



Community Development

PLANNING, BUILDING INSPECTIONS,
CUSTOMER SERVICE, AND CODE COMPLIANCE

CLEARFIELD CITY PLANNING COMMISSION MEETING AGENDA

Notice is hereby given that the Clearfield City Planning Commission will hold a regularly scheduled meeting at **6:30 P.M., Wednesday, September 3rd, 2025**, on the **3rd floor** in the City Council Chambers of the Clearfield City Municipal Building, located at 55 S. State Street, Clearfield, UT 84015.

PRE-MEETING – 6:00 PM- Executive Conference Room

Review of agenda items to address questions.

REGULAR MEETING – 6:30 PM- Council Chambers

- CALL TO ORDER – PLEDGE OF ALLEGIANCE
- PLANNING COMMISSION CHAIR STATEMENT
- APPROVAL OF MINUTES
 - March 5, 2025

DECISION ITEMS

Scheduled Items:

1. Discussion and Possible Action on **PSP 2025-0604**, a preliminary subdivision plat request by Hunter Murray for an 8-lot commercial condominium subdivision at the subject property. **Location:** 325 West 1700 South (TIN: 12-937-0002). **Project Area:** 0.7 Acres **Zone:** C-2 (Commercial). **Staff:** Tyson Stoddard, Associate Planner. (**Administrative Matter**).

DISCUSSION ITEMS

1. Staff Discussion
 - Detached Accessory Dwelling Units
2. Staff Communications

*****PLANNING COMMISSION MEETING ADJOURNED*****

Dated this 29th day of August 2025.
/s/Tyson Stoddard, Associate Planner

Meetings of the Planning Commission of Clearfield City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207 as amended. In such circumstances, contact will be established and maintained via electronic means and the meetings will be conducted pursuant to the Electronic Meetings Policy established in City Code § 1-6-4H for electronic meetings.

Clearfield City, in accordance with the 'Americans with Disabilities Act', provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting accommodations for City sponsored public meetings, service programs, or events, should call the Customer Service Center at 801-525-2701, giving the City a 48 hour notice.

The Work Session meeting is a public meeting; however, public comments are only received in the formal Planning Commission meeting. The Planning Commission Public Meeting is a public forum where the Planning Commission may receive comment from applicants, the public, applicable agencies and city staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items. Action may be taken which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

The complete public notice is posted on the Utah Public Notice Website - www.utah.gov/pmn/, the Clearfield City Website - clearfield.city, and at Clearfield City Hall, 55 South State Street, Clearfield, UT 84015. To request a copy of the public notice or for additional inquiries please contact Tyson Stoddard at Clearfield City, tyson.stoddard@clearfieldcity.org & 801-525-2718.

1 **CLEARFIELD PLANNING COMMISSION MEETING**

2 March 5, 2025

3 6:30 P.M. – Regular Meeting

4
5 PRESIDING: Brogan Fullmer Chair

6
7 PRESENT: Robert Browning Commissioner
8 Kathryn Murray Commissioner
9 Chad Mortensen Commissioner
10 Riley Wheeler Commissioner
11 Brian Swan Commissioner
12 Danielle Sikes Commissioner (Alternate)
13 Jaylee Bouwhuis Youth Commission Ambassador

14
15 ABSENT: David Bloomfield Commissioner
16 Nicholas Dragon Commissioner (Alternate)

17
18 STAFF PRESENT: Spencer Brimley Assistant City Manager
19 Stacy Millgate Community Development Director
20 Brad McIlrath Senior Planner
21 Tyson Stoddard Planner

22
23 VISITORS: Tina Marie Lehman, Jim Lehman

24
25 Chair Fullmer led in the Pledge of Allegiance and read the Planning Commission Chair
26 Statement.

27
28 APPROVAL OF MINUTES FOR THE JANUARY 8, 2025 PLANNING COMMISSION
29 MEETING.

30
31 **Commissioner Sikes moved to approve the minutes. Seconded by Commissioner Wheeler.**
32 **The motion carried on the following vote. Voting AYE: Commissioners Fullmer, Browning,**
33 **Murray, Mortensen, Wheeler, Swan, Sikes, and Youth Ambassador Brink. Voting NO:**
34 **None.**

35
36 PUBLIC HEARING, DISCUSSION, AND RECOMMENDATION TO THE CITY COUNCIL
37 FOR APPROVAL OF RZN 2025-0202, A ZONING MAP AMENDMENT REQUEST BY
38 CLEARFIELD CITY TO REZONE THE SUBJECT PROPERTIES FROM A-1
39 (AGRICULTURAL) AND U-R (URBAN MIXED RESIDENTIAL) TO P-F (PUBLIC
40 FACILITIES). LOCATIONS: 905 SOUTH 1500 EAST (TIN: 09-021-0017), 350 & 432 SOUTH
41 CARTER LANE (TINS: 15-072-0004, 15-072-0005, & 12-003-0305). PROJECT AREA: 12.27
42 ACRES. STAFF: BRAD MCILRATH, SENIOR PLANNER. (LEGISLATIVE MATTER).

43
44 Brad McIlrath, Senior Planner, presented the following:

- 45 • 905 South 1500 East (TIN: 09-021-0017)
46 - Current Use: Vacant & Natural Open Space
47 - General Plan Designation: Residential

- 1 • 350 & 432 South Carter Lane (TINs: 15-072-0004, 15-072-0005, & 12-003-0305)
- 2 - Current Use: Park, Storm Water Basin/Park, & Open Space
- 3 - General Plan Designation: Mixed-Use
- 4 • Both General Plan designations support parks & open spaces and use of the P-F Zone.
- 5 • Showed the General Plan and Zoning Map for the properties and site photos.

