

CLEARFIELD CITY COUNCIL AND PLANNING COMMISSION
JOINT MEETING MINUTES
6:00 P.M. WORK SESSION
July 30, 2019

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Nick Porter	Management Intern
	Trevor Cahoon	Communications Coordinator
	Kellie Bybee	Communications Assistant
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

PLANNING COMMISSION MEMBERS: Brady Jugler – Chair, Kathryn Murray, Nicole Bigelow, Robert Browning, David Bloomfield, Chris Uccardi

VISITORS: Bryan Turner – Davis County School District, Adam Zetterquist – Design West Architects, Keni Althouse – Design West Architects, Michael Rolow, Susie Petheram, FFKR Architects, Cheryl Phipps – Davis County School District

Mayor Shepherd called the meeting to order at 6:03 p.m.

PRESENTATION BY THE DAVIS SCHOOL DISTRICT ON THE PLANS TO REBUILD SOUTH CLEARFIELD ELEMENTARY LOCATED AT 990 EAST 700 SOUTH

Brian Turner, Davis County School District, introduced Adam Zetterquist and Keni Althouse with Design West Architects and welcomed Cheryl Phipps one of the District's board members. He explained there was new growth expected for the area; consequently, the District would be rebuilding South Clearfield Elementary to allow for the anticipated increase in students. Ms.

Althouse reviewed the site plans and explained the challenges associated with its design due to the restrictions of its surroundings. Mr. Zetterquist highlighted the building design, utilization of space, elevations and constraints of the project. There was a discussion about the project including the differences in capacity, parking, drop off queuing; as well as the project's schedule; notification process for neighbors; and anticipated impacts due to construction.

Commissioner Uccardi asked what the current and projected student capacity was for the school. Mr. Turner responded the current number of students was around 600 but the capacity of the new design would allow for up to 900 students.

Councilmember Peterson wondered how the District would accommodate for the parking during the construction period. Mr. Turner explained the District planned to construct an overflow parking area on the property to the east at the north end of the high school property for teachers to use during the construction period and following the completion of the project the overflow parking would be utilized by Clearfield High School for additional parking.

Commissioner Browning questioned how the parent drop off area would be impacted during the construction. Ms. Althouse answered the current drop off would still be accessible during the construction.

Councilmember Phipps asked what the planned schedule would be for the project. Mr. Turner indicated the contractor selection should be completed by August 9, 2019, and designs would be completed by the end of October, bidding in November with a ground breaking planned for December 2019. He reported the construction should begin in 2020 followed by demolition of the existing school. He anticipated the project would be completed so the school would be functional by the beginning of the school year in 2021.

Councilmember Peterson questioned how much queuing in the drop off area would be available with the new design in comparison to its current configuration. Ms. Althouse responded there was space for six to seven cars now but there should be enough room for about 30 vehicles to que in drop off area once the project was completed.

Councilmember Peterson wondered how the District worked with surrounding homes or businesses to inform them of the project and its process. Mr. Turner explained there would be an open house held and neighbors would be invited. He noted the biggest anticipated challenge would be finding an area for the contractor to stage during the construction period; however, it was likely a portion of the playground would be utilized.

Councilmember Bush asked if there would be any disruptions with any after school programs. Mr. Turner did not think the construction would impact any of the school's programs.

Commissioner Bigelow wondered if the District had plans to expand any of the other schools in the City. Mr. Turner responded rebuilding South Clearfield Elementary was the last project on the list to utilize the funding obtained through the District's last bond, but growth and need would continue to be evaluated throughout the District.

Mayor Shepherd reported the new design would impact the City's Fourth of July fireworks display, so in future meetings there could be a discussion on how to address the impacts as the City moved forward with its planning of the event.

Councilmember Thompson asked how the new design would impact emergency efforts. Mr. Turner highlighted the design features that would allow for safety of the students and faculty. There was a discussion about whether or not the school would be renamed and its process. Cheryl Phipps commented if the school was renamed, Clearfield would be the only city in the District not recognizing the city's name in an elementary school. Mayor Shepherd suggested the school could be changed to Clearfield Elementary rather than South Clearfield Elementary.

DISCUSSION ON AMENDMENTS TO THE FORM-BASED CODE

Brad McIlrath, Senior Planner, introduced Susie Petheram with FFKR Architects, who was working on amendments to the City's Form Based Code (FBC). He provided background information on the creation of the original Form Based Code, which had been developed as a result of one of the goals in the Downtown Clearfield Small Area Plan. That goal was to modernize downtown zoning and the implementation of FBC was the strategy to accomplish it. He explained the implementation of the original FBC identified there were needed revisions in order to meet the original vision. He stated FFKR Architects was selected after the City completed a Request for Proposal. (RFP) for the project. He indicated the recommended amendments should be ready for the Council's review by the end of October 2019.

