

CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
April 26, 2022 – WORK AND POLICY SESSION

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

Executive Conference Room
55 South State Street
Third Floor
Clearfield, Utah

6:00 P.M. WORK SESSION

Discussion on the Clearfield Station Master Development Agreement for property located at
approximately 1250 South State Street

Discussion on Water Conservation Measures

Discussion on the Fiscal Year 2023 (FY23) Budget

*****ADJOURN THE CITY COUNCIL WORK SESSION AND RECOVENE IN THE
COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) WORK SESSION*****

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) WORK SESSION AGENDA

Discussion on the Fiscal Year 2023 (FY23) Budget

*(Any item not fully addressed prior to the Policy Session will be addressed in a Work Session
immediately following the Policy Session)*

City Council Chambers
55 South State Street
Third Floor
Clearfield, Utah

7:00 P.M. POLICY SESSION

CALL TO ORDER:

OPENING CEREMONY:

APPROVAL OF MINUTES:

Mayor Shepherd

Councilmember Peterson

July 20, 2021 – Work Session

July 27, 2021 – Work Session

August 10, 2021 – Work Session

PUBLIC HEARING:

1. **PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON PROPOSED AMENDMENTS TO CITY CODE TITLE 11, CHAPTER 11, ARTICLE G – FORM BASED CODE LANDSCAPING REQUIREMENTS**

BACKGROUND: With significant drought conditions and projections of continued population growth, water conservation efforts are increasingly necessary. In February of 2022, Clearfield City adopted a water-efficient landscaping ordinance to support water conservation. The city collaborated on the ordinance with Weber Basin Water Conservancy District (Weber Basin). This Ordinance applies those standards to the Form Based Code area. The Planning Commission reviewed the request on April 6, 2022 and recommends approval.

RECOMMENDATION: Receive public comment.

SCHEDULED ITEMS:

2. **OPEN COMMENT PERIOD**

The Open Comment Period provides an opportunity to address the Mayor and City Council regarding concerns or ideas on any topic. To be considerate of everyone at this meeting, public comment will be limited to three minutes per person. Participants are to state their names for the record. Comments, which cannot be made within these limits, should be submitted in writing to the City Recorder at nancy.dean@clearfieldcity.org.

The Mayor and City Council encourage civil discourse for everyone who participates in the meeting.

3. **CONSIDER APPROVAL OF ORDINANCE 2022-09 AMENDING CITY CODE, TITLE 11, CHAPTER 11, ARTICLE G – FORM BASED CODE REGARDING LANDSCAPE REQUIREMENTS**

RECOMMENDATION: Approve Ordinance 2022-09 amending City Code, Title 11, Chapter 11, Article G – Form Based Code Regarding Landscape Requirements and authorize the Mayor's signature to any necessary documents.

4. **CONSIDER APPROVAL OF THE FINAL SUBDIVISION PLAT FOR THE CLEARFIELD STATION TRANSIT-ORIENTED DEVELOPMENT (TOD) LOCATED AT APPROXIMATELY 1250 SOUTH STATE STREET (TIN: 12-882-0005, 12-882-0001, 12-882-0004, 12-882-0006, 12-882-0007, 12- 068-0138, & 12-067-0139)**

BACKGROUND: Clearfield City on behalf of the Utah Transit Authority is seeking final subdivision plat approval for the Clearfield Station TOD Subdivision. The proposed subdivision includes the creation of 21 lots, the dedication of seven (7) public streets (Station Boulevard, Depot Street, Box Car Drive, Bamberger Drive, Union Avenue, and the continuations of Grand Drive and Whistle Drive), and the vacating of five (5) previously platted streets (shown in gray on the attached plat). The subdivision also includes the creation of easements for storm water management, access, and utilities. The Planning Commission reviewed the request on April 6, 2022 and recommends approval.

RECOMMENDATION: Approve the Final Subdivision Plat for the Clearfield Station Transit-Oriented Development (TOD) Located at Approximately 1250 South State Street (TIN: 12-882-0005, 12-882-0001, 12-882-0004, 12-882-0006, 12-882-0007, 12- 068-0138, & 12-067-0139) and authorize the Mayor's signature to any necessary documents.

COMMUNICATION ITEMS:

Mayor's Report
City Councils' Reports
City Manager's Report
Staffs' Reports

Dated this 20th day of April, 2022.

/s/Nancy R. Dean, City Recorder

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



Planning Commission

STAFF REPORT

AGENDA ITEM
#4

TO: Clearfield City Planning Commission

FROM: Spencer W. Brimley, Community Development Director
Spencer.Brimley@clearfieldcity.org
(801) 525-2785

MEETING DATE: Wednesday, April 20th, 2022

SUBJECT: Public Hearing, Discussion and Possible Action on an Amendment to the Master Development Agreement (MDA) with Clearfield City, Utah Transit Authority (UTA) and Clearfield Station Partners, LLC for the Clearfield Station project. **Location:** Approx. 1250 South State Street (TINs: 12-066-0138, 12-882-0001, 12-882-0004, and 12-882-0005). **Project Area:** Approx. 56 Acres. **Staff:** Spencer W. Brimley (**Legislative Matter**).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to the Clearfield City Council, for the proposed amendment to the Master Development Agreement with Clearfield City, Utah Transit Authority (UTA) and Clearfield Station Partners, LLC for the Clearfield Station project. This recommendation is based upon the discussions outlined in this report.

RECOMMENDATION OPTIONS

1. **Move to recommend approval of the amendment to the MDA** to the Clearfield City Council, for the master Development Agreement with Clearfield City, Utah Transit Authority (UTA) and Clearfield Station Partners, LLC for the Clearfield Station project.
2. **Move to recommend denial of the amendment to the MDA** to the Clearfield City Council, for the Master Development Agreement with Clearfield City, Utah Transit Authority (UTA) and Clearfield Station Partners, LLC for the Clearfield Station project.
3. **Move to table proposed amendment to the MDA** to request additional information for consideration.

The Planning Commission may also recommend something that is different than those listed above, such as a modified recommendation of approval or recommendation to deny.

PROJECT SUMMARY

Project Information	
Project Name	Clearfield Station
Site Location	1250 S. State (SWC of State Street and 1000 East)
Tax ID Number	12-066-0138, 12-882-0001, 12-882-0004, 12-882-0005
Applicant	Clearfield Station Partners, LLC
Owner	Utah Transit Authority (UTA)
Proposed Actions	Approval for amendments to the MDA for Clearfield Station

Project Information	
Current Zoning	MU (Mixed-Use)
Land Use Classification	Mixed-Use
Gross Site Area	Approx. 56 acres (all remaining UTA owned property)

BACKGROUND

Title 11-11F outlines the requirements and process for a rezone request to implement the Mixed-Use (MU) zoning district. The process of rezone and approval of the MDA and MDP took place at the end of 2020.

Since approval of the MDA and MDP, the City and the development partners have been working to finalize civil and site plans and complete all necessary land use approvals. One major step for the project is the installation of the underground utilities and surface improvements in the rights-of-way (streets, curb, gutter, and sidewalk) to make the pad sites ready for immediate construction. Public Works collaborated with CRS Engineers to complete estimates and designs for the infrastructure, and the project was put out to bid. Unfortunately, bids came back much higher than anticipated. The City and its partners have been working to find additional funding to make up the gap, as well as design the utility work in a manner that reduces costs without compromising the quality of the final product.

ANALYSIS

Master Development Agreement (MDA) Amendment

The MDA sets forth the terms under which the development may proceed and the responsibilities of the parties. In addition to the rezoning and MDP, the comprehensive development agreement between the City, the developer, and the property owner, seeks to address key issues of importance to the City (e.g. roads, utilities, traffic circulation in and around the project, and proportional build-out). The agreement for the development of the project was approved previously.

The amendment before the commission outlines a phased approach to the installation of the public infrastructure. The proposed phased approach outlined in the amendment has been thoroughly vetted by the parties and is the agreed upon best approach available due to current funding constraints to allow for the continuation of the project, which will in turn support the future complete buildout. The proposed amendment to the MDA acknowledges: (1) that current funds are insufficient for the design and construction of the public infrastructure as originally planned, and (2) that as additional funding is obtained, such funding is intended to be applied to the continued construction of the public infrastructure in a prioritized order. The exhibit shows the following:

1. 1450 South from 1000 East to State Street
2. The connection of Depot Street in the northwest corner of the project
3. The remaining internal streets and landscaping

PUBLIC COMMENT

Public notice was provided on April 9, 2022, through the newspaper, the State of Utah public notice website, and on the City's website. No public comment has been received to date.

ATTACHEMENTS

1. Clearfield Station MDA Amendment and Exhibit

**FIRST AMENDMENT TO THE
MASTER DEVELOPMENT AGREEMENT
FOR CLEARFIELD STATION**

This First Amendment to the Master Development Agreement for Clearfield Station (“First Amendment”) is entered into as of this [] day of [], 2022 (“Effective Date”), by and between Clearfield City, a Utah municipal corporation (“City”), and Clearfield Station Partners, LLC, a Utah limited liability company (“Master Developer”), and Utah Transit Authority, a large public transit district of the State of Utah (“UTA”). The Master Development Agreement (“MDA”) outlines a long term, mixed use, master planned transit-oriented development (“TOD”) known as Clearfield Station (“Project”). City, Master Developer, and UTA are sometimes referred to herein individually as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, the Parties entered into the MDA dated August 25, 2021, that outlines the development of the Project; and

WHEREAS, the City continues to experience an unprecedented increase in demand for housing; and

WHEREAS, the obligations of the Parties to perform under the MDA remain conditioned on the City, as the Bonding Authority, obtaining bond proceeds sufficient to fund the Project Infrastructure (as defined in the MDA); and

WHEREAS, the housing demand, coupled with additional changes in the global, national, and local markets has resulted in an increase in material, labor, and other costs associated with the development of the Project; and

WHEREAS, based on the increase in material, labor, and other costs associated with the development, the City is currently unable to receive bond funding in an amount sufficient to fund the totality of the Project Infrastructure; and

WHEREAS, the Parties desire to develop the Project as closely as possible to the terms of the MDA; and

WHEREAS, the Parties have determined that it is in the best interests of the Parties and fiscally prudent to begin development of the Project as soon as reasonably practicable; and

WHEREAS, the Parties have jointly created a well-designed Public Infrastructure Phasing Plan based on currently available funding, as well as on anticipated subsequent funding that may be used to complete additional Public Infrastructure needs for the Project.

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions set forth herein, the Parties hereby agree as follows:

AGREEMENT

- A. Recitals. The foregoing recitals are incorporated and made an integral part of this Agreement by this reference.
- B. First Amendment to MDA. The MDA shall be amended as follows:
 - 1. Replacement of Exhibit “E” to the MDA. The Parties agree to replace Exhibit “E” to the MDA, “Responsibility for Project Infrastructure Funding,” with a new “Project Infrastructure Phasing Plan,” attached hereto as Exhibit “A” to this Amendment, which identifies and prioritizes the sequencing of Project Infrastructure to be built based on actual available funding to date, as well as potential future funding mechanisms and their impact on the Project.
- C. Original Agreement. Except for the changes reflected in paragraph B above, all other terms and conditions within the MDA (and all exhibits) shall remain in place and applicable to the Parties.
- D. Binding Effect. The provisions of this First Amendment shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto.
- E. Severability. If any part or provision of this First Amendment shall be determined to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this First Amendment except that condition, covenant, or other provision of this First Amendment shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.
- F. Miscellaneous.
 - a. Legal Fees. Should any party default in any of the covenants or agreements herein contained, that defaulting party shall pay all costs and expenses, including a reasonable attorney’s fee, which may arise or accrue from enforcing this First Amendment or in pursuing any remedy provided hereunder or any applicable law, whether such remedy is pursued by filing suit or otherwise. This obligation of the defaulting party to pay costs and expenses includes, without limitation, all costs and expenses, including a reasonable attorney’s fee, incurred on appeal and in

bankruptcy proceedings.

- b. Survival. It is expressly agreed that the terms, covenants, and conditions of this First Amendment shall survive any legal act or conveyance required under this Amendment.
- c. Headings. The section and other headings contained in this First Amendment are for reference purposes only and shall not in any way affect the meaning or interpretation of this First Amendment.

IN WITNESS WHEREOF, the parties have executed this First Amendment to the MDA the day and years first above written.

----- **[Signature Page(s) to Follow]** -----

CLEARFIELD CITY, a municipal corporation

Mark Shepherd, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM

Nancy Dean, City Recorder

Stuart E. Williams, City Attorney

STATE OF UTAH }
 : SS
COUNTY OF DAVIS }

On the day of , 2022, Mark R. Shepherd and Nancy R. Dean personally appeared before me, who being by me duly sworn did say that they are the Mayor and City Recorder of Clearfield City Corporation, and that the foregoing instrument (First Amendment to the Master Development Agreement for Clearfield Station) was signed on behalf of said corporation by authority of the City Council and that said, Mark R. Shepherd and Nancy R. Dean, acknowledged to me that said corporation executed the same.

WITNESS my hand, at office, this day of , 2022.

NOTARY PUBLIC

CLEARFIELD STATION PARTNERS, LLC, a Utah Limited Liability Company

NATHAN RICKS
Manager, Clearfield Station Partners

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

Personally appeared before me, the undersigned, a Notary public having authority within the State and County, Nathan Ricks, who is the Manager of Clearfield Station Partners, and who is authorized to execute this instrument on behalf of the limited liability company.

