

## FARMINGTON CITY COUNCIL MEETING

June 30, 2015

### WORK SESSION

*Present: Mayor Jim Talbot, Council Members, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, Water Sewer Advisor Larry Famuliner, Public Works Director Walt Hokanson, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Melanie Monson.*

**Mayor Talbot** said that Doug Anderson is excused due to a death in his family. He said that he wanted amend the agenda to flip agenda items 1 and 2 in order to take care of the public hearing first. He wanted to make sure to use the shot clock to time the comments since the City is anticipating a large turnout. He asked someone to make that motion after he recognizes Donovan Bracken, an Eagle Scout who is here with his family. **Dave Petersen** asked if Donovan could lead the Pledge, which was confirmed.

**Dave Millheim** said the discussion for the work session will focus on the City's long term water plans. The action before the Council is to adopt the priorities as outlined. If there are no serious concerns after this discussion, he would like to dismiss Larry, Walt, and Chad to go home so they does not have to sit through the entire City Council meeting. He introduced Brent Armstrong, whom he has met with before regarding potential wells and tanks on his property.

**Larry Famuliner** said population has grown faster than the City's foresight and planning accounted for. The Master Plan for water is updated every 5 years. The City is already 10 years ahead of what was anticipated in terms of population, and more than 10 years behind in terms of water supply. Fault lines, land acquisition, private property, etc. have all been stumbling blocks to finding a site for a new storage tank. They put together a plan to remedy these issues. Another dominant well is needed for City growth as well as for redundancy and property protection. The City can produce between 2-3 million gallons per day. **Dave Millheim** said that even though the City did master planning, we are ahead of where we thought we would be in terms of population, and the wells haven't been producing as we anticipated. **Larry Famuliner** said the City has storage capacity for 5 million gallons of water. However, a fire can potentially wipe out millions of gallons of water. He said the plan being presented is what they have been working on for months.

**Chad Boshell** said the City needs another 2000 gallons per minute and an additional 4 million gallons of storage. They propose implementing the first 4 priorities on the list simultaneously. The following list refers to the priorities included in the packet.

1. They propose implementing an ozone treatment for the Community Center Well. They have bid documents ready to go to construct and install the ozone to achieve usable water in the Community Center well. This will provide an additional 300 gallons per minute. **Brigham Mellor** asked if the ozone will treat the color and the smell of the water, and if it will require a new tank. **Chad Boshell** said it will treat the color, taste, and smell, and that it will be pumped into existing tanks. He said there is a small tank in the building where the ozone will be in contact with the water.

2. The second priority is updating the Master Plan, which will necessitate hiring a consultant to study the water system, create a new impact fee schedule, and create a new model to accurately account for growth factors. The City will be able to implement the new impact fees as soon as they are updated. The study will take about 4 months. The City Council will have to approve the Master Plan as well as the impact fee analysis. **Dave Millheim** says the City will also have to invite the building community in once the new impact fee schedule is drafted. Currently there is only 1 well, and 1 tank reflected in the impact fees, and the City needs 2 wells and 2 tanks to be reflected. **John Bilton** asked if the City should look at buying more water shares from Weber Basin. **Larry Famuliner** said a study indicated that the City's money would be better spent investing in drilling our own water rather than purchasing from Weber. **Chad Boshell** said if the City's top sites does not produce good water, then we should seriously look into buying shares from Weber Basin. **John Bilton** said the City is already \$1.5 million in and will be adding another \$500k to improve the Community Center Well. He asked about the cost benefit ratio of continuing down this path, given that \$2 million could buy a lot of water. **Dave Millheim** said the City spent that \$1.5 million on a productive well that will continue to produce water for the City as soon as it is treated. **Mayor Talbot** said he likes that the City controls its own destiny by having its own wells, and does not have to worry about what to do if other cities are willing to pay more money for water shares from Weber Basin down the road. **Chad Boshell** said the City purchases 500 acre feet from Weber, which is an old agreement, and will remain in effect. He mentioned training the residents to accept the water as it comes from the wells or from Weber. **Cory Ritz** asked about purchasing water from the Lagoon well, or perhaps even purchasing the well. **Dave Millheim** said there are politics involved there. He said the proposed plan is the best bet we have. **Cory Ritz** wondered if the money being proposed to fix the Community Center well could be better spent elsewhere, and if the City should hold off on spending it now to wait until we have a clearer picture. **Dave Millheim** said no, because the City has a proven water source, and we are trying to be proactive. The City will likely need to use that water in any situation.
3. The next priority is to develop 1 of 2 wells. **Keith Johnson** said they want to start in July and work on items 1-4 simultaneously. **Chad Boshell** said if the Council members are ok with fielding calls, the City can turn on the Community Center well without pursuing treatment. But by investing in the treatment now, it can act as a very good backup for the system. **Mayor Talbot** said it's a good investment and it would be a good idea to make the well productive. **Chad Boshell** said that eventually at least 2 wells will be developed. If the first well produces sufficient quantities, the second will not be as crucial. However if it only produces 500 gallons per minute, then the City may even need three total additional wells. There are 3 potential well sites they believe have good water beneath them.
4. The fourth priority is to design and construct a 2 million gallon tank. The City has several potential tank sites, as well as potential for a land swap with a developer to get a better site for the tank. **Mayor Talbot** asked how much it costs to do a test drill, and **Chad Boshell** said about \$300k. If it produces it is not a lost cost, but if it does not produce, that money is lost.
5. The fifth priority is to develop a second well. After the first well and tank are constructed, they propose moving straight into the second well and tank. **John Bilton** asked how a potential well site is determined. **Chad Boshell** said they hire a geologist

to study the area, the existing wells, and geological formations to map out potential sites.

