



CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
November 18, 2025 - WORK MEETING

Meetings of the City Council 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 by the City Council for electronic meetings.

55 South State Street
Third Floor
Clearfield, Utah

6:15 P.M. WORK MEETING

Discussion of an Amendment to the Interlocal Cooperation Transportation Project
Reimbursement Agreement with Davis County for 500 West Funding

Discussion to Consider the Adoption of an Ordinance to Prohibit Camping on Public Property

Discussion of a General Plan Amendment Request to Consider the Adoption of a Water Use
and Preservation Plan in Accordance with Utah State Code Requirements

Discussion of a Proposed Zoning Text Amendment to Add “Trailer Sales” as a Permitted Use
in the Town Mixed Commerce District (TC Zone) with Development Standards

Discussion of a Proposed Zoning Text Amendment to Permit Detached Accessory Dwelling
Units (DADUs) in Select Zones and to Adopt DADU Development Standards

Department Updates

****ADJOURN THE CITY COUNCIL WORK MEETING****

Posted November 14, 2025.

/s/Chersty Titensor, Deputy City Recorder

The City of Clearfield, in accordance with the ‘Americans with Disabilities Act’ provides accommodations and auxiliary communicative aids and services for all those citizens needing assistance. Persons requesting these accommodations for City sponsored public meetings, service programs or events should call Nancy Dean at 801-525-2714, giving her 48-hour notice.

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 Nancy R. Dean at Clearfield City, nancy.dean@clearfieldcity.org & 801-525-2714

TO: Mayor Shepherd and City Council Members

FROM: Braden Felix, Assistant Public Works Director

MEETING DATE: November 18, 2025

SUBJECT: Amendment to Interlocal Agreement with Davis County for 500 West Funding

RECOMMENDED ACTION

Approve the contract amendment as presented

DESCRIPTION / BACKGROUND

In 2021, the city entered into an interlocal agreement with the county to receive 3rd Quarter Sales Tax as a reimbursement for the 500 West Extension project in a total of \$2 million. The project only required \$1,511,206.96, leaving a balance of \$488,237.22. When the need for the 1st Street extension came up, the county agreed to give the remaining balance to the city as a reimbursement for the next phase of the previous project. Because the previous agreement has expired, this amendment reinstates it and allows us to draw that \$488k.

CORRESPONDING POLICY PRIORITIES

- Improving Clearfield's Image, Livability, and Economy

This was part of the basis of the 1st Street project funding. The road is built and being used.

HEDGEHOG SCORE

22

FISCAL IMPACT

\$488,237.22 to the city.

ALTERNATIVES

SCHEDULE / TIME CONSTRAINTS



LIST OF ATTACHMENTS

- Clearfield 500 West Extension Contract (Original Contract)
- Amendment 1 to Clearfield 500 West Extension Contract

AMENDMENT NO. 1 TO INTERLOCAL COOPERATION
TRANSPORTATION PROJECT REIMBURSEMENT AGREEMENT

This Amendment No. 1 to Interlocal Cooperation Transportation Project Reimbursement Agreement (this “Amendment”) is between Davis County, a body corporate and politic and a legal subdivision of the State of Utah (“County”), and Clearfield City, a municipal corporation, body politic, and political subdivision of the State of Utah (“City”). The County and the City may be referred to collectively as the “Parties” in this Amendment.

WHEREAS, the Parties previously entered into an Interlocal Cooperation Transportation Project Reimbursement Agreement, dated October 12, 2021, by the County, and identified in the County’s records as Resolution 2021-503 (the “Agreement”).

WHEREAS, the Parties, through this Amendment, desire to amend the Agreement as set forth below.

The Parties therefore agree as follows:

1. Section 2 of the Agreement is omitted and replaced with the following:
 - 2. The County’s Duties, Obligations, Responsibilities, or Otherwise.** The County shall reimburse the City in an amount up to 80% of the total permitted or authorized costs or expenses of the Project, not to exceed \$2,000,000.00, only upon all of the following being timely and completely satisfied by the City:
 - a. The City commences and completes the full scope of the Project in a manner consistent with the Application on or before November 30, 2025; and
 - b. The City notifies the County of its timely completion of the Project and provides the County with a detailed breakdown of all expenses, costs, or other approved match payments paid by the City in connection with the Project.
2. The effective date of this Amendment will be the date that this Amendment is signed by both Parties.
3. The terms and conditions of the Agreement shall remain in full force and effect, except to the extent specifically modified by this Amendment.
4. This Amendment may be executed in counterparts, each of which shall be deemed an original, and all such counterparts shall constitute one and the same contract. Digital signatures and signatures transmitted by facsimile or e-mail shall have the same force and effect as original signatures.

[Signature Page Follows]

The Parties hereto have caused this Amendment to be signed by their duly authorized representatives on the dates indicated below.

DAVIS COUNTY By: _____ Lorene Minor Kamalu, Chair Board of Davis County Commissioners Date: _____ ATTEST: _____ Brian McKenzie Davis County Clerk Date: _____ Reviewed as to Proper Form and Compliance with Applicable Law: _____ Authorized Attorney for Davis County	CLEARFIELD CITY By: _____ Printed Name: _____ Title: _____ Date: _____ ATTEST: _____ Printed Name: _____ Title: _____ Date: _____ Reviewed as to Proper Form and Compliance with Applicable Law: _____ Authorized Attorney for Clearfield City
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INTERLOCAL COOPERATION TRANSPORTATION
PROJECT REIMBURSEMENT AGREEMENT

This Interlocal Cooperation Transportation Project Reimbursement Agreement (this “Agreement”) is made and entered into by and between Davis County, a political subdivision of the state of Utah (the “County”), and Clearfield City, a municipal corporation of the state of Utah (the “City”). The County and the City may be collectively referred to as the “Parties” herein or may be solely referred to as a “Party” herein.

Recitals

A. WHEREAS, the Parties, pursuant to Utah’s Interlocal Cooperation Act, which is codified at Title 11, Chapter 13, Utah Code Annotated (the “Act”), are authorized to enter into in this Agreement; and

B. WHEREAS, Utah Code Annotated §59-12-2217, the County Option Sales and Use Tax for Transportation Fund provide the opportunity for a Council of Governments and the local legislative body to prioritize and approve funding for transportation projects that are included in the area’s Regional Transportation Plan; and

C. WHEREAS, The Davis County Council of Governments (COG) is the council of governments with the authority to work with Davis County, the local legislative body, to prioritize and approve funding for such transportation projects; and

D. WHEREAS, the County, on or about May 22, 2020, requested the cities located within Davis County, the Utah Department of Transportation (“UDOT”), and the Utah Transit Authority (“UTA”) to submit applications for a limited portion of the County’s 2020 3rd Quarter transportation sales tax revenue to be used for qualifying transportation projects; and

E. WHEREAS, the City, on or about June 30, 2020, submitted a *Davis County 3rd Quarter Funding Application* (the “Application”) to the County for the 500 West Extension (the “Project”), a copy of the Application is attached as Exhibit A to this Agreement, incorporated into this Agreement by this reference, and made a part of this Agreement; and

F. WHEREAS, The COG accordingly approved such request on October 21, 2020 and subsequently sent a recommendation to the Davis County Commission requesting approval, and such request was approved by the County Commission on October 27, 2020; and

G. WHEREAS, the City desires to commence and complete the Project in a manner consistent with the Application and as further set forth in this Agreement; and

H. WHEREAS, the County desires to grant the Application and partially reimburse the City for the permitted or authorized costs, expenses, or otherwise incurred by the City in connection with the Project in a manner consistent with the terms and provisions of this Agreement.

NOW, for and in consideration of the mutual promises, obligations, and/or covenants contained herein, and for other good and valuable consideration, the receipt, fairness, and sufficiency of which are hereby acknowledged, and the Parties intending to be legally bound, the Parties do hereby mutually agree as follows:

1. The City’s Duties, Obligations, Responsibilities, or Otherwise.

a. The City shall commence and complete all material aspects of the Project in a manner consistent with the Application within two years from the date that this Agreement is executed by the City and the County; and

b. The City shall be fully and solely responsible for all costs, expenses, or otherwise related to the Project; and

c. The City shall be solely responsible for operating and maintaining the Project including, but not limited to, all costs, expenses, or otherwise related to the operation and/or maintenance of the Project; and

d. The City shall ensure that the Project complies with the American Public Works Association (“APWA”) standards and all other federal, state, or local laws, regulations, rules, requirements, codes or otherwise that are applicable to the Project; and

2. The County’s Duties, Obligations, Responsibilities, or Otherwise. The County shall reimburse the City in an amount up to 80% of the total permitted or authorized costs and/or expenses of the Project as identified in the Application, incorporated herein by this reference, and made a part of this Agreement, not to exceed \$2,000,000, only upon all of the following being timely and completely satisfied by the City:

a. The City commences and completes the Project in a manner consistent with the Application within two years from the date that this Agreement is executed by the City and the County; and

b. The City notifies the County of its timely completion of the Project and provides the County with a detailed breakdown of all expenses, costs, or other approved match payments paid by the City in connection with the Project.

3. Effective Date of this Agreement. The Effective Date of this Agreement shall be on the earliest date after this Agreement satisfies the requirements of Title 11, Chapter 13, Utah Code Annotated (the “Effective Date”).

4. Term of Agreement. The term of this Agreement shall begin upon the Effective Date of this Agreement and shall, subject to the termination and other provisions set forth herein, terminate fifty years from the Effective Date of this Agreement.

5. Termination of Agreement. This Agreement may be terminated prior to the completion of the Term by any of the following actions:

a. The mutual written agreement of the Parties;

b. By either party:

1) After any material breach of this Agreement; and

2) Thirty calendar days after the nonbreaching party sends a demand to the breaching party to cure such material breach, and the breaching party fails to timely cure such material breach; provided however, the cure period shall be extended as may be required beyond the thirty calendar days, if the nature of the cure is such that it reasonably requires more than thirty calendar days to cure the breach, and the breaching party commences the cure within the thirty calendar day period and thereafter continuously and diligently pursues the cure to completion; and

3) After the notice to terminate this Agreement, which the non-breaching party shall provide to the breaching party, is effective pursuant to the notice provisions of this Agreement; and

c. As otherwise set forth in this Agreement or as permitted by law, ordinance, rule, regulation, or otherwise.

6. Notices. Any notices that may or must be sent under the terms and/or provisions of this Agreement should be delivered, by hand delivery or by United States mail, postage prepaid, as follows, or as subsequently amended in writing:

<u>To the City:</u> Clearfield City Attention: City Manager 55 South State Street Clearfield, UT 84015	<u>To the County:</u> Davis County Attn: Chair, Davis County Board of Commissioners P.O. Box 618 Farmington, UT 84025
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7. Damages. The Parties acknowledge, understand, and agree that, during the Term of this Agreement, the Parties are fully and solely responsible for their own actions, activities, or business sponsored or conducted.

8. Indemnification and Hold Harmless. The City, for itself, and on behalf of its officers, officials, employees, agents, representatives, contractors, volunteers, and/or any person or persons under the supervision, direction, or control of the City (collectively, the “City Representatives”), agrees and promises to indemnify, save and hold harmless the County, as well as the County’s officers, officials, employees, agents, representatives, contractors, and volunteers (collectively, the “County Representatives”), from and against any loss, damage, injury, liability, claim, action, cause of action, demand, expense, cost, including defense costs, fee, or otherwise (collectively, the “Claims”) that may arise from, may be in connection with, or may relate in any way to this Agreement, the Project, and/or the negligent acts or omissions of the City and/or the City Representatives, whether or not the Claims are known or unknown, or are in law, equity, or otherwise. The City, for itself, and on behalf of the City Representatives, agrees and promises that all costs, including defense costs, expenses, or otherwise relating to the Claims and incurred by County or the County Representatives or which the County or the County Representatives would otherwise be obligated to pay, shall be paid in full by the City within thirty (30) calendar days after the County provides the City with documents evidencing such costs, including, if applicable, defense costs, expenses, or otherwise. No term or condition of this Agreement, including, but not limited to, insurance that may be required under this Agreement, shall limit or waive any liability that the City may have arising from, in connection with, or relating in any way to this Contract, the Project, and/or the negligent acts or omissions of the City or the City Representatives.

9. Governmental Immunity. The Parties recognize and acknowledge that each Party is covered by the *Governmental Immunity Act of Utah*, codified at Section 63G-7-101, et seq., *Utah Code Annotated*, as amended, and nothing herein is intended to waive or modify any and all rights, defenses or provisions provided therein. Officers and employees performing services pursuant to this Agreement shall be deemed officers and employees of the Party employing their services, even if performing functions outside of the territorial limits of such party and shall be deemed officers and employees of such Party under the provisions of the *Utah Governmental Immunity Act*.

10. No Separate Legal Entity. No separate legal entity is created by this Agreement.

11. Approval. This Agreement shall be submitted to the authorized attorney for each Party for review and approval as to form in accordance with applicable provisions of Section 11-13-202.5, *Utah Code Annotated*, as amended. This Agreement shall be authorized and approved by resolution or ordinance of the legislative body of each Party in accordance with Section 11-13-202.5, *Utah Code Annotated*, as amended, and a duly executed original counterpart of this Agreement shall be filed with the keeper of records of each Party in accordance with Section 11-13-209, *Utah Code Annotated*, as amended.

12. Survival after Termination. Termination of this Agreement shall not extinguish or prejudice either Party’s right to enforce this Agreement, or any term, provision, or promise under this

Agreement, regarding insurance, indemnification, defense, save or hold harmless, or damages, with respect to any uncured breach or default of or under this Agreement.

13. Benefits. The Parties acknowledge, understand, and agree that the respective representatives, agents, contractors, officers, officials, members, employees, volunteers, and/or any person or persons under the supervision, direction, or control of a Party are not in any manner or degree employees of the other Party and shall have no right to and shall not be provided with any benefits from the other Party. County employees, while providing or performing services under or in connection with this Agreement, shall be deemed employees of the County for all purposes, including, but not limited to, workers compensation, withholding, salary, insurance, and benefits. City employees, while providing or performing services under or in connection with this Agreement, shall be deemed employees of the City for all purposes, including, but not limited to, workers compensation, withholding, salary, insurance, and benefits.

14. Waivers or Modification. No waiver or failure to enforce one or more parts or provisions of this Agreement shall be construed as a continuing waiver of any part or provision of this Agreement, which shall preclude the Parties from receiving the full, bargained for benefit under the terms and provisions of this Agreement. A waiver or modification of any of the provisions of this Agreement or of any breach thereof shall not constitute a waiver or modification of any other provision or breach, whether or not similar, and any such waiver or modification shall not constitute a continuing waiver. The rights of and available to each of the Parties under this Agreement cannot be waived or released verbally, and may be waived or released only by an instrument in writing, signed by the Party whose rights will be diminished or adversely affected by the waiver.

15. Binding Effect; Entire Agreement, Amendment. This Agreement is binding upon the Parties and their officers, directors, employees, agents, representatives and to all persons or entities claiming by, through or under them. This Agreement, including all attachments, if any, constitutes and/or represents the entire agreement and understanding between the Parties with respect to the subject matter herein. There are no other written or oral agreements, understandings, or promises between the Parties that are not set forth herein. Unless otherwise set forth herein, this Agreement supersedes and cancels all prior agreements, negotiations, and understandings between the Parties regarding the subject matter herein, whether written or oral, which are void, nullified and of no legal effect if they are not recited or addressed in this Agreement. Neither this Agreement nor any provisions hereof may be supplemented, amended, modified, changed, discharged, or terminated verbally. Rather, this Agreement and all provisions hereof may only be supplemented, amended, modified, changed, discharged, or terminated by an instrument in writing, signed by the Parties.

