

**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 public is welcome to attend. The agenda for the work session will be as follows:

1. Questions or concerns the City Council may have on agenda items.

## **ELECTRONIC AND IN-PERSON 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, September 1, 2020, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

*Farmington City Council meetings, including this meeting, are open to the public. In consideration of the COVID-19 pandemic, members of the public wishing to attend this meeting are encouraged to listen to the meeting on line. In-person attendance is also an alternative, but any in-person attendance/gathering will meet the latest governmental restrictions related to the COVID virus. The link to listen to the meeting live and to comment electronically can be found on the Farmington City website at [www.farmington.utah.gov](http://www.farmington.utah.gov). If you wish to email a comment for any of the listed public hearings, you may do so at [hgadd@farmington.utah.gov](mailto:hgadd@farmington.utah.gov).*

The agenda for the meeting shall be as follows:

### **CALL TO ORDER:**

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

### **PUBLIC HEARINGS:**

7:05 Park and Main Preliminary PUD Master Plan and Schematic Subdivision Plan with Possible Zone Change – MJC Holdings, LLC

7:45 Chestnut Farms PUD Master Plan Amendment and Phase 5 Preliminary PUD and Schematic Subdivision Plan with Accompanying Zone Change

### **NEW BUSINESS:**

8:20 Intercounty Automatic Aid Fire Agreement

### **SUMMARY ACTION:**

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

8:30 Minute Motion Approving Summary Action List

1. Approval of Trails Committee Member

**GOVERNING BODY REPORTS:**

8:35 City Manager Report

8:40 Mayor Talbot & City Council Reports

**ADJOURN**

**CLOSED SESSION**

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

**\*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 due to a disability, please contact Holly Gadd, City Recorder at 801-939-9205, at least 24 hours in advance of the meeting.

*I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on August 27, 2020.*

DATED this 27th day of August, 2020.

**FARMINGTON CITY CORPORATION**

By: \_\_\_\_\_

  
Holly Gadd, City Recorder

CITY COUNCIL AGENDA

For Council Meeting:  
September 1, 2020

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

It is requested that City Councilmember Amy Shumway give the invocation to the meeting and it is requested that City Councilmember Shawn Beus 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:  
September 1, 2020

**PUBLIC HEARING: Park and Main Preliminary PUD Master Plan and Schematic Subdivision Plan with Possible Zone Change – MJC Holdings, LLC**

**ACTION TO BE CONSIDERED:**

1. Hold public hearing.
2. See enclosed staff report for recommendations.

**GENERAL INFORMATION:**

See enclosed staff report prepared by Shannon Hansell, Planning and GIS Specialist.

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  
SHAWN BEUS  
SCOTT ISAACSON  
AMY SHUMWAY  
REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Shannon Hansell, Planning and GIS Specialist

Date: September 1, 2020

SUBJECT: **PARK AND MAIN PRELIMINARY PUD MASTER PLAN AND SCHEMATIC SUBDIVISION PLAN WITH POSSIBLE ZONE CHANGE (S-6-20) (Z-9-20)**

Property Owners: MJC Holdings LLC

### REQUEST (PUD MASTER PLAN/SUBDIVISION SCHEMATIC PLAN)

1. Approval of a Planned Unit Development (PUD) (or Preliminary [PUD] Master Plan)/ Subdivision (or Subdivision Schematic Plan);

Does a PUD overlay proved a more desirable development outcome than what is allowed in the underlying zone?

#### Existing Underlying LR Zone Scenario

- a. A subdivision is not necessary, the property owner can achieve a six-lot layout through a series of boundary adjustments.
- b. Compton Rd. improvements such as guard rails, curb and gutter, etc. will be installed piecemeal, one lot at a time.
- c. Main Street and Park Lane improvements such as curb, gutter and sidewalk will be installed one lot at a time
- d. More of the burden of ensuring public improvement meet City standards will shift to the Building Department and away from City Engineer/Public Works.
- e. The "back" front of double frontage lots, in this case Compton Rd, are often neglected resulting in such issues as weeds, etc.
- f. Each individual property may, over time, compromise the integrity of the slope embankment supporting Compton Rd, with individual private improvements.
- g. A series of individual driveway (for turnaround purposes) may result in impacting the ambiance of Main St and introduce more conflict points close to the traffic light on the busy state route.
- h. No architectural control of homes
- i. Mitigation of seeps/wetlands on the hillside, if approved, may be done in a haphazard, piecemeal way.

- j. No architectural control of the “home-behind-a-home”, if it is even possible to build on this location.
- k. A small, maybe even concrete tilt-up office building may be possible at the corner of Park and Main, but with no architectural control
- l. Will a conventional single family home retain and/or increase in value over time, at this location?
- m. No mechanism in place to preserve the hillside

#### PUD Overlay/Subdivision Schematic Plan Scenario

- a. Subdivision required. The developer is only asking for one more lot than what is allowed.
- b. Improvements will better meet City Standards through the subdivision process
- c. Main street improvements will be installed at the same time
- d. More of the burden of ensuring public improvement will shift to the City Engineer/Public Works and away from the Building Department.
- e. A PUD anchored by an office building will be less likely to experience the issues faced by a small HOA.
- f. With a one drive approach, no unsightly garage doors will be visible to passersby.
- g. Design input by the City is required and architectural oversight is possible by an HOA.
- h. Property value may be better over time under a PUD format.

Planning Commission recommends that a PUD overlay results in a more desirable development than the underlying zone; however, they identified unresolved issues, including, but not limited to, the following:

- 1. The existing elevations of the proposed office buildings could be much better.
- 2. The parking lot is too big.
- 3. Is it possible to place a home behind a home and if so, how will it lay out? What will it look like?
- 4. Landscaping plan is required and absolutely necessary, especially to maintain and preserve the slope embankment on site.

#### **RECOMMENDATIONS**

- 1. Hold a Public Hearing
- 2. If the City Council concurs that a PUD overlay is more desirable than that which is possible under a conventional scenario, table action to allow the developer time to work with the Planning Commission and resolve the issues identified above and bring back the results for City Council consideration.

IF NOT,

- 3. Provide direction to staff regarding next steps.

## **REQUEST (REZONE)**

Consider not expanding the existing BP zone to match the proposed office use and leaving the majority of the commercial area LR but part of the PUD overlay.

## **RECOMMENDATIONS**

1. Move that the City council not change the underlying zone configurations

OR

2. Consider changing the underlying zone designation of the site, and direct staff to prepare an enabling ordinance for City Council consideration.

### Findings for Approval for Recommendation #1

- a. In the possible, but unlikely event the office use does not occur, the land will remain residential.
- b. And if the office area is developed under the PUD overlay zone as proposed, the underlying LR zone strengthens the City's resolve that commercial uses will not creep north of the site.

### Finding for Approval for Recommendation #2

- a. Expanding the BP zone matches the proposed office use.

## **BACKGROUND**

This property, zoned Business Park – Foothill (BP-F) and Large Residential - Foothill (LR-F), contains 3.32 acres of land. The BP-F zone (12% of the project) is limited to the extreme southern top of the site. The property is located at the bottom of a steep slope adjacent to Compton Bench Road, making this slope section of the parcel undevelopable. The "do nothing" conventional yield plans scenario illustrates that five 20,000-sq-ft residential lots, and one office parcel, is possible for the site. As per state code, this can be done without a subdivision, but via a series of boundary adjustments because the site is already comprised of six un-platted parcels.

The current concept plan shows five residential lots at roughly 6,534 sf, the remainder residential lot (Lot 1) is 30,927 sf, most of which is too steep for development, save two flatter areas. The applicant is considering the possibility of adding one more single-family dwelling here.

Currently, the use of Lot 1 as a single-family dwelling lot is impeded by the presence of natural springs in the area. If unmitigated, these springs will likely lead to Lot 1 remaining as an undeveloped parcel and partial open space for the development. If Lot 1 is developed, open space must be accounted for elsewhere in the development. The developer provided a letter from GSH Geotechnical, Inc. detailing the presence of flowing water from these springs. The presence of wetland-type plants suggests this spring flows for a large part of the year. GSH suggested a drainage system be put in place on all springs. However, the current plan includes no mention of mitigation.

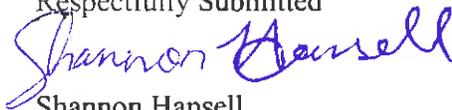
Further drainage issues concern retention of stormwater on site. Per the Farmington's Low Impact Development plan, the 80<sup>th</sup> percentile of stormwater must be retained on site. Remaining water must be conveyed to the south or stored in retention/detention basins on site, maintained by a combined or singular HOA.

The approximate 1/3-acre existing office area is quite small, fitting only a petite office building. After a few years, if not maintained right, with a correct owner-occupied type tenant, an office building of this size could fall into a less-than-desirable condition, resulting in a poor transition to residential neighborhoods east of the site. On the office lot, the developer may request a rezone from LR-F to BP-F to fit the parking lot. If the planned unit development (PUD) overlay is approved, the parking lot could be included as a deviation to the underlying zone.

Supplemental Information

1. Vicinity Map
2. Zoning Map
3. Preliminary PUD Master Plan/Schematic Plan including residential and office building elevations
4. Hillside Spring Study

