



Farmington City Planning Commission

April 20, 2017



AGENDA
PLANNING COMMISSION MEETING
APRIL 20, 2017

Public Meeting at the Farmington City Hall, 160 S. Main Street, Farmington, Utah

Study Session: 6:00 p.m. – Conference Room 3 (2nd Floor)

Regular Session: 7:00 p.m. – City Council Chambers (2nd Floor)

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Planning Department prior to noon the day before the meeting.)

1. Minutes
2. City Council Report

CONDITIONAL USE PERMIT

3. Chris Jenkins / Hunter's Creek HOA (Public Hearing) – Applicant is requesting conditional use permit approval to construct a park and improve other landscaping features on 3 different parcels of property located at approximately 705 North Rifleman Drive, 800 North Browning Lane, and 850 North Foxhunter Drive in an AE (Agriculture Estates) zone. (C-6-17)
4. Brady Lee (Public Hearing) – Applicant is requesting conditional use permit approval for a home occupation teaching tennis lessons on 1.0 acres of property located at 167 South 650 West in an AE (Agriculture Estates) zone. (C-7-17)
5. Paul Allen (Public Hearing) – Applicant is requesting conditional use permit approval for an accessory dwelling unit above a detached garage on 1.55 acres of property located at 307 South 1100 West in A (Agriculture) zone. (C-8-17)
6. Farmington City (Public Hearing) – Applicant is requesting conditional use permit approval for a water tank on 1.34 acres of property located at approximately 500 East and 200 North in an LR-F (Large Residential – Foothill) zone. (C-9-17)

ZONE TEXT AMENDMENT

7. Farmington City (Public Hearing) – Applicant is requesting a recommendation for miscellaneous Zone Text Amendments to Chapters 2, 10, 11, 13, 15, 17, 18, 28, 31, and 32 of the Zoning Ordinance regarding: **a)** Amending Section 11-2-020, redefining both accessory and secondary dwelling units as requiring the property owner to live on-site; **b)** Amending Sections 11-10-020, 11-11-020/030, 11-13-020/030, 11-15-020/030, and 11-17-020/030 removing residential facilities for the handicapped from the list of conditional uses and making them a permitted use; **c)** Allowing for financial institutions to have drive-up windows through special use review in the

mixed use district as set forth in Section 11-18-050(b); **d)** Updating Section 11-28-190 (Table 1) adding mixed use districts to the summary of permitted and conditional uses; **e)** Amending Section 11-28-200 regulating secondary dwelling units; **f)** Amending Section 11-31-040 designating the storm water official as the flood plain administrator; **g)** Amending Section 11-32-040 allowing for parking reductions to be approved by the Planning Commission as part of site plan approval. (ZT-2-17)

8. Farmington City (Public Hearing, Continued from January 5, 2017) – Applicant is requesting a recommendation for Zone Text Amendment to Chapter 18 of the Zoning Ordinance including the Regulating Plan and related increase of block size in the OMU zone. (ZT-6-16)

OTHER

9. Miscellaneous, correspondence, etc.
 - a. Symphony Homes – 700 South Street Cross-Section Modification
 - b. Other

10. Motion to Adjourn

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to take action on the item; OR 2. if the Planning Commission feels there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.

Posted April 14, 2017

Eric Anderson
City Planner

FARMINGTON CITY
PLANNING COMMISSION MEETING
March 23, 2017

STUDY SESSION

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

Item #3. Katharine Hawkes (Public Hearing) – Applicant is requesting conditional use permit approval for a secondary dwelling unit above an attached garage on .73 acres of property located at 151 East 300 North in an OTR (Original Townsite Residential) zone. (C-4-17)

Eric Anderson said this item is for a secondary dwelling unit (SDU) above an attached garage. He explained SDUs are a good way to build density within a city without building more rooftops. He said the property being discussed is located on a large lot in the OTR zone. The existing home on the property sits on the southeast corner. The applicant would like to build onto the back and west side of the home with an SDU above the garage. **Eric Anderson** clarified that the Planning Commission is not reviewing the home addition or garage; the OTR design guidelines will dictate the setbacks, height limitations and more. The Planning Commission is only reviewing and voting on the SDU. **Bret Gallacher** asked about the email received from residents stating that what is being proposed violates the OTR zone. **Eric Anderson** said what is being proposed is allowed, as well as the additions the applicants are looking to build; however, any discrepancies in the applicant's site plan would require a variance from the zoning administrator. He again emphasized that the site plan is not before the Commission, but the Commission is only reviewing the conditional use permit for the SDU above the garage.

Kent Hinckley asked why the Commission would even consider not allowing for the SDU above the garage. **Eric Anderson** said some residents may argue that it changes the nature of a single-family residential neighborhood, but he feels that is not a compelling argument. **Kent Hinckley** asked if there are areas in the City that have SDUs listed as a conditional use, but that the City may not want SDUs in those locations. **Eric Anderson** said he is not aware of any locations, but if there are, a zone text change needs to be discussed for those areas. **Alex Leeman** clarified that conditional uses are allowed for an area as long as reasonable conditions can be placed on the use to mitigate any concerns. **Heather Barnum** said she feels SDUs are an appropriate way for a city to grow while maintaining open space and not having to build out more apartment buildings. She feels this use still feels residential. **Alex Leeman** reminded staff that he would like the clause stating if the home is sold, the future homeowner would have to reapply for the conditional use permit on the SDU removed. **Eric Anderson** said the change will be on the next omnibus zone text amendment.

Item #4. Jason Anderson / Enswell Fabrication (Public Hearing) – Applicant is requesting conditional use permit approval for a light manufacturing operation involving custom fabrication on 2.95 acres of property located at 1224 South 650 West Suite 2a in an LM&B (Light Manufacturing and Business) zone. (C-5-17)

Eric Anderson said the applicant is proposing to build a light manufacturing operation that fabricates furniture, automobile accessories, and other types of goods. **Kent Hinckley** asked if the reason the applicant is before the Commission is because they are proposing an office in the front. **Eric Anderson** said no, the office use is permitted in the LM&B zone; however, the fabrication component of their business requires conditional use approval. He explained the only term that applies to what they want to do is “light manufacturing,” but does not specifically includes fabrication of furniture. The Commissioners agreed with staff that what is being proposed sounds like light manufacturing. **Eric Anderson** said if that is the case, it should not be listed as a conditional use approval as light manufacturing is the purpose of the LM&B zone. He said that change could be discussed at the next omnibus zone text change. **Kent Hinckley** asked if the business hours are a concern, as no residential homes surround the building. **Eric Anderson** said staff is comfortable with that condition being removed.

REGULAR SESSION

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

Item #1. Minutes

Bret Gallacher made a motion to approve the Minutes from the March 9, 2016 Planning Commission meeting. **Alex Leeman** seconded the motion, which was unanimously approved.

Item #2. City Council Report

Eric Anderson gave a report from the March 21, 2017 City Council meeting. He said the 650 W. improvements are still being discussed. The City Engineer received 5 bids for the 650 W. that include curb, gutter, sidewalks, and more. He said a bid was decided on, but that there will still be some painful and difficult times moving forward as the City goes about collecting on extension agreements. **Eric Anderson** said the City Council went with the Planning Commission’s recommendation for approval on the Zoning Ordinance Amendment to the Business Park (BP) zones. **Heather Barnum** asked about the Kaysville Boundary Adjustment that was on the City Council’s agenda. **Eric Anderson** said it was a small piece of property that a man wanted to bring in from Kaysville to Farmington. He explained the majority of the resident’s property was already located in Farmington.

SUBDIVISION

Item #3. Katharine Hawkes (Public Hearing) – Applicant is requesting conditional use permit approval for a secondary dwelling unit above an attached garage on .73 acres of property located at 151 East 300 North in an OTR (Original Townsite Residential) zone. (C-4-17)

Eric Anderson said the property being discussed is located in the OTR zone. The applicant is requesting a conditional use permit for a secondary dwelling unit that will be located above the garage. Since the garage will be attached to the existing home, it is considered a secondary dwelling unit and not an accessory dwelling unit. He explained the building permit will require all setback and height requirements be met, as per Chapter 17 of the Zoning Ordinance, which covers the OTR zone and its

design guideline standards. **Eric Anderson** reminded the Commission that the only thing being considered at this time is the secondary dwelling unit. Staff feels that a secondary dwelling unit is a good fit and recommends its approval.

The applicant was present and available for questions. The Planning Commission did not have any questions for the applicant at this time.

Heather Barnum opened the public hearing at 7:12 p.m.

Heather Barnum read the email received by residents Glenn and Carolie Parker into the record. The Parkers asked that the item be postponed until more information is provided to neighbors that will be impacted, and information about how the proposed structure violates the OTR zone.

Heather Barnum closed the public hearing at 7:13 p.m.

Alex Leeman said, as was previously discussed in the Study Session, there is little room to deny a conditional use permit on a secondary dwelling unit like what is being proposed. He said he understands Mr. and Mrs. Parker's request to table the item; however, he said he does not see any basis for denial so there is no reason to table the item. **Kent Hinckley** also pointed out that the information the Parkers are requesting is covered under the building permit process, which is not within the Planning Commission's purview. **Bret Gallacher** agreed with moving forward on the motion.

Motion:

Kent Hinckley made a motion that the Planning Commission approve the conditional use permit subject to all applicable Farmington City ordinances and development standards, and the following condition: the applicant shall obtain all other applicable permits for the operation of the conditional use including but not limited to a building permit subject to all applicable building codes. **Bret Gallacher** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
2. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
3. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
4. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.
5. The proposed use will have to meet the standards for a main building in the OTR zone, including new construction design guidelines, and cannot bring the existing home into non-compliance.

CONDITIONAL USE PERMIT

Item #4. Jason Anderson / Enswell Fabrication (Public Hearing) – Applicant is requesting conditional use permit approval for a light manufacturing operation involving custom fabrication on 2.95 acres of property located at 1224 South 650 West Suite 2a in an LM&B (Light Manufacturing and Business) zone. (C-5-17)

Eric Anderson said the property being discussed is the south unit of the existing building. He said Chapter 26 of the Zoning Ordinance, which covers “Light Manufacturing,” does not specifically list fabrication as part of the definition. He said there is one part of their fabrication that fits under a conditional use permit that is allowed in the LM&B zone. **Eric Anderson** also noted that a zone text change in the future might be appropriate to make the LM&B uses more specific to include fabrication. He said that may be discussed at the next omnibus zone text change. **Eric Anderson** said based on the narrative provided by the applicant, the use will be low impact and fit within the intent of the LM&B zone. Staff is recommending approval as staff feel it is a good use within the zone.

Jason Anderson, 1983 W. Ranch Rd, said he is available for questions. **Kent Hinckley** asked about the sentence in the provided narrative that states they “intend on purchasing and remarketing vehicles.” He asked how that would be the case as most dealerships have cars lined up on the exterior of the building. **Jason Anderson** said the nature of their business is more hot rod and other longer term projects. They focus on “higher-end” builds. He said the dealership side is not the main part of the business, but they do plan to use it as an additional revenue stream. He said it may result in selling a few cars a month. **Kent Hinckley** asked where they plan to park the finished cars as there is not much room for parking. **Jason Anderson** said they have parking in the front, side and back of the building; however, due to the high-end, rare quality of cars they are selling, the vehicles will not remain parked outside for an extended length of time or overnight.

Alex Leeman asked why there is a condition to the motion restricting business hours. **Eric Anderson** said it is a “boiler-plate” condition for conditional uses; however, it is just a suggestion and can be amended. He said this condition might better apply to something that is more of an office use or even a construction site trailer. **Eric Anderson** pulled up the GIS map; the commissioners and staff verified that the business is not close to residential uses. **Heather Barnum** asked the applicant when he plans to be operating. **Jason Anderson** said they will be working normal business hours; however, there will be times that they will work odd hours during nights, mornings, and weekends. He also pointed out that the building is made of 6-8” concrete walls so the noise will be significantly less than in a regular building. **Alex Leeman** proposed to strike the first condition from the motion; the commissioners agreed with removing it.

Heather Barnum opened the public hearing at 7:26 p.m.

No comments were received.

Heather Barnum closed the public hearing at 7:26 p.m.

Kent Hinckley said he feels this is a good use for this location in the LM&B zone.

Heather Barnum asked if there are hazardous materials stored on site. **Jason Anderson** said there will be paint and other highly combustible materials, but that could also be said for gas and other chemicals as well. **Heather Barnum** said she feels the second condition to the motion could limit the nature of the applicant’s business. **Eric Anderson** said that as part of the business license process, the Fire Marshal will review the materials they have on site; the Fire Department has a list of materials that will not be allowed. He said the Fire Department’s list of unacceptable materials also depends on the type of building and use, so the applicant may have some flexibility as well. **Heather Barnum** suggested amending the condition to the motion to read, “No hazardous materials shall be stored on site unless approved by the Fire Marshal.”

Motion:

Bret Gallacher made a motion that the Planning Commission approve a conditional use permit for Enswell Fabrication to be located at 1224 South 650 West Suite 2A, subject to all applicable Farmington City codes, ordinances, and development standards and the following conditions:

1. Normal business hours shall be limited to 6 a.m. to 6 p.m. Monday through Friday;
2. No hazardous materials shall be stored on site unless approved by the Fire Marshal.

Alex Leeman seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed use is low impact in comparison to many light industrial and manufacturing uses.
2. The proposed use of the particular location is necessary to provide a service or facility which will contribute to the general well-being of the community.
3. The proposed use complies with the regulations and conditions in the Farmington City ordinance for such use.
4. The proposed use conforms to the goals, policies, and governing principles of the Comprehensive General Plan for Farmington City.
5. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development.
6. Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available.
7. Such use shall not, under the circumstances of this particular application, be detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.

OTHER

Item #6. Miscellaneous a) Discussion on Vacant Lot in Farmington Greens Subdivision

Eric Anderson said this only a discussion regarding the vacant lot on the corner of Clark Lane and 1525 W. He said in 1998 when the PUD was being reviewed and approved, Wayne Petty noticed a line in the PUD chapter of the Zoning Ordinance that made reference to allowable commercial development. Mr. Petty said that he felt the line allowed for commercial use in the PUD, and the City's then attorney agreed with Mr. Petty's interpretation. At the time, there were no restrictions or definitions on the type of commercial development, except it had to fit on the parcel. The City and nearby residents were concerned it would become a convenience store or gas station.

Eric Anderson said the City recently received an application from Mr. Petty's group for an apartment complex. Currently, the PUD and Development Agreement for the Farmington Greens Subdivision is maxed out for residential homes, so the only way to bring in the units would be to rezone the property to a multi-family zone or use TDRs in exchange for the units. **Heather Barnum** asked why apartments would be a good fit in this area. **Alex Leeman** expressed concern that other proposed apartment complexes have not even been built yet. **Eric Anderson** said the ratio for single family to multi family has remained at around 9:1, even with the new apartments going in.

Eric Anderson said staff wanted to bring this item before the Planning Commission and City Council's attention as the rezone and the TDR request are both discretionary and legislative. **Eric Anderson** said it appears that some neighbors are in favor of apartments in lieu of a convenient store; however, staff feels it will be good to hold a public meeting regarding the application to find out how the residents actually feel about what is being proposed. **Eric Anderson** said the developer is going to do a neighborhood meeting to collect public input before it comes before the Planning Commission and City Council.

ADJOURNMENT

Motion:

At 7:43 p.m., **Kent Hinckley** made a motion to adjourn the meeting, which was unanimously approved.

Heather Barnum
Chair, Farmington City Planning Commission

WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to discuss special event planning, City policy regarding cemetery and to answer any questions the City Council may have on agenda items. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, April 18, 2017, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

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

NEW BUSINESS:

7:05 *De Minimis* Impacts to West Davis Corridor (WDC)

7:10 650 West Park Restroom and Concession Buildings Contract

SUMMARY ACTION:

7:15 Minute Motion Approving Summary Action List

1. Approval of Minutes from March 14, 2017
2. Approval of Minutes from March 21, 2017
3. Cooperative Agreement with Utah Division of Forestry, Fire, and State Lands
4. Symphony Homes Improvements Agreement for 1525 West Street
5. Station Park West Agreement for Doors in Right-of-way

GOVERNING BODY REPORTS:

7:20 City Manager Report

1. Clean Up Day - April 22nd
2. Memorial Day Program – May 29th at noon
3. Budget Dates – April 25th and May 9th from 6 pm to 8 pm

7:30 Mayor Talbot & City Council Reports

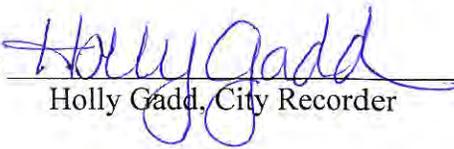
ADJOURN

CLOSED SESSION

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

DATED this 13th day of April, 2017.

FARMINGTON CITY CORPORATION

By: 
Holly Gadd, City Recorder

***PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.



Planning Commission Staff Report April 20, 2017

Item 3: Hunter's Creek HOA Conservation Easement Conditional Use Permit

Public Hearing:	Yes
Application No.:	C-6-17
Property Address:	Approximately 705 North Rifleman Drive, 800 North Browning Lane, and 850 North Foxhunter Drive
General Plan Designation:	RRD (Rural Residential Density)
Zoning Designation:	AE - Conservation Easement
Area:	N/A
Number of Lots:	N/A
Property Owner:	Hunter's Creek HOA
Agent:	Chris Jenkins

Request: *Applicant is requesting a conditional use permit to improve property within a conservation easement.*

Background Information

The Hunter's Creek HOA approached the City about amending the existing conservation easement to allow for some minor park improvements in certain areas of the conservation easement where such improvements were not previously allowed. The applicant received City Council approval to amend the Hunter's Creek HOA Conservation Easement on February 7, 2017. The original conservation easement and amended easement has been attached for your review. The amended conservation easement stipulates that the park improvements go through a conditional use review by the Planning Commission.

The improvements are as follows as indicated on the design development plans, attached:

- 1) Rifleman Park – Add a playground area, pavilion, seating area with two benches, and a concrete strip.
- 2) Browning Lane – Build a new concrete path from Browning Lane to the existing natural terrain, which will remain. Xeriscape the park-strip on the eastside of Browning Lane which is currently not landscaped.
- 3) Foxhunter Drive – Xeriscape the park-strip along both sides of Foxhunter Drive which is currently not landscaped.

The requested changes for Browning Lane and Foxhunter are minor while the changes to the Rifleman Park are significant, but were anticipated when the conservation easement was amended. There is some question whether the Rifleman Park area is wholly within the conservation easement area. Regardless, in the AE zone, trails and parks are listed as conditional uses. The conditional use permit will cover those areas within the application that require conditional use through the Zoning Ordinance and those areas through the conservation easement.

It should be noted that the City Council held a public hearing as part of the conservation easement amendment process; and this hearing provides a second time for citizen input on these specific improvements.

Suggested Motion:

Move that the Planning Commission approve the conditional use subject to all applicable codes, development standards and ordinances.

Findings for Approval:

1. When the City Council amended the conservation easement, they did so with the understanding that these park improvements would be constructed in the future.
2. The requested uses are consistent with the Zoning Ordinance and the Amended Hunter's Creek Conservation Easement.
3. The requested improvements will beautify the area and are only a small portion of the overall conservation area, which will remain in a natural state.

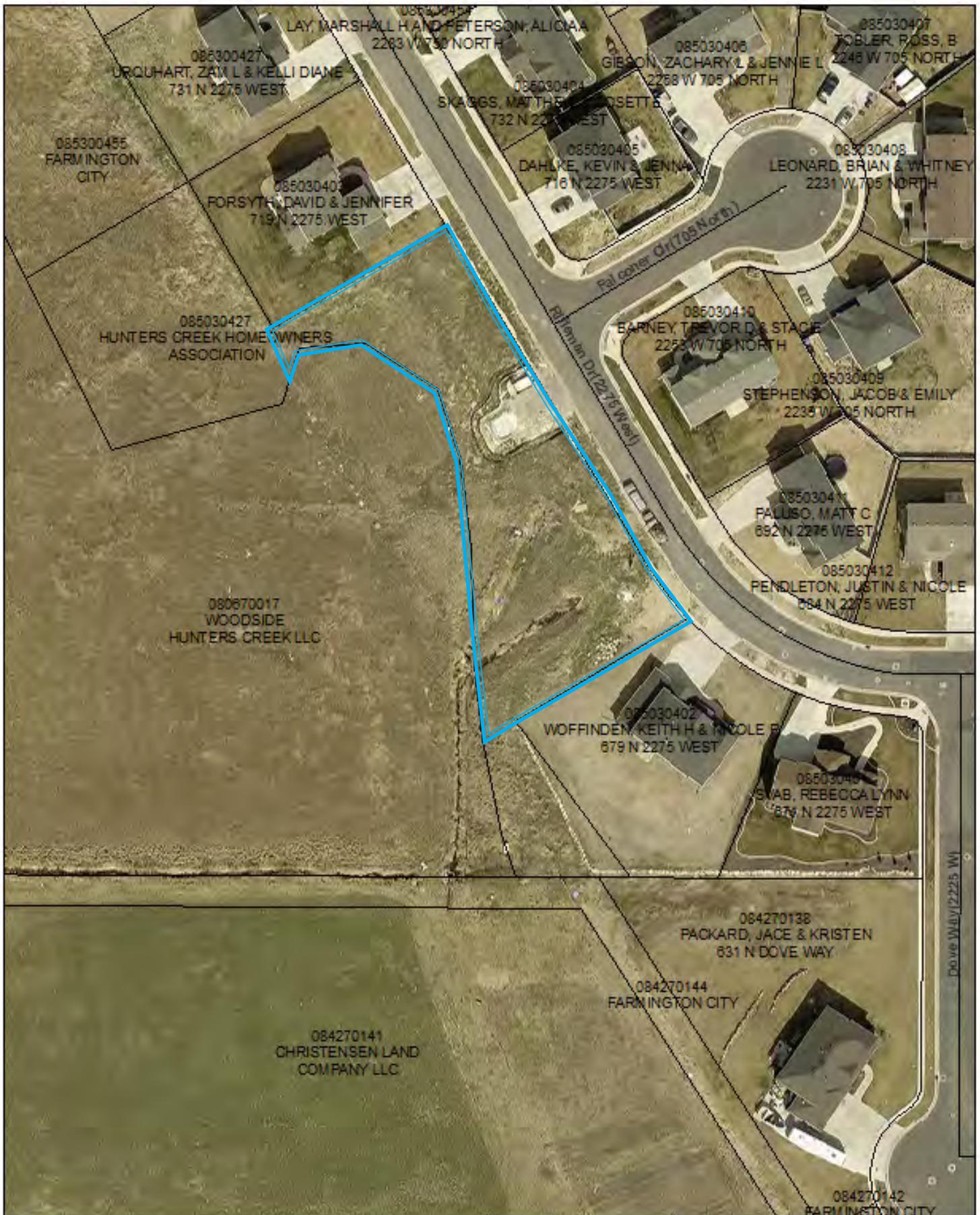
Supplemental Information

1. Vicinity Map
2. Design Development Plan
3. Conservation Easement and Related Map (Exhibit B)
4. Amendments to the Conservation Easement and Related Map

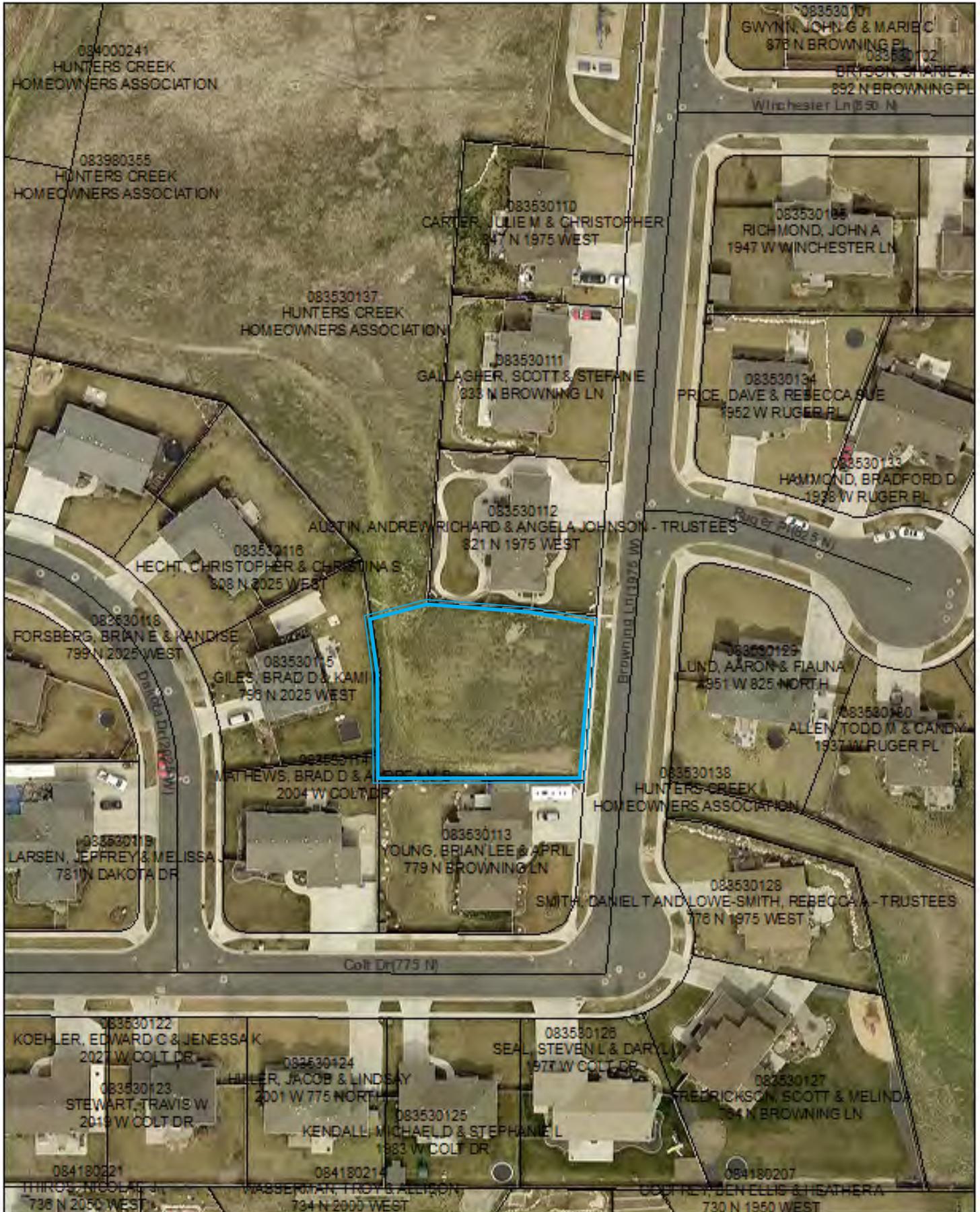
Applicable Ordinances

1. Title 11, Chapter 10 – Agricultural Zones

Farmington City



Farmington City



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5

A

B

C

D



1 RIFLEMAN PARK EXISTING
SCALE: 1"=100'-0"



3 FOXHUNTER DRIVE EXISTING
SCALE: 1"=100'-0"



2 BROWNING LANE PARK EXISTING
SCALE: 1"=100'-0"

HUNTER'S CREEK HOA
RIFLEMAN PARK, BROWNING LANE PARK,
FOXHUNTER IMPROVEMENTS
FARMINGTON UTAH

DESIGN
DEVELOPMENT

DATE: March 15, 2017
DRAWN BY: CMJ
REVISION:

EXISTING SITE
PLANS

A101

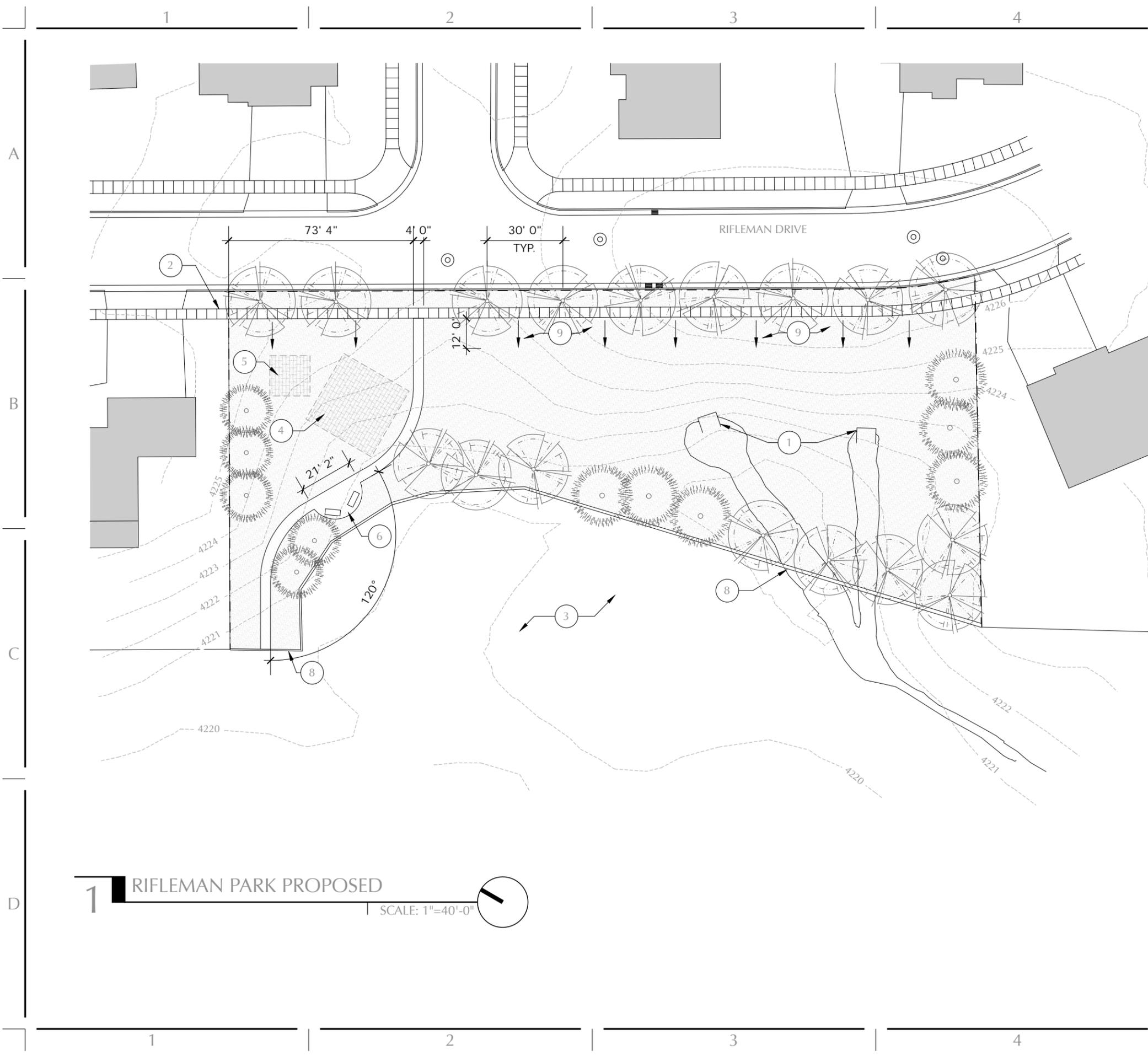
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GENERAL NOTES

1. GRADES SHOWN ON THE DRAWING ARE FOR REFERENCE ONLY. THE CONTRACTOR SHALL VERIFY EXISTING GRADES AND CONDITIONS BEFORE PROCEEDING WITH ANY WORK.
2. ALL WORK TO BE PERFORMED SHALL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER THE PROJECT.
3. THE CONTRACTOR SHALL PROTECT ALL UTILITIES, IMPROVEMENTS AND STRUCTURES AND SHALL RESTORE TO NEW CONDITION.
4. THE CONTRACTOR SHALL MAINTAIN ALL GRADES, LINES AND LEVELS AT LOCATIONS AS REQUIRED FOR THE PROPER EXECUTION OF THE WORK.
5. CONTRACTOR SHALL PROTECT AND CLEAN EXISTING ROADS, SIDEWALKS, CURB AND GUTTER.

