



2267 N 1500 W
Clinton UT 84015

Planning Commission Members

Jolene Cressall

Dan Evans

Mark Gregersen

Dave Jones

Chad Hansen

Jennifer Christensen

Date of Meeting	January 2, 2025	Call to Order	6:04 pm.
Staff Present	Community Development Director Peter Matson and Becky Smith recorded the minutes.		
Attendees			
Prayer or Thought	Commissioner Jones		
Pledge	Commissioner Hansen		
Roll Call/Attendance	Present were: Commissioners Jolene Cressall, Dan Evans, Mark Gregersen, Chad Hansen, and Dave Jones. Commissioner Christensen was absent		
Declaration of Conflicts	None		
SUMMITTED BY:	Peter Matson, Community Development Director		
DISCUSSION	<u>AGENDA ITEM 1</u> Public Hearing: Review and possible action on text amendments to Title 26, Clinton City Subdivision Ordinance including updates to be compliant with provisions of State law regarding the subdivision review and approval process, designation of land use authority for preliminary and final plats, and various updates to improve the clarity and readability of the ordinance – Ordinance 25-01. Due to recent State law changes, a review and assessment is necessary for updating the City’s Subdivision Ordinance. The proposed amendments and updates primarily aim to clarify the administrative nature of the subdivision review and approval process, particularly for single or two-family dwellings and townhomes. The goal is to align the City’s Subdivision Ordinance with the provisions of SB 174 from the 2023 legislative session, ensuring a streamlined administrative review and approval process with clear guidelines. The proposed updates include sections that strictly adhere to State law, without discretionary flexibility. While State law only requires changes for single or two-family dwellings and townhomes,		

the existing code and proposed amendments applies to all subdivisions regardless of use.

MAJOR CODE AMENDMENTS AND HIGHLIGHTS: [ATTACHMENT C](#) is a draft of the proposed amendments to Title 26 Subdivisions. This draft includes changes since the December 5th meeting with strikeout/underline text indicating the changes. The following is a summary of the main highlights of this code update:

- 1) Administrative Land Use Authority Designation – The current code states that the planning commission is to review and make a recommendation for final approval by the Council. The update ensures that we have designated an “administrative land use authority” for preliminary plats as outlined in State law. This allows flexibility to the city to designate the planning commission as the land use authority to review and approve preliminary plats.
- 2) Elimination of Sketch (Concept) Plan Review - This step is eliminated from the code as required by State law. It is suggested, however, that we continue to offer an optional pre-application review at the request of the developer.
- 3) Complete Application – A complete application is defined for preliminary and final plat submittal.
- 4) Review Process Timing – The review process for preliminary and final plat defaults to what is specified in State law. The initial review of the preliminary plat is within 15 business days and final plat within 20 business days. State law also indicates that only four reviews between preliminary and final plat approval are allowed.
- 5) Bonding for private landscaping is no longer allowed.
- 6) City Road Standards – The new code follows the State law that residential roadway asphalt width cannot be required to be more than 32 feet. Collector street standards and the new town home alternative public roadway standards are also listed.
- 7) The overall Subdivision Review Process is outlined in the attached flow chart (ATTACHMENT A).

Mr. Matson started the meeting by asking the Planning Commission what their views were on the definition of a minor subdivision. He went on to say in the present code it reads as both 3 and 5 lots could be in a subdivision. Staff believed making that up to 5 lots would be beneficial.

Commissioners discussed the number of lots that should be required for a subdivision. Discussed what the advantages may or may not be by designating a higher number of lots allowed in a minor subdivision. Discussed examples of 3 to 5 lot subdivisions.

Commissioner Evans expressed his belief to be that subdivisions should be made simple and discussed concerns regarding being on a frontal road.

Mr. Matson explained a minor subdivision is approved administratively. He gave the example if the ordinance states it can only have up to 3 lots and a subdivision review comes in with 4 lots, then it will be processed as a major subdivision application. The developer will need to come before the Planning Commission, since you are the administrative land use authority. A preliminary and a final plat would be required. Although, if there are 3 lots or less it will not appear before the Planning Commission, it would be processed administratively.

Chair Cressall advised the question before the Planning Commission is whether a minor subdivision should remain as 3 or be increased to 5 lots.

