

**JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION:** A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be training on the process and new roles for City Council and Planning Commission. The public is welcome to attend.

**CITY COUNCIL MEETING  
NOTICE AND AGENDA**

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, January 6, 2015, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

*Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.*

The agenda for the meeting shall be as follows:

**CALL TO ORDER:**

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

**JOINT CITY COUNCIL/PLANNING COMMISSION PUBLIC HEARING:**

7:05 Request For Text Amendment of Chapters 1, 2, 3, and 6 of the Subdivision Ordinance

**SUMMARY ACTION:**

7:10 Minute Motion Approving Summary Action List

1. Approval of Minutes from December 16, 2014
2. Farmington Hollow Phases I & II Final Plat
3. Sales Trailer Agreement Extension Request - Oakwood Homes
4. Consider Approval to Design 1100 West Fronting the Future Park

**JOINT CITY COUNCIL/PLANNING COMMISSION TRAINING:**

7:15 Annual Training - Todd Godfrey

8:00 Presentation on Property Rights and Public Clamor – Greg Bell

**ADJOURN**

**CLOSED SESSION**

Minute motion adjourning to closed session for property acquisition.

DATED this 2nd day of January, 2015.

**FARMINGTON CITY CORPORATION**

By: DeAnn Carlile  
DeAnn Carlile, Deputy City Recorder

**\*PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

*In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.*

CITY COUNCIL AGENDA

For Council Meeting:  
January 6, 2015

**S U B J E C T: Roll Call (Opening Comments/Invocation) Pledge of Allegiance**

It is requested that City Manager Dave Millheim give the invocation to the meeting and it is requested that City Councilman Cory Ritz lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

## CITY COUNCIL AGENDA

For Council Meeting:  
January 6, 2015

**PUBLIC HEARING:** Request For Text Amendment of Chapters 1, 2, 3, and 6 of the  
Subdivision Ordinance

### **ACTION TO BE CONSIDERED:**

1. Hold the public hearing.
2. See enclosed staff report for recommendation.

### **GENERAL INFORMATION:**

See enclosed staff report prepared by Eric Anderson.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

DOUG ANDERSON  
JOHN BELTON  
BRIGHAM N. MELLOR  
CORY R. RITZ  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council/Planning Commission Staff Report

To: Honorable Mayor, City Council, and Planning Commission  
From: Eric Anderson, Associate City Planner  
Date: December 23, 2014  
SUBJECT: **REQUEST FOR TEXT AMENDMENT OF CHAPTERS 1, 2, 3, AND 6 OF  
THE SUBDIVISION ORDINANCE**

### RECOMMENDATION

#### Planning Commission

Consider action on January 8, 2014 (no action is necessary at this time).

OR

Recommend that the City Council approve the proposed amendments to Chapters 1, 2, 3, and 6 of the Subdivision Ordinance as written in the attached Exhibit "A".

#### City Council

- 1) Hold a Public Hearing;
- 2) Table action pending a recommendation from the Planning Commission regarding the proposed amendments to Chapters 1, 2, 3, and 6 of the Subdivision Ordinance as written in the attached Exhibit "A".

OR

- 1) Hold a Public Hearing;
- 2) Move that the City Council approve the proposed amendments to Chapters 1, 2, 3, and 6 of the Subdivision Ordinance as recommended and discussed by the Planning Commission and written in the attached Exhibit "A".

**BACKGROUND**

The need for this text change arose because of an appeal by an applicant of a preliminary plat decision made by the Planning Commission that went to the City Council. When it was called to the City’s attention that an appeal can’t be made to the land use authority (i.e. the City Council is both the land use authority *and* the appeal body under the current ordinance), our City Attorney recommended that we alter the subdivision ordinance as it relates to the subdivision approval process.

At the Planning Commission meeting on November 13<sup>th</sup> the City Attorney was on hand to discuss the pending changes and to help the Commission craft a subdivision ordinance text change that would resolve the issues raised above as completely as possible.

The following is a summary of the existing subdivision approval process:

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

Preliminary Plat  
*Planning Commission Approves/Denies*  
*Appeals to City Council*

Final Plat  
*Planning Commission Recommends*  
*City Council Approves/Denies*  
*Appeals to City Council then to District Court*

The following is a summary of the proposed changes:

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

Preliminary Plat  
*Planning Commission Recommends*  
*City Council Approves/Denies (Public Hearing)*  
*Appeals to District Court*

Final Plat  
*Planning Commission Approves/Denies*  
*Appeals to City Council then to District Court*

The Planning Commission voted to table this item because they **are** still concerned that it is proposed that the City Council will approve or deny the Preliminary Plat, which is where staff is told that vesting occurs, yet they are also the appeal body at Final Plat. The Planning Commission wanted to discuss it further with the attorney. Rather than remaining as a go-between, staff felt it prudent to have a joint meeting to review these changes with both bodies present and the attorney. This course of action was discussed with the Planning Commission on December 16<sup>th</sup>, and they approved the same.

**SUPPLEMENTAL INFORMATION**

1. Enabling Ordinance
2. Proposed Changes to Chapters 1, 2, 3, and 6 of Title 12

Respectfully Submitted



Eric Anderson  
Associate City Planner

Concur



Dave Millheim  
City Manager

**FARMINGTON, UTAH**

**ORDINANCE NO. 2015 -**

**AN ORDINANCE AMENDING THE TEXT OF CHAPTERS  
1, 2, 3, AND 6 OF THE SUBDIVISION ORDINANCE  
REGARDING THE APPROVAL PROCESS FOR MAJOR  
SUBDIVISIONS.**

**WHEREAS**, the Planning Commission has held a public hearing regarding the text amendment of Chapters 1, 2, 3, and 6 of the Subdivision Ordinance related to the approval process for major subdivisions, and recommended that this ordinance be approved by the City Council; and

**WHEREAS**, the Farmington City Council has held a public hearing pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
FARMINGTON CITY, STATE OF UTAH:**

**Section 1. Amendment.** Chapters 1, 2, 3, and 6 of the Farmington City Subdivision Ordinance is hereby amended to read in its entirety as set forth in Exhibit "A" attached hereto and by this reference made part hereof

**Section 2. Severability.** If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 3. Effective Date.** This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

**PASSED AND ADOPTED** by the City Council of Farmington City, State of Utah, on this 6th day of January, 2015.

**FARMINGTON CITY**

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H. James Talbot  
Mayor

**ATTEST:**

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Holly Gadd  
City Recorder

EXHIBIT "A"

**CHAPTER 1**

**GENERAL PROVISIONS**

- 12-1-010 Short Title.**
- 12-1-020 Purpose.**
- 12-1-030 Interpretation.**
- 12-1-040 Definitions.**
- 12-1-050 Considerations.**
- 12-1-060 General Responsibilities.**
- 12-1-070 Appeal of Planning Commission Decisions.**
- 12-1-080 Judicial Review of City Council Decisions.**

**12-1-010 Short Title.**

This Title shall be known as the "Farmington City Subdivision Ordinance." This Title shall also be known as Title 12, Farmington City Code. It may be cited and pleaded under either designation.

**12-1-020 Purpose.**

(1) **Purpose.** The purpose of this Title, and any rules, regulations and specifications hereafter adopted, are to promote and protect the public health, safety and general welfare through provisions designed to:

- (a) Provide for the harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.
- (b) Insure adequate open space for traffic, recreation, light, and air.
- (c) Facilitate the conservation of, or production of, adequate transportation, water, sanitation, drainage and energy resources.
- (d) Avoid scattered and premature subdivisions which would cause insufficient public services and facilities, or necessitate an excessive expenditure of public funds for the supply of such services and facilities.
- (e) Preserve outstanding natural, cultural or historic features.

(2) **Intent.** This Title is designed to inform the Subdivider and public of the requirements and conditions necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are expressly delineated in this Title or other applicable ordinances. However, since it is impossible to cover every possibility, and there are some

aspects which do not lend themselves to being easily articulated, this Title allows the Planning Commission and City Council to impose reasonable conditions upon a Subdivider in addition to those expressly required, so long as such conditions do not conflict with any requirements set forth in this Title or other applicable ordinances.

**12-1-030 Interpretation.**

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements. Where the provisions of this Title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this Title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this Title, the provision of such statute, other regulation, ordinance or covenant shall prevail. The provisions of this Title are not intended to abrogate any easement, covenant, or any other private agreement or restriction which is not inconsistent with these regulations.

**12-1-040 Definitions.**

Whenever any word or phrase used in this Title is not defined herein, but is defined in related sections of the Utah Code or in the Farmington City Zoning Ordinance, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

- (1) Agricultural Use means land used for the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural, industry or business.
- (2) Alley means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (3) Applicant means the owner of land proposed to be subdivided or such owner's duly authorized agent.
- (4) Bond means an agreement to install improvements secured by cash, a letter of credit, or escrow funds on deposit in a financial institution, or with the City, in an amount corresponding to an engineering estimate and in a form satisfactory to the City Attorney.
- (5) Condominium means property conforming to the definition set forth in Section 57-8-3 of Utah Code Annotated, 1953, as amended. A condominium is also a "subdivision" subject to these regulations.

- (6) Capital Project means an organized undertaking which provides, or is intended to provide, the City with a capital asset. "Capital Asset" is defined according to generally accepted accounting principles.
- (7) City means Farmington City.
- (8) City Council means the City Council of Farmington City.
- (9) City Manager means the City Manager of Farmington City.
- (10) Consolidated Fee Schedule means the schedule of fees adopted periodically by resolution of the City Council setting forth the various fees charged by the City.
- (11) Cul-de-sac means a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic.
- (12) Dedication of Land refers to land set aside by the Subdivider to be used by the public, such land being conveyed to the City or other governmental entity.
- (13) Developer means, as the case may be, either: (1) an applicant for subdivision approval; (2) an applicant for a building permit or another permit issued; or (3) the owner of any right, title, or interest in real property for which subdivision approval or site plan approval is sought.
- (14) Dwelling Unit means one or more rooms in a dwelling, designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen or set of fixed cooking facilities, other than hot plates or other potable cooling units or wet bars.
- (15) Easement means a nonprofitable interest in property owned by another that entitles its holder to specific use on, under, or above said property.
- (16) Final Plat means a map of a subdivision, required of all major subdivisions, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the City and the Municipal Land Use Development and Management Act, set forth at Title 10, Chapter 9, Utah Code Annotated, 1953, as amended.
- (17) Flag Lot means a lot that has been approved by the City with access provided to the bulk of the lot by means of a narrow corridor.
- (18) Flood Damage Prevention Ordinance means the Farmington City Flood Control

and Storm Drainage Ordinance, as amended.

