

**FARMINGTON CITY  
PLANNING COMMISSION MEETING  
November 13, 2014**

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**STUDY SESSION**

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

**Planning Commission Meeting Minute Revision**

David Petersen corrected the wording of the second paragraph on page 6 on the October 23, 2014 Planning Commission meeting minutes to read, "However, it is unlikely that the crossing will be closed at the 1525 West UTA intersection at the Stathis property so it would be unsafe to have an intersection at that point because the intersection would be at the bottom of a dangerously steep hill."

**Item #3. Russell Wilson/Symphony Homes – Recommendation for Final Plat Approval for Eastridge Cove Conservation Subdivision**

David Petersen said since the applicant had received schematic plan approval, he is "grandfathered in" to the Conservation Subdivision requirements under Chapter 12 prior to the recent revisions. The City would like to have a regional detention basin near the Lagoon billboard. The applicant has worked with the City; building the detention basin will count toward their open space waiver. David Petersen also said the developer may or may not get approval for Phase II as a large portion of the lots are located in delineated wetlands.

**Item #4. Phil Holland/Wright Development – Recommendation for Schematic Plan Approval for Tuscany Grove Subdivision**

David Petersen said the applicant is permitted 7 lots per the yield plan and then is requesting an additional 2 TDR lots. All proposed lots exceed 14,000 sq. ft. The applicant is working with the City Manager on an appropriate amount for the TDR lots.

**Item #5. Farmington City – Recommendation for Approval of Text Amendment for Chapter 15 of the Zoning Ordinance (BR Zone)**

David Petersen said the previously discussed changes to the ordinance regarding the permitted and conditional uses in the BR zone have been made and is ready for recommendation for approval.

**Item #6. Farmington City – Text Amendment to Chapters 1 and 6 Regarding the Approval Process for Major Subdivisions**

**David Petersen** said this is in reference to the appeals process as was discussed in reference to Brentwood Estates. The City Attorney, Todd Godfrey, will be discussing this with the Commission during the meeting.

**Item #7. Miscellaneous A) Station Parkway Cross-Section Modification**

**David Petersen** said the City previously entered an agreement with the developer for the proposed Station Parkway cross-section, as shown on Exhibit A-1 in the staff report. The parkway is three lanes; however, in the event the City is in need of a five lane facility, the road can easily be upgraded without having to be repaved. The modification the developer is requesting is an 8' tree lawn and an 8' sidewalk.

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**REGULAR SESSION**

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

**#1. Minutes**

**Heather Barnum** made a motion to approve the Minutes from the October 23, 2014 Planning Commission meeting with the changes as discussed in the Study Session. **Kris Kaufman** seconded the motion which was unanimously approved.

**#2. City Council Report**

**David Petersen** gave a report from the City Council meeting on November 11, 2014. He said the City Council tabled the request for the zoning map amendment for Meadow View Phase ii as they will discuss it in conjunction with the Schematic Plan. The City Council also continued the Taylor Minor Subdivision Schematic Plan. Both items will be discussed at the next meeting on November 18, 2014.

**SUBDIVISION AND REZONE APPLICATION**

**#3. Russell Wilson/Symphony Homes – Applicant is requesting a recommendation for Final Plat approval for the proposed Eastridge Cove Conservation Subdivision consisting of 13 lots on 4.785 acres located at approximately 1470 South and 200 East in an LR Zone. (S-3-14)**

**David Petersen** showed the vicinity map for Eastridge Cove Conservation Subdivision. He explained Parcel C is mostly zoned AA which allows for 1 lot per 10 acres. The developer has Phase II on hold as they are still working with the Army Corp. on the wetlands delineation. As for Phase I, almost half an acre of open space will be transferred to Parcel C which is the location where the City would like to develop a regional detention basin. The basin will be designed to handle the regional

needs of the subdivision's Phase I and Phase II, but also the needs of neighboring subdivisions. As for the motion, **David Petersen** clarified that the Commission is recommending a waiver of open space within Phase I because it is being transferred to the detention basin. Also, for the motion, there needs to be a public utility easement through lots 107 and 108 to provide private access to the sewer line for the neighboring property owners, Mr. and Mrs. Wardell.

**Russell Wilson**, Symphony Homes, Eagle Mountain, provided additional information on the sewer easement. It has been suggested that the easement go in a couple different places, including between lots 107 and 108 or on the north side of lot 111. He has talked with Central Davis Sewer (CDS); CDS does not want to own or maintain the easement. He said they are in negotiations with the property owner to finalize it.

