

**FARMINGTON CITY  
PLANNING COMMISSION MEETING  
January 22, 2015**

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**STUDY SESSION**

*Present: Chair Rebecca Wayment, Commissioners Heather Barnum, Bret Gallacher, Val Halford, Kent Hinckley and Alex Leeman, Associate City Planner Eric Anderson, Community Development Director David Petersen and Recording Secretary Lara Johnson. Commissioner Brett Anderson was excused.*

**Item #3. Pete Smith/Advanced Solution Group – Recommendation for Approval to Amend Final PUD Master Plan and Approve Final Plat for Nichols Nook**

Eric Anderson provided a brief history for the property and its past Final (PUD) Master Plan approvals. Advanced Solution Group is now requesting approval of the previously approved Final (PUD) Master Plan, but as a new applicant, had to begin the process at Preliminary (PUD) Master Plan. The applicant has been waiting for UDOT approval to route the project's utilities to 200 West. UDOT has now approved that request so the applicant is ready to move forward with the project. Eric Anderson said the applicant will be adding a road to 200 West during Phase II, but for now, the applicant is just seeking to take utilities to 200 West during Phase I. He also addressed some of the Commissioners questions regarding PUDs, as well as some neighboring residents' past concerns.

**Item #4. Farmington City – Approval to Amend Sign and Zoning Map and Text Ordinances**

Eric Anderson said Farmers Insurance is now requiring local business owner Cal Fadel to update his sign to the new Farmers Insurance logo. Mr. Fadel was grandfathered in to the OTR zone as his sign pre-dated the zoning; however, the Ordinance does not allow for changes to a non-conforming sign. The Planning Commission has the following options: make a zone text amendment to allow for non-conforming signs within the OTR zone, amend the language of Title 15 to allow for changes to non-conforming signs or rezone a small portion of where the sign is located to an R-4 zone. David Petersen and the Commissioners discussed more in depth the alternative possible motions, as shown in the staff report.

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**REGULAR SESSION**

*Present: Chair Rebecca Wayment, Commissioners Heather Barnum, Bret Gallacher, Val Halford, Kent Hinckley and Alex Leeman, Associate City Planner Eric Anderson, Community Development Director David Petersen and Recording Secretary Lara Johnson. Commissioner Brett Anderson was excused.*

**#1. Minutes**

Alex Leeman made a motion to approve the Minutes from the January 8, 2015 Planning Commission meeting. Val Halford seconded the motion which was unanimously approved.

**#2. City Council Report**

**Eric Anderson** gave a report from the City Council meeting on January 20, 2015. He said the Park Lane Plat Schematic Plan was approved so the land swap between the City and CenterCal can now be finalized. The Parkwalk Downs Minor Subdivision Schematic Plan and the Final Plat for Farmington Park Subdivision Phase I were also approved.

## **SUBDIVISION APPLICATION**

### **#3. Pete Smith/Advanced Solution Group – Applicant is requesting a recommendation for approval to amend the Final PUD Master Plan and approve the Final Plat for the Nichols Nook Subdivision and to rename it The Meadows at City Park Subdivision (9 lots) on 1.29 acres located at approximately 50 S. 100 W. in an R-4 zone. (S-10-13)**

**Eric Anderson** explained this Planned Unit Development was originally approved by a previous property owner in 2007 as Nichols Nook. He said what was approved at that time is almost identical to what is before the Commission tonight. Since Preliminary PUD Master Plan, the applicant has purchased the property to the south, which will mean the current home will be demolished and the utilities will run to 200 West. Since 200 West is a UDOT road, UDOT must grant approval prior to the beginning of construction. **Eric Anderson** said besides the small change with the utilities' route, the lot layout, house layout and street layout is identical to what was previously approved and then memorialized in the Development Agreement.

