

CLEARFIELD CITY COUNCIL MEETING MINUTES
6:30 P.M. WORK SESSION
August 25, 2020

City Building
55 South State Street
Clearfield City, Utah

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

Mayor Pro Tem Phipps called the meeting to order at 6:31 p.m.

DISCUSSION ON THE CITY GENERAL PLAN ANALYSIS AND UPDATE ON THE
CONSULTANT SELECTION

Spencer Brimley, Community Services Director, stated the City and Wasatch Front Regional Council (WFRC) had selected VODA Landscape and Planning as the consultant for the City's General Plan update. He mentioned the team of consultants and sub-consultants included VODA Landscape and Planning, Fehr and Peers, and Zions Bank Public Financing. He pointed out some qualifications and key projects the team of consultants had worked on throughout the region and within the City.

Mr. Brimley reported the City budgeted \$95,000 for the project and WFRC had contributed \$55,000 in grant funds. He noted the project was planned for completion around April of 2021. He indicated the contracts were in the process of being prepared. He acknowledged the consultant was planning to hold its first introductory meeting with the City Council and Planning

Commission in the near future to determine what the desired outcomes were for the review. Mr. Brimley mentioned there would also be an outreach plan for soliciting public input.

Councilmember Peterson asked whether the proposals were submitted from the team of consultants as a group or individually and later grouped into workable teams. Mr. Brimley responded the lead consultant configured its team and introduced that into the proposal.

Councilmember Peterson wondered if there would be additional costs to the City if the time schedule was not met or the project needed additional time to complete. Mr. Brimley answered typically the consultants tried to manage the scope of the project within the allocated funding available. He did not anticipate there would be additional costs to the City if the process went longer than planned. He added the proposal came in slightly under the budgeted amount so if needed a small amount of additional funding was available.

Mr. Brimley mentioned there would be steering committees and participation opportunities for members of the public bodies. He indicated the timeline was short but staff would work to keep the Council updated on the progress of the project throughout the process.

DISCUSSION ON THE AMENDMENTS TO 2019/2020 COMMUNITY DEVELOPMENT BLOCK GRANT ONE-YEAR ACTION PLAN RELATED TO COVID-19 EFFORTS AND NEEDS

Brad McIlrath, Senior Planner, stated some of the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding had been allocated to the U.S. Department of Housing and Urban Development (HUD) to distribute to entitlement communities through the Community Development Block Grant (CDBG) program. He pointed out the City as an entitlement community had been allocated \$129,178 specifically to assist with services or activities that would address the impacts of COVID-19. He mentioned staff explored multiple options for funding uses and ultimately recognized the need to partner with Open Doors and Safe Harbor to address the housing and food needs of the community.

Mr. McIlrath reported Open Doors and Safe Harbor submitted requests for funding of about \$80,000 each and the planned uses for the funding were listed in the staff report. He mentioned there was a time period of eight years for spending the funds and anticipated both programs would likely use the funds within the first year. He noted there was a change since the staff report was prepared because HUD had notified the City it would need to amend its most recently approved One-Year Action Plan. Mr. McIlrath indicated rather than amending the 2019/2020 Year Action Plan as initially planned, the City would need to amend its One-Year Action Plan for the 2020/2021 program year since it was recently approved. He acknowledged the public hearing had been noticed for September 8, 2020.

Councilmember Bush asked how the allocations for Open Doors and Safe Harbor were determined. Mr. McIlrath answered staff had tried to be as equitable as possible when making those decisions. He reported Safe Harbor had requested money for conference chairs; however, in reviewing the request staff felt that need might not have the best impact directly for Clearfield residents.

Councilmember Phipps questioned if there were any constraints on how the money was spent. Mr. McIlrath responded there were constraints in place and the funding would need to assist those in the low to moderate income range as well as benefit Clearfield's residents.

Councilmember Phipps wondered if each organization would be required to use the funds as intended or if the funds could be spent on purchases deemed suitable such new chairs once the City provided the funding to each organization. Mr. McIlrath explained the money that was allocated would need to be spent towards the uses which were approved, so the purchase of chairs would not be an option for the funds. He indicated each organization would have to submit requests for reimbursement and those requests would be thoroughly examined prior to approval and release of funds.

Councilmember Thompson asked if there were any other providers that were contacted or had applied for the funding. Mr. McIlrath responded HUD allowed the City to work with the public service providers it was already using to disburse the CARES Act funds, so there would not be a requirement for further advertising other than the five-day noticing period. He added representatives from the Davis Community Learning Center were also contacted but reported not being as greatly impacted by the COVID-19 pandemic. Councilmember Roper expressed his opinion Open Doors and Safe Harbor had the most reach within the community.

