

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 discuss salaries in the Police Department and to answer any questions the City Council may have on agenda items. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, March 6, 2018, 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

PRESENTATIONS:

7:05 Recognition of Heather Barnum for Years of Service on the Planning Commission

PUBLIC HEARINGS:

7:10 Mountain View PUD Subdivision Schematic Plan, Preliminary (PUD) Master Plan, and Rezone – 650 West 250 South

7:30 Farmington Greens PUD Master Plan Amendment – 1525 West Clark Lane

7:50 Zone Text Amendment to Chapters 3 and 28 of the Zoning Ordinance

NEW BUSINESS:

8:00 Contractor and Contract for the 650 West Softball Complex Concrete

OLD BUSINESS:

8:05 Financing of Remaining Park and Ball Fields

SUMMARY ACTION:

(Items listed are considered routine in nature and will be voted on in mass unless pulled for separate discussion)

8:15 Minute Motion Approving Summary Action List

1. Approval of Minutes from February 20, 2018

GOVERNING BODY REPORTS:

8:20 City Manager Report

1. Text Notifications

8:25 Mayor Talbot & City Council Reports

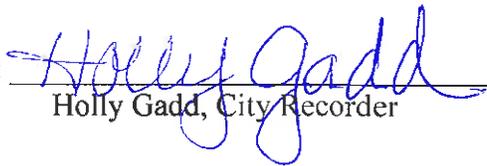
ADJOURN

CLOSED SESSION

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

DATED this 1st day of March, 2018.

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.

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

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

It is requested that Councilmember Brett Anderson give the invocation to the meeting and it is requested that Councilmember Brigham Mellor lead the audience in the Pledge of Allegiance.

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

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

S U B J E C T: Recognition of Heather Barnum for Years of Service on the Planning Commission

ACTION TO BE CONSIDERED:

None.

GENERAL INFORMATION:

Mayor Talbot will be making this presentation.

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

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

PUBLIC HEARING: Mountain View PUD Subdivision Schematic Plan, Preliminary (PUD) Master Plan, and Rezone – 650 West 250 South

ACTION TO BE CONSIDERED:

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

GENERAL INFORMATION:

See enclosed staff report prepared by Eric Anderson, City Planner.

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



F A R M I N G T O N C I T Y

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
BRIGHAM MELLOR
CORY RITZ
REBECCA WAYMENT
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, City Planner

Date: March 6, 2018

SUBJECT: **MOUNTAIN VIEW PUD SUBDIVISION SCHEMATIC PLAN, PRELIMINARY (PUD) MASTER PLAN, AND REZONE**
Applicant: Joe Kennard, Randy Rigby, and Shane Smoot

REZONE

RECOMMENDATION

1. Hold a Public Hearing;

AND

2. Move that the City Council approve the rezone from AE to R, amend the General Plan from RRD and AG to an LDR designation for 11.93 acres of property located at approximately 650 West and 250 South as identified in the attached legal description, and approve the enclosed enabling ordinance subject to all applicable Farmington City ordinances and development standards and the following condition: the approval is subject to an approved preliminary PUD master plan.

Findings for Approval:

1. While the proposed rezone is not consistent with the General Plan, this area of Farmington is changing, and the General Plan is likely to be overhauled in the future to more accurately reflect the area's projected growth and accommodate the impending changes occurring within west Farmington, and the region at large, due to population growth trends and development patterns on the Wasatch Front.
2. The proposed rezone will provide a greater variety of housing types and densities.
3. The housing market along the Wasatch Front has been moving towards smaller lots and higher densities; this development will meet the market demand.
4. The proposed rezone will provide low to medium density housing and act as a transition between lower intensity single-family residential development to the south, and higher intensity mixed use development to the north.
5. The property is removed from 650 West and abuts the Legacy Highway; it is an in-fill development and is suitable for low to medium density housing as it is hidden by a row of homes on 650 West.

6. Making the rezone contingent on the approval of a preliminary PUD master plan ensures that vesting does not occur without the approval of a master plan for the area, protecting the city in the event that the applicant does not move forward with the subdivision.
7. Although at a higher density, the proposed development is still single-family residential, which is commensurate with surrounding neighborhoods.
8. Due to the size, shape, and location of the subject property abutting Legacy Highway, it is suitable for low to medium density single family residential.
9. The proposed subdivision provides the 10% open space requirement; additionally, the project is within a quarter mile of the Farmington City Regional Park and Gym.
10. The proposed trail connection to Legacy Parkway Trail provides the proposed development with a direct connection to commuter rail.

BACKGROUND

The applicant desires to develop 11.93 acres of property into 34 lots, but must obtain a rezone in order to move forward with the PUD subdivision as proposed. The majority of the subject property was UDOT property initially obtained as part of the Legacy Highway project, but has recently been sold as surplus property. The applicant also purchased land to gain access from 650 West via two proposed roads. The majority of the subject property is behind a row of existing homes on 650 West between their rear lot lines on the west, and the Legacy Highway right-of-way and corresponding trail to the east. The existing zone is AE (Agriculture Estates) and the applicant is requesting a rezone to an R (Residential) zone. Heretofore, the City has never rezoned any property west of I-15 to any of the four single-family residential zones (as defined in Chapter 11); however, that delineation in the City's General Plan predates the changes that are currently impacting the west side of the city, and will continue to impact this area. Specifically, Station Park and the whole of the mixed use district to the north, the Charter School, Davis County Complex, Farmington Park and Gym to the west, and perhaps most importantly: Farmington High School to the south are changing the growth paradigm in this area of the city.

As part of the rezone application, staff is also recommending an amendment of the General Plan. Currently, the General Plan designation is AG (Agriculture Preservation Very Low Density) and RRD (Rural Residential Density) and the applicant has requested an LDR (Low Density Residential) designation to move forward with the rezone, which is consistent with the single-family residential zoning request. The AG designation is a holdover from when Bangerter farmed the property, prior to being bought out by UDOT when the Legacy Highway was built; this designation is not consistent with the AE zone that currently overlies the subject property, as an RRD designation is more consistent with an AE zone. Similar to the rezone request, the LDR designation has never occurred west of I-15; however, with the changes occurring in this area, staff feels that it may be time to revisit this policy as single-family residential densities may make sense for the west side moving forward.

While this rezone application represents a policy shift in Farmington, the proposed densities for this property is a step-down in the intensity of development to the north, specifically Station Park and the Avanti Apartments on Clark Lane, and serves as a transition area. The proposed densities would provide a low to medium density, single-family buffer between the lower densities found along 650 West to the south, and will remain appropriately scaled, even if higher intensity uses spread from Station Park and the High School, or the adjacent properties in-fill. The policy shift reflects the reality that the west side of Farmington, which has always been rural, is becoming more urbanized; the policy question before you is whether the City should continue to plan for the impending growth and changing market forces allowing for an incremental increase in density, or whether the city continue to develop the west side as it always has developed, with larger lots and less homes comprising a larger area.

At the Planning Commission held on **September 7, 2017** the commissioners tabled the item due to several items of concern, particularly with the layout of the subdivision, and how the open space was configured, and whether that designed open space compensated for the increased density that would come with this rezone and subdivision approval. Since that time, the applicant revised their plan removing one lot, and moving the majority of the improved open space from the northeast corner to the middle of the property (on the east side), lining it up with the main road. Additionally, they further defined their open space on the southeast corner of the property, showing a cul-de-sac turn-around for 250 South with public trailhead parking (accessing the Legacy Parkway Trail).

The Commission also expressed concern with the “protection strip” between the road and the Lee property; the applicant removed this remnant parcel and moved the entrance road to the north side of the road, making it so that there is only one parcel of open space abutting each entrance road, instead of two; these parcels will be improved open space, and serve as detention basins for the project. The parcels will also function as entrance features for the subdivision.

At the Planning Commission held on **October 5, 2017**, the Commission voted to recommend that the City Council deny the application for rezone on a split vote of 5-2 (with commissioners Roger Child and Alex Leeman being the dissenting votes). The draft minutes from that meeting have been included for your review. The salient points of discussion centered around the medium density proposed and the side yard setbacks; the Commission had concerns with neighbors being so close together and homes being packed in too tightly. Additionally, there was concern expressed that the 13% open space provided was not enough to compensate for the higher density being granted through both the rezone and the PUD application. The two commissioners that voted for approval did so because of the particular constraints of this property, namely that the property is in-fill and abuts the Legacy Highway.

At the City Council held on **November 7, 2017**, staff included two alternative motions, one for denial (Planning Commission) and one for approval (staff). The City Council echoed the majority opinion of the Planning Commission (from the October 5th meeting), expressing concern with the density of the project, the houses being too close together, and there was some discussion as to whether the Council could even make a decision regarding the PUD because the Planning Commission had recommended a denial. Ultimately, it appeared that the Council was heading to a split vote against the project, and the applicant asked that it be tabled to give him time to work with the neighbors and to come up with a revised plan. The Council stated that if there were significant changes, then the proposal should be sent back to the Planning Commission for a second review. After discussing the matter with staff, the applicant made the decision to go back to the Planning Commission with a revised plan.

The applicant also had two intervening open-house neighborhood meetings, and based on the comments from the neighbors, the Planning Commission, and City Council, he revised his plan. The revised plan has 34 lots (7 lots less), has removed the stub road to the south, moved the open space back to the northeast corner of the property, shows a trail connection to Legacy Trail in the center of the project, and has larger lots on the periphery of the project that abuts neighbors who live on 250 South. Additionally, the PUD yield plan for the R zone provided shows 34 lots, the applicant will no longer need an open space bonus; however, the applicant is still required to provide 10% open space as outlined in Chapter 27 of the Zoning Ordinance.

At the Planning Commission held on **December 14, 2017**, the discussion centered around density. The majority of the commissioners felt that the density fits the property and that the proposed subdivision provides a mix of housing types, and meets a market need that is currently underserved in Farmington, particularly on the west side. They also felt that the west side is changing and that the City needs to start preparing for impending growth and providing more housing options than quarter to half acre lots.

The other commissioner felt that the density was still too high and that this project does not fit the surrounding neighborhoods. The Commission ultimately voted to recommend that the City Council approve the rezone, schematic plan, and preliminary PUD master plan as written in the staff report on a 3-1 vote, with (now) Councilwoman Wayment being the dissenting vote.

Lastly, at the City Council meeting held on **January 16, 2018** there was “a possible solution for the concerns of the citizens related to rezoning the property. The option for the developer to pursue a TDR (Transfer of Development Rights) was discussed and it was determined that the item should be continued to a date certain.” The applicant has since met with staff, the Mayor, and two city councilors to discuss the possibility of pursuing a TDR, and ultimately all involved concluded that the TDR would not work, and the applicant wanted to move forward with the original application for rezone, schematic plan, and preliminary PUD master plan.

SCHEMATIC AND PRELIMINARY PUD MASTER PLAN

RECOMMENDATION (IF THE REZONE IS APPROVED BY THE CITY COUNCIL)

1. Hold a Public Hearing

AND

2. Move that the City Council approve the schematic plan and preliminary PUD master plan for the Mountain View PUD Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to or concurrent with preliminary plat;
2. All outstanding comments from the DRC for schematic plan shall be addressed on preliminary plat.

Findings for Approval:

1. The proposed plans meet the requirements of the subdivision and zoning ordinances of an R-PUD zone, if the rezone does occur.
2. Schematic plan does not vest the property, and will be null-and-void if the rezone is not passed.
3. The proposed development will provide low to medium density housing and act as a transition between lower intensity single-family residential development to the south, and higher intensity mixed use development to the north.
4. The property is removed from 650 West and abuts the Legacy Highway; it is an in-fill development and is suitable for medium density housing as it is hidden by a row of homes on 650 West, and abuts a major highway facility.
5. Although at a higher density, the proposed development is still single-family residential, which is commensurate with surrounding neighborhoods.
6. The attached landscape plan and building elevations are of a high design quality and meet the standards set forth in Section 11-27-070; additionally, the project will provide a connection to Legacy Parkway Trail, a turn-around on 250 South, and a trailhead for public use.
7. The applicant is providing 51,836 s.f. of improved open space (10% as required by the ordinance), including a trail connection to Legacy Parkway Trail.

BACKGROUND

The proposed schematic plan and preliminary PUD master plan shows 34 lots on 11.93 acres of property, but is dependent on the rezone and PUD overlay to achieve this density, as a denial of the rezone would render the schematic plan unrealizable. This notwithstanding, the staff report for the schematic plan will assume an R zone designation for the property.

In Chapter 27 of the Zoning Ordinance, regulating Planned Unit Developments dictates that a yield plan, as set forth in Chapter 12 must be submitted. The yield plan for this project, which has been provided, shows that 34 lots could be built for this project. In the PUD ordinance, an applicant can receive a 20% incentive multiplier when the applicant has provided 20% improved open space, however, the most current iteration of this plan has the same number of lots proposed as obtained through the yield plan, so the applicant only needs to provide 10% open space.

The preliminary PUD master plan requires several things beyond the schematic plan, including a landscape plan and building elevations; the applicant has provided both of these with this application and they are attached for your review.

The applicant is providing 51,836 s.f. of improved open space, which is 10%, or the minimum required amount for a PUD. The open space has been moved to its original location on the northeast corner of the property. The proposal still has a trail connection to Legacy Trail shown on the plan, but has removed the trailhead, cul-de-sac, and parking at the end of 250 South; this was done at the insistence of the residents who live on that street. There are two lineal detention basins along one side of each of the entrance roads; these will be grassed and improved, but also serve as storm-water facilities. At each of the entrance roads, as they come in off of 650 West, there are landscaped entry features and signs.

Supplemental Information

1. Vicinity Map
2. General Plan Map
3. Zoning Map
4. Yield Plan
5. Schematic Plan
6. Preliminary PUD Master Plan
7. Landscape Plan
8. Possible Building Elevations
9. Minutes from the December 14, 2017 Planning Commission Meeting
10. Enabling Ordinance

Applicable Ordinances

1. Title 12, Chapter 6 – Major Subdivisions
2. Title 12, Chapter 7 – General Requirements for All Subdivisions
3. Title 11, Chapter 10 – Agriculture Zones
4. Title 11, Chapter 11 – Single Family Residential Zones
5. Title 11, Chapter 27 – Planned Unit Development (PUD)

