FARMINGTON CITY PLANNING COMMISSION

Thursday, September 23, 2004

PLANNING COMMISSION REGULAR SESSION

Present: Vice-Chairman Cindy Roybal, Commission Members Keith Klundt, John Montgomery, Kevin Poff, and Jim Talbot, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Chairman Cory Ritz was excused. Commission Member Bart Hill was unable to attend until later in the meeting.

Vice-Chairman Roybal called the meeting to order at 7:10 P.M. **John Montgomery** offered the invocation.

APPROVAL OF MINUTES

Jim Talbot moved that the Planning Commission approve the minutes of the September 9, 2004, Planning Commission Meeting with corrections as noted. **Kevin Poff** seconded the motion. The Commission voted unanimously in favor.

PUBLIC HEARING: HOWARD KENT REQUEST FOR PRELIMINARY PLAT APPROVAL FOR A SUBDIVISION CONSISTING OF 158 LOTS ON 92.291 ACRES LOCATED ON THE MCKITTRICK PROPERTY AT APPROXIMATELY 675 NORTH 1800 WEST IN AN AE ZONE (S-11-04) (Agenda Item #2)

Background Information

The applicant received schematic plan approval from the City Council for the project on July 21, 2004, after receiving a recommendation from the Planning Commission. Thereafter, on August 4, 2004, the City Engineer recommended, among other things, that "no development access allowed via 675 North Street due to site distance and road capacity issues. Reroute." and "road extension required connecting new development to 1525 West Street." At the City Council meeting, one of the Council Members cautioned the developer that he must assist in solving the traffic problems on the west side before or concurrently with subdivision approval. The City Engineer's recommendation is consistent with the City's actions regarding the Hunter's Creek Subdivision north of the McKittrick property. The City did not allow the developer of the Hunter's Creek Subdivision to receive preliminary plat approval until an agreement was reached regarding off-site traffic issues. Therefore, the City Engineer's comments are reasonable based on the Hunter's Creek experience and the City should withhold preliminary plat approval until an agreement regarding transportation issues is met.

The preliminary plat is consistent with the overall layout of the subdivision as shown on the schematic plan, however, the application lacks the following:

1. The name of the subdivision.
2. The location, if any, of all isolated trees worthy of preservation.

3. The boundaries of areas subject to 100 year flooding, or storm water overflow.
4. The average lot size.
5. Preliminary indication of needed storm drain facilities with preliminary runoff calculations.
6. The location of improvements which may be required to be constructed beyond the boundary of the subdivision shall be shown on the subdivision plat or on the vicinity map, as appropriate.
7. 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.
8. The words "Preliminary Plat–Not to be recorded" shall be shown on the plat.
9. The applicant must submit a soils report based on adequate test borings and excavations prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah.
10. The applicant must submit a maintenance plan as set for in Section 11-12-160 of the Zoning Ordinance.

END OF PACKET MATERIAL.

The City Planner introduced the agenda item and reviewed the background information. He said the City Manager had raised a concern with the traffic patterns in the area. Kaysville and

much of northern Farmington use major roads through the area to commute to Salt Lake. Those roads would fail in seven years. Kaysville had been approached regarding the possibility of cooperating with Farmington by entering an interlocal agreement that would pay for an upgrade in transportation needs. Kaysville was not in favor of financing Farmington street improvements. Traffic engineers reported that an alternative must be found for access to I-15. Designs had been proposed. Developers in the area had been asked to fund the alternative routes. The City Engineer had raised concerns regarding pipe line size problems for culinary water supplying the proposed development. Mr. Petersen stated the open space in the development may be a good location for a City park.

Public Hearing

Vice-Chairman Roybal opened the meeting to a public hearing and invited the applicant to address the Commission.

Howard Kent (developer) stated he had had several meetings with the City Planner. There needed to be access to the east of the development. One option would be to have only part of the subdivision developed until access and other issues could be resolved. Mr. Kent felt transportation issues could easily be resolved. He needed time to study the water line issues.

