

# FARMINGTON CITY COUNCIL MEETING

Wednesday, July 16, 2003

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## REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

**PRESENT:** Mayor David M. Connors, Council Members David Hale and Edward J. Johnson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax and Deputy Recorder Jeane Chipman. Council Members Larry W. Haugen and Susan T. Holmes participated in the meeting via conference telephone call. Council Members Bob Hasenyager was excused.

**Mayor Connors** called the meeting to order at 7:10 P.M. The invocation was offered by **David Hale** and the Pledge of Allegiance was led by **Ed Johnson**.

## PRESENTATION OF AWARDS BY UTAH STATE FIRE AND RESCUE TO FARMINGTON CITY FIREMEN (Agenda Item #3)

**Mayor Connors** took the opportunity to thank the City's fire department for the heroic work they did in fighting the recent Farmington Canyon fire. The fire, which started Thursday, July 10<sup>th</sup>, burned almost 2000 acres of mountain property to the east of the City. It came extremely close to homes in Farmington's foothills, and because of the efforts of the City's Fire Department and those of other communities, the homes were saved and there were no injuries. The fire is currently about 95 percent contained. It will likely take another week or so to be considered completely extinguished. Mayor Connors commended the fire fighting community, including several cities, counties, and federal agencies, for the great work done. During the first hours of the fire, it had been considered Type 1, meaning it had top priority in the nation. The priority classification authorized the tremendous resources to come to the aid of the City. Citizens of Farmington were very grateful for all the brave and capable efforts of those who worked so hard for so long.

Mayor Connors introduced Allen Joos of the State's Fire Fighting Association, who was present to award the Farmington Fire Department recognition for reaching specific levels of training. The Mayor commented that the recognition had been planned before the recent fire, but that it was fitting the Department received the awards after such a valiant week of fire fighting.

**Allen Joos** explained that the certification system had been in place for many years, but that recognition awards for 21 levels of accomplishment was a relatively recently program. The levels included bronze, silver, and gold awards. Farmington's Fire Department was currently receiving the Silver Award for their training accomplishments. Mr. Joos mentioned that when one more member of the Department reaches training goals, the Department will receive the Gold Award.

On behalf of the Department, **Chief Larry Gregory** accepted the award. The entire Department was invited forward and received a standing ovation from the audience.

**Mayor Connors** announced that federal agencies would be conducting a “Wildfire Awareness Seminar” in the Davis High School auditorium on July 17<sup>th</sup> at 7 P.M. The seminar is traditionally held in areas experiencing wildfires to promote education and prevention of the wildfires. The public was invited.

**Mr. Forbush** stated that in the aftermath of wildfires, the National Forest Service sends an emergency response team to evaluate the environmental damage. The team is called BAER (Burned Area Emergency Response) team. Their function is to determine the extent of the vegetation and soil damage and how to best restore the area. The team had walked the face of the burned mountains and reported they felt vegetation would return. They planned to build some de-siltation basins in minor draws off the burned canyons. The large canyons’ drainage already have debris basins in place. The Natural Resource Conservation Service was also available to assist in restoration aid for burned areas on private properties. The fire service units would remain on duty until the fire was completely extinguished. Mr. Forbush commented that the ability of the fire fighters to pinpoint hot spots and suppress them with GIS systems and helicopters with water buckets was extraordinary.

**PUBLIC HEARING: CONSIDERATION OF RE-NAMING “BURKE LANE” FROM MAIN STREET WEST TO I-15 THENCE SOUTHWESTERLY ACROSS NEW I-15 RAMP TO CLARK LANE TO “PARK BLVD.” (Agenda Item #4)**

**Mr. Forbush** introduced the agenda item. In meetings with the Utah Department of Transportation (UDOT) and the Federal Highway Administration, representatives of the City, along with Rich Haws and David Dixon (representatives of potential commercial developments in west Farmington) had discussed naming the new section of road extending Burke Lane to the south and connecting it with Clark Lane. Issues involved signage and federal standards. Several options had been reviewed. The City Council had approved “Farmington Parkway,” but UDOT officials indicated the name was too long for signs and that it would likely confuse travelers because there were several “Farmington” exits.

