



# Planning Commission Agenda

2267 North 1500 West Clinton City, UT 84015

## March 7, 2024

6:00 pm

### I. Call to Order

- a. Invocation or Thought
- b. Pledge
- c. Welcome New Planning Commission Members
- d. Roll Call
- e. Declaration of Conflicts

### II. Business:

1. **Discussion Item Only:** Review of possible amendments to the Subdivision Ordinance (Title 26) in accordance with Utah State law regarding the subdivision review and approval process.
2. **Planning Commission Training:** *A Primer on Public Meetings for Planning Commissioners (Video)*

### III. Other Business

- a. Approval of January 16, 2024 Meeting Minutes
- b. Director's Report
- c. Commission Report

### IV. Adjourn

The order of agenda items may be changed or times accelerated.

### THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS

If you attend this meeting and, due to a disability, will need assistance in understanding or participating, then please notify the Community Development Department at (801) 614-0740 prior to the meeting and we will seek to provide assistance.

# PLANNING COMMISSION MEETING

## DISCUSSION AGENDA ITEM

<b>SUBJECT: <i>DISCUSSION ONLY</i></b> – Review of possible amendments to the Subdivision Ordinance (Title 26) in accordance with Utah State law regarding the subdivision review and approval process.	<b>AGENDA ITEM:</b>  <span style="font-size: 24pt;"><b>1</b></span>
<b>PETITIONER:</b> Peter Matson, Community Development	<b>MEETING DATE:</b> January 2, 2024
<b>RECOMMENDATION:</b> Review and discuss possible updates to the Subdivision Ordinance (Title 26) and provide feedback to staff for ordinance amendments.	<b>ROLL CALL VOTE:</b>  <span style="font-size: 24pt;"><b>N/A</b></span>
<p><b>BACKGROUND:</b>            SB 174 and HB 406 from the 2023 General Legislative Session require all local governments to, among other things, modify their subdivision ordinances to comply with the process described in the statute. More specifically, the proposed changes are intended to meet the requirements of Utah Code Annotated Title 10, Chapter 9a, Part 6 Section 508 and Section 604.</p> <p><b>PROPOSED CHANGES FOR CONSIDERATION:</b></p> <ul style="list-style-type: none"> <li>▪ Local governments must designate an administrative land use authority (<i>may be planning commission for preliminary review, cannot be planning commission for final review</i>).</li> <li>▪ All subdivision approval must conform to a two-step administrative process as outlined below.               <ul style="list-style-type: none"> <li>• <b>Preliminary subdivision application review</b> <ul style="list-style-type: none"> <li>○ The administrative land use authority (<i>municipal staff or planning commissioners</i>) must review the subdivision application within 15 business days of receiving a complete application.</li> <li>○ The administrative land use authority may receive public comment and conduct one public hearing.</li> <li>○ If the application complies with applicable local regulations, it shall be approved and proceed to the second step.</li> </ul> </li> <li>• <b>Final subdivision application review</b> <ul style="list-style-type: none"> <li>○ Local governments must complete a review of applications at this stage within 20 days.</li> <li>○ Local governments may perform up to four review cycles on a given application.</li> <li>○ A review cycle is not considered complete until the applicant has adequately addressed all redlines identified by the municipality.</li> <li>○ Local governments may only add new redlines after the first review cycle in response to changes made by the applicant or if a correction is necessary to protect public health or safety, or to enforce state or federal law.</li> <li>○ If the subdivision application complies with the requirements of the Utah Land Use Development and Management Act (LUDMA), applicable local ordinances, and the preliminary subdivision approval granted, the local government shall approve the application.</li> </ul> </li> </ul> </li> </ul> <p>Staff is working on the specific text modifications to the Subdivision ordinance, which will be the subject of an upcoming public hearing where the Commission will be tasked with preparing a recommendation to the City Council. The attached Subdivision Ordinance Update Audit Checklist is provided as background information to help with the discussion.</p>	



## SB174 Compliance Subdivision Ordinance Update Audit Checklist

### ***Do we have to update our Subdivision Ordinance?***

Yes, State Law changes effective May 4, 2023 but, in a sense, not a lot. Subdivisions are administrative in nature (e.g. there is no discretion – if they meet your ordinances, they get approved). Most of the changes simply reinforced the administrative nature of subdivisions. See new LUDMA [Section 604.1](#). This new law only applies to subdivisions for 1 or 2 family dwellings and townhomes, but it could be useful to generalize this for all subdivisions.