WITNESS my hand, at office, this day of , 2022.

NOTARY PUBLIC

A large public transit organized under the Utah public Transit District Act

PAUL DRAKE
Director of Real Property and Transit Oriented Development

STATE OF UTAH)
)
) :ss
COUNTY OF SALT LAKE)

Personally appeared before me, the undersigned, a Notary public having authority within the State and County, Jay Fox, Executive Director and Paul Drake, Director of Real Property and Transit Oriented Development, who are authorized to execute this instrument on behalf of Utah Transit Authority, a large public transit organized under the Utah public Transit District Act.

WITNESS my hand, at office, this day of , 2022.

NOTARY PUBLIC

EXHIBIT A

Project Infrastructure Phasing Plan

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
July 20, 2021

Executive Conference Room
55 South State Street
Third Floor
Clearfield, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush Nike Peterson Vern Phipps	Councilmember Councilmember Councilmember
EXCUSED:	Tim Roper Karece Thompson	Councilmember Councilmember
STAFF PRESENT:	JJ Allen Kelly Bennett Eric Howes Adam Favero Spencer Brimley Brad McIlrath Rich Knapp Nancy Dean	City Manager Police Chief Community Services Director Public Works Director Community Development Director Senior Planner Finance Manager City Recorder
EXCUSED:	Summer Palmer Stuart Williams	Assistant City Manager City Attorney

Mayor Shepherd called the meeting to order at 6:00 p.m.

DISCUSSION ON THE REQUEST TO REZONE THE PROPERTIES (CITY CEMETERY)
LOCATED AT APPROXIMATELY 1050 SOUTH STATE STREET (TIN'S: 12-067-0094, 12-
067-0093, 12-067-0066, 12-067-0064, AND 12-067-0063) FROM R-2 (RESIDENTIAL) TO PF
(PUBLIC FACILITIES)

Brad McIlrath, Senior Planner, stated the City cemetery was currently zoned R-2 (Residential), which made it a legal non-conforming use. He explained as a legal non-conforming use it would not be able to expand due to the legal limitations placed on non-conforming uses and structures. He indicated the City planned for the expansion of the cemetery and saw the rezone to P-F (Public Facilities) as a vital component for the future growth and long-term establishment of the cemetery. He noted the rezone request included City owned and Lindquist Inc. properties for a total of 8.273 acres.

Mr. McIlrath reviewed the General Plan and zoning map. He explained the rezone request was consistent with the land use guidelines, goals, and objectives of the City's General Plan. He

noted the preservation of open space and the cemetery land was vital for current and future residents. He acknowledged the Planning Commission heard the request at its meeting on July 7, 2021 and recommended approval. He reported he had spoken with the current property owners of the mortuary who had not been supportive of the rezone; however, their representative that spoke during the Planning Commission public hearing did not speak out in opposition but instead talked about being good neighbors. There was a discussion about the questions staff had received related to the rezone which were more inquisitive in nature.

Mr. McIlrath mentioned there was a public hearing scheduled for July 27, 2021 during City Council meeting and following the public hearing the Council would consider the rezone.

DISCUSSION ON ZONING TEXT AMENDMENTS TO TITLE 11, CHAPTER 11, ARTICLE D, SECTION 11(A); TITLE 11, CHAPTER 13, SECTION 23, PARAGRAPHS A1, A2, AND C; AND, TITLE 11 CHAPTER 14, SECTION 7, PARAGRAPHS F AND G, THAT WOULD MODIFY LANDSCAPING STANDARDS TO ADDRESS DEVELOPMENT IN THE MANUFACTURING ZONE (M-1)

Brad McIlrath, Senior Planner, stated there was a need to address landscaping standards for industrial development within the City to increase water conservation, while balancing the need to ensure adequate beautification of developments. He explained there were some additional minor changes proposed for the Code related to sections addressing bonding and exemptions to single-family dwellings.

Mr. McIlrath reviewed the recommended language adjustments to Title 11, Chapter 11, Article D, Section 11 – Land Use; Chapter 13, Section 23 – Landscaping Standards and Requirements; and Chapter 14, Section 7 – Off Street Parking and Loading. He explained the first adjustment to landscaping requirements was for the Manufacturing Zone (M-1) in Code 11-11D-11: Other Requirements, reducing the landscaping and open space minimum requirement from ten percent to five percent.

Councilmember Peterson wondered if there should be some additional language added to address rights-of-way or main thoroughfares so there was adequate coverage and screening. Mr. McIlrath responded there were examples he had seen that indicated all areas not used for access should be landscaped. There was a discussion about how the language could be addressed to ensure the landscaping along main roadways or visible areas was beautified for a minimum width.

The consensus of the Council was to add additional language so that the areas between the street frontages and buildings, parking areas, or storage areas which were not used for vehicular or pedestrian access were landscaped with a minimum buffer landscaping depth of ten feet.

JJ Allen, City Manager, wondered how some of the current industrial tenants would respond to the decrease in landscape percentage and what impacts there would be with the additional requirement of landscaping along frontages. There was a discussion about how the reduction of landscaping would be beneficial to water conservation and it would not impact current projects because reductions to landscaping for the Lifetime Products project had already been adjusted through a development agreement.

Mr. McIlrath stated the second language adjustment to landscaping standards added a reference for industrially zoned properties in City Code 11-13-23: Landscaping Standards, requiring a minimum of one tree for every one thousand square feet of landscape area instead of every five hundred square feet required in other zones. He added it also required a minimum of one shrub for every six hundred square feet of landscaped area rather than every three hundred square feet required in other zones.

Mr. Allen questioned if there needed to be any further clarification for industrially zoned properties. Mr. McIlrath articulated the reasoning behind the choice of language and its review and approval by the City Attorney. There was a discussion about if the reference to industrially zone properties should be updated and any impacts it would have on future development in other areas of the City. The consensus of the Council was to leave the language as it was drafted.

Mr. McIlrath explained the language adjustments to the City Code 11-13-23: Landscaping Standards and Requirements, Subsection C provided more clarification. He indicated the word “escrow” was added with the reference to bonding required. He stated additional language adjustments were made to allow for bond/escrow in cases of inclement weather so the developer could receive its desired occupancy before landscaping was installed, but it would also provide the City some assurance if the landscaping was not installed within the six-month time period allowed that the bond/escrow could be used to complete it. There was a discussion on the impacts of the language changes and what the risks and benefits would be.

The consensus of the Council was to keep the language as proposed for City Code 11-13-23; and continue to review landscape standards or requirements to avoid loopholes and identify additional changes needed in future Code updates related to residential as well as commercial development to ensure landscape standards were met.

Mr. McIlrath reviewed the proposed changes for the City Code 11-13-23: Landscaping Standards and Requirements, Subsection H as it pertained to the exemption for single-family dwellings. He highlighted the language adjustments to City Code 11-14-7: Off Street Parking and Loading, Subsection F and the addition of Subsection G. He explained the interior parking lot landscaping formerly referred to as parking lot islands would change the requirement for the landscaped islands to be nine feet wide rather than five feet. He reported the reason for the change was to increase water efficiency. Mr. McIlrath noted language was also added to Subsection F so that interior parking lot islands were not required for industrial properties to facilitate traffic flow for large vehicles and proper snow removal.

Councilmember Peterson suggested in future Code updates the references in Subsection F to “acceptable ground cover” should be further defined or pointed to a reputable source so it could be enforced appropriately. There was a discussion about how the term was currently applied, resources where acceptable ground cover for the climate could be obtained, and how to incorporate recommended changes to the City’s landscaping standards to allow for better enforcement. Mr. McIlrath expressed his opinion when landscape standards were updated it would be helpful to have an entire chapter related to landscaping standards where everything was identified rather than its current organization in various chapters throughout the Code.

Councilmember Peterson stated it would also be good to update the arbitrary references so better enforcement was possible.

Mr. McIlrath asked if the Council was okay with the proposed language for the interior parking lot landscaping or if additional language was needed. Councilmember Peterson recommended if there was a section of Code that already identified acceptable ground cover it should be referenced with the current proposed changes. Mr. McIlrath explained there was not currently a list of acceptable ground covers in the Code. There was a discussion vetting landscaping and water efficiency standards for the interior parking lots and whether additional language should be added to further clarify acceptable ground cover. The consensus of the Council was to keep the language as proposed for Code 11-13-23, Subsection F.

Mr. McIlrath highlighted the proposed changes to 11-14-7: Off Street Parking and Loading, Subsection G – Perimeter Parking Lot Landscaping. He noted staff recommended approval of the amendments to City Code based upon the following four findings:

- City landscaping standards should be continually evaluated to address local needs and those of the regional environment.
- The proposed changes encouraged high quality landscaping design, beautification, and efficient use of industrial properties.
- The proposed changes provided for more effective enforcement of landscaping standards.
- The proposed changes provided a good starting point for the evaluation of the City's landscaping standards for water wise and efficient landscapes.

He reported the Planning Commission heard the request at its meeting on July 7, 2021 and recommended approval on a six to two vote. Mr. McIlrath explained there were some commissioners that felt additional research might be needed for questions about reducing the number of trees and its impact on the environment. He indicated staff had discussed with Weber Basin Water Conservancy District about the tree reduction, and the District was supportive of the City's proposed changes. He noted a public hearing and consideration of the Code amendments were scheduled for the City Council meeting to be held on July 27, 2021.

DISCUSSION ON THE JAVA ESPRESSO DEVELOPMENT AGREEMENT FOR THE PROPOSED DRIVE-THROUGH BEVERAGE ESTABLISHMENT TO BE LOCATED AT 585 NORTH MAIN STREET (TIN: 14- 530-0002)

Brad McIlrath, Senior Planner, stated Java Espresso was in the Gateway Corridor Commerce zone of the Form Based Code (FBC). He indicated the commercial subdivision was approved with restrictive covenants prior to the expansion of the FBC zoning district which necessitated a development agreement to address modifications to the FBC standards. He noted recent updates to legislation required a public hearing be held for any development agreement which proposed modifications to current standards.

Mr. McIlrath reviewed the zoning, site plan, and elevation concepts. He explained the following seven FBC modifications were approved with the site plan approval on January 6, 2021:

- a. The existing four-foot (4') sidewalk and five and a half foot (5.5') street buffer may remain in place provided that the missing street trees were placed with the correct

- type of street tree allowed by the Form Based Code. Placement street trees must be selected from the small or medium street tree list found on page 36 of the Form Based Code.
- b. The building may be located at the proposed location depicted on Exhibit D, provided that the building design comply with the standards of the Form Based Code.
 - c. Parking may be located between the building and the street within the front yard area as shown on the submitted plans (Exhibit D).
 - d. The building is allowed to occupy less than fifty percent (50%) of the front property line coverage due to the size and orientation on the property.
 - e. The drive-through stacking lanes and the drive-through canopy are permitted in the proposed locations on the submitted plans (Exhibit D) and are not required to be located along the rear façade or within the rear yard of the building.
 - f. The District Transition Buffer standards within the Form Based Code may be waived in favor of the previously approved existing buffer along the west property line.
 - g. The free-standing row of parking stalls within the front yard area may remain without a landscape median, as previously approved and installed.

He noted the applicant requested two additional modifications due to the restrictive covenants. Mr. McIlrath reviewed the following additional modifications:

- a. 4 – Impervious surfaces: due to the restrictive covenants of the overall commercial development, the site was not able to comply with the maximum impervious coverage calculations of the Form Based Code.
- b. 14 – Landscape island location: due to the restrictive covenants of the overall commercial development, the landscape island must remain as is and cannot be altered.

He acknowledged staff recommended approval of the development agreement because it was consistent with the development standards and process of the FBC, and it complied with the standards for development agreements outlined in City Code, plus it would provide direction and regulatory guidance for the property owner and the City. He indicated the Planning Commission heard the item at its meeting on July 7, 2021 and recommended approval.

Councilmember Peterson moved to adjourn at 6:55 p.m., seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, and Phipps. Voting NO – None. Councilmembers Roper and Thompson were not present for the vote.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
July 27, 2021

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Kelly Bennett	Police Chief
	John Meek	Emergency Preparedness Manager
	Eric Howes	Community Services Director
	Adam Favero	Public Works Director
	Spencer Brimley	Community Development Director
	Kelli Bybee	Communications Assistant
	Nancy Dean	City Recorder
EXCUSED:	Stuart Williams	City Attorney

Mayor Shepherd called the meeting to order at 6:01 p.m.

EMERGENCY SERVICES UPDATE

John Meek, Emergency Preparedness Manager, reviewed the County wide evacuation plan and three levels of evacuation with corresponding colors and action needed. There was a discussion about how the City could respond and be better prepared for emergency situations.

Mr. Meek explained updates to the County's Pre-Disaster Mitigation Plan were on track and all the information for Clearfield had been submitted. He noted the County hoped to have the Plan completed by October 2021. He mentioned the County was considering having a northern, central, and southern County Emergency Manager to help smaller cities, considering House Bill 96 (HB96) and recent events to help with FEMA application and involvement.

Councilmember Thompson joined the meeting at 6:10 p.m.

JJ Allen, City Manager, stated the police department currently directed the work of the emergency preparedness manager. He indicated it might be time to consider a change since many cities had its emergency manager under the direction of the executive department. He stated it

would be good to be thinking about what should be done since Mr. Meek planned to retire in less than a year. There was a discussion about the timing of moving from a part time to full time position and changing needs of the City which would likely require full time status of an emergency manager.

