

**FARMINGTON CITY
PLANNING COMMISSION MEETING
June 9, 2016**

STUDY SESSION

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

Item #3. Russell Wilson / Symphony Homes – Requesting Preliminary Plat Approval for the Pheasant Hollow Subdivision

Eric Anderson said this is a 10 lot subdivision that meets all standards and requirements. He said there were previous concerns when this application was before the Planning Commission for schematic plan approval; however, those concerns have been resolved with a private drive that will be accessible from a shared stem. All other concerns from the Development Review Committee (DRC) have been previously resolved. **Eric Anderson** reminded the commission that this subdivision has been presented multiple times with plans of up to 15 lots. The commission required the application to obtain soils reports for each of the 15 lots, so now that the subdivision consists of 10 lots, the applicant exceeds all requirements. He also reminded the commission that the applicant's geotech engineer provided recommendations for the soil, and the City's third party structural engineer also reviewed the soils reports and recommendations. Based on those recommendations, **Eric Anderson** said the homes will need helical piers, among other mitigation techniques.

The commission asked how snow maintenance will be addressed with the private drive, if an HOA will be established for the 4 homes on the private drive, if there is adequate fire access to the private drive and who will own the wetlands in Lot 9. **Eric Anderson** said an HOA will be established for those on the private drive; however, he does not know if the CC&Rs will include the entire subdivision or just the 4 homes on the private drive. As for the fire access, **Eric Anderson** said the Fire Department is part of the DRC so they reviewed and approved the private drive. **Eric Anderson** also mentioned the U.S. Army Corp of Engineers (USACE) may no longer be allowing USACE wetlands to be owned by private property owners.

Item #4. Jerry Preston / Elite Craft Homes – Requesting Preliminary Plat Approval for the Rice Farms Phase VII PUD Subdivision

Eric Anderson said this item was previously discussed, the public hearing was opened and closed, and then the item was tabled. **David Petersen** said it was tabled so the Historic Preservation Commission could evaluate the historic home and the trails committee could discuss the location of proposed trail. He said the applicant stated the property owners and many neighbors are not in favor of the trail. **David Petersen** said staff reviewed the ordinance to determine if a public hearing needs to be posted. Based on the ordinance, if the preliminary plat is substantially different than schematic plan, the planning commission chair may ask that the application returns to schematic plan approval or can require a public hearing be held at preliminary plat to discuss the substantial changes. **David Petersen** said a trail connection has always been anticipated as shown in the PUD's Master Plan and memorialized by agreement, but it could also be deemed that a trail is a substantial change and the Chair may choose

to further review it. **Eric Anderson** also pointed out that the public hearing had been opened and closed, and no further instructions were given to hold another public hearing. **Rebecca Wayment** said she appreciates public comment; however, she feels if the trail is part of the Master Plan, then it should be considered in the last phase of the subdivision.

David Petersen said the applicant, staff, the property owners, a member from the Historic Preservation Commission and a Historic Preservation Architect met at the historic house to examine it. It was determined that the walls are sound and true, and that, with a lot of work, the home is restorable. He said staff proposed the idea that in order to preserve the 2 story structure, the applicant could market the home as part of a lot to see if there is any interest in someone purchasing the property with the intent to preserve the home. He said there is a market out there for historic home preservation with the added bonus of having an accessory building in the front yard (which is not allowed per the ordinance). **David Petersen** also pointed out that the commission could provide further guidance on Condition #4, including the lot will include the historic home with the intent to preserve the home, the home must be preserved in a way that qualifies it for the National Historic Registry, or even include a "sunset provision" which gives the applicant a way "out" in the event he does not find a buyer of the lot with the historic home located on it.

David Petersen also mentioned the historic house may be able to be placed on the City's Historic Resource List and Landmark List. **Kent Hinckley** asked if the home may be placed on the landmark list without the owners' permission. **David Petersen** said yes, it can be placed on the landmark list; however, the Historic Preservation Commission must propose it, and then City Council approve it.

REGULAR SESSION

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

Item #1. Minutes

Alex Leeman made a motion to approve the Minutes from the May 19, 2016 Planning Commission meeting. **Bret Gallacher** seconded the motion which was unanimously approved.