Public Hearing Closed

With no forthcoming comments, **Vice-Chairman Roybal** closed the public hearing. The Commission members discussed the issues.

Mr. Montgomery inquired about the intersections which were flagged by the City Engineer as very dangerous.

Mr. Petersen said there were possible resolutions for those intersections. He also stated that approval should not be given until acceptable road connection are designed. The southern part of the development would have to wait until transportation and culinary pipe line size problems are worked out. He felt there should not be approval of the preliminary plat until the development agreement was in place. The developer would be invested if the preliminary plat was approved.

Kevin Poff asked regarding the 4218 elevation line on the site plan and its impact on the development.

Mr. Petersen said the development would not be located close enough to the 4218 elevation line to be negatively impacted.

Mr. Kent said that in phasing the construction of the development he would be willing to reconfigure open space and other elements of the plan in a way acceptable to the City.

Motion

John Montgomery moved that the Planning Commission table consideration of preliminary plat approval for a subdivision located on the McKittrick property at approximately 675 North 1800 West to allow time for the developer and the City to execute an agreement regarding transportation issues in the area and to allow time for the developer to complete the unfinished items required as part of the application for preliminary plat approval. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Findings

1. The application seemed premature in that there were several unresolved issues.

2. The design of the development needed to be refined to attain the optimum use of the land.

3. Although the developer had met most requirements asked of him to date, the Planning Commission wanted to have the development agreement in place before future approvals were given. The development agreement would need to identify phases of the subdivision and associated triggers for infrastructure construction.

4. It was suggested that the City Engineer be encouraged to expedite the project so the developer could move forward with the project.

Mr. Talbot commented that the City experiences three or four new development applications every month. He wondered if the demand for the housing was keeping up with the construction.

Mr. Petersen said he would take that concern under advisement. He said that developments do take time to complete and the need may be there by the time the homes are built.

WINFIELD LLC, TOM MORGAN REQUEST FOR A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR A PROPOSED 3 LOT SUBDIVISION LOCATED AT APPROXIMATELY 200 NORTH COMPTON ROAD IN AN LR-F ZONE (S-12-04) (Agenda Item #3)

Mr. Petersen reminded Commission members they had granted preliminary plat approval for the Deer Point Subdivision Phases located at 1925 North Compton Road on August 16, 2004 subject to a number of conditions. He reviewed the site plan and the conditions remaining which needed to be accomplished. Mr. Morgan had agreed to help with trail switch backs on a nearby offsite trail.

Vice-Chairman Roybal asked the Commission members for their consideration.

Mr. Talbot asked if the Morgan development would allow access to the Hawkins Company subdivision to the north. The City Planner gave an affirmative response.

Ms. Roybal inquired about the trail amenities.

Mr. Petersen stated the trail head will be marked and the road will be wide enough to allow road side parking.

Mr. Poff raised a concern about building a subdivision on top of a fault line.

Motion

Keith Klundt moved that the Planning Commission recommend the City Council grant final plat approval for the proposed subdivision located at approximately 2000 North Compton Road subject to all applicable development standards and ordinances and the following:

1. The applicant must comply with all conditions of preliminary plat approval including, but no limited to, conditions related to trail improvements.

2. The applicant shall construct and install the new trail in a manner satisfactory to Farmington City and the Farmington Trails Committee prior to recordation of the final plat.

3. Public improvement drawings, including a grading and drainage plan meeting best management practices outline in the Farmington City Storm Water Master Plan, shall be approved by the City Engineer, Farmington City Public Works Department, Fire Department, Central Davis sewer District, FAPID, and Davis County Flood Control.

4. The east side of North Compton Road shall be signed for "Trail Parking."

5. A ten foot public utility easement must be identified along the front lot line of Lot number 1.

6. The City must enter into an inter-local agreement with Fruit Heights whereby Fruit Heights agrees to accept storm water run-off from the north end of North Compton Road.

7. A note shall be placed on the final plat indicating that soil report has been prepared and submitted to the City for the proposed subdivision in accordance

with provisions of the subdivision ordinance.