6
7 Chair Fullmer declared the public hearing open and asked for any comments from the public.

8
9 Marie Lehman, resident of Summer Place, asked if there were any plans for the property. Mr.
10 McIlrath said there were some concepts for soccer fields. She stated that the road to the north of
11 the subject property off 1500 East was a private road, and that if the site were developed in a way
12 that would cause more public to use the private road, it would increase their maintenance needs
13 and costs.

14
15 Spencer Brimley, Assistant City Manager, stated that the City was in discussions with a group
16 interested in developing private soccer fields, with a concept including some public park space.
17 He stated that no agreements or applications had been made regarding development of the site,
18 but that the City Council gave direction to continue discussions. He stated that if use of the
19 private roads was desired, there would have to be some sort of easement agreement established
20 with the owners of the private roads to grant use and access.

21
22 Jim Lehman, resident of Summer Place, said they were concerned about development but
23 encouraged that it would not be developed with residential uses. He spoke in favor of pickle ball
24 courts if any public amenities were included with the project.

25
26 Mr. Brimley stated that the developer had indicated a preference for adding a playground as a
27 public amenity, but that no final decisions had been made.

28
29 Commissioner Swan asked if public notice would be provide to the surrounding properties to
30 solicit input on the development of the site and potential amenities. Mr. Brimley responded that
31 the method for input would likely be engagement with the HOA's to solicit feedback.

32
33 Commissioner Sikes stated that she thought it was important to set aside properties like this that
34 could be reserved for open space and public use, and that it aligned with results from the General
35 Plan community survey where parks, recreation, and open space were identified as desired uses.

36
37 Chair Fullmer clarified that the item on the agenda tonight was the first step in the process,
38 rezoning the property to P-F (Public Facilities). He asked if there was any additional comment
39 from the public or any additional discussion from the Commission. Seeing none, he declared the
40 public hearing closed.

41
42 **Youth Ambassador Sikes moved to forward a recommendation to the City Council for**
43 **approval of RZN 2025-0202 a zoning map amendment request by Clearfield City to rezone**
44 **the subject properties from A-1 (Agricultural) and U-R (Urban Residential) to P-F (Public**
45 **Facilities). Seconded by Commissioner Sikes. The motion carried on the following vote.**
46 **Voting AYE: Commissioners Fullmer, Browning, Murray, Mortensen, Wheeler, Swan,**

1 **Sikes, and Youth Ambassador Brink. Voting NO: None.**

2
3 STAFF COMMUNICATIONS

4
5 Chair Fullmer turned the time over to Mr. McIlrath for Staff Communications, while thanking
6 Mr. McIlrath for all of his time and dedication while working for Clearfield and wishing him luck
7 in his future opportunity at Layton City.

8
9 Mr. McIlrath gave an update on the General Plan, stating that Staff had recently worked in detail
10 on the Future Land Use Map. He presented a timeline on the adoption of the General Plan with an
11 expected final adoption in July of 2025.

12
13 Mr. McIlrath updated the Commission regarding an amendment to City ordinance related to
14 Planning Commission terms. The terms had been amended to be 3-year terms instead of 5-year
15 terms, with a maximum of 9 years. He clarified that after 9 years, a commissioner could reapply
16 for a vacancy and be considered to start another term, but they could not be automatically
17 reappointed.

18
19 There being no further business to come before the Planning Commission, **Chair Fullmer**
20 **moved to adjourn. Seconded by Commissioner Mortensen.**



Planning Commission

STAFF REPORT

AGENDA ITEM
#1

TO: Clearfield City Planning Commission

FROM: Tyson Stoddard, Associate Planner
tyson.stoddard@clearfieldcity.org
(801) 525-2718

MEETING DATE: Wednesday, September 3rd, 2025

SUBJECT: Discussion and Possible Action on **PSP 2025-0801**, a preliminary subdivision plat request by Hunter Murray for an 8-lot commercial condominium subdivision at the subject property. **Location:** 325 West 1700 South (TIN: 12-937-0002). **Project Area:** 0.7 Acres **Zone:** C-2 (Commercial). **(Administrative Action).**