Councilmember Thompson wondered if the City's domestic violence program and Safe Harbor were intertwined by receiving assistance for housing or domestic violence. Stuart Williams, City Attorney, indicated Safe Harbor received the same source of funding as the City, but he was unsure of the amount. Councilmember Thompson expressed his concern that there could be a ceiling of assistance and wanted to make sure the money was spread around so it had the most impact for the residents.

Mr. McIlrath reviewed the allocation proposed for Safe Harbor was \$64,000 to provide additional counseling, rental and flexible assistance, additional supplies for families, and to cover staff supportive services. He continued the allocation proposed for Open Doors was \$65,178 to provide rent for up to ten families and additional staffing costs to help meet the increased demand for services. There was a discussion on the best allocation of the resources to make the most impact for residents.

Mayor Pro Tem Phipps expressed appreciation to staff for the thought that went into determining what would be most impactful.

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

The meeting reconvened at 8:08 p.m.

DISCUSSION ON A ZONING TEXT AMENDMENT TO THE FORM BASED CODE
ALLOWING INDOOR TEMPERATURE CONTROLLED SELF-SERVICE STORAGE IN
THE GATEWAY CORRIDOR COMMERCE (C-C) ZONE

Brad McIlrath, Senior Planner, stated the Planning Commission reviewed the proposed zoning text amendment to allow indoor temperature controlled storage units in the Gateway Corridor Commerce (CC) zone of the Form Based Code (FBC) at its meeting on August 19, 2020. He explained staff had recommended denial based on the findings included in the staff report. He noted following the discussion and hearing from the applicant, the Planning Commission recommended approval of a zoning text amendment with some additional changes to the development standards. Mr. McIlrath acknowledged both the applicant and the members of the Planning Commission had some good points that were shared in the meeting. He mentioned Chris Uccardi, Planning Commission Chair, was present to provide insight into the recommendation of the Planning Commission and its discussions on the matter.

Mr. McIlrath reviewed the few changes in the standards recommended by the Planning Commission for the zoning text amendment. He acknowledged the Planning Commission voted six votes to one vote to recommend approval of the zoning text amendment.

Chris Uccardi, Planning Commission Chair, stated when the Planning Commission reviewed the proposed zoning text amendment there were discussions about self-storage not currently being a permitted use in the City. He mentioned the Planning Commission was not certain if the use could even be considered, but after further review the determination was made that it was not a prohibited use either so discussions continued. He stated the next level of discussion was about the desire to bring commercial development to the City which was aesthetically pleasing. He indicated the discussion about having self-storage as a use in the Form Based Code area gave an opportunity to look at the proposed project in a different way. Chair Uccardi explained the next level of discussion was to review the zoning for the project in the CC Zone. He noted there were only a couple of places within the zone that the proposed use might be located. He continued the Planning Commission also reviewed the project's location and felt it would clean up the area and enhance that neighborhood because there would not be many other commercial operations that could be developed at that location.

Chair Uccardi mentioned the biggest portion of the discussion with the Planning Commission was the review of the FBC to see if the proposed zoning text amendment could meet the current requirements and then check to see if the applicant was comfortable with those requirements. He pointed out the use made sense with conditions and felt the ones updated by the Planning Commission were good.

Councilmember Bush wondered if the facility planned to have a full time manager which would require living space and if that were something discussed during the Planning Commission meeting. Chair Uccardi answered it was not discussed if living space would be necessary, but understood there would be security measures in place not necessarily someone on site.

Councilmember Bush acknowledged the property proposed for development was in an area that had its challenges so it would be good to clean it up. He also expressed his concerns with the

access issues associated with the property and how the increase of truck and trailer traffic associated with the proposed use could have a negative impact.

Councilmember Peterson voiced her appreciation for the analysis that went into the project's review. She pointed out the governing body in 2009 made a policy decision to remove the use from the City Code. She explained before any further discussions about the feasibility of the current project were held it would be important for the Council to hold a policy discussion about the possibility of permitting self-storage, its benefit to residents, and the most appropriate zones to address the impacts of the use.