6. The sixth priority is to design and construct a 2 million gallon tank.
7. The final priority is to construct a water line crossing from Burke Lane to I-15.

**Dave Millheim** said this is an important long term issue, and he encouraged the Council to make sure all their questions are answered before voting. He said the proposed well sites have been thought through. He said there is a structure to the order of priorities and the dates are self-imposed in order to get the ball rolling. The goal is for the Council to understand the plan so that the priorities can be accounted for in the budget. **Mayor Talbot** said he would at least like to get the Community Center well up and running. **Keith Johnson** said the City currently has \$1.3 million in impact fees that could cover the ozone treatment.

**Mayor Talbot** advised the Council to not feel pressured to vote on the Residences at Farmington Hills agenda item, and to feel free to table it if needed.

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## **REGULAR SESSION**

*Present: Mayor Jim Talbot, Council Members John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, City Engineer Chad Boshell, City Recorder Holly Gadd and Recording Secretary Melanie Monson.*

### **CALL TO ORDER:**

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

The invocation was offered by Mayor **Jim Talbot** and the Pledge of Allegiance was led by Eagle Scout **Donovan Bracken**.

**Mayor Talbot** recognized **Donovan Bracken** for completing the 100<sup>th</sup> Eagle Scout project benefitting the Farmington trails system. He also said that Doug Anderson is excused due to a death in his family.

#### ***Motion:***

**Cory Ritz** moved that the City Council amend the agenda so that item one becomes item two, and item two becomes item one.

**Jim Young** seconded the motion, which was unanimously approved.

**Mayor Talbot** asked for civility and decorum from the audience during the public hearing and asked residents to not repeat points that have already been made.

## **PUBLIC HEARINGS:**

### **Residences at Farmington Hills Schematic Plan and Preliminary PUD Master Plan**

**Dave Petersen** referred to a memo from Eric Anderson, and to a list of 4 items for consideration. He said part of the proposed area is unincorporated, and it was submitted for study and it was approved for annexation into the City. The Planning Commission recommends annexation, but a separate public hearing must be held. Another decision relates to the zoning for the property. The portion of the proposed development that is currently within the City is zoned Large Residential, and the petitioners would like the annexed area to be zoned LR to match. The property owners must provide 2 points of access due to the dead end streets. The developer has chosen to stick with the yield plan and develop about 23 lots, even though approximately 50 are possible with the ordinance. There are three lots under the 20,000 square feet requirement, and the developer is proposing a PUD overlay for that section of the property. The open space requirement will be filled by providing trail access and easements. The Planning Commission recommends approving the schematic plan for the development. The Planning Commission does not require in depth soil reports or geotech studies for the schematic plan, but will require them at preliminary plat. However, the City Council can require it to be done ahead of time.

**Cory Ritz** asked Dave to talk about the stages of vesting. **Dave Petersen** said that if the City Council approves the schematic plan, there is no vesting, and no guarantee the project will be approved. But if the City grants preliminary plat, then the developer has the ability to move ahead if they follow the conditions that are laid out. There is a series of steps that must be completed, and the Planning Commission has recommended making annexation a condition of preliminary plat. An attorney who represents the gas company with lines close by the landslide site in North Salt Lake, and a member of the commission who was very involved with the North Salt Lake situation, gave compelling evidence of how different this proposed development is. He said the annexation should not have been included in the motion tonight, and should not be considered until an annexation ordinance is presented. So he directed the Council to only consider items 1 and 2 in the motion.

**Jerry Preston**, 347 East 100 North Farmington, Utah. He said he is moving to 177 North Main Street Farmington, Utah. He said he is seeking schematic plan approval so he can move forward with geological and geotech studies. He wanted to address the concerns of the citizens. Regarding fire concerns, he believes the development will help the fire situation. He has lived in the community for 27 years, and said all fires he is aware of in that area have been man made. Irrigation in people's yards will help the fire situation. This subdivision would provide a secondary access out of 100 North. Past flooding issues have been from putting out fires or a major storm. This development would help to buffer that situation. He mentioned concern about future disasters. He said this is a project that has been under consideration for many years. He is very familiar with the North Salt Lake project and what went wrong. He said he is also very familiar with the topography of this area. He said they are going to great lengths to not develop the way the North Salt Lake landslide area was developed. He mentioned some concern about the water supply and said he does not think 23 additional homes will deplete the water supply. Another concern he addressed was trail access. He said the development will improve access to the trails. He said the City was unable to gain easements from previous property owners, but that they would be provided in this proposed development. Currently lot 5 of Sunset Hills is developed and he is hoping to exchange

properties with the City to create a parking lot for the trailheads. He said it would alleviate the parking congestion on 100 North. He said the development would help preserve access to the mountain. His opinion is that private property owners have the right to develop their property and that changes come over time. Developments around the City have brought great new residents. He said that this proposed development is in the foothills of the mountain, not the mountain itself. He asked the Council to accept the schematic plan to allow them to move forward with studies.

***Mayor Jim Talbot opened the public hearing at 7:39 p.m.***

**Cory Crowell**, 232 North 100 East, Farmington, Utah. His home is right below the proposed development. He was shocked to hear of the development. He uprooted his family from London to move to Farmington. He loves the charming, historic community. He has found that many in the community are against this development. He canceled several other things to be at this meeting to express his concerns. He is grateful for property owners providing access to the mountain. He said he found out that the City loses money on residential property tax and profits from commercial tax. Since the City is currently profiting from the property, he believes the development will be a burden. He proposes the City purchase the property and create a mountain park with minimal services for everyone to enjoy. He gave the Mayor a petition signed by community members against the development.