RECOMMENDATIONS

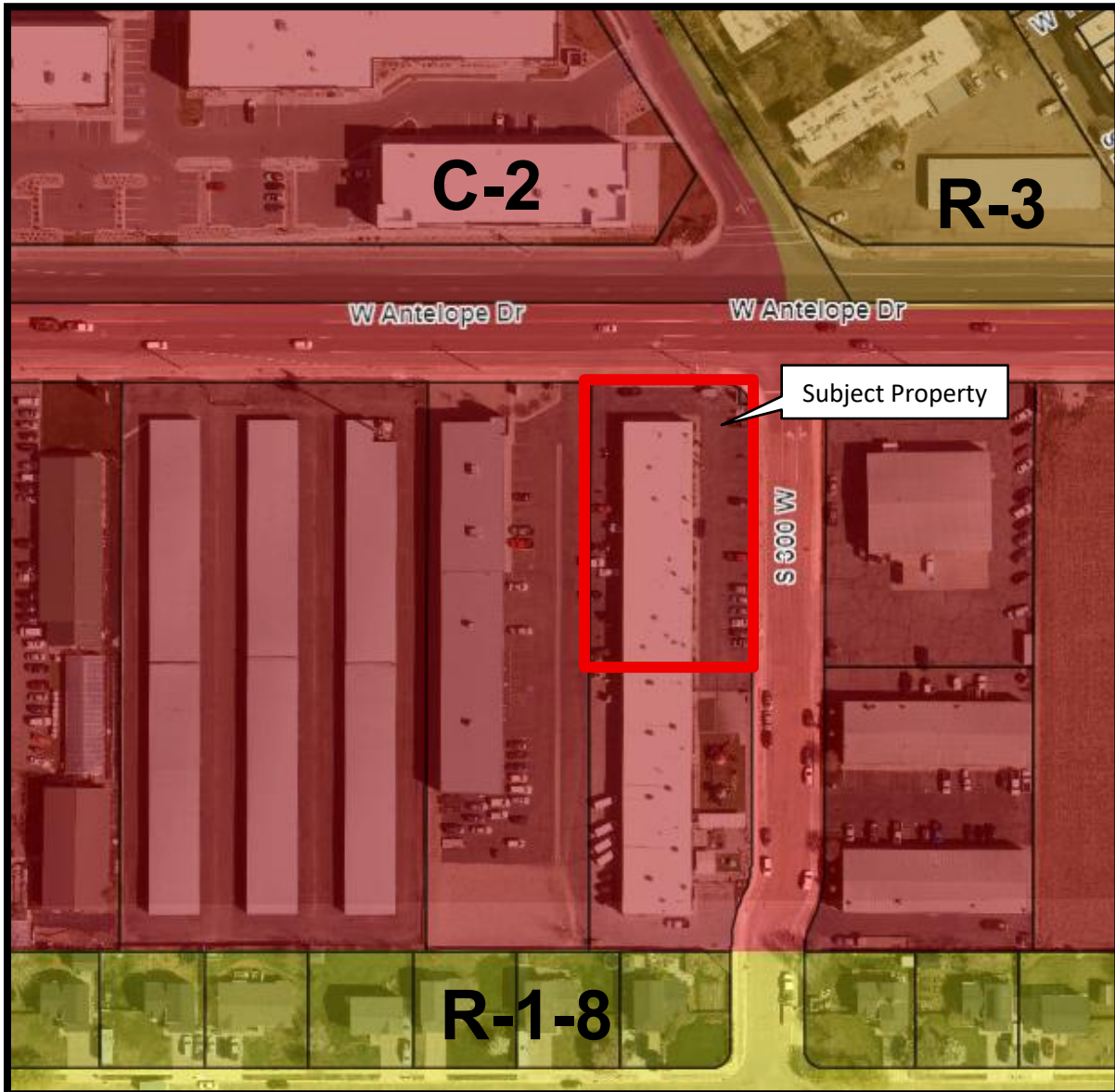
Staff recommends that the Planning Commission **approve as conditioned PSP 2025-0801**, a preliminary subdivision plat request by Hunter Murray for an 8-lot commercial condominium subdivision at the subject property. This recommendation is based on the discussion and findings in the Staff Report.

PROJECT SUMMARY

Project Information	
Project Name	Larsen Commercial Condominiums Subdivision
Site Location	325 West 1700 South
Tax ID Number	12-937-0002
Applicant	Hunter Murray
Owners	Hart LLC
Proposed Actions	Preliminary Subdivision Plat Approval
Current Zoning	C-2 (Commercial)
General Plan Land Use Classification	General Commercial
Gross Site	0.7 Acres

Surrounding Properties and Uses:		Current Zoning District	General Plan Land Use Classification
North	Clearfield Flex	C-2 (Commercial)	General Commercial
East	Existing Commercial	C-2 (Commercial)	General Commercial
South	Commercial Daycare	C-2 (Commercial)	General Commercial
West	Existing Commercial	C-2 (Commercial)	General Commercial

Aerial Image & Zoning



BACKGROUND & OVERVIEW

The subject property currently has an 11,000 square foot commercial building. The applicant is requesting to subdivide the property for an eight (8) unit commercial condominium project, each approximately 1,375 square feet in size. Commercial condominiums can be created in accordance with the Condominium Ownership Act (Utah State Code Title 57, Chapter 8).

General Plan and Zoning

The subject property is identified in the General Plan as general commercial and is zoned C-2 (Commercial). The request to create condominiums does not contradict or impede the goals and

objectives of the General Plan. Each commercial condominium will be subject to the permitted and conditional use requirements of the C-2 Zone.

PRELIMINARY SUBDIVISION PLAT REVIEW

Because this property exists in an approved subdivision, it will require an amendment to the subdivision to accomplish the proposal. The proposed plat, Larsen Commercial Condominiums Subdivision, is included as an attachment to this report.

The proposed plat includes eight (8) units for private ownership, delineated limited common area behind each unit, and common area for the parking and landscaped areas. The existing structure seems to have been previously designed to lease eight (8) spaces. However, it appears that some of the spaces have been combined to accommodate the needs of existing businesses. There may be the need for remodeling to reestablish dividing walls between ownership units. Any required remodeling for the establishment of separate ownership units will need to be done prior to the recording of the plat.

Title 9 of Clearfield City Code provides regulations for water and sewer. Structures that require water and sewer and are held under separate ownership are required to have a separate water meter and connection, and a separate sewer connection. The creation of condominiums would require additional connections, as well as updates to the existing utilities, which currently have one water connection shared between the subject property and the Tender Years Daycare to the south. A civil plan set will need to be submitted with the Final Subdivision Plat application to allow for proper review of the utility plans for the site.

