

FARMINGTON CITY
PLANNING COMMISSION MEETING
May 19, 2016

STUDY SESSION

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

Item #3. Russell Wilson/Symphony Homes – Applicant is requesting a recommendation for schematic plan approval for the Eastridge Estates Phase II Conservation Subdivision and requesting a recommendation for rezone.

Eric Anderson said the applicant is seeking for schematic plan approval for Phase II and III of the subdivision. Once approved, the applicant will then submit separate preliminary plat applications for each phase. He explained the applicant is seeking approval for both phases at this time in order to qualify for a conservation subdivision. The yield plan for both phases resulted in 29 lots; however, the layout of the yield plan is subject to wetland mitigation. The applicant is proposing a total of 26 lots.

David Petersen referenced the yield plan as shown in the staff report. He explained the dark areas are currently wetland areas, which includes a large portion of Phase III. **David Petersen** said the applicant will not be able to move forward with the construction of Phase III until the wetlands have been addressed. In his discussions with the applicant, **David Petersen** said the applicant is comfortable moving forward with that understanding.

The commissioners asked how wetlands can be mitigated. **Eric Anderson** said the U.S. Army Corps of Engineers (USACE) is responsible for approving the mitigation of wetlands. A request can be submitted for the mitigation of wetlands. The USACE will conduct an investigation of the wetlands to determine the quality of the wetlands. The request may be denied or approved for mitigation. **David Petersen** said the applicant has aerials of the property showing the area is not historic wetlands, but that it was once farm land. The applicant feels if natural seeps and streams are routed the property may dry up.

Eric Anderson also said the applicant is required to provide open space with a conservation subdivision. The applicant is proposing that the open space percentage requirement be met through a portion of a regional detention basin, as it was for Phase I. This option is desirable for the City because the open space provided in the regional detention basin will be serving as a storm-water facility for other areas within the City.

David Petersen also added that the City is seeking a trail easement as part of the item's approval. He explained that the Trail Master Plan calls for a trail connection from South Park down to Reading Elementary in Centerville, UT. He said the easement was obtained with the approval of Tuscany Village, but that the City would like to continue the easement to make a full connection from the South Park ball fields down to the Reading Elementary fields. He said the trail could potentially wrap around the detention basin allowing for easier access in maintaining the detention basin.

David Petersen pointed out the two proposed homes on the parcel to the east of the schematic plan. He said there is potential for a road to go behind those lots; however, it is important that the placement of the homes on the lots be considerate of that potential to risk future conflict.

REGULAR SESSION

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

Item #1. Minutes

Dan Rogers made a motion to approve the Minutes from the May 5, 2016 Planning Commission meeting. **Connie Deianni** seconded the motion which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the May 17, 2016. He said the Farmington Crossing Trail Parcel Acquisition was reviewed. The property owner was going to convey the property to the City; however, property owners have switched earlier than anticipated. This has resulted in the City going back to the drawing board on the item. Jon Hughes and the Davis County Surveyor presented to the City Council regarding the placement of the 4218 line and the policies related to it. The City Council advised Mr. Hughes to submit an application, and his physical property (including the placement of the 4218 line) can be further addressed. **David Petersen** said the City received a request to grant a temporary access easement with Kaysville City. The temporary access easement is being requested because a Kaysville development cannot complete a storm drain pipe due to wetland issues; however, the City Council is hesitant to move forward with the temporary access easement. Currently, there is a 146' ROW that splits Farmington and Kaysville on Shepard Lane. The City is still anticipating a possible interchange on Shepard Lane so the City is hesitant to vacate any of the ROW at this time because there are still many unknowns. The item was tabled so staff and the City Manager can discuss potential joint commitments with Kaysville on the ROW. **David Petersen** also said the Kaysville boundary adjustment, as per requested by one property owner, was approved. **Eric Anderson** also added that the zone text change for the cube self-storage facility allowing steel panels as an approved building material was also approved.

