FARMINGTON CITY PLANNING COMMISSION

Thursday, April 10, 2003

PLANNING COMMISSION STUDY SESSION

Members of the Planning Commission, representatives of the Boyer Company, David Plummer representing the proposed Buffalo Horse Ranch, and interested citizens including members of the Farmington Trails Committee took a field trip to the site for the Buffalo Ranch on 316 acres located west of the Farmington Ranches subdivision. They left the City Offices at 5:00 P.M. and returned shortly after 7:00 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Kent Forsgren, Bart Hill, Cindy Roybal, Cory Ritz, Jim Talbot, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission Member Jordan White was excused.

Chairman Forsgren called the meeting to order at 7:10 P.M. **Bart Hill** offered the invocation.

APPROVAL OF MINUTES

Sid Young moved that the minutes of the March 27, 2003, Planning Commission Meeting be approved. **Cory Ritz** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: CONSIDERATION OF PROPOSED NEW ZONE FOR THE CENTRAL AREA OF THE CITY KNOWN AS "ORIGINAL TOWNSITE RESIDENTIAL ZONE (OTR). (Agenda Item #2)

Public Hearing

Chairman Forsgren welcomed citizens in attendance. He briefly introduced the item and declared the meeting a public hearing.

David Petersen presented background information for those present. Property owners in the old townsite had been invited to attend the meeting. Several years ago City officials recognized the potential for growth in the downtown area and that such growth could potentially impact the historic nature of the City. They applied for and received a quality growth grant to study the possible creation of ordinances that could guide the infill that could affect the City's old townsite. The City was also beginning to receive applications for flag lot development. There were several meetings held which included residents of the downtown community. The outcome of the meetings was that most residents were against creating an infill ordinance. However, they

were interested in having design guidelines.

Mr. Petersen reviewed the current zoning ordinances which govern the downtown area. There are 47 blocks, covering nearly 400 properties which are considered the original townsite. Mr. Petersen stated it was his decision to select a study area. He chose the first study area because of its variety and because it made sense to divide the original townsite into somewhat equal portions.

As citizen meetings were conducted, the initial step was to look into forming an overlay ordinance which would preserve historic down town. It was eventually found that citizens were against an overlay zoning approach. A steering committee was organized of approximately 10 volunteers who met about 7 times in 2002. The committee created the Original Townsite Residential zone (OTR). The intent was to then present the OTR to the rest of the downtown neighborhoods.

Mr. Petersen reviewed the process whereby the steering committee created the OTR. They took a full meeting and half to write the purpose statement. Next, they addressed permitted and conditional uses that would be allowed in the OTR. Secondary dwellings were added to the list of conditional uses. Multi-family dwellings were eliminated from the permitted uses because citizens felt they had enough such dwellings units in the area. No changes in the set back or the lot size minimums were made. A provision calling apartment dwelling groups was eliminated. The section on accessory buildings and structures was not changed. Four other big changes were also made:

1. Special exceptions for lot widths.. The City Planner explained that the lots in the original townsite are somewhat narrow but very deep. This is because pioneer plats created 6 lots per square block. Each lot is almost an acre. The narrow frontage impacts the legal ability to subdivide because of current lot minimum regulations (since 1996). Some property owners wanted to solve the problem with flag lot development. However, City Officials are opposed to flag lots because of privacy and public safety issues. Other regulations were added to help new construction fit with surrounding existing structures. The study group eventually deleted flag lot possibilities completely.

2. Accessory dwellings. Mr. Petersen surveyed all lots in the downtown area. Part of the survey related to the placement of the garages in respect to the front plane of the home. The study area had almost all garages either set back or even with the front plane of the home. He was surprised that between 25 and 30 percent of the lots had no garages. Front porches were a dominate feature of the homes. The steering committee decided that accessory dwellings must be guided by specific restrictions. The discussion regarding color was a point of contention. It was solved by stating that an applicant could go before the Farmington Historic Preservation Committee for a recommendation. Mr. Petersen then explained how the height of a building is determined by ordinance. The committee established the OTR building height limitation at 25 feet after studying the height of existing buildings in the study area.

