

**FARMINGTON CITY  
PLANNING COMMISSION MEETING  
October 9, 2014**

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**STUDY SESSION**

***Present:** Chairman Brett Anderson, Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman, Karolyn Lehn and Rebecca Wayment, Associate City Planner Eric Anderson, Community Development Director David Petersen and Recording Secretary Lara Johnson. Alternate Commissioner Michael Nilson was excused.*

**Item #3. Recommendation for Schematic Plan Approval for Meadow View Phase II**

Eric Anderson reminded the Commission that the rezone portion of this item was previously before the Commission not long ago. The applicant was grandfathered in by the City Council under the old Conservation Subdivision standards as their application was delayed due to the LDS church withdrawing plans to build a church on the applicant's property. Previously, the Commission tabled the request to rezone so the applicant could return with Schematic Plan. Eric Anderson explained the outstanding concern is the cul-de-sac being over the 1,000' limit as written in the ordinance. The Fire Department is working with the applicant; the applicant proposed a fire truck access road to 1525 W. David Petersen also explained there have been concerns addressed by the residents in the area regarding the TDR. The Commissioners and staff discussed some of the concerns residents have with the TDR. David Petersen discussed concerns staff has with the water entering the property and added the Commission may want to request a flow path for the water as many of the homes in Phase I have had issues with flooding.

**Item #7. Miscellaneous A) Request for Shed in Side Yard**

David Petersen stated the applicant wants to put a shed in his side yard, but the applicant must receive Planning Commission approval as per the ordinance.

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**REGULAR SESSION**

***Present:** Chairman Brett Anderson, Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman, Karolyn Lehn and Rebecca Wayment, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Alternate Commissioner Michael Nilson and Community Development Director David Petersen were excused.*

**#1. Minutes**

Heather Barnum made a motion to approve the Minutes from the September 18, 2014 Planning Commission meeting. Karolyn Lehn seconded the motion which was unanimously approved.

## **#2. City Council Report**

**Eric Anderson** gave a report from the City Council meeting on October 7, 2014. The City Council approved the Zone Text Amendments for Chapters 10, 11, 12 and 28. It was approved as suggested by the Planning Commission with one additional amendment.

## **SUBDIVISION AND REZONE APPLICATION**

### **#3. Jared Darger/Clearwater Homes (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the Meadow View Phase II Conservation Subdivision consisting of 24 lots on 8.89 acres located at approximately 1725 West Spring Meadow Lane, and a zone change from A (Agriculture) to AE (Agricultural Estates) related thereto. (S-10-14 & Z-1-14)**

**Eric Anderson** said this is Phase II of the Meadow View Conservation Subdivision. The property is located just south of the Flanders' S&S Railroad Park. In addition to recommending approval for the subdivision's Schematic Plan, the applicant is also requesting a rezone of the property. The rezone to AE is consistent with the surrounding areas. **Eric Anderson** reminded the Commission that City Council voted to grandfather Phase II of the subdivision in under the older conservation subdivision requirements as the applicant's application was delayed due to an agreement that was pulled by the LDS Church. The applicant would also like to do a TDR of 5 lots to the City, but the request is discretionary. **Eric Anderson** also mentioned the concerns discussed during the Study Session regarding the length of the cul-de-sac and water entering the property.

**Micah Peters**, 732 E. Northcrest Dr., North Salt Lake, said they received their wetlands delineations from their consultants and confirmed the property is not considered wetlands; however, they will incorporate a de-watering system for all the lots to ensure the homes will not have any issues. He explained he has been working with neighboring property owner Steve Flanders. There are two central water points from Mr. Flanders' property to his property; the de-watering system will include a piping system around the property that will discharge into a regional pond. He explained the Schematic Plan previously included a stub road to Mr. Flanders' property, but it was removed as it would take away a lot in the event the Flanders wanted to develop their property and Mr. Flanders did not want that to happen. With regards to the length of the cul-de-sac, **Micah Peters** said they are working closely with the Fire Marshall and the he is comfortable building a 10' emergency fire access lane to ensure safety for the cul-de-sac.

**Brett Anderson** asked the developer his opinion on stubbing the road to the Flanders' property. **Micah Peters** said he would rather not do it as it is a larger area to pave, but is ok to do it if the Commission would like him to do it. **Brett Anderson** said he likes to see connectivity between developments so he feels it may be a good idea to include a stubbed road. He also asked the developer if he would be able to provide a flow path for water discharge from the property. **Micah Peters** said he feels he can clear up any concerns regarding the flow path, then provided more details regarding the de-watering system: Phase I currently has an 18" perforated pipe on each lot, Phase II will have a 36" perforated pipe; all lots will have a de-watering box on the lot; additional sump pumps have been installed to discharge water into the de-watering system and more.

