

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
September 19, 2017

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Bruce Young	Councilmember
STAFF PRESENT:	JJ Allen	Assistant City Manager
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Eric Howes	Community Services Director
	Spencer Brimley	Development Services Manager
	Stacy Millgate	Customer Service Center Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder
EXCUSED:	Adam Lenhard	City Manager

VISITORS: John Janson – Civil Solutions Group (CSG), Jake Young – CSG, Kathryn Murray, Robert Stotts, McKayla Reel

Mayor Shepherd called the meeting to order at 6:00 p.m.

DISCUSSION ON THE FORM-BASED CODE PROJECT AND PROCESS FOR CREATING ZONING REGULATIONS FOR THE DOWNTOWN AREA CONSISTENT WITH THE SMALL AREA PLAN

Spencer Brimley, Development Services Manager, introduced Jake Young with Civil Solutions Group and John Janson with the Utah American Planning Association (APA). He shared a video clip with Mayor Shepherd introducing form based code and requesting feedback and input in an effort to get people involved in the process. He explained the video would be ready for release following a segment on Facebook Live where the form based code project would be introduced to the public.

Mr. Brimley stated in 2015, Wasatch Front Regional Council (WFRC) awarded a grant to the City to explore and create a plan for the redevelopment of the downtown area from 300 North to 700 South. He continued due to staffing changes the process was not completed until the end of 2016 then the Council adopted the Downtown Small Area Plan (SAP) as part of its General Plan in March of 2017. He explained the next step in the process was to explore the creation of a form based code. He stated the City applied for and was awarded some grant funding to develop a

form based code. He indicated the project would be funded by the City (\$20,000) and WFRC (\$50,000). He stated Civil Solutions Group (CSG) had been selected as the consultant for the project.

Mr. Brimley stated the purpose of the form based code was to create opportunities for the future development of downtown areas that under traditional zoning regulations had not been realized. He indicated the City had been working with the consultants to create a steering committee consisting of members of the Council, Planning Commission, City staff, business owners and land owners to help identify and analyze what needed to be included in the code. He commented it was not the intent of staff to duplicate the efforts that created the SAP; but rather, implement public outreach through educational pieces, workshops, and interaction on social media.

Councilmember Phipps commented he had not anticipated that the creation of a form based code was being driven by the decisions made during the process that created the SAP. JJ Allen, Assistant City Manager, indicated the report included with the SAP had an implementation section near the end of the document that identified the development of the form based code as one of the key tools that could be used to implement the plan. He explained when the City originally applied for the grant it had intended for one grant to cover both processes, but the funding limitations at the time did not provide for a single process. He continued given the limitations, the City developed the SAP and applied for another grant with the hope of funding the form based code as an implementation tool. He stated sometimes plans were developed but never implemented. He added staff wanted to create opportunities for the City's future by exploring and implementing the key elements of the SAP.

Councilmember Young stated the development of the SAP had been a long process and form based code was discussed early in the process. Councilmember Phipps commented the process had already begun when he took office. He expressed his appreciation for the process used to develop the SAP. He expressed concern that the form based code's relevancy to the implementation of the plan was not fully explained to residents who were involved in the process. He commented he was remaining open minded about form based code, but was cautious about whether form based code was the best or only approach to zoning. Mr. Allen added it was not the only way to approach zoning but was a piece of the puzzle described in the SAP.

Councilmember Roper added he had recently attended some training provided by the Utah League of Cities and Towns (ULCT) on form based code that helped him feel more comfortable with its approach to zoning. He stated he was excited about trying to use it as a tool for development in Clearfield.

John Janson, consultant, reiterated plans were often developed and then placed on the shelf. He commented implementation of a plan was the best way to keep a community moving forward. He discussed the differences between form based code and traditional zoning.

Mr. Janson stated form based code act as a regulating plan for development that set public standards (place making) and building standards (architectural). He added that form based code's intent was to regulate land development with the most emphasis on controlling urban form and less emphasis on controlling land uses. He explained traditional zoning focused on the

development of a parcel rather than a place. He explained the primary components of a form based code included a defined vision or purpose for streets, public realms (curb to the building areas), buildings, open spaces and parks, landscaping, parking issues, signs, and then land uses. He indicated the land uses were addressed through broad categories. He stated when broad categories were used it was also necessary to have a prohibited uses list.

Mr. Janson explained traditional zoning was more reactive than form based code which was more of a proactive approach. He commented it was more difficult to mix uses through traditional zoning as well as address some uses that did not work in all areas zoned a particular way. He stated traditional zoning was more difficult to apply to density and design issues. He added traditional zoning addressed the development of individual parcels rather than place making.