**Melissa Clark**, 217 North 100 East, Farmington, Utah. She came to represent the younger generation who come to Farmington for the charm, rich history, modest homes, and atmosphere. Developing the land will give the area the feel of a normal predictable city. She said historically Farmington has made decisions based not on profits but on building where things needed to be built. The City's heritage is lost when large homes tower over small historic homes. She said preserving the mountain will be a heritage for future generations.

**Kirk Garrett**, 135 East 100 North, Farmington, Utah. He is opposed to the development on the mountain above his home. His concerns are: 1. Cutting into the mountain and destabilizing it is a bad idea. 2. Traffic will increase exponentially with trucks attempting to stabilize the mountain, and the 24 new homeowners. 3. A new sewer system will not be required below the development, but the new homes sewage will roll down and into the existing sewer lines, possibly overcrowding them. 4. The size of the lots will require large homes to be built, and downtown Farmington homes will not be comparable to the new homes. 5. He will have to increase his homeowners insurance to prepare for potential landslides. 6. The City loses money on residential developments. 7. Only a limited number of individuals will profit from this development. He said this project is not balanced. He said he wants to prevent this and other future developments.

**Terry Tippets**, 435 North 200 East, Farmington, Utah. He is an engineer licensed in several states. He said it is nuts to build on a slope like that. He asked where the water would come from for those homes. He asked the Council to consider that if a homeowner goes bankrupt, the bank will not water the property, and it will increase fire hazard. He suggested that the City require a certain percentage of natural rock and restrictive natural vegetation that requires very little water, so the properties will blend in and so the homes will be too expensive for anyone to purchase.

**John Bradshaw**, 259 East 100 North, Farmington, Utah. He said that lightning hit his house recently. His concern about the development is practical. He said that 100 North is a narrow street. Prior to the Deer Hollow subdivision, all the homeowners on 100 North owned a prescriptive right of way along that road. With that development, they came to an agreement with the City to not widen the street and to not have a sidewalk. He fears that in 5 years, there will not be enough access with the additional homeowners. He does not want all the additional traffic coming past his home on the narrow street. He does not want the city to widen the street and require sidewalks.

**Alisa Crowell**, 232 North 100 East, Farmington, Utah. She said that after looking for a home her family settled down in old Farmington for its simplicity, the small town feel and the untouched mountain. She also suggested that the City put in a bike path for trail bikes or a mountain park that would be more in line with the community as a whole.

**Sydney Cluff**, 130 North 100 East, Farmington, Utah. He has lived here for 32 years. He moved here for the same reasons as many have mentioned. He has seen opposition to many developments. He said he has known Jerry Preston for 30 years, and believes he is an honest and fair person. He thinks the development would be beautifying for the community. He said if a person owns property, they should be able to develop it if they comply with the City's requirements. He encouraged the Council to approve it.

**Gary Harris**, 548 North 200 East, Farmington, Utah. He said he is a Geologist, and environmental scientist for the State. He said the State's geological survey refers to the proposed area as the Farmington Landslide Complex. He said that developments along the Wasatch Front have proceeded without adequate study. He said behind his house there are springs, which are characteristic of fault lines. Their drinking water comes from pumping stations, and he is concerned about the impact of the building process on the water shed and drinking water quality.

**Mark McSwain**, 245 East 200 North Farmington, Utah. He believes there are enough safeties in place to protect the citizens. He is in favor of personal property rights, and stated that the original Farmington Master Plan included homes of this size. He is in favor of it because it will be a nice subdivision, and provides access to the mountain. He said he does not think a City park will happen. Those who live there will be subject to development now or in a few years. A future developer may try to further subdivide the property into smaller lots. He said that fires over the 25 years he has lived there have been started by trespassers with guns. He said if there is a way to never develop the land, that would be great. But development is inevitable and this proposal will be a nice addition to the community.

**Richard Ellis**, 44 East 400 North Farmington, Utah. He said he is a lifelong resident of Farmington. When the City put in curb and gutter to improve the roads many years ago, they made the roads slope from the North to the South. His home has been flooded twice, because the curb and gutter cannot handle the water runoff. He is concerned about the drainage, and said he thinks they need a better drainage system to handle the water. He said he is also concerned about the additional traffic. He is worried they may have to put in a stop light on 400 North, which they does not want.

**Burt Margetts**, 500 East, 200 South Farmington, Utah. He said he has lived here for 42 years. He is a property owner on this development. They purchased their property for an investment and have paid taxes over the years. He thinks they have put a lot of thought into the engineering of the development. He is in favor of the development.

**Alysa Revell**, 208 West State Street Farmington, Utah. She is the Chair of the Farmington City Preservation Commission. She said downtown Farmington citizens bought small historic existing homes, rather than purchasing and building new homes on open space. Farmington City has a responsibility to put the City's interests first. She said she is having a hard time finding benefit to the City or current residents with this development. She indicated that she does not feel this development is in the City's or the property owner's best interest. She said she is against negative change, change that does not fit in with the downtown Farmington area. She said residents love living amongst modest homes with modest homeowners. She said that private property owners does not have the right to develop their property, if they have to ask the City for approval. She said that it is not the job of the City ensure that the development is successful.

