

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
October 19, 2021

City Building
55 South State Street
Clearfield City, Utah

PRESIDING:	Mark Shepherd	Mayor
PRESENT:	Nike Peterson	Councilmember
	Vern Phipps	Councilmember
	Tim Roper	Councilmember
	Karece Thompson	Councilmember
EXCUSED:	Kent Bush	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
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Shaundra Rushton	Communications Coordinator
	Nancy Dean	City Recorder

VISITORS: Robert Lugk, Fieldstone Homes

Mayor Shepherd called the meeting to order at 6:10 p.m.

DISCUSSION ON THE FINAL SUBDIVISION PLAT FOR THE HERITAGE EAST SUBDIVISION
LOCATED AT APPROXIMATELY 1100 SOUTH 1000 WEST (TIN: 12-051-0062)

Brad McIlrath, Senior Planner, stated the Heritage East Subdivision was located at approximately 1100 South and 1000 West which had been rezoned to R-1-6. He noted Fieldstone Homes proposed a 57-lot single family subdivision to be developed in two phases. He mentioned the average lot size was approximately 6,800 square feet. He indicated there would be street connections at 1000 West on the east end and 1150 South on the west end.

Mr. McIlrath explained the access from 1000 West was provided across Rocky Mountain Power property. He noted the developer was working with Rocky Mountain Power to obtain the right-of-way easement which would be recorded prior to the plat and it would be referenced on the plat. He reviewed the proposed plat and the following five conditions as recommended by the Planning Commission:

1. Plans shall be revised to address Clearfield City Engineering requirements prior to approval.

2. The final subdivision plat shall include any necessary right-of-way dedication and easements required for the project.
3. The proposed residential street connections to 1000 West shall be dedicated by deed or on the plat in a manner that is acceptable to Clearfield City Public Works.
4. The applicant is responsible for the replacement or repair of deteriorated, damaged or missing surface improvements surrounding the perimeter of the subdivision. This includes, but is not limited to curb and gutter, sidewalk, landscaping park strip improvements, driveways, etc.
5. An Escrow agreement will be subject to approval by the City Engineer and City Attorney and an escrow account shall be established prior to obtaining any permits being issued for the properties or plat being recorded. Installation of required improvements or an escrow account shall be established prior to recordation of the Final Plat as outlined in 12-4-6.

Councilmember Peterson commented how the City dealt with open space was becoming an ongoing issue and she wanted to have a better understanding of the current project and where it was headed. She appreciated that there was not a park planned for the subdivision but expressed concern about the maintenance of open space and wondered if the developer planned to have a homeowners association (HOA). Mr. McIlrath responded there was no intention by the developer to create a homeowners association (HOA) so the open space might become part of another lot so it would not fall on the City for its maintenance but there would be an easement in place for the City's access. He added the other option was that it could become a detention basin which could then fall to the responsibility of the City for its maintenance depending on the types of materials in it. He explained engineering would need to respond to that during the site planning process.

Councilmember Peterson expressed her desire to make sure whatever was done at the entitlement process ensured it would not become a burden to the City because it became a failed maintenance situation. Mr. McIlrath stated the City did not have its storm water stored under the ground but it had above ground detention basins. He reviewed the three options available for open space. He noted the City was likely leaning toward having it included as part of another lot. Councilmember Peterson agreed that option was also her preference in the absence of having an HOA. Mr. McIlrath mentioned prior issues and did not want it to become a City liability. He noted the only other option was to have an HOA just to maintain that detention basin.

Robert Lugk, Fieldstone Homes, commented the developer intended to make the open space part of a lot for maintenance. Mr. McIlrath acknowledged the Council could add a sixth condition related to the storm water demands for the subdivision and have it included for consideration.

Mr. McIlrath indicated the Planning Commission had reviewed the request at its meeting on October 6, 2021 and forwarded a recommendation of approval. He advised the Council of the lone dissenting vote due to concerns regarding infrastructure and the capacity of 1000 West which had voted to recommend denial.

Councilmember Peterson wondered how State mandates on water and landscaping might impact the subdivision and its timing. Mr. McIlrath answered currently there was nothing in City Code that would prohibit planting of grass in the park strip; however, it would be recommended that a type of xeriscape be used given the current recommendation from the State that areas of eight feet or less should not have turf because it was not water efficient.