Commissioner Gregersen questioned the proposal whether it would be simplifying the process for the developers, versus to make it in conformity with the state law. He explained Utah Code 10-9a-604.1 and following sections, (which were created by part of Senate Bill 174 passed in 2023 legislation) limits what is required for single- and two-family homes. The amendment proposed to Clinton's ordinance 26-1-6 does not limit its changes to single- and two-family residences, such that the proposal goes further than required by state law. The Commission weighs whether to move much of the review of subdivisions from the City Council and Planning Commission, so only overseen administratively. The Commission should recommend this amendment to the City Council only if the Commission believes it is good policy, and not because the Commission believes it is required by state law.

Commissioner Cressall explained the reason it seemed broader is because the entire subdivision is being brought in to simplify the whole subdivision ordinance, combining it instead of having two separate sections.

Mr. Matson advised in the Senate Bill 174 the main concern of the Legislature was the single- and two-family residential subdivisions, a non-residential subdivision, even a commercial subdivision in the manufacturing zone.

Commissioner Evans questioned what would be best for the city. Minor Subdivisions, he believed, would be for a contractor just getting started. He also expressed concern about what would be best for the city and the people in the city.

Commissioner Hansen advised if this was used in commercial or industrial zones and if we require more lots, it may take away from the planning commission review. Keep it smaller for ease.

All Commissioners agreed 3 lots would be sufficient.

Mr. Matson advised that the Community Development Director could approve subdivision amendments and lot line adjustments, but these have to go before the City Council for review if vacating easements or rights-of-way are involved.

Commissioner Gregersen questioned Section 2 subsection d by asking if the Community Development Director is vested with authority to approve amendments to subdivision if the subdivision included vacating rights of way.

Mr. Matson advised Commissioner Gregersen that he is vested with amendments to the subdivision, but he is not vested regarding vacating the easements or rights-of-way. He will change it back to what the verbiage previously read.

Mr. Matson advised engineering standards and specifications added as outlined in Title 9 is just a clarification. The offsite improvements definition should state the improvements might be inside or outside of the subdivision. Commission Gregersen asked where this might come into play. Commissioner Evans and Jones discussed this is the definition of off-site improvements.

Mr. Matson advised protection strips are not mentioned in the Title, but he was waiting to hear from the attorney if this is needed. He and Commissioner Jones both agreed that we do not need that in the code.

Commissioner Gregersen asked if protection strips needed to be in the code now? He had seen where it had been abused.

Commissioner Jones advised there use to be a provision where the protection strip was allowed for a certain period of time, and how much money would be allowed to be released per year.

Mr. Matson questioned if this could defer it until the legal counsel has input.

Commissioners Gregersen, Evans and Jones gave examples of when a protection strip would be beneficial and how it might be used improperly.

Mr. Matson advised he would collaborate with the attorney to see if additional language needed to be put into the definition.

Mr. Matson advised he would like to change the re-subdivision to plat amendment.

Is the Commission okay with that change? All agreed for the change.

Mr. Matson discussed that the definition of “screening” is not found in the Title. Discussing the definition with the Commission would be a good definition for a screen buffer.

Mr. Matson advised Clinton City has two arterial streets in the city - 1800 N and 2000 West, and thought defining them would be helpful. A collector street definition is the means of access to the major street system. A major street could mean a collector or arterial but believe it is a collector feeding into arterial streets.

Commissioner Jones advised that the arial photos are used in the county. They classified the definitions of streets, local, collector, arterial. It might be helpful to the citizens.

Cul-de-sac measurements, 15 dwellings, changing to minimum standards, asking if it should be reworded to as outline in Title 9 for the maximum number of dwelling units served. The number of lots without a second access is 30.

Mr. Matson advised the City code, and the State Code states that the Planning Commission’s role in reviewing and approving preliminary plats is as the Administrative Land Use Authority. The preliminary plat review and approval is an administrative decision not a Legislative one. He also expressed a concern about a need to be cautious about public hearings, the public can make comments, but it is still being reviewed by the standards of the code. The public would be heard, but if it meets the standard of the code, it would still have to be accepted.

Commissioner Gregersen questioned whether it would be helpful to describe the standards that are being used, for the public to understand.