Item #2. City Council Report

Eric Anderson gave a report from the June 7, 2016 City Council meeting. He said the Zoning Ordinance Amendment to allow for an accessory building in the side yard was approved. The Eastridge Estates Phase II Rezone and Schematic Plan was tabled because the applicant wanted to make 2 changes to the conditions so the City Manager recommended tabling the item until it could be researched what changes the applicant wanted to make to the conditions. Staff will further look into those changes; the item will most likely be presented to City Council at the next meeting. **David Petersen** said City Council passed the Joint Resolution with Kaysville. He explained in more detail about the Joint Resolution. There is a gap of land between northwest Farmington and southwest Kaysville; it is the City's hope that it may be a collector street someday. He said the City does not want that area to be closed off, and he is pretty confident Kaysville does not want that closed either. **David Petersen** said the Joint Resolution

secures that Kaysville would also like to preserve the land for the same purpose. He said he thinks the Joint Resolution will be presented at the next Kaysville City Council meeting.

SUBDIVISION APPLICATIONS

Item #3. Russell Wilson / Symphony Homes – Applicant is requesting preliminary plat approval for the Pheasant Hollow Subdivision consisting of 10 lots on 4.55 acres located at approximately 700 South and 50 East in an R (Residential) zone. (S-4-16)

Eric Anderson said this is the third submission for the Pheasant Hollow Subdivision. He said the previous submissions included a cul-de-sac as part of the layout, and the last submission received preliminary plat approval. When preparing for final plat, the applicant decided a cul-de-sac would be too expensive. As a result, the layout has changed to remove the cul-de-sac and do a hammerhead private drive to access 4 lots along the back. **Eric Anderson** said the applicant's yield plan allowed for 10 conventional lots; the yield plan did not change with a new layout so the applicant is able to do an alternative lot size without needing to obtain a TDR as was previously requested in prior submissions. **Eric Anderson** also said all DRC comments have been addressed.

John Wheatley, 526 N. 400 W., North Salt Lake, said this has been a difficult site for them to develop because of the slopes in the land, the wetlands and the sewer line running through the property. He said he feels the plan presented to the commission tonight is the best of all options they have previously submitted. **John Wheatley** said the new plan decreases the density from 15 lots to 10 which will result in less impact to the soil. He said the new plan will also better accommodate Central Davis Sewer District's needs, preserve the same amount of wetlands and will connect 700 S. He also reminded the commission about the previous soil concerns, but that the soils tests were reviewed by the City's third party engineer. As a result of the soils tests and reviews, **John Wheatley** said helical piers will be used on the homes.

Rebecca Wayment asked for more information regarding the private drive, specifically who will handle road maintenance and snow removal, and if an HOA will be established for the back 4 houses. **John Wheatley** said an HOA will be created for the entire subdivision, and that there will be 6 homes that have frontage on the private drive which may result in a sub-HOA to handle road maintenance of the private drive. He also explained the private drive will have minimal maintenance, and that there is a 5' area on the side and end of the private drive for snow storage

Alex Leeman said he does not typically like private drives; however, he feels this is the best use of one that he has seen. **Kent Hinckley** agreed, and feels nothing new is being presented except the change from a cul-de-sac to private drive. **Rebecca Wayment** also added that she is pleased with the subdivision, and that the number of lots has actually been reduced.

Motion:

Kent Hinckley made a motion that the Planning Commission approve the preliminary plat subject to all applicable Farmington City ordinances and development standards and the following condition: the applicant shall provide a reciprocal access easement and private street for Lots 5, 6, 7, 8, 9, and 10; and have this easement recorded against the property prior to final plat. **Alex Leeman** seconded the motion which was unanimously approved.

Findings for Approval:

1. As part of a previous approval, the applicant has provided geotech reports that exceed what is normally required for a subdivision of this size.
2. The decrease in density, and removal of the cul-de-sac road is preferable due to the potential impact from poor soils and topographic issues.
3. The bridging of the 700 South gap is beneficial to the City and provides much needed east-west connection, and will help alleviate pressures on 620 South, Glover Lane, and 450 South.
4. Although the applicant is utilizing the alternative lot size, he is not requesting any TDRs to meet that minimum standard.
5. The densities requested are comparable or exceed those of surrounding neighborhoods, and by clustering the smaller lots along 700 South and placing the larger lots on the interior of the project, the subdivision is context sensitive to the area.
6. The private street allows the developer reduced density which is better for the soils types in the area, higher density results in greater storm water runoff which may also exasperate these soil types, meanwhile lower density that is proposed by the applicant results in less storm water runoff.
7. The private street will assist Central Davis Sewer District in terms of the sewer line's location and accessible manholes.

