CLEARFIELD CITY COUNCIL
AGENDA AND SUMMARY REPORT
July 26, 2022 – 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.*

55 South State Street
Third Floor
Clearfield, Utah

## 6:00 P.M. CITY COUNCIL WORK SESSION

Discussion on the Lakeside Square Development Agreement for Property Located at Approximately 440 South State Street

Discussion on the Public Facilities (PF) and Civic (CV) Zoning Text Amendments

Discussion on the Rezone of Parks to Public Facilities (PF)

Discussion on the Parks, Art, Recreation, Aquatic, and Trails (PARAT) Tax Review

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

*****ADJOURN THE CITY COUNCIL WORK SESSION AND RECONVENE IN A CITY COUNCIL POLICY SESSION*****

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

## 7:00 P.M. POLICY SESSION

| | |
|---|---|
| CALL TO ORDER: | Mayor Shepherd |
| OPENING CEREMONY: | Councilmember Thompson |
| APPROVAL OF MINUTES: | March 22, 2022 Policy Session |
| | June 21, 2022 Work Session |
| | June 28, 2022 Policy Session |
| | July 12, 2022 Work Session |

***PRESENTATION:***

1. SWEARING-IN OF NEW CLEARFIELD POLICE OFFICER ZACHARY FRATTO

***PUBLIC HEARINGS:***

2. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON AMENDMENTS TO THE GENERAL PLAN FOR A PORTION OF THE PROPERTIES LOCATED AT APPROXIMATELY 500 WEST 1700 SOUTH (TINs: 12-080-0092 AND 12-080-0095) FROM COMMERCIAL TO RESIDENTIAL

BACKGROUND: The applicant is requesting a General Plan amendment and rezone to develop the north 1.50 acres of the subject properties with a commercial use and to develop the south 5.32 acres of the subject properties with a small-lot single-family subdivision as illustrated in the concept plan included in the agenda packet. To approve the rezone request to R-3 (Residential), the future land use designation of the General Plan must also be changed to reflect Residential as the future land use designation on a portion of the property.

RECOMMENDATION: Receive public comment.

3. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS ON THE REZONE REQUEST FOR A PORTION OF THE PROPERTY LOCATED AT APPROXIMATELY 500 WEST 1700 SOUTH (TINs: 12-080-0092 AND 12-080-0095) FROM C-2 (COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

BACKGROUND: The applicant is requesting a General Plan amendment and rezone to develop the north 1.50 acres of the subject properties with a commercial use and to develop the south 5.32 acres of the subject properties with a small-lot single-family subdivision as illustrated in the attached concept plan. To approve the rezone request to R-3 (Residential), the future land use designation of the general plan must also be changed to reflect Residential as the future land use designation.

RECOMMENDATION: Receive public comment.

***SCHEDULED ITEMS:***

4. 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.

5. CONSIDER APPROVAL OF ORDINANCE 2022-15 AMENDING THE GENERAL PLAN FUTURE LAND USE MAP FROM COMMERCIAL TO RESIDENTIAL FOR A PORTION OF THE PROPERTIES LOCATED AT APPROXIMATELY 500 WEST 1700 SOUTH (TINs: 12-080-0092 AND 12-080-0095)

RECOMMENDATION: Approve Ordinance 2022-15 amending the General Plan Future Land Use Map from Commercial to Residential for a portion of the property located at approximately 500 West 1700 South and authorize the Mayor's signature to any necessary documents.

6. CONSIDER APPROVAL OF ORDINANCE 2022-16 REZONING 5.32 ACRES OF THE 6.82 TOTAL ACRES OF THE PROPERTIES LOCATED AT APPROXIMATELY 500 WEST 1700 SOUTH (TINs: 12-080-0092 AND 12-080-0095) FROM C-2 (COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) AND AMENDING THE CLEARFIELD CITY ZONING MAP ACCORDINGLY

RECOMMENDATION: Approve Ordinance 2022-16 rezoning 5.32 acres of the total 6.82 acres of the properties located at Approximately 500 West 1700 South (TINs: 12-080-0092 and 12-080-0095) from C-2 (Commercial) to R-3 (High Density Residential), amending the Clearfield City zoning map accordingly, and authorize the Mayor's signature to any necessary documents.

***COMMUNICATION ITEMS***:

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

*****ADJOURN AS THE CITY COUNCIL AND RECONVENE AS THE COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA)*****

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY (CDRA) AGENDA

1. CONSIDER APPROVAL OF THE MINUTES FROM THE JUNE 21, 2022 WORK SESSION; JUNE 28, 2022 POLICY SESSION; AND JULY 12, 2022 WORK SESSION

***SCHEDULED ITEM:***

2. CONSIDER APPROVAL OF RESOLUTION 2022R-04 AUTHORIZING AN AMENDMENT TO THE LIFETIME PRODUCTS COMMUNITY REINVESTMENT AREA (CRA) DEVELOPMENT AGREEMENT (PARTICIAPTION AGREEMENT)

RECOMMENDATION: Approve Resolution 2022R-04 authorizing an amendment to the to the Lifetime Products Community Reinvestment Area (CRA) Development Agreement (Participation Agreement) and authorize the Chair's signature to any necessary documents.

***ADJOURN AS THE CDRA***

Dated this 20th day of July 2022.

/s/ Joannie Strong, Deputy City Recorder

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

# Planning Commission
## STAFF REPORT

AGENDA ITEM
**#1**

**TO:** **Clearfield City Planning Commission**

**FROM:** **Brad McIlrath, Senior Planner**
**brad.mcilrath@clearfieldcity.org**
**(801) 525-2784**

**MEETING DATE:** **Wednesday, July 20th, 2022**

**SUBJECT:** Public Hearing, Discussion and Possible Action on the **Lakeside Apartments Development Agreement** for the proposed mixed-use project at the subject location. **Location:** 325, 373, 375, 377, 381, 385, & 389 South State Street (TIN: 12-756-0002). **Parcel Area:** 5.85 Acres. **Zone:** U-C (Urban Core Commerce). **(Legislative Action).**

---

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to the City Council for the proposed **Lakeside Apartments Development Agreement,** subject to a final determination on one of the twenty-four (24) modifications to the Form Based Code (FBC) sought by the applicant. Specifically, Staff seeks direction from the Planning Commission regarding the desire of the applicant to abandon the City's Future Street and Network Plan, as it currently exists within the City's FBC at this location. Without having received formal direction in opposition to this network, Staff continues to support the intent of the City's Future Street and Network Plan. As such, Staff recommends that the proposed language provided by the applicant regarding "Street & Block Network" be modified to read as follows:

1. Street & Block Network: In addition to the pedestrian access provided from Marilyn Drive to the project location, the Commercial Collector Street (Waterfront Way) will connect to a Neighborhood Local Street that serves to connect Waterfront Way to 450 South.

The basis of the above recommendation is further outlined below.

**DEVELOPMENT AGREEMENTS AND THE ROLE OF THE PLANNING COMMISSION**

As the advisory body to the City Council on development agreements, it is the role and responsibility of the Planning Commission to review and make necessary changes or recommendations to the development agreement as part of a recommendation. If necessary, additional time to work on the details and elements of a development agreement may be required by the Planning Commission prior to a recommendation to the City Council. Due to the complexity and amount of code modifications requested as part of the development agreement, the Planning Commission may determine additional time is necessary for review prior to making a recommendation to the City Council. If additional time is necessary, the Planning Commission should clearly state the reasons and provide direction to the applicant for items that need to be amended in the agreement. If the development agreement is tabled to later date, the Planning Commission must schedule the public hearing for a date specific to comply with noticing requirements.

Please be advised that this proposed development agreement was previously tabled. As such, unless there is a compelling articulable basis to the alternative, Staff does not recommend tabling this item again.

**BACKGROUND & ANALYSIS**

**1. Memorandum of Understanding**

As part of the site planning and redevelopment of the Lakeside Square area of the downtown, the applicant and the city entered a memorandum of understanding (MOU) in October 2021. This MOU in short, was a common understanding between the two parties on how the site and area could be redeveloped in the coming years. As part of the MOU was the vision or concept of the entire project redevelopment which included a mixed-use development on the north end of the Lakeside Square area and an office campus concept on the south end.

**2. Ongoing Land Acquisition**

Since the execution of the MOU, the applicant has acquired additional property to the southeast (387 East 450 South) of Lakeside Square and is still working to acquire the other additional property at the corner of 450 South and State Street ("corner property"). At the time of the MOU, the project area of 10.5 acres including the Lakeside Square development was identified, with future acquisition of the corner property desired by the applicant to be included as part of the office campus. Considering the property that has been acquired to date, without the corner property, the project acreage owned by the applicants is approximately 11.869 acres. With the acquisition of the corner property on 450 South, the total project area (Including the corner property), as shown in the attached plan) would be 12.395 acres. The ongoing land acquisition is a relevant point for the city, as it provides greater opportunities for development and reduces the likelihood of remnant parcels, which has been a concern from both the commission and council.

**3. Prior Planning Commission Public Hearing**

On June 15, 2022, the Planning Commission held a public hearing to review the proposed Lakeside Apartments Development Agreement.

During the June 15th Planning Commission meeting, several items, including each of the twenty-four (24) modifications to the FBC showing in Exhibit C of the proposed development agreement were discussed. Both Staff and the applicant (team) responded to several questions and concerns that were expressed between the parties. A comprehensive analysis of each of the proposed modification requests will not be provided in this report. However, the Planning Commission did identify five (5) modifications as warranting further discussion. As such, pursuant to those powers lawfully held by the Planning Commission, the proposed development agreement was tabled and continued to July 20, 2022, with direction given to Staff to provide further analysis and direction on the following five (5) remaining requested modifications.

1) *Street and Block Network*
2) *Commercial Collector Street (Waterfront Way) as a Private Street, constructed to the Neighborhood Street type standards*
3) *Urban Core Arterial Street Design (State Street)*
4) *Parking*
5) *Civic Open Space (Mabey Pond)*

**4. Joint City Council and Planning Commission Meeting**

The above five (5) modifications were the primary focus and discussion during a joint work session with the Planning Commission and City Council held on June 28, 2022. The purpose of that discussion was to provide clear direction for Staff and the applicant prior to the July 20, 2022, Planning Commission meeting. A summary of the discussions had during the joint meeting for each of the five (5) remaining modifications is integrated into the following section of this report.

**REMAINING FIVE (5) REQUESTS FOR MODIFICATION FROM THE FBC**

The following information on each of the five (5) requested modifications from the FBC are based on the result of direction provided to Staff during the June 28, 2022, Planning Commission/City Council Joint Work Session, further Staff analysis, and unsolicited information Staff received from the Utah Department of Transportation (UDOT).

**1. Street and Block Network (FBC Chapter 4)**

As outlined in the FBC, Chapter 4, Street & Block Network, as well as in the FBC Street Hierarchy Diagram, the location of the proposed development includes a network of Neighborhood Local Streets, a Commercial Collector, and an Urban Core Arterial (State Street) Street (See Attachments). As such, redevelopment of this location should provide streets consistent with FBC plans (i.e., improvements to State Street, a new Commercial Collector (Waterfront Way) street, and Neighborhood Local connections to Marilyn Drive, 450 South, and 500 East).

The applicant requests to develop the location with a new Commercial Collector Street (Waterfront Way) and a pedestrian path from Marilyn Drive on the north side of the project's site to the civic open space in lieu of complying with the Street & Block Network as shown in Chapter 4 of the FBC, and the FBC Street Hierarchy Diagram. The basis provided to Staff as well as to the Planning Commission and City Council members to this point is that the Street & Block Network required by the FBC, particularly the connection of Waterfront Way to 450 South at any location on the proposed development sight will make a desired tenant and the previously provided concept for the development of an office campus on the south side of the proposed development very difficult, if not impossible. To emphasize the applicant's position, the applicant has repeatedly informed Staff that to require this connection between Waterfront Way and 450 South will likely result in the Applicant leaving the entire property un-redeveloped and applicant operating the location as a landlord.

**a. Purpose of Street & Block Network**

The purpose of the Street and Block Network within the FBC is to facilitate the best possible street circulation for both the new, current, and future individuals within the area based on a comprehensive vision for the community. This area was planned in coordination with UDOT to create/allow for a new signalized intersection at State Street, where Waterfront Way (east side) and Bowen Boulevard (west side) meet. With the new intersection, UDOT will limit left turn movements from 450 South and other non-signalized intersections onto State Street. Ultimately, left turns onto and from State Street will only be permitted at the signalized intersections of Center Street, 200 South, Bowen Boulevard & Waterfront Way, and 700 South.

Staff is concerned that without providing access to the signalized intersection via a Neighborhood Local Street connecting Waterfront Way and 450 South, the residential neighborhood to the east and those that utilize or travel within this area of the City will be negatively impacted, as well as the traffic circulation anticipated for the entire downtown area.

**b. Joint Work Session Input**

Staff interpreted the direction provided by the majority opinion of the Planning Commission and City Council to require the street network connecting Waterfront Way to 450 South but omitting the connections as Marilyn Drive (keeping the pedestrian access) and 500 East in favor of the applicant concept. Staff interpreted this direction as a middle ground to only require half of the roads that are currently required by code. The minority opinion was in favor of allowing accessibility (undefined) but stated that they would like to see what the applicants were able to design related to access before

committing. (It should be noted that Staff, when referring to majority and minority opinion is referring to the total accumulative direction given by the bodies as a whole).

**c. Applicant's Post Joint Work Session Proposed Pond + Amenity Access Site Plan**

The applicant did not submit a plan consistent with the majority opinion of the Planning Commission and City Council, i.e., connecting Waterfront Way to 450 South. Rather, the applicant, consistent with that direction given by the minority of the joint bodies, provided a "Pond + Amenity Access Site Plan" for review by the Planning Commission (See Attachment 5). The proposed plan focuses on access to the development and to Mabey Pond and indicates where vehicular and pedestrian connections will be provided at the project. More specifically, vehicular access is shown from Waterfront Way, the Mabey Pond public parking lot on 500 East, and the access driveway across the Lakeside Plaza office development which dead ends into an area with eight (8) parking stalls.

**d. Staff Comments on Proposed "Pond + Amenity Access Site Plan**

The access shown through the Lakeside Plaza property appears to need an access easement. According to Davis County records, there currently is no access easement recorded on the property that would guarantee the proposed access. An access easement may be obtained by the applicant but has yet to be presented to the city for review.

The proposed pedestrian access would be provided from Marilyn Drive, Waterfront Way, 500 East, along Mabey Pond, and from 450 South and 500 East across the Lakeside Plaza property. Staff is concerned that outside of the eight (8) parking spaces proposed at the south end of Mabey Pond (assuming there is a future easement granted) and the pedestrian access from 450 South, all other access elements of the plan already exist and do not provide additional access to this area, as was intended with the Street and Block Network within the FBC.

In response to receiving the applicant's "Pond + Amenity Access Site Plan," Staff internally performed an introductory analysis using the applicant's design document that is intended to illustrate that vehicular connection from Waterfront Way to 450 South could likely be provided without significantly disrupting the submitted future office campus design included in the MOU. Staff's rudimentary design concept is not included in the packet, as the purpose of the internal analysis was intended to assist Staff in determining, internally, the viability of the applicant's argument that a connecting road between Waterfront Way and 450 South is impossible. This exercise supports the position of Staff, that a road connection between Waterfront Way and 450 South is possible.

**e. UDOT Input/Comments**

Since the joint work session, UDOT staff, unsolicited, reached out to Staff to discuss the street network at this location, as it relates to the proposed development. UDOT reiterated that regardless of if the road was private or public, a connection in some shape or form would be required by UDOT from Waterfront Way to 450 South to facilitate and support vehicular traffic in and around this area of the city. This could be accomplished with a public or private street or simply as an easement across a parking lot driveway to allow vehicular and pedestrian access to the project. UDOT's preference, however, would be providing the connection by a public or private street. They recognize that they are not the land use authority for the City, but that they do have jurisdiction over roadways and connections to those roadways that have a significant local and regional impact on all forms of transportation. Additionally, UDOT expressed concern that the traffic impact study only addresses the mixed-use side of the proposed project and is not a comprehensive analysis of the network. UDOT attempted to schedule a follow-up meeting with the applicant, Staff, and UDOT, prior to the Planning Commission meeting, but to date has not been able to schedule this meeting due to the limited availability of the applicant.

**f. Basis of Staff's Recommendation Regarding Street and Block Network (FBC Chapter 4)**

After careful review and analysis of the proposed access site plan, as applied to the standards within the FBC, the General Plan, and the desire to not deviate from the UDOT recommendations and coordination efforts, Staff recommends that in addition to the pedestrian access provided from Marilyn Drive to the project location, that the Commercial Collector Street (Waterfront Way) connect to a Neighborhood Local Street that serves to connect Waterfront Way to 450 South. This recommendation is based upon the following findings:

- The Downtown Clearfield FBC states that, "a variety of streets with be built or redesigned to safely accommodate multiple modes of transportation, including vehicular, bicycle, and pedestrian." (FBC Page 1)
- As stated in the Street and Block Network Chapter of the FBC, "The intent of the provisions of this chapter are to create livable, connected neighborhoods in Downtown Clearfield. The street network, blocks, and lot configuration will establish the urban form framework for Downtown Clearfield. A cohesive, connected, and consistent urban form allows incremental developments of a range and sizes to collectively build a vibrant Downtown." (FBC Page 23)
- Regarding the Street Network, the FBC states, (FBC Page 25)
    - "The network of streets shall form an interconnected pattern with multiple intersections."
    - "Streets shall be designed to respect natural features, such as waterways, trees, or slopes, by following rather than interrupting or dead ending at the feature."
    - "Cul-de-sac and dead-end streets are no permitted" …" except where site impediments prohibit a connected street for accessing the location."
- The General Plan Transportation Chapter Guidelines State:
    - Guideline #3 "An adequate thoroughfare system should be designed within future growth areas and sufficient right-of-way should be designated prior to land development or through the plan approval process." This has been accomplished by providing the network outlined in the FBC.
    - Guideline #4 "There should be adequate access to and around commercial and manufacturing areas, public facilities, and other activity centers."
    - Guideline #5 "Localized traffic congestion and operational problems should be minimized and mitigated as much as possible."
    - Guideline #17 "Existing streets should be upgraded to minimize congestion. Where congestion can be attributed to new construction, needed improvements should be the responsibility of the developer."
    - Guideline #20 "The demands generated by private development should be equal to its participation in the street system improvements though the payment of impact fees, the dedication of land, and the construction of necessary facilities."
    - Guideline #24 "All transportation improvements should be responsive in both planning for and development of infrastructure that will meet the needs of all users."

**2. Commercial Collector Street (Waterfront Way) as a Private Street and with the Neighborhood Street Standards (FBC Chapter 4)**

Prior to the joint work session discussion, the applicants decided to forego the development of Waterfront Way with the Neighborhood Street type standards and design the street according to the Commercial Street type standards required by code.

The majority opinion of the Planning Commission and City Council at the joint work session was to allow Waterfront Way to be a private street. The minority opinion was concerned about the long-term maintenance of the street and the underground infrastructure as well as the accessibility of the street for public use. The applicants intend to retain ownership of Waterfront Way and maintain the street to a high standard consistent with their development. An easement would be recorded for the street granting unlimited public access. As part of that easement document, details should be provided regarding the long-term maintenance and access of the utility lines. If the utilities will be public, then the City will need to be granted access to maintain that infrastructure, otherwise the applicants would also assume responsibility for the utility infrastructure in Waterfront Way. By allowing the street to be privately owned and maintained, the demand for City maintenance and oversight is reduced.

**3. Urban Core Arterial Street Improvements (State Street)**

As part of the site plan review of the project, it was identified that the street improvements along State Street did not include the space required for a 7.5' future protected bike lane. In the interim, that would be a buffered bike lane until the point that the City could work with UDOT to design and build protected bike lanes along SR 126 in Clearfield. The bike lane will provide a specific location for cyclists, e-scooters, and other forms of active transportation that are already present along SR 126.

Following the joint work session discussion, the applicants have worked to address the desire of the bodies to have the bike lane located on the street between the on-street parking and the curb and gutter. This will allow the bike lane to be buffered from the vehicle traffic in the travel lanes while meeting the intent of the FBC standards for State Street. It is likely that this type of design will become an option in the FBC for future developments that include on-street parking along State Street. The applicants have redesigned the State Street improvements consistent with the direction provided at the joint work session. The proposed State Street improvements for this project are as follows and are illustrated in a cross section that is attached to this report.

- 9' Wide On-street Parallel Parking
- 5.5' Bike Lane
- 2.5' Curb and Gutter
- 7.5' Street Buffer
- 8' Pedestrian Sidewalk

The modifications to the FBC standards presented here is simply that the bike lane will be moved to the inside area of the on-street parking and that the bike lane will be 5.5' wide instead of 7.5' wide. The reasoning for the 5.5' bike lane is that the 2' buffer from the travel lane is no longer necessary because the bike lane will now be buffered using the on-street parking. Requiring the 2' buffer would require significant changes to the building locations and the street improvements to provide additional right-of-way than what has been planned for by the applicants. With the on-street parking providing the buffer, from the travel lanes, the applicant is seeking approval of these additional modifications. All other improvements listed above comply with FBC standards.

**4. Parking**

As previously reviewed by the Planning Commission in June, the applicant is seeking approval to count the provided on-street parking along State Street and Waterfront Way towards the minimum parking requirements of the project. The Planning Commission and Staff indicated a willingness to allow for the on-street parking to be counted towards the commercial parking requirements, but not the residential parking requirements, as the on-street parking will most benefit the commercial tenants and be used for those businesses. Prior to the joint work session, the applicant prepared a parking site plan (see attachments) that shows the on-street parking provided for the commercial users, as well as the plan for the residential parking and remaining development during the development phases of the project. Based upon a review of this plan at the joint work session, there were no other concerns presented by the Planning Commission and City Council. The modification to the FBC that would be granted with this request is to allow the on-street parking to be counted towards the minimum commercial parking requirement as well as some of the off-site parking on the south parcel to address needs for the residential units of the development.

Once a parking structure can be constructed on the north mixed-use property, the residential parking will be provided on that property. Once the parking can be provided on site with the parking structure and on-street commercial parking, future development of the south side of Lakeside Square could commence. With regards to the future parking structure, additional detail should be provided about the timing, funding, and eventual construction of the structure. These details should be included as part of the final development agreement that is executed between the parties. If the south office park is not realized, there is the concern that a parking structure will not be constructed and no assurances to that end have been provided.

**5. Civic Open Space at Mabey Pond (FBC Chapter 8)**

The FBC requires that for any project over 5 acres in size, 10% of the project shall be developed and then dedicated to the city as civic open space. The applicants intend to retain ownership of civic open space around Mabey Pond and instead of dedicating the property to the city, has proposed to grant a recreational easement that would allow for public use and maintenance by the City. The applicant proposes that they will maintain all the uplands still held in private ownership, while the City would continue to maintain the pond itself, including water quality, and other city-owned properties around the pond. Similar to the private street, the public would have access to the civic open space around the pond by way of the recreational easement. As seen in the attached site plan, the civic open space is outlined in red. At the joint work session discussion, the Planning Commission and City Council expressed the concerns they had regarding the private ownership and maintenance of the civic open space, but like Waterfront Way, the majority expressed support for the concept that the property could remain as private land with the recreational easement. As all the City parks and open spaces share common design elements with benches and tables, staff recommends that these details be added to the development agreement, and that this civic open space should incorporate those similar design features to maintain consistency with the park and open space system throughout the city.

---

**ADDITIONAL FBC MODIFICATIONS/OUTSTANDING ITEMS**

Outside of the five (5) modifications from the FBC detailed above, there were no other modifications from the FBC that the Planning Commission expressed concern with or remained unaddressed from the June 15, 2022, public hearing. If there are additional items of concern, regarding the building design, uses, etc., then those should be brought forward by the Planning Commission during the public hearing, and if necessary, included in the recommendation to the City Council.

There may be other items that the applicant may want to add as part of the development agreement that modify the code standards for this project based upon non-compliance with code standards. If so, each item will need to be called out in detail as the previous items have been.

**PUBLIC NOTICE AND PUBLIC HEARING REQUIREMENTS**

Utah State Code states that if a development agreement is used to modify or alter code standards for a specific development, the same process that is used for ordinance amendments (Legislative Action) must be followed. Like a zoning text amendment, a development agreement is changing the standards for a specific development and therefore should be subject to the same level of public participation and public process as an ordinance amendment. Therefore, because this development agreement includes modifications from FBC standards, a public hearing must be held with the Planning Commission and with the City Council as part of the review and approval process of the agreement.

The public hearing with the Planning Commission was held on June 15, 2022 and continued until July 20, 2022. A public hearing will be held with the City Council on August 9, 2022. A public hearing notice has been placed on the property and on the Utah State Public Notice website the weekend of June 4th and 5th. To date, staff has received in person comments from the surrounding neighborhood in opposition to the development. Three of the neighbors indicated they would attend the July 20th meeting, and encourage their neighbors to as well.

**STAFF RECOMMENDATION/CONCLUSION**

Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** of the proposed development agreement to the City Council, with the proposed changes to the Street Network modification outlined at the beginning of this report. This recommendation is based upon the following findings:

1. The proposed development agreement is consistent with the development standards and process of the Downtown Clearfield Form-Based Code.
2. The proposed code modifications can be made with the execution of a development agreement.
3. The proposed development agreement complies with the standards for development agreements outlined in City Code.
4. Execution of the development agreement provides direction and regulatory guidance for the property owner and the City.
5. Development agreements are a discretionary item and may include such items as code modifications or additional requirements seen necessary by the city.

**ATTACHMENTS**

1. Development Agreement Draft
2. Proposed FBC modifications for DA
3. FBC Zoning Map
4. FBC Street Hierarchy Diagram
    a. State Street Cross Section (building 1)
    b. Waterfront Way Cross Section (building 2)
5. Pond + Amenity Access Site Plan
6. Parking Site Plan

# ATTACHMENT 1

# DEVELOPMENT AGREEMENT

Dated the ___ day of _____, 2022

By and Between

Clearfield City

and

Lakeside Development Partners, LLC

**CLEARFIELD CITY DEVELOPMENT**

**AGREEMENT FOR**

~~LAKESIDE~~ WATERFRONT ~~APARTMENTS~~LIVING MIXED USE

This Development Agreement (hereinafter "Agreement") is entered into on _____, 2022, by and between Lakeside Development Partners, LLC or assigns ("Developer") and Clearfield City (hereinafter "**City**") (individually "**Party**" and collectively the "**Parties**") for the purpose of achieving various aims and objectives related to the redevelopment of the northern 5.8 acres of the retail/commercial center known as Lakeside Square with the address of 325 through 375 State Street, Clearfield, UT (the "**Site**"). Attached hereto as **Exhibit "A"** and incorporated by this reference is a site plan that depicts the proposed development of the 5.8 acres.

**Recitals**

A. Whereas the City has invested several years and significant funds into planning for the redevelopment and revitalization of its downtown core.

B. Whereas the City and Developer entered ~~into~~ a Memorandum of Understanding (MOU) on October 27, 2021, to plan specifically for the redevelopment of the 10.5-acre Lakeside Square retail/commercial center into a high-quality mixed-use development that includes residential, commercial, trail connectivity, and civic open space allowing the public to access Mabey Pond~~complex~~. Attached hereto as part of **Exhibit "A~~B~~."**

C. Whereas an affiliate of Developer purchased the 10.5 acres referred to within the MOU, including the 5.8 acres of the Site, in March 2022.

D. Whereas the Parties desire that the Site be developed in a unified and consistent fashion, pursuant to the provisions of the Urban Core Commerce (UC) zone of the Downtown Form Based Code adopted February 11, 2020, ("**FBC**") and as set forth in this Agreement and its exhibits.

E. Whereas Developer has submitted plans to the City detailing a five story over podium, mixed-use project consisting of 296 residential units along with 27,500 square feet of at-grade retail and commercial space and 484 surface parking spaces (the "**Project**").

F. Whereas the Parties have worked together in good faith over the past seven months to conceptualize the Project resolving issues related to roadways, building siting, infrastructure, recreation, pedestrian, and community needs.

G. Whereas development of the Site, pursuant to this Agreement, is acknowledged by the Parties to be consistent with Utah's Land Use Development and Management Act and the City's applicable Urban Core Commerce (UC) zone designation, and shall benefit the City, Developer, and the public.

H. Whereas the Parties acknowledge that development of the Project pursuant to this Agreement will result in significant planning and economic benefits to the City and its residents by, among other things, requiring orderly development of the Site,

**Commented [BM1]:** Legal and Planning Staff recommend that the usage of apartments be eliminated due to negative public perception. The project is not simply apartments but mixed-use with the standards for mixed-use buildings being applied.

It is also recommended to move on from the Lakeside name as Mabey Pond is not a lake. The project could use Waterfront or Armada (or any other military name) to have a tie to the water and military identity. The design of the project is contemporary and has a military look to it.

**Commented [BM2]:** The proposed DA does not reflect on the greater visioning of the Lakeside Square redevelopment. Modifications from the code such as the street network, private street, etc. have only been considered by the City Council if the future office park becomes a reality. Without that as part of the current DA, there is not any assurances that the City's vision is actually being met with this project. To that point, the civic open space and treatment of Mabey Pond continue to be an afterthought and are not highlighted in the plans as the focal point the City Council has indicated they want it to be.

Phasing the overall project is appropriate, but it is important to understand the concessions and design of the north phase are really only acceptable as proposed if the south phase is developed as previously discussed with the MOU.

**Formatted:** Font: Bold

creating trail connectivity, providing civic open space, increasing property tax, sales tax, and other revenues to the City.

I. Whereas development of the Site pursuant to this Agreement will also result in significant benefits to Developer by providing assurances to Developer that it will have the ability to develop the Site in accordance with this Agreement.

J. Whereas the Parties desire to allow for certain modifications from selected standards in the FBC.

K. Whereas the Parties enter into this Agreement to set forth the arrangements that each of the Parties agree are necessary to develop the Project in an efficient and effective manner.

L. Whereas the City anticipates that the Project will be developed in a manner that projects a high-quality image and achieves the goals and objectives of the City's FBC design guidelines and zoning ordinances.

M. Whereas the Developer intends to plan, design, construct and manage residential, retail, office and other commercial components along with attendant open space, amenities and parking.

N. Whereas the City can only be bound by action of the Clearfield City Council.

O. Whereas the Parties have cooperated in the preparation of this Agreement.

P. Whereas the Parties desire to enter into this Agreement to specify the rights and responsibilities of Developer to develop the Site and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

**NOW, THEREFORE**, each of the Parties for and in consideration of mutual promises and other good and valuable consideration, does covenant and agree as set forth herein.

## ARTICLE 1 - DEFINITIONS

The following capitalized terms have the meanings and content set forth in this Article 1, wherever used in this Agreement.

1.1 City

The term "**City**" means the Clearfield City, a political subdivision of the State of Utah.

1.2 Schematic Plans

The term "**Schematic Plans**" are the plans provided to the City by the Developer as required by Clearfield City code for site plan review and subdivision and which have been

realized to a schematic level of design and depict the development of the Project on the Site. Attached hereto as **Exhibit "A~~C~~~~B~~"** are 8 ½" x 11" copies of the Schematic Plans.

1.3 Developer

The term "**Developer**" means Lakeside Development Partners, LLC, or any special purpose LLC that is managed by Lakeside Capital Group, LLC.

1.4 Private Improvements

The term "**Private Improvements**" means the improvements contemplated under this Agreement to be constructed or installed by the Developer on the Site, as more particularly described in Exhibit ~~C~~~~B~~A (the Schematic Plans), including all buildings/structures, together with all parking, internal drive lanes, internal sewer, internal water, internal storm sewer, internal curbs and gutters, internal sidewalks and landscaping on the Site, as required by City codes, rules and regulations; all of which are intended to be privately owned and maintained and which are specifically identified in the submitted civil drawings.

1.5 Public Improvements

The term "**Public Improvements**" means the improvements contemplated under this Agreement to be constructed or installed by the Developer off the Site, as more particularly described Exhibit ~~C~~~~B~~A including all improvements in the State Street right-of-way including parking, drive lanes, sewer, water, storm sewer, curbs and gutters, sidewalks and landscaping, as required by City codes, rules and regulations or by other jurisdictions with authority.

1.6 Permitted Uses

The term "**Permitted Use**" or "**Permitted Uses**" shall include live-work space as well as those uses permitted by the City's Municipal Code or the FBC, which designates the Site Urban Core Commerce (UC), as promulgated at the time of this Agreement.

**Commented [BM3]:** Live/Work units are not a permitted use in this zone or called out as a permitted use in the FBC. They should be removed here and acknowledge elsewhere that they are being allowed along a portion of Building B along Waterfront Way.

**ARTICLE 2 - OBLIGATIONS**

The Developer hereby agrees as follows regarding the construction, installation, and operation of Private and Public Improvements

2.1 The Developer agrees, at its expense, to undertake the construction and installation of the Private Improvements, and Public Improvements. The Developer shall construct and install all the Public Improvements without expense to the City. The Developer shall prepare the Site for construction or installation of the Public and Private Improvements and construct and install said Public and Private Improvements in such a manner that the development shall meet applicable zoning, building, parking, landscaping, sign and other ordinances and regulations except for those modifications set forth in Exhibit ~~D~~C~~B~~.

**Commented [BM4]:** It is not clear if this is talking about the schematic plans or the modifications from the FBC. Need to clarify in the paragraph what is being referred to and reference the correct exhibit here.

2.2 The Developer shall have the sole responsibility for obtaining and securing all required funding for the construction or installation the Public and Private Improvements.

**ARTICLE 3 - CONSTRUCTION REQUIREMENTS, ETC.**

3.1 Issuance of Permits

The Developer shall have the sole responsibility for obtaining all necessary permits and approvals to construct and install the Public and Private Improvements and shall make application for such permits and approvals directly to the City's Community Development Department, other appropriate agencies, departments, or jurisdictions with authority, as required. The Developer will be responsible for the payment of all impact and connection fees.

3.2 Times for Construction

The Developer agrees to use its reasonable business judgement to determine when to commence the development of the Site. Construction commencement depends on numerous factors outside of the control of developer. As such, this Agreement and the Project's vested entitlements shall expire ten years after their issuance.

**Commented [BM5]:** The FBC requires construction begin within 12 months of final land use approval. The most similar project is Lotus Anthem which was able to comply with the code timeframes without an issue. Staff is not sure why there needs to be a timeframe of 10 years.

3.3 Access to Site

The Public and Private Improvements shall be subject to inspection by representatives of the City. The Developer shall permit access to the Site by the City for purposes of inspection, and, to the extent necessary, to carry out the purposes of this and other sections or provisions of this Agreement. Inspections shall be made during reasonable business hours and shall be made in accordance with standard Project safety guidelines.

**ARTICLE 4 - MISCELLANEOUS PROVISIONS**

4.1 The Developer further agrees to not discriminate against any person or group on any unlawful basis in the sale, lease, rental, sublease, transfer, use, occupancy, tenure or enjoyment of the Site or any improvements erected or to be erected thereon, or any part thereof.

4.2 The Developer and City have approved various modifications to the FBC as set forth in **Exhibit "~~D.CB~~B"**~~.~~

**Commented [BM6]:** There were modifications that were originally discussed in the MOU that have changed and there are new modifications as well. It would probably be good to include the MOU as an exhibit to the DA to show what has changed. Maybe an Exhibit C.

