

Historic Beginnings • 1847

Farmington City Planning Commission

June 18, 2015



FARMINGTON CITY

H. JAMES TALBOT

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

DAVE MILLHEIM

AGENDA PLANNING COMMISSION MEETING June 18, 2015

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

Study Session: 6:30 p.m. – Conference Room 3 (2nd Floor)

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

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

- 1. Minutes
- 2. City Council Report

SUBDIVISION APPLICATION

- Ernie Wilmore ICO Development (Public Hearing) Applicant is requesting a recommendation for schematic approval for the Residences at Station Parkway Subdivision consisting of 2 lots on 13.03 acres located at approximately 550 North and Station Parkway in a TMU (Transit Mixed Use) zone. (S-22-15)
- 4. Pete Smith Advanced Solutions Group (Public Hearing) Applicant is requesting a recommendation for schematic plan and preliminary PUD master plan approval for the Meadows at City Park Phase II Subdivision consisting of 14 units on 2.37 acres located at approximately 55 South and 200 West in an R-4 zone. (S-12-15)
- 5. Walter Bornemeier (Public Hearing) Applicant is requesting a recommendation for minor subdivision/plat amendment approval creating an additional lot in the Shepard Creek Country Estates PUD on 2.07 acres located at 351 Shepard Ridge Road in an LR-F (Large Residential-Foothill) zone. (S-21-15)
- 6. Harley and Jean Evans (Public Hearing) Applicant is requesting a recommendation for minor subdivision/plat amendment approval creating an additional lot in the Cornerstone Subdivision on .65 acres located at 696 West Emerald Oaks Drive in an LS-F (Large Suburban Foothill) zone. (S-23-15)

CONDITIONAL USE AND SITE PLAN APPLICATION

7. Davis School District (Public Hearing) – Applicant is requesting conditional use and site plan approval, and a recommendation for schematic subdivision approval for the Elementary School

#61 on 10.55 acres of property located at approximately 750 South and 1100 West in an AE (Agriculture Estates) zone. (SP-6-14)

- 8. Miscellaneous, correspondence, etc.
 - a. Discussion on Farmington Rock
 - b. Other
- 9. Motion to Adjourn

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

Posted June 12, 2015

Eric Anderson

Associate City Planner

FARMINGTON CITY PLANNING COMMISSION MEETING

June 4, 2015

STUDY SESSION

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

Item #3. Jerry Preston – Requesting Recommendation for Schematic Plan and Preliminary (PUD) Master Plan Approval for Residences at Farmington Hills (PUD) Subdivision and Recommendation to Annex 20 Acres and Zone Designation LR-F.

David Petersen said this is 4 items in one motion. He explained the proposed subdivision is for 44 acres with 20 of those acres under study for annexation. The other items, schematic plan and preliminary (PUD) master plan, are part of that study. The applicant is allowed 23 lots per the yield plan although he could have tried for more. The applicant is proposing a PUD for the 4 lots located near 400 North which would allow the lots to be smaller than the required 20,000 square foot minimum lot size and to also allow for a common drive which would be serviced by an HOA. The 10% open space requirement for the PUD will be fulfilled by a trail easement to flag rock trail and the firebreak road. David Petersen said at the schematic plan phase, an applicant is not required to have soils or geotech reports; however, if the Planning Commission would like to require those reports during the schematic phase, it is within their purview to do so. He added that those reports will be required during preliminary plat. David Petersen said the applicant Jerry Preston participated in the Shepard Heights subdivision so this is not his first hillside development.

Alex Leeman explained his experience and involvement with the legal side of the North Salt Lake landslide and said he feels what is being proposed tonight is not a similar situation as this subdivision will all be located on native materials.

<u>Item #4. Frank McCullough/Alan Bruun – Requesting Recommendation for Final Plat and Final (PUD)</u> <u>Master Plan Approval for Villa Susanna PUD Subdivision</u>

Eric Anderson said this is a 3 lot PUD; the applicant is now ready to move forward. The details will be reviewed in the meeting.

Item #5. Farmington City - Requesting Conditional Use and Site Plan Approval for Park

Eric Anderson said Farmington Park Subdivision was approved as a conservation subdivision; Fieldstone set aside 30% of open space (approximately 11 acres) in exchange for higher density. The park is grass fields, a restroom and a parking lot. He said the parking lot is subject to change. **Alex Leeman** said he received a call from a resident regarding the preferred WDC alignment that would go through the park. **David Petersen** said they are aware of the preferred WDC alignment, but the City felt a park may be easier to displace than 24 homes.

<u>Item #6. Bryce Thurgood/Castle Creek Homes – Requesting Approval for the Proposed Clark Lane Village Design Development</u>

Eric Anderson said staff would like to treat this project similar to the Residences at Station Parkway; he proposed delegating to staff the final approvals as the only things that may change will be improvement drawings or other final tweaks, but the site plan will remain the same.

REGULAR SESSION

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

Item #1. Minutes

Alex Leeman made a motion to approve the Minutes from the May 21, 2015 Planning Commission meeting. Bret Gallacher seconded the motion which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the June 2, 2015 City Council meeting. He said the City approved the Zoning Ordinance Amendments to allow for Class A auto sales as well as approving a rezone from LS to CMU of the property just west of the Chevron on Park Lane. David Petersen said the City Council approved the rezone to CMU only for the area where the dealership will be located; the property where the office buildings will be located and the 2 acres west of the dealership were not rezoned to CMU at this time. He said the Council also approved the miscellaneous zone and subdivision text amendments, minus the Farmington Rock item, and the Taylor Minor Subdivision. The City Council also reported back on exploring reopening Clark Lane west of the roundabout; however, the time saved did not justify the cost. Also discussed was a street remnant vacation request on Compton Road. There were disagreements among residents so the Council asked the residents to discuss the best solution and report back to the Council.

SUBDIVISION/PUD APPLICATIONS

Item #3. Jerry Preston (Public Hearing) — Applicant is requesting a recommendation for schematic plan and preliminary (P.U.D.) master plan approval for the Residences at Farmington Hills (P.U.D.) Subdivision consisting of 23 lots on 44.3 acres located at approximately 300 East between 100 and 400 North in an LR-F (Large Residential — Foothill) zone; and a recommendation to annex approximately 20 acres of the 44.3 acres of the proposed development with a zone designation LR-F. (S-8-15)

David Petersen showed the aerial view of the 44 acres where the subdivision is being proposed. He said the land is privately held to the forest service boundary, which he also showed on the aerial view of the property. He said the subdivision lots are large as there will be 23 lots on 44 acres. He said there are a few areas where the proposed grade of the road will be increased to 14%, which is not uncommon and is allowed by approval per the ordinance. He showed the flag rock trail and the firebreak road; the applicant plans to maintain access to these trails. David Petersen also said the 4 lots near 400 North will have a joint agreement for maintenance on the common drive to their lots.

David Petersen advised the Commission to consider the following for this item:

- 1. 20 acres for annexation; this property is not close to any other municipality; its most likely choice is to come into Farmington, and it's on the City's Annexation Declaration Area Plan;
- 2. Geotech reports are required prior to preliminary plat consideration;
- 3. Analysis of Cuts and fills does not typically take place until preliminary plat;
- Concerns with the City's ability to be serviced by water; David Petersen showed the location of tanks near the proposed subdivision.

David Petersen said there are 4 items to consider for this motion:

- 1. Recommendation for schematic plan;
- 2. Recommendation for preliminary (PUD) master plan for the 4 lots by 400 North;
- 3. Annexation of 20 acres into the City;
- 4. Zone designation for the annexed property to LR.

Bret Gallacher asked why a public hearing is being held prior to the completion of a geotech report as he feels much of the Commission's decision would depend on that report. David Petersen explained the subdivision process. He said typically the subdivision starts with concept approval during schematic plan and the applicant receives public comment early. Then, the applicant has direction as he enters preliminary plat. During preliminary plat, the applicant is required to provide storm drain calculations, cut and fills, geotech report and more. In Utah, the applicant's rights vest at approval of preliminary plat which is why so much additional information is required at this point. Once preliminary plat approval is received, final plat requires detailed improvement drawings and more.

Kent Hinckley asked what standards the Commission should be aware of within Chapter 30 of the zoning ordinance. David Petersen said the slopes of the road and the cut and fills standards are located within Chapter 30; however, the applicant does not have to provide cut and fill information at this time. Chapter 30 provides a 12% slope standard but it can be increased up to 14% with exception, which is not uncommon in the foothills area.

Kent Hinckley asked if there would be anything else required in a geotech report for this area. **David Petersen** said yes, the report would include more information and location of fault lines.

Jerry Preston, 347 E. 100 N., said that although this project is new to many, it has been in the works for a long time. He said that he has lived and walked this area for 20 years so this project has been on his mind a long time. He said he has been working on concept plans with the DRC for over a year. He said tonight he is looking for a recommendation of concept approval so he can move forward and start investing in the engineering to make it possible as well as address residents' concerns. He said that he is also aware of what took place in North Salt Lake, but the road was built to the edge of the hill with the home over the edge, as well as other things that caused the slide to happen. Jerry Preston said his plans are to stay away from the edge of the hill and he is confident with his plans that a slide will not happen here.

Rebecca Wayment opened the Public Hearing at 7:34 p.m.

Wayne Kartchner, 396 N. 200 E., said he will be as affected as anyone in the community. He has loved having empty fields behind his home, but knows it cannot remain that way forever. He would like to maintain access to the mountain through trails and is in support of the development.

Marlo Wilcox, 432 N. 200 E., said he has lived in his home for over 35 years. He has been acquainted with Jerry Preston for the same amount of time. He also would like access to the trails and is also in support of the project.

Bob Hawkes, 151/155 E. 300 N., said he is not in favor of this development. He reviewed the goals and purpose of the General Plan as found in Chapter 10 of the ordinance. He feels this development is contrary to what is found in Chapter 10. He also feels this is a sensitive area for wildfires, landslides and fault lines. He is not in favor of this project.

Dave Andreason, 450 N. 200 E., said he believes this development will take place at some point in time. He has seen Jerry Preston's work over the years and feels if it is to be developed, he would prefer to have it be Jerry Preston's work. He would also like flag rock trail and the firebreak road to be maintained. He is in support of the development.

Tom Owens, 700 Rock Mill, said his home may be the most significant historical home in Davis County. He is very concerned with the ambiance and feel of old town Farmington. He did not say he was either for or against the development, but he strongly urged the Commissioners to consider above anything else if this development will cause Farmington to lose its old town ambiance that it has worked hard to maintain.

Alysa Revell, 208 W. State St., chair for the Historical Preservation Commission, said she feels the main item on the table is if the property being annexed into the City should be zoned LR or enter in as A (Agricultural). She stated, based on the Comprehensive General Plan for the City, all annexed property will enter in as zone A, unless otherwise requested by the property owners at the time of annexation. She stated she feels the Commission must determine if the zone request to LR is in the best interest of the community. She said downtown Farmington has a specific feel; the foothills are the backdrop of the community and should not be covered with mansions or foothill retaining walls. She urged the Commission to consider the desire of the citizens as the property owners are the ones directly affected by the annexation.

Glenn Parker, 133 E. 300 N., said he has lived in this area for 35 years and knows Jerry Preston very well; however, he is still against the development. He said the U.S. geological surveys that are filed with the County show a fault line going right through the development. He also feels it important to maintain the feel of old town Farmington. He feels it would also obstruct the view of mountains. He urged the Commissioners to please not recommend this development for approval.

Carolie Parker, 133 E. 300 N., expressed concern this project would be a lot like the project where the landslide took place in North Salt Lake. She said the soil is extremely sandy and in the event of an earthquake, the sand will be liquefied. She also feels building homes in this location would increase the risk for wildfire and put the fire fighters, homes and families more at risk. She also wondered if the homes would be built under the power lines that are located on the property. She expressed concern that boulders could come down the mountain and could potentially injure residents in the proposed development. She asked the commissioners to consider these risks. She does not want to see something like what happened in North Salt Lake to happen here, especially as tax payers end up paying for those types of disasters.

Bert Margetts, 500 E. 200 S., said he has lived in the area for 42 years and is one of the property owners in the proposed development. He has known Jerry Preston for a long time and has full confidence in him and is in support of the development.

Joe Judd, 108 W. 600 N., said he has lived in this area for 50 years and knows it is very sandy. He understands that homes can be built anywhere, but also feels it is not always a good idea. He does not feel this development is a good idea for this area and will take away from old town Farmington. He also feels that there is not upside to annexing the 20 acres into Farmington as it would only be done so someone could make money on its development.

Corey Crowell, 232 N. 100 E., said he bought his home last summer. He said he and his wife chose Farmington, but were very particular to choose a home based on its perimeters. He said his lot is very deep and is unspoiled with the mountains. He was sure when he purchased his home that no one would be able to build above him as it is such a steep cliff. He was shocked when he heard the proposal for the development. He feels the development would not only sink the investment he has made into his property and his view, but there is also significant danger that the whole hillside may come down on his home. He also feels that the development would take away from the beauty of old town Farmington. He feels the majority of his neighbors are not in favor of this project. He also proposed the Commission put restrictions on the property so future developments are not considered.

Hannah White, 375 N. 200 E., said she recently moved to the area. After much looking, she found downtown Farmington. She reviewed those that are in favor of the development and said she did not feel they were speaking for the majority of the people. She said most of her neighbors were not able to attend, but that she feels the majority do not want it. She said she came to Farmington so she would always have a view of the mountains, but is upset that that view may now be looking into someone's mansion.

Kevin Poff, 555 N. 100 E., said he understands that the Commission has little power to just say no to a development like what is being presented, but that the Commission does have power to ensure it's safe and in the best interest of the community. He said in his review, he feels there are great plans to protect the firebreak road and flag rock trail, but he specifically requested an easement be placed on those to ensure protection in the future. He also expressed concern with the fault lines. He said it is no longer a question of if, but when an earthquake hits this area. He likes that the plans include keeping the road and homes away from the edge of the hill. He asked that fault lines are reviewed as the current plans show utilities and water lines crossing the fault lines. He also asked that check valves be included on water lines.

