FARMINGTON CITY COUNCIL MEETING

Tuesday, February 4, 2014

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Associate City Planner Eric Anderson, Development Director David Petersen, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. City Engineer Chad Boshell arrived at 6:50 p.m.

The work session began at 4:15 p.m., and the following items were discussed:

Summary Action List

Dave Millheim said Item #3, a modification to the 1100 W Street Cross Section, is unique to that specific location. Four property owners are involved, and Henry Walker Homes has signed a deed; the other three are pending. Davis County requested City Council approval of the revised cross section prior to signing the deed and said they will install a sidewalk on the east side of 1100 W. **Brigham Mellor** asked if all of the items on the Summary Action List are approved with one motion, and the City Manager explained that routine items are placed on the list and approved with one motion unless an item is pulled off for separate discussion.

Preliminary Plat and Preliminary (PUD) Master Plan for the Kestrel Bay Estates PUD Subdivision

Mayor Talbot gave a brief background report of this proposal and said it has been a long process. There are several conditions that the applicant must fulfill, and no certificates of occupancy will be issued until all of the requirements have been met.

City Manager Report

- EDCU Match Grant – The City is ready to focus on the office park area, and staff would like to apply for an EDCU Grant to study soils in the area.

- Verizon – Verizon has asked the City if they can install a cell phone tower at Skate Park. Parks & Recreation Director **Neil Miller** is not in favor of the idea because it may negatively impact the utility of the Park.

- Benchland Water District – Annex Project – Benchland plans to annex an access road to a culinary water tank at 300 W Bella Vista Court and a trail and drainage at 2055 N Bella Vista Road.

CLOSED SESSION

Motion:

At 5:00 p.m. **Cory Ritz** made a motion to go into a closed meeting to discuss pending litigation. The motion was seconded by **John Bilton** and unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

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Jim Talbot, Mayor

Motion:

At 5:50 p.m. **John Bilton** made a motion to reconvene in an open meeting. The motion was seconded by **Jim Young** and unanimously approved.

Cottages at Rigby Road Schematic Plan, Annexation and Zone Designation related thereto (Ovation Homes)

Developer **Brad Frost** thanked the **Mayor**, the Council, City staff and the Trails Committee for their assistance during the very long process of creating a schematic plan for this property. He emphasized that if a PUD had been approved, the trail would have worked, but with the 67-lot plan it is not feasible. The Council discussed several related issues, including: storm water detention and placement of utility lines, possible location of the trail, waivers of the open space requirement and the 80-foot buffer, and the number of units per acre. **Eric Anderson** pointed out that a waiver of open space requires a vote of not less than four members of the City Council.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Youth City Council member Steven Swanson was also in attendance.

CALL TO ORDER:

Roll Call *(Opening Comments/Invocation/Pledge of Allegiance)*

The invocation was offered by **Brigham Mellor** and the Pledge of Allegiance was led by local Boy Scout **Jeffrey Wendell** of Troop 401.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summary for Planning Commission meeting held January 23, 2014

The Summary was included in the staff report.

Invitation to Citizens Academy

Police Chief **Wayne Hansen** introduced **Stephanie Gonzales**, Woods Cross Police Department's Crime Prevention Specialist. She shared information regarding the Citizens Academy and invited the Mayor and Council to attend the class which will begin March 13, 2014.

PUBLIC HEARINGS:

Preliminary Plat and Preliminary (PUD) Master Plan for the Kestrel Bay Estates PUD Subdivision

Eric Anderson said this PUD will be 50 lots on 8.68 acres of property at 500 S 200 W. The applicant plans to rezone the property from AE to R and build upscale, single-family homes which will be marketed to "empty nesters". The intent of a PUD is to promote flexibility, and this project meets the PUD requirements.

Scott Balling, 1995 N 100 E, Centerville, said these homes will be ramblers with basements, fewer bedrooms, and large common areas, and landscaping maintenance by the HOA.

Public Hearing:

The Public Hearing was opened at 7:25 p.m.

Shannon Hicks, 511 S 111 W, is excited for this project to happen, but she does not want the zoning to change until the project is finalized.

The Public Hearing was closed at 7:26 p.m.

Brigham Mellor asked if it the driveway for the two flag lots, Lots 215/216, would be shared, and **Mr. Balling** confirmed that it would. **John Bilton** thanked **Shannon Hicks** for her comments and confirmed that the zoning will be handled at the final plat stage.