**Step One: Check your current ordinance to see what you may need to modify or update.  
Look for these items.**

**1. Review and Update your process. Designate an administrative land use authority.**

Make sure you have designated in your subdivision ordinance an “administrative land use authority” for preliminary plats. This can be staff or planning commission or a subset of the Planning Commission. This is a local policy decision to make.

Some options to consider: a) preliminary plat can be reviewed by staff, b) the planning commission can review in a public meeting, or a public hearing. If you choose to hold a public hearing please consider what the hearing will add to this administrative fact based process.

Reminder: The Final plat **cannot** be reviewed by Council or Planning Commission (for small towns it could be a subset of the PC). Staff, if you have staff, could manage (and be designated in the ordinance) to be the administrative land use authority to take the process of final subdivision review through the recording process. Then the Mayor signs the final plat, which also dedicates any potential streets.

2. **Remove any mandates for a concept plan review.** In the new law concept plan review cannot be mandated. It can be optional, strongly encouraged and agreed to by the applicant. Since these are administrative approvals, they have no regulatory value. It can be incorporated into the preliminary plat as part of that process but call it something else. Again an applicant may request a pre-application meeting but it **cannot** be mandated.
3. **Define a Complete Application.** Make sure you have clearly defined what a “complete” application is with checklists for both planning and engineering.

## **Step Two. Review process timing issues.**

Reminder: Under the new law, Preliminary and final plats review are the only “steps” allowed within the new subdivision process. Here are the steps to make sure your updated ordinance reflect.

1. **Initial review of preliminary plat.** To be completed within **15 business days** of receiving a **Complete Application**. As mentioned above it is important to assure you have everything required for review before it moves forward in the process.
2. **Review of final plat.** To be completed within **20 days** of receiving the complete application,
3. **Capped Review Cycle.** There is now a maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.
4. **Agreed upon changes.** The Applicant must respond to required changes. If he/she disagrees with those issues, those must be committed in writing.
5. **Lot line adjustments.** Changes were made in HB406 and SB174. The lot line adjustment changes removed the requirement to record an amendment plat.

## **Step Three. Review engineering standards**

1. **Codified Engineering standards.** As a reminder from prior law, every municipality needs to provide clear engineering standards and these need to be adopted by the City, Town or County with a public hearing at the Planning Commission and final adoption by the legislative body.

2. **Bonding for Private Landscaping.** In another companion bill HB406 [Section 10-9a-604.5](#) new provisions were added in regards to bonding. As of May 2023 Bonding for landscaping on private property is **not** allowed. Update your enforcement processes to include any fines, liens, and when you go to court for any unmet obligations. Update the bonding language. Under assurances can only be accomplished for public infrastructure .
3. **New road standards.** In HB406 [Section 10-9a-508. Exactions](#) new residential roadway standards were adopted. Municipalities that require road widths greater than 32' for residential roads (defined as residential use and 25 mph roads) should review those ordinances for compliance with these new standards. Wider can be allowed under certain conditions.

### **Step Three. Add the new appeal process**

Reminder: SB 174 creates two distinct appeal processes after the four review cycles have been exhausted and 20 days have passed. You will need to add this appeal process to your subdivision ordinance.

