

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, March 4, 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 COMMITTEES/MUNICIPAL OFFICERS

7:05 Introduction of new Youth City Council members/Administration of Oath of Office

7:20 Recognition of Bob Murri for Service on the Planning Commission

PUBLIC HEARINGS:

7:25 Miscellaneous Zone/Subdivision Text Changes

7:35 Meadow View Plat Amendment, Minor Plat Approval and Development Agreement

SUMMARY ACTION:

7:45 Minute Motion Approving Summary Action List

1. Approval of Minutes from February 18, 2014
2. Interlocal Automatic Aid Fire Agreement
3. Ratification of Park Property Purchase Agreements

GOVERNING BODY REPORTS:

7:50 City Manager Report

1. Schedule Tours of Public Safety, Public Works and City Projects
2. Proposed Planning Commission/City Council meeting rescheduled for the 19th due to Caucuses

8:00 Mayor Talbot & City Council Reports

ADJOURN

CLOSED SESSION

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 27th day of February, 2014.

FARMINGTON CITY CORPORATION

By: Holly Gadd
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.

CITY COUNCIL AGENDA

For Council Meeting:
March 4, 2014

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

It is requested that City Council Member Cory Ritz give the invocation/opening comments to the meeting and it is requested that City Council Member Doug Anderson lead the audience in the Pledge of Allegiance.

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

CITY COUNCIL AGENDA

For Council Meeting:
March 4, 2014

S U B J E C T: Introduction of new Youth City Council members/Administration of Oath of Office

ACTION TO BE CONSIDERED:

None

GENERAL INFORMATION:

Mayor Jim Talbot will introduce the Youth City Council members and perform the administration of Oath of Office.

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

Zimbra**hgadd@farmington.utah.gov**

FYCC 2014

From : emmpace@q.com

Mon, Feb 24, 2014 09:04 AM

Subject : FYCC 2014**To :** hgadd@farmington.utah.gov,
Brighammellor@gmail.com**Cc :** emmpace@q.com

Hi Holly and Brigham,

Here is a list of our 30 Farmington Youth Council members for 2014:

Haley VanOderbeck- Mayor

Jill Hess

Emmaleas Paget

Bransen Nelson

Blake Riley

Mallory Hogge

Amanda Buxton

Elizabeth Barnett

Kayla Weddington

Daniel Montgomery

Riley Buxton

Whitney Carr

Michael Harris

Emilee Hess

Whitney Holman

Devin Madsen

Sydney Smith

Amber Stratford

Jessica Stevens

Anneke Allart

Judson Barnett

Sam Jardine

Spencer Lee

Ian Oldroyd

Danielle Pace

Rebecca Workman

McKinley Carr

Erik Fronberg

Amanda Steinhorst

Alexandria Woods

CITY COUNCIL AGENDA

For Council Meeting:
March 4, 2014

S U B J E C T: Recognition of Bob Murri for Service on the Planning Commission

ACTION TO BE CONSIDERED:

None

GENERAL INFORMATION:

Mayor Jim Talbot will be doing this presentation.

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

CITY COUNCIL AGENDA

For Council Meeting:
March 4, 2014

PUBLIC HEARING: Miscellaneous Zone/Subdivision Text Changes

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
2. Approve the enclosed ordinance enacting the proposed miscellaneous zoning and subdivision text changes.

GENERAL INFORMATION:

See enclosed staff report prepared by David Petersen.

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

FARMINGTON CITY



H. JAMES TALBOT
MAYOR

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

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: March 4, 2014

SUBJECT: **ORDINANCE—MISCELLANEOUS ZONE/SUBDIVISION TEXT CHANGES**

RECOMMENDATION

1. Hold a public hearing.
2. Approve the enclosed ordinance enacting the proposed miscellaneous zoning and subdivision text changes.

BACKGROUND

The City Council reviewed the proposed zone and subdivision text amendments as a discussion item at their last meeting. The updates to the Zoning Ordinance (and one Subdivision Ordinance text change) set forth in the attached ordinance include: a) Clarifying direct access (driveway) standards for building lots in Section 11-32-106(1)(e); b) Modifying correctional/detention facilities, half-way houses, etc. as a “not permitted” use in Section 11-18-105; c) Replacing the term “Residential facilities for the elderly” and “handicapped” with “Residential Facilities for people with disabilities” and keeping it as a permitted use in the mixed use zones except the OS zone in Section 11-18-105; d) Removing residential uses in the Office Mixed Use District (OMU) in Section 11-18-105; e) Changing the City’s local street cross section standard in Section 12-7-040; f) Reconsidering PUDs as a conditional use in Section 11-27-030 and the appropriate zone districts where PUDs may be allowed and other chapter references related thereto; g) Adding an historic preservation standard in lieu of the 10% common open space requirement for PUDs in 11-27-120(g); h) Deleting the word “minimum” in 11-28-070; and i) Providing a “rear of dwelling” standard for accessory buildings in 11-11-060(a). All of these changes are discussed in further detail below:

a) Direct access (driveway) standards of building lots in Section 11-32-106(1)(e).
A “building lot” must have frontage on a public street (Section 11-2-020(55)). Meanwhile, a “lot” is not subject to the same standard (Section 11-2-020(54)). Consequently, Section 11-32-

106(1)(e) regarding driveway access should be modified as follows to clearly specify only “building lots” because building lots are the only lot type which require street frontage:

Driveways shall have direct access to a public street for a building lot. Subject to satisfaction of the provisions of Section 11-3-045 of the City Zoning Ordinances and the grant of a special exception, direct access for a building lot may include access over one adjacent building lot ~~in a platted subdivision~~ provided both building lots have full frontage on a public street, an access easement has been recorded acceptable to the City, and the full face of any dwelling unit located on ~~the~~ both building lots fronts or is fully exposed to the public street.

b) Correctional/detention facilities, drug or alcohol rehabilitation facilities, etc. as a “not permitted” use in Section 11-18-105.

The aforementioned uses are shown as “Not Permitted” on the use table for the mixed use zones in Chapter 18. Such a designation may or may not be consistent with Federal Law. The City intends to ensure compliance with the law; therefore, it is recommended that the City eliminate these as uses in these zones to allow time for the City to update its ordinances accordingly (see below). In the meantime, the City will defer to federal law if such uses are proposed in the mixed use areas.

Civic Uses	RMU	OMU	GMU	TMU	OS
Correctional/detention facilities, half-way houses, drug or alcohol rehabilitation facilities, facilities for the confinement of the mentally ill, homeless shelters, domestic violence shelters, and other similar facilities including those which require that clients stay overnight or longer.	N	N	N	N	N
Government – no point of service; no offices dealing directly or on a limited basis with the public (e.g. public works yards, etc.)	N	N	N	N	N

c and d) Replacing the term “Residential facilities for the elderly” and “handicapped” with “Residential Facilities for people with disabilities” and keeping it as a permitted use in the mixed use zones except the OS zone in Section 11-18-105.

The term “Residential facilities for people with disabilities” is a more appropriate term than “Residential facilities for the elderly” and “handicapped”. Also; the City desires to establish a large 240+ acre business park north of Shepard Creek west of I-15 and east of the UTA tracks for multiple reasons. Several months ago in an effort to prevent residential creep into this area, the City amended its ordinance to disallow most residential uses in the Office Mixed Use (OMU) zone. In the interim, the City has gained a greater understanding of live/work uses due to requests for such uses elsewhere in the community. In order to maintain the future business

park as a non-residential area, it is recommended that the City identify these uses as “Not Permitted” or “N” in the OMU zone as follows [note: the Planning Commission recommended that the City move the “Artist Studio” use to the Commercial section of the use table in 11-18-105):

Residential	RMU	OMU	GMU	TMU	OS
Artist Studio	P	<u>PN</u>	P	P	N
Live/work Residential	P	<u>PN</u>	P	P	N
Residential facilities for the elderly; residential facilities for the handicapped; <u>Residential facilities for people with</u> <u>disabilities</u>	P	P	P	P	N

e) Local street cross-section standard in Section 12-7-040.

The Fire Department added portions of Appendix D to Ordinance 2012-22 as part of the 2011 Electrical Code update, or Title 10 of the Farmington City Code. Said ordinance was adopted by the City on June 5, 2012 (see enclosed Appendix D). It is recommended that the City amend its local street cross-section in its development standards by resolution and Section 12-7-040 of the Subdivision Ordinance as follows:

STREET CLASSIFICATION

	Major Arterial	Minor Arterial	Major Collector	Minor Collector	Important Local	Local
R-O-W width	106 ft.	100 ft.	80 ft.	66 ft.	60 ft.	<u>55</u> 6 ft.
width to back of curb	86 ft.	65 ft.	57 ft.	42 ft.	37 ft.	<u>32</u> 3 ft.

f) PUDs as a conditional use in Section 11-27-030 and appropriate zone districts where PUDs may be allowed and other chapter references related thereto.

Planned Unit Developments are erroneously listed as a conditional use within many districts contained within the Zoning Ordinance because consideration of any permitted or conditional use set forth therein constitutes an administrative act. Meanwhile, the establishment of a PUD is a legislative act (see Section 11-27-080). Accordingly, it is recommended that the City amend sections of the Zoning Ordinance as follows [for entire tables/paragraphs see respective sections in Zoning Ordinance]:

CHAPTER 10

AGRICULTURAL ZONES

11-10-020 Schedule of Uses.

The following table identifies permitted uses by the letter "P" and conditional uses by the letter "C". The letter "X" indicates that the use is not allowed. Uses not listed shall not be allowed except as provided in Section 11-4-105(6):

USE	AGRICULTURE ZONES		
	AA	AE	A
Planned Unit development	e	e	e

CHAPTER 11

SINGLE-FAMILY RESIDENTIAL ZONES

11-11-030 Conditional Uses.

The following are conditional uses in all single-family residential zones. No other conditional uses are allowed, except as provided by Section 11-4-105(6).