**Pete Smith**, 47 E. Crestwood Rd. Ste. 1, Kaysville, said he is the Operations Director for Advanced Solution Group. He said they are presenting the same plans as was previously approved in 2007; however, they are simplifying the route of the utilities to 200 West. He said they received a letter from UDOT with street access approval. They hoped to break ground as soon as possible, but a moratorium to cut the road on 200 West is currently in place by UDOT until April 15<sup>th</sup> due to weather.

**Val Halford** asked the applicant approximately what each unit will sell for, if the development includes two phases and if the concerns with the shadow line on residents' property have been addressed. **Pete Smith** said each unit will be approximately high \$200,000 to low \$300,000; the design of the property is in line with the current trends as well as designed to fit the adjacent neighborhoods. He said there will be two phases to development; however, due to the moratorium in place, they are seeking approval of Phase I so approval of Phase II can begin and construction of both phases could possibly begin together once the moratorium is lifted. Working on both phases together will also help minimize the disruption to the surrounding neighborhoods. With regards to the shadow line, **Pete Smith** said the lower single level rambler, as shown in the elevations found in the staff report, will be the unit backing the resident with the shadow concerns which will result in a smaller shadow cast. They will also include trees and other landscaping around property lines to help ensure privacy, as also shown in the staff report.

**Rebecca Wayment** asked how many units will be included in Phase II and if there would be a road through to 200 West. **Pete Smith** said Phase II does include a road to 200 West; there will be 4 additional buildings which will make 12 additional units.

**Val Halford** asked for more information regarding the turn-around and the detention basin as shown in the plans. **Pete Smith** said the turn-around is a temporary, gravel road for emergency purposes only and was approved by the fire department. Once the road to 200 West in Phase II is approved and built, the turn-around will no longer be needed. As for the detention basin, **Pete Smith** said it is sized correctly for the development as is, but, during the Phase II approval, they hope to

move the detention basin to the property they acquired to the south allowing it to be large enough to service both phases.

**Rebecca Wayment** feels this development will be a nice fit for the community. The Commissioners agreed.

**Eric Anderson** suggested to the Commissioners that although the applicant has received an approval letter from UDOT, to still leave the UDOT condition on the motion to ensure staff receives a copy, and has time to review the letter from the applicant.

***Motion:***

**Kent Hinckley** made a motion that the Planning Commission recommend the City Council approve Final Plat and approve/amend the Final PUD Master Plan for the Meadows at City Park Planned Unit Development located at 50 S. 100 W. with the following conditions:

1. The applicant shall comply with all requirements of the Planning Department, Engineering and all utilities regarding the Final PUD Master Plan;
2. Approval of final improvement drawings for the on-site and off-site improvements including grading and drainage plan, SWPPP, and approval by the City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District and Benchland Water District;
3. The applicant must obtain and record off-site easements in a manner acceptable to the City as shown on the plans prior to or in conjunction with the recordation of the Final Plat;
4. The applicant shall not demolish the existing house on the site until such time as the proposed development begins construction;
5. The applicant must post a bond in the amount agreed upon by the City and the applicant for all off-site improvements and any on-site improvements deemed necessary by the City prior to construction;
6. The applicant shall obtain letters from UDOT approving the connection to 200 West prior to City Council consideration of the final plans.

**Alex Leeman** seconded the motion which was unanimously approved.

**Findings:**

1. The Final PUD Master Plan does not vary substantially from the Final PUD Master Plan and development agreement that was approved in 2009 (attached).
2. The Final PUD Master Plan has met all of the requirements of the PUD chapter (Chapter 27).
3. The Final PUD Master Plan meets the objectives and purposes of the PUD chapter (Chapter 27).
4. The Final PUD Master Plan and Final Plat do not vary from the Preliminary Master Plan and Preliminary Plat approved July 1, 2014.

**ZONE MAP AND ZONE/SIGN TEXT CHANGE APPLICATION**

**Item #4. Farmington City (Public Hearing) – Applicant is requesting approval to amend the Sign and Zoning Map and Text Ordinances regarding modifications to nonconforming signs, signs in residential zones, and/or rezoning a portion of the property located on the northeast corner of State Street and 200 West from OTR to R-4. (ZT-2-15 and Z-2-15)**

**David Petersen** said based on the Commissioners' discussion in the previous meeting on December 6<sup>th</sup>, staff prepared possible alternative motions A-D as shown in the staff report. He hoped doing so would give the Commission a variety of possible solutions. **David Petersen** reviewed the possible motions with the Commissioners.