Respectfully Submitted



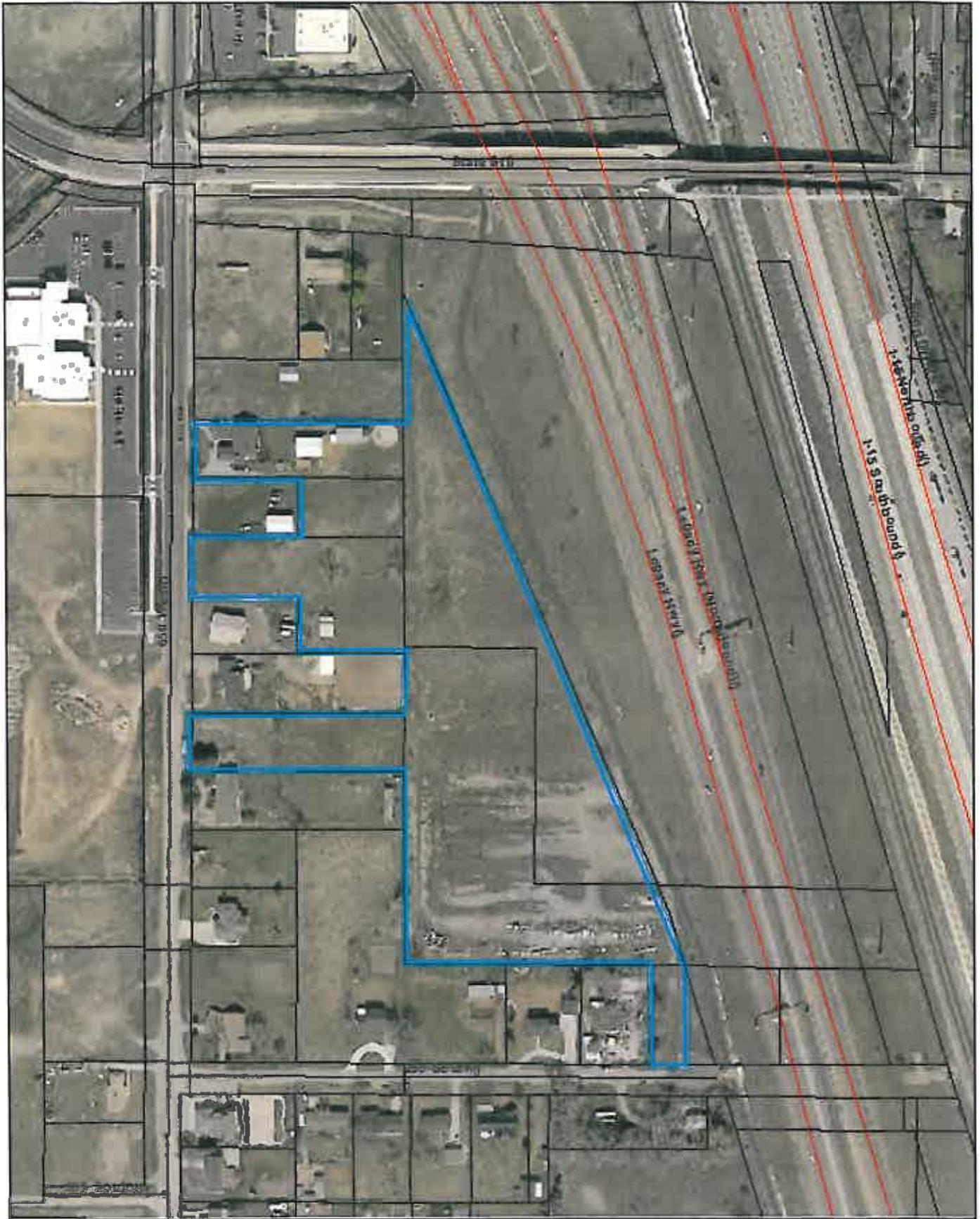
Eric Anderson
City Planner

Concur

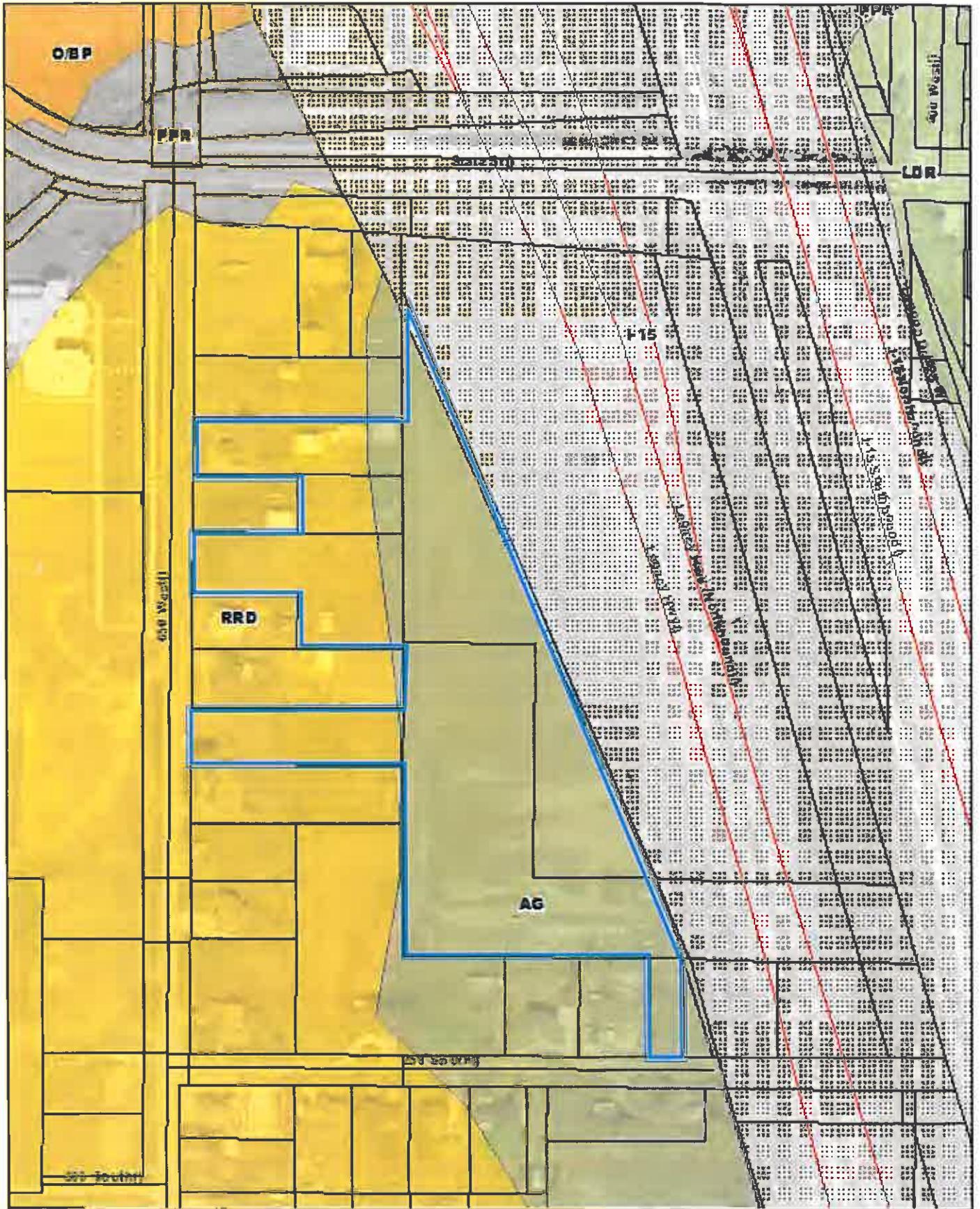


Dave Millheim
City Manager

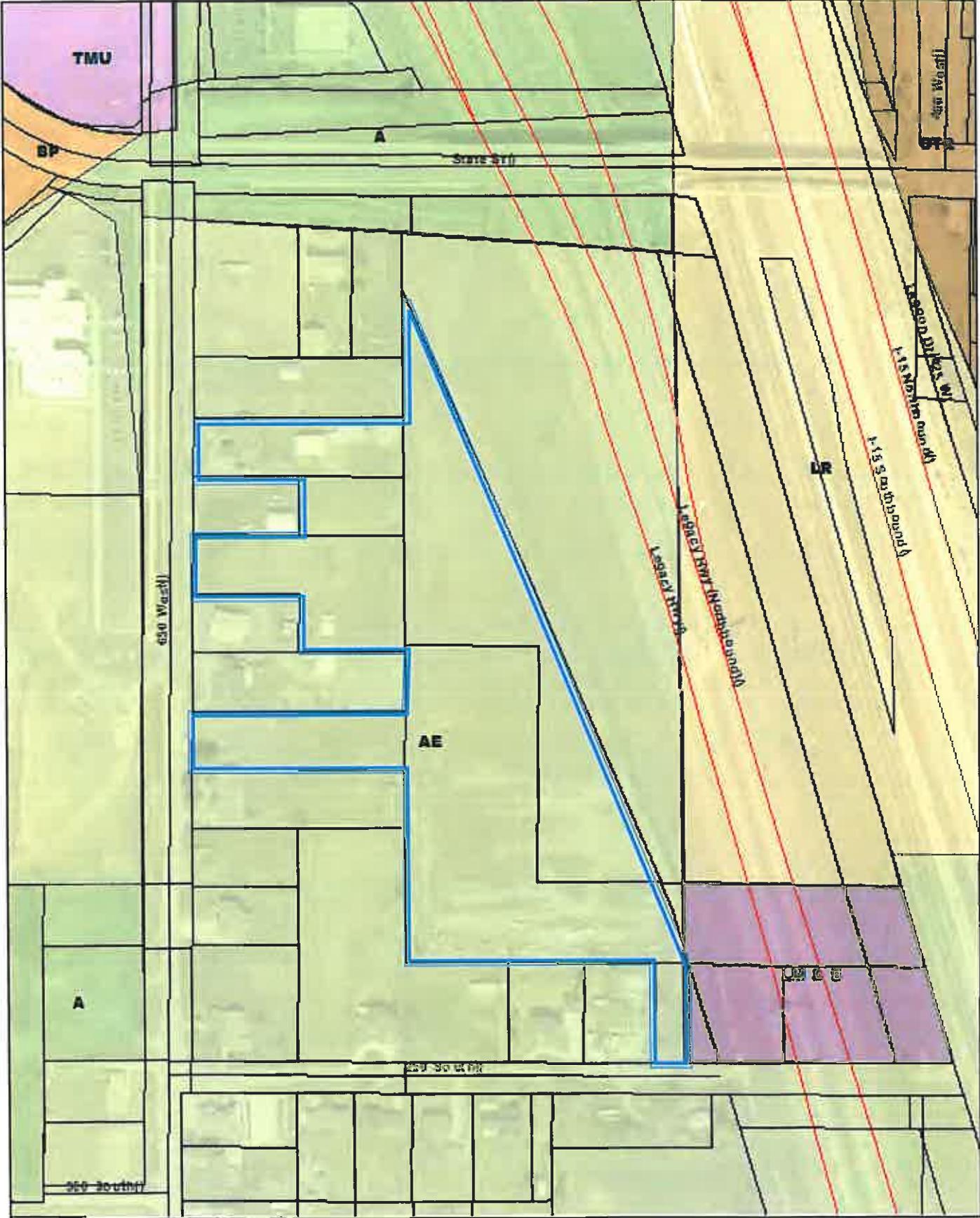
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Farmington City

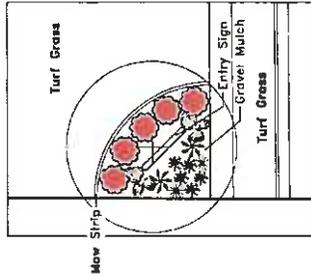


Farmington City



Mountain View at Farmington

FARMINGTON CITY, DAVIS COUNTY, UTAH
DECEMBER, 2017



Reeve & Associates, Inc.
Landscape Architecture
1000 East 1000 South, Suite 100
Farmington, UT 84201
Phone: 435-253-1111
Fax: 435-253-1112
www.reeveandassociates.com

DATE	DESCRIPTION

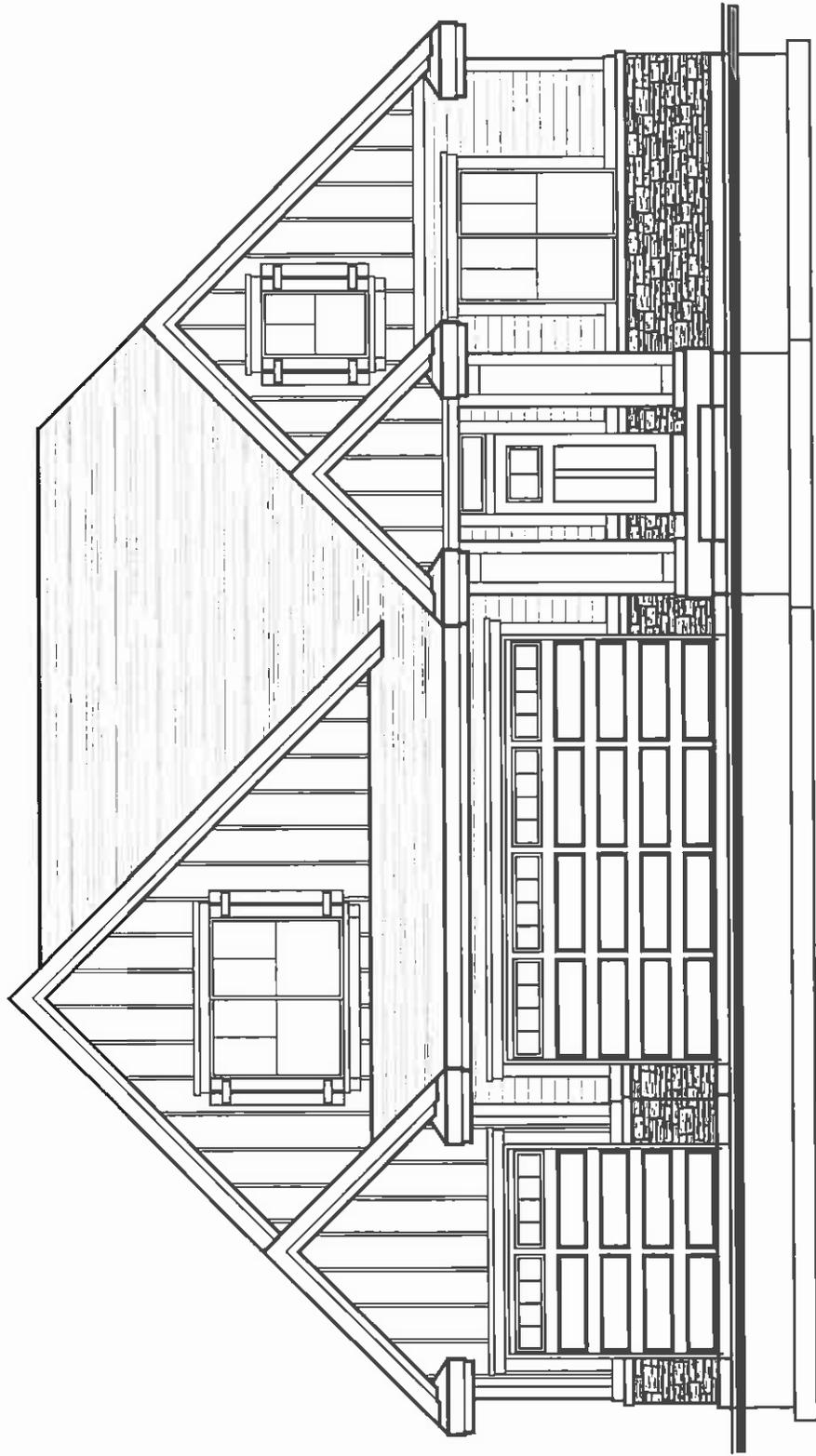
Mountain View at Farmington
Landscape Plan
FARMINGTON CITY, DAVIS COUNTY, UTAH