- (a) ~~Condominiums, Planned Unit Developments;~~

CHAPTER 13

MULTIPLE-FAMILY RESIDENTIAL ZONES

11-13-030 Conditional Uses.

The following are conditional uses in multiple-family residential zones. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (4) ~~Condominiums, Planned Unit Developments;~~

CHAPTER 14

BUSINESS PARK ZONE (BP)

11-14-030 Conditional Uses.

The following are conditional uses in the BP zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- ~~(7) Planned unit development or condominium, commercial;~~
- ~~(8) Planned unit development or condominium, residential, in areas where such development provides an appropriate transition from non-residential to lower density residential uses;~~

CHAPTER 15

BUSINESS/RESIDENTIAL ZONE (BR)

11-15-030 Conditional Uses

The following are conditional uses in the BR Zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- ~~(15) Planned unit development or condominium, commercial;~~
- ~~(16) Planned unit development or condominium, residential;~~

CHAPTER 16

GENERAL COMMERCIAL ZONE (C)

11-16-030 Conditional Uses.

The following are conditional uses in the C zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- ~~(19) Planned unit development or condominium, commercial;~~
- ~~(20) Planned unit development, apartments or condominium, residential;~~

CHAPTER 17

ORIGINAL TOWNSITE RESIDENTIAL ZONE (OTR)

11-17-030 Conditional Uses.

The following are conditional uses in the OTR Zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- ~~(13) Single-family residential planned unit development (PUD)~~

CHAPTER 19

COMMERCIAL MIXED USE (CMU) ZONE

11-19-104 Allowable Uses.

The CMU zone provides for a broad variety of land uses. The purpose of the CMU zone is to provide for a mix of uses rather than a single type of use. The specific uses that will be allowed in an CMU zoned area will depend on the location and character of the property to be zoned, the mix and intensities of the uses proposed, and on the character of the surrounding neighborhoods and land uses, and will be determined through the review and approval of either a Planned Unit Development pursuant to Chapter 27 of this Zoning Ordinance, or as a Planned Center Development pursuant to the conditional use permit process.

Among the uses that may be considered for approval in the CMU zone as part of a Planned Center Development are the following:

- ~~(23) Planned unit development or condominium, commercial;~~
- ~~(24) Planned unit development, residential; (minimum density: six (6) units per acre);~~

CHAPTER 20

NEIGHBORHOOD MIXED USE (NMU) ZONE

11-20-040 Allowable Uses.

The NMU zone provides for a broad variety of land uses. The purpose of the NMU zone is to provide for a mix of uses rather than a single type of use. The specific uses that will be allowed in an NMU zoned area will depend on the location and character of the property to be zoned, the mix and intensities of the uses proposed, and on the character of the surrounding neighborhoods and land uses, and will be determined through the review and approval of either a Planned Unit Development pursuant to Chapter 27 of this Zoning Ordinance, or as a Planned Center Development pursuant to the conditional use permit process.

(a) Allowable Uses

Among the uses that may be considered for approval as part of a Planned Center Development are the following:

- ~~(20) Planned unit development or condominium, commercial;~~
- ~~(21) Planned unit development or condominium, residential;~~

CHAPTER 22

B ZONE

11-22-103 Conditional Uses.

Uses enumerated hereunder are principal uses. The location of these uses shall be

subject to review and approval by the Planning Commission as provided in Chapter 8 and the requirements of this Chapter.

(3) ~~Single-family residential planned unit development;~~

CHAPTER 27

PLANNED UNIT DEVELOPMENT (PUD)

11-27-030 Combination with Residential Zones.

A Planned Unit Development shall be ~~permitted as a conditional use~~ considered only in the AA, A, AE, LS, S, LR, R, R-2, R-4, and R-8, BP, BR ~~and C, OTR (single-family residential only), NMU, CMU, and B (single-family residential only)~~ zones. The provisions of this Chapter shall prevail in cases of conflict between this Chapter and other chapters (the provisions of the Foothill Ordinance shall be more restrictive than this Chapter).

g) Historic preservation standard in lieu of the 10% common open space requirement for PUDs in 11-27-120(g).

Every Planned Unit Development (PUD) must require a 10% set aside of its net area as open space as per Section 11-27-120(g). Years ago in an effort to provide greater flexibility for infill parcels, particularly for properties containing historic resources, the City reduced the minimum acreage requirement for PUDs from 5 acres for single-family PUDs and 3 acres for multi-family PUDs to zero acres. Consequently, some infill projects are small and the 10% open space requirement does not result in significant area. It is recommended that in lieu of the open space requirement, or portion thereof, that the City is allowed to consider historic preservation as an option at its sole discretion as follows:

(g) Every Planned Unit Development shall provide usable common open space, accessible to all lots or units, of not less than 10 percent of the net area (gross area less constrained or sensitive lands), in single-family Planned Unit Developments (see chart below) and 30 percent in multi-family Planned Unit Developments. (Open space requirements in a mixed single-family, multi-family Planned Unit Development shall be computed as a weighted average.) No streets, driveways, parking areas, yard areas typically used for individual structures or areas with slopes greater than 30 percent, wetlands or other constrained lands may be included in the computation of the required open space unless the Planning Commission determines that certain constrained, i.e., rock outcroppings, etc., qualify as unimproved open space in order to enhance the character and function of open space with the development. Playgrounds, parks, swimming pools and related amenities, tennis courts and similar bona fide recreation buildings and facilities and trailway system land may be considered part of the usable common open space. The City, at its sole discretion, may consider preservation of an on-site building or structure eligible.

or that may be eligible, for the National Register of Historic Places in lieu of the 10 percent open space requirement or portion thereof.

h) Deleting the word “minimum” in 11-28-070.

The current 25% coverage ratio often prevents a property owner from constructing a reasonably sized detached building, like a garage, because said coverage area is limited to the minimum required rear yard area determined by a 30 foot setback in residential zones even if the actual rear yard is much larger than the minimum requirement. It is recommended that the City amend this standard as follows for only residential zones:

11-28-070 Maximum Coverage Area of Accessory Buildings.

No accessory building or group of such buildings and no parking space in any residential zone shall cover more than twenty-five percent (25%) of the ~~minimum~~ rear yard space.

i) Providing a “rear of dwelling” standard for accessory buildings in 11-11-060(a).

The rear yard constitutes that area between the setback of the building and the property line. The ordinance as currently written prevents a property owner from placing an accessory building in the yard formed by an “L” shaped building but still located to the rear of the dwelling. It is recommended the City amend its ordinance as follows:

11-11-060 Accessory Buildings and Structures.

(a) Accessory buildings, except those listed in Subsection (b), shall be located ~~in to the rear of the dwelling yard~~, shall be separated from the main building by a distance in compliance with applicable building codes, 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.

~~j) Striking Section 11-35-103(15) which makes the sale of firearms a prohibited use under Home Occupations.~~

~~A few weeks ago Erick Carmiol inquired about the possibility of selling firearms under the City’s Home Occupation ordinance (see attached home occupation ordinance (Chapter 35) and information from Erick Carmiol). Under the City’s current ordinance the “Sale or repair of firearms” is not allowed as a home occupation. Mr. Carmiol provided certain references to the state code stating that no local authority can prevent an individual from selling his firearm (see attached). Do such state code references only refer to the sale of personal property, or do they further allow one to operate a firearm business from one’s home? Staff recommends that the Planning Commission table consideration of this item pending further clarification from the City Attorney.~~

k) Amending Section 11-28-230 of the Zoning Ordinance to require performance bonds for demolitions (ZT-9-13).

Recently the City adopted an ordinance regarding demolitions. Now in many circumstances one must have a building permit in hand issued by the City for the replacement building before one is allowed to proceed with the demolition. But this does not prevent one from following through with the construction of the replacement building/structure. At the time the new ordinance was enacted the City contemplated a performance bond to ensure compliance. It is recommended that the City amend its ordinance as follows:

(d) Issuance of Demolition Permit for a Main Building.

(1) Except as otherwise provided in subsection (4) of this section, a demolition permit shall be issued only upon compliance with subsections (2) and (3) of this section, if applicable, and if:

(i) A complete building permit application for a use building to replace replacing the demolished building or structure proposed for demolition has been submitted to the Community Development Department; and in the case of a replacement-use building for a dwelling, ~~that is not a multiple family dwelling~~; the building permit must be issued and the City must receive a cash performance bond in a form acceptable to the City equal in amount to the valuation, as determined by the Building Official, of the replacement building; or

Respectively Submitted



David Petersen
Community Development Director

Review and Concur



Dave Millheim
City Manager

FARMINGTON, UTAH

ORDINANCE NO. 2014 -

AN ORDINANCE AMENDING OR ENACTING SECTIONS 11-32-106(1)(e), 11-18-105 Table 18.3, 12-7-040(1), 11-10-020, 11-11-030, 11-13-30, 11-14-030, 11-15-030, 11-16-030, 11-17-030, 11-19-104, and 11-20-040, 11-22-103, 11-27-030, 11-27-120(g), 11-28-070, 11-11-060(a), 11-28-230(d)(1)(i), OF THE FARMINGTON CITY ZONING AND SUBDIVISION ORDINANCES (ZT-9-13).

WHEREAS, the Planning Commission has held a public hearing in which the proposed text changes for Sections 11-32-106(1)(e), 11-18-105 Table 18.3, 12-7-040(1), 11-10-020, 11-11-030, 11-13-30, 11-14-030, 11-15-030, 11-16-030, 11-17-030, 11-19-104, and 11-20-040, 11-22-103, 11-27-030, 11-27-120(g), 11-28-070, 11-11-060(a), 11-28-230(d)(1)(i) of the Farmington City Zoning and Subdivision Ordinances were thoroughly reviewed and the Planning Commission recommended that these changes be approved by the City Council; and

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

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

Section 1. Amendment. Sections 11-32-106(1)(e), 11-18-105 Table 18.3, 12-7-040(1), 11-10-020, 11-11-030, 11-13-30, 11-14-030, 11-15-030, 11-16-030, 11-17-030, 11-19-104, and 11-20-040, 11-22-103, 11-27-030, 11-27-120(g), 11-28-070, 11-11-060(a), 11-28-230(d)(1)(i) of the Farmington City Municipal Code are hereby amended to read as set forth in Exhibit "A" attached hereto and by this reference made a part hereof.

