



Farmington City Planning Commission

January 07, 2021



FARMINGTON CITY

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
SHAWN BEUS
SCOTT ISAACSON
AMY SHUMWAY
REBECCA WAYMENT
CITY COUNCIL

SHANE PACE
CITY MANAGER

PLANNING COMMISSION MEETING

January 07, 2021

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

Study Session: 6:00 p.m.

Regular Session: 7:00 p.m.

Farmington City Planning Commission meetings, including this meeting, are open to the public. In consideration of the COVID-19 pandemic, if necessary, members of the public wishing to attend this meeting are encouraged to view the meeting online. The link to view the hearings live and to comment electronically can be found on the Farmington City website at www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so at crowe@farmington.utah.gov by 5 p.m. on the day of.

- 7:00 1. Minutes
 2. City Council Report

CONDITIONAL USE APPLICATIONS

- 7:05 3. Troy Benson (Public Hearing) – Request for re-approval of a conditional use permit for a Verizon Tower located at 1175 N 700 W (Shepard Park) in the LS (Large Suburban) zone. (C-17-19)
- 7:10 4. Brian and Shawnalyn Palmer (Public Hearing) – Request for approval of a conditional use permit for an accessory dwelling unit located at 1289 Alice Lane in the LR-F (Large Residential Foothill) zone. (C-12-20)
- 7:35 5. Don and Amy Poulton (Public Hearing) – Request for approval of a conditional use permit for a pole barn to be built in a conservancy lot, located at 541 W Rigby Road in the AE (Agricultural Estates) zone. (C-13-20)

OTHER BUSINESS

- 7:55 6. Miscellaneous, Correspondence, etc.
 a. Other

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 January 04, 2021

Carly Rowe, Planning/Recording Secretary

FARMINGTON CITY
PLANNING COMMISSION
DECEMBER 10, 2020
ELECTRONIC MEETING

STUDY SESSION

Present: Chairman Roger Child, Vice Chairman Alex Leeman, Commissioners Greg Wall, Larry Steinhorst, John David Mortensen, Mike Plazier, Rulon Homer and Inger Erickson. **Staff:** Community Development Director David Petersen, Planning/GIS Specialist Shannon Hansell, Associate City Planner Meagan Booth, and Planning/Recording Secretary Carly Rowe.

AFFORDABLE HOUSING DISCUSSION

Community Development Director **David Petersen** said he expects \$7 million to \$10 million accruing in the affordable housing fund in the next few years. How that money can be spent in the future is being discussed by the Housing Committee. As per state law, Farmington could partner for affordable housing with an entity that applies for state or federal funds or tax increment.

Commissioner **Mike Plazier** said an example of a partnership would be Salt Lake City using Redevelopment Agency (RDA) money east of the library. They sent out a Request For Proposal (RFP) to housing developers for an affordable housing element. **Petersen** said if a developer is short in making his pro forma work, the City could contribute some money to make up the difference. Plazier said the City could donate the land. **Petersen** said there could be a mortgage assistance program for public employees or other qualified households. Davis County Housing Authority could help identify those who qualify with low to moderate income. This could be a \$5,000 to \$10,000 down payment assistance.

City planners throughout the state belong to a listserv, where all communities were asked what they are doing to encourage affordable housing. Some communities require developers to do a "set aside," a requirement of a certain threshold of units that must be affordable. Park City and Heber City do this. In lieu of the percentage, the developer can also contribute money to the RDA. About \$95,000 per unit is typical for Heber City, which **Petersen** said is not a small amount. The Olene Walker Fund could also be considered to help developers.

Petersen said 21 years ago, Farmington downzoned the whole city and offered land owners a density restoration if they set aside land for open space or paid a fee in lieu. The trail system is coming together using this process. Parks and Recreation may not want more parks after the regional 18-acre park is developed. It may be a good chance to convert over to affordable housing rather than open space.

Petersen said Sandy has an interesting model where dilapidated homes are purchased by the RDA, and the local high school shop classes then build a home on the lot, which is then sold to a low- or moderate-income family. He suggested that the Davis Applied Technology College (DATC) may be able to participate in something like that for Farmington also.

Some on the Housing Committee said it is fine to provide down payment assistance on a first home, but asked how that works out when that family sells the home a few years down the road for full market value. **Kim** from the Davis County Housing Authority said a deed restriction can be placed with a promissory note with a due on sale of assignment if the house sells within five years. In this case, a prorated amount would need to be paid back by the borrower. Other options include a first right of refusal.

Other options are 10 percent of a development must be made available for rent to those who hold vouchers, and a ratio, such as 60 percent owner-occupied units and 40 percent for rent.

Petersen asked for Planning Commission input on these ideas. Commissioner **Greg Wall** said he liked the idea of using RDA money to remove dilapidated housing in favor of increased density. He also liked the idea of down payment assistance, as he has a family member who has used a similar program in another city. **Petersen** said there is often an annual inspection on the homes in these programs. **Wall** added that making it easier to build accessory dwelling units could help as well. Commission Chairman **Roger Child** would like the city to take a run at the apartments on Main Street

by the Chevron, so that they can be torn down and replaced by affordable housing units. The Rock Manor is directly east of Chevron at 2nd East and State Street and include nine units. The City would own the property outright and lease it on a subsidized basis to city employees. He supports the City owning units that can be subsidized for affordable housing. He said long-term subsidies like down payment assistance programs don't sustain affordable housing in the long run.

Petersen hopes to take a field trip in the future so Commissioners can see how nice affordable housing can be. In many cases there is not much of a difference market rate and affordable housing. **Wall** mentioned that the **Tanners** next door to the Rock Manor are looking to sell. Adding another half acre to the affordable housing project could help add units for public employees who qualify.

Plazier said cities usually don't want to own an affordable housing project. Davis Community Housing is the local organization that is set up to do that with restrictions for 99 years. **Wall** likes mixing affordable with other units. **Child** said it could become like another impact fee that has the potential to kill smaller deals. He would like it to apply only to projects of a larger size. Something should be done to make sure affordable housing doesn't fall into disrepair over the years. Capital improvements should be incentivized.

Associate City Planner **Meagan Booth** mentioned that Cottonwood Heights is also using a percentage requirement for affordable housing. **Petersen** said the state is going to consider requiring all cities to permit Accessory Dwelling Unit (ADUs) such as a basement or over the garage unit. Two years ago in SB34 the state mandated each community to have an affordable housing plan. If they don't, the state will withhold some transportation funding. State law requires a certain amount of Community Reinvestment Act (CRA) funds to be spent on affordable housing. Those CRAs are attracting office developers and making Farmington's tax base more robust. Station Park is on a CRA. In the next two or three months, the Commission can expect some new ordinances on affordable housing. Commissioner **Alex Leeman** asked if Farmington City could own the property but not manage affordable housing units, in order to take advantage of the real estate appreciation over time. **Plazier** said that is possible. **Leeman** would like to pursue that option.

REGULAR SESSION

Present: Chairman Roger Child, Vice Chairman Alex Leeman, Commissioners Greg Wall, Larry Steinhorst, John David Mortensen, Mike Plazier, Rulon Homer and Inger Erickson. **Staff:** Community Development Director David Petersen, Planning/GIS Specialist Shannon Hansell, Associate City Planner Meagan Booth, and Planning Recording Secretary Carly Rowe.

Roger Child opened the meeting at 7:01 PM.

Item #1 Minutes

Commissioner **Greg Wall** noted one change to the minutes regarding garage doors on The ROSE. The minutes noted that the comment came from Commissioner **Alex Leeman**, but **Wall** thought it came from him instead. **Greg Wall** motioned to approve the minutes from November 5 and November 19, 2020, with the change noted above. **Alex Leeman** seconded the motion, which was unanimously approved.

Item #2 City Council Report

Planning/GIS Specialist **Shannon Hansell** gave the update to the East Brentwood Estates Plat Amendment, a plat amendment that was tabled due to a no-build zone that is being considered for the safety of the City and surrounding property owners.

SUBDIVISION APPLICATIONS

Item #3 Jacob Ballstaedt/Adam Nash – Applicant is requesting a Preliminary plat approval for the proposed Fiore Townhomes Planned Unit Development (PUD) subdivision, consisting of 30 lots on 2.65 acres of property located at the southeast corner of 1525 West and Clark Lane. (S-17-20)

Hansell presented this agenda item. In 2000, the City entered into a Development Agreement with Golden Meadows Properties for the development of the Farmington Greens Planned Unit Development (PUD) Subdivision. The parcel in question today was considered to be a location for commercial support and services. Twenty years after that Development Agreement, with consideration of Farmington's changed economic and community needs, the applicant has proposed placing 30 townhomes on this corner. Since then, the Planning Commission recommended approval of the Schematic Subdivision Plan and Preliminary PUD Master Plan on September 17, 2020. The Preliminary PUD Master Plan, Zone Change and Schematic Subdivision Plan were approved by the City Council on October 27, 2020. **Hansell** said there are significant findings to support the townhome use at this location. These findings included that single-family homes would not be appropriate due to the busyness of the corner. However, following City Council approval in October, Staff has received residential input against the project.

When the Weber Basin Conservation District reviewed this plan, they discovered there is a Bureau of Reclamation easement on the north side of this property. This will need to be resolved with a license agreement between the Bureau and District. This may take a while. Storm water detention is difficult in this area. After this, the applicant will have to get approval of a Final PUD Master Plan and Final Plat.

Applicant **Adam Nash**, one of the owners of this property, said this is the best application among many over the years. He said the easement issue is resolved. **Nash** said the road improvements and proper asphalt widths don't go into the lots.

Child said originally the Commission was concerned with the fence on 1525 West and Clark Lane.

Jacob Ballstaedt of Garbett Homes addressed the Commission. He said the proposed solution was not a vinyl fence, but a wrought iron fence that could be seen through. A two foot landscaped strip would be added as well to soften the feel of the fence. It would be between the fence and sidewalk. The property line is the back of the sidewalk. The Site Plan will show more distance in the back yards, for 15 feet from the back of the covered patio to the property line for Lots 120-Lot 130. The sidewalks outside the property are already 6 feet wide. Street A and B are both private streets. Sidewalks are on the south side of Street A and east side of Street B.

Leeman is worried about the length of the driveways. **Ballstaedt** said all driveways are 20 feet long except Lots 101-110. In the back of those lots, there is a large water easement. These are for-sale units.

Wall referenced an aerial photo of the area. He is worried that the Fiore townhomes will look closer to the sidewalk than the other three corners where there is open space. He would prefer at least 20 feet from the back of the sidewalk to the homes along 1525 West and Clark Lane. This would make the elimination of Lots 110 and 130 necessary. The developer should get the density they are entitled to, but he thinks changing to 24 to 25 units makes better sense than the 30 proposed.

Leeman understands **Wall's** points, but disagrees with them. The Development Agreement promised a commercial use, but the applicant was encouraged by the City to consider a residential use instead. Therefore, density should not be decreased. He doesn't think the feel of that corner compared to the other three will be much different. The site lines on the corners won't be different considering the signage on the other corners. The history of the project going 20 years back should be considered.

Child said he has seen the long history on this project. The past commercial uses have revolved around storage units, which are cold and blank. He feels residential use is much more preferred compared to previous applications.

Leeman said he likes the idea of the two foot planter box. It will be a nice look that will help it blend in with the surrounding development. He would like to add it as a condition of approval.

Ballstaedt said the area between Lots 105 and 106 is being considered for a playground or guest parking. The plat doesn't show all details. Street A dead-ends in the subdivision and doesn't connect to the main road. There will be landscaping to prevent getting through to the main road.

Leeman said if Lot 111, Lot 112 and 113 shift one foot south, it would allow driveways for Lots 101 to 110 be 20 feet long. He doesn't want longer vehicles to hang out over the sidewalk while parked. **Ballstaedt** said this is possible and he doesn't see any major obstacles to that. He will look into that. The Site Plan was not in the packet, but Staff does have it. **Hansell** said a condition for this could be added to the motion.

