

# FARMINGTON CITY PLANNING COMMISSION

Thursday, February 28, 2002

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## PLANNING COMMISSION REGULAR SESSION

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

**Chairman Hoffman** called the meeting to order at 7:00 P.M. **Bart Hill** offered the invocation.

## APPROVAL OF MINUTES

**Kent Forsgren** *MOVED* that the minutes of the February 14, 2002, Planning Commission Meeting be approved with corrections as noted. **Sid Young** seconded the motion. The Commission voted unanimously in favor. Larry Jensen abstained due to his absence during the February 14<sup>th</sup> meeting.

## PUBLIC HEARING: LONNIE BULLARD REQUEST FOR PRELIMINARY PLAT APPROVAL FOR THE OAKWOOD ESTATES PHASE II SUBDIVISION CONTAINING 27 LOTS ON 17.01 ACRES LOCATED AT APPROXIMATELY 1800 NORTH COMPTON ROAD IN A LR-F ZONE (S-7-01) (Agenda Item #2)

### Background Information:

The Planning Commission recommended schematic plan approval for the proposed subdivision on January 10, 2002 (see enclosed letter dated January 11, 2002). The City Council thereafter granted schematic plan approval on January 16, 2002, subject to the same conditions recommended by the Planning Commission.

Lots 4 and 5 and portions of Lot 6 includes property currently owned by David Bray. Mr. Bray has not signed the Oakwood Estates Phase II subdivision application. Therefore, this property should not be considered as part of the preliminary plat.

END OF PACKET MATERIAL.

**David Petersen** reviewed the agenda item. He referred to requirements as set forth by Leland Meyers, District Manager of the Central Davis County Sewer District, in a letter dated February 22, 2002:

1. An executive easement in favor of the Sewer District must be obtained for the offsite sewer line before construction. The easement must be 20 feet wide, ten feet each side of the center line of the sewer. The subdivision

plat should show a 20 foot easement for the sewer line when it is outside the roadway.

2. Schedule 180 solvent welded PVC or thermal welded HDPE must be used for the sewer line whenever it is not in the paved road.
3. Sewer lines must be no more than approximately 12 feet deep unless an exception is granted to policy by the board.
4. The concrete drive on lot 12 and the pavement of Swain Circle should be, preferably, completed before lots are sold, and must be completed before any occupancy of homes.
5. Slope on all sewer lines must be consistent with District policy and good design practice.

Mr. Petersen reviewed the situation in regards to the City's 1000 foot dead end street limitation. There are three streets in Farmington which were declared legally non-conforming when the 1000 foot limitation ordinance was passed. The looped road proposed by the applicant is comparable to what had been done with a similar non-conforming situation. It was his understanding that what had been done previously had been memorialized by agreement.

Only six of the lots are being proposed for development in the second phase of construction. The applicants want to continue to pasture much of the land for an undetermined amount of time. Preliminary plat approvals granted by the City expire after 12 months. The developer may ask for a one-year extension.

Mr. Petersen reviewed the conditions set forth in the packet, including the fact that the Public Works Department will need access to the manholes for maintenance. Davis County will also need to receive all improvement drawings for consideration of flood control issues.

Mr. Bray, whose existing plat would need to be altered to allow the Oakwood Estates Subdivision, Phase II, had recently become part of the application. Since the Bray subdivision had already been platted, the City Council would have to approve an amendment to that subdivision in order to accommodate the Oakwood Estates Subdivision, Phase II. For preliminary plat consideration, it appears that the Planning Commission has two choices: (1) Grant preliminary plat approval subject to the City Council approving an amendment to the Bray Subdivision or (2) grant preliminary plat approval for the Oakwood Estates, Phase II Subdivision except for Lots 4 and 5 and a portion of Lot 6 then consider preliminary plat approval for these lots after the City Council approves an amendment to the Bray Subdivision.

Mr. Petersen explained a federally mandated, and now State mandated, law which requires strict enforcement of erosion control through specific ordinances. As an element of the ordinances, it may be necessary to require riparian buffers and open space along all creek corridors whether or not conservation subdivision ordinances apply.

