



HISTORIC BEGINNINGS • 1847

Farmington City Planning Commission

January 22, 2015



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

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

DAVE MILLHEIM
CITY MANAGER

AGENDA PLANNING COMMISSION MEETING January 22, 2015

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

Study Session: 6:30 p.m. – Conference Room 3 (2nd Floor)

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

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

1. Minutes
2. City Council Report

SUBDIVISION APPLICATION

3. Pete Smith/Advanced Solution Group – Applicant is requesting a recommendation for approval to amend the Final PUD Master Plan and approve the Final Plat for the Nichols Nook Subdivision and to rename it The Meadows at City Park Subdivision (9 lots) on 1.29 acres located at approximately 50 S. 100 W. in an R-4 zone. (S-10-13)

ZONE MAP AND ZONE/SIGN TEXT CHANGE APPLICATION

4. Farmington City (Public Hearing) – Applicant is requesting approval to amend the Sign and Zoning Map and Text Ordinances regarding modifications to nonconforming signs, signs in residential zones, and/or rezoning a portion of the property located on the northeast corner of State Street and 200 West from OTR to R-4. (ZT-2-15 and Z-2-15)
5. Farmington City (Public Hearing) – Applicant is requesting approval of a Rezone Application from TMU (Transit Mixed Use) to OS (Open Space) for property located at approximately Station Parkway and 600 North, a Text Amendment of Chapter 18 of the Zoning Ordinance regarding amendments to the regulating plan, and a modification of the street cross-section related thereto. (ZT-1-15 and Z-1-15)

SUBDIVISION ORDINANCE TEXT CHANGE

6. Farmington City (Public Hearing) – Applicant is requesting a recommendation for a text amendment to Chapters 1, 2, 3, and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary. (ZT-9-14)

OTHER BUSINESS

7. Modification to the street-cross section on 100 East north of 600 North, related to the proposed Taylor Subdivision.
8. Miscellaneous, correspondence, etc.
 - a. Other
9. Motion to Adjourn

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

Posted January 16, 2015



Eric Anderson
Associate City Planner

**FARMINGTON CITY
PLANNING COMMISSION MEETING
January 8, 2015**

STUDY SESSION

***Present:** Chair Rebecca Wayment, Commissioners Brett Anderson, Heather Barnum, Bret Gallacher, Val Halford, Kent Hinckley, and Alex Leeman, Associate City Planner Eric Anderson, Community Development Director David Petersen and Recording Secretary Lara Johnson.*

Approval of the Planning Commission Meeting Minutes

David Petersen said the only Commissioners that should approve the motion for the December 11, 2014 Planning Commission Meeting Minutes are those that were previously on the Commission and that were in attendance of that meeting, which were Bret Gallacher and Rebecca Wayment.

Item #3. Farmington City – Recommendation for “Park Lane Plat” Schematic Plan Approval

David Petersen explained that during the realignment of Park Lane to Clark Lane, the City entered into an agreement with CenterCal to exchange property as detailed further in the staff report. In order for the exchange to be memorialized, the City must submit a Schematic Plan for approval, which will be followed by a combined Preliminary and Final Plat. Staff explained there should not be opposition to the recommendation for approval during the public hearing as it is a “housekeeping” item.

Item #4. Jason Harris/Fieldstone Homes – Recommendation for Farmington Park Conservation Subdivision Phase I Final Plat Approval

Eric Anderson said this subdivision is located near Glover Lane and 1100 West. Previously, the school district owned the property in the northeast corner, but exchanged property with the applicant so the school district now owns the property in the northwest corner which will result in the school having frontage along 1100 West.

Eric Anderson explained it is a Conservation Subdivision; however, the ordinance has since changed to no longer allow new applicants the option to apply for this type of subdivision as it was previously written. Under the old Conservation Subdivision, the ordinance allowed for an increase in density in exchange for giving open space to the City. The applicant’s transfer of open space for the entire development will assist the City in building an almost 11 acre city park. Eric Anderson said since the applicant is only requesting approval for Phase I at this time, the City Manager is working with the property owner to receive all property set aside for the park as it will be easier to address all development issues at once.

With regards to the drainage ditch that is currently located on the property where the park will be, Eric Anderson said the US Army Corp of Engineers has determined it as “navigable waters” based on the Clean Water Act as it empties into the Great Salt Lake. As a result, the park will be slightly decreased in size as to leave an open ditch.

Kent Hinckley asked what plans are for continuing 1100 West. **Eric Anderson** explained the school district will improve their section of 1100 West when the construction of the school begins; the City will improve their section when the park is built.

Rebecca Wayment asked for clarification on what a “no-rise certificate” is as shown in condition #2 in the proposed motion. **Eric Anderson** said there is a portion of Phase I currently located in the flood plain. Fill must be brought in to raise the elevations to ensure the displacement of the flood plain is zero.

Item #5. Phil Holland/Wright Development – Recommendation for Preliminary Plat Approval for Tuscany Grove Subdivision

Eric Anderson said this is a recommendation for Preliminary Plat approval. He reminded the Commission that the applicant has requested a TDR for 2 extra lots bringing the total subdivision to 9 lots. He said there are a few issues remaining, but staff is confident it will all be resolved prior to Final Plat.

Item #6. Ernie Wilmore/Wright Development – Recommendation of Approval for the Residences at Station Parkway Project Master Plan

Eric Anderson said the proposed apartment complexes are similar to what is already built; however, some of the buildings included in the plan are 4 stories and not just 3 stories. **David Petersen** explained what is before the Commission is approval of the Project Master Plan which is the “concept” of the overall plan; however, the applicant has provided building elevations for the Commission to review. **David Petersen** stated this apartment complex falls in a TMU (Transit Mixed-Use) zone and conforms to most of the City’s form based codes which requires bringing building fronts to the street to promote walkability.

Item #7. & 8. – Zone Text Changes

These items will be discussed during the Regular Session.

REGULAR SESSION

***Present:** Chair Rebecca Wayment, Commissioners Brett Anderson, Heather Barnum, Bret Gallacher, Val Halford, Kent Hinckley, and Alex Leeman, Associate City Planner Eric Anderson, Community Development Director David Petersen and Recording Secretary Lara Johnson.*

#1. Minutes

Val Halford made a motion to approve the Minutes from the December 11, 2014 Planning Commission meeting. **Bret Gallacher** seconded the motion; it was approved by the Commissioners that were in attendance of that meeting which were Bret Gallacher and Rebecca Wayment.

#2. City Council Report

Eric Anderson did not give a report from the City Council meeting on January 6, 2015 as it was a joint session with the Planning Commission members.

SUBDIVISION AND REZONE APPLICATION

#3. Farmington City (Public Hearing) – Applicant is requesting a recommendation for Schematic Plan approval for the “Park Lane Plat.” The purpose of the subdivision is to memorialize, as per a previous agreement, what has already taken place regarding the realignment of 1100 West and Park/Clark Lane, which resulted in the reconfiguration and creation of parcels in the vicinity of said realignment.

David Petersen showed the Commissioners the aerial map of the area and the new realignment of the “swoop” on Park Lane to Clark Lane. He explained CenterCal owns the rectangular parcel that the realignment was moved to; however, the City owns the original Park Lane ROW. The City entered into an agreement to exchange deeds for the property. In reviewing the agreement, it stated preliminary and final subdivision plats must be provided. **David Petersen** said the City requires a Schematic Plan be approved prior to Preliminary and Final Plat. This agenda item is simply a housekeeping item that will finalize the land swamp.

Rebecca Wayment opened the public hearing at 7:14 p.m.

No comments were received.

Rebecca Wayment closed the public hearing at 7:14 p.m.

Heather Barnum feels this item is straightforward, and she does not see any concerns with its approval. The Commissioners agreed.

Motion:

Heather Barnum made a motion that the Planning Commission recommend that the City Council approve the Schematic Plan for the Park Lane Plat, subject to all applicable Farmington City ordinances and development standards. **Kent Hinckley** seconded the motion which was unanimously approved.

Finding:

1. In addition to exchanging deeds to make possible the Park Lane realignment, Farming City and CenterCal entered into an agreement which also required approval of a subdivision plat. Schematic plan is the first step in that process.

Item #4. Jason Harris/Fieldstone Homes – Applicant is requesting a recommendation for Final Plat approval for the proposed Farmington Park Conservation Subdivision Phase I consisting of 19 lots on 6.458 acres located at approximately 1100 West and Glover Lane in an AE zone. (S-4-14)

Eric Anderson said this item is the Final Plat for Phase I of this development. As was discussed in the Study Session, the applicant is transferring his open space to the City in exchange for an increase in density. Although there will be 74 lots total for the subdivision, Phase I will include 19 lots. **Eric Anderson** said the only outstanding issue is receiving approval from FEMA for the flood plain; all other issues have been resolved by the City and the DRC.

Heather Barnum asked if the LOMR (Letter of Map Revision) and CLOMR (Conditional Letter of Map Revision) have been obtained. **David Petersen** explained an applicant requests a LOMR from FEMA. FEMA gives specific conditions that must be completed to receive the final CLOMR; however, part of those conditions cannot be completed until after a building permit is received. Before a building permit is granted, an applicant must receive Final Plat approval.

Heather Barnum asked if lots located in the proposed subdivision that are currently in the flood plain will still require flood insurance after the applicant receives the LOMR and CLOMR. **David Petersen** said the applicant can explain the process in further detail.

Jason Harris, 128 Pony Express, Draper, explained that by obtaining the LOMR and CLOMR, all properties currently located in the flood plain will be removed and flood insurance will not be required. He said they are excited to finally move forward as plans have been held up due to the exchange of property with the school district and finalizing plans for the 11 acre city park.

Motion:

Kent Hinckley made a motion that the Planning Commission recommend that the City Council approve the Final Plat for the Farmington Park Conservation Subdivision Phase I subject to all applicable Farmington City codes and development standards and the following conditions:

1. The applicant will obtain both a CLOMR and LOMR from FEMA prior to building permit issuance;
2. The applicant will obtain a no-rise certificate for the proposed subdivision;
3. All improvements drawings, and the grading and drainage plan/ must receive final approval from the City Engineer and other members of the DRC.

Brett Anderson seconded the motion which was unanimously approved.

Findings:

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

Item #5. Phil Holland/Wright Development – Applicant is requesting Preliminary Plat approval for the proposed Tuscany Grove Subdivision consisting of 9 lots on 3.55 acres on property located at approximately 1470 South and 200 East in an LR Zone. (S-14-14)

Eric Anderson said the applicant is requesting approval for Preliminary Plat. The subdivision is a total of 9 lots with 2 of those lots coming from a TDR. The applicant has received approval by the City Council for the 2 TDR lots during the Council's approval of the Schematic Plan. There are a few remaining issues with storm water; however, staff is confident the applicant will resolve all issues prior to Final Plat.

The applicant was not present in the meeting.

Eric Anderson added that the applicant submitted a geotech report to the City. The City's building department then sends the report to an engineer consultant. The consultant provides recommendations for the project to ensure the applicant's geotech report checks out. The consultant recommended that the following be added as a condition to the motion: "The applicant must complete a fault-rupture study prior to Final Plat consideration."

Rebecca Wayment asked if the property across the street from the development is designated wetlands. **David Petersen** explained it is currently a temporary detention basin that serves the Tuscany Village development. He showed an aerial map of the area and pointed out the property located near the Lagoon billboard. He said the recently approved Eastridge Subdivision is assisting in the development of a large detention basin near the billboard as the Eastridge developers' are dedicating land to make the detention basin possible. Once that is created, the property where the temporary detention basin will be returned to the property owner.

Val Halford asked if there is an easement along the east side of the development. **David Petersen** stated it is the old Bamberger ROW. The ROW was purchased by an individual and each development in Davis County that has crossed this ROW has had to purchase the land from the property owner, or design around it.

Motion:

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

1. The applicant shall provide 20' storm drain easements for the storm drain lines in lots with new and existing storm drains;
2. Prior to Final Plat, the applicant will need CLOMR approval by FEMA showing all building pads are out of the flood plain;
3. The grading and drainage plan must be amended prior to Final Plat and show all drainage arrows on the lots with correct flows, provide finished grade elevations at all lot corners, and show the drainage path for handling water from the south of the subdivision;
4. It appears that portions of the trail and the necessary abutting land adjacent to the Frontage Road may be located outside City property, if so, this land must be conveyed to the City, but the developer shall be reimburse for the cost related thereto;
5. The applicant must complete a fault-rupture study prior to Final Plat consideration.

Alex Leeman seconded the motion which was unanimously approved.

Findings:

1. The proposed subdivision meets the new requirements and standards of the underlying LR zone.
2. While the proposed subdivision layout is dependent on the TDR transaction approval, the densities proposed would reflect or be less than the surrounding developments, such as Tuscany Village, Tuscany Cove and Aegean Village.
3. The conditions placed on the motion reflect any outstanding minor concerns raised by the DRC and can be addressed more fully at Final Plat.

PROJECT MASTER PLAN

Item #6. Ernie Wilmore/ICO Development (Public Hearing) – Applicant is requesting approval for the proposed Residences at Station Parkway Project Master Plan consisting of a 432 unit apartment complex (7 apartment buildings total) on 12.95 acres on property located at approximately 600 North and Station Parkway in a TMU (Transit Mixed Use) Zone. (PMP 1-14)

Eric Anderson said this is a new project, but is similar to the existing apartment complex Park Lane Village. The proposal is for 7 buildings with a total of 432 units. The project is located in the TMU district and appears to meet all form based code standards. **Eric Anderson** added that the TMU district was created based on its distance to the transit station to allow for easy access.

David Petersen provided a brief history on the Regulating Plan that was first adopted in 2008 as a result of the City's desire to create a more walkable, connective community through road patterns and building placement. The City also adopted form based codes to bring all buildings to the street to support walkability. **David Petersen** said the project complies with the form based codes and even expands the Regulating Plan to ensure more connectivity of the community through the addition of a few more private streets.

David Petersen reviewed the requirements of a Project Master Plan as shown in Chapter 18 of the Zoning Ordinance. He explained all information found in the staff report for the project is a result of the requirements of the ordinance; however, the applicant was not required to show building elevations or building footprints, but did so to assist the Commissioners in their review. **David Petersen** also said the applicant is required to do a Project Master Plan since he is revising the Regulating Plan, but again emphasized that the applicant is "adding to" the plan. He said there are also concerns with a "super block" of the development, but staff feels it is okay as the developer is including private streets to help negate the large block.

David Petersen reviewed the conditions of the motion with the Commissioners. The conditions were a result of the amendments to the Regulating Plan and a few concerns that were addressed by the SPARC and DRC committees. **Eric Anderson** said that the City Engineer also requested that the following be added as a condition to the motion: "The applicant must address all storm water issues to the satisfaction of the City Engineer."

Kent Hinckley asked for further clarification on the private roads and the easements that were mentioned by staff. He wondered if it's the developer's intention that the private roads be converted into easements. **David Petersen** said maybe; the developer can meet the City standards for the "super block" without approval of those easements with the use of private lanes as shown in the staff report. **Kent Hinckley** asked if there are any concerns with the private lanes surrounded by the public streets. **David Petersen** said no, there are a lot of benefits of having private lanes in a community like this as the property management team can maintain the streets adequately without the assistance of the City.

Bret Gallacher asked if there is a precedent for, or against allowing the easement around a gas line to increase a block size. **David Petersen** said no, but the gas line is in a few rare spots in this zone. In Park Lane Village, the gas line easement is 100'. **David Petersen** said the City invoked section 114 of the code that allows a deviation from the underlying zone to allow for the development to happen. He said the approval process for that deviation is extensive so staff is trying to find a better solution for the issue.

Keith Bennett, 2033 Dan Dr., Layton, said that all information in the staff report is the packet and narrative that is required by the City's ordinance. He feels the information best shows the intent of the project.

Heather Barnum asked the height of the proposed 4-story buildings. **Keith Bennett** said each floor is 10', so approximately 40' total, with a few additions to roof pitches and other things to give variety to the building block. He also added that a variety of building materials has also been included to give the buildings a character similar to the surrounding neighborhoods.

Heather Barnum asked if all proposed buildings will be 4-stories. **Keith Bennett** said 4 of the 7 total buildings will be 4-stories.

David Petersen said the developer is transferring open space to be along Shepard Creek. He said the Trails Master Plan calls for a trail along both sides of the creek and this would be the beginning of that trail. **Keith Bennett** added that they plan to transform this area of the creek into a major amenity for the community with the trail, a pedestrian bridge to cross the creek and picnic pavilions with barbeques. Since there will also be the creation of a detention basin near this area, they also have plans to include a dog run amenity as well. He added that the apartment complex will also include a 2-story community space with features like a theater room, internet café, lounge with an outdoor pool, hot tub, splash pad and tot lot.

Rebecca Wayment asked how many parking stalls will be included in the complex. **Keith Bennett** said there will be 1.8 stalls per unit. All parking will be located along the inside of the community (as buildings fronts will be brought to the street). There will be tuck-under garages like Park Lane Village as well as carports for residents. There will be parallel parking along the streets that will serve residents and visitors on a first come first serve basis.

Kent Hinckley asked if there is a standard created as to how many stalls per unit an apartment complex should include. **Keith Bennett** said there is no set standard as it can vary from city to city. In his experience, they create what works to retain tenants as tenants will not stay when there is inadequate parking. He also added that typically urban design calls for approximately 1.2-1.5 stalls per unit; however, 1.8 is the practice at Park Lane, and it seems to be working well.

Ernie Wilmore, 1160 Kings Ct., Kaysville, said typically lenders drive what is recommended for stalls per unit; however, having seen 1.8 stalls per unit work well at Park Lane Village, they are comfortable moving forward with the same standard for this project. **David Petersen** also stated that the City's ordinance standard for multi-family units is 1.85 stalls per unit for a conventional apartment. He is unsure how they reached that standard. He feels 1.8 is adequate.

Heather Barnum asked if there will be elevators located in the 3-story buildings like the 4-story buildings. **Keith Bennett** said no. **David Petersen** stated the building code does not require 3-story apartment buildings to have elevators; however it is required for a 4-story building.

Rebecca Wayment opened the public hearing at 8:11 p.m.

No comments were received.

Rebecca Wayment closed the public hearing at 8:11 p.m.

Rebecca Wayment asked where the location of the tall pylon signs that were previously presented to the Commission for approval by The Haws Company will be located. **David Petersen**

showed their approximate location in reference to the nearest proposed apartment building. The Commissioners expressed concern that the lighting may disrupt the residents of the closest building.

Rebecca Wayment also asked when the appropriate time is to discuss advertising on the exterior of the apartment buildings. **David Petersen** said advertising will be discussed during the development plan review.

Heather Barnum asked if there are any concerns with snow removal with parking along the public streets. **David Petersen** said there are major municipalities, like Denver, CO, that receive significantly more snow but still make it work. He feels confident that the issue can be appropriately addressed during the development review.

Motion:

Kent Hinckley made a motion that the Planning Commission approve the PMP for the Residences at Station Parkway subject to all applicable Farmington City codes and development standards and the following conditions:

1. Prior to Development Plan Review, the applicant shall extend Water Trail Way to the southern end of the project boundary and line the road up with Park Lane Commons;
2. Prior to Development Plan Review, the applicant shall add a pedestrian connection across Richards Lane where Broadway creates a “T”;
3. The roads may be private but if so, the applicant shall grant a public access easement to the City consistent with the possible zone text change currently under review by the City;
4. The open space in the northwest corner of the project must be rezoned from TMU to OS (Open Space);
5. Any change to the standard street cross-section is subject to 11-18-104(4);
6. The applicant must address all storm water issues to the satisfaction of the City Engineer.

