

FARMINGTON CITY COUNCIL MEETING

Tuesday, September 19, 2006

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg. Larry Haugen was excused.

Mayor Harbertson began discussion at 5:30 P.M. The following items were reviewed:

The City Council discussed the outline that will be followed for the Joint City Council and Planning Commission meeting that will be held on September 26, 2006.

Agenda Item#2: Reading and Approval of Minutes of Previous Meetings

The City Council reviewed the minutes from the regular City Council meeting that was held on September 5, 2006, and also the minutes of the special City Council meeting that was held on August 28, 2006.

Agenda Item #6: Public Hearing: Consideration of an ordinance to allow single-family residential P.U.D.'s as a conditional use in the B and OTR Zones and to repeal Chapter 22 of the Zoning Ordinance (Special Use(s) Zone) and re-enact (or re-codify) the "B" portion of Chapter 20 as the new Chapter 22.

David Petersen reviewed the proposed amendments to the Ordinance.

Agenda Item #7: Public Hearing: Consideration of schematic plan for a P.U.D.(17 lots on 9.66 acres) located at approximately 100 West 600 North.

Mayor Harbertson said he is concerned about the 600 North ingress and egress. He suggested that provisions be made so there would be a possibility for an access between lots 9 and 10, if a future property owner so desires.

Agenda Item #8: Public Hearing: Consideration of an ordinance amending the Subdivision Ordinance regarding the number of dwelling units on dead-end streets.

Mayor Harbertson explained that the Planning Commission recommended that the Council amend the dead-end street ordinance to reference dwelling units, not residential lots, which will thereby limit each lot to one unit.

Paula Alder questioned whether it would be appropriate to reduce the length of non-conforming dead-end streets.

Max Forbush said if the City considers reducing the non-conforming dead-end street limit, they will likely receive pressure from property owners who are interested in selling their property for development purposes.

Agenda Item #9: Public Hearing: Consideration of an ordinance amending Chapter 23 of the Zoning Ordinance (Office Professional Zone) regarding marriage and family counseling services.

Mayor Harbertson said it was recommended by the City Attorney and the Planning Commission that the Council delete the words “excluding counseling for alcohol, drug and sex related problems” regarding marriage and family counseling in the newly enacted OP zone.

Agenda Item #10: Public Hearing: Consideration of an ordinance amending Chapter 17 of the Zoning Ordinance regarding the Original Townsite Residential Zone (OTR) and related sections and definitions of the Zoning Ordinance.

Max Forbush passed out a copy of a letter that was submitted to the Council from the Historic Preservation Commission regarding the proposed amendments to the Chapter 17 of the Zoning Ordinance regarding the Original Townsite Residential zone.

The Council discussed whether vinyl siding should be allowed on the sides of the homes in the OTR zone since it would be visible from the street. They also discussed whether vinyl fencing and chain link fencing should be allowed in front yards in the OTR zone.

David Petersen said there are materials (such as hardy board) that are similar to vinyl siding but have a different appearance.

Mayor Harbertson suggested that two members of the Council and the City Planner meet with the Historic Commission to review the options discussed by the Council. The issue could then be considered on October 3, 2006.

Mayor Harbertson said although the Historic Preservation Commission recommends that the a percentage not be included pertaining to garage frontage, he recommends leaving the amendment as proposed to eliminate the possibility of a garage being over 40% frontage. He was also concerned that it may be inappropriate for the Council to prohibit residents from adding on to their single story homes. He said the text includes regulations that will prohibit “pop tops” so any addition made will be more aesthetically pleasing.

Agenda Item #11: Public Hearing: Consideration of an ordinance to adjust Farmington City’s common boundaries with Kaysville City west of Cherry Hill.

Mayor Harbertson explained that there is a developer who is interested in developing

the property with a residential use. City staff recommends that the Council hold the public hearing but table consideration until the developer presents a preliminary plat.

Agenda Item #12: Minute motion approving Summary Action List.

Max Forbush reviewed the lease terms for the rental agreement between the City and **Leslie and Brandon John**.

The members of the Council recommended that rent, security deposit and lease term increase for future rental agreements.

Miscellaneous

Max Forbush passed out a copy of the front page of the City newsletter for the Council's review.

The meeting adjourned at 6:55 P.M.

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, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg. Larry Haugen was excused.