Respectfully Submitted

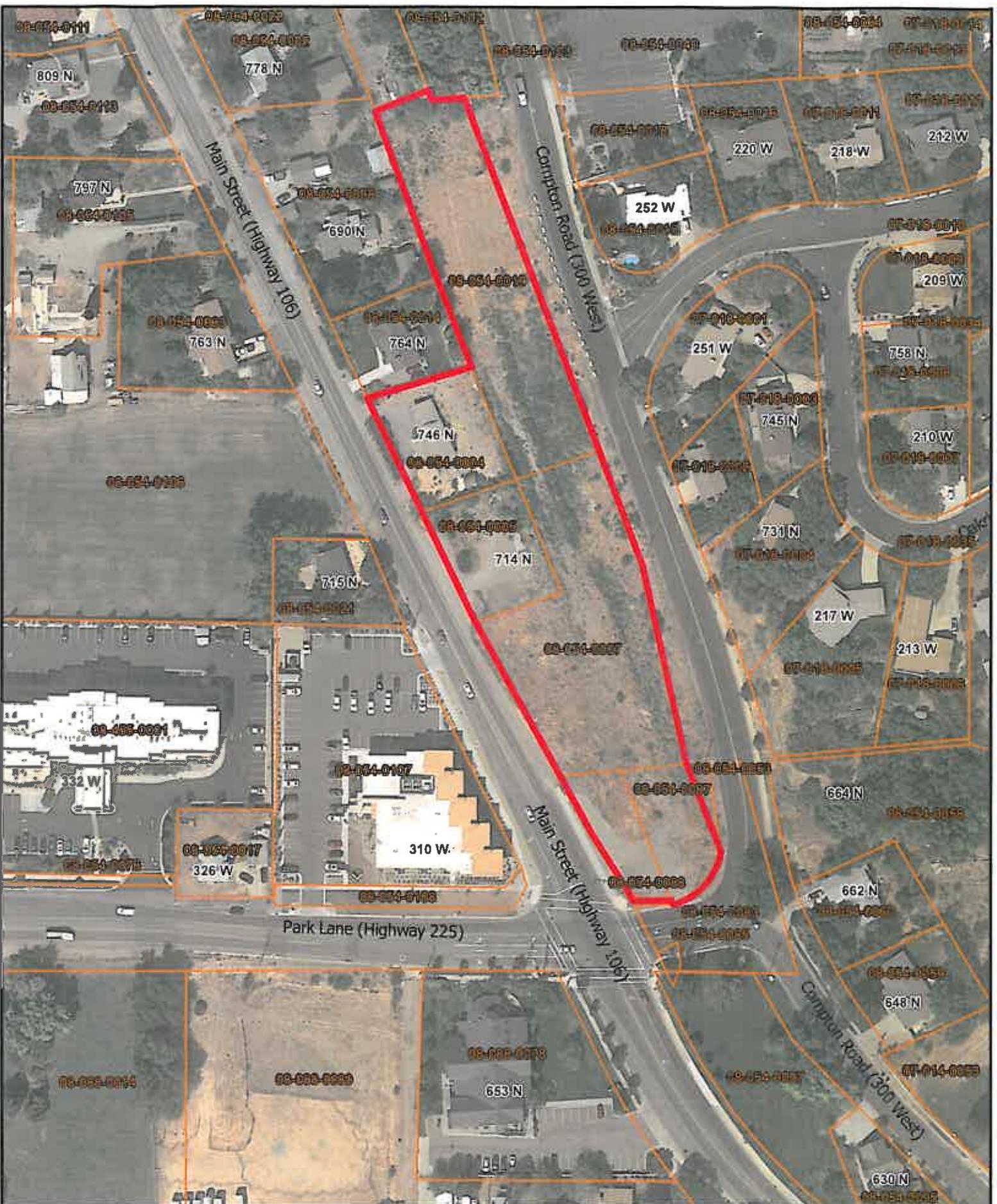


Shannon Hansell  
Planning and GIS Specialist

Concur



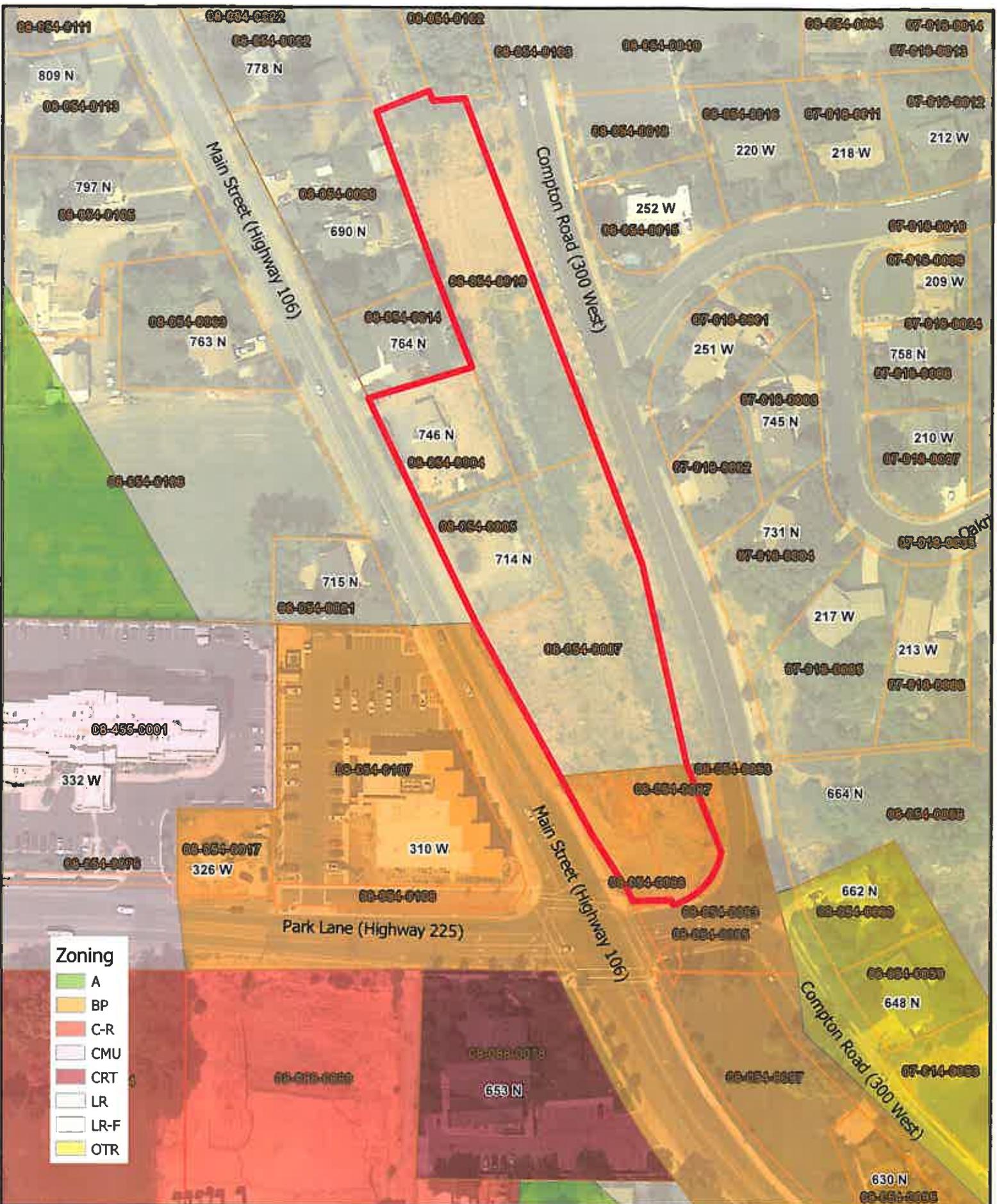
Shane Pace  
City Manager



**VICINITY MAP**  
Park and Main

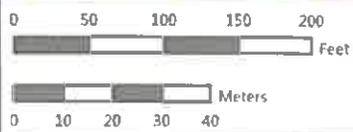


Disclaimer: This map was prepared by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate and suitable for intended uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purpose.



- Zoning**
- A
  - BP
  - C-R
  - CMU
  - CRT
  - LR
  - LR-F
  - OTR

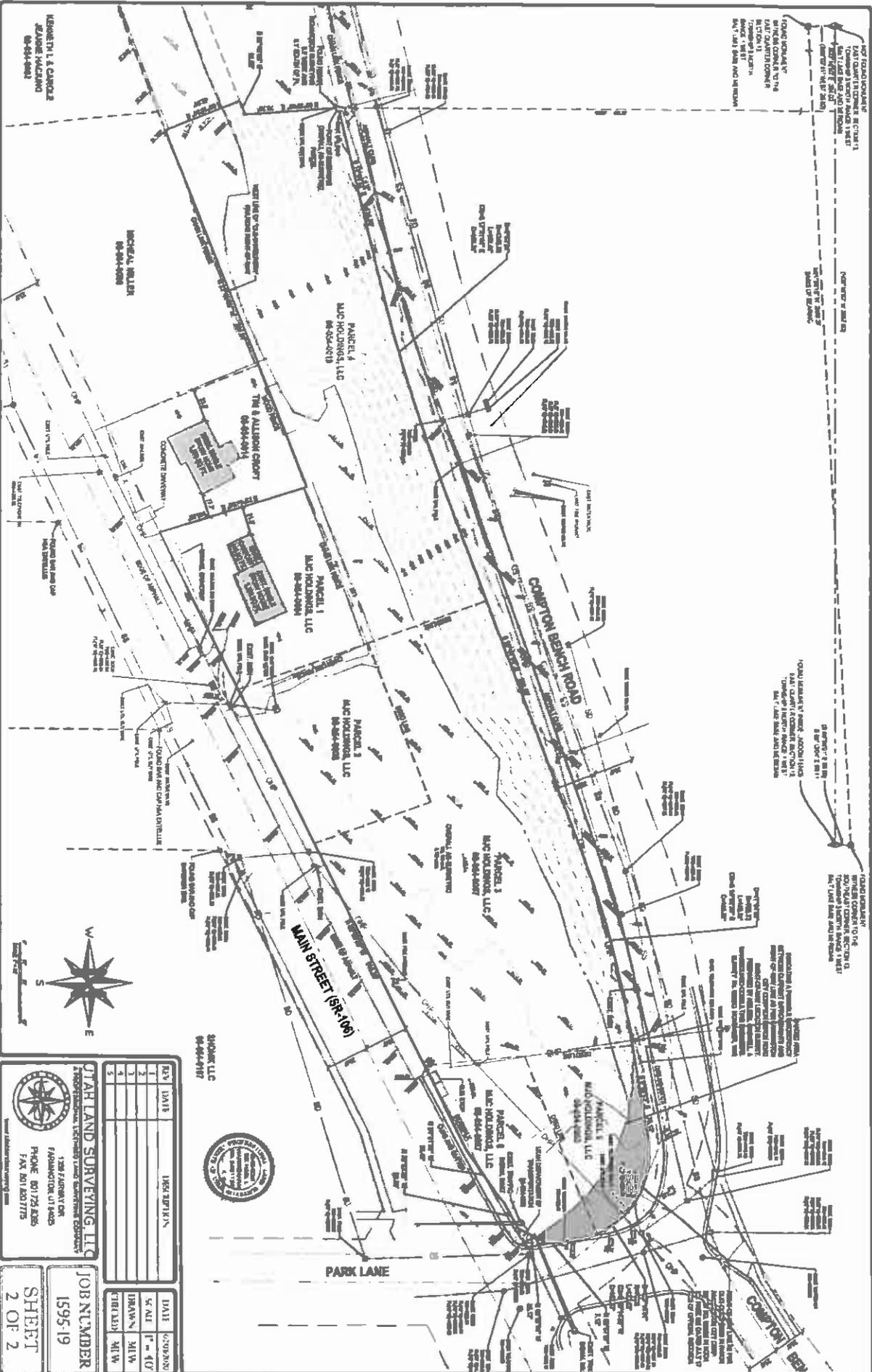
**VICINITY MAP**  
Park and Main



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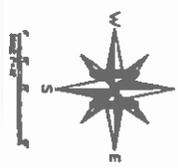
UNIVERSITY & CARROLL  
 22400 UNIVERSITY  
 66-04-1002

LAND CORNER OF THE  
 SECTION 10, TOWNSHIP 1 NORTH, RANGE 1 WEST  
 1/4, LAND BARS AND BE BOUND  
 BY THE 1/4 SECTION 10, TOWNSHIP 1 NORTH,  
 RANGE 1 WEST AND BE BOUND  
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 RANGE 1 WEST AND BE BOUND

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 RANGE 1 WEST AND BE BOUND  
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 RANGE 1 WEST AND BE BOUND

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 RANGE 1 WEST AND BE BOUND  
 BY THE 1/4 SECTION 10, TOWNSHIP 1 NORTH,  
 RANGE 1 WEST AND BE BOUND



**JTAH LAND SURVEYING, LLC**  
 PROFESSIONAL LAND SURVEYING COMPANY  
 1380 FARMVILLE  
 FARMINGTON, UT 84405  
 PHONE 801 728 8285  
 FAX 801 807 7775  
 www.jtahlandsurveying.com

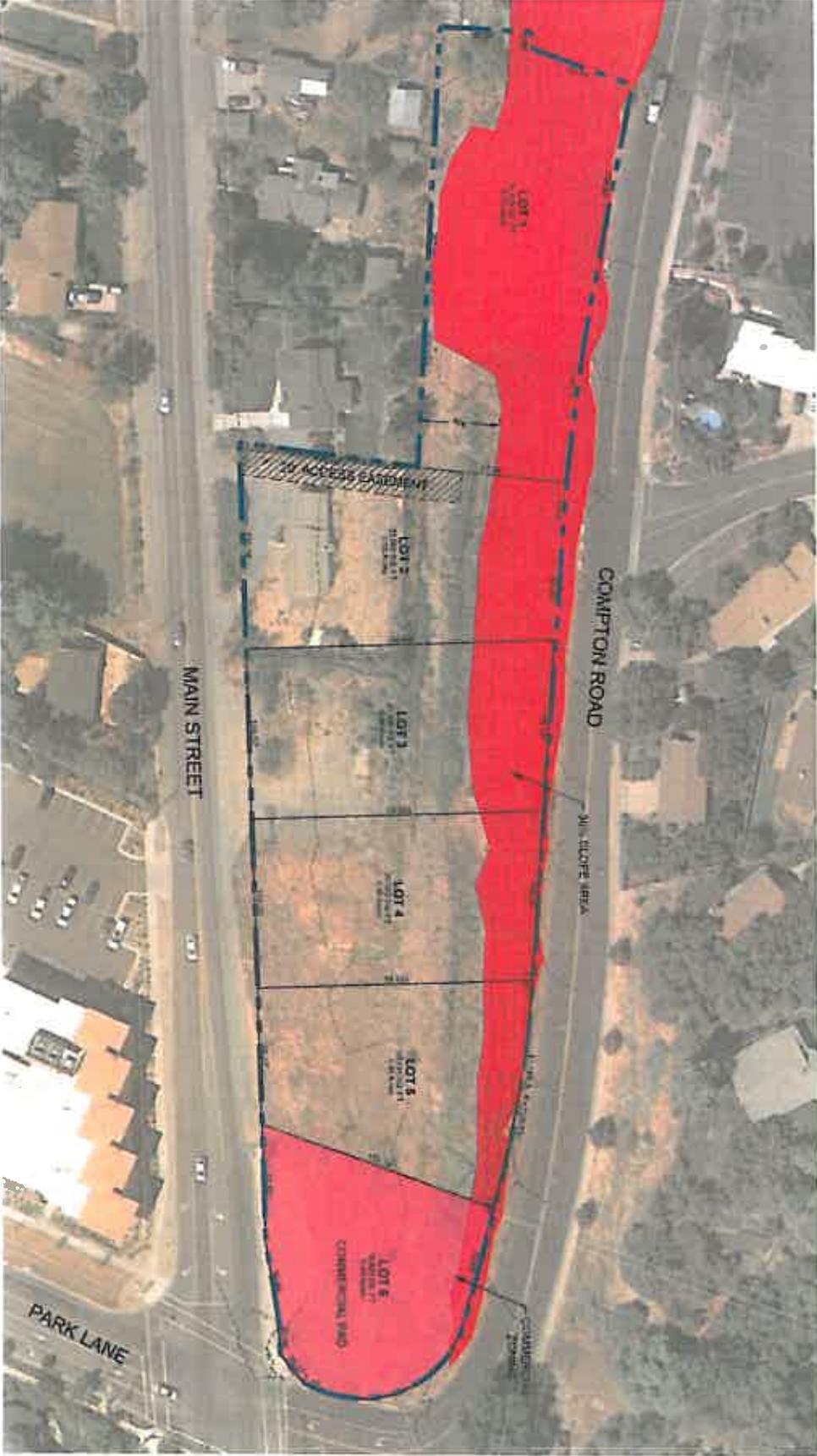
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**JOB NUMBER**  
 1595-19