**Public Hearing**

**Mayor Connors** opened the meeting to a public hearing and invited proponents of the name change to address the audience and explain the reason a change was being considered. He then invited all interested citizens to give their input.

**David Dixon** (1047 North 100 West) addressed the City Council. He stated there was a need for a new name because the road was a new construction. It was not in the same alignment as the original Burke Lane. It was also a much larger street than what a “lane” would be considered. Mr. Dixon felt the name of the street should be indicative of the area. The area would be park-like and the road would be a multi-lane, highly used access. He felt the name should be “Park Blvd.,” which would be appropriate to the use and proportion and it would fit signage. The name needed to be carefully considered. It would be used on 14 signs throughout the area. Mr. Dixon suggested that the option of putting “Burke Lane” in parenthesis on the sign could be

considered. He felt the name of the road should be consistent the entire length and that it should not change on one end.

**Annette Tidwell** (67 West 100 North) gave a brief history of the Burke Lane name. The area had been originally settled by William O. Smith and a son-in-law of Mr. Burke. Many of the family (her ancestors) had been buried near the Burke Lane area (close to the present-day Lagoon raceway). The road was named because of its nearness to the Burke farm. It had been called that for over 100 years. There had been many changes made to area road names. Some changes, such as reviving the name of Clark Lane for portions of State Street, enhanced the historic nature of the area. Ms. Tidwell stated she was opposed to setting a precedence where developers could come to Farmington and detract from the historic nature of the City by renaming the lanes that are so much a part of the City's character. She stated she spoke on behalf of herself, her family, and the Farmington Historic Preservation Commission, of which she is a member.

**Verle Buhler** (200 North) did not like the name change. There were historic lanes all along the Davis County Wasatch front. A boulevard would not fit the character of the area. He stated his opinion that the City Council should not spend time on such things as renaming streets but that they should do something with the Trailside corner, which was a disgrace.

**Chadwick Greenhalgh** (208 West State Street) felt the area had a unique character which should be protected. The lanes all in a row beginning in Bountiful set the area apart from the rest of the world. There are boulevards everywhere. Farmington needed to keep those things that make it different. Parrish Lane is certainly no longer used the way a lane would be, but it has retained its name, which helps preserve the feeling of the history. Mr. Greenhalgh felt the western part of the original lane could be called "Old Burke" or "North Burke" and that the new construction should retain the "Burke Lane" name.

**Rick Anderson** (450 East 300 North) stated he felt the City should be careful about setting a precedence. Once the City begins to change the historic nature of the City, it would lose much of why citizens love the town. The lanes go back to the mid 1800s. They connected the settlements to the main thoroughfares. Keeping the "Burke Lane" name would help to preserve the unique quality of the City.

**David Barney** (291 West State Street) voiced his opinion that the name "Burke" should be preserved.

### **Public Hearing Closed**

With no further comments, **Mayor Connors** closed the public hearing and requested consideration by the City Council.

**Max Forbush** reported UDOT needed a decision from the City by September 2, 2003. He also commented that opinions had been phoned in by some citizens who had opposed the name change because they felt the term "boulevard" did not fit Farmington.

**Susan Holmes** said she would like to have the Council postpone a decision to allow time to consider all the information gathered. She agreed that Farmington is a city of lanes.

**Larry Haugen** did not like the term “boulevard.” He liked the suggestion to use “Old Burke Lane” to distinguish the original alignment in the west and that the new alignment should retain the name “Burke Lane.” He wanted to retain the “small town” flavor of Farmington.

**Ed Johnson** felt the Council should give the issue more thought. He felt citizens had given very helpful input.

**David Hale** liked the term “park” and the name “Burke.” He agreed that he would like to have further discussion by the Council.

### **Public Hearing Reopened and Continued**

**Mayor Connors** expressed to the citizens that no pre-conceived decisions had been made by the Council and that citizen input was very important, helpful, and influential. In response to the consensus of the Council, the Mayor reopened and continued the public hearing until the August 6<sup>th</sup> City Council meeting when additional input would be taken.

**Charles Clarke** (368 West State Street) reviewed historical points, including the elimination of Walker Lane and Tippitts Lane. He felt the loss of such roads was a drawback for the City. The name of the lanes in the area was a reflection of its history. They should be preserved.