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

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

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 4th day of March, 2014.

FARMINGTON CITY

H. James Talbot, Mayor

ATTEST:

Holly Gadd, City Recorder

EXHIBIT "A"

Section 11-32-106(1)(e).

Driveways shall have direct access to a public street for a building lot. Subject to satisfaction of the provisions of Section 11-3-045 of the City Zoning Ordinances and the grant of a special exception, direct access for a building lot may include access over one adjacent building lot provided both building lots have full frontage on a public street, an access easement has been recorded acceptable to the City, and the full face of any dwelling unit located on both building lots fronts or is fully exposed to the public street.

11-18-105 Uses

- (1) Uses allowed in the TOD area are identified in Table 18.3 – Allowable Land uses. A development parcel may have more than one main building or dwelling, however each main building shall have its own zone lot.
- (2) More than one permitted use may be located on a development parcel and within a building (refer to definitions of mixed use and development parcel).

Table 18.3 – Allowable Land Uses					
Key to Allowable Uses:					
P – Permitted					
N – Not Permitted					
Restrictions:					
a.– Drive-up window/drop-off lane allowed only with special use review by the Planning Commission. No additional curb cut shall be added to accommodate the drive-up/drop-off lane.					
b.– Also see Section 11-18-108(b)(5)(iv) for provisions for buildings over 20,000 square feet.					
c.– Benches and bus stops are permitted, with development standards as noted in Section 11-18-111					
* Neighborhood Service Establishments: low impact retail and personal service uses such as bakery, bookstore, dry-cleaning, hair styling, pharmacy, art supply/gallery, craft store, photocopy center, corner market (w/ no gas pumps).					
	Mixed-use Districts				
	RMU	OMU	GMU	TMU	OS
Residential					
Low-density residential – single-family detached min. of 5,000 sq. ft. lot size	P	N	N	N	N

Medium-density residential – single-family small lots and attached units or townhomes/condominiums limited to duplexes, triplexes, four-plexes, five-plexes, or six-plexes.	P	N	P	P	N
High-density residential – Condominium and apartment style	N	N	P	P	N
Live/work Residential	P	N	P	P	N
Residential Facilities for people with disabilities	P	P	P	P	N
Commercial	RMU	OMU	GMU	TMU	OS
Artist Studio	P	P	P	P	N
Business, professional offices, outpatient medical facilities	P	P	P	P	N
Entertainment	N	N	P	P	N
Financial institutions (with the exception of non-depository institutions)	P	P	P	P	N
Fitness and recreation facilities	P	P	P	P	N
Hospitals, inpatient medical facilities	N	P	P	P	N
Lodging, limited to hotel, motel	N	P	P	P	N
Lodging - bed and breakfast	P	N	P	P	N
Neighborhood service establishments*	P ¹	P ¹	P	P ¹	N
Restaurant – fast food	P ¹	P	P	P ¹	N
Restaurant – traditional sit-down	P	P	P	P	N
Retail and Wholesale sales individual tenant use: (18) Up to 5,000 sq. ft.	P	P	P	P	N

(19) Greater than 5,000 sq. ft. and up to 20,000 sq. ft.	N	P	P	P	N
(20) Greater than 20,000 sq. ft.	N	P ²	P ²	P ²	N
Vehicle Service/convenience store (including gasoline sales but no auto repair)	N	P	P	P	N
Accessory buildings that do not in aggregate have a footprint greater than 25% of the main building(s) on a development parcel	P	P	P	P	N
Parking structure	N	P	P	P	N
Civic Uses	RMU	OMU	GMU	TMU	OS
Service and fraternal clubs and organizations, and religious institutions	P	P	P	P	N
Government – point of service (e.g. Library)	P	P	P	P	N
Government – no point of service; no offices dealing directly or on a limited basis with the public (e.g. public works yards, etc.)	N	N	N	N	N
Parks and Open Space	P	P	P	P	P
Schools:					
(21) Preschool, daycare	P ¹	P	P	P	N
(22) Primary, secondary, colleges, and vocational	P	P	P	P	N
Transit and related transportation facilities – (not including benches and bus stop signs)	N	P ³	P ³	P ³	N

Section 12-7-040(1)

(1) All streets shall be designated and constructed with the appropriate street classification requirements specified herein:

STREET CLASSIFICATION

	Major Arterial	Minor Arterial	Major Collector	Minor Collector	Important Local	Local
R-O-W width	106 ft.	100 ft.	80 ft.	66 ft.	60 ft.	56 ft.
width to back of curb	86 ft.	65 ft.	57 ft.	42 ft.	37 ft.	33 ft.

11-10-020 Schedule of Uses.

The following table identifies permitted uses by the letter "P" and conditional uses by the letter "C". The letter "X" indicates that the use is not allowed. Uses not listed shall not be allowed except as provided in Section 11-4-105(6):

USE	AGRICULTURE ZONES		
	AA	AE	A
Accessory Dwellings	C	C	C
Accessory Living Quarters	C	X	X
Agriculture	P	P	P
Boarding kennel	X	X	C
Class "A" animals (small animals)	P	P	P
Class "B" animals (large animals)	P	P	P
Class "C" animals (commercial farming)	P	C	P
Class "D" animals (dangerous animals)	X	X	X
Commercial outdoor recreation, minor (i.e., family reunion center, outdoor reception facilities, equestrian facilities, picnic grounds, tennis courts, etc.)	C	C	C
Day-care, preschool	X	C	C
Greenhouse/Garden Center (retail or wholesale) less than 5 acres	C	C	C
Fruit and vegetable stands for sale of produce grown on the premises	P	P	P
Home occupations complying with provisions of the Home Occupation Chapter of this Title except as specified in Section 11-35-104	P	P	P
Home occupations specified in Section 11-35-104	C	C	C
Private school, Public School, or hospital	X	C	C

USE	AGRICULTURE ZONES		
	AA	AE	A
Public uses	X	C	C
Trails and Parks	C	C	C
Public utility installations (not including lines and rights-of-way)	C	C	C
Quasi-public uses	X	C	C
Radio, television, and telephone transmission and relay towers and facilities except as specified in Section 11-28-190	C	C	C
Residential facilities for the elderly	X	C	C
Residential facilities for the handicapped	X	C	C
Signs complying with Title 12	P	P	P
Secondary Dwelling	C	C	C
Single-family dwelling	P	P	P
Sportsman's kennel (three to five dogs for non-commercial use)	C	C	C
Uses customarily accessory to a listed permitted use	P	P	P
Uses customarily accessory to a listed conditional use	C	C	C
Veterinary clinic	C	C	C

11-11-030 Conditional Uses.

The following are conditional uses in all single-family residential zones. No other conditional uses are allowed, except as provided by Section 11-4-105(6).

- (a) Dwelling, Accessory (except in the R zone);
- (b) Dwelling, Secondary (except in the R zone);
- (c) Home occupations as identified in Section 11-35-104 of this Title;
- (d) Private school or hospital;
- (e) Public uses;
- (f) Public utility installations (except lines and rights-of-ways)
- (g) Quasi-public uses;
- (h) Residential facilities for the elderly; and
- (i) Residential facilities for the disabled.

11-13-030 Conditional Uses.

The following are conditional uses in multiple-family residential zones. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Apartment dwelling group;
- (2) Class B animals;
- (3) Class D animals;
- (4) Day-care center;
- (5) Dwelling, Accessory (only in the R-2 zone);
- (6) Dwellings, three family (R-4 and R-8 zones only);
- (7) Dwellings, four family (R-4 and R-8 zones only);
- (8) Dwellings, five to eight family in R-8 zones only (may exceed density standard established by Section 11-13-104 as approved by the Planning Commission up to a maximum density of fifteen (15) dwelling units per acre);
- (9) Greenhouses, private with no retail sales;
- (10) Home occupations as identified in Section 11-35-104 of this Title;
- (11) Professional offices (except in R-2 zones);
- (12) Private school or hospital;
- (13) Public uses;
- (14) Public utility installations (except lines and rights-of-way);
- (15) Quasi-public uses;
- (16) Residential facilities for the elderly;
- (17) Residential facilities for the handicapped; and
- (18) Secondary dwelling unit.

11-14-030 Conditional Uses.

The following are conditional uses in the BP zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Any development which includes multiple buildings or is proposed on a site which is over one (1) acre in size;
- (2) Athletic or tennis club;
- (3) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
- (4) Financial institutions;
- (5) Light manufacturing uses (fabrication, assembly, treatment, or packaging operations conducted in a totally enclosed building using previously prepared materials);
- (6) Outside storage;
- (7) Public and quasi-public uses, other than administrative offices, developed on an undeveloped site (excluding those not specifically listed as a permitted or conditional use) and material additions or modifications on a developed site;
- (8) Public utility substations, wireless transmission towers except as specified in Section 11-28-190, generating plants, pumping stations, and buildings;
- (9) Restaurants (traditional sit-down only);

- (10) Storage/warehousing, as an accessory use, as necessary to maintain a principal use;
- (11) Temporary uses;
- (12) Uses customarily accessory to a listed conditional use.