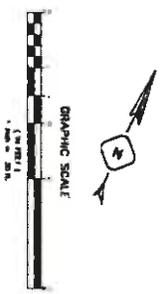
**SHEET**  
 2 OF 2

DATE	CONTRACT
5/11/10	1595-19
DRAWN	MLW
MLW	MLW





**FARMINGTON - COMPTON ROAD LOT LAYOUT - WITHOUT FLAG LOT**  
 OVERALL YIELD PLAN - 20,000 SF OPTION



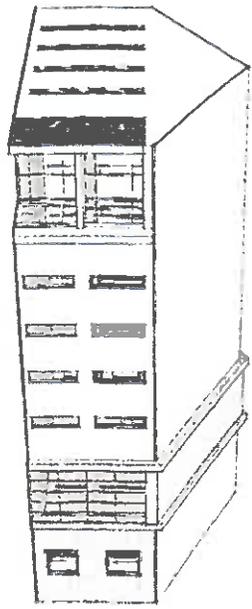
THE HOLLAND GROUP MEA 1000 W. 1000 S. SALT LAKE CITY, UT 84119 (801) 488-8800 www.mea.com	OVERALL YIELD LAYOUT <b>FARMINGTON - COMPTON ROAD</b> FARMINGTON CITY, DAVIS COUNTY, UTAH		DATE: _____ REVISION: _____
	SHEET <b>01</b>	PROJECT NO. 2020-001	DRAWN BY JAMES PARK



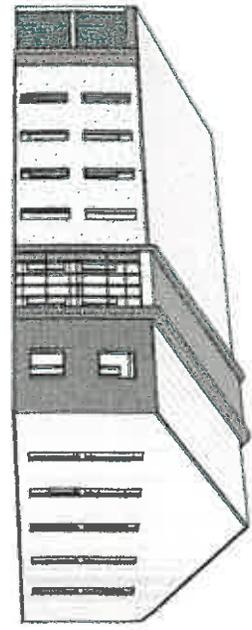




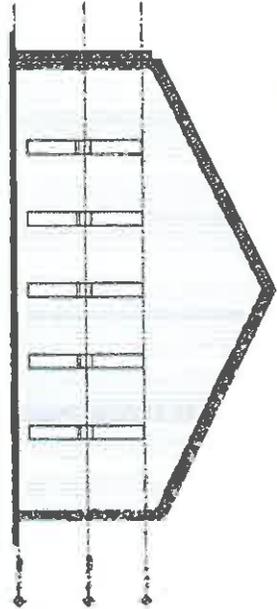




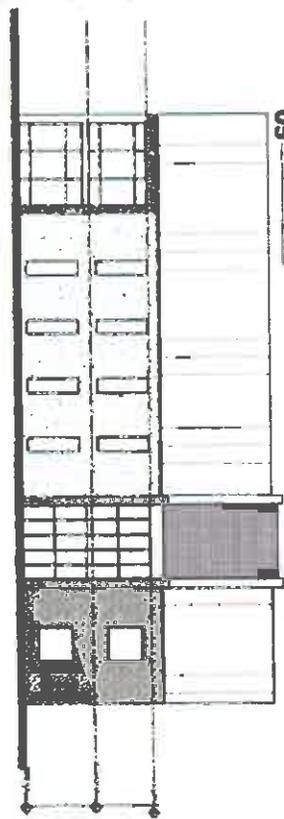
06 PERSPECTIVE VIEW



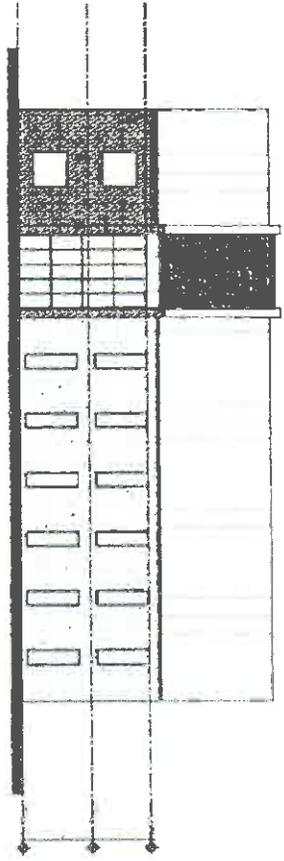
05 PERSPECTIVE VIEW



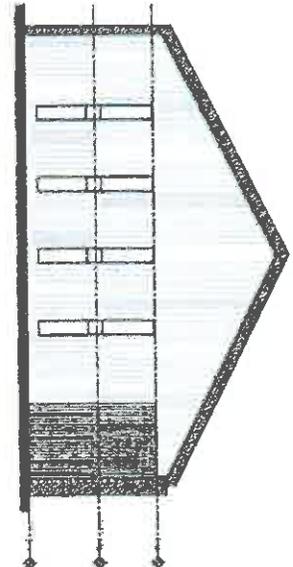
04 NORTH ELEVATION



03 WEST ELEVATION OPTION 1



02 EAST ELEVATION OPTION 1



01 SOUTH ELEVATION

**COMPTON ROAD  
OFFICE BUILDING CONCEPT**

10000  
FARMINGTON, CT 06030

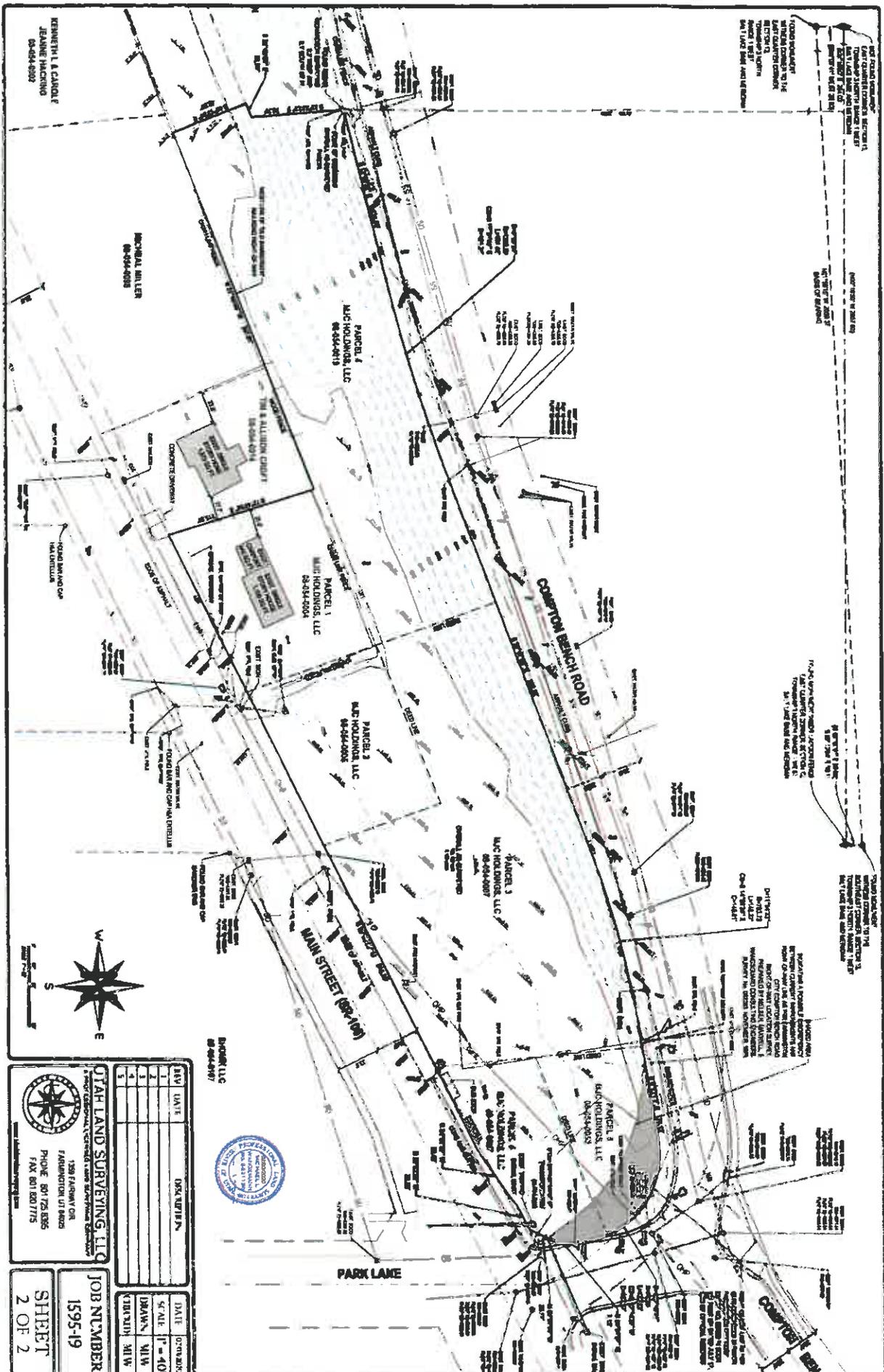


**A4**  
ELEVATION  
CONCEPT  
OPTION 01









KENNETH L. CARROLL  
JEANNE MCGINNIS  
05-004-0002

MICHAEL MILLER  
05-004-0003

PARCEL 4  
MHC HOLDINGS, LLC  
05-004-0013

PARCEL 1  
MHC HOLDINGS, LLC  
05-004-0004

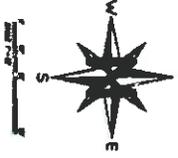
PARCEL 2  
MHC HOLDINGS, LLC  
05-004-0005

PARCEL 3  
MHC HOLDINGS, LLC  
05-004-0007

PARCEL 5  
MHC HOLDINGS, LLC  
05-004-0009

PARCEL 6  
MHC HOLDINGS, LLC  
05-004-0010

BROWN LLC  
05-004-0007



**UTAH LAND SURVEYING, LLC**  
A PROFESSIONAL CORPORATION  
1308 FARMWAY ONE  
FARMINGTON UT 84201  
PHONE: 801.725.1835  
FAX: 801.820.7775

DATE	DATE	DESCRIPTION
1		
2		
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**JOB NUMBER**  
1595-19

**SHEET**  
2 OF 2

DATE	CREATED
SCALE	1" = 40'
DRAWN	MLW
CHECKED	MLW





September 19, 2017  
Job No. 0430-013-17

Mr. Brandt Knowlton  
Ascent Construction  
310 West Park Lane  
Farmington, Utah 84025

Mr. Knowlton:

Re: Summary Letter  
Spring Observation  
Northeast corner of Main Street and 675 North  
Farmington, Utah

As requested by Mr. Gary Webb of Ascent Construction, the above site was visited on September 19, 2017 by Mr. Amos Allard of GSH Geotechnical, Inc. (GSH). The purpose of the site visit was to observe potential springs in the hillside at the above mentioned site located in Farmington, Utah.

#### Observations

At the time of the site visit, the site had been grubbed and stripped. Water was observed flowing down the exposed hillside from springs into an approximately 5 foot deep trench that had been excavated along the bottom of the hillside to collect the water. The springs and runoff will need to be controlled by a drainage system.

#### Summary

All springs on the hillside must be excavated and drains installed. The hillside drains must be excavated wide enough and deep enough as to prevent drainage down the exposed slope. The hillside drains should consist of a 4-inch diameter perforated or slotted plastic or PVC pipe enclosed in clean gravel comprised of three-quarter- to one-inch minus gap graded gravel and/or "pea" gravel. To reduce the possibility of plugging, the gravel must be wrapped with a geotextile, such as Mirafi 140N or equivalent. The hillside drains will need to be tied to the existing trench at the bottom of the hillside by a plastic or PVC pipe. The existing trench at the bottom of the hill should be cleaned out and drain installed running the length of the hillside. The trench drain must be constructed using the same specifications as the hillside drains. The trench drain shall be discharged into area subdrains, storm drains, or other suitable down-gradient location.

GSH Geotechnical, Inc.  
473 West 4800 South  
Salt Lake City, Utah 84123  
Tel: 801.685.9190 Fax: 801.685.2990  
www.gshgeo.com

Ascent Construction  
Job No. 0430-013-17  
Spring Observation  
September 19, 2017



**Closure**

If you have any questions or would like to discuss these items further, please feel free to contact us at (801) 685-9190.

Respectfully submitted,

**GSH Geotechnical, Inc.**

A handwritten signature in black ink, appearing to read 'S. Amos Allard'.

