



# Planning Commission Agenda

2267 North 1500 West Clinton City, UT 84015

**February 5, 2026**

**6:00 pm**

## Administrative Items

1. Invocation or Thought
2. Pledge
3. Swearing In of New Commissioners
4. Nomination and Vote – Chair and Vice Chair
5. Roll Call
6. Declaration of Conflicts

## Regular Business

1. Review of Planning Commission Rules of Procedure
2. Ordinance Update Discussion – ADU Regs
3. Training – LU 101

## Other Business

1. Approval of September 18, 2025, Meeting Minutes
2. Director's Report
3. Commission Report

## Adjourn

The order of agenda items may be changed, or times accelerated.

### **THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY MEETINGS**

If you attend this meeting and, due to a disability, will need assistance in understanding or participating, please notify the Community Development Department at (801) 614-0740 prior to the meeting and we will seek to provide assistance.

# CLINTON CITY PLANNING COMMISSION

## STAFF REPORT

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MEETING DATE:	February 5, 2026
AGENDA ITEM:	1
PETITIONER(S):	N/A
SUBMITTED BY:	Peter Matson, Community Development Director
TYPE OF VOTE:	Roll Call Vote – No
SUBJECT:	Clinton City Planning Commission Rules of Procedure

### RECOMMENDATION

Move to continue discussion of the Planning Commission Rules of Procedure to the next meeting and direct staff to revise the proposed amendments based on Commission review and discussion. Staff will also provide the required advance notice to the Commission prior to any future action on the proposed amendments.

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### BACKGROUND INFORMATION

The Planning Commission Rules of Procedure (ROP) establish how the Commission is organized, how meetings are conducted, and how decisions are made. These rules function as the Commission's operating manual and are intended to ensure consistency, fairness, and compliance with state and local requirements.

Two versions of the Rules of Procedure are provided for review:

- **ATTACHMENT A – Redlined Copy:**  
This version shows the *proposed amendments* to the existing Rules of Procedure. Additions, deletions, and edits are marked so Commissioners can clearly see what changes are being considered.
- **ATTACHMENT B – Clean Copy:**  
This version shows the *same Rules of Procedure as they would read if the proposed changes were adopted*. It is provided as a streamlined, easier-to-read reference, without markup.

Both versions follow the same overall structure, which is summarized below to help orient Commissioners who may be reviewing the document for the first time.

#### General Organization of the Rules of Procedure:

- **Chapter 1 – Organization of the Commission:**  
Establishes officer roles (Chair and Vice Chair), terms, and staff support.

- **Chapter 2 – Rights and Duties of Members:**  
Addresses attendance, conflicts of interest, voting responsibilities, and member conduct.
  - **Chapter 3 – Meetings:**  
Covers meeting types, notice requirements, quorum, work sessions, and meeting length.
  - **Chapter 4 – Procedures:**  
Outlines agendas, public hearings, motions, debate, voting, and parliamentary procedures.
  - **Chapter 5 – Amendments:**  
Describes how the Rules of Procedure may be amended.
  - **Chapter 6 – Recording of Rules:**  
Addresses recordkeeping and distribution of adopted rules.
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## DISCUSSION AND ANALYSIS

**ATTACHMENT A (Redlined Copy)** highlights a combination of technical edits, organizational clean-up, and policy-related questions that merit Commission discussion. While many changes are minor or clarifying in nature, several items raise broader considerations for the Commission, including:

- **Consistency with City Code:**  
For example, Chapter 1 of the ROP currently states that the Chair and Vice Chair are elected at the first meeting in December, while City Code (Chapter 2-8, Planning Commission) specifies that this occurs at the first meeting in January. The Commission may wish to discuss whether the Rules should be aligned with the Code as written or whether a future Code amendment would be more appropriate.
- **Length of Officer Terms:**  
The Commission is encouraged to discuss whether one-year terms for the Chair and Vice Chair remain appropriate, given that the Commission meets no more than once per month, or whether two-year terms would provide greater continuity.
- **Amendment Notice Requirements:**  
The Rules currently require at least fourteen (14) days' written notice before amendments may be approved by the Commission. The purpose and necessity of this requirement are not clearly articulated, and the Commission may wish to discuss whether this provision should be retained, modified, or clarified.

Commission feedback on these items will guide staff in preparing a revised draft for future consideration.

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## ATTACHMENTS:

- A) Planning Commission Rules of Procedure REDLINE COPY
- B) Planning Commission Rules of Procedure CLEAN COPY

# CLINTON CITY PLANNING COMMISSION

## STAFF REPORT

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MEETING DATE:	February 5, 2026
AGENDA ITEM:	2
PETITIONER(S):	N/A
SUBMITTED BY:	Peter Matson, Community Development Director
TYPE OF VOTE:	Roll Call Vote – No
SUBJECT:	Discussion – Proposed Amendments to the Accessory Dwelling Unit (ADU) Standards

### RECOMMENDATION (Discussion Item Only)

That the Planning Commission continue this item to the next meeting and direct staff to prepare a draft redlined version of the Accessory Dwelling Unit (ADU) Standards that incorporates the policy direction and modifications discussed by the Commission.

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### BACKGROUND INFORMATION

Accessory Dwelling Units (ADUs) are smaller, secondary dwelling units allowed on lots with a primary single-family home. ADUs can take several forms, including:

- **Internal ADUs** – located entirely within the existing home
- **Attached ADUs** – created as an addition to the home
- **Detached ADUs** – located in a separate structure, typically in the rear or side yard

In 2022, the City Council adopted regulations for internal ADUs in response to State law requirements. In March 2025, the City Council approved amendments to the ADU Standards (Chapter 28-3-27) to expand and clarify regulations for attached and detached ADUs. These amendments were intended to clearly distinguish between the different ADU types and to establish development standards for detached ADUs located in separate structures.

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### DISCUSSION AND ANALYSIS

**ATTACHMENT A** contains the **current adopted ADU regulations**. Since these standards were implemented, staff has administered the ordinance through permit review and application processing.

Through this experience, staff has identified several areas where the code:

- Is **silent or unclear**,
- Creates **conflicting interpretations**, or
- Could benefit from **additional clarification or refinement** to improve consistency and predictability for applicants and staff.