Motion:

John Bilton made a motion to table consideration of an ordinance rezoning the property from AE and R-8 to R (PUD) to allow the Planning Commission time to consider said designation concurrent with its review of the Final (PUD) Master Plan and the Final Plat. The motion was seconded by **Cory Ritz** and unanimously approved.

Motion:

Jim Young made a motion to approve the Preliminary Plat and Preliminary PUD Master Plan subject to all applicable Farmington City ordinances and development standards and the conditions and findings recommended by the Planning Commission and City Staff and included in the staff report. **Doug Anderson** seconded the motion which was unanimously approved.

Cottages at Rigby Road Schematic Plan, Annexation and Zone Designation related thereto (Ovation Homes)

Eric Anderson said the applicant plans to annex 22.146 acres of property into Farmington, change the zoning to LR and develop a 67-lot residential conservation subdivision with no trail, a

landscape buffer along 1800 N and sidewalks throughout the development. Waivers for the 10% open space and an 80-foot buffer on 1800 N will be required. Staff is recommending either Motion A which waives the open space and has no trail or Motion B which includes a trail. He asked the Council members who visited the trail site to report on their visit.

Doug Anderson said the Haight Creek draw is beautiful with a nice 1/4-mile length. One of his concerns was where the trail daylights, and he discovered that it connects to a sidewalk on Rigby Road. Although the trail is steep, it is meant for the residents who live near it.

Cory Ritz agreed and said he understands the angst and sees both sides of the argument. The D&RG trail is located next to his home, and cars frequently park near his home to access the trail. He said one gets used to the idea. Because the bottom of the draw will not be able to be fenced, it will continue to draw children to the area.

Melvin Smith, 1936 E 1900 N, Layton, attorney for Ovation Homes, said the developer decided to annex the land into Farmington City and submitted a proposal for an assisted living area which was not well received by the public. The 2nd submittal for a PUD with 80 lots and a trail was also not well received. After meeting with residents and staff, he submitted a third proposal for a 77-lot PUD and a looped trail. The public seemed to approve, but the Planning Commission turned it down by a 3-2 vote. This proposal is for a conservation subdivision with 67 lots and no trail.

Public Hearing:

Mayor Talbot opened the public hearing at 7:55 p.m.

George Chipman, 433 S 10 W, Farmington Trails Committee (FTC) Chairman, pointed out the exact location of the trail on the overhead map and said it is 1485 feet long (¼ mile). It would add value to the subdivision, and could be used by anyone who desires exercise, young mothers with babies in strollers, retired couples, joggers, and school children.

Stacey Nielsen, 561 Eastborne Court, FTC member, said this is the 14th best city in the nation because of its outdoorsy charm, 18,000 acre wildlife preserve, 115 miles of hiking/biking trails and a beautiful historic district. Trails keep people active, and people with active lifestyles give back to the community. The trails are very diverse and can be used by all types of people.

Kristy McRoberts, 1417 Haight Creek Drive, Kaysville, informed the Council that the only logical place for the trail is near the Creek which floods every spring. She loves trails but this one would be difficult because of the steep terrain. She expressed concern about the safety of children in the area, the extremely dry weeds in the summer, and the lack of privacy.

Lani Shepherd, 720 Somerset Street, said the section of trail she uses most often is less than 1000 feet and is located between Kensington and N Compton. She knows that the FTC will build the trail correctly, and she asked the Council to keep in mind that once a decision is made it cannot be changed.

Sheri Ellis, 1722 W Country Bend Road, and **Dave Romney**, 1457 Burke Lane, signed the list but did not comment.

Terry Stevens, 1537 E James Drive, Fruit Heights, lives 300 yards from the Farmington border and serves on the FTC. A trail in this location will attract good people with good intentions

and protect the people who live around it. The residents in the area have an obligation to future generations who will want a nice place to walk.

Leo Laurendeau, 1523 S Haight Creek Drive, said building a trail is wonderful for a new subdivision. He has lived in this area for 25 years and was told that the existing 25-foot easement was for the County to access Haight Creek. He lives on the other side of 1475 S and asked who would clean up the debris and dog surprises that may end up in his back yard.

Scott Ogilvie, 615 S 150 E, said the FTC has done many improvement projects and receives donations for benches, equipment, etc. which means Farmington residents can enjoy nature and improve their health.

Tracy McCoy, 685 S 350 E, is also on the FTC, and a trail in this area makes sense. People in his area of the City have become used to having trails near their homes.