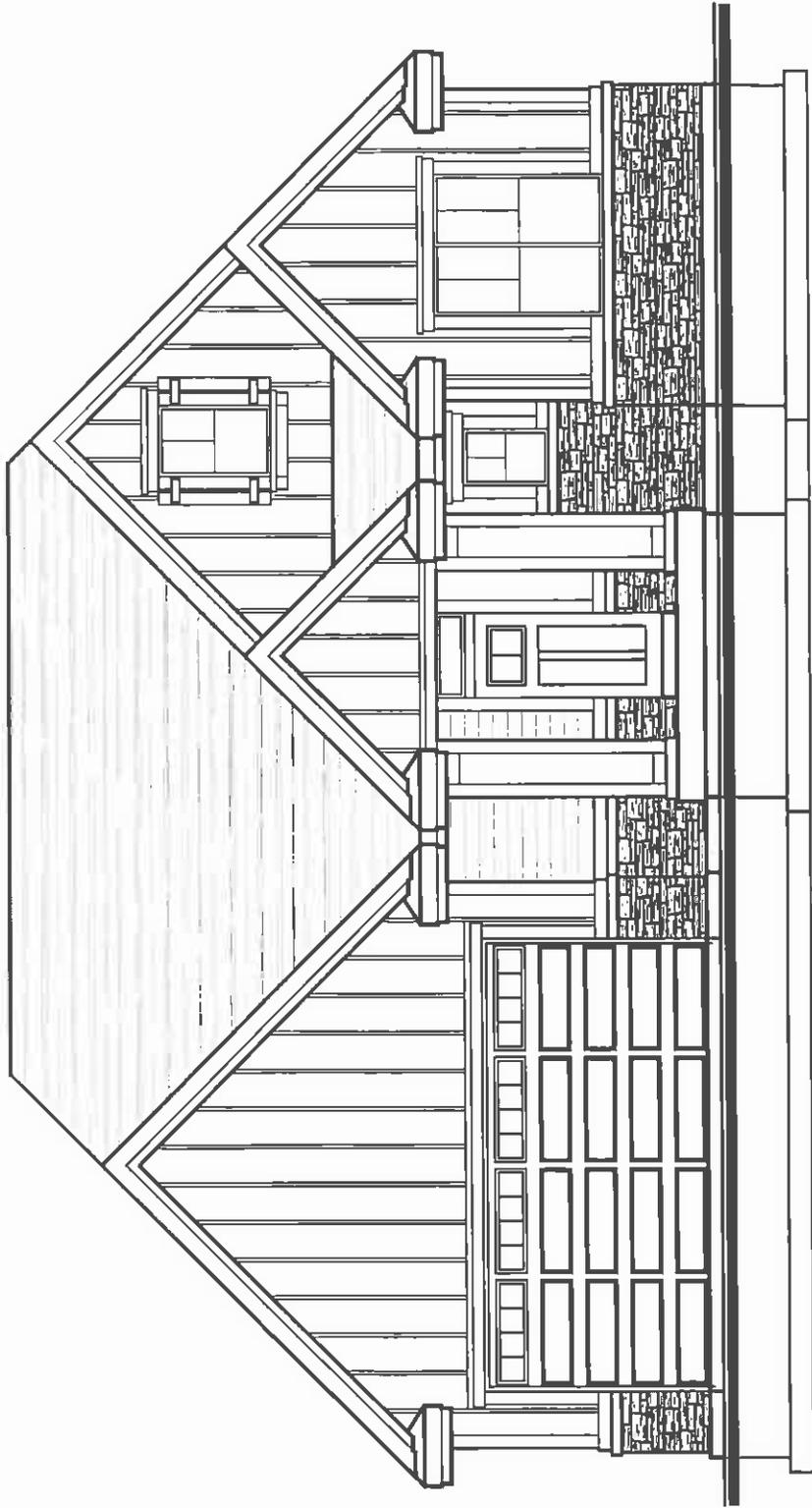
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Client	Reeve & Associates, Inc.
Project Date	12/15/17
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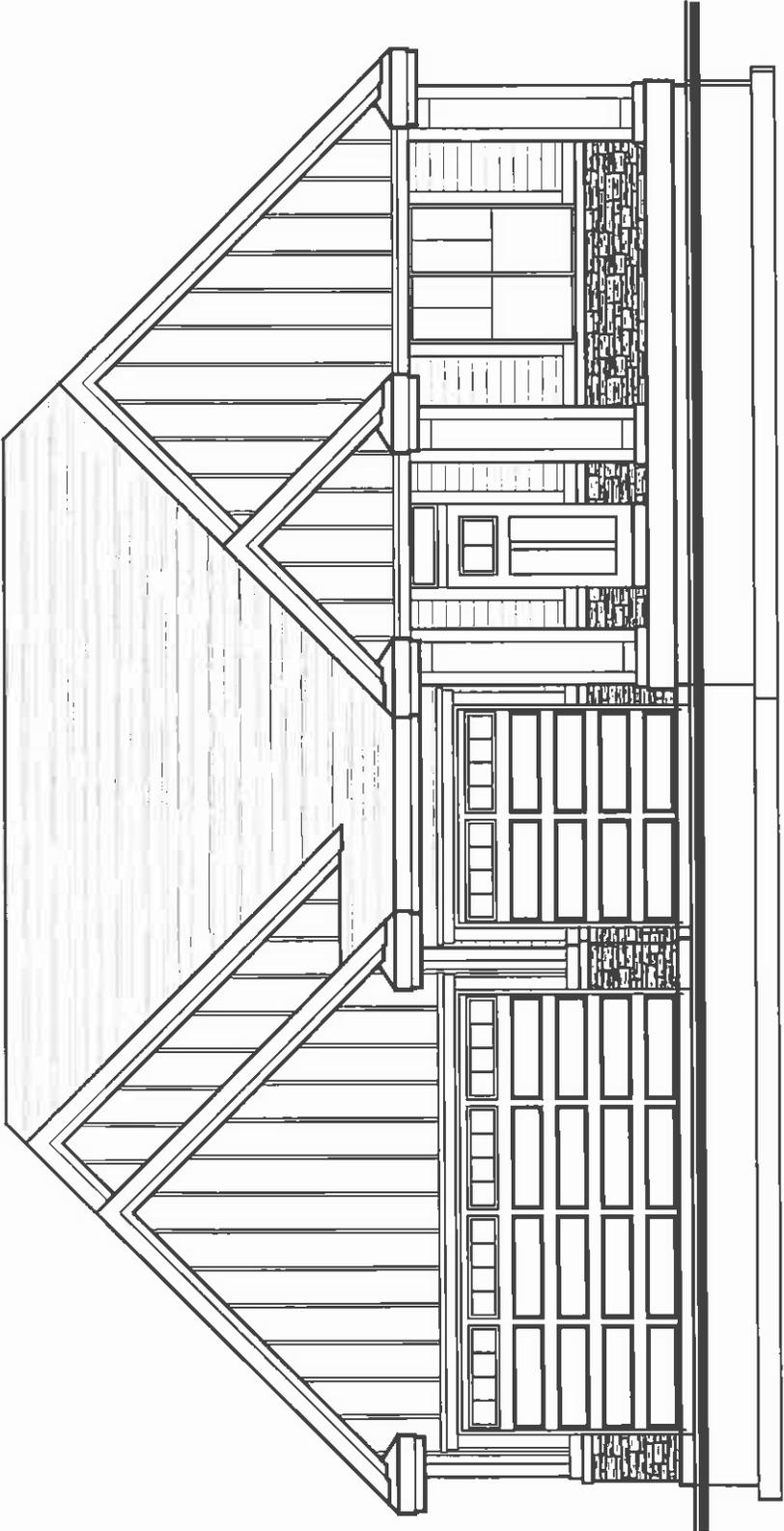
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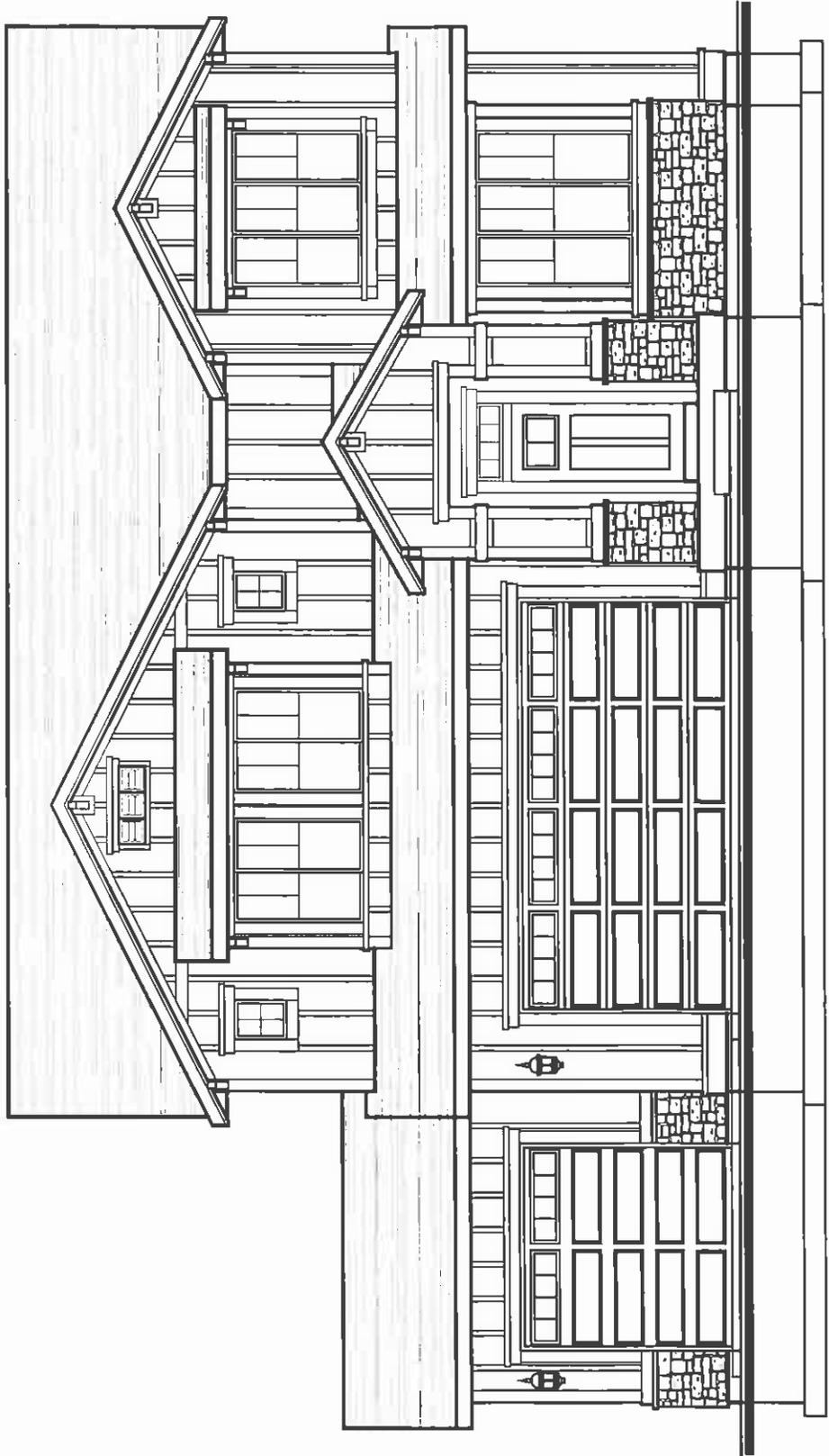
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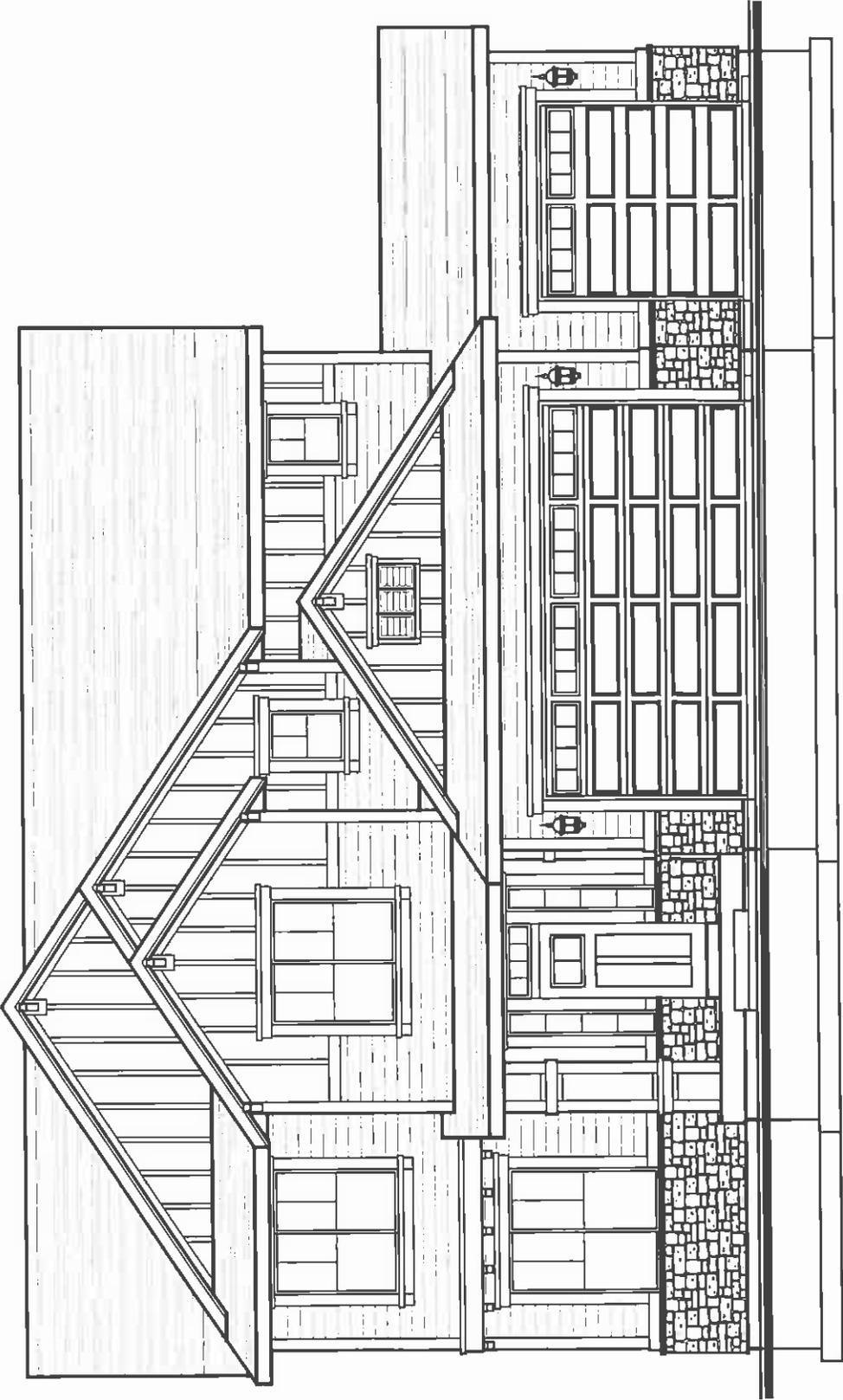
Elevation 2-A



Elevation 3-A



Elevation 4-B



Elevation 5-B

REGULAR SESSION

Present: Vice Chair Alex Leeman, Commissioners Roger Child, Bret Gallacher, and Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Chair Heather Barnum and Commissioners Connie Deianni and Kent Hinckley were excused.

Item #1. Minutes

Bret Gallacher made a motion to approve the Minutes from the November 16, 2017 Planning Commission meetings. Roger Child seconded the motion, which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the December 5, 2017 City Council meeting. He said the Brownstone PUD Subdivision Schematic Plan and Preliminary PUD Master Plan was approved. He said a few residents were there to express their concerns, but the City Council felt “for sale” units were better than rentals, which was also allowed due to the property’s zone. He said he talked with the neighbors after the decision was made, and they understood why it was approved. Rebecca Wayment asked for any follow-up information from staff regarding a directive the Planning Commissioners gave staff to have a conversation with UDOT regarding access to 185 E. (SR106) from the Brownstone Subdivision. David Petersen said that conversation has not yet happened; City Manager Dave Millheim will spearhead that directive, but he has been out of town. Rebecca Wayment asked if that directive alleviated any concerns among the residents and City Council. David Petersen said everyone would like to see that happen, as it makes sense to have access to 185 E.

SUBDIVISION / PRELIMINARY PUD MASTER PLAN / REZONE

Item #3. Joe Kennard/Randy Rigby (Public Hearing) – Applicant is requesting a recommendation for schematic plan and preliminary PUD master plan approval of the proposed 34 lot Mountain View PUD Subdivision on 11.93 acres of property located at approximately 650 West and 250 South, and a rezone from AE (Agriculture Estates) to an R (Residential) zone and a general plan amendment from RRD (Rural Residential Density) and AG (Agriculture Preservation) to LDR (Low Density Residential) related thereto. (S-12-17 and Z-2-17)

Eric Anderson said this property is located on 650 W. and south of the charter school. He said the applicant went before the City Council, and it seemed the application was going to be denied for a rezone. The applicant then asked to have the item tabled so he can further work with the neighbors to address more of their concerns and come back with a revised plan. The City Council agreed to table the item, and were directed by staff that if any significant changes to the plans were made, the applicant would come back to the Planning Commission for a recommendation. Eric Anderson said the applicant held two open houses, which were attended by neighbors, as well as staff.

Eric Anderson said the applicant has revised his subdivision from the previously proposed 41 lots down to 34 lots, which is a difference of 7 lots. He said staff determined the changes did not warrant the applicant to come back before the Planning Commission; however, staff felt it would be a good idea for the Commission to review the application again. Eric Anderson said the applicant made a

few other changes to the subdivision, including moving the location of open space to the northeast corner, removing the 250 S. turnaround and parking, removing the stubbed road to 250 S., and making the abutting lots where there are existing homes larger.

Eric Anderson said there are three things to be voted upon, as listed in the two proposed motions in the staff report. He said the Commission is providing a recommendation for approval or denial on the property rezone and the schematic plan and preliminary PUD master plan. He said a General Plan amendment is also included in the proposed motion; however, the General Plan does not need to be amended since it is just a guiding document, but staff felt it would be appropriate to amend it if the rezone was approved.

Rebecca Wayment asked about the lot size for RRD and LDR zones, as well as where these are located within the City. **Eric Anderson** explained that General Plan designations are different from zone designations. He said the LDR general plan designation includes the LR and R zones; the RRD general plan designation includes the AA and AE zones. He showed an aerial map of general plan designation and zones within the City. **Rebecca Wayment** asked for the lot size of the R zone. **David Petersen** said a true R zone would yield 8,000 sq. ft. lots. He added that the LR zone is 10,000 sq. ft. lots, but the LR zone allows for Secondary Dwelling Units (SDUs) and the R zone does not.

Randy Rigby, 245 S. Cobblecreek Rd., said that he feels much better about the plan that he is now presenting after hearing concerns from the Planning Commission and City Council. He said he has been able to sit down with many neighbors within the community to see and hear their concerns. They have worked hard to consider their concerns. He said UDOT has been mandated to sell this property because they will no longer hold onto it as “excess inventory.” He said the property was used by UDOT as a staging area, but was then turned into a dumping ground. **Randy Rigby** said what they are proposing will be a nice subdivision that will be a great contribution to Farmington. He said when they first proposed the subdivision, there were 41 lots and the target audience was more senior citizens that wanted to downsize their home and lot. He said based on the feedback from the community, they have amended their plans so there is a good mixture of lot size to help increase the value of property of those that currently live adjacent to the proposed subdivision. **Randy Rigby** said in addition to varied lot size, they have also amended the plan based on community feedback to stay away from adding any additional traffic onto 250 S. The road will now be stubbed into the Homer’s property to allow them to access it at some point in the future, if they choose to do so.

