

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:00 P.M. WORK SESSION
August 23, 2022

City Building
55 South State Street
Clearfield City, Utah

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

VISITORS: Chuck Cowley, Erich Morey, and Jenna Nelson

Mayor Pro Tem Roper called the meeting to order at 6:02 p.m.

DISCUSSION ON THE HILL AIR FORCE BASE MONITORING WELLS LICENSING AGREEMENT

Braden Felix, City Engineer/Public Works Deputy Director, explained that Hill Air Force Base was obligated to monitor the groundwater by utilizing wells placed throughout the City. They furnished a Licensing Agreement to obtain Council's approval to locate and maintain the groundwater monitoring wells and to conduct groundwater soil testing. The agreement would provide the USAF access to the premises for a term of one year with an option to renew the agreement for 20 additional years in one-year increments. The agreement was not to extend beyond March 31, 2042. There would be an annual licensing fee of \$5,000 paid to the City.

Councilmember Bush asked how often they would be collecting samples. Mr. Felix responded they would at least collect samples annually, but the agreement permitted them access to the wells as often as they needed.

Councilmember Phipps reminded Council he sat on the Restoration Advisory Board. He informed Council that the monitoring was dependent on where the plume was and if they were actively tracking it. He provided an example of the methane issue and noted they were tracking that monthly.

DISCUSSION ON AMENDMENTS TO THE CLEARFIELD JUNCTION DEVELOPMENT AGREEMENT

Spencer Brimley, Community Development Director, approached the Council to discuss a possible third addendum request for a minor modification to the pool and spa size, along with changes to the layout of the courtyard amenities and interior common space areas for the Clearfield Junction project. Mr. Brimley provided the background on the Development Agreement (DA).

- *DA Approved:* May of 2018, outlined the applicants' duties for development as it related to incentives. **(Made with the original developer.)**
- *First Addendum:* December of 2018, Council approved an addendum to the agreement that outlined several modifications to the Form Based Code (FBC) as requested by the applicant. **(Made with original developer.)**
- *Second Addendum:* Approved by Council in December of 2021, the approved changes to the development agreement were more specifically identified as items related to the site plan approval, but required approval of the Planning Commission and City Council through an additional addendum to the DA. **(Made with original developer)**
- *Third Addendum:* The proposed changes address some items of concern that had come up with the amenities for the project. The developer desired to keeping moving forward and provide high quality amenities in a timely manner. **(Requested by new owner)**

Mr. Brimley explained that the new owner of the development wanted to reduce the square footage of the pool and spa. The request would reduce the pool to 1,000 square feet and the spa to 100 square feet. The requirements were 1,375 square feet for the pool and 121 square feet for the spa. He provided comparisons of pool and spa sizes for other local projects.

Project	Pool Size (SF)	Hot Tub (SF)	Unit count
City Centre	700	124	123
West Square	770	160	141
Heights (Towers)	1,200	104	225
Pinnacle Mt. View	1,181	N/A	324
The Pointe (West Point)	720	80	108

Mr. Brimley continued to explain the request was multi-faceted. The main reason being those measurements were the maximum that could be achieved with the configuration of the interior suites. He noted that an increase to the pool or spa above the requested measurements would require additional bathrooms that would take away space from either the gym or the clubhouse. The applicants believed the additional space to the pool would not justify taking space away from the gym or clubhouse. Mr. Brimley conveyed staffs' agreement with that belief.

The requested changes to the layout of the courtyard amenities and interior common space areas were laid out for the Council.

Element of Project	Development Agreement	Proposed
Landscaping	4,137 SF (around pool)	4,137 SF (around pool)
Parking	4 Stalls	16 stalls
BBQ and Fire Pit	1,800 SF	1,786 SF
Gym	1,250 SF in Building 1.	1,350 SF in Building 2.
Leasing Office	670 SF in Building 1.	906 SF in Building 1.
Optional Clubhouse	1,820 SF in Building 2.	1,385 SF in Building 1.
Maintenance Room		590 SF in Building 2.

He acknowledged that the applicant would need to file an application to amend the agreement, but they wanted to meet with the Council to talk through some of the items prior to taking that step.