16. Force Majeure. In the event that either Party shall be delayed or hindered in or prevented from the performance of any act required under this Agreement by reason of acts of God, acts of the United States Government, the State of Utah Government, fires, floods, strikes, lock-outs, labor troubles, inability to procure materials, failure of power, inclement weather, restrictive governmental laws, ordinances, rules, regulations or otherwise, delays in or refusals to issue necessary governmental permits or licenses, riots, insurrection, wars, or other reasons of a like nature not the fault of the Party delayed in performing work or doing acts required under the terms of this Agreement, then performance of such act(s) shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay, without any liability to the delayed Party.

17. Assignment Restricted. The Parties agree that neither this Agreement nor the duties, obligations, responsibilities, or privileges herein may be assigned, transferred, or delegated, in whole or in part, without the prior written consent of both of the Parties.

18. Choice of Law; Jurisdiction; Venue. This Agreement and all matters, disputes, and/or claims arising out of, in connection with, or relating to this Agreement or its subject matter, formation or

validity (including non-contractual matters, disputes, and/or claims) shall be governed by, construed, and interpreted in accordance with the laws of the state of Utah, without reference to conflict of law principals. The Parties irrevocably agree that the courts located in Davis County, State of Utah (or Salt Lake City, State of Utah, for claims that may only be litigated or resolved in the federal courts) shall have exclusive jurisdiction and be the exclusive venue with respect to any suit, action, proceeding, matter, dispute, and/or claim arising out of, in connection with, or relating to this Agreement, or its formation or validity. The Parties irrevocably submit to the exclusive jurisdiction and exclusive venue of the courts located in the State of Utah as set forth directly above. Anyone who unsuccessfully challenges the enforceability of this clause shall reimburse the prevailing Party for its attorneys' fees, and the Party prevailing in any such dispute shall be awarded its attorneys' fees.

19. Severability. If any part or provision of this Agreement is found to be invalid, prohibited, or unenforceable in any jurisdiction, such part or provision of this Agreement shall, as to such jurisdiction only, be inoperative, null and void to the extent of such invalidity, prohibition, or unenforceability without invalidating the remaining parts or provisions hereof, and any such invalidity, prohibition, or unenforceability in any jurisdiction shall not invalidate or render inoperative, null or void such part or provision in any other jurisdiction. Those parts or provisions of this Agreement, which are not invalid, prohibited, or unenforceable, shall remain in full force and effect.

20. Rights and Remedies Cumulative. The rights and remedies of the Parties under this Agreement shall be construed cumulatively, and none of the rights and/or remedies under this Agreement shall be exclusive of, or in lieu or limitation of, any other right, remedy or priority allowed by law, unless specifically set forth herein.

21. No Third-Party Beneficiaries. This Agreement is entered into by the Parties for the exclusive benefit of the Parties and their respective successors, assigns and affiliated persons referred to herein. Except and only to the extent provided by applicable statute, no creditor or other third party shall have any rights or interests or receive any benefits under this Agreement. Notwithstanding anything herein to the contrary, the County is expressly authorized by the City to enter into similar agreements with any or all of the other cities, or other governmental or quasi-governmental entities, located within Davis County.

22. Recitals Incorporated. The Recitals to this Agreement are incorporated herein by reference and made contractual in nature.

23. Headings. Headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

24. Authorization. The persons executing this Agreement on behalf of a Party hereby represent and warrant that they are duly authorized and empowered to execute the same, that they have carefully read this Agreement, and that this Agreement represents a binding and enforceable obligation of such Party.

25. Counterparts. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed an original, and all such counterparts taken together shall constitute one and the same Agreement.

[This space is left blank intentionally. The signature page follows.]

WHEREFORE, the Parties have signed this Agreement on the dates set forth below.

CLEARFIELD CITY

Mayor

Dated:_____

ATTEST:

Clearfield City Recorder

Dated:_____

APPROVED AS TO FORM AND LEGALITY:

Clearfield City Attorney

Dated:_____

DAVIS COUNTY

Chair, Davis County Board of Commissioners

Dated:_____

ATTEST:

Davis County Clerk/Auditor

Dated:_____

APPROVED AS TO FORM AND LEGALITY:

Davis County Attorney's Office, Civil Division

Dated:_____

EXHIBIT A

EXHIBIT B



STAFF REPORT

TO: Mayor Shepherd and City Council Members

FROM: Kelly Bennett, Police Chief
Stuart Williams, City Attorney

MEETING DATE: November 18, 2025

SUBJECT: Consider the Adoption of an Ordinance to Prohibit Camping on Public Property

RECOMMENDED ACTION

Staff recommends the approval of an ordinance to Prohibit Camping on Public Property.

PURPOSE OF PROPOSED ORDINANCE

The following language is the “Purpose” of the proposed ordinance and will be included in the ordinance itself.

The purpose of this Chapter is to establish procedures for the lawful and humane enforcement of ordinances prohibiting unauthorized camping on public property. It is the policy of Clearfield City to protect public safety and health by enforcing restrictions on public camping or habitation while treating all individuals—particularly those experiencing homelessness—with dignity, fairness, and respect. Enforcement actions must be consistent with constitutional rights and directed at conduct, not personal status.

The proposed ordinance will prohibit camping on public property and establish clear guidelines for enforcement and the removal of property. Research was conducted and a model ordinance was drafted after reviewing multiple ordinances from other municipalities, both local and international, and after careful legal review. While many cities include simple provisions addressing prohibited acts in parks, staff believe a more detailed ordinance provides clearer direction and better reflects the City’s commitment to treating all people with dignity and respect.

Staff believe the proposed ordinance is consistent with state and federal law and provides the necessary framework to ensure enforcement is fair, lawful, and compassionate.

CURRENT AND ANTICIPATED FUTURE GROWTH OF HOMELESS POPULATION IN CLEARFIELD CITY

A. Current Law Enforcement Impact



Since January of 2024, the Clearfield Police Department has observed an increase in what appear to be homeless individuals along the Main Street and State Street corridors, as well as in city parks and trail systems. In response to this observation, the department created a circumstance code in June 2024 to track police contacts involving potentially homeless individuals. The officer classified the person as “homeless” only after receiving information from the person that indicated they did not have permanent housing or by viewing evidence that the individual was residing in the area (tent, cardboard bedding, makeshift shelter, etc.). Since June 2024, the department responded to 135 incidents involving individuals experiencing homelessness—located in city parks, trails, or businesses adjacent to the trail system. After careful review of the 135 incidents that identified individuals experiencing homelessness, 37 of those incidents include evidence that would support a determination that an individual was camping in city parks and trails, in either a vehicle, tent, or in the playgrounds.

B. Davis County Warming Shelter

In the winter of 2024/2025, the Davis County Warming Shelter was rotated throughout Davis County. However, staff have been alerted that for the winter of 2025/2026 and moving forward, Davis County is exploring the option of utilizing a Davis County building located within the city and creating a single and permanent Davis County Warming Shelter. Staff believe that the decision of Davis County to locate a single warming shelter within the city will result in an increase in individuals experiencing homelessness in the city.

C. Potential Future Homeless Shelter, Permanent Supportive Housing, or other Homeless Service Industries within or near Clearfield City

Staff have been made aware that Davis County is exploring the option and considering locating a Homeless Shelter or Permanent Supportive Housing location within the city. Regardless of the type of program, or if such a program is located within or near the city, staff believes that given our state’s dire shortage of affordable housing, the existing current resources located with the city, and our access to public transportation, it is expected that the total number of individuals experiencing homelessness in the City will increase significantly in the near future.

LEGAL AUTHORITY IN SUPPORT OF AN ORDINANCE THAT PROHIBITS CAMPING

A. Caselaw Granting Local Authority

The controlling case on this topic is a United States Supreme Court case from June 2024, titled *Grants Pass v. Johnson (Grants Pass)*. In *Grants Pass*, the Supreme Court held in favor of preserving local control and upholding local ordinances regulating camping on public property. Specifically, the Supreme Court held that the 8th Amendment’s “Cruel and Unusual Punishment Clause” does not prohibit the enforcement of generally applicable laws regulating camping on public property.



The decision of the Supreme Court highlighted the complexities of the homeless crisis and overruled a previous lower court decision in *Martin v. Boise* (*Martin*) that addressed the same issue, which had taken, as the Supreme Court states, “one of [the] tools [needed to address homelessness] off the table.” While the facts in *Grants Pass* center around an ordinance that prohibited sleeping on public property, the legal question clearly included the questioning local authority. As such, the State of Utah, the National League of Cities and the Local Government Legal Center, the Utah League of Cities and Towns, and the International Municipal Attorneys Association either signed on or drafted and submitted their own amicus briefs in support of the City of Grants Pass and provided specific examples of how *Martin* impeded the ability of many local governments to explore local solutions aimed at addressing homelessness within their communities.

In the *Martin* case that took place five years previously, the 9th Circuit Court held that an ordinance in Boise, Idaho that “prohibits the imposition of criminal penalties for sitting, sleeping, or lying outside on public property for homeless individuals who cannot obtain shelter” is a violation of the 8th Amendment. Because of the ruling in *Martin*, local governments in the 9th Circuit were unable to enforce public-camping ordinances against individuals experiencing homelessness that lacked “access to alternative shelter.” The ruling in *Martin* made it very difficult for cities to persuade individuals experiencing homelessness into services, and instead, as Justice Gorsuch authored, resulted in individuals citing the *Martin* case “as their justification to permanently occupy and blocking public sidewalks.”

After the *Martin* decision, the City of Grants Pass (population 38k) passed several ordinances related to the regulation of sleeping outside and amended its camping ordinance to make it clear that the involuntary act of sleeping in a park was not prohibited, but that “camping,” which was defined as sleeping with any bedding/shelter is prohibited. Shortly thereafter, the City of Grants Pass was named in a class action lawsuit on behalf of those that are “involuntarily homeless,” arguing the ordinances adopted by the City of Grants Pass were unconstitutional under the 8th Amendment’s Cruel and Unusual Punishment Clause.

The 9th Circuit affirmed the lower court’s holding that “the anti-camping ordinances violated the Cruel and Unusual Punishment Clause to the extent they prohibited homeless individuals from ‘taking necessary minimal measures to keep themselves warm and dry while sleeping when there are no alternative forms of shelter available.’” This ruling pointed out that the City of Grants Pass had four temporary shelters, but the court stated that none were “adequate” for their homeless population.

In *Grants Pass*, the Supreme Court issued in an opinion (vote was 6-3) reversing the 9th Circuit’s ruling and stressed that the “cruel and unusual punishment” clause under the 8th Amendment has primarily been applied to legal issues relating to the methods of punishment and not whether a certain conduct can be criminalized. Specially, the Supreme Court order stated that the fines and criminal penalties



that are associated ordinances adopted by the City of Grants Pass do not qualify as “cruel and unusual punishment.” The decision rationalized that the 8th Amendment “does not authorize federal judges... to dictate this Nation’s homelessness policy” and that the “task of determining homelessness policy should rather belong to America’s people.”

In the Supreme Court’s ruling, the Court noted “these public-camping regulations are not usually deployed as a front-line response to criminalize homelessness. Instead, they are used to provide [local government] employees with the legal authority to address encampments that pose significant health and safety risks and to encourage their inhabitants to accept other alternatives like shelters, drug treatment programs, and mental-health facilities.”

B. Relevant Findings of The United States Supreme Court Regarding the Homeless Crisis in the United States and its Impact on Local Municipalities.

In making its decision in Grants pass, the Supreme Court found a number of facts regarding the homelessness crisis affecting the United States at this time, which are as follows:

- The number of homeless individuals in the United States has grown to the highest levels ever seen since records were first taken to track homelessness rates.
- The growing number of homeless individuals causes a corresponding increase in homeless encampments, where homeless individuals will "coalesce in these encampments for a range of reasons.
- Homeless encampments in turn become a center of gravity for criminal behavior perpetrated both against the homeless and by the homeless.
- The City of Seattle, Washington, estimates that approximately 40 percent of shooting-related crimes were linked to homeless encampments.
- Homeless encampments give rise to public health hazards such as the spread of disease, owing to a lack of facilities which would support sanitation.
- Cities have seen typhus, shigella, and trench fever reemerge on their streets in areas where homeless camps are found.
- Homelessness disproportionately affects western states, with the highest rates of homelessness found in California, Oregon, Arizona and Nevada.

CORRESPONDING POLICY PRIORITY (IES)

- Improving Clearfield’s Image, Livability, and Economy
- Providing Quality Municipal Services



The adoption of the proposed ordinance will enhance the city's image, livability, and economic vitality. Staff is hopeful that the proposed ordinance can result in a reduction of the negative impact homelessness may have on the health, safety, and welfare of our municipality, as articulated by the United States Supreme Court. Further, staff believes that the City's image and livability is strengthened through beautification, community pride, investment, and the city's ability to continue to provide clean and welcoming parks, high-quality arts, recreation, community events, and a continued level of professional public safety.

FISCAL IMPACT

- Immediate Fiscal Impact: There is no immediate negative fiscal impact of adopting the proposed ordinance.
- Potential Future Impact: Although not anticipated to be significant, there is a potential future negative fiscal impact related to the costs associated with the removal and maintaining of property if the proposed ordinance is adopted.

ALTERNATIVES

Subject to alternative direction given by Council, staff presents the following alternatives:

1. Council may adopt the proposed ordinance to Prohibited Camping on Public Property, as attached.
2. Council may adopt the proposed ordinance to Prohibited Camping on Public Property, with specific proposed edits to the attached draft ordinance.
3. Council may not adopt the proposed ordinance to Prohibited Camping on Public Property, as attached or modified.
4. Council may provide staff with alternative directions.

SCHEDULE / TIME CONSTRAINTS

n/a

LIST OF ATTACHMENTS

- Draft Ordinance: Title 8, Chapter 7, Prohibited Camping on Public Property
- Power Point Presentation



Prohibited Camping on Public Property

Research

- *Provo City*
- *Salt Lake City*
- *South Salt Lake City*
- *West Jordan City*
- *Clearfield City*

Purpose

- *Lawful and humane enforcement of ordinance*
- *Priority – protect public safety and health*
- *Treating all individuals with DIGNITY, FAIRNESS, and RESPECT.*
- *Consistent with constitutional rights and directed at conduct, not PERSONAL STATUS.*

Law Enforcement Impact

- *January 2024 increase in homelessness*
- *June 2024 – tracking homelessness calls or contact with those experiencing homelessness*
- *June 2024 – current 135 incidents at or near public property / 37 camping in city parks and/or trails (vehicle, tent, or playgrounds)*



Law Enforcement Response



650 N, I-15

Center & State / Main

Bicentennial Park

Tower Park / Clearfield Station

800 E Antelope (Overpass)

Legal Authority

- *Grants Pass v. Johnson*
- *Martin v. Boise*



“these public-camping regulations are not usually deployed as a front-line response to criminalize homelessness. Instead, they are used to provide [local government] employees with the legal authority to address encampments that pose significant health and safety risks and to encourage their inhabitants to accept other alternatives like shelters, drug treatment programs, and mental-health facilities.”