Randy Rigby said this piece of property is unique because it abuts Legacy Parkway, it is close to an overpass, near commercial land, and not far from an apartment complex. He feels what they are proposing provides a transition from these areas to the current residents. He said a lot of the feedback from the neighbors is that they want larger lots that border their properties, so the proposed plan provides larger lots along the subdivision’s southern border. He said they are also mindful of the neighbors on the northern border, so they have included open space in the northeast corner, as well as Lot 25 that is bigger and are keeping Lot 34 as is.

Randy Rigby said they want to be a good partner with the City and community; he wants to make something that is beneficial for everyone. He said the subdivision’s proposal is now 34 lots, which will deliver property taxes for the City and bring in even more quality people to the City. He said the homes in the subdivision will start between \$450,000 to \$600,000. He said the average income individuals would have to have to qualify for a mortgage is \$150,000 annually. He said he recognizes there are quality individuals regardless of what people make, but he feels this proposal would increase the surrounding property values.

Randy Rigby also said that this proposal does not set a pattern for other areas; he emphasized that what they are requesting is for this property only and would not change the approved plans for the Miller Meadow Subdivision. He said what they are requesting for this property is due to the uniqueness of the property and the surrounding area. He said there are 10 other R zones within the City, and that what they are proposing would have the largest lot size average at 9,300 sq. ft. The lot size minimum for the R zone is 8,000 sq. ft. He said the smaller lots would be located on the interior of the subdivision, adjacent to Legacy Parkway. He said this subdivision would also have the added benefit of acting as a sound barrier for other areas on the west side of Farmington.

Rebecca Wayment thanked the applicant for holding meetings with the public; she asked how the open houses were attended and what he felt the outcome was from the meetings. **Randy Rigby** said 10 people signed up to come to an open house meeting after he left the City Council meeting. He said Commissioner **Kent Hinckley**, as well as staff **David Petersen** and **Eric Anderson** also attended, which he appreciated. He said he felt there was a lot of thoughtful dialogue with the community, and felt it was a good way to listen and take into account the community's feedback.

Alex Leeman invited the public to share their thoughts during the public hearing, but asked specifically that if their view of the subdivision has changed, to share what made the difference from their previous opinion to now.

Alex Leeman opened the public hearing at 7:32 p.m.

Krissy Guest, 553 W. 250 S., said she did attend the neighborhood meetings. She thanked the developers for holding the meetings and being willing to make some compromises, but said that she is hesitant to support a zone change because she does not know what that could mean for the future of west Farmington. She is concerned that a zone change like that could open a "can of worms."

Natalie Hogan, 417 S. 650 W., said that she found it interesting that during the City Council's public hearing, the council members stated the General Plan designation does not need to be changed. She said it was also mentioned during that meeting by **Cory Ritz** that there should be no more than 28 homes on this property. She said she feels 34 lots is an improvement, but that it is still not where it should be based on what was said during the City Council meeting. She said she would like to keep the AE zone feel, and have as minimum impact as possible to the current agriculture uses in the area. She said she is concerned that her 1 acre of property would become the green space for the area. She said she is also interested to see if the 20% open space requirement has been met by the developer. She said this area is technically under the "Legacy Scenic By Way," which has its own requirements of broad open space, uncluttered views, and more. She said she feels the Legacy Trail maintains an open feel; she does not feel packed houses would be upholding the overlay of openness that is required by the Legacy Scenic By Way. She asked that the developers uphold those guidelines. She also expressed frustration that the City is making many exceptions for developers and feels it is time for developers to uphold the City's guidelines.

Lisa Webster, 732 W. 500 S., said she has lived in the area for a long time. She said this is the 5th meeting she has attended between the City and the neighborhood regarding this proposal. She feels that if the neighbors wanted this subdivision so badly, then this would not be the 5th meeting to attend. She said there are two reasons why she is adamantly opposed. She said the first reason is that traffic is already horrendous, and the high school traffic has yet to be added. She feels this area has not been made to handle so much traffic, and that she could not have imagined she would see traffic like what is currently in the area. The second reason she is opposed is the request for a rezone of the property. She feels changing the zone of the property would be like opening a floodgate in the area. She feels the City has a master plan for a reason, which is so the City could foresee any problems down the road. She

feels the area is not set up for what is being developed. She said she is not opposed to homes being built on ½ acre lots. She feels ½ acre lots next to the freeway has been done successfully in other areas and could continue to be done. She asked what the next steps are for the developer if this project is denied for recommendation by the Planning Commission. She asked if the developer would then go before the City Council again. She asked how many public hearings the community must attend; she said if the community wanted this development, they wouldn't keep saying the same things as to why they are opposed.

Paulette Hewitt, 541 W. 250 S., provided statistics on the number of students that will be attending Farmington High School, which is just under 2,000 students by the year 2019. She pointed out that 10th grade students will not be allowed to park in the parking lot, which means the 10th grade students will be parking along 650 W. She said her first major concern is the request for a rezone of the property. She said the Master Plan is to preserve the quality of life of the community; she feels the number of lots should not exceed the number of lots allowed in the yield plan, which would be 23 lots for this specific property. She said she feels the open house meetings with the developer have been great, and they have been open with the community and the community has been open with them regarding changes everyone would like to see, but she still feels what they are proposing is a lot of lots. She also asked why the subdivision is listed as 34 lots when the Maxfield's large property will remain as is. She said if that property is included in the overall lot count, the average lot size is significantly larger than if it was removed. She also expressed frustration that the applicant sent an email stating the average lot size is about ¼ an acre, but she said based on what she sees on the schematic plan, only two lots meet that requirement. She expressed frustration that many other developments, including Miller Meadows and Chestnut Farms, have developed larger lots; she does not see why this property cannot be developed as ½-acre lots too.

Jim Checketts, 576 W. 350 S., said that he appreciates the time and effort of the Commissioners and staff. He said that he has "only" lived in the area for 18 years. He said he has met with the developers a number of times and wanted to point out that what is being presented is not the neighbors' plan, but the developers' plan. He said it was stated that someone was recommending this proposal from the developer and asked who was recommending it. Alex Leeman said staff was recommending that the Commissioners recommend approval to the City Council. **Jim Checketts** said that he does not feel what is being proposed is cohesive to what is being done in the area. He said he recognizes the changes that have been made by the developer since the previous proposal, but feels the changes are barely small adjustments to what could be and should be made to the development. He feels the developer has been making small changes with an "X Acto knife," when big changes need to happen. He said he also does not think the zoning should be changed. He has a lot of concerns still regarding what the developer is proposing, and he does not think the changes are significant enough for the City Council or Planning Commission to buy off on it. He does not feel what is being proposed will increase anyone's value, except the developer.

Eric Oldroid, 558 W. 350 S. said that he attended one of the developer's open house meetings; he felt the developer and his team were nice guys and applauds them for being willing to meet. He said he feels what the developer has proposed is better than what it was, but that he feels like the proposal has not gone far enough for approval. He said he recognizes and respects people have land rights, but he feels that right is granted based on the property's zone. He said he does not feel the City should grant the developer additional rights by granting a rezone just so the developer's fiscal numbers work for them with the project. He said he is concerned that if an exception is made, there will always be a case for exceptions in the future for other properties. He said he kept hearing that this specific property is a unique piece of land, but he feels there is a case that every piece of land is "unique" in some way. He said he also heard staff say that the minimum area lot size is 8,000 sq. ft., but that the alternative lot size is not available for 10 acres or more; the proposed property is more than 11 acres so he is unsure

why the City would allow the alternative lot size to come into play on this proposal. He feels the Ordinance should not be read as something that should be worked around in order to get what you want. He feels the subdivision would be beautiful, but it would be too crowded, which is not west Farmington. He asked the commissioners to think of the issues brought up by the public; he asked if what is being proposed is reasonably necessary, in the public's best interest, and consistent with the City's General Plan.

Bryce Crowley, 1743 W. Spring Meadow Lane, said he has lived in Farmington for the last 3 ½ years, but that he previously lived in the City for many years. He said he and his family chose to build a home here after he moved his business to Farmington. He said he is concerned about the exceptions requested by the developer and that there are always exceptions encouraged by staff. He said the City Council does not feel the need to amend the General Plan. He also said that when it looked that the developer was going to be denied by the City Council, the City Council tabled the item so not to prevent the developer from having to re-apply in 12 months. He said that although he is not an immediate neighbor to this development, he is concerned about the exceptions that are being made within the City. He said the proposal does not match what the City's requirements are for developments. He said he recognizes exceptions were made for the street he now lives on, but asked how the City tracks all the exceptions that are granted to developers. He expressed concern that the developer has been told no multiple times, but that staff and the City are still encouraging proposals on things that this property is not zoned for and should not be allowed. He said he understands the developer's concern about needing to develop the property appropriately in order to make it work for him, but he feels the developer took on that risk when he purchased the property. He feels what is being proposed up against Legacy Trail looks like Foxboro in North Salt Lake. He asked if what is being proposed meets setback requirements for lots because he does not feel it does meet those requirements. He said he appreciates the time and service the Commission provides, and again reiterated his concern about all the exceptions that are continually made and his desire to continue to fight against those exceptions or to amend the General Plan.

Alex Leeman entered an email sent to the Commission from resident **Andy Romney** into the record.

Alex Leeman closed the public hearing at 8:02 p.m.

Alex Leeman said he wanted to explain the process of the developer's application so the public is aware of it. He said there are two parts to the developer's application, the rezone request and the schematic plan and preliminary PUD master plan approval. He said the Planning Commission is an administrative body; its job is to ensure applications comply with the law and City code. He said the City Council is a legislative body that can determine whether a development is good or bad and if it should be allowed in the City. **Alex Leeman** said a rezone is a discretionary decision, which means the City determines if the decision is good or bad. The decision makers for a rezone is the City Council; however, the Planning Commission makes a recommendation to the City Council to approve or deny the rezone request. He said the schematic plan is a legislative act, and the Planning Commission determines if it meets the law.

Alex Leeman said if the applicant is granted the rezone, then the schematic plan then complies with the law; however, if the rezone does not happen, then the schematic plan does not work. He said the Planning Commission is making a recommendation regarding the rezone and schematic plan. If the City Council were to approve the rezone and schematic plan, the proposal then comes back to the Planning Commission for administrative approval as it is within the law. If the City Council denies the rezone, the application would no longer be valid. He said the landowner can keep coming back with

applications, but at this point the developer does not have to since he has not yet received a denial from the City Council.

Alex Leeman said another comment was made regarding exceptions made by the City. He said there are plenty of places to obtain exceptions from the requirements. He said there is never an instance where someone does not have to comply with the law; one cannot be exempt from the law, but the law does allow for different things. He said just because exceptions happens, it does not mean one is not following what is allowed. He said the law must be followed, but that there are reasons which warrant an exception as there is something given in exchange.

Bret Gallacher asked staff for clarification about Councilmember Cory Ritz's comment at the City Council meeting regarding how this property should only have 28 homes. **David Petersen** said he made the comment in reference to what would be allowed if the property remained zoned AE. He said Councilmember Ritz was "eye-balling" the property based on comparable properties of Miller Meadows or Chestnut Farms.

Alex Leeman asked staff to address how this proposal complies with the Ordinance and the law despite not meeting the minimum lot size. **David Petersen** said in Chapter 11, it states alternative lot sizes are available when a Transfer of Development Rights (TDR) takes place, and that the alternative lot sizes are not available for 10 acres or more. He clarified that the applicant is not asking for a TDR, but is seeking approval for a Planned Unit Development (PUD), which is very different from a TDR. He said the biggest thing the applicant is requesting is the R zone. He said it was mentioned by the public that the R zone is inconsistent with the General Plan. **David Petersen** said a general plan is a recommendation document in the State of Utah. When this property was annexed into the City in 1993 as the AE zone, the Bangerter family was farming it, so it was amended to the A zone, which was inconsistent with the General Plan. He said the property has been inconsistent with the General Plan since 1993. If the City decides to approve the rezone, he said he feels it would be a good time to amend the General Plan to finally make it consistent after 24 years.

David Petersen said the application comes down to the request to rezone the property to R, and not the amendment to the General Plan. He said the applicant is requesting a PUD because the R zone setbacks are cumbersome with the current styles of homes. He said the R zone was created in 1969, and that home styles have drastically changed since that time. He said asking for the PUD allows the developer the ability to ask for allowances to setbacks.

David Petersen said he has been asked by residents why he is in favor for this development. He said one of the reasons staff is in favor of it is because the state has invested a lot of money in rail stops; Davis County only has four of them, including the one in Farmington. He said the whole purpose of urbanization is to move people without having to use a car. Freeways are becoming more congested, the commuting pattern is all towards the south, Utah is facing major air quality issues, and there is no slowing of growth in sight, which means the City will have to grow from within. **David Petersen** said Davis County is no exception. He said the proposed property is the last parcel within acceptable walking distance of the rail station. He said it is continually mentioned that approving this rezone could mean it could happen elsewhere in the City; however, it does not make sense to have this density somewhere else in the City because it is not close to any facilities.

Bret Gallacher asked if the minimum lot size for the R zone is 8,000 sq. ft. **David Petersen** said the yield plan for the R zone is 8,000 sq. ft., which sets the lot thresholds. He said from there, developers can choose to go with conventional lots, which the applicant is not doing, or to go through the PUD process.

Rebecca Wayment thanked the community for showing up and expressing their concerns. She said she recognizes this has been a long process, and she understands the frustrations from all sides, including the developer, staff, and the community. She feels the back and forth will make the end result better. She said she missed the Planning Commission meeting when the developer first presented the development, but was immediately concerned about the lot sizes and density bonuses the applicant was requesting during the second meeting when she saw it for the first time. She felt the Planning Commission provided a lot of good feedback to the developer at that point, and she feels she either was thinking it or said that she would feel more comfortable if lots were ¼ acre. She said in the applicant's new proposal, she likes the open space arrangement and appreciates that the lot count has decreased, but is still concerned about the size of the lots adjacent to the trail. She is not comfortable that someone on the trail could look right into someone's backyard; she does not feel it is a win for anyone.

Rebecca Wayment said she is also concerned about the rezone of the property. She said the staff report states that rezoning this property is a policy shift in Farmington, which would reflect the reality that west Farmington may become urbanized. She said she feels very uncomfortable rezoning west Farmington to allow for an increase in density. She feels with the opening of the high school, and if the City makes a policy shift, many property owners may come forward requesting to rezone their property. She feels rezoning this property could open the floodgates; if an exception is made because the property is unique, she asked how many other property owners will also have "unique properties." She also said that what is being proposed is considered low-medium density housing; however, she does not feel this area needs an additional buffer of low-medium density housing. She feels Clark Lane is a sufficient buffer from the commercial property and the apartments to the single-family homes on the other side of the road. She feels there should not be any low-medium density housing creeping down 650 W.

Rebecca Wayment said she feels like the development is moving in the right direction, but feels the small lots do not belong in the development at all. She feels Miller Meadows has been a success because people like larger lots that have land; it makes it unique and appealing. She feels there is nothing to stop other developments like this from going in if this is approved. She feels if this property is given up to higher density, then the rest of west Farmington will be given up very quickly.

Bret Gallacher said he does not think that this development would be setting a precedent for west Farmington. He said he feels it has been proven over and over that the Commission takes each situation on a case by case basis. He said he was expecting the community to be more in favor of the revised proposal, but has heard the concerns from the residents. He said he has a couple thoughts regarding the applicant's proposal. He said he lives near the golf course, and when Ovation homes proposed smaller lot sizes, the community expressed a lot of concern that no one would want the smaller lots or that no one wants to live in a community of solely retired couples. He said that development has been very successful in their community. He also pointed out that resident Mr. Crowley said exceptions were made for his lot, but that he was against exceptions made for any other lot. He feels that fact negates everything he said because he feels that is like Mr. Crowley saying it is ok for him, but not for anyone else. **Bret Gallacher** expressed frustration that everyone's home was rezoned at one time or another; he feels it is going to happen so at some point it needs to be determined what is a good solution and what could be much worse the next time a proposal comes in. He said the Commission asked for larger lots and a decreased lot count. He said he feels like the applicant has made a good faith effort, and that denying this application could mean a lot worse could come in later. He feels the applicant has done a good job.

Roger Child said he has lived in Farmington for 27 years, has raised his family here, and loves all that Farmington encompasses. He said he is currently living in his second home in Farmington, which is located on a ½-acre lot, but he would like to downsize at some point in the future. He said he would

love options within the City for smaller lots. He said having worked with cities all over the state, the A zone is often a holding zone for future development. He said holding property to its A zone is not always a strong argument because most of the A zones get rezoned. He said looking at the size of lots next to the trail and freeway from an economic perspective, those lots are exactly where they need to be located. He said the space between the homes on the smaller lots would be narrow, which would act as a sound and economic wall. He said it would block the sound from Legacy Parkway, as well as act as a buffer to enhance the value of other properties not against the freeway.

