

The City of Clinton, Utah



# Proposition Information Pamphlet

*For the referendum that has been filed against Ordinance 24-04Z an ordinance based upon a request by the property owners Foothill Ditch LLC and Terraform Development LLC, to change the zoning of 34.90 acres to RM/PRUD and amend the zoning map of Clinton city.*

**This pamphlet includes the following:**

1. A copy of the referendum application
2. An argument submitted by the sponsors
3. An argument submitted by the local government
4. A copy of the Fiscal and Legal Impact Statement provided by the City Attorney and Budget Officer

RECEIVED

AUG 30, 2024

BY: *Lia Linton*  
Recorder

**ORDINANCE NO. 24-04Z  
REZONE**

AN ORDINANCE BASED UPON A REQUEST BY THE PROPERTY OWNERS  
FOOTHILL DITCH LLC AND TERRAFORM DEVELOPMENT LLC, TO CHANGE THE  
ZONING OF 34.90 ACRES TO R-M/PRUD AND AMEND THE ZONING MAP OF  
CLINTON CITY

**WHEREAS,** Clinton City has established a standard for land use and land use density through its zoning powers; and,

**WHEREAS,** The Clinton City Planning Commission has convened a public hearing and based upon established planning principles and public input forwarded a recommendation to the City Council

**NOW**  
**THEREFORE,** BE IT ORDAINED BY THE CITY COUNCIL OF CLINTON CITY, DAVIS COUNTY, STATE OF UTAH:

**BY MOTION** The Clinton City Council voted to adopt this petition for rezone.

**SECTION 1. Petition**

Petitioner has requested the property located at approximately 2088 North 4500 West more accurately described below shall be to R-M/PRD (Multi-Family Residential/Planned Residential Development) based upon the request from the stated property owners.

**SECTION 2. Legal Description**

A portion of the NE1/4 of Section 30, Township 5 North, Range 2 West, Salt Lake Base and Meridian, Davis County, Utah, more particularly described as follows:

Beginning at the Southeast corner of Lot 5, DAVIS FARMS WEST NO. 2 Subdivision according to the official plat thereof on file in the office of the Davis County Recorder, located N89°56'58"E (Davis County Surveyor's NAD 83 Bearing S89°39'01"E) along the section line 811.74 feet and South 1322.01 feet from the North 1/4 Corner of Section 30, T5N, R2W, SLB&M; thence S89°57'24"W along the South line of said Lot 875.96 feet to a rebar and cap stamped "Gardner Engineering" marking the Southwest Corner of said Lot; thence N0°04'40"E along the West line of said Lot 100.05 feet to a rebar and cap stamped "Gardner Engineering" marking the Northwest corner of said Lot; thence N89°57'24"E along the North line of said Lot 858.28 feet to the Northeast corner of said Lot; thence along the East line of said Plat the following five (5) courses and distances: (1) N8°04'08"W 558.97 feet; (2) N10°01'04"W 88.72 feet; (3) N13°11'36"W 76.02 feet; (4) N27°18'52"W 112.58 feet; (5) N45°57'15"W 266.43 feet to that Real Property as described in Entry No. 888695 of the official records of the Davis County Recorder; thence along said deed the following three (3) courses and distances: (1) N39°04'41"E 22.77 feet to a rebar and cap stamped "PLS 356548"; (2) N39°44'03"W 136.18 feet; (3) N39°56'58"E 97.19 feet to the Southwest Corner of that Real Property as described in Entry No. 872731 of the official records of the Davis County Recorder; thence S69°17'03"E along said deed 2101.18 feet to a rebar and cap stamped "PLS 356548"; thence S3°31'47"W along 480.30 feet to a rebar and cap stamped "PLS 356548" and a fence line; thence along said fence line the following two (2) courses & distances: (1) S89°57'47"W 1027.52 feet to a

fence corner; (2) S0°10'42"W 73.25 feet to the corporate limits of West Point City; thence S89°56'53"W along said corporate limits 525.76 feet to the point of beginning.

Contains: 34.902 Acres

### **SECTION 3. Map**

A map is attached to the ordinance by reference, however if a discrepancy exists between the map and legal description the legal description takes precedence.

### **SECTION 4. Planning Commission Action**

Reviewed in a public hearing the 27th day of June 2024, by the Clinton City Planning Commission and recommended for approval through a motion passed by a majority of the members of the Commission based upon the following findings.

#### **For Favorable Action (Adoption):**

- General Plan, Compliance
- City Utilities, Compatible

**SECTION 5. Severability.** In the event that any provision of this Ordinance is declared invalid for any reason, the remaining provisions shall remain in effect.

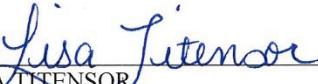
**SECTION 6. Effective date.** This ordinance shall be recorded and become effective upon the date of posting indicated below.

PASSED AND ORDERED RECORDED AND POSTED by the Council of Clinton City, Utah, this 27 day of August 2024.

