

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 parking at the Legacy Events Center 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, September 16, 2014, 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

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

7:05 Executive Summary for Planning Commission held September 4, 2014

7:10 Introduction of new Police Officer/Administration of Oath of Office

PUBLIC HEARINGS:

7:15 Public Hearing of the City Council of Farmington City regarding (A) The issuance of the General Obligation Bonds in an amount not to exceed \$6,000,000 (The "Bonds") and (B) The Approval of a Local Sales and Use Tax of up to 0.1% to Fund and Support Recreational, Cultural, and other Organizations and Facilities; and to allow Public Input regarding (i) The issuance of Bonds, (ii) The Recreation Sales Tax, and (iii) Any Potential Economic Impact that the Improvements, Facilities or Properties Financed in Whole or in Part with the Proceeds of the Bonds may have on the Private Sector and Related Matters

7:35 Zone Text Change to Amend the Zoning Ordinance to include Recreational Vehicle and Equipment Use (BR Zone)

7:45 Plat Amendment and Minor Subdivision of Stephen's Property

7:55 Zone Text Amendments for Chapters 10, 11, 12 and 28

SUMMARY ACTION:

8:15 Minute Motion Approving Summary Action List

1. Approval of Minutes from September 2, 2014
2. Final Plat for the Silverleaf Conservation Subdivision

DISCUSSION ITEMS:

8:20 Zone Text Changes

GOVERNING BODY REPORTS:

9:00 City Manager Report

9:05 Mayor Talbot & City Council Reports

ADJOURN

CLOSED SESSION

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

DATED this 10th day of September, 2014.

FARMINGTON CITY CORPORATION

By: 
Holly Gadd, City Recorder

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

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

CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

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

It is requested that City Councilmember Brigham Mellor give the invocation/opening comments to the meeting and it is requested that Mayor Talbot lead the audience in the Pledge of Allegiance.

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

CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

S U B J E C T: Executive Summary for Planning Commission held September 4, 2014

ACTION TO BE CONSIDERED:

None

GENERAL INFORMATION:

See enclosed staff report prepared by Eric Anderson.

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



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

DOUG ANDERSON
JOHN BILTON
BRIGHAM N. MELLOR
CORY R. RITZ
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council
From: Eric Anderson, Associate Planner
Date: September 5, 2014
SUBJECT: EXECUTIVE SUMMARY FOR PLANNING COMMISSION HELD ON
SEPTEMBER 4, 2014

RECOMMENDATION

No action required.

BACKGROUND

The following is a summary of Planning Commission review and action on September 4, 2014 [note: five commissioners attended the meeting—Chair Brett Anderson, Rebecca Wayment, Kent Hinckley, Kris Kaufmann, and alternate commissioner Karolyn Lehn; excused commissioners were Mack McDonald, Heather Barnum and alternate commissioner Michael Nilson.

Item #3 – Greg Timothy (Public Hearing) – Applicant is requesting conditional use approval for the proposed Waffle Wagon food truck located at 1358 North Highway 89 in a C (Commercial) Zone. (C-15-14)

Voted to recommend this item for approval as written in the staff report with the added condition as follows:

6. The conditional use permit shall expire a year from today's date (9-4-2014) and the applicant shall renew the application through Planning Commission approval at that time.

Vote: 5-0

Item #4 – Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of a Text Amendment of Chapters 1 and 6 of the Subdivision Ordinance regarding the approval process for major subdivisions and related chapters where necessary. (ZT-9-14)

Voted to continue the public hearing until the September 18, 2014 Planning Commission meeting so that the City Attorney and City Council can hold a joint session with the Planning Commission to discuss this text change at that time.

Vote: 5-0

Item #5 – Miscellaneous, correspondence, etc.

- a. Zone Text Change of Permitted and Conditional Uses in BR Zone (Discussion Only)
- b. Other

The Planning Commission discussed this item at length and considered the different uses throughout the BR Zone and whether they should be permitted, conditional, or not-permitted in this zone. The discussion for this item will be continued as staff will need to do some research on issues that arose and the Planning Commission wanted more time to think about what uses they would like to see in the BR Zone.

Respectfully Submitted



Eric Anderson
Associate Planner

Review & Concur



Dave Millheim
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

S U B J E C T: Introduction of new Police Officer/Administration of Oath of Office

ACTION TO BE CONSIDERED:

None.

GENERAL INFORMATION:

Mayor Talbot will introduce Alex Averett , the new Police Officer. Holly Gadd will perform the administration of the Oath of Office.

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

CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

PUBLIC HEARING: Public Hearing of the City Council of Farmington City regarding (A) The issuance of the General Obligation Bonds in an amount not to exceed \$6,000,000 (The "Bonds") and (B) The Approval of a Local Sales and Use Tax of up to 0.1% to Fund and Support Recreational, Cultural, and other Organizations and Facilities; and to allow Public Input regarding (i) The issuance of Bonds, (ii) The Recreation Sales Tax, and (iii) Any Potential Economic Impact that the Improvements, Facilities or Properties Financed in Whole or in Part with the Proceeds of the Bonds may have on the Private Sector and Related Matters

ACTION TO BE CONSIDERED:

1. Hold the public hearing.

GENERAL INFORMATION:

See enclosed staff report prepared by Keith Johnson.

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



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

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CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Mayor and City Council

From: Keith Johnson, Assistant City Manager

Date: September 9, 2014

Subject: **PUBLIC HEARING WITH RESPECT TO THE ISSUANCE OF GENERAL OBLIGATION BONDS AND THE IMPLEMENTATION OF A RAP TAX.**

RECOMMENDATIONS

Hold public hearing with respect to the issuance of General Obligation (G.O.) Bonds, the implementation of the RAP tax and any potential economic impact these facilities may have on the private sector.

BACKGROUND

With the election of the G.O. bond and the RAP tax for this November, it is required that the City hold a public hearing for individuals to respond to the economic impact that these improvements or facilities might have on the public sector. With the gymnasium, the City is not competing with any private gyms as this is only a gym to be used for basketball and other recreational activities that the City offers that are not being offered by the private gyms. The park is open to all and will again be used for recreational activities that are not being offered by private gyms.

Respectfully Submitted,

Keith Johnson,
Assistant City Manager

Review and Concur,

Dave Millheim,
City Manager

CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

PUBLIC HEARING: Zone Text Change to Amend the Zoning Ordinance to include Recreational Vehicle and Equipment Use (BR Zone)

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
2. Approve the recommendation of the Planning Commission and deny the request;

Or

Approve the request by the applicant and direct staff to prepare an enabling ordinance for City Council consideration on October 7, 2014;

Or

The City Council may modify the recommendations of the Planning Commission or the request of the applicant.

GENERAL INFORMATION:

See enclosed staff report prepared by David Petersen.

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



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

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JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council
From: David E. Petersen, Community Development Director
Date: September 16, 2014
SUBJECT: **PROPOSED USE IN THE BR ZONE**

RECOMMENDATION

1. Hold a public hearing;
2. a. Approve the recommendation of the Planning Commission and deny the request;

OR

- b. Approve the request by the applicant and direct staff to prepare an enabling ordinance for City Council consideration on October 7, 2014.

OR

- c. The City Council may modify the recommendations of the Planning Commission or the request of the applicant.

[NOTE: staff is presenting alternative motions for City Council consideration because the matter proved to be a difficult split decision by the Planning Commission in that each member of the Commission (despite how they voted) expressed thoughts for and against the idea of having such a use downtown. After a 3 to 3 tie on August 7th, the Commission approved its recommendation on the 21st by a vote of 3 to 1 (see enclosed minutes from both meetings)].

BACKGROUND

Todd Gibbs is requesting that the City amend its Zoning Ordinance by adding "Recreation vehicle rental" as an allowed use in the BR (Business Residential) zone. The City established the BR zone to guide development in its institutional/commercial downtown core. Presently

(except on a very limited basis) the sale or rental of vehicles is not permitted in the zone. Mr. Gibbs desires to open such a business on the west side of Main Street between State and 100 North in the old HHI building. The following is list of Pros and Cons for this use at this location as considered/discussed by the Planning Commission.

Pro	Con
<ul style="list-style-type: none"> * Economic Development—a good tenant for a vacant building on Main Street. * The proposed business in small in nature. * Farmington (in general) is a good location for this use. * Good access to NFS land (i.e. Farmington Canyon). * Can mitigate possible drawbacks of the use via the conditional use process. 	<ul style="list-style-type: none"> * The use may detract from the sense of place one experiences in downtown Farmington (note: this is a residential area in the evenings and on the weekends). * Is it wise to change the ordinance to accommodate the desires/needs of only one person. * Allowing this use may open an unintended door for less desirable uses. * It is small now, but will future pressure come, when or if the business expands, to sell vehicles or even rent R.V.'s—and the bright lights, etc., that often accompany such activities? * Other areas in the City may be more appropriate for this use. * Did not like the idea of displaying equipment on Main Street.

SUPPLEMENTARY INFORMATION

1. Vicinity/Zoning Maps.
2. Proposed text change.
3. Planning Commission minutes: August 7 and 21, 2014.
4. Letter from the applicant (Todd Gibbs), July 9, 2014.
5. Additional background information from the applicant.

Respectively Submitted

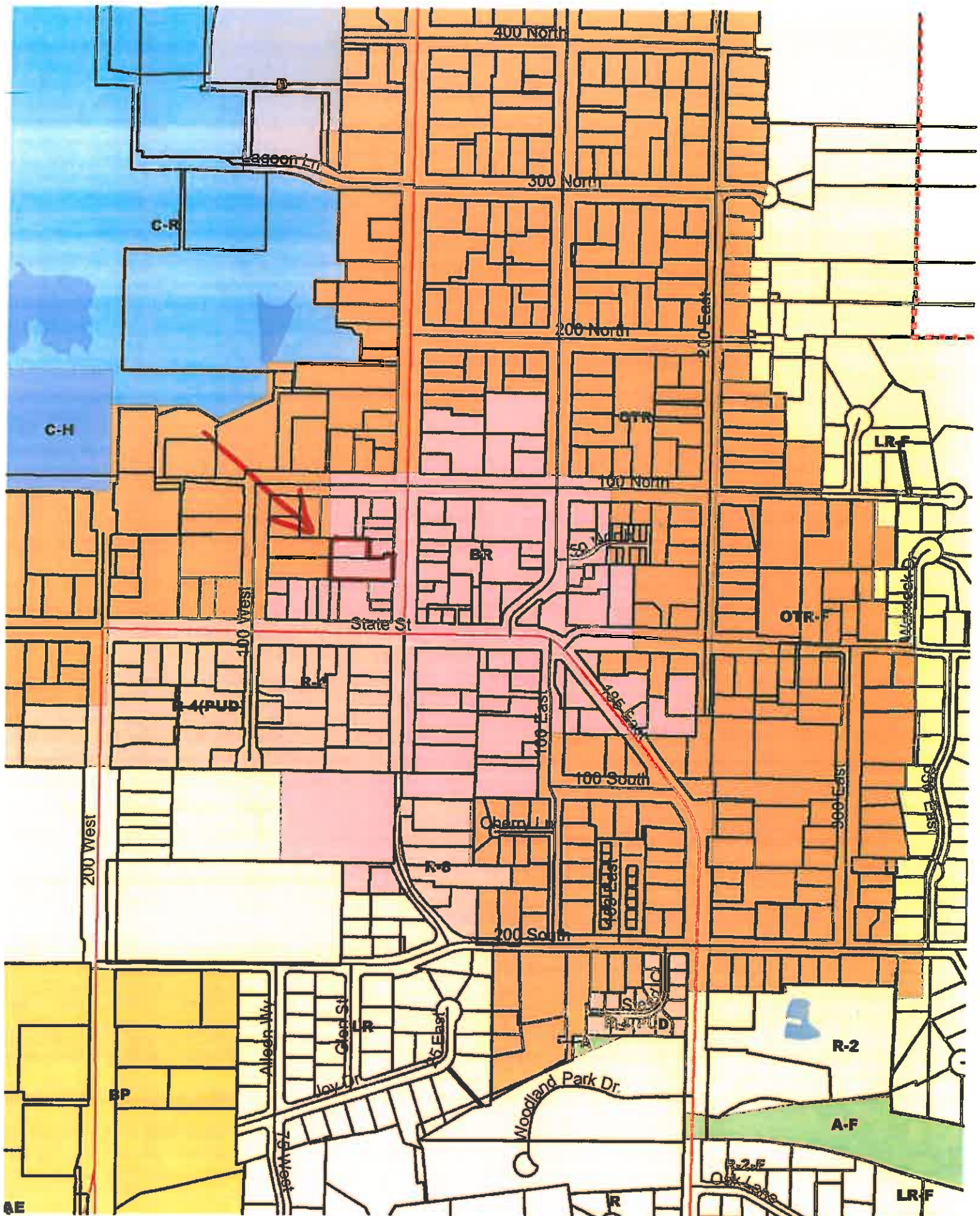


David Petersen
Community Development Director

Review and Concur



Dave Millheim
City Manager



Proposed use to be added to the Business/Residential Zone (BR)—Chapter 15:

~~Auto, truck, recreational vehicle, and equipment sales and rental;~~

Existing allowed uses in the Business/Residential Zone (BR)—Chapter 15:

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 Section 11-4-105(6):

- (1) Agriculture;
- (2) Business and professional offices;
- (3) Class "A" beer outlet;
- (4) Commercial testing laboratories;
- (5) Data processing services;
- (6) Day care, pre-school;
- (7) Financial institutions;
- (8) Funeral home;
- (9) Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore, dry-cleaning, hair styling, coin laundry, pharmacy, art supply/gallery, craft store, photo-copy center, etc.);
- (10) Printing, publishing;
- (11) Public park;
- (12) Public utility lines and rights-of-way;
- (13) Reception center;
- (14) Research services;
- (15) Residential facility for the elderly;
- (16) Residential facility for the handicapped;
- (17) Seasonal fruit/produce vendor stands;
- (18) Signs complying with provisions of the Sign Ordinance;
- (19) Single-family dwelling;
- (20) Two-family dwelling;
- (21) Uses customarily accessory to a listed permitted use.
- (22) Home occupations complying with the Home Occupation Chapter of this Title, except as specified in Section 11-15-030 below.

11-15-030 Conditional Uses

The following are conditional uses in the BR Zone. No other conditional uses are allowed, except as provided by Section 11-4-105(6):

- (1) Apartment dwelling group;
- (2) Athletic or tennis club;
- (3) Car wash;
- (4) Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.);
- (5) Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.);
- (6) Convenience store (sale of grocery items, non-prescription drugs, and/or gasoline from building with less than five thousand (5,000) square feet gross floor area);
- (7) Fast food establishments, attached (walk-in service only, no exterior walk-up or vehicle drive-thru service);
- (8) Fuel sales and/or storage;
- (9) Greenhouse/garden center (retail or wholesale);
- (10) Hotels, motels;
- (11) Multiple-family buildings with three or more units;
- (12) Neighborhood grocery (grocery store not exceeding fifteen thousand (15,000) square feet in gross floor area);
- (13) Nursing home, convalescent center;
- (14) Pet store or pet grooming establishment;
- (15) Planned unit development or condominium, commercial;
- (16) Planned unit development or condominium, residential;
- (17) Public and quasi-public uses except the following prohibited uses:
correctional/detention facilities, half-way 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;
- (18) Public or quasi-public uses, material additions or modifications on a developed site;
- (19) Public utility substations, wireless transmission towers except as specified in Section 11-23-190, generating plants, pumping stations, and buildings;
- (20) Reduction of minimum setbacks for office/commercial buildings located next to residential uses within the BR zone (see Section 11-15-105(c));
- (21) Restaurant (traditional sit-down);
- (22) shopping center (commercial complex);
- (23) Small Auto Dealership;
- (24) Temporary uses;
- (25) Uses customarily accessory to a listed conditional use.
- (26) Home occupations as identified in Section 11-35-104 of this Title.

**FARMINGTON CITY
PLANNING COMMISSION MEETING
August 7, 2014**

STUDY SESSION

Present: Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman, Mack McDonald and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Associate City Planner Eric Anderson and Recording Secretary Heidi Gordon. Chairman Brett Anderson and Alternate Commissioner Michael Nilson were excused.

The Commissioners did not have any changes to the July 10, 2014 Planning Commission meet minutes.

Item #3. Jared Darger – Requesting Recommendation for Zone Change

Eric Anderson said the applicant is looking to expand the Meadow View Subdivision into Phase II. A few months back, the applicant was ready to submit his application for Phase II, but the LDS Church was looking to build a church on his property. The Church withdrew their request when Church policies changed. As a result, the City Council voted to grandfather the applicant's subdivision request prior to the moratorium that's currently in place. Eric Anderson also provided the Commissioners with the concept of Phase II, but clarified that the only thing being voted on for the evening was the zone change from A (Agriculture) to AE (Agriculture Estates), which is consistent with the surrounding area.

Item #4. Phil Holland – Requesting Recommendation for Zone Change

Eric Anderson said this item is similar to item #3. The requested zone change from A (Agriculture) to LR (Large Residential) is consistent with the surrounding area and with the General Plan. The applicant also provided a concept plan, but again, only the zone change is before the Commission for the evening.

Item #5. Farmington City – Requesting Recommendation to Amend Chapter 18 Regarding the Regulating Plan

Eric Anderson said this is an addition to the previous amendment that was approved in the July 10, 2014 Planning Commission meeting. The addition includes Spring Creek and Haight Creek. Staff also said they have not talked with the property owner as was listed as a condition in the previously approved motion. Although this change will not affect the property owner, staff recommended to still include contacting the property owner as part of the motion.

Item #6. Todd Gibbs – Requesting Recommendation to Amend Chapter 15 Regarding Allowed Uses in the BR Zone.

Eric Anderson said this is a request for a zone text change as the applicant wants to rent outdoor recreational vehicles, but the use is not included as a permitted or conditional use for the BR Zone. The applicant is looking to lease the HHI Engineering Building as there is a big yard that was previously used to store construction type vehicles. The applicant may have the option to rent a

piece of the old K-Mart building; however, he would have to make significant renovations to make it fit his needs; the HHI Engineer building would not need any improvements prior to him opening his business.

Item #7. Farmington City – Requesting Recommendation to Amend Chapters 10, 11 and 12 Regarding Conservation Subdivisions

Eric Anderson explained that after two separate work groups, the changes to the ordinance are close. The biggest different between the two work groups was the waiver. Some Commissioners felt the waiver may still serve a purpose. The Commissioners discussed whether keeping the waiver is beneficial. Many Commissioners felt if there is a waiver available, it will be all the developer will request so they feel the waiver should be removed from the ordinance. The Commissioners and staff also discussed the threshold for qualifying for Conservation Subdivisions. Many felt that 5 acres was adequate to require a 1 acre park; others felt 10 acres for a 1 acre park was sufficient.

REGULAR SESSION

Present: Commissioners Heather Barnum, Kent Hinckley, Kris Kaufman, Mack McDonald and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Heidi Gordon. Chairman Brett Anderson and Alternate Commissioner Michael Nilson were excused.

#1. Minutes

Heather Barnum made a motion to approve the Minutes from the July 10, 2014 Planning Commission meeting. Karolyn Lehn seconded the motion which was unanimously approved.

#2. City Council Report

Eric Anderson gave a report from the City Council meeting on August 5, 2014. There was a small piece of property in Kaysville owned by, and a part of the Tanner property. With the development of the Cottages at Farmington Hollow, both cities felt that small piece of property would be best served in Farmington so a boundary adjustment with Kaysville took place. Meadow View Phase II was grandfathered in prior to the moratorium as discussed in the Study Session; the application will now be considered under the old Conservation Subdivision ordinance. Mack McDonald asked for more information regarding the Bond that was discussed at the meeting. Eric Anderson stated the bond is for a gymnasium that will be built in conjunction with the new elementary school, but will be shared with the Parks department for basketball leagues. The resolution that was approved will now allow for an election to request the bond and RAP tax.