Councilmember Bush asked if the County had an emergency manager. Mr. Meek responded yes.

Councilmember Phipps acknowledged Clearfield had so much more risk than others between the Freeport Center, I-15, the rail line, and underground fuel lines. He voiced his opinion it should be taken seriously and liked the idea of having the administrative oversight in the executive department.

Councilmember Peterson stated emergency preparedness must be a priority and should be considered as insurance.

Mr. Allen expressed appreciation for the discussion and indicated as staff prepared for the next budget there could be some new recommendations brought to the Council for consideration.

Mr. Meek stated the Emergency Management Preparedness Grant (EMPG) reporting for 2020 was submitted. He noted the application was submitted for the EMPG 2021 funding. He explained it was a possibility to receive more money in 2021 because of available monies due to COVID but the funding would return to lower levels the next year. He reported one of the changes to qualify for the grant was that the emergency manager must have completed FEMA's basic emergency manager academy or the professional development series. He mentioned he had completed both, but it was something to be aware of should the City have a need for a new emergency manager in the future.

Mr. Meek highlighted the following things he had been working on recently:

- Completed the Advanced Emergency Management Academy (AEMA).
- His paper was selected by peers to be read at the graduation of the AEMA.
- Received Utah Certified Emergency Manager (CEM) certificate.
- Working on obtaining his International CEM certificate.
- The City's AM radio was repaired and working.
- Reviewed the Emergency Operations Plan (EOP) and made some minor updates.
- Incident action plans for the 4th of July and Car Show.
- After action report for COVID, windstorm and earthquake.
- Coordinated with Layton City regarding CERT classes and having Clearfield residents attend.
- Completed a training in March of the Emergency Operations Center (EOC) activation for mock earthquake.
- Possible locations for cooling centers if needed.

Mr. Meek stated the County was making traction with emergency preparedness and the City was well known for its participation in trainings.

Councilmember Peterson wondered what kind of trainings were available for elected officials. Mr. Meek responded there was a recognized need for that type of training but there was not a whole lot for elected officials specifically. He stated there were many generalized classes that could be taken such as how communities could be resilient in different situations. He indicated many classes were available and he could send a list to the Council for review and then schedule any desired trainings.

Councilmember Bush asked other than CERT if there was anything for business owners or the general public to receive training. Mr. Meek responded there were some trainings through FEMA for business owners but other than that there were links to the City's handbook and the State's website on the City's website. He mentioned a full-time person could do more outreach.

Councilmember Phipps stated it was important for elected officials to know the process and have details to reassure the public things were in motion while making sure a unified message was shared. Mr. Meek agreed and explained the process of information dissemination. Mr. Allen explained that principle was applicable not just in emergencies. He acknowledged the messages to the public needed to be singular and consistent as stated by the comment to "echo the same message."

Councilmember Bush asked what the City's coordination efforts had been in working with schools and churches that would likely be used for shelters in emergency situations. Mr. Meek explained the Davis School District had an emergency manager and each school had an emergency operations plan. He stated he had been working with the local schools to review each of their plans. He stated there were many faith-based groups and the Red Cross which would aid in emergency situations to provide shelter, beds, and others to help with food etc. He indicated there was a plan in place and there were many resources which would be coordinated and were already well organized.

Councilmember Phipps recognized the City was geographically diverse and felt it was important to keep in mind some situations might impact the entire City while others could impact only some areas. Mr. Meek responded the City needed to prepare for each type of scenario and identify its partners and resources for each circumstance. He explained emergency managers were working on developing those partnerships and networking before any emergency happened.

Councilmember Thompson asked if there was someone who scanned twitter or other social media outlets during an emergency to see if any information could be extrapolated for emergency purposes. Mr. Meek responded the City's communication manager was assigned to do that; however, if elected officials were getting information during the emergency, it would be important to have it brought to the EOC and have it addressed with the City's public information officer to help in providing the public the best unified message.

Mr. Allen stated training was available. There was a discussion about training and how helpful it could be for elected officials. Mr. Meek thanked the Mayor and Council for their time and invited them to reach out if there were any specific things that could be addressed during the next preparedness update.

UPDATE ON CITY'S SECURITY BREACH

Mayor Shepherd explained the agenda had included the ability for the Council to have a closed session discussion; however, he did not feel it would be necessary. He indicated if the Council wanted to close the meeting as the discussion progressed it was an option.

Summer Palmer updated the Council on the progress with addressing the security breach. She thanked the Council for its support. She acknowledged being continually impressed with the teamwork and the capacity for problem solving of staff throughout the organization. She noted staff stepped up and prepared for the worst but worked for solutions. She indicated other agencies reached out to offer IT help and support, if needed.

Ms. Palmer continued the IT staff had been able to bring the backup server up after it was cleared of contamination which restored about 99 percent of the City's data. She reported staff then began to restore its systems and servers. She explained since then IT had worked diligently to rebuild all of its programs.

Ms. Palmer acknowledged the media got word of the security breach before the City had finished its negotiations; consequently, JJ Allen, City Manager, was able to meet with various news agencies to provide details about the attack. She thanked Mayor Shepherd for the letter he drafted to go to the residents through the City's social media channels. She felt the comments from the City's community networks had responded favorably.

Ms. Palmer explained there was one server that housed all the attachments for Spillman such as witness statements, photos, etc. that had been unrecoverable. She stated staff did not think those would be recovered but learned yesterday that all the attachments in Spillman before 2018 were on another server and were recovered; therefore, the files that had not been recovered were only those since 2018. Kelly Bennett, Police Chief, stated the lost files would impact the case's prosecution; however, any of the cases being prosecuted by the County should be okay because the County would have been sent those files previously.

Ms. Palmer indicated with the latest information staff believed there was almost a full recovery of data. She explained there was still a lot of work to do and there would be small things and bumps for a bit while things moved forward.

She explained the City was working with a contractor through its insurance company for its communication with the threat actor. Ms. Palmer mentioned the threat actor had shared some of the secured information it had accessed from the network to scare the City into making payment. She acknowledged most of the information was public record, but the information was being assessed and analyzed. She indicated staff planned to continue negotiations with the threat actor long enough for the legal team to analyze the data and determine what noticing would need to be provided and to whom.

Ms. Palmer stated the City was not planning to pay the ransom. She reported the threat actors were getting more aggressive and had even made contact with Mayor Shepherd at home by spoofing a City phone number. She advised the Council they could be contacted. There was a

discussion about the negotiation strategies of the City with the threat actor. Ms. Palmer explained the negotiation was still underway and there was not any reason to believe any of the data had been compromised yet. She noted the City's VPN was believed to be the source used to access the data.

Councilmember Peterson expressed her concern with discussing strategies and the security threat outside of a closed session. Ms. Palmer expressed her opinion the negotiations would be coming to an end quickly and the information discussed would be used to help educate and protect others from similar attacks.

Councilmember Peterson requested if there were any additional updates regarding the security breach they should be provided to the Council during a closed session.

Councilmember Phipps suggested it would be good to do something for the insurance company. Councilmember Peterson added or at least IT staff. Ms. Palmer stated the entire organization would be rewarded with an extra paid lunch provided by a food truck.

Councilmember Phipps stated it was good to have staff and a team of experts working to resolve the issues so promptly. He appreciated the efforts, quick responses, and expertise exercised over the past two weeks.

Councilmember Peterson moved to adjourn the work session and reconvene in policy session at 7:06 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper and Thompson. Voting NO – None.

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
August 10, 2021

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Kent Bush	Councilmember
	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
STAFF PRESENT:	JJ Allen	City Manager
	Summer Palmer	Assistant City Manager
	Stuart Williams	City Attorney
	Kelly Bennett	Police Chief
	Adam Favero	Public Works Director
	Braden Felix	City Engineer/PW Deputy Director
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Kelli Bybee	Communications Assistant
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder

Mayor Shepherd called the meeting to order at 6:01 p.m.

DISCUSSION ON THE FISCAL YEAR 2022 BUDGET

Rich Knapp, Finance Manager, reviewed the changes in the revenues and expenditures of the FY22 Budget since the tentative budget's adoption. He stated there was a change of \$161,606 to revenue due to maintaining the property tax rate. He highlighted the following expenses that almost offset the revenue increase:

- Dispatch phone and radio recording maintenance – \$7,800
- Fleet repair for parks was adjusted up to match historic trends – \$5,000
- Added inspections training – \$1,590
- Added inspections training travel costs – \$2,105
- Cyber deductible – \$25,000
- Final insurance premiums – \$45,516
- Communications staffing changes – \$60,000
- Community engagement activities and or Council initiatives – \$6,000

- Additional contracted plan review and inspection services – \$30,000

Kelly Bennett, Police Chief, stated there were some grant awards received for the dispatch and radio recording maintenance which were not included on the revenues side of the budget. Mr. Knapp explained the cyber-attack deductible was expensed over the year to various accounts. He mentioned the premiums came back higher than originally anticipated but the City needed the insurance just two weeks later.

JJ Allen, City Manager, said according to the City's insurance agent Clearfield was the most insurable in the area because it was able to learn good lessons and had applied the latest technologies and best practices. Stuart Williams, City Attorney, acknowledged many other cities were not eligible to get covered.

Mr. Knapp indicated the staffing changes in communications were addressed with the Council by email. He noted there had been higher than expected contracted services for plan reviews in the prior budget and that was why it was increased by \$30,000 for FY22.

Councilmember Thompson arrived 6:06 p.m.

Mr. Allen stated Shane Crowley a current employee had been encouraged to get some training due to the high demands for building inspector services. He added with all the upcoming development and current demands the City planned to add more internal staffing for building inspection services. Spencer Brimley, Community Development Director, reported the City's contracted building inspector had told him they were doing more work for our City and more help would be needed to meet the demands for at least the next decade. There was a discussion about the current and future needs for inspections services.

Councilmember Bush asked if the plan was to eliminate contracted services and do it all in house. Mr. Allen answered not entirely the City would like to remain nimble, but in house would be good because even contracted services would likely not keep up with the demand. Mr. Brimley explained the inspections would also get more in depth. He noted even if inspections could be all done in house, the plan reviews would continue to be contracted because it would be difficult to tackle all of it in house.

Mayor Shepherd said quality was a bigger concern for him because there was a risk to the City if things were not done properly. Mr. Allen responded the City needed to increase its capacity and would try to hire someone with experience.

Councilmember Phipps said there could be an option of looking for an in-house hire but if not found then services would need to be contracted. Mr. Allen acknowledged staff had been discussing how long the development boom would last in determining the best approach but agreed with the contracted inspector that it would likely last at least 10 more years. Mayor Shepherd agreed and acknowledged the Clearfield Station project was at least a 10-year project. Mr. Allen said there would likely be a budget amendment later to adjust for the needs of the building inspections and plan reviews that were contracted.

Mr. Knapp reviewed the following other changes in revenues and expenses since the tentative budget was adopted and those impacts:

- Clearfield Mobile Home Park Bond payoff (expense) – Park Impact Fees – \$207,121
- Clearfield Mobile Home Park Bond payoff (expense) – CDRA CED Fees – \$500,000
- Clearfield Mobile Home Park Bond payoff (expense) – CDRA RDA 7 – \$500,000
- Clearfield Mobile Home Park Bond payoff (revenue) – CDRA and Park IF Transfer – \$1,207,121
- Clearfield Mobile Home Park Bond payoff (expense) – principal payoff – \$6,849,000
- Clearfield Mobile Home Park Bond payoff (expense) – current interest – \$124,678
- ARPA grant - General Fund (revenue) – \$1,558,976
- CDRA Loan Forgiveness and Subsidy Transfer (revenue) – \$1,134,177
- CDRA Loan Forgiveness and Subsidy Transfer (expense) – \$1,134,178

Mr. Knapp highlighted the following roll over projects from Community Services that were not done by June 30, 2021:

- FY21 Park Project – Natatorium Blinds – \$35,000
- FY21 Park Project – City Hall West Entrance – \$250,000
- FY21 Park Project – Kiwanis Playground – \$65,000
- FY21 Park Project – Court Resurfacing (\$80,000 total) – \$40,000
- FY21 Park Project – Barlow Dog Park – \$20,000

Mr. Knapp asked if there were any questions about the changes or budget in general.

Councilmember Bush asked if the budget was based on maintaining the tax rate. Mr. Knapp responded affirmatively. He continued there was an increase to revenues but many of the changes to the expenditures almost offset that increase.

Councilmember Phipps asked if he understood correctly the discussions about sales tax revenues. He thought the sales tax revenues had increased but the projections in the FY22 budget had not been adjusted. Mr. Knapp answered about \$5.6 million was budgeted for FY22 but the current FY21 projections were \$5.8 million; however, he had not adjusted the budget because he was not sure how much of that increase was related to stimulus money and FY21 had been so unpredictable. Mr. Allen pointed out that it was one more example of conservative budgeting not wanting to overestimate revenue projections on sales tax.

Mr. Knapp added there was a possibility the high energy use was coming back. Mayor Shepherd was surprised and asked why he thought that. Mr. Knapp stated because the utilities were reactivated.