**Bob Hawks**, 155 and 151 East, 300 North, Farmington, Utah. He referred to stickers worn by the audience, to show that many are opposed to the proposed development. He recommended getting the geotechnical and soil reports prior to the preliminary plat approval. He asked that the City rezone the annexed area as Agriculture as the default and not Large Residential to increase the limits and reduce the development. He asked that the roads not be dedicated back to the City. He said that residents do not want to pay for road problems caused by this development. He asked to see the variances the developer wants for home setbacks, and asked about the HOA reserve for required road improvements. He asked what the City is going to trade for the proposed trail parking lot. He said during the Planning Commission hearing, the developer said there would be minimal retaining walls on the west side of the development, but thinks there will be many retaining walls on the east side, and wants to know how many and how high they will be. He said the previous fires were caused by men trespassing, but now there will be additional men as permanent residents. He said Farmington is a top 12 place to live, but he feels this development will decrease that. He asked for any future hearings on this matter to be public hearings as well.

**Carolee Parker**, 133 East 300 North, Farmington, Utah. She believes this subdivision has too many inherent hazards to be considered. She is in favor of property rights, but owning property in the City limits what you can do. She read that the City ordinance states that rights will not be granted solely based on economic benefit. She said the City of North Salt Lake paid out a significant sum of money for the land slide, and homes in Layton have slid down the mountain even after 30 years. She asked where the City would get that kind of money for homes sliding down the mountain. She said the economic impact down the road is the key issue.

**Nathan Stock**, 195 East 550 North, Farmington, Utah. His family has lived here since the 60's. His relative used to own property up on the mountain but was persuaded to sell against her will. Since then there has been a push for development. The Community has stopped developments in the past and he hopes they will prevent it this time as well.

**Matthew White**, 375 North 200 East, Farmington, Utah. He is willing to listen to the other side, but feels there have been empty promises based on the developer's personal thoughts. He wonders how we can know what will happen. He said the majority of citizens are against it. One who spoke in favor of the development will make money from it, another dropped names of people in favor who are not here. He said the Council represents people, not developers.

**Wayne Goodfellow**, 410 North 200 East, Farmington, Utah. This development impacts him as greatly as any other property owner. He currently has to deal with hikers blocking his drive, but that would be solved with this proposal. He said property rights have been addressed. It's not just about the property owners making money, it's something they have been planning on for a long time. He said he worked for the Farmington Fire Department for 13 years. Two problems they encountered in fighting fires are access and water supply. He said the Forest Service will protect their land, but not homes in the City. The City has that responsibility. This development provides access and water. He does not see fire danger with landscaped, fenced homes. He said he thinks Jerry has gone above and beyond to accommodate everyone. He asked the Council to pass the proposal. He thinks it will be a fantastic upgrade for Farmington.

**Heidi Duke** 82 West, 600 North Farmington, Utah. She said she lives at the trailhead for the Farmington Pond and there has been talk of development there as well. She worries there will not be much undeveloped land left. She thinks it will deter quality people from moving here.

**Mayor Jim Talbot closed the public hearing at 8:33 p.m.**

**Mayor Talbot** appreciated all who spoke and turned it back to the Council for further discussion.

**Dave Millheim** handed out emails he received from people for and against the development, which if the Council considers them as part of their decision, must become part of the record. He complimented the residents for their conduct during the public hearing. He asked people to continue to be civil as neighbors and residents.

**Brigham Mellor** said he knows Jerry Preston personally, as well as from other developments he has done and from his time on the Planning Commission and City Council. He said he trusts him and knows he's a good guy. He said he believes the Planning Commission did their job by addressing the planning elements and leaving the administrative elements to the Council (safety, fire, economic, natural disaster, etc.). He asked why the City needs to assume the risk of this development. He said in spite of the process they went through, the City of North Salt Lake did end up having to cover a large portion of the cost of the land slide. He does not feel it is worth the City's risk to take this development on. Personally he is against it. He recommended against going through the soils tests and geotech studies. He wants to prevent the backdrop of the City from being developed. He said he respects that people have property rights, but there are limits within City ordinances. He said the mountain is a gateway to recreational amenities that the City markets.

**Cory Ritz** said he appreciates all the comments. He is divided on the project. He still believes that property rights are a trump card. He said there are certainly limits, but that does not mean property owners have to keep their properties as open green space. He said the City is not going to purchase the property. If the community truly wants it to stay open or to become a mountain park, they can pool their resources and buy it. The property owners have the right to do something with it, within City zoning ordinances. Geotech and storm drainage

are important concerns and adequate surveying is needed before moving forward. He recommended looking at the detention basins and having them lined with geofabric so water flow out of basins will not go into the ground below. He said he does not think 20 homes will have a huge impact on the water. He also has concerns about whether the sewer system can handle the extra sewage. He said traffic may be an issue, but with only 20 homes, it may not be as big of a problem as people fear. There's always an interface between open space and residential areas, and this development would provide better access for fire services. He is not prepared to proceed with vesting, but in fairness to property owners and those who see benefit, he believes the next step should move forward. He would like to see building footprints. He is concerned about how the hill has been cut and wants a professional opinion about the suitability of the site for any development. He said he is open to getting more information.

**John Bilton** said he wonders about sustainability and asked if the City will want this development in 15-20 years. He said Jerry has been developing in Farmington for a long time and has a good reputation and has built sustainable projects. If the Council grants schematic approval, there is no vesting. He said that is also the case if the Council grants Preliminary PUD. The project cannot go forward without the annexation and the plat approval. Chapter 30 in the City's ordinances is dedicated to foothill development standards. The purpose statement says that to promote best interests of the residents, Chapter 30 provides standards to protect against natural disasters as well as to protect the natural scenic character of the area, and to identify areas not suitable for development. He said there is a balance between property owners' rights as well as development standards that the Council must abide by. He would be comfortable moving forward to see what the studies yield and what the experts say. The current schematic plan is just a basic idea of the development; elevations and more detailed home plans would come in the next step.