SUBDIVISION APPLICATION

Item #3. Russell Wilson/Symphony Homes (Public Hearing) – Applicant is requesting a recommendation for schematic plan approval for the Eastridge Estates Phase II Conservation Subdivision consisting of 26 lots on 18.9 acres located at approximately 1500 South and 50 West in an LR, AA, and A-F zone; the applicant is also requesting a recommendation for a rezone related thereto for .94 acres of property located at approximately 50 West and 1500 South from AA to LR, and 1.75 acres of property located at approximately 250 East and 1500 south from A-F to LR-F. (S-6-16 & Z-1-16)

Eric Anderson said this item is a continuation of Eastridge Estates Phase I. The applicant is requesting schematic plan approval for Phase II and Phase III, which consists of 26 lots, at the same time in order to memorialize their Master Plan with the City. Since there are larger areas of wetlands located

in Phase III, approval of Phase II and III's schematic plans allows the applicant flexibility to request mitigation of wetlands from the USACE. **Eric Anderson** also added that another reason the applicant is combining schematic plan approval for Phase II and Phase III is to qualify for a conservation subdivision. As discussed in the Study Session, the applicant is proposing a regional detention basin to fulfill the conservation subdivision's open space requirement. Phase I has already dedicated a portion of the detention basin to the City to fulfill the open space requirement; the applicant hopes to do the same with Phase II and Phase III. The City may be in favor of this as the facility will be large enough to take water in from other areas within the City. Staff is recommending approval of the schematic plan for Phase II and Phase III.

Eric Anderson said that the other part of this item is a request for a rezone on the property. He showed an aerial of the property. Currently, the property adjacent to the Bamburger right-of-way (ROW) is zoned AA, but does not qualify for that zone designation as it is higher than the 4218 line. Also, the property that is zoned AF obtained the zone designation when it was annexed into the City; however, the surrounding areas are zoned LR or LR-F. Staff is recommending the property be rezoned from AF to LR-F and AA to LR to match the surrounding areas.

Eric Anderson also said, as previously discussed, staff is requesting a trail easement be dedicated. **David Petersen** showed an aerial map of the proposed location of the trail easement. He explained the City would like to create a trail connection from South Park down to Reading Elementary in Centerville, UT. This would allow for walkability access to both fields locations. An easement for this full connection was previously obtained through Tuscan Village. **David Petersen** said if the trail easement could go along the Bamburger ROW that would be great as it could wrap around the detention basin and down past the Lagoon billboard crossing. **David Petersen** said the City hopes to continue this easement, but, in the event a full connection is not possible, the easement could be vacated later.

David Petersen added that the applicant is aware Phase III is complicated due to the wetlands; however, the applicant is confident the wetlands can be mitigated. As mentioned in the Study Session, the applicant has aerials that the property has been used as farm land, so the applicant believes they may be successful in drying up the land. **David Petersen** also explained that by receiving schematic plan approval by the City, but not vesting, the applicant can take their Master Plan to the USACE when discussing possible wetlands mitigation. He also added that the City won't accept an application for preliminary plat until approval for wetland mitigation has been granted by the USACE.

Russ Wilson, 526 N. 400 W., North Salt Lake, explained that Phase II previously had more wetlands located within it prior to the completion of Phase I. Now that Phase I is complete, a lot of the wetlands have dried up, and he feels it is a result of the Phase I utilities going through the proposed Phase II. He said he is confident the wetlands can be mitigated. He expressed concern with the proposed trail easement. He said he was unaware of the City's request for the trail easement until today so he is unsure where the City would like the trail located, as well as what the trail should look like.

Bret Gallacher asked if the applicant's uncertainty regarding the trail should affect the Planning Commission's decision to include it as part of the motion. **Eric Anderson** said it is up to the Planning Commission to decide if they would like the trail easement included in the motion. He also added that the City is simply requesting the easement at this time, but that details for the trail can be discussed with the applicant later, and then approved by the commission.

Alex Leeman opened public hearing at 7:29 p.m.

