

FARMINGTON CITY PLANNING COMMISSION

Thursday, June 26, 2003

PLANNING COMMISSION STUDY SESSION

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

Chairman Forsgren opened discussion at 6:00 P.M. The following issues were reviewed:

Consideration of “Original Townsite Residential” (OTR) for Portions of Central Farmington City–Consideration of which Areas to Include in OTR.

Mr. Petersen discussed the proposal to rezone large portions of the central area of Farmington to “Original Townsite Residential” OTR zone. The subject area for the proposed zone change was generally located between 600 North and 200 South and between I-15 and the neighborhood around the Monte Vista Elementary School. Originally, the large area had been divided into five study areas. One area, the area surrounding the historic Rock Chapel, was chosen to initiate work. After months of public meetings and work by a citizen/staff steering committee, the OTR was adopted for the Rock Chapel area. The initial OTR had been fine tuned by an additional citizen/staff steering committee, and the 4 remaining neighborhoods were now being considered for inclusion. Mr. Petersen had specific suggestions about areas for inclusion and those that may not appropriate or may not be quite ready for OTR zoning. After receiving complaints and concerns from several property owners within the area designated #5 (the neighborhood immediately west of the Courthouse) Mr. Petersen suggested that area #5 be left out of current OTR consideration until further discussions and study could be conducted. One of the problems was that notification had not reached some absentee owners in a timely manner. Absentee owners are sometimes those who are likely interested in developing in ways not compliant with the current OTR guidelines. Mr. Petersen wanted to hold more public meetings with property owners in area #5 to help reach a consensus regarding needs and wishes of the citizens of that area.

Amendment to Chapter 17 of the Zoning Ordinance (OTR Ordinance)–Consideration of the Ordinance Itself.

The Planning Commission discussed the OTR zoning ordinance amendment, specifically item 11-17-070 regarding fencing guidelines. Alysa ReVell (member of the Farmington Historic Preservation Commission) was present to voice the Commission’s concerns, specifically regarding vinyl and chain link fencing.

Ms. ReVell stated the concern was not one of esthetics but rather of historic

appropriateness. Vinyl and chain link fencing materials were not congruent with the original townsite homes and were inappropriate visually and historically. The Committee felt such fences would ruin the nature of the original town site character if such fences were allowed in front yards. However, they had no objections to property owners erecting chain link or vinyl in the side or back yards. There was discussion about corner lots and whether or not to allow the fencing material in side yards that had road frontage.

Mr. Petersen had reviewed the issue with the City Attorney. He reported the legal opinion that standards are needed to provide objective review to eliminate arbitrary decisions. He had also contacted the Utah State Historic Preservation department who suggested the best way to preserve the original town site was to down zone the area.

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Kent Forsgren, Commission Members Cindy Roybal, Cory Ritz, Jim Talbot, Sid Young, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission members Bart Hill and Jordan White were excused. Commission Member Cory Ritz arrived later in the meeting as noted.

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

APPROVAL OF MINUTES

Jim Talbot moved that the minutes of the June 12, 2003, Planning Commission Meeting be approved with corrections as noted. **Sid Young** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: DANVILLE LAND INVESTMENTS L.L.C. REQUEST FOR PRELIMINARY PLAT APPROVAL FOR THE PROPOSED HUNTER'S CREEK SUBDIVISION CONSISTING OF 170 LOTS ON 150.68 ACRES LOCATED AT APPROXIMATELY 2000 WEST 800 NORTH IN AE AND AA ZONES (S-4-03) (Agenda Item #2)

Background Information

A major problem identified during the annexation and schematic plan review related to this agenda item was the future transportation problems in the area and the limited capacity of Shepard Lane. Presently, the site only receives access via an old circuitous up and down County road. Enclosed is a vicinity map showing the site located for the proposed Hunters Creek Subdivision. A general location of the proposed "western frontage road" is also illustrated on the site location map. According to reports from Horrocks Engineers, as development continues to occur in west Farmington and west Kaysville, Shepard Lane will reach capacity in about six or seven years. A reasonable second alternative to Shepard Lane should be provided to allow west Farmington citizens alternative access to I-15. It is proposed that the new road follow the

proposed alignment for the Legacy North. Therefore, when Legacy North is finally constructed in 25 to 30 years, the “western frontage road” can continue to serve as an alternative access adjacent to the Legacy North alignment. It is proposed that the developer and the City construct the western frontage road as a two-lane highway built to Farmington City minor collector standards—that is 37 feet of asphalt with curb and gutter on both sides.