3. CC&Rs for the OTR. Many subdivisions in Farmington have CC&Rs the original

townsite is not platted and therefore has no CC&Rs. Because of this, the steering committee wanted some special controls. Mr. Petersen reviewed the paragraph in the ordinance that covered the controls.

4. Fencing in the Old Townsite. The provision in the ordinance regarding fences states that they cannot be over 4 feet tall in the front yard of the house. The rest of the fences on the property can be 8 feet. The survey of the existing homes indicated most front yards did not have fences. The committee decided not to allow vinyl fencing in front yards only in the historic area because they felt such fences were not compatible with the historic nature of the area. Vinyl fences are still allowed in every other yard. When the Planning Commission reviewed the OTR, they felt vinyl fences in front yards could be allowed in special circumstances and that again the Historic Preservation Committee could review applications on a case by case basis.

Mr. Petersen stated that the OTR ordinance had been created with intentional flexibility. The purpose of the meeting tonight was to introduce the OTR to residents and to create a second steering committee for the purpose of implementing the ordinance in the rest of the downtown area. This committee would begin by establishing areas of common agreement. He also said there would be two sign up sheets in the back of the room; one for those who would like a copy of Chapter 17 (OTR), and one for those who would like to volunteer for the steering committee.

Chairman Forsgren stated that the meeting was still an open public hearing and invited citizens to respond.

Charles Clark (368 South State) stated he would like to serve on the committee. He was pleased to see the City take steps to preserve the historic nature of the original townsite area. He felt there were three problems with the OTR as it stands. The first problem was that the ordinance removed the ability of people in the downtown area to own large animals. He felt the presence of large animals was a signature of the historic nature of the area.

Mr. Petersen stated that was an unintentional error which would be corrected. It was intended that large animals could be allowed in the downtown area.

Mr. Clark continued that the second problem he saw was the elimination of two-family dwellings as a permitted use. When he bought his home it was a tri-plex. He converted it into a single family dwelling. The history of Farmington included homes that held several different families because of the early practice of polygamy. He felt the home owners in the area should be allowed to develop their property into multi-family dwellings if they wished to do so. The third problem was that eliminating the possibility of creating multi-family dwellings would devalue the property for the current owners. Mr. Clark felt the City should look carefully at the properties being impacted by the decision. He did not agree with the reduction of the height limit from 27 to 25 feet.

Emma Smith (65 South 300 East) stated she would not be able to do anything with her lot other than a flag lot.

Mr. Petersen stated that after discussions with the City Manager, it was decided to leave Ms. Smith's lot out of the consideration area.

Larry Haugen (94 East 500 North) felt the OTR ordinance should more carefully consider the affect it has on corner lots with regards to fencing. The configuration of corner lots would make fencing restrictions problematic. He mentioned "pop tops" (second story additions to existing older homes) and was glad the original steering committee was opposed to them. Mr. Haugen stated he loved Farmington and would like to serve on the volunteer committee.

Mr. Petersen reminded those in attendance that the OTR zone had only been passed for a 4 block area of downtown.

Josh Beesinger (185 South 300 East) described what he would like to do with his property inside the area under consideration. He wanted to build a new home on property near an existing home and connect the two. He would like to rent one of the units, and possibly have two renters on the property. He would remain as an owner occupant.

Mr. Petersen said that under the OTR owners would only be able to rent one dwelling unit of a two-unit dwelling. The other unit would have to be owner occupied. He said that the OTR did allow for leave of absences for property owners.

David Allen (601 South 180 East) applauded the City for the move to protect the rural atmosphere of Farmington. He had already gone through public hearings regarding his application to build a home. He felt the OTR had a vague paragraph regarding appearance of new homes. He also felt that there was a real problem with the stipulation that secondary dwellings could not have a second meter. That meant that the utilities would have to be paid by the owner. He asked that the City correct that problem. His third concern was about not allowing garages in the front of the homes. He said that would create an undue problem for parking in the area. There were also unsightly open garages being used as storage units. Mr. Allen's last concern related to the height of new structures. He felt that 25 feet was not nearly high enough.