Collette Renstrom, 1332 Rigby Road, Kaysville, spoke for residents in the Montebella development who opposed the PUD because it did not meet all of the criteria from Section 11-27-070, and the density of this new plan is still too high. The main issue is density and not the trail. The lots are smaller because of the waiver for open space. She asked the Council to allow adequate screening if the trail is allowed.

Wendy Rasmussen, 1233 W 175 S, signed the list but did not comment.

Chris Roybal, 1267 W 1875 N, said the trail is a minor issue. This 24-acre development is a showpiece of property in the City, and the most important issues are density, the open space waiver, and the buffer along 1800 N. He appreciated the developer's statement that there will be ample room and flexibility for the north side adjustment.

Larry Olsen, 1289 W 1875 N, informed the Council that in 1987 he was promised by the City Manager, **Max Forbush**, and **Mayor Arbuckle** that if all of the property owners on that side of the road agreed to install curb and gutter, there would be no additional development on the south side of 1800 N. He expressed concern about density and said there should be no more than 44 lots.

Bryce Huff, 780 E 1475 S, Kaysville, thanked the Council for their service and said there were more public comments (84) on this proposal than any other development (Kestrel Bay – 35) this past year. The developer, property owners and Planning Commission finally reached a delicate balance, and he asked the Council to honor the work that was previously done.

Ron Robinson, 92 N Country Bend Road, serves on the FTC with 55 volunteers who help maintain the trails in Farmington and address any issues that may arise.

Wayne Korth, 785 E 1475 S, Kaysville, lives on west side of the hollow. The FTC has done a great job, but not one person who lives in the area has spoken in favor of the trail. It is a fire hazard and attracts people using drugs and having beer parties. He is also concerned about maintenance and asked the Council to respect the Commission's decision.

Benjamin Shaw, 1642 Stayner Drive, said everyone enjoys trails, but this one would be quite short, it would not protect the draw, and the lot sizes would be smaller. Local residents are the best judges to determine whether or not the tradeoffs for a trail are worth it.

Sam Paget, 1328 W Sweetwater Lane, asked how this became a trail issue because this one does not make sense. He spent many hours obtaining 250 signatures for less density and larger lots. Although he does not agree 100% with the proposal, it is better than the earlier proposals.

Mark Taylor, 1499 Hanks Circle, is a professional and traffic operations engineer who pointed out that there is no sidewalk on Main Street between Haight Creek Drive and Rigby Road. The speed limit is 45 m.p.h., and 15,000 vehicles pass the area each day. Research has shown that without sidewalks a pedestrian is twice as likely to be involved in a vehicle/pedestrian crash. He asked the Council to require a sidewalk on Main and Haight Creek Drive.

The public hearing was closed at 8:55 p.m.

Staff answered the following questions from the Council:

- The trail will affect Lots 55-67 and will not go further south at this time (that may happen in the future when the Clark property is developed);
- This proposal is for 2.88 units per acre (the PUD was 3.1 units per acre) and seems to match the surrounding area;
- Developer **Brad Frost** said they completed a survey on 1800 N and there will be adequate space for a landscaped buffer to ease the transition from the road to the housing;
- The 80-foot buffer is a separate issue and is measured from the dwelling unit to the road, similar to a setback, and it is part of the conservation subdivision;

Cory Ritz thought **Chris Roybal** made a good point that the density is the most important issue. **Doug Anderson** asked how long the Shepard Creek Trail has been in place and was told 30 years for the top portion and 15 years for the bottom portion. **John Bilton** said density is a very important point, but while there were many comments in opposition to the trail, but it was difficult to determine if any of them were also opposed to the density. **Jim Young** approves of the current proposal with the exception of the lots near Montebella and is inclined to support Option A. The Haight Creek draw will be used whether or not it is officially a trail, and it should be protected. **Brigham Mellor** asked if a note stating that there will be a trail on private property could be added to the plat. The developer would sell the lots and the trail would be on private property but there would still be access. **Dave Millheim** said it would be more appropriate to do it with an easement in overlay in the no-build area. There was discussion regarding vesting rights and a development agreement, and the City Manager emphasized that there are no vesting rights with a schematic plan approval. **Melvin Smith** said the developer needs to know what the terms are so he can manage expectations. **Doug Anderson** said they should be very clear about the trail issue—if he was a potential buyer, the trail easement would turn him off.