Mr. McIlrath reviewed the adopted zoning designations for properties within the FBC area. He acknowledged there was currently a lot of residential development taking place in specified areas because of market demand. He highlighted the areas designated as the Town Commerce (TC) zone. He explained the Depot Crossing project on 700 South was in the TC zone and would be developing both commercial and residential projects. He informed the Council that it would be reviewing a proposed development agreement for the site in the near future because the commercial project needed to begin construction prior to the residential portion's development.

Planning Commissioner Uccardi asked if those types of requirements for the TC zone were already in the current FBC or if they would be allowed through development agreements. Mr. McIlrath said it was currently part of the FBC, but staff anticipated changes to the TC zone as part of the update. He indicated staff was currently studying whether there should be any residential along 700 South.

Councilmember Bush acknowledged the efforts made in developing the current FBC. He agreed there were areas where the zoning should be further studied because the current designation did not appear to fit the overall goal. He cited the probable expansion of Dicks Boat Shop as a good example of that problem. He suggested that property might be better zoned as Corridor Commerce (CC) since it was a corner piece, which would also allow a single story building. He commented it was important to not be too strict but include as part of the review what type of zoning was appropriate for individual lots. Councilmember Peterson commented the City wanted to be sensitive to long time businesses but cautioned about the perception of spot zoning. She added the City spent considerable time reviewing how specific areas would develop and what

zoning designations should be applied. She suggested it was bad policy for the City to disrupt what was best for an entire area because of one lot. She acknowledged it was a balancing act and suggested it might be more appropriate to deal with the unique characteristics of a lot through a development agreement rather than a spot zone in the middle of a specific area. Councilmember Bush commented he was only talking about the corner parcel which would extend the CC zone just a little further than currently designated. Mr. McIlrath responded zoning designations would be part of a larger discussion with the City Council in the near future.

Mr. McIlrath stated the strength of a form based code was regulating the public realm and its relation to the private realm. He reviewed potential changes:

- Reviewing zoning designations and their placements.
- Matching zoning on each side of a street when trying to create a specific look and feel.
- Looking at building types and whether they should be expanded.
- Reviewing other areas that might need to be included or excluded from the FBC.
- Basic changes to the chapters and document layout. There was consensus that the new format for the document was a positive change.

Councilmember Thompson suggested expanding the pedestrian lanes. Mr. McIlrath explained there had been some discussion with the Utah Department of Transportation about that possibility and it appeared to be likely. There was a discussion about how that would add barriers that would act as a physical separation for pedestrian and vehicular traffic.

Mr. McIlrath shared some examples of proposed streetscape elements, urban landscaping options, and the possibility of allowing shared public and private spaces. There was a discussion specific to streetscape elements, urban landscaping, public and private spaces, and the possibility of establishing a fee in lieu for streetscape and open space. The fee in lieu option would allow developers to pay a fee to the City that would then be used for streetscape and open space development. The following points were discussed specific to establishing a fee in lieu streetscape option:

- The determination of a fee in lieu was proposed to be based on a calculation tied to the lineal frontage of a development.
- Another option would be to have the developer develop the streetscape and open space that would then be transferred to the City for maintenance.
- There was a general sense that a fee in lieu option could be a good way to create a consistent and common approach to streetscape and open space no matter which properties were being developed or by whom.
- The downside to a fee in lieu option might be costs escalating while the City waited for enough money to make the desired improvements.
- There was a suggestion to require powerlines be buried at the time of development to enhance the streetscape. It would be an expensive undertaking for the developer but doable.
- There was a desire to create landscaping and open space through a fee in lieu in a way that made it usable space as opposed to creating it just to meet a requirement.

There appeared to be consensus about proceeding with establishing a fee in lieu for streetscape, landscaping, and open space. There also appeared to be consensus with the idea of creating a common streetscape to revitalize an area.

Mr. McIlrath discussed the options for buildings in the FBC. He highlighted the following considerations:

- Siting / Location
- Form / Massing
- Details / Openings
- Materials / Look

Mr. McIlrath commented it was important to consider how each item listed interacted with the public realm. Susie Petheram, FFKR Architects, added it was important to consider what products had longer permanence as far as location, height, and materials when talking about building types. Mr. McIlrath suggested the City be more open than restrictive on design features. There was a discussion about streetscape and the importance of working with UDOT to determine appropriate widths and features to accommodate bike lanes, maintenance, and sufficient space to not hamper rights-of-way and plowing issues. There was also a discussion about street frontage, consolidation of driveways, movement of traffic, intensity, pedestrian traffic, and mobility.

