

SPECIAL FARMINGTON CITY COUNCIL MEETING

Wednesday, June 9, 2004

PRESENT: Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Sid Young, and Rick Dutson, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman.

Mayor Connors called the meeting to order at 6:40 P.M.

FRUIT HEIGHTS/FARMINGTON CITY BOUNDARY LINE ADJUSTMENT; DEER CREST SUBDIVISION DISCUSSION (Agenda Item #2)

Mr. Forbush reported that the Hawkins Company had studied the difference between developing in Farmington and in Fruit Heights. It would increase costs by about \$100,000 to develop in Farmington. Traffic impact created by the subdivision would not be significant for Farmington. The 36 lots would likely use a proposed collector road west from the development through Fruit Heights. Culinary water impact would, however, have an adverse effect on Farmington. Farmington will not collect water impact fees from the subdivision which had been anticipated when planning the Shepard Heights reservoir. The Hawkins Company had suggested they pay Farmington the lost revenues estimated at \$35,000. It was also the developer's suggestion that Farmington City take all the storm run off flows. Mr. Forbush expressed some concern over the City's acceptance of the entire storm drainage from the subdivision area. It was more acceptable that the two cities take their historic flow, which figured to be 1/3 to Farmington and 2/3 to Fruit Heights. The developer was opposed to splitting the flow because of the cost to the developer. Mr. Forbush wanted the Governing Body's opinion regarding the drainage concern.

Mr. Hale stated he felt the \$35,000 proposed contribution for the culinary water reservoir met the needs of the City but that the storm water flow proposed for Farmington to take all the runoff was a different matter. Each city should take its historic flow.

Mr. Forbush reported that Harley Evans did not want to receive excess storm water across his property unless he was compensated. The developer had offered to build storm sewer piping to contain a 100 year storm event through a corner of Cornerstone Subdivisin to the southeast cul-de-sac . There were details about maintenance that could be worked out in the future between the two cities.

Mayor Connors stated he believed the culinary water contribution and the storm sewer proposal were two different issues. Accepting all of the storm water within the piping was less of a concern than excess surface water flowing overland in an extreme storm event. He felt strongly that the overflow of storm drainage should not be accepted by Farmington. Anything that could be piped would be all right. But the receipt of flooding water not handled by the drainage system should be taken by Fruit Heights in light of the fact that Fruit Heights was receiving all the impact fees and taxes.

Mr. Forbush suggested that if these two issues (storm water and the culinary water contribution) could be resolved, the other issues were minor in nature. Everything else could be worked out.

MICHAEL BROWN SUBDIVISION OFF 475 SOUTH

Mr. Forbush explained the issues regarding the Michael Brown subdivision. The yield plan would allow him to develop 18 lots in the AE zone. Mr. Brown was proposing 15 lots. If the subdivision was not going to provide open space, the City should receive compensation, e.g., a trail corridor. Three development options provided for a different number of lots: One option would allow about 49 lots off from 475 South Street. That option was denied at a previous Council meeting. The option now proposed by Mr. Brown (15 lots) would mean about 42 lots from the street. Another scenario would be 38 lots should Mr. Gines gets all the lots he wants, and the Brown lots were developed with all frontage to 475 South street (no cul-de-sacs).

The Council members discussed other options that would afford a looping water line. **Ms. Holmes** stated that 1100 West will be a major transportation route no matter how this specific area develops. One of the important things is to make sure citizens have another access to 1525 West. She suggested that she and Mr. Young meet with Mr. Brown to go over some of the alternatives.

Mr. Forbush stated that the property was zoned as AE so that the property owners could be subdivided to help them fund the S.I.D.

STUDY SESSION ON GENERAL PLAN AMENDMENTS (Agenda Item #1)

Mayor Connors expressed concern that the Planning Commission was not in attendance in order to work through the General Plan Amendment with the City Council.

David Petersen stated there were two major issues that could be addressed during the evening's meeting: one was the Thornblad issue, the other was the TMU (transit mixed use) zone in western Farmington. There was new information regarding the Thornblad property. There had been interest shown by the Russon Brothers in purchasing the property for use as a funeral home. The Russon Brothers preferred the property be zoned General Commercial (GC). The Mortuary Company felt they would not be able to get financing if the zone was Neighborhood Mixed Use (NMU). It would also be to their advantage if the GC zone were in place if something should happen to their plans for the funeral home and they had to resell the property.

Mayor Connors suggested a provisional zoning until the funeral home was built and in use.

Mr. Rulon Dutson suggested that the property be master planned NMU even though that zone text had not been completed. It was a red flag to him that the Russon Brothers wanted the GC zoning in case the project fell through. There were uses allowed in GC that the City would not like

to have on that parcel. There were several options. The City Council could zone the property GC and let things fall where they may. The other option may be Business Park (BP). The mortuary use would be allowed in either zone. Another option could be that the GC zone could be contingent (a reverting clause) on whether or not the mortuary was actually completed, if not the zone would revert back to the original designation. Ultimately, the NMU is more compatible with the exiting neighborhood. It could be a part of the motion, that as soon as a suitable zone, such as the NMU, is created, then the City may find that the property should be zoned such.

Rulon Dutson said there were some political stratagems that needed to be carefully studied. One option is to have a deed restriction at that time of property sale that would restrict the use of the property. He stated that even though the Council feels a responsibility to Mr. Thornblad, they were not legally bound to zone the property as GC.

