

CLEARFIELD CITY COUNCIL MEETING MINUTES  
6:00 PM WORK SESSION  
May 20, 2025

City Building  
55 South State Street  
Clearfield City, Utah

PRESIDING: Mayor Mark Shepherd

PRESENT: Councilmember Karece Thompson, Councilmember Nike Peterson, Councilmember Tim Roper, Mayor Mark Shepherd, Councilmember Dakota Wurth

ABSENT: Councilmember Megan Ratchford

STAFF PRESENT: City Manager JJ Allen, Assistant City Manager Spencer Brimley, Community Services Director Eric Howes, City Attorney Stuart Williams, Police Chief Kelly Bennett, Public Works Director Adam Favero, City Recorder Nancy Dean, Deputy City Recorder Chersty Titensor, Utility Superintendent Kenny England, Planner Tyson Stoddard, Community Development Director Stacy Millgate, Aquatic Center Manager Clint Warnick

VISITORS: Brandon Ames, Shaun Athey, Corinne Green – Destination Homes

DISCUSSION OF THE MUNICIPAL WASTEWATER PLANNING PROGRAM REPORT  
AND REVISED SANITARY SEWER MANAGEMENT PLAN

Kenny England, Water Superintendent, presented the Municipal Wastewater Plan which reviewed the condition of the sewer system and what needed to be done in the future. He said the Sanitary Sewer Management Plan (SSMP) needed to be updated. He explained that the SSMP was the standard operating procedures for how the City functioned when sewer backups occurred and how the City planned for new development. The SSMP had not been reviewed since 2018 and needed to be approved every five years. The item would be on the agenda for May 27, 2025 for consideration of approval and adoption.

DISCUSSION OF COMPLAINTS FROM PATRONS OF THE CLEARFIELD AQUATIC & FITNESS CENTER

Eric Howes, Community Services Director, explained that the intention of the discussion was to address some recently received concerns from members and explain the reasons the Aquatic Center operated the way it did. Clint Warnick, Aquatic Center Manager, explained the process of creating schedules and handling customer feedback. He acknowledged the upcoming 20<sup>th</sup> year anniversary celebration at the Aquatic Center scheduled for June 5, 2025 for all members. He shared some statistical information for the Aquatic Center such as that he managed a team of approximately 160 employees, and membership was at approximately 4k members, when including punch pass users it was over 6k. He said the focus of the center was to espouse the

mission of the City: "Creating a place where people want to be." He discussed the challenges of serving a diverse clientele while managing a variety of successful programs that competed for the center's time and resources. The concerns most recently received involved the competition pool area which was used by many groups: water fitness, lap swim, special events, Clearfield City Aquatic Team (CCAT), 2-3 school swim teams, and swim lessons. Attempting to schedule all the different groups was difficult but staff did their best to accommodate all the needs.

He acknowledged the importance of having a wide, robust schedule to serve the needs of the community to keep members coming. He presented an alternative idea to only allow single use schedules, but the whole pool would not be fully utilized, and members would be excluded. He reviewed the many groups that wanted to use the competition pool, and staff did its best to not favor any group. He explained that the decisions were made by teams which included supervisor teams, staff, and patrons. He explained the amount of coordination needed to staff the various class schedules. He reviewed the compromises needed to make the competition pool available for as many uses as possible. He said the center utilized social media and posted schedules at the center and online at the City's website to offer various forms of communication with patrons. He acknowledged a concern voiced by patrons about some scaling on the tile in the bathroom and how it was resolved by communicating with the cleaning company. He recognized that it was not perfect, but staff was trying their best as it served a large number and variety of people and groups.

The Council acknowledged it was difficult to balance everyone's needs. Mr. Warnick spoke to the burden put on the staff to determine if a patron's use was permissible or not. He acknowledged a lapse in communication that could have been handled better. Mayor Shepherd asked if they had contacted the group voicing concerns about pool schedules directly to communicate the scheduling challenges and the need to share resources. Mr. Warnick said management had not spoken with them, but instead had tried to communicate it through the instructors and staff. Councilmember Thompson encouraged him to communicate with the group that wrote the letter. He thought there was more demand for the pool because the quality of the pool was more reliable than local gyms. The Council encouraged Mr. Warnick to communicate with the groups directly to explain the scheduling difficulties. Councilmember Wurth encouraged Mr. Warnick as a measure of good faith to let them know that action had been taken based on their feedback and that their membership was valued. Councilmember Peterson added that the fact that they felt their concerns needed to go to a higher level suggested it was an opportunity to speak with the group directly to explain what actions were taken and the information that had been presented to Council. Mayor Shepherd thought an explanation would go a long way to addressing their concerns and would help reduce the level of frustration. Mr. Howes said they understood the importance of listening and letting the customer feel that they were heard and were working on improving.