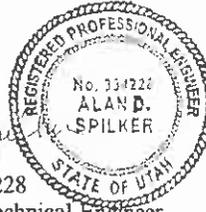
S. Amos Allard  
Staff Geologist

SAA/ADS. ko

Reviewed by:

A handwritten signature in black ink, appearing to read 'Alan D. Spilker'.

Alan D. Spilker, P.E.  
State of Utah No. 334228  
President/Senior Geotechnical Engineer





Holly Gadd &lt;hgadd@farmington.utah.gov&gt;

**Fwd: Contact Form Submission**

2 messages

**David Petersen** <dpetersen@farmington.utah.gov>  
To: Carly Rowe <crowe@farmington.utah.gov>  
Cc: Holly Gadd <hgadd@farmington.utah.gov>

Mon, Aug 24, 2020 at 8:34 AM

Please place in file thanks.

Dave



UTAH

**Dave Petersen, AICP**  
**Community Development Director**

Office: 801.939.9211 Cell: 801.381.3575

dpetersen@farmington.utah.gov

----- Forwarded message -----

From: **Dennis Allen** <dallen@farmington.utah.gov>

Date: Sat, Aug 22, 2020 at 3:07 PM

Subject: Fwd: Contact Form Submission

To: David Petersen <dpetersen@farmington.utah.gov>, Meagan Booth <mbooth@farmington.utah.gov>, Shannon Hansell <shansell@farmington.utah.gov>

Dennis Allen, GISP  
GIS/IT Administrator | Farmington City  
Office: 801-939-9218 Cell: 435-230-0233

----- Forwarded message -----

From: **Heinz Mahler** <heinzjm3693@gmail.com>

Date: Sat, Aug 22, 2020, 3:04 PM

Subject: Contact Form Submission

To: <webmaster@farmington.utah.gov>

Name: Heinz Mahler  
Email: heinzjm3693@gmail.com  
Message:

I received notice of the hearing on Tuesday Sept. 1 which includes a request by Cummings and Holland to change zoning from LR to BP along a portion of Main Street. I am unable to attend the meeting but strongly oppose any such zoning change. The LR zoning is there for a reason. Our neighborhood does not want large business development along Main Street. So much of the charm of Farmington is already being lost. I encourage the City Council to reject the requested zoning change. Thank you for your consideration.  
Heinz Mahler

**Carly Rowe** <crowe@farmington.utah.gov>  
To: David Petersen <dpetersen@farmington.utah.gov>  
Cc: Holly Gadd <hgadd@farmington.utah.gov>

Mon, Aug 24, 2020 at 8:43 AM

8/24/2020

Farmington City Mail - Fwd: Contact Form Submission

Got it.

Thanks,  
Carly Rowe - Farmington City  
Planning & Zoning, Recording  
and Code Enforcement Secretary  
801-939-9215



[Quoted text hidden]

CITY COUNCIL AGENDA

For Council Meeting:  
September 1, 2020

**PUBLIC HEARING: Chestnut Farms PUD Master Plan Amendment and Phase 5 Preliminary PUD and Schematic Subdivision Plan with Accompanying Zone Change**

**ACTION TO BE CONSIDERED:**

1. Hold public hearing.
2. See enclosed staff report for recommendations.

**GENERAL INFORMATION:**

See enclosed staff report prepared by Shannon Hansell, Planning and GIS Specialist.

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  
SHAWN BEUS  
SCOTT ISAACSON  
AMY SHUMWAY  
REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Shannon Hansell, Planning and GIS Specialist

Date: September 1, 2020

SUBJECT: **CHESTNUT FARMS PUD MASTER PLAN AMENDMENT AND  
PHASE 5 PRELIMINARY PUD AND SCHMATIC SUBDIVISION PLAN  
WITH ACCOMPANYING ZONE CHANGE (S-5-20) (Z-4-20)**

Property Owners: Symphony Homes LLC

### REQUEST

The City Council approved the enclosed Master Street Plan in 2012 (see attached minutes) which includes the land east of 1525 West, west of 1100 West, south of the Farmington Greens open space area, and north (and including) the property owned by the Bangerter family.

The proposed Symphony Homes PUD Master Plan, which amends the existing Chestnut Farms Master Plan, and if approved, also serves as the Preliminary PUD Master Plan and Subdivision Schematic Plan for the proposed Phase 5, is a subset of the 2012 Master Street Plan. By *de facto* Symphony is requesting two changes to the Master Street Plan.

1. No southerly street is stubbed to the Bangerter property; such a street, if it connects, will only over time help evenly distribute east/west traffic through all the neighborhoods involved.
2. No street is stubbed to the Jung property.

### RECOMMENDATION

1. Hold a Public Hearing as per the application referenced above.
2. Bangerter Access
  - a. Require Symphony Homes to stub a street as shown on the 2012 Master Plan.

OR

- b. Choose not to follow the 2012 Master Plan and not require a stub street.
  - i. If this is the choice of the City Council, it is recommended that they hold a neighborhood meeting with property owners in the northern area of the

master plan to inform them that they will be receiving a proportionally larger share of the traffic for the area.

- ii. Such action violates the City's subdivision ordinance. Should the City amend the ordinance?

3. Jung Access

- a. Require Symphony Homes to stub a street as shown on the 2012 Master Plan.

OR

- b. Choose not to follow the 2012 Master Plan and not require a stub street, which is not consistent with the past practice of the City.

4. Determine an appropriate lot size for the Phase 5 on 475 South Street

5. Move that the City Council table consideration of the agenda item to allow the applicant time to make changes to this plan as specified by the Council in 2, 3, and 4 above

OR

6. If the City council is willing to accept the Symphony Homes application with no changes, move that the Council table consideration of the agenda item to allow staff time to prepare enabling ordinances for the PUD overlay and the zone change for their review and approval.

## **BACKGROUND**

On April 17, 2012, the City Council approved the Chestnut Farms Street Master Plan (see attached). Most notable in this decision was to deny a connection to 1525 West via 475 South precipitated by neighborhood objections. This current application follows the 2012 Master Plan except the developer has not provided a stub street to the Bangerter and Jung properties.

This amendment has been proposed in light of the Chestnut Farms PUD Schematic Plan for Phase 5. This phase includes 25 lots, 1.14 acres of unimproved open space, with a trail connection to Buffalo Ranch Trail and 1525 West for pedestrian circulation. The area proposed for Phase 5 retains a section of Agriculture zoning, the developer would like to update the zoning to AE (PUD), following the rest of the PUD, and must do so to obtain the requested number of lots.

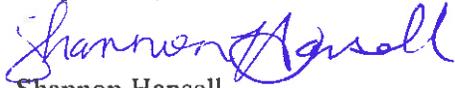
### Supplemental Information

1. Vicinity Map
2. Master Plan Amendment Letter from Symphony Homes, LLC, June 18, 2020
3. Street Master Plan, April 17, 2012 and City Council minutes to approve
4. Preliminary PUD Master Plan Submittal
5. Schematic Plan (Phase 5)
6. Zoning Map

Applicable Ordinances

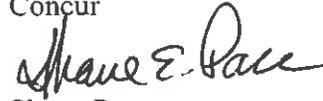
1. Title 12, Chapter 6 – Major Subdivisions
2. Title 12, Chapter 7 – General Requirements for All Subdivisions
3. Title 11, Chapter 11 – Single-Family Residential Zones

Respectfully Submitted

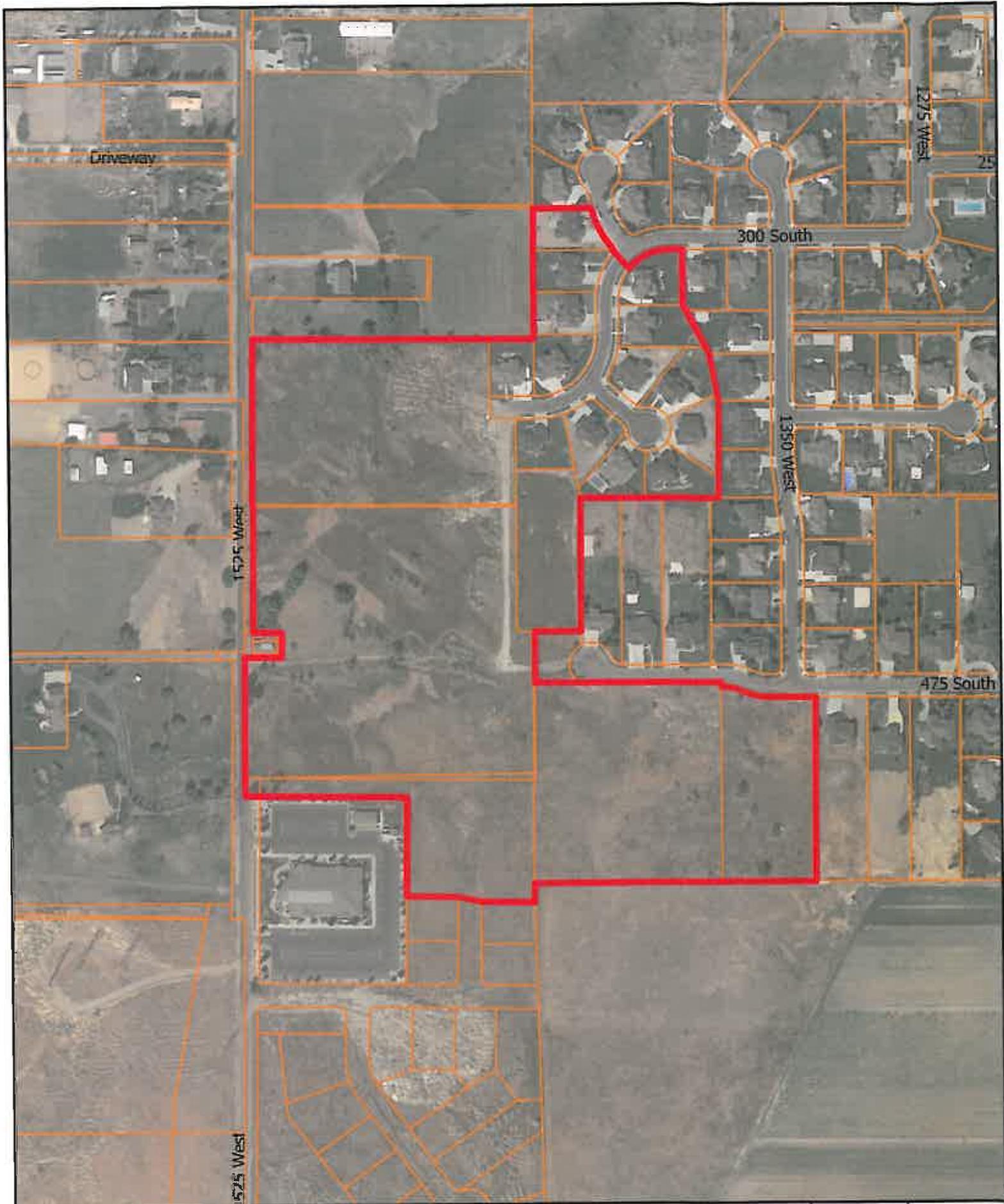


Shannon Hansell  
Planning and GIS Specialist

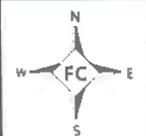
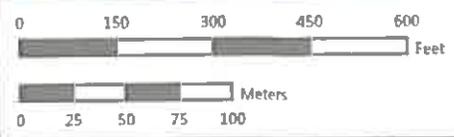
Concur



Shane Pace  
City Manager



**VICINITY MAP**  
**Chestnut Farms Phase 3, 5, 6**



Disclaimer: This map was prepared by Farmington City and is for reference only. The information contained on this map is believed to be accurate and suitable for general use. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.

June 18, 2020

Dave Peterson  
Farmington City  
160 South Main  
Farmington, UT 84025

**JOHN S. WHEATLEY**  
Vice President, Land Acquisition & Development  
C 801.557-7297  
O 801.298.8555  
111 SOUTH FRONTAGE ROAD  
CENTERVILLE, UT 84014  
[jwheatley@symphonyhomes.com](mailto:jwheatley@symphonyhomes.com)

Re: Chestnut Farms Master Plan Revision and Phase 5 Plat

Dear Dave:

We appreciate the time that you and the city manager recently took to review the conditions concerning the previous approval of the Chestnut Farms Master Plan. There has been a lot of confusion concerning which streets to put through our proposed subdivision as we have received varied input over the years from several city sources during the process. When the existing master plan was approved some years ago, the request for a connection to our project at 475 South was denied based on neighborhood objections. This city council denial was made despite the major impact on our project in creating a future block over 1000 feet in length and removing an additional exit from our subdivision. This lack of connection at 475 South limited the number of lots that could be developed in Phase 3 and forced us to leapfrog over potentially developable land to our current Phase 4 with its very expensive storm sewer outfall. We accepted these development obstacles that were placed upon us and proceeded with Phase 3 and 4.