11-15-030 Conditional Uses

The following are conditional uses in the BR Zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Apartment dwelling group;
- (2) Athletic or tennis club;
- (3) Car wash;
- (4) Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.);
- (5) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
- (6) Convenience store (sale of grocery items, non-prescription drugs, and/or gasoline from building with less than five thousand (5,000) square feet gross floor area);
- (7) Fast food establishments, attached (walk-in service only, no exterior walk-up or vehicle drive-thru service);
- (8) Fuel sales and/or storage;
- (9) Greenhouse/garden center (retail or wholesale);
- (10) Hotels, motels;
- (11) Multiple-family buildings with three or more units;
- (12) Neighborhood grocery (grocery store not exceeding fifteen thousand (15,000) square feet in gross floor area);
- (13) Nursing home, convalescent center;
- (14) Pet store or pet grooming establishment;
- (15) Public and quasi-public uses except the following prohibited uses: correctional/detention facilities, half-way houses, drug or alcohol rehabilitation facilities, facilities for the treatment or confinement of the mentally ill, homeless shelters, domestic violence shelters, and other similar facilities including those which may allow or require that clients stay overnight or longer;
- (16) Public or quasi-public uses, material additions or modifications on a developed site;
- (17) Public utility substations, wireless transmission towers except as specified in Section 11-28-190, generating plants, pumping stations, and buildings;
- (18) Reduction of minimum setbacks for office/commercial buildings located next to residential uses within the BR zone (see Section 11-15-105(c));
- (19) Restaurant (traditional sit-down);
- (20) shopping center (commercial complex);
- (21) Small Auto Dealership;
- (22) Temporary uses;
- (23) Uses customarily accessory to a listed conditional use.
- (24) Home occupations as identified in Section 11-35-104 of this Title.

11-16-030 Conditional Uses.

The following are conditional uses in the C zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Athletic or tennis club;
- (2) Auto, truck, recreational vehicle, and equipment sales and rental;
- (3) Automobile and truck repair, not including body work;
- (4) Car wash;
- (5) Class "B" beer outlet;
- (6) Commercial complex (commercial center);
- (7) Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.);
- (8) Commercial outdoor recreation, major (miniature golf, batting cages, go-kart tracks, drive-in theaters, etc.);
- (9) Convenience store (sale of grocery items, non-prescription drugs, and/or gasoline from building with less than five thousand (5,000) square feet gross floor area);
- (10) Day care/pre-school center;
- (11) Department store;
- (12) Fast food establishments, detached (may include vehicle drive-thru facilities);
- (13) Fuel sales and/or storage;
- (14) Greenhouse/garden center (retail or wholesale);
- (15) Hotels and motels;
- (16) Lumber yard;
- (17) Neighborhood grocery (grocery store not exceeding fifteen thousand (15,000) square feet in gross floor area);
- (18) Pet store or pet grooming establishment;

- (19) Public utility substations, wireless transmission towers except as specified in Section 11-28-190, generating plants, pumping stations, and buildings;
- (20) Reception center;
- (21) Restaurants (traditional sit-down);
- (22) Self-service storage facilities;
- (23) Supermarkets;
- (24) Temporary uses;
- (25) Uses customarily accessory to a listed conditional use;
- (26) Veterinary hospital.

11-17-030 Conditional Uses.

The following are conditional uses in the OTR Zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Class "D" animals;
- (2) Day-care center;

- (3) Dwelling, Accessory;
- (4) Dwelling, Secondary;
- (5) Greenhouses, private with no retail sales;
- (6) Home occupations requiring a conditional use permit under Section 11-35-040;
- (7) Private school;
- (8) Public uses (as provided herein);
- (9) Public utility installations (except lines and rights-of-way) (as provided herein);
- (10) Quasi-public uses (as provided herein);
- (11) Residential facilities for the elderly; and
- (12) Residential facilities for the handicapped.

11-19-104 Allowable Uses.

The CMU zone provides for a broad variety of land uses. The purpose of the CMU zone is to provide for a mix of uses rather than a single type of use. The specific uses that will be allowed in an CMU zoned area will depend on the location and character of the property to be zoned, the mix and intensities of the uses proposed, and on the character of the surrounding neighborhoods and land uses, and will be determined through the review and approval of either a Planned Unit Development pursuant to Chapter 27 of this Zoning Ordinance, or as a Planned Center Development pursuant to the conditional use permit process.

Among the uses that may be considered for approval in the CMU zone as part of a Planned Center Development are the following:

- (1) Agriculture;
- (2) Athletic or tennis club;
- (3) Bed & Breakfasts;
- (4) Business and professional offices;
- (5) Class "A" beer outlet;
- (6) Class "A" self-storage;
- (7) Class "B" beer outlet;
- (8) Commercial complex (commercial center), with a maximum floor area of 80,000 square feet for any single tenant;
- (9) Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.);
- (10) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
- (11) Commercial testing laboratories;
- (12) Convenience store (sale of grocery items, non-prescription drugs, and/or gasoline from building with less than five thousand (5,000) square feet gross floor area);
- (13) Data processing services;
- (14) Day care/pre-school center;
- (15) Department Store
- (16) Dwelling, multiple-family; (minimum density: five (5) units per acre; maximum density: fourteen (14) units per acre);
Financial institutions;
- (17) Fast food, detached, with drive-through;

- (18) Funeral home;
- (19) Greenhouse/garden center (retail or wholesale);
- (20) Hotels and motels;
- (21) Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore, dry-cleaning, hair styling, coin laundry, pharmacy, art supply/gallery, craft store, photo-copy center, etc.);
- (22) Medical clinics, offices and out-patient surgical facilities;
- (23) Public and quasi-public uses except the following prohibited uses: correctional/detention facilities, half-way houses, drug or alcohol rehabilitation facilities, facilities for the treatment or confinement of the mentally ill, homeless shelters, domestic violence shelters, and other similar facilities including those which may allow or require that clients stay overnight or longer;
- (24) Printing/publishing services;
- (25) Private school or hospital;
- (26) Public park;
- (27) Reception center;
- (28) Restaurants (traditional sit-down);
- (29) Research services and development activities;
- (30) Specialty retail stores;
- (31) Temporary uses;
- (32) Uses customarily accessory to a listed allowable use;
- (33) Veterinary hospital (no outdoor kennels)

11-20-040 Allowable Uses.

The NMU zone provides for a broad variety of land uses. The purpose of the NMU zone is to provide for a mix of uses rather than a single type of use. The specific uses that will be allowed in an NMU zoned area will depend on the location and character of the property to be zoned, the mix and intensities of the uses proposed, and on the character of the surrounding neighborhoods and land uses, and will be determined through the review and approval of either a Planned Unit Development pursuant to Chapter 27 of this Zoning Ordinance, or as a Planned Center Development pursuant to the conditional use permit process.

(a) Allowable Uses

Among the uses that may be considered for approval as part of a Planned Center Development are the following:

- (1) Agriculture;
- (2) Single-family dwellings;
- (3) Two-family dwellings;
- (4) Church, temple, synagogue or other place of worship
- (5) Athletic or tennis club;
- (6) Business and professional offices;
- (7) Bed & Breakfasts
- (8) Fitness center;
- (9) Convenience store (sale of grocery items, non-prescription drugs, no gasoline sales);
- (10) Dwellings, multiple-family with no more than four units;

- (11) Day care, pre-school;
- (12) Financial institutions;
- (13) Funeral home;
- (14) Home occupations as identified in Section 11-35-104 of this Title;
- (15) Medical or dental clinic;
- (16) Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore, dry-cleaning, hair styling, coin laundry, pharmacy, art supply/gallery, craft store, photo-copy center, etc.);
- (17) Neighborhood grocery;
- (18) Nursing home, convalescent center;
- (19) Pet store or pet grooming establishment;
- (20) Private school;
- (21) Public or quasi-public uses, material additions or modifications on a developed site;
- (22) Reception center
- (23) Research services;
- (24) Residential facilities for the elderly;
- (25) Residential facilities for the disabled;
- (26) Restaurant;
- (27) Temporary uses;
- (28) Uses customarily accessory to a listed conditional use.

11-22-103 Conditional Uses.

Uses enumerated hereunder are principal uses. The location of these uses shall be subject to review and approval by the Planning Commission as provided in Chapter 8 and the requirements of this Chapter.

- (1) Single-family dwelling;
- (2) Two-family dwelling;
- (3) Reception center;
- (4) Restaurant that provides traditional sit-down service (as opposed to fast food);
- (5) Athletic or tennis club;
- (6) Outdoor recreation including such things as picnic grounds and excluding higher impact activities such as water parks or miniature golf courses and any commercial recreation amusement ride of any type;
- (7) Class 'C' animals;
- (8) Sportsman Kennel (three to five dogs for non-commercial use);
- (9) Home occupations as identified in Section 11-35-104 of this Title;
- (10) Seasonal fruit/produce vendor stands;

- (11) Temporary Uses;
- (12) Greenhouses, private with no retail sales;
- (13) Uses customarily accessory to a listed conditional use;
- (14) Any use which the City considers to be similar to the other uses of this Section and compatible with the description of the B Zone as set forth in Section 11-20-101 above.

11-27-030 Combination with Residential Zones.

A Planned Unit Development shall be considered only in the AA, A, AE, LS, S, LR, R, R-2, R-4, and R-8, BP, BR, C, OTR (single-family residential only), NMU, CMU, and B (single-family residential only) zones. The provisions of this Chapter shall prevail in cases of conflict between this Chapter and other chapters (the provisions of the Foothill Ordinance shall be more restrictive than this Chapter).

11-27-120 Standards and Requirements.

(g) Every Planned Unit Development shall provide usable common open space, accessible to all lots or units, of not less than 10 percent of the net area (gross area less constrained or sensitive lands), in single-family Planned Unit Developments (see chart below) and 30 percent in multi-family Planned Unit Developments. (Open space requirements in a mixed single-family, multi-family Planned Unit Development shall be computed as a weighted average.) No streets, driveways, parking areas, yard areas typically used for individual structures or areas with slopes greater than 30 percent, wetlands or other constrained lands may be included in the computation of the required open space unless the Planning Commission determines that certain constrained, i.e., rock out croppings, etc., qualify as unimproved open space in order to enhance the character and function of open space with the development. Playgrounds, parks, swimming pools and related amenities, tennis courts and similar bona fide recreation buildings and facilities and railway system land may be considered part of the usable common open space. The City, at its sole discretion, may consider preservation of an on-site building or structure eligible, or that may be eligible, for the National Register of Historic Places in lieu of the 10 percent open space requirement or portion thereof.

