

FARMINGTON CITY PLANNING COMMISSION

Thursday, November 19, 2003

PLANNING COMMISSION REGULAR SESSION

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

Vice-Chairman Young called the meeting to order at 6:20 P.M.

BRUCE B. AND CONNIE H. MCFARLAND REQUEST TO BUILD AN ACCESSORY BUILDING IN THE SIDE YARD OF AN EXISTING HOME LOCATED AT APPROXIMATELY 1507 NORTH 1500 WEST (A-2-03)

Mr. Petersen reviewed the agenda item for the Planning Commission members. The item had been considered during the September 25th Planning Commission meeting. Following is the background information from that meeting:

Three or four homes now exist in the unincorporated area between Farmington and Kaysville north of the Oakridge Farms Subdivision and west of 1500 West Street. They receive access to 1500 West Street via a private dirt road. All of the property owners receive Farmington City culinary water through an existing private line. The first single family home off the private dirt road is owned by the applicants, Bruce and Connie McFarland. They desire to annex into our City for the purposes of building a garage over a private access easement. The County will not issue a building permit to the applicant because of the easement situation. Meanwhile, we have been counseled by our City Attorney that it is okay as long as the easement is private. Based on this information, the McFarlands desire to annex into Farmington City.

The property is now zoned "A-1" in the County. The McFarlands are not asking for a rezone at this time. One of the annexation policies contained in the Farmington General Plan states:

"As property is annexed into the City, it should be classified with a zoning designation "A" unless the owners request another zoning designation."

The "A" (Agriculture) designation is compatible with the County's zone designation "A-1."

END OF PACKET MATERIAL.

During the October 9th Planning Commission meeting this agenda item was reviewed and tabled by the Planning Commission until further information was received from the City Attorney regarding the private access easement across the McFarland property. The City

Attorney reviewed this information and stated that this is really a policy question for Farmington

City.

Background Information for the October 9th meeting stated: Presently, as part of most site plan review, (Chapter 7 of the Zoning Ordinance), the City does not ask an applicant to show the location of private easements. However, Chapter 7 does require an applicant for a building permit to show all public utility easements. In order for the City to adequately determine where private easement are recorded on any particular property, title reports must be prepared to show the location of these easement. A policy requiring property owners to show a private easement in every case would be cumbersome and time consuming and expensive for the City and the property owner. END OF PACKET MATERIAL.

In a meeting with the McFarlands wherein they requested a building permit for the accessory building in question, Mr. Petersen discovered that they wanted to build the accessory building in the side yard which requires by ordinance the Planning Commission's direct approval. All other concerns had been met, including set back requirements.

Cindy Roybal raised a concern regarding future development and whether or not the accessory building would affect access.

In discussion of the issue, Planning Commissioners by consensus agreed that because the applicants knew they were building on a private easement, they knew they could be at risk.

Motion

Cindy Roybal moved that the Planning Commission approve the request for permission to build the accessory building in the side yard of the existing home with the condition that a notation be included on the building permit that the builder is aware they are building within an existing private easement. **Jim Talbot** seconded the motion, which passed by unanimous vote.

Findings

The motion was taken after review by the City Attorney and with due consideration given to the fact that the builder is aware of the risk being taken by himself.

MEETING ADJOURNMENT

The meeting closed at 6:40 P.M.

Sid Young, Vice-chairman
Farmington City Planning Commission