Councilmember Bush inquired if Argentine Corner was still on track and if the punch list as of December had been completed. Mr. Brimley confirmed Argentine Corner was moving forward and provided a brief update. He confirmed the punch list had been completed but stated that some of the items on that list were delayed due to backorder or supply chain issues. The developer was required to provide specific times and dates for delivery and installation.

Councilmember Peterson asked for an update on the glass panels. Eric Mourey, owner, replied more panels needed to be ordered due to breakage. He explained if there continued to be breakage, a different option would need to be explored. He noted the glass was tempered so it would not shatter, and he would like to fix it as soon as possible.

Councilmember Thompson asked if FBC allowed for more sustainable material options should the glass on the balconies not be viable. Mr. Brimley confirmed that different materials could be utilized if the transparency requirement for the balconies could be accommodated. Brad McIlrath, Senior Planner, provided material options such as a metal or steel railing, or reinforced glass. He explained the code addressed a maximum transparency of fifty percent and noted when Clearfield Junction was approved, that standard was not in place. Mr. Brimley added there was flexibility in the FBC should the developer want to change materials.

Councilmember Peterson did not have concerns with the proposals and was glad to see additional parking added. She commented that the project's prominence had troubled the community but there was some restoration of faith with the new owner. She appreciated Mr. Mourey attention and attendance at the meeting. Mr. Brimley reported Mr. Mourey and his team would like to purchase phase 2, however, it was not yet in play.

Mr. Brimley explained if Council did not have any questions or concerns with the amenities or pool and spa sizes requests, the next step would be for Mr. Mourey to apply for an addendum to the Development Agreement which would come back before the Council after the Planning Commission.

Councilmember Peterson appreciated that the small modifications requested were an overall benefit to the project and the residents would receive something better than the original design.

Mr. Brimley confirmed the owner would move forward with the application process.

There was no further discussion on the item.

UPDATE ON THE LAKESIDE DEVELOPMENT AGREEMENT

Brad McIlrath, Senior Planner, provided the Council with an update on the Lakeside Apartments Mixed-Use Development Agreement. The public hearing was tabled on August 9, 2022 until September 13, 2022 to allow the developer and staff time to finalize the agreements and any necessary exhibits. Staff had received an updated draft development agreement from the developer, and after review of the draft development agreement, staff had identified items that were proposed by the developer that were inconsistent with staff's interpretation of the direction given by Council or were not previously discussed with the City Council. Mr. McIlrath reviewed the changes in question and asked for Council's direction regarding the changes.

1. Commercial Square Footage

- The original development agreement and project plans referred to 27,500 square feet of commercial space
- The updated development agreement provided approximately 26,570 square feet of commercial space

Mr. McIlrath noted the difference in square footage was due to architectural design for the inside of the building. Councilmember Bush asked if the square footage was finished floor area. Chuck Cowley, developer, confirmed it was.

No concerns were expressed with the change in square footage.

2. Timing for Construction

- The Form Based Code (FBC) required construction to begin within 12-months of the final land use approval.

- Final land use approval would be when all engineering and planning conditions were completed.
- The proposed development agreement language was for three years with an option to request a 12-month extension if necessary.
- A two-year timeframe with two 12-month extensions had been discussed between staff and the developer.

Mr. McIlrath explained that the reason for the change with the timing of construction was based upon the developers experience and how time commitments working with vendors and hiccups in development could be impacted. They wanted to be sure there would be enough time to procure materials, funding, and/or services the project would require, and have them lined up so the project could be completed correctly rather than being sped through the process.

Councilmember Peterson conveyed she would like to see 24 months rather than 36 months. Mr. Cowley clarified the discussion was for 24 months with two 12-month extensions and explained things could happen in the market that the developer would have no control over. Councilmember Phipps believed the 24 months with two 12-month extensions was a good balance between the City's desire and practical need.

No other concerns were expressed with the timing for construction.