REZONE APPLICATIONS

#3. Jared Darger (Public Hearing) – Applicant is requesting a recommendation for a zone change on property located at 1725 W. 450 N. from A (Agriculture) to AE (Agriculture Estates for 8.89 acres. (Z-1-14)

Kris Kaufman made a motion that the Planning Commission recommend approval of the attached draft of Chapter 18 of the amended Regulating Plan from Chapter 18 with the condition that the property owner be notified of the proposal prior to it being heard by the City Council. **Rebecca Wayment** seconded the motion which was unanimously approved.

Findings for Approval:

1. This area must be rezoned to accommodate development, which also means updating the Regulating Plan.
2. The block sizes are consistent with the requirements as found in Chapter 18.
3. The layout of the major streets have been reviewed by the traffic engineer and comply with the City's Master Transportation Plan for the area.

Item #6. Todd Gibbs (Public Hearing) – Applicant is requesting a recommendation to amend Chapter 15 of the Zoning Ordinance regarding allowed uses in the BR Zone. (ZT-8-14)

David Petersen showed an aerial map of the building the applicant is looking to lease. The building was occupied by HHI Corporation, which was an engineering and construction company. The back of the building is a large yard where construction equipment was stored. Prior to 1994, the area was zoned C2, which allowed for contractors. After 1994, the area was rezoned to BR. Once the non-conforming business moves, the rights cease after 12 months. The applicant is proposing a recreational vehicle rental and equipment business as shown in the staff report. Staff provided the Commission with the permitted and conditional uses within the BR zone for review.

Kent Hinckley asked for further clarification on what is considered "low impact retail" as listed under permitted use (9). **David Petersen** said there is no definition for low impact retail, but other uses listed as low impact are traditional neighborhood business that you can walk to and could park along the street. **Kent Hinckley** feels the proposed business could arguably be defined as a lower impact retail than others listed like a bakery. **Kris Kaufman** said that although the rental business may have less foot traffic, there will be higher traffic volume as the rental equipment must be picked up and returned.

Kris Kaufman asked staff, in the event the Commission does choose to approve it, should the rental business be listed as a permitted or conditional use. **David Petersen** recommended the recreational vehicle and equipment rental be listed as a conditional use. **Kris Kaufman** added that if approved, it should be listed as recreational vehicle and recreational vehicle equipment rental.

Todd Gibbs, 595 W. 350 S. is a partner of Trax Powersports Rentals. There is currently a rental store in Morgan. He would like to open another store in Farmington and then franchise the business out nationwide. He said currently there is a decline in recreational vehicle purchases as they are too expensive to buy. He plans to store approximately 15 pieces of equipment at any given time. The HHI building has a large lot in the back where equipment can be stored and has a pull through to the lot which would allow for easy pick up and unload.

Karolyn Lehn asked the applicant if he has looked at any other options for his business in Farmington. **Todd Gibbs** said the mayor and staff recommended looking at the old K-Mart building; however, there would be a lot of changes that would need to be made in order to accommodate his business. The HHI building would be ready immediately.

Heather Barnum asked the applicant why he chose Farmington as a place for his location. **Todd Gibbs** said he is a resident of Farmington and would like to support the community by bringing

his business here. He also feels that Farmington is a gateway to many areas that allow for outdoor activities. Also, for boat rentals, all locations are located in UT County and nothing closer.

Rebecca Wayment asked if there is access to the back lot from Main Street or if the only access is from State Street. **Todd Gibbs** said there is a small alley way that would fit a car, but not a trailer for the equipment. Vehicles would have to travel through the Wells Fargo parking lot. **Kent Hinckley** asked if he has obtained access rights to that parking lot. **Todd Gibbs** said yes, the building owner has legal easements to access that parking lot.

Rebecca Wayment also asked if there is enough space to place a recreational vehicle in the front as advertising for the rental business. **Todd Gibbs** said yes, there is a large cement parking strip that can fit a recreational vehicle, and they would like to place one there as advertisement. **Eric Anderson** said the applicant may be permitted to do so.

Mack McDonald opened the public hearing at 8:43 p.m.

No comments were received.

Mack McDonald closed the public hearing at 8:43 p.m.

Mack McDonald asked staff for further information as to if the applicant is permitted to park equipment on the parking strip. **David Petersen** said that although UDOT owns the right of way, many business have and do display items on the parking strip. He added the parking strip is approximately 15' wide, with an additional 5' of side walk and another 5' to the building. If equipment was to be parked there, pedestrians would still have room to walk.

David Petersen also advised the Commission, if approval is considered, to add reasonable conditions for lighting the back yard where the equipment will be stored as there are homes in close proximity.

Kent Hinckley asked staff for clarification on what determines a permitted use verses a conditional use in the BR zone. **David Petersen** said conditional uses are basically permitted uses with conditions placed on them. An example of an appropriate condition would be a condition regarding the lighting as previously discussed. **Kris Kaufman** is concerned with making the recreational vehicle rental a permitted use as it would then apply to all others within the BR zone.

Kris Kaufman likes the business model, the convenience and that the applicant is a Farmington resident. He expressed concerns with the business being located on Main Street and is concerned a permitted business like this could have long-term implications.

Heather Barnum stated she does not feel this is an appropriate business to be located on Main Street and would not like equipment displayed along the front of the store. **Kent Hinckley** agreed he did not like the equipment displayed outside. **Rebecca Wayment** also agreed that displayed equipment would be distracting and not conducive to what she feels Main Street should be for Farmington.

The Commissioners discussed different motion options. **Kris Kaufman** suggested tabling the item if the Commission is unsure about the business being located on Main Street. **Rebecca Wayment** and **Heather Barnum** felt that tabling the item would not change their opinion or concerns. **Kent Hinckley** suggested adding it as a conditional use so conditions would restrict others with similar businesses within the BR zone. He also added that he does not feel this use is worse than many of

the others that are already permitted as there will not be any more traffic, people or cars than the approved uses.

Karolyn Lehn added that she does not feel it may be the best fit as the business would be located across from a school crossing. She feels many that are renting vehicles may not be as experienced with the recreational vehicles and may pose a threat.

Heather Barnum made a motion to recommend denial of the zone text change and **Karolyn Lehn** seconded it. The Commissioners discussed the motion. **Kris Kaufman** feels his decision would change if this really is the only location that fits the applicant's needs. **Mack McDonald** agreed; although he would like to see a bakery type shop along Main Street in Farmington, that is not being presented and he feels this is a business that could succeed in Farmington. **Heather Barnum** expressed concern that if the item was tabled to allow the applicant to rule out any other business locations, the applicant may not be motivated to try other options.

Kris Kaufman asked the applicant if he would prefer the item be tabled or denied. **Mack McDonald** also clarified that the Planning Commission is a recommending body to the City Council; City Council would have the final decision. **Todd Gibbs** would prefer the item be tabled than it be denied. **Rebecca Wayment** expressed concern if the item is tabled, the same concerns will be presented at the next Planning Commission meeting.

Upon voting on the item being recommended for denial, **Heather Barnum, Karolyn Lehn** and **Rebecca Wayment** approved the motion; **Kent Hinckley, Kris Kaufman** and **Mack McDonald** denied the motion. The motion did not pass due to the tie-vote.

Kris Kaufman made a motion that the Planning Commission table the item until the next Planning Commission meeting with direction to the applicant to vet out the K-Mart option and to try and make it work. **Rebecca Wayment** seconded the motion. Upon voting, **Kent Hinckley, Kris Kaufman** and **Mack McDonald** approved the motion; **Heather Barnum, Karolyn Lehn** and **Rebecca Wayment** denied it. The motion again failed due to the tie-vote.

Upon review of the bi-laws, **David Petersen** said if a motion fails due to two tie-votes, then the item will automatically continue to the next Planning Commission meeting.

Item #7. Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend Chapters 10, 11 and 12 of the Zoning Ordinance regarding Conservation Subdivisions. (ZT-3-14)

David Petersen reviewed what the Commissioners discussed in the two study sessions and the last Planning Commission meeting. It was determined that on the west side of Farmington, there would be a conservation overlay around the lake and the bay areas and that parcels that were 5 acres or larger would be considered a Conservation Subdivision and would require a one acre park. It was determined on the east side, parcels that were 10 acres would require a one acre park. He showed on the map what areas on the east side would be considered in the conservation overlay. He also added that although the first study session did not want the waiver, the second session wanted to keep the waiver in the event it may be needed in the future.

David Petersen stated one of the goals of Farmington is that all residents be within ½ mile to a park and that the park have access to at least 1,000 people. He showed various maps showing the city parks, private/quasi parks, school district and county parks, trails and conservation easements. In comparison to other cities, Farmington has access to significant amounts of open space.

located on 11 acres of property. Staff explained that his “use” of the property may be classified as a wholesale greenhouse garden center and nursery, as found in the ordinance, but that use is only allowable on less than 5 acres. He explained it was up to the Commission to interpret the ordinance and determine what is allowed for the applicant. The Commission had concerns regarding his use not fitting within the area when the surrounding areas are developed for their zones, which are Office Mixed Use and Class A Business Park. They discussed having the applicant return each year, like other approved Conditional Uses within the City.

Item #7. Todd Gibbs – Recommendation to Amend Chapter 15 of the Zoning Ordinance to Allow Recreational Equipment Rental Business

Staff stated the applicant looked further into the K-Mart property for the business, but decided against it as it did not best fit his needs.

Item #8. Farmington City – Recommendation to Amend Chapters 10, 11, 12 & 28 of the Zoning Ordinance Regarding Conventional and Conservation Subdivisions

Staff and Commission discussed the proposed amended changes which will be further discussed in the meeting.

REGULAR SESSION

Present: Commissioners Heather Barnum, Kent Hinckley and Rebecca Wayment, Alternate Commissioner Karolyn Lehn, Community Development Director David Petersen, Associate City Planner Eric Anderson and Recording Secretary Lara Johnson. Chairman Brett Anderson, Commissioners Kris Kaufman and Mack McDonald and Alternate Commissioner Michael Nilson were excused.

#1. Minutes

Heather Barnum made a motion to approve the Minutes from the August 7, 2014 Planning Commission meeting. Karolyn Lehn seconded the motion which was unanimously approved.

#2. City Council Report

Eric Anderson gave a report from the City Council meeting on August 19, 2014. The big agenda item was the request for a “Temporary Beer” permit for the Davis County Fairgrounds’ Steelfist Fight Night. The request was denied last year, but was approved by City Council this year. The Bell Estates Final Plat was also approved.

SUBDIVISION APPLICATIONS

#3. Jerod Jeppson/Norm Dahle – Applicant is requesting a recommendation for Final Plat approval for the Silverleaf Subdivision (7 lots) on 5.21 acres located at approximately 1505 North 150 West in an LR Zone. (S-16-13)

Eric Anderson restated the information provided in the Study Session.

Rebecca Wayment asked how the Commission or staff could monitor the applicant's use and determine if the applicant does choose to begin selling from the property. **Craig Cummings** said the sole purpose for the applicant to grow trees is to allow his contracting company the ability to offer mature trees to his customers at a lower cost than a nursery. It would be contrary to his purpose to begin selling his trees.

The Commissioners and staff discussed if the applicant needs to subdivide the property or if fencing an area will fulfill the ordinance's requirement of less than 5 acres. The Commissioners agreed that confining the area for the growing of trees and storage of equipment to less than 5 acres, based on the site plan the applicant provided, was sufficient to meet the requirements of the ordinance.

Rebecca Wayment expressed concern that the applicant's use of the property does not fit with the future purposes of the surrounding zones. **David Petersen** agreed; the surrounding areas are Master Planned for Office Mixed Use and Class A Business Park. **Rebecca Wayment** added that as part of the conditional use permit, she feels it would be important for the applicant to return each year for approval. Doing so, she said, would allow the Commission to determine if it is still a good use for the area as surrounding property is developed. The Commissioners agreed.

Motion:

Kent Hinckley made a motion that the Planning Commission approve conditional use/site plan for the private wholesale greenhouse/garden center as requested, subject to all applicable Farmington City ordinances and development standards, and with the following conditions:

1. The planting and equipment storage is to be confined to the site plan;
2. The conditional use permit is to be renewed annually.

Karolyn Lehn seconded the motion which was unanimously approved.

Finding:

1. Although the property in question is 11.86 acres, the actual footprint of the proposed garden center and equipment storage will be 3.66 acres, as shown in the site plan, which is well below the 5 acre threshold set in Chapter 10.
2. The project is consistent with the standards as determined by Chapter 10 of the Zoning Ordinance.
3. The proposed use will benefit the community and the use is befitting the underlying agricultural zone.

Item #7. Todd Gibbs – Applicant is requesting a recommendation to amend Chapter 15 of the Zoning Ordinance to allow a recreation equipment rental business as permitted or a conditional use in the BR Zone. (ZT-8-14)

David Petersen said this is the same item that was before the Commission at the last meeting. The motion was a tie-vote so it came before the Commission again. The applicant told staff he will not continue to pursue the old K-Mart building as an option for his business as it does not best fit his needs.

The applicant was not present at the meeting.

Heather Barnum stated she has the same concerns as she did in the previous meeting; she does not feel this is an appropriate business for the location.

Kent Hinckley explained he is still in favor of the business. He does not like to see vacant buildings within the City and this specific building will need a special tenant that can use the large yard. He stated he does not feel this use is any worse than the other permitted or conditional uses within the zone. As low-impact businesses are permitted, he feels this could qualify as a low-impact business. He added that if the business is permitted, he would not want recreation vehicle rentals placed on the road as advertising.

Heather Barnum asked if there are plans to amend the lighting in the back yard. **David Petersen** said the item before the Commission is just a zone text change. If it is recommended for approval, the applicant would return for a conditional use permit which would then be the appropriate time to add conditions on lighting, restriction of recreation vehicle rentals on the parking strip, etc.

Heather Barnum also asked if the item is recommended for approval, if there can be restrictions placed on the type of recreational vehicle he rents, specifically, but not limited to a restriction on motor homes. The Commission and staff discussed how to best define recreational vehicles within the ordinance. It was suggested a definition for small recreational vehicles could be added to Chapter 2 of the ordinance. **David Petersen** said he can look further into it if the Commission chooses to recommend the item for approval.

Karolyn Lehn stated she does not feel comfortable changing the zone for one person and also feels this type of business will detract from the vision the City is trying to create for Main St. She also is concerned with the traffic coming through the area as the business is across from a school crossing and those renting vehicles may not be accustomed to traveling with recreational vehicles. She said she is also concerned about the parking along Main St. and would like similar parking restrictions as the U-Haul business as a condition if the motion passes.

After reading through Chapter 5 of the Zoning Ordinance, **David Petersen** explained the applicant's use may be permitted. Since the HHI building and building yard were used as a non-confirming use as a contractor with contracting equipment, a business that has a less-intense non-confirming use may be permitted by the zone administrator up to one year after the original non-confirming use has vacated. **David Petersen** said by permitting the use through Chapter 5, the permitted and conditional uses for the BR zone would not change.

Heather Barnum asked how long the acceptance of a non-confirming use for a location can be continually perpetuated. **David Petersen** stated it will continually perpetuate until it ceases to exist or if the location remains vacant for one year after the non-confirming use has been vacated.

Rebecca Wayment feels that the Commission has been trying to revise and decrease the number of permitted and conditional uses for the BR zone for some time. She feels adding this to the list will be contrary to what they have been trying to accomplish. She feels the applicant would not have any expansion opportunity. For example, if he ever chooses to expand to sales, it would not be possible within the BR zone. She stated she does not like the idea of recreation rental equipment placed along Main St. and also feels the lack of advertising would be a hindrance to his business. She expressed concern that the building has only been vacant a few months and approving the first proposal may not be the best thing as other business may come that may be conforming uses within the zone. She also feels that Farmington may not be the best location to rent recreational vehicles as others may want to rent this equipment closer to the destination of use.

Kent Hinckley stated he does not feel it is within the Commission's purview to determine what is best for his long-term business plans. It is up to the Commission to place conditions, then up to the applicant to weigh those risks and determine if he still wants to move forward. **Heather Barnum** said she would like to see a business be able to thrive so it's important to consider some of those things. **Kent Hinckley** added there is never a guarantee any business will thrive.

Karolyn Lehn said she likes that the applicant has thought outside of the box for a business and what may work there; she hopes others will do the same.

Motion:

Heather Barnum made a motion that the Planning Commission deny recommendation of approval to the City Council to amend Chapter 15 to allow for recreation vehicle and equipment rental. **Karolyn Lehn** seconded the motion. **Heather Barnum, Karolyn Lehn and Rebecca Wayment** approved the motion; **Kent Hinckley** denied it. The motion passed.

Item #8. Farmington City – Applicant is requesting a recommendation to amend Chapters 10, 11, 12 and 28 of the Zoning Ordinance regarding conventional and conservation subdivisions standards, and transfer of development rights (TDR). (ZT-3-14)

David Petersen went through the proposed drafts for each chapter. He showed the Commission the proposed overlay areas that would require a developer to apply for a conservation subdivision. He explained the new alternative lot sizes and added a developer cannot go below the lot sizes without a transfer of development rights (TDR). He walked the Commission through Chapter 12, which had the waiver removed and the TDR moved to Chapter 28. He explained he did provide an alternative waiver option, in the event the Commission decided they were in favor of it. The alternative waiver requires a "good cause" must be present to apply the waiver; 5 standards were outlined to define the meaning of a "good cause." **David Petersen** stated the Commission can choose to leave the draft without the waiver, but again, in the event they decide they would like it, the wording is there for approval.

Rebecca Wayment clarified that on the "good cause" standard #2, she would like the useable park space be amended to 1 acre in size in lieu of the listed ½ acre size. The Commissioners agreed; **David Petersen** said if the alternative waiver is kept, he will make the change.

The Commissioners discussed the waiver in depth. **Heather Barnum** would like to remove a waiver for a time as it seemed to be excessively used; **Karolyn Lehn and Rebecca Wayment** agreed. **Kent Hinckley** feels there may be circumstances when the waiver will be needed; he would like to keep it as part of the ordinance.

Heather Barnum asked staff how the City Council and the City Manager feel about the waiver. **David Petersen** said they are in favor of the waiver as it has provided a significant amount of money to fund parks, trails and more within the City.

David Petersen also explained that with the amended conservation subdivision overlay areas, only a few will be able to apply for a waiver unlike how the ordinance was previously written.

Rebecca Wayment said that there is a lot of acreage on the south east corner of the city near the Centerville border. If standard #1 of the waiver requires the subdivision be located within ½ mile of an existing public park, much of that acreage may meet that requirement with the Centerville

July 9, 2014

Dear Mayor Talbot and Planning Department,

I am looking at establishing a new TRAX™ PowerSports franchise in Davis County and I am currently looking at the former HHI building on 49 North Main Street in Farmington. I have an option in Bountiful that I am also considering but since I live in Farmington, I'd like to keep it in this community.

The space is currently zoned Business and Residential and there is no provision for recreational vehicle rental and sales as there is in the commercial zone. I am now petitioning the city to add the part of 11-16-030 #2 of the commercial zone that refers to recreational vehicles to be added to the BR zone so that I can sign a lease and establish TRAX™ in Farmington.

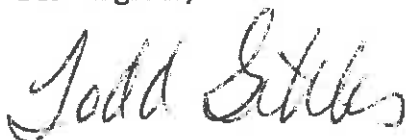
The lot that is behind the former HHI building would provide a great place for customers to back up trailers, load up machines, and then drop them back off when they are finished. It really makes that location very attractive and could provide a great addition to downtown.

I believe that this business would add significant value to the city of Farmington and would be well received by the citizens. There is nothing else like this in Farmington and it makes having priceless dreams affordable by allowing people to rent a boat that would cost \$75,000, a side by side that would cost \$20,000, a \$15,000 snowmobile, or even a motorcycle that costs \$20,000. This would also promote the use of our trails and canyons and we will promote making the loop from Farmington to Bountiful so people can enjoy the beauty of the mountains that are right in their backyards.

