

FARMINGTON CITY PLANNING COMMISSION MEETING

Thursday, July 29, 2010

PLANNING COMMISSION STUDY/WORK SESSION

***Present:** Chairman Jim Young, Vice Chairman Craig Kartchner, Commission Members Rick Draper, Randy Hillier, Michael Wagstaff and alternate Commission Member Michael Nilson, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commission Members Steve Andersen and Nelsen Michaelson and Alternate Commission Member Brett Anderson were excused.*

At 6:00 p.m. several members of the Commission met at 661 West 1400 North in Farmington to visit the **Merrill Law** property. **Chairman Young** began the work session at 6:40 p.m.

Motion

Craig Kartchner made a motion to go into a closed session to discuss the acquisition of real property. The motion was seconded by **Rick Draper** and approved by Commissioners **Hillier, Wagstaff,** and **Nilson**.

Motion

Craig Kartchner made a motion to end the closed session at 7:00 p.m. The motion was seconded by **Michael Wagstaff** and approved by Commissioners **Draper, Hillier,** and **Nilson**.

SWORN STATEMENT

I, **Jim Young**, Planning Commission Chairman for Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Commission was convened in a closed meeting.

Jim Young, Planning Commission Chairman

PLANNING COMMISSION REGULAR SESSION

***Present:** Chairman Jim Young, Vice Chairman Craig Kartchner, Commission Members Rick Draper, Randy Hillier, and Michael Wagstaff, Alternate Commission Member Michael Nilson, City Planner David Petersen, Assistant City Planner Glenn Symes, and Recording Secretary Cynthia DeCoursey. Commission Members Steve Andersen and Nelsen Michaelson and Alternate Commission Member Brett Anderson were excused.*

Chairman Young opened the meeting at 7:05 p.m., and **Craig Kartchner** offered the invocation.

Approval of Minutes - (Agenda Item #1)

Motion

Michael Wagstaff made a motion to approve the minutes of the July 15, 2010 Planning Commission meeting with one amendment on page 3. The motion was seconded by **Craig Kartchner**, and it was approved by Commissioners **Hillier** and **Nilson**. Commissioner **Rick Draper** abstained because he did not attend the meeting.

City Council Report - (Agenda Item #2)

Glenn Symes said the Council approved an ordinance vacating a public utility easement on Lot 220 in Phase Two of the Point of View Subdivision. The Council also reviewed the City's public notice process.

Merrill Law – Applicant is requesting a recommendation of approval for a schematic subdivision plan for a proposed flag lot subdivision on property located at 661 West 1400 North (S-6-10) (Agenda Item #3)

Background Information

David Petersen gave a slide presentation of trails in Davis County which are located close to homes and residential areas, and he also referred to several trails in Farmington which are in close proximity to residences. He added that it is a fairly long distance to access the trail by walking to Main Street and around the **Merrill Law** property. He said that Farmington values its stream channels and would like sufficient trails so the streams can be enjoyed and used by City residents. He explained that the City's policy regarding trails is the general plan which was drafted in 2006, and he recommended that the Commission approve the request for a trail in this location.

Merrill Law walks on the Main Street sidewalk almost every day, and it is a sufficient route for all residents in the area. He stated that he and his wife are opposed to a trail through their property because it destroys their privacy. He has offered several other options to the City, which they have refused, and he feels the City has not been fair with them regarding the flag lot request. He asked why the City approved a flag lot for one of his neighbors and did not require a waiver for something that would benefit the City. **Mr. Law** said that if the trail is approved, he will not build his home in that location.

Mr. Symes responded to **Mr. Law's** comment about the City's approval of **Dwight Poulson's** flag lot and said a conservation subdivision waiver was required--all of the driveways came to the flag lot road to avoid the need to back out onto Main Street.