Bret Gallacher seconded the motion which was unanimously approved.

Findings:

1. After a preliminary review, it appears that the proposed development meets all of the standards and requirements of the transit mixed zone as outlined in Chapter 18 with the exceptions listed above.
2. The parking needs for this project are being addressed using tuck under garages, small broke-up surface parking lots, on-street parking, and covered parking, this treatment of parking meets the form based code.
3. The proposed development meets the spirit of the form based code and provides a greater variety of housing choices particularly for-rent multi-family housing, something the City needs.
4. The City intended both in the General Master Plan and in the Zoning Ordinance for the mixed use district to be where the highest densities and intensities of uses would be concentrated, this project complies with that intention.
5. The location of this project and its accessibility to transit, Station Park, the Park Lane Commons project, etc. make this a good fit.
6. The DRC will review the plans more thoroughly at the next phase, Development Plan Review, where more details are required.
7. The park and trail on the north of the property will be added amenities to the City and will connect the Legacy Trail to Shepard Creek future trail network to the west.

8. The proposed street network does not alter the streets on the existing regulating plan but adds more streets and improves connectivity and the overall street layout of the mixed use district.
9. The OS zone designation is consistent with previous such designations in the area approved by the City, and it complies with the regulation plan and agreement 2010-36.

ZONE TEXT CHANGE

Item #7. Farmington City – Applicant is requesting a recommendation for a text amendment to Chapters 1, 2, 3 and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary. (ZT-9-14)

David Petersen said the Planning Commission and the City Council met jointly on January 6, 2015. As per the discussion, the proposed changes are as follows:

Schematic Plan

Planning Commission Recommends (Public Hearing)

City Council Approves/Denies (Public Hearing)

Preliminary Plat

Planning Commission Approves/Denies

Appeals to City Council

Final Plat

Planning Commission Approves/Denies

Appeals to City Council then to District Court.

David Petersen added that the Council and Commissioners also asked that if changes occur between Schematic Plan and Preliminary Plat, that there be some standard to determine if the changes warrant returning to Schematic for another Planning Commission recommendation.

David Petersen wanted to confirm those are the changes the Commissioners are comfortable with so staff can write it for recommendation for approval at the next Planning Commission meeting.

Heather Barnum felt that at the joint session, the City Attorney may not have been comfortable with the City Council holding a public hearing at the Schematic level; however, she feels it is important that the public has an opportunity to express concerns before their elected officials. **Bret Gallacher** agreed; he feels the City Council could negatively be impacted if they chose to no longer have public hearings before the Council.

Alex Leeman added that not all Council members were comfortable removing themselves from the public hearing. **David Petersen** said all Commission members voiced their opinions regarding the matter; however, most the Council members remained silent as to which direction they wanted to take. **Kent Hinckley** added that, despite the public hearings, under the proposed changes, the City Council will still have the final say as they will be the appellate body for Preliminary and Final Plat.

David Petersen said he will work on creating standards as to when a development needs to return back to Schematic Plan due to changes to the previously approved plan.

Motion:

Brett Anderson made a motion that the Planning Commission table item #7. **Alex Leeman** seconded the motion which was unanimously approved.

Item #8. Farmington City (Public Hearing) – Applicant is requesting a recommendation for a text amendment to Chapters 18 of the Zoning Ordinance as it relates to the Regulating Plan, in the vicinity of Station Parkway, Grand Avenue (west of Station Parkway), and Park Lane, and amendments to standards in Chapter 18 for rights-of-way, large footprint buildings and other related standards therein. (ZT-11-14)

David Petersen said in December, the City announced that Cabela's has plans to open a new store in Farmington. In preparation for the anticipated Cabela's development plan, **David Petersen** said staff recommends amendments to off-street parking standards and to street network design and public space standards. These amendments would allow for parking along one side-road of the building instead of bring the building to the corner of the street every time.

David Petersen also proposed that provisions for "large footprint buildings" to specify the commercial use to mean "retail" as that was the original intent of the ordinance when it was written.

Heather Barnum asked if Cabela's has requested the amendments. **David Petersen** said no; however, he has seen the concept plan and feels this will help them move forward more quickly with their plans once the plans are presented.

Heather Barnum asked if this change would affect other areas that the City may not want to be affected. **David Petersen** explained the restrictions of the amendments, which include the side road used for parking cannot exceed 25% of the building or 60' cumulatively of a building that exceeds 45,000 sq. ft.

Bret Gallacher asked if staff is comfortable with this change as it most likely would not have been presented had it not been for Cabela's conceptual plans. **David Petersen** said yes, staff is comfortable with its approval.

Heather Barnum expressed concern that the Cabela's building will have parking along all major intersections it is located. She does not feel this promotes better community walkability. **David Petersen** clarified the side road parking will be along a minor street on the side of the building.

Rebecca Wayment opened the public hearing at 8:59 p.m.

No comments were received.

Rebecca Wayment closed the public hearing at 8:59 p.m.

Alex Leeman said he is comfortable with the recommendation for approval of the amendments as he feels it is a simple request to accommodate Cabela's.

Rebecca Wayment asked if this change would impact the whole city. **David Petersen** said no, the change would only impact the mixed-use areas and is limited to corner lots.

Bret Gallacher said he does not like amending the ordinance to fit one retailer's needs; however, he does not see any concerns with the proposed changes. **Alex Leeman** pointed out that someone in need will always prompt a change like what's being presented before the Commission during this meeting.

Motion:

Kent Hinckley made a motion that the Planning Commission recommend that the City Council approve the attached proposed amendments to Sections 11-18-104(3)a. and (4), 11-18-110(b)(C), and 11-18-107(2)(e)ii.17. **Alex Leeman** seconded the motion which was unanimously approved.

Findings:

1. Presently, the City may only obtain rights-of-way by dedication. The changes will increase flexibility for the property owner by permitting the City to also obtain rights-of-way by easement and also thereby allowing the underlying fee, including the maintenance thereof, to remain the responsibility of the owner.
2. Rights-of-way by easement will better enable the development (and possible redevelopment) of blocks occupied by large footprint buildings (and possible redevelopment) of blocks occupied by large footprint buildings (and their accompanying parking areas), while at the same time helping to ensure adherence to form based codes and allowing the City to be a more essential participant in the event that such development and/or redevelopment process occurs in the future.
3. Easements may be used for multiple reasons, such as fire access, locations for public utilities, culinary water lines, etc.
4. Special provisions are currently in place to allow very limited parking at major intersections or at an intersection that is intended as a neighborhood town center. These types of intersections are often occupied by large retail commercial—or institutional uses—and these types of users most often exceed the footprint size of 20,000 s.f. as specified in the ordinance. Accordingly, the section regarding such buildings is expanded to include institutional uses, and larger foot print buildings of 45,000 s.f. or more. This is more in keeping with the purpose of Chapter 18 since it is not necessary for smaller footprint buildings to deviate from the code because the mass and scale characteristics are different for small buildings.
5. The amendment clarifies large footprint buildings as “retail” commercial consistent with the standards therein as was originally intended when the section was enacted in 2008.

Motion:

Alex Leeman made a motion that the Planning Commission continue the regulating plan portion of the public hearing to the January 22nd meeting to allow time for the City to determine whether or not any amendments to the regulating plan are necessary. **Heather Barnum** seconded the motion which was unanimously approved.

Reason:

1. Farmington City is awaiting subdivision and development plan review applications for the Cabela's proposed site. Once these are submitted, the City will be better able to determine if an amendment to the regulating plan is necessary. This will also allow time for applicants to prepare a PMP (if necessary) for the Planning Commission's consideration, which possible

PMP is required for such regulating plan amendments and will enable potential comments from affected property owners at the public hearing regarding the same.

ADJOURNMENT

Motion:

At 9:08 p.m., **Heather Barnum** made a motion to adjourn the meeting which was unanimously approved.

Rebecca Wayment
Chair, Farmington City Planning Commission

WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to answer any questions the City Council may have on agenda items. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of Farmington City will hold a regular City Council meeting on **Tuesday, January 20, 2015, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

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

The agenda for the meeting shall be as follows:

CALL TO ORDER:

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

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

7:05 Recognition of Sid Young as Festival Days Chair

7:10 Introduction of new Festival Days Chair – Kristen Harbertson

7:15 Norman Marshall Modeling Report for West Davis Corridor

7:45 Mosquito Abatement Report – Gary Hatch

PUBLIC HEARINGS:

7:55 Park Lane Plat Schematic Plan

8:05 Parkwalk Downs Minor Subdivision Schematic Plan

8:15 Grove Street Name Change Petition

8:25 Local Consent for SteelFist Fight Night, LLC Event Permit “Temporary Beer”

PRESENTATION OF PETITIONS AND REQUESTS:

8:30 Farmington Park Subdivision Phase 1 Final Plat

8:40 Bid from Hogan Construction to be the Construction Manager/General Contractor for the Park and Gym

SUMMARY ACTION:

8:50 Minute Motion Approving Summary Action List

1. Improvements Agreement with Ivory Development, LLC – Farmington Hollow
2. Approval of Minutes from City Council/Planning Commission on January 6, 2015
3. Approval of Minutes from City Council on January 13, 2015
4. Approval of Storm Water Bond Log for December

GOVERNING BODY REPORTS:

8:55 City Manager Report

1. Executive Summary for Planning Commission held on January 8, 2015
2. Monthly Activity Reports for Police and Fire for December
3. Building Activity Report for December

9:05 Mayor Talbot & City Council Reports

1. BOA Appointments

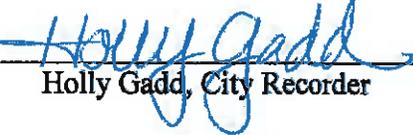
ADJOURN

CLOSED SESSION

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

DATED this 15th day of January, 2015.

FARMINGTON CITY CORPORATION

By:  _____
Holly Gadd, City Recorder

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

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



Planning Commission Staff Report January 22, 2015

Item 3: Meadows at City Park Final Plat and Final (PUD) Master Plan

Public Hearing:	No
Application No.:	S-13-12
Property Address:	50 South 100 West (approx.)
General Plan Designation:	MDR (Medium Density Residential)
Zoning Designation:	R-4 (PUD)
Area:	1.29 acre (approx.)
Number of Lots:	9
Property Owner:	Advanced Solution Group
Agent:	Pete Smith/Advanced Solution Group

Applicant is requesting a recommendation and approval to amend the Final (PUD) Master Plan and Final Plat.

Background Information

The Planning Commission granted Schematic Plan and Preliminary (PUD) Master Plan for the Nichols Nook Planned Unit Development (PUD) on September 13, 2007 and June 26, 2008. Later the City approved a Final (PUD) Master Plan and entered into a development agreement with Rodney Griffin, the developer for the project (see attached agreement).

The current applicant, Pete Smith of Advanced Solution Group is requesting a recommendation for approval of Final Plat and Final PUD Master Plan. The only adjustment has been the applicant's purchase of the property at 39 South 200 West (previously owned by Madge Mechum). The intention is to take the utilities through this lot in order to tie into the existing infrastructure on 200 West. Eventually, the applicant may decide to develop a PUD on this parcel similar to the current proposal before you, but for now it will be used solely for the purposes of utilities. Because the application had received both Preliminary Plat and Final PUD Master Plan approval, normally all the applicant would need is Final Plat approval. However, because the current proposal has added the additional lot on 200 West, the applicant was required to start from Preliminary Plat and Preliminary PUD Master Plan. On July 1, 2014 the City Council approved the preliminary plans for this project. The applicant has been working with UDOT and the City to address some storm-water issues, particularly as it relates to the capacity of the storm-water pipe on 200 West. Although UDOT has agreed to allow the applicant to connect to the 200 West system, city staff would like to see an approval letter prior to the applicant moving forward for City Council consideration.

Suggested Motion

Move that the Planning Commission recommend the City Council approve Final Plat and approve/amend the Final PUD Master Plan for the Meadows at City Park Planned Unit Development located at 50 South 100 West with the following conditions:

1. The applicant shall comply with all requirements of the Planning Department, Engineering and all utilities regarding the Final PUD Master Plan;
2. Approval of final improvement drawings for the on-site and off-site improvements including grading and drainage plan, SWPPP, and approval by the City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District, and Benchland Water District;
3. The applicant must obtain and record off-site easements in a manner acceptable to the City as shown on the plans prior to or in conjunction with the recordation of the Final Plat;
4. The applicant shall not demolish the existing house on the site until such time as the proposed development begins construction;
5. The applicant must post a bond in the amount agreed upon by the City and the applicant for all off-site improvements and any on-site improvements deemed necessary by the City prior to construction;
6. The applicant shall obtain letters from UDOT approving the connection to 200 West prior to City Council consideration of the final plans.

Findings for Approval:

1. The Final PUD Master Plan does not vary substantially from the Final PUD Master Plan and development agreement that was approved in 2009 (attached).
2. The Final PUD Master Plan has met all of the requirements of the PUD chapter (Chapter 27).
3. The Final PUD Master Plan meets the objectives and purposes of the PUD chapter (Chapter 27).
4. The Final PUD Master Plan and Final Plat do not vary from the Preliminary PUD Master Plan and Preliminary Plat approved July 1, 2014.

Supplemental Information

1. Vicinity map.
2. Final Plat and Final (PUD) Master Plan.
3. Schematic Plan and Preliminary (PUD) Master Plan approval letters by the Planning Commission, dated September 18, 2007 and July 9, 2008.
4. Existing Nichols Nook development agreement.

Applicable Ordinances

1. Title 11, Chapter 11 - Multiple-Family Residential Zones
2. Title 11, Chapter 27 - Planned Unit Development (PUD).

Farmington City





FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

PAULA ALDER
RICK DUTSON
DAVID S. HALE
LARRY W. HAUGEN
SID YOUNG
CITY COUNCIL

MAX FORBUSH
CITY MANAGER

September 18, 2007

Mr. Rodney Griffin
24 North 1050 West
Kaysville, Utah 84037

Dear Mr. Griffin:

The Farmington City Planning Commission voted on September 13, 2007, to recommend to the City Council **schematic plan approval** of the Nicholl's Nook PUD Subdivision, on property located at 35 South 100 West, (properties east and west of 100 West) consisting of 13 units on 2.05 acres in the R-4 zone (S-2-07).

The motion for approval of schematic plan is subject to all applicable Farmington City development standards and the following conditions:

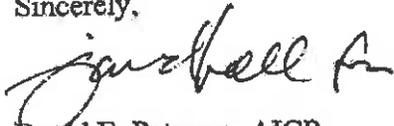
1. The preliminary plan must include details for the common open space planned;
2. The developer shall work with staff to provide the necessary planning for utility provision in all areas;
3. The developer shall consider adding parking to the interior of the project.
4. The developer shall prepare a draft CC&R's for the project.
5. The safety of the soil conditions must be verified.

The following findings were established by the Planning Commission;

- The development is consistent with the zoning for the area.
- Having a well done PUD will be an improvement to the neighborhood.
- The developer is willing to work with the neighbors to address their concerns.
- This development is very similar to the proposal made two years ago that the Planning Commission favored.
- This development is an in-fill situation to replace greenhouses, and would enhance the appearance of the area.

You will be notified of the date and time your application will appear on the City Council agenda. If you should have any comments or questions, please feel free to contact our office at 451-2383.

Sincerely,

A handwritten signature in black ink, appearing to read "David E. Petersen". The signature is fluid and cursive, with a large initial "D" and "P".

David E. Petersen, AICP
City Planner/Zoning Administrator

cc: Max Forbush, City Manager
Paul Hirst, City Engineer



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

PAULA ALDER
RICK DUTSON
DAVID S. HALE
CORY R. RITZ
SID YOUNG
CITY COUNCIL

MAX FORBUSH
CITY MANAGER

July 9, 2008

Rodney Griffin
24 N. 1050 W.
Kaysville, Utah 84037

Dear Mr. Griffin:

The Farmington City Planning Commission voted on June 26, 2008, to approve the proposed Preliminary Plat for the Nicholl's Nook subdivision consisting of 6 units on 0.94 acres of property located at 48 South 100 West in the R-4 zone (S-2-07).

The motion for approval is subject to all applicable Farmington City development standards, ordinances, conditions of Preliminary (PUD) Master Plan approval, and schematic plan approval and the following:

1. Review and approval of final improvement drawings for the on-site and off-site improvements including grading and drainage plan, SWPPP, and review and approval by City Engineer, Public Works, Fire Department, Planning Department, Storm Water official, Central Davis Sewer District, and Benchland Water District;
2. The applicant must obtain and record off-site easements in a manner acceptable to the City as shown on the plans;
3. The applicant must enter into a development agreement for the project to be approved and recorded concurrent with the Final Plat approval;
4. The applicant must update the Preliminary Plat as directed by the City and reviewing agencies to comply with all requirements for the Preliminary Plat;
5. Subject to conditions of Preliminary PUD Master

The Planning Commission further moved to recommend that the City Council approve the Preliminary (PUD) Master Plan subject to all applicable Farmington City development standards, ordinances, conditions of Preliminary Plat approval and schematic plan approval, and the following conditions:

1. The applicant must receive a Final Master Plan and Final Plat approved by the City;

 FILE COPY

2. The applicant shall comply with all requirements of the planning department, engineering, and utilities to conform the Preliminary PUD Master Plan requirements;
3. The applicant shall contact and get input from the Historic Preservation Commission with regard to the existing historic buildings in site and, thereafter, shall follow a course of action regarding buildings as determined by the Planning Commission,
4. Subject to conditions of Preliminary Plat approval;

The Planning Commission established the following findings for approval of Preliminary PUD Master Plan and Preliminary Plat:

- a. The proposed PUD layout provides a more pleasant and attractive living environment than would otherwise be established under the applicant of conventional subdivision and underlying zoning ordinances.
- b. It encourages walking and bicycling for recreation and daily errands for surrounding areas.
- c. The proposed PUD will provide a more efficient use of land and a greater concentration of open space by utilizing the northeast portion of the property as aggregated common space.
- d. There is no increase in density requested for the proposed PUD and the density proposed is in keeping with the permitted density of the underlying zone.
- e. The proposed PUD has not created as increased hazard to the health, safety and general welfare for the residents of the proposed PUD as a result of any deviation of development standards required in the underlying zone.

You will be notified of the date and time your application will appear on the City Council agenda.

If you should have any comments or questions, please contact our office at 451-2383.

Sincerely,


Glenn Symes
Assistant City Planner

cc: Max Forbush, City Manager
Paul Hirst, City Engineer

RETURNED

FEB 06 2011

RECEIVED
JANIS COUNTY, UTAH RECORDER
2/06/2011 01:04 PM
FEE \$60.00 Post 35
REP. BY: [unclear] FARMINGTON

**DEVELOPMENT AGREEMENT
FOR THE
NICHOLLS NOOK PLANNED UNIT DEVELOPMENT (PUD)**

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into as of the 6th day of July, 2010, by and between **FARMINGTON CITY**, a Utah municipal corporation, hereinafter referred to as the "City," and **RODNEY L. GRIFFIN**, hereinafter referred to as the "Developer."

RECITALS:

A. Developer owns approximately 1.00 acre of land located within the City, which property is more particularly described in **Exhibit "A"** attached hereto and by this reference made a part hereof (the "Property"). The Property includes three parcels added thereto as a result of boundary adjustments approved by the City on October 20, 2009.