**ATTACHMENT B** is a discussion table developed by staff based on issues encountered during administration of the ADU ordinance over the past year. The table is intended to guide Commission discussion—not to propose final solutions at this stage.

The table is organized as follows:

- **Column 1 – Issue / Question:** Identifies specific ADU-related topics where clarification or modification may be needed.
- **Column 2 – Code Reference:** Lists the applicable section(s) of the current ordinance, if any.
- **Column 3 – Discussion Points:** Outlines key questions and considerations for the Commission to discuss, which will help inform future draft amendments.

Commission feedback on these discussion items will provide staff with direction on how to prepare a **redlined draft ordinance** for review at a future meeting.

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#### ATTACHMENTS:

- A) Chapter 28-3-27 – Accessory Dwelling Unit Standards
- B) Table of ADU Ordinance Update Discussion Items

### **28-3-27 Accessory Dwelling Unit Standards**

(1) Accessory dwelling units (“ADUs”) in single-family residential zones are an important tool in the overall housing goals and needs of the city, and allow for alternative and flexible housing options on owner-occupied single-family lots. The purpose of the standards of this chapter are to:

- (a) Preserve and enhance life safety standards required for residential occupancy through the creation of a regulatory process for ADUs;
- (b) Provide housing options for individuals and families in all stages of life and/or with a moderate income that might otherwise have difficulty finding adequate housing within the city;
- (c) Provide opportunities to offset rising housing costs and promote reinvestment in existing single-family residential zones;
- (d) Preserve the character of single-family neighborhoods through adequate standards governing ADUs; and
- (e) Comply with UTAH CODE ANN. 10-9a- 530, which designates internal ADUs as permitted uses in all single-family residential zones and imposes limitations on the extent that municipalities may regulate internal ADUs.

(2) ADUs - Where Permitted.

- (a) Internal, attached, and detached ADUs are a permitted use in primary dwellings and on lots under owner occupancy in the city’s R-1 (single-family), and A (agricultural) zones, and existing single-family homes in the PZ (performance) zone, subject to the approval process detailed in this chapter.
- (b) Internal, attached, and detached ADUs are prohibited where the primary dwelling is served by a failing septic tank.

(3) ADU - Approval Process. The approval process for ADUs in the city is as follows:

- (a) ADU permit applications shall be filed through the city’s online building permit portal and shall include the following:
  - (i) Documentation that demonstrates the property is owner occupied;
  - (ii) A to-scale site plan showing all building on the lot, required off-street parking, and floor plans of all building associated with the proposed ADU. Such plans may be conceptual but shall provide reasonable detail and specification for full understanding of the proposed ADU;
  - (iii) Applicable structural, electrical, and mechanical specifications and drawings compliant with pertinent building code requirements;
  - (iv) Payment of applicable permit and inspection fees;
  - (v) Completion of a satisfactory property/building inspection; and
  - (vi) Issuance of necessary building permits.
- (b) A portion of a principal dwelling unit with the characteristics of a separate dwelling unit but not occupied by a second family is exempt from obtaining an ADU permit upon completion and recordation of an exemption form provided by the city.

- (c) ADUs shall comply with all other applicable building permit, zoning code, and building code requirements.
- (d) The Fire Department shall review ADU permits for access and safety compliance with City and International Fire Code (IFC) requirements.
- (e) Upon approval of an ADU permit and where the ADU occupant is paying rent, the owner shall be subject to the Residential Rental Dwelling license and fee requirement outlined in Chapter 15-19 of this Title.
- (f) Upon approval and issuance of a building permit for an ADU, the city shall record a notice in the office of the county recorder that shall include:
  - (i) a description of the primary dwelling;
  - (ii) for an internal or attached ADU, a statement that the primary dwelling contains an accessory dwelling unit; and
  - (iii) for a detached ADU, a statement that the lot contains a detached accessory dwelling unit; and
  - (iv) a statement that the accessory dwelling unit may only be used in accordance with the city's land use regulations.
  - (v) The city shall, upon recording the notice, deliver a copy of the notice to the owner of the ADU.

#### (4) ADU Development Standards.

- (a) The property's record owner (including titleholders and contract purchasers) must occupy either the primary dwelling unit or the approved ADU as such owner's permanent residence and at no time receive rent for the owner-occupied unit. An application for an ADU permit shall include evidence of owner occupancy in the form of the affidavit required by Section 28-3-5 of this chapter and such other verification(s) as the city reasonably may require.
- (b) Owner occupancy for a dwelling with an accessory dwelling unit shall not be required when:
  - (i) The owner cannot live in the dwelling because of a bona fide temporary absence of three years or less for a temporary job assignment, sabbatical, or voluntary service;
  - (ii) The owner was living in the dwelling immediately prior to leaving for the temporary job assignment, sabbatical, or voluntary service; and
  - (iii) The owner intends to make the dwelling his/her primary place of residence upon returning from the temporary job assignment, sabbatical, or voluntary service.
- (c) ADUs shall not be used as short-term rentals for occupancy of fewer than 30 consecutive days.
- (d) Only one ADU may be created per lot or property.
- (e) The design and size of the ADU shall conform to all current applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When a new ADU is proposed in or attached to an existing home, the entire ADU shall be brought up to all minimum standards, as inspected and approved by city staff.

- (f) The installation of separate utility meters for an ADU is prohibited.
- (g) Each ADU shall require one off-street parking space in addition to the required parking for the primary dwelling unit. In no case shall fewer than three total off-street parking stalls be provided for any property with an ADU.
- (h) Any parking spaces contained within a garage or carport shall be replaced if an ADU is created within the garage or carport.
- (i) ADUs shall maintain the same address as the primary dwelling with the addition of "Unit B."
- (j) ADUs may not be created within a mobile home as defined in UTAH CODE ANN. 57-16-3, as amended. or within a mobile home community.
- (k) The combined maximum rear yard area coverage for detached ADUs and other detached structures is 25%. Other rear yard hard surfaces (i.e. patios, driveways, sport courts, etc.) shall not be counted towards said 25% maximum coverage.

(5) Applicability.

Structures legally existing prior to March 25, 2025 that do not comply with the setback requirements established by the Chapter may be converted to a detached ADU subject to the conditions outlined herein.