8. Addresses must be placed on all Lots within the subdivision.

Jim Talbot seconded the motion. The motion passed 4 to 1. Mr. Poff was opposed due to his concern about the fault lines.

Findings

- The subdivision complied with City standards and ordinances and the Master Plan for the area.

- The development complied with all requests and requirements given by the City, including trail improvements both on site and off site.

PUBLIC HEARING: CLARK JENKINS/ CONSIDERATION OF A MODIFICATION OR REVOCATION OF A CONDITIONAL USE PERMIT ISSUED FOR THE FARMINGTON STATION CONDOMINIUMS LOCATED AT APPROXIMATELY 153 EAST 200 SOUTH (C-2-96) (Agenda Item #4)

Background Information

The Planning Commission reviewed this item on July 20, 2004, enclosed as part of this packet is entire staff report from that meeting date (18 pages). After conducting the public hearing and a great deal of discussion, the Planning Commission approved a motion to modify the Conditional Use Permit subject to a number of conditions which are outlined in the enclosed letter from David Petersen to Clark Jenkins dated July 22, 2004. Thus far, the developer has addressed the conditions as follows:

1. Mr. Jenkins has submitted grading and drainage plan and the City Engineer has reviewed said plan, nevertheless, the developer has since met with the home owners in the area and modifications are going to be made to this plan. The developer has also received documentation from a structural engineer regarding the retaining walls which will also be presented at the Planning Commission meeting. Regarding the gap between fence on the east side of the project and the finished grade: the developer indicated that after meeting with the property owners, landscaping, for the most part, will be acceptable, however, in two areas on the west side the applicant is agreeing to construct a retaining wall (keystone wall) on the east side of the fence to prevent sloughing from the property to the east. No information is available at this time regarding conditions 1e and 1f.

2. A landscape plan has been submitted to the City consistent with the requirements of Chapter 7 of the Zoning Ordinance.

3. The City Building Inspector contacted the developer after the July 20, 2004, meeting and provided all information regarding incomplete work and temporary certificates of occupancy related to the project. So far, the developer has not contacted the Building Inspector to resolve these issues.

4. The City Engineer has begun reviewing a grading and drainage plan for the project as mentioned previously, but it is uncertain whether that plan was presented by August 26, 2004.

5. A cost estimate for additional or modified grading and drainage improvements cannot be calculated until the City Engineer has approved the plan.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the agenda item. He reviewed the background information and detailed issues not as yet addressed as contained in the City Planner's letter to the developer dated July 22, 2004. Drainage is a major concern. Mr. Petersen discussed several possible resolutions for the runoff problems raised by property owners. The Building Inspector had mailed

all the temporary occupancies documents to the developer and had told the builder he would be willing to work through them. The Building Inspector had not been contacted since that mailing. Mr. Petersen said the agenda item was really a progress report because there were several outstanding issues.

Public Hearing

Vice-Chairman Roybal opened the meeting to a public hearing and invited the applicant to address the Planning Commission. The applicant declined to speak first and asked that he be allowed to give rebuttal comments at the end of the public hearing.

Peter Stevens (153 East 200 South) had several complaints against the developer. He felt a bond should have been required of the developer by the City directly after the last Commission meeting when this issue was discussed. There had not been a bond posted by the developer for resolution of the drainage problems. Mr. Stevens also stated that all of the problems that had been raised were still pending. The retaining wall on the property was likely to fail. The developer wanted to involve engineers to study the situations instead of fixing them. Mr. Stevens felt the owners would be left with the burden of the damage. He suggested the City fine Mr. Jenkins, make him post a bond, and make the bond amount large enough to cover all reparations. In previous meetings it had been determined that French drains do not work. The solution of the developer was substantially less than a French drain. It was Mr. Steven's opinion that the

property needed to be regraded with strategically placed pumps to get the runoff to the street. Mr. Stevens felt the home owners did not need to go into litigation. It was the City's responsibility to resolve the dispute. The City needed to hold the developer responsible. The developer had not done what had been asked and therefore the developer should not have an extension of time on the agreement. With winter coming soon, Mr. Stevens felt there would not be anything accomplished before year's end.