KEYED NOTES

- 1 STORM DRAIN INLETS TO BE RELOCATED
- 2 EXISTING SIDEWALK TO REMAIN
- 3 NATURAL TERRAN TO REMAIN
- 4 FUTURE PLAYGROUND AREA
- 5 FUTURE PAVILLION
- 6 SEATING AREA WITH TWO (2) BENCHES
- 7 CONCRETE PATH, 4' WIDE. SEE DETAIL X/AXXX.
- 8 6" CONCRETE STRIP AT PROPERTY EDGE
- 9 4/12 SLOPE DOWN FOR FIRST 12'-0" NEXT TO SIDEWALK

CMJ ARCHITECT
 Chris Jenkins
 371 E. 1600 S.
 Bountiful UT 84010
 801.455.2914
 CMJARCH@GMAIL.COM

HUNTER'S CREEK HOA
 RIFLEMAN PARK, BROWNING LANE PARK,
 FOXHUNTER IMPROVEMENTS
 FARMINGTON UTAH

DESIGN DEVELOPMENT

DATE: March 15, 2017
 DRAWN BY: CMJ
 REVISION:

RIFLEMAN PARK

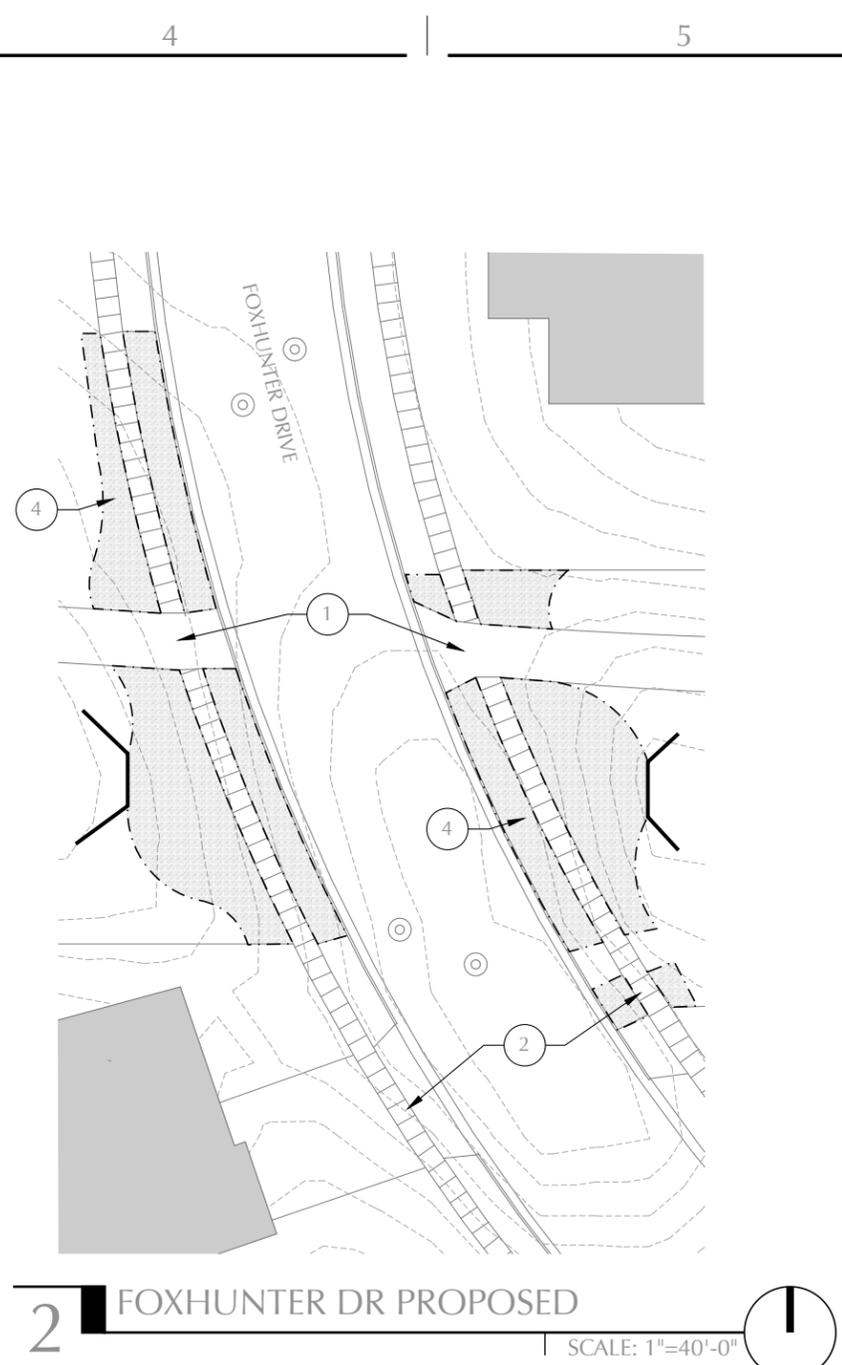
A102



1 BROWNING LANE PROPOSED
SCALE: 1"=40'-0"

GENERAL NOTES

1. GRADES SHOWN ON THE DRAWING ARE FOR REFERENCE ONLY. THE CONTRACTOR SHALL VERIFY EXISTING GRADES AND CONDITIONS BEFORE PROCEEDING WITH ANY WORK
2. ALL WORK TO BE PERFORMED SHALL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES OF GOVERNMENTAL AGENCIES HAVING JURISDICTION OVER THE PROJECT
3. THE CONTRACTOR SHALL PROTECT ALL UTILITIES, IMPROVEMENTS AND STRUCTURES AND SHALL RESTORE TO NEW CONDITION
4. THE CONTRACTOR SHALL MAINTAIN ALL GRADES, LINES AND LEVELS AT LOCATIONS AS REQUIRED FOR THE PROPER EXECUTION OF THE WORK
5. CONTRACTOR SHALL PROTECT AND CLEAN EXISTING ROADS, SIDEWALKS, CURB AND GUTTER



2 FOXHUNTER DR PROPOSED
SCALE: 1"=40'-0"

KEYED NOTES

- 1 EXISTING TRAIL TO REMAIN
- 2 EXISTING SIDEWALK TO REMAIN
- 3 NATURAL TERRAN TO REMAIN
- 4 XERISCAPE AREA, SEE DETAIL X/AXXX.
- 5 CONCRETE PATH, 4' WIDE. SEE DETAIL X/AXXX.

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38

WHEN RECORDED, MAIL TO:

Farmington City
Attn: City Manager
130 North Main
P.O. Box 160
Farmington, Utah 84025

RETURNED
JAN 11 2010

E 2504351 B 4938 P 1432-1469
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
01/11/2010 02:05 PM
FEE \$0.00 Pgs: 38
DEP RTT REC'D FOR FARMINGTON CITY

Affects Parcel No(s): 08-353-0137, 08-053-0138, 08-400-0239, 08-400-0240, 08-400-0241,
08-400-0242, 08-400-0243, 08-398-0355, 08-398-0356, 08-398-0357

CONSERVATION EASEMENT

(OPEN SPACE)

THIS CONSERVATION EASEMENT is made this 7th day of January, 2010, by the **HUNTERS CREEK HOMEOWNERS ASSOCIATION**, a Utah non-profit corporation, whose mailing address is 39 East Eagleridge Drive, Suite 100, North Salt Lake, Utah 84054 ("Grantor"), in favor of **FARMINGTON CITY**, a municipal corporation and political subdivision of the State of Utah, whose mailing address is 130 North Main, P.O. Box 160, Farmington, Utah 84025 ("Grantee").

RECITALS:

WHEREAS, Grantor hereby represents and acknowledges it is the sole owner in fee simple title of certain real property located within the Hunters Creek Subdivision, Phases 1-3, Farmington City, Davis County, State of Utah, which property is more particularly described herein at Section 2, hereinafter referred to as the "Property;" and

WHEREAS, the Property possesses unique, sensitive, natural, scenic, aesthetic, open space, recreational, ecological, floodplain, upland and wetland values (collectively referred to as "Conservation Values") of great importance to the Grantor, the Grantee, and the public; and

WHEREAS, Grantor intends that the Conservation Values of the Property be preserved and maintained by continuation of the use of the Property in such a way which does not significantly impair or interfere with those values and which provides for appropriate natural, ecological, open space and wetland uses of the Property; and

WHEREAS, Grantor intends to preserve and protect the Conservation Values of the Property as open space and to protect the Property from future development in perpetuity through this Easement and dedication of the same to Grantee; and

WHEREAS, Grantee is a governmental entity and a tax exempt entity under Section 501(c) of the *Internal Revenue Code* qualified to acquire a conservation easement under the terms of *Utah Code Ann.* ' 57-18-3, as amended.

NOW, THEREFORE, in consideration of the above and the covenants, terms, conditions, and restrictions contained herein, and pursuant to the laws of the State of Utah, particularly the Utah Land Conservation Easement Act as set forth in *Utah Code Ann.* ' 57-18-1, *et seq.*, as amended, with the intention of making an irrevocable easement in perpetuity, Grantor hereby agrees and conveys as follows.

1. **Conveyance.** Grantor hereby grants and warrants to Grantee, a perpetual conservation easement as hereinafter defined (the "Easement") over and across all the Property to preserve, restore and protect the Conservation Values present on the Property, to have and to hold unto Grantee, its successors and assigns forever.

2. **Property.** The Property subject to this Easement consists of approximately 12.30 acres of that certain real property located in Farmington City, Davis County, State of Utah, designated as Parcels A and B on the official plat map of the Hunters Creek Subdivision, Phase 1, Parcels K, L, M, N and O on the official plat map of the Hunters Creek Subdivision, Phase 2, and Parcels H, I and J on the official plat map of the Hunters Creek Subdivision, Phase 3, located in Farmington City, Davis County, State of Utah, which plats are recorded in the Office of the Davis County Recorder, State of Utah, and which Property is more particularly described in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

3. **Current Use and Condition of Property.** The Property presently consists of natural vegetation and open space, and includes wetlands, uplands, streams, watercourses, a paved access road, trails, community amenities and other improvements. The existing, permitted, and conditional uses of the Property are more particularly described herein and designated on the Use Map set forth in **Exhibit "B,"** attached hereto and incorporated herein by this reference. The Property has the specific Conservation Values as more particularly defined herein.

4. **Purpose.** Grantor is the fee simple title owner of the Property and is committed to preserving the Conservation Values of the Property. The purpose of this Easement is to assure that the Property will be retained forever in its natural, scenic, and open space condition and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property. Any use of the Property which may impair or interfere with the Conservation Values, unless expressly permitted in this Easement, is expressly prohibited. Grantor agrees to confine use of the Property to activities consistent with the purposes of this Easement and preservation of the Conservation Values of the Property.

5. **Duration.** The duration of the Easement shall be perpetual.

6. **Permitted and Conditional Uses.**

a. Subject to the terms and conditions set forth in this Easement, the following activities and/or uses of the Property are permitted:

i. Conservation of open land in its natural state, including, but not limited to, preservation of wetland and upland areas.

ii. Manicured lawn and related irrigation system improvements in designated areas only as delineated in the Use Map set forth in **Exhibit "B,"** provided: (1) a barrier acceptable to the City is provided between the natural vegetation areas and the manicured lawn areas; (2) some type of boundary line designation acceptable to the City is provided to delineate the Conservation Easement Area from adjacent private property and/or natural vegetation areas; and (3) the lawn and/or seed type is approved by the City.

iii. Barrier and boundary line designations acceptable to the City in designated areas only as delineated in the Use Map set forth in **Exhibit "B,"** as deemed necessary for the protection and preservation of the natural vegetation areas.

iv. Sidewalks, trails or public pathways (paved or unpaved) in designated areas only as delineated in the Use Map set forth in **Exhibit "B."** The final location and materials for any and all new sidewalks, trails or public pathways shall be approved by Farmington City.

v. The existing stream and the existing paved access road, in its existing location, size and width, as shown on **Exhibit "B,"** for the purpose of accessing and maintaining the stream.

vi. There are a number of existing community facilities and improvements within the Property encumbered by this Conservation Easement, as more particularly delineated in the Use Map set forth in **Exhibit "B,"** such as playground equipment, swimming pool, clubhouse, monument sign, and trails. Any and all such community facilities and improvements may be continued as a permitted use in their existing location, condition and status. Any changes, alterations, modifications, upgrades to such community facilities and improvements, however, shall require a conditional use permit in accordance with Subsection 6(b).

b. Subject to the terms and conditions set forth in this Easement, the following activities and/or uses of the Property may be permitted as a conditional use, subject to obtaining a conditional use permit from the City of Farmington for such use in accordance with City Ordinances regarding the same. Such uses must also be permitted or conditional in the zone in which the Property is located.

i. Community open space uses and facilities such as picnic areas and facilities, fire pits, bowery, pavilions, community gardens, orchards, swimming pool, clubhouse, playgrounds and playground equipment, and parking areas in designated areas only as delineated on the Use Map set forth in **Exhibit "B."**

ii. Water structures, improvements, marshlands, wetlands, riparian communities and ponds may be established, constructed and maintained on the Property, provided such structures or improvements are consistent with the Conservation Values and purposes of this Easement in designated areas only as delineated on the Use Map set forth in **Exhibit "B."**

iii. Underground utility facilities and easements for drainage, sewer, water, or other public facilities and purposes, including easements for maintenance access to such facilities, in locations as approved by the City of Farmington, subject to the rules and regulations of the U.S. Army Corps of Engineers and subject to restoration of the Property to its natural condition within a reasonable time frame not to exceed ninety (90) days, unless otherwise agreed to in writing by the Grantee, which restoration shall be conducted to the reasonable satisfaction of the Grantee to protect and preserve the Conservation Values of the Property in designated areas only as delineated on the Use Map set forth in **Exhibit "B."**

iv. Fences may only be allowed within the Conservation Easement with a conditional use permit and only as necessary and appropriate in connection with permitted or conditional uses.

v. Shrubs, plants and trees as part of the manicured landscaping areas in designated areas only as delineated in the Use Map set forth in **Exhibit "B."**

7. **Prohibited Uses.** Any activity on or use of the Property not specifically listed as a permitted use or activity as set forth herein and/or any activity on or use of the Property which is inconsistent with the purpose of this Easement or detrimental to the Conservation Values is expressly prohibited. Without limiting the generality of the foregoing, the following activities and uses are expressly prohibited:

a. Any residential, commercial or industrial activity, except as expressly permitted in this Easement.

b. Any development, construction or location of any man-made modification or improvements such as buildings, structures, fences, roads, parking lots, or other improvement on the Property, except as expressly permitted in this Easement.

c. Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the Property.

d. Any dumping or storing of ashes, trash, garbage or junk on the Property.

e. The manipulation or alteration of natural watercourses, wetlands, or riparian communities, except as expressly permitted herein or as approved by the City of Farmington and the U.S. Army Corps of Engineers, necessary for the use of the Property and then, in any event, only to the extent that such manipulation or alteration shall not result in a significant injury to or the destruction of significant Conservation Values.

f. Burning of any materials on the Property, except as necessary for agricultural, drainage and fire protection purposes or in designated fire pit areas as shown on and delineated in the Use Map set forth in **Exhibit "B."**

g. The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the Property in accordance with the terms and conditions of such approved use and the maintenance plan for the Property.

h. Hunting or trapping for any purpose other than predatory or problem animal control on the Property.

i. Establishment or maintenance of any grazing or livestock feedlots on the Property, which shall be defined for purposes of this Easement as a permanently constructed confined area or facility within which the land is not grazed or cropped annually, for purposes of engaging in the business of the reception and feeding of livestock for hire.

j. Any agricultural use of the Property not expressly permitted herein.

k. Advertising of any kind or nature on the Property and any billboards or signs; provided, directory and information signs may be displayed describing the Conservation Easement and prohibited or authorized use of the same.

l. Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, maintenance of manicured lawn areas, and similar protective measures.

m. The change, disturbance, alteration, or impairment of the significant natural ecological features and values of the Property or the destruction of other significant conservation interests on the Property.

n. The division, subdivision or *de facto* subdivision of the Property; except for subdivision and dedication of the Property as necessary to dedicate approved trails or

other appropriate public purpose within the Property, or as necessary and desirable to dedicate a portion of the underlying fee to a qualified conservation organization in accordance with the purposes and intent of this Easement for the preservation, protection and enhancement of the Conservation Values of the Property.

o. Changing the topography of the Property by placing on it any soil, dredging spoils, land fill, or other material, except as necessary to construct structures, conditions or improvements as permitted herein.

p. Any development, location, or storage of any personal property, vehicles, recreational equipment, or other residential uses such as trampolines, patios, gazebos, sports courts, barbeques, etc.

q. All other uses and practices inconsistent with and significantly detrimental to the stated objectives and purpose of the Easement.

8. **Rights of the Grantee.** Grantor confers the following rights upon Grantee to perpetually maintain the Conservation Values of the Property and to accomplish the purpose of this Easement.

a. Grantee has the right to enforce the terms of this Easement for the purpose of preserving and protecting the Conservation Values of the Property.

b. Grantee has the right to enter upon the Property at reasonable times to monitor or to enforce compliance with this Easement and to inspect and enforce the rights herein granted; provided that such entry shall not unreasonably interfere with the Grantor=s use and quiet enjoyment of the Property.

c. Grantee has the right to enjoin and prevent any activity on or use of the Property that is inconsistent with the terms or purposes of this Easement and to preserve and protect the Conservation Values of the Property.

d. Grantee has the right to require restoration of the areas or features of the Property which are damaged by activity inconsistent with this Easement.

e. Grantee has the right to place signs on the Property which identify the Property as being protected by this Easement.

f. Grantee has the right to enter on the Property to study and make ecological and scientific observation of the Property and its ecosystems.

g. Grantee has the right to engage in activities that restore the biological and ecological integrity of the Property. Possible activities include planting native vegetation and use of controlled fire to reduce the presence of undesirable vegetation.

9. **Duties of the Grantor.** Grantor retains ownership rights of the underlying fee simple title to the Property which are not expressly restricted by this Easement. In accordance with rights reserved in Grantor by this Easement, Grantor shall be subject to all terms, conditions and restrictions of this Easement and shall have the affirmative duty to refrain from conducting or causing to be conducted any action inconsistent with the purpose and provisions of this Easement and to take reasonable actions to preserve and protect the Conservation Values of the Property.

10. **Enforcement of Easement.**

a. **Notice and Demand.** If Grantee determines that Grantor is in violation of this Easement, or that a violation is threatened, the Grantee may provide written notice to the Grantor of such violation and request corrective action to cure the violation or to restore the Property. In the event Grantee determines that the violation constitutes immediate and irreparable harm, such notice shall not be required.

b. **Failure to Act.** If, for a 30-day period after the date of the written notice from Grantee to Grantor, the Grantor continues violating the Easement, or if the Grantor does not abate the violation and implement corrective measures requested by the Grantee, the Grantee may bring an action in law or in equity to enforce the terms of the Easement. The Grantee is also entitled to enjoin the violation through injunctive relief, seek specific performance, declaratory relief, restitution, reimbursement of expenses or an order compelling restoration of the Property. If the court determines that the Grantor has failed to comply with this Easement, the Grantor agrees to reimburse Grantee for all reasonable costs and attorneys fees incurred by the Grantee compelling such compliance.

c. **Absence of Grantor.** If the Grantee determines that the Easement is, or is expected to be, violated, the Grantee shall make good-faith efforts to notify the Grantor. If, through reasonable efforts, the Grantor cannot be notified, and if the Grantee determines that circumstances justify prompt action to mitigate or prevent impairment of the Conservation Values, then the Grantee may pursue its lawful remedies without prior notice and without waiting for Grantor's opportunity to cure. Grantor agrees to reimburse Grantee for all costs reasonably incurred by Grantee in pursuing such remedies.

d. **Actual or Threatened Non-Compliance.** Grantor acknowledges that actual or threatened events of non-compliance under this Easement constitute immediate and irreparable harm. The Grantee is entitled to invoke the equitable jurisdiction of the court to enforce this Easement.

e. **Injunctive Relief and Restoration.** Any violation of the Easement shall be subject to termination through injunctive proceedings with the imposition of temporary restraining orders or through any other legal means, it being recognized that monetary damages and/or other non-injunctive relief would not adequately remedy the violation of

the covenants and restrictions of the Easement. In addition, subject to the provisions set forth herein, the Grantee shall have the right to enforce the restoration of the portions of the Property affected by activities in violation of the Easement to the condition which existed at the time of the signing of this instrument.

f. Cumulative Remedies. The remedies set forth herein are cumulative. Any, or all, of the remedies may be invoked by the Grantee if there is an actual or threatened violation of this Easement.

g. Waiver. A delay in enforcement shall not be construed as a waiver of the Grantee's right to enforce the terms of this Easement.

11. **Permitted Construction and Maintenance Activities.**

a. Grantor hereby reserves the right to enter upon the Property to conduct the following activities: to construct such structures and improvements permitted herein in conjunction with permitted and conditional uses of the Property.

b. This Easement is subject to the rights of Grantor, Farmington City or any other agency or utility to enter upon the Property for the construction, installation, operation and maintenance of underground public utilities as permitted herein. The responsible person, entity or utility company in interest, shall, at its sole cost and expense, promptly restore the Property affected by such activities to as near as reasonably practicable the same condition as existed immediately prior to such activities. Nothing herein shall be deemed a grant of an easement to Farmington City or to any utility; the foregoing is set forth only to establish uses or activities which may be allowed on the Property.

12. **Extinguishment of Development Rights.** All development rights appurtenant to the Property are hereby released, terminated and extinguished, and may not be used on or transferred to any portion of the Property as it now or hereafter may be bounded or described, or to any other property adjacent or otherwise or used for the purpose of calculating permissible lot yield of the Property or any other property.

13. **Maintenance.** The Property shall be maintained by Grantor in accordance with the Maintenance Plan set forth as **Exhibit "C,"** attached hereto and incorporated herein by this reference. Grantor shall be solely responsible for the upkeep and maintenance of the Property. If Grantor fails to maintain the Property in accordance with the Maintenance Plan, the Grantee may provide or cause to be provided such maintenance necessary to preserve and protect the Conservation Values of the Property. Any costs incurred by the Grantee in providing such maintenance shall be reimbursed by Grantor within thirty (30) days from receipt of invoicing from Grantee.

14. **Taxes.** Grantor shall pay all taxes, assessments, fees and charges of whatever description levied on or assessed against the Property, including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. If Grantee is ever required to pay any taxes or assessments on its interest in the Property, Grantor shall reimburse Grantee for the same within thirty (30) days from receipt of invoicing from Grantee.

15. **Indemnification.** Grantor shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents and contractors, and the successors and assigns of each of them, collectively referred to as the "Indemnified Parties," from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or with respect to the Property, unless due to the gross negligence or willful misconduct of Grantee. Grantor shall keep the Property insured with comprehensive general liability insurance against claims for personal injury, death and property damage and shall name Grantee as an additional insured party on all such insurance policies, providing Grantee evidence of such insurance upon request.

16. **Transfer of Grantee's Interest.** If the Grantee determines that it no longer is able to enforce its rights under this instrument or that it no longer desires to enforce the rights, or desires to assign enforcement rights to a qualified organization under Section 501(c)(3) and/or 170(h)(3) of the *Internal Revenue Code*, the Grantee shall be entitled to convey in whole or in part all of its rights under this instrument and deliver a copy of this instrument to an organization designated by the Grantee and described in or contemplated by Section 501(c)(3) and/or 170(h)(3) of the Code, or the comparable provision in any subsequent revision of the Code, to ensure that the Easement is enforced. Furthermore, the Grantee is hereby expressly prohibited from subsequently transferring the Easement, whether or not for consideration, unless (a) the Grantee, as a condition of the subsequent transfer, requires that the conservation purposes which the Easement is intended to advance continue to be carried out; and (b) the transferee is an organization qualifying at the time of the transfer as an eligible donee under Section 501(c)(3) and/or 170(h)(3) of the Code and regulations promulgated thereunder.

17. **Cessation of Grantee's Existence.** If Grantee shall cease to exist or if the Grantee is no longer authorized to acquire and hold conservation easements, then this Easement shall become vested in another entity. Any successor entity shall be a qualified organization for the purposes of Section 501(c)(3) and/or 170(h)(3) of the *Internal Revenue Code*.

18. **Termination of the Easement.** This Easement may be extinguished only by an unexpected change in condition which causes it to be impossible to fulfill the Easement's purpose or by exercise of eminent domain in accordance with the provisions set forth herein. The fact that the Grantee may have title to the Property and therefore may become an Owner for purposes of this Easement shall not cause a termination of this Easement by operation of the doctrine of merger or otherwise. The Grantee shall not voluntarily or willingly allow the termination of any of the restrictions of this instrument, and if any or all of the restrictions of the Easement are nevertheless terminated by a judicial or other governmental proceeding, any and all

compensation received by the Grantee as a result of the termination shall be used by the Grantee in a manner consistent with the conservation purposes of the Easement. If subsequent circumstances render the purposes of this Easement impossible to fulfill, then this Easement may be partially or entirely terminated only by judicial proceedings.

19. **Transfer of Grantor's Interest.** The Grantor shall incorporate the terms of this Easement in any deed or other legal instrument by which it divests itself of any interest in all or any portion of the Property, including, without limitation, a leasehold interest. Any such transfer of interest shall be subject to the restrictions set forth in this Easement. The failure of the Grantor to perform any act required by this Paragraph shall not impair the validity of this Easement or limit its enforceability in any way. Upon proper and permitted conveyance of title to the Property, the Grantor shall be released from its obligations under this Easement.

20. **Notices.** Any notice, demand, request, consent, approval, or communication shall be in writing and served personally or sent by registered or certified mail, postage prepaid, return receipt requested, addressed to the following, or to such other address as the Grantee or Grantor shall from time to time designate by written notice.

To Grantee: Farmington City
 Attn: City Manager
 130 North Main
 P.O. Box 160
 Farmington, Utah 84025

To Grantor: Hunters Creek Homeowners Association
 Attn: Nathan Pugsley
 39 East Eagleridge Drive, Suite 100
 North Salt Lake, Utah, 84054

21. **Title Warranty.** Grantor warrants that it has good and sufficient title to the Property, free from all encumbrances except those set forth in **Exhibit "D,"** attached hereto and incorporated herein by this reference, and hereby promises to defend the same against all claims that may be made against it.

22. **Subsequent Encumbrances.** This Easement shall not restrict the right of Grantor or its successors or assigns to execute, deliver and record mortgages on the Property or to grant other rights or easements in respect of the Property, subject to the terms and conditions set forth herein. The grant of any easement or use restriction that might diminish or impair the Conservation Values of the Property is prohibited. Any lien or security interest of a mortgage and any easement or other right created subsequent to the date hereof shall be subject to and subordinate to this Easement.

23. **Environmental Warranty.** Grantor warrants that it has no actual knowledge or threatened release of hazardous substances or wastes on the Property, as such substances and

wastes are defined by applicable law, and hereby promises to indemnify Grantee against, and hold Grantee harmless from, any and all loss, cost, claim, liability or expense, including reasonable attorney=s fees arising from or with respect to any release of hazardous waste or violation of environmental laws with respect to the Property, unless due to the gross negligence or willful misconduct of Grantee.

24. **Recordation.** The Grantee shall record this instrument in timely fashion in the official records of Davis County, Utah, and may re-record it at any time as may be required to preserve its rights in this Easement.

25. **Controlling Law.** The interpretation and performance of this Easement shall be governed by the laws of the State of Utah.

26. **Liberal Construction.** Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the Easement to effect the purpose of this Easement and the policy and purpose of *Utah Code Ann. ' 57-18-1, et seq.*, as amended, and related provisions. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

27. **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

28. **Joint Obligation.** Subject to the provisions set forth herein, the obligations imposed by this Easement upon Grantor or Grantors shall be joint and several.

29. **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the Grantee, the Grantor, and their respective personal representatives, heirs, successors, and assigns, and shall continue as a servitude running in perpetuity with the Property.

30. **Entire Agreement.** This Easement, together with all exhibits, sets forth the entire agreement of the parties with respect to the subject matter hereof and supercedes all prior discussions and understandings.