(a) Conditions for Conversion

- (i) The conversion must meet all applicable building, fire, safety, and other municipal codes.
  - (ii) No new windows or other openings shall be permitted on any building elevation located closer to property lines than the setbacks prescribed in this Chapter.
  - (iii) Existing openings on elevations located within detached ADU setback areas may remain as originally constructed or be reduced in size or eliminated provided they are not expanded or relocated.
- (b) Additional Regulations. Compliance with this section does not exempt the ADU structure from any other applicable city ordinances, codes, or regulations.
- (c) Restrictions on Additions. Any additions or expansions to the existing structure intended for conversion into a detached ADU shall adhere strictly to current setback requirements and height restrictions.

**Table 3.27.1 ADU SETBACKS**

<u>REQUIREMENTS</u>	<u>INTERNAL ADU</u>	<u>ATTACHED ADU</u>	<u>DETACHED ADU</u>			
			<u>DETACHED ADU Single Story</u>	<u>DETACHED ADU Single Story</u>	<u>DETACHED ADU 2-Story</u>	<u>DETACHED ADU 2-Story</u>
<u>LOCATION</u>	Inside Primary Dwelling	Attached to Primary Dwelling	Side Yard Area	Rear Yard Area	Side Yard Area	Rear Yard Area



<b>MAXIMUM HEIGHT LIMIT<sup>1 &amp; 2</sup></b>	Same as Primary Dwelling	Same as Primary Dwelling	16' to Roof Peak	16' to Roof Peak	25' to Roof Peak	25' to Roof Peak
MINIMUM SIDE SETBACKS <sup>3</sup>	Same as Primary Dwelling	Same as Primary Dwelling	Same as Primary Dwelling	5 feet	10 feet	10 feet
MINIMUM CORNER SIDE SETBACKS	Same as Primary Dwelling	Same as Primary Dwelling	Same as Primary Dwelling	Same as Primary Dwelling	Same as Primary Dwelling	Same as Primary Dwelling
MINIMUM REAR SETBACKS	Same as Primary Dwelling	Same as Primary Dwelling	10 feet	10 feet	Same as Primary Dwelling	20 feet
MINIMUM DISTANCE FROM HOME	No Restriction	No Restriction	10 feet	10 feet	10 feet	10 feet
ENTRANCE	Side or Rear	Side or Rear	Side or Rear	Front, Side, Rear	Side or Rear	Front, Side, Rear
SIZE LIMIT <sup>4</sup>	No Limitation	50% up to 1,500 sf	50% up to 1,500 sf	50% up to 1,500 sf	50% up to 1,500 sf	50% up to 1,500 sf

1. In no case shall a detached ADU exceed the height the primary dwelling measured at the peak of the roof.

2. Minimum roof pitch shall be 4:12; maximum roof pitch shall be 12:12 .

3. ADU entrance/exit doors in side yards shall be set back 10' from side property lines for detached and attached ADUs.

4. ADU livable square footage cannot exceed 50% of the primary dwelling unit's livable space (parking and non-habitable storage areas shall not be counted).

(6) Affidavit.

- (a) All applications for ADU permits shall include a notarized affidavit, signed by the record owner of the property, that includes a description of the primary dwelling unit; an acknowledgement that the primary dwelling unit contains or will contain an accessory dwelling unit; a declaration of onsite owner occupancy of the primary or accessory dwelling unit and a statement that the ADU may only be used in accordance with the city's land use regulations. Change in ownership of the primary dwelling shall not require any additional zoning approval, but shall require an updated ADU permit, site inspection (if applicable), and signed affidavit.

(7) Inspection.

- (a) Prior to approval of an ADU permit, all required building permits shall be completed by the applicant and inspected by the city's building official or designee to verify compliance with all applicable city standards.
- (b) If no additional work is proposed or required to ready an ADU for occupancy, the applicant shall submit a minimum-fee building permit application, accompanied by an inspection by the city's building official, to ensure compliance with all applicable standards.

(8) Termination.

- (a) If the primary dwelling's record owner changes and is not accompanied by a new ADU application, or if the primary dwelling's record owner is no longer permanently residing in the primary dwelling, then the ADU shall be immediately vacated and shall no longer be used as an internal ADU. The city may revoke, or may choose to deny license renewal, to any property with unresolved violations of this code arising from or related to operation of an ADU. The city may also hold a lien against a property that contains an ADU that violated this chapter pursuant to the procedures detailed in UTAH CODE ANN. 10-9a-530(5), as amended.

