CLINTON CITY COUNCIL
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CLINTON UT 84015
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CLINTON CITY COUNCIL
AGENDA

March 8, 2016

Mayor
L. Mitch Adams

City Council
Anna Stanton
Mike Petersen
Karen Peterson
Barbara Patterson
TJ Mitchell

I. REGULAR SESSION – 7:00 P.M.

A. Call to Order
B. Pledge of Allegiance
C. Invocation or Thought
D. Roll Call

II. BUSINESS

A. Employee of the Month for February 2016 – Tom Murdock
B. Presentation to Ben Nielson of Utah Fire Officer Designation Award
C. Vacant City Properties Information
D. **7:15 pm Public Hearing, Ordinance 16-01Z** Amendment to Title 28 Chapter 22 of the Clinton City Zoning Ordinance regarding Patio Home Zone (PH)
E. **Tabled from Nov. 10, 2015 and Jan. 9, 2016 - Ordinance 15-12Z,** – A Rezone Request for Property Located at Approx. 2382 W 1800 N from R-1-9 to PH
F. Potential City Participation in the Canal Crossing Costs for a West Side Connector Street

III. OTHER BUSINESS

A. Approval of City Council Meeting Minutes for February 9, 2016
B. Accounts Payable
C. Planning Commission Report
D. City Manager's Report
E. Mayor's Report
F. Council Reports on Areas of Responsibility
G. Action Item Review

IV. ADJOURN

Dennis W. Cluff
Recorder

If you attend this meeting and, due to a disability, will need assistance in understanding or participating therein, please notify the City at least eight hours prior to the meeting and we will seek to provide assistance. The order of agenda items may be changed or times accelerated as time permits with the exception of public hearing.

CLINTON CITY
COUNCIL AGENDA ITEM

SUBJECT: Employee of the Month for February 2016 – Tom Murdock	**AGENDA ITEM: A**
PETITIONER: Dennis Cluff, David Olsen	**MEETING DATE:** March 8, 2016
RECOMMENDATION: That Council recognize Tom Murdock as Employee of the Month for February 2016.	**ROLL CALL VOTE:** NO

FISCAL IMPACT:

BACKGROUND: I would like to nominate and recommend Tom Murdock for Employee of the Month for February 2016. Tom joined our team on October 20, 2008 as a part-time Firefighter/AEMT. We rely on our part-time staff heavily to help maintain our minimum staffing levels of 4 personal 24/7, 365 days a year. Tom is very dependable not only to work his regular scheduled shifts (36 hours a month minimum), but he has demonstrated numerous times that he is willing to step up and help us out in our time of need. Tom is always very punctual and courteous by showing up for his shifts early. He is a great example of being in a state of readiness. He is always ready and prepared to respond at a moment's notice.
Tom works full-time as an Engineer with the South Davis Metro Fire Agency and is a qualified service technician for their self-contained breathing apparatus (SCBA). He is always willing to help and share his knowledge with us when dealing with our SCBA equipment whenever issues or problems arise.

In addition to this, Tom is also a Utah Fire and Rescue Academy Tester with Utah Valley University (UVU) and an Instructor/Tester for the Fire and Rescue Services Recruit Candidate Academy at Bridgerland Applied Technology College. Tom is a true team player and is always willing to help anyone who crosses his path. Tom is a great mentor to others in the fire service and leads by example. Tom has demonstrated the qualities and values of a Clinton City Firefighter and is well deserving of the Employee of the Month. I will continue to expect great things from Tom in the future, as he is a great asset to our Department, City and Community.

CLINTON CITY
COUNCIL AGENDA ITEM

SUBJECT: Presentation to Ben Nielson of Utah Fire Officer Designation Award	**AGENDA ITEM: B**
PETITIONER: Dennis Cluff, David Olsen	**MEETING DATE:** March 8, 2016
RECOMMENDATION: That Council recognize Ben Nielson for achieving the Utah Fire Officer Designation Award	**ROLL CALL VOTE:** NO

FISCAL IMPACT:

BACKGROUND:

A representative from the Utah Fire and Rescue Academy will be in attendance to present Fire Captain Ben Nielson with the Utah Fire Officer Designation Award. Ben is only one of 15 statewide who have earned this award.

In 2011, the International Association of Fire Chiefs released the 2nd Edition of the Officer Development Handbook (ODH). Four levels of career development are delineated in the ODH based on specific duties at each level. Certification as a Fire Officer shows that a person has met the minimum standard as set by the NFPA, while the ODH lays out a more optimum standard reflecting a more holistic view of how a person has prepared to become a Fire Officer.

The Utah Fire Officer Designation Program (UFODP) uses the ODH as a basis to recognize fire company officers' personal achievement through the following four areas: training; education; certification; and, experience.

This recognition program for Utah fire professionals provides a coherent and attainable guide to career advancement. To help prospective fire officers achieve each element found in the ODH, the UFODP provides a resources matrix, which identifies resources available to Utah firefighters, including certifications, training and college courses, and experiences that will help them attain the designation. The idea behind the UFODP is that a person's ability to perform well as an officer depends on more than a test; capability is built by years of varied and quantifiable learning and growing experiences.
New firefighters can use the UFODP to map out a path for career advancement. Fire departments can use the FODP to help define promotional qualifications.

CLINTON CITY
COUNCIL AGENDA ITEM

SUBJECT: Vacant City Properties Information	**AGENDA ITEM: C**
PETITIONER: Dennis Cluff	**MEETING DATE:** March 8, 2016
RECOMMENDATION: That Council be aware of the vacant properties owned by the City	**ROLL CALL VOTE:** **NO**

FISCAL IMPACT:

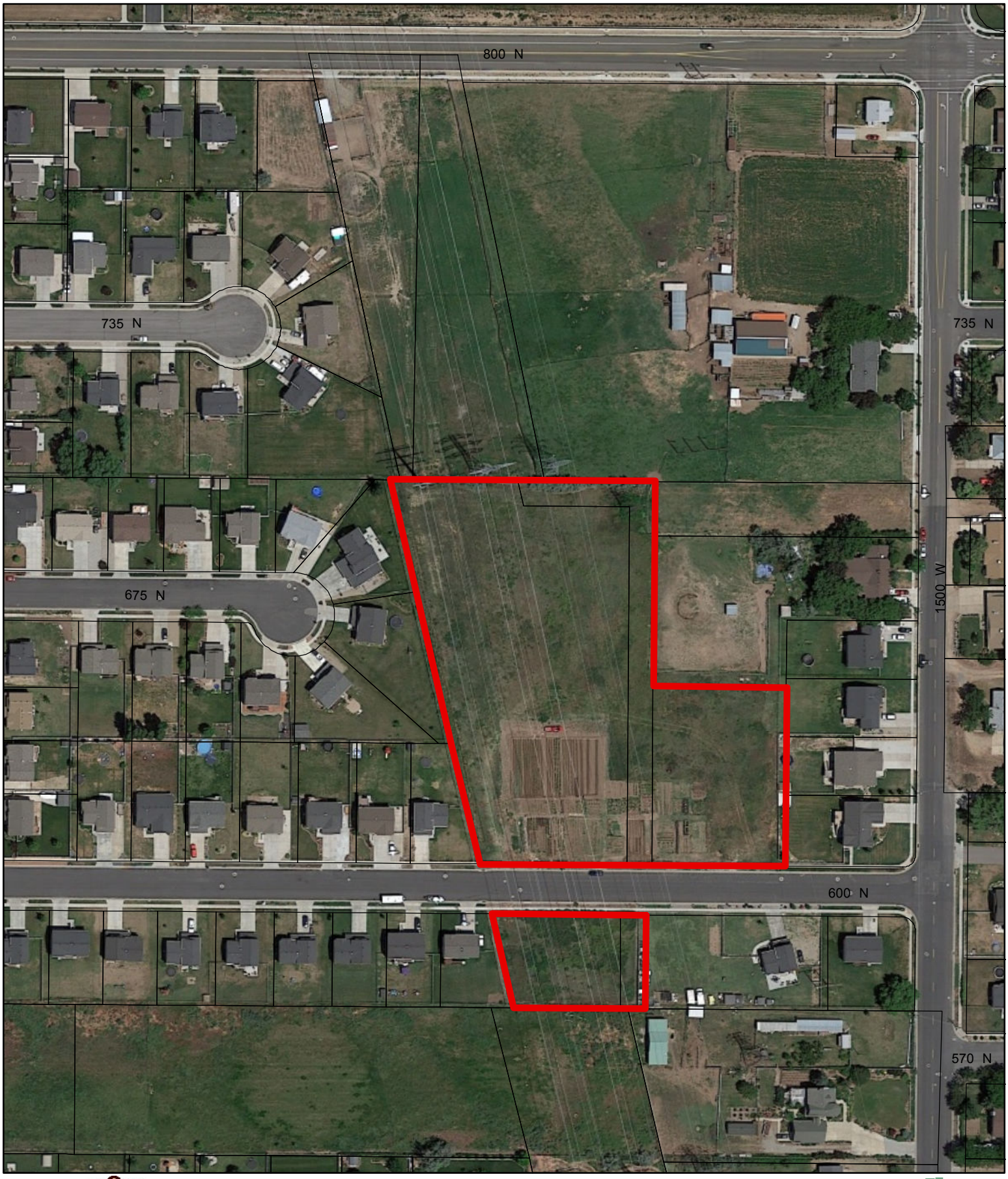
BACKGROUND:

Civic Center Park---When the Civic Center Park was constructed, a buffer zone was desired against the existing homes. At that time the residents of those homes chose to have homes buffering them from the park. The park was laid out with 5 lots to buffer the existing homes. These lots are west of the bowery. All of the utilities are installed into these lots. These lots have not been platted yet and are being maintained by the City for weeds. These 5 lots were previously re-zoned R-1-10 to be compatible with the adjacent subdivision.

