

FARMINGTON CITY COUNCIL MEETING

Wednesday, October 19, 2005

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Recording Secretary Jill Hedberg.

Mayor Pro Tem Holmes began discussion at 6:00 P.M.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the Closed Session portion of the minutes from the September 14, 2005, City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

The City Council discussed the moratorium placed on the portion of land located in West Farmington. They agreed they did not want the moratorium lifted for developers, including Richmond American Homes, until the ordinance could be rewritten to provide the City greater control of the area.

David Hale asked the City Attorney how the City could reach their goal of adding control to the CMU ordinance. He felt the area needed commercial land to provide the City with a greater commercial tax base. He suggested that the City Council advise Todd Godfrey and Jim Carter of their desires for the area so they could incorporate them into the ordinance.

Susan Holmes said she was concerned that the CMU area does not provide adequate open space. If residential developers are developing in commercial areas, they should be required to follow residential rules.

Sid Young felt the City needed control of the high density residential area.

Rick Dutson said the primary component of the CMU should be commercial use which is filled in with residential use. The CMU was created to generate a commercial tax base and provide services to the community. He asked if the City had the ability to deny residential development if it did not have a commercial component.

Todd Godfrey said the City Council has the broad ability to deny a development during the zoning stage. At the next stage, the City Council's ability to deny a development is greatly restricted. He said the City Council needed to come to a consensus regarding the use of the CMU zone.

Max Forbush said market conditions have altered the City's original intent for the area. He asked if it seemed appropriate to re-evaluate the General Plan and the zoning text to meet the desires of the City Council.

Susan Holmes said the market for the area is residential. Since she has been on the City Council, all but one of the proposals for the area was residential.

Larry Haugen said the area has limited freeway access. To eliminate the commercial use will bring a tax issue in the future.

David Hale said he met with Bryson Garbett of Garbett Homes and a representative for the L.D.S. Church regarding the church site property. The property next to the Maverik store is not acceptable because of the liquor which is sold by Maverik. The property south of the credit union is complicated. Mr. Garbett is exploring the possibility of locating the church in the center of the Garbett Homes development. **Mr. Hale** said he would like the City to have greater control of future developments than they have with Garbett Homes.

City Staff suggested that the City Council determine whether to allow Richmond American Homes to begin their project. The process for re-evaluating the CMU ordinance also needed to be determined.

The City Council agreed that Richmond American Homes should not be allowed to begin the development process.

David Petersen said Richmond American Homes was not requesting high density, especially considering they paid a commercial price for the land. He was concerned that if Richmond American Homes did not develop the property, a developer requesting high density would.

David Hale asked how the City could be guaranteed that Richmond American Homes would not alter their current plans if the moratorium was lifted?

David Petersen said Richmond American Homes would have to comply with the required conditions. The requirements would be similar to the conditions that were set for the Tuscany Cove subdivision.

Susan Holmes said she only wanted minor adjustments made to the text, such as open space requirements, density, etc. She did not think usage percentages should be created for the area.

The City Council Members agreed not to lift the moratorium for Richmond American Homes. They agreed to establish a committee to make the appropriate modifications to the CMU

zoning text. The committee would be made up of two Planning Commission members, David Hale, Sid Young, City Attorney Todd Godfrey, Jim Carter of Bear West Consulting, David Petersen and Max Forbush.

[**Mayor Connors** arrived at 6:42 P.M.]

The following agenda items were reviewed:

Agenda Item #4: Public Hearing: Appeal of Planning Commission’s decision granting conditional use and site plan approval to construct an attached garage even with the front of a proposed single family dwelling at 37 North 200 West in the OTR zone - Chadwick Greenhalgh/Alysa Revell: The City’s Attorney recommended that the City Council use the same process for this appeal as has been used in the past. The Council’s main objective was to determine whether the Planning Commission had substantial evidence for their decision.

Agenda Item #5: Consideration of Schematic Plan Approval for “The Village at Old Farm” - Gardner/Gust Developers: **David Petersen** said he would pass out the minutes from the Planning Commission meeting which included the Planning Commission’s recommendation for Schematic Plan approval.

Agenda Item #11: Agreement with Todd and Wendy Rice related to development of a single family home and related street dedication adjacent to Creek Lane Estates Subdivision: The applicant asked to be pulled from the Agenda.

The work session adjourned at 6:55 P.M.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, Youth Council Member, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg.