Training

- *Mental Health Officer*
- *Homeless Liaison*
- *Training department*
- *Resources*
- *Continual assessment of enforcement*

Title 8
Public Ways and Property

Chapter 7
Prohibited Camping on Public Property

- 8-7-1: Purpose
- 8-7-2: Definitions
- 8-7-3: Prohibited Acts
- 8-7-4: Exceptions
- 8-7-5: Enforcement
- 8-7-6: Removal, disposition and release of personal property
- 8-7-7: Penalties

8-7-1: PURPOSE

- A. The purpose of this Chapter is to establish procedures for the lawful and humane enforcement of ordinances prohibiting unauthorized camping on public property. It is the policy of Clearfield City to protect public safety and health by enforcing restrictions on public camping or habitation, while treating all individuals particularly those experiencing homelessness with dignity, fairness, and respect. Enforcement actions must be consistent with constitutional rights and directed at conduct, not personal status.

8-7-2: DEFINITIONS

CAMP or CAMPING: The use of public property for sleeping, residing, or lodging using tents, bedding, tarps, vehicles, or other shelter, with the intent of remaining in or at a campsite.

CAMPSITE: Any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is established, or maintained for the purpose of maintaining a place to dwell or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure or any vehicle or part thereof.

CODE BLUE WEATHER EVENT: A weather event between October 15th and April 30th in which the National Weather Service predicts temperatures of 18 degrees Fahrenheit or less, including wind chill, or any other extreme weather conditions established in rules made by the Department of Health and Human Services to occur in any county of the first, second, third, or fourth class for two hours or longer within the next 24 to 48 hours.

PARKING STRIP: The area between a curb, or a place where a curb would be located if improvements were installed, and where a sidewalk is located or would be installed.

PERSONAL PROPERTY: Any tangible item reasonably recognizable as belonging to a person and having apparent utility or monetary value or as defined by UCA 76-4-401(5).

PUBLIC PROPERTY: Any property owned, operated, or maintained by the City, including sidewalks, parks, streets, open space, public trails, and public rights-of-way or as defined by UCA 76-8-101(4).

REASONABLE NOTICE: Notice reasonably calculated under all circumstances to apprise a person that camping is prohibited at a particular location and, where personal property is deposited, affording the person time to gather their personal property and depart.

8-7-3 PROHIBITED ACTS

- A. It shall be unlawful for any person to camp on any public property unless expressly authorized by a permit or resolution of the city.
- B. Camping is prohibited at all times in the following areas:
 - 1. City parks and open space.
 - 2. Public sidewalks and rights-of-way.
 - 3. City-owned parking lots and facilities.
 - 4. Any location where camping obstructs public access or presents a safety hazard.

8-7-4 EXCEPTIONS

- A. This ordinance shall comply with Utah Code 35A-16-703, Code Blue Alert. The City may enforce a camping ordinance but may not seize from individuals experiencing homelessness any personal property used for survival in cold weather, including clothing, blankets, tents, and sleeping bags.

8-7-5 ENFORCEMENT

- A. Prior to enforcement, the City shall:
 - 1. Provide verbal or written notice advising individuals they are in violation.
 - 2. Offer available shelter information and service referrals.
 - 3. Allow a reasonable time to comply, generally not less than 12 hours unless public safety necessitates immediate action.

8-7-6 REMOVAL, DISPOSITION and RELEASE of PERSONAL PROPERTY

- A. Upon discovery of a campsite on public property, removal of the campsite by authorized agents of Clearfield City may occur if:
 - 1. After reasonable notice, the individual refuses to remove their personal property from the premises.
 - 2. Personal property appears to be abandoned.
 - 3. There is probable cause for law enforcement officials to believe that illegal activities other than camping are occurring at the campsite.
 - 4. There is immediate danger to human life, health or safety, including, but not limited to, possible contamination of public or private property by unsanitary and/or hazardous materials.
- B. Upon removal of a campsite, all litter, including items having no apparent utility or monetary value and items in an unsanitary condition, may be immediately discarded. All other personal property shall be gathered, retained, and released, with notice being provided to the property owner, in accordance with Utah Code Title 24, the Forfeiture and Disposition of Property Act; Utah Code Title 77, Chapter 24A, Lost or Mislaid Personal Property; and relevant Clearfield Police Department Policy.

8-7-7 PENALTIES

- A. Violations of this ordinance shall constitute a Class B Misdemeanor.
- B. In lieu of enforcement and/or fines, officers are encouraged to refer repeat violators to appropriate outreach, housing or mental health resources.
- C. Other criminal violations or trespass orders are not subject to this title, and if enforced, shall follow Utah Code or other City Ordinances.

TO: Mayor Shepherd and City Council Members

FROM: Tyson Stoddard, Planner

MEETING DATE: November 18, 2025

SUBJECT: Public Hearing, Discussion, and Possible Action on GPA 2025-1003, a general plan amendment request to consider the adoption of a Water Use and Preservation Plan in accordance with Utah State Code requirements to integrate water considerations into land use planning for present and future needs of the community. (Legislative Matter).

RECOMMENDED ACTION

The Planning Commission forwarded a recommendation of APPROVAL to the City Council of GPA 2025-1003, a general plan amendment request to consider the adoption of a Water Use and Preservation Plan. The vote was six (6) in favor and none (0) against.

DESCRIPTION / BACKGROUND

Due to State legislative requirements, Clearfield City is required to adopt a water use and preservation element, integrated with the General Plan by December 31, 2025. The city was awarded a grant by the State of Utah Department of Natural Resources Division of Water Resources to complete the plan, and FFKR Architects was hired as consultant. Specific considerations required to be in the plan are:

- The effect of permitted development or development patterns on water demand and water infrastructure by developing a water budget.
- Methods of reducing water demand and per capita water use for existing development.
- Methods of reducing water demand and per capita water use for future development.
- Modifications that can be made to a local government's operations to reduce and eliminate wasteful water practices.

The Planning Commission discussed the General Plan water element on October 1, 2025. Following the discussion, a DRAFT plan was prepared and distributed for review among Community Development, Public Works, and Community Services staff, as well as Division of Water Resources



staff. Following review comments, an updated DRAFT was included in the Planning Commission packet in preparation for a Public Hearing and recommendation to the City Council.

CORRESPONDING POLICY PRIORITIES

- Providing Quality Municipal Services

Water use and preservation planning helps ensure a sustainable and reliable supply for residents and businesses, which is essential for public health and economic growth.

HEDGEHOG SCORE

Not considered

FISCAL IMPACT

A focus on efficient water use and preservation will contribute to the city's ability to operate under existing water contracts with Weber Basin Conservancy District, foregoing or delaying the need to purchase more water at a higher price.

ALTERNATIVES

Following careful consideration and analysis of the DRAFT Water Use and Preservation Plan, the City Council may choose to from the following options.

1. Approve the general plan amendment request to consider the adoption of a Water Use and Preservation Plan in accordance with Utah State Code requirements to integrate water considerations into land use planning for present and future needs of the community.
2. Deny the general plan amendment request to consider the adoption of a Water Use and Preservation Plan in accordance with Utah State Code requirements to integrate water considerations into land use planning for present and future needs of the community.
3. Table the general plan amendment request to a specific date and request additional information for consideration.

SCHEDULE / TIME CONSTRAINTS

Due to State legislative requirements, Clearfield City is required to adopt the water use and preservation element by December 31, 2025. Adoption Timeline: • November 5, 2025 – Public Hearing with Planning Commission. Obtain recommendation to City Council for the adoption of the



Water Use and Preservation Plan. • November 18, 2025 – Work Session with Clearfield City Council to discuss the Water Use and Preservation Plan as recommended by the Planning Commission. • November 25, 2025 – Public Hearing and Policy Session with Clearfield City Council to consider adoption of the Water Use and Preservation Plan.

LIST OF ATTACHMENTS

- Water Use and Preservation Plan Draft

CLEARFIELD CITY

WATER USE & PRESERVATION PLAN

2025



DRAFT
OCTOBER 2025

ACKNOWLEDGMENTS

MAYOR

Mark Shepherd

CITY COUNCIL

Nike Peterson

Megan Ratchford

Tim Roper

Karece Thompson

Dakota Wurth

PLANNING COMMISSION

Robert Browning

Nicholas Dragon

Brogan Fullmer

Chad Mortensen

Kathryn Murray

Danielle Sikes

Brian Swan

Riley Wheeler

Jane Budd, *Youth Commission Ambassador*

CONSULTANT TEAM

FFKR

CITY STAFF

JJ Allen, *City Manager*

Spencer Brimley, *Assistant City Manager*

Stacy Millgate, *Community Development Director*

Brad McIlrath, *Senior Planner (former)*

Tyson Stoddard, *Planner*

Eric Howes, *Community Services Director*

Adam Favero, *Public Works Director*

Braden Felix, *City Engineer*

Adaon Fish, *Water Supervisor*

Shaundra Rushton, *Communication Manager*

Jayden Martin, *Communication Coordinator*

REGIONAL AND STATE PARTNERS

Weber Basin Conservancy

State of Utah Division of Water Resources,
Department of Natural Resources

State of Utah Division of Drinking Water, Department
of Environmental Quality

State of Utah Department of Agriculture

*Funding support for the Water Use and Preservation
Plan provided through the Division of Water
Resources.*



CHAPTER ONE: INTRODUCTION

1.1 WELCOME

WHAT IS THE WATER ELEMENT AND WHY DOES IT MATTER?

This water use and preservation element of Clearfield's General Plan is a key step in creating a holistic, integrated path toward a more sustainable water future. The integration of water and land use planning is a critical action to ensure future water supplies can meet the demands related to our growth.

Because water seems so readily available, the relative scarcity of water in Utah's semi-arid climate often is overlooked. A large factor in our water use is the high proportion of water, often culinary, used outdoors to irrigate landscaped yards for homes, businesses, schools, churches, and government buildings, as well as our parks, open spaces, and recreational fields. Our land use development patterns, including lot sizes, configuration of landscaped areas, and irrigation practices all play a role in how much water we use at different times of the year.

Utah is one of the highest water users in the United States while also being one of the driest states. Our state also remains one of the fastest growing in the nation. By the year 2065, the population of Utah is expected to double, with a projected population of approximately 6 million people. With growth comes demand for water and an increasing burden on our water resources. To support the anticipated growth of the state's population and economic viability, we must make our state more resilient by better integrating water and land use planning. **Where and how we grow matters.**

With a growing population, Clearfield City has actively implemented a water conservation framework for the community, resulting in reduced water use per capita over the past decade. **Clearfield is helping to make a difference!**

DOES CLEARFIELD NEED A WATER ELEMENT?

Yes. Each City and Town is required by [Utah Code](#) to prepare and adopt a comprehensive, long-range general plan. Recognizing the inherent connection between land use and water consumption and a critical need for action, Utah passed SB110 in 2022 and SB76 in 2023. By integrating water considerations into our land use planning, we have a significant opportunity to collectively reduce water use in our region and statewide.



Image: Tree planting; Clearfield City

USING THE ELEMENT

The Water Use and Preservation Element of the General Plan is not just for City Staff and Officials. Here are some examples of who can use the element and why/how:

City Staff and Officials use this element of the General Plan to guide their decisions and to adopt or update policies and regulations related to water and land use. It can help when prioritizing budget-related decisions on capital improvements.

Residents, Business Owners, Property Owners, and Developers can use this element of the General Plan to understand the direction the city is taking related to water and land use. This helps them understand how that impacts the choices they have regarding their property, business, or development.

Regional Partners and Agencies can refer to this element of the General Plan to understand the water and land use strategies Clearfield City has adopted to support regional and statewide goals for water conservation.

1.2 KEY TERMS

The Water Use and Preservation Element uses terms and acronyms that may not be familiar to everyone or are not well understood. This section provides an overview of key terms.

Watershed: A watershed is the area of land from which water drains into a river, stream, or other waterbody. Water flows from the land into a waterbody by way of rivers and streams, and underground through groundwater aquifers. The rivers and streams that flow into a larger waterbody are called tributaries. The word “watershed” is sometimes used interchangeably with drainage basin or catchment. Watersheds consist of surface water—lakes, streams, reservoirs, and wetlands—and all the underlying groundwater. **Clearfield is part of the Weber River Basin, which contains two sub-basins, the Lower Weber and the Upper Weber.** The Weber River Basin is one of the five main sub-basins that drain into the Great Salt Lake.

Water Infrastructure: The complex network of human-made and natural systems that collect, treat, store, transport, and distribute water. The water infrastructure system also manages wastewater and stormwater.

Acre-feet per year (AF/year): An acre-foot is the volume that would cover one acre of land to a depth of one foot. One acre-foot equals 325,851 gallons.

Gallons per capita per day (gpcd): The amount of water used by one person in one day. This is a standard metric used for evaluating a community’s water use. It is typically calculated by taking the water used in a geographical area and dividing this amount by the population of that area.



Image: Rain barrel harvesting; USU Extension

DID YOU KNOW?

Rainwater harvesting is legal in Utah!

As of 2010, all Utahns are allowed to collect up to 2,500 gallons of rainwater. Rainwater harvesting is the practice of collecting and storing precipitation for later use. This technique has been around for thousands of years and was used by Native Americans in our region. Currently, rain barrels are commonly used to harvest rain. Rain barrels are an example of green infrastructure, such as rain gardens, green roofs, and permeable pavers.

However, if a residence is collecting rainwater in more than two containers (or any container exceeds 100 gallons), they must register with the Division of Water Rights. There is no charge for this registration.

Potable water: Also known as **culinary water or drinking water**. This water comes from surface and ground water sources and is treated to levels that meet state and federal standards for human consumption. Water that has not been treated may make you sick. Public water utilities remove harmful germs and chemicals to make tap water safe to drink. Potable (pō-tə-bəl; rhymes with quotable and notable) comes from the Latin word potare, which means to drink.

Secondary water: Also known as irrigation water. This is untreated, unfiltered water typically used for irrigation of agricultural fields, outdoor residential landscaping, and gardening. It comes directly from surface waters and is stored in large, open-air reservoirs. It contains pathogens that can cause serious illness and is not suitable for consumption by humans or pets. (see Non-potable water)

Graywater: Graywater is wastewater from bathtubs, sinks, showers, and clothes washing machines and can be used to save potable water. Graywater is not considered potable water, although it can replace potable water to irrigate plants, and fill toilets. Using graywater helps reduce the burden on wastewater treatment plants, by reusing water for different purposes, therefore saving potable consumption. Graywater systems in Utah are regulated by Utah code (R317-401), which provides jurisdiction to local health departments for administration.

Non-potable water: (see Secondary water above) Non-potable water is taken from lakes, rivers, and ground water and has not been treated, and therefore would not be safe to drink, shower, or bathe in.

Blackwater: What comes out of the toilet is considered black water and must be sent to a wastewater treatment plant.



Water audits: Audits consist of checking the irrigation system and making suggestions on ways it could be more efficient. A simple field soil test will determine general soil type and texture, which impacts how much water to use and when. A catch-cup test will determine how quickly the sprinklers are applying water to the lawn and determine how uniform the water is being applied. Water audits are designed to help property owners be as efficient as possible with landscape irrigation.

Flip your Strip: Flip Your Strip (FYS) is a rebate program administered by Weber Basin Water Conservancy District and is intended to remove turf from park strips and create attractive, low-water alternatives. Park strips can be one of the largest water wasting areas of a landscape because they are often narrow and can't be watered effectively when planted with turf. <http://www.utahwatersavers.com/>

Landscape Lawn Exchange: Landscape Lawn Exchange (LLE) is an incentive program administered by Weber Basin Water Conservancy District and aimed at converting high water consuming turf with low-water landscape materials, including native plants. The program provides the incentive of a nominal amount per square foot for any area of a current yard that is covered in lawn and is replaced with a more water-efficient alternative. <https://mywaterutah.org/>

Water-wise Landscaping: An approach to landscaping that requires limited or no irrigation, often used in arid regions. Also known as xeriscaping, it is an attractive, sustainable landscape that conserves water by using native plants and is based on sound horticultural practices. It is NOT no landscape, or zero-scape with no plants. The term "xeriscape" was coined in the Denver area in 1981 as part of response to water shortages and is, in fact, a registered trademark of the Office of Water Conservation, Denver Water. The term was created by combining "landscape" and the Greek word "xeros," which means dry.

