

FARMINGTON CITY PLANNING COMMISSION

Thursday, January 26, 2006

SPECIAL JOINT PLANNING COMMISSION/CITY COUNCIL PUBLIC MEETING

Planning Commission Attendees: Chairman Jim Talbot, Commission Members Keith Klundt, Kevin Poff, Paul Barker, and Rick Wyss.

City Council Attendees:: Mayor Harbertson, Council Members David Hale, Larry Haugen, Sid Young, Paula Alder, and Rick Dutson

Historic Preservation Commission Attendees: Alyssa Revell, Julie Forbush, Annette Tidwell, Rebecca Mann, and Mr. White.

Farmington Trail Committee: George Chipman and Randall Klein

City Staff: City Planner Max Forbush, City Planner David Petersen, City Attorney Todd Godfrey, and Recording Secretary Jill Hedberg

Mayor Harbertson called the meeting to order at 5:00 P.M. and offered the invocation. He informed the attendees that the purpose of the meeting was to help the City organizations work more efficiently together.

Todd Godfrey said State law describes the function of the City's different organizations. State law allows boards, committees and commissions to handle City functions. The State law requires that cities have a Board of Adjustment and Planning Commission to handle statutory duties. He said the City has the option to organize a Historic Preservation Committee and a Trails Committee. These committees are advisory only and include members who are appointed by the governing body of the City.

Mayor Harbertson said the City has concerns regarding the different advisory boards since the City could be liable for their actions.

Todd Godfrey said the State law exists to provide liability and protections. The City's committees should not work independently from the governing body since it could create liability for the City. The City has liability coverage which can protect individuals so long as they are acting under the City "umbrella".

Todd Godfrey said the Trails Committee needs to be aware that the City Attorney is responsible to determine whether a developer is required to provide a trail. The City needs to be cautious that there is not land use exaction. The taking of land should be proportionate to what is being given. There are ramifications for taking property. The City could be obligated to pay for the court case as well as have to pay for the property.

Randy Klein said he assumed that if a trail was included in the Transportation Master Plan, the City should be able to enforce it.

Todd Godfrey said the City Manager and City Planner have the knowledge to determine whether enforcing a trail could be considered a “taking”.

Planning Commission Chairman Talbot suggested that developers work with City Staff regarding the trails so the developer does not feel he is being coerced to give something.

David Petersen said Trails Committee representatives started attending the meetings in 1998 to support the trails since there were individuals who were opposed to City trails. He said some of the Trails Committee representatives seem may seem to “dictate” what is expected, but it is not intentional.

David Hale said it is important for the representatives of the different committees to make recommendations or suggestions, rather than to expect certain things.

Randy Klein said the new Trails Ordinance should resolve the issue since the trails should be addressed prior to the developer appearing at the Planning Commission meeting.

Mayor Harbertson said he has assigned two Council members to each committee which will allow a more open communication with the governing body. The Council members will then address the needs of the committees at the City Council meeting.

George Chipman said the trails should be discussed prior to the developer receiving preliminary plat approval. The Trails Committee is in the process of creating a map that will show the City’s proposed plans.

David Hale suggested that the Historic Commission also identify the City’s historic structures so the developers are aware of the property status prior to committing to the property.

Max Forbush suggested that the Historic Commission create a list of the City’s historic homes. The list could then be attached to the Ordinance. He said the Trails Committee is actively involved with the Development Review Committee. It would be beneficial for the Historic Preservation Commission to be involved as well.

Alyssa Revell said it would be helpful for the Historic Preservation Commission to be involved with the Development Review Committee. She said the Commission’s Recognizance Survey is almost complete.

Todd Godfrey said there is a difference between historic structures and homes that are registered as historic structures. There is a level of regulation if the home is registered. To codify a list within the Ordinance would be less restrictive.

Max Forbush said it would be helpful for the City Council, Planning Commission and Historic Preservation Commission to determine how the City values each historic structure. An alternative could then be created for developers to mitigate historic preservation. The process needs to be fair to both the developer and the property owner.

