WORK SESSION: A work session will be held at 5:00 p.m. with a tour of the new City building at 160 South Main Street. At approximately 5:30 p.m., the City Council will reconvene at the existing City Hall at 130 North Main Street in the kitchen. The agenda of the work session is as follows:

1. Review of previous proposal for Christmas decorations with Modern Display.
2. Photo session of Governing Body.

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, May 4, 2010, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 130 North Main Street, Farmington, Utah. The agenda for the meeting shall be as follows:

CALL TO ORDER:

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

7:05 2. Approval of Minutes of Previous Meetings

REPORTS OF COMMITTEES/MUNICIPAL OFFICERS

7:10 3. "Relay for Life" - Future event planned to be held in Kaysville - Denise Smith from the American Cancer Society

7:15 4. Planning Commission Report

PUBLIC HEARINGS:

7:20 5. Public Hearing: Consideration of Schematic Plan and Minor Subdivision Final Plat Approval for 2-lot Bell Estates at approximately 780 South Country Lane (S-2-10)

PRESENTATION OF PETITIONS AND REQUESTS:

7:25 6. Consideration of final plat approval for Spring Creek Subdivision, Phases 3a and 3b located at approximately 400 North and 1875 West (S-1-10 and S-3-10)

SUMMARY ACTION:

7:30 7. Minute Motion Approving Summary Action List
- Ratification of Construction & Storm Water Bond Agreements.
- Approval of Change Order #5 to Farmington City Hall Project.

CONSIDERATION OF ORDINANCES/RESOLUTIONS/AGREEMENTS

7:35 8. Consideration of First Amendment to Spring Creek Development Agreement

7:40 9. Ordinance amending various Sections of Title 8, Chapter 2 of the City Code regarding streets and public ways

7:45 10. Ordinance amending Title 8, Chapter 5 of City Code regarding Excavation Permits

7:50 11. Public Hearing: Adoption of the Tentative Budget for Fiscal Year ending June 30, 2011

OLD BUSINESS:

7:55 12. Review of additional water rate information to be provided by Lewis-Young-Robertson-Burningham

GOVERNING BODY REPORTS:

8:00 13. Mayor Harbertson and City Council Reports

MISCELLANEOUS:

8:05 14. Miscellaneous

a. Miscellaneous items.

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

8:10 15. Items of General Correspondence

8:15 **ADJOURN**

Reconvene to Special Budgetary Work Session

DATED this 30th day of April, 2010.

FARMINGTON CITY CORPORATION

By: Margy Lomax
Margy Lomax, City Recorder

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

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

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

Posted April 23, 2010

Glenn Symes, AICP
Assistant City Planner

AGENDA
PLANNING COMMISSION MEETING
April 29, 2010
Public Meetings at City Hall, 130 North Main
Study Session: 6:30 p.m.
Regular Session: 7:00 p.m.

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

(7:00) 1. Minutes

(7:05) 2. City Council Report

SUBDIVISION APPLICATIONS

(7:10) 3. Howard Kent/SLI – Applicant is requesting a recommendation of approval for a Final Plat for the Spring Creek Phase 3-B subdivision located at approximately 400 North 1875 West. (S-3-10)

(7:20) 4. The Haws Company – (Public Hearing) – Applicant is requesting a recommendation of approval for a Preliminary Plat for the Park Lane Commons subdivision located at approximately 500 North 1000 West. This subdivision is associated with the Park Lane Commons Master Plan and is proposed to subdivide property for the accommodation of the Park Lane Village and the dedication of the adjacent rights-of-way. (S-5-10)

CONDITIONAL USE / SITE PLAN APPLICATIONS

(7:30) 5. Willmore Development – Applicant is requesting approval of a site plan for the Park Lane Village apartment project located at approximately 500 North 1000 West. The site plan consists of approximately 13 acres of property and is proposed to have 324 apartment units. (SP-1-10)

(7:45) 6. Jerry Preston – (Public Hearing) – Applicant is requesting a conditional use permit for an addition to an existing home in the OTR (Original Townsite Residential) zone located at 94 North 100 West allowing a larger footprint for the addition than the original structure as well as a height in excess of the original structure. (C-4-10)

OTHER BUSINESS

(8:00) 7. Miscellaneous, correspondence, etc…

a. Other

8. Motion to Adjourn

FARMINGTON

HISTORIC BEGINNINGS • 1847

Farmington City Planning Commission

April 29, 2010

Agenda Item 4

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

SUBJECT: Planning Commission Report

ACTION TO BE CONSIDERED:

GENERAL INFORMATION:

Please see enclosed Planning Commission Agenda and related information. The Planning Commission Chair or staff will be present to give the report.

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

Utah Department of Health's Utah Cancer Control Program and the American Cancer Society, Great West Division, Inc. cordially invite you to:

The 2010 Utah Quality Forum:

Increasing Cancer Screening in Your Workforce.

Wednesday, May 26, 2010, 1:00 pm to 4:00 pm
Thursday, May 27, 2010, 9:00 am to 12:00 pm

Thursday, May 27, is a joint session with health plans, employers and key stakeholders.

Join us for a two-day forum designed for quality improvement professionals, medical directors and major purchasers of health insurance. Various screening-related topics will be discussed, including: facts about colorectal cancer screening and incidence; how screening benefits the employee and employer; best practices for promoting screening; and developing an action plan to help companies increase screening rates. Experts on colorectal cancer and promoting screening in the workplace will be presenting.

Register by May 3, 2010 at www.CancerUtah.org/forum
Space is Limited—Register Today!

Location:

University Marriott
480 Wakara Way, Salt Lake City, UT 84108

Program Agenda:

Colorectal Cancer Screening: Facts & Guidelines
Utah Cancer Screening, Incidence, & Mortality Data
The Cost Benefit of Colorectal Cancer Screening
Group Discussion of Successes, Barriers, and Incentives
Develop Action Plan

Speaker:

Jeffrey Harris, MD, MPH, MBA, BA, Professor, University of Washington School of Public Health, speaking on the cost benefit of colorectal cancer screenings, as well as overcoming screening barriers

RSVP by May 3, 2010

Please register early – Space is limited – RSVP is required
If you are unable to attend, please designate another representative

Contact Information

Kristi Wilcoxson
kwilcoxson@utah.gov
801.538.6190
Website: www.CancerUtah.org/forum

Margy Lomax

From: Ashley.Santillana@cancer.org
Sent: Tuesday, April 20, 2010 10:14 AM
To: mlomax@farmington.utah.gov
Subject: City Council Agenda

Attachments: pic19668.gif

pic19668.gif (3 KB)

Hi Margie,

This is Ashley from the American Cancer Society and I would like to confirm that my chair, Denise Smith, will attend the city council meeting on Tuesday, May 4th at 7pm. If you need to contact her, she can be reached at 801-694-5660.

Sincerely,

Ashley Santillana | Community Relationship Manager

Great West Division | American Cancer Society, Inc.

941 East 3300 South Salt Lake City, Utah 84084 | cancer.org

801.493.4704 | fax: 801.483.1558

(Embedded image moved to file: pic19668.gif)

Agenda Item 3

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

SUBJECT: **"Relay for Life" - Future event planned to be held in Kaysville - Denise Smith from the American Cancer Society**

ACTION TO BE CONSIDERED:

None.

GENERAL INFORMATION:

Denise Smith will be present to give a brief report of the event.

1. July 30th in Kaysville
2. Put Link on website

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

option because of the cost--approximately $1.5 million. Park Lane and the proposed swoop were also discussed.

- He urged caution regarding a website—Spokeo--which includes personal information that has been retrieved from social networking sites.

Closed Session

Sid Young made a motion to go into a closed session at 10:30 p.m. to discuss strategy as it relates to acquisition of real property and pending litigation. **Cory Ritz** seconded the motion, and it was unanimously approved.

Cory Ritz made a motion to adjourn the closed session at 10:40 p.m. **Jim Talbot** seconded the motion, and it was approved by all Council members.

SWORN STATEMENT

I, Scott C. Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

_____
Scott C. Harbertson, Mayor

ADJOURNMENT

Motion

Rick Dutson made a motion to adjourn the meeting. The motion was seconded by **Jim Talbot**, and it was approved by all Council members. The meeting was adjourned at 10:40 p.m.

_____
Margy Lomax, City Recorder
Farmington City Corporation

4. City Council pictures will be taken at the next meeting (May 4, 2010).

5. He received a call from resident **Ruth Anderson**, 678 Ridgewood Circle, who is concerned about traffic on Foxglove Road and Creek Lane. There are stop signs on the east and west sides, but there is nothing for north and south traffic. The area is becoming very dangerous, and she would like staff to look into the possibility of having a four-way stop in that location.

6. There is a Town Hall meeting on Wednesday, April 21, 2010 at 7:00 p.m. with UDOT regarding the West Davis Corridor Study.

City Council Reports

Sid Young

- He also commented on the meeting with Lagoon and said the City should set the water rates.

- He reminded the Council that it is time to apply for the League of Cities and Towns Legislative Policy Committee.

- The Farmington City Cemetery flag pole still does not rise correctly, and there will probably not be a flag raising ceremony on Memorial Day flag because of the problem.

Cory Ritz

- The Mosquito Abatement District Meeting was held last week, and he appreciated the responses he received from the Council.
- He received a call from a resident, who lives in Farmington Creek Estates, regarding the flood plain map revision on 1100 West, which was part of the Development Agreement and should have been completed several years ago. The work has been done, but Wilding Engineering will not release the flood plain map until the fee of $40,000 is paid.

Jim Talbot

- His attempt to obtain Farmington Rock from the **Asays** did not work out. He was on the Lagoon Trail the previous Saturday, and there was a major irrigation leak in a resident's back yard.

- He received a text regarding a potential computer virus using the Hallmark name.

Rick Dutson

- He and **Max Forbush** met with UDOT regarding the Park Lane swoop and the possibility of a State Street and 200 West stop light. The stop light will likely not be an

David Petersen provided information regarding this Item in the work session and requested advice from the Council Members as to whether or not the City should amend the text of the BR zone to allow residential mixed use. He said the Planning Commission reviewed the same issue on April 15, 2010, and they were in favor of the text amendment to allow residential mixed use. Following a brief discussion, the Council disagreed and said they would rather wait until a mixed use development occupies the east side of the block abutting the west side of Main between State Street and 100 East.

CULINARY WATER RATE DISCUSSION (Agenda Item #18)

Mayor Harbertson said the public hearing regarding this item will be scheduled for the June 15, 2010 City Council meeting, and the proposed water rates will be published in the June newsletter.

CITY MANAGER REPORT (Agenda Item #19)

Mr. Forbush informed the Council of the following items:

- Budget Work Session at 5:00 p.m. on Tuesday, April 27, 2010.
- Special City Council Meeting at 5:30 p.m. on May 18, 2010 to tour the new City Hall.
- Authorization for the **Mayor** to sign the agreement regarding the division of costs related to the Station Parkway development.
- Designer from Modern Display will present ideas for Christmas displays at the next meeting.

MOTHER OF THE YEAR NOMINATIONS (Agenda Item #20)

Mayor Harbertson read email messages written by several residents, and other suggestions were made. The Council decided to nominate **Rochelle Reid** as the Mother of the Year for the Davis County Clipper.

MAYOR AND CITY COUNCIL REPORTS - (Agenda Item #21)

Mayor Harbertson's Report

1. Another meeting was held with representatives from Lagoon--they are not happy with the City's proposal regarding their water rates, and they do not agree with the CRS model. The City told Lagoon they will not do another model; if they want another study, it is their responsibility.

2. **Jill Swain** writes the Farmington City newsletter, and she has requested a raise.

3. **Susan Maughan** has made great progress on cleaning up her property.

Motion

Sid Young made a motion to approve the items on the Summary Action List with the following additions: 12-3 - **Arlo Nielson**; and 12-6 - **Tom Spear**, **Julie Gardiner**, and **Tom Snyder**. **Cory Ritz** seconded the motion, and it unanimously approved.

CONTRACT WITH LOTUS COMMUNITY DEVELOPMENT INSTITUTE, INC., TO PROVIDE CONSULTING SERVICES FOR "AFFORDABLE HOUSING" PLAN UPDATE (Agenda Item #14)

Motion

Jim Talbot made a motion to authorize the **Mayor** to enter into a contract with the Lotus Community Development Institute, Inc. to provide consulting services for an affordable housing plan update. The motion was seconded by **Sid Young** and was approved by all Council Members.

ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 8, CHAPTER 2, REGARDING STREETS AND PUBLIC WAYS – 1ST READING (Agenda Item #15)

Mr. Forbush gave a brief overview of the information in Chapter 2 of this Ordinance:

1. The Public Works Director will have more of the responsibility of maintaining City streets and public ways.
2. An excavation permit will be required prior to the commencement of any excavation work with the public right-of-way.
3. A franchise agreement will be required from any entity desiring to install improvements or facilities within any public right-of-way.
4. Occupancy Licenses will be required for anyone who offers a service which requires occupation of the public right-of-way.

ORDINANCE AMENDING TITLE 8, CHAPTER 5, REGARDING EXCAVATION PERMITS – 1ST READING (Agenda Item #16)

Mr. Forbush reviewed some additional amendments in Chapter 5:

1. Application and permit fees;
2. Compliance with standards and specifications;
3. Restoration of public property according to the City's standards;
4. Insurance requirements;
5. Bonding fees—a $1000 cash bond and a $10,000 security bond;
6. Failure to conform to design standards.

RESIDENTIAL MIXED USE/CODE ENFORCEMENT IN THE BR ZONE DISCUSSION (Agenda Item #17)

Motion

Jim Talbot made a motion to reduce **Frank & Barbara Frodsham's** water bill overage caused by an undetected leak to $497.91. **Rick Dutson** seconded the motion, and it was approved by all Council members.

REQUEST FOR AN EASEMENT VACATION – STEVE ABBOTT (Agenda Item #12-b)

The **Mayor** explained that **Mr. Abbott** would like to construct an accessory building in his back yard and is requesting that the City vacate and abandon the rear lot line public utility easement (PUE) on his property located at 633 South 1025 East. He has obtained approval from each utility company and the effected public agency.

Motion

Sid Young made a motion to authorize the **Mayor** to sign and record the Revocation and Abandonment of Easement document as requested by **Steve Abbott**. **Cory Ritz** seconded the motion, and it was unanimously approved.

REVIEW OF THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR PARK LANE VILLAGE (Agenda Item #12-c)

Mr. Forbush said he received an email from The Haws Companies stating that HUD, who is providing the financing for Park Lane Village, will not allow the impact fees to be paid directly to The Haws Companies. This Agreement, prepared by the City Attorney, states that the impact fees will be paid to Farmington City first, and the City will then pay The Haws Companies. HUD has not reviewed the document; however, because of time constraints, he recommended that the Council authorize **Mayor Harbertson** to sign the document.

Motion

Rick Dutson made a motion to authorize the **Mayor** to sign the First Amendment to the Development Agreement for Park Lane Village with the condition that staff contact HUD to confirm the requirements of the receipt of the payment and to ensure sure that the City will not be required to pay the funds to The Haws Companies prior to receiving them. The motion was seconded by **Jim Talbot** and was approved by all Council members.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #13)

12-1 Ratification of Construction & Storm Water Bond Agreements.
12-2 Approval of February's Disbursement List
12-3 Approval for the granting of "Exemption" status from residential curbside recycling for **Hank & Virginia Semadeni** and for **Pamela Hansen**
12-4 Approval of contract with 3c Business Solutions
12-5 Approval of Change Order #4 – Hughes General Contractor
12-6 Approval of Sidewalk Repair Contract with **Don Redd**

Cory Ritz made a motion to approve the Ordinance adopting the Culinary Water Capital Facilities Impact Fee Written Analysis and related Culinary Water Impact Fee Schedule. **Rick Dutson** seconded the motion, and it was unanimously approved.

PUBLIC HEARING: CONSIDERATION OF RESOLUTION APPROVING AMENDMENTS TO THE PARKS AND RECREATION CAPITAL FACILITIES PLAN LIST (Agenda Item #9)

Public Hearing

Mayor Harbertson opened the Public Hearing at 8:35 p.m. There was no one to speak concerning this item, and the Public Hearing was closed at 8:35 p.m.

Motion

Sid Young made a motion to approve the Parks and Recreation Capital Facilities Plan List. **Cory Ritz** seconded the motion, and all Council members approved.

CONSIDERATION OF LOT LINE ADJUSTMENT IN BRAY SUBDIVISION (Agenda Item #10)

Mayor Harbertson explained that in 1999, a minor subdivision was approved for property located at approximately 1950 N. Compton Road. The original layout included the southern parcel or Lot 2 with 2.13 acres, and the northern parcel or Lot 1 with 1.03 acres. The two property owners would like to record a lot line adjustment exchanging property on the rear of the lots which would amend Lot 2 to include 1 acre and Lot 1 to include a total of 2.15 acres. This adjustment is necessary to clear up a discrepancy on the lot line.

Motion

Jim Talbot made a motion to approve the lot line adjustment as requested. **Cory Ritz** seconded the motion, and all Council members approved.

REQUEST FOR REDUCTION OF WATER BILL OVERAGE CAUSED BY UNDETECTED LEAK – FRANK & BARBARA FRODSHAM (Agenda Item #12-a)

Mayor Harbertson said the total amount of the water bill was $3,983.00 and asked the City Manager to explain his proposal. **Mr. Forbush** said that when a leak is discovered, the City does expect the resident to pay half the amount of the bill; and they are expected to repair the leak. The City has a policy of forgiving one half of the overage amount on an undetected leak. However, in this case the leak went undetected for four months during the winter. He recommended the following:

- Divide the overage amount by four months.
- Divide a one-month overage amount in half.
- Assess the overage amount for one half of one month.

Public Hearing

The **Mayor** opened the public hearing at 8:20 p.m. There was no one to speak regarding this item, and the public hearing was closed at 8:20 p.m.

There was discussion regarding the purchase of a new platform fire truck and plans for a second fire station in west Farmington. The fire equipment will be paid for over time, and the cost will be about $1 million. Including the interest over 15 years, the full amount will be approximately $1.4 million. **Mr. Forbush** referred to the fee schedule included in the packet and pointed out that these impact fees affect only non residential development.

Motion

Rick Dutson made a motion to approve the Resolution amending the Fire Capital Facilities Plan. **Sid Young** seconded the motion, and it was approved by all Council Members.

Motion

Rick Dutson made a motion to approve the Ordinance adopting the Fire Capital Facilities Impact Fee Written Analysis and related Fire Impact Fee Schedule. The motion was seconded by **Sid Young**, and it was approved by Council Member **Cory Ritz**. **Jim Talbot** voted against the motion.

Council member **Jim Talbot** explained that he is not in opposition of purchasing an additional fire truck. He supports the need to protect the community, but he believes the fee schedule is unfair and that there should be a better way to balance out the fees—some of the new developments that are trying to come into our City have the highest fees. The Council also discussed the possibility of paying for these items in less than 15 years which would avoid such a large amount of interest.

PUBLIC HEARING: CONSIDERATION OF (1) RESOLUTION AMENDING THE CULINARY WATER CAPITAL FACILITIES PLAN; AND (2) ORDINANCE ADOPTING THE CULINARY WATER CAPITAL FACILITIES IMPACT FEE WRITTEN ANALYSIS AND RELATED CULINARY WATER IMPACT FEE SCHEDULE (Agenda Item #8)

Public Hearing

Mayor Harbertson opened the public hearing at 8:30 p.m. There was no one to speak concerning this item, and the public hearing was closed at 8:30 p.m.

Motion

Cory Ritz made a motion to approve the Resolution amending the Culinary Water Capital Facilities Plan. **Rick Dutson** seconded the motion, and it was unanimously approved.

Motion

City property near 160 South Main in the vicinity of the Community Arts Center, the new City Hall, Swimming Pool, and Main Park area. **Rick Dutson** seconded the motion, and it was unanimously approved.

Motion

Sid Young made a motion to rezone the same property from Large Residential (LR) to Business Residential (BR). **Rick Dutson** seconded the motion, and it was approved by all Council members.

Mr. Symes requested that Agenda Item #11 be reviewed prior to Agenda Item #7.

CONSIDERATION OF ASHBY FAMILY REQUEST FOR A COST REDUCTION OF A CONDITIONAL USE PERMIT APPLICATION FEE FOR A HOME OCCUPATION LICENSE TO TEACH SWIM LESSONS (Agenda Item #11)

The **Mayor** asked staff to research similar conditional use permits, and they found only one other application, and the full amount of the fee was paid. He said there are other residents who teach swim lessons but have never applied for a permit, and he commended the **Ashby's** for doing it the right way.

Dela Ashby said the current conditional use fee of $200 makes sense for larger business endeavors; however, the fee seems too high for her small business. She anticipates making enough money to pay for her pool expenses and hopes it will benefit some of her neighbors.

Following a brief discussion, the Council agreed that a lower fee would be acceptable. **Mr. Petersen** suggested that staff should consider amending the fee for seasonal conditional uses such as swimming, snow-cone shacks, etc.

Motion

Rick Dutson made a motion that the conditional use permit application fee be reduced from $200 to $50. **Cory Ritz** seconded the motion, and it was unanimously approved.

PUBLIC HEARING: CONSIDERATION OF (1) RESOLUTION AMENDING THE FIRE CAPITAL FACILITIES PLAN; AND (2) ORDINANCE ADOPTING THE FIRE CAPITAL FACILITIES IMPACT FEE WRITTEN ANALYSIS AND RELATED FIRE IMPACT FEE SCHEDULE (Agenda Item #7)

Background Information

Mr. Forbush explained that Farmington City's request is to modify both its Fire Protection Capital Facilities Plan & Impact Fee and its Culinary Water Capital Facilities Plan and Impact Fee (Agenda Item #8), and both the fire and water impact fee rates will charge. The Council will also consider amending the Parks & Recreation Capital Facilities Plan (Agenda Item #9); however, no changes are planned to the Parks & Recreation Impact Fees.

the original northern front third of the building is eligible for the register, but the interior will not be included. The City's Historic Preservation Ordinance does not cover interior alterations.

Public Hearing

Mayor Harbertson opened the Public Hearing at 7:30 p.m.

Bret Millburn, Davis County Commissioner, expressed appreciation for the efforts of the FCHPC and gave his support for the designation. He said Davis County is in the design process for a new administration building and headquarters of the library to be built on County property south of the existing Courthouse. The new building will house nearly all of the current uses in the Courthouse, and the Commission is unsure of the future use for the existing Courthouse. He commended Farmington City for their efforts and appreciates the relationship between Davis County and Farmington City.

With no further comments, the Public Hearing was closed at 7:45 p.m.

Motion

Cory Ritz made a motion to adopt the Ordinance designating the Davis County Courthouse as a Historic Landmark on Farmington City's Landmark List. **Jim Talbot** seconded the motion, and it was unanimously approved.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO (1) AMEND THE GENERAL PLAN FROM "PUBLIC/PRIVATE RECREATION OPEN SPACE AND/OR PARKS, VERY LOW DENSITY" (PPR) AND "LOW DENSITY RESIDENTIAL" (LDR) TO "MIXED USE BUSINESS, MEDIUM DENSITY RESIDENTIAL, LIGHT COMMERCIAL" (MU/B) FOR A PORTION OF CITY PROPERTY NEAR 160 SOUTH MAIN STREET IN THE VICINITY OF THE COMMUNITY ARTS CENTER, THE NEW CITY HALL, THE SWIMMING POOL, AND THE MAIN PARK AREA; AND (2) REZONE THE SAME PROPERTY FROM LARGE RESIDENTIAL (LR) TO BUSINESS RESIDENTIAL (BR) (Agenda Item #6)

The Council agreed with the Planning Commission that this request is consistent with other uses in the neighborhood. The Children's Justice Center, located across the street to the west of this property, will probably require a zoning change sometime in the future. The **Mayor** mentioned the possibility of leasing out a portion of the upper level of the new City Hall.

Public Hearing

The **Mayor** opened the Public Hearing at 7:55 p.m. There was no one to speak concerning this item, and the Public Hearing was closed at 7:55 p.m.

Motion

Sid Young made a motion to amend the General Plan from "Public/Private Recreation Open Space and/or Parks, Very Low Density" (PPR) and Low Density Residential" (LDR) to "Mixed-Use Business, Medium Density Residential, Light Commercial" (MU/B) for a portion of

4. The City Council finds all of the mandatory criteria under the City's Conservation Easement Amendment Policy for amendments to the Conservation Easement are met, including, but not limited to, the following:

    a. The amendments are consistent with the overall purposes of the Conservation Easement and will not be detrimental to or compromise the protection of the state conservation values of the property.
    b. The amendments are substantially equivalent to or enhance the conservation values of the property.
    c. The amendments are consistent with the City's goals for conservation of land under applicable City Ordinances and will not undermine the City's obligation to preserve and enforce conservation easements it has accepted.
    d. The amendments are the minimum change necessary to achieve the desired and acceptable purpose.
    e. The amendments are clearly warranted and in the best interest of public and subject property.
    f. Granting of the amendments will not set an unfavorable precedent for future amendment requests.
    g. The amendments do not adversely affect the City's qualification as holder of conservation easements.
    h. The amendments do not provide a private benefit to the landowner or any private party.

5. Even with grazing and agricultural uses, the Conservation lane will remain preserved for open space consistent with the stated Conservation Values and existing permitted and conditional uses under the terms of the Conservation Easement.

6. The Conservation Easement already provides for anticipated grazing of class "B" livestock and pastureland for sheep and cows, and the proposed agricultural uses of the property are consistent with such uses and preservation of the property.

7. In order to protect the open nature and preservation of the property, associated buildings and structures for permitted uses shall require a conditional use permit. Such uses should be limited, and the location and access to such structures shall be determined with conditional use permit approval.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE DESIGNATING THE DAVIS COUNTY COURTHOUSE AS A HISTORIC LANDMARK ON THE FARMINGTON HISTORIC LANDMARK REGISTER (Agenda Item #5)

Annette Tidwell, Executive Director of the Farmington City Historic Preservation Commission (FCHPC), recommended that the Davis County Memorial Courthouse be designated to the Farmington City Historic Landmarks Register. She said it is one of the most historically and architecturally important landmarks in Farmington. She gave a brief history of the Courthouse and said the current building is the third one that has been built on the same site. The FCHPC met with Davis County representatives and reached an agreement which states that

site, and published a notice for the public hearing. He said the City has a twenty-foot trail easement along the back of the property lines, and the City Attorney recommended that an additional thirty feet be included for a buffer zone.

Steve Christensen said he approves of the proposed Ordinance with the exception of the 50-foot buffer zone. He said the area currently has native grass and thistles, and his preference would be to plant alfalfa to the side of the trail. If the Council did not approve of that, he said he would mow the area several times per year. He would prefer maintaining alfalfa rather than controlling weeds.

Public Hearing

The **Mayor** opened the public hearing at 7:20 p.m. There were no comments regarding this item, and the public hearing closed at 7:20 p.m.