Melissa Clark, 217 N. 100 E., said she has lived all over, but chose to live and stay in Farmington. She loves the charm of the old town. She is very opposed to the development. She feels that Jerry Preston will do what is right to make the development safe, but she feels the large homes will take away from the charm and beauty that she wants to preserve in old town Farmington.

Leah Christensen, 51 Sunset Dr., said she is against this project as her family has already been negatively affected by Jerry Preston. She said he once started excavating the property next to her home and then left it there. The property adjacent to her home is now a big sand pit. She said they have also had 2 boulders (smaller in size than those that stopped high up on the forest service property) roll down and almost hit people on her property. She strongly urged the Commission to think about the type of soil and safety of the proposed development.

Trenna Farr, 161 Deer Hollow Cir., said she built her home 8 years ago. She said her home is over an acre and includes part of the hill. She knows where the fault line is located and is definitely concerned with the proposed development. She said she dug a hole on her lot and since living on her property, the hole has significantly moved on its own. She feels the stability of the property is very unsure. She wants some kind of legal guarantee that her home won't be damaged and her family will remain safe if building begins above her.

Richard Streiff, 374 N. 200 E., said his home will be as affected as anyone's. He said he has lived in the area for 42 years and has known Jerry Preston for a long time. He has always been concerned with the steep slope he has in his backyard. He said he is concerned about the development with the same reasons already listed by other residents. He is also very concerned a development like this will ruin the charm of old town Farmington; he hopes that Farmington will not become like many of the surrounding communities. He understands the property is privately held so he asked that the Commission exercise good judgment in approving a development like the one presented.

Don Sims, 281 N. 200 E., said he has known Jerry for a long time and knows he will work hard to make the development great; however, he is concerned with the location of the fault line. He is also concerned with the increased fire risk and the inability to get fire equipment up there. He feels there will be a significant cost to the City to provide facilities and maintain them for this development. He loves the feel of old town Farmington and wants to maintain that ambience.

Alan Moss, 556 S. 175 W., is a joint property owner for this proposed development and is also an engineer for a city. He explained that with any development, residents apply "NIMBY" or not in my back yard. He said there are many benefits this project will bring to the homes as it will help stabilize the mountain, the road would create a nice fire block to the homes down the mountain and it will also serve as stabilization for flooding.

Jordan Winegar, 39 E. 200 N., said in the event of a fire, perhaps this development will be burned first and protect the homes below. He is concerned about losing the old town feel forever by replacing the foothills with mansions. He feels there are plenty of other locations within the City where these homes could be built.

Mike Wagstaff, 224 E. 300 N., said he lives at the bottom of the cul-de-sac. He feels the layout and lots look beautiful and he is very impressed with the proposed development.

Lois Slagowski, 256 N. 200 E., said she is not excited for this development. She feels having the mountains as the neighborhood's backyard has been beneficial to the children and the youth as they are able to go and spend time exploring.

Sherry Wilcox, 432 N. 200 E., asked that Jerry Preston show the access to the flag rock trail and the firebreak road as his plans include further detail that has not yet been presented to the public.

Rebecca Wayment added that the Commission and staff have also received numerous emails from residents concerning this development; those emails will be included in the public record.

One resident asked why some residents were notified of this development and why some were not. He asked how residents may be better informed on when this item will be considered next.

Rebecca Wayment closed the Public Hearing at 8:26 p.m.

With regards to notification of agenda items, **David Petersen** said the City by-laws dictate the prescribed areas. In this specific situation, the development is requesting schematic plan approval and a zone change so the mailing distance is 300' from the proposed development. He said staff also puts a sandwich board up to notify those traveling by the property. **Rebecca Wayment** also added that the agenda is always posted on the website so anyone can access it and know what is being discussed.

Jerry Preston said he has been a builder for 42 years and a developer for 30 years. He said he is passionate about what he does and is not looking for a short term gain but will be accountable for his project long term. He also expressed appreciation for those that are for and against the development. He explained if the residents cannot currently see the power tower on the top of the mountain, they will not be able to see the proposed homes as the homes will be built on the east side of the road and will be lower in height than the towers. He also said the City has an exceptional trails committee. He will work very closely with that committee to ensure appropriate access to the trails. He also said that 10+ acres is privately owned property and those property owners have a right to develop their property. Jerry Preston said at this time he is seeking concept approval with schematic plan, but moving forward he would like to put together a citizen committee to ensure this development will be the best it can be.

Rebecca Wayment said she grew up in Centerville, but wanted to live in Farmington because it was not as built out. She asked if there will be large retaining walls on each lot that will cover the foothills. Jerry Preston said the homes will have deep lots, a lot of landscape and minimal retaining to take place. He said the road is also set back from the ridge so the homes will not look down into the other homes.

Bret Gallacher said resident Sherry Wilcox mentioned access to the trails; he asked the applicant to speak more toward the trails. Jerry Preston said the City has sought after an easement for the flag rock trail for a long time. He would ensure an easement would be placed on the trail as well as provide trailhead parking. He said currently there are 5-6 cars parked in the cul-de-sac of those hiking the trail. Trailhead parking will be a great benefit to the community; he will work closely with the trails committee chair George Chipman in designing and completing the trailhead. Alex Leeman asked if there will also be an easement for the firebreak road. Jerry Preston said yes, it will be a dedicated easement.

In reference to resident Kevin Poff's remarks, **Bret Gallacher** asked if shut-off and check valves will be included. **David Petersen** said public works and the city engineer will ensure that will happen. **Jerry Preston** added that he thought it already existed.

Alex Leeman asked if the fire department had reviewed the development's plans. David Petersen said yes, the fire department did not object to the conceptual plan. They are working on locations for fire hydrants. He also mentioned that the development will bring water closer to the foothills in the event of a wildfire.

Kent Hinckley asked for more information regarding the zoning of A versus LR for the proposed annexed property. David Petersen briefly told of the development of St. George and that much of old St. George was lost due to poor planning. He said it is important to determine if this will detract from the look and feel of old town Farmington. He explained the preliminary (PUD) master plan approval, annexation and zone designation are all legislative acts which is determined by the Planning Commission and City Council. He said the applicant has been straightforward with his plans as part of the annexation which is not typical. He also said the applicant is not maximizing density as he could and he is setting the homes and the road back which are all good things to assist in preserving old town Farmington.

Rebecca Wayment asked if there was a way to create a build up to line so that future developments cannot go past it. David Petersen said Bountiful city has always tried to create a restriction line; however, the line has always been moved. He said one City Council cannot bind another so the line could in theory be created, but it may not be permanent.

Bret Gallacher asked for more clarification on the proposed property of the development as some are saying it was private property and others are saying the City does not have the right to

approve its development. **David Petersen** said some of the property is privately held; if property owners follow the rules of the regulation, the Commission has to approve it. The annexation is not in the City and the annexation is a legislative act. He added that every community reminisces of the days when towns were smaller; however, 70% of Farmington's growth comes from within so the growth is needed.

Rebecca Wayment asked if each item within the motion should be separated and discussed separately. David Petersen said yes, it can be done that way if that is what the Commission wants to do. He also said that the Commission is voting to rezone the annexed property to LR. The other property is already zoned LR and it must remain that way otherwise the Commission could encounter "taking" issues. David Petersen said when reviewing the plans as currently proposed, and if the annexed property entered in as zone A, there would only be 3 lots that do not comply, and these 3 lots could easily be brought into compliance. All other lots meet its current zone requirements.

Rebecca Wayment explained that many developments are presented before the Commission; this is the first development that she has seen that has proposed only 23 lots for 44 acres when density is typically significantly higher. Bret Gallacher agreed. He feels everything below the proposed 300 East road will happen. He feels this is a significantly better plan than someone proposing multi-family housing, which is not uncommon for the Planning Commission to see.

Alex Leeman said that he feels anything below the forest service boundary will inevitably be developed. He understands that the default zone for the proposed annexed property is A, but he does not feel this meets the purpose of agricultural land. He feels it would be appropriate to annex this property as LR. Kent Hinckley also reiterated David Petersen's point that even if the property is annexed as A, all but 3 lots meet the lot size requirements for zone A so he would still be able to do most of his proposed plan as is.

Kent Hinckley said that he came into the meeting thinking he would like to see the geotech reports prior to any approval; however, upon listening to the meeting's discussion, he understands that he will have an opportunity to see and hear those results prior to preliminary plan which will then weigh into that next approval. Alex Leeman added that he does not feel it's appropriate to say what happened in North Salt Lake so it will happen here as no two hillsides are the same. Since the geotech report will be obtained prior to preliminary plat, he would like another opportunity for the public to review it and make comment. Rebecca Wayment agreed, she is not comfortable moving forward without a soils and geotech reports.

David Petersen said the Planning Commission may also include in the motion that preliminary plat approval must be received prior to the property being annexed. **Jerry Preston** added that the property owners would like that anyways.

Alex Leeman said he is comfortable with the annexation, but likes tying it with the preliminary plan approval. He is comfortable approving schematic plan as all additional information he would like to see will be included at preliminary plat. He would like conditions to the motion for easements to be added for the trails and that the utilities are installed to City standards and will include shut-off valves. Kent Hinckley said he would also like to see the fire department's review of the development. Bret Gallacher added that he would like the public to be able to continue to provide comment throughout the process. David Petersen said, if recommended for approval by the Commission, the schematic plan will go before the City Council; the public can comment at that time. If the Commission chooses, a public hearing can also be held at preliminary plat. Rebecca Wayment said yes, she feels the Commission would like the public to return for additional comments.

Motion:

Alex Leeman made a motion that the Planning Commission recommend that the City Council approve 1) the schematic plan, 2) the preliminary (PUD) master plan, 3) the petition to annex 20 acres into Farmington City, and 4) a zone designation of LR-F related thereto, subject to all applicable Farmington City ordinances and development standards and the following conditions:

- The 20 acres shall be annexed prior to the City accepting any application for Final Plan and/or Final (PUD) Master plan;
- 2. All cut and fills shall meet the requirements of Chapter 30 of the Zoning Ordinance;
- 3. The City Engineer shall approve any exception to the maximum street slope of 12%, but in no event shall any exception exceed 14% slope as per the ordinance;
- 4. The developer shall work with the City Manager/City Council to acquire property now owned by the City within the development;
- 5. The applicant shall deed, by easement or fee title, trail rights-of-way for public access to the City for Flack Rock Trail and the Lower Firebreak Road Trail and shall be shown on preliminary plat;
- 6. The applicant shall meet all requirements as set forth in Section 11-30-105 of the Zoning Ordinance;
- 7. The Fire Department will provide their completed assessment to the Commission;
- 8. Preliminary plat approval will be received prior to annexation;
- 9. Public works department will review the utilities plans and ensure proper safety checks;
- 10. A public hearing will be held at preliminary plat review.

Kent Hinckley seconded the motion which was unanimously approved.

Alex Leeman mentioned to the public that with a recommendation for approval from the Planning Commission, this item will then go before the City Council and a public hearing will be held. If approved, the developer will then complete all required engineering reports for the next preliminary plat phase. The Commission voted to make preliminary plat a public hearing also so comments can be received after reports are obtained. He said preliminary plat is where things start to hold more weight. He asked the public to remain engaged in the process and to let other neighbors know.

Item #4. Frank McCullough/Alex Brunn – Applicant is requesting recommendation for final plat and final (P.U.D.) master plan approval for the proposed Villa Susanna P.U.D. Subdivision (3 lots) on .88 acres located at the northeast corner of 1400 North and Main Street in an LR-F zone. (S-14-13)

Eric Anderson said the applicant previously received preliminary plat and preliminary (PUD) master plan approval in October 2013 from the City Council. The developer is now requesting final plat and final (PUD) master plan approval. **Eric Anderson** said the previous motion included a few conditions and the applicant has addressed many of them. He said the plans have not changed significantly since the preliminary plat approval by the Planning Commission and City Council.

Mike Evans, 232 E. 1875 N., Centerville, said during the previous approval, there was discussion regarding preserving the steps and surrounding wall, and to include a plaque of the step's history on it. Rebecca Wayment asked due to their condition, how many steps may be preserved. Mike Evans said only a few could be saved.

Nate Wolfley, 66 E. 250 N., Centerville, said they hope to preserve as many steps as possible; however, due to their condition, it may only be 2-3 steps. Rebecca Wayment asked if that was adequate per the Commission's previous discussion. Eric Anderson said it was staff's understanding that what the applicant is discussing is what was intended to happen. Rebecca Wayment said she is

comfortable approving it as is, but added that the applicant work with staff to ensure all that can be preserved is being preserved as well as where the plaque should be located.

Motion:

Bret Gallacher made a motion that the Planning Commission recommend that the City Council approve the enclosed Final Plat and Final PUD Master Plan for the Villa Susanna PUD, subject to all applicable Farmington City ordinances and development standards and the following conditions:

- 1. The front steps on Main Street shall be preserved and that the applicant will work with staff to determine the number of steps to be preserved and where the plaque shall be located;
- 2. Public improvement drawings, including a grading and drainage plan, shall be reviewed and approved by the Farmington City Public Works, City Engineer, Storm Water Official, Fire Department, Central Davis Sewer District and Benchland Water;
- The property owner will work with the City traffic engineer to take all reasonable safety precautions that could be placed on 1400 North from the common access drive of the Villa Susanna subdivision.

Alex Leeman seconded the motion which was unanimously approved.

Findings for Approval:

- 1. The proposed Final Plat submittal is consistent with all necessary requirements for a Minor (Final) Plat as found in Chapter 5 of the City's Subdivision Ordinance.
- 2. The proposed Final PUD Master Plan is consistent with all necessary requirements for a PUD Master Plan as found in Chapter 27 of the City's Zoning Ordinance.
- 3. The motion ensures that the buildings will appropriately front Main Street and 1400 North and not compromise the appearance of the corridor.
- 4. By preserving the steps, an historical reminder will remain of the church that existed on the site, this meets the goals of the General Plan.

