

## FARMINGTON CITY COUNCIL MEETING

July 19, 2016

### WORK SESSION

*Present: Mayor Jim Talbot, Council Members Brett Anderson, Doug Anderson, John Bilton, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson City Recorder Holly Gadd and Recording Secretary Katie Gramse. Council Members Brigham Mellor and Cory Ritz were excused.*

**Dave Millheim** pointed out that due to the number of council members in attendance in today's meeting, a unanimous vote will have to be made by all council members in order for a motion to pass.

### Davis Creek Commercial Subdivision Schematic Plan

In the event of the UDOT moves forward with the Glover's Lane preferred alignment for the West Davis Corridor (WDC) , **Mayor Jim Talbot** said the property for this subdivision may be affected. **Mayor Jim Talbot** expressed concerns that the preferred alignment could affect future business owners if the City Council moves forward with this subdivision.

**Dave Millheim** said Ivory Homes has asked that the open space requirement be waived for the subdivision. He asked the City Council if they feel comfortable waiving the open space. If so, he also asked if the council members are comfortable negotiating payment for the waiver, which would be in the amount of \$90,000, or if they would prefer an exchange of something else. **Mayor Talbot** said he does not have a problem with exchanging payment for the waiver, as that money may be used for open space elsewhere in the City.

### Development Agreement Amendment Request – Rice Farms PUD

**Dave Millheim, Mayor Talbot,** and the council members discussed residents' concerns with the trail, the development agreement that requires the trail, and the City's desire to create connectivity within the City. Some of the council members received emails from the residents; these emails expressed concern with the proposed location for the trail. The council members and staff discussed the preferred locations for the trail, and all feel that it would create better connectivity between the neighborhoods.

**Dave Millheim** asked the council members if they would like to have a public hearing discussing the trail. The council members discussed the pros and cons of having a public hearing. The council members felt the development agreement and previous approval processes for the subdivision should be upheld as per the Ordinance. **Dave Millheim** mentioned he discussed with the City Attorney the legal ramifications of amending the development agreement. The City Attorney mentioned there is the potential the subdivision may have to go through the full PUD approval process again.

**REGULAR SESSION**

*Present: Mayor Jim Talbot, Council Members Brett Anderson, Doug Anderson, John Bilton, City Manager Dave Millheim, City Development Director David Petersen, Associate City Planner Eric Anderson, City Recorder Holly Gadd, and Recording Secretary Katie Gramse. Council Members Brigham Mellor and Cory Ritz were excused.*

**CALL TO ORDER:**

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

The invocation was offered by **Doug Anderson** and the Pledge of Allegiance was led by a **John Bilton**.

**Mayor Jim Talbot** welcomed the youth city council members Evan Voordeckers and Mikelle Patterson.

**PUBLIC HEARINGS:**

**Davis Creek Residential Subdivision Schematic Plan**

**Eric Anderson** said the applicant, Ivory Homes, is proposing a residential subdivision off of Glover's Lane; this application came in the adjacent commercial subdivision proposed for the LM&B zone. **Eric Anderson** said the yield the plan resulted in 8 lots; however, in a conventional AE subdivision, the applicant may have up to 15 lots. **Eric Anderson** said due to the surrounding un-platted parcels, the City has requested that the applicant push the proposed road to the southwestern boundary of their property. This would allow for easier access in the event the surrounding property owners choose to develop in the future. Moving the proposed road to this location will increase the length of the cul-de-sac to exceed the 1,000' dead end road restriction. The Development Review Committee (DRC) reviewed the length of the cul-de-sac; the DRC is comfortable moving forward with a deviation to the required restriction. **Eric Anderson** said the applicant is also seeking a waiver for the 30% open space requirement for conservation subdivisions. Based on the Ordinance, the waiver can only be approved with the vote of 4 city council members. **Eric Anderson** said since there is only 3 council members in attendance, the approval for the waiver will have to take place at future city council meeting.