Mayor Harbertson explained that the only real issue with this ordinance is the proposed 50-foot buffer. He agreed that the proposed buffer was an attempt by the City to offer protection to the existing homeowners. A trail through the area is planned for the future, and a 20-foot width is already secure. The Council discussed the pros and cons of the buffer zone and agreed that it would be a maintenance issue and that unkempt weeds could be a fire hazard. They determined that the existing trail easement of 20 feet would be sufficient.

Motion

Rick Dutson made a motion to approve the First Amendment to the Conservation Easement and Agreement for the Farmington Meadows Phase I Subdivision as recommended by staff and legal counsel, with the exclusion of note 4 on Exhibit B. The motion was seconded by **Cory Ritz**, and it was approved by all Council Members.

Findings for Approval

1. The City Council has held the required public hearing, with 14-day advance notice of the same, in accordance with the Farmington City Conservation Easement Amendment Policy to obtain public comment regarding the proposed amendments to the Conservation Easement.

2. The City Council has reviewed the proposed amendments and the qualifications and criteria for review and approval of any such amendments in accordance with the City's Conservation Easement Amendment Policy.

3. The City Council finds that the proposed amendments represent minor or incidental changes which are not inconsistent with the conservation values or purposes delineated in the Conservation Easement and/or provide clarification to aid in the interpretation of the Conservation Easement.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

Motion

Sid Young made a motion to approve the minutes of the March 30, 2010 City Council meeting. The motion was seconded by **Cory Ritz**, and it was approved by all Council members.

PLANNING COMMISSION REPORT (Agenda Item #3)

Jim Young reported on the Planning Commission meeting held April 15, 2010:

1. A plat for a two-lot minor subdivision located at 780 South Country Lane was approved.

2. A request for a rezone from LR to BR for approximately four acres of property owned by Farmington City at approximately 160 South Main Street was approved. The Commission felt that the request was consistent with other uses in the neighborhood.

3. A request for a conditional use permit for the remodeling and use of an accessory dwelling located at 245 East 200 North was approved with two additional conditions: (1) The property owner will combine the two parcels to have one tax identification number, which must be completed prior to the Certificate of Occupancy being granted by the City; and (2) The City must verify that the accessory building conforms to the height requirements stated in the ordinance.

4. A conditional use permit for **Dela Ashby** to teach swimming lessons at her home was approved.

5. The Commission recommended that the City Council annex approximately .43 acres of property (1700 North 1500 West) with a zoning designation of LR.

6. The Commission approved several minor changes to the City's Zoning Ordinance and to the Subdivision Ordinance.

Mr. Young commended Staff for their efforts in preparing the relevant information for the Planning Commission meetings which assists them as they strive to make informed decisions. He mentioned that Farmington is on the cover of Heritage Magazine which is great publicity for the City. He serves on the Council of Governments Transportation Committee and asked each Council member to complete a survey which will assist the Committee as they determine future transportation needs.

PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO AMEND CONSERVATION EASEMENT FOR THE FARMINGTON MEADOWS SUBDIVISION – STEVE CHRISTENSEN (Agenda Item #4)

Glenn Symes explained that **Mr. Christensen** would like to purchase Parcel D of the Farmington Meadows Phase 1 Subdivision and use it for the grazing of livestock and the growing of crops, so he requested an amendment to the Conservation Easement. The Community Development Department reviewed the original records of the easement, visited the

(Agenda Item #5) – PUBLIC HEARING: CONSIDERATION OF ORDINANCE DESIGNATING THE DAVIS COUNTY COURTHOUSE AS A HISTORIC RESOURCE ON THE FARMINGTON HISTORIC LANDMARK REGISTER (Agenda Item #5)

Mr. Forbush suggested that the motion for approval of this Ordinance must specify that only the front third of the exterior of the Courthouse is included.

PUBLIC HEARING: CONSIDERATION OF (1) RESOLUTION AMENDING THE FIRE CAPITAL FACILITIES PLAN; AND (2) ORDINANCE ADOPTING THE FIRE CAPITAL FACILITIES IMPACT FEE WRITTEN ANALYSIS AND RELATED FIRE IMPACT FEE SCHEDULE (Agenda Item #7)

PUBLIC HEARING: CONSIDERATION OF (1) RESOLUTION AMENDING THE CULINARY WATER CAPITAL FACILITIES PLAN; AND (2) ORDINANCE ADOPTING THE CULINARY WATER CAPITAL FACILITIES IMPACT FEE WRITTEN ANALYSIS AND RELATED CULINARY WATER IMPACT FEE SCHEDULE (Agenda Item #8)

PUBLIC HEARING: CONSIDERATION OF RESOLUTION APPROVING AMENDMENT TO THE PARKS AND RECREATION CAPITAL FACILITIES PLAN LIST (Agenda Item #9

Max Forbush explained that each of these items were noticed, sent to the proper entities, and posted in the library. The request is to modify both the Fire and Culinary Water Impact Fees and to amend the Parks & Recreation Capital Facilities Plan List. He reviewed the amendments as shown in the staff report. He said there would be a public hearing on each of the three items in the regular session. The Council discussed some of the details of each item.

REVIEW OF THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR PARK LANE VILLAGE (Agenda Item #12-c)

David Petersen pointed out that this amendment was necessary because HUD does not allow the impact fees to be paid directly to the developer. They must be paid to the City, and the City will then pay the developer.

REGULAR CITY COUNCIL/CITYCHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council Members Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey*

Mayor Harbertson opened the meeting at 7:00 p.m. and welcomed those in attendance, including Farmington Youth City Council members **Alexa Nelson** and **Joel Tate**. **Max Forbush** offered the invocation, and the Pledge of Allegiance was led by local Boy Scout **Jonah McFarland**.

DRAFT

FARMINGTON CITY COUNCIL MEETING

Tuesday, April 20, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: *Mayor Scott Harbertson, Council Members Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, City Planner David Petersen, Assistant City Planner Glenn Symes, Zoning Administrator Ken Klinker, and Recording Secretary Cynthia DeCoursey*

Mayor Harbertson began the work session at 5:40 p.m.

(Agenda Item #4) – PUBLIC HEARING: CONSIDERATION OF ORDINANCE TO AMEND CONSERVATION EASEMENT FOR THE FARMINGTON MEADOWS SUBDIVISION – STEVE CHRISTENSEN (Agenda Item #4)

Mayor Harbertson explained that **Mr. Christensen** is requesting a modification to this Conservation Easement which would allow him to grow and harvest crops, graze cattle and construct accessory buildings. The City Zoning Administrator, **Ken Klinker**, recommended that the Council follow the City Attorney's counsel and implement a 50-foot buffer zone along the back of the property lines of Lots 125-138. The buffer would include a 20-foot trail easement, and the remaining 30 feet would be maintained in natural vegetation with no grazing or harvesting allowed. **Mayor Harbertson** pointed out that there is nothing in the Easement which requires the City to have a buffer zone—it was added by the City Attorney for the benefit of adjacent homeowners. **Mr. Klinker** said there is an agreement with the HOA which requires the livestock to be 150 feet away from homes in the area. The Council discussed issues involved with the request, including the maintenance of the buffer zone, the difficulty of maintaining native landscape grasses, and the possibility of fencing the trail area.

(Agenda Item #17) – RESIDENTIAL MIXED USE/CODE ENFORCEMENT IN THE BR ZONE DISCUSSION

David Petersen said the owners of approximately one acre of property east of the City Hall, facing 100 East, have recently moved shipping containers into the rear yard of their residential dwelling. The containers are being used for book storage (they own a bookstore in Bountiful). The property is zoned BR, and the owners are considering a small bookstore at the back of their home. However, currently it is not possible to mix a residential use with a commercial use in this zone. It is not clear why this property in a residential area was zoned for commercial uses. In the long term, mixed use development may occur on the east side of the block abutting the west side of Main between State Street and 100 East. **Mr. Petersen** asked the Council if they would be in favor of pursuing a zone text amendment. The Council Members were opposed to the storage containers being located in this area, and they do not want to move forward with a zone text amendment at the current time.

Towards the end of the meeting, a discussion was held on property for a future cemetery site.

The meeting then adjourned at 9:45 p.m.

_____

Margy L. Lomax
City Recorder

DRAFT

SPECIAL FARMINGTON CITY COUNCIL MEETING

Tuesday, April 27, 2010
Farmington City Hall, 130 North Main
5:00 p.m.

PRESENT: Mayor Scott Harbertson, Council Members John Bilton, Rick Dutson, Sid Young, Cory Ritz, and Jim Talbot; City Manager Max Forbush and Finance Director Keith Johnson.

The special meeting was held for the purpose of conducting a budget work session. The following department heads gave presentations on budgetary items: Larry Gregory, Fire Chief; Neil Miller, Parks & Recreation Director; Walt Hokanson, Public Works Director, accompanied by Ray White, Larry Famuliner and Brad Thurgood; and Lt.Shane Whitaker of the Police Department represented Chief Wayne Hansen.

Max Forbush and Keith Johnson reported on the written communication submitted earlier by David Petersen on behalf of the Community Development Department regarding budgetary issues for his Department.

Following the presentations by the department heads, Keith Johnson gave a brief review of the General Fund balance with reports on the revenues and expenditures for both Fiscal Year 2010 and the proposed Fiscal Year 2011 budget years.

Max Forbush reviewed with the City Council the purpose of the budget and the need for the Governing Body to focus on budget strategy as it reviews the budget considering long-term needs of the City in their discussions.

Keith Johnson and Max Forbush then reviewed personnel related issues such as compensation, employment levels/requests, health insurance, and out-of-town training requests. The capital budgets in Funds 37, 38, 39, 42, and 43 were also reviewed.

The City Council voted to restore $36,000 for clerical support in the Administration Department and to add $30,000 to the Parks & Recreation budget for additional help in that Department. They also approved $2,000 for David Petersen's trip to Boston, Massachusetts, to attend a training conference.

Initially the request for a compensation increase of 2.7% was eliminated with instructions to Keith and Max to come back to the Council with the amount needed by employees to cover the out-of-pocket expenses to be paid by the employees for their health insurance premium increases and the cost of reduction of coverage. This will be discussed at the next budget work session.

Also, a television was eliminated from the budget in the ambulance department. Direction was given to put funds in the Parks & Recreation budget for Legacy Trail maintenance.

Agenda Item 2

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

SUBJECT: **Approval of Minutes of Previous Meetings**

ACTION TO BE CONSIDERED:

Minute motion approving the minutes of the regular City Council meeting held April 20, 2010, and the Budget Work Session meeting held April 27, 2010.

GENERAL INFORMATION:

Please see enclosed minutes. They have been reviewed by staff and are ready for Governing Body review and approval.

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

Agenda Item 1

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4, 2010

Petitioner _____

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

It is requested that Council Member Cory Ritz give the invocation/opening comments to the meeting and that John Bilton lead the audience in the Pledge of Allegiance.

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

Planning Commission Staff Report
April 29, 2010

Item 3: Spring Creek Estates Phase 3-B Final Plat

Public Hearing:	No
Application No.:	S-3-10
Property Address:	400 North 1875 West
General Plan Designation:	Rural Residential Density (RRD)
Zoning Designation:	Agricultural Estates (AE)
Area:	7.5 acres
Number of Lots:	18
Property Owner:	Heber South Towne, LLC
Agent:	Howard Kent, SLI

Request: *Applicant is requesting a recommendation of approval for a Final Plat for the Spring Creek Estates Phase 3-B subdivision plat.*

Background Information

The applicant is requesting a recommendation of approval for phase 3-B of the Spring Creek Estates subdivision. The preliminary plat for the Spring Creek Estates project was approved in December of 2007 consisting of 169 single-family residential lots. The first two phases have been approved and built. The third phase, planned originally for 89 lots, was placed on hold due to the conditions of the housing market. The project has begun again and the applicant would like to continue working through phase 3. Instead of working on all 89 lots, the applicant would like to break phase 3 into several sub-phases. This application is for the second of these sub-phases and consists of the first 18 lots. Since this subdivision is a conservation subdivision, a development agreement must be finalized and recorded with the plat. The final plat as presented is consistent with the approved preliminary plat.

Suggested Motions:

Move that the Planning Commission recommend approval of a final plat for the Spring Creek Estates Phase 3-B subdivision with the following conditions:

1. **The applicant work with the City's Development Review Committee** to address any outstanding issues related to the final plat including but not limited to planning, engineering, storm water, sewer, culinary and secondary water and public works.
2. The applicant work with staff to finalize and present to the City Council a development agreement for the Spring Creek Estates subdivision.

3. The applicant submit an amended master plan exhibit for the recordation of the development agreement.

Findings:

1. The proposed final plat is consistent with the approved preliminary plat.
2. The proposed subdivision meets all the requirements for approval of a final plat.

Supplemental Information

1. Final Plat for Spring Creek Estates Phase 3-B

Applicable Ordinances

1. Title 11, Chapter 12 – Conservation Subdivisions
2. Title 12, Chapter 6 – Major Subdivisions

Spring Creek Estates No. 3-B

A part of the Southwest 1/4 of Section 14, T3N, R1W, SLB&M, U.S. Survey Farmington City, Davis County, Utah

NARRATIVE:
This Survey and Subdivision plat was done at the request of Mr. Howard Kent of SLI Commercial Real Estate, for the purpose of platting eighteen (18) residential Lots. Brass Cap Monuments were found at the Northwest corner the West 1/4 corner and the Southwest corner of Section 14, T3N, R1W, SLB&M. U.S. Survey, A line bearing South 0°03'58" East between the Northwest corner and the West 1/4 corner was used as the basis of bearings. Property corners were monumented as depicted.

PROPERTY LINE CURVE DATA

(1)	(2)	(3)	(4)	(5)	(6)
Δ = 90°00'35"	Δ = 89°59'25"	Δ = 0°36'30"	Δ = 0°25'24"	Δ = 0°38'51"	Δ = 0°46'46"
R = 15.00'	R = 15.00'	R = 11204.39'	R = 11204.39'	R = 6050.51'	R = 6050.51'
L = 23.56'	L = 23.56'	L = 66.84'	L = 82.79'	L = 68.36'	L = 82.31'
LC = 21.21'	LC = 21.21'	LC = 66.84'	LC = 82.79'	LC = 68.36'	LC = 82.31'
S 44°46'09" W	N 45°13'55" W	S 89°36'08" W	S 89°13'10" W	N 89°19'34" E	S 89°57'18" E

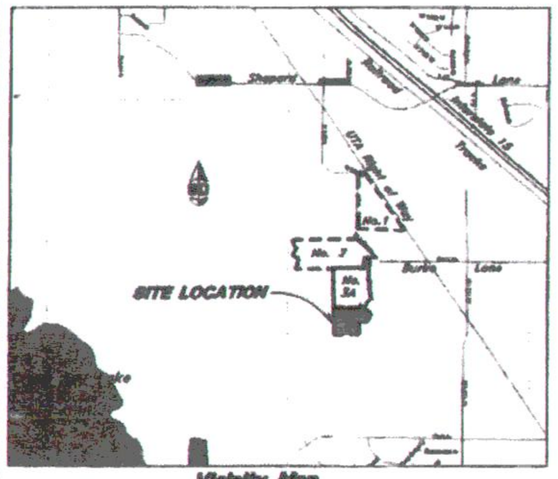
(7)	(8)	(9)	(10)	(11)	(12)
Δ = 0°46'44"	Δ = 0°38'33"	Δ = 0°25'28"	Δ = 0°30'26"	Δ = 90°00'35"	Δ = 90°00'00"
R = 3995.51'	R = 3995.51'	R = 11259.39'	R = 11259.39'	R = 15.00'	R = 15.00'
L = 81.51'	L = 67.79'	L = 83.43'	L = 68.64'	L = 23.56'	L = 23.56'
LC = 81.51'	LC = 67.79'	LC = 83.43'	LC = 68.64'	LC = 21.21'	LC = 21.21'
S 89°57'17" E	N 89°19'34" E	S 89°13'12" W	S 89°36'10" W	N 44°46'05" E	S 45°14'12" E

(13)	(14)	(15)	(16)	(17)	(18)
Δ = 47°33'45"	Δ = 48°31'34"	Δ = 38°24'34"	Δ = 68°37'40"	Δ = 60°07'35"	Δ = 46°23'27"
R = 26.50'	R = 53.50'	R = 53.50'	R = 53.50'	R = 53.50'	R = 53.50'
L = 21.99'	L = 45.45'	L = 35.87'	L = 61.20'	L = 56.15'	L = 43.32'
LC = 21.36'	LC = 42.27'	LC = 35.52'	LC = 57.98'	LC = 53.61'	LC = 42.14'
N 65°58'23" E	S 65°29'00" W	N 63°02'46" W	N 3°01'39" W	N 60°51'09" E	S 69°53'10" E

(19)	(20)	(21)
Δ = 47°33'45"	Δ = 90°00'00"	Δ = 89°59'25"
R = 26.50'	R = 15.00'	R = 15.00'
L = 21.99'	L = 23.56'	L = 23.56'
LC = 21.36'	LC = 21.21'	LC = 21.21'
N 66°27'49" W	S 44°45'48" W	S 45°13'55" E

CENTERLINE CURVE DATA

(A)	(B)
Δ = 0°45'55"	Δ = 1°25'37"
R = 11331.89'	R = 6023.01'
L = 150.00'	L = 149.99'
LC = 150.00'	LC = 149.99'
S 89°23'26" W	N 89°43'17" E



Vicinity Map
Not to Scale

LEGEND

- Set Nail & Washer
- Set Rebar & Cap w/ Fencepost
- Nub & Tack
- Monument to be Set
- Section Corner
- (Rad) Radial line
- (N/R) Non-Radial line
- D.C.S. Davis County Survey
- Existing Fence Line
- Drainage Easement

NOTE:
10' wide Public Utility Easement as indicated by dashed lines, except as otherwise shown. Shaded Drainage Easements may be subject to drainage from adjacent lots.

GREAT BASIN ENGINEERING
5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.L.C. (801)521-8529 FAX (801)393-7544
WWW.GREATBASINENGINEERING.COM

ACKNOWLEDGMENT

State of Utah
County of } ss

On the day of , 2009, personally appeared before me Scott C. Harbertson, who being by me duly sworn did say that he is Mayor of Farmington City, and that said instrument was signed in behalf of said City and Scott C. Harbertson acknowledged to me that said City executed the same.

Residing At: _____ A Notary Public Commission in Utah

Commission Expires: _____ Print Name

NOTE:
The developer has provided a soils report to Farmington City.

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that this plat of Spring Creek Estates No. 3-B in Farmington City, Davis County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Davis County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17. Monuments have been set as depicted on this Drawing.

Signed this 23rd day of April, 2010.

6242920
License No.

Andy Hubbard

BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey;

Beginning at the Southwest Corner of Parcel C, Spring Creek Estates No. 3A in Farmington City, Davis County, Utah; said point is 2095.06 feet South 0°18'20" East along the Section line from the West Quarter corner of said Section and running thence (3) courses along the Southerly Boundary of said Subdivision as follows: North 89°45'48" East 508.01 feet, North 20°31'02" East 50.00 feet and South 58°49'29" East 99.39 feet; thence South 48°04'25" East 184.62 feet; thence South 17°08'15" West 174.45 feet; thence South 89°48'23" West 184.98 feet; thence South 0°14'12" East 105.00 feet; thence South 8°44'51" West 55.41 feet; thence South 0°14'12" East 105.50 feet to the Section line and the North Boundary of Farmington Ranches Phase 5 Subdivision in Farmington City, Davis County, Utah; thence South 89°46'23" West 488.10 feet along said Section line and said North line to the Southwest Corner of said Section; thence North 0°18'20" West 547.42 feet along the Section line and the East Boundary of Farmington Meadows Phase 1 Subdivision in Farmington City, Davis County, Utah, to the point of beginning.

Contains 7.519 Acres

OWNER'S DEDICATION

I, the undersigned owner of the hereon described tract of land, hereby set apart and subdivide the same into lots, parcels and streets as shown on this plat, and name said tract Spring Creek Estates No. 3-B, and hereby dedicate, grant and convey to Farmington City, Davis County, Utah, all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever, and also dedicate to Farmington City those certain strips as easements for public utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance, and operation of the public utility service lines and drainage, as may be authorized by Farmington City.

Signed this day of , 2010.

SLI Commercial Real Estate

Howard Kent – President
261 East 300 South Suite 350
Salt Lake City, Utah 84111

ACKNOWLEDGMENT

State of Utah
County of } ss

On the day of , 2010, personally appeared before me Howard Kent, who being by me duly sworn did say that he is the President of SLI Commercial Real Estate, and that said instrument was signed in behalf of said Corporation by a resolution of its Board of Directors and Howard Kent acknowledged to me that said Corporation executed the same.

Residing At: _____ A Notary Public Commission in Utah

Commission Expires: _____ Print Name

SHEET 1 OF 2

Spring Creek Estates No. 3-B
A part of the Southwest 1/4 of Section 14, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____ FILED FOR RECORD AND RECORDED _____, AT _____ IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____. RECORDED FOR _____

DAVIS COUNTY RECORDER

BY: _____ DEPUTY

BENCHLAND WATER DISTRICT
Approved by the Benchland Water District on this day of , 2010.
Signature

CENTRAL DAVIS SEWER DISTRICT APPROVAL
Approved by the Central Davis Sewer District on this day of , 2010.
Signature

FARMINGTON CITY PLANNING COMMISSION APPROVAL
Reviewed by the Farmington City Planning and Zoning Commission on the day of , 2010.
Chairperson

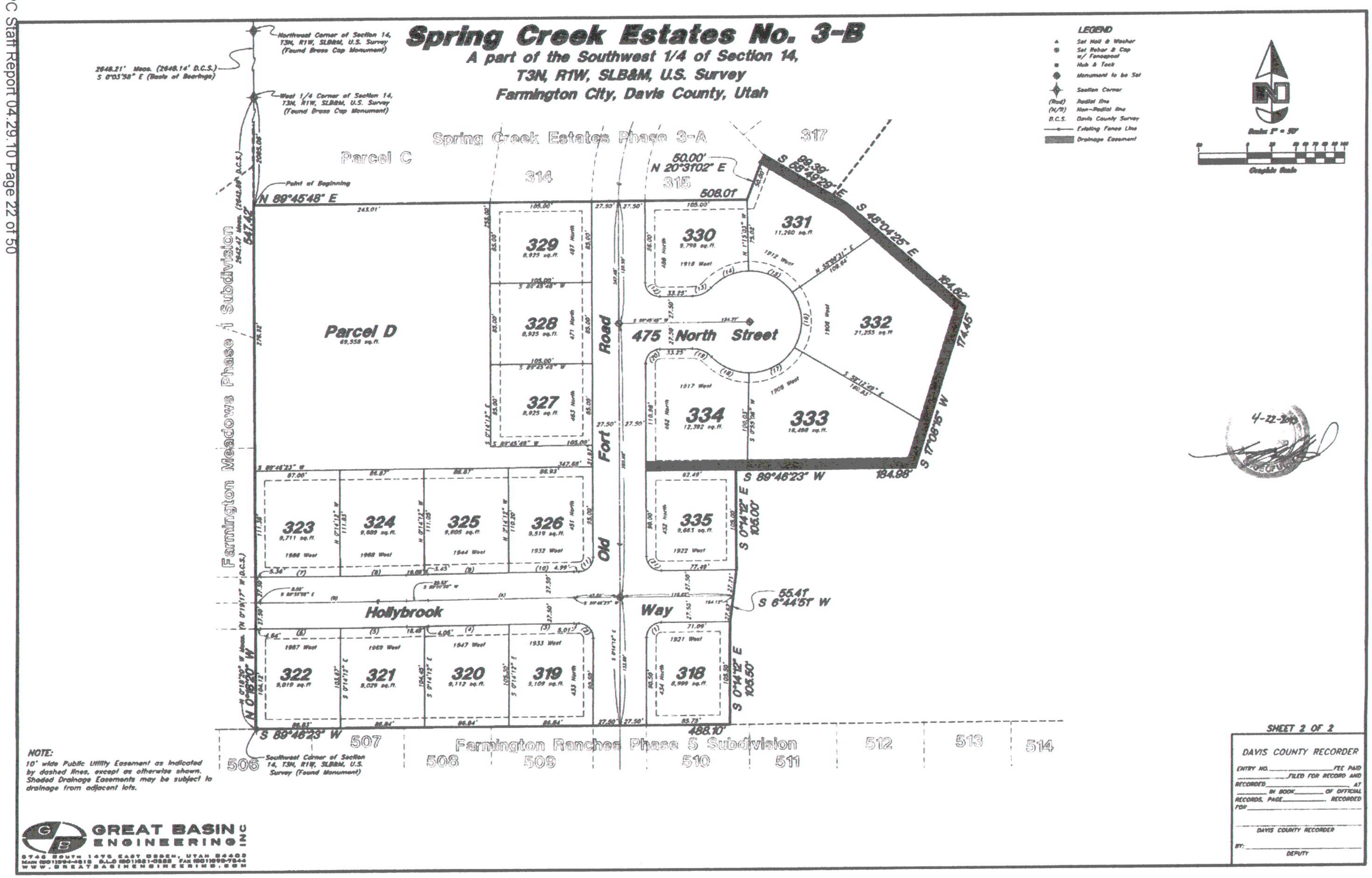
FARMINGTON CITY ENGINEER'S APPROVAL
Approved by the Farmington City Engineer on this day of , 2010.
Signature

FARMINGTON CITY ATTORNEY'S APPROVAL
Approved by the Farmington City Attorney on this day of , 2010.
Signature

FARMINGTON CITY COUNCIL APPROVAL
This is to certify that this plat and dedication of this plat were duly approved and accepted by the City Council of Farmington City, Utah this day of , 2010.