Robin Jensen, 1176 Cave Hollow Lane, thanked the commission for all their hard work. He urged the commission to consider the trail easement as the current mobility for the community's children is very unsafe. He said there are no sidewalks along one side of the Frontage Road and another section that lacks sidewalk on the opposite side of the road. Children that attend Reading Elementary in the area do not qualify for buses; however, walking or riding bikes is currently very dangerous. He feels the trail easement should be top priority for the City, and feels it would be appropriate to work with the city of Centerville and the surrounding public to ensure that happens. **Alex Leeman** asked staff for further information on the sidewalk situation. **David Petersen** showed an aerial view of the property and the potential placement of the trail easement. He explained a few years ago, Centerville met with Farmington to let the City know they had applied for a grant to complete the sidewalk along the Frontage Road. They requested Farmington to join in on its application. He said the grant may soon be accepted, and that the hope is to use the funds to improve the vacant portions of sidewalk along the Frontage Road. He also said Farmington City has a smaller portion to complete compared to Centerville, but the need for completing it is on Centerville's mind which is why they have sought alternative funding options. **Alex Leeman** asked if sidewalk will be included as part of this subdivision's approval. **David Petersen** said improvements, including sidewalks, curb and gutter, system improvements, etc. are typically discussed during the Master Plan.

David Tate, 1209 S. 70 W., said he owns 1420 S. 50 W. where his son currently lives. He feels this project will significantly impact his home. He said his first concern is the infrastructure of the project. If the water is being turned to go down 50 W., it will greatly impact his home. He has seen problems with the runoff from the LDS Chapel on 1420 S. He said any time it rains heavily, the chapel runoff causes water to come up through the manhole. He feels adding additional homes, sidewalks, etc. will cause a larger water runoff problem. He feels that the City needs to accept that when this property does flood, that they are willing to bail these homes out. He said he remembers in 1983 when the water was high enough to go over the Bamberger ROW. He also expressed frustration that he has had to pay thousands of dollars over the years for flood insurance on his property located on 1420 S. despite his efforts to mitigate with the USACE and FEMA.

Tyler Tate, 1420 S. 50 W., expressed frustration that the City is allowing Symphony Homes to move forward with the development when the applicant previously stated the property was more wet than they originally believed. He also stated that when building Phase I, the applicant lost 3 tractors due to the moisture of the property. He feels if Symphony Homes cannot keep their own property from flooding, they will not be able to create an effective plan to keep the surrounding areas from flooding.

Mark Rasmussen, 1584 S. 100 E., said he lives in the cul-de-sac that backs to the Symphony Homes property. He said he supports and agrees with all previous comments made. He also expressed concern on where the property drainage will go, how it will be managed, and who will be responsible to ensure it is not flooding onto other properties. He said his neighborhood, Tuscan Village, has an HOA that is responsible for drainage on a few open parcels within their subdivision so he wondered if something similar would be created for this subdivision. He also asked for further clarification on how the USACE can allow for mitigation of wetlands. **David Petersen** said the property owner can request that the USACE will allow them to "fill in" the wetlands. If the area is small enough, the USACE may allow for the property owner to do so, or, if the area is over ½ acre, the property owner may have the opportunity to purchase wetland credit. Purchasing wetland credit allows the USACE to transfer one wetland site to another. The USACE will determine the quality of the wetland area that is seeking mitigation to determine the exchange. **David Petersen** gave a hypothetical example that if a wetland area may be considered "high quality," the property owner may be allowed to fill in one acre of wetlands in exchange to creating 10 acres of wetlands somewhere else. He said a lower quality wetland may have a lower exchange rate. He said it can be very costly to the property owner to establish wetland areas elsewhere. **David Petersen** said in lieu of wetland mitigation, upon approval by the

USACE, a property owner may try to dry the wetlands up “the old-fashioned way” by channeling seeps and streams. He said the applicant has aerials of this property as farm land so the applicant is confident that the wetlands can be dried up.