**Chase Freebairn**, 978 Wood Oak Lane, Salt Lake City, representative for Ivory Homes, thanked the council members and staff for their involvement in the City. He said Ivory Homes is looking forward to moving the project forward. He said he is available for any questions.

***Mayor Jim Talbot opened the public hearing at 7:13 p.m.***

No comments were received.

*Mayor Jim Talbot closed the public hearing at 7:13 p.m.*

**Brett Anderson** asked what the exact length of the road is and if the design of it was to accommodate the City. **Eric Anderson** said he was unsure of the exact length of the road; the originally proposed road would have cut the property down the center, but would have met the 1,000' dead end road restriction. The current proposed road extends the cul-de-sac, but assists the City in accessing the adjacent un-platted plots and better plans for the needs of future development. The DRC, which includes the Fire Department, reviewed the length of the cul-de-sac. The DRC is comfortable with the length of the cul-de-sac as currently proposed.

***Motion:***

**Doug Anderson** made a motion that the City Council approve the schematic plan subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall receive approval for the open space waiver, in the amount of \$90,000 payable to the City, by a vote of not less than four (4) City Council members prior to plat recordation;
2. The applicant shall provide a 30' storm drain, sanitary sewer, and secondary water easement from the cul-de-sac to the proposed Davis Creek Commercial Subdivision on preliminary and final plat, as illustrated on the attached schematic plan;
3. The applicant shall provide all side treatments, including curb, gutter, sidewalk, and park strip on both sides of the proposed road for its entire length;
4. The applicant receive approval from the City Council for the cul-de-sac which exceeds 1,000' in length per Section 12-7-040(4)(d) of the Subdivision Ordinance.

Findings for Approval:

1. There appears to be no sensitive or constrained lands on site worth preserving, and the 2.85 acres of open space could be better used elsewhere in the City.
2. The lot sizes exceed the minimum and average lot size required in a Conservation Subdivision for an AE zone significantly.
3. The proposal seeks to create in-fill development in an area of the City where such development makes sense, i.e. across from the new high school.
4. By moving the road to the southern and western boundaries, the proposed schematic plan is allowing for the future development of several adjacent property owners who otherwise might not be able to develop their long and deep parcels.
5. The Fire Department has provided no dissenting comments regarding the cul-de-sac to be in excess of 1,000'.
6. The Planning Commission has determined that the physical conditions of the development site makes it impossible to develop the property any other way.

**Brett Anderson** seconded the motion, which was unanimously approved.

### **Davis Creek Commercial Subdivision Schematic Plan**

**Eric Anderson** said this is the commercial portion of the subdivision proposed for the Pack Property, which is located in the LM&B zone. Earlier in the year, the applicant requested a rezone of this property from LM&B to AE (Agricultural Estates); however, the City Council denied the request. The applicant is now proposing an LM&B type development that meets all ordinance requirements. **Eric Anderson** said, as per the Ordinance, the Planning Commission would review all conditional uses for the LM&B zone. **Eric Anderson** also said that the City is requesting a storm water easement as part of the subdivision's approval process. There is concern that if the subdivision does not happen, perhaps by disruption from the WDC, the storm water will not be conveyed anywhere. The storm water easement will ensure that will not happen. **Eric Anderson** said staff is recommending approval of this item.

**Mayor Talbot** asked if the motion calls for the storm water easement or for the developer to install the storm water system. **Eric Anderson** said the motion requests that the easement be listed on the preliminary and final plats, as well as have it recorded against the property. The easement listed on the plats and the note against the property will show how the water will get from the subdivision to the detention basin. **Mayor Talbot** asked who would be responsible for the storm water in the event the WDC is built through this property. **Dave Millheim** said UDOT will be responsible for anything the highway touches or affects; having the easements in place provides assurance that the City will be made whole with regards to the addressing the storm water.

The applicant did not have any comments at this time.