Attest _____

Title _____ Mayor


Spring Creek Estates No. 3-B
A part of the Southwest 1/4 of Section 14,
T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah
LEGEND
Set Nail & Washer
Set Rebar & Cap w/ Fenceposet
Hub & Tack
Monument to be Set
Section Corner
(Rad) Radial line
(N/R) Non-Radial line
D.C.S. Davis County Survey
Existing Fence Line
Drainage Easement
Spring Creek Estates Phase 3-A
Parcel C
Parcel D
Farmington Meadows Phase 1 Subdivision
Farmington Ranches Phase 5 Subdivision
475 North Street
Old Fort Road
Hollybrook Way
N 89°45'48" E
S 89°46'23" W
S 0°14'12" E
S 6°44'51" W
S 48°04'25" E
S 17°08'15" W
N 20°31'02" E
S 89°46'23" W
N 0°18'20" W
Point of Beginning
Northwest Corner of Section 14, T3N, R1W, SLB&M, U.S. Survey (Found Brass Cap Monument)
West 1/4 Corner of Section 14, T3N, R1W, SLB&M, U.S. Survey (Found Brass Cap Monument)
Southwest Corner of Section 14, T3N, R1W, SLB&M, U.S. Survey (Found Monument)
NOTE:
10' wide Public Utility Easement as indicated by dashed lines, except as otherwise shown. Shaded Drainage Easements may be subject to drainage from adjacent lots.
GREAT BASIN ENGINEERING INC
SHEET 2 OF 2
DAVIS COUNTY RECORDER
ENTRY NO. FEE PAID
FILED FOR RECORD AND RECORDED AT
IN BOOK OF OFFICIAL RECORDS, PAGE RECORDED FOR
DAVIS COUNTY RECORDER
BY:
DEPUTY

Planning Commission Staff Report
April 29, 2010

Item 4: Park Lane Commons Preliminary Subdivision Plat

Public Hearing:	Yes
Application No.:	S-5-10
Property Address:	500 North 1000 West
General Plan Designation:	TMU (Transportation Mixed Use)
Zoning Designation:	TMU (Transit Mixed-use)
Area:	33 acres
Number of Lots:	1
Property Owner:	Farmington Square, LLC; Daufuskie Investments, LLC
Agent:	Scott Harwood, The Haws Companies

Request: *Applicant is requesting approval of a preliminary plat for the Park Lane Commons subdivision creating one lot, several parcels and dedicating the rights-of-way adjacent to and serving the Park Lane Village apartment project.*

Background Information

This application is for the actual subdivision or parceling off of the property on which the Park Lane Village apartments will be built. The subdivision plat will serve to create the buildable lot, designate parcels for future development, dedicate the rights-of-way for the City roadways associated with the project and will memorialize the "no-build" zone through the Park Lane Village project. The subdivision plat is limited to only dedicating the rights-of-way and designating the buildable lot at this point. Future plats will be recorded as development in the area continues.

Suggested Motions:

Move that the Planning Commission approve a preliminary plat for the Park Lane Commons subdivision plat with the following conditions:

1. The applicant work with the City's Development Review Committee to address any outstanding issues related to the preliminary plat including but not limited to planning, engineering, storm water, sewer, culinary and secondary water and public works.
2. The applicant work with the City to address any comments or changes necessary for a final plat.
3. The applicant acquire final plat approval for the subdivision prior to recordation from the Planning Commission and City Council.

Findings:

1. The preliminary plat is consistent with the schematic subdivision plat approved by the Planning Commission and City Council.
2. The proposed subdivision is necessary for the issuance of building permits and finalization of the site plan for the Park Lane Village apartment project.
3. The proposed subdivision contains all of the amended rights-of-way and cross-section widths as discussed and approved with the Park Lane Commons Master Plan.
4. The addition of the "no-build" zone on the plat designating areas where this or future developers may build meets the intent of the Regulating Plan approved with Chapter 18 of the Zoning Ordinance.

-OR-

Move that the Planning Commission table the proposed subdivision to allow staff and the applicant to gather any necessary information regarding the application.

Supplemental Information

1. Park Lane Commons subdivision preliminary plat

Applicable Ordinances

1. Title 11, Chapter 18 – Mixed-use Districts
2. Title 12, Chapter 6 – Major Subdivisions

PARK LANE COMMONS

FARMINGTON CITY, DAVIS COUNTY, UTAH

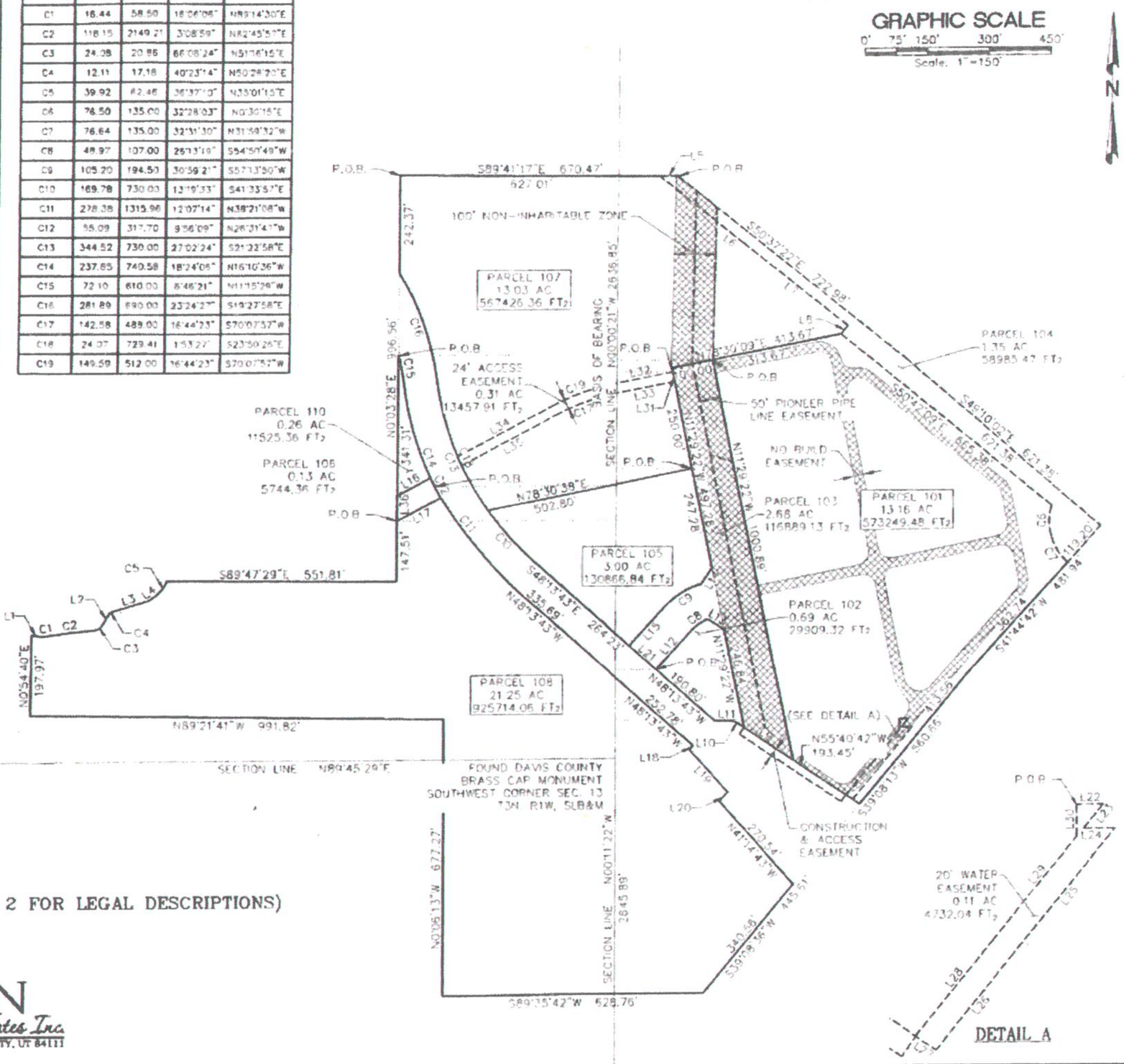
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 13 AND THE NORTHWEST QUARTER OF SECTION 24
TOWNSHIP 3 NORTH, RANGE 1 WEST SALT LAKE BASE AND MERIDIAN
DAVIS COUNTY, UTAH

LINE TABLE

LINE #	LENGTH	DIRECTION
L1	19.10	S82°42'27"E
L2	27.03	N30°16'43"E
L3	89.87	N72°41'18"E
L4	26.14	N53°19'50"E
L5	43.46	N89°41'17"W
L6	260.79	S50°37'22"E
L7	327.80	S50°51'43"E
L8	28.87	S39°22'38"W
L9	143.47	S55°40'42"E
L10	28.88	S55°40'42"E
L11	46.88	N89°46'36"E
L12	128.06	S41°44'09"W
L13	45.98	N57°19'50"W
L14	47.04	S33°03'04"W
L15	128.01	S41°44'09"W
L16	91.25	S61°45'46"W
L17	118.23	S61°45'46"W
L18	13.28	N41°46'17"E
L19	141.59	N41°32'56"W
L20	30.60	N41°46'17"E
L21	87.50	S48°13'43"E
L22	21.96	N89°22'36"E
L23	25.92	N38°52'25"E
L24	25.92	S89°22'36"W
L25	131.28	N38°52'25"E
L26	98.14	N38°52'25"E
L27	20.06	S55°40'42"E
L28	99.73	S38°52'25"W
L29	106.18	S38°52'25"W
L30	28.84	S0°37'24"E
L31	24.00	S11°29'22"E
L32	153.29	N78°30'09"E
L33	153.29	N78°30'09"E
L34	258.42	S61°45'46"W
L35	250.26	S61°45'46"W
L36	62.45	S0°03'28"W

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD
C1	16.44	58.50	16°06'06"	N89°14'30"E
C2	118.15	2149.21	3°08'59"	N82°45'57"E
C3	24.08	20.86	66°08'24"	N51°16'15"E
C4	12.11	17.18	40°23'14"	N50°28'20"E
C5	39.92	62.46	36°37'10"	N33°01'15"E
C6	76.50	135.00	32°28'03"	N0°30'18"E
C7	76.64	135.00	32°31'30"	N31°59'32"W
C8	48.97	107.00	26°13'16"	S54°50'49"W
C9	105.20	194.53	30°59'21"	S57°13'30"W
C10	169.78	730.03	13°19'33"	S41°33'57"E
C11	278.38	1315.96	12°07'14"	N38°21'08"W
C12	55.09	317.70	9°56'09"	N26°31'47"W
C13	344.52	730.00	27°02'24"	S21°32'58"E
C14	237.85	740.58	18°24'06"	N16°10'36"W
C15	72.10	610.00	6°46'21"	N11°15'26"W
C16	281.89	690.00	23°24'27"	S19°27'58"E
C17	142.58	489.00	16°44'23"	S70°07'57"W
C18	24.07	729.41	1°53'27"	S23°50'26"E
C19	149.59	512.00	16°44'23"	S70°07'57"W



(SEE SHEET 2 FOR LEGAL DESCRIPTIONS)

FORSGREN Associates Inc.
370 EAST 500 SOUTH, #200 SALT LAKE CITY, UT 84111
PH: 801.364.4785 FAX: 801.364.4802

SURVEYORS CERTIFICATE

I, ---, DO HEREBY REPRESENT THAT I AM A REGISTERED LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. - AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND I HAVE MADE A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY. THE PURPOSE OF THIS SURVEY IS TO MARK THE BOUNDARY OF THE BELOW DESCRIBED PROPERTY IN THE FIELD WITH A REBAR AND CAP AT EACH PROPERTY CORNER AND PREPARE THIS MAP SHOWING THE SURVEY, THE INFORMATION AROUND THE PROPERTY AND THE TOTAL AREA.
THE BASIS OF BEARING IS AS NOTED FROM: -

STATE OF UTAH
COUNTY OF SALT LAKE } S.S.

ON THE ____ DAY OF _____ ____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR THE COUNTY OF SALT LAKE IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNER'S CERTIFICATE TWO IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT HE, ----, IS A ----- OF ----- AND THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USE AND PURPOSE THEREIN MENTIONED.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC
RESIDING IN _____

NOTE: PUBLIC STREETS DEDICATED HEREON ARE SUBJECT TO A PERPETUAL NON-EXCLUSIVE EASEMENT AND RIGHT-OF-WAY FOR PRIVATE UTILITIES IN FAVOR OF ----- AND OR ITS ASSIGNS.

OWNERS DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT THE OWNER OF THE HEREON DESCRIBED TRACTS OF LAND HEREBY CAUSES THE SAME TO BE DIVIDED INTO LOTS AND STREETS TOGETHER WITH ALL INGRESS AND EGRESS EASEMENTS, AS DEPICTED OR DESCRIBED ON THIS PLAT, HEREINAFTER TO BE KNOWN AS

PARK LANE COMMONS

AND DO HEREBY DEDICATE THE STREETS AS INDICATED HEREON (PARCEL 103) AND TRAIL (PARCEL 104) FOR PERPETUAL USE OF THE PUBLIC. THE UNDERSIGNED FURTHER CONSENTS TO THE RECORDATION OF THIS PLAT IN ACCORDANCE WITH UTAH STATE LAW.

IN WITNESS HEREOF WE HAVE HEREUNTO SET OUR HAND(S) THIS _____ DAY OF _____ A.D., 20__

BY: DAVFUSKIE INVESTMENTS II, LC

BY: FARMINGTON SQUARE, LLC

BY: PARK LANE VILLAGE PARTNERS LLC

IRRIGATION COMPANY APPROVAL	SEWER DISTRICT APPROVAL	PLANNING COMMISSION	FARMINGTON CITY ENGINEER	APPROVAL AS TO FORM	CITY COUNCIL APPROVAL	DAVIS COUNTY RECORDER
APPROVED THIS ____ DAY OF _____ A.D. 20__ BY _____	APPROVED THIS ____ DAY OF _____ A.D., 20__ BY THE CENTRAL DAVIS SEWER DISTRICT	APPROVED THIS ____ DAY OF _____ A.D., 20__ BY THE FARMINGTON CITY PLANNING COMMISSION	APPROVED THIS ____ DAY OF _____ A.D., 20__ BY THE FARMINGTON CITY ENGINEER	APPROVED AS TO FORM THIS ____ DAY OF _____ A.D., 20__	PRESENTED TO FARMINGTON CITY COUNCIL THIS ____ DAY OF _____ A.D., 20__ AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED	ENTRY NO. _____ FEE PAID _____ FILED FOR RECORD AND RECORDED THIS ____ DAY OF _____ 20__ AT PAGE ____ IN BOOK ____ OF OFFICIAL RECORDS
BY:	BY:	CHAIRMAN, FARMINGTON CITY PLANNING COMM.	FARMINGTON CITY ENGINEER	FARMINGTON CITY ATTORNEY	FARMINGTON CITY RECORDER	DAVIS COUNTY RECORDER BY: DEPUTY RECORDER

COLORS ARE REPRESENTATIONAL ONLY - FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION

Willmore Development

Park Lane Village Phase 1 Submittal

Farmington, Utah

Typical Color Scheme

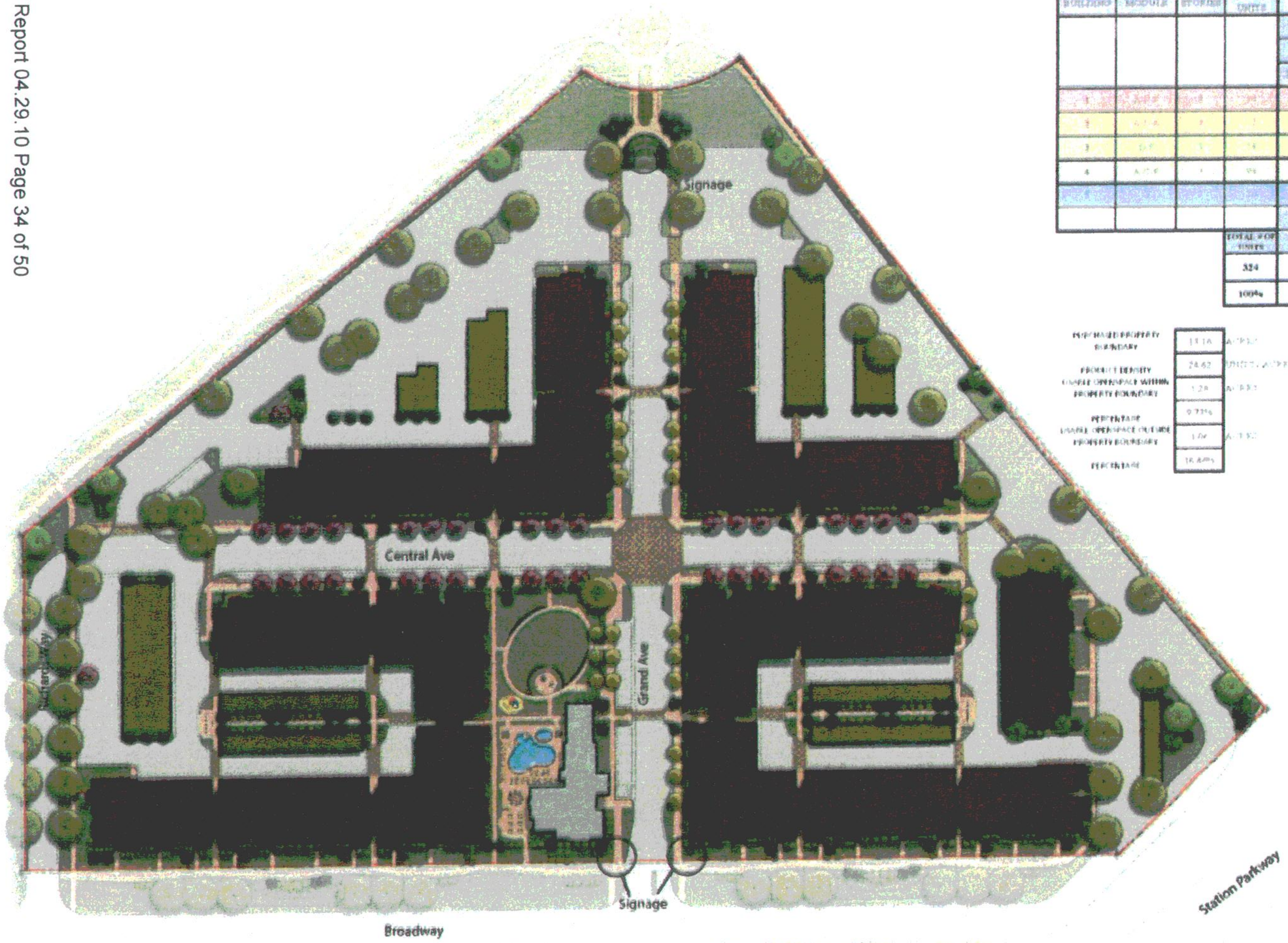
Jan. 22 2010 9

jsa architects

PARK LANE VILLAGE at FARMINGTON SQUARE APARTMENTS
BUILDING AND UNIT CALCULATIONS
12.15.2009

BUILDING	MODULE	STORIES	NO. OF UNITS	UNIT DISPERSION									PARKING DISPERSION		
				ONE BEDROOM			TWO BEDROOM				THREE BED	GARAGES	1.6 STALL PER UNIT	GUEST PARKING	STALLS PROVIDED
				1R	1F	1F.2	2R	2FL	2FL.1	2F	3F			1 PKG STALL / 4	
				28%	7%	6%	4%	9%	7%	31%	7%	NO.	1.6	0.25	
1	A-C-F	3	94	24	9	3	4	8	7	30	9	44	150	23.5	141
2	A-D-E	3	62	18	3	3	2	7	4	22	3	31	99	15.5	203
3	D-F	3	54	16	3	6	2	4	4	16	3	28	86	13.5	147
4	A-C-F	3	94	24	9	3	4	8	7	30	9	44	150	23.5	90
5	G	3	20	8	0	6	0	2	0	4	0	12	32	5.0	54
				90	24	21	12	29	22	102	24				
			TOTAL # OF UNITS	1 BDRM			2 BDRM				3 BDRM	GARAGES	TOTAL # REQ.	# GUEST REQ.	TOTAL # OF RESIDENT PARKING
			324	135			165				24	159	518	81	635
			100%	42%			51%				7%			599	STALLS NEEDED
														241	INTERNAL SURFACE STALLS PROVIDED
														77	ON STREET GUEST STALLS PROVIDED
														135	CARPORT STALLS PROVIDED
														159	ATTACHED GARAGE STALLS PROVIDED
														23	DETACHED GARAGE STALLS PROVIDED
														635	**TOTAL STALLS PROVIDED**
														36	EXTRA STALLS
														1.96	STALLS / UNIT

PURCHASED PROPERTY BOUNDARY	13.16	ACRES
PRODUCT DENSITY	24.62	UNITS / ACRE
USABLE OPENSPACE WITHIN PROPERTY BOUNDARY	1.28	ACRES
PERCENTAGE	9.73%	
USABLE OPENSPACE OUTSIDE PROPERTY BOUNDARY	1.06	ACRES
PERCENTAGE	16.46%	



PARK LANE VILLAGE at FARMINGTON SQUARE APARTMENTS
BUILDING AND UNIT CALCULATIONS

BUILDING	MODULE	NO. OF STORIES	NO. OF UNITS	UNIT DISPERSION: ONE BEDROOM 1R	1F	1F2	TWO BEDROOM 2R	2R1	2R2	2F	THREE BED 3F	GARAGES	PARKING DISPERSION: 1.6 STALLS PER UNIT	GUEST PARKING 1 PKG STALL / 4	STALLS PROVIDED
				24%	7%	6%	4%	9%	7%	31%	7%	NO	1.6	0.25	
1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
5															
				20	24	21	13	29	22	102	24				
			TOTAL # OF UNITS	1 BDRM			2 BDRM				1 BDRM	GARAGES	TOTAL # REQ	# GUEST REQ	TOTAL # OF RESIDENT PARKING
			324	175			165				24	159	519	81	635
			100%	42%			51%				7%				

PURCHASED PROPERTY BOUNDARY	13.16	ACRES
PRODUCT DENSITY	24.62	UNITS / ACRE
USABLE OPENSPACE WITHIN PROPERTY BOUNDARY	1.28	ACRES
PERCENTAGE	9.73%	
USABLE OPENSPACE OUTSIDE PROPERTY BOUNDARY	1.06	ACRES
PERCENTAGE	16.44%	

[illegible]	STALLS NEEDED
[illegible]	[illegible]
[illegible]	ON STREET GUEST STALLS PROVIDED
325	CARPORT STALLS PROVIDED
[illegible]	[illegible]
[illegible]	DETACHED GARAGE STALLS PROVIDED
635	TOTAL STALLS PROVIDED
36	EXTRA STALLS
1.96	STALLS / UNIT

50' 0' 50' 100'

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION

jsa architects

Willmore Development

Park Lane Village Phase 1 Submittal

Farmington, Utah

Phase 1 Site Summary

Jan. 22 2010 4

-OR-

Move that the Planning Commission table the request for a site plan approval to allow staff and the applicant to gather any necessary information regarding the application.

Supplemental Information

1. Park Lane Village Site Plan Submittal (multiple sheets)

Applicable Ordinances

1. Chapter 18 – Mixed-use Districts
2. Mixed-use Districts Regulating Plan
3. Park Lane Village Development Agreement
4. Park Lane Commons Development Agreement

Schematic Subdivision Plan

In addition to the PMP, development agreement and request for street standards not listed, the applicant must also acquire subdivision approval for the actual parceling of the land. This process is a three-step process with Farmington City. A schematic subdivision plan must be approved first followed by preliminary plat approval and finally final plat approval. This application includes a proposal for the schematic subdivision plan. This consists of the Park Lane Village development parcel, the dedication of Grand Avenue between Station Parkway and Park Lane Village, Broadway, Richard's Way and a trail parcel adjacent to the Union Pacific tracks. The schematic plan also includes the no-build easement for the private roadways within the Park Lane Village development area.

Possible Motions:

Move that the Planning Commission approve the site plan for the Park Lane Village apartment project located at approximately 500 North 1000 West consisting of 324 units on approximately 13 acres of property with the following conditions:

1. The applicant work with the City's Development Review Committee to address any outstanding issues related to the site plan including but not limited to planning, engineering, storm water, sewer, culinary and secondary water and public works.
2. An easement is finalized with regard to non-motorized access between Broadway and the Legacy Trail via Grand Avenue and that the easement be recorded separately or shown on the Park Lane Commons subdivision plat prior to or in conjunction with the finalization of the site plan.
3. The applicant incorporate the conditions set forth by the SPARC for site plan approval in the Planning Commission's approval of the site plan.
4. The applicant provide product sheets and/or elevations for the light fixtures and any monument signs planned for the project.

Findings:

1. The site plan submitted is consistent with the approved Park Lane Village master plan.
2. The proposed project is consistent with the TMU zoning and the Regulating Plan and allows the required pedestrian, bicycle and automobile circulation throughout the project.
3. The project design creates and attractive and functional connection between the commuter rail station and the remainder of the mixed-use districts.
4. The Park Lane Village project provides the opportunity for residents of the project to access future shopping, existing mass transit and several major roadways and furthers the City's plan to utilize such facilities located in Farmington.
5. The project provides the opportunity for potential residents of a large income range to take advantage of the amenities located in the city and to become a part of this community.
6. The Class 'A' rating for the apartments will provide an attractive and well-kept project that sets a precedent for the remainder of the mixed-use district.

The development agreement for this project is structured in a similar fashion to the Park Lane Commons development agreement. However, the agreement for this project goes into much more detail with regard to the standards, design, City and developer responsibilities, and other similar elements. A draft version of the development agreement is included with this report for the Commission's review and recommendation.

Street Standards Not Listed

In conjunction with the PMP application, there are two other elements of the overall plan that must be reviewed and recommended by the Planning Commission. These are an alternative street standard (cross-section) and a schematic subdivision plan. The review of the street standards not listed is specific to two roads that will be publicly dedicated roads but that will not follow the standards set forth in either Chapter 18 or the City's Development Standards and Guidelines.

The two roads being reviewed are Grand Avenue, or the promenade road, between Station Parkway and the entrance to the Park Lane Village project and the road associated with the Conoco pipeline. Grand Avenue, classified as the promenade road, is planned to extend from Station Parkway into the Park Lane Village project. The cross-section set forth in the ordinance consists of 64 feet of public right-of-way, excluding side treatments, and 50 feet of side treatment. The side treatments within the Mixed-use Districts are intended to be private with a public easement recorded over them. Side treatments include sidewalks and park strips. The side treatments for the promenade road are set forth as 20 of sidewalk and five feet of parkstrip or tree grate on each side. Part of the reason for this is to allow restaurants and stores to utilize the large sidewalks for patio dining and outdoor displays to encourage cohesion of the public and private space along the major pedestrian connection. Along with the amendment to the alignment of the Regulating Plan, the proposed development would reclassify the promenade road within the apartment development to a neighborhood road. In order to facilitate a workable and appropriate transition between the promenade road classification and the neighborhood road classification, an alternative cross-section is proposed for this small stretch of roadway. The proposed side treatments for this stretch of roadway is a total of 16 feet with approximately five feet of that dedicated to tree grates. This would create a total of between 11 and 16 feet of sidewalk. This creates and wide sidewalk to accommodate both pedestrian traffic and bicycle traffic. The street trees will provide a vegetative buffer between the automobile traffic and the pedestrian traffic through this stretch. The lanes set forth must be amended as well due to the traffic design standards for the intersections connected to this stretch of road.

The requirements for the placement of development adjacent to the Conoco pipeline are such that the pipeline must be set within a public right-of-way and must have a no-build zone of 100 feet. These requirements are driving the design of the roadway to be called Broadway. This road will be the western boundary of the Park Lane Village project and will serve to access future phases of the development within the Park Lane Commons project area. The applicants are working with Conoco to finalize the last details of the plans for the placement but it is proposed that the pipeline would be slightly east of center with a distance of 40 feet to the east and 60 feet to the west from the pipe to the edge of the right-of-way. The roadway is proposed to be placed on the western edge of the 100 foot right-of-way as a neighborhood road consisting of two lanes each 13.5 feet in width. The eastern portion of the right-of-way is proposed to be essentially a linear park with a sidewalk located at the eastern edge of the right-of-way.

proposed closely meets the intent of the ordinance and the use and location strongly support the City's master plan for the area. Section 114, allowing for approval under a development agreement, is designed for situations such as this. The project is desirable and meets the general intent of the ordinance and the master plan but does not meet the specific and technical requirements of the ordinance. Since this is part of a larger area that will be developed under one master developer, the City is more easily able to ensure consistency in design and connectivity in circulation patterns.

