

FARMINGTON CITY PLANNING COMMISSION

Thursday, January 24, 2002

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Linda Hoffman and Commissioners Kent Forsgren, Bart Hill, Larry Jensen, Cory Ritz, and Sid Young, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Commissioner Cindy Roybal was excused.

Chairman Hoffman called the meeting to order at 7:20 P.M. The meeting was delayed due to a prior meeting held by the City Council. **Sid Young** offered the invocation.

APPROVAL OF MINUTES

Larry Jensen *MOVED* that the minutes of the January 10, 2002, Planning Commission Meeting be approved as amended. **Sid Young** seconded the motion. The Commission voted unanimously in favor.

DAVID GRIFFIN REQUEST FOR RECOMMENDATION TO THE CITY COUNCIL FOR SCHEMATIC PLAN APPROVAL FOR AN 11 LOT SUBDIVISION ON 7.115 ACRES LOCATED AT 711 SOUTH 1200 WEST AND CONSIDERATION OF A WAIVER OF CONSERVATION LAND REQUIREMENTS RELATED THERETO (S-12-01) (Agenda Item #2)

Mr. Petersen reported that he, Mr. Griffin, and the City Manager had discussed options relative to Mr. Griffin's schematic plan for a new subdivision located at 711 South 1200 West and a waiver of conservation land requirements thereto. Several actions were contemplated which may have satisfied City ordinance directives regarding waivers for open space percentages. Waivers could be granted if recompense of equal value quality, quantity, or was made. Mr. Petersen reviewed several of the options, such as a perpetual easement to prevent any future subdivision, street tree planting, and increased front yard set backs. Mr. Petersen said Davis County would likely require some kind of flood plain easement in connection with the creek corridor.

Mr. Petersen reported receiving a letter from Ann Martinez, ad hoc trail and sidewalk committee member, about the creek corridor, and at the request of the Planning Commission read the letter. The letter suggested a wider easement along the creek corridor to protect the area. Mr. Petersen's response to the letter was that Farmington Creek probably was not in its natural corridor. It was dredged by the County on occasion and kept within the current banks. Plans for the trail on the west side of the creek were probably distant enough not to be impacted by any possible creek changes.

Mr. Petersen also said that the City Council will consider Mr. Griffin's AE rezone request

Larry Jensen *MOVED* to remove the agenda item from the table in order for the Planning Commission to take action. **Sid Young** seconded the motion, which passed by unanimous vote.

The Chairman invited the applicant to address the Planning Commission.

Mr. Griffin reviewed his schematic plan including the following points:

- ⌞ A hardship was being placed on the proposed subdivision by asking for 25 percent of the property to remain in open space. In Mr. Griffin's opinion, an 11-lot subdivision could not financially sustain such a loss. The open space requirement should be redrafted in a revolving scale so that small parcels were not penalized.
- ⌞ The water table is high, therefore homes cannot have basements. This fact coupled with the City's building height ordinance may result in single story homes spread over a very large foot print. It may be difficult to fit this style of home on a small lot which may be the end result if the full 25 percent open space is provided.
- ⌞ Percolation tests show that only a few of the proposed lots were buildable at this time because of sewer availability or lack thereof. The fact that Mr. Griffin had made land available for a sewer pump station should be given a great deal of merit. Doing so made it possible for other developers in the area to proceed with their plans. No building permits could be issued without access to sewer.
- ⌞ A liability may exist for Mr. Griffin if the trail was placed on the west side of the creek. He owns large horses and having people in the near vicinity as often as a trail would afford could be dangerous. The eagles in the trees near the creek should be protected. They would be bothered by a trail so close. Also, there was a secondary route for the trail on Candy Olsen's property.
- ⌞ Mr. Griffin agreed with the open space ideal in concept and wanted to have the property maintain the open feel. He also agreed with the tree planting suggestion and said he would likely do a lot of tree planting on his own.
- ⌞ The impact fees for all the lots at one time would be a huge burden on him as a developer. He would need to do the project in phases. He also discussed the loss of his green belt status.
- ⌞ In conclusion, Mr. Griffin presented a second plan which called for 1-acre lots which would require no open space. He stated the Planning Commission had directed that he either work out a compromise with the City Staff or that he come

back with a new schematic plan, so he felt the new 1-acre design did not need to be a new application.