DISCUSSION ON AN INTERLOCAL AGREEMENT WITH DAVIS COUNTY FOR THE THIRD QUARTER SALES TAX FUNDING FOR THE CLEARFIELD STATION TOD AND 500 WEST EXTENSION PROJECTS

Braden Felix, City Engineer/Public Works Deputy Director, stated the City was awarded grant funding from the Davis Council of Governments to help fund the 500 West Extension project and the Clearfield Station Project. He explained the City would need to enter into a Interlocal

Cooperation Transportation Project Reimbursement Agreement with Davis County to be reimbursed for project expenditures. He indicated it had been a learning process for the County and the City. Mr. Felix noted the City's applications were for the two largest projects and staff was happy they were approved.

Mr. Felix acknowledged the City would be reimbursed \$2 million for the 500 West Extension project and \$1.5 million for the Clearfield Station Transit Oriented Development (TOD) for a total of \$3.5 million. He explained the City would have funds from the bonding or federal funds to pay projects costs until it could be reimbursed by the County.

Councilmember Peterson wondered why the City would need to spend double before it received the reimbursement check. Mr. Felix answered it was new information to him too and he was not sure why. There was a discussion on the process for obtaining County funding and how nothing had been spelled out in the application process; but, since it was a new process for all involved there would hopefully be better communications in the future. Mayor Shepherd stated he would bring up the City's concern to the Davis County Commission when he met with them later.

Councilmember Bush asked if all the property had been acquired for 500 West Expansion project. Adam Favero, Public Works Director, answered yes.

Councilmember Peterson questioned if the 500 West Expansion project had started. Mr. Favero responded the utility project recently began and the road project was planned to begin in the fall.

JJ Allen, City Manager, said the acquisition efforts with the Clearfield Station TOD were underway. Mr. Felix updated the Council on the Clearfield Station TOD acquisition progress, preparation to advertise the construction, and changes to the plans so it was phased.

Councilmember Peterson wondered if there would be an official groundbreaking at Clearfield Station. Mr. Allen asked if the Council wanted a groundbreaking ceremony for the infrastructure project. Mayor Shepherd responded absolutely, and Utah Transit Authority (UTA) was going to pay for it. He indicated UTA Trustee, Beth Holbrook, said for him to let her know what the City wanted and she would make it happen. Mayor Shepherd stated he wanted a billboard on site so the public knew what was happening. Mr. Allen reported things were looking good in securing an anchor tenant for the site.

Councilmember Phipps stated it would be good to let commuters know what was happening through flyers.

Mayor Shepherd directed staff to work with Trustee Holbrook for the groundbreaking ceremony. Mr. Allen replied it would be good to work with the selected contractor so they knew a groundbreaking ceremony needed to happen before the work began. Mayor Shepherd stated it would be good to get legislators and UTA representatives at the groundbreaking. Mr. Allen agreed it would be a newsworthy event.

Mr. Felix recommended due to the size of the project, staff would be getting a construction manager for the project and would also like to hire someone as the go-to contact for residents or

business owners. He asked if the Council would be interested in doing this. The consensus of the Council was to hire a construction or project manager.

Councilmember Thompson asked how the City would be reimbursed from the County for the projects. Mr. Felix explained how the process would work and said the City would spend far more than the funds that would be reimbursed so there should not be any issues with getting the total awarded amount. He noted on the 500 West project federal funds would be used and the County would reimburse the City up to \$1.5 million. He mentioned there was a possibility that the City would not have to spend any of its own money towards the 500 West Roadway Expansion but there were no guarantees.

DISCUSSION ON ACCESSORY DWELLING UNITS (ADU)

Spencer Brimley, Community Development Director, stated there had been many discussions back and forth related to accessory dwelling units (ADUs). He mentioned there was current legislation in place starting October 1, 2021 with HB82 that mandated internal accessory dwelling units (IADUs) as a permitted use. He asked if the Council wanted to explore external ADUs or generate standards for internal ADUs only. Mr. Brimley stated the staff report included recommendations for what could be included in the regulation. He noted staff would look at other cities that had been successful but craft the ordinance language for Clearfield. He acknowledged a large part of the work would be in getting with property owners that currently had an ADU and bringing them into compliance with the regulations.

Councilmember Bush wondered if the current ADUs would need to come into compliance or would they be considered as grandfathered. Stuart Williams, City Attorney, stated ADUs were never legal to begin with so it would not be considered a legal nonconforming use. Brad McIlrath, Senior Planner, replied language could be included so property owners understood that if an ADU existed previously there would be a process they would need to go through to be in compliance and set a time limit for doing so.

Mr. Brimley asked if there were aspects that were of concern. He said parking issues were expressed as a concern in prior discussions.

Councilmember Bush questioned if compliance would need to be met for existing building code or if there would be exceptions for egress of windows or other things. Mr. Brimley responded internal ADUs were to be allowed but there were certain reliefs provided in the legislation so it could be more applicable. Mayor Shepherd explained the intent of the legislature was to allow for a single-family dwelling to have a portion rented out, so some exceptions were granted but many would still exist.

Councilmember Bush stated HB82 said it would not be allowed on lots less than 6,000 square feet and wondered if that was meant for internal or external ADUs or both. Mr. Brimley answered the legislation regulated IADUs and cities could limit the use on lots less than 6,000 square feet. He explained it would be important to enact regulations for the City, otherwise the City would be held to the State Law.

Councilmember Thompson expressed his concern that single-family homes would become two- or three-bedroom apartments so he was not sure how this would work. Mayor Shepherd responded the legislation did not allow multiple rooms to be rented out to multiple individuals, because it was limited to two families within one single-family dwelling.

Councilmember Peterson expressed her desire not to touch external ADUs yet, but instead deal with IADUs. She indicated the legislature might send out other mandates but until then it would be good to work through any issues with IADUs and learn from that process first. She felt it would be important to have parking be self-contained. She agreed any egress should be side or rear loaded so it still looked like a single-family neighborhood.

Councilmember Peterson expressed her opinion that having the 20 percent exclusion would help Clearfield; however, she was not sure if it was practical and was hesitant to do it. She worried about excluding IADUs from homeowners that had lot sizes less than 6,000 square feet and would like to have that vetted a bit more before a decision was made especially with micro apartments becoming more prevalent.

Councilmember Peterson stated the Council would need to designate how many parking spots were needed to have an IADU. She questioned if it should be one additional or two additional spots and felt parking could be a better metric than the square footage of the lot.

Mayor Shepherd commented he had many issues with HB82, but parking was not a major concern for him. He pointed out that the legislation allowed cities to mandate one extra parking space. He acknowledged most people would just say they had one extra space by parking on the street. He indicated Clearfield had a winter parking ordinance; therefore, winter parking enforcement would be done, and street parking would no longer be an option. He noted people would have to figure out like others, how to park in the driveway.

Councilmember Peterson cautioned there could be other things that should be looked at when drafting the ordinance that allowed IADUs.

Councilmember Bush stated some areas of the City had narrow streets and worried about the use of narrow streets as an option for permanent parking. Mr. Brimley responded the City could create parameters and if property owners wanted to utilize the option of having an IADU they would have to meet certain standards. He stated the Council needed to determine the standards and parking could be one of them.

Mr. Brimley stated parking was one of the big concerns for many cities. There was a discussion about the following concerns or suggestions that should be contemplated as the City drafted its ordinance for IADUs.

- The application process should have the applicant demonstrate how parking would be managed similar to a site plan.
- The applicant should show how egress out of windows would work for the property.
- Some of the guiding principals should be the livability of the environment and safety concerns.

- Permitting could be required and if there were code violations on the property then the license could be revoked.
- Owner occupancy could be a restriction.
- Enacting regulations for IADUs could affect the ability to have short term rentals.

Mr. Brimley stated staff's intent was to bring a drafted ordinance through the process starting in September so the Council could take action by the end of September or closely after the deadline. Mr. Allen confirmed that having an ordinance in draft form and moving through the process prior to the deadline would require any applicants to wait for the ordinance before the applications could be processed. Mr. Brimley answered affirmatively.

Councilmember Peterson questioned what the impacts would be from the State if an ordinance were not enacted by October 1st. Mr. Brimley explained the City could enact its own regulations but if those were not in place, then the State's standards would be in effect, so the City probably would not want to wait too long to enact its own standards.

Councilmember Peterson moved to adjourn the work session and reconvene in policy session at 6:54 p.m., seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

The meeting reconvened at 9:12 p.m.

DISCUSSION ON THE CITY COUNCIL FOURTH OF JULY FLOAT

Mayor Shepherd reviewed the history of the Council's float. He indicated for many years the Mayor and Council rode in individual trucks. He stated after that Kathryn Murray had volunteered and used her expertise and organized a float for the Council, and the last few years it had been delegated to Councilmember Peterson. Councilmember Peterson stated since the Council's float inception the Council had reduced its participation with float efforts and there had been changes with Modern Display. Mayor Shepherd mentioned during the past year there had been challenging moments especially on the time and efforts from Councilmember Peterson and her entire family.

Councilmember Peterson said the year she joined the Council, Modern Display changed the way they operated and now charged a premium for floats so staying within budget was difficult. There was a discussion on the challenges of float building, increasing material costs, managing supplies for the various groups of the City joining the float building process, and budget restrictions.

Councilmember Peterson stated the Council needed to decide if it should continue the tradition of having a Council float. She expressed her opinion if the Council discontinued its float the quality of the parade would tank because the engagement and quality of others would lessen. She reviewed some options if the Council chose to continue creating a float.

- 1- All the members of the Council would need to agree to take it on and plan time, financial, and creative efforts accordingly.

- 2- Pay to have someone else make the float but Modern Display would cost between \$25,000 to \$30,000.
- 3- Recognize the commitment and attach a stipend to the assignment. Treat it as a project and coordinate among departments and have a more coordinated effort for all City floats to have a better product and reduce the impact on the Public Works staff and space.

Councilmember Peterson recommended option three but felt it should no longer be a volunteer effort because it was a huge time commitment. She asked if the Council felt it was worth continuing to do a Council float.

Councilmember Bush stated it would be important to determine the objective because that would impact the decision. He stated if the objective was to ride and wave in a parade that was much different than an objective to build up the quality of the parade and represent the City as a group.

Councilmember Peterson expressed her opinion if the Council chose to do individual vehicles, then it should bear the associated costs, but if the Council did a group float it would be appropriate to use City funds for the cost burdens. There was a discussion about the objective of having a Council float, the reputation of the parade, coordination efforts needed, and whether a stipend should be considered.

Mayor Shepherd indicated the parade coordinator was provided a stipend, but he was not certain an equivalent amount would be sufficient for a float coordinator.

Councilmember Peterson encouraged the Council to decide if there was value in pursuing the course and keeping the float. She explained if it was worth keeping then details could be flushed out later for what that might look like. She added if it was not worth maintaining a Council float, then things could be scaled back.

Councilmember Bush stated he did favor having a float if the costs were not \$20,000 to \$30,000. Mayor Shepherd agreed the float should not be done by Modern Display.

Councilmember Roper favored getting someone else to organize it.

Councilmember Thompson felt the Council's float set the tone and pushed others in their participation. He liked the idea of getting a volunteer to oversee it and thought it would be good to pay a stipend rather than pushing it to staff.

Councilmember Phipps recommended having a balance with getting the volunteer with a stipend and job description that would be the coordinator but involve the Council in the float's execution. He liked the idea of the coordinator coming up with a theme, coordinating it, creating a materials list, and allowing the Council to help put it together.

Mayor Shepherd suggested it should be the same stipend paid to the parade coordinator because it was the same level of work. He recommended a \$2,000 stipend for the float coordinator and said that person could assist with the Council and Youth Commission floats. Mayor Shepherd

said it would be good to change things before the centennial year and have a stipend in place with the next year's budget. He asked if there was any disagreement in choosing option three.

Councilmember Phipps stated it would be important to have the scope and a job description prepared and work to find someone that could coordinate the efforts for the Council's float.

Councilmember Peterson stated she loved doing it, but it had been challenging. Mayor Shepherd stated he did not care if she continued to do it, but it might also be nice to be on the helping side of things rather than the coordinating side. He indicated there should not be a problem paying her the stipend.

JJ Allen, City Manager, commented there would need to be some things considered if an elected official was desired to be the float coordinator and be paid a stipend. He stated there would need to be changes to the ordinance regarding Council compensation plus it might be difficult to pay a stipend to someone already on payroll. There was a discussion about how changes could be made and the public process which would be necessary.

The consensus of the Council was to continue having a Council float and find a volunteer coordinator that could be paid a stipend to assist in organizing the efforts.

Councilmember Peterson moved to adjourn at 9:45 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.



STAFF REPORT

TO: Mayor Shepherd and City Council Members
FROM: Brad McIlrath, Senior Planner
MEETING DATE: Tuesday, April 26th, 2022
SUBJECT: Public Hearing, Discussion, and Possible Action on **ZTA 2022-030051**, a request by Clearfield City to amend the landscaping standards of the Downtown Form Based Code. **(Legislative Action).**

PLANNING COMMISSION RECOMMENDATION

On April 6th, 2022, the Planning Commission forwarded a recommendation of **APPROVAL** to the City Council for **ZTA 2022-030051**, a zoning text amendment request by Clearfield City to amend the landscaping standards of the Downtown Form Based Code. This recommendation was made on a unanimous vote.

DESCRIPTION / BACKGROUND

With significant drought conditions and projections of continued population growth, water conservation efforts are increasingly necessary. In February of 2022, Clearfield City adopted a water-efficient landscaping ordinance to support water conservation. The city collaborated on the ordinance with Weber Basin Water Conservancy District (Weber Basin).

