

## FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, November 13, 2008

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### **PLANNING COMMISSION STUDY/WORK SESSION**

**Present:** Chairman Kevin Poff, Commission members Steve Andersen, John Bilton, Craig Kartchner, Rick Wyss, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Paul Barker, Randy Hillier, and Jim Young were excused.

Mark Evans, Ryan Hales, and Ron Martinez from America West Development were also present.

**Chairman Kevin Poff** began discussion at 6:30 p.m.

#### **(Agenda Item #1) Approval of Minutes**

The Commission reviewed the minutes of the Planning Commission meeting held October 30, 2008.

#### **(Agenda Item #3) Farmington City – (Public Hearing) - Applicant is requesting conditional use approval for the Farmington Ranches Park located at approximately 1900 West Clark Lane on about 5 acres north of Eagle Bay Elementary in the AE zone (C-9-08)**

**David Petersen** stated that the pertinent question for the Commission tonight is whether or not a park in this location would be an asset for Farmington City. **Mr. Petersen** said that the site plan is not ready for full approval. **Craig Kartchner** commented that there are some dramatic changes from the first sketches they were shown. **Mr. Petersen** agreed and said the Staff's recommendation is that the Planning Commission grant conditional use approval for this Park but that they withhold site plan approval. He told the Commission there were two options: a) request that the detailed site plan (including building elevations, etc.) be reviewed by the Commission when they are finished, or b) delegate the matter to Staff to approve the final details. There was more discussion about specific details regarding the Park, and **Chairman Poff** referred to a letter from Randy Klein in which he and the Trails Committee submitted their approval of the Park.

#### **(Agenda Item #4) Farmington City – (Public Hearing) – Consideration of a recommendation to amend Definitions (Chapter 2) of the zoning ordinance with regard to “Dwellings, Secondary” and “Dwellings, Ancillary” and to amend Supplementary and Qualifying Regulations (Chapter 28) creating provisions permitting residents age 55 and older and persons with disabilities requiring continuous care to rent space in their home as an Ancillary Dwelling to no more than two (2) adults with their minor children (ZT-7-08)**

## **Background Information**

**Glenn Symes** presented details regarding this Agenda Item. He said this is the first time this issue has been discussed with the Planning Commission, and they were hoping to have information and feedback from the City Attorney regarding this issue, but it is still being reviewed. **Mr. Symes** said that this was the first consideration of doing something like this in Farmington. **John Bilton** questioned if such an ordinance would fit with the fair housing plan for Farmington. He said he understands the intent but believes it needs more study. **Rick Wyss** asked if this would apply in any zone and if people in Farmington were requesting this type of change. He pointed out that the City has recently rezoned many subdivisions, and he does not understand why another change would be needed.

**David Petersen** stated that the City Planners attended an affordable housing conference in October, and when they reported to the City Council, the Council members liked the idea and asked the Staff to pursue the issue. **Mr. Wyss** said he agreed with the proposal possibly being granted to those with disabilities, but he questioned why the requirement would be tied to age rather than to income or some other criteria. **Steve Andersen** agreed and said he believed one of the purposes of the recent rezoning was to provide more affordable housing in Farmington City. He expressed concern about the short amount of time this had been in effect in Provo, if they had seen other cities do this type of thing, if it had been successful, if there had been enough study regarding the issue, and what some of the impact has been. The Commission members agreed that this needed to be continued.

### **(Agenda Item #5) Farmington City – (Public Hearing) – Consideration of a recommendation to amend Single-family Residential zone (Chapter 11) of the zoning ordinance amending the conditional uses to allow Secondary Dwellings and Accessory Dwellings to be considered as conditional uses in all single-family residential zones (ZT-8-08)**

**Glenn Symes** reported that during the recent rezone applications, there was much discussion about the possibility of removing the prohibition on Secondary and Accessory dwellings in the R (Residential) zone. The Staff feels that it may be time to take a look at this possible change. The Commission members discussed different aspects of this change. **John Bilton** asked about the current definition, and **Mr. Symes** replied that the standards are listed on the handout. **Steve Andersen** wanted to know who was driving these zoning change issues and questioned if it was a mandate from the City Council to the Planning Commission. **David Petersen** replied that the initial drive was the RDA or that by law the City is required to spend a certain percentage on affordable housing. He told the Commission that City Manager **Max Forbush** has been looking at other methods to meet this requirement--he attended a conference/workshops in May, June and October and learned more about this issue. **Mr. Petersen** indicated that this could be tabled until the Affordable Housing Plan was finished. **Mr. Symes** told the Commission that he did not think Agenda Item #5 was an affordable housing issue as much as a consistency issue.