3. *Corner Build-to-Zone and Occupation of Corner*

- Form Based Code required a corner build-to-zone for Mixed-Use/Core Commercial buildings of zero to five feet in the Urban Core Commerce (U-C) zone.
- The previous language allowed a fifty-foot setback to accommodate the art plaza at the corner of State Street and Waterfront Way.
- The new language contained a setback of approximately seventy feet.
- Occupation of the corner language previously stated fifty feet, and the new language stated sixty feet.
- Staff recommended not referring to a measurement with the occupation of the corner standard. The building would occupy the corner, just at a greater build-to-zone.

Councilmember Bush asked where the setback would be measured from. Mr. McIlrath reported it would be the end of the right-of-way. Councilmember Bush inquired if the seventy-foot setback applied for the buildings facing Waterfront Way. Mr. McIlrath confirmed it did. Councilmember Bush was concerned that the setback would mean a loss of twenty feet of the parking lot. Mr. McIlrath illustrated the change on the site plan and Mr. Cowley affirmed there would not be a reduction in the parking lot space.

There were no concerns expressed with the Corner Build-to Zone and Occupation of Corner.

4. *Trees per Acre*

- A minimum of twenty trees per one acre of project area was required by the Form Based Code. Street trees were not to be counted toward the requirement.
- Previously, the developer requested a reduction in the tree requirement to twelve trees per one acre of project.

- Part of the Planning Commission approval recommendation.
- The updated modification included language which incorporated street trees into the count.

Councilmember Roper asked if there was a need to revisit FBC regarding trees. Mr. McIlrath thought there could be a need but noted multi-family projects weren't having an issue accommodating the requirement. He recognized not many projects had been completed in the Urban Core downtown area and haven't had as much street presence as the Lakeside Development.

Councilmember Peterson felt a case could be made for the street trees to be included in the tree count. However, she did not feel there was a compelling case for reducing the number of trees required. She commented that a reduction made sense for the North Davis Fire District since the building profile would have been obscured along with the advance visibility requirements. Mr. Cowley rebutted that they were building to density and the only space available for trees would be the street, parking lot, and civic open space. He commented that after the planting of trees in the parking lot per FBC for appropriate shading, street trees, and the planted islands in the parking lot, there would be thirty to forty trees unaccounted for. The only available space for those trees would be the civic open space which would diminish the ambiance and usability of that space.

Councilmember Peterson appreciated the context behind the request.

Councilmember Phipps envisioned openness and access to Mabey Pond. If it were a park or something more traditional, he could see the practicality behind more trees.

Councilmember Peterson asked for the opinion of staff on the reduction of trees from twenty to twelve per acre. Mr. McIlrath felt it made sense to have that reduction and compared the development setback with that of the Lotus and City Center projects. Their setbacks allowed for the placement of trees whereas the design of Lakeside would not. He mentioned the use of smaller trees such as columnar trees to meet the standard and noted those types of trees were typically seen next to the buildings not in the parking lot. He conveyed staff was supportive of the twelve trees and was open to Council's direction as to the inclusion of the street trees into the count. Councilmember Peterson asked Mr. McIlrath if he believed trees could be reasonably placed along Waterfront Way or the building, or if the twelve trees per acre with consideration of the street trees struck a balance with what made sense for the site given the orientation and the layout. Mr. McIlrath believed it struck a good balance between the two and mentioned staff would stick with the twelve trees per acre. He provided an option of not counting the street trees as a compromise.

Councilmember Thompson asked what the thought process was behind the twenty trees to the acre. Mr. McIlrath explained the idea was to try to reduce the heat island effect from the parking lots and they could provide better building efficiency.

Councilmember Bush moved to adjourn the work session and reconvene in policy session at 6:58 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 meeting reconvened at 7:19 p.m.

To address Councilmember Thompson's question on the thought process behind the tree count per acre, Mr. McIlrath demonstrated it using impervious and semi-pervious percentages from FBC and applied it to the development. Councilmember Thompson questioned if there was a need for flexibility in the tree count number to speak to the uniqueness of each project. He was in favor of the inclusion of the street trees toward the requirement.

Councilmember Peterson appreciated the context of the discussion and liked the proposal from staff to reduce the overall count and not include the street trees toward the requirement.