Pond Park---As part of the purchase of the old city hall site and park, the developer gave the City 2 lots at the east end of the pond park for possible park expansion. The City had previously purchased an adjacent lot in 2004 from Benchmark Homes for $54,900. No expansion of the park has taken place yet and the City has been maintaining these lots for weeds. The lots have been platted, are zoned R-1-15 and all of the utilities are installed into these lots.

West Fairfield Park---When Clinton City obtained the West Fairfield Park (3.582 acres) the also City received property on the south side of 600 North (0.443 acres). This property is not connected to the park and is being maintained by the City for weeds. The power lines cross this parcel. No utilities are installed for this parcel and it is not a buildable lot due to the power lines. A portion of this lot is being considered by Doug Hamblin as a ingress/egress access to his proposed single street subdivision southwest of the City lot. Both City owned parcels are zoned R-1-9.

ATTACHMENTS: Map of each park



THE CITY OF Clinton ESTABLISHED 1896

Legend

Clinton City Owned Parcels

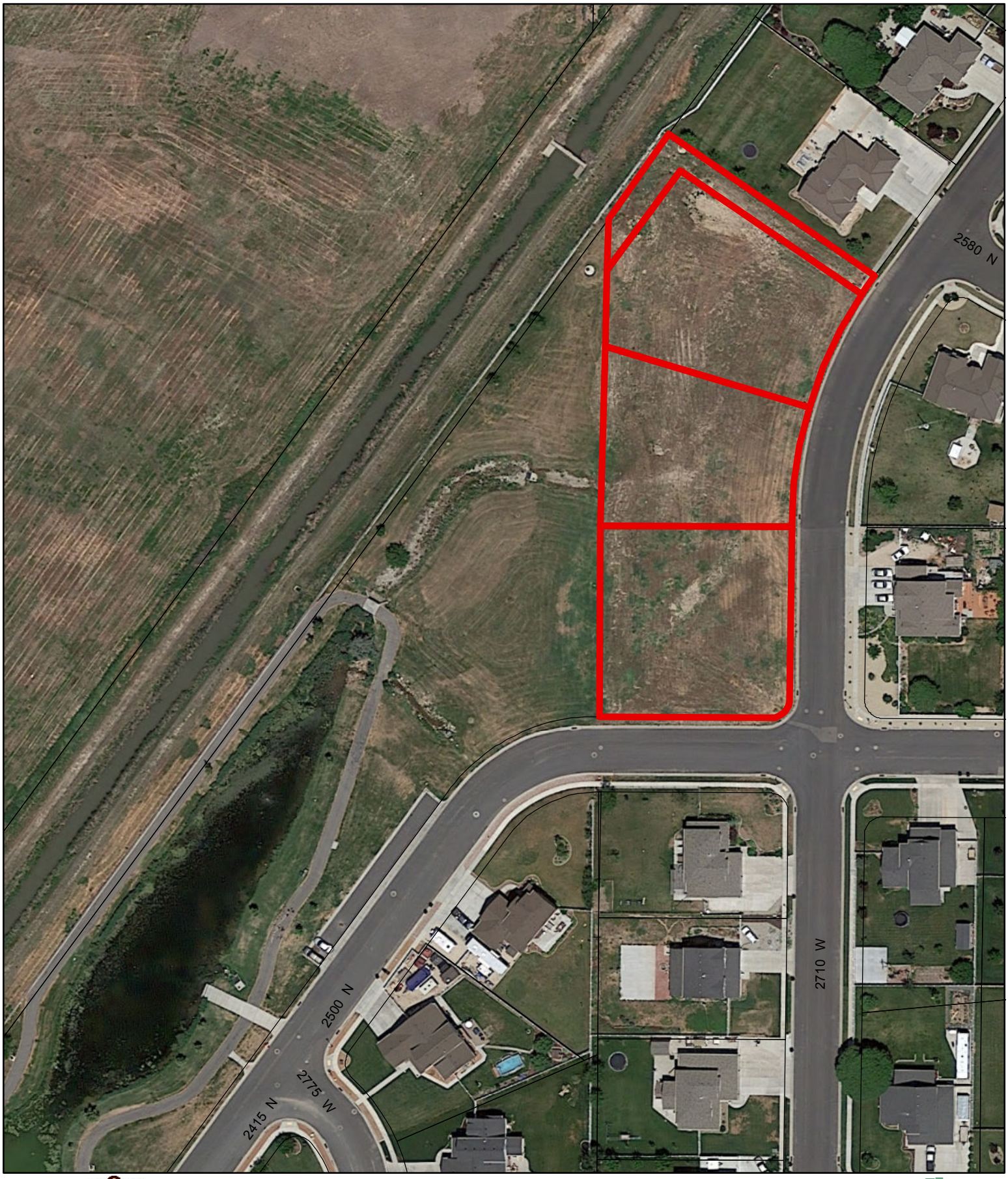
N W E S

J-U-B ENGINEERS, INC.

0 75 150 300 Feet

1 inch = 150 feet

Printed: 3/3/2016



THE CITY OF Clinton ESTABLISHED 1896

Legend

Clinton City Owned Parcels

N W E S

J·U·B ENGINEERS, INC.

0 50 100 200 Feet

1 inch = 100 feet

Printed: 3/3/2016

THE CITY OF Clinton ESTABLISHED 1896

Legend

Clinton City Owned Parcels

N W E S

J-U-B ENGINEERS, INC.

0 50 100 200 Feet

1 inch = 100 feet

Printed: 3/2/2016

CLINTON CITY
COUNCIL AGENDA ITEM

SUBJECT: **Ordinance 16-01Z –** Review and action on Planning Commission recommendation to amend Chapter 28-22 of the Clinton City Zoning Ordinance for the Patio Home Zone (PH) to better meet the intent of the General Plan regarding senior housing.	**AGENDA ITEM:** D
PETITIONER: Planning Commission and Community Development staff	**MEETING DATE:** March 8, 2016
RECOMMENDATION: Approve changes to Chapter 22 of the Zoning Ordinance to increase the size of an infill parcel in the R-1-6, R-1-8, R-1-8a and R-1-9 zones for the PH zone from 5 to 18 acres; clarify the habitable attic space and the street standard permitted in the PH zone.	**ROLL CALL VOTE:** **YES** **NO**

FISCAL IMPACT:
N/A

BACKGROUND: The Council in their January 19, 2016 meeting recommended the Planning Commission consider amending Chapter 22 – Patio Home Zone (PH) in the Zoning Ordinance to increase the opportunities in which a PH infill zone could occur to better meet the intent of the General Plan regarding senior living options. There are several changes proposed for this amendment, namely: 28-22-3(1) remove reference 'as indicated on the Master Land Use Map'; 28-22-3(2)(a) – increase infill from maximum from 5 to 18 acres; table 22.4.4 clarify 1 story for main building with footnote that reads, "Habitable attic space permitted over garage area. No alteration of roofline or dormers allowed."; table 22.4.7 indicate the street design is the standard street design rather than the alternate design; and 28-22-6(3) indicates a development agreement may be part of the approval process rather than a requirement. There were several other minor formatting changes that did not change any of the substance of this chapter.

ALTERNATIVE ACTIONS:

ATTACHMENTS:
Ordinance 16-01Z

REFERENCED DOCUMENTS:
Zoning Ordinance

ORDINANCE 16-01Z

AN ORDINANCE AMENDING TITLE 28, CHAPTER 22, PATIO HOME ZONE (PH), CLINTON CITY ZONING ORDINANCE

WHEREAS,	Clinton City has an existing Title 28, Chapter 22 dealing with the patio home zone; and
WHEREAS,	Due to the direction in the General Plan the City Council desires to clarify the intent for senior housing in Clinton City; and
WHEREAS,	Clinton City has an obligation to provide for the health, safety, and general welfare of its citizens;
NOW THEREFORE,	BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH
BY MOTION	The Clinton City Council voted to amend this ordinance.

SECTION 1. Title 28, Chapter 22, Patio Home Zone (PH)

Chapter 22.[139, 195] Patio Home Zone (PH)

28-22-1 Purpose
28-22-2 Permitted Uses
28-22-3 Conditional Uses
28-22-4 Minimum Lot Development
28-22-5 Homeowners Association Required
28-22-6 Application Process

Deleted: <#>Standards Conventional Site Development Characteristics¶

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28-22-1 Purpose. The purpose of the Patio Home Zone is to provide an acceptable housing style for single family "empty nest" type housing that is a sustainable quality product within Clinton City. The Zone is intended for infill use within the guidelines established within this Title. Development within any subdivision within the Zone is to be based upon an overall site design created by and developed completely by one developer and home builder.

