



# PLANNING COMMISSION

2267 North 1500 West  
Clinton City, UT 84015

Phone: (801) 614-0740

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Web Site: [www.clintoncity.net](http://www.clintoncity.net)

*Clinton City  
Planning Commission*

*Chairman  
Jacob Briggs*

*Vice Chairman  
Gary Tefler*

*Members  
Dereck Bauer  
Solene Cressall  
Dan J. Evans  
Andy Hale  
Anthony 'Tony' Thompson*

*City Staff  
Will Wright  
Lisa Titensor*

## August 21, 2018

7:00 pm

There will be a regular meeting of the Clinton City Planning Commission held on the date mentioned above in the **Council Chambers** of Clinton City; **City Hall located at 2267 North 1500 West.**

	Pledge	Appointed
	Invocation or Thought	Appointed
	Roll Call	Chair
	City Council Report	Staff
	Planning Commission Minutes for August 7, 2018	Chair
	Declaration of Conflicts	Chair
1.	<p><b>PUBLIC HEARINGS:</b></p> <p><b>7:05 p.m.</b> – Review and recommend adoption of Resolution 27-18 to the City Council upon a request from Bruce Nilson, representing Town Point Community LLC, to approve the Final Plat for Town Point Subdivision Phase 4 located at 2250 W 2000 N.</p> <p><b>7:15 p.m.</b> – Review and act upon a request for a Conditional Use Permit for FedEx to place a sign on the Walmart Store located at 1632 N 2000 W.</p> <p><b>7:25 p.m.</b> – Review and recommend to the City Council adoption of Ordinance 18-02Z amending Chapter 28-2 Definitions for ‘Frontage’ clarifying how frontage is determined for lots in a cul-de-sac or knuckle of a street.</p> <p><b>7:30 p.m.</b> – Review and recommend to the City Council adoption of Ordinance 18-03Z amending Chapter 28-4-5(2) <u>Parking Space for Auditorium, Stadium, or Theater</u> by increasing the parking requirement to one space per five seats.</p>	
2.	<p><b>WORK SESSION:</b></p> <p>Continue review and update effort on the City’s Subdivision Ordinance reviewing Chapters 6 and 7.</p>	
3.	<p><b>COMMISSION COMMENTS</b></p>	
4.	<p><b>ADJOURN</b></p> <p><b>THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS</b> If you attend this meeting and, due to a disability, will need assistance in understanding or participating, then please notify the City at (801) 614-0740 at least three days prior to the meeting and we will seek to provide assistance. The order of agenda items may be changed or times accelerated.</p>	



**CLINTON CITY PLANNING COMMISSION  
CITY HALL  
2267 North 1500 W Clinton UT 84015**

**Planning Commission Members**

*Chair – Jacob Briggs  
Vice Chair – Gary Tyler  
Tony Thompson  
Jolene Cressall  
Andy Hale  
Dereck Bauer  
Dan Evans*

<b>Date of Meeting</b>	<b>August 7, 2018</b>	<b>Call to Order</b>	<b>7:02 p.m.</b>
<b>Staff Present</b>	Community Development Director Will Wright and Lisa Titensor recorded the minutes.		
<b>Citizens Present</b>			
<b>Pledge of Allegiance</b>	Commissioner Bauer		
<b>Prayer or Thought</b>	Commissioner Cressall		
<b>Roll Call &amp; Attendance</b>	Present were: Commissioner's Jacob Briggs, Tony Thompson, Jolene Cressall, Dereck Bauer and Dan Evans  Excused was: Andy Hale, Gary Tyler		
<b>City Council Report</b>	Mr. Wright reported on the July 31, 2018 Special City Council Meeting as recorded in the minutes.		
<b>Declaration of Conflicts</b>	There were none.		
<b>Approval of Minutes</b>	<b>Commissioner Cressall moved to approve the July 17, 2018 Planning Commission minutes. Commissioner Bauer seconded the motion. Commissioners' Cressall, Bauer, Evans, Thompson and Briggs voted in favor.</b>		
<b>WORK SESSION: CONTINUE REVIEW AND UPDATE EFFORT ON THE CITY'S SUBDIVISION ORDINANCE REVIEWING CHAPTERS 6 AND 7.</b>			
<b>Petitioner</b>	Community Development		
<b>Discussion</b>	<p style="text-align: center;"><b>Chapter 6. Impact Fees Related to Development</b></p> <p>26-6-1. Purpose 26-6-2. Definitions 26-6-3. Applicability 26-6-4. Payment of Impact Fees 26-6-5. Service Areas 26-6-6. Calculation of Impact Fees Based on Fee Schedule 26-6-7. Exemptions 26-6-8. Offsets to Impact Fees 26-6-9. Developer Payback Agreements for Impact Fees 26-6-10. Challenges and Appeals 26-6-11. Fund Accounting for Impact Fees 26-6-12. Refunds 26-6-13. Use of Funds 26-6-14. Impact Fee as Supplemental Regulation to Other Financing Methods 26-6-15. Adjustments 26-6-16. Independent Impact Fee Analysis 26-6-17. Penalty Provision</p> <p><b>26-6-1 Purpose:</b> (1) The Council of Clinton City (the "Council") finds and determines that growth and development activity in the City will create additional demand and need for culinary water facilities, waste water (sanitary sewer) facilities, storm drain facilities, roadway facilities,</p>		

publicly owned parks, open space and recreational facilities and trails, and police and fire facilities in the City.

(2) The Council has directed that Master Plans be developed for the areas listed in 1. above that are impacted and that these Plans outline future improvements needed due to growth. Except for the Parks Master Plan, the City Engineer, under contract developed the Plans; city staff developed the Parks Plan.

(3) The Council has obtained, through contract with a consultant specializing in the development of impact fees an Impact Fee and Capital Facilities Plan based upon the Master Plans adopted by the City.

(4) The Council finds that persons responsible for growth and development activity should pay a proportionate share of the cost of such planned facilities needed to serve the growth and development activity. The Council further finds that impact fees are necessary to provide public facilities. Therefore, pursuant to Utah Code Title 11, Chapter 36a, the Council adopts this Section to assess impact fees for planned public facilities as outlined in the capital facilities and master plans. The provisions of this Section shall be liberally construed in order to carry out the purposes of the Council in establishing the impact fee program.

#### **26-6-2 Definitions:**

The following definitions shall apply for purposes of this Section unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined by their usual and customary meaning or as defined in Utah Code §11-36a-102.

**"Accessory structure"** means a subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory structure is attached to the main building in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main building.

**"Accessory use"** means a use that:

- (1) Is subordinate in area, extent and purpose to, and supports a principal use;
- (2) Is customarily found as incidental to such principal use;
- (3) Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- (4) Is located on the same zoning lot as such principal use; and
- (5) Is under the same ownership or control as the principal use.

**"Building permit"** means an official document or certification which is issued by the building officials of the City and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

**"Capital facilities"** means the facilities or improvements included in a capital budget.

**"Capital facilities plan" or the "plan"** means the capital facilities plan of the City, as amended from time to time, and supporting documents, and as adopted pursuant to Utah Code Section 11-36a-201, as amended.

**"Change in use"** means: a change from the existing occupancy classification to a new classification as outlined in the Building Codes adopted by the State and this City.

**"City"** means Clinton City, Utah.

**"City Engineer"** means the duly appointed and acting City Engineer for the City.

**"Council"** means the Municipal Council of the City.

**"Department"** means the Department of Community and Economic Development of the City.

**"Developer"** means an individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person

undertaking development activity, and their successors and assigns.

**"Development activity"** means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities.

~~any construction or expansion of a building, structure or use; any change in use of a building or structure; the subdivision of land; the seeking of plat approval, planned development approval, site plan approval, lot line adjustment, or conditional use permit approval; or any other change in use of land that creates additional demand and need for public streets and roads, publicly owned parks, open space recreational facilities and trails, police or fire facilities.~~

**"Development approval"** means any written authorization from the City, other than a building permit, which authorizes the commencement of a development activity, including, but not limited to, plat approval, planned development approval, site plan approval, lot line adjustment, and a conditional use permit.

**"Encumbered"** means to reserve, set aside, or otherwise earmark impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for planned facilities.

**"Fee payer"** means a person, corporation, partnership, incorporated association, or any other similar entity, or a department or bureau of any governmental entity or municipal corporation paying the impact fee.

**"Fire/EMS facilities impact fee"** means the impact fee designated to pay for fire/EMS facilities.

**"Impact fee"** means a payment of money imposed by the City on development activity pursuant to this Section as a condition of granting a building permit in order to pay for the planned facilities needed to serve new growth and development activity. "Impact fee" does not include a tax, a special assessment, a hook-up fee, a fee for project improvements, a reasonable permit or application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent impact fee analysis, or the administrative fee required for an appeal.

**"Independent impact fee calculation"** means the impact calculation or economic documentation prepared by a fee payer to support the assessment of an impact fee other than by the use of the schedules attached in Appendix "A" to this Section.

**"Net positive fiscal impact"** means new revenue to the City in excess of the cost of the necessary infrastructure and municipal services attributable to a development activity.

**"Offset"** means to balance or compensate through comparison of the value of qualifying improvements constructed as part of a development activity and impact fees due as a result of the development activity.

**"Owner"** means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

**"Parks and recreation impact fee"** means the impact fee designated to pay for publicly owned parks, open space, recreational facilities and trails.