Roger Child said it is challenging for him to think the City's "affordable housing" is starting at \$450,000. He feels it is essential for a City to have a price diversity among its home. He said there is little to no development options on the east side, so development will have to move west. He said providing different size lots will provide more of a mixed demographic, which can make for a more successful neighborhood. He feels only providing ½-acre or ¼ acre lots will greatly restrict the demographic. He feels some of the greatest subdivisions in the City are within the R zone. He feels when you drive through these zones, you cannot tell they are any different. He also feels the issue of setting a precedence is slightly moot; Farmington has the largest commercial development in Davis County with Station Park and the light rail. He said this area tends to support a slightly higher density, and this project would act as a buffer to those that still want larger lots.

Rebecca Wayment said the developer stated that there are 10 areas within the City that are currently zoned R. She asked where these areas are located. **Roger Child** also asked for the average lot size in the Ranches. **David Petersen** said it depends on the area, but that the average lot size is approximately 11,500-12,000 sq. ft. He also added that it was a 719-acre development with 55% open space, so he feels the comparison is apples to oranges. He also showed the location of the R zones within the City. **Rebecca Wayment** asked if there are any R zones on the west side of the City. **David Petersen** said no, there are not any R zones on the west side.

Alex Leeman said he understands the history of the west side and its agriculture base. He said he also understands the way different areas can be developed; however, demanding the same thing that has been done in other areas means there is little variety within the City. He said he feels varied zoning allows the Planning Commission different tools to develop a City. He feels making the decision that the R zone should not be located on the west side of the City eliminates a whole category of how a City could be developed. He feels having an applicant come along requesting some of these things makes the City stop and consider how it should be developed out.

Alex Leeman said he feels the ¼-acre lot size argument has come up a lot; however, he feels there are hundreds and hundreds of ¼-acre lots in the City. He feels if someone wants a ¼-acre lot, there are already so many to choose from within the City; however, smaller lots are less available within the City. He said he has a hard time requiring ½-acre lots because currently, someone would need close to \$900,000 to build on it. He said his parents live on a smaller lot, which has been very beneficial for them and many others. **Alex Leeman** said he feels one improvement the developer has made is that the outward facing lots have increased in size. He said he also likes roads put in that allow for future development because it makes for a better-planned community. He also feels the larger lots on the southern border will provide for continuity of lot size in the area when other properties decide to build out. He feels having the smaller lot sizes in the middle of the project makes sense. He said that he would recommend approval of the rezone to City Council, which would then also include the schematic plan.

Bret Gallacher said he feels that if the Commission were to demand 28 lots, many people still would not be happy with the development. **Alex Leeman** said he would be less happy if 28 lots were demanded. He said he is tired of the ¼-acre lots. **Rebecca Wayment** said it appears that 18 lots are

under .18 acres, which is a very small lot. She said that would be over half of the development being way under ¼ acre lots. She asked if there are even ¼-acre lots even found in the development. **Alex Leeman** said the Commission is making a legislative decision regarding if the rezone to R is something the commissioners like. He said he feels having 18 smaller lots is a positive toward the rezone. He said he does not feel density is a bad thing; he does not feel it is a good fit everywhere, but thinks that a well-planned community requires a good mixture of densities. He said if there is an area in the City where putting houses closer together makes sense, this property is it. **Bret Gallacher** said a comment was made about how there are no houses that abut the Legacy Trall. He said in his experience regularly using the trail, there are many smaller lots that abut it, and it still seems nice and that people still want to move into those smaller lots.

Alex Leeman thanked the commissioners for their diversity of opinion. He said he recognizes there is disagreement on this item, but said he likes that all commissioners can present their differences regarding items like this.

Motion:

Bret Gallacher moved that the Planning Commission recommend that the City Council approve the rezone from AE to R, and amend the General Plan from RRD and AG to an LDR designation for 11.93 acres of property located at approximately 650 West and 250 South as identified in the attached legal description, subject to all applicable Farmington City ordinances and development standards and the following condition: the approval is subject to an approved preliminary PUD master plan and that the Planning Commission recommend that the City Council approve the schematic plan and preliminary PUD master plan for the Mountain View PUD Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to or concurrent with preliminary plat;
2. All outstanding comments from the DRC for schematic plan shall be addressed on preliminary plat.

Roger Child seconded the motion. **Roger Child, Bret Gallacher, and Alex Leeman** voted in favor of the motion; **Rebecca Wayment** voted against it. The motion passed with the majority vote of 3-1.

Findings for Approval for the Rezone:

1. While the proposed rezone is not consistent with the General Plan, this area of Farmington is changing, and the General Plan is antiquated and does not reflect the current realities facing suburban communities (such as Farmington) on the Wasatch Front; the General Plan is likely to be overhauled in the future to more accurately reflect the area's projected growth and accommodate the changes within the area.
2. The proposed rezone will provide low to medium density housing and act as a transition between lower intensity single-family residential development to the south, and higher intensity mixed use development to the north.
3. The property is removed from 650 West and abuts the Legacy Highway; it is an in-fill development and is suitable for low to medium density housing as it is hidden by a row of homes on 650 West.
4. Making the rezone contingent on the approval of a preliminary PUD master plan ensures that vesting does not occur without the approval of a master plan for the area, protecting the city in the event that the applicant does not move forward with the subdivision.

5. Although at a higher density, the proposed development is still single-family residential, which is commensurate with surrounding neighborhoods.

Findings for Approval for the Schematic Plan and Preliminary PUD Master Plan:

1. The proposed plans meet the requirements of the subdivision and zoning ordinances of an R-PUD zone, if the rezone does occur.
2. Schematic plan does not vest the property, and will be null-and-void if the rezone is not passed.
3. The proposed development will provide low to medium density housing and act as a transition between lower intensity single-family residential development to the south, and higher intensity mixed use development to the north.
4. The property is removed from 650 West and abuts the Legacy Highway; it is an in-fill development and is suitable for low to medium density housing as it is hidden by a row of homes on 650 West, and abuts a major highway facility.
5. Although at a higher density, the proposed development is still single-family residential, which is commensurate with surrounding neighborhoods.
6. The attached landscape plan and building elevations are of a high design quality and meet the standards set forth in Section 11-27-070; additionally, the project will provide a connection to Legacy Parkway Trail.
7. The applicant is providing 51,836 s.f. of improved open space, including a trail connection to Legacy Parkway Trail.

CONDITIONAL USE

Item #4. Farmington City (Public Hearing) – Applicant is requesting conditional use and site plan approval of a round-about design as a public use on property at Clark Lane and 1100 West in an A (Agriculture) zone. (C-17-17)

Eric Anderson said this project is for the roundabout at Clark Lane and 1100 W. He said it is currently a weed patch; he presented the plan of the water feature with horse sculpture, as found in the staff report. He show pictures of a similar project in Grand Junction and said that the same artist has been commissioned for this project if the conditional use and site plan are approved. Eric Anderson said it has to be considered as a conditional use because the roundabout is a public use, so the City has to go through the same process as any other applicant. He said one big issue is that the plans are showing a Weber Basin water line, but it is actually a BOR water line with an easement over it as well as a City water line. He said those water line easements will have to be resolved prior to moving forward on the project; he said conditions addressing the issue have been included in the proposed motion. Staff is recommending approval of this item.

Alex Leeman asked about the source of water for the water feature. David Petersen said the water will be recirculated.

Roger Child asked how deep the water would be in the water feature. Eric Anderson said he thought it will be trickling water, so fairly shallow.

Alex Leeman opened the public hearing at 8:51 p.m.

Kristin Williams, 344 S. 100 W., asked if there would be water in the middle of the roundabout, as well as on the side where the University of Utah Health Center is located. If so, she asked how much work is involved in getting water under the road and if the water actively running under the road would

FARMINGTON, UTAH

ORDINANCE NO. 2018 -

AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FROM AE TO R FOR PROPERTY IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 080870137, 080870140, 080870078, 080870174, AND 080870034.

WHEREAS, the Farmington City Planning Commission has reviewed and made a recommendation to the City Council concerning the proposed zoning change pursuant to the Farmington City Zoning Ordinance and has found it to be consistent with the City's General Plan; and

WHEREAS, a public hearing before the City Council of Farmington City was held after being duly advertised as required by law; and

WHEREAS, the City Council of Farmington City finds that such zoning change should be made;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Farmington City, Utah:

Section 1. Zoning Change. The property described in Application # Z-2-17, filed with the City, located at approximately 179 South 650 West, identified by parcel numbers: 080870137, 080870140, 080870078, 080870174, and 080870034 and comprising 11.93 acres.

Section 2. Zoning Map Amendment. The Farmington City Zoning Map shall be amended to show the change.

Section 3. Effective Date. This ordinance shall take effect immediately.

DATED this 6th day of March, 2018.

FARMINGTON CITY

H. James Talbot
Mayor

ATTEST:

Holly Gadd
City Recorder

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

PUBLIC HEARING: Farmington Greens PUD Master Plan Amendment – 1525 West Clark Lane

ACTION TO BE CONSIDERED:

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

GENERAL INFORMATION:

See enclosed staff report prepared by Eric Anderson, City Planner.

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



F A R M I N G T O N C I T Y

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
BRIGHAM MELLOR
CORY RITZ
REBECCA WAYMENT
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, City Planner

Date: March 6, 2018

SUBJECT: **FARMINGTON GREENS PUD MASTER PLAN AMENDMENT**
Applicant: **Adam Nash – Growth Aid LLC**

RECOMMENDATION

1. Hold a Public Hearing;

AND

2. Move that the City Council approve the amendment to the Farmington Greens PUD master plan and enabling ordinance related thereto, reducing the setback requirement of the commercial property to 10' minimum on all sides, and further defining that the applicant's request be an allowed commercial use in the Farmington Greens PUD, subject to all applicable Farmington City development standards and ordinances, and the following conditions:
 1. The height of the buildings shall not exceed twenty-seven (27) feet in height as set forth in Section 11-10-050 of the Zoning Ordinance;
 2. Any commercial use approved as part of the amendment to the development agreement shall obtain a conditional use permit;
 3. Any supporting commercial uses ancillary to the storage facility shall meet the "neighborhood service establishment" use as set forth in Section 11-15-030 of the Zoning Ordinance;
 4. The PUD amendment shall apply only to the 2.6 acres of the subject property as outlined in the attached map.

Findings for Approval:

1. The property is currently zoned for commercial through the development agreement; this amendment further clarifies and defines what commercial uses are allowed on this property.
2. Because the development agreement is vague as to the type of commercial uses are allowed on the subject property, some deference should be given to the property owner and many commercial uses allowed within the City should be allowed on this property. The proposed amendment removes this vagueness and narrows the scope of possible commercial uses allowed on this property.

3. The setbacks established for the Farmington Greens PUD were for residential uses, and do not make sense for commercial uses. Reducing the setbacks brings the buildings closer to the street, enhances the block face, and creates a more pedestrian friendly environment.
4. Storage units are a low impact commercial use.
5. Further specifying the commercial uses allowed on this parcel, and tying those uses to storage facility and neighborhood service establishment ensures that any commercial use will be low impact.
6. The applicant will have to follow all of the standards of the AE zone unless expressly addressed through the development agreement and PUD master plan; these include, but are not limited to maximum allowable height of buildings, fencing, etc.
7. If the City approves this PUD and development agreement amendment, then the applicant will still need conditional use permit and site plan approval from the Planning Commission.

BACKGROUND

In 2000, the City entered into a development agreement with Golden Meadows Properties for the development of the Farmington Greens PUD Subdivision. In that PUD master plan and development agreement, the subject property was determined to be "Commercial Support and Services" and further defined under Recital B of the development agreement as: "Developer's project shall be known as Farmington Greens, a planned unit development (the "Project"), which shall consist of up to but not to exceed 176 lots or dwelling units, plus approximately three acres of commercial property as more particularly shown on the preliminary development plan previously approved by the City Council on October 7, 1998." Beyond this one sentence, there is no further description on what types of commercial uses are allowed on this commercial property.

The applicant came in several months ago requesting to put apartments on the property, however, because the development has already reached its cap of residential units allowed and the subdivision's yield threshold is maxed, the applicant cannot build any more residential units on this property. The applicant then came back with a proposal to build storage units; this seems to fit under the commercial use as defined in the development agreement. But because the development agreement is short on clarity and not well defined, staff thought it wise to receive City approval to amend the PUD master plan further defining what types of commercial uses should be allowed, or whether a commercial zone should be applied to this property (i.e. the C zone). Additionally, the setbacks set forth in the Farmington Greens PUD are for residential uses and do not make sense for commercial uses. Staff would also like to amend the PUD and development agreement to specify specific setbacks for the commercial property. Because this is commercial, staff feels that a minimum setback makes sense, and so is requesting 10' minimum on all sides, to bring the building closer to the street, and create a block face.

At the Planning Commission meeting held on **January 18, 2018** the item was tabled to give the applicant, staff, and the Commission time to review the issues that were raised during the public hearing. The two main issues brought up were regarding the height of the building and the other ancillary uses the applicant is proposing in the front of the storage facility. After discussions with the applicant, he has stated that he will abide by the height restriction already in place in the AE zone, which is a maximum of 27'. Concerning the uses, staff is recommending that the Planning Commission specify a list of neighborhood commercial uses that will be low impact, such as office, or "neighborhood service establishments" as set forth in Section 11-15-030 of the Zoning Ordinance.

At the Planning Commission meeting held on **February 8, 2018** the Commission voted unanimously to recommend that the City Council vote to approve the PUD master plan amendment as written in the staff report with one added condition, as stated in Condition 4 of the suggested motion above.

Supplemental Information

1. Vicinity Map
2. Development Agreement
3. Storage Facility Site Plan
4. Storage Facility Elevations and Perspectives
5. Enabling Ordinance

Applicable Ordinances

1. Title 11, Chapter 10 – Agriculture Zones
2. Title 11, Chapter 15 – Business/Residential Zones
3. Title 11, Chapter 16 – General Commercial Zones
4. Title 11, Chapter 27 – Planned Unit Development

Respectfully Submitted



Eric Anderson
City Planner

Concur



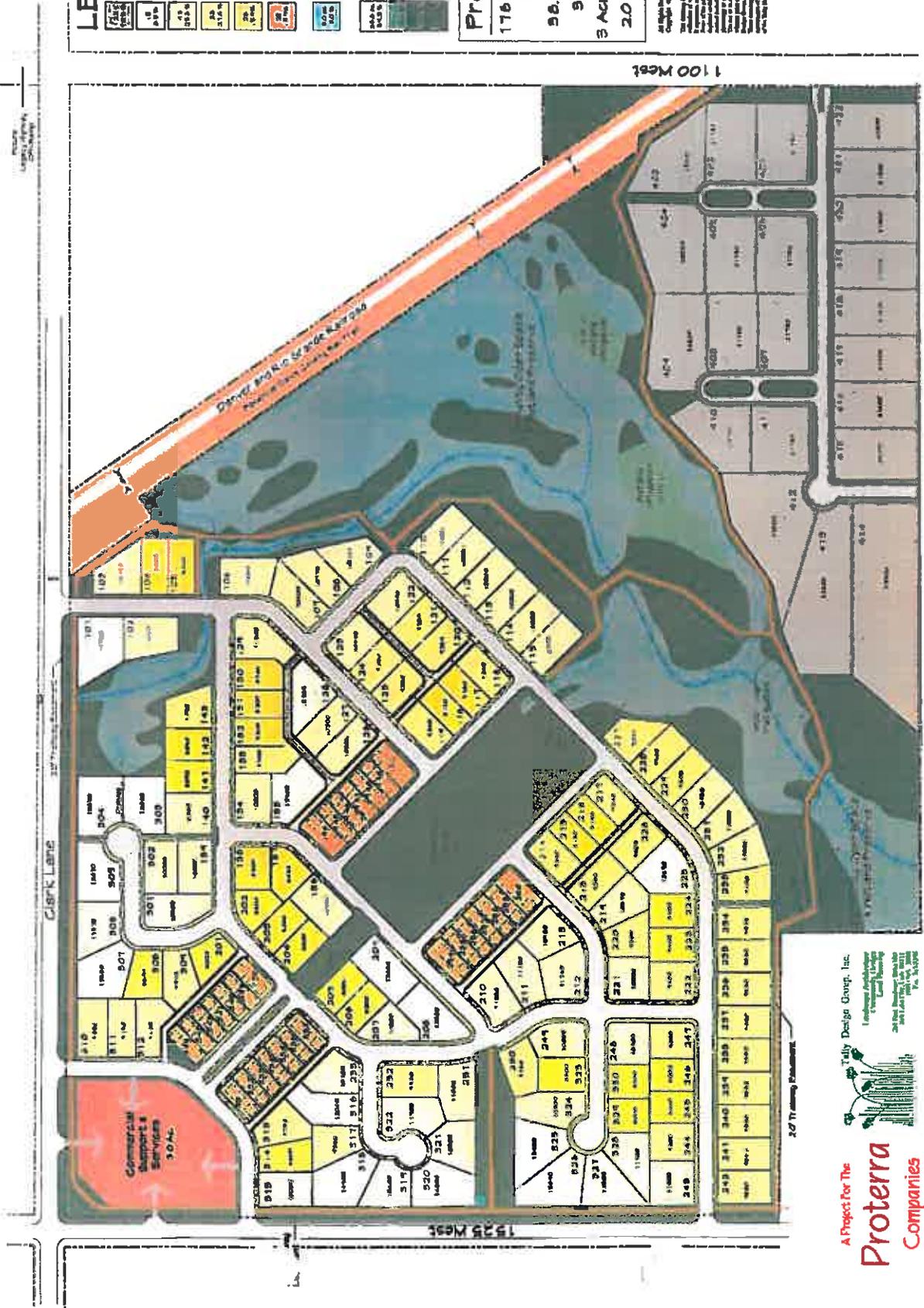
Dave Millheim
City Manager

Farmington City



Farmington Greens

Approved Master Plan



LEGEND

- Equestrian Lot Homes
21,750 s.f. and larger
- Estate Lot Single Family
12,000 - 21,000 s.f.
- Large Lot Single Family
10,000 - 12,000 s.f.
- Medium Lot Single Family
9,000 - 10,000 s.f.
- Medium Lot Single Family
8,000 - 9,000 s.f.
- Cottage Home Lots
4,100 - 5,100 s.f.
- Community Support and Services Parcels
- Community Open Space and Pastoral Preserves
- Pastoral Preservation Zone
- General Open Areas
- Developed Park Areas

Project Density
 176 Homes on 98.8 Acres
 1.8 Homes / Acre
 9.8.6 Acres Open Space
 9.9.3 % Open Space
 3 Acres Community Service
 2.0 % Community Service

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 This drawing is intended as a guide only and is not a contract. It is subject to change without notice. The design is based on the information provided by the client. The client is responsible for the accuracy of the information provided. The design is based on the information provided by the client. The client is responsible for the accuracy of the information provided. The design is based on the information provided by the client. The client is responsible for the accuracy of the information provided.