Stuart Williams, City Attorney, asked for clarification on the direction Council would proceed with. Councilmembers Bush, Phipps, Roper, and Thompson agreed to include the street trees toward the requirement. Councilmember Peterson was against including the street trees toward the requirement.

Councilmember Bush commented that the number of trees removed with the construction of the parking structure would need to be planted elsewhere on the project. JJ Allen, City Manager, pointed out that would be an argument not to count the street trees toward the requirement. There appeared to be confusion on what staff had recommended. Mr. McIlrath clarified that staff recommended that the modification of twelve trees per acre remain but the additional language to allow street trees to count towards that quantity not be accepted.

Mr. Cowley commented it was not about the cost, rather it was about aesthetics. He wanted the greatest number of trees and believed trees brought value to developments. He did not think it would be possible, given the design envisioned, and was trying to create an optimum solution. He believed the twelve trees per acre with the inclusion of the street trees in the count was the optimum solution. He clarified that he only took the street trees on State Street into consideration of his request, not the ones on Waterfront Way.

After the discussion, Councilmembers Roper and Thompson were in favor of allowing the street trees to count. Councilmembers Peterson, Phipps, and Bush deferred to the recommendation of staff.

The majority of Council decided to proceed with the staff recommendation of twelve trees per acre not including the street trees.

5. *Waterfront Way Cul-de-sac*

- FBC prohibits cul-de-sac streets except where site impediments prohibit a connected street for accessing the location. Site impediments included: canals, water bodies, steep slopes greater than thirty percent, and railroad lines.

- If allowed, permanently or temporarily, the following standards would apply:
 - Cul-de-sac could not be more than 300 feet in length.
 - Cul-de-sac would have a maximum outside turning radius of fifty feet.
 - The vehicular and pedestrian realm of the cul-de-sac would need to follow the cross-section standards for the Neighborhood Street type. The remaining center of the cul-de-sac would need to be landscaped and function as a curbed bioswale.
 - A pedestrian sidewalk connection would need to be provided from the cul-de-sac to the next closest street or pedestrian right-of-way.

Mr. McIlrath reported according to the plans, the cul-de-sac would not exceed 300 feet in length and complied with the maximum outside turning radius of fifty feet, however, it would not have the bioswale. He demonstrated how the pedestrian sidewalk would connect from the cul-de-sac to Marilyn Drive.

Councilmember Peterson asked if the Fire District was okay with the proposed size for the cul-de-sac. Mr. Cowley explained they were okay with it because the distance between the corner and the beginning of the cul-de-sac would not otherwise be the length they would need for a hammerhead truck.

Councilmember Peterson reiterated her objection to the Development Agreement Section 14 - Parking. She was opposed to the allowance of off-site parking and believed it should be self-contained. She provided two reasons behind her objection:

1. With Form Based Code (FBC) or anywhere else, Council would not allow any project to come in and not meet the parking requirements for the residents completely within a site. The parking would be contingent upon development of the south end which would be years down the road. Markets changed and with that came uncertainty. The question was essentially if the Council would be okay with allowing a significant amount of off-site parking. Historically Council would not have allowed any other project to function that way.
2. She believed the City had learned some lessons in FBC about caution that should be applied in allowing concessions contingent upon other developments. She used Lotus Anthem project as an example. Council had made significant concessions that were contingent on development of the east side, and then the pandemic hit, and the concessions made on the east side were lost.

Councilmember Peterson asked if the Council was going to allow a site to be built that would not have adequate on-site parking for the unit count of the site, and would they allow off-site parking on the south end with the possibility of it becoming the long-term or permanent solution. She wondered if it was a fair application of FBC given the standard every other developer and project would be required to meet.

Councilmember Phipps commented that it would require a significant rework. Mr. Cowley added they would have to build garden apartments on the entire ten acres to accommodate that. He stated there was no contingency. There was a deeded parking easement that ran for the servient

tenement to give parking to the dominant tenement which would be the northern parcel. He believed FBC allowed for parking within 660 feet and the plans were in that range.

