

# FARMINGTON CITY PLANNING COMMISSION

Thursday, September 29, 2005

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## PLANNING COMMISSION REGULAR SESSION

**Present:** Chairman Cory Ritz, Commission Members Keith Klundt, Annie Hedberg, Kevin Poff, Cindy Roybal, and City Planner David Petersen, Zoning Administrator Ken Klinker and Recording Secretary Jill Hedberg. Jim Talbot and Paul Barker were excused.

**Chairman Ritz** called the meeting to order at 7:00 P.M. **Kevin Poff** offered the invocation.

## APPROVAL OF MINUTES

**Kevin Poff** moved that the Planning Commission approve the minutes of the September 8, 2005, Planning Commission Meeting with changes as noted. **Keith Klundt** seconded the motion. The Commission voted unanimously in favor. **Chairman Ritz** and **Annie Hedberg** abstained due to their absence at the previous meeting.

## Motion

**Kevin Poff** moved that the Planning Commission alter the agenda to hear the City Council report at the end of the meeting. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

**PUBLIC HEARING: DICK MOFFAT, THE BOYER COMPANY - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR THE FARMINGTON MEADOWS SUBDIVISION CONSISTING OF 68 LOTS ON 36.61 ACRES LOCATED AT APPROXIMATELY 2000 WEST 400 NORTH IN AN AE ZONE (S-23-05) (Agenda Item #2)**

## Background Information

The applicant received schematic plan approval from the City Council several months ago when the property was rezoned. Enclosed for Planning Commission review is the yield plan which accompanied the previous schematic plan.

END OF PACKET MATERIAL.

**Ken Klinker** displayed the Vicinity Map and said the subdivision is 80 acres and consists of 68 lots. City Staff recommended granting the preliminary plat approval subject to seven conditions, which he reviewed with the Planning Commission.

**Public Hearing**

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

**Patrick Moffat** (The Boyer Company) said he was accepting of the required conditions. The soils report was in the process of being done. A spring and canal in the area had caused the property to be wet. The developer had resolved the problem and would submit an Army Corp of Engineers report within 60 days.

**Public Hearing Closed**

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

**Annie Hedberg** asked if sufficient notice had been sent to the surrounding property owners.

**Ken Klinker** said residents within 300 feet of the property were notified of the hearing.

**Cindy Roybal** suggested that the open space be located in the center of the subdivision, rather than behind the homes.

**Patrick Moffat** said the open space would be done similar to the Buffalo Ranches and would have a trail that runs through the development. Neither the developer or the City were willing to own and maintain the open space. Most property owners are not accepting of the costs or fees associated with the open spaces.

**Annie Hedberg** stated that the individuals considering purchasing homes in the Farmington Meadows Subdivision would be informed in advance that open space fees would be charged.

**Cindy Roybal** said if the open spaces were unusable, it would be in the City's best interest to have larger lots with less open space. She did not want the open space layout to be similar to other west side developments. She asked that the developer submit a new open space layout with the open space located in the center of the project.

**Kevin Poff** asked if unbuildable lots could be considered open space.

**Ken Klinker** said unbuildable lots could be counted as open space but could not be included in the Yield Plan.

**Patrick Moffat** said their Yield Plan contemplates the wetlands, the zoning, and the base zoning.

**Cindy Roybal** asked who would be responsible for maintaining the open space.

**Patrick Moffat** said The Boyer Company would be responsible for the open space maintenance until the area was sold to an investor.

**Kevin Poff** asked if there would be any 1,000 foot roads that dead end in the subdivision.

**Chairman Ritz** said the subdivision would not have dead end issues.

**David Petersen** said the location of the open space was ideal because it would provide a buffer for the lake and the wildlife in the area. The open space would also be an ideal purchase for nature conservancy groups. A narrow gap between Hunter's Creek and Farmington Ranches would provide a perimeter trail at the west end of the of the subdivision. The Shore Line Trail would also run through the subdivision.

### **Motion**

**Cindy Roybal** moved that the Planning Commission grant preliminary plat approval subject to all applicable Farmington City development standards and ordinances and the following:

1. The developer must show the entire 80 acre Hess parcel as part of the preliminary plat and show area subject to 100 year flooding on the plat as identified on the FEMA Flood Plain Map.
2. The developer must submit an ownership and maintenance plan for all land west of the building lots.
3. A conservation easement acceptable to the City shall be recorded over property within the Hess property but outside the building lots.
4. The applicant must show all isolated trees worthy of preservation with a trunk diameter of 4 inches or greater within the boundaries of the subdivision which includes the entire 80 acre parcel.
5. The developer must provide evidence that building lots (or building envelopes) do not encroach in wetland areas. A wetland delineation approved by the U.S. Army Corp of Engineers for the property must be submitted to the City.