**"Planned facilities"** means public facilities such as storm water facilities, water facilities, wastewater collection facilities, transportation facilities, parks, open space and recreational facilities and trails, police and fire/EMS facilities included in the capital improvements plan of the City.

**"Police facilities impact fee"** means the impact fee designated to pay for police facilities.

**"Qualifying improvement"** means any portion of the infrastructure listed in the Capital Facilities Plan.

**"Residential unit"** means any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the City,

for not more than one family, and including site-built buildings, manufactured homes and modular homes. This does not include a tent, a recreational coach or trailer, hotel, motel, hospital, nursing home, or assisted living facility.

**"Standard of service"** means the quantity and quality of service that the Council has determined to be appropriate and desirable for the City. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on City streets and roads, maximum commute times, maximum wait at stops, minimum police service capabilities, minimum fire suppression capabilities, minimum park space of per capita for a variety of types of parks, minimum distance from residences to parks, and any other factors the Community Development Director may deem appropriate.

**"State"** means the State of Utah.

**"Storm water facilities impact fee"** means the impact fee designated to pay for storm water facilities.

**"Transportation facilities impact fee"** means the impact fee designated to pay for streets and transportation facilities.

**"Wastewater collection and treatment facilities impact fee"** means the impact fee designated to pay for wastewater collection and treatment facilities.

**"Water systems impact fee"** means the impact fee designated to pay for the culinary water systems.

#### **26-6-3 Applicability:**

- (1) Impact fees shall apply to all new development activity in the City unless otherwise provided herein.
- (2) Park impact fees shall apply only to new residential development activity.
- (3) The movement of a structure onto a lot shall be considered development activity and shall be subject to the impact fee provisions, unless otherwise provided herein.

#### **26-6-4 Payment of Impact Fees:**

- (1) The impact fees for all new development activity shall be calculated and collected in conjunction with the application for the building permit for such development activity.
- (2) Until any impact fee required by this ordinance has been paid in full, no building permit for any development activity shall be issued.
- (3) A stop work order shall be issued on any development activity for which the applicable impact fee has not been paid in full.
- (4) The Council may, during the development approval process create a contractual fee payment schedule not specifically related to the issuance of building permits.

#### **26-6-5 Service Areas:**

All real property located within the corporate boundaries of the City shall be included within one or more service areas. The appropriateness of the designation and boundaries of the service areas shall be reviewed periodically by the City as part of the impact fee revision process. Following such review and a public hearing, the service areas may be amended.

**26-6-6 Calculation of Impact Fees Based on Fee Schedule:** Impact fees shall be calculated as follows:

- 1) Independent Impact Fee Calculation: Unless an applicant requests an independent impact fee calculation as set forth in Section ~~6~~-16, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the Clinton City Consolidated Fee Schedule adopted, from time to time by resolution of the Council less any applicable offsets under Section ~~6~~-7.
- 2) Adopted Fees: The impact fee schedule attached as Appendix "A" and published annually in the Clinton City Consolidated Fee Schedule.
- 3) Units of Development: The units of development activity specified in the Clinton City

	<p>Consolidated Fee Schedule shall be interpreted as follows:</p> <p>(a) Residential, single family detached impact fees shall be collected by unit. For the purposes of this Section, modular or manufactured homes are considered residential.</p> <p>(b) Residential, all other fees shall be collected by unit.</p> <p>(c) Building square footage shall be measured in terms of gross floor area, which is the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.</p> <p>(d) Per acre shall be measured in terms of gross acreage of the site being developed.</p> <p>4) Unspecified Categories: For categories of uses not specified in the applicable impact fee schedule, the Community Development Director shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.</p> <p>5) Mixed Uses: If the development plan approval or permit for the proposed development activity indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.</p> <p>6) <u>Remodeling or Changes of Use</u>: For an addition to or remodeling or replacement of existing structures, or for a change in use of an existing structure, the impact fee to be paid shall be the difference, if any, between:</p> <p>7) The fee, that would be payable for existing development activity on the site or, in the case of demolition or removal of a structure, the previous development activity on the site; provided that the demolition or removal has occurred within twelve (12) months after the date of submittal of the application for which impact fees are assessed; and</p> <p>(a) The fee, that would be payable for the total development activity on the site for the new development.</p> <p>8) Estimate of Fees:</p> <p>(a) Upon written request of an applicant, the Community Development Director shall provide an estimate of the current fee based on the data provided by the applicant. However, the Community Development Director shall not be responsible for determining, at such preliminary date, the accuracy of the information provided, nor shall such estimate provide any vested rights.</p>
<b>OTHER ISSUES</b>	There were none.
<b>ADJOURNMENT</b>	<b>Commissioner Bauer moved to adjourn. Commissioner Cressall seconded the motion. Commissioners' Cressall, Evans, Bauer, Thompson and Briggs voted in favor. The meeting adjourned at 9:00 p.m.</b>

# CLINTON CITY PLANNING COMMISSION AGENDA ITEM

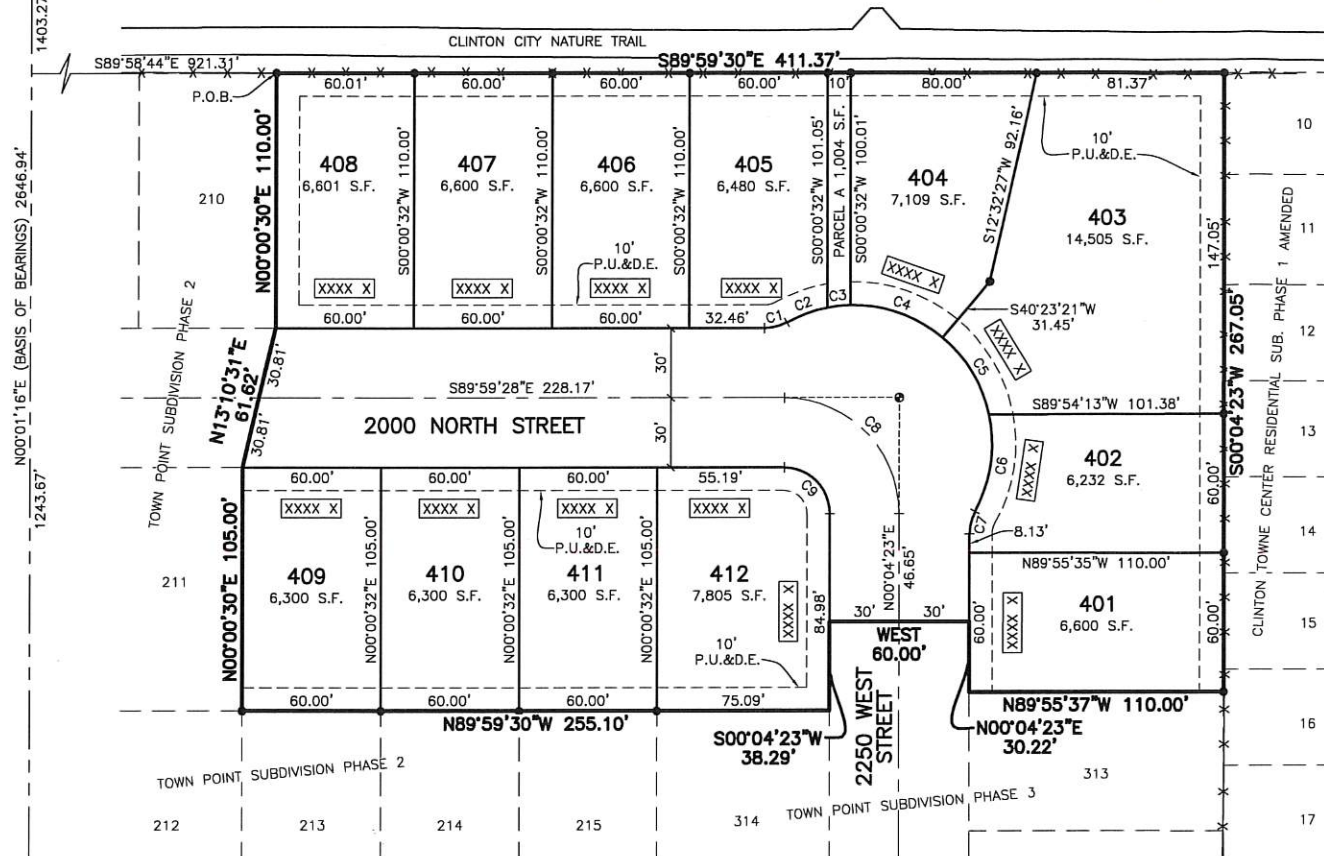
<b>SUBJECT:</b> <b>7:05 p.m. PUBLIC HEARING – RESOLUTION NO. 26-17</b> Review and recommend to the City Council upon a request for approval of the Final Plat for Town Point Subdivision Phase 4 located at approximately 2250 W 2000 W.	<b>AGENDA ITEM:</b>  <span style="font-size: 2em;">1</span>
<b>PETITIONER:</b> Mark Staples representing Nilson Homes	<b>MEETING DATE:</b> August 21, 2018
<b>ORDINANCE REFERENCES:</b> Subdivision Ordinance 26-1-6 Land Use Authority subsection (1) City Council; Engineering Standards and Specifications; and Zoning Ordinance Chapter 22 – Patio Home Zone (PH).	<b>ROLL CALL VOTE:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<b>BACKGROUND:</b> <ul style="list-style-type: none"> <li>• The property was zoned on March 8, 2016 to Patio Home (PH) zone;</li> <li>• The preliminary plat was approved by the PC on April 19, 2016 showing a subdivision of a little more than 17.5 acres with 69 lots to be built in five phases (modified to four phases);</li> <li>• Phase 4 shows 12 lots for residential use;</li> <li>• The 11 interior lots in Phase 4 average about 7,238 sf exceeding the 6,300 sf requirement, while the only corner lot is 7,805 square feet;</li> <li>• The frontage of the 12 lots average about 58.4 linear feet exceeding the minimum requirement of 57’;</li> <li>• The one (1) corner lot has 75’/85’ of frontage, exceeding the minimum 61 foot width requirement; and</li> <li>• The HOA will take care of any landscaping in the park strip and improvements along 1800 North.</li> </ul>	
<b>RECOMMENDATION AND ALTERNATIVE ACTIONS:</b> “Section 26-1-6(2)(b) The Planning Commission is vested with the responsibility to review and make recommendation to the City Council concerning the approval, conditional approval or disapproval of the final plat of a subdivision ....”	
<b>ATTACHMENTS:</b> <ul style="list-style-type: none"> <li>• Subdivision and Plat review comments;</li> <li>• Final Plat Phase 4 for Town Point Plans; and</li> <li>• Resolution 27-18</li> </ul>	
<b>SEPARATE DOCUMENTS:</b> Reports by Public Works, Engineer and Fire Department	

