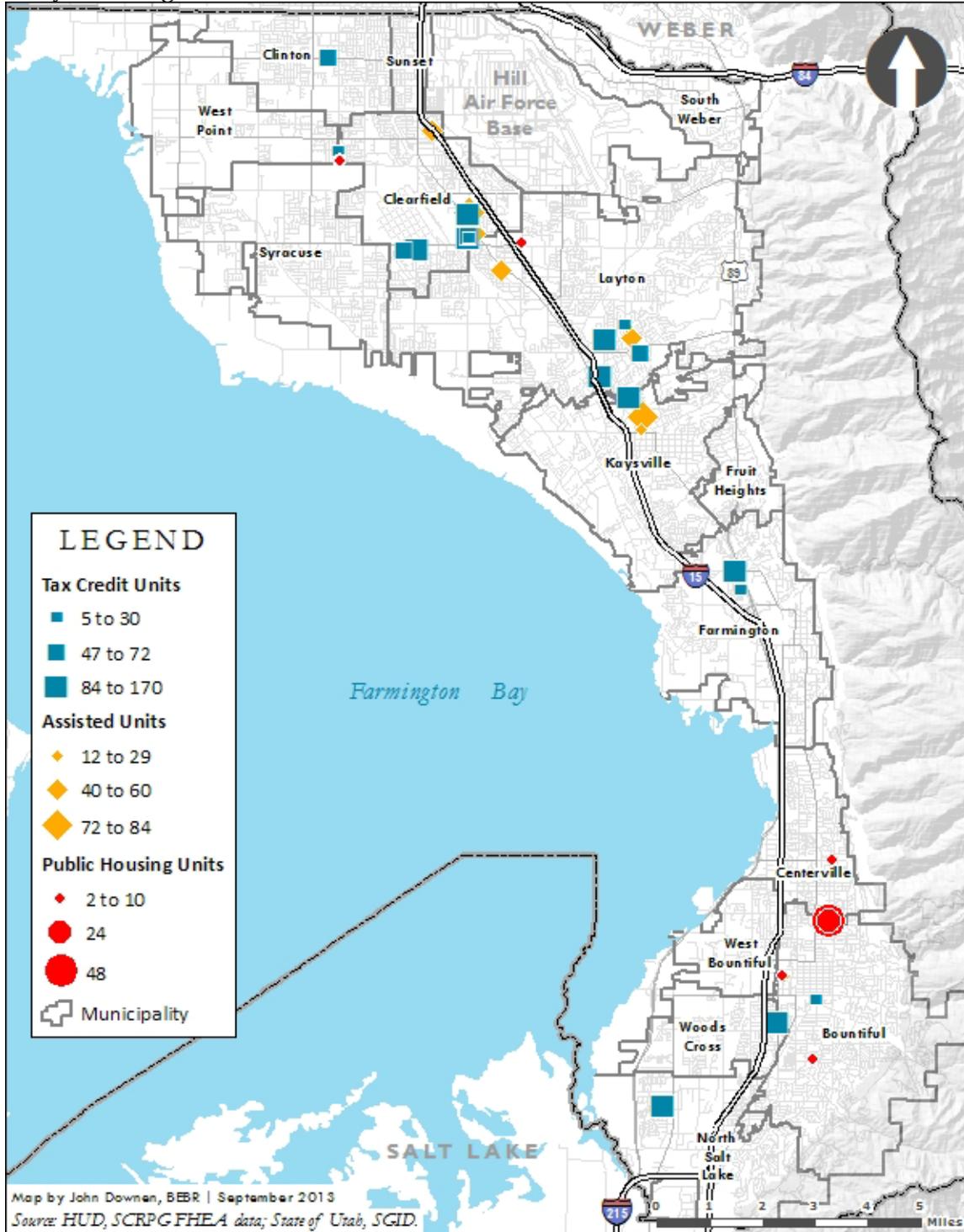
Section 8 vouchers can be an extremely effective tool in reducing concentrations of low-income households. This was the intent of the voucher choice program when it was introduced in 1974. Sometimes voucher holders are discriminated against by landlords who are unwilling to accept Section 8 vouchers. This is clearly against the law in Utah but difficult to enforce.

Occasionally the section 8 housing manager at Davis Community Housing Authority hears complaints about someone not wanting to rent because of source of income and she refers those complaints directly to SLC HUD office.

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<sup>23</sup> Jan Winborg, Director, Davis Community Housing Authority, March 3, 2015.

According to Jan Winborg at the Davis Community Housing Authority, the waiting list for their programs is quite long (two to two and a half years). Currently the housing authority manages 72 public housing units for the elderly\disabled (all in Bountiful City) and the waiting list for these units is approximately one to one and a half years long.



### Davis School District Home Building Program

The Davis School District's Career Technology Education (CTE) home building program provides homes for low-moderate income households. Guidelines have been set to ensure that the homes remain affordable and owned by low-moderate income households for at least ten years. Clearfield City CDBG funds do not currently fund this program, but there are two of these homes in Clearfield City. The two most recent homes built were in 2007 and 2011.

### Family Connection Center

Clearfield City provides funding to the Family Connection Center which provides emergency shelter and housing assistance for individuals and families experiencing homelessness. This program is largely funded through HUD and through the State of Utah "Emergency Solutions Grant (ESG)" fund.

The Family Connection Center recently began a Rapid Re-housing Program that assists individuals and families who are experiencing literal homelessness (living in a shelter, in their car or on the street). Clients are given a vulnerability assessment and prioritized based on need and placed in temporary and/or permanent housing. FCC pays 100% of the rental deposit and the first month's rent and a portion of the rent after that depending on need. The Family Connection Center serves families in Davis and Morgan counties who are receiving no other type of housing assistance.<sup>24</sup>



### Safe Harbor Crisis Shelter

Single women with children are a protected class with impediments to fair housing. Clearfield has the highest rate of single parent households in the county and to address their needs, Clearfield City helps fund Safe Harbor, a Domestic Violence Shelter in Kaysville. Safe Harbor Crisis Center is the first and only domestic and sexual violence service provider in Davis County. Located in Kaysville, Safe Harbor's services offer a continuum of care to domestic and sexual violence victims and child witnesses to violence, including: Emergency Protective Shelter; Domestic Violence Outreach Services; Domestic Violence Diversity Program; Children's Services; 24-Hour Crisis Response; Domestic Violence Transitional Housing; Sexual Assault Services; Protective

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<sup>24</sup> Hilary Huntsman, Family Connection Center, March 26, 2015.

Order Assistance; and Community Outreach and Education. In 2015 Safe Harbor launched an Economic Empowerment Program that helps low-income domestic violence survivors with dependent children with job preparedness and work retention. All services are free.

In FY13/14, Safe Harbor's emergency shelter housed 448 adults and children for a total of 12,354 shelter days. The shelter offers 31-beds in 10 private, secure rooms. The facility provides a fully equipped kitchen, laundry facilities, and outdoor playground. People experiencing domestic violence can seek shelter 24-hours a day, seven-days a week. In addition to shelter, residents receive support services, case management, psychoeducational classes, food, clothing, and household goods.

Safe Harbor operates a transitional housing program with (2) and (3) bedroom on-site furnished apartments housing ten families. Transitional Housing provides affordable housing and support services to families who are homeless due to domestic violence. Transitional Housing supportive services are designed to enable participants to find permanent housing, escape violence, and reduce intergenerational violence and homelessness through a combination of on-site support and connection to community resources and a network of collaborating agencies. Transitional Housing criteria include being homeless due to domestic violence and having custody of children under the age of 18. Rent is based on a percentage of income and participants may remain in the program for up to 24-months. In 2014, 46 parents and children resided in transitional housing.

Safe Harbor is the only emergency shelter located in Davis County. Financial abuse happens in 98% of domestic violence relationships according to the National Coalition Against Domestic Violence. One of the primary barriers for individuals leaving an abusive relationship is a lack of housing and financial resources. For many parents, leaving an abuser means choosing homelessness. There is a lack of affordable housing in Davis County as a whole. Many of the families who reside in transitional housing are on the public housing waiting list for two-years.

Recognizing that domestic and sexual violence can happen to anyone and impacts everyone Safe Harbor services include women, men, and children – anyone who is impacted by violence. Safe Harbor Crisis Center offers survivors hope, services, and a safe place to create a future free of violence.<sup>25</sup>

### Davis Behavioral Health – Housing Assistance

Davis Behavioral Health assists low-income people with mental disabilities in finding and paying for permanent housing. They continually fund 20 units (10 in a tax credit property and 10 scattered site). There is currently a waiting list with 8 people on it.

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<sup>25</sup>Nicole Nance, Safe Harbor Crisis Center and Shelter, April 2, 2015.

However, one of the criteria is being homeless and all 8 are either homeless or chronically homeless. The housing is permanent and once someone is in the program then the only requirement is to participate on ongoing treatment. <sup>26</sup>

### Homeless Population

Maryann Nielson, the homeless liaison for Davis County School District refers parents and students to the Housing Authority, the Family Connection Center, Davis Behavioral Health, Davis Community Learning Center, or Safe Harbor Crisis Center when they report homelessness. According to Nielson, more families are struggling with housing now because of a shortage in affordable housing. It's much harder to find an affordable place to rent as prices increase and the wait time for housing assistance in Davis county can be 2-3 years. Most of the homeless families that Nielson works with have at least one income and sometimes two, but the gap between minimum wage and housing costs is quite large and many people can't bridge that gap. A living wage in Davis County is considered \$14/hour or more.

Often people in this situation will stay with friends or family or live in a motel or even in a car or at a campground. The homeless population in Davis County is more invisible than in Salt Lake County. Homeless students are sometimes identified at school enrollment and are referred to housing services at that point.