The main deviation from the specific requirements of Chapter 18 is the proposal of private roads within this specific development. Nearly all of the standards set forth in Chapter 18 are based on a public street standard. The requirements for build-to lines, frontage percentages, fenestration and allowances for building height are all based on public street standards. Chapter 18 sets forth standards for maximum and average block size in a development area to ensure proper connectivity, street right-of-way widths to provide bike lanes and on-street parking, and other similar elements. Without providing public streets, many of the standards are difficult or impossible to apply as set forth in the ordinance.

With the inclusion of this area in the larger PMP, and its subsequent eligibility for the alternative approval process, staff and the applicant are able to work together to review an alternative to the public street standard. Understanding the trepidation on the City's part to consider private roads within a development, there are several significant advantages with this specific project. First is the financing. Under the requirements of HUD, the developer and property manager must comply with strict standards for maintenance and upkeep that go beyond the conventional development standard. This will require the property manager to maintain the infrastructure at a high level for a long period of time. HUD loans and agreements are typically a 40 year commitment. The second reason private roads within this development may be an advantage is with the maintenance. Chapter 18 suggests intersection and other pedestrian improvements such as decorative stamped concrete. Currently, the City has limited resources to maintain such features over a longer period of time. A private owner with a responsibility such as the one being proposed would be required to maintain these improvements at a high level without cost or burden on the City's resources. A third reason private infrastructure may be advantageous is with regard to underground infrastructure. With the dedication of a public street comes the dedication of all other infrastructure associated with the road. In this case, there are underground storm water vaults that would be dedicated to the City. The City would be required to maintain these vaults. Currently, the City does not have in its possession the vacuum truck necessary to maintain this type of infrastructure.

To compensate for the lack of publicly dedicated streets, several other elements are included within the development. Specifically, a design that lends itself to connectivity, additional pedestrian features such as mid-block crossings, and a "no-build" easement that covers the roadways. One of the main reasons the City wanted to have publicly dedicated streets was to ensure that the rights-of-way and the street pattern were in place for a very long period of time. The recordation of a no-build easement on the recorded subdivision plat ensures that nothing can be built, or rebuilt, within this area without a plat amendment.

Development Agreement

project will be an important element in creating the necessary rooftops to support further economic development in the area and to make transit an intricate part of the City's future.

The design of this project draws heavily on the design and intent of the standards set forth in Chapter 18. The project is not designed to be a conventional self-contained apartment complex as usually found in suburban locations. Instead, this plan uses a street pattern and building design that is open and integrated with the surrounding (future) development. Due to the location of a Conoco pipeline, the street pattern is shifted from what was adopted with the Regulating Plan as part of Chapter 18. Not only is this shift necessary for the accommodation of the pipeline, it creates a very strong axis on which the rest of the Regulating Plan can be built. The road designated as the promenade road on the Regulating Plan is a road designed to support a high level of pedestrian and bicycle activity. In addition, this road is designed to provide a strong connection from the mixed-use areas to the transit stop. The shift in the Regulating Plan creates a direct route from the promenade road to the trail leading to the transit station.

The building design is such that there are many entrances facing the street creating interaction between the livable space and the common space. The buildings are designed to have individual flats on each floor with parking garages behind the unit on the ground floor. Additional parking is located behind the buildings and largely out of view from the main cross streets. The fenestration, or the number of openings along the front of the buildings, is significantly increased over that of many conventional apartment buildings. The facades of the buildings will have a wide variation of planes, colors and materials. Balconies and small patio areas are to be included to further break up the plane of the buildings. One of the main goals of the design standards in the Mixed-use Districts was to create an environment in which the private structures and building massing frames the public space. The design of this project meets that goal.

This location offers great opportunities for connectivity but has significant limitations as well. Since this project is located essentially in a corner, some of the required connections cannot be made. For example, due to the slope required for the development of Station Parkway and its proximity to the Park Lane intersection no cross connection can be made south of the main axis road. The promenade road, proposed to be Grand Avenue, is the main connection across Station Parkway and will be the closest cross street north of Park Lane. Park Lane also prevents any cross connection between the subject area and the commercial development to the south with the exception of Station Parkway and the trail under Park Lane parallel to the train tracks. The main roadway within the subject project running north and south, named Central Avenue, will connect to a road proposed to be called Richard's Way. Richard's Way will provide further connection to adjacent developable area and will serve as the second access point for the project.

<u>Relation to Chapter 18</u>

This project is proposed to come under the provisions of Section 114 of the Mixed-use Districts ordinance in conjunction with the larger 33 acre Park Lane Commons PMP. Since this project itself does not meet the requirement of 25 acres to come under the provision separately, this project is proposed to be phase 1 of the larger master plan. There are a number of significant deviations from the ordinance as adopted. However, staff feels that this project as

intersections and mid-block pedestrian crossings will feature bulb-outs or extended sidewalk ramps as well as designated walkways with a different surface material.

Previous Approvals

The site plan is consistent with the master plan approval given in January of this year. There have been some minor site plan amendments but the overall layout and dimensions have remained as shown with the master plan application. The Site Plan and Architectural Review Committee (SPARC) reviewed the project master plans for the Park Lane Commons and Park Lane Village master plans as well as this site plan and recommended approval to the Planning Commission. The Planning Commission recommended approval for two master plans, two development agreements, a schematic subdivision plan, and alternative street cross-sections for this project specifically and the larger master plan for Park Lane Commons to the City Council. The City Council approved each of these elements of the plan as well. A site plan approval and final subdivision approval are the only remaining approvals necessary for the City to finalize the development plans and improvement drawings and begin the process of issuing building permits.

SPARC Recommendation

The SPARC held a meeting on April 14, 2010 to review the site plan and to forward its recommendation on to the Planning Commission. The SPARC provided a recommendation to the Planning Commission for approval of the site plan with the following conditions:

1. The applicant work with the City to finalize the easement language with regard to the pedestrian access from Broadway to the Legacy Trail via Grand Avenue.
2. The applicant update the plans to reflect the minor landscaping changes discussed at the April 14, 2010 SPARC meeting.
3. The applicant provide a variation in color to the garage doors within the project.
4. The number of covered parking stalls be increased to match the total number of units.
5. The applicant consider the recommended landscape changes with regard to the transition between covered parking and open parking in the eastern parking lots.
6. The applicant address any necessary ADA requirements for the project.

Information from Master Plan Report dated January 28, 2010

Included with this report, as shown below, are portions of the Planning Commission report from January 28, 2010. Within that report, detailed information regarding the master plan, development agreements, relation to the zoning ordinance and other information were presented. This information has been included for reference.

Project Master Plan (PMP)

This project is the first major project proposed in the City's reformatted Mixed-use District. The zoning for the area is TMU or Transit-mixed Use and as the name implies is designed to have interconnectivity with the Frontrunner station. The proposed use and location meets the desires of the City as stated in the master planning for the area to utilize the transit station and create an opportunity for future Farmington residents to live in the city and work elsewhere without the a complete dependence on an automobile. As the area develops, this

Planning Commission Staff Report
April 29, 2010

Item 5: Park Lane Village Project Site Plan

Public Hearing:	No
Application No.:	SP-1-10
Property Address:	500 North 1000 West
General Plan Designation:	TMU (Transportation Mixed-Use)
Zoning Designation:	TMU (Transit Mixed-use)
Area:	13 acres
Number of Units:	324
Property Owner:	Daufuskie Investments, LLC
Agent:	Ernie Willmore, Willmore Development

Request: *Applicant is requesting site plan approval for the Park Lane Village apartment project consisting of 324 units on approximately 13 acres.*

Project Overview

The applicant is requesting site plan approval for the Park Lane Village apartment project. The project is a Class 'A' rental unit apartment complex on approximately 13 acres of property located at the corner of Park Lane and I-15. The project consists of 324 units and will be managed by a professional property management company. The units will be market-rate units with rents between $750 and $1300 for one to three bedroom units. The site plan is being developed in conjunction with the larger Park Lane Commons Master Plan which includes the roads and trails surrounding the project. The roads within the Park Lane Village project will be private as well as any infrastructure necessary for the apartment project. The City has been working with the applicant to develop wording for an easement through the project allowing pedestrian access to and from the commuter rail stop. The easement would only be for non-motorized traffic and would be limited to Grand Avenue between Broadway and the Legacy Trail.

The units are to be three story walk-up style apartments. A covered parking stall will be included with every unit. The majority of the covered parking consists of single-car garages located on the lower rear level of each of the buildings. The remainder of the covered parking will be located either within the internal circulation area of the buildings or in the parking lots to the side of the two eastern buildings. The landscaping for the project consists of grasses, both deciduous and evergreen trees, flowering plants and shrubs. The sidewalks are to have trees in grates to serve as a buffer between the sidewalk and the roadway. They are to be planted and spaced to meet the ordinance and to allow proper spacing for street lighting. The streets within the project will be a standard width to accommodate two lanes of traffic with parallel parking along the roads in designated areas. The

PC Staff Report 04.29.10 Page 31 of 41

COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION

jse architects

Willmore Development

Park Lane Village Phase 1 Submittal

Farmington, Utah

Building Entry Statement

Jan. 22 2010 11

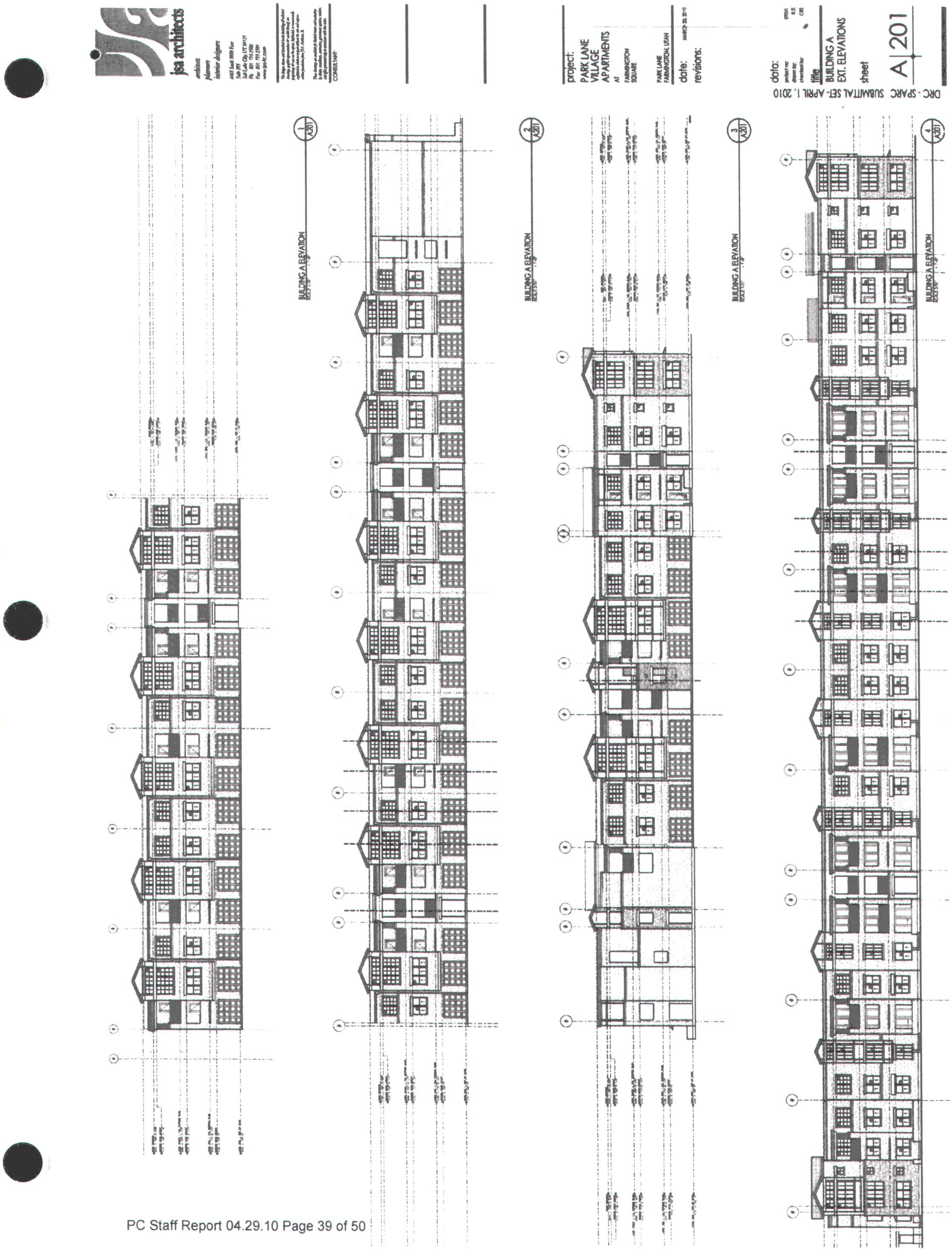
COLORS ARE REPRESENTATIONAL ONLY. FINAL COLORS MAY VARY FROM ABOVE REPRESENTATION

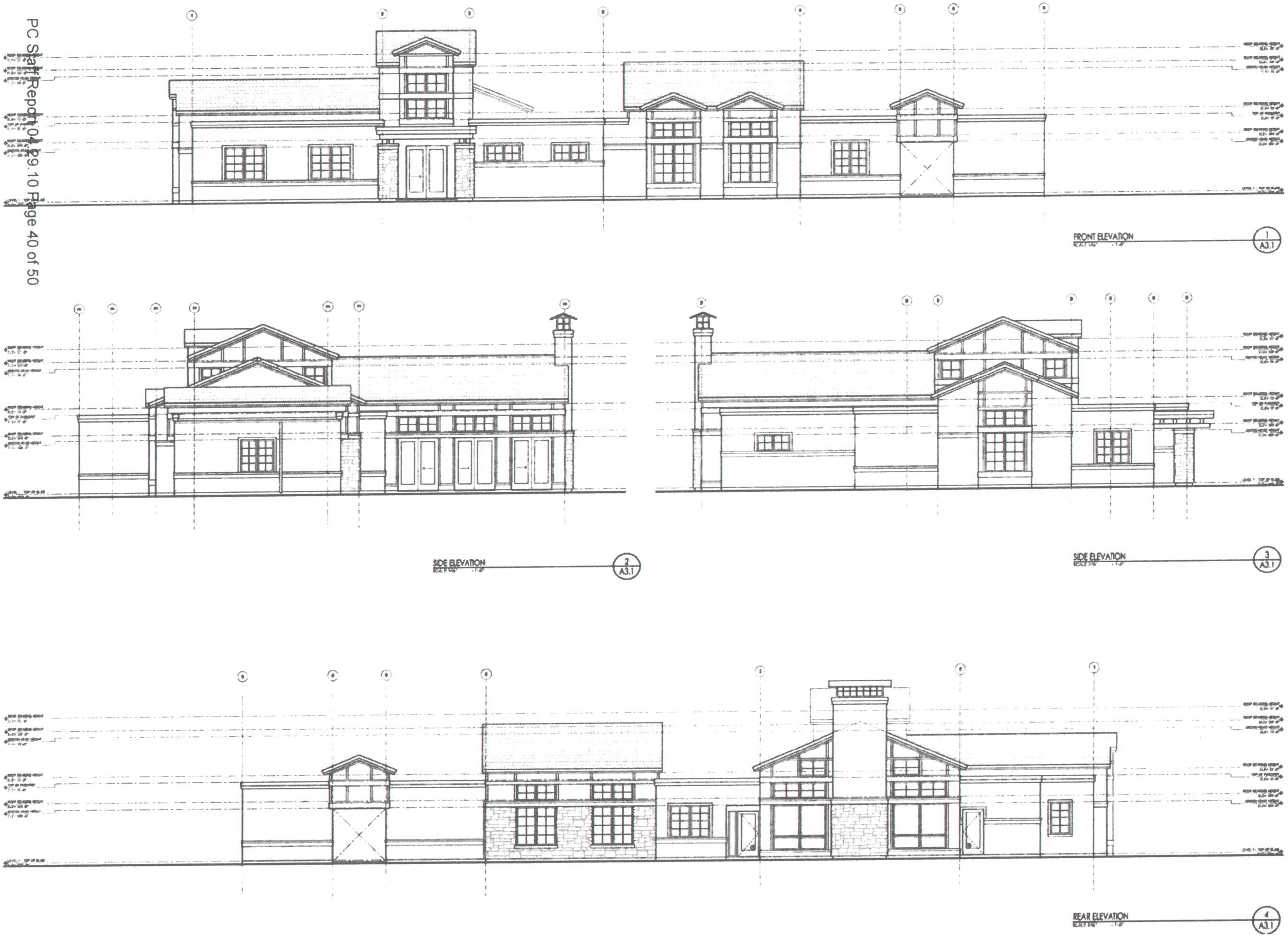
Park Lane Village Phase 1 Submittal

Farmington, Utah

Birds Eye View

Jan. 22 2010 13


jsa architects
project:
PARK LANE VILLAGE APARTMENTS
AT FARMINGTON SQUARE
PARK LANE FARMINGTON, UTAH
date:
revisions:
date:
title
BUILDING A EXT. ELEVATIONS
sheet
A 201
DRC - SPARC SUBMITTAL SET- APRIL 1, 2010
BUILDING A ELEVATION
BUILDING A ELEVATION
BUILDING A ELEVATION
BUILDING A ELEVATION



jsa architects

architects
planners
interior designers

6485 South 5000 East
Suite 205
Salt Lake City, UT 84121
Ph: 801.733.2500
Fax: 801.733.2507
www.jsa-fc.com

CONSULTANT

project:
PARK LANE VILLAGE CLUBHOUSE
AT
FARMINGTON SQUARE

PARK LANE
FARMINGTON, UTAH

date: MARCH 23, 2010
revisions:

data:
project no: 09041-CH
drawn by: CDJ
checked by: CRS

title
CLUBHOUSE ELEVATIONS

sheet
A | 31

PROGRESS SET- MARCH 20, 2010- NOT FOR CONSTRUCTION

Planning Commission Staff Report
April 29, 2010

Item 6: Gregson Conditional Use Permit for and Addition in the OTR Zone

Public Hearing:	Yes
Application No.:	C-4-10
Property Address:	94 North 100 West
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	OTR (Original Townsite Residential)
Area:	0.23 acre
Number of Lots:	1
Property Owner:	Jeff & Kristen Gregson
Agent:	Jerry Preston

Request: *Applicant is requesting a conditional use permit for an addition to an existing home in the OTR zone. The conditional use permit would allow the addition to be larger in area than the original structure and would allow the addition to be taller than the original structure.*

Background Information

The applicants have submitted a building permit application for an addition to an existing home in the OTR zone located at 94 North 100 West. The proposed addition is for additional living and home space as well as a garage. Since the home is located in the OTR zone, new construction guidelines must be followed as set forth in the OTR zoning ordinance. Within those guidelines, new construction may not be larger in area, considered to be the footprint, than the original structure. Similarly, any new construction must be subordinate in height to the original structure. Exceptions may be made to both of these requirements with a conditional use permit granted by the Planning Commission. The area of the original home is approximately 1,460 square feet and the proposed addition is approximately 1,536 square feet including the garage space. The conditional use permit would allow the addition to be larger than the original structure by approximately 80 square feet. The height of the original structure is 19 feet and the height of the addition is 20 feet excluding the cupola. Height is measured at the midpoint of the roof excluding any antennae, cupola, steeple or other normal roof feature.

Because the home is located in the OTR zone, the proposed addition is also reviewed by the City's Historic Preservation Commission. The HPC has reviewed the application and provided several comments expressing concern regarding the front setback of the percentage of garage on the front plane of the home. However, the City's Planning Department feels that the addition does meet the necessary requirements of the OTR zone with regard to setback and garage percentage. The proposed addition will also require a variance to the side yard setback requirements. This would normally require a Board of Adjustment approval. However, an administrative approval for a variance may be issued by

the Zoning Administrator if certain requirements are met. Specifically, if the requested variance is routine in nature, uncontested and constitutes less than a 25% change in the standard, the variance may be granted administratively. In this case, the lot width is narrower than required for new subdivisions in the OTR zone and is significantly narrower than the required width for a side corner lot. The request seems reasonable to staff based on the lot width limitations. The Zoning Administrator will not, however, grant the variance until the plans are approved by all other necessary departments. Attached to this report is the correspondence from the Historic Preservation Commission as well as letters from adjacent property owners regarding the proposed variance.

Suggested Motion:

Move that the Planning Commission approve a conditional use permit allowing an addition to an existing home in the OTR zone located at 94 North 100 West allowing a larger footprint for the addition than the original structure as well as a height in excess of the original structure with the following conditions:

1. The applicant continues to work with the City's Community Development Department to obtain all necessary building permits.
2. The area and height of the addition is limited to that which is shown on the submitted plans.

Findings:

1. The proposed addition is in character with the existing structure and with the provisions of the OTR zone.
2. The applicant has worked with the residents and members of the Historic Preservation Commission to develop a design that is compatible with the spirit of the surrounding neighborhood as well as the intent of the OTR zone.
3. The increase in area and height are minimal in relation to the original structure and would have little impact on surrounding properties and their historicity.

-OR-

Move that the Planning Commission table the request for a conditional use permit to allow staff and the applicant to gather any necessary information regarding the application.

Supplemental Information

1. Elevations of the proposed addition
2. Definition from Section 11-17-070 New Construction Design Guidelines (OTR ordinance)
3. Letter from Alysa Revell dated April 13, 2010
4. Letters from Annette Tidwell and Cameron & Shauri Forbush regarding the variance

Applicable Ordinances

1. Title 11, Chapter 17 – Original Townsite Residential Zone
2. Title 11, Chapter 8 – Conditional Uses

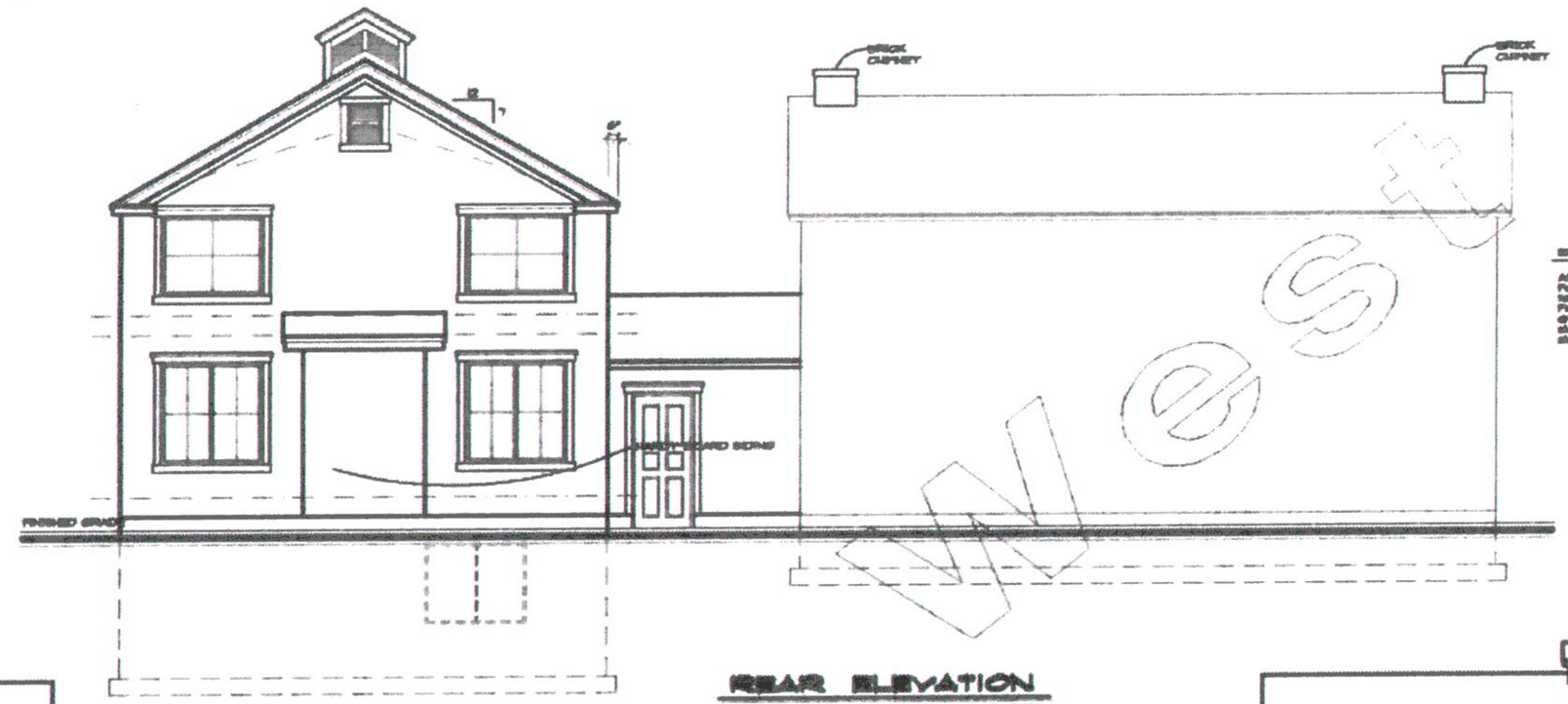
PC Staff Report 04.29.10 Page 43 of 50

© Copyright 2010 Creations West Inc.
This plan is the property of Creations West Inc. and shall not be duplicated in any form or used as the basis for any new plans.

The General Contractor or Builder is to assume full responsibility to verify the conditions, dimensions and structural details of the building.

WINDOWS NOTES:

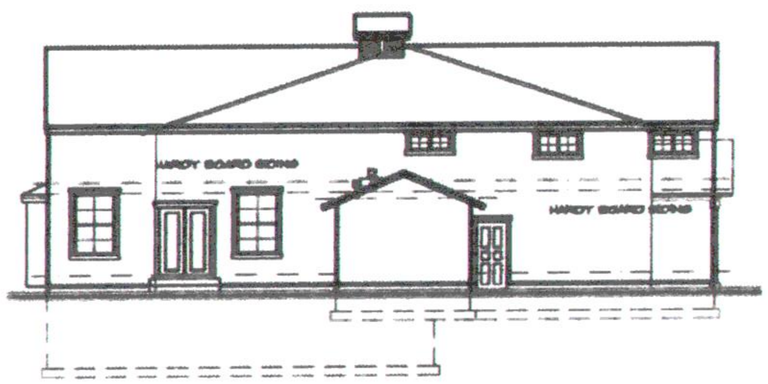
Bedroom windows to have a finished sill height max. of 44" from floor.
Windows to have 20" min. clear width and 24" min. clear height.
Bedroom windows to be a min. of 5.7 sq. ft.
Windows to be sized at 1/10th for the sq. ft. for glass size and 1/20th of the sq. ft. for ventilation requirements.
Windows within 18" of the floor to be of tempered glass.