CHAPTER TWO: CONTEXT



Steed Pond; purchased by Clearfield City in 2008 to help support storm water retention.

2.1 LOCAL CONTEXT

Clearfield City continues to experience growth and change along with our region and state. Clearfield has evolved from an early agricultural settlement into a vibrant, diverse community with a mix of post-World War II residential neighborhoods, parks, open space, and commercial areas.

In 2025, Clearfield City has an estimated 35,000 residents, reflecting a growth of 16% since 2010. As of April 2025, Clearfield had an estimated 12,798 housing units. Of these, approximately 45% are detached single-family homes, 21% are attached single-family homes, and 34% are multi-family dwelling units.

Containing 7.7 square miles, Clearfield is surrounded by other cities. With little vacant land, growth will primarily occur through small scale infill development or larger-scale redevelopment. **This growth is primarily anticipated in key centers.**

CLEARFIELD'S WATER SUPPLY & CONNECTIONS

The majority of Clearfield's water supply is used for the City's residential neighborhoods.

The number of connections [as of 2024]:

Residential: 6,856

Commercial & Industrial: 615

Institutional: 32

Total connections: 7,503

Percentage of water used by each category of connection [in 2024]:

Residential – 67.8%

Commercial & Industrial – 22.8%

Institutional – 9.4%

Water Sources & Average Annual Use in acre-feet from each (2016-2020):

Weber Basin: 4,561 (74%)

Hill Field Well: 542 (9%)

Freeport North Well: 526 (9%)

Freeport South Well: 362 (6%)

Reservoir Well: 192 (3%)

2.2 WATER PROFILE

Clearfield City provides water service to residential, commercial, recreational, and industrial entities located within the city boundaries.

Clearfield's water supply comes from a diversity of sources, including water distributed from the Weber Basin Water Conservancy District and four City wells. A fifth City well (200 South Well) is inactive. This diversity of sources is important and ensures a level of redundancy in unexpected and/or emergency situations.

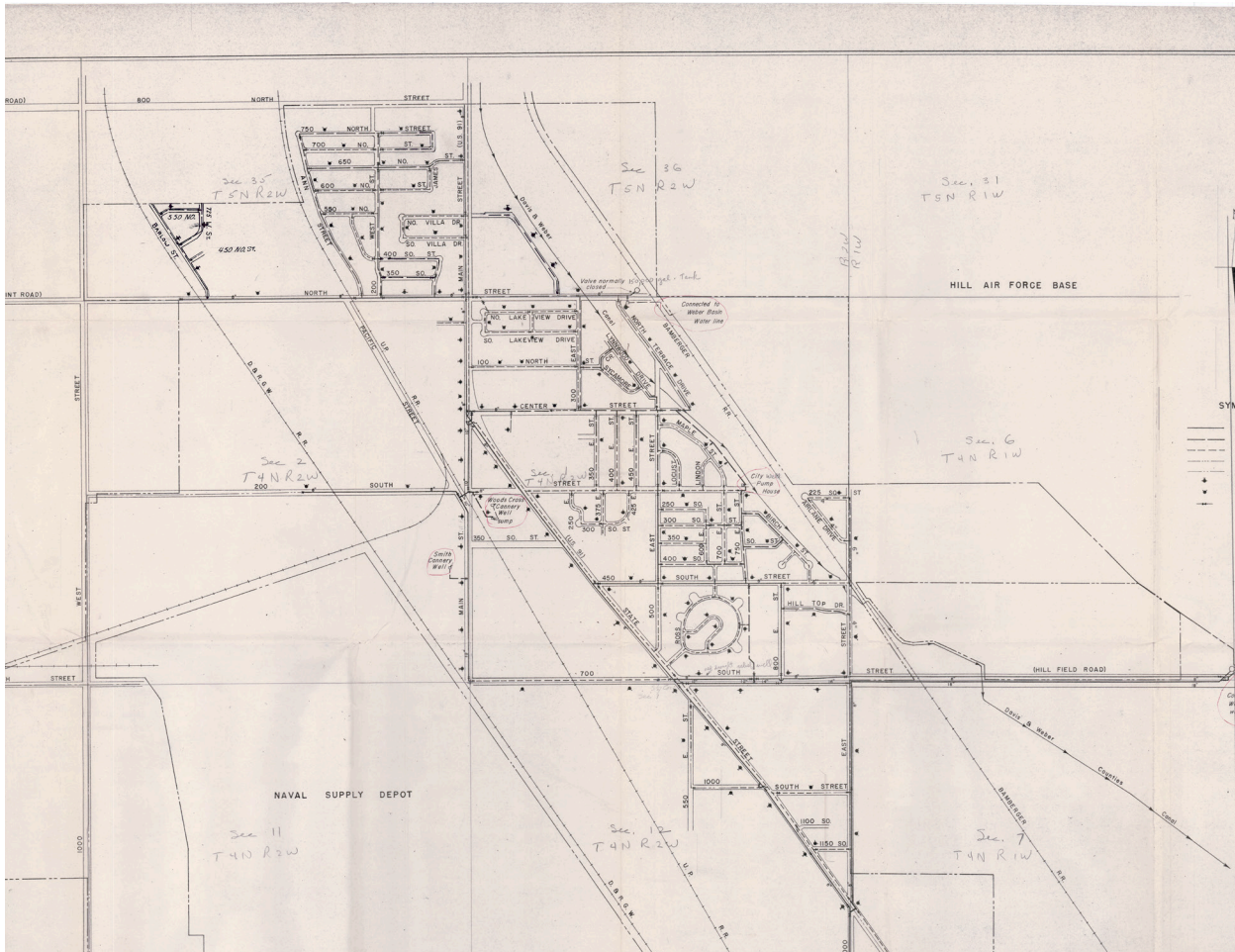
The City prioritizes the purchase of most of its water from Weber Basin and only uses its wells during peak summer months and during emergencies.

While the City has the capacity to produce more water from its wells, it is currently constrained by groundwater conditions. Over the past 50 years, the ground water levels in the East Shore area of the Great Salt Lake have declined as much as 50 feet. While over 5,900 wells have been constructed in this East Shore area, most of the discharge is from about 200 wells that supply municipalities and industrial users.

Clearfield has significant water storage capacity to accommodate projected growth, with the ability to hold 13.32 million gallons in its storage tanks.

Clearfield's water use per capita per day has been steadily decreasing, reflecting progress toward the City's water conservation goals.

In 2024, the five-year average for water use (2020-2024) was 121 gpcd, a decrease from the 2019 five-year average (2015-2019) of 145 gpcd.



1957 Water System Map of Clearfield

2.2 WATER PROFILE (CONT.)

SECONDARY WATER

A small percentage of Clearfield (less than 10%) uses secondary water, which is diverted from the south branch of the Davis-Weber Canal. The Davis and Weber Counties Canal Company (DWCCC) owns and manages the Davis-Weber Canal system and distribution of the water for irrigation uses. Secondary water systems are seasonal and typically provide irrigation water between mid-April to mid-October. Secondary water systems must be metered by 2030 to meet state requirements.

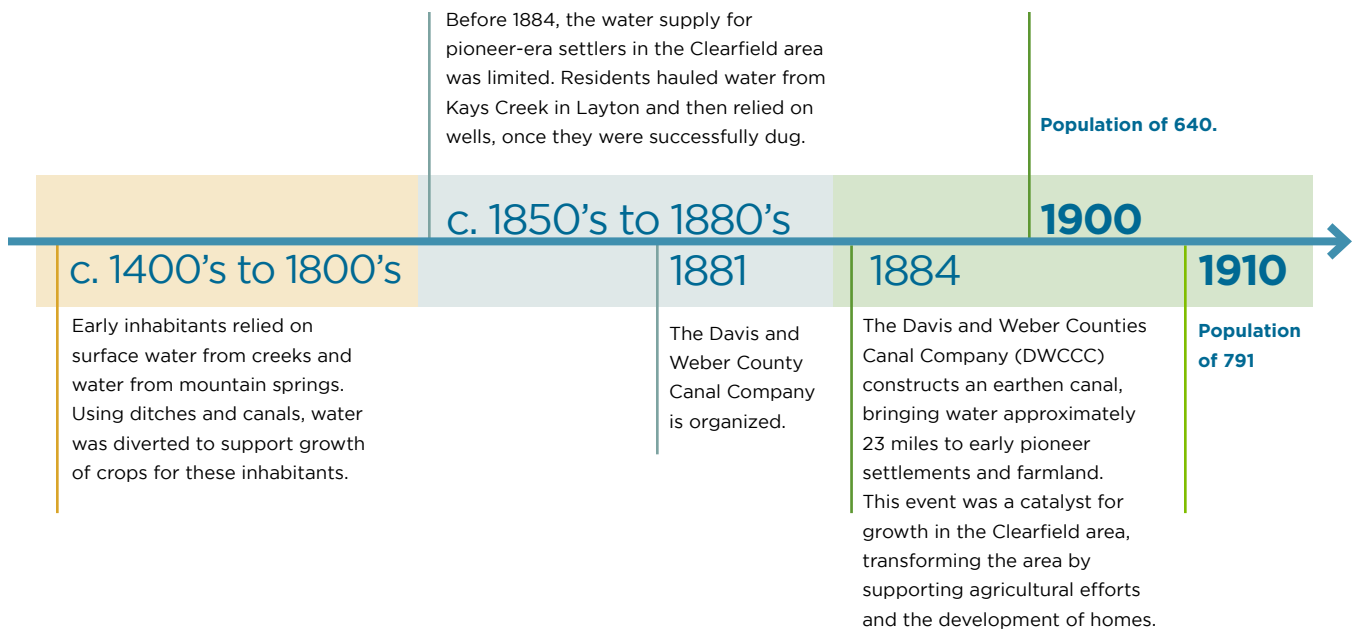
In Clearfield, the DWCCC delivers irrigation water from the Davis-Weber Canal to a few private irrigation companies, including Home & Garden Irrigation Company, South Clearfield Pipeline Company, and Clearfield Irrigation. These companies, in turn, distribute the water to property owners. Once the water leaves the Davis-Weber Canal, the responsibility to maintain the water and the delivery system is with the individual "Ditch Masters."

The use of a city-wide secondary water irrigation system in Clearfield is constrained by the capital costs of installing the transmission and distribution system to reach the end users. Developing a system in the future may be possible if the City were to pursue grants and/or special funding from the state or federal government.

2.3 CLEARFIELD'S WATER & GROWTH

Human settlement is intrinsically linked to water availability, with freshwater for survival and irrigation for agriculture. Clearfield's settlement, growth, and evolution are linked to the supply and availability of water. Clearfield was one of the last communities in northern Davis County to be settled. Water availability and Clearfield's evolution are summarized in six key eras and their related events.

1. Native American Settlement & Inhabitation
2. Pioneer Settlement & Inhabitation
3. Agricultural Community & Incorporation
4. Military and Industrial Establishment
5. Suburban Residential Development
6. Downtown Revitalization and Transit-Oriented Community



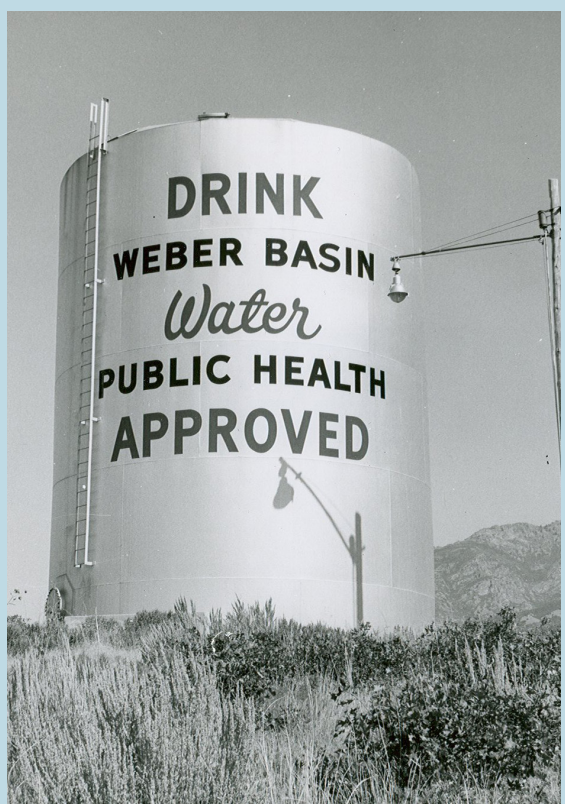
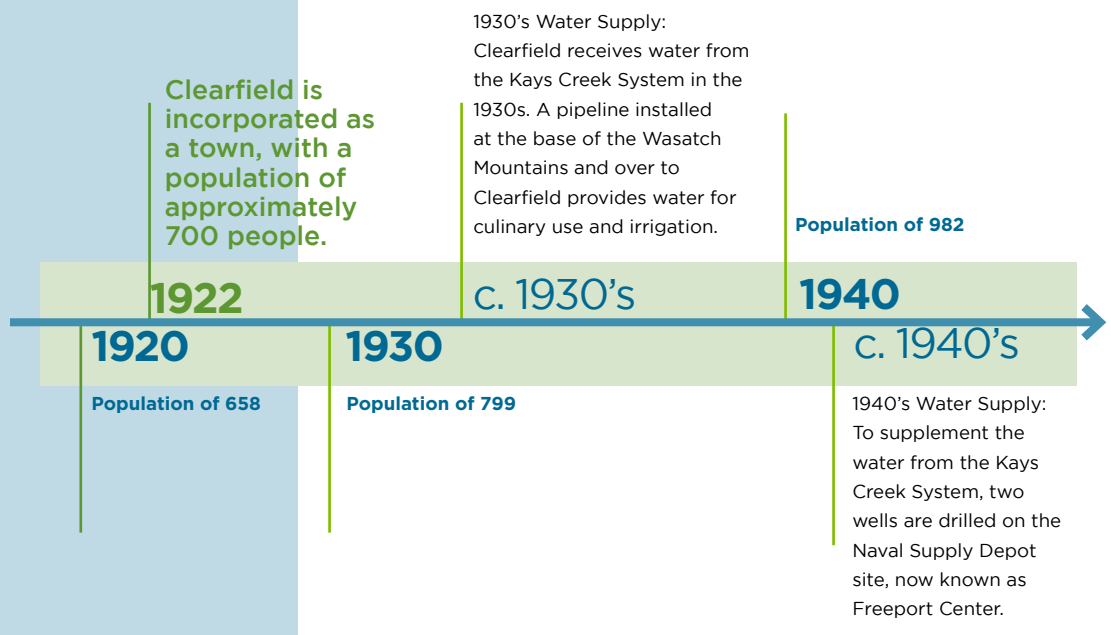
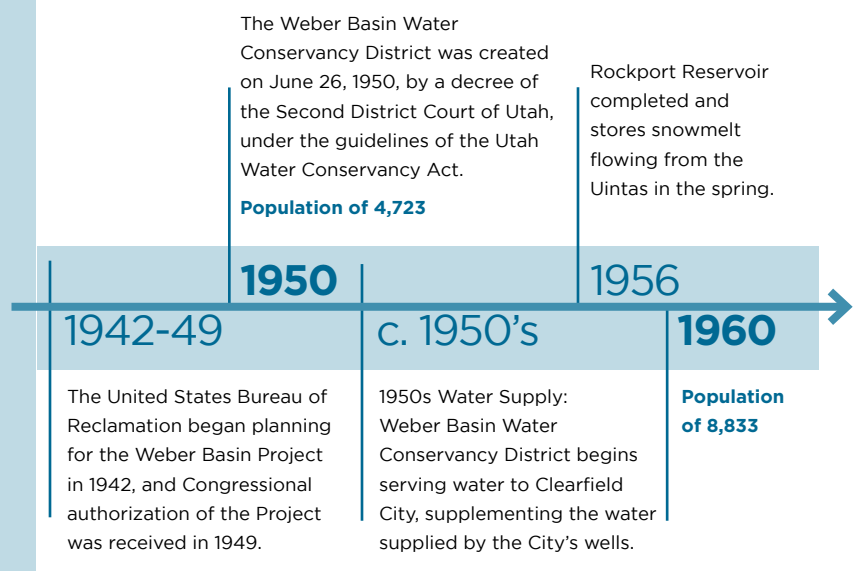