**Jim Young** said he is opposed to the recommendation from the Planning Commission. Farmington has been fortunate to be able to focus the commercial development in Station Park, which has allowed the City to protect the unique character of old Farmington. Everywhere he goes people are envious of Farmington, mentioning the quaintness, beauty and charm of historic old Farmington and the remarkable trail system. Preserving the ambiance and not having it encroached upon by mansions have long been concerns. He said he is concerned about fragile topography. He thinks we owe it to current residents who have invested in historic Farmington and to future generations to not develop it. He thinks we owe greater weight to current homeowners than to a developer.

**Mayor Talbot** said he is proud of being a developer, but that does not mean he develops everything and it does not sway what he does here. He said he respects and trusts the Planning Commission, and served on it for 5 years. He is an advocate for property rights. There are limitations through City ordinances. He said he would like to see what happens on the hillside and how all the tests and studies come back. He said this is not an exercise to see if Jerry will open his pocket to pay for the tests; it is to make sure it is a good decision. It would be nice for residents to see what could be done on the hillside by seeing the results of the tests and the more detailed schematics. He said he appreciated that staff and residents have gone through the details. He said taking this step allows the Council to further see what the right decision is. He said that the Planning Commission voted unanimously. He reiterated that the vote by the Council at this meeting will not approve the development, but just allows the project to move forward to the next step.

**Cory Ritz** said he believes to flat out deny the proposal would be based on emotion, to table it would be postponing it and accomplishing nothing, and approving it to move forward to the next step would allow the City to see questions answered. **Brigham Mellor** said denial

would not be purely based on emotion. He said you can still build structures on agricultural land which it is currently zoned as. He said the City does not have an ordinance protecting people's views, but a decision could be made on the basis of preserving the backdrop of the community. **Cory Ritz** said it is a request to consider a proposal to build homes. He said he wants to make a motion based on the desire for more information to make a better decision. **Mayor Talbot** asked Dave Petersen if anything important has been missed in the discussion, and he said no. **Dave Millheim** said not enough emphasis has been placed on the annexation involved. The proposed annexation is tied very specifically to the proposal for the development and puts a huge burden on the developer. He believes that was based on sound reasoning. **John Bilton** asked Dave Millheim to tell the public what happens if it moves forward to preliminary plat. **Dave Millheim** said the reason that preliminary plat is where vesting occurs is because it is so detailed. Final plat memorializes things. **John Bilton** clarified that item 10 says preliminary plat will also be a public hearing. **Dave Petersen** said the Planning Commission approves and considers preliminary plat. He said there will be two more public hearings-preliminary plat and annexation.

***Motion:***

**John Bilton** made a motion that the City Council approve 1) the schematic plan, 2) the Preliminary (PUD) master plan, and to table items 3 and 4 to be based on what the studies show, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The 20 acres must be annexed prior to the City accepting any application for Final Plat and/or Final (PUD) Master Plan.
2. All cut and fills shall meet the requirements of Chapter 30 of the Zoning Ordinance.
3. The City Engineer must approve any exception to the maximum street slope of 12%, but in no event shall any exception exceed 14% slope as per the ordinance.
4. The developer must work with the City Manager/City Council to acquire property now owned by the City within the proposed development. Said agreement as to valuation and acquisition terms of the city parcel must be approved by City Council prior to submittal of Final Plat and/or Final (PUD) Master Plan.
5. The applicant must deed trail rights-of-way, for public access to the City for the Flag Rock Trail and the lower firebreak road trail, and those easements shall be shown on preliminary plat.
6. The applicant shall meet all requirements as set forth in Section 11-30-105 of the Zoning Ordinance.
7. The fire department shall review the plans and give a full report.
8. The applicant shall receive preliminary plat approval prior to the property being annexed.
9. Public works shall review all utility plans prior to or concurrent with preliminary plat.
10. Preliminary Plat shall be a public hearing.
11. Preliminary Plat must also be considered at a Public Hearing and approved by the City Council prior to annexation, subject to approval by the City Attorney.

**Cory Ritz** seconded the motion which was approved 3-2.

**Vote:**

City Council Member John Bilton: Yes  
City Council Member Jim Young: No  
City Council Member Cory Ritz: Yes  
City Council Member Brigham Mellor: No  
City Council Member Doug Anderson: Excused  
Mayor Jim Talbot: Yes

**Findings for Approval:**

1. The proposed schematic plan and Preliminary (PUD) Master Plan meet the requirements of the subdivision and zoning ordinance.
2. Thus far the developer has demonstrated that the roads providing access to and from the site meet the City's slope standards for such roads.
3. The anticipated trail rights-of-way meet the 10% open space requirement for the PUD, in that only a small area of the project near 100 North will have the PUD overlay, and the developer is not seeking a bonus of lots over and above the lots allowed by the yield plan.
4. The primary responsibility of this small PUD is to maintain the common drive for lots near what is now the east end of 400 North Street.
5. The proposed annexation is within the City's Annexation Declaration area.
6. The requested zone designation of LR-F is consistent with the General Plan and the same as the zone designation for the abutting property.