DISCUSSION ON AMENDMENTS TO FORM BASED CODE'S DEVELOPMENT STANDARDS

Brad McIlrath, Senior Planner, reviewed the timeline of events for the adoption and amendments to the Form Based Code (FBC). He explained the Planning Commission had reviewed the proposed amendments at its meeting on October 6, 2021, and recommended approval. He indicated the City Council would consider the amendments during its policy session on October 26, 2021. Mr. McIlrath added if approved by the City Council, staff would work towards codification of the FBC to Title 11. He explained FBC was currently available on the City's website, but due to changes of ownership with the City's contracted codifier, the codification process had not been completed. He acknowledged there would likely be more amendments to FBC in 2022 which would address any Utah Department of Transportation (UDOT) State Road 126 (SR-126) corridor agreement terms that were currently being negotiated.

Mr. McIlrath highlighted the proposed amendments which were reviewed previously with the Council in May during a work session:

- Reduction of FBC boundary on page six to address the Meadow Condominiums.
 - T-R back to R-3 zone to align with the condominium development area.
- Reduction of Street and Block Network on pages six and twenty-four.
 - Reduction of new streets.
 - Based on likelihood of new connections and the applicable street types (for example Neighborhood Street versus Private Local Access Road).
 - Might need future amendments for Lakeside Square redevelopment because recent discussions were not part of the current proposal or the Planning Commission recommendation.
- Urban Mixed Residential zone (U-R) and Multi-family Building Type on page 10.
 - Code currently allowed for Multi-Family Building Type along State Street in U-R zone.
 - Modify table to only allow Mixed-Use Building Type along State Street and Multi-Family Building Type on all other streets in U-R zone.
- Urban Core Commerce zone (U-C) and Multi-Family Building Type on page 11.
 - Code currently allowed Multi-Family Building Type along secondary streets in U-C zone.
 - Previously it was only allowed as part of a mixed-use development.
 - Staff recommended that building type only be allowed on secondary streets and as part of mixed-use development in U-C zone.

Councilmember Peterson asked for clarification on the wording on page 11 because the agenda packet materials had been difficult to recognize the proposed language. Mr. McIlrath read the following proposed language for page 11: "Multi-Family Residential Building Types will only be allowed when facing side streets and as part of a mixed-use project." He noted the Table 2.6(1) Urban Core Commerce Requirements would also be amended for the Secondary Street – Permitted Building Types to include next to Multi-Family Residential: "as part of a mixed-use development."

Mr. McIlrath continued highlighting the following proposed amendments:

- Minor Text and Formatting Corrections.
 - Page 35 – street lighting requirements.

- Page 37 – Table 5.7 additions of text to travel surface width, removing other text.
- Page 45 – change some text from green to black.
- Page 56 – Table 6.5 correction to maximum impervious coverage percentages and the reference for blank wall limitations.
- Page 62 – Table 6.8 correction to reference for blank wall limitations.
- Page 85 – Table 7.5 correction adding the word length to landscape requirements.
- Page 116 – remove bold from (1) under the iconic signs section.
- Block Layout Requirements of pages 27 and 112.
 - Modify to specifically call out the road network on the regulating plan and to call out standards for only new streets and blocks not already mentioned in the Code.
 - Modification of the access point standards under “Block Connectivity” section and relocation to the “Site Access Management” section of the parking chapter.
 - Section 9.5.5: Access Points – review of current versus proposed language.

Councilmember Peterson wondered why the City would want to allow only one access point for a multiple-family dwelling or mixed-use project if it had 75 or fewer units. She expressed her opinion the number should be reduced. Mr. McIlrath responded 75 units was less than what the Fire Code allowed, which was 200. Councilmember Thompson agreed the unit number should be lowered to help offset some of the issues faced with some of the recent developments that only had one access point. Mr. McIlrath explained the language that was proposed to be removed concerning developments that were less than four acres had been the factor which had caused problems not the number of units.

Spencer Brimley, Community Development Director, indicated a change to the building types might be a way to manage the expectation. There was a discussion about the current and proposed language regarding access points and parking concerns.

The consensus of the Council was to modify the language of section (1) to include Townhome Building Types in addition to the Single and Two-Family which required a site of 20 or fewer dwellings; and section (2) reference Multiple-Family or Mixed-Use Building Types which required a site of 75 or fewer dwelling units.

Councilmember Peterson pointed out the way developers were using parking was so different than what was anticipated three years ago. She expressed her concern access and parking were closely related and the City had seen issues related to both. Mr. Brimley agreed things had moved in a different direction than predicted years ago and it was something that could be amended once the City completed its traffic study. Mr. McIlrath noted the City currently had aggressive parking standards; however, once the traffic study had been completed it would be important to ensure the City’s standards were not under parking the developments or allowing less access than there should be.