Respectfully submitted, Will Wright, Community Development Director

# TOWN POINT SUBDIVISION PHASE 4

PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY  
CITY OF CLINTON, DAVIS COUNTY, UTAH  
MAY, 2018

FOUND CLASS 1 MONUMENT AT THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY



FOUND CLASS 1 MONUMENT AT THE CENTER QUARTER CORNER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY

**CURVE TABLE**

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	20.00'	10.11'	10.00'	5.16'	N75°31'55"E	28°57'10"
C2	60.00'	19.06'	18.98'	9.61'	N70°09'25"E	18°12'09"
C3	60.00'	10.07'	10.05'	5.04'	N84°03'51"E	9°36'44"
C4	60.00'	42.90'	42.00'	22.42'	S70°38'39"E	40°58'15"
C5	60.00'	39.67'	38.95'	20.59'	S31°12'57"E	37°53'09"
C6	60.00'	43.26'	42.33'	22.62'	S08°22'50"W	41°18'26"
C7	20.00'	10.11'	10.00'	5.17'	S14°33'13"W	28°57'40"
C8	50.00'	78.60'	70.75'	50.06'	S44°57'32"E	90°03'51"
C9	20.00'	31.44'	28.30'	20.02'	S44°57'34"E	90°03'53"

**NARRATIVE**  
THE PURPOSE OF THIS PLAT IS TO DIVIDE THIS PROPERTY INTO LOTS AND STREETS. ALL BOUNDARY CORNERS AND REAR LOT CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES.

**BASIS OF BEARINGS**  
THE BASIS OF BEARINGS FOR THIS PLAT IS THE QUARTER SECTION LINE BETWEEN THE CENTER QUARTER CORNER AND THE NORTH QUARTER CORNER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN. SHOWN HEREON AS N00°01'16"E AS PER DAVIS COUNTY SURVEY.

### NOTES

- MANY AREAS IN CLINTON CITY HAVE WATER PROBLEMS DUE TO SEASONALLY HIGH (FLUCTUATING) WATER TABLE. APPROVAL OF THIS PLAT DOES NOT CONSTITUTE REPRESENTATION BY THE CITY THAT ANY BUILDING AT ANY SPECIFIED ELEVATION WILL SOLVE GROUND WATER PROBLEMS. SOLUTION OF THESE PROBLEMS IS THE SOLE RESPONSIBILITY OF THE PERMIT APPLICANT AND PROPERTY OWNER.
- ALL RIGHT-OF-WAYS ARE 60' PUBLIC RIGHT-OF-WAYS
- ALL EASEMENTS SHOWN HEREON ARE 10' PRIVATE UTILITY AND DRAINAGE EASEMENTS UNLESS NOTED OTHERWISE



VICINITY MAP (NOT TO SCALE)

### BOUNDARY DESCRIPTION

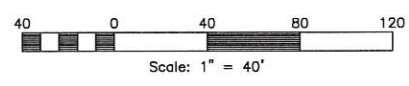
PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 210 OF TOWN POINT SUBDIVISION PHASE 2, SAID POINT BEING N00°01'16"E ALONG THE LINE BETWEEN THE CENTER AND THE NORTH QUARTER CORNER OF SAID SECTION 28, 1243.67 AND S89°58'44"E 921.31 FEET FROM THE CENTER OF SAID SECTION 28; THENCE S89°59'30"E 411.37 FEET TO THE WEST LINE OF CLINTON TOWNE CENTER RESIDENTIAL SUBDIVISION PHASE 1 AMENDED; THENCE S00°04'23"W ALONG SAID WEST LINE, 267.05 FEET TO THE NORTHEAST CORNER OF LOT 313 OF PROPOSED TOWN POINT SUBDIVISION PHASE 3; THENCE ALONG THE NORTH LINE OF SAID TOWN POINT SUBDIVISION PHASE 3 THE FOLLOWING FOUR (4) COURSES: (1) N89°55'37"W 110.00 FEET; (2) N00°04'23"E 30.22 FEET; (3) S90°00'00"W 60.00 FEET; AND (4) S00°04'23"W 38.29 FEET TO A POINT ON THE NORTH LINE OF TOWN POINT SUBDIVISION PHASE 2 AND THE EXTENSION OF THE NORTH LINE OF PROPOSED PHASE 3; THENCE N89°59'30"W ALONG SAID NORTH LINE, 255.10 FEET; THENCE ALONG TOWN POINT SUBDIVISION PHASE 2 THE FOLLOWING THREE (3) COURSES: (1) N00°00'30"E 105.00 FEET; (2) N13°10'31"E 61.62 FEET; AND (3) N00°00'30"E 110.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 111,800 SQUARE FEET OR 2.567 ACRES MORE OR LESS

### LEGEND

- = SECTION CORNER
- = SET STREET MONUMENT
- = SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
- = BOUNDARY LINE
- - - = LOT LINE
- - - = ADJOINING PROPERTY
- - - = EASEMENTS
- - - = SECTION LINE
- - - = EXISTING FENCE LINE
- - - = PRIVATE UTILITY AND DRAINAGE EASEMENT



### SURVEYOR'S CERTIFICATE

I, **TREVOR J. HATCH**, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF **TOWN POINT SUBDIVISION PHASE 4** IN CLINTON CITY, DAVIS COUNTY, UTAH, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE DAVIS COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND, I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF CLINTON CITY, DAVIS COUNTY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

9031945  
UTAH LICENSE NUMBER



### OWNERS DEDICATION AND CERTIFICATION

WE THE UNDERSIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THE PLAT AND NAME SAID TRACT **TOWN POINT SUBDIVISION PHASE 4**, AND DO HEREBY DEDICATE TO PUBLIC USE ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES, AND ALSO DO HEREBY GRANT AND DEDICATE A PERPETUAL RIGHT AND EASEMENT OVER, UPON AND UNDER THE LANDS DESIGNATED HEREON AS PUBLIC UTILITY, PRIVATE LAND DRAIN, THE SAME TO BE USED FOR THE INSTALLATION MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINE, STORM DRAINAGE FACILITIES, WHICHEVER ARE APPLICABLE, AS MAY BE AUTHORIZED BY THE GOVERNING AUTHORITY, WITH NO BUILDINGS OR STRUCTURES BEING ERRECTED WITHIN SUCH EASEMENTS. AND ALSO DO HEREBY DEDICATE TO CLINTON CITY, ALL AREA LABELED AS PARCEL A TO BE OWNED AND MAINTAINED BY THE SAME, TO BE USED FOR TRAIL ACCESS AND UTILITY PURPOSES.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BRUCE NILSON, MANAGER  
TOWN POINT COMMUNITY, LLC

### ACKNOWLEDGMENT

STATE OF UTAH ) ss.  
COUNTY OF \_\_\_\_\_ )

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, \_\_\_\_\_, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME HE IS MANAGER OF SAID LIMITED LIABILITY COMPANY AND THAT HE SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

DEVELOPER:  
BRUCE NILSON, MANAGER  
TOWN POINT COMMUNITY, LLC

RECEIVED

JUL 11 2018

BY: \_\_\_\_\_

**QUESTAR GAS COMPANY**

QUESTAR APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS. QUESTAR MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS, OR LIABILITIES PROVIDED BY LAW OF EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE OWNERS DEDICATION, AND THE NOTES AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS IF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT QUESTAR'S RIGHT OF WAY DEPARTMENT AT 1-800-366-8532.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY \_\_\_\_\_ TITLE \_\_\_\_\_

CLINTON CITY PLANNING COMMISSION  
STATE OF UTAH ) ss.  
COUNTY OF \_\_\_\_\_ )

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED BEFORE ME **L. MITCH ADAMS**, MAYOR OF CLINTON CITY AND **DENNIS W. CLUFF**, CLINTON CITY RECORDER, WHO BEING DULY SWORN OF AFFIRMED, DID SAY THAT THEY ARE THE MAYOR AND THE CITY RECORDER RESPECTIVELY AND SIGNED IN BEHALF OF CLINTON CITY BY THE AUTHORITY OF THE CLINTON CITY COUNCIL AND ACKNOWLEDGED TO ME THAT THE CLINTON CITY COUNCIL EXECUTED THE SAME.