Commissioner **Rulon Homer** said he is pleased with this application. However, he would still like a gas station on the west side of the City.

MOTION

Greg Wall made a motion that the Planning Commission approve the Preliminary Plat for Fiore Townhome PUD Preliminary Plat, subject to all applicable Farmington City development standards and ordinances and the following conditions:

1. The developer will need to resolve the Bureau of Reclamation easement on the north side of the property, via a license agreement with Weber Basin Conservation District and the Bureau of Reclamation.
2. The developer must submit an updated and relevant soils report prior to Final Plat and Final PUD Master Plan approval.
3. The project will need to exit the Farmington Greens Homeowners Association (HOA) and submit a storm water detention plan that does not incorporate the Greens' private drainage facilities, which are capable of natural flow only, not new Low-Impact Development standards.
4. The developer must place a 10 foot wide public utility easement on 1525 West.
5. The applicant should strongly consider widening sidewalks from 4 feet to 6 feet wide.
6. The applicant must comply with all conditions of the Schematic Subdivisions Plan and Preliminary PUD Master Plan approval.
7. All outstanding Development Review Committee (DRC) Comments must be addressed.

Wall added the following additional conditions in his motion:

Aluminum wrought iron be installed 2 feet from back of sidewalk on 1525 West and Clark Lane per the applicant's description.

That the plat be changed so that there is at least a 20-foot driveway for units 101 to 110.

Findings for Approval:

1. The Preliminary Plat is consistent with the approved Subdivision Schematic Plan and Preliminary PUD Master Plan.
2. The motion is consistent with the goals and purposes of the General Plan and Zoning Ordinance, including the Master Transportation Plan for the area.
3. The project is consistent with the Farmington Greens' 2000 Development Agreement.

Rulon Homer seconded the motion, which was unanimously approved.

CONDITIONAL USE APPLICATION

Item #4 David McNamee (Public Hearing) – Request for approval of a conditional use permit for a home occupation in a detached accessory building and approval for a potential dwelling unit to replace the office in the future, located at 312 Oak Lane in the LR-F (Large Residential – Foothill) zone. (C-11-20)

Hansell presented this agenda item. The applicant is requesting a conditional use permit (CUP) to occupy their existing garage and miscellaneous space as a home office. The applicant also wishes to obtain approval for an ADU in the same space, if they so choose to convert the office as a dwelling unit in the future. Their property is located at 312 S. Oak Lane. **Hansell** said residents working from home contributes to reducing air pollutants, so it is in the best interest of public health. **Leeman** said considering a home occupation and an ADU actually requires two different Conditional Use Permits. **Petersen** said this is a detached building, so it is necessary to come forward for approval for the office space.

Applicant **David McNamee** has lived in three different houses in the Farmington area over the last 20 years. He said his intentions are to use the space as a home office. In the future they have no intentions to rent it out. It would be used for children to stay in if needed.

Leeman said this arrangement is the ideal ADU for the City. He would rather have 100 of these than a multifamily unit with low- and moderate-income options. This allows for young families to start out and seniors to age in place. It is low-impact use. **Child** agreed this is a poster child of ADUs.

Roger Child opened and closed the Public Hearing at 7:57 PM due to no comments.

MOTION

Alex Leeman made a motion that the Planning Commission grant approval for a home occupation office and potential ADU as requested, subject to all applicable Farmington City ordinances and development standards and the following condition: The home owner must apply for a building permit if, or when, they decided to convert the office to an ADU.

Findings for Approval:

1. The applicant does not propose to add on to their current two-story garage.
2. The applicant is currently working from home, as encouraged during the COVID-19 pandemic, which the home occupation, if granted, will continue to support.
3. Working from home would decrease emissions during daily commutes, contributing to Utah's Clean Air Initiative.
4. The potential of an ADU increases Farmington's housing opportunity without taking up additional space.
5. The home occupation office must comply with the conditions of home occupation as defined in 11-35-050.

Rulon Homer seconded the motion, which was unanimously approved.

ZONE TEXT AMENDMENTS

Item #5 Farmington City (Public Hearing) – Applicant is requesting a recommendation to its Zoning Ordinance including, among other things, sections 11-7-070(G)(5), 11-15-010(I), 11-27-060(D)(7), 11-28-060(C), 11-28-060(A)(9), 11-28-180(B), 11-32-030 and 15-5-010. (ZT-19, 20, 21, 22, 24, 25, 26, 27-20)

Booth presented this agenda item. Farmington City is the applicant. The proposed text amendments of the Zoning Ordinance are as follows:

- a) (ZT-19-20) Side Corner Yard Parking Restrictions similar to Front yard & No Vehicles allowed to park on Park Strip
- b) (ZT-20-20) Sign Ordinance for Residential Zones (1 foot to property line verses 10 feet)
- c) (ZT-21-20) The BR zone is not a historic district
- d) (ZT-22-20) Sports Courts: Special Exception
- e) (ZT-24-20) Berm Requirements in Mixed Use Zones
- f) (ZT-25-20) Roof Pitch Requirements for Single Family Homes Chapter 28
- g) (ZT-26-20) Open Storage
- h) (ZT-27-20) Fence Requirements

a) 11-32-030: GENERAL PROVISIONS:

E. Parking In Front Yard or Side Corner Yard: No portion of a required front yard or side corner yard shall be used for parking, except for the paved driveway area. No portion of a required front yard, other than driveways leading to a garage or properly designated parking space, shall be paved or graveled to encourage or make possible the parking of vehicles thereon.

b) 15-5-010: AGRICULTURAL AND RESIDENTIAL ZONES:

I. Distance to Property Line: No on premises sign shall be located closer than one foot (1') ~~ten feet (10')~~ to any property line so long as the site distance for vehicles entering traffic is not compromised. (Ord. 2015-10, 2-17-2015)

c) 11-15-010: PURPOSE:

The intent of this zone is to provide an area in the City for a mix of professional and government offices, limited commercial uses and residential land uses. The BR Zone ~~is a historic district~~, is integral to the cultural heritage of Farmington City, and as such, the historic resources of the zone should be preserved, rehabilitated or restored where appropriate. The standards and guidelines contained herein are further intended to encourage compatibility between new and existing development, to enhance the physical appearance of the district, and, where applicable, to reinforce the historic character and development pattern of the district. It is the City's intention to foster economic growth and development within the BR Zone, but given the historic nature of the district, most uses have been listed as conditional to give the City greater flexibility in administering and determining that new businesses reflect the cultural heritage within the zone. (Ord. 2014-40, 12-16-2014)

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

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

e) 11-7-070: STANDARDS FOR CONSTRUCTION OF MULTIPLE-FAMILY RESIDENTIAL, COMMERCIAL, COMMERCIAL RECREATION OR INDUSTRIAL CONDITIONAL USES, OR PERMITTED USES ON AN UNDEVELOPED SITE:

5. Where a parking lot is located across a street from a residential use or residential zone (except any mixed use zone), a landscaped berm, three feet (3') in height with a slope ratio not exceeding one vertical foot for each three feet (3') of horizontal distance, shall be provided within the required setback along the street. The height of the berm shall be measured from the top of the parking lot curb.

f) 11-28-180: ADDITIONAL REQUIREMENTS FOR DWELLINGS:

1. Federal Standards: The dwelling must be constructed in accordance with the building codes, as adopted and amended by the city, or be certified under the federal manufactured housing construction and safety standards act (HUD code) and approved and issued an insignia by the U.S. department of housing and urban development. If the dwelling is certified by the department of housing and urban development, the dwelling or additional structures may not be modified in violation of the HUD code or the building codes, as adopted and amended by the city, whichever is applicable to the modification. (Ord. 1997-26, 6-4-1997)

2. Real Property: The real property and the home thereon must be held in common ownership and taxed as real property with an affidavit filed with the state tax commission in accordance with Utah Code Annotated section 70D-2-401, as amended. (Ord. 1997-26, 6-4-1997; amd. 2016 Code)

3. Permanent Foundation: The dwelling must be adequately installed and secured to a permanent concrete foundation in accordance with the building codes, as adopted and amended by the city, or the installation standards as defined in title 10, chapter 2 of this code, whichever is applicable. If the dwelling is installed in accordance with the installation standards, the dwelling may not sit more than twelve inches (12") above grade.

4. Utilities: The dwelling must be permanently connected to and approved for all required utilities.

5. Enclosure: Any space beneath the structure must be enclosed at and secured to the perimeter of the dwelling and constructed of materials that are weather resistant and aesthetically consistent with concrete or masonry foundation materials.

6. Removal Of Equipment: All running gears, tongues, axles and wheels must be removed from the dwelling at the time of installation. Each exit door of the dwelling must contain a landing that is a minimum of thirty six inches by thirty six inches (36" x 36"), constructed in accordance with the building codes, as adopted and amended by the city.

7. Exterior Siding: Exterior siding and trim materials shall consist of durable, weather resilient materials approved for dwelling construction in the building codes, such as masonry, stucco, wood, vinyl and steel or aluminum residential siding. In no case may corrugated metal or plastic type covering be used on a dwelling. (Ord. 1997-26, 6-4-1997)

8. Garages: All dwelling units shall be provided with a garage or carport having a minimum interior width of twelve feet (12'), constructed concurrently with the dwelling and in accordance with the building codes, as adopted and amended by the city. (Ord. 2006-28, 4-19-2006)

~~9. Roof: The roof of the dwelling must be pitched at a minimum of three to twelve (3:12) and shall have a roof surface of wood shakes or shingles, asphalt, concrete, or metal tiles or slate. The roof overhang must be at least twelve inches (12") measured from the vertical side of the dwelling.~~

B. Alterations: The city zoning administrator may, in his or her sole discretion, approve deviations from one or more of the development or architectural standards set forth in subsections A5 through A9 of this section, upon sufficient showing and finding that the proposed alteration is compatible and harmonious with existing or proposed structures in the area and meets or exceeds the building codes, as adopted and amended by the city or the HUD code, whichever is applicable. (Ord. 1997-26, 6-4-1997)

OR

Recommend the ordinance remain as is.

g) 11-28-160: OPEN STORAGE IN RESIDENTIAL ZONES:

~~No required~~ yard in a residential zone shall be used for the storage of junk, building materials, debris, obsolete or abandoned vehicles, or equipment. All such materials shall be stored completely within an enclosed building. (Ord. 1997-26, 6-4-1997)

h) 11-27-060 PRELIMINARY PUD MASTER PLAN

7. The proposed treatment of the perimeter of the planned unit development, including materials and techniques used such as berms, planting screens, fences and walls. A fence is required, unless otherwise approved by the City as part of the Preliminary PUD Master Plan.

Booth said the preliminary PUD master plan would help determine if a fence is required based on factors such as topography. DRC and Staff would determine.

Roger Child opened and closed the Public Hearing at 8:06 PM due to no comments received.

MOTION

Larry Steinhorst made a motion that the Planning Commission recommend approval of the proposed amendments to the Zoning Ordinance as set forth in the staff report, subject to all standards of the Farmington City ordinance.

Findings for Approval:

- a) Limiting parking to a properly designated parking space, in the front yard and side corner yard, leads to esthetically pleasing neighborhoods.
- b) A property sign often relays that the property is for sale or lease, advertising contemplated improvements, announcing the name of the builder, designer, owner or developer of a project, or warning against trespass. A sign placed at 1 foot from the property line is visible to the passerby and is already customarily done in residential neighborhoods.