**Heather Barnum** asked the developer where he would put open space and what would you do with the open space in the event a TDR is not granted by the City Council. **Micah Peters** stated Jared Darger completed the first successful TDR with Meadow View Phase I; the City received a check for approximately \$105,000. He said he would like to utilize the TDR for the same purpose. If the

TDR does not happen, he said they would evaluate where and what to do with the open space at that time. **Brett Anderson** also clarified that if a TDR is not granted, the developer is under no obligation to improve the open space. **Micah Peters** added that he feels the unimproved open spaces become weedy orphan parcels the City has to maintain, but doing a TDR would allow the City a large sum of money to be used toward a regional park.

**Heather Barnum** asked for more details regarding an emergency fire access road. **Micah Peters** said they are working closely with the Fire Department so they will do whatever they request, but he believes it would include a crash gate with a gravel, possibly asphalt road. He said lots 14 and 15 will be fenced so the homes will have more privacy. It will be accessed from 1525 W.; however, it may be easier grade access from the southeast corner of the subdivision. He said they will review the different grades to ensure what is best.

**Brett Anderson opened the public hearing at 7:33 p.m.**

**Annette Crowley**, 1743 W. Spring Meadow Lane, said she lives in Lot 1 of Meadow View Phase I; she moved in April 2014. She expressed major concern and frustration with the developer's drainage system on their lot as there have been lots of complications with water entering their basement. She does not like the idea of adding more homes without specific details on the water flow path. She dislikes the TDR and would prefer the open space for the subdivision, even if the open space is unimproved. She is also concerned with length of the cul-de-sac as it may not allow sufficient access for the fire department or adequate access out for residents in the event of an emergency. She feels developers often receive too many exceptions to the ordinance requirements and would like that to change. **Kent Hinckley** explained the Commission is aware of concerns regarding the exceptions so the Commission amended the ordinance regarding Conservation Subdivisions which was approved at the last City Council meeting.

**Bryce Crowley**, 1743 W. Spring Meadow Lane, also lives in Lot 1 of Phase I. He said he and his family specifically chose their lot because it was surrounded by open space; he prefers the unimproved open space. He feels Phase II is not consistent with Phase I or the Farmington Ranches development as Phase II would not include any open space. He is also concerned with safety issues surrounding a fire access road and the increase of traffic an additional 24 households would bring to Spring Meadow Lane. **Brett Anderson** asked staff if traffic impact has been considered for the subdivision. **Eric Anderson** said based on previous developments, he feels there would be minimal impact, but if the Commission would like, the Traffic Engineer could review it. **Bryce Crowley** also feels that the management of water on Phase I lots has not been adequately addressed or controlled. He requested the Commission place a bond on the developer; once each of Phase II lot's drainage issues are addressed, the bond could be returned to the developer. He is also not supportive of the TDR.

**Brenda Bacon**, 1909 W. 475 N., lives in a neighboring development built by Lodder. She said since she built her home, her basement has flooded every spring. The developer is working with her to solve the problem, but unfortunately cannot determine why it is continually flooding despite the re-routing of water, a bigger, deeper sump pump, etc. She is also disappointed that many of the areas that were promised by the developer to remain as open space when she purchased her lot have been sold off as lots. She also asked the Commission if there is anything they can do regarding a sidewalk or shoulder along Burke Lane as there is currently none. **Eric Anderson** explained once the property along Burke Lane is developed, the developer is required to include improvements like curb, gutter and sidewalks. The City is not able to do anything prior to it being developed.

**Garrett Biesinger**, 1786 W. Spring Meadow Lane, asked the Commission not to grant the TDR. He said based on the Commission's previous discussions while amending the ordinance regarding Conservation Subdivisions, he feels a developer should provide a clear reason to remove the open space. He feels many of the neighboring subdivisions have promised open space, but later removed it to put in more lots. He provided the Commission a map showing the walking distance to neighboring parks from Phase II; each park was outside the goal of a ½ mile. He also provided the Commission pictures of the mature trees on the property and suggested open space or a park around the large trees. He also stated the previous owner left a blacktop; he is concerned the developer may not properly remove it or may build over it as there is soil continually added on top of it. He added that an additional 24 homes would generate a significant amount of traffic onto Spring Meadow Lane.