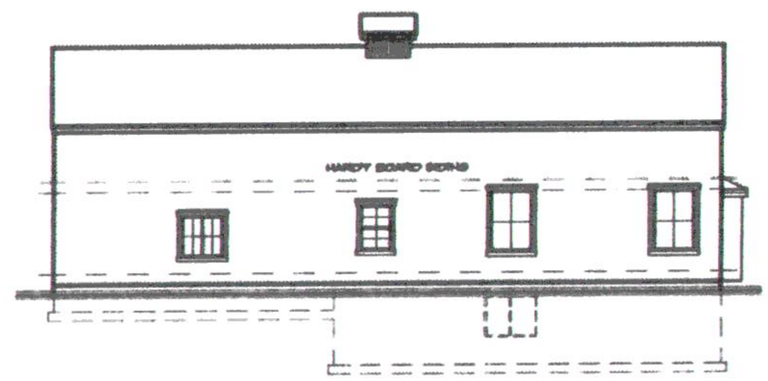
REAR ELEVATION
SCALE 1/4"

EXCAVATION NOTES:

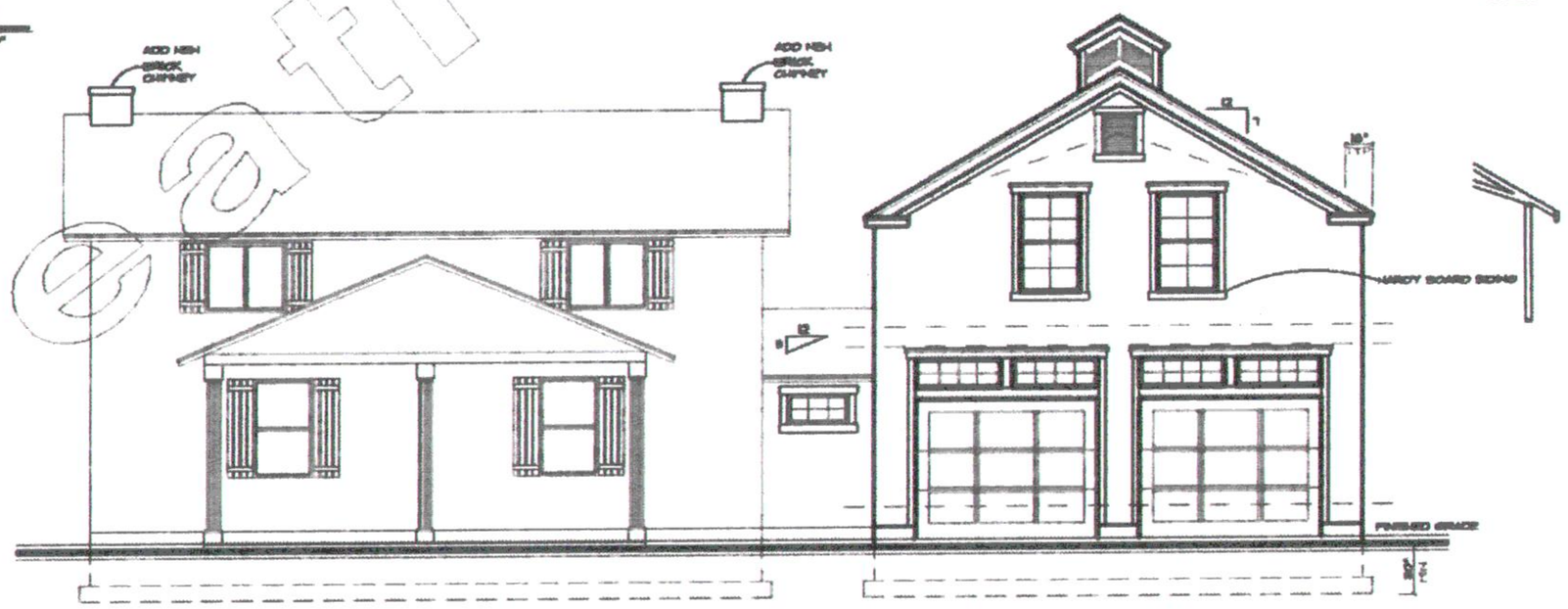
All footings shall bear on natural undisturbed soil. Footings shall be excavated to a minimum depth as as to provide frost protection. (30" min)
Finish grading shall be done so as to provide positive drainage away from all building foundations, a minimum slope of 2% shall be maintained for first 10'-0" with lb slope thereafter to approved drainage area.



LEFT ELEVATION
SCALE 1/8"



RIGHT ELEVATION
SCALE 1/8"



FRONT ELEVATION
SCALE 1/4"

ATTIC VENTILATION NOTES:

The net free ventilation area shall not be less than 1/300th provided that at least 50% of the area is provided by ventilators located in the upper portion of the space to be ventilated, the other to be provided by vented soffit spaces.

GENERAL NOTES:

Compliance with codes and ordinances governing the work shall be made and enforced by the general contractor. General contractor shall verify all existing conditions and dimensions prior to construction.
Note that all written dimensions take precedence over
Manufacturers specifications for installation of materials shall be followed.
Workmanship throughout shall be of the best quality of the trade involved and the general contractor shall coordinate the work of the various trades to expedite the job in a smooth and continuous process.

Creations West

PROJECT NO.
GREGSON RESIDENCE
94 N. 100 W., FARMINGTON, UT.

1434 Legend Hills Dr.
Suite # 120
Clearfield, Utah 84015
p. 801.525.6700
plans@creationswest.com

3544 E. 17th Street
Ammon, Idaho 83406
p. 208.525.9555

CREATIONS WEST
AFFLUENT ARCHITECTURE
WWW.CREATIONSWEST.COM

DATE
FEB. 22, 10

SHEET
1

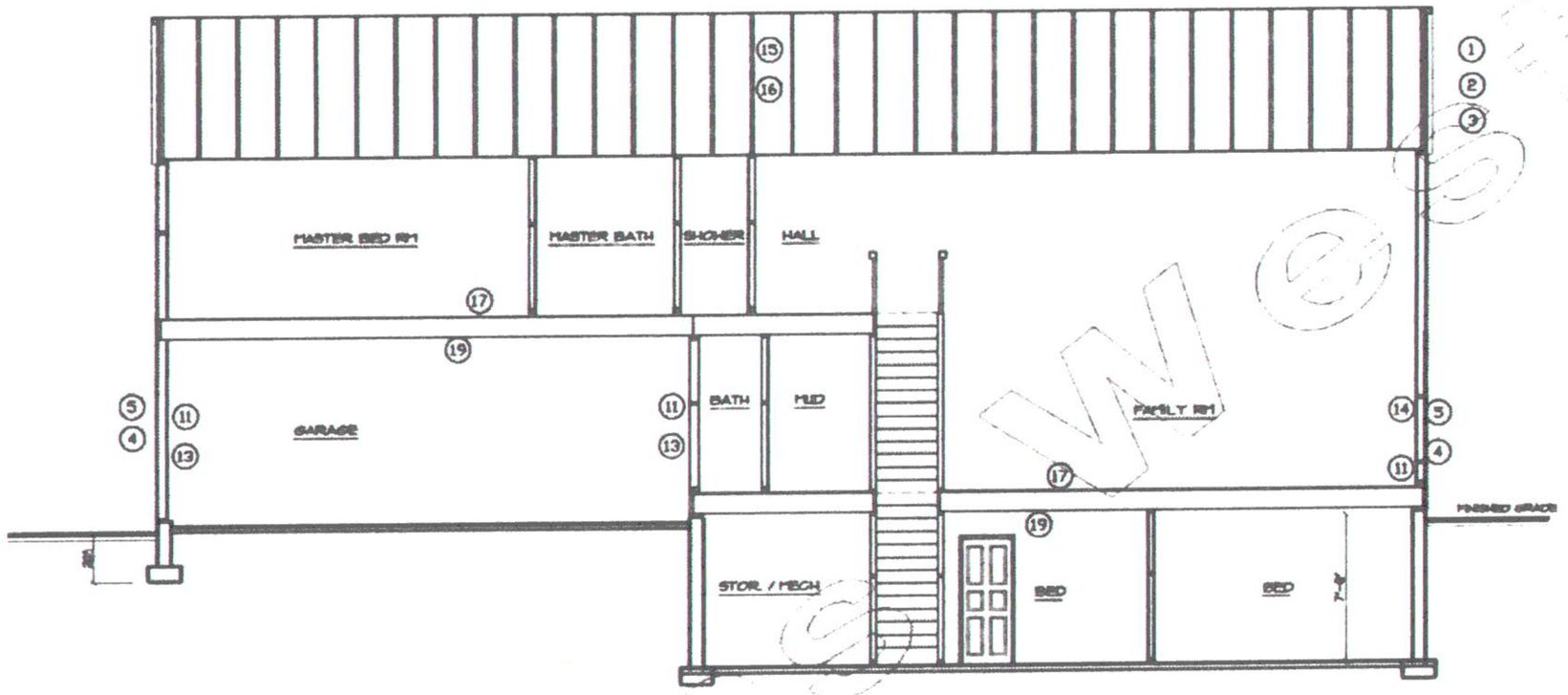
PLAN NUMBER
ADDITION

© Copyright 2010 Creations West Inc.
This plan is the property of Creations West Inc. and shall not be duplicated in any form or used as the basis for any new plans.

The General Contractor or Builder is to assume full responsibility to verify the conditions, dimensions and structural details of the building.

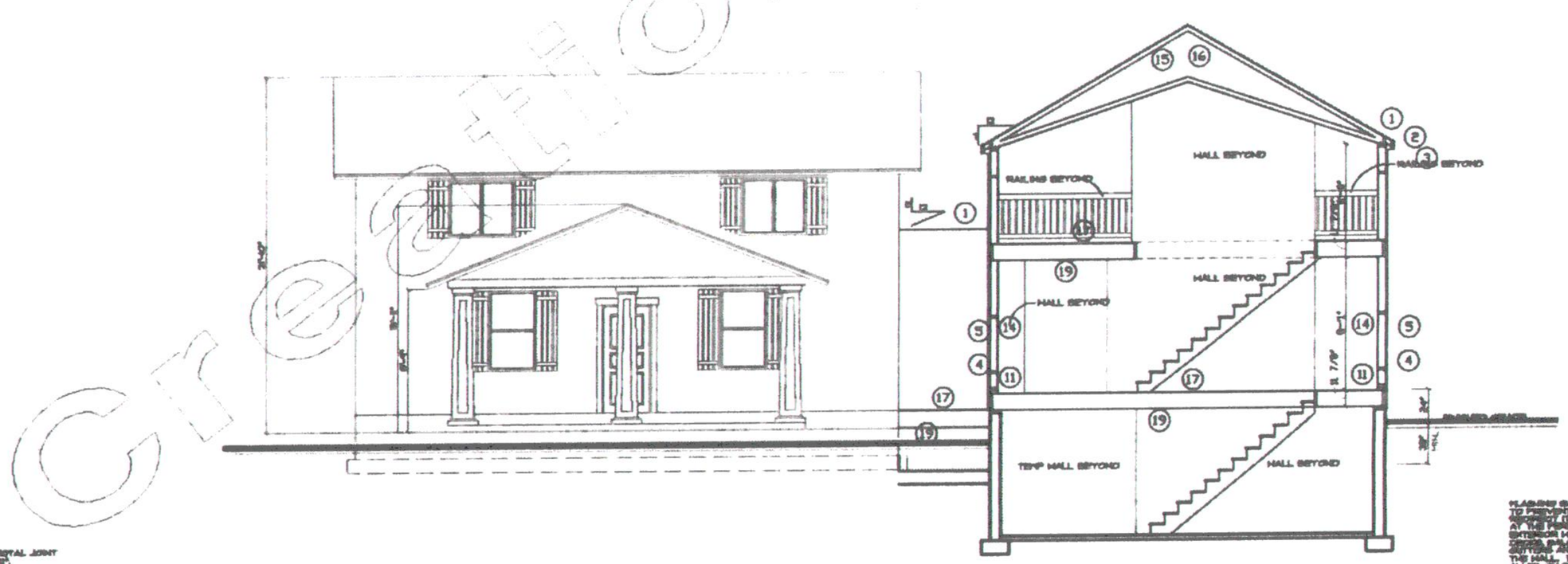
FLOOR PLAN GENERAL NOTES

1. Floor sheathing 5/8" underlayment or equal, 30# roofing felt, and shingles as noted on plan, but does preclude a valley, still 24" of parapet above.
2. Solid blocking or wall ties, provide stepped or drill framing members at bearing ends of trusses.
3. 2x8 fascia backer, aluminum fascia and vented alum. soffit system, with hydrotite baffles & rafters.
4. Hard 3" aluminum siding.
5. 1/2" underlayment sheathing on exterior walls.
6. Owner approval, refer to stucco provider for all backing and wall preparations.
7. 3/4" Styrofoam sheathing.
8. Brick veneer, with ties at 2000s, 816" o.c. with ver. 4 wire in bed joints with ties.
9. Stone veneer, grid ties are req.
10. 2x4" studs @ 16" o.c.
11. 2x6 studs @ 16" o.c.
12. R19-30 fiberglass insulation batt.
13. R30-49 fiberglass insulation batt.
14. Mildew-in insulation system in wall.
15. Mildew-in insulation in attic space 10" min. R9-R30
16. Manufactured roof trusses, manufacturer to provide all engineering of trusses prior to construction.
17. 2x10 Flat Blockbuster joist and rafter.
18. 2x10 floor joist 16@24", 40 or better.
19. 2x10 Floor joist spaces.
20. Stiffener rafters spaced @ 24" o.c.
21. 2x4 bearing wall with solid blocking at joist.



STAIR & HANDRAIL NOTES

Handrails are required on all stairways having more than 2 risers.
Handrails shall be placed not less than 34" and not more than 38" high.
Guardrails (36" +) are required on all landings decks or floor levels more than 30" above finished grade.
Stair risers not to exceed 7 3/4" high with stair treads to be min. of 10" with no more than 3/8" variation.
A railing not less than 34" nor more than 1 1/2" before shall be provided on stairways with solid risers. If the tread is 11 inches or deeper, no railing is required.
Provide handhold clearance of 2"-3" min.
Guardrails for handrails and guardrails shall be spaced no more than 4" apart and shall not have ladder effect.



BRICK VENEER NOTES

LAP ALL JOINTS IN THE #9 HORIZONTAL JOINT REINFORCEMENT BY MINIMUM OF 6".
NON BEARING BRICK TIE SHALL SUPPORT NOT MORE THAN 2 SQUARE FEET.
ATTACH BRICK TIES TO WALL STUDS.
PLACE BRICK TIE WITHIN 12" OF THE TOP AND BOTTOM OF OPENING.
BRICK TIES SHALL BE MECHANICALLY ATTACHED TO HORIZONTAL JOINT REINFORCEMENT.
FOLLOW ALL OTHER REQUIREMENTS FOUND IN IRC SECTION R703.7.3

FLASHING SHALL BE INSTALLED IN SUCH A MANNER SO AS TO PREVENT MOISTURE FROM ENTERING THE WALL OR TO REDIRECT MOISTURE ENTERING THE WALL TO THE EXTERIOR. FLASHING SHALL BE INSTALLED IN THE EXTERIOR WALL IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS. EXTERIOR WALL APPURTENCES INCLUDING, BUT NOT LIMITED TO, DECKS, PORCHES, TERRACES, STEPS, AND SIMILAR STRUCTURES, SHALL BE FLASHED IN SUCH A MANNER THAT WILL PREVENT WATER FROM ENTERING THE WALL. FLASHING WITH PROJECTED FLANGES SHALL BE INSTALLED ON BOTH SIDES AND THE END OF SUPPORTING WOOD SILLS AND CONTINUOUS LY ABOVE PROJECTED TRIM. A FLASHING SHALL BE INSTALLED AT THE INTERSECTION OF THE FOUNDATION TO STUCCO, MASONRY, SIDING OR BRICK VENEER. THE FLASHING SHALL BE ON AN APPROVED CORROSION-RESISTANT FLASHING WITH A 10" DRIP LEG EXTENDING PAST THE EXTERIOR SIDE OF THE FOUNDATION. SEE SEC. M0615 IRC

CREATIONS WEST
AFFLUENT ARCHITECTURE
WWW.CREATIONSWEST.COM
1434 Legend Hills Dr.
Suite #100
Clearfield, Utah 84015
p: 801.525.6700
plans@creationswest.com
8544 E. 17th Street
Anacortes, Idaho 83406
p: 208.435.9555

PROJECT TITLE
GREGSON RESIDENCE
94 N 100 W., FARMINGTON, UT.

FEB. 22/10

7

PLAN NAME
ADDITION

Creations West

Historic Preservation Commission regarding applications for Permitted Uses or Conditional Uses.

(1) Streetscape. New construction must be compatible and consistent with buildings on adjoining lots and parcels in the general vicinity. To ensure compliance with setback and orientation, mass and scale, building height, building and roof form, materials, and color standards set forth herein, applicants for new construction may be required to provide a plan view of the streetscape showing building elevations (similar to examples contained in the appendix of this chapter), landscaping, and other physical features, of adjacent lots, a series of abutting lots, or lots across the street. The City may also review aerial photographs to ensure a compatible and consistent streetscape.

(2) Setback and Orientation. Situate new buildings such that they are arranged on their sites in ways similar to existing buildings in the area. This includes consideration of building setbacks, orientation, and open space. The Zoning Administrator may reduce the minimum setback standards contained herein, provided such exception shall conform to the following standards:

(a) The reduction in the setback shall not exceed fifteen (15) feet;

(b) The setback proposed shall be compatible with the character (including historic qualities related thereto) of the site, and the existing setback of structures on adjacent and surrounding properties.

(c) The Zoning Administrator and/or Planning Commission may require conditions consistent with the Farmington City General Plan, the intent and purpose of this Title, and other provisions contained herein,

(3) Mass and Scale.

(a) New buildings and additions must be constructed to reinforce a sense of human scale. This may be accomplished by employing techniques such as these:

i. Using building materials that are of traditional dimensions;

ii. Providing one story porch on a main building dwelling that is similar to that seen traditionally;

iii. Using a building mass that is similar in size to those seen traditionally;

iv. Using a solid-to-void ratio on all visible facades from the public right-of-way that is similar to that seen traditionally, and using window openings that are similar in size to those seen traditionally. At least 25% of street facing facades, excluding roofs, shall consist of window and/or doors.

(b) New buildings and additions shall appear similar in scale to the scale that is established in the block or in the general vicinity. Subdivide larger masses into smaller "modules" that are similar in size to buildings seen traditionally. The area of a new construction or addition shall be equal to or less than that of the main dwelling or original building unless otherwise approved by the Planning Commission as a conditional use;

(c) Front elevations shall be designed similar in scale to those seen traditionally in the block. Fronts shall include a one story element, such as a front porch. In certain circumstances a two story element, such as a two story porch, may be appropriate. The primary plane of the front should not appear taller than those of typical structures in the block. A single wall plane should not exceed the typical maximum facade width in the zone.

(4) Building Height.

(a) New building height should be similar to those found historically in the vicinity, and shall not exceed twenty-seven (27) feet height;

(b) No dwelling structure shall contain less than one (1) story;

(c) Except as otherwise provided herein, the height of a new addition shall be equal to or less than that of the original building;

(d) Accessory buildings or structures shall be subordinate in height to the main building and shall not exceed 15 feet in height unless approved by the Planning Commission after a review of a conditional use application filed by the property owner.

(5) Building and Roof Form. Building form is an indispensable component which advances the purpose of this Chapter, and visually, the roof is the single most important element in an overall building. New construction, including second story additions, shall comply with the following design guidelines (see also the illustrations in the Appendix):

(a) Building and roof forms should be consistent with other buildings seen traditionally on the block and in the neighborhood;

Comments on: Accessory building/Garage addition plans submitted by Jeff and Kristen Gregson for 94 North 100 West
Re: Compatibility with the surrounding neighborhood; OTR issues
By: Alysa Revell, Chair, Farmington City Historic Preservation Commission
Date: April 13, 2010

I have reviewed the attached plans for a planned accessory building and have the following comments.

1) The garage's overall barn/carriage house shape and style is appropriate for this neighborhood, including important elements like window shape/size and roofline. Hardy Board is a material acceptable for use on buildings listed by the National Register of Historic Places. Although few garages exist in this area, this style hearkens back to the barns that do.

2) The submitted plans do not appear to conform to design guidelines for the Original Townsite Residential Zone (OTR) in the following areas:

   a. The accessory building is taller than the existing home and may have a slightly larger footprint (dimensions for original home were not provided). It should be subordinate to the existing home in both height and area.

   11-17-050 Accessory Buildings and Structures (Including Attached or Detached Garages).
   (1) Accessory buildings, except for those listed in Subsection (2) below, may be located within one (1) foot of the side or rear property line, provided they are at least six (6) feet to the rear of the dwelling, do not encroach on any recorded easements, occupy not more than twenty five percent (25%) of the rear yard, are located at least fifteen (15) feet from any dwelling on an adjacent lot, and accessory buildings shall, without exception, be subordinate in height and area to the main building and shall not encroach into the front yard and required side corner yard;

   b. The accessory building is set even with the front porch, rather than the front plane of the home. This may be in violation of 11-17-050(4)(a) and will cause the addition to overshadow the original home.

   11-17-050 Accessory Buildings and Structures (Including Attached or Detached Garages).
   (4) All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:
   (a) Under no circumstance shall any garage encroach into the front yard, or any other yard, except side yards and the rear yard, of the building lot;

   c. The addition also comprises more than 33% of the front plane of the home, which is not allowed for attached garages set back less than half the depth of the main building.

   11-17-050 Accessory Buildings and Structures (Including Attached or Detached Garages).
   (4)(b) Attached garages constructed even with the front setback line, or that are setback (or recessed) from the front setback less than a distance equal to half the depth of the main building shall comprise no more than 33% of the front plane of the home,

I can see from the plans that one setback issue arises from the need of the existing side (South) door to connect with the living area of the addition, and it cannot do this if the garage is pushed back any further. One solution that addresses this problem and most of the other issues (except the height) would be to "flip" the plans front to back, recess the addition to half the length of the home (so it can remain more than 33% of the home's front plane), and move the garage access to the 100 North side. This would 1)minimize the appearance of the garage (even a slightly larger footprint would not matter, visually), 2)arrange the building on the lot closer to how a real carriage house would have been set, and 3)allow easy access between the garage's living area and the home.

The Farmington Historic Preservation Commission encourages the long-term residency of families in Farmington's historic neighborhoods. We understand that additions are often necessary in order to make these homes even more livable and enjoyable for years to come. With some modification to the existing plan, I believe it can come into compliance with the zoning code and provide the added benefits the owners desire. If you have any questions or if I can be of any assistance, please contact me.

Kind regards,

Alysa Revell
Chair, Farmington City Historic Preservation Commission
alysa_revell@yahoo.com
801-644-6165 cell

April 15, 2010

Farmington City Planning Commission
Attn: Glenn Symes, Assistant City Planner

Dear Mr. Symes:

My neighbors, Jeff and Kristen Gregson, are planning to build an addition to their historic home at 94 North 100 West. My home (also historic) is directly east of theirs, and although the addition does not approach my property line, I've been asked to write a Letter of Approval in regard to their project.

I have not physically seen the plans, but I have confidence not only in their judgement, but I work closely with their advisor, Alysa Revell, on the Farmington City Historic Preservation Commission, and I have great confidence in her recommendations. I understand the addition will be 8 ½' from their neighbor's fence on the south, instead of the 10' stated in the O.T.R. I also understand that those neighbors, Cam and Shaurie Forbush, are not opposed to the 1 ½' difference, and as it will not approach my property line, I have no objection, either.

I look forward to seeing their plans become a reality. Our homes are linked, historically, and we enjoy knowing that our homes are built by members of an early pioneer family that were instrumental in Farmington's wonderful history. Building the addition will allow them to remain in a home they love rather than having to relocate, and they are the best of neighbors! I hope you'll decide favorably on their behalf.

If you have any questions, or wish to contact me, I can be reached at 801-451-2357. Thank you for your consideration in this matter.

Sincerely,

Annette Tidwell

Annette Tidwell, Executive Director
Farmington City Historic Preservation Commission
67 W 100 N
Farmington, UT 84025

April 9, 2010

To Whom it may Concern,

We live at 80 N. 100 W. Farmington, Utah, next door to Kristen and Jeff Gregson. We have been made aware that they are planning to remodel their home. We have reviewed their plans for the addition to their home and understand that it doesn't meet the boundary requirements for Farmington City's code. We understand that code requires 10 feet to the property line and the Gregson's plan shows that they will only have 8 ½ feet. We are fine with this issue and feel that their addition will help make our neighbor hood a more appealing place to live and visit.

Thank You,

Shauri Forbush

Cameron & Shauri Forbush

Agenda Item 5

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

SUBJECT: **Public Hearing: Consideration of Schematic and Minor subdivision Final Plat Approval for 2-lot Bell Estates at approximately 780 South Country Lane**

ACTION TO BE CONSIDERED:

1. Open meeting to public hearing.
2. Approve the schematic plan approval by minute motion.
3. Approve the final plat of Bell Estates by minute motion.

GENERAL INFORMATION:

See enclosed staff report prepared by the Planning Department.

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

FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

MAX FORBUSH
CITY MANAGER

Memorandum

To: Mayor and City Council

From: Glenn Symes, AICP, Assistant City Planner

RE: Bell Estates Subdivision Schematic Plan, Minor Subdivision and Plat Amendment

Date: April 30, 2010

The applicant is requesting a minor subdivision for a small parcel of land on the eastern side of the Diumenti field. The subdivision includes an open space parcel that is included in the larger Farmington Creek Estates Phase 3. This parcel was included in a small minor subdivision that amended the shape of the property owner's lot directly to the south of the proposed subdivision. The open space parcel is to be slightly larger than it was previously. The subdivision also includes a 55 foot right-of-way easement for future roadway dedication if a connection is needed for the Diumenti property. These issues are discussed further in the Planning Commission report dated April 15, 2010. The Planning Commission recommended approval of the schematic plan, the minor subdivision and the plat amendment at the April 15th meeting.

130 N MAIN • P.O. BOX 160 • FARMINGTON, UT 84025
PHONE (801) 451-2383 • FAX (801) 451-2747
www.farmington.utah.gov

Planning Commission Staff Report
April 15, 2010

Item 3: Bell Estates Schematic and Minor Subdivision Plat and Plat Amendment

Public Hearing:	Yes
Application No.:	S-2-10
Property Address:	780 South Country Lane
General Plan Designation:	Rural Residential Density (RRD)
Zoning Designation:	Agricultural Estates (AE)
Area:	2 acres
Number of Lots:	2
Property Owner:	BLQ, LLC
Agent:	Blake Mathews

Request: *Applicant is requesting a recommendation of approval for a schematic plan, minor subdivision plat and plat amendment for a two lot subdivision.*

Background Information

The applicant is requesting a recommendation of approval for a schematic plan and a minor subdivision on two acres of property located at approximately 780 South Country Lane. The property is essentially within the Farmington Creek Estates Ph. 3 subdivision and has frontage on Country Lane which is the road constructed to service the larger subdivision.