- c) The Business Residential (BR) zone is not a historic district. This change clarifies the purpose statement while still stating the importance of historic resources located within the zone.
- d) The request to modify the setbacks for a sports court is a deviation from the fixed dimensional standard set forth in the 11-28-060. Therefore, the request should be reviewed as a special exception, which is in line with other amendments this year. The special exception criteria allow more oversight by the Planning Commission.
- e) A berm is a flat strip of land or raised bank, which does not always lend to a pedestrian-oriented environment and can act as a physical barrier. Therefore, the requirement should be removed from the mixed-use zones.
- f) Architecture is constantly changing and flat roofs are becoming more commonplace. This amendment removes the requirement for a pitched roof from the supplemental regulations.
- g) The removal of the word “required” better discourages the storage of junk in visible yard areas.
- h) A fence may be an appropriate perimeter treatment for a Planned Unit Development and can mitigate the impact of the development on existing neighborhood properties.

Rulon Homer seconded the motion, which was unanimously approved.

Item #6 Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend Section 11-18-040 of the Zoning Ordinance, and other sections, regarding regulating plan standards including block dimensions. (ZT-18-20)

Petersen presented this agenda item that has Farmington City as the applicant. He said the Commission had approved this previously before the second paragraph was added. The City Attorney said it was enough of a change that the Commission should consider it again. Previously the primary use in the Office Mixed Use (OMU) zone was office. Now with the adoption/consideration of recent Project Master Plans (PMPs), including a possible future remote transit hub, the character of the OMU area may change to a more SMART (Sustainable, Mixed Use, Attractive, Realistic, Transit-Oriented) community. The block perimeter and block face lengths in such nationally and internationally recognized areas can be as small as 800 and 200 feet respectively. Meanwhile, the existing antiquated OMU block perimeter and block face lengths (2,800 and 700 feet) are obsolete for SMART developments and the evolving OMU zone.

Roger Child opened and closed the Public Hearing at 8:13 PM due to no comments received.

MOTION

Alex Leeman made a motion that the Planning Commission recommend that the City Council approve amendments to Section 11-18-040 D 1. and 2. regarding regulating plan standards (as set forth below) to better encourage mixed use development in the OMU zone. [Note: the proposed block face of 264 feet is equal to 16 rods or 4 chains (a rod is 16.5 feet and a chain is 66 feet--there are 4 rods to a chain). These units of measurement are consistent with past city/county practices.]

1. Maximum Block Size: The maximum perimeter of any block may not exceed one thousand fifty-six feet (1,056') in the Office Mixed Use Districts, two thousand feet (2,000') in the Residential, General and Transit Mixed Use Districts, and two thousand eight hundred feet (2,800') in the Open Space ~~and Office Mixed-Use Districts~~. Each block face may not exceed two hundred sixty-four feet (264') in the Office Mixed-Use Districts and seven hundred feet (700') in the Open Space, Residential, General, and Transit Mixed Use Districts. Block faces may be defined by any of the street types, including pedestrian walkways, that are dedicated public rights-of-way or easements, with the exception of alleys. However, if a pedestrian walkway is used to define a block of the maximum size then the right-of-way for the walkway must be equal to that of the neighborhood (local) road including the width of side treatments, and the City shall find that there is appropriate consideration, in the form of benefit to the City or the public, from the proposed exception and/or other appropriate reasons that justify the determination of the City to allow for pedestrian walkways to be used as a block face, and the applicant must obtain City approval as part of a Development Plan Application set forth in section 11-18-070 of this chapter. (Ord. 2018-18, 5-15-2018)

2. Average Block Size: The average perimeter of all blocks within a planned development area shall not exceed nine hundred feet (900') in the Office Mixed Use Districts, one thousand six hundred feet (1,600') for Residential, General and Transit Mixed Use Districts, and two thousand four hundred feet (2,400') for the Open Space and Office Mixed Use Districts. If a planned development area includes multiple districts, the average block size may fall between nine hundred feet (900') ~~one thousand six hundred feet (1,600')~~ and two thousand four hundred feet (2,400').

Rulon Homer seconded the motion, which was unanimously approved.

OTHER BUSINESS

Item #7 Miscellaneous, Correspondence, etc.

- a. Calendar for 2021 meetings
 - a. **Rulon Homer** moved to approve the 2021 Calendar, **Larry Steinhorst** seconded the approval and all were in favor. Planning Commission meetings for 2021 will be held on January 7 and 14; February 4 and 18; March 4 and 18; April 8 and 22; May 6 and 20; June 3 and 17; July 8; August 5 and 19; September 9 and 23; October 7 and 21; November 4 and 18; and December 16. **Petersen** said in July and December, the Commission has traditionally only had one meeting instead of two for the last three to four years. That would hold true for 2021 as well.
- b. Election of new Chair, Vice-Chair and BOA Rep
 - a. **Alex Leeman** has been nominated Chair by **Rulon Homer** and **Roger Child** seconded. **Rulon Homer** has been nominated Vice-Chair by **Mike Plaizier** and **Larry Steinhorst** seconded. This was **Child's** last board meeting. **Leeman** and **Homer** are the most senior Commissioners on the board. **Wall** has another two years, or until 2022. **Plaizier** and **Steinhorst** retire from the Commission in 2023. **Leeman** voted against his own nomination, and **Homer** voted against his own nomination. All others voted in favor regarding both elections. **Greg Wall** will continue to be the Board of Adjustments (BOA) Representative.
- c. Other

ADJOURNMENT

Greg Wall made a motion to adjourn at 8:22 PM. **Rulon Homer** seconded the motion, which was unanimously approved.

Roger Child, Chairman

ELECTRONIC WORK SESSION: An electronic work session will be held at 6:00 p.m. in Farmington City Hall, 160 South Main Street. The public is welcome to attend electronically. The agenda for the work session will be as follows:

1. Questions or concerns the City Council may have on agenda items.
2. Utopia Presentation

ELECTRONIC FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, January 05, 2021, at 7:00 p.m.** The meeting will be held electronically through Zoom, Farmington, Utah.

Farmington City Council meetings, including this meeting, are open to the public. In consideration of the COVID-19 pandemic, members of the public wishing to attend this meeting are encouraged to listen to the meeting on line. The link to listen to the meeting live and to comment electronically can be found on the Farmington City website at www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so at hbouck@farmington.utah.gov.

The agenda for the meeting shall be as follows:

CALL TO ORDER:

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

PRESENTATIONS:

7:05 Presentation of Outgoing Commission Members

PUBLIC HEARING:

7:15 General Plan Amendment/Zone Change – Montserrat Townhomes

OLD BUSINESS:

7:45 Code Amendment-Trails Committee Chairperson Appointment

7:50 Eastwood Estates 2nd Amendment Plat Amendment-Lots 19 and 20

7:55 Farmington Overlook LLC Improvements Agreement

8:00 FY2020 Comprehensive Annual Financial Report (CAFR) and Audit Report Review and Acceptance

SUMMARY ACTION:

(Items listed are considered routine in nature and will be voted on in mass unless pulled for separate discussion)

8:10 Minute Motion Approving Summary Action List

1. Approval of Minutes for December 1st
2. Approval of Minutes for December 15th

GOVERNING BODY REPORTS:

8:15 City Manager Report

1. Fire Monthly Activity Report for November

8:20 Mayor Talbot & City Council Reports

ADJOURN**CLOSED SESSION**

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

***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 due to a disability, please contact Heidi Bouck, Deputy City Recorder at 801-939-9209, at least 24 hours in advance of the meeting.

I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on December 31, 2020.

DATED this 31st day of December, 2020.

FARMINGTON CITY CORPORATION

By: _____

Heidi Bouck, City Recorder



Planning Commission Staff Report January 7, 2021

Item 3: Verizon Wireless Conditional Use Permit for 76' Monopole Telecommunications Tower at Shepard Park

Public Hearing:	Yes
Application No.:	C-17-19
Property Address:	Approximately 1175 North 700 West (Shepard Park)
General Plan Designation:	PPR (Public/Private Recreation Open Space)
Zoning Designation:	LS (Large Suburban)
Area:	N/A
Number of Lots:	N/A
Property Owner:	Farmington City
Agent:	Troy Benson/ Technology Associates

Request: *Applicant is requesting a conditional use permit to construct a 76-foot tall telecommunications tower.*

Background Information

The applicant has requested to place a telecommunications monopole 76' in height at Shepard Park, at approximately 1175 North 700 West in the LS (Large Suburban) zone. The monopole will include an array of antennae on top. Additional information is included in the attached narrative from the applicant.

Section 11-28-190(e)(2) of the Zoning Ordinance states:

“All types of wireless telecommunication facilities are prohibited in residentially zoned areas except as may be permitted with a conditional use permit upon or within any institutional use, regardless of the zoning designation. These institutional uses include, but are not limited to: churches, well sites, water tanks, city parks, city buildings (fire, police, city hall) public schools, quasi-public schools and similar and compatible uses).”

The original conditional use permit for this tower was approved on October 24, 2019. However, a building permit was not applied for until December 2019, which was not within the 12-month conditional use approval building permit window.

Suggested Motion:

Move that the Planning Commission approve a conditional use permit for the placement of a 76' monopole wireless telecommunications tower 76' in height on property located at approximately 1175 North 700 West (Shepard Park) with the following conditions:

1. A coverage plan site specific to the application shall be submitted by each company-desiring placement of wireless telecommunications facilities.
2. Any future poles shall be located in the area shall require a separate conditional use permit;
3. A building permit shall be submitted for the construction of the monopole, initial antenna array and each additional co-location antenna array, associated ground equipment, and any accessory buildings related thereto;
4. The monopole shall be limited to 76' as proposed in the plans;
5. The monopole shall be fenced with a six (6) foot vinyl coated chain-link fence or other fencing as required or approved by the Planning Commission;
6. There shall be no climbing pegs located on the lower twenty (20) feet of the monopole;
7. All power lines leading to the accessory building and antenna structure shall be underground.

Findings:

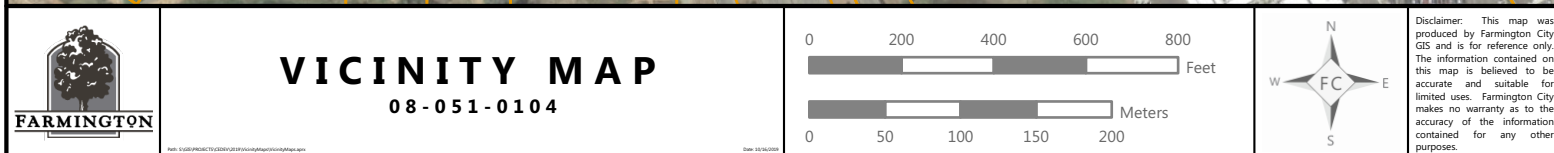
1. The pole would replace an existing 42 foot light pole at the same location.
2. The nearest residential neighborhood is over 200 feet away from the proposed location.
3. The proposed use of the particular location is necessary to provide a service, which will contribute to the general well-being of the community.
4. The proposed use complies with the regulations and conditions in the Farmington City ordinance for such use.
5. The proposed use conforms to the goals, policies, and governing principles of the Comprehensive General Plan for Farmington City.
6. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development.
7. Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available.
8. Such use shall not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.