B. Developer desires to develop a project on the Property to be known as the Nicholls Nook PUD (the "Project"). Developer has submitted an application to the City seeking approval of the Project as a planned unit development in accordance with the City's Laws.

C. Developer received approval of an amendment to the Final (PUD) Master Plan (the "Final Master Plan") and Final Plat (the "Final Plat") for the Project from the Farmington City Council on July 7, 2009, which approval is subject to a number of conditions. The Final Master Plan provides for the development of nine attached single-family residential lots. The open space, or common area, set forth on the Final Master Plan comprises 0.3478 acres or 34.78 % of the total area for the Project.

D. The Property is presently zoned under the City's zoning ordinance as R-4 (PUD). The Property is subject to all City ordinances and regulations including the provisions of the City's General Plan, the City's zoning ordinances, the City's engineering development standards and specifications and any permits issued by the City pursuant to the foregoing ordinances and regulations (collectively, the "City's Laws").

E. Persons and entities hereafter developing the Property or any portions of the Project thereon shall accomplish such development in accordance with the City's Laws, and the provisions set forth in this Agreement. This Agreement contains certain requirements and conditions for design and/or development of the Property and the Project in addition to those contained in the City's Laws.

AGREEMENT

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

1. **Incorporation of Recitals.** The above Recitals are hereby incorporated into this Agreement.

2. **Final Master Plan.** In connection with the City's review and approval of this Agreement, the City has simultaneously held all public hearings necessary for the lawful approval of the Final Master Plan. The Final Master Plan, attached hereto as **Exhibit "B,"** has been approved by the City, and by this reference shall be made a part hereof. The Property shall be developed by the Developer and/or any subsequent developers as a PUD in accordance with the approved Final Master Plan and all conditions of approval of the Final Master Plan as approved by the City Council.

3. **Development of the Project.** All portions of the Project must be developed in strict accordance with the approved Final Master Plan and Final Plat for the Project and any conditions of approval related thereto. No amendments or modifications to the approved Final Master Plan and Final Plat for any portion of the Project shall be made by the Developer or any subsequent developers without the written consent of the City. The Project shall be developed by Developer and/or Developer's successors and assigns in accordance with all of the requirements contained herein.

a. **Compliance with City Laws and Development Standards.** The Project and all portions thereof shall be developed in accordance with the City's Laws, the Final Master Plan and Final Plat, and this Agreement.

b. **Streets and Related Improvements.**

i. The east to west street (Elliot Lane or 50 South Street) which provides access to the Project from 100 West Street shall be a public right-of-way. Developer will construct, improve and dedicate this street to the City as shown on the Final Master Plan and Final Plat for the Project. Pursuant to Section 12-8-100 of the City's Subdivision Ordinance, the City approved a street cross section for Elliot Lane on July 9, 2009, as set forth in **Exhibit "C"** attached hereto and by this referenced made a part hereof. Construction, reconstruction, and improvement of Elliot Lane, and 100 West Street outside the boundary of the Project in conjunction with the development of the Property, shall include all curb, gutter, paving, sidewalks, park strips, and related utilities as shown on the approved improvement drawings. All construction and improvement shall be in accordance with City-approved design and construction standards and requirements.

ii. Prior to recordation of the Final Plat for the Project, Developer shall post a bond acceptable to the City in accordance with City Ordinances to fully improve the streets shown on the Final Master Plan and the Final Plat for the Project.

iii. Developer shall provide an easement for, and construct, a temporary turnaround at a location, and in a manner acceptable to the City at the west end of the Project, which turnaround will straddle the Property line with a portion of the turnaround located within the Property and the remaining portion outside the Property. The bond for the Project shall include funds to adequately construct the

turnaround as set forth in the improvement drawings approved by the City and the bond estimate prepared by the City Engineer for the Project. The easement and bond shall be recorded and posted concurrently with the recordation of the Final Plat.

iv. Decorative street lighting shall be provided by Developer for the Project and shall be subject to review and approval of the City prior to installation. All street lighting shall conform to the City's street lighting standards.

c. Open Space.

i. The Developer shall preserve perpetual open space as shown on the Final Master Plan and Final Plat as common area for the PUD. The open space shall be landscaped in accordance with the landscape plan attached hereto as **Exhibit "D"** and by this reference made a part hereof.

ii. The bond for the Project shall also include sufficient funds to ensure the installation of the landscaping improvements as set forth in **Exhibit "D"** and in an amount equal to 120% of an estimate prepared by a nursery professional and accepted by the City. The bond shall be provided to the City prior to or concurrent with the recordation of the Final Plat.

d. Building Permits. The City shall not issue any building permit on any lot or for any unit within the Project until water, fully-operational fire hydrants, sewer and any utility located under the street surface, including necessary grading, storm drains and/or subsurface drainage facilities pursuant to a subdivision grading and drainage plan required and approved by the City for the Project, are installed by the Developer and accepted by the City and/or appropriate agencies. The City shall not issue any building permits on any lot within the Project until the Developer provides "as-built" drawings acceptable to the City which have been prepared and certified by an engineer licensed by the State of Utah for all required public improvements related to the Project. Except as provided for in Section 12-2-045 of the Farmington City Code, no building permits shall be issued within the Project until the Developer provides continuous access to units or sites throughout the Project by a street or streets acceptable to the City with an all-weather asphalt or concrete surface sufficient to provide access for emergency vehicles. Developer hereby agrees to perform all work necessary to ensure that the streets will remain fully accessible at all times until accepted by the City.

e. Utilities and Infrastructure.

i. Developer shall install or cause to be installed natural gas, underground electrical service, sanitary sewer, culinary and pressure irrigation water supply systems, and storm drainage facilities as required by the City for the Project up to the boundary lines of the Project and any off-site improvements required to serve the Project. Such installations shall be done according to the reasonable and customary design and construction standards of the utility providers and the City Engineer.

ii. In order to provide adequate culinary water circulation and pressure, Developer shall extend an off-site 8 inch culinary water line beginning at the west boundary of the Project and commencing westerly and connecting to an existing 8 inch culinary water line located in 200 West Street.

Certain owners of property in the general vicinity of the Project may benefit from the installation of the off-site water line. The City agrees to enter into a pioneering agreement with the Developer whereby in the event such property develops in the future the City will use its best efforts to collect funds from said owners and to partially reimburse the Developer from the funds collected from other benefited property owners for their proportionate share of the cost of the culinary line.

iii. Developer shall make arrangements with and shall comply with the requirements of the Central Davis Sewer District to provide public sanitary sewer service to the Project and all phases thereof.

iv. All off-site improvements shall be constructed and installed in a timely manner, and shall meet bonding requirements as set forth herein for on-site improvements, in order to coincide with development of the Project.

v. Developer shall make arrangements with and shall comply with all of the requirements of the Benchland Water District ("Benchland") to provide secondary water service to the Project. Developer shall obtain a full water allotment for the entire Property from Benchland and shall provide evidence thereof to the City prior to recordation of the Final Plat for the Project. Developer shall construct secondary water lines and facilities for the Project in a manner acceptable to Benchland in order to ensure delivery of secondary water to all lots located within the Project.

vi. All public improvements for the Project shall be constructed and installed at the Developer's sole expense in accordance with the City's construction standards and the City's Laws.

f. Grading and Drainage, Storm-water Run-off, and Erosion Control. Developer shall provide grading and drainage, and erosion control plans for the Project for review and approval by the City. These plans for the Project shall be prepared by a licensed engineer and landscape architect or other appropriate nursery professional mutually agreed upon by the parties. These plans shall identify the type, and show the location of, existing vegetation, the vegetation to be removed and method of disposal, or stabilization measures to be installed while new vegetation consistent with the landscaping plan for the Project set forth in Exhibit "D" is being established. All areas of the Project cleared of natural vegetation in the course of construction shall be replanted with vegetation possessing erosion control characteristics at least equal to the natural vegetation which was removed. Developer shall prepare an erosion control plan and shall obtain a UPDES permit from the Utah DEQ (Department of Water Quality) and provide a complete Storm Water Pollution Prevention Plan (SWPPP) containing all information required by the UPDES permit. Developer shall

implement Best Management Practices (BMP's) as detailed in the SWPPP and altogether acceptable to the City designed to minimize erosion and displacement of soils from the site consistent with the City's Storm Water Management Plan. Developer shall post a bond acceptable to the City to ensure implementation of the grading and drainage, erosion control, SWPPP and revegetation plans for the Project. The warranty period for this bond shall not be less than two growing seasons from the time the planting of the landscaping plan is complete.

The Final Master Plan and Final Plat for the Project calls for a detention basin to be located on the Property. This detention basin will be constructed after the recordation of the Final Plat and will provide for the detention needs of the Project. Additionally, the basin may provide for the detention needs of property located within the interior of the block east of the Project (bounded on the east by Main Street, on the north by State Street, on the west by 100 West Street and on the South by the City's Main Park) in the event this area is also developed. Storm water runoff from the Project will be conveyed westerly from the detention basin and elsewhere on the Property via 12 inch pipe to a storm drain facility located in 200 West Street.

Owners of property, which property is located on the same block as the Project and within the block east of the Project, may benefit from the construction and installation of the detention basin and off-site 12" storm water pipe. The City agrees to enter into a pioneering agreement with the Developer whereby in the event such property develops in the future the City will use its best efforts to collect funds from said owners and to partially reimburse the Developer from the funds collected from other benefitted property owners for their proportionate share of the cost of these storm water facilities and other related appurtenances.

g. Easements. All appropriate on-site and off-site easements, including temporary construction easements, for infrastructure improvements will be granted at no cost to the City and its contractors by the Developer and its successors and assigns for the construction of any public improvements which may be required by the City. These easements shall be subject to the approval of the City Engineer and the City Attorney. Developer hereby agrees to grant and convey at no cost to the City a satisfactory easement for drainage pipes across the Property to be shown on and dedicated as part of Final Plat for the Project in locations mutually satisfactory to the City and the Developer. The City shall have the right to determine the amount of flows to be passed through the easement. The drainage easements shall provide for the flow of water and drainage through the Property at the locations specified in said easements.

h. Dedication and Donation. Prior to, or concurrent with, the recording of the final plat for the Project in the office of the Davis County Recorder, the Developer agrees to dedicate, transfer and voluntarily donate to the City all required easements for the purposes of constructing, installing, operating, maintaining, repairing and replacing public utilities and improvements located within the Project by the Developer. Developer will take such actions as are necessary to obtain release of any monetary encumbrances on any property to be dedicated to the City at the time of final plat approval for the Project and to cause the owner of the Property to dedicate and donate the same without cost to the City.

i. Required Changes. If any revisions or corrections of plats or plans already approved by the City shall be required by any other governmental entity having jurisdiction or lending institutions involved in financing, the Developer and the City shall cooperate where appropriate to obtain or develop reasonable, mutually acceptable alternative plans or plats. Developer shall have the sole duty and responsibility to obtain approval from any other governmental entities having jurisdiction with respect to the Project as needed.

j. Construction Standards and Requirements. All construction shall be conducted and completed in accordance with the development standards of the City, the City's Laws and the terms of this Agreement. All required public improvements for the Project shall be constructed in accordance with the City's construction standards and shall be dedicated to the City. Prior to commencing any construction or development of any building, structures or other work or improvements within the Project, the Developer shall secure any and all permits which may be required by the City or any other governmental entity having jurisdiction over the work. Except for the City's obligations set forth in the parties' Sales Agreement, the Developer shall construct, or cause to be constructed, all improvements for the Project in conformity with all applicable federal, state and/or local laws, rules and regulations.

i. Security. Developer shall provide the City with security in a form satisfactory to the City to guarantee the installation and completion of all public improvements to be constructed by Developer within the Project and/or the Property or any portion thereof, as required in accordance with the City's Laws.

Security provided by the Developer shall also include funds to ensure revegetation acceptable to the City consistent with a revegetation plan prepared by Developer and approved by the City for all cuts and fills or any and all graded and disturbed areas related to the Project.

ii. Inspection by the City. The City may, at its option, perform periodic inspections of the improvements being installed and constructed by the Developer and its assigns or their contractors. No work involving excavation shall be covered until the same has been inspected by the City's representatives and/or the representatives of other governmental entities having jurisdiction over the particular improvements involved. Developer, or its assigns as the case may be, shall warrant the materials and workmanship of all public improvements installed by Developer and its contractors within the Project and to be dedicated to the City for a period of twelve (12) months from and after the date of final inspection and approval by the City of the improvements in that phase. All buildings shall be inspected in accordance with the provisions of the International Building Code.

iii. Maintenance During Construction. During construction, the Developer and its contractors shall keep the Project and all affected public streets therein, free and clear from any unreasonable accumulation of debris, waste materials, mud, and any nuisances created by their actions, and shall contain their construction debris and provide dust and mud control so as to prevent the scattering

via wind and/or water. Developer shall be responsible for sweeping streets up to 1000 feet from the construction entrance to the Project.

k. **Historic Preservation**. An historic dwelling exists in the northeastern area of the Property. Developer shall cooperate with the City's Historic Preservation Commission and allow for the necessary photographs and documentation of this structure in conjunction with obtaining the necessary permits for its demolition in preparation for the construction of the Project.

l. **Conditions, Covenants and Restrictions**. Prior to the recording of the Final Plat for the Project, the Developer shall prepare and submit to the City for review and approval covenants, conditions and restrictions (the "CC&R's") to provide for the following:

i. **Architectural Review Committee**. The CC&R's shall establish an architectural review committee for the purpose of preserving the quality of all development and maintenance of private and common properties in the Project. The CC&R's shall establish the structure, procedures, authorities and remedies of the architectural review committee. No home or unit will be constructed without the approval of design themes, plans, elevations and materials by the architectural review committee.

ii. **Miscellaneous Items**. The CC&R's will address, as a minimum, open space maintenance not covered by the City.

iii. **Architectural Design Guidelines, Development Guidelines and Approval**. The CC&R's shall establish architectural design guidelines, development guidelines and procedures to be administered by the architectural review committee. The aforesaid guidelines shall pertain to architecture, elements of site planning, transportation and access, building design, subsurface water drain systems, storm water management, service, trash, storage, screening, lighting, signs, construction activities and maintenance for common areas and open space within the Project. The CC&R's shall comply with the requirements of the City's Laws pertaining thereto.

iv. The City shall not enforce the provisions of the CC&R's and enforcement of the same shall be the sole responsibility of the Developer or its assigns, including a homeowners' association formed for the purpose.

4. **Payment of Fees**. The Developer shall pay to the City all required fees in a timely manner. Fees shall be paid in those amounts which are applicable at the time of payment of all such fees, pursuant to and consistent with standard City procedures and requirements adopted by City either formally or through established practice.

5. **City Obligations**. Subject to Developer complying with all of the City's Laws and the provisions of this Agreement, the City agrees to maintain the public improvements dedicated to

b. The right to withhold all further approvals, licenses, permits or other rights associated with the Project or any development described in this Agreement until such default has been cured.

c. The right to draw upon any security posted or provided in connection with the Project.

d. The right to terminate this Agreement.

e. The rights and remedies set forth herein shall be cumulative.

11. **Attorneys' Fees.** In the event of any lawsuit between the parties hereto arising out of or related to this Agreement, or any of the documents provided for herein, the prevailing party or parties shall be entitled, in addition to the remedies and damages, if any, awarded in such proceeding, to recover their costs and a reasonable attorneys fee.

12. **Entire Agreement.** This Agreement together with the Exhibits attached thereto and the documents referenced herein, and all regulatory approvals given by the City for the Property and/or the Project, contain the entire agreement of the parties and supersede any prior promises, representations, warranties or understandings between the parties with respect to the subject matter hereof which are not contained in this Agreement and the regulatory approvals for the Project, including any related conditions.

13. **Headings.** The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

14. **Non-Liability of City Officials, Employees and Others.** No officer, representative, agent, or employee of the City shall be personally liable to the Developer, or any successor-in-interest or assignee of the Developer in the event of any default or breach by the City or for any amount which may become due Developer, or its successors or assigns, for any obligation arising under the terms of this Agreement unless it is established that the officer, representative, agent or employee acted or failed to act due to fraud or malice.

15. **Binding Effect.** This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

16. **No Third-Party Rights.** The obligations of Developer set forth herein shall not create any rights in and/or obligations to any persons or parties other than the City. The parties hereto alone shall be entitled to enforce or waive any provisions of this Agreement.

17. **Recordation.** This Agreement shall be recorded by the City against the Property in the office of the Davis County Recorder, State of Utah.

18. **Relationship.** Nothing in this Agreement shall be construed to create any partnership, joint venture or fiduciary relationship between the parties hereto.

19. **Termination.** Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the Project is not completed within five (5) years from the date of this Agreement or in the event the Developer does not comply with the City's Laws and the provisions of this Agreement, the City shall have the right, but not the obligation at the sole discretion of the City, which discretion shall not be unreasonably applied, to terminate this Agreement and/or to not approve any additional phases for the Project. Such termination may be effected by the City by giving written notice of intent to terminate to the Developer set forth herein. Whereupon, the Developer shall have sixty (60) days during which the Developer shall be given an opportunity to correct any alleged deficiencies and to take appropriate steps to complete the Project. In the event Developer fails to satisfy the concerns of the City with regard to such matters, the City shall be released from any further obligations under this Agreement and the same shall be terminated.

20. **Severability.** If any portion of this Agreement is held to be unenforceable or invalid for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

21. **Amendment.** This Agreement may be amended only in writing signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

"CITY"

FARMINGTON CITY

ATTEST:



Holly Gadd
City Recorder

By: 

Scott C. Harbertson
Mayor



"DEVELOPER"

RODNEY L. GRIFFIN

By: 

Its: 

CITY ACKNOWLEDGMENT

STATE OF UTAH)
 :ss.
COUNTY OF DAVIS)

On the 4 day of February, 2011, personally appeared before me Scott C. Harbertson, who being duly sworn, did say that he is the Mayor of **FARMINGTON CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Scott C. Harbertson acknowledged to me that the City executed the same.

Holly Gadd
Notary Public

My Commission Expires:

12/5/2011



DEVELOPER ACKNOWLEDGMENT

STATE OF UTAH)
 :ss.
COUNTY OF DAVIS)

On this 4 day of February, 2011, personally appeared before me, **RODNEY L. GRIFFIN**, who being by me duly sworn, did say that he is the signer of the foregoing instrument, who duly acknowledged to me that he executed the same.

Holly Gadd
Notary Public

My Commission Expires:

12/5/2011

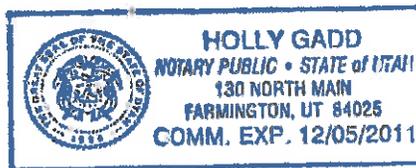


EXHIBIT "A"

070280072 BEG AT A PT 5 RODS N FR THE SE COR OF LOT 6, BLK 4, PLAT A, FARMINGTON TS SURVEY & RUN TH W 14 RODS; TH N 5 RODS; TH E 4 RODS; TH S 6.0 FT; TH E 75.0 FT; TH S 10.5 FT; TH E 114.5 FT M/L TO THE W LINE OF 100 WEST STR; TH S ALG SD W LINE 4 RODS; TH W 24.5 FT TO THE POB. CONT. 0.43 ACRES.