6. The developer shall prepare a grading plan showing by appropriate graphic means the proposed grading of the subdivision.
7. The applicant must prepare and submit a soils report to the City consistent with standards contained in the subdivision ordinance.
8. The applicant will show the Great Salt Lake Shore Line trail on the preliminary plat..

**Annie Hedberg** seconded the motion, which passed by unanimous vote.

### **Findings**

- A substantial piece of ground near the Lake will be preserved.
- The subdivision would be consistent with other subdivisions in the area.
- The developer had complied with City ordinances.

**PUBLIC HEARING: CHRIS BALLING, RAINEY HOMES - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR FIRST PHASE OF THE PROPOSED TUSCANY VILLAGE SUBDIVISION CONSISTING OF 40 LOTS ON APPROXIMATELY 12 ACRES LOCATED 1600 SOUTH BETWEEN THE FRONTAGE ROAD AND 200 EAST IN AN LR ZONE (S-26-05) (Agenda Item #4)**

### **Background Information**

The schematic plan approval for this project was approved as part of the annexation process. Nevertheless, at the time it was the understanding of City Staff that all land within the Glover and Turner properties had an elevation greater than 4,218 feet above sea level. According to the General Plan, all land below this level should be zoned AA. Now the applicant has submitted a preliminary plat with contours that show portions of the property exist below the 4218 line which affect approximately 3 lots on the yield plan. The yield plan contained 54 lots and the applicant is proposing only to develop 51 lots as shown. Therefore, he is inadvertently meeting the standards of the ordinance as if the property were zoned AA. The Planning Commission should consider a recommendation to rezone the property west of the 4218 line AA consistent with the City's past actions.

**Ken Klinker** displayed the Vicinity Map. The applicant was requesting a 40 lot subdivision on 12 acres of ground. He discussed the following items that needed to be considered:

- The Frontage Road cross-section should be discussed with the City Engineer.
- The applicant needs to create a plan to accommodate the Glover home.
- The preliminary plat should include the off-site utilities, the exact acreage and the flood plain, if any.
- The property should be zoned AA, rather than LR, since portions of the property were below the 4218 line.
- The property's water line needs to be extended to the south to tie into the Lund Lane water line.
- The developer should include a trail that travels to the north.

### **Public Hearing**

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

**Chris Balling** (Rainey Homes) said a detention area would be created on the west side. A trail would be located near the Frontage area. The utilities were shown on the preliminary plat. The water line would be looped, as requested by the City.

**David Petersen** said the cross sections should be consistent with the other improvements in the area.

**Chris Balling** said they duplicated the Cave Hollow subdivision cross-section but the sidewalks have since been widened. He will meet with the City to determine which trees should be included in the subdivision. He submitted a survey which listed the acreage of the property. Rainey Homes has traded Mr. Fadel property for the right to the Bamberger line. They will lower the Bamberger to dry up the wetland areas. As requested by the Army Corp of Engineers, the lower lots will not be included in the subdivision.

**Mr. Balling** said they had been informed by their surveyors that the Glover home was located on the property line. The previous owner informed Rainey Homes that he had a right of way which he shared with the property owners to the north but he was unable to sell the rights. The purchase contract for the property stated that the Buyer would demolish and destroy the home. The Seller was worried about the stability of the structure and whether asbestos existed in the home. He said Rainey Homes had made their best effort to preserve the home, as requested by the Planning Commission.

**Dee Evans** (Lund Lane resident) said he felt the developer's plan had been well done. He agreed that the home should be torn down since it was dilapidated.

**Public Hearing Closed**

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

**Keith Klundt** asked if the property between the Rainey property and the Haskell property was large enough to be developed.

**David Petersen** said the property was owned by David Cook and was large enough to be developed. The property is currently being leased to the Parkers as horse property.

**Cindy Roybal** asked if there would be space for noise mitigation improvements on the property.

**David Petersen** said the noise issue did not need to be addressed during this hearing because it would be considered during the preliminary plat process for the next phase.

**Cindy Roybal** said she would like the Glover home to be preserved since it was built in the 1800's but understood there were significant obstacles to overcome.

**David Petersen** suggested that **Mr. Balling** meet with the Historic Preservation Committee to discuss alternatives for the home.

**Chris Balling** said his purchase contract stated that the home should be demolished but he was willing to discuss the matter further with the Seller.

**Kevin Poff** said he was concerned the property was below the 4218 line.

**David Petersen** said the developer would be allowed to begin construction but would have to meet FEMA standards.

**Motion**

**Keith Klundt** moved that the Planning Commission grant preliminary plat approval subject to all applicable Farmington City development standards and ordinances and the following:

1. The applicant must provide the existing width of adjacent streets and the names and numbers of adjacent subdivisions and the names of owners and adjacent unplatted land of the preliminary plat.