Preliminarily, Horrocks Engineers has identified a specific service area for the new road and has further indicated that about \$2,000 will be needed from each home built in the area to construct the western frontage road. In the meantime, both Farmington City and Kaysville have met several times to discuss the possibility of paying for this new road with State Surface Transportation Program Funds. Both cities will file a joint application with the Wasatch Front Regional Council this fall in hopes to receive said funds. The road should be constructed before Shepard Lane experiences capacity problems in six to seven years. If the City is successful in obtaining STP funds to construct the road, any impact fees collected in the special service area should be refunded back to the developer.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the background information. Shepard Lane will likely reach capacity within 5 to 7 years. Transportation needs of the area must be addressed in order to give the residents on the west sides of both Farmington and Kaysville alternative routes. Both cities will apply to UDOT to get state funding to help with the transportation improvements. In the event UDOT denies the request, it appears Farmington will need to require new development to fund road construction at a cost of about \$2000 per house top. Refunds would be given if UDOT funds do become available for the project. In the opinion of the City Attorney, entering into a funding agreement to accomplish the transportation needs is appropriate. The agreement would need to be obtained before preliminary plat receives approval. Mr. Petersen recommended tabling the agenda item until the agreement could be considered.

Public Hearing

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

Gardner Crane (representative of the developer) stated the developer was fine with the recommendation to table the request. He asked, however, for input regarding the site plan so that the time could be used to refine the design.

Public Hearing Closed

With no further comments, **Chairman Forsgren** closed the public hearing and asked if the Commission would like to give non-binding input regarding the site plan.

Mr. Petersen reviewed site plan elements, intentions for open space preservation, trail corridors, etc. Most lots were planned to be from 12 to 17 thousand square feet in size. The developer had planned to include horse property near the lake.

By consensus, the Planning Commission had no significant objections to the site plan as presented.

Motion

Cindy Roybal moved that the Planning Commission table consideration of preliminary plat approval until the applicant and Farmington City have entered into a mutually acceptable funding agreement regarding a “west frontage road” leading from the development area in a southwesterly direction to the new Burke Lane interchange. The purpose of the new road is to provide alternate access to I-15 at the same time relieving future traffic congestion on Shepard Lane. **Sid Young** seconded the motion, which passed by unanimous vote.

COWBOY PARTNERS, L.C. REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO AMEND THE GENERAL PLAN FROM “OFFICE/BUSINESS PARK” TO “MEDIUM DENSITY RESIDENTIAL” REGARDING 8.98 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 400 WEST BURKE LANE, AND TO FURTHER REZONE SAID PROPERTY FROM BP TO R-8 FOR THE PURPOSE OF DEVELOPING 112 LUXURY APARTMENTS (Z-2-03) (Agenda Item #3)

Background Information

The Planning Commission reviewed this agenda item on February 13, 2003. Representatives from Lagoon were in attendance to voice their opposition to the project. The Planning Commission thereafter tabled the agenda item pending a meeting between the applicant, the City Planner and Lagoon. All of these parties met on February 26 and still no common ground could be found to resolve Lagoon’s concerns. The Planning Commission again reviewed the item on February 27, 2003, and reviewed a letter dated February 27, 2003, from Lagoon Corporation at the same meeting. Thereafter, the Planning Commission approved a motion to continue the public hearing regarding the Cowboy Partners, L.C., request until such time as the applicant and the City Planner could meet and further resolve pertinent issues.