David Hale said the OTR Ordinance was designed as an overlay to preserve properties and give guidance. If property owners desire something different than what is allowed in the OTR zone, they have the right to apply for a conditional use permit. Residents have felt that the City's involvement in property use has been too forceful.

Sid Young said the legislature is considering eliminating zoning opportunities so cities will not impose arbitrary requirements of developers.

Todd Godfrey said when historic preservation is being considered, the best strategy is negotiation. Strict guidelines lead to litigation.

David Petersen said the OTR zone has received a negative perception since enforcement is often confused with other regulations.

David Hale said people living within the OTR zone need to be aware that there are exceptions to the rules. Residents should be allowed to improve their housing conditions.

The group discussed the need for the City to update some of their ordinances.

David Petersen said City Staff has institutional knowledge that could resolve some of the communication issues but it would be impossible for Staff to attend all of the different committee meetings.

Max Forbush said if there is a disagreement as to the intent of the OTR ordinance, there should be a guideline as to how the issue should be resolved.

Todd Godfrey said the Zoning Administrator is responsible to interpret the OTR ordinance. If the Zoning Administrator's interpretation is appealed, the appeal will be heard by the Board of Adjustment. If there is an interpretation question during the application process, the City Council will make the determination.

David Hale said the Problems and Resolutions Committee can resolve many of the issues

prior to a public meeting.

Jim Talbot said City Staff and committee members need to be careful when presenting certain issues so their passions are not misunderstood as “the law”.

Randall Klein said in the past, the Trails Committee representatives have researched the trails plan and ordinance prior to speaking at a public hearing. When the Trails Committee by-laws are passed, there will no longer be a need for Trails representatives to attend the public hearings.

Todd Godfrey said the Trails Committee ordinance should be addressed before the by-laws are considered.

David Hale asked if the City had an architectural committee.

David Petersen said the architectural committee had not been functioning for approximately eight years.

Mayor Harbertson said the City has considered resuming the architectural committee so certain applications could be considered prior to the public meetings.

Max Forbush said committee members should submit any requests they may have to the Council member who represents their group. The Council member will then forward the request to City Staff at the City Council meeting. The Council member can then report back to the committee.

Mayor Harbertson said a training meeting will be held for the Planning Commission members. The City will have an ordinance drafted for the Trails Committee. He asked the Historic Commission to review their ordinance and to prioritize their historic homes list.

Max Forbush said it would be beneficial for the Historic Preservation Commission to attend the Development Review Committee (DRC).

Alyssa Revell said she would have a representative attend the DRC meetings. She asked that the City view the Historic Preservation Commission as a newly constituted committee since they have not always received support, funding, or training.

The meeting adjourned at 6:30 P.M.

PLANNING COMMISSION STUDY SESSION

Present: Chairman Jim Talbot, Commission Members Keith Klundt, Kevin Poff, Paul Barker, Rick Wyss, City Planner David Petersen, and Recording Secretary Jill Hedberg. Cory Ritz and Andrew Hiller were excused.

Chairman Talbot called the meeting to order at 6:30 P.M. **David Petersen** reviewed the following items:

Agenda Item #4 - Farmington Development Corp., Garbett Homes (Public Hearing) - Applicant is requesting preliminary plat approval for the Farmington Crossing South PUD consisting of 101 condominiums on 8.4 acres located at approximately 850 North Shepard Creek Parkway in a C (PUD) zone (S-28-05).

David Petersen said the Planning Commission would not be considering phase 2 of the southerly phase since the plat needed to include the trail, Shepard Creek, etc. The storage capacity for the entire project also needs to be determined. He passed out a revised Staff Report and reviewed the suggested motion. He said the County performed a study which indicated that the development does not impact the adjacent property owners and their 14 acre detention basin has actually improved the storm drainage on the adjacent property. The City is waiting for the County to submit their findings in writing. The City Engineer is also performing a study to verify the findings from the County study.

