

# FARMINGTON CITY COUNCIL MEETING

August 5, 2008

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor Scott Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, Planning Director Dave Petersen, Assistant Planning Director Glenn Symes, Recording Secretary Kami Mahan, Traffic Engineer Ryan Hales, and America West representatives Ron Martinez and others.

**Mayor Harbertson** began discussion at 5:40 p.m. The following items were reviewed:

**(Agenda Item #4): Public Hearing: Intent of City to use play field at Heritage Park for City's Recreation Soccer Program.**

**Mayor Harbertson** clarified that Heritage Park was not promoted as a passive park prior to the bond election. A public information pamphlet he read didn't say anything about the park being passive. He said soccer sign-ups have been significant and Heritage Park is needed for games. Issues of lighted scoreboards, trash clean-up, parking, and other issues need to be addressed.

It was noted that the current City Council is not legally bound by decisions of past Councils. The Council discussed the changes that have occurred in the City that warrant the designation of Heritage Park for soccer.

(Farmington resident **Patricia Anderson** arrived at the meeting at 5:45 p.m.)

**Mayor Harbertson** stated that Agenda Item #8 was withdrawn by the applicant.

**(Agenda Item #5): Public Hearing: Consideration of approval of a Project Master Plan for a 12.86 acre development known as "Park Place" located between Clark Lane, 1100 West and the former D&RG Rail Line. The development proposal calls for High Density Residential and Commercial Mixed Use - America West Development.**

**Mayor Harbertson** reviewed this matter and said he had concern about several items in the PMP (Project Master Plan). **Dave Petersen** distributed an amended staff report and reviewed the possible motions and findings. There was discussion concerning accessibility for the fire department, the appearance of the buildings in the elevation drawings, and capacity issues raised in the Sewer District report. Concern was also expressed regarding the transit corridor's existence adjacent to the proposed residential units. **Max Forbush** said that he had received information that the sewer system would need some improvements before it could accommodate the America West development at the triangular property.

The Council discussed land use concepts and the need to integrate commercial and residential uses. There was concern raised about the proposed density of the development. The Council discussed whose interests the SARC (Site Architectural Review Committee) represents, and the need to study this issue. **Max Forbush** said that Mark Johnson of Civitas has indicated that the City should not be involved in the SARC, which is more for the developer. There was also discussion regarding the need for the developers to have an agreement in place with the gas company, and **Ron Martinez** agreed.

**(Agenda Item #6): First Reading: Consideration of a recommendation to amend Chapter 11 of the General Plan regarding the “Farmington Commercial Center” and other related General Plan Text and map changes, and to amend Chapter 18 of the Zoning Ordinance regarding the TOD (Transportation Oriented Development) zone including but not limited to residential density, non-residential building size, permitted and conditional uses, and Project Master Plan (PMP) criteria including, among other things, street type hierarchy and street network design, building form and site envelope standards, off-street parking, landscaping standards and other various changes. (MP-2-08) (ZT-3-08)**

**Mayor Harbertson** said that not much time should be taken on this issue until a recommendation is received from the Planning Commission. However, he did express a concern with deletions in the General Plan (specifically Page 10) regarding the tertiary area.

**Max Forbush** distributed copies of letters from the Davis County Department of Community and Economic Development, Davis School District, and the Central Davis Sewer District, supporting the original intent of the RDA project plan for the Station Park area and for the area north of Station Park. He said that the interest of the TEC (Taxing Entity Committee) at the time was to fund a “road to the north” to spur economic development outside the RDA Project Area on properties whose use would be primarily non-residential. That was why the Station Park RDA Project Area was approved.

The Council discussed the Planning Commission’s recommendations. **Cory Ritz** explained that the Commission wanted gradations out toward the residential area to create good flow. The Council discussed the intent and impact of the mixed use zoning,

[America West Paralegal **Kathy Izatt** arrived at the meeting at 6:15 p.m.]

**(Agenda Item #7): Request for minor subdivision plat approval for a flag lot at 1266 North Main (Poulson Subdivision) - Dwight Poulson.**

**Mayor Harbertson** displayed a map of the area and said a drainage easement across the street on Hidden Meadow Way is a wetland area. An adjacent property owner is concerned with possible flooding on his property. The City Engineer will investigate the situation.

**(Agenda Item #8): Consideration of exemption for Zion’s Bank Temporary Use Permit for temporary modular Bank Building.**

Mayor Harbertson stated that this item was removed from the Agenda.

**(Agenda Item #10): Minute Motion approving Summary Action List**

There was a brief discussion regarding the length of the lease in the Equipment Lease Agreement with Zion’s Bank.

**(Agenda Item #11): Ordinance enacting Section 7-5-124.5 of City Code prohibiting the discharge of fireworks and unauthorized outdoor fires within a designated restricted area (east of 200 East and east of Main Street) during a designated fire season (June 1<sup>ST</sup> through October 15<sup>TH</sup>).**

Max Forbush said he would look up information requested by Paula Alder concerning the use of charcoal briquettes at Woodland Park. It was also explained that education and notification of citizens will be necessary if fireworks rules are changed. Mr. Forbush said he would not be opposed to a public hearing should the Governing Body desire one.

**(Agenda Item #12): Policy clarification request - distribution of Business License lists.**

It was explained that the City receives 150 to 200 requests per year for business license lists. One alternative is to follow the example of another city which posts the information on a website, thus reducing employee workload. The list can be periodically updated.

**(Agenda Item #13): Agreement with Utah State Division of Wildlife Resources regarding Farmington Pond.**

Mayor Harbertson stated that this is a new agreement which replaces one that was less favorable to the City.

**(Agenda Item #14); Resolution updating and amending the City’s development standards.**

Max Forbush stated that this Resolution has been in the updating process for several weeks and approval is recommended.

