

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. Davis County Commissioners will be in attendance. The agenda for the work session will be to answer questions on items the City Council may have. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, May 17, 2011, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah. The agenda for the meeting shall be as follows:

CALL TO ORDER:

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

7:05 Approval of Minutes from April 28, 2011 and May 3, 2011

PUBLIC HEARINGS:

7:10 **Public Hearing:** Miscellaneous Subdivision and Zone Text Changes

PRESENTATION OF PETITIONS AND REQUESTS:

7:25 Tuscany Village Housing Proposal – Henry Walker Homes

7:40 Appointment of Farmington Trails Committee Members and Officers

SUMMARY ACTION:

7:45 Minute Motion Approving Summary Action List

- Proposed Sign Ordinance Revisions
- Second Option Term on Lease of City Facility
- Ratification of Approvals of Construction & Storm Water Bond Logs

NEW BUSINESS:

7:50 Foot Bridge Repair West of 969 North Compton Road

GOVERNING BODY REPORTS:

8:00 City Manager Report

1. Upcoming Agenda Items

8:05 Mayor Harbertson & City Council Reports

ADJOURN: 8:20

CLOSED SESSION

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

DATED this 12th day of May, 2011.

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:
May 17, 2011

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

It is requested that City Manager Dave Millheim give the invocation/opening comments to the meeting and it is requested that City Recorder Holly Gadd 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:
May 17, 2011

SUBJECT: Approval of Minutes of Previous Meetings

ACTION TO BE CONSIDERED:

Minute motion approving the minutes of the City Council meetings held on April 28, 2011 and May 3, 2011.

GENERAL INFORMATION:

Please see enclosed minutes. They have been reviewed by staff and are ready for Governing Body review and approval.

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

FARMINGTON CITY
CITY COUNCIL AND PLANNING COMMISSION JOINT MEETING
Thursday, April 28, 2011

WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate City Planner Christy Alexander, City Attorney Todd Godfrey and Recording Secretary Cynthia DeCoursey. Planning Commission Members did not attend the work session.

Mayor Harbertson began the work session at 7:05 p.m.

CLOSED SESSION (City Council)

Motion: Cory Ritz made a motion that the City Council adjourn to a closed session to discuss potential litigation.

Sworn Statement

I, **Scott C. Harbertson**, 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.

Scott C. Harbertson, Mayor

REGULAR SESSION (City Council and Planning Commission)

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate City Planner Christy Alexander, City Attorney Todd Godfrey, Planning Commission Chairman Randy Hillier, Vice Chairman Jim Young, Commissioners Brett Anderson, Rick Draper, Kris Kaufman, and Michael Wagstaff, and Recording Secretary Cynthia DeCoursey. Commissioners Steve Andersen, Michael Nilson, and Nelsen Michaelson were excused.

Mayor Harbertson began the meeting at 7:40 p.m. and welcomed members of the Planning Commission.

OTHER BUSINESS

Discussion with Dixon & Associates and Castlewood Development regarding site design and proposed apartments to be located on the southwest corner of Clark Lane and 1100 West

Mayor Harbertson asked if said there were representatives from Dixon & Associates or Castlewood in attendance to discuss these site plans. Seeing none, this item was removed from the agenda.

Consideration of an Ordinance establishing temporary zoning regulations pertaining to the acceptance of certain specified land use applications in those areas of the City having a General Plan Land Use designation of Transportation Mixed Use and Class A Business Park, and in those areas having a zoning designation of Residential Mixed Use, Commercial Mixed Use, Office Mixed Use, General Mixed Use and Transit Mixed Use and Large Residential and R-4 West of I-15.

Mayor Harbertson explained that a great deal of time and effort has been expended by City staff and City officials during the last four years to address these zoning issues. Because the climate of development has changed significantly, the City is proposing this Ordinance which will allow additional time to adequately address the future plans of Farmington.

City Manager **Dave Millheim** stressed the importance for the Planning Commission and the City Council to work together to address zoning modifications and concerns related to the City's General Plan. The approval of the Ordinance will not affect any ongoing projects for which formal applications have been submitted.

City Attorney **Todd Godfrey** pointed out that in early 2009, the City adopted mixed use districts and Chapter 18 of the Zoning Ordinance which replaced the previous TOD (transit-oriented development) Ordinance. The economic downturn occurred shortly thereafter, and development was impacted greatly. It is vital for Farmington to create development which will be sustainable and successful for both developers and the City. Two key reasons for the Ordinance are: (1) the City is currently gaining momentum (which should not be stopped); and (2) there is concern that the ordinances the City has in place are not promoting the kind of sustainable development the City needs. He emphasized that this action will allow the City to gather data and create a better model which will benefit everyone involved.

Mayor Harbertson said he met with staff to discuss the Ordinance, and he is in favor of the action. He asked if there were any questions and or comments. The general view among the Council and the Commission was that the City will have a better product following additional study and research, and the process will help Farmington to experience quality growth. They agreed to review the issues carefully prior to making decisions related to the City's transportation uses.

Developer **Rich Haws** said he approves of the Ordinance and would like to see the zoning regulations tightened up through the use of consultants who will be able to assist in determining appropriate and sustainable housing.

Motion: **Cory Ritz** made a motion to adopt the Ordinance to establish temporary zoning regulations as outlined in the preamble to the Ordinance. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot and Young**.

Miscellaneous

- **David Petersen** said the D&RG trail will be opening soon, and the Trails Committee suggested having a ribbon cutting ceremony on June 4, 2011 which is National Trail Day. The **Mayor** said the issue will be discussed at a community meeting on Thursday, May 5, 2011.

- **Mayor Harbertson** informed the Council and the Commission that the new Harmons store in the Station Park development has invited them to a VIP Tour and Cooking Class in May. Also, the store opening and ribbon cutting will be held at 10:00 a.m. on May 2, 2011.

ADJOURNMENT

Motion: **Rick Dutson** made a motion to adjourn the meeting. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**. The meeting was adjourned at 8:30 p.m.

Holly Gadd, City Recorder
Farmington City Corporation

FARMINGTON CITY COUNCIL MEETING

Tuesday, May 3, 2011

WORK SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, City Planner David Petersen, City Finance Director Keith Johnson, City Engineer Paul Hirst, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

Mayor Harbertson began the work session at 6:00 p.m., and the following items were reviewed:

(Public Hearing): Villa Susanna Planned Unit Development (PUD) Preliminary (PUD) Master Plan (and PUD Overlay), and Schematic Plan

David Petersen gave a report on the status of this PUD which was approved by the Planning Commission. He explained that **Frank McCullough** is working with the owner of the property to redevelop this site. An old LDS church building is located on the property and is used as a residence but is in serious disrepair. The Council discussed several issues such as the structural condition of the building, the possibility of using RDA funds to improve the property, the size of the five proposed lots and homes, and traffic issues on both Main Street and 1400 North.

Verizon Option and Land Lease Agreement

Mayor Harbertson said this Agreement has been sent back and forth between Verizon and the City to amend various details. Residents who live near the proposed site are opposed to having a cell tower in the area. This Agreement does not address how the tower will look—it is only for the lease of the property, and the City would receive an annual rental amount of \$20,000 to be paid annually if approved.

REGULAR SESSION

Present: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Dave Millheim, City Planner David Petersen, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

CALL TO ORDER:

Opening Comments/Invocation/Pledge of Allegiance

Mayor Harbertson opened the meeting at 7:10 p.m., welcomed those in attendance, and offered the invocation. The Pledge of Allegiance was led by local Boy Scout **Porter Rowberry**.

Approval of Minutes

Motion: Jim Talbot made a motion to approve the minutes of the April 19, 2011 City Council meeting. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Presentation of “Award of Top Shooter”

Joel Knapp, Farmington City Police Department, announced “Top Shooter” awards to **Cory Ritz** and **Kari Dutson**.

Fire Department Gap Analysis and 5-Year Business Plan

Farmington Fire Chief **Guido Smith** presented a “Gap Analysis and Five-Year Business Plan” for the Fire Department. He stated that the purpose of the study was to identify shortfalls and then create benchmarks and timelines which will help the Department achieve its goals and reviewed the following items:

- Customer Service Needs & Expectations
- Community Hazard Potentials & Community Dynamics
- Department Culture
- Operational Safety
- Personnel Requirements
- Health & Safety
- Staffing
- Training
- Equipment & Apparatus
- Facilities
- Proactive Planning

The **Mayor** thanked **Chief Smith** for the information he provided and said the needs of the Fire Department would be considered. He said several residents have commented on the uniforms and professionalism of the Fire Department Staff.

PUBLIC HEARINGS:

(Public Hearing): Villa Susanna Planned Unit Development (PUD) Preliminary (PUD) Master Plan (and PUD Overlay), and Schematic Plan

David Petersen explained that in addition to the rezoning of this property, two deviations from the requirements of the underlying zone would need to be made: (1) the homes would front a private parking area and not a street; (2) there are no setbacks from property lines as residents will own only the footprint of the home; all other areas will be held in common by an HOA.

Public Hearing: The public hearing was opened at 8:05 p.m.

Randy Orison, 1597 Ridge View Circle, represented **Frank McCullough** who was not able to attend the meeting. He said the property is a landmark in Farmington, but because of various circumstances, it has not represented the City in a positive manner. The owner, **Susan Maughan**, and neighbors in the area are in favor of the proposal. He said that **Mr. McCullough** will not be

compensated for his work on this PUD as he is doing this to assist Mrs. Maughan, and he plans to sell the plans to a building contractor.

Steve Moon, 641 West 1400 North, lives approximately 100 yards from the subject property, and he informed the Council that **Mrs. Maughan** could not live in this dilapidated building another winter. Many residents in the area are trying to assist her, and he urged the Council to keep her in mind as they make a decision regarding the future of this property.

Mayor Harbertson praised **Mr. Moon** for the assistance he has provided to **Mrs. Maughan** through the years, and he closed the public hearing at 8:08 p.m.

The Council agreed that something needs to be done to improve the property, and the following concerns were discussed: the small size of the lots and homes, the cost of demolition which may exceed \$100,000, the possibility of moving the entrance further to the east and of having several of the homes face Main Street, the preservation of a current walkway, the parking area, garbage pickup, the width of the curb, and the process of finding a builder who will comply to the plans. The **Mayor** suggested having a meeting with **Mr. McCullough** next week prior to the budget meeting, and the Council agreed that additional information was necessary.

Motion: Rick Dutson made a motion to table this item and to review it again at 5:00 p.m. prior to the City Council budget meeting scheduled for Tuesday, May 10th. The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

- **Approval of March Disbursement List**
- **Ratification of Approvals of Construction & Storm Water Bond Logs**

Motion: John Bilton made a motion to approve the items on the Summary Action List. The motion was seconded by **Rick Dutson** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

NEW BUSINESS:

Verizon Option and Land Lease Agreement

Motion: Jim Talbot made a motion to deny the request for the **Mayor** to sign the Verizon Option and Land Lease Agreement. The motion was seconded by **Sid Young** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Adoption of the Tentative Budget for Fiscal Year 2011-2012

City Finance Director **Keith Johnson** presented the following key elements of the proposed 2011-2012 tentative budget:

- A pay increase for City employees;
- The hiring of two additional Firemen;

- The purchase of a new fire truck;
- The hiring of a new police officer;
- The deputy recorder/secretary position will be filled;
- The purchase of street lights owned by Rocky Mountain Power;
- An increase of \$300,000 for street maintenance above that recommended by staff in the draft budget.

Mr. Johnson reported that the City is in good financial condition, and even with these additions to the budget, the fund balance will be higher than ever before for the following year. He said that the executive staff and elected officials will continue to make long-term goals to ensure that the City remains fiscally prudent.

Motion: Sid Young made a motion to approve the Resolution adopting the Farmington City tentative budget for the fiscal year 2011-2012 and to set the public hearing date for June 7, 2011. **Rick Dutson** seconded the motion which was approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

DISCUSSION ITEMS:

Miscellaneous Subdivision and Zone Text Amendments

David Petersen reported that during the day-to-day administration of the City's Zoning and Subdivision Ordinance each year, staff makes a "wish list" of amendments which are then presented to the Planning Commission and the City Council for consideration. The Planning Commission approved most of the amendments at their meeting on April 14, 2011; they tabled a recommendation for the proposed amendment to Chapter 17 of the Zoning Ordinance for further input from the Historic Commission and to consider increasing the number of acceptable buildings materials for use in the OTR zone. **Mr. Petersen** reviewed the various amendments and informed the Council that there will be a public hearing on May 19, 2011 at which time the Council may take action on the items or provide additional direction to staff.

Past and Present Development Agreements

David Petersen explained that the Planning Department is in the process of developing a Development Agreement Matrix to determine the status of agreements which have been entered into by the City and various developers since 1994. He said similar matrixes are planned for the hundreds of subdivisions, conditional uses, site plans, and bond agreements which were approved during the same time period. It is a daunting task and will require many hours from City staff, but their goal is to provide a concise, living matrix which will illustrate the status and approval of each active agreement. The matrix will change in size as requirements are completed and documents are added.

GOVERNING BODY REPORTS:

City Manager Report

- He referred to the list of upcoming agenda items included in the packet.

- A meeting with **Howard Kent** to discuss conservation easement/open space requirements regarding his Spring Creek development will be held on May 10th at 4:00 p.m.
- Budget work sessions will be held on May 10th and May 24th at 6:00 p.m.
- A meeting will be held with **Frank McCullough** to discuss the Villa Susanna PUD at 5:00 p.m. on May 10th.
- He met with **Dave Freed** of Lagoon, and it was a productive meeting.

Mayor Harbertson

- A meeting with **Garbett Homes** will be scheduled on either May 5th or May 6th at 8:00 a.m., and **Jim Talbot** and **John Bilton** agreed to attend.
- The **Mayor** thanked the Council for touring the historic home located in the Henry Walker Homes development east of Lagoon.
- He attended a meeting with UDOT in which several ideas for the Western Davis Corridor were discussed. He said that no matter what route UDOT chooses, it will be a difficult time in Farmington, and some residents may lose their homes.
- The grand opening for Harmons on May 2nd was a great event for Farmington.
- The **Mayor** asked for a nomination of a Council Member to serve on the Utah League of Cities and Towns Policy Committee in 2012. **Sid Young** has served on the Committee for 6 years, and his term ends in 2011. There is a lunch meeting each a month in North Salt Lake, and during the legislative session, there is a lunch meeting every Monday. No Council Member expressed a desire to participate.
- He asked City staff to draft a letter to Zions Bank regarding a donation for the Memorial.

Jim Talbot

- The Trails Committee is planning a 5k run during Festival Days, and he asked that the Committee be required to obtain proper approval for the route respecting the crossing of private property. **Mr. Millheim** said he would follow up on the request.

Sid Young

- He said the letter to **Mr. Stringfellow** was worded well.

Cory Ritz

- He asked the Police Department to install a speed wagon on 650 West.
- A resident reported that at least a third of the lights on the baseball field near Knowlton Elementary need to be replaced. **Mr. Millheim** said he would inform **Neil Miller**, and wet weather has delayed repairs such as this.

Rick Dutson

- He requested that a letter signed by the City Council be sent to UDOT to request improved signage on Park Lane where the four sequential signal lights are located.

John Bilton

- He reported that the Harmons store was still full of people on Monday night, and store manager **Reagan Puffer** said it was the best grand opening they have had.
- He said there are lights which are burned out on the Bronco field. **Mr. Millheim** said he would inform **Neil Miller** about both baseball fields, and wet weather has delayed repair on projects like this.
- He asked for an update on the Old Farm development, and **Rick Dutson** reported on an open house he attended in which some of the following concerns/possibilities were discussed: (1) the treatment of the backs of homes on Main Street, (2) additional green space; (3) additional parking; (4) sidewalks on both sides of the street; and (5) the location of parking pods.