- (19) Flood, One Hundred Year means a flood having a one percent (1%) chance of being equalled or exceeded in any given year.
- (20) Flood, Ten Year means a flood having a ten percent (10%) chance of being equalled or exceeded in any given year.
- (21) Flood Plain, One Hundred Year means that area adjacent to a drainage channel which may be inundated by a one hundred year flood.
- (22) Freeway means a street with fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.
- (23) General Plan means the document adopted by the City which sets forth general guidelines for proposed future development of land within the City, as provided in Title 10, Chapter 9, Utah Code Annotated 1953, as amended. "General Plan" includes what is also commonly referred to as a "master plan."
- (24) Lot means a parcel of land occupied or capable of being occupied by one (1) building or a group of buildings together with such yards, open spaces and yard areas as are required by this Title and the Farmington City Zoning Ordinance, and having frontage on a public street equal to fifty percent (50%) of the minimum required frontage for the lot except for flag lots.
- (25) Lot Split means the division of a property which may be divided into no more than two (2) legal size lots.
- (26) Major Street Plan means the plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which has been approved by the Planning Commission and City Council. Also known as an "official map" as referred to in the Utah Municipal Land Use Development Act.
- (27) Natural Drainage Course means any natural watercourse which is open continuously for flow of water in a definite direction or course.
- (28) Owner means the owner in fee simple of real property as shown in the records of the Davis County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, limited liability company, trust, private corporation, public or quasi-public corporation, or any combination thereof.
- (29) Parcel of Land means a contiguous quantity of land, in the possession of, or

owned by, or recorded as the property of, the same owner.

- (30) Planned Unit Development means a development designed pursuant to the Planned Unit Development Ordinance set forth in the Farmington City Zoning Ordinance. Such development is a subdivision and shall comply with the applicable provisions of these regulations.
- (31) Planning Commission means the Farmington City Planning Commission.
- (32) Planning Department means the Planning Department of Farmington City.
- (33) Preliminary Plat means the initial map of a proposed land division or subdivision required for major subdivisions.
- (34) Protection Strip means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.
- (35) Public Improvements means streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the City in connection with subdivision, conditional use, or site plan approval.
- (36) Public Way means any road, street, alley, lane, court, place, parkway, walk, public easement, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.
- (37) Public Works Department means the Public Works Department of Farmington City.
- (38) Reservation of Land refers to land set aside for common use within a subdivision, such land to be developed and maintained by the Subdivider or by the residents of the subdivision.
- (39) Right-of-way means a strip of land used or intended to be used for a street, sidewalk, sanitary or storm sewer, drainage, utility, railroad, or other similar use.
- (40) Schematic Plan means a sketch prior to the preliminary plat for major subdivisions or prior to final plat in the case of minor subdivisions to enable the Subdivider to save time and expense in reaching general agreement with the Planning and Zoning Division as to the form of the plat and the objectives of these regulations.

- (41) Sidewalk means a passageway for pedestrians, excluding motor vehicles.
- (42) Street, Dead-end, means a street with only one outlet which is intended to be extended at a future time to connect with other streets and to provide future access for abutting properties.
- (43) Street, Local means a street for which the principal function is access to abutting land. Traffic movement is a secondary function.
- (44) Street, Major Collector, means a street which carries traffic from minor streets and minor collector streets to the arterial street system. The primary function of such streets is the movement of traffic. Providing access to abutting properties is a secondary function.
- (45) Street, Minor Arterial, means a street for which the principal function is movement of large volumes of traffic from collector streets to freeways. Providing access to abutting land is a secondary function.
- (46) Street, Minor Collector, means a street which carries traffic from minor streets to the collector and major street system. Such streets include the principal entrance streets of residential developments and the primary circulating streets within such developments.
- (47) Street, Private means a privately owned and maintained way used, or intended to be used, for passage or travel by motor vehicles and to provide access to abutting properties.
- (48) Street, Public means a public way, having a width of at least fifty (50) feet, used or intended to be used for passage or travel by motor vehicles and to provide access to abutting properties, which has been accepted and is maintained by the City.
- (49) Subdivider means the owner of the real property proposed to be subdivided, including any successors or assigns.
- (50) Subdivision means any land that is divided, redivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions including resubdivision. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument, and divisions of land for all residential and nonresidential uses, including land used or to be used for

commercial, agricultural and industrial purposes.

- (51) Subdivision, Major means all subdivisions of ten (10) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities.
- (52) Subdivision, Minor means any subdivision of land that results in nine (9) or fewer lots, provided that each lot thereby created has frontage on an improved public street or streets, and providing further that there is not created by the subdivision any new street or streets.
- (53) Survey Monument means a mark affixed to a permanent object along a line of survey to furnish a survey control.
- (54) Utilities includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, sub-surface drainage systems, electric power, natural gas, and telephone transmission lines, cable television lines, and underground conduits and junction boxes.
- (55) Water and Sewer Improvement Districts means the Farmington Area Pressure Irrigation District and the Central Davis Sewer District and any other water or sewer improvement district existing or hereinafter organized, whichever has jurisdiction over the land proposed to be subdivided.
- (56) Zoning Ordinance means the Farmington City Zoning Ordinance, as amended.

**12-1-050 Considerations.**

(1) General Plan. The General Plan shall guide the use of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Zoning Ordinance, and other applicable ordinances.

(2) Natural Landscape. Trees, native land cover, natural watercourses, and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Foothill Development Ordinance. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.

(3) Community Facilities. Community facilities, such as parks, recreation areas trails, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances and resolutions. This Title establishes procedures for the referral of information on proposed subdivisions to interested

boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the Subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes as specified.

#### **12-1-060 General Responsibilities.**

(1) Subdivider. The Subdivider shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The City shall process said plats in accordance with the regulations set forth herein. The Subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the necessary approvals as outlined herein have been obtained.

(2) Planning Department. The Planning Department shall review the plats for design; for conformity to the Master Plan and to the Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Title.

(3) Other Agencies. Plats of proposed subdivisions may be referred by the Planning Department to such City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Planning Department shall decide which agencies to refer proposed subdivision plats to. Subdividers shall be responsible for distributing plans to and coordinating the comments received from all public and private entities.

(4) Public Works and Engineer. The Public Works Department and City Engineer shall make comments as to engineering requirements for street widths, grades, alignments, and flood control, whether the proposed public improvements are consistent with this Title and other applicable ordinances and shall be responsible for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with transportation planning in the Planning Department.

(5) Planning Commission. The Planning Commission shall act as an advisory agency to the City Council **as set forth herein**. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the Master Plan and Zoning Ordinance, and other pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or disapproval **of schematic plans, minor plats and of the preliminary-final plats** to the City Council. **The Planning Commission has final jurisdiction in the approval of subdivisions by metes and bounds and final subdivision plats.**

(6) City Attorney. The City Attorney shall verify, prior to recordation of a plat, that

the form of the final plat is correct and acceptable, that the Subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report submitted by the Subdivider.

(7) City Manager. The City Manager acts as liaison between the Planning Commission, Planning Department staff, and the City Council. Prior to preliminary approval for a subdivision, the City Manager may review the proposed plat and receive written comments from the City Council on the plat. The comments may then be forwarded to the Planning Commission for evaluation. Upon final approval by the Planning Commission, the plat will be sent to the City Manager who will present it to the City Council.

(8) City Council. The City Council has final jurisdiction in the approval of **schematic plans, minor subdivision plats, and preliminary** subdivision plats, the establishment of requirements and design standards for public improvements, and the acceptance of lands and public improvements that may be proposed for dedication, and shall consider appeals regarding the administration of the subdivision ordinance as provided herein.

#### **12-1-070 Appeal of Planning Commission Decisions.**

(1) City Council. Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission under this Title by filing with the City Recorder a notice thereof in writing within fifteen (15) days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the Subdivider, or other interested person, deems himself or herself aggrieved. **In the event of an appeal, application deadlines set forth in this title shall be extended to incorporate the time necessary to hear and consider such appeals.**

(2) Hearing. The City Recorder shall set the appeal for hearing before the City Council to be held within a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the City Council. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing. After hearing the appeal, the City Council may affirm, modify, or overrule the decision, determination or requirement appealed and enter any such order or orders as are in harmony with the spirit and purpose of this Title. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

#### **12-1-080 Judicial Review of City Council Decisions.**

Any person aggrieved by any decision of the City Council under this Title may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the rendering of the decision by the City Council. No person may challenge in district court any land use decision made by the City under this Title until that person has exhausted his or her administrative remedies as provided herein.

Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21  
6-1-104 (now 12-1-040) Amended, 4-21-93, Ord. 93-18  
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24  
Amended 12-1-050(3) & 12-1-060(3) 04/19/06, Ord. 2006-28  
Amended 5-19-06, Ord. 2006-28

**CHAPTER 2**

**CONTROL AND APPLICATION**

- 12-2-010 Subdivision Control.**
- 12-2-020 Required Plat Approval.**
- 12-2-030 Transfer of Land.**
- 12-2-040 Transfer of Land - Voidable.**
- 12-2-045 Building Permits.**
- 12-2-047 Certificates of Occupancy.**
- 12-2-050 Penalties.**

**12-2-010 Subdivision Control.**

It shall be unlawful for any owner, or agent of the owner, of any land within the corporate limits and jurisdiction of the City to subdivide such land unless and until:

- (1) A plat, or metes and bounds description(s) based upon a survey as specified in Chapter 4 of this Title, of such subdivision is made in accordance with the requirements set forth herein;
- (2) Approval of such plat or metes and bounds description(s) based upon a survey is secured as provided herein; and
- (3) The approved plat, or metes and bounds description(s) based on a survey as approved herein, is recorded in the Office of the Davis County Recorder by the City Recorder or, in the case of a metes and bounds description, by the Subdivider.

**12-2-020 Required Plat Approval.**

No plat of any subdivision shall be recorded in the County Recorder's Office until it has been submitted and approved as provided herein ~~and unless a recommendation has been received from the Planning Commission and it has been approved by the City Council~~ **by the Planning Commission** and such approvals are entered in writing on the plat by the Mayor and **Chair of the Planning Commission**. A plat shall not be approved if such plat is in conflict with any provision or portion of the General Plan, Major Street Plan, Zoning Ordinance, this Title, or any other State law or City ordinance.

**12-2-030 Transfer of Land.**

Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until the final subdivision plat is recorded in the Davis County

Recorder's Office in accordance with this Title and any applicable provisions of State Law, and until the improvements required in connection with the subdivision have been constructed or guaranteed as provided herein.

**12-2-040 Transfer of Land - Voidable.**

No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this Title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this Title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in bankruptcy, within one (1) year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

**12-2-045 Building Permits.**

**12-2-045 Building Permits.**

(a) No building permit shall be issued for any structure within a subdivision until the final subdivision plat is recorded in the Davis County Recorder's Office, a bond is provided acceptable to the City ensuring the adequate installation of required public improvements and utilities, and the required improvements and utilities have been installed and are operable as provided herein. No building permit shall be issued for any structure within a subdivision until all sanitary sewer, storm sewer, culinary water lines, pressure irrigation (if applicable), fire hydrants, curb and gutter, streets, other underground utilities located under the street surface, and required grading and drainage improvements, are installed and fully functional, as determined by the City, providing continuous access and/or service to the lot. Notwithstanding the foregoing, for condominium projects only, permits for footings and foundations which are accompanied by a certificate of survey by a licensed surveyor verifying its location, may be issued by the City Council, subject to compliance with applicable requirements, including adequate access for emergency vehicles, prior to the installation of utilities and street improvements. For purposes of this Section, street improvements shall require asphalt or concrete hard surfacing of the streets, except as otherwise provided in Subsection (b).

(b) A building permit may be issued by the City for the construction of a structure within a subdivision prior to application of hard surfacing of the streets within the subdivision under the following conditions:

- (1) The street improvements are being constructed during the

months when cold weather prohibits the laying of a hard surface on the street.