Public Hearing Closed

With no further comments, **Chairman Forsgren** closed the public hearing. He thanked those in attendance for their contributions and reminded them to sign the volunteers lists in the back of the room if they wished to be members of the committee.

PUBLIC HEARING: SUSAN HOLBROOK REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY NURSERY RETAIL SALES BUSINESS IN THE PARKING LOT OF THE SHEPARD POINTE II OFFICE CONDOMINIUMS LOCATED AT 630 WEST SHEPARD LANE IN A BP ZONE (TU-2-03) (Agenda Item #3)

Background Information

The applicant is requesting temporary use approval for a retail nursery business to seel such products as bedding plants, hanging baskets, vegetable starts, vines, etc., This business received temporary use approval from the Planning Commission last year and was located in the southwest corner of the Smith's parking lot. Now the proposed site for the business is located in the parking lot of the Shepard Pointe office condominiums. The owners association for the project owns the parking lots area. The application was signed by Martha Bray of the Advanced Health Clinic. Does Martha Bray represent the office condo owners association?

Presently no retail commercial businesses exist as part of the office complex. Is the Ruby Begonia's proposal compatible with other uses at the site?

The applicant proposes to place a "greenhouse pavilion" on the site. Section 11-28-120(g)(3) states: "Tents, stands, trailers, mobile equipment and other similar temporary structures may be utilized provided they are clearly identified on the submitted plan an dit is determined by the City Planner they will not impair the parking capacity, emergency access, or safe and efficient movement of pedestrian vehicle traffic on or off the site." It appears that the spot selected for the plant sales will block access to several key parking spaces. Although the entire site contains 77 spaces (44 spaces are required by ordinance), the place proposed for Ruby's Begonias is near the front entry. How many spaces will be displaced by the proposed temporary use?

Most of the service establishments in the area open for business around 8:00 A.M. or 9:00 A.M. and close anywhere from 5:00 P.M. to 7:00 P.M. Monday through Friday. The ordinance states the hours of operation for temporary uses in commercial and industrial zones shall be established at the time the use is approved.

Also the ordinance states: "The applicant shall provide to the City Planner proof of liability insurance for the requested use if necessary. This proof shall be submitted with the application." (Section 11-28-120(g)(12).

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. The responsibility of the Planning Commission is to decide if the application was compatible with the Shepard Pointe office complex. He described the proposed site plan. Parking requirements (number of stalls and maneuvering room) must be observed. The City Planner had observed at times in the past that only about 50 percent of the stalls were being used regularly. The parking lot is owned in common among the office condominium owners association. The owners' association must give permission for the request.

Public Hearing

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

Susan Holbrook (applicant) distributed photos to show what her business would look like. The fencing she would use is movable and could be reshaped into a square or a rectangle. Ms. Holbrook stated that Martha Bray, who had signed a permission letter for the temporary nursery, had received the application in February. It was Ms. Holbrook's understanding that the office condo owners' association had been informed and had given permission and that Ms. Bray was a representative of that group. Ms. Holbrook stated the nursery would be open from 8 A.M. to 7 P.M.

Public Hearing Closed

With no further comments, **Chairman Forsgren** closed the public hearing. He asked the Commission members for their consideration. They discussed the issues, including the following points:

- The nursery would be in business from around April 23rd to mid June.
- Placement of the nursery was discussed. Commission members felt it would be best to have the fencing elongated across the back of the parking lot to the east so that no cars in stalls across from the nursery would have to back up into the fencing.
- Ms. Holbrook's business would be the only greenhouse retailer.
- The office condo is at full capacity. Some members of the Commission were surprised that they would give up valuable parking spaces and accept the increased traffic. Ms. Holbrook stated that there would be open houses in cooperation with the condo businesses.
- Cindy Roybal mentioned that Ms. Bray's business would be most impacted. If Ms. Bray was not opposed then it would probably work out well.

Motion

Jim Talbot moved that the Planning Commission recommend the City Council approve the application for conditional use and site plan approval to establish a temporary retail nursery sales business located at 630 West Shepard Lane as requested subject to all applicable Farmington City development standards and ordinances and the following conditions:

- The applicant must obtain written permission from the Shepard Pointe II Office Condominium Owners Association in order to operate the temporary use as proposed;

- Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the sign ordinance of the zone in which the use will be located. All signs shall be removed when the activity ends.