Phil Hunter, 1605 S. 200 E., said he lives on the east side of 200 E. He said his home is erroneously included as part of the rezone for the commission’s consideration at this meeting; however, he would like to rezone his property like what is currently being considered. He said he purchased his property with the assumption that a road would be built behind it to allow for him to further develop his property. Based on the provided schematic plans, he wanted to make sure that the proposed homes will provide adequate room for a road to be built behind it. Additionally, **Mr. Hunter** asked what steps he needs to take in order to rezone his property. **David Petersen** said he needs to submit an application for a rezone of his property.

Steve Rice, 127 E. 750 S., said his in-laws live on 1470 S.; however, he lives in a very similar situation as to what is being proposed. He said his subdivision was previously swamp land that was mitigated with approval by the USACE. He said the developer of his subdivision waited until the wetlands were drained and then went through all the hoops to ensure it was dry. Since then, there have been a lot of problems that have arisen. He said that when swamp lands dry out, the land does not turn into great dirt. He said if the water can be removed, layers of peat moss can be found deep in the ground resulting in home settling issues which causes a lot of problems for property owners.

April Kartsner, 77 E. 1600 S., said she built her home 4 years ago knowing they were abutting federally protected wetlands. She was told no one would ever be allowed to build on the wetlands. She expressed frustration that a developer now wants to “destroy” the beautifully protected land. Also, she expressed concern about the amount of water that is currently found on the property. She suggested the commission look at the property prior to approval as she feels it will be difficult to dry the land up.

Debbie Ohnsat, 6 E. 1470 S., said when she purchased her home years ago, she talked with the City and was told that homes would never be allowed to be built on the federally protected wetlands. **Alex Leeman** clarified that as long as it is wetlands, it is protected; however, there is the potential that it could change from being federally protected wetlands. **David Petersen** also pointed out that **Debbie Ohnsat’s** property was not within Farmington City’s boundaries when she purchased her property, but was annexed in at a later date so he is unsure which city or person she talked to that told her that information. **Debbie Ohnsat** said that she feels Farmington has always wanted to be different by preserving open land, but that the wetlands are now being taken away and approved for subdivisions. She expressed frustration that she feels Symphony Homes was not truthful to her or to others. She also expressed concern regarding drainage. She said the recent rains brought water coming up through the road. She said she approached the City employees that were addressing the issue; the City employees told her it was ground water coming up through the road and not a burst pipe as they originally thought.

Heidi Rasmussen, 1584 S. 100 E., said her property also backs to the Symphony Homes property. She expressed frustration that the “charm” of Farmington is disappearing as she feels the City is allowing every square inch of Farmington to be developed. **Alex Leeman** explained that issue is one that is regularly discussed among the commissioners. He explained that property owners have rights. If the appropriate laws and regulations are followed, the City does not have the legal right to tell a property owner they cannot develop it because the City would prefer the land to remain an open field. He explained in the item being presented, if the applicant meets all requirements of the law, the commission does not have the ability to stop it from being developed. **Alex Leeman** also explained the wetlands are not within the City’s jurisdiction as the USACE is a federally regulated entity.

Alex Leeman closed the public hearing at 7:57 p.m.

Alex Leeman asked the applicant if he would like to address the subdivision's storm water drainage plan to answer the residents' concerns. **Russ Wilson** they have a Master Storm Water Plan. When Phase I was built, a storm drain and land drain system was put in. The outfall for both the storm and land drains goes out into an open ditch, then heads west along the entire property line until it goes down to the regional detention basin. **Russ Wilson** said a storm drain system has also been installed down by the detention basin that pipes water out under the freeway. He said there is currently a lot of water in it right now. He said there are natural seeps located on the property, and all the natural water is going down through that system. He said this plan has been reviewed by City staff and have been receiving comments and recommendations. He said he feels this is the best plan for the area.

Russ Wilson said it's important to remember that Phase I and Phase II had a lot of wetlands in it; however, Phase I has dried out and Phase II has mostly dried out. He acknowledged there are still areas that will have to be mitigated in Phase II, as well as in Phase III.