Chairman Young asked **George Chipman**, Chairman of the Trails Committee, to comment. **Mr. Chipman** said the City has many similar trails, and this particular trail will give residents access to a beautiful area. He said usage of trails increase when the trail is convenient for the public. **Michael Nilson** asked who would fund the retaining wall and be responsible for maintenance of the trail if it were approved. **Mr. Petersen** replied that the City would be responsible, and several Commission Members commented that a retaining wall would be extremely expensive.

Chairman Young expressed gratitude and respect for all **Mr. Chipman** has accomplished with trails in Farmington City. However, it seems that the proposed trail across the **Merrill Law** property will serve only people in the surrounding area. He asked **Mr. Law** if there would be any possibility of locating a trail on property he owns further up the hillside—on 100 North. **Mr. Law** replied that he and two partners sold some property to **Kim Dunn** who developed it into a subdivision and has a trail easement through his property. He said he and his partners have two 4-acre lots, and he would be willing to ask them if it could be a possibility.

Craig Kartchner told **Mr. Petersen** that he appreciated his presentation and trail examples, but he listed several differences between the examples which were shown and the current trail request:

1. This flag lot is very different from the Ranches in west Farmington and from some of the subdivisions in the slides. This area has a much different feel and layout, and the **Law** property is 1.68 acres rather than a ¼-acre lot.
2. Most of the examples shown had a very limited distance across a resident's property whereas this trail crosses a large portion of the **Law** property.
3. There is less expectation of privacy in a subdivision such as the Ranches. The easements there were in place prior to the construction of the homes. Because of where and how this property is located, privacy matters.
4. Whether or not the easement or the house came first is a valid consideration.
5. The pictures showed trails next to a yard, or a garden, or a parking lot, but this trail would be only three feet from the actual house.
6. Many of the examples had no reasonable access points or alternatives elsewhere.

He pointed out that the City code states: “Any waiver of the required minimum conservation land dedication **shall require** comparable compensation.” **Craig Kartchner** reiterated that comparable compensation is a requirement. He feels the compromise would be for **Mr. Law** to talk to his partners about a trail easement on his other property and that would be fair compensation.

Michael Wagstaff said he is sympathetic to the efforts of the City Planner regarding the general plan, but he is struggling with the concept of locating a public trail along a resident's driveway and within feet of **Mr. Law's** home. He said many of the examples shown had a compelling reason for the location of a trail—such as access to a school. **Rick Draper** said he is an advocate of trails, but the population base that may access this proposed trail seems fairly small. He is in favor of locating a trail in the area but not across the **Law** property. **Randy Hillier** said there is no compelling reason for a trail in this location because of the proximity of a City sidewalk. He said the **Laws'** needs and rights need to be considered first.

Michael Nilson asked **George Chipman** which access he would choose if both options were available. **Mr. Chipman** replied that he prefers the trail through the **Law** property because of its access to Shepard Creek, and he suggested things such as privacy fencing to assist in mitigating the trail. The Commission encouraged **Mr. Law** to meet with his partners concerning the possibility of a trail on 100 North.

Motion

Craig Kartchner made a motion to table the request for a schematic subdivision plan for a proposed flag lot on property located at 661 West 1400 North to allow the applicant time to present an alternate option and to allow staff to pursue a possible compromise regarding the conservation subdivision waiver. The item will be reviewed again at the August 26, 2010 Planning Commission meeting. **Michael Wagstaff** seconded the motion, and it was unanimously approved.

Miscellaneous (Agenda Item #4)

Mr. Symes distributed a spreadsheet regarding the City’s public notice process and said any comments and/or suggestions would be welcomed. He said the 300-foot notice can often be an issue depending on where the subject property is located. The City Manager is also considering the idea of a “drop dead date”—perhaps Wednesday at noon--where no new items can be added to the agenda. This will allow more time before the actual City Council meetings which are held on the first and third Tuesday of each month.

ADJOURNMENT

Motion

Craig Kartchner made a motion to adjourn the meeting. **Michael Wagstaff** seconded the motion, and it was unanimously approved. The meeting was adjourned at 8:30 p.m.

Jim Young, Chairman
Farmington City Planning Commission