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28-22-2 Permitted Uses. [182]

(1) Single-family dwelling.

(2) Home Office.

(3) Household Pets.

(4) Sign – One nameplate and identification sign in accordance with the Clinton City Sign Ordinance.

(5) Accessory buildings and uses customarily incidental to any permitted use.

(6) Common area and amenities maintained by the homeowners association.

(7) Temporary on site storage containers for emergency construction or repair of residences, with the following stipulations:

(a) Must be placed on a hard surface.

(b) Can only be present for 3 months out of a 12 month period.

28-22-3 Infill Site Development Characteristics. [195]

(1) Use of this Zone is only permitted to be applied for within the R-1-6, R-1-8, and R-1-9 Zones.

Deleted: as indicated on the Master Land Use Map

(2) Infill will only be permitted on parcels meeting the following criteria:

(a) Maximum of 18 acres;

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(b) Property can not have been subdivided from a larger parcel to meet requirements for this zone within the last ten (10) years;

(c) Property surrounding the parcel being developed must be fully developed; and,

(3) Development requirements shall comply with the minimum lot standards outlined in § 28-22-4.

28-22-4 Minimum Lot Development Standards.

(1) Area –

(a) Minimum: 5,100 square feet

(b) Average: 6300

(c) Corner minimum: 5,400 square feet

(2) Width –

(a) Minimum: 57 feet

(b) Average: 64 feet

(i) Corner: 61 feet

(3) Yard Setback:

TABLE 22.4.3

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Dwelling Design	Rear Lot Patio	Side Lot Patio	Adjacent Zone
Front of Dwelling Major Street As Described in the Clinton City Transportation Master Plan	Not Allowed		
Front	20	20	20
Side w/o Side Patio	5 / 5		8 / 5
Side with Side Patio		5 / 16	8 / 16
Street Side	16 / 5	16 / 16	16 / 16
Street Side Patio toward street		21 / 5	
Rear	20	10	20
Patio Awning Unenclosed	Shall not extend into more than ½ of required setback		
Patio Awning Enclosed	Shall not extend into the required setback		
Accessory Building	The size and location of any accessory buildings or sheds shall be evaluated and approved during the approval process and shall be outlined in the development agreement and CC&R's. Otherwise none allowed.		

Note: 5-foot side lots can not be adjacent if fence is going to be part of the development design.

(4) Building Height:

TABLE 22.4.4

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Main Building	Story	1 story *
	Height	25 feet
Accessory Building	Minimum	6 feet
	Maximum	1 story or 15 feet [a*]

* Habitable attic space permitted over garage area. No alteration of roofline or dormers allowed.

[a*] Not to exceed height of main building on lot

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(5) Building size:

TABLE 22.4.5

Minimum Dwelling Unit Square Footage	1,430
Minimum Finished Living Space	1,430
Minimum Garage Size	2 car
Accessory Building	400 sq. ft. maximum

(6) Aesthetics:

TABLE 22.4.6		
Exterior	Front	100% Brick, Stone or fiber cement board
	Sides	100% Brick, Stone or fiber cement board
	Rear	100% Brick, Stone or fiber cement board
Patio	Minimum	200 square feet
Landscaping and Automatic Sprinkler System		Installed with construction contract
Park strip trees		1 per frontage, 1.5 average per frontage
Fencing		Standardized within development
Architecture		Consistent theme among all structures

(7) Site Development Characteristics:

TABLE 22.4.7	
Maximum Acreage	18
Maximum Density/Acre	5
Maximum Lots	90
Public Streets	Public
Utilities	Public
Street Design	Standard City Design
Street Lights	City Design

28-22-5 Homeowners Association Required: All developments within the zone shall have a Homeowners Association established with Conditions, Covenants and Restrictions (CC&R's). CC&R's, at a minimum, are to establish the requirements of this Chapter, the Development Agreement and CC&R's shall be consistent between all phases of the development and apply equally to all property owners.

28-22-6 Application Process.

(1) A rezone request shall be applied for on forms provided by the City and as outlined in Chapter 1 of this Title.

(2) Rezone, if approved, shall be conditional upon final approval of a subdivision and development designs; and,

(3) Subdivision and development design may be submitted simultaneous with the rezone application, however this will not have any bearing upon the approval or denial of the rezone application.

A Patio Home Infill development may create a development agreement during the approval process. If a development agreement is used, it will outline the design requirements and stipulations established between the developer and city. The agreement shall be recorded against the property and be binding upon the developer and future owners of property within the development.

SECTION 2. Planning Commission Action. Reviewed in a public hearing the 1st day of March 2016, by the Clinton City Planning Commission and recommended for approval through a motion passed by a majority of the members of the Commission based upon the following findings.

- Proposed changes clarify the intent of the ordinance.
- Proposed changes do not adversely affect the effectiveness of the ordinance and are in line with the intent of the General Plan.

SECTION 3. Severability. In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

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SECTION 4. Effective date. This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 8th day of March, 2016.

February 12, 2016_____
NOTICE PUBLISHED

_____
L. MITCH ADAMS
MAYOR

ATTEST:

_____
DENNIS W. CLUFF
CITY RECORDER

Posted: _____

CLINTON CITY
COUNCIL AGENDA ITEM

SUBJECT: Public Hearing – Ordinance No. 15-12Z tabled from November 10, 2015 and January 19, 2016 – Request to rezone the property located at approximately 2382 W 1800 N from Residential (R-1-9) to Patio Home (PH).	**AGENDA ITEM: E**
PETITIONER: Bruce Nilson - representing Nilson Homes and He Flies, LLP	**MEETING DATE:** March 8, 2016
RECOMMENDATION: That Council consider <u>one</u> of the following: 1) Table the rezone, and request the Planning Commission to look at expanding the PH Infill maximum in Chapter 22 of the Zoning Code due to a finding that more senior type housing is needed in Clinton; and simultaneously amend the Master Land Use Map to reflect the anticipated new PH zone property; or, 2) Approve the rezone from R-1-9 to PH, and request the Planning Commission to revise Chapter 22 of the Zoning Code to include Conventional Patio Home development standards; and amend the Master Land Use Map to reflect the new PH zoned property; or, 3) Deny the rezone request.	**ROLL CALL VOTE:** **YES**
FISCAL IMPACT: N/A	

BACKGROUND: The Planning Commission recommended approving the rezoning request at their January 12, 2016 meeting. There were a few optional actions discussed by the Commission, however the owner or his representative preferred the standard rezone change.

The Master Land Use Plan currently shows the subject parcel as potential Performance Zone along 1800 North, with the remainder of this parcel listed as future Residential (R-1-9). The adjacent property to the East is zoned PZ (Performance Zone), which consists of commercial development along the state highways, an 80 apartment complex and higher density single family dwellings. The North side of the property has an 80 foot County drainage easement adjacent with both R-1-9 and R-1-15 subdivisions north of the drainage. The West side of the property is adjacent to R-1-10 development. And the South side of the property has vacant property along 1800 N as well as a few R-1-9 and R-1-10 lots. A development of Patio Homes on the subject R-1-9 property could be considered consistent with the planning concept of transitioning from commercial and high density residential to less density residential.

The current City Zoning Code (Chapter 22-PH Zone) limits the Patio Home development zone as an infill function on existing parcels of land of 5 acres or less which are either zoned R-1-9, R-1-8a, R-1-8 or R-1-6 or on the Master Land Use Map for potential future zoning. The current PH zoning qualifications are an outcome of the recent General Plan process. This Chapter 22 of the Zoning Code has proven to be fairly restrictive in allowing Patio Home infill, for there are very few parcels that qualify. A relevant question that should be asked may be, "does additional review of the General Plan suggest that more Patio Home type dwellings for mostly retired single family citizens be made available than what can be available under the current PH law"?

Here is the land use section of the General Plan that references the need for high-quality retirement communities. The following chart is found on page 10 of the General Plan and outlines characteristics of a desired single family retirement community.

Characteristics of a desired single family retirement community			
	Should not be allowed in all zones		
		Allow in areas where the higher density would not detract from large lot developments	
		Frontage of lots should not be adjacent to frontage of larger lots	
		Density increases over established zone should be based on development criteria over standard development *criteria* and outlined in an infill ordinance	
		Allow only in small areas that are considered infill	
	Developments should improve the overall characteristics of surrounding properties		
		Require proof (through assessed values) of higher quality products	
		Access should not be restricted	
	Qualifications for higher density should be established		
		Quantifiable criteria for percentages of increase over established zone	
			Landscape requirements and enhancements
			Recorded Development Agreement with all approved development criteria
			Superior building materials
			Quantity and quality of community amenities
			Established and professionally managed HOA
			Trail / park / shopping / transportation access for residents
		Require proof that the City has adequate infrastructure to support the development	
		Public streets and infrastructure meet established guidelines	
		Meets unmet housing demand	
	Developer is builder		
		Architectural theme with diversity of appearance	

BACKGROUND-CONTINUED:

As the City Council reviews this agenda item information there are a few additional items that should be noted:

1) The current PH ordinance was adopted April 8, 2014;

2) This same rezone request on this same property was first tabled indefinitely (at the request of the petitioner) by the City Council on August 13, 2014 (a continued meeting);

3) **If** the Council decides to approve this rezone, the action will not be in compliance with the existing PH ordinance or the Master Land Use Map (MLUM). The attorneys feel we would need to revamp the PH ordinance and the Map prior to allowing development. An ordinance amendment would need to clarify the vagueness between the Infill (5 acres or less) and Conventional PH developments (over 5 acres-up to 18 acres) and the standards which may apply to each. The MLUM change would be needed in order to record the modification of the rezoned property.