RESIDING AT \_\_\_\_\_ A NOTARY PUBLIC COMMISSIONED IN UTAH  
COMMISSION EXPIRES \_\_\_\_\_ PRINT NAME \_\_\_\_\_

**ROCKY MOUNTAIN POWER**

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENT IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E..

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY \_\_\_\_\_ TITLE \_\_\_\_\_

COMCAST  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY COMCAST

CLINTON CITY PLANNING COMMISSION  
APPROVED BY THE CLINTON CITY PLANNING COMMISSION  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CHAIRMAN, CLINTON CITY PLANNING COMMISSION

CLINTON CITY ENGINEER  
I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CLINTON CITY ENGINEER

CITY COUNCIL APPROVAL  
APPROVED BY THE CLINTON CITY COUNCIL  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

DENNIS W. CLUFF CLINTON CITY RECORDER  
L. MITCH ADAMS CLINTON CITY MAYOR

**CENTURY LINK COMMUNICATIONS**

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.  
SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CENTURY LINK COMMUNICATIONS

**DAVIS AND WEBER COUNTIES CANAL COMPANY**

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
BY THE DAVIS AND WEBER COUNTIES CANAL COMPANY.

BY \_\_\_\_\_ TITLE \_\_\_\_\_

CLINTON CITY ENGINEER

CITY COUNCIL APPROVAL

**PROJECT INFORMATION**

Surveyor: **T. HATCH** Project Name: **TOWN POINT SUBD. PHASE 4**  
Designer: **N. ANDERSON** Number: **1301-C78**  
Begin Date: **05-21-18** Scale: **1"=40'**  
Revision: \_\_\_\_\_  
Checked: \_\_\_\_\_

**DAVIS COUNTY RECORDER**

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_  
AND RECORDED, \_\_\_\_\_ AT \_\_\_\_\_  
IN BOOK \_\_\_\_\_ OF THE OFFICIAL RECORDS, PAGE \_\_\_\_\_

RECORDED FOR: \_\_\_\_\_

DAVIS COUNTY RECORDER  
DEPUTY: \_\_\_\_\_





# **RESOLUTION NO. 27-18**

## **A RESOLUTION APPROVING THE FINAL PLAT FOR TOWN POINT SUBDIVISION PHASE 4**

**WHEREAS**, Section 26-1-6(1) of the Clinton City Subdivision Ordinance states that the City Council shall approve, amend and approve, conditionally approve or disapprove an application for a final plat of a subdivision of land; and,

**WHEREAS**, The Clinton City Planning Commission has reviewed the final plat for Town Point Subdivision Phase 4 and recommended approval of the plat; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE CLINTON CITY COUNCIL THAT THE FINAL PLAT FOR TOWN POINT SUBDIVISION PHASE 4 IS HEREBY APPROVED WITH THE FOLLOWING FINDINGS, CONDITIONS AND STIPULATIONS:**

**SECTION 1.** By majority vote on a motion before the Clinton City Council the Final Plat for Town Point Subdivision Phase 4 is approved based upon the following findings, conditions or stipulations:

- The Council concurs with the findings of the Clinton City Planning Commission.

**SECTION 2.** Reviewed in a public hearing the 21<sup>st</sup> day of August 2018, 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 and conditions.

- 1 Plat shall not be recorded until a Subdivider's Agreement and Subdivider's Escrow Agreement have been completed and executed to insure the completion of the development.
- 2 All comments related to the plat and engineering shall be corrected before the final plat is presented for signatures.
- 3 Developer shall schedule, through the City, a preconstruction meeting once all engineering drawings have been corrected and approved by the City Engineer.
- 4 It is the developer/contractor's responsibility to comply with all Clinton City Standards, Ordinances, Staff, Engineer and requirements established during the approval process. Wherever there is a discrepancy between these drawings and City Standards the more stringent requirement will apply. If there is any doubt as to the requirement the developer is to seek clarification from the Community Development Department and obtain the determination in writing. Copies of the Standards are available at the Community Development Department.
- 5 Prior to Conditional Acceptance and Final Acceptance by the City the Subdivider shall clear any construction debris from lots within the subdivision, except lots with buildings under construction, and level vacant lots within the subdivision in such a way that weed control, via mowing with a brush hog or similar item, is possible and all vacant lots will be mowed for weed control.

- 6 The developer/contractor is responsible for insuring that all required inspections are performed by the Clinton City Public Works Department. If the developer is unsure of what inspections are required he can obtain a list from Public Works. The developer is cautioned not to proceed past an inspection point without insuring that the inspection has been performed and work passed by Public Works.
- 7 It is the developer/contractor's responsibility to insure adequate dust, trash and weed control practices are observed while any of the lots are under their control.

**SECTION 3.** Effective date. This Resolution shall become effective upon signature and posting.

PASSED BY MOTION AND ORDERED PUBLISHED by the Council of Clinton City, Utah, this 11<sup>th</sup> day of September 2018.

JULY 28, 2018  
NOTICE PUBLISHED

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L. MITCH ADAMS  
MAYOR

ATTEST:

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DENNIS W. CLUFF  
CITY RECORDER

Posted: \_\_\_\_\_



**PUBLIC WORKS  
STREETS & INSPECTIONS**

**1740 North 1750 West  
Clinton City, UT 84015**

Phone: (801) 614-0872

Fax: (801)614-0883

e-mail: gfolk@clintoncity.com

**D E V E L O P M E N T   R E V I E W**

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DATE: 7/17/18  
TO: Will  
FROM: Gregg Folk  
RE: Town Point 4

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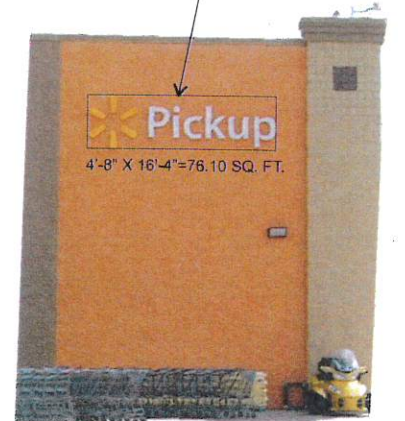
**Public Works**

- Submittal Date: 7/11/18
- Lot Drainage: Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- Please submit a written response that addresses each review comment
- Submit SWPPP
- Call out address sign lot 412
- Submit Plat
- Provide details for parcel A, 12' wide concrete surface with 6' chainlink fence with 18" mow strip
- Show UDOT approved plans for the rest of the improvements on 1800N

# CLINTON CITY PLANNING COMMISSION AGENDA ITEM

<b>SUBJECT: 7:15 p.m.</b> – Review and act upon a request for a Conditional Use Permit for FedEx to place a sign on the Walmart Store located at 1632 N 2000 W	<b>AGENDA ITEM:</b> <div style="text-align: center; font-size: 2em;">2</div>
<b>PETITIONER:</b> HighTech Signs represented by Stacey Johnson	<b>MEETING DATE:</b> August 21, 2018
<b>ORDINANCE REFERENCES:</b> Section 24-4-2(6) <u>Wall Signs</u> . In subsection Restrictions: (i) states, “The maximum number of wall signs on any given wall, including multi-tenant buildings, shall be seven (7).” Subsection (iii) reads, “Multi-tenant buildings may receive a conditional use permit so that the building may exceed the maximum number of signs to accommodate the additional sign if the Planning Commission judges the additional sign to be consistent with the criteria set forth above.”	<b>ROLL CALL VOTE:</b> <div style="display: flex; justify-content: space-around;"> <span><b>YES</b></span> <span><b>NO</b></span> </div>
<b>BACKGROUND:</b> <p>The Walmart Building currently has seven (7) signs on its front and according to Title 24 – SIGNS AND ADVERTISING DEVICES REGULATIONS, Section 24-4-2 <u>Signs that Require a Permit</u> in subsection Restrictions: (iii) the maximum number of wall signs allowed on any given wall. However, subsection (iii) provides that this maximum number may be exceeded if the Planning Commission judges the proposed sign meets criteria. In subsection Requirements: paragraph (i) reads, “the sign package blends with the aesthetics of the building and surrounding natural and manmade environment. (ii) the sign package color, style, size, scale and proportion enhances the exterior of the building and does not place too much bulk and external distractions on the exterior of the building. (iii) the number of signs are appropriate to the scale of the building.”</p> <p>The existing seven signs (from left to right) with their square footage, includes: 1) Auto Center, Outdoor Living (87.31 sf); 2) usbank (19.6 sf); 3) Home &amp; Living 44.58 sf); 4) Walmart * (300 sf); 5) Market &amp; Pharmacy (63.33 sf); 6) M for McDonald (24.76 sf); and Pickup (76.1 sf) for a total of 615.68 sf for the existing signage. The proposed FedEx sign shown is 18.25 sf and is located at the furthest left or northern corner of the building. The total front of the Walmart building is approximately 9500 square feet (530’ x 18’). Section 24-4-2(6) provides that signage should not occupy more than 10% or 600 square feet of a front whichever is less then permits a maximum number of seven signs. As you can see, the existing signage barely exceeds 600 sf and would only be slightly increased to about 634 sf with the proposed FedEx sign. The 634 sf represents about 6.7% and, therefore is within the 10% area allowance for signage on the primary wall.</p>	
<b>ALTERNATIVE ACTIONS:</b> Section 28-5-4 <b>Determination.</b> “The Planning Commission shall approve a conditional use permit if reasonable conditions are imposed to mitigate the reasonably anticipated detrimental effects of the proposed use ....”	
<b>ATTACHMENTS:</b> Walmart front showing existing signage with square footage; Exhibit simulating FedEx sign.	
<b>SEPARATE DOCUMENTS:</b>	

Respectfully submitted, Will Wright, Community Development Director



# FedEx Office

## BRANDING BOOK

Project Name: WalMart - Clinton UT  
Center Number: 0310  
Project Number: 1002965

### INVENTORY/RECOMMENDATION DETAIL

SIGN: N01 NI EXISTING SIGNAGE



PROPOSED SIGNAGE



#### COMMENTS

AGI is proposing 1x 20" Flush Mounted Letterset at 18.31 Square Feet.