Mr. McIlrath pulled up FBC for the Council to review. It allowed for private off-premises parking by deed or lease. He stated Mr. Cowley was proposing recording a parking easement that would run with the land and be recorded.

Councilmember Bush questioned what would happen if the south side was sold to someone else. Mr. Allen clarified the parking lot would be secured by the possession of the easement. Mr. McIlrath added that the easement would be recorded and unless there was language in the easement that specified a termination date, it would remain in place until a parking structure was built to accommodate the spaces.

Councilmember Peterson stood by her original objection to the parking. Mr. McIlrath did not disagree with her concern. Mr. Allen recognized that the off-street parking was a real possibility and restated the question of whether the Council was okay with that and was it better than the current condition. Councilmember Peterson commented there was a perception that there were two sets of rules for the application of Form Based Code.

Mr. McIlrath pointed out that the financing for the south would help cover the cost of the parking structure for the north because it was imperative for the parking structure to be built in order for the south to develop and that was the motivation for the property owners and developer. Mr. Cowley affirmed Mr. McIlrath's statement.

Mr. Allen commented the parking situation could assist in convincing other taxing entities that the City needs to include the north side of the property in the project area in order to accomplish the ultimate vision for the property when creating of a new CRA project area. Councilmember Bush confirmed he would be okay with the parking if it would help with other CRA projects.

Councilmember Phipps commented he had a different approach. He explained his passion for the site was for it to be developed as a community gathering place and he wants to figure out how best to achieve that. He appreciated Councilmember Peterson's comments but wasn't sure if the vision of a community gathering place could be achieved if the parking wasn't allowed. Councilmembers Thompson and Roper agreed that either way the Council chose to go, there would be difficulties.

Councilmember Thompson did not agree with the zoning of the property and would like to do anything possible to mitigate the impacts. He felt it was a risk either way, but he would be okay with allowing the parking to stand.

Councilmembers Roper, Thompson, and Bush agreed to allow the parking requirement for the north side to be satisfied by parking on the south side with a recorded easement until a parking structure was built on the north.

Councilmember Bush questioned what would stop recreation users from parking in the commercial and residential spots on the south side. Mr. Cowley responded that the commercial

parking would have signs, the residential parking would be assigned spaces, and it would have to be monitored. There was a discussion on where the pond visitors would park. Mr. McIlrath pointed out that the east side of the pond had designated parking which might need to be enlarged at some point.

Councilmember Peterson asked Mr. McIlrath for the timing of the eight or so parking spaces that would be on the south end. He confirmed that would take place with the development of the south side. Councilmember Peterson stated in the past with public spaces, the City had been under parked. With infrastructure being an afterthought with other recreational developments, there were inherent problems because the residents embraced the areas and came. She commented that the west side of the pond would be open for public access without adequate space for them to be able to get there and access it if the sole purpose was to visit the pond. She restated her thought that the City was planning for a use without addressing a need for that use that would drop with the development of the north side.

Mr. McIlrath suggested marking specific parking spaces for the pond. Mr. Cowley offered to designate six parking spots for the pond patrons. Councilmember Peterson suggested that offer was a good step forward acknowledging the access the Council wanted to see. Mr. Cowley commented he wasn't looking for a good step forward but a confirmation that would be sufficient. Councilmember Peterson agreed it would need to be specifically called out with the hope of relieving the management burden. She stated the infrastructure need to be in place for that area to be used by City residents. She also expressed her expectation that the six proposed parking spots would not count toward the number of designated spots needed for 197 off-site parking spots. She also wanted to make sure that six designated parking spots would be commiserate to what the City would provide in other parks as far as the acreage of useable open space, which would not include the open space covered by water. She stated it needed to be consistent. Mr. McIlrath confirmed Community Services would assist in the determination of the appropriate number of spaces rather than agreeing to an arbitrary number, however, it was noted that there was not a parking standard in the FBC or Euclidian zoning for parks and open spaces.