CONDITIONAL USE/SITE PLAN APPLICATION

Item #5. Farmington City (Public Hearing) – Applicant is requesting conditional use and site plan approval for a park on 10.6 acres of property located on the northeast corner of 1100 West and Glover Lane in an AE (Agricultural Estates) zone. (C-5-15)

Eric Anderson said with the construction of the anticipated high school on 650 W. and Glovers Lane, the City will lose the use of the current soccer fields there. The City will need to replace those fields. When Fieldstone Homes entitled their conservation subdivision, Farmington Park, they set aside 30% open space in exchange for an increase in density. Doing so has provided the City land on Glover Lane and 1100 West for additional field space. Eric Anderson showed the current designs for the park, which will consist of fields, a restroom and parking. Staff is recommending approval and advised the Commission that if they would like, staff can review the design of the parking lot.

The Commissioners and staff discussed the parking as it was shown on the plans in the staff report. **Kent Hinckley** asked if there is a standard to determine how many parking spaces are needed for this size of field. Staff will research it. The Commissioners also discussed paving or using gravel on the parking area.

Rebecca Wayment opened the Public Hearing at 9:53 p.m.

Joe Wilcox, 140 E 100 S., said he is a property owner that lives across the street from the proposed park. He asked if the fields will include baseball diamonds or if they will be used as soccer fields.

David Stringfellow, 2068 Sharpshooter Ct., asked if this is also the location where the future elementary school will be located. **Eric Anderson** said yes, the School District has an application in for it. **David Stringfellow** asked if there is another location similar in size within the City for this park to be located and if the money spent on this park is from the approved bond for the regional park. He expressed concern that the City may spend a lot of money on its construction with the potential West Davis Corridor alignment proposed to come through the middle of the field. He feels the City should not put money into this park if they do not feel they could recoup the cost from UDOT or suggested they find another location within the City.

Ralph Wilcox, 677 N. 500 E., also mentioned that the last designs he saw for the WDC showed the freeway going through the park. He asked if the City was trying to get ahead of the corridor by approving this park.

Rebecca Wayment closed the Public Hearing at 10:02 p.m.

David Petersen said yes, the preferred alignment for the WDC is through Glovers Lane; however, the School District purchased property in this area before the WDC shifted north of Glover's Lane. It has always been the plan to put a park adjacent to the elementary school. The City does not own another 11 acre piece of property where the park could be located. He explained the exchange in property between the School District and Fieldstone Homes so the elementary school can be located on 1100 West in lieu of being embedded on residential streets. **David Petersen** said in the event the WDC does come in, at least it is easier to displace open space than it would be for 24 homeowners.

Rebecca Wayment asked if the money from the approved bond will also be used for this park. David Petersen said it is his understanding the bond is solely for the regional park and gym.

Alex Leeman asked when these fields will become operational and available for use. David Petersen said they hope to have the fields ready for the spring season in March 2016.

The Commissioners and staff discussed the number of spaces needed for parking as well as if the parking lot should have gravel or if it should be paved. **Kent Hinckley** suggested using finding #6 as a condition and amending the wording to read that the City "will provide adequate utilities..." He said amending the wording would then allow the City to determine how many parking spaces are needed and what type of surfacing should be used.

David Petersen also added that a condition needs to be included that a fence is not to be included along the future elementary school property.

Motion:

Kent Hinckley made a motion that the Planning Commission approve a conditional use permit and site plan for the Farmington City Park at 1100 West with the following conditions:

- The applicant completes all requirements for site plan approvals as well as all on-site and offsite improvements requirements to comply with City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District, ad Weber Basin Water District:
- 2. All lights shall be full cut-off lights and shall not shine onto adjacent residential properties;
- 3. The irrigation system for watering the landscape shall use secondary water and obtain approval from Weber Basin Water District;
- 4. All City Engineer comments on the improvement drawings will be amended prior to a preconstruction meeting;
- 5. The City will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation;
- 6. There will not be a fence on the northern boundary line with the future proposed elementary school.

Alex Leeman seconded the motion which was unanimously approved.

Findings for Approval:

- 1. The use requested is listed as a conditional use within the AE zone.
- 2. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community.
- 3. The proposed use shall comply with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
- 4. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
- 5. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development.
- 6. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
 - Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
 - b. Unreasonable interference with the lawful use of surrounding property; and
 - c. A need for essential municipal services which cannot be reasonably met.

OTHER BUSINESS

Item #6. Bryce Thurgood/Castle Creek Homes – Applicant is requesting approval for the proposed Clark Lane Village design development consisting of a 140 unit apartment complex (7 apartment buildings total) on 12.95 acres of property located at approximately 650 West and Clark Lane in a TMU (Transit Mixed Use) Zone. (SP-7-15)

Eric Anderson said this is the same layout as was presented previously to the Commission; the applicant is now seeking approval of their design development. He said the only thing that may change are a few sidewalk widths or improvement drawings, but it will be reviewed by staff.

Alex Leeman said he feels it is consistent with what was previously before the Commission.

Rebecca Wayment asked if the only access to the project is the turnout onto Clark Lane. David Petersen said there will be 3 accesses into the development, including one from 650 West.

Bryce Thurgood, Perry, UT, said he is available for questions.

Alex Leeman asked if there will be improvements where the creek crosses the property in the southeast corner of the project. Bryce Thurgood said he has met with SPARC and their recommendation was to landscape the area and the City may require a fence to be included; he will ensure it looks nice.

Rebecca Wayment said she was not in attendance when this project was previously before the Commission; she asked for more information on the tuck-under garages. Bryce Thurgood said each building will have 11 tuck-under garages with 6-7 of the garages being direct access to the apartments. He said in their other projects, the direct access tuck-under garages are the first to rent out.

Rebecca Wayment asked what the parking percentage ratio is for the development. Bryce Thurgood said it is 1.75 spaces per unit which meets the requirement and does not include parking along State Street/Clark Lane.

Motion:

Bret Gallacher made a motion that the Planning Commission approve the design development for the proposed Clark Lane Village project subject to all applicable Farmington City codes and development standards and the following conditions:

- 1. Staff shall review and approve the improvement drawing and site plan for compliance to Chapter 18 of the Zoning Ordinance;
- 2. The applicant must enter into an agreement with the City to maintain the on-street parking on 650 West and on-street parking and right-of-way on 100 North;
- 3. The applicant shall provide a geotechnical report and traffic study for the proposed project prior to or concurrent with staff approval of design development;
- 4. Any change to the standard street cross-section is subject to 11-18-104(4) and will require City Council approval prior to or concurrent with staff approval of design development.

Alex Leeman seconded the motion which was unanimously approved.

Findings:

- 1. After a preliminary review, it appears that the proposed development meets all of the standards and requirements of the transit mixed use zone as outlined in Chapter 18 with the exceptions listed above.
- 2. The parking needs for this project are being addressed using tuck under garages, small brokenup surface parking lots, on-street parking, and covered parking, this treatment of parking meets the form based code with the exceptions notes above.
- 3. The proposed development meets the spirit of the form based code and provides a greater variety of housing choices.
- 4. The City intended both in the General Master Plan and in the Zoning Ordinance for the mixed use district to be where the highest densities and intensities of uses would be concentrated, this project complies with that intention.
- 5. The location of this project and its accessibility to transit, Station Park, and Park Lane Commons project, etc. make this a good fit.

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6. By approving this project be delegated to staff for final review and approval, the DRC will more thoroughly review the layout, improvement drawings, landscape plans, grading and drainage plans, etc. and ensure that all unresolved issues are addressed before final approval.

7. The proposed street network does not alter the streets on the existing regulating plan but adds more streets and improves connectivity and the overall street layout of the mixed use district.

Item #7. Farmington Rock Discussion.

Rebecca Wayment said she is comfortable moving this discussion to another Planning Commission meeting.

ADJOURNMENT

Motion:

At 10:31 p.m., Alex Leeman made a motion to adjourn the meeting which was unanimously approved.

Rebecca Wayment
Chair, Farmington City Planning Commission

WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to discuss the award of bid for park and gym, potential purchase of a brush truck for the fire department 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 <u>Tuesday</u>, June 16, 2015, 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
- 7:05 Adjourn to RDA meeting for RDA Budget Public Hearing

PUBLIC HEARINGS:

- 7:10 Resolution to Increase Monthly Sewer Rates
- 7:15 Amend FY2015 and Adopt FY2016 Budget

PRESENTATION OF PETITIONS AND REQUESTS:

7:30 Approval to Accept Bids for 650 West (Gym and Park)

NEW BUSINESS:

- 8:00 Special Assessment Area for 650 West, 1100 West and Glovers Lane
- 8:30 Update on Farmington Justice Court
- 9:00 PUBLIC HEARING May PUD Subdivision Schematic Plan

SUMMARY ACTION:

9:10 Minute Motion Approving Summary Action List

- 1. Resolution regarding Utah Retirement Systems "pick up" of Member Contributions for Eligible Employees
- 2. McOmber Subdivision Amended Improvements Agreement
- 3. Approval of Minutes from City Council from May 26, 2015
- 4. Resolution Amending the Consolidated Fee Schedule relating to Football Fees and Sanitary Sewer
- 5. Villa Susanna Final PUD Master Plan and Final Plat
- 6. Agreement Amendment for Station Park regarding Drive up Windows

GOVERNING BODY REPORTS:

- 9:15 City Manager Report
 - Executive Summary for Planning Commission held on June 4, 2015
 - 2. Monthly Activity Report for Fire
 - 3. Cemetery Issues
- 9:30 Mayor Talbot & City Council Reports
 - 1. Planning Commission Appointments

ADJOURN

CLOSED SESSION

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

DATED this 11th day of June, 2015.

FARMINGTON CITY CORPORATION

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

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



Planning Commission Staff Report June 18, 2015

Item 3: Residences at Station Parkway Subdivision Schematic Plan

Public Hearing:

Application No.: S-22-15

Property Address (approx.): Approximately 600 North and Station Parkway

General Plan Designation: TMU (Transportation Mixed Use) and PPR (Public Private Recreation

Open Space)

Zoning Designation: TMU (Transit Mixed Use) and OS (Open Space)

Area: 13.03 acres

Number of Lots: 2

Property Owner: ICO Development

Applicant: Ernie Wilmore – ICO Development

Yes

Request: Applicant is requesting a recommendation of schematic plan approval for a 2 lot subdivision.

Background Information

The applicant, ICO Development has already received site plan approval for the Residences at Station Parkway apartment project. However, the applicant desires to phase the project for HUD financing reasons, but plans to do all the improvements, including but not limited to streets, sidewalks, utilities, etc. for the entire project at once, but phase the actual construction of the buildings into two separate phases. The improvements are being reviewed and the final approval for those, as well as site plan, have been delegated to staff. However, while this is a simple lot split, because the applicant will not be dedicating right-of-way, he will only need to go through the minor subdivision process, which includes schematic plan and preliminary/final plat.

Suggested Motion

Move that the Planning Commission recommend that the City Council approve the proposed Schematic Plan for the Residences at Station Parkway Subdivision subject to all applicable Farmington City ordinances and development standards.

Finding:

The subdivision does not change the layout of the approved site plan, including streets, building placement, utilities, etc. and the improvements will all be done at one time. This subdivision is a simple lot split meant to create two platted parcels on the map.

Supplemental Information

- 1. Vicinity Map.
- 2. Schematic Plan
- 3. Approved Site Plan

Applicable Ordinances

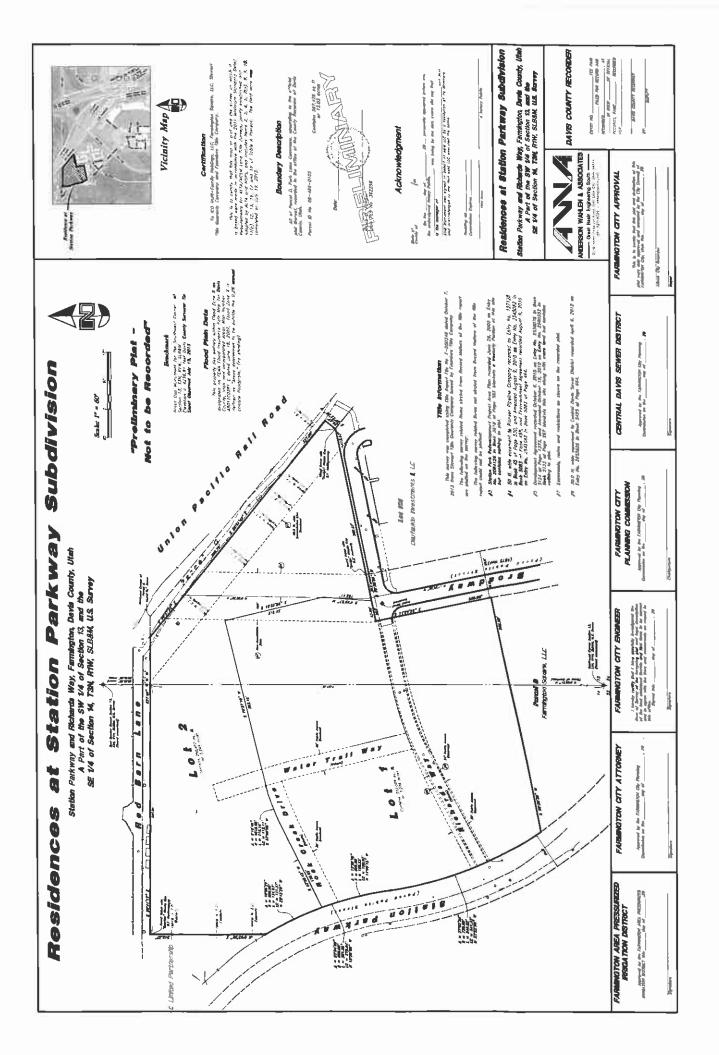
- 1. Title 11, Chapter 18 Mixed Use Districts
- 2. Title 12, Chapter 3 Schematic Plan
- 3. Title 12, Chapter5 Minor Subdivisions