Supplemental Information

1. Vicinity Map
2. Site Plans
3. Elevations
4. Narrative

Applicable Ordinances

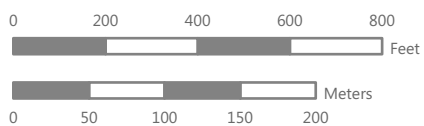
1. Title 11, Chapter 8 – Conditional Uses
2. Title 11, Chapter 11 – Single Family Residential
3. Title 11, Chapter 28 Section 190 – Wireless Telecommunication Facilities



08-051-0104

[Figs. S1-S60 PROJECT/CIDR-V-2019-NSC-08-Medical-Sciences](#)

Date: 10/26/2008



Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate and suitable for limited uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.

verizon ✓
SAL - CREEKVIEW



UTAH MARKET OFFICE
7896 SOUTH HIGHLAND DRIVE, SUITE 200
COTTONWOOD HEIGHTS, UTAH 84121

CORPORATE OFFICE
3129 TIGER RUN COURT, SUITE #206
CARLSBAD, CALIFORNIA 92010

DRAWN BY: JAY C

CHECKED BY: TROY B

SITE INFORMATION

APPLICANT:
VERIZON WIRELESS
9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84088

SITE ADDRESS:
1175 NORTH 700 WEST
FARMINGTON, UTAH 84025

LATITUDE AND LONGITUDE:
N 40°59'51.89", W 111°54'12.67"

ZONING JURISDICTION:
FARMINGTON CITY

PROJECT DESCRIPTION:
VZW IS PROPOSING TO CONSTRUCT AN UNMANNED COMMUNICATIONS FACILITY
CONSISTING OF ANTENNAS MOUNTED TO A NEW MONOPOLE (REPLACING
EXISTING LIGHT POLE) WITH OUTDOOR EQUIPMENT AND GENERATOR

TYPE OF CONSTRUCTION:
OUTDOOR EQUIPMENT AND GENERATOR, MONOPOLE, AND ANTENNAS

HANDICAP REQUIREMENTS:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION, HANDICAP ACCESS
REQUIREMENTS DO NOT APPLY

POWER COMPANY:
ROCKY MOUNTAIN POWER, 1-888-221-7070

LOCATION MAP



DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS, AND EXISTING DIMENSIONS, AND CONDITIONS ON THE JOB SITE, AND SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME

DRIVING DIRECTIONS

FROM THE VZW WEST JORDAN OFFICES, TAKE I-15 NORTH FOR 28 MILES TO EXIT #324 FOR HWY 89 IN FARMINGTON. CONTINUE NORTH ON HWY 89 FOR 0.75 MILES TO EXIT #396 FOR SHEPARD LANE. TURN RIGHT AND GO EAST ON SHEPARD LANE FOR 0.25 MILES TO 700 WEST STREET. TURN RIGHT AND GO SOUTH FOR 0.2 MILES TO THE END OF THE ROAD AND THE PARKING LOT ON THE RIGHT (WEST) SIDE OF THE ROAD. THE VZW FACILITY WILL BE LOCATED AT THE SOUTHWEST CORNER OF THE TENNIS COURTS.

APPROVALS

VERIZON WIRELESS REPRESENTATIVE:

VERIZON WIRELESS RF ENGINEER:

TAEC SITE ACQUISITION:

TAEC CONSTRUCTION MANAGER:

SITE OWNER:

DRAWING INDEX

[illegible]

UNDERGROUND SERVICE ALERT, CALL 'BLUE STAKES OF UTAH' @ 811 OR 1-800-662-4111
THREE WORKING DAYS BEFORE YOU DIG



**SAL - CREEKVIEW
NW SEC 13, T3N, R1W
1175 NORTH 700 WEST
FARMINGTON, UTAH 84025
-- RAWLAND SITE --**

SHEET TITLE
TITLE SHEET
VICINITY MAP
GENERAL INFORMATION

SHEET NUMBER

T100

CONTACT INFORMATION

SITE ACQUISITION:
TECHNOLOGY ASSOCIATES EC, INC
7896 SOUTH HIGHLAND DRIVE, SUITE 200
COTTONWOOD HEIGHTS, UTAH 84121
CONTACT: TROY BENSON
PHONE: 801-608-7042

EXISTING WATER VZW RRI
EXISTING STORM DRAIN VZW HYBRID/OP
EXISTING SEWER VZW ANTENNAS
EXISTING TELCO/FIBER VZW FIBER INSTALL
EXISTING POWER VZW POWER INSTALL
EXISTING FENCING VZW UTILITY EASEMENT
EXISTING RIGHT-OF-WAY LINE VZW ACCESS/UTILITY EASEMENT
EXISTING PARCEL LINE VZW LEASE AREA

PARCEL INFO:
FARMINGTON CITY
08-051-0104
(SHEPARD PARK)

(E) POWER HANDHOLE
(E) FIRE HYDRANT
(E) TENNIS COURT LIGHTPOLE

(E) TENNIS COURT

(E) TENNIS COURT LIGHTPOLE
(E) LANDSCAPING AREA

(E) LARGE TREE TO REMAIN, SOME BRANCHES
MAY NEED TO BE TRIMMED AS REQ'D
(E) 42'-6" TALL LIGHT POLE TO BE REMOVED AND REPLACED
BY VZW WITH A 70' TALL POLE, EXISTING LIGHTS WILL
BE RE-MOUNTED TO NEW POLE AT A 42'-6" CENTERLINE

(N) VZW 14' X 38' (532
SQ FT) LEASE AREA

(N) VZW WILL REMOVE (2) EXISTING TREES
AND (2) SMALL BUSHES IN ORDER
TO INSTALL POWER TO THEIR SITE

(E) WIRE FENCING

(E) BLUESTAKED POWER LINE

(E) RMP TRANSFORMER AND SOURCE
OF POWER FOR THE VZW FACILITY

(E) ASPHALT PATCH
(E) WATER MANHOLE

(E) BLUESTAKED SEWER LINE
(E) BLUESTAKED WATER LINE

(E) WATER VALVE

(E) SEWER MANHOLE

(N) VZW WILL BORE IN A 3" POWER CONDUIT SOUTH FROM THE EXISTING TRANSFORMER
TO THE (N) RMP GROUND SLEEVE INSIDE THE EXISTING ROAD RIGHT-OF-WAY (230',
CONFIRM WATER MANHOLE DIAMETER UNDERGROUND PRIOR TO BORING AND PROVIDE 2'
CLEARANCE), THEN THEY WILL BORE IN A 3" POWER CONDUIT (8" DEPTH MIN) FROM
THE (N) RMP GROUND SLEEVE WEST (95') TO THE (N) RMP TRANSFORMER LOCATION

(E) ASPHALT DRIVE AND PARKING

SHEPARD PARK ROAD (700 WEST)

(E) WEST RIGHT-OF-WAY LINE (60'
WIDTH) OF 700 WEST STREET

(E) BLUESTAKED POWER LINE

(E) BLUESTAKED WATER LINE

(E) WATER VALVE

(E) WATER VALVE

(N) VZW INSTALLED FIBER HANDHOLE AND MEET POINT
WITH PROVIDER, TO BE INSTALLED IN LANDSCAPING AREA
JUST WEST OF THE (E) U.G. POWER LINE

(N) RMP INSTALLED GROUND SLEEVE, TO
BE INSTALLED IN LANDSCAPING AREA

(N) VZW 10' WIDE UTILITY EASEMENT

(E) DITCH

(N) RMP INSTALLED TRANSFORMER TO BE INSTALLED INSIDE
10' WIDE UTILITY EASEMENT, 20' EAST OF VZW LEASE AREA

(E) TREE DRIP LINE (TYP)

(N) VZW WILL REMOVE THE 13'-9" LONG ANGLED PORTION
OF THE RAILROAD TIE BORDER AND RE-ROUTE WEST

(N) VZW 12' WIDE ACCESS
AND UTILITY EASEMENT

(E) STORM DRAIN CATCH BASIN (FILLED WITH CONCRETE)

(N) VZW WILL BORE IN A 4" FIBER CONDUIT FROM
THEIR (N) HANDHOLE TO THEIR LEASE AREA (130')



OVERALL SITE PLAN

SCALE: 1/4" = 6'-0"

1

verizon
9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84088

Technology Associates

UTAH MARKET OFFICE
7896 SOUTH HIGHLAND DRIVE, SUITE 200
COTTONWOOD HEIGHTS, UTAH 84121

CORPORATE OFFICE
3129 TIGER RUN COURT, SUITE #206
CARLSBAD, CALIFORNIA 92010

DRAWN BY: JAY C
CHECKED BY: TROY B

REV	DATE	DESCRIPTION
0	09.11.2019	ZONING DRAWINGS

SAL - CREEKVIEW
NW SEC 13, T3N, R1W
1175 NORTH 700 WEST
FARMINGTON, UTAH 84025
-- RAWLAND SITE --

SHEET TITLE
OVERALL SITE PLAN

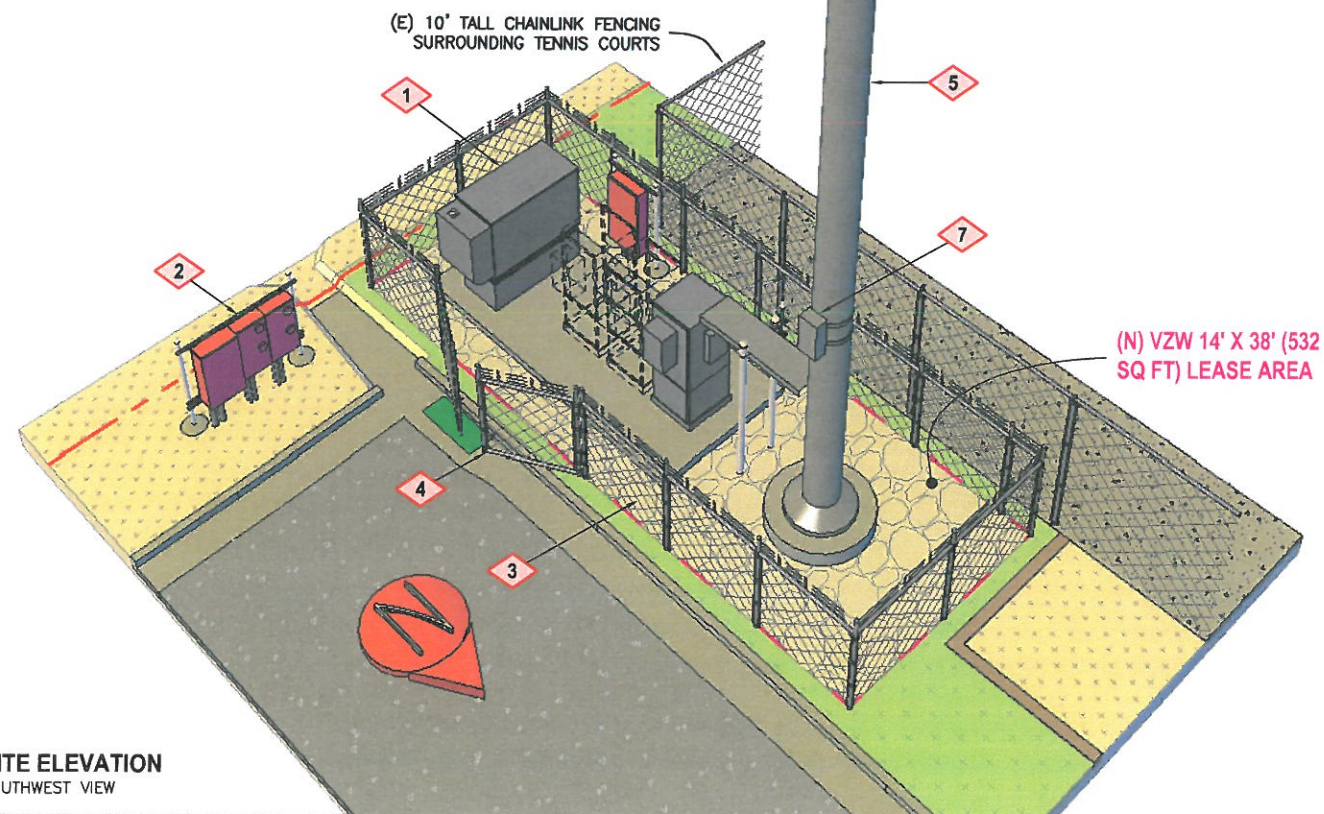
SHEET NUMBER

C100

EXISTING WATER VZW RRI
EXISTING STORM DRAIN VZW HYBRID/OVP
EXISTING SEWER VZW ANTENNAS
EXISTING TELCO/FIBER VZW FIBER INSTALL
EXISTING POWER VZW POWER INSTALL
EXISTING FENCING VZW UTILITY EASEMENT
EXISTING RIGHT-OF-WAY LINE VZW ACCESS/UTILITY EASEMENT
EXISTING PARCEL LINE VZW LEASE AREA