4.3 The Parties recognize that the Public and Private Improvements represented in the Schematic Plans represent Developer's best attempt to estimate project economics, infrastructure design, market dynamics, project sequencing, site layout, dwelling unit density, and access and circulation to achieve the City's goals and objectives. Both parties acknowledge that these development assumptions are subject to change due to additional information such as further architectural and systems design, civil engineering, UDOT ROW requirements, and other

conditions which are unknown at this moment. ~~Proposed~~ Minor changes to the Schematic Plans by the Developer may be approved at the planning staff level, as authorized by ~~Clearfield City Municipal~~ the Downtown Clearfield Form-Based Code in Clearfield Municipal Code § 11-11G Chapter 11 Section 11.4.5~~11-5-3(B).~~

4.4 A notice or communication under this Agreement, by a Party to the other Party, shall be considered delivered, if given in writing by personal service, express mail, Federal Express, DHL or any other similar form of courier or delivery service, or mailing in the United States mail, postage prepaid, certified, return receipt requested and addressed to such Party as follows:

In the case of a notice or communication to the City: Clearfield
City
Attn: City Manager 55
South State Street
Clearfield, UT 84015
With a copy to the City Attorney at the same address.

In the case of a notice or communication to the Developer:
Lakeside Development Partners, LLC
Attn: Chuck Cowley
46490 Admiralty Way
Fifth Floor
Marina del Rey, CA 90292 With

a copy to:

Christensen & Jensen Attn:
Todd Weiler, Esq.
257 East 200 South
Suite 1100
Salt Lake City, UT 84111

Or, addressed in such other way in respect to a Party as that Party may, from time to time, designate in writing dispatched as provided in this Section.

4.5 Attachments/Recitals
All attachments referred to in this Agreement as being attached, or to be attached, are incorporated herein and made a part hereof as if set forth in full and are binding upon the Parties to this Agreement.

4.6 Headings
Any titles of the several parts and sections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

4.7 Successors and Assigns of Developer

This Agreement shall be binding upon the Developer and its successors and assigns. Where the term "Developer" is used in this Agreement, it shall mean and include the successors and assigns of the Developer.

4.8 Mutual Drafting

Each Party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against either Party based on which Party drafted any particular portion of this Agreement.

4.9 No Waiver

Failure of any Party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such Party to exercise at some future date any such right or any other right it may have.

4.10 Severability

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the Parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

4.11 Attorney's Fees

In the event of a default hereunder, the defaulting Party agrees to pay all costs incurred by the other Party in enforcing this Agreement, including reasonable attorney's fees, whether by inhouse counsel or outside counsel and whether incurred through initiation of legal proceedings or otherwise.

4.12 Governing Law

This Agreement shall be interpreted and enforced according to the laws of the State of Utah.

4.13 Entire Agreement and Amendments

This Agreement and all attachments thereto, is the entire agreement between the Parties and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by all Parties

4.14 Counterparts

This Agreement may be executed electronically and in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

4.15 Time

Time is of the essence of this Agreement and its attachments.

4.16 Authority

The Parties to this Agreement each warrant that they have all of the necessary authority to execute this Agreement.

**IN WITNESS WHEREOF,** the City has caused this Agreement to be duly executed in its behalf and the Developer has caused the same to be duly executed in its behalf, on or as of the day and year first above written.

Lakeside Development Partners, LLC

_____ _____

Charles F. Cowley III Date
Authorized Signatory

CLEARFIELD CITY

_____ _____

Vern Phipps Date
Mayor Pro Tempore

Attest:

_____

Nancy Dean, City Recorder

Approved as to form:

_____

City Attorney

# ATTACHMENT 2

**A. Street and Block Network (FBC 4.2 and Figure 4.2 (1))**

| Standard | Requested Modification |
|---|---|
| *Street Types: the street network of Downtown Clearfield is comprised of a hierarchy of street Types to support a diversity of building and frontage types, scales, and uses.* | • Request that, except for the new street named Waterfront Way, the Project's site is not required to contain any further private or public roadways as described in Chapter 4.0, Street & Block Network of the FBC or as shown on the FBC Street Hierarchy Diagram.<br>• Allow a pedestrian path from Marilyn Drive on the north side of the Project's site (in lieu of a road) to the civic open space. |

**B. Street and Block Network (FBC 4.2 and Figure 4.2 (1)) (New)**

| Standard | Requested Modification |
|---|---|
| *Street Types: the street network of Downtown Clearfield is comprised of a hierarchy of street Types to support a diversity of building and frontage types, scales, and uses. The FBC designates the roadway now called Waterfront Way as Commercial Collector.* | Permit Waterfront Way to be constructed to Neighborhood Street standards (between 41 and 45 feet wide) this is consistent with the 41-foot-wide Bowen Blvd. Waterfront Way's current designed carries a 45-foot-wide roadway (measured BOC to BOC) and designed to run from State Street easterly to a new cul-de-sac terminus at Mabey Pond that provides a greater open space area. |

**C. Building Location (FBC Sec. 6.3.3)**

| Standard | Requested Modification |
|---|---|
| *Multiple principal buildings not permitted* | To allow for three principal buildings. |
| *Front Build-to-Zone 0' to 5'* | Permit the Project's setback from the property line to be approx. 10 feet along State Street, per submitted plans, and along Waterfront Way as shown in submitted plans. |
| *Front Build-to-Zone with Plaza or Porte Cochere 0' to 25'* | Allow the Project's setback from property line to be approx. 50 feet at the corner of State Street and Waterfront Way to accommodate the art plaza. |
| *Corner Build-to-Zone 0' to 5'* | Allow the Project's setback from property line to be approx. 50 feet at the corner of State Street and Waterfront Way to accommodate the art plaza. |
| *Occupation of corner* | To accommodate the art plaza, the corner will not be occupied, the Project's setback is approx. 50 feet at the corner of State Street and Waterfront Way. |

**D. Building Location (FBC 6.3) (clarified)**

| | |
|---|---|
| *Front Property Line Coverage 90%* | To break up the building's massing, to allow for pedestrian connections through the frontage, to allow for an art plaza along State Street permit the front property line coverage to be 80% (consistent |

| | |
|---|---|
| | with office bldg., scheme) or as shown on submitted plans. |

**E. Building Massing (FBC Sec. 6.3.4)**

| Standard | Requested Modification |
|---|---|
| *Building stepback minimum of 10 feet at top of 4th story* | • Allow for no stepback at the top of the 4th floor as the entire building along State Street has been set back from property line by approx. 10 feet.<br>• Allow for no stepback for the buildings along Waterfront Way |

**F. Building Massing 6.3.4 and Table 6.4 (1)**

| Standard | Requested Modification |
|---|---|
| *Ground Story: Minimum Height – 12 feet*<br>*Maximum Height – 30 feet*<br>*Upper Stories: Minimum Height – 9 feet*<br>*Maximum Height – 14 feet* | Due to the sites grade differential, all at grade residential that face the rear parking lot (ground story) as well of the leasing office is designed to satisfy upper story height requirements of 9 feet and required modification for this request. |

**G. Street Façade Articulation/Details (FBC 6.3.5)**

| Standard | Requested Modification |
|---|---|
| *The use of a vertically oriented expression line or form to divide the facade into increments no greater than the dimension shown, as measured along the base of the facade. Elements may include a column, pilaster, or other continuous vertical ornamentation a minimum of one and one-half inch depth. Vertical façade divisions every 25 feet of façade* | The Project's design provides vertical line expressions which are not continuous vertically. Architect has proposed random vertical separations that allows the building façade to have a varying syncopation along the street. This will allow the façade to be broken vertically to the requested 50' max, but not continuously. These breaks will be 8" or more, which exceeds the required 1". |

**H. Horizontal Facade Divisions 6.3.5 (3) (New)**

| Standard | Requested Modification |
|---|---|
| *The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions. Horizontal façade divisions required within 3 feet of the top of the ground story and at the top of the highest story. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one-and-a-half-inch depth. A change in architectural material should also be articulated with a horizontal facade division element.* | The Project's design provides a contemporary solution to the horizontal divisions required. The façade is designed to be a ribbon that flows vertically and horizontally across the façade. The horizontal divisions will not be "continuous" but will be substantial. Like the vertical façade, the design provides pop outs that break the horizontal façade at varying floors and locations. The architect will provide a parapet cap to delineate the top of the building, as well as the band delineating the top of the ground floor. |

**I. Building Fenestration (FBC 6.3.6)**

| Standard | Requested Modification |
|---|---|
| *Principal entrance location required to be located on front façade.* | Allow for the retail/commercial entrances on building's front façade, residential entrances facing rear parking area. |
| *Required number of street entrances is one per 75 feet.* | • Allow for building's street fronting entrances to be dictated by retail/commercial tenancy (MOU proposed every 100 feet).<br>• Developer requests one retail/commercial entrance door until tenancy is determined. |

**J. Building Uses (FBC 6.3.7 and Table 6.4 (1)) (New)**

| Standard | Requested Modification |
|---|---|
| *FBC permits only retail, office and services at the ground level, first 40 feet of depth, street fronting space.* | Allow a modification to allow the following uses along Waterfront Way. Project leasing office, community room, pool and four (4) live work units (tenanted by only those with business licenses), as shown on submitted plans. |

**K. Building Uses (FBC 6.7 and Table 3.3 (2))**

| Standard | Requested Modification |
|---|---|
| *FBC currently allows Ground Story: retail, service, office.* | Developer requests this be modified to allow retail, service, office and live work for the first 40 feet of depth of the Ground Story space not fronting State Street. |

**L. Building Materials (FBC 6.13.2) (New)**

| Standard | Requested Modification |
|---|---|
| *Primary materials shall be used for a minimum of 75% of each façade.* | Due to the Project's design which returns secondary materials around corners onto terminating (short) elevations, some elevations would require a modification. The Developer requests modification to this standard to combine the measurements of all building facades when determining the 75% primary material requirement for each building. |

**M. Required Amounts of Landscaping 7.2.2 (1) (a) (New)**

| Standard | Requested Modification |
|---|---|
| *Tree Requirements: 20 trees are required per 1 acre of project. Street trees do not count toward this requirement.* | Given the high-density nature of the project, the portions of the site covered by garages and carports and the desire maintain views in and around the Pond, the Developer request that the tree requirement be |

| | |
|---|---|
| | reduced to 12 trees per acres and allow for the inclusion of all street trees in this calculation. |

**N. Windows, Awnings, Shutters and Doors 6.13.5 (1). (New)**

| Standard | Requested Modification |
|---|---|
| *All upper story windows shall be detailed with trim or molding at least four inches in width. Additionally, all upper story windows shall incorporate at least one of the following accent details:*<br>*(a) Mullions and/or Transoms;*<br>*(b) Shutters or canopies proportional to window size;*<br>*(c) Recessed inset of at least two inches from the façade;*<br>*(d) Lintel and/sill detail.* | Developer requests modification from the four inch or greater window trim or molding requirement for each window on upper stories. The architect will provide the required design for the windows with mullions and/or transoms and recess the windows a minimum of two inches. |

**O. 5-foot minimum planting strip 7.2.3 (1) (New)**

| Standard | Requested Modification |
|---|---|
| *Plant material shall be placed around the perimeter of the building footprint in a 5-foot minimum planting strip with the exception of entrances, utilities, and where required setbacks are less than 5 feet. For setbacks less than 5 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.* | Given the urban infill nature of the project, the desired density for this downtown area and in an effort to maintain area for pedestrians and dining along major pedestrian ways, the developer requests approval of planting strips as detailed in the submitted design documents. Planting areas vary in some areas from what is required but is consistent with a more urban feel. |

**P. District Transition Buffer (FBC 7.3 and Table 7.3)**

| Standard | Requested Modification |
|---|---|
| *Intent: to minimize the impact that one zoning district may have on a neighboring district and to provide a transition between districts.* | Request that the construction of single-story accessory structure (garages) along northernmost property line is consistent with the intent of the FBC's District Transition Buffer and Table 7.3. |

**Q. On Street Parking, Credit for Newly Constructed Parking Spaces (New)**

| Standard | Requested Modification |
|---|---|

| | |
|---|---|
| *On-street parking spaces do not count towards the minimum parking spaces required by code for a project.* | That State Street parallel parking be credited to the project's parking requirement. Alternatively, the parallel parking designed for State Street, that is not required by the FBC, can be removed. Further, to allow parking on Waterfront Way to be credited to the project's parking requirement. |

**R. Interior Parking Lot Landscape (FBC 7.5) (New)**

| Standard | Requested Modification |
|---|---|
| *In addition to 5-foot-wide center medians, landscape islands are required after every ninth parking space for rows of parking greater than 12 spaces in length.* | Given the future parking structure, islands have been provided around the parking lots' perimeter but not in the central parking field. Developer seeks approval of this configuration. |

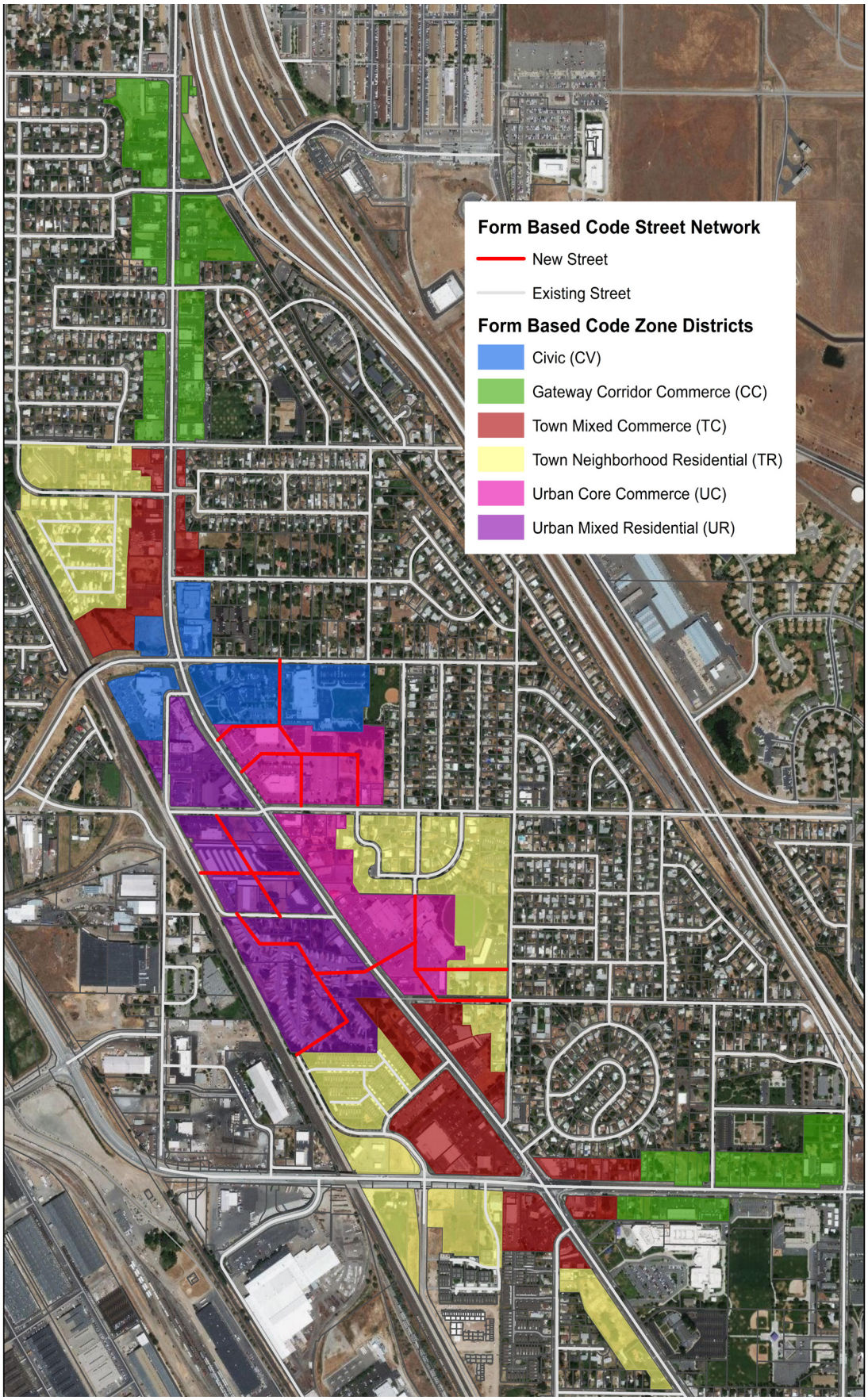
**S. Civic Open Space (FBC 8.2.3 (1) and 8.5)**

| Standard | Requested Modification |
|---|---|
| *For all developments 5 acres in size and larger, 10% of the total lot size shall be provided as Civic Open Space. The developer shall work with Clearfield City to determine the best Civic Open Space and best location for the Civic Open Space. The developer shall construct the Civic Open Space to the standards and requirements of the Civic Open Space type and dedicate it to the city upon completion.* | The designated open space will not be dedicated to the City in a traditional fashion, but rather will be provided to the city for maintenance and use as a park in perpetuity by way of a recreation easement upon completion and certificate of occupancy. Developer will be responsible for maintaining all wetlands and uplands with the City responsible for maintaining the pond and its submerged lands, employing aquascape best management practices. |

**T. Signage Table 10.2 (1). Permitted Quantity of Signage by District**

| Standard | Requested Modification |
|---|---|
| *Three square feet per one linear foot of lot width with a maximum of 150 square feet (Table 10.2.1 – FBC p. 116)* | Developer requests three square feet per one linear foot of lot street frontage on State Street and Waterfront Way (with no maximum) and further requests that the Project's branding wall sign, at the top of one or more building's façades, be as much as four foot tall with a maximum area of 175 square feet each. |

# ATTACHMENT 3


Form Based Code Street Network
New Street
Existing Street
Form Based Code Zone Districts
Civic (CV)
Gateway Corridor Commerce (CC)
Town Mixed Commerce (TC)
Town Neighborhood Residential (TR)
Urban Core Commerce (UC)
Urban Mixed Residential (UR)

# ATTACHMENT 4

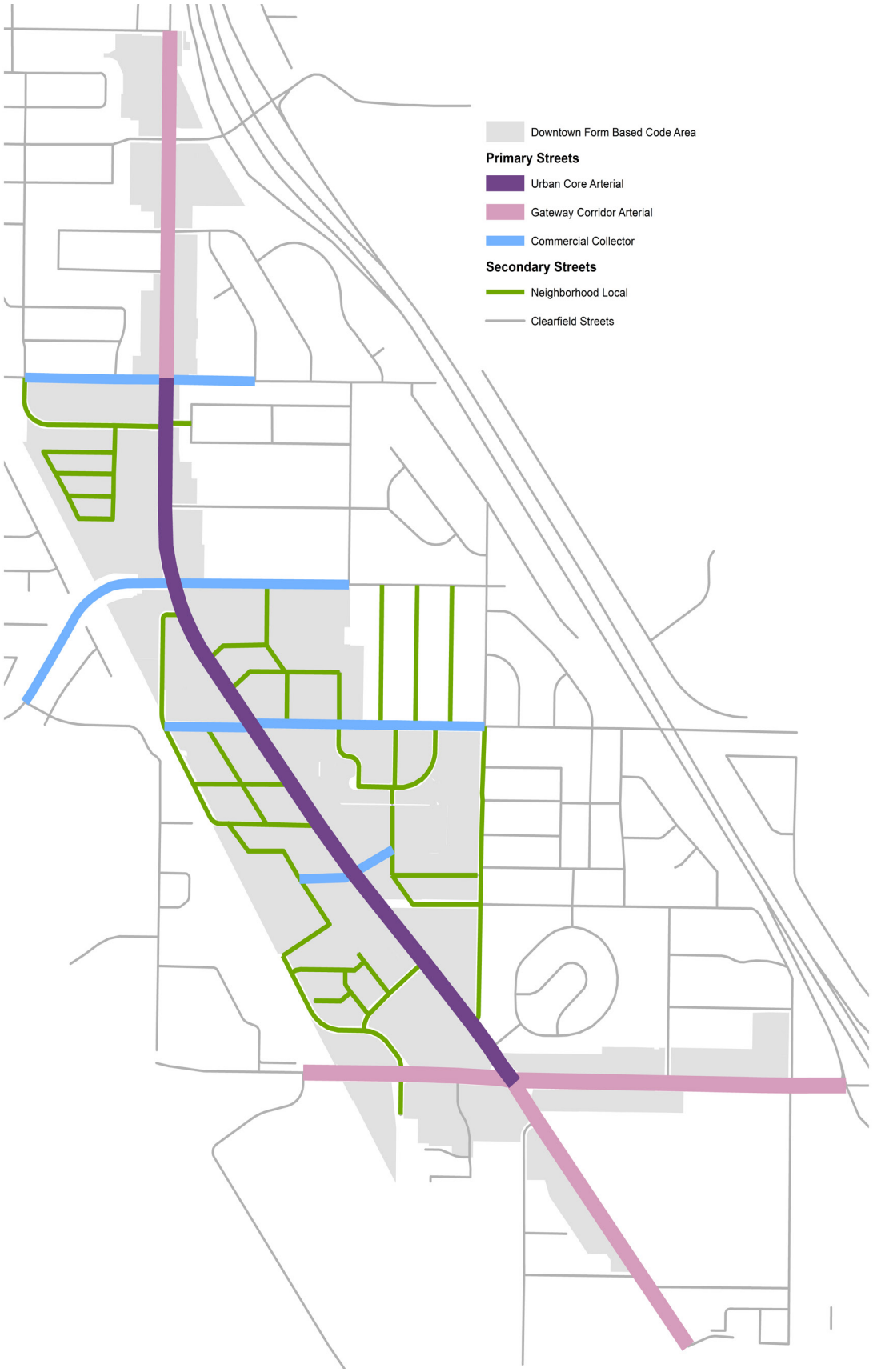
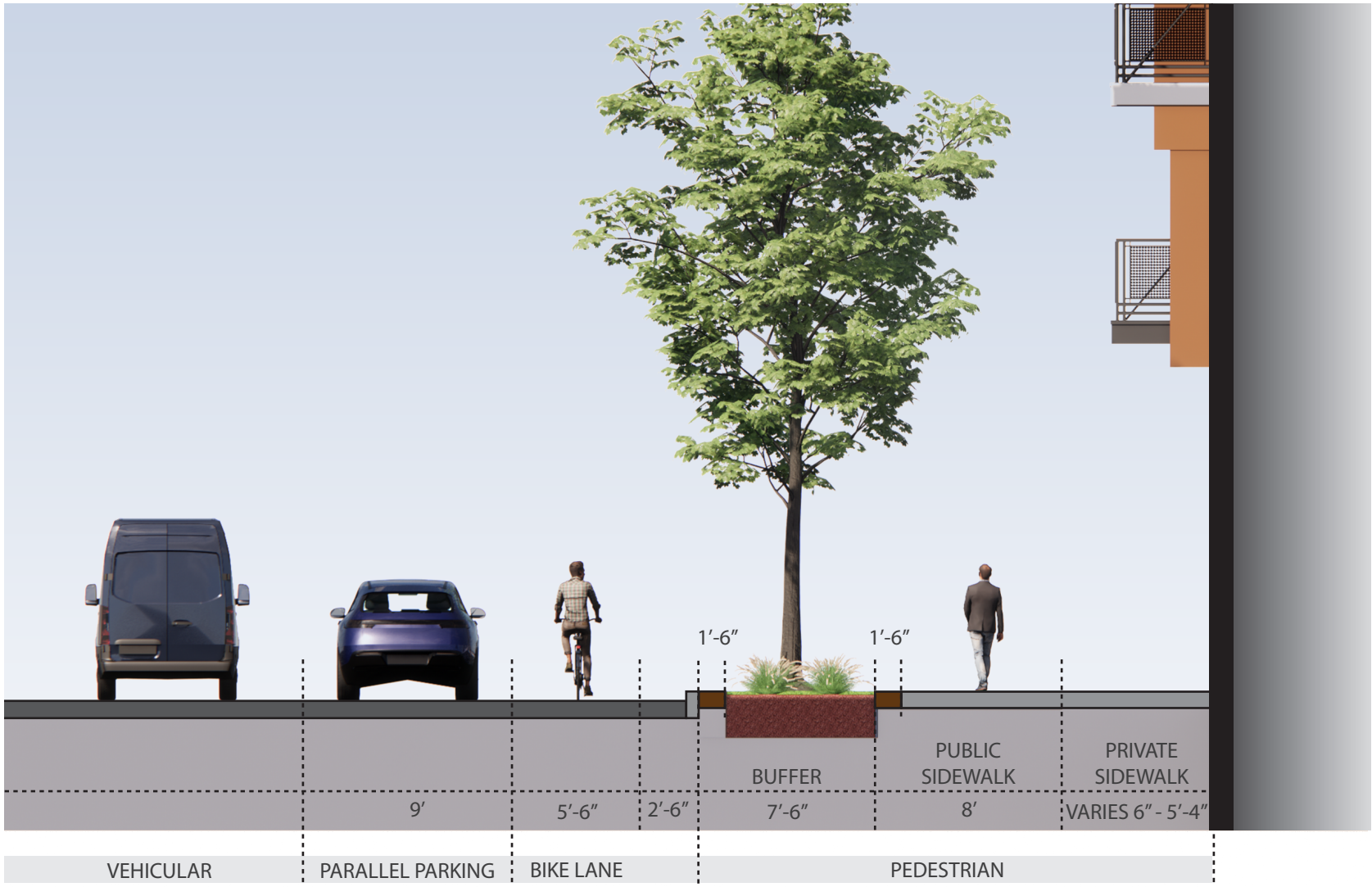
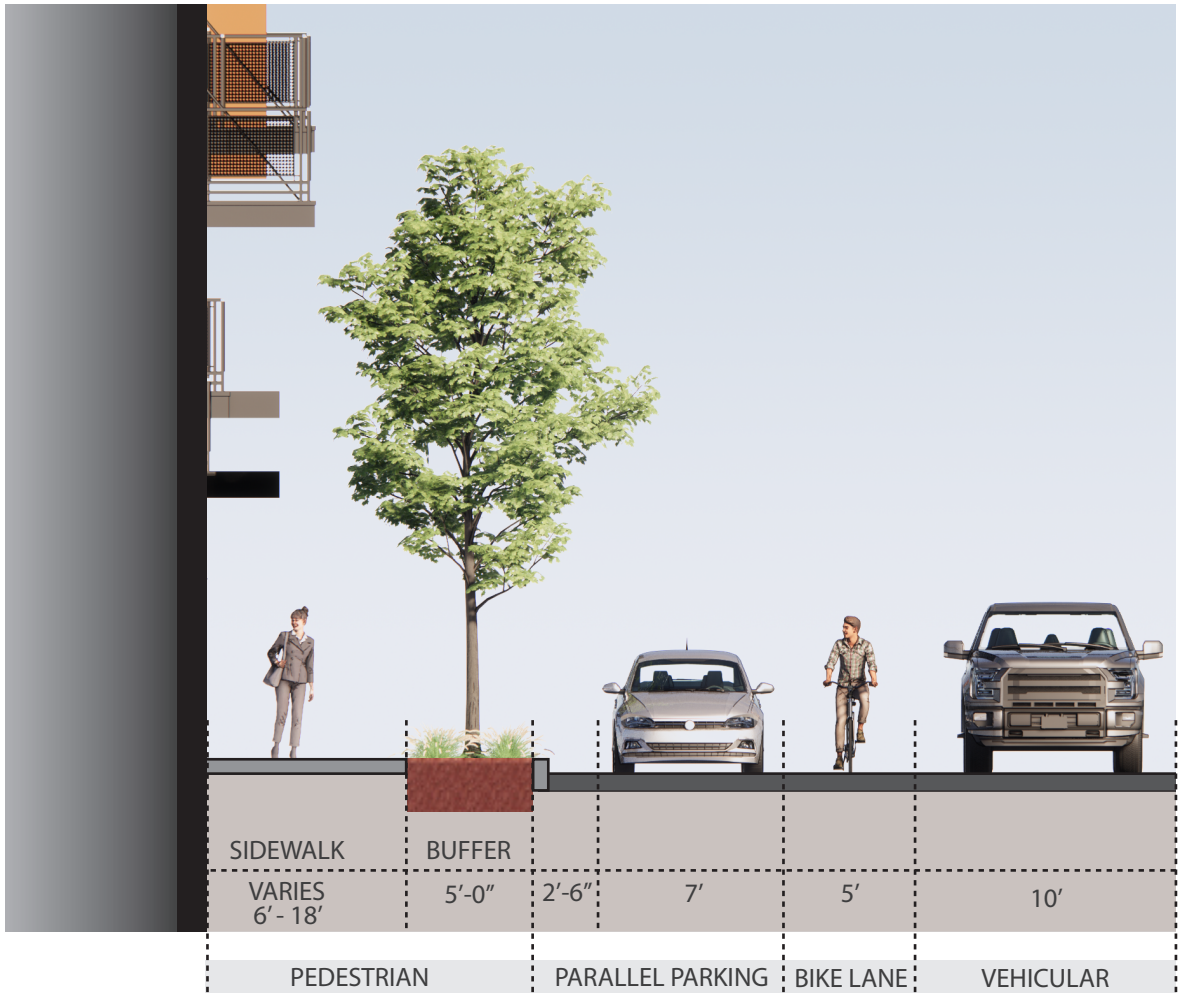



Figure 4.2 (1). Street Hierarchy Diagram.

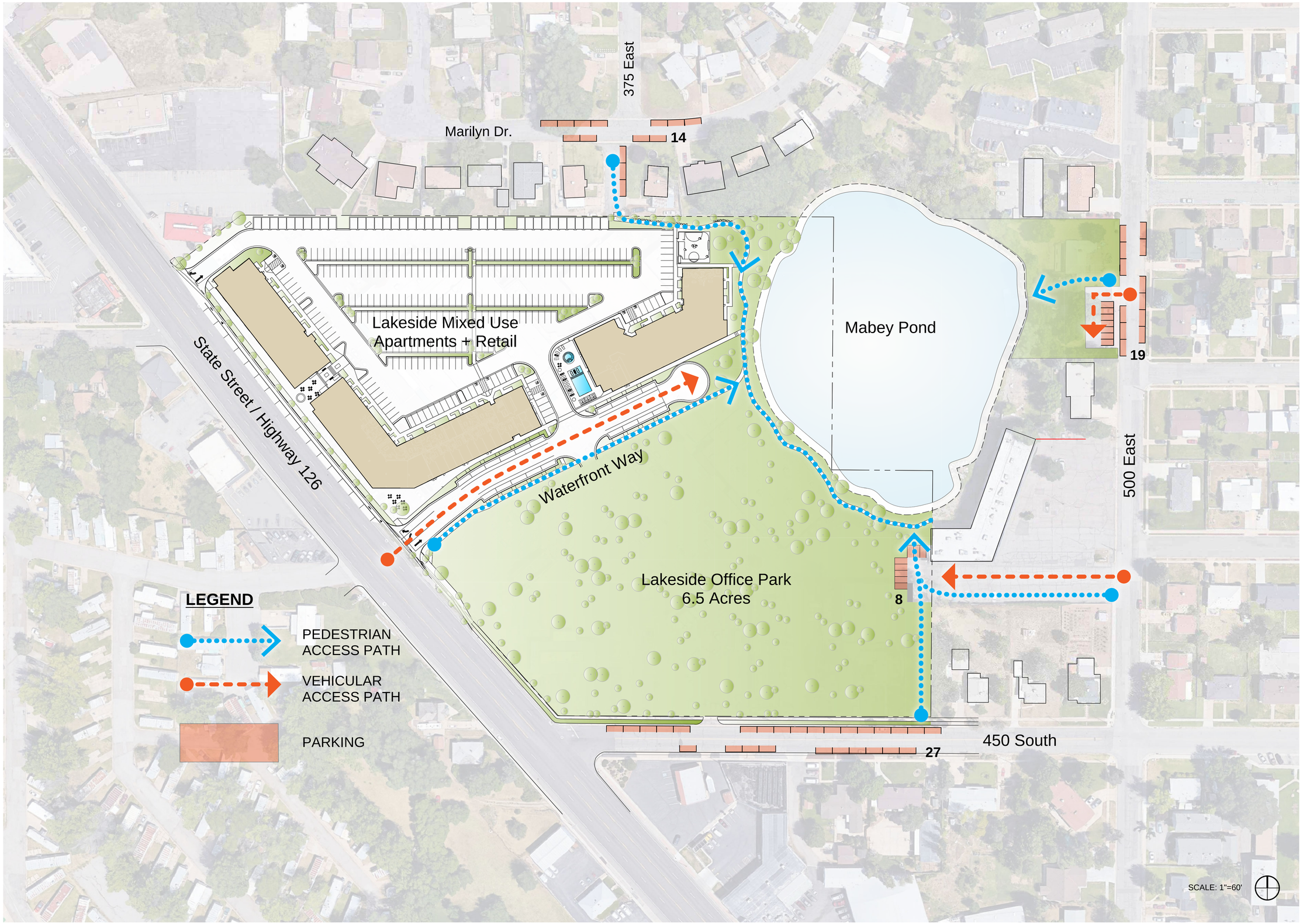
BUILDING 1 STREET SECTION



BUILDING 2 STREET SECTION



# ATTACHMENT 5




FFKR ARCHITECTS
730 Pacific Avenue · Salt Lake City, Utah 84104
O 801.521.6186 · FFKR.COM

Lakeside Apartments

SEAL

PROJECT #

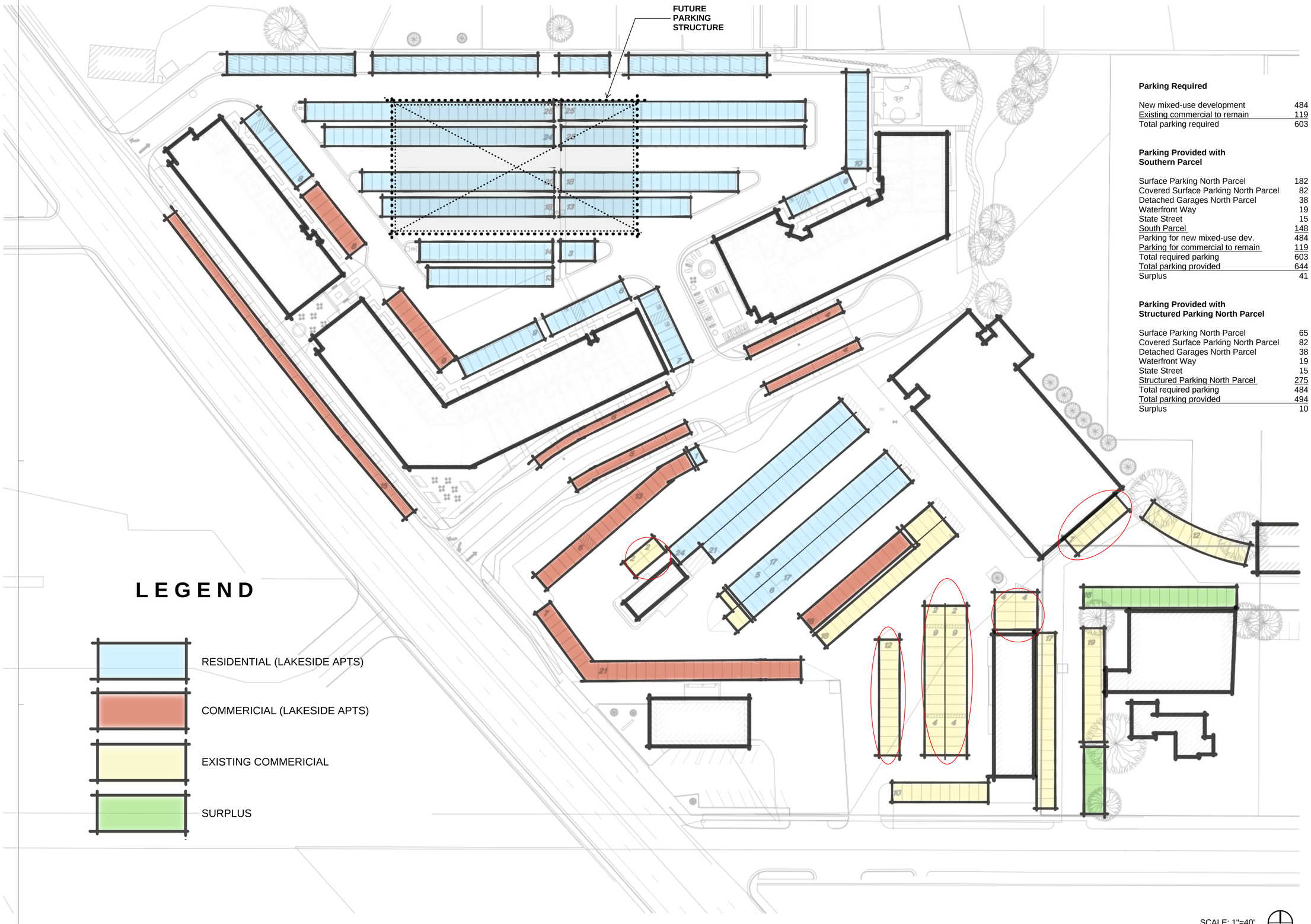
DATE 7.6.22

STATUS

POND + AMENITY ACCESS SITE PLAN

AS-1

# ATTACHMENT 6




**Parking Required**

| | |
|---|---|
| New mixed-use development | 484 |
| Existing commercial to remain | 119 |
| Total parking required | 603 |

**Parking Provided with Southern Parcel**

| | |
|---|---|
| Surface Parking North Parcel | 182 |
| Covered Surface Parking North Parcel | 82 |
| Detached Garages North Parcel | 38 |
| Waterfront Way | 19 |
| State Street | 15 |
| South Parcel | 148 |
| Parking for new mixed-use dev. | 484 |
| Parking for commercial to remain | 119 |
| Total required parking | 603 |
| Total parking provided | 644 |
| Surplus | 41 |

**Parking Provided with Structured Parking North Parcel**

| | |
|---|---|
| Surface Parking North Parcel | 65 |
| Covered Surface Parking North Parcel | 82 |
| Detached Garages North Parcel | 38 |
| Waterfront Way | 19 |
| State Street | 15 |
| Structured Parking North Parcel | 275 |
| Total required parking | 484 |
| Total parking provided | 494 |
| Surplus | 10 |

## LEGEND

RESIDENTIAL (LAKESIDE APTS)

COMMERICIAL (LAKESIDE APTS)

EXISTING COMMERICIAL

SURPLUS

SCALE: 1"=40'

FFKR ARCHITECTS
730 Pacific Avenue · Salt Lake City, Utah 84104
O 801.521.6186 · FFKR.COM

Lakeside Apartments

SEAL

PROJECT #

DATE 6.24.22 STATUS

PARKING SITE PLAN

AS-1

# Planning Commission
## STAFF REPORT

AGENDA ITEM
**#3**

**TO:** **Clearfield City Planning Commission**

**FROM:** **Spencer W. Brimley, Comm. Dev. Director**
Spencer.Brimley@clearfieldcity.org
**(801) 525-2785**

**MEETING DATE:** **Wednesday, July 20, 2022**

**SUBJECT:** Public Hearing, Discussion and Possible Action on **ZTA 2022-060057**, a request by Clearfield City to amend Clearfield City Code as it applies to the regulation of monument signs in the P-F and CV zones. **(Legislative Action).**

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a recommendation **APPROVAL** for **ZTA 2022-060057**, a zoning text amendment request by Clearfield City to amend Clearfield City Code as it applies to the regulation of monument signs in the P-F and CV zones.