Subsequently we were able to purchase vacant land on 475 South adjacent to our development. We met with Farmington City and were told that the previous denial of the 475 South connection to our project was viewed by city officials and staff as a mistake that needed to be remedied as we revised our master plan to include the new area. Our next submittal included connections at 475 South and to the Bangerter Farm located south of our property. We presented a master plan for approval with these connections, but it was tabled by the planning commission because of neighborhood objections to density, the 475 connection and the Bangerter connection. We did not immediately present revisions to address these issues as we were busy making numerous design changes to solve serious utility issues on Phase 4.

After we finally started Phase 4, we began the redesign of the master plan and Phase 5 by revising our yield plan, reducing density on 475 South and eliminating the 475 South and Bangerter connections to comply with the feedback we received on our previous submittals. We submitted our revised plans this year and received comments from city staff on the design. The comments included a request by staff to add both the 475 South and Bangerter connections that were repeatably objectional to the neighborhood. At our recent meeting it was suggested that we make a 300 South connection to 1525 West in lieu of the 475 South connection.

In the spirit of compromise from all the suggestions we have heard, we have revised our plan as follows:

1. We have eliminated the future phase 6 street connection to the Jung Farm and replaced it with a direct 300 South connection to 1525 West. We had previously opposed this connection because it travels through previously delineated wetlands which will entail a very expensive and difficult permit/mitigation process with the Army Corps of Engineers. We understand that the city has added 300 South connection to the master street plan. This is a costly connection, so we have added lots on the north and south side of this proposed street to help offset the additional improvement costs of this connection.
2. The yield plan was revised to show all the open space additions and subtractions as development

proceeded on this project phase by phase. Specific open space was added to Phase 5 to reduce phase density and to make sure that this phase meets the PUD open space requirement standing alone on its own merits. Additional Phase 6 lots were added to offset extra costs as mentioned above.

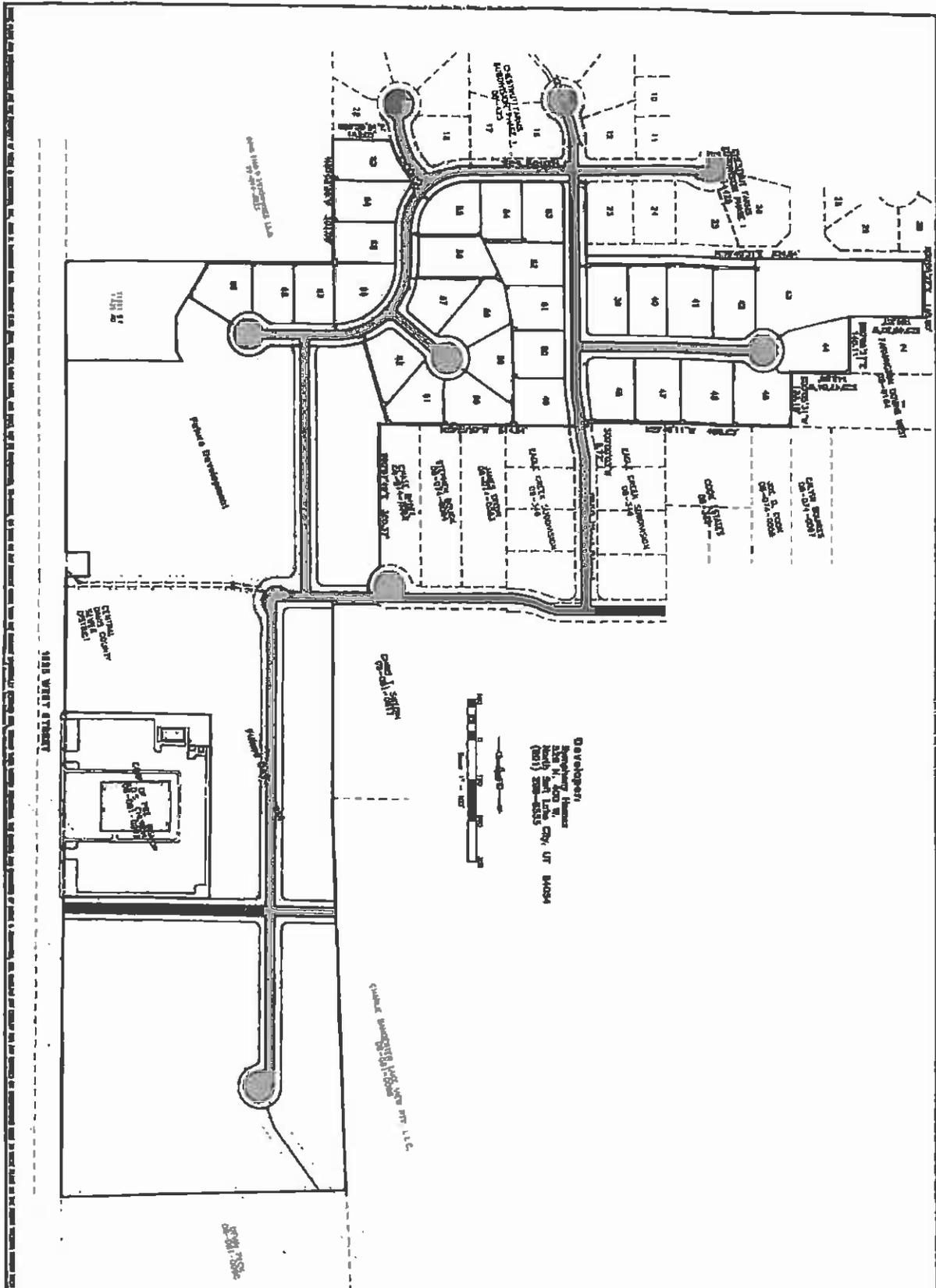
3. We made no 475 South street connection, but left a trail connection to 1525 West and the Buffalo Ranch trail system as we feel this helps pedestrian circulation in the area. This trail connection helps ameliorate the code issue of having a block longer than 1000 feet that was imposed by the last city council master plan approval.
4. We did not add the additional connection to the Bangerter Farms as requested by the city. We have already provided a connection to Bangerter Farms in Phase 4 that may never be used and that will facilitate any future traffic flow from the Bangerter property to 1525 West. This was done at great expense as there is a substantial grade difference between the grade developed on Phase 4 to accommodate adequate storm drainage. Charlie Bangerter would not let us grade on his property to deal with the grade difference as he intends to farm on the land for the foreseeable future, so we were forced to build an expensive system of retaining walls and fencing. Adding the extra city requested Bangerter connection creates another expensive retaining wall situation (6-7' height grade difference). This extra connection seems to only create future "cut through" traffic on neighborhood streets including 475 South rather than having future traffic from the Bangerter Property proceed directly east to the 1100 West Major Collector Street for access to schools and shopping or travel directly west to the 1525 West Minor Collector Street for access to the church and the West Davis Corridor. If the Bangerter property is pulled from its designated farming zoning use and developed in the future, it already has direct access to 1100 West and direct access to 1525 West on the stub road we provided in Phase 4. An additional south access point to Glovers Lane can be provided if needed in the future by crossing Farmington Creek with a bridge.

If you have additional concerns with this plan and submittal, please contact us with you input at your earliest convenience. We look forward to presenting this plan to the Planning Commission in the near future as we think it addresses many previous concerns while still keeping the project viable for our development.

Sincerely,



John Wheatley  
Vice President



Revised: 2/23/2012

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50
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**Chestnut Farms Subdivision - Phase 2**  
PART OF THE 1/4 SECTION 10, T4N, R2E, S4E, UT 84054  
 PREPARED BY: [Signature]

**Yard Drain / Traffic Plan**

DATE	DESCRIPTION

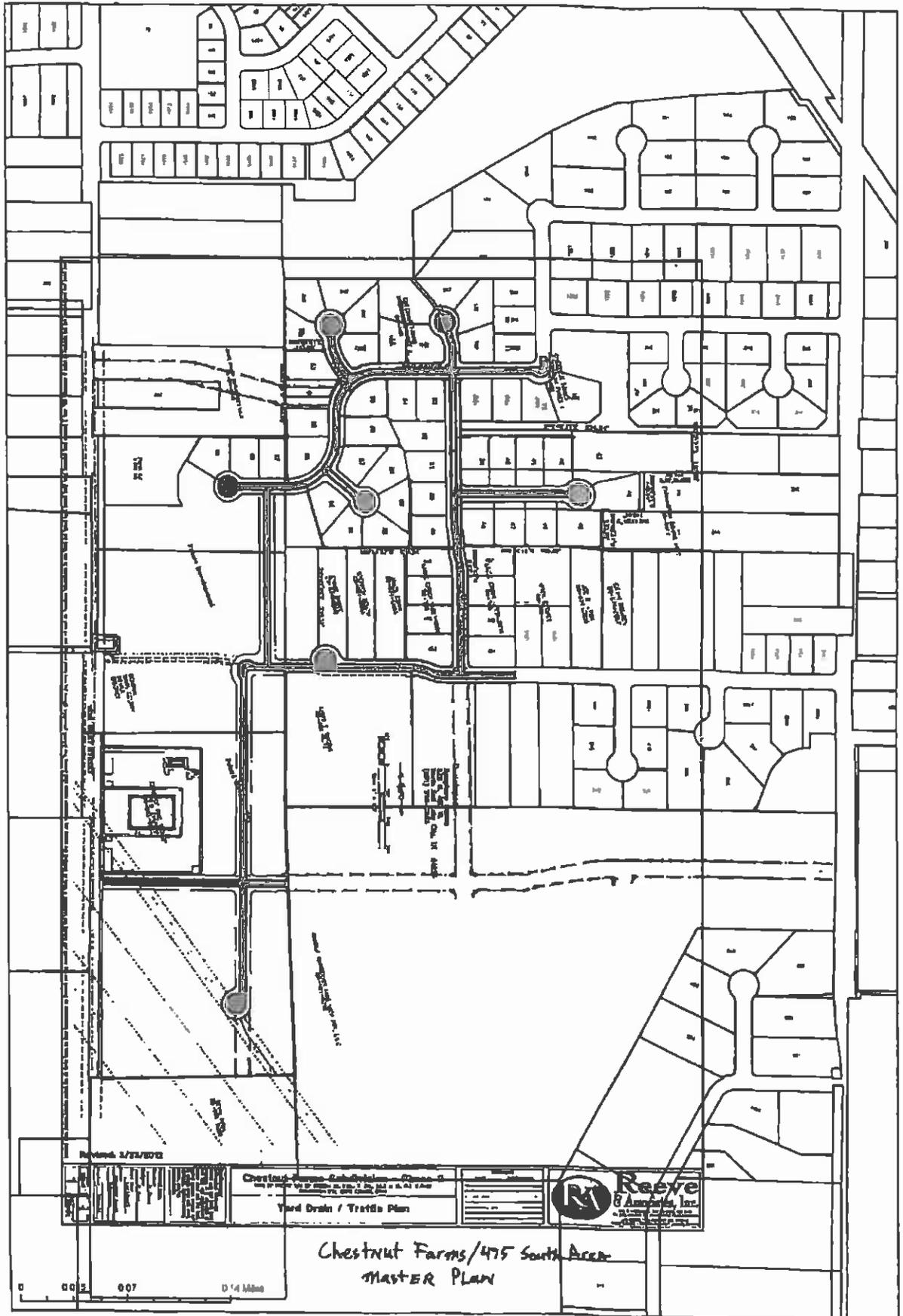
**Reeve & Associates, Inc.**  
 1000 West 1000 South  
 Salt Lake City, UT 84119  
 (801) 466-1000



# FARMINGTON CITY



Date 2/24/2012



**FARMINGTON CITY COUNCIL MEETING**  
April 17, 2012

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**WORK SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, City Engineer Paul Hirst, City Attorney Todd Godfrey, and Recording Secretary Cynthia DeCoursey*

**Street Master Plan for the Chestnut Farms PUD Subdivision**

The meeting began at 6:20 p.m., and **David Petersen** provided background information on this item. He explained that because there are several elements to this Plan, staff provided a "decision tree" which breaks up the motion into levels. The Council discussed important details concerning this proposal, including a possible stub street to the Jung property, whether or not 475 South should be a through street, and if 375 South should be extended to 1525 West as shown on the 2005 Chestnut Farms Master Plan.