070280049 BEG AT SE COR OF LOT 6, BLK 4, PLAT A FARMINGTON TS SUR; TH W 231 FT; TH N 5 RODS; TH E 255.5 FT; TH S 5 RODS; TH W 24.5 FT TO BEG. CONT. 0.484 ACRES.

070280084 A PARCEL 6 ½ FT WIDE BY 33 FT LONG LOC IN THE SW 1/4 OF SEC 19-T3N-R1E, SLB&M; SD PARCEL ALSO BEING PART OF LOT 6, BLK 4, FARMINGTON TS SURVEY, MORE PARTLY DESC AS FOLLOWS: BEG AT A PT WH IS LOC S 00°07'50" E ALG THE W LINE OF SD 1/4 SEC 263.35 FT & E 363.31 FT FR THE W 1/4 COR OF SD SEC 19; SD PT ALSO BEING LOC S 89°46'37" E ALG THE S LINE OF SD LOT 6, 16.5 FT FR THE SW COR OF SD LOT 6; & RUN TH N 89°46'37" W ALG SD S LINE 6.50 FT; TH N 00°29'55" E 33.00 FT; TH S 89°46'37" E 6.50 FT; TH S 00°29'55" W 33.00 FT TO THE POB. CONT. 0.005 ACRES.

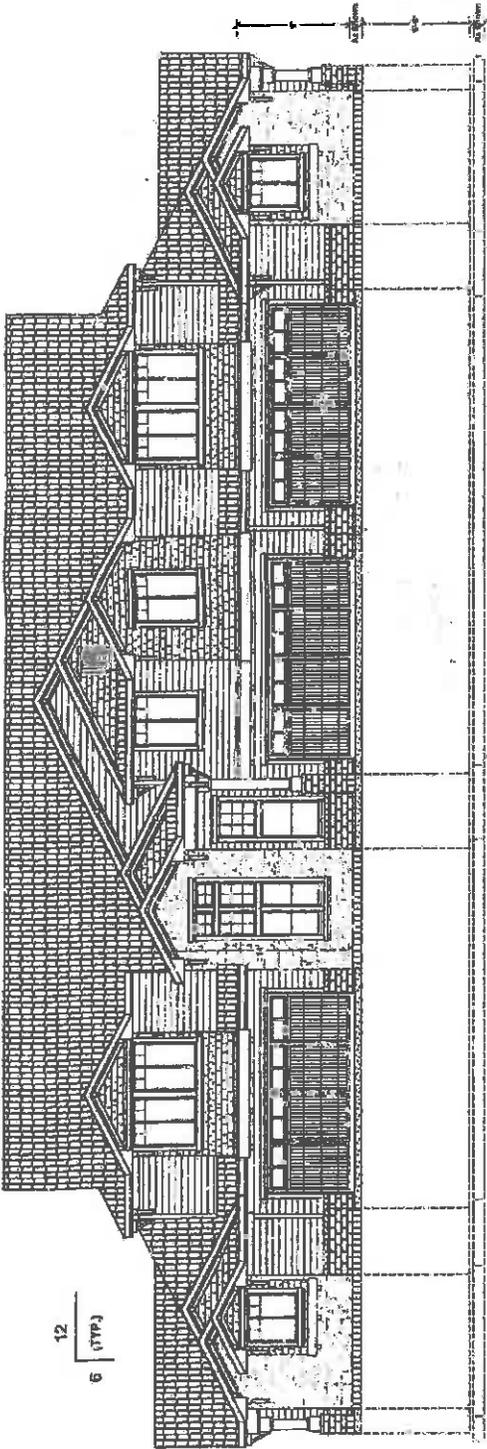
A-4
 Form No. 1
 11-5874
 11-5874
 11-5874

Design Loft Inc.
 Residential Design Group
 (801) 292-9716

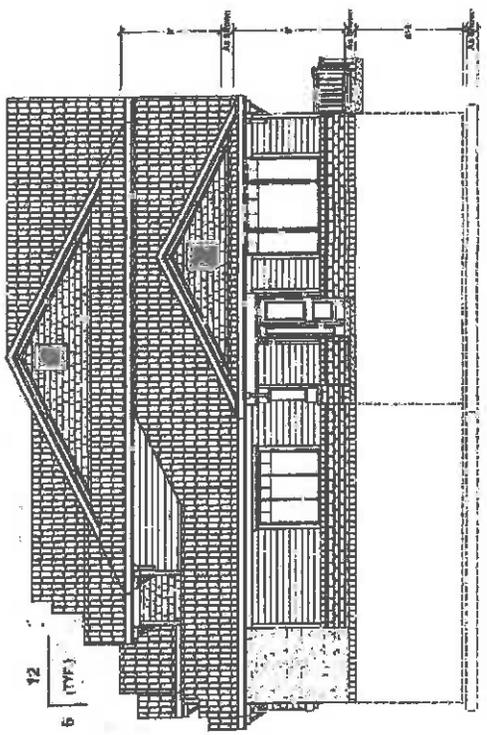
25 South Main Street
 Suite 100F
 Centerville, Utah 84014

A-4
 Project No. 11-5874
 Date 11-11-11

Nicholls Mock PUP
 11-5874
 11-5874



Front Elevation
 Scale 1/4" = 1'-0"



Right Elevation
 Scale 1/8" = 1'-0"

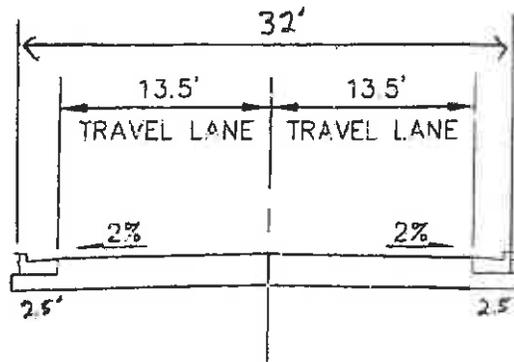
These drawings were prepared by the undersigned architect, engineer, or other professional person, and are intended to be used for the construction of the building shown hereon. It is the responsibility of the contractor to verify the accuracy of the drawings and to obtain all necessary permits and approvals from the appropriate authorities. The undersigned does not warrant the accuracy of the drawings or the results of the construction. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The undersigned does not warrant the accuracy of the drawings or the results of the construction. The contractor shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities.



EXHIBIT B

EXHIBIT C

LOCAL

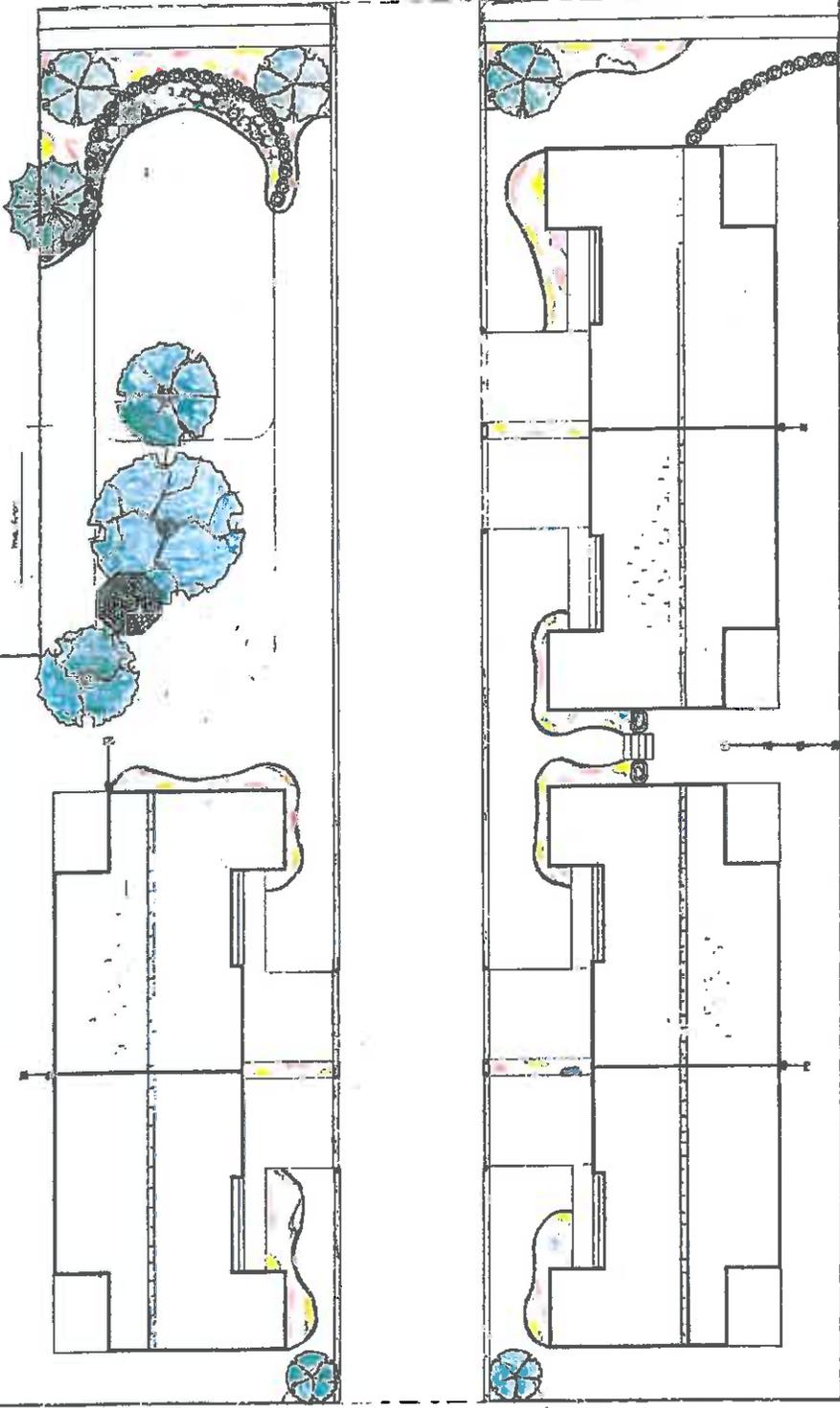


32-FOOT RIGHT-OF-WAY

2 LANES

ROAD SECTION

Concept Plan for Nicholls Nook



Nicholls Nook BID
 201 South 10th Street
 Farmington, CT 06031
 Scale: 1 inch = 20 feet
 P. Nicholls

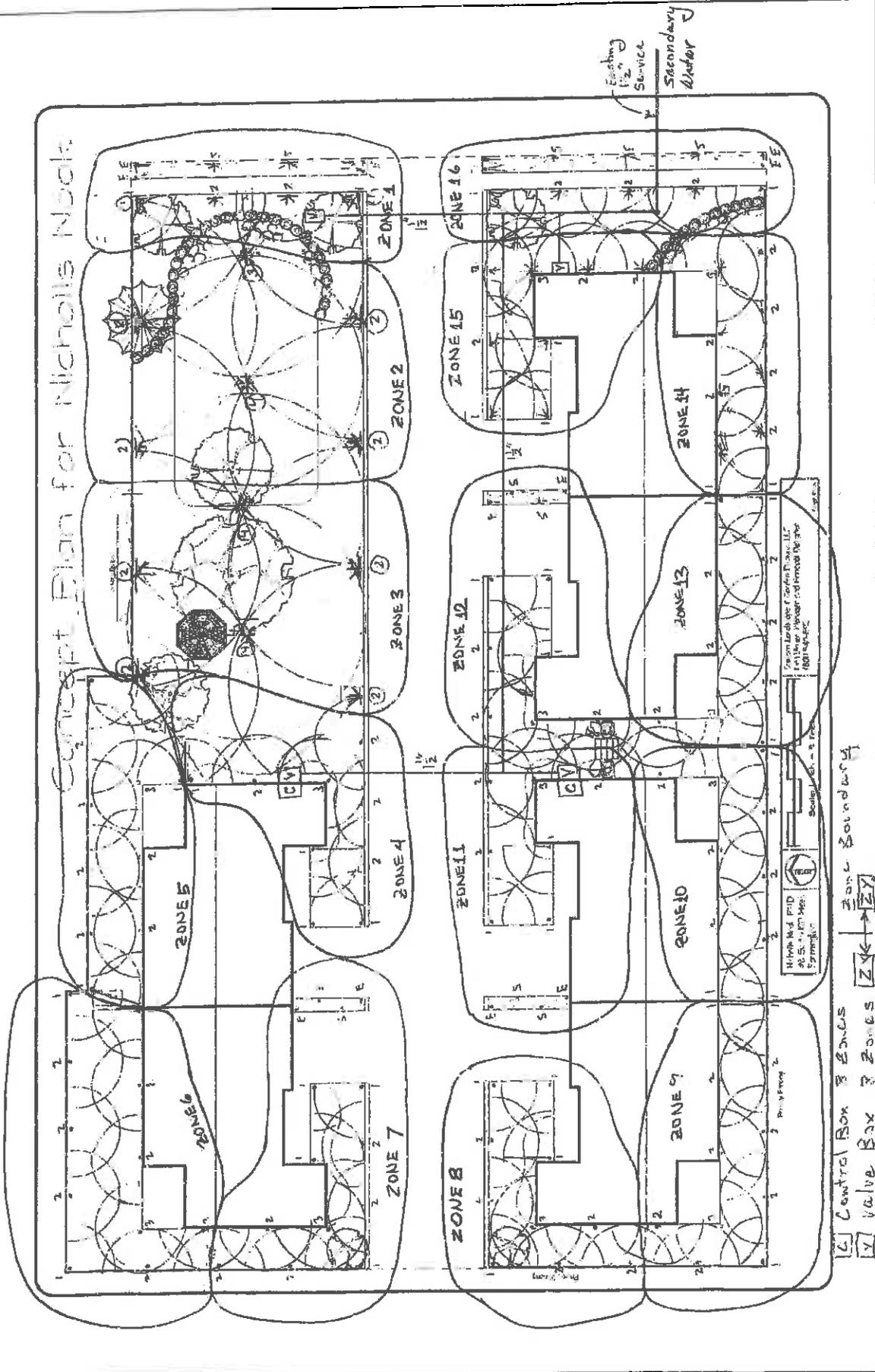
EXHIBIT D

EXHIBIT D



VIEW B

Concept Plan for Nicholls Neck





FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

PAULA ALDER
RICK DUTSON
DAVID S. HALE
LARRY W. HAUGEN
SID YOUNG
CITY COUNCIL

MAX FORBUSH
CITY MANAGER

September 18, 2007

Mr. Rodney Griffin
24 North 1050 West
Kaysville, Utah 84037

Dear Mr. Griffin:

The Farmington City Planning Commission voted on September 13, 2007, to recommend to the City Council **schematic plan approval** of the Nicholl's Nook PUD Subdivision, on property located at 35 South 100 West, (properties east and west of 100 West) consisting of 13 units on 2.05 acres in the R-4 zone (S-2-07).

The motion for approval of schematic plan is subject to all applicable Farmington City development standards and the following conditions:

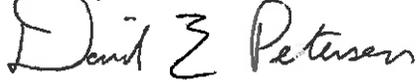
1. The preliminary plan must include details for the common open space planned;
2. The developer shall work with staff to provide the necessary planning for utility provision in all areas;
3. The developer shall consider adding parking to the interior of the project.
4. The developer shall prepare a draft CC&R's for the project.
5. The safety of the soil conditions must be verified.

The following findings were established by the Planning Commission:

- The development is consistent with the zoning for the area.
- Having a well done PUD will be an improvement to the neighborhood.
- The developer is willing to work with the neighbors to address their concerns.
- This development is very similar to the proposal made two years ago that the Planning Commission favored.
- This development is an in-fill situation to replace greenhouses, and would enhance the appearance of the area.

You will be notified of the date and time your application will appear on the City Council agenda. If you should have any comments or questions, please feel free to contact our office at 451-2383.

Sincerely,

A handwritten signature in black ink that reads "David E. Petersen". The signature is written in a cursive style with a large, stylized 'D' and 'P'.

David E. Petersen, AICP
City Planner/Zoning Administrator

cc: Max Forbush, City Manager
Paul Hirst, City Engineer

FILE COPY 



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

PAULA ALDER
RICK DUTSON
DAVID S. HALE
CORY R. RITZ
SID YOUNG
CITY COUNCIL

MAX FORBUSH
CITY MANAGER

July 9, 2008

Rodney Griffin
24 N. 1050 W.
Kaysville, Utah 84037

Dear Mr. Griffin:

The Farmington City Planning Commission voted on June 26, 2008, to approve the proposed Preliminary Plat for the Nicholl's Nook subdivision consisting of 6 units on 0.94 acres of property located at 48 South 100 West in the R-4 zone (S-2-07).

The motion for approval is subject to all applicable Farmington City development standards, ordinances, conditions of Preliminary (PUD) Master Plan approval, and schematic plan approval and the following:

1. Review and approval of final improvement drawings for the on-site and off-site improvements including grading and drainage plan, SWPPP, and review and approval by City Engineer, Public Works, Fire Department, Planning Department, Storm Water official, Central Davis Sewer District, and Benchland Water District;
2. The applicant must obtain and record off-site easements in a manner acceptable to the City as shown on the plans;
3. The applicant must enter into a development agreement for the project to be approved and recorded concurrent with the Final Plat approval;
4. The applicant must update the Preliminary Plat as directed by the City and reviewing agencies to comply with all requirements for the Preliminary Plat;
5. Subject to conditions of Preliminary PUD Master

The Planning Commission further moved to recommend that the City Council approve the Preliminary (PUD) Master Plan subject to all applicable Farmington City development standards, ordinances, conditions of Preliminary Plat approval and schematic plan approval, and the following conditions:

1. The applicant must receive a Final Master Plan and Final Plat approved by the City;

 FILE COPY

2. The applicant shall comply with all requirements of the planning department, engineering, and utilities to conform the Preliminary PUD Master Plan requirements;
3. The applicant shall contact and get input from the Historic Preservation Commission with regard to the existing historic buildings in site and, thereafter, shall follow a course of action regarding buildings as determined by the Planning Commission;
4. Subject to conditions of Preliminary Plat approval;

The Planning Commission established the following findings for approval of Preliminary PUD Master Plan and Preliminary Plat:

- a. The proposed PUD layout provides a more pleasant and attractive living environment than would otherwise be established under the applicant of conventional subdivision and underlying zoning ordinances.
- b. It encourages walking and bicycling for recreation and daily errands for surrounding areas.
- c. The proposed PUD will provide a more efficient use of land and a greater concentration of open space by utilizing the northeast portion of the property as aggregated common space.
- d. There is no increase in density requested for the proposed PUD and the density proposed is in keeping with the permitted density of the underlying zone.
- e. The proposed PUD has not created an increased hazard to the health, safety and general welfare for the residents of the proposed PUD as a result of any deviation of development standards required in the underlying zone.

You will be notified of the date and time your application will appear on the City Council agenda.

If you should have any comments or questions, please contact our office at 451-2383.

Sincerely,


Glenn Symes
Assistant City Planner

cc: Max Forbush, City Manager
Paul Hirst, City Engineer



Planning Commission Staff Report January 22, 2014

Item 4: BOA Zone Text Change, OTR Sign Text Change, or Rezone from OTR to R-4

Public Hearing:	Yes
Application No.:	ZT-10-14
Property Address:	N/A
General Plan Designation:	N/A
Zoning Designation:	N/A
Area:	N/A
Number of Lots:	N/A
Applicant:	Farmington City
Agent:	N/A

Applicant is requesting a recommendation to amend Chapter 5 of the Zoning Ordinance, Section 12-5-101 of the Sign Ordinance regarding signs in OTR zone and other zones, and/or Chapter 6 of the Sign Ordinance related to nonconforming signs, and/or re-zone a portion of the property located on the northeast corner of State Street and 200 West from OTR to R-4.