Motion:

Cory Ritz made a motion to table the annexation ordinance and plat annexing 22.146 acres of land located at approximately 1350 W 1800 N into the corporate limits of Farmington City, along with a zone designation for the Cottages at Rigby Road Conservation Subdivision until such time as the Preliminary Plat has been crafted and reviewed by the City Council and to approve the 67-lot Schematic Plan as presented, with the following conditions:

1. The applicant must obtain a waiver of the open space requirement of 4.882 acres pursuant to Section 11-12-065 and pay the City just compensation as determined by the City Manager and approved by the City Council in conjunction with Preliminary Plat approval.
2. The applicant will obtain a waiver of the 80-foot buffer requirement pursuant to 11-12-100(b) and clarify the relationship of the buffer to the setback along 1800 N.
3. The plan must be updated to show a detention basin and if it is on or partially on County property, written proof of County approval must be obtained prior to Preliminary Plat approval.
4. The applicant will change the name of the subdivision to something that does not use "Rigby Road in its title;
5. The applicant will obtain a survey defining the 1800 North right of way and determine the width of the buffer prior to Preliminary Plat approval. The developer will memorialize his intent not to cause expansion of 1800 N to the south of the existing curb and gutter.
6. The property will be subject to a negative easement or no-build zone by deed or other instrument to restrict building construction or modification of constrained land which has been defined as the non-buildable portion west of the ridge according to the ordinance, and the applicant will receive credit toward the open space requirement for the square footage of this area which will not allow fencing.
7. A public hearing will be held before the Planning Commission during consideration of the Preliminary Plat.
8. A trail easement through the Haight Creek Draw will be established and recorded with the consideration of three possible access points and the establishment of a minimum of two access points. The trail easement will be contained within the no-build zone, and it will be located as close to the Creek as reasonably possible. The trail will be established by the developer with input from the City, and ownership on both sides of the trail will remain with the lot owners who will be allowed to build fences adjacent to the trail to provide protection for their immediate backyards.

Brigham Mellor seconded the motion which was approved by Council Members **Jim Young**, **Cory Ritz**, and **John Bilton**. Council Members **Doug Anderson** and **John Bilton** voted against the motion. Because approval of an open space waiver requires at least 4 votes, the first portion of the motion passed, but condition #2 (the open space waiver) did not pass.

Findings for Approval:

1. The proposed development meets all of the standards and requirements of a conservation subdivision in the LR zone such as minimum lot sizes, lot widths and setbacks.
2. The proposed development is at a density of 2.85 units per acre which is consistent with the adjacent neighborhoods and the LDR General Plan designation of 4 units per acre.
3. The road layout will mitigate through traffic and be prohibitive to high speeds.
4. 1800 North Street shall be landscaped and retain its rural character.
5. Larger lots shall be situated on the periphery of the project providing an acceptable transition to adjacent neighborhoods.
6. The overall layout follows the low density residential objectives of the General Plan.
7. The applicant will provide storm water detention as per the Farmington City Storm Drain Master Plan.
8. A model showing the pipe size, slope and capacity of the new sanitary sewer line must be approved, and vacating the existing sewer easement must receive board approval [note: a major sewer trunk line crosses the property].

Motion:

John Bilton made a motion that the applicant must obtain a waiver of the open space requirement of 4.882 acres pursuant to Section 11-12-065 and pay the City just compensation as determined by the City Manager and approved by the City Council in conjunction with Preliminary Plat approval. **Cory Ritz** seconded the motion which was unanimously approved.

PRESENTATION OF PETITIONS AND REQUESTS:

Pedestrian I-15 Crossing Proposal

Dave Millheim explained that Park Lane was one of the first exchanges of its type, and UDOT agreed that it was not designed for pedestrians or bicycles. Farmington City plans to pursue all of the available funding avenues, but there are $250 million in requests this year and only $30 million in capacity.

Amy Shumway, 1178 Front Nine Way, has five boys and each summer they set a goal to ride their bikes 100 miles. They lived in Germany for 5 years and developed a love for biking on safe trails. They are grateful for the new trails and Station Park, but residents who live east of I-15 have no bike or pedestrian access to the Legacy Trail or the D&RG Trail. She listed three options:

- A tunnel or bridge under/over I-15 from Farmington Crossing/Oakridge Preserve Trail connecting to Legacy Trail/Farmington Station/Station Park (yellow on the map);
- A shuttle beginning at Maverik and traveling to Farmington Station (blue on the map);
- To continue the Legacy Trail to Shepard Lane and make a safe bike/pedestrian access over I-15 (red on the map).