31. **Captions.** The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

32. **Amendments.** If circumstances arise under which an amendment to or modification of this Easement would be appropriate, Grantor and Grantee may jointly amend the Easement; provided, that no amendment shall be allowed that affects the qualification of the

Easement under the IRS Code 170(h), or any regulation promulgated thereunder, or the Utah Land Conservation Easement Act, as set forth in *Utah Code Ann.* §§ 57-18-1, *et seq.*, as amended. Any amendment to this Easement shall be consistent with the purposes of this Easement, shall not affect its perpetual duration, and shall not impair any of the significant Conservation Values of the Property. Any such amendment shall be in writing, signed by both parties, and recorded in the official records of Davis County, Utah. Any proposed amendments to this Easement shall comply with the Farmington City Conservation Easement Amendment Policy, as amended, and shall require, at a minimum, a public hearing before the City Council and fourteen (14) day advance notice to the public by publishing notice in a daily newspaper of general circulation in the City.

[Signature Page to Follow]

IN WITNESS WHEREOF, Grantor has executed this instrument on the day and year first above written.

GRANTOR:

**HUNTERS CREEK HOMEOWNERS
ASSOCIATION**

A Utah non-profit corporation



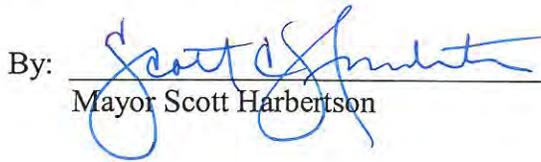
By: DANIEL PHILLIPS

Its: TREASURER

GRANTEE:

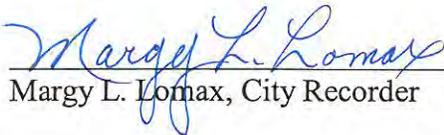
FARMINGTON CITY

A Utah municipal corporation



By: Mayor Scott Harbertson

ATTEST:

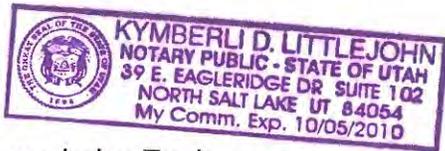


Margy L. Lomax, City Recorder

GRANTOR'S ACKNOWLEDGMENT

STATE OF UTAH)
)
) :SS.
COUNTY OF Davis)

On the 7th day of January, 2010, personally appeared before me Daniel Phillips who being by me duly sworn did say that (s)he is the Treasurer of the **HUNTERS CREEK HOMEOWNERS ASSOCIATION**, and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors and (s)he acknowledged to me that said corporation executed the same.



Kimberli D Littlejohn
Notary Public

My Commission Expires:
10/5/2010

Residing at:
Davis Co., Utah

GRANTEE'S ACKNOWLEDGMENT

STATE OF UTAH)
)
) :SS.
COUNTY OF DAVIS)

On the 7th day of January, 2010, personally appeared before me Scott Harbertson, who being duly sworn, did say that he is the Mayor of **FARMINGTON CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said Scott Harbertson acknowledged to me that the City executed the same.

Margy L. Lomax
Notary Public

My Commission Expires:
11/29/2011

Residing at:
Davis Co. Utah



EXHIBIT "A"

LEGAL DESCRIPTION OF EASEMENT AREA

All of Parcels A and B as shown on the official plat map of the Hunters Creek Subdivision, Phase 1, located in Farmington City, Davis County, State of Utah, as recorded in the Office of the Davis County Recorder, State of Utah.

All of parcels K, L, M, N and O on the official plat map of the Hunters Creek Subdivision, Phase 2, located in Farmington City, Davis County, State of Utah, as recorded in the Office of the Davis County Recorder, State of Utah.

All of parcels H, I and J on the official plat map of the Hunters Creek Subdivision, Phase 3, located in Farmington City, Davis County, State of Utah, as recorded in the Office of the Davis County Recorder, State of Utah.

EXHIBIT "B"

USE MAP OF EASEMENT

Exhibit "B"
To the Conservation Easement for
Hunters Creek Subdivision Phases 1, 2, and 3

USE MAP

The following Notes are provided regarding the specified permitted and conditional uses of Property within the Conservation Easement for Hunters Creek Subdivision Phases 1, 2, and 3, as indicated and designated on the attached Use Map for the subject areas.

Note 1:

Pursuant to the terms of the Conservation Easement, the existing neighborhood park/playground, and related improvements, with manicured landscaping are permitted to continue as allowed uses in this area, but any alteration, modification, change, upgrade or relocation of such equipment and facilities shall required a Conditional Use Permit. As for any existing or future manicured lawn areas, owner shall be required to provide: (1) a barrier acceptable to the City between the natural vegetation areas and the manicured lawn areas; and (2) some type of boundary line designation acceptable to the City to delineate the Conservation Easement Area from adjacent private property and to designate the park area from the natural open space. The existing fencing is an acceptable barrier between natural and vegetation and existing manicured lawn areas and adequately delineates the Conservation Easement in these areas. Any future lawn shall require prior approval from the City as to lawn and/or seed type. Existing facilities and improvements include, but are not limited to, the following: manicured lawn, a fence and a jungle gym system.

Note 2:

The existing monument sign is an allowed use in the location indicated on the Use Map and has previously received an an approved sign permit.

Note 3:

The existing manicured landscaping is an allowed use along 950 North and along Sharpshooter Drive in locations indicated on the Use Map; provided: (1) a barrier acceptable to the City is maintained between the natural vegetation areas and the manicured lawn areas; and (2) some type of boundary line designation acceptable to the City is provided to delineate the natural vegetation areas and the manicured lawn areas. The existing slope and topography in this area is deemed to be a sufficient barrier acceptable to the City. The manicured landscaping along 950 North shall not exceed forty-five feet (45') in width behind the sidewalk.

Note 4:

The existing stream is an allowed use in accordance with and subject to the terms and conditions of the Conservation Easement. The stream channel shall be maintained in accordance with the Maintenance Plan, the requirements of the Stream Alteration Permit, and any requirements of the Army Corps of Engineers or Davis County, Utah. Davis County has jurisdiction over said stream and may make modifications as necessary.

Note 5:

The trails as recorded in the deeded trail easements to the City are allowed uses in accordance with and subject to the terms and conditions of the Conservation Easement. The final location and materials for the designated trails shall be approved by Farmington City.

Note 6:

The existing paved access road, as required by the Stream Alteration Permit, in its existing location, size and width as shown on the Use Map is an allowed use in accordance with and subject to the terms and conditions of the Conservation Easement.

Note 7:

Upland vegetation and manicured landscaping is allowed in this area as a permitted use; provided: (1) a barrier acceptable to the City is provided between the natural vegetation areas and the manicured lawn areas; and (2) some type of boundary line designation acceptable to the City is provided to delineate the Conservation Easement Area from adjacent private property and/or natural vegetation areas. Lawn and/or seed type shall be approved by Farmington City. Any areas left as uplands shall be properly maintained in its natural state and, if the land has been disturbed, reclaimed to its natural state and maintained in accordance with terms and conditions of the Conservation Easement and Maintenance Plan.

Note 8:

An optional trail may be approved in designated locations as shown on the Use Map. The final location and materials for trails shall be approved by Farmington City in accordance with and subject to the terms and conditions of the Conservation Easement.

Note 9:

The land within this area shall be preserved as upland vegetation in its natural state. The existing fencing in this area acts as a boundary line designation and is acceptable to the City to delineate the Conservation Easement Area from adjacent private property and manicured lawn areas. Upland vegetation shall be left in its natural state or, if the land

has been disturbed, reclaimed to its natural state and maintained in accordance with terms and conditions of the Conservation Easement and Maintenance Plan.

Note 10:

Pursuant to the terms of the Conservation Easement, the existing community facilities and improvements with manicured landscaping are permitted to continue as a permitted use in this area, but any alteration, modification, change, upgrade or relocation of such facilities and improvements shall required a Conditional Use Permit. As for any existing or future manicured lawn areas, the Owner shall be required to provide: (1) a barrier acceptable to the City between the natural vegetation areas and the manicured lawn areas; and (2) some type of boundary line designation acceptable to the City to delineate the Conservation Easement Area from adjacent private property and to designate the park area from the natural open space. Any future lawn shall require prior approval from the City as to lawn and/or seed type. Existing facilities and improvements include the following: swimming pool, clubhouse, parking lot, manicured lawn and sprinkler system, and a fence around the parcel.

Note 11:

Pursuant to the terms and conditions of the Conservation Easement, a basketball court, fire pit, picnic pavilion, manicured lawn, and other community open space uses may be allowed in this location designated on the Use Map with a Conditional Use Permit. Until and unless a Conditional Use Permit is issued for a basketball court or other community open space uses in this area, the area shall be maintained in accordance with Note 9 as upland vegetation, as indicated on the Use Map.

Note 12:

Pursuant to the terms and conditions of the Conservation Easement, a community orchard and/or gardens may be allowed in the location designated on the Use Map with a Conditional Use Permit. Until and unless a Conditional Use Permit is issued for a community orchard and/or garden in this area, the area shall be maintained in accordance with Note 9 as upland vegetation, as indicated on the Use Map.

Note 13:

Pursuant to the terms and conditions of the Conservation Easement, a bridge for stream crossing and connection of the trail system may be allowed in the location designated on the Use Map with a Conditional Use Permit.

Note 14:

Pursuant to the terms and conditions of the Conservation Easement, a community garden may be allowed in this location designated on the Use Map with a Conditional Use Permit. Until and unless a Conditional Use Permit is issued for a community garden in

this area, the area shall be maintained in accordance with Note 9 as upland vegetation, as indicated on the Use Map.

EXHIBIT "C"
MAINTENANCE PLAN

Exhibit "C"
to the Conservation Easement for
Hunters Creek Subdivision Phases 1, 2, and 3

MAINTENANCE PLAN

SECTION 1- PURPOSE

The purpose of this Maintenance Plan is to supplement the development criteria for the development of Hunters Creek Subdivision Phases 1, 2, and 3 as contained in the Farmington City Zoning Ordinances for Conservation Subdivisions, the Development Agreement, the Conservation Easement, and the Covenants, Considerations and Restrictions applicable to the subdivision in order to fix maintenance responsibility and provide additional maintenance guidelines, where necessary for property located within the Conservation Easement area. The Maintenance Plan is intended to provide guidelines and fix responsibility for areas within Hunters Creek Subdivision Phases 1, 2, and 3 that are designated as a Parcel and covered by the Conservation Easement recorded against the subject property.

SECTION 2- PROPERTY

The Conservation Easement subject to this Maintenance Plan is located in the Hunters Creek Subdivision Phases 1, 2, and 3, consisting of approximately 12.30 acres of that certain real property within Farmington City, Davis County, State of Utah, on the official plat maps of the Hunters Creek Subdivision, Phases 1, 2, and 3, located in Township 3 North, Range 1 West, Salt Lake Base and Meridian, Farmington City, Davis County, State of Utah, as more particularly described in **Exhibit "1"**, attached hereto and incorporated herein by this reference.

SECTION 3- MAINTENANCE AREAS

The "Maintenance Areas" are designated in this plan as follows:

- a. Upland Open Space Areas which are designated in **Exhibit "B"** to the Conservation Easement for Hunters Creek Subdivision Phases 1, 2, and 3.
- b. Wetland Open Space Areas which are designated in **Exhibit "B"** to the Conservation Easement for Hunters Creek Subdivision Phases 1, 2, and 3.
- c. Trails which are designated in **Exhibit "B"** to the Conservation Easement for Hunters Creek Subdivision Phases 1, 2, and 3.
- d. Community facilities which are designated in **Exhibit "B"** to the Conservation Easement for Hunters Creek Subdivision Phases 1, 2, and 3.
- e. Stream which is designated in **Exhibit "B"** to the Conservation Easement for Hunters Creek Subdivision Phases 1, 2, and 3.
- f. Lawn and Manicured Landscaping which is designated in **Exhibit "B"** to the Conservation Easement for Hunters Creek Subdivision Phases 1, 2, and 3..

SECTION 4- OWNERSHIP OF CONSERVATION LAND

- a. Parcels A and B Hunters Creek Phase 1: Hunters Creek Homeowners Association or its authorized successors or assigns, subject to the terms and conditions of the Conservation Easement.
- b. Parcels K, L, M, N, and O Hunters Creek Phase 2: Hunters Creek Homeowners Association or its authorized successors or assigns, subject to the terms and conditions of the Conservation Easement.
- c. Parcels H, I and J Hunters Creek Phase 3: Hunters Creek Homeowners Association or its authorized successors or assigns, subject to the terms and conditions of the Conservation Easement.

SECTION 5- MAINTENANCE GUIDELINES AND RESPONSIBILITIES

Upland Open Space in all Parcels: The Upland Open Space shall be maintained by the Hunters Creek Homeowners Association, or their authorized successors or assigns, in accordance with the landscape plan submitted as part of the project and subject to the terms and conditions of the Development Agreement, Conservation Easement, and applicable provisions of the Farmington City Zoning Ordinance regarding subdivisions. The Upland Open Space shall be maintained in its natural state (i.e. no broad leaf weeds, but natural vegetation). This may include periodic mowing, spraying, and re-vegetation.

Wetland Areas: Wetlands shall be maintained in accordance with and subject to the rules and regulations of the U.S. Army Corps of Engineers wetlands permit.

Trails: The trails within trail easements granted to Farmington City will be maintained by the City. Trails which are built in the future by the HOA shall be maintained by the Hunters Creek Homeowners Association, or their authorized successors or assigns.

Community Facilities: Any community facilities including, but not limited to, the swimming pool, clubhouse, parking lot, playground facilities, fire pits, sports courts, community gardens, orchards, trails or pathways outside recorded trail easements and monument signs which exist or may be built in the future, shall be maintained by the Hunters Creek Homeowners Association, or their authorized successors or assigns.

Stream: The stream banks and paved maintenance road running through the subdivision shall be maintained by the Hunters Creek Homeowners Association, or their authorized successors or assigns in compliance with the State of Utah Stream Alteration Permit requirements. The flow path of the stream itself shall be maintained by Davis County.

Lawn and Manicured Landscaping: All lawn and manicured landscaping shall be maintained by Hunters Creek Homeowners Association, or their authorized successors or assigns. As used herein, the terms lawn and manicured landscaping shall mean grass, irrigation systems and shrubs, plants and trees as provided for in the landscaping plans for the parcels. All lawn and manicured landscaping must be separated from natural vegetation by a barrier acceptable to the City of Farmington. Manicured landscaping

shall be prevented from encroaching upon upland open space beyond the approved distance from the property line.

All Conservation Areas: Any disturbed areas not approved as set forth herein shall be reclaimed and revegetated in natural vegetation or as otherwise directed by the U.S. Army Corps of Engineers or Farmington City in accordance with the applicable plans and requirements for the subject area. A revegetation plan prepared by a landscape architect or other appropriate nursery professional shall be submitted.

SECTION 6- FUNDING MEANS FOR MAINTENANCE AND OPERATIONS

Estimates regarding staffing needs, insurance requirements, and associated costs for applicable maintenance areas shall be provided by the respective responsible party prior to recordation of the final plat. Sufficient funding may be required regarding such obligations in accordance with Farmington City Ordinances.

All members of the Hunters Creek Homeowners Association shall be assessed annual assessments, special assessments, and maintenance charges pursuant to the protective covenants, conditions and restrictions recorded with the Hunters Creek Subdivision Phases 1, 2, and 3 plat, the Development Agreement, the Conservation Easement, and applicable provisions of the Farmington City Zoning Ordinance regarding Conservation Subdivisions.

SECTION 7- MODIFICATION

Any changes to this Maintenance Plan must be in writing and approved by the City. Any such amendments shall be considered an amendment of the Conservation Easement and shall comply with easement amendment procedures adopted by the City.

SECTION 8- CORRECTIVE ACTION

The City may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, or homeowners association and may include administrative costs and penalties. Such costs shall become a lien on said properties. Notice of such lien shall be filed by the City in the County Recorder's Office. Documents creating or establishing any association or conservation organization shall reference the City's corrective action authority.

SECTION 9- PROHIBITED ENCROACHMENTS

No encroachment by any structure, improvement or disturbance to the land shall be permitted into designated wetlands unless specifically authorized by the U.S. Army Corps of Engineers. No encroachment by any structure, improvement or disturbance to the land shall be permitted into Conservation Lands by private parties or adjacent landowners. Uses of the Conservation Land shall be strictly limited to those conditional

and permitted uses set forth in the Conservation Easement and as shown on the applicable Use Maps.

Exhibit "1"
Legal Description of Conservation Easement
for Hunters Creek Subdivision Phases 1, 2, and 3

All of Parcels A and B as shown on the official plat map of the Hunters Creek Subdivision, Phase 1, located in Farmington City, Davis County, State of Utah, as recorded in the Office of the Davis County Recorder, State of Utah.

All of parcels K, L, M, N and O on the official plat map of the Hunters Creek Subdivision, Phase 2, located in Farmington City, Davis County, State of Utah, as recorded in the Office of the Davis County Recorder, State of Utah.

All of parcels H, I and J on the official plat map of the Hunters Creek Subdivision, Phase 3, located in Farmington City, Davis County, State of Utah, as recorded in the Office of the Davis County Recorder, State of Utah.



Exhibit "B" to the Conservation Easement for Hunters Creek Phases 1, 2, and 3 Subdivision Conservation Easement Use Map

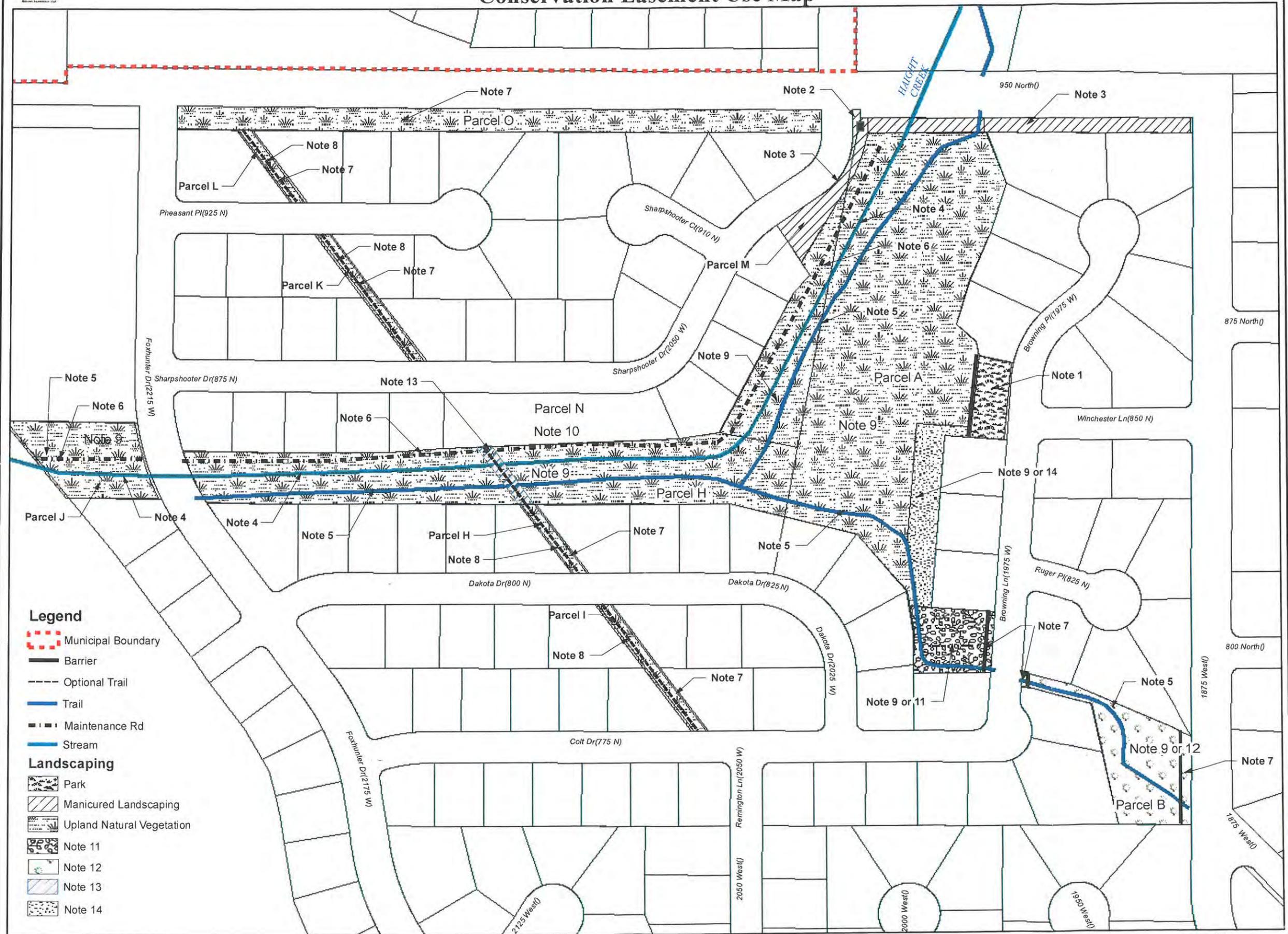


Exhibit "B"
To the Conservation Easement for
Hunters Creek Subdivision Phases 1, 2, and 3

USE MAP

The following Notes are provided regarding the specified permitted and conditional uses of Property within the Conservation Easement for Hunters Creek Subdivision Phases 1, 2, and 3, as indicated and designated on the attached Use Map for the subject areas.

Note 1:

Pursuant to the terms of the Conservation Easement, the existing neighborhood park/playground, and related improvements, with manicured landscaping are permitted to continue as allowed uses in this area, but any alteration, modification, change, upgrade or relocation of such equipment and facilities shall required a Conditional Use Permit. As for any existing or future manicured lawn areas, owner shall be required to provide: (1) a barrier acceptable to the City between the natural vegetation areas and the manicured lawn areas; and (2) some type of boundary line designation acceptable to the City to delineate the Conservation Easement Area from adjacent private property and to designate the park area from the natural open space. The existing fencing is an acceptable barrier between natural and vegetation and existing manicured lawn areas and adequately delineates the Conservation Easement in these areas. Any future lawn shall require prior approval from the City as to lawn and/or seed type. Existing facilities and improvements include, but are not limited to, the following: manicured lawn, a fence and a jungle gym system.

Note 2:

The existing monument sign is an allowed use in the location indicated on the Use Map and has previously received an approved sign permit.

Note 3:

The existing manicured landscaping is an allowed use along 950 North and along Sharpshooter Drive in locations indicated on the Use Map; provided: (1) a barrier acceptable to the City is maintained between the natural vegetation areas and the manicured lawn areas; and (2) some type of boundary line designation acceptable to the City is provided to delineate the natural vegetation areas and the manicured lawn areas. The existing slope and topography in this area is deemed to be a sufficient barrier acceptable to the City. The manicured landscaping along 950 North shall not exceed forty-five feet (45') in width behind the sidewalk.

Note 4:

The existing stream is an allowed use in accordance with and subject to the terms and conditions of the Conservation Easement. The stream channel shall be maintained in accordance with the Maintenance Plan, the requirements of the Stream Alteration Permit, and any requirements of the Army Corps of Engineers or Davis County, Utah. Davis County has jurisdiction over said stream and may make modifications as necessary.

Note 5:

The trails as recorded in the deeded trail easements to the City are allowed uses in accordance with and subject to the terms and conditions of the Conservation Easement. Asphalt and dirt are acceptable material for the trails. The final location and any materials other than asphalt or dirt proposed for the designated trails shall be approved by Farmington City.

Note 6:

The existing paved access road, as required by the Stream Alteration Permit, in its existing location, size and width as shown on the Use Map is an allowed use in accordance with and subject to the terms and conditions of the Conservation Easement.

Note 7:

Upland vegetation and manicured landscaping is allowed in this area as a permitted use; provided: (1) a barrier acceptable to the City is provided between the natural vegetation areas and the manicured lawn areas; and (2) some type of boundary line designation acceptable to the City is provided to delineate the Conservation Easement Area from adjacent private property and/or natural vegetation areas. Lawn and/or seed type shall be approved by Farmington City. Any areas left as uplands shall be properly maintained in its natural state and, if the land has been disturbed, reclaimed to its natural state and maintained in accordance with terms and conditions of the Conservation Easement and Maintenance Plan.

Note 8:

An optional trail may be approved in designated locations as shown on the Use Map. Asphalt and dirt are acceptable material for the trails. The final location and any materials other than asphalt or dirt proposed for the optional trails shall be approved by Farmington City.
~~The final location and materials for trails shall be approved by Farmington City in accordance with and subject to the terms and conditions of the Conservation Easement.~~

Note 9:

The land within this area shall be preserved as upland vegetation in its natural state. The existing fencing in this area acts as a boundary line designation and is acceptable to the City to delineate the Conservation Easement Area from adjacent private property and manicured lawn areas. Upland vegetation shall be left in its natural state or, if the land has been disturbed, reclaimed to its natural state and maintained in accordance with terms and conditions of the Conservation Easement and Maintenance Plan.

Note 10:

Pursuant to the terms of the Conservation Easement, the existing community facilities and improvements with manicured landscaping are permitted to continue as a permitted use in this area, but any alteration, modification, change, upgrade or relocation of such facilities and improvements shall required a Conditional Use Permit. As for any existing or future manicured lawn areas, the Owner shall be required to provide: (1) a barrier acceptable to the City between the natural vegetation areas and the manicured lawn areas; and (2) some type of boundary line designation acceptable to the City to delineate the Conservation Easement Area from adjacent private property and to designate the park area from the natural open space. Any future lawn shall require prior approval from the City as to lawn and/or seed type. Existing facilities and improvements include the following: swimming pool, clubhouse, parking lot, manicured lawn and sprinkler system, and a fence around the parcel.

Note 11:

Pursuant to the terms and conditions of the Conservation Easement, a basketball court, fire pit, picnic pavilion, manicured lawn, and other community open space uses may be allowed in this location designated on the Use Map with a Conditional Use Permit. Until and unless a Conditional Use Permit is issued for a basketball court or other community open space uses in this area, the area shall be maintained in accordance with Note 9 as upland vegetation, as indicated on the Use Map.

Note 12:

Pursuant to the terms and conditions of the Conservation Easement, a community orchard and/or gardens may be allowed in the location designated on the Use Map with a Conditional Use Permit. Until and unless a Conditional Use Permit is issued for a community orchard and/or garden in this area, the area shall be maintained in accordance with Note 9 as upland vegetation, as indicated on the Use Map.

Note 13:

Pursuant to the terms and conditions of the Conservation Easement, a bridge for stream crossing and connection of the trail system may be allowed in the location designated on the Use Map with a Conditional Use Permit.

Note 14:

Pursuant to the terms and conditions of the Conservation Easement, a community garden may be allowed in this location designated on the Use Map with a Conditional Use Permit. Until and unless a Conditional Use Permit is issued for a community garden in this area, the area shall be maintained in accordance with Note 9 as upland vegetation, as indicated on the Use Map.

Note 15:

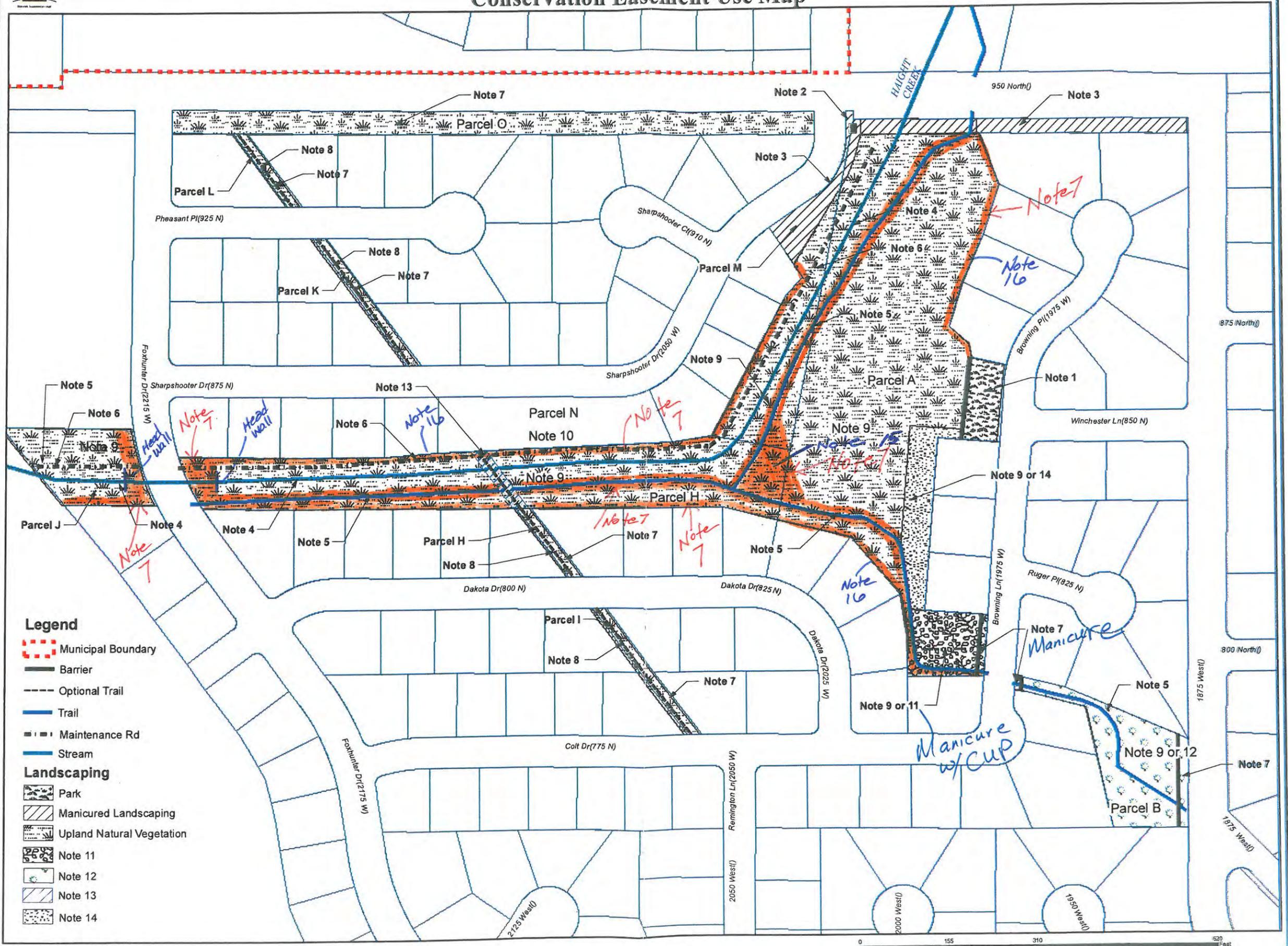
Pursuant to the terms and conditions of the Conservation Easement, a fire pit, picnic pavilion, manicured lawn, and other community open space uses may be allowed in this location designated on the Use Map with a Conditional Use Permit. Until and unless a Conditional Use Permit is issued for community open space uses in this area, the area shall be maintained in accordance with Note 9 as upland vegetation, as indicated on the Use Map. As for any future manicured lawn areas, the Owner shall be required to provide: (1) a barrier acceptable to the City between the natural vegetation areas and the manicured lawn areas; and (2) some type of boundary line designation acceptable to the City to delineate the Conservation Easement Area from adjacent private property and to designate the park area from the natural open space. Any future lawn shall require prior approval from the City as to lawn and/or seed type.