4) **If** the Council decides to table the rezone, while voicing their conceptual approval of it, they could send Chapter 22 of the Zoning Code back to the Planning Commission to consider changing the Infill standard to 18 acres or less and at the same time consider changing the MLUM to reflect the future anticipated change.

5) Either action listed in #3 or #4 above will require the proper notification and public hearings. Even fast tracking this process will take at least an additional month's time (Planning Commission meeting of March 1st and Council meeting of March 8th). The main difference between tabling the rezone or actually approving it at the Feb 9th meeting is, if it is tabled and #4 is carried out, the subsequent rezone approval by the Council will be a permitted use under the amended PH code, and a potential non-desired precedence is not set.

ATTACHMENT: Ordinance 15-12Z

ORDINANCE NO. 15-12Z
REZONE

AN ORDINANCE BASED UPON A REQUEST FROM HE FLIES LLP (OWNERS) OF THE PROPERTY, REPRESENTED BY BRUCE L. NILSON, TO AMEND THE ZONING MAP OF CLINTON CITY

WHEREAS, Clinton City has established a standard for land use and land use density through its zoning powers; and,

WHEREAS, The Clinton City Planning Commission has convened a public hearing and based upon established planning principles and public input forwarded a recommendation to the City Council

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:

BY MOTION The Clinton City Council voted to adopt this petition for rezone.

SECTION 1. Petition

Petitioner has requested the property located at approximately 2382 West 1800 North, more accurately described below, to be rezoned from Residential (R-1-9) to Patio Home (PH) based upon the request from the stated property owner.

SECTION 2. Legal Description

A parcel of land located in the Northeast Quarter of Section 28, Township 5 North, Range 2 West, Salt Lake Base and Meridian, Davis County, Utah.

Beginning at a point on the northerly right-of-way line of 1800 North, point being on the southeast corner of the He Fly's No. 4 Subdivision (on file and of record in the office of the recorder, Davis County) point also being 993.60 feet East and 33.51 feet North from the center quarter corner of Section 28, Township 5 North, Range 2 West, Salt Lake Base and Meridian, (basis of bearing being N00°01'16"E between center section and the north quarter corner of Section 18); and running thence N00°30'56"E along the easterly boundary of He Fly's No. 4 Subdivision 111.00 feet to the northeast corner of Subdivision; thence N89°29'34"W along the northerly boundary of He Fly's No. 4 Subdivision and the northerly boundary of the He Fly's No.2 Subdivision 213.00 feet to the northwest corner of He Fly's No. 2 Subdivision; thence S00°30'48w along the westerly boundary line of He Fly's No. 2 Subdivision 111.00 feet to the northerly right-of-way line of 1800 North; thence N89°29'34"W along northerly right-of-way line 14.74 feet; thence N00°30'48"E 111.00 feet; thence N89°29'34"W 100.00 feet to a point on the easterly boundary line of the Bridges Phase-3 Subdivision; thence N00°32'21"E along easterly boundary line 1090.55 feet; thence S89°29'58"E 666.35 feet to the northwest corner of the Clinton Towne Center Residential Subdivision-Phase 1 Amended; thence S00°33'55"W along the westerly boundary line of Clinton Towne Center Residential Subdivision-Phase 1 amended and the westerly boundary of Clinton Towne Center Subdivision 1201.63 feet to a point on the northerly right-of-way line of 1800 North; thence N89°29'34"W along right-of-way 338.02 feet to the point of beginning.

Containing 765,602 Sq feet Or 17.58 acres, Parcel 14-019-0084 contains 17.58 acres

SECTION 3. Map

A map is attached to the ordinance by reference, however if a discrepancy exists between the map and legal description the legal description takes precedence.

SECTION 4. Planning Commission Action

Reviewed in a public hearing the 19th day of January 2016, by the Clinton City Planning Commission and recommended for approval through a motion passed by a majority of the members of the Commission based upon the following findings.

For a Favorable (Unfavorable) Recommendation for Adoption based upon the following findings:

1. **This is a minor deviation from the Master Land Use Map, but still conforms to the intent of the General Plan as stated on page 10 of the General Plan (need for patio homes);**
2. **There is no undeveloped PH Zone on the Master Land Use Map;**
3. **The site exceeds the infill criteria of five acres but conforms to conventional standards as identified in 28-22-5;**
4. **The Commission notes that the request would appear to meet an unmet demand for retirement housing and otherwise aligns favorably with the PH Zone as found and documented through the use of the chart found in the General Plan on page 10;**
5. **The Master Land Use Map indicates that the frontage of the property on 1800 N is to develop as PZ. The property is currently zoned R-1-9 and any development is not likely to rezone the frontage PZ as called out in the Master Land Use Map.**
6. **After several public hearings all comments have been favorable for development of Patio Homes with no objections from the public.**
7. **The Petitioner has represented that the current approval of Town Point Subdivision will be withdrawn upon approval of this rezone.**

SECTION 5. Severability. in the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

SECTION 6. Effective date. This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 8th day of March, 2016.

July 15, 2014 and October 15, 2015
NOTICE PUBLISHED

_____
L. MITCH ADAMS, MAYOR

ATTEST:

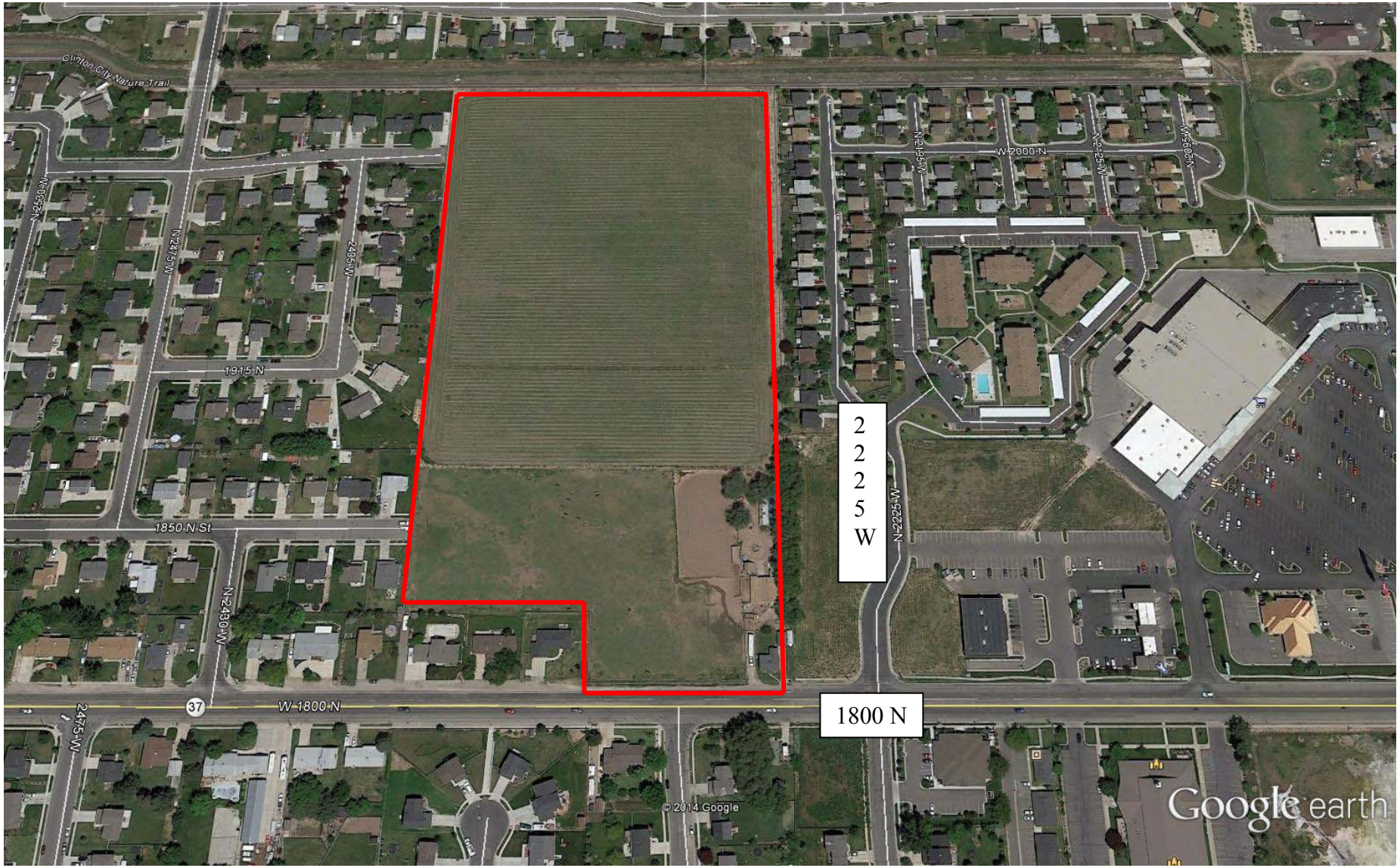
_____
DENNIS W. CLUFF, CITY RECORDER

Posted: _____

- Rezone Request
- Ordinance No. 15-12Z

- PC November 3, 2015
- CC November 10, 2015

- Requested
- R-1-9 to PH



CLINTON CITY
COUNCIL AGENDA ITEM

SUBJECT: Potential Participation in the Canal Crossing costs for West Side Connector Street.	**AGENDA ITEM: F**
PETITIONER: Dennis Cluff, Will Wright and Mike Child	**MEETING DATE:** March 8, 2016
RECOMMENDATION: Council to consider participating in the future street/canal crossing project for up to $50,000.	**ROLL CALL VOTE:** **YES** **NO**