11-28-070 Maximum Coverage Area of Accessory Buildings.

No accessory building or group of such buildings and no parking space in any residential zone shall cover more than twenty-five percent (25%) of the rear yard space.

11-11-060 Accessory Buildings and Structures.

(a) Accessory buildings, except those listed in Subsection (b), shall be located to the rear of the dwelling, shall be separated from the main building by a distance in compliance with applicable building codes, 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.

11-28-230 Demolitions

Recently the City adopted an ordinance regarding demolitions. Now in many circumstances one must have a building permit in hand issued by the City for the replacement building before one is allowed to proceed with the demolition. But this does not prevent one from following through with the construction of the replacement building/structure. At the time the new ordinance was enacted the City contemplated a performance bond to ensure compliance. It is recommended that the City amend its ordinance as follows:

- (d) Issuance of Demolition Permit for a Main Building.
 - (1) Except as otherwise provided in subsection (4) of this section, a demolition permit shall be issued only upon compliance with subsections (2) and (3) of this section, if applicable, and if:
 - (i) A complete building permit application for a building to replace the building or structure proposed for demolition has been submitted to the Community Development Department; and in the case of a replacement building for a dwelling, the building permit must be issued and the City must receive a cash performance bond in a form acceptable to the City equal in amount to the valuation, as determined by the Building Official, of the replacement building; or

CITY COUNCIL AGENDA

For Council Meeting:
March 4, 2014

PUBLIC HEARING: Meadow View Plat Amendment, Minor Plat Approval and Development Agreement

ACTION TO BE CONSIDERED:

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

GENERAL INFORMATION:

See enclosed staff report prepared by David Petersen.

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



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

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

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: David Petersen, City Planner

Date: March 4, 2014

SUBJECT: **Meadow View Plat Amendment, Minor Plat Approval, and Development Agreement**

RECOMMENDATION

1. Hold a public hearing;
2. Move that the City Council: a) approve the enclosed ordinance/vacation order amending the Meadow View Subdivision by vacating all of Parcel C; and b) grant minor plat approval creating the "Meadow View – 1st Amendment Amending Parcel C" subdivision in the place thereof; and c) concurrently approve the attached addendum to the development agreement memorializing the transfer of development rights (TDRs) for the five additional lots. Moreover, the motion shall be subject to the conditions and findings recommended by the Planning Commission subject to all applicable Farmington City development standards and ordinances.

Findings for Approval:

1. Lot dimensions comply with the standards set forth in the Zoning and Subdivision ordinances.
2. All lots front an existing fully improved public r.o.w. (425 North).
3. The City will receive compensation through a TDR to transfer/acquire open space at the regional park site.

BACKGROUND

Jared Darger owns a platted parcel (Parcel C of the Meadow View Subdivision) bounded by 425 North on the south, 1525 West on the east and the Meadow View subdivision to the west. On September 27, 2013 the plat was recorded with the County for the Meadow View subdivision (a conservation subdivision) consisting of 19 lots and three parcels. Now, the applicant wants to further subdivide Parcel C of the plat into 5 lots through amending the plat for the Meadow subdivision. The proposed lots for this amendment range from 9,741 to 12,340 s.f. and conform to all of the required lot dimensions and setbacks for conservation subdivisions in an AE zone.

The applicant provided the 25-30% open space as required for the Meadow View Conservation Subdivision and exhausted the total lot bonus related thereto. Now he is requesting a transfer of development rights (TDR), from this parcel to the City's regional park, as per Section 11-12-110 of the Zoning Ordinance. This section was enacted by the City Council last fall; at that time the Planning Commission recommended the same while reviewing the applicant's proposal set forth in this staff report. The City Manager met with the applicant and determined a value for the TDR's. This value is set forth in the attached addendum to the development agreement for your consideration.

SUPPLEMENTAL INFORMATION

1. Vicinity map.
2. Proposed subdivision and plat amendment.
3. Meadow View Phase 1 Plat.
4. Ordinance and Vacation Order.
5. Addendum to the Development Agreement for the Meadow View Subdivision.
6. Section 11-12-110 of the Zoning Ordinance.

Respectively Submitted



David Petersen
City Planner

Concur



Dave Millheim
City Manager

ORDINANCE NO. 2014 -

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN ORDER VACATING ALL OF PARCEL C OF THE MEADOW VIEW SUBDIVISION AND DIRECTING THAT THE SAME BE RECORDED WITH THE DAVIS COUNTY RECORDER'S OFFICE.

WHEREAS, the City has previously received a petition from North Star Homes and Development LLC, fee owner, as shown on the last Davis County assessment rolls, of Parcel C within Meadow View Subdivision to have all of Parcel C of such subdivision vacated in order to provide for the recording of a five lot subdivision plat to be known as "Meadow View - 1st Amendment Amending Parcel C"; and

WHEREAS, the notice was sent to all owners of record of property within the Meadow View Subdivision as prescribed by State Law and no protests were received; and

WHEREAS, the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation of all of Parcel C of the Meadow View Subdivision; and

WHEREAS, the City Council desires to approve the vacation of all of Parcel C of the Meadow View Subdivision.

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

Section 1. Vacation and Amendment. The City Council hereby finds that neither the public nor any person will be materially injured by the proposed vacation of all of Parcel C of the Meadow View Subdivision and hereby authorizes the Mayor to enter into a Vacation Order vacating and amending the same.

Section 2. Recording. The Mayor is further directed to cause the Vacation Order to be recorded in the office of the Davis County Recorder's Office in accordance with Utah Code Ann. § 10-9-810(c), as amended.

Section 3. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,
STATE OF UTAH, THIS 4th day of March, 2014.

FARMINGTON CITY

By: _____
H. James Talbot, Mayor

ATTEST:

Holly Gadd, City Recorder

VACATION AND AMENDMENT ORDER NO. 2013 -

A petition having been submitted in writing by fee owner, as shown on the last Davis County assessment rolls, of Parcel C of the Meadow View Subdivision located in Farmington City, Davis County, Utah, as shown on the recorded plat of the Meadow View Subdivision.

The City Council of Farmington City, Utah, hereby finds and determines that neither the public nor any person will be materially injured by the vacation of all of Parcel C of the Meadow View Subdivision and that there is good cause for vacating the same.

NOW, THEREFORE, IT IS HEREBY ORDERED that Parcel C of the Meadow View Subdivision previously filed in the office of the Davis County Recorder, State of Utah, on the 27th day of September, 2013, in Book 5862 of the official records, Page 1397, Entry No. 2769008 be and the same are hereby vacated pursuant to law to allow for the creation of a subdivision plat for the property to be recorded hereafter creating Meadow View - 1st Amendment Amending Parcel C.

APPROVED AND ORDERED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, ON THIS 4th day of March, 2014.

FARMINGTON CITY

By: _____
H. James Talbot, Mayor

ATTEST:

Holly Gadd, City Recorder

AN ADDENDUM TO DEVELOPMENT AGREEMENT FOR THE MEADOW VIEW SUBDIVISION

This Addendum to the Development Agreement for the Meadow View Subdivision is made and entered into as of the ___ day of February, 2014, by and between **FARMINGTON CITY**, a Utah Municipal Corporation, hereinafter referred to as "the City", and **NORTHSTAR DEVELOPMENT LLC**, a Utah limited liability company, hereinafter referred to as the "Developer".

RECITALS:

- a. The City and the Developer previously entered into that certain Development Agreement ("the Agreement"), for the Meadow View Subdivision dated August 7, 2012, providing for the development of Meadow View, a residential subdivision within Farmington City, and setting forth certain obligations, requirements and rights of the parties related thereto.
- b. Pursuant to the provisions of Section 11-12-110 of the Farmington City Municipal Code, the City has approved the location of certain transfer lots within the Meadow View subdivision.
- c. Farmington City has designated certain real property located within the city at approximately _____ [rough boundaries of the property] as a sending zone with a sending density allocation of 4 units to the acre.
- d. Developer desires to utilize the density allocation from the sending zone and, pursuant to the provisions of Section 11-12-110 of the Farmington City Municipal Code, is willing to make the required payment to the City in exchange for the right to locate transfer lots within the Meadow View subdivision.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Incorporation of Recitals. The above Recitals are by this reference incorporated into the Agreement.
2. Approval of Transfer Lots. The Farmington City Council hereby affirms that it has granted approval for the location of five transfer lots within the Meadow View subdivision to be located as shown on Exhibit A, attached hereto and incorporated herein by reference.
3. Payment for Transfer Lots. The City Council of Farmington City has found and determined that the appropriate payment for the right and authorization to locate five transfer lots within the Meadow View project is ONE HUNDRED AND SIX THOUSAND, AND THIRTY-TWO DOLLARS, (\$106,032). This calculation is based on a density allocation from the sending area of four units per acre. Payment of this sum shall be due to Farmington City within that date

which is 15 days from the date of this Agreement and prior to the recording of a plat for the Meadow View subdivision.

4. Other Terms Not Affected. All other terms and provisions of the Development Agreement for the Meadow View subdivision shall be deemed unaffected by this Addendum and shall remain in full force and effect except where they may have been modified by separate agreement, by performance of the parties, or by satisfaction of the terms and conditions of the Agreement.

5. Severability. If any portion of this Addendum is held to be enforceable or invalid for any reason by a Court of competent jurisdiction, the remaining provisions of this Addendum and the provisions of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum to Development Agreement for the Meadow View Subdivision by and through their respective, duly authorized representatives as of the day and year first above written.