Exhibit "B" to the Conservation Easement for Hunters Creek Phases 1, 2, and 3 Subdivision Conservation Easement Use Map



1-18-17



- Legend**
- Municipal Boundary
 - Barrier
 - Optional Trail
 - Trail
 - Maintenance Rd
 - Stream
- Landscaping**
- Park
 - Manicured Landscaping
 - Upland Natural Vegetation
 - Note 11
 - Note 12
 - Note 13
 - Note 14



Planning Commission Staff Report April 20, 2017

Item 4: Home Occupation Conditional Use Permit (Tennis Lessons)

Public Hearing: Yes
Application No.: C-7-17
Property Address: 167 South 650 West
General Plan Designation: RRD (Rural Residential Density)
Zoning Designation: AE (Agriculture Estates)
Area: 1.0 Acres
Number of Lots: 1
Property Owner: Kassia Lee
Agent: Brady and Kassia Lee

Request: *Conditional use permit approval for a home occupation (teaching tennis lessons).*

Background Information

The applicant recently purchased this property on 650 West with the purpose of living in the existing home and building two tennis courts on the rear of the property where tennis lessons can be taught. In the AE zone this type of use normally falls under the minor commercial outdoor recreation use, which is a conditional use. However, the commercial outdoor recreation use is intended to be the *primary* use of the property; in this case, the use is secondary to the existing single family residential home. This notwithstanding, the City does allow for lessons (such as swimming, dance, or tennis) to be taught as a home occupation, when the use is secondary to a single family residential use.

Section 11-35-040 from the Chapter 35 of the Zoning Ordinance, which regulates home occupations, stipulates that:

A. Permitted Conditional Uses: The following home occupations may be allowed only upon approval of a conditional use application by the planning commission and issuance of a conditional use permit: (Ord. 2010-21, 5-18-2010)

1. Uses in which over eight (8) but not more than sixteen (16) individuals (including any natural, adopted or foster members of the operator's household) are cared for or receive instruction in the home at any one time. Such uses may include dance instruction, aerobics classes, music lessons, preschools, child daycare, crafts classes and other similar uses. For all such uses, the Farmington City building official and fire marshal shall inspect

the facilities to ensure compliance with the requirements of the international building code. (Ord. 2015-16, 5-26-2015; amd. 2016 Code)

Staff has historically interpreted swimming and tennis lessons held on the instructor's property as a home occupation which falls under the "and other similar uses." Although, it is not clear how many pupils will be receiving tennis lessons at any one time, staff felt it prudent that the applicant receive conditional use approval because of the potential impacts of this type of use on the neighborhood. Staff has included several conditions to help ensure that potential adverse impacts to the surrounding neighborhood are mitigated.

Additionally, the applicant must meet all of the requirements for construction of tennis courts set forth in the following:

11-28-060: LOCATION OF RECREATIONAL POOLS AND TENNIS COURTS:

C. Private Multipurpose Sports Courts: Private multipurpose sports courts, tennis courts or other similar playing surfaces, shall be set back at least five feet (5') from the rear and side property lines, fifteen feet (15') from the side corner property line, at least thirty feet (30') from the front property line, and shall be at least twenty feet (20') from any neighboring dwelling. Any deviation from the above setbacks or fence standards contained in this title shall require a conditional use permit (no fee shall be assessed for such application). No lighting may be installed in connection with the multipurpose sports court, tennis court or other similar playing surface which shall throw any direct rays beyond the property lines on which it is constructed. (Ord. 2011-10, 5-17-2011)

The proposal meets all of the standards set forth above. Also, the application does provide parking and access that is removed from 650 West and is to the rear of the existing home. Per Section 11-35-030(A) of the Zoning Ordinance, the applicant may have up to five (5) family members "related by blood, marriage, or adoption" actively engaged in the home occupation, and one additional, unrelated employee on site.

Suggested Motion

Move that the Planning Commission approve the conditional use permit for a home occupation to teach tennis lessons as set forth in the staff report above, subject to all applicable codes, development standards and ordinances, and with the following conditions:

1. Lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light to neighboring properties;
2. The hours of operation are limited to 8 a.m. to 10 p.m.;
3. Any signs proposed for the project must comply with the Farmington City Sign Ordinance. The sign plan shall indicate the location, height, and appearance of the signs upon the site and the effects upon parking, ingress/egress, and adjacent properties. Such signs shall be compatible with the character of the neighborhood;

4. The applicant must obtain all other applicable permits for the operation of the conditional use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes;
5. The applicant may have five (5) family members related by blood, marriage, or adoption actively engaged in the home occupation, and no more than one (1) unrelated employee on-site at any given time as set forth in Section 11-35-030 of the Zoning Ordinance;
6. No more than 16 pupils are allowed to be instructed at any given time.

Findings for Approval

1. The site plan for this application shows parking removed from 650 West and to the rear of the dwelling.
2. The property is a large parcel and tennis courts in the rear yard of the property is the highest and best use.
3. Because the proposed use is removed from abutting residences and 650 West, it will have minimal impact in traffic, noise, etc.
4. The proposed use is complimentary to the regional park and gym, which is directly across 650 West.

Supplemental Information

1. Vicinity Map
2. Site Plan
3. Application with Narrative Describing Proposed Use

Applicable Ordinances

1. Title 11, Chapter 8 – Conditional Uses
2. Title 11, Chapter 10 – Agriculture Zones
3. Title 11, Chapter 28 – Supplementary and Qualifying Regulations
4. Title 11, Chapter 35 – Home Occupations

Farmington City





S 650 W

0 50 100 feet

- Driving Area
- Drop off zone
- Tennis Courts
- Parking Area

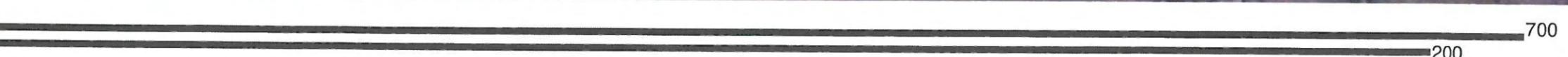


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Google Earth

Google Earth

feet
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Transportation and Circulation

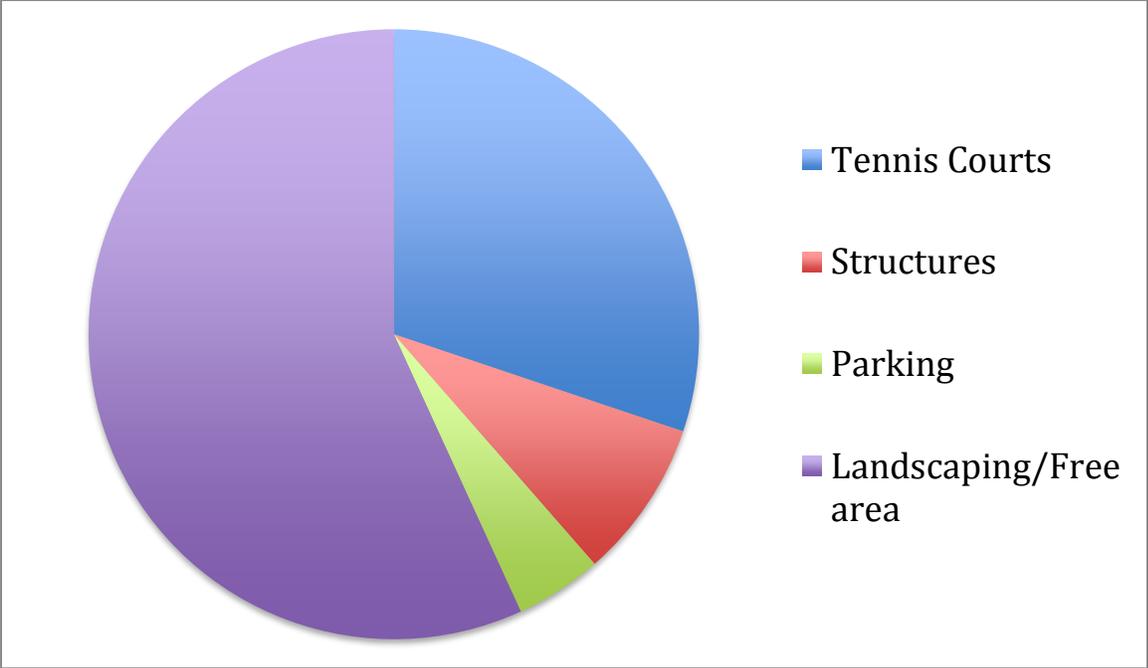
Impact on abutting streets:

The only abutting street is 650 West. 650 West is already a high traffic street due to Station Park, Ascent Academy, and the Farmington Recreational Center. In the near future Farmington High School and the new park will also increase traffic on 650 West. As such the addition of our tennis courts will minimally affect traffic in the area.

Internal Traffic Circulation:

The location of ingress will be on the north side of our property, there is a long driveway leading to the back of our property where there is space for parking and turning around. The location of egress will be out of the same driveway since there is space to turn around. We also have a round about in the front of the property where there will be a drop off zone. Since the majority of our students carpool this will also lighten the load of traffic to the property. The property to the south of us is an empty lot and the property to the north is a business, due to this we think that the circulation of traffic will not negatively impact our neighbors.

Percentage of Land and Usage



Intended Use

We are a family run tennis academy and have been trying to build our own courts for awhile and when we came across this property we thought it would be a perfect fit because we have a lot of tennis students from the surrounding area. We teach at the Lagoon tennis center in the winter and love the idea of staying in Farmington year round, and think that we would be an asset to the city, and an upgrade to what currently exists on the property.

We would want to build the two tennis courts on the back half of our property and we wouldn't have to take down any existing vegetation because we will be building in what used to be a riding arena. We also are keeping the barn up and using it for storage. We will have a parking area on the south side of the property as well as and a drop off area next to our front door. We think there will be no more then 12 cars roughly every 90 minutes for 3 hours in the morning for the adult lessons and 3 hours in the afternoon for children.



Planning Commission Staff Report April 20, 2017

Item 5: Paul Allen Accessory Dwelling Conditional Use Permit

Public Hearing:	Yes
Application No.:	C-8-17
Property Address:	307 South 1100 West
General Plan Designation:	RRD (Rural Residential Density)
Zoning Designation:	A (Agricultural)
Area:	1.55 Acres
Number of Lots:	1
Property Owner:	Paul Allen
Agent:	Paul Allen

Request: *Applicant is requesting a conditional use permit for an accessory dwelling unit above a garage.*

Background Information

Paul Allen is requesting approval for a conditional use permit for an accessory dwelling unit above a large detached garage located on property (1.55 acres) at 307 South 1100 West in an A Zone. The applicant is proposing to build a two-story detached garage with a dwelling unit on the upper floor.

Section 11-10-020 of the Zoning Ordinance states that all accessory dwelling units are conditional uses in the A zone. Chapter 10 of the Zoning Ordinance goes on to specify regulations and standards for accessory buildings in the A zone, specifically Section 11-10-040(H) states:

“H. Accessory Buildings And Structures:

1. Accessory buildings, except those listed in subsection H2 of this section, shall be located in the rear yard, shall be separated from the main building by a distance in compliance with applicable building codes, shall be at least five feet (5') from all property lines and shall be fifteen feet (15') from a dwelling on an adjacent lot. Accessory buildings shall not be built over utility easements that may run along the side and rear property lines. (Ord. 2014-33, 10-7-2014)

2. No farm animal structure, hay barn, stable, silo, coop, corral or other similar building or structure which is accessory to the agricultural use of land may be located closer than ten feet (10') to any side or rear boundary line or fifty feet (50') to any public street or to

any dwelling on adjacent properties. This provision shall not apply to pastures. (Ord. 2015-16, 5-26-2015)”

Unlike most residential zones in the City, the agriculture zones do not have a provision whereby accessory buildings must be subordinate in height and area to the main building. However, the garage and ADU shall not exceed 25’ in height as set forth in Section 11-10-050; the proposed garage is in compliance with the height restriction as measured by the Building Ordinance (Title 10 of the Farmington City Ordinance), at 24’11 1/16” (or 15/16” below the maximum). The Zoning Ordinance does not allow for ADUs to be rented, per Section 11-2-020 of the Zoning Ordinance, which states:

DWELLING, ACCESSORY: A dwelling unit within an accessory building which is subordinate to a single-family dwelling located on the same lot and which, together with the single-family dwelling, is used exclusively for the occupancy of one family. A maximum of one accessory dwelling shall be allowed per lot and no rent or other compensation may be charged for occupants of the accessory dwelling. No conditional use permit issued for an accessory dwelling shall be assignable or transferable upon sale of the lot or otherwise, and the conditional use permit shall expressly state such termination of the permit upon the sale or transfer of the property. Any conditional use permit issued hereunder shall be recorded with the Davis County recorder's office.

As part of the omnibus zone text amendment that will be heard later at this meeting, the provision requiring that a conditional use permit for an ADU be non-transferrable upon the sale of the property is proposed to be removed; at this time, however, that requirement is still in place.

Suggested Motion:

Move that the Planning Commission approve the conditional use subject to all applicable codes, development standards and ordinances and with the following condition: the applicant may not rent the accessory dwelling unit.

Findings for Approval:

1. The height of the proposed accessory dwelling unit and detached garage is below the height restriction.
2. The proposed accessory dwelling unit and detached garage is at least 15’ away from any dwelling on an adjacent lot.
3. The proposed accessory dwelling unit and detached garage is at least 5’ from all side and rear property lines.
4. The proposed accessory dwelling unit and detached garage is in the rear yard.
5. Accessory dwelling units increase density without adding rooftops, and is a good use to maximize land without having to go through the subdivision process.

Supplemental Information

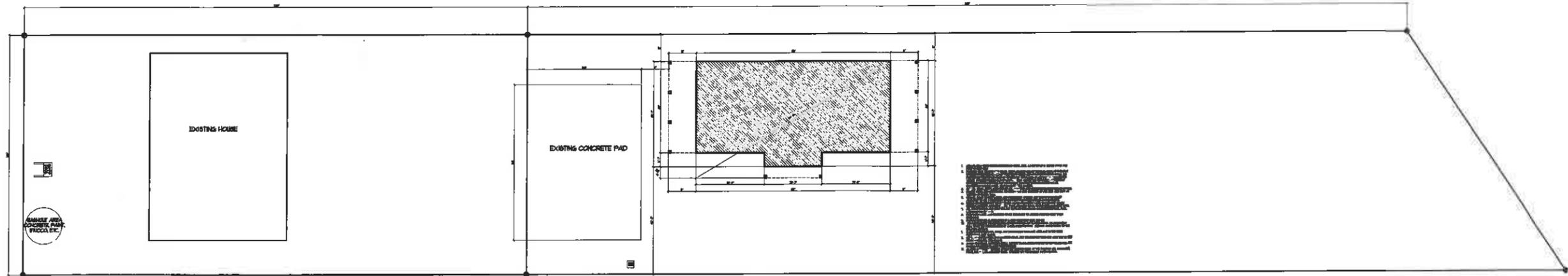
1. Vicinity Map
2. Site Plan
3. Floor Plans
4. Building Elevations

Applicable Ordinances

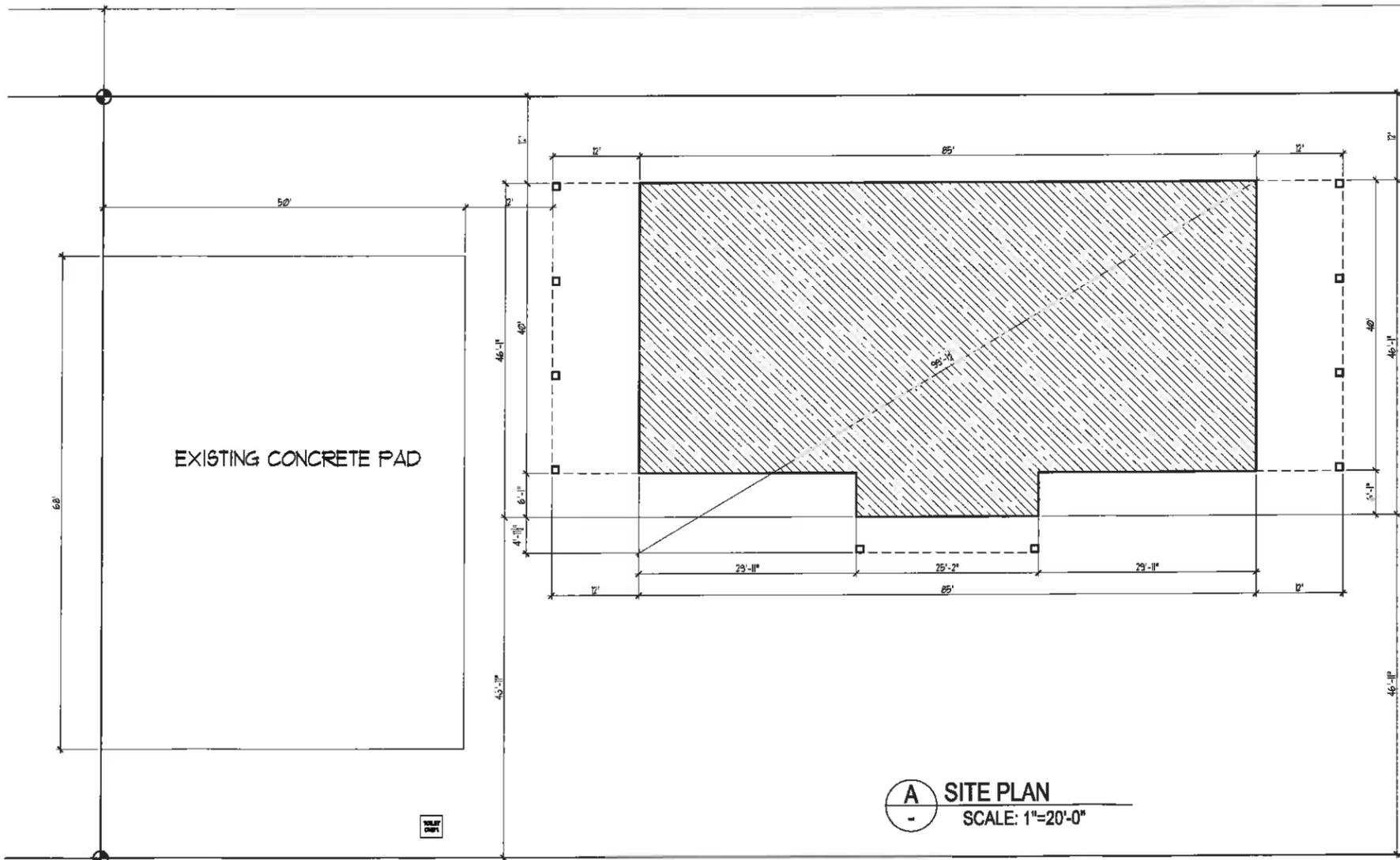
1. Title 11, Chapter 10 – Agricultural Zones

Farmington City





A SITE PLAN
SCALE: 1"=60'-0"



A SITE PLAN
SCALE: 1"=20'-0"

1. GRADE AWAY FROM FOUNDATION WALLS SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET (3M).
2. FIXTURES THAT HAVE FLOOD LEVEL RIMS LOCATED BELOW THE ELEVATION OF THE NEXT UPSTREAM MANHOLE COVER OF THE PUBLIC SEWER SERVING SUCH FIXTURES SHALL BE PROTECTED FROM BACK FLOW OF SEWAGE BY INSTALLING AN APPROVED BACKFLOWER VALVE. FIXTURES HAVING FLOOD LEVEL RIMS ABOVE THE ELEVATION OF THE NEXT UPSTREAM MANHOLE SHALL NOT DISCHARGE THROUGH THE BACKFLOWER VALVE. BACKFLOWER VALVES SHALL BE PROVIDED WITH ACCESS.
3. GRAVEL SHALL BE PLACED BELOW ALL FOOTINGS AND CONCRETE FLOORS BELOW GRADE.
4. STREET CURBS AND GUTTER BELL SHALL BE INSPECTED AND CLEANED OF ALL MUD AND DIRT AT THE END OF EVERY DAY.
5. GRAVEL BAGS TO BE PLACED AND MAINTAINED AROUND ANY STORM DRAIN INLET ADJACENT TO OR IMMEDIATELY DOWNSTREAM FROM SITE DURING CONSTRUCTION.
6. BERTS OR BARRIERS MAY BE REQUIRED ALONG PROPERTY LINES TO PREVENT STORM WATER FLOW ONTO ADJACENT LOTS. FINAL GRADING SHALL BLEND WITH ADJACENT LOTS.
7. ALL STORM WATER AND DIRT WILL BE KEPT ON SITE DURING CONSTRUCTION UNTIL FINAL LANDSCAPING IS DONE.
8. PROPERTY LINES AND FOOTINGS TO BE SURVEYED TO ASSURE PROPER SIDE YARD SETBACKS.
9. IF WALLS MUST BE CLOSER THAN 8' A GEO-TECH MUST GIVE THE OK.
10. DEVIATION FROM THE FORBIDDING LIMITATIONS FOR CUT SLOPES SHALL BE PERMITTED ONLY UPON THE PRESENTATION OF A SOIL INVESTIGATION REPORT ACCEPTABLE TO THE BUILDING OFFICIAL.
11. SLOPES FOR PERM. FILL SHALL NOT BE STEEPER THAN ONE VERT. UNIT IN TWO UNITS HORIZONTAL 50% SLOPE.
12. CUT SLOPES FOR PERM. EXCAVATIONS SHALL NOT BE STEEPER THAN ONE VERT. UNIT IN TWO UNITS HORIZONTAL 50% SLOPE.
13. A GEO-TECHNICAL ENGINEER SHALL INSPECT EXCAVATION PROPER TO INSTALLING FILL OR HAVING CONCRETE PLACED FOR FOOTINGS.
14. A LINED CONCRETE SANDWICH AREA MUST BE PROVIDED AT THE SITE FOR ALL CONCRETE, PAINT, BRUCCO, OR MASONRY WORK. SANDWICH ON THE GROUND IS PROHIBITED.

GENERAL NOTES

BUYER: _____
BUYER: _____
DATE: _____

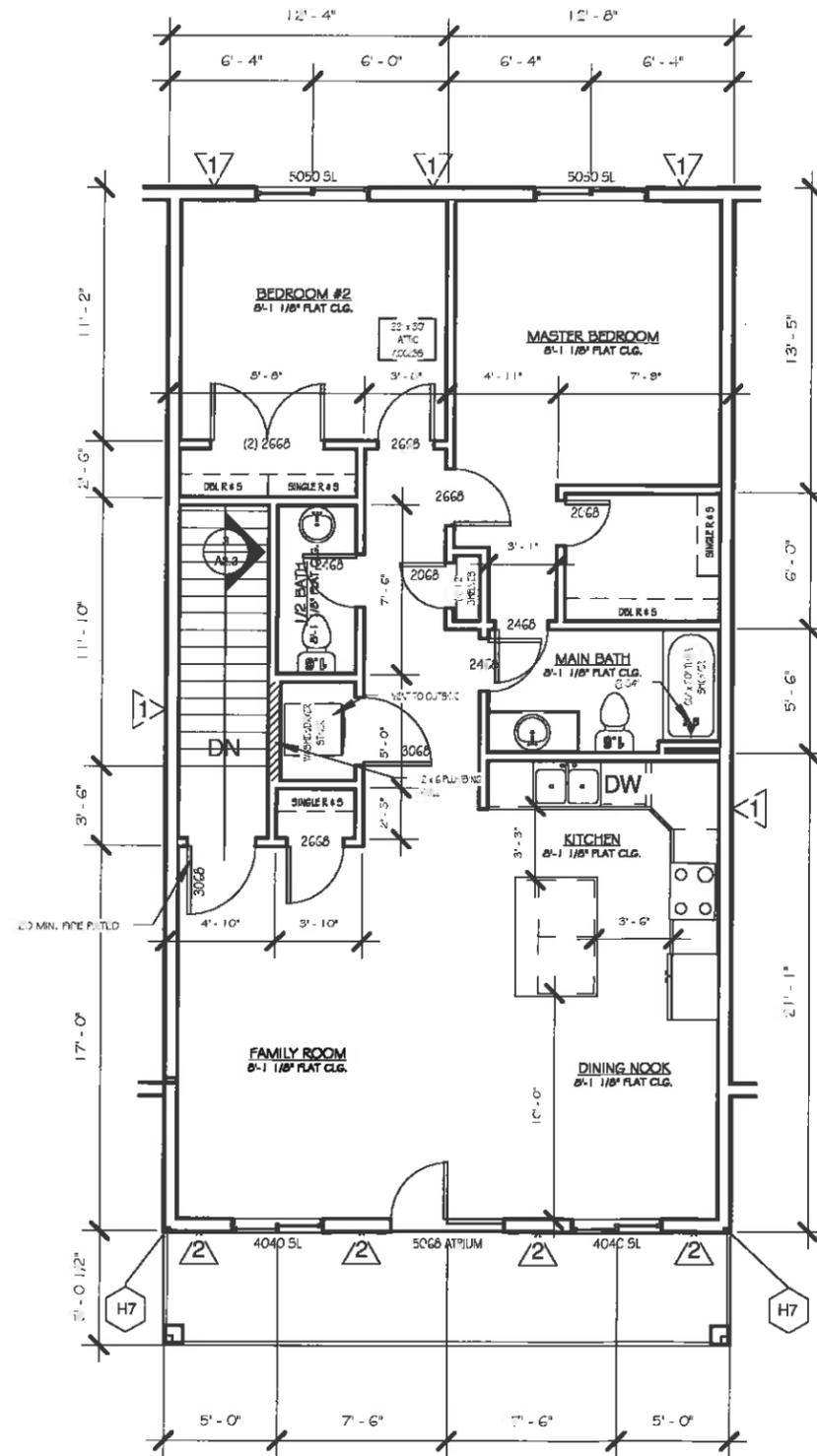
DB: CF CB: SS

RESIDENCE FOR:
PAUL ALLEN GARAGE
307 S. 1100 W.
FARMINGTON, UT

paul allen site plan.dwg
September 12, 2016

SCALE: 1" = 20'-0"

A0.1



1 UPPER LEVEL FLOOR PLAN
1/8" = 1'-0"

GENERAL NOTES

- 1) FIELD VERIFY ALL MEASUREMENTS
- 2)  INDICATES A SHEAR WALL. SEE THE SHEAR WALL SCHEDULE ON PAGE 52.1 FOR SPECIFICATIONS ON EACH TYPE OF WALL.
- 3) ALL EXT. FRAMED WALLS AND BRICK VENEER ARE DETAILED @ 4" WIDE. ALL INT. FRAMED WALLS ARE DETAILED @ 3-1/2" WIDE.
- 4) ALL WINDOW WELLS SHOWN SHALL HAVE A CLEAR OPENING OF 9" AND A MIN. DIMENSION OF 3'-0". IF VERT. DEPTH IS MORE THAN 44" IT SHALL ALSO HAVE A STAIR OR APPROVED LADDER.

HAND & GUARDRAIL NOTES

- 1) STAIRWAYS WITH 4 OR MORE RISERS SHALL HAVE AT LEAST ONE HANDRAIL. HANDRAILS SHALL BE PLACED 34"-36" ABOVE THE NOSE OF THE TREADS VERTICALLY TO THE TOP OF THE RAIL. THEY SHALL BE CONTINUOUS TO FULL LENGTH OF THE STAIRS. THE HANDGRIP PORTION SHALL NOT BE LESS THAN 1'-10" NOR MORE THAN 2" IN CROSS-SECTIONAL DIMENSION. HANDRAILS PROJECTING FROM A WALL SHALL HAVE A SPACE OF NOT LESS THAN 1-1/2" BETWEEN THE WALL AND THE HANDRAIL. ENDS SHALL BE RETURNED TO THE WALL, TERMINATE IN NEWELL POSTS OR SAFETY TERMINALS.
- 2) GUARDRAILS SHALL BE PROVIDED TO PROTECT UNENCLOSED SIDES OF ROOMS, CORRIDORS, RAMPS, ETC. WHICH ARE MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW. THE GUARDRAIL SHALL BE AT LEAST 36" HIGH AND SHALL HAVE INTERMEDIATE RAILS OR ORNAMENTAL PATTERN SUCH THAT A SPHERE 4" IN DIAMETER, CANNOT PASS THROUGH THE TRIANGULAR SPACE CREATED BY THE STAIR AND THE BOTTOM RAIL MUST BE CONSTRUCTED SO A SPHERE 17" IN DIAMETER WILL NOT PASS THROUGH.

WINDOW FRAMING NOTES

- 1) WHILE INSTALLING WINDOW, FRAMER IS TO PUT A 1/4" DEAD END SHOCKE SPACER AROUND ENTIRE FLANGE (WALL SIDE) BE CARE NAILING INTO PLACE.
- 2) STICK & STAPLE 6" BUTYLTHANE AROUND ENTIRE WINDOW STARTING @ A STRIP AT THE BOTTOM, THEN THE SIDES AND LASTLY AT THE TOP. THESE STRIPS SHOULD EXTEND OVER THE FLANGE - DO NOT TOUCH THE FRAME w/ BUTYLTHANE, IT WILL DISCOLOR.