CLOSED SESSION

Motion: At 10:00 p.m. **John Bilton** made a motion to adjourn to a closed session to discuss the character, professional competence or physical or mental health of an individual and/or other reasons permitted by law. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Dutson, Ritz, Talbot** and **Young**.

Sworn Statement

I, **Scott C. Harbertson**, 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.

Scott C. Harbertson, Mayor

Motion: At 10:25 p.m. a motion to reconvene into an open meeting was made by **Rick Dutson** and seconded by **Sid Young**. The motion passed with Council Members **Bilton, Dutson, Ritz, Talbot** and **Young** all voting in favor.

ADJOURNMENT

Motion: At 10:25 **Rick Dutson** made a motion to adjourn the meeting. The motion was seconded by **Jim Talbot**, and it was approved by Council members **Bilton, Dutson, Ritz, Talbot** and **Young**. The meeting was adjourned at 10:25 p.m.

Holly Gadd, City Recorder
Farmington City Corporation

CITY COUNCIL AGENDA

For Council Meeting:
May 3, 2011

S U B J E C T: Public Hearing: Miscellaneous Subdivision and Zone Text Changes

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
2. See item "A" on staff report for minute motion recommendation.
3. Table proposed Zoning Ordinance amendments 4, 5, 6, 7, 8 and 10 for further study.

GENERAL INFORMATION:

See enclosed staff report prepared by Dave 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

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID 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: May 10, 2011
SUBJECT: **MISCELLANEOUS SUBDIVISION AND ZONE TEXT CHANGES**

RECOMMENDATION

Open the public hearing for comment, then close the public hearing and--

- A. Approve the attached enabling ordinance which adopts the circled, or highlighted, paragraphs of the enclosed staff reports regarding Subdivision Ordinance amendments 1 and 2, Zoning Ordinance amendments 1, 2, 3, 9, and 11, and which also enacts new zone text regarding fee in lieu conservation land dedication; and accept findings for each item as set forth in the same staff reports, which findings were also recommended by the Planning Commission.
- B. Table proposed Zoning Ordinance amendments 4, 5, 6, 7, 8, and 10, for further study.

BACKGROUND

See enclosed April 22, 2011 staff report.

Respectively Submitted

David Petersen
Community Development Director

Review and Concur

Dave Millheim
City Manager

FARMINGTON, UTAH

ORDINANCE NO. 2011 -

AN ORDINANCE AMENDING OR ENACTING SECTIONS 12-110(4), 12-6-100, 11-10-020, 11-12-090(f)(1), 11-12-090(f)(5), 11-28-060(c), 11-32-106(1)(a), and 11-12-068 OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING MISCELLANEOUS TEXT CHANGES (ZT-1-11).

WHEREAS, the Planning Commission has held a public hearing in which the proposed text changes for Sections 12-110(4), 12-6-100, 11-10-020, 11-12-090(f)(1), 11-12-090(f)(5), 11-28-060(c), 11-32-106(1)(a), and 11-12-068 of the Farmington City Municipal Code 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 12-110(4), 12-6-100, 11-10-020, 11-12-090(f)(1), 11-12-090(f)(5), 11-28-060(c), 11-32-106(1)(a), and 11-12-068 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 17th day of May, 2011.

FARMINGTON CITY

Scott C. Harbertson, Mayor

ATTEST:

Holly Gadd, City Recorder

EXHIBIT "A"

12-6-110(4):

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

12-6-100:

The Subdivider shall file an application for final plat approval with the Community Development Department on a form prescribed by the City, together with one reproducible copy and prints of the final plat, the number of which shall be determined by City staff, and all required fees. The preliminary plat shall become null and void unless the Subdivider submits an application for and obtains final plat approval for all phases encompassing the area of the preliminary plat within twelve (12) months after approval or conditional approval of the preliminary plat by the Planning Commission, except as otherwise provided for by written agreement with the City. This time period may be extended for up to twelve (12) months for good cause shown if the Subdivider petitions the Planning Commission in writing for an extension prior to the expiration date of the preliminary plat together with any applicable fees. Only one (1) extension of the preliminary plat approval may be granted. In the event the final plat approval expires, or the City does not grant an extension of final plat approval, or the City does not re-approve a previously approved final plat, the preliminary plat approval shall also expire, unless 12 months has not lapsed from the date of its approval and/or a 12 month extension of time has been granted as provided herein.

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		
	A A	A E	A
Accessory Dwellings	C	C	C
Accessory Living Quarters	C	X	X
Agriculture	P	P	P

USE	AGRICULTURE ZONES		
	A A	A E	A
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
Planned Unit development	C	C	C
Private school, Public School, or hospital	X	C	C
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

USE	AGRICULTURE ZONES		
	A A	A E	A
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

Section 11-12-090(f)(1):

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

Section 11-12-090(f)(5):

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

Section 11-28-060(c):

(c) Private Multi-purpose Sports Courts. Private Multi-purpose sports courts, tennis courts, or other similar playing surfaces, shall be set back at least five (5) feet from the rear and side property lines, 15 feet from the side corner property line, at least thirty (30) feet from the front property line, and shall be at least twenty (20) feet from any neighboring dwelling. Any deviation from the above setbacks or fence standards contained in this Title shall require a conditional use permit (no fee shall be assessed for such application). No lighting may be installed in connection with the multi-purpose sports court, tennis court, or other similar playing surface which shall throw any direct rays beyond the property lines on which it is constructed.

Section 11-32-106(1)(a):

Residential driveways shall be not more than twenty (20) feet in width when serving as access to two (2) properly designated spaces or thirty (30) feet in width when serving as access to three (3) properly designated parking spaces as measured at the front or side corner property line. "Properly designated parking spaces" shall include spaces in a garage, carport, or on a parking pad located to the side of a dwelling and not located within the minimum front yard setback. Additional driveway width for access to a rear yard, for more than three (3) properly designated parking spaces, or for multiple-family residential developments may be reviewed by the Planning Commission as a conditional use (no fee shall be required). Residential driveways shall be designed at a width which is the minimum necessary to provide adequate access to designated parking spaces.

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

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

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



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
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JIM TALBOT
SID 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: April 22, 2011

SUBJECT: **MISCELLANEOUS SUBDIVISION AND ZONE TEXT CHANGES**

RECOMMENDATION

This is not an action item, but presented for discussion only in preparation for a public hearing scheduled for May 19, 2011.

BACKGROUND

During the day to day of administration of the Zoning and the Subdivision ordinance throughout the year, staff keeps of log, or "wish list" of ordinance changes which are often presented in the Spring as a package for Planning Commission and City Council consideration. Enclosed are the Planning Commission staff reports for these miscellaneous changes. [Note: Commission changes to the reports are "double underlined"] . The Commission tabled a recommendation regarding the proposed amendment to Chapter 17 of the Zoning Ordinance for further input from the Historic Commission and to look at increasing the number of acceptable building materials for use in the OTR zone.

Respectively Submitted

David Petersen
Community Development Director

Review and Concur,

Dave Millheim
City Manager



Planning Commission Staff Report
April 14, 2011

Item 7: Miscellaneous Subdivision Ordinance Amendments

Public Hearing:	Yes
Application No.:	ZT-1-11
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Property Owner:	Farmington City
Agent:	Farmington City

Request: *Applicant is requesting a recommendation of approval for two amendments to the Subdivision Ordinance.*

Background Information

The updates to the Subdivision Ordinance included with this proposal include 1) requiring the words "Planned Unit Development (PUD)" or "Conservation Subdivision" in the name/title on final plats (12-6-110(4)); and 2) updating plat expiration/deadline standards (12-6-100).

→ 1) Name/title on Final Plats.

Planned Unit Developments (PUD's) often have requirements that deviate from the standards of the underlying zone, such as specialized set back and building envelope standards. Likewise, Conservation Subdivisions also differ from conventional subdivisions in that conservation easements are usually recorded with the plat to preserve the open space in a manner and with conditions established as part of the approval process for the subdivision, and they too have different setback requirements. The words "a Planned Unit Development (PUD) and "a Conservation Subdivision" will better inform possible lot owners, financial institutions, and those administrating city regulations, of the potential unique characteristics associated with the development. Staff recommends the following changes to 12-6-110(4):

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

→ 2) Plat Expiration/Deadline Standards.

As the ordinance is written (see enclosed), it appears that one may avoid the expiration of a preliminary plat by filing an application for final plat approval. Is the preliminary plat still valid after 12 months if the subdivider does not pursue final plat approval beyond just filing an application? Likewise, does the preliminary plat approval still stand if the final plat is denied? What if a particular approved final plat represents only a small portion of a large preliminary plat, does the preliminary plat approval remain in tact for the development? The following proposed changes to Section 12-6-100 of the Subdivision Ordinance for Planning Commission consideration are intended to address these issues.

The Subdivider shall file an application for final plat approval with the Planning Community Development Department on a form prescribed by the City, together with one reproducible copy and ~~two (2)~~ prints of the final plat, the number of which shall be determined by City staff, and all required fees. The preliminary plat shall become null and void unless the Subdivider submits an Application for and obtains final plat approval shall be made for all phases encompassing the area of the preliminary plat within twelve (12) months after approval or conditional approval of the preliminary plat by the Planning Commission, except as otherwise provided for by written agreement with the City. This time period may be extended for up to twelve (12) months for good cause shown if the Subdivider petitions the Planning Commission in writing for an extension prior to the expiration date of the preliminary plat together with the required any applicable fees. Only one (1) extension of the preliminary plat approval may be granted. In the event the final plat approval expires, or the City does not grant an extension of final plat approval, or the City does not re-approve a previously approved final plat, the preliminary plat approval shall also expire, unless 12 months has not lapsed from the date of its approval and/or a 12 month extension of time has been granted as provided herein.

Suggested Motion:

Move that the Planning Commission recommend approval of the proposed amendments to the Subdivision Ordinance as set forth in the April 14, 2011 staff report.

Findings:

1. The inclusion of the words "a Planned Unit Development" and/or "a Conservation Subdivision" better informs the public, potential property owners, and reminds city staff, that a particular subdivision is not a conventional subdivision; and
2. Provides clear expiration dates for preliminary plat approval and provides deadlines for final plat approval.

Supplemental Information

1. Section 12-6-100 of the Subdivision Ordinance.

Applicable Ordinances

1. Title 12, Chapter 6 – Major Subdivisions



Planning Commission Staff Report
April 14, 2011

Item 8: Miscellaneous Zoning Ordinance Amendments

Public Hearing:	Yes
Application No.:	ZT-1-11
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Property Owner:	Farmington City
Agent:	Farmington City

Request: *Applicant is requesting a recommendation of approval for several amendments to the Zoning Ordinance.*

Background Information

The updates to the Zoning Ordinance included with this proposal include 1) establishing secondary dwellings in agriculture zones (11-10-020); 2) defining the term “front-loaded garages” in conservation subdivisions (11-12-090(f)(1)); 3) deleting a reference in 11-12-090(f)(5) that does not exist; 4) amending vinyl siding standards in the OTR zone (11-17-070(6)); 5) clarifying the term “Medium-density residential” in TMU zones (11-18-105); 6) restricting residential uses in the OMU zone (11-18-105); 7) modifying building height and open space standards in all TMU zones (11-18-106(2)); 8) providing expiration standards in TMU zones for development plans (11-18-107) and Project Master Plans (11-18-108); 9) amending setback standards for sports courts (11-28-060(c); 10) allowing city staff to review and approve sales offices in model homes as a permitted use subject to certain standards (11-28-120); 11) expounding on residential driveway width standards (11-32-106(1)(a).

→ 1) Secondary Dwellings in Agriculture Zones.

A secondary dwelling is “a second dwelling unit within a single-family dwelling which is accessory to the single-family dwelling and which is an architectural and integral part of a single family dwelling” (11-2-38); and an accessory dwelling is “a dwelling unit within an [detached] accessory building which is subordinate to a single-family dwelling located on the same lot. . . .” (11-2-34). Both types of dwelling units are intended to provide alternative forms of housing; moreover, under both types of uses the owner of the property is required to live on-site. In most single family residential zones both uses are allowed as a conditional use. However, even though arguably greater impacts to residential neighborhoods accompany accessory dwellings, in the agriculture zones the accessory dwellings are allowed as a conditional use while secondary dwellings are not allowed (even as a permitted use).

Therefore, it is proposed that secondary dwelling units be allowed as a conditional use in the AE, A, and AA zones.

→ 2) "Front-loaded garages" in Conservation Subdivisions

Developers of conservation subdivisions are allowed density bonuses in exchange for perpetually protected open space. Hence, as lot sizes decrease and homes become closer together one purpose of the ordinance is to not let the appearances of garages dominate the streetscape whereby the majority of the home is placed behind the garage in an effort to "fit" homes on narrower lots. Therefore, an incentive is written into the ordinance; that is, if the garage is flush or recessed from the back of the home the front set back may be 20 feet (this provides more flexibility in home placement and allows more enjoyment and use of a rear yard by the property owner). Alternatively, if the garage projects past the front plane of the dwelling into the front yard, the entire dwelling (including the garage portion) home must be set back 30 feet. The term "front-loaded garages" is currently used to describe garages that are even or recessed from the back of the home. This term misses the mark and Section 11-12-090(f)(1) should be changed as follows:

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

→ 3) Reference in 11-12-090(f)(5)

Section 11-12-090(f)(5) of the Zoning Ordinance contains a reference that does not exist. It should be deleted:

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

4) Vinyl Siding Standards in the OTR Zone

Presently, Section (11-17-070(6)) of the OTR zone limits vinyl material to windows, doors, fascia, and soffit, and the entire rear elevation of structures. Nevertheless, the footprint of dwelling, for example, may be in the shape of "L", where the inside portion of the "L" is clearly part of the side elevation, but is not visible from the street. It is recommended that the City amend paragraph (6) as follows:

(6) Materials. Building materials should contribute to the traditional sense of scale of the block, this will reinforce the sense of visual continuity in the district. New materials that are similar in character to traditional materials may be acceptable with appropriate detailing. Alternative materials should appear similar in scale, proportion, texture and finish to those used historically. They also must have a proven durability in similar locations in this climate. Except for the roof, fascia and soffit, exterior material on the front and side elevations of said structures shall consist of brick, rock, stucco, wood siding or combination thereof, metal and vinyl shall be prohibited. Metal or vinyl

exterior materials shall be permitted on windows and doors and on the fascia and soffit, and on the entire rear elevations of said structures, and portions of the structure abutting "other yards" not visible from the street between the rear and the side yard.

All exterior materials and colors are to be specified on plans for said structures and shall be submitted for approval by the Planning Department and/or Planning Commission.

5) "Medium-density residential" in TMU Zones

Table 18.3 of Section 11-18-105 of Chapter 18 lists and describes the "Allowable Land Uses" in the mixed-use districts set forth in that chapter. Some developers have argued that the narrative describing "Medium-density residential" uses the words "such as" and therefore does not limit the number of apartment or condominium dwelling units one can place in a building. The table may be very clear to the Planning Commission that "Medium-density residential" does not mean unlimited numbers of dwelling units in a building (see enclosed), however, the Commission may wish to establish their intent regarding this use by modifying the text:

Medium-density residential—single family small lots and attached units ~~such as or~~ townhomes, ~~condominiums, mansion homes,~~ limited to duplexes, triplexes, four-plexes, five-plexes, or six-plexes.