- (2) The streets shall be completed with all utilities, rough grading, and all-weather road base sufficient for emergency vehicle access and construction traffic. Sufficiency of the road base, including road base gradation and thickness, shall be determined by the City Engineer upon review and consideration of applicable soils reports, drainage factors and existing topographic conditions of the property.
- (3) The developer enters into an agreement with the City that the developer will take responsibility to ensure that the road is accessible for emergency vehicles and construction traffic at all times, including snow removal and other required maintenance.
- (4) The developer enters into an agreement with the City that developer will hard surface the road as soon as weather permits and as authorized by the City. If developer fails to do so, the City can declare the developer in default of the applicable improvements bond agreement and may withdraw any or all of the funds from the bond and cause the improvements to the street to be constructed, completed and/or repaired in accordance with the terms and procedures set forth in the bond agreement for the withdrawal of funds.
- (5) The building contractor, property owner, and building permit applicant enters into an Assumption of Risk Agreement acknowledging the lack of hard surface streets within the subdivision and developer's obligation regarding maintenance and access of the same and assuming the risk of proceeding with construction under such circumstances pursuant to the terms and conditions set forth herein.
- (6) No certificate of occupancy shall be granted by the City for any structure within the subdivision until all streets are hard surfaced.

**12-2-047 Certificates of Occupancy.**

No building within a subdivision shall be occupied until a certificate of occupancy has been issued for such structure by the City. No certificate of occupancy shall be issued for any structure within a subdivision by the City until all required improvements for the subdivision are complete, including the hard surfacing of the streets, all required street signs are installed for the subdivision and house numbers are placed on the structure, all required utilities are installed providing service to the structure, and all other applicable ordinance provisions have been satisfied.

**12-2-050 Penalties.**

It shall be a Class "C" misdemeanor for any person to fail to comply with the provisions of this Title. In addition to any criminal prosecution, the City may pursue any other legal remedies provided by law to ensure compliance with this Title including, but not limited to, instituting an injunction, mandamus, abatement, or other appropriate actions, or proceedings to prevent, enjoin, abate, or remove the unlawful use or act.

Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21  
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24  
12-2-045 and 12-2-047 Enacted, 3-21-01, Ord. 2001-01  
12-2-030 and 12-2-045 and 12-2-047 Amended, 4-04-01, Ord. 2001-13  
Title 12-2-045 amended, July 11, 2006, Ord. 2006-45

## CHAPTER 3

### SCHEMATIC PLAN

- 12-3-010 Schematic Plan.**
- 12-3-020 Staff Cannot Bind City.**
- 12-3-030 Vested Rights.**
- 12-3-040 Submission.**
- 12-3-050 Notification.**
- 12-3-060 Review by the Planning Commission.**
- 12-3-070 Approval by the City Council.**
- 12-3-080 Expiration of Schematic Plan Approval.**

**12-3-050 Notification.**

(1) The Subdivider, upon receipt of the letter of acknowledgment, shall distribute copies of the plan to such government departments and other agencies or advisors as in the opinion of the Department and the Planning Commission may contribute to a decision in the best interest of the public.

(2) The Planning Department shall mail to all owners of property located within three hundred (300) feet of the boundary of the proposed subdivision a written notice of the time, date, and place where the Planning Commission will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision.

(3) The Planning Department shall mail to all owners of property located within three hundred (300) feet of the boundary of the proposed subdivision a written notice of the time, date, and place where the City Council will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision.

**12-3-060 Review by the Planning Commission.**

(1) At the time and place specified in the written notice described in Section 12-3-050 above, the Planning Commission shall review the submitted schematic plan and check compliance with the City's Master Plan, Zoning Ordinance, this Subdivision Ordinance, and other appropriate regulations. The Planning Commission may recommend approval or denial to the City Council, and shall make findings regarding the submitted schematic plan, specifying any inadequacy in the information submitted, non-compliance with City regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the Planning Commission to evaluate the proposed subdivision and in making a recommendation to the City Council.

(2) The Planning Commission may require additional information, data or studies to be provided to the Planning Commission by the subdivider for the overall development before any recommendation is given by the Planning Commission to the City Council and the Planning Commission may include requirements for the overall development as part of its findings on the concept plan.

**12-3-070 Approval by the City Council.**

(1) After receiving a recommendation from the Planning Commission together with any information related thereto ~~and at the time and place specified in the written notice described in Section 12-3-050~~, the City Council may grant or deny schematic plan approval for the proposed subdivision and may adopt, amend or reject any of the findings made by the Planning Commission regarding the submitted concept plan.

(2) If the City Council denies schematic plan approval, no further review of the proposed subdivision shall be made by the City Council, and a new schematic plan submittal shall be required to re-initiate the subdivision process.

(3) Granting of schematic plan approval by the City Council shall not constitute an absolute approval or disapproval of the proposed subdivision, but is intended to give the subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the City.

**12-3-080 Expiration of Schematic Plan Approval.**

Once schematic plan approval has been granted, the subdivider may apply for preliminary plat approval consistent with the schematic plan. If preliminary plat approval for any portion of an approved schematic plan has not been obtained within twelve (12) months of the date on which schematic plan approval was granted, a resubmittal and reapproval of the schematic plan may be required by the City.

## CHAPTER 6

### MAJOR SUBDIVISIONS

- 12-6-010 Preliminary Plat - Purpose.
- 12-6-020 Application and Fees.
- 12-6-030 Preliminary Plat - Preparation and Required Information.
- 12-6-040 Soil Report.
- 12-6-050 Evaluation of Preliminary Plat.
- 12-6-060 Planning Commission Action.
- 12-6-070 ~~Notification of Action.~~ **City Council Action.**
- 12-6-080 ~~Effect of Approval of the Preliminary Plat.~~
- 12-6-080 ~~Final Plat - Purpose.~~ **Notification of Action.**
- 12-6-090 ~~Filing Deadline, Application and Fees.~~ **Effect of Approval of the Preliminary Plat.**
- 12-6-100 ~~Final Plat - Preparation and Required Information.~~ **Final Plat - Purpose.**
- 12-6-110 ~~Data to Accompany Final Plat.~~ **Filing Deadline, Application and Fees.**
- 12-6-120 ~~Evaluation of Final Plat.~~ **Final Plat - Preparation and Required Information.**
- 12-6-130 ~~Planning Commission Action.~~ **Data to Accompany Final Plat.**
- 12-6-140 ~~City Council Action.~~ **Evaluation of Final Plat.**
- 12-6-150 ~~Disapproval by the City Council.~~ **Planning Commission Action.**
- 12-6-160 ~~Security Bond - Subdivider.~~ **Disapproval by the Planning Commission.**
- 12-6-170 ~~Delay Agreement.~~ **Security Bond - Subdivider**
- 12-6-180 ~~Recording of Plat.~~ **Delay Agreement.**
- 12-6-190 ~~Expiration of Final Approval.~~ **Recording of Plat.**
- 12-6-200 **Expiration of Final Approval.**

#### 12-6-010 Preliminary Plat - Purpose.

The purpose of the preliminary plat is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this Title and any other applicable ordinances.

#### 12-6-020 Application and Fees.

The Subdivider of a major subdivision, after completing the schematic plan required by this Title, shall file an application for preliminary plat approval with the Planning Department on a form prescribed by the City, together with one reproducible copy and two (2) prints of the preliminary plat. At the same time, the Subdivider shall pay an application fee as published in the Consolidated Fee

Schedule of the City. The Planning Department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the Planning Department, and the Subdivider shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities.

**12-6-030 Preliminary Plat - Preparation and Required Information.**

(1) Form. The preliminary plat shall be clearly and legibly drawn with approved waterproof drawing ink at a scale not less than one inch (1") equaling one hundred (100) feet . The plat shall be so drawn that the top of the sheet is either north or east, whichever accommodates the drawing best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.

(2) Required Information. The following information shall be included on or with the preliminary plat:

(a) A vicinity sketch at a scale of not less than one thousand (1000) feet to the inch which defines the location of the subdivision within the City;

(b) The name of the subdivision. Such subdivision names shall not duplicate or nearly duplicate the name of any subdivision in the City or in the incorporated and unincorporated area of Davis County;

(c) The name and address of the Subdivider and his or her agent, if applicable;

(d) If the Subdivider is represented by an agent, there shall be a statement from the recorded owner authorizing the Agent to act;

(e) The name and address of the person, firm or organization preparing the preliminary plat and a statement indicating the recorded owner's permission to file the plat;

(f) The date, north point, written and graphic scales;

(g) A legal description to define the location and boundaries of the proposed subdivision;

(h) The location, names and existing widths of adjacent streets;

(i) The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land;

(j) The contours, at one (1) foot intervals, for predominant ground slopes within

the subdivision between level and five percent (5%), and two (2) foot contours for predominant ground slopes within the subdivision over five percent (5%). Such contours shall be based on Davis County datum. The closest City survey monument shall be used and its elevation called out on the map. Survey monument information shall be obtained from the Davis County Surveyor or City Engineer;

(k) At the discretion of the City, a grading plan showing, by appropriate graphic means, the proposed grading of the subdivision. Contours should be consistent with Subsection (j). Proposed subdivisions located in the Foothill Zone shall comply with requirements of the Farmington City Foothill Development Ordinance set forth in the Zoning Ordinance;

(l) The location of all isolated trees worthy of preservation with a trunk diameter of four (4) inches or greater, within the boundaries of the subdivision, and the outlines of groves or orchards;

(m) The boundaries of areas subject to one hundred (100) year flooding or storm water overflow, as determined by the City, and the location, width and direction of flow of all watercourses, including all existing and proposed irrigation and natural runoff channels and courses;

(n) The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;

(o) A statement of the present zoning and proposed use of the property, as well as proposed zoning changes, whether immediate or future;

(p) Location and dimensions of proposed sites to be dedicated or reserved for open space or recreational use;

(q) Any proposed lands to be reserved in private ownership for community use;

(r) The locations, proposed names, widths and a typical cross section of curbs, gutters, sidewalks and other improvements of the proposed street and access easements;

(s) Layout of all lots, including the average and minimum lot size, lot divisions, and consecutive numbering;

(t) Preliminary location and size of sanitary sewers, water mains, pressurized irrigation lines, and any other public or private utility;

(u) The dimensions and locations of all existing or proposed dedications,

easements, and deed restrictions. These shall include easements for drainage, sewerage and public utilities;

(v) Preliminary indication of needed storm drainage facilities with preliminary runoff calculations and location, size, and outlets of the drainage system;

(w) The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the subdivision plat or on the vicinity map as appropriate;

(x) If it is contemplated that the development will proceed by phases, the boundaries of such phases shall be shown on the preliminary plat along with the estimated construction schedule for each phase;

(y) The words "Preliminary Plat - Not to be Recorded" shall be shown on the plat.

#### **12-6-040 Soil Report.**

(1) Form. A soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah, shall be required prior to preliminary approval of any subdivision plat. The soil report shall include, among other things, a description of the soil types and characteristics on the site, describe whether or not ground water was encountered in any of the test borings and at what elevation it was encountered, and shall identify the location of any seismic zones or flood zones on the property.

(2) Investigation. If the soil report indicates the presence of critically expansive soils, high water table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water, premature deterioration of the public improvements, or which would represent a public health hazard, a soil investigation of each lot in the subdivision may be required by the City Engineer. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application.