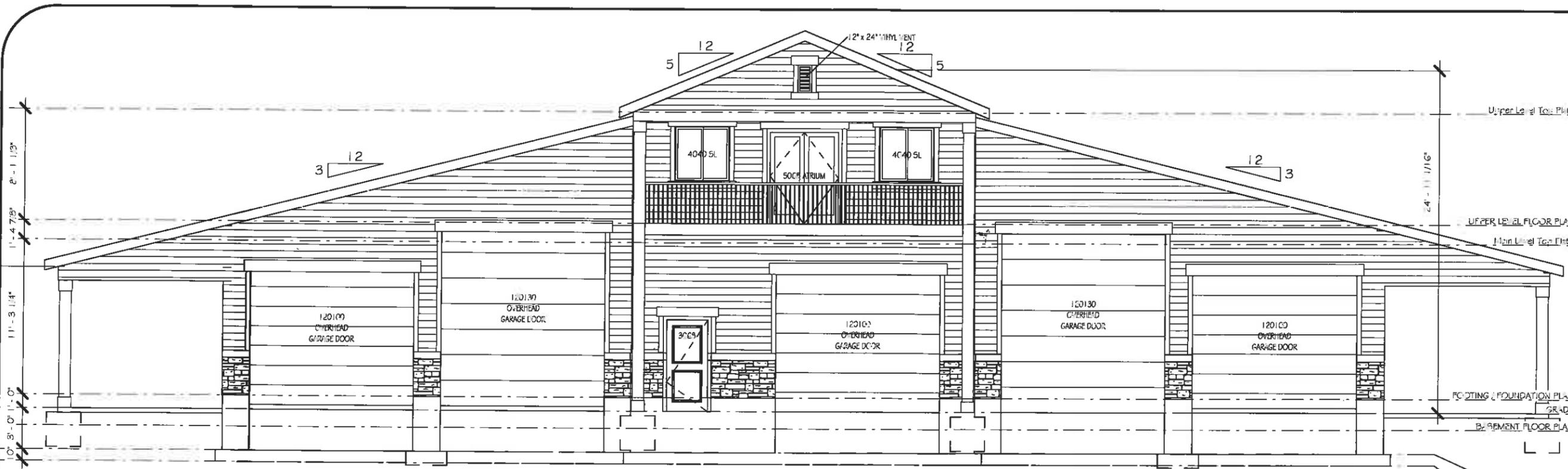
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DB Author CB

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61 S. 700 E.
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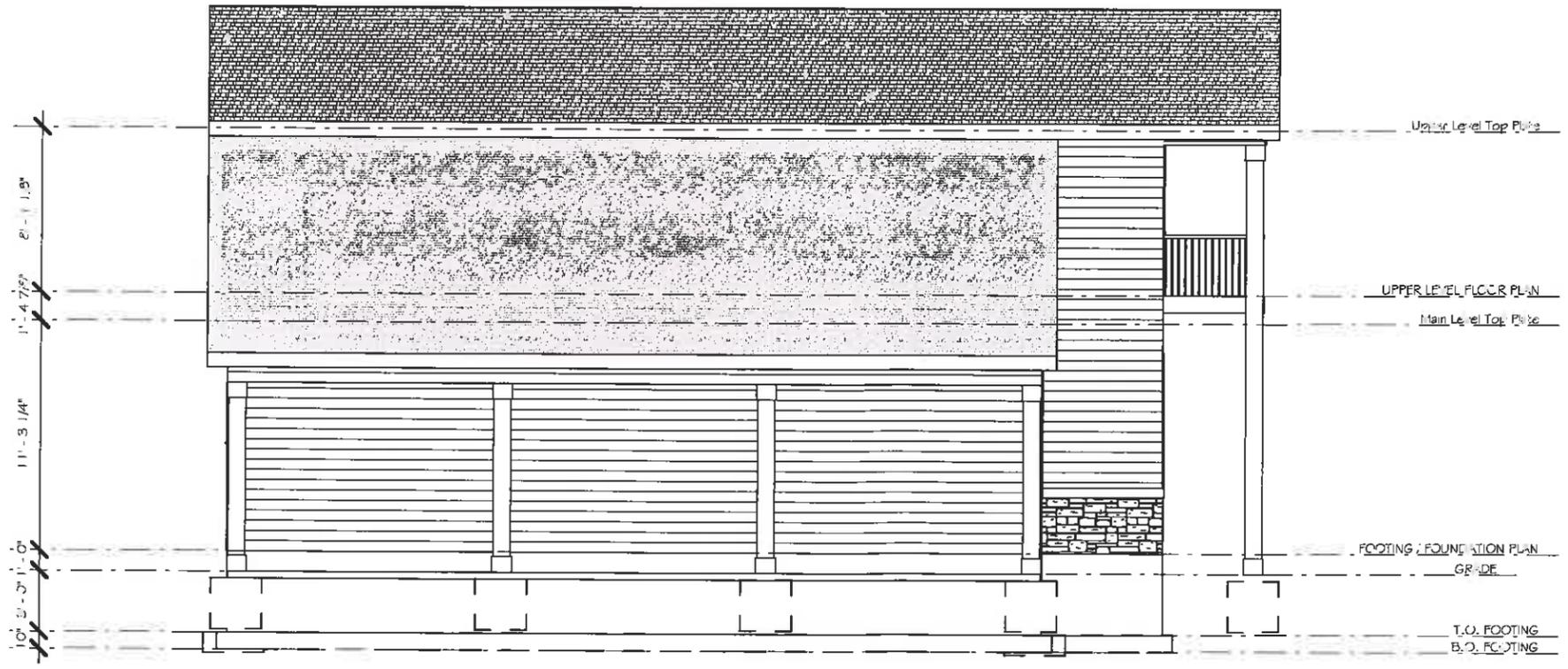
RESIDENCE FOR:
PAUL ALLEN
Allen Garage
307 S 1100 St
Farmington UT

Upper Level Floor Plan	A1.3
Issue Date	
As indicated	



2 FRONT ELEVATION
1/8" = 1'-0"

EXTERIOR WALL FINISHED MUST
BE LISTED, LABELED, & INSTALLED
AS PER THE MANUFACTURER. ALL INSTALLERS
MUST BE APPROVED BY THE MANUFACTURER



3 LEFT ELEVATION
1/8" = 1'-0"

GENERAL NOTES

NOTES:

- 1) ALL EXTERIOR STAIRS AND STEPS WITH MORE THAN 3 RISERS SHALL HAVE A HANDRAIL PLACED NOT LESS THAN 34" NOR MORE THAN 36" ABOVE THE STAIR NOSING.
- 2) ALL OPEN SIDES OF STAIRS AND BALCONIES WHICH ARE MORE THAN 30" ABOVE GRADE SHALL BE PROTECTED BY A GUARDRAIL NOT LESS THAN 36" HIGH AND SHALL HAVE INTERMEDIATE RAILS AT 4" MAX. SPACING.
- 3) BRICK OR STONE VENEER SHALL HAVE CORROSION RESISTANT ANCHOR TIES OF NOT LESS THAN 22 GA. x 3/4" No. 9 GA. WIRE SPACED NOT MORE THAN 16" o.c. HORIZONTAL AND 18" o.c. VERTICAL. ANCHOR TIES SHALL HAVE A UP OR HOOK ON THE EXTENDED LEG THAT WILL ENGAGE OR ENCLOSE THE No. 9 GA. HORIZONTAL JOINT REINFORCEMENT WIRE.
- 4) NET FREE VENTILATING AREA TO BE 1/300th OF TOTAL ATTIC AREA w/ MORE THAN 50% OF IT IN THE UPPER PORTION OF THE ATTIC AND THE REMAINDER TO BE PROVIDED BY EAVE OR CORNICE VENTS, EAVE OR CORNICE VENTS TO HAVE INSULATION DAM.
- 5) ENERGY STUCCO SYSTEM (ECS) #4004.
- 6) ALL WINDOWS TO BE CAULKED & FLASHED.
- 7) ALL EAVES & VALLEYS TO HAVE A MIN. 3" DEPTH OF ICE & WATER SHIELD.
- 8) ALL EAVE & CORNICE OVERHANGS TO BE 1'-0" UNLESS NOTED OTHERWISE.
- 9) MODEL ENERGY CODE REQUIREMENTS:
 - a) WINDOWS = .5 U-VALUE
 - b) EXT. FRAME WALLS = R-15 INSULATION
 - c) ROOFS = R-30 INSULATION
 - d) EXT. BENT WALLS = R-13 INSULATION
 - e) FLS OVER UNHEATED SPACES = R-19 INSULATION
 - f) FLS OVER OUTSIDE AIR = R-30 INSULATION
- 10) INSULATION DEPTH MARKERS REQUIRED AT 300 P.O. FT. INTERVALS MAXIMUM.
- 11) 26 GAUGE FLASHING REQ. FROM FOUNDATION UP THE 1ST 3 COURSES & 3/16" WEEP HOLES AT 33" o.c. AT ALL MASONRY VENEER.

PEAK PRECISION DESIGN INC. MAINTAINS THE INTELLECTUAL RIGHTS TO THIS PROPERTY. ALL RIGHTS RESERVED. THESE PLANS MAY NOT BE REPRODUCED FOR CONSTRUCTION OF ANY BUILDING OTHER THAN THE ONE FOR WHICH THESE PLANS WERE ISSUED / SUBMITTED. ANY SUCH USE VIOLATES AN UNAUTHORIZED USE OF COPYRIGHTED MATERIAL. THESE PLANS SHALL NOT BE REPRODUCED OR COPIED WITHOUT THE EXPRESSED AND WRITTEN CONSENT OF PEAK PRECISION DESIGN INC. UNDER PENALTY OF PROSECUTION.

DB	Author	CB
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Peak Precision Design

61 S. 700 E.
Bountiful, UT 84010
PHONE: (801) 784-0411
EMAIL: peakplans@gmail.com

RESIDENCE FOR:
PAUL ALLEN

Allen Garage
377 S 1100th
Farmington UT

Front & Side Elevations	A2.1
Issue Date	
As indicated	



Planning Commission Staff Report April 20, 2017

Item 6: Farmington City Water Tank CUP

Public Hearing:	Yes
Application No.:	C-9-17
Property Address:	Approximately 500 East and 200 North
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	LR-F (Large Residential - Foothill)
Area:	1.34 Acres
Number of Lots:	1
Property Owner:	Farmington City
Agent:	Farmington City

Request: *Applicant is requesting a conditional use permit to build a water tank.*

Background Information

Farmington City has plans to build a water tank above the Residences at Farmington Hills Subdivision, at approximately 200 North and 500 East. Currently there is an existing tank on the site, but it does not have the necessary capacity to meet the growing demands of Farmington; this tank will be abandoned and demolished to make way for the larger tank. Additionally, the Spencer Reservoir Tank on Woodland Drive is being abandoned and removed, because it has structural issues and sits on a fault line; the proposed new tank will also take on the capacity lost from this structure.

Section 11-11-030 of the Zoning Ordinance lists Public Uses as conditional uses in the LR zone. As part of the Residences at Farmington Hills Subdivision, the developer of that project (Jerry Preston) has agreed to provide access and all necessary easements for the construction and continued maintenance of the tank. The property is desirable for a tank because it is at a high point in the City and development cannot occur to the east as it abuts US Forest Service property, and because there is an existing tank on the property which the City already owns in fee title. There are two points of access, one from below which is being provided by Jerry Preston, and one from above via the fire break road.

Suggested Motion:

Move that the Planning Commission approve the conditional use subject to all applicable codes, development standards and ordinances.

Finding for Approval:

1. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
2. The proposed use is necessary in meeting the demand for water due to the growth of the City.
3. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use;
4. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
5. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development as it will be a much needed upgrade to the facilities that are currently existing in the area;
6. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation;
7. The proposed use is replacing the capacity for two similar facilities, one because it is undersized and one because it is structurally unsound and sits on a fault.

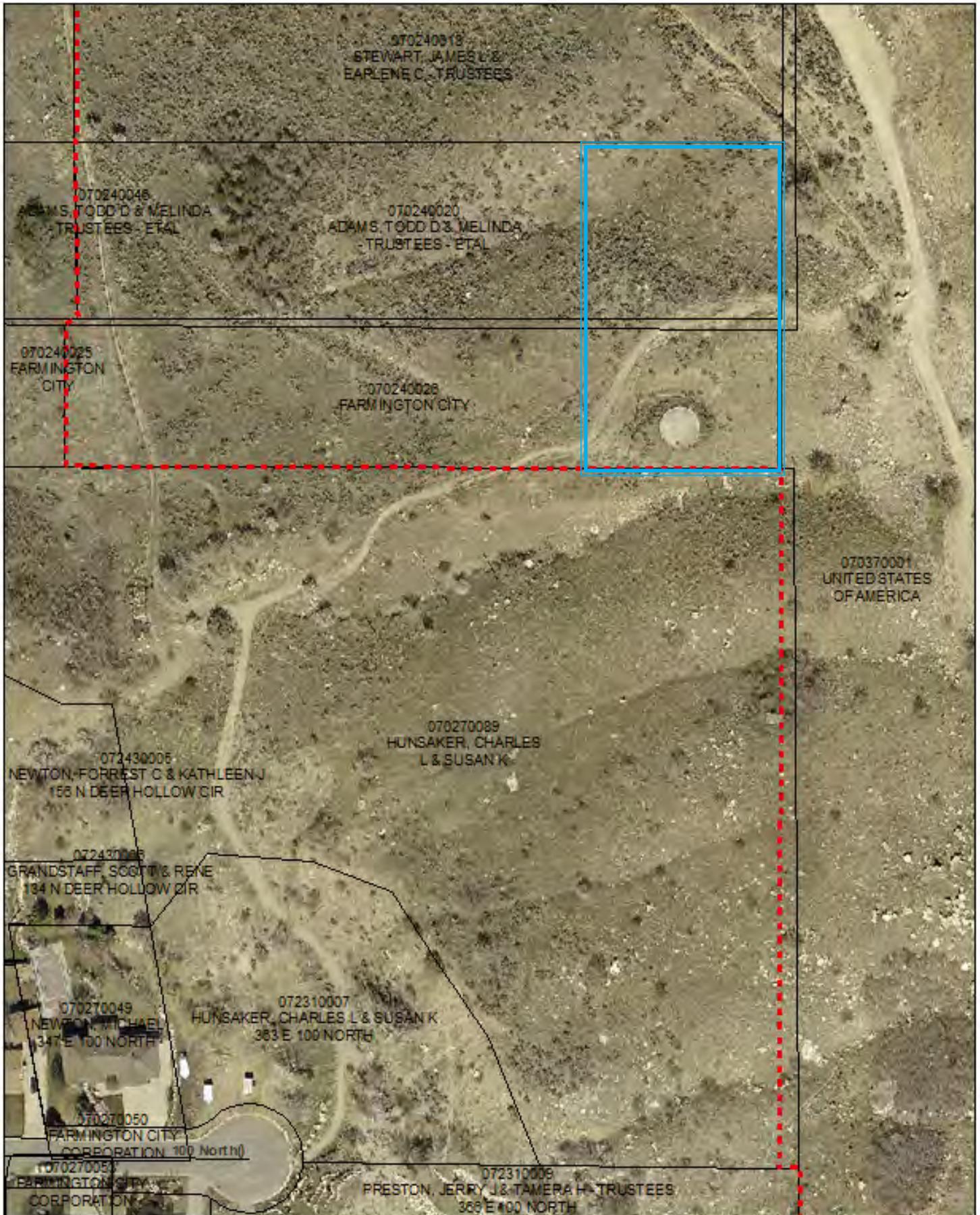
Supplemental Information

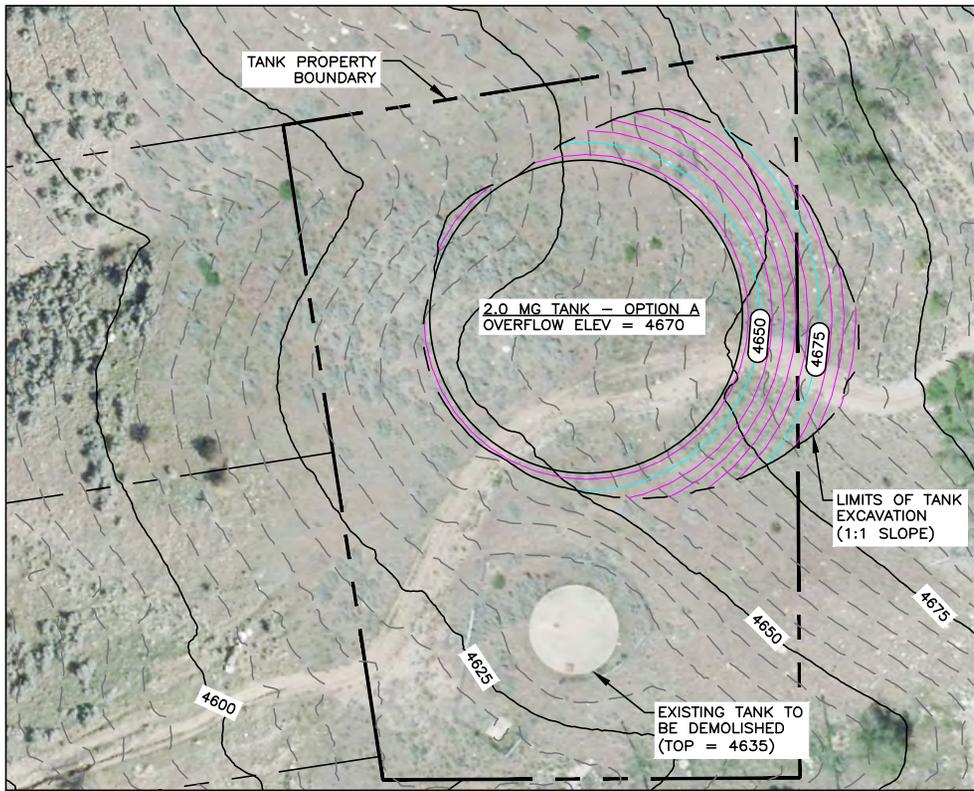
1. Vicinity Map
2. Site Plan
3. Residences at Farmington Hills Subdivision Plat

Applicable Ordinances

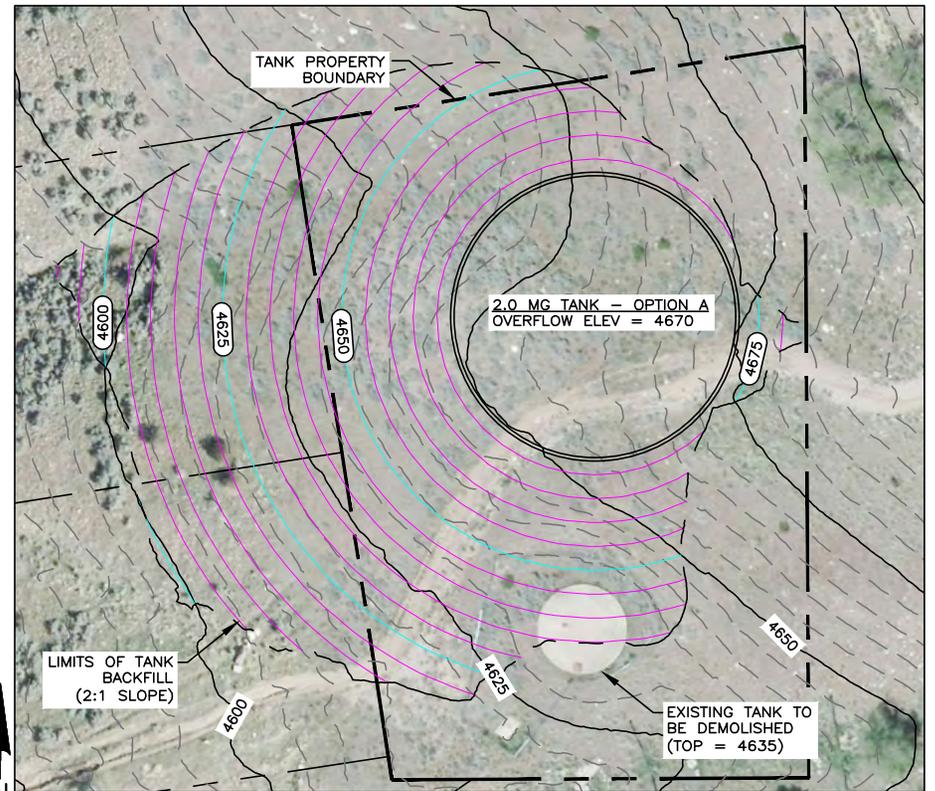
1. Title 11, Chapter 17 – Original Townsite Residential

Farmington City

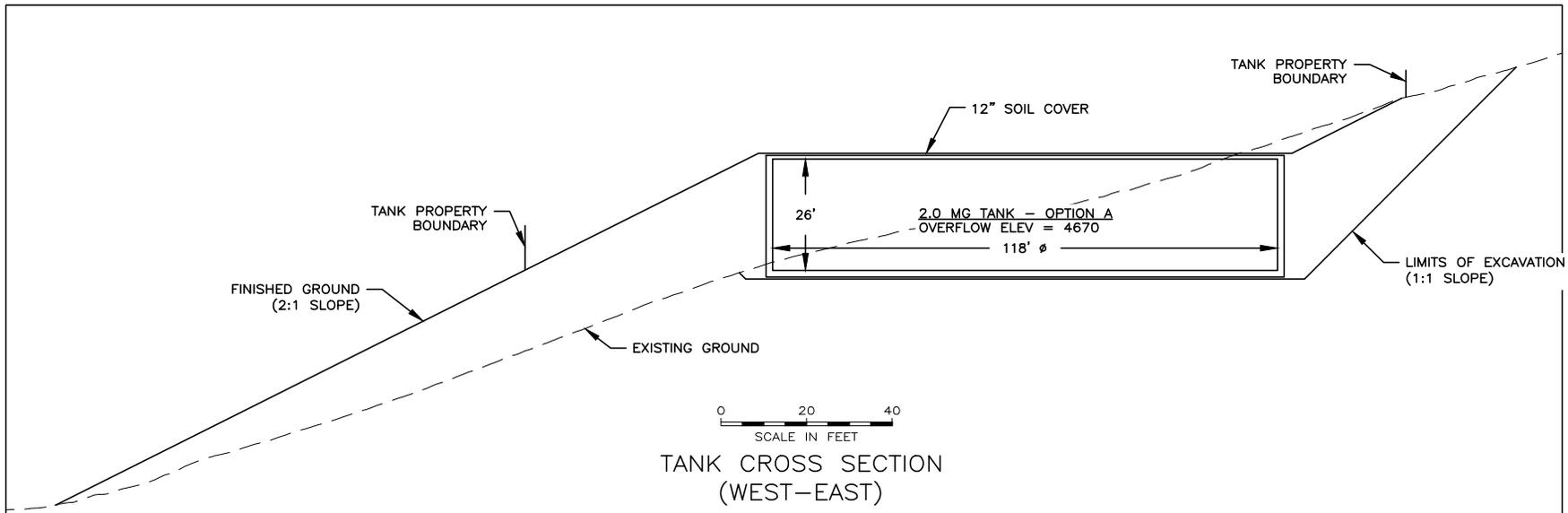
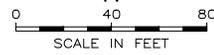




TANK EXCAVATION



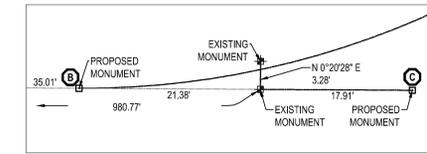
TANK BACKFILL



2.0 MG TANK — OPTION A

RESIDENCES AT FARMINGTON HILLS SUBDIVISION

LOCATED IN THE SOUTHWEST QUARTER
OF SECTION 19
TOWNSHIP 3 NORTH, RANGE 1 EAST
SALT LAKE BASE AND MERIDIAN
FARMINGTON CITY, DAVIS COUNTY, UTAH

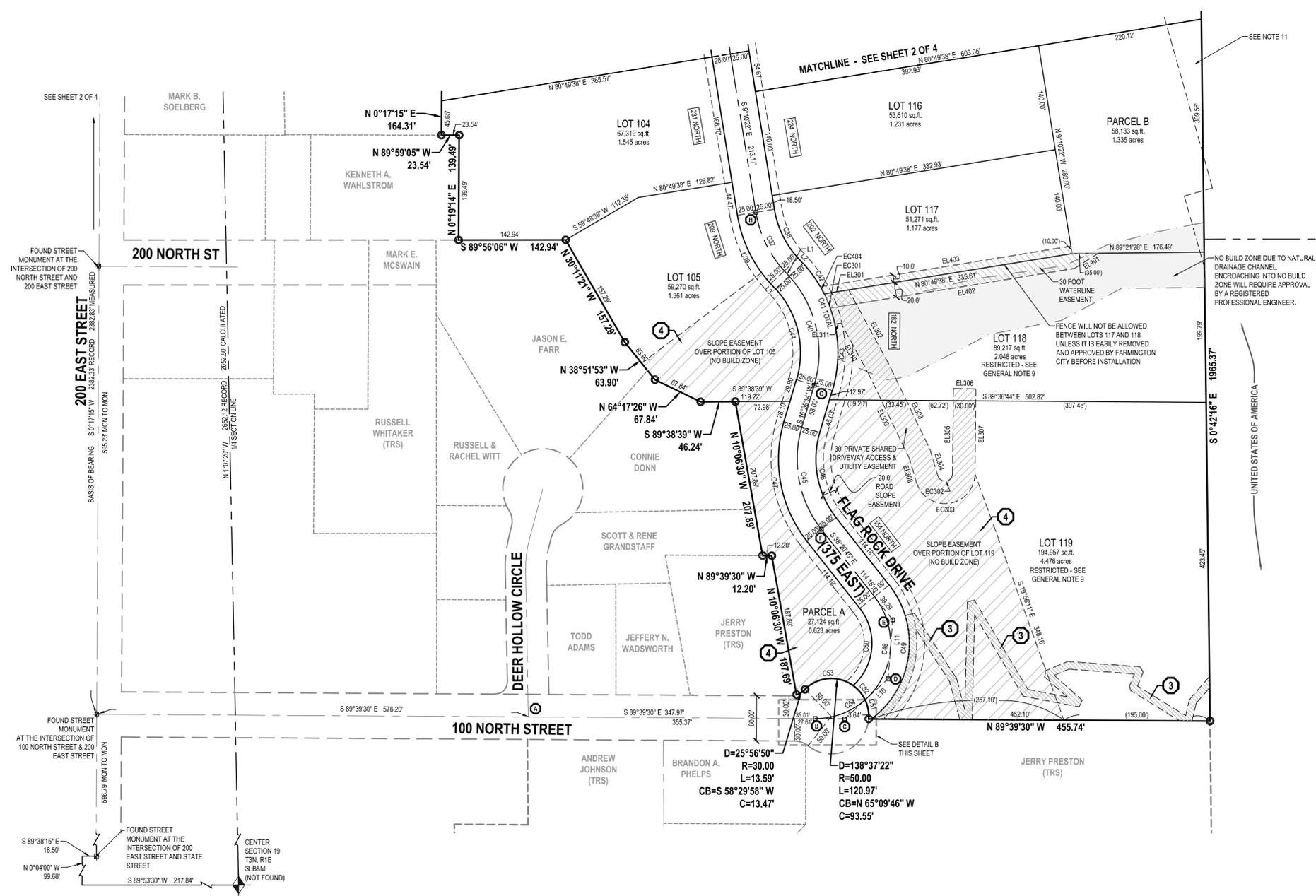
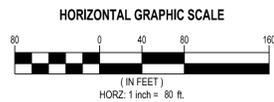
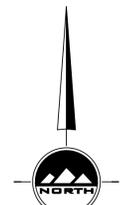


DETAIL B
SCALE: 1"=10'

LEGEND

- SECTION CORNER
- WITNESS CORNER
- EXISTING STREET MONUMENT
- PROPOSED STREET MONUMENT
-
- PUBLIC UTILITY EASEMENT
- EASEMENTS
 - 1 NO BUILD ZONES
 - 2 FUTURE ROAD EXTENSION EASEMENT
 - 3 10' TRAIL EASEMENT
 - 4 SLOPE EASEMENT
 - 5 DETENTION POND EASEMENT

NOTE: TRAIL EASEMENT IS A REPRESENTATION ONLY. THE TRAIL HAS NOT BEEN CONSTRUCTED AND WILL BE CONSTRUCTED IN THE BEST LOCATION FOR THE TRAIL BASED UPON EXISTING TERRAIN. THE ACTUAL TRAIL EASEMENT WILL BE THE TRAIL LOCATION ONCE CONSTRUCTED.



ENSIGN
LAYTON
1485 W. Hillfield Rd. Ste 204
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Phone: 801.547.1100
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SALT LAKE CITY
Phone: 801.255.0209
TOKOHEA
Phone: 435.443.3590
CEDAR CITY
Phone: 435.865.1453
RICHFIELD
Phone: 435.898.2983

RESIDENCES AT FARMINGTON HILLS SUBDIVISION

DEVELOPER JPC CONTRACTING P.O. BOX 980 FARMINGTON, UTAH 84025 801-451-6525	DAVIS COUNTY RECORDER ENTRY NO. _____ FEE _____ PAID _____ FILED FOR RECORD AND RECORDED THIS _____ DAY OF _____ 20____ AT _____ IN BOOK _____ OF OFFICIAL RECORDS PAGE _____
SHEET 4 OF 4 PROJECT NUMBER: L2162 MANAGER: C.PRESTON DRAWN BY: M.ELMER CHECKED BY: K.RUSSELL DATE: 12/29/16	DAVIS COUNTY RECORDER BY _____ DEPUTY RECORDER



Planning Commission Staff Report April 20, 2017

Item 7: Miscellaneous Zoning Ordinance Amendments

Public Hearing:	Yes
Application No.:	ZT-2-17
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Applicant:	Farmington City

Request: *Applicant is requesting a recommendation of approval of amendments to the Zoning Ordinance.*

Background Information

The proposed text amendments to Chapters 2, 10, 11, 13, 15, 17, 18, 28, 31, and 32 of the Zoning Ordinance are as follows: **a)** Amending Section 11-2-020, redefining secondary dwelling units requiring the property owner to live on-site; **b)** Amending Sections 11-10-020, 11-11-020/030, 11-13-020/030, 11-15-020/030, and 11-17-020/030 removing residential facilities for the handicapped from the list of conditional uses and making them a permitted use; **c)** Allowing for financial institutions to have drive-up windows in the mixed use district, and removing special use review and replacing it with special exception as set forth in Section 11-18-050(b); **d)** Updating Section 11-28-190 (Table 1) adding mixed use districts to the summary of permitted and conditional uses; **e)** Amending Section 11-28-200 regulating secondary dwelling units; **f)** Amending Section 11-31-040 designating the storm water official as the flood plain administrator; **g)** Amending Section 11-32-040 allowing for parking reductions to be approved by the Planning Commission as part of site plan approval.

a) Amending Section 11-2-020, redefining secondary dwelling units requiring the property owner to live on-site.