Steve Curtis, the Mayor of Layton City, was present to sing the Weber State University school song.

Mayor Harbertson called the meeting to order at 7:10 P.M.

Sid Young offered the invocation. The Pledge of Allegiance was led by **Margy Lomax**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the September 5, 2006, City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

Sid Young moved to approve the minutes of the August 28, 2006, Special City Council Meeting. **Rick Dutson** seconded the motion. The voting was unanimous in the affirmative.

RECOGNITION OF KEITH JOHNSON, FINANCE DIRECTOR, FOR ACHIEVING "CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL

REPORTING” (Agenda Item #3)

John Bond of the Utah Government Finance Officers Association presented the City and Keith Johnson with a plaque and the “Certificate of Achievement for Excellence in Financial Reporting”. It was reported that because of Keith’s efforts, this award has been given to the City for five consecutive years.

PRESENTATION OF “HUMANITIES AWARD” TO ANNETTE TIDWELL - MAYOR HARBERTSON (Agenda Item #4)

Mayor Harbertson and **Kathy Sullivan**, Manager of Zions Bank, presented the “Humanities Award” to **Annette Tidwell** for her efforts to honor and preserve the history of Farmington.

REPORT OF PLANNING COMMISSION (Agenda Item #5)

Jim Talbot reported proceedings of the Planning Commission meeting held September 14, 2006. He covered the following items:

- The Planning Commission conducted a field trip to evaluate the property located at 48 West 600 North which is the location of **Brady Hall’s** proposed development.
- The Planning Commission approved **Jake Lawson’s** request for a two-lot subdivision (lot split) by metes and bounds consisting of 1.0485 acres located at 215 East 300 North in the OTR zone.
- The Planning Commission tabled consideration of **Gary & Jill Poll’s** request for a recommendation for schematic plan approval for a subdivision consisting of 10 lots on approximately 5.9 acres located at approximately 450 West Glovers Lane in an AE zone.
- The Planning Commission approved **Nate Shipp’s** request for a recommendation for schematic plan approval for a PUD (17 lots on 9.66 acres) located at approximately 100 West 600 North.
- The Planning Commission tabled consideration of **Brady Hall/North Park Development** to allow the hearing to be re-noticed.
- The Planning Commission approved **Bob Aamodt’s** request for site plan approval for an office building at 630 North Main in a BP zone.
- The Planning Commission denied **Nixon & Nixon, Inc./Dan Nixon’s** request for site plan approval for an office building at 630 North Main in a BP zone, since the proposal is not part of a planned unit center/PUD.
- The Planning Commission tabled **CenterCal’s** request for a recommendation to amend various sections of Chapter 18 of the Zoning Ordinance regarding Transportation Oriented Development to allow the CenterCal and City Attorney to

discuss the text.

- The Planning Commission approved the request of Farmington City to recommend the amendment to Chapter 12 of the Zoning Ordinance regarding accessory buildings in conservation subdivisions.
- The Planning Commission continued the hearing for Reagan Outdoor Advertising and I-Transact Building, LLC, until September 26, 2006, to allow the public hearing notices to be posted.
- The Planning Commission denied the request of various developers to amend the sign ordinance to allow for more corporate flags in conjunction with the development of larger subdivisions.

David Petersen informed the Council that a resident from the Fieldstone Development would like to construct a pool in her yard but needs approval from the Council since there is an unused drainage easement located on her property. She submitted her request by September 14th, as instructed by City staff, but the letter was not received by the Mayor until September 19th.

The City Council agreed to consider the request at a future council meeting, which would allow adequate time for City staff to post the required notices.

[**Mayor Harbertson** left the Council Chambers at 7:40 P.M.]

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE TO ALLOW SINGLE-FAMILY RESIDENTIAL P.U.D.'S AS A CONDITIONAL USE IN THE B AND OTR ZONES AND TO REPEAL CHAPTER 22 OF THE ZONING ORDINANCE (SPECIAL USE(S) ZONE) AND RE-ENACT (OR RE-CODIFY) THE "B" PORTION OF CHAPTER 20 AS THE NEW CHAPTER 22 (Agenda Item #6)

David Petersen explained that PUD's are not a permitted use in the B zone or the OTR zone. It is recommended that the City Council amend the zoning ordinance accordingly, but the change should include "single family residential" PUDs only. This ordinance also contains a "housekeeping" item. Several months ago the City enacted the NMU zone mistakenly as Chapter 20 of the zoning ordinance when the "B" zone already occupied this chapter. Therefore, it is recommended that the City Council repeal Chapter 22 of the Zoning Ordinance (Special Use(s) zone) and re-enact (or recodify) the "B" portion of Chapter 20 as the new Chapter 22.