The water-efficient landscaping standards that were adopted in February provide regulations for all areas of the city that aren't in the Downtown Clearfield area. Standards for development in the Downtown area are found in the Form-Based Code (FBC). To align the FBC landscaping standards with the rest of the city, staff is proposing a few amendments to the Site and Landscape Standards (Chapter 7).

Currently, the FBC allows for up to 60% of the landscaped area to be installed with turf grass. To be consistent with recent updates, the maximum percentage of the landscaped area allowed as turf grass will be changed to 15%.

Regarding plant placement, staff is proposing to include the same standards for turf grass in park strips as were recently adopted in Clearfield's new ordinance. That standard specifies that park strips and other areas less than eight (8) feet wide are not to be landscaped with turf grass.

Staff is also proposing to include "inclement weather" language into the landscape bond process as outlined in the FBC. This would mirror the process for other areas in the city. Typically, a landscape bond is required by cities when a project, due to inclement weather, is unable to install landscaping but wanting to be granted occupancy for a building.



When a project bonds for landscaping improvements, the FBC requires the bond amount to be 125% of the estimated construction and installation costs of the landscaping. The additional 25% is to guarantee the survival of the installed landscaping and is retained by the city for a period of one year after installation is completed. Staff recommends that the city keep the guarantee in the FBC to ensure the vision and purpose of the code are met, and that the development in the Downtown area is held to the high design and installation standards as outlined in the code. Upon researching “improvement warranty” regulations in the Municipal Land Use, Development, and Management Act (LUDMA) of State Code, staff proposes changing the guarantee amount from 25% to 10%. This is to comply with the State Code provision stating that an improvement warranty may be up to 10% of the applicant’s reasonable proven cost of completion.

The proposed amendments to Chapter 7 of the FBC are shown in an attachment to this report. Staff has indicated the text to be removed by highlighting it in red. The text shown with green font represents the text that will either replace what is existing, or show any text being added to the code.

CORRESPONDING POLICY PRIORITY (IES)

The proposed ordinance amendment meets the Policy Priorities of *Providing Quality Municipal Services* by amending FBC to be consistent with other sections of city code.

SCHEDULE / TIME CONSTRAINTS

If the City Council chooses to table the item to direct staff to perform research for further information on proposed amendments, the item will need to be tabled to a date specific to comply with public hearing notice requirements.

PUBLIC COMMENT

Public notice was placed in the newspaper the week of March 21, 2022, on the State of Utah public notice website, and on the City’s website. No public comment has been received to date.

FINDINGS AND CONCLUSION

Zoning Ordinance Text Amendment

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



Review Consideration		Staff Analysis
1)	The proposed amendment is in accordance with the General Plan and Map; or	The proposed amendments are in accordance with the General Plan which encourages the preservation of the natural resources of the community.
2)	Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.	With changes related to population growth, water supply, and drought, the proposed ordinance changes are necessary to provide support for this Title.

Based upon a review of the existing and proposed ordinance standards Staff concludes the following:

1. Clearfield City should be continually working to help with the regions efforts to use water resources efficiently and plan for future growth.
2. The proposed changes are part of Clearfield’s collaboration with Weber Basin Water Conservancy District, and are benefiting Clearfield residents by allowing participation in the “Flip Your Strip” rebate program.
3. The proposed changes are in compliance with the Municipal Land Use, Development, and Management Act (LUDMA).

LIST OF ATTACHMENTS

1. Form Based Code, Chapter 7, Site and Landscape Standards (proposed amendments illustrated)

CLEARFIELD CITY ORDINANCE 2022-09

AN ORDINANCE AMENDING TITLE 11 OF THE CLEARFIELD CITY CODE

PREAMBLE: This Ordinance amends Title 11, Chapter 11, Article G – Form Based Code of the Clearfield City Code.

BE IT ORDAINED BY THE CLEARFIELD CITY COUNCIL:

Section 1. Enactment:

Title 11, Chapter 11, Article G, Sub Chapter 7.0 – Form Based Code. Site and Landscape Standards is hereby amended in its entirety as identified in the attached Exhibit “A.”

Section 2. Repealer: Any provision or ordinances that are in conflict with this ordinance are hereby repealed.

Section 3. Effective Date: These amendments shall become effective immediately upon passage and posting.

Passed and adopted by the Clearfield City Council this 26th day of April, 2022.

CLEARFIELD CITY CORPORATION

Mark R. Shepherd, Mayor

ATTEST:

Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

Chapter 7.0

SITE & LANDSCAPE STANDARDS

7.1 Purpose

1. Intent

The site landscape and amenity standards outlined in this chapter are designed to:

- (1) Provide landscaped areas and amenities in an urban neighborhood context that serve as visual and/or functional site enhancements.
- (2) Enhance lots and street frontages with opportunities for enjoyment of the outdoors, buffer parking areas, and facilitate stormwater management.
- (3) Promote the prudent use of water and energy resources by achieving and maintaining sustainable, functional landscapes.
- (4) Increase the compatibility of adjacent uses and minimize the adverse impacts created by adjoining or neighboring uses.
- (5) Shade large expanses of pavement and reduce the urban heat island effect.

2. Applicability

- (1) General Compliance. Requirements and standards apply to all development.
 - (a) Existing Uses and Buildings. Application to existing uses and buildings shall occur with the following developments.
 - (i) Alteration to an existing principal or accessory structure that results in a change of 25% or more in the structure's gross floor area.
 - (ii) Any development of new or significant improvements to existing parking lots, loading facilities, and driveways. Significant improvements include new driveways, new spaces, new medians, new loading facilities, or complete reorganization of the parking and aisles.
 - (iii) When compliance is triggered for existing parking lots, landscape improvements shall take precedence over parking requirements.
- (2) Temporary Uses. These provisions do not apply to temporary uses, unless determined otherwise by the City.

7.2 General Landscape Requirements

1. Landscaped Areas

- (1) All areas of a development and/or lot that are not covered by building(s), pavement for parking and/or circulation, or streetscape enhancements shall be landscaped and meet the standards of this chapter.
- (2) In no case shall the total landscaping – site enhancement and parking lot enhancement combined – be less than 10% of the gross land area. For lots with full coverage by impervious and semi-pervious elements, landscaping requirements may be met by enhancing the active streetscape with additional improvements to the street buffer zone and/or creation or enhancement of landscaped/green roofs.
- (3) An active streetscape may be counted as part of the required landscape with applicable building types and zoning districts. Active streetscapes require additional improvement to the street buffer zone. Active streetscape square footage above the minimum required setback area may be counted toward landscape requirements.
- (4) Landscaped roof gardens may count towards required landscape areas and plant requirements.

2. Required Amounts of Landscaping

- (1) Plant Requirements
 - (a) Tree Requirements. 20 trees are required per 1 acre of project. Street trees do not count toward this requirement.
 - (b) Shrub Requirements. 50 shrubs are required per 1 acre of project. Two (2) ornamental grasses or perennials count as one (1) shrub up to 60% of required shrubs.
 - (c) The maximum percentage of landscape area that may be turf grass is ~~sixty percent (60%)~~ **fifteen percent (15%)** and the remaining landscape area should be planter bed areas or xeric/water wise plantings. Parks and sports fields do not have a limited turf grass requirement.



Figure 7.2 (1). Landscape areas of a development.

3. Plant Placement

- (1) Plant material shall be placed around the perimeter of the building footprint in a five (5) foot minimum planting strip except for entrances, utilities and where setbacks are less than five feet. For setbacks less than five feet plant materials shall be placed around the perimeter of the building footprint in a planting strip the dimension of the setback, unless no setback exists. Refer to Figure 7.2 (2).
- (2) Types of Plants/Plant Selection. **A minimum of 60% of the** The planting selections must be water wise. Plants may be selected from the State of Utah waterwise plant list at <https://waterwiseplants.utah.gov> **or**, the Conservation Garden Park database at <https://conservationgardenpark.org/plants> **or** the waterwise plant list at <https://www.weberbasin.com>.
- (3) Size of Plants. Plant material shall be sized according to Table 7.2 (1) at the time of installation, unless otherwise noted in this section.
- (4) Turf Grass. Park strips and other areas less than eight (8) feet wide shall not be landscaped with turf grass.

Table 7.2 (1) - Plant Material Size at Installation

Plant Material Type	Minimum Size
Deciduous Shade/Overstory Tree	
Single Trunk	2" caliper
Multi Trunk	10' in height
Evergreen Tree	8' in height
Ornamental Tree	2" caliper
Shrubbery - Deciduous	5 gallon
Shrubbery - Evergreen	5 gallon
Groundcover	3" in height
Ornamental Grass	1 gallon
Perennial	1 gallon



Figure 7.2 (2). Plant placement around building perimeter.



7.0 Site & Landscape Standards

7.3 District Transition Buffer

1. Intent

- (1) Intent. To minimize the impact that one zoning district may have on a neighboring district and to provide a transition between districts.

2. Applicability

- (2) General Applicability. Applies to all properties in districts that abut the TR district or existing residential adjacent to the Downtown. Applies to rear and side yards.
- (3) The buffer may be used for storm water drainage with a maximum depth of one foot and no more than a 2 to 1 slope on the edges. Such areas shall be landscaped with a combination of trees, shrubs, inert mulches, and boulders.

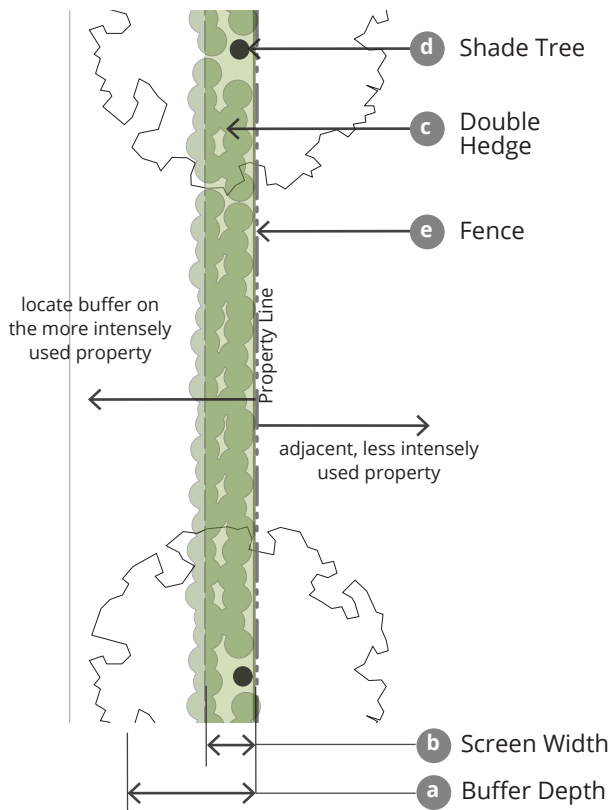


Figure 7.3 (1). Landscape Screen Plan View.

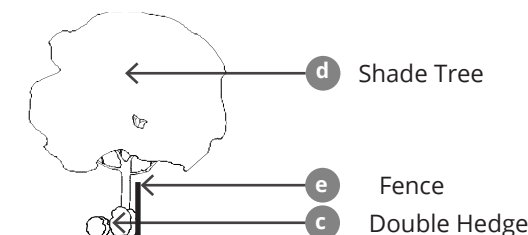


Figure 7.3 (2). Landscape Screen Section.

Table 7.3 District Transition Lot Buffer Requirements

1. Total Buffer Depth & Location

a	Depth	5' Buffer between TR District and other FBC Districts
		10' Buffer between existing residential and all FBC districts (for width of required Landscape Screen within the Buffer see section 2 below)
	Location	Locate buffers on more intensively zoned lot; Buffer is measured from side and rear property lines.

2. Required Landscape Screen

b	Width	5' landscape screen as part of total buffer depth
	Location	Directly adjacent to the rear or side property line
c	Hedge	Continuous double row of shrubs required between shade trees
	Hedge Composition	Double row of individual shrubs with a minimum width of 24", spaced no more than 36" on center; Mature height in one year of 24"
	Hedge Frequency	Minimum of 15 shrubs per 100' of property line is required
d	Shade Trees	At least 1 medium or large shade tree per every 40' within the buffer

3. Buffer Landscape Requirements

Uses and Materials	Uses and materials other than those indicated are prohibited within the buffer
Tree Canopy Coverage	1 medium or large shade tree required per 200 square feet of buffer, excluding the area within the required landscape screen
Existing Vegetation	May be credited toward buffer area

4. Buffer Fence Requirements

e	Location and Height	A six foot fence is required in the buffer area. The fence shall be located along the property line.
	Materials	The fence shall be opaque and constructed of materials that complement the adjacent building on which the buffer is located. White vinyl and chain link with slats are not allowed.

Notes:

1 Clearfield City may reduce width of buffer, width of landscape screen, or location of landscape screen based on existing landscaping and topography.

7.4 Parking Lot Buffer

1. Intent & Applicability

- (1) Intent. To lessen the visual impact of vehicular parking areas on streets and adjacent properties.
- (2) General Applicability. Applies to properties in all districts where a vehicular parking area is located along a front, rear, or side property line or adjacent to a right-of-way.
 - (a) Exceptions. Parking lots may and should directly adjoin and landscape buffers are not required between lots provided interior lot landscaping requirements are met. Vehicular areas along alleys, except when a residential district is located across the alley; Single- and two-family residences.