Paul Hirst showed a map which included the Garbett property and the surrounding areas. He said his study will focus on new information such as the drainage that will come from the Garbett development and the Gust property. He said he will finalize his analysis once he receives the topographical survey and other information from the County.

David Petersen said City Staff feels comfortable recommending that the Planning Commission approve the Preliminary Plat for Phase I of the south project.

Paul Hirst said the development has outlets that drain directly into Shepard Creek. He instructed Garbett Homes to drain into the built pipes even though they have a limited capacity.

David Petersen addressed the trench that was dug on the Petersen property. The foreman for Garbett Homes said he improved the existing channel. County representatives did not think the channel existed before the Garbett development. The issue needs to be addressed by the developer, the property owner, and the County. It is not a City issue. He said condition #6 of the suggested motion should read as follows:

“The applicant must obtain or cause to be obtained all necessary stream alteration

permits for Shepard Creek and/or Spring Creek. If these permits are not necessary, the applicant must receive written verification acceptable to the City Engineer attesting to such from the appropriate State and/or local agencies.”

Paul Hirst said contrary to the opinion of adjacent property owners, Spring Creek can be diverted in two directions.

Agenda Item #5 - Farmington City - Reconsideration of a request by Rockie Dustin/Dave Dixon for a special exception to establish two dwellings on one lot located at 77 West 600 North in an OTR zone (M-11-05)

The applicant asked that the Planning Commission include a statement in their previous motion stating that the existing home may be used as rental property. **Chairman Talbot** called **Cory Ritz** to ask if he meant to include the rental statement in his previous motion. **Mr. Ritz** informed the Planning Commission members he approved of the home being used as a rental property since it would be a conditional use.

The meeting adjourned at 7:00 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Jim Talbot, Commission Members Keith Klundt, Kevin Poff, Paul Barker, Rick Wyss, City Planner David Petersen, and Recording Secretary Jill Hedberg. Cory Ritz and Andrew Hiller were excused.

Chairman Talbot called the meeting to order at 7:00 P.M. **Paul Barker** offered the invocation.

APPROVAL OF MINUTES

Kevin Poff moved that the Planning Commission postpone the approval of the minutes to allow them time to review the pages that were not included in the packet. **Paul Barker** seconded the motion, which passed by unanimous vote. **Keith Klundt** abstained due to his absence at the previous meeting.

CITY COUNCIL REPORT

David Petersen reported the proceedings of the City Council meeting which was held on January 18, 2006. He covered the following items:

- The City Council presented a plaque to Cindy Roybal to recognize her service on the Planning Commission.

- The City Council granted Preliminary Development Plan Approval for the north and south phases of the Garbett Homes development.
- The City Council granted Final Plat approval for the Silverwood, Phase II Subdivision.
- Mayor Harbertson reported on the meeting that was held with the Legacy Highway team.
- The City Council agreed to support City Staff in their zoning enforcement efforts in relation to the Glenn Maughan property.

Mr. Petersen also reported the proceedings of the City Council meeting which was held on January 26, 2006. He covered the following items:

- The City Council held a fact finding study session for The Village at Old Farm. The City Council rezoned the property NMU and granted Preliminary Development Plan approval for a proposed mix redevelopment by Rulon Gardner.

JERRY PRESTON - APPLICANT IS REQUESTING A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR PHASE 2 OF THE RICE VALLEY ESTATES PUD CONSISTING OF 12 LOTS ON 3.907 ACRES LOCATED ADJACENT TO THE FRONTAGE ROAD AT APPROXIMATELY 750 SOUTH IN AN LR (PUD) ZONE (S-25-05) (Agenda Item #3)

Background Information

The City Council voted on August 3, 2005, to rezone 32.3 acres of property located at 50 West 700 South to “LR (PUD)” and to grant schematic development plan approval subject to several conditions including:

1. Existing and proposed utility system plan including easements for electricity, natural gas, and telephone, etc.
2. A landscaping plan indicating the treatment of materials used for private and common open spaces.