NORTHSTAR DEVELOPMENT LLC

FARMINGTON CITY

By: _____

By: _____

(g) **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:

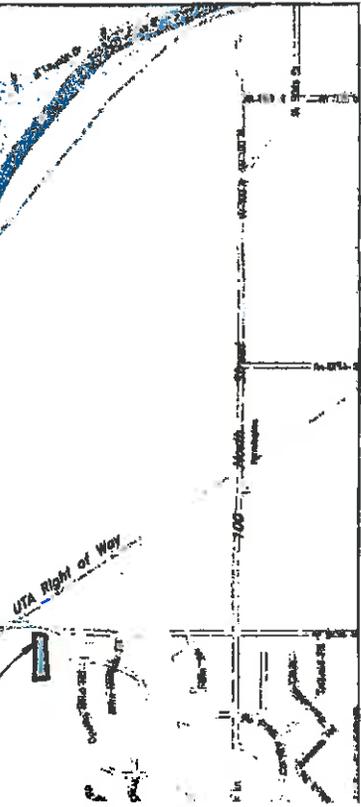
- (1) Permitted Uses. Any uses permitted in the relevant zone.
- (2) Conservation Land. Conservation land, subject to the use and development restrictions of conservation land as set forth herein.
- (3) Accessory Uses. Any permitted accessory uses as provided in the relevant zoning regulations.

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

- (1) Permitted Uses. The following uses are permitted in conservation

Farmington City





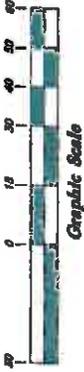
- Hub & Tick Monument to be Set
- Section Corner (Foot)
- (N/R) Non-Radius line
- D.C.S. Davis County Survey
- Existing Fence Line

Required Setbacks

Location of Setback	Distance
Front Lot	30.0'
Side Lot	10.0'
Rear Lot	30.0'
Corner Lot Side along Street	20.0'

Add pie line to legend.
Close to legend.
Cons. setback (carriage)

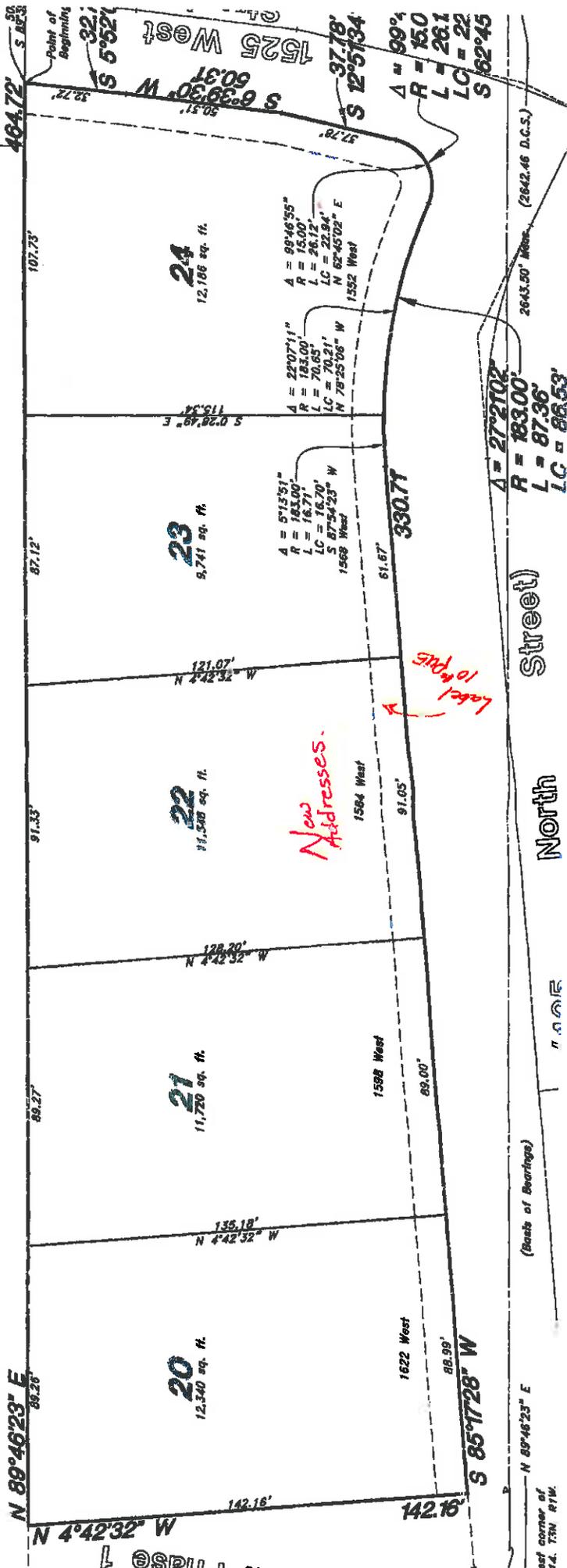
Scale: 1" = 30'



Northwest corner of the Southwest 1/4 of Section 73N, RTW, SL&B&H, U.S. S (Not Found)

John J. Stathis

Farming City



New Addresses.

Label lot parts

CITY COUNCIL AGENDA

For Council Meeting:
March 4, 2014

SUBJECT: Minute Motion Approving Summary Action List

1. Approval of Minutes from February 18, 2014
2. Interlocal Automatic Aid Fire Agreement
3. Ratification of Park Property Purchase Agreements

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

FARMINGTON CITY COUNCIL MEETING

Tuesday, February 18, 2014

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, City Engineer Chad Boshell, Development Director David Petersen, Associate Planner Eric Anderson, Parks & Recreation Director Neil Miller, Public Works Director Walt Hokanson, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

Ivory Homes – Schematic Plan approval for Brentwood Estates located on 13.82 acres of property at approximately 437 W and 1400 N

Dave Millheim said the developer revised the Plan and added a connection to 1400 N. The Council discussed related issues, including traffic issues, emergency access, the street layout, and the steep terrain of the property.

D&RG Clark Lane Storm Drain Project

Dave Millheim said the City is in the process of installing a storm drain line that crosses Clark Lane and the D&RG rail trail. UTA would not allow the line to cross their right of way, so the project has been redesigned and will require additional pipe. The original cost was \$53,235, and the new proposal is \$145,124.25.

Expansion of City Shop and Storage Facilities

Keith Johnson reported that additional office and storage space is needed at the Parks & Recreation/Public Works Building. **Dave Dixon** was the architect for the existing structures, and he has determined an approximate cost of \$820,000 to construct an addition to the building and a second storage unit. Staff would like permission to obtain bids within the next few weeks.

Financial Forecast

Keith Johnson presented various worksheets and graphs reflecting General Fund balances with Fiscal Year 2013 audited balances placed in the financial forecast.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, City Engineer Chad Boshell, Development Director David Petersen, Associate Planner Eric Anderson, Parks & Recreation Director Neil Miller, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

CALL TO ORDER:

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

The invocation was offered by **John Bilton**, and the Pledge was led by local Boy Scout **Aaron Lee** of Troop 1116.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summary for Planning Commission meeting held February 6, 2014

Eric Anderson reported that the Commission recommended approval of a 5-lot minor subdivision and various changes to the Zoning and Subdivision Ordinance. They also tabled action on a 10-lot subdivision to allow sufficient time to solve storm-water issues.

PUBLIC HEARINGS:

Ivory Homes – Schematic Plan approval for Brentwood Estates located on 13.82 acres of property at approximately 437 W and 1400 N

Eric Anderson shared background information regarding this revised Plan which added a connection to 1400 N. The developer will be required to provide a grading plan, a drainage/erosion control plan, geology report, and a fire protection plan prior to preliminary plat approval. Developer **Nick Mingo**, 978 E Woodoak Lane, said he would answer any questions.

Public Hearing:

Mayor Talbot opened the Public Hearing at 7:20 p.m.

Lucas Graybeel, 1400 N, is from a small town in Missouri and moved to Farmington in 2008. He lives in Los Angeles part time and returns to Farmington because it is peaceful and private. He is upset about this development and knows it cannot be stopped, but he does not want 1400 N to change.

David Mulholland, 434 Welling Way, thanked staff and the City Council for their efforts and said he would like for all of the construction traffic to use the 1300 N route.

Coty Erickson, 511 W 1400 N, lives just west of the proposed access. People drive too fast on 1400 N, and she cannot imagine what will happen when 20 new homes are built. They added large rocks to their front yard to help protect their three children. During snowstorms many cars cannot make it up the steep road. Icy sidewalks are a huge concern, and the retaining walls will make it worse.

Kris Kaufman, 1734 N Compton Road, spoke on behalf of the Planning Commission (PC) and Chairman **Brett Andersen** and said they would like the opportunity to vet these kinds of issues. He understands the concerns on Welling Way and Cherry Blossom, but this new access will empty out onto one of the steepest roads in the City. The PC determined that a second access was not needed, and he asked the Council to approve the first plan or send this plan back to the PC for further study.

Tom Cronen, 452 Welling Way, is happy that Ivory Homes is developing this property and is in favor of the proposal.

Steve Young, 1434 N Bennett Circle, said that 8-10 very specific safety concerns were mentioned at the previous meeting. 1400 N is already a concern, and this access will help and not hinder, and he asked the Council to approve this plan.

Chris Parr, 297 Grandview Court, said 1400 N is the most dangerous way to descend the hill, and cars are unable to stop on snowy days. No one wants more traffic in their neighborhood, but there must be a balance.

Olga Ruinoff, 1722 Compton Road, built a home on N Compton and crashed her car at the base of 1400 N which is a very steep road. There will be more accidents there because it is difficult to slow down when it is icy.

Melissa Garr, Primrose Court, informed the Council that children who live in this area are not bused to the elementary school—they ride bikes or scooters or walk, and there is no sidewalk on one side of the street. The 10-foot walls will be on the sidewalk side and will block the sun and be covered with ice which will not be safe for the children.