Public Hearing

Mayor Pro Tem Dutson opened the meeting to a public hearing.

Don Peay (400 North 200 West) said his property is located in the "B" zone. He questioned whether the amendment would limit the allowed uses for his property.

David Petersen explained that the single-family residential PUD use will be added to the zone but **Mr. Peay's** property will still be zoned "B". The amendment will allow the property owners in the zone more flexibility.

Public Hearing Closed

With no further comments, **Mayor Pro Tem Dutson** closed the public hearing and asked the City Council for their consideration.

Motion

Sid Young moved that the City Council adopt ORDINANCE NO. 2006 -62 , AN ORDINANCE AMENDING, CLARIFYING AND RECODIFYING THE B CHAPTER OF THE FARMINGTON CITY ZONING ORDINANCE AND AMENDING CHAPTER 17, THE ORIGINAL TOWNSITE RESIDENTIAL (OTR) ZONE REGARDING SINGLE FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENTS (PUD'S). **Paula Alder** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN FOR A P.U.D (17 LOTS ON 9.66 ACRES) LOCATED AT APPROXIMATELY 100 WEST 600 NORTH (Agenda Item #7)

David Petersen displayed a Vicinity Map and pointed out where the property is located. He also displayed a schematic plan. He reviewed the six conditions that were recommended by the Planning Commission. The Planning Commission and City staff recommend that the Council grant schematic plan approval.

Public Hearing

Mayor Pro Tem Dutson opened the meeting to a public hearing and invited the applicant to address the Council.

Nate Shipp provided the Council members with a company resume and development plan. He explained that **Mr. Palmer's** son-in-law made him aware that the property was on the market. He displayed photos of the area as it currently exists. He reviewed the Concept Plan, Yield Plan, and the company's main considerations for the project. He said the roadway will be 20' of hard asphalt. As requested by UDOT, the entrance will likely be located at the existing intersection. A full traffic study will be provided for the Council's review.

[**Mayor Harbertson** returned to the Council Chambers at 7:50 P.M.]

Mr. Shipp said the development will include large open spaces, trails, and community

water features. The project will be governed by strict CC&Rs. He said efforts are being made to meet the conditions recommended by the Planning Commission. He said he is concerned that there may be irreparable damage done to the Haight home, but will address the issue at a later time.

Mayor Harbertson said the Council members received a hand delivered letter from **David Freed** who is the owner of Lagoon.

Dick Andrew (Lagoon) reinforced the comments written by **Mr. Freed**. He said it appears to be a lovely development. He asked that the developers remind their buyers that the development is located near Lagoon so there will likely be impacts from the lights and sounds.

Karen Davis (180 West 600 North) asked that the traffic issues be addressed. She expressed concerns relating to the proposed open spaces since the trail that is located near her home is often misused. She asked that the developer consider preserving the Gingko tree that currently exists on the property.

Public Hearing Closed

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

Sid Young said he is impressed that the developer intends to construct the development around the existing landscaping. He suggested that the following requirements be added to the conditions recommended by the Planning Commission:

6. Determine the need for an emergency storm water, mud, and debris flow path through the site **to Farmington Creek** and report your findings to the City Engineer prior to application for preliminary plat approval. Prepare the preliminary plat accordingly.
8. Prepare a traffic study as per UDOT standards and acceptable to the City Engineer regarding ingress and egress to the site from SR 106, **and provide mitigation to the possible traffic problems**. Receive any necessary permits from UDOT.

Council Member Young also suggested that a formal comment be made so the buyers are aware of the close proximity to Lagoon. He suggested that the developer consider configuring the lots in a way that will best mitigate the noise and lighting from the park.

Mayor Harbertson said he spoke with the applicant during the work session and suggested to him that lots 9 and 10 be configured in such a way as to allow a future access to 600 North. He suggested that the applicant work with the Historic Preservation Commission to

discuss the future of the Haight home. He also suggested that the applicant consider making lot 16 made an “estate lot” which will prevent the emergency access from being used as a parking area.