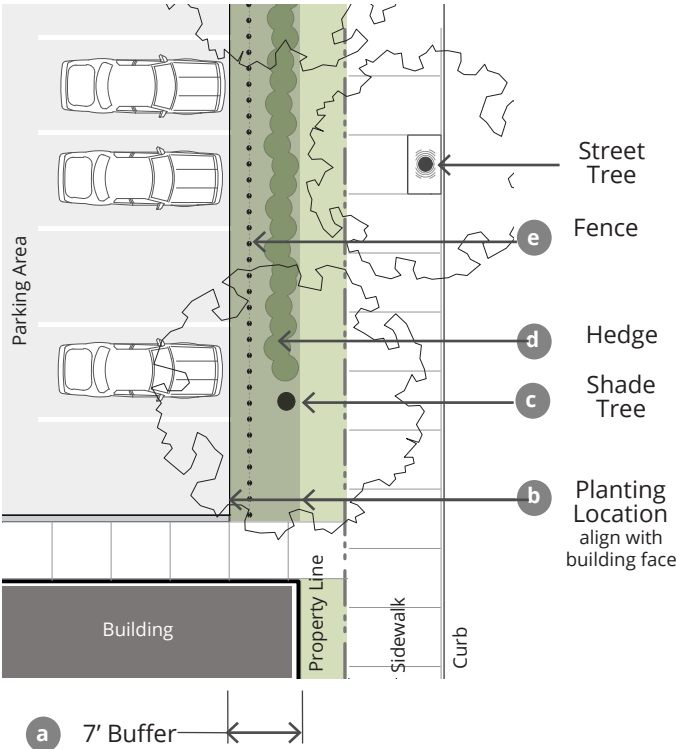


Figure 7.4 (1). Frontage Buffer Plan View

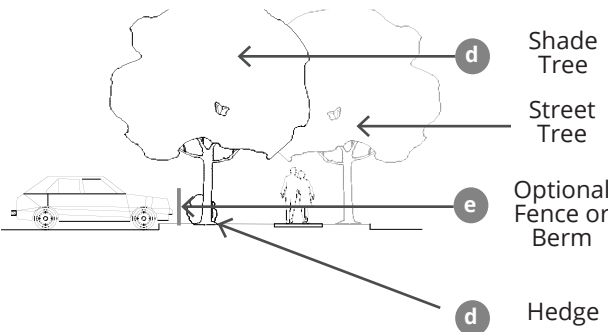


Figure 7.4 (2). Frontage Buffer Section.

Table 7.4 Parking Lot Buffer Requirements

1. Buffer Depth & Location ¹	
a Depth	7' (a reduction to 5' is allowed if structural soil or urban root system is used on rear/side buffers)
b Location on the Site	Between street facing property line and parking area ² Between parking area and side and rear property lines.
2. Buffer Landscape Requirements	
Uses & Materials	Uses and materials other than those indicated are prohibited in the buffer
c Shade Trees	Medium or large shade tree required at least every 40'; Locate on the street side of the fence; Spacing should alternate with street trees
d Hedge	Required continuous hedge on street side of fence, between shade trees & in front of vehicular areas
Hedge Composition	Individual shrubs with a minimum width of 24", spaced no more than 36" on center, height maintained no more than 48".
Existing Vegetation	May be credited toward buffer area
3. Fence Requirements (optional)	
e Location	2' from back of curb of vehicular area
Materials	Steel or Colored Vinyl (white vinyl not permitted) Masonry columns are permitted (maximum column width 2'6"; maximum base 18" height) Refer to Figure 7.4 (3)
Minimum Height	30"
Maximum Height	36"
Colors	Black, gray, or dark green
Opacity	Minimum 30%; Maximum 60%
Gate/Opening	One gate permitted per street frontage; Opening width maximum 6'

Notes:

¹ This screening requirement does not prohibit the installation of or provision for openings necessary for allowable access drives and walkways connecting to the public sidewalk.

² In front, corner, and rear yards (on a through lot), when the parking area is located adjacent to any building on the lot, the buffer must be located so that it aligns with or is behind the face of the adjacent building back to the vehicular area. The area between the buffer and the property line must be landscaped.



Figure 7.4 (3). Fence with masonry columns example.

7.0 Site & Landscape Standards

7.5 Interior Parking Lot Landscape

1. Intent & Applicability

- (1) Intent. To provide shade, minimize paving & associated stormwater runoff, & improve the aesthetic look of parking lots.
- (2) General Applicability. All Districts.
- (3) Other Internal Parking Lot Areas. Internal areas not dedicated to parking or drives shall be landscaped with a minimum of one medium or large shade tree for the first 150 square feet and one medium or large shade tree for every 650' thereafter.
- (4) Existing Vegetation. Existing vegetation may be credited toward these requirements.
- (5) Parking lot interior is defined as the area dedicated to parking on a given parcel as measured from edge of pavement to edge of pavement.

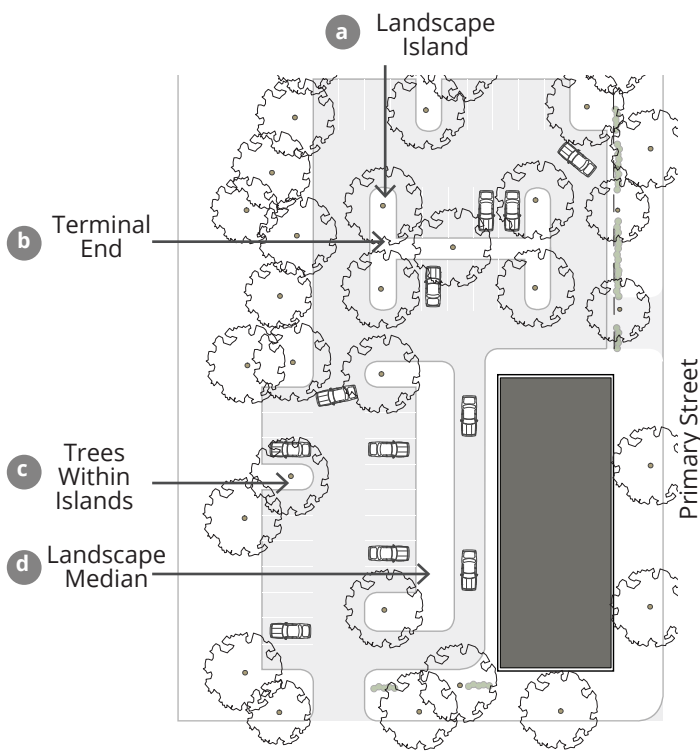


Figure 7.5 (1). Interior Parking Lot Landscaping.

7.5 Interior Parking Lot Landscape Requirements

1. Landscape Island Requirements

Required Island Locations ¹	Islands are required at the terminal ends of free standing rows or bays of parking. Islands are required after every ninth parking space for rows of parking greater than 12 spaces in length.
Minimum Width & Length	5' wide; Islands less than 15' in length must utilize structural soil under any paved surface within a tree's critical root zone; Islands under 9' must install an aeration system and utilize permeable pavement for the curb and gutter.
Required Trees and Storm Water	Minimum of 1 medium or large shade tree per island. Islands shall be designed (as bio-swales) to accommodate storm water run off where the drainage plan can be reasonably designed to accomplish that objective.

2. Landscape Median Requirements

Required Median Location ¹	Required in each free-standing bay of parking along the length of the bay
Minimum Width & Length	5' width; Medians less than 15' in length must utilize structural soil under any paved surface within a tree's critical root zone; Medians under 9' must install an aeration system and utilize permeable pavement for the curb and gutter.
Required Trees and Storm Water	Minimum of 1 medium or large shade tree per median. Medians shall be designed (as bio-swales) to accommodate storm water run off where the drainage plan can be reasonably designed to accomplish that objective.

3. Tree Requirements

Requirements per Parking Space	Each parking space must be located within 50' of a tree planted within parking lot interior. Minimum of 1 shade tree must be planted within parking lot interior or within 7' of parking lot's edge for every 5 parking spaces.
Tree Shade Goal	Within 20 years of tree installation, 25% of the interior of the parking lot should be shaded by tree canopy. Refer to Table 7.7 (1) for mature canopy estimates.

Notes:

¹ Landscape islands and landscape medians are not required specifically for stalls with covered parking.

7.6 Landscape Screening

1. Intent & Applicability

- (1) Intent. To reduce the visibility of open storage, refuse areas, and utility appurtenances from public areas and adjacent properties.
- (2) General Applicability. All dumpsters, open storage, refuse areas, and utility appurtenances in all Districts.

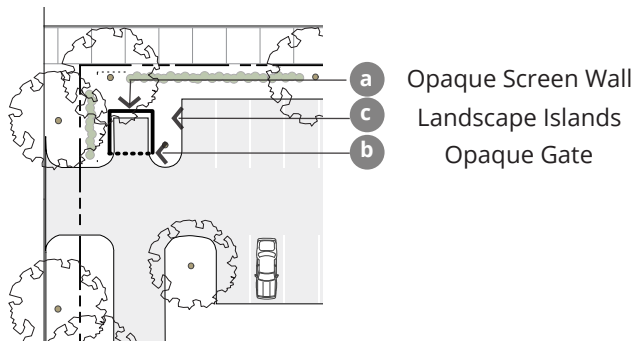


Figure 7.6 (1). Screening of Open Storage & Refuse Areas.

7.6 Screening of Open Storage, Refuse, and Utility Areas

1. Open Storage & Refuse Area Screening Requirements

Location on the Site	Not permitted in front or corner side yards, within 10 feet of property line and between building and street
Opaque Screen Wall ¹	Required around 3 sides of the dumpster and trash bin area
Screen Wall Height	Height shall be the higher of the following: 1. 6' 2. Height of use to be screened 3. Height as determined by City to accomplish objective of the screen
Visible Openings	Openings visible from the public way or adjacent properties must be furnished with opaque gates
Landscape Requirement	If refuse area is located within larger paved area, such as a parking lot, landscape islands must be located on 3 sides of the area, with at least 1 medium or large shade tree in at least 1 of the landscape areas ²

2. Utility Appurtenance Screening Requirements

Large Private Mechanical Equipment ³	Shall be fenced with opaque wood or brick-faced masonry on all sides facing right-of-way
Small Private Mechanical Equipment ⁴	Shall have landscape screening and a shrub bed containing shrubs spaced no more than 36" on center

Notes:

- ¹ Vertical structured barrier to visibility at all times such as a fence or wall
- ² This tree, if located within 50' of a parking space, may be utilized to meet the minimum shade requirements
- ³ Large private mechanical equipment is equal to or greater than 4' in height
- ⁴ Small private mechanical equipment is smaller than 4' in height

7.7 Installation and Landscape Maintenance

1. Intent

The following provisions aid in ensuring that all required landscaping is installed and maintained properly.

2. Applicability

These provisions apply to landscape installation as required by this section.

3. General Requirements

The installation of landscaping shall adhere to the following standards.

- (1) **National Standards.** All landscaping and trees shall be installed and maintained in conformance with the best management practices and procedures established by the most recent edition of the American Standard for Nursery Stock (ANSI Z60.1) as published by American Horticulture Industry Association d/b/a AmericanHort (www.americanhort.org). This includes provisions on pruning, fertilizing, support systems, lighting protection, and safety.



4. Installation Timing Requirements

- (1) **Installation Timing.** Landscaping and Site Amenities shall be fully installed prior to the issuance of a certificate of occupancy, or in cases of inclement weather, within the following time periods.
 - (a) For projects of all building types except Townhouse or Garden Court, all landscaping and site amenities shall be installed within six (6) months of the date of initial occupancy. The date of initial occupancy shall be the date that a certificate of occupancy is issued for the first building or facility of an individual phase or plat of the development.
 - (b) The front and side yards of all Townhouse or Garden Court building types in all zones shall be landscaped within six (6) months of the date of initial occupancy for the building or structure with which they are associated. The rear yard shall be landscaped within twelve (12) months of the date of initial occupancy. Date of initial occupancy will be the date that a certificate of occupancy is issued for the dwelling unit.
- (2) **Bond Required.** In cases of inclement weather and in order to ensure that all required landscaping is installed in an acceptable manner, the developer shall post a separate cash bond with the city recorder or establish an escrow account with an appropriate financial institution. The cash bond or escrow account shall be subject to approval by the city engineer, Community Development Department, and shall be in an amount equal to one hundred twenty-five ten percent (125%) (110%) of the estimated costs of construction and installation of all required landscaping, parks, playgrounds, recreation facilities, fences, walls, and other amenities shown on the final landscape plan or site plan, as applicable.
 - (a) The bond or escrow account shall be posted or established in accordance with all other city regulations.
 - (b) The bond or escrow account shall be posted or established prior to the issuance of a certificate of occupancy for the site.
 - (c) The bond shall be accompanied by a schedule of anticipated completion dates for such improvements. In no case shall the time period for completion exceed the time periods set forth in this section.
 - (d) In the event that the improvements are not completed in reasonable conformance with said schedule, the city may undertake to complete the improvements and pay for such improvements from the bond or escrow account.
- (3) **Guarantee.** To guarantee the survival of the installed landscaping, twenty-five ten percent (25%) (10%) of the bond required shall be retained by the city for the period of one year after installation is completed.