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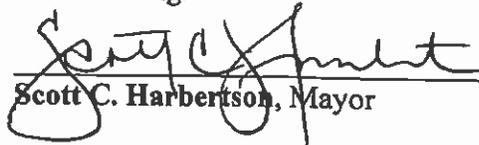
**CLOSED SESSION**

**Motion:**

At 6:45 p.m. **Jim Talbot** made a motion for the Council to go into a closed meeting to discuss the acquisition of real property. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

**Sworn Statement**

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

  
\_\_\_\_\_  
Scott C. Harbertson, Mayor

**Motion:**

At 7:05 p.m. a motion to end the closed session was made by **Cory Ritz**, seconded by **John Bilton**, and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

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**REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, Jim Talbot, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Planning Department Secretary Heidi Gordon, and Recording Secretary Cynthia DeCoursey. Youth City Council Members Daniel Montgomery and Steven Swanson were also in attendance.*

**CALL TO ORDER:**

**Roll Call/Opening Comments/Invocation/Pledge of Allegiance**

Mayor Harbertson began the meeting at 7:10 p.m. and welcomed those in attendance. The opening prayer was offered by Dave Millheim, and the Pledge of Allegiance was led by Boy Scout Caleb Jeppson of Troop 1116.

**REPORTS OF COMMITTEES/MUNICIPAL OFFICERS**

**Executive Summary for Planning Commission meeting held March 29, 2012**

The Summary was included in the staff report.

**Presentation from the Utah National Guard**

Lt. Casey Staheli informed the Council that the Utah Community Covenant Program is a formal commitment of support by state and local communities to Service Members and their families—Active, Guard, and Reserve. It is designed to foster and sustain effective state and community partnerships and provides community leaders with available education and resource. They would like each city to designate a “military liaison” and to organize a signing ceremony. John Bilton agreed to act as the military liaison.

**PUBLIC HEARINGS**

**Street Master Plan for the Chestnut Farms PUD Subdivision**

David Petersen said the City received a great deal of input from residents regarding this Plan. The City Subdivision Ordinance states: “In the event a master street plan does not exist, the subdivider shall prepare such a plan.” He read the main motion, sub-motions 1A, 1B, 2A, 2B, 3A, 3B, and the findings as included in the staff report. He provided information regarding the four utilities which will have spacing requirements and emphasized that inter-connectivity between neighborhoods is a good planning practice.

***Public Hearing:***

Mayor Harbertson opened the public hearing at 7:50 p.m.

Chase Bybee, 1418 West 475 South referred to a petition he sent to the Council with 46 signatures of residents who support leaving 475 S. as a cul de sac. He purchased a 2-acre parcel at the end of 475 S., created a 2-lot subdivision, built his home on the easterly lot, and sold the westerly lot to Symphony. He and other residents on 475 S. paid for the cul de sac. He requested that the City compensate them if they decide to make 475 South a through street.

Scott Thurgood, 1364 West 475 South, is upset about this proposal. He and his wife purchased a lot in the cul de sac because they wanted less traffic in their neighborhood. They were told from the beginning that it would remain a cul de sac, and they helped pay for it. He is also concerned about safety.

Dan Wight, 267 South 1400 West, said the burden of expanding the Chestnut Farms Subdivision should not fall on the homeowners who live in the 475 South cul de sac. He asked the City to rethink the project and change the street plan.

Candace Daly, 1296 West 475 South, said they chose their lot because of the cul de sac and the rural feel of the area. They have a great deal of empathy for the Bybees, and she asked the Council to deny the request for removal of the cul de sac.

**Jared Gilmann**, 1212 West 280 South, lives on Lot #5 in the Symphony development and said it would be great if everyone could live on cul de sacs and be surrounded by acres of property, but it is a fact of life that development and changes will happen. He urged the Council to use perspective as they consider plans which will provide connectivity.

**Steve Bouck**, 1392 West 475 South, is concerned about safety and purchased his lot because it was on a cul de sac. He said there are as many reasons why 475 S. should remain a cul de sac as there are reasons why it should be a through street, and he encouraged the Council to look at other options.

**Jake Barker**, 517 South 1250 West, was unable to attend, but **Mr. Bouck** read a letter he wrote which stated that the City did not communicate with residents regarding the possible removal of their cul de sac. He does not think it is fair to eliminate a cul de sac in their neighborhood but allow many more cul de sacs in an adjacent subdivision.

**Valerie Bybee**, 1418 West 475 South, said they gave up 20% of their lot and a significant amount of money to construct the cul de sac, yet this was not included as a reason why the connection should not be approved. She said there is nothing ethical about the proposal to remove the cul de sac.

**John Wheatley**, Symphony Homes, said they feel like they are on approval quicksand because their 2005 Master Plan is no longer valid. It is difficult to plan a subdivision when things are constantly changing. The most economical plan for a developer is not to have any stubs, but they understand the need for street connectivity and have worked with staff to meet the City's standards. They also added the Bangerter stub which is a great connection and will spread the traffic flow.

**Stacey Glossner**, 494 South 1250 West, purchased her home 4 years ago and was told that 475 S. would not be a through street. She is concerned about the safety of her children, the bus route, and the value of her home. She is in favor of 60-foot walking path which would connect 475 S. to the new street and offer access to the utilities without additional traffic. She asked the Council to vote against this proposal and look for other alternatives.

**Brian Gates**, 256 South 1275 West, lives directly across from the Chestnut Farms community pool and park, and if traffic is increased on 250 South, there will be a direct impact on the children in the area. He is dismayed that the **Bybees** could be so negatively impacted by this decision. If 475 South is allowed to go through, a City like Farmington should do as much as possible to make this right for them.

**Calvin Squires**, 1244 West 475 South, opposes 475 S. as a through street and believes there are other feasible options. He pointed out that there is a farm access road on the north side of the church and asked if it could be used. He is an avid user of the City's trails and would like to see trails woven throughout all of these neighborhoods.

**Andrew Hiller** purchased the rear portion of the **Williams** property. He is concerned about the homeowners in the 475 South cul de sac because they were promised that it would never be a through street. The Planning Commission and City Council need to look beyond the rules and do what makes sense.

The Public Hearing was closed at 8:45 p.m.

***Mayor/City Council comments:***

**Nelsen Michaelson** said it is difficult to make a decision when his friends and neighbors are involved. He feels that it is important to adhere to development standards which will ensure connectivity

between neighborhoods. Some residents are in favor of a connection to 1525 West, but others are not, and he would like to review other possibilities.

**Cory Ritz** listed the following concerns: (1) He respects the DRC but discounted several of their points due to the lack of logic; (2) He is concerned about the Schematic Plan as it relates to open space, density, and wetlands; (3) The City must provide protection for residential streets, and if the cul de sac is removed, each resident on the street should be fairly compensated; (4) He questioned the reason for the north/south connection between the two Symphony parcels; (5) The 375 S. connection makes more sense and would preserve open space and two cul de sacs; (6) There are multiple ways to provide connectivity in this area, to deal with the 1000-foot issue, and to preserve neighborhoods as they currently exist.

**Jim Young** said he respects and appreciates City staff for their thorough work and dedication, but he does not agree with all of their points on this issue. He expressed concern that there were 10 findings in favor of the proposal and only 3 against it. The residents on 475 S. have had a reasonable expectation for many years and took the initiative to pay for the street and create a quiet, secure neighborhood. He studied the issues and does not think the City's reasons are compelling. There are some creative and excellent alternatives for Symphony and for connectivity in the area, and he will vote against the current proposal.

**John Bilton** referred to a section in the Ordinance regarding the number of dwelling units allowed on cul de sacs and asked how many units exist on 475 South. He would like to see different alternatives.

**David Petersen** did not know the number of units on 475 S. but said it existed as a private street in the county and predates the Ordinance. The Commission and the Council approved the 2005 Master Plan which showed both 375 S. and 475 S. as through streets but no stub to the Jung property. The proposal by **Cory Ritz** has some merit, but there would be 34 lots on the 300 S. extension—ten more than the Ordinance allows. That would be inverse condemnation, and the City would be open to litigation. He stressed that six City Departments, governmental entities and the City's Traffic Engineer put a great deal of thought and time into this proposal.

**Jim Talbot** commented that although they do not always agree, **David Petersen** is a fine City Planner. After looking at this area in west Farmington, and listening to public comments, he believes there are other alternatives that could work. He approves of the 375 South to 1525 West extension and the Jung stub and realizes that traffic patterns are important, but he would not approve the extension of 475 South.

**Mayor Harbertson** appreciated the comments of each Council member and the public comments. He pointed out that nothing remains constant, and no one knows the future. He does not have all of the answers, but he would like to postpone a final decision until all options have been researched.

***Motion:***

**Nelsen Michaelson** made a motion to table this item to allow staff to research different options. There was no second to the motion, and it died.

***Motion:***

**Cory Ritz** made a motion to approve the Chestnut Farm/475 South street master plan incorporating the results and findings of the sub-motions as follows.

1. The westerly connection extending 475 South (the "Extension") to a north to south street proposed by the Symphony Homes shall be removed from the master plan and the westerly end of 475 South Street shall remain a cul-de-sac subject to the following:

- a. No lot in the Symphony Home project may have double frontage on the 475 South cul-de-sac and the proposed north to south street. In lieu of lots, the property owner may develop open space in this area.
  - b. Residents on 300 South and 250 South must understand that additional traffic may occur in their neighborhoods.
  - c. It may be necessary for the City to amend its street and block standards in the Subdivision Ordinance.
2. The developer shall stub a street to the Jung property (the “Jung Stub Street”).
  3. The present street master plan proposal shall be updated to show a 375 South Street connecting a proposed north to south street to 1525 West Street (“375 South”).

#### Findings

- a. The Subdivision Ordinance requires a master street plan prior to consideration of a subdivision application (12-7-040(4)).
- b. The plan provides inter-connectivity within the neighborhood evenly dispersing local traffic north to south and east to west .
- c. The plan demonstrates how the neighborhood may connect to the Bangerter property enhancing neighborhood inter-connectivity and local traffic dispersion.
- d. The City Traffic Engineer, Tim Taylor, provided a positive recommendation regarding the plan.
- e. The amount of traffic that will be diverted to 300 South and 250 South is negligible.
- f. Section 12-7-040(4)(b) states, “Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- g. Topography or other physical conditions do not prevent the developer from stubbing a street to the Jung property.
- h. The Jung Stub Street provides the most advantageous future development of adjacent tracts. Wetlands running north to south divide the Jung property east to west. The east portion of the property is developable, and in the event the US Army Corp of Engineers prevents any encroachment of the wetlands in the future, the property may still be fully developed from the east from the stub street and the west from 1525 West.
- i. The Jung’s desire not to develop now or in the future. But in the event that years from now Jung heirs or assigns desire to develop, the option is available. In the meantime, the Jung’s will continue to have full use and enjoyment of all of their property as they deem appropriate as owners.
- j. The first sentence of Section 12-7-020(3) states, “The maximum length of blocks shall be one

thousand (1000) feet and the minimum length of blocks shall be four hundred (400) feet". The distance from Citation Drive to the proposed street south of the existing LDS Stake Center is approximately 2900 feet. Although, wetlands in the area dictate that the eventual distances between blocks in this area may never comply with the ordinance, a possible extension of the Jung Stub Street to 1525 West will result in a block face distance from Citation Drive to this street of approximately 900 feet, which is consistent with the ordinance.

- k. The City's Traffic Engineer maintains that a possible Jung Stub Street connection will result in better local traffic circulation in the area.
- l. The Jung Stub Street may become an important connection if a 375 South Street is not extended as discussed in another sub motion set forth herein.
- m. A home now exists on parcel 08-074-0032 (1 acre) which is centered/surrounded by parcel 08-074-0033 (4 acres). Both parcels are owned by the Jung family. If the Jung Stub Street is extended to 1525 West Street in the future, the extension can be designed to veer north and miss the home while still allowing development of reasonable sized lots on both sides of said extension without involving another property owner because the Jung family also owns the adjacent 5 acre parcel (08-074-0022) on the north side of 08-074-0033.
- n. 375 South will increase and improve inter-connectivity to 1525 West.
- o. 375 South was shown on the 2005 Chestnut Farms master plan previously approved by the City.
- p. Wetlands may exist in the area, but the developer previously planned to mitigate these wetlands

The motion was seconded by **Jim Talbot** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

The City Council took a 10-minute recess, and the meeting was resumed at 10:15 p.m.

### **Historic Landmark Designation**

**Annette Tidwell**, Executive Director of the Farmington Historic Preservation Commission, introduced Chairperson **Alyssa Revell** and President of the Davis/Farmington DUP Company, **Diane Williams**. The Commission recommended that three properties be added to the Farmington Historic Landmarks Register. She gave a brief history of each site.

### ***Public Hearing:***

The Public Hearing opened at 10:15 p.m.—there were no public comments, and it was closed. The Mayor suggested that the City consider allocating funds for the placement of historical plaques at historic sites throughout the City.

### ***Motion:***

**Jim Talbot** made a motion to approve the Ordinance designating the Farmington City Cemetery, the Farmington Historical Museum, and the Charles Penrose Cabin as historic resources on the Farmington Historic Landmarks Register. The motion was seconded by **Jim Young** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

**Local Consent for Sushi Monster LLC Limited Service Restaurant License**

***Public Hearing:***

The Public Hearing opened at 10:20 p.m. There were no public comments, and it was closed.