This letterset is to be mounted on the Facade.

Electric source suggested to be placed within 4-6' from the letterset, behind the facade.

# CLINTON CITY PLANNING COMMISSION AGENDA ITEM

<b>SUBJECT: PUBLIC HEARING 7:25 p.m.</b> - Review and make a recommendation on Ordinance No. 18-02Z – Amending Chapter 28-2 Definitions in the Zoning Ordinance clarifying the definition of frontage for lots in a cul-de-sac or knuckle of a street as measured at the front setback line.	<b>AGENDA ITEM:</b>  <span style="font-size: 2em;">3</span>
<b>PETITIONER:</b> Community Development staff	<b>MEETING DATE:</b> August 21, 2018
<b>ORDINANCE REFERENCES:</b> Zoning Ordinance Section 28-2 Definitions, “ <u>Frontage</u> ”	<b>ROLL CALL VOTE:</b> <b>YES</b> <input type="checkbox"/> <b>NO</b>
<b>BACKGROUND:</b> Section 28-2 Definitions, reads for “ <u>Frontage</u> ” means all the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts. <i>Frontage for lots in a cul-de-sac or knuckle of a street can use the front setback line to meet the development standard for frontage.</i>  Clinton City has for years used this practice of determining the frontage for lots in a cul-de-sac or knuckle of a street for irregular shaped lots at the front setback line. In fact, a review of subdivisions over the past ten years found this to be a common practice. However, staff has been reviewing the subdivision and zoning codes and could not find any allowance for this anywhere. A review note on July 15, 2015 for the Town Point Subdivision stated, “Provide frontage measurement at 30’ setback for all irregular shaped lots (typ).” Further, the City Engineer and I found a number of these type of lots that indeed used the front setback line to meet the frontage requirement on irregular lots in cul-de-sac or knuckle of a street.	
<b>ALTERNATIVE ACTIONS:</b> Section 28-1-3 <b><u>Changes and Amendments</u></b> “This zoning ordinance, including the maps, may be amended from time to time by the City Council after review and recommendation by the Planning Commission....”	
<b>ATTACHMENTS:</b> Ordinance No. 18-02Z	

Respectfully submitted, Will Wright, Community Development Director

# ORDINANCE NO. 18-02Z

## AN ORDINANCE AMENDING SECTION 28-2 DEFINITIONS, “FRONTAGE”,

**WHEREAS,** Clinton City has an existing Title 28, Chapter 2, Definitions – “Frontage” by clarifying definition of frontage for lots/parcels in a cul-de-sac or knuckle on a street;

**WHEREAS,** The City Council has found that changes are required to clarify regulations; 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 (adopt) this ordinance.

### **SECTION 1. Changes to Subsection 28-2 – Definitions**

**ADD:**

“Frontage” means all the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts. *Frontage for lots in a cul-de-sac or knuckle of a street, which are irregular in shape, can use the front setback line to meet the development standards.*

**SECTION 3. Planning Commission Action.** Reviewed in a public hearing the 21<sup>st</sup> day of August 2018, 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 change clarifies definition of frontage for lots in a cul-de-sac or a knuckle of a street.

**SECTION 4. Severability.** In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.



**SECTION 5.** 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 11<sup>th</sup> day of September, 2018.

August 7, 2017  
NOTICE PUBLISHED

\_\_\_\_\_  
L. MITCH ADAMS  
MAYOR

ATTEST:

\_\_\_\_\_  
DENNIS W. CLUFF  
CITY RECORDER

Posted: \_\_\_\_\_

# CLINTON CITY PLANNING COMMISSION AGENDA ITEM

<b>SUBJECT: PUBLIC HEARING 7:30 p.m.</b> - Review and make a recommendation on Ordinance No. 18-03Z – Amending Chapter 28-4-5(2) increasing the parking requirement for an auditorium, stadium or theater to one space for every five (5) seats.	<b>AGENDA ITEM:</b>  <span style="font-size: 2em;">4</span>
<b>PETITIONER:</b> Community Development staff	<b>MEETING DATE:</b> August 21, 2018
<b>ORDINANCE REFERENCES:</b> Zoning Ordinance Section 28-4-5 <b><u>Parking Space for Commercial, Industrial, and Institutional Uses</u></b> subsection (2) <u>Auditorium, Stadium or Theater.</u>	<b>ROLL CALL VOTE:</b> YES <input type="checkbox"/> NO
<b>BACKGROUND:</b> Clinton’s current parking standard for a theater is one parking space for every 3.5 seats, while Roy and Layton’s requirement is for a parking space for every four seats. Clearfield, Kaysville, South Ogden and West Haven’s standard is one space for every five seats. Ogden’s parking requirement is based on square footage and is more complicated to compute and compare. So Clinton’s parking standard is somewhat higher than most of the surrounding communities in this region.  It is worth noting, Utah families are generally larger than the national average and typically travel together, so in theory and from a practical standpoint there wouldn’t need to be as much parking for seating at these venues. For this reason, staff would recommend that this standard be amended in order to better accommodate the parking needs of any business that would come under these categories.	
<b>ALTERNATIVE ACTIONS:</b> Section 28-1-3 <b><u>Changes and Amendments</u></b> “This zoning ordinance, including the maps, may be amended from time to time by the City Council after review and recommendation by the Planning Commission....”	
<b>ATTACHMENTS:</b> Ordinance No. 18-03Z	

Respectfully submitted, Will Wright, Community Development Director

## **ORDINANCE NO. 18-03Z**

### **AN ORDINANCE AMENDING SECTION 28-4-5(2) PARKING SPACE FOR AUDITORIUM, STADIUM OR THEATER INCREASING PARKING REQUIREMENT FOR A THEATER USE.**

**WHEREAS,** Clinton City has an existing Section 28-4-5 Parking Space for Commercial, Industrial, and Institutional Uses with subsection (2) requiring one (1) space per three and one-half seats by increasing this requirement to one parking space per five seats;

**WHEREAS,** The City Council has found that changes are required to amend regulations; 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 (adopt) this ordinance.

#### **SECTION 1. Changes to Subsection (2) Auditorium, Stadium or Theater:**

**AMEND:**

Subsection (2) Auditorium, Stadium or Theater: One (1) space per five (5) seats of assembly.

**SECTION 3. Planning Commission Action.** Reviewed in a public hearing the 21<sup>st</sup> day of August 2018, 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 amendment increases parking space requirement for Auditorium, Stadium or Theater venues to one (1) space per five seats.

**SECTION 4. Severability.** In the event that any provision of this Chapter is declared invalid for any reason, the remaining provisions shall remain in effect.

**SECTION 5.** 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 11<sup>th</sup> day of September, 2018.

August 7, 2017  
NOTICE PUBLISHED

\_\_\_\_\_  
L. MITCH ADAMS  
MAYOR

ATTEST:

\_\_\_\_\_  
DENNIS W. CLUFF  
CITY RECORDER

Posted: \_\_\_\_\_

**Chapter 6. Impact Fees Related to  
Development**

- 26-6-1. Purpose
- 26-6-2. Definitions
- 26-6-3. Applicability
- 26-6-4. Payment of Impact Fees
- 26-6-5. Service Areas
- 26-6-6. Calculation of Impact Fees Based on Fee Schedule
- 26-6-7. Exemptions
- 26-6-8. Offsets to Impact Fees
- 26-6-9. Developer Payback Agreements for Impact Fees
- 26-6-10. Challenges and Appeals
- 26-6-11. Fund Accounting for Impact Fees
- 26-6-12. Refunds
- 26-6-13. Use of Funds
- 26-6-14. Impact Fee as Supplemental Regulation to Other Financing Methods
- 26-6-15. Adjustments
- 26-6-16. Independent Impact Fee Analysis
- 26-6-17. Penalty Provision

**26-6-1 Purpose:**

(1) The Council of Clinton City (the "Council") finds and determines that growth and development activity in the City will create additional demand and need for culinary water facilities, waste water (sanitary sewer) facilities, storm drain facilities, roadway facilities, publicly owned parks, open space and recreational facilities and trails, and police and fire facilities in the City.

(2) The Council has directed that Master Plans be developed for the areas listed in 1. above that are impacted and that these Plans outline future improvements needed due to growth. Except for the Parks Master Plan, the City Engineer, under contract developed the Plans, city staff developed the Parks Plan.