5. Condition of Landscape Materials

- (1) Condition of Landscape Materials. The landscaping materials used shall be:
 - (a) Healthy and hardy with a good root system.
 - (b) Chosen for its form, texture, color, fruit, pattern of growth, and suitability to local conditions.
 - (c) Tolerant of the natural and man-made environment, including tolerant of drought, wind, salt, and pollution.
 - (d) Appropriate for the conditions of the site, including slope, water table, and soil type.
 - (e) Protected from damage by grates, pavers, or other measures.
 - (f) Plants that will not cause a nuisance or have negative impacts on an adjacent property.
 - (g) Species native or naturalized to the Wasatch Front, whenever possible.
- (2) Compost, Mulch, and Organic Matter. Compost, mulch, and organic matter may be utilized within the soil mix to reduce the need for fertilizers and increase water retention.
- (3) Establishment. All installed plant material shall be fully maintained until established, including watering, fertilization, and replacement as necessary.

6. Ground Plane Vegetation Installation

All unpaved areas shall be covered by one of the following.

- (1) Planting Beds.
 - (a) Planting beds may include shrubs, ornamental grasses, ground cover, vines, annuals, or perennials.
 - (b) Nonliving materials, such as colored gravel, or mulch, are permitted for up to 50% of a bed area.
 - (c) Annual beds must be maintained seasonally, replanting as necessary.
- (2) Grass. Seeded, plugged, or sodded grass may be planted throughout landscaped areas.
 - (a) Grass shall be established within 90 days of planting or the area must be re-seeded, re-plugged, or re-sodded.



7.0 Site & Landscape Standards

7. Tree Installation

This section applies to all trees, including street trees (refer to Chapter 5.0 Street & Streetscape Standards).

- (1) Tree Measurement. New trees shall be measured at six inches above the mean grade of the tree's trunk when four-inch caliper or less and twelve inches for tree trunks above four inches, and as noted as caliper inches throughout this ordinance.
- (2) Tree Size. All trees to be installed to meet the requirements of this section shall have a minimum two-inch caliper at the time of installation.
- (3) Tree Maintenance. Tree trimming, fertilization, and other similar work shall be performed by or under the management of an ISA certified arborist.
- (4) Permeable Surface. For each tree preserved or planted, a minimum amount of permeable surface area is recommended, unless otherwise stated in this ordinance.
 - (a) At least 70% of the future mature canopy limits of preserved trees should have a permeable surface. Refer to Table 7.7 (1) for mature canopy estimates.
 - (b) Planted trees have a suggested minimum permeable area and soil volume based upon tree size; refer to Table 7.7 (2) for details.
 - (c) Permeable area for one tree cannot count toward that of another tree.
- (5) Structural Soil. When the Soil Surface Area of a tree will extend below any pavement, structural soil is required underneath that pavement; refer to Table 7.7 (2) for details. Structural soil is a medium that can be compacted to pavement design and installation requirements while still permitting root growth. It is a mixture of gap-graded gravels (made of crushed stone), clay loam, and a hydrogel stabilizing agent to keep the mixture from separating. It provides an integrated, root penetrable, high strength pavement system that shifts design away from individual tree pits

Table 7.7 (1). Estimated Tree Canopy & Height at Maturity

Tree Size	Estimated Canopy at Maturity (sq ft)	Estimated Height at Maturity (ft)
Very Small	150	under 15'
Small	400	15'-25'
Medium	900	25'-40'
Large	1600	40'+

Table 7.7 (2) - Minimum Recommended Soil Volumes and Permeable Area per Planted Tree

Tree Size	Soil Volume (cubic ft)	Soil Surface Area (sq ft) with 2.5' Soil Depth	Permeable Surface Area Requirement (sq ft)
Very Small	181	72 (approx. 8.5' x 8.5')	25 (5' x 5')
Small	736	294 (approx. 17' x 17')	100 (10' x 10')
Medium	2852	1141 (approx. 34' x 34')	225 (15' x 15')
Large	6532	2681 (approx. 50' x 50')	400 (20' x 20')

8. Irrigation Systems

Permanent irrigation, beyond establishment, is required and shall adhere to the following standards.

- (1) All irrigation systems shall be designed to minimize the use of water.
- (2) All irrigation systems shall be installed with an EPA Waterwise controller or approved equal and must be used according to directions to save water.
- (3) The irrigation system shall provide sufficient coverage to all landscape areas.
- (4) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, streets, and parking and loading areas.
- (5) All systems shall be equipped with a back-flow prevention device.
- (6) All mechanical systems including controllers and back-flow prevention devices shall be properly screened from public view.
- (7) All irrigation plans shall be stamped by Professional Landscape Architect or Certified Irrigation Designer (IA) and submitted to Clearfield City for review.

9. Maintenance of Landscape

All landscaping shall always be maintained in good condition to ensure a healthy and orderly appearance.

- (1) All required landscape shall be maintained to adhere to all requirements of this ordinance.
- (2) Replacing Unhealthy Landscaping. Unhealthy landscaping shall be replaced with healthy, live plants by the end of the next applicable growing season. This includes all plant material that shows dead branches over a minimum of 25% of the normal branching pattern.
- (3) Maintenance Responsibility. The owner is responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required herein.
- (4) Maintain Quality and Quantity. Maintenance shall preserve at least the same quantity, quality, and screening effectiveness as initially installed.
- (5) Fences and Other Barriers. Fences, walls, and other barriers shall be maintained in good repair and free of rust, flaking paint, graffiti, and broken or damaged parts.
- (6) Tree Topping. Tree topping is not permitted. When necessary, crown reduction thinning or pruning is permitted. Refer also to 5.6.6 for required clear branch height of street trees.
- (7) City Inspection. All landscaped areas regulated by this ordinance may be inspected by the City.

10. Preservation, Maintenance, And Ownership

- (1) In the event that required landscaping improvements are not installed or maintained in a manner consistent with the approved site plan or landscaping plan, the city may at its option cause such landscaping or maintenance to be performed and assess the costs to the affected property owner(s) or other responsible association or entity. (Ord. 2009-40, 11-24-2009)





STAFF REPORT

TO: Mayor Shepherd and City Council Members

FROM: Brad McIlrath, Senior Planner

MEETING DATE: Tuesday, April 26th, 2022

SUBJECT: Discussion and Possible Action on **FSP 2022-020040**, a final subdivision plat request by Clearfield City for the Clearfield Station TOD Subdivision for the properties at the subject location. **Location:** Approximately 1250 S. State Street (TIN: 12-882-0005, 12-882-0001, 12-882-0004, 12-882-0006, 12-882-0007, 12-068-0138, & 12-067-0139). **Project Area:** 70 Acres. **Zone:** M-U (Mixed-Use). **(Administrative Action).**

RECOMMENDATION

Staff recommends that the City Council **approve as conditioned, FSP 2022-020040**, a final subdivision plat request by Clearfield City for the Clearfield Station TOD Subdivision for the subject properties located at approximately 1250 S. State Street (TIN: 12-882-0005, 12-882-0001, 12-882-0004, 12-882-0006, 12-882-0007, 12-068-0138, & 12-067-0139). This recommendation is based upon the discussion and findings in the Staff Report.

PLANNING COMMISSION RECOMMENDATION

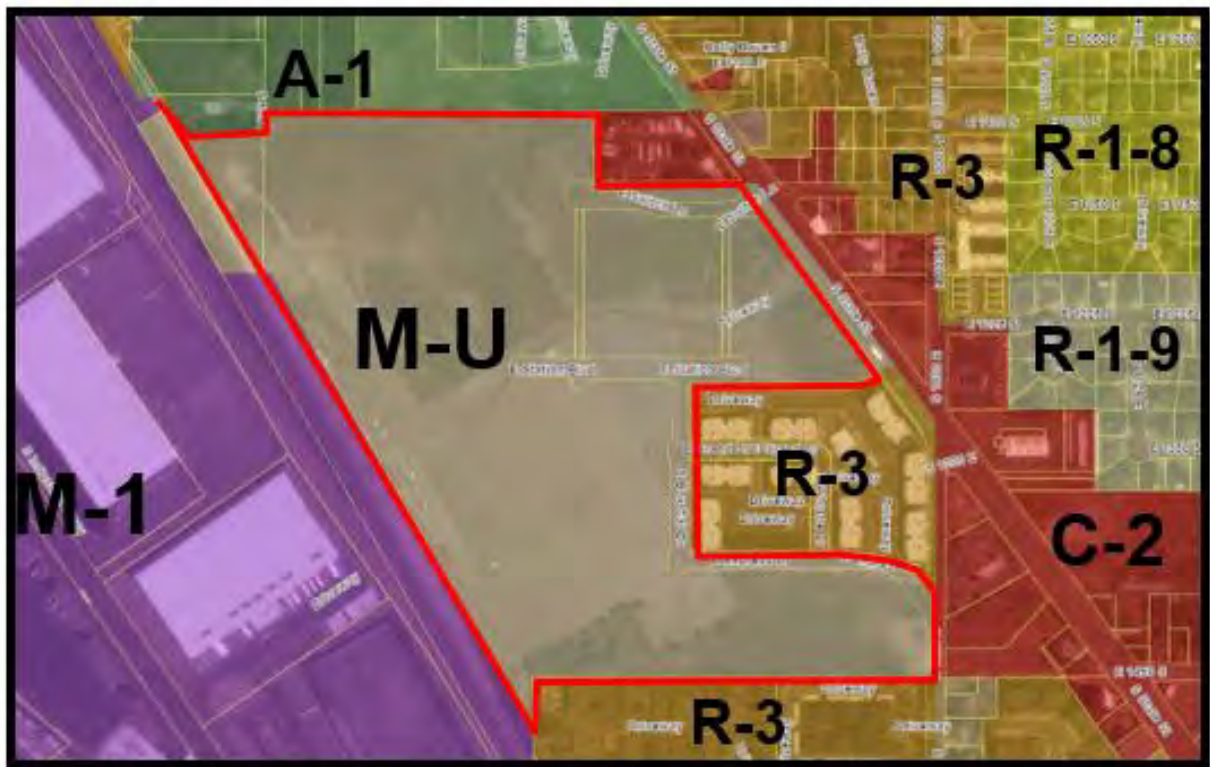
On April 6th, 2022, the Planning Commission forwarded a recommendation of **approval** to the Clearfield City Council for **FSP 2022-020040**. The recommendation was made on a unanimous vote

PROJECT SUMMARY

Project Information	
Project Name	Clearfield Station TOD Subdivision
Site Location	Approximately 1250 S. State Street
Tax ID Numbers	12-882-0005, 12-882-0001, 12-882-0004, 12-882-0006, 12-882-0007, 12-068-0138, & 12-067-0139
Applicant	Clearfield City
Owners	Utah Transit Authority
Proposed Actions	Final Subdivision Plat Approval
Zoning	M-U (Mixed Use)
General Plan Land Use Classification	Mixed-Use
Gross Site	70 Acres

Surrounding Properties and Uses:		Current Zoning District	General Plan Land Use Classification
North	Clearfield Cemetery & Residential Single-Family	P-F (Public Facilities) & A-1 (Agricultural)	Residential
East	Commercial	C-2 (Commercial)	Commercial
South	Residential Multi-Family	R-3 (Residential)	Residential
West	Industrial	M-1 (Manufacturing)	Manufacturing

Aerial Image & Zoning



BACKGROUND & FINAL SUBDIVISION PLAT REVIEW

Clearfield City on behalf of the Utah Transit Authority is seeking final subdivision plat approval for the Clearfield Station TOD Subdivision. The proposed subdivision includes the creation of 21 lots, the dedication of seven (7) public streets (Station Boulevard, Depot Street, Box Car Drive, Bamberger Drive, Union Avenue, and the continuations of Grand Drive and Whistle Drive), and



the vacating of five (5) previously platted streets (shown in gray on the attached plat). The subdivision also includes the creation of easements for storm water management, access, and utilities. The details of the development such as lot areas, widths, building orientation, materials, open space design, and management of common spaces will be further reviewed with each development phase and in accordance with the Clearfield Station Master Development Agreement (MDA) and Master Development Plan (MDP). The subdivision plat, including all the lot areas, frontages, road designs etc., are in accordance with the standards of the MDA and MDP. All future development of the site will be subject to the site plan approval process and review by the Planning Commission.

Minor Changes/Corrections

Planning Staff have made a few comments and noted minor changes needed on the plat that will be addressed prior to recording of the final plat. Each of the items are called out in red on the attached plat. As discussed with the City Council on April 12th, 2022, street numbers have been reviewed to see if they could be applied to the streets. With angled streets that do not follow the address grid, the Police Department has indicated that the dispatch of services to the Clearfield Station with the street names should not be negatively impacted if only a street name is provided. Due to the difficulty and inconsistency in assigning street coordinate numbers, staff recommends that the plat be approved as presented with street names. Comments from engineering staff and other review parties are addressed in the following section.

CITY DEPARTMENT REVIEW

The final plat was shared for review by City Planning, Engineering, and Public Works Staff. As of the date of this report, Engineering Staff has reviewed the plat and has no further comments other than those addressed on the plat with the redlines previously mentioned. All comments from Engineering Staff and related agencies will need to be addressed and resolved prior to recording of the final plat.

PUBLIC COMMENT

A public notice sign was posted along the State Street frontage near the UTA Frontrunner Station sign on March 24, 2022. As of the date of this report, no additional public comment has been received.