Russ Wilson also said they have breached the Bamburger ROW which resulted in a lot of flowing water which has helped dry the property out. He said they will continue to breach it. He also said they believe the Tuscan Village HOA has been illegally discharging water onto the Symphony Homes' property making the property more wet. He said they are working with the HOA to find a solution to route the water to another designated wetlands area. **Russ Wilson** said after the completion of Phase I, Phase II wetlands significantly dried up. He said he is hopeful that Phase III will dry out after the completion of Phase II; however, they are prepared to mitigate the wetlands by purchasing credits, if necessary.

Alex Leeman asked for clarification on how the water passes through the storm water system. He asked if the current water goes down to the detention basin and under the freeway at this point, or if the water just surfaces in the open ditch right now. **Russ Wilson** said the storm water is piped through Phase II into the outfall which flows into the open ditch. He said the water in the ditch then flows west to the detention basin. **Alex Leeman** asked if an open ditch will remain after the development of Phase II and III. **Russ Wilson** said that when Phase III will be developed, a pipe will be installed under the road. The storm water will then be piped down to the regional detention basin. **Alex Leeman** asked if the water system will continue to the open ditch until the completion of Phase III. **Russ Wilson** said yes, the open ditch will remain.

Connie Deianni asked if the applicant may be artificially creating a flood plain for other property owners during the process of mitigation of the wetlands. She is concerned that if water is moved from one place to another, it could create a flood situation for the surrounding homes. **Russ Wilson** explained that Symphony Homes will not be creating more water than what is already found on the property, but that they will channel the water to a different locations, like the regional detention basin.

Dan Rogers asked if the applicant has taken into account the excessively wet years when creating land and storm drain systems. **Russ Wilson** said they have been closely working with their engineer and the City's engineer to ensure all type of events, size of storm water, etc., has been accounted for in creating a reliable water system. **Dan Rogers** asked for clarification to the ground water coming up through the manholes, as mentioned by a resident during the public hearing. **Russ Wilson** stated 1470 S. does not connect to the subdivision's water system. He stated all the subdivision's storm water is appropriately entering the storm drain system.

Bret Gallacher asked the applicant if there was any scenario where Phase I is completed, but they fail to obtain approval for Phase II and III so construction ends. **Russ Wilson** said no; in the event they are not able to mitigate any wetlands, there are still lots that are currently dry and are therefore buildable as is. **Bret Gallacher** said he wondered if the drainage system would be effective if all phases were not completed. **Russ Wilson** said the system is not contingent on other phases being built to be fully functioning and effective. **Alex Leeman** expressed concern that the City may not be satisfied with an open ditch as part of the subdivision's drainage system in the event Phase II and III are not approved.

David Petersen asked the resident **Debbie Ohnsat** to clarify the area where she was experiencing water problems. **Debbie Ohnsat** said the water problems were occurring on 1470 S. She said she talked with the City employees; the City employees initially thought a pipe had burst resulting in water coming up through the road and manhole. She said she talked with the employees again the next day. After running a pump all night, the City employees said it was not a burst pipe, but ground water coming up which then had to be diverted. **David Petersen** said he had previously discussed what seems to be the issue with the Public Works department. He explained the City requires a developer to post a bond for all subdivision improvements, including culinary water, storm drains and more, to ensure all improvements are made. He said the subdivision's sanitary sewer line connects to 1470 S. Prior to accepting improvements, inspections happen on a monthly basis to ensure the improvement meets requirements. Once improvements are in, the bond is released, but a warranty amount is withheld. Additional inspections ensue and fouls are noted so they can be immediately repaired. Then, after a year, another inspection takes place. Once the improvements have another clean bill, the improvements are turned over to the City and the withheld warranty amount is released. With regards to the ground water problem on 1470 S., **David Petersen** said the public works department feels it is a result of the subdivision's sewer line. He said the sewer line is typically laid in a bed of gravel; however, gravel tends to attract water. Water follows the path of least resistance, so it may be following the sewer line. **David Petersen** said Davis County typically inspects the sewer lines, and that typically blocks and bridges are placed around the sewer line to stop the flow of water. He said the Public Works department feel those blocks and bridges may not have been in place which is resulting in the rising ground water. He also said that he is unsure the Sewer District's requirements, but that he feels the City may soon request these blocks as part of City requirements.