BACKGROUND INFORMATION

Non-conforming Use In OTR Zone and the Board of Adjustment Meeting: Since 1982, Cal Fadel has owned a State Farm Insurance business/office at 184 West State Street in the OTR zone. At one time, this property was zoned C2 (Commercial) and then was rezoned to BR (Business Residential) in 1994. When the City Council rezoned the property in 2003 to residential, the office and sign became non-conforming uses because professional offices are not allowed in this zone.

Section 11-2-020(67) defines a non-conforming use as: "a use which lawfully occupied a building or land at the time this Ordinance became effective, which does not conform to all the height, area, and yard regulations prescribed in the zone in which it is located."

Now, because Mr. Fadel is a franchisee, the insurance company he represents is requiring new signs with a new logo. He would like to also move the sign a few feet so it is more visible from State Street. As set forth in Section 11-5-107(a) of the Zoning Ordinance:

"All matters regarding the nonconforming use of buildings and land shall be determined by the Board of Adjustment [BOA] except as otherwise provided herein".

On November 10, 2014, the BOA considered and denied Mr. Fadel's request for a new sign and found, among other things, that his application did not meet, Section 15-6-102 of the Sign Ordinance, which states in part:

"A nonconforming sign shall be properly maintained in accordance with provisions of this Title. A sign shall not be modified in any way except to bring it into conformity with all provisions of this Title. For the purpose of this Title, modification includes:

- (1) A change to a nonconforming sign;*
- (2) Any modification resulting in an increase in height or a change to the outside dimensions of the sign cabinet;...*
- (5) Moving, replacing at the same location, or relocating a nonconforming sign."*

Nevertheless, the BOA was encouraged when city staff suggested that they could propose a text change to the sign ordinance to allow monument signs for nonconforming offices in the OTR zone.

Planning Commission Meeting, December 11, 2015:

Staff presented proposed changes to the Sign Ordinance to the Commission which would allow monument signs in the OTR zone for nonconforming professional office uses in this zone. The Commission tabled action to allow staff time to explore changes to the powers of the BOA in Chapter 5 of the Zoning Ordinance regarding nonconforming signs.

Other:

Moreover, it has been years since the City updated Section 12-5-101 of the Sign Ordinance. The City created the AA zone and changed the residential zone designations in 1999, and the OTR zone was established in 2001 and 2003. The City should update the Sign Ordinance accordingly.

POSSIBLE ALTERNATIVE MOTIONS:

Move that the Planning Commission recommend that the City Council adopt one of the following motions A – D below, and motion E.

A. Amend Section 11-5-107(a) of the Zoning Ordinance as follows:

- (a) Determinations of Nonconforming Buildings, Structures, and Uses
- All matters regarding the nonconforming use of buildings, structures, and land, including nonconforming signs (except that expanding one non-conforming sign type to another nonconforming sign type is expressly prohibited), shall be determined by the Board of Adjustment except as otherwise provided herein. Upon application, and after a public hearing on the matter, the Board shall determine if the use or building is nonconforming in respect to the provisions of this Title. The Zoning Administrator may determine routine and uncontested requests to verify nonconforming uses as provided in Section 11-5-105 of this chapter and according to rules adopted by the Board.

[NOTE: this motion is not recommended by staff. It may require that the City strike or delete significant provisions set forth in Chapter 6 of the Sign Ordinance regarding non-conforming

signs (see attached text), and staff, nor the Commission, has taken the time to adequately study the ramifications of such changes]

B. Enact Section 15-5-101 (6) of the Sign Ordinance as set forth in the enclosed exhibit regarding changes related to motion E.

C. Rezone only that portion of the Cal Fadel property which includes the sign as shown on the attached illustration.

Findings: In addition to the findings below, a small area rezone such as this will not allow for larger R-4 uses to occur on this property, and therefore not result in any additional new impacts to the neighborhood; and one may interpret that it is consistent with the future land use map of the General Plan (see enclosed).

D. Adhere to all the standards in Chapter 6 of the Sign Ordinance, thereby denying any action which may result in a new sign.

E. Adopt changes shown in the staff report to Section 12-5-101 of the Sign Ordinance, except subparagraph 6.

Findings for Approval

1. Regarding Mr. Fadel's insurance sign, the proposed sign is smaller than the existing sign, and that sign has been in place for over thirty years.
2. The structural alteration conforms to the Declaration of Purpose of the Zoning Ordinance (11-1-102) by stabilizing and preserving property values, encouraging the expansion of the tax base, and by fostering the City's industries and encouraging the development of an attractive and beautiful community.
3. The structural alteration conforms to the declared purpose of the General Plan by improving the physical environment of the community as a setting for human activities, and promoting the public interest of the community as a whole, because this is a Farmington business that has been a pillar of the community for three decades.
4. Updates to agriculture and residential zone designations are long over due.

Supplemental Information

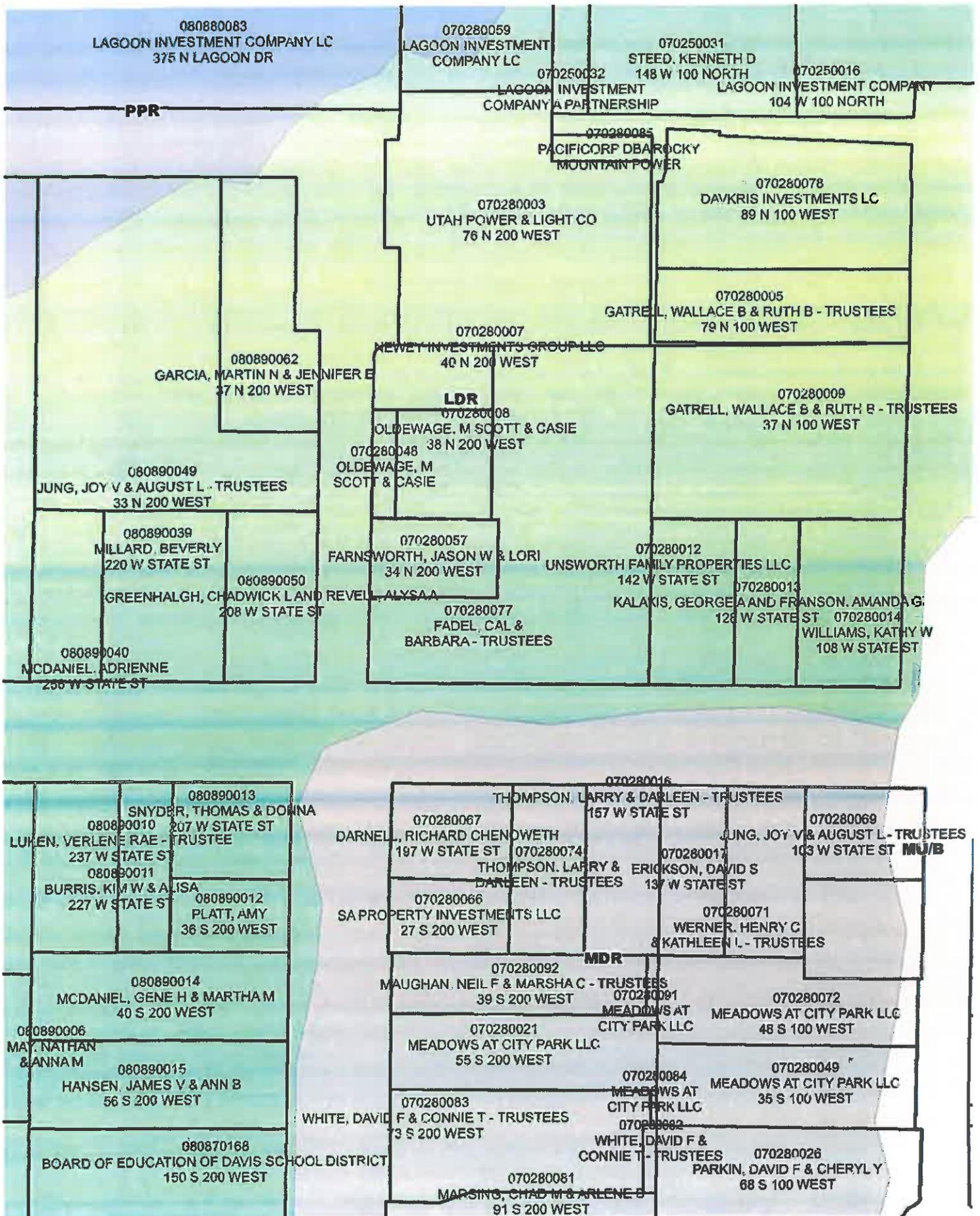
1. Vicinity/Aerial Map.
2. General Land Use Plan Map.
3. Proposed Rezone Illustration.
4. Proposed Changes to Section 12-5-101 of the Sign Ordinance.
5. Materials from BOA meetings, including letter of explanation from Cal Fadel, sign/Site Plan information, and Chapter 6 of the Sign Ordinance—"Nonconforming Signs".

Applicable Ordinances

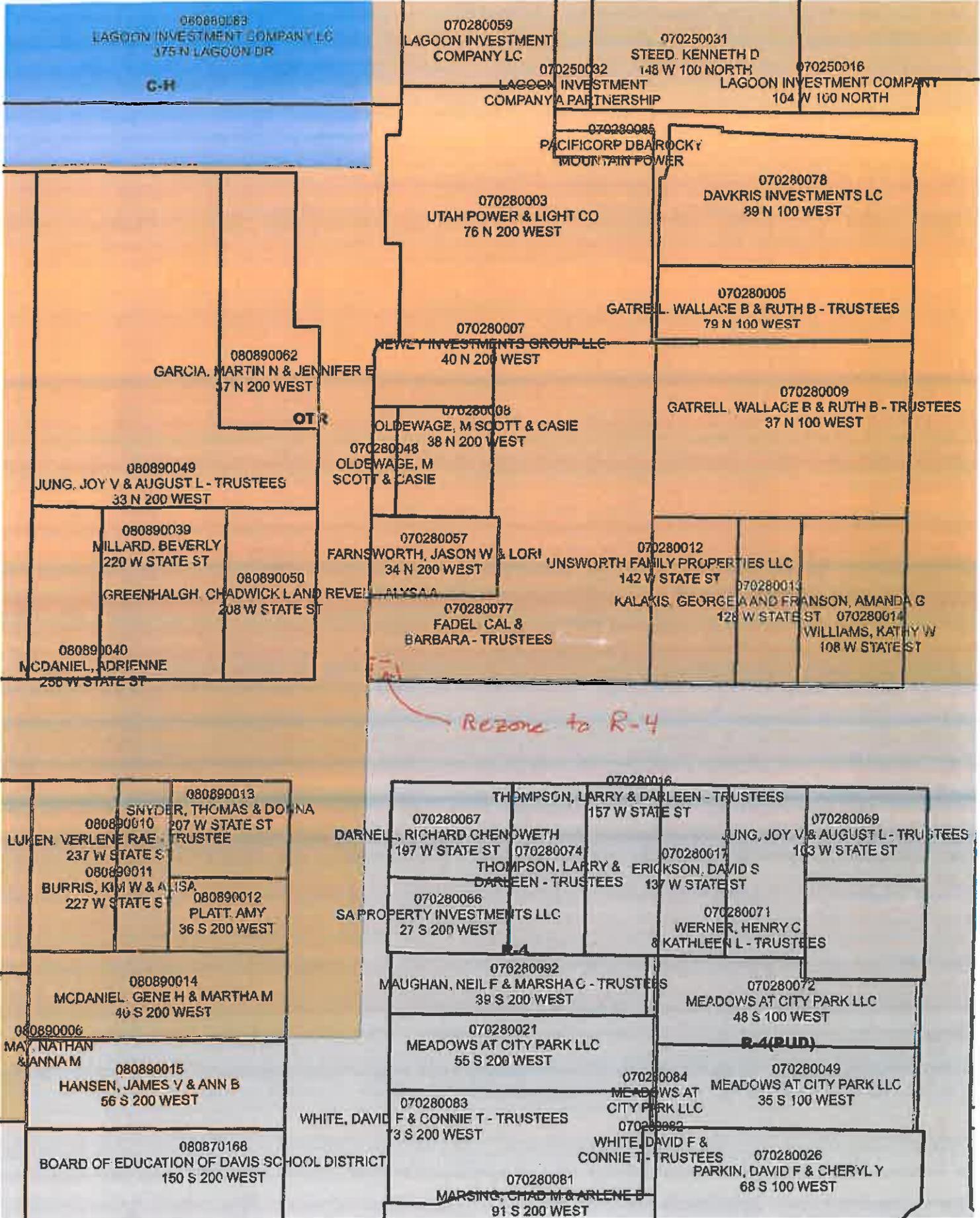
1. Title 11, Chapter 5 – Board of Adjustment
2. Title 15, Sign Ordinance.

Farmington City





General Land Use Plan Map



080890183
LAGOON INVESTMENT COMPANY LC
375 N LAGOON DR

C-H

070280059
LAGOON INVESTMENT
COMPANY LC

070250031
STEED, KENNETH D
148 W 100 NORTH

070250016
LAGOON INVESTMENT COMPANY
104 W 100 NORTH

070250032
LAGOON INVESTMENT
COMPANY PARTNERSHIP

070280085
PACIFICORP DBA ROCKY
MOUNTAIN POWER

070280003
UTAH POWER & LIGHT CO
76 N 200 WEST

070280078
DAVKRIS INVESTMENTS LC
89 N 100 WEST

070280005
GATRELL WALLACE B & RUTH B - TRUSTEES
79 N 100 WEST

080890062
GARCIA, MARTIN N & JENNIFER E
37 N 200 WEST

070280007
NEWLY INVESTMENTS GROUP LLC
40 N 200 WEST

070280009
GATRELL WALLACE B & RUTH B - TRUSTEES
37 N 100 WEST

070280008
OLDEWAGE, M SCOTT & CASIE
38 N 200 WEST
070280048
OLDEWAGE, M
SCOTT & CASIE

080890049
JUNG, JOY V & AUGUST L - TRUSTEES
33 N 200 WEST

080890039
MILLARD, BEVERLY
220 W STATE ST

070280057
FARNSWORTH, JASON W & LORI
34 N 200 WEST

070280012
FARNSWORTH FAMILY PROPERTIES LLC
142 W STATE ST

080890050
GREENHALGH, CHADWICK LAND REVELL
208 W STATE ST

070280014
KALAKIS, GEORGE A AND FRANSON, AMANDA G
128 W STATE ST
070280014
WILLIAMS, KATHY W
108 W STATE ST

070280077
FADEL CAL &
BARBARA - TRUSTEES

080890040
MCDANIEL, ADRIENNE
256 W STATE ST

Rezone to R-4

080890013
SNYDER, THOMAS & DONNA
207 W STATE ST
080890010
LUKEN, VERLENE RAE - TRUSTEE
237 W STATE ST
080890011
BURRIS, KIM W & ALISA
227 W STATE ST
080890012
PLATT, AMY
36 S 200 WEST

070280016
THOMPSON, LARRY & DARLEEN - TRUSTEES
157 W STATE ST
070280067
DARNELL, RICHARD CHENOWETH
197 W STATE ST
070280074
THOMPSON, LARRY & ERICKSON, DAVID S
DARLEEN - TRUSTEES
137 W STATE ST
070280066
SA PROPERTY INVESTMENTS LLC
27 S 200 WEST
070280071
WERNER, HENRY C
& KATHLEEN L - TRUSTEES
070280069
JUNG, JOY V & AUGUST L - TRUSTEES
103 W STATE ST

080890014
MCDANIEL, GENE H & MARTHA M
40 S 200 WEST
080890006
MAY, NATHAN
& JANNA M
080890015
HANSEN, JAMES V & ANN B
56 S 200 WEST

070280092
MAUGHAN, NEIL F & MARSHA C - TRUSTEES
38 S 200 WEST
070280021
MEADOWS AT CITY PARK LLC
55 S 200 WEST
070280084
MEADOWS AT
CITY PARK LLC
070280082
WHITE, DAVID F &
CONNIE T - TRUSTEES
73 S 200 WEST
070280072
MEADOWS AT CITY PARK LLC
48 S 100 WEST
070280049
MEADOWS AT CITY PARK LLC
35 S 100 WEST

080870168
BOARD OF EDUCATION OF DAVIS SCHOOL DISTRICT
150 S 200 WEST

070280081
MARSING, CHAD M & ARLENE B
91 S 200 WEST
070280026
PARKIN, DAVID F & CHERYL Y
68 S 100 WEST

R-4 (RUD)

CHAPTER 5

ZONING STANDARDS FOR SIGNS

SECTION 12-5-101 AGRICULTURAL AND RESIDENTIAL ZONES

Signs in Agricultural Districts ~~A and~~, ~~AE, and AA~~, and Residential Districts ~~R-S-20, R-S, R-1-8~~ **R, LR, S, LS, OTR**, R-2, R-4, and R-8 are subject to all standards set forth in this Title and to the following additional standards:

- (1) Only the following signs are permitted in Agricultural and Residential Districts:
 - (a) Monument Signs;
 - (b) Nameplate Signs;
 - (c) Open House Signs
 - (d) Political Signs;
 - (e) Project Identification Signs;
 - (f) Property Signs;
 - (g) Temporary Signs advertising garage or yard sales, craft boutiques, or sale of fruits and vegetables during the normal harvest season.
- (2) Apartment developments, condominium projects, and residential subdivisions may have one Project Identification Sign indicating only the name of the development. Such signs shall be either wall or monument signs and shall be not more than 32 square feet in size;
- (3) One Nameplate may used for each dwelling unit. No permanent signs other than nameplates are permitted on individual lots;
- (4) One Monument or Wall Sign, not to exceed 32 square feet, may be permitted in conjunction with a public use, quasi-public use, or public utility installation;
- (5) One Monument or Wall Sign, not to exceed ~~32~~ **16** square feet, ~~may be permitted in an R-4 or R-8 zone~~ for a day-care center or professional office ~~in an R-4 or R-8 zone~~;
- (6) ~~One Monument Sign, not to exceed 16 square feet, may be permitted for a nonconforming professional office in the OTR zone;~~
- (~~6~~7) Temporary Signs advertising sale of fruits and vegetables during the normal harvest season shall not exceed a total of 32 square feet for all signs on the premises;
- (~~7~~8) Temporary home occupations, such as garage or yard sales or craft boutiques, may have a maximum of one temporary on-premise sign and two temporary off-premise signs for each event. Each sign shall not exceed six square feet in area. The number of events on an individual residential lot shall not exceed four in any calendar year.
- (~~8~~9) No on-premise sign shall be located closer than 10 feet to any property line.





Cal Fadel
Cal Fadel Insurance Agency Inc.
184 West State Street
Farmington, Ut 84025
Tel 801.451.7156
Fax 801.451.7160
cfadel@farmersagent.com

11/29/2014

To the Board of Adjustments

In 1981 we purchased this property because it was the perfect location for my new Farmers Insurance Office. The zoning at that time included both commercial and different types of residential.

Our original idea was to open our office, which we did in 1982, then temporarily live in the rest of the building until we could afford to purchase a home here in Farmington. As time went on our remodeling continued. By 1986 we had fallen in love with our Historic Farmington home and decided to keep the office space the same size as it was and start our home expansion projects. This is where we wanted to stay and being able to have our of home and office together was the perfect situation for Barbara and I.