Milton Treu (153 East 200 South #13) said the problem on the east side of the project would not be resolved until the owner of that property complies with the ordinances of the City. Run off needs to be retained on site. The low spot on the east side always has standing water. The water comes from the adjacent property on the east side.

Ken Hackmeister (153 East 200 South #10) stated he had lived there just over 5 years. He agreed with comments made by Peter Stevens. He felt the Planning Commission should realize that the drainage issues had been a problem since the construction of the subdivision and that property owners had tried to get resolution from the developer for over 5 years. The City had only been informed of the situation since March 30, 2004. That date had been selected so that City officials could view the drainage situation after winter snows had melted. Mr. Hackmeister also stated that the minutes of the Planning Commission in July were inaccurate and wanted to know the procedure to have them corrected.

Mr. Petersen explained that legally the only requirement for minutes was the information covered in the motion. Mr. Hackmeister was asked if the motion was correct, to which he replied it was. Mr. Petersen also stated that since the Planning Commission had approved the content of the minutes, it was unlikely they could be changed at this point. The City Attorney would have to be consulted.

Clark Jenkins (developer) wanted to address the Planning Commission and review progress and what had been done to date. The developer had hired engineers to design the drainage system and the grading plans according to the City Engineer's wishes. The pumps have been purchased. A structural engineer had been hired, and his information had been submitted to the City. Regarding the bond, the City was holding a large bond currently. Mr. Jenkins said he had met with the property owners to make sure their concerns had been addressed. There was a large volume of water that came from property to the east. He felt one solution would be to work with that property owner to reconstruct the landscaping there.

Public Hearing Closed

With no further comments, **Vice-Chairman Roybal** closed the public hearing. She invited the Planning Commission to consider the issues.

Ms. Roybal asked for more information regarding the bond.

Mr. Petersen said the bond which was in place was not intended for the resolution of drainage problems. There was $35,000 of the original bond left. There would not be a legal basis for using that money for the drainage system. The City Engineer had not set an amount for the new bond to resolve current issues because he did not have cost estimates.

Mr. Montgomery was surprised that the bond had not been set.

Vice-Chairman Roybal asked what would happen if the permit were to be revoked. She felt the issues should be resolved before winter so that runoff would not be a significant problem. She asked what was delaying action by the City Engineer.

Mr. Petersen said Paul Hirst (the City Engineer) was waiting for final design plans for the placement of the pumps.

Mr. Jenkins said he had met with the Engineer and was unsure what should be done.

Jim Talbot said a landscaping plan had been submitted which met with City acceptance. The grading plan was also acceptable. The retaining wall resolution should not take long to design. He noted that residents were very unhappy with the situation. He agreed that action should be taken prior to winter. Once the weather changes, resolution to the construction problems would have to wait until spring.

Mr. Jenkins said he would begin work on Monday if he could get permission to do so..

Mr. Montgomery said the situation had been on going for a long time, and he could understand why the residents were angry. Initially, the builder varied from the project plans submitted to the City. The City could have stopped work on the project. The builder should come forth with more commitment to rectify the problems. A bond should have been posted by the builder within five working days of the Commission meeting wherein the bond had been required. He felt the Commission could set the bonding amount and that the builder should be compelled to comply.

Mr. Petersen suggested that the builder submit a letter to the City giving permission for the City to use the escrow bond to resolve issues raised in the July 22nd letter.

Mr. Poff asked if the citizens were in agreement with what the City Engineer had designed.

Vice-Chairman Roybal asked that the City Planner consider having the City Engineer complete the location of the pumps at the earliest possible date.

Mr. Talbot suggested that meeting be set between Tom Rich (the home owners' association president), Clark Jenkins (builder), Paul Hirst (City Engineer), and David Petersen

(City Planner. The intent of the meeting was to determine and approve resolution to all the drainage problems on the project.