The applicant was present, but did not have additional comments. He said he was available for questions if necessary.

**Rebecca Wayment opened the public hearing at 7:30 p.m.**

No comments were received.

**Rebecca Wayment closed the public hearing at 7:30 p.m.**

**Val Halford** asked for further clarification on Alternative Motion B. **David Petersen** reviewed the motion again; he said paragraph (6) would be added to Section 15-5-101 which would then allow Mr. Fadel to replace his old sign with his new as he has proposed. **David Petersen** said currently there are no other professional offices in the OTR zone that would be affected by the change, but also said there is always the possibility of a request for a rezone to the OTR zone. He provided two examples of circumstances where a rezone request to OTR could take place.

**Kent Hinckley** asked if there is a definition of a monument sign found in the Ordinance. **David Petersen** said Title 15 includes a monument sign definition. He reviewed the definition. He added the proposed change to square footage of the non-conforming sign, as shown in Section 12-5-101 of the Sign Ordinance, is more constrain than the monument sign's definition in that the size requirement for the sign is smaller. **David Petersen** also said that if the non-conforming sign is approved, an applicant would have to show how the monument sign is an integral part of the landscape area as per the sign definition.

**Rebecca Wayment** asked why the proposed change to the Sign Ordinance includes a decrease from 32 s.f. to 16 s.f. of a monument or wall sign. **David Petersen** said he feels 16 s.f. is less intrusive for a residential zone. He explained the City allows for 4x4 political campaign signs; he feels the City knows what 16 s.f. feels like so he believes that seems reasonable to be the limit for the Sign Ordinance as well.

***Motion:***

**Kent Hinckley** made a motion that the Planning Commission recommend that the City Council enact Section 15-5-101(6) of the Sign Ordinance and other changes related to that section as set forth in the staff report. **Heather Barnum** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. Regarding Mr. Fadel's insurance sign, the proposed sign is smaller than the existing sign, and that sign has been in place for over 30 years.
2. The structural alteration conforms to the Declaration of Purpose of the Zoning Ordinance (11-1-102) by stabilizing and preserving property values, encouraging the expansion of the tax base, and by fostering the City's industries and encouraging the development of an attractive and beautiful community.

3. The structural alteration conforms to the declared purpose of the General Plan by improving the physical environment of the community as a setting for human activities, and promotion of the public interest of the community as a whole, because this is a Farmington business that has been a pillar of the community for three decades.
4. Updates to agriculture and residential zone designations are long overdue.

**Item #5. Farmington City (Public Hearing) – Applicant is requesting approval of a Rezone Application from TMU (Transit Mixed Use) to OS (Open Space) for property located at approximately Station Parkway and 600 North, a Text Amendment of Chapter 18 of the Zoning Ordinance regarding amendments to the regulating plan, and a modification of the street cross-section related thereto. (ZT-1-15 and Z-1-15)**

**Eric Anderson** said the Project Master Plan for The Residences at Station Parkway was presented at the last meeting. The northwest corner of the applicant's property is planned as OS, but it is currently zoned TMU. **Eric Anderson** said the plan is to zone the entire Shepard Creek corridor as OS, as shown on the Regulating Plan. Also before the Commission is an adjustment to the Regulating Plan. **Eric Anderson** showed the proposed changes to the Regulating Plan and the existing Regulating Plan, as shown in the staff report. The proposed changes allows for an additional access to Station Parkway and more connections within the development, and to adjacent projects, to allow for better traffic circulation. **Eric Anderson** said the third motion before the Commission is a modification to the street cross-section which would include a 7' parking allowance on the side of the road. He said the travel lanes would be ½' shorter and park strips would meet the minimum standard. The Fire Department reviewed and approved the change.