- No loudspeakers or other amplifying sound devices shall be used in conjunction with the temporary use.

- 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 in neighboring properties. Search lights shall not be permitted.

- The conduct of the temporary use business shall be limited to the hours of daylight.

- The temporary nursery sales business may exist up and until the last day of June 2003.

- Permanent changes to the site are prohibited. When the temporary use ends, the applicant shall restore the site to its original condition, including such clean up, washing and replacement of facilities as may be necessary.

- The applicant shall provide for the adequate conveyance of water from the site. No excessive ponding shall be allowed due to over watering of the plants or for any other reason.

- The fencing for the business shall be configured so that it stretches width-wise across the north end of the east Shepard Pointe parking lot.

- The Shepard Pointe owners' association shall be notified and written permission shall be obtained from them for the temporary nursery.

Cindy Roybal seconded the motion, which passed by unanimous vote.

Findings

- The temporary nursery shall be in place a short period of time.

- If the Shepard Pointe owners' association is not opposed to the use, it will be of benefit to the citizens of Farmington.

- The use meets with all City standards and regulations.

PUBLIC HEARING: BOYER WHEELER FARM. L.C. AND S. DAVID PLUMMER REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO DEVELOP

"BUFFALO RANCH," AN UPSCALE COMMERCIAL THOROUGHBRED HORSE BREEDING OPERATION, ON 316 ACRES LOCATED WEST OF THE FARMINGTON RANCHES SUBDIVISION AT APPROXIMATELY 2100 WEST CLARK LANE IN AN AGRICULTURE ZONE (C-4-03)

Background Information

The Buffalo Ranches development will displace lots master planned for future phases of the Farmington Ranches Project. Where, or will these lots be relocated to?

END OF PACKET MATERIAL

Mr. Petersen described the field trip taken earlier in the evening to the site of the proposed Buffalo Horse Ranch. He said the Master Development Agreement for the Farmington Ranches would have to be amended to allow the owners of the proposed horse ranch to purchase the property and build the facility. The amendment process would go before the City Council. The horse ranch will displace some of the lots planned for a later phase of Farmington Ranches subdivision.. Portions of the subdivision are under conservation easement. The Boyer Company would also need to change provisions in the conservation easement to be able to allow the horse ranch. The City attorney is reviewing the situation.

Requirements for a conditional use permit for the Buffalo Horse Ranch are still pending. The next phase in development is for the appliant to prepare final site plans.

Public Hearing

Chairman Forsgren stated that because he was employed by and had interest in the engineering company working with Farmington Ranches, he wanted to declare a possible conflict of interest. However, he felt there was not a strong enough conflict that he could not continue to chair the Planning Commission. He would conduct the meeting but he would not comment or vote on the issue. He then opened the meeting to a public hearing and requested that the applicant address the Planning Commission.

David Plummer (Buffalo Horse Ranch) gave Planning Commission members a copy of the site plan and stated he would be willing to comply with all requirements set by City and other public utility officials and Fire Department regulations. The roads would be widened to a 20 foot easement and there would be a 60 foot radius turnaround for emergency vehicles. Utilities would be placed according to the requirements of the David County Sewer District. He also distributed pictures of the barns as they would appear after construction. He stated that there seemed to be some questions about the Shoreline Trail but according to his knowledge, it did not exist on the property he wished to purchase. He wanted to be sensitive to the public and their needs for trail access. However, having the trail dissect his property would not be acceptable because of safety for the public and for the horses on the ranch. He described the construction materials intended for the horse barns.

Ben White (Forsgren Associations and representative of the Boyer Company) stated that the large lots and open space in the west part of the Farmington Ranches development would be good neighbors to the horse ranch. The Buffalo Horse Ranch was a very good use for the property in question and it would be a good match for the subdivision. There would not be a better entrance for the ranch than right down Clark Lane.