This recommendation is based upon the information and findings outlined in this report. As the advisory body to the Clearfield City Council, the Planning Commission may forward a recommendation of approval, denial, or move to table the decision as presented below in the Planning Commission Recommendation Options, based upon the Commission's careful consideration and analysis of the request.

### PLANNING COMMISSION RECOMMENDATION OPTIONS

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

1. **Move to recommend approval of ZTA 2022-060057**, a zoning text amendment request by Clearfield City to amend Clearfield City Code as it applies to the regulation of monument signs in the P-F and CV zones.
2. **Move to recommend denial of ZTA 2022-060057**, a zoning text amendment request by Clearfield City to amend Clearfield City Code as it applies to the regulation of monument signs in the P-F and CV zones.
3. **Move to table ZTA 2022-060057** to request additional information for consideration.

The Planning Commission may also make a recommendation that is different from those listed above, such as a modified recommendation of approval.

### BACKGROUND & ANALYSIS

Clearfield City is considering changes to the regulations for monument signs in the P-F (Public facilities) zone and the CV (Civic Zone). The purpose of these changes to address regulations to permit larger signs that will allow the city to publicize events and other happenings in the city in various locations. Additionally, staff is addressing regulations for monument signs to better accommodate the needs along the corridor.

Below Staff has provided redlines for each section of the code with the suggested changes.

**P-F (PUBLIC FACILITIES ZONE) PROPOSED CHANGES**

11-10A-10: SIGNS:

Monument signs in the P-F zone:

1. Sign Area: No monument sign shall exceed one hundred and twenty (120) square feet in area, except as otherwise permitted.

2. Minimum Street Frontage: There shall be a minimum street frontage of one hundred feet (100') per monument sign. In no case shall there be more than two (2) monument signs per street frontage for any freestanding building on its own lot or for any property that is owned, maintained, and operated by the City.

3. Minimum Distance: No monument sign shall be located within one hundred feet (100') of another monument or freestanding sign on the same side of the street, whether on the same parcel or on an adjacent parcel.

4. Sign Height: Monument signs shall have at least a one-foot (1') pedestal, and the illuminated cabinet shall not exceed nine feet (9') for a total sign height of ten feet (10'). The height to the top of the sign as measured from the street curb may vary depending upon landscaping, but the combined height of the sign and any berming/landscaping shall not exceed ten feet (10').

5. Reader Boards: Reader boards (changeable copy areas) and electronic message centers (EMC) shall not exceed fifty percent (50%) of the total monument sign area.

6. Freestanding Monument Signs: A monument sign allowed by this section may be substituted with a freestanding monument sign.

~~See chapter 15 of this title. (Ord. 2009-35, 11-24-2009)~~

**CV ZONE PROPOSED CHANGES**

**10.9 Monument Sign**

1. Description

A Monument Sign is freestanding; it is located in a front or side yard of a lot. Refer to Figures 10.9 (1), 10.9 (2), and 10.9 (3).

2. General Requirements

Monument Signs shall be developed according to the standards in Table 10.9 (1).

(1) Multiple Tenants. Multiple tenant buildings on a lot with a width of greater than 300 feet, measured across the front property line, may have signage with the following parameters:

(a) Up to two Monument Signs on one frontage.

(b) Signs shall be at least 150 feet apart.

(2) Pole-Mounted Signs. Monument Signs may not be pole mounted.

(3) Manually Changeable Copy. The area of any Manually Changeable Copy cannot equal greater than 50% of the area of the sign face on which it is located or ~~20 square feet, whichever is less~~.

(4) Monument signs shall have at least a one-foot (1') pedestal.

(5). Electronic monument signs are permitted.

3. Sign Size Computation

The area of a two-sided Monument Sign is equal to the area of one Sign face. The area of a three- or four-sided Monument Sign is equal to the total area of each sign face. This measurement includes the sign, any cabinet in which it is enclosed and the electronic message center but excludes the base of the sign.

(1) Measuring Height. Height shall include the sign face, base, cabinet, and ornamental cap.

**Table 10.9 (1). Monument Sign Requirements**

Permitted Districts - All Districts

Sign Area: Maximum 70 sq ft per Sign face, corner lots may double size upon approval by Zoning Administrator. Monuments signs in the CV zone shall be no greater than 120 square feet per face.

Height Maximum height for a monument sign shall have at least a one-foot (1') pedestal, and the illuminated cabinet shall not exceed nine feet (9’) for a total sign height of ten feet (10’).

Location on the Building or Site: Front or Corner Yards

Placement on the Building or Site: 10’ Setback from driveways & side property line; 2’ Setback from front & corner property lines

Quantity: 1 per public ROW frontage. Must provide for a clear view near any intersection of a driveway and a street.

Internal Illumination - Permitted for individual letters and logos

Materials: Solid wood, metal & masonry; Plastic & synthetics permitted on Sign face; Electronic Message Board permitted in All Districts.

1 If placed closer than five feet from the front and corner side property lines, sign must not be located in a sight triangle extending 10 feet from either side of an intersection of a driveway and a vehicular right-of-way or two vehicular rights of way

**PUBLIC COMMENT**

Public notice was placed in the week of July 8, 2022, on the State of Utah public notice website, and on the City's website. No public comment has been received to date.

**GENERAL FINDINGS**

**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 adaptation of zoning regulations and codes to meet the needs of the city and development. |
| 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. |

**FINDINGS & CONCLUSION**

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

1. The identity of Clearfield City should be strengthened by land uses which improve the image of the community and foster a positive, healthy living environment conducive to long-term residency.
2. The proposed changes help the city to accomplish their goals of providing high quality municipal services and creating a place where people want to be.

**ATTACHMENTS**

1. None – proposed changes to PF and CV are included in the staff report

# *Planning Commission*
## STAFF REPORT

AGENDA ITEM
**#2**

**TO:** **Clearfield City Planning Commission**

**FROM:** **Spencer W. Brimley, Comm. Dev. Director**
Spencer.Brimley@clearfieldcity.org
**(801) 525-2785**

**MEETING DATE:** **Wednesday, July 20, 2022**

**SUBJECT:** Staff recommends that the Planning Commission forward a recommendation of **APPROVAL of RZN 2022-060056** to the Clearfield City Council, a zoning map amendment by Clearfield City to properties designated as parks within the City from their current zoning designation to **P-F** (Public Facilities). **Location:** Clearfield City Park properties **Project Area** varies based on park size. **(Legislative Action).**

**RECOMMENDATION**

Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** of **RZN 2022-060056** to the Clearfield City Council, a zoning map amendment by Clearfield City to properties designated as parks within the City from their current zoning designation to P-F (Public Facilities).

This recommendation is based on the findings and discussion of the staff report; however, as the advisory body to the Clearfield City Council, the Planning Commission may vary from this staff recommendation and provide a recommendation on its own based upon careful consideration and analysis of the request.

**PLANNING COMMISSION RECOMMENDATION OPTIONS:**

Subject to alternative direction from the Planning Commission, and after careful consideration of the information shared with the Planning Commission in previous reports and public meetings, as well as the information summarized in this report, staff has provided the following options for the guidance and direction of the Planning Commission with relation to this rezone request.

1. **Move to recommend approval of RZN 2022-060056**, to the Clearfield City Council, to properties designated as parks within the City from their current zoning designation to P-F (Public Facilities).
2. **Move to recommend denial of RZN 2022-060056**, to the Clearfield City Council, to properties designated as parks within the City from their current zoning designation to P-F (Public Facilities).
3. **Move to table RZN 2022-060056** and request additional time to consider the request.

The subject properties encompass the entirety of the Clearfield City Park System. With their current zoning designations which vary from park to park it is important for the City to maintain these areas as parks and retain the regulatory ability for what can and cannot be developed within these park spaces. By rezoning the parcels to P-F, the city is better able to maintain and regulate uses that are akin to municipal uses and services. Additionally, Clearfield City sees the rezone as a vital component for the future growth and long-term establishment of community parks.

The Clearfield City General Plan states, "The P-F Public Facilities Zone is appropriate for such uses as churches, schools, public buildings, open space, parks, public utilities, public owned property, and other related uses…" The table on page 8 of the General Plan indicates the appropriate zoning classifications for the different land use categories. The P-F (Public Facilities) Zone is in the only appropriate zone classification identified for public uses. Staff has listed all park areas, including those in the Downtown Form Based Code area, and those have been previously zoned P-F. The parcels in the FBC area and those already zoned P-F will be unchanged by this request. The city is undertaking text amendments that will address the CV zoned parcels and those that are already zone P-F. Additionally, parks listed as CV in the list below will not be changed to P-F.

**Proposal**

The following parks are included in this proposed rezone and are identified in the table below with their approximate location and the current zoning. Additionally, staff has included an exhibit to the staff report which provides a graphic representation for the location of each park in the city. Please note any parks that possess the proposed P-F zone will not be changed, but have been included in the list of those to provide a full breadth of all parks that already or will be rezoned to PF.

| | | |
|---|---|---|
| South Steed | PF | 300 N. 1000 W. |
| North steed/pond | PF | 301 N. 1000 W. |
| Trainwatch | R-3 | 200 W. 250 N. |
| Rose Garden | R-1-8 | 700 W. 375 N. |
| Hoggan | R-1-8 | 234 W. 550 N. |
| 650 N. | CC | 650 N. State St. |
| Ross | R-1-8 | Island in Ross Drive Subd. |
| Mabey | TR | 310 S 500 E |
| Cob (City Office Building) | CV | 55 S. State St. |
| Bicentennial | R-1-8 | 931 E. 600 S. |
| | | |
| Fisher | R-1-9 | 920 S. 1000 E. and 825 S. State St. |
| Aquatic | R-1-9 | 825 S. State St. |
| Central | C-V | 326 E. Center St. |
| Thornock | R-1-8 | 200 S. 500 W. |
| Hamblin *(200 S.) | M-1 | 126 S. 200 W. |
| Cornerstone | R-1-8 | 2601 S. Main St. |
| | | |
| Jesse D. Barlow | A-1 | 2100 S. 500 W. |
| Island View | R-3 | 1800 South Main |
| Fox Hollow | R-1-O/R-1-8 | 2050 S. 575 E. |
| Chelemes | R-1-O | 2140 S. 1000 E. |
| Jacobsen | R-1-O/R-1-8 | 1045 S 1350 W |
| Kiwanis | R-2 | 300 N. Vine St. |
| South Main(2 locations) | R-1-O | 2200 S 50 E 2250 E South Main |
| | | |
| Cemetery | P-F | 1050 S. State St. |
| Park's Building | P-F | 58 E. 550 S. |
| Old library site | R-1-8 | 562 S 1000 EAST |

If there are park areas the commission wishes to maintain under the current zoning designation, those can be removed as long as they are clearly stated for the record as part of the recommendation to the City Council.

**Public Comment**
A property notice was posted at City Hall on July 8, 2022, with mailed notices also sent that same day. No public comment has been received at the time of the drafting of this report.

## LAND USE ORDINANCE OR ZONING MAP AMENDMENT ANALYSIS

As outlined in Section 11-6-3 of the Clearfield City Land Use Ordinance, the Planning Commission shall review the petition to change the land use title or zoning map and provide recommendation to the City Council. The Planning Commission may recommend adoption of the proposed amendment when it finds that the proposed amendment is in accordance with one of the two considerations listed in the table below.

| Review Consideration | Staff Analysis |
|---|---|
| *The proposed amendment is in accordance with the General Plan and Map; or* | The requested amendment is consistent with the goals the General Plan and Map as the appropriate zone for the current and future parks use of the properties. |
| *Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.* | With a high need for residential development, it is important to rezone any city-owned properties that are not intended for residential development. The parks are a long-standing use that is anticipated to reach without proper planning and governance. The rezone of the subject properties to the P-F Zone is intended to further establish this area for the future expansion and protection of the parks, while eliminating the possibility for residential development on the subject parcels. |

## GENERAL PLAN ANALYSIS

The Clearfield City General Plan outlines the overall community vision and provides land use guidelines located in Chapter 2 - Land Use Element, which should be followed throughout the City. Chapter 3 – Transportation, addresses goals and policies to ensure balance between future transportation needs that come with future land use development. The following three sections are an analysis of the land use guidelines, the applicable land use goal and policy, and transportation aspects of the General Plan.

| Land Use Guideline | Staff Analysis |
|---|---|
| 1. *The identity of Clearfield City should be strengthened by land uses which improve the image of the community and foster a positive, healthy living environment conducive to long-term residency.* | Rezoning these properties will further establish city owned parks and preserve the area for that use for current and future residents. Proposed improvements following the rezone will improve the image of the community. |

| | |
|---|---|
| 2. *The relationship of planned uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.* | As Clearfield continues to grow, the need to have well-established and well-maintained parks increases. City-owned properties envisioned for the future use in the parks should be preserved for future generations. |
| 3. *Redevelopment should emphasize the reuse of developed areas and existing community resources in such a way as to increase the livability and aesthetics of the City.* | The future expansion/redevelopment of the parks following the rezoning will capitalize on the existing community resource and will increase the livability and aesthetics of the City. |
| 4. *The Land Use Plan should provide for a full range and mix of land uses including residential, commercial, manufacturing, and public use areas.* | Not applicable. |
| 5. *Transitions between differing land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available. Adequate screening and design should be provided to protect existing residential areas form more intense land uses.* | Location of parks throughout the city allow for necessary separating and buffering. Rezoning parks allows the city greater control over future expansion and impacts in and around park spaces. |
| 6. *Development approval should be tied to the construction of culinary water, sewer, storm drainage, and circulation systems.* | Not applicable. |
| 7. *Density increases should be considered only after adequate infrastructure and resource availability have been sufficiently demonstrated.* | Not applicable. |
| 8. *An interconnecting public open space system should be provided, including pedestrian linkages, recreational areas, natural areas, on-road cycling facilities, and drainage ways.* | The rezone of this property would not impede connections or linkages with the current public open space system. The future expansion and improvement of the any park may provide additional connections and areas for passive/quiet recreation. |

| | |
|---|---|
| 9. *Commercial and manufacturing uses should be highly accessible, clustered near the center of their service areas, and developed in harmony with the uses and character of surrounding districts.* | Not applicable. |
| 10. *The Land Use Plan should promote and encourage land use patterns that provide a high quality of life to all and offer choice in mobility and transportation.* | Not applicable. |
| 11. *The remaining vacant properties in the City should be developed at their highest and best use to maximize their value to the landowner and the City.* | Parks are meant to provide amenity and open space for the residents to recreate. Expansion of parks may be necessary in the future, but any vacant land, owned by the city that is not shown as a park now is not included the IFFP and will most likely remain vacant until such time it is included in the required IFFP for the city. |
| 12. *The quality and usefulness of parks and open space should be maximized. Open spaces that are small, inaccessible, difficult to maintain, or encumbered by utilities, drainage basins, or excessive slopes should not be encouraged.* | By rezoning these properties, the city will be able to better maximize opportunities and limit impacts. |
| 13. *Manufacturing and industrial activities should be limited to those areas already zoned for such uses.* | Not applicable. |
| 14. *Properties registered with the County or State for agricultural or industrial protection should be recognized by the City to allow such land uses.* | Not applicable. |
| 15. *Land use decisions should be based on a comprehensive understanding of their effects on the environment and surrounding areas.* | Preservation of the parks space is important for the future growth and well-being of the city. Future residential uses within the current parks could be detrimental to the purpose of the parks system as a benefit and amenity for the community. |

The General Plan Future Land Use Map includes public uses within the residential classification color. The general plan also identifies the land use of “Public Use” as the appropriate land use designation for the P-

F zoning district. Staff has reviewed the general plan and finds the request for P-F to be applied to the parks in the city consistent with the goals and objectives of the general plan.

**FINDINGS AND CONCLUSION**

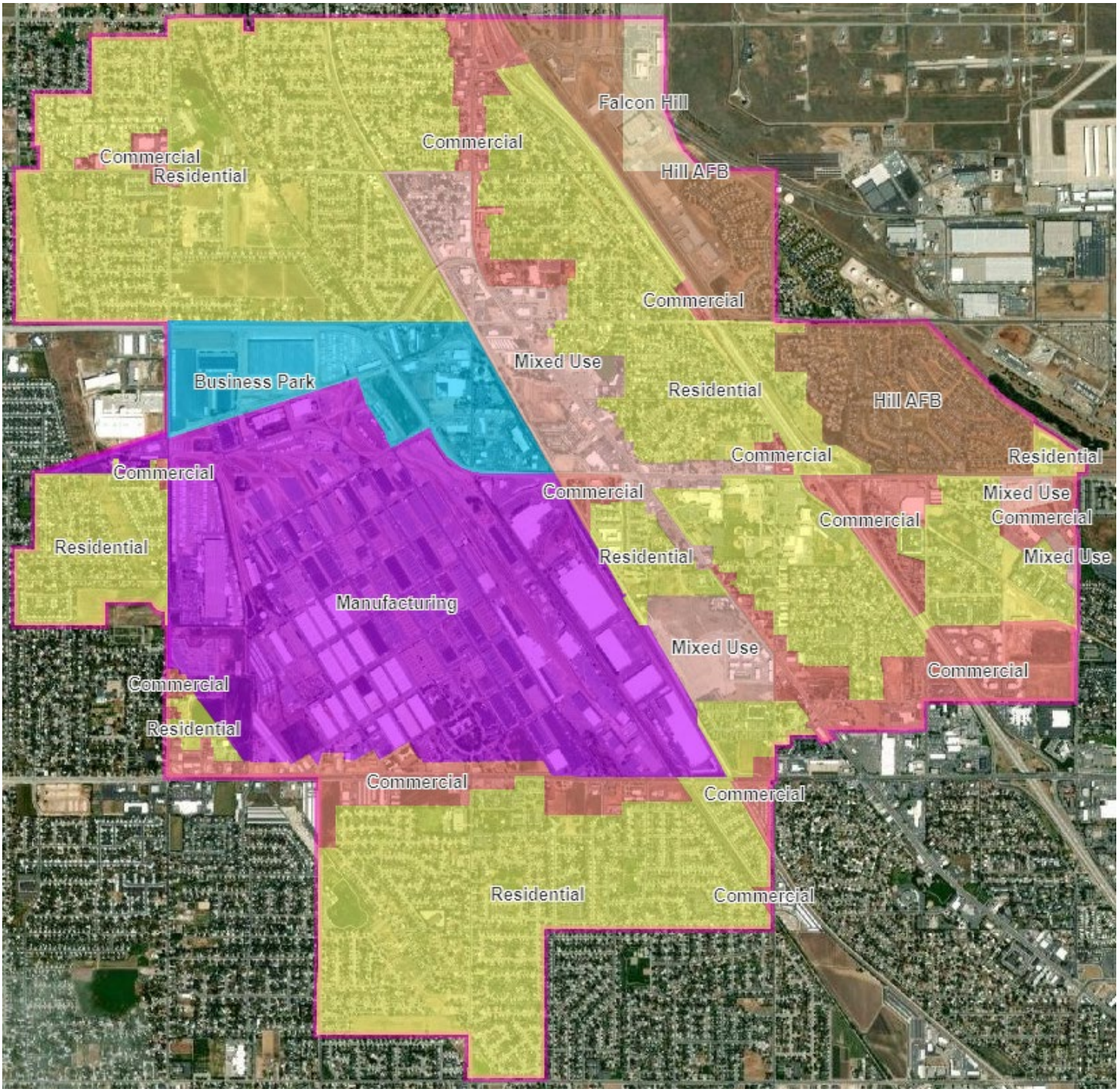
Based on the analysis of this request and the Clearfield City General Plan, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to the Clearfield City Council for the proposed zoning map amendment. This recommendation is based on the analysis of the staff report and the following findings:

1. The proposed zoning map amendment is consistent with the land use guidelines, goals, and objectives of the Clearfield City General Plan.
2. Development of these properties with uses other than those expressly of a municipal use is inconsistent with the current and future use of the properties as public open spaces.
3. Preservation of open spaces and city owned land is vital for current and future residents.

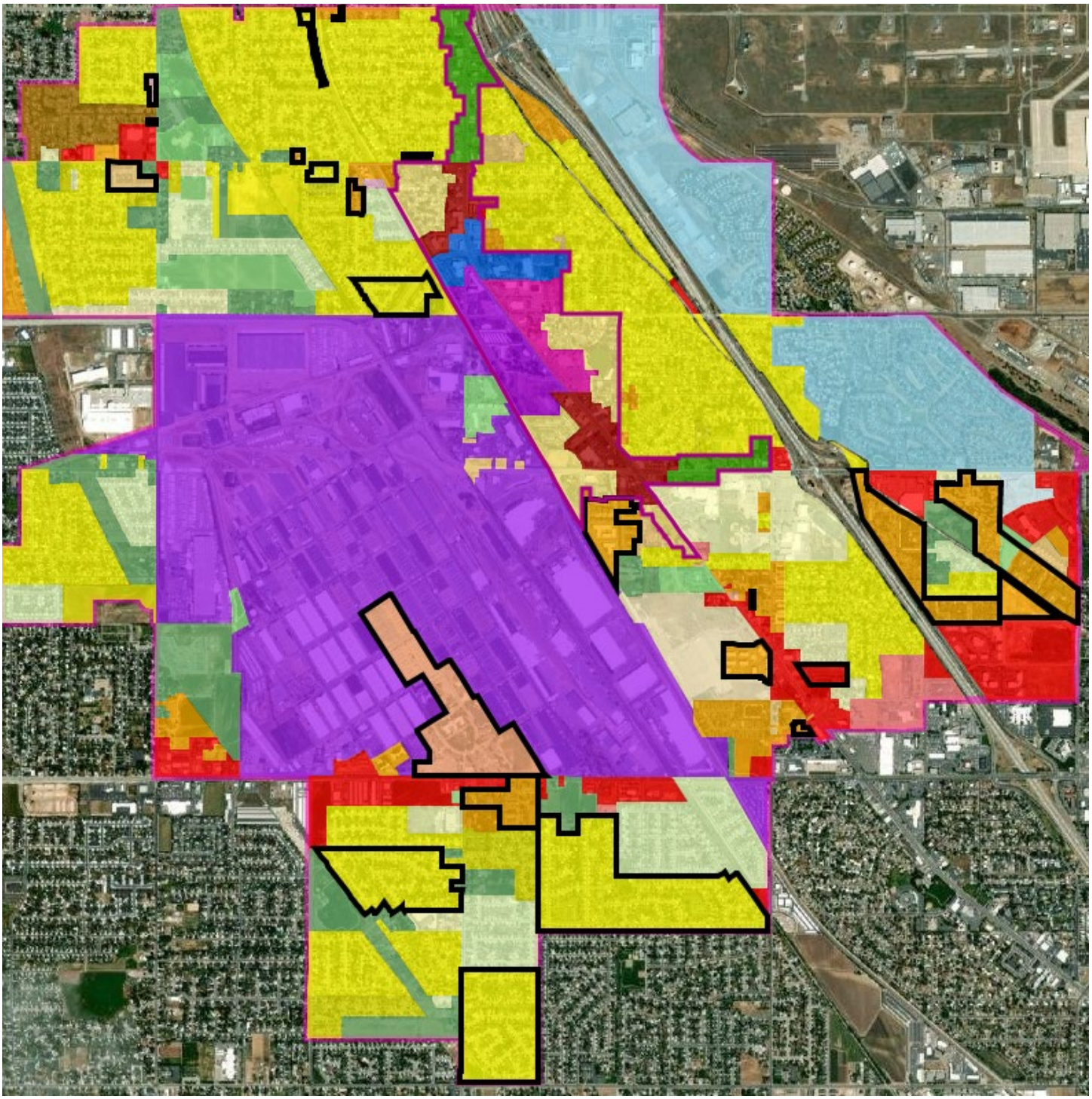
**ATTACHMENTS**

1. Citywide General Plan Map
2. Citywide Zoning Map
3. Citywide Parks map

GENERAL PLAN LAND USE MAP



GENERAL ZONING MAP



PARKS LOCATION MAP



# STAFF REPORT

**TO:** Mayor Shepherd and City Council Members

**FROM:** Eric Howes, Community Services Director

**MEETING DATE:** July 26, 2022

**SUBJECT:** PARAT Tax Discussion

---

## RECOMMENDED ACTION

Review the presented materials and provide guidance to staff for future utilization of PARAT Tax funding.

## DESCRIPTION / BACKGROUND

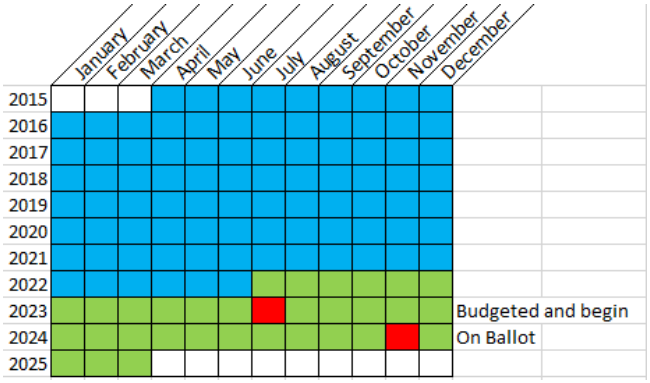
To this point in time, the PARAT Tax has been utilized to fund the following:

- 6 playgrounds (North Steed, Fisher, Cornerstone, Hamblin, Island View, and Central)
- Play Structure in the Leisure pool at the Aquatic & Fitness Center
- Pickleball Complex
- Arts Supervisor (PT-FT 1 year)
- Arts Center Renovation
- Court Resurfacing (Fisher, Kiwanis, Jacobsen, Barlow, Island View, Fox Hollow)
- Dog Park at Barlow Park

Current and planned projects where PARAT Tax funds have been committed, but not expended include:

- Canal Trail Connection (200 South – 300 North, Combined with WFRC Grant)
- Mountain bike trails along Rail Trail and at Chelmes Park
- Pickleball Court completion (Parking and pavilions)

PARAT Tax was on the ballot for approval in November of 2014 and the city first received funds in April of 2015. The renewal will be on the ballot in November of 2024. The current PARAT timeline is as follows:




- Projects that are intended to be completed prior to the 2024 election will need to be included in the FY23 and FY24 budgets to be completed prior to the vote for an additional 10 years.
- Any projects requiring extensive site design will be difficult to complete prior to the 2024 election.

With these time constraints, staff would recommend that any projects funded with this first round of PARAT Tax funding be limited to those that require minimal site design. These projects were recommended by staff and reviewed by the Parks & Recreation Commission during their meeting on June 15th, 2022. The list of recommended projects is included in the order recommended by the Parks & Recreation Commission:

1. **Park Pavilion Replacements**. This project would include replacement of the small pavilions in Bicentennial Park, Kiwanis Park, and Train Watch Park. Replacement of the large pavilion at Kiwanis Park, and new pavilions at Island View and Steed Pond. Most of these would also include new concrete pads under the pavilions. Current estimated cost is $225,000.
2. **Skate Park Improvements.** This project would include the elimination of some of the grass inside the fence and pouring a concrete pad. New premanufactured skatepark elements would be placed on the new cement including lower elements for less advanced skaters. Current estimated cost is $150,000.
3. **Bicentennial Playground.** Bicentennial Park is our largest park without a playground. The project would include the creation of a new playground pit and the purchase and installation of the playground. The proposed location is on the west end of the park where the sidewalks currently exist but do not connect. Current estimated cost of the project is $150,000.
4. **City Hall Playgrounds.** With all the construction of apartments surrounding City Hall, staff is recommending adding a large playground in the front of the building in the area just south of the front steps. This would also serve to reduce unnecessary grass and make the area much more inviting as a part of the downtown area. Current estimated cost of the project is $200,000.

5. **Fish Cleaning Station at Steed Pond.** The addition of a fish cleaning station and shading pavilion would provide a location for cleaning fish on site and eliminate the need to dispose of fish guts in the existing garbage cans. Current estimated cost of this project is $45,000.
6. **Dog Park Phase 2.** The new dog park at Barlow Park has been extremely popular. The proposed addition would utilize the triangular space north of the existing dog park for a second dog park for smaller dogs. Some importation of fill material would be required to grade the site and irrigation would need to be installed. Other expenses would include additional fencing and the installation of a drinking fountain. Current estimated cost is $45,000.
7. **Mabey Pond Restroom.** This project would include the installation of a precast concrete restroom similar to the one installed at Cornerstone Park. Current estimated cost is $90,000.
8. **Mabey Pond Fish Cleaning Station**. The addition of a fish cleaning station and shading pavilion would provide a location for cleaning fish on site and eliminate the need to dispose of fish guts in the existing garbage cans. Current estimated cost of this project is $45,000.
9. **Mobile Stage and Sound Equipment.** This stage could be used for the 4th of July or other events such as those conducted on the Center Street bridge. The purchase would also include a sound system. Current estimated cost is $225,000.

Other projects not included on this list could possibly be considered. Regardless, staff would recommend projects such as those listed that do not require a lot of time for design.

**CORRESPONDING POLICY PRIORITY (IES)**

The overall goal for the utilization of the PARAT Tax is to "create a place where people want to be." This is in part accomplished by the provision of exceptional parks, recreation, and arts services.

**FISCAL IMPACT**

a. **FISCAL -** Dependent on the scoring and preference of the council. This item is intended to provide guidance for staff in the development of a PARAT Tax Master Plan that will guide the utilization of PARAT Tax revenues.

b. **OPERATIONS / SERVICE DELIVERY**- This item will provide direction for staff to initiate the utilization of the PARAT Tax and to optimize the impact of these funds for our community. It is critical to the potential continuation of the PARAT Tax in 2024 that these funds are utilized effectively and in a timely manner.

**ALTERNATIVES**

Should the development of a complete Master Plan be accomplished through this process, it would be necessary to at least proved staff with guidance for the next several PARAT Tax projects to allow the process to continue to move forward.

**SCHEDULE / TIME CONSTRAINTS**

The PARAT Tax will be on the ballot for continuation in November of 2024. Any projects that are intended to encourage the voters to support a ten-year extension of the PARAT Tax would need to be at or near completion at that time.

**LIST OF ATTACHMENTS**

N/A

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
March 22, 2022

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 William | City Attorney |
| | Melissa Kometscher | CDBG Coordinator |
| | Kelly Bennett | Police Chief |
| | Adam Favero | Public Works Director |
| | Braden Felix | City Engineer |
| | Eric Howes | Community Services Director |
| | Curtis Dickson | Community Services Deputy Dir. |
| | Benji Frye | Parks and Open Space Manager |
| | Spencer Brimley | Community Development Director |
| | Brad McIlrath | Senior Planner |
| | Rich Knapp | Finance Manager |
| | Lee Naylor | Accountant |
| | Shaundra Rushton | Communications Manager |
| | Nancy Dean | City Recorder |

VISITORS: Brittani Dicus, Chris Tremea, and Kevin Porter

Mayor Shepherd called the meeting to order at 7:00 p.m.

Mayor Shepherd informed the audience that if they would like to comment during the Open Comment Period there were forms to fill out by the door.