The plat will require Final Subdivision Plat approval and will need to be updated with the requirements for the recording of a Condominium Plat as listed in Section 13 of Utah State Code Title 57, Chapter 8 prior to Final Subdivision Plat application and review.

The request is also subject to Title 11, Chapter 13, and Section 24 of the Clearfield City Municipal Code, which requires the review of private covenants and restrictions related to developments that will include separate ownership and common areas. The Covenants, Conditions, and Restrictions (CC&R's) shall be approved by the City Attorney, Planning Commission, and City Council, and shall be recorded with the County Recorder.

Staff has reviewed the applicant's submittal of the proposed Articles of Incorporation and CC&R's. A summary of the review is provided as outlined in the table below.

Specific Provision		Inclusion in CC&R's
<i>All covenants, conditions and restrictions shall include management policies which shall set forth the quality of maintenance that will be performed and who is to be responsible for said maintenance within said condominium development. Said document shall, at a minimum, contain the following:</i>		
1)	The establishment of a private association or corporation responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the condominium development.	Included and identified in the Declaration as "Hart Business Condominiums".

2)	The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection and the powers and duties of said committee and including the person, partnership or corporation with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.	Not Included. A management committee is not mentioned in the CC&Rs, nor is the number of persons constituting the committee.
3)	The method of calling a meeting of the members of the corporation or association, with the members thereof that will constitute a quorum authorized to transact business.	Not Included. Typically methods for meetings of the Association are established in the By-Laws that accompany the CC&Rs. By-Laws will need to be submitted for review with the Final Subdivision Plat application.
4)	The manner of collection from unit owners for their share of common expenses and the method of assessment.	Included. The "Assessments and Utilities" section includes the provisions for collection from unit owners.
5)	Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair and restore or sell property in the event of damage or destruction of all or part of the project.	Not Included. Voting procedures are included for the process to amend the Declaration, but not for decisions related to rebuilding, repairing, and restoring in the event of damage or destruction.
6)	The method and procedure by which the declaration may be amended.	Included. The declaration may be amended as described in Article VII, Section 7.2 of the Declaration.

DEPARTMENT REVIEW & PUBLIC COMMENT

The proposed condominium plat was distributed for review amongst Clearfield City Planning and Engineering staff, as well as with the North Davis Fire District. Engineering Staff have provided a review letter dated August 22, 2025.

Public Comment

A public notice sign was placed on the property during the week of August 25, 2025. No public comment has been received to date.

SITE PLAN – CONDITIONS OF APPROVAL

Based upon review of Clearfield City ordinances and the proposed site plan, Staff recommends that the Planning Commission **approve** the site plan request, subject to the following conditions.

- 1) The plans will need to be updated to show separate utility connections for water and sewer, and address the comments of the Engineering Review Letter dated August 22, 2025.
- 2) Any required remodeling for the establishment of separate ownership units will need to be indicated in plans with the Final Subdivision Plat application, and completed prior to the recording of the plat.
- 3) Prior to Final Subdivision Plat application, the proposed plat will need to be updated with the requirements for the recording of a Condominium Plat as listed in Section 13 of Utah State Code Title 57.
- 4) The CC&R's will need to be updated to include bylaws and all items identified in this report, consistent with Clearfield City Code 11-13-24.
- 5) The plat shall be revised to include addresses for the condominiums.

ATTACHMENTS

1. Proposed Larsen Commercial Condominiums Subdivision Plat
2. Draft CC&Rs

LARSEN COMMERCIAL CONDOMINIUM PLAT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 4
NORTH, RANGE 2 WEST, SALT LAKE BASIN AND MERIDIAN,
CLEARFIELD CITY, DAVIS COUNTY, UTAH
MARCH 2025

BOUNDARY DESCRIPTION

THE FOLLOWING DESCRIBED TRACT OF LAND IN DAVIS COUNTY, STATE OF UTAH:

PARCEL 1:

ALL OF LOT 2D, LARSEN COMMERCIAL SUBDIVISION, LOT 2, SECOND AMENDMENT, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN THE OFFICE OF THE DAVIS COUNTY RECORDER, AS ENTRY NO. 3154680 OF OFFICIAL RECORDS.

PARCEL 1A:

TOGETHER WITH A NON-EXCLUSIVE EASEMENT AS DISCLOSED BY THAT CERTAIN EASEMENT AGREEMENT RECORDED MAY 11, 2020 AS ENTRY NO. 3250370 IN BOOK 7510 AT PAGE 2602 OF OFFICIAL RECORDS.

NARRATIVE

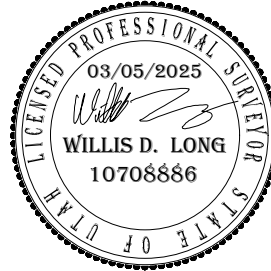
THE PURPOSE OF THE SURVEY WAS TO CREATE A CONDOMINIUM PLAT FOR THE BUILDING SHOWN HEREON. THE SURVEY IS BASED ON THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY STEWART TITLE GUARANTY TITLE INSURANCE COMPANY, FILE NUMBER 2541861 WITH AN EFFECTIVE DATE OF FEBRUARY 5, 2025 AT 8:00 A.M. THE SURVEY WAS ORDERED BY SCOTT MCFARLAND. THE BASIS OF BEARING IS THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN WHICH BEARS SOUTH 00°13'00" WEST, DAVIS COUNTY, UTAH, NAD 83 STATE PLANE GRID BEARING.