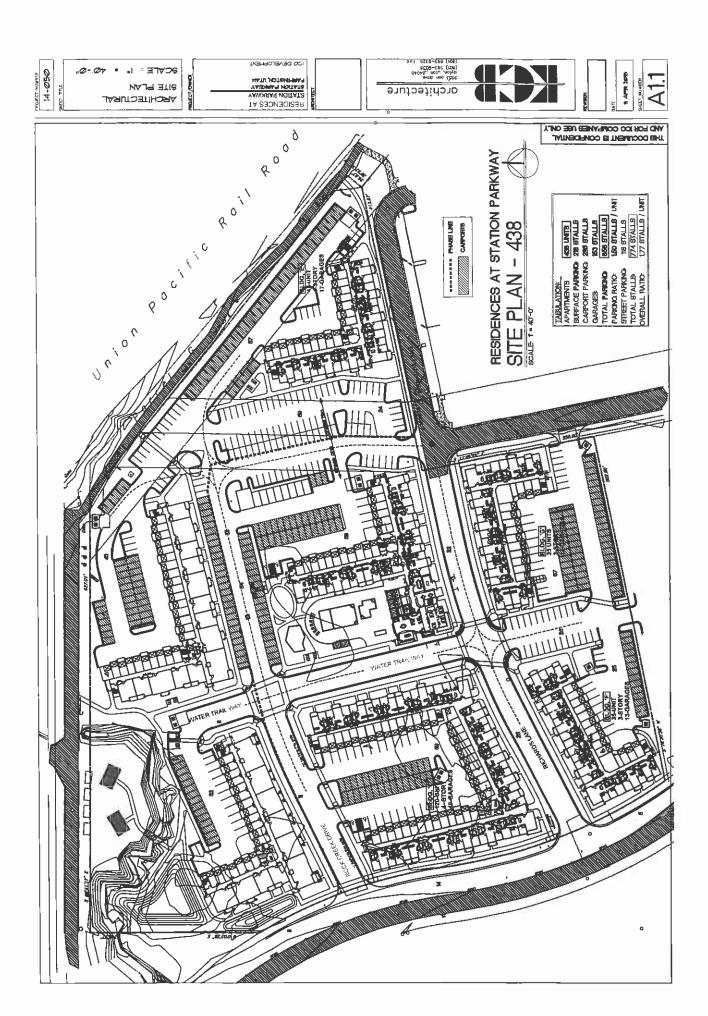
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Planning Commission Staff Report June 18, 2015

Item 4: Meadows at City Park Schematic Plan and Preliminary (PUD) Master Plan

Public Hearing:

Yes

Application No.:

S-12-15

Property Address:

50 South 200 West (approx.)

General Plan Designation:

MDR (Medium Density Residential)

Zoning Designation:

R-4 (PUD)

Area:

2.37 acre (approx.)

Number of Lots:

14

Property Owner:

Advanced Solutions Group

Agent:

Pete Smith/Advanced Solution Group

Applicant is requesting a recommendation for Preliminary (PUD) Master Plan and Schematic Plan approval.

Background Information

The City Council approved Final Plat and Final PUD Master Plan for the Meadows at City Park Phase I (originally called "Nicholls Nook") on February 3, 2015. The majority of Phase I was on the 100 West side of the project, however, there was a road punching through to 200 West in anticipation of Phase II and to access improvements and utilities off of 200 West instead of 100 West.

The applicant is now moving forward with Phase II of the Meadows at City Park project, and is continuing a similar design and site layout as that of Phase I to the west. The applicant is proposing similar densities as to what was requested and approved with Phase I, with similar setbacks, landscaping, and design standards.

While this project is a PUD, it is important to note that with the R-4 zoning, the applicant could request 4-plex units up to 9 dwelling units/acre under a conventional development; in staff and many neighbors' opinions, the requested PUD is a better product with a higher design standard/requirement than may be used in a conventional R-4 development.

In addition to the twelve new lots/townhomes, the applicant is proposing that the temporary detention basin from Phase I be moved to the southwest corner of the property creating space for two more units/lots on 100 West (Units 10 and 11).

Suggested Motion

Move that the Planning Commission recommend approval of the enclosed Schematic Plan and Preliminary PUD Master Plan for the Meadows at City Park Phase II PUD subdivision subject to all applicable Farmington City ordinances and development standards and the following condition: the Nicholls Nook development agreement shall be amended prior to consideration of final plat and/or final PUD master plan.

Supplemental Information

- 1. Vicinity Map.
- 2. Schematic (Subdivision) Plan.
- 3. Preliminary (PUD) Master Plan.
- 4. Landscape Plan.
- 5. Building Elevations.
- 6. Final Plat/Final PUD Master Plan Phase I.
- 7. Existing Nichols Nook Development Agreement.

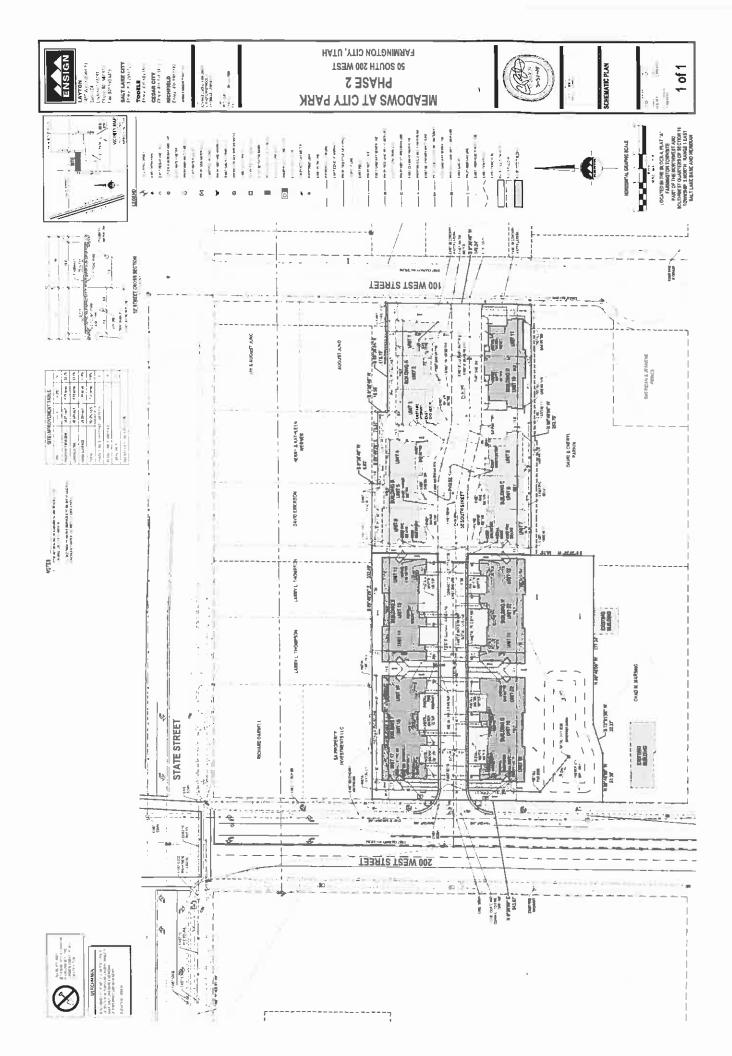
Applicable Ordinances

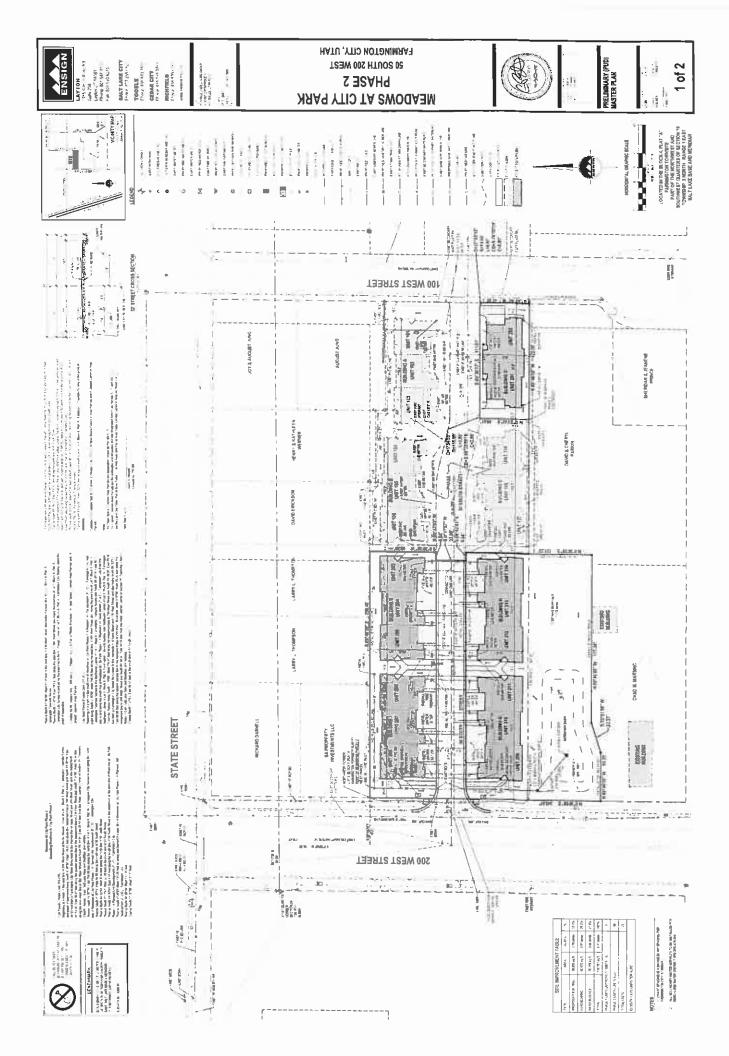
- 1. Title 11, Chapter 13 Multiple-Family Residential Zones
- 2. Title 11, Chapter 27 Planned Unit Development (PUD).

Farmington City









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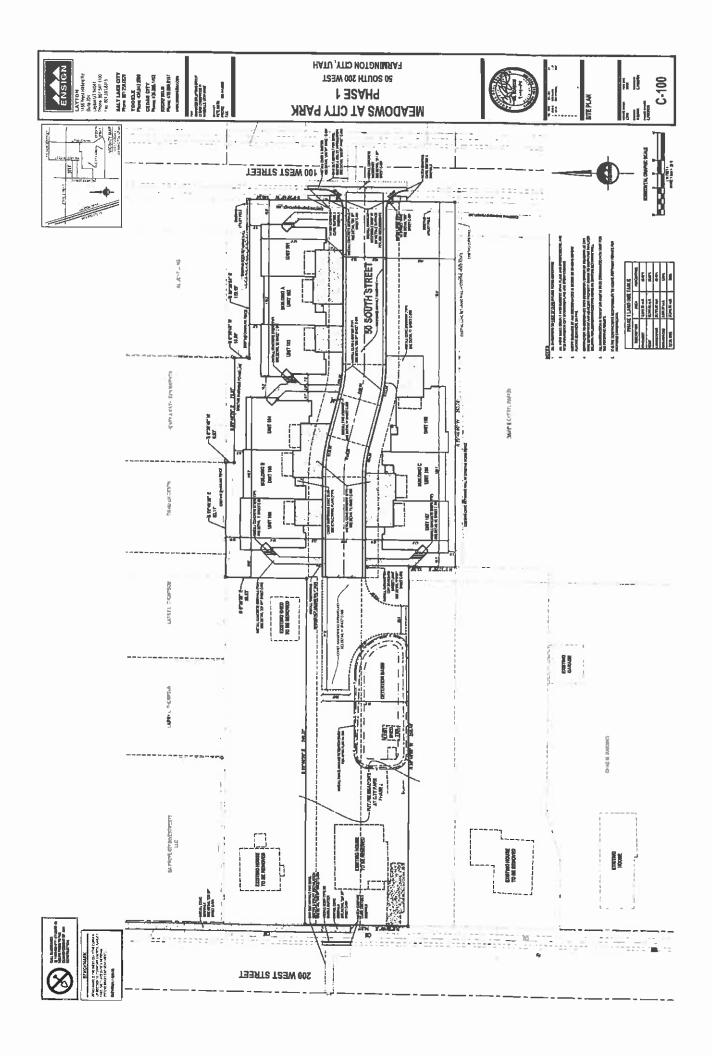
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DEVELOPMENT AGREEMENT FOR THE

NICHOLLS NOOK PLANNED UNIT DEVELOPMENT (PUD)

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into as of the 6th day of July, 2010, by and between <u>FARMINGTON CITY</u>, a Utah municipal corporation, hereinafter referred to as the "City," and <u>RODNEY L. GRIFFIN</u>, hereinafter referred to as the "Developer."

RECITALS:

- A. Developer owns approximately 1.00 acre 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"). The Property includes three parcels added thereto as a result of boundary adjustments approved by the City on October 20, 2009.
- B. Developer desires to develop a project on the Property to be known as the Nicholls Nook PUD (the "Project"). Developer has submitted an application to the City seeking approval of the Project as a planned unit development in accordance with the City's Laws.
- C. Developer received approval of an amendment to the Final (PUD) Master Plan (the "Final Master Plan") and Final Plat (the "Final Plat") for the Project from the Farmington City Council on July 7, 2009, which approval is subject to a number of conditions. The Final Master Plan provides for the development of nine attached single-family residential lots. The open space, or common area, set forth on the Final Master Plan comprises 0.3478 acres or 34.78 % of the total area for the Project.
- D. The Property is presently zoned under the City's zoning ordinance as R-4 (PUD). 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. <u>Incorporation of Recitals</u>. The above Recitals are hereby incorporated into this Agreement.
- 2. Final Master Plan. In connection with the City's review and approval of this Agreement, the City has simultaneously held all public hearings necessary for the lawful approval of the Final Master Plan. The Final Master Plan, attached hereto as Exhibit "B," has been approved by the City, and by this reference shall be made a part hereof. The Property shall be developed by the Developer and/or any subsequent developers as a PUD in accordance with the approved Final Master Plan and all conditions of approval of the Final Master Plan as approved by the City Council.
- 3. <u>Development of the Project.</u> All portions of the Project must be developed in strict accordance with the approved Final Master Plan and Final Plat for the Project and any conditions of approval related thereto. No amendments or modifications to the approved Final Master Plan and Final 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. <u>Compliance with City Laws and Development Standards</u>. The Project and all portions thereof shall be developed in accordance with the City's Laws, the Final Master Plan and Final Plat, and this Agreement.

b. Streets and Related Improvements.