There are several items of discussion with this proposed subdivision that should be addressed. First is the issue of connectivity. The Diumenti field to the west of the subject property is currently undeveloped. The City's standards for maximum block length require that an access point be placed somewhere on Country Lane between Glovers Lane and Docs Way. The northern portion of the Farmington Creek Estates subdivision has roads stubbed to the Diumenti field for future development as well. Since there are no plans for development of the Diumenti property and it is unclear what may actually happen with the property, the City did not want the applicant to commit to construction of an actual roadway. Instead, the City is proposing an easement on the northern of the two lots to allow a future right-of-way to be dedicated if there is a need. If a full road is not needed, the right-of-way may be reduced to allow a pedestrian connection or other type of access.

Another item to be discussed is the changes that need to be made to the plan included with this report. First, the lot sizes must be at least one acre to avoid the conservation subdivision requirements. Lot 1, on which is placed the future right-of-way easement, must be at least one acre excluding the portion that may be dedicated in the future. The City recommends against the potential of knowingly creating a non-conforming lot. Parcel #1 shown on the plat is an open space and drainage easement

parcel owned by the HOA. The applicant's plan is to exchange a small portion of the open space across Country Lane with the same square footage on Parcel #1 increasing its size. This would allow the lots across the street to be slightly larger without changing the overall amount of open space within the Farmington Creek Estates Ph. 3 subdivision. The modifications to the lots can easily be accomplished by adjustments to Parcel #1. The change to Parcel #1 requires the plat amendment as it is part of the Farmington Creek Estates Ph. 3 First Amendment Plat. Lots 1 and 2 are currently unplatted property.

Suggested Motion:

Move that the Planning Commission recommend approval of a schematic plan, a minor subdivision plat and plat amendment to the Farmington Creek Ph. 3 PUD First Amendment Plat for the Bell Estates subdivision with the following conditions:

1. The applicant work with the City's Development Review Committee to address any outstanding issues related to the final plat including but not limited to planning, engineering, storm water, sewer, culinary and secondary water and public works.
2. The changes discussed in the staff report of April 15, 2010 be made prior to final approval and plat recordation.
3. An easement must be added to the plat for a sewer lateral across the eastern portion of Lot 2.

Findings:

1. The proposed schematic plan is consistent with the requirements of the underlying zoning ordinance requirements.
2. The lots are large enough to avoid any conservation subdivision requirements and do not require a waiver from such requirements.
3. The provision of an easement for future right-of-way allows the City to maintain adequate access for future development to the west of the proposed subdivision.

Supplemental Information

1. Subdivision Plan/Plat for the Bell Estates Subdivision

Applicable Ordinances

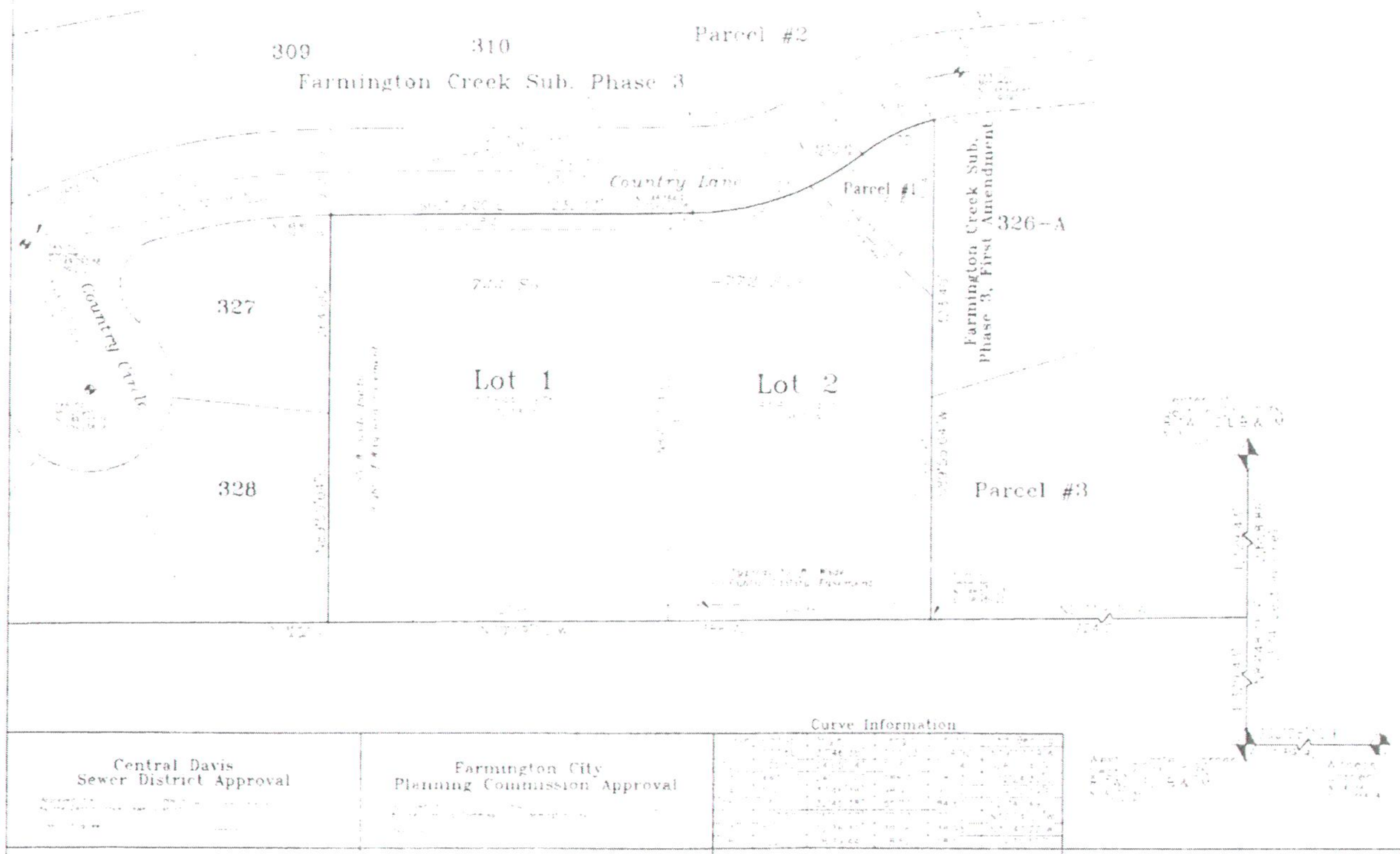
1. Title 11, Chapter 10 – Agricultural Zones
2. Title 12, Chapter 3 – Schematic Subdivisions
3. Title 12, Chapter 5 – Minor Subdivisions

Balling Engineering

Bell Estates Subdivision
Planned Unit Development

Including the Former Parcel #4 of Farmington Creek Estates Phase III, First Amended Plat
Being a Part of the West Half of Section 25, T.3N., R.1W., S.L.B. & M.
Farmington City, Davis County Utah

Scale: 1" = 40'
March, 2010



Legend

Boundary Description

Surveyor's Certificate

Owner's Dedication

Acknowledgement

Consent to Record

Notes

Curve Information

Central Davis Sewer District Approval	Farmington City Planning Commission Approval			
Farmington City Attorney's Approval	Farmington City Engineer's Approval	Weber Basin Water Conservancy District Approval	Farmington City Council Approval	Davis County Recorder

Balling Engineering
Civil Engineering • Surveying • Planning
Phone (801) 295-[illegible]
Fax (801) [illegible]

Bell Estates Subdivision
Final Plat
For: Mark Bell

Revisions
Date | Description | By

Surveyor
Date Surveyed
Drafting
Checked By
Date Approved
File Number

1
2

Farmington Creek Estates Phase III
Planned Unit Development
First Amended Plat

Including the Former Lot 326 and Parcel #3 of Farmington Creek Estates Phase III
Being a Part of the West Half of Section 25, T.3N., R.1W., S.L.B. & M.
Farmington City, Davis County, Utah

765

PREFIX
08-465

LAST #
0003

N

SCALE:
1" = 100'

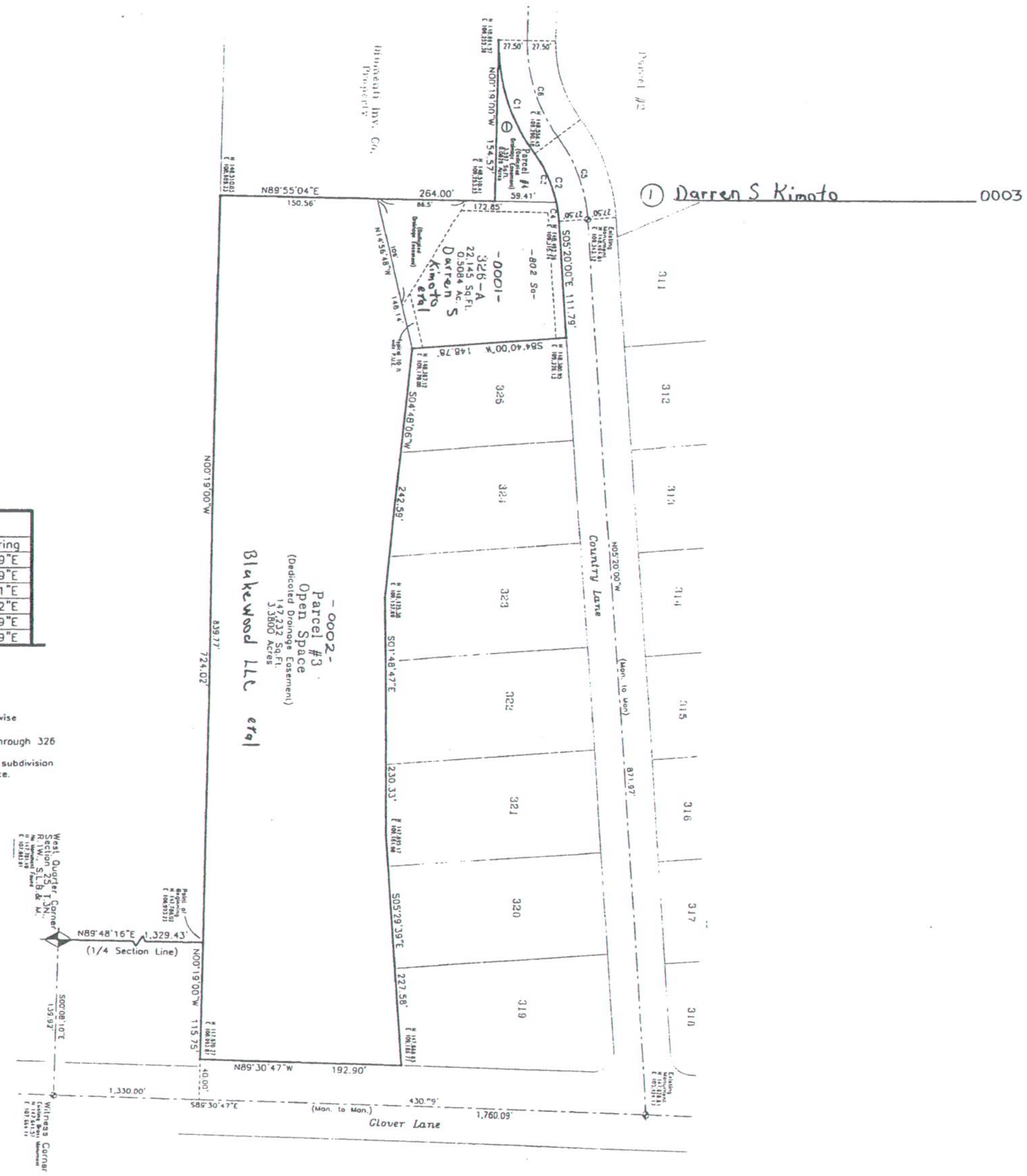
DEVELOPMENT: FARMINGTON CREEK ESTATES PH. III PLANNED UNIT DEVELOPMENT FIRST AMENDED PLAT

LOT : 326 - A &
PARCELS 3 & 4

CITY: FARMINGTON

25 , T.3N, R.1W

DAVIS COUNTY, UTAH



Legend

- Subdivision Boundary
- Lot Boundary
- Road Centerline
- Easement Boundary
- Property Corner (Rebar)
- Existing Brass Monument

Curve Information

Curve	Radius	Angle	Length	Chord	Chd Bearing
C1	177.50'	37°46'38"	117.03'	114.92'	S19°12'19"E
C2	122.50'	32°45'38"	70.04'	69.09'	S21°42'49"E
C3	122.50'	24°05'54"	51.52'	51.14'	S26°02'41"E
C4	122.50'	08°39'44"	18.52'	18.50'	S09°39'52"E
C5	150.00'	32°45'38"	85.77'	84.60'	S21°42'49"E
C6	150.00'	37°46'38"	98.90'	97.12'	S19°12'19"E

Notes

1. All easements are 10.0 ft. wide public utility easements unless noted otherwise
2. All coordinates are based on Davis County Surveyor's Office datum
4. Parcel #3 shall be a drainage easement for use of run off from Lot 319 through 326 of Farmington Creek Estates Phase III.
5. A soils report has been prepared and submitted to Farmington City for this subdivision in accordance with the provisions of the Farmington City Subdivision Ordinance.
6. All drainage easements are specifically identified and marked on this plat.

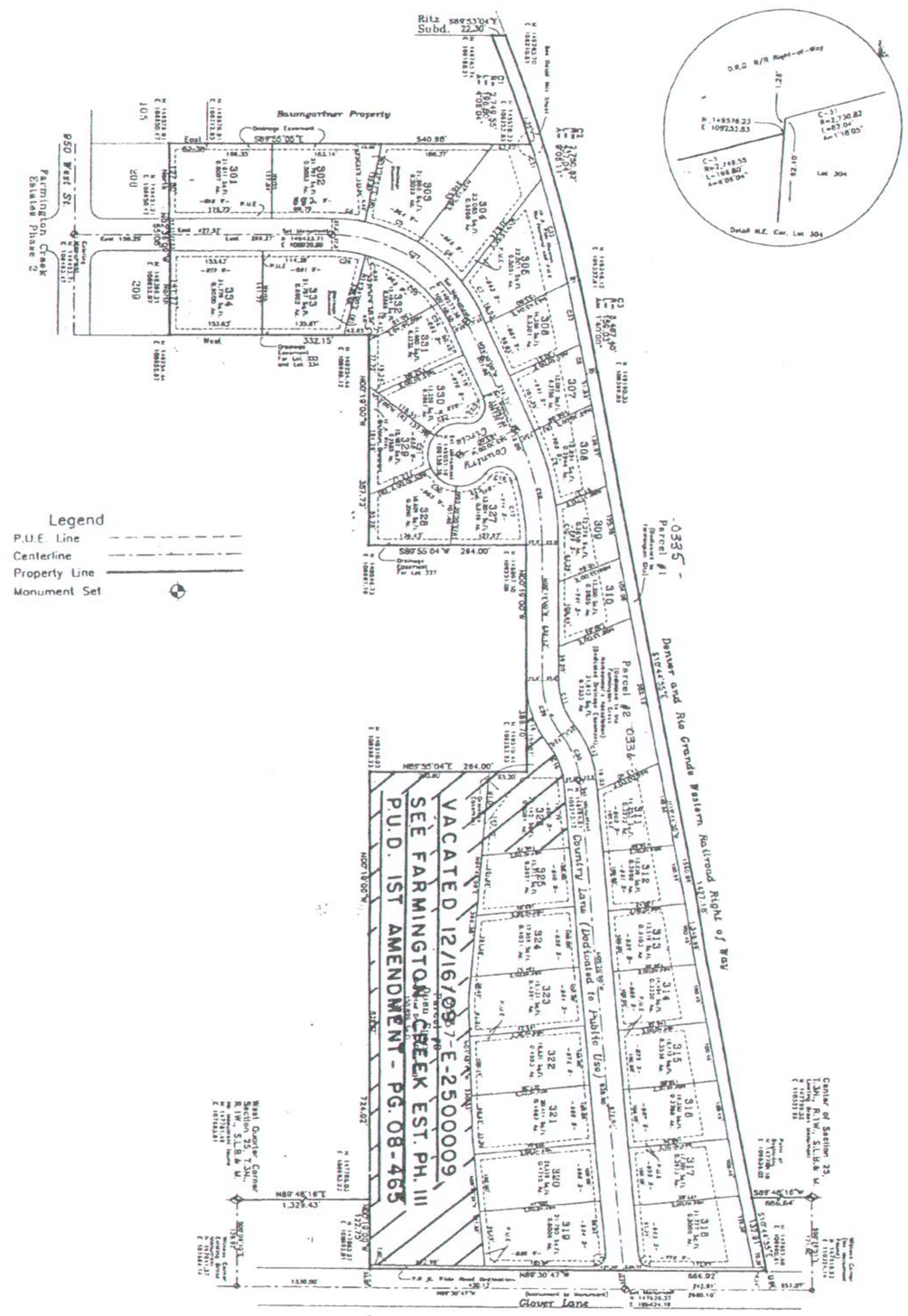
Farmington Creek Estates Phase III
Planned Unit Development

Being a Part of the West Half of Section 25, T.3N., R.1W., S.L.B. & M.
Farmington City, Davis County, Utah

BLAKE WOOD LLC and RICK WOOD OWNS ALL LOTS NOT MARKED

LOT	OWNER	PID
301	Rick K Wood	0301
302	Darrel J Stanford	0302
303	Aaron D Biesinger	0303
304	Mark Holbrook	0304
305	Chelsa Johnson	0305
306		0306
307	Dennis Richard Millard	0307
308		0308
309		0309
310		0310
311	Blake Wood LLC etal	0311
312		0312
313	Brett N Anderson	0313
314	Brent G Beck	0314
315	Christian R. Larsen	0315

LOT	OWNER	PID
316		0316
317	Jayson T Aldred	0317
318		0318
319	Trevor Farnes	0319
320	Peter C Miller	0320
321	Steve McPherson	0321
322	Benjamin W Barrus	0322
323	Justen Ericksen	0323
324	Scott A Behunin	0324
325	Malamene P Wong	0325
326	Darren S Kimoto	0326
327		0327
328	BRADLEY S. EVANS	0328
329		0329
330		0330
331		0331
332		0332
333		0333
334	Mortgage Electronic Registration Systems Inc	0334
Parcel 1	Farmington City Corp	0335
Parcel 2	Blakewood on Farmington Creek HOA	0336
Parcel 3	Blakewood on Farmington Creek HOA	0337



Notes

1. All easements are 10.0 ft. wide public utility easements unless noted otherwise
2. All coordinates are based on Davis County Surveyor's Office Datum
3. All Sideyard bearings denotes with (R) are radial
4. Parcel #3 Shall Be a Drainage Easement for use of Run off from Lot 319 through 326.
5. A Soils Report has been prepared and submitted to Farmington City for this Subdivision in accordance with the provisions of the Farmington City Subdivision Ordinance.
6. All Drainage Easements are Specifically Identified and Marked on this plat.

Balling Engineering

PREFIX 08-356 9
LAST # 0337

N

SCALE: 1" = 200'

DEVELOPMENT: FARMINGTON CREEK ESTATES PH. III P.U.D.
LOTS: 301 THRU 334 & PARCELS 1 THRU 3
CITY: FARMINGTON

W 1/2 25, T.3N, R.1W
S.L.M. DAVIS COUNTY, UTAH

FILE # 4214
R 03-18-05

ORDINANCE NO. 2010 -

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN ORDER VACATING PARCEL 4 OF THE FARMINGTON CREEK ESTATES PLANNED UNIT DEVELOPMENT FIRST AMENDED PLAT AND DIRECTING THAT THE SAME BE RECORDED WITH THE DAVIS COUNTY RECORDER'S OFFICE.

WHEREAS, the City has previously received a petition from BLQ, LLC, fee owners, as shown on the last Davis County assessment rolls, for Parcel 4 of the Farmington Creek Estates Planned Unit Development First Amended Plat to have said lots of the Parcel 4 of the Farmington Creek Estates Planned Unit Development First Amended Plat vacated in order to provide for the recording of an amended subdivision plat to be known as "Bell Estates Subdivision"; and

WHEREAS, the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation of Parcel 4 of the Farmington Creek Estates Planned Unit Development First Amended Plat; and

WHEREAS, the City Council desires to approve the vacation of Parcel 4 of the Farmington Creek Estates Planned Unit Development First Amended Plat.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Vacation and Amendment. The City Council hereby finds that neither the public nor any person will be materially injured by the proposed vacation of Parcel 4 of the Farmington Creek Estates Planned Unit Development First Amended Plat and hereby authorizes the Mayor to enter into a Vacation Order vacating and amending the same.

Section 2. Recording. The Mayor is further directed to cause the Vacation Order to be recorded in the office of the Davis County Recorder's Office in accordance with Utah Code Ann. § 10-9-810(c), as amended.

Section 3. Severability Clause. If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS **4th day of May, 2010.**

FARMINGTON CITY

By:_____
Scott C. Harbertson, Mayor

ATTEST:

_____
Margy L. Lomax, City Recorder

VACATION AND AMENDMENT ORDER NO. 2010 -

A petition having been submitted in writing by fee owner, as shown on the last Davis County assessment rolls, of Parcel 4 of the Farmington Creek Estates Planned Unit Development First Amended Plat, located in Farmington City, Davis County, Utah, as shown on the recorded plat of the Farmington Creek Estates Planned Unit Development First Amended Plat.

The City Council of Farmington City, Utah, hereby finds and determines that neither the public nor any person will be materially injured by the vacation of Parcel 4 of the Farmington Creek Estates Planned Unit Development First Amended Plat and that there is good cause for vacating the same.

NOW, THEREFORE, IT IS HEREBY ORDERED that Parcel 4 of the Farmington Creek Estates Planned Unit Development First Amended Plat previously filed in the office of the Davis County Recorder, State of Utah, on the 16th day of December, 2009, in Book 4922 of the official records, Page 492, Entry No. 2500010 be vacated and the same is hereby vacated and amended pursuant to law to allow an amended subdivision plat for the property to be recorded hereafter creating Farmington Creek Estates Planned Unit Development First Amended Plat.

APPROVED AND ORDERED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, ON THIS 4th day of May, 2010.

FARMINGTON CITY

By:_____
Scott C. Harbertson, Mayor

ATTEST:

_____
Margy L. Lomax, City Recorder

Agenda Item 6

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

S U B J E C T: Consideration of final plat approval for Spring Creek Subdivision, Phases 3a and 3b located at approximately 400 North and 1875 West

ACTION TO BE CONSIDERED:

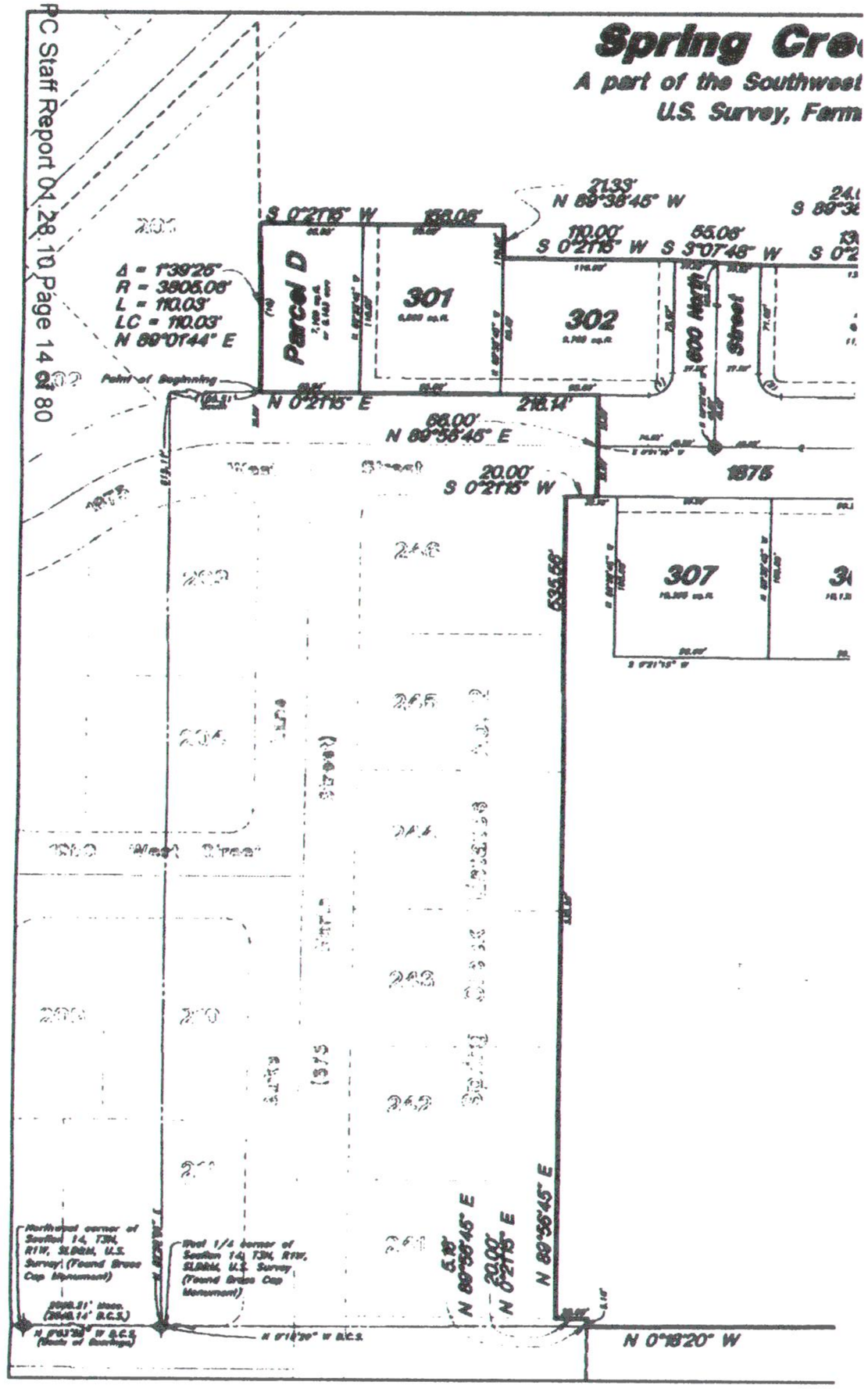
Minute motion approving the subdivision authorizing the Mayor to sign the final plat.