**Mayor Jim Talbot opened the public hearing at 7:22 p.m.**

**Jared Schetselaer**, 150 S. 650 W., expressed concern that the property being discussed as LM&B will someday be an entry point into the City. He expressed frustration that there was full community support when the applicant was proposing residential; however, it seemed that there was a pre-determined decision made by council members prior to the meeting to turn down the applicant's request. He expressed the desire to possibly blend additional residential into the LM&B zone as a way to change the feeling for those that may enter the City in the future when this does become an entry point. As a way to preserve the future entry point, and to move traffic away from 650 W., he also suggested that all LM&B traffic enter through an eastern entry. He feels these suggestions would bring more neighborhood support and allow for a better entry point into the City in the future.

**Eva Gissemann**, 1025 S. Glover's Lane, said that the previous subdivision's approval directly affects her property. During the residential subdivision and this subdivision, she said a discussion about the storm water drainage and detention basin took place; however, it seemed as though just an easement was being considered. She expressed concern that each time the abutting farmland waters, her property is flooded. She asked that actual drainage be considered in lieu of just an easement.

**Mayor Talbot** asked staff to make a note of the comments received.

***Mayor Jim Talbot closed the public hearing at 7:27 p.m.***

**Brett Anderson** said he feels the decision was made for this property a long time ago when the property was zoned LM&B. The applicant is now requesting to use the property for its intended purpose within the zone requirements.

**Doug Anderson** asked where the storm water would drain when the residential subdivision is developed. **Dave Millheim** referenced the residential subdivision's schematic plan. He pointed out that there is a storm water detention basin located on the southern end of the development. He also acknowledged everyone's frustration with the WDC. He said UDOT has told the City to move forward with applications that are consistent with the zoning. **Dave Millheim** said the easement has been requested in the event the commercial project is developed; however, the proposed detention basin in the residential area will act as a "holding place" for a time. Additionally, if the WDC is proposed for this property, having an easement in place will require that the storm water will have to be placed elsewhere, but will still be addressed.

**Mayor Talbot** said that staff and the city council have also agreed to add a note to the plat map stating that there is a possibility that the WDC could affect the property in this area.

**Dave Millheim** also pointed out that when the applicant previously proposed a zone change to AE, the council members were uncomfortable approving homes that could potentially be condemned in the event the WDC preferred alignment comes through this property. If the council wanted to revisit a "blend" scenario, a partial rezone of the property would have to be revisited. **Dave Millheim** suggested waiting to see where the preferred alignment for the WDC will be located before revisiting how the "entry" to the City should be presented. **Mayor Talbot** agreed, and said he agrees with **Jared Schetselaer** that all entries into the City should be dressed to fit the look and feel of Farmington.

***Motion:***

**Brett Anderson** made a motion that the City Council approve the schematic plan subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall provide a storm water easement in favor of Farmington City from the north to the south boundary, and show this easement on preliminary plat;
2. A note shall be placed on the plat reflecting and detailing UDOT's most current plans for alignment of the West Davis Corridor and how these plans may affect the underlying property.

Findings for Approval:

1. The proposed subdivision is the highest and best use for this property given the underlying LM&B zoning designation.
2. The proposed subdivision meets all of the requirements as outlined in Chapter 26 of the Zoning Ordinance.

3. The proposed subdivision creates added connectivity to the area with three points of ingress/egress to Glover Lane and 650 West.
4. By providing a storm-water easement the length of the property, the City is protecting itself from future drainage issues should the subdivision not be built due to the ultimate West Davis Corridor alignment.

**John Bilton** seconded the motion, which was unanimously approved.

**Plat Amendments for Eastridge Estates Phase I Subdivision, Oakridge Farms Subdivision and Somerset Hollow Subdivision**

**Eric Anderson** said there are 3 plat amendments lumped together with this item. He said all 3 plat amendments are combining lots. He said on each plat amendment notices are sent to neighbors stating that residents have 10 days to let the City know if there is any protestation. If there are not any protests, the City does not need to have a public hearing; however, the City still notices the public hearing as a precaution because the public hearing notice must be posted prior to the end of the 10 notice of protestation. **Eric Anderson** said each amendment is straightforward, and that the City is usually under the belief that lowering density by combining lots is better than increasing density.

