

SPECIAL FARMINGTON CITY COUNCIL MEETING

April 24, 2008

PRESENT: Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, and Sidney C. Young, City Manager Max Forbush, David Petersen, City Planner, City Attorney Todd Godfrey, Paul Hirst, City Engineer, and Margy Lomax, City Recorder. Cory Ritz was not present.

Others in attendance: Rich Haws, Mike Haws and Scott Harward of Shivas, Loyal Hume, attorney for Shivas, Ron Martinez and Craig Cummings representing AWD, Ryan Hales, engineer for AWD, Robert McConnell, attorney for AWD, Jeff Chappel, Earl Kemp, Stuart Adams, and Kent Sulser from Davis County Planning.

Mayor Harbertson conducted the meeting which began at 6:45 p.m. immediately following a joint meeting with the City Council and Planning Commission in which a report was given by Tim Taylor, WECE Engineers, on the first phase of Farmington City's Master Transportation Plan Update.

Discussion with Rich Haws regarding the "road to the north" land development and related matters

Rich Haws and his associates were present to discuss issues related to a proposed office park/mixed use development to be located north of Park Lane and Station Park. Discussion ensued regarding the "road to the north", where the best location for the road would be, issues related to the Redevelopment Agency Project Area, the development agreement with Shivas, vesting rights, zoning issues, among other issues.

Mr. Haws stated that the traffic report which had been given by Tim Taylor was not anything new. He disagreed with Mr. Taylor's statement that Park Lane was well done. Mr. Haws believes Park Lane was not done well and that the traffic capacity of the area was underestimated. He said he has been working with UDOT for the past 11 years. He believes whatever is done on Park Lane has to be in the best interests of Farmington. He believes UDOT will step up and help to correct problems with Park Lane.

He said Shivas is going to press forward with its development which they feel is unique. Their site map shows different kind of uses having to do with "core", which is defined as the walkability area of the general area of the transit piece; the "secondary area" which is more mixed use, and "tertiary" which is to accommodate a Class A business park area. These designations are all consistent with the General Plan. A TOD ordinance has been adopted to allow for these uses. Part of his land is located in the RDA project area. He and partnering property owners are asking the Council for approval of their development

agreement that would allow them to work with the City in designating a right-of-way for the road to the north, and in the process of doing that allow them to vest which gives them the ability to construct those buildings.

He stated the market place is going to drive how quickly the land develops, but tenants are not going to come until the traffic issue is solved to ensure the traffic system will accommodate their businesses. They would like the City to allow them to get out and start marketing their development. They are willing to work with the City on a regional solution to the traffic issues. The City Attorney has been reviewing the Development Agreement. Mr. Haws said they have met with the Cooks, who own land in the proposed of the “road to the north” and that they will work through the ownership issues.

Mayor Harbertson explained that with the development of Station Park, it would put Park Lane at capacity. He feels there are a couple of options. The City could go ahead and approve the Shivas development agreement and tell UDOT to fix the problem with Park Lane but with what UDOT knows now, they are not going to allow Shivas to tie into that intersection until a solution is found. He pointed out that CenterCal has not yet received access approval into the Station Park development.

Council Member Dutson felt it is more of a traffic impact than what Tim Taylor has calculated in the Master Transportation Plan Update.

Earl Kemp stated he feels there is a great need for a north-south collector street on the west side of Farmington.

Rich Haws stated they know they can't build their whole development on day one, but feels they need to start building the infrastructure and then move forward in steps. He stated the RDA approvals were given with the promise of a road to the north to facilitate development of an office park at the location indicated by Shivas on their drawings, and feels Shivas received an entitlement at that time.

Mr. Forbush pointed out that there is a need for two roads off of Park Lane, i.e., the “road to the north” and another road. The “road to the north” is a critical issue. He stated in his opinion he wasn't sure where the “road to the north” should go. Park Lane would function better with two roads. The traffic consultant, Tim Taylor reported two roads would carry more traffic.

Council Member Dutson said there is a need to bring UDOT into discussions to come up with a solution and have a time line in place. He stated the City's position with UDOT at this time is “delicate”. He is unsure of the City's power or influence.

Earl Kemp suggested the need to get the Wasatch Front Regional Council and the Legislature involved in the planning and decision-making process. They are the level to work at, not at the UDOT District One level.

Kent Sulser, Davis County Planning, suggested the planning needs of UDOT needs to be done in a cooperative/collaborative way. Maybe the developers will need to contribute funds to it in order to solve the issues. He feels it will take years to work through it. It was felt UDOT should be involved as soon as possible. He said Davis County was in favor of the RDA and supported it as a member of the Taxing Entity Committee because of the idea of the office park on the northern side of Park Lane.