- i. The east to west street (Elliot Lane or 50 South Street) which provides access to the Project from 100 West Street shall be a public right-of-way. Developer will construct, improve and dedicate this street to the City as shown on the Final Master Plan and Final Plat for the Project. Pursuant to Section 12-8-100 of the City's Subdivision Ordinance, the City approved a street cross section for Elliot Lane on July 9, 2009, as set forth in **Exhibit** "C" attached hereto and by this referenced made a part hereof. Construction, reconstruction, and improvement of Elliot Lane, and 100 West Street outside the boundary of the Project in conjunction with the development of the Property, 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.
- ii. Prior to recordation of the Final Plat for the Project, Developer shall post a bond acceptable to the City in accordance with City Ordinances to fully improve the streets shown on the Final Master Plan and the Final Plat for the Project.
- iii. Developer shall provide an easement for, and construct, a temporary turnaround at a location, and in a manner acceptable to the City at the west end of the Project, which turnaround will straddle the Property line with a portion of the turnaround located within the Property and the remaining portion outside the Property. The bond for the Project shall include funds to adequately construct the

turnaround as set forth in the improvement drawings approved by the City and the bond estimate prepared by the City Engineer for the Project. The easement and bond shall be recorded and posted concurrently with the recordation of the Final Plat.

iv. Decorative street lighting shall be provided by Developer for the Project and shall be subject to review and approval of the City prior to installation. All street lighting shall conform to the City's street lighting standards.

c. Open Space.

- i. The Developer shall preserve perpetual open space as shown on the Final Master Plan and Final Plat as common area for the PUD. The open space shall be landscaped in accordance with the landscape plan attached hereto as **Exhibit "D"** and by this reference made a part hereof.
- ii. The bond for the Project shall also include sufficient funds to ensure the installation of the landscaping improvements as set forth in Exhibit "D" and in an amount equal to 120% of an estimate prepared by a nursery professional and accepted by the City. The bond shall be provided to the City prior to or concurrent with the recordation of the Final Plat.
- d. <u>Building Permits</u>. 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 shall not issue any building permits on any lot within the Project until 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. Except as provided for in Section 12-2-045 of the Farmington City Code, no building permits shall be issued within the Project until the 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 until accepted by the City.

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. In order to provide adequate culinary water circulation and pressure, Developer shall extend an off-site 8 inch culinary water line beginning at the west boundary of the Project and commencing westerly and connecting to an existing 8 inch culinary water line located in 200 West Street.

Certain owners of property in the general vicinity of the Project may benefit from the installation of the off-site water line. The City agrees to enter into a pioneering agreement with the Developer whereby in the event such property develops in the future the City will use its best efforts to collect funds from said owners and to partially reimburse the Developer from the funds collected from other benefited property owners for their proportionate share of the cost of the culinary line.

- iii. 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.
- iv. All off-site improvements shall be constructed and installed in a timely manner, and shall meet bonding requirements as set forth herein for on-site improvements, in order to coincide with development of the Project,
- v. 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 the Project. Developer shall obtain a full water allotment for the entire Property from Benchland and shall provide evidence thereof to the City prior to recordation of the Final Plat for the Project. 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 all lots located within the Project.
- vi. 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.
- shall provide grading and Drainage, Storm-water Run-off, and Erosion Control. Developer shall provide grading and drainage, and erosion control plans for the Project for review and approval by the City. These plans for the Project shall be prepared by a licensed engineer and 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 consistent with the landscaping plan for the Project set forth in Exhibit "D" 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 shall obtain a UPDES permit from the Utah DEQ (Department of Water Quality) and provide a complete Storm Water Pollution Prevention Plan (SWPPP) containing all information required by the UPDES permit. Developer shall

implement Best Management Practices (BMP's) as detailed in the SWPPP and 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, SWPPP 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 landscaping plan is complete.

The Final Master Plan and Final Plat for the Project calls for a detention basin to be located on the Property. This detention basin will be constructed after the recordation of the Final Plat and will provide for the detention needs of the Project. Additionally, the basin may provide for the detention needs of property located within the interior of the block east of the Project (bounded on the east by Main Street, on the north by State Street, on the west by 100 West Street and on the South by the City's Main Park) in the event this area is also developed. Storm water runoff from the Project will be conveyed westerly from the detention basin and elsewhere on the Property via 12 inch pipe to a storm drain facility located in 200 West Street.

Owners of property, which property is located on the same block as the Project and within the block east of the Project, may benefit from the construction and installation of the detention basin and off-site 12" storm water pipe. The City agrees to enter into a pioneering agreement with the Developer whereby in the event such property develops in the future the City will use its best efforts to collect funds from said owners and to partially reimburse the Developer from the funds collected from other benefitted property owners for their proportionate share of the cost of these storm water facilities and other related appurtenances.

- g. <u>Easements</u>. All appropriate on-site and off-site easements, including temporary construction easements, for infrastructure improvements will be granted at no cost to the City and its contractors by the Developer and its successors and assigns for the construction of any public improvements which may be required by the City. These easements shall be subject to the approval of the City Engineer and the City Attorney. Developer hereby agrees to grant and convey at no cost to the City a satisfactory easement for drainage pipes across the Property to be shown on and dedicated as part of Final Plat for the Project in locations mutually satisfactory to the City and the Developer. The City shall have the right to determine the amount of flows to be passed through the easement. The drainage easements shall provide for the flow of water and drainage through the Property at the locations specified in said easements.
- h. <u>Dedication and Donation</u>. Prior to, or concurrent with, the recording of the final plat 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. <u>Construction Standards and Requirements</u>. 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. Except for the City's obligations set forth in the parties' Sales Agreement, the 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.
 - i. 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.

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 its 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. Developer shall be responsible for sweeping streets up to 1000 feet from the construction entrance to the Project.

- k. <u>Historic Preservation</u>. An historic dwelling exists in the northeastern area of the Property. Developer shall cooperate with the City's Historic Preservation Commission and allow for the necessary photographs and documentation of this **structure** in conjunction with obtaining the necessary permits for its demolition in preparation for the construction of the Project.
- 1. <u>Conditions, Covenants and Restrictions</u>. Prior to the recording of the Final Plat for the Project, the Developer shall prepare and submit to the City for review and approval covenants, conditions and restrictions (the "CC&R's") to provide for the following:
 - i. Architectural Review Committee. The CC&R's shall establish an architectural review committee for the purpose of preserving the quality of all development and maintenance of private and common properties in the Project. The CC&R's shall establish the structure, procedures, authorities and remedies of the architectural review committee. No home or unit will be constructed without the approval of design themes, plans, elevations and materials by the architectural review committee.
 - ii. Miscellaneous Items. The CC&R's will address, as a minimum, open space maintenance not covered by the City.
 - iii. Architectural Design Guidelines, Development Guidelines and Approval. The CC&R's shall establish architectural design guidelines, development guidelines and procedures to be administered by the architectural review committee. The aforesaid guidelines shall pertain to architecture, elements of site planning, transportation and access, building design, subsurface water drain systems, storm water management, service, trash, storage, screening, lighting, signs, construction activities and maintenance for common areas and open space within the Project. The CC&R's shall comply with the requirements of the City's Laws pertaining thereto.
 - iv. The City shall not enforce the provisions of the CC&R's and enforcement of the same shall be the sole responsibility of the Developer or its assigns, including a homeowners' association formed for the purpose.
- 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 either formally or through established practice.
- 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, water service, police and fire protection, subject to the payment of all fees and charges charged or levied therefore by the City.

- 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 of their agents, contractors, servants, or employees at any time. Developer shall furnish, or cause to be furnished, to the City a satisfactory certificate of insurance from a reputable insurance company evidencing general public liability coverage for the Property and the Project in a single limit of not less than One Million Dollars (\$1,000,000) and naming the City as an additional insured.
- 7. Right of Access. Representatives of the City shall have the reasonable right of access to the Project and any portions thereof during the period of construction to inspect or observe the Project and any work thereon.
- 8. Assignment. The Developer shall not assign this Agreement or any rights or interests herein without giving prior written notice to the City. Any future assignee shall consent in writing to be bound by the terms of this Agreement as a condition precedent to the assignment.
- 9. <u>Notices</u>. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To Developer: Rodney L. Griffin

24 North 1050 West Kaysville, UT 84037

To the City: Farmington City

Attn: City Manager 130 North Main Street

Farmington, Utah 84025-0160

- 10. **Default.** In the event any party fails to perform its obligations hereunder or to comply with the terms hereof, within thirty (30) days after giving written notice of default, the non-defaulting party may, at its election, have the following remedies:
 - a. All rights and remedies available at law and in equity, including injunctive relief, specific performance and/or damages.

- b. The right to withhold all further approvals, licenses, permits or other rights associated with the Project or any development described in this Agreement until such default has been cured.
- c. The right to draw upon any security posted or provided in connection with the Project.
 - d. The right to terminate this Agreement.
 - e. The rights and remedies set forth herein shall be cumulative.
- 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. <u>Headings</u>. 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. <u>Binding Effect</u>. 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. <u>No Third-Party Rights</u>. 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.
- 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.
- Amendment. This Agreement may be amended only in writing signed by the parties 21. 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:

Holly Gadd

City Recorder

"DEVELOPER"

RODNEY L. GRIFFIN

CITY ACKNOWLEDGMENT

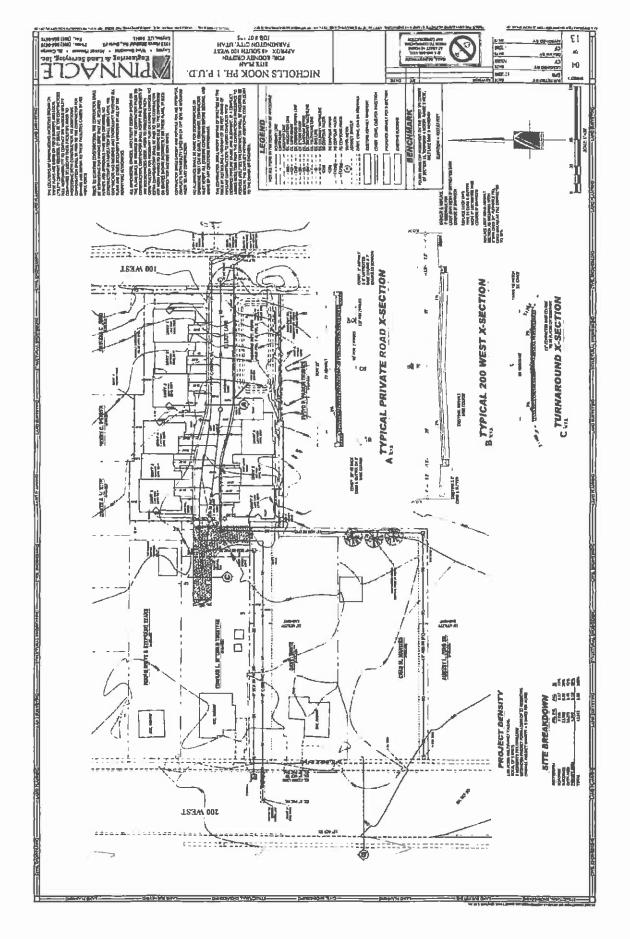
STATE OF UTAH)	
COUNTY OF DAVIS	:ss.)	
Harbertson, who being duly municipal corporation of the S	swom, did say sha State of Utah, and th	, 2011, personally appeared before me Scott C. the is the Mayor of FARMINGTON CITY, a at the foregoing instrument was signed in behalf of id Scott C. Harbertson acknowledged to me that the
My Commission Expires:		Notary Public HOLLY GADD NOTARY PUBLIC • STATE OF UTAH 130 NORTH MAIN FARMINGTON, UT 84025 COMM. EXP. 12/05/2011
α	EVELOPER ACI	KNOWLEDGMENT
STATE OF UTAH)	
: ss. COUNTY OF DAVIS)	
On this day o RODNEY L. GRIFFIN, wh instrument, who duly acknow	o being by me duly	, 2011, personally appeared before me, sworn, did say that he is the signer of the foregoing ne executed the same.
		Notary Public Cadd
My Commission Expires:		
13/5/2011	_	HOLLY GADD NOTARY PUBLIC • STATE OF UTAH 130 NORTH MAIN FARMINGTON, UT 84025 COMM. EXP. 12/05/2011

EXHIBIT "A"

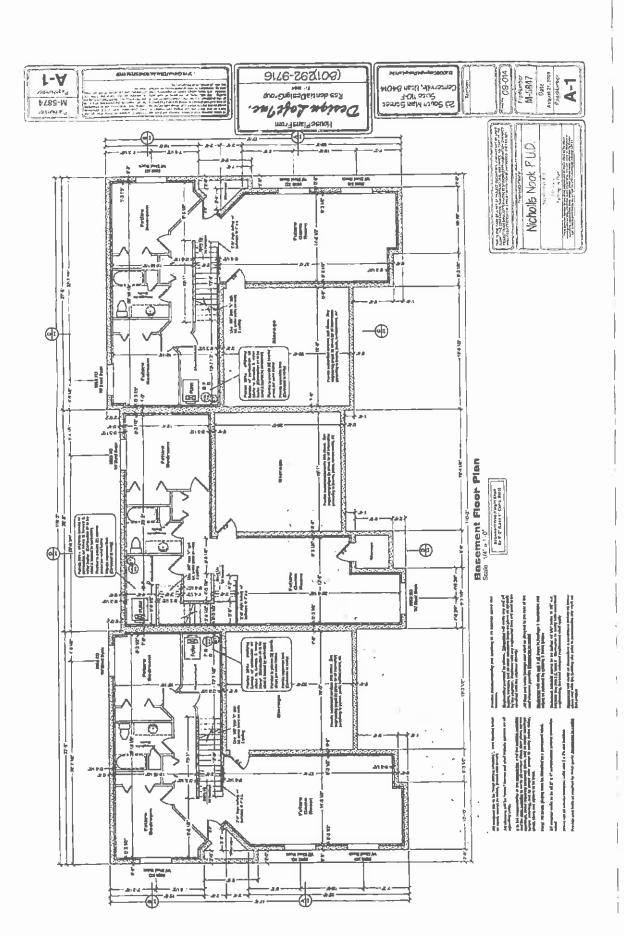
070280072 BEG AT A PT 5 RODS N FR THE SE COR OF LOT 6, BLK 4, PLAT A, FARMINGTON TS SURVEY & RUN TH W 14 RODS; TH N 5 RODS; TH E 4 RODS; TH S 6.0 FT; TH E 75.0 FT; TH S 10.5 FT; TH E 114.5 FT M/L TO THE W LINE OF 100 WEST STR; TH S ALG SD W LINE 4 RODS; TH W 24.5 FT TO THE POB. CONT. 0.43 ACRES.