***Motion:***

**John Bilton** made a motion to approve the Local Consent form for the Sushi Monster LLC Limited Service Restaurant License, conditional upon compliance of all conditions of Title 32B of the Utah State Code and City Ordinances. **Nelsen Michaelson** seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

**SUMMARY ACTION:**

**Minute Motion Approving Summary Action List**

1. **Approval of Minutes from March 6<sup>th</sup> and March 20<sup>th</sup>**
2. **Ratification of Approvals of Storm Water Bond Logs**
3. **Arbor Day Proclamation**
4. **Arendal Manor Subdivision**
5. **Professional Service Fee Deposit**
6. **10.5-acre Expansion at Bus Park**
7. **Appointment of Ron Robinson to the Farmington Trails Committee**
8. **Union Pacific Railroad Easement for Pipe within Red Barn Lane**
9. **UTA Easement for Pipe within Red Barn Lane**
10. **Easement to the Weber Basin Water Conservancy District**

***Motion:***

**Jim Talbot** made a motion to approve Items 1-10 on the Summary Action List. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

**11. Farmington Greens Open Space Acquisition**

**Mayor Harbertson** explained that this open space was to be purchased using money from the Parks fund, but upon further review, the City decided to use funds from the Storm Drain Fund.

***Motion:***

**Cory Ritz** made a motion to authorize the Mayor to execute the purchase agreement between the Farmington Greens HOA and the City for the acquisition of open space. The parcel will be purchased for an amount not to exceed \$20,000 in back taxes from the storm drain fund. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot and Young**.

**PRESENTATION OF PETITIONS AND REQUESTS**

**Final Plat for Hunters Creek Phase 4A**

**David Petersen** explained that the Council approved this Final Plat several years ago, but the approval expired. Woodside Homes lost the property with the downturn in the economy but recently regained control of the property and would like to finish the project. It is consistent with the Development Agreement and Master Plan. The Council discussed the yield plan and conservation easements.

*Mayor/City Council comments:*

**Jim Talbot** expressed concern regarding the viability of Woodside Homes and their ability to finish this project. **David Petersen** said Woodside has a strong partner who is purchasing the land, and staff feels confident that they will be able to see the project through.

**Garrett Sealy** was employed by Woodside in 2004 when this property was purchased. He left the company for six years but was recently hired to assist in finishing Hunters Creek. He cannot speak to the actions of Woodside during the time he was not employed by the company but said they are now financially viable and have the ability to complete the project.

*Motion:*

**Nelsen Michaelson** made a motion to approve the Final Plat for the Hunters Creek Phase 4 Subdivision (26 lots), located at approximately 2250 West 700 North, subject to the same conditions and findings established previously by the City Council at schematic plan and preliminary plat approvals as set forth in the supplemental information. The motion was seconded by **Cory Ritz** and approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**.

**Easement within Red Barn Lane for The Haws Companies (THC)**

**Jason Nelson**, attorney for THC, said the origin of this easement was the Sept. 2008 “Road to the North” agreement executed between the City and Station Park LLC. Both parties agreed that a portion of Burke Lane would no longer be necessary once Station Park connected into the old existing Burke Lane alignment and that a small stub would remain. The contractual obligation of the City was to vacate the existing public right-of-way across that stub and grant an easement to THC. However, the easement could not be recorded with the Agreement because both parties were waiting on the alignment of Station Park. Once the alignment was decided, the City’s obligation was to immediately grant the easement, but it was never granted. THC could take a hard-line approach but prefer to work with the City towards a resolution.

He addressed three concerns outlined in the staff report and suggested a solution which would meet the needs of THC, the City, and the Cook family. Their first proposal: (a) both parties will abandon the Agreement; (b) the City will allow THC to leave the improvements which are there—subject to the rights of third parties; and (c) The City will allow THC to pave the driveway area out to the public road. THC will agree to maintain the road, the fence, and the landscaping. Their second proposal: The City will vacate the property—50% would go to the Cooks and 50% to THC as the adjoining landowners.

**Jeff Cook** said they have serious issues with the “Road to the North” Agreement. They were never contacted by the City, and as a result, they question the validity of the Agreement. They do not understand how the City could grant an easement on property they do not own and reminded the Council that their property line is the center of Burke Lane. The current alignment of the road takes a large swipe through their property, leaving them with a small triangle of land that is difficult to utilize.

City Manager **Dave Millheim** said there is no argument that the 2008 Agreement was flawed for a variety of reasons, and the easement issue needs to be resolved. There is no logical reason that the City would not allow THC to address the paving of Burke Lane, and no one wants to take away the Cook’s

rights. He advised the Council to vote on the motion and direct City staff and THC to further negotiate the issues. Mr. Nelson expressed concern regarding the ability of City staff and his client to reach a resolution because they have tried multiple times over several years to reach a resolution and have not been successful. Dave Millheim said that is because THC's definition of "negotiation" is to get exactly what they want. He did not appreciate the fact that Mr. Nelson personally attacked his integrity in a letter to the Farmington City Attorney. He explained that he has no reason to punish THC, but he has every desire to clean up the 2008 issue and stop arguing about it. However, it is bad public policy for the Council to make this decision without sufficient information and proper documentation. Mayor Harbertson agreed with the City Manager's advice and volunteered to participate in the negotiations. Jerry Cook said they would like to be involved with the discussions as well.

**Motion:**

Jim Young made a motion to authorize staff to create an easement for the use of Red Barn Lane for THC subject to the following conditions:

1. The legal description will be from the Cook/Haws property line on the west to the track area on the east. It will not go all the way out to Burke Lane so as to not restrict the Cooks in any way from their historical access rights.
2. The cost of the easement will be adjusted proportional to the square footage involved and will not be signed and recorded until that payment is received by the City and escrowed.
3. If THC does not accept the terms and conditions outlined herein, in writing, within 30 days of Council approval, this approval will lapse, and no further actions will be taken.
4. Should THC agree to the terms and conditions outlined herein within 30 days, the City Council will require the final easement agreement to be drafted and placed upon a future City Council agenda no later than June 30, 2012 for formal review and possible approval.
5. Mayor Harbertson will participate in the negotiations to act as a mediator between THC and staff.

The motion was seconded by John Bilton and approved by Council Members Bilton, Michaelson, Ritz, Talbot and Young.

Earl Kemp, 1383 Fairway Circle, Farmington, said THC is only asking for permission to pave the road to the trail at their cost. He watched a man in a wheel chair ride on the muddy road today and said it is used frequently as a trail access and will be of great value to the City.

Dave Millheim asked THC's attorney to prepare a draft for a completely new agreement which addresses the landscaping, fencing, and road issues. He asked that the draft include a mutual release clause and be made available prior to the meeting so the discussion can be more productive.

Cory Ritz left the meeting at 11:00 p.m.

## GOVERNING BODY REPORTS

### City Manager – Dave Millheim

1. Upcoming Agenda Items
2. To Do Lists
3. He spoke with Davis County regarding several power poles the County has paid for since 1976. The City will now pay the bills, and the County will not pursue reimbursement.
4. City staff met with residents concerning the south Main Street project which will begin on April 18<sup>th</sup> and should be finished in the fall.

5. He informed the Council that the Station Parkway bond has been paid off.
6. According to state code, the Council is required to adopt a draft budget by May 1<sup>st</sup>. Next week's work meeting has been cancelled—it has been rescheduled for Tues., May 1<sup>st</sup> from 4-6:00 p.m. Department heads will not attend, and areas of focus will include the general fund balance, \$500,000 earmarked for parks, a road repair budget, and staffing requests.
7. City Council pictures will be taken on May 1<sup>st</sup>.
8. He attended a meeting regarding the 2040 Transportation Plan for the Wasatch Front which is a very detailed, comprehensive look at future transportation needs.
9. The City held its EOC ShakeOut today, and staff compiled a hard copy of an emergency plan for the City which includes 80% of its GIS information. A copy has been placed in every City vehicle. He complimented **Matt McCullough** on his efforts.

### Mayor Harbertson

- He asked for an update on the fire break road issue, and the City Manager reported that he is hoping for a resolution within 30-60 days.
- The City sent a formal request to **Judge Jensen** regarding receiving a monthly report on cases and is waiting for a response.
- The clean-up effort at Lagoon was significant—65 loads of debris were removed, and Lagoon was very appreciative of the City's assistance.
- The Easter Egg Hunt was sponsored by the Youth City Council and was a success.
- He and **John Bilton** will attend the Town Hall Meeting on Wed., April 18<sup>th</sup>.
- **Andrew Tolman's** accident/death has prompted resident **Becky Hale** and her sons to work on an Eagle Scout project to increase safety in several City crosswalks by installing brightly colored flags for pedestrian use. She will make a proposal at a future City Council meeting.

### City Council

#### *Jim Young*

- **Jim Hansen** asked if ATVs have been made street legal yet. The Council discussed the issue a year and decided against it.

#### *Nelsen Michaelson*

- There is a street light on the corner of 250 S. 1275 W. which has not worked since the wind storm, and **Dave Millheim** said he will address the issue with Utah Power in the near future.

### ADJOURNMENT

#### *Motion:*

**John Bilton** made a motion to adjourn the meeting. **Nelsen Michaelson** seconded the motion which was approved by Council Members **Bilton, Michaelson, Ritz, Talbot** and **Young**. The meeting was adjourned at 11:30 p.m.





Site Summary	
<b>SITE AREA</b>	
TOTAL AREA	80.21 ACRES
IMPROVED AREA	1.21 ACRES
ROADWAY AREA	10.21 ACRES
TOT. AREA	91.63 ACRES
<b>148 LOTS / 87.94 ACRES @ 1.14 ACRES/Lot</b>	
<b>100 LOTS @ 1.14 ACRES/Lot</b>	
<b>AREA DEVELOPMENT STANDARDS</b>	
MIN. LOT AREA	1.14 ACRES
MIN. FRONT SETBACK	25 FT.
MIN. SIDE SETBACK	10 FT.
MIN. REAR SETBACK	10 FT.
MIN. FRONT YIELD	1.00
MIN. SIDE YIELD	1.00
MIN. REAR YIELD	1.00
MIN. FRONT SETBACK	25 FT.
MIN. SIDE SETBACK	10 FT.
MIN. REAR SETBACK	10 FT.
MIN. FRONT YIELD	1.00
MIN. SIDE YIELD	1.00
MIN. REAR YIELD	1.00



**LEGEND**

- BOUNDARY LINE
- ROAD CENTERLINE
- ALIEN PROPERTY
- UTILITY INTERSECTION LINE
- UTILITY LINE
- AREA NOT INCLUDED IN LOT AREA

**Reeve & Associates, Inc.**  
 10000 W. 10th Ave., Suite 100  
 Denver, CO 80202  
 Phone: (303) 751-1100  
 Fax: (303) 751-1101  
 www.reeveandassociates.com

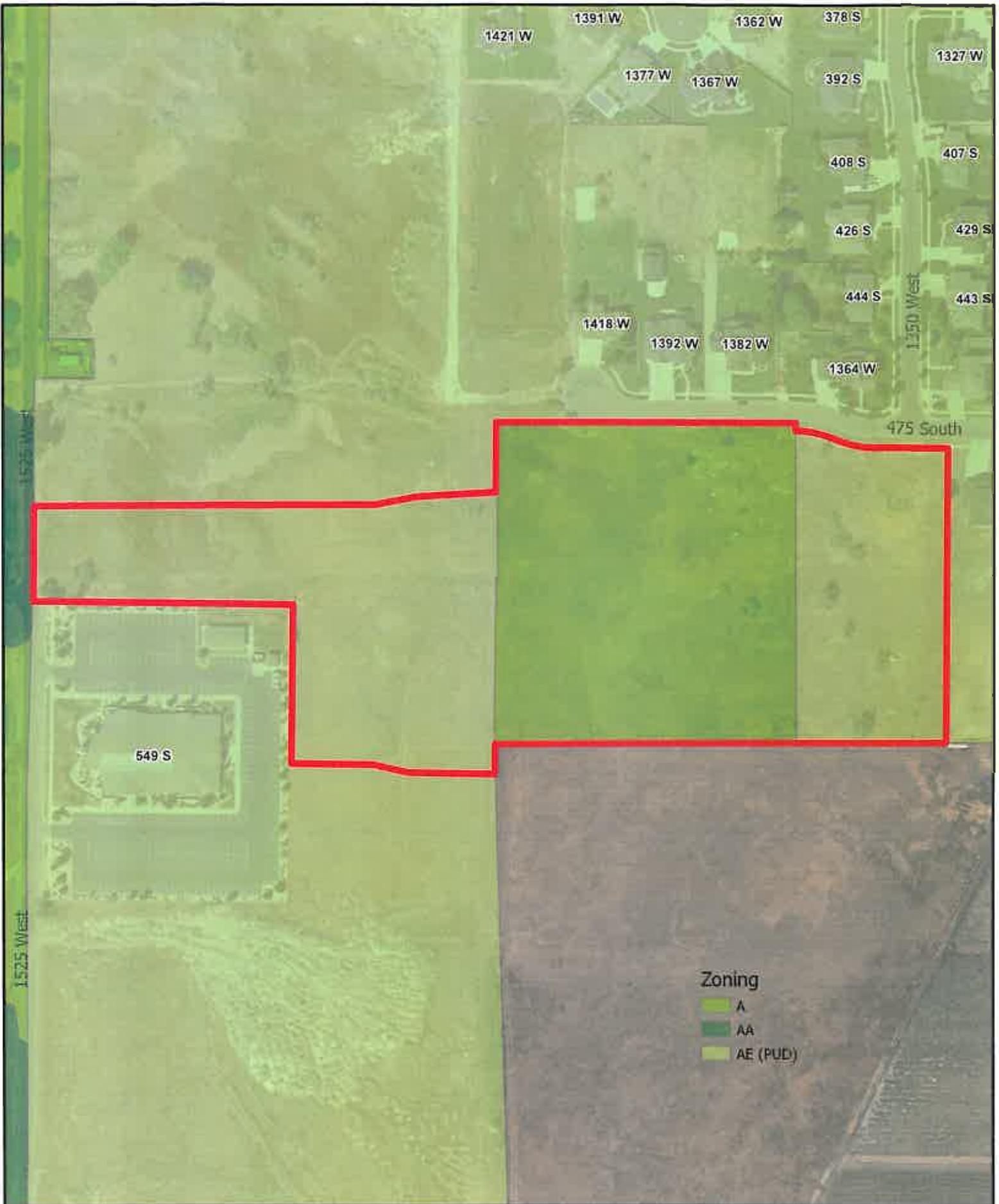
PROJECT NO.	10000
DATE	7/22/2011
BY	J. GARDNER
CHECKED BY	J. GARDNER
SCALE	AS SHOWN