#### **12-6-050 Evaluation of Preliminary Plat.**

The Planning Department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the Planning Department, and the Subdivider shall distribute plans for comment to all appropriate public and

private entities. After reviewing the plans, each of the public agencies and utilities will provide the acknowledgment letter to the Subdivider indicating whether the plans are acceptable or need to be revised, and may forward to the Subdivider a written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, Water and Sewer Improvement Districts, the Public Works Department, the City Engineer, and the Fire Department. The Planning Department will also provide the City Manager with one (1) full set of plans for comment and review.

**12-6-060 Planning Commission Action.**

Upon receipt of the preliminary plat, the Planning Commission shall examine the plat to determine whether the plat is consistent with the concepts set forth in with the schematic plan and with all changes requested and all requirements imposed as conditions of acceptance. The Planning Commission may recommend approval of denial to the City Council, and shall make findings regarding the submitted preliminary plat, specifying any inadequacy in the information submitted, non compliance with City regulations, inconsistencies with the schematic plan, and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat and in making a recommendation to the City Council.

**12-6-070 City Council Action.**

After receiving a recommendation from the Planning Commission together with any information related thereto and at the time and place specified in the written notice described in Section 12-3-050, the City Council shall act thereon. If the City Council finds that the proposed plat complies with the requirements of this Chapter and that it is satisfied with the plat of the subdivision, it shall approve, or approve with conditions, the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of this Title or other applicable ordinances, it shall deny approval of such plat.

**~~12-6-060 Planning Commission Action.~~**

~~Within a reasonable time after the filing of a preliminary plat of a subdivision and any other information required, the Planning Commission shall act thereon. If the Planning Commission finds that the proposed plat complies with the requirements of this Chapter and that it is satisfied with the plat of the subdivision, it shall approve, or approve with conditions, the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of this Title or other applicable ordinances, it shall deny approval of such plat.~~

**~~12-6-070~~ 12-6-080 Notification of Action.**

The Planning Department shall notify the Subdivider, in writing, of the action taken by the ~~Planning Commission~~ **City Council**. One (1) copy of the plat and accompanying conditions, if applicable, and the minutes of the ~~Planning Commission~~ **City Council** meeting shall be retained in the permanent file of the ~~Planning Commission~~ **City Council**. Notification of the approval of the preliminary plat shall be authorization for the Subdivider to proceed with the preparation of detailed plans and specifications for the improvements required by City ordinances and the ~~Planning Commission~~ **City Council**, and with the preparation of the final plat.

~~12-6-080~~ **12-6-090 Effect of Approval of the Preliminary Plat.**

Approval of the preliminary plat shall in no way relieve the Subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards.

~~12-6-090~~ **12-6-100 Final Plat - Purpose.**

The purpose of the final plat is to require formal approval by the Planning Commission ~~and City Council~~ before a major subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title. The final plat and improvement plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure. Pursuant to Section 10-9-805, Utah Code Annotated, 1953 as amended, the ~~City Council~~ **Planning Commission** designates the ~~Mayor~~ **Planning Commission Chair** as its agent to sign final subdivision plats. The ~~Mayor~~ **Planning Commission Chair** shall not sign any final plat until such plat has been approved by the Planning Commission ~~and the City Council~~ in accordance with the provisions set forth herein.

~~12-6-100~~ **12-6-110 Filing Deadline, Application and Fees.**

The Subdivider shall file an application for final plat approval with the Community Development Department on a form prescribed by the City, together with one reproducible copy and prints of the final plat, the number of which shall be determined by City staff, and all required fees. The preliminary plat shall become null and void unless the Subdivider submits an application for and obtains final plat approval for all phases encompassing the area of the preliminary plat within twelve (12) months after approval or conditional approval of the preliminary plat by the ~~Planning Commission~~ **City Council**, except as otherwise provided for by written agreement with the City. This time period may be extended for up to twelve (12) months for good cause shown if the Subdivider petitions the ~~Planning Commission~~ **City Council** in writing for an extension prior to the expiration date of the preliminary plat together with any applicable fees.

Only one (1) extension of the preliminary plat approval may be granted. In the event the final plat approval expires, or the City does not grant an extension of final plat approval, or the City does not re-approve a previously approved final plat, the preliminary plat approval shall also expire, unless 12 months has not lapsed from the date of its approval and/or a 12 month extension of time has been granted as provided herein

**~~12-6-110~~ 12-6-120 Final Plat - Preparation and Required Information.**

(1) The final plat shall consist of a sheet of approved mylar to the outside or trim line dimensions of nineteen by thirty (19" x 30") , and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inch (1½") on the left margin of the sheet for binding, and not less than a one-half inch (½") margin in from the outside or trim line around the other three edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the mylar with approved waterproof black drawing ink.

(2) The final plat shall be drawn at a scale of not less than one inch (1") equaling one hundred feet (100'), and the workmanship on the finished drawing shall be neat, clear and readable.

(3) The plat shall be signed by all required and authorized parties and the final drawings shall contain all information set forth in this Section. The location of the subdivision within the City shall be shown by a small scale vicinity map on the first sheet.

(4) The title of each sheet of the final plat shall consist of the approved name and unit number of the subdivision in bold letters, and if applicable, the words "a Planned Unit Development (PUD)" or "a Conservation Subdivision", followed by the words "Farmington City" at the top of the sheet.

(5) Wherever the City Engineer has established a system of coordinates, the survey shall use such system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation.

(6) An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one (1) foot to twenty thousand (20,000) feet of perimeter.

(7) The final plat shall show all survey, mathematical information, and data

necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.

(8) All lots, blocks, and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets, and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase two would be numbered 201, 202, 203, etc.

(9) The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown.

(10) All streets within the subdivision shall be assigned a name. Numerical names are preferred. Streets which have an alphabetic name shall also be assigned a coordinate reference number which conforms to the numbering system adopted by the City. All numbering shall be accomplished by the City Building Official.

(11) The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.

(12) If the subdivision is adjacent to a waterway or any other area which is subject to flooding, the plat shall show the line of high water with a continuous line and shall also show with a fine continuous line, any lots subject to inundation by a one hundred (100) year flood.

(13) The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument

or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the Subdivider under the direction of the City Engineer. The following required monuments shall be shown on the final plat:

(a) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;

(b) All right-of-way monuments at angle points and intersections as approved by the City Engineer.

(14) The title sheet of the map shall show the name of the engineer or surveyor, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final maps, and such certificates may be combined where appropriate:

(a) Registered land surveyor's "Certificate of Survey;"

(b) Owner's dedication certificate;

(c) Notary public's acknowledgment for each signature on the plat;

(d) A description of all property being subdivided with reference to maps or deeds of the property as shall have been previously recorded or filed. Each reference in such description shall show a complete reference to the book and page of records of the County and commence from Section corners of known location, bearing, and distance. The description shall also include reference to any vacated area with the vacation ordinance number indicated;

(e) Blocks for authorized signatures of the Planning Commission, City Engineer, Benchland Irrigation, Central Davis Sewer District, and City Attorney, ~~and City Council~~ shall be provided along the bottom or right side of the plat. A block for the Davis County Recorder shall be provided in the lower right corner of the plat.

(f) Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this Title or by the City Attorney;

(g) Prior to recordation of the plat, the Subdivider shall submit a current title report to be reviewed by the City Attorney. A "current" title report is considered to be one which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.

(15) A note shall be placed on the final plat indicating that a soil report has been prepared and submitted to the City for the proposed subdivision in accordance with the provisions of this Title.

(16) When a subdivision contains lands which are reserved in private ownership for community use, the Subdivider shall submit, with the final plat, the name, proposed articles of incorporation, and bylaws of the owner or organization empowered to own, maintain and pay taxes on such lands.

(17) An address shall be placed on each lot shown on the final plat. Addresses shall conform to the established grid system for Davis County and shall include optional addresses for corner lots.

**~~12-6-120~~ 12-6-130 Data to Accompany Final Plat.**

At the time a final plat of a subdivision is submitted to the City, the Subdivider shall also submit the following documents:

(1) Calculation and traverse sheets giving bearings, distances and coordinates of the boundary of the subdivision and blocks and lots as shown on the final plat.

(2) Design data, assumptions and computations for proper analysis in accordance with sound engineering practice, along with appropriate plan, section, and profile sheets for all public improvements.

**~~12-6-130~~ 12-6-140 Evaluation of Final Plat.**

(1) Planning Department. The Planning Department will determine if the final plat submission is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the Planning Department, and the Subdivider shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities.

(2) Reviewing Entities. After reviewing the plans, each of the public agencies and utilities will provide the acknowledgment letter to the Subdivider indicating whether the plans are acceptable or need to be revised, and may forward to the Subdivider a written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, Water and Sewer Improvement Districts, the Public Works Department, the City Engineer, and the Fire Department.

(3) Additional Reviews. In cases where Subdivider's submission or plat is incomplete, incorrect or otherwise fails to comply with Farmington City ordinances and/or development standards as determined by the City and where such failure makes additional or repeat reviews on the part of the City Engineer and/or other consultants to the City necessary, Subdivider shall be required to resubmit the plans to those reviewing entities that will be effected by changes. After reviewing the plans, each of the public agencies and utilities will provide

the acknowledgment letter to the Subdivider indicating whether the plans are acceptable or need to be revised. This process shall continue until all reviewing entities have accepted the plans.

(4) Within a reasonable time after receipt of a final plat and approval or comments from all appropriate reviewing entities, the Planning Department shall include the final plat on the Planning Commission agenda and prepare a report on the plat's compliance with the General Plan, City Ordinances, Rules and Regulations. The plat and the report of the City Planning Department shall then be presented to the Planning Commission.

#### **12-6-150 Planning Commission Action.**

(1) The Planning Commission shall not be bound by the recommendations of the City Departments or the City Manager, and may set its own conditions and requirements consistent with this Title.

(2) Upon receipt of the final plat, the Planning Commission shall examine the plat to determine whether the plat conforms with the preliminary plat and with all changes requested and all requirements imposed as conditions of acceptance. If the Planning Commission determines that the plat is in conformity with the preliminary plat, the requirements of this Title, other applicable ordinances and any reasonable conditions as recommended by the City departments, City Manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat.

#### **12-6-160 Disapproval by the Planning Commission.**

If the Planning Commission determines that the final plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval. Within one (1) year after the Planning Commission has disapproved any plat, the Subdivider may file with the Planning Department a plat altered to meet the requirements of the Planning Commission. No plat shall have any force or effect until the same has been approved by the Planning Commission.