Mr. Petersen set the meeting for Monday, September 27, 2004, at 4:00 P.M. in the City Offices.

Mr. Poff suggested invited the property owner of the land to the east of the project.

[Commission Member Bart Hill arrived at 8:45]

Motion

Jim Talbot moved that the Planning Commission table consideration of a modification or revocation of a conditional use permit issued for the Farmington Station Condominiums located at approximately 153 East 200 South to a date specific in order to grant a period of time in which the property must come into compliance with City standards, ordinances, and requirements. Requirements include: the builder must submit a letter by noon on September 27th allowing the City to transfer the existing $35,000 bond to be used for resolution of the drainage problems, the builder must meet with Tom Rich (representing the Farmington Stations HOA), Paul Hirst, the property owner to the east of the project, and David Petersen on Monday, September 27th at 4 P.M. to resolve all drainage issues, and the builder must have a report of

progress ready for review by the Planning Commission on October 14 at which time there must be substantial resolution of said problems or the cash bond will be relinquished to the City in order to fund completion of the improvements. **Jim Montgomery** seconded the motion, which passed by unanimous vote. Commission Member Bart Hill abstained

Findings

- The Planning Commission felt there was a serious lack of progress since the issue was first heard by their body. The motion was intended to move the efforts of all those involved forward.

- Most of the conditions of approval set forth by the Planning Commission on July 20, 2004, had not been met or were pending.

- The motion was consistent with Section 11-8-112 of the Zoning Ordinance.

SAM BRADY ARCHITECTS REQUEST FOR SITE PLAN APPROVAL TO CONSTRUCT A BUILDING FOR THE DIVISION OF MOTOR VEHICLES (DMV) LOCATED APPROXIMATELY A BLOCK WEST OF 200 WEST AT 200 SOUTH IN A BP ZONE (C-10-04) (Agenda Item #5)

Background Information (Taken from August 26 and September 9 Planning Commission Meeting)

This agenda item was reviewed by the Planning Commission on August 12, 2004. The Planning Commission tabled the application in order to allow time for the developer to resolve a number of issues outlined in the enclosed letter from David Petersen to Tom Stuart Construction dated August 18, 2004. Architectural elevations of the building were reviewed at the last Planning commission meeting and the developer has submitted a site plan which has been reviewed by City staff. The applicant is proposing to break up the blank surfaces on some of the building elevations with trees and other landscape material. The developer is proposing to landscape 12.6% of the entire site. The Zoning Ordinance requires 15% of the site to be landscaped. However, the developer's landscape area does not include the .25 acres of wetlands along the western boundary of the project area and the Zoning Ordinance allows the Planning Commission flexibility to reduce the landscape percentage, if due to the size of the parcel, the amount landscaping required is unreasonable and cannot be located in useful locations. City staff recommends that the Planning Commission approve the landscape plan as prepared by the applicant.

Traffic is a major issue regarding this application. It may be very difficult for the developer to prepare a study with accurate traffic counts because the Park Lane interchange is still under construction and a detour is directing an inordinate amount of traffic up West State

Street to the center of town. The applicant did provide a letter from Wilbur Smith Associates regarding the DMV building. The Wibur Smith letter provides some insight about trips generated by the facility and the distribution of trips. No estimates however, are provided about the percentage of trips coming from North Davis County vs. South Davis County, nor does the conclusion discuss the number of North Davis county trips that will use Lagoon Drive vs. Main Street. This may or may not be a problem. The Wilbur Smith letter has been forwarded to the Farmington City Transportation Engineers for their recommendation. City staff will also provide more information regarding traffic at the Planning Commission meeting.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the agenda item. He felt the DMV had provided information asked for with the exception of future growth and whether or not the location would be sufficient to house the DMV with the projected growth. Mr. Petersen had visited the Weber County DMV (located in Ogden) which had severe design problems. He had talked to workers in the department and found that the drive-up window cue could back up into traffic as far as the off ramp from I-15. The situation created a serious traffic problem. The busiest days at the DMV are right before holidays. He was told that when there is a crowd waiting in the building it could reach as much as 105 people. The State has implemented program that may help reduce the peak registration times. Mr. Petersen stated he could not in good conscious recommend the DMV use for the property. It did not match the purpose of the BP zone. Whether or not the school was

there, the DMV use did not seem an appropriate use for the property.