ADU ORDINANCE UPDATE DISCUSSION ITEMS

ISSUE / QUESTION	CODE REFERENCE	DISCUSSION
Where a detached garage and ADU are in the same structure in residential and agricultural zones		<ul style="list-style-type: none"><li>▪ How should the setbacks apply?<ul style="list-style-type: none"><li>▸ Based on garage or ADU - stricter applies?</li><li>▸ Limit overall size of the garage?</li><li>▸ Does garage size count towards ADU square footage (clarification)</li></ul></li></ul>
Internal entrance to internal or attached ADU	Subsection (4)(e) Table 3.27.1 Footnote 3	<ul style="list-style-type: none"><li>▪ What building code issues apply?<ul style="list-style-type: none"><li>▸ Require fire separation or just a lockable door?</li></ul></li></ul>
Rear yard hard surface coverage regulation for a combination ADU / garage	Subsection (4)(k)	<ul style="list-style-type: none"><li>▪ ADU and accessory structure standards or typical residential rear yard hard surface coverage maximum?</li></ul>
Maximum height for combination ADU/garage	Subsection (5)(c)  Table 3.27.1 Maximum Height Limit for Detached ADU and Footnote 3	<ul style="list-style-type: none"><li>▪ Is the single story ADU height maximum of 16 feet appropriate?</li><li>▪ Is the 2-Story ADU height maximum of 25 feet appropriate?</li><li>▪ Is the standard residential accessory structure height maximum of 25 feet appropriate?</li><li>▪ Also consider the standard residential large-lot accessory structure height maximum of 30 feet. The agricultural zone (AE and A-1) maximum accessory structure height maximum is 25 feet, and the AE/A-1 large-lot maximum is 35 feet.</li></ul>
Detached ADUs that are part of a large accessory garage		<ul style="list-style-type: none"><li>▪ Should the location and orientation of the entrance be regulated like it is for standard detached ADUs?</li><li>▪ Should the ADU/large garage location be regulated?<ul style="list-style-type: none"><li>▸ Towards the middle of rear yard?</li><li>▸ Away from side and rear property lines?</li></ul></li></ul>
Proposal to move the detached ADU impervious surface coverage maximum to the setback table	Subsection (4)(k) & Table 3.27.1	<ul style="list-style-type: none"><li>▪ Move from Subsection (4)(k) to Table 3.27.1</li></ul>
Required ADU parking to be shown on site plan		
Should we require (or encourage) a pre-application site plan review	Subsection (3)	<ul style="list-style-type: none"><li>▪ We have had applicants/owners prepare engineered building plans before understanding ADU location and size regulations. Changing engineered building plans is expensive.</li></ul>
A driveway leading to and in the rear yard is typically reserved for access to accessory garage parking	Subsection (4)(g) and (h)	<ul style="list-style-type: none"><li>▪ If a driveway leading to an accessory garage that includes an internal ADU, should the required or additional ADU parking be allowed?</li></ul>
Single-story detached ADU height maximum and roof pitch requirements	Subsection (5)(c)  Table 3.27.1 Maximum Height Limit for Detached ADU and Footnote 3	<ul style="list-style-type: none"><li>▪ <u>Example</u>: A 700 square foot detached ADU (x feet wide) ends up with a height of 17.6 feet'. This can affect the quality of architectural design.</li><li>▪ Are we too restrictive and discouraging good design?</li></ul>

### CLINTON CITY PLANNING COMMISSION – LAND USE TRAINING PART 1

#### LUDMA 101

LUDMA (Land Use, Development, and Management Act) governs all planning and zoning decisions in Utah.

#### City Authority and Decisions

- What authority the City has
- What authority the City does *not* have
- What “legislative decision” means
- What “administrative decision” means
- Why consistency protects the City from lawsuits

#### GENERAL PLAN

#### Summary

- How the General Plan guides land use
- Why zoning must relate back to the plan
- How the plan is updated
- What future land use maps mean

#### PROCEDURAL OVERVIEW

#### A Walkthrough of:

- Development applications
- Staff review
- Planning Commission review
- Council review
- Appeal processes

#### WHERE THE COUNCIL FITS IN

#### Clarify

- When Council has decision-making authority
- When Council does not
- Why the Council must follow adopted plans and laws

#### PLANNING COMMISSION

Explain the role and how they partner with the Council.



**2267 N 1500 W  
Clinton UT 84015**

**Planning Commission Members**

***Dan Evans***

***Mark Gregersen***

***Dave Jones***

***Chad Hansen***

***Jennifer Christensen***

***Jennive Miller***

<b>Date of Meeting</b>	<b>September 18, 2025</b>	<b>Call to Order</b>	<b>6:01 pm.</b>
<b>Staff Present</b>	Community Development Director Peter Matson and Becky Smith recorded the minutes.		
<b>Attendees</b>	Lacy Richards, Mary Frederickson, Hannah Klebe, Kraig Butt, Scott Thompson, Lillian Ackley, April Ackley, Kellie Cowley, Arverd Taylor, Terry Tremen, Marie Dougherty, Leda Lechtenberg, Adam & Deanna Larsen, Jeramie Humphries, Sierra Coombs, Tim Gooch, Russell Arave, Mike Locker, and Walter		
<b>Prayer or Thought</b>	Commissioner Christensen		
<b>Pledge</b>	Commissioner Miller		
<b>Roll Call/Attendance</b>	Present were Commissioners Jennifer Christensen, Dan Evans, Mark Gregersen, Chad Hansen, and Jennive Miller. Commissioner Jones was absent.		
<b>Declaration of Conflicts</b>	None		
<b>PETITIONER:</b>	Lacy Richards from Nilson Homes		
<b>SUMMITTED BY:</b>	Peter Matsen, Community Development Director		
<b>DISCUSSION</b>	<b>AGENDA ITEM 1</b>  <b>Public Hearing: Review and possible action on a request from Nilson Homes to amend the Foothill Ditch LLC (Trail Point) annexation/development agreement for approximately 34.90 acres zoned R-M/PRD (Multi-Family Residential/Planned Residential Development) located at approximately 2088 North 4500 West. Amendments are proposed to the concept plan that decreases the density by reducing the number of townhome units. Modifications are also proposed to open space areas, trail amenities, architectural standards and sewer lift station improvements.</b>		

BACKGROUND INFORMATION: On August 27, 2024, the Council approved the annexation, RM/PRD rezone and annexation/development agreement for the Foothill Ditch (Trail Point) development in west Clinton. The Trail Point agreement includes a concept plan with details about street design, building architecture, open space amenities and landscaping. The Nilson (Trail’s Edge) Agreement proposes a similar approach outlined in the attached Agreement. The density and housing type breakdowns each Agreement are summarized below.

Trail Point

The existing concept plan includes 266 townhomes (157 front load and 109 rear load) and 75 single-family lots for a total of 341 units, which is a density of 9.77 units/acre. This plan includes approximately 19% accessible open space.

Trail’s Edge

This concept plan includes 190 townhomes (36 front-load, 58 rear-load and 96 on private drives) and 75 single-family lots (42 front-load, 12 rear-load and 24 on private drives) for a total of 265 units, which is a density of 7.59 units/acre. This plan includes approximately 15% accessible open space that includes public park and two HOA parks, a restroom, trail and amenities.

The Trail Point and Trail’s Edge concept plans are provided as [ATTACHMENT B](#) and [ATTACHMENT C](#). The street layout, open space configuration, housing types and trail connections highlight the differences between the two concept plans. A more detailed comparison of the two concept plan density, unit count and unit types are provided below. The table on the left provides a general breakdown of the two plans, and the table on the right provides a more detailed breakdown of the different single-family and townhome product types of the Trail’s Edge plan.