Mayor Connors called the meeting to order at 7:00 P.M. **Sid Young** offered the invocation. The Pledge of Allegiance was led by **Mayor Connors**.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Rick Dutson moved to approve the minutes of the October 5, 2005, City Council Meeting. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

Sid Young moved to approve the minutes of the September 14, 2005, Special City

Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

Susan Holmes moved to approve the minutes of the October 7, 2005, Special City Council Meeting. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative. **David Hale** and **Sid Young** abstained due to their absence at the meeting.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held October 13, 2005. He covered the following items:

- The Planning Commission approved the preliminary plat for the Rice Farms Estates PUD, Phases 2 and 3.
- The Planning Commission amended their motion for preliminary plat for the Farmington Meadows subdivision which was granted on September 29, 2005, by adding a condition pertaining to the wetland delineation for the property.
- The Planning Commission granted conditional use approval for Jeff Smith's storage units and accessory living quarters at approximately 325 West 1050 South. Site Plan approval was not granted.
- The Planning Commission recommended the Master Transportation Plan update with changes as noted by the Commission.
- The Planning Commission tabled Woodside Homes request for a zone change until the developer prepares a Schematic Plan acceptable to the Planning Commission.

PUBLIC HEARING: APPEAL OF PLANNING COMMISSION'S DECISION GRANTING CONDITIONAL USE AND SITE PLAN APPROVAL TO CONSTRUCT AN ATTACHED GARAGE EVEN WITH THE FRONT OF A PROPOSED SINGLE FAMILY DWELLING AT 37 NORTH 200 WEST IN THE OTR ZONE - CHADWICK GREENHALGH/ALYSA REVELL (Agenda Item #4)

Mayor Connors said the City Council would be acting in a Quasi Judicial capacity. He reviewed the process that would be followed.

David Petersen passed out a letter from the City Attorney which outlined the appeal process. He listed the items that were included in the City Council member's packets. He displayed a site plan for the home which was also reviewed by the Planning Commission. The applicant was requesting conditional use approval, site plan approval, and approval to vacate the 200 West right of way to the property. The street vacation was consistent with the street vacations that had been granted in the past. The Planning Commission approved the application subject to the applicant removing the debris on the property and landscaping the southern portion

of the property to mask the garage.

The Planning Commission did not follow the City Staff's recommendations. City Staff recommended that the Planning Commission table consideration of the application until the applicant worked with the City to resolve the issues. Mr. Petersen had suggested that the home be redesigned to utilize the entire lot. A recessed garage could be designed to meet the requirements of the OTR zone. The applicant was not willing to change their house plan since they had already invested money in the current plan.

Alysa Revel (208 West State Street) said they felt strongly that any construction in the area should meet the City's zoning requirements. The Planning Commission's decision was not based upon legal, defensible issues. She and other neighbors invested money to have their constructions meet the design of the neighborhood.

Chadwick Greenhalgh (208 West State Street) said the setbacks for the proposed plan were not consistent with the adjacent properties. He displayed a photo which outlined the setbacks of the adjacent properties. The setbacks for the proposed plan would position the home 8-10 feet in front of the other homes on the street. He said the garage should be detached or set back behind the house in order to be compatible with adjacent properties and surrounding neighborhoods. He asked that the Planning Commission's decision be reversed since it was not based on findings and fact.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Rick Anderson (45 East 300 North) read a letter that he had submitted to the City Council. He did not support the pursuits of Chadwick Greenhalgh and Alysa Revell. He resigned from the Farmington City Historic Preservation Commission.

Todd Adams (242 North 200 East) said he built a house in the area which complied with the OTR zone but he did not think it was appropriate for the City to determine what was acceptable for an individual's property. The applicant had met most of the OTR zone requirements.

Jerry Preston (347 East 110 North) referred to the letter that he submitted to the City Council. When the OTR was created, he was concerned because it was not specific so many areas were left for personal interpretation. He addressed the three complaints given by the appellants:

Item #1: The front setback is out of line with the other homes on this street. It is forward at least eight feet from the neighboring houses. Currently, all homes on the street including the

home that is now on this property, maintain a consistent setback.

Mr. Preston's Response to Item #1: He did not ask for a special exception to set back. He is within the set back requirements of 30'. He fits the existing setbacks of structures in surrounding properties, especially those homes on the east side of second west.

