

CLEARFIELD CITY COUNCIL AND PLANNING COMMISSION
JOINT MEETING MINUTES
6:00 P.M. WORK SESSION
October 16, 2018

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
	Stuart Williams	City Attorney
	Scott Hodge	Public Works Director
	Greg Krusi	Police Chief
	Eric Howes	Community Services Director
	Spencer Brimley	Community Development Director
	Brad McIlrath	Senior Planner
	Rich Knapp	Finance Manager
	Trevor Cahoon	Communications Coordinator
	Nancy Dean	City Recorder
	Wendy Page	Deputy Recorder
EXCUSED:	Summer Palmer	Assistant City Manager

PLANNING COMMISSION MEMBERS: Ruth Jones, Chris Uccardi, Robert Browning, Nicole Bigelow, Levi Lloyd, Eden Bush

VISITORS: Vicki Martin, Donovan Gilliland – DG Construction, Jerome Curran, Kalub Curran

Mayor Shepherd called the meeting to order at 6:15 p.m.

SITUATIONAL SAFETY TRAINING

Curtis Nielsen, Police Officer, provided the Mayor, Councilmembers and Planning Commissioners safety training. He reviewed information about active shooter situations which included historical data from the FBI, typical locations, and the OODA (Observe, Orient, Decide, Act) Loop. He explained how the OODA Loop was interrupted by noise, movement, or distractions. He encouraged using objects to distract the suspect to mess with the perpetrator's OODA Loop. A video was shown. Officer Nielsen reviewed emergency exits from the Council Chambers and encouraged those in attendance to be conscious of surroundings and unusual circumstances.

There was a short break in the meeting while the group moved to the multi-purpose room for the remainder of the meeting.

DISCUSSION ON ACCESSORY DWELLINGS UNITS

Spencer Brimley, Community Development Director, introduced the concept of accessory dwellings units. He explained an accessory dwelling unit was a residential dwelling unit meant for one additional single family located on the same lot as an owner-occupied single family dwelling unit, either within the same building or in a detached building. He stated the building included a separate entrance, wall, bathroom, kitchen, and so forth. He emphasized accessory dwelling units would only be allowed in single-family residential zones and were not short-term rentals. He explained the owner would need to reside in one of the buildings rather than allowing the dwelling units to be used strictly for investment properties. JJ Allen, City Manager, added the topic of accessory dwelling units was being entertained by various communities as a way to address the housing affordability issues and growth currently faced by the State of Utah, more particularly along the Wasatch Front area.

Mr. Brimley stated there were two types of accessory dwelling units: attached and detached. He reviewed the general accepted regulations for each type. Attached units generally included the following:

- No separate utility meter
- No separate entrance in the front yard
- Two (2) additional parking spaces required, minimum of three (3) total
- Landscaping required

Detached units general included the following:

- No separate utility meter
- Two (2) additional parking spaces required; minimum of four (4) total
- Landscaping required
- Must conform to accessory building size, height, and coverage requirements
- Must conform to primary structure setbacks

Potential benefits were presumed to be the following:

- Residents could age in place/lifecycle housing
- Property rights could be maintained
- Home ownership might be more affordable
- Money stayed in the local community
- Added an affordability options to renters
- Potentially complied with current codes
- Better emergency management
- Reduced on-street parking

Potential concerns were presented to be the following:

- Parking
- Building Code compliance
- More renters in single family neighborhoods
- Administration and enforcement issues
- Location for emergency response

- Perceived loss of privacy
- Increased density in single family neighborhoods

Mr. Brimley stated staff had been reviewing accessory dwelling unit regulations used by other communities but had not started drafting any language for the City Council to discuss. He recognized the following:

- Accessory dwelling units could be a viable option for diverse housing in the community.
- Allowing accessory dwelling units was not a decision to allow short-term rentals.
- Many other cities in the region had made allowances for accessory dwelling units.
- Owner occupancy was required in one of the units.
- Additional parking was required.
- There were likely existing accessory dwelling units in the City that would need compliance addressed if the City chose to define and regulate them.

Mr. Brimley also reviewed the regional best practices for parking, owner occupancy, annual permits, further stringency for detached units, separate entrances, design guidelines, high sound insulation, and separate bathrooms and kitchens.