DISCUSSION AND ANALYSIS: The redlined version of the agreement changes ([ATTACHMENT D](#)) is extensive. Therefore, it is recommended that the Trail Point (Foothill Ditch) agreement be repealed and replaced by the Trail’s Edge (Nilson) Agreement, which is represented in the clean copy version – [ATTACHMENT E](#). A summary of the key provisions of the Trail’s Edge agreement is provided below. Housing type and architecture are provided as an exhibit in the Trail’s Edge Agreement. Summary of Key Highlights – Trails Edge Agreement (Nilson Holdings) Sections

- Section 2 (Vesting): A fixed base residential density of 8 units per acre; no explicit bonus density mechanism; administrative approval for minor changes; reserved police powers remain.
- Section 3 (Owner Association): A 50% owner-occupancy deed restriction applies for the first 10 years, enforced by the HOA; City controls HOA dissolution votes for this period.

- Section 4 (Development Obligations): Detailed design standards including material minimums, building heights (35' for homes, 20' for outbuildings), setback requirements, and flexible color usage; added asphalt surface to Emigration Trail; restrooms cost cap with possible cost-sharing; HOA responsible for open space maintenance; comprehensive parking rules.
- Section 5 (Phasing): Phasing dictated by market demand with the necessity of equitable infrastructure provision.
- Section 6 (Transfer of Units): Developer may transfer project parts to sub-developers, with clear stipulations for assumption of duties and rights, and options for remedying defaults.
- Section 7 (System Infrastructure & Reimbursement): Lift station upgrades funded on a per permit basis via impact fees; city to reimburse developer for approved improvements; limits on forced upsizing.
- Section 8 (Permits & Bonding): Commitments for timely permit issuance; bonding via letters of credit.
- Section 9 (Remedies & Enforcement): Detailed cure and remedy provisions; force majeure included with certain exceptions; flexibility for cure period extensions.
- Section 10 (General Provisions): Maintenance of traditional legal and procedural safeguards, including notice requirements, governing law, and integration clause. A more detailed description of the agreements and proposed changes is provided as [ATTACHMENT F](#), which compares each substantive article/section of the agreements with highlights of the differences. City staff are still reviewing the details of the proposed Nilson Agreement. As recommended substantive changes come in prior to the meeting, updates will be provided via email.

Commissioner Evans stated that he noticed that the current proposal has a lot more open space compared to the proposed being presented tonight. He was curious about what changes were made that caused that.

Mr. Matson advised when you decrease the density often times, with the increase of the single-family homes, the occupied space of those units and yards take up more space, which does not allow a higher percentage of open space.

Commissioner Evans asked if there is going to be a public park in the current proposal.

Mr. Matson advised yes.

Commissioner Christensen asked what is the percentage of the decrease of open space?

Mr. Matson advised it is approximately 19%. The Trail Point has 15%. Clinton city code requirement is at least 7.5% of usable open space, accessible to the residents within 1,000 feet of every door step.

Commissioner Hansen asked if the City Council has been collaborating with the developer to produce this agreement?

Mr. Matson advised there has been some Council members involved in the discussions.

Commissioner Hansen asked if the Planning Commissions duty tonight is to make sure the proposal complies with code?

Mr. Matson advised yes.

Commissioner Christensen asked about the terminology regarding the statement of the city controls the HOA dissolution quotes, asked if that could be explained a little bit?

Mr. Matson advised it is not as much as a concern with a project of this size, but some of the smaller projects in the past have chosen to dissolve their HOA and quit maintaining some of the improvements which may have been part of the City's approval. This will be a protection so the HOA cannot dissolve without the City's approval.

Commissioner Evans asked if this proposal states that 50% of the townhomes will be owner occupied. Wondering how that would fit into what the city recommends?

Commissioner Hansen said he does not think it is, because in the last meeting he asked if they could set a mandate on the number of homes that had to remain owner occupied and was told no.

Mr. Matson advised there is a provision in the code stating they can mandate that 50% of the townhomes maintain owner occupied, as well as a 10-year deed restriction.

Commissioner Christensen asked if there is already an existing agreement with the city, what is the interest in this proposal coming before the commission tonight?

Mr. Matson advised since there was a referendum, there were several council members that wanted to see if there was another developer that would re-examine



this project. To see if the density and number of town homes could be reduced and still make it a financially viable project for the developer.

Commissioner Gregersen revisited the question regarding whether we must approve this proposal if it complies with the ordinance. He believed since it is a development agreement it is a legislative decision, and since the Commission is not the legislative body, we do make a recommendation to the Council about whether to adopt this or not. In that respect we are making a recommendation as to the legislative decision on whether it is considered in the public good or not. Then there is an addition of nuance in this case that there is an existing agreement in place that the City Council has adopted as a legislative decision, then our task is to decide whether we think the new proposed agreement is more in the public's interest than the existing one such that we would want to recommend it for adoption to the City Council. He then asked Mr. Matson if that was accurate.

Mr. Matson advised yes.

Mrs. Richardson, a Nilsen Home Representative, would like to express gratitude for all the help the elected officials have given in producing something that is in more harmony with what the community desires. With city staff and elected officials, and with parking lot meetings with citizens, they received feedback which helped reflect what the community would like to see for this project. The new concept plan significantly reduces density by decreasing the number of town homes, which will be a better fit for the community.

Commissioner Gregersen advised while looking at the proposed development agreement, it says there will be no restrictions on color. Normally, within the city there is a prairie, color scheme, wondering if this new development agreement gives you a broader freedom in this area, than exists in the previous agreement.

Mrs. Richardson advised yes, that is fair to say. They like to have flexibility in the market. They are trying to reserve the opportunity to adapt to new styles as they come out, with that being said, they like to give people the opportunity but will not do anything that people will not like.

Commissioner Gregersen asked if it was contemplated that the CCR's would require uniformity in the color of the single-family dwellings.

Mr. Richardson advised no. Since Nilson Homes are the developer and the builder, they lay out will be cohesive with colors, exterior finishes, and designs that work together as a community, they mix and match and do it cohesively with architectural consultation.

Commissioner Gregersen asked if the development agreement that is in place now has a limit of different housing in here, the prior agreement states that if the

developer wants to sell off a portion it would require the approval of the city. The new proposed agreement appears to remove that portion, could you please address that?