Item #2: The attached garage is set at the most visible corner of the house, flush with the front plan, rather than detached or set at least halfway back as the ordinance requires. A Conditional Use Permit may be granted for a flush garage, but should only be approved if this is compatible with the other homes in the neighborhood. In this case, it is clearly not compatible as no other garages in the vicinity are flush with the house front.

Mr. Preston's Response to Item #2: Since the adoption of the OTR ordinance, seven homes have been built or are not being constructed in the OTR zone. Six of the seven homes have been granted conditional use permits to allow garages to be set even to the front of the home or allowed to be less than half of the depth of the home. The other one accomplished this by having a detached garage. The home owners want to be able to enter their home directly from the garage without having to deal with any of the elements, like weather or security reasons.

Item #3: The building plan specifies vinyl siding for side elevations. This was not addressed by the Planning Commission. The OTR Zoning restricts metal and vinyl materials to: fascia and soffit on rear and side elevations, windows and doors. All exterior materials and colors are required to be submitted for approval by the Planning Department and/or Planning Commission, but this had not been done when the Conditional Use Permit and Site Plan Approval were awarded.

Mr. Preston's Response to Item #3: He felt the section was hard to read. He has talked with individuals who served on the original OTR Committee, it was not their understanding that aluminum or vinyl siding was dis-allowed. Many who have built in the OTR, have been verbally told that. He thinks the section needs to be written a little clearer. He interpreted the section to mean that the front of the house needs to be brick, rock, stucco, wood siding or combination thereof. If it is on a corner lot the side facing the street must also be brick, rock, stucco, wood siding or combination thereof. Metal or vinyl exterior materials shall be permitted on the soffit and fascia, and on the rear and side elevations not facing the street.

Mr. Preston said he was concerned that the appeal would delay the home construction process since the street vacation had not proceeded.

Jennifer Garcia (37 North 200 West) said she wants to build her home on her family's property. She wanted to have an attached garage because she lives next to the Lagoon R.V. park and is concerned about the safety of her family. She said safety conditions have changed since her grandparents built the home 50 years ago.

Larry Young (972 North 200 West) said his home is located between the Garcia's and the Greenhalgh/Revell's. He is delighted that the Garcia's have an opportunity to build a home. He thinks the City should allow the applicant to build the home as it is proposed.

Public Hearing Closed

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

David Petersen said his recommendation took into account the fact that the Greenhalgh/Revell's had put such an effort into making their garage meet the requirements of the OTR zone. He also wanted to assist the Garcia's to increase the value of the Ellis lot and to have a potential building lot for future heirs. He was also concerned about the size of the rear yard since development will eventually occur behind their home. He said the City Attorney advised him that the set back different was not significant. He felt the Planning Commission made a reasonable decision, but reviewed the alternative motions which were to deny the appeal, uphold the appeal or approve the application subject to the same conditions as the Planning Commission and also subject to the conditions that the applicant redesign the home to recess the garage further back behind the front setback of the dwelling, and/or move the home further west 33' from the proposed future right-of-way line, and/or "flip" the house plan.

Mr. Petersen reviewed the Conditional Use Standards which were included in the packet material. He felt the proposed application fulfilled the Conditional Use Standards. He said the Planning Commission had a reasonable basis for their decision.

Alysa Revell said she served on the committee that created the OTR zone. She interpreted the ordinance differently than the Planning Commission, the City Attorney, and the adjacent neighbors. She felt it was important to follow the intent of the OTR zone which was to create a compatible design with the existing neighborhood since it is the City's only neighborhood that is on the National Register.

Susan Holmes said she appreciated the many hours that the Historic Preservation Commission spent on the City's behalf. She hoped that a meeting could be held with Mr. Anderson and that he would not resign.

Motion

Susan Holmes moved that the City Council deny the appeal and uphold the decision of the Planning Commission. **David Hale** seconded the motion.

The City Council discussed their preferences as to how the home and garage should be situated. They agreed the ordinance was open to subjective evaluation that could be viewed several different ways.

The motion passed by unanimous vote.

The City Council members and Staff assured Mr. Preston that the building permit process would be expedited since the appeal had delayed the street vacation process.

**PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR
“THE VILLAGE AT OLD FARM” - GARDNER/GUST DEVELOPERS (Agenda Item #5)**

David Petersen said the City’s ordinance requires that schematic plan approval be granted prior to preliminary plat approval. He referred to the Staff Report dated October 13, 2005, which outlined the following six items that were considered by the Planning Commission:

1. Does the proposed development meet the definition of a planned center development (Section 11-20-030(b))?
Planning Commission: Yes
2. Does the proposed development warrant impact analysis studies as set forth in Section 11-20-050?
Planning Commission: Yes
3. What is the proposed use for the historic Potter home?
Planning Commission: An acceptable use needed to be found.
4. Should the developer (with the approval of the City) establish 900 West as another point of access into the development?
Planning Commission: 900 West should be blocked, at least in the conceptual stage. City Staff recommended seeking the advice of the City’s traffic engineer.
5. Is a zero-lot line credit union proposal an acceptable request?
Planning Commission: Yes
6. Is the proposed initial architectural design for the project headed in the right direction?
Planning Commission: Yes

He passed out the draft minutes of the Planning Commission meeting that was held on October 13, 2005, which included the following recommendation:

The Planning Commission recommended a zone change from LR, LS, and A to NMU, and also recommended schematic plan approval based on the discussions noted regarding Items 1-6. The developer and 900 West residents shall meet to find a solution for 900 West Street. The Planning Commission recommended that 900 West be left as a dead-end street.

David Petersen reviewed the approval process for a planned center development which included Schematic Plan approval, Preliminary Development Plan approval, Public Hearing, and Final Development Plan that is memorialized with a Development Agreement. The Platting Process, Preliminary Plat, and Final Plat are addressed concurrent with the above process.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

David Dixon (1047 North 100 West) said his group conducted a survey at their open house to determine if the residents preferred the property be used for single family housing, multi-family housing, mixed-use, or a more intense commercial use. 70% of the residents were in favor of a mixed-use development. While determining how intense the mixed-use should be, they considered the following objectives:

- Preserve and enhance the character of Main Street. The road should be improved by including a roundabout, widening the road to allow for a center turn lane and bicycle lanes, a signalized intersection at Somerset, and pushing the roadway further to the west. Main Street should only have residential development.
- Prepare a proper transition for Highway 89. Large scale buildings should be located along highway 89. Smaller scale internal buildings should not exceed 7,500 square feet. Mansion style homes with a buffer or rock wall should be used to separate the uses.
- Design something that is unique. Buildings were designed to resemble Farmington's historic structures that were shown in Glen Leonard's old photos.

They have exceeded their landscaping requirements and parking space requirements. Signage restrictions have been created and 1 acre has been dedicated for a public gathering place.

Mr. Dixon said the following changes were made to the Plan: the building size was reduced to 10,000 square feet; an attached credit union was added which would make the grocery store appear smaller; Main Street parking was limited to one row; there are fewer buildings on the east side of the development; the development's total square footage is 203,000 square feet, the office buildings may or may not have a second story.

The landscape drawings, traffic studies and economic analysis were ready to be submitted to the City.

Drew Neil (1454 North 900 West) reviewed the motion that was passed by the Planning Commission on October 13, 2005. He asked that the City Council members accept the recommendation of the Planning Commission to keep 900 West a dead-end street. It is a narrow street that was designed to serve six houses. If 900 West were connected to the development, it would become a corridor for the semi-trucks to service Harmons. He asked that the developer buy the existing homes if 900 West becomes a through street.

Dorene Poulsen (1732 North Main) said she was concerned about how traffic would access the Center. She read an email that she received from Darren Dirst, UDOT's Traffic

Engineer, which was dated October 17, 2005. The email stated that when UDOT receives an application to access roads that are constructed using federal funds, the application is sent to UDOT headquarters and the Federal Right of Way Administration. The process could range from 4-9 months. She requested that the Schematic and Final Plan approval be delayed until the access issue is resolved.

Matt Poulsen (1732 North Main) said he is concerned about the traffic impact that will be caused by the development. He thinks the Highway 89 access issue needs to be resolved. He was also concerned about the widening of Main Street.

Carlie Neil (1454 North 900 West) said she was concerned that the City Council had not spent adequate time considering the development. The access issue needed to be resolved. She asked that the City Council require a developer/resident agreement if 900 West were to become a through street. She questioned whether the City had provided adequate notice for the hearing. She asked that the Schematic Plan include the buffer wall that the developer promised the 900 West residents.

Don Leonard (715 Leonard Lane) said his family was not willing to grant control of their property until the development met their standards. The development now exceeds his standards, as well as the City's requirements. His father was willing to sell the property to better the community. He asked that the process be expedited so his father could see the final project.