#### **~~12-6-140 Planning Commission Action.~~**

~~Upon receipt of the final plat, the Planning Commission shall examine the plat to determine whether the plat conforms with the preliminary plat and with all changes requested and all requirements imposed as conditions of acceptance. If the Planning Commission determines that the plat is in conformity therewith, it shall recommend approval of the plat. If the Planning Commission determines that the final plat does not fully conform to the preliminary plat as approved, it~~

~~shall advise the Subdivider of the changes or additions that must be made for approval. After the plat is approved by the Planning Commission, the Subdivider shall be responsible for notifying the Planning Department when the application is ready to go to the City Council for final plat approval. If such notification is not given within twelve (12) months from the date of final approval by the Planning Commission, such approval shall be null and void. This time period may be extended for up to twelve (12) months for good cause shown if the Subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one (1) extension may be granted.~~

~~-~~  
**~~12-6-150 City Council Action.~~**  
~~-~~

~~(1) The City Council shall not be bound by the recommendations of the City Departments, the Planning Commission or the City Manager, and may set its own conditions and requirements consistent with this Title.~~

~~(2) Within a reasonable time following the approval of the final plat by the Planning Commission and receipt of the same from the Planning Department upon notification from the Subdivider, the City Council shall consider the plat. If the City Council determines that the plat is in conformity with the requirements of this Title, other applicable ordinances and any reasonable conditions as recommended by the City departments, Planning Commission, City Manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat.~~

~~-~~  
**~~12-6-160 Disapproval by the City Council.~~**  
~~-~~

~~If the City Council determines that the plat is not in conformity with this Title or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval. Within one (1) year after the City Council has disapproved any plat, the Subdivider may file with the Planning Department a plat altered to meet the requirements of the City Council. No plat shall have any force or effect until the same has been approved by the City Council.~~

**~~12-6-170~~ ~~12-6-170~~ Security Bond - Subdivider.**

Prior to the installation of or any work on any required public improvements, the Subdivider shall enter into a security bond agreement acceptable to the City to insure completion of all public improvements required to be installed in the subdivision. The bond agreement shall be in a form and contain such provisions as approved by the City Attorney. The bond agreement shall include, but not be limited to, the following:

- (a) Incorporation by reference of the final plat and all accompanying data

required herein which is used to compute the cost of the improvements by the City Engineer;

(b) Completion of the improvements within a period of time not to exceed two (2) years from the date the bond agreement is executed;

(c) The improvements shall be completed to the satisfaction of the City and according to City standards, as established by the City Engineer and as specified in Chapter 8 of this Title;

(d) The bond amount shall be equal to one hundred twenty percent (120%) of the City Engineer's estimated cost of the public improvements to be installed;

(e) The City shall have exclusive control over the bond proceeds and they may be released only upon written approval of the City Manager;

(f) The bond proceeds may be reduced upon request of the Subdivider as the improvements are installed. The amount of the reduction shall be determined by the City. Such requests may be made only once every thirty (30) days and no reductions shall be authorized until such time as the City has inspected the improvements and found them to be in compliance with City standards. All reductions shall be by the written authorization of the City Manager;

(g) If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to City standards for whatever reason, including previous reductions, the Subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision or development until the improvements are completed or, with City Council approval, a new bond, satisfactory to the City, has been executed and delivered to the City to insure completion of the remaining improvements;

(h) If, upon written demand by the City after expiration of the time period, bond proceeds are not transferred to the City within thirty (30) days, the City's costs of obtaining the proceeds, including attorney's fees and court costs, shall be deducted from the bond proceeds;

(i) Upon receipt of the bond proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the City for the costs of administration incurred by the City in obtaining the completion of the improvements;

(j) The Subdivider shall agree to hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City certifies the improvements as complete;

(k) The bond agreement shall be one of the following types as dictated by the City:

(i) A Cash Bond Agreement accompanied by a cashier's check or a money market certificate made payable only to the City;

(ii) An Escrow Bond Agreement and an escrow account with a financial institution Federally insured; or

(iii) A Letter of Credit Bond Agreement accompanied by an irrevocable letter of credit with a financial institution Federally insured.

(l) The City reserves the right to reject any bond. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the benefit of any individual citizen or identifiable class of citizens, including the owners or purchasers of lots within the subdivision or project;

(m) The time period for the completion of the required public improvements may be extended in the following manner upon approval of the City Council;

(i) The Subdivider may submit a new bond for approval.

(ii) The existing bond may be extended upon payment, by the Subdivider, of the actual administrative costs incurred in reevaluating the sufficiency of the bond amount.

#### ~~12-6-180~~ **12-6-1890** Delay Agreement.

In lieu of the bond requirements outlined above, at the City's sole option, the Subdivider may be permitted to execute an agreement, in a form acceptable to the City Attorney, delaying the installation of any or all of the public improvements required pursuant to this Title.

#### ~~12-6-190~~ **12-6-190** Recording of Plat.

After ~~City Council~~ **Planning Commission** approval, completion of the required public improvements or filing of the bond agreement described herein, and signing of the plat by the **Planning Commission Chair and the Mayor**, the plat shall be presented by the City Recorder to the Davis County Recorder for recordation.

#### ~~12-6-200~~ **12-6-200** Expiration of Final Approval.

If the plat is not recorded within six (6) months from the date of ~~City Council~~

**Planning Commission** approval, such approval shall be null and void. This time period may be extended for additional six (6) month periods by the City Manager. The Subdivider must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision approval, including but not limited to, inspection fees, parks fee, flood control fees, as well as the amounts the City uses to estimate bonds to insure completion of improvements, have increased, the City Manager may require that the bond estimate be recalculated and that the Subdivider pay any applicable fee increases as a condition of granting the extension.

Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21  
6-6-113 (now 12-6-130) Amended, 2-03-92, Ord. 93-04  
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24  
12-6-170. Amended, 2-03-99, Ord. 99-05  
12-6-170 Amended, 6-21-00, Ord. 2000-23  
Chapter 6, Amended 4-19-06, Ord. 2006-28  
Amended 12-6-170 10.20/2009, Ord 2009-53  
Amended 12-6-110 (1) & (14)(e), 5/18/10, Ord. 2010-20  
Amended 12-6-110 (4) 05/18/2011, Ord 2011-10  
Amended 12-6-100 05/17/2011, Ord 2011-10  
Amended 12-6-170 06/05/2012. Ord 2012-23  
Amended 12-6-170 05/07/2013 Ord 2013-0

## CITY COUNCIL AGENDA

For Council Meeting:  
January 6, 2015

### **SUBJECT: Minute Motion Approving Summary Action List**

1. Approval of Minutes from December 16, 2014
2. Farmington Hollow Phase I & II Final Plat
3. Sales Trailer Agreement Extension Request – Oakwood Homes
4. Consider Approval to Design 1100 West Fronting the Future Park

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

# Farmington City Council Meeting

December 16, 2014

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## **WORK SESSION**

*Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor Cory Ritz and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, Associate Planner Eric Anderson, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey. Youth City Council Members Haley VanOverbeck, Sydney Smith, Whitney Holman, McKinley Carr, Whitney Carr and Devin Madsen attended the Regular Session.*

### **Review and Acceptance of Audit Report**

Mike Ulrich, of Ulrich & Associates, presented details of the Report which showed that the City's General Fund ended with a balance of \$1,591,908 (an increase of \$32,000). Revenues were higher than budgeted by \$1,100,000, expenditures were \$200,000 less than the original budget, and the fund balance is under the 25% limit required by the State.

---

## **REGULAR SESSION**

### **CALL TO ORDER:**

#### **Roll Call (Opening Comments/Invocation/Pledge of Allegiance)**

Dave Millheim offered the invocation and the Pledge of Allegiance was led by Cory Ritz.

### **REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:**

#### **Recognition of Kris Kaufman for service on the Planning Commission**

Mayor Talbot thanked Kris Kaufman for his service on the Planning Commission.

### **Review and Acceptance of Audit Report**

Mike Ulrich, of Ulrich & Associates, shared several highlights from the Report.

#### **Motion:**

Brigham Mellor made a motion to accept and approve the Audit Report for Fiscal Year 2014. Doug Anderson approved the motion which was unanimously approved.

### **Presentation of "Award of Financial Reporting Achievement" to Keith Johnson**

**Gaylen Rasmussen**, GFOA representative, presented the award to Finance Director **Keith Johnson** and said this is the 13<sup>th</sup> straight year he has received the award. **Keith** thanked the **Mayor**, City Council, department heads and auditors for their support.

**PUBLIC HEARINGS:**

**Text Amendment of Chapter 15 of the Zoning Ordinance**

**Eric Anderson** reported that Planning staff desired more flexibility and discretion on the allowed uses in the BR zone, and the changes were thoroughly reviewed by the Planning Commission. **John Bilton** said this change creates flexibility in an important area of the City.

**Public Hearing:**

The Public Hearing opened at 7:25 p.m. There were no public comments.

**Motion:**

**John Bilton** made a motion to approve the proposed text amendment to Sections 11-15-010, 11-15-020- and 11-15-030 of the Zoning Ordinance with the Findings for Approval listed in the staff report. **Doug Anderson** seconded the motion which was unanimously approved.

**PRESENTATION OF PETITIONS AND REQUESTS:**

**Economic Development Incentive Agreement (Cabela's and Farmington City)**

**Dave Millheim** explained that the City has been working with Cabela's for several months. The negotiations were complicated, and he thanked **Mayor Talbot** for his support and assistance.

**Motion:**

**Brigham Mellor** made a motion to approve the Economic Development Incentive Agreement between Cabela's Wholesale, Inc. and Farmington City with the following two conditions:

1. The Agreement must signed on or before January 13, 2015;
2. **Mayor Talbot** will sign the Agreement after Cabela's signs it.

**Doug Anderson** seconded the motion which was unanimously approved.

**SUMMARY ACTION:**

**Summary Action List**

1. Ordinance establishing dates, time and place for holding City Council Meetings
2. Improvements Agreement for the Kestrel Bay Estates Subdivision
3. Ratification of Approval of Storm Water Bond Log
4. Amendment to Condition 2 of the Stevens' Subdivision Approval
5. Approval of the Minutes from December 2, 2014

Motion:

**Jim Young** made a motion to approve the items on the Summary Action List. The motion was seconded by **Cory Ritz** and unanimously approved.

**GOVERNING BODY REPORTS:**

City Manager – Dave Millheim

- The Building Activity Report and Police and Fire Reports were in the staff report.
- The Shared Solution Alternative for the West Davis Corridor passed the first level of the screening process; details will be shared at a meeting on December 18th.
- He attended a productive meeting with **Jeff Hawkes** who purchased the Woodside property (87 acres) in the City's office park area. His company would like specific details regarding the Master Plan prior to submitting an application for development.

Mayor – Jim Talbot

- He thanked **Holly Gadd** for her efforts and said nearly 200 gifts for the Family Connection will be delivered in the next few days.
- The Employee Christmas Party will be held December 18th at 1:00 p.m.
- He and **David Petersen** interviewed six very well qualified residents for three vacancies on the Planning Commission.

Motion:

**Brigham Mellor** made a motion to appoint **Brett Gallagher** (4-year term), **Alex Leman** (4-year term) and **Val Halford** (2-year term) to the Planning Commission, **Wendy Rasmussen** and **Dan Rogers** to the Board of Adjustments and **Greg Wall** to the Conservation Committee. **Doug Anderson** seconded the motion which was unanimously approved.

Doug Anderson:

- He asked when the Clark and Park traffic signal would be installed and was told that UDOT is predicting February 2015.

- He asked for an update on the beautification of streets in West Farmington, and the **Mayor** said they plan to pursue the initial rendering for the roundabout.

Brigham Mellor:

- The State Office of Education recently ranked schools in the state, and every elementary school in Farmington scored above a B, and the Junior High and Viewmont and Davis High Schools scored an A.

John Bilton:

- He referred to a letter from a resident who voted against the GO Bond and expressed frustration that the writer did not sign it and pretended to represent a group.
- Several residents would like a splash pad at the new park, and he asked for information on the water usage/expenses of the City's current splash pad. **Cory Ritz** said the water is not recirculated and made a suggestion that the current pad be available to the public free of charge.
- He asked if the Fire Chief plans to request a full-time fire marshal, and **Dave Millheim** said he is more concerned about the new ride at Lagoon.