1. For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
2. For all other disputes, the municipality shall refer the question to the designated appeal authority at the applicant's request.
  - The panel of experts includes:
    - One licensed engineer designated by the municipality.
    - One licensed engineer designated by the land use applicant.
    - One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

# CLINTON CITY PLANNING COMMISSION AGENDA ITEM

<b>SUBJECT:</b> <u>Planning Commission Training</u> – “A Primer on Public Meetings for Planning Commissioners” - Video	<b>AGENDA ITEM:</b>  <b>2</b>
<b>PETITIONER:</b> Peter Matson, Community Development	<b>MEETING DATE:</b> March 7, 2024
<b>RECOMMENDATION:</b> N/A	<b>ROLL CALL VOTE:</b> <b>NO</b>
<b>ORDINANCE REFERENCE:</b> N/A	
<b>BACKGROUND:</b> This training video is a recording from a recent multi-city planning commissioner training session held in Utah County. This video includes a portion of the training session and the presenter is Wilf Sommerkorn. Wilf has 40+ years of experience with planning commissions from a variety of cities and counties across the Wasatch Front. This part of the session covers basic aspects of a planning commission meeting with specifics regarding the role of the commission and important guidelines and laws we need to follow.	
<b>ATTACHMENTS:</b> N/A	



2267 N 1500 W  
Clinton UT 84015

**Planning Commission Members**

**Jolene Cressall**  
**Dan Evans**  
**Mark Gregersen**  
**Ed Olson**  
**J. Stark**

<b>Date of Meeting</b>	<b>January 16, 2024</b>	<b>Call to Order</b>	<b>7:27pm.</b>
<b>Staff Present</b>	Community Development Director Peter Matson attended electronically and Lisa Titensor recorded the minutes.		
<b>Attendees</b>	Preston Anderson, Crista Daniels, Joann Summers Daniels, Marilyn Diamond, John Diamond III, John Diamond IV,		
<b>Prayer or Thought</b>	Commissioner Cressall		
<b>Pledge</b>	Commissioner Stark		
<b>Roll Call/Attendance</b>	Present were: Jolene Cressall, Dan Evans, Mark Gregersen, Ed Olson, J. Stark		
<b>Declaration of Conflicts</b>	There were none.		
<b>PUBLIC HEARING - REVIEW AND POSSIBLE ACTION ON TEXT AMENDMENTS TO TITLE 28, CLINTON CITY ZONING ORDINANCE, REGARDING UPDATES TO THE R-M (MULTI-FAMILY RESIDENTIAL) ZONING DISTRICT (CHAPTER 28-15) DEVELOPMENT STANDARDS; AND CONSIDERATION OF A NEW PLANNED RESIDENTIAL DEVELOPMENT (PRD) OVERLAY ZONE TO ENCOURAGE IMAGINATIVE AND EFFICIENT UTILIZATION OF LAND FOR IN THE DESIGN OF RESIDENTIAL NEIGHBORHOODS.</b>			
<b>Petitioner</b>	Peter Matson, Community Development		
<b>Discussion</b>	<p>Various aspects of the R-M zone and proposed PRD overlay zone have been discussed for several months. Attached to the staff report are two ordinances for review and consideration – the R-M zone updates are shown with strike-out and underlined text and the PRD overlay zone is a new ordinance. The PRD code includes yellow highlights indicating major points for discussion and blue highlights indicating questions or alternatives for consideration.</p> <p><b>PROPOSED CHANGES FOR CONSIDERATION:</b></p> <ol style="list-style-type: none"><li>(1) Existing standards in the R-M zone address development of single unit up to six attached unit buildings. The existing code allows up to 12 units per acre. The zone does not address, nor is it proposed to address, development of stacked units typical of an apartment building.<ol style="list-style-type: none"><li>a. The current building setbacks in the R-M zone are larger than what is typical for single family and townhome buildings. Proposed updates to the setbacks are shown in the attached draft.</li><li>b. State law prohibits cities from regulating residential building design unless part of a master planned development or development agreement.</li></ol></li><li>(2) The attached PRD overlay ordinance draft is intended to address development of small-lot single-family, twin homes and townhomes in a master planned environment. It is recommended that the Commission formulate a recommendation regarding the major (highlighted) components of the draft and forward this to the Council for their consideration at their upcoming public hearing.<ol style="list-style-type: none"><li>a. Although there are some similarities between the PRD code and the Summers property</li></ol></li></ol>		

development agreement, the intent is for the code to be applicable for any multi-family development proposal in the city.