**Kent Hinckley** asked when the rest of the Shepard Creek corridor on the west would be rezoned to OS. **Eric Anderson** said as property owners come in to develop, they will request a rezone from its current zone of A (Agriculture), the City will request the corridor be rezoned to OS. **David Petersen** explained a few surrounding property owners have already rezoned their property and have included the corridor as OS; however, when the Haws Company requested that this property be rezoned to TMU, the City mistakenly missed rezoning this stream corridor portion to OS. **David Petersen** said the property owners have the Shepard Creek corridor as OS on the Project Master Plan and Site Plan; approving the motion would be finalizing what should have previously been done.

**Rebecca Wayment opened the public hearing at 7:52 p.m.**

**Pete Smith**, 1789 Spring Meadow Lane, said he likes the request to rezone to OS as it helps minimize density. He also asked if a traffic impact study has been completed with the large proposed development; he expressed concern regarding how traffic will circulate onto Station Parkway with an additional access road being added. **David Petersen** said the Regulating Plan has set up the framework for the circulation; however, traffic patterns will be analyzed more in depth during the developmental plan review. So far, the traffic engineer is comfortable with the proposed development. **David Petersen** also added that the road will be widened and other improvements made to accommodate increased traffic flow.

**Rebecca Wayment closed the public hearing at 7:55 p.m.**

**Heather Barnum** thanked Pete Smith for his comment and also expressed concern regarding how a 400+ unit development will impact traffic. **David Petersen** explained the process the City has gone through to prepare and plan for this magnitude of development; he is confident the improvements being made or will be made will accommodate the upcoming developments.

***Motion for the Zone Change:***

**Alex Leeman** made a motion that the Planning Commission recommend that the City Council approve the zone change as requested. **Val Halford** seconded the motion which was unanimously approved.

**Findings:**

1. The zone change is consistent with the Farmington City General Plan (future land use map and text) and will allow for the preservation of the Shepard Creek stream corridor.
2. The zone change matches the zone designations identified on the Farmington City Regulating Plan for this area, and the approved PMP, and past PMPs for this property.

***Motion for the Zone Text Amendment:***

**Heather Barnum** made a motion that the Planning Commission recommend that the City Council approve the zone text amendment to Chapter 18 of the Zoning Ordinance as it relates to the Regulating Plan. **Kent Hinckley** seconded the motion which was unanimously approved.

**Finding:**

The changes to the regulating plan improve upon the overall block pattern, block size, connectivity, pedestrian access/walkability, and the overall intent of Chapter 18 as it relates to the street network design for the whole mixed-use district.

***Motion for the Modified Street Cross-Section:***

**Bret Gallacher** made a motion that the Planning Commission recommend that the City Council approve the street cross-section as proposed. **Heather Barnum** seconded the motion which was unanimously approved.

**Finding:**

The modification of the street cross-section allows for additional on-street parking, which reduces the amount of off-street, surface parking needed, this makes for superior design and promotes walkability.

**SUBDIVISION ORDINANCE TEXT CHANGE**

**Item #6. Farmington City (Public Hearing) – Applicant is requesting a recommendation for a text amendment to Chapters 1, 2, 3, and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary. (ZT-9-14)**

**David Petersen** said the following are the proposed changes that resulted from the last joint Planning Commission/City Council meeting:

**Schematic Plan**

***Planning Commission Recommends (Public Hearing)***  
***City Council Approves/Denies (Public Hearing)***

Preliminary Plat

*Planning Commission Approves/Denies (possible Public Hearing if meets criteria listed in 12-6-060, or the plan must be considered again via the schematic plan review process.)*

*Appeals to City Council*

Final Plat

*Planning Commission Approves/Denies*

*Appeals to City Council, then to District Court*

**David Petersen** also said the Planning Commission requested a “metric” at Preliminary Plat process that would help to determine if this step should be a public hearing or not or if it should return again to Schematic Plan. The metric, as shown in the staff report, was reviewed with the Commissioners. Many of the Commissioners expressed concern on how to be quantify a “significant” change; the Commissioners felt the term was too subjective, but staff argued it gives flexibility so a determination can be made by the Planning Commission. **David Petersen** also suggested staff can give recommendations, based on the metric, to the Planning Commission in the staff report if changes from Schematic to Preliminary Plat do take place.