(3) The Council has obtained, through contract with a consultant specializing in the development of impact fees an Impact Fee and Capital Facilities Plan based upon the Master Plans adopted by the City.

(4) The Council finds that persons responsible for growth and development activity should pay a proportionate share of the cost of such planned facilities needed to serve the growth and development activity. The Council further finds

that impact fees are necessary to provide public facilities. Therefore, pursuant to Utah Code Title 11, Chapter 36, the Council adopts this Section to assess impact fees for planned public facilities as outlined in the capital facilities and master plans. The provisions of this Section shall be liberally construed in order to carry out the purposes of the Council in establishing the impact fee program.

**26-6-2 Definitions:**

The following definitions shall apply for purposes of this Section unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined by their usual and customary meaning or as defined in Utah Code §11-36-102.

**"Accessory structure"** means a subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory structure is attached to the main building in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main building.

**"Accessory use"** means a use that:

- (1) Is subordinate in area, extent and purpose to, and supports a principal use;
- (2) Is customarily found as incidental to such principal use;
- (3) Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;
- (4) Is located on the same zoning lot as such principal use; and
- (5) Is under the same ownership or control as the principal use.

**"Building permit"** means an official document or certification which is issued by the building officials of the City and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

**"Capital facilities"** means the facilities or improvements included in a capital budget.

**"Capital facilities plan" or the "plan"** means the capital facilities plan of the City, as amended from time to time, and supporting documents,

and as adopted pursuant to Utah Code Section 11-36-201, as amended.

**"Change in use"** means: a change from the existing occupancy classification to a new classification as outlined in the Building Codes adopted by the State and this City.

**"City"** means Clinton City, Utah.

**"City Engineer"** means the duly appointed and acting City Engineer for the City.

**"Council"** means the Municipal Council of the City.

**"Department"** means the Department of Community and Economic Development of the City.

**"Developer"** means an individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person undertaking development activity, and their successors and assigns.

**"Development activity"** means any construction or expansion of a building, structure or use; any change in use of a building or structure; the subdivision of land; the seeking of plat approval, planned development approval, site plan approval, lot line adjustment, or conditional use permit approval; or any other change in use of land that creates additional demand and need for public streets and roads, publicly owned parks, open space recreational facilities and trails, police or fire facilities.

**"Development approval"** means any written authorization from the City, other than a building permit, which authorizes the commencement of a development activity, including, but not limited to, plat approval, planned development approval, site plan approval, lot line adjustment, and a conditional use permit.

**"Encumbered"** means to reserve, set aside, or otherwise earmark impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for planned facilities.

**"Fee payer"** means a person, corporation, partnership, incorporated association, or any other similar entity, or a department or bureau of any governmental entity or municipal corporation paying the impact fee.

**"Fire/EMS facilities impact fee"** means the impact fee designated to pay for fire/EMS facilities.

**"Impact fee"** means a payment of money imposed by the City on development activity pursuant to this Section as a condition of granting a building permit in order to pay for the planned facilities needed to serve new growth and development activity. "Impact fee" does not include a tax, a special assessment, a hook-up fee, a fee for project improvements, a reasonable permit or application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent impact fee analysis, or the administrative fee required for an appeal.

**"Independent impact fee calculation"** means the impact calculation or economic documentation prepared by a fee payer to support the assessment of an impact fee other than by the use of the schedules attached in Appendix "A" to this Section.

**"Net positive fiscal impact"** means new revenue to the City in excess of the cost of the necessary infrastructure and municipal services attributable to a development activity.

**"Offset"** means to balance or compensate through comparison of the value of qualifying improvements constructed as part of a development activity and impact fees due as a result of the development activity.

**"Owner"** means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

**"Parks and recreation impact fee"** means the impact fee designated to pay for publicly owned parks, open space, recreational facilities and trails.

**"Planned facilities"** means public facilities such as storm water facilities, water facilities, wastewater collection facilities, transportation facilities, parks, open space and recreational facilities and trails, police and fire/EMS facilities included in the capital improvements plan of the City.

**"Police facilities impact fee"** means the impact fee designated to pay for police facilities.

**"Qualifying improvement"** means any portion of the infrastructure listed in the Capital Facilities Plan.

**"Residential unit"** means any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the City, for not more than one family, and including site-built buildings, manufactured homes and modular homes. This does not include a tent, a recreational coach or trailer, hotel, motel, hospital, nursing home, or assisted living facility.

**"Standard of service"** means the quantity and quality of service that the Council has determined to be appropriate and desirable for the City. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on City streets and roads, maximum commute times, maximum wait at stops, minimum police service capabilities, minimum fire suppression capabilities, minimum park space of per capita for a variety of types of parks, minimum distance from residences to parks, and any other factors the Community Development Director may deem appropriate.

**"State"** means the State of Utah.

**"Storm water facilities impact fee"** means the impact fee designated to pay for storm water facilities.

**"Transportation facilities impact fee"** means the impact fee designated to pay for streets and transportation facilities.

**"Water systems impact fee"** means the impact fee designated to pay for the culinary water systems.

**26-6-3 Applicability:**

- (1) Impact fees shall apply to all new development activity in the City unless otherwise provided herein.
- (2) Park impact fees shall apply only to new residential development activity.
- (3) The movement of a structure onto a lot shall be considered development activity and shall be subject to the impact fee provisions, unless otherwise provided herein.

**26-6-4 Payment of Impact Fees:**

- (1) The impact fees for all new development activity shall be calculated and collected in

conjunction with the application for the building permit for such development activity.

(2) Until any impact fee required by this ordinance has been paid in full, no building permit for any development activity shall be issued.

(3) A stop work order shall be issued on any development activity for which the applicable impact fee has not been paid in full.

(4) The Council may, during the development approval process create a contractual fee payment schedule not specifically related to the issuance of building permits.

**26-6-5 Service Areas:**

(1) The City shall constitute a single service area and all real property located within the corporate boundaries of the City shall be included within such service area.

(2) The appropriateness of the designation and boundaries of the service areas shall be reviewed periodically by the City as part of the impact fee revision process. Following such review and a public hearing, the service areas may be amended.

**26-6-6 Calculation of Impact Fees Based on Fee Schedule:** Impact fees shall be calculated as follows:

(1) Independent Impact Fee Calculation: Unless an applicant requests an independent impact fee calculation as set forth in Section 6.16, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the Clinton City Consolidated Fee Schedule adopted, from time to time by resolution of the Council less any applicable offsets under Section 6.7.

(2) Adopted Fees: The impact fee schedule attached as Appendix "A" and published annually in the Clinton City Consolidated Fee Schedule.

(3) Units of Development: The units of development activity specified in the Clinton City Consolidated Fee Schedule shall be interpreted as follows:

(a) Residential, single family detached impact fees shall be collected by unit. For the purposes of this Section, modular or manufactured homes are considered residential.

(b) Residential, all other fees shall be collected by unit.

(c) Building square footage shall be measured in terms of gross floor area, which is the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

(d) Per acre shall be measured in terms of gross acreage of the site being developed.

(4) Unspecified Categories: For categories of uses not specified in the applicable impact fee schedule, the Community Development Director shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.

(5) Mixed Uses: If the development plan approval or permit for the proposed development activity indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.

(6) Remodeling or Changes of Use: For an addition to or remodeling or replacement of existing structures, or for a change in use of an existing structure, the impact fee to be paid shall be the difference, if any, between:

(7) The fee, that would be payable for existing development activity on the site or, in the case of demolition or removal of a structure, the previous development activity on the site; provided that the demolition or removal has occurred within twelve (12) months after the date of submittal of the application for which impact fees are assessed; and

(b) The fee, that would be payable for the total development activity on the site for the new development.

(8) Estimate of Fees:

(a) Upon written request of an applicant, the Community Development Director shall provide an estimate of the current fee based on the data provided by the applicant. However, the Community Development Director shall not be responsible for determining, at such preliminary date, the accuracy of the information provided, nor shall such estimate provide any vested rights.

**26-6-7 Exemptions:**

(1) Categories: The following shall be exempted from the payment of all impact fees:

(a) Replacement of a structure with a new structure of the same size and use at the same site or lot when a building permit for such replacement is obtained within twelve (12) months after the demolition or destruction of the prior structure or mobile home and the replacement is completed within twenty-four (24) months after the granting of the building permit.

(b) Alterations, expansion, enlargement, remodeling, rehabilitation, or conversion of an existing unit where no additional units are created and the use is not materially changed.

(c) Construction of accessory structures that will not create significant impacts on the planned facilities.

(d) Miscellaneous accessory improvements to use, including but not limited to fences, walls, swimming pools, and signs.

(e) Demolition or moving of a structure.

(f) Placing on a lot in the City a temporary construction trailer or office, but only for the life of the building permit issued for the construction served by the trailer or office.

(g) Any development activity not involving the construction or placement of a structure or building, including but not limited to the mere subdivision of land, installation of utilities, or the use of land for limited recreational, agricultural, filling or dredging purposes, which, as demonstrated by the developer in writing to the Community Development Director, will not result in a net increase in demand on facilities covered by impact fees.

(2) Nonresidential Construction: Nonresidential construction shall be exempted from the payment of the park impact fees.

(3) Determination of Exemption: The Community Development Director shall determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the Community Development Director shall be in writing and shall be subject to the appeals procedures set forth in this Section.