I am winding down a career in high tech and I am committed to establishing a very professional and fun business for the citizens of Davis County. We are well capitalized and ready to deliver a great experience for the citizens of Farmington. I would appreciate your earliest consideration as I would like to have this business up and running for the fall hunts and be well prepared for the winter sports.

I look forward to hearing from you.

Best Regards,



Todd Gibbs
(801) 309-9770
todd.gibbs@stone-ware.com

A person wearing a silver helmet and dark riding gear is driving a black utility vehicle (UTV) on a dirt trail. The vehicle has large, knobby tires and a prominent front grille. The background is a blurred forest. The text 'TRAX' is written in large, bold, red letters, with a tire tread pattern forming the letter 'X'. Below it, 'PowerSports' is written in a black, sans-serif font, and 'Rentals' is written in a red, cursive font. The slogan 'Come Ride With Us!' is written in a black, italicized, sans-serif font.

TRAXTM
PowerSports
Rentals

Come Ride With Us!

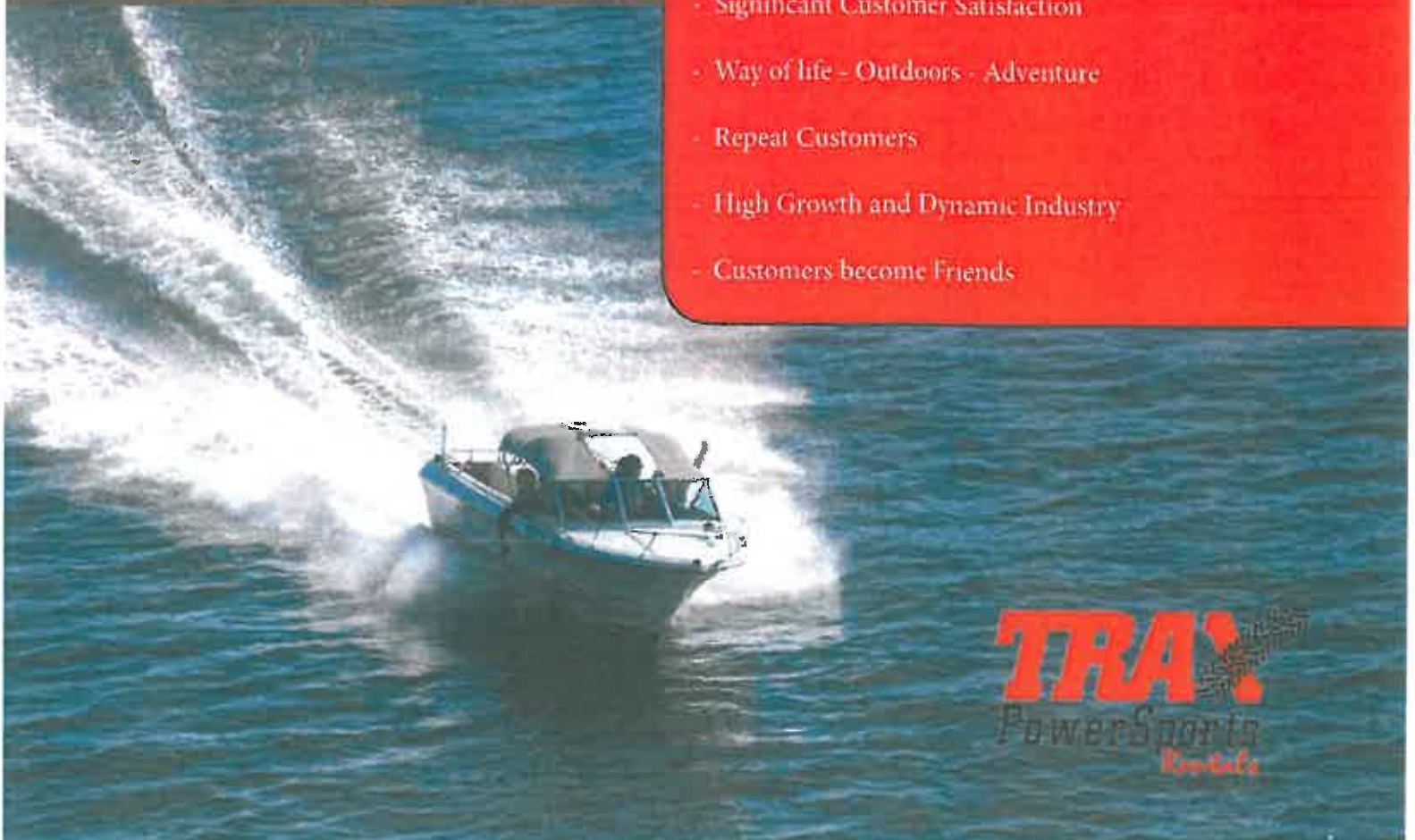


Discover

TRAX PowerSports Rentals

Your investment is more than a financial return

- Ownership Satisfaction
- Friends and Family Oriented
- Entertainment Based Business
- Significant Customer Satisfaction
- Way of life - Outdoors - Adventure
- Repeat Customers
- High Growth and Dynamic Industry
- Customers become Friends



TRAX
PowerSports
Rentals



Enjoy

TRAX PowerSports Rentals Is:

The Premier PowerSports Rental franchise system in the industry

- Providing customers with access to new and current year models of:
 - ATVs
 - UTVs (Side by Sides)
 - Motorcycles (on and off-road)
 - Personal Water Craft
 - Boats
 - Snowmobiles
- Online reservations available 24/7
- Live Reservations and Customer Support available 7 days per week
- Network of like minded owners and individuals who enjoy exploring the great outdoors on the greatest PowerSports equipment available
- Join Owners who understand how to work hard and play hard
- Proven Systems - Developed over 17 years of improving Best Practices
- National and Local Marketing
- Exciting products and industry
- First class training and support

TRAX
PowerSports
Rentals

Explore

TRAX PowerSports Rentals

Why Rent PowerSports Equipment and Why Now?

PowerSports Industry Trends:

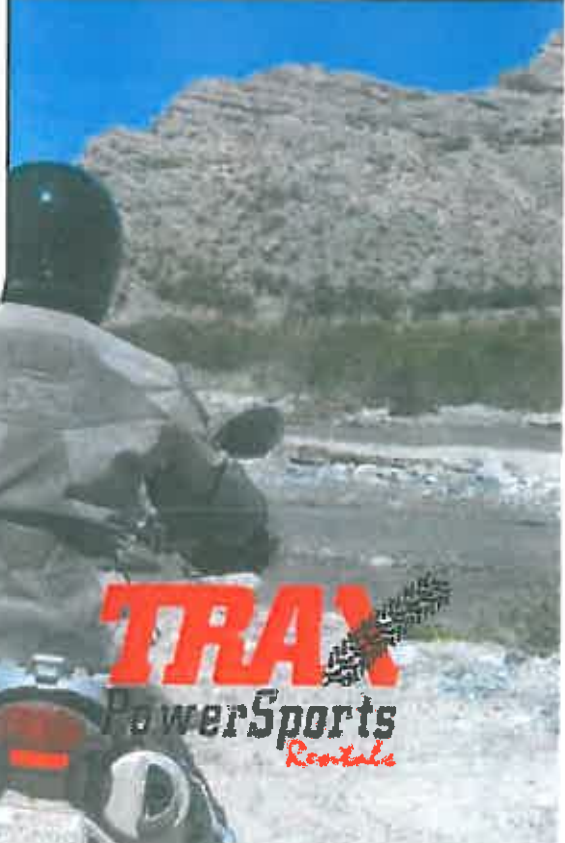
- Cutting Edge Technology
- New Releases Each Year
- Increased Customer Awareness
- Increased Trails and Riding Areas

The above positive trends have happened during a time that has seen the worst economic conditions in our history. We have seen a dramatic decrease in Customers' abilities to purchase these great machines. During the last 10 years we have seen:

- Motorcycle sales decrease from 1 million units in 2005 to 440,000 in 2013
- ATVs sales decrease from 800,000 in 2003 to 220,000 in 2013
- Snowmobiles decrease from 140,000 in 2003 to 55,000 in 2013

Customers want to enjoy PowerSports activities, they simply are in a better position to rent rather than purchase.

There has never been a better time to own a TRAX PowerSports Rentals franchise!



TRAX
PowerSports
Rentals



Invest

TRAX PowerSports Rentals means:

Opportunity

Application Fee

Franchise Fee

- \$39,000

Cash Requirements

Store and Office Equipment

Tools and Rental Accessories

Trailers

PowerSports Rental Equipment

Working Capital during start-up

Franchise Royalty

- 6% on Gross Monthly Rentals

National Ad Fund

- 2% of Gross Monthly Rentals





Attain

TRAX PowerSports Rentals means:

A better return on your investment, helping you reach your long-term goals, and attaining the quality of life you seek

1. Inquire & Qualify

- Preliminary discussions, overview, and area availability
- Application Submittal with \$250 Application Fee
- Application review and request for additional information

2. Attend Discovery Day

- Visit our Corporate Headquarters in Utah, meet our team and get all questions answered.
- Preliminary Application Approval

3. Review the Franchise Disclosure Document (FDD) and Franchise Agreement (FA)

- All franchises are regulated by the FTC. Our Franchise Disclosure Document and Franchise Agreement provide all of the details about your opportunity.

4. Sign and Fund Your Franchise Agreement

- Your territory will be finalized as well as preliminary site and lease approval and your final franchise agreement will be issued.

5. Attend Training

- Your representatives will attend training at The Cabins at Bear River Lodge, where we will help you obtain a complete understanding of our Proven Systems and Best Practices.

6. Open Your TRAX PowerSports Rentals Franchise

- We will have an on-site representative to help you through the entire process of opening and helping with your first rentals. It is an exciting time!





CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

PUBLIC HEARING: Plat Amendment and Minor Subdivision of Stephen's Property

ACTION TO BE CONSIDERED:

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

GENERAL INFORMATION:

See enclosed staff report prepared by Eric Anderson.

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



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

DOUG ANDERSON
JOHN BILTON
BRIGHAM N. MELLOR
CORY R. RITZ
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, Associate City Planner

Date: August 8, 2014

SUBJECT: **PLAT AMENDMENT & MINOR SUBDIVISION OF STEPHEN'S PROPERTY**

RECOMMENDATION

1. Hold a Public Hearing;
2. Move that the Planning Commission approve the metes and bounds subdivision of Brent Stephens' property and minor plat approval of The Grove at Farmington Creek P.U.D. Amended and Extended as shown, subject to all applicable Farmington City ordinances and development standards and the following conditions:
 1. The applicant must obtain HOA approval of the plat amendment prior to recordation;
 2. The applicant shall receive deeds to the remnant pieces of property from the owners of lots 12, 17, and 18 of the Grove Subdivision prior to recordation.

Findings for Approval:

1. The project is consistent with the standards as determined by the Grove PUD Subdivision of which it will be included in.
2. The applicant has worked through the issues raised by the DRC and addressed these issues on this subdivision plat.

BACKGROUND

Brent Stephens is wanting to subdivide his property and split the rear .25 acres of his property off to sell to Michael Fisher. The new lot formed will need to be included into The Grove PUD Subdivision, and so the subdivision is also a plat amendment of that subdivision. In order for this plat amendment to occur, The Grove's HOA will need to approve inclusion of this new lot, and this will need to take place prior to recordation. All of the utilities will be accessed from Grove Creek Circle, which is a private road. In addition to the plat amendment and subsequent minor subdivision, the new lot will also need to acquire some remnant pieces of land in order to have enough frontage on Grove Creek Circle; these property owners will need to deed these remnant pieces over before the plat amendment can be recorded. The applicant is proposing that these remnant property transfers will

occur from the owners of lots 12, 17, and 18 of the Grove at Farmington Creek P.U.D. Both of these requirements have been included as conditions of approval.

SUPPLEMENTAL INFORMATION

1. Vicinity Map
2. The Grove at Farmington Creek P.U.D. Amended and Extended
3. Map showing current zoning and property boundary lines

APPLICABLE ORDINANCES

1. Title 12, Chapter 4 – Subdivision By Metes and Bounds
2. Title 11, Chapter 11 - Low Density Residential
3. Title 11, Chapter 27 – Planned Unit Development (PUD)

Respectfully Submitted



Eric Anderson
Associate City Planner

Concur



Dave Millheim
City Manager

Farmington City

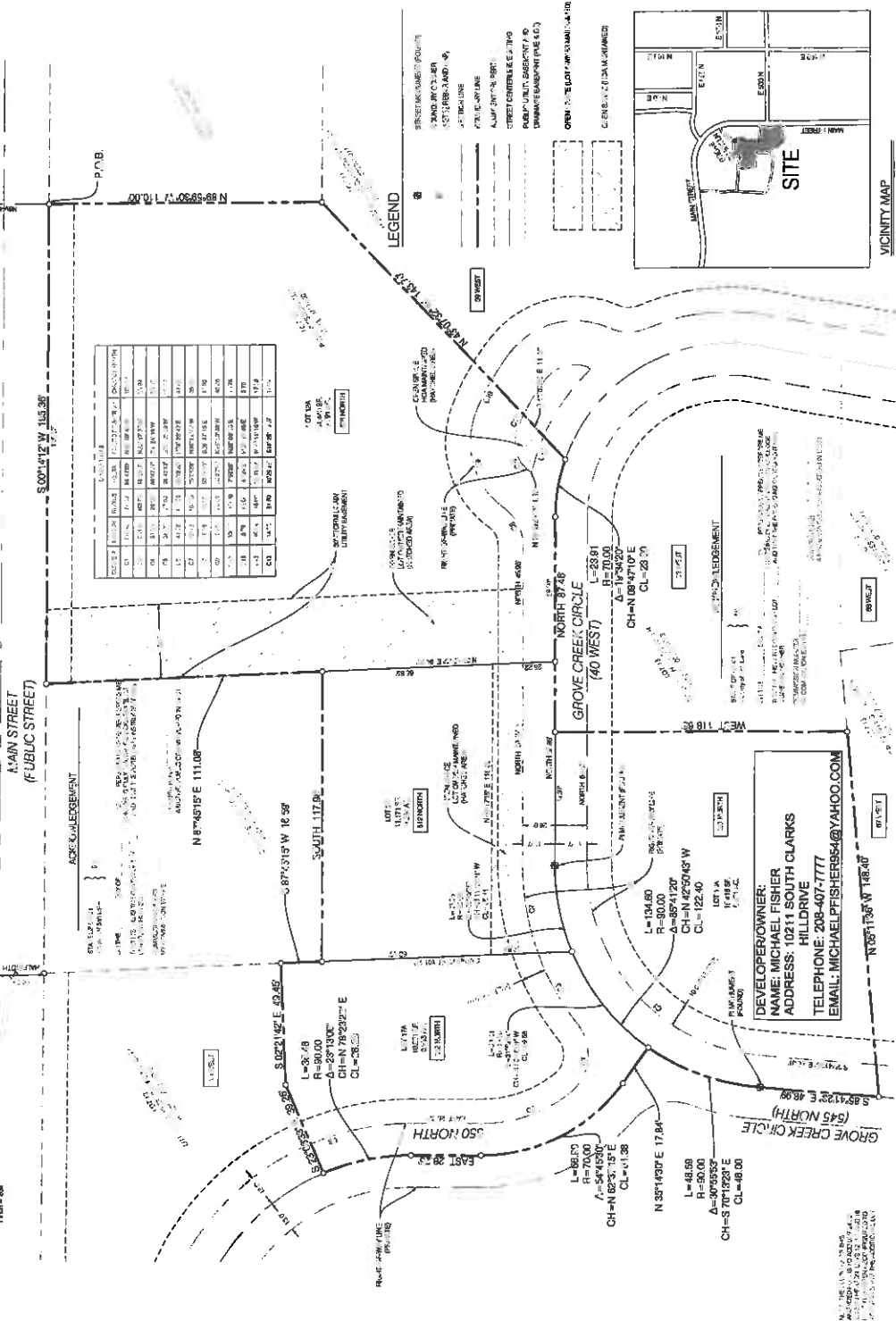




THE GROVE AT FARMINGTON CREEK P.U.D.

AMENDING AND EXTENDING LOTS 15, 16, AND 17 OF THE GROVE AT FARMINGTON CREEK P.U.D.

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18,
T10N, R10E, S17E, 100' WIDE STRIP OF
SALT LAKE BASE AND MERIDIAN
FARMINGTON CITY, DAVIS COUNTY, UTAH



NO.	AREA	PERCENT	AREA	PERCENT	AREA	PERCENT
1	15.00	100.00	15.00	100.00	15.00	100.00
2	16.00	100.00	16.00	100.00	16.00	100.00
3	17.00	100.00	17.00	100.00	17.00	100.00

SURVEYOR'S CERTIFICATE

THE GROVE AT FARMINGTON CREEK P.U.D.
AMENDED AND EXTENDED

BOUNDARY DESCRIPTION

DALE K. HARRIS
SURVEYOR
NO. 10881

OWNER'S DEDICATION

THE GROVE AT FARMINGTON CREEK P.U.D.
AMENDED AND EXTENDED

CONVEYANCE

THE GROVE AT FARMINGTON CREEK P.U.D.
AMENDED AND EXTENDED

ACKNOWLEDGEMENT

THE GROVE AT FARMINGTON CREEK P.U.D.
AMENDED AND EXTENDED

ACKNOWLEDGEMENT

THE GROVE AT FARMINGTON CREEK P.U.D.
AMENDED AND EXTENDED

ACKNOWLEDGEMENT

THE GROVE AT FARMINGTON CREEK P.U.D.
AMENDED AND EXTENDED

THE GROVE AT FARMINGTON CREEK P.U.D.
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18,
T10N, R10E, S17E, 100' WIDE STRIP OF
SALT LAKE BASE AND MERIDIAN
FARMINGTON CITY, DAVIS COUNTY, UTAH

DAVIS COUNTY RECORDED #

NUMBER: _____
DATE: _____
SHEET: _____

BENCHMARK ENGINEERING & LAND SURVEYING
10211 HILL DRIVE
FARMINGTON, UTAH 84201
PHONE: 435-798-1234
FAX: 435-798-5678
WWW.BENCHMARKCIVIL.COM

DEVELOPER/OWNER:
NAME: MICHAEL FISHER
ADDRESS: 10211 SOUTH CLARKS
HILL DRIVE
TELEPHONE: 208-407-7777
EMAIL: MICHAELFISHER95@YAHOO.COM