### **PUBLIC HEARING: CONSIDERATION OF AMENDMENTS TO CITY’S GENERAL PLAN BY RE-DESIGNATING PORTIONS OF FARMINGTON’S ORIGINAL TOWNSITE FROM “MEDIUM DENSITY RESIDENTIAL” AND “MIXED USE–BUSINESS, MEDIUM DENSITY RESIDENTIAL, LIGHT COMMERCIAL” TO LOW DENSITY RESIDENTIAL” AND TO REZONE SOME AREAS (600 NORTH TO 200 SOUTH AND 400 WEST TO 200 WEST) FROM THEIR ORIGINAL ZONE TO OTR (ORIGINAL TOWNSITE RESIDENTIAL) AND TO CONSIDER TEXT CHANGES TO CHAPTER 17 OF THE ZONING ORDINANCE REGARDING THE OTR ZONE. (Agenda Item #5)**

**Mr. Petersen** introduced the agenda item. He described the area already rezoned OTR and reviewed the process by which the zone had been created. Originally, the citizens had been approached with a proposal to create an overlay zone for the original townsite. It was quickly apparent that they opposed an overlay but were in favor of reworking the existing zones to provide preservation of the historical nature of the area and to help protect property values and property rights. A steering committee of volunteer citizens was organized. They worked extensively and had created the first OTR for the “Rock Chapel” neighborhood. The “Rock Chapel” neighborhood had been a good model to bring to the five remaining original townsite areas for their consideration. Mr. Petersen described each of the five remaining original townsite

neighborhoods. The work on the zone text had been extensive. Several refinements had been made to the first draft of the OTR. Some changes brought about by the OTR to the previous zone designation included:

1. The elimination of duplexes as either permitted or conditional use. However, the option of secondary dwelling use had been included. Secondary dwelling use in the OTR did require owner-occupation.
2. The original townsite area had no covenants or restrictions and therefore did not have the advantage of guidelines for new growth. The OTR included carefully considered design guidelines for new construction and for restorations. The guidelines addressed mainly mass, scale, and size in order to have new construction fit surrounding properties.
3. Flag lots had been eliminated.
4. Special exceptions had been included to allow subdivision of narrow, deep lots.

Mr. Petersen described the area currently under consideration for inclusion in the OTR. He stated the Planning Commission had identified a study area that they recommended not be included in the OTR until further consideration. The study area included portions of the original townsite west of the Courthouse. The Planning Commission recommended approval of the OTR for the areas other than the study area.

Mr. Petersen reported the current building moratorium placed on the original townsite would expire on August 6<sup>th</sup>. Some interest had been expressed in building multi-family dwellings in the downtown area.

### **Public Hearing**

**Mayor Connors** opened the meeting to a public hearing.

**Rick Anderson** (45 East 300 North) stated that he and his wife Judy had been part of the original steering committee for the OTR zone process. The process involved a great deal of discussion with many involved citizens. A survey had been taken of the 10-block "Rock Church" neighborhood, and it was found that there were structures representing each decade beginning in the mid 1800's. Sixteen decades were represented in the 10-block area by homes still in use. People had been nervous about restrictions on their ability to decide use of their property. Hence, the steering committee was very sensitive to property rights while trying to preserve what citizens had come to love about historic Farmington. The representation of homes from different eras showed the fact that as new development had come, it had been welcomed. Mr. Anderson felt it was not the place of existing property owners to deny the development projects of the future. On the contrary, new development would prevent the area from becoming stagnant. He also felt that structures should not be saved just for the sake of history. It was evident that the smaller, historic homes in the downtown area would change hands and that young families would

buy them as starter homes. It was important that the City do something now to protect and keep the area from deteriorating. The quality of the area needed to be preserved through the change and the development. The City needed to ensure property values and safeguard the area by creating guidelines that would help new development be comparable and compatible with the structures there now. Mr. Anderson felt the OTR as written was a good start. He would actually like to see the ordinance go further in its restrictions. However, it represented a compromise reached by property owners. He recommended the City Council adopt the OTR zone and that as much of the original townsite area as possible be included. The ordinance can be amended as needed.