Currently in Clearfield schools there are 151 homeless students. Since the beginning of the school year in August 2014, there have been 1,173 homeless students enrolled in Davis School District schools. These figures are based on those who self-identify themselves as homeless and do not include preschool age children. These numbers have decreased slightly over the last 5 years. The bulk of the homeless students identified come from Layton or north in the county. There are far fewer in Kaysville and cities south.<sup>27</sup>

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<sup>26</sup> Jeri Bartholomew, Davis Behavioral Health, March 30, 2015

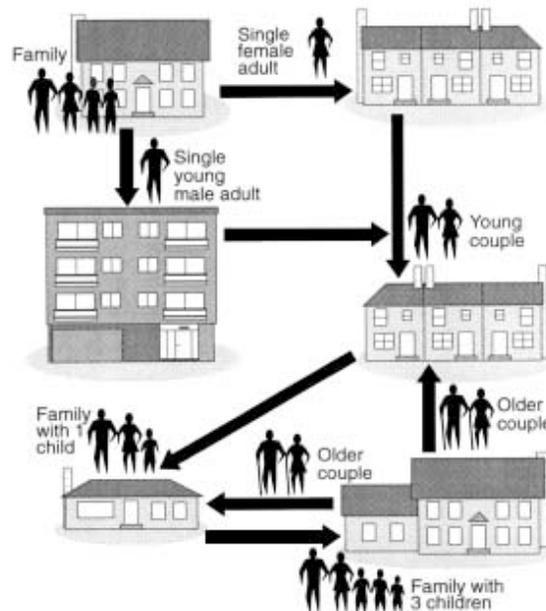
<sup>27</sup> Maryann Nielson, Homeless Liaison, Davis School District, March 3, 2015.

## Ch. 6 Conclusions and Recommendations

As Clearfield City approaches build out, how to best use remaining available land becomes even more important. Proper planning is needed to ensure that Clearfield has enough housing and the right mix of housing to meet all its needs. Clearfield's careful planning will help the community thrive and make sure that it continues to be a desirable place to both work and live.

Clearfield has a very high percentage of renters and would like to add more home-owners to the city. Creating more opportunities for home ownership would help to create a more balanced community and bring home ownership rates up closer to state and county averages.

It is important that Clearfield continue their efforts in keeping a mix of housing types available throughout the city. Providing people with a range of housing choices has many positive aspects – both for the community in general and for individual families. For the community, a variety of housing consumes relatively less land and provides housing types that can serve as the backbone for communities that are walk-able and support transit use. As individuals and families move from one stage of life to the next, a variety of housing types enables them to live in a place that suits their needs while allowing them to reside in the same community, keeping those ties and staying close to family members if they desire.



## Impediments Found

1. **Large populations of minorities, disabled, low-income and other protected classes found in Clearfield.** Affordable housing for protected classes was found to be available throughout Clearfield with very little segregation, but there is not enough throughout the county leading to concentrations of protected class populations within Clearfield City, (as well as Sunset and Layton) and a need for a more regional approach to serving protected classes and providing an adequate supply of affordable housing.

Low income households looking for affordable rental housing are likely to find what they're looking for within and around Clearfield, but years of zoning restrictions in other cities has led to concentrations of protected class populations within Clearfield and fewer low-income housing opportunities in other areas of the county. Clearfield has more low-income, minority, single-parent, households with disabilities, and non-English speaking households than other cities. The regional AI study also suggests that there be a regional approach to providing more affordable housing throughout the county to desegregate the concentrations found within certain cities, including Clearfield. While segregation of protected classes does not appear to be a significant problem within Clearfield itself, it does seem to be a problem on regional level.

### **Recommendations for Regional Planning for Affordable Housing:**

Clearfield City will look for opportunities to collaborate with other cities and the county on housing, transportation and employment issues in order to reduce concentrations of minority renters. Clearfield city will work on taking a regional approach to affordable housing issues and will look for opportunities to collaborate and thereby improve neighborhoods within Clearfield City. A primary forum for this discussion is the Davis County Council of Governments (COG), which meets monthly. The Mayor represents Clearfield City on the COG.

Clearfield is already involved in a number of regional planning efforts. Clearfield City staff, particularly the CDBG coordinator, will educate planning staff and public officials on fair housing issues and disseminate findings and action plan of AI by (July 1, 2016). Planners and public officials attending regional meetings can commit to use these meetings as a way to move forward regional affordable housing goals. Davis County hosts the Homeless Coordinating Committee, and Clearfield City will attend those meetings to discuss regional housing needs that affect Clearfield as well as all of Davis County.

2. **Not enough accessible and visitable single family homes or large accessible rental units.** This is true throughout the region. Large families and households including a person with a wheelchair are extremely limited geographically due to lack

of supply of large accessible rentals and accessible single family homes. These families are further limited in places they can go and visit by a lack of “visitable” homes.

**Accessibility and Visitability Recommendations:**

HUD endorses the “**visitability**” concept, which is a voluntary standard promoted by the Department in new construction and existing properties. Visitability means that at least one entrance is at grade (no step), approached by an accessible route, such as a sidewalk and the entrance door and all interior doors on the first floor are at least 34 inches wide, offering 32 inches of clear passage space. Visitability allows mobility impaired residents to visit families and friends where this would not otherwise be possible. A visitable home also serves persons without disabilities (for example, a mother pushing a stroller, a person delivering large appliances, a person using a walker, etc.).

Clearfield City will endorse the “visitability” concept in all city funded rehabilitation projects and will promote this concept in the planning and permitting process. Clearfield City will endorse this effort for homes purchased through the Down Payment Assistance Program that is administered through the Davis County Housing Authority.

Clearfield will consider amending its zoning code to grant a density bonus or another financial incentive to developers building single family homes. This bonus would allow developers to build more single family homes per acre or receive another financial incentive if they make a certain percentage of the newly constructed homes “visitable.” The Planning Commission will consider a density bonus for visitability in 2016.

Clearfield City will also consider what can be done to help disabled section 8 voucher holders. The city in cooperation with the Davis County Housing Authority could provide CDBG funds (a specified limited amount) to disabled section 8 voucher holders to make a unit accessible in order to meet his/her needs.

Clearfield City will consider adopting an accessibility standard for all new multi-family construction consistent with accessibility requirements of the Fair Housing Act.

3. **Lack of single family homes suitable for large families and large Hispanic families at or above median income.** Clearfield has an abundance of homes suitable for families in the low to moderate income range, but large families at or above median income often move out of Clearfield in order to find a suitable home to rent or buy.

**Recommendations for increasing housing choice for large families:**

Clearfield city recognizes a need for more homeownership opportunities for all incomes, especially moderate income families. In Clearfield, there is a large inventory of homes to choose from for someone looking to buy a home under \$200,000. There is also a large rental market with rentals available and affordable to those almost

anywhere on the income scale. But for those at or above median income looking to buy a home in Clearfield, there is not much inventory. There is a need for higher end single family homes to balance the community and keep families in the city once they're ready to move on from their first "starter home." The city council and planning commission recognize this need and will address this through proper zoning and planning, to ensure that new development results in a diversification of Clearfield's housing stock. Remaining property available for future single-family development will continue to be planned for such in the General Plan. Clearfield City will continue to work with developers and property owners to develop larger single-family homes on these parcels.

4. **Bank loan applications for Hispanics have roughly twice the denial rate than whites in Clearfield and Layton.** Due to the number of applications turned down with no documented reason, the reason for this disparity is unknown. But because of Clearfield's large Hispanic population and low home-ownership rates this disparity could be an important impediment to fair housing choice.

**Recommendations to ensure equal opportunity to lending:**

The CDBG coordinator will conduct meetings or initiate written correspondence with the leading banks in Clearfield covered by the city's HMDA review; the city will present its HMDA analysis to the banks and encourage them to establish a "second look" procedure, adopt more flexible underwriting guidelines, and conduct fair housing and sensitivity training for its staff.

5. **There are specifically 2 census tracts within Clearfield (shown on the following map)** that have higher rates of poverty, minorities, low-income disabled, deteriorating housing stock, and medically underserved populations. The tract on the west has very little population living there and it is mainly an industrial area. However, the tract shown on the east could greatly benefit by investment. Improvements to these neighborhoods in terms of infrastructure and public transportation, improving Title 1 schools and supporting English programs for LEP adults, and economic development will improve housing choice and neighborhood stability and increase opportunities within Clearfield City.

**Recommendations for improving underserved census tracts:**

Clearfield will target the 2 underserved census tracts for reinvestment activities such as rehabilitation and, as necessary, demolition of vacant housing and the construction of replacement housing.

