



Farmington City Planning Commission

May 22, 2014



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

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

DAVE MILLHEIM
CITY MANAGER

AGENDA **PLANNING COMMISSION MEETING**

May 22, 2014

Public Meeting at the Farmington City Hall, 160 S. Main Street, Farmington, Utah

Study Session: 5:30 p.m. – Conference Room 3 (2nd Floor)

Regular Session: 7:00 p.m. – City Council Chambers (2nd Floor)

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Planning Department prior to noon the day before the meeting.)

1. Minutes
2. City Council Report

SUBDIVISION APPLICATIONS

3. Jason Harris/Fieldstone Homes (Public Hearing) -Applicant is requesting Preliminary Plat approval for the proposed Farmington Park Conservation Subdivision consisting of 74 lots on 39.75 acres located at approximately 1100 West and Glover Lane in an AE zone. (S-4-14)
4. Kenneth Steed (Public Hearing) – Applicant is requesting metes and bounds subdivision approval for the proposed Subdivision consisting of 2 lots on one acre located at 650 West and 500 South in an AE (Agricultural Estates) zone. (S-6-14)

CONDITIONAL USE APPLICATIONS

5. Brian Tagge/Flowcal (Public Hearing) – Applicant is requesting conditional use approval for a temporary use of a shaved ice stand on property located at approximately 1000 West and Shepard Lane in the C (Commercial) Zone. (C-10-14)
6. Russell Relyea (Public Hearing) - Applicant is requesting conditional use approval for a temporary use of a hot dog stand on property located at approximately 1000 West and Shepard Lane in the C (Commercial) Zone. (C-11-14)
7. Ivory Homes (Public Hearing) – Applicant is requesting temporary conditional use permit approval for a sales office in Eastwood Estates model home on property located at 53 West Glover Lane in the LR (Large Residential) Zone. (C-6-14)

ZONE TEXT CHANGES

8. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the Zoning Ordinance by enacting Chapter 43 regarding a shorelands preservation zone related to conservation, recreation, a wildlife and waterfowl refuge, and parks. (ZT-6-14)
9. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the Zoning Ordinance by modifying Chapter 12 regarding Conservation Subdivisions. (ZT-3-14)

OTHER BUSINESS

10. Miscellaneous, correspondence, etc.
 - a. Other
11. Motion to Adjourn

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to take action on the item; OR 2. if the Planning Commission feels there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.

Posted May 16, 2014



Eric Anderson
Associate City Planner

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 to answer any questions the City Council may have on agenda items. The public is welcome to attend.

FARMINGTON 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, May 20, 2014, 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

REPORTS OF COMITTEES/MUNICIPAL OFFICERS

7:05 Executive Summary for Planning Commission held May 8, 2014

PUBLIC HEARINGS:

7:10 Zoning Map Amendment for Future Ben Leaver Office Site

7:20 Haws

SUMMARY ACTION:

9:20 Minute Motion Approving Summary Action List

1. Approval of Minutes from May 6, 2014
2. Westwood Cove Subdivision Improvements Agreement
3. Public Works Building Expansion Agreement
4. Park Lane Waterline Reconstruction Project
5. 450 South Sidewalk Improvements
6. Resolution Amending Chapter 9 of the Personnel Policies and Procedures
7. Kaysville Boundary Adjustment

GOVERNING BODY REPORTS:

9:25 City Manager Report

1. Police and Fire Monthly Activity Reports for April

9:30 Mayor Talbot & City Council Reports

ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session to discuss the character and competence of an individual.

DATED this 15th day of May, 2014.

FARMINGTON CITY CORPORATION

By: _____
Holly Gadd, 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.



Planning Commission Staff Report March 19, 2014

Item 3: Preliminary Plat for Farmington Park Conservation Subdivision

Public Hearing:	Yes
Application No.:	S-4-14
Property Address:	Approx. 1100 West and Glover Lane
General Plan Designation:	RRD (Rural Residential Density) and DR (Development Restrictions)
Zoning Designation:	AE (Agricultural Estates)
Area:	37.13 Acres
Number of Lots:	74 Lots
Property Owner:	Diumenti
Applicant:	Jason Harris/Fieldstone Homes

Request: *Applicant is requesting Preliminary Plat approval for the Farmington Park Conservation Subdivision.*

Background Information

Jason Harris is requesting preliminary plat approval for the Farmington Park Conservation Subdivision consisting of 74 lots on 37.13 acres in an AE zone. The applicant is proposing a conservation subdivision option 2, which in an AE zone, requires the applicant to set aside 30% open space for which he'll receive a 20% incentive multiplier bonus. The applicant submitted a yield plan showing 62 lots on 37.13 acres, which means that he is required to set aside 11.14 acres of open space (or 30%) to receive an additional 12 lots (or 20% of 62, as determined by the yield plan), taking the total lot count to 74.

The minimum lot size in a conservation subdivision option 2 for the AE zone is 9,000 s.f. The proposed schematic plan meets this minimum lot size and the average lot size is 11,819 s.f. or a little over ¼ acre. The applicant has proposed larger lot sizes on the periphery of the project, to better match the surrounding neighborhoods, particularly Farmington Creek Estates Phases II and III. Additionally the proposed schematic plan meets all of the other standards as set forth in Chapter 12.

A major component on which this proposed subdivision hinges is a land swap with Davis County School District. The School District has plans to build an elementary school on 11 acres in the northeast corner of the property. The applicant has approached the School District and received confirmation to move the 11 acre future elementary school site to the northwest corner of the property. This land swap would be advantageous to both parties for several reasons. The first is that access to the school will now be directly from 1100 West and Glover Lane instead of an interior residential road. 1100 West is

classified on the Master Transportation Plan as a major collector and this development will complete a significant portion of this road. The second reason the proposed school placement would be advantageous is because of the proposed open space in the southwest corner of the property. The applicant is proposing that the City take this 11 acre open space and use it for park space. This park space would work well with an elementary school as there could be shared usage of the fields, a basketball gym and parking requirements.

Originally, the parks department had this property slated for a 4-5 acre park, but when the applicant wanted to meet the full 11 acre open space requirement, he proposed that the City take the full 11 acres for use as a park, to which the Park's Department gladly welcomed as a solution. The area where the park is proposed is advantageous because it is the low point in the property and sits below the 4218 line, and is thus designated as Development Restricted on the master plan. Additionally, the proposed westerly alignment of the West Davis Corridor would impact the southwest corner of the property; this may be advantageous because converting open space to highway may be simpler than converting houses, in the event that the WDC does get built in this location.

While the Davis County School District initially agreed to the proposed land swap, subject to a development agreement, upon closer examination of the property, some concerns were raised about potential wetlands on the northwestern portion of the property. While some of the property sits in the FEMA floodplain, the school is not concerned about mitigating that issue, however, mitigating wetlands can prove to be costly, time-consuming and arduous. Therefore, it appears that a wetland delineation may be required and approved by the Army Corp of Engineers prior to the school district agreeing to this land swap. A wetland expert has since delineated this property and determined that the site where the elementary school would go (under the land swap scenario) does not have wetlands on it. However, the southeast corner of the property does have a small wetland and some mitigation may have to occur prior to building permits being issued.

Additionally, a portion of the site sits in the FEMA Floodplain so the applicant will need to bring some of the houses out of the floodplain through raising the finished floor elevation. The applicant must obtain a Conditional Letter of Map Revision (CLOMR) prior to recordation and then a Letter of Map Revision (LOMR) after the effected houses are brought out of the floodplain, both of these approvals are to be obtained from FEMA.

Suggested Motion:

Move that the Planning Commission approve the Preliminary Plat for the Farmington Park Conservation Subdivision subject to all applicable Farmington City codes and development standards and the following conditions:

1. The applicant will mitigate the on-site wetlands and those mitigation efforts must be approved by the US Army Corp of Engineers prior to Final Plat approval;
2. The applicant will obtain both a CLOMR and LOMR from FEMA prior to building permit issuance;
3. The applicant will obtain a no-rise certificate for the proposed subdivision;
4. The applicant will receive Davis School District approval for the land swap prior to Final Plat.

Findings:

1. The proposed development meets all of the standards and requirements of a conservation subdivision (option 2) in the AE zone such as minimum lot sizes, lot widths and setbacks.
2. The proposed development is at a density of 1.99 units per acre, which is consistent with the adjacent neighborhoods and the RRD General Plan designation.
3. The development is not seeking a waiver of the open space provision and is providing the City with much needed recreational space.
4. The overall layout follows the low density residential objectives of the General Plan.
5. Moving the future elementary school to the northwest corner will be advantageous to all parties, including the City.