THE WORD "CERTIFY" AND "CERTIFICATE" AS SHOWN AND USED HEREON MEANS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS DISCLOSED TO THE SURVEYOR OR INFORMATION IN POSSESSION OF THE SURVEYOR AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTY OF LEGAL OWNERSHIP, EXPRESS OR IMPLIED.

SURVEYOR'S CERTIFICATE

I, Willis D. Long, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 10708886 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-20 AND HAVE VERIFIED ALL MEASUREMENTS; THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY; AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY.

SIGNED THIS 5TH DAY OF MARCH, 2025.



Willis D. Long, PLS NO. 10708886

OWNER'S DEDICATION

I THE UNDERSIGNED OWNER OF THE HEREON DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, PARCELS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT:

LARSEN COMMERCIAL CONDOMINIUM PLAT

AND HEREBY DEDICATE, GRANT AND CONVEY TO CLEARFIELD CITY, DAVIS COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO GRANT AND DEDICATE A PERPETUAL EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED ON THE PLAT AS PUBLIC UTILITY, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, STORM DRAINAGE FACILITIES OR FOR THE PERPETUAL PRESERVATION OF WATER DRAINAGE CHANNELS IN THEIR NATURAL STATE WHICHEVER IS APPLICABLE AS MAY BE AUTHORIZED BY GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS.

SIGNED THIS ____ DAY OF _____, 2025.

BY:

ACKNOWLEDGEMENT

STATE OF UTAH)
COUNTY OF _____)

On this ____ day of _____, 2025, personally appeared before me (NAME OF DOCUMENT SIGNER), whose identity is personally known to me (or proven on the basis of satisfactory evidence) and who by me duly sworn/affirmed, did say that he/she is the (TITLE OR OFFICE) of (NAME OF CORPORATION), and that said document was signed by him/her in behalf of said "Corporation by Authority of its Bylaws, or (Resolution of its Board of Directors), and said (NAME OF DOCUMENT SIGNER) acknowledged to me that said "Corporation executed the same.

STAMP

NOTARY PUBLIC

LARSEN COMMERCIAL CONDOMINIUM PLAT
LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 4
NORTH, RANGE 2 WEST, SALT LAKE BASIN AND MERIDIAN,
CLEARFIELD CITY, DAVIS COUNTY, UTAH

DEVELOPER:
NAME
ADDRESS
OGDEN, UT 84401
801-XXX-XXX

S1
1

COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____

FILED FOR AND RECORDED _____

AT _____ IN BOOK _____ OF OFFICIAL

RECORDS, PAGE _____ RECORDED

FOR _____

COUNTY RECORDER

BY: _____

CITY ATTORNEY'S APPROVAL

APPROVED THIS ____ DAY OF _____, 2024 BY THE
CLEARFIELD CITY ATTORNEY.

CLEARFIELD CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS ____ DAY OF _____, 2024 BY THE
CLEARFIELD CITY PLANNING COMMISSION.

CHAIRMAN, CLEARFIELD CITY PLANNING COMMISSION

CITY ENGINEER'S APPROVAL

APPROVED THIS ____ DAY OF _____, 2024 BY THE
CLEARFIELD CITY ENGINEER.

CLEARFIELD CITY ENGINEER

CITY COUNCIL APPROVAL

APPROVED THIS ____ DAY OF _____, 2024 BY THE
CLEARFIELD CITY COUNCIL.

CITY RECORDER CITY MAYOR

NORTH QUARTER CORNER
SEC. 14, T4N, R2W, SLB&M
CALCULATED

N89°59'50"W 2643.68'

1606.39'

10.00' PUBLIC UTILITY
EASEMENT PER ENTRY
NO. 1248694, 1837977,
3154680, & 3250370

ANTELOPE DRIVE
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

S89°59'59"E 107.52'

R=25.00'
L=15.00'
Δ=34°23'13"
CHB=S72°47'59"E
CH=14.78'

S0°00'00"E 12.86'
UDOT EASEMENT PER ENTRY
NO. 1834992 & 2309181

S89°59'50"E 9.84'

R=25.00'
L=7.98'
Δ=18°17'52"
CHB=S8°57'29"E
CH=7.95'

129-37-0002
LOT 2D
LARSEN COMMERCIAL
SUBDIVISION
325 WEST 1700 SOUTH
HART LLC
30,674 SQ. FT.
0.704 ACRES

300 WEST STREET
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

10.00' PUBLIC UTILITY
EASEMENT PER ENTRY
NO. 1248694, 1837977,
3154680, & 3250370

20.00' INGRESS/EGRESS
EASEMENT PER ENTRY
NO. 1837977, 3154680,
& 3250370

NORTHEAST CORNER
SEC. 14, T4N, R2W, SLB&M
FOUND COUNTY MONUMENT

BASEIS OF BEARINGS S0°13'00"W 2638.84'

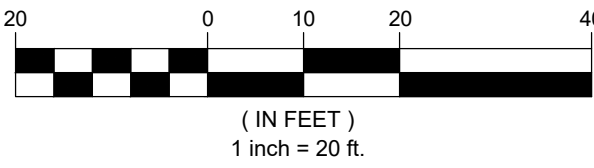
EAST QUARTER CORNER
SEC. 14, T4N, R2W, SLB&M
FOUND COUNTY MONUMENT

VICINITY MAP

NOT TO SCALE



GRAPHIC SCALE



LEGEND

◆ COUNTY MONUMENT AS DESCRIBED

○ PROPERTY CORNER AS DESCRIBED

— SUBDIVISION BOUNDARY

— LOT LINE

— ADJACENT PARCEL

— SECTION LINE

--- EASEMENT

LIMITED COMMON AREA

PRIVATE AREA

COMMON AREA



Professional Land Surveying 837 S 500 W STE. 201
(801) 663-1641 willis.long@laytonsurveys.com WOODS CROSS, UT 84010

C:\USERS\WILLIAM LAYTON\SURVEYS\DROPBOX\LAYTON SURVEYS 2025\SCOTT MCFARLAND\325 W 1700 S CLEARFIELD PLAT.DWG

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HART BUSINESS CONDOMINIUMS

This Declaration is made as of this ___ day of _____, 2025, by Hart LLC, a Utah limited liability company (the "Declarant").