Our Farmers Insurance sign was installed even before our office was officially open for business in 1982. That sign is the same sign in place today. This sign has served our needs for all these years and still would have, had not two significant things happened making it necessary for me to change my sign.

First is the work UDOT recently finished improving the intersection of 200 West and State Street. The new pole holding the traffic lights is now in front of my existing sign. This makes it very hard for those traveling North on 200 West to see.

Second is the fact that Farmers Insurance Corporate Office has given us a deadline to replace our old sign with a new one showing the new Farmers logo and being compliant with the Farmers design standards.

Wanting to make sure I was complying with all of Farmington City's rules, ordinances and regulations I contacted the city before putting up my sign. I'm sure glad I did. Prior to this I had no idea about zoning changes, non-compliant signs or anything else standing in the way of simply replacing a sign. I guess a lot of things can change in 32 years.

I have been working with Ken Klinker over the last couple of weeks. Ken has my renderings of the changes in design and location I am requesting. If you would like to see them prior to our meeting, please contact Ken or I can deliver copies to you. I would like to acknowledge and thank Ken for all of his help leading me through this process.

The basics of the changes are as follows:

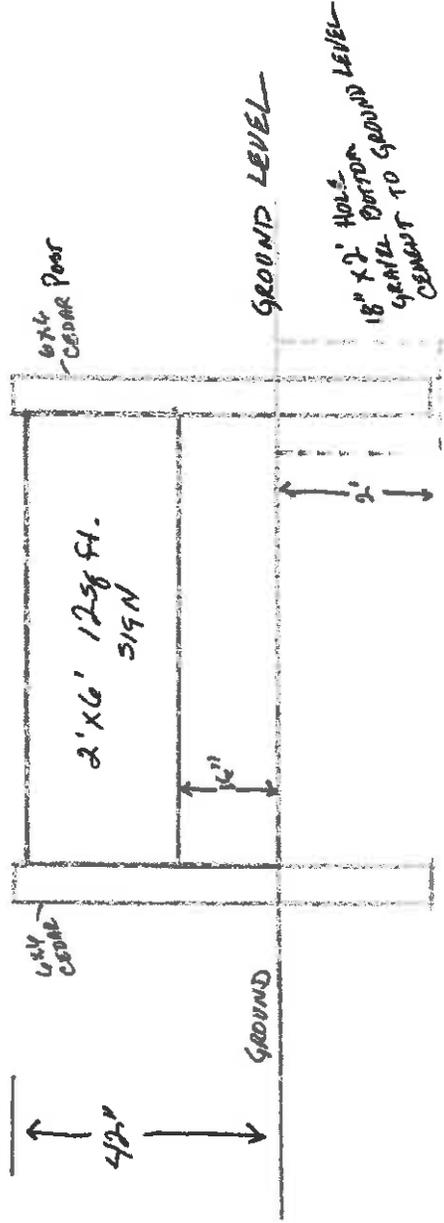
1. Replace the existing 3'X5' 15 sq. ft. 50" tall sign with a 2'X6' 12 sq. ft. 40" tall sign.
 2. To be seen properly I will need to move the sign from it's existing spot. I would like to move it approximately 2' to the East and 3' to the South within the same garden area it is now.
- All of these changes are of course preliminary and can easily be changed to comply with city codes.

All the areas around the UDOT changes and the garden area of the sign will then be newly landscaped.

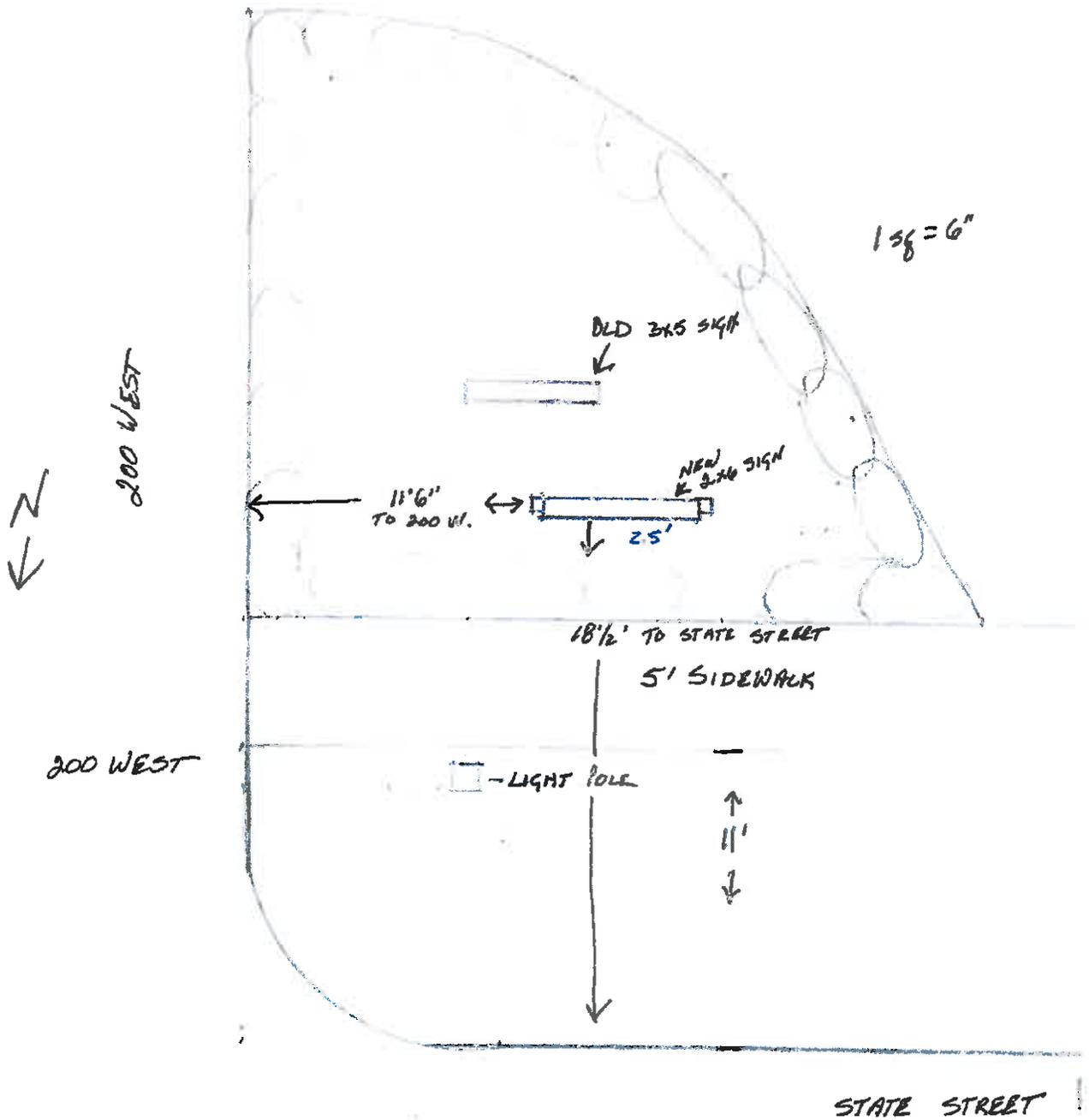
Thank you for your consideration and I look forward to meeting with you..


Cal Fadel

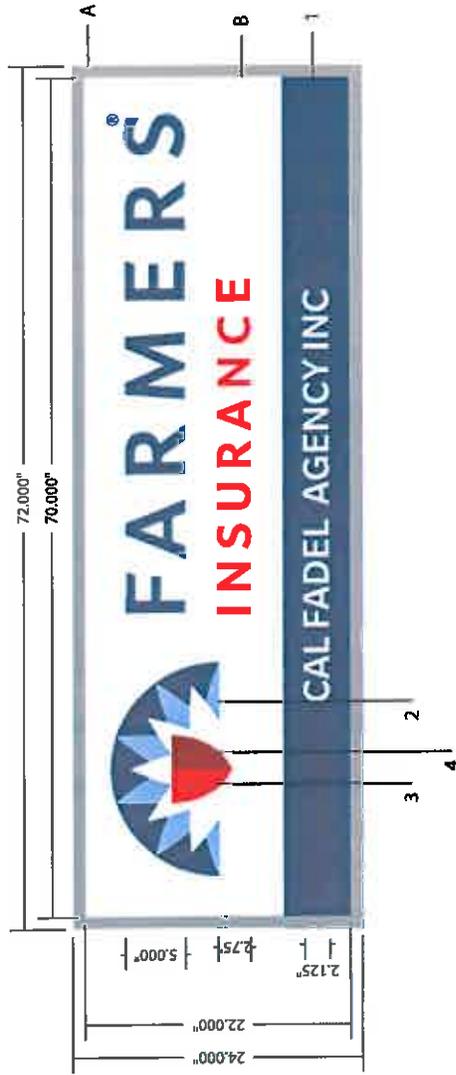
THE OLD SIGN IS - 15 sq ft
NEW SIGN IS - 12.5 sq ft



CAL PANEL SIGN PROPOSAL



Cal Fadel Sign Proposal



Define your image.

8627 EAGLE CREEK CIRCLE
SAVAGE, MN 55378
P. 952-224-8908
F. 952-224-8909
sddi@signsystems.com

Project:	Monument Sign
Client:	Farmers - Farmington, UT
Project Manager:	J. Dalby
Drawn By:	R. Sager
Scale:	1:10
File Name:	MonumentSign
Origin Date:	8/16/14
Revised Date:	
Revised:	

This drawing is the sole property of SDDI Sign Systems. All rights to this drawing are reserved. All dimensions are in millimeters unless otherwise noted. Please refer to the drawing for all dimensions. All dimensions are in millimeters unless otherwise noted. All dimensions are in millimeters unless otherwise noted. All dimensions are in millimeters unless otherwise noted.



KEY

- A. Aluminum cabinet, painted silver
- B. 3/16" thick white polycarbonate face with 1st surface applied 3M translucent vinyl

Font Used: Slate Pro - Medium

- 1. 3630-137 Euro Blue
- 2. 3630-317 Evening Blue
- 3. 3630-43 Lt. Tomato Red
- 4. 3630-73 Dark Red

*base and mounting option TBD

**Sign Type
Monument Sign**

Please sign and return drawing/s to SDDI Signs. Signature below indicates approval of BOTH design and/or placement of sign/s.

PLEASE EMAIL OR FAX YOUR APPROVAL BACK

Approved _____ Please Change
As Is _____ With Changes _____ and Resubmit _____

CHAPTER 6

NONCONFORMING SIGNS

- 15-6-101 Purpose and Intent**
- 15-6-102 General Requirements**
- 15-6-103 Signs on Nonconforming Buildings**

15-6-101 Purpose and Intent

It is the intent of this Chapter to recognize that the eventual elimination of existing signs that are not in conformity with the provisions of this Ordinance is as important as the prohibition of new signs that would violate these regulations. It is also the intent of this Chapter that any elimination of nonconforming signs shall be effected so as to avoid any unreasonable invasion of established property rights.

15-6-102 General Requirements

A nonconforming sign shall be properly maintained in accordance with provisions of this Title. A sign shall not be modified in any way except to bring it into conformity with all provisions of this Title. For the purpose of this Title, modification includes:

- (1) A change to another nonconforming sign;
- (2) Any modification resulting in an increase in height or a change to the outside dimensions of the sign cabinet;
- (3) Reestablishment of a nonconforming sign after having been abandoned for ninety (90) days or more;
- (4) Reestablishment of a nonconforming sign after damage or destruction of more than fifty percent (50%) of its replacement value, regardless of the cause. In making a determination, the City shall require a detailed estimate of the cost to repair and restore the damaged sign to its previous condition as well as an estimate of the cost to totally replace the sign; and
- (5) Moving, replacing at the same location, or relocating a nonconforming sign.

15-6-103 Signs on Nonconforming Buildings

Nonconforming buildings closer than ten feet (10') to a public street right-of-way shall only be allowed to have wall signs or awning signs.



Planning Commission Staff Report January 22, 2015

Item 5: Zone Change, Zone Text Amendment, and Modification of Street Cross-section for the Residences at Station Parkway

Public Hearing:	Yes
Application No's.:	Z-1-15, ZT-1-15
Property Address (approx.):	Approximately 600 North and Station Parkway
General Plan Designation:	TMU (Transportation Mixed Use) and PPR (Public Private Recreation Open Space)
Zoning Designation:	TMU (Transit Mixed Use)
Area:	n/a
Number of Lots:	n/a
Property Owner:	ICO Development
Applicant:	Farmington City

Request: Applicant is requesting a recommendation to rezone .85 acres south of Red Barn Lane and east of Station Parkway from TMU (Transit Mixed Use) to OS (Open Space) (Z-1-15); a recommendation for zone text change to amend the Regulating Plan (Chapter 18) consistent with the approved PMP application (PMP-1-15; ZT-1-15); and modification of street-cross section for the Residences at Station Parkway.

Background Information

Zone Change

The applicant is requesting that the City rezone the northwest corner of the property from transit mixed use (TMU) to open space (OS). The Planning Commission approved the project master plan (PMP) for the Residences at Station Parkway on January 8th. A portion of the approved PMP abuts Shepard Creek, this area should be rezoned OS consistent with the Regulating Plan, and the designated open space in the PMP. The applicant of the PMP has been amenable to rezone this portion of the property in order to preserve the Shepard Creek corridor as open space and have it designated as such on the zoning map, and has provided the City with a map of where he feels the open space zoning designation should go; staff has reviewed this plan and agrees with the boundary for the open space zoning designation.

Zone Text Change – Amendment to the Regulating Plan

Section 11-18-104(3) which governs the Regulating Plan states:

“Major alternative alignments or flexibility with the street network design may be proposed through the Project Master Plan process, provided that the following provisions are met:

- a. Maximum Block Size.*
- b. Average Block Size.*
- c. Connectivity*
- d. Sidewalks”*

The PMP that was reviewed and approved on January 8th, made some minor changes to the regulating plan, but as was discussed at this meeting, these changes actually improve the overall regulating plan, particularly as it relates to block sizes, connectivity, and overall character of the road network in the area. Nevertheless, the ordinance is clear that any alteration to the regulating plan must occur as a zone text change. The proposed change is attached as “Exhibit A”, and “Exhibit B” shows the existing regulating plan that was approved in 2014. The following is taken from the January 8th PC packet:

“There is a slight deviation from the regulating plan, however, the overall intent of the regulating plan is improved upon. The regulating plan calls for Broadway to be extended to Rock Creek Drive and then to go north along that road to the intersection of Water Trail Way. Water Trail Way would intersect with Richards Way and then feed to/from Station Parkway. The proposed change would provide two access points onto Station Parkway (instead of one) and two connections to the developments to the south (instead of one, this is dependent on condition 1 below, added by SPARC). Staff feels that the added connectivity and overall adherence to the regulating plan does not create the need to amend the regulating plan through a zone text change or an amendment to the existing development agreement (if required).”

Because the regulating plan and the intent of the regulating plan is being improved upon, staff is recommending approval of the amendment.

Modification to the Street Cross-Section

As part of the PMP review process, the applicant, ICO development met with the Planning Department and Fire Marshall to discuss a modification of the street cross-section. Currently, the ordinance (Section 11-18-104(4)) requires local roads to have two (2) 13.5’ travel lanes as well as curb-and-gutter on both sides at 2.5’ each, or 5’ total. The total right of way is 33’. The applicant is proposing a modified local road cross-section that equals 37’ total. The travel lanes in this modified cross-section would be 13’ each, or 26’ total. There would still be 2.5’ of curb-and-gutter on each side of the road, leaving an extra 7’. The applicant is proposing on-street parking on one side of the street. The Fire Marshall agreed to this modification, as long as there would be 26’ net clear of asphalt for fire access; the proposed PMP met this requirement to staff’s satisfaction (including the Fire Department). The attached exhibit graphically illustrates how this modified cross-section compares to the existing regulations in Chapter 18.

Suggested Motions

I. Zone Change

Move that the Planning Commission recommend that the City Council approve the zone change as requested.

Findings:

1. The zone change is consistent with the Farmington City General Plan (future land use map and text) and will allow for the preservation of the Shepard Creek stream corridor.
2. The zone change matches the zone designations identified on the Farmington City Regulating Plan for this area, and the approved PMP, and past PMPs for this property.

II. Zone Text Amendment

Move that the Planning Commission recommend that the City Council approve the zone text amendment to Chapter 18 of the Zoning Ordinance as it relates to the Regulating Plan.

Findings:

The changes to the regulating plan improve upon the overall block pattern, block size, connectivity, pedestrian access/walkability, and the overall intent of Chapter 18 as it relates to the street network design for the whole mixed-use district.

III. Modified Street Cross-Section

Move that the Planning Commission recommend that the City Council approve the street cross-section as proposed.

Findings:

The modification of the street cross-section allows for additional on-street parking, which reduces the amount of off-street, surface parking needed; this makes for superior design and promotes walkability.