**(Agenda Item #15): Review of recommendations from City Attorney’s office request from Farmington Preserve Master Association for City to Assume Maintenance Responsibility for landscaped median strip in Shepard Creek Parkway.**

It was stated that a meeting needs to be set up to address this request. The HOA can acquire liens if necessary.

**(Agenda Item #16): Woodland Park Restroom Proposal and Status Report.**

**Mayor Harbertson** reviewed this issue with the City Council. EDA Architects had recalculated the price of the Woodland Park restroom from \$154,000 to about \$126,000. EDA agreed to drop their profit margin from 15% to 10% to bring the latest proposal to approximately \$121,000. **Max Forbush** said the architects will charge \$4,000 to \$5,000 to redraw plans for the Woodland Park restrooms should the Council want to put the project out to bid. **Mr. Forbush** does not anticipate any further reduction in costs. The Council discussed the situation and agreed that having the plans redrawn is not worth doing.

**(Agenda Item #17): Review of Somerset Hollow Storm water Drainage Options.**

**Mayor Harbertson** reported that Somerset Hollow residents have concern that more flows have been coming from the east. Because the work being requested is aesthetic in nature, the priority is low. There is no money budgeted for this work.

**The Mayor** reviewed the options to install either 100 feet or 450 feet of piping and the cost of each option. The Council discussed asking the the HOA to contribute funds, which would facilitate the timing of the project. **Rick Dutson** explained that residents have said more storm water is being dumped, which creates additional flow at times. There is also a standing water problem.

**Max Forbush** stated that Public Works needs to be given flexibility. **Patricia Anderson** said HOA cash flow is not good right now. **Mr. Forbush** explained that fill material placed previously by abutting property owners has caused the drainage problems.

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

**PRESENT:** Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, Recording Secretary Kami Mahan and Margy Lomax, City Recorder.

**Mayor Harbertson** called the meeting to order at 7:05 p.m. **Max Forbush** offered the invocation. The Pledge of Allegiance was led by **Cory Ritz**.

**APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)**

The Council reviewed the minutes of the meeting held July 15, 2008. One minor correction was made.

**Motion**

**Sid Young** moved to approve the minutes of the meeting held July 15, 2008. **Dave Hale** seconded the motion, which passed unanimously.

**PLANNING COMMISSION REPORT (Agenda Item #3)**

**Kevin Poff** reported proceedings of the Planning Commission meeting held July 31, 2008. He covered the following items:

- Jared Barker's request for Final Plat and PUD Master Plan for the Meadowview Development was recommended for approval with the condition that the driveways allow for forward entrance from the street.
- The Planning Commission recommended approval for Farmington City's request to amend Chapter 11 of the General Plan regarding the "Farmington Commercial Center."
- The Planning Commission recommended approval for the Conditional Use and Site Plan of Zion's Bank, as well as their request for Final Plat approval for a minor subdivision. There are remaining issues the applicant needs to address, including written approval from UDOT for the curb cut on Highway 89, and treatments for Main Street.
- The Planning Commission also recommended approval for a temporary bank location for Zion's Bank. This is conditioned upon a traffic light and Main Street improvements being installed, and the hardscape being removed when work on the project is finished.
- The TOD zone issue was continued until the next Planning Commission meeting.

**PUBLIC HEARING: INTENT OF CITY TO USE PLAY FIELD AT HERITAGE PARK FOR CITY'S RECREATION SOCCER PROGRAM. (Agenda Item #4)**

**Mayor Harbertson** invited Recreation Coordinator Rich Taylor to update the Council on the soccer program.

**Rich Taylor** explained that the large number of children who signed up for soccer has created the need to use Heritage Park as a playing field. Fifty children from that immediate neighborhood signed up in the soccer program. Heritage Park will be used for the 3 to 5 year-olds only.

In response to questions from the Council, **Mr. Taylor** explained details of the program. There will be eight playing fields. One hundred fifty children are anticipated to play at Heritage Park, and there are a total of approximately 720 children in the entire soccer program. Games will be on Tuesday nights from 5:00 p.m. to 7:00 or 7:30 p.m., and Wednesday nights from 6:00 to 7:00 p.m. No games in the 3 to 5 year-old group are currently scheduled for Friday nights. White field paint will be used to mark the field, and city employees will be present to maintain and clean the park.

Mr. Taylor said that if field space does not grow with the program, more space will eventually be needed. Other playing locations are Farmington Jr. High, Eagle Bay Elementary, Farmington Elementary, and Heritage Park. Woodland Park is designed for four fields. Each location is designed for a specific age group. Scores at Heritage Park will not be displayed. **Mr. Taylor** estimated that there are 30 parking spaces in the parking lot of Heritage Park.

### **Public Hearing Opened**

**Mayor Harbertson** opened the public hearing at 7:10 p.m.

**Viola Kenney**, 272 South 25 West, said she was in favor of Heritage Park being utilized by the entire city. The park was designed and built with a large play area. The LDS church next door can provide additional parking. The decision of what is utilized by the City should not be dictated by one group of citizens, since the tax dollars of all citizens go toward the park.

**Taunie Downing** 1548 Pinehurst Lane, said her home backs onto the park. She said at the time this park was proposed, language from the bond indicated this would not be an active park. All citizens that voted for the bond had a trust. She expressed concern about parking, safety, and trash left in the park after football practices, which she believes will be worse with soccer. She asked about football practice continuing. She believes this is a foot in the door for more age groups and more competitive sports.

**Jerry King**, 1474 Moss Lane, reviewed a history of his experience with the City in its effort to acquire property from the LDS church to create a park. The church cancelled all received bids and awarded the property to the City. It was clear the citizens did not want a sports complex, and there was no planned infrastructure for this use. Mr. King said he was reminding the City Council that organized sports are not wanted in the park, due to parking and safety concerns. He said the citizens will campaign and vote for those who represent them in the next election.

[**Paul Hirst** arrived at the meeting at 7:30 p.m.]