Scale: 1" = 100'
 Date: 05/20/04
 Project: Farmington Greens
 154811-01-00



A Project For The
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 Companies

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DEVELOPMENT AGREEMENT
FOR
FARMINGTON GREENS (PUD)

08-074-0001

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into as of the 19 day of July, 2000, by and between **FARMINGTON CITY**, a Utah municipal corporation, hereinafter referred to as the "City," and **CLAIMS, INC.**, a Utah corporation, hereinafter referred to as the "Developer."

E 1624058 B 2713 P 1180
SHERYL L. WHITE, DAVIS CNTY RECORDER
2000 NOV 14 1:03 PM FEE 170.00 DEP MEC
REC'D FOR FARMINGTON CITY CORP

RECITALS:

A. Developer owns or is acquiring approximately 98.3 acres 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").

B. Developer or its predecessors have filed an application with the City for approval of Developer's project on the Property as a planned unit development. Developer's project shall be known as Farmington Greens, a planned unit development (the "Project"), which shall consist of up to but not to exceed 176 lots or dwelling units, plus approximately three acres of commercial property as more particularly shown on the preliminary development plan previously approved by the City Council on October 7, 1998.

C. The Property is presently zoned under the City's zoning ordinance as AE. Except as expressly modified by the approved PUD application, 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 standards and specifications and any permits issued by the City pursuant to the foregoing ordinances and regulations (collectively, the "City's Laws").

D. The Project will be developed as a planned unit development. The City has included in this Agreement various conditions that must be satisfied in order to allow development of the Project.

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 for design and 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. E 162405B B 2713 P 1181

2. **Development Plan.** The Developer shall develop the Project on the Property as a planned unit development in phases as residential lots or dwelling unit sites with approximately three acres of commercial property in accordance with the approved final development plan, which plan is attached hereto as Exhibit "B" and by this reference is made a part hereof (the "Development Plan") and the sample elevations and residential setback requirements attached hereto as Exhibits B-1 and B-2 respectively and by this reference made a part hereof. Any change proposed for the Development Plan must be approved by the City before becoming effective. The Farmington City Council shall receive a recommendation from the Planning Commission before approving any amendments.

3. **Plats and Site Plans.** A subdivision plat and/or site plan where appropriate for each phase of the Project will be required for approval by the City. All phases of the Project receiving final plat and/or site plan approval must be developed in strict accordance with the approved final plat and/or site plan for that phase. No amendments or modifications to the final plat and/or site plan for any phase shall be made by the Developer without the written approval of the City being first obtained. Nothing contained herein shall be construed as granting final plat and/or site plan approval to the Developer for any portion of the Project.

4. **Development of the Project.** 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 Development Plan and the approved final plats and site plans, and this Agreement.

b. **Streets and Related Improvements.**

i. Developer will construct and/or improve and dedicate to the City the streets shown on final subdivision plats and/or site plans for the Project. Construction and/or improvement of the streets shall include all curb, gutter, paving, sidewalks, park strips and related utilities. All construction and improvement shall be in accordance with City-approved design and construction standards and requirements. Prior to construction, plans and specifications shall be reviewed and approved by the City Engineer.

ii. Developer shall post a bond acceptable to the City for and fully improve one-half (½) of the 1525 West Street right-of-way the entire distance that such right-of-way runs adjacent to the western boundary of the Property prior to recordation of the final plat of each phase abutting 1525 West Street. Improvements for 1525 West Street shall include, but are not limited to, curb and gutter, asphalt, road base, sidewalk or trail on the east side and all related underground public improvements and utilities. Construction of 1525 West shall occur concurrently with

the construction of improvements in 1525 West by the developer of Farmington Ranches (the "Farmington Ranches Developer").

E 1624058 B 2713 P 1182

iii. In cooperation with the Farmington Ranches Developer, Developer shall fully improve the entire Clark Lane right-of-way from the point where said right-of-way intersects with the projected eastern-most boundary of Farmington Greens to the western boundary of 1100 West Street right-of-way. Developer's cost participation in the foregoing shall be limited to twenty-four and three-tenths percent (24.3%). Said improvement of Clark Lane shall be commenced after the City completes the installation of the water loop lines required for the Project pursuant to section 4(e)(iii) herein. The City shall enter into a written agreement with the Farmington Ranches Developer requiring said developer to pay seventy-five and seven-tenths (75.7%) of the cost of all the Clark Lane improvements described above. Developer's share of the cost of the Clark Lane improvements described in this subparagraph shall be paid by the Developer at the time of construction. The City will subsequently reimburse Developer's share of the cost of paving (including sub-grade and base preparation) the center fifteen (15) feet of that portion of Clark Lane described herein on a pro rata basis to the Developer and the Farmington Ranches Developer from traffic impact fees as the same are received by the City (the "Clark Lane Reimbursement Amount") pursuant to a reimbursement agreement to be entered into between the Developer and the City contemporaneously herewith. Contemporaneously herewith, the City and Developer shall enter into a pioneering agreement in the form attached hereto as Exhibit "C," which pioneering agreement shall provide for the reimbursement of Developer for a portion of the cost of the Clark Lane improvement costs by landowners adjoining the applicable portions of Clark Lane when and as such landowners develop their respective properties.

iv. Developer shall dedicate on the basis of One Dollar (\$1.00) per square foot to the City seven (7) feet of an 80-foot right-of-way of the Clark Lane right-of-way for the entire distance that such right-of-way runs adjacent to the northern boundary of the Property. The City will reimburse Developer for the fair market value of the seven feet pursuant to a reimbursement agreement between the parties. Developer further agrees to prepare and execute if necessary right-of-way dedication plats and/or subdivision plats for the Clark Lane dedications pursuant to the requirements contained herein. The dedication plats shall be recorded concurrently with the final plat of each respective phase of the Project. Developer shall fully improve the Clark Lane right-of-way including top back of curb on the south side to top back of curb on the north side the entire distance that such right-of-way runs adjacent to the northern boundary of the Property prior to recordation of the final plat of each phase abutting Clark Lane. Improvements for Clark Lane shall include, but are not limited to, curb and gutter on both the north and south sides of Clark Lane, fifty-two (52) feet of paving asphalt, sidewalk or trail on the south side, and all related underground public improvements and utilities including, but not limited to, storm drain piping and improvements. Developer shall post a bond acceptable to the City for the above-described improvements. The City will reimburse Developer from

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

PUBLIC HEARING: Zone Text Amendment to Chapters 3 and 28 of the Zoning Ordinance

ACTION TO BE CONSIDERED:

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

GENERAL INFORMATION:

See enclosed staff report prepared by David Petersen, Economic Development Director.

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

FARMINGTON CITY



H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
BRIGHAM MELLOR
CORY RITZ
REBECCA WAYMENT
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: March 6, 2018

SUBJECT: **ZONE TEXT AMENDMENT TO CHAPTERS 3 AND 28**

RECOMMENDATION

1. Hold a public hearing.
2. Move that the City Council approve the enclosed ordinance as recommended by the Planning Commission amending Chapters 3 and 28 of the Zoning Ordinance.

Findings for Approval:

1. The changes provide an incentive to sub-dividers to develop and improve blighted properties that otherwise may not be cleaned up.
2. The elimination of blight improves the general welfare of Farmington citizens.
3. Those owners of un-blighted properties wishing to let their holdings deteriorate in order to apply for TDRs--for purposes of blight—do in violation of the City's "demolition by neglect" provisions of the Zoning Ordinance.

BACKGROUND

One purpose of the Zoning Ordinance is to promote the general welfare of present and future inhabitants of Farmington City (see Section 11-1-020). As now written in Section 11-28-240 of the code, the primary use of TDRs is to support this purpose by allowing sub-dividers to help fund open space creation, and/or to "re-locate" open space, in exchange for lots transferred from somewhere else (the overall residential density of the community as a whole remains the same) [note: as part of its presentation to the Planning Commission, staff explained the City's overall TDR process and concepts (to date) in great detail---this proved to be helpful, especially for the new commissioners]. Can or should the City use TDRs for, or in addition to, reasons other than open space? The enclosed proposed amendments suggests that the City can use TDRs to clean up blight.

Respectively Submitted

David Petersen
Community Development Director

Review and Concur

Dave Millheim
City Manager

FARMINGTON, UTAH

ORDINANCE NO. 2018 -

AN ORDINANCE AMENDING SECTIONS 11-3-045 AND 11-28-240 OF THE FARMINGTON CITY ZONING ORDINANCE REGARDING TDRs AND FINDINGS OF BLIGHT (ZT-4-17).

WHEREAS, the Planning Commission has held a public hearing in which the text for Sections 11-3-045 and 11-28-240 of the Zoning Ordinance were thoroughly reviewed and has recommended that this ordinance be approved by the City Council; and

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

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

Section 1. Amendment. Sections 11-3-045 and 11-28-240 of the Farmington City Zoning Ordinance are hereby amended as set forth in Exhibit "A" attached hereto and by this referenced made a part hereof.

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

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

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 3rd day of October, 2017.

FARMINGTON CITY

H. James Talbot
Mayor

ATTEST:

Holly Gadd, City Recorder

EXHIBIT "A"

11-3-045: SPECIAL EXCEPTIONS:

- A. Purpose: A special exception is an activity or use incidental to or in addition to a principal use permitted in a zoning district; or an adjustment to a fixed dimension standard permitted as an exception to the requirements of this title; or a transfer of development right (TDR), or rights, established because of blight which results in an additional lot, or lots, or a dwelling unit, or units; or an adaptive reuse of a building or structure eligible, or that may be eligible, for the national register of historic places so long as the adaptive reuse does not compromise such eligibility. A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. This section sets forth procedures for considering and approving special exceptions to the provisions of this title. (Ord. 2011-18A, 9-20-2011)
- B. Authority: When expressly provided for under the provisions of this title, the planning commission is authorized to approve special exceptions to the provisions of this title in accordance with the terms and provisions set forth in this section
- C. Initiation: A property owner, or the owner's agent, may request a special exception to the provisions of this title in accordance with the procedures set forth herein.
- D. Procedure: An application for a special exception shall be considered and processed as follows:
1. A complete application shall be submitted to the zoning administrator in a form established by the city along with any fee established by the city's fee schedule. The application shall include at least the following information:
 - a. The name, address and telephone number of the applicant and the applicant's agent, if any.
 - b. The address and parcel identification of the subject property.
 - c. The zone, zone boundaries and present use of the subject property.
 - d. A complete description of the proposed special exception.
 - e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping and utilities; and
 - (5) Adjoining property lines and uses within one hundred feet (100') of the subject property.

- f. Such other and further information or documentation as the zoning administrator may deem necessary for a full and proper consideration and disposition of a particular application. (Ord. 2002-48, 12-11-2002)
2. After the application is determined to be complete, the zoning administrator shall schedule a public hearing before the planning commission. Notice of public hearings shall be given as required by law and according to policies established by the commission. The planning commission shall take action on the application within a reasonable time after the filing of a complete application.
3. A staff report evaluating the application shall be prepared by the zoning administrator.
4. The planning commission shall hold a public hearing and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform to the special exception to approval standards.
5. After the planning commission makes a decision, the zoning administrator shall give the applicant written notice of the decision.
6. A record of all special exceptions shall be maintained in the office of the zoning administrator. (Ord. 2016-23, 2-16-2016)

11-28-240: TRANSFER OF DEVELOPMENT RIGHTS/LOTS (TDR):

- A. Transfer Lots: Property proposed for conservation land and constrained and sensitive land, common area, or subdivisions using an alternative lot size, **or as special exception because of blight**, if located in a designated receiving zone, may be replaced by one, or more than one, "transfer lot". A transfer lot is a lot that could have been developed elsewhere in the city, but instead is platted in the place of proposed conservation land, common area, or subdivisions using an alternative lot size, **or as a special exception because of blight**, and where money paid to the owner of property located in a designated sending zone by a developer to transfer the lot, and increase the overall residential density of his project. Such lots shall be known and referred to as "transfer lots" and must be approved by the city in conjunction with subdivision **or site plan** approval. A transfer lot is not the result of a waiver set forth in this chapter.
- B. Sole Discretion: The city has the sole authority to designate sending and receiving zones where such transfer lots are used and may do so by resolution.
- C. Loss Of Associated Density Right: Any sending zone parcel, once a transfer lot density right is taken off the sending zone parcel, loses the associated density right unless a future city council decision approves an up zoning to the sending zone parcel.
- D. Minimum Transfer Lot Size And Dimensional Standards: The minimum acreage required for any transfer lot replacing conservation land, common area, or subdivisions using an alternative lot size, **or as a special exception because of blight**, shall be determined in accordance with the applicable and respective chapter and section set forth in this title, including, but not limited to, the development chart and dimensional standards provided in section 11-12-090 of this title, PUD standards in chapter 27 of this title, **special exceptions standards in section 11-3-045**, and/or lot and setback standards in sections [11-10-040](#) and [11-11-050](#) of this title.

E. Use Of Payments: Any cash payment which results from an agreement regarding a transfer lot or dwelling unit shall be set aside for the acquisition or improvement of open space and/or park land only, and not for any other use.

F. Proximity: The open space acquired involving a transfer lot shall be in proximity to the receiving area for said lot based on the service area or nature of the open space acquired. The service area, whether it is related to a regional facility, community parks, a neighborhood park, etc., shall be determined as set forth in the general plan.

G. Move To Another Location: If open space realized in whole or in part by a transfer lot is moved to another location, transfer lot density rights must be recalculated based upon the characteristics of the new sending zone parcel and in consideration on what has already been transferred to the previous location.

H. Larger Subdivisions: For larger conservation subdivisions or PUDs greater than twenty (20) acres in size, ten percent (10%) of the land must remain as open space and cannot be used by transfer lots.

I. Blight: Transfer lots considered as a special exception may only occur because of blight, and the applicant must complete a blight study, as defined and consistent with state code, and the City must establish a finding of blight for the receiving area in order to approve such transfer.

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

1. Anticipated value of the transfer lot to be paid from the receiving lot owner to the sending lot owner;
2. Method of payment for the transfer lot(s) value and when the payment is to be made;
3. Cost of improvements, including design costs, and the timing of construction;
4. Other costs, such as city fees and finance costs, and the timing of the paying thereof;
5. Land cost total to be paid to the owner and when this payment to the owner will be made; and
6. Developer profit percentage. (Ord. 2015-26, 8-18-2015)

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

S U B J E C T: Contractor and Contract for the 650 West Softball Complex Concrete

ACTION TO BE CONSIDERED:

Approve construction services and contract for the 650 West Park Softball Complex Concrete to Associated Brigham Contractors for the amount of \$292,985.