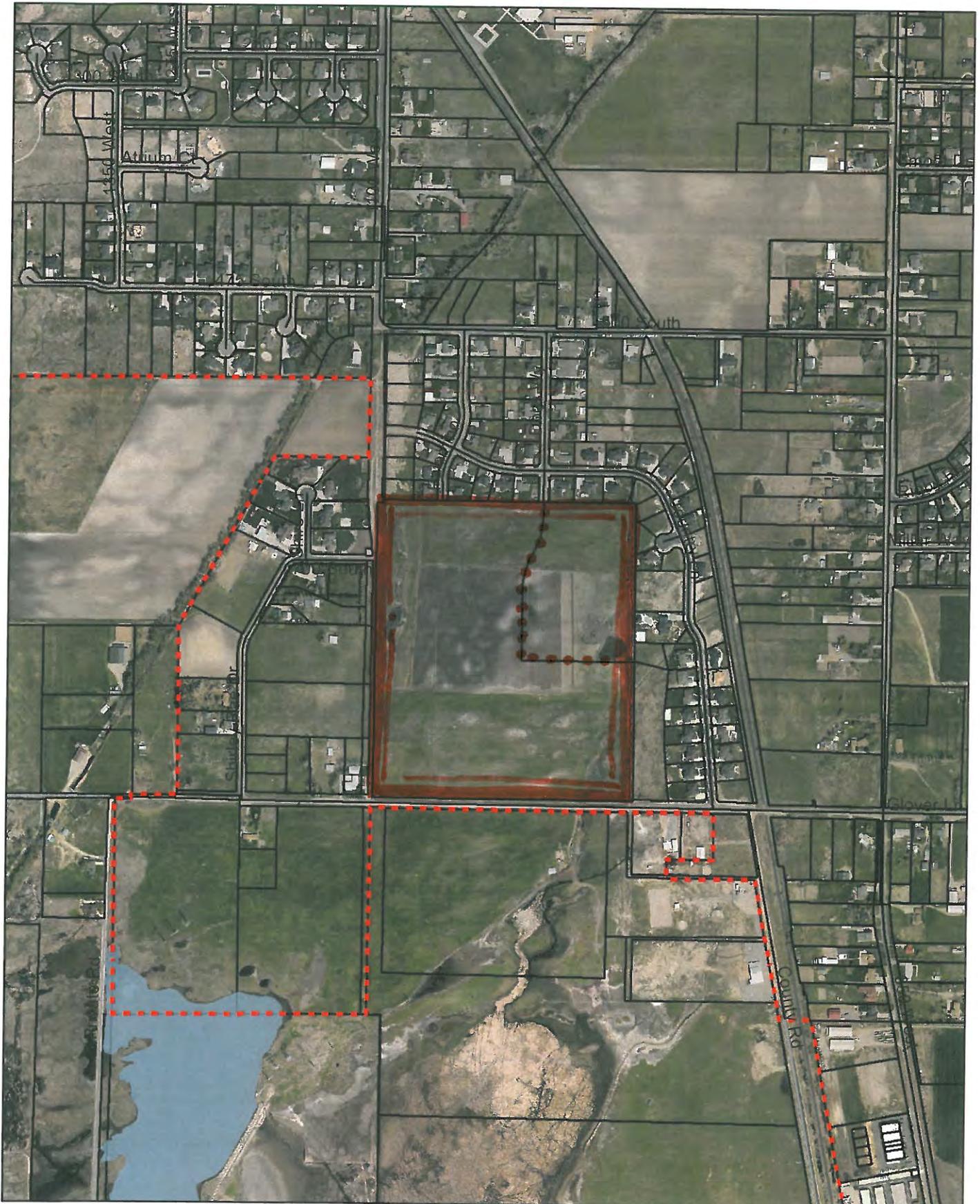
Supplemental Information

1. Vicinity map
2. Preliminary Plat
3. Yield Plan
4. Letter from Davis School District

Applicable Ordinances

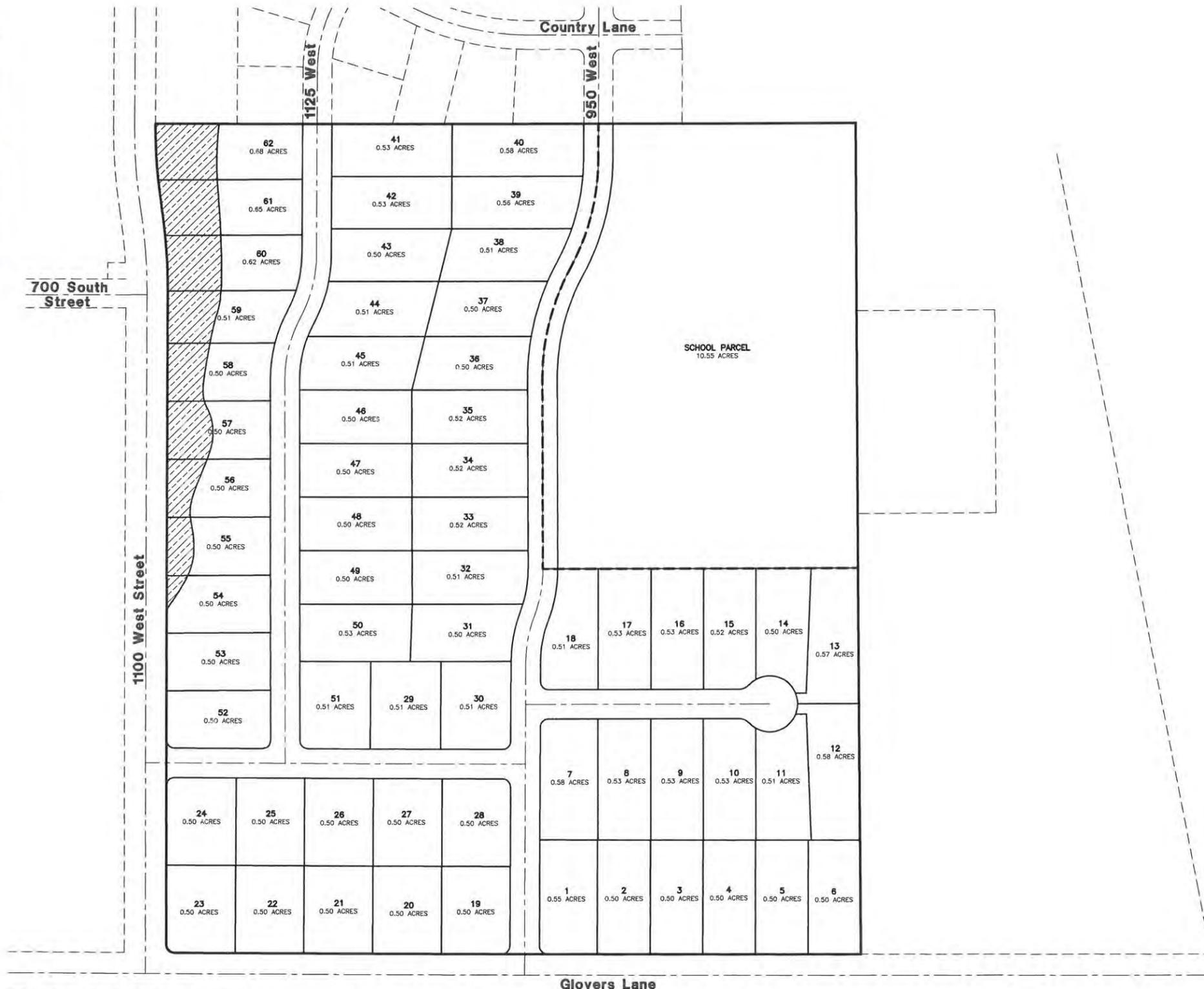
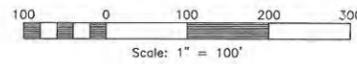
1. Title 12, Chapter 3 – Preliminary Plat
2. Title 11, Chapter 11—Rural Residential
3. Title 11, Chapter 12---Conservation Subdivision Development Standards

Farmington City





Vicinity Map



Legend
 = POTENTIAL WETLAND AREA

Diument Property

Farmington City, Davis County, Utah

Developer:

Fieldstone Homes
 Jason Harris
 12896 South Pony Express Road, Ste. 400
 Draper, UT 84020
 (801) 680-9061

Reeve & Associates, Inc.
IRA
 200 DOWNSIDE STREET SUITE 100, OGDEN, UTAH 84403
 TEL: (801) 466-4400 FAX: (801) 466-4401
 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS
 ENVIRONMENTAL ENGINEERS • LANDSCAPE ARCHITECTS

REVISIONS	DESCRIPTION
DATE	

Diument Property
 PART OF THE NW 1/4 OF SECTION 25, T.3N., R.1W., S.L.B. & M., U.S. SURVEY
 FARMINGTON CITY, DAVIS COUNTY, UTAH

Yield Plan

Project Info.

Engineer:	N. Reeve
Designer:	C. Cave
Begin Date:	January 3, 2014
Name:	Glovers Lane Parcel
Number:	5117-07



Davis School District

Dr. W. Bryan Bowles, Superintendent

Fostering Educational Excellence

Jason Harris
Fieldstone Homes
12896 South Pony Express Road
Draper, Utah 84020

Subj: Land Exchange

Jason,

The Davis School District Property Committee and staff Architect have reviewed the proposed land swap for the elementary school site located in west Farmington, on what was formerly the Diumenty property.

Subject to and acceptable Development Agreement and appropriate legal documents that reflect the proposed new site as shown in your email of 18 February 2014 - we are willing to execute the exchange.

Chase Rogers
Operations Planner
Davis School District
801.402.5357



Planning Commission Staff Report May 22, 2014

Item 4: Metes and Bounds Conservation Subdivision (Tillie's Corner Subdivision)

Public Hearing:	Yes
Application No.:	S-6-14
Property Address:	448 South 650 West
General Plan Designation:	RRD (Rural Residential Density)
Zoning Designation:	AE (Agricultural Estates)
Area:	1 Acre
Number of Lots:	2
Property Owner:	Kenneth and Annette Steed
Applicant:	Kenneth Steed

Request: *Applicant is requesting a recommendation for approval of the Tillie's Corner Metes and Bounds Conservation Subdivision.*

Background Information

The applicant, Kenneth Steed, is requesting a recommendation for approval for a metes and bounds conservation subdivision for property located at 448 South and 650 West. The underlying zone for this property is an AE zone.

The applicant is proposing that the current parcel be subdivided into 2 lots of ½ acre each, and the proposed center lot line would lie as shown on the attached survey. In the AE Zone, the minimum lot size in a conventional subdivision is 1 acre, so in order to subdivide the existing lot, the applicant will need to have a conservation subdivision to split the lot. The existing house would remain, however, the structure on the divided parcel will have to be removed as it is non-conforming.

Section 11-12-065 determines that conservation subdivisions option 1, in the AE zone must provide an open space provision of 25%, which would amount to a ¼ acre conservation land for the applicant. Because this amount of open space would be of little value to the City, the applicant is pursuing a waiver of this open space requirement.

The Developer is also asking for a waiver of Section 11-12-100 (b) of the Zoning Ordinance which states: "Buffer from Road. All new dwellings shall be arranged and located a minimum of eighty (80) feet from all external roads with a functional classification higher than a local street." Both 650 West

and 500 South are classified as Minor Collectors. In order to have the lot split, a waiver of this section will be required.

Section 11-12-100(d) of the Zoning Ordinance state: "Access: Houselots shall be accessed from interior streets, rather than from roads bordering the tract." This provision will have to be waived in order to allow access to lots off of 650 West or 500 South.

Section 11-12-100(e) of the Zoning Ordinance states: "Abut Conservation Lands. At least half of the lots shall directly abut conservation land or face conservation land across a street." Since the applicant is seeking a waiver of the open space provision, there is no conservation land to abut and the applicant will therefore require a waiver of this section.

Section 11-12-065 determines that any provision of the conservation subdivision chapter may be waived through a vote of not less than four (4) members of the City Council. Normally, a metes and bounds subdivision is approved through the Planning Commission, however, because this is a conservation subdivision in addition to being a simple lot split, the applicant will need to go before the City Council.

The lot is a corner lot that fronts both 500 South and 650 West. Both of these roads are classified as minor collectors on the Transportation Master Plan. Because both of these roads are unimproved along the proposed subdivision's edge, the applicant would normally be required to improve his sections of the roads to the City's Development Standards. However, both 650 West to the north and 500 South to the west are yet to be completed, the applicant will need to enter an extension agreement with the City so when those improvements are made to the property, the applicant will pay for his portion at that time. Additionally, both streets are identified as minor collectors on the City's Master Transportation Plan, and the applicant will need to dedicate a portion of the ROW to meet the City standards for minor collectors roads which is 66' for 500 South. Note: 650 West already meets the 66' width standard; meanwhile, 500 South is only 50 feet in width.

Suggested Motion:

Move that the Planning Commission recommend that the City Council approve the metes and bounds Tillie's Corner Conservation Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant must appear before the City Council for final approval;
2. The applicant must enter into an extension agreement for road improvements prior to recordation;
3. The applicant must obtain waivers of Section 11-12-100(b)(d)&(e) through a vote of not less than four (4) members of the City Council;
4. The applicant must obtain a waiver of the 25% open space requirement, and pay compensation of an amount determined through negotiations with the City Manager, and pay that waiver prior to recordation. This waiver shall be obtained through a vote of not less than four (4) members of the City Council;
5. The property owner must dedicate an additional 8' of right-of-way by warranty deed to expand the 500 South right-of-way. The property owner should be reimbursed for all system costs associated with the dedication.

Findings for Approval:

The proposed lot split will be in compliance with the spirit of both the General Plan and the Zoning Ordinance, and will maintain the rural character of Farmington.

Supplemental Information

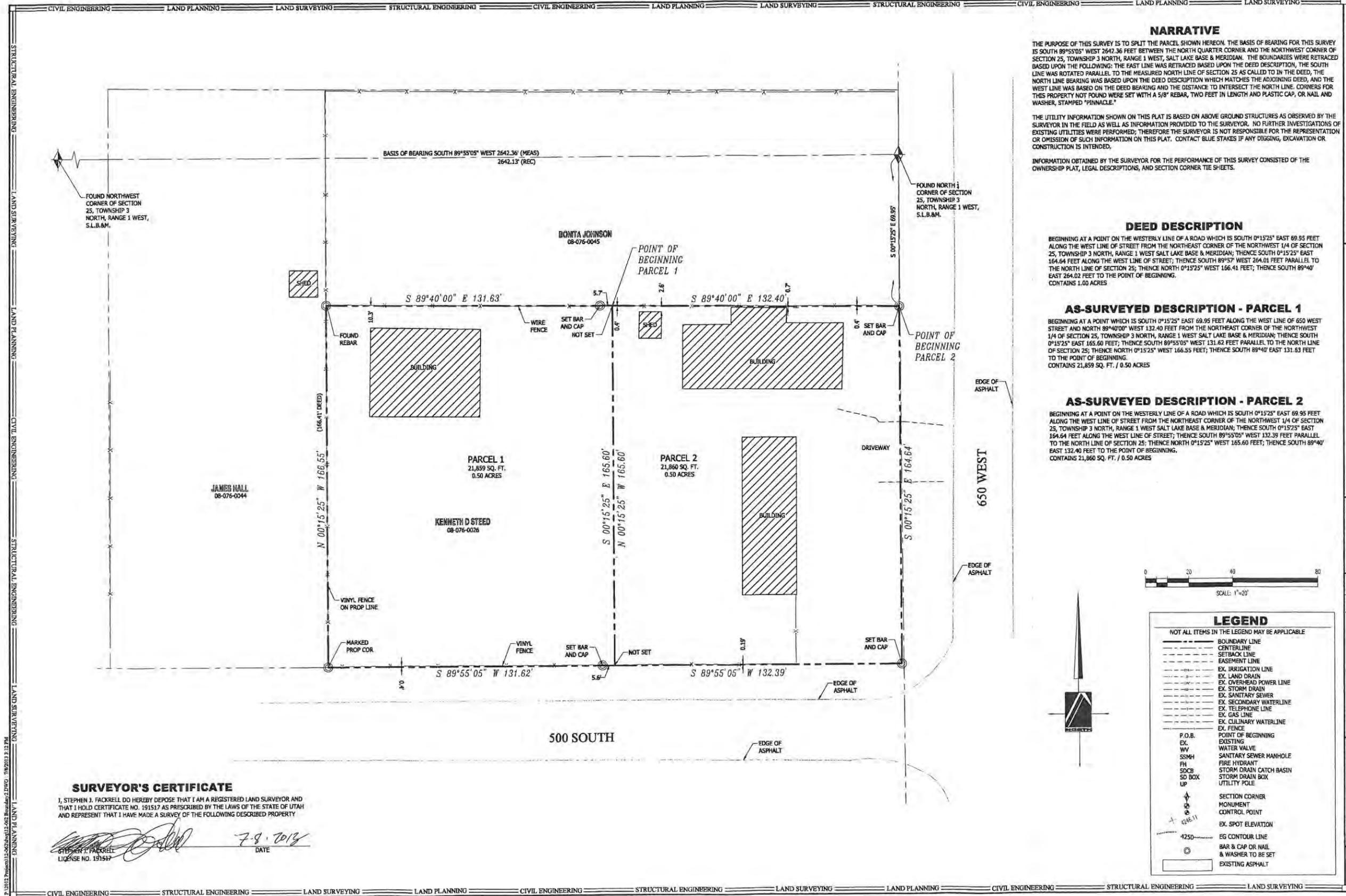
1. Vicinity Map
2. Proposed Tillie's Corner Metes and Bounds Conservation Subdivision