**Leslie Foy**, 1539 North Oakride Park Drive, lives in the Fieldstone units. At a past public hearing he expressed concern about traffic safety, and was grateful that the City took action to improve safety. Residential and business development in this area has been significant. There have been accidents in the area. Football practices at Heritage Park have resulted in parking problems,

safety issues, and garbage. He is concerned about lack of lawn maintenance at the park. There is only one drinking fountain, one set of restrooms, and one dumpster, and parking is inadequate.

**Dean Barnes**, 1576 Pinehurst Lane, agreed with previous remarks and added that his only other concern is the field paint.

**Carl Downing**, 1548 Pinehurst Lane, is opposed to soccer at Heritage Park. Along with traffic, parking, and other issues that were addressed, he was concerned about the potential overlapping times with football practices. The facility is not cleaned up after football. He cautioned the City to have a plan to address this issue if the proposal is approved.

**Bart Cook**, 1345 Fairway Circle, said his son plays football at Heritage Park. He expressed concern that parking is already bad with few parents in attendance, and will get worse with soccer.

**Wendy Egbert**, 1213 Pioneer Circle, agreed with concerns of previous speakers. She told many people that this would be passive park, and feels they were deceived. They will only have Sundays with no games, and this is not good for walking neighbors. She said this is a new City Council, and she wants it known that those people west of Highway 89 want to be part of Farmington, and want respect.

### **Public Hearing Closed**

**Mayor Harbertson** closed the public hearing at 7:40.

**The Mayor** said football practices have been moved, and any football played at Heritage Park is not organized or authorized by the City. **Rich Taylor** said all coaches and their playing locations were accounted for, but he would check into the issue. Parks Supervisor **Colby Thackeray** said grass at the park is being aerated and chemicals to treat the lawn have been in short supply.

It was explained that the field striping is done with water-base, non-toxic, biodegradable paint, and must be re-applied each week. **Rich Taylor** said that this age group will have much less impact on the grass than football. There will also be much more supervision and trash control will be improved. Soccer practice times will up to the coaches, but with this age group there is less practicing. The field striping for this age group will prevent kids of other ages from wanting to use this park. He did not envision soccer practice during the playing season.

Mr. Taylor said playing fields will be small. Heritage Park is the only play location for this age group. Without the use of Heritage Park, the soccer program would have to be cancelled. Every piece of ground is already being utilized. **Paula Alder** pointed out that soccer will involve much less time on the field than football. **Mr. Taylor** said football was moved in anticipation of soccer at this location.

**Mayor Harbertson** asked **Rich Taylor** to give attention to the parking situation, and **Mr. Taylor** said the 20 minute window between games can be increased.

**The Mayor** recognized the concerns of those present, and pointed out that many positive comments have also been received by the City, and those people were not present. He expressed the City's desires to address the concerns of the citizens. The bond election information pamphlet language did not mention that Heritage would be a passive park. Although past City Council members individually may have sold the park to citizens as being passive, the current City Council is not bound by the actions of past Councils if current decisions are best for the City as a whole. There is presently a great need for sports facilities in the short term, and it may be that this use can be moved away from Heritage Park in the future as the City's sports needs are planned for.

**Rick Dutson** said he and other Council members have received many emails in favor of soccer at Heritage. He said neighbor concerns do need to be addressed. He pointed out that Station Park will bring in tax revenues which may help toward the creation of a sports complex. The sports demand is from all areas in the community, and he supports the use of Heritage Park for this purpose.

**David Hale** said he was uncomfortable adding to the football which has been occurring at the park. He is not opposed to the 3 to 5 year-old soccer, but is concerned the City has lost control of the situation. Before he can support soccer at the Heritage Park, he wants the football issue resolved. He suggested deferring a decision until this is addressed.

**Sid Young** said the bond issuance was for combined improvements for several projects. He never got a sense that Heritage was a passive park. For the City to have that kind of expenditure, it is important that it use the park for whatever is necessary. It is also important to have a use that has as little impact as possible, and as clean and regulated as possible. It is critical to ensure that football teams should not use this area as an ad hoc practice field.

**Cory Ritz** emphasized that football at Heritage is not supervised or authorized. Teams must be informed that Heritage is only for 3 to 5 year-old soccer. The Parks and Recreation Department can ensure that trash and other issues are taken care of. Some team sports should be allowed in that large open field because this use benefits the City as a whole. He is fundamentally opposed to a passive park unless it is on a small neighborhood scale. He is in favor of the proposal.

**Paula Alder** agreed that the soccer proposal will force football teams to find other locations to practice. In the long run, the park will be more available to the citizens than it has been with football.

The Council discussed whether football practices can be prohibited in this area. **Max Forbush** suggested that an ordinance be passed to restrict football practice at the park, but currently it is a public park and prohibition cannot be enforced. He stated he did not recall that a vote was

taken by the City Council to create Heritage as a passive park during the time when the bond issuance was discussed. The field that was graded and shaped was approved by the City Council, and there was no attempt to deceive anyone.

### **Motion**

**Cory Ritz** moved that the Parks and Recreation Department move forward with plans to hold soccer games at Heritage Park for 3 to 5 year-olds, subject to the following conditions:

1. For the present, the time between games is extended to 30 minutes until the parking situation is evaluated in conjunction with the police department.
2. City Staff is to ensure that fields are cleaned up following games.

**Paula Alder** seconded the motion, which passed by a unanimous vote.

**Max Forbush** said that sufficient chemicals for fertilization and weed prevention will be made available to maintain the grass at the park.

### **PUBLIC HEARING: CONSIDERATION OF APPROVAL OF A PROJECT MASTER PLAN FOR A 12.86 ACRE DEVELOPMENT KNOWN AS "PARK PLACE" LOCATED BETWEEN CLARK LANE, 1100 WEST AND THE FORMER D&RG RAIL LINE. THE DEVELOPMENT PROPOSAL CALLS FOR HIGH DENSITY RESIDENTIAL AND COMMERCIAL MIXED USE - AMERICA WEST DEVELOPMENT. (Agenda Item #5)**

**Mayor Harbertson** introduced this item. David Petersen displayed an overhead screen with the proposed elevation drawings of the apartments, bank and office building, the corner building, and restaurant of the development, and he explained the developer's proposal. He reviewed the Planning Commission's recommendations and conditions of approval.