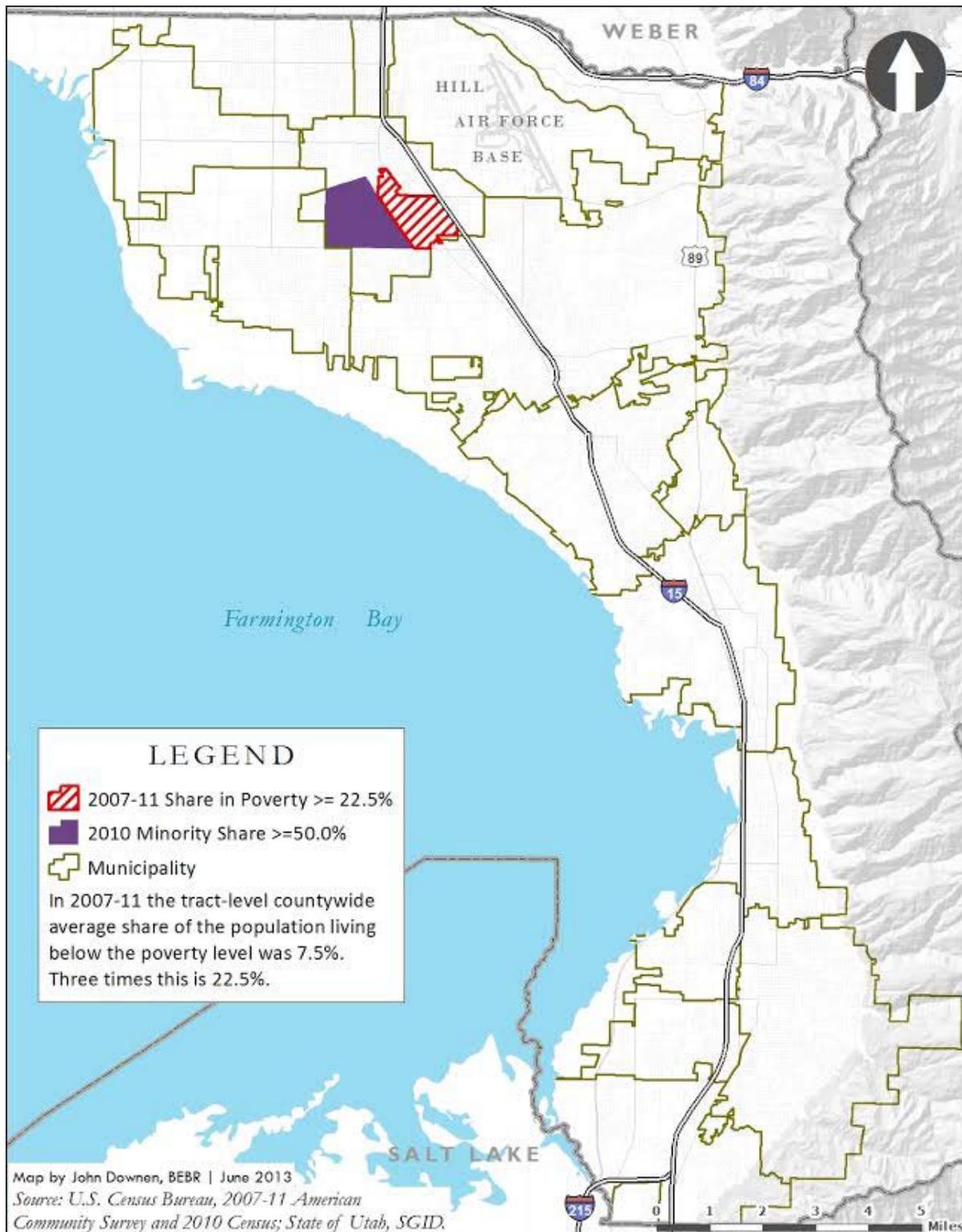
Clearfield will offer economic incentives for housing developers/sponsors, businesses (for commercial and employment opportunities), bankers, and other interested entities that assist in the revitalization effort. It should be noted, however, that success in attracting new development and accomplishing redevelopment is not entirely within

the City's control, and mostly depends on market forces, even when incentives are offered.

Clearfield will coordinate this information with already designated RDA zones and set priorities based on need. Clearfield City already has RDA 7, RDA 9, RDA 10, EDA 3 (ATK), and the Clearfield Station CDA that fall within these two underserved census tracts. With the tax increment created by new development, all of them are available to be utilized as tools to incentivize redevelopment or investment in those tracts. EDA 3 is specific to industrial development (job creation), but it does include funding that will be utilized for a pedestrian bridge so that people working in the Freeport Center can access the FrontRunner station more easily.

The Clearfield Station CDA will be key to improving the opportunities in this area of the city. The 70-acre FrontRunner property will be home to a large business park (with flex-business and traditional office buildings), a high-quality residential component (550 units), and a charter school. At build-out, the Clearfield Station property is expected to create nearly 1,000 new jobs, most of which should offer a "living wage." Through tax increment, the Clearfield Community Development and Renewal Agency (CDRA) will invest approximately \$35 million to help accomplish the development of the FrontRunner property.

The CDRA can also utilize the Clearfield Station CDA to incentivize other development within the project area, since the project will likely act as a catalyst for additional development and redevelopment (both residential and commercial) throughout neighboring properties. As this happens over time, the opportunities in this underserved census tract will improve (jobs, groceries, housing, medical care, education, transportation, etc.).



## **7. Public Comment**

The Analysis of Impediments to Fair Housing study was available for public comment and review from May 11 - 26, 2015. Copies of the draft report were provided to the following list on May 5, 2015:

Mark Shepherd, Mayor of Clearfield City  
Mike LeBaron, City Councilmember  
Kent Bush, City Councilmember  
Keri Benson, City Councilmember  
Ron Jones, City Councilmember  
Bruce Young, City Councilmember  
Adam Lenhard, City Manager  
JJ Allen, Assistant City Manager  
Scott Hess, Development Services Manager  
Stacy Millgate, CDBG coordinator  
Jeri Bartholomew, Davis Behavioral Health  
Hilary Huntsman, Family Connection Center  
Mary Ann Nielson, Davis School District Homeless Coordinator  
Heidi Patterson, Safe Harbor Crisis Center  
Jan Winborg, Davis Community Housing Authority  
Michele Hutchins, U.S. Department of Housing and Urban Development

Hard copies of the report were available at the Clearfield Aquatic Center and Clearfield North Branch library. Copies of the study were also available at city council meetings held at 6:00 pm at the Aquatic Center on May 13, 2015 and Wasatch Elementary on June 2, 2015.

The final version of this study was presented to the city council on June 9, 2015 for approval.

## APPENDIX A (sources)

- Bartholomew, Jeri. Davis Behavioral Health Housing, interview March 30, 2015.
- Bureau of Business and Economic Research, University of Utah "Utah Construction Reports" <http://www.business.utah.edu/display.php?&pageId=169>
- Busselberg, Tom "Davis County Surveys Homeless Population", Feb. 6, 2014, Davis Clipper newspaper, [http://www.davisclipper.com/view/full\\_story/24510975/article-Davis-County-surveys-homeless-population](http://www.davisclipper.com/view/full_story/24510975/article-Davis-County-surveys-homeless-population)
- Clearfield City General Plan, 2008.
- Clearfield City Consolidated Plan, 2010.
- Davis County Regional Analysis of Impediments to Fair Housing Choice, 2014.
- Envision Utah: "Meeting Housing Needs" Urban Planning Tools for Quality Growth, [http://www.envisionutah.org/Chapter\\_2.pdf](http://www.envisionutah.org/Chapter_2.pdf)
- Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act (HMDA) data, <http://www.ffiec.gov/>
- Huntsman, Hillary. Family Connection Center, Interview March 26, 2015.
- Mortgage Calculator <http://www.mortgage-calc.com/mortgage/simple.php>
- Nielson, Maryann. Homeless Liaison, Davis School District, Interview March 3, 2015.
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- Patterson, Heidi. Safe Harbor Crisis Center, Interview March 26, 2015.
- Utah Department of Workforce Services, Workforce Information. <http://jobs.utah.gov/>
- Utah Governor's Office of Planning and Budget, Population Estimates Committee. <http://www.governor.utah.gov/dea/>
- Utah Legislative Code  
[http://www.le.state.ut.us/~code/TITLE10/10\\_08.htm](http://www.le.state.ut.us/~code/TITLE10/10_08.htm)
- U.S. Census Bureau <http://www.census.gov>

U.S. Department of Housing and Urban Development CHAS tables  
<http://www.huduser.org/portal/datasets/ahs/ahs97lim.html>

Winborg, Jan. Davis Community Housing Authority, interview March 3, 2015.

## Appendix B: Fair Housing Act

HUD has played a lead role in administering the Fair Housing Act since its adoption in 1968. The 1988 amendments, however, have greatly increased the Department's enforcement role. First, the newly protected classes have proven significant sources of new complaints. Second, HUD's expanded enforcement role took the Department beyond investigation and conciliation into the area of mandatory enforcement.

Complaints filed with HUD are investigated by the Office of Fair Housing and Equal Opportunity (FHEO). If the complaint is not successfully conciliated, FHEO determines whether reasonable cause exists to believe that a discriminatory housing practice has occurred. Where reasonable cause is found, the parties to the complaint are notified by HUD's issuance of a Determination, as well as a Charge of Discrimination, and a hearing is scheduled before a HUD administrative law judge. Either party - complainant or respondent - may cause the HUD-scheduled administrative proceeding to be terminated by electing instead to have the matter litigated in Federal court. Whenever a party has so elected, the Department of Justice takes over HUD's role as counsel seeking resolution of the charge on behalf of aggrieved persons, and the matter proceeds as a civil action. Either form of action - the ALJ proceeding or the civil action in Federal court - is subject to review in the U.S. Court of Appeals.

### Basic Facts About the Fair Housing Act

#### What Housing Is Covered?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

#### What Is Prohibited?

***In the Sale and Rental of Housing:*** No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap:

- Refuse to rent or sell housing
- Refuse to negotiate for housing
- Make housing unavailable
- Deny a dwelling
- Set different terms, conditions or privileges for sale or rental of a dwelling
- Provide different housing services or facilities
- Falsely deny that housing is available for inspection, sale, or rental
- For profit, persuade owners to sell or rent (blockbusting) or
- Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing.

***In Mortgage Lending:*** No one may take any of the following actions based on race, color, national origin, religion, sex, familial status or handicap (disability):

- Refuse to make a mortgage loan
- Refuse to provide information regarding loans

- Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- Discriminate in appraising property
- Refuse to purchase a loan or
- Set different terms or conditions for purchasing a loan.

***In Addition:*** It is illegal for anyone to:

- Threaten, coerce, intimidate or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- Advertise or make any statement that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

### **Additional Protection if You Have a Disability**

If you or someone associated with you:

- Have a physical or mental disability (including hearing, mobility and visual impairments, chronic alcoholism, chronic mental illness, AIDS, AIDS Related Complex and mental retardation) that substantially limits one or more major life activities
- Have a record of such a disability or
- Are regarded as having such a disability

your landlord **may not:**

- Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)
- Refuse to make reasonable accommodations in rules, policies, practices or services if necessary for the disabled person to use the housing.

Example: A building with a "no pets" policy must allow a visually impaired tenant to keep a guide dog.

Example: An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if necessary to assure that she can have access to her apartment.

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

### **Requirements for New Buildings**

In buildings that are ready for first occupancy after March 13, 1991, and have an elevator and four or more units:

- Public and common areas must be accessible to persons with disabilities

- Doors and hallways must be wide enough for wheelchairs
- All units must have:
  - An accessible route into and through the unit
  - Accessible light switches, electrical outlets, thermostats and other environmental controls
  - Reinforced bathroom walls to allow later installation of grab bars and
  - Kitchens and bathrooms that can be used by people in wheelchairs.