Mr. Leonard said that the City Council had been given ample time to review the development. The only changes made to the proposal were due to requests of the City or the development's opponents. He was not concerned about Highway 89 access since it is a limited access road, not a no-access road. UDOT is legally required to grant access. His family has right of ways that extend into Highway 89. He asked that the City Council grant Schematic Plan approval so the developer can inform UDOT that the City supports the development.

JD Patterson (1432 North 900 West) said if 900 West could not be maintained with its residential atmosphere, the developer should purchase the 900 West homes. He was also concerned about the water drainage in the area.

Mike Boyd (1444 North 900 West) said he has lived on 900 West for less than a year. He does not want to relocate but feels it would be necessary if the road were connected to the development since it would be unsafe for his children.

Dave Dixon said they do not intend to make 900 West a through street. UDOT would like a 400' deceleration lane and a 750' acceleration lane. There will be approximately 2,000 feet before the development's traffic merges with Highway 89. He does not anticipate a problem obtaining the access permits if they are given a positive recommendation from the City.

Public Hearing Closed

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

Rick Dutson said he was in favor of maintaining 900 West as a dead-end street. He was not opposed to the credit union being attached to the grocery store. He felt the process had been slow and felt it should move forward. He was not opposed to granting Schematic Plan approval since it would not grant any vesting any rights. He said the access issues would be a condition of Schematic Plan approval.

Sid Young asked if the traffic study was done assuming there would be two access points and if it was done showing 900 West as a dead-end street.

David Dixon said the traffic study was completed several months ago. It was updated when the layout changed. It is in the process of being updated again showing the trucks accessing the development from the Frontage Road. The traffic study was done showing two accesses to the development. He said the bicycle lane did not widen the width of Main Street.

Sid Young asked why the development was based on interior retail square footage rather than gross square footage.

Dave Dixon said the ordinance stated that the square footage should be based on interior retail square footage. The intent was to eliminate the calculation of exterior square footage such as space covered by a canopy.

Rick Dutson said residents were concerned about the 1400 North and Main Street intersection. He asked if the intersection was included in the developer's traffic analysis.

Dave Dixon said 25% of the development's traffic would come from Main Street. The traffic would only increase 8% in the next 30 years. The traffic analysis did not include roads that were not part of the development, although he has given the City suggestions as to how the intersection issues could be resolved.

Sid Young asked if the City had given adequate notice to the property owners near the development.

David Petersen said adequate notice had been given. At the Planning Commission meeting, it was mentioned that the development may be discussed on November 2, 2005, if there were not adequate time available on the October 19, 2005, agenda.

Motion

David Hale moved that the City Council grant Schematic Plan approval for “The Village at Old Farm” with subject to the recommendation of the City Council that UDOT grant access to the development, that 900 West remain a dead-end street, and that the following items be examined further:

1. Does the proposed development meet the definition of a planned center development (Section 11-20-030 (b))?
2. Does the proposed development warrant impact analysis studies as set forth in Section 11-20-050?
3. What is the proposed use for the historic Potter home?
4. Is a zero-lot line credit union proposal an acceptable request?
5. Is the proposed initial architectural design for the project headed in the right direction?

Larry Haugen seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: CONSIDERATION TO REZONE APPROXIMATELY TWO ACRES OF LAND AT THE NORTHEAST CORNER OF LUND LANE AND THE U.S. 89 FRONTAGE ROAD FROM “A” (AGRICULTURE) TO “LR” (LARGE RESIDENTIAL)/ CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR RESIDENTIAL DEVELOPMENT - GUY HASKELL (Agenda Item #6)

David Petersen said the Planning Commission did not grant Schematic Plan approval for the development. The property was annexed into the City which gave it a defacto zoning of A. He displayed overheads of the plans that were proposed for the property. The first plan was problematic because it did not include a buffer between the development and the freeway. The second plan was problematic because it included a flag lot and a lot that was accessed from a stem. The third plan, which was suggested by Mr. Dixon, included a cul-de-sac, an extra lot, a road adjacent to the Parkers, and a 50' buffer area for sound mitigation.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Guy Haskell said he was requesting Schematic Plan approval for the Plan that included four lots and was considered and approved by the Planning Commission. The Schematic Plan included a sound wall, large lots, and a contribution from the City. Mr. Dixon’s Schematic Plan suggestion would be too costly due to the fill that would be required to resolve the drainage issues. The lots would also be considerably higher than the adjacent properties.