**Ron Martinez**, managing partner of America West Development, 5019 South Skyline Drive, South Ogden Drive, Ogden, explained that the elevations shown were only basic concepts of the appearance. Gas easement deficiencies will be worked through. This application was completed under the old ordinance, and the plan meets the new ordinance if adopted. The Planning Commission recommended approval. Elevations will be perfected as things progress.

### **Public Hearing Opened**

**Mayor Harbertson** opened the public hearing at 8:23 p.m.

**Patricia Anderson**, 671 Somerset Street, is concerned about how the TOD zone will affect

the entire city. She does not want mediocrity in the development, and wants a full mix of uses. For a small city to be solvent, it needs retail, business areas, and industry. The placement of zoning is important. She is concerned about overbuilding in this area and asks that the zoning be finished before approval of the development.

**Scott Issacson**, 441 South 1100 West, lived for 20 years in Centerville and served on the Planning Commission and as Board of Adjustment Chairman. He understands that development is inevitable. He feels the parcel is appropriate for transitional zoning, but the proposed density is much too high for the surrounding area and infrastructure. He encouraged the City to work with the developer to reduce density. There is no decision the City Council could make that could impact Farmington more than approving high density development in this city.

**Tauna Homer**, 586 West 250 South, is frustrated because she thought the zoning was unchanged from Park Lane to Glover Lane. A park in this area is much preferable. This is not what the previous Council wanted. She fervently asked the Council to keep Farmington rural, and be satisfied with Station Park.

**Cody Hilton**, 1396 North Paddock Drive, is fundamentally opposed to apartment type dwellings because tenants come and go and are not committed to Farmington. He has a small lot and understands that denser developments are possible. He encouraged the City to work with America West, and believes the development mitigates the greater problem of the Legacy connector coming through that parcel. This proposal is preferable to selling the parcel to UDOT. As a TOD zone, he doesn't see how this complements the rail station. There are no sidewalks from west of 1100 West to the rail station. Pedestrian and biking access should be made available.

**Dave Kershisnik**, 383 South 650 West, said there is plenty of land north of Clark Lane for development. He agrees with the previous speakers that putting high density this close to single family housing is a bad idea. He is concerned that it will not be maintained.

**Kathy Hogge**, 90 South Bananza Road, is opposed to this development in this location. She understands that change happens, but this is extremely high density. The location of this development is against what Farmington stands for. She said if others had known, there would have been many more present to oppose.

**Chris Larsen**, 154 South 1150 West, is opposed because of the density of units proposed. He believes the developer is trying to slip this in before the text is finished. Approval would be an error as a Council and to the community. He is concerned by the type of tenants that would come in. The end product could be less than what is proposed due to rising construction costs. He pointed out the Riverbends apartments in South Jordan which ended after three years. There is not enough information to know this will be a good addition to the community. He is also concerned with traffic patterns in the area.

**Kyle Harward**, 426 South, 1350 West, said he knows the parcel needs to be developed, but this proposal is nearly double the density of the surrounding area. He has been a real estate appraiser, and believes a development with this many apartment buildings would have a negative impact on the value of nearby homes. He is also concerned with short term tenants and construction quality. The infrastructure cannot support this much development.

**Tracy Harward**, 426 South, 1350 West, said the past election focused on “Farmington first” and that she understood there would be representation of the west side. There is already a jail and Station Park in the area, and this proposal will encroach on areas that have been solely residential. This density is bad for the community and the City, and is not wanted in west Farmington. She wants support on both sides of the City.

**Patricia Anderson** added that she thinks the zone’s original intent needs to be clarified. This is not meeting transition, and open space requirements are not being met by this density. She is also concerned by the sewer issue.

**Norm Galley**, Salt Lake City, has been a developer looking to come to Farmington. Patterns of development are changing, and this presents the City with the opportunity to create a first class mixed use project. The project is in agreement with the existing ordinance. Mixed use, especially in the TOD zone, is an opportunity to set a high level of expectation. People always start out in apartments. This is a great opportunity for the beginning of great development for this area.

**Heidi Ritz**, 903 West, 500 South, said one of her biggest concerns is that the infrastructure cannot support this level of development. Water pressure will be affected, and has already diminished significantly over the years. Many people have bought expensive homes in the area and this density is a concern. She encouraged the Council to keep the TOD zone on the north side. Her biggest concern is that if this is allowed, it will set a precedent for other developers to request even higher density.

**Ryan Draayer**, 1386 Longhorn Drive, said the intersection is not adequate for the traffic pattern with additional entries on 1100 West. His wife is the PTA President of Eagle Bay Elementary, and the number of children in the Farmington Ranches is much higher than the rest of Farmington. Adding this many units this quickly will overwhelm Eagle Bay.

### **Public Hearing Closed**

**Mayor Harbertson** closed the public hearing at 8:50 p.m., and invited the developer to respond to the comments made.

**Ron Martinez** said as a developer he appreciates the positions by citizens. The apartment sites have been reviewed by the three largest developers of apartments in the country. These units are professionally managed, and this is a 25 million dollar investment, much of which is retirement capital, which can only be acquired based on professional management. The builders only build class

A developments, which will be managed properly. There will be a credit rating for the apartment tenants. They have a vested interest that every tenant adds value to the property. The 140 acres has been laid out in the current TOD zoning. Some of the development will create a tremendous tax base for Farmington. Despite difficult economic times, great companies are still interested in locating here.