Mr. Janson reported WFRC had spent a few years developing a guide called Template Form Based Code for Centers & Corridors along the Wasatch Front. He stated its intent was to be used as a guide for communities to cater form based code to their particular situations. He said it had been successful in assisting several communities with their efforts to implement form based code. He noted often communities hired consultants to develop form based code because staff had limited time to apply to the process. He explained form based code was being used in West Valley City, Salt Lake City, North Ogden, North Logan, Vineyard, Provo, South Salt Lake Logan, Sandy, as well as other communities along the Wasatch Front. He commented each application had been custom designed for each community. Mr. Allen asked if the process was used for specific corridors rather than the entire community. Mr. Janson stated the main emphasis of the form base code's template was to address town centers and corridors.

Mr. Janson reviewed some of the challenges to the development of a form based code. He indicated the development of the plan took a lot of time and required intensive staff review. He stated it was important to include and train elected and appointed officials. He also commented it might be difficult to get the community to accept identifying more permitted uses rather than conditional uses. He noted the State of Utah was pushing more communities to that type of format for zoning regulations. Mr. Janson indicated a form based code was better at getting developers involved in implementing the vision created by the SAP. He also provided examples showing how other communities had implemented form based code. He commented that there were misconceptions that form based code did not address weird buildings, uses, or that they had to be applied to entire communities. He noted it was important to develop the list of prohibited uses.

Mr. Janson stated it was best for communities to consider place making when developing a form based code. He suggested a focus on design was important. He commented it was important to invite the development community to participate in the process as well as elected and appointed officials and the public. He explained the form based code process for Clearfield would look at the nodes identified in the SAP: Civic Center, Mabey Place, and Access Point on the south end of the City. He indicated each area would be distinct.

Councilmember Phipps asked how a form based code provides cohesiveness for the community when parcels were independently owned and separately developed. Mr. Janson explained that

each developer would be doing a piece of the puzzle. Councilmember Phipps asked how that was regulated. Mr. Janson explained the form based code identified consistent, specific features for trees, lights, width of sidewalks, building setbacks, and possibly other criteria that tied the area together. Councilmember Phipps agreed that the approach would potentially blend the development aesthetically but the uses might be similar rather than a mix that established a community. He used the example of the buildings looking aesthetically pleasing but their use was strictly apartments rather than a walkable, place making development that drew the community as a whole to it. He asked how the City would insure variety if it had no control over the permitted uses. Mr. Janson explained that permitted uses were still part of the equation in form based code. He provided the example of creating mixed use by requiring the first floor of each building to be strictly commercial uses and requiring the creation of plazas and open space.

Mr. Allen asked how Salt Lake City used a point system to encourage the mixing of uses. Mr. Janson explained Salt Lake City set up an incentive-based point system for the standards outlined in its form based code, i.e. use and architectural design. He continued if a developer scored enough points using that system, planning commission approval was not required. JJ suggested if Clearfield determined to use a point system, more points could be awarded for commercial development in an effort to discourage only residential development. Mr. Janson suggested that building type was a form of control that could be used to address use such as requiring the first floor of buildings to be strictly commercial development.

Councilmember Phipps expressed concern about focusing too much on look over use. He stated the Council's view of the Mabey Place node was to create a destination where people had multiple options available to them when gathering there. Mr. Janson explained the focus for that area would need to be how to make those connections near the pond, across the plaza, and close to the street. Councilmember Phipps asked if density criteria was still part of the development of the form based code. Mr. Allen suggested it might be necessary to establish density criteria in combination with commercial components in order to create the types of places envisioned by the Council. Jake Young, consultant, suggested it might be necessary to establish density minimums and maximums in order to establish destinations. He stated residential use was an important component to the success of those types of developments.

Councilmember Phipps expressed his concern that form based code took power away from elected officials, and thereby the people of the community, in preventing the development of less desirable uses. He suggested traditional zoning appeared to allow more control for the community while form based code appeared to allow more control for the developers.

Councilmember Young expressed his opinion that a form based code more fully empowered the community as opposed to traditional zoning that typically addressed use and not form. He agreed it was important not to ignore the non-form aspects in the process. Mr. Janson indicated the process to create the form based code was the best time for the public to weigh in on those types of issues. Councilmember Young expressed his opinion the process empowered the City by more clearly defining the standards that would be applied to future development. Councilmember Bush agreed and added the City would set the standards thereby controlling the process. Mr. Allen added the success of the process was in establishing a vision and then advocating for it when challenged.

Councilmember Young expressed concern about controlling the vision when developers came and only wanted to provide the residential component of the plan and then nothing more ever gets developed. Mr. Brimley stated over the years commercial development had really struggled in Clearfield. He explained the City needed to find balance. He suggested form based code was a process that could help establish balance but there would need to be a shift toward form, function, and design opportunities while allowing some flexibility. He admitted it was also a change in mindset. He stated form based code provided predictability for developers. He expressed his opinion that creating a form based code opened the door for establishing the vision that was identified in the SAP. Councilmember Young stated he was in favor of establishing a form based code, but wanted to be sure the process addressed all the potential hazards. Mr. Brimley agreed. Councilmember Young still expressed concern about the possibility that housing would develop without the commercial component of the plan. Mr. Allen explained the SAP specifically addressed what types of development the City would incentivize and what it would not put its resources toward. He suggested the City could impact commercial development through its financial tools. Councilmember Phipps reiterated his concern that residential development encouraged by the form based code could impact the implementation of the vision identified in the SAP.