There was a discussion if the number in section (2) needed to be reduced from 75 units. The consensus of the Council was to leave the number of units at 75 or fewer with the option to amend in the future if needed after further evaluation.

Mr. McIlrath continued highlighting the following proposed amendments to FBC:

- Fire Access on pages 29 and 37.

- Change section to read: “The minimum total width of all travel lanes for vehicular street types shall be 20 feet of drivable surface. Developments shall comply with all current adopted fire code standards. For a complete list of access standards refer to International Fire Code (IFC) Appendix D.”
 - Modify table language for Alley.
- Street Type Standards on pages 37 through 42.
 - Match tables and cross-sections with correct measurements.
 - Correct errors in cross-sections.

Councilmember Peterson wondered why the proposed amendment had a reduction to the pavement width on page 40. Mr. McIlrath answered the numbers were reduced to match the table with the drawings. He elaborated the entire right-of-way was addressed so the sidewalks and park strips were getting wider to accommodate multiple modes of transportation. He explained it created traffic calming. Councilmember Peterson voiced being in favor of multi-modal transportation, but just wanted to make sure all aspects were considered, and the travel lanes were proportionate.

Mr. McIlrath pointed out pages 41 and 42 would need additional modifications in the future following the execution of a corridor agreement with UDOT. He continued to review the following proposed amendments of FBC:

- Access Road Street Type on page 38.
 - Intended to be a low-capacity drive for access to shopping centers and residential complexes.
 - Following recent development within the FBC area, staff proposed the removal of this street type.
- Urban Core Arterial and Gateway Core Arterial on pages 41 to 42.
 - Additional updates would be required following final UDOT approval and execution of a corridor agreement for SR-126 and SR-193.
- Impervious Coverage Percentages on pages 53 through 60.
 - Proposed changes to provide additional flexibility.
 - Mixed-Use/Core Commercial Building Type: increase from 70 percent to 80 percent in the U-R zone;
 - Multi-Family Residential Building Type: increase from 65 percent to 70 percent for the U-C and U-R zones;
 - Office Building Type: increase from 70 percent to 80 percent in the U-R zone; and
 - Civic Building Type: increase from 60 percent to 70 percent in the U-R zone.
- Townhome Front Build-to-Zone (not facing a street) on page 64.
 - Applies to common passageways with townhomes on each side.
 - Currently could be as close as 10 feet.
 - Recommend increase to 15 feet in U-R and T-C zones and 20 feet for the T-R zone.
- Townhome Unit Count on pages 63 and 64.
 - Currently there was no minimum attached unit count for Townhome Building Type.
 - Staff proposed that a minimum unit count of three units be required for the Townhome Building Type to avoid construction of duplexes or twin-homes.
 - Language to be added to regulations section on page 63 and for “minimum building width” in table 6.9 (1) on page 64.
- Drive-Through Structure on page 78.

- Code currently limited drive-through structures (window and canopy) and the stacking lanes to the rear façade of a building.
- Staff recommended that the structure and stacking lanes be allowed on the side and rear façade of buildings. Prohibit from front façade.
 - Taylorsville example of keeping structure on rear and allow stacking lanes to the side.

Councilmember Peterson wondered if there was a limit on the amount of real estate that could be used for stacking, so it was not sprawling especially on State Street. Mr. McIlrath responded there was because the commercial building had to occupy 50 percent of the frontage so only the other 50 percent could be the drive-through lane. Mr. Brimley commented additional restrictions could be added if desired. Councilmember Peterson expressed her concern that drive-through type businesses along State Street could be a challenging use because of the access, parking, and stacking on lots that did not have much depth. Mr. McIlrath described a recent request for a coffee shop along 700 South that had similar constraints regarding property proportions.

Mr. McIlrath continued the review of the following amendments to FBC:

- Covered Parking on page 07; Table 9.2 (1).
 - No current standard for covered parking.
 - Staff recommended that 50 percent of total parking must be covered with a minimum of one (1) covered space per unit.
- Design Review on pages 130 and 131.
 - Currently no design review step prior to submission and review by the Planning Commission.
 - Staff recommended adding this “first round” of development design review for comments and resubmittal prior to review by the Planning Commission.
- Urban Core Arterial Streetscape Paver on Appendix A.1.
 - Replacement of Harvest Blend Holland Paver with Toscana Holland Paver. Manufacturer change in name Belgard.
 - Addition of manufacturer construction detail by Belgard for consistent installation and inspection along corridor. Add standard to FBC appendix.