KEYED NOTES - SEE C101 FOR EXPANDED VERSION

- 1 VZW WILL INSTALL A SINGLE EQUIPMENT CABINET (7'-6"), AND A SD030 DIESEL GENERATOR (7'-3") UPON A 12'-8" X 14' X 6" THICK 4000psi CONCRETE SLAB.
- 2 VZW POWER UTILITY RACK, SEE C302/2.
- 3 VZW 6' TALL BLACK VINYL COATED CHAINLINK FENCING WITH BARBED WIRE, SEE C302/3.
- 4 VZW 12' WIDE SITE ACCESS, (2) 6' WIDE BLACK VINYL COATED CHAINLINK GATES WITH BARBED WIRE, SEE C302/4.
- 5 VZW 70' TALL MONOPOLE WITH CONCRETE FOUNDATION WILL REPLACE THE EXISTING 42'-6" TALL LIGHT POLE, SEE TOWER MANUFACTURER DRAWINGS FOR DESIGN AND SPECIFICATIONS. PER THE CITY REQUIREMENTS, THIS POLE MUST BE DESIGNED FOR WIND SPEED UP TO 150mph.
- 6 VZW WILL RE-MOUNT THE (2) 8" EXISTING LIGHTS TO THE NEW POLE AT A 42'-6" CENTERLINE (SPACED AT 3' O.C. HORIZONTALLY) USING A SITEPRO LWRM RING MOUNT WITH A MM01 8" STANDOFF ARM AND A P263 2" X 5'-3" LONG HORIZONTAL MOUNTING PIPE.
- 7 VZW WILL RE-MOUNT THE EXISTING LIGHT ELECTRICAL BOX TO THE NEW POLE (TOP OF BOX TO BE AT 15'-4"). VZW WILL TIE THE RE-MOUNTED LIGHTS BACK INTO THE EXISTING ELECTRICAL SOURCE SO THAT THE OPERATE THE SAME AS THE DID BEFORE.
- 8 VZW 8' TALL ANTENNAS, (2) PER SECTOR (6 TOTAL) AT A 66' CENTERLINE WITH (6) RRH'S AND (1) RAYCAP OVP BOX TO BE MOUNTED UPON A SITEPRO 6CHMT SIX-SIDED MOUNT WITH (6) 8' TALL P3096 2-7/8" MOUNTING PIPES, REFER TO VZW RF CONFIGURATION SHEET.
- 9 VZW 8' TALL ANTENNAS, (2) PER SECTOR (6 TOTAL) AT A 57' CENTERLINE WITH (6) RRH'S AND (1) RAYCAP OVP BOX TO BE MOUNTED UPON A SITEPRO 6CHMT SIX-SIDED MOUNT WITH (6) 8' TALL P3096 2-7/8" MOUNTING PIPES, REFER TO VZW RF CONFIGURATION SHEET.
- 10 VZW CONTRACTOR TO INSTALL THE 6' TALL LIGHTNING ROD AS SUPPLIED BY TOWER MANUFACTURER.



SITE ELEVATION
SOUTHWEST VIEW

TOP OF LIGHTNING ROD AND OVERALL HEIGHT IS 76'-0"
TOP OF MONOPOLE AND ANTENNAS IS 70'-0"
CENTERLINE OF VZW ANTENNAS IS 66'-0"
CENTERLINE OF VZW ANTENNAS IS 57'-0"

CENTERLINE OF RE-MOUNTED LIGHTS IS 42'-6"

GROUND LEVEL IS 0'-0"

SITE ELEVATION
LOOKING NORTH

TOP OF LIGHTNING ROD AND OVERALL HEIGHT IS 76'-0"
TOP OF MONOPOLE AND ANTENNAS IS 70'-0"
CENTERLINE OF VZW ANTENNAS IS 66'-0"
CENTERLINE OF VZW ANTENNAS IS 57'-0"

CENTERLINE OF RE-MOUNTED LIGHTS IS 42'-6"

GROUND LEVEL IS 0'-0"

SITE ELEVATION
LOOKING WEST

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9656 SOUTH PROSPERITY ROAD
WEST JORDAN, UTAH 84088

Technology Associates

UTAH MARKET OFFICE
7896 SOUTH HIGHLAND DRIVE, SUITE 200
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CORPORATE OFFICE
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CARLSBAD, CALIFORNIA 92010

DRAWN BY: JAY C
CHECKED BY: TROY B

REV	DATE	DESCRIPTION
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SAL - CREEKVIEW
NW SEC 13, T3N, R1W
1175 NORTH 700 WEST
FARMINGTON, UTAH 84025
-- RAWLAND SITE --

SHEET TITLE
SITE ELEVATIONS

SHEET NUMBER
C200

Farmington City Conditional Use Permit Application Narrative

SAL Creekview

To whom it may concern,

Verizon Wireless is seeking approval to install an unmanned wireless facility at Shepard Park. The site would consist of a 70' monopole with a single equipment cabinet (7'-6"t) and a diesel generator (7'-3"t) upon a 12'-8" x 14' x 6" thick concrete slab. The new monopole would replace an existing 42'-6" tall light pole and the existing lights will be re-mounted to the new monopole at a 42'-6" centerline. The outer corners of the equipment attached to the monopole at the 66' and 57' centerlines would extend 2'-3" from the tower. The site would be surrounded by a six foot (6') black vinyl coated chain link fence. The site would be located directly east of the tennis courts. The parcel is located in the Large Suburban (LS) zone. The nearest residential zone is 440' NE of the proposed site location. This site will improve the capacity and overall performance of Verizon's network in the area.

There are several tall light poles at the park and the proposed site would blend in well with its surroundings.

Verizon Wireless doesn't have any other future locations in adjoining areas and/or communities that may be needed within a twenty four (24) month period.

If there are any questions regarding this project please don't hesitate to reach out to me.

Thanks,

Troy Benson

Technology Associates EC Inc.

Real Estate Specialist

7896 South Highland Drive, Suite 200

Cottonwood Heights, UT 84121

(801) 608-7042



Planning Commission Staff Report January 7, 2021

Item 4: Palmer Conditional Use – Accessory Dwelling Unit

Public Hearing:	Yes
Application No.:	C-12-20
Property Address:	1289 N Alice Lane (265 West)
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	LR-F
Area:	0.39 Acres
Number of Lots:	1
Property Owner:	Brian and Shawnalyn Palmer
Agent:	Brian Palmer

Applicant is requesting a conditional use permit to build an accessory dwelling unit (ADU).

Background Information

The applicant is requesting a conditional use permit to build an ADU as an addition to their home. Their current home is in Burbridge Estates Subdivision and their addition would include a garage, living space and bedrooms, which are to be connected to the current driveway and built as a second level to a walkout basement.

Suggested Motion

Move that the Planning Commission grant approval for the Palmer ADU, subject to all applicable Farmington City ordinances and development standards, and the condition that any drainage or geotechnical requirements be determined by the Building Official and Storm Water Official.

Finding for Approval

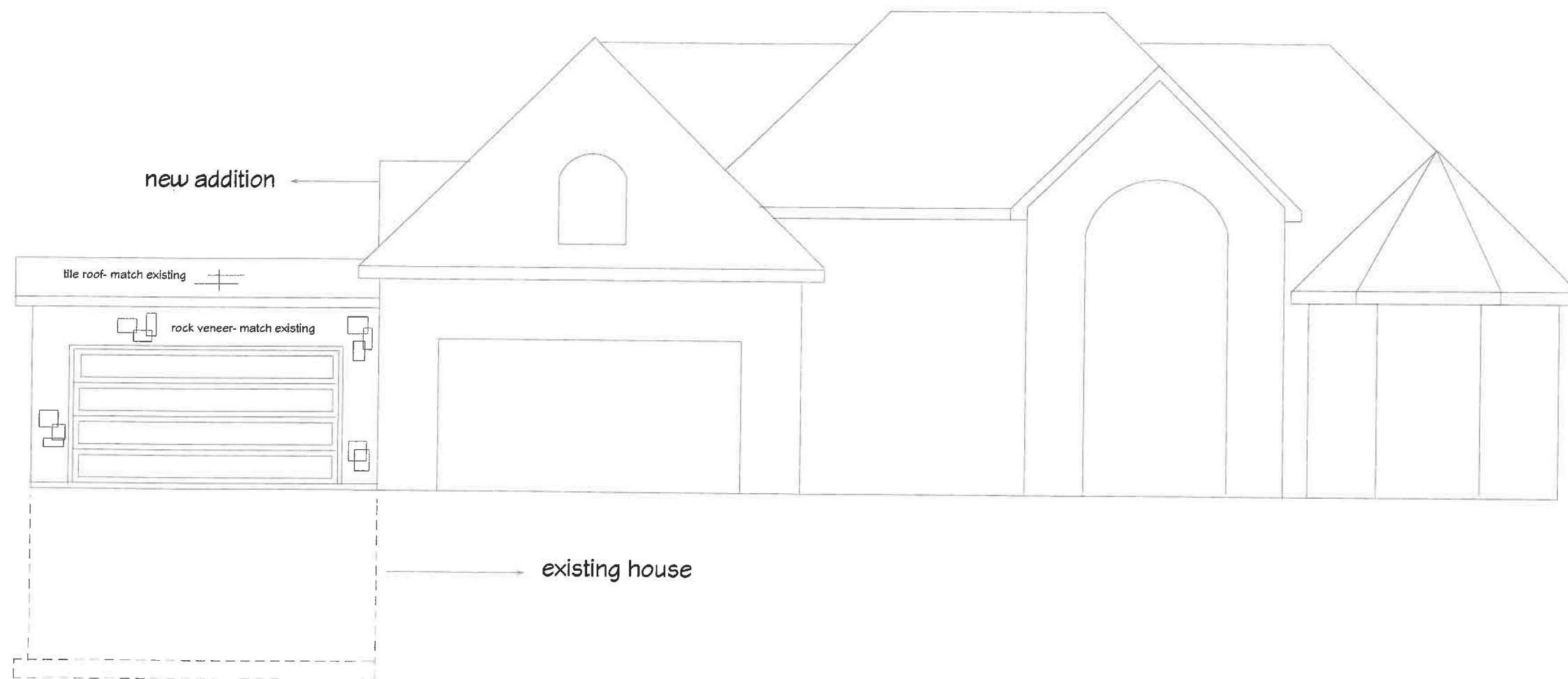
1. The addition provides more housing opportunity in Farmington.
2. The conditional use permit complies with Farmington City's General Plan and Zoning Ordinance.