**Robert McConnell**, legal counsel for America West, alleged that notice was given for earlier public hearings which no one attended. He thinks the Planning Commission believes it may have made mistakes, so is adding proposals and recommendations which are inconsistent with previous recommendations, and raising issues it failed to address earlier. He believes this is inappropriate.

**Mr. McConnell** stated that the parcel was rezoned in December. He then addressed each of the findings in the Staff report submitted by the Planning Director (handed out during the work session). He said that the ordinance is unclear as to the method of measuring density, and that architectural standards are unclear. Conditions recommended by the Planning Commission can be met.

There was an extensive discussion among the Council members and the developers following the public hearing. **Mr. McConnell** addressed some of the comments made by citizens in the hearing, saying that systemic flaws were present in the pending ordinance, that the application is consistent with zoning requirements, and that a traffic study indicates that street infrastructure does support the project. He said that some studies indicate that homes adjacent to mixed use areas actually increase in value.

**Paul Bringham** of Stantec Consulting said that open space is twice what is required, that density is allowed under the ordinance, and he urged the need for affordable housing in Farmington for younger families. He complained that the Planning Department staff was uncooperative and that most issues are minor and can be resolved.

**Mayor Harbertson** thanked everyone for their comments. He said any density greater than 18 units per acre warrants denial, that there is no covered parking, and that this project uses up substantial sewer capacity. He also questioned emergency vehicle access.

**Sid Young** and **David Hale** expressed concern that criticism of the Planning Commission is unfair. **Paula Alder** stated that density is too high and parking is inadequate. **Cory Ritz** emphasized that a precedent is being set and the Council is responsible for a vision for Farmington. **Rick Dutson** wants to give architectural freedom to developers, but it needs to be consistent with long term benefit to the City. He noted the City's efforts to look out for the west side citizens regarding the Legacy Highway.

### Motion

**Cory Ritz** made a motion, seconded by **Sid Young**, to deny the application of the Project Master Plan of America West Development, based on the Findings listed in the Staff report, as follows:

Findings:

- a. The proposed net residential density in the PMP exceeds the maximum standard of 18 dwelling units per net acre as set forth in Section 11-18-106(a) of the Zoning Ordinance.
- b. The applicant is not providing a generous mix of uses which may justify densities greater than 18 dwellings units per acre. Proposed commercial uses are not integrated or mixed in the residential area of the project.
- c. The applicant failed to provide compensating areas of open space, outdoor play areas, and/or community facilities which may justify that density calculation be averaged over an entire parcel.
- d. The PMP is located in the secondary district and one purpose of this district is to provide a transition from the Core District to adjacent development. The PMP does not provide an effective transition because the architecture proposed does not compliment nor is it compatible with Station Park and surrounding areas. It does not use building materials that are of traditional dimensions similar to Station Park nor is the solid to void ratio, window styles, overall architectural style, building entry placement, roofs, mass and scale, compatible with efforts underway in the Station Park development. The top floors of some of the buildings rising over two stories do not contain a distinctive finish, consisting of a cornice or other architectural termination required by ordinance (11-18-110(d)(5)). Overall, it does not evoke a village ambiance similar to Station Park—entrances on the commercial buildings are not directed to the street (see Section 11-18-110(c)(3)), nor are all such buildings oriented to the street with parking areas behind, the main vehicle access through the center of the project functions as a parking lot instead of a village street, moreover, the design and orientation of the buildings to this street reinforce its “parking lot” character, and the number and spacing of street trees do not meet TOD standards (11-18-110(1)). From a design perspective, the proposed Park Place PMP does not support the viability of the core area.
- e. Pedestrian connections shall be made when feasible to any pedestrian facilities [such as the proposed “rails to trails” within the adjacent UTA corridor] that connect with the property and all development must provide a pedestrian access plan (11-18-110(j)(6)). The applicant failed to provide such a plan.

- f. The applicant did not provide a sufficient buffer between the residential uses and the UTA tracks as per Section 11-18-110, especially if UTA activates their line.
- g. The conditions recommended by the Planning Commission has set forth in their meeting minutes and on the August 1, 2008, to the applicant have not been met.
- h. The PMP is not consistent with the Farmington City General Plan.
  - i. An overall architectural theme must be created which will be in compliance with the design standards set for the overall TOD District and complement Farmington's historic image, and must be designed to accommodate a variety of "mixed uses" (Farmington Commercial Center recommendations 1.2) and 3. p. 11-10), and the Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents (this goal is the most significant element underlying the General Plan)(General Goal 1, p. 4-2). The aforementioned findings demonstrate that the proposed PMP does not meet these policies and goal of the general plan.
  - ii. In a letter from Jill Houston of the Central Davis Sewer District dated July 3, 2008, she states, "Due to the America West Development proposed for west Farmington the District is concerned with available capacity in the existing sewer line in 1100 West. Central Davis Sewer District is currently collecting information on sewer flow in 1100 West. . . . This preliminary analysis may or may not provide enough information to determine available sewer capacity during peak flow conditions." The PMP is inconsistent with the sanitary sewer plan for that area and extraordinary measures must be taken to resolve the development proposed by the applicant. The Sewer District will require the developer to sign an agreement stipulating that they must improve a segment of off-site pipe before the development may proceed. The applicant has not yet entered into such an agreement. The ideal scenario regarding sanitary sewer is that the Sewer District should be allowed time to update their plans for the entire area. The second paragraph of the "Sewer System" section in the General Plan (p. 6-2) states in part, "In cases where proposed development would cause significant problems, that development should not be approved until the problems are corrected."

The Council voted unanimously in favor of the motion.

**Ron Martinez** responded by expressing his disagreement with the denial. He is frustrated with the untimely manner of having his questions answered by the City Planner, and the delays imposed by the City Council and Planning Commission. He reiterated that the application meets the

ordinance.

**Robert McConnell** said that systemic problems will be carried into the new ordinance. Requirements need to be articulated, and once those are met, it is the City Council's obligation to approve it. Having to go through the PMP so early in the process prevents them from giving the City Council what it wants.