Recently, there has been an increase in accessory dwelling unit and secondary dwelling unit applications; these are beneficial as it helps increase the use of a property and increases density without adding rooftops, and allows for more affordable housing options for both young adults and seniors who may wish to age in place. In reviewing these applications, the Planning Commission has had some issues with the clause in the definition of these two uses that precludes the transfer of this conditional use

with the sale of the property. Staff is recommending removal of this clause through the following amendment:

11-2-020: DEFINITIONS OF WORDS AND TERMS:

.....

DWELLING, ACCESSORY: A dwelling unit within an accessory building which is subordinate to a single-family dwelling located on the same lot and which, together with the single-family dwelling, is used exclusively for the occupancy of one family. A maximum of one accessory dwelling shall be allowed per lot and no rent or other compensation may be charged for occupants of the accessory dwelling. ~~No conditional use permit issued for an accessory dwelling shall be assignable or transferable upon sale of the lot or otherwise, and the conditional use permit shall expressly state such termination of the permit upon the sale or transfer of the property.~~ Any conditional use permit issued hereunder shall be recorded with the Davis County recorder's office.

DWELLING, MULTIPLE-FAMILY: A detached building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: An attached or detached building designed for the occupation exclusively by one family.

DWELLING, TWO-FAMILY: A detached building containing two (2) dwelling units.

DWELLING UNIT: One or more rooms connected together, but structurally divided from all other rooms in the same building and constituting a separate independent housekeeping unit which may be used for permanent residential occupancy by humans, with facilities for such humans to sleep, cook and eat.

DWELLING UNIT, SECONDARY: A second dwelling unit within a single-family dwelling which is accessory to the single-family dwelling and which is an architectural and integral part of a single-family dwelling. **A maximum of one secondary dwelling unit shall be allowed per home, and the owner shall live on-site.**

b) Amending Sections 11-10-020, 11-11-020/030, 11-13-020/030, 11-15-020/030, and 11-17-020/030 removing residential facilities for the handicapped from the list of conditional uses and making them a permitted use.

This issue came up recently when the City had an application for a mental health treatment facility on 200 East. Under the current ordinance, the applicant went through a conditional use permit process, but staff, advised by the City Attorney discovered that our ordinance was out of compliance with federal law. The Fair Housing Act requires that residential facilities for the handicapped (defined as protected classes under the American with Disabilities Act) must be treated the same as a single family residential use. In those zones where single family residential is a permitted use, but where residential facilities are listed as conditional uses, staff is recommending that the ordinance be amended and brought into conformity with federal law as follows:

CHAPTER 10 – AGRICULTURE ZONES

11-10-020: SCHEDULE OF USES:

The following table identifies permitted uses by the letter "P" and conditional uses by the letter "C". The letter "X" indicates that the use is not allowed. Uses not listed shall not be allowed, except as provided in subsection [11-4-050F](#) of this title:

Use	Agricultural Zones		
	AA	A	AE
Accessory dwellings	C	C	C
Accessory living quarters	C	X	X
Agriculture	P	P	P
Boarding kennel	X	C	X
Class A animals (small animals)	P	P	P
Class B animals (large animals)	P	P	P
Class C animals (commercial farming)	P	P	C
Class D animals (dangerous animals)	X	X	X
Commercial outdoor recreation, minor (i.e., family reunion center, outdoor reception facilities, equestrian facilities, picnic grounds, tennis courts, etc.)	C	C	C
Daycare, preschool	X	C	C
Fruit and vegetable stands for sale of produce grown on the premises	P	P	P
Greenhouse/garden center (retail or wholesale) less than 5 acres	C	C	C
Home occupations complying with provisions of the home occupation chapter of this title, except as specified in section 11-35-040 of this title	P	P	P
Home occupations specified in section 11-35-040 of this title	C	C	C
Private school, public school or hospital	X	C	C
Public uses	X	C	C
Public utility installations (not including lines and rights of way)	C	C	C
Quasi-public uses	X	C	C
Radio, television and telephone transmission and relay towers and facilities, except as specified in section 11-28-190 of this title	C	C	C

Residential facilities for the elderly	X	C	C
Residential facilities for the handicapped	X P	C P	C P
Secondary dwelling	C	C	C
Signs complying with title 15 of this code	P	P	P
Single-family dwelling	P	P	P
Sportsman's kennel (3 to 5 dogs for noncommercial use)	C	C	C
Trails and parks	C	C	C
Uses customarily accessory to a listed conditional use	C	C	C
Uses customarily accessory to a listed permitted use	P	P	P
Veterinary clinic	C	C	C

(Ord. 2014-07, 3-4-2014)

CHAPTER 11 – SINGLE FAMILY RESIDENTIAL ZONES

11-11-020: PERMITTED USES:

The following are permitted uses in all single-family residential zones. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Agriculture.

Class A animals.

Class B animals (except in the R zone).

Home occupations complying with the home occupation chapter of this title, except as specified in section [11-11-030](#) of this chapter.

Residential facilities for the disabled.

Signs complying with [title 15](#) of this code.

Single-family residential dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 1999-20, 4-21-1999)

11-11-030: CONDITIONAL USES:

The following are conditional uses in all single-family residential zones. No other conditional uses are

allowed, except as provided by subsection [11-4-050F](#) of this title:

Dwelling, accessory (except in the R zone).

Dwelling, secondary (except in the R zone).

Home occupations as identified in section [11-35-040](#) of this title.

Private school or hospital.

Public uses.

Public utility installations (except lines and rights of way).

Quasi-public uses.

~~Residential facilities for the disabled.~~

Residential facilities for the elderly. (Ord. 2014-07, 3-4-2014)

CHAPTER 13 – MULTI FAMILY ZONES

11-13-020: PERMITTED USES:

The following are permitted uses in multiple-family residential zones. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Agriculture.

Class A animals.

Home occupations complying with the home occupation chapter of this title, except as specified in section [11-13-030](#) of this chapter.

~~Residential facilities for the disabled.~~

Signs complying with [title 15](#) of this code.

Single-family dwellings.

Two-family dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 1993-44, 12-8-1993)

11-13-030: CONDITIONAL USES:

The following are conditional uses in multiple-family residential zones. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Apartment dwelling group.

Class B animals.

Class D animals.

Daycare center.

Dwelling, accessory (only in the R-2 zone).

Dwellings, five- to eight-family in R-8 zone only (may exceed density standard established by section [11-13-040](#) of this chapter as approved by the planning commission up to a maximum density of 15 dwelling units per acre).

Dwellings, four-family (R-4 and R-8 zones only).

Dwellings, three-family (R-4 and R-8 zones only).

Greenhouses, private with no retail sales.

Home occupations, as identified in section [11-35-040](#) of this title.

Private school or hospital.

Professional offices (except in R-2 zones).

Public uses.

Public utility installations (except lines and rights of way).

Quasi-public uses.

Residential facilities for the elderly.

~~Residential facilities for the handicapped.~~

Secondary dwelling unit.

Temporary uses. (Ord. 2016-23, 2-16-2016)

CHAPTER 15 – BR ZONE

11-15-020: PERMITTED USES:

The following are permitted uses in the BR zone subject to site development review. No other permitted uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Residential facility for the disabled.

Single-family dwelling.

Two-family dwelling. (Ord. 2014-40, 12-16-2014)

11-15-030: CONDITIONAL USES:

The following are conditional uses in the BR zone. No other conditional uses are allowed, except as provided by subsection [11-4-050F](#) of this title:

Athletic/fitness center.

Business and professional offices.

Convenience store (sale of grocery items, nonprescription drugs and/or gasoline from building with less than 5,000 square feet gross floor area).

Daycare, preschool, that are not home occupations.

Fast food establishments, attached (walk in service only, no exterior walk up or vehicle drive-through service).

Financial institutions, excluding nonchartered financial institutions, as defined in section [11-2-020](#) of this title.

Funeral home.

Greenhouse/garden center (retail or wholesale).

Hotels, motels and bed and breakfasts, all not to exceed five thousand (5,000) square feet in size.

Mixed use development, as defined in section [11-18-030](#) of this title.

Museums.

Neighborhood grocery (grocery store not exceeding 15,000 square feet in gross floor area).

Neighborhood service establishments (low impact retail and service uses, such as bakery, bookstore, dry cleaning, hairstyling, pharmacy, art supply/gallery, craft store, photocopy center, etc.).

Pet store or pet grooming establishment.

Public and quasi-public uses, except the following prohibited uses: correctional/detention facilities, halfway houses, drug or alcohol rehabilitation facilities, facilities for the treatment or confinement of the mentally ill, homeless shelters, domestic violence shelters, and other similar facilities, including those which may allow or require that clients stay overnight or longer.

Reception center.

~~Residential facility for the disabled.~~

Residential facility for the elderly.

Restaurant (traditional sit down).

Small auto dealership.

Temporary uses as set forth in subsection [11-28-120](#)H1 of this title. (Ord. 2016-23, 2-16-2016)

CHAPTER 17 – OTR ZONE

11-17-020: PERMITTED USES:

The following are permitted uses in the OTR zone. No other permitted uses are allowed, except as provided by subsection [11-4-050](#)F of this title:

Agriculture.

Class A animals.

Class B animals (as provided herein).

Home occupations complying with the provisions of section [11-35-030](#) of this title.

Residential facility for the disabled.

Single-family dwellings. (Ord. 2007-18, 3-6-2007)

11-17-030: CONDITIONAL USES:

The following are conditional uses in the OTR zone. No other conditional uses are allowed, except as provided by subsection [11-4-050](#)F of this title:

Class D animals.

Daycare center.

Dwelling, accessory.

Dwelling, secondary.

Greenhouses, private with no retail sales.

Home occupations requiring a conditional use permit under section [11-35-040](#) of this title.

Private school.

Public uses (as provided herein).

Public utility installations, except lines and rights of way (as provided herein).

Quasi-public uses (as provided herein).

Residential facilities for the elderly.

~~Residential facilities for the handicapped.~~ (Ord. 2014-07, 3-4-2014)

c) Allowing for financial institutions to have drive-up windows in the mixed use district, and removing special use review and replacing it with special exception as set forth in Section 11-18-050(b).

Recently the Planning Commission and City Council directed staff to amend Chapter 18 to allow for financial institutions to have drive-thrus in the mixed use district. This came up because of the Mountain America Credit Union application near Cabela’s. Staff is not sure how financial institutions were ever excluded from having drive-thrus in the first place, but it was likely an oversight. Under the recommended amendment, staff is suggesting that financial institutions be removed from the RMU zone, as there is little area of this zone remaining as is, and the intention of this zone is to be residential, not commercial. Likewise, the TMU zone is close to build-out and the intent of this zone was to be as walkable as possible, and drive-thru windows should be discouraged unless achieved through Section 140 and the memorialization of a development agreement, like Park Lane Commons and Station Park. Additionally, to staff’s knowledge, there is no set definition of what the special use review process is, nor what it involves. Because of the ambiguity of the term “special use review by the Planning Commission”, staff feels it prudent to amend that wording at the bottom of the Chapter 18 Use Table to Special Exception. Staff is recommending the amendment as follows:

11-18-050: USES:

- A. Uses allowed in the TOD area are identified in table 18.3, "Allowable Land Uses", of this section. A development parcel may have more than one main building or dwelling, however each main building shall have its own zone lot.
- B. More than one permitted use may be located on a development parcel and within a building (refer to "mixed use" and "development parcel", as defined herein).

TABLE 18.3
ALLOWABLE LAND USES

Key to allowable uses:
P - Permitted
N - Not permitted

	Mixed Use Districts				
	OS	RMU	OMU	GMU	TMU
Residential:					
Low density residential - single-family detached minimum of 5,000 square feet lot size	N	P	N	N	N

Medium density residential - single-family small lots and attached units or townhomes/condominiums limited to duplexes, triplexes, fourplexes, fiveplexes, or sixplexes	N	P	N	P	P
High density residential - condominium and apartment style	N	N	N	P	P
Live/work residential	N	P	N	P	P
Residential facilities for people with disabilities	N	P	P	P	P
Assisted living facilities	N	P	P	P	P
Residential facilities for the elderly	N	P	P	P	P
Commercial:					
Art studio	N	P	P	P	P
Business, professional offices, outpatient medical facilities	N	P	P	P	P
Entertainment	N	N	N	P	P
Financial institutions (with the exception of nondepository institutions)	N	P N	P ¹	P ¹	P
Fitness and recreation facilities	N	P	P	P	P
Hospitals, inpatient medical facilities	N	N	P	P	P
Lodging - bed and breakfast	N	P	N	P	P
Lodging, limited to hotel, motel	N	N	P	P	P
Neighborhood service establishments ³	N	P ¹	P ¹	P	P ¹
Restaurant - fast food	N	P ¹	P	P	P ¹
Restaurant - traditional sit down	N	P	P	P	P
Retail and wholesale sales individual tenant use:					
Up to 5,000 square feet	N	P	P	P	P
Greater than 5,000 square feet and up to 20,000 square feet	N	N	P	P	P
Vehicle service/convenience store (including gasoline sales but no auto repair)	N	N	P	P	P
Accessory buildings that do not in aggregate have a	N	P	P	P	P

footprint greater than 25 percent of the main building(s) on a development parcel					
Parking structure	N	N	P	P	P
Civic uses:					
Government - no point of service; no offices dealing directly or on a limited basis with the public (e.g., public works yards, etc.)	N	N	N	N	N
Parks and open space	P	P	P	P	P
Schools:					
Preschool, daycare	N	P ¹	P	P	P
Primary, secondary, colleges, and vocational	N	P	P	P	P
Service and fraternal clubs and organizations, and religious institutions	N	P	P	P	P
Transit and related transportation facilities (not including benches and bus stop signs)	N	N	P ²	P ²	P ²

Restrictions:

1. Drive up window/drop off lane allowed only with special **exception use** review by the planning commission **as set forth in Section 11-3-045 of this title**. No additional curb cut shall be added to accommodate the drive up/drop off lane.
2. Benches and bus stops are permitted, with development standards as noted in section 11-18-110 of this chapter.
3. Neighborhood service establishments: Low impact retail and personal service uses such as bakery, bookstore, dry cleaning, hairstyling, pharmacy, art supply/gallery, craft store, photocopy center, corner market (with no gas pumps).

(Ord. 2014-07, 3-4-2014; amd. Ord. 2014-18, 6-3-2014; 2016 Code; Ord. 2017-05, 2-7-2017)

d) Updating Section 11-28-190 (Table 1) adding mixed use districts to the summary of permitted and conditional uses.

Currently the zoning ordinance requires that all Class “A” Self Storage cannot have steel panels on the building. It is unclear what constitutes a steel panel, and if corrugated steel is included as a material not allowed, and the ordinance states “should” instead of “shall”; this language leaves a lot of room for interpretation and is ambiguous. Staff feels because it is unclear and there is a lot of nice and high-end architecture using corrugated steel in their designs, that not allowing this to be used as a building material is far too restrictive. Moreover, the City has had an application by Cubes Self Storage that has corrugated steel on its exterior and in staff’s opinion, the steel is a nice architectural feature and detail.

Because of the lack of clarity in this section of the ordinance, staff is not sure whether to include corrugated steel as a steel panel and wants to remove this requirement from the ordinance.

11-28-190: WIRELESS TELECOMMUNICATIONS FACILITIES:

TABLE 1
SUMMARY OF PERMITTED AND CONDITIONAL USES

Key:

N = Not Permitted

P = Permitted

C = Conditional use

! = Allowed only on nonresidential structures

= Allowed only on school, church, or other institutional uses, if disguised

Zone District	Wall Mounted Antenna	Roof Mounted Antenna	Monopoles <2 Ft. Structure <60 Ft. Tall Or Maximum Height For District, If Less	Monopoles <2 Ft. Structure >60 Ft. Tall Or Exceeding Maximum Height For District	Monopoles >2 Ft. Structure <60 Ft. Tall Or Maximum Height For District, If Less	Monopoles <2 Ft. Structure >60 Ft. Tall Or Exceeding Maximum Height For District	Small Cell Network, DAS And Similar Networks
A	C!	C!	C	C	C	C	C#
AE/AA	C!	N	C#	N	N	N	C#
R	C!	N	C#	N	N	N	C#
LR	C!	N	C#	N	N	N	C#
S	C!	N	C#	N	N	N	C#
LS	C!	N	C#	N	N	N	C#
R-2	C!	N	C#	N	N	N	C#
R-4	C!	N	C#	N	N	N	C#
R-8	C!	N	C#	N	N	N	C#
BP	P	P	P	C	C	C	P
BR	C!	C!	C#	C	N	N	C#

C	P	P	P	C	C	C	P
B	C!	N	C#	N	N	N	C#
C-H	C!	P!	P	C	C	C	P
C-R	P	P	P	C	C	C	P
MU	P	P	C	N	C	N	P

Note: The Permitted and Conditional Uses described in Table 1 for the MU (Mixed Use) Zone District includes the following zones: CMU, NMU, RMU, GMU, TMU, and OMU. (Ord. 2016-07, 2-16-2016)

e) Amending Section 11-28-200 regulating secondary dwelling units.

Recently the City has had two conditional use applications for secondary dwelling units. Upon review, the Planning Commission discovered a few items that were either out-of-date, inconsistent with the zoning ordinance, or incompatible with the intent of Section 11-28-200. Among these issues were the limiting of SDUs to the OTR zone when many other zones already allow for SDUs through a conditional use review, such as all zones covered by Chapters 10, 11, 13, and 17. Additionally, the Planning Commission felt that the vested rights granted to an SDU through conditional use review should run with the property and not the owner.

11-28-200: SECONDARY DWELLING UNITS:

Secondary dwelling units may be allowed as a permitted or conditional use in various zones as designated in this title.

A. Purpose: The purposes of this section and any rules, regulations, standards and specifications adopted pursuant hereto are:

1. Minimal Impacts: To accommodate such housing in ~~original townsites~~ residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.
2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, building code violations and associated decline in quality of ~~single-family~~ residential neighborhoods.
3. Terms And Conditions: To set forth standardized terms and conditions for secondary dwellings and procedures for review and approval of the same.

B. Conditional Use Permit: Secondary dwellings may be permitted as a conditional use in ~~the OTR~~ **any designated zone in this title**. Applications for a secondary dwelling shall be submitted and reviewed as a conditional use permit in accordance with [chapter 8](#) of this title.

C. Standards: The following standards and conditions shall apply to all secondary dwellings, in addition to any terms and conditions of approval as imposed by the planning commission during the conditional use permit process:

1. Location: A secondary dwelling shall only be allowed as part of a single-family dwelling and shall be secondary and subordinate to such single-family dwelling.
2. Number: A maximum of one secondary dwelling shall be allowed per single-family home. Secondary dwellings shall contain no more than one dwelling unit.
3. Parking: At least one off street parking stall shall be provided for the secondary dwelling. Such parking stall shall be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the city parking standards specified in this title.
4. Utility Metering: No separate utility metering for the secondary dwelling shall be allowed.
5. Design And Character: The secondary dwelling shall be clearly incidental and secondary to the single-family dwelling, there should be no significant alteration to the exterior of the single-family dwelling to accommodate the secondary dwelling and such secondary dwelling shall not adversely affect the residential character of the surrounding neighborhood. A secondary dwelling shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.
6. Size: The secondary dwelling shall be equal to or subordinate in floor area to the remaining floor area occupied by the single-family dwelling.
7. Construction Codes: The secondary dwelling shall comply with all construction, housing and building codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the city building regulations.
8. Occupants: The secondary dwelling shall be occupied exclusively by one family.
9. Ownership: Either the single-family dwelling or secondary dwelling shall be owner occupied.
10. ~~Nontransferable: No conditional use permit issued for a secondary dwelling shall be assignable or transferable upon sale of the single family dwelling or otherwise and the conditional use permit shall expressly state that the permit shall terminate upon the sale or transfer of property.~~
11. Absentee Owner: Temporary absentee property ownership may be allowed due to unforeseen circumstances, such as military assignments, employment commitments, family obligations and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the secondary dwelling and the primary dwelling.

D. Site Development: Upon approval of a conditional use permit for a secondary dwelling, an application for site development shall be submitted in accordance with the provisions of [chapter 7](#) of this title. (Ord. 2002-48, 12-11-2002)

f) Amending Section 11-31-040 designating the storm water official as the flood plain administrator.

Currently, the Zoning Administrator (Dave Petersen) is the designated flood plain administrator by virtue of the ordinance. However, the Storm-water Official (Ken Klinker) is the staff expert on flood plain issues including FEMA, and he already does the majority of the duties required by the position of flood plain administrator, without the official title. The following is the proposed amendment:

11-31-040: DESIGNATION OF THE ~~ZONING~~ FLOOD PLAIN ADMINISTRATOR:

The ~~zoning administrator~~ storm-water official, or his or her designee (hereafter administrator), is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions and performing all other duties as provided herein. (Ord. 2007-34, 7-17-2007)

g) Amending Section 11-32-040 allowing for parking reductions to be approved by the Planning Commission as part of site plan approval.

Chapter 32 of the Zoning Ordinance regulates off-street parking standards, and requires that a reduction in parking go through the Board of Adjustments as a “variance”. However, the reduction is not really a variance, and the normal standards for a variance, i.e. establishing a hardship, do not apply to a parking reduction. Staff feels that making a parking reduction approvable through the normal conditional use permit and/or site plan application review process not only streamlines the overall approval process for a project application, it puts the oversight with the proper authority and ties it to site plan rather than a variance.

11-32-030: GENERAL PROVISIONS:

- A. Off Street Parking Space Required: The minimum off street parking spaces as outlined in this chapter, along with adequate provisions for ingress and egress by standard size automobiles and adequate loading facilities, shall be provided for any use of land or main building or structure in the city. These facilities shall be provided at the time the use is established or the building erected; or at the time the building or structure is enlarged, altered, converted or changed in use, or moved. If more than one use is located on a site, the number of off street parking and loading spaces provided shall be equal to the sum of the requirements for each use.
- B. Location Of Off Street Parking: Parking areas as required by this chapter shall be located on the same lot as the main building or structure. However, in cases other than a dwelling where, due to size or location, the required parking cannot be provided on site, it may be located on other property not more than three hundred feet (300') from the nearest point of the main parcel. If off site parking is proposed to meet the minimum requirements of this chapter, a document shall be submitted by the applicant verifying that permission has been granted by the owner of the property on which the parking will be located to use such property.
- C. Required Parking To Be Preserved: Space for off street parking required in connection with an existing building shall not be reduced in the number or size of parking spaces, nor shall it be utilized for any other purpose than off street parking, but shall be preserved in perpetuity as long as the requirement for said off street parking is needed. (Ord. 1994-26, 6-15-1994)

- D. Tandem Parking: Tandem parking shall not be allowed, except for single-family and two-family dwellings. (Ord. 2016-07, 2-16-2016)
- E. Parking In Front Yard: No portion of a required front yard shall be used for parking, except for the paved driveway area. No portion of a required front yard, other than driveways leading to a garage or properly designated parking space, shall be paved or graveled so as to encourage or make possible the parking of vehicles thereon. (Ord. 2010-21, 5-18-2010)
- F. Traffic Study: For developments where the impacts of additional traffic on abutting streets or impacts associated with interior circulation may be critical, a traffic impact study may be required by the city. This study shall be prepared by an engineer specializing in traffic analysis. At the discretion of the city, the traffic study may include, among other things, an analysis of on site circulation, capacities of existing streets, number of additional trips which will be generated, origin/destination studies, peak traffic volumes and movements, the effect of driveways on traffic flow on adjacent streets, and the effect on functional characteristics of intersections due to proximity of driveways.
- G. Joint Use Parking Areas: When two (2) dissimilar uses are located adjacent to each other and the demand for parking in conjunction with those uses would not conflict, the planning commission may authorize the use of such combined facilities requiring the maximum number of parking spaces for the larger use. Joint use of parking areas for similar adjacent uses may be provided as long as the total off street parking spaces is equal to the minimum requirement for each individual use. If the common facilities are located on more than one lot, a covenant for the preservation of the parking facilities must be filed with the city.
- H. Parking Standards For Historic Structures: As part of a site development application, the planning commission may consider and approve a reduction or modification of the standards contained herein for uses proposed in historic structures, providing it can be demonstrated that the standards for such use exceed that which is necessary in the specific case, that congestion on adjacent streets will not be significantly increased, and that by granting such a reduction, the safety and general welfare of the public will not be compromised. For the purpose of this chapter, "historic structure" is defined as a nonresidential building which is over fifty (50) years old and/or which is listed on the national register of historic properties.
- I. Variances: The ~~board of adjustment~~ **Planning Commission** may authorize, ~~on appeal~~ **as part of the standard review of a site plan and/or conditional use permit application**, a reduction in the required parking and loading spaces as described in this chapter upon a finding that in a specific case, the nature of the use or premises, would mitigate the need for the full parking requirement specified in this chapter. Availability of street parking would not be justification for reducing the requirement. (Ord. 1994-26, 6-15-1994)

Suggested Motion:

Move that the Planning Commission recommend approval of the proposed amendments to the Zoning Ordinance as set forth in the April 20, 2017 staff report, subject to all standards of the Farmington City ordinance.

Findings:

- a. The intent of the secondary dwelling unit was to be similar to that of the accessory dwelling unit, which requires that the owner live on-site; this text

amendment is bringing the ordinance into consistency with its original intent. The zone text amendment will also ensure that single family residential zones do not become proliferated with absentee apartment owners.

- b. Moving residential facilities for the disabled from a conditional use to a permitted use in all zones where single family residential are permitted uses will bring the Zoning Ordinance into compliance with federal law, specifically the Fair Housing and American with Disabilities Acts.
- c. Financial institutions are a desirable use in the mixed-use district, as they provide a necessary service, and are low-impact. In order to meet the needs of their clientele, financial institutions require drive-thru windows to function. Amending the use table in Chapter 18 is allowing for this type of use to realistically thrive in the mixed-use district. Additionally, moving the drive-thru windows for financial institutions to special exceptions instead of special use review provides a clear, established, and well-defined mechanism for Planning Commission review. Through the special exception review process, the City still has a degree of oversight in deciding where drive-thru windows are compatible with the intent of the mixed use district and where they are not.
- d. Currently the mixed use zones are not defined under the wireless facility use table; staff has always interpreted these zones as falling under the C zone designation. This zone text amendment explicitly designates the mixed use zones independently of the C zone, and is context sensitive to the intent of the mixed use zones.
- e. Secondary dwelling units are currently relegated to the OTR zone and the vesting granted through the conditional use permit are limited to the current property owner; this amendment updates the ordinance bringing it into conformity with the rest of Title 11 where secondary dwelling units are allowed as conditional uses.
- f. The storm water official already does the majority of the work of the flood plain official; this amendment is codifying this and streamlining the flood plain approval process.
- g. Having to go through a variance approval process by the Board of Adjustments for a parking reduction as currently constituted by Chapter 32 is onerous, particularly when the request is not a variance. Decisions about reductions of parking requirement should be made by the Planning Commission on a case-by-case basis when reviewing a site plan and/or conditional use permit application.

Applicable Ordinances

1. Title 11, Chapter 2 – Definitions
2. Title 11, Chapter 10—Agriculture Zones
3. Title 11, Chapter 11—Single Family Residential Zones
4. Title 11, Chapter 13 – Multiple-Family Residential Zones
5. Title 11, Chapter 15 – Business/Residential Zones
6. Title 11, Chapter 17 – Original Townsite Residential Zone
7. Title 11, Chapter 28 – Supplementary and Qualifying Regulations
8. Title 11, Chapter 31 – Flood Damage Prevention
9. Title 11, Chapter 32—Off-Street Parking, Loading, and Access



Planning Commission Staff Report April 20, 2017

Item 8: Miscellaneous Zoning Ordinance Amendments to Chapter 18

Public Hearing:	Yes
Application No.:	ZT-6-16
Property Address:	NA
General Plan Designation:	NA
Zoning Designation:	NA
Area:	NA
Number of Lots:	NA
Applicant:	Farmington City

Request: *Applicant is requesting a recommendation of approval of amendments to Chapter 18 of the Zoning Ordinance and approval of conceptual land use related thereto.*

Background Information

ZONE TEXT AMENDMENTS

The updates to Chapter 18 of the Farmington City Zoning Ordinance included with this proposal are as follows: **(a)** Amending the Regulating Plan to conform to the recommendations made by Urban Design Associates from the OMU charrette held in late November 2016; **(b)** Amending Section 11-18-040 increasing the block size in the OMU zone to conform to the recommended changes to the Regulating Plan. The zone text amendments were originally presented to the Planning Commission in January of this year along with an amendment to the large footprint retail buildings in the mixed use district. Sub-items a) and b) were tabled, and then sub-item c), or the large footprint building provision, was approved by the City Council later that month. These two zone text amendments were tabled until that time that a PMP was submitted to the City.

Chartwell Capital has applied for PMP and it is under review by the SPARC and DRC. The proposed PMP is consistent with the final results of the UDA charrette and the Regulating Plan amendments before you tonight. However, staff feels it prudent to present these two zone text amendments prior to the Planning Commission and City Council's review of the *entire* PMP application to allow for a more thorough and detailed review of the PMP by staff, while also getting a clear vote on component elements within the PMP, specifically the land uses proposed as it relates to the amount of high density residential, and related phasing of the PMP. While it is not the PMP itself that is being voted on tonight, these two text changes will give the applicant more confidence with the governing body's comfort level regarding the PMP, and the related land uses proposed therein.

(a)

Of the many recommendations made by Urban Design Associates (UDA) at the OMU property owner charrette held in late November 2016, staff felt that the suggested alteration of the road network was the most important and most impactful. UDA recommended that instead of one major spine road cutting through the middle of the OMU district, that the major road form an edge on the eastern portion of the OMU district and that another more minor road form the western edge. The proposal accomplishes two things: first, it prevents the 1100 West extension, as currently codified in the existing Regulating Plan from bisecting the OMU district, thus allowing for greater development of the center of the district as a whole; and second, it creates a more pedestrian friendly environment between the two roads and increases walkability for the OMU district. Staff agrees that in order for the OMU district to maximize its potential as a vibrant regional mixed use employment center the major road cannot bisect the district. The precedent UDA used as an example is Main Street in Salt Lake City from 400 South to North Temple; this street is the more pedestrian oriented street in the city, while State Street and West Temple are where the cars go to circulate north to south. The changes recommended by UDA are reflected in the proposed Regulating Plan. It is important to note that these changes will only affect the OMU zone north of Shepard Creek, not including the Haws Company's OMU property north of the Red Barn. The recommended zone text amendment to the Regulating Plan is included as an exhibit to this staff report.