June 14, 2024  
NOTICE PUBLISHED

  
BRANDON STANGER  
MAYOR

ATTEST:

  
LISA TTENOR  
CITY RECORDER



Posted: 8/28/24

## Application for Referendum

Utah Code §20A-7-202

No signature gatherers will receive any payment for their services.

### Sponsor Statement

I, Kristin Michele Stoker affirm that I am registered to vote in Utah

2038 N 3300 W

Resident's Address

KristinM Stoker

Sponsor's Signature

Clinton, UT 84015

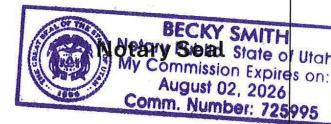
City, State, Zip

801-510-1770

Phone Number

Kristin1021@msh.com

Email Address



Subscribed and affirmed before me this 30 day of August, 2024.

by

Becky Smith

Notary Public

### Sponsor Statement

I, Karrie Ann Nyre affirm that I am registered to vote in Utah

2021 N. 3380 W.

Resident's Address

Karrie A Nyre

Sponsor's Signature

Clinton, UT 84015

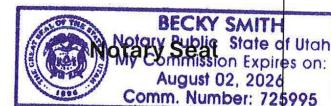
City, State, Zip

801-776-8402

Phone Number

Karandco@yahoo.com

Email Address



Subscribed and affirmed before me this 30 day of August, 2024.

by

Becky Smith

Notary Public

Sponsor Statement

I, Shalese Cerniglia affirm that I am registered to vote in Utah

2037 N 3300 W

Resident's Address

Shalese Cerniglia

Sponsor's Signature

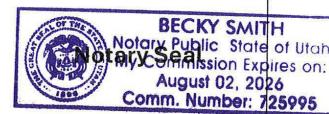
Clinton, Utah 84015 414-617-9828

City, State, Zip

Phone Number

northstar184b@gmail.com

Email Address



Subscribed and affirmed before me this 30 day of August, 2024.

by

Becky Smith

Notary Public

Sponsor Statement

I, ROBERT JAMES CERNILLA affirm that I am registered to vote in Utah

2037 N. 3300 W

Resident's Address

RSJ

Sponsor's Signature

CLINTON, UT 84015

City, State, Zip

414-617-5184

Phone Number

northstar184@yahoo.com

Email Address



Subscribed and affirmed before me this 30 day of August, 2024.

by

Becky Smith

Notary Public

Sponsor Statement

I, Sierra Brianne Coombs affirm that I am registered to vote in Utah

2093 N. 3300 W.

Resident's Address

Sierra Brianne Coombs

Sponsor's Signature

Clinton, Utah, 84015

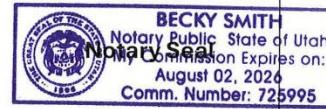
City, State, Zip

801-549-7217

Phone Number

sierrabcoombs@gmail.com

Email Address



Subscribed and affirmed before me this 30 day of August, 2024.

by

Becky Smith

Notary Public

## Statement in Support of Referenda

Vote to overturn the rezone.

In August 2024, the Clinton City Council approved the largest townhome project in Clinton's history with a narrow 3-2 vote. They rezoned 34.9 acres for 341 housing units, primarily multi-unit townhomes. This decision was made despite disapproval from the Clinton City Planning Commission and without updating the city's General Plan, which would have involved more public input and a comprehensive development strategy.

During public hearings, many residents voiced concerns, noting this was Clinton's third townhome project approved this year, and questioned its benefits. The council's generic responses such as "We need this for our children" and "We have a housing shortage" caused attendees to conclude the council acted merely to check a box instead of diligently studying out the best use for the land.

We share the council's concern about the housing shortage, but townhomes, only slightly cheaper than Clinton's average home value, aren't the only viable solution. Small-lot single-family homes, without HOA fees and fancy amenities, address the shortage with better long-term results. The way we grow matters.

This rezone prioritizes developer profit over the needs of aspiring homeowners. This project was not planned to maintain Clinton's appeal or reduce home prices.

It appears much of the decision-making on this project occurred behind closed doors. The developers were well-represented, but who is advocating for Clinton residents?

This raises important questions:

- Do our children need \$430,000+ townhomes, or do they need basic starter homes they can afford?
- Should we prioritize expensive townhomes when Weber County negotiated single-family homes starting at \$330,000 utilizing state strategies that Clinton didn't even try to implement?
- Do we really need 456 townhomes on one corner, in addition to the 177 townhomes already approved to be built near 2000 West?
- Are we prepared for increased local traffic, longer commutes, and more overcrowding in our schools?
- Must we enthusiastically accept 9.77 units per acre, just because it's not something of even greater density? Shouldn't we advocate for a better outcome?

- Why was the entire 34.9 acres zoned for residential multifamily housing? Couldn't portions have been designated for patio homes or small-lot single-family homes without an HOA? Given the proximity to the new highway, shouldn't the city council explore commercial or office uses for this land that could generate more revenue and lessen the tax burden on homeowners?
- Can we justify overextending our fire and police departments when the associated property taxes won't cover the costs of serving this development?
- Is it appropriate to alter our city's character if it doesn't improve home affordability?