Item #4. Jerry Preston / Elite Craft Homes – Applicant is requesting preliminary plat approval for the Rice Farms Phase VII PUD Subdivision consisting of 4 lots on 2.55 acres located at approximately 140 East and 850 South in an LR (Large Residential) zone. (S-8-16)

David Petersen said this item was presented to the commission two meetings ago. It was tabled to obtain feedback from the Historic Preservation Commission and input from the Trails Committee for the preferred location of the trail. **David Petersen** provided a brief background on the Rice Farms subdivision. He said the applicant, Jerry Preston, wanted to deviate from the underlying zone to develop Rice Farms, which meant he had to request a PUD to qualify for density. All phases are part of one development. Phase VI was to include a pedestrian connection in lieu of a street connection as the property was too steep to meet slope standards for a road. The City was unable to obtain the trail during development of Phase VI so a trail connection is being proposed for Phase VII.

With regards to the historic 2 story rock home, **David Petersen** said the Development Agreement encourages its preservation. He said the staff, the property owners, the applicant, the Historic Preservation Commission Chair and a Historic Preservation Architect met at the 2 story rock home to determine if it can be preserved. The possibility of including the historic home as part of the proposed lot, and marketing the lot and home together was discussed. **David Petersen** explained there is a market for those that enjoy preserving historic homes, and other lots with similar circumstances have been sold within the City. He feels the last condition should be amended to include wording that states the historic home is part of the lot and that it should be marketed with the intent to preserve the home.

Bret Gallacher asked if it is the Commission's responsibility to make a recommendation on the preliminary plat or to make a recommendation on the historic home. **David Petersen** said it is the Commission's responsibility to make to approve or deny the preliminary plat, and a possible recommendation to the City Council regarding how the applicant should address the historic home. He added the City Council and the applicant will ultimately decide how to address the historic home.

Jerry Preston, 177 N. Main St., said he has not yet received any information from the Historic Preservation Commission regarding the history or recommendations on the historic home's preservation. He said he feels he is unable to move forward especially since it would be a major expense to preserve the home. He said he is comfortable with what staff is proposing with including the

historic home as part of the lot. **Jerry Preston** said to accommodate that proposal, some lot lines may need to be adjusted which could result in other lots not having proper frontage, but that the City is allowed to adjust those lines. **David Petersen** added that since this development is a PUD, those lines can be adjusted. **Jerry Preston** said if they move forward with the proposal to include the historic home as part of the lot, he asked for the City's help in getting the information out to the community through the City newsletter in hopes of finding a buyer. **Jerry Preston** also mentioned that the property owners and other residents in the community are not in favor of the trail. He said the trail was not proposed on the last preliminary plat when the public hearing was opened and closed. He suggested that if a motion is not made at this meeting that another public hearing be requested or that the preliminary plat be approved without the trail.

There was some discussion regarding where the trail will be located and if the preliminary plat should show the location of the trail. The commissioners thought that one of the reasons the preliminary plat was tabled was so the Trails Committee and the applicant could meet to discuss the location of the trail so the preliminary plat could return with the proposed trail on it. **Eric Anderson** suggested asking the representative from the Farmington Trails Committee that was in attendance if a location for the trail was discussed. **Rebecca Wayment** also noted that since a trail is still not shown, and the public hearing was previously closed, the public comment that was emailed to the commissioners should not be weighed in for the decision that is before the commission at this meeting.

Scott Ogilvie, 615 S. 150 E., representative from the Farmington City Trails Committee, was invited to the microphone. **Rebecca Wayment** asked if the Trails Committee met with the applicant to discuss the location of the trail. **Scott Ogilvie** said he attended the last Trails Committee meeting and reported on the previous Planning Commission meeting, but that he had not received anything to discuss.

Kent Hinckley feels the condition to the previously voted on motion has not yet been met, and that the commission should not be further discussing the trail as it is the exact reason it was previously tabled. **Rebecca Wayment** asked the commissioners if they feel they should wait until a trail connection is shown on the preliminary plat, and then have a public hearing to discuss it. **Alex Leeman** feels that if staff wants to move forward with the trail connection then the commission needs to follow through with it.

David Petersen said when the project was first proposed, the applicant obtained Final PUD Master Plan approval which was memorialized in a Development Agreement. **David Petersen** reviewed the agreement that states the developer shall construct a pedestrian access from 200 E, as shown in the Master Plan. The Development Agreement also stated that the developer shall construct, and the City will maintain the trail. **David Petersen** said the agreement is already in place; the commission cannot amend it. The applicant may choose to go back to City Council to undo the previously approved PUD as a way to remove the trail; however, unwinding that approval could have its challenges. **David Petersen** said based on the Development Agreement, the City is locked into having a trail. **Rebecca Wayment** asked if the Commission can approve the preliminary plat if it does not show the trail. **David Petersen** said yes, it can be approved as the applicant is still bound to follow the agreement.