GENERAL INFORMATION:

See enclosed staff report prepared by Chad Boshell, City Engineer.

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



F A R M I N G T O N C I T Y

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
BRIGHAM MELLOR
CORY RITZ
REBECCA WAYMENT
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Chad Boshell, City Engineer

Date: March 6, 2018

SUBJECT: **APPROVE THE CONTRACTOR AND CONTRACT FOR THE 650 WEST SOFTBALL COMPLEX CONCRETE**

RECOMMENDATION

Approve construction services and contract for the 650 West Park Softball Complex Concrete to Associated Brigham Contractors for the amount of \$292,985.

BACKGROUND

The City received 6 bids for the 650 West Park Softball Complex Concrete as shown below:

Contractor	Total Bid
Associated Brigham Contractors	\$292,985.00
C & C Contractors	\$337,767.00
ACME Construction	\$401,417.50
M.C. Green	\$414,151.00
Wasatch West	\$421,903.50
Beck Construction	\$435,950.00

The project construction is planned to start in the middle of March and be done in July of 2018. City staff recommends awarding the 650 West Park Softball Complex Concrete to Associated Brigham Contractors.

SUPPLEMENTAL INFORMATION

1. Contract (2 Copies)

Respectively Submitted

Chad Boshell
City Engineer

Reviewed and Concur

Dave Millheim
City Manager

SECTION 00520**STANDARD FORM OF AGREEMENT**

THIS AGREEMENT is by and between Farmington City ("Owner") and Associated Brigham Contractors ("Contractor").

Owner and Contractor hereby agree as follows:

ARTICLE 1 – WORK

- 1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Farmington Softball Complex Concrete

ARTICLE 2 – THE PROJECT

- 2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

The project consists of installation concrete sidewalk, mowstrips, and storm drain.

ARTICLE 3 – ENGINEER

- 3.01 The Project has been designed by Farmington City (Engineer), which is to act as Owner's representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

ARTICLE 4 – CONTRACT TIMES

4.01 *Time of the Essence*

- A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Dates for Substantial Completion and Final Payment*

- A. All the work will be completed within 120 calendar days after issuance of the notice to proceed.

4.02 *Liquidated Damages*

A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial loss if the Work is not completed within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner \$200.00 for each day that expires after the time specified in Paragraph 4.02 above for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner \$ 500.00 for each day that expires after the time specified in Paragraph 4.02 above for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 – CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraph 5.01.A below:

A. For all Work, at the prices stated in Contractor’s Bid and shown here:

two hundred ninety-two thousand, nine hundred eighty five DOLLARS (\$ 292,985.00)

(Words)

(Numbers)

(In the case of discrepancy, written amount shall govern)

ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

A. Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor’s Applications for Payment on or about the 1st day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below. All such payments will be measured by the schedule of values established as provided in Paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work

based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with Paragraph 14.02 of the General Conditions.
 - a. 95 percent of Work completed (with the balance being retainage); and
 - b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts as Engineer shall determine in accordance with Paragraph 14.02.B.5 of the General Conditions and less 200 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 14.07 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 14.07.

ARTICLE 7 – INTEREST

- 7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the rate allowed by the State.

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

- 8.01 In order to induce Owner to enter into this Agreement, Contractor makes the following representations:
 - A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
 - B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
 - C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

- D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities), if any, that have been identified in Paragraph SC-4.02 of the Supplementary Conditions as containing reliable "technical data," and (2) reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in Paragraph SC-4.06 of the Supplementary Conditions as containing reliable "technical data."
- E. Contractor has considered the information known to Contractor; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Contract Documents; and (3) Contractor's safety precautions and programs.
- F. Based on the information and observations referred to in Paragraph 8.01.E above, Contractor does not consider that further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 *Contents*

- A. The Contract Documents consist of the following:
1. This Agreement (Pages 1 through 7, inclusive)
 2. Performance bond (Pages 1 through 3, inclusive)

3. Payment bond (Pages 1 through 3, inclusive)
4. General Conditions (Pages 1 through 62, inclusive)
5. Supplementary Conditions (Pages 1 through 15, inclusive)
6. Specifications as listed in the table of contents of the Project Manual.
7. Drawings consisting of 8 sheets with each sheet bearing the following general title: "Farmington Gym and Park"
8. Addendum 0 .
9. Exhibits to this Agreement (enumerated as follows):
 - a. Contractor's Bid
10. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
 - a. Notice to Proceed
 - b. Work Change Directives
 - c. Change Orders
 - d. Schedule of Values
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 3.04 of the General Conditions.

ARTICLE 10 – MISCELLANEOUS

10.01 *Terms*

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

10.02 *Assignment of Contract*

- A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moncys that may become due and

moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in the Contract execution;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - 3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
 - 4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement. Counterparts have been delivered to Owner and Contractor. All portions of the Contract Documents have been signed or have been identified by Owner and Contractor or on their behalf.

This Agreement will be effective on _____ (which is the Effective Date of the Agreement).

OWNER:

CONTRACTOR

Farmington City _____

By: _____

By: _____

Title: _____

Title: _____

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Attest _____

Attest: _____

Title: _____

Title: _____

Address for giving notices:

Address for giving notices:

Farmington City _____

PO Box 160 _____

Farmington, Utah 84025 _____

License No.: _____

(Where applicable)

(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)

Agent for service of process:

END OF SECTION

SECTION 00410

BID FORM

Farmington City

Farmington Softball Complex Concrete

Bids Opened: 2:00 p.m. February 22, 2018

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ARTICLE 1 – BID RECIPIENT

1.01 This Bid is submitted to:

Farmington City, 720 West 100 North, Farmington, Utah, 84025

1.02 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an Agreement with Owner in the form included in the Bidding Documents to perform all Work as specified or indicated in the Bidding Documents for the prices and within the times indicated in this Bid and in accordance with the other terms and conditions of the Bidding Documents.

ARTICLE 2 – BIDDER’S ACKNOWLEDGEMENTS

2.01 Bidder accepts all of the terms and conditions of the Instructions to Bidders, including without limitation those dealing with the disposition of Bid security. This Bid will remain subject to acceptance for 60 days after the Bid opening, or for such longer period of time that Bidder may agree to in writing upon request of Owner.

ARTICLE 3 – BIDDER’S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents that:

A. Bidder has examined and carefully studied the Bidding Documents, other related data identified in the Bidding Documents, and the following Addenda, receipt of which is hereby acknowledged:

<u>Addendum No.</u>	<u>Addendum Date</u>
_____	_____
_____	_____
_____	_____

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. Bidder is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.

D. Bidder has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities) that have been identified in SC-4.02 as containing reliable "technical data," and (2) reports and drawings of Hazardous Environmental Conditions, if any, at the Site that have been identified in SC-4.06 as containing reliable "technical data."

E. Bidder has considered the information known to Bidder; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Bidding Documents; and the Site-related reports and drawings

identified in the Bidding Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Bidder, including applying the specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents; and (3) Bidder's safety precautions and programs.

- F. Based on the information and observations referred to in Paragraph 3.01.E above, Bidder does not consider that further examinations, investigations, explorations, tests, studies, or data are necessary for the determination of this Bid for performance of the Work at the price(s) bid and within the times required, and in accordance with the other terms and conditions of the Bidding Documents.
- G. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Bidding Documents.
- H. Bidder has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Bidding Documents, and the written resolution thereof by Engineer is acceptable to Bidder.
- A. The Bidding Documents are generally sufficient to indicate and convey understanding of all terms and conditions for the performance of the Work for which this Bid is submitted.

ARTICLE 4 – BIDDER'S CERTIFICATION

4.01 Bidder certifies that:

- A. This Bid is genuine and not made in the interest of or on behalf of any undisclosed individual or entity and is not submitted in conformity with any collusive agreement or rules of any group, association, organization, or corporation;
- B. Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham Bid;
- C. Bidder has not solicited or induced any individual or entity to refrain from bidding; and
- D. Bidder has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for the Contract. For the purposes of this Paragraph 4.01.D:
 - 1. "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process;
 - 2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process to the detriment of Owner, (b) to establish bid prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;

3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish bid prices at artificial, non-competitive levels; and
4. "Coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

ARTICLE 5 – BASIS OF BID

5.01 Bidder will complete the Work in accordance with the Contract Documents for the following price(s):

BID SCHEDULE

Base Bid

Item No.	Description	Quantity	Units	Unit Price	Amount
1	Mobilization / Demobilization	1	LS	\$11,500.00	\$11,500.00
2	6" Thick Concrete Sidewalk w/ Fiber	26,200	SF	\$5.00	\$131,000.00
3	4" Thick Concrete Sidewalk w/ Fiber	19,650	SF	\$3.90	\$76,635.00
4	16" x 6" Mowstrip w/ Rebar	4,600	LF	\$10.00	\$46,000.00
5	10" PVC Storm Drain	360	LF	\$35.50	\$12,780.00
6	6" PVC Storm Drain	200	LF	\$21.90	\$4,380.00
7	Trench Drain (ACO Sport System 4000)	100	LF	\$48.30	\$4,830.00
8	Inline Catch Basin	2	EA	\$366.00	\$732.00
9	12" Nyloplast Catch Basin	2	EA	\$994.00	\$1,988.00
10	Survey / Layout	1	LS	\$3,140.00	\$3,140.00

Bid Total: \$292,985.00

For the bid and the work listed above shown on the drawings, I/we agree to perform for the sum of the unit price amounts at:

Two hundred ninety-two thousand, nine hundred eight five DOLLARS (\$ 292,985.00)
 (Words) (Numbers)

(In the case of discrepancy, written amount shall govern)

Unit Prices have been computed in accordance with Paragraph 11.03.B of the General Conditions.

Bidder acknowledges that estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all unit price Bid items will be based on actual quantities, determined as provided in the Contract Documents.

NOTES:

- Quantities are for bid purposes only and are based on engineering estimates. Farmington City reserves the right to increase or decrease work by up to 100% at the unit price stated. Portions of the work may be deleted in their entirety to accommodate the budget.
- The contractor is responsible to verify all material quantities prior to placement.

ARTICLE 6 – TIME OF COMPLETION

6.01 Bidder agrees that all work shall be completed **120 calendar days** from issuance of notice to proceed. Bidder accepts the provisions of the Agreement as to liquidated damages.

ARTICLE 7 – ATTACHMENTS TO THIS BID

- 7.01 The following documents are submitted with and made a condition of this Bid:
- A. Required Bid security in the form of a certified check, or bank money order, issued by a surety meeting the requirements of Paragraphs 5.01 and 5.02 of the General Conditions;
 - B. Evidence of authority to do business in the state of the Project; or a written covenant to obtain such license within the time for acceptance of Bids;

ARTICLE 8 – DEFINED TERMS

8.01 The terms used in this Bid with initial capital letters have the meanings stated in the Instructions to Bidders, the General Conditions, and the Supplementary Conditions.

ARTICLE 9 – BID SUBMITTAL

9.01 This Bid is submitted by:

If Bidder is:

An Individual

Name (typed or printed): _____

By: _____
(Individual's signature)

Doing business as: _____

A Partnership

Partnership Name: _____

By: _____
(Signature of general partner -- attach evidence of authority to sign)

Name (typed or printed): _____

A Corporation

Corporation Name: Associated Brigham Contractors, Inc. (SEAL)

State of Incorporation: Utah

Type (General Business, Professional, Service, Limited Liability): General

By: Zac Burk
(Signature -- attach evidence of authority to sign)

Name (typed or printed): Zac Burk

Title: Estimator/Project Manager
(CORPORATE SEAL)

Attest Audrey Davis

Date of Qualification to do business in *Utah* is 11 / 30 / 2009.

A Joint Venture

Name of Joint Venture: _____

First Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of first joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

Second Joint Venturer Name: _____ (SEAL)

By: _____
(Signature of second joint venture partner -- attach evidence of authority to sign)

Name (typed or printed): _____

Title: _____

(Each joint venturer must sign. The manner of signing for each individual, partnership, and corporation that is a party to the joint venture should be in the manner indicated above.)

Bidder's Business Address 75 North 900 West

Brigham City, UT 84302

Phone No. 435-723-8529 Fax No. 435-723-1182

E-mail zburk@abc-concrete.com (if available)

SUBMITTED on February 22, 20 19.

State Contractor License No. 268474-5501.

END OF SECTION

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

S U B J E C T: Financing of Remaining Park and Ball Fields

ACTION TO BE CONSIDERED:

Discussion only.

GENERAL INFORMATION:

See enclosed staff report prepared by Keith Johnson, Assistant City Manager.

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



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
BRIGHAM MELLOR
CORY RITZ
REBECCA WAYMENT
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Mayor and City Council

From: Keith Johnson, Assistant City Manager

Date: February 26, 2018

Subject: **FINANCING OF REMAINING PARK AND BALL FIELDS.**

RECOMMENDATIONS

For review only.

BACKGROUND

Enclosed is an line item estimation of what is left to finish on the park and ball fields. As you can see it is estimated to be over \$4.5 M to finish sometime this fall. We have around \$2.6 M in cash to pay towards this. This leaves around \$1.9 M needed to finish the park. The following are some ideas to pay the remaining \$1.9 M:

The apartments, the Residences at Station Park, will pull the first phase of permits this spring.

The Park Impact fees for phase I on 265 units will be - \$1,014,420.

The second phase will be paid at a later date. We currently do not know when that will be.

The Park Impact fees for phase II on 166 units will be - \$ 635,448.

The City can bond for the remaining \$900,000 after the first phase is paid. This will be paid by Park Impact fees collected over a 5 year period.

Or.

The City could borrow from the General Fund the \$900,000 after the first phase is paid, and be reimbursed by Park Impact fees as they are collected until fully paid.

Respectfully Submitted,

Keith Johnson,
Assistant City Manager

Total Balance FY 2017 1,152,244

FY 2018

Pickleball / Basketball Courts w / lighting	423,000
Concession Bldg	517,000
Bid for Restrooms	411,000
Soil Prep	0
Bid for Concrete (south area)	207,000
Bid for Ashpalt (trail)	62,378
Bid for Bowery	45,077
Bid for Sprinklers (South area)	74,759
Final Grade (South Area)	
Grass seed	
Sod	7,690
Trees / Landscaping	2,368
Finishes South Area	

Engineering	10,000
6" Concrete	100,000
4" Concrete	125,000
mow strip	75,000
Rough Grading	100,000
Sprinklers	353,000
Netting	50,000
Fencing	256,000
Ballfield Lighting	470,000
Power for Ballfield lighting	110,000
Power	20,000
Finish Grading	0
Seeding / Fertilizer	65,000
Soil Prep	0
Benches	24,000
Playground Equipment	270,000
Wood Chips	12,000
City Work / Misc	70,000
Landscaping	40,000
Furnish Concession Stand	15,000
Bleachers	55,000
Statue	40,000
Sound System	26,000
Small Bowery	70,000
Infield Dirt	210,000
Dugouts	74,000
Picnic Tables	30,000
Scoreboards	28,000
Garbage Cans	8,000
Startup equipment	25,000
Parking Lighting	8,000
Cameras	15,000
Rubber mat in play ground	59,000

Total for FY 2018 4,563,272

Total Expenses 4,563,272

Less Revenues 2,667,244

Total needed 1,896,028

FY 2018

Park Impact Fees FY 2018	200,000
Interest	15,000
U of U Donation	100,000
US 89 RDA (over 7 years)	1,200,000
General Fund Transfer	

Total Revenue FY 2018 1,515,000

Total available 2,667,244

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

S U B J E C T: Minute Motion Approving Summary Action List

1. Approval of Minutes from February 20, 2018

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

FARMINGTON CITY COUNCIL MEETING

February 20, 2018

WORK SESSION

Joint Work Session with Farmington City Council and Planning Commission

Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Doug Anderson, Brigham Mellor, Brett Anderson; Planning Commissioners Connie Deianni, Rulon Homer, Kent Hinckley, Roger Child; City Manager Dave Millheim, Assistant City Manager Keith Johnson, City Development Director David Petersen, City Planner Eric Anderson, City Engineer Chad Boshell, City Attorney Todd Godfrey, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

Excused: Councilmember Cory Ritz

Balance/Sustainability Analysis

City Manager **Dave Millheim**, He noted the importance of balance when planning for sustainability; that the City must have a good balance of housing stock, economic tax base, and employment opportunities. He stated that because the City's equilibrium is improving, the City is able to be selective about growth and plan for the long-term rather than make project by project decisions.