FISCAL IMPACT:
These funds would come out of the Street Fund

BACKGROUND: In January this year the City Council agreed to participate with $25,000 or about half the costs of purchasing the steel culvert and its installation to cross the Davis County Canal between the Stone Gate and Clinton Meadows North subdivisions. When the Council discussed this contribution it was briefly mentioned that a similar contribution may be needed for the Layton Canal crossing on the south side of the Clinton Meadows North when the Clinton Meadows South subdivision seeks development. The new owner of the Clinton Meadows South property now wants to build, thus an agenda item will come before you on March 8th to address this other canal crossing.

The City's main interest has been to provide a north-south connector street, west of 3000 West, between 1800 N. and 2300 N. This connector street would improve transportation circulation in this area and the water, secondary water, sewer and land drain systems would be significantly improved by looping their lines across these canals at these street crossings. This street alignment concept was approved years ago in the City's Master Transportation Plan and supports the City's efforts to cooperate with developers to provide this connector street.

As we look at this Layton Canal crossing between the North and South Meadows Subdivisions, it is important to recognize that the Meadows South Subdivision is <u>not required</u> to have a second ingress/egress access because it will only contain 18 lots. Because of this smaller size, it only requires one subdivision ingress/egress access point (1800 N.)

To follow the Master Plan intent, to provide a west north-south connector between collector streets, and somewhat follow the precedent just previously set pertaining to this connector street, staff feels it is in the City's best interest to participate in paying for the some of the expense of a culvert and the road materials needed for this canal crossing.

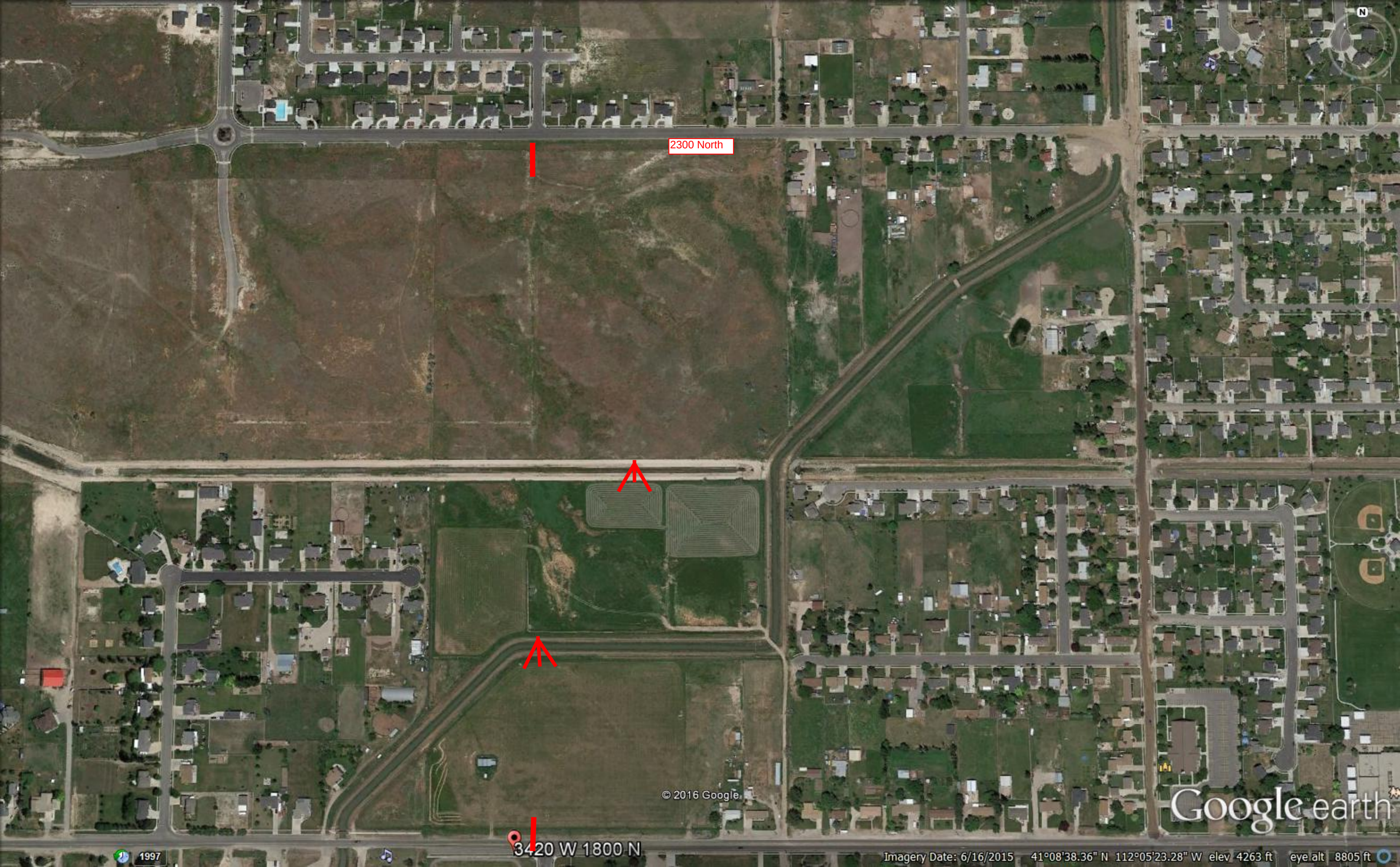
The estimated cost of road materials and installation of the concrete culvert for the Layton Canal crossing is $100,000. Because of the future benefits to the City, staff respectfully requests that the Clinton City Council provide $50,000 to go towards the cost of this culvert and its installation to cross this canal with the two adjacent property owners to work out the remainder of the costs for this canal crossing.

City staff has been and will continue working with these developers to work out the sharing of these costs for this canal crossing and to prepare an agreement before these projects move forward.

ALTERNATIVE ACTIONS:

ATTACHMENTS:

REFERENCED DOCUMENTS:
Clinton Master Transportation Plan - 2006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CLINTON CITY COUNCIL MINUTES
CITY HALL
2267 North 1500 W Clinton UT 84015

MAYOR
L. Mitch Adams

CITY COUNCIL MEMBERS
Anna Stanton
Karen Peterson
Mike Petersen
Barbara Patterson
TJ Mitchell

Date of Meeting	**February 9, 2016**	**Call to Order**	**7:00 p.m.**
Staff Present	Recreation Director Bruce Logan, Treasurer Carla Parsons, Fire Chief Dave Olsen, Asst. Fire Chief Justin Benavides, Bailey Gard, Alicia Anderson, Steve Hubbard, City Manager Dennis Cluff, Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
Citizens Present	Randy Elliott, Pam Logan, Tammy Hubbard, Hunter Behm, Connie Valentine, Allen Labrecque, Heather Hensley, Ken Hamelin, Rob Ellgren, Bob Buckles, Omer Dillon, Jerry & Linda Hogge, Bruce Nilson, Glen Phillips		
Pledge of Allegiance	Councilmember Barbara Patterson		
Prayer or Thought	Carla Parsons		
Roll Call & Attendance	Present were: Councilmember Patterson, Councilmember K. Peterson, Councilmember Stanton, Councilmember M. Petersen, Councilmember TJ Mitchell and Mayor Adams		
	Mayor Adams introduced Randy Elliott who is running for Davis County Commissioner. Mr. Elliott introduced himself and said he is a fourth generation farmer in Davis County who is interested in serving the community.		
A. EMPLOYEES OF THE MONTH FOR JANUARY 2016 – ALICIA ANDERSON & BAILEY GARD			
Petitioner	Dennis Cluff, Carla Parsons		
	Carla Parsons introduced Alicia Anderson and Bailey Gard who perform the custodial duties for City Hall and the Police Department. She said she is pleased to recognize these ladies as employees of the month for January 2016. She explained that Alicia has been working for the city for the past nine months. Bailey was hired last September. Recently, in addition to taking care of City Hall, they have agreed to perform the custodial duties for the Police Department as well. Staff has been very pleased with their ability to perform a full range of custodial duties with both outstanding quality and moderate supervision. They have been very dependable and are trusted employees. It is evident by their outstanding performance that they do take pride in their work. Mayor Adams expressed appreciation for the hard work and beneficial service that Alicia and Bailey perform on behalf of the City. He presented them with an award and gift card in recognition.		
B. EMPLOYEE OF THE FOURTH QUARTER FOR 2015 – RECREATION DIRECTOR BRUCE LOGAN			
Petitioner	Dennis Cluff		
Discussion	Mr. Cluff stated that Bruce is the Director of Recreation. He has been with Clinton City since July 2013. He has worked hard to find ways to improve his department's functions and has made many improvements and changes that have made things run more effectively and efficiently. Bruce is a fun person to be around. He has a great way of working with people and		