If a building with four or more units has no elevator and will be ready for first occupancy after March 13, 1991, these standards apply to ground floor units.

These requirements for new buildings do not replace any more stringent standards in State or local law.

### **Housing Opportunities for Families**

Unless a building or community qualifies as housing for older persons, it may not discriminate based on familial status. That is, it may not discriminate against families in which one or more children under 18 live with:

- A parent
- A person who has legal custody of the child or children or
- The designee of the parent or legal custodian, with the parent or custodian's written permission.

Familial status protection also applies to pregnant women and anyone securing legal custody of a child under 18.

Exemption: Housing for older persons is exempt from the prohibition against familial status discrimination if:

- The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State or local government program or
- It is occupied solely by persons who are 62 or older or
- It houses at least one person who is 55 or older in at least 80 percent of the occupied units, and adheres to a policy that demonstrates an intent to house persons who are 55 or older.

A transition period permits residents on or before September 13, 1988, to continue living in the housing, regardless of their age, without interfering with the exemption.

### **If You Think Your Rights Have Been Violated**

HUD is ready to help with any problem of housing discrimination. If you think your rights have been violated, the [Housing Discrimination Complaint Form](#) is available for you to download, complete and return, or complete online and submit, or you may write HUD a letter, or telephone the [HUD Office](#) nearest you. You have one year after an alleged violation to file a complaint with HUD, but you should file it as soon as possible.

## What to Tell HUD:

- Your name and address
- The name and address of the person your complaint is against (the respondent)
- The address or other identification to the housing involved
- A short description to the alleged violation (the event that caused you to believe your rights were violated)
- The date(s) to the alleged violation

## Where to Write or Call:

Send the Housing Discrimination Complaint Form or a letter to the [HUD Office](#) nearest you or you may call that office directly.

## If You Are Disabled:

HUD also provides:

- A toll-free TTY phone for the hearing impaired: 1-800-927-9275.
- Interpreters
- Tapes and braille materials
- Assistance in reading and completing forms

## What Happens when You File a Complaint?

HUD will notify you when it receives your complaint. Normally, HUD also will:

- Notify the alleged violator of your complaint and permit that person to submit an answer
- Investigate your complaint and determine whether there is reasonable cause to believe the Fair Housing Act has been violated
- Notify you if it cannot complete an investigation within 100 days of receiving your complaint

## Conciliation

HUD will try to reach an agreement with the person your complaint is against (the respondent). A conciliation agreement must protect both you and the public interest. If an agreement is signed, HUD will take no further action on your complaint. However, if HUD has reasonable cause to believe that a conciliation agreement is breached, HUD will recommend that the Attorney General file suit.

## Complaint Referrals

If HUD has determined that your State or local agency has the same fair housing powers as HUD, HUD will refer your complaint to that agency for investigation and notify you of the referral. That agency must begin work on your complaint within 30 days or HUD may take it back.

## What if You Need Help Quickly?

If you need immediate help to stop a serious problem that is being caused by a Fair Housing Act violation, HUD may be able to assist you as soon as you file a complaint. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of your complaint, if:

- Irreparable harm is likely to occur without HUD's intervention
- There is substantial evidence that a violation of the Fair Housing Act occurred

Example: A builder agrees to sell a house but, after learning the buyer is black, fails to keep the agreement. The buyer files a complaint with HUD. HUD may authorize the Attorney General to go to court to prevent a sale to any other buyer until HUD investigates the complaint.

## What Happens after a Complaint Investigation?

If, after investigating your complaint, HUD finds reasonable cause to believe that discrimination occurred, it will inform you. Your case will be heard in an administrative hearing within 120 days, unless you or the respondent want the case to be heard in Federal district court. Either way, there is no cost to you.

### The Administrative Hearing:

If your case goes to an administrative hearing HUD attorneys will litigate the case on your behalf. You may intervene in the case and be represented by your own attorney if you wish. An Administrative Law Judge (ALA) will consider evidence from you and the respondent. If the ALA decides that discrimination occurred, the respondent can be ordered:

- To compensate you for actual damages, including humiliation, pain and suffering.
- To provide injunctive or other equitable relief, for example, to make the housing available to you.
- To pay the Federal Government a civil penalty to vindicate the public interest. The maximum penalties are \$10,000 for a first violation and \$50,000 for a third violation within seven years.
- To pay reasonable attorney's fees and costs.

### Federal District Court

If you or the respondent choose to have your case decided in Federal District Court, the Attorney General will file a suit and litigate it on your behalf. Like the ALA, the District Court can order relief, and award actual damages, attorney's fees and costs. In addition, the court can award punitive damages.

### In Addition

**You May File Suit:** You may file suit, at your expense, in Federal District Court or State Court within two years of an alleged violation. If you cannot afford an attorney, the Court may appoint one for you. You may bring suit even after filing a complaint, if you have not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

### **Other Tools to Combat Housing Discrimination:**

If there is noncompliance with the order of an Administrative Law Judge, HUD may seek temporary relief, enforcement of the order or a restraining order in a United States Court of Appeals.

The Attorney General may file a suit in a Federal District Court if there is reasonable cause to believe a pattern or practice of housing discrimination is occurring.

### **For Further Information:**

The [Fair Housing Act](#) and HUD's regulations contain more detail and technical information. If you need a copy of the law or regulations, contact the [HUD Office](#) nearest you.

Salt Lake City Field Office  
Department of Housing and Urban Development  
125 South State Street  
Suite 3001  
Salt Lake City, Utah 84138

**Phone:** (801) 524-6070

**Fax:** (801) 524-3439

**TTY:** (801) 524-6909

**Jurisdiction:** State

# **CLEARFIELD CITY ORDINANCE 2015-12**

## **AN ORDINANCE AMENDING THE CONSOLIDATED FEE SCHEDULE FOR CLEARFIELD CITY CORPORATION.**

**PREAMBLE:** Ordinance 2008-06 enacted a consolidated fee schedule for utilities, recreation, licensing, permits, impact fees, building rental, etc. for Clearfield City Corporation. Staff is recommending fees be added for curbside recycling and receptacles and adjustments be made to residential solid waste fees, utility service fees, the elimination of the disconnect/reconnect fees and a new construction water fee associated with a building permit.

**BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:**

**Section 1. Enactment:** Title 2, Chapter 5 of the Clearfield City Code is hereby amended to read as follows:

**Section 2. Effective Date:** This Ordinance shall become effective immediately upon posting.

**Section 3. Repealer:** Any Ordinance or sections or portions of ordinances previously enacted by the Clearfield City Council which are in conflict with the provisions of this Ordinance are hereby repealed and replaced by this Ordinance.

Dated this 9<sup>th</sup> day of June 2015, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

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Mark R. Shepherd, Mayor

ATTEST

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Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

## CONSOLIDATED FEE SCHEDULE CLEARFIELD CITY CORPORATION

### UTILITIES

**Water \*\* Water rates are from January 1st to December 31st**

#### **Single Family Dwellings**

	2013	2014	2015
Base Fee (5/8" meter)	\$11.53	\$11.70	\$11.89
Consumption Charges per 1,000 gallons			
0 - 10,000	\$0.87	\$0.89	\$0.91
10,001 - 40,000	\$1.02	\$1.04	\$1.06
40,001 - 60,000	\$1.17	\$1.19	\$1.21
60,001 - 80,000	\$1.33	\$1.36	\$1.39
80,000 +	\$1.48	\$1.51	\$1.54

#### **Multiple Dwelling Units, Apartment Houses & Mobile Home Parks**

(7,000 gallons allowed per unit, then commercial rates apply)

1st Unit			
Each Additional Unit	\$12.42	\$12.61	\$12.86

#### **Commercial/Industrial/Institutional/Dormitory**

Base fee, based on meter size			
5/8"	\$16.86	\$17.11	\$17.45
1"	\$78.86	\$80.04	\$81.64
1.5"	\$78.86	\$80.04	\$81.64
2"	\$103.54	\$105.01	\$107.11
3"	\$263.47	\$267.42	\$272.77
4"	\$393.52	\$399.42	\$407.41
6"	\$518.02	\$525.79	\$536.31
Consumption Charges per 1,000 gallons	\$1.07	\$1.09	\$1.11

Sprinkling lawns, unmetered - base fee from 5/8" commercial rate plus per square foot of lawn area.

Unmetered lawn accounts will be billed monthly for a five (5) month period each year, from May 1 up to and including September 30.	\$0.005172	0.005275	\$0.005381
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Fire Protection Standby Charge:

Sprinkling system standby charge per diameter inch of main pipe	\$3.06	\$3.12	\$3.18
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More than one User:

Minimum monthly fee based on meter size. Consumption fee shall be divided equally between users,

unless users present a written agreement that fees shall be charged on different basis other than equally.

Unmetered Services

Commercial & industrial users not having metered water service shall be charged for water services based on the number of connections and number of employees

8 or fewer employees minimum 1.0" meter size	\$79.24	\$80.82	\$82.44
9 or more employees, charged at 2.0" meter size	\$104.04	\$106.12	\$108.24

**Sanitary Sewer**

**Residential**

			2013	2014	2015
Single Family	Clearfield City	beginning Jan 1		\$11.44	\$11.66
	North Davis Sewer District			\$9.50	\$12.50
	Clearfield City	beginning July 1	\$11.25	\$11.44	\$11.66
	North Davis Sewer District		\$8.00	\$12.50	\$15.50

Multi-Unit

All Units	Clearfield City	beginning Jan 1		\$7.98	\$8.17
	North Davis Sewer District			\$9.50	\$12.50
	Clearfield City	beginning July 1	\$7.82	\$7.98	\$8.17
	North Davis Sewer District		\$9.50	\$12.50	\$15.50

**Commercial/Industrial/Institutional/Dormitory**

Metered Base Rate

Clearfield City	beginning Jan 1		\$13.71	\$13.92
	North Davis Sewer District			\$9.50
Clearfield City	beginning July 1	\$13.49	\$13.71	\$13.92
	North Davis Sewer District	\$9.50	\$12.50	\$15.50

Consumption fee per 1,000 gallons

Clearfield City	beginning Jan 1		\$0.60	\$0.65
	North Davis Sewer District			\$0.95
Clearfield City	beginning July 1	\$0.50	\$0.60	\$0.65
	North Davis Sewer District	\$0.95	\$1.25	\$1.55

Note: North Davis Sewer District charges are set by the sewer district and not Clearfield City. These rates may change.