The applicant also met with the City Council on Wednesday, April 16, 2003, to discuss their development proposal. The Mayor summarized the discussion by stating that the City Council is working hard to master plan the area and he also believed that because of the current work begin done, the City Council did not want to eliminate the best possible use for the property by going ahead with the Cowboy Partners’ proposal without consideration of the big picture.

The City Council is meeting with Tom Wooten of Ross Consulting Group on July 2. If he is hired, the Planning Commission and the City Council will have more information in about

eight weeks to decide whether or not this is an appropriate amendment request to the General Plan by Cowboy Partners, L.C. Thereafter, the appropriate public hearings will be held.

END OF PACKET MATERIAL.

Mr. Petersen introduced the agenda item. He reviewed past actions on the issues. City Council plans to hire an economic development consultant had been pending for several weeks. The decision on the Cowboy Partner project had been delayed hoping to get input from the consultant.

When asked, Mr. Petersen stated he felt appropriate use of the land could include something that would be compatible with the Lagoon Corporation. Any commercial use may need to have a regional application because Farmington does not have the roof tops to support such ventures on their own. Construction of luxury apartments (such as the ones proposed by the Cowboy Partner corporation) on the property in question may be suitable. Mr. Petersen briefly discussed the possible use of transfer of development rights and using the property in question as a receiving area.

Mr. Talbot asked the developer if there was an urgent need for the decision and if he may lose control of the land purchase if a decision is not forthcoming in the immediate future.

Dan Lofgren (developer) stated that there was a problem with the length of the time being taken to make a decision. The land seller was anxious to have resolution and felt the City had denied several good possibilities in years past. However, the land seller had been patient as long as progress was evident. The land seller had indicated they felt the City was converting private property rights to City use. He emphasized the anxiety felt by the seller because of the length of time it was taking the City to make a determination on land use.

Ms. Roybal expressed a concern about the risk of losing a positive development by limiting options to what economic consultants may dictate. Ms. Roybal also stated the importance of being sensitive to the neighbors and their needs—both the Lagoon Corporation and nearby farmers.

Mr. Lofgren stated it was unfair to hold a property owner hostage to another property owners' economic benefit.

Motion

Jim Talbot moved that the Planning Commission recommend to the City Council that they amend the General Plan from "Office/Business Park" to "Medium Density Residential" regarding 8.98 acres of property located at approximately 400 West Burke Lane, and to further rezone said property from BP to R-8 for the purpose of developing 112 Luxury Apartments (Z-2-03) **Sid Young** seconded the motion, which passed by a 4 to 0 vote (including an affirmative vote from the Chairman).

Findings

1. The Planning Commission recognized reasons for previous actions and concerns of the City Council in delaying a decision, however, they wished to notify the City Council of their favorable position regarding the proposed development in order to help move the project forward. They also recognized that the City Council would likely not hear the application before a properly notified public hearing until July 16 at the earliest, which could give them time to receive input from an economic consultant regarding the use of the property. At such a time, the opinion of the Planning Commission would already be available.
2. The potential and quality of the project were exceptional. The developer was willing to work with neighbors and had demonstrated sensitivity to the needs of the surrounding properties. The developer had met with and taken into consideration the concerns of the Lagoon Corporation as far as noise mitigation and had redesigned the project accordingly.
3. The quality of the project would make a good entrance to the City of Farmington.
4. The scale of the project would handle professional management, indicating that maintenance of the apartments would be high quality for the long term.
5. The project fills a market in Farmington otherwise unacknowledged.
6. The Planning Commission felt that the apartment project could fit with any neighboring use and would likely be a good buffer between two different uses.
7. The developers felt there would be no negative impact on their project from commercial, residential, or agricultural uses which may surround them.
8. The Planning Commission requested that the developer continue to work with the Lagoon Corporation and asked that the letter from the Corporation dated July 1, 2003, be included herein by reference.

MOTION TO AMEND AGENDA

Sid Young moved that the Planning Commission consider Agenda Item #4 and Agenda Item #6 concurrently. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

Chairman Forsgren suggested the Planning Commission hear comments on both agenda item's during a combined public hearing and then taken action on each item separately.