**Harold Manning** (127 South 100 East) agreed that new structures be built to be compatible with the surrounding homes. He was unhappy with the new subdivision close to his home because he felt it detracted from the neighborhood. He was also opposed to solid, white vinyl fences because they eliminate friendly neighborhood contact. He was in favor of the OTR.

**Chadwick Greenhalgh** (208 West State Street) commented that he had been a member of the original steering committee. If property owners wanted to develop their property, they were welcomed to do so, but they would be required to follow the design guidelines that would protect surrounding property. New construction would need to fit the neighborhood. Mr. Greenhalgh thanked Mr. Petersen for the enormous amount of work he had done on the OTR zone. Mr. Greenhalgh felt the zone was a great step for the City and recommended the City Council include areas on the south side of State Street because it was an important entrance into the City. The area deserved to be protected and preserved.

**Annette Tidwell** (67 West 100 North) said she highly approved of the new OTR draft. The Historical Preservation Commission had read the draft line by line and was very pleased with the contents. She recommended the City add language to prevent abandoned buildings. Ms. Tidwell felt abandoned buildings were a big problem in the original townsite area which caused property devaluation.

**Karen Davis** (180 West 500 North) stated she had not been notified of the creation of an OTR zone. She lived in an area that had been negatively impacted by an increase of traffic. She felt her area should be changed to commercial zoning. Ms. Davis reported some properties in her neighborhood had been zoned commercial and then changed. Several changes had occurred and she said the area was no longer suitable for residential use.

**Lynette Elliott** (1926 West 900 North, owner of property at 43 South 100 West) stated the property had been in her family since the early 1900s. She and her husband had lived in Farmington for 60 years. She asked that the City Council take into consideration the impact rezoning would have on property owners. She wanted her property pulled out of consideration for the OTR zone and volunteered to be a member of the steering committee now being organized.

**Ralph Wilcox** (resident of Bountiful, owner of property on the south perimeter of the

area being considered) felt the OTR was too aggressive. He said some of the homes in the area of his property were old and dilapidated, not necessarily “historic.” He felt the City needed to be sensitive to property owners and volunteered to be a member of the steering committee.

**Alice Miller** (251 East State Street) stated no one had discussed the OTR with her as a property owner. She said she had asked about the impact the new zone would have on her and she was told that her property would not be included. She owned a large piece of property which she was holding as a retirement investment. She wanted to be able to develop the property for a profit. Now, in her opinion, it looked like she would not be able to develop the property. She had owned the land for 60 years and felt she should have some rights. She felt the City Council should spend its time working to bring a grocery store to Farmington and think about creating a tax base for the City. She was opposed to supporting cultural pursuits and building “country club” accommodations for the prisoners in the County Jail.

**Mayor Connors** commented that the City Council was very interested in attracting a grocery store for the downtown area of Farmington and was open to any prospect to fill that need.

**Charles Junker** (238 East 200 South) said he remembered that a country store had been proposed for the downtown area and wanted to know what had happened to the project. He questioned information that residential structures may be eliminated to make room for a store. He also asked why the business area of downtown was being eliminated. Mr. Junker suggested the bed and breakfast facilities be allowed by City ordinances because they would be a good business for the City.

**Mr. Petersen** responded to Ms. Miller’s and Mr. Junker’s comments by reporting that the OTR zone would be more beneficial to Ms. Miller than the current zoning. OTR would allow her to develop where the current zone may not. Mr. Petersen stated that the BR zone in the downtown area had not been changed and had not been included in the OTR zone recommendation. He also reported that the Planning Commission was in the process of considering bed and breakfast ordinances for the City.

The City had received a letter from Joseph W. Graves which stated an interest in development of the Gunther Popp property into office buildings and condominiums. The property was currently being considered for OTR inclusion, but the letter had requested exclusion. The property may be appropriate for inclusion in the study area.

Mr. Petersen described some specific areas for exclusion from the OTR and inclusion in the study area, and some property that could be added to OTR consideration.

### **Public Hearing Closed**

With no further comments, the Mayor closed the public hearing.

**Mr. Forbush** reported public comment given by citizens not able to attend; that the

Atwood family was in favor of the OTR.