(b)

In order for the Zoning Ordinance to accommodate the Regulating Plan amendment covered in item (a) above, the block face sizes need to be increased in the OMU zone from 600' to 700' and the block perimeters from 2400' to 2800'. UDA made this recommendation because they felt that larger block sizes provide more flexibility and allow for greater ability to redevelop and repurpose properties as development and market pressures increase in the future. Additionally, part of the City's overarching goal with the mixed use districts was to bring buildings to the street and hide parking in the back; this was intended to increase the pedestrian experience and vibrancy for the district; larger block sizes than what was codified in the 2015 Regulating Plan will give the flexibility for this to occur. As part of the amendment increasing the block size, there is also the need to amend an exhibit that is part of the existing Section 11-18-040. The only change on the exhibit was to the last diagram, which shows a block face size of 700' instead of 600', and a perimeter of 2800' instead of 2400'. However, while the exhibit remains largely intact, the whole thing had to be redrawn and inserted into Section 11-18-040 of the Zoning Ordinance as part of this zone text amendment.

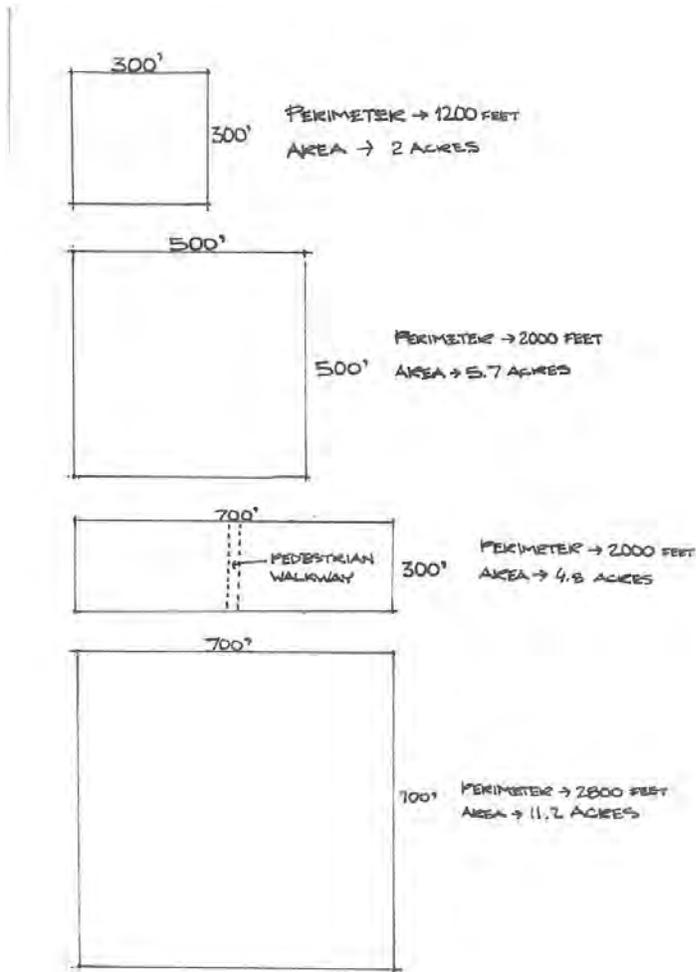
The recommended zone text amendment is as follows:

11-18-040: Regulating Plan

- D. Street Network Design: The street network, street standards and street type hierarchy form the basis of the regulating plan. The street network is designed to provide connectivity and adaptability throughout the mixed use districts as the area develops over time. New development shall follow the street network design; however, if minor realignments are necessary due to environmental and/or physical conditions, they will be evaluated during the development plan review process. Major

alternative alignments or flexibility with the street network design may be proposed through the project master plan process; provided, that the following provisions are met:

1. Maximum Block Size: The maximum perimeter of any block may not exceed two thousand feet (2,000') in the residential, general and transit mixed use districts, and two thousand ~~four~~ **eight** hundred feet (2,480') in the open space and office mixed use districts. Each block face may not exceed ~~six~~ **seven** hundred feet (6700'). Block faces may be defined by any of the street types, including pedestrian walkways, that are dedicated public rights of way or easements, with the exception of alleys. However, if a pedestrian walkway is used to define a block of the maximum size then the right of way for the walkway must be equal to that of the neighborhood (local) road. (Ord. 2015-05, 2-17-2015)



CONCEPTUAL LAND USE

(c)

Chartwell Capital has gone to great expense not only for the PMP, but also to include the City and adjacent neighbors to the project area in the design process of this important project; they hosted a

charrette and hired UDA to design this plan with stakeholder input along the way. Staff did not feel it fair to the applicant to get too far down the road and receive a denial from the City Council because of the uses proposed, when the uses have already been described and defined in the PMP, and may be conceptually reviewed independent of the entire PMP application. Staff has included verbiage in the suggested motion for conceptual land use approval; approval of this conceptual land use plan does not grant vesting and gives the applicant a “soft green light” to proceed with the PMP as currently constituted.

The conceptual land use plan as proposed in the North Station Project Master Plan consist of a mix of office, retail, and high density residential. Phase 1 of the PMP is the northwest quadrant between Haight Creek and Kaysville City, and includes approximately 106 townhouse units and no commercial. The reason that this is residential is because this portion of property is removed from the rest of the project and separated by Haight Creek; it would not be a good commercial space because of this separation and will provide somewhat of a buffer between the high intensity office park and surrounding neighborhoods. Chartwell is proposing to do this portion first because their property, as currently constituted does not touch Burke Lane, and the improvements and infrastructure may be more accessible to the northwest corner of their property. Additionally, the commercial development is totally dependent on the Shepard Lane interchange and the ultimate alignment of that road, while Phase 1 is not.

Phase 2 straddles the future Shepard Lane interchange road and would consist of approximately 400,000 square feet of “high profile mixed commercial uses, mostly office intermixed with some retail and restaurant” which would presumably support the office uses. This location for office makes sense as it is near the future Shepard Lane interchange road, and the freeway, which will increase access and visibility. The western portion of Phase 2, as it approaches the D&RG trail, the PMP shows 88 townhouse units, and 40 apartment units; the intent of this was to provide a buffer between the high intensity development to the east and the residential neighborhoods west of the D&RG right-of-way. Phase 3 is located between Spring Creek and Phase 2, and consists of 25,000 square feet of high profile mixed use, 41 townhouse units, and 895 apartment units.

Phase 3 has the most residential uses because it is mostly removed from the principle roads (Burke Lane, 1100 West, Shepard Lane, and I-15) which negatively affects both access and visibility needed for viable commercial. There are a few exceptions, 1100 West does cut right through the middle of Phase 3, and there are currently apartments and townhouses proposed on this street. However, staff agrees with the overall land uses proposed in the PMP and is recommending conceptual land use approval for the uses contained in the PMP.

Suggested Motion:

- A. Move that the Planning Commission recommend that the City Council approve the proposed zone text amendments to the Regulating Plan and Section 11-18-040 as written in the staff report as items a) and b) above;

AND

- B. Move that the Planning Commission recommend that the City Council approve the conceptual land uses as proposed in the North Station Project Master Plan.

Findings:

1. Amending the Regulating Plan and related block size prior to Project Master Plan gives the applicant confidence in their PMP moving forward without granting full approval and vesting to the project.
2. The regulating plan and related block size amendments are consistent with Chartwell Capital's PMP application, which is currently under review by the City.
3. The Regulating Plan and related block size amendments are consistent with the intent of the OMU zone, and will allow for more efficient use of the interior of the blocks and will allow future redevelopment as economic and market pressures put demands for in-fill development.
4. Independent of Chartwell's PMP, staff would be recommending the zone text amendments as they are consistent with the intent of the OMU zone and are highly desirable because of the increase in efficient usage of the land and increased walkability for the district as a whole.
5. Conceptual land use approval is not approval of the PMP, which will come before the City at a later date, and it does not grant vesting to the applicant. When the PMP is memorialized through development agreement, that is when vesting will occur.
6. Conceptual land use approval is intended to give a clear vote on the land uses within the PMP, or to give the applicant more direction on what the City would like to see in order to be comfortable with entering into a development agreement and memorializing the PMP. Based on the feedback from this conceptual land use proposal, the applicant can still revise their PMP to meet the City's expectations.

Supplemental Information

1. Current Regulating Plan (Adopted 2015)
2. Proposed Regulating Plan
3. UDA Street Network Diagram
4. Chartwell Capital's PMP – Overall Site Plan
5. Chartwell Capital's PMP – Phasing Plan

Applicable Ordinances

1. Title 11, Chapter 18 – Mixed Use Districts

West Farmington Mixed-Use District Regulating Street Plan

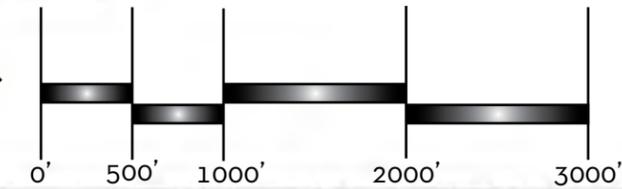
Legend

Street Network

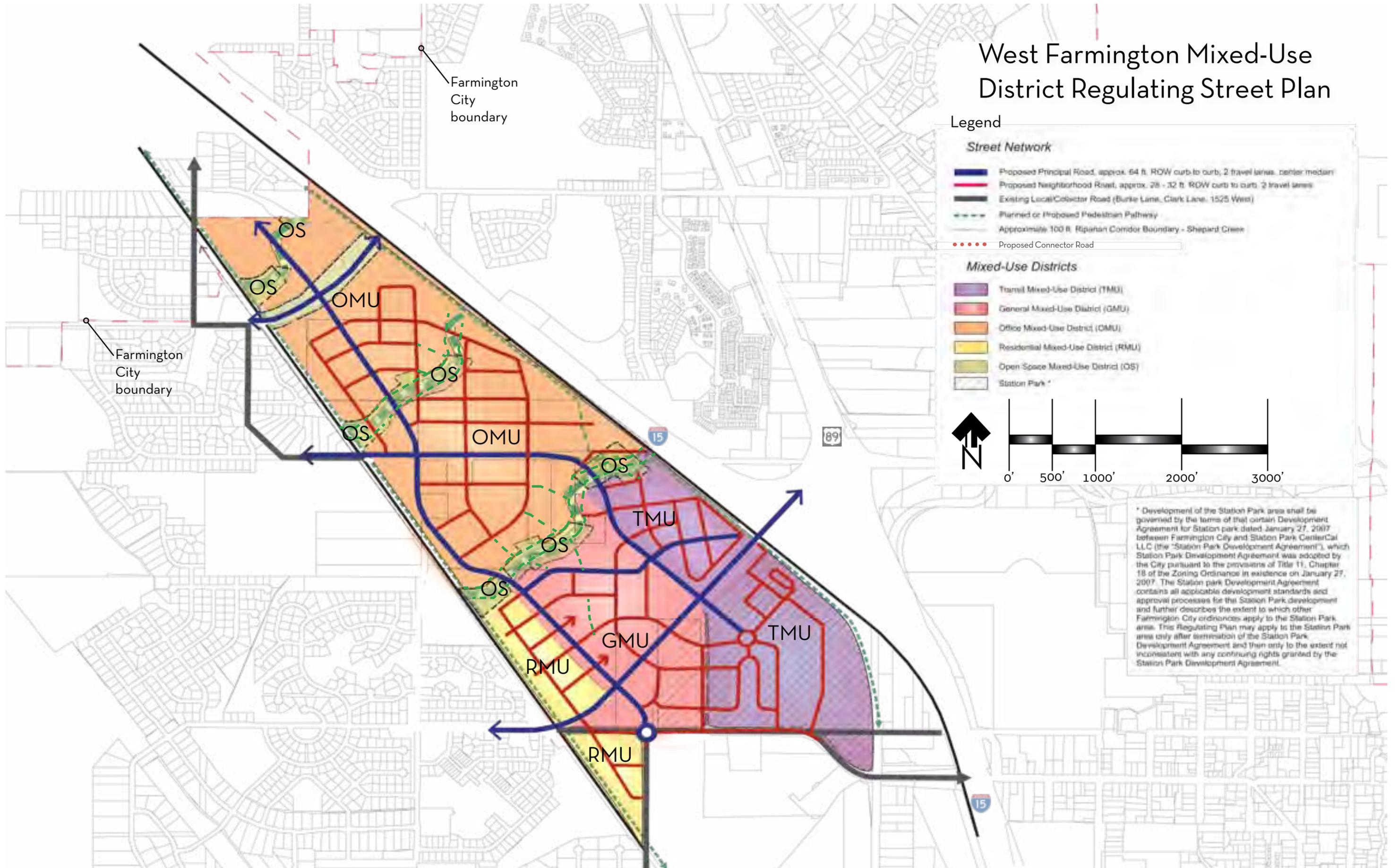
-  Proposed Principal Road, approx. 64 ft. ROW curb to curb, 2 travel lanes, center median
-  Proposed neighborhood Road, approx. 28 - 32 ft. ROW curb to curb, 2 travel lanes
-  Existing Local/Collector Road (Burke Lane, Clark Lane, 1525 West)
-  Planned or Proposed Pedestrian Pathway
-  Approximately 100 ft. Riparian Corridor Boundary - Shepard Creek
-  Proposed Connector Road

Mixed-Use Districts

-  Transit Mixed-Use District (TMU)
-  General Mixed-Use District (GMU)
-  Office Mixed-Use District (OMU)
-  Residential Mixed-Use District (RMU)
-  Open Space Mixed-Use District (OS)
-  Station Park*



* Development of the Station Park area shall be governed by the terms of that certain Development Agreement for Station Park dated January 27, 2007 between Farmington City and Station Park CenterCal LLC (the "Station Park Development Agreement"), which Station Park Development Agreement was adopted by the City pursuant to the provisions of Title 11, Chapter 1B of the Zoning Ordinance in existence on January 27, 2007. The Station Park Development Agreement contains all applicable development standards and approval processes for the Station Park development and further describes the extent to which other Farmington City ordinances apply to the Station Park area. This Regulating Plan may apply to the Station Park area only after termination of the Station Park Development Agreement and then only to the extent not inconsistent with any continuing rights granted by the Station Park Development Agreement.



West Farmington Mixed-Use District Regulating Street Plan

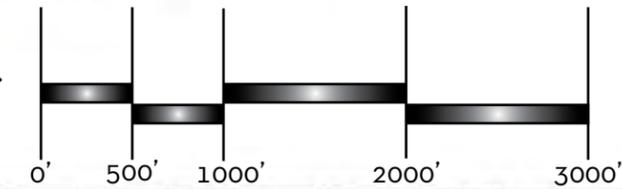
Legend

Street Network

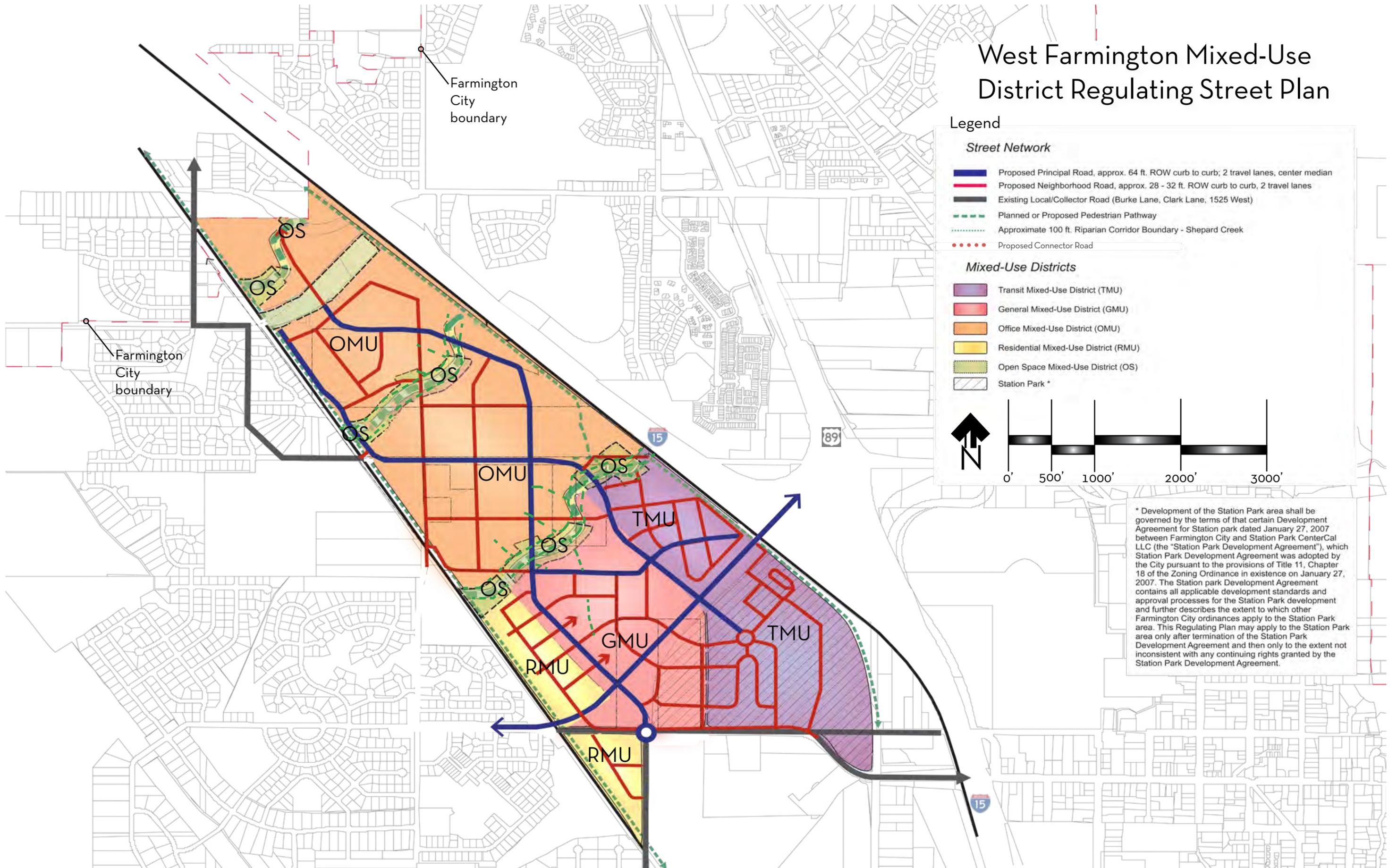
-  Proposed Principal Road, approx. 64 ft. ROW curb to curb; 2 travel lanes, center median
-  Proposed Neighborhood Road, approx. 28 - 32 ft. ROW curb to curb, 2 travel lanes
-  Existing Local/Collector Road (Burke Lane, Clark Lane, 1525 West)
-  Planned or Proposed Pedestrian Pathway
-  Approximate 100 ft. Riparian Corridor Boundary - Shepard Creek
-  Proposed Connector Road

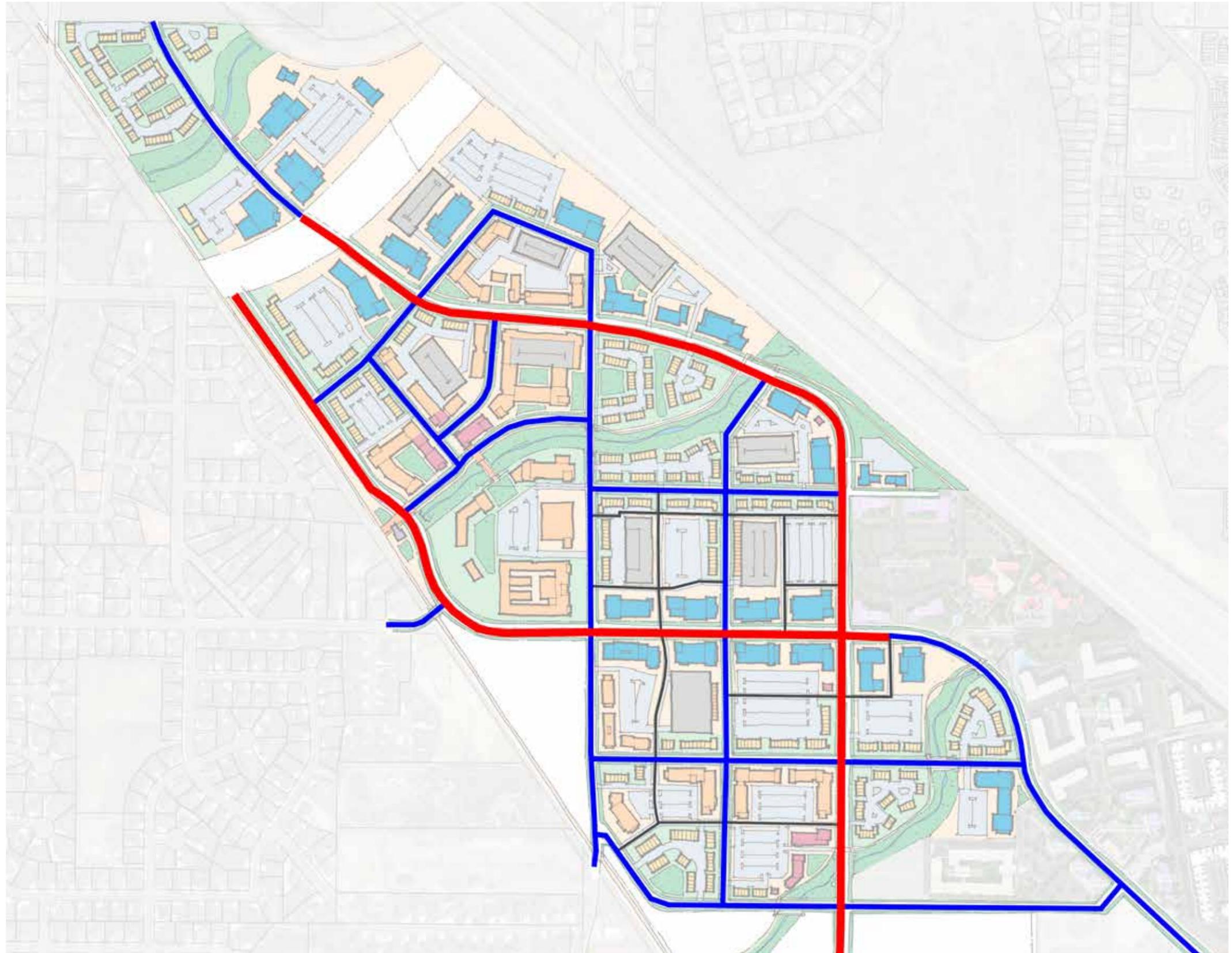
Mixed-Use Districts

-  Transit Mixed-Use District (TMU)
-  General Mixed-Use District (GMU)
-  Office Mixed-Use District (OMU)
-  Residential Mixed-Use District (RMU)
-  Open Space Mixed-Use District (OS)
-  Station Park *



* Development of the Station Park area shall be governed by the terms of that certain Development Agreement for Station park dated January 27, 2007 between Farmington City and Station Park CenterCal LLC (the "Station Park Development Agreement"), which Station Park Development Agreement was adopted by the City pursuant to the provisions of Title 11, Chapter 18 of the Zoning Ordinance in existence on January 27, 2007. The Station park Development Agreement contains all applicable development standards and approval processes for the Station Park development and further describes the extent to which other Farmington City ordinances apply to the Station Park area. This Regulating Plan may apply to the Station Park area only after termination of the Station Park Development Agreement and then only to the extent not inconsistent with any continuing rights granted by the Station Park Development Agreement.

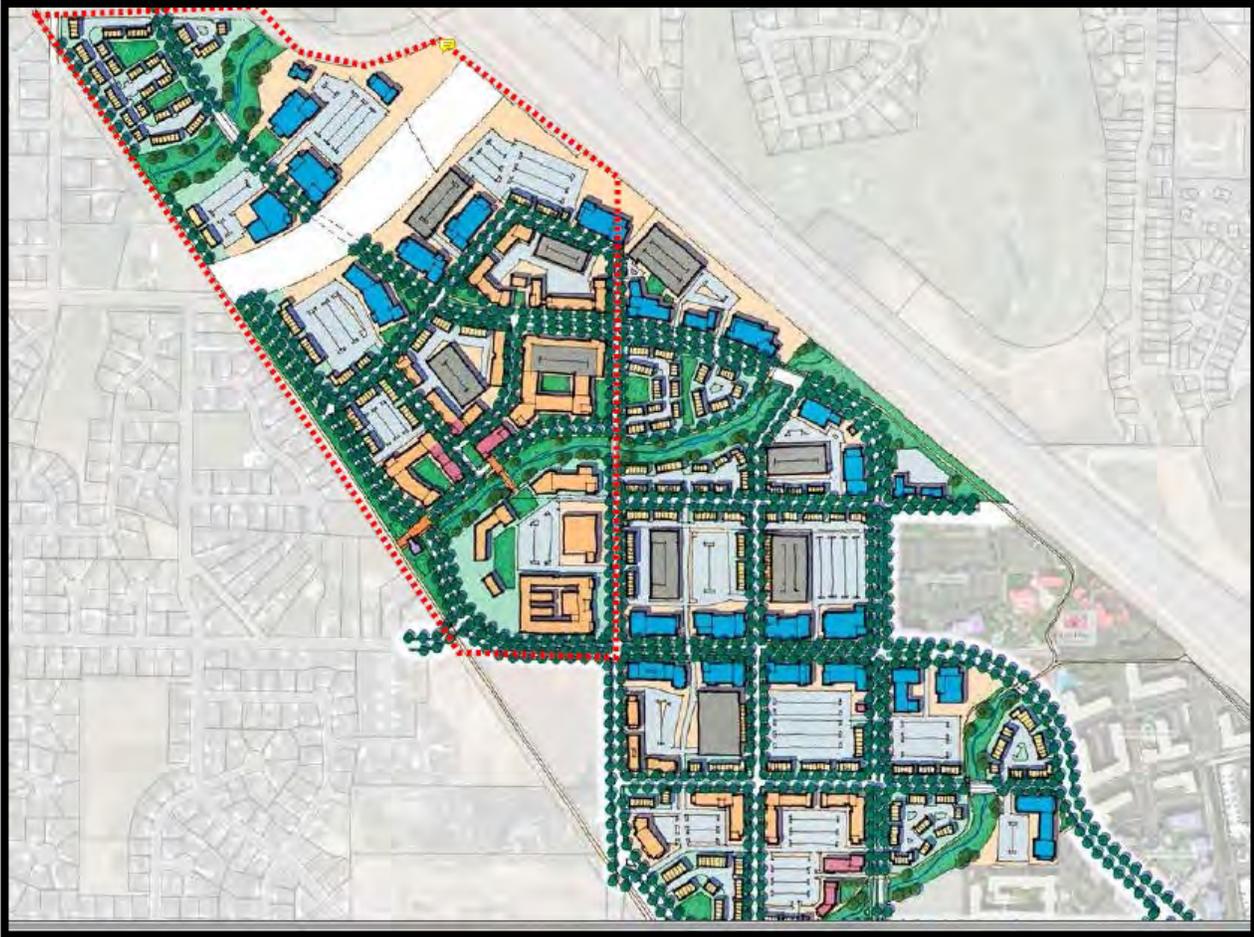




STREET TYPES

B) Conceptual Land Use Plan and Ranges

The conceptual land use plan agreed upon in the charrette is show below, with the area associated with the PMP being dashed in red:



The **blue buildings** in the above diagram represent **high profile mixed commercial uses**, mostly office intermixed with some retail and restaurant; and, light industrial on the fringes. The **smaller yellow** represent **townhomes** and the **orange colored** buildings represent **community mixed use** developments – hotel, hospitality, residential, office, retail and some flats. **Together the blue buildings and orange buildings represent the mixed use in the table on the following page.** Again, the idea is to create a sense of community and avoid a deserted business park in the evenings. The Collins piece is all senior housing as indicated in the pink section.

Anticipated Square Footage Range

Area North of Haight Creek – Phase 1, Townhomes

The first phase of the townhomes, or east section, will have 53 units. The second phase will be calculated when the easement for the water line and gas line will be accounted for and will include a similar number of townhomes.



Mixed Use Development

Description of Land Use Concepts

The uses planned for this general area center around a community mixed use development. It is critical to get the right uses given the massive store closures worldwide. Store closures are occurring from some of the largest retailers, including: Walmart, Macy's, Sport Authority and Sears Roebuck to name a few. This is chiefly due to growing e-commerce nationwide.

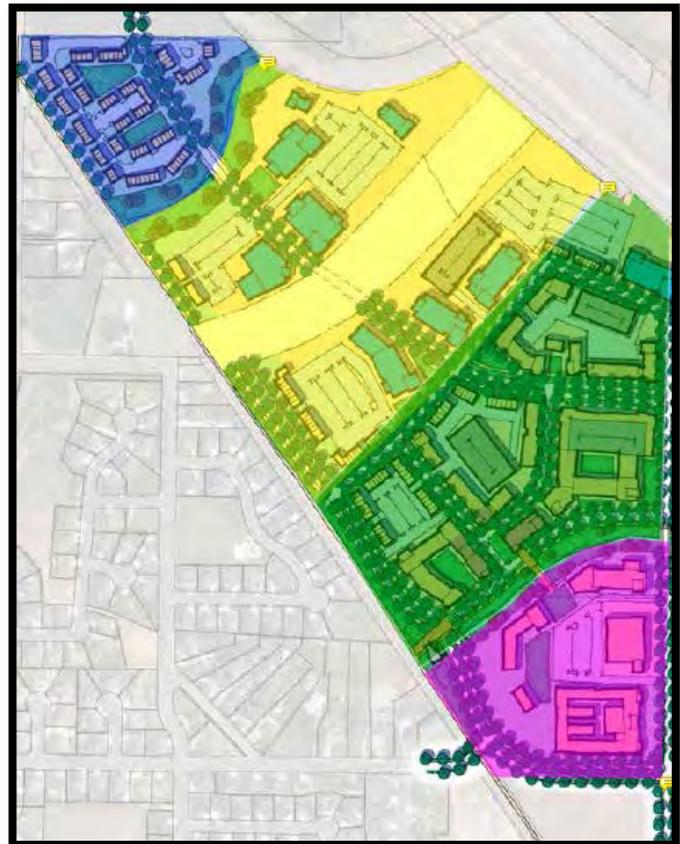
Chartwell would like to create a community centered development that can share the success of Station Park. The theme and design of the area will offer high quality finishes and the familiar look and feel of Station Park.