Supplemental Information

1. Vicinity/Current Zoning Map.
2. General Plan (Future Land Use Map)
3. Open Space/Rezone Map (ICO)
4. Current Regulating Plan
5. Proposed Regulating Plan Amendment
6. Street Network on ICO Site Plan
7. Modified Street Cross Section Exhibit

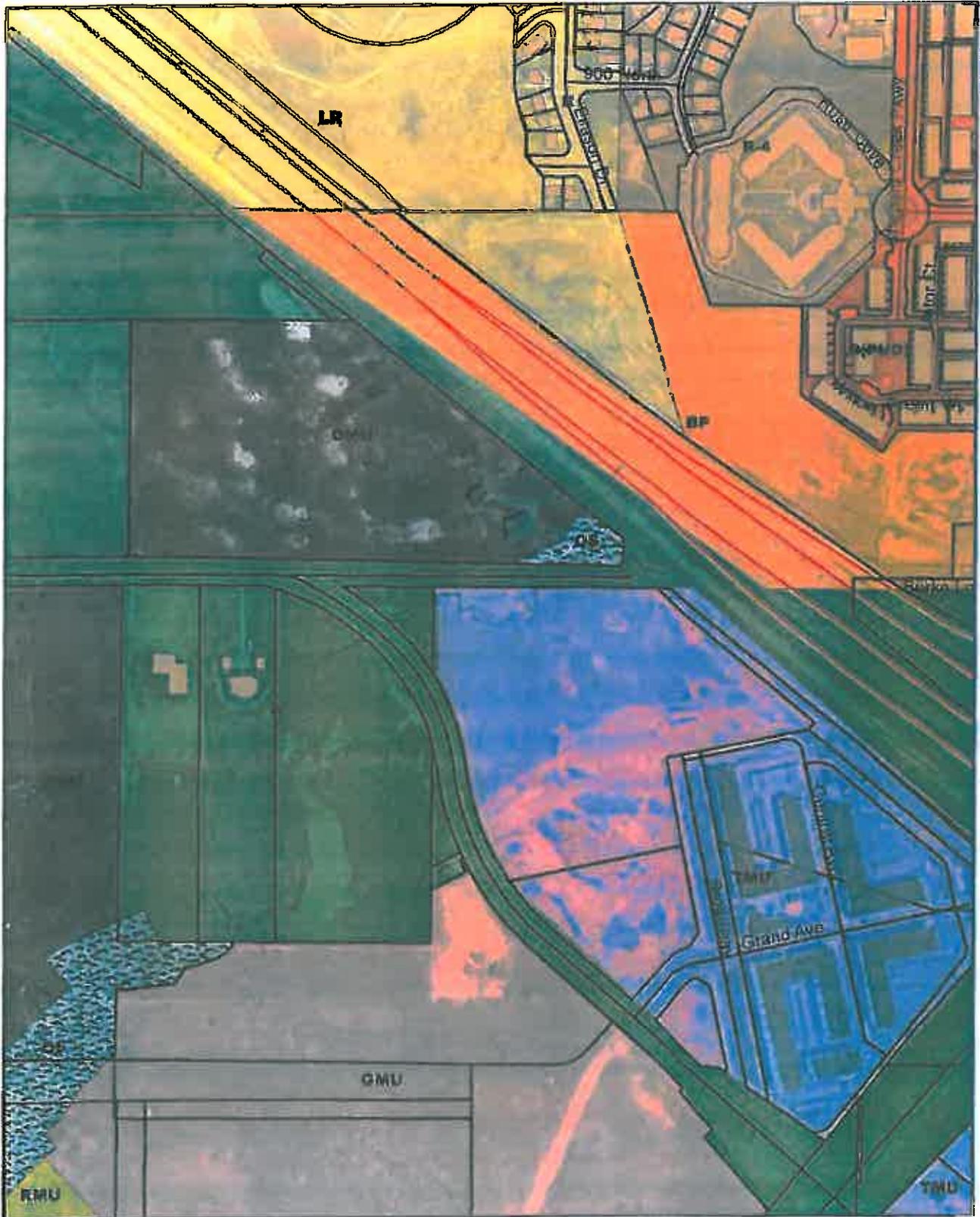
Applicable Ordinances

1. General Plan text (Chapter 11)
2. Chapter 18 Mixed Use Districts

Farmington City



Farmington City



Farmington City



West Farmington Mixed-Use District Regulating Street Plan

Legend

Street Network

- Proposed Street Network (Main Arterial, Major Arterial, Minor Arterial, Collector, Local Street)
- Proposed Street Network (Local Street, Collector, Minor Arterial, Major Arterial, Main Arterial)
- Proposed Street Network (Local Street, Collector, Minor Arterial, Major Arterial, Main Arterial)
- Proposed Street Network (Local Street, Collector, Minor Arterial, Major Arterial, Main Arterial)
- Proposed Connector Road

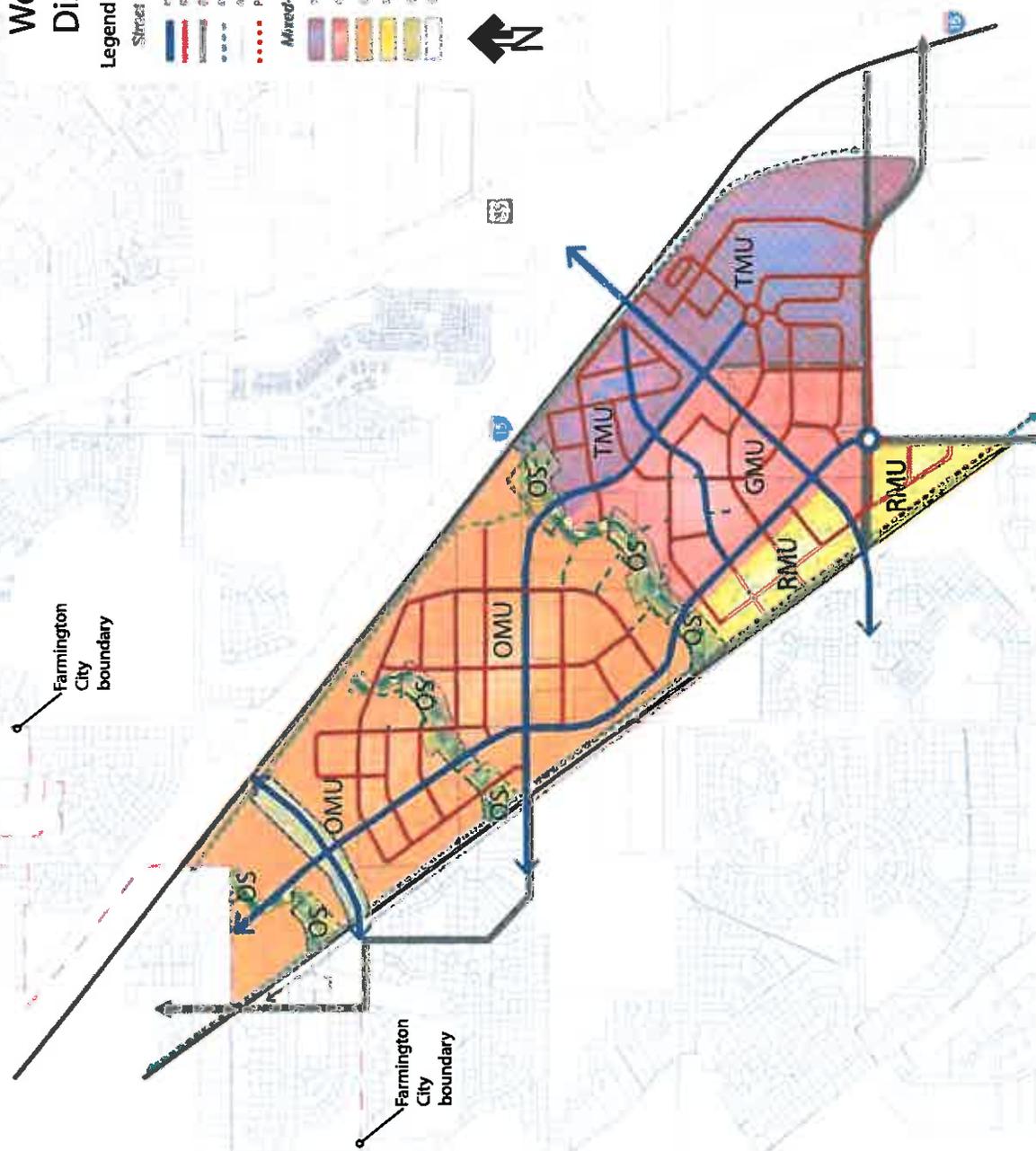
Mixed-Use Districts

- Special Mixed-Use District (MUD)
- General Mixed-Use District (MUD)
- Other Mixed-Use District (MUD)
- Residential Medium-Density District (MUD)
- Open Space Medium-Density District (MUD)
- District Park



The proposed plan for the West Farmington Mixed-Use District is based on the existing street network and land use patterns. The plan includes a network of streets that will provide access to the district and connect it to the surrounding area. The plan also includes a network of mixed-use districts that will provide a variety of housing, retail, and office uses. The plan is based on the following assumptions:

- The district will be developed in a compact, walkable form.
- The district will be served by a network of streets that provide access to the district and connect it to the surrounding area.
- The district will be served by a network of mixed-use districts that provide a variety of housing, retail, and office uses.



Farmington City boundary

Farmington City boundary

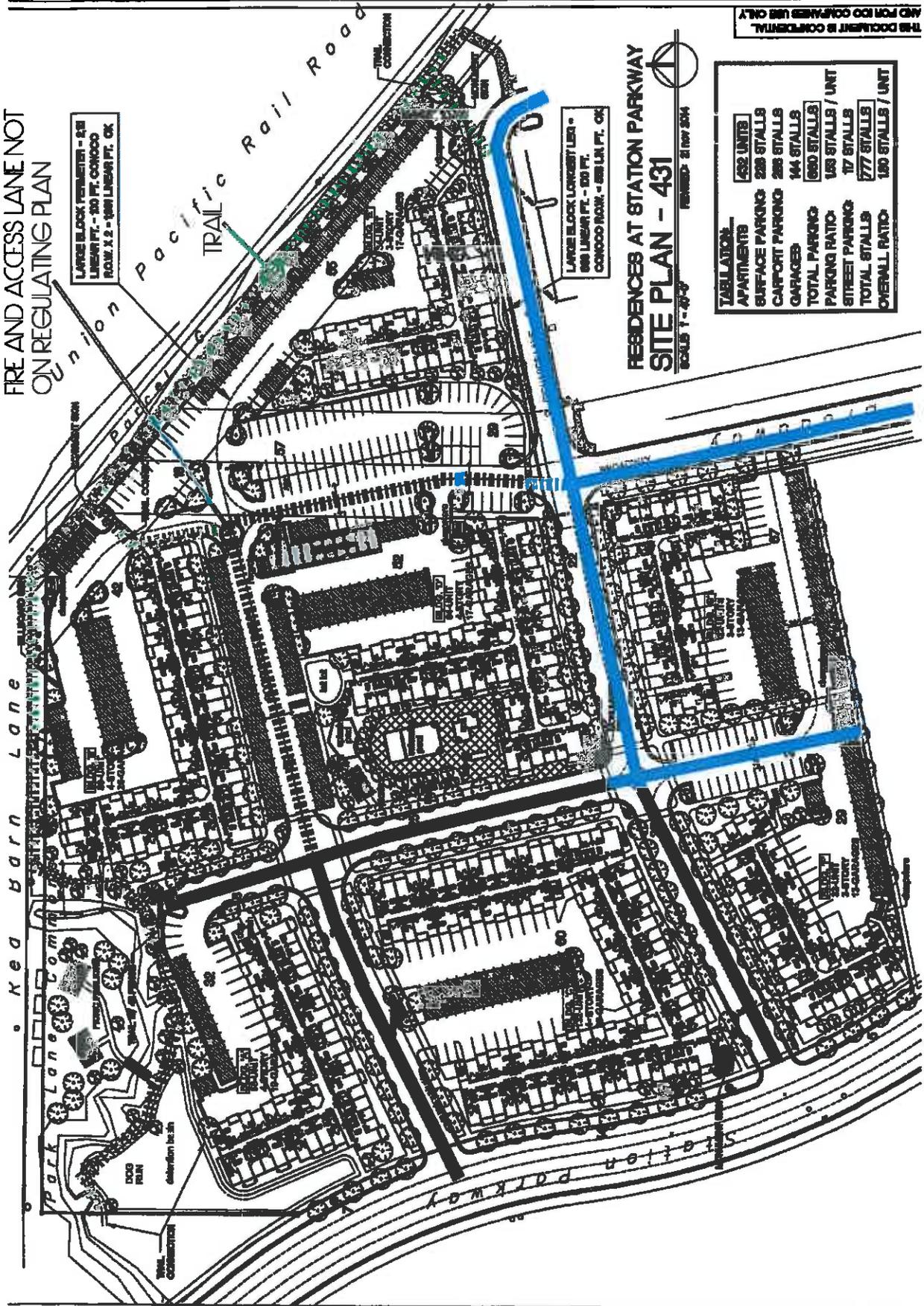
EXISTING REGULATING PLAN



PROPOSED CHANGES TO REGULATING PLAN



FIRE AND ACCESS LANE NOT ON REGULATING PLAN



LARGE BLOCK PERIMETER - 218 LINEAR FT. - 310 FT. CONCORD ROW. X 2 - 1881 LINEAR FT. CK

LARGE BLOCK LONGEST LER - 668 LINEAR FT. - 630 FT. CONCORD ROW - 688 LINEAR FT. CK

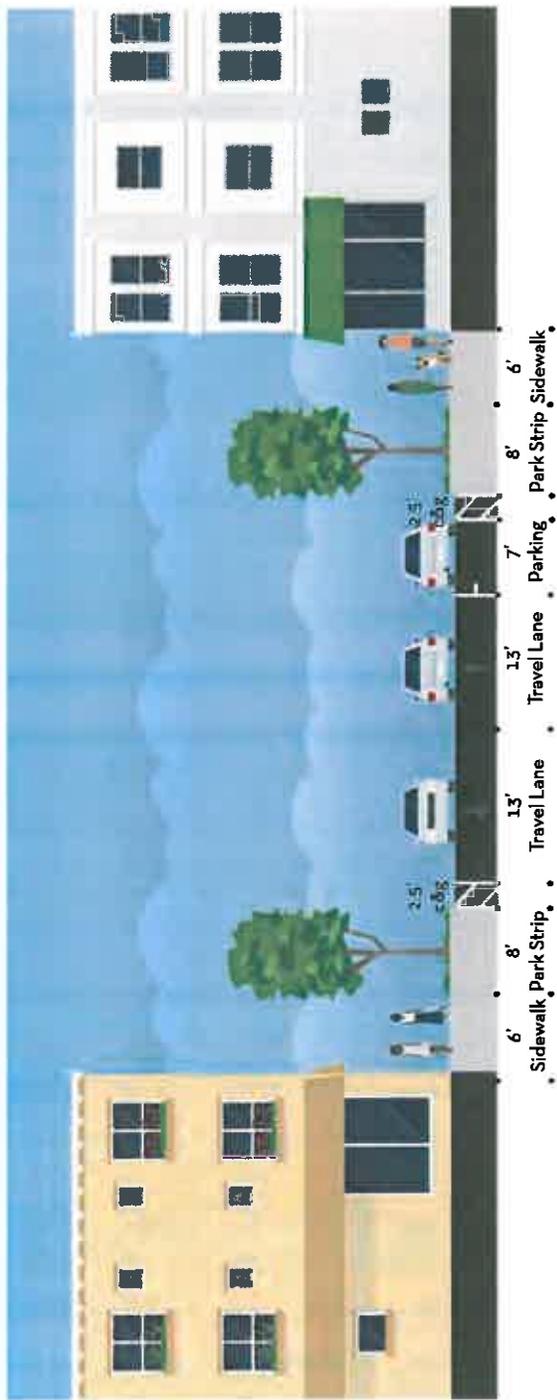
RESIDENCES AT STATION PARKWAY
SITE PLAN - 431

SCALE 1" = 40'-0" REVISION: 21 NOV 2014

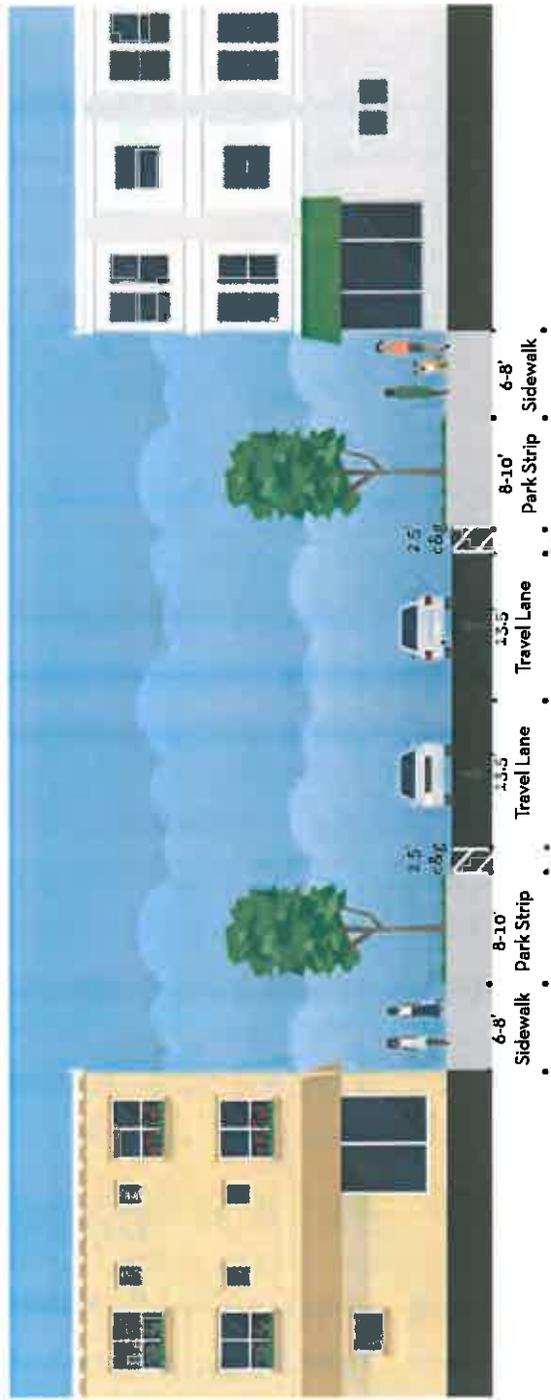
TABULATION	432 UNITS
APARTMENTS	228 STALLS
SURFACE PARKING	288 STALLS
CARPPOOL PARKING	288 STALLS
GARAGES	144 STALLS
TOTAL PARKING	660 STALLS
PARKING RATIO	1.88 STALLS / UNIT
STREET PARKING	117 STALLS
TOTAL STALLS	777 STALLS
OVERALL RATIO	1.80 STALLS / UNIT

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Proposed Modification to the Cross-Section



Chapter 18 Cross-Section





Planning Commission Staff Report January 22, 2015

Item 6: Text Change of Chapters 1, 2, 3, and 6 of the Subdivision Ordinance

Public Hearing:	Yes
Application No.:	ZT-9-14
Property Address:	N/A
General Plan Designation:	N/A
Zoning Designation:	N/A
Area:	N/A
Number of Lots:	N/A
Applicant:	Farmington City
Agent:	N/A

Applicant is requesting a recommendation to amend Chapters 1, 2, and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary.

Background Information

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

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

The following is a summary of those changes:

Schematic Plan

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

Preliminary Plat

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

Final Plat

Planning Commission Approves/Denies

Appeals to City Council then to District Court

The Planning Commission voted to table this item to give staff time to make the recommended changes and allow the Commission the opportunity to take one last look before moving it onto City Council. However, the Commission tabled the item again on December 11, 2014 to further review this at an upcoming meeting with the City Council.

At the January 6th joint Planning Commission/City Council meeting, the Planning Commission arrived at another alternative plan that was discussed with the City Attorney. The following is a summary of those proposed changes:

Schematic Plan

Planning Commission Recommends (Public Hearing)

City Council Approves/Denies (Public Hearing)

Preliminary Plat

Planning Commission Approves/Denies (possible Public Hearing if it meets criteria listed in 12-6-060, or the plan must be considered again via the schematic plan review process.)

Appeals to City Council

Final Plat

Planning Commission Approves/Denies

Appeals to City Council then to District Court

The proposed changes would remove the City Council from any involvement at Preliminary Plat (where vesting occurs) and Final Plat (as the land use authority) making for a cleaner appeal process. The public hearings would all occur at schematic plan, where they currently do. Staff was directed to create a "metric" at preliminary plat that would determine if this step would be public or not, or go back through the schematic plan process. The following criteria were added to the preliminary plat process, Section 12-6-060:

- 1- A significant change to the roadway alignment or configuration;
- 2- Significant changes to lot areas or the configuration and/or the amount of open space provided;
- 3- Any change to the number of lots;
- 4- Any change to the configuration and amount of open space required;
- 5- Any deviation from the approved schematic plan as determined by the provisions set forth in this Title.
- 6- A modification of any other aspect of the schematic plan that would significantly change its character.

The requested changes are reflected in the amended chapters of Title 12, which are attached for your review.

Suggested Motion

Move that the Planning Commission recommend that the City Council approve the proposed text amendment to Chapters 1, 2, 3, and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary.

Supplementary Information

1. Title 12, Chapter 1, proposed draft changes.
2. Title 12, Chapter 2, proposed draft changes.
3. Title 12, Chapter 3, proposed draft changes.
4. Title 12, Chapter 6, proposed draft changes.

CHAPTER 1

GENERAL PROVISIONS

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

12-1-010 Short Title.

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

12-1-020 Purpose.