#### DISCUSSION OF A PROPOSED DEVELOPMENT AGREEMENT AMENDMENT FOR THE WILCOX FARMS SUBDIVISION LOCATED AT APPROXIMATELY 1550 SOUTH 1000 WEST

Tyson Stoddard, City Planner, presented the applicant's proposed amendments to the development agreement for the Wilcox Farms Subdivision with Destination Homes. He outlined

some background information saying the development agreement was entered into in 2022 and was for a 101-lot single family subdivision. He explained that progress on construction and home sales had been slow. The project was currently in Phase 1 with 18 homes built and 40 remaining lots and Phase 2 included 43 homes. He explained that with sales being slow Destination Homes was looking at options to accelerate construction. One of the options was to partner with another home builder. Destination Homes would remain as the developer for the roads, sidewalks, and common open spaces and the new builder would purchase the lots, construct the homes and do the on-lot landscaping.

Mr. Stoddard outlined the adjustments that the developer had made to better fit the current housing market. He explained that Wilcox Farms had originally been contemplated as a townhome project, but through the entitlement process with the City the developer realized that townhomes would not be approved in the area. Mr. Stoddard explained the efforts made and challenges faced by the developer since the development agreement had been approved.

Mr. Stoddard reviewed the items that the developer was requesting to amend in the development agreement:

- 9<sup>th</sup> Recital: time period of completion to be no longer than 24 months from plat approval
- Clarification language added to make clear that the completion time period was for horizontal improvements (excluding residential units and on-lot landscaping)
- Open Spaces and Amenities-changes to layout to open space – instead of trellis structure, picnic table covered by pavilion, additional benches, open lawn instead of sidewalk through the middle and moderate reduction in tree and shrub quantities. Changes to types of trees.
- The lawn area in common paseo between homes would be replaced with a variety of trees, shrubs, and perennials, provide lawn areas on private lots and a moderate reduction in tree and shrub quantities.
- Some adjustments to layout moving the playground, new picnic tables and pavilions, install posts near the trees to hang hammocks – the original proposal had structures for hammocks.

Mr. Stoddard explained that even with the reduction in trees and shrubs, the amount was adequate for the project. Staff and the Planning Commission supported the amendments to the open spaces.

He gave details of an amendment that would apply to the private streets and alleys only, requesting that the 10-foot corner setback remain where a yard was adjacent to a public street and on the private street would be reduced to a 5-foot corner setback where the yard was adjacent to a private street or alley. Staff and the Planning Commission were supportive because it matched the intent of the master plan.

He explained that the developer requested the allowed porch encroachments be increased from two feet to four feet. Mr. Stoddard explained that the request was consistent with City Code for all residential zoning districts. Mr. Stoddard explained the request for an easement vacation that would be on the agenda next week. He explained that when the subdivision had been amended, the easement had not been removed.

Mr. Stoddard broached the subject of architectural standards that should be considered with the potential of bringing in another builder. The Planning Commission recommended that the applicant needed to include additional details to the proposed amendments to ensure that any new home plans met the intent of the agreement. The Planning Commission felt comfortable recommending approval of the amendments with those architectural considerations being brought before Council to discuss.

Mr. Stoddard said the applicant had prepared additional amendments for consideration by the Council. Those amendments included that the typical architecture be updated in the pattern book with additional renderings reflecting the new home designs, language added to say additional elevations may be used given they adhere to the pattern book and the Architectural Review Board (ARB) approval, and language added that no duplicate colors or elevations could be adjacent to or across from another. He explained that the ARB was internal to Destination Homes. He showed the renderings from the existing pattern book and the proposed additions to the pattern book. Mr. Stoddard presented the Planning Commission's recommendation of approval with findings that addressed exploring solutions through the development agreement process to address the stalling of the project, and that any amendments to the agreement should ensure that the new home designs met the intent and architectural standards of the agreement and that new homes would be successfully integrated with the existing homes. Mr. Stoddard outlined possible alternatives the Council could consider when they voted on the matter on May 27, 2025. He said the applicant was seeking to sell the remaining lots in Phase 1 to another home builder with a scheduled closing date of May 30, 2025 and that agreement was contingent upon the development agreement amendment being executed. The applicant was hoping to move forward as soon as possible.