Image: Weber Basin Water Conservancy District



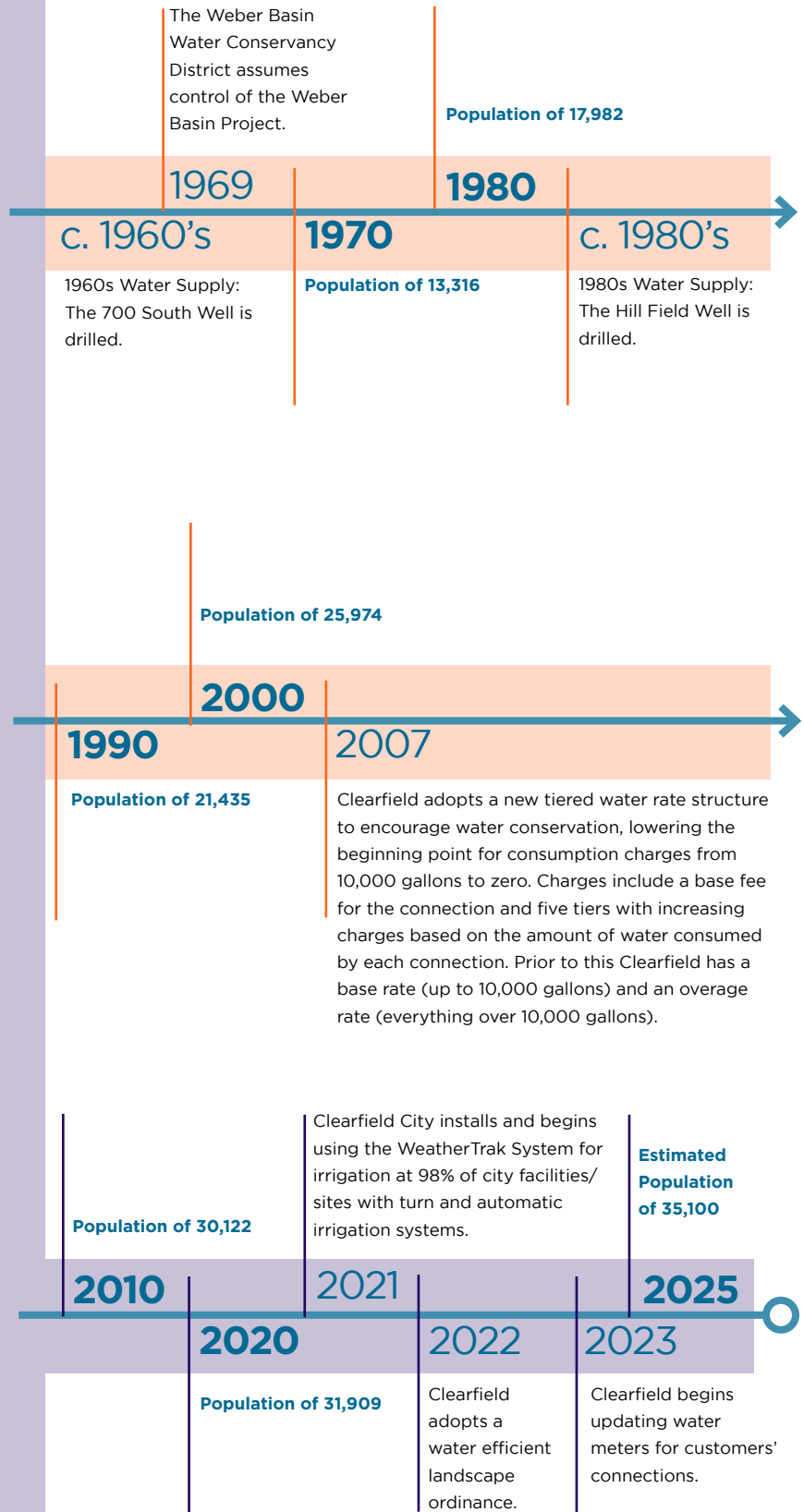
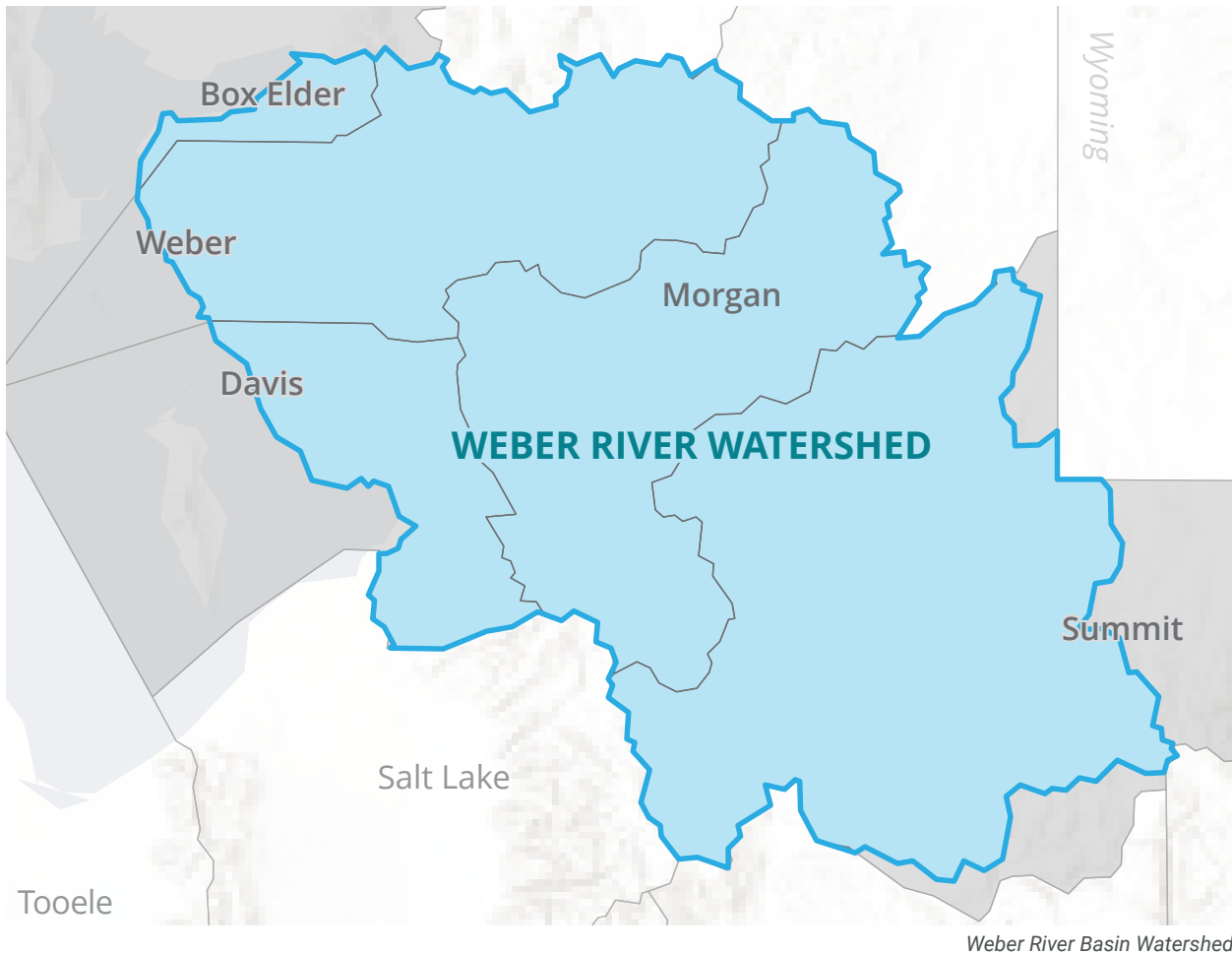


Image: South Steed Park; Clearfield City



2.4 REGIONAL CONTEXT

Clearfield is located in the Weber River Basin, one of the watersheds in Utah. The Weber River Basin is one of the five main sub-basins that drain into the Great Salt Lake.

The Great Salt Lake contributes greatly to Utah's hydrologic cycle by providing a warm environment where water condenses into the lower atmosphere before being returned as snow in the Wasatch and Uinta Mountain ranges. Considering that our water sources rely on this "lake effect," it is vital to consider how to preserve these natural systems. While maintaining sufficient reservoir levels is critical, water stewardship includes the release of water into streams, rivers, and natural lakes to maintain our life-supporting ecosystem.

Clearfield is served by the Weber Basin Water Conservancy District (WBWCD). **Clearfield City is one of the lowest water consumers (gallons per capita per day) served by WBWCD.** WBWCD is the regional supplier within the Ogden and Weber River drainages and provides culinary and secondary water to over 700,000 people in five counties (Box Elder, Davis, Morgan, Summit, and Weber). WBWCD delivers approximately 230,000 acre-feet of wholesale water each year. This translates to about 205 million gallons of water every day!

WBWCD operates seven large storage reservoirs, three hydro-power generation plants, twenty-one wells, four water treatment plants, and hundreds of miles of canals, tunnels, aqueducts, and pipelines.



Davis-Weber Canal Construction: 1880s

2.5 REGIONAL COLLABORATION

In 2019, Utah established Regional Water Conservation Goals for the state's nine municipal and industrial (M & I) areas. A regional approach allows the goals to be tailored to the differing contexts of each region, including climate, elevation, and regional characteristics. Clearfield is part of the Weber River Region.

Average water use, in gallons per capita per day (gpcd), from the year 2015 serves as the baseline for the regional water conservation goals. In the Weber River Region this baseline is 250 gpcd. Compared to the other eight regions, Weber Basin is the third lowest for average water use, however it is higher than the statewide average of 240 gpcd. Other regions have a 2015 baseline ranging from 210 to 400 gpcd.

The Weber River Region has the following water conservation goals/targets:

by 2030 - reduction to 200 gpcd, a 20% reduction from the 2015 Baseline of 250

by 2040 – reduction to 184 gpcd, a 26% reduction from the 2015 Baseline of 250

by 2065 – reduction to 175 gpcd, a 30% reduction from the 2015 Baseline of 250.

Regional goals for the Weber Basin Region are some of the most aggressive, and are higher than the statewide goals, which are targeting 16%, 22%, and 26% reductions, respectively.

Clearfield City set a goal in 2021 to reduce water consumption by 10 to 15% in five years through various conservation efforts. The rolling five-year average for daily per capita water consumption has decreased from 142 gpcd (2017-2021) to 121 gpcd (2020-2024), reflecting a 15% reduction in just three years.

CHAPTER THREE: VISION



3.1 VISION ALIGNMENT

The water use and preservation element aligns with the overall vision of the General Plan, which guides decisions to support a high quality of life and efficient use of land and infrastructure for the community. The goals, objectives, policies, and strategies of the water element support the four vision initiatives for Clearfield City, which reflect the key areas and topics of focus for the General Plan.

Initiative #1: Focused, Centered, and Balanced Growth

Initiative #2: Connected Community

Initiative #3: Community Wellbeing and Quality of Life

Initiative #4: Resilient City



New growth in Clearfield is focused in key centers, including Downtown Clearfield.

3.2 PLANNING FOR THE FUTURE

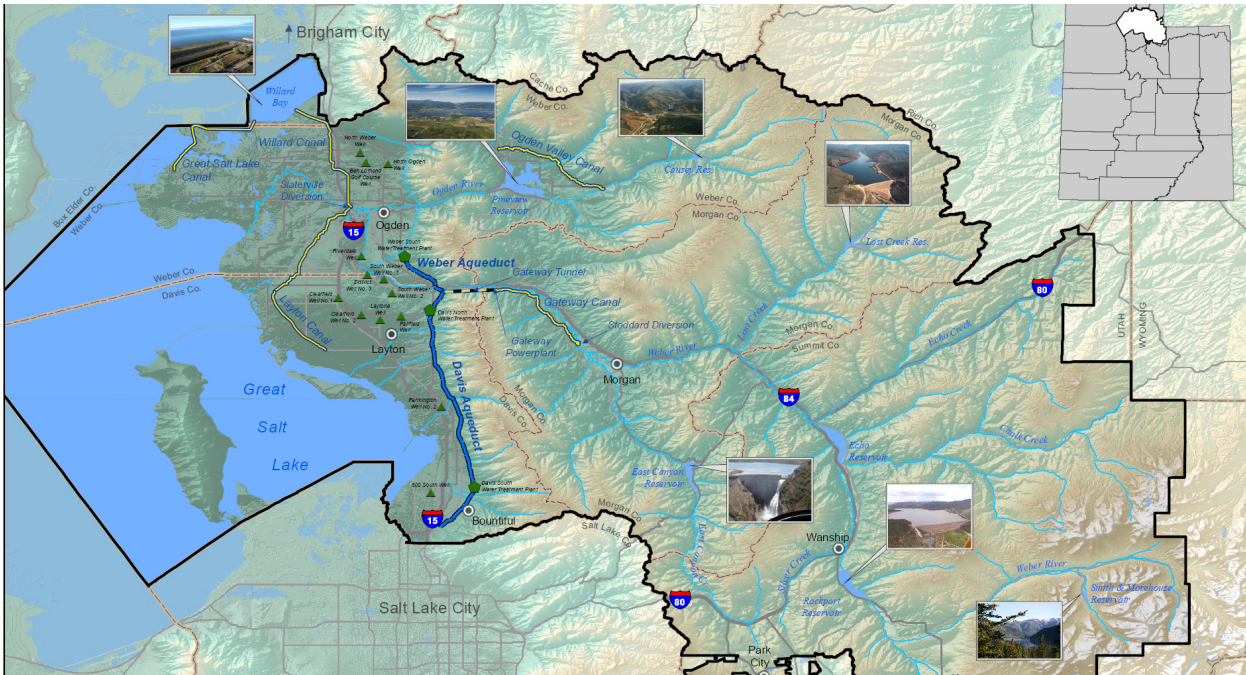
PROJECTED GROWTH

Based on Clearfield's planned future land use and development patterns, the City is projected to **add 7,500 residents by the year 2040**. This growth to 42,500 people reflects the estimated "build out" scenario for water supply and infrastructure captured in the City's Culinary Water Impact Fee Facilities Plan. (*WFRC population projections; Clearfield 2023 Culinary Water IFFP*)

FUTURE LAND USE AND DEVELOPMENT PATTERNS

With growth focused in key centers, the majority of new housing is expected to be small lot single-family, attached single-family townhomes, multi-family dwellings, or mixed-use developments. This new growth is anticipated to have lower per capita water use than that of existing neighborhoods. Average household size may also decrease based on the size and style of housing units planned in Clearfield's neighborhoods and mixed use centers. Clearfield's residential zoning reflects this, with minimum lot size requirements of 9,000 sq. ft. or less.