PUBLIC HEARING: FARMINGTON CITY REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO REZONE LARGE PORTIONS OF THE CENTRAL AREA OF FARMINGTON TO "ORIGINAL TOWNSITE RESIDENTIAL" (OTR). THE

SUBJECT AREA FOR THE PROPOSED ZONE CHANGE IS GENERALLY LOCATED BETWEEN 600 NORTH AND 200 SOUTH AND BETWEEN I-15 AND THE NEIGHBORHOOD AROUND THE MONTE VISTA ELEMENTARY SCHOOL (Z-4-03) (Agenda Item #4)

Background Information

A steering committee was established comprised of citizens living within the proposed rezone area to review the OTR zone text change and rezone request. This steering committee is recommending that the City rezone the area identified on the attached vicinity map.

END OF PACKET MATERIAL.

PUBLIC HEARING: FARMINGTON CITY REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO AMEND CHAPTER 17 OF THE ZONING ORDINANCE (ORIGINAL TOWNSITE RESIDENTIAL ZONE) (ZT-5-03) (Agenda Item #6)

Background Information

The Planning Commission conducted a first reading on June 12. Major issues of concern dealt with the section of vinyl fences and demolitions. These concerns were relayed to the steering committee which met the following week on Wednesday, June 18. Members of the steering committee would like to meet with the Planning Commission during a study session at 6:00 P.M. to discuss these paragraphs in greater detail. For now, the most current version of the OTR zone shows the latest Planning Commission changes as of the June 12 Meeting along with a few additional changes recommended by the steering committee on June 18. Members of the Rock Church Steering Committee, which prepared the present OTR ordinance, were also in attendance at the last steering committee meeting.

The steering committee also requests that the Planning Commission consider placing restrictions on vacant or dilapidated properties. City staff is meeting with the City Attorney on Tuesday, June 24, to discuss this issue, and findings from this meeting will be reported to the Planning Commission on June 26.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the general location of the 5 chosen study areas, or neighborhoods, in the original townsite. He rehearsed differences between current zoning and the OTR, such as eliminating new duplex construction, requiring recessed garage placement, and the addition of design guidelines. He suggested areas that he felt should be eliminated from current OTR consideration. Mr. Petersen felt the foothill area should not be included in OTR zoning because it was not part of the original townsite area and did not have the historic character of the central part of downtown.

Public Hearing

Chairman Forsgren opened the meeting to a public hearing. He stated the Planning Commission was interested in all comments, but asked citizens to be considerate of others in their use of the time.

Bruce Thomas (father's property at 98 East 200 South) stated his father's property had two different zoning designations. He asked how the OTR would affect the land. He was concerned about property value and the potential to develop in the future.

Mr. Petersen said the OTR would be a benefit to the property. "LR" (one of the current designations) would require open space upon development. The OTR would not. The property owner would not be able to develop duplexes, however two-family dwellings would be allowed. The property in question could possibly be subdivided into as much as 4 lots. It would also be a benefit to have the property under a single zone.

Larry Unsworth (538 North 10 East) wanted to know how the OTR zone would affect his ability to develop his property.

Mr. Petersen stated Mr. Unsworth would still be allowed to develop as long as he complied with the design guidelines which required new developments to be compatible with surrounding structures.

Ronald Atwood (89 South 350 East) wanted to know what would happen with the Monte Vista school in his neighborhood. He also wanted clarification regarding fencing restrictions as outlined in the OTR draft.

Mr. Petersen explained that the OTR stated public use (such as schools) was allowed as a conditional use in all zones. However, the OTR zone contains language that permits the City to limit the size of parcel containing a public use, something no other zone does.

Ms. Roybal reported part of the Monte Vista school building would be demolished. The newer portion of the building would be retained and remodeled to house District offices.

Tracy McBride (185 South 100 East) stated she lived in a home that was constructed in 1888 and added upon in 1901. In 1930 a fire destroyed the second story. After that, a roof was constructed on the ground floor and the second story was never rebuilt. If she were to restore the home to its original historic condition, it would not fit with the surrounding smaller homes. She asked if the OTR would allow such reconstruction.