PLANNING COMMISSION APPROVAL
APPROVED BY: _____
DATE: _____

CITY ENGINEERS' APPROVAL
APPROVED BY: _____
DATE: _____

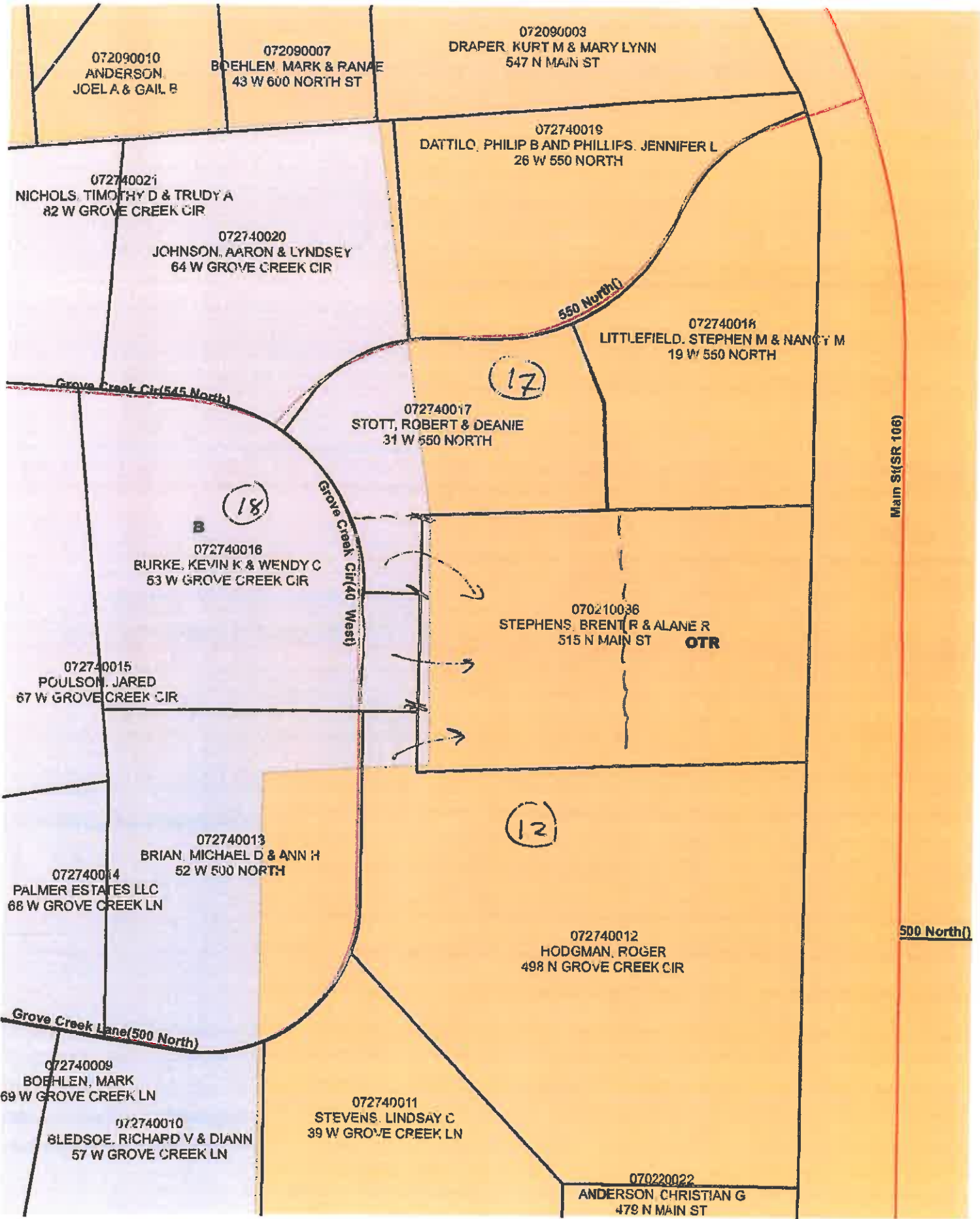
CITY ATTORNEYS' APPROVAL
APPROVED BY: _____
DATE: _____

NEIGHBORHOOD APPROVAL
APPROVED BY: _____
DATE: _____

ADJACENT PROPERTY OWNERS' APPROVAL
APPROVED BY: _____
DATE: _____

ACKNOWLEDGEMENT

DATE: _____



072090010
ANDERSON,
JOEL A & GAIL B

072090007
BOEHLEN, MARK & RANAE
43 W 600 NORTH ST

072090003
DRAPER, KURT M & MARY LYNN
547 N MAIN ST

072740019
DATILO, PHILIP B AND PHILLIPS, JENNIFER L
26 W 550 NORTH

072740021
NICHOLS, TIMOTHY D & TRUDY A
82 W GROVE CREEK CIR

072740020
JOHNSON, AARON & LYNDSEY
64 W GROVE CREEK CIR

072740018
LITTLEFIELD, STEPHEN M & NANCY M
19 W 550 NORTH

072740017
STOTT, ROBERT & DEANIE
31 W 550 NORTH

072740016
BURKE, KEVIN K & WENDY C
53 W GROVE CREEK CIR

070210036
STEPHENS, BRENT R & ALANE R
515 N MAIN ST **OTR**

072740015
POULSON, JARED
67 W GROVE CREEK CIR

072740013
BRIAN, MICHAEL D & ANN H
52 W 500 NORTH

072740014
PALMER ESTATES LLC
68 W GROVE CREEK LN

072740012
HODGMAN, ROGER
498 N GROVE CREEK CIR

072740009
BOEHLEN, MARK
69 W GROVE CREEK LN

072740011
STEVENS, LINDSAY C
39 W GROVE CREEK LN

072740010
BLEDSOE, RICHARD V & DIANN
57 W GROVE CREEK LN

070220022
ANDERSON, CHRISTIAN G
479 N MAIN ST

17

18

12

Main St(SR 106)

500 North()

CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

PUBLIC HEARING: Zone Text Amendments for Chapters 10, 11, 12 and 28

ACTION TO BE CONSIDERED:

1. Hold the public hearing.
2. Continue the public hearing to October 7, 2014; and
3. Conduct further study and review of the proposed changes in a work session scheduled for later in the meeting.

GENERAL INFORMATION:

See enclosed staff report prepared by David Petersen.

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

FARMINGTON CITY



H. JAMES TALBOT
MAYOR

DOUG ANDERSON
JOHN BILTON
BRIGHTON N. MELLOR
CORY R. RITZ
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: September 16, 2014

SUBJECT: **ZONE TEXT AMENDMENTS—CHAPTERS 10, 11, 12, AND 28**

RECOMMENDATION

1. Hold a public hearing and receive public comment;
2. Continue the public hearing to October 7, 2014, and
3. Conduct further study and review of the proposed changes in a work session scheduled for later in the meeting.

BACKGROUND

The Planning Commission prepared, held public hearings, and recommended the enclosed text changes to chapters 10, 11, 12, and 28 of the Zoning Ordinance related to conventional and conservation subdivision standards and transfer of development rights. They met for several hours over many weeks, including a 2 hour study session, to make ready these changes. The proposed amendments include, among other things, the bullet points set forth below. The City Council began its review of the Commission's recommendations on September 2, 2014.

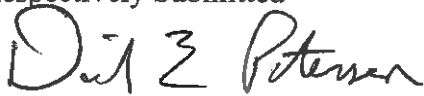
- Limiting conservation subdivisions to larger parcels and an overlay zone specific only to certain areas of the community;
- Providing alternative lot sizes for all other areas of the City, which may be realized at the sole discretion of the City, by: 1) transfer of development rights, or 2) conveying land/easements for public benefit;
- Eliminating bonuses, and difficult and cumbersome standards, from the conservation subdivision ordinance;
- Allowing for consideration of waivers of conservation subdivision provisions only if certain standards are met;
- Moving the TDR section from Chapter 12 to Chapter 28 making it applicable to other sections in the Zoning Ordinance; and

- Recommending that the City Council approve Conservation Subdivisions and TDRs as legislative acts (not as administrative functions).

SUPPLEMENTARY INFORMATION

1. Chapter 12 draft changes;
2. Proposed overlay zone;
3. Chapter 10 draft changes;
4. Chapter 11 draft changes;
5. Chapter 28 draft changes (TDR);

Respectively Submitted



David Petersen
Community Development Director

Review and Concur



Dave Millheim
City Manager

DRAFT

August 7, 2104; August 21, 2014; September 2 and 16, 2014 (CC)

CHAPTER 12

CONSERVATION SUBDIVISION AND (CS) OVERLAY ZONE DEVELOPMENT STANDARDS

11-12-010	Purpose.
11-12-020	Applicability.
11-12-030	Definitions.
11-12-040	Development Options.
11-12-050	Approval Process.
11-12-060	Development Activities Prohibited.
11-12-065	Waiver.
11-12-068	Fee in Lieu; conservation Land Dedication.
11-12-070	Subdivision Yield Plan.
11-12-080	Sensitive Area Designation Plan.
11-12-085	Master Development Plan.
11-12-090	Dimensional Standards.
11-12-100	Design Standards.
11-12-110	Transfer of Development Rights/Lots. (TDR)
11-12-120	Use Regulations.
11-12-130	Conservation Land Design Standards.
11-12-140	Permanent Protection of Conservation Lands.
11-12-150	Ownership of Conservation Lands.
11-12-160	Maintenance of Conservation Lands.

11-12-010 Purpose.

The purpose of this Chapter is to provide for subdivision development within the CS Overlay Zone and elsewhere in Farmington City ~~Farmington City~~ in a manner that:

(a) Protects constrained and sensitive lands, including those areas containing sensitive and undevelopable features such as steep slopes, floodplains and wetlands, by setting them aside from development;

(b) Conserves conservation and open space land, including those areas containing unique or natural features such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historical buildings and/or sites, archeological sites, and green space, by setting them aside from development;

- (c) Provides greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
- (d) Reduces erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes and other constrained and sensitive lands;
- (e) Provides for a diversity of lot sizes to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be enhanced;
- (f) Provides incentives for the creation of greenway systems and open space within the City for the benefit of present and future residents;
- (g) Implements adopted City policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Comprehensive General Plan;
- (h) Implements adopted land use, environment, natural hazards, transportation, and community policies, as identified in the Comprehensive General Plan;
- (i) Protects areas of the City with productive agricultural soils for continued agricultural use by conserving blocks of land large enough to allow for viable farm operations;
- (j) Creates neighborhoods with direct visual and/or recreational access to constrained, sensitive and conservation land;
- (k) Provides for the conservation and maintenance of constrained, sensitive and conservation land within the City to achieve the above-mentioned goals;
- (l) Provides incentives and design alternatives for landowners to minimize impacts on environmental resources such as, sensitive lands, wetlands, floodplain, and steep slopes, and to minimize disturbance of natural or cultural features such as, mature woodlands, tree lines, wildlife habitats and corridors, historic buildings, and floodplain walls;
- (m) Provides standards accommodating to some extent the varying circumstances and interests of individual landowners and the individual characteristics of their properties; and
- (n) Conserves scenic views and elements of the City's rural and scenic character and minimizes perceived density by minimizing views of new development from existing roads.

11-12-020 Applicability.

a. Any lot or parcel located within the CS Overlay Zone, as shown on the Official Zoning Map, depicted within the Future Land Use Map of the General Plan shall be subject to the standards and regulations of this Chapter. The CS is in an overlay zone. Such standards and regulations are intended to be in addition to the existing standards and regulations of the underlying zone of the property and other applicable regulations of this Zoning Ordinance.

AND

Any lot or parcel located in agriculture and single family residential zones greater than 5 and 10 acres respectively and not located in the CS Overlay Zone.

b. The election to apply and develop property as a Conservation Subdivision is voluntary and provided to developers as an alternative to development of property as a Conventional Subdivision pursuant to other applicable provisions of this Title. The intent of this Chapter and the Conservation Subdivision options is to encourage the creation and development of flexibly-designed open space subdivisions. Conservation Subdivisions may be developed within applicable agricultural and residential zones of the City. Conservation Subdivisions shall be developed in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter and with all other applicable subdivision ordinances and zoning regulations of the City which are not otherwise in conflict with the provisions of this Chapter.

11-12-030 Definitions.

For purposes of this Chapter, the following words shall have the meanings set forth herein:

(a) Conservation Land. Conservation land means land containing unique, historic, cultural, archeological, natural or other significant features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, and open space.

(b) Constrained and Sensitive Land. Constrained and sensitive land means land which is generally unbuildable and which contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults and other geologically or environmentally sensitive features.

11-12-040 Development-Options.

Developers desiring to develop property as a Conservation Subdivision in accordance with and subject to the development standards, conditions, procedures and regulations of this Chapter may submit a subdivision application for residential development at the base density permitted in the relevant zone provided herein which may result in more lots than using conventional lot dimensions standards set forth in Chapters 10 and 11 of this Title. The development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required percentage of conservation land within the development. ~~are provided the following Conservation Subdivision development options. These options are provided as an incentive to encourage developers to designate, preserve and protect a greater percentage of their property as permanent open space.~~

~~———— (a) ——— Option One: Basic Conservation. Option One Conservation Subdivision provides for residential development at the base density permitted in the relevant zone plus any corresponding density incentive as provided herein for Option One Conservation Subdivisions. In order to obtain the full density incentive permitted herein for an Option One Conservation Subdivision, the development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required percentage of conservation land within the development.~~

~~———— (b) ——— Option Two: Enhanced Conservation. Option Two Conservation Subdivision provides for residential development at the base density permitted in the relevant zone plus any corresponding increased density incentive as provided herein for Option Two Conservation Subdivisions. In order to obtain the increased density incentive provided herein for an Option Two Conservation Subdivision, the development must utilize a conservation design which sets aside and preserves all constrained and sensitive lands, natural hazards and resources, and provides the required increased percentage of conservation land within the development.~~

11-12-050 Approval Process.

Applications for a Conservation Subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the City Subdivision Ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this Chapter, including, but not limited to, submission of a Subdivision Yield Plan, Sensitive Area Designation Plan and/or Master Development Plan.

The Planning Commission shall consider all applications for conservation subdivisions and prepare a recommendation to the City Council as an amendment to the Zoning Ordinance in accordance with Chapter 6 of this Title and the Municipal Land Use Development, and Management Act as set forth in the Chapter 9a of the Utah State Code. The City must provide notice of meetings and public hearings, and required third party notices, related thereto. As part of its recommendation, the Planning Commission and the City Council must determine whether or not a proposed conservation subdivision meets

the purpose of this chapter and the review standards set forth in Chapter 6 and elsewhere in the Farmington City Code.

11-12-060 Development Activities Prohibited.

In order to ensure the preservation and enhancement of existing conditions of certain property within the City, including, but not limited to, constrained and sensitive lands, natural and cultural resources, wildlife habitat and other unique and sensitive lands, no new development activity shall be permitted on property proposed for development as a Conservation Subdivision prior to final plat approval as provided herein. Upon final plat approval, all development activity shall be conducted in accordance with and subject to applicable permit and development approval processes required by City Ordinances, rules and regulations. For purposes of this Section, "development activity" shall include any disturbance or alteration of the property in any way, but shall not include continuation of any currently existing permitted use of the property.

11-12-065 Waiver.

Subject to the provisions set forth herein, any provision of this Chapter may be waived by the City upon a vote of not less than four (4) members of the City Council. Such waiver(s) shall be granted only in limited circumstances as deemed appropriate and necessary by the City Council. No waiver shall be granted absent a finding of good cause based upon specific special circumstances attached to the property. No waiver should be granted that would be contrary to the public interest or contrary to the underlying intent of this Chapter. Any waiver of the required minimum conservation land dedication shall require comparable compensation, off-site improvements, amenities or other consideration of comparable size, quality and/or value.

Good cause as referenced herein shall include, but not be limited to the following standards:

(1) The subdivision shall be located within a half mile of an existing public park located within the Farmington City limits. This distance shall be determined by the actual walking distance from the subdivision to the park.

(2) In the event the park is located off-site pursuant to sub-paragraph 1, or on-site, a waiver shall not result in usable park space less than 1 acre in size.

(3) A waiver shall not result in lots, or building set-backs, smaller than the minimum lot size.

(4) All subdivision standards regarding dead-end street length, ingress and egress, and block dimensions shall be met.

(5) No waiver shall result in the creation of additional lots or a flag lot.

11-12-068 Fee in Lieu; Conservation Land Dedication.

In the event a proposed conservation land dedication does not, in the City's legislative discretion, produce sufficient public benefit, the City may require the payment of a fee in lieu of the dedication of conservation land. The fee to be paid to the City shall be established as follows:

- (1) The City shall establish the amount of the fee to be paid by determining the value of land of the same general characteristics as the conservation land dedication which would be required absent the application of the provisions of this section. The City's determination of value may be based on land sales data in the City's possession or reasonably available, and the basis of the City's determination shall be made available to the Applicant.
- (2) In the event the Applicant disagrees with the City's determination of the amount of the fee in lieu, the Applicant may, at its sole expense, submit an appraisal report from a licensed and Certified General Appraiser to establish the value of the proposed conservation land dedication. The value as established in a qualifying appraisal shall be the amount of the fee in lieu of conservation land dedication.
- (3) Any amount received by the City in lieu of conservation land dedication shall be set aside solely for open space and/or park acquisition and/or development.

11-12-070 Subdivision Yield Plan.

All applications for a Conservation Subdivision shall include a Subdivision Yield Plan prepared in accordance with the provisions set forth herein. The Subdivision Yield Plan is utilized to determine and calculate the base number of dwelling units for any given property to be developed as a Conservation Subdivision.

(a) Subdivision Yield Plan. Applicants shall prepare a Subdivision Yield Plan for the proposed project showing how the property within the project could be developed under a Conventional Subdivision layout using the dimensional standards set forth in Subsection (c). The Subdivision Yield Plan is not intended to propose or permit the actual development of the property in accordance with the dimensional standards set forth herein, but is prepared merely to determine the base number of dwelling units to be used in calculating the permitted number of dwelling units and lot size for the actual Conservation Subdivision. No subdivision may be developed in accordance with the dimensional standards set forth in Subsection (c) or a proposed Subdivision Yield Plan.

(b) Realistic Layout. The Subdivision Yield Plan must be drawn to scale and must exhibit a realistic layout reflecting a Conventional Subdivision layout that could

reasonably be expected to be implemented in consideration of dimensional standards set forth herein and calculating and addressing the presence of non-buildable or infrastructure areas, including, but not limited to, rights-of-way, public improvement areas, wetlands, floodplains, steep slopes, restricted areas subject to the Farmington City Foothill Development Standards, and existing easements or encumbrances. A sample Subdivision Yield Plan is set forth in Exhibit "A," attached hereto and incorporated herein by this reference, providing an example of a hypothetical Yield Plan for land zoned Large Suburban.

(c) Dimensional Standards. The Subdivision Yield Plan shall reflect the following dimensional standards:

Subdivision Yield Plan Dimensional Standards			
Zone	Lot Area	Lot Width	
		Interior	Corner
R (Residential)	8,000 s.f.	75'	85'
LR (Large Residential)	10,000 s.f.	85'	95'
S (Suburban)	15,000 s.f.	95'	100'
LS (Large Suburban)	20,000 s.f.	100'	110'
AE (Agriculture Estates)	½ Acre	100'	110'
A (Agriculture)	1 Acre	100'	110'
AA (Agriculture-Very Low Density)	5 Acre	150'	160'

(d) Approval. The Subdivision Yield Plan must be approved in writing by the City Planner for compliance with the standards and provisions of this Section prior to the submission of a Schematic Plan for a Conservation Subdivision.

11-12-080 Sensitive Area Designation Plan.

All applications for a Conservation Subdivision shall include a Sensitive Area Designation Plan prepared in accordance with the provisions set forth herein. The Sensitive Area Designation Plan shall identify all constrained and sensitive lands within the property boundaries and within four hundred (400) feet outside of the property boundaries, including, but not limited to, floodplains, wetlands, steep slopes, and restricted areas as regulated by the Farmington City Foothill Development Standards. The Sensitive Area Designation Plan shall also clearly identify all natural or cultural resources present on the property and within four hundred (400) feet outside of the property, including, but not limited to, geographic features, including, but not limited to, meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmland, wildlife corridors and/or habitat; historic buildings and/or sites;

archeological sites; cultural features and green space. Some, but not all, of certain constrained and sensitive lands are designated and shown on the Farmington City Resources and Site Analysis Plan which may be utilized by applicants for the purpose of preparing a Sensitive Area Designation Plan. Applicants are solely responsible for checking and ensuring the accuracy and designation of constrained and sensitive lands and natural and cultural resources on the Sensitive Area Designation Plan for their particular project and applicable adjacent property. If site analysis, surveying and/or identification of constrained and sensitive lands and natural and cultural resources require entry onto adjacent properties, applicants are solely responsible for obtaining all required permits and/or approvals for such entry and analysis, surveying and/or identification.

11-12-085 Master Development Plan.

When deemed necessary or desirable by the City, application and approval for a Conservation Subdivision may require the submission and approval by the City of a Master Development Plan and/or Development Agreement. Such Master Development Plan and/or Development Agreement may be required by the City at any stage of the subdivision approval process.

11-12-090 Dimensional Standards.