Cory Ritz:

- He and **John Bilton** attended a meeting with staff, two Planning Commission members and CenterCal, THC and the Evans' family. He thought it was a good meeting and was pleasantly surprised by the comments and advice given by the Evans' consultant. A second meeting will be held on Mon., December 22, 2014.

**CLOSED SESSION**

Motion:

At 8:20 p.m. **Brigham Mellor** made a motion to go into a closed meeting to discuss possible property acquisition and potential litigation. The motion was seconded by **Cory Ritz** and unanimously approved.

**Sworn Statement**

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

---

**Jim Talbot, Mayor**

*Motion:*

At 9:45 p.m. **Brigham Mellor** made a motion to reconvene in an open meeting. The motion was seconded by **Doug Anderson** and unanimously approved.

**ADJOURNMENT**

*Motion:*

**Brigham Mellor** made a motion to adjourn the meeting. The motion was seconded by **John Bilton** and unanimously approved, and the meeting was adjourned at 9:45 p.m.

---

**Holly Gadd**, City Recorder  
Farmington City Corporation



# FARMINGTON CITY

**H. JAMES TALBOT**  
MAYOR

**DOUG ANDERSON**  
**JOHN BILTON**  
**BRIGHAM N. MELLOR**  
**CORY R. RITZ**  
**JAMES YOUNG**  
CITY COUNCIL

**DAVE MILLHEIM**  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, Associate City Planner

Date: December 23, 2014

SUBJECT: **FARMINGTON HOLLOW PHASES I AND II – FINAL PLAT**  
Applicant: **Nick Mingo – Ivory Homes**

### RECOMMENDATION

Move that the City Council approve the Final Plat for the Farmington Hollow Phases I and II Conservation Subdivision, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. Applicant will obtain a dedicated trail easement from Davis County for that portion of the trail that crosses County property;
2. Final improvement drawings for the project shall be reviewed and approved by each member of the Farmington Development Review Committee (DRC);

### Findings:

1. The proposed development meets all of the standards and requirements of a conservation subdivision in the LR zone such as minimum lot sizes, lot widths and setbacks.
2. The proposed development is at a density of 2.85 units per acre, which is consistent with the adjacent neighborhoods and the LDR General Plan designation of 4 units per acre.
3. The road layout will mitigate thru traffic and be prohibitive to high speeds.
4. 1800 North Street shall be landscaped and retain its rural character.
5. Larger lots shall be situated on the periphery of the project providing an acceptable transition to adjacent neighborhoods.
6. The overall layout follows the low density residential objectives of the General Plan.
7. The Haight Creek Draw is shown on the Master Trails Map as a future trail corridor; the current plan has this trail shown.
8. This subdivision has already received final plat approval, but as a different configuration. The improvements changed as a result, but the subdivision layout, lot sizes, and overall configuration is the same as what the City Council already approved.

## BACKGROUND

Ovation Homes originally completed the subdivision process for this project through Final Plat approval at the May 25<sup>th</sup> City Council meeting. Both schematic plan and preliminary plat had the entire Tanner Property as one conservation subdivision. At final plat, the applicant split the project into two separate applications, the eastern portion was named the Cottages at Farmington Hollow and the western (larger) portion was named Farmington Hollow. The applicant received final plat approval for both of those projects. However, the applicant later sold the Farmington Hollow land to Ivory Homes, and they determined that they needed to split the Farmington Hollow Conservation Subdivision into two phases. In order to do that, Ivory Homes needed to go through Final Plat approval again, this time for each of the individual phases. Because the phasing plan changed how the improvements were to be addressed, the Development Review Committee (DRC) thoroughly reviewed the changes caused by the phasing plan and have given their comments on these applications. At the Planning Commission meeting of December 16<sup>th</sup>, the only outstanding issue that needed to be addressed related to storm-water. The Commission attached a condition that stated: "either the applicant needs to resubmit the plans with a temporary detention basin for staff's review and approval, or the applicant needs to get County approval to discharge their storm-water into Haight Creek"; staff recommended that this condition be met prior to City Council approval so that the Final Plat will be complete and ready to record when it is approved. The applicant has provided the improvement drawings for a temporary detention basin that was reviewed and approved by the City Engineer, therefore staff is recommending that this project be approved.

## SUPPLEMENTAL INFORMATION

1. Vicinity Map
2. Farmington Hollow Phase I Final Plat
3. Farmington Hollow Phase II Final Plat
4. Farmington Hollow Preliminary Plat (Ovation Homes)

Respectfully Submitted



Eric Anderson  
Associate City Planner

Concur



Dave Millheim  
City Manager

# Farmington City











# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

DOUG ANDERSON  
JOHN BILTON  
BRIGHAM N. MELLOR  
CORY R. RITZ  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: January 6, 2015

SUBJECT: **SALES TRAILER AGREEMENT EXTENSION  
REQUEST—OAKWOOD HOMES**

### RECOMMENDATION

Approve the enclosed request regarding the Station Avenues development from Oakwood Homes (formerly Henry Walker Homes) to extend the removal date of a sales trailer (as set forth in a prior agreement) from March 14, 2015 to July 31, 2015, with all other provisions of the agreement to remain in full force and effect.

### BACKGROUND

Oakwood homes is requesting an extension of time for a sales trailer regarding the Station Avenues development located at the southwest corner of Clark Lane and 1100 West. Enclosed for your reference is the original agreement and accompanying information.

Respectively Submitted

David Petersen  
Community Development Director

Review and Concur

Dave Millheim  
City Manager



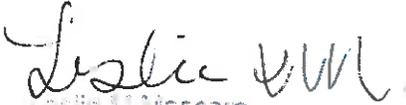
**OAKWOOD**  
**HOMES**

Dear Mayor Falbot and City Council-

We sincerely appreciate your approval for a sales trailer to be located on our Avenues project last August. We will record our mylar for Phase I this week which will allow us the ability to begin selling lots and begin using our sales trailer the soon. There were some unexpected delays in our construction schedule, unfortunately, we will not have our model homes ready until July 2015. We would like to request the city council for an extension to allow us to use a sales trailer to July 31, 2015. All other requirements of the original approval will remain the same.

Thank you so much for your consideration and assistance throughout this process.

Warmest regards,

  
Leslie M. Mascaro  
Land Entitlement Manager

*Luxury at every level.*

Sales Trailer Agreement  
between  
Farmington City and Henry Walker Homes/Oakwood Homes

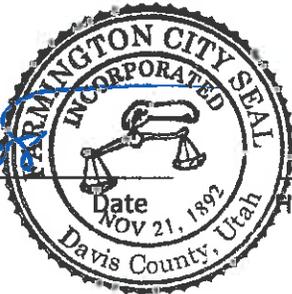
This agreement dated August 5, 2014 states the conditions under which Farmington City grants Henry Walker Homes/Oakwood Homes the permission to place a temporary sales trailer at the Station Avenues development. Henry Walker Homes is posting a five thousand-dollar (\$5,000) bond, which will be refunded at the removal of the sales trailer.

Farmington city requires the following conditions:

1. Trailer installed is as shown in attached picture;
2. Affidavit of approval from current property owners. (see attached affidavit);
3. Trailer be installed per the attached site plan with a thirty foot setback from street and side yards as noted. (see attached site plan);
4. Trailer to be installed per the GE tie down requirements;
5. Skirting to be installed so as not to see under the trailer;
6. Deck access to trailer;
7. Porta-John along with trailer for public use;
8. Driveway and parking area to be of compacted gravel base with parking for six vehicles, per the attached site plan;
9. Trailer will be within 250 feet of fire hydrant;
10. Power to trailer from the temporary power pole;
11. Trailer to be used for selling new homes in the Avenues at the Station project and for a construction office but not for construction material storage;
12. Trailer to be removed from the community on or before March 14, 2015 or within 15 days of issuance of use and occupancy of sales center in model home, whichever comes first;
13. The area used by the trailer will be restored to its original condition; and
14. The trailer must have shrubs and foliage around the perimeter as depicted on the attached site plan. The trees and shrubs will be planted in pots.

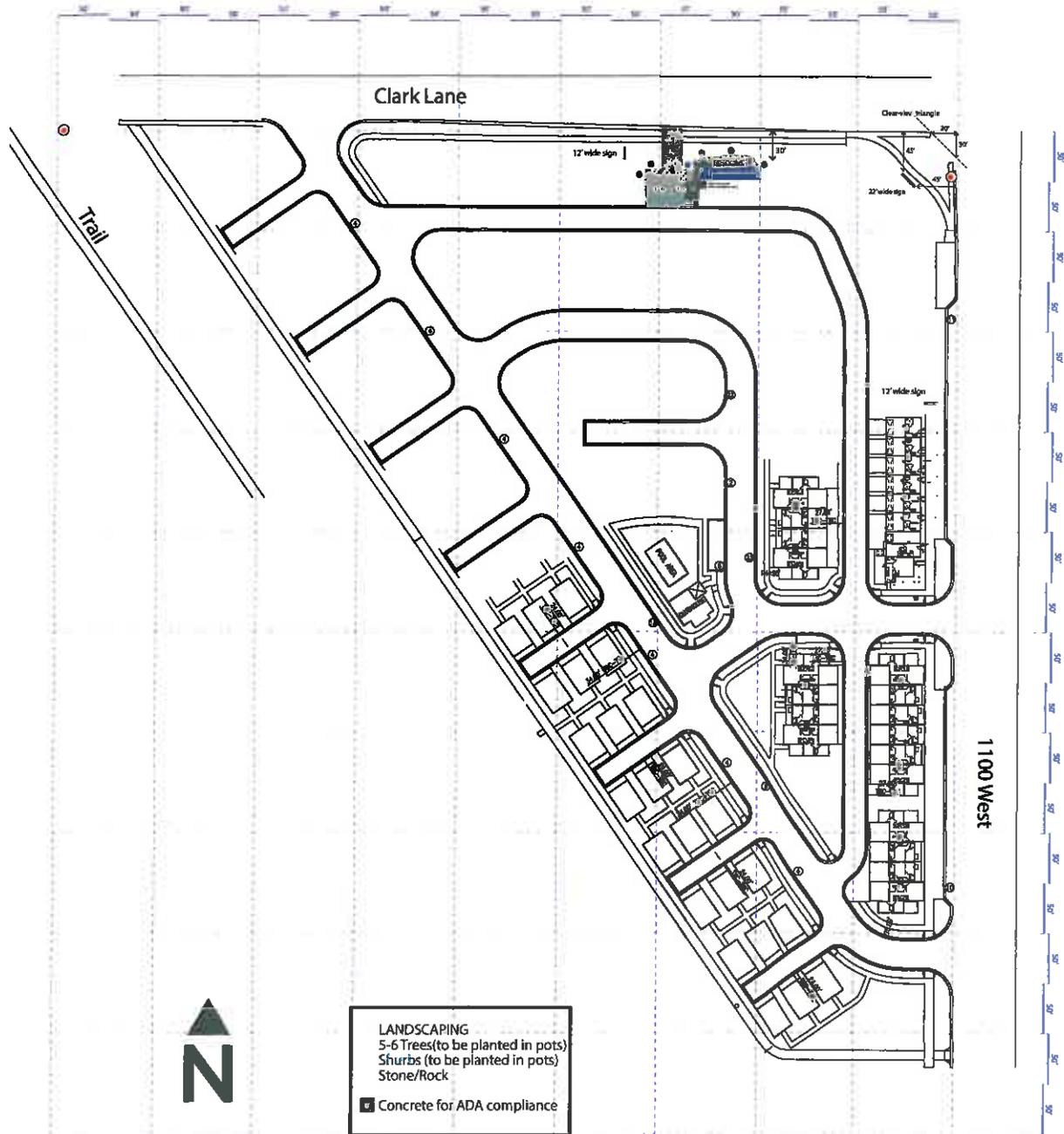
Henry Walker Homes agrees to the above conditions and if notified by Farmington City that Henry Walker Homes is in violation of any one condition and the violation is not corrected within 10 days the \$5,000 bond will be forfeited.