**Kent Hinckley** asked if the second condition to the motion needs to be amended as it currently reads the easement would be dedicated to CDSD. **Russell Wilson** agreed, the easement would be dedicated to the Wardell family. He also added that since it is an easement for a private lateral, 10' should be sufficient.

**Brett Anderson** asked who approves that dedication of the easement. **David Petersen** said it will be shown on Final Plat, but the City will verify it as well. He also stated currently the Wardell family is on a septic tank; however, health department regulations state that if a sewer comes within 300' of your home, a property owner must hook up to it. CDSD does not want to maintain a private line thus the reason for the dedication to the Wardell family.

**David Petersen** recommended the condition be amended to read, "A private sewer easement, at a width recommended by Central Davis Sewer District, must be dedicated or conveyed to the owner of parcel 07-070-0014, through lots 107 and 108 or north of lot 111 on the recorded plat."

***Motion:***

**Kris Kaufman** made a motion that the Planning Commission recommend approval of the Final Plat for the Eastridge Estates Conservation Subdivision, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. Applicant shall convey to City .478 acres for detention basin related to the open space requirement and waiver related thereto through City Council approval of Final Plat;
2. A private sewer easement, at a width recommended by Central Davis Sewer District, must be dedicated or conveyed to the owner of parcel 07-070-0014, through lots 107 and 108 or north of lot 111, on the recorded plat.

**Heather Barnum** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. The proposed subdivision conforms to all of the development standards as set forth in Section 11-11-050.
2. The open space requirement is of no value to the City and the open space will be of more value if used towards a regional detention basin on the west end of the applicant's property.
3. The applicant has negotiated the waiver of open space with the City Manager and this waiver will be approved by City Council at Final Plat approval.

**Item #4. Phil Holland/Wright Development (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the Tuscany Grove Subdivision consisting of 9 lots on 3.55 acres on property located at 86 W. 100 S. in an LR (Large Residential) zone. (S-14-14)**

**David Petersen** stated the applicant would like to develop 9 lots. Based on the yield plan, he is able to receive 7 lots and is requesting an additional 2 lots with a TDR, based on the new ordinance. The developer is working with the City Manager conceptually to determine the value of those 2 TDR lots. Staff recommends the Planning Commission recommends approval of the Schematic Plan to the City Council with 6 conditions. **David Petersen** reviewed each condition and clarified that a Conditional Letter of Map Revision (CLOMR) approval from FEMA is needed to move a portion of the subdivision out of a flood plain.

The applicant Phil Holland was available for questions, but the Commissioners did not have any for him at this time.

**Brett Anderson opened the public hearing at 7:32 p.m.**

No comments were received.

**Brett Anderson closed the public hearing at 7:32 p.m.**

**Heather Barnum** likes the subdivision and the lot sizes. **Brett Anderson** and the other Commissioners agreed.

***Motion:***

**Heather Barnum** made a motion that the Planning Commission recommend that the City Council approve the schematic plan for the Tuscany Grove Subdivision as requested, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. Prior to preliminary plat, the applicant shall provide 20' storm drain easements for the storm drain lines in lots with new and existing storm drains;
2. Prior to preliminary plat, the applicant shall extend the storm drain line in lot 106 into lot 107 to drain the Larsen property;
3. Prior to preliminary plat, the applicant will relocate the storm drain line in lot 103;
4. Prior to final plat, the applicant will need CLOMR approval by FEMA showing all building pads are out of the flood plain;
5. The City and the developer must agree to a dollar amount for the proposed TDR lots at schematic plan review by the City Council, or prior to consideration of the preliminary plat;
6. It appears that portions of the trail and the necessary abutting land adjacent to the Frontage Road may be located outside City property, if so, this land must be conveyed to the City, but the developer shall be reimbursed for the cost related thereto.

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

**Findings:**

1. The proposed subdivision meets the new requirements and standards of the underlying LR zone.

2. While the proposed subdivision layout is dependent on the TDR transaction approval, the densities proposed would reflect or be less than the surrounding developments, such as Tuscany Village, Tuscany Cove and Aegean Village.
3. The conditions placed on the motion reflect any concerns raised by the DRC and can be addressed more fully at either preliminary or final plat.

## **ZONE TEXT CHANGE**

### **Item #5. 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)**

**David Petersen** said all the changes to permitted and conditional uses that have been previously discussed for the BR zone have been made, as shown in the staff report.

**Kent Hinckley** expressed concern that creating a definitive list will exclude other businesses from being allowed because that Commission cannot foresee every desirable business for the zone. He would like some way for a desirable business to still be allowed, if deemed reasonable by the Commission at that time. **David Petersen** reviewed the duties of the Zoning Administrator in Chapter 4 of the Ordinance which explains the determination of classifications of uses not listed may be made by the Zoning Administrator through a specific process as outlined in the chapter. The Commissioners were more comfortable with the approval of the amendment as long as that flexibility was still available.