~~(a) Density. The permitted density for development within a Conservation Subdivision shall be determined in accordance with the following chart, hereinafter referred to as the "Development Incentive Chart." The percentage increases noted as the "multiplier" in the Chart are percentage increases from the base density identified in the approved Subdivision Yield Plan for the proposed development.~~

~~(b) Minimum Required Conservation Land. All Conservation Subdivisions shall provide at least the minimum percentage of conservation land within the Conservation Subdivision in accordance with the following chart, hereinafter referred to as set forth in the "Development Incentive Chart" in Subsection (a). The minimum percentage of required conservation land for any given Conservation Subdivision shall be calculated based upon the total acreage of property within the proposed subdivision less areas containing constrained and sensitive lands. Required conservation land shall not include any constrained or sensitive lands as defined herein. Except as otherwise provided herein, conservation land shall not be included within any residential lot.~~

Option One Development Incentive Chart				
Zone	Conservation Land	Incentive Multiplier	Typical Lot Area	Lot Size Minimum
R	10%	0%	7,200 s.f.	6,500 s.f.

Option One – Development Incentive Chart				
Zone	Conservation Land	Incentive Multiplier	Typical Lot Area	Lot Size Minimum
LR	10%	0%	9,000 s.f.	7,500 s.f.
S	15%	0%	12,750 s.f.	9,000 s.f.
LS	25%	5%	14,286 s.f.	10,000 s.f.
AE	25%	5%	14,286 s.f.	10,000 s.f.
A	30%	10%	25,455 s.f.	14,000 s.f.
AA	30%	10%	138,600 s.f.	14,000 s.f.

Option Two – Development Incentive Chart				
Zone	Conservation Land	Incentive Multiplier	Typical Lot Area	Lot Size Minimum
R	15%	10%	6,182 s.f. 6,800 s.f.	5,500 s.f.
LR	15%	10%	7,727 s.f. 8,500 s.f.	6,500 s.f.
S	20%	15%	10,435 s.f. 12,000 s.f.	8,000 s.f.
LS	30%	20%	11,667 s.f. 16,000 s.f.	9,000 s.f.
AE	30%	20%	11,667 s.f.	9,000 s.f.
A	40%	20%	20,000 s.f.	12,000 s.f.
AA	40%	20%	108,900 s.f.	12,000 s.f.

(eb) Lot Area. The lot area and minimum lot size for lots within a Conservation Subdivision shall be determined in accordance with the Development Incentive Chart set forth in Subsection (a). The typical lot area is likely to be much closer in size to the established threshold for each zone because that lot size can be delivered by developers while still meeting the minimum conservation land requirements set forth herein.

(d) Lot Width at Building Line. The minimum lot width at the building line for main buildings within a Conservation Subdivision shall be seventy-five (75) feet, except in the R and LR zones the minimum lot width shall be sixty (60) feet.

(e) Street Frontage. The minimum street frontages for lots within a Conservation Subdivision shall be determined in accordance with the street frontage regulations provided for the relevant zone.

(f) Yard Regulations. The builder or developer of a Conservation Subdivision may consider variations in the principal building position and orientation, but shall observe the following minimum standards for buildings within a Conservation Subdivision. Exceptions to these minimum setback regulations may be approved by the City, in its sole discretion, during plat approval process when deemed appropriate and desirable under the circumstances.

i. Front Setback. The minimum front yard setback for main buildings in a Conservation Subdivisions shall be twenty (20) feet . Notwithstanding the foregoing, the minimum front yard setback for attached garages which extend past the front of the dwelling towards the front property line in any Conservation Subdivision shall be thirty (30) feet.

ii. Rear Setback. The minimum rear yard setback for main buildings within a Conservation Subdivisions shall be thirty (30) feet.

iii. Side Setback. The minimum side yard setback for main buildings within a Conservation Subdivision shall be ten (10) feet for lots within the S, LS, AE, and AA zones, and a minimum of five (5) feet for lots within the R and LR zones but the total of both sides set backs in the R and LR zones shall be no less than 13 feet.

iv. Side Corner Setback. The minimum side corner setback for main buildings within a Conservation Subdivision shall be fifteen (15) feet from the property line in compliance with clear vision standards set forth in Section 11-28-150 of this Title.

v. Accessory buildings on lots less than ½ acre in size shall be located at least six (6) feet to the rear of the dwelling, shall not encroach on any recorded easement, shall not occupy more than twenty-five percent (25%) of the rear yard, and shall be located at least fifteen (15) feet from any dwelling on an adjacent lot. Such buildings may be located within one (1) foot of the side or rear property line. Accessory buildings shall, without exception, be subordinate in height and area to the main building.

vi. Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not less than ten (10) feet from any side or rear property line and one hundred (100) feet from any public street or from any dwelling on an adjacent property.

vii. A detached garage, or other architecturally compatible structure as approved by the Planning Commission, may be located in the side yard of a lot providing that a six (6) foot separation is maintained from the residence and all front, side, and rear setbacks are provided as specified in Section 11-11-050.

viii. On double-frontage lots, accessory buildings shall be located not less than twenty-five (25) feet from each street upon which the lot has frontage.

(g) Building Height on lots less than one-half (½) acre.

(1) Main buildings:

i. Main buildings shall not exceed twenty-seven (27) feet in height;

ii. No dwelling or structure shall contain less than one story.

(2) Accessory buildings or structures shall not exceed fifteen (15) feet in height unless an increased height is approved by the Planning Commission after review of a conditional use application filed by the property owner. No fee shall be assessed for such application.

(h) Accessory buildings on lots greater than ½ acre in size shall meet the setback and height requirements of the underlying zone in which they are located.

11-12-100 Design Standards.

(a) Individual Lots. Individual lots in Conservation Subdivisions shall be laid out pursuant to the dimensional standards set forth herein. Except as otherwise provided for herein, individual residential lots shall not encroach upon or contain any of the required minimum designated conservation land for the Subdivision or any constrained or sensitive lands, as defined herein.

~~(b) — Buffer from Road. All new dwellings shall be arranged and located a minimum of eighty (80) feet from all external roads with a functional classification higher than a local street.~~

(c) Views of Houselots. Views of houselots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the City's landscaping requirements for residential subdivisions.

~~(d) — Access. Houselots shall be accessed from interior streets, rather than from roads bordering the tract.~~

~~(e) — Abut Conservation Lands. At least half of the lots shall directly abut conservation land or face conservation land across a street.~~

(f) Conservation Lands. Standards pertaining to the quantity, quality, configuration, use, permanent protection, ownership, and maintenance of the conservation land within a Conservation Subdivision shall be complied with as provided herein.

(g) Constrained and Sensitive Lands. Restrictions and regulations regarding the preservation, protection, ownership and maintenance of constrained and sensitive lands within a Conservation Subdivision shall be complied with as provided herein.

~~(h) — Size. In no event shall any parcel of conservation land be less than 1 acre in size.~~

11-12-110 — Transfer of Development Rights/Lots. (TDR)

~~(a) — Transfer Lots. Property proposed for conservation land and constrained and sensitive land, if located in a designated receiving zone, may be replaced by one, or more than one, “Transfer Lot”. A Transfer Lot is a lot that could have been developed elsewhere in the City, but instead is platted in the place of proposed conservation land, and where money paid to the owner of property located in a designated sending zone by a developer to transfer the lot, and increase the overall residential density of his project. Such lots shall be known and referred to as “Transfer Lots” and must be approved by the City in conjunction with subdivision approval. A Transfer Lot is not the result of a waiver set forth in this Chapter.~~

~~(b) — Sole Discretion. The City has the sole authority to designate sending and receiving zones where such transfer lots are used and may do so by resolution~~

~~(c) — Any sending zone parcel once a transfer lot density right is taken off the sending zone parcel loses the associated density right unless a future city council decision approves an up zoning to the sending zone parcel.~~

~~(d) — Minimum Transfer Lot Size and Dimensional Standards. The minimum acreage required for any Transfer Lot replacing conservation land shall be determined in accordance with the development incentive chart (option two) and dimensional standards provided in Section 11-12-090.~~

~~(e) — Any cash payment which results from an agreement regarding a Transfer Lot shall be set aside for the acquisition or improvement of open space and/or park land only, and not for any other use.~~

~~_____ (f) _____ The open space acquired involving a Transfer Lot shall be in proximity to the receiving area for said Lot base on the service area or nature of the open space acquired. The service area, whether it is related to a regional facility, community parks, a neighborhood park, etc., shall be determined as set forth in the General Plan~~

~~_____ (g) _____ If open space realized in whole or in part by a Transfer lot is moved to another location, transfer lot density rights must be recalculated based upon the characteristics of the new sending zone parcel and in consideration on what as already been transferred to the previous location.~~

~~_____ (h) _____ For larger conservation subdivisions greater than 20 acres in size, ten percent of the land must remain as open space and cannot be used by Transfer Lots.~~

~~_____ (i) _____ Agreement. A Transfer Lot must be approved by development agreement between the City and the respective owners, acceptable to and at the sole discretion of the City. The development agreement shall be recorded prior to or contemporaneous with the recording of the final plat which contains the Transfer Lot, and the agreement may include, but not be limited to, the following:~~

~~(1) _____ Anticipated value of the Transfer Lot to be paid from the receiving lot owner to the sending lot owner;~~

~~(2) _____ Method of payment for the transfer lot(s) value and when the payment is to be made;~~

~~(3) _____ Cost of improvements, including design costs, and the timing of construction;~~

~~(4) _____ Other costs such as City fees and finance costs, and the timing of the paying thereof;~~

~~(5) _____ Land cost total to be paid to the owner and when this payment to the owner will be made; and~~

~~(6) _____ Developer profit percentage.~~

11-12-120 Use Regulations.

(a) Subdivision. Subject to use and development restrictions of constrained and sensitive lands as set forth herein, land within Conservation Subdivisions may be used for the following purposes:

(1) Permitted Uses. Any uses permitted in the relevant zone.

- (2) Conservation Land. Conservation land, subject to the use and development restrictions of conservation land as set forth herein.
- (3) Accessory Uses. Any permitted accessory uses as provided in the relevant zoning regulations.

(b) Conservation Land. Conservation land may be used for the following purposes:

- (1) Permitted Uses. The following uses are permitted in conservation land areas:
 - (a) Conservation of open land in its natural state; e.g., meadow, grassland, tree stands, farmland, etc.
 - (b) Agricultural and horticultural uses, including raising crops or Class “B” livestock and associated buildings that support an active, viable agricultural or horticultural operation, excluding commercial livestock operations involving swine, poultry, and mink.
 - (c) Pastureland for sheep, cows and horses.
 - (d) Equestrian facilities for Class “B” animals.
 - (e) Underground utility easements for drainage, access, sewer or water lines, or other public purposes.
 - (f) Above-ground utility and street rights-of-way may traverse conservation land if permitted under City Ordinances; provided, areas encumbered by such facilities and/or rights-of-way shall not be counted towards the minimum required conservation land for the Subdivision.
- (2) Conditional Uses. The following uses shall be considered as conditional in conservation land areas:
 - (a) Agricultural uses, not otherwise permitted, including Class “C” Animals, but excluding commercial livestock operations involving swine, poultry and mink.
 - (b) Wholesale nurseries and associated buildings that are specifically needed to support active, viable horticultural operations.

- (c) Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
 - (d) Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact.
 - (e) Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways.
 - (f) Golf courses, not including miniature golf.
 - (g) Water supply and sewage disposal systems, and storm water detention areas designed, landscaped, and available for use as an integral part of the conservation land.
 - (h) Fencing, when deemed necessary and appropriate for the particular use, condition, purpose and/or location of the conservation land.
- (3) Prohibited Uses. Except as otherwise approved and permitted by the City as a permitted or conditional use in conjunction with the Conservation Subdivision approval, the following uses shall be considered prohibited in conservation land areas:
- (a) Any residential, commercial or industrial activity;
 - (b) Any development, construction or location of any man-made modification or improvements such as buildings, structures, roads, parking lots, or other improvements;
 - (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;
 - (e) Burning of any materials, except as necessary for agricultural, drainage and fire protection purposes;
 - (f) 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 and/or utility facilities within the property;

- (g) Hunting or trapping for any purpose other than predatory or problem animal control;
 - (h) Advertising of any kind or nature and any billboards or signs; provided, directory and information signs may be displayed describing the easement and prohibited or authorized use of the same;
 - (i) 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 landscaped areas, and similar protective measures or those activities relating to permitted agricultural uses;
 - (j) The change, disturbance, alteration, or impairment of significant natural ecological features and values of the property or destruction of other significant conservation interests on the property;
 - (k) The division, subdivision or de facto subdivision of the property;
 - (l) Changing the topography of the property by placing on it any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted purposes;
and
 - (m) All other uses and practices inconsistent with and detrimental to the stated objectives and purpose of the easement.
- (4) Constrained and Sensitive Lands. No development or residential uses shall be permitted within constrained and sensitive lands.

11-12-130 Conservation Land Design Standards.

Designated conservation land within a Conservation Subdivision shall meet the following standards:

- (a) Significant Areas and Features. Conservation land should include the most unique and sensitive resources and locally significant features of the property within

the Subdivision such as meadows, grasslands, tree stands, streams, stream corridors, flood walls, berms, watercourses, farmlands, wildlife corridors and/or habitat, historic buildings and/or sites, archeological sites, cultural features, green space, scenic views, etc.

(b) **Contiguous Land.** Conservation lands within a development shall be contiguous to provide for large and integrated open space areas within the Subdivision. Non-contiguous parcels of conservation lands may be approved by the City during plat approval process upon a finding that such exception is necessary and/or desirable based upon consideration of the size of the project, the size of the conservation parcels, the types of features and resources included within the conservation lands, and other relevant considerations. Long thin strips of conservation land (less than one hundred (100) feet wide) are prohibited, unless approved by the City during plat approval process upon a finding that such configuration of the conservation land is necessary and/or desirable to connect other significant areas, to protect linear resources such as streams or trails, or to provide a buffer.

(c) **Open Space Network Connection.** Conservation land within a Conservation Subdivision shall be designed and laid out as part of a larger continuous and integrated open space system in general accordance with the Farmington Resource and Site Analysis Plan to ensure that an interconnected network of open space will be provided throughout the City.

(d) **Visibility.** Conservation land shall be located and designed within the Conservation Subdivision to add to the visual amenities of neighborhoods and to the surrounding area by maximizing the visibility of internal open space. Such enhanced visibility of conservation land may be accomplished through design and location of such open space as terminals at the ends of streets or along “single-loaded” street segments, particularly along the outside edges of street curves, and by maximizing the visibility of external open space as perimeter “greenbelt” conservation land.

(e) **Resource Uses.** A substantial amount of the minimum required conservation land may be devoted to active resource uses such as agriculture, horticulture, or equestrian uses; provided, at least ~~twenty percent (20%)~~ a portion of the minimum required conservation land remains available for the common use and enjoyment of the subdivision residents or the public.

(f) **Recreational Uses.** A substantial amount of the minimum required conservation land may be comprised of active recreation facilities such as playing fields, golf courses, tennis courts, etc., exclusive of parking lots; provided, at least ~~twenty percent (20%)~~ a portion of the minimum required conservation land remains available for common use and enjoyment of the subdivision residents or the public.

(g) **Buffering.** Conservation land shall be designed to provide buffers and to protect scenic views as seen from existing roadways and from public parks. Where the

proposed development abuts a national forest or other public park, open space, wildlife sanctuary or preserve, a natural greenway buffer at least fifty (50) feet wide shall be provided within the development along its common boundary with said land, within which no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction or fire safety). Where this buffer is unwooded, the City may require vegetative screening to be planted at developer's sole cost and expense and/or that the buffer be managed to encourage natural forest succession through 'no-mow' policies and the periodic removal of invasive alien plant and tree species.

(h) **Pedestrian Access.** Developer shall provide adequate pedestrian access to conservation land which is open to public or resident use.

(i) **Maintenance Access.** Developer shall provide sufficient maintenance access to all conservation land and constrained and sensitive lands within the Conservation Subdivision.

(j) **Landscaping.** All conservation land that is not wooded, farmed, or maintained as conservation meadows, grassland, or other approved open space, shall be landscaped at developer's sole cost and expense in accordance with landscaping requirements for subdivisions.

11-12-140 Permanent Protection of Conservation Lands.

(a) **Conservation Easement.** All conservation land shall be permanently restricted from future development by a conservation easement or other method of protection and preservation acceptable to the City. Under no circumstances shall any development be permitted in the conservation land at any time, except for those permitted or conditional uses listed herein and approved in conjunction with the Conservation Subdivision. All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Subdivision, shall be approved by the City and recorded prior to or concurrent with the recording of the final plat for the Conservation Subdivision.

(b) **Terms and Conditions.** All conservation easements, or other acceptable method of protection and preservation of the conservation land within a Conservation Subdivision, shall be in substantially the same form as the standard conservation easement form provided by the City and shall include, at a minimum, the following terms and/or conditions:

- (1) legal description of the easement;
- (2) description of the current use and condition of the property;
- (3) permanent duration of easement;
- (4) permitted and conditional uses;
- (5) prohibited development and/or uses;
- (6) maintenance responsibilities and duties; and

(7) enforcement rights and procedures.

(c) Grantee. Unless otherwise approved by the City, the grantee of a conservation easement shall consist of one of the following acceptable entities which entity shall be qualified to maintain and enforce such conservation easement: land trust, conservation organization or governmental entity. The City may, but shall not be required to, accept, as grantee, a Conservation Easement encumbering conservation lands within a Conservation Subdivision, provided there is no cost of acquisition to the City for the easement and sufficient access to and maintenance responsibilities regarding the conservation land are provided.

11-12-150 Ownership of Conservation Lands.

(a) Undivided Ownership. Unless otherwise approved by the City and subject to the provisions set forth in this Chapter, the underlying fee ownership of the conservation land shall remain in single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental entity, or private individual.

(b) Property subject to a conservation easement, or other acceptable method of protection and preservation, shall not be subdivided.

(c) Owners' Association. Conservation land may be held in common ownership by a condominium homeowners' or other acceptable owners' association, subject to all of the provisions for owners' associations set forth in State regulations and the City's Subdivision regulations. In addition, the following regulations shall be met:

- (1) A description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for conservation land, including restrictive covenants for the Subdivision, shall be submitted by the developer with the Preliminary Plat application.
- (2) The proposed association shall be established and operating (with financial subsidization, if necessary) prior to or concurrent with the recording of the Final Plat for the Subdivision.
- (3) Membership in the association shall be mandatory for all purchasers of property within the Subdivision and their successors in title.
- (4) The association shall be responsible for maintenance and insurance of conservation land.
- (5) The by-laws of the association and restrictive covenants for the Subdivision shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued

interest before the lien may be lifted.

- (6) Written notice of any proposed transfer of conservation land by the association or the assumption of maintenance for the conservation land must be given to all members of the association and to the City no less than thirty (30) days prior to such event.
- (7) The association shall have adequate staff to administer, maintain, and operate such conservation land.

11-12-160 Maintenance of Conservation Lands.

(a) **Costs.** Unless otherwise agreed to by the City, the cost and responsibility of maintaining conservation land shall be borne by the owner of the underlying fee of the conservation land.

(b) **Plan.** The developer shall submit a Maintenance Plan providing for and addressing the means for permanent maintenance of the conservation land within the proposed Conservation Subdivision with the Preliminary Plat application for the Subdivision. The Maintenance Plan shall provide the following:

- (1) The Plan shall define ownership.
- (2) The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (e.g., lawns, playing fields, meadow, pasture, wetlands, stream corridors, hillsides, cropland, woodlands, etc.).
- (3) The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the conservation land and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- (4) At the City's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year.

(c) **Approval.** The Maintenance Plan must be approved by the City prior to or concurrent with Final Plat approval for the Subdivision. The Maintenance Plan shall be recorded against the property and shall include provisions for the City's corrective action rights as set forth herein. Any changes or amendments to the Maintenance Plan shall be approved by the City.

(d) Failure to Maintain. In the event that the organization established to maintain the conservation land and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof in reasonable order and condition, the City may assume responsibility, as a right but not an obligation, for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

(e) 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 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. The Maintenance Plan and all other documents creating or establishing any association or conservation organization for the property shall reference the City's corrective action authority set forth herein and shall be recorded against the property.