2. The location of all isolated trees worthy of preservation with a diameter of 4 inches or greater within the boundaries of the subdivision and the outlines of groves or orchards must be shown on the preliminary plat.
3. The preliminary plat must show the boundaries of any area subject to 100 year flooding as shown on the FEMA Flood Plain Map.
4. The developer must provide a plan on how he intends to incorporate the old Glover Home as part of the subdivision project.
5. The developer is proposing to create open space adjacent to the western boundary of the project next to the Frontage Road. An acceptable conservation easement shall be placed over this open space as part of Phase I of the subdivision and this open space property must be rezoned AA. Furthermore, the dimensions of this open space area shall meet Farmington City standards as if all land below the 4218 elevation line were zoned AA.
6. The street cross section shall be updated to meet Farmington City standards. The applicant shall meet with City Staff to determine the best layout for the improvements along the Frontage Road including noise mitigation improvements, on and off site. The applicant shall show all utilities, or other improvements, which may be constructed beyond the boundaries of the subdivision on the subdivision plat or on a vicinity map as appropriate. These improvements include, but are not limited to a culinary water line acceptable to the City extending south towards Lund Lane.
7. The applicant shall prepare and submit a soils report acceptable to the City and consistent with the subdivision ordinance.
8. The area, in acres, shall be provided on the plans for both Phase 1 and 2.
9. The applicant must show a trail connection to the north.

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

**Findings**

- The development is consistent with the General Plan.
- The developer has met all of the conditions required by the City.
- The development is appropriate for the zoning in the area.

**PUBLIC HEARING: APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR FARMINGTON CROSSING SOUTH CONSISTING OF 99 CONDOMINIUMS ON 8.4 ACRES LOCATED AT APPROXIMATELY 850 NORTH SHEPARD CREEK PARKWAY IN A Z ZONE (S-28-05) (Agenda Item #5)**

**Background Information**

The City Council voted on August 17, 2005, to approve the southerly phase of Farmington Crossing PUD.

The information provided for the preliminary plat review consisted of a number of drawings containing most of the required information. Items missing are included in the attached Preliminary Plat Checklist. Review by the City Engineer and other departments were not available at the time this staff report was prepared, so any motion to approve should include addressing those comments when they are received.

The zoning for this development still needs to be changed to CMU.

END OF PACKET MATERIAL.

**David Petersen** displayed a Vicinity Map and a Preliminary Plat of the property. He also provided renderings of Garbett Homes' new concept. The southerly phase would consist of 99 lots. He distributed a letter which was submitted by Maxine Kerr and Milo Kirkham stating their concerns regarding the area.

**Mr. Petersen** said the properties adjacent to the proposed development were owned by the County, Milo Kirkham, Ruth Brown, and others. Spring Creek travels underneath U.S. 89 and follows a channel. Eventually it flows in a southwesterly direction into west Farmington. A northwestern extension used to exist across the Farmington Preserve area originally developed by Dick Prows. There are cement structures that once diverted the creek. Dick Prows purchased the water rights from a private company. He routed the Spring Creek flow down a southerly channel and eliminated the drainage going to the north. The canal was capable of handling the Spring Creek water. Since the purchase of the water rights was a private agreement, the management of the canal is not a City or a County concern. no Spring Creek canal now accesses the Garbett property.

**Mr. Petersen** displayed an overhead of the area and said a wetland delineation was done by the City. The developer received permission to mitigate their wetlands off site. A sizable earthquake occurred over 2,000 years ago and created the Farmington Slide which causes the area to be wetlands and uplands. A study was done that showed that the Kerr, Kirkham, and Brown properties were wetlands. Legacy Highway did a wetlands delineation for their highway

in a similar pattern. Shepard Creek crosses U.S. 89 and in the past there has never been a specific channel. It spreads throughout the wetland areas and joins the Spring Creek channel where waters run along I-15. According to the 1988 aerial photo of the area, Shepard Creek traveled to the Kirkham property, went through the County property, joined the Spring Creek channel and traveled through the Brown Property. The ditch on the Kerr property created a barrier which prevented the water from the east crossing the Kerr property.

According to the Kerr/Kirkham letter, the developer elevated the property and caused a damning effect. **Mr. Petersen** said the property was already elevated. A 1982 contour map clearly shows that the Kerr property is lower in elevation than the Garbett property. Prior to development of any of the area, two studies prepared in the 1990's have indicated wetlands on the Kerr and Kirkham properties. Meanwhile, the County has since channelized Shepard Creek. It meets a detention pond where it is channelized and "shoots the gap" north of the Kerr property. Information indicates that the water has been rerouted around the Kerr property. The General Plan calls for the Kerr and Kirkham property to be open space. In the 1983 floods, much of this area was under water due to the relatively small pipes under I-15. It would be a significant cost to resize the outlets under I-15, so it has not been done.