**Alex Leeman** said, as the metric currently reads, if there is a significant change to a proposed development, the Commission is to either have a public hearing at the Preliminary Plat or send it back to Schematic Plan; however, the proposed changes do not specify under what circumstances the Commission chooses one way or the other. He asked for further details on how the Commission should decide if they should hold a public hearing at Preliminary Plat or send it back to Schematic Plan when there are significant changes to the development. **Alex Leeman** would prefer to advance plans to Preliminary Plat with a public hearing so the developer moves forward in the process and the public still have the opportunity to voice their opinions. **Kent Hinckley** agreed. **Eric Anderson** stated leaving the option to send a plan back to Schematic is still important in the event a plan has changed so drastically it no longer looks anything like the approved Schematic Plan.

The Commissioners and staff discussed different changes that may take place that could result in a public hearing at Preliminary Plat or result in a return back to Schematic Plan, including changes to the number of lots and to the storm drain, sanitary sewer and culinary water.

**Rebecca Wayment** asked how the Commission would know if changes are a result from City Council feedback. **David Petersen** said during the City Council Report, staff can specify any changes that were made based on City Council’s conditions; it would then be up to the Planning Commission to determine if the Preliminary Plat followed the intent of the Council’s conditions. If not, the item could be tabled and a public hearing could be required.

**David Petersen** said there are times when a developer may be required to make changes which may be out of his control. For example, **David Petersen** said results of a soils report could result in major road changes in a development. Instead of the developer presenting to the Commission the significant change that was out of his control and having the item be tabled so a public hearing could then be held, the Commission Chair could review the item prior to the meeting and approve the advancement to Preliminary Plat with a public hearing. This would help ensure a meeting is not wasted. **Alex Leeman** agreed; he does not want to require a developer to show up knowing it will be required that they come back at a later time to allow for a public hearing due to the changes.

**David Peterson** said the Planning Commission by-laws already allows the Commission Chair discretion to modify the agenda. Staff and the Chair can discuss agenda items to determine if a change may result in a public hearing at Preliminary Plat or if the plans need to be reviewed at the Schematic level again. The Commissioners discussed this option; they felt comfortable having a determination of the process prior to the next scheduled Planning Commission meeting.

**Rebecca Wayment** asked how the Chair is to decide if a public hearing should be required at Preliminary Plat or if it should be sent back to Schematic. **David Petersen** said the previous public hearing comments from Schematic Plan may help navigate the Chair's decision as those public comments will help the Commission know what concerns residents may have with a development and if the development's changes would affect those concerns.

**Kent Hinckley** amended his previous thought; he feels if a developer significantly changes his plans, he should automatically return for another Schematic Plan approval. He feels doing so will incentivize the developer to stick with the plans that had been previously approved. Staff and the Commissioners discussed different circumstances regarding changes to plans, including changes resulting from City Council's conditions, and if that qualifies for advancement to Preliminary Plat with a public hearing or a return to Schematic. **Bret Gallacher** feels it best to review each significant change on a case by case basis in lieu of an "if this/then that" process as there is no way to determine at this time what is the best solution.

**Alex Leeman** still requested some structure as to when a significant change to a development would result in an advancement to Preliminary Plat with a public hearing or when a development would return to Schematic. The Commissioners and staff discussed reviewing the cause of the significant change, a group review of a change (as found in the ordinance for PMP or Site Plan approvals) or definitive thresholds for the change (as found in the PUD ordinance) to possibly determine its advancement or return in the approval process. Many of the Commissioners still feel there are too many variables to determine a specific matrix as to when a significant change results in an advancement or a return to Schematic.