David Petersen also addressed concerns from the community that every developable land is being developed. He said the City is aware it feels that way, and that the City is doing it best; however, Farmington is one of the most premier developable cities along the Wasatch Front. He explained the families that previously owned the property being considered is the Rice Family, and the family that owned the now Tuscan Village property was the Glover's Family. Both families have own the property since approximately 1850. Property owners have rights to develop their property as they chose; however, the City is trying to be savvy about things that can be preserved, like trail connections and a regional detention basin. He said that desire to preserve is unique to Farmington, but, it can be challenging for City Council to balance as the City worked extremely hard to preserve approximately 450 acres by the lake which is now being considered for the West Davis Corridor.

With regards to the flood plains, **David Petersen** agreed that requesting a flood plain to be removed or amended by FEMA is very difficult; however, there is a large amendment for the flood plains within the County being considered. There have been some disputes regarding the amendment by the cities of Layton and Bountiful so the amendment has not been approved at this time.

Alex Leeman asked if a geotech report has been completed for this property, and if so, if the report called for helical piers. **Russ Wilson** said a report was previously completed, and helical piers were not a requirement as the property has not been historically been wet. **David Petersen** said he feels the property being reviewed is different from the Continental Estates and Pheasant Hollow

property as that property was a historically wetland area with peat soil present. **David Petersen** said he feels the suggestion for the commission to walk the property is a good idea as it will help the commissioners gain a better understanding of the property being discussed. He said it may also be beneficial for the commissioners to review the wetland study from the Tuscan Village as well as the geotech report that was completed for the proposed subdivision.

With regards to Phil Hunter's comment about the rezone area being incorrectly drawn, **Alex Leeman** asked if Mr. Hunter's property could be considered as part of this item, or if he needs to submit a separate application. **Eric Anderson** said the item's posting had the correct area listed so Mr. Hunter will have to submit a separate application for the rezone of his property.

Alex Leeman mentioned staff requested that Symphony Homes be wise about the placement of the homes on the lots located east of 200 E.; however, a rezone is completely discretionary. He asked if it would be appropriate to include a condition that the developer needs to show the location of the road prior to the rezone. **David Petersen** said he believes it would be simple for the developer to do that. **Russ Wilson** said they have looked at the layout of the road; however, when discussing it with their engineers, the road would be located very close to the proposed homes and would require a lot of fill to be brought in for the road. Additionally, if a road is placed behind the homes, the lot size and topography of the property would result in having to build a 3 story home. **Russ Wilson** said the topography of the property would also result in a very steep road. **David Petersen** suggested that the applicant sit down with staff and surrounding property owners to discuss constraints and other suggestions.

Alex Leeman asked at what point the commissioners start placing conditions and restrictions for the applicant to address when the biggest hurdle of potential wetland mitigation with the USACE is still before the applicant. He asked if the conversation should start now so the applicant is aware of the commissioners' desires prior to vesting at preliminary plat. He also added that he is not comfortable with the idea of an open ditch remaining in the event Phase III is not approved. **Eric Anderson** said it is appropriate for the commissioners, if they choose to do so, to place conditions on the motion at this point in the process. He said doing so may not mean the condition is immediately addressed, but that it has been discussed and will be resolved. He said it also ensures conversation and conditions are not lost throughout the process.

David Petersen explained that a previous comment was made that if the wetlands are removed in one area, it may result in water in another area. He provided an example to better understand why that assumption is not correct. He stated that if fill is added to a puddle, water would then extend in another direction; however, wetlands do not function in the same way. **David Petersen** said that when a wetland area is filled in, the water does not move in a different direction, but that the wetland area ceases to exist. **Russ Wilson** also pointed out that they are working to obtain their Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) from FEMA to remove the development out of the flood plain. Doing so will require significant amounts of fill. **Eric Anderson** also pointed out that as part of the CLOMR and LOMR process, the applicant will have to provide a No Rise Certificate that states when fill is brought in, it is not result in water entering another property.