**Mike Flanders**, representing the Flanders Family at 577 N. 1525 W., which is the property located directly north of the proposed development, thanked the developer for working so closely with them on the subdivision. He stated he has lived next to this property his whole life and has often seen how high the water can get. He is concerned that once the development's catch basin fills, the water may then back up onto his family's property. He would like to see that the water drainage system is properly maintained and a flow path provided. He also stated his family has concerns that if the developer does not stub the road to his property, and they try to develop with a cul-de-sac that does not meet ordinance requirements, it will not be approved. **Kris Kaufman** asked for clarification as he thought they did not want or are impartial to the stubbed road. **Mike Flanders** said for the time being, they are impartial, but are concerned that not having the stub will make it harder to subdivide the property in the future. **Mike Flanders** also asked the developer who will maintain the proposed drainage pipe. **Micah Peters** said an HOA has been established to specifically maintain the drainage pipe and de-watering system.

**Jared Darger**, 15757 S. Packsaddle Dr., Bluffdale, has teamed with Clearwater Homes with this subdivision. He said they will be installing the same drainage system in Phase II as was installed in Phase I. The Phase I drainage system was installed during August so the residents have not had much time to see the benefits of it. **Brett Anderson** asked how the HOA will be funded. **Jared Darger** said there is \$100 annual fee per household for the HOA, and the HOA's sole responsibility is the maintenance of the drainage pipe. He explained the de-watering system in more detail. He also said the TDR would benefit the residents within the subdivision and the community. If the open space was left unimproved, it would remain as weeds. He feels those the subdivision markets to are looking for something like a regional park within the community. He said he talked with many in Phase I of the subdivision and they are in favor of the TDR; however, those that are against it are the ones looking to voice an opinion. He also said he would like to build a trail system that will connect the subdivision to all the nearby parks and trails. With regards to the cul-de-sac, **Jared Darger** feels it is the safest plan as the grade levels on 1525 W. would make a connection difficult and drivers typically drive slower in a cul-de-sac. **Heather Barnum** asked Mr. Darger why they are choosing to install the same de-watering system in Phase II if it has not yet been fully tested in Phase I. **Jared Darger** said they are confident the system works; they have worked closely with Ken Klinker, the City's storm water official. He explained the summer has been very wet so it has already been tested, but the residents have not seen the benefits during a winter/spring season yet. **Karolyn Lehn** asked if participation in the HOA is mandatory of all future Phase II residents. **Jared Darger** said yes, all homeowners are required to participate.

**Rachel Davis**, 1692 W. Spring Meadow Lane, lives in Lot 17 of Meadow View Phase I. She expressed concern that she was originally told there would not be an HOA, but was informed of it the night before they closed on their property. She is uncomfortable with the work the developer is doing on the back of their property as they have never communicate what they are working on. She is concerned about the traffic along Spring Meadow Lane as there are not any stop signs and there

are always cars speeding down the road. She said that they have not have any flooding yet, but they have already had problems with mold as the basement is very humid.

**Micah Peters** addressed some of the concerns brought up by the residents. With respects to the HOA, Clearwater Homes paid 100% for a de-watering system as well as put 3 years of reserve funds into the HOA for each homeowner. Based on the declarations of the HOA, the drainage pipe will have bi-annual inspections, jet cleanings and more to ensure its efficiency. With respects to Mr. Crowley's remarks regarding the open space his lot is located next to in Phase I, the "open space" is a regional detention pond and FEMA wetlands; it is not considered open space as the Phase I open space was TDR'd to the City. He explained that they, as the developers, are under no obligation to build a park. With respects to Mr. Beisinger's question regarding the current blacktop located on the property, **Micah Peters** said all asphalt will be safely removed and taken off-site. The filler that is being put on top of it is being placed there for future development to ensure it is not watered down or that it will get into the drainage system. He also stated the pipe system for Phase II will be different than the system for Phase I.

**Brett Anderson** closed the public hearing at 8:42 p.m.

**Heather Barnum** and **Brett Anderson** both thanked the public for coming to express concerns; the Commissioners agreed and stated all concerns are taken into account to ensure the best decision is made for the community.

**Brett Anderson** expressed concern with the water and would like to see written plans on how the developers plan to deal with it. He is also in favor of connectivity and feels a stub road to the Flanders' property would be beneficial for future development. He clarified that it is not within the Planning Commission or City Council's purview to force a park in the subdivision's open space if the TDR is denied as they are bound by the City's ordinances. He would like the Traffic Engineer to review the traffic impact of the subdivision; **Eric Anderson** said he will request the Traffic Engineer to review it. **Brett Anderson** explained that although the Phase I TDR passed, the last TDR that was before the Commission was denied so the Commission thoroughly reviews each application in detail to ensure it is benefiting the community. He feels he may be more in favor of the TDR as it would be more beneficial toward the community than unimproved open space.