Ann Martinez (630 Ramsgate Road) stated she was a member of the Farmington Trail Committee would like to raise some important issues that need to be resolved before approval is granted. She felt that the horse ranch was a very good use for the property in question. However, the Great Salt Lake Shoreline Trail was a regional matter, not just a Farmington issue. The Shoreline Trail connected to other portions of the same trail going through neighboring communities. It was intended to some day circle the entire Lake. There was no way for the trail to be moved further to the west because of the lake. She stated she was very uncomfortable with approving the application when the City Planner was not even sure where the Shoreline Trail was proposed to be placed. Ms. Martinez also stated that equestrian use trails need to be supported in the west Farmington area. The trails needed to remain multi-use trails, which means they should not be on sidewalks nor under high power lines. Cement trails cause very bad footing for horses. Multi-use trails should be dirt or other approved materials. The terrain in west Farmington needs to be studied. It is a dry year and the water levels are different now than they would be in a wet year. Plans for the future need to be considered. In the past, some trails have been promised by developers but have not be constructed. This trail needs to be designed and staked and the City needs to be careful to protect its rights to this important connection to regional trails.

Niels Plant (311 South 650 West) would like to see an overlay of where everything is in the area under consideration. Trails, connections, the wetlands, conservation easements, etc., need to be clearly marked. All agreements should be put in writing and guaranteed. He also felt that power lines were not a good place for trail corridors. And he agreed that the trails in the area should be multi-use. Mr. Plant also cautioned the builder to make sure that the buildings and fences on the proposed ranch could withstand Farmington winds of at least 100 mph.

Page Walton stated she was a trail user and was very interested in preserving, improving, and expanding the trails through the community. She used the trails to run and felt that the high tension lines would not make a safe place for recreation. Ms. Walton said that the area low in elevation may be under water in a few years.

<u>Public Hearing Closed</u>

With no further comments, **Chairman Forsgren** closed the public hearing. The Commission discussed the following points:

- The building standards on the Buffalo Ranch needed to be build to withstand at least a 100 mph wind. Mr. Ritz stated he lived in the west part of Farmington and winds in that area do get very strong and are very frequent.

- Trail improvements for the area need to be addressed. Such issues should include signage, enforcement, motor vehicle use, etc.,

- The north section of the parcel under consideration would likely be donated to nearby neighbors since the horse ranch owners have no use for the property. It was being purchased as part of the deal.

- Utah Power maintains a 150 foot wide easement. Some of the power poles were not constructed within that easement.

- It would be very important to find out where plans have been made to place the Great Salt Lake Shoreline Trail and its connections to the trail in other communities.

- Planning Commission members by consensus were in favor of the property use for the horse ranch. They felt, however, that the trail issues needed to be resolved. Mr. Petersen stated it was the cross project trail connection that needed to be clarified.

- Viability of the power easement corridor as a trail corridor needed to be verified.

- There is a time constraint for decisions regarding the Buffalo Horse Ranch proposal.

- Mr. Plummer said he could not have the trail through his property for safety reasons. He would not purchase the property if the trail had to go through it.

- The Farmington Trail Committee has no line of authority in the matter. They serve as a recommendation body. The Planning Commission holds the authority to make the recommendation to the City Council.

- Trail Committee members wanted those present to understand they were not opposed to the horse ranch and in fact favored the use. However, they were eager to protect citizen interests for trail improvements and trail connections.

- It was suggested that all interested parties, the property owners, David Plummer, the Trail Committee, and City Staff meet to work out trail placement and to agree to routes and connections.

Motion

Cory Ritz moved that the Planning Commission grant conditional use approval subject to all applicable Farmington City development standards and ordinances, and the following conditions:

- The City and the Boyer Company must agree to and/or approve appropriate amendments to the Farmington Ranches development agreement, including but not limited to changes to the Project Master Plan.

- The applicant must prepare a permanent easement acceptable to the City for all proposed trails related to both the Buffalo Ranch Development and the Farmington Ranch Development.