There is no longer a direct east to west important local street connection proposed for the PUD. Access is proposed through side streets that are connected to 200 East. Direct access would be provided off the I-15 East Frontage Road. See attached letter from Ensign Engineering.

The developer is in negotiations with City about placing a regional detention basin across the frontage road which could handle the storm runoff from this development. However, the on-site detention as shown on the plat is acceptable for the first three phases.

A landscaping plan will be shown at the Planning Commission meeting to show the berm and sidewalk proposed along the frontage road.

All land in this phase will be common area under the jurisdiction of the Home Owners' Association except the footprint of the building envelopes, which will be privately owned. The retention area is meant to be open space for the enjoyment of the residents and will be maintained by an HOA.

Comments have been received by all reviewing agencies. Issues still to be addressed include the sound wall and making sure Phase 2 drawings match requirements in Phase 1 (piping sizes are still being evaluated by the engineers). Language for the Owner Dedication should be approved by the City Attorney and a note about the soils report needs to be added to the plat.

END OF PACKET MATERIAL.

David Petersen displayed an overhead of the Vicinity Map. He showed the phases that would be maintained by a Homeowner's Association. He said Mr. Preston received approval from all of the reviewing agencies. He recommended that the Planning Commission recommend final plat approval subject to the conditions outlined in the packet material.

Jerry Preston (347 East 100 North) said he would be available to answer any questions the Planning Commission may have.

Rick Wyss asked the applicant to define "patio homes".

Jerry Preston said the development is designed for "empty nesters". The homes will be 1,500-2,200 square feet, will have 2-3 bedrooms, and will have a 2-car garage.

Motion

Keith Klundt moved that the Planning Commission recommend approval of the final plat for the Rice Farms Estates PUD, Phase 2, on property located adjacent to the Frontage Road at approximately 750 South.

The motion for approval was subject to compliance with all applicable ordinance requirements and development standards and resolution of the following issues;

1. Applicant must enter into a development agreement prior to or concurrent with final plat approval by the City Council for this phase as well as all other phases for the entire project as shown on the approved Final (PUD) Master Plan. Said agreement includes among other things, specifications and design criteria for the berm and sound wall and sidewalk along the frontage road.

2. All concerns of City departments and utilities are addressed.
3. The development must comply with all conditions of schematic plan and preliminary development plan approval.
4. The applicant must obtain a flood control permit from the County.
5. Adhere to landscaping plan, including street trees as described.
6. All references to storm drain size match those approved for Phase 1A.
7. A UPDES Permit from the State of Utah is received and a Storm Water Pollution Plan containing all requirements of the UPDES permit is provided to the City.
8. The Final (PUD) Master Plan is approved.

The applicant is responsible for notifying the Planning Department when the application is ready to go to the City Council for final plat approval. IF such notification is not given within twelve (12) months form the date of final approval by the Planning Commission, such approval shall be null and void. The time period may be extended for up to twelve (12) months for good cause shown if the Subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one (1) extension may be granted.

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings

- The development is consistent with the original plan.
- The developer has worked with the City to resolve the access issues.

PUBLIC HEARING: FARMINGTON DEVELOPMENT CORP., GARBETT HOMES - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR THE FARMINGTON CROSSING SOUTH PUD CONSISTING OF 101 CONDOMINIUMS ON 8.4 ACRES LOCATED AT APPROXIMATELY 850 NORTH SHEPARD CREEK PARKWAY IN A C (PUD) ZONE (S-28-05) (Agenda Item #4)

Background Information

The City Council voted on January 18, 2006, to approve the Preliminary (PUD) Master Plan for the South and North projects of the PUD.

END OF PACKET MATERIAL.