The Planning Commission discussed the issues, including the following:

- ↯ Mr. Griffin has no vested rights until preliminary plat.
- ↯ If the rezone to AE is approved by the City Council, Mr. Griffin can develop in 1-acre lots without any conservation or open space requirements.
- ↯ Unless the zoning ordinances change, no further subdivision can take place. There is no perpetual guarantee that zoning restrictions will continue as they are.
- ↯ Even if Mr. Griffin had developed the 11 lots with conservation space, there would be no public access to the open space, with the exception of the trail as discussed on the west side of the creek.
- ↯ If Mr. Griffin develops the 1-acre lots they will likely have driveway's off from the proposed Shire Lane and not 1100 West, which would be a safety benefit.
- ↯ Some Commission members had been uncomfortable with prospects of waiving the open space requirement without what they felt were strong reasons to do so. It was an unwise precedent to set.

Sid Young *MOVED* that the Planning Commission approve the schematic plan for six 1-acre lots located at 711 South 1200 West as presented by David Griffin (Schematic Plan Option B) subject to all applicable Farmington City development standards and ordinances and the following conditions:

- The notice for the preliminary plat application shall be posted as a public hearing to allow adequate public input by interested citizens.
- The applicant must apply for a flood control permit with Davis County and report to the Planning Commission the width of the flood control easement that the County will require for this development.
- The applicant shall enter into a development agreement with the City regarding the proposed subdivision.

Kent Forsgren seconded the motion, which passed by unanimous vote.

Reasons for the action included:

1. Lots will front the cul-de-sac and not 1100 West which will provide safety benefits.

2. The Schematic Plan Option B met all ordinance requirements.

LOIS TAYLOR AND DON HOKANSON REQUEST FOR RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE SUNSET HILL NO.4 SUBDIVISION CONSISTING OF 7 LOTS ON 7.116 ACRES LOCATED AT APPROXIMATELY 325 EAST 100 N ROTH IN AN LR-F ZONE (S-10-00) (Agenda Item #3)

Background Information:

This agenda item was tabled by the Planning Commission on January 10, 2002, to allow time for assigned Commission members and the City Planner to meet with the developer and resolve any remaining issues regarding the proposed conservation easement. The meeting was held on Wednesday, January 16, 2002. The enclosed draft conservation easement suggested for City Council approval incorporates the comments received from this small working committee.

It is proposed that the conservation easement will cover the conservation land proposed for the subdivision as well as the sensitive steep hillside areas characterized by slopes of 30 percent or greater. Upon further review of the steep slope areas since the last Planning Commission meeting, the applicant has informed City staff that the 30 percent slope line identified on the subdivision plans is not totally accurate. The applicant states that in some cases due to ravines and other changes in topography the 30 percent slope line should be moved to the east or jogged to meet the varying levels of topography. It is recommended that the details related to the location of the western boundary of the 30 percent slope line (or conservation easement line) should be worked out between City Staff and the applicant.

The applicant has removed a considerable amount of dirt and material off-site under an excavation permit received while the property was still located in the County. Several loads of dirt must still be removed off site. In the process of removing the dirt the applicant hurried the deterioration of 325 East Street which was already badly in need of repair. It is recommended by City staff that the applicant pay some share of the cost of restoring this road and that they meet with the Public Works Department and come to terms which are acceptable to the City Council.

The City plans to extend the storm sewer up State Street to 325 East Street to more efficiently collect the storm water runoff from State Street and points east and north of the site. Lois Taylor should pay for her share of the storm water inlet and storm sewer pipe extension costs directly related to the development of Sunset Hills #4 Subdivision. This percentage is expected to be small.

END OF PACKET MATERIAL.

Mr. Petersen briefly reviewed the conservation easement agreement and foothill ordinance requirements affecting the proposed subdivision.

Mr. Young raised a question regarding the narrow frontage of lots #6 and #7 and caught

an error in the engineering drawings. He also wondered if the frontages were too small to meet City standards.

Mr. Petersen explained that schematic plans had been reviewed by the City Council and they were in agreement with the frontage amounts as presented, with the exception of the error. Under ordinance, the frontages must be at least 20 feet. The frontages for lots #6 and #7 were 20 feet—that is, they will be once the error is corrected.

Ms. Taylor mentioned that the error had been noticed previously and the engineer had been instructed to make the change. It will be changed in the near future.