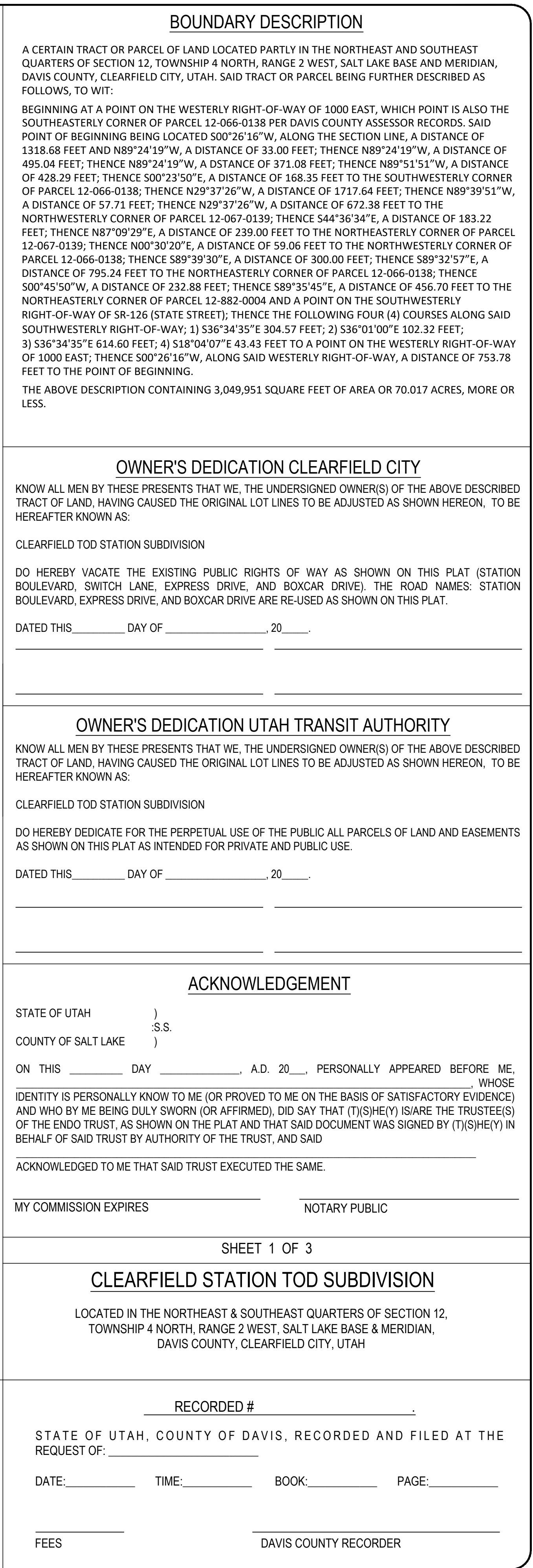
FINAL SUBDIVISION PLAT FSP 2022-020040 - CONDITIONS OF APPROVAL

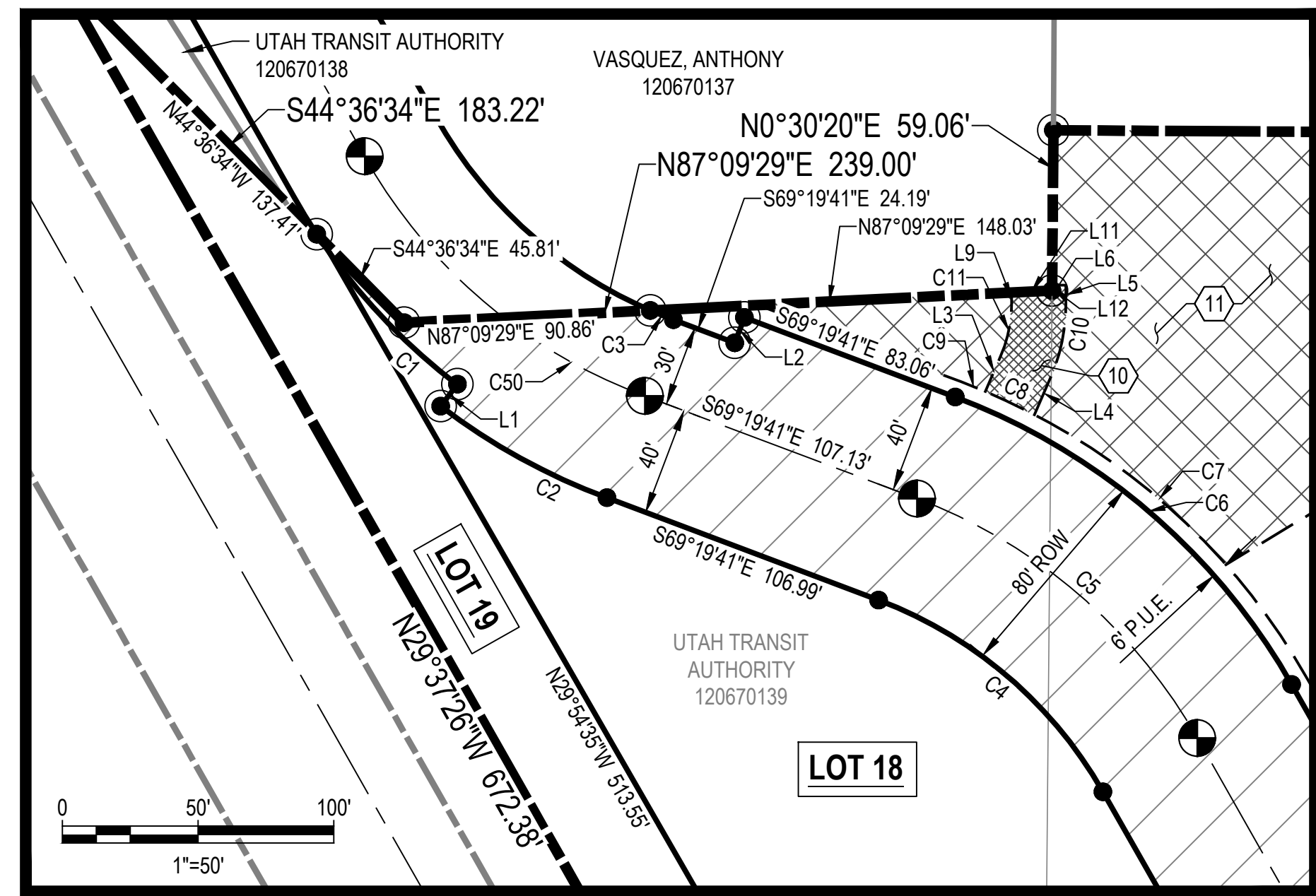
- 1) Plans shall be revised to address Clearfield City Planning and Engineering comments and requirements prior to the recording of the final subdivision plat.
- 2) The final subdivision plat shall include any necessary changes as outlined in this report or required by applicable local agencies.



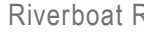
ATTACHMENTS

1. Final Subdivision Plat





PROPERTY AND EASEMENT KEYED NOTES	
DESCRIPTION	NOTES
1 UTAH TRANSIT AUTHORITY PARCEL: 128820004	VACATE LOT
2 UTAH TRANSIT AUTHORITY PARCEL: 128820007	VACATE PRIVATE ROAD (BOILER DRIVE)
3 UTAH TRANSIT AUTHORITY PARCEL: 128820001	VACATE LOT
4 UTAH TRANSIT AUTHORITY PARCEL: 128820006	VACATE PRIVATE ROAD (JUNCTION DRIVE)
5 UTAH TRANSIT AUTHORITY PARCEL: 120660138	VACATE LOT
6 BOXCAR DRIVE (PUBLIC ROAD)	VACATE EXISTING PUBLIC ROAD DEDICATION
7 EXPRESS DRIVE (PUBLIC ROAD)	VACATE EXISTING PUBLIC ROAD DEDICATION
8 SWITCH LANE (PUBLIC ROAD)	VACATE EXISTING PUBLIC ROAD DEDICATION
9 STATION BOULEVARD (PUBLIC ROAD) W/ 15' EASEMENT	VACATE EXISTING PUBLIC ROAD & PUE DEDICATION
10 LOT 5 FIRE ACCESS EASEMENT	871 SF OR 0.020 ACRES
11 LOT 5 PUBLIC DRAINAGE & ACCESS EASEMENT	31,901 SF OR 0.732 ACRES
12 LOT 11 PUBLIC SANITARY SEWER EASEMENT	5,817 SF OR 0.134 ACRES
13 LOT 12 PUBLIC DRAINAGE & ACCESS EASEMENT	30,969 SF OR 0.711 ACRES
14 LOT 15 PUBLIC UTILITY EASEMENT	12,586 SF TO 0.289 ACRES
15 LOT 16 PUBLIC DRAINAGE & ACCESS EASEMENT	15,012 SF TO 0.345 ACRES

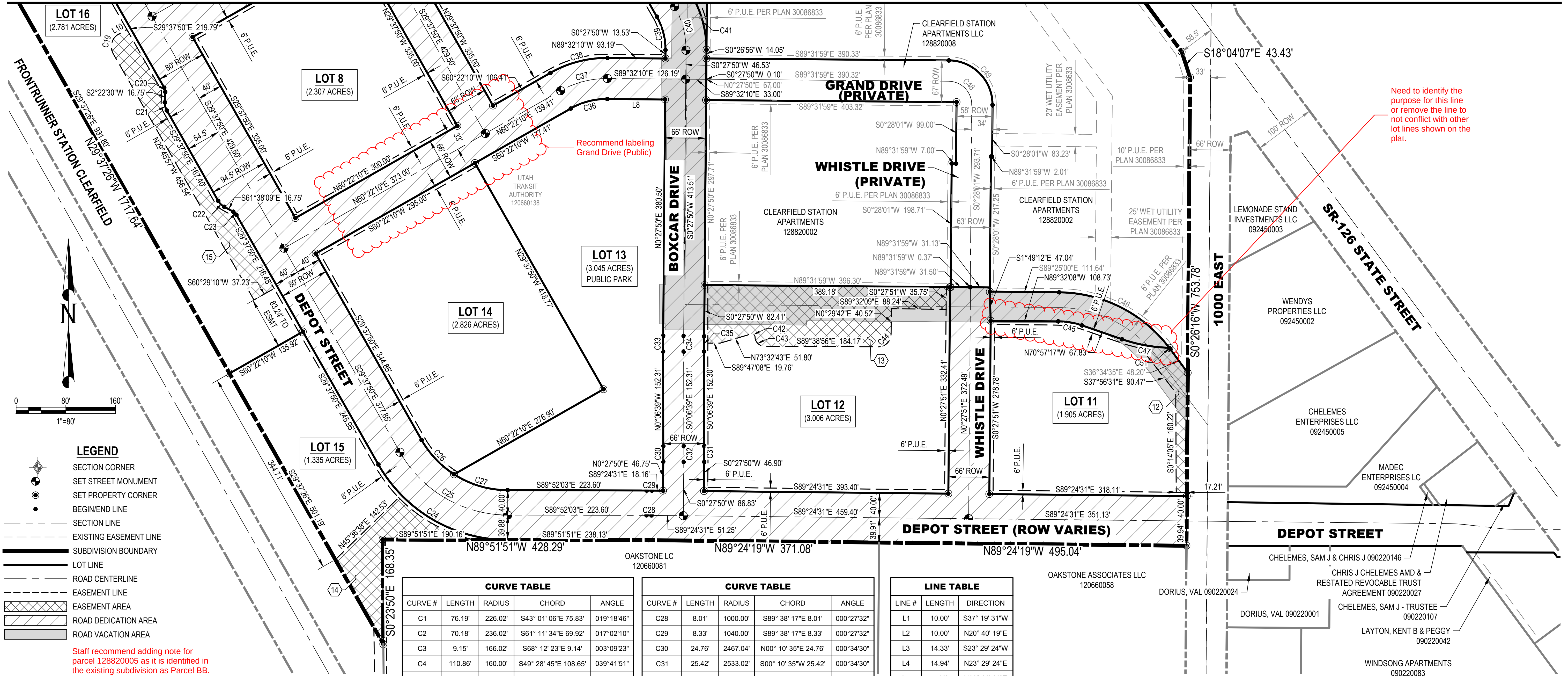
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NOTES

- LOT 13 AND LOT 18 ARE PUBLIC PARKS WITH PUBLIC UTILITY, DRAINAGE, AND ACCESS DEDICATIONS.
- LOT 16 AND LOT 19 CONTAIN UTA FRONTRUNNER TRACK AND/OR UTA FRONTRUNNER BUS LOOP.

SHEET 2 OF 3	
<u>CLEARFIELD STATION TOD SUBDIVISION</u>	
LOCATED IN THE NORTHEAST & SOUTHEAST QUARTERS OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN, DAVIS COUNTY, CLEARFIELD CITY, UTAH	
RECORDED # _____.	
STATE OF UTAH, COUNTY OF DAVIS, RECORDED AND FILED AT THE REQUEST OF: _____	
DATE: _____	PAGE: _____
TIME: _____	BOOK: _____
Fees _____	
DAVIS COUNTY RECORDER	

MATCHLINE SEE SHEET 2 OF 3



- NOTES**
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SHEET 3 OF 3

CLEARFIELD STATION TOD SUBDIVISION

LOCATED IN THE NORTHEAST & SOUTHEAST QUARTERS OF SECTION 12,
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