Farmington City

Date: 8/14/2014

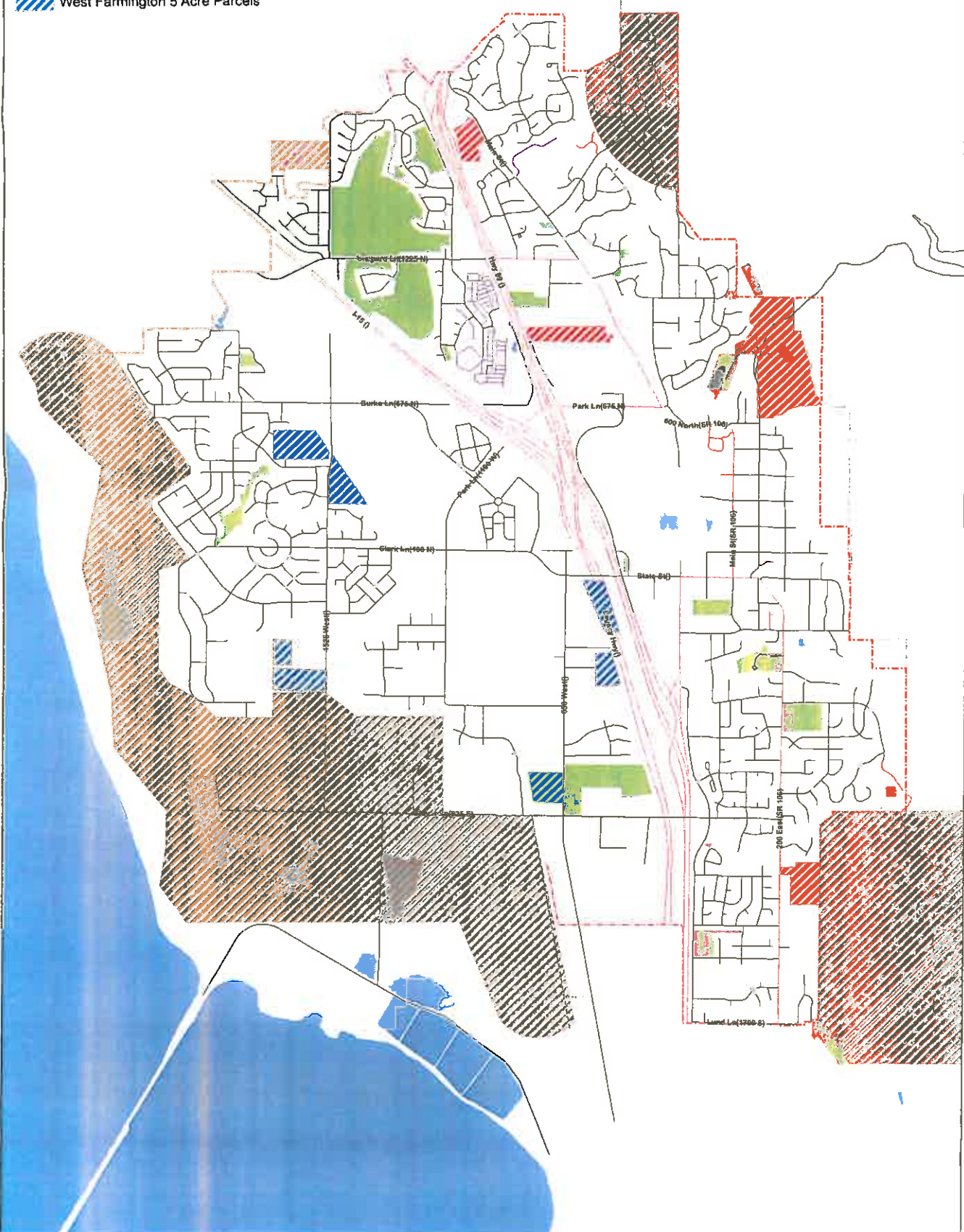


Legend

landarea

NOTES

- Conservation Subdivision Overlay Zone
- East Farmington 10 Acres Parcels
- West Farmington 5 Acre Parcels



**CHAPTER 10
AGRICULTURAL ZONES**

- 11-10-010 Purpose.**
- 11-10-020 Schedule of Uses.**
- 11-10-030 Development Options.**
- 11-10-030 ~~Conservation Subdivision~~ Development Options.**
- 11-10-040 Lot and Setback Standards.**
- 11-10-050 Maximum Building Height.**
- 11-10-060 Site Development Standards.**

11-10-010 Purpose.

The "AA", "A" and "AE" zones are intended to provide areas for the keeping of farm animals and fowl in conjunction with single-family dwelling units to an extent consistent with said development and in proportion to the amount of land area provided for this purpose.

The AE zone is expressly established to accommodate residential developments which are oriented to a lifestyle that includes farming which is generally non-commercial. To accomplish this purpose, this chapter includes provisions which encourage the design of residential communities to include non-commercial stables, training areas, and equestrian trails as part of the development.

Property in the AA and A zones is intended to be used primarily for commercial agriculture, farming, and large estate parcels for residential living. Additionally, the AA zone is created to apply to environmentally sensitive areas such as flood plains, wetlands, debris flow areas, areas within one hundred (100) feet of a stream channel, all land above an elevation of 5,200 feet above sea level, all land below an elevation of 4,218 feet above sea level.

All lands within agricultural zones are intended, to some extent, for either private or commercial agricultural production, farming, protection of environmentally sensitive areas, and/or open space. Owners, occupants, and users of these properties, or neighboring properties, may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to, noise, odors, dust, the operation of machinery, including crop dusting aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of these properties, or neighboring properties, should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations and are hereby put on official notice that Section 78-38-7, Utah Code Annotated, 1953, as amended, may bar them from obtaining a legal judgment against such normal agricultural operations.

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 Section 11-4-105(6):

USE	AGRICULTURE ZONES		
	AA	AE	A
Accessory Dwellings	C	C	C
Accessory Living Quarters	C	X	X
Agriculture	P	P	P
Boarding kennel	X	X	C
Class "A" animals (small animals)	P	P	P
Class "B" animals (large animals)	P	P	P
Class "C" animals (commercial farming)	P	C	P
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
Day-care, preschool	X	C	C
Greenhouse/Garden Center (retail or wholesale) less than 5 acres	C	C	C
Fruit and vegetable stands for sale of produce grown on the premises	P	P	P
Home occupations complying with provisions of the Home Occupation Chapter of this Title except as specified in Section 11-35-104	P	P	P
Home occupations specified in Section 11-35-104	C	C	C
Planned Unit development	C	C	C
Private school, Public School, or hospital	X	C	C
Public uses	X	C	C
Trails and Parks	C	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	C	C	C
Residential facilities for the elderly	X	C	C
Residential facilities for the handicapped	X	C	C
Signs complying with Title 12	P	P	P

USE	AGRICULTURE ZONES		
	AA	AE	A
Secondary Dwelling	C	C	C
Single-family dwelling	P	P	P
Sportsman's kennel (three to five dogs for non-commercial use)	C	C	C
Uses customarily accessory to a listed permitted use	P	P	P
Uses customarily accessory to a listed conditional use	C	C	C
Veterinary clinic	C	C	C

11-10-030 Conservation Subdivision Development Options.

Residential subdivisions within agriculture zones **greater than 5 acres in size, or located in the Conservation Subdivision Overlay Zone, as described on the Farmington City Zoning Map,** may be developed as a non-Conservation Subdivision in accordance with the standards set forth in this Chapter. ~~Alternatively, subdivisions within agriculture zones may be developed as a Conservation Subdivision~~ **may be developed** in accordance with the provisions of Chapter 12 of this Title providing innovative and flexible design opportunities.

11-10-040 Lot and Setback Standards

(1) The following shall be the minimum lot areas, widths, and main building setbacks in agricultural zones:

Zone	Lot Area	Alternative Lot Size	Lot Width		Front	Side	Side Corner	Rear
			Interior	Corner				
AA	10 acre	5 acre	150'	160'	40'	15' min., total 30'	30'	40'
A	2 acre	1 acre	100'	110'	30'	10' min., total 24'	25'	30'
AE	1 acre	½ acre	100'	110'	30'	10' min., total 24'	25'	30'

(2) **Alternative Lot Size.**

- (a) **The alternative lot size is limited to subdivisions whereby the City approves a transfer of development right as set forth in Chapter 28 of this Title; or obtains improved or unimproved land in fee title, or easement, for public purposes—such as parks, trails, detention basins, etc. The value of which, and the total number of lots related thereto, shall be determined by the City at its sole discretion as part of the subdivision process.**
- (b) **The alternative lot size is not available for subdivision consisting of 5 acres or more, and or for subdivisions located in the Conservation Subdivision Overlay zone.**

(23) Lot coverage: Not more than twenty-five percent (25%) of the gross area of a lot shall be covered by the main building, accessory buildings, or other structures in the A zone and lots greater than 0.75 acres in size in the AE zone, and not more than ten percent (10%) of the gross area of a lot for the AA zone. On lots less than 0.75 acre in size the lot coverage requirements for accessory buildings and structures set forth in Chapter 11 of this Title shall apply. (See below)

(34) Area required for Class "B" animals: Not more than two (2) horses or cows or four (4) sheep, goats, pigs or similar size animals shall be kept on a one-half (1/2) acre lot. For lots larger than one-half (1/2) acre, one (1) additional horse or cow or two (2) additional sheep, goats, pigs, or similar size animals may be kept for each five thousand (5,000) square feet over one-half (1/2) acre. Animals younger than six (6) months in age shall not be counted in determining the total number of animals on the lot.

(45) Area required for Class "C" animals: The minimum lot size for Class "C" animals (commercial farming) shall be five acres. Class "C" animal operations shall not include hog, mink, turkey and chicken farms.

(56) Area required for Sportsman Kennel: The minimum lot size for a Sportsman Kennel shall be one acre.

(67) Land within green belt corridors, waterways, and trail dedications shall not be used in calculating final lot area in Conservation Subdivisions.

(78) Accessory buildings and structures:

- (a) Accessory buildings, except those listed in paragraph (b) below, 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 (5) feet from all property lines and shall be fifteen (15) feet 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.
- (b) 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 (10) feet to any side or rear boundary line or one hundred (100) feet to any public street or to any dwelling on adjacent properties. This provision shall not apply to pastures.
- (c) A detached accessory building, or other architecturally compatible structure as approved by the Planning Commission, may be located in the side yard of a lot providing that a separation is maintained from the residence in compliance with applicable building codes, and all front and side setbacks are provided as specified in Section 11-10-040 and the rear setback is provided as specified in Section 11-10-040(7)(a). In no event shall an accessory building encroach into the front yard beyond the nearest corner of the main building.

- (d) Equipment or materials stored or located in accessory buildings, yards, or structures in AE zones shall be permitted only for the personal use of the occupants of the property. No such storage or use related to a non-agricultural commercial business shall be allowed.

(89) Transmission towers, except as specified in Section 11-28-190, shall be set back from all property lines a distance equal to the height of the tower plus thirty (30) feet.

11-10-050 Maximum Building Height.

(1) Main buildings shall not exceed twenty-seven (27) feet in height.

(2) The height of accessory buildings and structures shall not exceed twenty-five (25) feet unless an increased height is approved by the Planning Commission after review of a conditional use application filed by the property owner. No fee shall be assessed for such application.

(3) Transmission towers have no restriction on height provided they meet the setbacks established in Section 11-10-040 above and Chapter 28 of this Title.

11-10-060 Site Development Standards.

(1) Site development standards. Site development on agricultural lots shall conform to applicable requirements of Chapter 7 of this Title.

(2) Parking restrictions. In an AE zone, minimum parking required by this Title shall not be located within the minimum required front or side yard setback adjacent to a public or private street. Surfacing of access drives to such parking shall be either gravel, asphalt, or concrete in order to minimize tracking of dirt onto public roads.

(3) Temporary buildings. Temporary buildings, or the temporary use of a building or yard, shall only be allowed in conjunction with a construction project. Temporary buildings may be used only as an office or for storage of equipment or materials. The temporary building or use shall be removed and/or terminated not less than thirty (30) days after final inspection of the construction project or one (1) year after issuance of the building permit, whichever comes first.

(4) Trail dedications. Developers of major subdivisions in agricultural zones may be required by the City to dedicate equestrian and/or pedestrian trails, waterways, or other open space corridors in order to allow internal circulation, separated from vehicular traffic, and connections to a regional trail system. At the discretion of the City, such dedications may be made in lieu of the Park Acquisition and Development Fee required by, and according to the standards established in, the Subdivision Ordinance.

(5) Major Street Plan. All developments shall comply with recommendations of the City's Major Street Plan.

**CHAPTER 11
SINGLE-FAMILY RESIDENTIAL ZONES**

- 11-11-010 Purpose.**
- 11-11-020 Permitted Uses.**
- 11-11-030 Conditional Uses.**
- 11-11-040 ~~Conservation Subdivision~~ Development Options.**
- 11-11-050 Minimum Lot **Area, Width,** and Setback Standards.**
- 11-11-060 Accessory Buildings and Structures.**
- 11-11-070 Building Height.**
- 11-11-080 Nonconforming Subdivisions.**
- 11-11-090 Parking Restrictions.**
- 11-11-100 Site Development.**

11-11-010 Purpose.

The purpose of this zone is to provide areas in the City for low to medium density single-family residential development. Four (4) zoning districts are provided for this purpose: R (Residential); LR (Large Residential); S (Suburban); and LS (Large Suburban). These zones are distinguished primarily by differences in lot size, and setback standards, and development option standards.

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 Section 11-4-105(6).

- (a) Agriculture;
- (b) Class "A" animals;
- (c) Class "B" animals (except in the R zone);
- (d) Home occupations complying with the Home Occupation Chapter of this Title, except as specified in Section 11-11-030 below;
- (e) Signs complying with Title 12;
- (f) Single-family residential dwellings; and
- (g) Uses customarily accessory to a listed permitted use.

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 Section 11-4-105(6).

- (a) Dwelling, Accessory (except in the R zone);
- (b) Dwelling, Secondary (except in the R zone);
- (c) Home occupations as identified in Section 11-35-104 of this Title;
- (d) Private school or hospital;
- (e) Public uses;
- (f) Public utility installations (except lines and rights-of-ways)
- (g) Quasi-public uses;
- (h) Residential facilities for the elderly; and
- (i) Residential facilities for the disabled.

11-11-040 Conservation Subdivision Development Options.

Subdivisions within the single-family residential zones **greater than 10 acres in size, or located in the Conservation Subdivision Overlay Zone, as described on the Farmington City Zoning Map**, may be developed as a non-Conservation Subdivision in accordance with the standards set forth in this Chapter. ~~Alternatively, subdivisions within the single-family residential zones may be developed as a Conservation Subdivision~~ **may be developed** in accordance with the provisions of Chapter 12 of this Title providing innovative and flexible design opportunities.

11-11-050 Minimum Lot Area, Width, and Setback Standards.

(a) The following shall be the minimum lot areas, widths, and main building setbacks for Conventional Layout subdivision development in single-family residential zones:

Zone	Lot Area in s.f.		Lot Width		Front	Side	Side Corner	Rear
		Alternative Lot size	Interior	Corner				
R	16,000	8,000	75'	85'	25'	8' min., total 18'	20'	30'
LR	20,000	10,000	85'	95'	25'	10' min., total 22'	20'	30'
S	30,000	15,000	95'	100'	25'	10' min., total 22'	20'	30'
LS	40,000	20,000	100'	110'	30'	10' min., total 24'	25'	30'

(b) **Alternative Lot Size.**

- (1) **The alternative lot size is limited to subdivisions whereby the City approves a transfer of development right as set forth in Chapter 28 of this Title; or obtains improved or unimproved land in fee title, or easement, for public purposes—such as parks, trails, detention basins, etc. The value of**

which, and the total number of lots related thereto, shall be determined by the City at its sole discretion as part of the subdivision process.

- (2) The alternative lot size is not available for subdivision consisting of 10 acres or more, ~~and~~ or for subdivisions located in the Conservation Subdivision Overlay zone.

(c) In zones allowing Class "B" animals, twenty thousand (20,000) square feet shall be required for two (2) sheep or goats or for one (1) horse or cow.

11-11-060 Accessory Buildings and Structures.

(a) Accessory buildings, except those listed in Subsection (b), shall be located in the rear yard, shall be separated from the main building by a distance in compliance with applicable building codes, shall not encroach on any recorded easement, shall not occupy more than twenty-five percent (25%) of the rear yard, and shall be located at least fifteen (15) feet from any dwelling on an adjacent lot. Such buildings may be located within one (1) foot of the side or rear property line. Accessory buildings shall, without exception, be subordinate in height and area to the main building.

(b) Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not less than ten (10) feet from any side or rear property line and one hundred (100) feet from any public street or from any dwelling on an adjacent property.

(c) A detached garage, or other architecturally compatible structure as approved by the Planning Commission, may be located in the side yard of a lot providing that a separation is maintained from the residence in compliance with applicable building codes, and all front and side setbacks are provided as specified in Section 11-11-050, and the rear setback is specified in Section 11-11-060(a). In no event shall an accessory building encroach into the front yard beyond the nearest corner of the main building.

(d) On double-frontage lots, accessory buildings shall be located not less than twenty-five (25) feet from each street upon which the lot has frontage.

11-11-070 Building Height.

(a) Main buildings:

- (1) Main buildings shall not exceed twenty-seven (27) feet in height;
- (2) No dwelling or structure shall contain less than one story.

(b) Accessory buildings or structures shall not exceed fifteen (15) feet in height unless an increased height is approved by the Planning Commission after review of a conditional use application filed by the property owner. No fee shall be assessed for such application.

11-11-080 Nonconforming Subdivisions.

Lots in subdivisions approved and recorded prior to May 14, 1986, which were located in R-1-4 zones which have subsequently been rezoned to R-1-8, may be approved for construction of new single-family homes with the minimum side yard setbacks established for the R-1-4 zone. These minimum setbacks were five (5) feet on each side of the home. Front and rear yard setbacks shall comply with the current zoning. Subdivisions in which this provision may be applied include Oakridge Country Club Estates III, Woodridge Village 1 & 2, Fairway Fields, and Aegean Village A & B.

The four thousand (4,000) square foot minimum lot size, twin-home use, and the minimum setbacks as were approved and recorded in Woodridge Village 1 and 2 shall be allowed in the adjacent 2.63 acres, preliminarily approved as the Farmington Court Subdivision by the Planning Commission on March 20, 1984, and by the City Council on March 21, 1984, as a conditional use, to allow reasonable use of the land and conformity with, the use of the street that will serve the property.

11-11-090 Parking Restrictions.

Minimum parking required by this Title shall not be located within the minimum required front or side yard setback adjacent to a public or private street in any single-family residential zone.

11-11-100 Site Development.

Site development on single-family residential lots shall conform to Section 11-7-105 of this Title.

DRAFT
August 7, 2014

CHAPTER 28

SUPPLEMENTARY AND QUALIFYING REGULATIONS

11-28-010	Effect of Chapter.
11-28-020	Building Lot Required.
11-28-030	Minimum Lot Areas to be Preserved.
11-28-040	Open Sky.
11-28-050	Supplementary Yard Regulations.
11-28-060	Location of Recreational Pools and Tennis Courts.
11-28-070	Maximum Coverage Area of Accessory Buildings.
11-28-080	Location of Architectural and Integral Parts.
11-28-090	Maximum Height Limitations Exceptions.
11-28-100	Minimum Height of Dwellings.
11-28-110	Minimum Size of Dwellings.
11-28-120	Temporary Use of Land and Structures.
11-28-130	Native Material Removal.
11-28-140	Fences.
11-28-150	Clear Vision.
11-28-160	Open Storage in Residential Zones.
11-28-170	Public Improvements Required.
11-28-180	Additional Requirements for Dwellings.
11-28-190	Wireless Telecommunication Facilities.
11-28-200	Secondary Dwelling Units.
11-28-210	Small Auto Dealership.
11-28-220	Class "A" Self Storage
11-28-230	Demolitions
11-28-240	Transfer of Development Rights

11-28-24- Transfer of Development Rights/Lots. (TDR)

(a) **Transfer Lots.** Property proposed for conservation land and constrained and sensitive land, if located in a designated receiving zone, may be replaced by one, or more than one, "Transfer Lot". A Transfer Lot is a lot that could have been developed elsewhere in the City, but instead is platted in the place of proposed conservation land, and where money paid to the owner of property located in a designated sending zone by a developer to transfer the lot, and increase the overall residential density of his project. Such lots shall be known and referred to as "Transfer Lots" and must be approved by the City in conjunction with subdivision approval. A Transfer Lot is not the result of a waiver set forth in this Chapter.