She encouraged the Council, staff, and residents to push for one or more of these options and said funding is the next important consideration. Utah State Parks has a $100,000 grant for trails, and the proposal has been added to UDOT's STIP list. **Brigham Mellor** spoke with Senator **Stuart Adams** at a League luncheon who said the yellow option is the most viable and the best starting point is to contact whoever has the funding. He said Farmington City is a beacon for the whole state with regard to transit oriented development.

Rick McGurk, 1157 Front Nine Way, said he and his wife would love to go for an evening walk to Station Park. He actually walked from Station Park to his home, but it was not easy. He would love to see a bridge built in this location, but a shuttle would provide access soon.

Robert Jackson, 924 N 1100 W, lives north of the proposed bridge, and because there are more drivers than cars in his family, he commutes to his job at the U of U. He rides a bike to Station Park every day, and the recent re-striping on Park Lane has made it so unsafe because there is no shoulder. He asked that—at the very least—UDOT re-stripe the road.

Andra Edmund, 1457 Fairway Lane, has several teenagers who want to work and shop and eat at Station Park. Because she and her husband both work, their options for getting to Station Park are limited, and she is extremely concerned about safety.

Mike Vowls, 1673 N St. Andrews Drive, lives next to Heritage Park, and he is not sold on the bridge idea because with a new hotel in Farmington people who stay there may want to access Station Park without having to drive. Also, Lagoon employees continually walk from there to Station Park even if a shuttle is provided.

Richard Downs, 1166 W Front Nine Way, is an experienced biker but it is scary going over Park Lane. It is an important thing that we will fight for.

Scott Tingey, 923 Kings Crossing Drive, lives north of the proposed bridge area and is an avid runner. He signed up for a half marathon during Festival Days and discovered so many trails in the City. He loves running but does not want to have to drive to running paths.

Mayor Talbot said navigating Park Lane is scary in a car, and he would not try to do it on a bike or walking. He thanked the residents for their comments and encouraged everyone to continue working on this project. The City Council directed the City Manager actively pursue this project.

SUMMARY ACTION

1. Approval of Minutes from the Jan. 21, 2014 Council meeting
2. Eastwood Cove Subdivision Improvements Agreement
3. Modification to 1100 W Street Cross Section
4. Resolution adopting amended Development Standards
5. Jeppsen Minor Subdivision

Eric Anderson pointed out that the owner of the Jeppsen Minor Subdivision originally had five lots but reduced it to four to lower property taxes and to avoid having a shared access. Developer **Harv Jeppsen**, 727 Leonard Lane, said the trail is not on his property—it is located further south.

Motion:

Jim Young made a motion to approve the five items on the Summary Action List. The motion was seconded by **Brigham Mellor** and unanimously approved.