Councilmember Peterson invited Brittney Dikes and Chris Tremea to lead the opening ceremonies.

DRAFT

APPROVAL OF THE MINUTES FROM JUNE 1, 2021, WORK SESSION, JUNE 8, 2021, WORK SESSION, AND MARCH 7, 2022, POLICY SESSION

**Councilmember Roper moved to approve the minutes from June 1, 2021, Work Session, June 8, 2021, Work Session, and March 7, 2022, Policy Session, as written; seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson, Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ONE-YEAR ACTION PLAN FOR THE 2022-2023 PROGRAM YEAR

Melissa Kometscher, CDBG Coordinator, reviewed the 2022-2023 expected Community Development Block Grant (CDBG) award with the Council. She explained that the expected amount would be approximately $199,497.15 and provided a breakdown of how the funding would be distributed.

- Open doors, Davis Community Learning Center, Safe Harbor would receive $9,974.85 each.
- Housing Rehabilitation would receive $94,673.20.
- Down Payment Assistance would receive $35,000.
- Administration would receive $39,899.40

Councilmember Phipps asked when the actual award amount would be released. Ms. Kometscher responded that based on previous years, her belief was the actual amount awarded would be released after the fiscal year had begun. She explained that was why 95 percent of the previous year grant award amount was calculated for the budget.

Mayor Shepherd opened the public hearing at 7:04 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Thompson moved to close the public hearing at 7:05 p.m. seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

OPEN COMMENT PERIOD

Chris Tremea, with the Ute Football League, wanted to speak on the use of the playing fields during the drought. He acknowledged the program was aware of the drought concerns and had contingency plans in place. Mr. Tremea mentioned the Ute Football League was interested in a public/private cooperation agreement to be able to work out use of the fields with the City in the future. He expressed his belief that the use of the fields by the program should not be worrisome.

DRAFT

COMMUNICATION ITEMS

***Mayor Shepherd***

1. Attended Hill Field Elementary School's Lunch with the Mayor and appreciated the staff for setting it up. He received a request from the principal to go back to using the Lunch with the Mayor as a reward for specific students.
2. Thanked everyone involved with the Youth Commission Washington D.C. trip.

***Councilmember Bush***

1. Provided a reminder about the Chancellor Gardens grand reopening on April 6, 2022 from 4 to 6 p.m. and the request to RSVP.
2. Informed everyone that the Chancellor Gardens annual fundraiser would benefit the Ogden Rescue Mission.
3. Extended an invitation to a taco bar and bake sale on Thursday, March 31, 2022 from 11:00 a.m. to 2:00 p.m. hosted by Chancellor Gardens.

***Councilmember Peterson***

1. Seconded the Mayor's appreciation for the Washington D.C. trip and the involvement from staff.
2. Announced the North Davis Fire District (NDFD) had vacated its station at 88 East Center Street, Clearfield, and was now set up in a temporary location at the Freeport Center. Demolition of the old building was scheduled for the end of June.

***Councilmember Phipps –*** nothing.

***Councilmember Roper***

1. Mentioned the Pioneer Adult Rehabilitation Center (PARC) ribbon cutting on March 30, 2022, and how the support of Clearfield City would be appreciated.
2. Commented on the Washington D.C. trip with the Youth Commission and how wonderful it was. He thanked everyone who made the trip possible.

***Councilmember Thompson –*** nothing.

STAFF REPORTS

***JJ Allen, City Manager***

1. Mentioned the youth would be reporting to the City Council in a couple of weeks regarding the Washington D.C. trip.
2. Informed the Council the date for the retreat had not been set and he sent out an email with a google form to fill out.
3. Highlighted Councilmember Thompson signing the paperwork for closing the sale of the old library.
4. Noted he would be out of town from March 31, 2022 to April 10, 2022, and that Summer Palmer would be acting City Manager.

DRAFT

***Nancy Dean, City Recorder –*** reviewed the upcoming schedule.

1. *Scheduled:* Work Session - March 29, 2022, Policy and Work Session – April 12, 2022, and Policy and Work Session – April 26, 2022.
2. *Undetermined:* April 5, 2022, and April 19, 2022.

***Eric Howes, Community Services Director***

1. Mentioned that during the 2022 Annual Utah Recreation & Parks Association (URPA) Conference, Clearfield City's Community Services department had been awarded Outstanding Department for a Class II City (population between 15,000 and 50,000). The award would be presented by the URPA Executive Director, LeAnn Owell, at an upcoming Council meeting.
2. Updated Council on Arbor Day events.

**Councilmember Peterson moved to adjourn the policy session at 7:19 p.m. and reconvene in work session, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE: Councilmembers Bush, Phipps, Peterson, Roper, and Thompson. Voting NO – None.**

DRAFT

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
June 21, 2022

City Building
55 South State Street
Clearfield City, Utah

| | | |
|---|---|---|
| PRESIDING: | Mark Shepherd | Mayor |
| PRESENT: | Nike Peterson | Councilmember |
| | Vern Phipps | Councilmember |
| | Tim Roper | Councilmember |
| PRESENT VIA TEAMS: | Karece Thompson | Councilmember |
| EXCUSED: | Kent Bush | Councilmember |
| STAFF PRESENT: | JJ Allen | City Manager |
| | Stuart Williams | City Attorney |
| | Kelly Bennett | Police Chief |
| | Adam Favero | Public Works Director |
| | Eric Howes | Community Services Director |
| | Curtis Dickson | Community Services Deputy Dir. |
| | Brad McIlrath | Senior Planner |
| | Rich Knapp | Finance Manager |
| | Lee Naylor | Accountant |
| | Brooke Limoges | Accounting Technician |
| | Shaundra Rushton | Communications Manager |
| | Nancy Dean | City Recorder |

VISITORS: Jenna Nelson, Mark Becraft (North Davis Fire District Chief), Blaylock & Partners (2)

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

DISCUSSION ON THE NORTH DAVIS FIRE DISTRICT (NDFD) DEVELOPMENT AGREEMENT

The North Davis Fire District (NDFD) was seeking approval of a development agreement for modifications from the Form Based Code (FBC) along with other project improvements of the redevelopment that would be important to outline between Clearfield City and NDFD. As part of the review and approval process, the Planning Commission held a public hearing on June 15, 2022, and the City Council has a public hearing scheduled for June 28, 2022.

DRAFT

Brad McIlrath, Senior Planner, went over the site design and planning elements. He noted that the landscaping would no longer be maintained by Clearfield City Parks and Open Space crews and would become the responsibility of the NDFD. Mr. McIlrath reviewed the requested modifications to the Form Based Code (FBC) with the Council.

- Due to the use of the site as a fire station with larger vehicles, NDFD was seeking to have a seventy percent maximum impervious coverage calculation as opposed to the sixty percent allowed by FBC.

- The FBC would require street trees along Center Street placed twenty to forty feet apart on Center within the park strip. To maintain site visibility for vehicle and pedestrian traffic and emergency response vehicles departing onto Center Street, NDFD was seeking approval to not install the street trees for the street frontage.

- FBC compliance would require, benches every 200 feet on commercial and arterial streets in the CV zoning district. The developers had included the benches along Center Street along with benches in the plaza area in the plans. The question posed to the Council was if the benches in the plaza would be sufficient or would they need to proceed with the benches along Center Street as well. There appeared to be agreement that the benches along Center Street were not necessary. Kevin Blaylock, Blaylock & Partners, requested that Council confirm the agreement was to proceed without the two benches along Center Street, Council confirmed that was the direction they would like to go.

- FBC would require a minimum Ground Story Transparency (glass) of 50 percent, which would be measured between two feet and eight feet above grade along facades with street frontage. The Center Street façade followed the FBC, however, the State Street façade had a ground floor transparency of only 36 percent. Mr. McIlrath informed the Council that there was additional glasswork outside of the measured two feet and eight feet as required by the FBC that would total forty-eight percent if allowed to be calculated that way. He confirmed staff would support incorporating the entire glasswork of the façade into the calculation.

  Councilmember Peterson provided her support and mentioned it would be difficult to move things on the inside to accommodate the FBC requirements due to fire code. She noted the overall impact of glass would be significant on all three sides of the right-of-way that would have access to the site.

- The FBC required primary building materials to be used for a minimum of seventy-five percent of each façade of the building. According to the plans, all the elevations except the North Administration elevation, met or exceeded the requirement. The North Administration elevation was calculated at seventy-one percent. Mr. McIlrath pointed out that the elevation in question was not visible from Center Street and was oriented toward a semi-private terrace. He mentioned that the continuation of the brick would not flow with the desired design of the building. Council appeared to

DRAFT

agree that it was a different type of building and therefore it would consent to let the seventy-one percent calculation stand.

- FBC allowed for a maximum of fifteen percent of landscaped areas to contain turf grass. The plans for the NDFD displayed thirty-five percent. There were two types of grass, one was more drought resistant and required less water usage and upkeep, the second was normal turf. The drought resistant turf totaled fifteen percent while the normal turf totaled twenty percent. The public's perception appeared to be a concern for the Council. The NDFD was a public facility, therefore, it would be important to maintain the standard. Councilmember Peterson noted that landscaping would be an area the City could hold to the standard. Most of the Council appeared to agree that the total turf grass be reduced to fifteen percent to comply with the FBC.

- To comply with the FBC, the development would require 28 trees. The current plan provided seven trees on site. The request from the developer was to add an additional six trees and not be required to meet the 28-tree requirement. Mr. McIlrath demonstrated what the site would look like with the addition of the requested six trees and then increased to the FBC required minimum. The building would not be visible. Visibility was a concern for Councilmember Peterson with the placement of one of the requested six trees. The direction was to move forward with twelve of the thirteen trees proposed as an amendment.

Mr. McIlrath informed the Council that the Planning Commission had forwarded a recommendation of approval for the Development Agreement on June 15, 2022. He noted that the agreement would not have to go back through the Planning Commission if changes were made at the City Council level.

DISCUSSION ON THE PURCHASING POLICY AND THE DISPOSAL, SALE, OR SURPLUS OF CITY PROPERTY

Rich Knapp, Finance Manager, presented Council with a draft for a new Purchasing Policy and amendments to the Disposal, Sale, or Surplus of City Property for consideration. The last update was in 2009, and due to inflation, the current policy had become inefficient. Mr. Knapp explained staff desired a more succinct policy that would be easier to interpret. He noted that a point of confusion was the difference between authorization thresholds and bid requirement thresholds. Mr. Knapp informed Council the new policy identified the purchase amount that could be authorized by a division manager, a department head, and the city manager, and mirrored the current protocols as follows:

- Division Managers: $0-$5,000
- Department Heads: $5,000-$25,000
- City Manager: $25,000 and up

Within the authorization threshold, staff could not authorize anything that was not budgeted. Once a budget has been established, then staff could authorize purchases within the budget. Mr. Knapp expressed confusion on when and if the Council would need to authorize expenditures.

The new policy, as drafted, would not generally require additional approval from the Council at the time of procurement. The City's budget detailed specific expenses and staff would assume the detailed line-items had the Council's authorization. The reallocation of funds of significance, and any procurement of significance that would exceed the detailed line-item budget, would require Council authorization through a budget amendment.

The proposal would eliminate the need to separately authorize the mayor's signature for each project or contract. Mr. Knapp questioned if the mayor needed to sign contracts or documents or if the city manager's signature would be sufficient.

Mr. Knapp addressed the bid thresholds with the Council. Purchasing thresholds dictated the need for an open market purchase, three written quotes, or formal bidding. Procurement of supplies and equipment, and professional services and construction would have different thresholds. The proposed policy would provide the following thresholds:

| | **Supplies & Equipment** | | **Professional Services & Construction** | |
|---|---|---|---|---|
| | *Proposed* | *Current* | *Proposed* | *Current* |
| **Open Market** | $0 to $5,000 | $0 to $1,000 | $0 to $50,000 | $0 to $25,000 |
| **3 Written Quotes** | $5,000 to $100,000 | $1,000 to $25,000 | $50,000 to $100,000 | $25,000 to $50,000 |
| **Formal Bid Procedures** | Over $100,000 | Over $25,000 | Over $100,000 | Over $50,000 |

He shared some examples of the procurement of budgeted items with varied amounts and posed questions to help Council walk through the procurement process. Councilmember Roper suggested Council be updated on the significant budgeted procurements through quarterly reports. Council seemed to like that. The consensus appeared to be if an item had been approved in the budget and did not exceed the budgeted amount, it would not need to go before Council again for approval. JJ Allen, City Manager, affirmed that with construction projects the Council would be updated along the way.

Mr. Knapp questioned at what point contracts should require the mayor's signature. After a discussion, the consensus appeared to be anything that would require a formal bid would require the mayor's signature. During that discussion, the decision was made that the reallocation of funds, within the same department, up to $10,000 would not need to be addressed with Council.

Councilmember Phipps questioned how to avoid fraud on purchases under $5,000. Mr. Knapp informed him that the State Auditor performed a Fraud Risk Assessment and that during the purchasing process, several people would be involved in the purchase so there would be checks and balances.

Stuart Williams, City Attorney, highlighted a couple of changes in the policy. The term "Chief Financial Officer" would replace "Administrative Director", and the definition of a significant parcel was changed from $75,000 to $100,000.

DRAFT

DISCUSSION ON AMENDMENTS TO THE CONSOLIDATED FEE SCHEDULE

Staff presented the Mayor and Council with requested amendments to the Consolidated Fee Schedule.

Mr, Knapp, presented the proposed Utility fee changes. He recapped the garbage and recycling fees that would take effect July 1, 2022.

| | Current | Proposed | |
|---|---|---|---|
| First Trash Container | $16.75 | $16.75 | 0% |
| Additional Trash Container | $10.00 | $10.50 | 5% |
| Clean-up Dumpsters | $100 | $134 | 34% |
| Recycling 0% to 74% | $4.95 | $5.50 | 11% |

Mr. Knapp reviewed the current Utility Miscellaneous Fees and the proposed changes to the Consolidated Fee Schedule.

| | *Current* | *Proposed* |
|---|---|---|
| Second Delinquent Notice | $10 | $15 |
| Water Meter Tampering | $100-$250 | $150 |
| Water Meter Damage | $100-$250 | $500 |

He highlighted the delinquent notices and noted that proposed fees to the water meters would clarify the charges for meter tampering and damage. Mr. Knapp mentioned the rise in meter tampering the City had been seeing. Mr. Allen questioned if the door hanger provided a notice for tampering fees. Council agreed that it should. Brooke Limoges, Accounting Technician, confirmed the door hanger did provide that information.

Eric Howes, Community Services Director, presented amendments requested to the Consolidated Fee Schedule for Community Services. He informed Council that the implementation of the business plan for the Community Services Department provided the City with a consistent methodology for determining fees for services provided by the department. Based on the model, fee increases were recommended in the following areas:

1. Aquatic and Fitness Center Fees
    a. Memberships
    b. Admissions
    c. Punch Passes
    d. Building Rentals
    e. Child Care
2. Facility Rentals

DRAFT

a. Community Arts Center
b. City Hall

3. Field Use
    a. Baseball and softball fields
4. Pavilion Rentals

Mr. Howes reviewed the proposed changes for each of the aforementioned areas and explained that the goal of the business plan for Community Services was to offset the operational expenses of the Aquatic and Fitness Center, recreation, and arts programming. The proposed fees were necessary to accomplish that goal and reduce the current subsidy of those services by the General Fund. Mr. Howes explained the Hedgehog analysis. The implementation of the fees and the revenue derived from them was in exact compliance with the business plan. He mentioned that if Council would like to proceed, the new fees would take effect as soon as possible after July 1, 2022.

Adam Favero, Public Works Director, presented amendments to the Consolidated Fee Schedule requested by Public Works. He described the purposes behind the fees and explained that the fees were intended to ensure the City was covering its costs. Amendments requested included Street Cuts Permits (Excavation Permits), Water Meter Fees, Fire Hydrant Meters, Civil Plan Review and Civil Inspections.

Kelly Bennett, Clearfield City Police Chief, presented the Police Department's proposed Consolidated Fee Schedule amendment. The requested amendment was to the contract services fee from $65.75 per hour to $120 per hour. He informed Council that the new fee was based upon the highest hourly wage employee paid at time and one half, employee benefits, and a twenty percent overhead cost. There would also be a two-hour minimum requirement.

DISCUSSION ON AMENDMENTS TO THE FISCAL YEAR 2022 (FY22) CITY BUDGET

Mr. Knapp asked Mayor Shepherd and the City Council to consider proposed Fiscal Year (FY22) budget amendments. He reviewed the requested amendments with the Council and disclosed that new amendment proposals and/or adjustments could be made before final approval which was scheduled for June 28, 2022. He explained that the table presented to Council contained proposed expenditures that did not have budget authority or exceeded FY22 budget authority and required budget amendments as allowed by Utah Code Title 10, Chapter 6, Sections 124 to 129. There was a discussion on the requested Wireless Communication adjustment. Councilmember Peterson asked for clarification on the need for the increase. Mr. Knapp mentioned the increase could have been due to not budgeting enough. After a short discussion, Mr. Allen told Council he would follow-up with Council on the increase with the wireless communication after further investigation.

DISCUSSION ON THE FISCAL YEAR 2023 (FY23) CITY BUDGET

Mr. Knapp updated the Council on changes since adoption of the Tentative Budget and discussed the measures of security and sustainability.

- Security

DRAFT

    - Available General Fund cash by the end of Fiscal Year 2023 (FY23) would be twenty-four percent of revenues
    - Available General Fund cash by the end of FY23 would provide 91 days of operating expenses and would be above the target of two months.
- Sustainability
    - General Fund Ongoing Revenue minus Operating Expenses contained a net surplus of $14,000.

Mr. Knapp mentioned the changes that reduced General Fund expenditures by $198,000:

- Health Insurance – ($189k)
- HR Policy and Procedures – ($9k)

He then reviewed the changes that would increase expenditures totaling $83,000:

- PT Holiday Rate – $20,000
    - some offset (should reduce overtime costs) Mr. Allen explained that offering part time employees time and a half to work on holidays was intended to reduce the need to pay full time employees double time for working on holidays.
- Liability Insurance - $19,000
    - More exposure and higher rate
- Fuel Expense - $12,000
    - Tentative planned at a 25 percent increase; 35 percent increase would equal an additional $16,000 to fuel line items across all divisions
- Swim Team Expense - $17,000
    - Offsetting revenue, but didn't budget enough expense
- Interdepartmental - $14,000
    - Wireless Communications - $7,000
    - Natural Gas - $7,000
- Council Sponsorship of Military Affairs Patron Program $500 (the sponsorship was $500 and is being proposed at $1,000 for FY23)

Mr. Knapp reviewed the Net change to the Tentative Budget:

| | |
|---|---|
| Net surplus at time of Tentative Budget approval (measure of sustainability) | $14,000 |
| Decreases to General Fund expenditures | $198,000 |
| Increases to General Fund expenditures | -$82,500 |
| Net surplus after first set of adjustments | $129,500 |

He informed Council of the City's top priority needs not included in the Tentative Budget that would reduce the net General Fund surplus by $95,000:

- 2 Utility Maintenance Specialists (preventative maintenance program)
    - $107,000 allocated to Enterprise Funds; factored into recent rate study
    - $36,000 allocated to General Fund
- Convert part-time IT Specialist to full-time $59,000 to General Fund

DRAFT

Mr. Allen revisited the Compensation Plan Implementation with the Council. He mentioned that Council had adopted a new plan in mid-year FY22 for wage increases to catch up with the rapidly escalating market. The plan had been effective with retention and recruiting; however, market pressures were persistent. Mr. Allen noted the 8.6 percent inflation in the U.S. with 9.4 percent in the Mountain region, and the 1.7 percent unemployment rate in Davis County, Utah. He reminded Council that $500,000 was included in the Tentative Budget. After an in-depth analysis, the actual implementation would total approximately $460,000. Step-and-grade employees would proceed as outlined in their job's "matrix, and employees on the general pay plan would be eligible for increases of up to four percent dependent on performance evaluations.

Mr. Allen presented a few options for the Council to consider:

- Council could implement the plan as described effective July 1, 2022
    - This would keep the plan on track and would require less that the budgeted amount in the Tentative Budget.
- Implement step-and-grade effective July 1, 2022 and general pay on October 1, 2022:
    - This option would essentially make the increase to the "general" group 3 percent instead of 4 percent resulting in $65,000 saved compared to the first option.
    - Could cause compression between certain upper step-and-grade employees and lower general pay plan employees (e.g., officer and sergeant).
- Delay both groups until October 1, 2022 and get back on track July 1, 2023 (FY24).
    - Could result in a $75,000 savings compared with the first option.
    - Would disrupt the tenure component of step-and-grade matrix.

Mr. Allen informed Council the recommendation from staff would be to implement the plan as described effective July 1, 2022. He asked for direction from the Council on what they would feel most comfortable with.

Councilmember Phipps commented that the Council should determine the amount they were willing to spend on employee expenses, and then administration would distribute that amount.

Councilmember Peterson commented on her struggle to balance the needs of the residents and employees. She stated inflation was hitting everyone hard but was glad that Council was able to address wages in January. She felt like July might be too soon to revisit the compensation plan. Mayor Shepherd commented that the increases in January were an interim measure. Councilmember Peterson was concerned with keeping up with inflation and the sustainability of increasing wages. Councilmember Phipps agreed. He commented how inflation impacted every resident equally. He acknowledged that competitiveness was an important aspect in the workforce, however, the City needed to be able to sustain its workforce over the long term. He added if the economy retracted it could likely require layoffs. He recognized that Police and Fire were essential personnel, and their part of the discussion should be determined separately. Councilmember Peterson commented the essential personnel encompassed more than Police and Fire, because other services provided by the City were also mandatory. Councilmember Roper commented it was just as important to create a culture where employees wanted to stay.

DRAFT

There was a discussion about compression issues if the compensation plan were not fully implemented. Mr. Allen stated a delay could cause problems with compression. The conversation transitioned to property tax.

Mr. Knapp described what maintaining the rate would look like from the perspectives of a resident and the City. For the residents, an average home valued at $378,000 would have an increase of $55.09 over last year. For the City, maintaining the rate would equate to $621,000 of additional property tax revenue or a twenty-three percent increase.

Before venturing too far into the discussion, Mr. Knapp reviewed the Fiscal Management Practices Draft Language for Property Tax Rates, acknowledging it had not yet been adopted:

> "Clearfield City should seek to maintain stable property tax revenues. Given that the City's cost to provide services is constantly escalating (mostly due to external factors), the City should strive to keep pace with inflation by going through the "truth in taxation" process each year to hold the property tax rate constant (assuming property values are increasing). Revenue growth beyond inflation should only be considered if: 1) Operating costs are growing faster than inflation and tax growth, 2) New services are instituted to meet residents' needs, or 3) Otherwise determined to be in the best interest of the City as determined by the City Council."

Mr. Allen conveyed that the purpose of the review wasn't to refine the language but rather provide context on previous discussions and the direction requested from Council regarding the tax rate.

Mr. Allen reviewed the additional personnel requests he had previously sent to the Council for consideration. He noted that the addition of the two Utility Maintenance Specialists and the conversion of a part-time IT Specialist to full-time as discussed earlier were the top priorities. He mentioned the positions were listed in order of his recommendations.

| Position | Cost | Notes |
|---|---|---|
| Patrol Officer + vehicle / equipment | $100,000 – ongoing<br>$60,000 – one time | Warranted by population growth and call volume |
| Full-time Dispatcher | $50,000 | Inadequate staffing; will reduce OT and PT costs |
| Convert PT Utility Maintenance Specialist to FT | $5,330 (GF)<br>$35,670 (EF) | Currently the PT streetsweeper position |
| Convert PT Admin Assistant in CS to FT | $42,000 | Support for Director and Deputy Director |
| Convert PT Marketing Coordinator in CS to FT | $42,000 | Correlation to CAFC and Recreation revenue |

DRAFT

| | | |
|---|---|---|
| Mental Health Officer | $98,000 | Increasing % of calls involve mental health. |
| Total | $337,330 (ongoing GF) | |

Mr. Allen asked the Council if they would like to proceed with any of the requests on the list, and if so, then how far down the list would they like to go.

Councilmember Phipps expressed his appreciation for the progression of the discussion. He commented that considering needs first then determining the costs associated with those needs was the best way to contemplate maintaining the rate. Councilmember Peterson agreed and commented she loved seeing it as a needs-based assessment.

Mr. Allen presented the options that were before the Council as follows:

A. Accept the Certified Tax Rate: would not require "truth in taxation" and would need to be ready to approve a budget on June 28, 2022.
B. Set the rate to generate $2,840,494 (the amount included in the Tentative Budget): option would allow for the conversion to full-time for vacant IT position and the addition of two Utility Maintenance Specialists for preventative maintenance and would retain a small cushion in the measure of sustainability.
C. Set the rate to generate necessary funding for some or all positions from the previous list: would be a combination of A and B and would provide for Council's discretion as to which positions to fund and how much of a cushion to build into the measure of sustainability.
D. Maintain the rate at 0.001437: option would provide a comfortable cushion in the measure of sustainability, could be part of a strategy to enhance the Fund Balance, and could provide a solid foundation for the demands of future growth

There was a discussion surrounding the options presented to the Council. Mayor Shepherd voiced his belief that to maintain the rate would be excessive. He stated the economy was about to shift and it still would not be enough. He commented that there were always justifiable needs, and he was most in favor of the rate set for the Tentative Budget. Councilmember Peterson commented on the difficulty in prioritizing the needs and reiterated Councilmember Phipps earlier comment of setting an amount and allowing administration to distribute from there. She mentioned the complexity of prioritizing the requested needs. Mr. Allen restated that the list of additional personnel requests presented to Council were in the order he would prioritize them.

Councilmember Thompson expressed interest in discussing option C; setting the rate to generate funding for some or all the positions. He expressed his concerns about recession and taxation and having to navigate those situations. He noted that Mayor Shepherd and Councilmember Phipps were the only ones with experience budgeting in a recession. He favored option C and would rather create a cushion for sustainability in the future.

After a discussion, it appeared that the majority favored going with the Tentative Budget and adjusting to incorporate funding for the Patrol Officer with vehicle and equipment, a full-time

dispatcher, and the conversion of a part-time Utility Maintenance Specialist to full-time. Mr. Allen stated they would solidify the numbers and notify the County to advertise the rate for a truth-in taxation hearing in August.

**Councilmember Peterson moved to adjourn as the City Council and reconvene as the CDRA in work session at 8:57 p.m., seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

***The minutes for the CDRA are in a separate location***

DRAFT

CLEARFIELD CITY COUNCIL MEETING MINUTES
7:00 P.M. POLICY SESSION
June 28, 2022

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 |
| | Eric Howes | Community Services Director |
| | Curtis Dickson | Community Services Deputy Dir. |
| | Spencer Brimley | Community Development Director |
| | Brad McIlrath | Senior Planner |
| | Rich Knapp | Finance Manager |
| | Lee Naylor | Accountant |
| | Shaundra Rushton | Communications Manager |
| | Nancy Dean | City Recorder |

VISITORS:

Mayor Shepherd called the meeting to order at 7:03 p.m.

Mayor Shepherd informed the audience that if they would like to comment during the Public Hearing or Open Comment Period there were forms to fill out by the door.

Councilmember Roper led the opening ceremonies.

APPROVAL OF THE MINUTES FROM THE JUNE 18, 2021 WORK SESSION; OCTOBER 19, 2021 WORK SESSION; JUNE 14, 2022 WORK SESSION, AND THE JUNE 14, 2022 POLICY SESSION

**Councilmember Thompson moved to approve the minutes from the June 18, 2021 work session; October 19, 2021 work session; June 14, 2022 work session and the June 14, 2022**

**policy session; as written, seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

PUBLIC HEARING TO REVIEW A DEVELOPMENT AGREEMENT WITH THE NORTH DAVIS FIRE DISTRICT FOR ITS REDEVELOPMENT PROJECT FOR THE PROPERTY LOCATED AT APPROXIMATELY 88 EAST CENTER STREET

The North Davis Fire District (NDFD) was seeking approval of a Development Agreement for modifications to the Form Based Code (FBC) and other project improvements. Brad McIlrath, Senior Planner, outlined the modifications and improvements for the Development Agreement before Council. The requested project improvements included:

- The monument sign would be demolished and salvaged to Clearfield City.
- The planted median located in the shared access from State Street would be removed and redesigned to accommodate vehicular access for fire apparatus and public parking.
- The six architectural columns and associated landscaping would be removed and replaced with landscaping.
- The NDFD would assume all maintenance responsibilities for the detention basin landscaping.
- Jointly used electrical, communications, and emergency response lines and controls would be preserved and maintained. Electrical lines and others not used by either party would be abandoned.

The requested Downtown Form-Based Code (FBC) modifications included:

- A seventy percent maximum impervious coverage calculation as opposed to the sixty percent authorized by FBC.
- Street tress to not be installed along Center Street for maintained visibility for vehicle and pedestrian traffic. FBC would require street trees along Center Street to be placed twenty to forty feet apart.
- The seat walls to be counted towards the bench requirement.
- State Street transparency: 48.3 percent of the total façade be counted toward the fifty percent ground story transparency requirement.
- Seventy-one percent primary building material usage to be accepted for the north administration façade area not visible from the public right-of-way over the seventy-five percent FBC requirement.
- Twelve (12) site trees total to be accepted over the 20 per acre of project area required by the FBC

Mr. McIlrath informed the Council that the Planning Commission had forwarded a recommendation of approval on June 15, 2022, acknowledging modification of the agreement by the Council might be needed.

Mayor Shepherd opened the public hearing at 7:12 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Peterson moved to close the public hearing at 7:13 p.m. seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO THE FISCAL YEAR 2022 (FY22) BUDGET

Staff identified expenditures necessary for City operations which were not included in its current budget. Rich Knapp, Finance Manager, presented the proposed amendments for the Fiscal Year 2022 (FY22) budget. A public hearing was required by State Law prior to the approval of the amendments to the City budget. Most of the amendments had been addressed with Council in a previous work session discussion. Mr. Knapp discussed proposed amendments that had been added since that discussion: Victim Housing Assistance in Legal had been estimated for the FY22 budget and exceeded the budgeted amount, and the request for the reallocation of Capital Projects funds. There were no additional questions or comments.

Mayor Shepherd opened the public hearing at 7:15 p.m.

Mayor Shepherd asked for public comments.

There were no public comments.

**Councilmember Roper moved to close the public hearing at 7:16 p.m. seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

OPEN COMMENT PERIOD

There were no public comments.

APPROVAL OF ORDINANCE 2022-18 AUTHORIZING THE DEVELOPMENT AGREEMENT WITH THE NORTH DAVIS FIRE DISTRICT FOR ITS REDEVELOPMENT PROJECT FOR THE PROPERTY LOCATED AT APPROXIMATELY 88 EAST CENTER STREET, CLEARFIELD, DAVIS COUNTY, UTAH

**Councilmember Roper moved to approve Ordinance 2022-18 authorizing the Development Agreement with the North Davis Fire District for its redevelopment project for the property located at approximately 88 East Center Street and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

APPROVAL OF THE FINAL SUBDIVISION PLAT FOR CLEARFIELD FLEX CONDOMINIUMS LOCATED AT 340 WEST 1700 SOUTH (ANTELOPE DRIVE) (TIN: 12-940-0001)

Mr. McIlrath presented a request for approval for the final subdivision plat for the Clearfield Flex Condominiums to subdivide the existing lot to create 14 commercial condominium lots and a common area for the parking lot and landscaping. The proposed condominium units would range in size between 3,300 and 5,100 square feet. Staff recommended approval of the final subdivision plat conditioned as follows:

1. The plat shall be revised to include addresses for the condominium.
2. Plans shall be revised to address Clearfield City Planning and Engineering comments and requirements prior to obtaining final signatures and recording the plat.
3. The final subdivision plat shall include any necessary changes as outlined or required by applicable local agencies.
4. The private covenants and restrictions required (pursuant to 11-13-24 of the City Land Use Ordinance), any amendment, and any instrument affecting the property or any unit therein shall be approved by the City Attorney, Planning Commission, and City Council and shall be recorded with the County Recorder.

The Planning Commission forwarded a recommendation of approval to the Clearfield City Council as conditioned on June 1, 2022. There were no additional comments or questions.

**Councilmember Bush moved to approve the final subdivision plat for the Clearfield Flex Condominiums located at 340 West 1700 South and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

APPROVAL OF ORDINANCE 2022-20 AMENDING THE PURCHASING POLICY, THE DISPOSAL, SALE, OR SURPLUS OF CITY PROPERTY, AS WELL AS OTHER MINOR RELATED CHANGES TO THE CITY CODE

Mr, Knapp informed Council that the last update to the purchasing policy was in late 2009. Staff desired a more succinct policy that was easier to interpret and as a result, the policy had been completely redone and simplified. He addressed the requested changes from the work session discussion on June 21, 2022 and noted the changes had been included.

- Department Reallocation: The city manager may reallocate up to $10,000 dollars of unspent funding from an existing line-item within a department budget to another line-item within the same department budget when the reallocation does not increase the total amount of the department's approved budget. (Chapter 3, section 2-3-4: C)
- The mayor would sign for contractual services of $100,000.

Mr. Knapp asked for questions, and Stuart Williams, City Attorney, replied he had received three questions that needed to be addressed.

1. Why was the Chief Financial Officer (CFO) designed as a designee and not an appointed position (1-7-3 E)?

   Mr. Williams explained "designee" was purposefully used. The CFO was not required by state law to be appointed whereas other positions were. He mentioned that an appointed position would have legal impacts related to that position's employment rights as articulated in Utah Code 10-3-1106, with specific differences regarding the ability to appeal a discharge, suspension without pay, or demotion.

2. What was the role of Council in the acquisition and disposal of real property (12-A)?

   Mr. Williams explained that the City had the requirements of acquiring and disposing of real property in two separate sections of the City Code, along with certain legal requirements in Utah Code Ann. §10-8-2. The City Code sections had been combined into one section with the new purchasing policy, and the City would still be required to follow the State Code requirements which included both a public notice and hearing that Council would be a part of along with acting on any proposal.

3. A concern was raised regarding complete authority to reallocate funds up to $10,000 from one fund to another within the same department (2-3-4 C).

   Mr. Williams reminded Council the detail was discussed in the work session and staff updated the language in the proposed ordinance to match the direction given. He further explained that given the concern raised, perhaps further discussion was necessary, and staff would follow the direction given by Council.

   A discussion ensued and Mr. Knapp reiterated the reallocation would only be within the same department. JJ Allen, City Manager, explained the intent of the policy and provided an example. Councilmember Phipps expressed his concern that strictly reading the policy did not express Mr. Allen's notion. Mr. Knapp mentioned the term "unspent" which signified the other project was completed. Councilmember Peterson recommended inserting the word "completed" before "existing line item within the department budget…" in the language. There was discussion around wording within the language. Transparency and the ability to maintain checks and balance was a concern discussed.

   Mr. Allen offered to table the item for a future meeting and expressed his agreement with Councilmember Thompson's suggestion of the addition of language that clarified the line-item had been substantially fulfilled. He reiterated the intent was not to shortchange one event to benefit another. Councilmember Phipps suggested Council act on the item and revise it at a later point. Councilmember Peterson suggested either amending the dollar amount or tabling the item for further discussion. Mayor Shepherd suggested striking paragraph C to pass the ordinance.