There was a discussion concerning the perceived reasons the homes were not selling when other similar products were selling in Layton. Corinne Green, Destination Homes, thought the 3-story concept for single-family detached homes was a difficult market outside of an urban setting. She mentioned there being a difference between townhome buyers and single-family home buyers. Ms. Green also pointed out that the proposed reduction in square footage was an attempt to make the product more affordable.

Councilmember Peterson remembered that the project was an experiment and a leap of faith on the City's part. She mentioned that the City had made concessions – lot size was one of them. She remembered they were concerned about the size and square footage from the beginning but had received assurances from Destination Homes. She was frustrated to see the project come back with requests to scale back the product that would fundamentally change the appearance and feel of the quality of the community. She was concerned that there was nothing offered back in return as a collaborative approach to moving forward. Brandon Ames, Destination Homes, confirmed that they viewed themselves as partners with the City. He said it was important for them to discuss the issue with Council. He did not dispute the leaving the materials in the paseo areas as originally planned.

Councilmember Peterson continued by expressing her concerns about the changes to the amenities and future upkeep, change to the homes themselves and to the profiling design

standards. Mr. Ames stated that the ARB was the City's and Destination Homes' protection. He acknowledged that the project would look different, but would not be a complete change. He stated that something needed to change because the developer could not continue to bring money to the table to sell the remaining homes. He reviewed the actions that were taken to revive the project. He said after all those efforts, something had to change, and the developers felt like they were being as collaborative as they could with the City to make the project work. He confirmed that Destination Homes would remain the developer and would continue to provide amenities, warranty, remain as the HOA board, and keep the ARB to provide a level of cohesiveness, but something had to change to make the project work financially.

Corrine Green, a member of the development team, assured the Council that she did not intend to approve a change to the quality of architectural materials. She said the pattern book still stood as what was acceptable. The proposed changes did not alter the pattern book. Councilmember Peterson stated that the renderings shown were jarringly different, which influenced the perception of quality, and compared to the original concepts were two very different price points. Mr. Ames thought that the development had missed the market, or the market was not ready for what was being hoped for. He acknowledged the experimental nature Councilmember Peterson previously stated, but the experiment backfired.

Councilmember Wurth worried about losing the soul and feel that the community currently had. He was tired of the cookie cutter sea of gray and beige that was in the market. Mayor Shepherd was concerned that the developer was selling the lots and thought it sent a message that Destination Homes did not have confidence in the project. He said he knew who they were talking to about purchasing the lots and the new builder offered a different level of quality. He thought that if they were trying to meet price point, it was more than just going to levels, it was to change what was being built and he had a problem with that because what was created was a destination or feel of a neighborhood. The paseo going through was a huge part of that. Mr. Ames confirmed that the changes to the open spaces did not have anything to do with money.

Shaun Athey, Destination Homes, pointed out that when getting approval for Phase II he realized the underground detention pond system prevented putting structures over it. He said the intent of the amendments were to make more usable areas, structures built in areas that would allow them, and create long-term structures for hammock use. Councilmember Peterson said the City did not allow decorative grass, so the functional component of the paseo met that. She said they had found in xeriscaping that upkeep became a problem because it did not wear well. She said the micro turf spots violated the ordinance and would have been denied immediately. The proposal looked, felt, and functioned differently. She said it was concerning, in her role, to see that any time there were market fluctuations the original vision was left behind. She emphasized that she did not want to see the project stagnate, but she was nervous that the second the builder changed, and completely different house profiles were built, it changed the community feel and the development was no longer community oriented. She stated that it did not match the original intent of the development agreement. Councilmember Thompson was afraid the uniqueness of the project would be compromised.

Councilmember Peterson said the City had taken a lot of criticism from residents for the project and the Council was very clear with residents that high density would remain only in certain

areas, and defended that to the residents. The City assured residents that the development would look different from the neighborhood but could house more people, make open spaces differently, and backed that assertion up with the developer having a proven reputation. She said the expectation was that what was approved would be built there by and large. She said the proposed changes fundamentally walked the approved project back and Clearfield was going to get less quality. Mr. Ames assured her the developer was not taking the proposed changes lightly, and had discussed different iterations to make it work, but thought townhomes were the only way to make it work at this point. He suggested that townhomes would be too much of a change for the City. He said the developer could not sit on money and hope. He said there were other projects that the proposed changes would allow the developer to pursue. He commented the project was a bit of a miss, but did not want to walk away from it entirely. He stated the developer wanted to stay as involved as possible, but it would be a different concept than originally approved by the Council. Councilmember Peterson expressed some disdain with the concept of cutting losses to allow the developer to build in other parts of the valley. Mr. Ames explained the developer did not have unlimited funds, and Gail Miller, owner of Destination Homes, wanted to be able to make an impact to many areas in Utah, but this project was very challenging, and the developer was trying to find solutions.