Mr. Hale reminded the Council that what Mr. Thornblad was promised that the property was appropriate for non-residential.

Mayor Connors felt that the City's understanding with Mr. Thornblad was satisfied by allowing the sale of the property to the Russon Brothers. The City had no obligation to the Russon Brothers to assure resale as a general commercial parcel if their mortuary project did not proceed as planned.

Mr. Petersen outlined options the City Council could consider. He was asked to contact the City Attorney to determine legal preferences. The Council was most in favor of zoning the property either GC or BP with a reverter clause and the option to rezone the property NMU when the NMU text was completed.

Rulon Dutson stated that the Council should have sound rationale in any action in order to defend their actions.

Mayor Connors stated that it was his sense that the Council was in favor of mortuary use for that property. It could be zoned GC with the understanding that it would be used for a funeral home and that when the NMU zone is completed the property be rezoned as such. He wanted to make sure that the City would be moving forward legally.

Mr. Petersen discussed the Transit Mixed Use (TMU) zone. The ½ mile circle flaring from the proposed commuter stop in west Farmington was obviously the transit mixed use. Outside of that circle should possibly zoned something else, because the area is not really a transit area. The Council discussed options and impacts on uses.

The **Mayor** and Council asked staff to come up with a different zone that would provide for appropriate use of the land outside of the ½ mile radius. The area would be ideal for class A office park use. The wetlands are influential. The Council discussed the amount of area that should be

included in the TMU and the new zone. The City Council discussed zoning for the rural residential area to the north of the current TMU. There was a need to have a transition area between the commercial area and the residential uses.

[Mr. Hale was excused at 7:45 P.M.]

The City Council felt by consensus that the new zone should not have any residential uses within the area. Restricting residential uses would protect the office park use.

Mr. Rulon Dutson covered the Future Land Use Plan draft. He highlighted the major changes and the reasons for them. He and the City Council reviewed and discussed all the changes.

Mayor Connors stated that the next step in the process was to have the Planning Commission review the work. The City Council could schedule review of the amendment in July. That could allow time for the Planning Commission to be given information regarding what the Council had discussed and give any possible input. Susan Holmes and Sid Young were asked to represent the City Council to the Planning Commission's study session on June 24th.

CONTINUED DISCUSSION OF THE HAWKINS COMPANY SUBDIVISION

Michael Flood was present to discuss issues regarding the Hawkins subdivision. He reviewed the letter of proposal submitted to the Council regarding storm drainage mitigation and the settlement of \$35,000. The Hawkins Company had done engineering on the storm drain needs of the area. They could accommodate a 100 year storm in a piping system. They would be willing to increase the pipe one size beyond the 100 year storm capacity. The \$35,000 settlement proposal was to help with the reservoir cost. Mr. Flood stated timing was urgent.

Mayor Connors stated that the City appreciated the contribution toward the debt incurred by building the reservoir. He felt that that was a different issue from the storm drainage problem. The natural contour of the subdivision property conducts about 2/3 of the historic flow through Fruit Heights. Farmington could only handle the entire burden of the storm drainage and the potential liability if the subdivision was annexed to the City. However, if the subdivision is not within the City, Farmington would not have the funding to handle the flow.

Mr. Flood stated the proposal was to have the impact fees come to Farmington City through interlocal agreement. The developer was suggesting that the storm water piping be enlarged by about 1/3 more which would help mitigate the flooding potential.

Mayor Connors stated that the City was being placed in an untenable situation because the subdivision was impacting the City without the City having any control. The concern was not about the water that would be handled by the piping system. The concern was about the effects of an

extreme storm event in which the drainage system would be overburdened with over-land flows westward through the Cornerstone Subdivision.

Mr. Flood explained the drainage system being proposed and indicated the existing drainage swell be widened and that an acceptable flow path be provided. The storm drainage system would be enhanced to handle more than a 100 year storm.

Council members wanted to know specific details of what would happen to water that did not enter the drainage system in the extreme event. **Mr. Forbush** stated Farmington had an adverse history of flooding problems with down hill cul-de-sacs. The Deer Crest Subdivision has a down hill cul-de-sac.

Mayor Connors felt the City Council needed to have more information from the City Engineer.

Mr. Flood stated that the decision to have the subdivision go forward in Fruit Heights was strictly timing and financial. He wanted to know what could be done to move the project forward.

Mayor Connors felt strongly that the City Engineer needed to be consulted to fully understand what risks were being created for the citizens of the City. If indeed the natural flow was 1/3 to Farmington and 2/3 to Fruit Heights, then the City must decide what needed to be provided by the developer to mitigate the risk to the citizens.

Susan Holmes felt she did not have the time to thoroughly consider the proposal of the developer. Potential flooding is a major concern of the citizens and the Council. The City Council was not trying to delay the development. The storm drainage issue was the greatest concern. Everything else could be worked out through the development agreement and interlocal agreement.

Mr. Flood expressed strong concern about timing and about the expense that may be required to provide the mitigation being requested by the City.

Mr. Forbush gave some suggestions about moving the project forward. The feeling of the City was that there should not be any more storm water conveyed through Farmington than what was absolutely necessary. He stated he would set up a meeting with the City Engineer and Mr. Flood for the following Monday.

ADJOURNMENT

Rick Dutson moved that the meeting adjourn at 9:20 P.M.. **Larry Hauagen** seconded the motion, which passed by unanimous vote.

Margy Lomax, City Recorder
Farmington City