Billing periods beginning May 1st through and including the November 1st bill of each year will be billed on a five month winter average consisting of water consumption from December 1st through April 1st bills.

**More than one User:**

Minimum monthly fee based on meter size. Consumption fee shall be divided equally between users, unless users present a written agreement that fees shall be charged on different basis other than equally.

**Unmetered Services**

Commercial & industrial users not having metered water service shall be charged for water services based on the number of connections and number of employees

8 or fewer employees minimum 1.0" meter size

9 or more employees, charged at 2.0" meter size

Commercial Monthly Base Fee

Commercial Monthly Base Fee + \$1.00/employee

**Special Treatment**

When sewage requires special treatment or causes an unusual and abnormal burden on the disposal facilities, additional charges shall be assessed as determined by the City Council to be fair and equitable.

**Storm Sewer**

**Residential**

Single Family and duplex

Tri-plex and fourplex

Apartments with more than 4 units at Commercial rate

**2013**

**2014**

**2015**

\$4.61

\$4.75

\$4.89

**Commercial/Industrial**

(2,700 sq ft of impervious surface equals 1 ESU)

Credit for On-Site Mitigation:

50% with maximum release of 0.20 cfs/ac and having installed an approved sand & oil

30% with maximum release of 0.20 cfs/ac within a landscaped area or a retention basin

20% with maximum release of 0.20 cfs/ac within an impervious surface area on the site or

\$4.61/ESU

\$4.75/ESU

\$4.89/ESU

**Residential Solid Waste (Garbage) & Recyclables**

Base fee--1st trash container

Each additional trash container

First recycle container

Each additional recycle container

\$15.25

\$7.00

\$15.25

\$7.00

\$14.75

\$7.50

\$3.90

\$3.90

**Utility Taxes**

Six percent (6%) of total water and sewer charges

**Misc. Fees**

Refundable security deposit

Service Fee

\$120.00

\$25.00

\$120.00

\$25.00

\$120.00

\$35.00

Late Fee	\$10.00 or 1.5%, whichever is greater
<del>Disconnect/Reconnect Fee</del>	<del>\$25.00</del> <del>\$25.00</del> <del>\$25.00</del>
Administrative fine for violations of Title 9	Not less than \$100, nor more than \$250

**RECREATION FEES:**

<b>Park Rental Fees:</b>	<b>Resident</b>	<b>Non-resident</b>
\$25 refundable cleaning deposit due at the time of rental		
Picnic shelter	\$15.00	\$35.00
Amphitheater (per hour)	\$10.00	\$10.00

<b>Athletic Field / Facility Usage Fees:</b>	<b>SINGLE USE</b>	<b>TOURNAMENT</b>
Refundable cleaning deposit due at the time of rental	\$100	\$250
	<b>PRIORITY GROUP A</b>	<b>GROUP B</b>
Baseball/Softball Field Usage fee (per hour per field)	\$10.00	\$20.00
Soccer Field Rental (per hour)	\$12.00	\$24.00
Lights (per hour per field)	\$20.00	\$20.00
Baseball/Softball Field preparation Mon-Fri (per field)	\$25.00	\$25.00
Baseball/Softball Field preparation Sat-Sun (per field)	\$40.00	\$40.00
Soccer Prep Field Preparation Mon-Fri (per field, practice fields)	\$40.00	\$40.00
Soccer Prep Field Preparation Saturdays (per field, practice fields)	\$60.00	\$60.00
Weekly fee for game field preparation (per field)	\$5.00	\$5.00
Scoreboard (per field)	\$10.00	\$10.00
Supervisor in charge of scoreboard (per hour)	\$12.00	\$12.00

<b>July 4th Booth Fees:</b>	<b>All vendors</b>
Shaded booth, no electricity	\$80.00
Shaded booth, non-food w/electricity	\$110.00
Shaded booth, w/electricity food vendor	\$110.00
Food vendor with own trailer w/electricity	\$100.00
Each additional electrical outlet	\$10.00

**Recreation Leagues, Sports, Classes, and Misc. Fees:**

Contact Community Services Department

**AQUATIC CENTER FEES:**

Membership fees may be altered in conjunction with marketing efforts to allow for the effective promotion of the Clearfield Aquatic Center with the approval of the Community Services Director.

**(All fees include tax)**

**Daily Admission**

Child 3 and under	\$1.00
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Youth 4-17	\$3.00
Adult 18-59	\$5.50
Senior 60+	\$3.00

**Annual Membership fees**

	<b>Resident</b>	<b>Non-Resident</b>
Membership rates includes tax		
Child 4-12	\$130.00	\$197.25
Youth 13-17	\$170.00	\$260.00
Adult 18-59	\$260.00	\$390.00
Senior 60+	\$170.00	\$260.00
Senior couple	\$260.00	\$390.00
Adult couple	\$340.00	\$510.00
Family	\$440.00	\$620.00

**Membership Registration Fee**

Individual one-time registration fee	\$25.00	\$25.00
Senior Couple one-time registration fee	\$40.00	\$40.00
Adult Couple one-time registration fee	\$50.00	\$50.00
Family one-time registration fee	\$75.00	\$75.00

**Corporate/Business Annual Membership Group Discount Rates**

<b>RESIDENT BUSINESSES</b>	<b>10-19 Members</b>		<b>20+ Members</b>		
	<b>5% Discount</b>		<b>10% Discount</b>		
Senior	\$166.25		\$157.50		
Adult	\$256.50		\$243.00		
Sr. Couple	\$256.50		\$243.00		
Adult Couple	\$332.50		\$315.00		
Family	\$427.50		\$405.00		
<b>NON RESIDENT BUSINESSES</b>	<b>5-9 Members</b>	<b>10-14 Members</b>	<b>15-19 Members</b>	<b>20-24 Members</b>	<b>25+ Members</b>
	<b>5% Discount</b>	<b>10% Discount</b>	<b>15% Discount</b>	<b>20% Discount</b>	<b>25% Discount</b>
Senior	\$265.50	\$243.00	\$229.50	\$216.00	\$202.50
Adult	\$380.00	\$360.00	\$340.00	\$320.00	\$300.00
Sr. Couple	\$380.00	\$360.00	\$340.00	\$320.00	\$300.00
Adult Couple	\$498.75	\$472.50	\$446.25	\$420.00	\$393.75
Family	\$608.00	\$576.00	\$544.00	\$512.00	\$480.00

**Membership Cancellation Fee**

Individual	\$25.00	\$25.00
Couple	\$50.00	\$50.00
Family	\$75.00	\$75.00

**15-Punch Pass**

Youth 4-17	\$40.95	\$40.95
Adult	\$72.00	\$72.00
Senior	\$40.95	\$40.95

**Aquatic Center Day Care**

Hourly rate per child	\$3.50	\$3.50
5-hour punch pass	\$15.00	\$15.00
10-hour punch pass	\$30.00	\$30.00
30-hour punch pass	\$75.00	\$75.00
50-hour punch pass	\$105.00	\$105.00

**Aquatic Center Programs**

	<b>Resident</b>	<b>Non-resident</b>
Swim lessons	\$31.00	\$36.00
Private swim lessons - one student	\$10.00	\$12.00
Private swim lessons - two students	\$11.00	\$13.00
Private swim lessons - three students	\$12.00	\$14.00
Clearfield City Aquatics Team 3 days/week	\$25.00	\$28.00
Clearfield City Aquatics Team 5 days/week	\$30.00	\$33.00

**Aquatic Center Facility Rentals:**

	<b>Per hour</b>
Leisure pool 1-100 people	\$150.00
Extra fee per hour / additional 25 people	\$25.00
Lap pool 1-100 people	\$100.00
Extra fee per hour / additional 25 people	\$25.00
Lap and Leisure pool 1-100 people	\$225.00
Extra fee per hour / additional 25 people	\$25.00
Lap pool / splash pad	\$125.00
Lap pool / leisure pool / splash pad	\$300.00
Splash pad & patio area	\$75.00
Lane rental	\$12.50
Shower rental	\$50.00
Wet classroom	\$35.00
Party room	\$35.00
Birthday party package (Includes 45 minutes in party room, 8 children, 2 adults)	\$75.00
Full aquatic center	\$400.00
Gym - full court (30 minutes)	\$25.00
Gym - half court (30 minutes)	\$15.00

**Aquatic Center Misc. Fees:**

Body Fat Testing	\$10.00
Personal training - couple	\$60.00
Personal training - single	\$40.00
Personal training - 10 sessions	\$340.00
Personal training - 6 sessions	\$216.00
Personal training - 3 sessions	\$114.00