David Petersen stated that the OTR may likely allow such historic restoration. The request would go before the Historic Preservation Committee for recommendation as part of the approval process.

Terry Cowan (442 North Main Street) was in favor of the OTR and liked that idea of having design guidelines to assist in future construction and remodeling projects.

[Cory Ritz arrived at 8:25 P.M.]

Lynnette Elliott (1926 West 900 North) stated her property was in area #5 (the neighborhood just west of the Courthouse). She and her family were depending on development of the property as their retirement. She wanted to have an opportunity to discuss the proposed OTR further.

Ralph Wilcox (owner of property on 200 South Main Street) felt the property would turn into a weed patch if the OTR were instigated. He wanted his property eliminated from OTR designation.

Milo Kirkham (975 North Compton Road) was a member of a land partnership owning 13 acres at the end of 100 North. He recognized that the purpose of the OTR was to preserve and protect the original townsite but felt his property was not a part of the original townsite and should not be limited with the OTR. He wanted to have the 13 acres eliminated from consideration.

Mr. Petersen reviewed letters sent to the City Offices as a matter of record:

Denis R. Morrill requested his property be eliminated from OTR consideration. He wanted to be able to develop his property into multi-family dwellings.

Robert S. Straatman opposed the zoning change.

Ralph L. Wilcox felt the OTR would have a serious impact on the value of his property and was opposed to the zoning change.

Paul and Martha Hess were in favor of protecting the historic nature of the original townsite but wanted more flexibility in the requirements of the OTR zoning.

Chadwick Greenhalgh (208 West State Street) had been a member of the steering committee which helped create the OTR zone. He had done a lot of work talking to the neighbors and property owners. Most citizens he spoke to felt the downtown area had more than its share of apartment units. Development was welcome but it would need to be done in a way that was compatible with the surrounding structures.

Mr. Petersen reported the Planning Commission, and especially Commissioner Jordan White, had gone through the ordinance word by word. The steering committee also reviewed the text very carefully. Several concerns had been raised and had been addressed in the current draft. Mr. Petersen invited citizens to come to the City Offices and obtain a copy if they were interested. They could also ask him any questions they wished.

Don Hokanson (a partner with Milo Kirkham) stated he did not have concerns about the OTR as long as his property was not within the boundaries of the zone.

Public Hearing on Agenda Item #6 Closed

Chairman Forsgren stated the specific boundaries of the OTR zone had not been finalized and recommendations were still welcomed. He closed the public hearing on Agenda Item #6 and asked for consideration by the Commission members.

The Commission members discussed issues, especially involving fencing regulations.

Motion and Findings on Agenda Item #6

Sid Young moved that the Planning Commission recommend the City Council adopt the rezone proposal, except that language under 11-17-070 shall read: "Fences consisting of chain link or vinyl materials located in the front yard of side corner yard shall be prohibited" with no conditions or exceptions. **Cindy Roybal** seconded the motion.

In discussion of the motion, Mr. Talbot felt the language change would not provide needed flexibility or the possibility of valid options. He also felt the restrictions would negatively impact corner lots.

Voting on the motion resulted in Mr. Young and Ms. Roybal in favor of the motion; Mr. Ritz and Mr. Talbot in opposition. Chairman Forsgren, recognizing the split and wanting to have the Commission come to a closer consensus, voted nay and requested another motion.

Jim Talbot moved that the Planning Commission recommend the City Council adopt the rezone proposal and that language shall remain as presented in the meeting, except that the phrase "prepared by a landscape architect licensed with the State of Utah" shall be struck from 11-17-070(4). **Cory Ritz** seconded the motion.

In discussion of the motion, Mr. Young felt that all of Section 11-17-070 after the first sentence contradicted said first sentence.

Mr. Talbot amended the motion to include the language "Notwithstanding," prior to the sentence: "the Planning Commission may grant a special exception from the minimum fence standards. . . ." **Mr. Ritz** concurred with the amendment.