**David Petersen** suggested giving the Commission Chair authority to determine if a significant change will result in a public hearing at Preliminary Plat. The Planning Commission can then hear public comments to determine if approval is appropriate or if it should then return to Schematic Plan for further review. **Kent Hinckley** added that the Chair should also have the option to defer the advancement or return to Schematic decision to the Commission members in the event the Chair is not comfortable solely making the decision. **David Petersen** agreed.

The Commissioners and staff reviewed 1-6 of the "metric" for the Preliminary Plat process provided in the staff report. Commissioners and staff agreed to amend #3 to read, "Any increase to the number of lots." **David Petersen** also said that #2 is written with regards to "lot areas" and #4 with regards to "open space;" he will provide further clarification on those two items.

The Commissioners and staff also discussed if significant changes to the "Big 3" items, storm drain, sanitary sewer and culinary water, should be included as part of the criteria for the Preliminary Plat process. **David Petersen** said he will add it to the criteria.

**Heather Barnum** asked if the City Attorney can review the proposed changes. **David Petersen** said staff can make the suggested changes and bring it back for the Commission to review or he can make the changes and have the City Attorney review it prior to it being presented to the City Council. The Commissioners discussed the best way to move forward with these changes.

**Rebecca Wayment opened the public hearing at 8:47 p.m.**

**Pete Smith**, 1789 Spring Meadow Lane, said he feels the item has been appropriately discussed and addressed from a developer's point a view.

**Rebecca Wayment closed the public hearing at 8:47 p.m.**

**Heather Barnum** said she is comfortable with the Commission Chair, Rebecca Wayment, and the City Attorney reviewing the proposed changes prior to it being presented to the City Council. The Commissioners and staff agreed. **Rebecca Wayment** is comfortable reviewing staff's changes as per the Commission's discussion; she will bring it back to the Commission if there is anything that she is not comfortable moving along to City Council.

***Motion:***

**Heather Barnum** made a motion that the Planning Commission recommend that the City Council approve the proposed text amendment to Chapters 1, 2, 3, and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary with the following additions and changes to the staff report:

1. Amend Preliminary Plat approval process to include, "Appeals to City Council then to District Court;"
2. Amend Item #3 of the Preliminary Plat process criteria to read, "Any increase to the number of lots;"
3. Amend Item #2 to be guided more towards "lot areas" and Item #4 to be guided more towards "open space;"
4. Add Item #7 to the Preliminary Plat process criteria which will refer to any change to the storm drain, sanitary sewer and culinary water;
5. Staff will add a text amendment that the Planning Commission Chair will review a development's changes to determine one of the following four choices:
  - a. The development advances to Preliminary Plat without a public hearing;
  - b. The development advances to Preliminary Plat with a public hearing;
  - c. The development returns to Schematic Plan for further review;
  - d. The decision is deferred to the Planning Commission to discuss if the development will follow option A, B or C as presented above.
6. The City Attorney will review the entire proposal prior to it being presented to the City Council;
7. Staff will make changes to the proposal and review the changes with the Chair, Rebecca Wayment, and if approved, the proposal will be presented to City Council, otherwise, it will return to the Planning Commission for final review.

**Kent Hinckley** seconded the motion which was unanimously approved.

**OTHER BUSINESS**

**Item #7. Modification to the street cross-section on 100 East north of 600 North, related to the proposed Taylor Subdivision**

**David Petersen** showed the site plan for the Taylor Subdivision. He explained the concerns with requiring curb, gutter and sidewalk as the two lots sit in a "hole." There is currently no sidewalk

on the west side of the road as the drop-off is too steep. He explained the City's hope to eventually bend the road into the mountain allowing for full improvements (including sidewalk and park strips). The City is not prepared to do that at this time. In the meantime, the City feels it important that the applicant include curb and gutter along the property for erosion control and storm water management purposes. **David Petersen** said the City is requesting the property owner enter into an extension agreement that when the road does change and the previous curb and gutter is removed, the owner will install another curb and gutter as well as add a sidewalk; the City will then vacate 15' of property back to the property owner.