**Mr. Petersen** said that regarding access, Farmington City requires that a development have two sources of independent access. The Garbett development meets this standard. He questioned whether roads should be stubbed to wetlands/flood plain areas. Delineation occurred in 1991 and in the late 90's. A dirt road exists off of U.S. 89 which provides access to the private properties.

**Mr. Petersen** stated that Shepard Creek currently traverses through a number of lots on the applicant's preliminary plat. He prepossess to reroute the Creek in a pipe. Rerouting the stream will require a Stream Alteration permit from the state. City Staff recommended tabling consideration of the preliminary plat request until the applicant has obtained the necessary permits.

### **Public Hearing**

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

**Noel Ballstaedt** (Garbett Homes) said Davis County requested that Garbett Homes run the channel along their property. It will be included in their road system and will drain into the wetlands. If a permit is required, it is for the benefit of the County.

**David Petersen** said it needs to be determined whether Davis County has the necessary permit to redirect the stream since it will affect several units in the Garbett development.

**Noel Ballstaedt** said he was told by a Davis County representative that they have an open-ended permit. He asked that Garbett Homes be granted preliminary plat approval contingent upon Davis County obtaining a permit. He felt Garbett Homes had met all of the City's requirements.

**Maxine Kerr** (property owner in the area) said she felt the wetlands issue in the area was a result of Davis County's failure to manage the Creek. Prior to the developer being allowed to close the west channel, there was no flooding on the northwest corner of her property. She believes her property is being devalued due to the water drainage. She said Kim Wallace had informed her that the permit was the original permit that Mr. Prows acquired for the entire project. According to her interpretation, the permit expired in 2002. She asked that the Planning Commission table consideration of the preliminary plat request until the proper permits are in place.

### **Public Hearing Closed**

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

**Cindy Roybal** said even before buildings were constructed in the area, two experts delineated the area as wetlands. She does not think it is the developer's responsibility to delineate areas located off-site. The developer has done everything that the City has asked. The developer should not be expected to provide access to a wetlands area.

**Kevin Poff** asked if a zone change needed to occur.

**David Petersen** said no, but as part of the approval process to change the zone text to accommodate the southern phase and middle phase, the previous property owners agreed to rezone the area CMU, which is still consistent with the Garbett proposal. It should be rezoned CMU.

**Noel Ballstaedt** said the County requested that Garbett Homes run the pipe under the streets so it would be accessible.

**David Petersen** said the decision should be based on the impact to the lots in the subdivision. He did not think it was a burden to grant all but the easterly row of lots. The City needs to determine if a permit exists. If the applicant needs to apply for a permit, the permit could be listed as a condition while the improvement drawings are drafted.

The Planning Commissioners agreed approval should not be granted until the permit issue was resolved.

**Motion**

**Kevin Poff** moved that the Planning Commission table consideration of preliminary plat approval until the permit issue is resolved. **Annie Hedberg** seconded the motion which passed by a 4 to 1 vote.

**CHRIS MARTINEAU, SHADOW RIDGE DEVELOPMENT - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR THE HIDDEN MEADOWS PHASE II SUBDIVISION CONSISTING OF 9 LOTS ON 7.54 ACRE LOCATED AT APPROXIMATELY 425 WEST 1400 NORTH OFF OF CHERRY BLOSSOM DRIVE AND WELLING WAY IN AN LR-F ZONE (S-16-05) (Agenda Item #6)**

**Background Information**

The Planning Commission voted to recommend schematic plan approval for this subdivision on July 8, 2005, and it was approved by the City Council on August 17, 2005, subject to the following conditions:

1. The lots to the south of this phase be protected from storm water flow by the developer channeling the entire flow, including the spring from the cul-de-sac and the berm along the southern property lines into the 1300 North Street storm drain down to Main Street.
2. Any concerns regarding fire protection raised by the City's Fire Chief shall be met.
3. The extension of Cherry Blossom Drive, a non-conforming dead end street be approved by the City Council.
4. Structural road base that meets City standards shall be provided on 1300 North Street which shall be dedicated to the City for secondary access.

The City Council approved the extension of Cherry Blossom Drive beyond the 1000 foot limit for non-conforming dead-end streets at their September 7, 2005, meeting.

A fault study identified a Main Trace Wasatch fault in the hill behind lots 22 and 23. The plat has been revised to show the fault and a fault setback has been added per the recommendation of the fault study. This setback slightly altered the building envelope in lot 22, but not enough to change the configuration of the lots.