Councilmember Peterson asked for a recommendation from Eric Howes, Community Services Director. He couldn't provide an answer without knowing what would be there to actually use. He stated the six to eight parking spots on the other side were sufficient for what was currently there. Councilmember Roper believed six spaces would be fair. Mr. Cowley reminded Council it was intended to be a temporary solution until everything could be built. Councilmember Peterson viewed "temporary" as possibly years and agreed with six spaces having not heard anything contrary.

Mr. Allen asked if the Development Agreement would be ready for consideration by the Council at its meeting on September 13, 2022. Mr. Brimley confirmed staff was planning to have everything read for the Council to consider action on it on September 13, 2022.

There was no further discussion on the Development Agreement.

DISCUSSION ON ZONING TEXT AMENDMENTS FOR FIREWORK STANDS AND TEMPORARY OR SEASONAL MERCHANTS

Staff proposed amendments to the regulations in Section 11-13-26 of the Clearfield Municipal Code to expand the possible location within the City for firework stand and temporary or seasonal merchants. Mr. McIlrath explained the basis for the proposed regulation changes was due to development within the City, changes made by the adoption of the FBC, and current trends with the school districts, churches, and non-profit organizations seeking to operate fireworks stands, and temporary or seasonal merchants on their properties. He reported the current City Code did not place restrictions on properties within the Freeport Center or Freeport West, and specifically allowed for fireworks stands and temporary or seasonal merchants to be located along the following corridors in the C-1, C-2, M-U, C-R, D-R, and M-1 zones:

- Main Street
- State Street
- 1700 South (Antelope Drive)
- 700 South (SR 193)
- 200 South
- 300 North

The City Code limited the ability to locate fireworks stands and temporary or seasonal merchants at the corners of SR-193 and 2000 East (University Park Boulevard) and Legend Hills. Mr. McIlrath conveyed the reasoning behind staffs' belief that the regulatory ordinance over fireworks stands, and temporary or seasonal merchants should be amended.

1. Development Impact

Since the property at SR-193 and 2000 East (University Park Boulevard) was developed with the Sinclair gas station, the Bravada 193 Apartments, and future office building, staff believed the regulations were no longer necessary and recommended the restriction at that location be repealed.

2. New Zones Created by the Adoption of the FBC

New zones had been created with the development of properties in the FBC: C-C, T-R, T-C, U-R, U-C, and CV. Staff proposed the new zones be permitted zones for fireworks stands, and temporary or seasonal merchants. Fireworks stands had been operated in those zones as legal non-conforming uses. (i.e. the fireworks stand in front of Rancho Markets (T-C Zone), and the former Chevron gas station at 650 North and Main Street (C-C Zone))

3. Current Trends

The Davis School District changed its stance allowing for fireworks stands to be located on its properties to assist with fundraising efforts. Examples provided included requests for a fireworks stand at North Layton Junior High School as an annual fundraiser for student activities over the past few years, and another request at South Clearfield Elementary School.

The reason behind the discussion was an increased interest for the use on school, church, and nonprofit properties. Mr. McIlrath stated the City would like a good working relationship with the School District. Councilmember Phipps clarified that the PTA did not do fundraisers of the

particular type being discussed, but the school itself was allowed to conduct one fundraiser per year.

Councilmember Thompson asked if the schools benefitted from the fireworks stands operating on their property and would the City agree with the request if there was a profit for the school. Councilmember Phipps explained that some profit from the revenues would be received by the schools, and that he would report back to the Council on what the district policy was.

Mr. Howes expressed concern with having a firework vendor close to a mass gathering. He mentioned the problems he had experienced during the City's Fourth of July fireworks show and acknowledged he couldn't be sure the vendor was the cause. Councilmember Peterson thought the proximity of the vendor to a mass gathering should be considered. There was a discussion on if and how that could be regulated.

On August 17, 2022 the Planning Commission forwarded a recommendation of approval to the City Council for the request to amend regulations for Firework Stands, Temporary or Seasonal Merchants as outlined in Section 11-13-26 of the Clearfield City Municipal Code. Mr. McIlrath informed Council that the recommendation was made with changes and was a unanimous vote. He reviewed staffs' changes along with the Planning Commission's changes. He explained the Planning Commission made changes because it wanted to be more specific on locations.