	smoothing out issues that arise. He has brought a wealth of local recreation experience to Clinton from the many years of working for and with other local cities as well as being involved in regional and statewide sporting events. He has a positive "lets get it done now" attitude and is willing to step up and do it. Mr. Cluff went on to say that Bruce is a great asset and addition to our management staff. He appreciates his desire to excel in all he does, follow the rules and policies, and, continually seek ways to improve services to the public. He is truly dedicated to recreation. He is glad to have Bruce working for Clinton on behalf of the citizens of Clinton and he is pleased to recognize Bruce s the Dept Head of the 4th Quarter of 2015. Mr. Logan said he loves Clinton City and his job. He looks forward to coming to work every day and appreciates the support of his staff, city staff and the city council. He expressed appreciation for this recognition. Mayor Adams said Mr. Logan is doing a great job running the Recreation Department. He thanked him for his hard work and dedication and presented him with an award and gift card in recognition.
C. RECOGNITION OF NEW CERT GRADUATES	
Petitioner	Mayor Adams
Discussion	CERT coordinator Connie Valentine stated CERT is an important function of the City. She appreciates the support she receives from the city staff and city council for the CERT Program. She introduced the three newest CERT graduates: Paul Housely Heather Housely Kenneth Hamelin Mayor Adams expressed appreciation for the efforts of Connie Valentine and Allen Labrecque for their training and direction of the CERT program. Ms. Valentine stated that regular CERT training is on going and valuable, she invited everyone in the community to participate in the CERT program. She explained there are different levels of participation available.
D. ORDINANCE 16-01, AMENDMENT TO CHAPTER 10-8 OF THE CLINTON CITY FIRE CODE	
Petitioner	Dennis Cluff, Fire Chief Dave Olsen
Discussion	Fire Chief Olsen explained that local businesses in the City with Fire Suppression systems must regularly have them inspected, tested and serviced by a certified contractor. Keeping track of these required inspections and results is a very time consuming task that has not always been successful. Because of the importance of this issue, the Fire Department feels it important to have a system to track this information. Staff has found a company that provides record keeping services for these inspections. Right now, this is the only company that could be located that provides this service but it is anticipated that in the future other such companies may also be available in this area. The intent is to make it a requirement that the certified contractors who install, inspect, service, and/or maintain the life safety and fire suppression systems (i.e. fire alarms, fire sprinklers, commercial cooking fire suppression and hood systems, etc...), for the businesses must send their inspection reports and other pertinent data to a 3rd party records repository company. This repository company in turn organizes and tracks the fire and life safety activities of inspections, repairs, maintenance, etc. on the fire suppression equipment located within each business. The repository company also

	provides timely notices to the businesses of when the next normal inspection of their equipment is due. In order for this system to work effectively, the reports need to be sent to one repository company. Local businesses may hire any certified contractor they wish to perform the inspections and maintenance work on their in-business fire suppression equipment then they will be required to send the reporting information to the City's designated records repository company and pay the required fee of the repository company. This new Ordinance will help the businesses keep their required fire inspections and maintenance up to date, in addition to helping Clinton City meet the requirement of tracking these required inspections for our local businesses. Councilmember K. Peterson asked if these records will be available in the event that a GRAMA Request is received. Chief Olsen said the information will be available to Clinton City on a secure network 24/7. Councilmember K. Peterson then stated that as the ordinance is written, if the City decides to terminate this agreement in the future, the Ordinance will need to be repealed. She feels the agreement should be reviewed and the prices evaluated at the end of the three year period.
CONCLUSION	**Councilmember M. Petersen moved to adopt Ordinance 16-01, amending Chapter 10-8 of the Clinton City Fire Code adding a record keeping requirement. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Patterson, aye; Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember Mitchell, aye.** **Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Patterson, aye; Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember Mitchell, aye.**
E. CONTRACT WITH BRYCER LLC FOR FIRE RECORDS REPOSITORY SERVICES	
Petitioner	Dennis Cluff, Chief Olsen
Discussion	Chief Olsen stated that with the adoption of Ordinance 16-01, staff would like the Council to authorize a contract with Brycer, LLC for their fire records repository services. Both Layton and Salt Lake City have recently engaged Brycer for these same services. The contract is for a basic 3 year period, but will be automatically extended unless either party wants to cease at that time. The records are kept on Brycer's servers and can be accessed by our staff through secure internet access. The Fire Department believes this service will help businesses keep their safety systems more up to date, providing more safety for their employees and customers. It will also allow the City to better keep track of required inspections of businesses. There is no cost to the City for this service; the cost will be paid by the inspection company, who in turn, may pass the cost on to the business if they wish. The cost is $10 per year per business for the first inspection, and no additional cost for any additional inspections within that same year.
CONCLUSION	**Councilmember M. Petersen moved to authorize the contract with Brycer, LLC for Repository Services pertaining to fire inspection services. Councilmember Patterson seconded the motion. All voted in favor of the motion.**
F. 7:00 PM PUBLIC HEARING; RESOLUTION 01-16, AMENDMENTS TO THE FY 2015-16 BUDGET	
Petitioner	Dennis Cluff
Discussion	Mr. Cluff provided the Council with Attachment A which identifies necessary budget amendments for the FY 2015-16 budget. He explained the General Fund amendments include a few small increases from the audit as pass through to other funds and reimbursements, funds for a new fire station copy machine and electronic upgrades

(overhead projector and sound enhancing system) for the Council chambers. Additionally there are increases in the Class "C" road funds to be transferred to the Special Street Projects (fund #37) for road improvements, and carryover Transportation Impact fees which is budgeted for potential appropriate use.

The Water Enterprise Fund Balance has an increase for a limited amount of dual check valve, valve replacement kits and temporary worker costs for work to be accomplished during this current Fiscal Year. A carry-over has been added to the Park Construction fund, and an added expense to the Solid Waste fund for additional garbage cans.

There is also the #37 Special Street/Roadway Projects fund increase from Class "C" and Fund Balance Carryover from the audit).

		COUNCIL BUDGET AMENDMENTS-Feb 9, 2016				
			REVISED			
Item	Dept	Description	Increase	Decrease	Balance	Comments
GENERAL FUND REVENUES						
10-3850	Revenue	Class "C" Surplus	**19573**		66573	Added revenue from audit
10-3690	Revenue	Sundry	**1044**		65424	Youth Council reimburse for hoodies
10-3690	Revenue	Sundry	**530**		65954	Reimburse for Fire Conference Airfare
10-3822	Revenue	State Liquor Surplus	**6013**		6013	Added revenue from audit
10-3845	Revenue	Street Impact Surplus	**3949**		263949	Added revenue from audit
10-3870	Revenue	Gen Fund Surplus	**5225**		5225	Fire Station copy machine
10-3870	Revenue	Gen Fund Surplus	**5000**		10225	Council Chamber Electronic upgrade
		GF Revenue TOTAL	**41334**			
GENERAL FUND EXPENSES						
10-4143	City Council	Youth Council	**1044**		7464	Youth Council reimburse for hoodies
10-4174	City Council	Equipment	**5000**		5000	wireless hearing system & new projector
10-5523	Fire	Meeting and Training	**530**		6436	Reimburse for Fire Conference Airfare
10-5574	Fire	Equipment	**5225**		39350	Fire Station copy machine
10-5974	DUI	Equipment	**6013**		18533	extra revenue from audit
10-6172	Streets	Impact Fee Improvements	**3949**		306179	extra revenue from audit
10-6181	Streets	Trans to Spec St Project #37	**19573**		106167	extra revenue from audit
		GF Expense TOTAL	**41334**			
						103356
WATER FUND-REVENUE						
51-3720	Water	Fund Balance	**18000**		44909	to cover added purchases
		TOTAL				
WATER FUND-EXPENSE						
51-4012	Water	Temporaries	**4500**		18500	added help to install check valves
51-4074	Water	Equipment	**13500**		16840	Dual checks and replacement kits
		TOTAL	**18000**			
STORM DRAIN FUND-REVENUE						
53-3720	Storm Drain	Fund Balance	**75000**		75000	impact fee funds
		TOTAL				
STORM DRAIN FUND-EXPENSE						
53-4072	Storm Drain	Equipment	**75000**		165195	impact fee project- detention pond phase#1
		TOTAL	**75000**			
SOLID WASTE FUND-REVENUE						
54-3720	Solid Waste	Fund Balance	**12000**		37940	to cover added purchases of cans
		TOTAL				
SOLID WASTE FUND-EXPENSES						
54-4074	Solid Waste	Equipment	**12000**		16840	purchase additional 150 garbage cans
		TOTAL	**12000**			
PARK CONSTRUCTION PROJECTS						
34-3720	Park Const	Fund Balance	**17606**		243761	Added "audit" revenue
		TOTAL	**17606**			
PARK CONSTRUCTION PROJECTS						
34-4073	Park Const	Improvements	**17606**		312661	Added "audit" revenue
		TOTAL	**17606**			
SPECIAL STREET/ROADWAY PROJECTS						
37-3671	Str Projects	Trans from Gen Fund-Class "C"	**19573**		106067	Added revenue from audit
37-3720	Str Projects	Fund Balance Carryover	**71679**		234979	Added revenue from audit
		TOTAL	**91252**			
SPECIAL STREET/ROADWAY PROJECTS						
37-4073	Str Projects	Improvements	**91252**		820548	Added revenue from audit
		TOTAL	**91252**	**0**		