GENERAL INFORMATION:

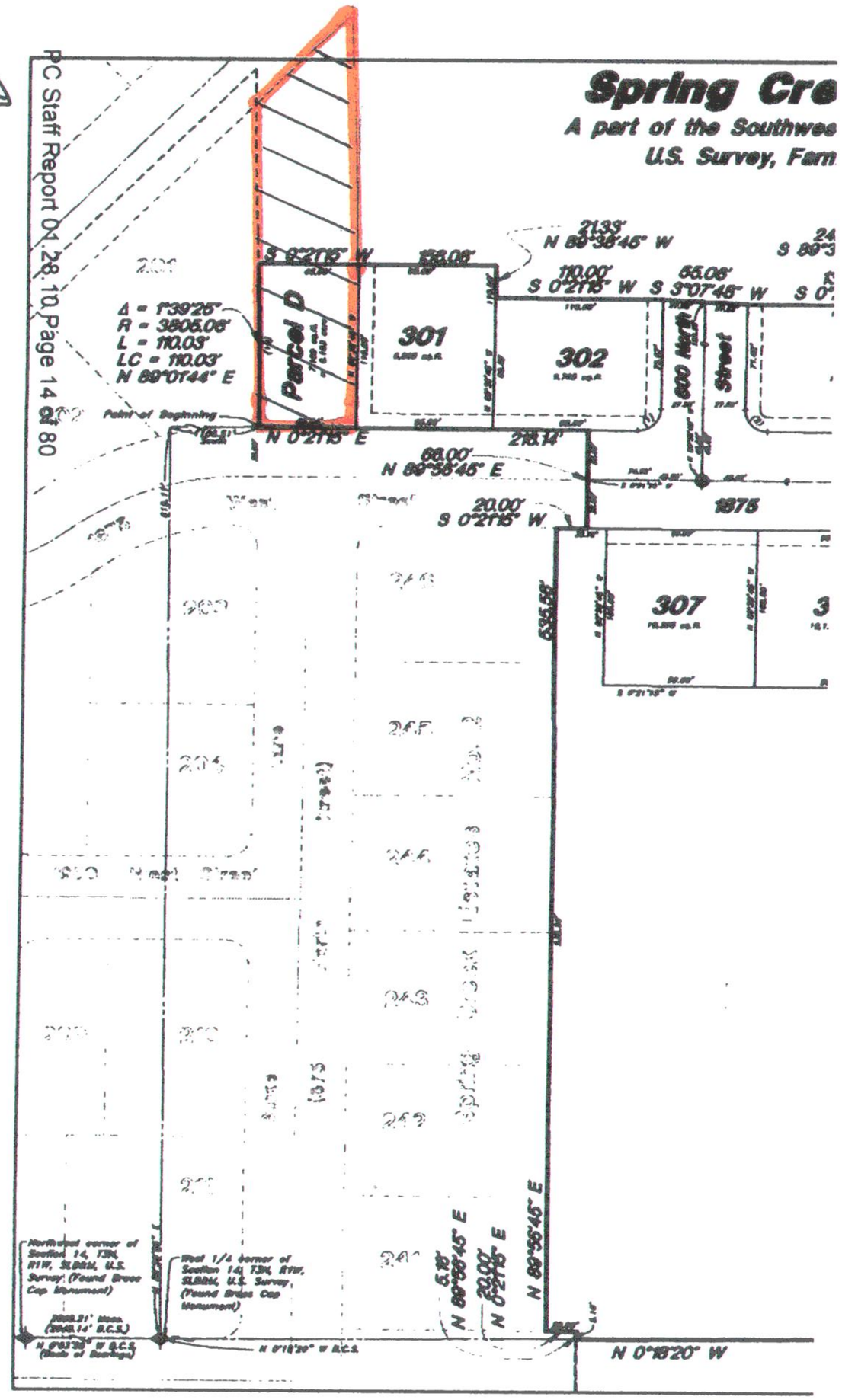
See enclosed staff report prepared by the Planning Department.

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

EXISTING



RECOMMENDED DEDICATED R.O.W.



FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

MAX FORBUSH
CITY MANAGER

Memorandum

To: Mayor and City Council

From: Glenn Symes, AICP, Assistant City Planner

RE: Spring Creek Estates Phase 3A and 3B Final Plat

Date: April 30, 2010

This application is for a final plat approval for the Spring Creek Estates subdivision. The original preliminary plat for the subdivision broke the overall plan unto approximately 8 phases. However, due to economic circumstances, the developer has pursued sub-phases of the original preliminary plat instead of full phases. This application is for the first two sub-phases of phase 3. Phase 3A consists of 17 lots with the required open space parcels and phase 3B consists of 18 lots and the remainder of the open space in this area. The applicant will pursue further sub-phases once these two sub-phases are approved.

The submitted final plats are consistent with the approved preliminary plat associated with the conservation subdivision approval. The Planning Commission reviewed and recommended approval of both of these sub-phases. Phase 3A was reviewed in January and phase 3B was reviewed in April.

130 N MAIN • P.O. BOX 160 • FARMINGTON, UT 84025
PHONE (801) 451-2383 • FAX (801) 451-2747
www.farmington.utah.gov

FARMINGTON

HISTORIC BEGINNINGS • 1847

Planning Commission Staff Report
January 28, 2010

Item 3: Spring Creek Estates Phase 3-A Final Plat

Public Hearing:	No
Application No.:	S-1-10
Property Address:	600 North 1875 West
General Plan Designation:	Rural Residential Density (RRD)
Zoning Designation:	Agricultural Estates (AE)
Area:	13 acres
Number of Lots:	17
Property Owner:	Heber South Towne, LLC
Agent:	Howard Kent, SLI

Request: Applicant is requesting a recommendation of approval for a Final Plat for the Spring Creek Estates Phase 3-A subdivision plat.

The applicant is requesting a recommendation of approval for phase 3-A of the Spring Creek Estates subdivision. The preliminary plat for the Spring Creek Estates project was approved in December of 2007 consisting of 169 single-family residential lots. The first two phases have been approved and built. The third phase, planned originally for 89 lots, was placed on hold due to the conditions of the housing market. The project has begun again and the applicant would like to continue working through phase 3. Instead of working on all 89 lots, the applicant would like to break phase 3 into several sub-phases. This application is for the first of these sub-phases and consists of the first 17 lots. Since this subdivision is a conservation subdivision, a development agreement must be finalized and recorded with the plat. The City Council will be reviewing and approving the agreement. The final plat as presented is consistent with the approved preliminary plat.

Suggested Motions:

Move that the Planning Commission recommend approval of a final plat for the Spring Creek Estates Phase 3-A subdivision with the following conditions:

1. The applicant work with the City's Development Review Committee to address any outstanding issues related to the final plat including but not limited to planning, engineering, storm water, sewer, culinary and secondary water and public works.
2. The applicant work with staff to finalize and present to the City Council a development agreement for the Spring Creek Estates subdivision.

Findings:

1. The proposed final plat is consistent with the approved preliminary plat.
2. The proposed subdivision meets all the requirements for approval of a final plat.

Supplemental Information

1. Final Plat for Spring Creek Estates Phase 3-A

Applicable Ordinances

1. Title 11, Chapter 12 – Conservation Subdivisions
2. Title 12, Chapter 6 – Major Subdivisions

Spring Creek Estates No. 3-A

A part of the Southwest 1/4 of Section 14, T3N, R1W, SLB&M, U.S. Survey Farmington City, Davis County, Utah

NARRATIVE:

This Survey and Subdivision plat was done at the request of Mr. Howard Kent of SLI Commercial Real Estate, for the purpose of plotting seventeen (17) residential Lots. Brass Cap Monuments were found at the Northwest corner the West 1/4 corner and the Southwest corner of Section 14, T3N, R1W, SLB&M, U.S. Survey. A line bearing South 0°05'58" East between the Northwest corner and the West 1/4 corner was used as the basis of bearings. Property corners were monumented as depicted.

CENTERLINE CURVE DATA

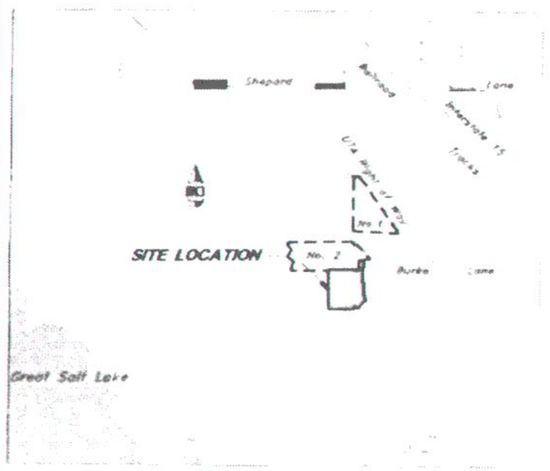
(A)	(B) Total	(C)	(D)
Δ = 21°00'17"	Δ = 55°06'28"	Δ = 32°06'11"	Δ = 65°55'01"
R = 289.46'	R = 289.46'	R = 289.46'	R = 230.15'
L = 106.12'	L = 268.30'	L = 162.18'	L = 264.65'
LC = 105.52'	LC = 258.80'	LC = 160.07'	LC = 250.30'
S 10°08'58" E	S 26°11'50" E	S 35°42'07" E	S 32°42'18" W
	L = 144.66'		S = 149.13'

PROPERTY LINE CURVE DATA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Δ = 90°00'00"	Δ = 90°00'00"	Δ = 10°01'37"	Δ = 104°40'50"	Δ = 95°39'30"	Δ = 21°29'02"	Δ = 14°28'40"	Δ = 91°52'39"
R = 15.00'	R = 15.00'	R = 256.46'	R = 15.00'	R = 15.00'	R = 256.46'	R = 322.46'	R = 322.46'
L = 23.56'	L = 23.56'	L = 44.88'	L = 27.41'	L = 25.04'	L = 96.15'	L = 81.48'	L = 55.59'
LC = 21.21'	LC = 21.21'	LC = 44.82'	LC = 23.75'	LC = 22.23'	LC = 95.60'	LC = 81.26'	LC = 49.82'
S 44°58'45" E	S 45°21'15" W	S 4°39'33" E	S 62°00'46" E	S 17°49'04" W	S 40°45'11" E	S 45°10'55" E	S 33°20'14" E

(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
Δ = 85°57'16"	Δ = 27°35'04"	Δ = 38°12'57"	Δ = 19°08'06"	Δ = 18°59'20"	Δ = 18°59'20"	Δ = 8°46'14"	Δ = 79°33'09"
R = 15.00'	R = 202.65'	R = 202.65'	R = 257.65'	R = 257.65'	R = 257.65'	R = 257.65'	R = 15.00'
L = 22.50'	L = 97.56'	L = 135.46'	L = 86.05'	L = 85.39'	L = 85.39'	L = 39.44'	L = 20.83'
LC = 20.45'	LC = 96.62'	LC = 132.95'	LC = 85.65'	LC = 85.00'	LC = 85.00'	LC = 39.40'	LC = 19.19'
N 71°22'55" W	S 51°55'17" W	S 18°54'46" W	S 9°19'51" W	S 28°25'34" W	S 47°22'54" W	S 61°35'42" W	N 26°52'14" E

(17)	(18)
Δ = 14°15'36"	Δ = 17°39'25"
R = 322.46'	R = 3805.06'
L = 80.25'	L = 110.03'
LC = 80.05'	LC = 110.03'
S 6°48'32" E	N 89°01'44" E



Vicinity Map
Not to Scale

LEGEND

- Set Nail & Washer
- Set Rebar & Cap w/ Tenneson
- Hub & Tack
- Monument to be Set
- Section Corner
- (Rad) Radial line
- (N/R) Non-Radial line
- D.C.S. Davis County Survey
- Existing Fence Line
- Drainage Easement

NOTE:
10' wide Public Utility Easement as indicated by dashed lines, except as otherwise shown. Shaded Drainage Easements may be subject to drainage from adjacent lots.

SURVEYOR'S CERTIFICATE

I, Gary L. Newman, a Registered Land surveyor in the State of Utah, do hereby certify that this plat of Spring Creek Estates No. 3-A in Farmington City, Davis County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Davis County Recorder's Office and on a survey made on the ground. Signed this day of , 2010.

624292F
License No. Andy Hubbard

BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at the Southwest corner of Lot 201 Spring Creek Estates No. 2, Farmington City, Davis County, Utah; said point is also on the East right-of-way line of 1875 West Street; said point being 615.13 feet North 89°50'05" East along the Quarter Section line and 1106.5 feet South from the West Quarter corner of said Section 14; running thence Northeasterly along the arc of a 3805.06 foot radius curve to the left a distance of 110.03 feet (Long Chord bears North 89°01'44" East 110.03 feet) along the South boundary of said Spring Creek Estates No. 2; thence South 0°21'15" West 158.08 feet; thence North 89°38'45" West 21.33 feet; thence South 0°21'15" West 110.00 feet; thence South 10°07'48" West 55.06 feet; thence 0°21'15" West 130.00 feet; thence South 89°38'45" East 24.00 feet; thence South 0°21'15" West 208.60 feet; thence South 24°21'11" East 55.00 feet; thence South 65°38'49" West 22.58 feet; thence South 24°21'11" East 108.19 feet; thence South 65°38'49" West 65.67 feet; thence Southeasterly along the arc of a 256.46 foot radius curve to the left a distance of 5.63 feet (Long Chord bears South 52°07'28" East 5.63 feet); thence South 37°14'48" West 173.23 feet; thence North 58°49'29" West 82.79 feet; thence South 20°51'02" West 50.00 feet; thence South 89°45'48" West 508.01 feet to said Section line and the East line of Farmington Meadows Phase 2 Subdivision, Farmington City, Davis County, Utah; thence North 0°18'20" West 773.60 feet along said Section line and the East boundary of said Farmington Meadows Phase 2 Subdivision to the South boundary of said Spring creek Estates No. 2; thence six (6) courses along the Southerly boundary of said Spring Creek Estates No. 2 as follows: South 89°56'45" East 5.16 feet; North 0°21'15" East 20.00 feet; North 89°56'45" East 535.56 feet; South 0°21'15" West 20.00 feet; North 89°56'45" East 66.00 feet and North 0°21'15" East 216.14 feet to the point of beginning.

Contains 570,894 sq. ft.
or 13.106 Acres

OWNER'S DEDICATION

I, the undersigned owner of the hereon described tract of land, hereby set apart and subdivide the same into lots, parcels and streets as shown on this plat, and name said tract Spring Creek Estates No. 3-A, and hereby dedicate, grant and convey to Farmington City, Davis County, Utah, all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever, and also dedicate to Farmington City those certain strips as easements for public utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance, and operation of the public utility service lines and drainage, as may be authorized by Farmington City.
Signed this day of , 2010

SLI Commercial Real Estate — Barnes Banking Company

Howard Kent - President
261 East 300 South Suite 350
Salt Lake City, Utah 84111

L. Terry Fitton - Vice President

ACKNOWLEDGMENT

State of Utah
County of } ss

On the day of , 2010, personally appeared before me Howard Kent, who being by me duly sworn did say that he is the President of SLI Commercial Real Estate, and that said instrument was signed in behalf of said Corporation by a resolution of its Board of Directors and Howard Kent acknowledged to me that said Corporation executed the same.

Residing At: .....
A Notary Public Commission in Utah

Commission Expires: .....
Print Name

State of Utah
County of } ss

On the day of , 2010, personally appeared before me, L. Terry Fitton, who being by me duly sworn did say that he is Vice President of Barnes Banking Company, and that said instrument was signed in behalf of said Corporation by a resolution of its Board of Directors and Terry L. Fitton acknowledged to me that said Corporation executed the same.

Residing At: .....
A Notary Public Commission in Utah

Commission Expires: .....
Print Name

SHEET 1 OF 2

ACKNOWLEDGMENT

State of Utah
County of } ss

On the day of , 2010, personally appeared before me Scott C. Harbertson, who being by me duly sworn did say that he is Mayor of Farmington City, and that said instrument was signed in behalf of said City and Scott C. Harbertson acknowledged to me that said City executed the same.

Residing At: .....
A Notary Public Commission in Utah

Commission Expires: .....
Print Name

NOTE:
The developer has provided a soils report to Farmington City.

NOTE:
Access to Spring Creek Drive and 1875 West Street is required to be in a forward Manner, requiring either a Circular or Hammerhead driveway or other Turnaround as approved by Farmington City.

GREAT BASIN ENGINEERING NORTH
CONSULTING ENGINEERS AND SURVEYORS
5746 South 1475 East – Suite 200
Ogden, Utah 84403
P.O. Box 150048, Ogden, Utah 84415
Ogden (801) 394-4515 Salt Lake City (801) 521-8529 Fax (801) 392-7544

Spring Creek Estates No. 3-A
A part of the Southwest 1/4 of Section 14,
T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

DAVIS COUNTY RECORDER

ENTRY NO. ..... FEE PAID
..... FILED FOR RECORD AND
RECORDED, AT
IN BOOK, OF OFFICIAL
RECORDS, PAGE, RECORDED
FOR

DAVIS COUNTY RECORDER
BY: .....
DEPUTY

BENCHLAND WATER DISTRICT

Approved by the Benchland Water District on this day of , 2010.

Signature

CENTRAL DAVIS SEWER DISTRICT APPROVAL

Approved by the Central Davis Sewer District on this day of , 2010

Signature

FARMINGTON CITY PLANNING COMMISSION APPROVAL

Reviewed by the Farmington City Planning and Zoning Commission on the day of , 2010.

Chairperson

FARMINGTON CITY ENGINEER'S APPROVAL

Approved by the Farmington City Engineer on this day of , 2010

Signature

FARMINGTON CITY ATTORNEY'S APPROVAL

Approved by the Farmington City Attorney on this day of , 2010

Signature

FARMINGTON CITY COUNCIL APPROVAL

This is to certify that this plat and dedication of this plat were duly approved and accepted by the City Council of Farmington City, Utah this day of 2010

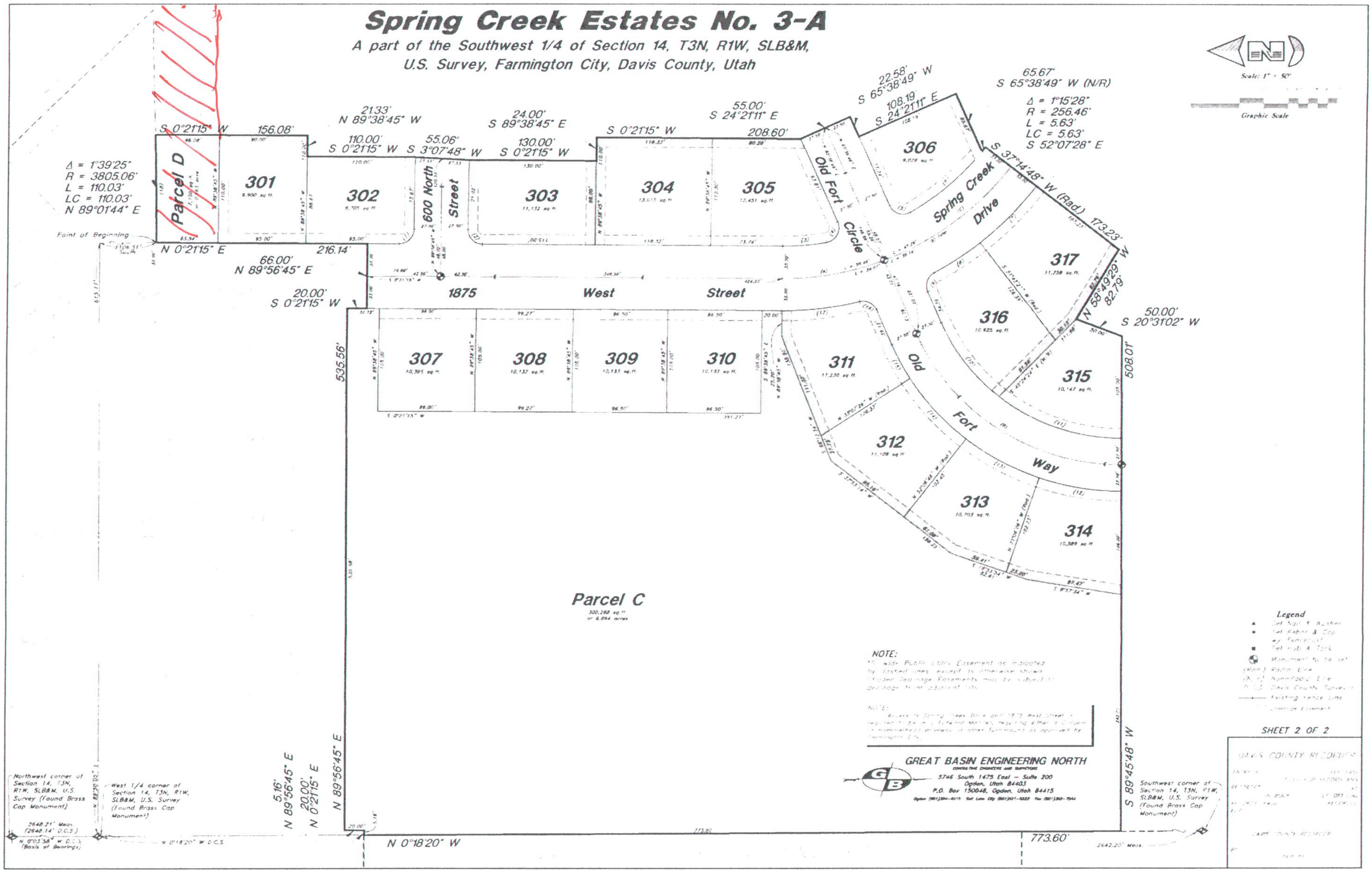
Attest

Title

Mayor

Spring Creek Estates No. 3-A

A part of the Southwest 1/4 of Section 14, T3N, R1W, SLB&M,
U.S. Survey, Farmington City, Davis County, Utah



FARMINGTON

HISTORIC BEGINNINGS • 1847

Planning Commission Staff Report
April 29, 2010

Item 3: Spring Creek Estates Phase 3-B Final Plat

Public Hearing:	No
Application No.:	S-3-10
Property Address:	400 North 1875 West
General Plan Designation:	Rural Residential Density (RRD)
Zoning Designation:	Agricultural Estates (AE)
Area:	7.5 acres
Number of Lots:	18
Property Owner:	Heber South Towne, LLC
Agent:	Howard Kent, SLI

Request: *Applicant is requesting a recommendation of approval for a Final Plat for the Spring Creek Estates Phase 3-B subdivision plat.*

Background Information

The applicant is requesting a recommendation of approval for phase 3-B of the Spring Creek Estates subdivision. The preliminary plat for the Spring Creek Estates project was approved in December of 2007 consisting of 169 single-family residential lots. The first two phases have been approved and built. The third phase, planned originally for 89 lots, was placed on hold due to the conditions of the housing market. The project has begun again and the applicant would like to continue working through phase 3. Instead of working on all 89 lots, the applicant would like to break phase 3 into several sub-phases. This application is for the second of these sub-phases and consists of the first 18 lots. Since this subdivision is a conservation subdivision, a development agreement must be finalized and recorded with the plat. The final plat as presented is consistent with the approved preliminary plat.

Suggested Motions:

Move that the Planning Commission recommend approval of a final plat for the Spring Creek Estates Phase 3-B subdivision with the following conditions:

1. The applicant work with the City's Development Review Committee to address any outstanding issues related to the final plat including but not limited to planning, engineering, storm water, sewer, culinary and secondary water and public works.
2. The applicant work with staff to finalize and present to the City Council a development agreement for the Spring Creek Estates subdivision.

3. The applicant submit an amended master plan exhibit for the recordation of the development agreement.

Findings:

1. The proposed final plat is consistent with the approved preliminary plat.
2. The proposed subdivision meets all the requirements for approval of a final plat.

Supplemental Information

1. Final Plat for Spring Creek Estates Phase 3-B

Applicable Ordinances

1. Title 11, Chapter 12 – Conservation Subdivisions
2. Title 12, Chapter 6 – Major Subdivisions

Spring Creek Estates No. 3-B

A part of the Southwest 1/4 of Section 14, T3N, R1W, SLB&M, U.S. Survey Farmington City, Davis County, Utah

NARRATIVE:

This Survey and Subdivision plat was done at the request of Mr. Howard Kent of SLI Commercial Real Estate, for the purpose of platting eighteen (18) residential Lots. Brass Cap Monuments were found at the Northwest corner the West 1/4 corner and the Southwest corner of Section 14, T3N, R1W, SLB&M, U.S. Survey. A line bearing South 0°03'58" East between the Northwest corner and the West 1/4 corner was used as the basis of bearings. Property corners were monumented as depicted.

PROPERTY LINE CURVE DATA

(1)	(2)	(3)	(4)	(5)	(6)
Δ = 90°00'35"	Δ = 89°59'25"	Δ = 0°20'50"	Δ = 0°25'24"	Δ = 0°38'51"	Δ = 0°46'48"
R = 15.00'	R = 15.00'	R = 11204.39'	R = 11204.39'	R = 6050.51'	R = 6050.51'
L = 23.56'	L = 23.56'	L = 66.84'	L = 82.78'	L = 68.38'	L = 82.51'
LC = 21.21'	LC = 21.21'	LC = 66.84'	LC = 82.78'	LC = 68.36'	LC = 82.51'
S 44°46'05" W	N 45°13'55" W	S 89°56'08" W	S 89°13'10" W	N 89°19'54" E	S 89°57'18" E

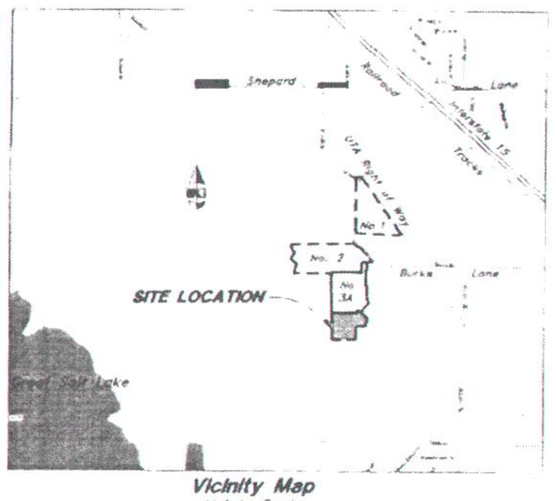
(7)	(8)	(9)	(10)	(11)	(12)
Δ = 0°46'44"	Δ = 0°38'52"	Δ = 0°25'38"	Δ = 0°30'26"	Δ = 90°00'35"	Δ = 90°00'00"
R = 5995.51'	R = 5995.51'	R = 11258.39'	R = 11259.39'	R = 15.00'	R = 15.00'
L = 81.51'	L = 67.79'	L = 83.43'	L = 66.94'	L = 23.56'	L = 23.56'
LC = 81.51'	LC = 67.79'	LC = 83.43'	LC = 66.94'	LC = 21.21'	LC = 21.21'
S 89°57'17" E	N 89°19'54" E	S 89°13'12" W	S 89°36'10" W	N 44°46'05" E	S 45°14'12" E

(13)	(14)	(15)	(16)	(17)	(18)
Δ = 47°32'45"	Δ = 46°31'54"	Δ = 54°24'34"	Δ = 65°37'40"	Δ = 60°07'55"	Δ = 46°23'27"
R = 26.50'	R = 53.50'	R = 53.50'	R = 53.50'	R = 53.50'	R = 53.50'
L = 21.99'	L = 43.45'	L = 52.67'	L = 61.28'	L = 56.15'	L = 43.32'
LC = 21.36'	LC = 42.2"	LC = 50.57'	LC = 57.98'	LC = 53.61'	LC = 42.14'
N 65°59'25" E	S 65°29'00" W	N 63°02'48" W	N 2°01'39" W	N 60°51'09" E	S 65°53'10" E

(19)	(20)	(21)
Δ = 47°32'45"	Δ = 90°00'00"	Δ = 89°59'25"
R = 26.50'	R = 15.00'	R = 15.00'
L = 21.99'	L = 23.56'	L = 23.56'
LC = 21.36'	LC = 21.21'	LC = 21.21'
N 66°27'49" W	S 44°45'48" W	S 45°13'55" E

CENTERLINE CURVE DATA

(A)	(B)
Δ = 0°45'55"	Δ = 1°25'37"
R = 11231.89'	R = 6013.01'
L = 150.00'	L = 149.99'
LC = 150.00'	LC = 149.99'
S 89°23'26" W	N 89°43'17" E



Vicinity Map
Not to Scale

LEGEND

- Set Nail & Washer
- Set Rebar & Cap w/ Fencepost
- Hub & Tack
- Monument to be Set
- Section Corner
- (Rad) Radial line
- (N/R) Non-Radial line
- D.C.S. Davis County Survey
- Existing Fence Line
- Drainage Easement

NOTE:
10' wide Public Utility Easement as indicated by dashed lines, except as otherwise shown. Shaded Drainage Easements may be subject to drainage from adjacent lots.