**Break**

**REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:**

**Farmington Trails Committee Items**

**Ron Robinson**, 92 North Country Bend Road, Farmington, Utah. He came to present 4 items relating to the Farmington Trails Committee:

1. He expressed appreciation from the FTC for the City Council's approval of the re-paving of the South Frontage Road Trail. He said people now use it all the time.
2. He presented each City Council member with the latest trails pamphlet. In the past it has been sent out with the water bill. **Dave Millheim** suggested it would be better to send it out separately. The question becomes who pays for it. **Ron** said he would hate to waste it if it is going to get lost with the water bill. **Mayor Talbot** suggested the Trails Committee pay for it from their budget. He asked Ron when would be the best time to get it out. **Ron** said at least by this fall. Ron asked about having the Trails committee pay for the postage but have the City pay to stuff it into the envelopes.

**Dave Millheim** said they would have to be manually stuffed. **Ron** said the trails committee will concentrate on forming a stuffing party. **Dave Millheim** will check the availability to make sure it will not compete with other items going in the City's newsletter. He said August would be the earliest the City could send it out. **Mayor Talbot** said someone from the City will get back to him.

3. **Ron** reported on recommendations for trails suitable for equestrians. They came up with 9 designated horse friendly trails, not including the Lagoon Trail. **Ron** recommended putting that in the newsletter. **John Bilton** said there are 4 properties with horses along the Lagoon trail. He said part of the issue is that the horse owners share pasture and it is much easier for them to go out the back gate and on the trail to the pasture. **Dave Millheim** said they would have to police it if they made a unilateral decision to prevent horses on that trail. **Mayor Talbot** said there is a double standard for dog owners versus horse owners. **Ron** said unless there is a contingency for horse owners. **Cory Ritz** asked how often the trail chiefs are out on the trails. **Ron** said as often as they can. He said he could put someone on that trail who would be willing to work the trail. **Cory** suggested buying the trail chief a scooping shovel and having them clean it up periodically. **Mayor Talbot** said having a sign letting horse owners know they are responsible to clean up would be helpful and the trails committee could provide bags. **Dave Millheim** advised Ron to be careful about issuing edicts about where horses can be ridden. He said the Council can eliminate the power of the trails committee if they do not like what they decide. He said the City does not want the trails committee to be thought of negatively. **Ron** said he wants to work to make everyone happy. **Brigham Mellor** asked if it is reasonable to ask horse owners to be escorted when using certain trails. **Dave Millheim** said no, and that some of those horse owners were there before the trail. **Cory Ritz** agreed that these trails serve the greater community, which includes horse owners. Perhaps more maintenance is incumbent on the trails committee. **Dave Millheim** said he appreciates the trails committee. **Ron** said they are good at blazing trails but need to work more on trail maintenance.
4. Introduction of Donovan Bracken who completed the 100<sup>th</sup> Eagle Scout project for Farmington Trails and a list of the 99 other Scouts. This item took place at the opening of the meeting.

## **PUBLIC HEARINGS:**

### **Elementary School #61 Schematic Subdivision**

**Eric Anderson** said there was a land swap between the Farmington Parks subdivision and the school district so that there would be better access to the elementary school. There was a deed swap, but they never memorialized it. This item is to make it legal and official.

**Brian Turner**, 434 East 1800 South, Kaysville, Utah. He is the director of architectural services for the school district. There are a few issues being worked out on the property that will be resolved shortly. He brought someone from VCBO architects with him as well as someone from CRS engineers to answer any technical questions.

***Mayor Jim Talbot opened the public hearing at 10:03 p.m.***

***Mayor Jim Talbot closed the public hearing at 10:03 p.m.***

**John Bilton** said he appreciates the school district coming in through the front door, and appreciates their flexibility. **Cory Ritz** said as a resident of that area, he appreciates them moving the site and thinks it is a better location.

***Motion:***

**John Bilton** made a motion that the City Council approve the enclosed schematic subdivision plan for the Elementary School #61 subject to all applicable Farmington City ordinances and development standards, and the following condition: preliminary and final plat shall be held jointly.

**Cory Ritz** seconded the motion which was unanimously approved.

**Findings for Approval:**

1. The proposed elementary school is an integral component in planning and accommodating for Farmington's projected future growth.
2. The proposed use of the proposed elementary school is compatible with the surrounding community, including the surrounding subdivisions, the 1100 West park, the Farmington Bay Wildlife Refuge Area, etc.
3. State Law (Code 10-9a-305) exempts school districts from having to conform to municipality land use ordinances, which in this case includes the City's requirement for a conditional use. However, the applicant has been amenable to going through the conditional use approval process because of the partnership nature of this project and wanting to be transparent throughout the process.
4. The proposed elementary school will complete their proportionate share of 1100 West to Glovers Lane and will extend the road beyond the property as a system improvement to be possibly reimbursed by the City.
5. Likewise, the school district has committed to participating in one-third of the cost to construct a bridge at 1100 West extending the road north past 500 South where it currently ends.
6. The proposed subdivision is memorializing a deed swap and bringing the subdivision into compliance with city ordinance.

**Residences at Station Parkway Subdivision Schematic Plan**

**Eric Anderson** said the applicant has been granted various approvals, but this item is for the subdivision portion of the project. It is a simple lot split which is necessitated by HUD financing. All the infrastructure and improvements will be completed in the first phase. Staff recommends approval.

**Ernie Wilmore**, 1160 Kings Court, Kaysville, Utah. He appreciates the Council and working with the City. He said this is a straightforward project. The phasing of the development needs to match up with the financing.

*Mayor Jim Talbot opened the public hearing at 10:08 p.m.*

*Mayor Jim Talbot closed the public hearing at 10:09 p.m.*

**Brigham Mellor** said he thinks this is a perfect fit for a development close to the train station. **John Bilton** clarified what is being approved. **Eric Anderson** said it is the schematic subdivision plan and lot split.