Tom Speer, 1409 Bennett Circle, understands the concerns of residents in this area and asked if plowing and salting 1400 N could be a higher priority. He suggested that Ivory Homes build a theme park on the property that would be closed during the winter.

Mayor Talbot closed the Public Hearing at 7:45 p.m. and said plowing steep roads, safety, and emergency accesses are always top priorities. Most of the public comments made during the Feb. 4th meeting were in favor of a second access, so the developer added this access. **John Bilton** said an important point was made at the previous meeting—350 days of the year 1400 N is clear. He asked where the construction truck route would be and how the blind spot/icy sidewalk issues would be addressed. **David Petersen** said the developer will obtain a truck haul route permit, and staff will recommend using 1400 N as the truck haul route. **Chad Boshell** said Great Basin Engineering designed the 8-foot wall which will extend from the south corner of the property to 1400 N. He will recommend that they lower the curb and gutter in a certain section to make the road less steep. The retaining wall ends prior to the intersection, so the sight distance from the proposed stop sign will be fine. **Cory Ritz** said the poor quality of the Cherry Blossom access almost demands that this second access be approved. He suggested additional speed signs, flashing lights, and more aggressive speed enforcement. **Brigham Mellor** was on the Planning Commission when the first proposal was reviewed, and although the initial thought was that the access would be too steep, residents wanted another access, and he feels that due diligence was done.

Motion:

John Bilton made a motion to approve the Schematic Plan for the Brentwood Estates Conservation Subdivision, subject to all applicable Farmington City ordinances and development standards, including conditions a-k (with a change to letter g: “Construction vehicles shall be funneled through 1400 N during construction”) and findings 1-5 as listed in the staff report. **Cory Ritz** seconded the motion which was unanimously approved.

PRESENTATION OF PETITIONS AND REQUESTS:

Recognition of Brigham Mellor

Mayor Talbot commended **Brigham Mellor** for 2 years of service on the Farmington City Planning Commission.

TDR Sending and Receiving Zone(s) Ordinance

David Petersen reviewed the general idea of the proposed TDR Ordinance and said the Council will need to decide, on a case-by-case basis, the density right associated with the sending zone and designate a receiving zone. In this case which encompasses the regional park, staff is recommending 4 dwelling units per acre which would match an LR zone designation. **John Bilton** questioned the term “sole discretion” of the City and asked if the decision will still be at the City’s sole discretion once several TDRs have been done and unintended consequences have occurred. **David Petersen** pointed out that amending the Ordinance is a legislative act, but a TDR is administrative—with an actual contract—so the value may change based on various factors such as the economy. **Dave Millheim** agreed and said the language was included to give the City the option to say no.

Motion:

Cory Ritz made a motion to approve the Ordinance designating sending and receiving zones pursuant to Section 11-12-110 of the Farmington City Zoning Ordinance to direct staff to draft an agreement whereby additional lots (on paper) will be transferred from the regional park and added to the open space from the Meadow View subdivision (via a cash payment) which will be transferred to the regional park. **Jim Young** seconded the motion which was unanimously approved.

D&RG Clark Lane Storm Drain Project

Motion:

Brigham Mellor made a motion to award the bid of the D&RG Clark Lane Storm Drain Project in the amount of \$145,124.25 to Kapp Construction to be paid from Account #54-402650. The motion was seconded by **Doug Anderson** and unanimously approved.

Expansion of City Shop and Storage Facilities

Keith Johnson stated that an additional storage unit and expansion of the building will cost approximately \$820,000 and will be paid for with water, sewer, garbage and storm drain funds.

Motion:

Jim Young made a motion to approve the expansion of the City Shop facility and the funding plan which authorizes the use of \$820,000 from various utility funds.

Financial Update

City Finance Director **Keith Johnson** presented financial information related to the City's financial forecast. Graphs showed projections regarding the general fund balances, revenues and expenditures, a 10-year general fund forecast, a sales tax forecast, changes in net assets and the debt per capita. This type of financial forecasting allows the city to see trends and pinpoint areas of growth. **John Bilton** noted that the money which was previously spent in other communities is now being spent in Farmington which has resulted in a significant drop in the debt per capita. **Mayor Talbot** thanked City employees for their efforts.

SUMMARY ACTION

Summary Action List

1. Approval of Minutes from February 4, 2014
2. Amendment to Consolidated Fee Schedule regarding Swim Lesson fees
3. Resolution adopting the Storm Water Master Plan
4. Ratification of Approval of the Storm Water Bond log

Dave Millheim recommended that the Council table item #3 and appoint two Council members to serve on a committee to address concerns raised by residents in west Farmington. **Cory Ritz** and **Brigham Millheim** agreed to serve.

Motion:

John Bilton made a motion to approve items #1, #2, and #4 and to table item #3. **Brigham Mellor** seconded the motion which was unanimously approved.

DISCUSSION ITEMS:

Discussion of possible Zone Text Amendments

David Petersen gave a summary of the ten possible Zone Text amendments. The Council discussed several related issues and will review and approve the amendments on March 4, 2014.

Flag Lots

Eric Anderson requested opinions from the Council regarding whether or not the City should allow flag lots and if the existing Ordinance is sufficient or if it needs to be rewritten with stricter standards. **Dave Millheim** said several points need to be clarified: for example, the existing ordinance does not state that all buildings must be placed on the flag portion only. **Jim Young** said he would like to allow flag lots, but he is in favor of tightening the ordinance. **Cory Ritz** agreed and pointed out that when there are 2 flag lots there should be a provision for the stem to be wider. The Council directed staff to move forward with the amendments.

Noticing Policies for Public Meetings

Eric Anderson said there has been some concern regarding this the City's noticing policy. He referred to the current procedures as listed in the staff report and said the placement of a sign on the subject property would be an additional way to inform the public.

Wendy Rasmussen, 1233 W 175 S, said when the Henry Walker Homes development on 1100 W Clark Lane was being discussed, her neighborhood was not close enough to receive notices, and even if the area had been increased to 500 feet they would not have received notices. She would like the City to make public meeting information more accessible and to post signs.

The Council agreed with the comments, and **Mayor Talbot** requested that the new procedure of posting signs be implemented as soon as possible.

Motion:

John Bilton made a motion to direct staff to establish guidelines regarding notification for public hearing. The motion was seconded by **Doug Anderson** and unanimously approved.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

- The January Police/Fire/Building Monthly Activity Reports were included in the staff report.
- The January Justice Court Report was also in the staff report.

Mayor – Jim Talbot

- There has been movement regarding the **Craig Holmes** issue, and he asked **Doug Anderson** and **John Bilton** to attend the next Historical Commission meeting.
- The Council Retreat will be held on March 1, 2014 from 9:00 a.m. until 12:00 p.m.
- The Utah League of Cities and Towns Conference will be held in St. George on April 9-11.

City Council

Drainage Issue

There is a low spot in the Chestnut Farms area, and excess water has created a pond and significant flooding. **Dave Millheim** said the City, Symphony Homes, residents in the area and Davis County have all contributed to the problem, but pointing fingers will not solve the problem. He asked the City Engineer to create a proposal, and **Chad Boshell** said an 8-inch surface drain pipe on the lots in Atrium Court Circle drains to a temporary detention basin, but the capacity is insufficient so the excess water drains to a one-acre parcel of property. He proposed that the City install an 18-inch storm drain line at a cost of \$32,000 to drain the excess water. Phase 2 was designed with an adequate slope so the pipe will be installed according to

City's standards. A 20-foot easement is necessary for adequate access, and Symphony has agreed to 10 feet. **Dave Millheim** said the excess water ranges from 2-12 inches, and he plans to ask Symphony for an additional 10 feet—it is in their best interest to fix the problem now before Phase 3 lots are sold. **Cory Ritz** said Symphony was supposed to solve these issues as part of the Phase 2 approval, and he would shut them down. The **Mayor** stated that the property owners need to share responsibility for the problem.

Calvin Squires, 1244 W 475 S, pointed out the lots and acreage surrounding the problem area and said everyone is set up to take care of their own water, but the 28 acres to the east was not accounted for. He and other property owners came to all of the meetings and want to ensure that Symphony Homes resolves this issue.

Stephanie Wood, 1271 Adrian Court, asked how the 20 extra feet of easement would affect her property, and **Chad Boshell** said her property will not be affected—only Symphony properties will be affected.

Motion:

Cory Ritz made a motion to approve—at the discretion of City staff with input from area representative **Calvin Squires**—the expenditure of up to \$35,000 to address and correct this drainage issue. The motion was seconded by **Doug Anderson** and unanimously approved.

Finding for Approval:

1. This item was not on the agenda, and the motion was done under the threat of emergency measures to address potential flooding in the area.

Cory Ritz:

- He thanked the City Manager and other staff for their efforts in handling the flooding situation and said the Council needs to do a better job of managing specific drainage issues.
- There was a request for a crosswalk on the corner between Chevron and U.S. Post Office, and the City Manager said he would follow through on the request.

CLOSED SESSION

Motion:

At 10:20 p.m. **John Bilton** made a motion for the Council to go into a closed meeting to discuss the acquisition of real property. The motion was seconded by **Doug Anderson** and unanimously approved.

Sworn Statement

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

Jim Talbot, Mayor

Motion:

At 11:10 p.m. a motion to reconvene into an open meeting was made by **John Bilton**. The motion was seconded by **Brigham Mellor** and unanimously approved.

ADJOURNMENT

Motion:

John Bilton made a motion to adjourn the meeting. The motion was seconded by **Jim Young** and unanimously approved, and the meeting was adjourned at 11:10 p.m.