Council agreed to strike the language stating "if located outside of Freeport Center or Freeport West" in number two of section A. There was a discussion surrounding the hours of operation of the fireworks stands along with the proximity to a mass gathering. Chief Bennett expressed concern with residents being able to purchase the fireworks during an event near a mass gathering. Mr. Allen suggested utilizing a radius measurement to determine the proximity.

Councilmember Peterson suggested pausing the discussion and coming back to it after some further investigation had been done. Councilmember Roper expressed interest in knowing how pertinent the funds were to South Clearfield.

There was no further discussion on the item.

DISCUSSION ON ZONING TEXT AMENDMENTS FOR SIGN REGULATIONS IN THE DOWNTOWN FORM BASED CODE

Mr. McIlrath presented a zoning text amendment request by Clearfield City to amend the sign regulations in the Downtown Form Based Code. Through literal application of the Downtown Clearfield Form Based Code (FBC) sign regulations, staff observed certain design standards were prohibitive to private businesses and could be amended or removed to better align with the standard needs of commercial businesses and would accomplish the overall vision for the corridor. The newer developments in the downtown areas identified a need to have more prominent building signage to showcase the name of the development for the community and residents.

Mr. McIlrath reviewed the proposed FBC sign regulations changes.

1. *Maximum Sign Area and Amounts; Permitted Quantity of Signage Per District*

The regulations on page 116 of the FBC limit the total amount of attached and detached signage for a lot based on the zoning of the lot as provided in table 10.2.

Table 10.2(1). Permitted Quantity of Signage by District	
<i>District</i>	<i>Maximum Permitted Quantity of Signage Per Lot</i>
UC, UR, CV	3 square feet per 1 linear foot of lot width with a maximum of 150 square feet
TC, TR, CC	2 square feet per 1 linear foot of lot width with a maximum of 100 square feet

It was staffs' belief that it would be more appropriate to allow the sign area limitations per the sign type to determine the size and type of signage provided and recommended the language of code along with Table 10.2 be repealed to provide increased flexibility for local businesses.

2. *Wall Sign Regulations*

The FBC would allow wall signs to occupy fifteen percent of any single building façade. To be consistent with the sign standards in Chapter 11-15 of the Land Use Ordinance, staff recommended a maximum sign area of fifteen percent or 600 square feet, whichever would be less, be imposed. A letter or element of a sign was limited to two feet in the FBC which had become problematic for most existing and new businesses to comply with. Staff recommended the standard be repealed from the code.

3. *Building Identification Signs*

Sign standards for freestanding Center Identification Signage are identified in the FBC, but there are no requirements identified for signs attached to a building. There have been requests from developments in the FBC area to have signs located on the building which could be accomplished with a wall sign, projecting sign, or some other sort of iconic sign. A provided example was the Lotus Anthem projecting sign in which regulations would prohibit a sign of that size. Staff believed it would be necessary to add a new sign regulation type for building identification signs with the same intent of a Center Identification Sign. Size, height, building placement, illumination, quantity, and materials would need to be considered. Mr. McIlrath presented table 10.11(1) that included new standards to be considered.

Table 10.11(1). Building Identification Sign Requirements	
Permitted Districts	All Districts
Sign Area	100 sq ft maximum area per sign face. Counts toward maximum 15% façade sign area for wall signs
Location on Building	Front or Corner of Building Facades
Placement on the Building	Horizontally oriented wall signage is permitted at the top of the upper story only. Vertically oriented wall mounted signage is

	permitted at the corner or building edge. Projecting signage is permitted along any portion of a front or corner façade. No projecting sign may extend greater than 48” from the building surface.
Quantity	1 per building frontage
Internal Illumination	Permitted
Materials	Solid wood, metal & masonry; plastic synthetics are permitted on sign face. Vacuum formed acrylic signs or box can signs are not permitted

Mr. McIlrath stated the proposed amendments were in accordance with the General Plan which encouraged the adaptation of zoning regulations and codes to meet the needs of the City and development. He reiterated that changed conditions made the proposed amendments necessary and would help the City accomplish its goals of providing quality municipal services through continuous improvement through innovation.