**Brett Anderson** opened the public hearing at 7:40 p.m.

No comments were received.

**Brett Anderson** closed the public hearing at 7:40 p.m.

**Brett Anderson** feels the amendment is now ready for approval. The Commissioners agreed.

#### ***Motion:***

**Kent Hinckley** made a motion that the Planning Commission recommend approval of the text changes for Chapter 15 as set forth in the staff report. **Kris Kaufman** seconded the motion which was unanimously approved.

## **OTHER BUSINESS**

#### ***Motion:***

**Kris Kaufman** made a motion that the Planning Commission move item #7A (Station Parkway Cross-Section Modification) as the next agenda item to be considered. **Kent Hinckley** seconded the motion which was unanimously approved.

### **Item #6. Miscellaneous: A) Station Parkway Cross-Section Modification (Action Item)**

**David Petersen** showed the aerial map for the area being discussed. Prior to 2007, the City added to the Redevelopment Agency (RDA) for the area around Station Parkway and Parklane Village.

The area around Station Parkway and Parklane Village, prior to the development of Station Park, had a lower tax increment; however, after the improvements were made it was taxed at a higher increment. For an RDA area, the difference of the tax increments is then put back into the selected area. This money is used for things like public improvements for the selected area. Often, the taxing entities, like the school districts, sewer districts, etc., lobby against an RDA selected area because they want the money to be equally dispersed. In this case, however, the taxing entities gave their support for this area because the tax incremental money will help develop the northern areas around Station Parkway to bring employment to Davis County.

**David Petersen** outlined the following as a standard 80' ROW:

5' sidewalk + 6 ½' park strip + 2 ½' curb & gutter + 7 ½' shoulder + 12' travel lane + 13' median + 12' travel lane + 7 ½' shoulder + 2 ½' curb and gutter + 6 ½' park strip + 5' sidewalk = 80'

**David Petersen** stated the following cross-section for Station Parkway was proposed in 2008:

10' sidewalk + 10' park strip + 2 ½' curb & gutter, 7 ½' shoulder for parking + 5' bike lane + 11' travel lane + 12' median + 11' travel lane + 5' bike lane + 7 ½' shoulder for on-street parking + 2 ½' curb & gutter + 10' park strip + 10' sidewalk = 104'

For the mixed-use district, buildings are brought to the street with large amounts of pedestrian traffic. As the cross-section is proposed, it would allow for buildings at the street and pedestrian traffic. The City had dedicated 80' for the ROW, but under the new ordinance, 20' on each side may be on private property with a public easement and can be considered toward the developer's open space.

**David Petersen** said the City entered into an agreement in 2009 with the Haws Company whereby the City agreed to modify the parking lanes to 10.5' in the event the City will need Station Parkway as a 5 lane road in the future in lieu of the proposed 3 lanes. The developer is now requesting the City add an additional ½' to each outside parking lane, decrease the tree lawn from 10' to 8' and decrease the sidewalk widths from 10' to 8'. Chapter 18 allows for this type of modification of the cross-section.

**Heather Barnum** asked if the bike lanes were removed from the proposal. **David Petersen** said yes, they were included in the 2008 proposal, but were removed in the 2009 one. He explained the Planning Commission and City Council felt it was more important to accommodate for a 3 lane road with the option of improving to a 5 lane facility if needed.

**Kris Kaufman** said it was referenced that the applicant was approved for a 6' sidewalk and an 8' park strip during the study session; he asked for more information about that change. **David Petersen** said the applicant previously came before the Commission in 2012 when seeking approval of 4 acres for Park Lane Commons. It was the recommendation to the applicant at that time for an 8' park strip and a 6' sidewalk, but that recommendation has since expired. The applicant is now asking for an 8' park strip and an 8' sidewalk.

**Scott Harwood**, 33 Shadowbreeze Road, Kaysville, said currently there is 61' from back of curb to back of curb on Station Parkway; they are trying to avoid removing what is currently there. They are also requesting the 8' sidewalk and 8' park strip to promote pedestrian activity. He said they are also looking to build a central plaza in the development, but lots of the property is oddly shaped.

By decreasing the sidewalk to 8' and the park strip to 8', it becomes easier to create an open space look for pedestrian activity.

**Heather Barnum** stated she feels it is important for the City to remain multimodal and that bike lanes should be considered as an option. **David Petersen** said it was removed by the City Engineer and the City Council at the time. They felt it was more necessary to have the option to expand to a 5 lane road from the 3 lane. He said if the road remains a 3 lane road, there is room to consider a bike lane in the future.