Larry Jensen *MOVED* that the Planning Commission recommend final plat approval to the City Council for the Sunset Hills #4 Subdivision subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The applicant shall comply with all conditions of preliminary plat approval.
2. Final improvements drawings, including a grading and drainage plan and a revegetation plan, shall be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, Farmington Area Pressurized Irrigation District, and Central Davis county Sewer District.
3. The City Council must accept and approve a conservation easement for the steep sensitive lands and the conservation land contained within the subdivision boundaries.
4. A note shall be placed on the final plat indicating that a soils report has been prepared and submitted to the city for the proposed subdivision in accordance with the provisions of the Subdivision Ordinance.
5. Final plat approval shall be subject to the provisions of an existing agreement between the City and the applicants.
6. The applicants shall pay for any off-site storm sewer improvements directly related to the development of the subdivision.
7. The applicant shall pay its fair share of the cost of improving damaged or failed off-site streets as a direct result of excavating and removing dirt and other material from the subdivision site including but not limited to 325 East Street. Any cost-sharing arrangement for the road improvements or road restoration improvements shall be mutually agreed to by the applicant and the City.
8. The developer's engineer shall correct the frontage width of lots 5 and #6 so that the narrow corridor or "stem" leading to each flag lot shall be at least 20 feet wide.

Bart Hill seconded the motion, which passed by unanimous vote.

Reasons for the action included:

1. The developer, Lois Taylor, had been flexible and compromising in cooperating with City requests and requirements regarding the conservation easement agreement. Ms. Taylor acted in good faith in her associations with the City officials.
2. The action was appropriate for the City and met all standards and requirements.

PUBLIC HEARING: GARY PACKER REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH AN ACCESSORY DWELLING LOCATED 1366 NORTH ALICE LANE IN AN LR ZONE (C-1-02) (Agenda Item #4)

David Petersen reviewed ordinance amendments made recently pertaining to the applicant's request and the reasons the amendments were made.

Chairman Hoffman opened the meeting to a *PUBLIC HEARING* and invited the applicant to address the Commission.

Mr. Packer had no comments but asked for permission to address the Commission after public comment to summarize if needed.

John Erickson (neighbor to Mr. Packer) stated his opposition to the application. He felt the Commission should wait for action by the up-coming Board of Adjustment meeting to define *family*. He said he felt City officials were approving the application because it was not being termed a "duplex." However, the situation was identical to what a duplex is—two families living in separate buildings on a single lot. He felt if the application were approved, it would open problems all over the City.

Connie Diani (neighbor to Mr. Packer) said she had attended nearly all the meetings conducted regarding the application. She expressed her concern over the prospects of having the application approved. Because the term "family" included as many as 5 unrelated people, such approval could increase traffic in the area. She did not want to live in an area with multiple-family dwellings because it would decrease her property value. The undeveloped lots in the area would then be allowed to construct similar multiple-family dwelling units which were inappropriate to single family dwelling zoning restrictions. She felt the restriction regarding charging rent had no influence on the results of such construction. Ms. Diani was all right with Mr. Packer having his close family members live in the accessory building, but wondered what would happen once his home sold to someone else. She was opposed to the application.

Mr. Petersen reviewed the recently approved ordinance and further explained changes

made. He said the definition of *family* was a complicated issue involving state and federal laws and was the same definition as found in many other Utah city ordinances. Mr. Petersen also stated that the up-coming Board of Adjustment meeting would not consider the definition of family.

Mr. Packer appreciated the concerns of his neighbors but felt all opposition had been addressed in the new ordinance. The ordinance provided for public hearings for each application regarding using accessory buildings as dwelling units to provide for citizen input. Each application would be considered on a case by case basis and would only be approved as a conditional use which would expire if and when the property was sold. In his case, his son and daughter-in-law would be living in the accessory building for about 6 months and then would be moving to another location. At that point, the area would be used as a game room, an office, storage, or some other use. He did not want a duplex in his back yard. It would not be allowed. And he would not be charging rent nor would he want his neighbors to have rental units on their property. The ordinance amendment discussed provided for appeal of the permit and if the applicant were found in violation, the conditional use could be revoked. As for the undeveloped lots in the neighborhood, Mr. Packer felt they would be subject to all the same City standards and requirements as his lot. Because of the stiff restricts, set back, etc., he felt there would likely be no other applications.

With no further comments, **Chairman Hoffman** *CLOSED* the public hearing and turned the meeting to the Council for their consideration.

Mr. Petersen made further explanations regarding the new ordinance and stated the City Attorney had reviewed the document. He said the City Council had reviewed the new ordinance and had notified the public in the appropriate manner.

Mr. Forsgren stated he was responding to what may be the worst case scenario and that he had concerns with the definition of *family*. He wanted assurance that if the worst case scenario did occur that the neighbors would have due process of appeal.

Mr. Petersen explained the appeal process, or in other words the conditional use permit revocation process, and assured the Commission that if neighbors had grounds to complain, the Planning Commission would hold a hearing and consider revocation of the permit.

Mr. Jensen stated that the City Council's action adopting the new ordinance made the application by Mr. Packer an appropriate request. The application must be considered on the grounds of the new ordinance. Mr. Jensen commented that he felt over time, as areas age, they sometimes tend to become rental areas.