Mrs. Richardson advised typically we keep all lots since they are the developer and the builder. There have, however, been instances where it has made sense to sell a portion to a builder who specializes in a certain type of housing. She advised if that is a concern she does not see a problem with incorporating that back into the agreement.

Commissioner Gregersen advised the state has statutes that they are passing on affordable housing, or modern income housing. They impose penalties on cities if they deem the city not to be following those statutes. Does this development that is being proposed tonight help the city comply with the criteria which the state outlines for the city to earn back various extra items, like funding for transportation or things of that nature?

Mr. Matson advised the original plan that was made back in 2021, we were required to choose from a list of strategies that were listed in state law. One of those was working towards modifying city regulations/provisions that promote the construction of modern income housing. In that sense it is broadly defined, in our context it was anything that had a common wall attached, was deemed to be more in line with that. Each year we must do a report to the state on how we are progressing towards those goals and meeting those strategies. As time has progressed in these newer projects that came on board and were reviewed and approved, we include that information in our reports, supplying that to the state.

Commissioner Miller questioned what Nilson Homes time frame would be for this project. Do owners come in and purchase or are you using spec homes?

Mrs. Richardson advised they are 100% spec homes.

Commissioner Miller asked what Nilson Homes do for vacant/empty homes?

Mrs. Richardson advised there is flexibility in colors, materials. We are a 100% quick move in model that allows them to follow the market trends.

Commissioner Christensen advised she knows that it has been advertised that the materials used in the more expensive homes and the materials used in the less expensive homes are the same. Is that something that will be available here?

Mrs. Richardson advised as a general principal they do keep similar materials across all homes. We have projects that have a broader range of homes. Some projects do have senior living, town homes, and everything in between. This project has two major product categories, single family detached and the townhomes, so

there will be different products available, but in general they keep things similar to keep the contractors going and so there is less room for confusion.

Commissioner Christensen inquired will there be any promotions available in this project like hero housing, or different advertising programs for different demographics conceptually what might you envision for this neighborhood?

Mrs. Richardson advised in previous communities they had a priority pre-sell period before they hit the open market or were listed on the MLS. We gave priority to active-duty military members, fire fighters, police officers, any first responders, teachers, first time homebuyers. That is something that they will look at and see which best will apply to this project.

Commissioner Evans asked for clarification on what drives which home will be built first?

Mrs. Richardson advised a lot of it depends on the lot dimensions, and the orientation of the home whether its front loaded from the public road or rear loaded from the private drives, and the market acceptance.

Commissioner Evans inquired about the spec homes, does Nilson Homes decide what the company thinks will sell to the public.

Mrs. Richardson advised yes at first. If for some reason, it is not highly sought after and everyone says they would rather have this, they will switch to what is requested.

Commissioner Miller asked what are the options for customizations in your homes?

Mrs. Richardson advised you could choose this one or the other.

Commissioner Hansen asked what the price range will be in this development?

Mrs. Richardson advised it depends on where the market is.

Commissioner Christensen asked in terms of livability what will this development feel like compared to something like Daybreak with that high of density?

Mrs. Richardson advised that with that high density you must have all town homes, apartments, stacked flats, condominiums, especially if you are going to have any open space at all like you see with HOA parks and public parks. It would be difficult to get single family detached included. You would land about 13ish.

Commissioner Hansen asked if the private drive will be 20 feet. Questioned if two trucks would even be able to pass each other in 20 feet? Then on garbage day when trash cans are on the side of the road, he could see even more difficulty.

Mrs. Richardson advised there is a provision that everyone will need to bring their garbage cans to the public street.

Commissioners Hansen and Evans discussed that garbage trucks will not go down a private street, both agreeing that 20 feet would make this a tight fit.

Mrs. Richardson advised the driveway is more of a shared driveway. In other communities they have had good success when using them. That is a concern she will take back to the team and see if that is something other people are having issues with.

Commissioner Evans expressed concern about people having to drag their trash cans out there after it has snowed.

Mrs. Richardson stated the private drives will be maintained by the HOA, they provide snow storage at the end of the private drives so the snow will be pushed all the way through.

Commissioner Evans questioned on the last concept the utilities were going to be up front instead of the alley ways, has there been any further discussion on this?

Mrs. Richardson advised that she will talk to their engineer regarding that. They do have experience with the utilities being in the alley and it is working fine. She will take that back to the engineer.

Chair Evans opened the Public Hearing opened the public hearing at 6:51pm.

Arverd Taylor questioned if we are making this development affordable housing, why make it owner occupied? Gave examples of a similar development that was proposed while he was on the commission. It met all the ordinances and was passed. Now there are parking issues that cannot be fixed and expressed concern this development will be the same way. He also expressed concerns regarding HOAs, raising their fees, which could price it right out of people's price range, and turning the development into a rental district. Mr. Taylor would like Clinton to be somewhere he looks back on and is glad he was a resident. He stated it is our obligation and responsibility to make Clinton better than what we have. He concluded by saying this plan is a lot better than the previous plan, but he still has concerns about traffic, parking, longevity, and being owner occupied.

Russell Harvey stated he believes this new proposal is brought up because it meets more of what the citizens that signed the petition, which did not want this proposal

in the first place, this fits with more of what the citizens want. He sees where there is less green space, but it is used better. Questioning if the access will be better with this proposal? He is concerned with the amount of traffic this will generate. He advised this looks compressed looks like a dead-end street, a dead in section. Better than the first proposal, but he is still concerned about access in and out.

Deanna Larsen advised they were not against the townhomes they were against the sheer number of the townhomes in the last proposal. She thanked Nilson Homes for making this proposal better, stating that even though it is better there is still room for improvement. She stated she is concerned Clinton does not have the infrastructure to support this growth. Expressed concerned about playground stipulations, the size, will it accommodate the number of kids living there so that they will have a decent place to play? Asked how long will the people living in the townhomes have to wait for the playground to be installed? Concerned about single car garages and single car driveways, if the homeowners have kids, the garages will be used for storage. Where will additional cars park at that point? Stated in other townhome communities they have parking stalls at the end of the unit for a second place to park; she does not see that option in this proposal. These are supposed to be moderate income housing; HOA fees have been known to increase as the years go by; she is afraid people will not be able to afford the upkeep on the homes as these fee's raise.