  
\_\_\_\_\_  
Mayor, Farmington City

  
\_\_\_\_\_  
Henry Walker Homes/Oakwood Homes

8/5/14  
\_\_\_\_\_  
Date

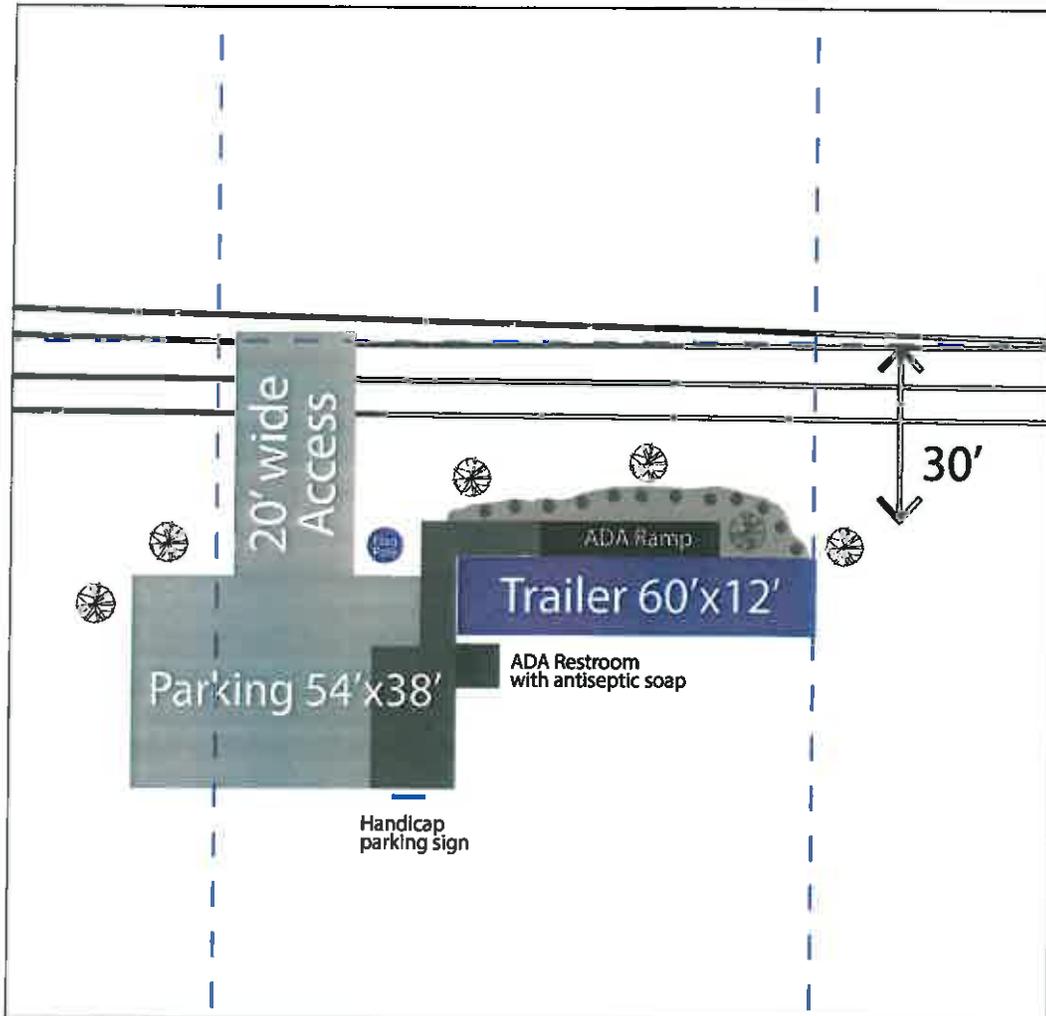
# Avenues at the Station



HENRY WALKER  
HOMES™



# Avenues at the Station

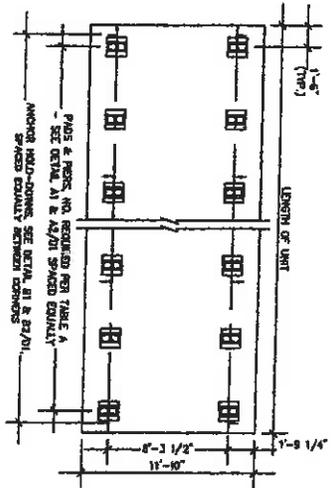


LANDSCAPING  
5-6 Trees (to be planted in pots)  
Shrubs (to be planted in pots)  
Stone/Rock  
Concrete for ADA compliance

HENRY WALKER  
H O M E S <sup>TM</sup>







**1** 12' WIDE MODULAR FOUNDATION PLAN  
SCALE: 1/8" = 1'-0"

TABLE A

MODULE RAIL PER/PIED SPACING

INSTALL PIERS/PIEDS UNDER GRASSES, SPACED EQUALLY BETWEEN CORNER PIERS  
INSTALL HOLD-DOWNS, SPACED EQUALLY BETWEEN CORNER HOLD-DOWNS

LENGTH OF UNIT	# PADS & PIERS EACH SUPPORT RAIL	# HOLD-DOWN ANCHORS EXSIDE (EACH)
32'-0"	9	3
40'-0"	11	3
42'-0"	11	3
44'-0"	12	3
48'-0"	13	4

STRUCTURAL NOTES:

- DESIGN INFORMATION & LOADING:
  - BUILDING CODE: IBC, 2009 EDITION
  - ROOF LIVE LOAD: 30 PSF (SNOW), S=1.0, C1=1.15
  - FLOOR LIVE LOAD: 50 PSF OR 2,000 CONG. (OFFICE)
  - WIND CRITERION: 90 MPH, EXF B, W=1.0, R=1.0
  - SEISMIC CRITERION: SDS=0.45, I=1.0, CATEGORY D
  - ASSUMED SOIL BEARING: 1,500 PSF (VERIFY W/LOCAL BUILDING OFFICIAL)
  - WALL PLATE HEIGHT: 9'-0"
  - ROOF SLOPE: 3:12 OR FLATTER
- CONCRETE:
  - DESIGN COMP. STRENGTH: 2,500 PSI
  - REINP. YIELD: 60 KSI
- MASONRY:
  - 601 (S2) UNITS: ASTM C-90, GRADE N
  - SET UNITS W/CORES VERTICAL & NO MORE THAN 3 HIGH, PER PLAN, WITHOUT SOLID GROUTING CORES, SOLID GROUTED CORES OVER OVER 5 HIGH REQUIRES SPECIFIC ENGINEERING.
- SPECIALTY ITEMS: (MINUTE MAN PRODUCTS, INC. (800) 438-7277 [www.minutemanproducts.com](http://www.minutemanproducts.com), OR EQUIVALENT)
  - METAL PIERS TO BE CAPABLE OF SUPPORTING 4,200#
  - HOLD-DOWNS SET IN SOIL AND LOOSE GRAVEL SHALL BE SOIL ANCHOR AUGER-TYPE SET VERTICAL W/STABILIZER PLATE OR HEAD, OR DRIVER ANCHOR W/ STABILIZER PLATE OR HEAD, W/ A MIN. DESIGN WORKING LOAD OF 3,150# AND AN ULTIMATE LOAD OF 4,725#. NUMBER OF ANCHORS AS INDICATED ON TABLE A. CORNER HOLD-DOWNS TO BE WITHIN 3'-0" OF THE BUILDING CORNER. HOLD-DOWNS OTHER THAN AT THE CORNERS SHALL BE SPACED EQUALLY, EACH INDIVIDUAL EQUALLY SPACED. HOLD-DOWNS SHALL BE WITHIN 4'-0" OF THE EQUAL SPACING.
  - THE-DOWNS TO STABLE CONCRETE SHALL BE EITHER A MMA-1-B THOLS FOR PRE-POURED CONCRETE OR A MMA-4-2-10-TPH POUR INTO THE CONCRETE. NUMBER OF ANCHORS PER
  - THE-DOWNS SET IN AN ASPHALT ROADWAY OR PARKING AREA SHALL BE "ROCK-TYPE" ANCHORS
  - INSTALL GROUND FORTION OF THE ANCHOR PRIOR TO SETTING THE BUILDING. CONNECT ANCHOR TIES TO BUILDING ONLY AFTER BUILDING IS FULLY BLOCKED AND LEVELLED.
  - INSTALL ALL SPECIALTY ITEMS PER THE MANUFACTURERS RECOMMENDATIONS. SEE INSTALLATION INSTRUCTION MANUAL.
- VENTING:
  - PROVIDE UNDER FLOOR VENTILATION PER IBC CODE AND LOCAL REQUIREMENTS AT 1" NET SF OF VENTILATION PER 150 SF OF FLOOR AREA.
  - IF A SUITABLE VAPOR RETARDER IS INSTALLED THE RATIO MAY BE INCREASED TO 1/2" PER 1" IF ACCEPTABLE TO THE LOCAL BUILDING OFFICIAL.
- PROVIDE ACCESS TO THE UNDER FLOOR AREA PER THE CODE.
- PROVIDE 18" MIN. CLEARANCE FROM SOIL TO UNDERSIDE OF ANY UNTREATED WOOD MEMBER.
- PROVIDE 12" MIN. CLEARANCE FROM SOIL TO UNDERSIDE OF ALL BUILDING MEMBERS.
- SITE CONDITIONS:
  - FOUNDATION SUBGRADE TO BE UNDISTURBED NATIVE SOILS OR STRUCTURAL FILL, COMPACTED TO 95% OF THE STANDARD PROCTOR DENSITY PER ASTM D-696.
  - SLOPE FINISHED GRADE AWAY FROM THE BUILDING FOUNDATION AT A MIN. GRADE OF 5% FOR THE FIRST 10'-FEET AND 2% THEREAFTER TO A SUITABLE DISCHARGE.