*Mayor Jim Talbot opened the public hearing at 7:39 p.m.*

No comments were received.

*Mayor Jim Talbot closed the public hearing at 7:39 p.m.*

No additional discussion took place.

***Motion:***

**John Bilton** made a motion that the City Council approve the proposed Eastridge Estates Phase I Subdivision Plat Amendment set forth herein; approve the Bramhall/Oakridge Farms Subdivision Plat Amendment as set forth herein; and approve the Simmons/Somerset Hollow Subdivision Plat Amendment as set forth herein. **Doug Anderson** seconded the motion, which was unanimously approved.

**Miscellaneous Zoning and Subdivision Ordinance Amendments**

**Eric Anderson** explained each part of the item as listed below:

- a) He said there is currently no requirement to hold a public hearing for special exceptions, as found in Title 11 Chapter 3 Section 045. Staff feels a public hearing may be beneficial as often times abutting neighbors may be impacted by the special exception, but are not currently notified.
- b) Currently, a request for a height increase to a detached accessory building must go through a conditional use permit so it is reviewed by the Planning Commission; however, all residential zones except the OTR zone include wording that no fee is



assessed for this kind of application. This proposed amendment will address this oversight.

- c) Currently, the governing ordinance does not make specific allowance for different type of temporary uses based on whether the underlying zone is residential or commercial. The proposed amendment will allow for temporary uses through a conditional permit in multi-family, business and light manufacturing and business zones. An example of this would be a firework stand. This amendment would allow a temporary firework stand in the LM&B zone.
- d) This was brought to staff's attention, as a resident in a recorded subdivision would like to subdivide their property; however, doing so is currently prohibited by the Ordinance. Upon further reviewing, it appears that when the Ordinance was adopted from another City, the sentence, "flag lots are prohibited if the proposed flat lot will...re-subdivide an existing lot or lots in a recorded subdivision." When stricter regulations for flag lots were adopted, it was never the intent to prohibit even the consideration of a flag lot in a recorded subdivision, but was adopted to create stricter guidelines for new development within the City. The proposed change would allow a resident the opportunity to present the proposal for a recorded property subdivision with a flag lot to the Planning Commission and City Council to consider; however, it is still a discretionary item that can be approved or denied by the commission and council.
- e) This item is adding language to clarify the allowable number of external employees of a home occupation. Currently, the Ordinance only allows for one un-related employee at any one time for a home occupation. The proposed change will allow for more flexibility so a home occupation can have one employee in the home at a time, which means the possibility of part-time employees.

**Mayor Jim Talbot opened the public hearing at 7:52 p.m.**

**Walter Bornemeier**, 351 Shepherd Ridge Rd., said he is the resident that approached the City regarding the language prohibiting flag lots in recorded subdivisions. He said he is in favor of the proposed amendment for item d, which is removing the flat lot restriction.

**Mayor Jim Talbot closed the public hearing at 7:53 p.m.**

No further discussion took place regarding the amendments.

***Motion:***

**John Bilton** made a motion that the City Council approve the enclosed amendments to the zoning and subdivision ordinances as set forth in the July 19, 2016 staff report and the enclosed enabling ordinance related thereto.

Findings for Approval:

1. The Special Exceptions to be public hearings gives the Planning Commission a chance to hear from affected neighbors, receive input on considerations that may influence their decision, and negotiate the means to mitigate negative impacts that will benefit the City, applicant, and adjacent property owners.

2. Adding language that prohibits the charging of a fee will bring the OTR zone into consistency with the other residential zones throughout the City.
3. Broadening the scope of where Temporary Uses are allowed actually gives the City greater control through Section 11-28-120 of the Zoning Ordinance, and allows for the proper delegation of residential and commercial Temporary Uses to those zones where they are intended to be.
4. Removing the prohibition of flag lots in recorded subdivisions will allow for greater in-fill opportunities and flexibility in the future, especially as it relates to the utilization of oddly shaped lots, such as narrow and deep lots, or lots with severe topography.
5. Broadening the requirement of one unrelated employee total to one unrelated employee at any one time gives Home Occupation proprietors greater flexibility with their businesses.