While a small amount of agricultural land remains in Clearfield, preservation of large-scale productive agricultural use is not anticipated. However, some of these areas may develop under a conservation subdivision framework and retain small urban farming operations. Clearfield's agricultural zoning provides the opportunity to integrate small-scale agricultural uses and animal rights in its residential neighborhoods, requiring minimum lots sizes of only one-third acre.



FUTURE WATER SUPPLY

Through Clearfield's land use decisions to guide growth into centers, coupled with water conservation efforts, the following water budget supports the estimated growth to 42,500 people by 2040 and 3,081 equivalent residential connections (ERCs).

Water Supply: (1,371 gpd per ERC) – 16,844,106 gpd [*excess capacity: 4,657,974 gpd*]

Water Rights: (0.64 acre-feet per ERC) - 7,863 acre-feet [*excess capacity: 10,268 acre-feet*]

Water Storage: 12,870,008 gallons [*excess capacity: 444,992 gallons*]

Clearfield City intends for most of its future water to be supplied through the purchase of water from the Weber Basin Water Conservancy District (WBWCD). Water needs beyond the existing contract, however, may likely be at a higher cost rate to support infrastructure costs for WBWCD water supplies. Water from WBWCD, coupled with water from the City's wells during summer months and emergency situations, will be used for both indoor and outdoor water connections.

A city-wide secondary water system is not currently planned. The small portion of Clearfield connected to a secondary water supply, through the private irrigation companies, is expected to retain these connections; additional/new connections to these systems are not expected.

WATER-WISE DEVELOPMENT IN CLEARFIELD

All new development within Clearfield must comply with the City's Water-Efficient Landscape Ordinance, implemented in 2022. Considering that over half of the water used by residents in Utah has typically been applied to outdoor landscapes, new development in Clearfield will strive to reduce that amount through the promotion of more water-efficient development patterns (smaller lot sizes, attached single-family and multi-family housing, and mixed-use centers) and the installation of resilient landscapes that promote decreased water needs.

The resulting development aims to provide decreased maintenance, increased curb appeal and accessibility, all while conserving water by reducing overall lawn area sizes and utilizing efficient water sense irrigation systems. Clearfield has a well maintained and operated water system and has been proactively implementing several conservation measures to reduce water usage in the community, including the repair and replacement of water infrastructure to support decreased water system losses and support capacity for future growth.

CITY ACTION HIGHLIGHT: UPDATED IRRIGATION SYSTEMS & WATERING PRACTICES

In 2021, Clearfield City installed the WeatherTrak Irrigation System, new master valves, and flow sensors for 98% of the city's irrigated sites. These approaches allow the City to take a more proactive approach to conserve water now and in the future. The Parks Department reduced water usage by over 30%. Collectively, these updates have led to an estimated reduction of 5% annually (equaling over 300 acre-feet of water).

At Barlow Park, Clearfield saved 7.7 million gallons of water due to new WeatherTrak system. The Parks and Recreation Department has a comprehensive plan in place to reduce and/or eliminate watering on City property while still preserving the sports fields and community spaces.



Image: Barlow Park Soccer Fields; Clearfield City

3.3 WATER SAVING SUCCESS STORIES

CITY ACTIONS

Clearfield City has implemented several initiatives to help conserve water. Actions include education campaigns, infrastructure updates, and revised irrigation and maintenance methods at city parks and property.

EDUCATION CAMPAIGNS

Clearfield City uses the city's website, social media, the monthly e-mail newsletter, and other communication channels to provide information and tips for conserving water and being water-wise.

COLLABORATION

During a recent water tank emergency, collaboration with Syracuse City, along with community conservation efforts, allowed Clearfield City time to make critical repairs and restore necessary equipment to maintain the water capacity of the City's water tanks.

INFRASTRUCTURE UPDATES

Clearfield City has been making necessary repairs to its water system to ensure its reliability, especially during peak usage periods.

WATER METER REPLACEMENTS

Clearfield City began replacing water meters in 2023. Most of the water meters in Clearfield were installed in the late 1990's and have an effective battery life of 10 to 15 years. As the water meter wears out it produces inaccurate readings, making it challenging/ to get an accurate account of total usage for that meter. The new meter system alerts the City when there is a constant flow of water, indicating a leak that may otherwise get overlooked. More accurate meters, coupled with the City's tiered water rates, help raise awareness on the amount of water being used for each connection.

COMMUNITY PARTICIPATION HIGHLIGHT: WATERWISE LANDSCAPES

Residents, businesses, and institutions have responded to the call for water conservation by updating their landscapes with more water-wise designs and materials.



Image: Multi-family Housing; Clearfield City



Image: Davis County Library; Clearfield City



Image: Legend Hills; Clearfield City

COMMUNITY PARTICIPATION

The Clearfield community has responded to the City's water conservation campaigns, including participation in rebate initiatives, landscaping changes, reduced watering, and responding to critical action/emergency water situations.

EMERGENCY CAMPAIGN RESPONSE

In July 2025, Clearfield City was faced with a critical electrical issue with the City's water tanks, leading to pumping system constraints. In addition to the City's usual communication platforms, Clearfield used the Davis County emergency alert notification program to request voluntary reductions in water usage, especially outdoors. Residents responded and their actions gave the city time to make critical repairs and avoid water shortages or pressure change concerns.

Clearfield residents are encouraged to sign up for the Everbridge emergency alert notification system used by Davis County:

<https://www.daviscountyutah.gov/emergency-management/emergency-alert-sign-up>

INCENTIVES / REBATES

Community members have participated in the various rebate incentive programs administered by Weber Basin Water Conservancy District. Participation numbers are for the years 2018 to 2025.

- Flip Your Strip – 41 Applicants; 19,802 square feet replaced
- Landscape Lawn Exchange – 20 Applicants; 42,741 square feet replaced
- Toilet Rebate – 18
- Smart Controllers for Irrigation – 252

PLANNING AND POLICY HIGHLIGHT: CLUSTERED DEVELOPMENT

Using various zoning tools, Clearfield City has provided a supportive framework for the planning and design of more conservation-oriented development patterns. Provisions for clustered development patterns lead to more water-efficient neighborhoods compared to typical single-family homes, with reduced individual lawns in exchange for shared open space areas.



Image: Wilcox Farms Subdivision, Clearfield City

PLANNING AND POLICY

Clearfield City has been facilitating water conservation efforts through its planning and policy decisions over the past decade or more, including directing growth to key centers, updating ordinances, short- and long-range planning, and revising water rate structures.

WATER EFFICIENT LANDSCAPE ORDINANCE

In 2022, Clearfield City adopted updates to its landscape ordinance with a focus on implementing water efficiency standards.

CLEARFIELD STATION AREA PLANNING

Clearfield Station opened in 2008, and Clearfield City began a collaboration with UTA to facilitate transit-oriented development on 70 acres owned by UTA adjacent to the station. A master development plan was approved in 2014, leading to construction of the Clearfield Station Apartments (216 units). Development stalled, leading to a joint effort with UTA to develop a Station Area Plan in 2019 (Clearfield Connected) for the remaining 60 acres owned by UTA. In 2024, Clearfield updated the Station Area Plan to meet state code requirements, expanding the scope to include a half-mile radius from the station.

DOWNTOWN CLEARFIELD

Past and current city councils have worked hard to revitalize Downtown Clearfield by bringing more businesses, public parks, and housing opportunities. This has been a 20-year journey, and the City has begun to see the effects through key redevelopment projects over the past several years with more in the pipeline. With a focus on higher intensity uses, Downtown Clearfield will absorb much of the city's growth in a more waterwise development pattern.

WATER RATES

Clearfield City is keeping water rates consistent with the conservation rates adopted by city council in 2022. Conservation rates help preserve the community's water resources by encouraging behaviors that reduce water waste.

Clearfield City has been using tiered water rates since 2007, with the most recent update in 2024.

CHAPTER FOUR: POLICY GUIDE

POLICY GUIDE TERMINOLOGY

GOALS

- Goals reflect an aspirational direction or outcome desired by the community. Goals are typically achieved through incremental and long-term implementation.

OBJECTIVES

- Objectives focus on the outcomes the city is trying to achieve, which are tied to the overall goal(s) and can include specific metrics/indicators toward accomplishment or progress.

POLICIES & STRATEGIES

- Policies and strategies reflect a framework of potential options for helping Clearfield meet the objectives and overall goals of the General Plan.
- Policies are more specific statements reflecting a preferred action or perspective. They relate back to the overarching goal/aspirational statement. Policies provide guidance for making decisions and for compliance with the General Plan vision.
- Strategies can function as catalysts for achieving the goals. Strategies are a launching point for implementing new ordinances, new policies, or for making changes to existing ordinances, programs, capital improvements/investments, or other city policies and implementation mechanisms. Strategies describe the “how” and are more action-oriented than goal-oriented. They describe ways to make progress toward the goals and objectives. Many strategies can help to achieve more than one goal or individual objective.

4.1 INTRODUCTION

The Policy Guide, along with the City’s Vision Initiatives, provides Clearfield with a strategic water-centric framework for making decisions to lead the city to a successful future.

The Policy Guide is a tool to help Clearfield achieve the City’s water conservation goals of reducing water consumption by 10% or more and support regional water conservation goals of reducing water consumption by 20% before the year 2030.

The Policy Guide serves as a resource for the City to use when evaluating actions and the implementation of ideas to achieve the vision of the General Plan. For example, the General Plan is used as the key resource and reference when deciding how to respond to requests for changes to zoning or for implementing new development ideas. The City can evaluate whether the requests are consistent with the objectives of the General Plan and the Water Use and Preservation element. The element will also ensure consistency between the City’s departments in water planning, education efforts, and communication.

It is possible all identified strategies may not be used, accomplished, or implemented. **Impacts such as costs, timing, or changing priorities may alter or nullify the feasibility of a strategy.** Additionally, new strategies may be identified in the future.

Objectives, policies, and strategies will address one or more of the following:

(Existing Development Reductions; EDR) - reducing water demand and per capita water use for existing development.

(Future Development Reductions; FDR) - reducing water demand and per capita water use for future development.

(Clearfield City Practices; CCP) – water-wise practices by Clearfield City.

RELEVANT / RELATED PLANNING EFFORTS

The City has been working to direct growth toward existing and emerging centers, such as Downtown Clearfield and the Clearfield Station area. This centered and balanced growth supports stewardship through the efficient use of land and water resources.



4.2 OVERALL GOAL & OBJECTIVES

WATER USE AND PRESERVATION - OVERALL GOAL

Clearfield strives to continue facilitating growth and development patterns that support responsible use of the City's water supply, ensuring the ability to meet current and future demands and respond to water supply issues.

WATER USE AND PRESERVATION - OBJECTIVES

Eight objectives reflect key targets Clearfield would like to achieve to meet the overall goal for Water Use and Preservation.

1. Promote and support development patterns with lower water usage habits and where infrastructure already exists. (FDR)
2. Collaborate with regional partners to protect the health of the Great Salt Lake, the Wasatch Mountain watersheds, waterways, and other water sources. (EDR, FDR, CC)
3. Foster the use of water efficient building standards, plumbing fixtures, and site development techniques. (EDR, FDR, CC)
4. Uphold water-efficient landscaping techniques and maintenance practices appropriate to our climate. (EDR, FDR, CC)
5. Promote water conservation while still maintaining community aesthetics and character. (EDR, FDR, CC)
6. Aspire to improve the level of public awareness regarding water conservation through positive messaging and engaging the community in key water challenges. (EDR, FDR, CC)
7. Ensure water resources are used responsibly and efficiently at City facilities. (CC)
8. Lead by example through the pursuit of funding and outside resources to support innovative methods and pilot demonstration projects. (EDR, FDR, CC)



4.3 POLICIES & STRATEGIES

The following policies and strategies reflect a framework of potential options for helping Clearfield meet the eight objectives and overall goal for Water Use and Preservation.

EDUCATION AND INCENTIVES [EDR, FDR, CC]

- Continue to use city communications and community education programs to encourage water-wise practices and collaborate with regional partners to host events in Clearfield.
- Establish campaigns to target Clearfield's older homes/neighborhoods, which are more likely to have older, less water-efficient appliances and fixtures. Promote participation by having a citywide "contest" and/or providing incentives.
- Coordinate with the Parks and Recreation Commission to evaluate establishing an award category to recognize well-landscaped, water saving yards for a range of use types.
- Consider establishing volunteer Water Conservation Ambassadors as a community-led effort to help educate residents and businesses regarding water-efficient landscapes and irrigation practices.

REGULATIONS / STANDARDS [EDR, FDR, CC]

- Review allowed land uses in the zoning code and consider minimizing and/or establishing conditional use requirements for uses that consume large amounts of water.
- Continue to evaluate and update, as relevant, zoning regulations and development standards that reduce outdoor water use and stormwater runoff.
- Maintain minimum requirements for living plant cover and trees to support groundwater recharge, help mitigate urban heat island impacts, and minimize soil erosion.
- Evaluate the city's standards regarding the use of green roofs, containers, and other alternatives to meet landscaping requirements outside of the Form-Based Code districts.

WATER USE AND PRESERVATION - POLICIES & STRATEGIES (CONT.)

MEASUREMENT / MONITORING [EDR, FDR, CC]

- Consider establishing a water conservation dashboard to communicate the effectiveness of various strategies and policies implemented by Clearfield.
- Consider a regular evaluation of the City's water rate structure to evaluate if the rate tiers are aligned with land use and development patterns.
- Consider establishing drought metering rates to use during times of extreme drought.
- Pilot an indoor/outdoor meter program and consider requiring outdoor meters for all new development and major remodels.
- Coordinate/collaborate with secondary water providers on their progress to install water meters on secondary water connections; integrate this water use data with the city's culinary water data to provide a comprehensive understanding of indoor and outdoor water use in Clearfield.

DEMONSTRATION / COLLABORATION / INNOVATION [EDR, FDR, CC]

- Coordinate with Davis County Health on graywater/water recycling systems and consider a pilot demonstration project at a city facility.
- Continue to explore funding through grants and other programs to supplement rebates, support innovative efforts, and conduct pilot projects.
- Encourage rainwater harvesting and consider a pilot demonstration project at a city facility. Coordinate with the city's stormwater management efforts.
- Prioritize the maintenance, watering, and planting of street trees to retain community character and help mitigate urban heat island impacts.
- Communicate the success of water conservation at city-owned/managed facilities and places.

WATER INFRASTRUCTURE INVESTMENTS [EDR, FDR, CC]

- Continue to support the meter and water pipeline replacement program to keep the City's water infrastructure in good condition and minimize system inefficiencies.
- Evaluate the potential for secondary water connections or graywater systems at city-owned/managed facilities.

4.4 IMPLEMENTATION

THE IMPLEMENTATION MATRIX WILL BE EVALUATED REGULARLY TO ESTABLISH THE CITY'S PRIORITIES AND EFFORTS FOR THIS ELEMENT.