Applicable Ordinances

1. Title 12, Chapter 4 – Subdivision by Metes and Bounds
2. Title 12, Chapter 7 – General Requirements for All Subdivisions
3. Title 11, Chapter 7 – Site Development Standards
4. Title 11, Chapter 10 – Agricultural Zones
5. Title 11, Chapter 12 - Conservation Subdivisions

Farmington City





NARRATIVE
 THE PURPOSE OF THIS SURVEY IS TO SPLIT THE PARCEL SHOWN HEREON. THE BASIS OF BEARING FOR THIS SURVEY IS SOUTH 89°55'05" WEST 2642.36 FEET BETWEEN THE NORTH QUARTER CORNER AND THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN. THE BOUNDARIES WERE RETRACED BASED UPON THE FOLLOWING: THE EAST LINE WAS RETRACED BASED UPON THE DEED DESCRIPTION, THE SOUTH LINE WAS ROTATED PARALLEL TO THE MEASURED NORTH LINE OF SECTION 25 AS CALLED TO IN THE DEED, THE NORTH LINE BEARING WAS BASED UPON THE DEED DESCRIPTION WHICH MATCHES THE ADJOINING DEED, AND THE WEST LINE WAS BASED ON THE DEED BEARING AND THE DISTANCE TO INTERSECT THE NORTH LINE. CORNERS FOR THIS PROPERTY NOT FOUND WERE SET WITH A 5/8" REBAR, TWO FEET IN LENGTH AND PLASTIC CAP, OR NAIL AND WASHER, STAMPED "PINNACLE."

THE UTILITY INFORMATION SHOWN ON THIS PLAT IS BASED ON ABOVE GROUND STRUCTURES AS OBSERVED BY THE SURVEYOR IN THE FIELD AS WELL AS INFORMATION PROVIDED TO THE SURVEYOR. NO FURTHER INVESTIGATIONS OF EXISTING UTILITIES WERE PERFORMED; THEREFORE THE SURVEYOR IS NOT RESPONSIBLE FOR THE REPRESENTATION OR OMISSION OF SUCH INFORMATION ON THIS PLAT. CONTACT BLUE STAKES IF ANY DIGGING, EXCAVATION OR CONSTRUCTION IS INTENDED.

INFORMATION OBTAINED BY THE SURVEYOR FOR THE PERFORMANCE OF THIS SURVEY CONSISTED OF THE OWNERSHIP PLAT, LEGAL DESCRIPTIONS, AND SECTION CORNER TIE SHEETS.

DEED DESCRIPTION
 BEGINNING AT A POINT ON THE WESTERLY LINE OF A ROAD WHICH IS SOUTH 0°15'25" EAST 69.95 FEET ALONG THE WEST LINE OF STREET FROM THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 1 WEST SALT LAKE BASE & MERIDIAN; THENCE SOUTH 0°15'25" EAST 164.64 FEET ALONG THE WEST LINE OF STREET; THENCE SOUTH 89°57' WEST 264.01 FEET PARALLEL TO THE NORTH LINE OF SECTION 25; THENCE NORTH 0°15'25" WEST 166.41 FEET; THENCE SOUTH 89°40' EAST 264.02 FEET TO THE POINT OF BEGINNING.
 CONTAINS 1.00 ACRES

AS-SURVEYED DESCRIPTION - PARCEL 1
 BEGINNING AT A POINT WHICH IS SOUTH 0°15'25" EAST 69.95 FEET ALONG THE WEST LINE OF 650 WEST STREET AND NORTH 89°40'00" WEST 132.40 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 1 WEST SALT LAKE BASE & MERIDIAN; THENCE SOUTH 0°15'25" EAST 165.60 FEET; THENCE SOUTH 89°55'05" WEST 131.62 FEET PARALLEL TO THE NORTH LINE OF SECTION 25; THENCE NORTH 0°15'25" WEST 166.55 FEET; THENCE SOUTH 89°40' EAST 131.63 FEET TO THE POINT OF BEGINNING.
 CONTAINS 21,859 SQ. FT. / 0.50 ACRES

AS-SURVEYED DESCRIPTION - PARCEL 2
 BEGINNING AT A POINT ON THE WESTERLY LINE OF A ROAD WHICH IS SOUTH 0°15'25" EAST 69.95 FEET ALONG THE WEST LINE OF STREET FROM THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 1 WEST SALT LAKE BASE & MERIDIAN; THENCE SOUTH 0°15'25" EAST 164.64 FEET ALONG THE WEST LINE OF STREET; THENCE SOUTH 89°55'05" WEST 132.39 FEET PARALLEL TO THE NORTH LINE OF SECTION 25; THENCE NORTH 0°15'25" WEST 165.60 FEET; THENCE SOUTH 89°40' EAST 132.40 FEET TO THE POINT OF BEGINNING.
 CONTAINS 21,860 SQ. FT. / 0.50 ACRES

SURVEYOR'S CERTIFICATE
 I, STEPHEN J. FACKRELL DO HEREBY DEPOSE THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 191517 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND REPRESENT THAT I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY

[Signature] 7-8-2013
 STEPHEN J. FACKRELL DATE
 LICENSE NO. 191517

PINNACLE
 Engineering & Land Surveying, Inc.
 Layton • West Bountiful • Mount Pleasant
 2720 North 350 West, Suite #108 Layton, UT 84041
 Phone: (801) 773-1910 Fax: (801) 773-1925

STEED SURVEY
 BOUNDARY SURVEY/PARCEL SPLIT
 FOR: KEN STEED & ANNETTE STEED
 448 SOUTH 650 WEST
 FARMINGTON, UT
 12-062



BY	DATE	REVISION
SURVEYED BY	11/2012	
DESIGNED BY		
DRAWN BY	11/2012	
APPROVED BY	11/2012	
SHEET #	1	OF 1

Comments to Ken Steed 5-12-14



Planning Commission Staff Report May 22, 2014

Item 5: Conditional Use Permit and Site Plan Approval for Shaved Ice Stand

Public Hearing:	Yes
Application No.:	C-10-14
Property Address:	Approximately 1000 West and Shepard Lane
General Plan Designation:	GC (General Commercial)
Zoning Designation:	C (Commercial)
Area:	n/a
Number of Lots:	n/a
Property Owner:	Landvisions LLC
Agent:	Brian Tagge/Flowcal, LLC

Request: *Conditional and temporary use approval for a shaved ice stand.*

Background Information

An application has been submitted for a conditional use permit for the temporary operation of a shaved ice stand at the southern end of the abandoned K-Mart parking lot. The use is a temporary conditional use requiring the Planning Commission's approval. Staff has included with this packet information regarding the placement, size and appearance of the stand.

Staff is proposing an operation limit date of October 1, 2014 for the shaved ice stand. The Planning Commission may amend this proposed date if it finds that another date would be more appropriate.

Typically, Planning Commission's in the past have approved such temporary uses for one year, and if they prove acceptable, they have granted long-term approval thereafter upon receipt of another application.

Suggested Motion

Move that the Planning Commission approve the temporary use subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The use terminates no later than October 1, 2014;
2. The hours of operation are limited to 10 a.m. to 10 p.m.;

3. The applicant must obtain all other applicable permits for the operation of the temporary use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes.

Findings for Approval

1. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
6. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

Supplemental Information

1. Information submitted by the applicant regarding the operation and site plan of the proposed temporary use.

Applicable Ordinances

1. Title 11, Chapter 28 – Supplemental and Qualifying Regulations, (11-28-120 Temporary Use of Land and Structures)
2. Title 11, Chapter 8 – Conditional Uses

Google shepard lane, Farmington UT

+Bryan Share

Get directions My places

Shepard Ln
Farmington, UT 84025

Directions Search nearby Save to map more

Maps Labs - Help

Google Maps - ©2014 Google - Terms of Use - Privacy



← Shepard Lane →

- 1 - 13" round hand sink
- 2 - Triple sink
- 3 - Shaved ice counter
- 4 - Freezer with S/S cup holder on top
- 5 - undercounter Refer with glass doors
- 6 - Bottle Refill Station w/doors
- 7 - P.O.S table
- 8 - undercounter shelves for storage

**Project
Submittal &
Layout**

Customer:

Drawing:

Date:

Revison:

Page:

Scale:

Customer Approval

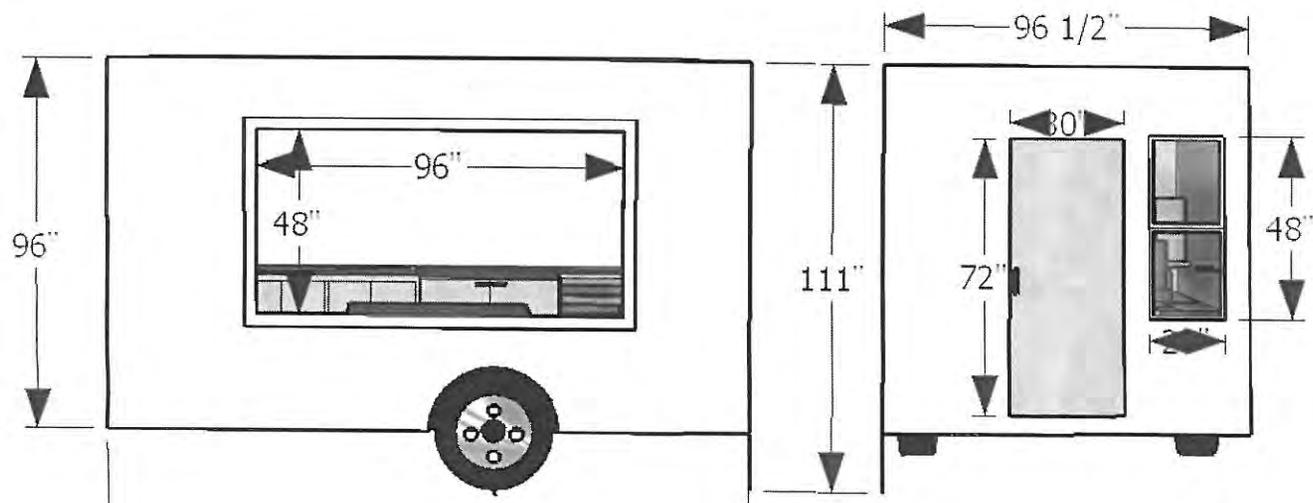
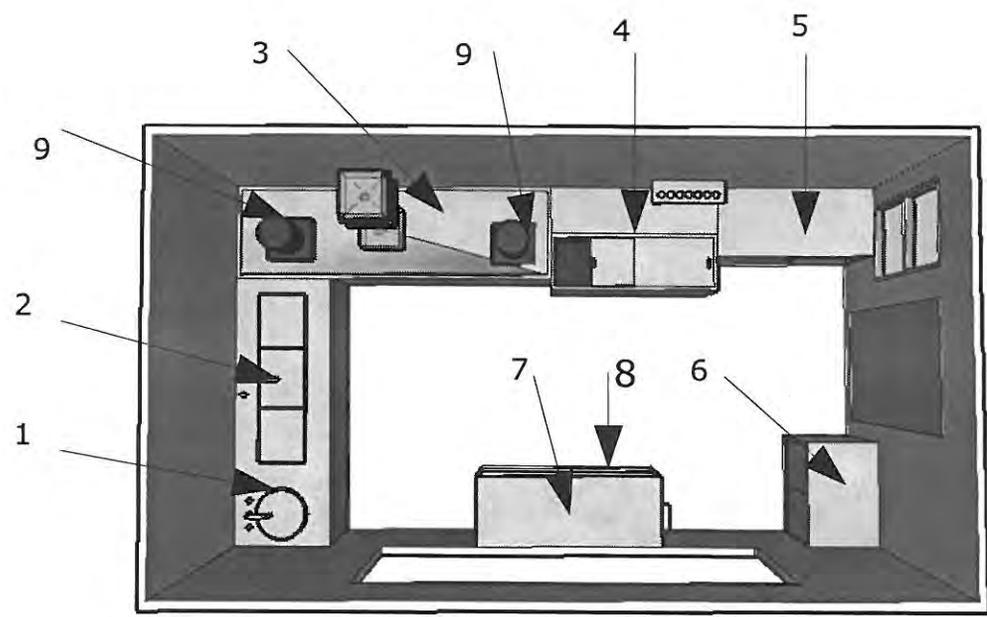
Approval of drawing