Supplementary Information

1. Vicinity Map
2. Site plan and elevations



	VICINITY MAP 1289 N Alice Lane (265 W)	0 25 50 75 100 Feet 0 7.5 15 22.5 30 Meters		Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate and suitable for limited uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.
--	--	---	---	--



provide roof and soffit vents to comply with IRC
R806
stairs more than 30" above grade shall have
guardrails 36" high on open sides- IRC R316.1 &
316.2
window wells required for emergency escape
and rescue with a minimum horizontal net area of
9 sq ft

copyright protected
do not duplicate

Fairfield Design- 801-541-4797

palmer addition 1289 alice lane
farmington ut 84025

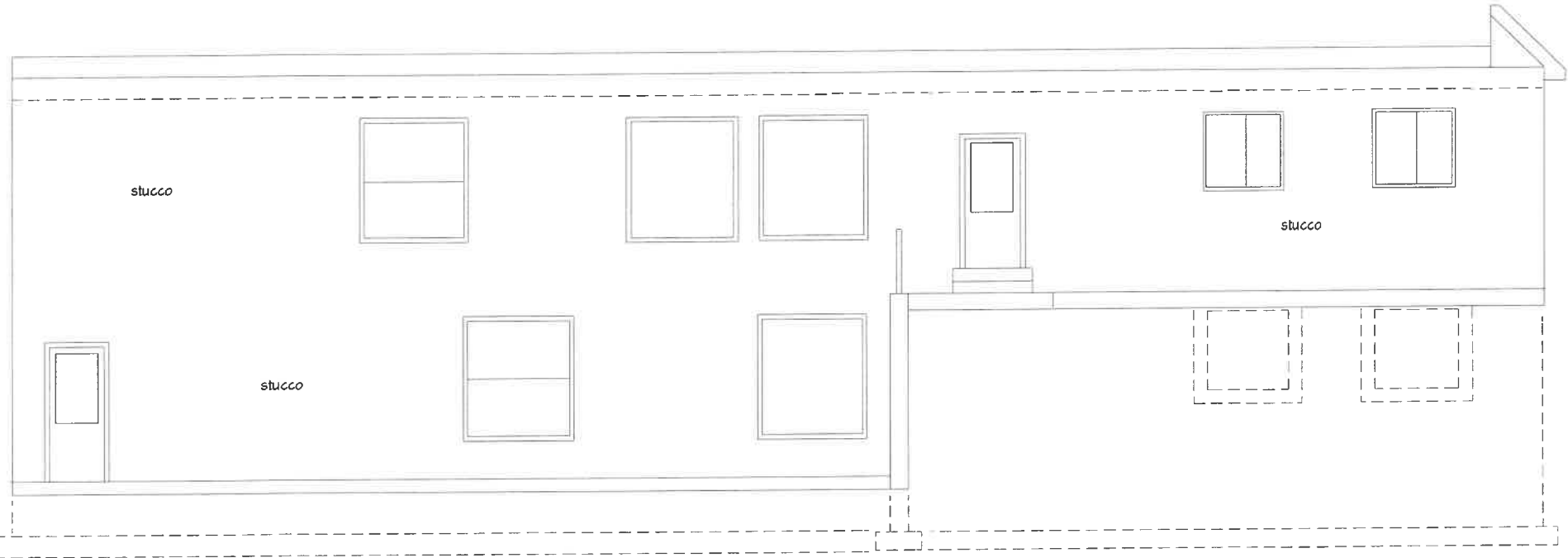
elevations

governing code
2018 IRC

date
nov 2020

scale
1/8"=1'-0

page
1



provide roof and soffit vents to comply with IRC
R806
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9 sq ft

copyright protected do not duplicate	
Fairfield Design- 801-541-4797	
palmer addition 1289 alice lane farmington ut 84025	
elevations	
governing code 2018 IRC	date nov 2020
scale 1/8"=1'-0	page 2



all footings are to rest on undisturbed soil and shall be a minimum of 30", or local frost depth, below the finished depth.

provide roof and soffit vents to comply with IRC R806
stairs more than 30" above grade shall have guardrails 36" high on open sides- IRC R316.1 & 316.2
window wells required for emergency escape and rescue with a minimum horizontal net area of 9 sq ft

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Fairfield Design- 801-541-4797

palmer addition 1289 alice lane
farmington ut 84025

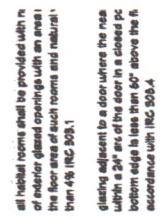
elevations

governing code
2018 IRC

date
nov 2020

scale
1/8"=1'-0

page
3





Planning Commission Staff Report January 7, 2021

Item 5: Poulton Conditional Use – Conservancy Lot

Public Hearing:	Yes
Application No.:	C-13-20
Property Address:	541 W Rigby Road
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	AE (PUD)
Area:	2.91 Acres
Number of Lots:	1
Property Owner:	Don and Amy Poulton
Agent:	Dave Rees

Applicant is requesting a conditional use permit to construct an equestrian facility (pole barn) and to install a fence on a conservancy lot in Miller Meadows Subdivision.

Background Information

The applicant is requesting a conditional use permit construct an equestrian facility (pole barn) and to install a fence on a conservancy lot in Miller Meadows subdivision. The conservancy lot has an easement stating that the requested use of the lot must be approved by a conditional use. If not for the easement, the use is permitted and would not need a conditional use or even to attend a public hearing. They plan to use the conservancy lot for a barn, corral and pasture for horses. The applicant also proposes a fruit orchard for the remaining section of the property. A conservancy lot is intended as a sort of estate lot for a conservation subdivision.

Suggested Motion

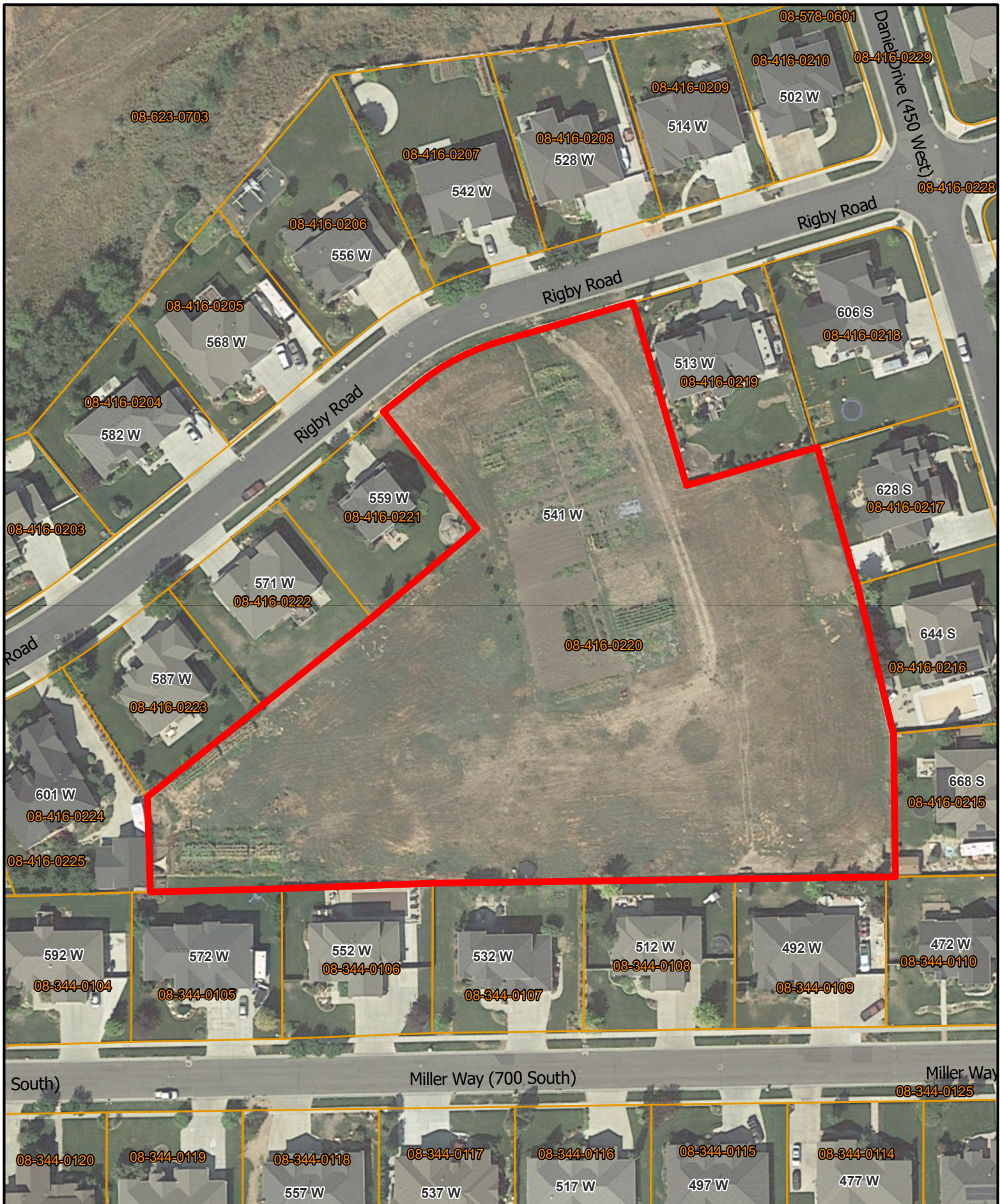
Move that the Planning Commission grant approval for the Miller Meadows Subdivision conservancy lot as per the easement, subject to all applicable Farmington City ordinances and development standards, and the condition that the barn be no greater than 25' in height, and the applicant must follow the attached site plan.

Finding for Approval:

1. If not for the note on the easement, the applicant's proposal is a permitted use for the land under the zoning ordinance and conservation subdivision standards.

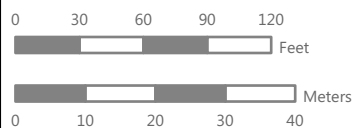
Supplementary Information

1. Vicinity Map
2. Site plan and barn elevations
3. Applicant narrative
4. Conservation Easement, Lot 220 Miller Meadows Subdivision



VICINITY MAP Miller Meadows Conservancy Lot

Date: 1/10/2021



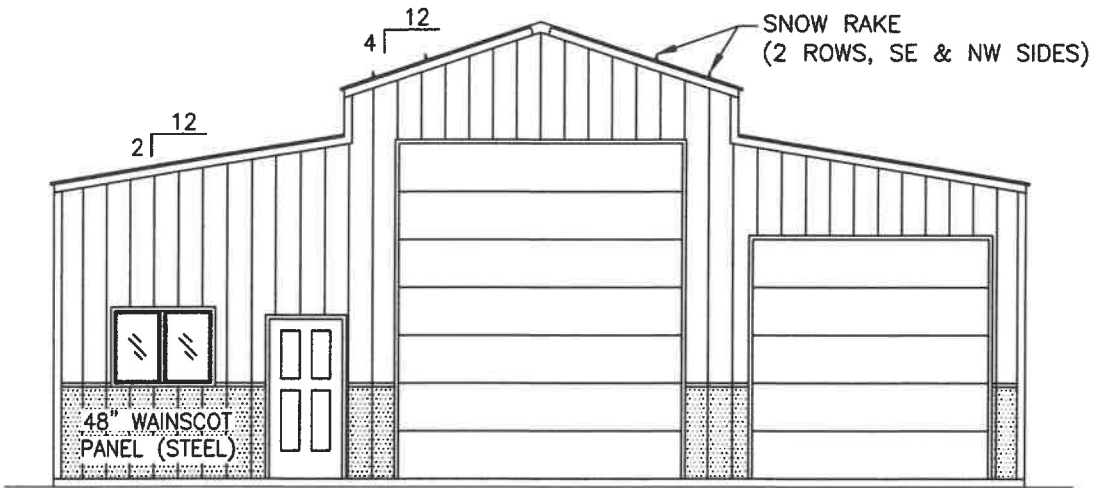
Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate and suitable for limited uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.