The city council's rezoning decisions, continuously bypassing best practices, have set a troubling precedent. Rezoning should align with a strong General Plan, but this entire rezone contradicts Clinton's existing plan. Our city's future depends on smart, transparent planning. We cannot afford to remain passive. If we let this go unchecked, what will Clinton look like 1, 5, and 10 years from now?

Vote to overturn the rezone and send the city council back to the drawing board.

## **Statement in Opposition of Referenda**

On behalf of Clinton City, I am writing to express support for keeping Ordinance No. 24-04z as passed and continuing with this development process. As a resident who cares deeply about the future of our city, I believe that this project presents significant benefits to our community and represents a responsible approach to growth. This project aligns well with the West Davis Highway transportation corridor. The current mixture of small lot single family homes and townhomes fit better in this area than large lots. Bigger homes prefer not to be near highways and commercial and industrial uses.

Ordinance No. 24-04z is a re-zone request for 34.90 acres at 2088 North 4500 West in Clinton changing the zoning to residential multi-family/planned residential development (R-M/PRD). Clinton City code 28-15-1 states that “the purpose of the R-M zone is to provide medium-density attached or detached dwelling units (townhomes, twin homes, small-lot single family) while providing usable, accessible open space and preserving the hometown feel of Clinton. As a city, we feel that this zoning request fulfills the purpose and intent of the R-M zone and keeps open space for the community.

The Clinton City General Plan was last updated in 2014. Since then, there have been multiple general plan amendments. Every new development that does not align with the 2014 guidelines becomes an amendment to the General Plan. In 2022 the Utah State Legislature passed HB 462, which required cities to update the General Plan with a Moderate-income housing plan. Clinton City passed resolution No. 01-23 amending the housing plan of the General Plan and adopting the Moderate-income housing plan.

The Moderate-Income housing plan lists strategies to provide housing for those who earn less than 80% of the area median income. On huduser.gov it lists Davis County area median income as \$110,400. The Moderate-Income housing plan for Clinton City lists strategy one as rezoning for densities necessary to facilitate the production of moderate-income homes. The first implementation action listed is to examine the possibility of medium density in the West Clinton annexation area. The second implementation action is a staff review of the RM zone and preparing alternatives. As a city, we passed ordinance 24-01z the planned residential overlay zone. This zoning allows for any developer to reach a medium density of twelve units to the acre by providing open space and amenities to the community.

This rezone request falls in line with Clinton City's general plan update on moderate-income housing. The zoning is in line with Clinton Code 28-7 planned residential development. This development is medium density with less than ten units per acre. It provides lots of usable open space and a dedicated two-acre park for Clinton City. As a city, please consider opposing the referenda. Let's plan for economic growth and diversity in housing options.

***Fiscal and Legal Impact Statement Regarding Petition for Referendum to Repeal  
Clinton City Ordinance 24-04Z re-zoning 34.90 acres of real property  
to Residential, Multi-Family (R-M)***

***Summary Explanation***

On August 27, 2024, the Clinton City Council passed Ordinance 24-04Z re-zoning 34.90 acres of real property to Residential, Multi-Family (R-M). Plans have been submitted to the City to develop the property. New development increases the amount of taxes that the City receives from property taxes, sales taxes, and energy taxes. New development also increases the cost of providing municipal services. Assessing estimates of all the potential revenue that may be received from the development of the property, and the cost associated with providing municipal services, the City believes that repealing Ordinance 24-04Z may result in the loss of annual revenue to the City in the \$221,000 to \$295,000 range.

***Fiscal Impact***

It is estimated that the total fiscal impact of repealing the ordinance could be a net loss of up to \$295,000 in tax revenue.

The proposed development could result in an estimated increase in annual sales tax revenue to the City of between \$221,000 and \$295,000. Revenue from property taxes is estimated to increase between \$93,000 to \$135,000 annually, with the cost of providing service projected to be between \$93,000 to \$135,000, completely offsetting revenue. The estimated loss in sales tax revenue does not contemplate other expenses that might be incurred to account for infrastructure needs resulting from increased residences, nor does it differentiate between sales tax revenue from residents of Clinton as opposed to sales tax revenue from visitors to Clinton.

It is not contemplated that repealing the law would result in the issuance of bonds or a change in the status of bonds, notes or any debt instruments, and therefore there is no contemplated increase or decrease in public debt.

It is contemplated that the costs to the City associated with repealing the law would be satisfied from the general fund of the City. Those costs include the cost of administering the election on the proposed ballot question, the cost of printing required information packets and education materials required by the law, and other associated legal and professional costs. Those costs are speculative at this time but are not expected to exceed \$30,000.

The estimated costs or savings associated with repealing the law are as set forth above.

### ***Legal Impact***

State law provides that the approval or denial of a rezone request must be supported by a rational basis for the decision. In this case, there was discussion in the record to support a denial of the approved ordinance, though it was eventually adopted by the Council. The highly deferential legal standard suggests that there would likely be no legal impact from repealing the approved ordinance, although the outcome of a court reviewing a repeal of the ordinance is highly speculative and uncertain at this time.