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

**Lonnie Bullard** (1776 Campden Road) stated there would be no problem with realigning property lines for lot 11 to allow needed Public Works access to existing manholes. He stated it would be his preference that the Planning Commission approve the preliminary plat subject to City Council amendment of the Bray subdivision so that plans could move forward.

With no other forthcoming comments, the Chairman *CLOSED* the public hearing.

**Mr. Forsgren** asked for clarification about construction phases, road construction, and utility installation.

**Mr. Petersen** said according to the applicant the road would be improved half way around the designed loop and would end in a temporary turn around for emergency vehicles. Utilities would also go half the distance.

**Chairman Hoffman** asked if Lot 10 would be at risk for flooding because of the slope of the surrounding terrain and the drainage of other lots.

**Mr. Petersen** stated the grading and drainage plans would be required as part of the application for final plat approval.

**Kent Forsgren** *MOVED* that the Planning Commission grant preliminary plat approval for property described in the application except for property owned by David Bray encompassing in Lots 4 and 5 and portions of Lot 6 which will be removed from the application until such time that the City Council amends the Bray subdivision. The approval is subject to all applicable Farmington City development standards and requirements and the following conditions:

1. The applicant shall comply with all conditions of schematic plan approval.
2. Final improvement drawings, including a drainage and grading plan (and a revegetation plan), shall be reviewed and approved by the city Engineer, Public Works Department, Fire Department, Planning Department, Central Davis County Sewer District, and FAPID. The developer must consider NPDES requirements mandated by the EPA including a riparian corridor on both sides of the creek and must meet maximum slope requirements of 12% for the streets, and follow minimum cut-and-fill standards required by ordinance.
3. The developer shall enter into a development agreement with the City prior to or concurrent with final plat approval of the subdivision or any phase thereof.
4. Access acceptable to the Public Works Department must be provided to storm

drain manholes between Lots 10 and 11 and on the back lot line of Lot 11. It is suggested that the developer move the west lot line of Lot 11 further east to better accommodate this access.

5. The applicant must obtain a flood control permit from the County and provide a copy of the permit to the City.
6. The city Council must authorize by resolution the creation of all lots under two acres in size prior to consideration of the final plat.
7. The developer shall also meet the following required by ordinance:
  - A. Identify the existing width of North Compton Road;
  - B. Increase the park strip width to 7.5 feet and change the typical street cross section title block from 50 feet to 55 feet.
  - C. Provide preliminary runoff calculations and location, size and outlets of the drainage system;
  - D. If it is contemplated that the development will proceed by phases, the boundaries of such phases shall be shown on the preliminary plat along with the estimated construction schedule for each phase;
  - E. Prepare a maintenance plan for the associated conservation land; and
  - F. Provide a soils report based upon adequate test borings and excavations prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah.

Reasons for the motion:

1. The proposal is consistent with the Farmington City General Plan and complies with the Zoning Ordinance and Subdivision Ordinance.
2. The applicant is developing a “looped road” subdivision. Portions of the looped road exceed 1,000 feet in length as measured from a single point of access created by the intersection of North Compton Road and 1400 North. However, 1400 North is identified by the Subdivision Ordinance as a Nonconforming Dead-end Street and was established as a public right-of-way prior to January 9, 1991. As such, extensions of a nonconforming street may be permitted subject to standards and restrictions outlined in the Subdivision Ordinance. The City previously approved in like manner and under similar circumstances the Cornerstone Subdivision. This subdivision provided a “looped road” extension off of Summerwood Drive, another nonconforming dead-end street identified by the

Subdivision Ordinance.

3. The applicant had cooperated in significant ways with requirements and suggestions given by City officials.
4. Exceptions had been granted for a 1,000-foot dead-end road limitation because legal non-conformity had been established.

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

**PUBLIC HEARING: WOODSIDE HOMES CORP REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY SALES OFFICE IN A MODEL HOME LOCATED AT 1627 WEST CLARK LANE (TU-1-02) (Agenda Item #3)**

**Background Information:**

The Farmington Ranches Phase I subdivision contains 108 lots. The applicant currently owns or is building homes on 54 of these lots. Section 11-28-120(h)(l)(iii) states in part, "A temporary office for the sale or lease of property in a major subdivision or planned unit development (PUD) may be used until the last lot or unit in the development is sold." Notwithstanding this provision it seems reasonable to set the termination date based upon the sale of the last lot owned by the applicant. It appears that this provision did not envision large subdivisions where builders or companies have purchased large groups of lots for resale.