Mr. McIlrath discussed zoning and districts in the FBC. He highlighted the following considerations:

- Building Types
- Height / Massing / Siting
- Street Frontage / Streetscape

There was a discussion about expanding the FBC zoning to 650 North for continuity in development, the intensity of different areas, the appropriate designation for the Corridor Commerce (CC) zone, access management points, intersections, crosswalks, and traffic signal locations, all of which were described as important to building types, height, massing, siting, street frontage, and streetscapes. Ms. Petheram explained UDOT required the City to document there was a demand for pedestrian crosswalks because of increased pedestrian traffic. She added that type of documentation would be aided by developing streetscapes and traffic calming features.

Commissioner Uccardi asked what percentage of the FBC was proposed to be zoned Town Residential (TR). Mr. McIlrath estimated the TR zone was proposed for about 50 percent of the area. Councilmember Thompson proposed keeping the TR zone to a medium density product by proposing more of a townhome zone. Mr. McIlrath explained that Wasatch Front Regional Council population predictions suggested the City's corridor would likely become a boulevard with four to five story buildings. He stated it was good planning practice to plan housing on a regional level. Ms. Petheram suggested the City review what building types it would like to see in which areas and that would help address density. She suggested side streets off the main corridor might be a good place for those types of buildings. She stated the City could have that same form but different scale and massing based on where it was in the FBC area.

Councilmember Roper wanted to make sure the determinations considered scaling as part of the evaluation criteria. Commissioner Uccardi added it was important to consider buffering and height restrictions where necessary as well.

Mr. McIlrath pointed out the property behind Kents grocery store was not originally included in the FBC area. He asked if there were any objections to including it. Ms. Petheram stated it was good area for townhome development because it included access to downtown and the Frontrunner Station. There were no objections voiced. Mr. McIlrath asked what zone was preferred for the area around 650 North. There appeared to be consensus to consider the CC zone for that area. Ms Petheram commented that type of zoning would create consistency. Mayor Shepherd commented the area from 300 North to 800 North would have to be redeveloped because there was currently active use of those properties and that was not likely to happen soon but rather in the long term. Mr. McIlrath suggested the benefit was the continuation of the streetscape that would set Clearfield apart from other communities along the corridor.

Mr. McIlrath commented the Downtown Small Area Plan talked about consolidating areas. He asked if a minimum parcel or lot size was something that needed to be addressed in the FBC. Councilmember Peterson responded she wanted to look at that type of requirement. Commissioner Bigelow expressed her concern that the requirement might slow development.

Councilmember Bush asked that balconies be screened when they faced the frontage. Mr. McIlrath responded that could be considered as staff moved further through the process.

The Council and Planning Commission took a break at 7:45 p.m.

The meeting resumed at 7:50 p.m.

OPEN MEETING TRAINING

Nancy Dean, City Recorder; Wendy Page, Deputy Recorder; and Spencer Brimley, Community Development Director, provided a training exercise for the Council and Planning Commission to review and discuss open meeting law in accordance with State Law.

DISCUSSION ON THE MODERATE INCOME HOUSING OBJECTIVES

Spencer Brimley, Community Development Director, stated last month the Council met in a work session to discuss current legislation to identify the appropriate approach for the City regarding moderate income housing and compliance with required laws. He reported the “menu items” had been included with the agenda packet; however, the staff report had identified the four items staff had selected to include in the City’s plan. He explained staff had not yet completed the analysis or pulled that data, but that would be reviewed with the Council in the coming months.

Mr. Brimley pointed out developing the plan would be a legislative matter and asked if the Council had any concerns with the following selected items:

1. (A) rezone for densities necessary to assure the production of moderate income housing

2. (F) allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers
3. (G) encourage higher density or moderate income residential development near major transit investment corridors
4. (L) preserve existing moderate income housing

Councilmember Thompson questioned if the School Board had any projections on the generational increases and felt it could be helpful to obtain information which could be incorporated into planning. There was a discussion about housing stock in the City, the legislation along with its evolutionary process, example legislation from the State of Florida, and the impacts on the school systems from growth. Councilmember Thompson expressed his opinion that the City should explore options similar to the State of Florida so the City's plan could address the issue, lead out for other cities, and find balance related to its housing stock and affordability. Mr. Brimley requested the Council share any reports or information which could assist staff moving forward in developing its plan. Councilmember Thompson asked if it would be possible to get the information used by the School District for growth projections. Mr. Brimley stated it could be possible to get information from the School District and Wasatch Front Regional Council (WFRC) would also have information on growth projections.

Mr. Brimley asked again if there were any concerns with the menu items as outlined. The consensus of the Council was to move forward with those listed. Mr. Brimley highlighted the future meetings planned for discussion on the MIHP. He explained the final completion and adoption should be by December 1, 2019, but if further vetting was necessary there would be time.