**Mayor Harbertson** suggested that Agenda Item #17 come ahead of Agenda Item #6 in order to accommodate Somerset Hollow HOA representatives who were present for the matter.

**REVIEW OF SOMERSET HOLLOW STORM WATER DRAINAGE OPTIONS. (Agenda Item #17)**

Jim Hefner and Michelle Baires from the Somerset HOA were in attendance at the meeting to hear discussion regarding storm water drainage issues in Somerset Hollow Subdivision. The HOA had previously requested the City to install piping through a part of a drainage channel that runs through the rear properties of several homeowners.

**Mayor Harbertson** stated that this issue was reviewed during the work session. He and **Max Forbush, Rick Dutson**, and several of the Public Works crew participated on a field trip to this area. He said the proposed piping project was not in the budget, and that projects need to be done according to priority.

**Max Forbush** presented copies of the four piping options to the Homeowners' Association representatives. **The Mayor** reviewed the four possible options, which included installing either 100 feet or 450 feet of piping. He said sharing of the cost of the work with the HOA would move the project to a higher priority. The HOA representatives said they would discuss this issue at the next HOA board meeting and respond back. Jim Hefner asked about the street lighting issue discussed earlier.

**Max Forbush** said an agreement would need to be drafted, and the pond area surveyed. The HOA will provide expanded area for storm water and the City will pay the power costs on street lighting. The Public Works Department will need flexibility.

The HOA representative briefly explained the water issues, and said the HOA's decision would be emailed to the City Manager.

**FIRST READING: CONSIDERATION OF A RECOMMENDATION TO AMEND CHAPTER 11 OF THE GENERAL PLAN REGARDING THE "FARMINGTON COMMERCIAL CENTER" AND OTHER RELATED GENERAL PLAN TEXT AND MAP CHANGES, AND TO AMEND CHAPTER 18 OF THE ZONING ORDINANCE REGARDING THE TOD (TRANSPORTATION ORIENTED DEVELOPMENT) ZONE INCLUDING BUT NOT LIMITED TO RESIDENTIAL DENSITY, NON-RESIDENTIAL**

**BUILDING SIZE, PERMITTED AND CONDITIONAL USES, AND PROJECT MASTER PLAN (PMP) CRITERIA INCLUDING, AMONG OTHER THINGS, STREET TYPE HIERARCHY AND STREET NETWORK DESIGN, BUILDING FORM AND SITE ENVELOPE STANDARDS, OFF-STREET PARKING, LANDSCAPING STANDARDS AND OTHER VARIOUS CHANGES. (MP-2-08) (ZT-3-08) (Agenda Item #6)**

**Mayor Harbertson** stated that the Planning Commission needs more time to review this Agenda item.

**REQUEST FOR MINOR SUBDIVISION PLAT APPROVAL FOR A FLAG LOT AT 1266 NORTH MAIN (POULSON SUBDIVISION) - DWIGHT POULSON. (Agenda Item #7)**

**Mayor Harbertson** said this issue came before the Council previously. **Glenn Symes** said all three lots will use the stem portion of the flag lot as an access, and this will be on the plat. The issue of the turnaround has also been addressed. Applicant **Dwight Poulson** clarified the size of the lots.

**Motion**

**Rick Dutson** made a motion to approve a minor subdivision plat for a flag lot at 1266 North Main (Poulson Subdivision). The motion was seconded by **Paula Alder** and passed unanimously.

There was a brief discussion regarding setbacks.

**CONSIDERATION OF EXEMPTION FOR ZION'S BANK TEMPORARY USE PERMIT FOR A TEMPORARY MODULAR BANK BUILDING. (Agenda Item #8)**

**The Mayor** announced that this item was withdrawn from the Agenda.

**COMPETITIVE BIKE RACE PROPOSAL FOR DOWNTOWN - TYLER SERVOSS (Agenda Item #9)**

The applicant was not present for this Agenda item, and it was not discussed.

**MINUTE MOTION APPROVING SUMMARY ACTION LIST. (Agenda Item #10)**

- **Ratification of Approvals of Construction Bond Agreements**
- **Authorization to Sign Audit Engagement Letter**
- **Approval of Agreement with ADT Security Services, Inc., to supply and install security system at new Police Station**

- **Agreement with Zion’s Bank for Acquisition of new front-end loader**
- **Approval of Master Inter-local Agreement for Joint Use Facilities between the City and the Davis County School District**
- **Approval of an Ordinance amending Title 11 Chapter 39 (Historic Buildings & Sites)**
- **Ratify Consulting Services Agreement with Stantec Engineers**

The Summary Action List was reviewed during the Council work session.

**Motion**

**Rick Dutson** moved to approve the Summary Action List. **Paula Alder** seconded the motion, which was approved unanimously.

**ORDINANCE ENACTING SECTION 7-5-124.5 OF CITY CODE PROHIBITING THE DISCHARGE OF FIREWORKS AND UNAUTHORIZED OUTDOOR FIRES WITHIN A DESIGNATED RESTRICTED AREA (EAST OF 200 EAST AND EAST OF MAIN STREET) DURING A DESIGNATED FIRE SEASON (JUNE 1<sup>ST</sup> THROUGH OCTOBER 15<sup>TH</sup>).**  
**(Agenda Item #11)**

This item was also reviewed during the work session.

**Motion**

**David Hale** made a motion to enact the Ordinance enacting Section 7-5-124.5 of the City Code. **Rick Dutson** seconded the motion.

**Max Forbush** commented that the City can send out notices to citizens if the City Council so desires. The ordinance should be in place permanently. The Council briefly discussed its reluctance to punish responsible citizens

A roll call vote was taken on the motion, with Councilmen **Dutson, Hale, Ritz,** and **Young** voting in favor. Council member **Alder** voted in the negative.