**Kris Kaufman** would also like to review the drainage flow of the water and more details of the de-watering system. He asked staff if Schematic is the appropriate time to review those details or if those details will be coming during Preliminary Plat. **Eric Anderson** explained the different water systems that are being discussed. The storm drain system is typically submitted during Preliminary Plat, which is typically channeled toward the road. The second system is the private land drain, which is the water that is entering the property from the open ditches. This is the system the Commission may want to request a water flow pattern of during Schematic Plan approval.

**Brett Anderson** asked if the Commission could be involved with any outstanding concerns with lots within Phase I of the development. **Eric Anderson** stated no, each home has received site plan approval and as far as the Commission's authority goes, it is finished.

**Kent Hinckley** would like to understand the drainage system in more detail and requested staff to arrange a field trip to the property to ensure he and any other interested commissioners have a better understanding because it is such a concern for the surrounding residents.

**Heather Barnum** said she would like to echo other comments that open space does not equate to a park. She was also appreciative of the photos presented of the mature trees and

wondered if there was a way to preserve the trees in unimproved open space. She is also concerned about fire trucks having access to the cul-de-sac. She would also prefer, if the fire access road is approved, that the road be paved to ensure easy access for fire trucks as well as a safe exit for residents in an emergency. **Brett Anderson** asked what would happen to the proposed fire access road in the event the stubbed road was later developed by the Flanders. **Eric Anderson** said the property would be deeded back to the adjacent property owners.

**Karolyn Lehn** also expressed concern regarding the drainage of water. She said she understands a park cannot be enforced, but is supportive of the development of a trail system from the subdivision. She would like to see the proposed trail system in greater detail.

**Rebecca Wayment** thanked the residents for expressing their concerns. She agreed with the other commissioners that connectivity is an important aspect of a subdivision to create a more neighborhood feel so she is in favor of stubbing the road for future development. She would also like to see a flow path of the water entering the property prior to recommending Schematic Plan for approval. She feels a proposed trail system may be an appropriate compromise to granting the approval of the TDR. She does not like the length of the cul-de-sac or the fire access road and would like to see plans on how to make it shorter.

**Kris Kaufman** agreed the stubbed road and the proposed trail system are appropriate to ensure connectivity. He would also like to see a flow pattern of the water. He said he struggles with the approval or denial of the TDR as many, but not all, open spaces in the City turn to weed patches. He would like the developer to return with two Schematic Plans; each plan will include a stub road, fire access road and a trail, but one will include a TDR and the other to include open space. He also recommended the developer even look at alternatives on ways to incorporate the mature trees or even a mix of some open space and a few TDR lots.

**Eric Anderson** recommended the Commission pass the rezone of the property and table the recommendation for approval of the Schematic Plan. **Brett Anderson** asked the Commissioners if there was any concern with approving the rezone. **Heather Barnum** said she does not have any concerns; the Commissioners agreed.

***Motion for the Property Rezone:***

**Kris Kaufman** made a motion that the Planning Commission recommend that the City Council rezone the property as requested. **Rebecca Wayment** seconded the motion which was unanimously approved.

**Findings:**

1. The proposed rezone is consistent with the General Plan.
2. The proposed rezone is consistent with the zoning for the surrounding areas.
3. The proposed rezone will better enable other property owners to also rezone their property to AE in the future.

***Motion for the Schematic Plan:***

**Kris Kaufman** made a motion that the Planning Commission table the Schematic Plan for this property and recommend it come back to the next Planning Commission meeting with at least two Schematic Plans which will address the following:

1. Both plans will include the stub road, trail and drainage flow;
2. One plan will address the TDR option;
3. One plan will address an open space option;
4. Staff will request a traffic assessment of the subdivision;
5. Staff will arrange a field trip to the property for the Planning Commission members;
6. The fire access road will be evaluated and approved by the fire department.

**Karolyn Lehn** seconded the motion which was unanimously approved.

## **CONDITIONAL USE**

### **Item #4. Amy Petersen (Public Hearing) – Applicant is requesting conditional use permit approval for a preschool as a home occupation on property located at approximately 250 South 1525 West in an AE (Agricultural Estates) Zone. (C-17-14)**

**Eric Anderson** stated this item is a home occupation request for a preschool. Based on the ordinance, it must receive Planning Commission approval as there are more than 8 students in the home at a time. Staff recommends approval with one condition as written in the staff report.