Holly Gadd, City Recorder
Farmington City Corporation

FARMINGTON CITY FIRE DEPARTMENT

82 North 100 East
P.O. Box 160
Farmington, Utah 84025
Tel. (801) 451-2842
Fax (801) 451-7865



THE DESIRE TO SERVE THE COURAGE TO ACT THE ABILITY TO PERFORM

CITY COUNCIL STAFF REPORT

To: Mayor and City Council

From: Guido Smith, Fire Chief

Date: February 24, 2014

Subject: APPROVE THE "INTERLOCAL AUTOMATIC AID FIRE AGREEMENT" BETWEEN FARMINGTON CITY FIRE DEPARTMENT AND ALL OTHER DAVIS COUNTY FIRE DEPARTMENTS.

RECOMMENDATION

Direct staff to approve County-Wide "Interlocal Automatic Aid Fire Agreement" between Farmington City Fire Department all other Fire Departments within Davis County.

BACKGROUND

The Farmington City Fire Department and all other rescue disciplines located within Davis County have benefitted from "Mutual-Aid" and "Auto-Aid" services over the last decade. Enabling fire departments to automatically respond into other cities (on calls with high-loss potentials) greatly increases favorable outcomes on larger scale emergencies while enhancing the safety and well-being of all rescue personnel.

Recently it was noted our previous agreement was expired and needed renewal. The Davis County Fire Officers Association (DCFOA) approved the attached agreement. Each agency has since received approval from their respective legal representatives.

FUNDING:

No special funding required as each participating agency provides one operational period at no charge.

Respectfully Submitted,


Guido Smith
Fire Chief

Reviewed & Concur


Dave Millheim
City Manager

DAVIS COUNTY

INTERLOCAL AUTOMATIC AID FIRE AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, _____, pursuant to the provisions of the Interlocal Cooperation Act, by and between **DAVIS COUNTY, LAYTON CITY CORPORATION**, a municipal corporation of the State of Utah, **CLINTON CITY CORPORATION**, a municipal corporation of the State of Utah, **SUNSET CITY CORPORATION**, a municipal corporation of the State of Utah, **SYRACUSE CITY CORPORATION**, a municipal corporation of the State of Utah, **KAYSVILLE CITY CORPORATION**, a municipal corporation of the State of Utah, **FARMINGTON CITY CORPORATION**, a municipal corporation of the State of Utah, **SOUTH WEBER CITY CORPORATION**, a municipal corporation of the State of Utah, **SOUTH DAVIS METRO FIRE AGENCY**, acting through an Interlocal Agreement, and the **NORTH DAVIS FIRE DISTRICT**, a special district established under Utah State law.

WITNESSETH:

WHEREAS, the parties are desirous of entering an agreement for providing automatic aid for fire protection among the parties; and

WHEREAS, such agreement is in furtherance of the purposes of Section 11-7-1, Utah Code Annotated, 1953, as amended; and

WHEREAS, each party desires to cooperate with and assist the other for structural fire protection at the receipt of such an alarm; and

WHEREAS, this Agreement is intended to “enhance” but not replace the existing “Mutual Aid Agreements”.

NOW, THEREFORE, it is hereby agreed:

1. That upon receipt of a report of a structure fire or other fire threatening a structure, the dispatch center responsible for dispatching the incident will dispatch the standard complement of firefighting equipment and personnel from that jurisdiction. In addition, the dispatcher will also immediately see that the next available “Automatic Aid” fire company, as provided under this Agreement, is dispatched to the same incident. Selection of the “Automatic Aid” fire company will be made by computer aided dispatch according to the mutually satisfactory boundaries as previously approved by the respective Fire Chiefs of each party.

2. Any dispatch of equipment and personnel or chief officers pursuant to this Agreement is subject to the following conditions:

- a. The "Automatic Aid" fire company being requested must be currently in an "available" status. At the time of request, if in the opinion of the supervising shift officer the fire company is unable to respond immediately, dispatch shall be immediately informed and the next in line "Automatic Mutual Aid" fire company will be contacted.
- b. Any responding fire or medical apparatus must respond with no fewer than two firefighters on board. Chief Officers and Paramedic units may respond as a single source unit with one person.
- c. The "available" "Automatic Aid" fire company must respond immediately upon receipt of the alarm. None shall respond by private vehicle.
- d. Dispatch will issue the following information to the responding "Automatic Aid" fire company:
 - i. Address of incident;
 - ii. Type of fire;
 - iii. Special considerations of life safety;
 - iv. Incident channel assignment;
- e. All parties under this agreement will function under the Incident Command System as taught by the National Fire Academy, UFRA CTC program, and as practiced under Davis local guidelines and standard operating procedures (SOP's). The responding "Automatic Aid" fire company shall report to the Incident Commander at the location to which the equipment is dispatched, and shall be subject to the orders of that commander.
- f. The responding "Automatic Aid" fire company shall be released by the Incident Commander when the services of the "Automatic Aid" fire company is determined to not be required or when the "Automatic Aid" fire company is needed to provide fire protection to its own jurisdiction, such need to be the sole determination of the responding organization.

3. Each party waives all claims against the other for compensation for any loss, damage, personal injury, or death occurring as a consequence of performing this Agreement.

4. Neither party shall be reimbursed by the other party for any costs incurred pursuant to this Agreement.

5. All privileges and immunities from liability which surround the activities of any firefighting force or fire department, when performing its functions within the other party's territorial limits, shall apply to the activities of that other party's firefighting department while furnishing fire protection outside its territorial limits under this Agreement.

6. The effect of the death or injury of any firefighter, who is killed or injured while responding to an incident outside the territorial limits of the firefighter department of which the firefighter is a member and while that department is functioning pursuant to this Agreement,

shall be the same as if the firefighter were killed or injured while that department was functioning within its own territorial limits, and such death or injury shall be considered to be in the line of duty.

7. There is no separate legal entity created by this Agreement to carry out its provisions; and to the extent that this Agreement requires administration other than as is set forth herein, it shall be administered by the governing bodies of the parties acting as a joint board. There shall be no real or personal property acquired jointly by the parties as a result of this Agreement.

8. This Agreement shall not relieve any party of any obligation or responsibility imposed upon any of the parties by law, except that the performance of a responding party may be offered in satisfaction of any such obligation or responsibility to the extent of actual and timely performance thereof by the responding party.

9. This Agreement will go into effect on _____ day of _____, 2014, which is the date of the last resolution of a governing body approving this Agreement, and shall be in full and effect between the parties for a period not exceeding 50 years, unless terminated by any one party. Any party may terminate its obligations under this Agreement after giving thirty (30) days advance written notice of termination to the other parties. Such termination shall not modify the Agreement as between any of the remaining parties, except only to exclude the terminating part from the obligations created herein.

10. This Agreement shall become effective as set out above provided it has been approved by resolution of the city councils of the above mentioned cities, and by the Executive Board of Davis County Fire Services Area District's, prior to the effective date, and in accordance with the provisions of Section 11-13-9, Utah Code Annotated, in 1953, as amended, and be submitted to and approved by an authorized attorney for each party.

11. Counterparts

This agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one of the same instrument.

IN WITNESS WHEREOF, the parties here to have executed this agreement or a counterpart to it on the dates indicated next to their signature.

DAVIS COUNTY

BY: _____
Chairman
Davis County Board of County Commissioners
Date: _____

ATTEST

Steve R. Rawlings
Davis County Clerk/Auditor

Attorney Review

The undersigned, the authorized attorney of Davis County, Utah, has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

Davis County Attorney

CLINTON CITY

BY: _____
Mayor
Date: _____

ATTEST

Clinton City Recorder

City Attorney Review

The undersigned, the authorized attorney of Clinton City, Utah, has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

Clinton City Attorney

FARMINGTON CITY

BY: _____
Mayor
Date: _____

ATTEST

Farmington City Recorder

City Attorney Review

The undersigned, the authorized attorney of Farmington City, Utah, has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

Farmington City Attorney

KAYSVILLE CITY

BY: _____
Mayor
Date: _____

ATTEST

Kaysville City Recorder

City Attorney Review

The undersigned, the authorized attorney of Kaysville City, Utah, has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

Kaysville City Attorney

LAYTON CITY

BY: _____
Mayor
Date: _____

ATTEST

Layton City Recorder

City Attorney Review

The undersigned, the authorized attorney of Layton City, Utah, has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

Layton City Attorney

NORTH DAVIS FIRE DISTRICT

BY: _____
Board Chairman
Date: _____

ATTEST

District Clerk

District Attorney Review

The undersigned, the authorized attorney of North Davis Fire District, Utah, has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

North Davis Fire District Attorney

SUNSET CITY

BY: _____
Mayor
Date: _____

ATTEST

Sunset City Recorder

City Attorney Review

The undersigned, the authorized attorney of Sunset City, Utah, has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

Sunset City Attorney

SYRACUSE CITY

BY: _____

Mayor

Date: _____

ATTEST

Syracuse City Recorder

City Attorney Review

The undersigned, the authorized attorney of Syracuse City, Utah, has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

Syracuse City Attorney

SOUTH DAVIS METRO FIRE AGENCY

BY: _____
Board Chairman
Date: _____

ATTEST

Metro Fire Clerk

Agency Attorney Review

The undersigned, the authorized attorney of South Davis Metro Fire Agency, Utah has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

South Davis Metro Fire Agency Attorney

SOUTH WEBER CITY

BY: _____
Mayor
Date: _____

ATTEST

South Weber City Recorder

City Attorney Review

The undersigned, the authorized attorney of South Weber City, Utah, has reviewed the foregoing interlocal automatic aid agreement and finds it to be in proper form and compliance with state law.

Date: _____

South Weber City Attorney

CITY COUNCIL AGENDA

For Council Meeting:
March 4, 2014

SUBJECT: City Manager Report

1. Schedule Tours of Public Safety, Public Works and City Projects
2. Proposed Planning Commission/City Council meeting rescheduled for the 19th due to Caucuses

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

CITY COUNCIL AGENDA

For Council Meeting:
March 4, 2014

SUBJECT: Mayor Talbot & City Council Reports

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