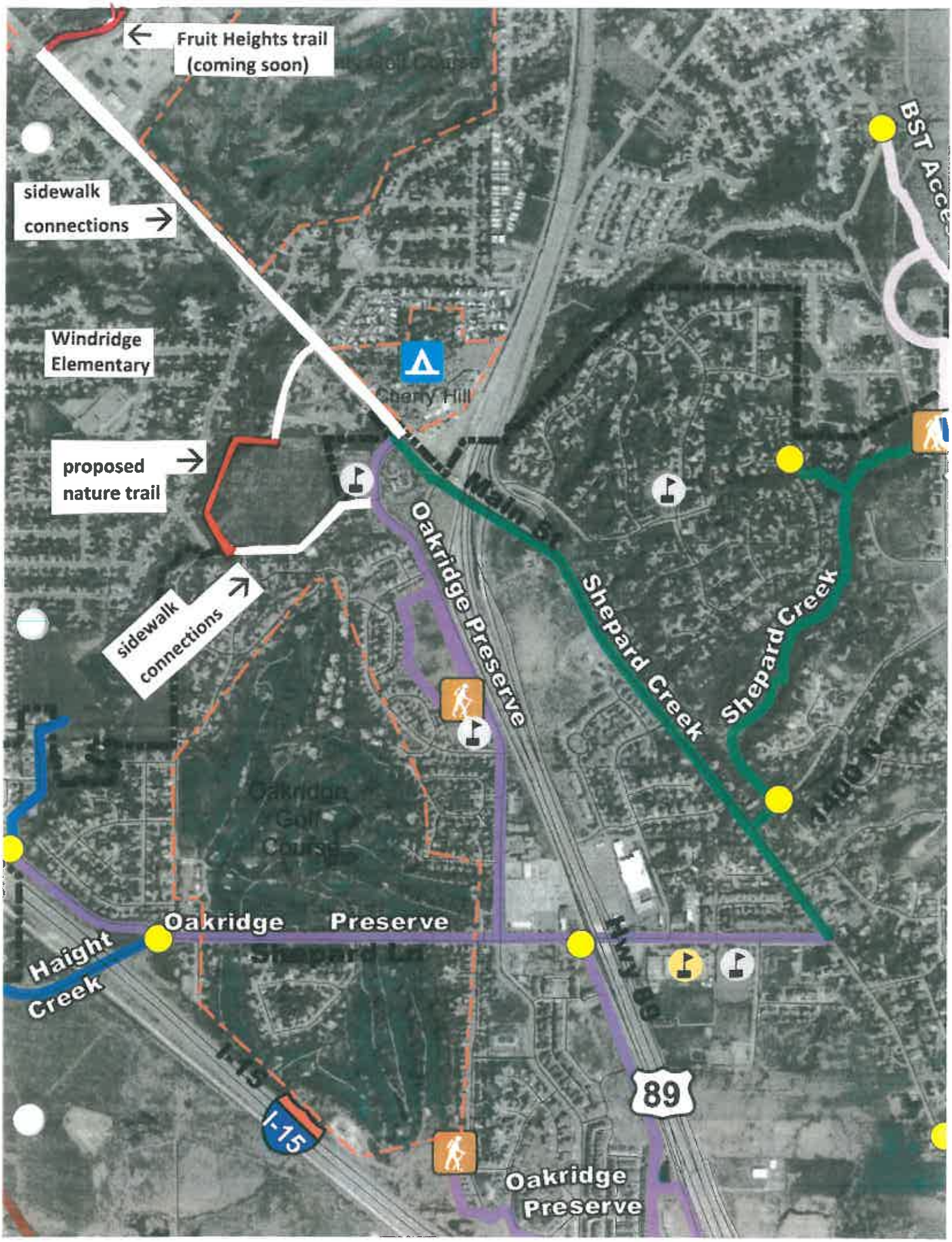
GOVERNING BODY REPORTS:

City Manager – Dave Millheim

1. EDCU Match Grant – This was discussed during the work session.

2. Verizon Cell Tower request for Skate Park – **Nefi Garcia** of Technology Associates (5710 S Green, Murray) said his company performs the Verizon wireless work in Utah and Idaho, and they are looking for additional data sites in the south Farmington area. The City Manager said the Parks & Recreation Director does not want a cell tower at Skate Park.

3. UTA storm drain line – The City recently began work on the Park Lane reconstruction, and a storm drain line on the western portion of the D&RG needs to be relocated. Kapp Construction was hired to do the job, but UTA placed a stop work order on the job because the City did not have approval to enter the UTA right of way. The City apologized and UTA


Fruit Heights trail
(coming soon)
sidewalk
connections
Windridge
Elementary
Cherry Hill
proposed
nature trail
sidewalk
connections
Oakridge Preserve
Main St
Shepard Creek
Shepard Creek
Oakridge
Golf
Course
Oakridge
Preserve
Haight
Creek
I-15
I-15
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89
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BST Acce

waived the permit but asked for a $4,000 license fee and asked the City to re-route the line which would be a significant ($100,000) cost increase.

4. TDR Ordinance – Density – A draft TDR (Transfer of Development Rights Sending Zone) ordinance will be reviewed on February 18th. The Council will need to establish a density right to the park property with a sending zone and a receiving zone. The City Council will determine case by case where and when to use the TDR Ordinance. Staff will recommend 4 units per acre, and each density unit that is sold may be at different rates because not all lots are created equal.

5. Benchland Water District – Annexing Project – This was discussed during the work session.

6. Public Works Expansion Plans – The drawings will be available at the next meeting.

Mayor – Jim Talbot

- There was a brief discussion about the annual Retreat which will be held on February 28 and March 1.

City Council

Doug Anderson:

- He thanked **George Chipman** for his hard work and effort regarding trails.

Cory Ritz:

- He would like to discuss density issues at the retreat.

ADJOURNMENT

Motion:

John Bilton made a motion to adjourn the meeting. The motion was seconded by ?? and unanimously approved, and the meeting was adjourned at 11:10 p.m.

Holly Gadd

Holly Gadd, City Recorder
Farmington City Corporation