This PMP includes land from Chartwell and Collins, each with separate development agreements. The land contributed to this PMP by Chartwell Capital Partners includes approximately 88 acres, while Collins land includes approximately 14 acres.

For purposes of discussion, the area will be divided into four sections, the reason for which will be addressed in more depth in sequence and timing. The accompanying map shows the four areas for discussion.

The land use concepts for **the blue, yellow, green and pink areas** will be discussed in the paragraphs that follow.

It is noted that the land use patterns will follow conventional patterns seen in most large commercial developments, with heavy development concentrated near over passes, high profile uses capturing the freeway exposure and transitional uses near single family residential.



Section A: Lane Use, Parking, Open Space & Circulation



Blue Section North of Hights Creek – Phase 1

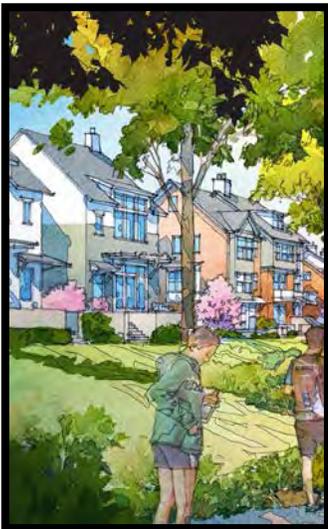
The blue section is north of Hights Creek and includes approximately 10 acres depending on where the delineation is made in Hights Creek. The bordering properties include single family residential to the west, vacant acreage and single family residential to the north, Hights Creek to the south and Benchland water district and more single family residential to the east. The accompanying aerial captures uses surrounding this property.



Any commercial use **would not succeed** at this location given natural and manmade barriers. It is not visible from I-15 and has limited access from a small residential street (350 East); thus, any commercial use would likely fail. Mostly, it is bordered by residential properties, the owners of which would rightly complain if a heavy commercial use were to go in at this location.

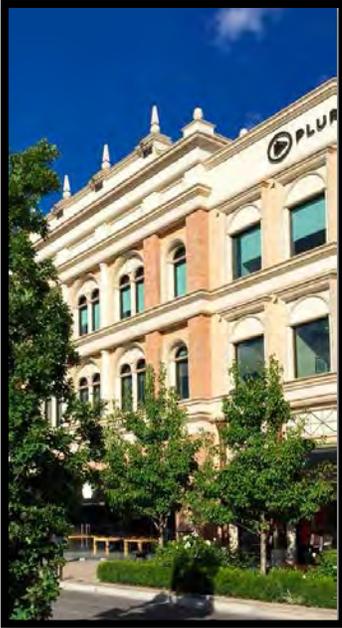
When the freeway interchange is decided and installed access, would still be limited to this area given the constraints going over Hights Creek. In fact, it would be further limited as the current Shepard Lane overpass would be shut down and the current interchange provides more convenient access to this area than the proposed interchange will.

Chartwell Capital has consulted with various firms and paid for marketing and land use reports from Kimley Horn and UDA respectively. **All** of the reputable consultants have pointed to some type of high profile residential use. UDA, which is one of the most respected land planning groups in the nation has recommended townhomes. Chartwell is in full agreement of this recommendation and will be proposing a Sub-PMP for this use for this area. Furthermore, this use was collectively accepted during the charrette with all of



Town Homes

Section A: Lane Use, Parking, Open Space & Circulation



*High Profile
Mixed Commercial*

the stakeholders involved, including neighboring property owners, city staff, the Mayor, the city manager and some of the members of the city council.

Yellow Section near Proposed Intersection – Phase II

This is the section where the proposed interchange will be designed and installed. The interchange will dramatically impact the land uses for this area.

Farmington City owns a section of land to connect to the West Davis Corridor to the west and, Chartwell Capital Partners owns a small section east of the Farmington City parcel and Interstate 15. This strip of land is the most logical place for a road to connect the new overpass with the road leading to the West Davis Corridor to the west. The future road effectively divides this piece in half, lending itself to high profile mixed commercial uses on either side. When the interchange is designed, Chartwell plans to work with the City and UDOT on land swaps and infrastructure costs.

With the interchange and exposure from 1-15, this will be the prime commercial piece. During the charrette, UDA along with all stake holders, planned for some transitional residential uses on the west end with heavy commercial near the interchange and along the proposed street currently owned by Farmington City. The following aerial shows the bordering uses for this section.



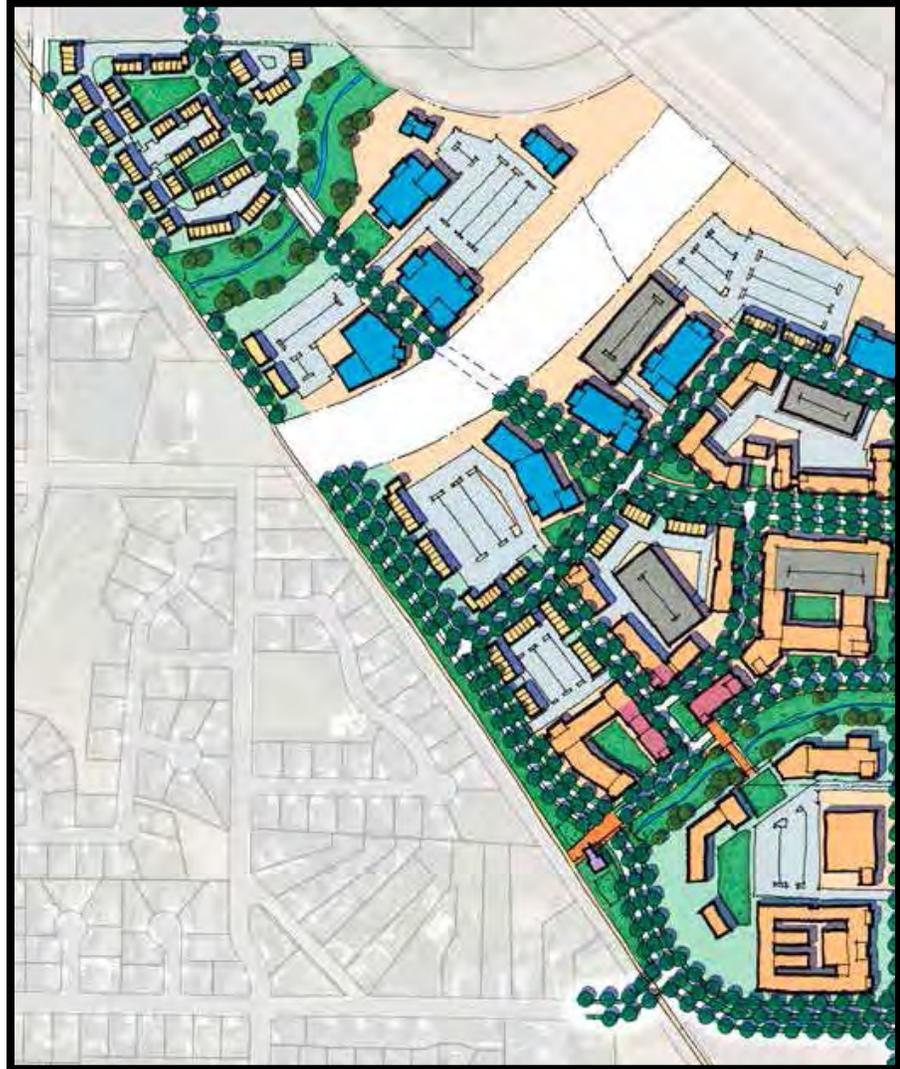
Chartwell agrees with UDA and feels this is a good area for high profile mixed commercial uses chiefly office intermixed with some retail and restaurant. **From a financial standpoint, office and retail are typically more profitable than residential and are Chartwells preference for this section.** Residential will only be near the existing homes in the yellow section as a transitional use.

Section A: Lane Use, Parking, Open Space & Circulation



North Station will create a community environment

From a community standpoint, this section will **create a heavy employment center** and will bring, in our judgement, national firms. These firms will occupy office, technology and retail uses. In other words, it will create a suburban central business district. With e-commerce becoming more prominent, retail would be more intermixed with the uses as opposed to traditional standalone big box. Following is a proposed land use map with commentary to follow:



The **blue buildings** in the above diagram represent **high profile mixed commercial uses**, mostly office intermixed with some retail and restaurant; together with light industrial on the fringes. The **smaller yellow** represent **townhomes** and the **orange colored** buildings represent **community mixed use** developments – hotel, hospitality, residential, office, retail and some flats. Again, the idea is to create a sense of community to avoid a deserted business park in the evenings.

Section A: Lane Use, Parking, Open Space & Circulation



The collins piece is all senior housing as indicated in the pink section.

Green Section South of Proposed Intersection – Phase III

As seen from the above land use plan, the green section includes a lot of community mixed use; and, has quite a number of townhomes near the existing residential properties. The main reason for mixing residential uses in this section is so that it is not deserted in the evenings. Chartwell agrees with this concept proposed by UDA, but disagrees on the amount of residential. Chartwell would like to see more high profile mixed uses that bring jobs to the area and more profit to the overall project. The green area (or phase) is highlighted below:



Community Mixed Use

Chartwell has a great deal of respect for UDA. Their projections from over a year ago that retail would start to fail given the onslaught of e-commerce has proven to be true. No one has a crystal ball and no one can predict what the market will dictate 3, 5 or 10 years from now. The last thing chartwell wants to do as a developer is build buildings that will sit vacant. Nobody wants this, it is bad for all stake holders, including and especially the city.

The commitment Chartwell is making is that we will hire the best in the business to help us determine the highest and best use of the land and will develop property accordingly. The City will clearly be involved in this process. Along these lines, Chartwell will phase these projects (see timing and sequence for the time frame of each phase); and, will determine the best use for each phase of the project.

Again, the land uses are the proposed uses from the charrette and mostly UDA's conclusions. Chartwell will work with all stakeholders to get the best overall use

Section A: Lane Use, Parking, Open Space & Circulation



for each block. **Along these lines, this PMP only includes ½ of the total 260 acres, with the lions share being high profile commercial uses in the general master plan.** The overall master plan for the area is included below. Please see all the blue buildings outside of the PMP near the heavily trafficked streets and exposed to the freeway:



Pink Section –Collins Phase

The remaining acreage of this PMP is slated for a senior housing development and is discussed and communicated entirely by the Collins and their development team.

Given the close proximity to single family residential and bordered by a stream, some type of high profile residential uses seems to be in order. Chartwell has no marketing or land use studies to suggest otherwise.

Town Centers

In addition to the uses described above, town centers were proposed that will augment the sense of community that is trying to be established in this development. Said center will be similar to the gathering space near the fountains at Station Park. The proposed town centers are identified in pink in the following map:



Planning Commission Staff Report April 20, 2016

Item 9a – Street-Cross Section Modification for 700 South / Pheasant Hollow Subdivision

Public Hearing:	No
Application No.:	N/A
Property Address:	700 South (Between 10 West and 50 East)
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	R (Residential)
Area:	N/A
Number of Lots:	N/A
Applicant:	Russell Wilson – Symphony Homes
Agent:	Russell Wilson – Symphony Homes

Consideration to amend the City's standard street-cross section for 700 South in the Pheasant Hollow Subdivision.

Background Information:

The proposed Pheasant Hollow Subdivision was approved late last year and the applicant, Symphony Homes has begun building the 700 South road between 10 West and 50 East. However, there was a survey error discovered after the road improvement had begun and the road was constructed 4' north of the designed location. The applicant and their engineer worked with staff and a rear setback variance of 4' was explored to compensate for the discrepancy, but because work has already begun on the road, the applicant wanted to modify the street cross-section instead. The proposed modification would reduce the park strip on the south side of the road from 7.5' to 3.5' and shifting the road right-of-way 4' to the north. This modification will only affect the park-strip and shift the sidewalk, the road that has already begun construction will remain in place, from back of curb to back of curb. While 3.5' of park-strip is not ideal, it does provide enough area for snow storage and some limited landscaping.

Suggested Motion:

Move that the Planning Commission recommend that the City Council approve the proposed street cross-section modification for 700 South within the Pheasant Hollow Subdivision as shown on the attached plan, subject to all applicable Farmington City ordinances and development standards, and the following condition: the applicant shall plant trees in the park-strip as determined by Chapter 42 of the Zoning Ordinance, Appendix A, Small Trees.

Findings:

1. The proposed street cross-section modification will allow the applicant to move forward on their project with a minor modification.
2. The proposed modification will allow for snow removal and limited landscaping.
3. The proposed subdivision plat has not been recorded, therefore the change can be reflected on the recorded plat without having to amend the plat.

Supplemental Information

1. Vicinity Map
2. Letter from Reeve and Associates
3. Street Cross-section Modification
4. Pheasant Hollow Plat



March 29, 2017

Farmington City
720 West 100 North
Farmington, UT 84025

RE: Pheasant Hollow Subdivision

To Whom It May Concern:

Due to a calibration issue between the GPS satellite and survey instrument the right-of-way and associated infrastructure of 700 South was constructed 4 feet north of the designed location. Due to the soils type and stability of the roadway, Reeve & Associates and the City Engineer do not feel that it is feasible to relocate the roadway.

We have met with Farmington City Staff and presented the option of reducing the park strip along the south side of 700 South to 3.5 feet and shifting the south right-of-way of 700 south to the north 4 feet, which they support. Due to the minimal depth of the lots, the 4 foot shift will make the lots less desirable for Symphony Homes. The development is in the final stage of construction and it is imperative that the plat be recorded in order for the lots to be sold and homes to be constructed.

We are requesting that the Planning Commission and City Council consider the reduction in the park strip to allow the roadway to remain in the constructed location. Due to the cancellation of the April 6 Planning Commission Meeting, we are requesting the possibility of a special meeting with the Planning Commission and City Council to help expedite the approval and lessen the impact on the sale of the lots.

Sincerely,
REEVE & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Nate', written over a horizontal line.

Nate Reeve, P.E.
Principal Engineer
(801) 621-3100
nreeve@reeve-assoc.com

A handwritten signature in black ink, appearing to read 'Chris J. Cave', written over a horizontal line.

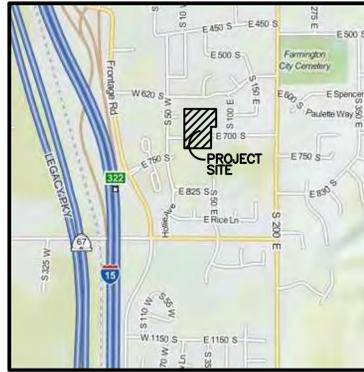
Chris J. Cave
Planner/Project Manager
(801) 621-3100
ccave@reeve-assoc.com

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Civil Engineering • Land Planning • Structural Engineering • Landscape Architecture • Land Surveying • Construction Surveying
5160 S 1500 W • Riverdale, Utah 84405 • Tel: 801-621-3100 • Fax: 801-621-2666
ogden@reeve-assoc.com • reeve-assoc.com

PHEASANT HOLLOW

PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY
 FARMINGTON CITY, DAVIS COUNTY, UTAH
 FEBRUARY, 2017



VICINITY MAP
 NOT TO SCALE

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO DIVIDE THE BELOW DESCRIBED PROPERTY INTO LOTS AND STREETS. THE BOUNDARY WAS DETERMINED BY DEEDS AND ADJACENT SUBDIVISIONS, WHICH WERE RETRACED USING THE SECTION CORNER MONUMENTS AS SHOWN AND MATCH TOGETHER MATHEMATICALLY AS WELL AS ON THE GROUND. ALL REAR LOT CORNER AND BOUNDARY CORNERS WERE SET WITH A 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES". ALL FRONT LOT CORNERS WERE SET WITH A LEAD PLUG IN THE TOP BACK OF CURB AT THE EXTENSION OF THE SIDE LOT LINES.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE MONUMENT LINE BETWEEN A FOUND WITNESS MONUMENT TO THE NORTH QUARTER CORNER AND A FOUND WITNESS MONUMENT TO THE CENTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. SHOWN HEREON AS: S04°41'24"E

BOUNDARY DESCRIPTION

PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF CONTINENTAL ESTATES PLAT "G", SAID POINT BEING S00°36'10"E 1099.58 FEET AND S89°23'50"W 1002.02 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 30 (FOUND DAVIS COUNTY WITNESS MONUMENT BEING S89°58'12"W 199.17 FEET FROM NORTH QUARTER CORNER OF SAID SECTION 30); THENCE S00°43'05"W ALONG THE WESTERLY LINES OF CONTINENTAL ESTATES PLAT "G" AND CONTINENTAL ESTATES PLAT "F", 249.59 FEET; THENCE S89°09'00"W 102.94 FEET; THENCE S00°55'00"W 102.00 FEET; THENCE N89°09'00"E 10.00 FEET; THENCE S00°55'00"W 159.14 FEET TO A POINT ON THE NORTHERLY LINE OF RICE FARMS ESTATES PHASE 5 (U.D.); THENCE S88°50'12"W ALONG SAID NORTHERLY LINE, 336.90 FEET TO A POINT ON THE EASTERLY LINE OF RICE FARMS ESTATES PHASE 1-B; THENCE N00°01'03"E ALONG SAID EASTERLY LINE, 524.31 FEET TO A POINT ON THE SOUTHERLY LINE OF CONTINENTAL ESTATES PLAT "F"; THENCE S89°17'25"E ALONG SAID SOUTHERLY LINE, 436.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 198,989 SQUARE FEET OR 4.568 ACRES

CURVE TABLE

#	RADIUS	ARC LENGTH	CHD LENGTH	TANGENT	CHD BEARING	DELTA
C1	128.00'	41.16'	40.98'	20.76'	N79°56'16"E	18°25'28"
C2	250.00'	3.52'	3.52'	1.76'	S65°59'13"W	0°48'27"
C3	100.00'	41.13'	40.84'	20.86'	N77°22'00"E	23°34'00"
C4	278.00'	23.05'	23.05'	11.53'	N86°30'59"E	4°45'05"
C5	76.00'	33.17'	32.91'	16.86'	N76°38'43"E	25°00'34"
C6	26.00'	17.22'	16.91'	8.94'	N18°57'41"W	37°57'29"
C7	26.00'	23.62'	22.81'	12.69'	N63°57'41"W	52°02'31"
C8	26.00'	40.84'	36.77'	26.00'	N45°01'03"E	90°00'00"
C9	70.96'	41.10'	40.53'	21.14'	N38°41'29"E	33°11'07"
C10	24.92'	24.40'	23.44'	13.28'	S88°34'36"E	96°09'49"
C11	16.63'	30.92'	26.66'	22.29'	S37°25'38"E	106°33'44"
C12	7.74'	14.02'	12.18'	9.87'	S06°56'09"E	103°47'50"
C13	8.27'	8.21'	7.87'	4.48'	N73°59'55"E	56°51'01"
C14	112.37'	40.01'	39.80'	20.22'	S46°54'51"W	20°24'02"
C15	1.68'	4.18'	3.18'	1.18'	S36°43'14"E	142°36'00"
C16	29.22'	14.87'	14.71'	7.60'	N83°01'20"E	29°09'34"
C17	11.10'	12.99'	12.26'	7.36'	S33°56'25"W	67°05'43"
C18	42.71'	12.13'	12.09'	6.11'	S29°11'13"E	16°16'34"
C19	72.00'	14.81'	14.78'	7.43'	N83°15'31"E	11°46'57"
C20	28.00'	26.32'	26.28'	13.21'	N83°15'31"E	11°46'57"
C21	100.00'	20.56'	20.53'	10.32'	N83°15'31"E	11°46'57"
C22	100.00'	20.56'	20.53'	10.32'	N83°15'31"E	11°46'57"

CITY COUNCIL APPROVAL

APPROVED THIS _____ DAY OF _____, 20____ BY THE FARMINGTON CITY COUNCIL.

FARMINGTON CITY MAYOR _____ ATTEST: _____ CITY RECORDER

- ### LEGEND
- SECTION CORNER
 - SET STREET MONUMENT
 - FOUND STREET MONUMENT
 - SET 5/8" REBAR AND PLASTIC CAP STAMPED "REEVE & ASSOCIATES"
 - FOUND REBAR
 - WITNESS MONUMENT
 - BOUNDARY LINE
 - LOT LINE
 - ADJOINING PROPERTY
 - ROAD CENTERLINE/MON. LINE
 - SECTION TIE LINE
 - EASEMENT
 - EXISTING FENCELINE
 - P.U.E.
 - PRESERVED WETLAND AREA
 - SNOW STORAGE PARK STRIP
 - RECIPROCAL ACCESS AND PUBLIC UTILITY & DRAINAGE EASEMENT, IN FAVOR OF LOTS 6,7,8,9 & FARMINGTON CITY, CENTRAL DAVIS SEWER DISTRICT AND BENCHLAND WATER DISTRICT.

NOTES:

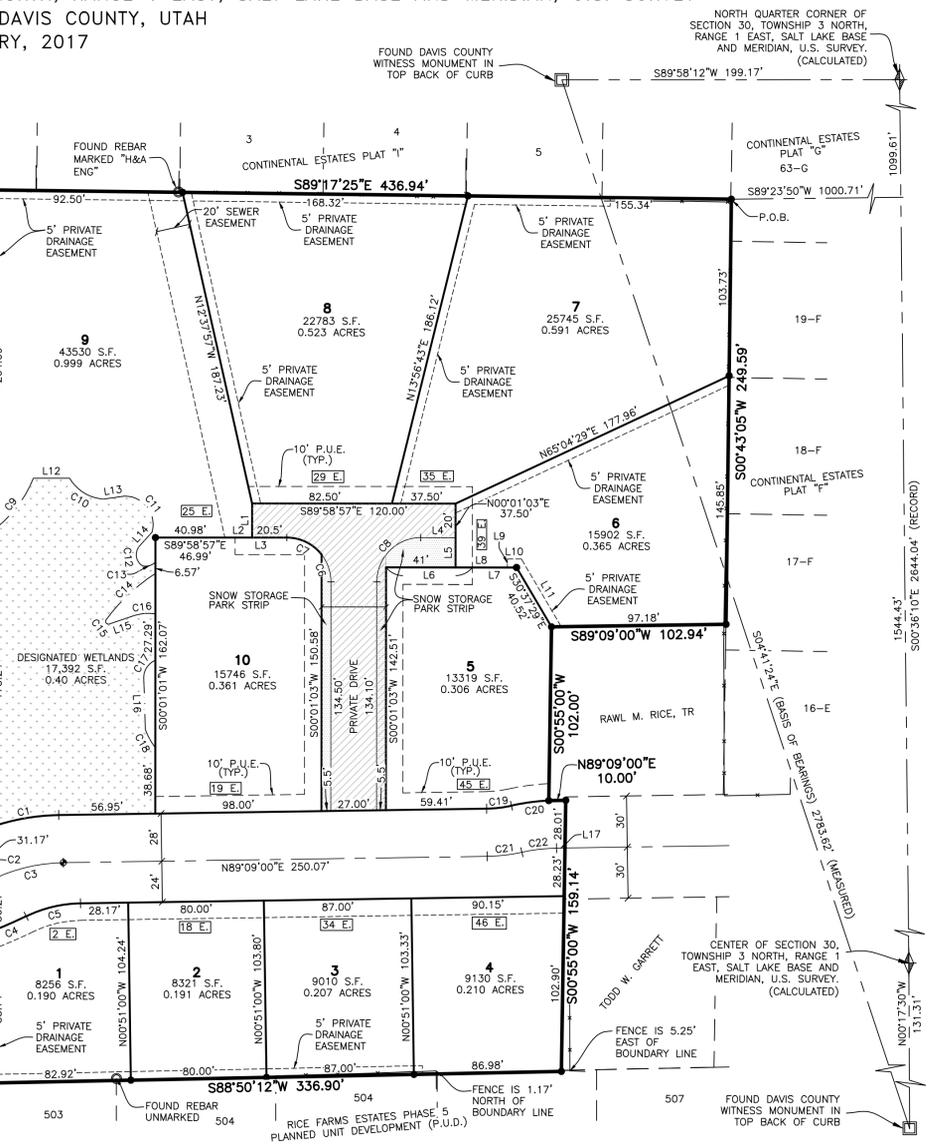
- REFER TO THE SOIL REPORT (08-0118 AND 1458-BN-14) AND PEER REVIEW (14-9-092) ON FILE WITH FARMINGTON CITY, FOR SITE PLAN DESIGN, CONSTRUCTION AND MITIGATION. A SOILS REPORT HAS BEEN PREPARED FOR EACH INDIVIDUAL LOT.
- SNOW STORAGE PARK STRIP WILL BE PRIVATELY OWNED AND MAINTAINED BY H.O.A.
- PRIVATE DRIVE WILL BE OWNED AND MAINTAINED BY H.O.A.
- DESIGNATED WETLANDS WILL BE PRESERVED AND MAINTAINED PER REQUIREMENTS OF THE U.S. ARMY CORPS OF ENGINEERS BY OWNER OF LOT 9.

LINE TABLE

LINE BEARING	DISTANCE
L1	S00°01'03"W 20.00'
L2	N89°58'57"E 16.01'
L3	S89°58'57"E 30.50'
L4	N89°58'57"W 20.50'
L5	S00°01'03"W 17.50'
L6	S89°59'08"E 51.00'
L7	S89°59'08"E 25.99'
L8	S89°59'08"E 30.64'
L9	NORTH 5.00'
L10	S89°59'08"E 8.20'
L11	S30°37'29"E 46.23'
L12	S89°58'57"E 21.42'
L13	N81°51'42"E 12.48'
L14	S42°21'47"W 10.47'
L15	N71°10'14"E 13.26'
L16	S01°44'48"E 30.67'
L17	N89°09'00"E 5.00'

DEVELOPER

SIMPSON HOMES
 526 NORTH 400 WEST
 NO. SALT LAKE CITY, UT 84054



BENCHLAND WATER DISTRICT
 APPROVED BY BENCHLAND WATER DISTRICT THIS _____ DAY OF _____, 20____
 _____ DISTRICT MANAGER

PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____ BY THE FARMINGTON CITY PLANNING AND ZONING COMMISSION.
 _____ CHAIRMAN, FARMINGTON CITY PLANNING COMMISSION

CITY ATTORNEYS APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____ BY THE FARMINGTON CITY ATTORNEY.
 _____ FARMINGTON CITY ATTORNEY

CITY ENGINEER'S APPROVAL
 APPROVED THIS _____ DAY OF _____, 20____ BY THE FARMINGTON CITY ENGINEER.
 _____ FARMINGTON CITY ENGINEER DATE _____

SURVEYOR'S CERTIFICATE

I, **TREVOR J. HATCH**, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; AND THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND THAT THIS PLAT OF **PHEASANT HOLLOW** IN **FARMINGTON CITY, DAVIS COUNTY, UTAH**, HAS BEEN DRAWN CORRECTLY TO THE DESIGNATED SCALE AND IS A TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE **DAVIS COUNTY** RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME ON THE GROUND, I FURTHER CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF **FARMINGTON CITY, DAVIS COUNTY** CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 20____
 9031945
 UTAH LICENSE NUMBER **TREVOR J. HATCH**

OWNERS DEDICATION AND CERTIFICATION

WE, THE UNDERSIGNED, OWNERS OF THE HEREON-DESCRIBED TRACT OF LAND, HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS, AND PUBLIC AND PRIVATE STREETS, AS SHOWN ON THIS PLAT, AND NAME SAID TRACT OF LAND **PHEASANT HOLLOW**, AND HEREBY DEDICATE, GRANT AND CONVEY TO FARMINGTON CITY, DAVIS COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS PUBLIC STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE TO FARMINGTON CITY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY PURPOSES, AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES, AS MAY BE AUTHORIZED BY FARMINGTON CITY AND DO HEREBY DEDICATE THE LANDS SHOWN HEREON AS PRIVATE DRIVE TO THE HOME OWNERS ASSOCIATION OF SAID SUBDIVISION, AND ALSO DEDICATE SAID PRIVATE DRIVE AS A PUBLIC UTILITY AND DRAINAGE EASEMENT IN FAVOR OF LOTS 6,7,8,9, FARMINGTON CITY, CENTRAL DAVIS SEWER DISTRICT, AND BENCHLAND WATER DISTRICT.

THE UNDERSIGNED HEREBY CERTIFY THAT THIS SUBDIVISION HAS MET ALL REQUIREMENTS OF FARMINGTON CITY ORDINANCES.
 SIGNED THIS _____ DAY OF _____, 20____

ACKNOWLEDGMENT

STATE OF UTAH _____)ss.
 COUNTY OF _____)
 ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ SIGNER(S) OF THE ABOVE OWNER'S DEDICATION AND CERTIFICATION, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE TO ME _____ SIGNED IT FREELY, VOLUNTARILY, AND FOR THE PURPOSES THEREIN MENTIONED.
 _____ COMMISSION EXPIRES _____ NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF UTAH _____)ss.
 COUNTY OF _____)
 ON THE _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, _____ (AND) _____ BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THEY ARE _____ AND _____ OF SAID CORPORATION AND THAT THEY SIGNED THE ABOVE OWNER'S DEDICATION AND CERTIFICATION FREELY, VOLUNTARILY, AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES THEREIN MENTIONED.
 _____ COMMISSION EXPIRES _____ NOTARY PUBLIC

PROJECT INFORMATION

Surveyor: **T. HATCH** Project Name: **PHEASANT HOLLOW**
 Designer: **E. ROCHE** Number: **1864-29**
 Begin Date: **03-28-16** Scale: **1"=50'**
 Page: _____ Revision: **3-30-17 N.A.**

DAVIS COUNTY RECORDER
 ENTRY NO. _____ FEE PAID _____
 AND RECORDED, _____ AT _____ IN BOOK _____ OF THE OFFICIAL RECORDS, PAGE _____
 RECORDED FOR: _____
 _____ DAVIS COUNTY RECORDER
 _____ DEPUTY.

Reeve & Associates, Inc.
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 LAND PLANNERS * CIVIL ENGINEERS * LAND SURVEYORS
 TRAFFIC ENGINEERS * STRUCTURAL ENGINEERS * LANDSCAPE ARCHITECTS