- The conditional use permit is subject to site plan approval for the Buffalo Ranch project and any conditions related to the site plan shall also be conditions of the conditional use permit. Conditions of site plan approval will include among other things:

  - Approval of public improvement drawings by the City Engineer (including requirements to build the structures to withstand 100 mph winds), Public Works and Fire Departments, and the Central Davis County Sewer District;

  b Materials and colors proposed for the barns;

  c. Exterior elevations for the homes and offices;

  d. Necessary grading and drainage plans.

4. The Planning Commission shall receive a recommendation from the Farmington Trails Committee regarding the new location of the trails after a meeting is held with all interested parties.

5. A conservation easement acceptable to the City shall be placed over the entire Buffalo Ranch site.

6. The City Planner and/or developer shall research information regarding the power easement and placement of the power lines and their possible impact on trail users.

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

<u>Findings</u>

- The application showed that it was a worthy project for the open space in question.

- The use was good for west Farmington. The only remaining problems could likely be resolved through a meeting of all interested parties.

- The application meets with all Farmington City standards and ordinances.

MOTION TO CONTINUE MEETING PAST 10 P.M.

Bart Hill moved that the Planning Commission continue consideration of the agenda after 10:00 P.M. **Cory Ritz** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: BOYER WHEELER FARM, L.C. REQUEST FOR RECOMMENDATION TO THE CITY COUNCIL TOV ACATE THE CLARK LANE RIGHT-OF-WAY FROM APPROXIMATELY 1950 WEST WESTERLY TO THE GREAT SALT LAKE (STR-2-03)

Background Information

The applicant is almost prepared to record the Farmington Ranches Phase IV plat. However, a portion of the Clark Lane right-of-way is located in lots within the plat and the applicant cannot record the plat until this right-of-way is vacated.

END OF PACKET MATERIAL.

Public Hearing

Chairman Forsgren restated his possible conflict of interest because of his association with the engineers working on the Farmington Ranches project. He opened the meeting to a public hearing.

Patrick Moffat stated the request was to have the entire length of the right-of-way vacated all the way to the Lake. The next phase of the development could not go forward with out the vacation because lots were placed over the right-of-way.

Niels Plant (311 South 650 West) wanted clarification that the developer wanted vacation all the way to the lake. When the response was affirmative, Mr. Plant stated he felt the developer should obtain the vacation which was proposed as a trade for the cross project trail now at risk. He felt the Planning Commission should not proceed until the last agenda item is resolved.

Public Hearing Closed

With no further comments, **Chairman Forsgren** closed the public hearing and asked the Planning Commission for their consideration. The Commission members discussed the issues, including the following points:

- The vacation is required if the plats are going to be recorded and the phase is to move forward.

- The right-of-way has been in place since 1870. It needs to be carefully examined before vacated to make sure the City has all it needs by way of access.

- The Master Development agreement intended that the right-of-way be vacated by the City.

Motion

Jim Talbot moved that the agenda item be tabled until the trail issues could be resolved. **Bart Hill** seconded the motion, which passed by unanimous vote. Kent Forsgren abstained.

Findings

- The Planning Commission felt it would be premature to vacate the right-of-way before all relevant issues are resolved.

- The Planning Commission felt that all information was not before them.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen stated there would be a meeting of the Economic Development Committee on April 16th from 5 to 6:30 P.M.

Mr. Petersen reported the April 2, 2003, City Council meeting as follows:

- The City Council
approved the schematic plan for the Miller Meadows subdivision in west Farmington.

- The City Council tabled the request by David Webster for a flag lot development. A great deal of discussion went into the decision. The Council felt that if Mr. Webster as the developer could prove viable access from the east by designing an appropriate site plan for roads through the Rawl Rice property, then his lot could be subdivided, noting that a stem could be eliminated as soon as access was developed from the east.

- The Boyer Company had been asked to upgrade their roads in accordance with new City standards. The developers felt they needed compensation for the upgrade since the ordinance was not approved until after their development agreement had been approved. The City felt they did not want to add lots to the subdivision. However, the City practice of making compaction tests on new roads will continue. All roads in west Farmington will be thoroughly checked.

ADJOURNMENT

Bart Hill *MOVED* to adjourn at 10:40 P.M.

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Kent Forsgren, Chairman
Farmington City Planning Commission