The work meeting was adjourned at 7:10 p.m.

## **PLANNING COMMISSION REGULAR SESSION**

**Present:** Chairman Kevin Poff, Commission members Steve Andersen, John Bilton, Craig Kartchner, Rick Wyss, City Planner David Petersen, Assistant City Planner Glenn Symes, Recording Secretary Cynthia DeCoursey. Paul Barker, Randy Hillier, and Jim Young were excused. City Manager Max Forbush arrived late.

**Chairman Poff** called the meeting to order at 7:20 p.m. and welcomed those in attendance. **Steve Andersen** offered the invocation.

### **APPROVAL OF MINUTES (Agenda Item #1)**

The Commission reviewed the minutes of the Planning Commission meeting held October 30, 2008.

### **Motion**

**Craig Kartchner** made a motion to approve the minutes of the Planning Commission held October 30, 2008 with changes as noted. The motion was seconded by **Rick Wyss** and was approved unanimously. **Steve Andersen** and **John Bilton** abstained because they did not attend the October 30, 2008 meeting.

### **CITY COUNCIL REPORT (Agenda Item #2)**

**David Petersen**, Farmington City Planner, stated that there were no Planning Commission items on the November 4, 2008, City Council agenda.

### **Farmington City – (Public Hearing) - Applicant is requesting conditional use approval for the Farmington Ranches Park located at approximately 1900 West Clark Lane on about 5 acres north of Eagle Bay Elementary in the AE zone (C-9-08) (Agenda Item #3)**

#### **Background Information:**

**David Petersen** distributed copies of the Farmington Ranches Community Park Master Plan. **Chairman Poff** pointed out an error on the staff report--the proposed location is north (not east) of Eagle Bay Elementary. **Mr. Petersen** noted that a park by ordinance is a public use, and it is a conditional use in this zone. He explained that in most of the City's agricultural residential zone areas, a park is a conditional use and needs to go through the approval process. The City Council has been working with the HOA to establish the proposed park. The design was created by a number of different people. **Mr. Petersen** discussed the options that were available: 1) review the site plan when it comes back or 2) delegate to City Staff and have them finish the site plan and give concept plan approval or 3) obtain the elevations and more detailed landscaping plans and then delegate the detailed drawings to Staff. The development of this Park has been contemplated for a long time and was recently approved by an agreement between the Farmington Ranches HOA and Farmington City. The Commission may also delegate approval to the Planning Department as set forth in Section 11-7-104(6) of the Zoning Ordinance. **Mr. Petersen** indicated on the map that Shepard Creek traverses through the site, but the City does not have the resources to improve the entire area as a park. Therefore, the City only acquired the land north of the creek from the HOA to build the Park as shown on the attached concept plan.

[**Max Forbush**, City Manager, arrived at 8:00 p.m.]

**Max Forbush**, City Manager, provided some background on this item. The City Council spent considerable time with the Farmington Ranches HOA and a Park Committee (formed by the HOA) in developing a plan for this Park. The City Council--as part of that agreement--has limited the amount of money available for this project to \$505,000 (\$125,000 in grant money). The City wants to continue to work with the HOA to raise more money and possibly be able to do some other projects which would be seen as long-term improvements (tennis court, basketball court, etc). He said the bowery has been ordered and will look the same as some others in the City. The City is also planning to use the same elevation for the restroom as the restroom that is being built in Woodland Park. He asked the Planning Commission if they wanted to consider anything else.