END OF PACKET MATERIAL.

**David Petersen** briefly reviewed the agenda item.

**Chairman Hoffman** opened the meeting to a *PUBLIC HEARING*.

**Mike Candrum** commented on the item. However, his comments were relevant to the next agenda item and he requested they be noted in agenda item #4.

With no further public discussion, **the Chairman** *CLOSED* the public hearing and asked the Commission for their consideration.

**Larry Jensen** *MOVED* that the Planning Commission approve the application to establish a temporary office in a model home located at 1627 West Clark Lane subject to compliance with all applicable ordinance requirements and development standards and the following conditions:

1. Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the Sign Ordinance for the zone in

which the use will be conducted. All signs shall be removed when the activity ends.

2. No loudspeakers or other amplifying sound devices shall be used in conjunction with the temporary use.
3. Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located, and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Searchlights shall not be permitted.
4. The conduct of temporary uses in residential zones shall be limited to the hours between 8:00 A.M. and 8:00 P.M.
5. The temporary office in the model home may exist up and until the last lot of Lots 1 through 54 owned by Woodside Homes of the Farmington Ranches Phase I subdivision are sold.
6. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to function as a garage upon termination of the temporary office.

**Kent Forsgren** seconded the motion. Reasons for the motion included:

1. The applicant met with all City ordinances and standards.
2. The applicant was consistent with previous similar approvals.

The vote was unanimous in the affirmative.

**PUBLIC HEARING: MIKE RIGBY REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY SALES OFFICE IN A MODEL HOME LOCATED AT 93 NORTH COUNTRY BEND ROAD (TU-2-02) (Agenda Item #4)**

**Background Information:**

The Farmington Ranches Phase I subdivision contains 108 lots. Section 11-28-120(h)(l)(iii) states in part, "A temporary office for the sale or lease of property in a major subdivision or planned unit development (PUD) may be used until the last lot or unit in the development is sold." Notwithstanding this provision it seems reasonable to set the termination date based upon the sale of the last lot owned by the applicant. It appears that this provision did not envision large subdivisions where builders or companies have purchased large groups of lots for resale.

END OF PACKET MATERIAL.

**Mr. Petersen** stated the application was similar to Agenda Item #3.

**Chairman Hoffman** opened the meeting to a *PUBLIC HEARING*.

**Mike Rigby**, (representative of Rigby Showcase Homes, residence in Layton) stated he would like to clarify that the conditional use permit would be modified at the time all lots were sold and not until then.

After affirming that was the case, **Chairman Hoffman** *CLOSED* the public hearing.

After a brief discussion, **Sid Young** *MOVED* that the Planning Commission approve conditional use and site plan application to establish a temporary office in a model home located at 93 North Country Bend Road subject to compliance with all applicable ordinance requirements and development standards and the following conditions.

1. Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the Sign Ordinance for the zone in which the use will be conducted. All signs shall be removed when the activity ends.
2. No loudspeakers or other amplifying sound devices shall be used in conjunction with the temporary use.
3. Outdoor lighting, if used, shall be subdued. All lighting shall be designed, located, and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Searchlights shall not be permitted.
4. The conduct of temporary uses in residential zones shall be limited to the hours between 8:00 A.M. and 8:00 P.M.
5. The temporary office in the model home may exist up and until the last lot of 14 lots as currently owned by Rigby Showcase Homes are sold. These lots include Lots 55, 56, 58, 61, 62, 101, 102, 103, 104, and 108 of the Farmington Ranches Phase 1 Subdivision and Lots 228, 230, 234, and 237 of the Farmington Ranches Phase 2, Subdivision.
6. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to function as a garage upon termination of the temporary office.

**Bart Hill** seconded the motion. Reasons for the motion included:

1. The applicant met with all City ordinances and standards.
2. The applicant was consistent with previous similar approvals.

The vote was unanimous in the affirmative.