David Petersen displayed a Vicinity Map. He said Farmington Crossing South, Phase 1 is the only phase being considered. The phase is made up of 93 lots. He said he informed Mr. Balstaedt that Phase 2 is not ready to be approved. The Staff Report was amended to reflect the change. The City has used extreme caution while addressing the storm drainage for the entire development. County representatives informed City Staff that because of the size of the

County's detention basin, the flood plain has been lowered in the area. The City has not received the information in writing. The City Engineer is performing his due diligence by analyzing the impact potential developments will have on the area. He will complete his study once he receives the information he needs from the County. City Staff recommends approving Phase 1 since the developer has provided on-site detention. If additional storage is needed, the easterly phase will be used for the acreage feet of water. He reviewed the suggested motion and said the City will not approve the north and south phase until condition #5 has been resolved.

David Petersen referred to the Maxine Kerr letter which stated that a stream alteration permit may be required. He described the route that the Shepard Creek channel follows. He said the applicant must provide written verification stating whether a permit is needed.

Public Hearing

Chairman Talbot opened the meeting to a public hearing and invited the applicant to address the Commission.

Noel Balstaedt (8501 South Tallis Drive, Sandy) said he approved of the modification to the Staff Report. He displayed master plans for the development. He said one phase will be left undeveloped so they will have the ability to mitigate certain issues.

Gordon Peterson (715 East 1000 South, Kaysville) said he owns property adjacent to the development. He asked if the Planning Commission was able to visit the property.

David Petersen said the Planning Commission did not have a field trip planned.

Gordon Peterson said the developer created a canal which was covered over. A pond has been created on his property because the development sits 3 to 4 feet higher than his property.

David Petersen said he visited the property with County representatives, Paul Hirst, and Ken Klinker, after receiving photographs from Merrill Law. Garbett Home's foreman said he erroneously improved the existing channel. County representatives said the channel did not exist. He said it is an issue that needs to be resolved between the County, the developer, and the property owners. The Garbett Homes development is not allowing water to access the channel. The pipe the developer is currently using will not be used after the northerly phase is complete since all of the water will then be detained on site.

Gordon Peterson said the property owners are not being protected. He said Garbett Homes has a \$30 million project. He is only asking them to consider his one acre of ground.

David Petersen said the City did not dig the ditch or authorize the digging of the ditch.

Garbett Home's present plans show that their water is not being directed to the adjacent properties. The County has jurisdiction over channelization. The City does not have the ability to enforce any of the issues because it is his understanding that City ordinances have not been broken. The City has met with all of the entities involved so there is nothing more they can do.

Gordon Peterson said the City is still considering approving additional phases. He said he is a victim regardless of who dug the ditch. He asked that the City protect it's property owners and resolve the issue. He said he is not opposed to the development since it has been well done and will generate a tax base for Farmington.

Jim Talbot said the property owners need to resolve the issue with Garbett Homes or the County. He said City Staff has researched the problem. The issue can not be resolved by the Planning Commission.

Gordon Peterson said the water will flow down hill since the ground has been raised by Garbett Homes. He said Garbett Homes trespassed on his property and dug a creek. He said his property has become an island and the value of his property will continue to diminish.

Maxine Kerr (Bountiful, Utah) said she owns land adjacent to the development. She clarified **David Petersen's** comments and said the pond is fed by Shepard Creek, not Spring Creek. She read the letter that she wrote to **David Petersen**. She requested that the preliminary plat approval for the Farmington Crossing South development not be approved until the following concerns and questions are addressed:

1. Drainage issues caused by lack of management of the Shepard Creek and Spring Creek flows. Need for addressing the closure of the west channel of Spring Creek.
2. Are the proper stream alteration permits in place for what the developer or county has done or will do in the future?
3. Developer being allowed to fill and elevate his land creating a damming effect on property owners to the east.
4. Why are the remaining four parcels of land east of the development designated as open space in the City Master Plan?
5. Does adequate egress for the development exist?
6. Why is there no requirement to study roads to adjacent property.

She asked that the Planning Commission address her concerns before approving further development in the area.

George Chipman (433 South 10 West) said he represents the Farmington Trails Committee. He is impressed with the development's trails and how the developer has worked with the City.