***Motion:***

**Brigham Mellor** made a motion that the City Council approve the proposed Schematic Subdivision Plan for the Residences at Station Parkway Subdivision subject to all applicable Farmington City ordinances and development standards.

**Jim Young** seconded the motion which was unanimously approved.

Findings for Approval:

The Subdivision does not change the layout of the approved site plan, including streets, building placement, utilities, etc. and the improvements will all be done at one time. This subdivision is a simple lot split meant to create two platted parcels on the map.

***Motion:***

**John Bilton** made a motion that the Council move the Water Plan and Jeppson Flag lot agenda items to the next available City Council meeting.

**Brigham Mellor** seconded the motion, which was unanimously approved.

**Cory Ritz** asked how long these items could be postponed. **Dave Millheim** said no longer than a month. **Mayor Talbot** suggested putting the Jeppson Flag Lot item first on the next agenda.

**NEW BUSINESS:**

**Ordinance Adopting Emergency Water Conservation Measures for Culinary Water in the City**

**Dave Millheim** said the City cannot levy fines for misuse of culinary water without an ordinance in effect. The City does not have the money or the staff to police it, but could then address the most flagrant violators. **Cory Ritz** asked if someone can finish watering their garden if Weber shuts off their water. **Dave Millheim** said under this ordinance, no. However, he said they will want to enforce it on those watering in the afternoon, people flooding their yards, etc. but not on people watering their gardens. **Mayor Talbot** said the water restrictions need to be reiterated again.

***Motion:***

**Jim Young** moved that the City approve the ordinance for protecting the use of culinary water from the City for outside use.

**John Bilton** seconded the motion, which was unanimously approved.

**SUMMARY ACTION:**

**Minute Motion Approving Summary Action List**

1. Approval of Storm Water Bond Log for May
2. Storm Drain Impact Fee Facilities Plan
3. Storm Drain Impact Fee Analysis
4. Improvements Agreement for Fieldstone—Farmington Park
5. Amendment to City Manager Employment Agreement

***Motion:***

**Cory Ritz** made a motion to approve the items on the Summary Action List 1-5.

**Jim Young** seconded the motion which was unanimously approved.

**OLD BUSINESS:**

**Agreement Amendment for Station Park regarding Drive up Windows**

**Dave Millheim** said the staff report has not changed since the last time this item was discussed.

**Brigham Mellor** asked how this is different from the last time it was discussed. **Mayor Talbot** said it has not changed. **Dave Millheim** said it is on the agenda again because of the concerns that were discussed at the last meeting. **John Bilton** said some of the heartburn comes from the problematic Chick-fil-a configuration in Centerville, and that this proposed configuration addresses those concerns. **Dave Millheim** said the other concern stems from the proximity of the proposed drive through to the train station TOD area. **Brigham Mellor** said the TOD quarter mile radius from the train station is the “golden zone” to protect. He said it does not make sense to have a drive through there. **Mayor Talbot** said area A is a large area, and he feels the City is going the extra mile, but he is not sure if we want to give carte blanche for another drive up.

**Jean-Paul Wardy**, 1332 Pavia Place, Pacific Palisades, California. He represents CenterCal. The original development plan was to create a pedestrian friendly area with a main street feel. The drive through has been reoriented away from the main pedestrian flow along Station Parkway. He said the Chick-fil-a team has done a nice job of minimizing the impact of the drive through for pedestrians.

**Brigham Mellor** said he feels like Starbucks minimized the impact of their drive through, but he does not feel like this proposal does the same. He said he was uncomfortable with McDonalds on the other side of the parkway. He feels that the vision now is to pack in as much commercial development around the commuter rail as possible. **Jean-Paul** said they want to have one significant office building on the corner, which would be a signature corporate user. **Brigham Mellor** said if you have a progressive corporate tech site, which encourages employees to use public transportation, the easiest route for them is to cut through the parking lot. With the drive through they would have to dodge that traffic. **Jean-Paul** said he understands the concerns and said they had originally planned to have a drive through in this area. They thought it was an allowed use in the original development agreement. They would not have gone this far down the road with Chick-fil-a if they thought it was a conditional use. He said there may have been a misunderstanding about what was in the original development agreement. At the end of the day they want to add things to Station Park that citizens and the Council want. **Mayor Talbot** asked Dave Petersen where that misunderstanding stems from. **Dave Petersen** said a drive through is an allowed use in the periphery of the Property, meaning CenterCal’s property as a whole, not just section A as labeled in the packet. That is why they felt it had to be amended since the proposed location is not in the periphery. The proposal has the building with the drive up window toward the street, which is a public road. That road may become a thriving pedestrian corridor once the whole area is built out. Chick-fil-a did not want to reorient their building. **Dave Millheim** asked if the development agreement needs to be amended. **Dave Petersen** said yes since the proposed drive through is not on the periphery.

**Tom Ellison**, 201 South Main, Salt Lake City, Utah. He is legal counsel for CenterCal. He was involved in the original development agreement. Area A is the original area that was owned by CenterCal when the first development agreement was made. In 2008 they amended the development agreement after CenterCal made a land exchange with UTA. Parcel A on the current map encompasses just the office site and just the Chick-fil-a site. He said Dave Petersen is correct in looking at the Property as a whole. **Dave Millheim** asked Dave Petersen if the map Tom referred to reflects the adopted area covered by the development agreement. If they amended their development agreement to reflect that ownership, then Tom is correct and they are on the periphery. **Dave Petersen** said he thinks the periphery of the Property is still

the area that surrounds the Property as a whole, but they would need to look at it carefully. **Tom Ellison** said the City's ordinance at the time for the PMP requirement referred to the periphery in a way that implies that it was the periphery of the property owned by CenterCal and not the perimeter of the Property as a whole.