6) Residential uses in the OMU Zone

The Office Mixes Use district (OMU) is "intended to be primarily office and commercial, with multiple-unit dwellings allowed as a secondary use" (11-18-101(1)(b)3.). Meanwhile, Table 18.3 permits "High-density" residential—condominium and apartment style" uses in the OMU zone even though they are primary uses. The City should amend the table and not permit "High-density" residential—condominium and apartment style" uses in the OMU zone.

7) Building height and open space standards in all TMU zones (11-18-106(2))

Staff is recommending that the City only modify building height and open space standards set forth in 11-18-106(2) (see enclosure) as they relate to the RMU (Residential Mixed Use) zones [and not all TMU zones] as follows:

- a. Building Height Maximum in Stories (& Feet) on local streets should be 2 stories (27 feet) and not 3 stories (40 feet) as now written, and
- b. Open Space % Requirements (for zone lots) on Collector/Arterial Roads should be increased from 25 to 30%.

8) Expiration standards in TMU zones

No expiration periods exist for development plans and Project Master Plans (PMPs) in Mixed Use zones. Since it appears that most development plans will be reviewed and approved by staff, the recommended expiration standard for such approvals should be enacted as follows:

11-18-107(2)(d)vi. If the applicant does not obtain and maintain a current building permit within 6 months of any development plan approval, such approval shall be null and void. This time period may be extended for additional six (6) months periods by the Community Development Director. The applicant must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the City. If any of the fees charged as a condition of approval, including but not limited

to, inspection fees, impact fees, as well as the amounts the City uses to estimate bonds to insure completion of improvements, have increased, the Community Development Director, after receiving approval from the City Manager may require that the bond estimate be recalculated and that the applicant pay any applicable fee increases as a condition of granting the extension.

PMP's are approved by the Planning Commission or the City Council. The recommended expiration standards for such approvals should be enacted as Section 11-18-108(d)4.(m) as follows:

(m) Unless there is substantial action under a Project Master Plan within a period of twelve (12) months from the date of Planning Commission or City Council approval, the Project Master Plan shall expire. Substantial action shall be demonstrated by receiving approval for improvement drawings and posting a bond and commencing construction related thereto, or submitting final plans for approval and obtaining, and maintaining, a current Building Permit.

If the Project Master Plan is to expire, a request for extension may be filed with the Community Development Department not less than thirty (30) days prior to the expiration date. The original Project Master Plan approval shall remain valid until the request for extension is acted upon by the Planning Commission or City Council. Failure to request the extension in a timely manner shall cause a Project Master Plan to expire without further notice.

The Planning Commission or City Council for reasonable cause may, after evaluating the applicant's progress in the previous year and after considering the Planning Department's recommendation, grant an extension of up to one (1) year on the Project Master Plan. Only one (1) extension shall be granted, except as otherwise provided for by written agreement with the City.

(m) Appeals of decision. The final decision of the Planning Commission to approve, approve with conditions, or deny a PMP may be appealed to the City Council as set forth in the Zoning Ordinance.

→ 9) Setback Standards for Sports Courts

The ordinance does not provide a prescribed set back for sports courts from side corner yard property lines. The typical minimum side corner yard setback for main dwellings in conventional subdivisions is 20 feet and for conservation subdivisions it is 15 feet. Therefore, the side corner yard setback in Section 11-28-060(c) for sports courts is recommended as follows:

(c) Private Multi-purpose Sports Courts. Private Multi-purpose sports courts, tennis courts, or other similar playing surfaces, shall be set back at least five (5) feet from the rear and side property lines, 15 feet from the side corner property line, at least thirty (30) feet from the front property line, and shall be at least twenty (20) feet from any neighboring dwelling. Any deviation from the above setbacks or fence standards contained in this Title shall require a conditional use permit (no fee shall be assessed for such application). No lighting may be installed in connection with the multi-purpose sports court, tennis court, or other similar playing surface which shall throw any direct rays beyond the property lines on which it is constructed.

10) Sales Offices in Model Homes

For several years sales offices in model homes have been approved by the Planning Commission as a conditional use. Numerous standards already exist for such uses and their approvals have become routine in nature. As a discussion item at a previous meeting, the Commission suggested that this approval should be considered by staff: Accordingly, it is recommended that Section 11-28-120(d)1., (f)10., and (h)(1)(iii) be amended as follows:

(d) Administrative Review Process.

1. The following uses may be reviewed and approved by the City Planner:

- a) Christmas tree lots;
- b) Construction trailers;
- c) Fireworks stands;
- d) Model homes shows including temporary offices;
- e) Uses related to natural disasters;
- f) Warehouse sales

(f) Definitions.

10. Temporary Office means a model home within a development which serves as an office for the sale or lease of property in the development, or a temporary structure located on the site of a development project which serves as a temporary business office while a permanent office is under construction on the site.

(h) Uses, Specific Standards, and Time Limits.

(1) Residential Zones. Temporary uses in single-family and multiple-family residential zones shall comply with the standards, and are limited to the uses, specified below:

- (iii) Temporary office in a model home. A temporary office for the sale or lease of property in a major subdivision or planned unit development (PUD) may be used until the last lot or unit in the development is sold. In the event a violation of the City's sign ordinance exists within said subdivision or PUD, the City may, as an enforcement measure (among other such measures set forth in its municipal code), and at its sole discretion, revoke the permit for the office and/or model home. If the office is located in the area of the home intended for a garage, any alterations made to accommodate the office shall be removed, and the

space shall be converted to function as a garage upon termination of the temporary office.

→ 11) Residential Driveway Width Standards

The maximum driveway width for a two car and a three car garage is 20 and 30 feet respectively. Nevertheless, driveways are often wider to accommodate a pad in the side yard or to make room for pedestrians to access the front door. As a common practice in interpreting the ordinance, staff enforces the maximum driveway widths at the sidewalk and or curb cut (or the front property line). This practice should be memorialized by amending Section 11-32-106(1)(a) of the ordinance:

Residential driveways shall be not more than twenty (20) feet in width when serving as access to two (2) properly designated spaces or thirty (30) feet in width when serving as access to three (3) properly designated parking spaces as measured at the front or side corner property line. "Properly designated parking spaces" shall include spaces in a garage, carport, or on a parking pad located to the side of a dwelling and not located within the minimum front yard setback. Additional driveway width for access to a rear yard, for more than three (3) properly designated parking spaces, or for multiple-family residential developments may be reviewed by the Planning Commission as a conditional use (no fee shall be required). Residential driveways shall be designed at a width which is the minimum necessary to provide adequate access to designated parking spaces.

Suggested Motion:

Move that the Planning Commission recommend approval of the proposed amendments to the Zoning Ordinance as set forth in the April 14, 2011 staff report. Staff shall prepare an exhibit to be included as part of the appendix of Chapter 17 illustrating the "other" yard in 11-17-070(6).

Findings:

1. Provides greater opportunities for alternative forms of housing thus meeting housing goals set forth in the General Plan;
2. Clarifies and/or removes unclear and confusing terms, or references that do not exist;
3. Allows the use metal and vinyl siding on portions of structures in the OTR zone, which portions are not visible from the street;
4. Large buildings with several dwellings units (more than 6) are not compatible with the medium density residential designation in mixed use zones;
5. The Office Mixed Use area is primarily for office and commercial uses. Large high density housing projects are a primary use and should not be permitted in OMU areas;
6. The two story height and greater open space requirements are more compatible with the purposes of the RMU zone;
7. Economic environments change and often futures are uncertain. Development plan and PMP approvals in the mixed use zone should have standards related to expiration for such approvals;
8. Property owners of corner lots may not be able to locate sports courts properly without known fixed setback dimension from all property lines. The setback of 15 feet from the side corner property line is appropriate because sometimes fences for sports courts may exceed the height standards set for conventional fences, and tall fences too close to the right-of-way may negatively impact the visual quality of the streetscape;

9. Approval of Sales offices in model homes have become routine in nature and the approval authority related thereto should be delegated to staff. Standards for such uses imposed by the Planning Commission in the past are set forth in the ordinance and can be easily applied by staff;
10. The practices of measuring driveway widths as set forth in the staff report makes sense and should be memorialized by ordinance.

Supplemental Information

1. Visual aid illustrating the “other yard” referenced in the amendment to 11-17-070(6).
2. Table 18.3.
3. Mixed Use Building height and Open Space Tables in Chapter 18

Applicable Ordinances

1. Title 11, Chapter 10 – Agricultural Zones
2. Title 11, Chapter 12 – Conservations Subdivision Development Standards
3. Title 11, Chapter 17 – Original Townsite Residential Zone
4. Title 11, Chapter 18 – Mixed Use Districts
5. Title 11, Chapter 28 – Supplementary and Qualifying Regulations
6. Title 11, Chapter 32 – Off Street Parking, Loading, and Access



**Planning Commission Staff Report
April 14, 2011**

Item 9: Fee in Lieu; Conservation Land Dedication

Public Hearing:	Yes
Application No.:	ZT-1-11
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Property Owner:	Farmington City
Agent:	Farmington City

Request: Applicant is requesting a recommendation of approval to enact Section 11-12-068 Fee in Lieu; Conservation Land Dedication as part of Chapter 12 of the Zoning Ordinance

Background Information

Developers of conservation subdivisions are allowed density bonuses in exchange for perpetually protected open space. However, in certain small infill subdivisions, and in other subdivisions, the City may waive some standards associated with conservation subdivisions, including but not limited to open space set asides, as per Section 11-12-065 of the Zoning Ordinance:

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

Regarding waivers related to conservation land dedication, several weeks ago the Planning Commission recommended that the City enact more specific standards. Following the lead of the Commission and under the direction of the City Council, Dave Millhiem the City Manager asked Todd Godfrey, the City Attorney, to draft an ordinance providing a process whereby the City can accept fee in lieu of a conservation land dedication. Below is Mr. Godfrey's draft for Planning Commission consideration:

→ 11-12-068

Fee in Lieu; Conservation Land Dedication.

- (a) In the event a proposed conservation land dedication does not, in the City's legislative discretion, produce sufficient public benefit, the City may require the payment of a fee in lieu of the dedication of conservation land. The fee to be paid to the City shall be established as follows:
- (1) The City shall establish the amount of the fee to be paid by determining the value of land of the same general characteristics as the conservation land dedication which would be required absent the application of the provisions of this section. The City's determination of value may be based on land sales data in the City's possession or reasonably available, and the basis of the City's determination shall be made available to the Applicant.
 - (2) In the event the Applicant disagrees with the City's determination of the amount of the fee in lieu, the Applicant may, at its sole expense, submit an appraisal report from a licensed and Certified General Appraiser to establish the value of the proposed conservation land dedication. The value as established in a qualifying appraisal shall be the amount of the fee in lieu of conservation land dedication.
 - (3) Any amount received by the City in lieu of conservation land dedication shall be set aside solely for open space and/or park acquisition and/or development.

Suggested Motion:

Move that the Planning Commission recommend approval of the proposed amendment to the Zoning Ordinance enacting Section 11-12-068 as set forth in the April 14, 2011 staff report.

Findings:

1. Provides a clear process to allow the City Council to approve a waiver and accept fee in lieu of conservation land dedication.

Applicable Ordinances

1. Title 11, Chapter 12 – Conservations Subdivision Development Standards

CITY COUNCIL AGENDA

For Council Meeting:
May 17, 2011

S U B J E C T: Tuscany Village Housing Proposal – Henry Walker Homes

ACTION TO BE CONSIDERED:

1. Authorize staff to only accept building permit applications with the homes as set forth in the petition, subject to the conditions in the petition and original motion.
2. Encourage Henry Walker Homes to amend the CCR's for the PUD to reflect the same.

GENERAL INFORMATION:

See enclosed staff report prepared by Dave 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

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID 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: May 10, 2011

SUBJECT: **TUSCANY VILLAGE HOUSING PROPOSAL--HENRY WALKER HOMES ("HWH")**

RECOMMENDATION

By minute motion authorize staff to only accept building permit applications with the homes as set forth in the attached May 6, 2011, petition, subject to the conditions in the petition and the original motion of approval by the City, on the remaining lots owned by HWH in the Tuscany Village PUD, and encourage HWH to amend the CCRs for the PUD to reflect the same.

Finding: this action is taken based on the support of the majority of the residents as shown the attached petition.

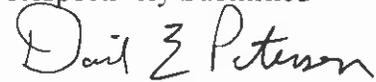
BACKGROUND

As a condition of approval for the Tuscany Village PUD on July 15, 2008, the applicant, Rainey Homes, was required to "construct new homes with attached or detached garages significantly recessed from the front plain of the main building", and that "front porch areas shall be emphasized not minimized."

Notwithstanding the placement of the garage, the enhanced porches, and materials used, the proposed future homes presented at the time by Rainey Homes were a distinct style. This style may be described as an "American Vernacular Revival" as illustrated in American House Styles a Concise Guide by John Milnes Baker, AIA, 1994. Mr. Baker states, "Unpretentious regional architecture can be an excellent starting point for new designs for our era. Good planning can comfortably complement the vernacular folk architecture of the disparate parts of this country to create contemporary houses that will never seem dated". And because the distinct style of the homes proposed by Rainey were self evident in its submittal to the City, the Planning Commission and City Council did not foresee, or think about, dictating this specific style in their motions. And for possibly the same reason, apparently Rainey did not call out this specific style in their CCRs for the PUD.

A few weeks ago HWH acquired the remaining lots in Tuscan Village, but proposed a home style contrary to the existing style for the PUD. The home style they are proposing will likely change the character of the neighborhood. And it is the understanding of city staff that the HWH home style is lesser in value. With this in mind HWH met with citizens and current property owners and agreed to certain material changes, albeit their proposed home style will still remain inconsistent with the existing homes in the PUD. They also agreed to include the Rainey homes as part of their overall offering for the PUD. Staff appreciates HWH meeting with the property owners and attempting to be sensitive to the high quality standards the residences want to maintain.

Respectively Submitted



David Petersen
Community Development Director

Review and Concur



Dave Millheim
City Manager

May 6, 2011

We, the undersigned residents of Tuscany Village in Farmington, Utah and Henry Walker Homes hereby certify that Henry Walker Homes will build only the floor plans that are attached to this letter (See Attached: Henry Walker Homes Tuscany Village) within Tuscany Village. We certify the homes based upon the following conditions:

- Stucco shall not be used on any of the exteriors of the home.
- Side and rear elevations of homes shall consist of fiber cement (sometimes referred to as Hardie board or Hardie plank) or rock or brick or any combination thereof.
- Front elevations shall be rock or brick or "hardie" or any combination thereof.
- Henry Walker Homes shall limit the number of Barcelona plans to be built in Tuscany Village to no more than three.
- Henry Walker will not use the Barcelona or Vienna plans as its model home.
- Henry Walker Homes shall limit the number of Vienna plans to be built in Tuscany Village to no more than three.
- If Henry Walker wants to submit plans in the future that aren't a part of the attached homes it must receive written consent from more than half of the current homeowners as of the date of this letter that still live in Tuscany at time of submittal.

This document will coincide with the Tuscany Village CC&Rs and addendum number two will be drafted to include the preceding conditions.

If the terms and conditions of this letter are acceptable, please indicate so with a signature where provided below.