**POLICY CLARIFICATION REQUEST - DISTRIBUTION OF BUSINESS LICENSE LISTS.**  
**(Agenda Item #12)**

The Council briefly discussed this Agenda item. Only a business owners’ name, address, phone number, and business name are given on the list. It was clarified that posting the business

license list online is legal.

**Motion**

**David Hale** moved to post the business license list on the City's website. **Rick Dutson** seconded the motion, which passed unanimously.

**Mayor Harbertson** said the list will be updated monthly.

**AGREEMENT WITH UTAH STATE DIVISION OF WILDLIFE RESOURCES REGARDING FARMINGTON POND. (Agenda Item #13)**

**Mayor Harbertson** stated that this agreement is good through 2018.

**Motion**

**Sid Young** moved to approve the agreement with the Utah State Division of Wildlife Resources regarding Farmington Pond. **David Hale** seconded the motion, which was unanimously approved.

**RESOLUTION UPDATING AND AMENDING THE CITY'S DEVELOPMENT STANDARDS. (Agenda Item #14)**

**The Mayor** explained that City staff has been working on this Resolution for many months. As an example of an amended development standard, he mentioned that a fiber mesh material to prevent cracks is being added during sidewalk construction.

**Motion**

A motion was made by **David Hale** to approve the Resolution updating and amending the City's development standards. **Rick Dutson** seconded the motion, which passed by a unanimous vote.

**REVIEW OF RECOMMENDATIONS FROM CITY ATTORNEY'S OFFICE REGARDING REQUEST FROM FARMINGTON PRESERVE MASTER ASSOCIATION FOR CITY TO ASSUME MAINTENANCE RESPONSIBILITY FOR LANDSCAPED MEDIAN STRIP IN SHEPARD CREEK PARKWAY. (Agenda Item #15)**

**Motion**

**Rick Dutson** made a motion authorizing The Mayor to sign and mail the letter as drafted by

the City Attorney. **Cory Ritz** seconded the motion, which was unanimously approved. Max Forbush was to schedule a meeting with HOA representatives who were present at the July 15<sup>th</sup> City Council meeting to inform them of the decision.

**WOODLAND PARK RESTROOM PROPOSAL AND STATUS REPORT. (Agenda Item #16)**

This item was discussed during the Council work session. **Mayor Harbertson** said the City Manager has asked the contractor three times to reduce the price of restroom construction. The final proposal is \$121,429. To have the project re-bid and redrawn by architects would probably prove to end up costing as much or more as the current price.

**Motion**

A motion was made by **David Hale** to authorize a Change Order in the contract with Ascent Construction in the amount of \$121,429 for constructing the Woodland Park restroom. **Paula Alder** seconded the motion, which was approved unanimously.

**REQUEST FROM FIVE NEIGHBORS FROM CAVE HOLLOW “K” SUBDIVISION TO ADDRESS CLEAN UP AND USE OF 10' WIDE CITY PARCEL ADJACENT TO DAVIS CREEK TRAIL. (Agenda Item #18)**

**Mayor Harbertson** said the ten foot strip behind City property on the north side Cave Hollow “K” Subdivision has not been maintained by the City, but should have been. Residents would like it cleaned up, and are willing to maintain the strip thereafter.

Additionally, two neighbors want a screen fence extended farther into their properties. The Flittons stated they have no privacy because of the height of the trail. They claim it also presents safety concerns. They would like the City to extend the fence to the east thus providing more screening and more safety and privacy. The Buxtons said they would extend the existing fence westerly along their property if the City would pay for materials.

**Max Forbush** said that trees have been planted. The cost of fencing would be approximately \$3,000 - \$3,500. The use of the ten foot City-owned strip would be by permit with conditions, including no landscaping.

**Motion**

**Rick Dutson** made a motion, seconded by **David Hale**, to authorize funding to improve City property to mitigate the Davis Creek Trail concerns:

- \$3,500 from Fund 42 (Park Impact Fees for partial screening of Flitton and Buxton

properties [fencing/landscaping]);

- \$3,000 from Fund 54 (Storm Water Utility for sewer rock material/other material to clean up 10' wide City-owned drainage strip adjacent to northern five lots in Cave Hollow "K" Subdivision.

The motion passed by a unanimous vote.

Council Member Young noted that the neighbors will accept maintenance of City property in exchange for the City cleaning the area initially and installing the fence extensions. Hence, this negotiated resolution does not set a precedent for other situations. This solution also removes the burden of maintenance from the City.

### **Motion**

**Rick Dutson** made a motion, seconded by **David Hale**, to authorize staff to develop "use permit agreements" for any of the five abutting property owners to use abutting the 10' wide strips conditional on the following:

- a. They maintain the area free of weeds and unwanted vegetation.
- b. They keep the drainage strip clean and "as is" and do not place plantings of any kind on top or within the strip including turf, trees or shrubs.
- c. Minimal planting can occur outside the drainage strip.
- d. Owners must submit plan on how they intend to use property initially and thereafter for substantive changes.
- e. The back fences may be removed with side yard fences extended but only if the side yard fences are portable and easily removed during emergencies. City to have easy access during emergencies.

The Council voted unanimously in favor of the motion.

### **APPOINTMENT OF NEW MEMBERS TO FARMINGTON TRAILS COMMITTEE.** **(Agenda Item #19)**

**Mayor Harbertson** reviewed the nominees for the Farmington Trails Committee.

### **Motion**

**Paula Alder** moved to appoint Richard Lindsley, Scott Ogilvie, Nathan Nelson, and Tyler Anderson to the Farmington Trails Committee, with George Chipman to serve as Chairman, and Bob Murri to serve as Vice Chairman/Secretary. **Rick Dutson** seconded the motion, which was unanimously approved.