**Councilmember Phipps moved to approve Ordinance 2022-20 amending the purchasing policy, the disposal, sale, or surplus of City property, as well as other minor related changes to the City Code striking paragraph C of Title 2, Chapter 3, section 4 – Standards for Purchasing and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Roper. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

APPROVAL OF ORDINANCE 2022-17 AMENDING TITLE 5 AND TITLE 6 OF THE CLEARFIELD CITY CODE REGARDING THE ENFORCEMENT OF NOISE VIOLATIONS

Mr. Williams reminded Council they had discussed changes to the Noise Ordinance at the work session on March 29, 2022. He provided a brief review of the ordinance and mentioned that the new ordinance would be more universally accepted. The proposed ordinance provided more detail compared to the one it would replace and would allow for enforcement of a noise violation through either the criminal or civil administrative processes.

**Councilmember Peterson moved to approve Ordinance 2022-17 amending Title 5 and Title 6 of the Clearfield City Code regarding the enforcement of noise violations and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

APPROVAL OF ORDINANCE 2022-19 AMENDING THE CITY'S CONSOLIDATED FEE SCHEDULE

Mr. Allen introduced the proposed changes to the Consolidated Fee Schedule. The ordinance proposed amendments to residential solid waste and recycling, delinquent notices, water meter tampering and damage, park rental fees, athletic field/facility usage fees, Aquatic Center fees, contract services for police officers, planning and zoning fees, street cut/excavation permits, water meter fees, building rental fees, fire hydrant meter fees, and enacting dockless shared mobility device fees, noise permit fees, and development civil inspections.

Councilmember Peterson thanked staff for its work on the project.

**Councilmember Peterson moved to approve Ordinance 2022-19 amending the City's Consolidated Fee Schedule and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Bush. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

APPROVAL OF RESOLUTION 2022R-09 AUTHORIZING AND ADOPTING AMENDMENTS TO THE FISCAL YEAR 2022 (FY22) BUDGET AND APPROPRIATING FUNDS FOR THE PURPOSES SET FORTH THEREIN

Mayor Shepherd mentioned the amendments to the FY22 budget had been discussed at length in previous work sessions and asked for any additional questions or comments. There were none.

**Councilmember Thompson moved to approve Resolution 2022R-09 authorizing and adopting amendments to the fiscal year 2022 (FY22) budget and appropriating funds for the purposes set forth therein and authorize the Mayor's signature to any necessary documents, seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

COMMUNICATION ITEMS

***Mayor Shepherd***

1. Gave a shout-out to staff for a job well-done with the Paint the Bridge event. He commented on the attendance being more than anticipated and not having enough stars, so people painted their own stars on the bridge.
2. Mentioned the July 4th celebration and that staff was preparing for the events.
3. Stated he would be out of town on July 26, 2022
4. Announced the Fourth of July parade would feature 98-year-old Don Bush as the Grand Marshal.

***Councilmember Bush***

1. Attended the Dirty Bird and Phoenix Services open houses, a lunch at Job Corps and Chancellor Gardens, North Davis Communities that Care meeting, the Positive Politics and Pastries event, which he found very informative, and Paint the Bridge with his grandkids.
2. Reminded everyone about Kevin Cowan's retirement open house from 2 to 5 p.m. on Wednesday, June 29, 2022.

***Councilmember Peterson***

1. Recognized the Parks and Recreation staff and the Parks and Recreation Commission for their participation in the rehabilitation of the playground at Cornerstone Park.
2. Mentioned how great it was to see the Parks and Recreation Commission so involved in the community events and appreciated them supporting staff with the events.
3. Provided an update on the demolition of the Fire Station on July 6, 2022, and thanked Councilmember Roper for his work to get the project together during COVID-19 when interest rates were better.
4. Mentioned float decorating at the shops on June 29, 2022, at 6:00 p.m.

***Councilmember Phipps –*** *nothing.*

***Councilmember Roper***

1. Mentioned the fee increase at the landfill from $5 to $10 beginning July 1, 2022.

***Councilmember Thompson***

1. Appreciated colleagues and staff putting themselves on the line during the July 4th activities to make sure things ran smoothly.
2. Mentioned how great an experience the Juneteenth celebration was at the Ogden Amphitheater, and his delight with being able to share the stage with Governor Cox, Representative Sandra Hollins, and Treasurer Oaks.

STAFF REPORTS

***JJ Allen, City Manager***

1. Gave kudos for the events that had taken place and the planning for the upcoming events.
2. Mentioned the City had been approved for a grant to assist with the Clearfield Station infrastructure project.

***Nancy Dean, City Recorder*** –reviewed the Council's schedule:

- No meeting on July 5, 2022
- Retreat on July 8, 2022, at 7:45 a.m.
- Work Session on July 12, 2022; no policy session scheduled yet
- Nothing scheduled yet for the Work Session on July 19, 2022
- Work and Policy Session scheduled on July 26, 2022
- Truth in Taxation August 9, 2022

**Councilmember Bush moved to adjourn as the City Council and reconvene as the CDRA in policy session at 7:52 p.m., seconded by Councilmember Phipps. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

***The minutes for the CDRA are in a separate location***

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
July 12, 2022

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 |
| | Eric Howes | Community Services Director |
| | Spencer Brimley | Community Development Director |
| | Brad McIlrath | Senior Planner |
| | Nancy Dean | City Recorder |

VISITORS: Josh Hughes (258 Development)

Mayor Shepherd called the meeting to order at 6:05 p.m.

DISCUSSION ON THE GENERAL PLAN AMENDMENT FOR THE FUTURE LAND USE MAP FROM COMMERCIAL TO RESIDENTIAL AND THE REZONE REQUEST FROM C-2 (COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) FOR THE REAR 5.32 ACRES OF PROPERTIES LOCATED AT APPROXIMATELY 500 WEST 1700 SOUTH

Brad McIlrath, Senior Planner, presented General Plan amendment and rezone request to develop the north 1.50 acres of the subject properties with a commercial use and the south 5.32 acres of the properties with a small-lot single-family subdivision. He explained that if the rezone request from C-2 (Commercial) to R-3 (High Density Residential) was approved, the future land use designation of the General Plan would need to be changed to reflect Residential as the future land use designation. Mr. McIlrath shared the concept plan:

- A 1.50-acre commercial property at the corner of 500 West and 1700 South.
- The southern 5.32 acres was proposed to be developed with a 45-lot single-family subdivision with four private street/common driveway access points to 500 West and some common open space in two separate central areas in the development.

Mr. McIlrath stated that based on the concept plan, the project would have a density of 8.5 units to the acre.

He reminded the Council that Clearfield City had encountered issues with private streets in the past and had expressed a desire to avoid private streets where possible. Mr. McIlrath continued to explain that if public streets were required, the density would be less than the proposed density in the concept plan and would be more consistent with an R-2 (medium-density residential) designation. He noted that a development agreement would most likely be required to outline aspects of the commercial and residential timing, private streets, density, and open spaces as was the case with similar past mixed-use requests, and recommended the elements required in the agreement be clearly stated for the record.

Mr. McIlrath discussed the staff analysis. The requested amendments were inconsistent with the General Plan as the area had a future land use designation of Commercial. Changes in the commercial service and retail markets had changed the amount of land and building square footage needed for new commercial businesses. As demand for commercial land had decreased, there arose a high demand for land to be developed as residential which led the applicant to request the General Plan amendment and rezone to meet market demands and pressures. Due to those changes, staff found it necessary to change the General Plan designation to Residential, however, staff found it unnecessary to rezone the properties to R-3. To ensure the appropriate density and design while respecting the existing single-family residential in the area, staff agreed that an R-2 or R-1-6 zone would be better suited for the area.

Staff recommended approval for the proposed General Plan amendment request and denial for the zoning map amendment request based on the following findings:

1. The proposed General Plan amendment was consistent with market changes for housing stock and demand and could be supported by the land use guidelines, goals, and objectives of the Clearfield City General Plan.
2. The use of the R-3 zone to establish small-lot single-family neighborhoods was inconsistent with the current purpose and permitted uses of the zone as it was intended for medium to high-density multiple-family developments.
3. The General Plan was amended to allow for greater use of the R-1-6 zone for residential single-family infill development and as an alternative to multi-family residential.
4. The R-2 zone was intended for medium-density residential neighborhoods and would be the more appropriate zone than the R-3 zone for the area.
5. The R-3 zone had been used by the City Council to provide small-lot single-family developments consistent with market demands absent a zoning district designed for the specific purpose. The R-3 zone could be used in conjunction with the C-2 zone and with a development agreement to allow for a similar development pattern proposed by the applicants. The R-2 zone purpose and density would be more consistent with the existing single-family residential development pattern in this part of the City and could be used in the same way as the R-3 zone stated above with a development agreement.

The Planning Commission forwarded a recommendation of approval on the General Plan amendment, and a recommendation of denial on the rezone request. Mr. McIlrath noted the

DRAFT

denial was not unanimous and the vote was two in favor and six against. He did mention that the two commissioners who voted in favor of the rezone request did not see any issues with an R-3 designation.

Mayor Shepherd commented that the difference between an R-2 and R-3 zone was two lots and he didn't know what gain there would be by requesting an R-2 zone. He noted the layout worked, and that the 1.5 acres on the front of the property was enough to fit a commercial project. He also liked the private drives.

Councilmember Phipps expressed concern that an R-3 zone would open a window for what could be done on the property. Mayor Shepherd explained a development agreement would be utilized. Mr. McIlrath confirmed the developer expected a development agreement and the City wanted a single-family development. He confirmed the developer was willing to specify single-family only and any other elements that should be clearly stated in the development agreement.

Councilmember Phipps questioned if the sole purpose behind the R-3 request was the additional two lots. Mr. McIlrath stated that was the only difference staff could see, and the City did use the R-3 zone for the Wilcox Farms subdivision. Mayor Shepherd commented that the City's move from R-1-4 to R-3 created more flexibility.

Councilmember Bush inquired about the private drives without a way to turn-around and the Fire District's take on it. Josh Hughes, developer, explained that the open corridor would accommodate access and provide amenities such as a basketball hoop, pickleball courts and shuffleboard. Mr. McIlrath confirmed the plan had not been run past he Fire District yet since zoning hadn't been decided.

Councilmember Peterson had mixed feelings. She thought the Syracuse development was beautiful, and high quality. She was concerned that there was no visitor parking and commented that authorized parking on the street would limit accessibility. She was also concerned about the ability of a small Homeowner Association (HOA) to carry the infrastructure costs of private drives. Mayor Shepherd mentioned it was being done in other cities and the HOA needed to be set up properly. Stuart Williams, City Attorney, noted it was all defined in the State Code and that the reserve amounts would have to be reviewed.

Councilmember Peterson reiterated her concern with the parking and questioned how it would be handled. Mr. Hughes responded that each home by default would have four parking spaces. Each home would have a two-car garage, and two-car 20-foot-deep driveway. He mentioned to enforce the no street parking, they would utilize red paint, signage, and other similar methods of deterrence, but the HOA would have some control.

Councilmember Bush asked Mr. Hughes who would be responsible for the easement between the commercial and residential properties. Mr. Hughes replied there would be easement rights on both sides that protected the shared access. It would fall equally on the HOA and the commercial to pay for any repairs or improvements.

DRAFT

Councilmember Bush inquired about an open space requirement by ordinance. Mr. McIlrath confirmed the R-3 zone had a 25 percent requirement that would be addressed in a development agreement. Councilmember Peterson commented that open space, Covenants, Conditions, and Restrictions (CCR) for the HOA, parking restrictions, and visitor parking would also need to be addressed in a development agreement. Mr. Hughes noted that the R-3 zone was not set in stone, they were open to reducing the number of homes by a couple.

Councilmember Bush asked if a fence between residential and commercial would be required. He stated that it would be hard to do along the property line that it would have to be done along the easement line. Mr. McIlrath responded in the R-3 zone the Planning Commission might require one, but it wasn't a full requirement. Mr. Hughes commented fencing would not be natural. He expressed excitement to step into the next phase with the architectural rendering, landscape plans, and to delve deep into the details to ensure the Council would get what it wanted.

Mr. Hughes described the vision for the commercial property. If the City wanted to see the commercial go first, some options would be business condos or a multi-tenant retail building. If the City wanted to see what options the market might drive, that could present the possibility for a user that would be more exciting. However, the commercial would not be done upfront with that option.

Mr. McIlrath clarified the City's process for an R-3 zone or an R-2 zone and what that would mean for the developer. R-3 was the request as presented, R-2 would mean the Council would have to deny and then the developer would have to reapply. Mr. Hughes expressed his willingness to do an R-3 with an R-2 density and noted that was the reason a second application was submitted.

Mayor Shepherd thanked Mr. Hughes for his attendance. There was no further discussion.

**Councilmember Bush moved to adjourn as the City Council and reconvene as the CDRA in work session at 6:39 p.m., seconded by Councilmember Peterson. The motion carried upon the following vote: Voting AYE – Councilmembers Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.**

***The minutes for the CDRA are in a separate location***

DRAFT

# STAFF REPORT

**To:** Mayor Shephard and City Council Members

**From:** Brad McIlrath, Senior Planner

**Meeting Date:** Tuesday, July 26th, 2022

**Subject:** Public Hearing, Discussion and Possible Action on **GPA 2022-060055,** a general plan amendment request by Josh Hughes with 258 Development for the rear 5.32 acres of the subject properties from Commercial to Residential. **Location:** 500 West 1700 South (Antelope Drive) (TINs: 12-080-0092 & 12-080-0095). **Project Area:** 5.32 Acres. **Staff:** Brad McIlrath, Senior Planner **(Legislative Action).**

Public Hearing, Discussion and Possible Action on **RZN 2022-060055**, a zoning map amendment request by Josh Hughes with 258 Development for the rear 5.32 acres of the subject properties from C-2 (Commercial) to R-3 (Residential). **Location:** 500 West 1700 South (Antelope Drive) (TINs: 12-080-0092 & 12-080-0095). **Project Area:** 5.32 Acres. **Staff:** Brad McIlrath, Senior Planner **(Legislative Action).**

---

## PLANNING COMMISSION RECOMMENDATIONS

*General Plan Amendment – GPA 2022-060055*

On July 6th, 2022, the Planning Commission forwarded a recommendation of **APPROVAL** of **GPA 2022-060055,** to the Clearfield City Council, a general plan amendment request by Josh Hughes with 258 Development to change the general plan designation from Commercial to Residential for the rear 5.32 acres of the subject properties located at 500 West 1700 South (TINs: 12-080-0092 & 12-080-0095). This recommendation was made on a unanimous vote.

*Zoning Map Amendment – RZN 2022-060055*

On July 6th, 2022, the Planning Commission forwarded a recommendation of **DENIAL** of **RZN 2022-060055,** to the Clearfield City Council, a zoning map amendment request by Josh Hughes with 258 Development to rezone the subject properties located at 500 West 1700 South (TINs: 12-080-0092 & 12-080-0095) from C-2 (Commercial) to R-3 (Residential). This recommendation was made on a 6-2 vote.

The recommendation for denial was based upon the density of the concept and a desire to have a zoning district that is more consistent with the adjacent single-family neighborhood with either the R-1-6 Zone (as recommended by the General Plan) or the R-2 Zone that is a more gradual density increase (also supported by the General Plan) and is more consistent as a medium density neighborhood zone for this proposed medium density development. Commissioners Ratchford and Browning were opposed to the denial vote as they favored what was presented and were comfortable with the use of the R-3 Zone with a development agreement.

## DESCRIPTION / BACKGROUND

The applicant is requesting a general plan amendment and rezone to develop the north 1.50 acres of the subject properties with a commercial use and to develop the south 5.32 acres of the subject properties with a small-lot single-family subdivision as illustrated in the attached concept

plan. To approve the rezone request to R-3 (Residential), the future land use designation of the general plan must also be changed to reflect Residential as the future land use designation.

*Concept Plan*

The applicant has provided a concept plan as part of the general plan and zoning map amendment request. The concept included with this report shows a 1.50-acre commercial property at the corner of 500 West and 1700 South. The southern 5.32 acres is proposed to be developed with a forty-five (45) lot single-family subdivision. The residential subdivision would include four (4) private street/common driveway access points to 500 West, and some common open space in two separate central areas in in the development. Based upon this concept with private streets, the project has a density of 8.5 units to the acre. Clearfield City has encountered issues with private streets in the past and has expressed a desire to avoid private streets where possible. If public streets are required, then the density would be less than the proposed density in the concept plan and could be more consistent with an R-2 designation, or a medium-density residential neighborhood.

Similar to other mixed-use requests in the past, it is likely that a development agreement would be required as part of a general plan amendment and rezone approval to outline aspects of the commercial and residential timing, private streets, density, and open spaces. If a development agreement is required, in the approval of the requests, the elements required in the agreement should be clearly stated for the record.

**R-3 Zone vs. R-2 Zone or R-1-6 Zone**

As stated above, the applicant is seeking approval of a rezone of the south 5.32 acres to the R-3 Zone. The purpose of the R-3 Zone is, "to provide an attractive setting for medium and high density multiple-family residential development" at a density of sixteen (16) units to the acre. The purpose of the R-2 Zone is, "to provide medium density residential neighborhoods" at a density of eight (8) units to the acre. The purpose of the R-1-6 Zone is, "to provide medium density residential neighborhoods" and as identified in the General Plan is "allowed for infill single-family development and also as an alternative to larger lot single-family uses in areas designated as residential on the future land use map."

With concept density of 8.5 units to the acre and with the adjacent low-density single-family to the east and southeast (zoned R-1-8), it is more reasonable to see a rezone to R-2 or R-1-6 Zones instead of the R-3 Zone. As written above, the R-3 Zone is intended for multiple-family development whereas the R-2 & R-1-6 Zones are intended for medium density residential neighborhoods. The project concept is a prime example of a medium density neighborhood seen in other communities with smaller lot sizes, common open space, and shared driveways (private streets). With an R-2 Zone designation, the 5.32 acres would yield a density of forty-three (43) units to the acre; only two less than the proposed concept density of forty-five (45) units to the acre. With an R-1-6 Zone designation, the 5.32 acres would yield a density of thirty-eight (38) lots. With either the R-2 Zone or R-1-6 Zone, the densities mentioned here would only be possible

with the allowance of the private streets (shared driveways) as shown on the concept plan. If public streets are required, then the density of the project would be lower to accommodate the construction and dedication of the public streets. Based upon this information, staff recommends that the General Plan amendment to residential be granted, but that the R-3 rezone request be denied in favor of either the R-2 Zone or R-1-6 Zone.

**Development Agreement**

A development agreement can be required as part of a rezone application as allowed by City Code. A development agreement can regulate different aspects of a development such as: building materials, land use, density, commercial timing, private/public roads, etc. Based upon the project concept, it is likely appropriate to use a development agreement depending on the zoning that is granted. As with previous development projects, a development agreement could be required as part of the rezone application to outline the timing of the commercial and residential development of the subject properties, the use of the residential as single-family only, the building materials, the allowance of private streets, and the density.

## GENERAL PLAN AND ZONING MAP AMENDMENT ANALYSIS

As outlined in Section 11-6-3 and 11-6-4 of the Clearfield City Land Use Ordinance, the Planning Commission shall review the petition to change the land use title or zoning map and provide recommendation to the City Council for each request. The Planning Commission may recommend adoption of the proposed zoning map amendment when it finds that the proposed amendment is in accordance with one of the two considerations listed in the table below.

| Review Consideration | Staff Analysis |
|---|---|
| *The proposed amendment is in accordance with the General Plan and Map; or* | The requested amendments are inconsistent with the General Plan as this area has a future land use designation of Commercial (See Exhibit 1 – Future Land Use Map of the General Plan). |
| *Changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.* | Changes in the commercial service and retail markets have drastically changed the amount of land and building square footage needed for new commercial businesses. As demand for commercial land has decreased, there has continued to be a high demand for land to be developed as residential. For these reasons, the applicant and property owner are requesting the general plan amendment and rezone to allow for smaller amount of commercial with |

| | |
|---|---|
| | residential to the rear in accordance with current market demands and pressures.<br><br>Due to these changes, Staff finds it necessary to change the General Plan designation to Residential. To ensure the appropriate density and design while respecting the existing single-family residential in the area, Staff finds it necessary to not rezone the properties to the R-3 Zone at this time, but that a rezone the property to the R-2 Zone, would be better suited for the area. |

**GENERAL PLAN LAND USE ELEMENT ANALYSIS**

The Clearfield City General Plan outlines the overall community vision and provides land use guidelines located in Chapter 2 - Land Use Element, which should be followed throughout the city. This section provides an analysis of the land use guidelines and the applicable land use goal and policy of the General Plan.

**A. Land Use Guidelines**

| Land Use Guideline | Staff Analysis |
|---|---|
| 1. *The identity of Clearfield City should be strengthened by land uses which improve the image of the community and foster a positive, healthy living environment conducive to long-term residency.* | The proposed concept could provide commercial and residential that would improve the image of the community. The residential portion of the development is inconsistent and lacks compatibility to the surrounding and established single-family neighborhood with private streets and a greater density. |
| 2. *The relationship of planned uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.* | The planned uses illustrated in the concept plan consider the existing commercial uses along 1700 South as well as some consideration given to the existing single-family residential in the area by providing some open space along a portion of the project boundary. With a residential component of single-family homes on smaller lots, that is much more compatible to the existing residential than medium or high-density multiple-family development. |

| | |
|---|---|
| 3. *Redevelopment should emphasize the reuse of developed areas and existing community resources in such a way as to increase the livability and aesthetics of the City.* | As presented, the redevelopment of these properties should consider the existing community resource of Barlow Park into the livability of this development and the traffic impacts of the four shared conceptual access points along 500 West. Consolidation of access points along 500 West is encouraged and would be more efficient and safer than individual driveways for each lot. The total number of access points and the design as private shared driveways may need to be revised to address efficient and safe access. |
| 4. *The Land Use Plan should provide for a full range and mix of land uses including residential, commercial, manufacturing, and public use areas.* | The existing land use element of the General Plan provides a full range and mix of land uses throughout the city. Gradually transitioning from commercial to residential in this area of the city would be supported. |
| 5. *Transitions between differing land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available. Adequate screening and design should be provided to protect existing residential areas form more intense land uses.* | The design concept includes small-lot single-family lots adjacent to a lower density single and two-story single-family neighborhood to the east and southeast. This height and density range needs to be gradual and should be replaced with a more gradual density increase from R-1-8 to R-1-6 instead as recommended by the General Plan. If greater density than what is possible with the R-1-6 Zone is desired, then the R-2 or R-3 Zones could be used with a development agreement to ensure compatibility with the established neighborhoods in the area. The R-2 Zone would be more consistent with this guideline as it would be a more gradual increase in density and is specified for medium density neighborhoods. |
| 6. *Development approval should be tied to the construction of culinary water, sewer, storm drainage, and circulation systems.* | Connections to existing lines and the construction of new infrastructure would be needed for any new development in this area. |

| | |
|---|---|
| 7. *Density increases should be considered only after adequate infrastructure and resource availability have been sufficiently demonstrated.* | Based upon preliminary discussions with Clearfield City Public Works Staff, the infrastructure in the area should be sufficient to accommodate the additional densities. If densities greater than what is presented in the concept plan are desired, a formal engineering capacity study should be undertaken to demonstrate the current capacity to evaluate if infrastructure upgrades would be needed to accommodate the increased density. |
| 8. *An interconnecting public open space system should be provided, including pedestrian linkages, recreational areas, natural areas, on-road cycling facilities, and drainage ways.* | The proposed concept (although not shown) includes the intent to provide pedestrian connections within the development to the common open spaces. Considerations must be given to the existing community resource of Barlow Park and connections made there. |
| 9. *Commercial and manufacturing uses should be highly accessible, clustered near the center of their service areas, and developed in harmony with the uses and character of surrounding districts.* | This guideline supports the construction of additional commercial uses in this area along the Antelope Drive frontage. Due to changes in market demands, commercial uses along 500 West would likely be less accessible and visible. Additional residential development would be in harmony with the low-density residential neighborhoods in the area. |
| 10. *The Land Use Plan should promote and encourage land use patterns that provide a high quality of life to all and offer choice in mobility and transportation.* | Medium-density residential development increases housing choice and usually offers multiple choices in mobility and transportation. Due to the location of the properties vehicular access will be limited to Antelope Drive and areas of 500 West. Pedestrian connections must be considered between the development and outside community resources, like Barlow Park. |
| 11. *The remaining vacant properties in the City should be developed at their highest and best use to maximize their value to the landowner and the City.* | The highest and best use of property is driven by market demands and realities. Development with medium-density residential uses may provide the highest and best return to the property owners. Any future development with a greater density than the |

| | |
|---|---|
| | existing single-family neighborhoods could create a greater burden on municipal services but will be more efficient in the usage and design of utilities than large-lot single-family neighborhoods. |
| *12. The quality and usefulness of parks and open space should be maximized. Open spaces that are small, inaccessible, difficult to maintain, or encumbered by utilities, drainage basins, or excessive slopes should not be encouraged.* | Development in this area should consider the value that is added to future residents within proximity of Barlow Park. Community resources such as parks should be emphasized and highlighted as amenities of the community and add to the quality of life for Clearfield residents. |
| *13. Manufacturing and industrial activities should be limited to those areas already zoned for such uses.* | With the frontage of the land remaining in the C-2 Zone, uses and activities would be limited to those permissible with in the C-2 Zoning district. |
| *14. Properties registered with the County or State for agricultural or industrial protection should be recognized by the City to allow such land uses.* | The properties are designated for commercial future land uses and have been agriculturally used in the preceding years. There is no evidence that the properties are registered for agricultural protection. |
| *15. Land use decisions should be based on a comprehensive understanding of their effects on the environment and surrounding areas.* | The proposed density above what is found in the nearby residential neighborhoods could adversely impact the traffic patterns along Antelope Drive and 500 West. The number and locations of new public streets or shared private driveways should be reviewed by engineering staff and designed to meet public work standards for separation for this category of street. |

**B. Goals and Policies of Land Use**

The General Plan includes four land use goals that have policies and implementation measures associated with each. Out of the four goals, Goal 4 most closely aligns with the proposed rezone request and is provided as part of the following analysis with specific attention to implementation measures #2 & #5.

***Goal 4:*** *Revitalize Neighborhoods and Commercial Districts with a focus on a Downtown Core.*

***Policy:*** *Encourage redevelopment and renovation of deteriorating neighborhoods and commercial districts.*

***Implementation Measure # 2:*** *Create land use ordinances that allow and encourage infill redevelopment. Envision downtown as public places that have the potential to become destinations for pedestrians.*

***Implementation Measure #5:*** *Encourage the mixing of uses along a corridor, including jobs and housing in close proximity to one another.*

This goal, policy, and specifically implementation measures #2 & #5 focus on creating ordinances that allow and encourage infill redevelopment as well as mixing uses along a corridor. As outlined above, the R-3 Zone is not intended for single-family residential development but for medium or high-density multiple-family development. As currently called out in the General Plan, the R-1-6 Zone is allowed for infill single-family development and is an alternative to multi-family development in areas outside of the downtown corridor. The 1700 South corridor should have a mix of uses, but it is important to ensure that the correct intensity of the uses and density, especially residential, should be compatible and complementary to the existing land uses and surrounding area. The additional residential homes will provide additional support for commercial businesses in the area but should be developed at a density that is more consistent and complementary to the existing single-family residential neighborhoods in the area. Staff recommends that the use of the R-1-6 Zone or the R-2 Zone would be the most appropriate zoning designation for this land between commercial and existing single-family neighborhoods.

**GENERAL PLAN TRANSPORTATION ELEMENT ANALYSIS**

Chapter 3 – Transportation, addresses goals and policies to ensure balance between future transportation needs that come with future land use development. The following is a summary of applicable guidance and direction provided in the Transportation Chapter that would apply to any request of this sort.

In the introduction of the chapter, five (5) items are identified that should be included in the long-range Transportation goals. The second item states that Clearfield City should, “determine if outlying potential development could degrade existing streets and consider actions to limit or concentrate future land-use densities, if required.” Focusing higher density residential development within the downtown area and in key locations already identified and under development in the city would be supported by this recommendation. The level of residential density added to this area of the city, should consider the impacts to 500 West, Antelope Drive, and other residential streets.

**PUBLIC COMMENT**

Mailed notices were sent out on June 24th, 2022. The property sign and public hearing notice legal ad were posted on site and on the Utah State public notice website and in the local newspaper the weekend of June 25th and 26th. Residents from the neighborhood to the east attended the Planning Commission public hearing and expressed opposition for the development concept as proposed.

**STAFF RECOMMENDATION; FINDINGS AND CONCLUSION**

Based upon analysis of this request and the Clearfield City General Plan, staff recommended that the Planning Commission forward a recommendation of **APPROVAL** to the Clearfield City Council for the proposed general plan amendment request and a recommendation of **DENAIL** for the zoning map amendment request. These recommendations are based upon the analysis of the staff report and the following findings:

1. The proposed general plan amendment is consistent with market changes for housing stock and demand and can be supported by the land use guidelines, goals, and objectives of the Clearfield City General Plan.
2. The use of the R-3 Zone to establish small-lot single-family neighborhoods is inconsistent with the current purpose and permitted uses of the zone as it is intended for medium to high-density multiple-family developments.
3. The General Plan was amended to allow for greater use of the R-1-6 Zone for residential single-family infill development and as an alternative to multi-family residential.
4. The R-2 Zone is intended for medium-density residential neighborhoods and would be the more appropriate zone than the R-3 Zone for this area.
5. The R-3 Zone has been used by the City Council to provide small-lot single-family developments consistent with market demands absent a zoning district designed for the specific purpose. The R-3 Zone could be used in conjunction with the C-2 Zone and with a development agreement to allow for a similar development pattern proposed by the applicants. The R-2 Zone purpose and density would be more consistent with the existing single-family residential development pattern in this part of the city and could be used in the same way as the R-3 Zone stated above with a development agreement.

**CORRESPONDING POLICY PRIORITIES**

- *Providing Quality Municipal Services*

  As part of providing quality municipal services, Clearfield City must continuously align zoning and land use goals and objectives to be consistent in the development process. It is important

to be consistent for the benefit of the resident's, property owners, and developers within the city.

- *Improving Clearfield's Image, Livability, and Economy*

  By encouraging high-quality development through the use of the appropriate zoning designation and standards, the image and livability of Clearfield City can increase. With various zoning designations and tools available, it is important for Clearfield City to identify and utilize the most appropriate zoning designations and tools to promote development that can improve the image, livability, and economy of the city and its current and future residents.

**FISCAL IMPACT**

Although there is no current fiscal impact of the request, any future development of this area will have a fiscal impact with future provision of public infrastructure.

**ALTERNATIVES**

The City Council may discuss and/or recommend an alternative to that of the Planning Commission's recommendation.

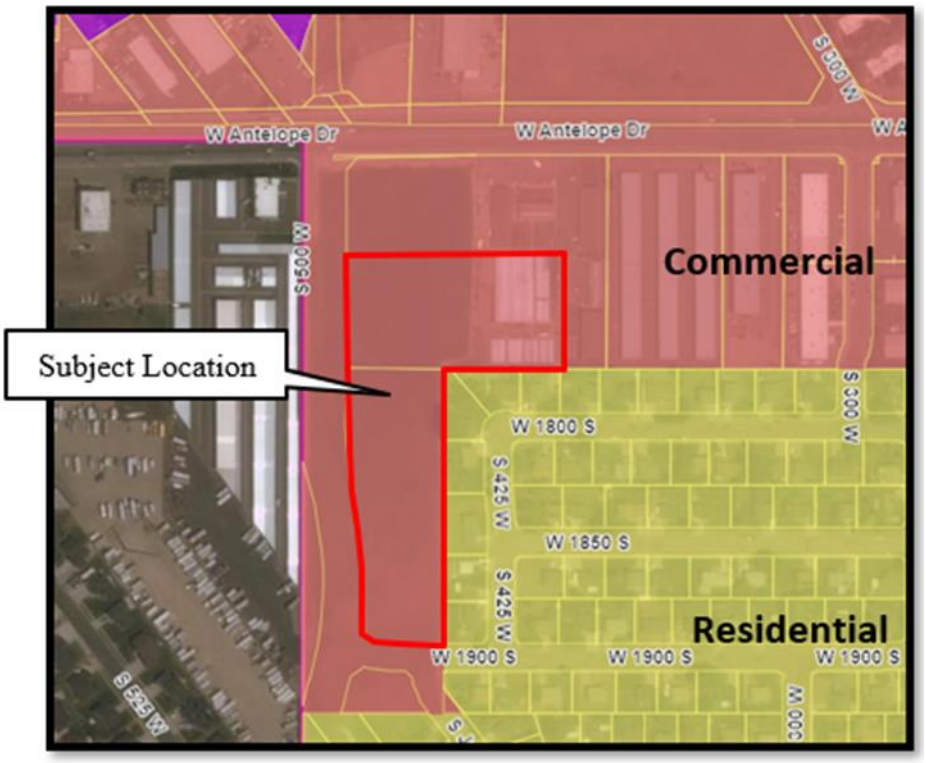
**SCHEDULE / TIME CONSTRAINTS**

None.