Henry Walker Homes:
BY: Colin Wright



Tuscany Village Residents:
BY:

1 
Name: Carol H. Skye
Address: 1608 S. 100 E

2 
Name: Brent R. Lee
Address: 153 E. 1600 S. (YELLOW)

3 

Name: Kevin Miller
Address: 4144 S 100E

4 Nail Sorle
Name: Nail Sorle
Address: 16395 100E

5 MAD
Name: Mitch Stephens
Address: 52 E. 1600 S.

6 Ben Frank
Name: Ben Frank
Address: 53 E. 1600 S.

7 Alice Palmer
Name: ALICE PALMER
Address: 111 East 1600 South

8 Rob Bachman
Name: 137 E. 1600 S
Address: ROB BACHMAN

9 Brock Johnston
Name: Brock Johnston
Address: Rainey Homes

10 Ryan Davis
Name: Ryan Davis
Address: 171 E. 1600 S.

11 Charlie Fuller
Name: Charlie Fuller
Address: 186 E 1600 S

12 _____
Name: _____
Address: _____



HENRY WALKER

H O M E S

TUSCANY VILLAGE
PACKET





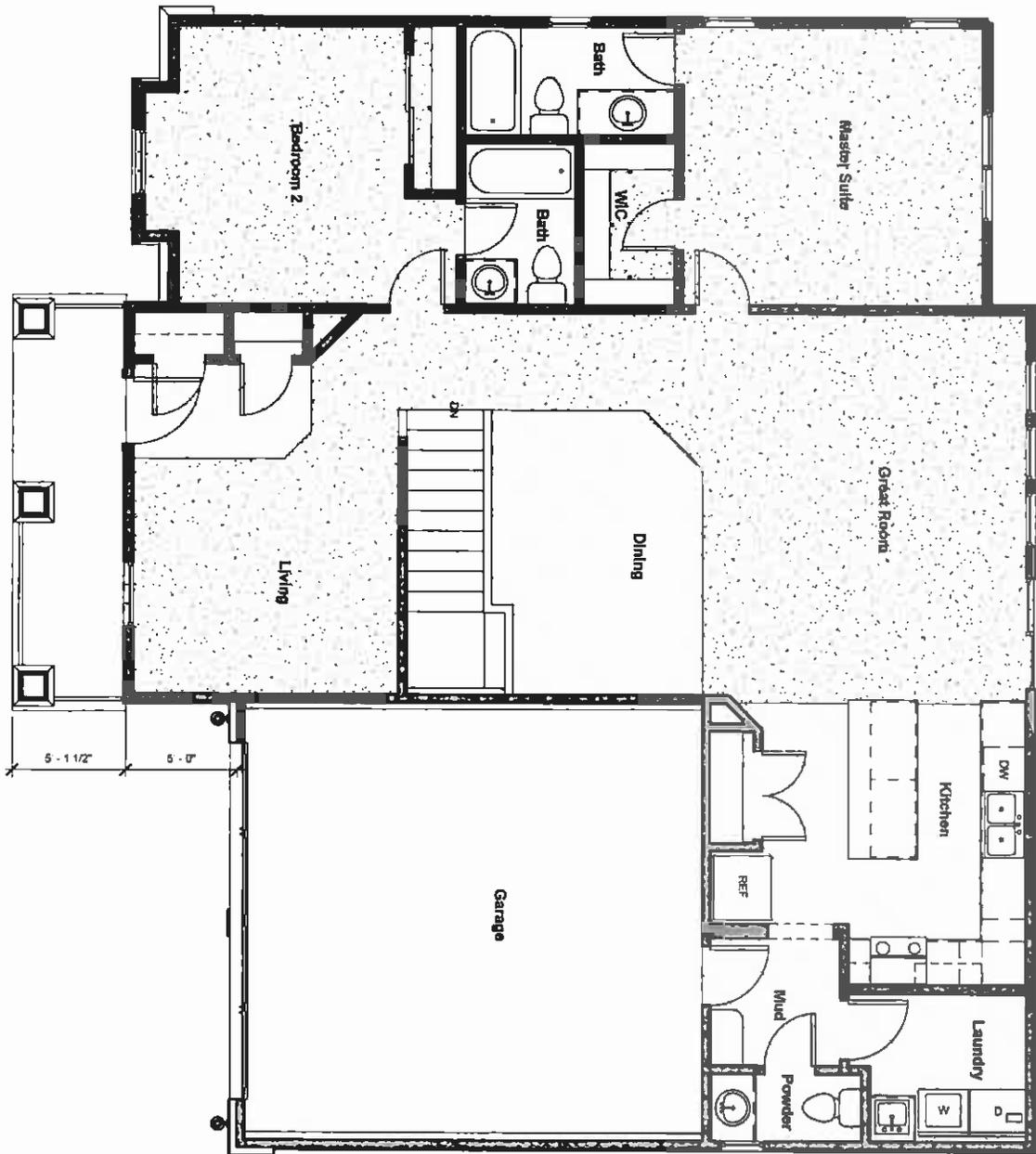
HENRY WALKER H O M E S

Tuscan Village Floor Plans

Company	Plan	Rambler/2story	Finished	Unfinished	Total	CCR requirements	
						min sq footage?	Exterior
HWH	Vienna C	Rambler	1515	1383	2866	Yes	Yes
Rainey	The Madison	Rambler	1821	1821	3642	Yes	Yes
HWH	The Barcelona	2 story	1835	630	2465	Yes	Yes
Rainey	The Bridgeport	Rambler	2101	2101	4202	Yes	Yes
HWH	Saint Augustine	2 story	2190	1860	4050	Yes	Yes
HWH	The Berlin	2 story	2236	1149	3385	Yes	Yes
Rainey	The Stratford	2 story	2244	1122	3366	Yes	Yes
HWH	Columbia	2 story	2348	1221	3569	Yes	Yes
HWH	The Ocean Pines	2 story	2417	2160	4577	Yes	Yes
Rainey	The Covington	2 story				Yes	Yes
Rainey	The Bellevue	2 story	2622	1311	3933	Yes	Yes
HWH	The Dublin	2 story	2631	1304	3935	Yes	Yes
Rainey	The Ridgfield	2 story	2769	1380	4149	Yes	Yes
HWH	Copenhagen	2 story	3012	1878	4890	Yes	Yes
Rainey	The Lismore	2 story	3056	2088	5144	Yes	Yes
HWH	Nantucket	2 story	3171	1256	4427	Yes	Yes
HWH	Bridge Port	2 story	3440	1855	5295	Yes	Yes
HWH	Hilton Head	2 story	3476	1578	5054	Yes	Yes