**Kris Kaufman** said he is comfortable moving forward with it as it allows for a nicer commons area and the City is getting more than was previously approved, but has since expired. **Brett Anderson** agreed and also likes the flexibility for a 5 lane road or a bike lane in the future.

***Motion:***

**Kent Hinckley** made a motion that the Planning Commission recommend that the City Council modify the Station Parkway street cross section between Grand and Burke Lane (abutting Haws property only) as requested by the applicant subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. Such action shall not preclude the implementation of traffic calming improvements and other features, such a bulb outs, to increase safety for pedestrians;
2. The agreement shall be amended to incorporate the change.

**Kris Kaufman** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. Modifications will not decrease pedestrian safety.
2. Station Parkway will be able to meet present and future needs.
3. It is judicious that the modifications are limited to those portions of Station Parkway between Grand Avenue and Burke Lane which abut Haws property because the type and magnitude of development on the remaining parcels and property outside this area are not known, and not all property owners within this area were party to the original agreement or will be party to the amended agreement.

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

**David Petersen** explained the current process applicants go through for subdivision approvals, as outlined below:

1. Schematic Plan: public hearing before the Planning Commission (PC), PC recommends to City Council (CC), public hearing before the CC, CC approves/denies.
2. Preliminary Plat: PC approves/denies, vesting rights are granted to applicant.
3. Final Plat: PC recommends to City Council (CC), CC approves/denies.

**David Petersen** explained Brentwood Estates Schematic Plan was recommended for approval by the PC, but a different plat was submitted and approved by the CC. Once the applicant returned to the PC during Preliminary Plat, the PC did not want a stubbed road to 1400 North and approved the Preliminary Plat with the condition of removing the stubbed road. The developer and a citizen appealed the PC's decision. Once appealed, it returned to the CC as the CC is the appeal body and has the final say. During the public hearing, **Kris Kaufman** as a citizen and neighboring resident of the proposed Brentwood Estates development, brought to the City's attention that an appeal cannot be made to the land use authority as the CC is currently acting as both the land use authority and the appeal body. The City Manager, Dave Millheim, requested the item be tabled for further review.

**David Petersen** said they have been working with the City Attorney, Todd Godfrey, to amend the ordinance to ensure there is no conflict of interest. The proposed amendment is listed below:

1. Schematic Plan: public hearing before the PC, PC recommends to CC, CC approves/denies, but no public hearing at the CC.
2. Preliminary Plat: PC recommends to CC, but no public hearing at the PC, CC holds a public hearing, CC approves/denies, vesting rights are granted to applicant.
3. Final Plat: PC approves/denies.

By having the Final Plat be approved by just the PC, the CC would then remain as the appeal body. **Todd Godfrey** said in a smaller community where the CC is both the administrative and legislative body, he prefers this scenario as it is most practical despite its still imperfect nature.

**Kris Kaufman** asked if a hearing officer would be an option. **Todd Godfrey** said, in his experience working with other cities, it can work nicely; however, it often does not. He explained finding qualified hearing officers that aren't already conflicted and are not biased is challenging.

**Kris Kaufman** asked about other scenarios, including an appeal process to a district court. **Todd Godfrey** explained a land use appeal to a district court can be relatively fast and inexpensive compared to a traditional suit, but there is still time and money that goes into it. **Heather Barnum** does not want to remove the appeal process as an option for people.

**Kris Kaufman** suggested creating a separate Board of Appeals. **Todd Godfrey** explained some of the pros and cons of this type of board. He said it is difficult to seat, train and maintain the board members. Appeals, like the Brentwood Estates, are rare so keeping a board up to date is a challenge.

**Todd Godfrey** and the Commissioners discussed other variations of the approval process.

**Kris Kaufman** also asked how a new approval process would apply to the Brentwood Estates development if a new process is adopted. **Todd Godfrey** and the Commissioners discussed how best to adopt it for Brentwood Estates, but he said he will review it and get back to the Commission on a recommendation of it.

The Commissioners and **Todd Godfrey** discussed the current Preliminary Plat stage. **Todd Godfrey** stated Preliminary Plat is where most development problems occur; he said it is important to have an appellate avenue at this point. **Kris Kaufman** asked for further clarification as it was his understanding, based on the staff report and the proposed approval process change, that there was no opportunity to appeal at Preliminary Plat. **Todd Godfrey** clarified that since vesting happens at Preliminary Plat, there must be an appellate avenue. **Kris Kaufman** explained, as the proposed changes are currently written, it seems that the only opportunity to appeal is at Final Plat; he

suggested amending it to make it more clear that there is a right to appeal at Preliminary Plat as well as Final Plat.