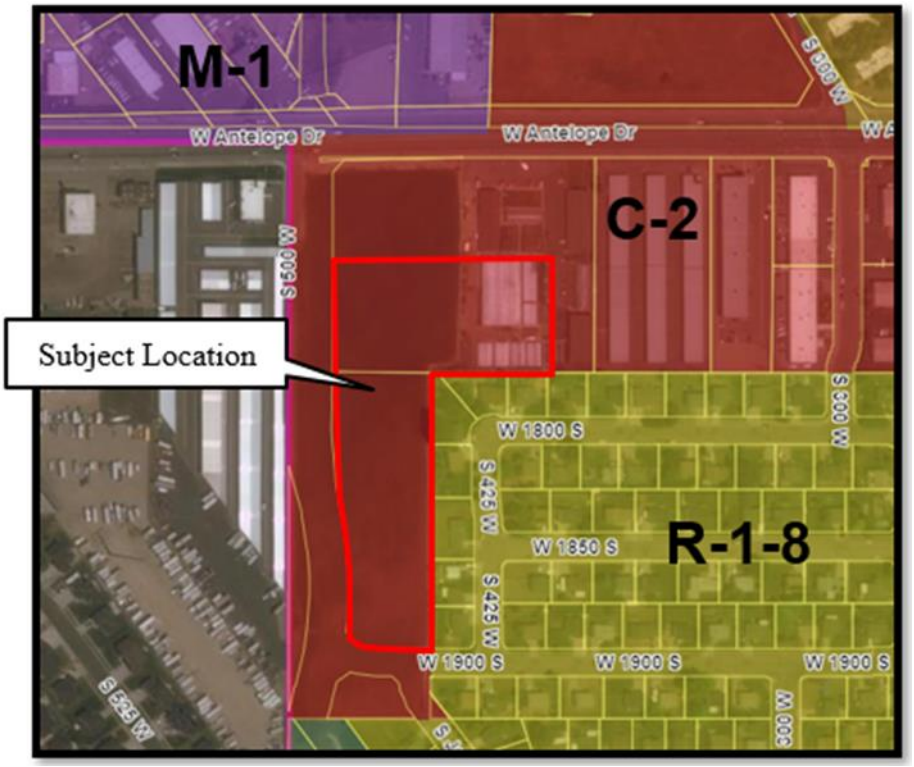
**ATTACHEMENTS**

1. General Plan Map
2. Zoning Map
3. Development Concept

## GENERAL PLAN




## ZONING



Antelope Drive

COMMERCIAL
1.50 ACRES

RESIDENTAIL
5.32 ACRES

SITE TABLE
R3-ZONE
4000 SF MIN.
10% OPEN SPACE
30' DRIVEWAY EASEMENTS TO EACH LOT

4425 West

1900 South

525 West

# CLEARFIELD CITY ORDINANCE 2022-15

AN ORDINANCE AMENDING THE CLEARFIELD CITY GENERAL PLAN FUTURE LAND USE MAP

PREAMBLE: This Ordinance changes the land use classification from Commercial to Residential in the Clearfield City General Plan Future Land Use Map for 5.32 acres of the properties located at approximately 500 West 1700 South (TINs: 12-080-0092 and 12-080-0095)

WHEREAS, 5.32 acres of the properties located at approximately 500 West 1700 South (TINs: 12-080-0092 and 12-080-0095) currently have a land use designation of Commercial in the Clearfield City General Plan Future Land Use Map; and

WHEREAS, the applicant has requested an amendment to the Future Land Use Map of the General Plan to change the land use designation for 5.32 acres of the subject properties from Commercial to Residential; and

WHEREAS, the property is currently used primarily for agricultural or commercial uses; and

WHEREAS, the applicant believes the residential designation would be the highest and best use for the property because it would help to address housing and affordability needs; and

WHEREAS, after a public hearing on the matter, the Clearfield City Planning Commission recommended the Clearfield City Council approve the applicant's request to change the future land use from Commercial to Residential for 5.32 acres of the properties located at approximately 500 West 1700 South (TINs: 12-080-0092 and 12-080-0095); and

WHEREAS, after its public deliberation and careful consideration, the Planning Commission recommended the request be approved because the request is consistent with market changes and housing stock and demand; and

WHEREAS, the Clearfield City Council received and reviewed the proposed application and recommendation from the Clearfield City Planning Commission; and

WHEREAS, following proper notice, as set forth by State Law, the City Council held a public hearing on the matter and received input thereon; and

WHEREAS, after the public hearing, the City Council carefully considered any comments made during the public hearing as well as the Planning Commission's recommendations of approval regarding the proposed modifications; and

WHEREAS, following its public deliberation, the City Council has determined that changing the future land use classification on the Future Land Use Map of the City's General Plan from Commercial to Residential for 5.32 acres of the properties located at approximately 500 West 1700 South (TINs: 12-080-0092 and 12-080-0095) is in the best interests of Clearfield City and its residents;

NOW THEREFORE BE IT ORDAINED, by the Clearfield City Council that:

Section 1. General Plan Amendment: The future land use classification for 5.32 acres of the properties located at approximately 500 West 1700 South (TINs: 12-080-0092 and 12-080-0095) be changed from Commercial to Residential and that said change be incorporated into and reflected by the City's General Plan and its Future Land Use Map.

Section 2. Effective Date: This Ordinance shall become effective only upon its posting in three public places within Clearfield City.

DATED this 26th day of July, 2022, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

_____
Mark R. Shepherd, Mayor

ATTEST

_____
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

# CLEARFIELD CITY ORDINANCE 2022-16

AN ORDINANCE REZONING 5.32 ACRES OF THE PROPERTIES LOCATED AT APPROXIMATELY 500 WEST 1700 SOUTH (TINs: 12-080-0092 AND 12-080-0095) FROM C-2 (COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL) AND AMENDING THE CLEARFIELD CITY ZONING MAP ACCORDINGLY.

PREAMBLE: This Ordinance rezones 5.32 acres of the properties located at approximately 500 West 1700 South (TINs: 12-080-0092 and 12-080-0095) from C-2 (Commercial) to R-3 (High Density Residential) and amends the City's Zoning Map to reflect the change.

WHEREAS, pursuant to an application received by the City's Community Development office, the City Council must consider a change in the zoning for 5.32 acres of the properties located at approximately 500 West 1700 South (TINs: 12-080-0092 and 12-080-0095); and

WHEREAS, after a public hearing on the matter, the Clearfield City Planning Commission recommended to the Clearfield City Council that the rezone be denied because it believed a lower density zone would be more consistent with the land use guidelines, goals, and objectives of the Clearfield City General Plan; and

WHEREAS, following proper notice, as set forth by state law and the City's Land Use Ordinance, the City Council held a public hearing on the application for a change in the zoning for the property and allowed for public comment thereon; and

WHEREAS, after the public hearing, the City Council carefully considered any comments made during the public hearing, the applicant's position, as well as the Planning Commission's recommendations regarding the proposed rezone; and

WHEREAS, following its public deliberation, the City Council has determined the zoning change listed below is in the best interest of Clearfield City and its residents and will most effectively implement the City's efforts to meet market changes and housing demand and affordability while allowing the subject properties to be put to their highest and best use;

NOW, THEREFORE, be it ordained by the Clearfield City Council that:

Section 1. Zoning Changes: Contingent on a fully executed development agreement between the City and the rezone applicant that is recorded against the properties, the zoning for 5.32 acres of the properties located at approximately 500 West 1700 South (TINs: 12-080-0092 and 12-080-0095) in Clearfield City, Davis County, Utah, will be changed from C-2 (Commercial) to R-3 (High Density Residential).

Section 2. Amendments to Zoning Map: Contingent on a fully executed development agreement between the City and the rezone applicant that is recorded against the

properties, the Clearfield City Zoning Map will be amended to reflect the changes in zoning outlined in Section 1 above.

Section 3. Effective Date: This Ordinance shall become effective immediately upon its posting in three public places within Clearfield City.

Dated this 26th day of July, 2022, at the regularly scheduled meeting of the Clearfield City Council.

CLEARFIELD CITY CORPORATION

_____
Mark R. Shepherd, Mayor

ATTEST

_____
Nancy R. Dean, City Recorder

VOTE OF THE COUNCIL

AYE:

NAY:

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
6:00 P.M. WORK SESSION
June 21, 2022
*(This meeting was held following the City Council work session)*

City Building
55 South State Street
Clearfield City, Utah

| | | |
|---|---|---|
| PRESIDING: | Karece Thompson | Chair |
| PRESENT: | Nike Peterson | Director |
| | Vern Phipps | Director |
| | Tim Roper | Director |
| | Mark Shepherd | Director |
| EXCUSED: | Kent Bush | Director |
| STAFF PRESENT: | JJ Allen | City Manager |
| | Stuart Williams | City Attorney |
| | Kelly Bennett | Police Chief |
| | Adam Favero | Public Works Director |
| | Eric Howes | Community Services Director |
| | Brad McIlrath | Senior Planner |
| | Rich Knapp | Finance Manager |
| | Shaundra Rushton | Communications Manager |
| | Nancy Dean | City Recorder |

Chair Thompson called the meeting to order at 8:57 p.m.

DISCUSSION ON AMENDMENTS TO THE CDRA FISCAL YEAR (FY22) BUDGET

Mr. Knapp presented Council with a request to amend the CDRA Fiscal Year (FY22) budget for the Lifetime tax increment in the amount of $16,501.00. There were no comments.

**Director Peterson moved to adjourn at 8:59 p.m., seconded by Director Phipps. The motion carried upon the following vote: Voting AYE – Directors Bush, Peterson, Phipps, Roper, Thompson. Voting NO – None.**

***The City Council work session minutes are in a separate location. ***

DRAFT

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
7:00 P.M. POLICY SESSION
June 28, 2022
*(This meeting was held following a City Council policy session.)*

City Building
55 South State Street
Clearfield City, Utah

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

VISITORS:

Chair Thompson called the meeting to order at 7:52 p.m.

APPROVAL OF THE MINUTES FROM THE JANUARY 11, 2022 WORK SESSION, JANUARY 11, 2022 POLICY SESSION, JANUARY 25, 2022 POLICY SESSION AND MAY 10, 2022 POLICY SESSION

**Director Shepherd moved to approve the minutes from the January 11, 2022 work session, January 11, 2022 policy session, January 25, 2022 policy session, and May 10, 2022 policy session, as written; and authorize the Chair's signature to any necessary documents, seconded by Director Peterson. The motion carried upon the following vote: Voting AYE – Directors Bush, Peterson, Phipps, Roper, and Shepherd. Voting NO – None.**

DRAFT

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON AMENDMENTS TO THE FISCAL YEAR 2022 (FY22) BUDGET

Rich Knapp, Finance Manager, presented a proposed Lifetime Tax Increment amendment to the Fiscal Year 2022 (FY22) budget for $16,501. State law required a public hearing before the Board could approve amendments to the CDRA budget.

Chair Thompson opened the public hearing at 7:53 p.m.

There were no public comments.

**Director Shepherd moved to close the public hearing at 7:54 p.m., seconded by Director Roper. The motion carried upon the following vote: Voting AYE – Directors Bush, Peterson, Phipps, Roper, and Shepherd. Voting NO – None.**

PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED FISCAL YEAR 2023 (FY23) BUDGET

Mr. Knapp reviewed the balanced final CDRA budget with the Directors. The budget included total revenues and transfers equal to $2,611,265 and total appropriations equal to $2,760,410, and a net decrease to fund balance that equal to $149,145. Utah code required a public hearing regarding adoption of the upcoming fiscal year budget. The final budget for Fiscal Year 2023 (FY23) would begin July 1, 2022 and end June 30, 2023. The submitted tentative budget was adopted on May 10, 2022.

Chair Thompson opened the public hearing at 7:54 p.m.

There were no public comments.

**Director Bush moved to close the public hearing at 7:55 p.m., seconded by Director Peterson. The motion carried upon the following vote: Voting AYE – Directors Bush, Peterson, Phipps, Roper, and Shepherd. Voting NO – None.**

APPROVAL OF RESOLUTION 2022R-02 AUTHORIZING AN AMENDMENT TO THE FISCAL YEAR 2022 (FY22) BUDGET

**Director Phipps moved to approve Resolution 2022R-02 authorizing an amendment to the Fiscal Year 2022 (FY22) budget and authorize the Chair's signature to any necessary documents, seconded by Director Bush. The motion carried upon the following vote: Voting AYE – Directors Bush, Peterson, Phipps, Roper, and Shepherd. Voting NO – None.**

APPROVAL OF RESOLUTION 2022R-03 ADOPTING THE FISCAL YEAR 2023 (FY23) BUDGET

**Director Peterson moved to approve Resolution 2022R-03 adopting the Fiscal Year 2023 (FY23) budget and authorize the Chair's signature to any necessary documents, seconded**

**by Director Shepherd. The motion carried upon the following vote: Voting AYE – Directors Bush, Peterson, Phipps, Roper, and Shepherd. Voting NO – None.**

There being no further business to come before the Community Development and Renewal Agency, **Director Shepherd moved to adjourn as the CDRA at 7:56 p.m. and reconvene as the City Council in work session, seconded by Director Bush. The motion carried upon the following vote: Voting AYE – Directors Bush, Peterson, Phipps, Roper, and Shepherd. Voting NO – None.**

***The City Council policy session minutes are in a separate location. ***

DRAFT

CLEARFIELD CITY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY
MEETING MINUTES
6:00 P.M. WORK SESSION
July 12, 2022
*(This meeting was held following the City Council work session)*

City Building
55 South State Street
Clearfield City, Utah

| | | |
|---|---|---|
| PRESIDING: | Karece Thompson | Chair |
| PRESENT: | Kent Bush | Director |
| | Nike Peterson | Director |
| | Vern Phipps | Director |
| | Tim Roper | Director |
| | Mark Shepherd | Director |
| 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 Manager |
| | Nancy Dean | City Recorder |

Chair Thompson called the meeting to order at 6:39 p.m.

DISCUSSION ON THE SALE OF A SMALL PIECE OF REMNANT CDRA PROPERTY LOCATED AT APPROXIMATELY 97 SOUTH MAIN STREET

Spencer Brimley, Community Development Director, approached the Board with a request for the sale of a small piece of remnant CDRA property to Morgan Pavement. The CDRA owns a parcel of real property that is 0.04 acres (1742.4 SF) immediately south of the MOC that shared the same address as the MOC and was not in use. The parcel was adjacent to the northwest boundary of Morgan Pavement and had been maintained by Morgan Pavement for approximately 22 years. Morgan Pavement purchased a single-family dwelling west of the parcel and would like to upgrade its facilities utilizing acquired property along with the CDRA parcel. Mr. Brimley informed the Board that the zoning for the parcel was M-1 (manufacturing) and would be consistent with the other parcels of land owned by Morgan Pavement and its intended use of the property. He noted Morgan Pavement's willingness to allow SWAT/Police to use the recently single-family dwelling for training until the time of demolition.

DRAFT

Mr. Brimley provided details for the Board to consider:

- Properties in the area that had been improved (developed and occupied) had appraised for roughly $8/Square Foot (SF).
- A remnant piece of property without improvements would only have value if attached to an existing developed piece of property or had some sort of additional improvements.
- Vacant ground would generally be worth less than developed property.
- Morgan Pavement had maintained the parcel for over 20 years without request for reimbursement from the City (costs estimated at $125 annually for 22 years total $2,750).
- The purchase price should consider costs of maintenance and price that reflect usability for anyone except Morgan Pavement.

Mr. Brimley confirmed staff was recommending the sale of the parcel and offered alternatives should the Board choose to go a different way.

- Sell a small piece of remnant CDRA property located at 497 South Main Street to Morgan Pavement for approximately $14,000 ($8/SF x 1742.4 SF).
- Keep the parcel and take over maintenance of the property.
- Provide staff with alternative direction.

He relayed to the Board that staff believed that $3/SF was appropriate and would be great to see Morgan Pavement expand and grow in the City. Councilmember Peterson suggested a swap for striping on 500 West. There was a discussion on the striping area. The Board determined to propose to Morgan Pavement a swap of the parcel of land for striping on 500 West or to sell the parcel for $3 per square foot and then bring that back to the Board for final approval.

DISCUSSION ON CONTINUING THE EXISTING ARGENTINE CORNER COMMERCIAL DEVELOPMENT AND ECONOMIC STIMULUS INCENTIVE AGREEMENT

Summer Palmer, Assistant City Manager, informed the Board that staff was seeking direction regarding the Argentine Corner Commercial Development & Economic Stimulus Incentive Agreement. She provided the Board with some background information. In January 2021, Argentine Corner and the CDRA entered into a written agreement where the CDRA agreed to provide $50,000 to Argentine Corner, post-performance of the completion of several conditions, if completed prior to December 31, 2021. Argentine Corner had not completed the conditions triggering the CDRA obligation. According to section D(1) of the agreement, the CDRA had the discretion to make the agreement "null and void". Ms. Palmer stated that Argentine Corner was aware the due date to complete the conditions precedent had expired and was requesting assurance the agreement would continue to be honored. She offered options for the Board to consider.

- Direct Staff to notify Argentine Corner that the Board did not intend to exercise its discretion and make the agreement null and void (easiest option).
- Direct Staff to notify Argentine Corner that the Board did not intend to exercise its discretion and make the agreement null and void, but that the Board did intend to exercise its discretion if the conditions precedent were not complete by a future set

date.

- Direct staff to notify Argentine corner the Board was lawfully exercising its discretion pursuant to Section D(1) of the agreement to make the agreement null and void
- Provide staff with an alternative direction

Mayor Shepherd explained there had been extenuating circumstances which prevented the owners of Argentine Corner's ability to meet the deadline. There was consensus to let the agreement continue.

DISCUSSION ON UPDATING THE LIFETIME PRODUCTS COMMUNITY REINVESTMENT AREA (CRA) DEVELOPMENT AGREEMENT (PARTICIPATION AGREEMENT)

In September of 2021 the Board approved the extension of the Lifetime CRA after Senate Bill 6001 passed allowing a community reinvestment agency to extend the tax increment collection period for up to two years for project areas that could demonstrate negative economic and financial impact related to COVID-19. Ms. Palmer explained that the Project Area Participation Agreement was a corresponding document that needed to be updated to reflect the approval of the Board in 2021 and would be on the July 26, 2022 CDRA policy session for consideration of the Board's approval.

**Director Peterson moved to adjourn at 6:51p.m., seconded by Director Shepherd. The motion carried upon the following vote: Voting AYE – Directors Bush, Peterson, Phipps, Roper, and Shepherd. Voting NO – None.**

***The City Council work session minutes are in a separate location. ***

DRAFT

# STAFF REPORT

**TO:** CDRA Board of Directors

**FROM:** Summer Palmer, Assistant City Manager

**MEETING DATE:** July 26, 2022

**SUBJECT:** 2021 Project Area Extension- Participation Agreement

---

## RECOMMENDED ACTION

Approve the updated Participation Agreement to reflect changes approved in September of 2021.

## DESCRIPTION / BACKGROUND

In September of 2021 the Board approved the extension of the Lifetime CRA after Senate Bill 6001 passed allowing a community reinvestment agency to extend the tax increment collection period for up to two years for project areas that can demonstrate negative economic and financial impact related to COVID-19. The Project Area Participation Agreement is a corresponding document that needs to be updated to reflect that approval.

## HEDGEHOG ANALYSIS

Approval of this resolution does not impact city time or resources; therefore no analysis was done.

## CORRESPONDING POLICY PRIORITY (OR PRIORITIES)

This item corresponds directly to the policy priority of Improving Clearfield's Image, Livability, and Economy. The Agency plays an important role as a partner with developers in the project area. This extension would be of great benefit to the participating taxing entities, the developers involved in the project area, and the City's overall future economic growth.

## FISCAL IMPACT

None

## SCHEDULE / TIME CONSTRAINTS

The is no significant time constraint to the approval.

## LIST OF ATTACHMENTS

- September 28, 2021, Staff Report regarding the Project Area Extension for Lifetime
- The updated Participation Agreement for the Lifetime Project Area

# STAFF REPORT

**TO:** CDRA Board of Directors

**FROM:** Summer Palmer, Assistant City Manager and LYRB, Inc.

**MEETING DATE:** September 28, 2021

**SUBJECT:** 2021 Project Area Extension

---

## RECOMMENDED ACTION

Approve Resolution __-____

## DESCRIPTION / BACKGROUND

Senate Bill 6001 ("SB 6001") was sponsored by Senator Wayne Harper in the Senate and Representative Mike Winder in the House. SB 6001 was introduced and signed into law in 2021 with the expressed purpose of providing economic relief to local reinvestment agency project areas due to the negative impacts caused by the COVID-19 pandemic. SB 6001 allows a community reinvestment agency to extend the tax increment collection period for up to two years for project areas that can demonstrate negative economic and financial impact related to COVID-19.

In order to receive the relief provided by SB 6001, the project area plan must have been adopted on or before December 31, 2019. The reinvestment agency board must also adopt a resolution on or before December 31, 2021. The reinvestment agency must describe the conditions resulting from the COVID-19 pandemic and that the board has determined that the pandemic has created a delay in the implementation of the project area or resulted in a reduction in the amount of tax increment necessary to implement the project area plan.

Clearfield City requested a letter from Lifetime Products describing the complications caused by COVID-19 for the Lifetime Products CRA Project Area. The following information summarizes the evidence provided by the developer.

**Lifetime Products CRA Project Area Impacts**

Construction delays caused by the COVID-19 Emergency have moved the anticipated building completion from 2021 to 2022. Building construction was scheduled to begin in March 2020, however, the global pandemic stalled construction until July 2020. Additionally, pandemic associated lags in the supply chain and labor unavailability have disrupted progress, increased delays, and raised construction costs.

Lifetime Products Inc. are facing issues with steel and lumber, the highest material cost of their projects. An article written by CBRE on May 24, 2021, emphasizes that high demand and limited supply have led to dramatic increases in domestic steel and lumber prices this year. In early May of 2021,

both steel and lumber prices had more than tripled since late 2020. Since peaking, prices have dropped a bit but were still up almost 260% since last year. Other construction materials have experienced similar supply issues. Rising costs are causing developers to postpone projects or force them to increase their construction budgets.

## HEDGEHOG ANALYSIS

Approval of this resolution does not impact city time or resources therefore no analysis was done.

## CORRESPONDING POLICY PRIORITY (OR PRIORITIES)

This item corresponds directly to the policy priority of Improving Clearfield's Image, Livability, and Economy. The Agency plays an important role as a partner with developers in the project area. This extension would be of great benefit to the participating taxing entities, the developers involved in the project area, and the City's overall future economic growth.

## FISCAL IMPACT

The delayed building completion will cause the warehouse to be recognized on the 2022 tax rolls rather than the 2021 tax rolls. The interlocal agreements required that the Project Area be triggered in fiscal year (FY) 2021. Due to this, the existing estimated Tax Increment revenues during the Project Area timeframe will be roughly $207,000 lower than anticipated. An extension of time to collect Tax Increment revenues is needed to balance out the negative impacts of the delayed building completion and construction costs. The extension allowed by the proposed resolution will allow Lifetime Products Inc. to fulfill the objectives of the original Development Agreement they have with the Agency. With the opportunity to extend the life of the Project Area, the taxing entities, and Lifetime Products Inc. will be able to recoup some of the desired revenues that were delayed and reduced due to the COVID-19 Emergency.

## ALTERNATIVES

The board does not need to extend the CRA plan and can forgo the collection of the roughly $207,000 of tax increment over the years designated in the current plan.

## SCHEDULE / TIME CONSTRAINTS

Agencies interested in extending their project area plans need to have a resolution in place prior to the end of calendar year 2021.

## LIST OF ATTACHMENTS

- Resolution authorizing the extension the Lifetime Products CRA due to the covid-19 emergency.

Agency Agreement No. _____

# DEVELOPMENT AGREEMENT

(Lifetime Products Community Reinvestment Area – Lifetime Products, Inc.)

This Development Agreement (the "Agreement") is executed this _____ day of _____, 2022, by and between the **Clearfield Community Development and Renewal Agency** (the "Agency"), a community development and renewal agency and political subdivision of the State of Utah, with its principal office located at 55 State St, Clearfield, UT 84015, and **Lifetime Products, Inc.,** an incorporated Company, with its principal offices located at Building D12, Freeport Center, Clearfield, UT 84016 (the "Developer", or "Lifetime Products") (together with the Agency, collectively the "Parties").

## RECITALS

WHEREAS, the Clearfield City Council created the Agency to help facilitate and promote economic development and redevelopment in Clearfield City (the "City"); and

WHEREAS, although laws governing the Agency have changed over time, the Agency continues to function and operate under the provisions of the Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the Utah Code (the "Act"); and

WHEREAS, the Agency is authorized and empowered under the Act to undertake various community development activities pursuant to the Act, including, among other things, assisting the City in development activities; and

WHEREAS, the Agency created the Lifetime Products Community Reinvestment Area (the "Project Area") through the adoption of the Project Area Plan and Project Area Budget for the Project Area on October 9, 2018 by Resolution No. 2018R-04 (the "Project Area Plan"), and Resolution No. 2018R-05 (the "Project Area Budget") and by amending an existing project area (RDA #6) through Resolution No. 2018R-06. Additionally, the Clearfield City Council passed and approved Ordinance No. 2018-18, an Ordinance Adopting the Project Area Plan for the Lifetime Products Community Reinvestment Area as the Official Community Reinvestment Plan for the Lifetime Products Community Reinvestment Area and Ordinance 2018-19 adopting the amendments to the official plan for RDA #6, and due to the COVID-19 pandemic the Clearfield City Council passed and approved resolution 2021R-04 extending the collection of tax increment by two years; and

WHEREAS, the proposed Lifetime Products expansion, as described in the Project Area Plan (**Exhibit A**), will be located within the Project Area; and

WHEREAS, the Lifetime Products expansion will increase the assessed valuation of the Project Area, City, and Davis County (the "County"), provide additional jobs, and promote the retention of Lifetime Products' presence within the City; and

WHEREAS, the City and Agency wish to pursue and support the most viable and impactful opportunities for development within the City, which include developments that will boost the City's tax revenues, create jobs, and stimulate the local economy; and

WHEREAS, Lifetime Products wishes to maintain its presence within the City and within the Freeport Center specifically, although due to the high land costs of the Freeport Center expanding in Clearfield is more cost-prohibitive than the other locations. Lifetime Products has, therefore, other potential expansion locations. The Project Area was created to offer public participation to Lifetime Products requisite to secure the location of their expansion to be within the City and Project Area; and

WHEREAS, public participation is estimated to bring a significant net benefit to the taxing entities over the 17-year life of the Project Area; and

WHEREAS, the Developer requires support from the Agency in order to make the Freeport Center a competitive location for its expansion; and

WHEREAS, the Agency finds that the provisions of this Agreement facilitate the development of the property and ensures the long-term economic success of the Project Area and City by creating new employment opportunities and increasing the City's tax base; and

WHEREAS, this Agreement sets forth the terms under which the Agency will assist the Developer within the Project Area.

## COVENANTS

NOW, THEREFORE, in consideration of the mutual covenants of the Parties as hereinafter set forth, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Agency and Developer mutually agree as follows:

1. **Background.** The following documents provide background and context to the provisions of this Agreement:

    1.1. **Project Area Plan**. The Agency and the Clearfield City Council approved and adopted the Project Area Plan for the Lifetime Products Community Reinvestment Area as the Official Plan (the "Project Area Plan"). The Agency approved and adopted the Project Area Budget for the Lifetime Products Community Reinvestment Area as the Official Budget for the Lifetime Products Community Reinvestment Area ("Project Area Budget"). The Project Area Plan and Budget are attached to this Agreement as **Exhibit A** and **Exhibit B** and are incorporated herein by reference. The Project Area Plan includes a legal description and map of the Lifetime Products Community Reinvestment Area (the "Project Area"). The Developer's plans to develop the property within the Project Area pursuant to the Project Area Plan and Budget in this Agreement and also known as the Lifetime Products Expansion Development shall be referred to as the "Development," the "Project," or the "Expansion." The Development's property is located within the Project Area. The legal description of the Project Area is included in both the Project Area Plan and Budget's appendices.

1.2. **Development Plan**. Developer has submitted to the City its Development Plan for the proposed Lifetime Products Expansion Development. The Development Plan is attached to this Agreement as **Exhibit C** and is incorporated herein by reference.

2. **Findings.** The Agency makes the following findings regarding the Project Area and this Agreement:

2.1. The Agency finds that the Clearfield City Council created the Agency to help facilitate and promote economic development and redevelopment in the City.

2.2. The Agency finds that it is authorized and empowered under the Act to undertake various community development activities pursuant to the Act, including, among other things, assisting the City in development activities; and

2.3. The Agency finds that the Project Area was created for the purposes of developing the Project Area.

2.4. The Agency finds that this Agreement provides for development activities within the community, including the encouragement, promotion, or provision of said development within the Project Area.

2.5. The Agency finds that this Agreement fulfills the primary objectives of the Project Area Plan developing the Project Area and creating jobs.

2.6. The Agency finds that the development of the Project Area as set forth in this Agreement is in the vital and best interests of the City and the health, safety, morals, and welfare of its residents, and is in accordance with the public purposes and provisions of applicable State laws and requirements under which the Project Area has been established.

2.7. The Agency finds that the development of the Project Area will enhance the overall living environment and will improve the economic vitality of the Project Area, which will benefit the City, the County, and the State.

2.8. The Agency finds that the tax increment (defined as the incremental property tax revenue generated through development within a project area and received by the Agency through the participation of taxing entities) must be used to directly benefit the Project Area and that supporting the Development is the best use for this tax increment.

2.9. The Agency finds that the tax increment financing provided in this Agreement is necessary and appropriate to accomplish the goals and objectives of the Project Area Plan.

2.10. The Agency finds that the Development proposed in this Agreement would not likely occur without assistance from the Agency and that the Developer is more likely to remain within the Project Area, City, and state with assistance from the Agency.

2.11. The Agency finds that promising support for the Development with tax increment that will be generated by the Expansion promotes economic development while still shielding the Agency and City from risk.

2.12. The Agency finds that financial assistance to the Developer is needed to enable the development and vitality of the Project Area and needed to promote the highest and best use for the Project Area.

2.13. The Agency finds that the use of tax increment is further justified in this Agreement as a means to assist the Developer with additional costs related to developing within the Freeport Center, whose land prices have risen significantly and made Lifetime Products' expansion in the area prohibitive without support from the Agency.

2.14. The Agency finds that this Development has the potential to provide a positive impact within the Project Area, and the City as a whole, by enhancing an important economic base that benefits the entire City.

2.15. The Agency finds that the projected revenues and benefits from Developer's proposed Development of the Project Area will exceed the amount of financial assistance provided to Developer pursuant to this Agreement. *See* Project Area Budget Section 5: Cost/Benefit Analysis in **Exhibit B**.

2.16. The Agency anticipates the creation of 150 new, full-time equivalent jobs within the City as a result of the Project.

2.17. The Agency finds that there is significant value for the City as a whole in assisting in the development of the Expansion.

3. **Developer Obligations – General.** The Developer agrees to do the following as it develops the Project:

3.1. **Compliance with Agreement, Project Area Plan, and the Development Plan.** Developer agrees to develop the Project according to the requirements of this Agreement, the Project Area Plan, and the Development Plan.

3.2. **Development Processes.** Developer shall comply with all of the City's standard requirements for developing property. Developer acknowledges that the Agency's role as a party to this Agreement is separate and distinct from the Clearfield City Planning Commission's and the Clearfield City Council's roles in the development approval process. Developer shall comply with all City zoning, site plan, conditional use permit, building permit, fee payment and other development requirements. Developer recognizes and agrees that there is no commitment from the Clearfield Planning Commission or the Clearfield City Council to approve any specific development proposal for the development of the Lifetime Products Expansion Development, since each development proposal must stand on its own merits and be judged according to applicable laws.

3.3. **Payment of Taxes, Fees and Licenses.** Developer (or its approved successors in title) must pay and be current on any and all real property taxes and other ad valorem taxes and assessments assessed against any portion of the Project Area owned or controlled by Developer or one of its affiliates or subsidiaries. Developer shall also pay any other applicable tax, fee or license assessed against Developer in the Project Area when due. This provision shall not be interpreted to prevent Developer from contesting any assessed tax or fee, provided that it contests the tax or fee in good faith and by proper proceedings.

3.4. **Maintenance of Property; Insurance.** Developer shall keep the Lifetime Products Expansion and all landscaping, parking areas, structures, signs, and fixtures in the Project Area in a neat and attractive condition. Developer shall maintain, with financially sound and reputable insurance companies, insurance on the Development and the property in such amounts as Developer deems proper in accordance with sound business practices, for such risks as are usually insured against in the same general area by companies engaged in the same or a similar business.

3.5. **Construction.** Developer agrees that it shall promptly begin and diligently prosecute to completion the Development, subject to reasonable commercial expectations and conditions.

3.6. **Access to Site.** Developer's work on and completion of the Project shall be subject to inspection by representatives of the Agency and the City as provided under State and local law and this Agreement. Developer shall permit access to the Project by the Agency and the City for purposes of inspection, and, to the extent necessary, to carry out the purposes of this Agreement. Except as required under extraordinary circumstances, inspections shall be made during reasonable business hours in accordance with standard City and Agency policies and standard project safety guidelines.

4. **Developer's Applicable Performance Obligations – Construction Completion, Job Creation Standards, Economic Performance Standards, and Location Standards.** Developer acknowledges that its redevelopment of the property must meet certain minimum requirements. The Agency has conditionally agreed to make a distribution as outlined in this section and in return, the Developer agrees to do the following:

4.1. **Development of the Property**.

4.1.1. **Construction**. Developer shall commence construction of the Lifetime Products Expansion Development no later than 12 months after requisite approvals and contracts are obtained. The construction of the property shall be completed on or before 2 years from the date of start of construction (the "Project Completion Date") unless otherwise agreed to in writing by the parties.

4.1.2. The construction of the property must be in compliance with this Agreement, the Project Area Plan, the Development Plan, and all other state, federal, and local rules, regulations, and ordinances.

4.1.3. **Development Commitment**. Developer will construct a distribution facility within the Lifetime Products Community Reinvestment Area that is at least 600,000 square feet. This Development will meet the objectives and purposes of the Project Area Plan.

4.2. **Applicable Performance Obligations.** The obligations outlined in Section 4.1 of this Agreement shall be known as the Developer's "Applicable Performance Obligations." The Applicable Performance Obligations are material obligations the breach of which shall constitute a default under this Agreement and may negate obligations to pay Public Support, as defined below in Section 5.1.3 of this Agreement.

5. **Agency Payment of Available Tax Increment to Developer.** Provided that the Developer meets the Applicable Performance Obligations set forth above, the Agency shall pay Tax Increment from the Project Area, if available, to Developer according to the terms set forth herein.

5.1. **Distribution.** The Agency will remit a certain portion of property tax increment to the Developer. The completion of the Lifetime Products Expansion Development and the Developer's payment of their own property tax on the property within the Project Area will generate the actual property tax increment.

5.1.1. **Interlocal Agreements.** The Agency has secured future tax increment revenues from the various taxing entities (Davis County, Davis County School District, Clearfield City, Mosquito Abatement District – Davis, North Davis Fire District, North Davis Sewer District, and the Weber Basin Water Conservancy District) within the Project Area. According to each of the interlocal agreements, the Agency may collect 75% of the property tax increment generated within the Lifetime Products Community Reinvestment Area for 17 years (Only Davis County School District has a cap amount of $2,270,873 of tax increment revenue it will participate). No other taxing entities' interlocal agreement includes a cap amount on their participation. The Agency has agreed to trigger the Project Area to collect tax increment no later than 2021.

5.1.2. **Agency Obligations.** The Agency cannot use 100% of the tax increment revenue it collects to support the Developer. Pursuant to Utah Code Ann. § 17C-5-307(3), the Agency shall allocate 10% of the project area funds for housing in accordance with Utah Code Ann. § 17C-1-412, if the community reinvestment project area budget provides for more than $100,000 of annual project area funds to be distributed to the agency. As the budget projects average annual funds to the Agency of $286,193, the Agency must earmark 10% of its revenue for affordable housing. In addition, pursuant to the Interlocal Agreement with Davis County for the Project Area, 5% of the tax increment revenue collected by the Agency from Davis County must be put towards defraying the County's administrative costs associated with managing the Area's distribution of tax increment revenues. Finally, pursuant to the Project Area Budget, the Agency will use 5% of the total tax increment revenue it collects to offset its own administrative costs.

5.1.3. **Public Support.** The tax increment revenues left to the Agency (after accounting for the affordable housing requirement, the County's administration fee, and the Agency's administration costs) makes up about 85% of the total revenue received by the Agency and shall be known here after as "Public Support." If the Developer meets the Applicable Performance Obligations, the Agency shall remit to the Developer the Public Support, which accounts for 85% of the tax increment revenue it receives annually. The Agency shall remit the Public Support payments to the Developer within 30 days from receiving the tax increment revenues from the County (which calculates, collects, and distributes property tax revenues). The County typically distributes property tax revenues in March. The Agency shall pay the Public Support from the first year it collects tax increment until the year Project Area expires after 17 years of collecting tax increment. The Agency is only responsible for paying property tax increment it actually collects from the County.

6. **Default.** If the Developer defaults or breaches any of its obligations contained in this Agreement and does not timely cure such default or breach as provided in this Agreement, then Agency is not obligated to provide the Developer with Public Support.