(4) City Subsidy of Fees: Upon the determination of the Council, after review and recommendation by the Community Development Director, following the filing with the Community Development Director of a petition of the developer, if any portion of a development activity is funded or subsidized in whole or in part with City funds or funds of the City's Redevelopment Agency, the impact fee allocable to such funded or subsidized portion of the development activity shall be reduced by the amount of such funding or subsidy. The City or Redevelopment Agency shall use moneys in its general fund to pay for any planned facilities necessitated by the exempted development activity.

**26-6-8 Offsets to Impact Fees:**

(1) The Council upon recommendation of the Community Development Director, may approve offsets against the impact fee that would otherwise be due for a development activity in accordance with the following provisions.

(a) Qualified Improvements: An offset shall be granted for qualifying improvements that are required to be made by a developer as a condition of development approval.

(b) Offsets for Like Improvements: Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements. Unless otherwise expressly agreed to in writing by the City, offsets shall not result in reimbursement from the City or constitute a credit against future fees, and shall not constitute a liability of the City for any deficiency in the offset.

(c) Equal Value: Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a developer or his predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.

(d) Appraisals:

(i) The person applying for an offset shall be responsible for providing and paying for appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The Council shall not grant offsets to any person who cannot provide such documentation in such form as the

Community Development Director may reasonably require.

(ii) The value of land dedicated or donated shall be based on the appraised land value of the parent parcel on the date of transfer of ownership to the City, as determined by a MAI-certified appraiser approved by the City and paid for by the applicant, who used generally accepted appraisal techniques. The City maintains the right to challenge any appraisal based upon an appraisal of its own.

(e) Expiration of Claim: Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of approval until six (6) years after the date of approval or until the last date of construction of the project, whichever occurs first.

(f) Claim Shall Run With the Land: The right to claim offsets shall run with the land and may be claimed only by owners of property within the development area for which the qualifying improvement was required.

(g) Time of Application: Any claim for offsets must be made in writing, not later than the time of submittal of a building permit application or an application for another permit subsequent to development approval that is subject to impact fees. Any claim not so made shall be deemed waived.

**26-6-9 Developer Payback Agreements for Impact Fees**: Where a development activity includes or requires a qualifying improvement, the City and the developer may agree in writing to have the developer participate in the financing or construction of part or all of the qualifying improvements. Such agreement may provide for cash reimbursements, for the developer's participation in the financing or construction of the qualifying improvements. The agreement shall include:

(1) Estimated Costs: The estimated cost of the qualifying improvements, using the lowest responsive bid by a qualified bidder, which bid is approved by the Community Development Director; or, if no bid is available, the estimated cost certified by a licensed Utah engineer and approved by the Community Development Director, Community Development Director approval will be based upon recommendations from the City Engineer;

(2) Schedule: A schedule for initiation and completion of the qualifying improvement;

(3) Standards: A requirement that the qualifying improvement be designed and completed in compliance with any applicable City and State laws and regulations;

(4) Method of Payment: The method of payment is to be set by the Council and may be either up-front lump sum, partial lump sum and payments, or payments but is not to be in lieu of payment of impact fees; and

(5) Other Requirements: Such other terms and conditions as deemed necessary by the City.

**26-6-10 Challenges and Appeals:**

(1) Procedure: A challenge to an impact fee may be made as outlined in Utah Code §11-36-401 and 402.

(2) Payment Under Protest: Any fee payer may pay the impact fees imposed by this Section under protest in order to obtain a building permit, and thereafter may appeal the validity or amount of such payment to the Council as outlined in 6.16 below. Appeals regarding the impact fees imposed on any development activity may only be taken from the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

(3) Arbitration: If, pursuant to Utah Code Section 11-36-402, as amended, a person submits an impact fee challenge to arbitration, the City shall not agree to participate in binding arbitration.

**26-6-11 Fund Accounting for Impact Fees:**

(1) Separate Accounts: The City shall establish a separate interest bearing accounting fund for each type of planned facility for which an impact fee is collected. Such fees shall be invested by the City and the yield on such fees, at the actual rate of return to the City, shall be credited to such accounting fund periodically in accordance with the accounting policies of the City, subject to a deduction by the City of a reasonable cash management fee. Cash management fees shall be as adopted, by resolution, from time to time by the Council.

(2) Yield on Funds: Any yield on such accounting fund into which the fees are deposited shall accrue to that fund and shall be used for the purposes specified for such fund.

(3) Record Keeping: The City shall maintain and keep financial records for each such accounting fund, showing the source and amount of all monies collected, earned and received by the fund, and each expenditure from such fund, in accordance with normal City accounting practices, and at the end of each fiscal year shall prepare a report on each such fund showing such information. The records of such fund shall be open to public inspection in the same manner as other financial records of the City.

(4) Expenditure: Impact fees shall be expended or encumbered within six (6) years after their receipt, unless the Council identifies, in writing, an extraordinary and compelling reason to hold the impact fees longer than six (6) years. Under such circumstances, the Council shall establish an absolute date by which the impact fees shall be expended.

**26-6-12 Refunds:**

(1) Failure to Expend Funds: If the City fails to expend or encumber the impact fees as required by Section 6.11.4, all current owners of the property on which impact fees have been paid shall receive a pro rata refund of such impact fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

(2) Notification of Property Owners: The City shall notify the owner or owners of property for which such a refund may be made, by first class mail deposited with the United States Postal Service, at the last known address of such property owners.

(3) Application for Funds: In order to receive such a refund, the owner or owners of the subject property must, within twelve (12) months after the mailing of such notice by the City, make a written request for a refund to the Community Development Director, including a certification that such person is a record owner of the property and that he or she is entitled to the refund. The Community Development Director may rely on such certification, in the absence of a written certification by another person asserting that the proposed payee is not the proper payee. If in doubt as to whom to pay such funds, the Community Development Director may deposit the funds with an appropriate court for disposition as the court may determine. In that event, the City may deduct from the funds

deposited an amount equal to the reasonable costs, including attorney's fees, of causing the funds to be deposited with the court.

(4) Unclaimed Funds: Any impact fees for which no application for a refund has been made within such one-year period shall be retained by the City and expended on appropriate planned facilities.

(5) Yield on Returned Funds: Refunds of impact fees under this section shall include any interest earned on the impact fees by the City.

(6) Terminated Fees: When the City seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered impact fees from any terminated component or components, including interest earned, shall be refunded pursuant to this section. The City shall publish notice of such termination and the availability of refunds in a newspaper of general circulation at least two times and shall notify all owners of property for which a refund may be made by first class mail at the last known address of such property owners. All funds available for refund shall be retained for a period of twelve (12) months following the second publication. At the end of that period, any remaining funds shall be retained by the City, but must be expended for appropriate planned facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the impact fee account(s) being terminated.

(7) Refunds to Developers: The City shall refund to a developer any impact fees paid by that developer, plus interest earned on the impact fees, if:

- (a) The developer does not proceed with the development activity for which the impact fees were imposed;
- (b) The developer files with the Community Development Director a written request for the refund not later than thirty (30) calendar days after the expiration of the building permit (or any extension thereof) in connection with which the impact fees were assessed;
- (c) The fees have not been spent or encumbered; and
- (d) The Community Development Director determines that no impact has resulted from the contemplated development activity.

(8) Administrative Fee for Refunds: The City shall charge an administrative fee for verifying and computing the refund equal to the lesser of three percent (3%) of the amount of the refund or the City's actual cost of such verification and computing.

**26-6-13 Use of Funds:**

- (1) Intent and Purpose: Within the following guidelines impact fees shall be used solely for the purposes for which they were received.
  - (a) Except as provided in Section 6.12.4 or 6.12.6, impact fees shall not be imposed to make up for deficiencies in existing facilities serving existing developments.
  - (b) Impact fees shall not be used for maintenance or operation.
  - (c) Impact fees may be spent for planned facilities, including but not limited to planning, land acquisition, construction, engineering, architectural, permitting, financing, administrative expenses, mitigation costs, capital equipment pertaining to planned facilities, and any other similar expenses which can be capitalized pursuant to generally accepted accounting principles.
  - (d) Impact fees may also be used to recoup improvement costs previously incurred by the City to the extent that new growth and development activity will be served by the previously constructed improvements or incurred costs.
  - (e) Impact fees may be used to recoup the cost of studying, analyzing, and preparing the impact fees.
  - (f) Impact fees may be used to pay debt service on bonds or similar debt instruments issued to finance planned facilities to the extent such planned facilities serve the development activity for which the impact fees were imposed.
  - (g) Impact fees may be used to reimburse the city for public facility costs previously incurred by a local political subdivision to the extent that new growth and development will be served by the previously constructed improvement. Reimbursement funds will be returned to the account from which it was utilized for payment of the previously constructed improvements.

**26-6-14 Impact Fee as Supplemental Regulations to Other Financing Methods:**

(1) Except as otherwise provided herein, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the City on development activity or the issuance of building permits or certificates of occupancy. Impact fees are intended to be consistent with the City's General Plan, Capital Facilities Plan, land development ordinances, and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of capital facilities in conjunction with development activity.

(2) In addition to the use of impact fees, the City may finance qualifying capital improvements through the issuance of bonds, the formation of assessment districts, or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.

**26-6-15 Adjustments:**

(1) Reevaluation of Study: The Community Development Director may propose, to the Council adjustments to the impact fees or service areas periodically, after a study and proper notice as provided in Utah Code Title 11, Chapter 36, as amended.