The geotechnical study recommends in section 14.1 that foundation drains be installed on the homes in this subdivision.

The original subdivision proposal showed a stream that originates in a spring on the Welling property above lot 20 be diverted into a water feature to address concerns from lot owners in Forest Heights subdivision to the south. The developer now plans to pipe the spring to a land drain that will run to the storm drain on the south property line. The land drain will run across the toe of the slope behind lots 22 and 23 to deal with drainage off the slope as well as ground water.

The developer proposes that the 4' sidewalk and park strip normally required be replaced with a 6' sidewalk at the entrance to the subdivision and through the cut between lots 26 and 28. The reasons for this are to provide more front yard area for Doug Welling at the entrance and to reduce the amount of cut required on the steep slope as Cherry Blossom Drive is extended.

END OF PACKET MATERIAL.

**David Petersen** displayed the Preliminary Plat and pointed out where the earthquake faults were located. The building envelopes on the lots were not near the fault line. The developer did not think the road would affect the roots of the existing poplar trees near the north entrance to the proposed subdivision. The City Attorney said if the trees were damaged, the City would not be liable since it would be a private issue between the developer and the private property owner.

**Mr. Petersen** said he had been contacted by Doug Welling who was concerned about the drop off. The developer removed the island from the plan and shortened the right of way. He also suggested including curb and gutter near the street, which the City Engineer does not oppose. City Staff recommended approving the preliminary plat.

**Chris Martineau (Shadow Ridge)** said they had met the City's requirements and had worked with Mr. Welling to narrow the width of the street. He did not think the poplar trees would be damaged.

**Cindy Roybal** stated that Mike Wilcox had attended the last meeting since he was concerned about the drainage and berm.

**Chris Martineau** said the berm and inlet boxes should alleviate any concern. He said Mr. Vandermerwe would not be affected by the drainage. He said he should be concerned about the issues to the east.

**Kevin Poff** asked about the channel that was running through Lot 24.

**Chris Martineau** said a stream runs through Lot 24, but it will be rerouted.

**Kevin Poff** addressed the construction road and said the developer should be required to create a smooth transition where the concrete meets the gravel. The road should also be built to prevent erosion.

**David Petersen** said the road would be included as part of Condition #1 which would require the developer to address any items identified as issues by the City Engineer, fire department, public works department or other entities that provide a plat review.

### **Motion**

**Keith Klundt** moved that the Planning Commission approve the preliminary plat for the Hidden Meadows Phase II Subdivision subject to all applicable development standards, conditions of schematic plan approval, and the following:

1. Address any itmes identified as issues by the City Engineer, fire department, public works department or other entities that provide a plat review.

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

### **Findings**

- The development would provide another outlet for the area.
- The developer has complied with the City's requirements.
- The development will alleviate drainage issues for the adjoining property owners.

### **JERRY PRESTON - APPLICANT IS REQUESTING PRELIMINARY PLAT APPROVAL FOR PHASE I A OF THE RICE FARMS ESTATES PUD CONSISTING OF 11 LOTS ON 4.506 ACRES LOCATED AT APPROXIMATELY 50 WEST 700 SOUTH IN AN LR (PUD) ZONE (S-7-05) (Agenda Item #7)**

### **Background Information**

The City Council voted on August 3, 2005, to rezone 32.3 acres of property located at 50 West 700 South to "LR (PUD)" subject to several conditions that still need to be met including:

1. Existing and proposed utility system plan including easements for electricity, natural gas, and telephone, etc.

2. A landscaping plan indicating the treatment of materials used for private and common open spaces.

In addition, the Planning Commission voted on July 14, 2005, to recommend to the City Council schematic plan approval subject to all applicable Farmington City Development standards and ordinances and the following issues that still need to be addressed:

1. The applicant must prepare a wetland mitigation plan that meets U.S. Army Corp requirements and/or receive a permit from the Corp to fill wetlands now located on the property. A property owner may apply for preliminary plat approval for a portion of the overall project area without preparing or receiving the necessary wetland information required herein so long as no wetlands exist on said portion or so long as no wetlands encroach into the buildable area of lots for the proposed preliminary plat.

The applicant submitted a preliminary Phase 1 containing 16 lots. He pulled the application from the agenda because some of the lots were in a wetland.

Five lots were removed from Phase 1 and another plat was submitted for Phase 1-A (Phase 1-B is to the five lots that were removed once the wetland issues are addressed). The submitted plat for Phase 1-A was a final plat, not a preliminary plat, so much of the information necessary for a preliminary plat is missing. However, by combining the Phase 1 plat with Phase 1-A plat, there may be enough information to decide whether or not to allow him to proceed with final plat preparation.