The Planning Commission discussed the following at length and were in consensus:

- Density including 8 units per acre; Overlay; Density bonus – should be based on major contributions to the overall good to the community and the City as a whole; contributions of land for parks or trails; amenities; increase the amount of masonry building materials; upgrading the fencing material in and around the project.
- Density Bonus not to exceed 25%; 10% open space required - if increased can qualify for the bonus; upgraded materials should not contribute to density bonus; fencing, walkway; streets; private drives, utilities need to be in the right of way of the public street; ally is ok in the back.

Commissioner Evans opened the public hearing at 8:24 pm.

Marilyn Summers Diamond stated she is a 4<sup>th</sup> generation Clintonite. Her family history is vested in Clinton. She would like to have higher density to allow the next generation to stay in the community. She feels this is a reasonable recommendation. The Governor of Utah supports higher density housing. The Summers property cannot be farmed anymore due to the amount of traffic on 2000 W and complaints from neighbors.

Commissioner Evans commented he understands that home ownership is important.

Commissioner Gregersen explained the nature of land use laws can restrict land owners options.

Trent Williams stated he is a professionally licensed land surveyor and citizen of Clinton. He disagrees with the discussion of the planning commission from the design stand point. Syracuse City has the highest tax rate in Davis County. If Clinton does not allow some type of medium density, Clinton may be on the same track. He feels the density bonus should be allowed to increase the tax base. He said amenities sell units. The younger generations do not want large lots. HOA's benefit the City by saving the City tax dollars in maintenance but yet still collects the property taxes. Private drives can still allow open space. Higher density helps pay for public needs; the more taxpayers the less each tax payer pays. He is of the opinion that Clinton displays an anti-business attitude. Mr. Williams asked the PC to consider opening up the maximum density.

Joann Summers Daniels said Clinton is no longer a farm town. This property has been for sale for 10+ years. This builder is offering a good plan. Plans that have been presented in the past were much lower density than what is being proposed now. She would like to see this plan go forward.

Commissioner Evans clarified that earlier proposed developments did not meet code requirements. The Planning Commission's role is only to make recommendations to the City Council; they are not a legislative body.

Crista Pauline Daniels expressed frustration that two family members have passed away since this process began. She expressed some anger and frustration from this process. She stated this issue has divided the community and her mother has experienced some negative behavior from others. She feels this development should go forward.

John Diamond IV stated the Summers family is in favor of providing affordable housing in Clinton. He grew up in rural Clinton; the younger generation does not want large lots. He wants his children to have the option of staying in Clinton. Clinton will not ever go back to the past so it should move forward.

Preston Anderson explained his goal is not to stop this development; he is trying to protect the children in the existing neighborhoods. This is a difficult issue. He is in support of the City getting their ordinances in place. He wants to move forward with civility. He agrees with eight units per acre with 25% bonus up to 10 units per acre. Families are important and he agrees there is a need for medium density in the proper locations. Both sides need to compromise.

Marilyn Diamond said Clinton has already changed; the residents have to change with it. Clinton is no longer a rural community. The only private land left in Clinton is the Summers property and the Flinders property. This is a good development and location for young professional people to live. The location near Vasa and Winco is perfect for them.

John Diamond III has lived in Clinton for 60 years. He brought the first major business to Clinton – the