(b) Sole Discretion. The City has the sole authority to designate sending and receiving zones where such transfer lots are used and may do so by resolution

(c) Any sending zone parcel once a transfer lot density right is taken off the sending zone parcel loses the associated density right unless a future city council decision approves an up zoning to the sending zone parcel.

(d) Minimum Transfer Lot Size and Dimensional Standards. The minimum acreage required for any Transfer Lot replacing conservation land shall be determined in accordance with the development incentive chart (option two) and dimensional standards provided in Section 11-12-090.

(e) Any cash payment which results from an agreement regarding a Transfer Lot shall be set aside for the acquisition or improvement of open space and/or park land only, and not for any other use.

(f) The open space acquired involving a Transfer Lot shall be in proximity to the receiving area for said Lot base on the service area or nature of the open space acquired. The service area, whether it is related to a regional facility, community parks, a neighborhood park, etc., shall be determined as set forth in the General Plan

(g) If open space realized in whole or in part by a Transfer lot is moved to another location, transfer lot density rights must be recalculated based upon the characteristics of the new sending zone parcel and in consideration on what as already been transferred to the previous location.

(h) For larger conservation subdivisions greater than 20 acres in size, ten percent of the land must remain as open space and cannot be used by Transfer Lots.

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

- (1) Anticipated value of the Transfer Lot to be paid from the receiving lot owner to the sending lot owner;
- (2) Method of payment for the transfer lot(s) value and when the payment is to be made;
- (3) Cost of improvements, including design costs, and the timing of construction;
- (4) Other costs such as City fees and finance costs, and the timing of the paying thereof;
- (5) Land cost total to be paid to the owner and when this payment to the

owner will be made; and

- (6) Developer profit percentage.

CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

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

1. Approval of Minutes from September 2, 2014
2. Final Plat for the Silverleaf Conservation Subdivision

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

Farmington City Council Meeting
September 2, 2014

WORK SESSION:

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, City Engineer Chad Boshell, Associate Planner Eric Anderson, City Recorder Holly Gadd and Recording Secretary Cynthia DeCoursey

Site Tour

At 5:30 p.m. the City Council and several staff members visited property in the Pretty Valley area to determine the potential for a new well and water tank. The Council returned to City Hall at 6:45 p.m. and briefly reviewed several agenda items.

REGULAR SESSION:

CALL TO ORDER:

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

Mayor Talbot welcomed those in attendance, the invocation was offered by **Dave Millheim** and the Pledge of Allegiance was led by **Cory Ritz**.

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS:

Executive Summaries for two Planning Commission meetings

Eric Anderson said the Planning Commission recommended approval of the Final Plat for the Silverleaf Subdivision, the plat amendment/lot split for the Fisher/Stephens property, and Farmington City's request to amend Chapters 10, 11, 12 and 28 of the Zoning Ordinance. A conditional use site plan for the Indulgent Foods office building and a conditional use permit for a wholesale greenhouse garden center/nursery were approved, and they recommended denial of **Todd Gibbs'** request to amend Chapters 10, 11, 12 and 28 of the Zoning Ordinance.

Mayor Talbot asked if the sewer/storm drain issues related to the Indulgent Foods office building had been resolved and if **Todd Gibbs** had pursued an alternate site for his ATV business. **Eric Anderson** said Indulgent Foods will tie into the existing systems (except for the secondary water line), and **Todd Gibbs** checked an alternate site but said it would not be a good fit.

PUBLIC HEARINGS:

Zone Text Change – Chapter 18 – Regulating Plan Update

Eric Anderson said this update was imperative to accommodate the future growth of the OMU zone, and the open space corridors will be 50 feet on each side of the stream beds.

Public Hearing:

The public hearing opened at 7:16 p.m. There were no public comments, and it was closed.

Motion:

John Bilton made a motion to approve the updated Regulating Plan as shown in the staff report. The motion was seconded by **Cory Ritz** and unanimously approved.

Findings for Approval:

1. The current proposed regulating plan is consistent with the regulating plan which was previously approved on May 20, 2014.
2. The proposal has further defined the road network to include the northern portion of the mixed-use district, including the Office Mixed Use (OMU) zone for the future office park and two open space zones for the Spring Creek and Haight Creek stream corridors.

Zoning Map Amendment (1600 S. Lund Lane) from A (Agriculture) to LR (Large Residential)

Eric Anderson said this proposed zone change is consistent with zoning in the area, and he recommended approval of the amendment.

Phil Holland, Wright Development Group, 1472 Woodland Park Drive, Layton, said the lots will range from 14,000 to 20,000 square feet.

Public Hearing:

The public hearing opened at 7:25 p.m. There were no public comments, and it was closed.

Motion:

Brigham Mellor made a motion to approve the proposed rezone from A (Agriculture) to LR (Large Residential). **Doug Anderson** seconded the motion which was unanimously approved.

Findings for Approval:

1. The proposed rezone is consistent with the General Plan.
2. The proposed rezone is consistent with the zoning for the surrounding area;
3. The proposed rezone will better enable other property owners to also rezone their property to LR in the future.

ACTION ITEMS:

Ladder Truck Purchase

Fire Chief **Guido Smith** said a committee of 10 Fire Department members was formed some time ago to pursue the purchase of a ladder truck. There are three manufacturers in the U.S.—Spartan/Crimson, Rosenbaum, and Pierce. On August 19th Pierce offered the City a demo model for \$1,000,000 (\$300,000-350,000 savings) with a one-year bumper to bumper warranty and an additional year if it is paid off by September 30, 2014. **Chief Smith** said this truck will not only service the City’s current needs but will continue to provide service into the future. It is a quality truck which offers additional safety features that may not have been included with another truck. **Mayor Talbot** pointed out that Farmington and Sunset are the only two communities on the Wasatch front without a ladder truck, and he is satisfied with this proposal. **John Bilton** thanked members of the Fire Department who served on the committee and attended the meeting.

Motion:

John Bilton made a motion to approve the contract for a 2013 “Demo” Pierce Bronto Ladder Truck as proposed by Pierce Manufacturing/Ross Equipment Company, Inc. for a total of \$1,000,000 and to fulfill the commitment by September 30, 2014 so that the City may receive a two-year bumper to bumper warranty. **Brigham Mellor** seconded the motion which was unanimously approved.

Resolution to approve the Equipment Lease Agreement with Zions First National Bank

Dave Millheim said the amount of the Lease will be \$500,000 over 10 years, and there is no prepayment penalty.

Motion:

Jim Young made a motion to approve the Resolution approving the Equipment Lease Agreement with Zions First National Bank in Salt Lake City, Utah, with the finding that it is in the best interest of Farmington City, Utah to enter into said Agreement, and to authorize the execution and delivery thereof. **John Bilton** seconded the motion which was unanimously approved.

DISCUSSION ITEM:

Proposed Zone Text Changes, Chapters 10, 11, 12 and 28

Motion:

Cory Ritz made a motion to table this item until the end of the meeting. **Jim Young** seconded the motion which was unanimously approved.

SUMMARY ACTION:

Summary Action List

1. Approval of Minutes from August 19, 2014
2. Improvements Agreement for the Cottages at Farmington Hollow Subdivision
3. Ordinance Update to Title 10, Chapter 2
4. Ambulance Write-offs
5. Ratification of Approvals of Storm Water Bond Logs
6. Questar Gas Easement through the detention basin at Glovers Lane and Frontage Road
7. Armstrong Well Siting Study
8. Armstrong Exploratory Well Design

Dave Millheim said 50% of ambulance fees are never paid but collection efforts are continued. **Jim Young** pointed out that Items #7 and #8 would be less than \$20,000.

Motion:

Jim Young made a motion to approve the eight items on the Summary Action List. **Cory Ritz** seconded the motion which was unanimously approved.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

- The July Building Activity Report was included in the staff report.
- The City is required to publish and track both pro and con arguments for the G.O. Bond and RAP tax. **John Bilton** will represent the pro arguments, **Jim Young** will represent the con arguments (it does not mean he is against the Bond and RAP Tax), and the pro/con arguments will be published on State election websites. Staff prepared a FAQ sheet of details and conducted a survey which asked residents “Where do you want the gym to be located?” and “Why did you select that site?” There were 91 responses over a one-month period from mostly west side residents (represented by dots on the map) which showed that 78% prefer the 650 West site, and 22% prefer the 1100 site. Various comments from the residents were read and discussed.
- Davis County has requested that the City adopt their animal control ordinance. Staff does not think it is necessary, and the Council agreed.
- He plans to attend the ICMA (International City/County Management Association) conference in North Carolina and will not attend the September 16th City Council meeting.
- There will be an important meeting with the department heads on October 7th where we update our cash flow model to current conditions.

Mayor – Jim Talbot

- He asked the Council to attend the annual employee Christmas Party on December 18th.
- A City Council dinner will be held at 6:00 p.m. on Sat, Sept. 6th at **Dave Millheim’s** home.

City Council

Doug Anderson:

- He will be unable to attend the September 16th City Council meeting.
- He reported that the GoLite store in Station Park went out of business.

John Bilton:

- He asked when the overhead signs for Park Lane would be installed, and the City Manager said they should be operating prior to Thanksgiving.

Brigham Mellor:

- He asked about the police shoot, and the City Manager said it will be at 5:00 p.m. on September 4th. Spouses are invited, and the Police Department will provide dinner, gun safety instructions, and a shooting competition.

Cory Ritz:

- Residents are requesting morning traffic control on 650 West to and from the Charter School. Children who wait for the bus to Eagle Bay are at risk because of speeding cars on 650 West. The bus stop is located in an unsafe place, and there are no sidewalks.
- He asked how the soccer parking went over the weekend. DM: We did not issue a lot of citations. Had the speed truck out there.
- There is a home on 650 West that is having sewer fumes.

Motion:

John Bilton made a motion that the Council return to the conference room to discuss the Zone Text Changes in a work session format. **Brigham Mellor** seconded the motion which was unanimously approved.

ADJOURNMENT

Motion:

Jim Young made a motion to adjourn the meeting. The motion was seconded by **John Bilton** and unanimously approved, and the meeting was adjourned at 8:30 p.m.

Holly Gadd, City Recorder
Farmington City Corporation



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

DOUG ANDERSON
JOHN BILTON
BRIGHAM N. MELLOR
CORY R. RITZ
JAMES YOUNG
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

City Council Staff Report

To: Honorable Mayor and City Council

From: Eric Anderson, Associate City Planner

Date: September 5, 2014

SUBJECT: **FINAL PLAT FOR THE SILVERLEAF CONSERVATION SUBDIVISION**

RECOMMENDATION

Suggested Motion:

Move that the City Council approve the Final Plat of the Silverleaf Conservation Subdivision as shown, subject to all applicable Farmington City ordinances and development standards and the enclosed development agreement related thereto, with the following conditions:

1. Minor changes to the exhibits for the development agreement may be made by staff where determined to be necessary;
2. Public improvement drawings and the Final Plat, including but not limited to, a grading and drainage plan, shall be reviewed and approved by the Farmington City Works, City Engineer, Storm Water Official, Fire Department, Central Davis Sewer District and Benchland Water [note: the Final Plat once approved by staff shall become an exhibit to the development agreement].

Findings:

1. The LDR (Low Density Residential) designation of the General Plan allows up to 4 dwelling units/acre. The proposed subdivision is at approximately 3 dwelling units per acre and is consistent with the General Plan threshold.
2. The project is consistent with the Conservation Subdivision standards for an R zone.
3. The applicant has worked through the issues raised by the DRC at Preliminary Plat and addressed these issues on this Final Plat.
4. An open space requirement of .37 acres is of no value to the City and the money for the waiver would be better spent on open space elsewhere in the City.
5. By approving the enclosed development agreement it memorializes the following:
 - A. A waiver of open space and other standards as set forth in Chapter 12 of the Zoning Ordinance in exchange for a trail in fee title and/or easement connecting the project to 1500 West.

- B. Delays the improvement of the northerly stub of 1700 West until such time when George Clark develops or Parcel B is developed, whichever occurs first;
- C. It clearly makes reference that the detention basin located on Parcel A is intended to serve only the project area, and is *not* a regional facility.

BACKGROUND

The applicant originally received schematic plan approval for 11 lots, but later decided to remove two of the lots and create Parcel A instead for Preliminary Plat approval, which was granted on April 3rd. Under this configuration, if the applicant ever decides to re-subdivide the property in the future, a plat amendment will be required. In the meantime, the current owner of this property, Jerod Jeppson, can retain a significant portion of his property (Parcel A), including his home, and perpetuate the uses therein.

Additionally, after Preliminary Plat approval, the applicant attempted to work with George Clark, who owns the property to the north, to realign the trunk sewer-line. However, Mr. Clark didn't wish to participate, so the applicant was forced to remove two more lots (taking the total to 7) and create Parcel B so that the sewer-line can remain in its current location. When that sewer-line is either realigned or when Mr. Clark develops his property, the road will be extended and Parcel B will allow for two more lots; this will require a plat amendment. The overall lot layout and street configuration is consistent with both the schematic plan and preliminary plat, but the applicant has had to remove two lots, stub the road, and add a few key components including a 100 year-storm detention basin.

SUPPLEMENTAL INFORMATION

- 1. Vicinity Map
- 2. Final Plat
- 3. Schematic Plan and Preliminary Plat
- 4. Development Agreement

APPLICABLE ORDINANCES

- 1. Title 12, Chapter 6 – Major Subdivisions
- 2. Title 11, Chapter 11 - Low Density Residential
- 3. Title 11, Chapter 12 – Conservation Subdivision Development Standards

Respectfully Submitted



Eric Anderson
Associate City Planner

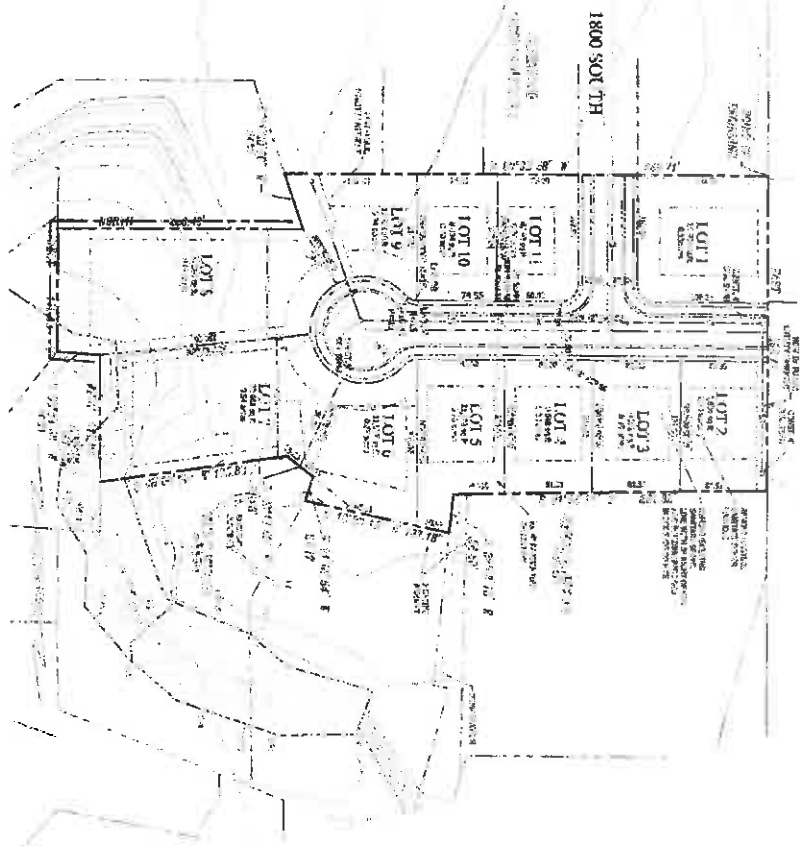
Concur



Dave Millheim
City Manager

PROPOSED CHURCH SITE

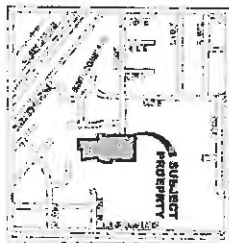
SILVERLEAF SUBDIVISION
 A PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP
 3 NORTH, RANGE 1 WEST, SALT LAKE BASIN AND HIGHLAND
 PLANNING CITY, DADE COUNTY, FLORIDA



TYPICAL ROADWAY X-SECTION



VICINITY MAP



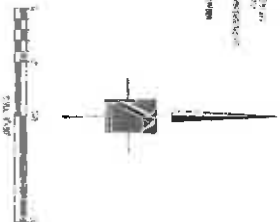
LEGEND

- LOT BOUNDARIES
- EASEMENTS
- EXISTING ROADS
- PROPOSED ROADS
- CURBS
- SIDEWALKS
- DRIVEWAYS
- UTILITIES
- TREES
- SPOTS
- WALLS
- FENCES
- SIGNAGE
- LIGHT FIXTURES
- LANDSCAPING
- OTHER

AS SURVEYED DESCRIPTION

THESE LOTS ARE DESCRIBED AS SHOWN ON THE ATTACHED SURVEY MAP. THE SURVEY MAP IS A PART OF THIS INSTRUMENT AND IS HEREBY INCORPORATED BY REFERENCE. THE SURVEY MAP IS A PART OF THIS INSTRUMENT AND IS HEREBY INCORPORATED BY REFERENCE. THE SURVEY MAP IS A PART OF THIS INSTRUMENT AND IS HEREBY INCORPORATED BY REFERENCE.

LOT NO.	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
LOT 1	10,000	10.00%
LOT 2	10,000	10.00%
LOT 3	10,000	10.00%
LOT 4	10,000	10.00%
LOT 5	10,000	10.00%
LOT 6	10,000	10.00%
LOT 7	10,000	10.00%
LOT 8	10,000	10.00%
LOT 9	10,000	10.00%
LOT 10	10,000	10.00%
LOT 11	10,000	10.00%
TOTAL	100,000	100.00%



NO.	DATE	DESCRIPTION	BY	CHECKED
1	10/15/2024	PREPARED	J. P. [Name]	[Signature]
2	10/15/2024	REVISION	J. P. [Name]	[Signature]
3	10/15/2024	REVISION	J. P. [Name]	[Signature]
4	10/15/2024	REVISION	J. P. [Name]	[Signature]

SILVERLEAF SUBDIVISION
 SCHEDULED PLAN
 FOR JEROD JEPSON
 504 NORTH 1800 WEST
 WEST PALM BEACH, FLORIDA
 JOB NO. S-246

PINNACLE
 Engineering & Land Surveying, Inc.
 Lakota • West Baurdell • Mount Pleasant
 1503 North Hillfield Rd., Suite 402 Phone: (803) 886-6674
 Lakota, SC 29512 Fax: (803) 886-2628

DEVELOPMENT AGREEMENT
FOR THE
SILVERLEAF SUBDIVISION

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into as of the ____ day of September, 2014, by and between **FARMINGTON CITY**, a Utah municipal corporation, hereinafter referred to as the "City," and **NCD-3 LLC**, a Utah Limited Liability Company, hereinafter referred to as the "Developer."

RECITALS:

A. Developer owns approximately 5.47 acres of land located within the City, which property is more particularly described in **Exhibit "A"** attached hereto and by this reference made a part hereof (the "Property").

B. Developer desires to develop a project on the Property to be known as the Silverleaf Subdivision (the "Project"). Developer has submitted an application to the City seeking approval of the Project as a subdivision in accordance with the City's Laws.