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

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

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

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

12-1-030 Interpretation.

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

12-1-040 Definitions.

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

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

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

and Storm Drainage Ordinance, as amended.

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

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

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

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

commercial, agricultural and industrial purposes.

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

12-1-050 Considerations.

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

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

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

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

12-1-060 General Responsibilities.

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

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

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

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

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

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

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

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

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

12-1-070 Appeal of Planning Commission Decisions.

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

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

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

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

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

CHAPTER 2

CONTROL AND APPLICATION

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

12-2-010 Subdivision Control.

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

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

12-2-020 Required Plat Approval.

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

12-2-030 Transfer of Land.

Land shall not be transferred, sold, or offered for sale, nor shall a building permit be

issued for a structure thereon, until the final subdivision plat is recorded in the Davis County Recorder's Office in accordance with this Title and any applicable provisions of State Law, and until the improvements required in connection with the subdivision have been constructed or guaranteed as provided herein.

12-2-040 Transfer of Land - Voidable.

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

12-2-045 Building Permits.

12-2-045 Building Permits.

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

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

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

12-2-047 Certificates of Occupancy.

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

providing service to the structure, and all other applicable ordinance provisions have been satisfied.

12-2-050 Penalties.

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

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

CHAPTER 3

SCHEMATIC PLAN

12-3-010 Schematic Plan.

12-3-020 Staff Cannot Bind City.

12-3-030 Vested Rights.

12-3-040 Submission.

12-3-050 Notification.

12-3-060 Review by the Planning Commission.

12-3-070 Approval by the City Council.

12-3-080 Expiration of Schematic Plan Approval.

12-3-050 Notification.

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

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

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

12-3-060 Review by the Planning Commission.

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

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

12-3-070 Approval by the City Council.

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

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

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

12-3-080 Expiration of Schematic Plan Approval.

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

CHAPTER 6

MAJOR SUBDIVISIONS

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

12-6-010 Preliminary Plat - Purpose.

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

12-6-020 Application and Fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) The contours, at one (1) foot intervals, for predominant ground slopes within the subdivision between level and five percent (5%), and two (2) foot contours for

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

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

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

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

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

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

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

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

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

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

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

(u) The dimensions and locations of all existing or proposed dedications, easements, and deed restrictions. These shall include easements for drainage,

sewerage and public utilities;

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

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

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

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

12-6-040 Soil Report.

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

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

12-6-050 Evaluation of Preliminary Plat.

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

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

12-6-060 Planning Commission Action.

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

The Planning Commission may approve or deny the preliminary plat and shall make findings regarding the submitted plat, specifying any inadequacy in the information submitted, non-compliance with City regulations, inconsistencies with the schematic plan, and the need for any additional information which may assist the Planning Commission to evaluate the preliminary plat and in making a final determination.

Upon receipt of the preliminary plat, the Planning Commission shall also examine the plat to determine whether the plat is consistent with the concepts set forth in the approved schematic plan and with all changes requested and all requirements imposed as conditions of acceptance. In the event that the Preliminary Plat has been altered substantially from the approved schematic plan, the Planning Commission may suspend its review of the preliminary plat and require that the subdivider resubmit the plan subject to the schematic plan review process, or require a public hearing in its consideration of preliminary plat. Any such public hearing shall meet the notice requirements of Section 12-3-050.

The Planning Commission shall determine whether a proposed modification to an approved schematic plan is a "substantial" change. Alterations of the following types shall define a substantial change:

- 1- A significant change to the roadway alignment or configuration;
- 2- Significant changes to lot areas or the configuration and/or the amount of open space provided;
- 3- Any change to the number of lots;
- 4- Any change to the configuration and amount of open space required;
- 5- Any deviation from the approved schematic plan as determined by the

provisions set forth in this Title.

- 6- A modification of any other aspect of the schematic plan that would significantly change its character.

12-6-070 Notification of Action.

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

12-6-080 Effect of Approval of the Preliminary Plat.

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

12-6-090 Final Plat - Purpose.

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

12-6-100 Filing Deadline, Application and Fees.

The Subdivider shall file an application for final plat approval with the Community Development Department on a form prescribed by the City, together with one reproducible copy and prints of the final plat, the number of which shall be determined by City staff, and all required fees. The preliminary plat shall become null and void unless the Subdivider submits an application for and obtains final plat approval for all phases encompassing the area of the preliminary plat within twelve (12) months after approval or conditional approval of the preliminary plat by the Planning Commission, 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

12-6-110 Final Plat - Preparation and Required Information.

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

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

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

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

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

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

perimeter.

(7) The final plat shall show all survey, mathematical information, and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.

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

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

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

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

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

(13) The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the Subdivider under the direction of the City Engineer. The following required monuments shall be shown on the final plat:

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

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

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

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

(b) Owner's dedication certificate;

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

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

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

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

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

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

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

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

12-6-120 Data to Accompany Final Plat.

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

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

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

12-6-130 Evaluation of Final Plat.

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

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

(3) Additional Reviews. In cases where Subdivider's submission or plat is incomplete, incorrect or otherwise fails to comply with Farmington City ordinances and/or development standards as determined by the City and where such failure makes additional or repeat reviews on the part of the City Engineer

and/or other consultants to the City necessary, Subdivider shall be required to resubmit the plans to those reviewing entities that will be effected by changes. After reviewing the plans, each of the public agencies and utilities will provide the acknowledgment letter to the Subdivider indicating whether the plans are acceptable or need to be revised. This process shall continue until all reviewing entities have accepted the plans.

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

12-6-140 Planning Commission Action.

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

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

12-6-150 Disapproval by the Planning Commission.

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

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

~~Upon receipt of the final plat, the Planning Commission shall examine the plat to determine whether the plat conforms with the preliminary plat and with all changes requested and all requirements imposed as conditions of acceptance. If~~

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

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

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

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

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

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

~~12-6-170~~ **12-6-160 Security Bond - Subdivider.**

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

limited to, the following:

(a) Incorporation by reference of the final plat and all accompanying data required herein which is used to compute the cost of the improvements by the City Engineer;

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

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

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

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

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

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

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

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

(j) The Subdivider shall agree to hold the City harmless from any and all

liability which may arise as a result of the improvements which are installed until such time as the City certifies the improvements as complete;

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

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

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

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

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

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

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

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

~~12-6-180~~ 12-6-170 Delay Agreement.

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

~~12-6-190~~ 12-6-180 Recording of Plat.

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

~~12-6-200~~ 12-6-190 Expiration of Final Approval.

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

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



Planning Commission Staff Report January 22, 2014

Item 7: Street-Cross Section Proposal for Taylor Subdivision

Public Hearing:	No
Application No.:	S-11-14
Property Address:	Approx. 100 East 700 North
General Plan Designation:	LDR (Low Density Residential) and PPR (Public Private/Recreation Open Space and/or Parks Very Low Density)
Zoning Designation:	OTR-F (Original Townsite Residential- Foothill)
Area:	1.58 Acres
Number of Lots:	3
Applicant:	James H. Taylor
Agent:	Jerry Preston

Consideration to amend the City's standard street-cross section as it abuts lots 2 and 3 of the Taylor subdivision.

BACKGROUND INFORMATION:

The proposed Taylor Subdivision consists of 3 lots and is located north of 600 North Street on 100 East. The abutting partially improved street, portions of which only consist of a narrow strip of asphalt, is identified as an "important local street" on the City's Master Transportation Plan (MTP), and may eventually include asphalt 37 feet in width, and (on both sides of the right-of-way) a 2.5 foot wide curb and gutter, 7.5 foot park strip, and 5 foot wide sidewalk. The total right-of-way width necessary is 60 feet; the City now owns a 75 foot wide area for a street (15 more feet than needed). A possible logical northern terminus for 100 East may be Farmington Pond Park or the intersection of 100 East and Canyon Road (or Skyline Drive). Both locations are north of the Taylor subdivision, and will require that the City shift, or cause the lateral shift, of the road to the east on property owned by the City to avoid an almost un-buildable western shoulder now on property owned by Tom Owens. It is too steep. The Owens parcel is the only and last tract of land between the Taylor subdivision and the park, and is now undeveloped, but may develop in the future.

In other words, it may be possible for Mr. Preston to build the standard street-cross section referenced above once the road moves to the east, but it is not possible to do so now; or even within the confines of the Taylor property without a future road shift, because parts of the shoulder therein are also too steep.

SUGGESTED MOTION:

As per Section 12-8-100 of the Subdivision Ordinance, move that the Planning Commission recommends the City Council approve a modified cross section for 100 East Street as it abuts the Taylor subdivision as follows:

1. Only curb gutter and asphalt will be required now on 100 East for the entire south to north length of the property—not sidewalk.
2. The property owner and the City shall enter into a development agreement which will be recorded against the property and will anticipate the subsequent scenario: In the event the City shifts the location, or causes the shift, of 100 East Street to the east, the owner shall provide the following along the entire south to north length of the property.
 - a. Pay the cost of a new curb and gutter;
 - b. Pay the cost of sidewalk and a minimal retaining wall related thereto (if the retaining wall is necessary);

And the City shall agree to do vacate unused portions of the right-of-way to the property owner, which now includes approximately 15 feet, and will likely include additional right-of-way as the road shifts to the east.

3. In the interim the developer shall paint a white line to better highlight the west asphalt shoulder for the pedestrian and the motorist between the travel lane and the curb and gutter.
4. Presently, the City owns more property 15 feet in width than necessary at the current location of the street. The City should not dispose of this property until it is sure that it will not be needed if the street shifts further to the east.
5. It is now anticipated that portions of the private driveway providing access to Lots 2 and 3 will be located on City property, but may not be if the property is vacated as the road shifts to the east in the future. In the meantime, the owner shall enter into a long term license agreement for such use of City property.

Findings:

1. Storm water from the street will be adequately addressed whether the road remains in the same place or not, because the property owner will provide “temporary” curb and gutter now, even though the road may shift in the future, which will require new curb and gutter.
2. Portions of the property, and the Owens property to the north, are now too steep for sidewalk, but may not be in the future if the City shifts, or causes the shift, of 100 East to the east.
3. The City already owns the property where the shift of 100 East street may occur.
4. The City will not dispose of surplus property until the final alignment of the road is set, and in return the developer will pay his fair share of 100 East and will be compensated in land in exchange for construction of new curb and gutter, sidewalk, and minimal retaining (if necessary) in the future.
5. A mechanism will be created whereby the owner will be allowed use of City property for a private driveway because of the shift of the road that may occur in the future.

6. The owner has not yet submitted an application for Final Plat approval. This action will help him prepare is final drawings thereto.

Supplemental Information

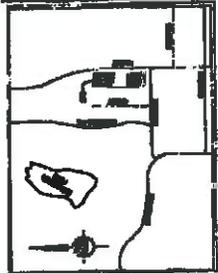
1. Vicinity/Aerial Map.
2. Subdivision Plan (and larger "to scale" plans will be presented at the meeting)
3. Important Local Street Cross-section.
4. Section 12-8-100 of the Subdivision Ordinance.

Farmington City

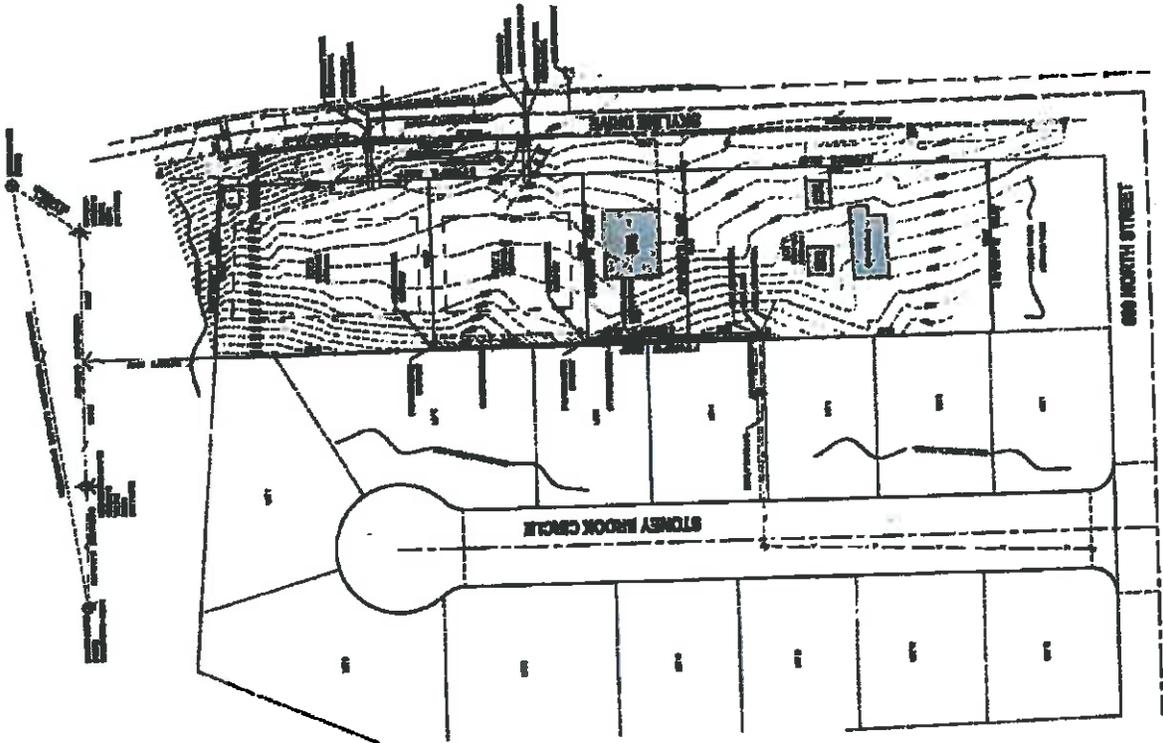
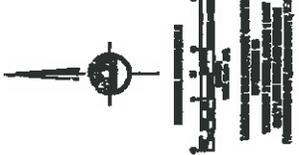


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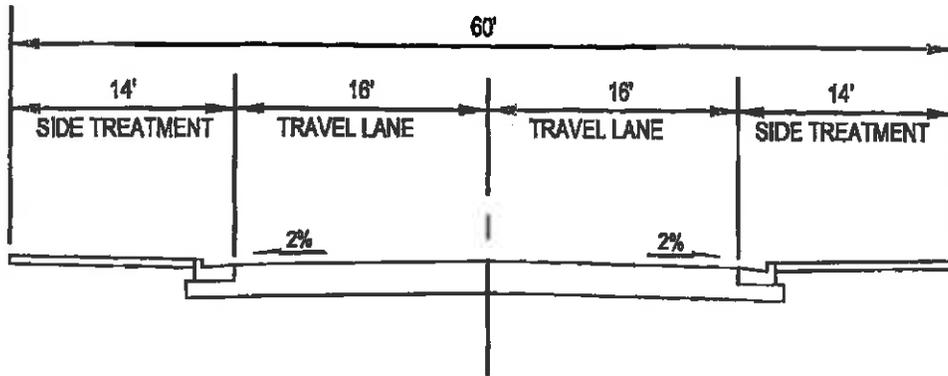


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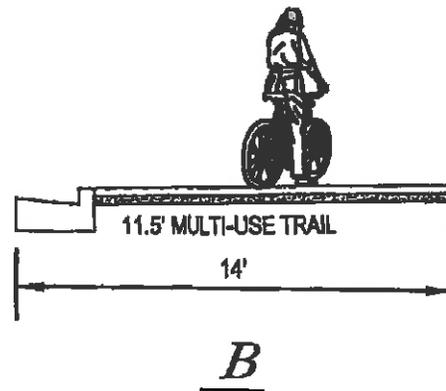
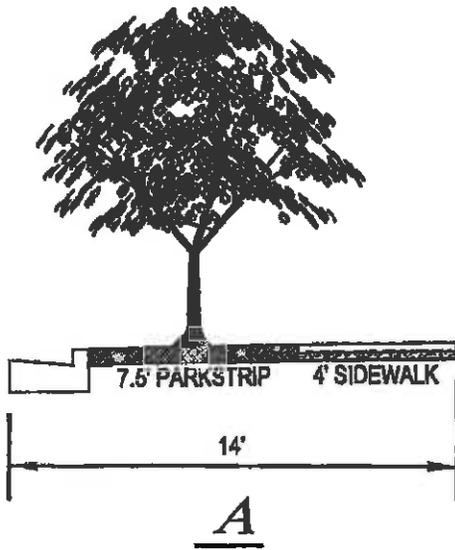


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IMPORTANT LOCAL



60-FOOT RIGHT-OF-WAY
2 LANES



SIDE TREATMENTS

ROAD SECTION

PLAN NO. 260 SP
DRAWING 2 OF 3

(1) A payback agreement entered into between Farmington City and the developer who installs the improvements or facilities for water, storm sewer or roads is authorized, where the improvements installed are intended to extend, expand or improve the City's water system, storm sewers or roads beyond the improvements required to service or benefit the subdivision or development proposed by the developer. Such payback agreements shall be for project improvements and not system improvements as defined in the Utah Impact Fees Act. The payback agreement is not mandatory, but may be used at the option of the City Manager, upon approval of the payback agreement by the City Council. The amount of the payback to the developer shall be determined by the City Council after receiving a recommendation from the City Engineer after considering the improvements or facilities required or benefitting developer's development, and those facilities or improvements that are specifically oversized to provide for future development of adjacent projects.

(2) The City shall, in all cases, be immune and not liable for any payments to the developer if the payback agreement is determined to be unenforceable. The payback agreement shall not confer a benefit upon any third party and shall be in a form approved by the City Council. The responsibility for payment of the required improvements or facilities shall rest entirely with the developer. The City shall not be responsible for collection of amounts from third parties.

12-8-100 Administrative Review for Public Street Standards Not Listed

(1) The City Council, after receiving a recommendation from the Planning Commission, may review and approve street standards not listed in the Farmington City Development Standards but shall consider only modifications and alternatives to Standard Street Intersections, Typical Cul-de-sac, and Standard Roadway Sections. The Planning Commission shall not consider changes to remaining standards including, but not limited to, Submittals, Quality Control, Site Preparation, Grading, Excavating, Backfilling and Compaction, Base Course, Asphalt/ Concrete, Curbs, Gutters, Drive Aprons, and Walks, Slurry Sealing, Restoration of Existing Improvements, Storm Drainage Systems, Boundary Markers and Survey Monuments, Geo-textiles, and Concrete Reinforcement. Notwithstanding the foregoing, amendments to the Farmington City Development Standards may be approved from time to time by resolution of the City Council.

(2) An application requesting a street standard not listed shall be filed with the City Planner. The application shall include a detailed description of the proposed standard and other such information as may be required.

(3) The City Planner, City Engineer, City Public Works Director, and any other City official as required, shall conduct such investigations as are deemed necessary to compare the proposed standard with sound customary engineering and planning practices. Thereafter a recommendation shall be provided to the Planning Commission.

(4) The final determination by the City Council and all information pertaining to it shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the office of the Community Development Department.

**Title 6 (now Title 12) Amended, 6-06-91, Ord. 91-21
6-8-101 (now covered under 12-8-010) Amended, 4-21-93, Ord. 93-18
6-8-102 (now 12-8-020(1)) Amended, 2-15-95, Ord. 95-05
Title 12 Amended and Recodified, 6-19-96, Ord. 96-24
12-8-090 Enacted, 5-17-00, Ord. 2000-21
12-8-100 Enacted, 10-04-00, Ord. 2000-39**