Mr. Matson and the Planning Commission discussed how to improve verbiage on several parts of the subdivision ordinance.

Commissioner Jones questioned the definition of reverse frontage lot?

Mr. Matson advised he believed it is just another way of saying double frontage lot.

The Commissioners discussed what a double frontage lot was, and where examples of a double frontage lots that are in the city.

Commissioner Jones asked if the definition of “the city” is defined.

Chair Cressall opened the public hearing at 7:25pm. With no public comment, the hearing was closed at 7:26.

CONCLUSION AND MOTION	Commissioner Evans made a recommendation to the City Council to adopt Ordinance 25-01 (ATTACHMENT B) amending Title 26 (Subdivisions) updating the subdivision review and approval process in accordance with Utah State law together with updates to various sections for improved clarity and consistency specially noting the protection strip be clarified before going to the City Council. All corrections will be incorporated before being approved by the City Council. Commissioner Hansen seconded the motion. Voting is as follows: Commissioner Jones, aye; Commissioner Evans, aye; Commissioner Hansen, aye; Commissioner Gregersen, aye; Commissioner Cressall, aye.
DISCUSSION	<u>AGENDA ITEM 2</u> Public Hearing: Review and possible action on text amendments to Title 28, Clinton City Zoning Ordinance, regarding Internal Accessory Dwelling Units (ADUs) (Section 28-3-7) providing clarification regarding attached ADUs and adding regulations for Detached Accessory Dwelling Units including minimum lot size, setbacks and review and approval procedures – Ordinance 25-01Z. The attached ordinance amends the provisions for internal accessory dwelling units by clarifying regulations of internal/attached and detached ADUs. The proposed amendments are presented as exhibits to Ordinance 25-01Z. Exhibit A provides updated definitions for the various types of ADUs, Exhibit B provides the proposed modifications to Section 28-3-27 which outlines the purpose of ADUs, where ADUs are permitted, the approval process and development standards for each ADU type. This Section also includes a new setback table for each type of ADU. Exhibit C includes Table 14-2 which lists the various land uses allowed in the residential zones with the addition of attached and detached ADUs highlighted. Section 28-3-27 is the focus of this ordinance amendment. Please review the details, including the setback table, and be prepared to help make sure I have addressed all your concerns and items you want covered by this update. Mr. Matson clarified the internal Adu's are overseen administratively, where the detached may require a conditional use permit. What additional comments would the commission like to add or view as being needed for the conditional use permits? State law limits conditions to those that mitigate impacts based on the regulations in the code. A conditional use permit is assumed approvable, but with conditions. In his experience if a conditional use permit has been defined, a list of specific conditions should be provided. He questioned whether the city would be better off to have guidelines that are detailed enough to allow them in the zones, or if the Commission thought a Conditional Use Permit would still be needed?

Commissioner Gregersen clarified that permitted use is managed by staff but questioned if it is not permitted then it will come before the commission?

Commissioner Cressall advised she believes very defined guidelines are needed.

Mr. Matson advised to remember permitted uses are uses that can have conditions applied to it.

Commissioner Gregersen stated venturing into allowing ADU's could allow major changes to the city. There could be consequences that we are not taking into consideration. He believed the Planning Commission should be allowed some discretion. Maybe a need to mitigate things that are not thought of currently.

Commissioner Hasen advised yes because it affects the neighbors in every way. Or can that be overseen administratively?

Mr. Matson advised that detached ADU's are handled during the planning and zoning reviews.

Chair Cressall asked the Planning Commission if they all agreed on conditional use on all detached and attached ADU's. The majority did agree. She advised she was concerned about the 10,000 square feet being a limit but advised that she understood how that will work with the setbacks. She expressed concerns on the 6 feet between the home and the ADU. She asked the rest of the Planning Commission what they thought.

Mr. Matson advised that during the permit review process, setbacks for any other detached structures in the backyard will also be reviewed. This could impact or reduce the size of the detached ADU.

The Commissioners discussed the 10,000 square foot minimum lot size.

Mr. Matson advised the Planning Commission there is another criteria that the ADU will be required to meet, the maximum rear yard hard surface ratio of 25%. He explained to the Commission that only 25% of the backyard could be a non-pervious surface. If they have a shed, or patio, that will all come into play as well. All residential zones have that 25% ratio.