**Kris Kaufman** asked if there will be concerns by neighbors for parking. **Eric Anderson** said it is not likely as the home is located on a flag lot so the home is placed far back on the property.

**Heather Barnum** asked if the condition of capping the students in the home at one time to 12 was already located in the ordinance. **Eric Anderson** clarified that the ordinance allows for 8-16 students in the home at one time, but the applicant's application requested 12 students so staff included that as part of the motion.

The applicant was not present.

**Brett Anderson** opened the public hearing at 9:30 p.m.

No comments were received.

**Brett Anderson** closed the public hearing at 9:30 p.m.

### ***Motion:***

**Heather Barnum** made a motion that the Planning Commission approve the conditional use subject to all applicable Farmington City ordinances and development standards and the following condition, the preschool cannot have more than 12 students at one time in the preschool. **Kent Hinckley** seconded the motion which was unanimously approved.

### **Findings for Approval:**

1. The propose use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
2. The proposed use conforms to the goals, policies and principles of the Comprehensive General Plan.

3. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection and safe and convenient pedestrian and vehicular circulation.
4. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity.

**Item #5. James Walker (Public Hearing) – Applicant is requesting conditional use permit approval to store equipment used as part of a home occupation on 1 acre of property located at 154 East 200 North in an OTR (Original Townsite Residential) Zone. (C-18-14)**

**Eric Anderson** stated the applicant is requesting to store landscape equipment in his yard space for his home occupation. **Eric Anderson** reviewed the ordinance which regulates this type of storage and the need for Planning Commission approval, as shown in the staff report.

**Rebecca Wayment** asked if the applicant has any type of fence or screening of the storage. **Eric Anderson** said it is a condition to the motion.

**Heather Barnum** asked if the storage equipment is part of a separate business or part of a home occupation. **Eric Anderson** stated a condition could be added that the application must fit the definition of a home occupation as written in the ordinance, otherwise, the conditional use would be null and void.

**Kent Hinckley** would like a condition added that the inventory approved for storage is what is listed in the staff report.

The applicant was not present.

**Brett Anderson opened the public hearing at 9:36 p.m.**

No comments were received.

**Brett Anderson closed the public hearing at 9:36 p.m.**

***Motion:***

**Kent Hinckley** made a motion that the Planning Commission approve the conditional use subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant works with the City to obtain all necessary business license permits;
2. The applicant implements screening, either through a fence or through landscaping to hide the yard from view;
3. Landscaping equipment will not be allowed to park on the street;
4. The size of vehicles used in conjunction with this home occupation shall not exceed one (1) ton capacity;
5. The permit is valid for two years, at which time the permit will be reviewed. If the property is sold by the applicant, the conditional use permit is terminated;
6. The number of pieces of equipment is limited to the four items that are listed in the staff report;
7. And that this application fits the definition of a home occupation.

**Karolyn Lehn** seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
2. The proposed use conforms to the goals, policies and principles of the Comprehensive General Plan.
3. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
4. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

**ZONE TEXT CHANGE**

**Item #6. Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of a Text Amendment of Chapter 15 of the Zoning Ordinance regarding permitted and conditional uses in the BR Zone. (ZT-10-14)**

Eric Anderson stated, if the Commission chooses, it is okay to table the item.

**Brett Anderson opened the public hearing at 9:41 p.m.**

No comments were received.

**Brett Anderson closed the public hearing at 9:41 p.m.**

***Motion:***

Kent Hinckley made a motion that the Planning Commission table this item. Heather Barnum seconded the motion which was unanimously approved.

**OTHER BUSINESS**

**Item #7. Miscellaneous A) Request for Shed in Side Yard (Action Item)**

Eric Anderson said the applicant would like to place a shed in his side yard. Since his property, 449 HollyBrook Way, is located in a conservation subdivision, a shed in the side yard is permitted if side setbacks are met and the Planning Commission approves it.

The applicant was not present.

Heather Barnum asked staff how tall the shed will be that the applicant is requesting. Eric Anderson said the ordinance regulates accessory building height to no taller than 15', but that could be listed as a separate condition if the Commission would like to add it.

***Motion:***

**Heather Barnum** made a motion that the Planning Commission approve the application subject to all applicable Farmington City ordinances and development standards and with the condition that it complies with all requirements for the accessory building ordinance. **Karolyn Lehn** seconded the motion which was unanimously approved.

**ADJOURNMENT**

***Motion:***

At 9:50 p.m., **Kris Kaufman** made a motion to adjourn the meeting which was unanimously approved.



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**Brett Anderson**  
Chairman, Farmington City Planning Commission