Approval as Noted

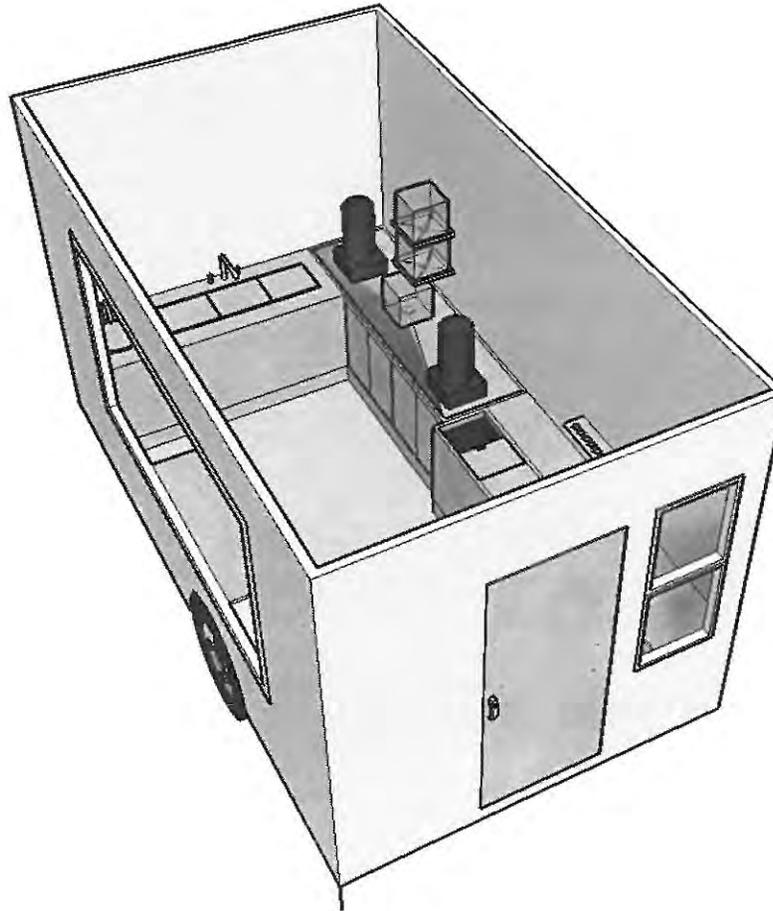
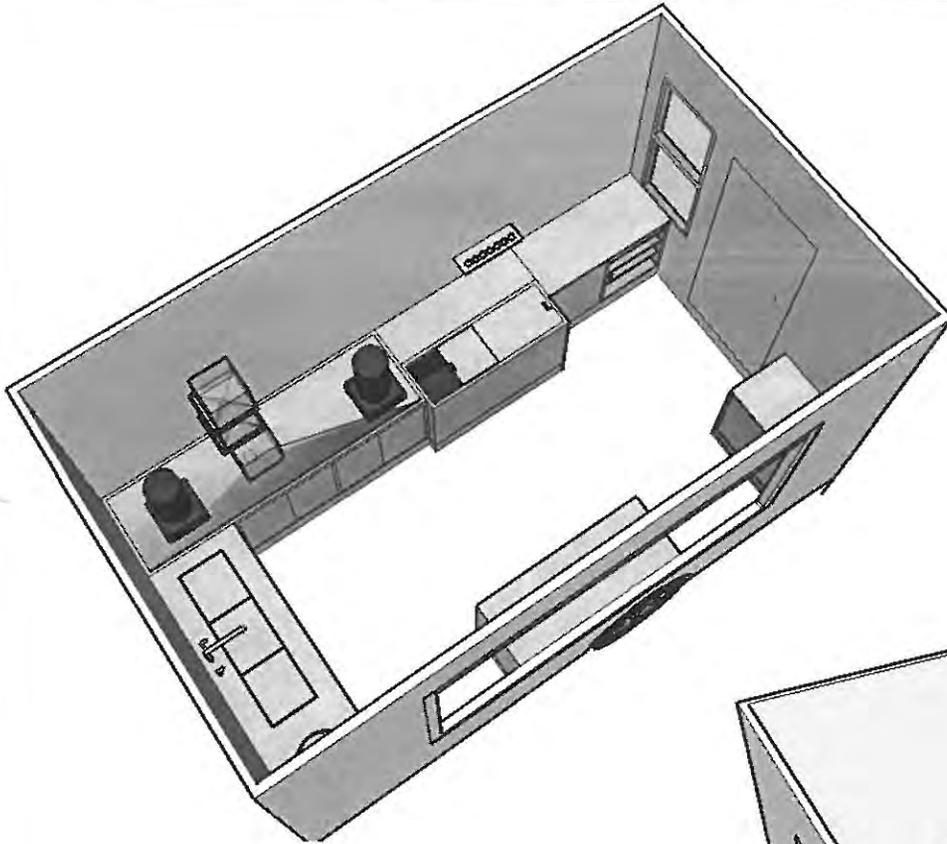
Revise & Resubit as Noted

By:

Date:



1900 W 2550 S
West Haven Ut 84401
Tele: (801)-726-2813



Project
Submittal &
Layout

Customer:

Drawing:

Date:

Revision:

Page:

Scale:

Customer Approval

Approval of
drawing

Approval as
Noted

Revise & Resubmit
as Noted

By:

Date:



1900 W 2550 S
West Haven Ut 84401
Tele: (801)-726-2813

Flag Signage



**8'Straight Feather Flag
(Shack Banner) -
Description: The fabric is
dyed deep into the Polyester
Fibers, this provides a
weather resistant print.
Fiberglass Pole - rated wind
gusts of 48 mph. Cross Stand
- 8.5 lbs 2x2" heavy duty flat
stands.**

Small
Feather
Flag

2 color
graphics

1

Photo of shack



Coloring
Photo of shack.



→ "Grass"
roof

→ Baby
Blue

→ Bamboo
siding



Planning Commission Staff Report May 22, 2014

Item 6: Conditional Use Permit and Site Plan Approval for Hot Dog Stand

Public Hearing:	Yes
Application No.:	C-11-14
Property Address:	Approximately 1000 West and Shepard Lane
General Plan Designation:	GC (General Commercial)
Zoning Designation:	C (Commercial)
Area:	n/a
Number of Lots:	n/a
Property Owner:	JSA Properties
Agent:	Russell Relyea/World's Best Corn Dog LLC

Request: *Conditional and temporary use approval for a hot dog stand.*

Background Information

An application has been submitted for a conditional use permit for the temporary operation of a hot dog stand at the southern end of the abandoned K-Mart parking lot. The use is a temporary conditional use requiring the Planning Commission's approval. Staff has included with this packet information regarding the placement, size and appearance of the stand.

Staff is proposing an operation limit date of October 1, 2014 for the hot dog stand. The Planning Commission may amend this proposed date if it finds that another date would be more appropriate.

Typically, Planning Commission's in the past have approved such temporary uses for one year, and if they prove acceptable, they have granted long-term approval thereafter upon receipt of another application.

Suggested Motion

Move that the Planning Commission approve the temporary use subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. The use terminates no later than October 1, 2014;
2. The hours of operation are limited to 10 a.m. to 10 p.m.;

3. The applicant must obtain all other applicable permits for the operation of the temporary use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes.

Findings for Approval

1. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
6. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

Supplemental Information

1. Information submitted by the applicant regarding the operation and site plan of the proposed temporary use.

Applicable Ordinances

1. Title 11, Chapter 28 – Supplemental and Qualifying Regulations, (11-28-120 Temporary Use of Land and Structures)
2. Title 11, Chapter 8 – Conditional Uses

REQUEST FOR CONDITIONAL USE PERMIT

Submitted to:

Farmington City
Farmington City Planning Commission
160 South Main Street
Farmington, UT 84025

Submitted from:

Russell Relyea
World's Best Corn Dogs, LLC
30 W. 100 N. #4
Kaysville, UT 84037

World's Best Corn Dogs requests a Conditional Use Permit to operate a seasonal food service business parking lot located at: 1318 N. 1075 W. Farmington, UT from May 22nd Through October 31, 2014 for the purpose of selling World's Best Corn Dogs from a food cart and/or food truck.

World's Best Corn Dogs will be making and selling hand-dipped, artisan, foot-long corn dogs and cold drinks on JSA Properties for the duration of this lease.

Hours of operation will be Monday through Saturday, 11:00 a.m. until dusk.

WBCD will set up a canopy, fryers, tables, coolers, and waste disposal every morning and take down every evening at close of business. The WBCD stand is mobile and will be stored in a trailer at an off-site commissary.

There will times when one of our three WBCD food trucks may be parked to help with high customer demand (i.e. Saturday lunch hours, holidays, and some evenings) or during inclement weather. WBCD food trucks will be parked at an off-site commissary during off-business hours.

The WBCD food carts and food trucks are fully self-contained for power, water, and grey water storage so there will be no need for power or water from JSA Properties & Management or Farmington City.

All waste will be contained in WBCD trash containers and removed from property at the end of each business day.

Every three-to-four business days, WBCD changes the fryer oil and dumps into a Washakie Renewable Energy barrel for recycling. WBCD requests

placement of these barrels (3) at a discreet location on the property (in the back of the building) for the duration of this lease. Washakie picks up the used oil once a week. The barrels will be removed upon the completion of this lease.

WBCD currently and will continue to retain a \$3-million umbrella liability policy with Farmer's Insurance and will name Jon Asay and JSA Properties and Management as 'additional insured' on that policy.



Russell Relyea
World's Best Corn Dogs, LLC

5/12/14
Date

SHEPARD CROSSING SUBDIVISION

A PORTION OF THE NW 1/4 OF SECTION 13, T3N, R1W SLB&M.
 FARMINGTON CITY, DAVIS COUNTY, UTAH
 * AND THE S.W. 1/4 OF SECTION 12

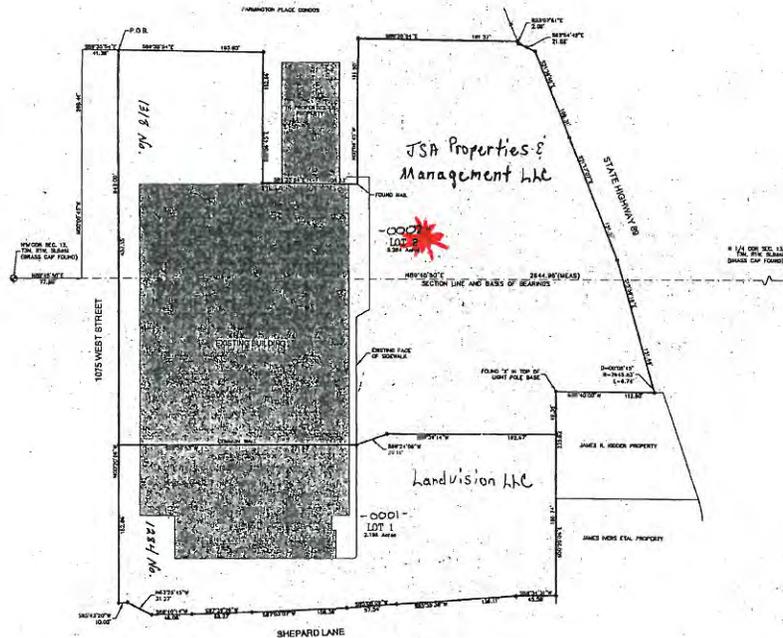
PREFIX
 08-404

LAST #
 0002

N



SCALE:
 1" = 100'



DEVELOPMENT: SHEPARD CROSSING
 CITY: FARMINGTON LOTS: 1 THRU 2

NW 1/4 SEC. 13, T. 3N, R. 1W
 SW 1/4 SEC. 12, T. 3N, R. 1W
 S.L.M. DAVIS COUNTY, UTAH
 FILE # 4509
 R 08-23-06

Byrd & Associates LLC
 Engineers & Land Surveyors
 605 South Main Street
 Bountiful, Utah 84002
 Phone (801)-292-0400
 Fax (801)-292-8618

707

00



World's Best
CORNDOGS

World's Best
CORNDOGS

World's Best
CORNDOGS

World's Best
CORNDOGS



US 00710134





Planning Commission Staff Report May 22, 2014

Item 7: Sales Office in Eastwood Cove Model Home – Temporary/Conditional Use Permit

Public Hearing:	Yes
Application No.:	C-6-14
Property Address:	53 West Glover Lane
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	LR (Large Residential)
Area:	N/A
Number of Lots:	N/A
Property Owner:	Ivory Homes
Agent:	Ivory Homes

Applicant is requesting a temporary/conditional use permit to house a sales office in their Eastwood Cove Model Home.

Background Information

Ivory Homes is requesting that a sales office be allowed in their Eastwood Cove Model Home. Section 11-28-120(h)(1)(iii) which regulates Temporary (Conditional) Uses in the Residential zones states:

“Temporary office in a model home. A temporary office for the sale or lease of property in a major subdivision or planned unit development (PUD) may be used until the last lot or unit in the development is sold. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to function as a garage upon termination of the temporary office.”