Kraig Butt lives north of project, he thanked Nilsen Homes saying this is an improvement from the last proposal. He is still concerned about whether the driveway lengths are going to be sufficient. Is parking allowed on the public streets? Is the access to the south, going through West Point, are those public roads or private roads? Is there some sort of agreement that allows that? The west access is a two-way road and he wondered how traffic flow will be managed. Will there be visitor parking or open space parking?

Mary Fredrickson asked if it is possible for us to build condominiums. Are there ordinances against that?

Mr. Matson advised no there are not any ordinances against condos. They are not built very often because of the cost and uncertainty, the condominium laws at the state level affect this. It is a deterrent to the builders to construct them as well as a liability to engineers.

Mary Fredrickson advised logically it makes sense higher density makes more money. Land is so expensive so if you can build up, the builder may be able to do more affordable housing.

Mr. Matson advised that our code does not allow stacked family dwellings, only side by side attached. A maximum density of 12 units to the acre.

Mary Fredrickson expressed concerns about Clinton being an aging community, if can be done affordable a senior community would be owed to the seniors.

Leda Lechtenberg expressed they have a new driver at their house as well as kids on bikes what do the sidewalks look like? Wondering if the alley way will have sidewalks. The length of driveway is a concern; with young drivers this could become quite an issue.

Terry Tremen was looking at the development obligations. The city will be given a public park. Who pays for the development of park. The developer? He did not see it outlined in the obligations.

Hannah Klebe also thanked Nilson Homes advising this concept is so much better than the last one. Her concern lies with private roads. Asking if that is a dead end? Expressed concerned about private drives and wondered if the emergency vehicles would be able to get to the citizens and out of the development easily. She wondered if private roads are allowed in Clinton City codes?

Mr. Matson advised yes, they do meet city standards, for the previsions that the city has put in the code for the length and width's go. They are not to be any longer than 150 feet, the Fire Marshall reviewed the code provisions, 20-foot width is accessible for emergency vehicles.

Hannah Klebe advised she is aware of some HOA's limiting the number of vehicles you can have, which is a worry of hers, it will be limiting the number and age of families that can live there.

Susan Canova spoke about how difficult it is for young families to be able to afford a home and has seen where two couples are going together to buy a home. This doubles the number of cars at home and where those cars are going to park, she also stated her greatest concern is where the children going to be going to be educated. The class rooms are already overcrowded.

Chair Evans closed the public hearing at 7:20pm. Then asked Mrs. Richardson if she would like a chance to answer the questions from the citizens.

Mrs. Richardson advised she would like Mike to talk about the deed restrictions questions as he is an expert on those.

Mr. Mike Ostermiller, who is legal counsel for Nilson Homes, advised he has been practicing law here for 10 years and this is a new concept for the builder to place these restrictions. He does not believe that there are any other deed restrictions in Clinton city, or in Davis County. This will help with the fear everyone has about developments like this becoming a large-scale rental community. The 10-year deed restriction limits solve that. It will be the HOA that will enforce that 10-year deed

restriction, which will make them impose and enforce the number of rentals allowed.

Commission Hansen is it legal to raise the percentage of ownership? This has been discussed before.

Mike Ostermiller advised this restriction is pushing the HOA to a brand new to state. We do not know what will hold up if challenged but is confident that it will hold up if challenged. Same with the 50% rental limitation in CCR's.

Commissioner Christensen 10-year deed registration, the 50% owner occupancy is this a perpetuity?

Mr. Ostermiller advised yes, it is in addition too.

Commissioner Miller asked if Nilson Homes will be running the HOA?

Mr. Ostermiller advised yes until the development is full. Then the homeowners will run it.

Commissioner Miller asked Mr. Ostermiller, is there something written in the CCRs or the bylaws that will keep the fees from going up?

Mr. Ostermiller said when Nelson Homes is in control of the HOA's then they have control of that. But once that authority reverts to homeowners it is up to the homeowners to make that decision. There are state laws that apply, saying you must go through a certain process to raise the dues. It does have to follow those laws. It really is up to the homeowners to make that decision once the development is done.

Commissioner Christensen asked can the homeowners change the bylaws to the 50%?

Mr. Ostermiller said in his experience when it is stated that legally there can only be up to 50%, that can never be changed. But, he says it practically never happens because the homeowners in the development are saying no.

Commission Evans advised the city does have a majority stake in HOA. The city can veto the changes.

Mr. Matson advised it is the council review and discretion.

Commissioner Hansen asked if that 50% is for townhomes and single-family dwellings?

Mr. Ostermiller said yes it would be for the entire project. We do this for a profit. If our only was to maximize property, we would have just submitted an application under the old, approved proposal. It is important for people to know we listen to what the citizens were saying and tried very hard to build it like they wanted even when it was not in Nilson Homes best interest.

Mrs. Richardson advised there are off-street parking in this proposal, 53 stalls. There will be no on street parking on the public loop street. In the development agreement they have agreed to minimum parking standards such as there will be off street parking on the driveways. The driveways will be 22 feet long on a public road, and a driveway a minimum of 20 off the private drive.

Commissioner Evans asked, does that driveway length includes sidewalk or does not include the sidewalk?

Mrs. Richardson advised behind sidewalk.

Commissioner Miller asked if the road coming out of the loop road will be public or private.

Mrs. Richardson advised this is in negotiations to be a public road by storage units on the north side of 1800.

Commissioner Miller asked if that makes 3 entrances and exits into the development.

Mrs. Richardson advised yes.

Commissioner Miller and Hansen asked if the fire department has looked at this design.

Mr. Matson advised yes.

Commissioner Evans advised the only other question left to address was about sidewalks.

Mrs. Richardson asked Mr. Matson to go to the right of way document and advised the sidewalks are hard to see, but they are on the plans.

Commissioner Evans asked if the private drives would have sidewalks.

Mrs. Richardson advised no, private drives will not.

Mrs. Richardson addressed the park development question. Yes, the developer will be installing the park, and they will hand the maintenance of the park over to the



city once completed. The HOA will maintain the private park. The park will have commercial grade playground equipment; there will also be a picnic pavilion as well as a restroom.