**Doug Anderson** seconded the motion, which was unanimously approved.

#### **NEW BUSINESS:**

#### **Kilgore Contracting to Construct the FY2017 Road Maintenance Project**

**Dave Millheim** said each year the City puts together their proposed Road Maintenance Project list and sends it out to bid. This year, the bids received ranged from \$879,000 to \$1.2 million. The lowest bid was from Kilgore Contracting. **Dave Millheim** said that per **Brett Anderson's** suggestion, the list of road maintenance projects is now listed on the City's website and a sheet of the projects is at the front desk to get the word out to the residents.

**Doug Anderson** asked what type of overlay the contractor would be using for the street improvements, as there have been problems in the past with the overlay that was put down on roads. **Dave Millheim** said he is not sure the exact overlay; however, there have been no negative comments back from Kilgore Contracting's work since the City started using them a few years ago. **Mayor Talbot** said the Road Maintenance Project list is sent out to bid each year. The last few years Kilgore has come back as the lowest bid, which has saved the City a lot of money. The City has also been very pleased with their work.

#### ***Motion:***

**Doug Anderson** made a motion that the City Council approve the contract and bid from Kilgore Contracting for the construction of road maintenance improvements in the amount of \$729,760.18 to be paid from the street maintenance fund and \$140,319.69 from the RDA funds. **Brett Anderson** seconded the motion, which was unanimously approved.

#### **Development Agreement Amendment Request – Rice Farms PUD**

**David Petersen** referenced the vicinity map as found in the staff report, as well as applicant Jerry Preston's letter requesting an amendment to the Development Agreement. He read a portion of the Development Agreement that stated the applicant was required to



construct the trail. Staff is recommending denying the applicant's request to amend the Development Agreement that requires that he build the trail.

**David Petersen** discussed each finding to the motion that thoroughly explains why staff is recommending denial of the amendment request. He explained that the Master Transportation Plan calls for a road connection through the Rice Farms property; however, due to the steep topography, it would have been difficult to construct a road. In 2006, a compromise was made that a trail would be included to allow the neighborhoods to connect. Additionally, the applicant proposed the trail and other amenities in exchange for a significant increase in density. **David Petersen** said staff feels the applicant has received numerous additional accommodations, and, per the Development Agreement, was under obligation to construct the trail.

**David Petersen** discussed the 3 different locations for the trail which includes between the Rice home and lots 704 and 705, the south side of lots 704 and 705 (adjacent to the 2 property owners), or to the north of the Rice home. **David Petersen** said the trail is consistent with other trails within the City in terms of length, use and steepness. He said this trail would be essential in creating connectivity between neighborhoods. Without a map, he said he could count approximately 19 similar trails within the City.

**David Petersen** said in the event the council chooses to amend the Development Agreement, the Ordinance may require the applicant to start the entire subdivision's PUD approval process over, which could be a long and arduous task. **David Petersen** said staff is recommending that a trail needs to be constructed, as per what was originally agreed upon in the Development Agreement signed in 2006 for Rice Farms Estates.

**Jerry Preston**, 177 N. Main St., said he appreciates the City Council and staff for their hard work. He said it was important to remember that the trail connection was not just overlooked during previous phases by himself, but was also missed by staff, the Planning Commission, the City Council, by everyone. He said when he originally purchased the property, he proposed Phases 1-5. Mr. Rice wanted to keep and maintain Phase 6, which is now Phase 7 as an additional phase that was added to the original plans. Mr. Rice is now ready to develop the additional phase.

In reference to **David Petersen's** findings and recommendations, **Jerry Preston** said he respectfully disagrees. **Jerry Preston** said he is a full supporter of trails; however, he does not feel this trail will be used. The proposed trail will connect to 200 E., which is a busy street without cross walks. He said he disagreed with the proposed trail when it was discussed in 2004 and felt he should have fought it then.