Councilmember Phipps stated he was not yet converted to a proposal that abandoned use. Councilmember Roper commented it really was a different way of approaching development. He expressed his opinion that it gave the City the opportunity to be bold with its vision. Mayor Shepherd added the current discussion was the beginning of a long process to identify how to create the vision in the SAP. He added the Council would have final consideration for adoption of the final product. Councilmember Bush added use may not be the primary consideration but it would be addressed in the document. Mr. Brimley explained the form based code provided the City with predictability for its vision. He asked the Council to bring its concerns to the process so that they could be addressed and mitigated as much as possible.

Mr. Allen suggested if the City continued to approach the redevelopment of downtown as it had in the past, nothing would change and the corridor would continue to decline. He agreed with Councilmember Roper's assessment that form based code gave the City the opportunity to be bold. He stated there would be some risk associated with the implementation of the vision but the City could be calculated and careful in how it addressed those risks in order to enhance the best possible outcome. Councilmember Phipps expressed his opinion that form based code was not the only way to entice redevelopment. He expressed concern with the idea that the corridor might become lined with apartment buildings.

Councilmember Peterson stated she was interested in developing a form based code over traditional zoning. She liked the idea of addressing the development of specific areas with specific rules and traditional zoning didn't allow for that. She agreed there would need to be oversight and the Council would need to be heavily involved through the whole process. Councilmember Roper stated he liked how form based code allowed the City to dictate development in specific areas. Councilmember Bush commented it was also be important to address the development of properties in between the nodes. Mr. Janson agreed and indicated those areas would be part of the conversation. Mr. Allen shared the intent of the process was to

craft a code that would plug loopholes and mitigate risk while producing a positive outcome for the City.

Councilmember Phipps suggested a field trip would be a good exercise in exploring how the implementation of a form based code worked in other areas with similar problems to Clearfield. Mr. Janson agreed and commented those field trips could be arranged.

DISCUSSION ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2016-2017 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REVIEW (CAPER)

Stacy Millgate, Customer Service Center Manager, acknowledged meeting with Councilmembers Peterson and Roper last week to review the Consolidated Annual Performance Evaluation Review (CAPER). She indicated the public comment period on the plan expired on September 18, 2017 and no comments were received. She explained the report was standard form that the Department of Housing and Urban Development required of all jurisdictions receiving CDBG funds. She pointed out the plan year included documentation for the implementation of some new programs by the City: emergency home repair, housing rehab, and the purchase of a vacant lot for the construction of single family home.

Councilmember Phipps asked why the report did not identify Doxey Elementary as an elementary school in the City when there were a significant number of Clearfield children attending that school. Mayor Shepherd replied Doxey was not mentioned because it was outside City boundaries so it could not be included. He also referred to the number of individuals in crisis being supported by some of the sub-recipients. He asked if that number represented individual residents or visits. Mayor Shepherd replied the number represented individual residents in Clearfield who received services.

There was a discussion about the financial statements and the billing and allocating of funds, project costs, the number of people being served by the funding, regional problems, specific wording required by HUD, the Citizen Participation Plan, how to best benefit those utilizing the funds, and the possibility that CDBG funding would continue in the future.

Councilmember Young asked how well the emergency home repairs program was being used. Ms. Millgate indicated calls were beginning to come in regarding that program. She explained it took about nine months to get the program set up and now the City was in the process of determining the best way to market the program. Trevor Cahoon, Communications Coordinator, commented that some of the residents that would benefit from the program might not have computers so marketing would also be directed to schools and churches.

Councilmember Peterson asked to see the reports and plans referred to in the plan that predated some of the members of the Council. JJ Allen, Assistant City Manager, commented staff would provide copies of those documents in the Council packet. He added a couple of those documents would need to be updated in the future.

Councilmember Peterson pointed out the report asked how the outcomes of current programs would impact future action plans and the City's response indicates it will stay the course. She

disagreed with that assessment and suggested there might be additional opportunities to broaden the City's reach with the funding in the future. Mayor Shepherd commented the sub-recipient groups tend to remain the same because those groups reach the most people. Councilmember Peterson agreed the sub-recipient list would likely not change but she hoped the use of the remaining funds would be addressed annually. She commented the City's responses in the document might not be sufficient given the implied level of commitment to particular concepts identified in the report. She suggested the City review its responses and make sure the requirements were met, broadened, or removed from the report entirely.

There being no further business to come before the Council, **Councilmember Young moved to adjourn at 8:05 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Young. Voting NO – None.**

**APPROVED AND ADOPTED
This 14th day of November, 2017**

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, September 19, 2017.

/s/Nancy R. Dean, City Recorder