**Mr. Forbush** stated that in order to lower some of the costs, the City would do some of the work. He said he would like to see the final approval by December and that if the weather permitted, they could possibly begin work on the storm drain in December. The rough grading could possibly begin next spring. **Steve Andersen** asked if it would be of value to finish the elevations on the bowery and restrooms and then open it to a public hearing. **Mr. Forbush** said that was possible, but he said that a public hearing was previously held at the City Council level.

The Staff sent notices to all of the residents in the neighborhood along with copies of the Master Plan. **Mr. Andersen** stated that he would like another meeting to allow the HOA and other people to participate just to make sure that everyone was in agreement with the proposal. **Chairman Poff** asked **Mr. Forbush** if the HOA had obtained wetlands approval, and he said they had. He indicated that they would like to pipe the water and keep the natural vegetation. He said the natural grasses on some of the property are wonderful. The irrigation water has been diverted, and they need a channel for storm water purposes.

**Steven Petersen**, 1981 Old Fort Road, represented the HOA and provided additional background. He said that three and a half years ago the Farmington Ranches HOA began working on this project with the City. He stated that many individuals bought their homes in Farmington Ranches because they knew a park was going to be built near these homes. The HOA created a Park Committee, and the members of this Committee were comprised of individuals from the existing phases of Farmington Ranches. After obtaining feedback from many of the residents and from the HOA, the Committee came up with a concept and reached an agreement with the City in terms of funding and design.

The HOA and Park Committee realize there are financial limitations, but they are hopeful that additional funding might be available in the future. **Steve Andersen** asked if the homeowners understand that finances are a concern and that not all of the amenities will be able to be built at the same time. **Mr. Petersen** replied that everyone realizes the budget restraints and have worked together to decide which amenities are of the highest priority. **Craig Kartchner** said that there was some initial concern about potential soccer fields and asked if the HOA has an agreement with the City regarding the issue. **Mr. Petersen** said there is an agreement with the City to build a small field (60 feet by 75 feet). He confirmed that this Park will not be used for city sponsored leagues.

### **Public Hearing Opened**

**Chairman Poff** opened the meeting to a public hearing at 7:45 p.m. and invited public comments. He referred to a letter from Randy Klein of the Farmington Trails Committee in which he gave their approval of the Park.

### **Public Hearing Closed**

**Chairman Poff** closed the public hearing at 7:50 p.m. He asked the Commission if they had any questions or comments. **John Bilton** asked if this was the concept that was given to the public. **Steven Petersen** replied that the concept given to the residents was very similar to the one being reviewed tonight. The plans were sent by email to all the residents, and after the HOA received feedback, they made the desired changes which were then posted on their website. He said that the biggest change was that some of the trees and amenities shifted to the east. **Mr. Poff** asked **Mr. Petersen** if these latest plans represent the wishes of the HOA. **Steven Petersen** said yes.

**Steve Andersen** stated that since Staff is satisfying all of the needs of the HOA, he did not think there would be any benefit for the Planning Commission to review it any further. **Craig Kartchner** agreed and said that the fact that Steve and the HOA and Committee approved this and have worked so well with the City is a huge vote of confidence for the process. **Mr. Poff** said that if there were no further comments or questions, a motion would be in order.

### **Motion**

**Craig Kartchner** moved that the Planning Commission grant conditional use approval and conceptual site plan approval for the Farmington Ranches Park subject to all applicable development standards and ordinances and the following conditions:

1. The applicant must obtain site plan approval from City Staff in compliance with Chapter 7 of the Zoning Ordinance and approval of the elevations of the buildings related to the park including, among other things, any restrooms and/or pavilions.
2. All conditions of site plan approval shall be conditions of the conditional use permit.

**Steve Andersen** seconded the motion, and it was approved unanimously.

**Max Forbush** introduced **Eric Lyman**, the Landscape Architect, and **Colby Thackeray**, the Parks Supervisor, who have been involved with this project and who are in attendance tonight. **Chairman Poff** welcomed them to the meeting.