Public Hearing Closed

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

The City Council members discussed the drainage issues with Mr. Haskell. It was suggested that the cul-de-sac have a down hill slope. The Council members recommended that Mr. Haskell consider plans that did not include flag lots.

Motion

Susan Holmes moved that the City Council adopt ORDINANCE NO. 2005-, AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE FRONTAGE ROAD AND LUND LANE FROM A TO LR. **Rick Dutson** seconded the motion, which passed by unanimous vote.

Motion

Rick Dutson moved that the City Council continue the Public Hearing and consideration of Schematic Plan approval. **Larry Haugen** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF REQUEST TO VACATE OR NARROW A PUBLIC UTILITY EASEMENT/DRAINAGE EASEMENT WITHIN EAGLE CREEK, PHASE I SUBDIVISION - LANCE AND CARMEN SAMUELSON (Agenda Item #7)

According to packet information, Lance and Carmen Samuelson are requesting that the City vacate a 10' wide "PUE and Drainage Ease" on the west side of Lot 207 in the Eagle Creek Subdivision, Phase II, to allow for the construction of an accessory building. The subdivision contains two such easements which traverse the project from north to south. The City Engineer states that the City may need these easements in the future. Nevertheless, he is willing to recommend a partial vacation of the easement (5 feet), but only for the length of the accessory building if the Samuelson's agree to install a concrete waterway acceptable to the City over the remaining portion of the easement adjacent to the building.

David Petersen displayed where the easements were located in the subdivision. He said the City Engineer is reluctant to vacate the easement but would be willing to reduce the easement in exchange for a fixed concrete waterway.

Motion

Rick Dutson moved that the City Council adopt City Staff's recommendation to narrow the easement in question. **Susan Holmes** seconded the motion, which passed by a 4 to 1 vote.

The City Council agreed to consider Agenda Items 14, 12, and 13, prior to considering Agenda Items 8, 9, 10, 11, 15, and 16.

DAVID & PEGGY BARNEY CLAIM (Agenda Item #14)

Max Forbush said URMMA’s Claims Adjuster, Lyle Kunz, submitted a letter to the City which stated the following:

“We do not believe that Farmington City would be held legally liable for the damage that Mr. & Mrs. Barney claim. We do not believe that the construction methods were out of the ordinary nor do we believe the vibrations were so tremendous as to cause this stone to crack on the far side of the home from where the construction was taking place.”

Mr. Forbush said City Staff and the Public Works Department agrees with URMMA’s recommendation.

David Hale suggested that the City offer support without assuming liability.

Mr. Barney said he and a neighbor on 300 West experienced prolonged vibrations from the construction site on the day that the window sill collapsed. He did not think the window sill was damaged by the air conditioning unit since it had been in the window for approximately five years.

Mayor Connors and **Council Member Hale** suggested that the Problems Resolution Subcommittee meet with Mr. Barney.

Motion

David Hale moved that the City Council authorize City Staff to notify URMMA to send a letter of denial as recommended. **Larry Haugen** seconded the motion, which passed by unanimous vote.

ORDINANCE AMENDING TOD TEXT (CHAPTER 18 OF ZONING ORDINANCE) - DAVID PETERSEN (Agenda Item #12)

Todd Godfrey said any development in the TOD zone that is over five acres will require a Project Master Plan which would be reviewed by the Planning Commission. The applicant could then proceed to Site Plan approval. If the proposal was not consistent, the applicant would have to amend the Project Master Plan. This process would give the City security and would also expedite the development process. The following changes were made to the text:

- Certain language was relocated within the text to help it flow.
- The appeal provision was clarified to eliminate inconsistencies.
- The Master Development Guidelines were strengthened keep the development consistent.

Rick Dutson asked why tertiary setbacks were not included in the text.

David Petersen said tertiary setbacks should have been included in the ordinance.

Sid Young recommended that the City Council review the Project Master Plans. The City Council members agreed.

Todd Godfrey said the Project Master Plans would also be reviewed by the Planning Commission. According to the text, it is a stream lined process. Once the development is Master Planned, the developer would submit a proposal and could then receive Site Plan permits.