Todd Godfrey, City Attorney, felt the City hadn't agreed that the "road to the north" would be at a particular location. He said he never has seen anything to say the road would go at the location indicated on the Shivas drawings. There is a need to get a road into the office park property, but the City has not committed funds to a particular location. The road does need to go from Park Lane to the office park area. Only one interchange is in the approval process at the time with UDOT for the Station Park development, but in reality we don't even have one access right now. Eventually two accesses will be needed.

Mayor Harbertson pointed out that staff is recommending the Development Agreement not be approved right now because there are still things that need to be provided to staff by the developer. The key property needs to be rezoned.

Rich Haws reported he had received a letter from David Petersen itemizing the drawings and things that are needed before staff can recommend approval of the Development Agreement

Todd Godfrey said the Development Agreement could be drafted with the idea to apply for a zoning change - to move forward step by step short of having the zoning effective. There would be a trigger to make the zoning change. There would need to be a construction easement or deed.

Rich Haws is not in favor of rezoning the entire 80-acre parcel because the tax liability would be greater on property that will not be developed for a long time. He said he does not want to pay a ton of money on taxes, because they will jump as soon as the property is rezoned from "A" to "TOD". He suggested there is a need for compromise between Shivas and the City. Shivas wants the vesting, but don't want the tax problem.

David Petersen questioned how conditional use approval could be given to something that is zoned "A". The City has never given conditional use approval until after the property is rezoned, but it could be done concurrently.

Rich Haws says they would like assurance from the City that they are vested. He asked, "How can you protect us?"

Council Member Young stated it is the City's intent to work together, but we don't want to build a road to land zoned agriculture. He said the redesign of the road is a big thing and getting the Cooks to sign off on it is essential.

Mayor Harbertson questioned why the City would allow approval in this particular area before a zone change when it has not been done anywhere else in the City. This is contrary to City Ordinances. He questioned why the ordinances and policies should be changed for this particular location. He said the City would love to have it in the TOD zone. The zoning question doesn't drive vesting. He said he is not opposed to taking a look at options. There are \$2.75 million of RDA funds available for construction of the "road to the north".

At the end of the discussion it was decided that City Attorney, Todd Godfrey, and Shivas Partnership Attorney, Loyal Hume, should work together toward a compromise if such were possible. Todd Godfrey expressed the concern that whatever compromise is considered, it must meet City ordinances.

Approval of Minute of Previous Meeting

A motion was made by **Rick Dutson** to approve the minutes of the City Council meeting held April 15, 2008. The motion was seconded by **David Hale** and was approved by unanimous vote.

Discussion of Building Inspection Services Pertaining to Station Park

Max Forbush presented a proposal for building inspection contractual services for Station Park. The development agreement with CenterCal allows the City to contract out for its building inspection and plan check services for the Station Park development which CenterCal will pay for.

He stated the City has invited three private consulting firms who deal in these services to provide proposals. A review of the proposals has raised a number of policy questions that need to be studied and reviewed.

Mr. Forbush reviewed a formula to determine the appropriate net revenue from building permit fees that should flow through to the City after the contractual costs for building permit and plan check fees are paid to the building inspection services company.

The City Council said no City surcharges should be placed on the costs for "fast tracking of permits" or if special inspection firm specialty inspectors are required which CenterCal is required to pay.

The City Council expressed approval with the proposal has had been outlined by Mr. Forbush.

Cookbook Fund Raising Proposal

Council Member Paula Alder reported she had sent out 300 emails advertising the Parks & Recreation Cookbook. She said she has pre-orders for 100.

Mayor Harbertson suggested a good number of cookbooks to order would be double the number of the pre-orders. The City Council was in agreement.

Parks & Recreation Participation Fee

Paula Alder brought up the issue of a \$25 participation fee for participation in plays. She does not think it is fair to keep the fee if the person is not chosen to participate in the play. She suggested a refund of \$20 and in the future listing the fee as “\$5.00 audition fee and \$20.00 participation fee”. The City Council was in agreement.

She reported the Seniors Committee is going to be dropped and could be looked at in the future.

Sound Wall

Council Member David Hale asked permission to contact UDOT to see about the possibility of them extending the sound wall along I-15 on the south side of Shepard Lane to include two more homes. The Council agreed it was a good idea.

Adjourn

A motion to adjourn was made by **Rick Dutson** and seconded by **Paula Alder**. The meeting adjourned at 8:50 p.m.

Margy L. Lomax
City Recorder