Chair Cressall asked the Planning Commission again if they are all okay with the 10,000 square feet limit.

The Commissioners discussed all the regulations and concluded everything will work out fine.

CONCLUSION AND MOTION	Commissioner Hansen made a motion to keep this public hearing open to continue the discussions on the ADU ordinances and to have a special meeting on January 16 to discuss these further conditions to Exhibit B. Commissioner Jones seconded the motion. Voting is as follows: Commissioner Jones, aye; Commissioner Evans, aye; Commission Hansen, aye; Commissioner Gregersen, aye; Commissioner Cressall, aye.
DISCUSSION	<u>AGENDA ITEM 3</u> Public Hearing: Review and possible action on text amendments to Title 28, Clinton City Zoning Ordinance, allowing accessory building coverage on a parcel or lot in the A-1 (Agricultural) zone containing a residential structure to not exceed 15% of the gross lot area as opposed to 10% of the gross lot area – Ordinance 25-02Z. The attached ordinance proposes to amend a note at the bottom of Table 12.4.4 in Chapter 28-12-4 of the Zoning Ordinance. Footnote “a” in this Table indicates that the combined floor area of all accessory buildings or other structures on a parcel or lot containing a residential structure cannot exceed 10% of the gross lot area. Two separate lot owners in the A-1 zone have approached city staff about this regulation wondering why this lot coverage requirement is limited to 10% in the A- 1 zone when the A-E (Agricultural Estate) zone allows a maximum coverage of 15% of the gross lot area. The A-1 zone requires a one-acre minimum lot size and the A-E zone requires ½ acre as the minimum lot size. The lower percentage in the A-1 zone compared to the A-E zone appears reasonable because of the minimum lot size difference. However, a few residents with one acre or larger lots are of the opinion that they are being limited to a smaller percentage lot coverage. One property owner, for example, desires to build a +/- 4,300-sf detached garage/indoor sport court with a +/-1,000 sf covered, unwallled section. The current code allows for the main structure but not the additional covered section. The attached map highlights the A-1 and A-E zoning throughout the city. Both residents interested in this proposed ordinance amendment live in the Stone Gate subdivision in west Clinton. This is likely one of the main areas where a change to this regulation would be applicable. Other A-1-zoned subdivisions where this may come into play exist along 800 North and a small section along 1300 North. Staff does not see any negative consequences for this proposed amendment, but we certainly welcome further discussion and input before this proposal is forwarded on for further consideration. Chair Cressall opened a public hearing at 9:00 pm, with no public comment was closed at 9:01 pm. Commissioner Gregerson advised this was a reasonable request and asked the remaining Commissioners if they had any thoughts or concerns.

CONCLUSION	Commissioner Gregerson made the recommendation to the City Council to adopt Ordinance 25-02Z amending Chapter 28-12 of the Zoning Ordinance allowing accessory building coverage on a parcel or lot in the A-1 (Agricultural) zone containing a residential structure to not exceed 15% of the gross lot area as opposed to 10% of the gross lot area. Commissioner Evans seconded the motion... Voting is as follows; Commissioner Jones, aye; Commissioner Evans, aye; Commissioner Hansen, aye; Commissioner Gregersen, aye; Commissioner Cressall, aye.
OTHER ISSUES	Chair Cressall asked the Planning Commission to please read the rules and procedures for the Planning Commission, and if there is anything that needs to be changed, we could talk about it at the next meeting.
DIRECTORS REPORT	- Mr. Matson thanked the Commission for their patience and help on the Subdivision section of the code. - Questioned the Commission about their thoughts on changing the chairs' appointment from 1 to 2 years. - The consultant has been selected for the General Plan.
ADJOURNMENT	<i>Commissioner Evans moved to adjourn. Commissioner Hansen seconded the motion. Voting is as follows; Commissioner Jones, aye; Commissioner Evans, aye; Commissioner Hansen, aye; Commissioner Gregersen, aye; Commissioner Cressall, aye. The meeting adjourned at 9:11pm.</i>

*Reviewed and Approved by the
Clinton City Planning
Commission on this
6th day of February 2025*