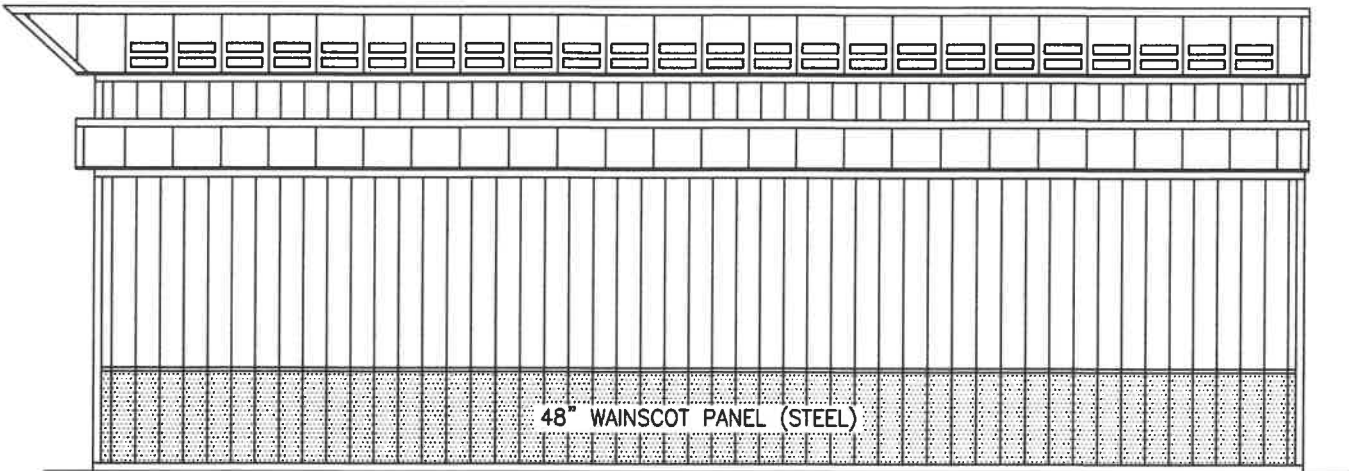
Don and Amy Poulton Conservancy Lot Lot 220 Miller Meadows Subdivision Rigby Road, Farmington, UT	Stamp	Revisions	
		#	Date
		Drawn By: DR	
		Size: ARCH D 24 x 36	
		Contract #:	
		Plot Date:	
		Submittal Date:	
		Submitted By:	
Date:		12/21/2020	
Architectural Site Plan		AS-01	



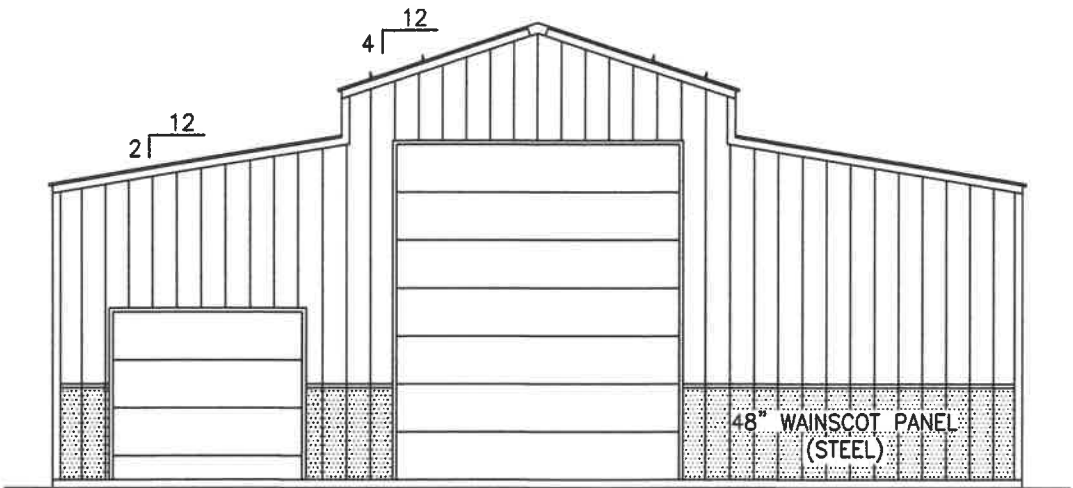
SCALE: 1/8" = 1' - 0"



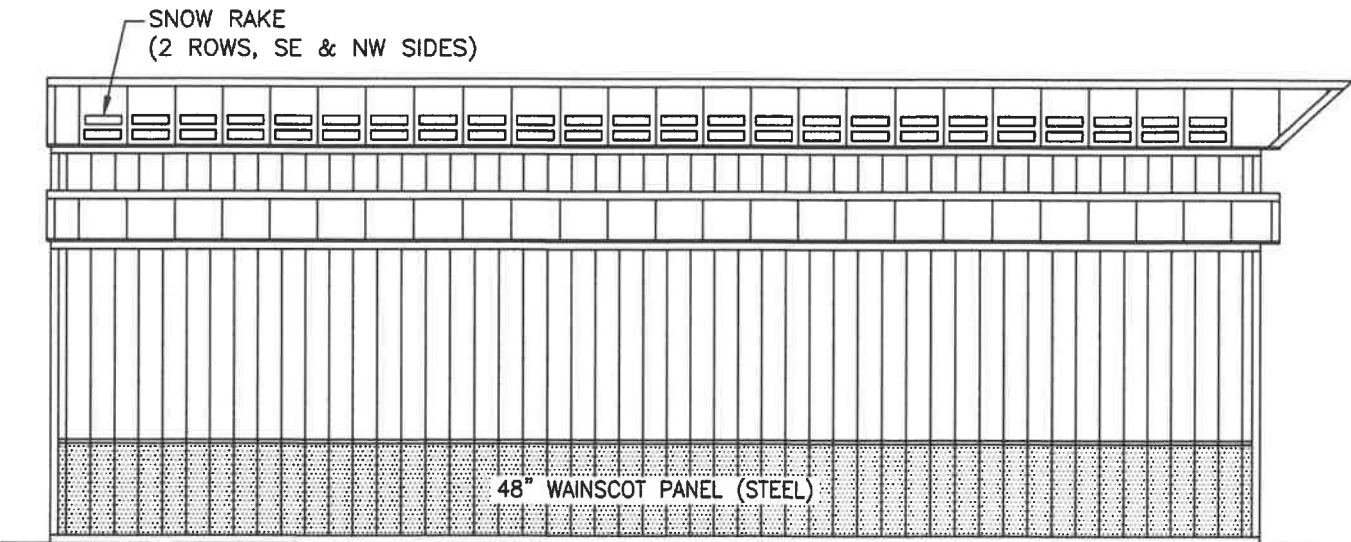
GABLE END ELEVATION - NORTH



SIDE ELEVATION - WEST



GABLE END ELEVATION - SOUTH



SIDE ELEVATION - EAST

Revisions		#	Date	Drawn By: DR	Stamp	Don and Amy Poulton Conservancy Lot Lot 220 Miller Meadows Subdivision Rigby Road, Farmington, UT
Size: 11x17						
Contract #:						
Plot Date:						
Submittal Date:						
Submitted By:						

December 19, 2020

To the Farmington City Planning Commission

Re: Conditional Use Permit for Lot 220 Miller Meadows Phase 2, Conservation Lot

From Donald & Amy Poulton, Trustees

In June we purchased the above reference lot and are requesting a conditional use permit on the 2.97-acre portion, which contains a conservation easement.

It is our desire to place a barn on the property with necessary fencing in expectation of purchasing horses and other livestock for our use.

We intend to put the barn with corrals on the east end of the property as shown in the site plan. The remainder of the 2.91-acres will primarily be used as pasture with an orchard at the west end of the property.

We do not plan to immediately build a home on the buildable portion of lot 220 but may do so in the future. Therefore, in addition to the fences and barn, we also want to include in the barn a break room with a restroom. As we work on the property, we need to have a place to both a break from working and use of bathroom facilities, without having to run to our current residence in Farmington City at 65 E. 1600 S.

We understand the restriction on having a residence on the conservation lot and have no intention of ever using the property as a residence or any type of overnight living space.

We anticipate the barn will have about 4 outside stalls for horses and the interior will primarily be for animal feed and equipment storage.

We appreciate your consideration of this request. Please let us know if you have any questions.

Thanks

Donald and Amy Poulton, Trustees

9/12

E 2252077 B 4239 P 1321-1332
RICHARD T. MAUGHAN
DAVIS COUNTY, UTAH RECORDER
03/14/2007 03:11 PM
FEE \$0.00 Pgs: 12
DEP RTT REC'D FOR FARMINGTON CITY

WHEN RECORDED, MAIL TO:

FARMINGTON CITY
Attn: City Manager
130 North Main
Farmington, Utah 84025

08-416-0220
Miller Meadows Ph-2

CONSERVATION EASEMENT
(CONSERVANCY LOT)

THIS CONSERVATION EASEMENT is made this 5th day of March, 2007, by **WESTGLEN CORPORATION**, a Utah corporation, whose mailing address is 49 West 400 North, Farmington, Utah 84025 (hereinafter "Grantor"), in favor of **FARMINGTON CITY**, a municipal corporation of the State of Utah, whose mailing address is 130 North Main Street, Farmington, Utah 84025 (hereinafter "Grantee").

RECITALS:

WHEREAS, Grantor hereby represents and acknowledges it is the sole owner in fee simple title of certain real property located in Farmington City, Davis County, State of Utah, which property is more particularly described herein at Section 2, hereinafter referred to as the "Property," consisting of a portion of Lot 220 within the conservation subdivision known as Miller Meadows Subdivision, Phase 2; and

WHEREAS, the Property possesses natural, scenic, wildlife, and open space values consisting of upland meadows and pastureland (collectively referred to as "Conservation Values") of great importance to the Grantor, the Grantee, and residents of the Miller Meadows Subdivision, Phase 2; and

WHEREAS, Grantor intends that the Conservation Values of the Property be preserved and maintained by the continuation of the use of the Property in such a way which does not significantly impair or interfere with those values; and

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

WHEREAS, Grantee is a tax exempt entity under Section 501(c) of the *Internal Revenue Code* qualified to acquire this Conservation Easement.

Conservation Easement

Miller Meadows Subdivision, Phase 2

01/19/07

F:\03\ easements\ miller meadows-(conservation easement)

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

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

2. **Property.** The Property subject to this Easement consists of approximately 2.91 acres of that certain real property located within Lot 220 of the Miller Meadows Subdivision, Phase 2, designated as a "Conservation Easement - Restricted Use Area" on the official plat of the Miller Meadows Subdivision, Phase 2, located in Township 3 North, Range 1 West, Salt Lake Base and Meridian, Farmington City, Davis County, State of Utah, which plat is recorded in the office of the Davis County Recorder, State of Utah, and is more particularly described in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

3. **Current Use and Condition of Property.** The Property presently consists of natural, scenic, open space, upland meadows and pastureland. The Property has the following specific Conservation Values: natural, scenic, open space, upland meadows and pastureland.

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

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

6. **Permitted Uses.** Grantor retains ownership rights of the underlying fee simple title to the Property which are not expressly restricted by this Easement. Subject to the terms and conditions set forth in this Easement, the following activities and/or uses of the Property are permitted:

- (a) Conservation of natural terrain and open space in its natural state; e.g. meadow, grassland and pastureland;

(b) Pastureland for Class "B" animals as defined in the Farmington City Ordinances, Section 11-29-103, as amended, including large animals kept as pets or for family food production or recreational purposes, such as horses, cows, goats and sheep. The number of Class "B" animals shall be limited to the regulations set forth in Farmington City Ordinances, Section 11-29-103, as amended; and

(c) Underground utility easements for drainage, access, sewer or water lines, or other public purposes, in locations as approved by the City of Farmington, provided, the responsible person, entity or utility company in interest, shall, at its sole cost and expense, promptly restore the Property affected by such activities to as near as reasonably practicable, the same condition as existed immediately prior to such activities, which restoration shall be conducted to the satisfaction of the Grantee to protect and preserve the Conservation Values of the Property.

7. **Conditional Uses.** Subject to the terms and conditions set forth in this Easement, the following activities and/or uses of the Property may be permitted by conditional use permit, subject to and in accordance with the Farmington City Ordinances, Title 11, Chapter 8, as amended, regarding conditional use permits:

(a) Equestrian facilities for Class "B" animals, as defined in Section 6(b), above; and

(b) Fencing, when deemed necessary and appropriate in accordance with the Conservation Values and the intent and purposes of this Easement.