Mr. McIlrath conveyed that there were no concerns from the Planning Commission on the requested amendments. Council did not express any concerns with the requested amendments.

DISCUSSION ON THE STREETS MAINTENANCE PROJECT BUDGET AMENDMENT

Mr. Felix provided the Council with an update on the City’s streets treatment projects for the year. He reported Morgan Pavement would be doing the City’s slurry seals, All-Star Striping would be doing the street striping, and Kilgore would be doing the mill and fill improvements along 1000 West along with the roadside improvements. He reviewed the projects with the Council.

Slurry Seals - Morgan Pavement

- Site preparations were being done by contractor and public work crews
- Low-hanging trees were the current concern
- Slurry crews were likely to begin next week
- All slurry sealing should be completed in 2022 except for cape seals which would be done after the slurry seal window

- Cape seals would be coming to major roads (300 North, 1000 West, Main Street, and 650 North)
 - Stake Parsons would chip seal, and Morgan Pavement would apply Onyx overlay

Mr. Felix emphasized the slurry seal was to help increase the service life of the asphalt. He showed Council the street closure notice that Morgan Pavement would be sending out a week prior to the work beginning.

All-Star Striping reported they were confident the work would be done soon. Councilmember Peterson commented the work had already begun and was looking good.

1000 West Mill & Fill, Roadside Improvements – Kilgore Construction

- Curb, gutter, and sidewalk would be installed from 107 South to 25 South and 975 South to 865 South.
- Milling 2.5 inches off with a three-inch overlay
- Park strips would have rock mulch
- Soft spot repair was part of the contract to help prepare for the slurry

Councilmember Bush asked if there would be a way to move the 300 North 1000 West irrigation line out of the middle of the street. Mr. Felix stated the City did not have the funds to move the utility and it was a private utility. Councilmember Bush asked if there was any other construction besides the irrigation boxes on 1000 West. Mr. Felix confirmed the boxes had already been completed.

Mr. Felix talked to the Council about the 950 South Paving behind the Indigo Eight-80.

- As part of the City's sewer line replacement project, the City would like to partner with the developer of Indigo Eight-80 to have the remaining asphalt pulverized and repaved.
- It would require a \$31,250 amendment to the streets treatment budget.
- Milling should be August 25, 2022, grading August 26, 2022, then paving August 29, 2022.

Council seemed to agree to proceed with the request. Adam Favero, Public Works Director, noted it would not really be an amendment since there was a contingency for that project. Councilmember appreciated the recognition of the need.

There was no further discussion on the item.

UPDATE ON THE BUBBLE PARTY AT THE CENTER STREET BRIDGE

Shaundra Rushton, Communications Manager, provided a recap of the Bubble Party that took place on August 20, 2022 on the Center Street Bridge.

- 2,000 attended
- Mixed demographics – skewed toward younger (on purpose)
- Cost: \$6,000
 - \$3 per person

- Lesson:
 - Partner with Library again to avoid cost of restrooms
 - Partner with other businesses at similar outreach events
- Comparable Events:
 - Glow Party (2,000) - \$8,000
 - Boonanza (1,000) - \$8,000

Ms. Rushton asked Council for its thoughts on the event. The Council seemed to enjoy the event. Councilmember Roper commented there were more people getting involved than there was at the Glow Party. Councilmember Peterson suggested that a banner or sign be placed down by the barricades to announce what was taking place. She noted that the curve of the bridge did not make it obvious to onlookers what was taking place. Mr. Howes, Community Services Director, commented that since attendance was over 1000, they would be required to obtain a mass gathering permit in the future. Ms. Rushton thanked the Council for coming out and Public Works and Community Services for their support.

Councilmember Thompson moved to adjourn the work session at 9:04 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.

APPROVED AND ADOPTED
This 25th day of October, 2022

/s/ **Mark Shepherd, Mayor**

ATTEST:

/s/ **Nancy R. Dean, City Recorder**

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, August 23, 2022.

/s/ Nancy R. Dean, City Recorder