**WILLIAMS SCOTSMAN**  
Modular Buildings And More.  
WILLIAMS SCOTSMAN 2011

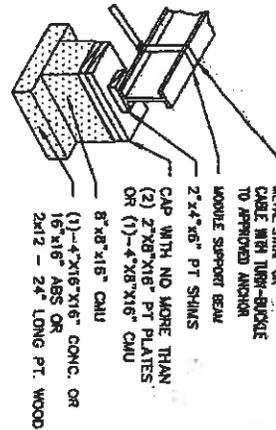
ROCKY MOUNTAIN AREA  
ARIZONA-COLORADO-MONTANA-NEW MEXICO-UTAH-WYOMING  
**MODULAR OFFICE BUILDINGS**  
PAD & PIER TYPE FOUNDATION  
PLAN - NOTES - DETAILS

REVISION DATE: 01/29/2011  
SHEET 1 OF 2  
DWG DATE: 01/29/2011  
DWG NO: 1104.051  
SCALE: AS SHOWN

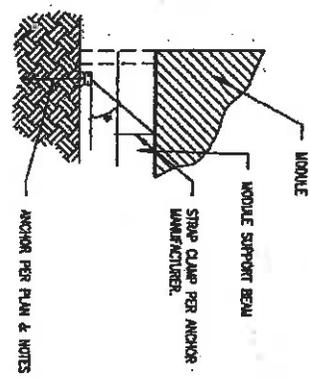
Professional Engineer (Structural)  
DEAN W. BRIGGS  
11135-2205  
STATE OF UTAH  
EXPIRES: 03/31/2013

Professional Engineer  
DEAN W. BRIGGS  
23329  
STATE OF ARIZONA  
EXPIRES: 03/31/2012

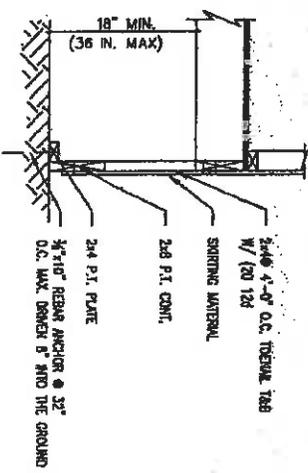
Professional Engineer  
DEAN W. BRIGGS  
6221  
STATE OF WYOMING  
EXPIRES: 12/31/2011



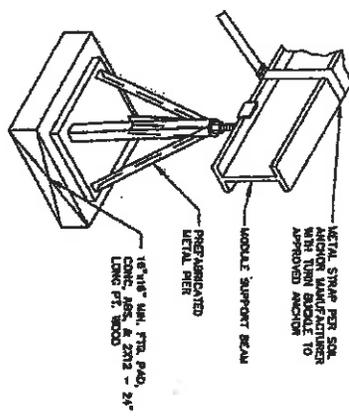
A1 CMU PIER  
N.T.S.



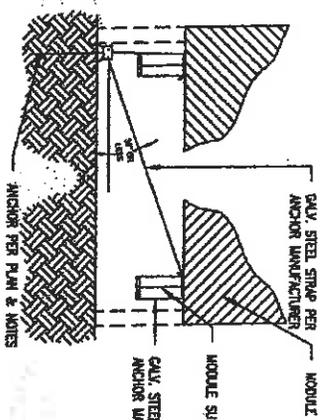
B1 SOIL ANCHOR-ENDWALL  
N.T.S.



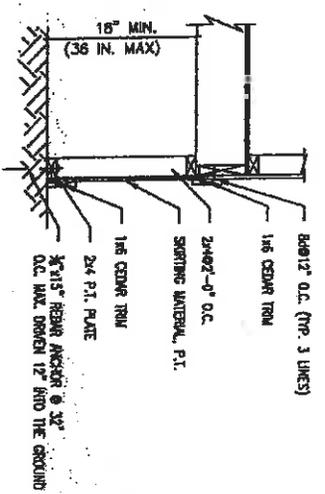
C1 SKIRTING DETAIL-NONBEARING  
N.T.S.



A2 PAD & PIER  
N.T.S.



B2 SOIL ANCHOR-SIDEWALL  
N.T.S.



C2 SKIRTING DETAIL-STRUCTURAL  
N.T.S.

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2011 10th Street  
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(303) 733-1100  
www.williams-scotsman.com

FIELD REPRESENTATIVE  
1000 EAST 40TH AVENUE  
DENVER, CO 80218  
(303) 733-1100  
(303) 733-1100

ROCKY MOUNTAIN AREA  
ARIZONA-COLORADO-MONTANA-NEW MEXICO-UTAH-WYOMING  
MODULAR OFFICE BUILDINGS  
PAD & PIER TYPE FOUNDATION  
PLAN - NOTES - DETAILS

REVISED DATE: 07/29/2011  
D1  
DWG DATE: 01/29/2011  
DWG NO: 1104.05.1  
SCALE: AS SHOWN

Professional Engineer (Arizona) 23329 DEAN W. BRIGGS  
Professional Engineer (Colorado) DEAN W. BRIGGS  
Professional Engineer (Montana) DEAN W. BRIGGS  
Professional Engineer (Utah) DEAN W. BRIGGS  
Professional Engineer (Wyoming) DEAN W. BRIGGS

Expires: 03/31/2013  
Expires: 12/31/2011

# FARMINGTON CITY



H. JAMES TALBOT  
MAYOR

DOUG ANDERSON  
JOHN BILTON  
BRIGHAM N. MELLOR  
CORY R. RITZ  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council  
From: Chad Boshell, City Engineer  
Date: January 6, 2015  
SUBJECT: **CONSIDER APPROVAL TO DESIGN 1100 WEST FRONTING THE FUTURE PARK**

### RECOMMENDATION

Approve the proposal from CRS for the design of the road and its improvements along 1100 west from the south side of the new elementary school improvements to Glover's Lane in the amount of \$11,625 to be paid from account 38-600-370.

### BACKGROUND

With the development of the new elementary school, Farmington Park Subdivision, and the 1100 west park it is needed to design the road improvements to allow access to the school and park. It is proposed to have CRS design the 1100 west road improvements from the south end of the school property to Glovers Lane.

### SUPPLEMENTAL INFORMATION

1. CRS Proposal
2. Map

Respectively Submitted

Chad Boshell  
City Engineer

Reviewed & Concur

Dave Millheim  
City Manager



2060 East 2100 South  
Salt Lake City, UT 84109  
Phone: 801.359.5565  
Fax: 801.359.4272  
crsengineers.com

December 15, 2014

Chad Boshell PE  
Farmington City Engineer  
720 W 100 N  
Farmington, UT 84025

**Re: Fee proposal for partial design of 1100 West Street and Utilities - Glovers Ln to north property line Parcel "B" Farmington Park Conservation Subdivision**

Dear Chad,

CRS Engineers is pleased to submit this fee proposal for roadway and utility design of 1100 West Street, from Glovers Ln to the north property line of "Parcel B" Farmington Park Conservation Subdivision.

Based upon our recent coordination meeting, we understand that Davis School District will be responsible for the connection and subsequent extension of utilities in 1100 West right-of-way from the south boundary of Farmington Creek Estates Phase 4 to the south property line of the school parcel. The exception to this being the sanitary sewer line from Farmington Park Conservation Subdivision Phase I which intends to provide sewer service through the northern portion of the Farmington City future park parcel (Parcel "B") to 1100 West and thus north across the school frontage connecting to Central Davis Sewer District Lift Station located at the northwest corner of 700 South and 1100 West.

The District will be responsible for the design and construction of the storm drain line in 1100 West across the City park parcel and outfall either across Glover Lane and through private property owned by various owners including Lynn Stoddard, Hepworth Investment Group LLC and/or Joseph Wilcox, or turn east within the Glover Lane right-of-way to discharge to the existing culvert and storm drain system near the intersection of 925 West and Glover Lane.

As part of Farmington City's responsibility for the design and construction of 1100 West, all other utilities with the exception of the storm drain will be designed and installed in conjunction with the roadway improvements to avoid future roadway cuts.

We have provided the following breakdown of project tasks for understanding:

**Phase I - Topographic Survey and Base Mapping**

**Proposed Fee \$1,925**

Survey and mapping work is comprised of:

- Basis of right-of-way from preliminary plat prepared for Fieldstone Farmington Park Conservation Subdivision Plat
- Research of existing deeds, subdivision plats, section corners/monuments, and utility maps
- Field survey of existing conditions within the 80' right of way plus 25' each side
- Plot existing property lines from deeds, plats and property corners found in the field
- Prepare base mapping from topographic survey for roadway design



Please note that this proposal does not include costs associated with resolving possible boundary disputes, either gaps or overlaps of improvements by adjacent properties. Neither does it include costs associated with the acquisition of additional property or easement preparation particularly along the west right-of-way which may be required for the full width design and construction of an 80' major collector road.

### **Phase II - Road and Utility Design**

**Proposed Fee \$9,700**

Phase II design services include the vertical and horizontal design of 1100 West as well as the utility design across the frontage of the city parcel and extending to Glover Lane (approximately 870 feet). Please refer to the attached exhibit which highlights the City's roadway design and construction limits.

CRS will provide plan and profile design of the road and gravity flow utilities within the limits described above. These drawings will be prepared at a scale of 1" = 20'. Vertical elevation for the centerline and top back of curb for both sides of the road will be provided at a maximum of 50' intervals in the plan view, as well as identifying grade breaks. All design work will be in accordance with Farmington City and jurisdictional utility standards.

CRS will coordinate the design of the road and utilities with jurisdictional utility owners and Farmington City.

We anticipate the road and utility improvements will be constructed as part of the elementary school construction contract. Said costs are not included in this proposal. However, CRS will prepare a separate bid schedule to identify various road and utility improvements and their respective quantities for the purpose of a fair apportionment of 1100 West construction cost.

### **Phase III Construction Survey Services**

**Proposed Fee \$3,365**

Construction survey services include:

1. Set construction stakes on east side TBC, centerline road and west shoulder at 50' intervals.
2. Set construction stakes for sewer, water and secondary waterlines as needed.
3. Provide cut sheet to contractor for construction.

The total fee for all three phases listed above is **\$14,990**.

Please note that work exceeding the scope of work listed above is subject to additional payment at our standard billing rates.

We appreciate this opportunity to provide quality surveying and engineering design services for this project.

Sincerely,  
**Caldwell Richards Sorensen**



Doug Cromar P.E.  
Project Manager



CITY COUNCIL AGENDA

For Council Meeting:  
January 6, 2015

**S U B J E C T: Joint City Council / Planning Commission Training**

**ACTION TO BE CONSIDERED:**

See staff report for recommendation.

**GENERAL INFORMATION:**

See staff report prepared by Dave Millheim.

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NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



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CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Dave Millheim, City Manager

Date: December 23, 2014

**SUBJECT: JOINT TRAINING WITH PLANNING COMMISSION**

### RECOMMENDATION

Receive the Training from both the City Attorney, Todd Godfrey and Former Farmington Mayor and Former Lieutenant Governor Greg Bell. Ask questions as needed.

### BACKGROUND

Annually we try to provide refresher courses on the respective roles of the City Council and Planning Commission (PC), how to handle conflicts of interest, ex parte communications, public hearing process and open meeting laws. This year we have a few brand new PC members. This Council meeting will include a joint work session to which the PC is invited so the Council can have the PC's input on changes being proposed to the subdivision process. We will also hold a joint public hearing on the same matter. Since we were going to have both the Council and PC together on the same night, we thought we should make the focus of the meeting a training session. We hope this will be very informal with questions and advice from all freely shared.

The City Attorney will cover those items listed above, some in the work session as it relates to the proposed process changes, and the remainder during the regular meeting. We also have Greg Bell scheduled for 8:00 PM. Greg will cover private property rights and when cities may be overreaching with their discretionary zoning and approval authority. A few of us have heard Mr. Bell's presentation recently. We thought his presentation may be very timely in light of the development challenges Farmington is currently facing. I have also asked all department heads to attend this meeting as I think the training reminders to be shared encompass more than planning issues.

Respectfully Submitted

Dave Millheim  
City Manager