Public Hearing Closed

With no further comments, **Chairman Talbot** closed the public hearing. The Commission members discussed the issues, including the following points:

David Petersen said the Engineers said it would not be possible for the developer to obtain a stream alteration permit until the improvement drawings are approved. He said although the developer elevated his land, the water from the development is not running onto adjacent property. The creek was channelized by the County but it does not mean it caused damage. The creek was routed around the property. He said the City may not have grounds for denying the development since the developer has demonstrated that the storm water will remain on-site. He said the four parcels of land east of the development were designated as open space in previous Master Plans. Adequate egress does exist for the development. He said stub roads will not be considered at this time because development is not occurring adjacent to the project.

Jim Talbot asked if the suggested conditions would allow the project to proceed and protect the adjacent land owners.

David Petersen said the developer has met the ordinance requirements. Garbett Homes is also a property owner.

Paul Hirst said the City is keenly aware of the concerns of the property owners adjacent to the development. As for the storm drainage, they are making certain that the development and future developments will not adversely impact their property with water elevation that is higher than it has historically been. He is aware of the traffic flow. He said not all of their concerns can be addressed by the City.

Paul Barker asked why Davis County would tell the property owners to discuss the issues with the City if it is County jurisdiction.

Paul Hirst said neither the County nor the City are placing blame. Things have occurred that can not be explained but they are working to resolve the issues. The County has always said they are responsible to maintain the major creeks. When the basin concept was designed due to flooding, they worked to make it more refined.

Rick Wyss asked if the roads should be stubbed since the southerly phase is adjacent to the resident's property.

David Petersen said Phase 2, which is adjacent to the Kerr property, is not being considered at this time.

Motion

Keith Klundt moved that the Planning Commission grant preliminary plat approval for Phase 1 of the Farmington Crossing South PUD consisting of 93 lots on ___ acres, subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant must comply with all conditions of Preliminary (PUD) Master Plan approval by the City Council.
2. The Preliminary Plat must be updated as indicated pursuant to the checklist provided by the Farmington City Planning Department.
3. The applicant shall convey the appropriate easements for culinary water, drainage, sewer, and public utilities, and such easements shall be recorded overall rights-of-way within the project. The applicant shall provide public access acceptable to the City on all rights-of-way (public or private), including access for emergency and maintenance vehicles in and out of the development.
4. All improvement drawings for the project, including but not limited to a grading and drainage plan implementing best management practices as set forth in the Farmington City Storm Water Management Plan, must be reviewed and approved by the City Engineer, Public Works Department, Fire Department, Planning Department, CDS, Weber Basin Water Conservancy District, and Davis County Public Works/Flood Control.
5. Applicant has been advised that the area being used to determine the flood area, which includes this project as well as other properties, will be solely determined by Davis County. To date, the City has not received adequate information from Davis County Flood Control, regarding storm water and drainage basins and volumes, to enable the City to give final approval on any of the phases of the applicant's overall project. All final plat approvals should be subject to the additional requirements regarding storm drainage including but not limited to detention basin locations, volumes, piping, etc. Portions of the proposed project areas (Farmington Crossing PUD North and South, including all phases related thereto) may be needed for storm water storage purposes.
6. The applicant must obtain, or cause to be obtained, all necessary stream alteration permits for Shepard Creek and/or Spring Creek. If these permits are necessary, the applicant must receive written verification acceptable to the City Engineer attesting to such from the appropriate State and/or local agencies.
7. An address acceptable to the City for each dwelling unit must be identified on the

final plat for the project, and prior to occupancy, an individual physical numerical address, acceptable to the City's Fire Department, for each dwelling must be displayed on the back and front of the outside of the building for each unit.

8. The zone designation, as per a prior ordinance, must be changed to CMU.

Paul Barker seconded the motion, which passed by unanimous vote. **Rick Wyss** abstained from the vote.

Findings

- The development is consistent with the Master Plan for the area
- The applicant has complied with the requests and requirements given by the City.
- The development is consistent with the CMU designation of the General Plan.
- The applicant, City Engineer, and County will work to prevent the storm drain system from adversely impacting the adjacent properties.