David Petersen also reviewed the Development Agreement with regards to the historic dwellings and structures on the property. It stated the developer should reasonably cooperate and extend good faith to preserve multiple historic buildings. It also stated the developer is to find and adapt the development to incorporate these historic buildings into the project, as well as seek out the Historic Preservation Commission on how to incorporate these buildings. **David Petersen** pointed out that the agreement does not say "shall," but that the developer "should make a good effort" to do so. He said the item was previously tabled as to seek the Historic Preservation Commission's input;

however, based on the agreement, **David Petersen** said the developer should already be seeking input from the Historic Preservation Commission. He also said the agreement encourages multiple buildings to be preserved. He explained another historic home has already been preserved on site, and good effort is being put forth to preserve the 2 story rock home. **David Petersen** said he feels this condition of the Development Agreement is being met.

David Petersen said he feels the agreement and Master Plan are very specific in calling for a trail. **Alex Leeman** asked for clarification that the Planning Commission is not able to alter the proposed trail even if the commissioners wanted to amend it. **David Petersen** said yes; the agreement is in place regardless of public input. **Kent Hinckley** asked if a public hearing was held with the creation of the Master Plan. **David Petersen** said yes, the Master Plan included a public hearing which is when public comment regarding the trail was received.

Rebecca Wayment asked if the Planning Commission chooses to approve the preliminary plat, does the trail need to be included on the plat prior to its approval or does Condition #2 address the issue and the trail will be shown when the applicant comes for final plat approval. **David Petersen** said the Planning Commission can approve the preliminary plat with the condition the trail will be shown on the final plat or the Commission can table the item so the trail can be added prior to approval of the preliminary plat.

David Petersen said it is also the Planning Commission's decision to make a recommendation regarding a deadline for the applicant to try in "good faith" to market the lot and historic home to a buyer with the intent the historic home will be preserved. He suggested 6-12 months for a deadline.

Rebecca Wayment asked if the applicant has to wait for final plat approval before they can market the lot to potential buyers. **David Petersen** said the applicant legally cannot offer the lot until after plat recordation; however, many developers take reservations on lots from potential buyers. **Bret Gallacher** said he feels the applicant and City Council should negotiate the specifics regarding the historic home on the lot.

Motion:

Kent Hinckley made a motion that the Planning Commission approve the preliminary plat for Rice Farms Estates PUD Subdivision Phase VII subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant continues to work with the City and other agencies to address any outstanding issues remaining with regard to the preliminary plat prior to final plat consideration;
2. The applicant shall provide a trail easement connecting 140 East to 200 East within Phase VII and show that easement on final plat as set forth in the Development Agreement;
3. The developer shall negotiate with the City Council to market the lot with the historic home intact.

Bret Gallacher seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed preliminary plat is consistent with the previously approved Master Development Plan memorialized by the Development Agreement.
2. The proposed subdivision meets all the requirements for approval of a preliminary plat.

Item #5. Nick Mingo / Ivory Homes (Public Hearing) – Applicant is requesting preliminary plat approval for the Silver Hollow Conservation Subdivision consisting of 11 lots on 5 acres of property located at approximately 1600 West Jeppson Way (1550 North) in an LR (Large Residential) Zone. (S-7-16)

Eric Anderson said Jerod Jeppson's property was annexed into the City in 2013, and with a developer, created the Silverleaf Subdivision. The Silverleaf Subdivision received approval all the way through final plat; however, the subdivision was never recorded. The property was then sold to Ivory Homes. Ivory Homes is now proposing a similar layout to Silverleaf with one difference. In the Silverleaf Subdivision, Jerod Jeppson planned to keep his home and not include it. Jerod Jeppson has now sold his home so Mr. Jeppson's lot is now included and further subdivided as part of the current subdivision proposal.