070280049 BEG AT SE COR OF LOT 6, BLK 4, PLAT A FARMINGTON TS SUR; TH W 231 FT; TH N 5 RODS; TH E 255.5 FT; TH S 5 RODS; TH W 24.5 FT TO BEG. CONT. 0.484 ACRES.

070280084 A PARCEL 6 ½ FT WIDE BY 33 FT LONG LOC IN THE SW 1/4 OF SEC 19-T3N-R1E, SLB&M; SD PARCEL ALSO BEING PART OF LOT 6, BLK 4, FARMINGTON TS SURVEY, MORE PART'LY DESC AS FOLLOWS: BEG AT A PT WH IS LOC S OO^07'50" E ALG THE W LINE OF SD 1/4 SEC 263.35 FT & E 363.31 FT FR THE W 1/4 COR OF SD SEC 19; SD PT ALSO BEING LOC S 89^46'37" E ALG THE S LINE OF SD LOT 6, 16.5 FT FR THE SW COR OF SD LOT 6; & RUN TH N 89^46'37" W ALG SD S LINE 6.50 FT; TH N 00^29'55" E 33.00 FT; TH S 89^46'37" E 6.50 FT; TH S 00^29'55" W 33.00 FT TO THE POB. CONT. 0.005 ACRES.







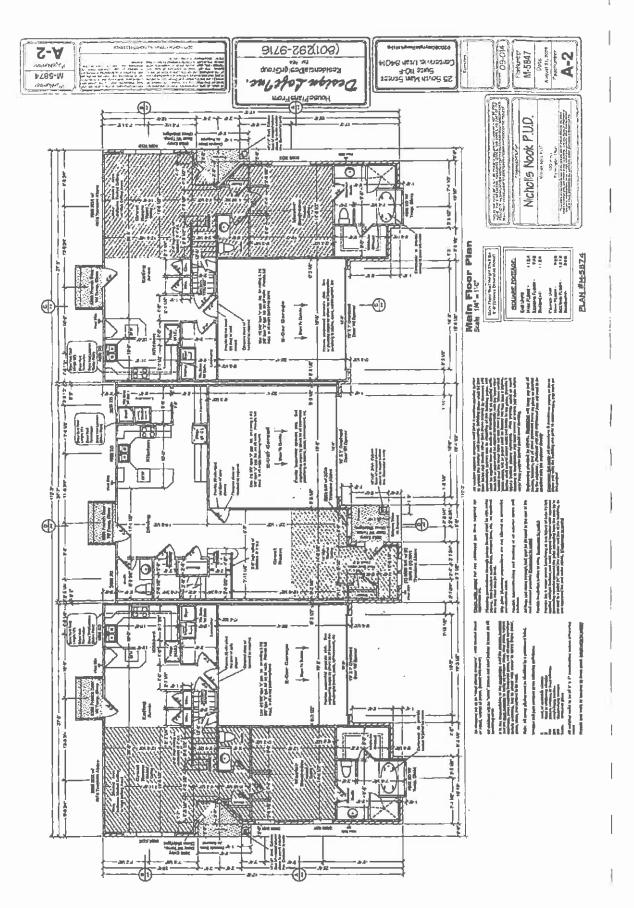


EXHIBIT B

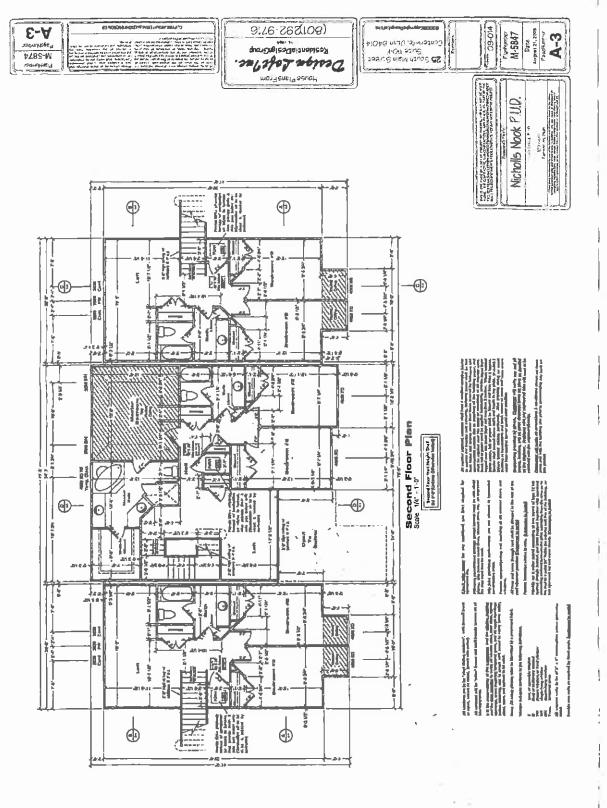
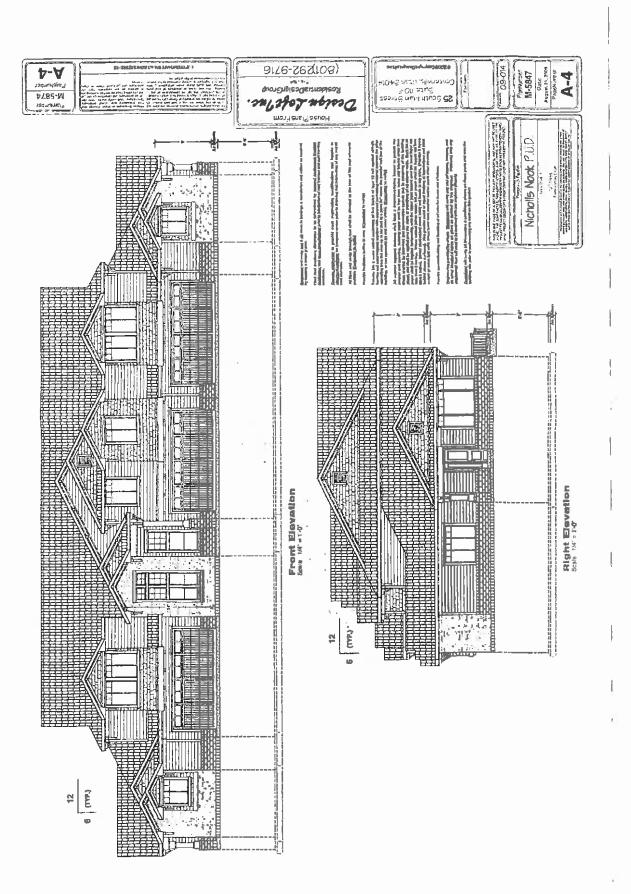


EXHIBIT B



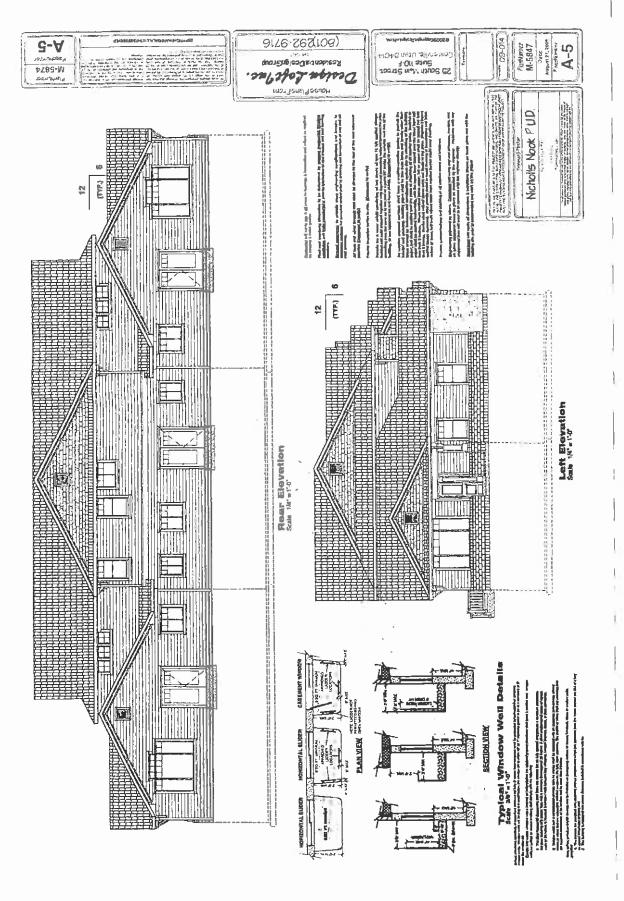


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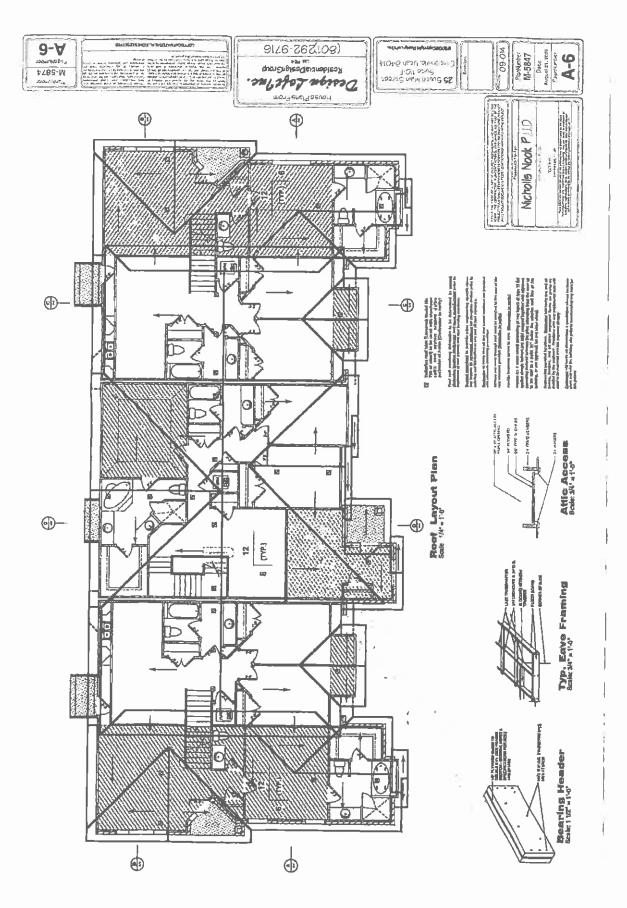
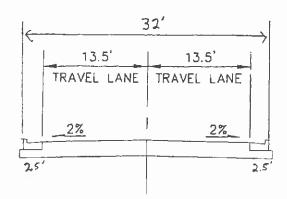


EXHIBIT B



LOCAL



32-FOOT RIGHT-OF-WAY

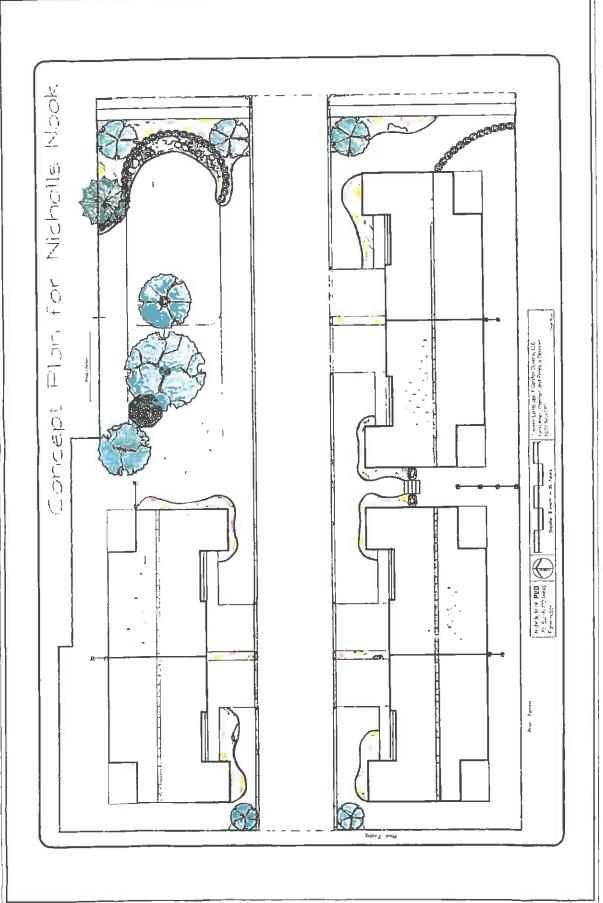


EXHIBIT D





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G E	300 Series:

Lawn Pop-up w/o Mozzle Shrub w/o Nozzle Shrub with Chrck Valve w/o Nozzle 12" Pop-up w/o Nozzle and Ar. Doc

* 300-00-00 * 310-10-00 * 300-10-00-COM * 300-12-00

Dimensions

Description

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Specifications

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Recycled Water Indicator:

- 89-7853 — Own Mozzle Cover (Use with Part Na 300-15)

- 89-7854 — High-pop Own No.21 Cover

(Use wiferInd to 300-22)

- 89-7859 — Retor Flug

- Check Whe - mentains up to 8" elevation change

(Anto com only)

> 53-1344 — totaking app for (wwn Pop-up models

(thinking on high pop models)

Options Available

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300	300 Series.	_										

• Sody Diameter: 2 3/8" • Cap Diameter: 3" • Height. • Height: — Hayn Pop up: 6 1/8" • High-Pop: 16" • Shrub Base Diameter: 1 14"

Operating Specifications

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• Radius 15" = 30"

• Row Rate:

- I show Papug and High-pop: D 57 = 751 GPM

- Shrub (COM): 7 07 - 6 36 CPM

• Recommended Operating Pressure Range. 15-50 pa

(maximum 75 pa)

• Trajectory 3 angles to cover short, medium & large radius

• Do-up to notate:

- Law Papug 12 M*

• High Pop. 1 14 M*

• High Pop. 1 14 M*

• Shulb 1/4* to 34*

• Lange Sasket filter xiteen

Optional	E-think			_								
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EXHIBIT

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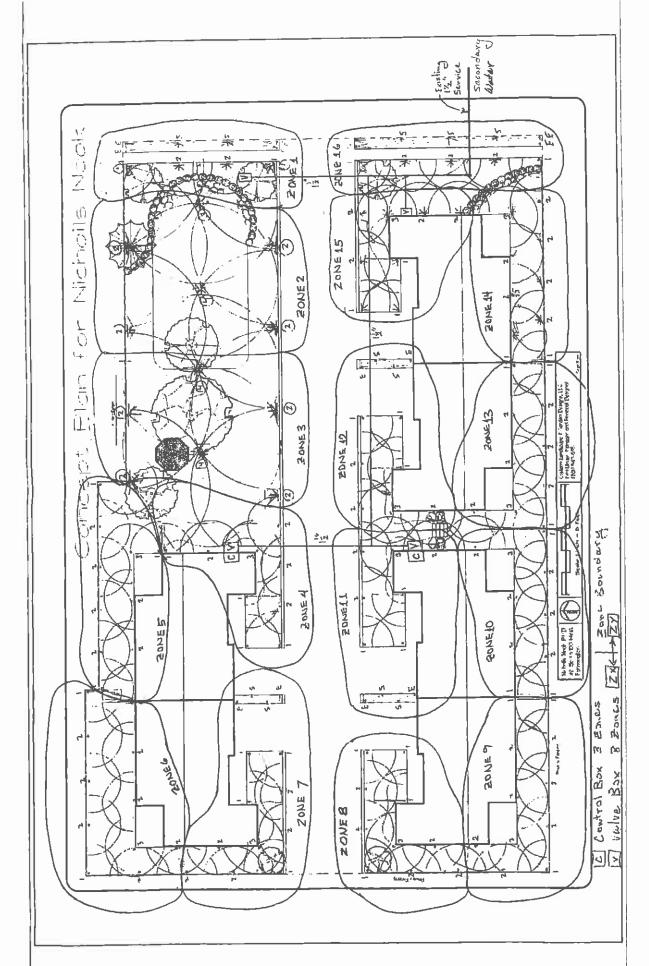


EXHIBIT D



Planning Commission Staff Report June 18, 2015

Item 5: Minor Subdivision/Plat Amendment for Shepard Creek Country Estates PUD

Public Hearing: Yes
Application No: S-21-15

Property Address (approx.): 351 Shepard Ridge Road
General Plan Designation: LDR (Low Density Residential)

Zoning Designation: LR – F (PUD) (Large Residential Foothill)

Area: 2.07 acres

Number of Lots: 1

Property Owner: Mary Lou Bornemeier - Trustee

Applicant: Walter C. Bornemeier

Request: Applicant is requesting a recommendation for minor subdivision approval which will result in a plat amendment creating one additional lot in the Shepard Creek Country Estates PUD.

Background Information

The Bornemeier's submitted a petition to the City requesting approval to amend the Shepard Creek Country Estates (PUD) by subdividing their 2.05 acre property and creating one additional lot in the PUD. A plat will be required which constitutes a minor subdivision

In consideration of the plat amendment, as per Section 10-9a-609 of the State Code, the City must determine if there is good cause for the amendment and if no public street, right-of-way, or easement has been vacated or amended.

If the petition does not include the signatures of all property owners within the plat (which is not uncommon for such petitions, and is the case with the Bornemeier request), State Law provides a way whereby owners receive notification and are provided an opportunity to protest such actions. This will be done in preparation for the City Council meeting to follow a recommendation by the Commission.

Suggested Motion

Move that the Planning Commission recommend that the City Council approve the proposed minor plat and amend the Shepard Creek Country Estates PUD thereby subdividing Lot 4 thereof and creating one

additional lot as requested by the applicant subject to the City implementing notice procedures for such petitions as set forth in State Law.

Findings:

- The applicant's request is consistent with previous subdivisions which have occurred within the boundaries of the original plat. Shepard Creek Country Estates PUD was recorded June 10, 1980 as a seven lot subdivision. Since that time 3 of the 7 property owners, have subdivided their properties. Now the plat includes 10 lots, and will include 11 lots if the Bornemier request is approved.
- 2. The new lot, and remaining portion of the existing Bornemier Lot, both exceed the minimum 20,000 square foot lot size standard in the LR zone, and are compatible with the other lots in the subdivision.
- 3. There is good cause for the amendment because it is in keeping with what other property owners within the subdivision have already done.
- 4. No public easement, right-of-way, or easement will be vacated or amended.
- 5. The owner demonstrated to City staff that a building site is possible on the new lot for a single family home.

Supplemental Information

- 1. Vicinity Aerial Map.
- 2. Bornemier Petition.
- 3. Proposed subdivision (schematic plan).
- 4. Shepard Creek Country Estates PUD map.

Applicable Ordinances

- 1. Title 11, Chapter 11 Single Family Residential Zones
- 2. Title 12, Chapter 3 Schematic Plan
- 3. Title 12, Chapter 5 Minor Subdivisions



Walter & Mary Lou Bornemeier PO Box 652 351 Shepard Ridge Rd Farmington UT 84025 801-721-8384

BEFORE THE CITY COUNCIL CITY OF FARMINGTON, UTAH

In Re Lot 4

PETITION FOR DIVISION OF
LOT 4 INTO TWO PARCELS

PUD

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF FARMINGTON:

Mary Lou Bornemeier, Trustee of the Mary Lou Bornemeier Trust, owner of Lot 4, Shepard Creek Country Estates, along with Walter C Bornemeier, her husband, hereby submit this petition and request that you approve an amendment to the Shepard Creek Country Estates PUD by allowing us to separate our lot into two parcels, each one of which would be at least one acre.

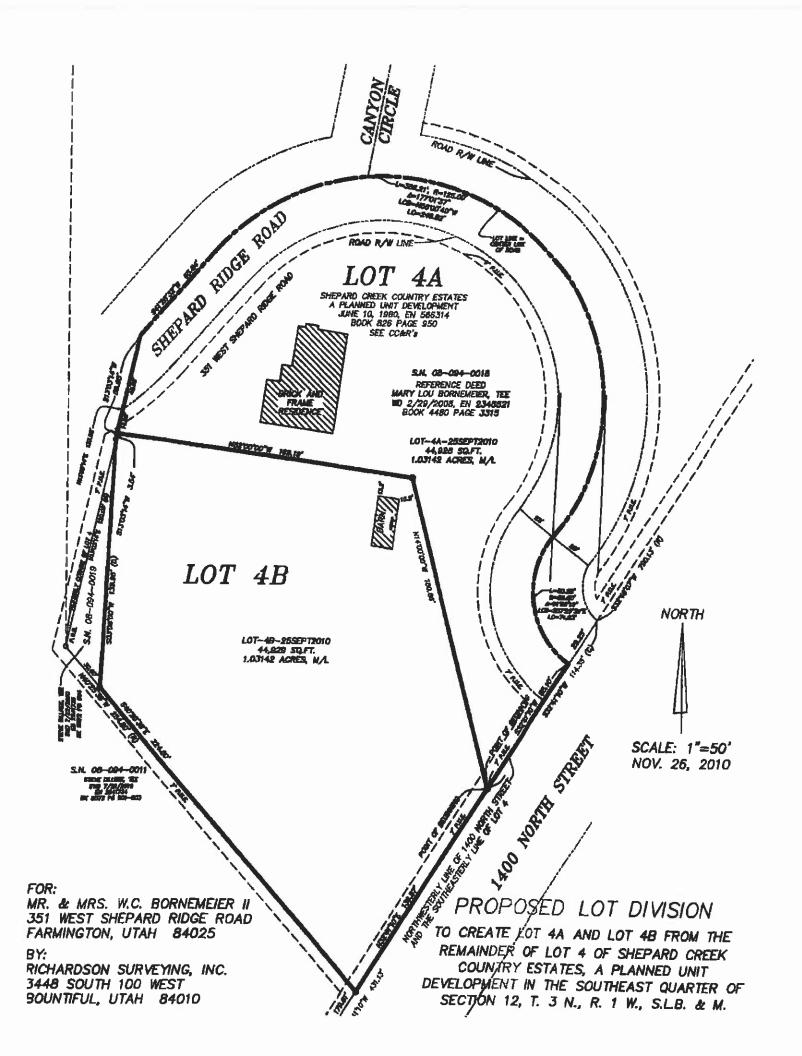
We are prepared to follow your instructions and the instructions of the Planning Department of the City in doing so.

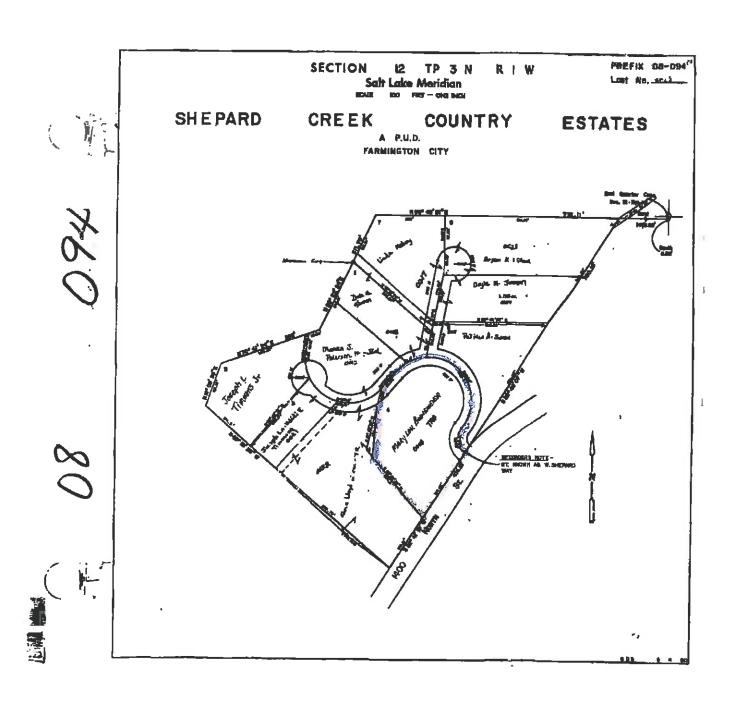
A copy of a proposed division is attached hereto and made a part hereof.

Respectfully Submitted: May 29, 2015

Walter C Bornemeier

Mary Lou Hornemeier







Planning Commission Staff Report June 18, 2015

Item 6: Minor Subdivision/Plat Amendment for Corner Subdivision Amended

Public Hearing:

Yes

Application No.:

S-23-15

Property Address:

696 West Emerald Oaks Drive LDR (Low Density Residential)

General Plan Designation: Zoning Designation:

LS - F (Large Suburban Foothill)

Area:

.65+ acres

Number of Lots:

1

Property Owner:

Harley Hughes and Laura Jean Evans - Trustees

Applicant:

Harley and Jean Evans

Request: Applicant is requesting a recommendation for minor subdivision approval which will result in a plat amendment creating one additional lot in the Cornerstone Subdivision Amended final plat.

Background Information

The Evans' submitted a petition to the City requesting approval to amend the Cornerstone Subdivision Amended plat subdividing Lot 19 therein thereby creating one additional lot in the PUD. A plat will be required which constitutes a minor subdivision.

The Cornerstone Subdivision Amended, containing 4 lots and recorded on October 18, 2005, was part of the larger Cornerstone Subdivision, recorded on January 17, 1997, and consisting of what was then 16 Lots. The north and east boundary of the greater subdivision is adjacent to the Fruit Heights City corporate limits. In 1997, adjacent property in Fruit Heights remained undeveloped and the City caused the Evans family, developers of the Cornerstone Subdivision, to stub Evans Way to the City limit line in hopes of creating better traffic circulation in the future between the two municipalities. But as property continued to develop, Fruit Heights did not reciprocate in kind by requiring a connection at Evans Way and it is now impossible to move from one city to the other at this location. Subsequently, the City approved Cornerstone Subdivision Amended vacating that portion of Evans Way, which is no longer needed, back to the property owners.

The Cornerstone Subdivision is located at the end of Summerwood Drive which does not conform to City dead end street standards. It is greater than 1,000 feet in length. In 1997, Harley and Jean Evans could

have obtained more lots, but the City limited the total number to 16 as per Section 12-7-040(4)(d) of the Subdivision Ordinance (see attached).

In consideration of the plat amendment, as per Section 10-9a-609 of the State Code, the City must determine if there is good cause for the amendment and if no public street, right-of-way, or easement has been vacated or amended.

If the petition does not include the signatures of all property owners within the plat (which is not uncommon for such petitions, and is the case with the Evans request), State Law provides a way whereby owners receive notification and are provided an opportunity to protest such actions. This will be done in preparation for the City Council meeting to follow a recommendation by the Commission.

Suggested Motion

Move that the Planning Commission recommend that the City Council approve the proposed minor plat and amend the Cornerstone Subdivision Amended plat thereby subdividing Lot 19 thereof and creating one additional lot as requested by the applicant subject all applicable Farmington City standards and ordinances and the following:

- 1. Prior to the City Council meeting, the City shall implement notice procedures for such petitions as set forth in State Law;
- The additional lot and the remaining portion of Lot 19 shall both equal or exceed 20,000 square feet in size. In order to do this the applicant shall cause a boundary adjustment to occur between Lot 18 and Lot 19 whereby Lot 18 must also be equal to or greater than 20,000 square feet in size. [Note: the applicant is also the owner of Lot 18].
- 3. Pursuant to Section 12-7-040(4)(d)(iv) of the Subdivision Ordinance, the City Council shall approve the additional lot by resolution.

Findings:

- 1. The applicant's request results in lots consistent in size with other lots in the vicinity and district.
- The new lot, and remaining portion of 19 (and Lot 18) will be equal or greater that the minimum 20,000 square foot alternative lot size standard in the LS zone, and the applicant has previously demonstrated that a TDR (Transfer of Development Right) as per Section 11-11-050 of the Zoning Ordinance is not necessary.
- 3. An existing older, but not historic, single family home is situated on the property. This dwelling is nonconforming as to its orientation because it does not properly face the street. There is good cause for the proposed plat amendment because it results in lots sizes compatible with other lots in the subdivision and area, and it is likely that the owner, or future owner, will remove the existing home and replace it with a dwelling which conforms to City standards.
- 4. No Public Street, right-of-way, or easement will be vacated or amended.