**BUSINESS LICENSE FEES****General Business License****Fee / Amount**

New	\$75
Renewal / Commercial	\$64
Renewal / Home	\$64

**Rental Dwelling License**

New	\$190
New - Good Landlord Participant	\$30
Renewal or amendment	\$64

**Temporary or Seasonal Merchant License or Mobile Food Vendor License**

New - One hundred eighty (180) Days	\$120
Cleaning Deposit	\$100

**Solicitor License**

New	\$215
Renewal	\$64
Identification Badge	\$15

**Beer Licenses****Class A - Off-Premise**

New	\$138
Renewal	\$64

**Class B - Restaurant**

New	\$138
Renewal	\$64

**Class C - Tavern**

New	\$138
Renewal	\$64

**Class D - Nonprofit Organization**

New	\$138
Renewal	\$64
<b>Class E - Temporary Special Event</b>	
New	\$138
Renewal	\$64
<b>Sexually-Oriented Business Licenses</b>	
<b>Outcall Services</b>	
New	\$200
Renewal	\$64
<b>Adult Business</b>	
New	\$200
Renewal	\$64
<b>Nude Entertainment Business</b>	
New	\$200
Renewal	\$64
<b>Semi-nude Dancing Bar</b>	
New	\$200
Renewal	\$64
<b>Nude and Semi-nude Dancing Agency</b>	
New	\$200
Renewal	\$64
<b>Sexually-Oriented Business Employee Licenses</b>	
<b>Non-performing Employee</b>	
New	\$200
Renewal	\$64
<b>Outcall Services Performer</b>	
New	\$200
Renewal	\$64
<b>Adult Business Performer</b>	
New	\$200
Renewal	\$64
<b>Nude Entertainment Business Performer</b>	
New	\$200
Renewal	\$64
<b>Semi-nude Dancing Bar Performer</b>	
New	\$200
Renewal	\$64

**Firework Stand License**

New	\$120
Cleaning Deposit	\$100

**Pawnbroker License**

New	\$138
Renewal	\$64

**Disproportionate Service Fees**

Daycare / Preschool, Commercial (new only)	\$10
Daycare / Preschool, Home (new only)	\$135
Manufacturing Businesses (new and renewal)	\$200
Single-Family Rental (new and renewal) with Good Landlord Program - per unit	\$7
Two-Family Rental (new and renewal) with Good Landlord Program Discount - per unit	\$3
3/4-Plex Rental (new and renewal with Good Landlord Program Discount - per unit	\$9
Multi-Family Rental (new and renewal) with Good Landlord Program Discount - per unit	\$7
Mobile Home Park (new and renewal) with Good Landlord Program Discount - per unit	\$7
Single-Family Rental (new and renewal) - per unit	\$66.50
Two-Family Rental (new and renewal) - per unit	\$12.50
3/4-Plex Rental (new and renewal) - per unit	\$92.00
Multi-Family Rental (new and renewal) - per unit	\$67.00
Mobile Home Park (new and renewal) - per unit	\$49.50
Convenience Stores (new and renewal)	\$500
Restaurants (new and renewal)	\$150
Tavern (new and renewal)	\$800
Automotive (new and renewal)	\$115
Financial Services (new and renewal)	\$440
Pawn Shops (new and renewal)	\$500

**Bonds Required****Sexually-Oriented Businesses:**

Each applicant for a sexually-oriented business license shall post with the City's business license department a cash or corporate surety bond, payable to the City, in the amount of two thousand dollars (\$2,000). Any fines assessed against the business, officers or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine, unless an appeal is filed. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars (\$2,000) within fifteen (15) days of the date of notice of any draw against it.

**Firework Stands:**

Bond Or Liability Insurance: Any application for permit as herein provided shall be accompanied by a certificate of insurance insuring the licensee and naming the City as an additional insured, conditioned for the payment of all damages which may be caused either to a person or to property by reason of the display so licensed and arising from any acts of the licensee, his agents or employees. Such insurance shall be in a sum not less than one hundred thousand dollars/three hundred thousand dollars (\$100,000.00/\$300,000.00) for bodily injury and fifty thousand dollars/one hundred thousand dollars (\$50,000.00/\$100,000.00) for property damage and no City officer or licensing agent or other representative of the City shall in any event issue any permit hereinabove referred to until such certificate of insurance has been furnished and passed upon by the City Manager and the City Attorney as to form and sufficiency.

**Pawnbrokers:**

Prior to the issuance of any license for the business of a pawnbroker, the applicant therefore shall file with the Director of Finance a bond with a sufficient surety in the penal sum of two thousand dollars (\$2,000.00), in such form as shall be approved by the City Attorney, conditioned for the faithful observance of all laws and ordinances respecting pawnbrokers. The form of the bond and the sufficiency of the surety shall be approved by the City Attorney.

**Miscellaneous**

Duplicate license / certificate	\$5
Report showing all businesses licensed in the city	\$5

**Penalties**

Renewals not paid on or before January 15th	50 % of the total amount due
Engaging in business without a license	\$50

**Amended License**

Processing Fee	\$5
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**Business License Appeal**

Fee	\$75
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**POLICE**

Copy of Police Report	\$10.00	(was \$5.00)
1st copy to those involved	No Cost	
Tape or CD with photos or video	\$25.00	
Fingerprinting (resident)	\$10.00	
Fingerprinting (non-resident)	\$15.00	
BCI Background check	\$15.00	

**Alarm's**

Failing to have a responsible person respond on alarm	\$25.00
False Alarms per quarter of a calender year outside of a 24 hr period	
(A) Third alarm	\$50.00
(B) Fourth alarm	\$75.00
( C ) Fifth alarm	\$100.00

**Registration Fee**

Sex Offender Yearly Registration	\$25.00
Sex Offender DNA collection	\$25.00
Contract Services for Police Officers	\$58.00 hour 2 hour minimum

**GRAMA FEES:**

Copy cost per side	\$0.25
Certified copies per page	\$2.00
Copy of a audio recording of minutes	\$3.00
Compilation time per hour	\$14.00
Police reports	\$10.00
Budget copies	\$5.00
Land Use Plans (General Plan)	\$5.00

Requests that include the inspection of a voluminous scope of records and/or have not identified any particular record(s) with any degree of specificity, will need to adhere to the following procedures and guidelines in order for the City to reasonably facilitate the request:

- 1) Written notice must be provided to the office of the City Recorder at least ten (10) business days in advance of the date and times desired to inspect the City's public records. Said notice must include a particular category of recods to examine on each date so that those records may be pulled, placed in a central location, and then reviewed for any private, controlled, or protected documents in advance of the inspection.
- 2) Appointments to inspect the City's public records will be made in four (4) hour time blocks, either from the hours of 8:30 a.m. until 12:30 p.m. or from 1:00 p.m. until 5:00 p.m. Requestors may utilize only one (1) four (4) hour time block for inspecting records per day and must not request more than two (2) such appointments per week.

3) The City shall charge a reasonable fee to cover its actual costs for accommodating the records request. Pursuant to this Fee Schedule, the requestor will be charged a minimum of \$14.00 per hour to cover the necessary staff time to facilitate complying with the request. The requestor must pay \$56.00 (4 hours X \$14/hour) in advance for each four (4) hour block of inspection time scheduled. However, that amount is only designed to offset the City's labor costs to have an employee sit with the requestor while any public records are inspected in order to maintain the integrity of said records. Any additional costs for searching, retrieval, compiling, formatting, manipulating, packaging, summarizing, tailoring, copying, etc. will be charged in addition to the \$56.00 per four (4) hour inspection block that will have already been paid in advance.

**PLANNING & ZONING FEES:**

	Per City Engineer Hourly Rates
Engineering Fees	
Site Plan Review	\$500 plus Engineering
Administrative Site Plan Review	\$400 plus Engineering
Conditional Use Permit	
Home Occupation	\$200 plus Engineering
Residential	\$350 plus Engineering
Commercial	\$350 plus Engineering
Request for Extension	\$200 plus Engineering
Site Plan Review/Conditional Use Permit running concurrently	\$700 plus Engineering
Rezone	\$650 plus Engineering
Zoning Ordinance Amendment	\$650 plus Engineering
General Plan Amendment	\$900 plus Engineering
Street Vacation	\$450 plus Engineering
Plat Vacation / Amendment	\$300 plus Engineering
Annexation	\$1000 plus Engineering
Special Planning Commission Meeting	\$500
Subdivision Approval	
Preliminary	\$500 + \$25 per lot, plus Engineering
Final	\$400 + \$25 per lot, plus Engineering
Subdivision Public Hearing	\$300
Appeal to the Planning Commission or City Council	\$150 plus Independent Legal Fees
Recording Fees	Paid directly to Davis County Recorder
Permanent Sign Permit	\$50 plus Inspection Fees
Temporary Sign Permit	\$20
Variance	\$250 plus Engineering
Zoning Verification Letters	\$75

**GIS Data Pricing**

Parcel Layer	\$50.00
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Street (Centerline) Layer	\$50.00
Zoning Layer	\$50.00
Any other GIS or CAD Layers	\$20.00 each
Aerial Photography	\$90.0/sq. mi.
Special Projects	\$50.00 per hour
Hard copy color maps	\$1.00 / Sq. Ft.

**CODE ENFORCEMENT FEES:**

Restoration Permit	First - \$25 / Second - \$50
Abatement Administration Fee	\$120

**BUILDING PERMIT AND DEVELOPMENT FEES:**

**General - Building valuation:**

From \$1 to \$500	\$23.50
From \$501 to \$2,000	\$23.50 plus \$3.05 each additional \$100 or fraction thereof
From \$2,001 to \$25,000	\$69.25 plus \$14.00 each additional \$1,000 or fraction thereof
From \$25,001 to \$50,000	\$391.75 plus \$10.10 each additional \$1,000 or fraction thereof
From \$50,001 to \$100,000	\$643.75 plus \$7.00 each additional \$1,000 or fraction thereof
From \$100,001 to \$500,000	\$993.75 plus \$5.60 each additional \$1,000 or fraction thereof
From \$501,000 to \$1,000,000	\$3,233.75 plus \$4.75 each additional \$1,000 or fraction thereof
From \$1,000,000 up	\$5,608.75 plus \$3.65 each additional \$1,000 or fraction thereof

**Pools, tubs and spas:**

Public	\$150 each
Private	\$47 each

**Landscape sprinkling system**

\$47 each

**Plan check fee:**

- Commercial
  - 65% of the building permit fee for building value of \$1 - \$100,000
  - 60% of the building permit fee for building value of \$100,001 - \$500,000
  - 50% of the building permit fee for building value of \$500,001 and greater

Use of outside consultants for plan checking	Actual Cost **
Residential and pools	20% of the building permit fee
Residential "Identical Plans"	\$47

\*\* Actual costs include administrative and overhead costs

**Plan check deposit required for new construction**

Residential	\$100
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Commercial \$250