We have not actually see the wetlands delineation report yet, so a condition of approval should be that no wetlands are included in Phase 1-A.

The soils report has been submitted by the developer. There are specific recommendations for testing for peat on individual lots and for dealing with the peat if it is identified. All the recommendations of the soils report need to be followed to prevent problems with foundation settling.

The Phase 1 plat shows two retention areas for storm water at the entrance of the subdivision. The City Engineer wants to have one detention area on the opposite side fo the frontage road. It may be possible to build Phase 1-A with a temporary detention basin, but only with the approval of the City Engineer. The Phase 1-A plat does not address this issue.

END OF PACKET MATERIAL.

**David Petersen** said the Planning Commission was concerned that wetlands exist on the property. The wetlands studies were not yet complete but the applicant would like preliminary plat approval for the lots that were not affected by the wetlands. City Staff recommended that the Planning Commission grant preliminary plat approval for Phase 1 A subject to the five conditions, which he reviewed.

**Cindy Roybal** requested that the applicant include trees in the park strip throughout the entire subdivision to enhance the neighborhood and to increase the property values.

**Jerry Preston** (347 East 100 North) said the lots or units on Rice Lane would have a 7 foot park strip with four trees each. The delineation for Phase 1 had been done. They are in the process of mitigating the wetlands. A soil report found Phase 1, 2, and 3 clear of peat moss. Phase 4 had peat moss that would need to be dealt with.

### **Motion**

**Kevin Poff** moved that the Planning Commission approve the preliminary plat for the Rice Farms Estates PUD, Phase 1-A subject to all applicable development standards and the following:

1. Utilities shown in the Preliminary Plat for Phase 1 dated 8-25-05 are approved by the City Engineer for Phase 1-A.
2. The wetlands delineation study does not include any wetlands in the lots of Phase 1-A.
3. All recommendations in the soils report are followed during construction of homes.
4. The issue of where the storm water retention area is located is resolved to the satisfaction of the City Engineer. A temporary storm water detention basin may be necessary.
5. All concerns of City departments and utilities are addressed.
6. The developer shall provide a street tree plan and street trees acceptable to the Planning Commission.

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

### **Findings**

- The development was appropriate for the zoning.
- The developer met the City's requirements.
- The development was consistent with the Master Plan.

**PUBLIC HEARING: GUY HASKELL - APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE PROPERTY (2.1 ACRES) LOCATED ON THE NORTHEAST CORNER OF LUND LANE AND THE FRONTAGE ROAD FROM A TO LR, AND A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A SUBDIVISION RELATED THERETO (Z-6-05) (Agenda Item #8)**

**Background Information**

This agenda item was considered by the Planning Commission October 25, 2005. The Commission voted to table the application to allow time for the developer to prepare and submit a schematic plan acceptable to the City. The new schematic plan only contains 4 lots.

END OF PACKET MATERIAL.

**David Petersen** said the initial schematic plan included small lots without a buffer. The area is zoned A. The property is difficult to arrange because it is small and located on a corner. The applicant would be required to provide public improvements for the cul-de-sac, as well as the seven lots. The applicant created a new plan which was made up of four ½ acre lots. It would provide adequate space for noise mitigation. The stem to the flag lot would be similar in concept to the Judd property on 600 North. City staff requested a 50' street with two big lots that are 150 feet deep. As per the new ordinance, it would be possible to have a fourth lot. The development could be landscaped similar to Cave Hollow K. The City crews would maintain the land west of the wall and the developer would maintain everything east of the wall. The developer would be responsible to bring the water line to the Frontage Road which will be looped by Rainey Homes. The City would help to fund the bordering area since trail access exists.

**Chairman Ritz** said the 600 North flag lot had street frontage.

**David Petersen** said the flag lot is unique but it would work because it was adjacent to a designated right of way, the Frontage Road. Lot 4 could be accessed by a shared easement, so long as it was acceptable to the Fire Chief.

**Public Hearing**

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

**Scott Argyle** (3035 West 150 North, Layton) said he was representing Guy Haskell who was out of town. Guy was pleased with the property layout that was recommended by City Staff.

**Dee Evans** (Lund Lane resident) said his property is two lots away from the proposed development. He asked that the Planning Commission table the issue until a better layout could be found. He asked how sewer lines would be addressed.

**David Petersen** said the area had access to the Lund Lane sewer, the Frontage Road sewer, and the sewer line used by F.J. Parker. There were many sewer options, including the possibility of utilizing the South Davis Sewer rather than the Central Davis Sewer.