Nate Shipp suggested that the CC&R’s include a statement regarding the close proximity of Lagoon since the homeowners will review the document prior to closing.

Motion

David Hale moved that the City Council grant schematic plan approval for a P.U.D. located at approximately 100 West 600 North subject to the following conditions:

1. The Fire Department must have secondary access to the development.
2. Culinary water must be looped through the development including a connection to the fire hydrant next to the Held Subdivision north and east of the property.
3. Verify whether or not a stream is currently flowing in an underground pipe through the property, and if so, relocate the pipe as necessary to accommodate the development.
4. Provide a topographic map of the property as part of the review of the preliminary plat.
5. Identify sensitive and/or wetlands located on site.
6. Determine the need for an emergency storm water, mud, and debris flow path through the site to Farmington Creek and report your findings to the City Engineer prior to application for preliminary plat approval. Prepare the preliminary plat accordingly.
7. Explore the possibility of preserving the old “Haight Home”. Obtain recommendation from the City’s Historic Preservation Commission and report your findings to the City prior to preparation of the preliminary plat.
8. Prepare a traffic study as per UDOT standards and acceptable to the City Engineer regarding ingress and egress to the site from SR 106, and provide mitigation to the possible traffic problems. Receive any necessary permits from UDOT.
9. Include a statement in the CC&R’s indicating that the development is located near Lagoon.

Rick Dutson seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE REGARDING THE NUMBER OF DWELLING UNITS ON DEAD-END STREETS (Agenda Item #8)

Mayor Harbertson explained the purpose for the ordinance, as explained by **Mr. Petersen** during the City Council work session. City staff recommends that the City Council amend the dead-end street ordinance to reference dwelling units, not residential lots.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

Sid Young asked if there is a specific development that generated the discussion.

David Petersen said the Planning Commission recently reviewed a proposal to add 4 two-family dwellings on the end of a dead end street in south Farmington. The amendment will also be appropriate for other areas in the City.

Motion

Paula Alder moved that the City Council adopt ORDINANCE NO. 2006-63, AN ORDINANCE AMENDING SECTIONS 12-7-040(4)(C)(I) AND 12-7-040(4)(E)(I) OF THE FARMINGTON CITY SUBDIVISION ORDINANCE REGARDING RESIDENTIAL LOTS ON DEAD-END STREETS AND CUL-DE-SACS. **Rick Dutson** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 23 OF THE ZONING ORDINANCE (OFFICE PROFESSIONAL ZONE) REGARDING MARRIAGE AND FAMILY COUNSELING SERVICES (Agenda Item #9)

Mayor Harbertson said the OP Zone text was considered earlier in the year. It was recommended by the City Attorney that the text “*excluding counseling for alcohol, drug and sex related problems*” be removed from the Ordinance since there are many professional counselors who deal with these type of issues on a daily basis.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

Motion

Sid Young moved that the City Council adopt ORDINANCE NO. 2006-64, AN ORDINANCE AMENDING SECTION 11-23-030 OF THE FARMINGTON CITY ZONING ORDINANCE REGARDING MARRIAGE AND FAMILY COUNSELING SERVICES IN THE OP ZONE. **David Hale** seconded the motion, which passed by unanimous vote.

Mayor Harbertson said he received an e-mail from **Sharon Treu** reminding the Council to consider the property owners in the area when discussing uses, etc. related to the OP Zone.

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 17 OF THE ZONING ORDINANCE REGARDING THE ORIGINAL TOWNSITE RESIDENTIAL ZONE (OTR) AND RELATED SECTIONS AND DEFINITIONS OF THE ZONING ORDINANCE (Agenda Item #10)

David Petersen said based on comments received from citizens in the OTR/downtown area, the Mayor with the consent of the City Council, established a committee to review the provisions in the OTR Zone. Their goal was to “streamline” the text for those who wish to build in the OTR zone. The amendment will allow City staff to consider special exceptions rather than having the request considered by the Planning Commission. He reviewed the proposed amendments to the zone text (as found in the City Council packet) and explained the intent of the Committee when recommending the changes. He reviewed a slide presentation which includes the pages found in the proposed OTR Zone text Appendix.

PUBLIC HEARING

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

Rick Dutson suggested that vinyl siding be limited to the rear of the building only so it is not visible from the street. He does not want the zone text to be overly restrictive but believes that the OTR is a special zone.