C. On April 3, 2014, Developer received approval of a preliminary plat for the Project from the Farmington Planning Commission (the "Preliminary Plat") which consists of 9 Lots and one parcel. On September 4, 2014, Developer received approval of the final plat for the first phase of the Project which provides for the development of 7 residential lots and 2 parcels ("Parcel A" and "Parcel B") on approximately 5.22 acres (the "Final Plat"). Both Parcel A and Parcel B shall be developed in the future in accordance with the City's Laws and the requirements set forth herein.

D. The Property is presently zoned under the City's zoning ordinance as LR. The Property is subject to all City ordinances and regulations including the provisions of the City's General Plan, the City's zoning ordinances, the City's engineering development standards and specifications and any permits issued by the City pursuant to the foregoing ordinances and regulations (collectively, the "City's Laws").

E. Persons and entities hereafter developing the Property or any portions of the Project thereon shall accomplish such development in accordance with the City's Laws, and the provisions set forth in this Agreement. This Agreement contains certain requirements and conditions for design and/or development of the Property and the Project in addition to those contained in the City's Laws.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer hereby agree as follows:

1. **Incorporation of Recitals.** The above Recitals are hereby incorporated into this Agreement.

2. **Preliminary Plat and Final Plat.** The approved Preliminary Plat for the entire Project is attached hereto as **Exhibit "B"**. The approved Final Plat for the first phase of the Project is attached hereto as **Exhibit "C"**. As each phase of the Project receives final plat approval, each phase of the Property shall be developed by the Developer and/or any subsequent developers in accordance with the approved Preliminary Plat and the approved final plat for the applicable phase.

3 **Development of the Project.** All portions of the Project must be developed in strict accordance with the approved Preliminary Plat and final plat for each phase of the Project and any conditions of approval related thereto. No amendments or modifications to the approved Preliminary Plat for any portion of the Project shall be made by the Developer or any subsequent developers without the written consent of the City. The Project shall be developed by Developer and/or Developer's successors and assigns in accordance with all of the requirements contained herein.

a. **Compliance with City Laws and Development Standards.** The Project and all portions thereof shall be developed in accordance with the City's Laws, the Preliminary Plat and Final Plat and any subsequent final plat (and any conditions of approval related thereto), and this Agreement.

b. **Streets and Related Improvements.** Developer will construct and/or improve, and will dedicate to the City the streets shown on the Preliminary Plat and each final plat for the Project. Construction and/or improvement of the streets shall include all curb, gutter, paving, sidewalks, park strips and related utilities as shown on the approved improvement drawings. All construction and improvement shall be in accordance with City-approved design and construction standards and requirements.

In the event the owner of land, which abuts the north boundary of the Project (the "Clark Property"), develops his property before Parcel B is developed, and upon the request of the City, Developer agrees to immediately dedicate to the City, by warranty deed, all remaining portions of the street right-of-way abutting lots 2 and 3 as shown on the Preliminary Plat. Thereafter, the City shall require the developer of the Clark Property to improve said right-of-way in accordance with City standards. The City may, at its sole discretion, enter into an agreement with the owner of the Clark Property whereby the City will collect money equal to the cost of improvements incurred (regarding project costs only) related to said right-of-way from Developer when Parcel B is developed, and reimburse this money back to the owner of the Clark Property.

c. **Trail.** The City approved the Final Plat in accordance with the conservation subdivision standards set forth in Chapter 12 of the City's Zoning Ordinance. Developer petitioned the City and received a waiver of open space and other standards as set forth therein. In exchange for the waiver, Developer agrees

to convey land and/or easements to the City no less than 15 feet in width, and at no cost, for a public trail (the "Trail Property"), and such conveyance shall be done in a manner and form acceptable to the City prior to or concurrent with the recordation of the Final Plat. The Trail Property is more particularly described and illustrated as set forth in **Exhibit "D"** attached hereto and by this reference made a part hereof. Except for public maintenance and emergency vehicles, and owners of abutting private property which have preexisting rights to use the Trail Property to access their land, the use of the Trail shall be limited to pedestrian, equestrian and bicycle access only---motorized vehicle access to the Trail Property shall be prohibited.

d. Building Permits. The City shall not issue any building permit on any lot or for any unit within the Project until water, fully-operational fire hydrants, sewer and any utility located under the street surface, including necessary grading, storm drains and/or subsurface drainage facilities pursuant to a subdivision grading and drainage plan required and approved by the City for the Project, are installed by the Developer and accepted by the City and/or appropriate agencies. The City will issue building permits for new homes to be constructed on the lots in each approved phase when (i) the Developer provides as-built drawings acceptable to the City which have been prepared and certified by an engineer licensed by the State of Utah for all required public improvements related to the Project, and (ii) in accordance with Section 12-2-045 of the City Code, Developer provides continuous access to units or sites throughout the Project by a street or streets acceptable to the City with an all-weather asphalt or concrete surface sufficient to provide access for emergency vehicles. Developer hereby agrees to perform all work necessary to ensure that the streets will remain fully accessible at all times. The Developer agrees at the earliest time weather permits, to install, at Developer's sole expense, permanent hard surface material on all streets in the subdivision in accordance with the City's specifications.

e. Utilities and Infrastructure.

i. Developer shall install or cause to be installed natural gas, underground electrical service, sanitary sewer, culinary and pressure irrigation water supply systems, and storm drainage facilities as required by the City for the Project up to the boundary lines of the Project and any off-site improvements required to serve the Project. Such installations shall be done according to the reasonable and customary design and construction standards of the utility providers and the City Engineer.

ii. Developer shall make arrangements with and shall comply with the requirements of the Central Davis Sewer District to provide public sanitary sewer service to the Project and all phases thereof.

iii. All off-site improvements will be constructed and installed in a timely manner in order to coincide with development of the various phases of the Project.

iv. Developer shall make arrangements with and shall comply with all of the requirements of the Benchland Water District (“Benchland”) to provide secondary water service to each lot within the Project. Where appropriate, Developer shall construct secondary water lines and facilities for the Project in a manner acceptable to Benchland in order to ensure delivery of secondary water to properties located within the Project.

v. All public improvements for the Project shall be constructed and installed at the Developer’s sole expense in accordance with the City’s construction standards and the City’s Laws.

f. Grading and Drainage, Storm-water Run-off, Erosion Control, and Revegetation Plans. Developer shall provide grading and drainage, erosion control and revegetation plans for the Project for review and approval by the City. These plans for the Project shall be prepared by a licensed engineer, and a landscape architect or other appropriate nursery professional mutually agreed upon by the parties. These plans shall identify the type and show the location of existing vegetation, the vegetation to be removed and method of disposal, or stabilization measures to be installed while new vegetation is being established. All areas of the Project cleared of natural vegetation in the course of construction shall be replanted with vegetation possessing erosion control characteristics at least equal to the natural vegetation which was removed. Developer shall prepare an erosion control plan and implement best management practices (BMP’s) altogether acceptable to the City designed to minimize erosion and displacement of soils from the site consistent with the City’s Storm Water Management Plan. Developer shall post a bond acceptable to the City to ensure implementation of the grading and drainage, erosion control, and revegetation plans for the Project. The warranty period for this bond shall not be less than two growing seasons from the time the planting of the revegetation is complete.

Developer shall provide a detention basin to capture storm water run-off from only the Project. The detention basin will be located as generally shown on the Preliminary Plat. Upon completion and acceptance of the detention basin by the City (after a 1 year warranty period), the City shall be responsible for the maintenance and up-keep thereof. Developer agrees to convey an easement acceptable to the City prior to or concurrent with the recordation of the Final Plat to enable access to the detention basin by the City for its maintenance.

g. Easements. Subject to the provisions of Paragraph 6 below, all required easements, including temporary construction easements, for infrastructure improvements will be granted to the City and its contractors by the Developer and its successors and assigns for the construction of any public improvements reasonably required by the City. These easements shall be subject to the approval of the City Engineer and the City Attorney.

h. Dedication and Donation. Prior to, or concurrent with, the recording of the Final Plat, or final plats, for the Project in the office of the Davis County Recorder, the Developer agrees to dedicate, transfer and voluntarily donate to the City all required easements for the purposes of constructing, installing, operating, maintaining, repairing and replacing public utilities and improvements located within the Project by the Developer. Developer will take such actions as are necessary to obtain release of any monetary encumbrances on any property to be dedicated to the City at the time of final plat approval for the Project and to cause the owner of the Property to dedicate and donate the same without cost to the City.

i. Required Changes. If any revisions or corrections of plats or plans already approved by the City shall be required by any other governmental entity having jurisdiction or lending institutions involved in financing, the Developer and the City shall cooperate where appropriate to obtain or develop reasonable, mutually acceptable alternative plans or plats. Developer shall have the sole duty and responsibility to obtain approval from any other governmental entities having jurisdiction with respect to the Project as needed.

j. Construction Standards and Requirements. All construction shall be conducted and completed in accordance with the development standards of the City, the City's Laws and the terms of this Agreement. All required public improvements for the Project shall be constructed in accordance with the City's construction standards and shall be dedicated to the City. Prior to commencing any construction or development of any building, structures or other work or improvements within the Project, the Developer shall secure any and all permits which may be required by the City or any other governmental entity having jurisdiction over the work. Developer shall construct, or cause to be constructed, all improvements for the Project in conformity with all applicable federal, state and/or local laws, rules and regulations.

k. Security. Developer shall provide the City with security in a form satisfactory to the City to guarantee the installation and completion of all public improvements to be constructed by Developer within the Project and/or the Property or any portion thereof, as required in accordance with the City's Laws. Alternatively, Developer may, in its sole discretion, elect to construct the subdivision improvements before recording the final plat for the subject phase without being required to post a completion bond or other form of security, as allowed by State law.

i. Revegetation. Security provided by the Developer shall also include funds to ensure revegetation acceptable to the City consistent with a revegetation plan prepared by Developer and approved by the City for all cuts and fills or any and all graded and disturbed areas related to the Project.

ii. Inspection by the City. The City may, at its option, perform periodic inspections of the improvements being installed and constructed by the Developer and its assigns or their contractors. No work involving excavation shall be covered until the same has been inspected by the City's representatives and/or the representatives of other governmental entities having jurisdiction over the particular improvements involved. Developer, or its assigns as the case may be, shall warrant the materials and workmanship of all public improvements installed by Developer and its contractors within the Project and to be dedicated to the City for a period of twelve (12) months from and after the date of final inspection and approval by the City of the improvements in that phase. All buildings shall be inspected in accordance with the provisions of the International Building Code.

iii. Maintenance During Construction. During construction, the Developer and the City and their contractors shall keep the Project and all affected public streets therein, free and clear from any unreasonable accumulation of debris, waste materials, mud, and any nuisances created by their actions, and shall contain their construction debris and provide dust and mud control so as to prevent the scattering via wind and/or water.

4. Payment of Fees. The Developer shall pay to the City all required fees in a timely manner. Fees shall be paid in those amounts which are applicable at the time of payment of all such fees, pursuant to and consistent with standard City procedures and requirements, adopted by City.

5. City Obligations. Subject to Developer complying with all of the City's Laws and the provisions of this Agreement, the City agrees to maintain the public improvements dedicated to the City following satisfactory completion thereof and acceptance of the same by the City and to provide standard municipal services to the Project including, but not limited to, police and fire protection subject to the payment of all fees and charges charged or levied therefor by the City. In addition, the City shall provide all public services to Project (including, without limitation, water, sewer service, storm drain, road maintenance, snow removal, garbage removal etc.) and maintain the public improvements, including roads, intended to be public upon dedication to the City and acceptance in writing by the City; provided, however, that the City shall not be required to maintain the private areas or private improvements that are specifically required to be maintained by a homeowners association in this Project.

6. Indemnification and Insurance. Developer hereby agrees to indemnify and hold the City and its officers, employees, representatives, agents and assigns harmless from any and all liability, loss, damage, costs or expenses, including attorneys fees and court costs, arising from or as a result of the death of any person or any accident, injury, loss or damage whatsoever caused to any person or to property of any person which shall occur within the Property or any portion of the Project or occur in connection with any off-site work done for or in connection with the Project or any phase thereof which shall be caused by any acts or omissions of the Developer or its assigns or of any

11. **Attorneys Fees.** In the event of any lawsuit between the parties hereto arising out of or related to this Agreement, or any of the documents provided for herein, the prevailing party or parties shall be entitled, in addition to the remedies and damages, if any, awarded in such proceeding, to recover their costs and a reasonable attorneys fee.

12. **Entire Agreement.** This Agreement together with the Exhibits attached thereto and the documents referenced herein, and all regulatory approvals given by the City for the Property and/or the Project, contain the entire agreement of the parties and supersede any prior promises, representations, warranties or understandings between the parties with respect to the subject matter hereof which are not contained in this Agreement and the regulatory approvals for the Project, including any related conditions.

13. **Headings.** The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

14. **Non-Liability of City Officials, Employees and Others.** No officer, representative, agent, or employee of the City shall be personally liable to the Developer, or any successor-in-interest or assignee of the Developer in the event of any default or breach by the City or for any amount which may become due Developer, or its successors or assigns, for any obligation arising under the terms of this Agreement unless it is established that the officer, representative, agent or employee acted or failed to act due to fraud or malice.

15. **Binding Effect.** This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

16. **No Third-Party Rights.** The obligations of Developer set forth herein shall not create any rights in and/or obligations to any persons or parties other than the City. The parties hereto alone shall be entitled to enforce or waive any provisions of this Agreement.

17. **Recordation.** This Agreement shall be recorded by the City against the Property in the office of the Davis County Recorder, State of Utah.

18. **Relationship.** Nothing in this Agreement shall be construed to create any partnership, joint venture or fiduciary relationship between the parties hereto.

19. **Termination.** Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the Project is not completed within five (5) years from the date of this Agreement or in the event the Developer does not comply with the City's Laws and the provisions of this Agreement, the City shall have the right, but not the obligation at the sole discretion of the City, which discretion shall not be unreasonably applied, to terminate this Agreement and/or to not approve any additional phases for the Project. Such termination may be effected by the City by giving written notice of intent to terminate to the Developer set forth herein. Whereupon, the Developer shall have sixty (60) days during which the Developer shall be given an opportunity to correct any alleged deficiencies and to take appropriate steps to complete

the Project. In the event Developer fails to satisfy the concerns of the City with regard to such matters, the City shall be released from any further obligations under this Agreement and the same shall be terminated. In the event of any termination of this Agreement, the provisions regarding Developer's rights of reimbursement shall remain in place and survive the termination until such time as Developer has received the full amount of reimbursement to which it was entitled for improvements constructed prior to the date of termination.

20. **Severability.** If any portion of this Agreement is held to be unenforceable or invalid for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

21. **Amendment.** This Agreement may be amended only in writing signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

“CITY”
FARMINGTON CITY

ATTEST:

City Recorder

By: _____
Mayor

“DEVELOPER”
NCD-3 LLC

By: _____
its: _____

CITY ACKNOWLEDGMENT

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

On the ____ day of _____, 2014, personally appeared before me H. James Talbot, 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 H. James Talbot acknowledged to me that the City executed the same.

My Commission Expires: _____

Notary Public
Residing at:

DEVELOPER ACKNOWLEDGMENT

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

On this ____ day of _____, 2014, personally appeared before me, _____, who being by me duly sworn, did say that (s)he is a managing member of **NCD-3, L.L.C**, a Utah Limited Liability Company, and that the foregoing instrument was signed on behalf of said limited liability company by authority of its Articles of Organization and duly acknowledgment to me that said limited liability executed the same.

My Commission Expires: _____

Notary Public
Residing at:

EXHIBIT "A"
PROPERTY DESCRIPTION

EXHIBIT "B"
PRELIMINARY PLAT

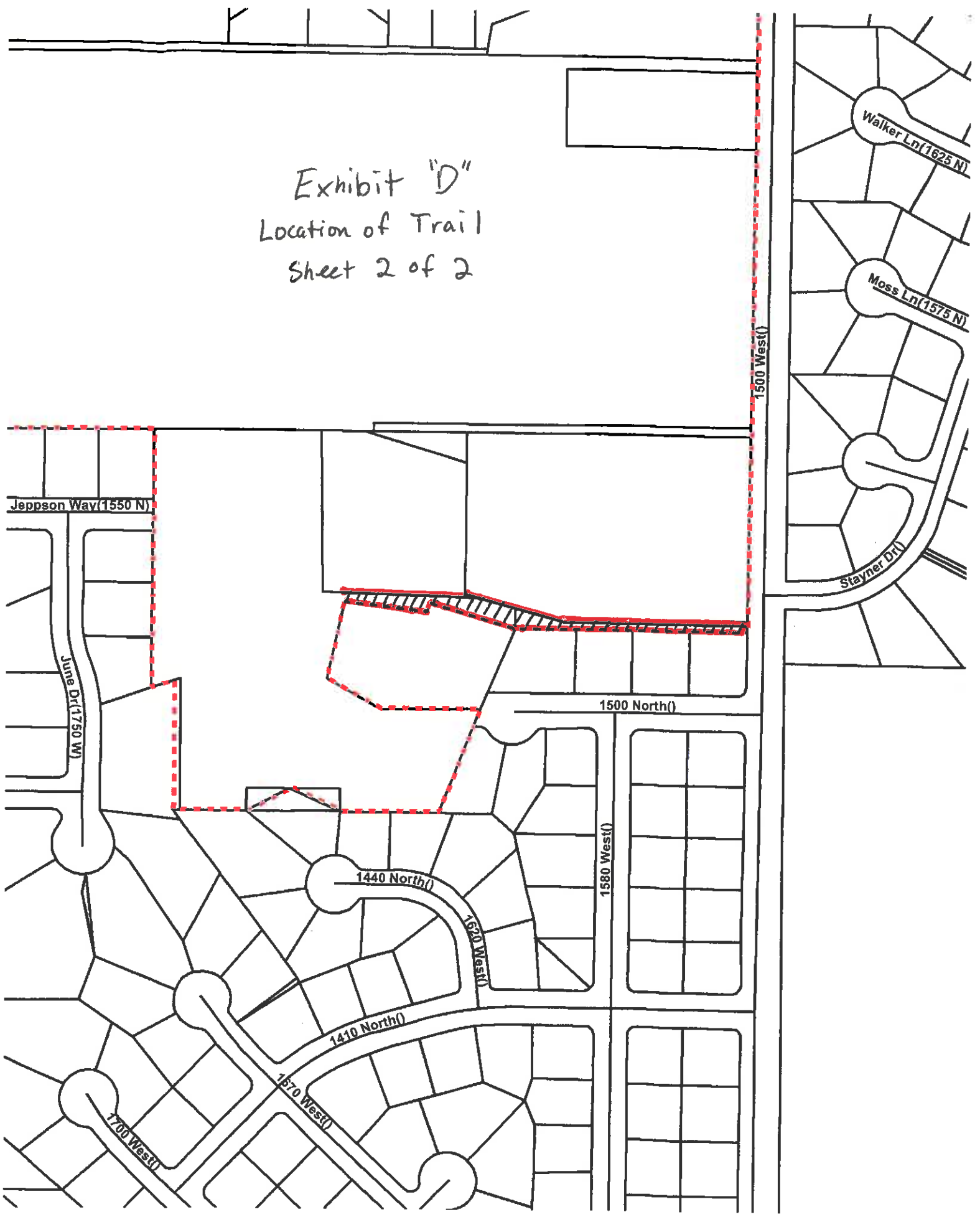
EXHIBIT "C"

FINAL PLAT

For the First Phase of the Project

EXHIBIT "D"
TRAIL PROPERTY

Exhibit "D"
Location of Trail
Sheet 2 of 2



CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

S U B J E C T: Zone Text Changes

ACTION TO BE CONSIDERED:

Discussion only.

GENERAL INFORMATION:

This is a continuation from the last City Council meeting.

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

CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

SUBJECT: City Manager Report

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

CITY COUNCIL AGENDA

For Council Meeting:
September 16, 2014

SUBJECT: Mayor Talbot & City Council Reports

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