### **Public Hearing Closed**

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

**Cindy Roybal** said she was concerned about allowing the flag lot but understood that the lot was needed to help the developer provide the curb, gutter, sidewalk and park strip on Lund Lane. The City would also benefit by the addition of the wall and berm.

**David Petersen** said the same configuration regarding a berm and sound wall would be offered to Rainey Homes. The sound walls are just as effective even though they are lower and if they are near the home.

**Scott Argyle** said they were only requesting that the property be rezoned. The other issues could be addressed during the preliminary and final plat stage.

**Kevin Poff** asked if the property owner to the east would be capable of making the street a driveway if he wanted to develop in the future.

**David Petersen** it would be difficult to do share a road due to the placement of F.J.'s home. It would also be very costly to develop a full road.

### **Motion**

**Kevin Poff** moved that the Planning Commission recommend the City Council rezone the property LR and approve the schematic plan related thereto subject to all applicable Farmington City development standards and ordinances and the following modifications to the plan:

1. Provide a 50-foot transition/buffer area adjacent to the Frontage Road running the full length of the property.

2. Decrease the size of lots 1 and 2 adjacent to the Frontage Road and create a flag lot (Lot 3) adjacent to the northern boundary of the two conventional lots fronting Lund Lane. Create another lot (Lot 4) facing the Frontage Road but abutting the north boundary of Lot 3, thereafter providing access to Lot 4 off the stem to Lot 3.
3. Access to all lots must meet fire code standards as administered by the Farmington Fire Department.
4. Developer shall improve the Lund Lane frontage and extend all related utilities. Improvements shall include but not be limited to asphalt extension, curb and gutter and sidewalk,, and extension of the culinary water line.
5. Provide a berm and wall within the 50-foot transition area to mitigate noise from I-15 and the Frontage Road.
6. It is recommended that the City provide the improvements including curb, gutter, sidewalk, and any asphalt extension along the Frontage Road side of the subdivision.
7. The developer shall provide current UDOT rules and regulations regarding noise mitigation.

**Keith Klundt** seconded the motion which passed by a 4 to 1 vote.

### **Findings**

- The developer is helping the City to accomplish their goals by relocating the sewer, improving Lund Lane, and providing a berm.
- The developer revised the plan to make it a viable project.
- Larger lots will be added to the area.

**Cindy Roybal** said she was not opposed to flag lots but was concerned that a precedent had been set. She was also concerned that access would be limited for the other property owners in the area.

**David Petersen** suggested that the City arrange a meeting with the surrounding property owners.

### **ROCKIE DUSTON/DAVE DIXON - IRENE OLSON PROPERTY DEVELOPMENT PROPOSAL (Agenda Item #9)**

**Background Information**

Several weeks ago, the owner of the property received a recommendation from the Planning Commission for schematic plan approval to create 3 lots for a subdivision on the property described above. Nevertheless, it has proven to be very difficult to get utility laterals to the third lot. The sewer and water are on the north side of the road and several other utilities, including fiber optics, share the right of way. UDOT recently improved the road when they built the bridge crossing at Farmington Creek. According to the developers, UDOT will not allow additional cuts into their new road. For these and other reasons, Mr. Dutson and Mr. Dixon propose that the City approve a 2-lot subdivision with the old Irene House serving as a guest house for the primary lot. Portions of the old Irene Olsen home were constructed by Hector C. Haight as his original residence and apparently it is the oldest dwelling in the City. Hector C. Haight is the founder and first settler of our community. Notwithstanding this, the Farmington City ordinance does not allow conventional two dwellings on a lot. Nor can the Haight home serve as an accessory dwelling and a rental at the same time. Possible options which may resolve this issue include, but are not limited, to the following:

1. A variance from the Board of Adjustment.
2. A special exception.
3. Designate the structure as a land mark under Chapter 39 of the Zoning Ordinance and amend this chapter to allow for acceptable uses or adaptive reuses of such structures.

END OF PACKET MATERIAL.

**David Petersen** displayed a Plot Plan which included the existing home to the east. He reviewed the "Background Information" with the Planning Commission. The Chairman of the Historic Commission was in favor of the development and the use of the old home. Mr. Petersen said City Staff recommended that a special exception be granted to resolve the issue. Any appeals would be heard by the City Council.

Planning Commissioners **Kevin Poff, Keith Klundt, Cindy Roybal, and Annie Hedberg** agreed that granting a special exception would be a creative solution. It would not detract from the existing area but would preserve the old home.

**Chairman Ritz** said he was concerned that if a special exception were granted, the City would receive additional special exception applications. He was in favor of alternative #3 because it would add extra protection to the structure.

The Planning Commission requested that they be given additional information regarding the options for resolving the issue.

**Dave Dixon** said he sees the development as an opportunity to improve the Haight home, as well as the existing structure.