There was a discussion about the following:

- The possibility there were existing accessory dwelling units and how to address regulating them for health and safety reasons.
- The need to address housing affordability in a way that lessened the impact to single family neighborhoods.
- The need to address parking as part of any regulation.
- The need to require a building permit in order to make sure the units were built in compliance with exiting codes and regulations.
- The need to address possible impact fees associated with the use.
- Timeframe to start working toward drafting regulations for accessory dwelling units.

DISCUSSION ON LAND USE PUBLIC HEARINGS AND NOTICE REQUIREMENTS

Brad McIlrath, Senior Planner, reviewed land use public hearing and noticing requirements in the Utah State Code. He explained State Code separated land use actions into two separate categories: legislative and administrative. Legislative items were considered to be the adoption or amendments of ordinances or the General Plan and annexations. Administrative items were considered to be site plan review, conditional use permits, subdivisions, and vacations of various land use related items.

Mr. McIlrath also reviewed the City Code requirements for the same items. He recommended amending the City Code to remove any public hearing requirements for administrative items. He also suggested addressing the best practice for noticing the public on administrative items and when it was appropriate to allow for public input on those items.

There was a discussion about the expectation created by a public hearing on administrative items where uses could not be denied if the impacts could be mitigated. Councilmember Peterson suggested providing some sort of notice that was prepared in such a way that it informed the

recipient of the request and what type of input was appropriate from residents. The group agreed residents wanted to know what was happening near them, so noticing was good with defined parameters. There was a discussion about tailoring the notices to provide more education for residents and whether a public hearing could be used as a mitigation tool. There was consensus that a mailed notice in advance of consideration of administrative items was an important way to keep residents informed about what was happening near them, when necessary, while allowing time for them to offer insight that could potentially help the City identify those issues that needed to be mitigated. It was also suggested that public notices might be linked to the City's Facebook page in advance of the items consideration. There also appeared to be general consensus that public hearings should be limited to those required by the State Code.

Eden Bush left the meeting at 7:30 p.m.

DISCUSSION ON THE MODERATE INCOME HOUSING PLAN AND REPORT REQUIREMENTS

Spencer Brimley, Community Development Director, explained that housing affordability was a growing concern for the State Legislature so it was asking cities to make better efforts with reporting data on housing availability and affordability. He stated the reporting requirement was not new but it was determined the reporting needed to be more thorough especially the affordability data. JJ Allen, City Manager, explained the affordability issue was difficult for cities to address because they had little control over it. He mentioned the Utah League of Cities and Towns (ULCT) was busy working to help the Legislature understand that concept. There was a discussion regarding comparing housing affordability in various communities and how the availability was impacting certain cities more than other cities.

Mr. Brimley explained the City would need to file a Moderate Income Housing Report by the end of 2018. He indicated the City had a Moderate Income Housing Plan, which was last amended in 2013 and would need to adopt a new plan before the end of 2019. He stated the report and the plan were two separate requirements.

Mr. Brimley explained the report required the City to analyze data supplied by the State on housing affordability and availability, then report on the deficiencies in Clearfield and how the City planned to address those gaps. He emphasized it was important for Clearfield to tell its story through the report. He indicated the ultimate goal was for communities to have affordable and available housing stock. He stated it was estimated that the Wasatch Front was one-third short in current housing stock.

Mr. Brimley reviewed the data that would be presented to the State representing Clearfield's current statistics and its approach for addressing concerns with housing affordability and availability in the future. He reported, based on the data, the City was doing a good job in providing a diversity of housing options for the community but there needed to be more balance. Mr. Allen commented on a survey he recently participated in where a question was asked about whether the City would be interested in a benchmark for different income levels. He reported his response was the City might consider a benchmark if the goal was to accomplish a better stock in housing that created more balance. He suggested the City was interested in development that

supplied affordable units for high-quality, workforce housing that could potentially replace older housing stock so the current population would have better living conditions.

Councilmember Peterson moved to adjourn the Joint City Council/Planning Commission work session and reconvene in the City Council work session at 8:30 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.

**APPROVED AND ADOPTED
This 8th day of January, 2019**

/s/Mark R. Shepherd, Mayor

ATTEST:

/s/Nancy R. Dean, City Recorder

I hereby certify that the foregoing represents a true, accurate, and complete record of the Clearfield City Council meeting held Tuesday, October 16, 2018.

/s/Nancy R. Dean, City Recorder