Eric Anderson said the applicant is proposing 11 lots on 5 acres. Since the applicant is proposing a conservation subdivision, the applicant is required to provide open space. The applicant plans to put a trail easement between lots 8 and 9 which will continue to the back of the lot lines and then along the private drive, as shown in the staff report. **Eric Anderson** also clarified that it will be a trail easement, and not an actual built trail. This easement will count towards the development's 15% open space requirement for a conservation subdivision. **Bret Gallacher** asked for clarification on the details of the trail. **Eric Anderson** said the private drive is a dirt road. The trail would be a public access easement placed over the private drive. He also added that the layout provided is almost identical to the previously approved Silverleaf Subdivision from 2013. He also added that a stub road was included so that in the event George Clark or his posterity chooses to develop the property, there will be accessibility to it. **Eric Anderson** said staff is recommending approval of this item.

Chase Freebairn, 978 E. Wood Oak Lane, Salt Lake City, representative from Ivory Homes, said they are excited to move forward with this opportunity and that he is available for any questions.

Kent Hinckley asked if the only difference between the Silverleaf Subdivision and what is being proposed is that there will now be 2 lots where there was once 1 lot. **David Petersen** said the current proposal is removing open parcels that would be developed later to be developed at this time. **Chase Freebairn** also added that the existing sewer line runs diagonally through the property. He said they have decided to reroute the sewer lines through the road and develop the two lots with the rest of the subdivision. **Eric Anderson** added that the sewer line is a trunk line. Rerouting the line now gives Central Davis Sewer District better access as the sewer line will be located under a paved access easement.

Rebecca Wayment opened the public hearing at 8:09 p.m.

Steven Walton, 1746 Jeppson Way, President of the Silverwood HOA, read a statement from the Silverwood HOA regarding storm water and street light concerns. The statement was entered into the record.

Maureen Adams, 1510 Silverwood Dr., expressed concerns with the traffic pattern this subdivision will create. She feels the subdivision is creating another cul-de-sac since there is only one access in and out. She said in the surrounding block, there are 3 cul-de-sacs that currently feed into 1800 S. She said adding this will cause an additional danger to the many kids traveling on foot, bike and scooter to and from school along this road. She said she knows the property to the north is undeveloped, but she would still like the project to have an entrance and exit to it.

Jeff Jeppson, 1509 N. 1500 W., said he was only recently made aware of the trail issue with regards to the Silverwood Conservation Subdivision. He said the applicant has already deeded the

private drive property to his neighbors, the Rumsey's and him. He said **David Petersen** explained how the trail system in Farmington works and how the trail system is to alleviate growing health concerns; however, **Jeff Jeppson** said he does not feel the private drive is an appropriate place for a trail. He said his main concern is safety. The private drive is 8' wide and is to service traffic going both ways. **Jeff Jeppson** said the City's ordinance requires one way streets to be wider, and the City is seeking the current 8' private drive to be a multi-use facility year round. He said it has also been used as a local drag strip for teenagers within the community, and since it is a private drive, there is not anyone policing the road. Additionally, the private drive and the adjacent ravine have been the location for drug use. He feels turning the private drive into a trail will result in more vehicle and foot traffic which could be more hazardous. **Jeff Jeppson** also expressed concerns with storm water. He said the big storm in October 2015 caused a lot of problems. The City sent backhoes to uncover the storm drains only to discover there are no storm drains along the private drive. **Jeff Jeppson** is also concerned with the maintenance of the trail and the liability of it. Currently, the private lane has minimal maintenance, but he is worried it will require more if the traffic on it increases. And, since the private drive has been deeded over to the neighbors and him, **Jeff Jeppson** is concerned if he is liable in the event a trail user is injured on their private property. **Jeff Jeppson** said the private drive has been the sole private access of 2 homes for over 40 years. He feels it should remain that way.

Kent Hinckley asked what will happen with the private drive if a trail easement is not placed over it. **Jeff Jeppson** said it will remain private. He also added that the private lane freezes over during the winter months which will also create a hazard for anyone walking or driving along it.

Kent Hinckley asked Mr. Jeppson if he was proposing that the private lane remain solely for the benefit of those occupying the homes. **Jeff Jeppson** said yes, Ivory Homes has deeded the property over to my neighbor and me, but is now proposing a trail to go between our 2 lots. He clarified that there is no vehicle access to the proposed subdivision from the private drive. **Jeff Jeppson** said prior to a trail being put through his and his neighbor's lot, and then over the now privately owned private drive, he needs more information from the City regarding his concerns on storm water, liability and maintenance.