**Mayor Connors** clarified that the current moratorium would expire on August 6<sup>th</sup> and that the City Council may do well to consider a decision during the current meeting. Boundaries also needed to be decided.

**Mr. Haugen** suggested that the OTR boundary lines include just behind (to the north of) the historic homes on 600 North.

**Ms. Holmes** said it was difficult to make a decision without the benefit of a map. She was hesitant to include property where owners had not been completely informed and given the chance to give input. She said she had been in favor of the overlay proposal. She expressed concern that the Al and Irma Smith property on 300 West not be included in discussion.

**David Hale** suggested the Planning Commission be directed to move forward with the proposed study area and that it be left out of the OTR rezone for the present.

**Mr. Petersen** suggested that the Gunther Popp property be excluded from current OTR consideration and that it be included in the study area. He also stated that 400 property owners had been notified of on-going public hearings regarding the OTR proposals. He said considering the size of the mailings, there had been a remarkable amount of public support for the OTR zone.

**Mr. Forbush** asked that Mr. Petersen clarify the changes that had been made in the text of the OTR regarding concerns raised by Council Member Holmes.

**Mr. Petersen** reported some changes that had been made. Some terms may still need to be defined.

**Mr. Forbush** felt that the OTR could be tweaked and refined by the next study area steering committee but that it may be wise to take action on the current proposal prior to the expiration of the moratorium.

### **Motion**

**David Hale** moved that the City Council approve Ordinance No. 2003-27, an ordinance amending the Farmington City comprehensive General Plan by designating portions of the central area of Farmington from "Medium Density Residential" and "Mixed Use-Business, Medium Density Residential, Light Commercial" to "Low Density Residential" and to rezone certain areas between 500 North to 200 South and 400 West to 200 East from their existing zone designations to OTR (Original Townsite Residential) and to amend Chapter 17 of the Zoning Ordinance regarding the OTR zone. Mr. Hale also moved that the boundaries of the OTR be adjusted according to discussion, moving the northern boundary south to reasonable building structures, to exclude the property owned by Gunther Popp on 200 East from the OTR and include it in the study area, and to include and exclude other areas as discussed both in the OTR

and in the study area. **Ed Johnson** seconded the motion.

In discussion of the motion, **Mr. Johnson** questioned whether or not language should be included regarding abandoned buildings.

**Mr. Petersen** stated the Planning Commission was considering the issue and that according to City Attorney opinion, such language should be included in another area of the City code and that it should include all of Farmington and not just the original townsite area.

A roll call vote indicated that Ms. Holmes, Mr. Haugen, Mr. Johnson, and Mr. Hale were in favor of the motion. It passed by unanimous vote.

**Mayor Connors** commended those citizens and staff that had worked for so long to create the OTR. He said the work was not complete but that it was a tremendous step forward.

**PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO ZONING ORDINANCE TO PERMIT ACCESSORY DWELLINGS AS A CONDITIONAL USE IN AGRICULTURE ZONES (Agenda Item #6)**

**Mr. Petersen** reviewed the agenda item. Steven Bangerter had requested permission to build an accessory dwelling unit as a portion of a new garage. He wanted to provide a “mother-in-law” apartment on his property. To accommodate the request, accessory dwellings would have to be added to conditional use list of the Agricultural zone. Mr. Bangerter applied for the change to the Planning Commission, who recommended the change to the City Council. Mr. Petersen stated that the applicant was unable to attend the meeting.

**Motion**

**Ed Johnson** moved that the City Council continue the public hearing to August 6, 2003, to allow time for the applicant to attend the meeting. **David Hale** seconded the motion, which passed by unanimous vote.

**MISCELLANEOUS**

**Fire Fighter Recognition Open House**

Mayor Connors stated that a suggestion had been made to recognize the efforts of the fire fighting community during an open house. The date and time had not been confirmed, but one suggestion was August 6 at 5:30 P.M. All fire fighting agencies involved in the Farmington Canyon fire would be invited.

**ADJOURNMENT**

**David Hale** moved that the meeting adjourn at 9:30 P.M.

Farmington City Council

July 16, 2003

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Margy Lomax, City Recorder  
Farmington City