Councilmember Peterson asked if the number crunching would be done internally or where the City would obtain its information. Mr. Brimley responded WFRC had a database that could be utilized during the process, but most of the information would come from the Census. He noted there were many data sources that could be used and the plan would be done internally not through a consultant.

DISCUSSION ON AMENDMENTS TO TITLE 11, CHAPTER 4 – CONDITIONAL USE PERMITS (CUPS)

Nick Porter, Management Intern, stated historically Conditional Use Permits were a way to discriminate against certain uses by imposing arbitrary conditions before a permit was granted. He indicated since 2012, the Utah State Legislature had updated the Land Use, Development, and Management Act (LUDMA) section on conditional uses. He explained it required that standards be set forth by the City for each zone and if there were no identifiable standards contained there would not be a basis for denying a permit. He noted staff had been working on updating the conditional use chapter of the City's Code to establish standards required by the State.

Mr. Porter reviewed the proposed changes affecting three sections of the City's Code which included § 11-4-4, § 11-4-5 and § 11-4-6. He pointed out there would be more work necessary to develop standards where there were some gaps. He reported staff felt the reviewed changes were

necessary to comply with State Statutes. Mr. Porter noted the proposed zoning text amendment would be reviewed by the Planning Commission and a recommendation would be presented to the Council in an upcoming meeting.

DISCUSSION ON AMENDMENTS TO TITLE 11 BY ESTABLISHING A CHAPTER TO GOVERN ACCESSORY DWELLING UNITS

Nick Porter, Management Intern, stated in response to the recent discussion on housing affordability, staff researched the possibility of the City allowing Accessory Dwelling Units (ADUs) as a permitted use for single-family residential zones. He explained ADUs were separate dwelling units on single-family lots. He continued ADUs appeared to be a good element that would enhance the City's housing affordability plan. He stated allowing them would also provide homeowners with an avenue to make improvements to their homes or lots while providing a source of revenue. He commented many ADUs were currently being used as mother-in-law apartments. He indicated staff felt it would be a good time to add a chapter to the City Code so the use could be properly regulated.

Mr. Porter reviewed the proposed procedures for allowing the use. He emphasized the use would need to be owner occupied. There was a discussion on the purpose of requiring owner occupancy and its need to protect pride in ownership and preservation of the single family integrity of neighborhoods. There was also a discussion on compliance and enforcement. JJ Allen, City Manager, explained a rental license and inspections would be required.

There was a discussion about the costs associated with building a detached ADU and the costs associated with meeting building codes for an integrated ADU. Councilmember Bush added owners should still be subject to impact fees when developing ADUs.

Spencer Brimley, Community Development Director, explained the City did not want to create a two family dwelling in a single family zone. He continued the City did want to consider a phased opportunity that acknowledged it was currently being done but there were things to be done to protect the owner and the renter. Councilmember Phipps explained rental properties had been a real problem in the past and residents complained about parking and noise issues. He suggested the ordinance was a way to create a framework to enforce the use properly. He expressed concern that establishing procedures might also increase the use and negatively impact neighboring properties. Mayor Shepherd commented the purpose was not to encourage the use but rather to create a mechanism to control it. He suggested owner occupancy made a difference. He added there were still issues to address like sufficient parking. Councilmember Phipps agreed.

Councilmember Peterson commented that growth was coming to the entire community and would trickle down to single family residential properties. She expressed her opinion that allowing ADUs was not encouraging the use but rather helping the City be proactive in addressing legal ways to address it. She commented it did allow a property owner the ability to meet affordability issues and created standards that addressed impacts and safety.

Mr. Porter explained the proposed ordinance also addressed the appearance of ADUs in single family residential neighborhoods to make sure the architecture matched the main dwelling. He continued the setbacks would remain the same as required for the principal dwelling unit and there were size restrictions as well. He also reviewed the entrance and parking recommendations. There was a discussion on appropriate parking regulations. Councilmember Phipps requested the parking requirement not be associated to the availability or location of UTA transit routes.

Mr. Porter stated staff discussed how the utilities should be addressed. He said the recommendation was to prohibit separate utility meters to maintain the single family integrity of the dwelling. There appeared to be consensus for that recommendation.

Mr. Porter addressed the building requirements for firewalls separating each unit. He explained staff was still working on addressing how to bring existing uses into compliance given the cost to install a firewall. He suggested getting existing ADUs into compliance was a priority so it would need to be addressed. There was a discussion about whether to incentivize the compliance or not. Mayor Shepherd expressed his opinion an incentive would be necessary to get compliance.

Councilmember Peterson moved to adjourn at 9:35 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

**APPROVED AND ADOPTED
This 28th day of August, 2019**

/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, July 30, 2019.