Dan Rogers stated that he does not feel he has enough information to make an informed decision. He feels it would be appropriate to table the item for further review of the location of the trail easement, review the soils sample, and all other things discussed. **Alex Leeman** said he feels if the commission recommends the item for approval, it would allow the applicant the opportunity to approach the USACE regarding wetland mitigation. If the wetland mitigation is approved, **Alex Leeman** said he feels the other items can then be discussed prior to vesting at preliminary plat.

The commissioners discussed if the schematic plan for Phase II and III should be tabled or recommended for approval to the City Council. **Bret Gallacher** asked if a condition needed to be included that the sewer line in Phase I will be resolved prior to approval of other phases. **David Petersen** said Public Works is already working to resolve the issue so it would not need to be included as a condition. He said Public Works does not allow a road to keep getting fixed, like on 1470 S.; Public Works will resolve the problem immediately.

The commissioners continued to discuss if the item should be tabled or recommended for approval. **Alex Leeman** felt recommending approval of the schematic plan allows the applicant the ability to memorialize the Master Plan, but it also provides the City confidence that they will obtain a regional detention basin. He said he feels the biggest problem is Phase III; he said he is concerned with the potential of incomplete infrastructure. **Bret Gallacher** clarified that if a motion is made to recommend approval of the schematic plan, it does not mean the commission is voting they are in favor of the development, but that the applicant now has the ability to submit an application to the USACE. **Alex Leeman** added that the applicant's application to USACE will address if the Federal Government will allow them to mitigate the wetlands. **Connie Deianni** mentioned the additional conditions she would like to include to the motion include closing the open ditch, reviewing the soils report, researching the storm water capacity, and addressing the sewer line problem with Central Davis Sewer District. **Alex Leeman** also pointed out that there will be 2 separate motions, one for the schematic plans and the other motion for the rezone.

Motion for Schematic Plan for Phases II & III:

Dan Rogers made a motion that the Planning Commission recommend that the City Council approve the schematic (master) plan for Eastridge Estates Conservation Subdivision Phases II and III 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 preliminary plat;
2. The applicant shall receive US Army Corp of Engineers approval to mitigate any wetlands on site prior to consideration of preliminary plat;
3. The applicant shall obtain a CLOMR prior to or concurrent with final plat consideration for all property within the FEMA floodplain map;
4. The applicant shall provide 15% open space either on site, or offsite in the regional detention basin;
5. The applicant shall meet all requirements as set forth in Section 11-30-105 of the Zoning Ordinance;
6. On the property east of 200 East, homes shall be situated in such a way to enable in-fill development in the event future owners of the lots desire to further develop their property;
7. A road design is required for the parcel east of the northeast parcel of Phase II;
8. The storm water drain (open ditch) will be closed in Phase II, and not waiting for Phase III;
9. The applicant will work with the sewer district and staff to ensure the sewer line as it goes into Phase II and III does not become an underground channel;
10. A review of the soils report will take place, specifically looking to see if peat is present;
11. The City Engineer and the Public Works department review the storm water capacity to ensure it is adequate.

Brett Gallacher seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed schematic plan meets the requirements of the subdivision and zoning ordinances.
2. While Phase III is dependent on approval from the Corp, much of Phase II is not constrained by wetlands and may not require any mitigation.
3. The open space being traded to the City for a regional detention basin is desirable because it provides a regional facility for the southeastern portion of Farmington, and the open space would not be desirable within the subdivision boundaries of Phase II.
4. The area where the regional detention basin is to go is development restricted and leaving it as open space that also benefits the City is preferable to including it as part of the subdivision design.