DISCUSSION ON THE CREATION OF A MILITARY INSTALLATION DEVELOPMENT AUTHORITY (MIDA) PROJECT AREA FOR LAKESIDE SQUARE REDEVELOPMENT

Mayor Shepherd indicated the creation of a military installation development authority (MIDA) project area for Lakeside Square redevelopment had come about before the development proposal presented recently to the Council, so he planned to participate in the conversation.

JJ Allen, City Manager, outlined the salient points in the staff report. He explained the City had done a lot to incentivize development using project areas such as RDAs, EDAs, CDAs, and CRAs. He noted staff had assumed for redevelopment of Lakeside Square the City would need to create a project area. He mentioned the process had been started a couple of times but stalled out because development had stalled out. He stated it was important to understand if there was interest from the Council to create a project area.

Mr. Allen noted MIDA had the authority to create projects areas as well and could do it on private property if there was a compelling military benefit. He explained there currently was a shortage of airman housing and that could be the rational for including MIDA with the creation of a project area. He asked if the City Council was interested in a development where the residential component was reserved in large part or in full for airmen housing.

Mr. Allen indicated there were pros and cons to taking a MIDA approach to the project area instead of creating a project area through the Clearfield Community Development Renewal Agency (CDRA). He stated the following key factors should be considered:

- Expediency – MIDA could create a project area more quickly than the CDRA. Clearfield would have to meet with every taxing entity which would take time. Mayor Shepherd commented the City could be less likely to get buy in from some of the taxing entities.
- Land use authority – Concerns were expressed during initial discussions about MIDA being the land use authority. MIDA and the City agreed that a project area in the heart of downtown comprised of entirely private property, that land use authority should remain with those elected to represent the community. This could be formalized in the established creation project area documents.
- Tax revenue – There were discussions with MIDA to better understand how the model of a development in the heart of the City would look concerning tax revenue which differed from the model at Falcon Hill. Mr. Allen expressed his concern about other revenue streams such as sales tax, energy tax, business license fees and land use fees not being captured by the City. He noted in initial discussions with MIDA it was contemplated that because the City would be providing the development with municipal services, it was the City that should receive those corresponding revenues. He mentioned MIDA also seemed accepting that the City's participation of tax increment should be capped at 75 percent like other taxing entities and that the baseline amount plus 25 percent of the increment should flow through to the City.
- Eminent Domain – there might be some difficult properties to acquire without leveraging eminent domain. MIDA was asked if it also had the power of eminent domain. The response was yes; however, it did not envision any circumstance in which it would be used and there would not be a partnership in any area that required it.

Mayor Shepherd explained areas where MIDA had done it before and one of those areas was Falcon Hill in Clearfield and another was in the area near Jordanelle. There had been a concern nationwide about housing for airmen, so the project could help with that challenge. He explained MIDA through its ability could do a project for housing that was very similar to low income housing tax credits (LIHTC).

Mr. Allen asked if the City Council was interested in a MIDA project area as opposed to a Clearfield CDRA project area to provide housing for airmen.

Councilmember Thompson wondered how serious the Council was about Military City Utah. He felt if the Council was serious then it should address financial impacts and keep the land use authority. He mentioned not wanting to go back into the arena with taxing entities again if it could be avoided.

Summer Palmer, Assistant City Manager, commented from the correspondence with MIDA it did not seem like the City would avoid having those conversations with the taxing entities if it went to MIDA. Mr. Allen reviewed the differences of MIDA or the CDRA and those processes of creating a project

area. He noted the City would need to have interlocal agreements established with each of the taxing entities; however, in the case of MIDA it was a public hearing process. He explained if the taxing entity objected that would happen at a public hearing. He added MIDA would expect the City to have the conversations with the taxing entities to let them know what was happening. Ms. Palmer indicated if there was not support at the public hearing from the taxing entities, then MIDA might not be willing to move forward with the project. There was a discussion about the approach and the statutory requirement of 75 percent of tax increment if MIDA created the project area versus a negotiation process regarding tax increment percentages if the City created a project area.

Councilmember Peterson requested to hear perspective from Councilmember Phipps.

Councilmember Phipps voiced his initial reaction related to Mabey Pond and that it was the City's jewel. He spoke about the vision of the Council where there was potential to do something big there. He expressed his opinion the City would lose that opportunity by creating airmen housing at Lakeside Square. He reiterated the vision previously for Lakeside Square was that it would be a community draw and the current proposal was that it would become an extension of HAFB. He explained housing could consume the entire area and it would not alleviate the housing shortage for airmen. He continued it was something the military had dealt with for decades because Congress refused to finance it. He stated his initial reaction was that it would impede the City's ability to capitalize on a jewel.