8. **Prohibited Uses.** Subject to the terms and conditions set forth in this Easement, the following activities and/or uses of the Property are prohibited:

(a) Except as otherwise expressly provided herein, any residential, commercial or industrial activity. It is expressly acknowledged that all of the underlying fee of real property protected by this Easement is contained in individual private lot ownership in such area designated as "Conservation Easement - Restricted Use Area" on the official plat of the Miller Meadows Subdivision, Phase 2, as recorded in the office of the Davis County Recorder, State of Utah. While residential use may be made of the portion of Lot 220 lying outside the Easement Property, the portion of such Lot 220 included within the Easement Property shall be subject to all the terms and conditions of this Easement, including the prohibition against any residential use of such property;

(b) Except as otherwise expressly provided for herein, any development, construction or location of any man-made modification or improvements such as buildings, structures, roads, parking lots, or other improvements;

- i) (c) Any filling, dredging, excavating, mining, drilling, or exploration for and extraction of oil, gas, minerals or other resources from the Property;
- (d) Any dumping or storing of ashes, trash, garbage, trees, brush, dirt, junk or other material or substance on the Property;
- (e) Burning of any materials on the Property, except as necessary for fire protection purposes upon obtaining a burn permit from the appropriate agency;
- (f) The use of motor vehicles, including snowmobiles, all-terrain vehicles, motorcycles and other recreational vehicles, except as may be necessary to maintain and operate the Property;
- (g) Hunting or trapping for any purpose other than predatory or problem animal control on the Property;
- (h) Advertising of any kind or nature and any billboards or signs on the Property; provided, information signs may be displayed describing the Easement and prohibited or authorized use of the same, subject to written approval of the Grantee;
- (I) Any cutting of trees or vegetation, except as necessary for fire protection, thinning, elimination of diseased growth, control of non-native plant species, and similar protective measures, or as otherwise permitted by the Grantee in writing;
- (j) The change, disturbance, alteration, or impairment of significant natural ecological features and values of the Property or destruction of other significant Conservation Values of the Property;
- (k) Any division, subdivision or de facto subdivision (through long-term leasing or otherwise) of any parcel or part of the Property;
- (l) Changing the topography of the Property by placing on it any soil, dredging spoils, land fill, or other materials, except as necessary to conduct specific permitted or conditional uses;
- (m) Any development, location or storage of any personal property, vehicles, recreational equipment or other residential uses such as trampolines, patios, gazebos, sports courts, barbeques, etc.; and

(n) All other uses or activities not specifically listed as a permitted use or activity or any uses or activities inconsistent with or detrimental to the stated objectives and purpose of the Easement.

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

- (a) Grantee has the right to preserve the open space and to protect the Conservation Values of the Property.
- (b) Grantee has the right to enter upon the Property at reasonable times to monitor or to enforce compliance with this Easement and to inspect and enforce the rights herein granted; provided that such entry shall not unreasonably interfere with the Grantor's use and quiet enjoyment of the Property.
- (c) Grantee has the right to enjoin and prevent any activity on or use of the Property that is inconsistent with the terms or purposes of this Easement and to preserve and protect the Conservation Values of the Property.
- (d) Grantee has the right to require restoration of the areas or features of the Property which are damaged by activity or use inconsistent with this Easement.

10. **Limitation.** It is expressly acknowledged by the parties that Lot 220 of the Miller Meadows Subdivision, Phase 2, is a conservation lot created in accordance with the Farmington City Ordinances, and is intended to be held in private ownership by an individual property owner and that dedication of this Easement encumbers such Lot 220 for conservation and protection purposes. The dedication of this Easement does not include the right of entry by the general public for the purposes of recreation or for any other purpose.

11. **Enforcement of Easement.**

- (a) If the Grantee determines that a violation of this Easement is occurring or threatened, the Grantee shall have all rights and remedies available by law or in equity to cure and/or prevent the violation or threatened violation, including, but not limited to, injunctive relief, specific performance, declaratory relief, restitution, reimbursement of expenses, including reasonable attorneys fees, and money damages.
- (b) In addition to all rights and remedies provided by law or in equity for the enforcement of the terms of this Easement, the Grantee shall have all rights of corrective action as provided by Farmington City Ordinances. Specifically, in the event that the Grantor, or any successor entity or owner, fails to maintain all or any portion of the Property in reasonable order and condition as required herein, the Grantee may assume

responsibility, as a right, but not an obligation, for maintenance. The Grantee may enter the Property and take corrective action, including extended maintenance, the cost of which may be charged to the Grantor, or any successor entity or owner, including administrative costs and penalties. Such costs, if not paid within a reasonable time, shall become a lien on the delinquent property, notice of which shall be filed by the Grantee in the County Recorder's Office.

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

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

12. Maintenance. It is expressly acknowledged that Grantor intends to sell and transfer ownership of the underlying fee of the Conservation Easement Area to an individual private lot owner to be known as a conservancy lot pursuant to Farmington City Ordinances, within the Miller Meadow Subdivision, Phase 2. The owner of Lot 220 shall be responsible for maintaining the Property at its sole cost and expense.

13. Taxes. Grantor shall pay all taxes, assessments, fees and charges of whatever description levied on or assessed against the Property, including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request.

14. Hold Harmless. Grantor agrees to indemnify, hold harmless and defend the Grantee, its officers, agents, representatives and employees, from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorneys fees, however caused, arising out of or resulting from the acts or omissions of the Grantor, its officers, agents, representatives, invitees and assigns, in connection with Grantor's use and activities on the Property. The Grantee agrees to indemnify, hold harmless and defend the Grantor, its officers, agents, representatives, invitees and assigns, from and against any and all loss, liability, expense, claims, costs, suits and damages, including attorneys fees, however caused, resulting from the operations, acts or omissions of the Grantee, its officers, agents, representatives or employees, in connection with the Grantee's performance of its obligations under this Easement.

15. Transfer of Grantee's Interest. If the Grantee determines that it no longer is able to enforce its rights under this instrument or that it no longer desires to enforce the rights, or desires to assign enforcement rights to a qualified organization under Section 501(c)(3) and/or 170(h)(3) of the *Internal Revenue Code*, the Grantee shall be entitled to convey in whole or in part all of its rights under this instrument and deliver a copy of this instrument to an organization

designated by the Grantee and described in or contemplated by Section 501(c)(3) and/or 170(h)(3) of the Code, or the comparable provision in any subsequent revision of the Code, to ensure that the Easement is enforced. Furthermore, the Grantee is hereby expressly prohibited from subsequently transferring the Easement, whether or not for consideration, unless: (a) the Grantee, as a condition of the subsequent transfer, requires that the conservation purposes which the Easement is intended to advance continue to be carried out; and (b) the transferee is an organization qualifying at the time of the transfer as an eligible donee under Section 501(c)(3) and/or 170(h)(3) of the Code and regulations promulgated thereunder.

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

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

18. Notices. Any notice, demand, request, consent, approval, or communication shall be in writing and served personally or sent by registered or certified mail, postage prepaid, return receipt requested. Notice to the Grantee shall be addressed to the following:

Farmington City
c/o City Manager
130 North Main
Farmington, Utah 84025

or to such other address as the Grantee from time to time shall designate by written notice to the Grantor. The required address for notice to the Grantor shall be the address of the most recent fee title owner of the Property as shown on the tax records of Davis County, State of Utah, or to such other address as the current fee title owner of the Property from time to time shall designate by written notice to the Grantee.

19. Title Warranty. Grantor warrants that it has good and sufficient title to the Property, free from all encumbrances.

20. **Subsequent Encumbrances.** This Easement shall not restrict the right of Grantor or its successors or assigns to execute, deliver and record mortgages on the Property or to grant other rights or easements with respect to the Property, subject to the terms and conditions set forth herein. Any lien or security interest of a mortgage and any easement or other right created subsequent to the date hereof shall be subject to and subordinate to this Easement.

21. **Environmental Warranty.** Grantor warrants that it has no actual knowledge or threatened release of hazardous substances or wastes on the Property, as such substances and wastes are defined by applicable law, and hereby promises to indemnify Grantee against, and hold Grantee harmless from, any and all loss, cost, claim, liability or expense, including reasonable attorney's fees arising from or with respect to any release of hazardous waste or violation of environmental laws with respect to the Property, unless due to the gross negligence or willful misconduct of Grantee.

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

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

24. **Attorneys Fees.** The parties herein each agree that should they default in any of the covenants or agreements contained herein, the defaulting party shall pay all costs and expenses, including a reasonable attorneys fee which may arise or accrue from enforcing this Easement, or in pursuing any remedy provided hereunder or by the statutes or other laws of the State of Utah, whether such remedy is pursued by filing suit or otherwise, and whether such costs and expenses are incurred with or without suit or before or after judgment.

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

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

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

28. **Entire Agreement.** This Easement, together with all exhibits, sets forth the entire agreement of the parties and supercedes all prior discussions and understandings.

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

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

GRANTOR:
WESTGLEN CORPORATION

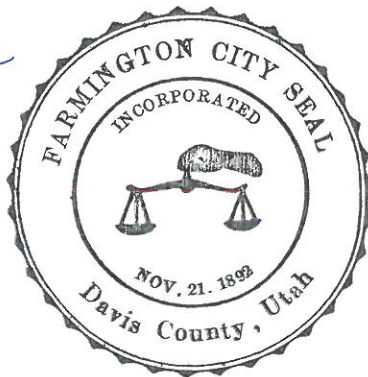
By: [Signature]
Its: Secretary

GRANTEE:
FARMINGTON CITY

By: [Signature]
Its: Mayor

ATTEST:

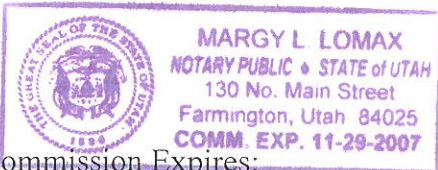
Margy Lomax
City Recorder



GRANTOR'S ACKNOWLEDGMENT

STATE OF UTAH)
 :SS.
COUNTY OF DAVIS)

On the 5th day of March, 2007, personally appeared before me
Randy Rigby who being by me duly sworn did say that (s)he is the
Secretary of **WESTGLEN CORPORATION**, and that the foregoing
instrument was signed in behalf of said corporation by authority of a resolution of its Board of
Directors; and they acknowledged to me that said corporation executed the same.



My Commission Expires:

11/29/07

Margy L. Lomax
Notary Public
Residing at:

Davis County, Ut

GRANTEE'S ACKNOWLEDGMENT

STATE OF UTAH)
 :SS.
COUNTY OF DAVIS)

On the 9th day of March, 2007, personally appeared before me Scott
Harbertson, who being duly sworn, did say that he is the Mayor of **FARMINGTON CITY**, a
municipal corporation of the State of Utah, and that the foregoing instrument was signed in
behalf of the City by authority of its governing body and said Scott Harbertson acknowledged to
me that the City executed the same.

Margy L. Lomax
Notary Public
Residing at:

My Commission Expires:

11/29/07

Davis Co. Utah

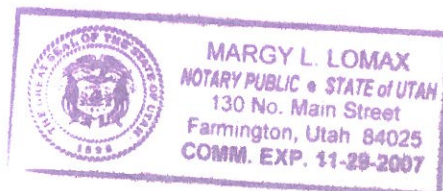


EXHIBIT "A"**Legal Description of Conservation Easement Area**

All of Lot 220 less and except that portion labeled as "Buildable Area", "Front Setback" or "Side Setback" on the official plat of the Miller Meadows Subdivision, Phase 2, located in Township 3 North, Range 1 West, Salt Lake Base and Meridian, Farmington City, Davis County, State of Utah, containing 126,661 s.f (2.91 acres).