### **Findings:**

1. The Master Plan for the Park seems to reflect the wishes of the neighborhood.
2. Having a park that is not a ball field is a benefit to the City.
3. This Park seems to be a good amenity to have in West Farmington.
4. There is a high degree of cooperation between the HOA and the City.
5. The Commission feels comfortable with Staff moving forward with this plan.
6. Staff should make sure that the bowery and restrooms are consistent with other parks in the City.

**Farmington City – (Public Hearing) – Consideration of a recommendation to amend Definitions (Chapter 2) of the zoning ordinance with regard to “Dwellings, Secondary” and “Dwellings, Ancillary” and to amend Supplementary and Qualifying Regulations (Chapter 28) creating provisions permitting residents age 55 and older and persons with disabilities requiring continuous care to rent space in their home as an Ancillary Dwelling to no more than two (2) adults with their minor children (ZT-7-08) (Agenda Item #4)**

**Motion**

**Rick Wyss** made a motion that the Commission table Agenda Items #4 and #5. He said that the Commission wanted additional information regarding these issues along with the affordable housing plan that would be coming from the City. **Steve Andersen** seconded the motion, and it passed unanimously.

**Farmington City – (Public Hearing) – Consideration of a recommendation to amend Single-family Residential zone (Chapter 11) of the zoning ordinance amending the conditional uses to allow Secondary Dwellings and Accessory Dwellings to be considered as conditional uses in all single-family residential zones (ZT-8-08) (Agenda Item #5)**

A motion was previously made to table this Agenda Item until more information is available.

**Farmington City – (Public Hearing) – Consideration of a recommendation to amend Chapter 11 of the General Plan regarding the “Farmington Commercial Center” and other related general plan text and map changes, and to amend Chapter 18 of the Zoning Ordinance regarding the TOD (Transportation Oriented Development) zone including but not limited to residential density, non-residential building size, permitted and conditional uses, and Project Master Plan (PMP) criteria including, among other things, street type hierarchy and street network design, building form and site envelope standards, off-street parking, landscaping standards, and other various changes (MP-2-08) (ZT-3-08) (Agenda Item #6)**

**Background Information**

**David Petersen** said that the Subcommittee (three Planning Commission members, two City Council members and two or three property owners) and City Staff have met several times regarding this issue, and each time they have been able to make more progress on this ordinance. He told the Commission that it was his intent to go through the document and get specific input from them and also from the public. **Rick Wyss** asked if **Mr. Petersen** wanted approval from the Commission tonight. **Mr. Petersen** responded that it is proposed to be just a discussion tonight, and then it would be scheduled for another public hearing in the future.

**Public Hearing Opened**

**Chairman Poff** opened the meeting to a public hearing at 8:00 p.m.

**Mark Evans**, 2001 North 1210 West, Pleasant Grove, Utah, E&H Land. **Mr. Evans** read a statement in which he explained his disapproval for the General Plan of Farmington City. He believes that Farmington does not have a large enough population to support such a large development. He feels that the code is based on faulty assumptions and takes away the property rights of individuals. He stated that the City of Farmington should allow a regional development pattern and not penalize the community with this unworkable code amendment.

**Norm Dahle**, 2675 East Melany Drive, Salt Lake City, Utah, Consultant for America West Development. **Mr. Dahle** stated that he is working with America West with respect to the approval and development of a triangular piece of property north of Clark Lane. He informed the Commission that earlier in the day he met with **Todd Godfrey**, Farmington City Attorney, and they discussed tonight's hearing. **Mr. Dahle** was confused, however, because after the meeting it was his understanding that they both agreed that the document was not ready to be discussed in a public hearing. He received the latest changes to the document yesterday afternoon at the meeting but did not have a chance to review it. He said that they have been very appreciative of the Staff and have established a good working relationship. However, they still have several issues, one of which is the Regulatory Plan. They want to make sure that the Plan will be conducive to the development of the Farmington Commercial Center.

**Mr. Dahle** stated that the discussions they have had with **Cooper Roberts & Simonsen Associates** have been open and productive, but they have not reached a resolution. He stressed that he does not feel that a public hearing is appropriate at this time. There was discussion between **Mr. Dahle** and Commission members regarding the timing and what was still necessary for everyone to feel comfortable about moving to a public hearing.