David Petersen addressed the residential density in the TOD zone. The Planning Commission adopted text that stated that within the Core District, the density was unlimited. Within the Secondary District, the density would be 50 dwelling units per acre. The Planning Commission reconsidered their decision and changed the density to 18 dwelling units per acre in the Secondary District and unlimited density in the Core District since it is located near a transportation hub. **Mr. Petersen** said the current text stated the dwelling units per acre in the Secondary District was 28, but it should be 18.

Loyal Hulme said it was his understanding that the dwelling units per acre was 28.

Mayor Connors said the density should be 18 dwelling units per acre in the Secondary District since it was the recommendation of the Planning Commission. If the developer feels it should be increased to 28, it will need to be considered by the Planning Commission.

David Petersen said Rich Haws does not control the Secondary District. It is owned by LeAnn Evans.

Motion

Sid Young moved that the City Council adopt the Ordinance amending the TOD text (Chapter 18 of Zoning Ordinance) which shall include the following changes:

1. Setbacks in the tertiary district shall be defined.
2. The Secondary District shall be limited to 18 units per acre.
3. The City Council shall be the governing body to approve Project Master Plans.

The City Council grants the City Attorney the ability to make minor modifications to the TOD text. **Rick Dutson** seconded the motion, which passed by unanimous vote.

ORDINANCE AMENDING CHAPTER 11 OF GENERAL PLAN (TMU) - DAVID PETERSEN/MAX FORBUSH (Agenda Item #13)

Todd Godfrey recommended that the inserted text on Page 9 be stricken. He read text that he suggested adding to place geographic identifiers in the TOD.

Motion

David Hale moved that the City Council adopt the ordinance with the changes recommended by the City Attorney. **Larry Haugen** seconded the motion, which passed by unanimous vote.

REVIEW OF UPDATED “DRAFT” TRANSPORTATION IMPACT FEE ANALYSIS AND CAPITAL FACILITIES PLAN - MAX FORBUSH/DAVID PETERSEN (Agenda Item #8)

According to packet information, the transportation engineers, City Engineers, impact fee consultant, David Petersen and Max Forbush met recently to make minor adjustments to the Analysis and Capital Facilities Plan. Bob Rosenthal, impact fee consultant, is in the process of refiguring the fees with alternatives as requested by Council.

Max Forbush distributed the Council members a copy of the Farmington City Draft Transportation Facilities Impact Fee Analysis and said he planned to have the document considered for adoption at the November 16, 2005, City Council meeting. A Transportation Master Plan was created. A Capital Facilities Plan was then drafted as the basis on which the Master Transportation Plan is amended. He asked for the City Council’s approval of the fee structure prior to the publication of the Analysis. He reviewed a few of the Road Project Improvements Share of Total Cost. He said the project costs were estimated by the City Engineer.

Mayor Connors asked that City Staff verify that the estimates/projections are not binding to the City.

Max Forbush said he would verify that the estimates were not binding. He said the estimates were reasonable but were not fixed amounts since there were four funding segments: 1) developer’s costs, 2) impact fees costs, 3) City’s costs, 4) grants/tax increments. The Impact Fees are required to meet certain criteria which is based on a Study required by Utah code. The estimates were figured several months ago. Since that time, the construction industry costs have increased considerably. The City Engineer estimated that the cost increase would raise the

Impact Fees 20-30%. **Mr. Forbush** recommended that the cost increase be added to the Transportation Impact Fee Analysis and Capital Facilities Plan. He questioned whether the City Council would prefer figuring the amounts with a 30% increase, a 50% increase, or an 80% increase.

The City Council members requested that City Staff re-figure the estimates to include the 80% increase, so long as it were not binding to the City.

Sid Young said he felt Project 9-2 (Extension of Burke Lane West to Kaysville Boundary) should be an issue that should be resolved by Kaysville City.

Max Forbush said the road is also included on Kaysville's Transportation Plan. They have met with Woodside Homes and the Sewer District.

Susan Holmes said she attended the meeting with Woodside Homes, Kaysville City, and the Sewer District. Woodside Homes proposed that all of the traffic be directed to Shepard Lane. She made it clear that the proposal was unacceptable.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #9)

Rick Dutson moved that the City Council approve the following items by consent as follows:

- 9-1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
- 9-3. Approval of an Ordinance amending 11-32-106 relating to driveway access. This item was previously conceptually approved by City Council.
- 9-4. Approval of Custodial Services Agreement for Community Arts Center basement with Shellie Riech.
- 9-5. Approval of Indemnification agreement with P&F Food Services (Kent Foote) related to signage of Arby's.