**David Petersen** explained there is currently a public hearing at Schematic Plat before the PC and the CC, but the bi-laws are vague as to whether there should be one at Preliminary Plat. He asked if the Commissioners where they would like the public hearings to be held during the approval process. **Todd Godfrey** recommended the PC hold a public hearing at the Schematic Plan and the Preliminary Plat only. **Heather Barnum** asked why that is the recommendation as the CC would be interested in what the public has to say with regards to developments. **Todd Godfrey** stated the Council has the Commission's minutes to review the public comments. **Kent Hinckley** feels that the CC should have a public hearing at least at Preliminary Plat as that is where vesting takes place.

The Commissioners, **David Petersen** and **Todd Godfrey** discussed various options for where the public hearings should take place in the approval process. **Todd Godfrey** explained that the public comments between Schematic and Preliminary Plat are similarly themed around emotional issues. Removing one of these public hearings will not dramatically change the comments the Commission would receive. **Todd Godfrey's** recommendation would be to have a public hearing before the PC at Schematic and Preliminary; however, 90% of the time, CC's will also hold public hearings.

**David Petersen** explained to the Commission the timing deadlines for the current approval process. Once the Schematic Plan is approved, the applicant has 12 months to file the Preliminary Plat. Once the Preliminary Plat is approved, the applicant has 12 months, with the possibility of an additional 12 month extension, to file the Final Plat. Once the CC has approved Final Plat, the applicant has 6 months to record. **David Petersen** stated that there is no time limit from when the applicant is heard by the PC to when they go before the CC. He asked for suggestions on what that time limit should be. Different timelines were discussed.

The discussion was led back to the appeal authority. Concerns were again addressed that the CC would be the appeal authority, but they should not be because they are also the land use authority. Different variations of appeal authorities were discussed, including a separate Appeals Board and a Hearing Officer. Pros and Cons of each were discussed. **Kris Kaufman** said he would prefer an appeal go directly to district court to ensure there is the separation of appeal and land use authority. **Todd Godfrey** clarified that CC is the approving body at Preliminary Plat so they cannot be the appeal authority; however, under the proposed approval process, the PC is the approving body at Final Plat, so CC could act as the appeal authority.

If a decision is appealed, the Commissioners asked how the timing deadlines for each step of the approval process would work. **Todd Godfrey** said the ordinance has a "tolling" provision, which means if an application is held up due to a court proceeding, the application deadline would be extended.

**Kris Kaufman** asked if the text change should also include whether the change will apply prospectively or retroactively to applicants. **Todd Godfrey** said he would consider that more in depth and will get back to the Commission regarding it.

The Commissioners asked staff to rewrite the text change and bring it back for final recommendation of approval by the PC prior to it going to CC.

**Brett Anderson opened the public hearing at 9:24 p.m.**

No comments were received.

**Brett Anderson closed the public hearing at 9:24 p.m.**

Based on the evening's discussion, **David Petersen** stated the text change will be amended as follows:

1. Schematic Plan: public hearing before the PC, PC recommends to CC, CC approves/denies (12 month expiration will remain the same), no public hearing at CC.
2. Preliminary Plat: PC recommends to the CC (no public hearing at PC), public hearing before the CC, CC approves/denies, vesting rights are granted to applicant (12 month expiration with a possible 12 month extension) and an appeal process to go to the District Court.
3. Final Plat: PC approves/denies and an appeal process to go to the CC (6 months to record).

There will also be a tolling provision and an effective date provision written in for the text change.

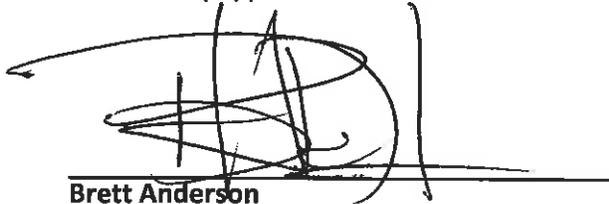
***Motion:***

**Heather Barnum** made a motion that the Planning Commission table Item # 6 so staff can make recommended changes as discussed. **Kent Hinckley** seconded the motion which was unanimously approved.

**ADJOURNMENT**

***Motion:***

At 9:28 p.m., **Heather Barnum** made a motion to adjourn the meeting which was unanimously approved.

A handwritten signature in black ink, appearing to be "Brett Anderson", written over a horizontal line. The signature is stylized and somewhat scribbled.

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