	<p>Clinton Nursery. They brought several proposals to Clinton to sell that business that Clinton would not consider. He brought the cell phone towers to Clinton. Has brought a proposal to Clinton with Gary Wright regarding roof tops. A lot of businesses have left Clinton because the community can't support them, there are not enough residents. Farming in a City is not possible; Clinton is no longer rural.</p> <p>Commissioner Evans closed the public hearing at 9:26 pm.</p> <p>The Commission unanimously agreed to recommend to the Council to approve the ordinance updates and amendments with the following specifics for the Council's consideration:</p> <ul style="list-style-type: none"> <li>• 8 units/acre as the maximum base density and 10 units/acre maximum density;</li> <li>• Density bonus up to 25% for major for the betterment of the development and community such as land dedication for parks/open space and trails;</li> <li>• Minimum 2-car garage for all residential unit/dwelling types;</li> <li>• Private drives (20' asphalt) should not be allowed;</li> <li>• Private alleys allowed if it provides a through connection and large enough for fire vehicles/garbage trucks and snow storage;</li> <li>• Allow the option of a reduced-width public street with a minimum 26' of asphalt width; and</li> <li>• Remove the provision for a Design Review Committee (DRC) since the density bonus does not include site or building design options for a density bonus.</li> </ul>
<p><b>CONCLUSION</b></p>	<p><i>Commissioner Olson moved to recommend to the City Council updates to the R-M (Multi-Family Residential) Zone and a new Planned Residential Development (PRD) Overlay Zone which include 8 units per acre base density maximum, density bonus up to 25% for major site additions such as dedicated park space and trails, 2 car garage required, no private drives, yes to private alleys, yes to alternative reduced width public street with minimum 26' asphalt width, no design review committee needed. Commissioner Cressall seconded the motion. Voting by roll call is as follows: Commissioner Cressall, aye; Commissioner Evans, aye; Commissioner Gregersen, aye; Commissioner Stark aye.</i></p>
<p><b>ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON: THE PLANNING COMMISSION RULES OF PROCEDURE INDICATE THAT THE COMMISSION, AT THE BEGINNING OF EACH CALENDAR YEAR, SHALL ELECT BY A MAJORITY VOTE, A CHAIRPERSON AND VICE-CHAIRPERSON.</b></p>	
<p><b>Petitioner</b></p>	<p>Peter Matson, Community Development</p>
<p><b>Discussion</b></p>	<p>The duties of the Chairperson and Vice-Chairperson are outlined in the Rules of Procedure Chapter 1. In general, the Chairperson presides and conducts the meetings.</p> <p>The Vice-Chairperson, during the absence of the Chairperson, performs all the duties and functions of the Chairperson.</p> <p>Commissioner Cressall was voted to be the 2024 Planning Commission Chair and J. Stark the PC Vice Chair for 2024.</p>
<p><b>CONCLUSION</b></p>	<p><i>Commissioner Olson moved to elect Jolene Cressall as the Chairperson and J. Stark as the Vice-Chairperson. Commissioner Stark seconded the motion. Voting by roll call is as follows: Commissioner Cressall, aye; Commissioner Evans, aye; Commissioner Gregersen, aye; Commissioner Stark aye.</i></p>
<p><b>PLANNING COMMISSION TRAINING: A PRIMER ON PUBLIC MEETINGS FOR PLANNING COMMISSIONERS (VIDEO) – TIME PERMITTING</b></p>	
<p><b>Petitioner</b></p>	<p>Peter Matson, Community Development</p>
<p><b>Discussion</b></p>	<p>This item will be continued to the next Planning Commission Meeting.</p>
	<ul style="list-style-type: none"> <li>• <b>Approval of December 12, 2023 Planning Commission Meeting Minutes.</b> <i>Commissioner Cressall moved to approve the minutes of the January 2, 2024 Planning Commission Meeting. Commissioner Stark seconded the motion. Commissioners Cressall, Gregersen, Evans, Olson and Stark voted in favor.</i></li> <li>• <b>Directors Report:</b> The next meeting will be February 6, 2024.</li> </ul>
<p><b>OTHER ISSUES</b></p>	<ul style="list-style-type: none"> <li>• There were none.</li> </ul>

<b>ADJOURNMENT</b>	<i>Commissioner Stark moved to adjourn. Commissioner Olson seconded the motion. Commissioners Cressall, Gregersen, Evans, Olson and Stark voted in favor. The meeting adjourned at 9:45 pm.</i>
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*Dated this \_ day of February, 2024*  
*/s/Lisa Titensor, Clinton City Recorder*