ARTICLE I

PURPOSE AND ESTABLISHMENT

1.1 Purpose: The purpose of this Declaration is to establish a common plan for the ownership, use, maintenance, and governance of a commercial condominium project known as Hart Business Condominiums, located in Clearfield, Utah.

1.2 Establishment: Declarant hereby declares that the Property shall be held, conveyed, leased, and occupied subject to the following covenants, conditions, and restrictions, which shall run with the land and be binding upon all parties having any right, title, or interest in any portion of the Property now or hereafter.

ARTICLE II

PROPERTY SUBJECT TO THIS DECLARATION

2.1 Property Location: The real property subject to this Declaration is located at:
325 West 1700 South, Clearfield, Utah 84015
Parcel ID: 12-037-0002

2.2 Legal Description: The Property consists of a business condominium project as shown on the recorded condominium plat and legal description on file with the Davis County Recorder's Office.

ARTICLE III

CONDOMINIUM OWNERSHIP

3.1 Unit Ownership: Each condominium unit may be independently owned, sold, or leased. All units are currently owned by Declarant but may be sold to third parties at Declarant's discretion.

3.2 Right to Lease: Unit Owners may lease their unit(s) to tenants, provided the use of the unit complies with all applicable zoning regulations, city codes, and the terms of this Declaration.

3.3 Use Restrictions: All units shall be used for lawful commercial/business purposes only. No residential occupancy is permitted.

ARTICLE IV

ASSOCIATION

4.1 Formation: A non-profit association (the "Association") shall be formed to manage and operate the Property and enforce this Declaration.

4.2 Membership: Each Unit Owner shall be a Member of the Association. Membership shall be appurtenant to ownership of a Unit.

4.3 Voting Rights: Each Unit shall be entitled to one vote in Association matters, unless otherwise provided in the Bylaws.

ARTICLE V

ASSESSMENTS AND UTILITIES

5.1 Assessments: The Association shall levy assessments on Unit Owners for the common expenses of maintaining the Common Elements, including but not limited to insurance, maintenance, repair, and management costs.

5.2 Utility Management: All utilities serving the Property shall be managed and billed through the Association. Each Unit Owner shall be responsible for their pro-rata share of all utility costs based on the square footage of their Unit.

ARTICLE VI

MAINTENANCE AND REPAIRS

6.1 Owner Responsibility: Each Owner shall maintain their Unit in good order and repair. Any damage caused by an Owner or their tenant to the Common Elements shall be the Owner's responsibility.

6.2 Association Responsibility: The Association shall maintain and repair all Common Elements and any shared systems or areas not designated to a specific Unit.

ARTICLE VII

ENFORCEMENT AND AMENDMENT

7.1 Enforcement: The Association, any Owner, or the Declarant shall have the right to enforce the terms of this Declaration by legal proceedings.

7.2 Amendments: This Declaration may be amended by a vote of not less than 67% of the total Unit Owners, unless otherwise required by law.

ARTICLE VIII

MISCELLANEOUS

8.1 Compliance with Laws: All Unit Owners and their tenants shall comply with all applicable laws, zoning ordinances, and city codes in their use and occupancy of the Units.

8.2 Severability: If any provision of this Declaration is held to be invalid, the remainder shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Declaration the day and year first above written.

DECLARANT

HART LLC, a Utah Limited Liability Company

By: _____

Name:

Title:



Planning Commission

STAFF REPORT

DISCUSSION
ITEM

TO: Clearfield City Planning Commission

FROM: Tyson Stoddard, Associate Planner
tyson.stoddard@clearfieldcityut.gov
801-525-2718

MEETING DATE: Wednesday, September 3rd, 2025

SUBJECT: Discussion on Detached Accessory Dwellings

BACKGROUND

In September of 2021, Clearfield City adopted an Internal Accessory Dwelling Unit (IADU) ordinance to allow attached accessory dwelling units. This ordinance was specifically for accessory units that would be within the structure of single-family dwellings, on lot sizes of at least 6,000 square feet.

One of the strategies identified in the City's Moderate Income Housing Plan (MIHP) is to allow for and reduce regulations related to internal or detached accessory dwelling units in residential zones. With that strategy in mind, the City Council discussed detached accessory dwelling units during a work session in September of 2024 and reviewed sample ordinances from other cities such as Syracuse, Layton, and Murray. The direction provided by the Council was for staff to prepare a draft ordinance for detached accessory units that could be discussed at a later date.

ANALYSIS

With the high demand and low supply of housing witnessed in the region over the past few years, many cities have adopted ordinances allowing accessory dwelling units (ADUs). This type of housing can provide more affordable housing options and may appeal to residents who don't need as much space. It can also provide flexibility to homeowners who may gain income through rent while offering housing.