Commissioner Evans asked for a timeline of when the playground will be completed.

Mrs. Richardson advised this will be phased with the adjacent residential development so it can be constructed when the utilities are available.

Commissioner's Hanson and Millers each had questions about how the phases will be determined, and/or built.

Mrs. Richardson advised that it has not been decided yet.

Commissioner Christensen inquired what are the expectations of the life cycle of this development?

Mrs. Richardson said Nilson Homes is a local home-grown builder and that if they do not build to retain their integrity that would be bad for business. That is a component in the design, as well as in the materials that are used. That is one of the reasons they have the HOA's professionally managed.

Commissioner Christensen questioned Mrs. Richardson about the multiple concerns heard from citizens on emergency access points. Are there enough emergency access points?

Mrs. Richardson advised the fire district has not expressed any concerns. Safety code has been taken into consideration and has been approved.

Commissioner Christensen asked if there is a realistic expectation of when the snow will be removed after a storm.

Mrs. Richardson said that is in the contract with the specific provider.

Commissioner Christensen asked about the aging population. Will there be units that can accommodate intergenerational housing?

Mrs. Richardson advised they are not planning any age restrictive units at this point in time. Trying to set up a community that is walkable, amenities close by for various stages of life, as well as purchasing power.

Commissioner Christensen addressed the concern that multiple families may be purchasing these homes together since they may not be affordable as a starter

home. Will there be restrictions in terms of occupancy? Would there be opportunities that multiple families will be buying a home together?

Mrs. Richardson advised that it come down to a city ordinance. HOA's try to address that. Reality of the housing market is hard right now. The one thing that can be managed is parking and upkeep of yards. The best way to keep that in control is with the upkeep of parking.

Commissioner Christensen asked if the HOA would be navigating the number of cars at each unit, potentially parked on the sidewalk?

Mrs. Richardson said yes, that is correct.

Commissioner Christensen advised the number of units was still an issue. It was her understanding that this is a 22.29% reduction in units from the plan that is already in place. Is that correct?

Mrs. Richardson advised yes, they did not want to build the plan that was in place because they honestly thought it was a little tight too.

Commissioner Christensen asked if this development meets the recommendations for the missing middle housing?

Mrs. Richardson advised missing middle housing is a term that everyone has a different definition for. It depends on who you talk to, Nilson Homes feels it met that with a townhome or a small lot single family.

Commissioner Christensen stated that citizens expressed concerns about the infrastructure within the city and about 1800 North, what has Nilson Homes done to help that?

Mrs. Richardson advised there have been multiple in-depth conversations with West Point and Clinton City regarding this. There will be off-site improvements, upgrading the sewer lift capacity. West Point will require improvements on the frontage facing 4500 as it comes south bound to that parcel. Nilson Homes will meet all the requirements.

Commissioner Hansen questioned if the density on this proposal is the final product or is there any room to remove more.

Mrs. Richardson said this is it for us.

Commissioner Hansen asked if they do not recommend this, will it go back to the original agreement, or will another developer be allowed to come in?

Mr. Matson said if Nilsen Homes is not approved or proposed to be modified and the existing agreement and concept plan will still be in place. The owner of that could continue with that plan, assign it to another developer to build the existing plan, or they could propose another modification.

Commissioner Hansen asked if there is a time limit on this? If this is denied, will the original automatically go through and proceed?

Mr. Matson advised with zoning, site plan review there are time limits but at this point with a development agreement and a concept plan there are no time limits.

Commissioner Christensen asked if either Mrs. Richardson or Mr. Matson could they please give an idea of when going from a density of 9.77 to 7.59 how many people would that be?

Mrs. Richardson said it depends on how many people are living in each home. It will be a significant decrease about 80ish people.

Commissioner Christensen clarified why the new proposal is being brought forward tonight.

Commissioner Gregersen advised what is being proposed would take the place of the existing plan through consent. One would replace the other one with the consent of the contracting companies.

Commissioner Evans advised that is what they have been working on with Nilson Homes.

Commissioner Christensen asked if we must assume all these conversations have taken place and everyone has given their consent.

Commissioner Gregersen advised this replaces an existing development agreement in writing with a new proposal to replace the original in writing.

Commissioner Christensen asked who is the current land owner?

Mr. Matson advised it is the same entity it has been from the beginning Foothill Ditch LLC and Terraform Development.

Commissioner Christensen asked when a commissioner makes a motion can, we add additional considerations?

Commissioners Gregersen, Evans and Mr. Matson advised yes, they could recommend that the City Council take into consideration these additional considerations.

<b>Conclusion and Motion</b>	Commissioner Gregersen made the motion to recommend to the City Council adoption of Resolution 10-25 ( <a href="#">ATTACHMENT A</a> ) approving the request from Nilson Homes to replace the Foothill Ditch LLC Trail Point annexation/development agreement for approximately 34.90 acres zoned R-M/PRD with the Agreement for the Development of Land between Clinton City and Nilson Land Holdings, LLC. Commissioner Christensen has seconded the motion. Voting is as follows: Commissioner Miller, aye; Commissioner Hansen, aye; Commissioner Gregersen, aye; Commissioner Christensen, aye; Chair Evans, aye.
<b>COMMISSIONERS REPORT</b>	<ul style="list-style-type: none"> <li>• Does anyone have Christmas Party dinner ideas?</li> <li>• Secret Santa ideas</li> </ul>
<b>DIRECTORS REPORT</b>	<ul style="list-style-type: none"> <li>• Next meeting will be October 2<sup>nd</sup>. There are currently no formal agenda items.</li> <li>• There will be another public outreach event, it is on October 16<sup>th</sup> with an open house art gallery at the community center. There will also be a food truck round up.</li> </ul>
<b>ADJOURNMENT</b>	<b><i>Commissioner Hansen moved to adjourn. Commissioner Miller seconded the motion. Voting is as follows; Commissioner Miller, aye; Commissioner Hansen, aye; Commissioner Gregersen, aye; Commissioner Christensen, aye; Commissioner Evans, aye. The meeting adjourned at 8:03pm.</i></b>

*Reviewed and Approved by the  
Clinton City Planning  
Commission on this 5<sup>th</sup> day of  
February 2025*