6.1. **Cure.** In the event of any default or breach of this Agreement or any of its terms, covenants or conditions by any Party hereto, such party shall, upon written notice from the other party, proceed immediately to cure or remedy such default or breach, and in any event, do so within fifteen (15) calendar days after receipt of such notice unless a longer period of time is agreed to by the Parties in writing. In case such action is not taken, or diligently pursued, or the default or breach shall not be cured or remedied within the time period provided above, the aggrieved party may institute such proceedings as may be necessary or desirable, at its option, to cure or remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the party in default or breach of its obligations. In the event of any default in or breach of this Agreement by the Developer or the Agency which is not cured within the time limits contained in this Agreement, the non-defaulting Party may, at its option, take such action as allowed by law, in equity and/or provided for in this Agreement. Any delay by the Agency in instituting or prosecuting any such actions or proceedings or otherwise asserting its rights under this Article shall not operate as a waiver of such rights.

6.2. **Extensions by Agency.** The Agency may in writing extend the time for the Developer's performance of any term, covenant or condition of this Agreement or permit the curing of any default upon such terms and conditions as may be mutually agreeable to the parties, provided, however, that any such extension or permissive curing of any particular default shall not operate to release any of the Developer's obligations nor constitute a waiver of the Agency's rights with respect to any other term, covenant or condition of this Agreement or any other default in, or breach of, this Agreement.

6.3. **Remedies Cumulative/Non-Waiver.** The rights and remedies of the parties to this Agreement, whether provided by law or by this Agreement, shall be cumulative, and the exercise by any Party of any one or more of such remedies shall not preclude the exercise

by it, at the same or different times, of any other such remedies for the same default or breach or of any of its remedies for any other default or breach by the other Party. No waiver made by any Party with respect to the performance, or manner or time thereof, or any obligation of the other Party or any condition to its own obligation under this Agreement shall be considered a waiver of any rights of the Party making the waiver with respect to the particular obligation of the other Party or condition to its own obligation beyond those expressly waived and to the extent thereof, or a waiver in any respect in regard to any other rights of the Party making the waiver or any other obligations of the other Party.

7. **Indemnification.** The Developer shall indemnify and hold the City, the Agency and their officers, officials, members, employees, agents and volunteers harmless from and against all claims, damages, losses and expenses (including attorney's fees), including costs relating to environmental clean-up or non-compliance, arising out of or resulting from the Developer's acts or failures to act in performing this Agreement and completing the Project. The Developer shall not be liable for the Agency's own negligent acts.

8. **General Provisions.**

8.1. **Conflict of Interest – Agency.** No member, official, employee, consultant, or agent of the Agency shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official, or employee participate in any decision relating to this Agreement which affects his personal interests or the interests of any corporation, partnership, or association in which he is directly or indirectly interested.

8.2. **Notices.** All notices, requests and demands to or upon the respective Parties hereto shall be deemed given or made when emailed, faxed, personally delivered, or deposited in the mail with postage prepaid, to the Party at the contact information set forth at the beginning of this Agreement or to such other address as may hereafter be designated in writing by the respective Parties here.

8.3. **Lawful Agreement.** The Parties represent that they have lawfully entered into this Agreement, having complied with all relevant statutes, ordinances, resolutions, by-laws and other legal requirements applicable to their operation and that the parties signing this agreement are authorized by their respective entities to enter into this agreement.

8.4. **Utah Law.** This Agreement shall be interpreted pursuant to Utah law.

8.5.**Time of Essence.** Time shall be of the essence of this Agreement.

8.6.**Attorney's Fees.** If any Party retains, uses or consults an attorney because of the default, breach or failure to perform of any other party to the Agreement, or to enforce or defend its rights pursuant to this Agreement, then the non-breaching or non-defaulting Party shall be entitled to a reasonable attorney's fee, whether or not the matter is actually litigated. If the matter is litigated, the Party prevailing in any litigation shall also be entitled to a reasonable attorney's fee.

8.7. **Interpretation of Agreement.** Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include any other and all genders. The paragraph and section headings in this Agreement are for convenience only and do not constitute a part of the provisions hereof.

8.8. **No Presumption.** Both Parties have participated in preparing this Agreement. Therefore, the Parties stipulate that any Court interpreting or construing the Agreement shall not apply the rule of construction that the Agreement should be more strictly construed against the drafting Party.

8.9. **Amendments.** This Agreement may be modified or amended by written agreement only. No oral modifications or amendments shall be effective.

8.10. **No Assignment.** This Agreement shall not be pledged or assigned without the prior written consent of the other Party except the Agency may assign the Agreement to the City without prior approval from the Developer.

8.11. **Binding Agreement.** This Agreement shall be binding on the heirs, personal representative, successors, administrators and assigns of each of the parties.

8.12. **Integrated Contract.** The Parties acknowledge and agree that this Agreement, including the attached exhibits and referenced documents, constitutes a complete integrated contract between the parties and is intended to be the final expression of their agreement.

8.13. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Said counterparts may be transmitted by one Party to the other by facsimile or electronic mail.

8.14. **Severability.** In the event that any provision of this agreement, less than the entire agreement, is held invalid by a court of competent jurisdiction, this agreement shall be deemed severable, and such finding of invalidity shall not affect the remaining provisions of this agreement.

8.15. **CDRA Approval**. This Agreement is not binding and will not take effect until it has been approved by the Board of the Agency.

SIGNED and ENTERED INTO this _____ day of _____, 2022.

CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

_____
By:

ATTEST:

_____

DEVELOPER

_____
By:

&

_____
By:

STATE OF UTAH

COUNTY OF DAVIS

On the _____ day of _____, 2022, before me personally appeared _____ to me personally known to be the _____ of _____ the company that executed the within instrument, known to me to be the person who executed the within instrument on behalf of said company therein named, and acknowledged to me that such company executed the within instrument pursuant to its articles of organization.

_____
NOTARY PUBLIC

(Seal)
My commission expires:_____
Residing at:_____

STATE OF UTAH

COUNTY OF DAVIS

On the _____ day of _____, 2022, personally appeared before me MARK SHEPHERD and NANCY DEAN, who, being by me duly sworn, did say that they are the Mayor and City Recorder, respectively, of the Clearfield City, Utah, a municipal corporation and political subdivision of the State of Utah and that the within and foregoing instrument was signed on behalf of said City and the said MARK SHEPHERD and NANCY DEAN acknowledged to me that said City executed the same.

_____
NOTARY PUBLIC

(Seal)
My commission expires:_____
Residing at:_____

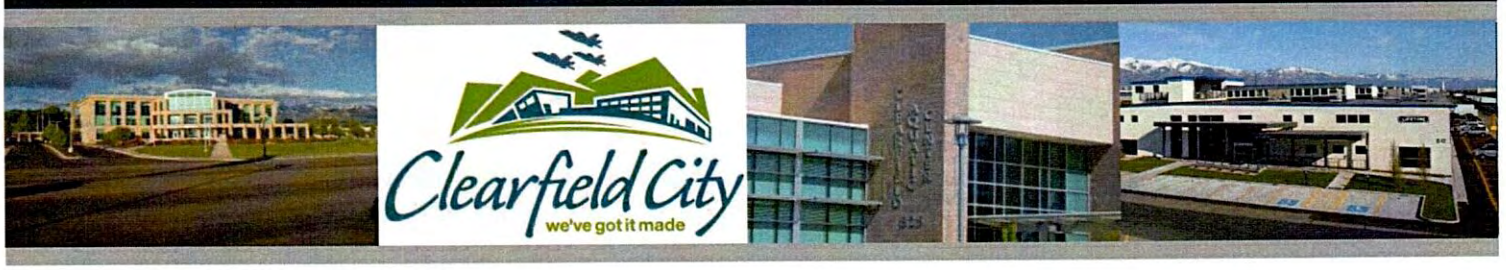
# Exhibit A

Project Area Plan

PROJECT AREA PLAN

# LIFETIME PRODUCTS
## COMMUNITY REINVESTMENT AREA (CRA)

CLEARFIELD COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY, UTAH




SEPTEMBER 2018

LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.
GATEWAY PLAZA BUILDING - 41 N. RIO GRANDE, STE 101 - SALT LAKE CITY, UT 84101
(P) 801-596-0700 - (TF) 800-581-1100 - (F) 801-596-2800 - WWW.LEWISYOUNG.COM

# Table of Contents


TABLE OF CONTENTS ..... 2

DEFINITIONS ..... 3

INTRODUCTION ..... 5

DESCRIPTION OF THE BOUNDARIES OF THE PROPOSED PROJECT AREA ..... 6

GENERAL STATEMENT OF LAND USES, LAYOUT OF PRINCIPAL STREETS, POPULATION DENSITIES, BUILDING DENSITIES AND HOW THEY WILL BE AFFECTED BY THE PROJECT AREA ..... 6

STANDARDS GUIDING THE COMMUNITY REINVESTMENT ..... 7

HOW THE PURPOSES OF THIS TITLE WILL BE ATTAINED BY COMMUNITY DEVELOPMENT ..... 7

CONFORMANCE OF THE PROPOSED DEVELOPMENT TO THE COMMUNITY'S GENERAL PLAN ..... 7

DESCRIBE ANY SPECIFIC PROJECT OR PROJECTS THAT ARE THE OBJECT OF THE PROPOSED COMMUNITY REINVESTMENT ..... 8

METHOD OF SELECTION OF PRIVATE DEVELOPERS TO UNDERTAKE THE COMMUNITY REINVESTMENT AND IDENTIFICATION OF DEVELOPERS CURRENTLY INVOLVED IN THE PROCESS ..... 8

REASON FOR SELECTION OF THE PROJECT AREA ..... 8

DESCRIPTION OF PHYSICAL, SOCIAL AND ECONOMIC CONDITIONS EXISTING IN THE PROJECT AREA ..... 8

DESCRIPTION OF ANY TAX INCENTIVES OFFERED PRIVATE ENTITIES FOR FACILITIES LOCATED IN THE PROJECT AREA ..... 9

ANTICIPATED PUBLIC BENEFIT TO BE DERIVED FROM THE COMMUNITY DEVELOPMENT ..... 9

EXHIBIT A: LEGAL DESCRIPTION OF LIFETIME PRODUCTS CRA ..... 12

EXHIBIT B: PROJECT AREA MAP ..... 13

EXHIBIT C: PARCEL LIST ..... 14

## Definitions

As used in this Community Reinvestment Project Area Plan, the term:

"**Act**" shall mean and include the Limited Purpose Local Government Entities – Community Reinvestment Agency Act in Title 17C, Chapters 1 through 5, Utah Code Annotated 1953, as amended, or such other amendments as shall from time to time be enacted or any successor or replacement law or act.

**"Agency"** shall mean the Clearfield Community Development and Renewal Agency, which is a separate body corporate and politic created by the City pursuant to the Act.

"**Base taxable value**" shall mean the agreed value specified in a resolution or interlocal agreement under Subsection 17C-1-102(8) from which tax increment will be collected.

**"Base year"** shall mean the agreed upon year for which the base taxable value is established and shall be incorporated into the interlocal agreements with participating taxing entities.

"**Base taxable year**" shall mean the Base Year during which the Project Area Budget is approved pursuant to Subsection 17C-1-102(9)(d).

**"City" or "Community"** shall mean the City of Clearfield.

**"Legislative body"** shall mean the City Council of Clearfield which is the legislative body of the City.

**"Plan Hearing"** shall mean the public hearing on the draft Project Area Plan required under Subsection 17C-1-102 (41) and 17C-5-104(3)(e).

**"Project Area"** shall mean the geographic area described in the Project Area Plan or draft Project Area Plan where the community development set forth in this Project Area Plan or draft Project Area Plan takes place or is proposed to take place (**Exhibit A** & **Exhibit B**).

**"Net Present Value (NPV)"** shall mean the discounted value of a cash flow. The NPV illustrates the total value of a stream of revenue over a number of years in today's dollars.

**"Project Area Budget"** shall mean (as further described under 17-C-5-303 of the Act) the multi-year projection of annual or cumulative revenues, other expenses and other fiscal matters pertaining to the Project Area that includes:

- the base taxable value of property in the Project Area;
- the projected tax increment expected to be generated within the Project Area;
- the amount of tax increment expected to be shared with other taxing entities;
- the amount of tax increment expected to be used to implement the Project Area plan;
- if the area from which tax increment is to be collected is less than the entire Project Area:
  - the tax identification number of the parcels from which tax increment will be collected; or

- a legal description of the portion of the Project Area from which tax increment will be collected; and

- for property that the Agency owns and expects to sell, the expected total cost of the property to the Agency and the expected selling price.

**"Project Area Plan"** or **"Plan"** shall mean the written plan (outlined by 17C-5-302 of the Act) that, after its effective date, guides and controls the community reinvestment activities within the Project Area. Project Area Plan refers to this document and all of the attachments to this document, which attachments are incorporated by this reference. It is anticipated that the LIFETIME PRODUCTS PLAN will be subject to an interlocal agreement process with the taxing entities within the Project Area.

**"Taxes"** includes all levies on an ad valorem basis upon land, local and centrally assessed real property, personal property, or any other property, tangible or intangible.

**"Taxing Entity"** shall mean any public entity that levies a tax on any property within the Project Area.

**"Tax Increment"** shall mean the difference between the amount of property tax revenues generated each tax year by all taxing entities from the Project Area using the current assessed value of the property and the amount of property tax revenues that would be generated from the same area using the base taxable value of the property.

**"Tax Increment Period"** shall mean the period of time in which the taxing entities from the Project Area consent that a portion of their tax increment from the Project Area be used to fund the objectives outlined in the Project Area Plan.

**"Tax Year"** shall mean the 12-month period between sequential tax roll equalizations (November 1st - October 31st) of the following year, e.g., the November 1, 2017 - October 31, 2018 tax year.

# Introduction

The Clearfield Community Development and Renewal Agency (the "Agency"), following thorough consideration of the needs and desires of Clearfield City (the "City") and its residents, as well as the City's capacity for new development, has carefully crafted the draft Project Area Plan (the "Plan") for the Lifetime Products Community Reinvestment Project Area (the "Project Area"). This Plan is the end result of a comprehensive evaluation of the types of appropriate land-uses and economic development for the land encompassed by the Project Area which lies within the vicinity of the Freeport Center, generally to east of 775 West and to the west and south of SR-193. The Plan is intended to define the method and means of the Project Area from its current state to a higher and better use.

The City has determined it is in the best interest of its citizens to assist in the development of the Project Area. It is the purpose of this Plan to clearly set forth the aims and objectives of development, scope, financing mechanism, and value to the residents of the City and other taxing entities within the Project Area.

The Project Area is being undertaken as a community reinvestment project area pursuant to certain provisions of Chapters 1 and 5 of the Utah Limited Purpose Local Governmental Entities -- Community Reinvestment Agency Act (the "Act", Utah Code Annotated ("UCA") Title 17C). The requirements of the Act, including notice and hearing obligations, have been observed at all times throughout the establishment of the Project Area. The realization of the Plan is subject to interlocal agreements between the taxing entities individually and the Agency.

## Resolution Authorizing the Preparation of a Draft Community Reinvestment Project Area Plan

Pursuant to the provisions of §17C-5-103 of the Act, the governing body of the Agency adopted a resolution authorizing the preparation of a draft Community Reinvestment Project Area Plan on **August 28, 2018**.

Utah Code §17C-5-104

## Recitals of Prerequisites for Adopting a Community Reinvestment Project Area Plan

In order to adopt a community reinvestment project area plan, the Agency shall;

- Pursuant to the provisions of §17C-5-104(1)(a) and (b) of the Act, the City has a planning commission and general plan as required by law; and
- Pursuant to the provisions of §17C-5-104 of the Act, the Agency has conducted or will conduct one or more public hearings for the purpose of informing the public about the Project Area, and allowing public input into the Agency's deliberations and considerations regarding the Project Area; and
    - Pursuant to the provisions of §17C-5-104 of the Act, the Agency has allowed opportunity for input on the draft Project Area Plan and has made a draft Project Area Plan available to the public at the Agency's offices during normal business hours, provided notice of the plan hearing, sent copies of the draft Project Area Plan to all required entities prior to the hearing, and provided opportunities for affected entities to provide feedback.

## Description of the Boundaries of the Proposed Project Area

UTAH CODE §17C-5-105(1)

A legal description of the Project Area along with a detailed map of the Project Area is attached respectively as **Exhibit A** and **Exhibit B** and incorporated herein. The Project Area is located in the vicinity of the Freeport Center and runs along the south side of SR-193, to the east of 775 W. The majority of land use in the project area is vacant. The Project Area is comprised of approximately 37 acres of property.

As delineated in the office of the Davis County Recorder, the Project Area encompasses all or part of the parcels detailed in **Exhibit C.**

UTAH CODE §17C-5-105(1)

## General Statement of Land Uses, Layout of Principal Streets, Population Densities, Building Densities and How They Will be Affected by the Project Area

### General Land Uses

The property within the Project Area is currently vacant. The majority of the property surrounding the Project Area is industrial.

Table 1 summarizes the approximate acreage of existing land uses by land use type.

**TABLE 1: LAND USES**

| Type | Acres | % of Area |
|---|---|---|
| Vacant | 37.07 | 100% |
| **Total** | **37.07** | **100%** |

This Project Area Plan is consistent with the General Plan of the City and promotes economic activity by virtue of the land uses contemplated. Any zoning change, amendment or conditional use permit necessary to the successful development contemplated by this Project Area Plan shall be undertaken in accordance with the requirements of the City's Code and all other applicable laws including all goals and objectives in the City's General Plan.

### Layout of Principal Streets

The principal streets within the Project Area are **SR-193 and 775 W.** The Project Area map, provided in **Exhibit B,** shows the principal streets in the area.

### Population Densities

There are no residences within the Project Area, therefor the estimated population density is 0.0 residents per acre.

### Building Densities

Building densities will increase as development occurs. The intent of this plan is to promote greater economic utilization of the land area.

## Impact of Community Development on Land Use, Layout of Principal Streets, and Population Densities

Community reinvestment activities within the Project Area will mostly consist of development and economic enhancement of an underutilized area of the Freeport Center. The types of land uses will include: a distribution facility and other contemplated uses of the Lifetime Products expansion.

**Land Use** – It is anticipated that future development within the Project Area will create space for a distribution facility and any other contemplated uses of the Lifetime Products expansion.

**Layout of Principal Streets** – It is anticipated that the community reinvestment of the Project Area will not alter the layout of principal streets in the area.

**Population Densities** – The Project Area does not include any residential components. The population density will not be affected by the Project Area. The daytime population of the City will increase as the Project Area is anticipated to create approximately 150 new jobs.

UTAH CODE §17C-5-105(C)

## Standards Guiding the Community Reinvestment

In order to provide maximum flexibility in the development and economic promotion of the Project Area, and to encourage and obtain the highest quality in development and design, specific development controls for the uses identified above are not set forth herein. Each development proposal in the Project Area will be subject to appropriate elements of the City's proposed General Plan; the Zoning Ordinance of the City, including adopted Design Guidelines pertaining to the area; institutional controls, deed restrictions if the property is acquired and resold by the Agency, other applicable building codes and ordinances of the City; and, as required by ordinance or agreement, review and recommendation of the Planning Commission and approval by the Agency.

Each development proposal by an owner, tenant, participant or a developer shall be accompanied by site plans, development data and other appropriate material that clearly describes the extent of proposed development, including land coverage, setbacks, height and massing of buildings, off-street parking and loading, use of public transportation, and any other data determined to be necessary or requested by the Agency or the City.

UTAH CODE §17C-5-105(D)

## How the Purposes of this Title Will Be Attained By Community Development

It is the intent of the Agency, with the assistance and participation of private developers and property owners, to facilitate the expansion of the Lifetime Products footprint within the Freeport Center.

UTAH CODE §17C-5-105(E)

## Conformance of the Proposed Development to the Community's General Plan

The proposed Community Reinvestment Project Area Plan and the development contemplated are consistent with the City's proposed General Plan and land use regulations.

## Describe any Specific Project or Projects that are the object of the Proposed Community Reinvestment

UTAH CODE §17C-5-105(G)

The Project Area is being created in order to assist with the expansion of Lifetime Products within the Freeport Center. It is anticipated that Lifetime will construct a distribution facility between 600,000-700,000 square feet..

The Lifetime expansion will create 150 additional jobs to the local economy and strengthen Lifetime's presence in the City and local community for the foreseeable future.

## Method of Selection of Private Developers to undertake the Community Reinvestment and Identification of Developers Currently Involved in the Process

UTAH CODE §17C-5-105(H)

The City and Agency will select or approve such development as solicited or presented to the Agency and City that meets the development objectives set forth in this plan. The City and Agency retain the right to approve or reject any such development plan(s) that in their judgment do not meet the development intent for the Project Area. The City and Agency may choose to solicit development through an RFP or RFQ process, through targeted solicitation to specific industries, from inquiries to the City, EDC Utah, and/or from other such references.

The City and Agency will ensure that all development conforms to this plan and is approved by the City. All potential developers may need to provide a detailed development plan including sufficient financial information to provide the City and Agency with confidence in the sustainability of the development and the developer. Such a review may include a series of studies and reviews including reviews of the Developers financial statements, third-party verification of benefit of the development to the City, appraisal reports, etc.

Any participation between the Agency and developers and property owners shall be by an approved agreement.

## Reason for Selection of the Project Area

UTAH CODE §17C-5-105(I)

The Project Area is the last large piece of developable land within the Freeport Center. Lifetime Products currently resides in over 25 buildings within the Freeport Center. Building their new distribution facility in the Project Area will increase their current capacity and footprint in the Freeport Center, which will increase the tax base to the City, County and State of Utah.

## Description of Physical, Social and Economic Conditions Existing in the Project Area

UTAH CODE §17C-5-105(J)

## Physical Conditions

The Project Area consists of approximately 37 acres of relatively flat, privately owned land as shown on the Project Area map.

## Social Conditions

The Project Area experiences a lack of connectivity and vitality. There are few residential units and no parks, libraries, or other social gathering places in the Project Area. This is in line with the contemplated uses of the area surrounding the Project Area, as the Freeport Center is a manufacturing, warehouse and distribution facility.

## Economic Conditions

The Project Area is within the vicinity of the Freeport Center. The Agency wants to encourage development within the Project Area that will directly benefit the existing economic base of the City.

UTAH CODE §17C-5-105(K)

# Description of any Tax Incentives Offered to Private Entities for Facilities Located in the Project Area

Tax increment arising from the development within the Project Area shall be used for public infrastructure improvements, Agency requested improvements and upgrades, both off-site and on-site improvements, land and job-oriented incentives, desirable Project Area improvements, and other items as approved by the Agency. Subject to provisions of the Act, the Agency may agree to pay for eligible costs and other items from taxes during the tax increment period which the Agency deems to be appropriate under the circumstances. A cost benefit analysis will assist the Agency in making decisions about offering assistance.

In general, tax incentives may be offered to achieve the community reinvestment goals and objectives of this plan, specifically to:

- Foster and accelerate economic development;
- Stimulate job development;
- Promote the use of transit and the walkability of the area;
- Make needed infrastructure improvements to roads, street lighting, water, storm water, sewer, and parks and open space;
- Assist with property acquisition and/or land assembly; and
- Provide attractive development for high-quality tenants.

The Project Area Budget will include specific participation percentages and timeframes for each taxing entity. Furthermore, a resolution and interlocal agreement will formally establish the participation percentage and tax increment period for each taxing entity.

UTAH CODE §17C-5-105(2)

# Anticipated Public Benefit to be Derived from the Community Development

## The Beneficial Influences upon the Tax Base of the Community

UTAH CODE §17C-5-105(2)(ii)(A)

The beneficial influences upon the tax base of the City and the other taxing entities will include increased property tax revenues, job growth, and housing opportunities. The increased revenues will come from the property values associated with new construction in the area, as well as increased land values that may occur, over time, in the area generally. Property values include land, buildings and personal property (machines, equipment, etc.).

Job growth in the Project Area will result in additional wages, increasing local purchases and benefiting existing businesses in the area. Job growth will also result in increased income taxes paid. Additionally, business growth will generate corporate income taxes.

There will also be a beneficial impact on the community through increased construction activity within the Project Area. Positive impacts will be felt through construction wages paid, as well as construction supplies purchased locally.

## The Associated Business and Economic Activity Likely to be Stimulated

UTAH CODE §17C-5-105(2)(ii)(B)

Other business and economic activity likely to be stimulated includes increased spending by new and existing residents within the City and employees in the Project Area and in surrounding areas. This includes both direct and indirect purchases that are stimulated by the spending of the additional employees in the area.

Employees may make some purchases in the local area, such as convenience shopping for personal services (haircuts, banking, dry cleaning, etc.). The employees will not make all of their convenience or personal services purchases near their workplace and each employee's purchasing patterns will be different. However, it is reasonable to assume that a percentage of these annual purchases will occur within close proximity of the workplace (assuming the services are available).

## Efforts to Maximize Private Investment

UTAH CODE §17C-5-105(2)(B)

The agency has formed a partnership with the developers to realize the vision of this project area. It is anticipated that the expansion will require over $60,000,000 of private capital. Creating a CRA will act as a catalyst for the expansion.

## But For Analysis

UTAH CODE §17C-5-105(2)(C)

Lifetime Products has other potential expansion locations. Due to the high land costs of the Freeport Center, expanding in Clearfield is more cost-prohibitive than the other locations. But for the creation of the CRA and the public participation, the expansion would likely not occur in the City. Furthermore, losing the expansion may have long term consequences, as Lifetime may move additional facilities currently in the Freeport Center. Lifetime has informed the City that without public participation, they will select another site for their expansion. Public participation will bring $2,175,705 of benefit to the taxing entities.

## Cost/Benefit Analysis

UTAH CODE §17C-5-105(2)

The Project Area Budget will include specific participation percentages and timeframes for each taxing entity. Furthermore, a resolution and interlocal agreement will formally establish the participation percentage and tax increment period for each taxing entity. With this understanding, the following

represents the benefits (revenues) and costs (expenditures) anticipated in the Project Area. As shown below, the proposed community reinvestment will create a net benefit to Clearfield City and the other taxing entities that participate in the Project Area.

**TABLE 2: SOURCES OF TAX INCREMENT FUNDS**

| Entity | Percentage | Length | Total | NPV at 4% |
|---|---|---|---|---|
| Davis County | 75% | 15 Years | $597,472 | $431,104 |
| Davis County Library | 75% | 15 Years | 112,719 | 81,332 |
| Davis School District | 75% | 15 Years | 2,270,873 | 1,638,542 |
| Clearfield City | 75% | 15 Years | 523,125 | 377,459 |
| Weber Basin Water Conservancy District | 75% | 15 Years | 52,163 | 37,638 |
| Mosquito Abatement District – Davis | 75% | 15 Years | 32,077 | 23,145 |
| North Davis Sewer District | 75% | 15 Years | 284,496 | 205,277 |
| North Davis Fire District | 75% | 15 Years | 354,346 | 255,677 |
| **Total Sources of Tax Increment Funds** | | | **$4,227,271** | **$3,050,175** |

**TABLE 3: BENEFIT ANALYSIS FOR TAXING ENTITIES**

| Entity | Property Tax* | Franchise Taxes | Total Incremental Revenues |
|---|---|---|---|
| Davis County | $199,157 | - | $199,157 |
| Davis County Library | 37,573 | - | 37,573 |
| Davis School District | 756,958 | - | 756,958 |
| Clearfield City | 174,375 | 766,615 | 940,990 |
| Weber Basin Water Conservancy District | 17,388 | - | 17,388 |
| Mosquito Abatement District – Davis | 10,692 | - | 10,692 |
| North Davis Sewer District | 94,832 | - | 94,832 |
| North Davis Fire District | 118,115 | - | 118,115 |
| **Total Revenue** | **$1,409,090** | **$766,615** | **$2,175,705** |

* Property Tax revenues include only the incremental value going to the entity. The contribution to the Agency is not included.

# EXHIBIT A: Legal Description of Lifetime Products CRA

**Freeport Center 700 West Subdivision**

**Proposed Lot 2 Boundary Description**

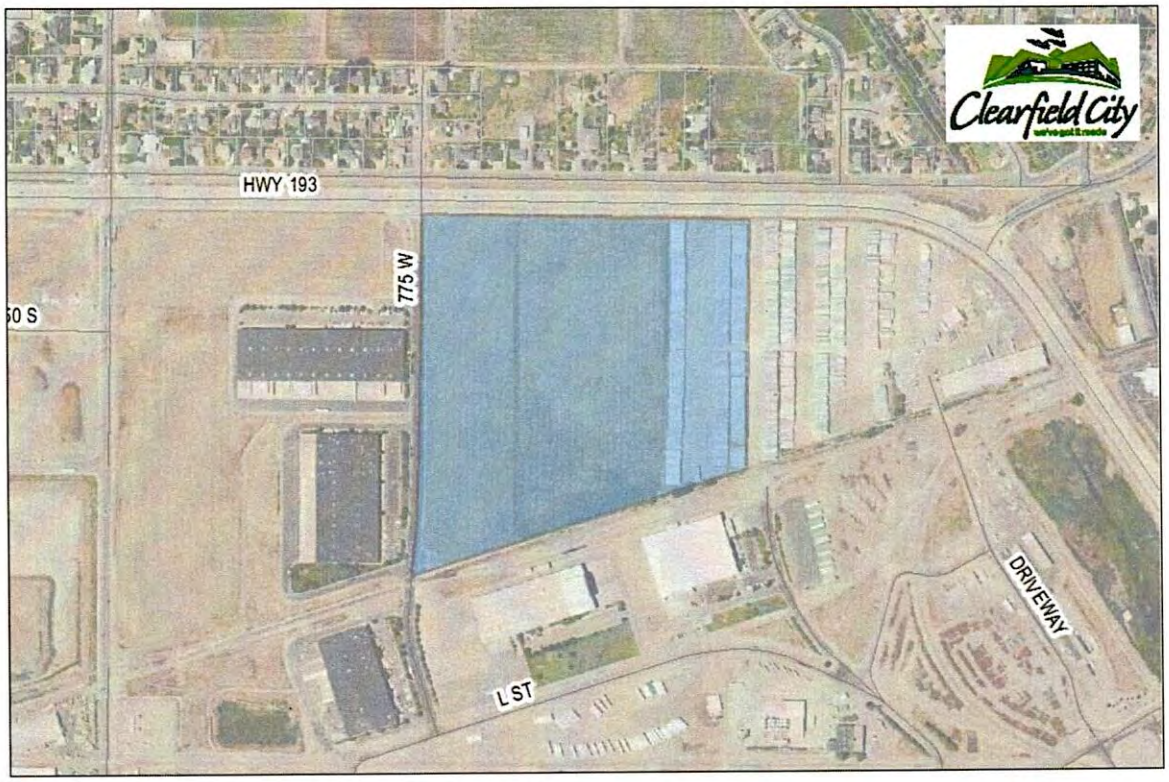
A part of the Southwest Quarter of Section 2, Township 4 North, Range 2 West, Salt Lake Base and Meridian:

Beginning at a point on the South right of way line of Highway SR-193, said point is 1248.50 feet South 89°49'30" East (South 89°49'38" East by record) along the East-West Quarter Section Line; and 139.00 feet South 00°10'30" West from the West Quarter corner of said Section and running thence South 89°49'30" East (South 89°49'38" East by record) 1,400.20 feet along said South right of way line to the North-South Quarter Section line; thence South 00°11'45" West 924.26 feet along the said Quarter section line to the North line of the Union Pacific Railroad right of way; thence South 72°13'00" West (South 71°15' West by record) 1,495.03 feet along said North right of way line to the East right of way line; thence North 04°30'00" East 195.25 feet to a point of curvature; thence Northerly along the arc of a 2,671.76 feet radius curve to the left a distance of 201.68 feet (Central Angle equals 04°19'30", and Long Chord bears North 02°20'15" East 201.63 feet); thence North 00°10'30" East 989.04 feet to the POINT OF BEGINNING.

Containing 37.0733 acres, more or less.

# EXHIBIT B: Project Area Map

MAP OF PROPOSED PROJECT AREA BOUNDARIES




CLEARFIELD CITY LIFETIME CRA

Proposed CRA

0 275 550 1,100 Feet

N

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

# EXHIBIT C: Parcel List

| Taxable Property Schedule (2018) | | |
|---|---|---|
| Parcel_ID | Owner | Acres |
| 12-02-10034 | Freeport Center Associates | 37.07 |
| Total | | 37.07 |

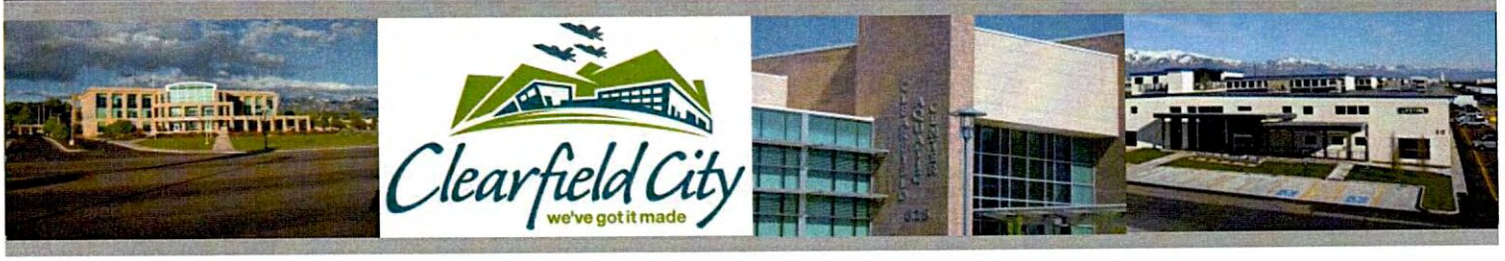
# Exhibit B

Project Area Budget

PROJECT AREA BUDGET

# LIFETIME PRODUCTS
## COMMUNITY REINVESTMENT AREA (CRA)

CLEARFIELD COMMUNITY DEVELOPMENT
AND RENEWAL AGENCY, UTAH




APRIL 2019

LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.
GATEWAY PLAZA BUILDING - 41 N. RIO GRANDE, STE 101 - SALT LAKE CITY, UT 84101
(P) 801-596-0700 - (TF) 800-581-1100 - (F) 801-596-2800 - WWW.LEWISYOUNG.COM

LYRB

Clearfield City
we've got it made

## Table of Contents


TABLE OF CONTENTS ..... 2
SECTION 1: INTRODUCTION ..... 3
SECTION 2: DESCRIPTION OF COMMUNITY DEVELOPMENT PROJECT AREA ..... 3
SECTION 3: GENERAL OVERVIEW OF PROJECT AREA BUDGET ..... 4
SECTION 4: PROPERTY TAX INCREMENT ..... 5
SECTION 5: COST/BENEFIT ANALYSIS ..... 7
EXHIBIT A: PROJECT AREA MAP ..... 8
EXHIBIT B: MULTI-YEAR BUDGET ..... 9

## Section 1: Introduction

The Clearfield Community Development and Renewal Agency (the "Agency"), following thorough consideration of the needs and desires of the City of Clearfield (the "City") and its residents, as well as understanding the City's capacity for new development, has carefully crafted the Project Area Plan (the "Plan") for the Lifetime Products Community Reinvestment Project Area (the "Project Area"). The Plan is the result of a comprehensive evaluation of the types of appropriate land-uses and economic development opportunities for the land encompassed by the Project Area which lies within the vicinity of the Freeport Center, generally to east of 775 and to the west and south of SR-193.