Alex Leeman asked what generates the current traffic on the private drive. **Jeff Jeppson** said it's the family members of those that live there, people visiting, students of his wife's piano lessons, idle curiosity of the private drive. He also added that his neighbor has large vehicles and often pulls his large industrial trailer. He feels there are major safety concerns with the private drive being a multi-use facility. **Kent Hinckley** pointed out that if it remains as is, many of the concerns he expressed don't go away. **Jeff Jeppson** acknowledged **Kent Hinckley's** comment, but explained now that he and his neighbor are property owners, they can put up signs stating "Private Lane" and "No Trespassing." He said adding the trail will only increase the problems.

Alex Leeman asked if the private drive has already been conveyed. **Jeff Jeppson** said yes, Ivory Homes approached him and his neighbor asking that they sign owner affidavit giving Ivory Homes' rights to maintain the private drive. He said when they refused to sign it, Ivory Homes had the property recorded and deeded over to his neighbors, the Rumsey's and him.

Karen Walton, 1746 Jeppson Way, said she is in favor of having the trail easement go along the private drive to allow access to 1500 N. She said she is concerned that the lot in the south east corner of the subdivision appears to be a flag lot. She said it was her understanding that the City has not approved flag lots in the past. **Karen Walton** also expressed concern that she heard during the August 2015 storm, the ravine backed up half way up the flag lot as the water could not drain fast enough. She is concerned that that lot could face potential flooding again.

Ryan Jenkins, 1512 June Dr., said his property backs the proposed development. He said he also shares concerns with the amount of traffic that this project will generate through the main access road especially if the property to the north is ever developed. He would be interested in seeing an official road connection to 1500 N.

Kirk Schmalz, 1544 June Dr., feels that the storm water drainage needs to be addressed prior to any approval for this project. He said he would also like to know if there will be direct discharge of the storm water into Haight Creek.

Jeff Jeppson, also added that when the sewer system was put in George Clark's property, (2) 36" storm pipes were installed. He said they currently have (1) 36" storm pipe that goes through the private drive, then another (2) 36" storm pipes between Silverleaf and Silver Hollow Subdivisions. He said when the water comes down, it hits Mr. Clark's 2 pipes, but then backs up in his (1) storm pipe creating a lot of overflow in the ravine. **Jeff Jeppson** said the water is then backed up causing water concerns on Mr. Clark's property as well. He said he would like to know how the storm water for the Silverwood Subdivision will be addressed.

Valyn Jeppson, 1509 N. 1500 W., said the City paid for and built up George Clark's storm water system, but did not do the same for her property. She said there have been times when there is a river traveling down the private drive. She expressed frustration that the City did not provide assistance for their properties with regards to storm water. She also expressed concern with the ice on the private drive in the winter. She said it is very dangerous for people to drive and/or walk on.

Rebecca Wayment closed the public hearing at 8:39 p.m.

Alex Leeman asked Ivory Homes the status on the ownership of the private drive property. **Chase Freebairn** said Jerod Jeppson originally owned the entire private drive. When Ivory Homes purchased the property, they also purchased the private drive. He explained it was Ivory Homes' understanding that the previous approval of Silverleaf Subdivision included the trail. He said it is their preference not to have the trail; however, the City wants it, and it is listed as a condition to Silver Hollow's approval. He said it was not their intention of keeping the private drive, so in discussions with the Rumsey's and Jeppson's, Ivory Homes agreed to deed the north side of the private drive to the Jeppson's and the south side of the private drive to the Rumsey's. The City, however, wanted an owner affidavit, but they Jeppson's and Rumsey's did not want to sign it. Ivory Homes recorded the trail easement on the private drive, then deeded the property to the Jeppson's and Rumsey's. **Chase Freebairn** said Ivory Homes felt it was their due diligence as they did not want the private drive or the trail; however, the City wants the trail. He said he understands the safety concerns, but also knows Farmington enjoys the trail system. He said he feels what was done was an effort to make everyone happy.

Alex Leeman asked for clarification on who owns the private drive. **Chase Freebairn** said Ivory Homes does not own the property; the private drive already had a public access easement recorded on it, Ivory Homes disclosed to the property owners that they were going to record a trail easement over the public access easement on the private drive, then the property was deeded to the 2 homeowners. **Alex Leeman** asked for clarification on why the trail easement has already been conveyed to the City when the trail easement has not yet been approved. **Chase Freebairn** said they approached the City, and the City gave the boundary and legal description of what they wanted for the trail easement. He said Ivory Homes was not in favor of the trail; however, they want to move forward with the project so they conveyed it to the City as a solution to the problem. **Chase Freebairn** said it is the City's decision to accept the trail or not. He said he feels the circumstance is a perfect storm as the property owners

have been there for 40 years, a new development is occurring adjacent to the current residents, the City is requiring a trail, and all of this is converging onto one site.