**David Petersen** reviewed the motion. He explained that since 100 East was repaved, the white line is no longer there. Condition #3 asks the applicant to paint another white line. **Heather Barnum** asked the length of the white line the applicant needs to paint. **David Petersen** said the applicant needs to paint the white line the entire length of his property.

**Kent Hinckley** asked how the property owner feels doing curb and gutter twice. **David Petersen** said he is comfortable with it as he will be compensated in property. **Heather Barnum** stated she is not comfortable with extension agreements as it can put future property owners out. **David Petersen** explained it is common practice, especially among municipalities. He explained how it can be a surprise when extension agreements are called upon; however, the City has worked very closely with property owners with payment plans or other options to ensure property owners' needs are still met.

***Motion:***

As per Section 12-8-100 of the Subdivision Ordinance, **Bret Gallacher** made a motion that the Planning Commission recommends the City Council approve a modified cross-section for 100 East Street as it abuts the Taylor subdivision as follows:

1. Only curb, gutter and asphalt will be required now on 100 E. for the entire south to north length of the property – not sidewalk.
2. The property owner and the City shall enter into a development agreement which will be recorded against the property and will anticipate the subsequent scenario: in the event the City shifts the location, or causes the shift, of 100 East Street to the east, the owner shall provide the following along the entire south to north length of the property:
  - a. Pay the cost of a new curb and gutter;
  - b. Pay the cost of sidewalk and minimal retaining wall related thereto (if the retaining wall is necessary);

And the City shall agree to do vacant unused portions of the right-of-way to the property owner, which now includes approximately 15 feet, and will likely include additional right-of-way as the road shifts to the east.

3. In the interim the developer shall paint a white line for the entire length of the property to better highlight the west asphalt shoulder for the pedestrian and the motorist between the travel lane and the curb and gutter the entire length of the property.
4. Presently, the City owns more property 15 feet in width than necessary at the current location of the street. The City should not dispose of this property until it is sure that it will not be needed if the street shifts further to the east.
5. It is now anticipated that portions of the private driveway providing access to Lots 2 and 3 will be located on City property, but may not be if the property is vacated as the road shifts to the

east in the future. In the meantime, the owner shall enter into a long term license agreement for such use of City property.

**Kent Hinckley** seconded the motion which was unanimously approved

**Findings:**

1. Storm water from the street will be adequately addressed whether the road remains in the same place or not, because the property owner will provide “temporary” curb and gutter now, even though the road may shift in the future, which will require new curb and gutter.
2. Portions of the property, and the Owens property to the north, are not too steep for sidewalk, but may not be in the future if the City shifts, or causes the shift, of 100 East to the east.
3. The City already owns the property where the shift of 100 East Street may occur.
4. The City will not dispose of surplus property until the final alignment of the road is set, and in return the developer will pay his fair share of 100 East and will be compensated in land in exchange for construction of new curb and gutter, sidewalk and minimal retaining (if necessary) in the future.
5. A mechanism will be created whereby the owner will be allowed use of City property for a private driveway because of the shift of the road that may occur in the future.
6. The owner has not yet submitted an application for Final Plat approval. This action will help him prepare his final drawings thereto.

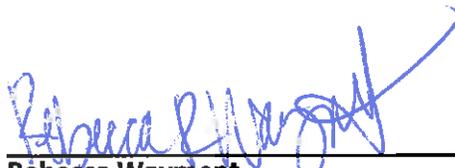
**MISCELLANEOUS**

**David Petersen** said the next Planning Commission meeting will be a joint meeting with the City Council; Cabela’s Schematic Plan and the adjacent cross-section will be reviewed.

**ADJOURNMENT**

***Motion:***

At 9:17 p.m., **Heather Barnum** made a motion to adjourn the meeting which was unanimously approved.

  
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**Rebecca Wayment**  
Chair, Farmington City Planning Commission