**Jerry Preston** said he has discussed the trail with many residents, and they are all against the proposed trail. He said these residents are frustrated with him as the developer and with the City.

With regards to the density, **Jerry Preston** referenced surrounding subdivisions all with similar density to Rice Farms Estates, including Continental Estates, Country Hills' subdivision, and many more. He said based on surrounding development's lots per acre, Rice Farms Estates received some of the lowest density bonuses.

**Jerry Preston** expressed frustration that the trail was previously missed by everyone for Phase 5, now Phase 6. He said it is easy to request a trail at others' expense; however, he feels the Rice family should not be required to provide anything else as they have already contributed so much. He also referenced the historic home the Rice family has already preserved in addition to the home that the Rice family is trying to help preserve in Phase 7.

**Jerry Preston** said some of the residents that would be accessing the proposed trail come from communities in Bountiful that have had multiple problems with similar trails. **Jerry Preston** said the residents that this trail would benefit do not want it. He said since this item is not a public hearing, he is acting as these residents' voice. He asked the council to accept the petition to amend the Development Agreement and not require a trail in Phase 7.

**Mayor Talbot** said he and the council members have read the emails that have been received, as well as listened to everyone's opinion. He explained that in the last few years, it is very apparent that mayors from around Utah are looking to Farmington as an example for their own trail systems. He said Farmington currently has 147 miles of trails that connects the entire city. He said each month when he meets with neighbors from surrounding cities, he is aware that Farmington has become a forerunner for its trails system.

**Brett Anderson** said that he likes the idea of a trail in this location. He said he feels there is lack of connectivity for this area. He said during his time on the Planning Commission, the commission was always fearful of lack of connectivity. He said connectivity is important for connecting neighborhoods, but also is important in the event additional access is needed by the Police, Fire Department or evacuation. **Brett Anderson** said the proposed trail gives residents an "out."

**Brett Anderson** said he also feels it is not persuasive to look at the density of other developments as each development was agreed upon under that zone. He said he does not know the circumstances that allowed other developments a higher density, but he feels this development is bound by their Development Agreement. He feels that although the trail was previously missed, he does not think it would be fair that the City waives their rights to the trail as there are 3 other locations where the proposed trail would work. **Brett Anderson** also said he feels it is important to stick to previous agreed upon agreements as it adds predictability to the process and makes decisions safer.

**Doug Anderson** said that he drove the area and admired the beautiful homes. He also drove similar areas where pocket trails that connect neighborhoods are currently found within the City. He said other trails are very nonintrusive, can be well maintained, and still add beauty to the area. He said he feels most people will not know about the trail unless they live in the area. **Doug Anderson** said he has a trail behind his home that he uses regularly. He said he has lived in his home for 12 years and has never had an issue with it. He added that he appreciates all that the Rice family has done, but that he also likes the predictability of agreements.

***Motion:***

**John Bilton** made a motion that the City Council deny the request by Jerry Preston to amend the Rice Farms Planned Unit Development (PUD) Development Agreement to remove the trail requirement connecting the PUD to 200 East and to include findings 1-8.

Findings:

1. Continental Estates Plat “I” was platted in May of 1999. This action provided a through street from 200 East to the Frontage Road via 620 South Street thereby increasing connectivity in the area and better disbursing traffic to lessen the impact on 200 South Street and Glover Lane, which up to that point were the only east to west roads in the area. Nevertheless, the 620 South connection was met with strong protest by adjacent neighborhoods. The Planning Commission and City Council at the time informed citizens that the Master Transportation Plan (MTP) for the area also showed plans to further disperse traffic in the area by creating additional east to west roads in the future at 450 South and the Rice property. A few years later, as the developer and the City considered the Rice connection, the portion just west of 200 East was too steep. Preliminary calculations by the developer to reduce the slope of the road proved costly and decreased his lot count. The City agreed to a trail only, thereby compromising its traffic distribution plans for the area, but at least it still provided a pedestrian connection to 200 East. Any effort to do away with a trail connection in this area is not consistent with the City’s MTP and the City’s Trail Master Plan, both of which are elements of the Farmington City General Plan.
2. Prior to 2006, the Rice property consisted of approximately 34.56 acres. The land was zoned LR (Large Residential), and the minimum lot size in the LR zone was, and still is, 20,000 s.f. Typically, under a conventional scenario one could expect to develop approximately 56 (or 60) lots on the property. However, in exchange for the trail connection (which the developer may have had to do anyway) and 19.7% open space [note: the open space percentage changed over time, and some open space is not very high quality], and showing a good faith effort to preserve the rock home on site, and other improvements, the City rezoned the property with a Planned Unit Development overlay (or PUD), and the developer and property owner obtained the following:
  - a. A significant increase in residential density from 56 (or 60) lots to 106;
  - b. 37 of the 106 lots are patio homes and town homes in Phases 2 and 3 of the project, the average lot size of which is 3,00 s.f. with the smallest lot as 2,222 s.f. [note: initially the developer received final plat approval for 16 lots in Phase 3, but asked and received approval from the City to amend the plat and add 9 more lots to help him get through the recession];
  - c. The average lot size of the 69 single family lots dropped to 12,018 s.f. much lower than the 20,000 required by the underlying zone, the smallest lot is 9,196 s.f. and only 4 lots exceed 20,000 s.f. one of which is the owners lot proposed at 39,806 s.f. and two of the remaining three are encumbered with wetlands;
  - d. The rear setback was reduced from 30’ to 25’ and the side setbacks were reduced from 10’ and 12’ to 8’ and 11’ to allow for a larger building envelope on the smaller lots.

The developers’ request that the City eliminate the trail requirement with only 5 homes left to build after he has enjoyed a dramatic increase in lots and other deviations from

the standards of the underlying zone is not consistent with the PUD Master Plan, nor the DA.

3. When the developer, working with the city staff and the trails committee, realized that he neglected to provide a trail in Phase 6 – he made a good faith effort to provide a trail in this phase, but the lots were already platted and sold. However, both the developer and the City (and the trails committee) realized opportunities remained in Phase 7.
4. Exhibit B to the DA shows the trail between what is now lots 606 and 607. This option is still available to the City because the DA is still in place, and the owners of these lots are subject to the DA. Another option is located on the north side of the Glen Rice property, but Mr. Preston states in his request that regarding this location the Rice’s “feel this a real hardship because they will lose a lot of mature trees if the trail goes in on the North portion of their lot to provide a fenced trail access.” Nevertheless, at least two additional locations exist for the trail in Phase 7. The first location is to the north side of lots 704 and 705. This alternative provides less impact than if a street is platted at this location, and there is room. The Rice family enjoys a 90’ front yard setback [the Rice single family dwelling nonconforming as to City standards because the front of the home does not face the street (200 E.), but faces due south], which is much greater than the 25’ required, and a trail at this location better lines up with 830 South Street. The other location could be between Lot 704 and 705 and lots 320 and 304 of the Country Hills of Farmington No. 3 subdivision.
5. Although an ardent advocate for trails, Mr. Preston states that, he cannot support a trail, which “simply provides access from street to street.” Mr. Preston may not realize that this trail is not a street to street trail, but provides neighborhood to neighborhood access. Without the very short Rice Farms trail, a pedestrian must walk to the south an additional distance of about 2,800’ (or half a mile), or 4,900’ to the north (or 9/10’s of a mile) to catch a bus or to get to a destination east of 200 E. One must remember that the trail is in lieu of a street per the MTP (see finding 1) and is not just in place for aesthetic or exercise purposes or to help the Developer obtain a density increase. It is consistent with the active transportation goals and policies espoused in the General Plan.
6. A trail at this location is consistent with other similar trail connections in the area, which include the trail connecting Shady Creek Lane to 200 E. and the trail connection 350 E. to the Cemetery.
7. The trail is highly recommended by the Farmington City Trails Committee.
8. The PUD was adopted as a legislative act, and whether or not the trail is memorialized as part of a DA, to eliminate it now may require another legislative process. Moreover, it may be too late for such consideration because the developer already obtained his density (except for 5 lots).