Impact Fees & Utility Connections

As small dwellings that exist on the same property as a single-family residence, ADUs make use of the existing infrastructure and utilities already in place. Utah State Code (11-36a-201) does not allow impact fees for internal accessory dwelling units, within an existing primary dwelling. Of the various cities that allow detached accessory dwelling units, research indicates that most do not charge impact fees for the development of those units.

Clearfield's existing IADU ordinance requires that single-family dwellings with an accessory unit only have one (1) meter for each water, gas, and electricity utility. The requirement for one utility connection supports that the additional unit is accessory to the primary dwelling. Research indicates that most cities require that detached ADU's are serviced by the same utility connections as the primary dwelling. Farmington City is an example of a city that may require separate utility connections in some instances, due to their unique ADU ordinance that allows for subdivision and separate ownership.

Draft Ordinance

Staff has taken the existing IADU Ordinance as found in Title 11, Chapter 19 of Clearfield City Code and is proposing amendments to allow detached accessory units, with appropriate development standards. With the prospect of detached accessory units, standards related to size, height, and setback distances

are considered. These standards are provided in a draft of the proposed ordinance is included as an attachment to this report.

ATTACHMENTS

1. Draft ADU Ordinance Amendments

DRAFT ADU ORDINANCE AMENDMENTS

CHAPTER 19

~~INTERNAL~~ ACCESSORY DWELLING UNITS

11-19-1: PURPOSE AND INTENT:

The ~~internal~~ Accessory Dwelling Unit (ADU) ordinance is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of an accessory unit in conjunction with single-family detached dwellings on individual lots. This ordinance is hereby established to promote the use of accessory units; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home buyers; and to offer security against problems associated with frailty in old age. These provisions are also intended to provide for affordable housing with reasonable limitations to minimize the impact on neighboring properties and neighborhoods, and to promote the health, safety, and welfare of the property owners and residents of accessory dwelling units. (Ord. 2021-14, 9-28-2021)

11-19-2: DEFINITION OF ACCESSORY DWELLING UNIT:

A subordinate dwelling, which has its own kitchen, living/sleeping area, and full bathroom, including, sink, toilet shower/bath which ~~is~~ may be within or attached to a single-family residential building-, or detached from a single-family residential building. (Ord. 2021-14, 9-28-2021)

11-19-3: OWNER OCCUPIED:

For the purpose of this section, the term “owner occupied” shall be defined as fulltime residency within the home at the property by the bona fide property owner(s) as shown on the Davis County tax assessment rolls. No accessory dwelling units shall be created, established, or occupied in a single-family dwelling unless the owner of the property lives on the property within either the principal dwelling or accessory dwelling unit. (Ord. 2021-14, 9-28-2021)

11-19-4: DWELLING UNIT OCCUPANCY:

The occupants of an accessory dwelling unit shall be limited by one of the following family categories:

- A. One person living alone; or

B. Two (2) related or unrelated adults and their children.

C. Any of the above categories plus a temporary guest. A “temporary guest” is defined as a person who stays with a family for a period of less than thirty (30) days within any rolling one-year period and does not utilize the dwelling as a legal address for any purpose. (Ord. 2021-14, 9-28-2021)

11-19-5: ZONES:

An accessory dwelling which meets ordinance requirements may be allowed ~~in a single-family dwelling unit~~ within all single-family ~~and agricultural~~ zones on lots ~~greater than~~ 6,000 square feet ~~and larger~~. No accessory dwelling unit may be allowed in any multi-family dwelling or zone. (Ord. 2021-14, 9-28-2021)

11-19-6: NUMBER OF ACCESSORY DWELLING UNITS:

A maximum of one accessory dwelling unit shall be allowed ~~in each owner-occupied single-family dwelling per lot~~. (Ord. 2021-14, 9-28-2021)

11-19-7: ADDRESS:

The principal dwelling unit and the accessory dwelling unit shall have the same address number but shall refer to the accessory dwelling unit as unit B. Addresses must be located in a visible location on the street frontage side of the home. (Ord. 2021-14, 9-28-2021)

11-19-8: SEPARATE LIVING AREAS:

An accessory dwelling unit must provide living areas for eating, sleeping and full bathroom, including, sink, toilet shower/bath, separate from the principal dwelling unit. (Ord. 2021-14, 9-28-2021)

11-19-9: FIRE, BUILDING, AND HEALTH CODES:

An ~~ADU~~ shall comply with all building construction and fire codes in effect at the time the ~~ADU~~ is constructed, created or subsequently remodeled, including the obtaining of required building and other permits. (Ord. 2021-14, 9-28-2021)

11-19-10: UTILITY METERS:

A single-family dwelling with an accessory dwelling shall have one (1) meter for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. (Ord. 2021-14, 9-28-2021)

11-19-11: NOT INTENDED FOR SALE:

Accessory dwelling units shall not be sold separately nor subdivided from the primary dwelling unit or lot. (Ord. 2021-14, 9-28-2021)

11-19-12: ACCESSORY DWELLING UNIT REGISTRATION / BUSINESS LICENSE:

Any person owning an existing accessory dwelling unit that has not previously been permitted by the city, or any person constructing or causing the construction of a residence that has an accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an accessory dwelling unit, shall register the accessory dwelling unit with the Community Development Department. If the accessory dwelling unit is a rental unit a business license is also required. This shall be in addition to a building permit for the work to be performed. In order to meet the requirements of the registration, the applicant shall:

A. Submit a fee as identified in the Consolidated Fee Schedule with a completed registration form/application including a site plan that shows property lines and dimensions, the location of existing buildings and building entrances, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meter.