**YIELD PLAN**  
 WASHINGTON COUNTY, COLORADO  
**CHESTNUT FARMS REMAINDER**

PROJECT NO.	10000
DATE	7/22/2011
BY	J. GARDNER
CHECKED BY	J. GARDNER
SCALE	AS SHOWN
REVISIONS	1
DATE	7/22/2011
BY	J. GARDNER
CHECKED BY	J. GARDNER
SCALE	AS SHOWN
REVISIONS	1
DATE	7/22/2011
BY	J. GARDNER
CHECKED BY	J. GARDNER
SCALE	AS SHOWN

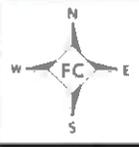
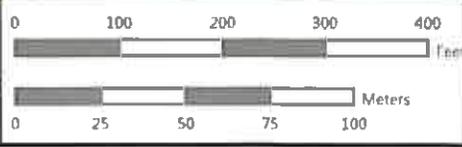
Revised: 9/16/2020





# VICINITY MAP

## Chestnut Farms PUD Phase 5 Zoning



Disclaimer - This map was produced by Farmington City (FC) and is for reference only. The information contained on this map is believed to be accurate and suitable for limited uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.

CITY COUNCIL AGENDA

For Council Meeting:  
September 1, 2020

**S U B J E C T: Intercounty Automatic Aid Fire Agreement**

**ACTION TO BE CONSIDERED:**

Motion to approve the Intercounty Automatic Aid Fire Agreement with Davis and Weber County based Fire Departments listed in the Agreement.

**GENERAL INFORMATION:**

See enclosed staff report prepared by Guido Smith, Fire Chief.

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

# FARMINGTON CITY FIRE DEPARTMENT

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



*Proud Protectors of Your Life and Property - Since 1907*

## CITY COUNCIL STAFF REPORT

To: Mayor and City Council  
From: Guido Smith, Fire Chief  
Date: August 21, 2020  
Subject: **"INTERCOUNTY AUTOMATIC AID FIRE AGREEMENT" BETWEEN DAVIS COUNTY FIRE DEPARTMENTS AND WEBER COUNTY FIRE DEPARTMENTS**

### RECOMMENDATION

Direct staff to approve "Inter-County Automatic Aid Fire Agreement" between the Farmington City Fire Department and Weber County based fire departments listed within the agreement.

### BACKGROUND

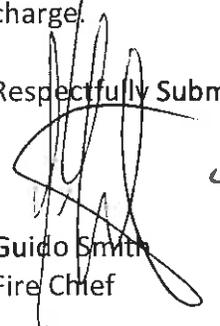
The Farmington City Fire Department and all other rescue disciplines located within Davis County have benefitted from "Auto-Aid" agreements since 2014. With ever-increasing service demands placed on Fire and EMS services throughout the region, the same philosophy applies to asset sharing between counties. There is no question that the community of Farmington will benefit from this agreement, especially during largescale incidents.

The Davis County Fire Officers Association (DCFOA) approved the attached agreement. Each agency has since received approval from their respective legal representatives.

### FUNDING:

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

Respectfully Submitted,

  
Guido Smith  
Fire Chief

Reviewed & Concur

  
Shane Pace  
City Manager

**INTERCOUNTY AUTOMATIC AID FIRE AGREEMENT**

**THIS AGREEMENT** made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020 (“effective date”), pursuant to the provisions of the Interlocal Cooperation Act, by and between **OGDEN CITY CORPORATION**, a municipal corporation of the State of Utah, **ROY CITY CORPORATION**, a municipal corporation of the State of Utah, **SOUTH OGDEN CITY CORPORATION**, a municipal corporation of the State of Utah, **RIVERDALE CITY CORPORATION**, a municipal corporation of the State of Utah, **WASHINGTON TERRACE CITY**, a municipal corporation of the State of Utah, **NORTH VIEW FIRE DISTRICT**, a political subdivision of the State of Utah, and the **WEBER FIRE DISTRICT**, a political subdivision of the State of Utah, **SOUTH WEBER CITY CORPORATION**, a municipal corporation of the State of Utah, **CLINTON CITY CORPORATION**, a municipal corporation within the State of Utah, **LAYTON CITY CORPORATION**, a municipal corporation within the State of Utah, **KAYSVILLE CITY CORPORATION**, a municipal corporation within the State of Utah, **SYRACUSE CITY CORPORATION**, a municipal corporation within the State of Utah, **FARMINGTON CITY CORPORATION**, a municipal corporation within the State of Utah, **NORTH DAVIS FIRE DISTRICT**, a political subdivision of the State of Utah, **SOUTH DAVIS METRO FIRE SERVICE AREA**, a political subdivision of the State of Utah.

**WITNESSETH:**

**WHEREAS**, the parties are desirous of entering an agreement for providing automatic mutual aid for fire protection and emergency medical response among the parties; and

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

**WHEREAS**, each party desires to cooperate with and assist the other for fire protection, emergency medical response at the receipt of such an alarm where resources within their county are exhausted; and

**WHEREAS**, this Agreement is intended to “enhance” but not replace existing “Mutual Aid Agreements or within County Automatic Aid Agreements.”

**NOW, THEREFORE**, it is hereby agreed:

1. Upon request from an on-scene incident for intercounty resources the 911 Public Safety Answering Point (PSAP) responsible for the incident will make the request to the neighboring County within this agreement as described by the “intercounty response plan” as determined by the fire chiefs of each participating party. Fire chiefs within each County will develop a coordinated “intercounty response plan” reviewed and approved by respective fire chiefs of each participating party within their county. Upon request from on-scene incident commander for intercounty resources, the neighboring county’s 911 PSAP will be contacted specifying intercounty resource request. Only those pre-identified resource units within the response plan will be dispatched by the neighboring county to the requesting county’s incident

location. Once intercounty resources are sent by their respective 911 PSAP, while en-route, responding units will report to the requesting 911 PSAP to confirm radio communication and notification of en-route status. Once assigned to a neighboring county's incident all radio communication will occur on the requesting 911 PSAP talk groups and their status managed by the requesting 911 PSAP. Upon completion of incident assignment, release by the incident commander, neighboring county units will return to radio communication with their primary PSAP.

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

- a. The "Automatic Aid" fire company being requested must be currently in an "available" status.
- b. The responding company must be a "pumping" apparatus of Class A engine type or "quint" style aerial device with Class A engine specifications, water tender, a NWCG classified Type 1-6 wildland fire suppression unit, an incident commander staff member and vehicle, or a state licensed medical unit either as a rescue or ambulance. Such responding company must respond with no fewer than two firefighters/EMS certified personnel on board.
- c. The "Automatic Aid" fire company must respond immediately from the fire station to which they are assigned immediately upon receipt of the alarm. All such responders must ride in the emergency vehicle to the incident. None shall respond by private vehicle.
- d. Dispatch will issue the following information to the responding "Automatic Aid" fire company:
  - i. Address of incident;
  - ii. Type of incident;
  - iii. Talk Group and 911 PSAP Assignment
  - iv. Incident command designation; and
  - v. Commander's name or unit when available.
- e. All parties under this agreement will function under the Incident Command System as taught by the National Fire Academy and as practiced under Weber/Davis area local guidelines and standard operating procedures (SOP's). The responding "Automatic Aid" fire company shall report by radio to the Incident Commander or staging officer at the location to which the equipment was requested and shall be subject to the orders of that commander.
- f. The responding "Automatic Aid" company shall be released by the requesting organization when the services of the "Automatic Aid" fire company are determined to not be required or when the "Automatic Aid" fire company is needed to provide protection to its own jurisdiction, such need to be the sole determination of the responding organization. This agreement is intended for

initial response only. Time commitment for the "Automatic Aid" companies shall not extend beyond eight (8) hours after initial dispatch time.

- g. Assistance under this Agreement may be refused by the supervising shift officer or any of the parties if, in the supervisor's best judgment, it is determined that the party is unable to reasonably respond.

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

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

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

6. The effect of the death or injury of any firefighter, who is killed or injured while responding to an incident outside the territorial limits of the firefighter department of which the firefighter is a member and while that department is functioning pursuant to this Agreement, shall be the same as if the firefighter were killed or injured while that department was functioning within its own territorial limits, and such death or injury shall be considered to be in the line of duty.

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

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

9. This Agreement shall be effective for a period of five (5) years from the effective date. Any party may terminate its obligations under this Agreement after giving thirty (30) days advance written notice of termination to the other parties. Such termination shall not modify the Agreement as between any of the remaining parties, except only to exclude the terminating parties from the obligations created herein.

10. This Agreement shall become effective as set out above provided it has been approved as appropriate by the above-mentioned parties, and in accordance with the provisions of Section 11-13-101 et seq., Utah Code Annotated, 1953, as amended. In accordance with the provisions of Section 11-13-202.5(3), this Agreement shall be submitted to the attorney authorized to represent each party for review as to proper form and compliance with applicable law before this agreement may take effect.

**OGDEN CITY CORPORATION, a**  
Utah Municipal Corporation

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**ROY CITY CORPORATION, a**  
Utah Municipal Corporation

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**WEBER FIRE DISTRICT**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
Attorney for Weber Fire District

**SOUTH OGDEN CITY CORPORATION, a  
Utah Municipal Corporation**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**NORTH VIEW FIRE DISTRICT**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
Attorney for North View Fire District

**RIVERDALE CITY, a  
Utah Municipal Corporation**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**SOUTH WEBER CITY CORPORATION, a  
Utah Municipal Corporation**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**CLINTON CITY CORPORATION, a  
Utah Municipal Corporation**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**LAYTON CITY CORPORATION, a**  
Utah Municipal Corporation

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**KAYSVILLE CITY CORPORATION, a**  
Utah Municipal Corporation

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**SYRACUSE CITY CORPORATION, a  
Utah Municipal Corporation**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**FARMINGTON CITY CORPORATION, a  
Utah Municipal Corporation**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Recorder

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
City Attorney

**NORTH DAVIS FIRE DISTRICT**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
Attorney for North Davis Fire District

**SOUTH DAVIS FIRE DISTRICT**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

APPROVED AS TO FORM AND AS  
COMPATIBLE WITH STATE LAW:

\_\_\_\_\_  
Attorney for South Davis Fire District

CITY COUNCIL AGENDA

For Council Meeting:  
September 1, 2020

**SUBJECT: Minute Motion Approving Summary Action List**

1. Approval of Trails Committee Member

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



Holly Gadd <hgadd@farmington.utah.gov>

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## City Council Agenda

1 message

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**Amy Shumway** <ashumway@farmington.utah.gov>

Thu, Aug 27, 2020 at 6:57 AM

To: Holly Gadd <hgadd@farmington.utah.gov>

Good morning Holly!

Sorry for this late addition. Could you add that Jedd Powell is a new member of the trails committee?

Thanks!

Amy

CITY COUNCIL AGENDA

For Council Meeting:  
September 1, 2020

**S U B J E C T: City Manager Report**

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:  
September 1, 2020

**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.