* Sorted based on finished sq ft





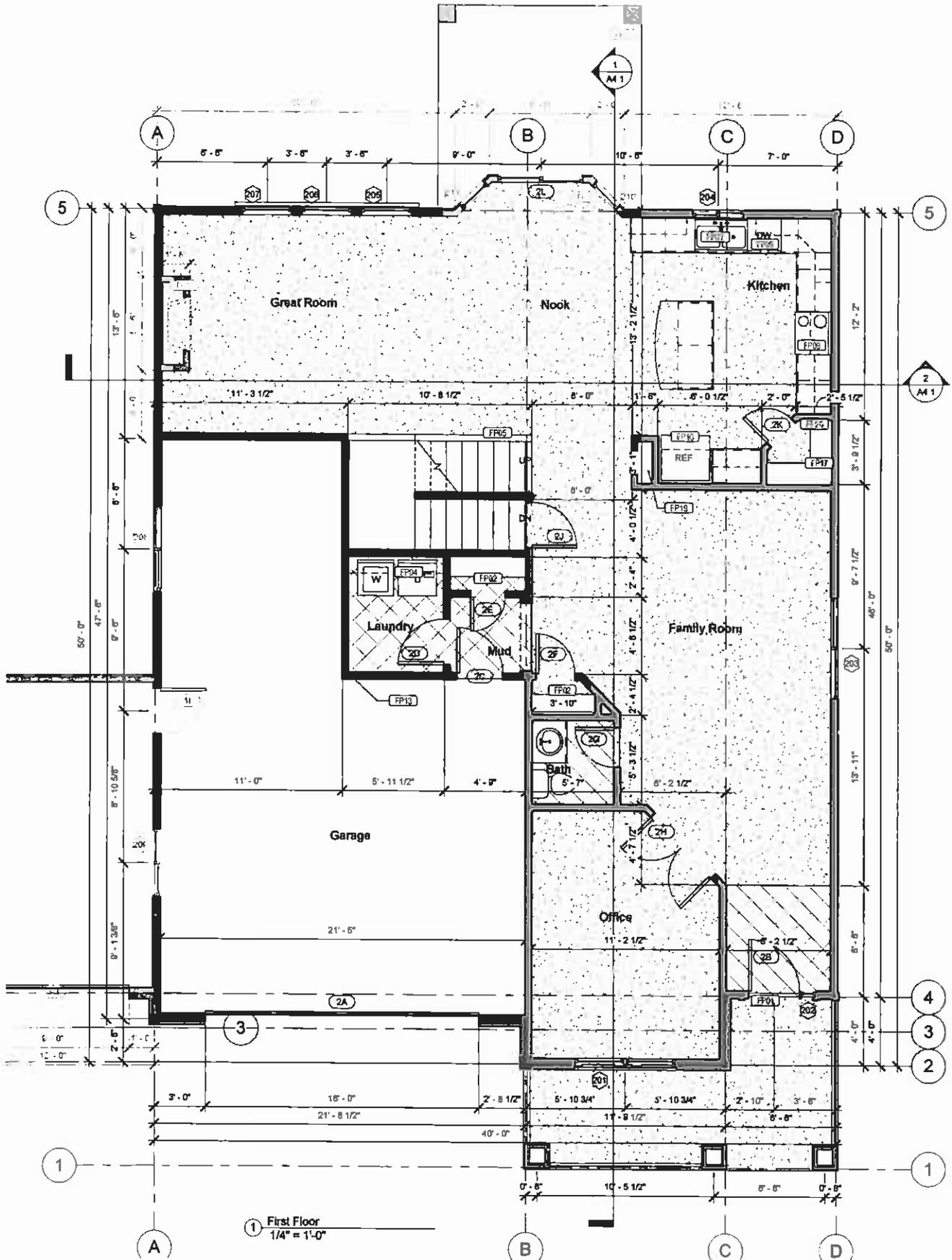


Columbia



Columbia

Columbia



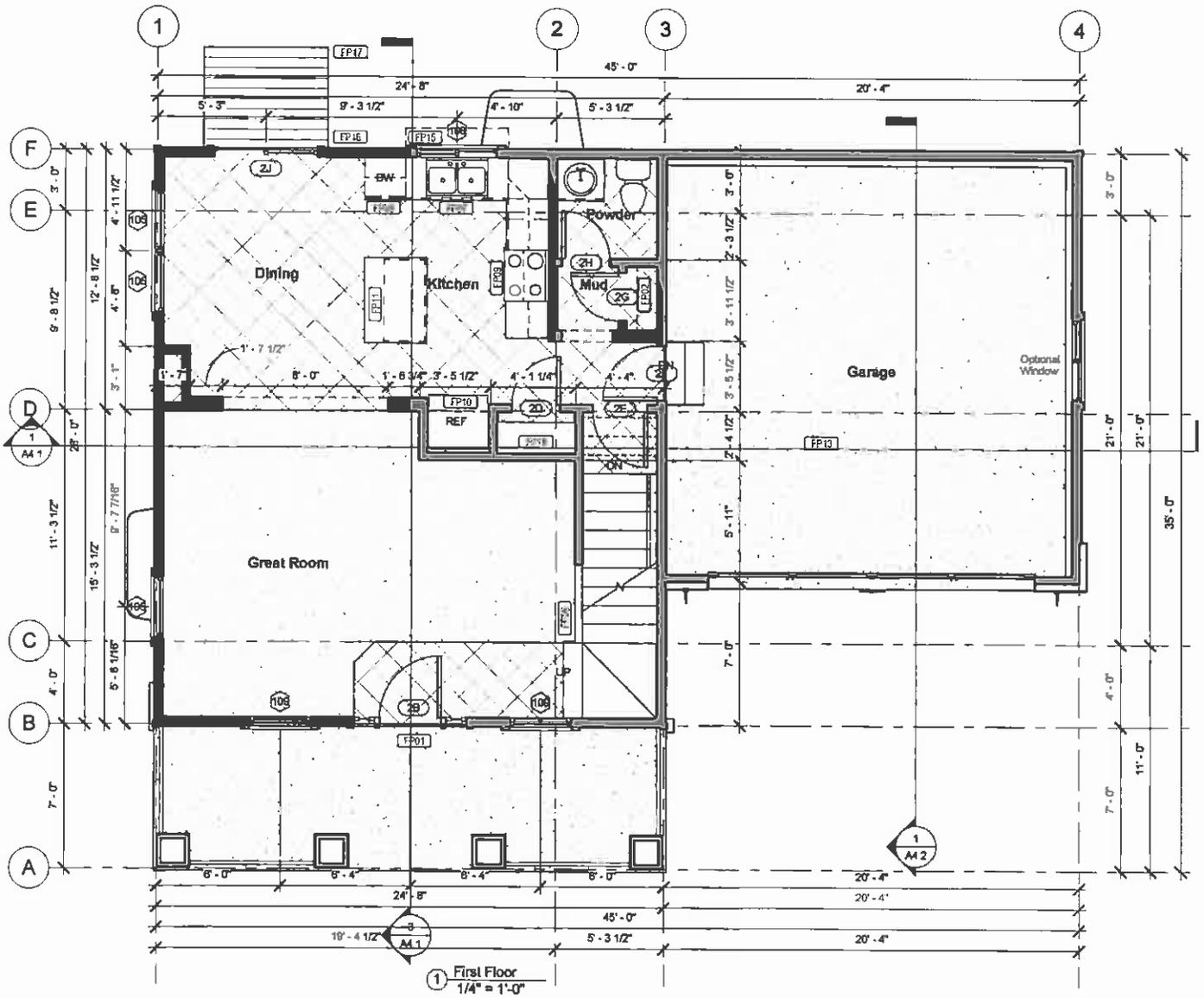


Barcelona



Barcelona

Barcelona



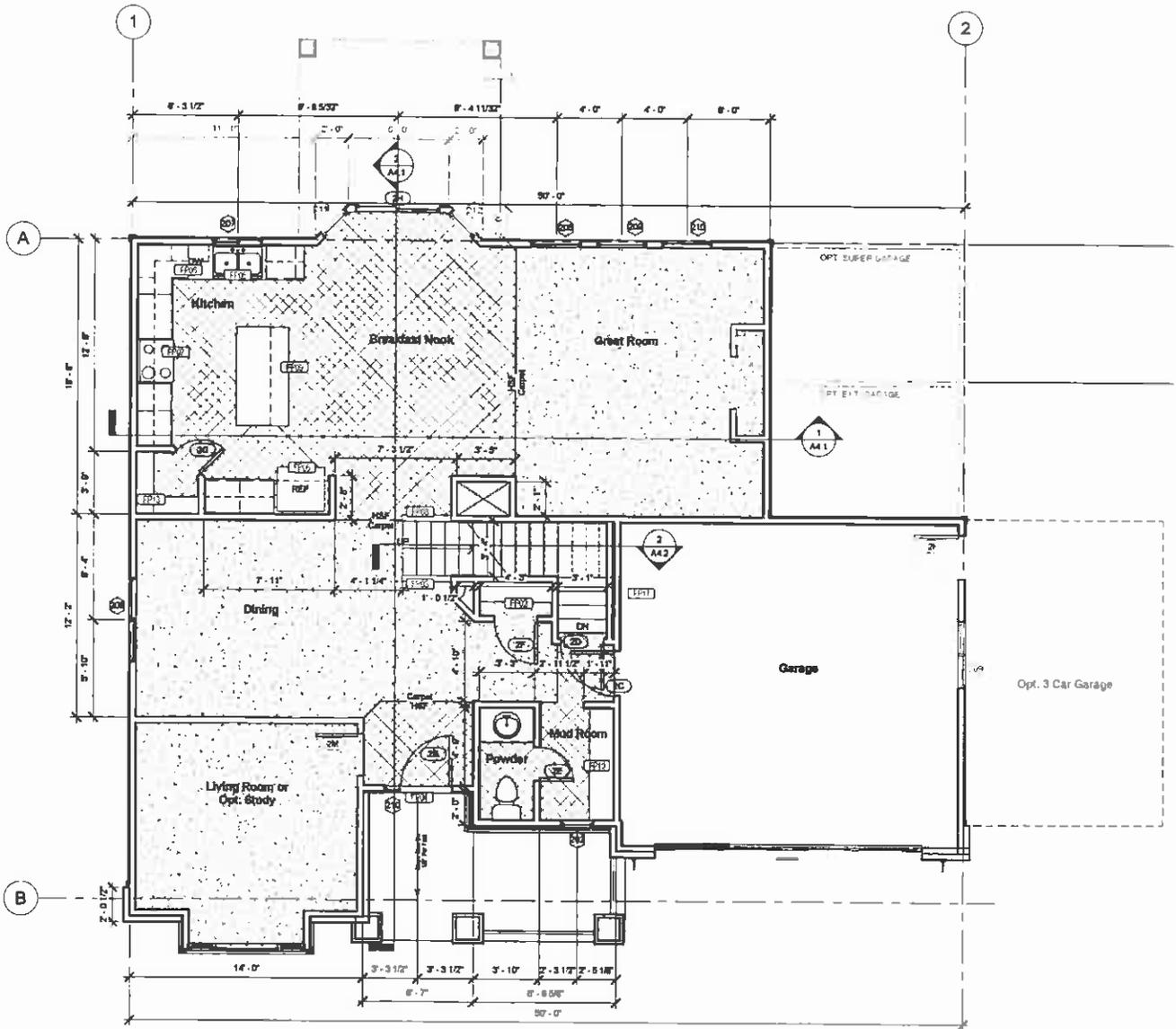


Berlin



Berlin

Berlin



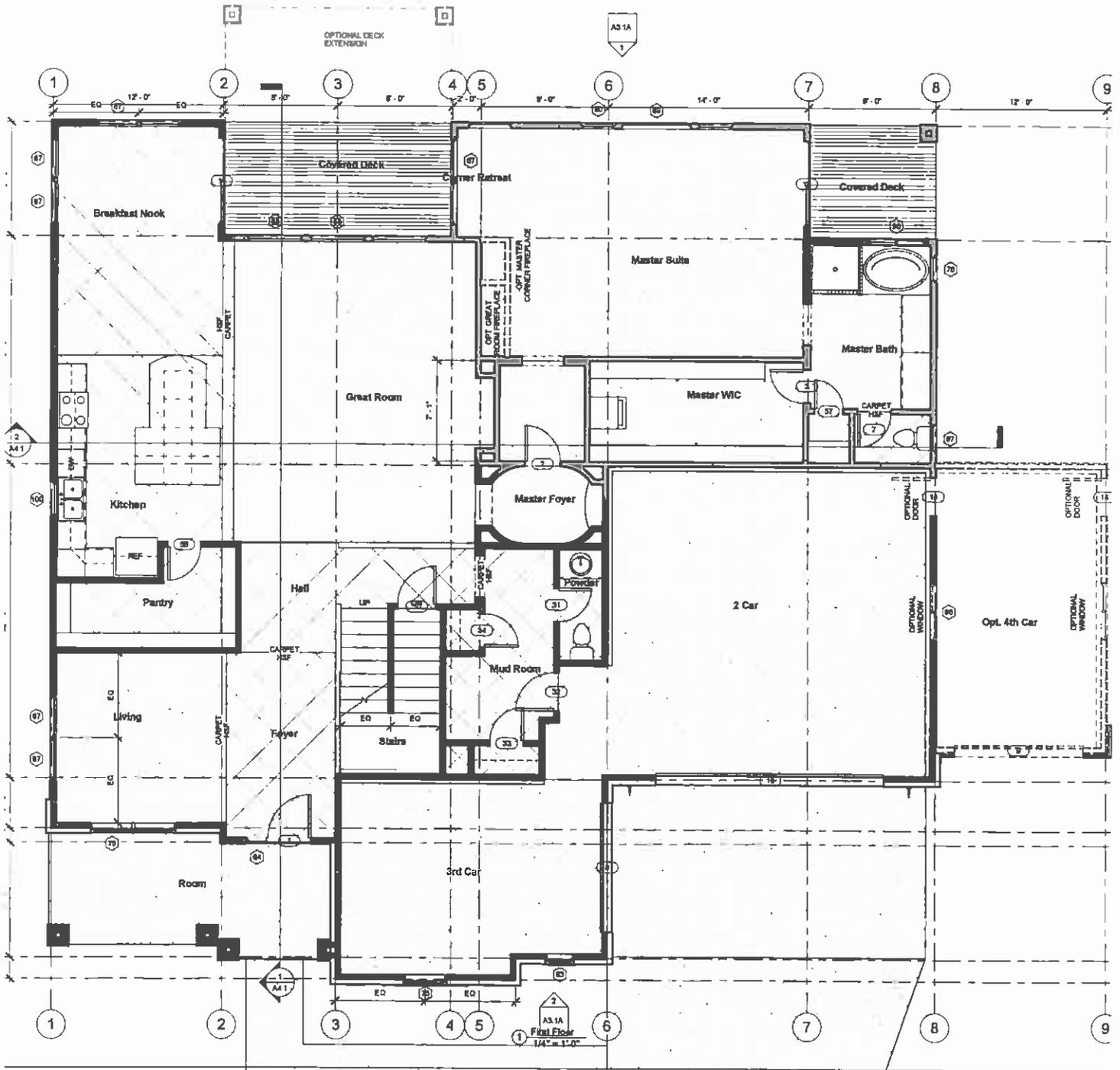


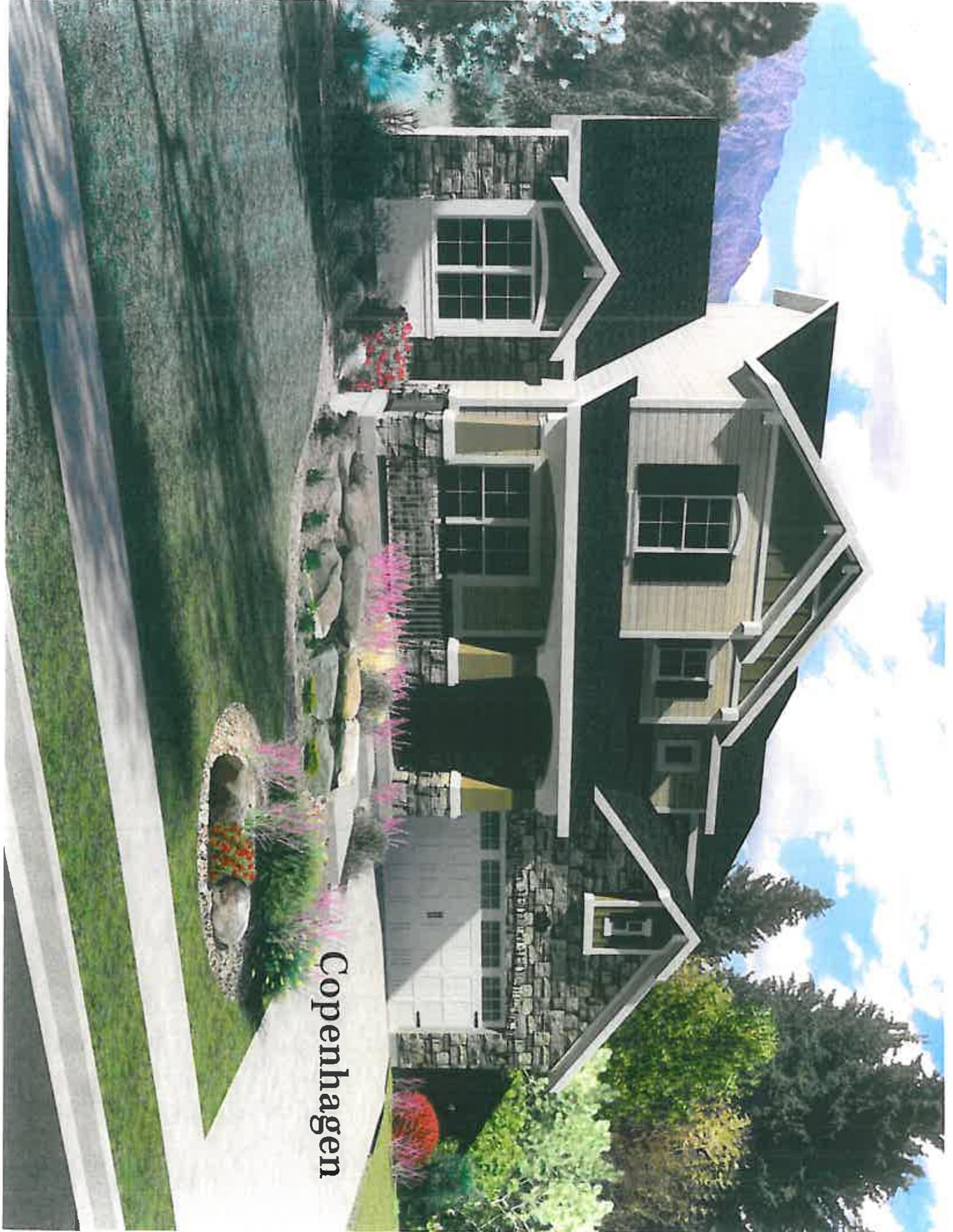
Bridgeport



Bridgeport

Bridgeport



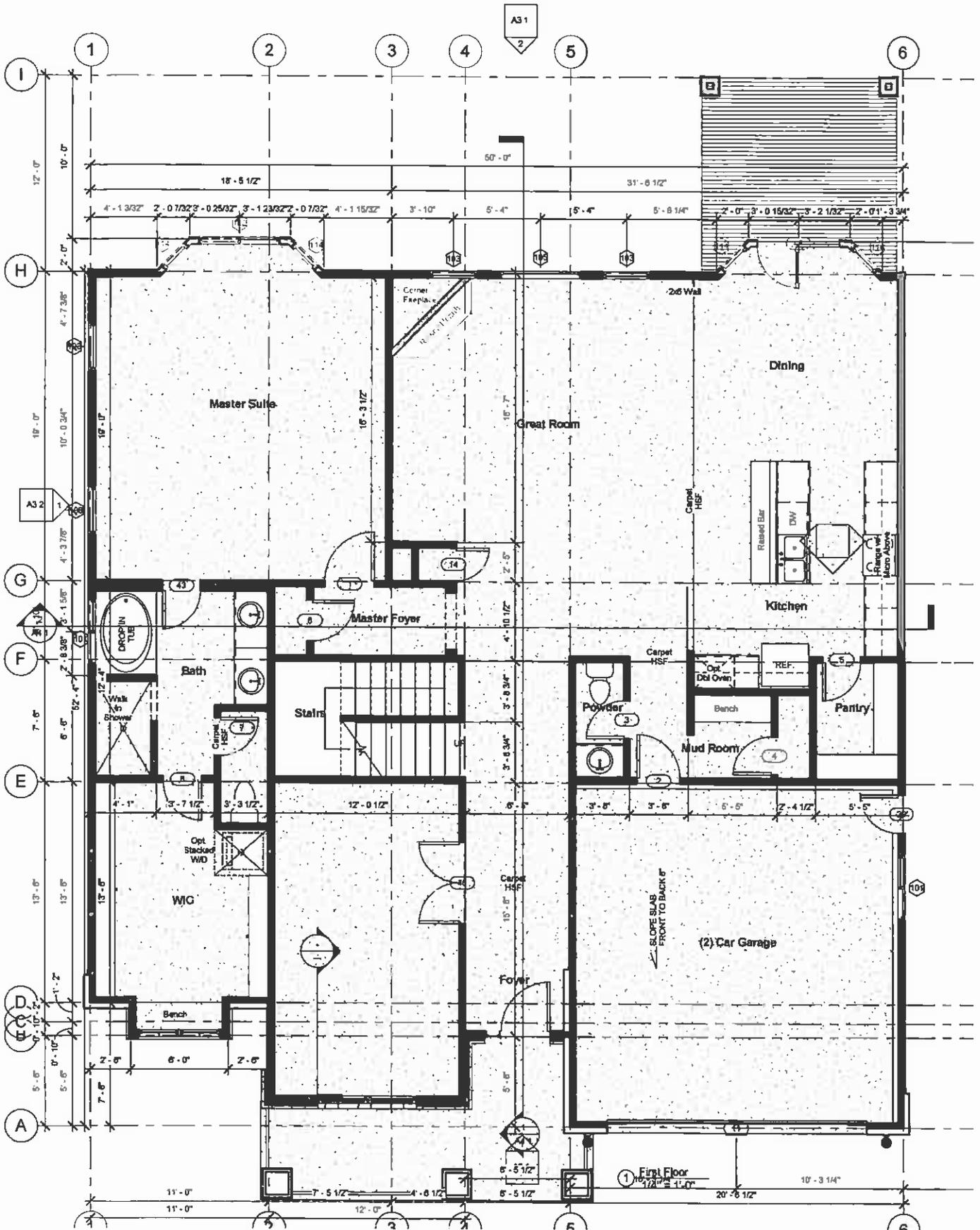


Copenhagen



Copenhagen

Copenhagen



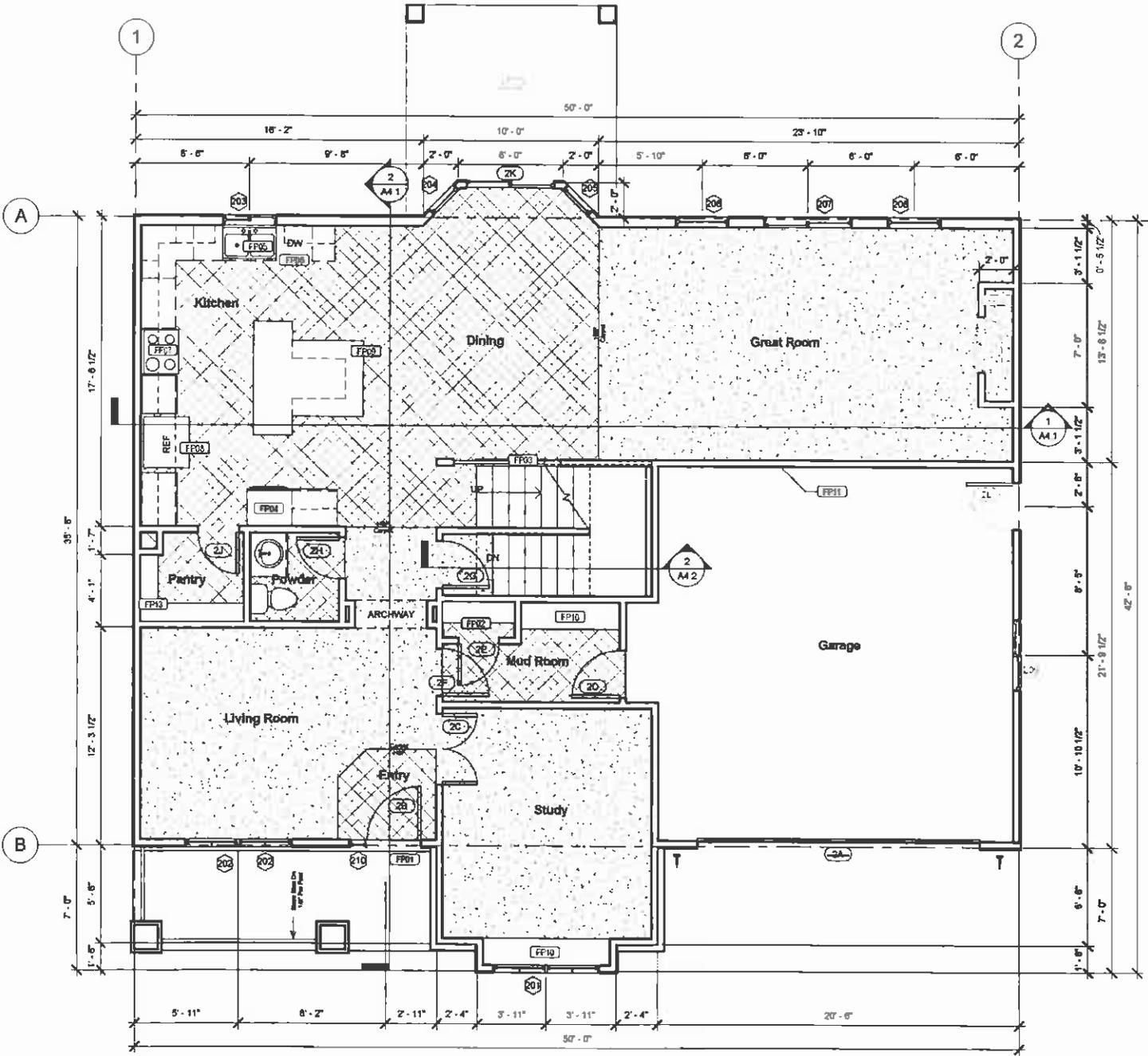
Dublin





Dublin

Dublin



① First Floor Plan
 1/4" = 1'-0"