Model Homes are a permitted use in the LR zone, however, in order to use the model home as a sales office, a temporary permit is required. Staff has always interpreted the temporary use permit as a conditional use permit for a limited time period.

Suggested Motion:

Move that the Planning Commission approves the temporary/conditional use subject to all applicable Farmington City codes, development standards and ordinances, and the following conditions:

1. Approval of the temporary use shall be terminated once the last lot in the subdivision has been sold;
2. If the temporary sales office is located in the garage, any alterations made to accommodate the office shall be removed, and the space shall be converted to function as a garage upon termination of the temporary office.

Findings:

- a. The proposed use of the particular location is necessary and does provide a service which contributes to the general well-being of the community.
- b. Ivory Homes is already building the model home and this use is permitted in the LR Zone. Using the model home as such and as a sales office is a dual use; furthermore sales trailers are not permitted in the LR Zone.

Supplemental Information

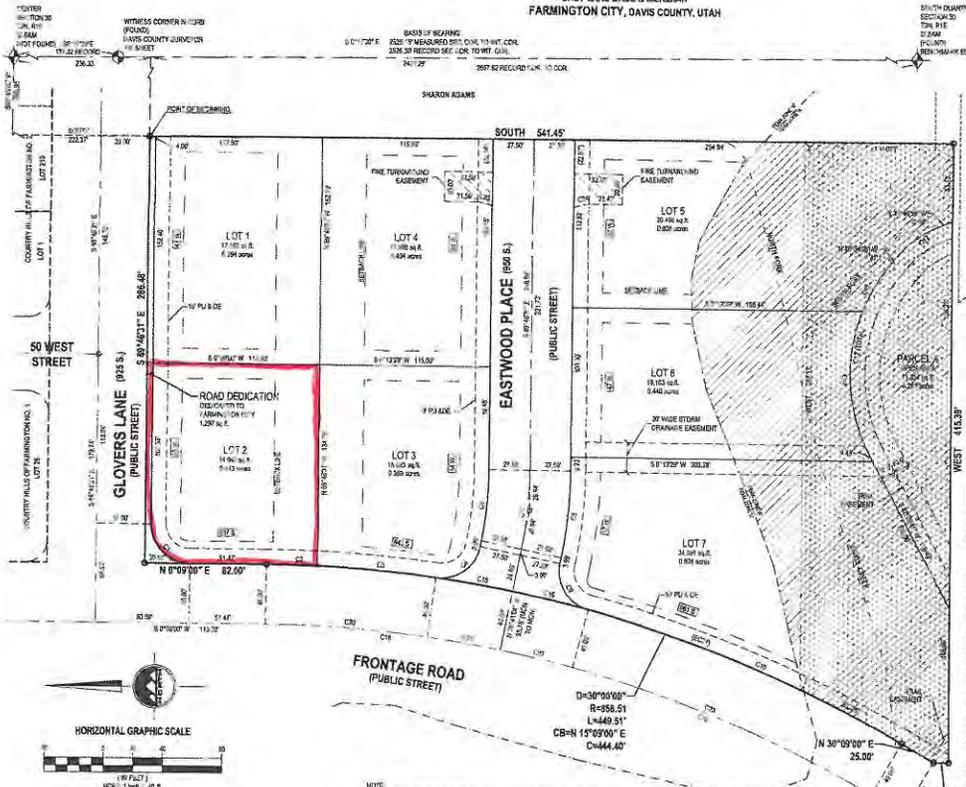
1. Vicinity Map
2. Site Plan of Home

Applicable Ordinances

1. Chapter 8 – Conditional Uses
2. Chapter 11 – Single Family Residential
3. Chapter 28 – Supplementary and Qualifying Regulations

EASTWOOD COVE, A CONSERVATION SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30
TOWNSHIP 3 NORTH RANGE 1 EAST
SALT LAKE BASE & MERIDIAN
FARMINGTON CITY, DAVIS COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, **KEITH R. PEARCE**, do hereby certify that I am a Licensed Professional Surveyor and that I have conducted a survey of the above described land and that the same has been correctly surveyed and shown on the ground as shown on the plan. I further certify that the same complies with all the requirements of the applicable zoning ordinance.

BOUNDARY DESCRIPTION

Beginning at a point on the southeast line of Glover's Lane as defined by a Call that was recorded on February 1, 1977 in the office of the Davis County Recorder as Entry No. 43226A, in Block 284 of Page 73A, and proceeding South 81°42'27" East 155.00 feet along the quarter section line and South 22°22'17" East from the Center of Section 30, Township 3 North, Range 1 East, Salt Lake Meridian, and crossing:

Thence South 51°45'44" East along the aforementioned Salt Lake Meridian to the Point of Beginning; thence West 41°13'34" East to the Point of Beginning; thence North 10°14'10" East to the east line of the frontage road as proposed by the Davis County Commission of which by this date David Stewart is Mayor; thence North 89°04'31" East 25.00 feet along the east line of the above described frontage road;

OWNER'S DEDICATION

I, the undersigned, do hereby dedicate to the public use of the above described land, including streets, public utility easements as shown on this plan as indicated by white lines, subject to the following conditions:

EASTWOOD COVE, A CONSERVATION SUBDIVISION

do hereby dedicate to the public use of the above described land, including streets, public utility easements as shown on this plan as indicated by white lines, subject to the following conditions:

In witness whereof, I have hereunto set my hand and seal at Farmington, Utah, this 10th day of November, 2013.

David Stewart, Mayor
Keith R. Pearce, Surveyor
Charles P. Merrill, President
Christopher P. Garmon, Vice President

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

On this 10th day of November, 2013, at the County of Salt Lake, State of Utah, the undersigned, David Stewart, Mayor, Keith R. Pearce, Surveyor, Charles P. Merrill, President, and Christopher P. Garmon, Vice President, of Eastwood Cove, a conservation subdivision, do hereby acknowledge to the public use of the above described land, including streets, public utility easements as shown on this plan as indicated by white lines, subject to the following conditions:

ACKNOWLEDGMENT

On this 10th day of November, 2013, I, **Keith R. Pearce**, Surveyor, personally appeared before me in the presence of my colleagues, David Stewart, Mayor, Charles P. Merrill, President, and Christopher P. Garmon, Vice President, to execute the foregoing power of attorney and on behalf of the owners to be acknowledged to the public use of the above described land, including streets, public utility easements as shown on this plan as indicated by white lines, subject to the following conditions:

EASTWOOD COVE, A CONSERVATION SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30
TOWNSHIP 3 NORTH RANGE 1 EAST
SALT LAKE BASE & MERIDIAN
FARMINGTON CITY, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDER

FILED FOR RECORDING
 DATE: 10-22-13
 BY: **Keith R. Pearce**
 COUNTY: DAVIS COUNTY

ENSIGN

LAYTON
1425 West Parkway
Suite 114
Layton, UT 84041
Phone: 801.547.1100
Fax: 801.547.1100
www.ensign.com

SALT LAKE CITY
Phone: 801.551.0100

DEVELOPER
NORY HOMES
378 EAST WOODCOCK LANE
MURRAY, UTAH 84117
PHONE: 801.747.7090

CENTRAL DAVIS SEWER DISTRICT
APPROVED THIS 6th DAY OF November 2013
BY THE GENERAL MANAGER
Jul J. Hays

BENCHLAND IRRIGATION
APPROVED THIS 6th DAY OF November 2013
BY THE BOARDMAN
Jeffery

CITY ATTORNEY'S APPROVAL
APPROVED THIS 29th DAY OF November 2013
BY THE ATTORNEY GENERAL
Handwritten Signature

PLANNING COMMISSION APPROVAL
APPROVED THIS 6th DAY OF December 2013
BY THE PLANNING COMMISSION
Handwritten Signature

CITY ENGINEERS APPROVAL
APPROVED THIS 12th DAY OF December 2013
BY THE FARMINGTON CITY ENGINEER
Handwritten Signature

APPROVED THIS 12th DAY OF December 2013
BY THE FARMINGTON CITY ENGINEER
Handwritten Signature

APPROVED THIS 12th DAY OF December 2013
BY THE FARMINGTON CITY ENGINEER
Handwritten Signature

APPROVED THIS 12th DAY OF December 2013
BY THE FARMINGTON CITY ENGINEER
Handwritten Signature

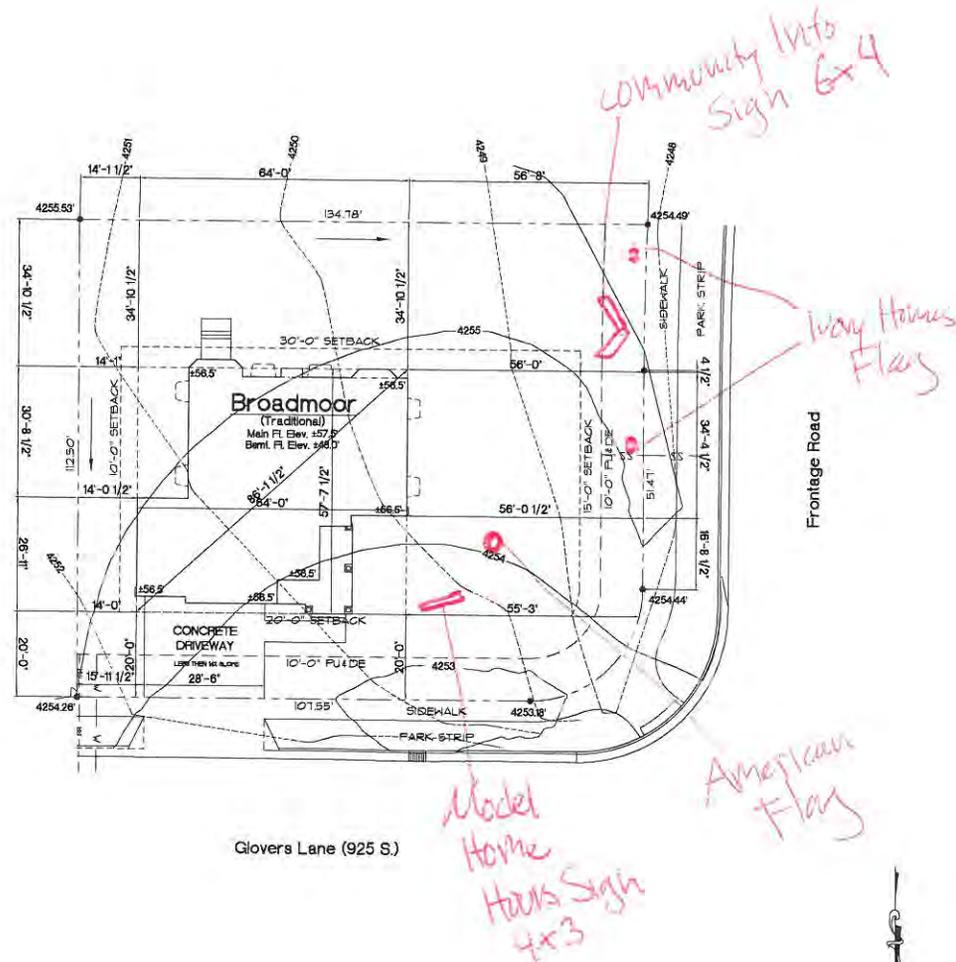
APPROVED THIS 12th DAY OF December 2013
BY THE FARMINGTON CITY ENGINEER
Handwritten Signature

5307

Subject to any changes necessary made at the discretion of Ivory Homes.

* Any utilities shown on this plan are based upon the best information available & are subject to change. Ivory Homes assumes no liability for any utilities shown or not shown.

* The elevation of the home will be determined solely at the discretion of Ivory Homes based upon utilities, grade, neighboring homes & site conditions.



NOTE:
ALL STORM WATER AND DIRT WILL BE KEPT ON SITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE.

STREET, CURB AND GUTTER WILL BE INSPECTED AND CLEANED OF ALL MUD AND DIRT AT THE END OF EVERY DAY.

GRAVEL BAGS TO BE PLACED AND MAINTAINED AROUND ANY STORM DRAIN INLET ADJACENT TO OR IMMEDIATELY DOWNSTREAM FROM SITE DURING CONSTRUCTION.

THE GRADE AWAY FROM FOUNDATION WALLS SHALL FALL A MINIMUM OF 6" WITHIN THE FIRST 10' (5X).

BERMS OR SWALES MAY BE REQUIRED ALONG PROPERTY LINES TO PREVENT STORM WATER FLOW ONTO ADJACENT LOTS. FINAL GRADING SHALL BLEND WITH ADJACENT LOTS.

ALL CORNER SURVEY MARKERS TO BE LOCATED (OR RE-SET) TO ALLOW FOOTING SETBACKS TO BE CHECKED.

BUILDER RESPONSIBLE FOR MAKING SURE ALL FINISHED FLOOR ELEVATIONS, FINAL SITE ELEVATIONS AND DRAINAGE MATCH THE APPROVED SUBDIVISION GRADING PLAN.