Sid Young seconded the motion, which passed by unanimous vote.

Motion

Rick Dutson moved that the City Council approve the following item by consent as follows:

- 9-2. Ratify City Council verbal approval of funding the televising of the “Meet the Candidates” Night over Davis Cable Channel 17 and over the internet. The cost of this service will be \$2,000 and fits within the existing budget of the City under elections.

Susan Holmes seconded the motion, which passed by a 4 to 1 vote.

AGREEMENT BETWEEN CITY AND JEFF W. SMITH PERTAINING TO STREET DEDICATION WEST OF I-15 AND SOUTH OF GLOVER’S LANE - MAX FORBUSH (Agenda Item #10)

Max Forbush said Jeff Smith would like to finalize the Agreement with the City by the end of October. The following changes were made to the Agreement:

1. There will be two warranty deeds.
2. Ken and Jackie Hardy will dedicate the road since it is a 1031 exchange.
3. Paragraph 6 on Page 2 will be eliminated.

Mr. Forbush said the new Agreement will include a Pioneering Agreement

Motion

David Hale moved that the City Council adopt the Agreement between Farmington City and Jeff W. Smith pertaining to street dedication west of I-15 and south of Glover’s Lane and approve the Pioneering Agreement as outlined. **Sid Young** seconded the motion, which passed by unanimous vote.

AGREEMENT WITH TODD AND WENDY RICE RELATED TO DEVELOPMENT OF A SINGLE FAMILY HOME AND RELATED STREET DEDICATION ADJACENT TO CREEK LANE ESTATES SUBDIVISION - DAVID PETERSEN (Agenda Item #11)

The item was pulled from the Agenda.

TRAILS CORRESPONDENCE (Agenda Item #15)

Max Forbush requested the approval of the City Council to send correspondence to property owners inviting them to sell a strip of land for widening the trail to the north. He said there needed to be additional discussions with Fruit Heights City. The Park and Trails Impact Fees could fund the project if the budget was amended.

Motion

David Hale moved that the City Council authorize the City Manager to send his letter to adjacent property owners inviting them to sell a strip of land for widening the trail to the north. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Susan Holmes said she was hesitant to utilize Impact Fees for trails since the funds could be used for other needs in the City. She recommended the funds be used to develop parks.

The City Council agreed with **Council Member Holmes** but agreed to the motion since it is exploratory.

WATER RIGHTS ISSUE/SHEPARD CREEK AT FARMINGTON RANCHES (Agenda Item #16)

According to packet information, The Boyer Company, with their attorney, are meeting with interested parties in the area who claim they have a water right to some of the water draining down Shepard Creek, most of which goes directly to the Great Salt Lake. Part of it can be diverted south through the interested parties properties. Most of them are concerned about water for their stock. The problem occurs in that the existing ditch which was once granted by The Boyer Company is plugged up with grass and does not drain appropriately without damming off the drainage directly west of the Great Salt Lake. In doing this, it affects the City's storm sewer system. A meeting has been set up for October 20, 2005, at 11:00 A.M. to discuss the issue.

Max Forbush said although he and the City Attorney believe the issue is between the developer and the land owners, they will be present at the meeting.

MISCELLANEOUS

Rick Dutson suggested that the microphones at City Hall be inspected since they do not seem to be working properly. He asked that the Station Park marketing materials be expedited since he is being contacted by large office users who are interested in the development.

David Hale said there was a disagreement between a builder and an adjacent home owner. The City suggested that the developer get a survey and a certification letter. The City's only obligation is to ensure that the required setbacks are met.

The City Council members discussed the gala event. The majority agreed not to attend the event.

Sid Young recommended that Craig Marsden be recognized for his service to the City. **Max Forbush** said a tribute could be scheduled after the first of the year.

Larry Haugen said he spoke with the head of the Museum Committee who said the rock

cabin that is currently located on the Guenter Popp property would be a great asset to the Museum.

Max Forbush said there was a list of items that needed to be done at the same time as the Community Center construction. City Staff recommended that the City Council approve a change order.

Motion

Susan Holmes moved that the City Council approve a change order for improvements at the Community Center. **Larry Haugen** seconded the motion, which passed by unanimous vote.

ADJOURNMENT

David Hale moved that the meeting adjourn at 11:15 P.M.

Margy Lomax, City Recorder
Farmington City