	Mayor Adams opened the public hearing at 7:55 p.m. and asked for public comment; there was none, therefore he closed the public hearing at 7:56 p.m.
CONCLUSION	**Councilmember Patterson moved to adopt Resolution 01-16, accepting the budget amendments for the FY 2015-16 budget. Councilmember K. Petersen seconded the motion. Voting by roll call is as follows: Councilmember M. Petersen, aye; Councilmember Patterson, aye; Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember Mitchell, aye.**
G. PUBLIC HEARING TABLED FROM NOV. 10, 2015 - ORDINANCE 15-12Z. REZONE REQUEST FOR PROPERTY LOCATED AT 2382 W 1800 N FROM R-1-9 TO PH	
Petitioner	Dennis Cluff, Will Wright, Bruce Nilson – Representing Nilson Homes and He Flies, LLP
Discussion	Mr. Wright explained this request has been an ongoing request and was most recently reviewed by the Planning Commission at the January 19, 2016 Planning Commission meeting where the Planning Commission were unanimously in support of the request. The following information was included in the staff report: That Council consider <u>one</u> of the following: 1) Table the rezone, and request the Planning Commission to look at expanding the PH Infill maximum in Chapter 22 of the Zoning Code due to a finding that more senior type housing is needed in Clinton; and simultaneously amend the Master Land Use Map to reflect the anticipated new PH zone property; or, 2) Approve the rezone from R-1-9 to PH, and request the Planning Commission to revise Chapter 22 of the Zoning Code to include Conventional Patio Home development standards; and amend the Master Land Use Map to reflect the new PH zoned property; or, Deny the rezone request. Bruce Nilson gave the City Council a presentation which included: • Population data from the Utah Governor's Office of Planning and Budget • Current and projected land use amounts • Clinton City Zoning Map • Information from the Clinton City General Plan pages 10 & 7 • Nilson Patio Home designs • Petition from surrounding neighbors of the development in support of patio homes. At 7:54 p.m. Mayor Adams identified this is an open public hearing. Mr. Nilson said there is a need for senior housing in Clinton City. He addressed the Council's concern of altering the General Plan. He said he is not requesting to open the General Plan but to open the Master Land Use Map. He reviewed pages 1 & 2 of his handouts which included data from the Governor's Office of Planning and Budget regarding senior housing needs which is increasing. He said that Clinton is a beautiful well developed city that needs to address this need for more senior housing. He then reviewed a map of the City and identified that less than 1% of land in the City is zoned for this type of housing. Patio homes provide seniors with nice homes on smaller lots. He then went on to review page 10 of the General Plan which identifies a need for senior housing. His intent is not to negatively impact the General Plan but to justify a need for senior housing in the community. Mr. Nilson read the findings of the Planning Commission recommendation made by Commissioner Bob Buckles at the January 19, 2016 Planning Commission meeting: Commissioner Buckles moved to forward a recommendation on to the City Council for approval of Ordinance 15-12Z , a request to rezone property located at approximately 2382 W 1800 N from R-1-9 to PH Zone with recognition that it is a minor deviation from the Master Land Use

Map and as detailed in the findings of the ordinance:
1. This is a minor deviation from the Master Land Use Map but still conforms to the intent of the General Plan as stated on page 10 of the General Plan. (need for patio homes);
2. There is no undeveloped PH Zone on the Master Land Use Map;
3. The site exceeds the infill criteria of five acres but conforms to conventional standards as identified in 28-22-5;
4. The Commission notes that the request would appear to meet an unmet demand for retirement housing and otherwise aligns favorably with the PH Zone as found and documented through the use of the chart found in the General Plan on page 10;
5. The Master Land Use Map indicates that the frontage of the property on 1800 N is to develop as PZ. The property is currently zoned R-1-9 and any development is not likely to rezone the frontaged PZ as called out in the Master Land Use Map.
6. After several public hearings all comments have been favorable for development of Patio Homes with no objections from the public.
7. The Petitioner has represented that the current approval of Town Point Subdivision will be withdrawn upon approval of this rezone.

Commissioner Thompson seconded the motion. Voting by roll call is as follows:
Commissioner Ritchie, aye; Commissioner Buckles, aye; Commissioner Labrecque, aye; Commissioner Cressall, aye; Commissioner Coombs, aye; Commissioner Thompson, aye; Commissioner Briggs, aye.

Mayor Adams asked for public comment.

Glen Phillips says he lives next to this property. He has enjoyed having a view of the open space; however he realizes that change is inevitable and happens quickly. He realizes there is a need to conform to the change. He knows that there will be a home next to him and he would prefer a small patio home he can see over vs. a tall two story home. He also feels that patio homes will help alleviate the concern for traffic that will come with the development. He would prefer to live next to more mature adults vs. younger families.

Steve Hubbard commented that he realizes that change is inevitable; this property is in the rear of his home, he has enjoyed the open space and watching the sunset and the horses. He realizes that this property will develop no matter what and he would prefer patio homes. He knows Bruce Nilson to be a man of integrity who builds high quality homes.

Hunter Beam commented he appreciates open space. He realizes change is inevitable.

Tammy Hubbard lives near this property and commented that she is too young for a retirement community but would consider moving into a development like this. She will miss the views but she feels that the patio homes will be a better option for this property.

Linda Hogge commented that it has been established there is a need for senior housing in Clinton. She gets questions all the time if patio homes will be built in this area. The location is perfect for this type of development because it is close to shopping and medical facilities in addition to public transportation. The neighbors are in support of this development. They want less traffic and well taken care of properties. She feels that the front of the property that is zoned PZ could be a concern if it is developed commercially. She feels that Bruce Nilson is the right person to develop this property. He builds homes that will be best for the community.

Bob Buckles stated he is a member of the Planning Commission. He was concerned about the information in the staff report. He feels that the proposal to expand the definition in the PH Zone for infill from 5 acres to 18 acres was not appropriate because it would be a distortion of the intent; which was to address small parcels that could not otherwise be developed within the City.

His understanding based on guidance from staff was that the General Plan and Master

Land Use Map were not binding documents rather guiding documents; which is why the Planning Commission recommended the zoning change based on a minor deviation and the reasons identified in the resolution. If it was a mistake, it was because of this misunderstanding. The contradictory statement on page 10 was also a factor.

As a member of the Planning Commission, he feels the decision to approve patio homes is a political decision for the City Council. The Planning Commission would like resolution on this issue and would like to avoid further delay.

Omer Dillon said he appreciates seniors in society and would like to see this development move forward.

A video by Art Ballif, who was not able to attend but had comments regarding this issue, was shown to the Council. He stated he feels very fortunate that he lives in the newest patio home development in Clinton off 1800 N. This is a good opportunity to provide more housing for seniors. It is managed by an HOA which is a benefit. He asked the Council to make some choice decisions that will affect Clinton City positively for years to come. He feels this is an opportunity to meet special neighbors and have less traffic with only two people per house. This will improve the community with only approximately 65 homes. He asked the Council to make the decision now that will benefit the City.

Mayor Adams asked for additional public comment, there was none, therefore he closed the public hearing at 8:39 p.m.

At approximately 8:40 p.m. Councilmember Patterson moved to approve the rezone from R-1-9 to PH, and request the Planning Commission to revise Chapter 22 of the Zoning Code to include Conventional Patio Home development standards; and amend the Master Land Use Map to reflect the new PH zoned property.

There was no second to the motion.

After the motion by Councilmember Patterson, Mayor Adams clarified the motion died due to lack of a second.

He cautioned the Council against the appearance of spot zoning. He said he feels that the Planning Commission should consider changing the infill ordinance from 5 acres to 18 acres with the justification that when it was originally set up as 5, it was not realized that 5 acres would not meet the needs of the City.

Councilmember K. Peterson said she agrees there is a need for senior housing in Clinton. The City was smart in addressing it with the infill ordinance; however she feels that it may be time to reevaluate the infill based on a demonstrated need which has been presented.