(2) Annual Adjustments: The Community Development Director may propose, to the Council annual adjustments to the impact fees designed to adjust the fees due to inflation and changes in the construction cost calculations. These recommendations may be based upon the Engineering News Record (www.enr.com), Construction Cost Index.

(3) Review Specific to Development: The Community Development Director may propose, to the Council an adjustment to the standard impact fee in the schedule of impact fees at the time of review and approval of the development activity by the Council, to:

- (a) Respond to unusual circumstances in specific areas.
- (b) Ensure that the impact fees are imposed fairly.
- (c) Adjustments to impact fees will only be reviewed during the review and approval process for a development activity. Once a development is approved impact fees will not be adjusted.

**26-6-16 Independent Impact Fee Analysis:**

(1) Notice of Appeal: If a fee payer desires not to have the impact fees determined according to the schedule set forth in Appendix "A," then the fee payer shall prepare and submit to the City an independent impact fee analysis. This analysis shall be equal, in scope to that analysis, accomplished by the City to establish the fees outlined in Attachment "A". Independent impact fee analysis shall be made by filing a written notice of appeal with the City Recorder. Appeals shall specify the grounds thereof. The appellant shall also submit, in writing, stating whether or not information, relative to the impact fee is requested. The lack of said request will indicate the appellant does not request such information.

(2) Documentation and Scope of Appeal: The documentation submitted shall include the procedural and information requirements established for the City in Utah code §11-36-201 et seq. The Community Development Director shall review the independent impact fee analysis and provide a report to the Council concerning whether the independent impact fee analysis should be accepted, rejected, or accepted in part. The Community Development Director may require the appellant to submit additional or different documentation for consideration, if needed for a fair and just comparison with the City study. The official date of filing of an appeal shall not be set until all documentation requested by the Community Development Director has been received and accepted.

(3) Council Hearing: The Council shall hold a hearing to consider the evidence and arguments of the appellant and shall record the hearing and retain such evidence. The hearing date and time may be set at the time the application is filed, however, unless established at the filing the hearing will not be later than the second regularly scheduled meeting after the application is filed. The Council shall issue a written decision on the appeal within thirty (30) calendar days after the date the official date that the appeal was filed.

(4) Council Action: The Council may adopt, reject, or adopt in part the independent impact fee analysis based on the Community Development Director's report and based on the specific characteristics of the development activity. The impact fees or alternative impact fees and the analysis shall be set forth in writing and shall be mailed to the fee payer.

(5) Application Fees: Any fee payer submitting an independent impact fee analysis must pay to the City a fee to cover the cost of reviewing the independent impact fee analysis. The fee shall an amount equal to the actual review costs incurred by the City, including the cost of any consultant services deemed necessary by the City. The City shall require the fee payer to post a cash deposit in the amount established by resolution of the Council prior to initiating the review, subject to refunding to the fee payer any portion of such deposit that exceeds actual costs of review. Application is not complete until such cash deposit has been submitted to the City.

(6) Applicability of Fees: Any independent impact fee analysis reviewed and approved or amended and approved by the Council shall apply only to the planned activity submitted by the appellant.

**26-6-17 Penalty Provision:**

(1) A violation of this Ordinance is a Class C misdemeanor. Upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Section.

**Section 7. Specifications for Documents to be Submitted**

- 26-7-1 SKETCH PLAT
- 26-7-2 PRELIMINARY PLAT
- 26-7-3 CONSTRUCTION PLANS
- 26-7-4 FINAL SUBDIVISION PLAT

**26-7-1 Sketch Plat:** Sketch plats submitted to the Planning Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- (1) Name:
  - (a) Name of subdivision if property is within an existing subdivision;
  - (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded; and
- (2) Ownership:
  - (a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference;
  - (b) Citation of any existing legal rights-of-way or easements affecting the property;
  - (c) Existing covenants on the property, if any
  - (d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys
- (3) Description: Location of property by legal description, section, township, range, graphic scale, north arrow and date.
- (4) Features:
  - (a) Location of property lines, existing easements, irrigation ditches, railroad rights-of-way, watercourses, and existing and proposed fences; location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessments rolls within five hundred (500) feet of any perimeter boundary of the subdivision.

- (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.

- (c) Approximate topography, at the same scale as the sketch plat

- (d) The approximate location and widths of proposed streets

- (e) Preliminary proposals for connection with existing water supply and sanitary sewage systems; preliminary provisions for collecting and discharging surface water drainage.

- (f) The approximate location, dimensions, and areas of all proposed or existing lots

- (g) The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision

- (h) The location of temporary stakes to enable the Planning Commission to find and appraise features of the sketch plat in the field

- (i) Whenever the sketch plat covers only part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.

- (j) A vicinity map showing streets and other general development of the surrounding area. The sketch plat shall show all school and improvement district lines with the zones properly designated.

**26-7-2 Preliminary Plat.**

- (1) General: The preliminary plat shall be prepared by a licensed land surveyor at a convenient scale not more than one (1) inch equals one hundred (100) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the Recorder of Deeds, but shall not be thirty-four by forty-four (34 x 44) inches or larger. It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar.

(2) Features: The preliminary plat shall show the following:

(a) The location of property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; the names of adjoining streets.

(b) The location and dimensions of all boundary lines of the property to be expressed in feet decimals of a foot.

(c) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, railroads, fences, irrigations structures, buildings, parks, cemeteries, drainage ditches, irrigation ditches and bridges, as determined by the Planning Commission.

(d) The location and width of all existing and proposed streets and easements, alleys, and other public ways, and easement and proposed street rights-of-way and building setback lines.

(e) The locations, dimensions, and areas of all proposed or existing lots.

(f) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation.

(g) The name and address of the owner or owners of land to be subdivided, the name and address of the subdivider if other than the owner, and the name of the land surveyor.

(h) The date of the map, approximate true north point, scale, and title of the subdivision.

(i) Sufficient data acceptable to the City Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; the location of all proposed monuments.

(j) Names of the subdivision and all new streets.

(k) Indication of the use of any lot (single-family, two-family, multi-family, townhouse) and all uses other than residential proposed by the developer.

(l) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several phases.

(m) All lots in each block shall be consecutively numbered.

(n) Proposals for connection with existing water supply and sanitary sewage systems. Location and size of all proposed water and sewer lines, indicating placement of manholes, water valves, and fire hydrants.

(o) Provisions for collecting and discharging surface water drainage.

(p) All information required on sketch plat should also be shown on the preliminary plat, and the following notations shall also be shown:

(i) Explanation of drainage easements, if any

(ii) Explanation of irrigation easements, if any

(iii) Explanation of site easements, if any

(iv) Explanation of reservations, if any

(v) Endorsement of owner, as follows:

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

(q) Form for endorsements by Planning Commission Chairman as follows:

Approved by Resolution of the Clinton City  
Planning Commission.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

(r) The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

**26-7-3 Construction Plans:**

(1) General: Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the preliminary plat. The following shall be shown:

(a) Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection, shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.

(b) The Planning Commission may require, where steep slopes exist, that cross-sections of all proposed streets at one-hundred-foot (100 foot) stations be shown at five (5) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, each property line, and points twenty-five (25) feet inside each property line.

(c) Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, rights-of-way, irrigation ditches, manholes, and catch basins; the locations of street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.

(d) Location, size, elevation, and other appropriate descriptions of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the Official Map or Master Plan, at the point of connection to proposed facilities and utilities within the subdivision

(e) All specifications and references required by the City’s construction standards and specifications, including a site-grading plan for the entire subdivision.

(f) Notation of approval as follows:

Owner	Date
City Engineer	Date
Mayor	Date

(g) Title, name, address, and signature of professional engineer and surveyor, and revision dates.

**26-7-4 Final Subdivision Plat:**

(1) **General:** The final subdivision plat shall consist of a sheet of approved Mylar, size of drawings shall

be twenty two (22) by thirty four (34) inches with one-half (½) inch border on top, bottom and right sides, the left side shall have a border of one and one-half (1 ½) inches. The plat shall be so drawn that the top of the drawing faces either North or West, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the Mylar with approved waterproof black “India Drawing Ink”. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred (100) feet to the inch, and workmanship on the finished drawing shall be neat, clean cut and readable. The plat shall contain the following information.

(a) A subdivision name approved by the City Planning Commission, and the general location of the subdivision, in bold letters at the top of the sheet.

(b) A North point and scale of the drawing, and the date.

(c) Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to the public survey monuments. These lines should be slightly heavier than street lot lines.

(d) The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries, bearings and dimensions of all portions within the subdivision, as intended to be dedicated to the use of the public; the lines, dimensions, bearings and numbers of all lots, blocks, and parts reserved for any reason within the subdivision. All proposed streets shall be named or numbered in accordance with and in conformity with the adopted street-naming and numbering system of Clinton City.

(e) The standard forms approved by the Planning Commission lettered for the following:

(i) Description of land to be included in subdivision.

(ii) Registered Professional Engineer and/or Land Surveyor’s “Certificate of Survey”.

(iii) Owner’s Dedication.

(iv) Notary Public’s Acknowledgement.

(v) Certificate of Approval by the City Planning Commission.

(vi) Certificate of Approval by the City’s Engineer.

(vii) Certificate of Acceptance by the City Council attested by the City Recorder.



(f) A three (3) inch by three (3) inch space in the lower right-hand corner of the drawing for recording information.

(g) **Preparation:** The final subdivision plat shall be prepared by a land surveyor licensed by the state.