**David Petersen** emphasized that this public hearing was not a surprise. He said they have had lengthy meetings with America West and reviewed the current draft in great detail, and they all agreed that even though the document was not finalized, it was at a point where it could be brought forward for a public hearing. The only group that has not gone through the document in detail is the Planning Commission, and the Staff would like the opportunity to go through it with them tonight.

**Rick Wyss** indicated that he was quite confused because the only people in attendance were those from America West. He felt that the only Commission members who would benefit would be himself and **Steve Andersen** who were not on the Subcommittee. **Chairman Poff** disagreed and said he would like for the Planning Commission to go through the document. He told **Mr. Wyss** that he could be excused, but he thought there would be value in having him go through it with the other members. He then asked if there was anyone else who wished to speak regarding this item.

**Ron Martinez**, 5019 South Skyline Drive, South Ogden, asked if the Planning Commission had received his email message. They replied that they had not, but **David Petersen** gave each of them a copy. **Mr. Martinez** stated that he agreed with **Mr. Dahle**. He felt there had been some gaps in the last two presentations regarding the document. He commended the consultants and thought they had made progress. He pointed out that there were twelve property owners who were not notified regarding tonight's meeting. He said he has issues with the Regulatory Plan and that their technical team had not been able to review the updated revisions. He stated that it was inappropriate and unprofessional, and due process was not applied.

**Scott Harwood**, 33 South Shadow Breeze Road, Kaysville, stated that he has attended most of the Subcommittee meetings. He has been involved heavily with the text and believes it still needs refinement. He agreed that the Regulatory Plan needs adjustment. He said that yesterday's meeting was helpful, but it was a lot to cover and absorb. He also said that another issue was SPARC—the process involved with this needs to be clearer.

### **Public Hearing Closed**

**Chairman Poff** closed the public hearing at 9:00 p.m. and proceeded to review the document.

**Steve Andersen** said he would prefer to have a more complete document. **Rick Wyss** agreed and said he thought it was the Subcommittee's job to study the document. **Craig Kartchner** referred to **Mr. Dahle's** comments and suggested that the Commission members write out all of their questions, comments, and concerns and submit them to the consultants and Staff. **Mr. Poff** said he would prefer not to do that; it would be easier to go through it together.

**Soren Simonsen**, partner with **Cooper, Roberts and Simonsen Associates**, introduced himself and **Susie Petheram** as consultants working on this project. He suggested that because there are some concepts which are new ones in the regulatory process and also in the land development code, it might be worth going through the major concepts to make sure there are no areas of great concern. He assured the Commission that they have been involved with development in many TOD districts and have worked with communities throughout Utah and many western states in developing TOD ordinances and guidelines. They have looked at hundreds of communities and transit station areas in trying to formulate general principles that work well.

The Commission considered whether the document should be reviewed at this time. The Commission decided to proceed, and they reviewed the TOD in detail.

[**Rick Wyss** left the meeting at 9:20 p.m.]

### Motion

**Steve Andersen** made a motion to continue the public hearing on this item to the December 4, 2008 Planning Commission meeting. The motion was seconded by **Craig Kartchner** and was approved unanimously.

**John Bilton** made a motion to continue the meeting past 10:00 p.m. **Craig Kartchner** seconded, and it was approved unanimously.

### OTHER BUSINESS

#### Miscellaneous, correspondence, etc. (Agenda Item #7)

The Commission discussed the mailing radius for public notice on the Park Place application. **David Petersen** said that the Planning Commission bylaws allow an expanded radius but do not specify an exact distance. The Commission agreed to expand the radius from 300 to 1000 feet.

### ADJOURNMENT

#### Motion

**Craig Kartchner** made a motion that the meeting be adjourned. **Steve Andersen** seconded the motion, and it passed unanimously. The meeting was adjourned at 10:50 p.m.

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**Kevin Poff, Chairman**  
**Farmington City Planning Commission**