**Off-site Bonds**

Residential \$2,000  
Commercial As per City Engineer's cost estimate

**Permit inspection fees:**

Outside normal business hours (minimum charge of two hours) \$47 per hour  
Re-inspection \$47 per hour  
Inspections for which no fee is specifically indicated (minimum charge of .5 hours) \$47 per hour  
Additional plan review required by revisions (minimum charge of .5 hours) \$47 per hour

**Home daycare or preschool plan check and inspection fee** \$25 each

**Street Cut Permit (Excavation Permit)**

Lateral excavation (roads older than 1 year) \$60 / lane cut  
Lateral excavation (roads newer than 1 year) \$120 / lane cut  
Longitudinal excavation (roads older than 1 year)  
    First 660 lineal feet \$120  
    Each additional 660 lineal feet or fraction thereof \$240  
Longitudinal excavation (roads newer than 1 year)  
    First 660 lineal feet \$240  
    Each additional 660 lineal feet or fraction thereof \$240  
Excavations off improved right-of-ways \$60  
Bond per lateral excavation \$1,000  
Bond per unlimited number of lateral excavations \$15,000  
Bond for longitudinal excavation for 100 lineal feet or fraction thereof \$2,000

**Demolition permit (including inspections)** \$150

**State Surcharge**

A 1% state surcharge may be applicable to building permit fees

**Water Meter Fees**

	<b>Cost</b>	<b>Installation Fee</b>
5/8" x 3/4" Meter	\$208	\$25
1" Meter	\$292	\$25
1-1/2" Meter	\$530	\$25
2" Meter	\$700	\$25
2" Compound Series Meter w/2 Orion Transmitters	\$1,945	Per City Public Works Hourly Rate
3" Compound Series Meter w/2 Orion Transmitters	\$2,263	Per City Public Works Hourly Rate

4" Compound Series Meter w/2 Orion Transmitters	\$3,528	Per City Public Works Hourly Rate
6" Compound Series Meter w/2 Orion Transmitters	\$4,927	Per City Public Works Hourly Rate
1-1/2" Turbine Meter	\$800	Per City Public Works Hourly Rate
2" Turbine Meter	\$875	Per City Public Works Hourly Rate
3" Turbine Meter	\$987	Per City Public Works Hourly Rate
4" Turbine Meter	\$1,448	Per City Public Works Hourly Rate
6" Turbine Meter	\$3,413	Per City Public Works Hourly Rate

**Telecommunications franchise application fee** \$500

**Sewer Connection Fees**

Each connection to the city sanitary sewer system including each \$500  
 Additional connection fee per lot within the subdivision, mobile \$25

**Building Permit - New Construction Water Fee**

Fee for water usage during construction of new residential units, fee charged per unit \$50

**DEVELOPMENT IMPACT FEES:**

**Residential**

	2011	2012
Single Family (includes attached & detached)		
Park and Recreation Impact Fee	\$853	\$2,339
Storm water	\$1,396	\$1,432
Water	\$3,726	\$3,822
Sewer	\$2,019	\$2,072
All Others (per housing unit)		
Park and Recreation Impact Fee	\$604	\$1,441
Storm water	\$1,396	\$1,432
Water	\$3,726	\$3,822
Sewer	\$2,019	\$2,072

**Non-residential**

Storm water per ESU (1 ESU = 2,700 sq. ft. of impervious surface)	2011	2012
If there is storm water detention onsite, the fee is reduced if the detention area is:	\$1,396	\$1,432
Paved - 20% reduction		
Grassed - 30% reduction		
Sand & Oil Interceptor - 50% reduction		

Water Impact (per water meter size*)	2011	2012
0.75	\$3,726	\$3,822
1.00	\$9,315	\$9,556

1.50	\$18,630	\$19,112
2.00	\$29,809	\$30,579
3.00	\$55,891	\$57,336
4.00	\$93,152	\$95,559

Sewer Impact (per water meter size\*)

	<b>2011</b>	<b>2012</b>
0.75	\$2,019	\$2,072
1.00	\$5,049	\$5,179
1.50	\$10,097	\$10,358
2.00	\$16,155	\$16,573
3.00	\$30,291	\$31,074
4.00	\$50,485	\$51,790

\* Water and sewer impact fees for meters larger than four inches will be based on annualized average day demand and the net capital cost per gallon of capacity.

**Independent Fee Calculation Review**

\$150 plus Actual Cost

**Administrative fee for Appeals**

\$75

**DOG LICENSES**

Duplicate (replacement) tag	\$6.00
Unaltered and no chip	\$40.00
Altered with no chip	\$15.00
Altered with chip	\$10.00
Senior unaltered one year license	\$10.00
Senior lifetime, with chip and altered	\$20.00

**FIRE HYDRANT METERS**

Short Term Meter (3 days or less)	\$8.00 + usage charges
Long Term Meter (4 or more days)	\$30/month + usage charges
Lost, broken or damaged meter	\$1,100.00

**NEIGHBORHOOD DUMPSTERS**

Deposit (applied to resident's acct when charges are billed)	\$75.00
Delivery & picking-up	\$77.80 + fuel surcharge
Tipping Charge	\$26 / ton

Discounts may be available. Please contact the City for details.

**CEMETERY FEES**

	<b>Resident</b>	<b>Non-resident</b>
Plot - adult (includes perpetual upkeep)	\$450.00	\$950.00
Interment - adult	\$300.00	\$600.00
Plot - infant (includes perpetual upkeep)	\$150.00	\$400.00
Interment - infant/cremains	\$200.00	\$300.00
Plot - cremains (includes perpetual upkeep)	\$250.00	\$500.00
Interment extra fee for evenings/weekends/holidays*	\$200.00	\$250.00
* Evening services are defined as those that are scheduled for 3:30pm or later.		
Disinterment	\$500.00	\$500.00
Cemetery Certificate transfer fee- resident to non-resident within 1 year of purchase	\$100.00	
All other certificate transfers	\$10.00	\$10.00
Gravesite Marker (for second and each additional time)	\$25.00	\$25.00

**BUILDING RENTAL FEES**

	<b>Resident</b>	<b>Non-resident</b>
Refundable cleaning & security deposit - no food	\$50.00	\$50.00
Refundable cleaning & security deposit - food served	\$250.00	\$250.00
Room Rental / per hour	\$35.00	\$50.00
Room Rental / per hour Government Agencies	\$35.00	\$35.00

**LEGAL DEPARTMENT DISCOVERY FEES**

Copies (first 10 pages)	\$5.00	
Copies (11 plus pages)	\$0.25/page	
Photos (color copies)	\$2.00/page	
DVDs/Video/Audio Recordings (Copies)	\$20.00/each	

**MISCELLANEOUS**

Returned payment	\$20.00	
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2 June 2015

Clearfield City  
55 South State Street  
Clearfield, Utah 84015

Attn: Mayor Mark Shepherd and City Council  
Proj: **2015 Road Maintenance Project**  
Subj: Bid Results, Bid Proposal Tabulation & Recommendation

Dear Mark Shepherd and Council Members,

The “Bid Opening” for the above referenced project was conducted this afternoon. The lowest responsible bidder is Consolidated Paving & Concrete Inc., of Ogden, Utah.

Enclosed are the “Bid Results” and “Bid Proposal Tabulation”. Consolidated Paving & Concrete Inc. bid was reviewed and found to meet the bidding conditions required in the Contract Documents.

Since Consolidated Paving & Concrete Inc.’s bid is the low bid for the advertised project, and their bid meets the conditions of the Contract Documents, I herewith recommend award of the above referenced project in the amount of \$273,343.45 to Consolidated Paving & Concrete Inc.

Should you have any questions or desire additional information concerning the contractor or his bid, please feel free to contact our office at your earliest convenience.

Sincerely,  
**CEC, Civil Engineering Consultants, PLLC.**



N. Scott Nelson, P.E.  
*City Engineer*

Cc: Scott Hodge – Clearfield City Public Works Director  
Nancy Dean – Clearfield City Recorder

## BID RESULTS

# 2015 Road Maintenance Project

OWNER: CLEARFIELD CITY

ENGINEER: CEC, CIVIL ENGINEERING CONSULTANTS, PLLC.

BID DATE: June 2<sup>nd</sup> 2015

TIME: 2:30 PM

BID LOCATION: Clearfield City Offices  
55 South State Street; 3<sup>rd</sup> Floor  
Clearfield, Utah 84015

BIDDERS NAME	ADDENDUM	BID BOND	BID AMOUNT
Consolidated Paving & Concrete, Inc.	N/A	5%	Standard weight chip and Unreinforced road - \$314,086.40
			Light weight chip and Unreinforced road - \$302,183.90
			Standard weight chip and Reinforced road - \$285,245.95
			Light weight chip and Reinforced road - \$273,343.45
Staker Parson Companies	N/A	5%	Standard weight chip and Unreinforced road - \$301,903.00
			Light weight chip and Unreinforced road - \$320,998.00
			Standard weight chip and Reinforced road - \$277,713.75
			Light weight chip and Reinforced road - \$296,808.75
Post Asphalt Paving & Construction	N/A	5%	Standard weight chip and Unreinforced road - \$351,005.00
			Light weight chip and Unreinforced road - \$346,155.00
			Standard weight chip and Reinforced road - \$319,796.75
			Light weight chip and Reinforced road - \$314,946.75