Mayor Shepherd noted MIDA was asking for 75 percent of the complex to be dedicated to airmen but that amount could be reduced. There was a discussion on the project's impact on the school district, shopping, and dining.

Councilmember Phipps expressed his opinion it would not be in the best interest of the City to support it.

Councilmember Roper commented there was a need for that type of housing. He felt it would be good to serve an underserved demographic. He voiced his support for it.

Councilmember Phipps cautioned against solving a current housing crisis to meet the needs of Hill Air Force Base (HAFB) when the needs of HAFB could change sometime in the near future. He noted any long-term effects would impact the City not the base.

Councilmember Thompson asked how long the housing would remain as airmen housing. Mr. Allen responded the Falcon Hill project area was contributing to tax increment as each building for the project was triggered for twenty-five years, but the project area as a whole lasted one hundred years. Mayor Shepherd explained the land lease was for one hundred years. Mr. Allen noted he was not exactly sure how it would work in this hypothetical but anticipated it would be a project area of about twenty-five years. There was a discussion about airmen housing.

Councilmember Peterson voiced she had mixed feelings on the issue. She said she loved the idea of being Military City Utah. She noted one of her early concerns was to Councilmember Phipp's point. She stated the Council, with the resident's trust, had carved the Lakeside Square spot as the place where the City could do something cool; however, without owning the land the Council's ability to make that happen was only going to go so far. She explained the City had the opportunity but decided not to buy

that land and with that had lost control over its outcome. She mentioned the City's ability to incentivize or try to encourage anyone coming would be through concessions for them financially. She continued when the current proposal first came forward her initial thoughts were of her love of the airmen and she recognized the need; however, she expressed her first commitment was to the residents of the community. She felt Mayor Shepherd was correct in his thinking that the airmen would utilize and support the area; but, she expressed her worry that it could be at the expense of the residents. She continued the opportunity could be the missing piece and resources that nobody could bring in like MIDA. She stated the only way the proposal made sense was to leverage what MIDA could do so that residents could get something out of it too. Councilmember Roper agreed.

Councilmember Peterson stated the Council had taken some calculated risks with LIHTC. She mentioned the issues related to low-income housing previously that had been a challenge for the City, its schools, and local churches. She noted the density and type of housing for the west side was allowed because of the offset planned for the east side development. She worried offering incentives could hurt the City. She acknowledged there were so many unknowns. She said it could give the City a fighting chance to have something for the residents but worried it could also overwhelm the City and have it become dilapidated and stereotypical of areas outside of the gate across the Nation.

Mayor Shepherd stated MIDA had the ability to finance and bond against their increment for projects. He noted what it had done for Falcon Hill and the project in Jordanelle. He worried the City would not have the same ability as MIDA to attract what was needed to the area. There was a discussion about MIDA's business approach, public access, and airmen housing.

Councilmember Thompson expressed his opinion that if the public could not access the project area if MIDA developed it, then he would not be supportive. He voiced his hope for FBC to bring density and a market of mixed use. He wondered if the purpose of MIDA and airmen could help change the market so more businesses were attracted to area and surrounding places.

Mr. Allen responded another way to phrase the question was to ask if the City would rather the Clearfield CDRA capture the tax increment and use it for its priority purposes or allow MIDA to capture the increment. There was a discussion about tax increment, housing, and comparisons between having a CDRA versus MIDA project area.

Mayor Shepherd explained the legislative assistance that could be a benefit if it were a MIDA project area.

Ms. Palmer noted if the City thought eminent domain was needed for some of the ancillary pieces then the CRA project area should be considered.

Councilmember Peterson stated she was open to looking at military housing if it allowed the City to do something that could not be accomplished in any other way. She added base housing was important but not a top priority. She expressed her opinion the Lakeside Square area, more than any, had to be an investment for residents overall.

Councilmember Phipps commented he might be more accepting of a MIDA project area elsewhere but not at Mabey Pond.

Mr. Allen summarized the City would proceed with creating its own project area when the time came and if there were things that could not be accomplished as desired, then it could explore what could be done with MIDA.

Councilmember Thompson moved to adjourn as the City Council and reconvene as the CDRA in work session at 8:05 p.m., seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Phipps, Roper, Shepherd and Thompson. Voting NO – None.

The minutes for the CDRA are in a separate location

**APPROVED AND ADOPTED
This 28th day of June 2022**

/s/ Mark R. Shepherd, Mayor

ATTEST:

/s/ Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, October 19, 2021.

/s/ Nancy R. Dean, City Recorder