B. Include detailed floor plans with labels on rooms indicating uses or proposed uses.

C. Pay building permit fees, if applicable, for ~~the construction and/or~~ remodeling of an existing dwelling, in accordance with the established fees and charges.

D. Make all corrections identified as necessary to comply with building code requirements, as identified by the chief building official or ~~his~~ designee and provide photos of the life safety items required by building code, including carbon monoxide detectors, smoke detectors, and earthquake strapping on water heaters.

~~E. Failure To Complete and Obtain a Land Use Permit: If the property owner does not obtain a land use permit as outlined this chapter, the IADU shall not be considered legal or approved. Failure to obtain a land use permit for an existing dwelling unit within two (2) years of this section may result in a citation for a code violation as governed by Title 1-16: "Code Enforcement," of this Code.~~

~~FE.~~ Failure to complete registration of IADU: If the property owner does not complete the registration as outlined above, the accessory dwelling unit shall not be considered legal or approved. Failure to complete the registration of an existing accessory dwelling unit may result in a fine, which may result in a lien on the property. After the fine is assessed, the building official or ~~his~~ designee shall determine an appropriate deadline for compliance. An additional fine may be assessed for each deadline that is not met. (Ord. 2021-14, 9-28-2021)

11-19-13: HOME OCCUPATION BUSINESSES:

Home occupation businesses which may be approved in an accessory dwelling unit shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an accessory dwelling unit without the express written permission of the property owner, and approval from the City Business license official. (Ord. 2021-14, 9-28-2021)

11-19-14: DEVELOPMENT STANDARDS:

For Internal Accessory Dwelling Units (IADU's):

~~A. Size: The total area of the IADU shall be fifty percent (50%) or less of the total square footage of the primary residence and be located within the footprint of the home.~~

~~BA. Appearance: The architectural design, color pallet, and materials for an IADU shall be similar to the primary dwelling unit. The use of portable storage containers in the creation or construction of IADU's is prohibited.~~

~~CB. Location: IADUs shall meet the same setbacks as required for the primary residence in the zone.~~

1. IADUs and the primary dwelling must be on the same parcel and may not be subdivided.

2. Accessory dwelling units may be allowed as long as the zoning requirements for properties in a single-family neighborhood are met. The IADU shall not be within the building front, rear, or side yard setbacks for the zoning district in which the dwelling lot is located. In addition, the following standards apply:

3. Attached accessory dwelling units are allowed:

a. Over an attached garage, provided the accessory unit does not otherwise disrupt required covered parking.

b. Inside the primary residential dwelling through an internal conversion of the housing unit as an addition or in the basement.

c. By an addition to the house, containing an internal connection between dwelling units provided that the addition will not alter the single-family character of the building.

~~DC. Building Entrances: An accessory dwelling unit shall have a separate entrance located on any side or rear of the single-family home or at the front of the home if it is below grade and maintains the characteristics of a single-family home. The purpose of this requirement is to preserve the single-family residential appearance of the building.~~

~~E. Parking: A single-family dwelling with an accessory dwelling unit shall provide at least one (1) additional off-street parking space for the IADU. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. This shall include covered parking, garages and tandem parking in driveways. Tandem parking within a driveway is allowed to meet the parking requirement. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except for within an approved driveway. At a minimum, all parking areas and driveways shall be paved with concrete, asphalt, masonry, or concrete pavers. Permitted accessory parking standards must meet minimum parking requirements. No accessory dwelling may be allowed on any lot that cannot satisfy the parking requirements. (Ord. 2021-14, 9-28-2021)~~

For Detached Accessory Dwelling Units:

- A. Appearance: The architectural design, color pallet, and materials for an ADU shall be similar to the primary dwelling unit. The use of storage containers for accessory units is prohibited. The use of portable storage containers in the creation or construction of ADU's is prohibited.
- B. Location: Detached accessory units shall be located in the rear yard of the primary dwelling.
- C. Height: Not to exceed 25 feet or the height of the primary dwelling, whichever is less.
- D. Setbacks: Detached accessory units shall maintain the following setbacks.
 - 1. Rear: 10 feet if single-story, 20 feet if two-story
 - 2. Side: 10 feet
 - 3. Corner Side: 20 feet on the side adjacent to a street
 - 4. Distance from Primary Dwelling: 10 feet
- E. Size: Detached accessory units shall comply with the following total floor area requirements.
 - 1. No greater than 50% of the total floor area of the primary dwelling
 - 2. Minimum: 250 square feet
 - 3. Maximum: 1000 square feet
- F. Lot Coverage: Detached accessory units shall comply with the following lot coverage requirements. Coverage calculation is for all buildings and structures,

both main and accessory, and shall not exceed the listed percentages based on lot size.

1. Lot Size of 43,560 square feet and larger: 20%
2. Lot Size of 43,559 to 15,000 square feet: 30%
3. Lot Size of 14,999 to 6,000 square feet: 40%

11-19-15: PARKING:

A single-family dwelling with an accessory dwelling unit shall provide at least one (1) additional off-street parking space for the ADU. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. This shall include covered parking, garages and tandem parking in driveways. Tandem parking within a driveway is allowed to meet the parking requirement. No parking spaces may be located within the front or side yard setbacks adjacent to a street, except for within an approved driveway. At a minimum, all parking areas and driveways shall be paved with concrete, asphalt, masonry, or concrete pavers. Permitted accessory parking standards must meet minimum parking requirements. No accessory dwelling may be allowed on any lot that cannot satisfy the parking requirements. (Ord. 2021-14, 9-28-2021)

Formatted: List Paragraph

Formatted: Font: Not Bold