Councilmember Wurth asked if Destination Homes would be making the same aesthetic and design shifts with the Trail Side development located several miles away in Layton City. Councilmember Peterson asked if Layton City was considering the same kinds of adjustments to that development. Ms. Green said they were having the same conversations with Layton City. She said anywhere they had tried this progressive product outside of a downtown area was failing. She said the trade workers were falling away because the developer was not putting starts in the ground which affected families. Councilmember Roper acknowledged the risk taken by the City Council and needed to own up to that risk. Councilmember Peterson wanted to establish how much each side accepted. She did not want the residents to take a disproportionate amount in the name of moving forward. Mr. Ames wished the development was not in this situation, but felt the honest thing to do was to sit down with the Council and take the heat in their explanation of the requested amendments. Mayor Shepherd asked if the developer was selling Trail Side like they were thinking of doing in Wilcox Farms. Mr. Ames said they had discussed selling parts of it and were renegotiating the product at Trail Side. Councilmember Peterson said it would influence her thoughts on the matter if Clearfield City was taking more of a loss than other communities.

Councilmember Thompson understood the developer's auspicious vision, but the City was hinging its standards for the auspicious vision. He stated that too often Clearfield City had been the community that sacrificed standards for someone else's vision. He asked if the developer had explored any State programs. Mr. Ames addressed the previous concern about selling lots to other builders, saying it was a change in market that was very prevalent now. He said the way land was bought was changing and the way it was developed and working with other builders because sellers were pushing up the price of land and wanted it sold in one take-down, which did not financially work for developers anymore. If the seller was willing to take multiple take downs spread over one or more years, it required them to partner with other builders. Also, because entitlement and development was so risky there were very few willing to do it. He said Destination Homes was approached by several builders every week to purchase lots. The only

way to make sellers budge was by sharing the cost, or sharing in the take downs.

Mayor Shepherd returned to the original Pattern Book and pointed out that the builder had not come to the Council when contemplating the drastically different two-story model. He was concerned that the City was not getting what it had originally approved. Mr. Ames acknowledged that the three-story plan was a miss. Councilmember Peterson questioned the legality of the developer deviating from the original pattern book based on the terms of the development agreement. She said at the time of permitting that would have stood out to the City that it did not conform. Mr. Stoddard said the City was looking for the assurance that the new home designs met the intent and architectural standards of the development agreement. He said if one read through the entire agreement and pattern book, the City could make the argument that what the developer was proposing did not meet the intent. He said the ARB review provided specific standards as to materials, and quantity of materials and he thought the developers thought through the ARB review they would assure it met the specific standards of materials and architectural requirements were met. What the City was saying was that the images shown in the amendment were different from the original pattern and needed an amendment for transparency.

Councilmember Peterson said a lot of the things design-wise, landscape stuff, were still in the same ballpark, paseos and small yards were a major departure. She thought the new renderings violated the original intent of the pattern book. She said even if there were an internal review process, this type of product was a radical enough departure that it should be denied. She would be supportive of an amendment that looked at reduced heights, that continued to meet the original character pattern. She wanted to keep the integrity of what was originally started. She said she could not support the amendment as drafted that would allow for the proposed renderings submitted at this point.

Mr. Stoddard asked for clarification on what architectural features she was looking for. Councilmember Peterson said she was looking at the two-story rendering in the original patterns. Some features discussed were the full porches, the second-level balconies, pillars, the pitch of the roofs. She thought it needed to feel like the same neighborhood. Councilmember Wurth said the new plans needed to express the same function too. He thought the preservation of the aesthetic and architectural intrigue was what was important to him. He said it was less about landscaping and felt like bait and switch to present the neighborhood on the outskirts as this aspirational product.

Ms. Green said one thing they were asking the cities was to fight the rising costs and interest rates by allowing more townhomes. She asked if the City would be open to more townhomes. Councilmember Wurth said he was personally in favor of townhomes. Councilmember Thompson said he was opposed because of the promise the Council made to keep single-family in certain areas. Councilmember Wurth pointed out that the closeness of the homes functioned similarly to a townhome. Councilmember Roper wanted to keep the look and feel of the original development.