Alex Leeman pointed out that Ivory Homes does not have the legal ability to terminate the property owner's public access easement as their access easement is superior to the underlying fee. **Alex Leeman** continued that an interesting question is being proposed as a trail easement was recorded over the top of a public access easement prior to conveying the land to the property owners. The two uses are conflicting, but the trail easement is interfering with their access easement right. **Chase Freebairn** said the reason they did that was because the owners would have had to sign an owner affidavit, but the property owners did not want to waive their ability to protest the trail. He said they felt this solution would allow Ivory Homes the ability to move forward with their project. **Alex Leeman** said he believes Ivory Homes "crammed [the trail] down [the property owners'] throats" because they wanted to get their 15% open space to obtain their desired lot density. He feels this is not the way it should have been done. **Chase Freebairn** said they felt they were very upfront with the property owners with what they were doing; there was no protest by the property owners despite the fact that they did not want the trail. He also added that Ivory Homes did not want the trail either. **Alex Leeman** pointed out that Ivory Homes does need the trail if they want the density they are requesting. He said the City is now faced with the problem that there is an 8' wide drive that has a trail easement overlaid a public access easement that services 2 homes where cars and trucks are driving up and down. He feels these are incompatible uses, but now the City has this situation, and **Alex Leeman** said he is puzzled as to what to do with it.

Bret Gallacher asked the applicant what other options they have to satisfy the 15% open space. **Chase Freebairn** said in addition to the trail, they have extended a storm drain line from Jeppson Dr. and took it north to allow for future development. He said it was not something they had to do, but something they view as a contribution. **David Petersen** said the storm drain line doesn't count as the City always requires the developers to stub the line for future development. He said it is considered a project cost if it is a certain size. If the storm drain line exceeds a certain size, the City considers it a system cost and pays the difference in impact fees.

David Petersen said he wanted to address some of Silver Hollow HOA's questions. He showed an aerial of the property, as well as the zoning map. He explained Silver Hollow's Phase II and III are zoned LR (Large Residential) with a minimum lot size of 20,000 sq. ft.; however, Silver Hollow is substantially smaller than what is being proposed tonight. He said the Silver Hollow's developer did a yield plan for 10,000 sq. ft. lots to determine how many could fit, then gave the City something in return for the increase in density. The Silver Hollow developer chose to give up open space at the entrance of the project. Additionally, water cannot be conveyed into Haight Creek so a detention basin was created and an HOA was established. He said when the property owners purchased their lot, they knew how the HOA was established and what it maintained. With regards to Silver Hollow, **David Petersen** said the developer also has to decide what he wants to give up to obtain an increase in density. He said this developer is working to give the City a trail, as well as providing a detention basin. He explained an HOA is a private organization, and the City cannot force a private agreement with another subdivision. Additionally, many HOA's choose to upgrade their street lights. As a result, the HOA becomes responsible for the street lights' maintenance.

Bret Gallacher asked what else could the applicant give to meet the 15% open space requirement if the trail is not accepted. **David Petersen** said the applicant would have to return to the drawing board and determine what else they could give to make up the 15% open space.

Rebecca Wayment asked for clarification on conservation subdivisions as she thought conservation subdivisions were removed from the ordinance. **David Petersen** said conservation

subdivisions, as found in Chapter 12 of the Zoning Ordinance, were modified, but it still remains as part of the ordinance. **Rebecca Wayment** expressed frustration that these same problems were coming up prior to the amendments to the conservation subdivision chapter. **Eric Anderson** said what was previously amended was the use of waivers and Transfers of Developmental Rights (TDRs); however, the applicant is not seeking a waiver, but is exchanging 15% of open space in exchange for density.

Alex Leeman said he does not feel the City should accept the trail easement as the trail will have vehicle access on it. He said he does not know any trail in the City that currently has vehicle traffic on it. **Eric Anderson** explained the private drive is basically a driveway for 2 homes. **Bret Gallacher** pointed out that it could potentially be a driveway that anyone can walk on. **Kent Hinckley** agreed, and said he is not comfortable with having a combination of vehicle and foot traffic on the same piece of road.