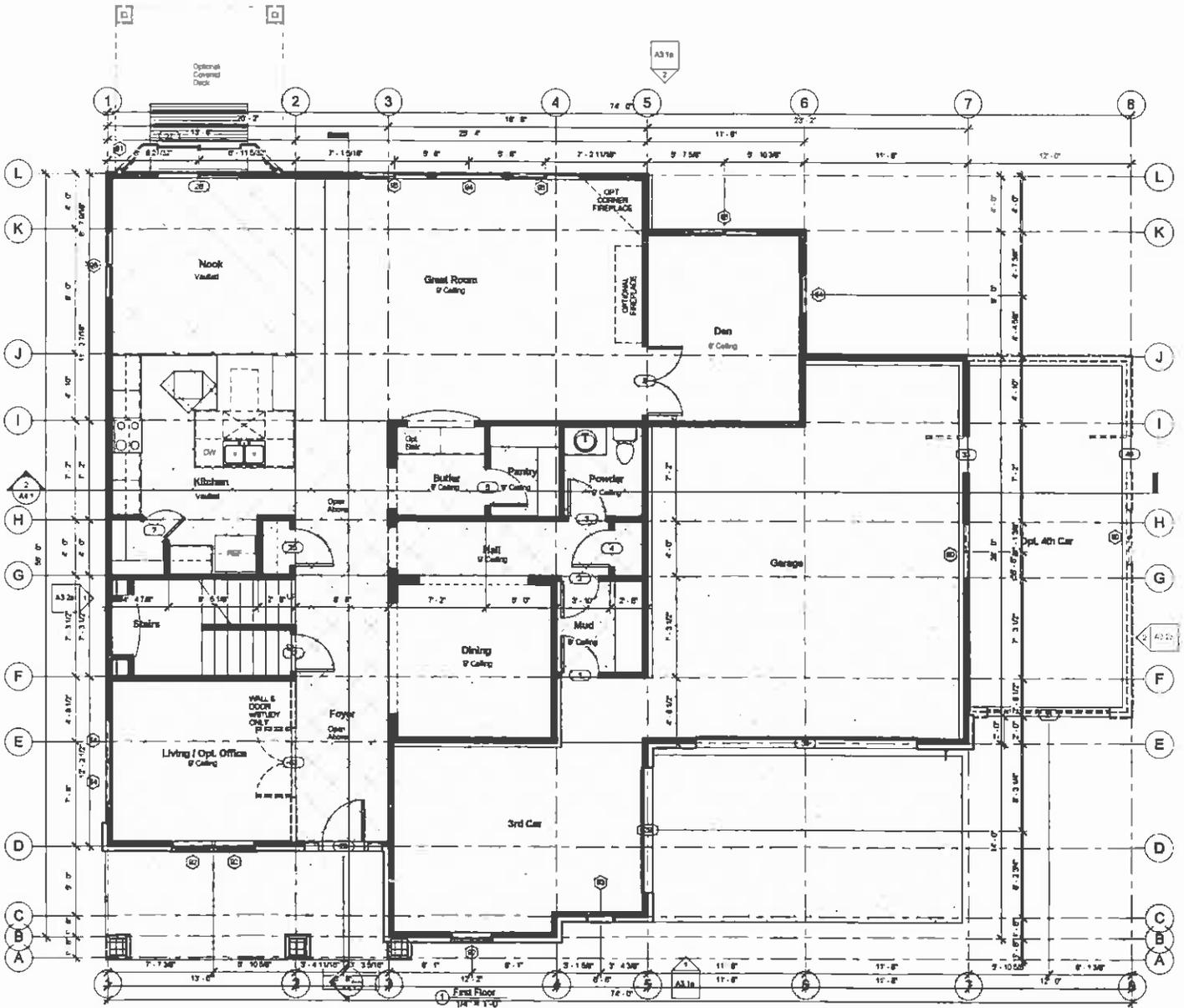


Hilton Head



Hilton Head

Hilton Head



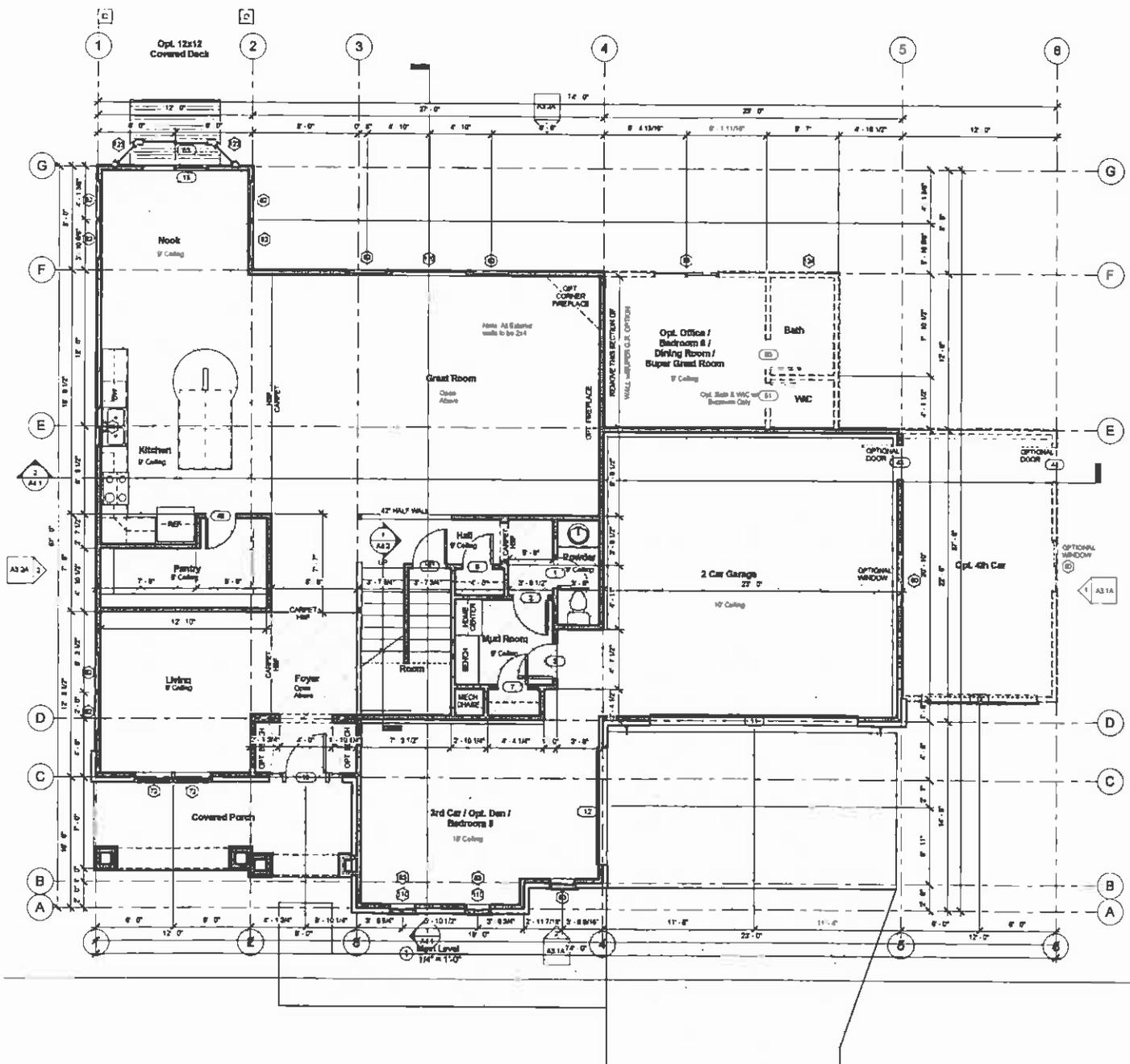


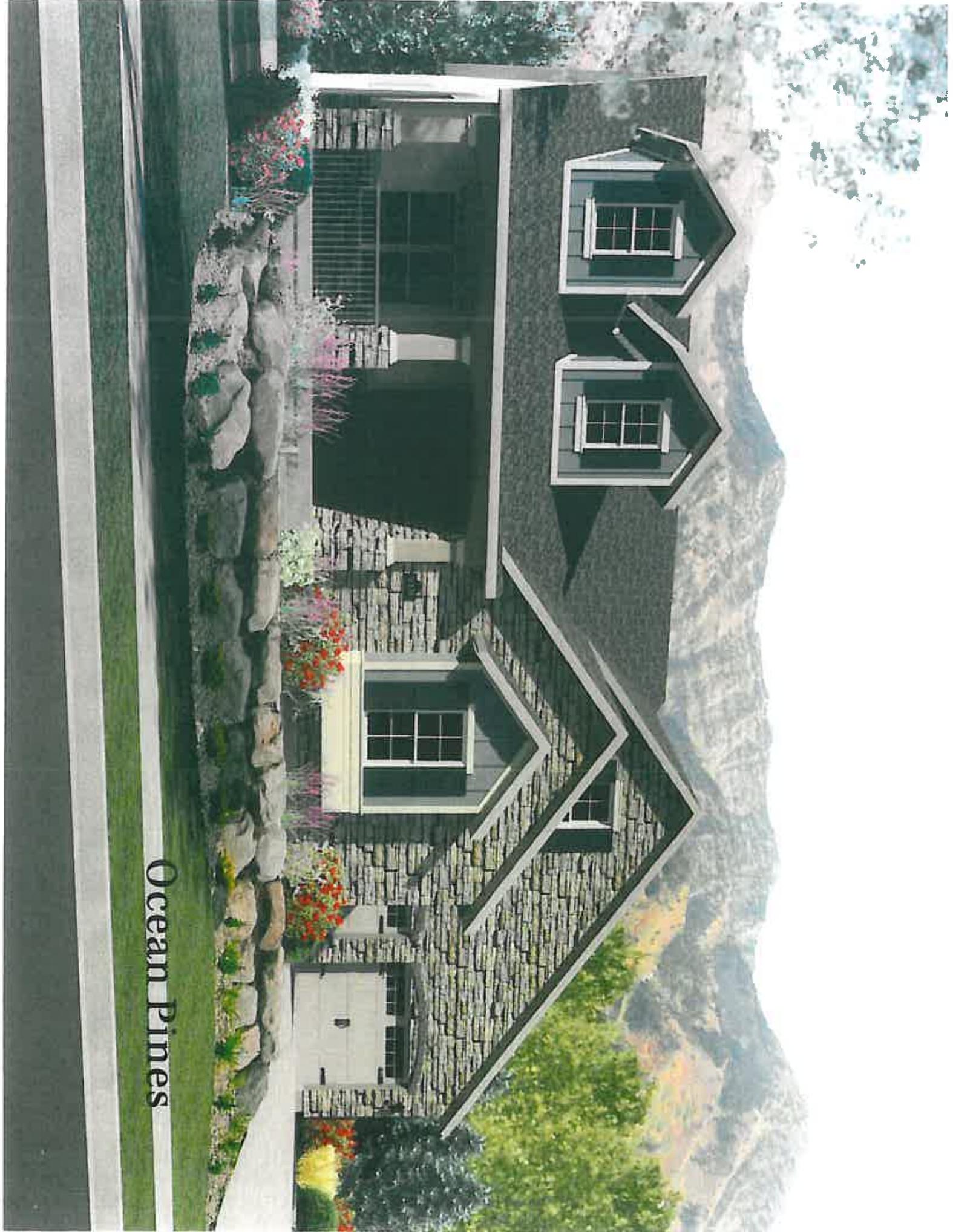
Nantucket



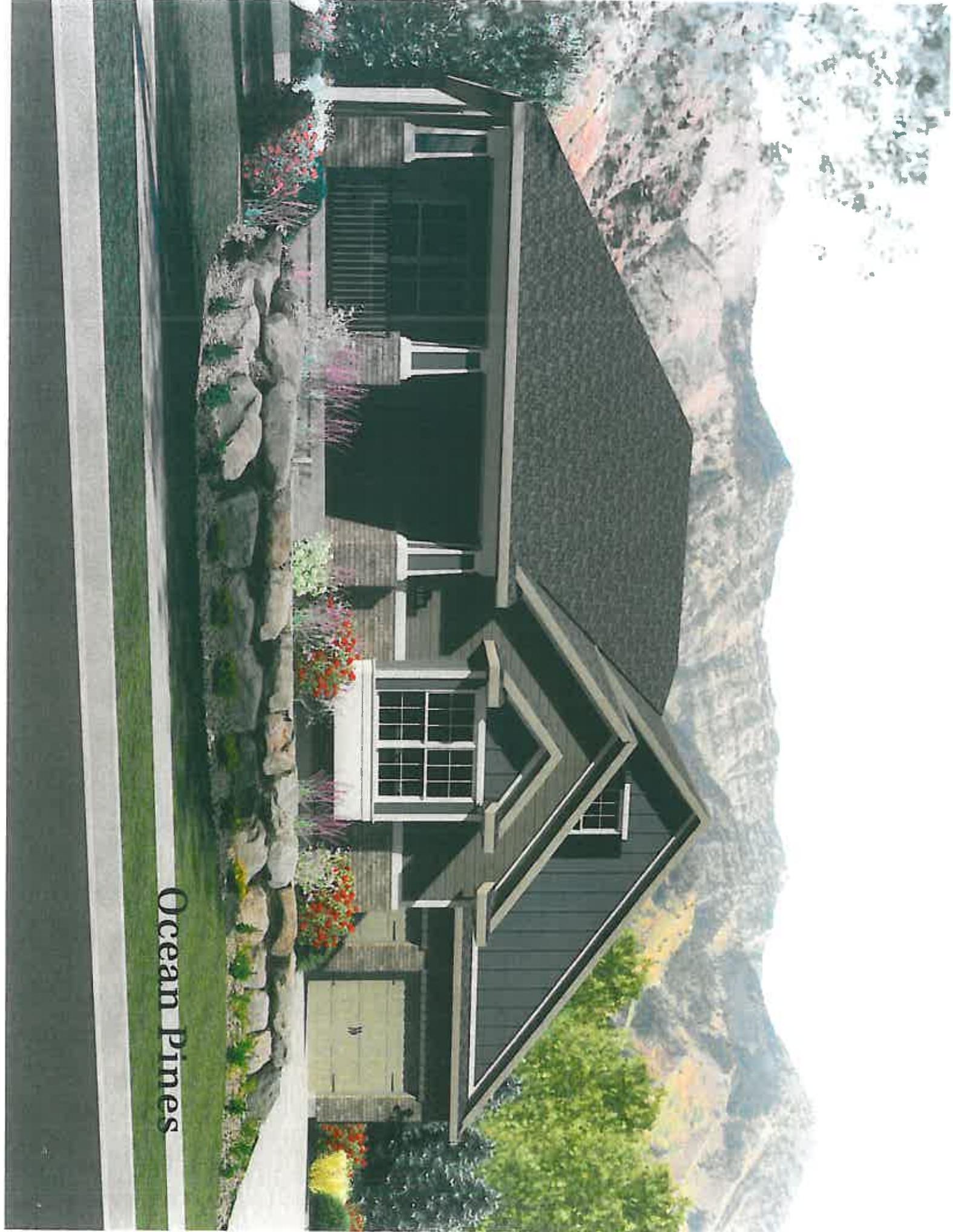
Nantucket

Nantucket





Ocean Pines



Ocean Pines



St. Augustine



St. Augustine

The Bridgeport

Craftsman



Colonial



For Info Call:
801-927-

RAINEYHOMES.com

Marketed by  **AIM REALTY**

The Bridgeport

Craftsman



Colonial



For Info Call:
801-927-
RAINEYHOMES.com

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The Arlington

Craftsman



Colonial




**TUSCANY
VILLAGE**



For Info Call:
801-927-
RAINEYHOMES.com

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The Lismore

Craftsman



Colonial



For Info Call:
801-927-3050

RAINEYHOMES.com

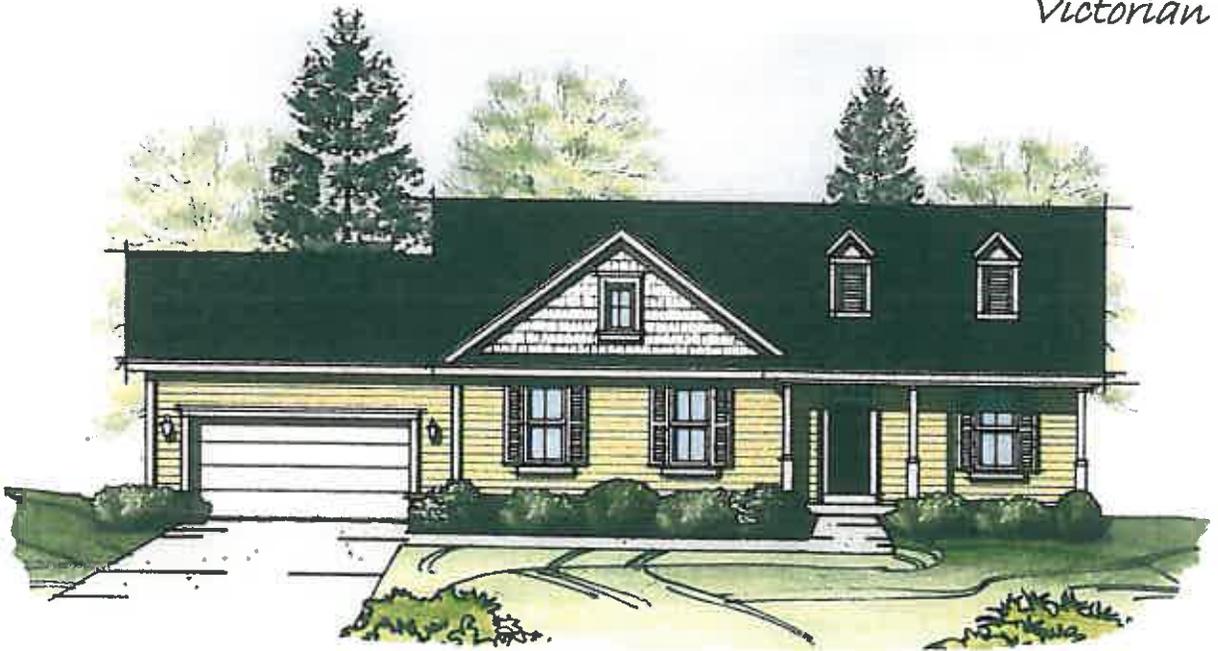
Marketed by  **AIM REALTY**

The Madison

Craftsman



Victorian



**TUSCANY
VILLAGE**



For Info Call:
801-927-3050
RAINEYHOMES.com

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The Ridgefield

Craftsman



Victorian



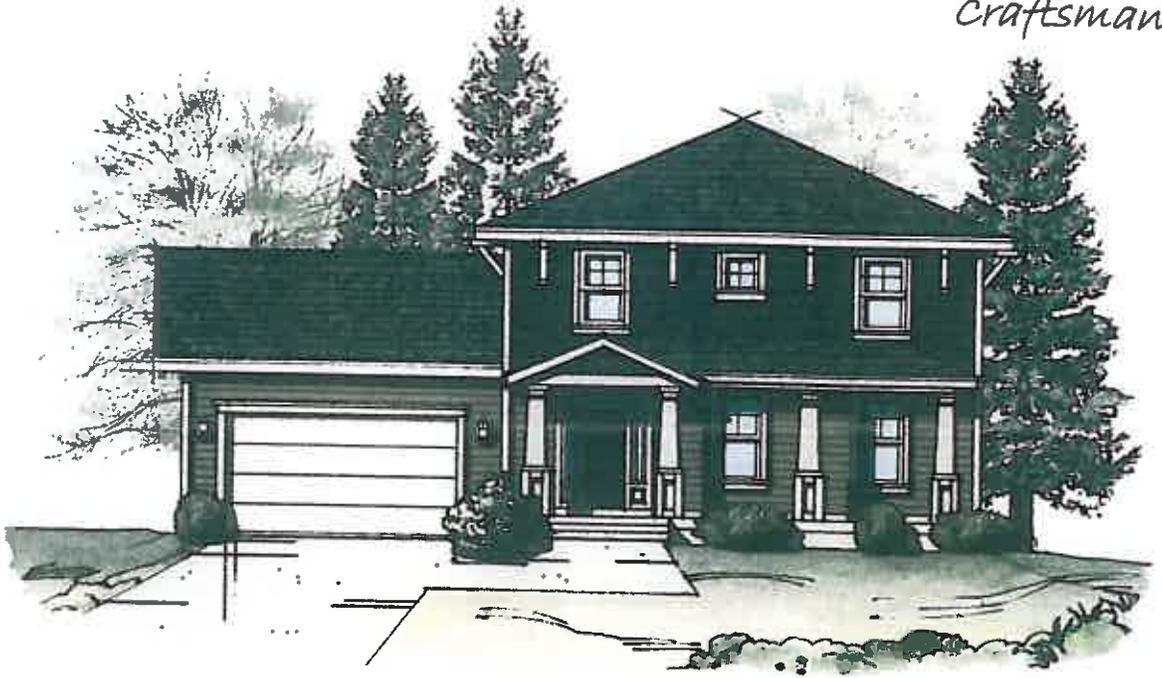
For Info Call:
801-927-3050

RAINEYHOMES.com

Marketed by  **AIM REALTY**

The Stratford

Craftsman



Colonial




TUSCANY
VILLAGE



For Info Call:
801-927-3050

RAINEYHOMES.com

Marketed by  **AIM REALTY**

CITY COUNCIL AGENDA

For Council Meeting:
May 17, 2011

S U B J E C T: Appointment of Farmington Trails Committee Members and Officers

ACTION TO BE CONSIDERED:

See enclosed staff report prepared by George Chipman.

GENERAL INFORMATION:

See enclosed staff report prepared by George Chipman.

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



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: George G. Chipman, Farmington Trails Committee Chair

Date: May 4, 2011

SUBJECT: APPOINTMENT OF FARMINGTON TRAILS COMMITTEE MEMBERS AND OFFICERS

RECOMMENDATIONS

1. By minute motion, accept resignation of Richard Lindsley from the Farmington Trails Committee, Seat #5, due to a change in his residence.
2. By minute motion, appoint the following individuals to service on the Farmington Trails Committee:
 - Dee Winegar re-appointed to fill 1-year unexpired term of Richard Lindsley, Seat #5.
 - Bob Murri re-appoint to fill Seat #7 for a 3-year term.
 - John Montgomery appoint to fill Seat #8 for a 3-year term.
 - Tracy McCoy re-appoint to fill Seat #9 for a 3-year term.
3. By minute motion, appoint the following individuals to service as officers of the Farmington Trails Committee:
 - George G. Chipman as Chair for a 1-year term.
 - Scott Ogilvie as Vice Chair for a 2-year term.
 - Stacey Nielsen as Vice Chair for Electronic Information for a 2-year term.
4. By minute motion, approve the sending of letters to above individuals informing them of the actions taken.

BACKGROUND

The Farmington Trails Committee (FTC) is a great asset to the City whose members serve diligently without compensation on behalf of our residents. Bylaws of the FTC require the City Council to appoint all members and officers of the FTC. The FTC has been requested by the City Council to submit their nominations for open positions to be considered by the City Council.

Respectfully Submitted,



George G. Chipman
FTC Chair

Review and Concur,



Dave Millheim
City Manager

TRAIL CHIEFS

UPDATED: 4/14/2011

- 1) George Chipman 451-6945
433 S. 10 W., Farmington, Utah
George.G.Chipman@L-3.com.com
- 2) Randy Klein 451-7872
1713 N. Sweetwater Ln, Farmington, Utah
rbklein@yahoo.com
- 3) Scott Ogilvie 451-9438
150 E. 615 S. Farmington, Utah
Scott.Ogilvie@hill.af.mil
- 4) Gary Goodrich 451-8335
283 Glen Dr., Farmington, Utah
garyatries@hotmail.com
- 5) Joe Judd 451-5214
108 W. 600 N., Farmington, Utah
joeses98@yahoo.com
- 6) Megan Crowley 631-6354
108 W. 600 N., Farmington, Utah
megan46@msn.com
- 7) Diane Peterson 451-2476
387 Oak Lane, Farmington, Utah