Supplemental Information

- 1. Vicinity Aerial Map.
- 2. Evans Petition.
- Proposed subdivision (schematic plan).
- 4. Cornerstone Subdivision Amended final plat map.

- 5. Cornerstone Subdivision final plat map.
- 6. Section 12-7-040(4)(d) Nonconforming Dead-end Streets.
- 7. Section 11-28-050(a) Main Building to Face Front.

Applicable Ordinances

- 1. Title 11, Chapter 11 Single Family Residential Zones
- 2. Title 11, Chapter 28 Supplementary and Qualifying Regulations
- 3. Title 12, Chapter 3 Schematic Plan
- 4. Title 12, Chapter 5 Minor Subdivisions
- 5. Title 12, Chapter 7 General Requirements for All Subdivisions



May 27, 2015

Farmington City Mayor Jim Talbot and Members of the Farmington City Council 160 S Main Farmington, Utah 84025

Dear City Leaders,

We are requesting that you consider our petition to make a small change to the Cornerstone Subdivision Amended Plat. Our proposal is to divide Lot 19 into two approximately equal size lots as shown on the attached drawing. Each lot would have one-hundred (100') foot frontages.

Your consideration of our request is greatly appreciated.

Sincerely,

Harley H. Dvans

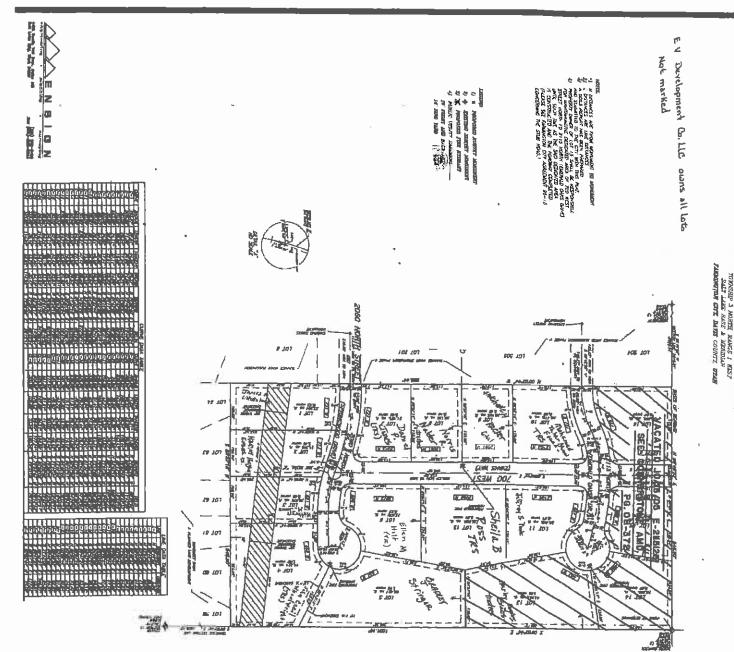
Harley H. Dvans

Harley H. Dvans

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4

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NW 1/4 SECTION 12 T3N R1W SALT LAKE MERIDIAN DAVIS COUNTY UTAH

SUBDIVISION: CORNERSTONE

CITY: FARMINGTON LOTS: 1-16







CORNERSTONE SUBDIVISION

streets with which they are to connect;

- (b) Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts;
- (c) Dead-end streets which exceed one lot depth in length shall have a forty-foot (40') radius temporary turnaround area at the end. The turnaround shall have an all-weather surface acceptable to the City. The following standards shall apply to dead-end streets:
 - (i) Dead-end streets shall serve as access for not more than twenty-four (24) dwelling units and shall not exceed one thousand (1000) feet in length.
 - (ii) When a dead-end street reaches its maximum length and/or maximum number of lots, it shall not be extended except to connect to another street which provides a second point of independent access.
 - (iii) Exceptions to the requirement for a second point of independent access may be granted by the City Council, after receiving a recommendation from the Planning Commission, upon a finding that the topography or other physical conditions of the development site make it impossible to provide a second access which complies with street design standards established by the City and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services.
- (d) Nonconforming Dead-end Streets The provisions of this section shall not be construed to prevent construction on approved residential lots fronting on nonconforming streets exceeding one thousand (1000) feet in length which existed prior to January 9, 1991. These streets include, but are not necessarily limited to, 1400 North Street, Summerwood Drive, Cherry Blossom Drive, Welling Way, and 1100 West Street (south of Shepard Lane). Extension of these nonconforming streets may be permitted but shall be subject to the following standards and restrictions:

- (i) Extension of a nonconforming street may be approved by the City Council only after receiving recommendations from the Planning Commission, Fire Department, Police Department, Public Works Department, and the City Engineer. The Fire Department and/or Police Department may recommend additional conditions to facilitate public safety and emergency services;
- (ii) All streets shall be fully improved and shall be designed and constructed at locations shown on an approved street master plan;
- (iii) A temporary turnaround, with a radius of forty feet (40'), shall be provided at the end of the street. The temporary turnaround shall have an all-weather surface acceptable to the Fire Department; and
- (iv) Until such time as nonconforming streets can be connected to a second access, lots on such streets shall not be approved which are less than two (2) acres in size, unless the City Council in consideration of all circumstances shall differently approve by resolution.
- (e) The following standards shall govern the development of cul-desacs:
 - (i) Cul-de-sacs shall serve as access for not more than twenty-four (24) dwelling units, shall not exceed one thousand (1000) feet in length, and shall have a fully improved turnaround at the end with a minimum radius of forty-two feet (42') to back of curb and fifty feet (50') to the right-of-way line. Exceptions to the maximum length or maximum number of lot standards may be granted by the City Council, after receiving a recommendation from the Planning Commission, upon a finding that the topography or other physical conditions of the development site make it impossible to develop the property any other way and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services;
 - (ii) Transverse grades within the turnaround of a cul-de-sac

that the area is less than the prescribed minimum.

(b) No lot or parcel of land shall be divided or reduced in area or dimension so as to cause any required yard or open space to be reduced below that required by this Ordinance. No required yard or open space provided around any building for the purpose of complying with provisions of this Ordinance shall be used or considered as a yard or open space for any other building.

11-28-040 Open Sky.

Every part of a required yard shall be open to the sky, unobstructed except as provided below:

- (a) Belt courses, sills and lintels or other ornamental features may project not more than, eighteen (18) inches into front, rear, and side yard spaces.
- (b) Cornices, eaves, and gutters may project into front, side or rear yard space not more than one-third (1/3) of the width of the minimum required side yard for the lot on which the building will be erected.
- (c) Chimney breasts, unwalled and unroofed porches, terraces, balconies and steps, not over ten (10) feet long, may extend into any side yard provided a setback of eight (8) feet between the side lot line and such appurtenances shall be maintained on one (1) side and not less than six (6) feet on the other for inside lots and not less than six (6) feet from the side lot line on corner lots.
- (d) Fences as provided in Section 11-28-140 and signs as provided in the City Sign Ordinance may be erected in the required yard.
- (e) Building accessories designed and intended to control light entering a building and being either a permanent or temporary part of such building may project five (5) feet into any front or rear yard space and three (3) feet into any side yard space, provided that they are attached only to the wall of the main building.

11-28-050 Supplementary Yard Regulations.

- (a) Main Building to Face Front. Regardless of the shape of any building lot, the full face of a building and the full width of required side yards shall be fully exposed to the street.
- (b) Reduction of Front Yard. Where the ground elevation at a point fifty (50) feet from the front lot line and midway between the side lot lines differs by ten (10) feet or more from the curb level, the front yard setback need not exceed sixty-seven percent (67%) of that required in the zone, but not less than twenty (20) feet.



Planning Commission Staff Report June 18, 2015

Item 7: Conditional Use/Site Plan and Schematic Subdivision Plan Approval for Elementary School #61

Public Hearing:

Yes

Application No.:

C-6-14 and S- -15

Property Address:

Approximately 1100 West and 675 South

General Plan Designation:

LDR (Low Density Residential) and DR (Development Restricted, Very

Low Density and/or Agriculture Open Space)

Zoning Designation:

AE (Agricultural Estates)

Area:

10.55 acres

Number of Lots:

1

Property Owner:

Applicant:

Davis School District
Davis School District

Request: Applicant is requesting conditional use/site plan approval, and a recommendation for schematic subdivision plan approval for the Davis School District Elementary School #61.

Background Information

Davis School District originally owned the northeast corner of the Diumenti property with the intention of building a new elementary school. However, in a transaction with Fieldstone Homes as part of their Farmington Park development, the school district swapped their northeast property for the northwest corner; this was desirable for many reasons, primarily for bus access. The previous property would have likely been accessed through local roads through neighborhoods to the north, but with the new location of the proposed school, the property would be directly accessible from 1100 West via 500 South and Glover Lane. Additionally, as part of the Farmington Park Conservation Subdivision, Fieldstone Homes provided the City with approximately 10.6 acres of park property as part of their open space requirement. The park will abut the proposed elementary school providing for shared usage of parking and space in complimentary ways, i.e. during the summer and in evenings when school is out the park can utilize the extra space and during spring and fall during the days the elementary can utilize the park space.

The main issues with this site plan have involved stormwater, the FEMA floodplain, and the improvement of 1100 West to the major collector standard. While some of these issues are outstanding, the applicant has begun to address these issues or will address these issues to

staff's satisfaction. Any outstanding issues can be addressed as conditions for approval with final approvals being delegated to staff, if the Planning Commission desires.

It bears mentioning that although School Districts have what is known in state code as "sovereign status" which gives them the authority to circumvent the majority of local municipal requirements, Davis School District has fully gone through the full review and approval process as any entity would.

The site plan approval process is dictated by Chapter 7 of the zoning ordinance, Section 11-7-104(6) states:

"The Planning Commission shall review all Conditional Uses. The Planning Commission shall also review all multiple-family residential, commercial, commercial recreation, office, agricultural use, or industrial Permitted Uses which are subject to the requirements of this Chapter unless such review is waived by the Commission and is delegated to the Planning Department. A notice shall be sent to all adjacent property owners within five hundred (500) feet of the subject property for all site plan reviews considered by the Planning Commission. After adequate review, an application may be approved, approved with conditions, continued for further study, or disapproved for the use and/or site plan."

Part of the site plan approval process requires that all of the DRC agencies (Public Works, Fire Department, City Engineer, Central Davis Sewer, City Planning, Storm Water Official and Weber Basin Water) review and approve the site plan with recommendations. The issues that these agencies have raised have been included in the motion as conditions for approval.

The applicant has also applied for a 1-lot subdivision from the original Diumenti property as part of the land swap that was completed with Fieldstone Homes. While the applicant and Fieldstone swapped deeds for the property, they did not go through the subdivision process to legally create a lot. The applicant is now rectifying this oversight by creating 1-lot where the proposed elementary school will sit. Because the applicant will be dedicating right-of-way (both 1100 West and 675 South) they will need to go through a major subdivision process, which includes schematic plan, preliminary plat, and final plat. Because this subdivision is a very simple lot split, staff is recommending that the Planning Commission combine preliminary and final plat to simplify the review process.

Suggested Motion

Approve the enclosed Conditional Use and Site Plan, for the Davis School District Elementary #61, and recommend schematic subdivision plan approval related thereto, subject to all applicable Farmington City ordinances and development standards and the following conditions:

- 1. SWPPP Corrections and storm water permit and bond must be done before construction begins;
- 2. The 1100 West ROW shall be shown on the final plat and shall be dedicated to the City as ROW and be included in the owner's dedication;

- 3. Applicant shall obtain final plat approval for the subdivision lot split and exchange transacted with Fieldstone Homes;
- 4. The applicant shall provide a description of the property will be removed from the flood plain prior to construction;
- 5. The applicant shall obtain/provide storm drain easements to drain the storm-water across private property, off-site south of Glover's Lane to Farmington Bay:
- 6. If the applicant is the first in, they will need to design and build 675 South, and will need to receive staff approval prior to construction;
- 7. The applicant shall provide a 10' PUE on the north side of the property, and will need to record said easement prior to construction;
- 8. Final Approval of the Site Plan consistent with all requirements set forth in Chapter 7 of the Zoning Ordinance shall be delegated to City Staff;
- 9. Preliminary and Final Plat shall be held jointly.

Findings for Approval:

- 1. The proposed elementary school is an integral component in planning and accommodating for Farmington's projected future growth.
- 2. The proposed use of the proposed elementary school is compatible with the surrounding community, including the surrounding subdivisions, the 1100 West park, the Farmington Bay Wildlife Refuge Area, etc.
- 3. State Law (Code 10-9a-305) exempts school districts from having to conform to municipality land use ordinances, which in this case includes the City's requirement for a conditional use. However, the applicant has been amenable to going through the conditional use approval process because of the partnership nature of this project and wanting to be transparent throughout the process.
- 4. The proposed elementary school will complete their proportionate share of 1100 West to Glover Lane and will extend the road beyond their property as a system improvement to be possibly reimbursed by the City.
- Likewise, the school district has committed to participating in one-third of the cost to construct a bridge at 1100 West extending the road north past 500 South where it currently ends.
- 6. The ordinance allows for flexibility on approving this site plan and conditional use in that the Planning Commission can approve this project and leave final approval to City Staff. In this way, the City can ensure that all outstanding issues are resolved and the approval of the Site Plan conforms to City ordinances and Development Standards.
- 7. The proposed subdivision is memorializing a deed swap and bringing the subdivision into compliance with city ordinance.

Supplemental Information

- 1. Vicinity Map
- 2. Building Elevations
- 3. Site Plan Documents
- Landscape Plan

Applicable Ordinances

- 1. Title 11, Chapter 7 Site Development Standards
- 2. Title 11, Chapter 8 Conditional Uses

- 3. Title 11, Chapter 10 Agricultural Zones
- 4. Title 12, Chapter 3 Schematic Plan
- 5. Title 12, Chapter 6 Major Subdivisions

Farmington City