David Petersen shared his experience and thoughts on roads on and around camp grounds. He said in his experience, there are rarely stories of kids being injured, hit or run over by a vehicle on a camp ground. He said that also includes older children and teenagers operating recreational vehicles. He feels a road on a camp ground would have similar amounts of traffic as this private drive. **Alex Leeman** said he feels the most dangerous road is a person's own driveway. He said it is very common for drivers not to look when pulling out of their driveway; however, drivers are more aware at a camp site. **David Petersen** reminded the commission how much traffic 2 homes generates, and he added that he feels this is a great location for a trail as it provides connectivity for the adjacent subdivisions. He also said there are trails within the City that allow for vehicle and pedestrian access, as well as a flag lot stem that also serves as a trail. **Kent Hinckley** said that he feels a camp ground is a different environment than the driveway to 2 homes. He also said that he would not mind if this were an honest to goodness trail; however, he does not feel that it is appropriate to allow the applicant to count what is being proposed toward his 15% open space requirement when in reality it is a driveway for 2 homes. He said he feels that the concept of a conservation subdivision is again being perverted. **David Petersen** said the trail would be disguised and would only be known to the residents that live there. He said it would not be a typical City trail where people park cars to walk along it.

Rebecca Wayment said she is always in favor of connectivity for surrounding residents, but she agrees with the previous comments. She said she does not like how the concept of a conservation subdivision is being applied, and is bothered by the idea of putting a trail over someone's driveway as it is the only access these homeowners have to their house. She said putting a trail over the private drive would encourage people to use it.

Alex Leeman asked what would happen if we don't accept the trail as part of the applicant's 15% open space as the trail easement has already been given and recorded. **David Petersen** said it would be worth seeing what actually occurred when it was recorded. **Alex Leeman** asked if the City Attorney may also be consulted, and if the City could vacate the trail easement in the event it is not wanted.

The commissioners agreed they were comfortable with the lot sizes and layout, but are uncomfortable with the trail easement over the private drive. **Bret Gallacher** pointed out that the commissioners may have a problem with a proposed layout if the applicant has to return to the drawing board. He suggested tabling the item to determine more information on the ownership of the property. **David Petersen** said that will allow staff adequate time to find out more information and to work with the City Manager to determine the best solution. **Kent Hinckley** asked why the motion cannot just be denied. **David Petersen** said he knows on certain items if a denial is received, the applicant cannot return for a certain time period; he does not think this is one of those circumstances.

Bret Gallacher asked if staff will move forward accepting the trail as the 15% open space requirement regardless of the Commission's preference if it is determined that the City does have rights to the trail easement. **David Petersen** said staff does not have the authority to do that as it is up to the Commission to decide if the trail will be accepted to meet the 15% open space requirement.

Motion:

Alex Leeman made a motion that the Planning Commission table the item for the following reasons:

1. To figure out the ownership situation on the trail, and obtain direction from the City Attorney as to what it means that a trail easement was recorded over a public access easement;
2. The applicant look at an alternate way to obtain their 15% open space to obtain their desired lot density, with the possibility of a TDR or waiver.
3. And, that the item was tabled rather than denied so the applicant does not accidentally fall into a circumstance where they cannot return before the commission.

Kent Hinckley seconded the motion which was unanimously approved.

Rebecca Wayment also noted that since the item was tabled, the public hearing will remain closed. **David Petersen** reminded the Commission that, based on the ordinance, if the layout changes significantly, staff will get with Chair **Rebecca Wayment** to determine if another public hearing needs to be posted.

OTHER BUSINESS

Item #6. Miscellaneous: a) Knowlton Elementary Parking Lot Reconfiguration – Discussion Item Only

David Petersen said Knowlton Elementary is looking to reconfigure its parking lot; however, if a site plan is amended, it must be reviewed to determine if the amendment is a major or minor change. If one person feels it is a major change, then the amendment must be presented to the Planning Commission. Those that reviewed the parking lot reconfiguration determined it was a minor change, but the ordinance still requires that it be reported to the Planning Commission. **David Petersen** asked the commission if they are comfortable with the Davis County School District proceeding forward with the minor site plan change as recommended by staff. **Kent Hinckley** asked for clarification that the parking is just being added to the west side of the elementary school. **David Petersen** said yes; the parking lot in the front and on the east side of the school will remain, but parking will be added to the west side of the school and the playground will be moved to accommodate it. **Alex Leeman** said he feels it is a minor change, and is comfortable with DCSD moving forward with the change. All commissioners agreed it is a minor change.

ADJOURNMENT

Motion:

At 9:39 p.m., **Kent Hinckley** made a motion to adjourn the meeting which was unanimously approved.



Rebecca Wayment
Chair, Farmington City Planning Commission