**Brett Anderson** seconded the motion, which was unanimously approved.

## **SUMMARY ACTION**

### **Minute Motion Approving Summary Action List**

1. Red Barn Recovery Improvements Agreement

2. Miller Meadows Phase 6 Improvements Agreement
3. Approval of Minutes from June 21, 2016
4. Approval of Minutes from July 5, 2016

***Motion:***

**Brett Anderson** made a motion to approve the items on the Summary Action List 1, 2, and 4 and pull item 3 for separate discussion. **John Bilton** seconded the motion, which was unanimously approved.

**Brett Anderson** expressed concern with a comment he made during the Minutes from the June 21, 2016 City Council meeting. **Dave Millheim** said the minutes are an accurate discussion of what takes place in the meeting; however, there may be times when comments are unclear and require editing. He said that he will never edit fact, and he feels what **Brett Anderson** said was completely factual and in line with what was discussed. The council members agreed; no editing of the Minutes from the June 21, 2016 City Council meeting took place.

***Motion:***

**Brett Anderson** made a motion to approve the items on the Summary Action List 3. **Doug Anderson** seconded the motion, which was unanimously approved.

**GOVERNING BODY REPORTS:**

**City Manager – Dave Millheim**

1. Executive Summary for Planning Commission held on June 23, 2016
2. Executive Summary for Planning Commission held on July 7, 2016
3. Fire Monthly Activity Report for June
4. He asked for 2 council members for the July 28, 2016 meeting at 2 p.m. with Representative Wilson. **Mayor Talbot** said he would attend; **Doug Anderson** and **Brett Anderson** said they are also able to attend the meeting.
5. He explained that the recently completed gym is currently in its “soft open phase,” which means there is no cost to use the facility at this time. **Dave Millheim** proposed that after the official opening, the Mayor, the City Council Members and full-time employees and their immediate family members continue to use the gym free of charge. The Mayor and council members were in support of this action.
6. He reminded the council of the SAA Kickoff meeting on Thursday, July 21, 2016 at 7:00 p.m. with the neighborhood. Many people have contributed hundreds of hours to determine how to get 650 W. improved; they will be presenting the plan to the community at this meeting. He asked that **Brett Anderson** and **Cory Ritz** attend the meeting as they live in the surrounding area, and residents may be asking them questions regarding it.
7. He said that the Annual Volunteer Picnic in the park will be held on August 15.
8. He wanted to bring CenterCal’s increment agreement to everyone’s attention. CenterCal has an increment deal that states of the \$18.5 million paid, \$2.7 million will not be paid if they construct no less than 50 homes and no more than 200. He said it is



staff's opinion that they do not qualify. He said this would be further discussed; however, he wanted to bring it to the council's attention and CenterCal was shortly going to receive notice of the legal opinion obtained.

**Mayor Jim Talbot**

1. He thanked the council members for their involvement in the Farmington City Days.
2. He met with **Dave Millheim** and shared the council's comments during a performance review; all comments were graciously accepted.

**Council Member Doug Anderson**

1. He asked what the process is to buy a lot in the Farmington City Cemetery, and if there is preferential treatment for long-time Farmington residents. **Dave Millheim** said the rules for the cemetery changed approximately 4 years ago; a plot can now be purchased in the event of a death, but up to 2 plots may be purchased at a time. This will allow couples to be buried next to each other. **Doug Anderson** said he would pass the information on to the resident seeking the information about it.

Council Members Brett Anderson and John Bilton did not have anything to report at this time.

**ADJOURNMENT**

***Motion:***

At 9:12 p.m., **Doug Anderson** made a motion to adjourn the meeting. **John Bilton** seconded the motion, which was unanimously approved.

  
**Holly Gadd**, City Recorder  
Farmington City Corporation