Representatives from the Historic Preservation Committee said they would like to spend additional time reviewing the proposal.

### **MISCELLANEOUS**

**Garbett homes proposed a number of minor boundary adjustments to the Farmington Crossing on Spring Creek P.U.D. subdivision plat.**

#### **Motion**

**Keith Klundt** moved that the Planning Commission approve the proposed boundary adjustments to the recorded plat. **Cindy Roybal** seconded the motion, which passed by unanimous vote.

**David Petersen** reviewed the following items with the Planning Commission:

- A Certified Citizen Planner Seminar will be held for elected officials, planning commissioners, board of adjustment members, office staff, etc.
- A copy of Chapter 11 as requested was distributed to the Planning Commission.
- A joint meeting will be held with the Planning Commission, the City Council, and the Historic Preservation Commission towards the end of the year or at the beginning of the new year..
- Dave Ellis approached City Staff regarding the possibility of constructing a medical building on the Pilcher property in north Farmington.. The Planning Commission members were in favor of the idea but requested that the building be a one story office building so it would have less of an impact. It was also suggested that the traffic impact and access issues be addressed.
- The Planning Commission meeting scheduled for October 13, 2005, has many important issues on the agenda. The Planning Commission members agreed to start earlier and address the items in the following order: Non-public hearings, Transportation Plan, Shepard East, NMU.

**Motion**

**Cindy Roybal** moved that the Planning Commission rearrange the Agenda for the Planning Commission meeting to be held on October 13, 2005. **Annie Hedberg** seconded the motion, which passed by unanimous vote.

An email submitted by Susan Holmes was discussed by the Planning Commission. The following items were discussed:

**David Petersen** said he felt the measures taken by the Planning Commission to limit citizen input were warranted since the Planning Commission receives much more input than the City Council.

**Cory Ritz** said he would draft a letter to **Susan Holmes** stating the Planning Commission's position on the items she discussed.

**Keith Klundt** said the use of a stop watch at a public meeting is appropriate. The stop watch creates order by letting the public know what is expected for groups and individuals. It is good for the community to have order.

**CITY COUNCIL REPORT**

**David Petersen** reported the proceedings of the City Council meeting which was held on September 21, 2005. He covered the following items:

- The City Council approved ORDINANCE NO. 2005-, AN ORDINANCE AMENDING SECTION OF THE FARMINGTON CITY ZONING ORDINANCE TITLED "ACCESS TO OFF-STREET PARKING AND LOADING SPACES" Chapter 32
- The City Council approved the schematic plan for the Judd property located at 600 North Main subject to the final approval of ORDINANCE NO. 2005-, AN ORDINANCE AMENDING SECTION OF THE FARMINGTON CITY ZONING ORDINANCE TITLED "ACCESS TO OFF-STREET PARKING AND LOADING SPACES".
- The City Council approved the schematic plan for the Symphony Homes subdivision subject to the Agreement being finalized and the property being rezoned.
- The City Council tabled consideration of the Samuelson's request to vacate PUE/drainage easement in Eagle Creek Phase 1 Subdivision to allow the applicant time to meet with the City Engineer.
- The City Council granted final plat approval for Miller Meadows, Phase III.

- The City Council discussed the Master Transportation Plan.
- The City Council began the Capital Facilities Plan regarding Transportation.
- The City Council removed the Agenda Item relating to the TOD text and TMU text, at the request of Mr. Haws.
- The City Council postponed the discussion regarding Chapter 10 due to the moratorium placed on the CMU. The discussion will take place after the CMU text has been adjusted.
- The City Council reviewed the new LUDMA policies. A subcommittee was created to review the LUDMA requirements.

**David Petersen** said Garbett Homes planned to leave property west of Maverik as open space. Although, the Stake President for the area stated that it would be a good location for an L.D.S. Church.

**Keith Klundt** said he sent a letter to the L.D.S. Church Real Estate Department informing them that the proposed site would not be a good location for a church.

**David Petersen** said the subcommittee thought the church should be located south of the credit union, but Dick Prows would like to construct an office building at that location. The Planning Commission would like the corner property to be of a commercial use. The subcommittee asked Garbett Homes to continue their effort to bring a commercial use to the site.

**Chairman Ritz** suggested applicants be granted approval for their request when they have met their conditions, rather than granting an approval subject to the conditions.

**Annie Hedberg** requested a map be available to the Planning Commission indicating the items that have been approved or are in the planning process.

**Cindy Roybal** requested that a tree ordinance be adopted.

### **ADJOURNMENT**

**Annie Hedberg** moved that the Planning Commission adjourn at 10:30 P.M.

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*Cory Ritz, Chairman*  
*Farmington City Planning Commission*