FARMINGTON CITY - RECONSIDERATION OF A REQUEST BY ROCKIE DUSTIN/DAVE DIXON FOR A SPECIAL EXCEPTION TO ESTABLISH TWO DWELLINGS ON ONE LOT LOCATED AT 77 WEST 600 NORTH IN AN OTR ZONE (M-11-05) (Agenda Item #5)

Background Information

Apparently, the forgoing may not have been considered by the Planning Commission on January 12, 2006. If the Planning Commission did approve the above referenced condition, rather than consider the motions as suggested, the Planning Commission may wish to update the minutes as part of their consideration of agenda item #1.

END OF PACKET MATERIAL.

Motion

Keith Klundt moved that the Planning Commission reconsider their motion of January 12, 2006, which granted approval for the request for a special exception (subject to certain conditions). **Kevin Poff** seconded the motion, which passed by unanimous vote.

The Planning Commission members contacted **Cory Ritz** during their Study Session. **Mr. Ritz** informed them that he approved of a statement being added to the motion which would allow the applicant to rent the existing home.

Motion

Paul Barker moved that the Planning Commission add the following condition to the approval of January 12, 2006:

“The property owner may rent the historic home (or most westerly dwelling) subject to standards set forth in the conditional use permit which must be issued by the City for the same”

Kevin Poff seconded the motion, which passed by unanimous vote.

Findings

- The development will improve a part of historic Farmington that has been in decline.
- The development will preserve a historic structure and will provide a good use for the property.
- The design of the property will prevent additional curb cuts on 600 North.

HARV JEPPSEN BUILDING LOT PROPOSAL - DISCUSSION ITEM ONLY (Agenda Item #6)

Harv Jeppsen showed the Planning Commission an aerial photo of the property he is considering purchasing. He asked the Planning Commission which layout they preferred. The first layout included a flag lot. The second layout did not have frontage. He said he could likely access the property from Leonard Lane.

David Petersen said the first proposal included a flag lot with access from a private drive. He needs to seek the advice of the City Attorney since Leonard Lane is not a public street. The second proposal fronts Main Street. In order for Mr. Jeppsen to obtain a building permit, he would need public street frontage.

The Planning Commission discussed the two proposals and suggested that the applicant pursue the Main Street Option.

Mr. Jeppsen said he discussed the property with the Fire Chief who said he was willing to work with him but would likely only approve one building lot.

HUNTER’S CREEK PLAT AMENDMENT REQUEST (Agenda Item #7)

David Petersen said State law requires that the applicant request input from the Planning Commission prior to approaching the City Council. He displayed the plat. The applicant is requesting that the Planning Commission allow him to release Lot 120 from the plat which

would then be recorded on plat 3. The amendment would allow for a trail and for the Sewer District to access their trunk line.

Motion

Keith Klundt moved that the Planning Commission recommend that the City Council approve the vacation of Lot 120 from Hunter's Creek Plat 1. **Kevin Poff** seconded the motion, which passed by unanimous vote.

MISCELLANEOUS, CORRESPONDENCE, ETC.

Paul Barker said the cost of trail materials, installation, and maintenance for the Garbett Homes development should be researched before a decision is made as to what type of surface the trails should have.

David Petersen said the City Manager and City Council are in favor of paved trails but the developer is willing to consider either option. He said he would ask the subcommittee who is working with the developer to research the trail costs.

Paul Barker asked who would be responsible to maintain the trails.

David Petersen said he would find out who is responsible for the trail maintenance. He said some towns in New Hampshire has an impressive trail system that is not improved or maintained.

Mr. Petersen said the legislature is considering a bill to severely limit zoning authority. He said the League of Cities and Towns will strongly oppose the bill.

ADJOURNMENT

Kevin Poff moved that the Planning Commission adjourn at 8:50 P.M..

Jim Talbot, Chairman
Farmington City Planning Commission