The Plan is envisioned to define the method and means of development for the Project Area from its current state to a higher and better use. The City has determined it is in the best interest of its citizens to assist in the development of the Project Area. This **Project Area Budget** document (the "Budget") is predicated upon certain elements, objectives and conditions outlined in the Plan and intended to be used as a financing tool to assist the Agency in meeting Plan objectives discussed herein and more specifically referenced and identified in the Plan.

The creation of the Project Area is being undertaken as a community reinvestment project pursuant to certain provisions of Chapters 1 and 5 of the Utah Community Reinvestment Agency Act (the "Act", Utah Code Annotated ("UCA") Title 17C). The requirements of the Act, including notice and hearing obligations, have always been observed throughout the establishment of the Project Area.

## Section 2: Description of Community Development Project Area

The Project Area is in the vicinity of the Freeport Center and runs along the south side of SR-193, to the east of 775 W. Most of the land use in the project area is vacant. The Project Area is comprised of approximately 37 acres of property.

A map of the Project Area is attached hereto in **EXHIBIT A**.

# Section 3: General Overview of Project Area Budget

The purpose of the Project Area Budget is to provide the financial framework necessary to implement the Project Area Plan vision and objectives. The Project Area Plan has identified that tax increment financing is essential to meet the objectives of the CRA Project Area. The following information will detail the sources and uses of tax increment and other necessary details needed for public officials, interested parties, and the public in general to understand the mechanics of the Project Area Budget.

## Base Year Value

The Agency has determined that the base year property tax value for the Project Area will be the total taxable value for the 2017 tax year which is estimated to be $5,267,275. Using the tax rates established within the Project Area the property taxes levied equate to $74,274 annually. Accordingly, this amount will continue to flow through to each taxing entity proportional to the amount of their respective tax rates being levied.

## Payment Trigger

Each Phase will have a fifteen-year (15) duration from the date of the first tax increment received by the Agency. The collection of tax increment will be triggered at the discretion of the Agency prior to March 1 of the tax year in which they intend to begin the collection of increment. The following year in which this increment will be remitted to the Agency will be Year 1, e.g., if requested prior to March 1, 2019, Year 1 of increment will be 2020. The first year of tax increment shall be determined by the Agency.

## Projected Tax Increment Revenue – Total Generation

Development within the Project Area will commence upon favorable market conditions which will include both horizontal and vertical infrastructure and development. The Agency anticipates that new development will begin in the Project Area in 2018. The contemplated development will generate significant additional property tax revenue as well as incremental sales and use tax above what is currently generated within the Project Area.

Property Tax Increment will begin to be generated in the tax year (ending Dec 1st) following construction completion and Tax Increment will be paid to the Agency in March or April after collection. It is projected that property Tax Increment generation within the Project Area could begin as early as 2020 or as late as 2021. It is currently estimated that during the 15-year life of the Project Area Budget, property Tax Increment could be generated within the Project Area in the approximate amount of $5.64 million or at a net present value (NPV)[1] of $4.07 million. This amount is over and above the $1.11 million of base taxes that the property would generate over 15 years at the $74,274 annual amount it currently generates as shown in Table 4.1 below.

[1] Net Present Value of future cash flows assumes a 4% discount rate. The same 4% discount rate is used in all remaining NPV calculations. This total is prior to accounting for the flow-through of tax increment to the respective taxing entities.

# Section 4: Property Tax Increment

## Base Year Property Tax Revenue

The taxing entities are currently receiving - and will continue to receive - property tax revenue from the current assessed value of the property within the Project Area ("Base Taxes"). The current assessed value is estimated to be $5,267,275. Based upon the tax rates in the area, the collective taxing entities are receiving $74,274 in property tax annually from this Project Area. This equates to approximately $1,114,108 over the 15-year life of the Project Area.

TABLE 4.1: TOTAL BASE YEAR TO TAXING ENTITIES (OVER 15 YEARS)

| Entity | Total | NPV at 4% |
|---|---|---|
| Davis County | $157,465 | $116,717 |
| Davis County Library | 29,707 | 22,020 |
| Davis School District | 598,494 | 443,619 |
| Clearfield City | 137,871 | 102,193 |
| Weber Basin Water Conservancy District | 13,748 | 10,190 |
| Mosquito Abatement District – Davis | 8,454 | 6,266 |
| North Davis Sewer District | 74,980 | 55,577 |
| North Davis Fire District | 93,389 | 69,222 |
| **Total Revenue** | **$1,114,108** | **$825,805** |

## Property Tax Increment Shared with RDA

All taxing entities that receive property tax generated within the Project Area, as detailed above, will share at least a portion of that increment generation with the Agency. All taxing entities will contribute 75% of their respective tax increment for 15 years. The City, County and the State will ***not*** contribute any portion of their incremental sales tax to implement the Project Area Plan. Table 4.2 shows the amount of Tax Increment shared with the Agency assuming the participation levels discussed above.

TABLE 4.2: SOURCES OF TAX INCREMENT FUNDS

| Entity | Percentage | Length | Total | NPV at 4% |
|---|---|---|---|---|
| Davis County | 75% | 15 Years | $597,472 | $431,104 |
| Davis County Library | 75% | 15 Years | 112,719 | 81,332 |
| Davis School District | 75% | 15 Years | 2,270,873 | 1,638,542 |
| Clearfield City | 75% | 15 Years | 523,125 | 377,459 |
| Weber Basin Water Conservancy District | 75% | 15 Years | 52,163 | 37,638 |
| Mosquito Abatement District – Davis | 75% | 15 Years | 32,077 | 23,145 |
| North Davis Sewer District | 75% | 15 Years | 284,496 | 205,277 |
| North Davis Fire District | 75% | 15 Years | 354,346 | 255,677 |
| **Total Sources of Tax Increment Funds** | | | **$4,227,271** | **$3,050,175** |

## Uses of Tax Increment

Lifetime Products has other potential expansion locations. Due to the high land costs of the Freeport Center, expanding in Clearfield is more cost-prohibitive than the other locations. But for the creation of the CRA and the public participation, the expansion would likely not occur in the City. Furthermore, losing the expansion may have greater long-term circumstances, as Lifetime may move additional facilities currently in the Freeport Center.

The Agency will use 5% of the tax increment to administer the CRA. Most of the remaining tax increment collected by the Agency will be used to overcome the obstacles outlined above (85%). Including: offsetting certain on-site public infrastructure costs, development incentives, Agency requested improvements and upgrades, desirable Project Area improvements, and other redevelopment activities as approved by the Agency. The County will receive 5% of their proportionate share of the Tax Increment to assist with ongoing administration and management of the Project Area. The remaining 10% will go towards affordable housing, to be spent within the City.

**TABLE 4.3: USES OF TAX INCREMENT**

| Uses | Total | NPV at 4% |
|---|---|---|
| Redevelopment Activities | $3,557,670 | $2,567,027 |
| CRA Housing Requirement | 422,727 | 305,017 |
| Project Area Administration | 211,364 | 152,509 |
| County Administrative Fee (5% of County's Increment) | 35,510 | 25,622 |
| **Total Uses of Tax Increment Funds** | **$4,227,271** | **$3,050,175** |

A multi-year projection of tax increment is including in **EXHIBIT B**.

## Total Annual Property Tax Revenue for Taxing Entities at Conclusion of Project

As described above, the collective taxing entities are currently receiving approximately $74,274 in property taxes annually from this Project Area. At the end of 15 years an additional $425,338 in property taxes annually is anticipated, totaling approximately $499,612 in property taxes annually for the area. "But for" the assistance provided by the RDA through tax increment revenues, this 573 percent increase in property taxes generated for the taxing entities would not be possible.

**TABLE 4.4: TOTAL BASE YEAR AND END OF PROJECT LIFE ANNUAL PROPERTY TAXES**

| Entity | Annual Base Year Property Taxes | Annual Property Tax Increment at Conclusion of Project | Total Annual Property Taxes |
|---|---|---|---|
| Davis County | $10,498 | $60,116 | $70,614 |
| Davis County Library | 1,980 | 11,342 | 13,322 |
| Davis School District | 39,900 | 228,490 | 268,390 |
| Clearfield City | 9,191 | 52,636 | 61,827 |
| Weber Basin Water Conservancy District | 917 | 5,248 | 6,165 |
| Mosquito Abatement District – Davis | 564 | 3,228 | 3,791 |
| North Davis Sewer District | 4,999 | 26,625 | 33,624 |
| North Davis Fire District | 6,226 | 35,653 | 41,879 |
| **Total Revenue** | **$74,274** | **$425,338** | **$499,612** |

# Section 5: Cost/Benefit Analysis

## Additional Revenues

### Other Tax Revenues

The development within the Project Area will also generate sales taxes, energy sales and use taxes for natural gas and telecommunications.

Table 5.1 shows the total revenues generated by the Project Area. This total includes the anticipated property tax increment and energy sales and use tax.

TABLE 5.1 TOTAL REVENUES

| Entity | Property Tax | Franchise Tax | Total Incremental Revenues |
|---|---|---|---|
| Davis County | $769,629 | - | $769,629 |
| Davis County Library | 150,292 | - | 150,292 |
| Davis School District | 3,027,830 | - | 3,027,830 |
| Clearfield City | 697,500 | $766,615 | 1,464,115 |
| Weber Basin Water Conservancy District | 69,550 | - | 69,550 |
| Mosquito Abatement District – Davis | 42,769 | - | 42,769 |
| North Davis Sewer District | 379,328 | - | 379,328 |
| North Davis Fire District | 472,461 | - | 472,461 |
| **Total Revenue** | **$5,636,361** | **$766,615** | **$6,402,976** |

## Additional Costs

The development anticipated within the Project Area will also likely result in additional general government, public works, and public safety costs. These costs, along with the estimated budget to implement the Project Area Plan, are identified below.

TABLE 5.2 TOTAL EXPENDITURES

| Entity | CRA Budget | General Government | Public Works | Public Safety | Total Incremental Expenditures |
|---|---|---|---|---|---|
| Davis County | $597,472 | $82,522 | - | - | $679,994 |
| Davis County Library | 112,719 | -[2] | - | - | 112,719 |
| Davis School District | 2,270,873 | 63,423 | - | - | 2,334,296 |
| Clearfield City | 523,125 | 173,591 | 46,575 | 122,472 | 865,763 |
| Weber Basin Water Conservancy District | 52,163 | 8,549 | - | - | 60,712 |
| Mosquito Abatement District – Davis | 32,077 | 1,276 | - | - | 33,353 |
| North Davis Sewer District | 284,496 | 1,758 | - | - | 286,254 |
| North Davis Fire District | 354,346 | 23,087 | - | - | 377,433 |
| **Total Expenditures** | **$4,227,271** | **$354,206** | **$46,575** | **$122,472** | **$4,750,524** |

The total net benefit to the taxing entities of participating in the Project Area is $1,652,452, with the City's net benefit being $598,352.

[2] The Library's General Government expenditure is included in the County's $82,522 expense.

## Exhibit A: Project Area Map




CLEARFIELD CITY LIFETIME CRA

Proposed CRA

0 275 550 1,100 Feet

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

## Exhibit B: Multi-Year Budget

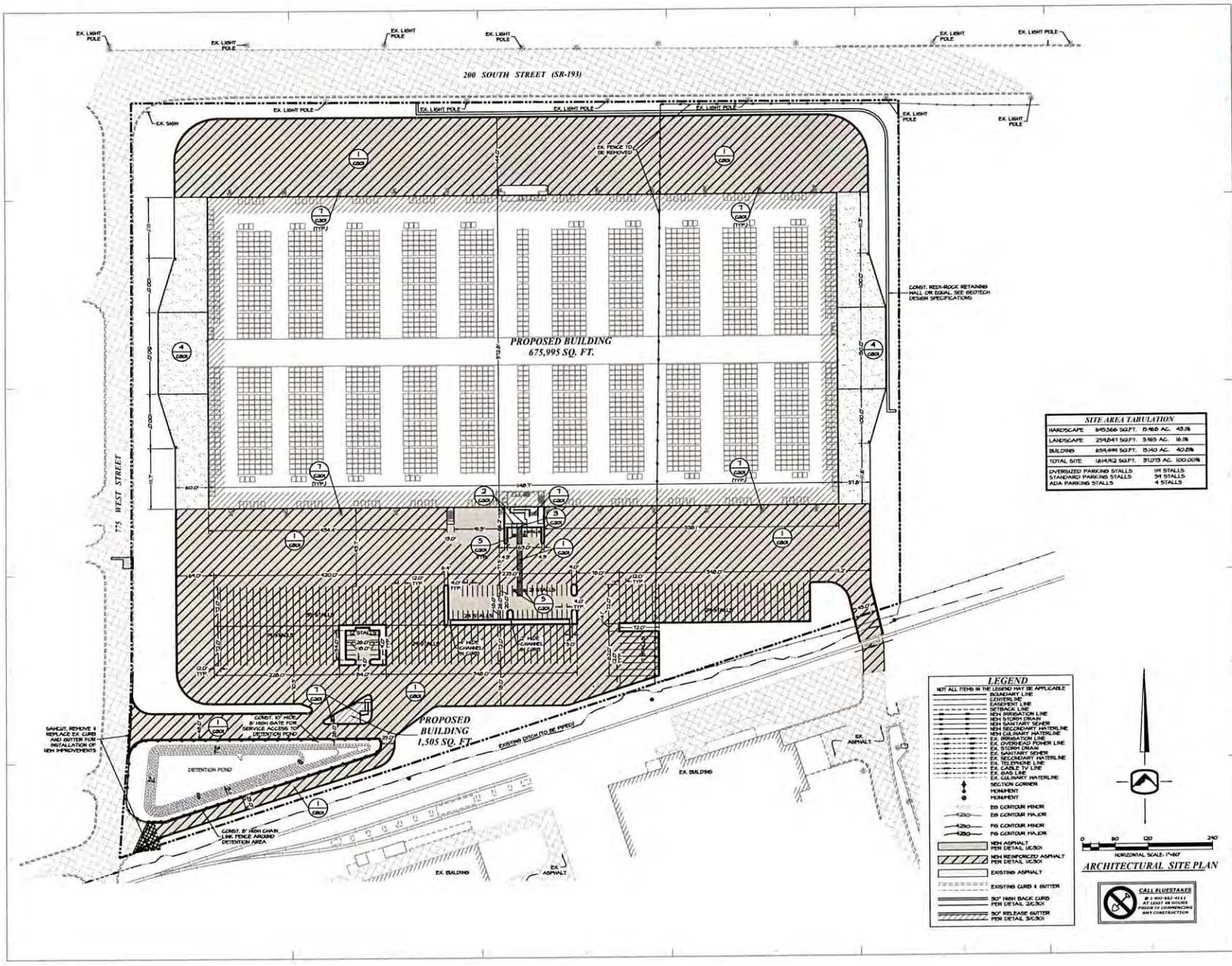
REDEVELOPMENT AGENCY OF CLEARFIELD
Lifetime Products Development
Increment and Budget Analysis

| ASSUMPTIONS: | |
|---|---|
| Discount Rate | 4.0% |
| Inflation Rate | 2.5% |

| INCREMENTAL TAX ANALYSIS: | Payment Year | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1st Year | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | TOTALS | NPV |
| Cumulative Taxable Value | Year | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 | Year 11 | Year 12 | Year 13 | Year 14 | Year 15 | | |
| Building Value | | $14,676,000 | $14,676,000 | $14,676,000 | $14,676,000 | $14,676,000 | $23,848,500 | $23,848,500 | $23,848,500 | $23,848,500 | $23,848,500 | $23,848,500 | $23,848,500 | $23,848,500 | $23,848,500 | $23,848,500 | | |
| Land Value | | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | $2,737,920 | | |
| Personal Property Value | | $2,201,400 | $2,201,400 | $2,201,400 | $2,201,400 | $2,201,400 | $3,577,275 | $3,577,275 | $3,577,275 | $3,577,275 | $3,577,275 | $3,577,275 | $3,577,275 | $3,577,275 | $3,577,275 | $3,577,275 | | |
| **Total Assessed Value:** | | **$19,615,320** | **$19,615,320** | **$19,615,320** | **$19,615,320** | **$19,615,320** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | | |
| **Value of Current Property** | | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | $5,267,275 | | |
| Less Base Year Value | | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | $ (5,267,275) | | |
| **TOTAL INCREMENTAL VALUE:** | | **$19,615,320** | **$19,615,320** | **$19,615,320** | **$19,615,320** | **$19,615,320** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | **$30,163,695** | | |
| TAX RATE & INCREMENT ANALYSIS: | 2017 Rates | | | | | | | | | | | | | | | | | |
| Davis County | 0.001993 | 39,093 | 39,093 | 39,093 | 39,093 | 39,093 | 60,116 | 60,116 | 60,116 | 60,116 | 60,116 | 60,116 | 60,116 | 60,116 | 60,116 | 60,116 | 796,629 | 574,805 |
| Davis County Library | 0.000376 | 7,375 | 7,375 | 7,375 | 7,375 | 7,375 | 11,342 | 11,342 | 11,342 | 11,342 | 11,342 | 11,342 | 11,342 | 11,342 | 11,342 | 11,342 | 150,292 | 108,443 |
| Davis School District | 0.007575 | 148,586 | 148,586 | 148,586 | 148,586 | 148,586 | 228,490 | 228,490 | 228,490 | 228,490 | 228,490 | 228,490 | 228,490 | 228,490 | 228,490 | 228,490 | 3,027,830 | 2,184,722 |
| Clearfield City | 0.001745 | 34,229 | 34,229 | 34,229 | 34,229 | 34,229 | 52,636 | 52,636 | 52,636 | 52,636 | 52,636 | 52,636 | 52,636 | 52,636 | 52,636 | 52,636 | 697,500 | 503,279 |
| Weber Basin Water Conservancy District | 0.000174 | 3,413 | 3,413 | 3,413 | 3,413 | 3,413 | 5,248 | 5,248 | 5,248 | 5,248 | 5,248 | 5,248 | 5,248 | 5,248 | 5,248 | 5,248 | 69,550 | 50,184 |
| Mosquito Abatement District - Davis | 0.000107 | 2,099 | 2,099 | 2,099 | 2,099 | 2,099 | 3,228 | 3,228 | 3,228 | 3,228 | 3,228 | 3,228 | 3,228 | 3,228 | 3,228 | 3,228 | 42,769 | 30,860 |
| North Davis Sewer District | 0.000949 | 18,615 | 18,615 | 18,615 | 18,615 | 18,615 | 28,625 | 28,625 | 28,625 | 28,625 | 28,625 | 28,625 | 28,625 | 28,625 | 28,625 | 28,625 | 379,328 | 273,703 |
| North Davis Fire District | 0.001182 | 23,185 | 23,185 | 23,185 | 23,185 | 23,185 | 35,653 | 35,653 | 35,653 | 35,653 | 35,653 | 35,653 | 35,653 | 35,653 | 35,653 | 35,653 | 472,461 | 340,903 |
| Totals: | 0.014101 | 276,596 | 276,596 | 276,596 | 276,596 | 276,596 | 425,338 | 425,338 | 425,338 | 425,338 | 425,338 | 425,338 | 425,338 | 425,338 | 425,338 | 425,338 | 5,636,361 | 4,066,900 |
| TOTAL INCREMENTAL REVENUE IN PROJECT AREA: | | $276,596 | $276,596 | $276,596 | $276,596 | $276,596 | $425,338 | $425,338 | $425,338 | $425,338 | $425,338 | $425,338 | $425,338 | $425,338 | $425,338 | $425,338 | **$5,636,361** | **$4,066,900** |
| **PROJECT AREA BUDGET** | | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | | |
| **Sources of Funds:** | | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | TOTALS | NPV |
| *Property Tax Participation Rate for Budget* | | | | | | | | | | | | | | | | | | |
| Davis County | | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | | |
| Davis County Library | | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | | |
| Davis School District | | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | | |
| Clearfield City | | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | | |
| Weber Basin Water Conservancy District | | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | | |
| Mosquito Abatement District - Davis | | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | | |
| North Davis Sewer District | | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | | |
| North Davis Fire District | | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | 75% | | |
| *Property Tax Increment for Budget* | | | | | | | | | | | | | | | | | | |
| Davis County | | $29,320 | $29,320 | $29,320 | $29,320 | $29,320 | $45,087 | $45,087 | $45,087 | $45,087 | $45,087 | $45,087 | $45,087 | $45,087 | $45,087 | $45,087 | **$597,472** | **$431,104** |
| Davis County Library | | $5,532 | $5,532 | $5,532 | $5,532 | $5,532 | $8,506 | $8,506 | $8,506 | $8,506 | $8,506 | $8,506 | $8,506 | $8,506 | $8,506 | $8,506 | **$112,719** | **$81,332** |
| Davis School District | | $111,440 | $111,440 | $111,440 | $111,440 | $111,440 | $171,367 | $171,367 | $171,367 | $171,367 | $171,367 | $171,367 | $171,367 | $171,367 | $171,367 | $171,367 | **$2,270,873** | **$1,638,542** |
| Clearfield City | | $25,672 | $25,672 | $25,672 | $25,672 | $25,672 | $39,477 | $39,477 | $39,477 | $39,477 | $39,477 | $39,477 | $39,477 | $39,477 | $39,477 | $39,477 | **$523,125** | **$377,459** |
| Weber Basin Water Conservancy District | | $2,560 | $2,560 | $2,560 | $2,560 | $2,560 | $3,936 | $3,936 | $3,936 | $3,936 | $3,936 | $3,936 | $3,936 | $3,936 | $3,936 | $3,936 | **$52,163** | **$37,638** |
| Mosquito Abatement District - Davis | | $1,574 | $1,574 | $1,574 | $1,574 | $1,574 | $2,421 | $2,421 | $2,421 | $2,421 | $2,421 | $2,421 | $2,421 | $2,421 | $2,421 | $2,421 | **$32,077** | **$23,145** |
| North Davis Sewer District | | $13,961 | $13,961 | $13,961 | $13,961 | $13,961 | $21,469 | $21,469 | $21,469 | $21,469 | $21,469 | $21,469 | $21,469 | $21,469 | $21,469 | $21,469 | **$284,496** | **$205,277** |
| North Davis Fire District | | $17,389 | $17,389 | $17,389 | $17,389 | $17,389 | $26,740 | $26,740 | $26,740 | $26,740 | $26,740 | $26,740 | $26,740 | $26,740 | $26,740 | $26,740 | **$354,346** | **$255,677** |
| **Total Property Tax Increment for Budget:** | | **$207,447** | **$207,447** | **$207,447** | **$207,447** | **$207,447** | **$319,004** | **$319,004** | **$319,004** | **$319,004** | **$319,004** | **$319,004** | **$319,004** | **$319,004** | **$319,004** | **$319,004** | **$4,227,271** | **$3,050,175** |
| **Uses of Tax Increment Funds:** | | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | TOTALS | NPV |
| Redevelopment Activities (Infrastructure, Relocation, Incentives, etc.) | 85.0% | $174,587 | $174,587 | $174,587 | $174,587 | $174,587 | $268,473 | $268,473 | $268,473 | $268,473 | $268,473 | $268,473 | $268,473 | $268,473 | $268,473 | $268,473 | **$3,557,670** | **$2,567,027** |
| CRA Housing Requirement | 10.0% | $20,745 | $20,745 | $20,745 | $20,745 | $20,745 | $31,900 | $31,900 | $31,900 | $31,900 | $31,900 | $31,900 | $31,900 | $31,900 | $31,900 | $31,900 | **$422,727** | **$305,017** |
| RDA Administration | 5.0% | $10,372 | $10,372 | $10,372 | $10,372 | $10,372 | $15,950 | $15,950 | $15,950 | $15,950 | $15,950 | $15,950 | $15,950 | $15,950 | $15,950 | $15,950 | **$211,364** | **$152,509** |
| County Administrative Fee (5% of County's Increment) | | $1,743 | $1,743 | $1,743 | $1,743 | $1,743 | $2,680 | $2,680 | $2,680 | $2,680 | $2,680 | $2,680 | $2,680 | $2,680 | $2,680 | $2,680 | **$35,510** | **$25,622** |
| **Total Uses** | | $207,447 | $207,447 | $207,447 | $207,447 | $207,447 | $319,004 | $319,004 | $319,004 | $319,004 | $319,004 | $319,004 | $319,004 | $319,004 | $319,004 | $319,004 | **$4,227,271** | **$3,050,175** |
| REMAINING TAX REVENUES FOR TAXING ENTITIES | | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 | TOTALS | NPV |
| Davis County | | $9,773 | $9,773 | $9,773 | $9,773 | $9,773 | $15,029 | $15,029 | $15,029 | $15,029 | $15,029 | $15,029 | $15,029 | $15,029 | $15,029 | $15,029 | **$199,157** | **$143,701** |
| Davis County Library | | $1,844 | $1,844 | $1,844 | $1,844 | $1,844 | $2,835 | $2,835 | $2,835 | $2,835 | $2,835 | $2,835 | $2,835 | $2,835 | $2,835 | $2,835 | **$37,573** | **$27,111** |
| Davis School District | | $37,147 | $37,147 | $37,147 | $37,147 | $37,147 | $57,122 | $57,122 | $57,122 | $57,122 | $57,122 | $57,122 | $57,122 | $57,122 | $57,122 | $57,122 | **$756,958** | **$546,181** |
| Clearfield City | | $8,557 | $8,557 | $8,557 | $8,557 | $8,557 | $13,159 | $13,159 | $13,159 | $13,159 | $13,159 | $13,159 | $13,159 | $13,159 | $13,159 | $13,159 | **$174,375** | **$125,820** |
| Weber Basin Water Conservancy District | | $853 | $853 | $853 | $853 | $853 | $1,312 | $1,312 | $1,312 | $1,312 | $1,312 | $1,312 | $1,312 | $1,312 | $1,312 | $1,312 | **$17,388** | **$12,546** |
| Mosquito Abatement District - Davis | | $525 | $525 | $525 | $525 | $525 | $807 | $807 | $807 | $807 | $807 | $807 | $807 | $807 | $807 | $807 | **$10,692** | **$7,715** |
| North Davis Sewer District | | $4,654 | $4,654 | $4,654 | $4,654 | $4,654 | $7,156 | $7,156 | $7,156 | $7,156 | $7,156 | $7,156 | $7,156 | $7,156 | $7,156 | $7,156 | **$94,832** | **$68,426** |
| North Davis Fire District | | $5,796 | $5,796 | $5,796 | $5,796 | $5,796 | $8,913 | $8,913 | $8,913 | $8,913 | $8,913 | $8,913 | $8,913 | $8,913 | $8,913 | $8,913 | **$118,115** | **$85,226** |
| **Total** | | $69,149 | $69,149 | $69,149 | $69,149 | $69,149 | $106,335 | $106,335 | $106,335 | $106,335 | $106,335 | $106,335 | $106,335 | $106,335 | $106,335 | $106,335 | **$1,409,090** | **$1,016,725** |

# Exhibit C

Development Plan




| SITE AREA TABULATION | | | |
|---|---|---|---|
| HARDSCAPE | 645,566 SQ.FT. | 15.160 AC. | 43.3% |
| LANDSCAPE | 254,041 SQ.FT. | 5.165 AC. | 16.7% |
| BUILDING | 659,498 SQ.FT. | 15.140 AC. | 40.0% |
| TOTAL SITE | 1,619,112 SQ.FT. | 37.213 AC. | 100.00% |
| OVERSIZED PARKING STALLS | | | 111 STALLS |
| STANDARD PARKING STALLS | | | 94 STALLS |
| ADA PARKING STALLS | | | 4 STALLS |

**LEGEND**

NOT ALL ITEMS IN THE LEGEND MAY BE APPLICABLE

- BOUNDARY LINE
- CENTERLINE
- EASEMENT LINE
- SETBACK LINE
- NEW IRRIGATION LINE
- NEW STORM DRAIN
- NEW SANITARY SEWER
- NEW SECONDARY WATERLINE
- NEW CULINARY WATERLINE
- EX. IRRIGATION LINE
- EX. OVERHEAD POWER LINE
- EX. STORM DRAIN
- EX. SANITARY SEWER
- EX. SECONDARY WATERLINE
- EX. TELEPHONE LINE
- EX. CABLE TV LINE
- EX. GAS LINE
- EX. CULINARY WATERLINE
- SECTION CORNER
- MONUMENT
- MONUMENT
- 5119 CONTOUR MINOR
- 5120 CONTOUR MAJOR
- 4250 FG CONTOUR MINOR
- 4250 FG CONTOUR MAJOR
- NEW ASPHALT PER DETAIL 1/C301
- NEW REINFORCED ASPHALT PER DETAIL 1/C301
- EXISTING ASPHALT
- EXISTING CURB & GUTTER
- 30" HIGH BACK CURB PER DETAIL 2/C301
- 30" RELEASE GUTTER PER DETAIL 3/C301

0 60 120 240

HORIZONTAL SCALE: 1"=60'

**ARCHITECTURAL SITE PLAN**

CALL BLUESTAKES
811 or 1-800-662-4111
AT LEAST 48 HOURS PRIOR TO COMMENCING ANY CONSTRUCTION

SAA
SANDERS ASSOCIATES ARCHITECTS

Consultant
SILVERPEAK ENGINEERING
177 E. ANTELOPE DR. STE. B
LAYTON, UT 84041
PHONE (801) 499-5054

Project Name
LIFETIME WAREHOUSE
FREEPORT CENTER
CLEARFIELD, UTAH

| No. | Date | Description |
|---|---|---|
| 1 | 10-04-19 | PER PLANNING COMMENTS |

Revision

| No. | Date | Description |
|---|---|---|

Drawing Title
ARCHITECTURAL SITE PLAN

Sheet Number
C200

CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

COPY

# RESOLUTION 2020R-02

**RESOLUTION OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY APPROVING AND ENTERING INTO A DEVELOPMENT AGREEMENT WITH LIFETIME PRODUCTS, INC.**

**WHEREAS**, the Clearfield Community Development and Renewal Agency (the "Agency") was created to transact the business and exercise the powers provided for in the current Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the Utah Code Ann. 1953, as amended (the "Act"); and

**WHEREAS**, the Agency, by Resolution, has adopted a final Project Area Plan and Budget for the Lifetime Products Project Area and has entered into Interlocal Agreements with taxing entities to secure funding from future tax increment revenues; and

**WHEREAS**, the Agency, with support from a consultant and collaboration with Lifetime Products, Inc. (the "Developer"), has prepared a Development Agreement which is attached hereto as **Exhibit A**.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY:**

**Section 1**. Entering into Development Agreement. Agency staff and their consultant have drafted the Development Agreement in collaboration with the Developer. Agency Staff and their consultant believe that the Development Agreement will be mutually beneficial to Clearfield City ("the City") and the Developer and that the Development Agreement will support achieving the objectives and goals for the Lifetime Products Project Area as established in its adopted Project Area Plan and Budget.

**Section 2**. Agency Board Findings. The Agency Board hereby determines and finds that the Development Agreement:

A. Serves a public purpose by, among other things, encouraging and accomplishing appropriate community reinvestment activities within the Project Area;

B. Produces a public benefit in the form of, among other things, increased development activity and/or reinvestment activity within the boundaries of the Agency, including within the Project Area, that is desirable and will enhance the tax base of all taxing entities within the Project Area, as demonstrated by the analysis provided in the Project Area Plan;

C. Is economically sound and feasible; in that the revenue needed for the implementation of the Development Agreement will come from incremental property taxes generated by

new private development from the Developer within the Project Area, all as further shown and supported by the analysis contained in the Project Area Plan;

D. Promotes the public peace, health, safety and welfare of the City.

**Section 3.** Effective Date. This Resolution takes effect immediately upon adoption.

**IN WITNESS WHEREOF**, the Governing Board of the Clearfield Community Development and Renewal Agency has approved, passed and adopted this Resolution this January 28, 2020.

ATTEST

Nancy R. Dean, Secretary

CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

Nike Peterson, Chair

Clearfield Community Development and Renewal Agency OFFICIAL SEAL

VOTE OF THE BOARD

AYE: Directors Phipps, Roper, Shepherd, Thompson

NAY: None

EXCUSED: Director Bush

**CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY**

# RESOLUTION 2022R-04

**RESOLUTION OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY APPROVING AND ENTERING INTO AN UPDATED DEVELOPMENT (TAX PARTICIPATION) AGREEMENT WITH LIFETIME PRODUCTS, INC. REFLECTING THE TWO-YEAR EXTENSION OF THE LIFETIME PRODUCT PROJECT AREA DUE TO THE COVID-19 EMERGENCY**

**WHEREAS**, the Clearfield Community Development and Renewal Agency (the "Agency") was created to transact the business and exercise the powers provided for in the current Limited Purpose Local Government Entities - Community Reinvestment Agency Act, Title 17C of the Utah Code Ann. 1953, as amended (the "Act"); and

**WHEREAS**, the Agency, by Resolution, has adopted a final Project Area Plan and Budget for the Lifetime Products Project Area and has entered into Interlocal Agreements with taxing entities to secure funding from future tax increment revenues; and

**WHEREAS**, in 2021 the Board adopted Resolution 2021R-04 extending the Lifetime Products Project Area Plan by two years due to the COVID-19 emergency; and

**WHEREAS**, the Agency, with support from a consultant and collaboration with Lifetime Products, Inc. (the "Developer"), has prepared an updated Development (Tax Participation) Agreement which is attached hereto as **Exhibit A**.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY**:

**Section 1**. Entering into updated Development (Tax Participation) Agreement. Agency staff and their consultant have drafted the updated Development (Tax Participation) Agreement in collaboration with the Developer. Agency Staff and their consultant believe that the updated Development (Tax Participation) Agreement will be mutually beneficial to Clearfield City ("the City") and the Developer and that the updated Development (Tax Participation) Agreement will support achieving the objectives and goals for the Lifetime Products Project Area as established in its adopted Project Area Plan and Budget.

**Section 2**. Agency Board Findings. The Agency Board hereby determines and finds that the updated Development (Tax Participation) Agreement:

A. Serves a public purpose by, among other things, encouraging and accomplishing appropriate community reinvestment activities within the Project Area;

B. Produces a public benefit in the form of, among other things, increased development activity and/or reinvestment activity within the boundaries of the Agency, including within the Project Area, that is desirable and will enhance the tax base of all taxing

entities within the Project Area, as demonstrated by the analysis provided in the Project Area Plan;

C. Is economically sound and feasible; in that the revenue needed for the implementation of the updated Development (Tax Participation) Agreement will come from incremental property taxes generated by new private development from the Developer within the Project Area, all as further shown and supported by the analysis contained in the Project Area Plan;

D. Promotes the public peace, health, safety and welfare of the City.

**Section 3.** Effective Date. This Resolution takes effect immediately upon adoption.

**IN WITNESS WHEREOF**, the Governing Board of the Clearfield Community Development and Renewal Agency has approved, passed and adopted this Resolution this July 26, 2022.

ATTEST

CLEARFIELD COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

_____
Nancy R. Dean, Secretary

_____
Karece Thompson, Chair

VOTE OF THE BOARD

AYE:

NAY:

# EXHIBIT A – DEVELOPMENT AGREEMENT