Mr. Montgomery reviewed his thoughts and findings regarding the DMV use. His biggest concern was the traffic increase so close to the junior high school. He felt the numbers provided by the developer may have been misleading. Many of the numbers were inconsistent with other information given the Commission by the applicant. Data presented was inconsistent with the facts recorded. Also, the Planning Commission had asked for a traffic study directly answering specific questions. That study had never been submitted.

Mr. Talbot said it should be noted that with regards to the 78 parking stalls requested by the DMV, it was not uncommon in a retail center to plan enough parking to handle the very busiest times, even though those time may happen only a few times in a year.

Mr. Petersen stated he felt the DMV may out-grow the building at some future point. The building would be worn and because of its design may be hard to sell or be used by a different interest. Regardless of all other facts, it was Mr. Petersen's opinion that the use had not been contemplated for the BP zone.

Robert Henry (representing the property owner) felt the use of the building would not increase

The Planning Commission briefly discussed the issues. Comments from the Commission indicated they felt they had been given additional information they had not had previously. Information regarding the uses of the Weber County DMV had been influential. Those relying on information given by engineers felt the information may not have been complete.

Motion

Keith Klundt moved that the Planning Commission deny site plan approval to construct a building for the Division of Motor Vehicles (DMV) located at approximately a block west of 200 West at 200 South. **John Montgomery** seconded the motion, which passed by unanimous vote.

Findings

- The Division of Motor Vehicles use does not comply with the Business Park (BP) zone.

- The same use in another County had impeded traffic and proved to be a danger to citizens and surrounding uses.

- The applicant never submitted information requested on several occasions by the

Planning Commission.

- The use was more appropriate in a retail center.

Commission members by consensus felt that if the applicant choose to reapply, the should submit a verified traffic study focusing on the peak hours of the junior high school.

PUBLIC HEARING: RANDALL RIGBY, ET. AL. REQUEST FOR A RECOMMENDATION TO AMEND THE ZOINING ORDINANCE (SECTION 11-28-106) WHEREBY A POOL COVER MAY BE ALLOWED IN LIEU OF THE REQUIREMENT THAT ALL PRIVATE RECREATION POOLS MUST BE ENCLOSED BY A FENCE OR WALL HAVING A HEIGHT OF AT LEAST SIX (6) FEET (ZT-4-04) (Agenda Item #6)

Background Information

Section 11-28-060(a) of the Zoning Ordinance sets forth standards regarding private recreational pools . Any recreational pool shall be completely surrounded by a fence or wall having a height of at least 6 feet and gates shall be equipped with self-closing and self-latching devices. On October 26, 2000, Randall Rigby received a building permit from the City to construct a private recreational pool. His yard is completely surrounded by a 6 foot high fence

which surround the swimming pool. Part of this fence includes a gate across his driveway which leads to the garage area. The gate is equipped with a motion detector which allows the gate to open and close for oncoming vehicles and people. The problem is, sometimes, the closing or self-closing device malfunctions leaving the pool area unsecured. Citizen complaints have been lodged about the violations but are difficult to enforce because often the gate is closed or fixed upon the inspection of the gate by the Code Enforcement Officers.

Section 3109.4 of the International Building Code (IBC) requires all residential swimming pools to be enclosed by a barrier of at least 48" in height surrounding the swimming pool. Gates shall be self-closing and have a self-latching device. The IBC does provide an exception to these standards. If a swimming pool has a power safety cover or a spa with a safety cover complying with ASTMF 1346. Presently, our Zoning Ordinance supercedes this standards. Mr. Rigby and others are suggesting that the City amend the ordinance to allow the same exception provided in the IBC. Mr. Rigby's swimming pool is equipped with a swimming pool cover meeting the above referenced standards. More than one adult can stand on the Rigby pool cover without sinking into the swimming pool.