Voting on the motion resulted in Mr. Ritz and Mr. Talbot in favor of the motion; Mr. Young and Ms. Roybal in opposition. Chairman Forsgren, again recognizing the split and wanting to have the Commission come to a closer consensus, voted nay and requested another motion.

Jim Talbot moved that the Planning Commission recommend the City Council adopt the rezone proposal and that language under 11-17-070 read as follows:

11-17-070 Fences.

Fences consisting of chain link or vinyl materials located in the front yard or side corner yard shall be prohibited. Notwithstanding, the Planning Commission may grant a special exception from the minimum fence standards set forth herein for side corner yards only provided that such exception shall conform to the following standards:

- (1) Side corner yard fences shall be set back at least 8 feet from the right-of-way line;
- (2) Upon consideration of any side corner yard fence consisting of vinyl or chain link materials, the Planning Commission shall review and approve an accompanying landscape plan. The purpose of the landscape element is to mitigate negative visual impact related to vinyl or chain link side corner yard fences.
- (3) Vinyl side corner yard fences, if approved, shall only be installed with colors consisting of flat finishes;
- (4) All fences shall conform to requirements set forth in Chapter 28 of this Title.

Cindy Roybal seconded the motion. The vote was 4 in favor of the motion. Mr. Ritz voted in opposition to the motion. The motion passed by majority vote.

Findings

1. Citizens and property owners within the affected areas had a great deal of input into the proposed amendment to Chapter 17 of the Zoning Ordinance regarding the Original Townsite Residential Zone.
2. Further study and public hearings will be conducted regarding the specific areas to be included in the OTR.
3. The OTR reflects flexibility while preserving the historic nature of the original townsite area. The OTR also protects private property rights.
4. The OTR complies with the City's General Plan.

Continued Public Hearing and Motion on Agenda Item #4

Chairman Forsgren called for any further public comments regarding Agenda Item #4 (regarding portions of the central area of Farmington to be designated OTR).

With no forthcoming comments, the Chairman closed the public hearing and asked for consideration by the Planning Commission.

Sid Young moved to table consideration to rezone large portions of the central area of

Farmington to “Original Townsite Residential” (OTR). The subject area for the proposed zone change was generally located between 600 North and 200 South and between I-15 and the neighborhood around the Monte Vista Elementary School. The purpose of the motion was to all the City Planner to redraw a map of areas proposed for inclusion, that the steering committee give further input regarding specific areas to be included, and that further discussion be conducted with property owners in Area #5 (the neighborhood immediately west of the Courthouse). **Cory Ritz** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: EASTLAND DEVELOPMENT GROUP REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL REZONE 22.18 ACRES FROM A TO AE LOCATED AT APPROXIMATELY 250 SOUTH 1100 WEST, AND TO FURTHER RECOMMEND SCHEMATIC PLAN APPROVAL FOR A 42 LOT SUBDIVISION AT THE SAME LOCATION (Z-5-03) (Agenda Item #5)

Background Information

The rezone request is consistent with the General Plan and other rezone applications recently approved in the area.

The subject property is comprised of two parcels. The larger parcel, 16.39 acres, is identified by the Davis County Tax I.D. #08-074-0006. The smaller parcel, 5.7850 acres, is Lot 4 of the Farmington Downs Subdivision. Both parcels overlap, into the previously dedicated 1100 West right-of-way. The enclosed yield plan and schematic plan do not take into account the overlap, City staff has re-worked the drawings assuming the parcels are smaller than shown and it appears that the developer will not loose any lots on the yield plan nor will any significant changes occur to the schematic plan as a result overlap.

Section 11-12-100(e) states, “At least half of the lots shall directly abut conservation land or face conservation land across the street.” Only 7 of the 42 lots (or 16.6%) meet this standards. Notwithstanding this, it appears that the subdivision design meets standards outlined in Section 11-12-130 of the same chapter titled “Conservation Land Design Standards,” especially paragraph (c) which states:

c) Open Space Network Connection. Conservation land within a Conservation Subdivision shall be designed and laid out as part of a larger continuous and integrated open space system in general accordance with the Farmington Resource and Site Analysis Plan to ensure that an interconnected network of open space will be provided throughout the City.