A LINED CONCRETE WASHOUT AREA MUST BE PROVIDED AT THE SITE FOR ALL CONCRETE WORK. WASHOUT INTO THE FOUNDATION OR ON THE GROUND IS PROHIBITED.

EXISTING CONTOUR: - - - - -
FINAL GRADE: ————

Grade shall fall a minimum of 6" within the first 10' away from home.

ADDRESS: 53 West Glovers Lane Farmington Utah		SUBDIVISION: Eastwood Cove	PHASE: 1	LOT: 2
LOT SQ. FT. 14,942		SCALE: 1"=20'		



Planning Commission Staff Report May 22, 2014

Item 8: Zone Text Change

Public Hearing:	Yes
Application No.:	ZT-6-14
Property Address:	N/A
General Plan Designation:	DR (Development Restricted)
Zoning Designation:	AA (Very Low Density Agricultural)
Area:	N/A
Number of Lots:	N/A
Property Owner:	N/A
Agent:	N/A

Applicant is requesting a recommendation to amend the Zoning Ordinance by enacting Chapter 43 regarding a shorelands preservation zone related to conservation, recreation, a wildlife and waterfowl refuge, and parks.

See Attached Draft of Chapter 44 – Shore lands conservation, recreation, wildlife and waterfowl refuge and park zone (shore lands preservation zone).

DRAFT
Planning Commission 5.22.14

CHAPTER 44

**SHORE LANDS CONSERVATION, RECREATION, WILDLIFE & WATER-
FOWL REFUGE & PARK ZONE (SHORE LANDS PRESERVATION ZONE)**

- 11-44-010 Purpose.**
- 11-44-020 Scope.**
- 11-44-030 Allowed Uses.**
- 11-44-040 Prohibited Uses.**
- 11-44-050 Development Process.**
- 11-44-060 Design Standards.**
- 11-44-070 Maintenance.**

11-44-010 Purpose.

The purpose of this Chapter is to provide for the on-going maintenance and preservation of conservation, recreation, wildlife and waterfowl areas along the shore line of the Great Salt Lake and Farmington Bay Waterfowl Management Area by protecting constrained and sensitive lands as open space land for wildlife corridors and habitat, parks and recreation areas, green space, scenic views, and by setting them aside from development.

11-44-020 Scope

Any parcel located within the Shore Lands Zone, as shown on the Official Zoning Map, depicted within the Shore Lands Master Plan Corridor Map, or adjacent to and, if deemed applicable, is substantially related or visible from the Great Salt Lake (and its marsh lands), and the Farmington Bay Waterfowl Management Area and shall be subject to the standards and regulations of this Chapter.

11-44-030 Allowed Uses

- a. Agricultural and horticultural uses (no buildings), excluding operations involving swine, poultry, and mink.
- b. Pastureland for sheep, cows and horses.
- c. Recreation uses, public parks, trails, open space, picnic areas, community gardens, and similar low-impact passive recreational uses specifically excluding motorized

off-road vehicles, rifle ranges, and other uses similar in character and potential impact.

- d. Wildlife preservation areas.
- e. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways.
- f. Stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation land.

11-44-040 Prohibited Uses

- a. Any residential, commercial or industrial activity.
- b. Any development, construction or location of any man-made modification or improvements such as buildings, structures, roads, parking lots, or other improvements, except such building or modifications that are accessory to allowed recreation uses.
- c. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property;
- d. Any dumping or storing of ashes, trash, garbage or junk;
- e. Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes;
- f. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property;
- g. Hunting or trapping for any purpose other than predatory or problem animal control;
- h. Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same;
- i. Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses;

- j. The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;
- k. The division, subdivision or de facto subdivision of the property;
- l. Changing the topography of the property by placing on it any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted purposes; and
- m. All other uses and practices inconsistent with and detrimental to the stated purpose of this chapter.

11-12-130 Development Process.

All applications to modify the existing conditions of the shore land areas or to implement allowable uses shall be reviewed and considered by the Planning Commission at a public hearing. Each application shall meet the minimum submittal requirements set forth in Chapter 7 of the Zoning Ordinance as determined by the Zoning Administrator. In addition, applications shall include a conceptual use plan which must include the following:

- a. Written descriptions and graphic illustrations explaining how a given proposal will compliment the physical form of the property and will provide for greater wildlife habitat and/or recreation uses.
- b. Written descriptions and graphic illustrations that clearly describe proposed open spaces, landscaping ideas, pedestrian pathways, and related features and/or amenities.

11-12-130 Design Standards.

Land within the Shore Land Zone shall meet the following standards:

- a. Allowed uses shall be permanently protected from development including the most unique and sensitive resources and locally significant features of the property such as meadows, grasslands, tree stands, recreation areas, trails, streams, stream corridors, flood walls, berms, watercourses, farmlands, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, cultural features, green space, scenic views, etc.

- b. Where possible, lands shall be contiguous or be accessible to the greater Farmington area to provide and integrated open space network to the community in general and also in accordance with the Farmington Resource and Site Analysis Plan.
- c. Conservation land shall be located and designed to add to the visual amenities of shore lands and to the surrounding area by maximizing the visibility of the open space. Such enhanced visibility may be accomplished through design and location of such open space as terminals at the ends of trails and recreation venues, particularly along the outside edges of trail curves, and by maximizing the visibility of open space as perimeter “greenbelt” land next to developed areas.
- d. Buffering. Land shall be designed to provide buffers and to protect scenic views as seen from near by existing and future development.
- e. Pedestrian and maintenance access shall be provided shore land areas.
- f. Landscaping. All shore lands disturbed to implement allowed uses shall provide a landscape plan for city approval. Such plans shall include areas to be farmed, maintained as meadows, grassland, or other approved open space.
- g. Open Space and Critical Lands –
 - (1) Proposals should identify critical lands, such as wetland areas, stream corridors, canals, and other such sensitive lands. The design and development layout should protect and/or incorporate these features as buffers, open spaces, trail and passive recreation amenities, drainage corridors, and transition areas.
 - (2) Create or locate open space areas adjacent to or oriented towards natural areas such as wetlands, the Great Salt Lake, and the Farmington Bay Waterfowl Management Area.
 - (3) Incorporate open space areas to creates visual and/or physical connections to the Great Salt Lake, and the Farmington Bay Waterfowl Management Area.
 - (4) Develop trailheads and trail connections as part of the open space development pattern that provides access to the public trails systems in the area.

11-12-160 Maintenance of Shore Lands.



**Planning Commission Staff Report
May 22, 2014**

Item 9: Zone Text Amendment Of Chapter 12 – Conservation Subdivisions

Public Hearing:	Yes
Application No.:	ZT-3-14
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Property Owner:	NA
Applicant:	Farmington City

Request: Applicant is requesting a recommendation to amend the City's Zoning Ordinance by modifying Chapter 12 – Conservation Subdivision Development Standards.

This Item was heard before the Planning Commission at the April 17 meeting. The public hearing was closed with no comment, but given the late hour, the Commission tabled this item until tonight.

In 1999 the City enacted the Chapter 12 - Conservation Subdivisions in order to protect sensitive areas, preserve open space for parks, trails, detention basins, wetlands, etc. throughout the city, particularly in West Farmington. The resulting Conservation Subdivision has proven to be very successful at creating an extensive trail network, a multitude of park space and preserving sensitive areas. Overall, the original intent of Chapter 12 has been met.

However, throughout the administration of the Conservation Subdivision, some issues have arisen that need to be addressed. One such issue is the creation of remnant pieces of open space that are small and improperly configured to be usable. However, many of these remnant open space pieces were created in the early phases after the Conservation Subdivision was adopted, and recently the City has become more discriminating in what lands to allow as open space and what lands to grant waivers to.

Another issue with Conservation Subdivisions is that sometimes the lot sizes are too small. While cluster development and smaller lot sizes is the method for preserving open space when using the Conservation Subdivision, at times the density bonuses have created lots that may be too small and density that may be too high given the surrounding neighborhoods. The amended Chapter 12 addresses this issue by removing the density incentive multiplier bonus; this may create more realistic lot sizes that more accurately reflect the surrounding development. Removing the density bonus also simplifies the process as it reduces the two alternative options down to one.

Likewise, the amended Chapter 12 removes antiquated standards that are difficult to administer and monitor, and that are more often than not, waived. These antiquated design standards include the 80' buffer from a road classified as higher than local, 50% of the lots having to face or abut conservation land, etc. This removal will stream line the approval process and remove superfluous design standards that rarely apply to Farmington City.

Suggested Motion:

Move that the Planning Commission recommend that the City Council amend Chapter 12 to read as follows:

CHAPTER 12

CONSERVATION SUBDIVISION DEVELOPMENT STANDARDS

- 11-12-010 Purpose.**
- 11-12-020 Applicability.**
- 11-12-030 Definitions.**
- 11-12-040 Development Options.**
- 11-12-050 Approval Process.**
- 11-12-060 Development Activities Prohibited.**
- 11-12-065 Waiver.**
- 11-12-068 Fee in Lieu; conservation Land Dedication.**
- 11-12-070 Subdivision Yield Plan.**
- 11-12-080 Sensitive Area Designation Plan.**
- 11-12-085 Master Development Plan.**
- 11-12-090 Dimensional Standards.**
- 11-12-100 Design Standards.**
- 11-12-110 Transfer of Development Rights/Lots. (TDR)**
- 11-12-120 Use Regulations.**
- 11-12-130 Conservation Land Design Standards.**
- 11-12-140 Permanent Protection of Conservation Lands.**
- 11-12-150 Ownership of Conservation Lands.**
- 11-12-160 Maintenance of Conservation Lands.**

11-12-010 Purpose.

The purpose of this Chapter is to provide for subdivision development within Farmington City in a manner that:

(a) Protects constrained and sensitive lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands, by setting them aside from development;

(b) Conserves conservation and open space land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors,

flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;

(c) Provides greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;

(d) Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;

(e) Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;

(f) Provides incentives for the creation of greenway systems and open space within the City for the benefit of present and future residents;

(g) Implements adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Comprehensive General Plan;

(h) Implements adopted land use, environment, natural hazards, transportation, and community policies, as identified in the Comprehensive General Plan;

(i) Protects areas of the City with productive agricultural soils for continued agricultural use by conserving blocks of land large enough to allow for viable farm operations;

(j) Creates neighborhoods with direct ~~visual and/or recreational~~ access to constrained, sensitive and conservation land;

(k) Provides for the conservation and maintenance of constrained, sensitive and conservation land within the City to achieve the above-mentioned goals;

(l) Provides incentives and design alternatives for landowners to minimize impacts on environmental resources such as, sensitive lands, wetlands, floodplain, and steep slopes, and to minimize disturbance of natural or cultural features such as, mature woodlands, tree lines, wildlife habitats and corridors, historic buildings, and floodplain walls;

(m) Provides standards accommodating to some extent the varying circumstances and interests of individual landowners and the individual characteristics of their properties; and

(n) Conserves scenic views and elements of the City's rural and scenic character and minimizes perceived density by minimizing views of new development from existing roads.

11-12-020 Applicability.

The election to apply and develop property as a ~~C~~conservation ~~S~~ubdivision is voluntary and provided to developers as an alternative to development of property as a Conventional Subdivision pursuant to other applicable provisions of this Title. The intent of this Chapter and the Conservation Subdivision options is to encourage the creation and development of flexibly-designed open space subdivisions. Conservation Subdivisions may be developed within applicable agricultural and residential zones of the City. Conservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this Chapter.

11-12-030 Definitions.

For purposes of this Chapter, the following words shall have the meanings set forth herein:

(a) Conservation Land. Conservation land means land containing unique, historic, cultural, archeological, natural or other significant features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, and open space.

(b) Constrained and Sensitive Land. Constrained and sensitive land means land which is generally unbuildable and which contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults and other geologically or environmentally sensitive features.

11-12-040 Development ~~Options.~~

Developers desiring to develop property as a Conservation Subdivision in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter may submit a subdivision application for residential development at the base density permitted in the relevant zone provided herein which may result in more lots than using conventional lot dimensions standards set forth in Chapters 10 and 11 of this Title. The development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required percentage of conservation land within the development. ~~are provided the following Conservation Subdivision development options. These options are provided as an incentive to encourage developers to designate, preserve and protect a greater percentage of their property as permanent open space.~~

~~——— (a) —— Option One: Basic Conservation. Option One Conservation Subdivision provides for residential development at the base density permitted in the relevant zone plus any corresponding density incentive as provided herein for Option One Conservation Subdivisions. In order to obtain the full density incentive permitted herein for an Option One Conservation Subdivision, the development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required percentage of conservation land within the development.~~

~~(b) Option Two: Enhanced Conservation. Option Two Conservation Subdivision provides for residential development at the base density permitted in the relevant zone plus any corresponding increased density incentive as provided herein for Option Two Conservation Subdivisions. In order to obtain the increased density incentive provided herein for an Option Two Conservation Subdivision, the development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required increased percentage of conservation land within the development.~~

11-12-050 Approval Process.