**BID PROPOSAL TABULATION**

**2015 ROAD MAINTENANCE PROJECT**

**BID DATE:** June 2, 2015

**OWNER:** Clearfield City

**PUBLIC WORKS DIRECTOR:** Scott Hodge

Bid Item	Description	Quantity	Unit	Consolidated Paving & Concrete, Inc. 1705 W. 2450 S. Ogden, Utah 84401		Staker Parson Companies 2350 S. 1900 W. Ogden, Utah 84401		Post Asphalt Paving & Construction 1762 W. 1350 S. Ogden, Utah 84401	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1.	Mobilization & traffic control.	1	ls.	\$28,548.75	\$28,548.75	\$27,165.85	\$27,165.85	\$10,000.00	\$10,000.00
<b>Bid Items 2 through 4: General roads in Clearfield City.</b>									
<b>Alternate bid items:</b>									
2a.	"Standard weight" chip seal and fog coat. (approximately 51,750 square yards)	1	ls.	\$129,892.50	\$129,892.50	\$123,525.00	\$123,525.00	\$142,000.00	\$142,000.00
2b.	"Light weight" chip seal and fog coat. (approximately 51,750 square yards)	1	ls.	\$117,990.00	\$117,990.00	\$142,620.00	\$142,620.00	\$137,150.00	\$137,150.00
3.	Type II slurry seal on Cemetery Roads.	1	ls.	\$9,545.00	\$9,545.00	\$9,158.00	\$9,158.00	\$9,000.00	\$9,000.00
4.	Install roadway striping and roadway messages - Cemetery Roads.	1	ls.	\$402.50	\$402.50	\$275.80	\$275.80	\$500.00	\$500.00
<b>Bid Items 5a through 18: Chelmes Way Road Reconstruction.</b>									
<b>Option A: Unreinforced road section reconstruction - bid items 5a through 7a.</b>									
5a.	Saw cutting, removal and disposal of asphalt surfacing, roadbase and sub-base grade. (approximately 2,385 square yards)	1,525	cy.	\$22.89	\$34,907.25	\$22.25	\$33,931.25	\$18.00	\$27,450.00
6a.	Furnish and install untreated roadbase, 6" thick.	850	ton.	\$19.76	\$16,796.00	\$19.40	\$16,490.00	\$23.00	\$19,550.00
7a.	Furnish and install granular borrow material, 13" thick.	1,660	ton	\$19.13	\$31,755.80	\$17.05	\$28,303.00	\$20.00	\$33,200.00
<b>Sub-total Option A:</b>				<b>\$83,459.05</b>		<b>\$78,724.25</b>		<b>\$80,200.00</b>	

Bid Item	Description	Quantity	Unit	Consolidated Paving & Concrete, Inc. 1705 W. 2450 S. Ogden, Utah 84401		Staker Parson Companies 2350 S. 1900 W. Ogden, Utah 84401		Post Asphalt Paving & Construction 1762 W. 1350 S. Ogden, Utah 84401	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
<b>Option B: Reinforced road section reconstruction - bid items 8b through 10b.</b>									
8b.	Saw cutting, removal and disposal of asphalt surfacing, roadbase and sub-grade. (approximately 2,385 square yards)	860	cy.	\$23.03	\$19,805.80	\$22.35	\$19,221.00	\$11.00	\$9,460.00
9b.	Furnish and install untreated roadbase material, 9" thick.	1,265	ton	\$19.52	\$24,692.80	\$19.60	\$24,794.00	\$22.95	\$29,031.75
10b.	Furnish and install Tensar grid TX-7 Geogrid. (approximately 2,385 square yards)	1	ls.	\$10,120.00	\$10,120.00	\$10,520.00	\$10,520.00	\$10,500.00	\$10,500.00
<b>Sub-total Option B:</b>				<b>\$54,618.60</b>		<b>\$54,535.00</b>		<b>\$48,991.75</b>	
11.	Removal and disposal of existing curb and gutter.	30	lf.	\$14.73	\$441.90	\$35.25	\$1,057.50	\$500.00	\$15,000.00
12.	Furnish and install concrete curb and gutter.	30	lf.	\$33.13	\$993.90	\$35.30	\$1,059.00	\$1,000.00	\$30,000.00
13.	Furnish and install bituminous asphalt paving materials - 4" thick.	650	ton	\$64.30	\$41,795.00	\$58.75	\$38,187.50	\$66.00	\$42,900.00
14.	Mill roadway surface.	750	sy.	\$4.58	\$3,435.00	\$6.80	\$5,100.00	\$6.50	\$4,875.00
15.	2.5-inch asphalt overlay.	120	ton	\$68.44	\$8,212.80	\$66.55	\$7,986.00	\$89.00	\$10,680.00
16.	Adjust manhole ring and cover to finish grade.	4	ea.	\$862.50	\$3,450.00	\$1,103.00	\$4,412.00	\$595.00	\$2,380.00
17.	Adjust valve box ring and cover to finish grade.	6	ea.	\$517.50	\$3,105.00	\$783.40	\$4,700.40	\$395.00	\$2,370.00
18.	Install roadway striping and roadway messages - Chelmes Way.	1	ls.	\$805.00	\$805.00	\$551.70	\$551.70	\$1,100.00	\$1,100.00
<b>TOTAL BID:</b>									
standard weight chip (bid item 2a) & unreinforced road (option A):				<b>\$314,086.40</b>		<b>\$301,903.00</b>		<b>\$351,005.00</b>	
light weight chip (bid item 2b) & unreinforced road (option A):				<b>\$302,183.90</b>		<b>\$320,998.00</b>		<b>\$346,155.00</b>	
standard weight chip (bid item 2a) & reinforced road (option B):				<b>\$285,245.95</b>		<b>\$277,713.75</b>		<b>\$319,796.75</b>	
light weight chip (bid item 2b) & reinforced road (option B):				<b>\$273,343.45</b>		<b>\$296,808.75</b>		<b>\$314,946.75</b>	

Bid Item	Description	Quantity	Unit	Consolidated Paving & Concrete, Inc. 1705 W. 2450 S. Ogden, Utah 84401		Staker Parson Companies 2350 S. 1900 W. Ogden, Utah 84401		Post Asphalt Paving & Construction 1762 W. 1350 S. Ogden, Utah 84401	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
	Surety Company  City, State Bid Security - Bid Bond Amount Contractor's License Number			The Guarantee Company of North America, USA  Southfield, Michigan 5% 261386-5501		Fidelity and Deposit Company of Maryland  Baltimore, Maryland 5% 4910822-5501		The Guarantee Company of North America, USA  Southfield, Michigan 5% 321927-5501	

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY  
MEETING MINUTES  
7:00 P.M. POLICY SESSION  
May 26, 2015

*(This meeting was held following the regularly scheduled City Council Meeting.)*

PRESIDING:	Bruce Young	Chair
PRESENT:	Keri Benson	Director
	Kent Bush	Director
	Ron Jones	Director
	Mike LeBaron	Director
	Mark Shepherd	Director
STAFF PRESENT:	Adam Lenhard	City Manager
	JJ Allen	Assistant City Manager
	Brian Brower	City Attorney
	Greg Krusi	Police Chief
	Scott Hodge	Public Works Director
	Scott Hess	Development Services Manager
	Curtis Dickson	Community Services Deputy Dir.
	Rich Knapp	Administrative Services Director
	Nancy Dean	City Recorder
	Kim Read	Deputy City Recorder
EXCUSED:	Eric Howes	Community Services Director

VISITORS: Brad Lasater, Leasa Socchi, Brent Allred, Nike Peterson, Kyle Jones, Bob Bercher, Verlan E. Robinson, Kathryn Murray, Con L. Wilcox, Jeri Wilcox, Rick Scadden, John W. Hansen.

Chair Young called the meeting to order at 8:25 p.m.

APPROVAL OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) MINUTES FROM THE MAY 12, 2015 POLICY SESSION

**Director Shepherd moved to approve the Clearfield Community Development and Renewal Agency (CDRA) minutes from the May 12, 2015 policy session as written, seconded by Director Jones. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.**

APPROVAL OF THE REAL ESTATE PURCHASE AGREEMENT FOR THE SALE OF PROPERTY LOCATED AT 50 SOUTH DEPOT STREET (TIN: 12-001-0193), 70 SOUTH DEPOT STREET (TIN: 12-001-0103), AND APPROXIMATELY 100 SOUTH STATE STREET (TIN: 12-001-0175) TO BAHIANO HOLDINGS FOR THE PURPOSE OF REDEVELOPMENT.

The Clearfield CDRA acquired three parcels of property over recent years in order to facilitate redevelopment in downtown Clearfield. Bahiano Holdings offered to purchase the property at the price of \$450,000 (for all three parcels combined), and had proposed a mixed-use project consisting of a 4-story building with approximately 120 residential units, an underground parking garage, and approximately 4,500 square feet of retail space. The land use approval process for the proposed project would be progressing over the next few months.

JJ Allen, Assistant City Manager, reminded the CDRA it owned three separate parcels across the street from City Hall for future development. He stated the City desired all parcels be developed as one project and listed the properties for sale approximately one year ago. He reported Bahiano Holdings made an offer on the property and over the course of several months several addendums were negotiated for the purchase contract. He stated the most recent addendum reduced the purchase price to \$450,000 in recognition of the fact the project needed to be built on piers due to soil conditions. He indicated this was the final approval of the Real Estate Purchase Contract which was scheduled to close no later than Saturday, June 20, 2015.

Mr. Allen stated there was one vacant building which would need to be demolished, the old Taco Time, and Clearfield Auto Parts was still in operation and would need to relocate. He indicated it had been made aware of the sale of the property and added staff was unaware of their plans at this time. He mentioned the lease on that building as well as the Reagan Billboard lease would be assumed by the buyer. He stated it was staff's recommendation to approve the Real Estate Purchase Contract.

Director Bush inquired if the funds would go to a specific RDA area. Mr. Allen responded those funds would go toward RDA #7.

**Director LeBaron moved to approve the Real Estate Purchase Contract (together with its five addenda) with Bahiano Holdings for the sale of property located at 50 South Depot Street (TIN: 12-001-0193), 70 South Depot Street (TIN: 12-001-0103), and approximately 100 South State Street (TIN: 12-001-0175) for a price of \$450,000, and authorize the Chair's signature to any necessary documents, seconded by Director Shepherd. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.**

There being no further business to come before the Community Development and Renewal Agency, **Director Bush moved to adjourn as the Community Development and Renewal Agency and reconvene in a work session as the City Council at 8:30 p.m., seconded by Director Benson. The motion carried upon the following vote: Voting AYE – Directors Benson, Bush, Jones, LeBaron and Shepherd. Voting NO – None.**