The proposed conservation land is adjacent to an extensive stream corridor/wetland system which stretches from Clark Lane to the Great Salt Lake. This system is identified on the Farmington Resource and Site Analysis Plan and the West Farmington Storm Drain Master Plan. The proposed placement of conservation land provides a good buffer and also blazes the way for a larger interconnected open space network in the area. The Developer also plans to provide a

trail connecting the subdivision to the Farmington Greens cross-project trail. City staff recommend that there is good cause to grant a waiver. Section 11-12-065 of the Zoning Ordinance states:

Subject to the provisions set forth herein, any provision of this Chapter may be waived by the City upon a vote of not less than four (4) members of the City Council. Such waiver(s) shall be granted only in limited circumstances as deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this Chapter. Any waiver of the required minimum conservation land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.

The smaller 5.7850 parcel is located in a platted subdivision. As such, the City Council must approve a plat amendment before the parcel can be incorporated as part of the larger subdivision. All State requirements must be met and all effected current property owners of record within the subdivision must be given an opportunity to be heard by the City Council at a public hearing to consider the same.

END OF PACKET MATERIAL.

David Petersen introduced the agenda item. He discussed elements of the proposed development including the conservation feature designed by the developer.

Public Hearing

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

Irv Fisher stated that he had changed the design of the development to comply with ordinance regulations. He felt it was a better plan because of suggestions made by the City Planner.

Mr. Petersen stated there were several benefits to adjacent property owners which would come about because of the Eastland Development proposal. He reviewed plans for drainage, sewer connections, wetland preservation, and conservation easements.

Cheryl Farnsworth (287 South 1100 West) had moved to 1100 West because she liked the street the way it was. She and her neighbors wanted their space. She owned 2 acres and had invested a great deal of time and money. They moved there to get away from subdivision developments. The increase in population was making the streets dangerous for bikes and runners. Farmington City was based on having farm lands. Such lands are being destroyed. The proposed development goes against the Master Plan and will change everything. Ms. Farnsworth stated she knew that all of her neighbors felt the same way.

Mr. Petersen stated the open space being proposed for conservation easement would be protected in perpetuity. It was a way of protecting a portion of the large open spaces in west Farmington. Otherwise, eventually it may all be developed. He also explained that a portion of the proposed developed was in the Farmington Downs platted parcels. Action to get that portion of land into the Eastland project would have to go before the City Council in a “protest hearing.” Citizens would have a chance to voice their opinions on the action.

Ken Williams (344 South 1100 West) had many concerns about the proposed development. He had been working hard to preserve what he and his neighbors have in the west part of Farmington. He had lived there for 12 years and was constantly opposing development and increased housing density in the area. He felt that the west side of Farmington is all that is left of the real Farmington. He also expressed frustration over the always-changing zoning. Mr. Williams wanted to be able to utilize his property for the reasons he had purchased it. He didn’t feel his neighbors would want the proposed development even if it did bring in sewer lines. If the development had to go in, it should be done in one acre lots the way the zoning currently indicates. He also felt the open space should be placed on usable land. His opinion was that the proposed area for open space was simply unusable property that couldn’t be used in any other fashion anyway. Mr. Williams also stated that he did not want curb and gutter or street lights in the area. The citizens of the area wanted to have horses and space to raise their children. He stated he felt no obligation to champion a developer’s pocketbook. On the other hand, he did feel it was his responsibility to protect his neighbors and what they wanted.

Diane Williams (344 South 1100 West) stated she had only recently heard about the development and felt it was unfair that it was going in without notification. She said the neighborhood was feeling the negative effects of the development. She understood that a farm access to the rear of her property was being eliminated and she was opposed to that action. The development was coming too fast and it was overwhelming to her and her neighbors. She liked the pristine area and wanted it left that way.