diane.peterson@ihc.com
- 8) Richard Lindsley 451-2627
250 S. 1525 W., Farmington, Utah
RichLindsley@wfol.net
- 9) Bart Hill 451-5624
1247 Brooke Lane, Farmington, Utah
bhill1247@msn.com
- 10) Kirk Barclay 451-6417
1373 S. 35 E., Farmington, Utah
dkb6@yahoo.com
- 11) Alysa Revell 664-6165
208 W. Clark Lane, Farmington, Utah
alysa_revell@yahoo.com
- 12) Becky Crockett 451-8478
2193 Bella Vista Drive, Farmington, Utah
becky.crockett@yahoo.com
- 13) Dee Winegar 447-5566
487 Greystone Drive, Farmington, Utah
deewinegar@earthlink.net
- 14) Bob Murri 451-2411
513 Greystone Drive, Farmington, Utah
rmurri@msn.com
- 15) Tracy McCoy 451-5306
685 S. 350 E., Farmington, Utah
mccoysan@gmail.com
- 16) Terry Welch 451-5306
1122 Little Valley Road, Farmington, Utah
twelch@parrbrown.com
- 17) Jason Gould 451-1986
253 E. Spencer Way, Farmington, Utah
jasgould@gmail.com
- 18) Tyler Anderson 451-4514
442 S. 10 W., Farmington, Utah
outdoorfanatic@gmail.com
- 19) Harv Jeppsen 451-6004
727 Leonard Lane, Farmington, Utah
zoeyis3@msn.com
- 20) Nathan Nelson 580-0293 (cell)
598 S. Rigby Road, Farmington, Utah
nnelson@albionminerals.com
- 21) Geoff Dietrich
2119 W. Dakota Dr., Farmington, Utah
jgdietrich@gmail.com
- 22) Wayne Baker 451-2688
2054 Dakota Dr. Farmington, Utah
wayne.baker@fmr.com
- 23) Kelly Brown 451-0763
161 E. 450 S., Farmington, Utah
Kelly_brown@mcgraw-hill.com
- 24) Bo Graham 451-5233
1128 Little Valley Road, Farmington, Utah
graham.bo@pmlmail.com
- 25) David Alder 451-0408
1558 Cherry Blossom Dr., Farmington, Utah
dave@alderfam.com
- 26) Jesse Brown 451-9089
1422 N. Main St., Farmington, Utah
jessebrown069@yahoo.com
- 27) Stacey Nielsen 451-0977
494 S 1250 W, Farmington, Utah
dbwhiz@hotmail.com
- 28) Randy West 451-4830
128 W. State St., Farmington, Utah
rugratrاندall@msn.com
- 29) Jerry Preston 451-6525
40 N. 100 E., Farmington, Utah
jerrypreston19@hotmail.com
- 30) Carrie Winegar 652-3358
133 S. 350 E., Farmington, Utah
winegarfamily@gmail.com
- 31) Terry Stephens C) 631-4238
1537 E. James Dr., Fruit Heights
commercialofficesupply@gmail.com
- 32) Patrick Reese, 451-0958
ReeseJP@ldschurch.org
- 33) Jason Anderson 451-4514
442 S. 10 W., Farmington, Utah
- 34) Bob Hasenyager, 451-5239
515 Lakeview Way, Farmington, Utah
bob@uwin.org

35) Phil Squires, 451-7105
350 S. 100 E, Farmington, Utah
pbsquires@yahoo.com

36) John Montgomery, 451-6160
539 E. 350 S., Farmington, Utah
jgmutah@gmail.com

37) Paul Heywood, 451-6247
481 S. 10 W. , Farmington, Utah
finelinecc@hotmail.com

38) Greg Tanner, 801 870-8584

gtanner@mcc.com

39) Gemmie Benson, 451-8525
gemiebenson@gmail.com

40) Trena Farr, 801 897-1097

41) Krista Haws, 801 390-9407
1869 N. Bella Vista Drive
Farmington, UT 84025
krista@haws.cc

42) Daniel Rogers, 801 451-8348
97 W. Joy Dr.
Farmington, UT 84025

CITY COUNCIL AGENDA

For Council Meeting:
May 17, 2011

SUBJECT: Minute Motion Approving Summary Action List

- Proposed Sign Ordinance Revisions
- Second Option Term on Lease of City Facility
- Ratification of Approvals of Construction & Storm Water Bond Logs

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



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Ken Klinker, Planning Department

Date: May 6, 2011

SUBJECT: PROPOSED SIGN ORDINANCE (TITLE 15) REVISIONS

RECOMMENDATION

Approve Ordinance No. 2011-_____ amending Title 15 of the Farmington City Code.

BACKGROUND

A number of issues have arisen that warrant a revision of the language in our sign ordinance. The following are the reasons each section is being changed. The actual changes are highlighted in yellow or red on the attachment.

15-1-104 (2) **Animated Sign** A number of business have been using sign spinners on street corners to attract the attention of people passing by. We want to make it clear that sign spinners are prohibited in Farmington. Attorney says this change is fine.