Mr. Ames asked if the Council was saying the developer could move forward with another builder if the product look remained the same. Councilmember Roper said he was more concerned with look and feel. Mayor Shepherd acknowledged he could not tell them who could

build it, but he preferred Destination Homes. He said if someone else sold the same product and adhered to the feel and intent of the place then he was not opposed to another builder. Mr. Ames asked for the Mayor's suggestions. Mayor Shepherd thought a redesign of the product as opposed to a whole different feel. Mr. Ames said a challenge was the cost to develop new designs. Ms. Green said another challenge was the amount of time they were not starting new builds to wait for redesign. Councilmember Wurth suggested that they paint a picture that the market was dictating more density and lobby for that effort where land was so scarce. He thought the more a developer could get out of the land could lower the median price in the market. He understood how hard it was to get cities to allow higher density. Mayor Shepherd said townhomes were the original ask from the developers and at that point he would have supported it, but the Council and Destination Homes did not go in that direction. He thought there could possibly be a place within the development for townhomes if it did not comprise the entire development, but admitted he did not have a vote. Mr. Ames said the developer was currently redesigning their townhomes for Trail Side and wondered if the City would accept townhomes within the community. Ms. Green said the square footage had to go down and the developer would have to put more homes in than where the market was in 2022.

Spencer Brimley, Assistant City Manager, said he liked the idea of townhomes and recognized that in a lot of communities that had grown and thrived there was a mix of product. He said another thing to review was the zoning to ensure it was appropriate or if the density was too high. Councilmember Peterson thought the area was zoned R-3. Mr. Spencer said they would want to verify, because much of the discussion focused on the intent of the development agreement and the development agreement was written as regulatory code, with the purpose of regulating the product. He liked the idea of mixing housing products because it opened the door for more housing opportunities. He thought if Destination Homes was willing to retain some of the design with the single-family homes, it would be a big win for the community even if they mixed in townhomes.

Councilmember Thompson said the Council would have to accept that they were creating a precedence, because they were deviating from certain aspects of infill policy to make a mixed product. He said there had been times when other builders had asked for concessions and the City stood on a line. He understood what had been said, but he was trying to make sure the City was consistent or needed to review the current in-fill policy. Councilmember Roper thought sometimes it was necessary to make the decisions on a case-by-case basis. Mayor Shepherd commented that every development was different and wondered if there was a place within the twelve acres for a townhome product. Councilmember Peterson said if different housing products were being considered to save the soul of the community, she identified the back side of the project against the power corridor because it was back off the street and matched what was already there. It was not her first preference, but she liked the idea of a blended townhome that rigidly adhered to the design standard that they originally approved and kept the look of 1000 West but then transitioned into the townhomes within the neighborhood. Mayor Shepherd thought it needed to be with the caveat that the homes had to be deed restricted as a for-sale product. Councilmember Thompson was opposed to density in the neighborhood, but clarified that this scenario would be abutting a section of existing townhomes. It was confirmed that there were existing townhomes in the area.

Mr. Stoddard said the types of amendments being discussed were significant. Councilmember Peterson asked what the developer thought of the conversation of incorporating townhomes. Mr. Ames thought having a product mix or segmentation mix was always more profitable and beneficial to the developer. He did not think it would work for phase 1. He thought it would help to have more than one product and thought development worked better with a mix. Mr. Athey commented that it allowed a community to grow quicker. Mr. Ames spoke about the challenges of such a large project of single-family homes. Mr. Ames said the developer would need to contemplate the possibility. Ms. Green said it was a path and appreciated being given an option. Mr. Ames understood the developer became a partner with the City when the project started and appreciated the Council's thoughts and comments.

Mr. Allen pointed out that procedurally there was a public hearing scheduled for next week and asked if the applicant would want to withdraw the application. Mr. Brimley thought it would be cleaner for everyone to understand what the ask was if the applicant withdrew their request or Council denied the request. Mr. Ames asked if the zoning needed was in place. Mr. Stoddard said the R-3 zoning supported up to 16 units per acre, but the intent of the development agreement would have to be reviewed. The developer would get back to the City.

**Councilmember Thompson moved to adjourn at 8:03 p.m., seconded by Councilmember Peterson.**

**RESULT: Passed [4 TO 0]**

YES: Councilmember Thompson, Councilmember Peterson, Councilmember Roper, Councilmember Wurth

NO: None

ABSENT: Councilmember Ratchford

**APPROVED AND ADOPTED**  
**This 8<sup>th</sup> day of July 2025**

**/s/ Mark R. Shepherd, Mayor**

**ATTEST:**

**/s/ Nancy R. Dean, City Recorder**

I hereby certify that the forgoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, May 20, 2025.

**/s/ Nancy R. Dean, City Recorder**