Nicole Farnsworth (287 South 1100 West) said the area is getting too crowded. She liked to run on the roads and exercise every day. It was getting too dangerous to do that because of the increased number of cars on the road. She liked the open space and the nice free feel of the area. Because the off-ramp had been constructed, the pleasant atmosphere is all being destroyed. Ms. Farnsworth felt it was a shame to have all the farm land taken up by houses. It would be better to have houses built on the hillsides. The Farmington Ranches development was not a positive thing for the area. She wanted the west side of Farmington left in a small, cozy environment.

Public Hearing Closed

With no further comments, **Chairman Forsgren** closed the public hearing. The

Commission members discussed the issues, including the following points:

- 1 The application may be premature because of the number of unresolved issues, especially the issue to obtain approval from the City to amend the Farmington Downs West subdivision plat.
- 1 The conservation easement proposal does not yet comply with ordinance requirements. Open space would need to have public access.
- 1 Double loading the streets is not a good design technique.
- 1 The request to acquire the amended Farmington Downs West subdivision plat is a lengthy process.
- 1 Mr. Petersen commented that the farm access along the back of properties mentioned in the public hearing is still in tack. No action is currently being taken to try to remove that access.
- 1 The original zone had an intent. Though private property rights must be respected, the expectations of surrounding neighbors also need to be taken into consideration.
- 1 Equestrian and trail uses must be carefully considered.
- 1 Development seems inevitable, however density and design issues should be a matter of careful consideration.
- 1 Subdivisions that seem to have the best designs and are the most acceptable to surrounding neighbors come from developers who work with neighbors in the initial steps of planning. Commission members suggested that the developer meet with citizens and hear their concerns and input before finalizing site plans.
- 1 A mix of small and large lots may work for the area because doing so could accommodate horse property as well as those who want smaller properties.
- 1 Action taken for this subdivision will set a precedence for the entire area.

Motion

Cory Ritz moved that the Planning Commission table consideration to rezone property located at 250 South 1100 West from A to AE and further to table consideration of a recommendation for schematic plan approval for a subdivision at the same location pending the applicant's receipt of approval from the City to amend the Farmington Downs West subdivision plat before Lot 4 of said plat can be incorporated as part of the proposed subdivision. **Jim Talbot**

seconded the motion, which passed by unanimous vote.

MOTION TO CONTINUE THE MEETING PAST 10:00 P.M.

Cory Ritz moved that the Planning Commission continue the meeting past 10:00 P.M. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: STEVEN AND BETTY BANGERTER REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO AMEND CHAPTER 10 OF THE ZONING ORDINANCE TO ALLOW "ACCESSORY DWELLINGS" IN AGRICULTURE ZONES (ZT-6-03) (Agenda Item #7)

Background Information

The Bangerters appeared before the Planning Commission on May 22, 2003. For a number of reasons outlined in the minutes of May 22, 2003, the Planning Commission encouraged the Bangerters to pursue their proposal.

The Planning Commission may also wish to improve the standards for "accessory Dwellings." Enclosed for comparison are the standards for "Secondary Dwellings."

END OF PACKET MATERIAL.

Mr. Petersen briefly reviewed the background information.

Public Hearing

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

Steve Bangerter told the Planning Commission he had planned to build the garage in any case and wanted to gain legal permission to add living quarters on the top.

Public Hearing Closed

With no further comments, **Chairman Forsgren** closed the public hearing.

Mr. Petersen stated the need for standards.

The Planning Commission briefly discussed the issue, including the advantages of allowing accessory dwellings in agriculture zones as a conditional use.

Motion

Jim Talbot moved that the Planning Commission recommend to the City Council that they amend Chapter 10 of the zoning Ordinance to allow accessory dwellings in agriculture zones as requested. **Cory Ritz** seconded the motion, which passed by unanimous vote.

Findings

1. The action would allow citizens to comment on proposed accessory dwellings in a public hearing as part of the conditional use approval process.
2. The action provides opportunities for property owners in west Farmington similar to those in east Farmington.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen said the City Council approved the amendment to the development plan for Farmington Creek Estates, Phase II PUD during their June 18th meeting.

ADJOURNMENT

Jim Talbot made a motion to adjourn at 10:20 P.M.

*Kent Forsgren, Chairman
Farmington City Planning Commission*