15-1-105 (42) **Property sign** A real estate company has put up a property sign advertising a subdivision on a corner lot on which they have rented space, and argue that it a temporary sign. This will clarify the ordinance. Attorney says this change is fine.

15-2-110 (17) This type of sign was not addressed in the ordinance. It is felt that private, short term signs should be allowed. Attorney says this is content based and is not advised.

15-4-106 (2) Model home and open house signs should only be displayed during the *hours* that the home is open for display, not for the entire *day* as currently written. Attorney says this is content based and the entire section is not advised. The change to time is OK if we are going to keep the entire section.

15-4-109 (3) This is to include signs that advertise a property for lease or rent, not just sale. It also increases the size of signs allowed for larger parcels of ground at the request of some real estate agents who suggested it be increased to 16 s.f. It is felt that a sign larger than 6 s.f. on a parcel larger than an acre is appropriate. The attached table shows sign sizes for surrounding communities. This will apply to both residential and commercial properties. Attorney says this is content based and the entire section is not advised. The changes to the size are OK if we are going to keep the section.

15-5-102 (6) This revision addresses signs in window, hung or painted. There is concern about the negative visual impact of too many signs in windows. One should be able to look through the windows into the business. Business and Special Use zones. Attorney says this change is fine.

15-5-103 (5) This is another revision to address the amount of signage in windows. Business Park zones. Attorney says this change is fine.

15-5-104 (5) This is another revision to address the amount of signage in windows. Commercial zones. This will effect quite a few business such as those by Smiths and the old K-Mart. See attached photos. Attorney says this change is fine.

Respectfully submitted,



Ken Klinker
Planning Department

Review and Concur



Dave Millheim
City Manager

FARMINGTON, UTAH

ORDINANCE NO. 2011- ____

AN ORDINANCE AMENDING TITLE 15 OF THE FARMINGTON CITY CODE REGARDING DEFINITIONS, SHORT TERM SIGNS, MODEL HOME/OPEN HOUSE SIGNS, PROPERTY SIGNS, AND WINDOW SIGNS.

WHEREAS, the Farmington City Council has previously adopted Title 15 regarding sign regulations within Farmington City; and

WHEREAS, the Farmington City Council desires to amend various provisions of Title 15 regarding definitions, short term signs, model home/open house signs, property signs, and window signs; and

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

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

Section 1. Amendment. Subsections 15-1-104(2) and 15-1-104(42) of the Farmington City Code regarding the definition of Animated Sign and Property Sign are hereby amended to read in their entirety as follows:

(2) **Animated Sign** means any sign which uses movement of all or part of the sign or a rapid or intermittent change of lighting to attract attention, depict action, or to create a special effect or scene. This includes sign spinners.

(42) **Property Sign** means a sign related to the property on which it is located and offering such property for sale or lease, advertising contemplated improvements, announcing the name of the builder designer, owner or developer of a project, or warning against trespass. Similar signs not related to the property on which they are located are considered off-premise signs, not temporary signs.

Section 2. Amendment. Section 15-2-110 of the Farmington City Code regarding Exempt Signs is hereby amended to add a new Subsection (17) to read in its entirety as follows:

(17) Signs for a short term event shall be exempt from the provisions of this Chapter. Such signs may include notices for garage sales, lost and found notices, etc. Such signs shall not be placed more than 24 hours before the event,

shall be removed immediately following the event, and shall be limited to not more than four (4) signs per event.

Section 3. Amendment. Subsection 15-4-106(2) of the Farmington City Code regarding Open House Signs is hereby amended to read in its entirety as follows:

(2) Such signs may advertise homes for sale which are open for inspection on a specific day and may also indicate the hours of the open house or model home and the real estate firm sponsoring it. Signs may be displayed only during those hours which a home will be open.

Section 4. Amendment. Subsection 15-4-109(3) of the Farmington City Code regarding Property Signs is hereby amended to read in its entirety as follows:

(3) One sign, advertising property for sale, lease, or rent may be placed on a lot. On a corner lot, one sign may be placed on each street frontage. Such signs shall refer only to the lot on which they are located and shall be removed within ten (10) days following the sale, rental or leasing of the property. The area of such signs shall not exceed six (6) square feet on parcels that are less than one acre and sixteen (16) square feet on parcels that are one acre or greater in size.

Section 5. Amendment. Subsection 15-5-102(6) of the Farmington City Code is hereby amended to read in its entirety as follows:

(6) The maximum area of wall signs shall not exceed ten percent (10%) of the front building face of a main building and five percent (5%) of not more than one additional building face. The area shall include the total area of all signs that are visible on the face of the building, including those placed in or on the windows. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

Section 6. Amendment. Subsection 15-5-103(5) of the Farmington City Code is hereby amended to read in its entirety as follows:

(5) The maximum area of wall signs on main buildings shall not exceed ten percent (10%) of the front face and five percent (5%) of any other building face. The area shall include the total area of all signs that are visible on the face of the building, including those placed in or on the windows. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

Section 7. Amendment. Subsection 15-5-104(5) of the Farmington City Code is hereby amended to read in its entirety as follows:

(5) The maximum area of wall signs on main buildings shall not exceed ten percent (10%) of the front face and five percent (5%) of any other building face. If no ground signs are proposed, the coverage of the front face of a building may be increased to fifteen percent (15%). The area shall include the total area of all signs that are visible on the face of the building, including those placed in or on the windows. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

Section 8. Effective Date. This Ordinance shall take effect immediately upon publication or posting or thirty (30) days after passage of the City Council, whichever occurs first.

Section 9. Severability. If any section, 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 sections, parts and provisions of this Ordinance shall be severable.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF
FARMINGTON CITY, STATE OF UTAH, THIS ____ DAY OF MAY, 2011.**

FARMINGTON CITY

By: _____
Scott C. Harbertson
Mayor

ATTEST:

Holly Gadd, City Recorder

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Bilton	_____	_____
Councilmember Dutson	_____	_____
Councilmember Ritz	_____	_____
Councilmember Talbot	_____	_____
Councilmember Young	_____	_____

Exhibit to Staff Report "PROPOSED SIGN ORDINANCE (TITLE 15) REVISIONS

Items highlighted in yellow are additions to the language, in ~~red-strikethrough~~ are deleted language.

Proposed changes to Title 15, Sign Ordinance May, 2011

15-1-104 (2) **Animated Sign** means any sign which uses movement of all or part of the sign or a rapid or intermittent change of lighting to attract attention, depict action, or to create a special effect or scene. This includes sign spinners.

15-1-105 (42) **Property sign** means a sign related to the property on which it is located and offering such property for sale or lease, advertising contemplated improvements, announcing the name of the builder designer, owner or developer of a project, or warning against trespass. Signs not related to the property on which they are located are considered off-premise signs as defined herein.

15-2-110 (17) Signs for a short term event shall be exempt from the provisions of this chapter. Such signs may include notices for garage sales, lost and found notices, etc. Such signs shall not be placed more than 24 hours before the event, shall be removed immediately following the event, and shall be limited to not more than four (4) signs per event.

15-4-106 (2) Such signs may advertise homes for sale which are open for inspection on a specific day and may also indicate the hours of the open house or model home and the real estate firm sponsoring it. Signs may be displayed only ~~on these days~~ during those hours which a home will be open.

15-4-109 (3) One sign, advertising property for sale, lease, or rent may be placed on a lot. On a corner lots, one sign may be placed on each street frontage. Such signs shall refer only to the lot on which they are located and shall be removed within ten (10) days following the sale, rental or leasing of the property. The area of such signs shall not exceed six (6) square feet on parcels that are less than one acre and and sixteen (16) square feet on parcels that are one acre or greater in size.

15-5-102 (6) The maximum area of wall signs shall not exceed ten percent (10%) of the front building face of a main building and five percent (5%) of not more than one additional building face. The area shall include the total area of all signs that are visible on the face of the building, including those placed in or on the windows. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

15-5-103 (5) The maximum area of wall signs on main buildings shall not exceed ten percent (10%) of the front face and five percent (5%) of any other building face. The area shall include the total area of all signs that are visible on the face of the building,

including those placed in or on the windows. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

15-5-104 (5) The maximum area of wall signs on main buildings shall not exceed ten percent (10%) of the front face and five percent (5%) of any other building face. If no ground signs are proposed, the coverage of the front face of a building may be increased to fifteen percent (15%). The area shall include the total area of all signs that are visible on the face of the building, including those placed in or on the windows. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Mayor and City Council
From: Keith Johnson, Finance Director
Date: May 10, 2011
Subject: **SECOND OPTION TERM ON LEASE OF CITY FACILITY.**

RECOMMENDATION

Approve the enclosed Second Option Term Lease from Station Park Centercal LLC, beginning August 1, 2011 to July 31, 2012.

BACKGROUND

In the original lease agreement it allowed for two options to be exercised to extend the term of the lease. This is to exercise the second option on the lease to extend the lease until July 31, 2012. This lease is on the City facility located at 42 N. 650 W.

Respectfully Submitted,

Keith Johnson,
Finance Director

Review and Concur,

Dave Millheim,
City Manager



OREGON
7455 SW BRIDGEPORT ROAD
SUITE 205
TIGARD, OR 97224
PHONE 503.968.8940
FAX 503.968.8047

CALIFORNIA
1960 E GRAND AVENUE
SUITE 400
EL SEGUNDO, CA 90245
PHONE 310.563.6900
FAX 310.563.6905

WWW.CENTERCAL.COM

April 19, 2011

VIA FEDERAL EXPRESS

City Manager
Farmington City
130 N Main Street
Farmington, UT 84025

Re: Station Park CenterCal, LLC Notice to Exercise Tenant's Second Option Term

To Whom It May Concern:

Enclosed please find two (2) copies of Tenant's Notice to Exercise its Second Option Term. Please acknowledge receipt by signing and returning a copy to my attention

If you have any questions with respect to the enclosed, please do not hesitate to contact me.

Regards,

Jean Steffek
Executive Assistant to the CEO

Station Park CenterCal, LLC
7455 SW Bridgeport Rd, Suite 205
Tigard, OR 97224

April 27, 2011

Farmington City
130 North Main Street
Farmington, UT 84025
Attn: City Manager

Re: Lease Agreement dated as of June 29, 2009 (the "Lease") by and between Farmington City, a public municipality in the State of Utah ("Landlord"), and Station Park CenterCal, LLC, a Delaware limited liability company ("Tenant"), for office premises ("Premises") located in Farmington City, Utah.

To whom it may concern:

Reference is hereby made to the Lease. Capitalized terms shall have the same meanings as described in the Lease unless otherwise specified herein.

Pursuant to that letter dated October 28, 2010, Tenant exercised Tenant's first Option Term.

Tenant is hereby tendering notice of its right under the Lease to exercise the Second Option Term pursuant to Section 2 of the Lease with a Term beginning on August 1, 2011 and continuing through and including July 31, 2012.

Except as specifically set forth in this letter agreement, all provisions of the Lease are unmodified and remain in full force and effect, and the parties hereby ratify and confirm each and every provision thereof. This letter agreement shall not be valid or binding on either party unless and until the same has been fully executed and delivered to both parties hereto. Facsimile signatures shall be deemed original signatures.

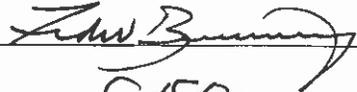
[Signatures on the following page]

Tenant:

Station Park CenterCal, LLC,
a Delaware limited liability company

By: CenterCal, LLC,
a Delaware limited liability company
Its: Sole Member

By: CenterCal Associates, LLC,
a Delaware limited liability company
Its: Manager

By: 
Its: CEO

Agreed and Accepted to by Landlord:

Farmington City,
a public municipality in the State of Utah

By: _____

Its: _____

STORM WATER & CONSTRUCTION BOND LOG

DATE	NAME	PERMIT	STORM WATER BOND	CONSTRUCTION BOND
4/27	Carl Jensen	9843	\$1,000.00	\$500.00
4/28	Rimrock Construciton	9844	\$0.00	\$500.00
4/29	Timpanogos Pools	9825	\$1,000.00	\$0.00
5/2	Davis County	9846	\$1,000.00	\$1,000.00
5/3	Steve Flint Construction	9849	\$1,000.00	\$500.00
5/3	Larry's Pools	9832	\$1,000.00	\$0.00
5/6	Rainey Homes	9854	\$1,000.00	\$500.00
5/6	Rainey Homes	9853	\$1,000.00	\$500.00
5/6	Haskell Homes	9857	\$1,000.00	\$500.00
5/6	Jeremy Herron	9860	\$1,000.00	\$0.00

CITY COUNCIL AGENDA

For Council Meeting:
May 17, 2011

S U B J E C T: Footbridge Repair West of 969 N Compton Road

ACTION TO BE CONSIDERED:

Minute motion to authorize repairs to the footbridge located west of 969 N Compton Road paid from the general ledger fund, an increase of \$3600.

GENERAL INFORMATION:

See enclosed staff report prepared by Neil Miller.

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



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BELTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council
From: Neil Miller, Parks and Recreation Director
Date: May 9, 2011
SUBJECT: FOOTBRIDGE REPAIR, WEST OF 969 N. COMPTON RD

RECOMMENDATION

By minute motion, authorize repairs to the footbridge located west of 969 N. Compton Rd, to be paid from the general ledger fund 10-640-250 (General Parks & Recreation), an increase of \$3600.

BACKGROUND

Due to safety concerns expressed by our Fire Chief, staff invited Carl Parker of URMMA to perform a safety inspection of this bridge.

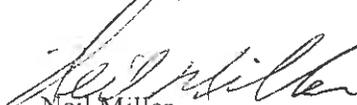
Based on the findings by Carl Parker of URMMA, Colby Thackeray and Neil Miller, improvements will be the following:

1. Grade the approaching path to eliminate unevenness and tripping hazards.
2. Repair the approaching fencing to a reasonable condition.
3. Install new fencing on the east approach from the existing fence to the bridge structure.
4. Raise both approaches with added base material to make a smooth transition onto the bridge itself.
5. Place new decking material over existing decking to smooth the surface and eliminate tripping and fall through hazards.
6. Repair and tie down any loose areas of chain link fencing on structure.

The following is the cost breakdown for the requested increase:

1. East side fencing = approximately \$1599.
2. Bridge resurfacing = \$1500.
3. General materials (see below for details) = approximately \$500.
 - a. Road base, bringing the east and west side approach flush with the bridge.
 - b. Material to fill in the washed out areas.
4. Man hours are not included in the estimate.

Respectfully Submitted


Neil Miller
Parks and Recreation Director

Review and Concur


Dave Millheim
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
May 17, 2011

SUBJECT: City Manager Report

1. Upcoming Agenda Items

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

Upcoming Agenda Items

June 7, 2011 - Staff Reports Due: May 27, 2010

Public Hearings:

- Public Hearing – Miller Meadows P.U.D.
- Public Hearing – Budget

Action Items:

- Consideration of amending and/or enacting Ordinance regarding Miscellaneous Zone and Subdivision Text Changes
- Ordinance regarding Retail Fireworks
- Resolution to Consider Boundary Adjustment with Fruit Heights
- Garbett Homes Final plat approval
- Agreement regarding Expansion of Rocky Mtn Power Substation
- Spring Clean up Draft Notice
- Amendment to the Code Enforcement Resolution (Abe a Deputy)
- Approval of Minutes of Previous Meetings

Summary Action Items:

- Ratification of Approvals of Construction & Storm Water Bond Logs
- Approval of Disbursement Lists

Discussion Items:

- Mayor & City Council Reports

CITY COUNCIL AGENDA

For Council Meeting:
May 17, 2011

SUBJECT: Mayor Harbertson & City Council Reports

To be given at Council meeting.

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