**Dave Millheim** said the City could table this item and consult legal counsel to figure out which map is correct. He suggested figuring out whether or not drive ups are even wanted first and then figure out the rest. **John Bilton** asked Brigham if part of his concern is what happens to the east of this site, which he confirmed. **Mayor Talbot** said if the City amends it, the City opens itself to future situations similar to this. **Brigham Mellor** said he likes the idea of taking advantage of every inch of space possible to maximize the density. If you look at fully developed large cities back east, we are constrained similarly due to the lake and the mountain. Farmington's population will likely double by 2040. He said he does not think that much parking will be needed because public transportation will be used more. **Cory Ritz** asked what Brigham envisions for the parking lot, since people will need to park in order to use the commuter rail. **Brigham Mellor** said he had a conversation with UTA where they said they envisioned a stacked parking structure or one with multiple uses. He feels drive through does not fit with that long range plan. **John Bilton** asked if CenterCal would still own the ground for the Chick-fil-a site. **Jean-Paul** said it is a land sale to Chick-fil-a. **Cory Ritz** said in spite of wanting to protect the "golden zone" around the TOD, there is already auto traffic coming in and out of the area. He said he does not see an issue with a small drive through use like this. He asked Jean-Paul if the Chick-fil-a in Centerville has double queuing, and he said it does not.

**John Bilton** said the highest and best use sometimes dominates the area, but we do not know what that will look like for the area to the east. He said he is comfortable with this and comfortable that it is on the periphery. **Dave Petersen** said lots of people come to see Station Park and ask about the large parking lot, which he said is a place holder. He said the proposed drive through really is close to the commuter rail. **Brigham Mellor** said the commuter rail is not just people in Farmington parking and riding the train elsewhere; there are people parking elsewhere and using the commuter rail to come to work at Station Park. Those people will have to cross over the drive through. He thinks it is short sighted. He suggested putting it in the corner like Starbucks.

***Motion:***

**Brigham Mellor** made a motion that the Council deny the enclosed draft amendment to the development agreement for Station Park.

Motion died for lack of a second.

**Jim Young** said he thinks Brigham makes some compelling arguments.

**Cory Ritz** made a motion that the Council approve the enclosed draft amendment to Development Agreement for Station Park provided that the amendment will only affect Area A as redlined on the draft, and subject to final review and critique of the document by the City Attorney.

**John Bilton** seconded the motion which was approved 3-2.

**Brigham Mellor:** Nay

**Doug Anderson:** Excused

**Cory Ritz:** Aye

**John Bilton:** Aye

**Jim Young:** Aye

**John Bilton** said he has been involved with TOD's and said that as a population we are still car users and that will likely continue. He said he is comfortable with the proposed drive through.

**Mayor Talbot** presented Jean-Paul with a check for over \$2 million based on the property tax increment earned from the Station Park development. **Dave Millheim** said that check is legally important because the development agreement required them to invest over \$80 million potentially over 20 years. 100% of the property tax increment goes back to the developer up to \$18 million if it is generated within 20 years. After that point the money will come back to the City, County and school district. This RDA is doing very well and is ahead of schedule. **Mayor Talbot** said he is happy to give them that check and is happy that this is working. He is proud to be the Mayor of Farmington and for the many partners the City has.

### **Resolution of Support for HB 362 for Local Option Sales Tax for Transportation Projects**

**Mayor Talbot** said approving this resolution just encourages the County Commission to put this item before the voters. This tax would go toward road improvements. It comes out to about \$0.01 for every \$4. The City would get 40%, 40% would go to UTA, and 20% would go to the County. The City is estimated to receive \$350k per year. He said he would like to see the City receive more funds for needed road improvements.

#### ***Motion:***

**Jim Young** made a motion that the Council support the resolution for a public referendum on a 0.25% local option sales tax to be placed before the voters on November 2015.

**John Bilton** seconded the motion which was unanimously approved by **Jim Young, John Bilton, Cory Ritz,** and **Brigham Mellor.** Doug Anderson was excused.

### **GOVERNING BODY REPORTS:**

#### **City Manager – Dave Millheim**

- Executive Summary for Planning Commission held on June 19, 2015
- Building Activity Report for May
- He proposed a meeting in a work session format scheduled for July 21<sup>st</sup> to address the Evans property land plan. He wanted to confirm that there would be a quorum. Cory said he would be out of town. Dave said they would tentatively schedule the groundbreaking for the park before the meeting that night. **Mayor Talbot** proposed the groundbreaking for July 21 at 4:30 pm, to be followed by the additional meeting at 6 pm.
- Dave said he spent time with the people coordinating the Tour of Utah. It is the 3<sup>rd</sup> largest bike race in the US. The City will be involved with the stage on August 5<sup>th</sup>. An area on Main Street and 200 East will be closed off and it will be broadcast live. They are seeking about 500 volunteers, and our stage of the race is the most complicated. Dave will be purchasing some banners for the route and will be publicizing it to the City.

### **Mayor Jim Talbot**

- There will not be a Council meeting before Festival Days. He asked everyone to be there for the Festival Days events.
- The Council will ride in the parade as a group using the City's old fire engine as the float.
- Mayor said he will procure the candy for the parade.

Council members **Brigham Mellor, Cory Ritz, John Bilton** and **Jim Young** did not have anything to report at this time.

### **ADJOURNMENT:**

#### ***Motion:***

At 11:25 p.m., **Cory Ritz** made a motion to adjourn the meeting, which was unanimously approved.

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