Applications for a Conservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this Chapter, including, but not limited to, submission of a Subdivision Yield Plan, Sensitive Area Designation Plan and/or Master Development Plan.

The Planning Commission and City Council shall review and consider applications for conservation subdivisions as a legislative act in accordance with Chapter 6 of this Ordinance.

11-12-060 Development Activities Prohibited.

In order to ensure the preservation and enhancement of existing conditions of certain property within the City, including, but not limited to, constrained and sensitive lands, natural and cultural resources, wildlife habitat and other unique and sensitive lands, no new development activity shall be permitted on property proposed for development as a Conservation Subdivision prior to final plat approval as provided herein. Upon final plat approval, all development activity shall be conducted in accordance with and subject to applicable permit and development approval processes required by City Ordinances, rules and regulations. For purposes of this Section, “development activity” shall include any disturbance or alteration of the property in any way, but shall not include continuation of any currently existing permitted use of the property.

11-12-065 Waiver.

Subject to the provisions set forth herein, any provision of this Chapter may be waived by the City upon a vote of not less than four (4) members of the City Council. Such waiver(s) shall be granted only in limited circumstances as deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this Chapter. Any waiver of the required minimum conservation land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.

11-12-068 Fee in Lieu; Conservation Land Dedication.

In the event a proposed conservation land dedication does not, in the City's legislative discretion, produce sufficient public benefit, the City may require the payment of a fee in lieu of the dedication of conservation land. The fee to be paid to the City shall be established as follows:

- (1) The City shall establish the amount of the fee to be paid by determining the value of land of the same general characteristics as the conservation land dedication which would be required absent the application of the provisions of this section. The City's determination of value may be based on land sales data in the City's possession or reasonably available, and the basis of the City's determination shall be made available to the Applicant.
- (2) In the event the Applicant disagrees with the City's determination of the amount of the fee in lieu, the Applicant may, at its sole expense, submit an appraisal report from a licensed and Certified General Appraiser to establish the value of the proposed conservation land dedication. The value as established in a qualifying appraisal shall be the amount of the fee in lieu of conservation land dedication.
- (3) Any amount received by the City in lieu of conservation land dedication shall be set aside solely for open space and/or park acquisition and/or development.

11-12-070 Subdivision Yield Plan.

All applications for a Conservation Subdivision shall include a Subdivision Yield Plan prepared in accordance with the provisions set forth herein. The Subdivision Yield Plan is utilized to determine and calculate the base number of dwelling units for any given property to be developed as a Conservation Subdivision.

(a) Subdivision Yield Plan. Applicants shall prepare a Subdivision Yield Plan for the proposed project showing how the property within the project could be developed under a Conventional Subdivision layout using the dimensional standards set forth in Subsection (c). The Subdivision Yield Plan is not intended to propose or permit the actual development of the property in accordance with the dimensional standards set forth herein, but is prepared merely to determine the base number of dwelling units to be used in calculating the permitted number of dwelling units and lot size for the actual Conservation Subdivision. No subdivision may be developed in accordance with the dimensional standards set forth in Subsection (c) or a proposed Subdivision Yield Plan.

(b) Realistic Layout. The Subdivision Yield Plan must be drawn to scale and must exhibit a realistic layout reflecting a Conventional Subdivision layout that could reasonably be expected to be implemented in consideration of dimensional standards set forth herein and calculating and addressing the presence of non-buildable or infrastructure areas, including, but not limited to, rights-of-way, public improvement areas, wetlands, floodplains, steep slopes, restricted areas subject to the Farmington City Foothill Development Standards, and existing easements or encumbrances. A sample Subdivision Yield Plan is set forth in Exhibit "A," attached hereto and incorporated herein by this reference, providing an example of a hypothetical Yield Plan for land zoned Large Suburban.

(c) Dimensional Standards. The Subdivision Yield Plan shall reflect the following dimensional standards:

Subdivision Yield Plan Dimensional Standards			
Zone	Lot Area	Lot Width	
		Interior	Corner
R (Residential)	8,000 s.f.	75'	85'
LR (Large Residential)	10,000 s.f.	85'	95'
S (Suburban)	15,000 s.f.	95'	100'
LS (Large Suburban)	20,000 s.f.	100'	110'
AE (Agriculture Estates)	½ Acre	100'	110'
A (Agriculture)	1 Acre	100'	110'
AA (Agriculture-Very Low Density)	5 Acre	150'	160'

(d) Approval. The Subdivision Yield Plan must be approved in writing by the City Planner for compliance with the standards and provisions of this Section prior to the submission of a Schematic Plan for a Conservation Subdivision.

11-12-080 Sensitive Area Designation Plan.

All applications for a Conservation Subdivision shall include a Sensitive Area Designation Plan prepared in accordance with the provisions set forth herein. The Sensitive Area Designation Plan shall identify all constrained and sensitive lands within the property boundaries and within four hundred (400) feet outside of the property boundaries, including, but not limited to, floodplains, wetlands, steep slopes, and restricted areas as regulated by the Farmington City Foothill Development Standards. The Sensitive Area Designation Plan shall also clearly identify all natural or cultural resources present on the property and within four hundred (400) feet outside of the property, including, but not limited to, geographic features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat; historic buildings and/or sites; archeological sites; cultural features and green space. Some, but not all, of certain constrained and sensitive lands are designated and shown on the Farmington City Resources and Site Analysis Plan which may be utilized by applicants for the purpose of preparing a Sensitive Area Designation Plan. Applicants are solely responsible for checking and ensuring the accuracy and designation of constrained and sensitive lands and natural and cultural resources on the Sensitive Area Designation Plan for their particular project and applicable adjacent property. If site analysis, surveying and/or identification of constrained and sensitive lands and natural and cultural resources require entry onto adjacent properties, applicants are solely responsible for obtaining all required permits and/or approvals for such entry and analysis, surveying and/or identification.

11-12-085 Master Development Plan.

When deemed necessary or desirable by the City, application and approval for a Conservation Subdivision may require the submission and approval by the City of a Master Development Plan and/or Development Agreement. Such Master Development Plan and/or Development Agreement may be required by the City at any stage of the subdivision approval process.

11-12-090 Dimensional Standards.

(a) — Density. The permitted density for development within a Conservation Subdivision shall be determined in accordance with the following chart, hereinafter referred to as the “Development Incentive Chart.” The percentage increases noted as the “multiplier” in the Chart are percentage increases from the base density identified in the approved Subdivision Yield Plan for the proposed development.

(ba) Minimum Required Conservation Land. All Conservation Subdivisions shall provide at least the minimum percentage of conservation land within the Conservation Subdivision in accordance with the following chart, hereinafter referred to as set forth in the “Development Incentive Chart” in Subsection (a). The minimum percentage of required conservation land for any given Conservation Subdivision shall be calculated based upon the total acreage of property within the proposed subdivision less areas containing constrained and sensitive lands. Required conservation land shall not include any constrained or sensitive lands as defined herein. Except as otherwise provided herein, conservation land shall not be included within any residential lot.

Option One – Development Incentive Chart				
Zone	Conservation Land	Incentive Multiplier	Typical Lot Area	Lot Size Minimum
R	10%	0%	7,200 s.f.	6,500 s.f.
LR	10%	0%	9,000 s.f.	7,500 s.f.
S	15%	0%	12,750 s.f.	9,000 s.f.
LS	25%	5%	14,286 s.f.	10,000 s.f.
AE	25%	5%	14,286 s.f.	10,000 s.f.
A	30%	10%	25,455 s.f.	14,000 s.f.
AA	30%	10%	138,600 s.f.	14,000 s.f.
Option Two – Development Incentive Chart				

Zone	Conservation Land	Incentive Multiplier	Typical Lot Area	Lot Size Minimum
R	15%	10%	6,182 s.f. 6,800 s.f.	5,500 s.f.
LR	15%	10%	7,727 s.f. 8,500 s.f.	6,500 s.f.
S	20%	15%	10,435 s.f. 12,000 s.f.	8,000 s.f.
LS	30%	20%	11,667 s.f. 16,000 s.f.	9,000 s.f.
AE	30%	20%	11,667 s.f.	9,000 s.f.
A	40%	20%	20,000 s.f.	12,000 s.f.
AA	40%	20%	108,900 s.f.	12,000 s.f.

(e**b**) Lot Area. The lot area and minimum lot size for lots within a Conservation Subdivision shall be determined in accordance with the Development ~~Incentive~~ Chart set forth in Subsection (a). The typical lot area is likely to be much closer in size to the established threshold for each zone because that lot size can be delivered by developers while still meeting the minimum conservation land requirements set forth herein.

(e**c**) Lot Width at Building Line. The minimum lot width at the building line for main buildings within a Conservation Subdivision shall be seventy-five (75) feet, except in the R and LR zones the minimum lot width shall be sixty (60) feet.

(e**d**) Street Frontage. The minimum street frontages for lots within a Conservation Subdivision shall be determined in accordance with the street frontage regulations provided for the relevant zone.

(e**e**) Yard Regulations. The builder or developer of a Conservation Subdivision may consider variations in the principal building position and orientation, but shall observe the following minimum standards for buildings within a Conservation Subdivision. Exceptions to these minimum setback regulations may be approved by the City, in its sole discretion, during plat approval process when deemed appropriate and desirable under the circumstances.

i. Front Setback. The minimum front yard setback for main buildings in a Conservation Subdivisions shall be twenty (20) feet . Notwithstanding the foregoing, the minimum front yard setback for attached garages which extend past the front of the dwelling towards the front property line in any Conservation Subdivision shall be thirty (30) feet.

ii. Rear Setback. The minimum rear yard setback for main buildings within a Conservation Subdivisions for the AE, A, AA, S and LS zones shall be thirty (30) feet. The minimum rear yard setback for main buildings within Conservation Subdivisions for the R and LR zones shall be twenty-five (25) feet.

iii. Side Setback. The minimum side yard setback for main buildings within a Conservation Subdivision for the AE, A, AA, S and LS zones shall be ten (10) feet. The minimum side yard setback for main buildings within Conservation Subdivisions for the R and LR zones shall be five (5) feet and both sides shall total thirteen (13) feet.

iv. Side Corner Setback. The minimum side corner setback for main buildings within a Conservation Subdivision shall be fifteen (15) feet from the property line in compliance with clear vision standards set forth in Section 11-28-150 of this Title.

v. Accessory buildings on lots less than ½ acre in size shall be located at least six (6) feet to the rear of the dwelling, shall not encroach on any recorded easement, shall not occupy more than twenty-five percent (25%) of the rear yard, and shall be located at least fifteen (15) feet from any dwelling on an adjacent lot. Such buildings may be located within one (1) foot of the side or rear property line. Accessory buildings shall, without exception, be subordinate in height and area to the main building.

vi. Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not less than ten (10) feet from any side or rear property line and one hundred (100) feet from any public street or from any dwelling on an adjacent property.

vii. A detached garage, or other architecturally compatible structure as approved by the Planning Commission, may be located in the side yard of a lot providing that a six (6) foot separation is maintained from the residence and all front, side, and rear setbacks are provided as specified in Section 11-11-050.

viii. On double-frontage lots, accessory buildings shall be located not less than twenty-five (25) feet from each street upon which the lot has frontage.

(gf) Building Height on lots less than one-half (½) acre.

(1) Main buildings:

- i. Main buildings shall not exceed twenty-seven (27) feet in height;
- ii. No dwelling or structure shall contain less than one story.

- (2) Accessory buildings or structures shall not exceed fifteen (15) feet in height unless an increased height is approved by the Planning Commission after review of a conditional use application filed by the property owner. No fee shall be assessed for such application.

(hg) Accessory buildings on lots greater than ½ acre in size shall meet the setback and height requirements of the underlying zone in which they are located.

11-12-100 Design Standards.

(a) Individual Lots. Individual lots in Conservation Subdivisions shall be laid out pursuant to the dimensional standards set forth herein. Except as otherwise provided for herein, individual residential lots shall not encroach upon or contain any of the required minimum designated conservation land for the Subdivision or any constrained or sensitive lands, as defined herein.

~~(b) Buffer from Road. All new dwellings shall be arranged and located a minimum of eighty (80) feet from all external roads with a functional classification higher than a local street.~~

(eb) Views of Houselots. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the City's landscaping requirements for residential subdivisions.

~~(d) Access. Houselots shall be accessed from interior streets, rather than from roads bordering the tract.~~

~~(e) Abut Conservation Lands. At least half of the lots shall directly abut conservation land or face conservation land across a street.~~

(fc) Conservation Lands. Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the conservation land within a Conservation Subdivision shall be complied with as provided herein.