	Ongoing Effort	Short-Term: 1 to 5 years	Long-Term: 5 to 10+ years
Continue to use city communications and community education programs to encourage water-wise practices and collaborate with regional partners to host events in Clearfield.			
Establish campaigns to target Clearfield's older homes/neighborhoods, which are more likely to have older, less water-efficient appliances and fixtures. Promote participation by having a citywide "contest" and/or providing incentives.			
Coordinate with the Parks and Recreation Commission to evaluate establishing an award category to recognize well-landscaped, water saving yards for a range of use types.			
Consider establishing volunteer Water Conservation Ambassadors as a community-led effort to help educate residents and businesses regarding water-efficient landscapes and irrigation practices.			
Review allowed land uses in the zoning code and consider minimizing and/or establishing conditional use requirements for uses that consume large amounts of water.			
Continue to evaluate and update, as relevant, zoning regulations and development standards that reduce outdoor water use and stormwater runoff.			
Maintain minimum requirements for living plant cover and trees to support groundwater recharge, help mitigate urban heat island impacts, and minimize soil erosion.			
Evaluate the city's standards regarding the use of green roofs, containers, and other alternatives to meet landscaping requirements outside of the Form-Based Code districts.			
Consider establishing a water conservation dashboard to communicate the effectiveness of various strategies and policies implemented by Clearfield.			
Consider a regular evaluation of the City's water rate structure to evaluate if the rate tiers are aligned with land use and development patterns.			
Consider establishing drought metering rates to use during times of extreme drought.			
Pilot an indoor/outdoor meter program and consider requiring outdoor meters for all new development and major remodels.			
Coordinate/collaborate with secondary water providers on their progress to install water meters on secondary water connections; integrate this water use data with the city's culinary water data to provide a comprehensive understanding of indoor and outdoor water use in Clearfield.			
Coordinate with Davis County Health on graywater/water recycling systems and consider a pilot demonstration project at a city facility.			
Continue to explore funding through grants and other programs to supplement rebates, support innovative efforts, and conduct pilot projects.			
Encourage rainwater harvesting and consider a pilot demonstration project at a city facility. Coordinate with the city's stormwater management efforts.			
Prioritize the maintenance, watering, and planting of street trees to retain community character and help mitigate urban heat island impacts.			
Communicate the success of water conservation at city-owned/managed facilities and places.			
Continue to support the meter and water pipeline replacement program to keep the City's water infrastructure in good condition and minimize system inefficiencies.			
Evaluate the potential for secondary water connections or graywater systems at city-owned/managed facilities.			



CLEARFIELD CITY
WATER USE &
PRESERVATION PLAN
2025

DRAFT: OCTOBER 2025

TO: Mayor Shepherd and City Council Members

FROM: Tyson Stoddard, Planner

MEETING DATE: November 18, 2025

SUBJECT: Public Hearing, Discussion, and Possible Action on ZTA 2025-1002, a zoning text amendment request by Clearfield City to add "Trailer Sales" as a permitted use in the Town Mixed Commerce District (TC Zone) with development standards. (Legislative Matter).

RECOMMENDED ACTION

The Planning Commission forwarded a recommendation of APPROVAL of ZTA 2025-1002 to the City Council, a zoning text amendment request by Clearfield City to add "Trailer Sales" as a permitted use in the TC Zone with development standards. The vote was six (6) for approval and none (0) against.

DESCRIPTION / BACKGROUND

Pursuant to the Municipal Land Use, Development, and Management Act, (LUDMA), found in Title 10, Chapter 9a of the Utah State Code, the city adopted the Downtown Form Based Code (FBC) in 2020. The FBC includes several specific zones, one of which is the TC Zone. Since the TC Zone was adopted in 2020, it has not included "Trailer Sales" as a permitted use. However, the TC Zone does include Motor Vehicle Sales as a permitted use with development standards. Clearfield City Code defines a motor vehicle as a "self-propelled vehicle intended primarily for use and operation on the highways." A trailer is separately defined as "a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle..."

Earlier this year, a trailer sales business purchased property in the TC Zone at 562 South State Street, where Chariot Auto was previously located. The property was purchased with the intent to open a trailer sales business, selling various types of trailers such as utility, cargo, flatbed, and dump trailers. A zoning determination request was submitted to the city, and a letter was issued in June of 2025 by the Planning and Zoning Administrator which determined that "Trailer Sales" was an "Unlisted Dissimilar Use," and therefore not permitted in the TC Zone. After communication between the potential business, the Property Rights Ombudsman's Office, and the City Council, the Council gave direction to staff to initiate a zoning text amendment to include "Trailer Sales" as a permitted use in the TC Zone with development standards.

PROPOSED ZONING TEXT AMENDMENT AND ANALYSIS

Proposed Change to FBC Text

Staff is recommending that “Trailer Sales” be a “Permitted Use” within the TC Zone, subject to specific “Development Standards.” The following summary of changes to the FBC are provided:

1. Section 3.3 of the FBC provides “Use Type Standards.” “Trailer Sales” will be added under subsection 3, “Retail Uses.”
2. Table 3.3 (1) and Table 3.3 (2) of the FBC provide a list of “Permitted Uses by Zone” and “Permitted Uses by Building Type.” “Trailer Sales w/Outdoor Sales Lot” will be added to the use tables and listed as “Permitted with Development Standards” in the TC Zone for Commercial building types.
3. Section 3.4 of the FBC provides “Use Development Standards” broken into “Development Standards by Use Category.” A new paragraph specific to trailer sales is proposed to be added to “Retail Uses”, providing specific development standards related to property size, trailer display, and trailer stacking. “Vehicle Services” is amended to explicitly establish a use limitation for repair and wash facilities for trailers.

Anticipated Initial Impact of Amendment

Since approximately 2000, a used car lot was in operation in the TC Zone at 562 South State Street. If the text is changed as proposed, staff anticipates that a business license will be sought and issued for a new business to begin selling trailers at this location.

Staff is unaware of any other single or grouping of parcels that are currently being considered by others for a “Trailer Sales” use in the TC Zone. Staff believes it is highly unlikely that additional locations in the TC Zone will be used to conduct “Trailer Sales” given the need to purchase and combine multiple parcels, remove existing structures, alter infrastructure, etc.

Creation of Future Legal Nonconforming Use

Staff acknowledges that any future change in zoning related to “Trailer Sales” within the TC Zone may result in the creation of a legal nonconforming use allowing for the continued ability to conduct “Trailer Sales” at this parcel.

Motor Vehicle Sales and Trailer Sales Continue as Distinct and Different Uses

The city will continue to treat “Motor Vehicle Sales” and “Trailer Sales” as distinct and different uses within the city, as reflected in city code.

General Plan Analysis

In reviewing any ordinance amendment or rezone, it is important to consult with the current General Plan to review the relevant topics or elements of the General Plan, along with the community goals, objectives, and strategies to help inform land use decisions. There are community vision objectives associated with “Economy and Fiscal Responsibility” that can be evaluated in relation to the request, which are listed below.

Economy and Fiscal Responsibility	
Clearfield aims to have a robust economy producing a diverse revenue stream for the City, supporting livability, community wellbeing, and offering amenities and services that create a vibrant, healthy city.	
Objectives & Strategies	Staff Analysis
<u>Objective:</u> Maintain Clearfield’s status as a leading employment and jobs center in Davis County and the State of Utah. <u>Relevant Strategy EF-1:</u> Continue to seek out and encourage new employment opportunities and commercial businesses and support the expansion of existing entities in the City’s growth centers. <u>Relevant Strategy EF-7:</u> Support living wage, family-sustaining job opportunities and careers in Clearfield.	This objective can be supported by allowing for a land use (Trailer Sales) in our Urban Center that is not currently permitted under current zoning regulations. The amendment would allow for a new type of business that would include various opportunities for employment in Downtown Clearfield.
<u>Objective:</u> Continue efforts to transform Downtown Clearfield into a vibrant center of activity and gathering spaces. <u>Relevant Strategy EF-1:</u> Continue to seek out and encourage new employment opportunities and commercial businesses and support the expansion of existing entities in the City’s growth centers.	The proposed amendment would allow for a successful Utah business that is interested in expanding their operation to include conducting “Trailer Sales” in Downtown Clearfield, which would bring additional commercial activity to the area. While a “Trailer Sales” use would not be considered a gathering space, the Downtown Form Based code anticipates a wide variety of uses, including commercial, residential, retail, service, and civic uses.
<u>Objective:</u> Foster and retain the City’s diverse range of businesses and commercial enterprises. <u>Relevant Strategy EF-1:</u> Continue to seek out and encourage new employment opportunities and commercial businesses and support the expansion of existing entities in the City’s growth centers.	The proposed amendment would foster a diverse range of businesses and commercial enterprises, and include greater diversification by allowing an additional land use that is not currently permitted.

Zoning Text Amendment Analysis

Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff’s evaluation are outlined below.

Review Consideration	Staff Analysis
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The proposed amendment is in accordance with the General Plan and Map; or	The General Plan encourages continual evaluation and modifications to adopted ordinances. The proposed amendment is supported by objectives and strategies related to the “Economy and Fiscal Responsibility” section of the General Plan.
Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	A previous business was recently closed, leaving a property in Downtown vacant. A potential business is interested in operating in Downtown, but the intended use is not currently permitted. These conditions have led to an amendment request that is supportive of the purposes of Title 11 which include protecting the tax base, securing economy, and fostering the city’s industries.

CORRESPONDING POLICY PRIORITIES

- Improving Clearfield's Image, Livability, and Economy

The amendment would allow for employment opportunities in Downtown, additional commercial activity, and help foster a diverse range of businesses and commercial enterprises in the city.

HEDGEHOG SCORE

Not considered

FISCAL IMPACT

The proposed amendment would allow a successful Utah business to locate in Downtown Clearfield, on a lot that is currently vacant. Staff anticipates that the business will seek a business license and open in Clearfield, which would bring additional sales tax revenue to the city.

ALTERNATIVES

Following careful consideration of the information included in this report, the Planning Commission may choose to forward the following recommendations:

1. Approve the zoning text amendment request by Clearfield City to add “Trailer Sales” as a permitted use in the TC Zone with development standards.
2. Deny the zoning text amendment request by Clearfield City to add “Trailer Sales” as a permitted



use in the TC Zone with development standards.

3. Table the zoning text amendment request to a specific date and request additional information for consideration.

SCHEDULE / TIME CONSTRAINTS

The potential trailer sales business is looking to open as soon as possible.

LIST OF ATTACHMENTS

- Proposed Trailer Sales Text Amendment

Proposed FBC Changes for Trailer Sales (ZTA 2025-1002)

Change 1

3.3 Use Type Standards

3. Retail Uses

- Trailer Sales

Change 2

Table 3.3 (1) Permitted Uses by Zone

“Trailer Sales w/Outdoor Sales Lot” will be added to the Use Table and the table will reflect that the use is “Permitted with Development Standards” in the TC Zone by adding “D” to the TC column.

Table 3.3 (2) Permitted Uses by Building Type

“Trailer Sales w/Outdoor Sales Lot” will be added to the Use Table and the table will reflect that the use is “Permitted with Development Standards” in a “Commercial” building type by adding “D” to the CM column.

Change 3

3.4 Use Development Standards

1. Development Standards by Use Category

(2) Retail Uses

(a) Pawn and secondhand businesses are limited to a maximum of 5,000 square feet of retail space in the TR zone. This includes pawn and secondhand businesses for general merchandise, military surplus, precious metals and/or gems dealers/processors.

(b) Motor vehicle sales shall have a 1 acre minimum lot size; a permanent on-site office is required. No cars may be displayed outside within 10 feet of the primary street right of way.

(c) Trailer sales shall have a 1.5 acre minimum lot size; a permanent on-site office is required. No trailers may be displayed within 10 feet of a street right-of-way. Trailers displayed between the primary street right-of-way and the primary street facing façade of the on-site office shall maintain a minimum separation of three feet (3') between each trailer. Stacking of trailers for display purposes is not permitted

between the primary street right-of-way and the primary street facing façade of the on-site office or within fifty feet (50') of an abutting secondary street. Trailers stacked for display shall not exceed a total height of twelve feet (12'). Trailers stacked for the purpose of receiving multiple trailers or to prepare for the removal of multiple trailers shall be stacked no longer than seventy-two (72) hours.

(3) Service Uses

(a) Vehicle Services

- (i) Vehicle repair is only allowed as a secondary use to vehicle sales.
- (ii) Use Limitation. Repair and wash facilities for semitrucks, recreational vehicles, boats, trailers, and other oversized vehicles are not permitted.
- (iii) Service Bays. Vehicular service bays, including garages and car wash bays, shall not be located on the front facade, unless otherwise permitted by the Building Type. Service bay doors shall be transparent.
- (iv) Outdoor Storage. Disabled or inoperable vehicles and those awaiting pick-up may be stored outdoors if:
 - i. Vehicles are not stored for more than two days.
 - ii. The storage area is located in the rear yard and screened from view of the front lot line and/or corner lot line.
 - ii. The storage area is screened using the Side & Rear yard buffer outlined in 7.0 Landscape, regardless of the adjacent land uses.

(v) Outdoor Activities

- i. All repairs or washing activities must occur inside a structure.
- ii. Vacuuming activities may occur outdoors, but must be located in the side or rear yards, screened from the front lot line.
- iii. Temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, is permitted during business hours under the canopy and adjacent to the principal structure.

(vi) Fuel pumps must be in rear or side of building.

TO: Mayor Shepherd and City Council Members

FROM: Tyson Stoddard, Planner

MEETING DATE: November 18, 2025

SUBJECT: Public Hearing, Discussion, and Possible Action on ZTA 2025-1001, a zoning text amendment request by Clearfield City to amend Title 11 of the Clearfield City Code to permit Detached Accessory Dwelling Units (DADUs) in select zones, and to adopt DADU development standards. (Legislative Matter).

RECOMMENDED ACTION

The Planning Commission forwarded a recommendation of APPROVAL to the City Council of ZTA 2025-1001, a zoning text amendment request by Clearfield City to amend Title 11 of the Clearfield City Code to permit Detached Accessory Dwelling Units (DADUs) in select zones, and to adopt DADU development standards. The vote was six (5) for approval and one (1) against.

The staff report included two options for the amendment. The options were Option A (no minimum lot size requirements) and Option B (6,000 square foot minimum for IADUs and 8,000 square foot minimum for DADUs). The Planning Commission's recommendation was for Option A, favoring policy that had the potential to provide greater supply, allow more opportunity to homeowners, and reduce regulations and barriers for ADUs.

DESCRIPTION / BACKGROUND

In September of 2021, Clearfield City adopted an Internal Accessory Dwelling Unit (IADU) ordinance. 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 (DADUs) 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.

After preparing a draft ordinance for discussion, the topic was discussed by the City Council in a work session on September 2, 2025, and with the Planning Commission in a meeting on September 3, 2025. The comments and discussion from each of the public bodies provided differing perspectives



and preferences. For example, the City Council indicated a preference that the minimum lot size required for a DADU be 8,000 square feet. The Planning Commission on the other hand, voiced a preference for allowing DADUs regardless of lot size, as long as the setback and development standards of the ordinance were fulfilled. Given the different perspectives provided, staff has crafted two versions of the proposed ordinance for consideration. The two options are included as attachments to this report and referred to as “Option A” and “Option B”.

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.

State Regulations

Similar to how the State required cities of a certain size to allow IADUs, indications are that in the upcoming legislative session, the State will also require the allowance of DADUs. Based on communication with the Utah League of Cities and Towns (ULCT), staff anticipates that both options of the proposed ordinance will comply with any new State requirements. However, depending on what comes out of the legislative session, the ordinance may be amended as necessary.

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 DADUs, with development standards related to size, height, and setback distances. These standards are provided in the attachments to this report and below is a summary of the two options is listed below.

- “Option A” has no minimum lot size for IADUs or DADUs. They would be permitted on any lot zoned as single-family or agricultural, as long as setbacks and development standards of the ordinance can be met. The following are reflective of the values prioritized with this policy option.
 - Housing Affordability & Supply: Increasing the overall housing supply and creating more affordable options for renters, which can help address housing shortages.
 - Inclusivity: Allows more homeowners to consider an ADU, providing wealth-building opportunities and a potential income stream to a wider range of residents.
 - Flexibility: Provides ability for homeowners to adapt their properties to changing needs, such as accommodating aging family members, or young adults, regardless lot size.