Councilmember Stanton agreed that the General Plan identifies a need for senior housing. There is a need for a specific type of housing other than single family.

Councilmember Mitchell agrees there is a need; however it doesn't fit in the current guidelines. He suggested an overlay or extending the infill from 5 acres to 18 acres rather than approve a rezone.

Mr. Nilson commented he agrees with protecting the City. He realizes the process is important to follow.

Mr. Cluff clarified that changing the in-fill requirement from 5 acres to 18 acres is the best option to comply with the law and not set a precedent for spot zoning.

Mayor Adams said he feels that changing the infill to 18 acres will accommodate the need of the citizens for senior housing now and for the future.

Mr. Cluff explained infill is limited to R-1-9, R-1-8, R-1-8A & R-1-6 zones. There is limited property left in the City which would qualify for infill. It is important to stay within the law. Although the Council does have latitude, both staff and legal counsel do not recommend approval of the rezone request to prevent setting a precedent. He said if the Council desires more senior housing, it would be best to table the rezone to a meeting in March and send the Planning Commission a message to consider amending the patio home zone ordinance to the size of a conventional patio home development such as Shady Grove which already exists within the City. He explained the Shady Grove development has proven to be a desired development and the homes sell quickly when they become available. He recommended simultaneously holding public hearings for an amendment to the zoning ordinance regarding patio homes and a proposed amendment to the Master Land Use Plan, which would then allow this patio home development to develop legally; after which address the tabled rezone request.

Councilmember K. Peterson clarified that since it is an over lay, the Master Land Use Map may not need to be modified.

Councilmember M. Petersen expressed concern of narrow roads in large patio home developments where parking on the street is an issue and doesn't allow other cars room on the roads.

Councilmember Stanton agreed that the roads could be a concern because of snow removal and other issues that need to be a consideration as well.

Mr. Wright said that the City Council will be able to provide input on the roads during the Plat approval process.

Mayor Adams asked again for a motion. He cautioned that this issue has gone on for some time and a decision should be made.

At approximately 9:00 p.m. Councilmember M. Petersen moved to deny the rezone request.

There was no second to the motion.

Mr. Cluff clarified that the previous application for this property has been withdrawn.

Mayor Adams re-opened the public hearing.

Councilmember Mitchell moved to table ordinance 15-12 Z to the March 8, 2016 City Council Meeting with the public hearing to remain open. Councilmember Stanton seconded the motion. Voting by roll call is as follows: Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember Mitchell, aye; Councilmember M. Petersen, no; Councilmember Patterson, aye.

Direction to Planning Commission:

- **Consider changing the infill ordinance to an overlay for the PH Zone applicable to the R-1-6, R-1-8, R-1-8A & R-1-9 zones up to 20 acres;**
- **Consider the requirement for standard size roads;**
- **Consider a modification to the single story element – clarify single story;**

Mr. Cluff said this should be a consideration in the Development Agreement but can also be included in the Ordinance.

Gerald Hogge said he is confused by the process, it has taken too long. He is frustrated that this has to go back to the Planning Commission.

Mayor Adams clarified the Council has a responsibility to follow a legal process to prevent liability for the City and the City Council.

H. REVIEW OF THE MODERATE INCOME HOUSING PLAN BIENNIAL REPORT TO PROVIDE THE STATE WITH DATA ON THE GOALS AND PROGRESS OF CLINTON CITY REGARDING MODERATE INCOME HOUSING	
Petitioner	City staff as required by the Division of Housing and Community Development (HCD) of the State of Utah.
Discussion	Mr. Wright reported that at the request of the Council he is presenting a biennial report for moderate income housing as suggested by the State Division of Housing and Community Development (HCD). This report updates the City's efforts regarding its housing goals as outlined in the Clinton City 2013 General Plan. He explained that completing this report makes Clinton City eligible for various housing grants according to a representative at the State. Councilmember Mitchell explained that based on information he compiled, an income of $45,000 would qualify for a home valued at approximately $250,000.00. Clinton has about 42% that fit in this category currently; 71% who have homes under contract are under this category and 78% of the homes sold in the last 6 months fit in this category.
CONCLUSION	**Councilmember M. Petersen moved to accept the biennial report of the moderate-income housing plan to provide the State with data on the goals and progress of the City regarding moderate income housing. Councilmember Stanton seconded the motion. All voted in favor of the motion.**

I. DEVELOPMENT AGREEMENT FOR FENWAY ESTATES LOCATED AT APPROXIMATELY 2475 WEST 800 NORTH AND 1000 NORTH ON 2000 WEST	
Petitioner	Will Wright, Dennis Hepworth-Uintah Land Investments, LLC.
Discussion	The Preliminary Plat for Fenway Estates which consists of 134 lots was approved on May 5, 2015. Resolution 20-15 for the Final Plat of Phase 1 of this subdivision was approved by the Council on August 11, 2015 and consists of 27 lots. It was noted in the August 11, 2015 staff report that this development could not add to the drainage needs without the 1300 North detention basin being constructed. The cost is estimated at about $240,000; however, the plan is to only initially put in the needed structures, piping and ½ of the pond, which is estimated at a cost of $165,000. Landscaping (at an additional cost of $230,000) is not required for the detention pond to function, so its installation may be postponed until it is determined by the Council to be used as a park. This Agreement outlines the responsibilities of the developer and the City in establishing the needed storm water system to move the storm water from the Fenway Estates location to the City Storm Water Detention Pond. The Developer has had to secure easements from other adjacent properties along the engineered Storm Water pathway in order to access the City Pond. The pipe sizes have been oversized in order to accommodate other future storm water needs along this piping pathway. Oversize costs will be part of a payback agreement with the Fenway Estates Development. The secured easements have been conveyed to the City. The City in turn will develop the Detention Pond and maintain the storm water pipe system. The overall Storm Water Fund has sufficient funds to develop the detention pond. But Impact Fees currently only have about $160,000, so part of the funding will need to be borrowed from the "regular" fund account and paid back by future Storm Drain Impact Fees. Phase 1 of the Fenway subdivision has 27 lots and will generate $69,579 of Storm Water Impact Fees. The remaining 107 lots would generate another $275,739. Other future developments in this general drainage area will also generate additional Storm Water Impact Fees. Dennis Hepworth with Uintah Land stated his intent is to begin the process of due diligence on this project by getting the Development Agreement approved ahead of other documents required by the project.
CONCLUSION	**Councilmember Mitchell moved to approve the Development Agreement for Fenway Estates located approximately 2475 West 800 North and 1000 North on 2000 West for a Development Agreement for Fenway Estates for developer to put in improvements necessary to serve this subdivision as well as the surrounding neighborhood and the City to put in a detention basin on 1300 North for servicing this subdivision and area of the city. Councilmember M. Petersen seconded the motion. Voting by roll call is as follows:**

	Councilmember M. Petersen, aye; Councilmember Patterson, aye; Councilmember Stanton, aye; Councilmember K. Peterson, aye; Councilmember Mitchell, aye.
Approval of Minutes	**Councilmember K. Petersen moved to approve the January 26, 2016 City Council Meeting as written. Councilmember Mitchell seconded the motion. All voted in favor of the motion.**
Accounts Payable	**Councilmember Mitchell would like to see purchases of Police vehicles come before the Council.** **Councilmember M. Petersen moved to pay the bills. Councilmember Mitchell seconded the motion. All voted in favor of the motion.**
Planning Commission Report	Mr. Wright reported on the February 2, 2016 Planning Commission meeting work session as identified in the minutes
City Manager	• The city offices will be closed on February 15 in observance of President's Day • Paul Ray will hold a Town Meeting at City Hall on Feb 17 at 7:00 PM
Mayor	• The 1800 N EIS Record of Decision is complete; a link is available on the Clinton City website
Councilmember Patterson	• The Parks Board will meet on March 17

Councilmember K. Peterson	• Working with Representative Ray and Senator Stevenson on pushing the following road projects up on the priority list of state projects:
	  • Expansion of SR193 down to 3000 W will start first;
	  • 2000 W – not on the docket till 2021;
	  • 1800 N

Councilmember M. Petersen	• Has four Eagle Court of Honors scheduled
Councilmember Stanton	• The Youth Leadership Seminar at Utah State University is March 11; • Councilmember K. Peterson is helping plan a time for the Youth Council to tour the State Capital; • She will be attending a Sewer Board meeting on Feb 11.
Councilmember Mitchell	• Safe sale zone Mr. Wright said he has been working with the police. There will most likely be a need for a new video camera. • Attended the LPC meeting on Monday, retirement is a huge issue. • Asked the Council to consider a change in the ordinance preventing issuance of a building on unrecorded property. • Identified he is under contract to purchase the Clinton Meadows South Subdivision.
ADJOURNMENT	**Councilmember Stanton moved to adjourn. Councilmember Patterson seconded the motion. All voted in favor of the motion. The meeting adjourned at 10:00 p.m.**
ACTION ITEMS	• **Tentatively cancel the March 22 City Council Meeting due to the Presidential Caucuses.**