(gd) Constrained and Sensitive Lands. Restrictions and regulations regarding the preservation, protection, ownership and maintenance of constrained and sensitive lands within a Conservation Subdivision shall be complied with as provided herein.

~~(h) Size. In no event shall any parcel of conservation land be less than 1 acre in size.~~

11-12-110 Transfer of Development Rights/Lots. (TDR)

(a) Transfer Lots. Property proposed for conservation land and constrained and sensitive land, if located in a designated receiving zone, may be replaced by one, or more than

one, "Transfer Lot". A Transfer Lot is a lot that could have been developed elsewhere in the City, but instead is platted in the place of proposed conservation land, and where money paid to the owner of property located in a designated sending zone by a developer to transfer the lot, and increase the overall residential density of his project. Such lots shall be known and referred to as "Transfer Lots" and must be approved by the City in conjunction with subdivision approval. A Transfer Lot is not the result of a waiver set forth in this Chapter.

(b) Sole Discretion. The City has the sole authority to designate sending and receiving zones where such transfer lots are used and may do so by resolution

(c) Any sending zone parcel once a transfer lot density right is taken off the sending zone parcel loses the associated density right unless a future city council decision approves an up zoning to the sending zone parcel.

(d) Minimum Transfer Lot Size and Dimensional Standards. The minimum acreage required for any Transfer Lot replacing conservation land shall be determined in accordance with the development incentive chart (option two) and dimensional standards provided in Section 11-12-090.

(e) Any cash payment which results from an agreement regarding a Transfer Lot shall be set aside for the acquisition or improvement of open space and/or park land only, and not for any other use.

(f) The open space acquired involving a Transfer Lot shall be in proximity to the receiving area for said Lot base on the service area or nature of the open space acquired. The service area, whether it is related to a regional facility, community parks, a neighborhood park, etc., shall be determined as set forth in the General Plan

(g) If open space realized in whole or in part by a Transfer lot is moved to another location, transfer lot density rights must be recalculated based upon the characteristics of the new sending zone parcel and in consideration on what as already been transferred to the previous location.

(h) For larger conservation subdivisions greater than 20 acres in size, ten percent of the land must remain as open space and cannot be used by Transfer Lots.

(i) Agreement. A Transfer Lot must be approved by development agreement between the City and the respective owners, acceptable to and at the sole discretion of the City. The development agreement shall be recorded prior to or contemporaneous with the recording of the final plat which contains the Transfer Lot, and the agreement may include, but not be limited to, the following:

- (1) Anticipated value of the Transfer Lot to be paid from the receiving lot owner to the sending lot owner;
- (2) Method of payment for the transfer lot(s) value and when the payment is to be made;
- (3) Cost of improvements, including design costs, and the timing of construction;

- (4) Other costs such as City fees and finance costs, and the timing of the paying thereof;
- (5) Land cost total to be paid to the owner and when this payment to the owner will be made; and
- (6) Developer profit percentage.

11-12-120 Use Regulations.

(a) Subdivision. Subject to use and development restrictions of constrained and sensitive lands as set forth herein, land within Conservation Subdivisions may be used for the following purposes:

- (1) Permitted Uses. Any uses permitted in the relevant zone.
- (2) Conservation Land. Conservation land, subject to the use and development restrictions of conservation land as set forth herein.
- (3) Accessory Uses. Any permitted accessory uses as provided in the relevant zoning regulations.

(b) Conservation Land. Conservation land may be used for the following purposes:

- (1) Permitted Uses. The following uses are permitted in conservation land areas:
 - (a) Conservation of open land in its natural state; e.g., meadow, grassland, tree stands, farmland, etc.
 - (b) Agricultural and horticultural uses, including raising crops or Class “B” livestock and associated buildings that support an active, viable agricultural or horticultural operation, excluding commercial livestock operations involving swine, poultry, and mink.
 - (c) Pastureland for sheep, cows and horses.
 - (d) Equestrian facilities for Class “B” animals.
 - (e) Underground utility easements for drainage, access, sewer or water lines, or other public purposes.
 - (f) Above-ground utility and street rights-of-way may traverse conservation land if permitted under City Ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required conservation land for the Subdivision.

- (2) Conditional Uses. The following uses shall be considered as conditional in conservation land areas:
- (a) Agricultural uses, not otherwise permitted, including Class “C” Animals, but excluding commercial livestock operations involving swine, poultry and mink.
 - (b) Wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations.
 - (c) Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 - (d) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact.
 - (e) Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways.
 - (f) Golf courses, not including miniature golf.
 - (g) Water supply and sewage disposal systems, and storm water detention areas designed, landscaped, and available for use as an integral part of the conservation land.
 - (h) Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the conservation land.
- (3) Prohibited Uses. Except as otherwise approved and permitted by the City as a permitted or conditional use in conjunction with the Conservation Subdivision approval, the following uses shall be considered prohibited in conservation land areas:
- (a) Any residential, commercial or industrial activity;
 - (b) Any development, construction or location of any man-made modification or improvements such as buildings, structures, roads, parking lots, or other improvements;
 - (c) Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the property;

- (d) Any dumping or storing of ashes, trash, garbage or junk;
 - (e) Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes;
 - (f) The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the property and/or utility facilities within the property;
 - (g) Hunting or trapping for any purpose other than predatory or problem animal control;
 - (h) Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same;
 - (i) Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses;
 - (j) The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;
 - (k) The division, subdivision or de facto subdivision of the property;
 - (l) Changing the topography of the property by placing on it any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted purposes; and
 - (m) All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of the easement.
- (4) Constrained and Sensitive Lands. No development or residential uses shall be permitted within constrained and sensitive lands.

11-12-130 Conservation Land Design Standards.

Designated conservation land within a Conservation Subdivision shall meet the following standards:

(a) Significant Areas and Features. Conservation land should include the most unique and sensitive resources and locally significant features of the property within the Subdivision such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmlands, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, cultural features, green space, scenic views, etc.

(b) Contiguous Land. Conservation lands within a development shall be contiguous to provide for large and integrated open space areas within the Subdivision. Non-contiguous parcels of conservation lands may be approved by the City during plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the conservation lands, and other relevant considerations. Long thin strips of conservation land (less than one hundred (100) feet wide) are prohibited, unless approved by the City during plat approval process upon a finding that such configuration of the conservation land is necessary and/or desirable to connect other significant areas, to protect linear resources such as streams or trails, or to provide a buffer.

(c) Open Space Network Connection. Conservation land within a Conservation Subdivision shall be designed and laid out as part of a larger continuous and integrated open space system in general accordance with the Farmington Resource and Site Analysis Plan to ensure that an interconnected network of open space will be provided throughout the City.

(d) Visibility. Conservation land shall be located and designed within the Conservation Subdivision to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space. Such enhanced visibility of conservation land may be accomplished through design and location of such open space as terminals at the ends of streets or along “single-loaded” street segments, particularly along the outside edges of street curves, and by maximizing the visibility of external open space as perimeter “greenbelt” conservation land.

(e) Resource Uses. A substantial amount of the minimum required conservation land may be devoted to active resource uses such as agriculture, horticulture, or equestrian uses; provided, at least ~~twenty percent (20%)~~ a portion of the minimum required conservation land remains available for the common use and enjoyment of the subdivision residents or the public.

(f) Recreational Uses. A substantial amount of the minimum required conservation land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc., exclusive of parking lots; provided, at least ~~twenty percent (20%)~~ a portion of the minimum required conservation land remains available for common use and enjoyment of the subdivision residents or the public.

(g) Buffering. Conservation land shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks. Where the proposed development abuts a national forest or other public park, open space, wildlife sanctuary or preserve, a natural greenway buffer at least fifty (50) feet wide shall be provided within the development along its common boundary with said land, within which no new structures shall be

constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction or fire safety). Where this buffer is unwooded, the City may require vegetative screening to be planted at developer's sole cost and expense and/or that the buffer be managed to encourage natural forest succession through 'no-mow' policies and the periodic removal of invasive alien plant and tree species.

(h) Pedestrian Access. Developer shall provide adequate pedestrian access to conservation land which is open to public or resident use.

(i) Maintenance Access. Developer shall provide sufficient maintenance access to all conservation land and constrained and sensitive lands within the Conservation Subdivision.

(j) Landscaping. All conservation land that is not wooded, farmed, or maintained as conservation meadows, grassland, or other approved open space, shall be landscaped at developer's sole cost and expense in accordance with landscaping requirements for subdivisions.

11-12-140 Permanent Protection of Conservation Lands.

(a) Conservation Easement. All conservation land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the conservation land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the Conservation Subdivision. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Subdivision, shall be approved by the City and recorded prior to or concurrent with the recording of the final plat for the Conservation Subdivision.

(b) Terms and Conditions. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:

- (1) legal description of the easement;
- (2) description of the current use and condition of the property;
- (3) permanent duration of easement;
- (4) permitted and conditional uses;
- (5) prohibited development and/or uses;
- (6) maintenance responsibilities and duties; and
- (7) enforcement rights and procedures.

(c) Grantee. Unless otherwise approved by the City, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization or governmental entity. The City may, but shall not be required to, accept, as grantee, a Conservation Easement encumbering conservation lands within a Conservation Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the conservation land are provided.

11-12-150 Ownership of Conservation Lands.

(a) Undivided Ownership. Unless otherwise approved by the City and subject to the provisions set forth in this Chapter, the underlying fee ownership of the conservation land shall remain in single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.

(b) Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided.

(c) Owners' Association. Conservation land may be held in common ownership by a condominium homeowners' or other acceptable owners' association, subject to all of the provisions for owners' associations set forth in State regulations and the City's Subdivision regulations. In addition, the following regulations shall be met:

- (1) A description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for conservation land, including restrictive covenants for the Subdivision, shall be submitted by the developer with the Preliminary Plat application.
- (2) The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the Final Plat for the Subdivision.
- (3) Membership in the association shall be mandatory for all purchasers of property within the Subdivision and their successors in title.
- (4) The association shall be responsible for maintenance and insurance of conservation land.
- (5) The by-laws of the association and restrictive covenants for the Subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
- (6) Written notice of any proposed transfer of conservation land by the association or the assumption of maintenance for the conservation land must be given to all members of the association and to the City no less than thirty (30) days prior to such event.
- (7) The association shall have adequate staff to administer, maintain, and operate such conservation land.

11-12-160 Maintenance of Conservation Lands.

(a) Costs. Unless otherwise agreed to by the City, the cost and responsibility of

maintaining conservation land shall be borne by the owner of the underlying fee of the conservation land.

(b) Plan. The developer shall submit a Maintenance Plan providing for and addressing the means for permanent maintenance of the conservation land within the proposed Conservation Subdivision with the Preliminary Plat application for the Subdivision. The Maintenance Plan shall provide the following:

- (1) The Plan shall define ownership.
- (2) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.).
- (3) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- (4) At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

(c) Approval. The Maintenance Plan must be approved by the City prior to or concurrent with Final Plat approval for the Subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Maintenance Plan shall be approved by the City.

(d) Failure to Maintain. In the event that the organization established to maintain the conservation land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

(e) Corrective Action. The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the County Recorder's office. The Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.

Formerly “Residential Zone R-22”, repealed 4/1/92, Ord. 92-08
Recodified as “Multiple Family Residential Zones”, 4/15/92, Ord. 92-14
Chapter 12 Amended, 12/8/93, Ord. 93-44
11-12-106 Amended, 3/2/94, Ord. 94-12
11-12-104(1) Amended, 4/19/95, Ord. 95-15
Recodified from Chapter 12 to Chapter 13, 4/21/99, Ord. 99-19
New Chapter 12 Adopted, 4/21/99, Ord. 99-21
Chapter 12 Amended and Recodified, 10/17/01, Ord. 2001-38
Amended - 4/19/06 11-12-090 (f) Yard Regulations
Amended 11-12-090(f) & enacted 11-12-090(g) & (h); 10/3/06 Ord. 2006-68
Amended 11-12-090(f)(1) & 11-12-090 (f)(5) 08/18/2011 Ord. 2011-10
Enacted 11-12-068 Fee in Lieu; Conservation Land Dedication 05/17/2011 Ord. 2011-10
Amended 11-12-100 and 11-12-110, 09/17/13 Ord. 2013-20

Findings:

1. The proposed amendment is reasonably necessary because the original ordinance doesn't fulfill the intent of the conservation subdivision.
2. The proposed amendment removes portions of the ordinance that are superfluous and adds necessary language to more fully define the regulation of conservation subdivisions.
3. The revised ordinance better meets the spirit of the conservation subdivision and addresses various problems that have arisen since the ordinance was first adopted.
4. The amended ordinance creates more realistic lot sizes that will more accurately reflect the surrounding neighborhoods.
5. The Farmington City General Plan is based on the overall goal of creating within the community a healthy, attractive, and pleasant living environment for its residents. This goal is the most significant element underlying the General Plan. This text amendment strongly supports this goal.

Applicable Plans/Ordinances

1. Title 11 Chapter 12 – Conservation Subdivision Design Standards