## **AGENDA MODIFICATION**

**Kent Forsgren** *MOVED* that the Planning Commissions reconsider action taken in Agenda Item #2. **Cory Ritz** seconded the motion, which passed by unanimous vote.

**Mr. Forsgren** stated his concern that the turn around area approved for the Oakwoods Estates subdivision may be at risk for flooding and erosion. The Commission discussed the situation and agreed that some flooding and erosion prevention system should be required. Such prevention could include curb and gutter, trenching, berming, silt fencing, etc. Engineering would need to be accomplished and submitted for approval regarding some kind of containment system.

Mr. Forsgren also stated that the City should require a higher standard of drainage system. Much of the system now in place has been designed for a 10 year storm. Last summer the City experienced a 500 year storm that proved devastating in many areas. Standards should be increased to at least 50 to 100 year storm level, especially for hillside construction.

**Kent Forsgren** *MOVED* that language should be included in approval for Agenda Item #2 which requires flooding and erosion control especially for the temporary turn-around area. Engineering plans for a 50- to 100-year storm should be submitted as part of the final plat application. **Sid Young** seconded the motion, which passed by unanimous vote.

## **ACCESSORY BUILDINGS IN SIDE YARDS (DISCUSSION ITEM) (Agenda Item #5)**

The Planning Commission held a discussion session regarding accessory buildings in side yards. The issues were raised in response to a request to change Ordinance #11-11-060 by Marion and Franklin McCullough of 1553 Ridge View Circle.

**Mr. Petersen** had surveyed other communities in Davis County and found that generally most communities had ordinances similar to Farmington regarding side yard requirements. Mr. Petersen also looked at over 100 homes in two adjacent subdivisions in Farmington and noted that slightly more than 7% of all the properties had accessory buildings in side yards which were non-conforming to City ordinances. Originally, such ordinances were likely adopted primarily for fire safety protection. Esthetics was also a concern.

Commission members were concerned about fair and equal treatment. After some discussion, the Commission by consensus directed the Master Planning Committee to review the issues and make recommendations to the Commission. The Master Planning Committee includes Sid Young and Larry Jensen.

## **CITY COUNCIL REPORT AND MISCELLANEOUS**

### **Mixed Use Zone**

**Mr. Petersen** reported that Rich Haws had requested consideration of a plan to create a mixed-use zone within the City. City Council members, staff and Mr. Haws would be meeting on March 5<sup>th</sup> at 4 P.M. in the City Offices. As representatives of the Commission, Bart Hill and Cory Ritz were invited to attend also.

### **Lagoon Master Planning**

**Chairman Hoffman** by assignment had drafted a letter to the Lagoon Cooperation which informed them of the City's intent to update the General Plan and invited them to revise their master plan according to their future plans. The letter, by consensus, was approved by the Commission

### **Conflict of Interest and W-9 Form**

**Mr. Petersen** distributed W-9 Forms and reminded new Commission members to turn in Conflict of Interests Forms.

### **City Council Report**

The City Council discussed a request by Davis County officials which asked that they be allowed through an agreement amendment to maximize the building footprint available for the jail on the current Justice Complex property. The request would allow approximately 400 new beds to be added to the complex. A field trip to the complex was planned for March 6<sup>th</sup> from 4 to 6 P.M. to which the Planning Commission was invited.

The City Council approved a truck haul permit over City roads for Fluor Ames Kramer including 650 West and the jug handle of 4<sup>th</sup> West. Speed limits and road repair were part of the requirements for permission.

The City Council also approved 1-hour parking signs to be placed in front of the County Library.

A gate will be placed across a public walkway on the east side of the Creekside Estates as part of an agreement to repair damages caused by installation of the new water line down 200 East. The gate will be 4 feet tall and be posted as a public access.

The City Council discussed improvement projects for U.S. 89 and the Legacy Highway negotiations.

### **Trails Committee Meeting**

The Trails Committee meeting previously set for March 5 has been postponed until March 19<sup>th</sup> at 7 P.M. in the City Offices.

**ADJOURNMENT**

**Kent Forsgren** *MOVED* to adjourn at 9:15 P.M.

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*Linda Hoffman, Chairman*  
*Farmington City Planning Commission*