Councilmember Peterson expressed her concern with placing conditions on a project specifically within the Form Based Code area because it was opposite of what FBC was intended to do. She voiced her concern with amending an ordinance so a particular project would fit in a particular zone. She expressed her opinion such an effort felt like spot zoning. She agreed with the general findings in the staff report that indicated the proposed use was inconsistent with the General Plan and its desired pedestrian uses of the downtown area; and also inconsistent with the purpose of the downtown FBC and vision plan. Councilmember Peterson stated trying to amend or condition the FBC for something that by policy was not allowed was the wrong approach.

Councilmember Roper mentioned his thoughts were similar to those of Councilmember Peterson. He pointed out that the City recently reviewed the FBC and made updates to be more current. He felt it should not be changed for every new development because it would lose the vision it intended for the downtown area. He expressed his comfort with reviewing the City's policy to see if self-storage uses would fit better within one of the other zones of the City.

Councilmember Peterson stated there would be times when amending FBC would be necessary and it was designed to be flexible; however, she worried about changing it for one parcel and having a list of conditions that would be necessary for that type of use. She pointed out there had been some pushback on FBC from developers; however, the Council had been very deliberate in its planning and adoption of FBC so she felt any requests to deviate from it should benefit more than one parcel or project. She explained the proposed project might be a good idea; however, in wanting to be business friendly, work with the applicants, and problem solve, it would be important to trust the process already in place.

Councilmember Thompson expressed his reservations with FBC and felt historically it had been more reactionary even though it was intended to get ahead of the curve. He voiced his concern about excluding certain types of businesses from the City.

Mr. McIlrath pointed out during the planning and zoning process there could be things that were missed and because storage was not currently a permitted use; it was not part of the thought process when updates were made to the FBC. There was a discussion about the historical decisions back in 2009 to remove storage uses from along the main corridors of the City; what the process would be to consider allowing the use again; and if the use was allowed, and that it would be important to have high governing standards in place.

Chair Uccardi expressed his opinion the Planning Commission and City Council had a vision for the City and worked well together. He indicated there were many perspectives working within each body which helped influence decisions. He indicated the Planning Commission reviewed the request on August 19, 2020 and passed along its recommendation of approval but understood the Council would be the body to make the final decision.

Councilmember Bush suggested the Council might want to take another look at allowing the use within the City and consider which zone(s) might be best for it. He suggested the FBC areas might allow for the City to have more control over the outward appearance of the building.

Councilmember Peterson stated that was a fair point; however, her concern with the proposed type of use in a FBC area was that it was unique and might need a tight set of boundaries to work best as recognized by the Planning Commission. She expressed her opinion the proposed use did not fit well into FBC. She suggested it was time to have a discussion about where the proposed use might be best suited within the City Code.

Spencer Brimley, Community Development Director, stated the zoning text amendment was scheduled for a public hearing and then would be considered by the Council during the policy session on September 8, 2020. He pointed out the Council could approve, deny or table the zoning text amendment consideration regardless of whether it would address the policy issues related to storage uses. He mentioned the purpose of FBC was to create something and not determine uses; therefore, it would be worth noting the regulatory standards of the FBC were higher than those used in other traditional zoning districts. He added the Council should not speculate on decisions of the past but be mindful about the objectives and vision of the City as it related to the General Plan plus be careful not to exclude uses through zoning.

Councilmember Bush questioned if the issue would be addressed separately or along with the upcoming General Plan analysis. Mr. Brimley responded it could be part of the General Plan analysis relative to the zoning districts; however, it would be a decision of the Council whether or not storage uses would be addressed. He expressed his opinion it was good the request came to the City. He suggested it might be a good time to hold a larger discussion on the policies currently in place regarding storage uses regardless of the current request.

Mayor Pro Tem Phipps reminded the Council a decision would need to be addressed for the zoning text amendment request on September 8, 2020. He voiced his perspective that the FBC had been adopted and recently updated; thus, it seemed wise to let it do what it was intended to do rather than constantly change it to meet the needs of each development. There was a discussion about the purpose and vision of the FBC and allowing time to see if it would perform as expected.

Councilmember Peterson concluded the questions for the Council to weigh out in the policy session in two weeks were those identified: indoor storage needed to have a place in the City; and without any further discussion prior, would the Council be willing to allow the use only in the CC Zone of FBC along with the list of conditions, which fundamentally ran contrary to the way FBC intended.

Councilmember Peterson moved to adjourn at 8:56 p.m., seconded by Councilmember Thompson. The motion carried upon the following vote: Voting AYE – Councilmember Bush, Peterson, Phipps, Roper, and Thompson. Voting NO – None.

**APPROVED AND ADOPTED
This 13th day of October, 2020**

/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, August 25, 2020.

/s/Nancy R. Dean, City Recorder