Motion for a Rezone of Property:

Connie Deianni made a motion that the Planning Commission recommend that the City Council approve the rezone of .94 acres of property located at approximately 50 West and 1500 South from AA to LR, and 1.75 acres of property located at approximately 250 East and 1500 South from A-F to LR-F as identified on the attached maps, subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The approval is subject to an approved preliminary plat;
2. The applicant shall provide a trail easement on or near the Bamberger R.O.W. line connecting the trail easement in the Tuscany Village PUD Parcel B open space with their northern property line acceptable to Farmington City.

Dan Rogers seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed rezones are consistent with the general plan.
2. The proposed rezones are consistent with the surrounding properties and neighborhoods.
3. The portion of property in the AA zone is part of the old Bamberger Right-of-Way and is not below the 4218 line, and should have the development restricted designation removed from this portion of property.
4. The trail easement will provide a future connection from 1470 South to 1600 South and could even become regional in nature as the Bamberger Right-of-Way goes into Centerville.

Alex Leeman noted for the public in attendance that each item goes through multiple steps prior to approval or denial. He explained from here, the item will go to City Council for another public hearing. He urged the public to attend the meeting to let their City Councilors know their comments as well.

Item #4. Farmington City (Public Hearing) – Applicant is requesting a Zone Text Amendment of Sections 11-10-040 and 11-11-060 of the Zoning Ordinance regarding the allowance of detached accessory buildings in a side corner yard with Planning Commission approval.

Eric Anderson said this item is a request for a zone text change. He said a resident came in requesting to build a detached accessory building in his large side yard; however, the ordinance does not allow for accessory buildings in the side yard. **Eric Anderson** explained the resident's lot is a side corner lot meaning the home fronts the street, but that a cul-de-sac is located on the side of the home. He said staff reviewed the resident's circumstance, and staff feels the property owners should be allowed to do so in this circumstance as all front, side and corner setbacks are still met as the side yard is

very large. This amendment would give the property owner flexibility while still allowing the Planning Commission oversight of it.

Alex Leeman opened the public hearing at 8:53 p.m.

No comments were received.

Alex Leeman closed the public hearing at 8:53 p.m.

Alex Leeman stated that he was concerned a neighbor may not like what was being proposed, but feels lack of public comment resolves his concern. **Dan Rogers** feels the proposed accessory building would be setback far enough so it should not affect the site or surrounding areas.

David Petersen showed an aerial view of the property. He said setbacks started decades ago as a way to decrease the spread of fire; however, building and fire codes have changed significantly since that time which adequately addresses the concern. Setbacks are still clung to, but are now often used to dictate lot sizes. **David Petersen** said he feels the front and rear setbacks are the most important, but he feels there may be more flexibility with the side setbacks. He also said that, per the ordinance, the resident could build an addition to his home up to the side setback of 20'; however, it does not allow for any detached accessory building even if the 20' setback is met. Amending the zone text as proposed allows this resident to maintain an appropriate distance from his home as well as meet all side setback requirements.

Motion:

Bret Gallacher made a motion that the Planning Commission recommend that the City Council approve the Zone Text Amendment of Sections 11-10-040(8)(c) and 11-11-060(c) of the Zoning Ordinance as outlined in the staff report above. **Dan Rogers** seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed zone text amendment is allowing residents the full use of their property in certain extenuating circumstances where a large side corner yard could reasonably accommodate an accessory building without adversely affecting their neighbors.
2. The ordinance still allows for Planning Commission oversight and discretion when either approving or denying the conditional use.
3. By requiring that a detached accessory building in the side corner yard meet all applicable yard setback requirements, any accessory building would have to be at least 20' from the nearest side corner lot line; this distance is ample as a buffer from the street, and will limit accessory buildings to homes with large side corner yards.
4. The proposed zone text amendment does not affect the prohibition from an accessory building encroaching in the front yard; this is still prohibited under the proposed change.

ADJOURNMENT

Motion:

At 9:02 p.m., **Bret Gallacher** made a motion to adjourn the meeting which was unanimously approved.



Alex Leeman
Vice Chair, Farmington City Planning Commission