- Reduced Regulation: Signals a preference for reducing bureaucratic hurdles related to ADUs.
- “Option B” maintains the existing 6,000 square foot minimum lot size for IADUs and establishes an 8,000 square foot minimum lot size for DADUs. All other development standards and proposed amendments are the same as “Option A”. The following are reflective of the values prioritized with this policy option.
 - Preservation of Neighborhood Character: Seeks to maintain the existing low-density, single-family aesthetic of a neighborhood and avoiding changes in the physical character of neighborhoods with smaller lot sizes.
 - Minimizing Congestion and Infrastructure Impact: Reflects concerns about potential impacts of increased density, such as more on-street parking demand and greater strain on public services and infrastructure.
 - Homeowner Concerns: Shows responsiveness to existing residents who may have concerns or did not anticipate an increase in dwellings within their neighborhood.

General Plan Analysis

In reviewing any ordinance amendment or rezone, it is important to consult with the current General Plan to review the relevant topics or elements of the General Plan, along with the community goals, objectives, and strategies to help inform land use decisions. There are community vision objectives associated with “Housing and Neighborhoods” that can be evaluated in relation to the request, which are listed below.

Housing and Neighborhoods	
Clearfield aspires to have a mix of housing choices and ownership opportunities available in walkable neighborhoods well-served by open space and recreational amenities and provide easy access to retail, transit options, services, and employment opportunities via multiple modes of transportation.	
Objectives & Strategies	Staff Analysis
<u>Objective</u> : Provide a range of housing types and neighborhoods to the Clearfield community. <u>Relevant Strategy HN-8</u> : Evaluate and identify neighborhoods where detached ADUs may best be integrated as a strategy to expand affordable housing options.	The proposed amendment would allow for DADUs, a more affordable housing type that is not currently permitted in the city. The amendment process provides the Planning Commission and City Council the opportunity to identify where DADUs may be best integrated in the city.
<u>Objective</u> : Support the integration of complementary housing types within neighborhoods, consistent with existing development patterns, to encourage attainable and	The development standards of the proposed amendment are intended to support the successful integration of a new housing type into existing neighborhoods. ADUs provide attainable and



affordable neighborhoods that meet the needs of different generations and socioeconomic groups while preserving neighborhood character. <u>Relevant Strategy HN-8:</u> Evaluate and identify neighborhoods where detached ADUs may best be integrated as a strategy to expand affordable housing options.	affordable housing options that can help meet the needs of people at various stages of life. Standards related to lot area, dwelling size, height, and setbacks are provided to help preserve neighborhood character.
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Zoning Text Amendment Analysis

Clearfield Land Use Ordinance Section 11-6-3 establishes the following findings the Planning Commission shall make to approve Zoning Ordinance Text Amendments. The findings and staff's evaluation are outlined below.

Review Consideration	Staff Analysis
The proposed amendment is in accordance with the General Plan and Map; or	The General Plan encourages continual evaluation and modifications to adopted ordinances. The proposed amendment is supported by the "Housing and Neighborhoods" section of the General Plan, as well as the strategy to evaluate neighborhoods where detached ADUs may be best integrated to expand affordability options.
Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	There continues to be a significant inventory shortage of affordable housing in the region. Allowing for DADUs will provide additional housing options for lower income individuals and households.

PUBLIC COMMENT

Two residents came to the Public Hearing to make comment. Both expressed a preference for allowing DADUs and indicated a preference for not having a minimum lot size requirement. One spoke in favor of allowing for a type of permeable parking, termed ecoparking, which would allow for a hard surface in the form of a grid with vegetation growing in the soil sections.

CORRESPONDING POLICY PRIORITIES

- Improving Clearfield's Image, Livability, and Economy

DADUs will enhance Clearfield's image by allowing a housing type for which there is increasing demand. The policy will contribute to Clearfield's livability and economy by creating more housing



options for families, allowing greater investment into current properties, and providing additional income streams to property owners.

HEDGEHOG SCORE

Not considered

FISCAL IMPACT

Fiscal impacts are considered minimal. While there is increasing demand, there is not a significant quantity of DADUs being permitted and built in the region.

ALTERNATIVES

Following careful consideration of the information included in this report, the City Council may choose one of the following:

1. Approve the zoning text amendment request by Clearfield City to amend Title 11 of the Clearfield City Code to permit Detached Accessory Dwelling Units (DADUs) in select zones, and to adopt DADU development standards.
2. Deny the zoning text amendment request by Clearfield City to amend Title 11 of the Clearfield City Code to permit Detached Accessory Dwelling Units (DADUs) in select zones, and to adopt DADU development standards.
3. Table the zoning text amendment request to a specific date and request additional information for consideration.
4. The City Council may also choose to approve the zoning text amendment request with the lot minimum requirements described Option B from the staff report, or some other variation of the proposed amendment.

SCHEDULE / TIME CONSTRAINTS

There are no time constraints with this request.

LIST OF ATTACHMENTS

- Proposed ADU Amendments Option A
- Proposed ADU Amendments Option B

DRAFT ADU ORDINANCE AMENDMENTS

OPTION A (no minimum lot size)

CHAPTER 19

~~INTERNAL~~ ACCESSORY DWELLING UNITS

11-19-1: PURPOSE AND INTENT:

The ~~internal~~ Accessory Dwelling Unit (~~I~~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 ~~ADUs~~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 ~~ADUs~~accessory dwelling units. (Ord. 2021-14, 9-28-2021)

11-19-2: DEFINITIONS ~~OF ACCESSORY DWELLING UNIT:~~

ACCESSORY DWELLING UNIT (ADU): 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.~~

INTERNAL ACCESSORY DWELLING UNIT (IADU): ~~An accessory dwelling within or attached to a single-family residential building.~~

DETACHED ACCESSORY DWELLING UNIT (DADU): ~~An accessory dwelling that is on the same lot as a single-family building, but is a separate structure from the single-family building.~~

PRIMARY DWELLING: ~~The main or principal dwelling on a lot used to accommodate the primary use to which the premises is devoted. In the context of this chapter, the primary dwelling is 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 by the bona fide property owner(s) as shown on the Davis County tax assessment rolls. No ~~ADU~~accessory dwelling units shall be created, established, or occupied ~~in a single-family dwelling~~ unless the ~~bona fide property owner(s) as shown on the Davis County tax assessment rolls resides fulltime~~owner of the property ~~lives~~ on the property within either the ~~primary~~principal dwelling or ~~accessory dwelling unit~~ADU. (Ord. 2021-14, 9-28-2021)

11-19-4: DWELLING UNIT OCCUPANCY:

The occupants of an ~~ADU~~accessory dwelling unit shall be limited ~~to a single family as defined in Section 11-3-3 of Clearfield City Code~~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 ~~ADU~~accessory dwelling which meets ordinance requirements ~~and development standards~~ may be allowed ~~in a single-family dwelling unit~~ within all single-family ~~and agricultural~~ zones, ~~on lots greater than 6,000 square feet. 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 ~~ADU~~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 ~~primary~~principal dwelling ~~unit~~ and the ~~ADU~~accessory dwelling unit shall have the same address number but shall refer to the ~~ADU~~accessory dwelling unit as a ~~“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 ~~ADU~~accessory dwelling unit must provide ~~a kitchen~~, living areas ~~for eating~~, sleeping ~~area~~, and ~~a~~ full bathroom, including, sink, toilet shower/bath, separate from the ~~primary~~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 ~~ADU~~accessory dwelling shall have only one (1) meter for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. Installing separate utility meters for the ADU is prohibited. (Ord. 2021-14, 9-28-2021)

11-19-11: NOT INTENDED FOR SALE:

~~ADUs~~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 ~~ADU~~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 ~~ADU~~accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an ~~ADU~~accessory dwelling unit, shall register the ~~ADU~~accessory dwelling unit with the Community Development Department. If the ~~ADU~~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 ~~ADU~~~~accessory dwelling unit~~ shall not be considered legal or approved. Failure to complete the registration of an existing ~~ADU~~~~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 ~~ADU~~~~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 ~~ADU~~~~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:

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.

~~EB.~~ 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.~~

~~1.2:~~ ~~IADUs~~~~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:

~~2.3:~~ ~~IADUs~~~~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.

~~D.C.~~ Building Entrances: An ~~IDAU~~~~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)~~

Detached Accessory Dwelling Units (DADU's):

- A. Appearance: The architectural design, color pallet, and materials for a DADU shall be similar to the primary dwelling unit. The use of portable storage containers in the creation or construction of DADU's is prohibited.
- B. Location: DADU's shall be located in the rear yard of the primary dwelling.
- C. Height: DADU's shall be single story only and not include any livable square footage above or below the ground story level and are subject to the following total height restrictions.

1. Flat roof types are limited to a maximum height of twelve feet (12')
2. Pitched roof types are limited to a maximum height of eighteen feet (18')
3. DADU's shall not exceed the height of the primary dwelling

D. Height Exception: DADU's built above a detached garage are limited to a maximum height of twenty-five feet (25') or the height of the primary dwelling, whichever is less.

E. Setbacks: DADU's shall maintain the following setbacks.

1. Rear: 10 feet if single-story and 20 feet if DADU is built above a detached garage
2. Side: 10 feet
3. Corner Side: 20 feet on the side adjacent to a street
4. Distance from Primary Dwelling: 10 feet

F. Size: DADU's shall comply with the following size and total floor area requirements.

1. Building footprint not to exceed 50% of the footprint of the primary dwelling
2. Minimum: Total floor area to be no less than 250 square feet
3. Maximum: Total floor area not to exceed 1000 square feet

G. Lot Coverage: DADU's 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 square feet and below: 40%

11-19-15: PARKING:

A single-family dwelling with an ADU shall provide at least one (1) additional off-street parking space for the ADU, above the minimum spaces required for a single-family dwelling. The additional space may include the use of covered parking, a garage, or an approved driveway. Gravel or crushed rock accessory parking areas cannot be used to meet the parking requirement. (Ord. 2021-14, 9-28-2021)

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DRAFT ADU ORDINANCE AMENDMENTS

OPTION B (8,000 sf minimum lot size)

CHAPTER 19

~~INTERNAL~~ ACCESSORY DWELLING UNITS

11-19-1: PURPOSE AND INTENT:

The ~~internal~~ Accessory Dwelling Unit (~~I~~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 ~~ADUs~~~~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 ~~ADUs~~~~accessory dwelling units~~. (Ord. 2021-14, 9-28-2021)

11-19-2: DEFINITIONS ~~OF ACCESSORY DWELLING UNIT:~~

~~ACCESSORY DWELLING UNIT (ADU):~~ 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.~~

~~INTERNAL ACCESSORY DWELLING UNIT (IADU):~~ An accessory dwelling within or attached to a single-family residential building.

~~DETACHED ACCESSORY DWELLING UNIT (DADU):~~ An accessory dwelling that is on the same lot as a single-family building, but is a separate structure from the single-family building.

~~PRIMARY DWELLING:~~ The main or principal dwelling on a lot used to accommodate the primary use to which the premises is devoted. In the context of this chapter, the primary dwelling is 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 by the bona fide property owner(s) as shown on the Davis County tax assessment rolls. No ADUaccessory dwelling units shall be created, established, or occupied in a single-family dwelling unless the bona fide property owner(s) as shown on the Davis County tax assessment rolls resides fulltimeowner of the property lives on the property within either the primaryprincipal dwelling or accessory dwelling unitADU. (Ord. 2021-14, 9-28-2021)~~

11-19-4: DWELLING UNIT OCCUPANCY:

The occupants of an ~~ADUaccessory dwelling unit~~ shall be limited ~~to a single family as defined in Section 11-3-3 of Clearfield City Code, 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 AND LOT SIZE REQUIREMENTS:

An ~~ADUaccessory dwelling~~ which meets ordinance requirements ~~and development standards~~ may be allowed ~~in a single-family dwelling unit~~ within all single-family ~~and agricultural zones, on lots greater than 6,000 square feet. No accessory dwelling unit may be allowed in any multi-family dwelling or zone.~~

A. Minimum Lot Sizes

- ~~1. The minimum lot size required is 6,000 square feet for an IADU.~~
- ~~2. The minimum lot size required is 8,000 square feet for a DADU. (Ord. 2021-14, 9-28-2021)~~

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

A maximum of one ~~ADUaccessory 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 ~~primaryprincipal dwelling-unit~~ and the ~~ADUaccessory dwelling unit~~ shall have the same address number but shall refer to the ~~ADUaccessory dwelling unit~~ as ~~“Unit B.”~~ Addresses

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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 ~~ADU~~accessory dwelling unit must provide ~~a kitchen,~~ living areas ~~for eating,~~ sleeping ~~area,~~ and ~~a~~ full bathroom, including, sink, toilet shower/bath, separate from the ~~primary/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 ~~ADU~~accessory dwelling shall have only one (1) meter for each water, gas, and electricity utility service, and each meter shall be in the property owner's name. Installing separate utility meters for the ADU is prohibited. (Ord. 2021-14, 9-28-2021)

11-19-11: NOT INTENDED FOR SALE:

~~ADUs~~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 ~~ADU~~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 ~~ADU~~accessory dwelling unit, or any person remodeling or causing the remodeling of a residence for an ~~ADU~~accessory dwelling unit, shall register the ~~ADU~~accessory dwelling unit with the Community Development Department. If the ~~ADU~~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 ~~ADUaccessory dwelling unit~~ shall not be considered legal or approved. Failure to complete the registration of an existing ~~ADUaccessory 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 ~~ADUaccessory dwelling unit~~ shall be restricted to a home office use which creates no customer traffic. No home occupation business shall be established within an ~~ADUaccessory 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:

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.

~~EB.~~ 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.~~

~~1.2. IADUs~~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:

~~2.3. IADUs~~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 ~~IDAU~~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)~~

Detached Accessory Dwelling Units (DADU's):

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

B. Location: DADU's shall be located in the rear yard of the primary dwelling.

C. Height: DADU's shall be single story only and not include any livable square footage above or below the ground story level and are subject to the following total height restrictions.

1. Flat roof types are limited to a maximum height of twelve feet (12')
2. Pitched roof types are limited to a maximum height of eighteen feet (18')
3. DADU's shall not exceed the height of the primary dwelling

D. Height Exception: DADU's built above a detached garage are limited to a maximum height of twenty-five feet (25') or the height of the primary dwelling, whichever is less.

E. Setbacks: DADU's shall maintain the following setbacks.

1. Rear: 10 feet if single-story and 20 feet if DADU is built above a detached garage
2. Side: 10 feet
3. Corner Side: 20 feet on the side adjacent to a street
4. Distance from Primary Dwelling: 10 feet

F. Size: DADU's shall comply with the following size and total floor area requirements.

1. Building footprint not to exceed 50% of the footprint of the primary dwelling
2. Minimum: Total floor area to be no less than 250 square feet
3. Maximum: Total floor area not to exceed 1000 square feet

G. Lot Coverage: DADU's 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 8,000 square feet: 40%

11-19-15: PARKING:

A single-family dwelling with an ADU shall provide at least one (1) additional off-street parking space for the ADU, above the minimum spaces required for a single-family dwelling. The additional space may include the use of covered parking, a garage, or an

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approved driveway. Gravel or crushed rock accessory parking areas cannot be used to meet the parking requirement. (Ord. 2021-14, 9-28-2021)

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