Bob Springmeyer of Bonneville Research presented information about Farmington's economy and demographic information. He noted that Farmington is growing at a much faster rate than the State of Utah and the population is getting older. He said that Farmington is currently balanced in the amount of taxable retail sales it receives and its resident population. Compared to similar cities, Farmington is receiving an unusually high amount of sales tax revenues from retail related to clothing, arts and entertainment, and sporting goods/hobby stores, and low relative to general merchandise, building and garden stores, and gasoline stations. **Bob Springmeyer** presented a map showing the local retail market areas. By analyzing the local market areas, decision-makers can understand supply and demand for potential retail services and stores.

Councilmembers, Planning Commissioners and others present discussed job growth, the importance of the business park and losing Pluralsight to another city that offered large incentives for relocation. They discussed the importance of not using tax revenue as a sole justification for land use decisions. **Bob Springmeyer** ended by presenting a number of policy questions to consider related to future growth.

Agricultural Protection Area

City Attorney Todd Godfrey discussed a land use application to establish an Agricultural Protection area. There is a process in the state code for property owners to request protections for property. The impact is curtailed zoning power for the City, the inability to modify regulations and restriction of eminent domain authority. The designation, once granted, is in place for 20 years. The property owner can request the designation be reviewed/removed any time, but the

City is not able to unless it is at a 20-year renewal point. Todd Godfrey outlined the statutory process of noticing the application, holding a public hearing, a review by the Planning Commission and a decision by the City Council. A decision must be made within 120 days of the application, or in this instance mid-May.

Dave Millheim shared that places like Park City have Protection areas around mining and farming interests to maintain the “feel” of the City. Councilmember **Brigham Mellor** asked if the property owner was concerned about condemnation for mitigation purposes, and **Dave Millheim** answered in the affirmative. Commissioner Kent Hinckley noted that the LDS Church used the Agricultural Protection process to protect its farm properties from complaints from neighboring property owners about smells and agricultural practices. Commissioner Roger Child shared that it could be a challenge to make changes to the area once the protection is lifted, because the surrounding utilities have not been right-sized in the interim.

The Planning Commission will review the application at its second March meeting with the Council making a decision in April or May.

REGULAR SESSION

Present: Mayor Jim Talbot; Councilmembers Rebecca Wayment, Doug Anderson, Brigham Mellor, Brett Anderson; City Manager Dave Millheim, Assistant City Manager Keith Johnson, City Development Director David Petersen, City Engineer Chad Boshell, City Attorney Todd Godfrey, City Recorder Holly Gadd, and Recording Secretary Tarra McFadden

Excused: Councilmember Cory Ritz

CALL TO ORDER:

Mayor **Jim Talbot** called the meeting to order at 7:03 p.m.

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

The invocation was offered by **Mayor Jim Talbot** and the Pledge of Allegiance was led by **Kaiden Briscoe**.

PRESENTATIONS:

Festival Days Theme Introduction-Parks and Recreation

Delia Bayna, Chair of Festival Days, and **Tia Uzelac** introduced the theme for Farmington Festival Days. The theme is “Believe in Farmington.” Festival days will take place July 9-14 and encompass a variety of activities such as a movie in the park, good trucks, tennis, basketball and pickleball tournaments, a charity motorcycle ride, 5K, breakfast, parade, and fireworks. More details will be available as the event gets closer.

PUBLIC HEARINGS:

Transportation Utility Fee - Ordinance and Resolution

Keith Johnson, Assistant City Manager, noted that staff had reviewed the needs of the City related to road maintenance and found that for the last 10-years the needs have outpaced the budget. It was determined that even after increase in transportation funds from the gas tax and Proposition 1 the City would continue to have to borrow from the General Fund to pay for street maintenance. Staff presented the roads and funding analysis to the Council and stated that the City would need to increase revenue by about \$670,000 annually to cover the gap.

Chad Boshell, City Engineer, reviewed the street utility fee proposal. Staff first determined the different property uses within the City and then determined the Equivalent Residential Unit using standards developed by the Institute of Transportation Engineers in their Trip Generation Manual. To calculate the fee options, staff proposed to set the residential ERU fee and then determine the remaining needed revenue to create a commercial ERU fee. This was reviewed with the City Council in a work session. The Council determined that the needed revenue could be obtained by assessing a \$3/month fee for single family homes.

Chad Boshell noted that the benefit of a utility fee, versus a property tax increase, is that the money has to be used only for roads, and can more easily be adjusted if the needs change in the future.

Brett Anderson said that he was supportive of the utility fee after reviewing analysis offered from staff previously which demonstrated that it was much more cost effective in the long run to repair and perform regular maintenance, than to replace after a road has failed. **Brigham Mellor** asked if there was a dispute process for the fee, similar to other utility fees. **Keith Johnson** noted that there was an appeals process outlined within the proposed ordinance and resolution.

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

Heather Godfrey, 730 North 1950 West, stated that she was against having fee put in place. She said that as a resident she is constantly being asked for more money from the school bond, increased gas taxes, and the gymnasium bond. She noted that a lot is being added to her taxes in fees each year and that it was likely that the commercial entities within the City would raise prices to cover the utility fee, so residents will be paying both as a resident and a consumer.

Adam Leishman, 254 West 200 South, spoke on behalf of Lagoon and made note of the letter from David Freed which was delivered earlier that day. He said that City revenues are steadily increasing and questioned the need for a utility fee. He asked if consideration was given to the fact that Lagoon is only open 145 days each year. He stated that attendance at Lagoon has remained even over the last 10 years, and that the fee assessed is equal to the combined assessment of 600 homes. He noted that Lagoon Drive serves as frontage to I15 and US89 and is a priority to be maintained but should not be an expense to Lagoon. Citing the City's current financial standing, he spoke in favor of no new fees for residents or businesses. If the fee were to be imposed, Lagoon would like additional time to review the assessment calculations.

David Anderson, a representative of Station Park, requested additional time to be able to communicate to owners and tenants within the development about the utility fee and review with staff the assessment calculations. He asked that a decision on the utility fee be postponed to a future meeting.

Nathan McMullin, 163 South 200 East, is a new resident of Farmington. He suggested that a 10-year projection for road maintenance is a long time and that it would be better to base the fee on a review of shorter increments and then revisit and adjust.

Scott Harwood, 33 South Shadow Breeze Road, Kaysville, stated that he is representing a business owner and a landlord. He requested additional time to review the assessment calculations and review the dispute process. He reviewed the categories and was unsure at which rate the 135 assisted unit living facility would be assessed, noting that it will likely generate far less trips per day than a multifamily project. He asked whether the analysis took diverted or pass through traffic into consideration as those stopping at Cabela's may also stop at R&R so a reduced percentage base should be used for complementary uses and multiple stores. He asked for more time to be allowed to be part of the process to ensure that the fee gets put in place fairly.

Susan Willey, 497 Quail Run Road, she referred to the newsletter which stated that maintenance needs have increased significantly as traffic has increased. She identified as a 30 year resident of Farmington and suggested that it is the commercial growth that has increased City traffic. She asked if the businesses were being charged for their impact, related to additional traffic or if businesses have received a deferment or an allowance which exempts them from paying their fair share. She also asked if the residents were being charged the same percentage related to trip generation and ERUs as businesses, or if businesses have a higher percentage assessment as their impact is greater.

Paul Hirst, 497 West 1300 North, indicated that as he is getting older he is more concerned about income. He noted that when the water rate increase happened, then-Mayor Greg Bell was concerned about the impact on those with fixed incomes. He noted that the school district plans to bond and the Benchland Water District has voted to increase rates related to pass through costs. With the Farmington utility fee, and the water rate increase, these things add up. He suggested that 10-years is too long to determine costs and was concerned about an additional unmet need down the road. He acknowledged the need for road maintenance, spoke in favor of shortening the term, and adding a sunset clause to the utility fee, and then pay for road maintenance from the normal revenues received.

Mayor Jim Talbot closed the public hearing at 7:53 p.m.

Brigham Mellor asked for clarification about whether or not impact fees had ever been waived. **Dave Millheim** stated that he was not aware of a time that impact fees were waived for any entity, commercial or other. **Brigham Mellor** noted that impact fees are paid at plat recordation or a building permit for businesses and homes to pay for transportation, water, sewer connections and parks. He reviewed Cabela's incentive plan. **Dave Millheim** noted that it was not an abatement, but was an incentive which would be rebated based on the new sales tax created by

Cabela's. **Dave Millheim** further clarified that impact fees can only be charged for costs associated with putting in services, but not ongoing fees that cover future maintenance.

Brigham Mellor said that every City faces similar challenges with Class C road funds, which are insufficient to fund ongoing maintenance. He acknowledged the frustration of residents with property taxes increase and increases. **Keith Johnson** said that only 16% of the taxes on a residence are assessed by the City and that the School District, County, State and other taxing entities make up the rest of the bill. He noted that the State takes most of the gas tax money for use on State roads.

Keith Johnson explained that the proposed ordinance allows for the City Council to review the assessment for FY2020 (which begins in July 2018). **Chad Boshell** stated that the City determined the maintenance needed over the next 10 years using a program (iWorQ) which tracks current and future needs with current road conditions. He acknowledged that things may change as the City is able to maintain and repair, rather than replace roads in poor condition. He noted that the utility fee is a tool to allow the City to get back on track with maintenance. **Chad Boshell** stated that Class C road funds are insufficient and that general funds are needed to fund police and fire services, and other services that have increasing demands related to growth. **Jim Talbot** said that other Mayors in other cities have similar concerns and are also implementing street utility fees.

Brett Anderson said that the use of the ERU gave a rational basis to implement a fair fee structure to commercial and residential units. **Chad Boshell** noted that the ERU simplifies calculations, but that each residential or commercial entity was given consideration according to its projected use; he explained that an assisted living facility would not be charged as a multi-family housing project and it would be based on the amount of beds.

Rebecca Wayment said that no one likes to raise taxes or add fees, and acknowledged that the staff has presented a fair and equitable way to assess users for a percentage of their road use. This will impact not only residential or not only commercial entities, but all users. She noted that it may not be perfect, but implementing it now will help the City avoid costly repairs and larger fees in the future.

Doug Anderson proposed continuing the decision to another date to allow for those with concerns to have additional clarification from staff.

Motion:

Doug Anderson moved to continue the discussion of the Street Utility Fee to another date, to allow for additional discovery and consideration for residents and commercial entities.

Rebecca Wayment asked for clarification if continuing the discussion to a later date would require an additional public hearing. City Attorney **Todd Godfrey** said that the Council had discretion regarding the choice to re-open or hold an additional public hearing.

Without a second, the motion was not considered.

Brett Anderson said that he was mostly satisfied with the numbers and felt that the repair versus replacement costs and reviewing the constant cycle of road repairs was justification for the fee. **Doug Anderson** stated that this was an important decision and that he wanted to make sure the City Council gets it right for everyone involved.

Susan Willey approached the microphone and was reminded that the public hearing was closed. **Susan Willey** acknowledged she was out of order, but stated that her concern was not the need to fund road maintenance costs, but rather that the fee imposed should be equitable for residential and commercial entities and there should not be a disparity.

Dave Millheim reviewed the process of over-noticing the hearing, putting information in the newsletter, and delivering personalized letters to Farmington's largest commercial entities. He noted that Station Park had met with staff to get more information and that others had the same opportunity. He expressed concern about action by the Utah Legislature that could restrict the City's ability to collect this type of fee from the County and possibly other entities. **Dave Millheim** stated that the Council could adopt the ordinance as presented, make it effective 30 days from now or make it effective July 1 and allow for time to resolve concerns. He noted that the City cannot afford delaying the decision, given potential legislative action.

Jim Talbot said that this concern has been discussed for months and that a decision should not be delayed too long. He expressed his preference to either move the item to a date certain, or adopt with a July 1 implementation date. He spoke against leaving the decision open-ended.

Brett Anderson reiterated that he was supportive of the fee and the previous decision to limit the amount to \$3 per residential unit. He questioned the need to continue the discussion if there was consensus around the amount. **Brigham Mellor** said that there was some consensus before the hearing was advertised and the revenue options were discussed at that time. He asked for clarification regarding potential legislation and if implementing the fee would have to be done before the end of the Legislative session. **Dave Millheim** noted that if the ordinance was adopted, the City would be grandfathered in that scenario and not be subject to pending legislation. **Todd Godfrey** noted that it would be difficult for the Legislature to pass a law and then retroactively prohibit the action taken by the City.

Motion:

Brigham Mellor moved to approve the Transportation Utility Fee, ordinance and resolution as contained in the staff report, with an implementation date of July 1, 2018 to correspond with the beginning of the City's Fiscal Year.

Rebecca Wayment seconded the motion which was approved unanimously.

Keith Johnson clarified that residents would see the fee assessed on their August utility bill.

Taylor Ridge Subdivision Plat Amendment

Jim Talbot noted that although a public hearing was not required, he would open the public hearing out of consideration.

Mayor Jim Talbot opened the public hearing at 8:38 p.m.; with no one signed up to address the Council on the issue, he immediately closed the public hearing.

David Petersen noted that the applicant is seeking to divide Lot 2, and because the subdivision has been platted and recorded, the applicant must amend the plat. A 10-day protest notice was sent to all property owners within the plat, and no letters protesting the amendment were received and so the item does not require a public hearing.

Motion:

Doug Anderson moved that the City Council approve the Taylor Ridge Subdivision Plat Amendment as set forth in the staff report. **Brett Anderson** seconded the motion which was approved unanimously.

SUMMARY ACTION:

1. Approval of Minutes from February 6, 2018
2. Proclamation for Kidney Awareness Month

Rebecca Wayment moved, with a second from **Brett Anderson**, to approve summary action items 1 and 2 as contained in the staff reports.

The motion was approved unanimously.

GOVERNING BODY REPORTS:

City Manager Report

Dave Millheim directed the Council to review the packet for information related to Executive Summary for Planning Commission held February 8, 2018 and Fire Monthly Activity Report for January. Regarding the Feasibility Study and Analysis of a Proposed Multipurpose Event Venue, Existing Programming and Future Venue Options for Davis County he wanted to make the Council aware that changes to the Legacy Events Center will impact the community, but it is unknown what the County plans to do with the venue. The County intends to release an RFP for a consultant related to the project. **Jim Talbot** asked if the City had any influence over what the County proposes which was answered affirmatively.

Holly Gadd reminded Councilmembers about the ULCT conference in April and asked those planning to attend to connect with her regarding registration and accommodations.

Dave Millheim discussed a training opportunity for elected officials related to Emergency and disaster planning. The Fire Chief had expressed interest in having City officials trained. **Dave Millheim** explained that the training would be conducted locally by staff from the University of

Texas. **Rebecca Wayment** was the only official who expressed a desire for the training, so **Dave Millheim** committed to follow-up with the training body to determine if a minimum number of trainees was needed to proceed.

Mayor Talbot & City Council Reports

Councilmember Doug Anderson

Doug Anderson shared that the new Youth City Council will be inducted at the March 20, 2018 meeting.

Councilmember Brett Anderson

Brett Anderson asked about installing sensors on traffic lights to improve traffic flow. **Dave Millheim** noted that it was an expensive option that requires a permanent fixture. **Dave Millheim** committed to providing additional information to the Council regarding the option.

Brett Anderson also asked about receiving City notices via text message. **Dave Millheim** said the he would review the options and report back to the Council.

Councilmember Rebecca Wayment

Rebecca Wayment acknowledged and thanked the Public Works Department staff noting that the roads in Farmington were plowed in a timely manner making it easy and safe to travel within the City.

Councilmember Brigham Mellor

No updates to report.

Mayor Jim Talbot

Jim Talbot announced the ribbon cutting event for Al's Cafe Ribbon Cutting to be held March 24th at 12 pm. He noted that it was a good opportunity to connect with local business owners and provide brief remarks. **Doug Anderson** committed to attend on behalf of the City.

Jim Talbot said that it was a difficult time to be on the Council as the City is faced with many challenges and the citizenry seems to be losing patience. Decisions to date have been relatively easy, but starting with the 650 West project, the decisions are becoming more of a challenge. He thanked the Council for their work. He shared that he has to navigate criticism along with **Dave Millheim** and that it would be good for the City Council to stay in contact and check in with **Dave Milheim** to offer support and encouragement.

CLOSED SESSION

Motion:

At 9:00 p.m., **Brigham Mellor** made a motion to go into a closed meeting for purpose of discussing the character and competency of an individual. **Doug Anderson** seconded the motion which was unanimously approved.

Sworn Statement

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

Jim Talbot, Mayor

Motion:

At 9:30 p.m., a motion to reconvene into an open meeting was made by **Brigham Mellor**. The motion was seconded by **Doug Anderson** which was unanimously approved.

ADJOURNMENT

Motion:

At 9:30 p.m., **Doug Anderson** moved to adjourn the meeting.

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

SUBJECT: City Manager Report

1. Text Notifications

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

CITY COUNCIL AGENDA

For Council Meeting:
March 6, 2018

SUBJECT: Mayor Talbot & City Council Reports

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