City Staff reviewed 6 ordinances from West Valley City, Bountiful, Sandy City, West Jordan, Layton, and North Ogden. All of these cities required a 6 foot fence, five of the cities allowed a self-closing and/or self-latching gate, and one city provided for no gates at all in the fence. The Building Inspector is concerned about adopting the exception proposed by Mr. Rigby

because how can one prevent the pool from being unattended when an adult steps into the house for a few minutes. Moreover, the Building Inspector said that the Department of Environmental Health is concerned if the City considers adopting the exception and the City may need to receive approval from this department in order to amend the ordinance. The Building Inspector is also concerned about being the first city to adopt the exception.

END OF PACKET MATERIAL.

Mr. Petersen briefly reviewed the background information.

Public Hearing

Vice-Chairman Roybal opened the meeting to a public hearing. She invited Mr. Rigby to address the Planning Commission. For the record, the applicant was not present.

Public Hearing Closed

With no forthcoming comments, **Vice-Chairman Roybal** closed the public hearing. The Planning Commission discussed the issues, including the following points:

Mr. Talbot stated that it had been his experience that the safety of citizens, especially

children, was paramount and that pools posed a significant danger when they were not properly safeguarded.

Vice-Chairman Roybal felt that there could be failures in the equipment and with human actions that could put people at risk around swimming pools. Anything that could be done to protect life should be done. Amending the ordinance would impact the entire City, not just the Rigby property.

Motion

Jim Talbot moved that the Planning Commission deny Randall Rigby's request for a recommendation to amend the Zoning Ordinance (Section 11-28-106) whereby a pool cover may be allowed in lieu of the requirement that all private recreation pools must be enclosed by a fence or wall having a height of at least six (6) feet. **Bart Hill** seconded the motion, which passed by unanimous vote.

Findings

- Private pools pose significant safety hazards especially for children. Safeguard should be maintained wherever possible in order to provide for the protection of life around pool areas.

- The requested amendment would affect the entire City and would likely set a dangerous precedent.

CITY COUNCIL REPORT AND MISCELLANEOUS

Mr. Petersen discussed the following miscellaneous items:

- The City Council granted the appeal of the Davis School District regarding their request to construct a school bus parking facility on Glover's Lane and gave conceptual approval to the application subject to finalization of an agreement between the City and the School District containing, in general, concepts presented in the School District letter dated September 14, 2004, after review and acceptance by a City Council sub-committee and the City Attorney. The September 14th letter included a District commitment to relocate the bus compound if the District makes the decision not to build a high school at Glover's Lane, a commitment to develop playing fields adjacent to the bus compound prior to the construction of the new high school, a commitment to landscape the location and to maintain said landscaping, and a commitment to relocate maintenance facilities to property south of Glover's Lane if at all possible. Commission members suggested that prior to conditional use permit approval, there should be a date projected for the construction of the playing fields and the high school .

- The City Council heard the proposal given by Rulon Gardner regarding a neighborhood retail center on property owned by the Potter and Leonard families. The property was located adjacent to U. S. 89 at approximately 1745 North Main Street. The City Council took no action and gave no commitment regarding the proposal.

- Paul Hirst (City Engineer) presented information regarding a proposed round about at Shepard Lane and 1075 West. The City Council discussed the options presented. It was suggested the engineers produce a model that would evaluate what would happen for the worst case scenario. The worst case scenario would be if the Buie property to the south developed into residential units at a density of 14 per acre. The engineers had done so and found that even in the worst case scenario, the round about would not fail. They had originally made a mistake regarding the number of residents possible in the Buie project.

ADJOURNMENT

Jim Talbot moved that the Planning Commission adjourn at 10:15 P.M.

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Cindy Roybal, Vice-Chairman

Farmington City Planning Commission