Linda Hoffman asked for assurance that the new ordinance did contain provisions for appeal or in other words provisions to revoke the conditional use permit if violations occurred.

Mr. Petersen said the ordinance did contained such provisions.

Cory Ritz *MOVED* that the Planning Commission grant conditional use and site plan approval for an accessory dwelling subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The accessory dwelling together with the existing single family dwelling on the lot shall be used exclusively by one (1) family.
2. No rent or other compensation may be charged for the occupants of the accessory dwelling.
3. The conditional use permit shall be recorded with the Davis County Recorder's Office.
4. No separate utility meter for the accessory dwelling shall be allowed.
5. The accessory dwelling shall comply with all construction, housing and building codes and shall also comply with all procedures and requirements of the City building regulations.
6. Only one mailbox shall be allowed for Lot 7 of the Forest Glen Subdivision.
7. No other accessory dwelling shall be permitted on the lot.
8. The conditional use permit shall not be assignable or transferable and shall terminate upon the sale or transfer of the lot.

Reasons for the motion included the following:

1. The motion as stated complies with the recent action by the City Council to amend the Zoning Ordinance and adopt new provisions dealing with accessory buildings.
2. The application complies with the current definition of *family* in the City ordinances.
3. A process to revoke the conditional use permit if violations occur is provided in the ordinance.
4. The Planning Commission appreciated Mr. Packer coming forth with his plans to use the accessory building as a dwelling unit. Such an honest approach provided the City an opportunity to review the pertinent ordinance and make changes.
5. It was appropriate to allow property owners their rights within the limit of the law.

6. The application met all legal criteria.

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

Chairman Hoffman expressed appreciation for the comments and concerns of the citizens attending the meeting.

PLANNING COMMISSION GOALS AND OBJECTIVES FOR 2002 (Agenda Item #5)

Background Information:

The Mayor and City Council have organized a retreat on February 1st and 2nd with City Department Heads to review and discuss among other things goals and objective for 2002. Members of the Planning Department include myself, as the City Planner, Eric Miller, the Building Inspector, Sue Bryce, full-time secretary, Laurie Cates, part-time clerical, and Ralph Gibbons, part-time Code Enforcement Officers. The Planning Department will meet prior to the January 24th Planning Commission meeting to formulate goals and objects to present to the City Council at the retreat. I would like to review our goals and objectives with the Planning commission and also receive the commission's goals and objectives to present to the Council. All our ideas may not be finalized in time for the February 1st meeting but at least we can start thinking about the future and what we would like to accomplish.

Mr. Petersen presented the following goals:

1. Amend the definition of *family*.
2. Work to maintain a viable retail core in the U.S. 89 area.
3. Adopt a Neighborhood Conservation Ordinance.
4. Continue to work with others to pursue a downtown grocery store.
5. Finish the update to the Master Transportation Plan with Horrocks Engineers (especially in light of the U.S. 89/Shepard Lane announcement.)
6. Amend the General Plan (begin work on "one area" plan)
7. Prepare a new "mixed Use Zone" with a transit and commuter rail friendly component.
8. Establish a site for a commuter rail station and support proposals for light rail (encourage a developer to create a transit/commuter rail oriented development)
9. Establish a non-profit "Farmington Trails Advocacy Group."

10. Work with Davis County to establish a Hillside Master Plan
11. Develop an affordable housing program.
12. Work with Lagoon on a parkway system.
13. Continue to lobby for a traffic light at Main and Burke.

Sid Young suggested the addition of an earthquake zone ordinance and a flood ordinance that required plans for “100 year” storm occurrences.

The Commission discussed the goals and felt it may be good to prioritize the list. It was also discussed that the Commission plan specific times to work on the goals.

MISCELLANEOUS AND CITY COUNCIL REPORT

Corrections were made on the new Farmington City Planning Commission 2002 roster. Chairman Hoffman’s email address is lchoffman@uofu.net and LindaHoffman@mail.weber.edu.

An addition was made to the Planning Commission Expertise Assignment 2002. Kent Forsgren and Sid Young have split the assignment to the Board of Adjustment.

Mr. Petersen reported that the property formally known as the “Church Welfare Farm” had been sold to a developer who is currently in the process of presenting an unexpected approach to development. They have requested a meeting with City Officials. Mr. Forsgren and Mr. Hill were invited to attend that meeting.

Mr. Petersen reported that the City Council approved the schematic plan for the Oakwood II.

ADJOURNMENT

Kent Forsgren *MOVED* to adjourn at 9:55 P.M.

*Linda Hoffman, Chairman
Farmington City Planning Commission*