**REVIEW OF UPCOMING CITY COUNCIL SOCIAL EVENTS AND TRAINING OPPORTUNITIES - (POLICE DEPARTMENT SHOOT / VOLUNTEER APPRECIATION DINNER / EMERGENCY PREPAREDNESS CONFERENCE. (Agenda Item #20)**

The Council discussed possible dates for the Police Department Shoot, and agreed on August 27 or 28<sup>th</sup>. **Max Forbush** will follow up on this date with the Police Department.

Details of the Volunteer Appreciation Dinner were announced.

Elected officials are invited to attend an Emergency Preparedness Conference sponsored by the Department of Public Safety on October 14<sup>th</sup> and 15<sup>th</sup>. Those interested need to contact Margy Lomax.

**Mayor Harbertson** announced that the Farmington Ranches are ready to design their neighborhood park, and a member of the governing body is needed to participate. **Paula Alder** and **Cory Ritz** volunteered for this assignment.

The Council discussed possible dates to tour the Denver Stapleton area. September 3<sup>rd</sup> or 4<sup>th</sup> were considered. **Max Forbush** will check with Mark Johnson of Civitas and Council members can confirm by email.

**REVIEW OF WOODSIDE HOMES' LETTER TO CITY MANAGER REQUESTING TIME EXTENSIONS ON DEVELOPMENT APPROVALS. (Agenda Item #21)**

**Mayor Harbertson** said that the extension date is already past. This issue will be addressed at the next City Council meeting.

**REQUEST FOR RECOMMENDATION FOR NOMINATION TO UTAH LEAGUE OF CITIES & TOWNS BOARD. (Agenda Item #22)**

The City Council discussed people to nominate to the League of Cities and Towns (ULCT) Board of Directors. It was moved that **Sid Young** be recommended to the ULCT Nominations Committee for consideration of appointment to the Board.

**MAYOR HARBERTSON 'S REPORT (Agenda Item #23)**

- **City Hall Location Options**
- **Clean up extension on north Farmington property**

**Mayor Harbertson** reported on a call from Scott Weiler of Creekside Estates inquiring about the possibility of an assessment district in that area. The City Manager will evaluate this issue and the costs involved, and a decision can then be made.

**The Mayor** has held meetings with Glen Maughan, who has removed cars and steel from his property. An agreement is close. A proposed extension of 90 days to complete cleanup was presented.

A meeting was held regarding the I-15 sound wall with residents of the Oakridge area. The sound wall will probably not be extended. Sound wall criteria and the name of the engineer in Kaysville who did an independent study will be provided to the Oakridge residents. **The Mayor** said the UDOT engineer needs to be contacted to have him email the Farmington portion of the study to the City.

**Mayor Harbertson** also reported that at the meeting discussion occurred over the proposed Shepard Lane local interchange that engineer Tim Taylor's study included

**Cory Ritz, Max Forbush** and **The Mayor** had a meeting with the School District regarding the high school property. The purpose of the meeting was to solicit the District's willingness to allow an "alternative alignment" for the Legacy North alignment to swing through their high school property site. Gary Payne and Paul Waite seemed agreeable to the proposal. City officials then met with the School District attorney and property acquisition teams, who are not opposed, but were guarded because of how difficult their site was to acquire. Should this alignment ever occur, they would want to be compensated fairly and a new location selected that would meet their needs.

**The Mayor** updated the Council on a rock wall that will be constructed on Mike and Sylvia Smith's property on Main Street.

**Mayor Harbertson** reported that Mike Wagstaff has proposed an ironman marathon, and has the contacts to make this a prominent race. The Council discussed the issue and was agreeable to the proposal.

**Mayor Harbertson** reported on discussions with the County about City Hall property. The idea was discussed to build the library on the old Dobson property, leaving the Children's Justice Center, and removing the annex building, which is where the new City Hall can be built across from the Community Center. The County is considering this proposal. The City Manager recommends sending a letter stating that the City is interested in pursuing this option, and that it will purchase property on this site.

**The Mayor** also updated the Council on resolving issues with Scott Bass.

The Council was favorable to the City Hall site proposal. **Max Forbush** pointed out that this proposal is advantageous because it is not taking private land out of tax exempt status, it keeps historic homes intact, preserves the neighborhood, and is less expensive.

#### **CITY COUNCIL REPORTS (Agenda Item #24)**

**Cory Ritz** reported on a phone call from some of the Smoot development residents concerning the lack of an adequate berm to protect homeowners near the Legacy Highway. They would like to increase the height of the berm. UDOT is representing to them that the City signed off on the design elements of Legacy. **Max Forbush** said the residents could send him an email detailing their concerns.

**Sid Young** suggested that the quarterly Trails meeting be held on Aug 21<sup>st</sup> at 4:30 p.m.

**Paula Alder** suggested that the City post yellow notices on property when a public hearing is scheduled for that parcel. **Max Forbush** said that notice by mail is most effective. **Dave Hale** suggested sending a form letter which clearly states the issue and property in question.

**Ms. Alder** also said that Planning Commissioner Craig Kartchner told her he was out of town when the Planning Commission voted to approve the America West PMP, and was disturbed that it passed.

#### **MISCELLANEOUS (Agenda Item #25)**

- a. **Miscellaneous items.**
  - **Joe Judd request for assistance to install irrigation facility on City land.**
- b. **Minute motion adjourning to closed session, if necessary, for reasons permitted by law.**

**Max Forbush** explained that Joe Judd has been maintaining City property up to the trail line. He wants permission to run an irrigation line from his property to the City's. His motive is to use, and perhaps acquire this property. The City has been allowing people to use property by permit. **Mr. Forbush** wants to have Public Works estimate the costs. The Council discussed the issue briefly, and **Mr. Forbush** said he would investigate the issue further

#### **ITEMS OF GENERAL CORRESPONDENCE (Agenda Item #26)**

There were no items to discuss.

**ADJOURNMENT**

**Sid Young** moved to adjourn. **Rick Dutson** seconded the motion, and the meeting adjourned at 11:30 p.m.

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Margy Lomax, City Recorder  
Farmington City