Mayor Harbertson referred to the letter that was received from the Historic Preservation Committee. The Council concurred with two of the recommendations but did not deem it appropriate to limit a property owner from adding on to their home. The text will include guidelines that will make the addition more attractive to the community.

The Council discussed the proposal to create an architectural committee. The committee will only be appointed for specific circumstances. In order to clarify that the committee is not permanent, the Council agreed to include the word “*ad hoc*” when referring to the architectural committee in the zone text.

Mayor Harbertson suggested that the item be tabled to allow City staff and the Historic Preservation Commission to review the recommendations made by the Council.

It was the general consensus of the Council to allow City staff to present the Council’s recommendations to the Historic Preservation Commission so the Commission may become better educated and will have the opportunity express their opinions as a group.

Motion

Rick Dutson moved that the City Council table consideration of the ordinance amending Chapter 17 of the Zoning Ordinance regarding the Original Townsite Residential Zone to allow **David Hale** and **David Petersen** to present the Council’s recommendations to the Historic Preservation Commission. **Paula Alder** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE TO ADJUST FARMINGTON CITY’S COMMON BOUNDARIES WITH KAYSVILLE CITY WEST OF CHERRY HILL (Agenda Item #11)

Mayor Harbertson stated that the Council discussed the issue during their work session. The Council agreed that approval should be granted subject to the developer providing the City with a residential preliminary plat.

Public Hearing

Mayor Harbertson opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Mayor Harbertson** closed the public hearing.

David Petersen displayed an aerial photo and pointed out where the proposed property is located.

Motion

Rick Dutson moved that the City Council table the adoption of the Ordinance until Farmington City receives notice from Kaysville City that they have approved a preliminary residential plat on the property. **David Hale** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #12)

Paula Alder moved that the City Council approve the following items by consent as follows:

- 12-1. Approval of Lease Agreement for rental of home at 74 South Main with Leslie & Brandon John.

Rick Dutson seconded the motion, which passed by unanimous vote.

MAYOR HARBERTSON'S REPORT (Agenda Item #13)

- **Mayor Harbertson** reported that he and Walt Hokanson had received written permission from property owners abutting the Shepard Creek Channel from I-15 West to 1525 West Street to permit cleaning up the Shepard Creek Channel. The responsibility for such maintenance would normally fall to the Davis County Public Works. City staff was directed to contact them to encourage the cleaning.
- **Mayor Harbertson** requested that the Council members recommend that residents obtain their information pertaining to City meetings and events from the City's website.

CITY COUNCIL REPORTS (Agenda Item #14)

Paula Alder Report

- **Paula Alder** said she attended the Leisure Services meeting. It was requested that background checks be done on coaches prior to their being placed with children.

The Council Members suggested that the City offer informal training for the coaches, or have the coaches sign a letter stating the items they agree to. The City Manager said the issue can be further studied.

- **Paula Alder** reported on the information that was given at the Davis School District's Boundary Committee meeting. The Committee's intent is for the boundary change to be effective for 8 to 10 years. She also reported that Eagle Bay Elementary has been the largest growing elementary school in the District for two consecutive years.

Council Member Dutson Report

- **Rick Dutson** reported that during the upcoming week he will attend the Trails Coordination Committee meeting and will also be present to interview the individuals who are applying to work with the Emergency Preparedness program.

Council Member Hale

- **David Hale** reported on the meeting that he attended with the representatives of Lagoon.

Council Member Young

- **Sid Young** reported on the proceedings of the League of Cities & Towns meeting. Representatives from Davis County were not elected to serve on the Board.
- **Sid Young** said the property owners in his area wanted to discuss options for improving Mountain View Park and may approach the City regarding the possibility of matching funds or installing facilities.

Max Forbush said suggested that the Council consider amending the master parks and recreations plan, and if approved, the funding could then be allocated to the project. In fairness to the community, the recreational issues and available funding should be considered and public input should be received.

MISCELLANEOUS

Max Forbush passed out an article on the visioning process. The Council Members discussed the article and offered suggestions as to how the article could be improved.

Mr. Forbush invited the Council Members to tour the burn plant on October 4, 2006.

ADJOURNMENT

Rick Dutson moved that the meeting adjourn at 9:45 P.M.

Margy Lomax, City Recorder
Farmington City