SURVEYOR'S CERTIFICATE

I, Andy Hubbard, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah, and that I hold Certificate No. 6242920 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Licensing Act. I also certify that this plat of Spring Creek Estates No. 3-B in Farmington City, Davis County, Utah has been correctly drawn to the designated scale and is a true and correct representation of the following description of lands included in said subdivision, based on data compiled from records in the Davis County Recorder's Office, and of a survey made on the ground in accordance with Section 17-23-17. Monuments have been set as depicted on this Drawing.

Signed this 22nd day of April, 2010.

6242920
License No.

Andy Hubbard

BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey.

Beginning at the Southwest Corner of Parcel C, Spring Creek Estates No. 3A in Farmington City, Davis County, Utah; said point is 2095.06 feet South 0°18'20" East along the Section line from the West Quarter corner of said Section and running thence (3) courses along the Southerly Boundary of said Subdivision as follows: North 89°45'48" East 508.01 feet; North 20°31'02" East 50.00 feet and South 58°49'29" East 99.39 feet; thence South 48°04'25" East 164.62 feet; thence South 17°08'15" West 174.45 feet; thence South 89°46'23" West 184.98 feet; thence South 0°14'12" East 105.00 feet; thence South 6°44'51" West 55.41 feet; thence South 0°14'12" East 105.50 feet to the Section line and the North Boundary of Farmington Ranches Phase 5 Subdivision in Farmington City, Davis County, Utah; thence South 89°46'23" West 488.10 feet along said Section line and said North line to the Southwest Corner of said Section; thence North 0°18'20" West 547.42 feet along the Section line and the East Boundary of Farmington Meadows Phase 1 Subdivision in Farmington City, Davis County, Utah, to the point of beginning.

Contains 7.519 Acres

OWNER'S DEDICATION

I, the undersigned owner of the hereon described tract of land, hereby set apart and subdivide the same into lots, parcels and streets as shown on this plat, and name said tract Spring Creek Estates No. 3-B, and hereby dedicate, grant and convey to Farmington City, Davis County, Utah, all those parts or portions of said tract of land designated as streets, the same to be used as public thoroughfares forever, and also dedicate to Farmington City those certain strips as easements for public utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance, and operation of the public utility service lines and drainage, as may be authorized by Farmington City.

Signed this day of , 2010.

SLI Commercial Real Estate

Howard Kent - President
261 East 300 South Suite 350
Salt Lake City, Utah 84111

ACKNOWLEDGMENT

State of Utah
County of } ss

On the day of , 2010, personally appeared before me Howard Kent, who being by me duly sworn did say that he is the President of SLI Commercial Real Estate, and that said instrument was signed in behalf of said Corporation by a resolution of its Board of Directors and Howard Kent acknowledged to me that said Corporation executed the same.

Residing At: _____ A Notary Public Commissioned In Utah

Commission Expires: _____ Print Name

SHEET 1 OF 2

ACKNOWLEDGMENT

State of Utah
County of } ss

On the day of , 2008, personally appeared before me Scott C. Harbertson, who being by me duly sworn did say that he is Mayor of Farmington City, and that said instrument was signed in behalf of said City, and Scott C. Harbertson acknowledged to me that said City executed the same.

Residing At: _____ A Notary Public Commissioned In Utah

Commission Expires _____ Print Name

NOTE:
The developer has provided a soils report to Farmington City.

GREAT BASIN ENGINEERING
5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801)394-4515 S.L.C. (801)521-0222 FAX (801)393-7544
WWW.GREATBASINENGINEERING.COM

Spring Creek Estates No. 3-B
A part of the Southwest 1/4 of Section 14, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

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

BENCHLAND WATER DISTRICT

Approved by the Benchland Water District on this day of , 2010.

Signature

CENTRAL DAVIS SEWER DISTRICT APPROVAL

Approved by the Central Davis Sewer District on this day of , 2010.

Signature

FARMINGTON CITY PLANNING COMMISSION APPROVAL

Reviewed by the Farmington City Planning and Zoning Commission on the day of , 2010.

Chairperson

FARMINGTON CITY ENGINEER'S APPROVAL

Approved by the Farmington City Engineer on this day of , 2010.

Signature

FARMINGTON CITY ATTORNEY'S APPROVAL

Approved by the Farmington City Attorney on this day of , 2010.

Signature

FARMINGTON CITY COUNCIL APPROVAL

This is to certify that this plat and dedication of this plat were duly approved and accepted by the City Council of Farmington City, Utah this day of , 2010.

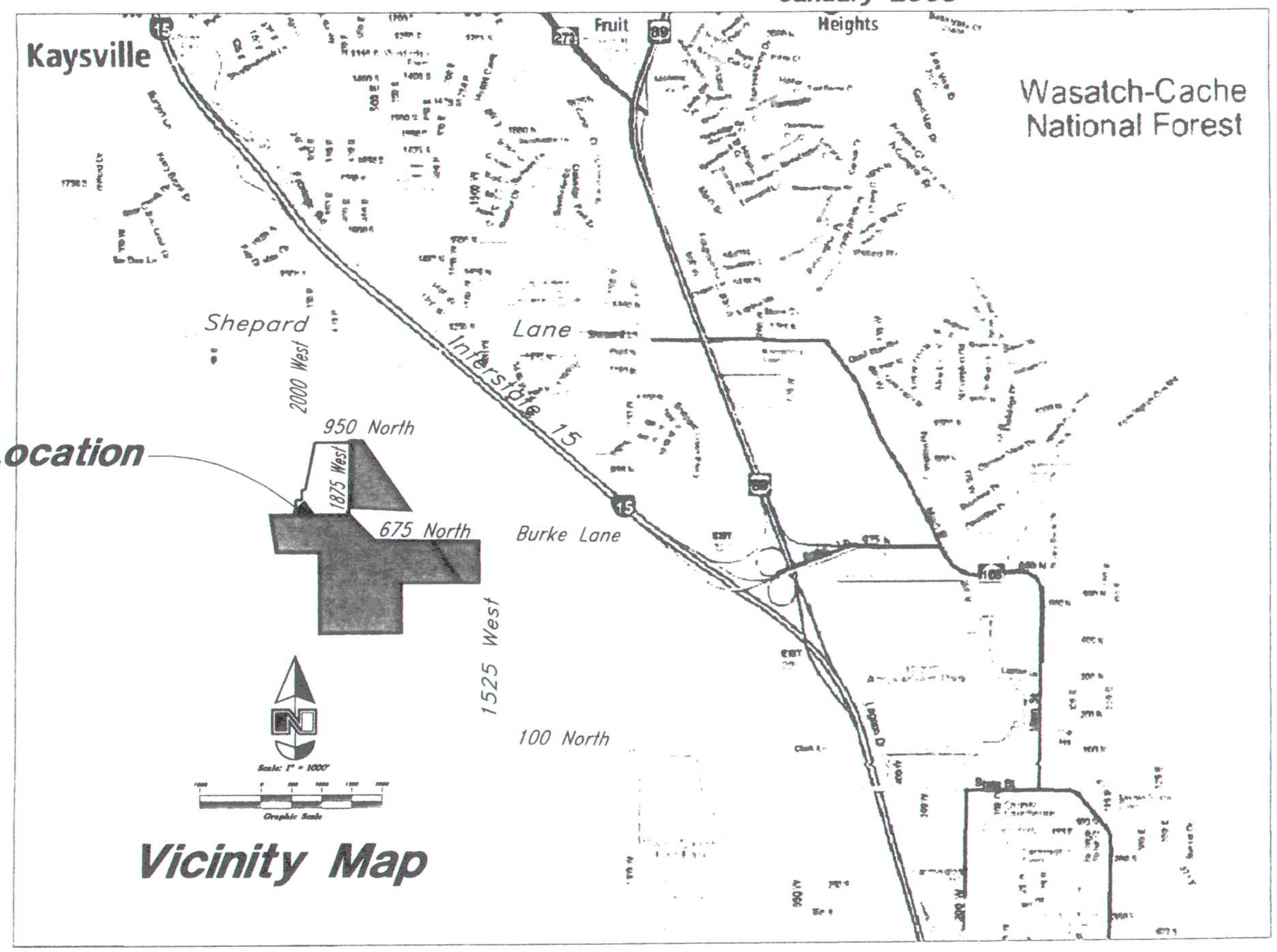
Attest: _____

Title: _____ Mayor

Spring Creek Estates

A part of the West 1/2 of Section 14 the Southeast 1/4 of Section 15, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah
January 2005

Dec 6, 2007



Vicinity Map

LEGEND

—E—	Centerline	TA	Top of Asphalt	C.M.P.	Corrugated Metal Pipe
—UGT—	Buried Telephone line	EA	Edge of Asphalt	R.C.P.	Reinforced Concrete Pipe
—OHT—	Overhead Telephone line	SP	Service Pole	CONC	Edge of Concrete
—OHP—	Overhead Power line	LP	Light Pole	RWALL	Retaining Wall
—UGP—	Power line	PP	Power Pole	SMH	Sewer Manhole
—S—	Sanitary Sewer line	TP	Telephone Pole	WV	Water Valve
—W—	Culinary Water line	FH	Fire Hydrant	CB	Catch Basin
—G—	Gas line	DIT	Flowline of Ditch	DV	Diversion Box
—SD—	Storm Drain line	TOE	Toe of Slope	TC	Top of Curb
—SW—	Secondary Waterline	TOP	Top of Slope	SW	Sidewalk
—LD—	Land Drain line	CO	Cleanout	GAS	Gas line Marker
—IW—	Irrigation Waterline	FC	Fence	GUY	Guy Wire
—x—x—x—	Fence	DMH	Drain Manhole	BLDG	Building Corner
•	Power Pole		Flowline	Ω	Fire Hydrant
•	Post	x99.00	Spot Elevation	⋈	Water Valve
	Water Meter		Contour		Light Pole
	Gas Meter		Asphalt		Power Pole w/guy
	Telephone Box		Concrete		Deciduous Tree
	Sewer Manhole		Building		Coniferous Tree
	Drain Manhole		Catch Basin		
	Water Manhole				
	Cleanout Box				

BOUNDARY DESCRIPTION

A part of the West Half of Section 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point 2066.13 feet North 0°18'20" West along the Section line and 539.88 feet East from the Southwest corner of said Section 14; running thence North 0°13'11" East 1078.73 feet; thence South 89°46'49" East 128.24 feet to the West right-of-way line of the UTA right-of-way; thence South 34°41'14" East 1366.41 feet along said right-of-way line; thence South 87°08'55" West 911.12 feet to the point of beginning.

Contains 12.919 Acres

Also:

A part of the Southwest Quarter of Section 14 and the Southeast Quarter of Section 15, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at the Southwest corner of said Section 14; running thence North 0°18'20" West 1321.24 feet along the Section line; thence South 89°55'41" West 716.62 feet; thence North 8°50'40" West 585.96 feet; thence North 89°57'26" East 1275.98 feet; thence North 0°13'11" East 1.84 feet; thence South 44°36'25" East 597.34 feet; thence South 89°38'45" East 959.04 feet to the West line of the UTA right of way; thence South 34°42'23" East 786.94 feet along said West right of way line; thence South 89°46'23" West 951.67 feet; thence South 0°19'12" East 815.10 feet to the Section line; thence South 89°46'23" West 1321.76 feet along said line to the point of beginning.

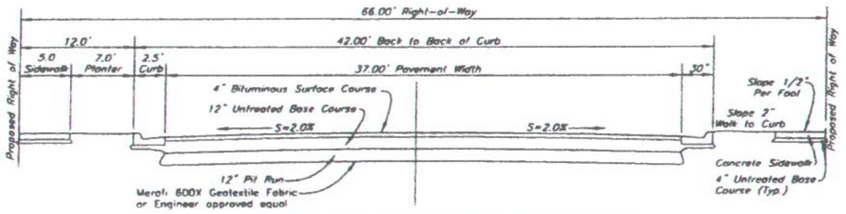
Contains 72.334 Acres

Also:

A part of the Southwest Quarter of Section 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

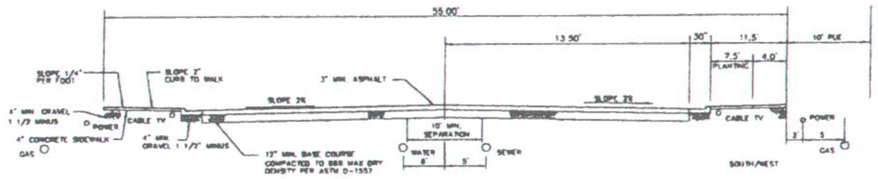
Beginning at a point on the West right-of-way line of 1525 West Street as it exists on the ground at a point 815.10 feet North 0°20'03" West along the Quarter Section line and 33.00 feet South 89°46'23" West from the Southeast corner of said Quarter Section; running thence South 89°46'23" West 256.82 feet to the East line of UTA right-of-way; thence North 34°42'23" West 785.95 feet along said line to the South right-of-way line of Burkes Lane; thence South 89°38'45" East 700.59 feet along said line to the West right-of-way line of 1525 West Street; thence South 0°20'03" East 840.77 feet along said line to the point of beginning.

Contains 7.062 Acres



1875 WEST STREET & BURKE LANE CROSS SECTION

Note:
1. Bituminous surface course to be constructed in 2 lifts (1-1/12" min. 2-1/2" Max.)



Unless otherwise approved depth of cover over utility lines shall be as follows:

Water	48" min.
Sewer	60" min
Storm drain	18" min
Pressure Irrigation	24" min
Gas	24" min

Design sewer and water mains with 10' minimum horizontal separation. Locate sewer 5'± south and east of road centerline, and culinary water 6'± north and east of road centerline (Typ).

Notes:
1. Where water lines must cross sewer lines the bottom of the water line shall be laid at least 18" above the top of the sewer line for a distance of at least 10 feet on either side of the sewer line with no joints.
2. Culinary water lines typically located on north/east of centerline of road.
3. Sanitary sewer lines typically located on south/west of centerline of road.
4. Max allowable transverse slope on Farmington city roads shall not exceed 1'-0" elevation difference between curbs.

TYPICAL 55.00' WIDE STREET SECTION

Not to be Recorded

DEVELOPER:
SLI Commercial Real Estate
Howard Kent
261 East 300 South Suite 350
Salt Lake, Utah 84111
801-521-8181

ENGINEER:
GREAT BASIN ENGINEERING-NORTH
Gary L. Newman
5746 South 1475 East Suite 200
Ogden Utah, 84405
P.O. Box 150048
Ogden Utah 84415
801-394-4515

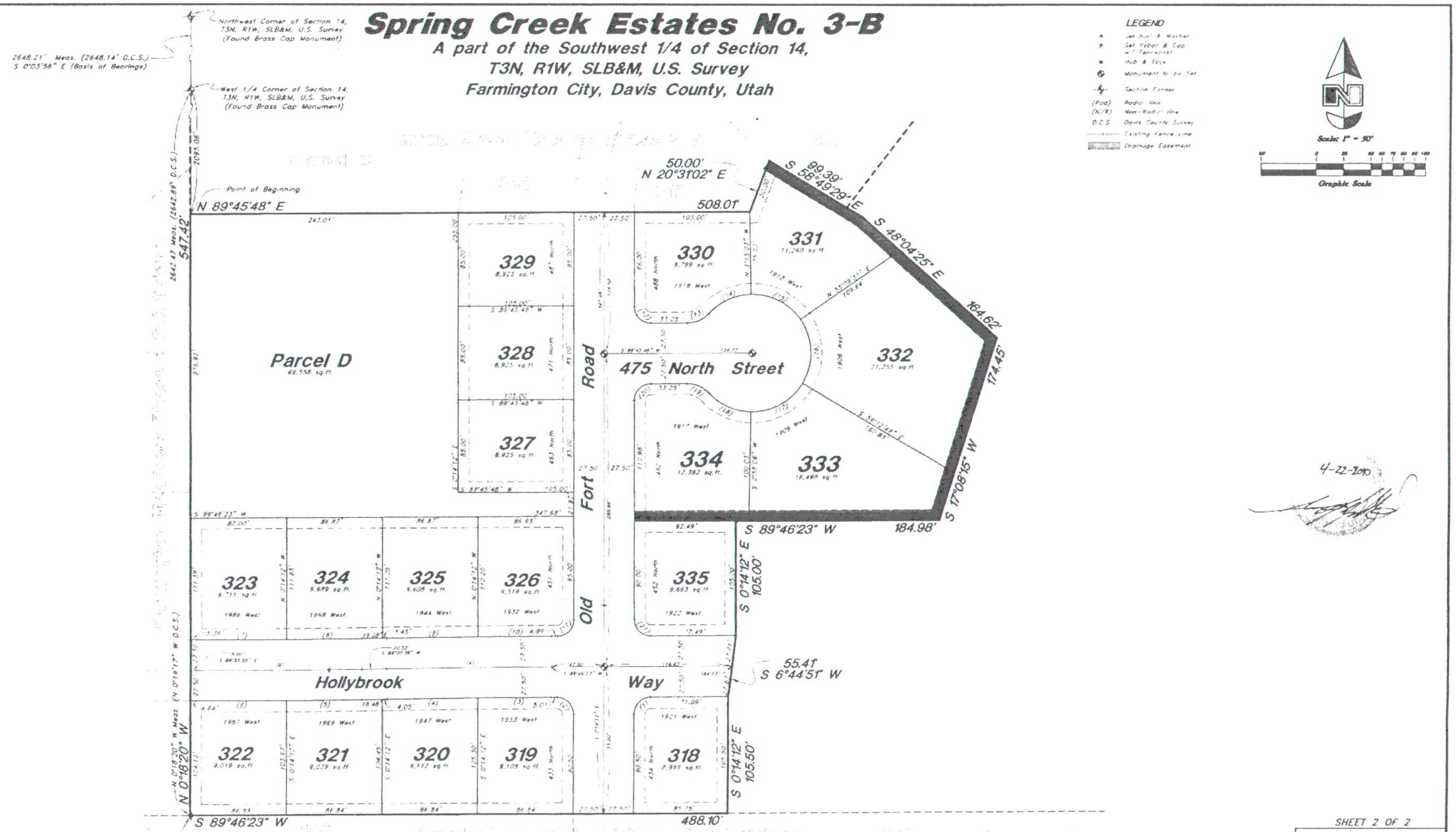
This Preliminary plan has been submitted at the request of the Developer

Preliminary Plan		**Spring Creek Estates** A part of the West 1/2 of Section 14 and the Southwest 1/4 & the East 1/2 of Section 15, T3N, R1W, SLB&M, U.S. Survey Farmington City, Davis County, Utah	
GREAT BASIN ENGINEERING NORTH CONSULTING ENGINEERS AND SURVEYORS 5746 South 1475 East – Suite 200 Ogden, Utah 84403 P.O. Box 150048, Ogden, Utah 84415 Ogden (801)394-4515 Salt Lake City (801)521-8111 Fax (801)393-7544	SCALE: 1" = 100'	DATE: 2 Aug. 2004	DRAWG. NO. 1
	DRAWN: AH	REVISIONS: 10 Apr. 2006, 16 Sep. 2004, 19 Nov. 2007, 12 Jan. 2005, 7 Nov. 2005	of 3
	MCKITRK-PRE		

W:\01N321 McKittrick\dwg\01N321PRE-3.dwg, 11/21/2007 1:06:19 PM, danih, 1:2195.19

Spring Creek Estates No. 3-B

A part of the Southwest 1/4 of Section 14,
T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah



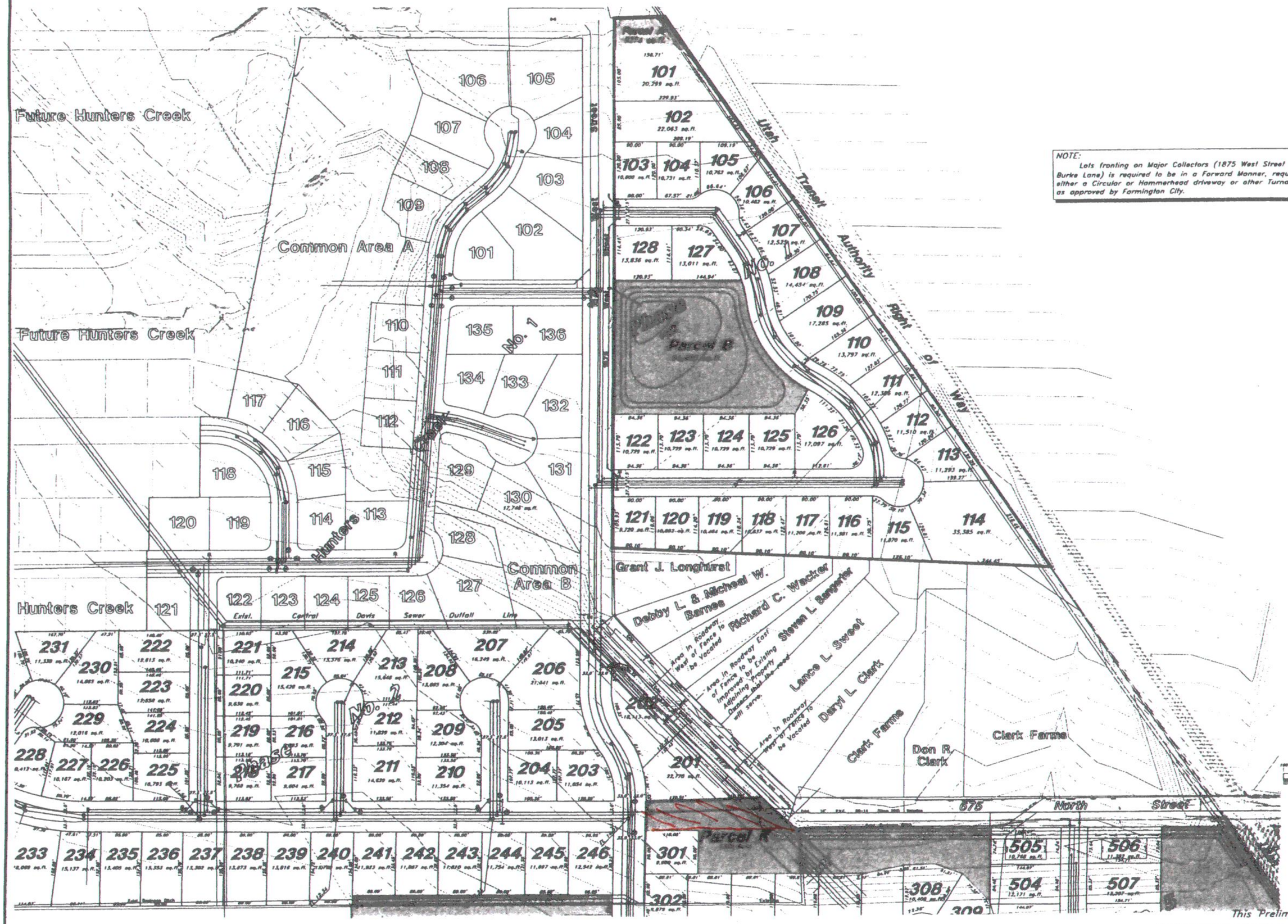
NOTE:
10' wide Public Utility Easement as indicated by dashed lines, except as otherwise shown. Shaded Drainage Easements may be subject to drainage from adjacent lots.

GREAT BASIN ENGINEERING
5746 South 1475 East Ogden, Utah 84403
Main (801)394-4515 S.L.C. (801)531-0233 Fax (801)394-7944
www.greatbasinengineering.com

SHEET 2 OF 2

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

Dec 6, 2007



NOTE:
Lots fronting on Major Collectors (1875 West Street and Burke Lane) is required to be in a Forward Manner, requiring either a Circular or Hammerhead driveway or other Turnaround as approved by Farmington City.

GENERAL NOTES:

1. A part of this Property is included in the 100 year flood zone per the existing FEMA map. See the enclosed report to be submitted to FEMA for flood zone removal.
2. Existing Zoning on this property is A1 and is being proposed to be developed under the Conservation Ordinace w/ 30% Conservation space.
3. All Sanitary sewer lines will be 8" P.V.C. unless otherwise noted or required by City engineer or the Sewer District. All Sanitary Sewer deeper than 12.0' will be Schedule 80 P.V.C. Pipe.
4. All culinary waterlines will be 8" unless otherwise noted or required by the City engineer.
5. All Land Drain lines will be 8" P.V.C. unless otherwise noted or required by City engineer.
6. Pressure Irrigation lines will be a minimum of 6" or as required by Farmington Area Pressure Irrigation District.
7. Curb & Gutter will be designed with a minimum slope of 0.50%
8. All fees will be paid by developer along with a copy of the soils report.
9. A specific grading and drainage plan will be provided with the individual phase improvement drawings. All s will be required to drain towards the street were possible. If drainage is required to cross another on easement will be provided.

Conservation Space Areas

Designated Wetland Areas

FEMA 100-year Flood Plane

Scale : 1" = 100'

Graphic Scale

DEVELOPER:
SLI COMMERCIAL REAL ESTATE
Howard Kent
261 East 300 South
Suite 350
Salt Lake City, Utah 84111
(801) 521-8181

ENGINEER:
GREAT BASIN ENGINEERING-NORTH
Gary L. Newman
5746 South 1475 East Suite 2
Ogden Utah, 84405
P.O. Box 150048
Ogden Utah 84415
801-394-4515

Not to be Recorded

This Preliminary plan has been submitted at the request of the Developer

Preliminary Plan

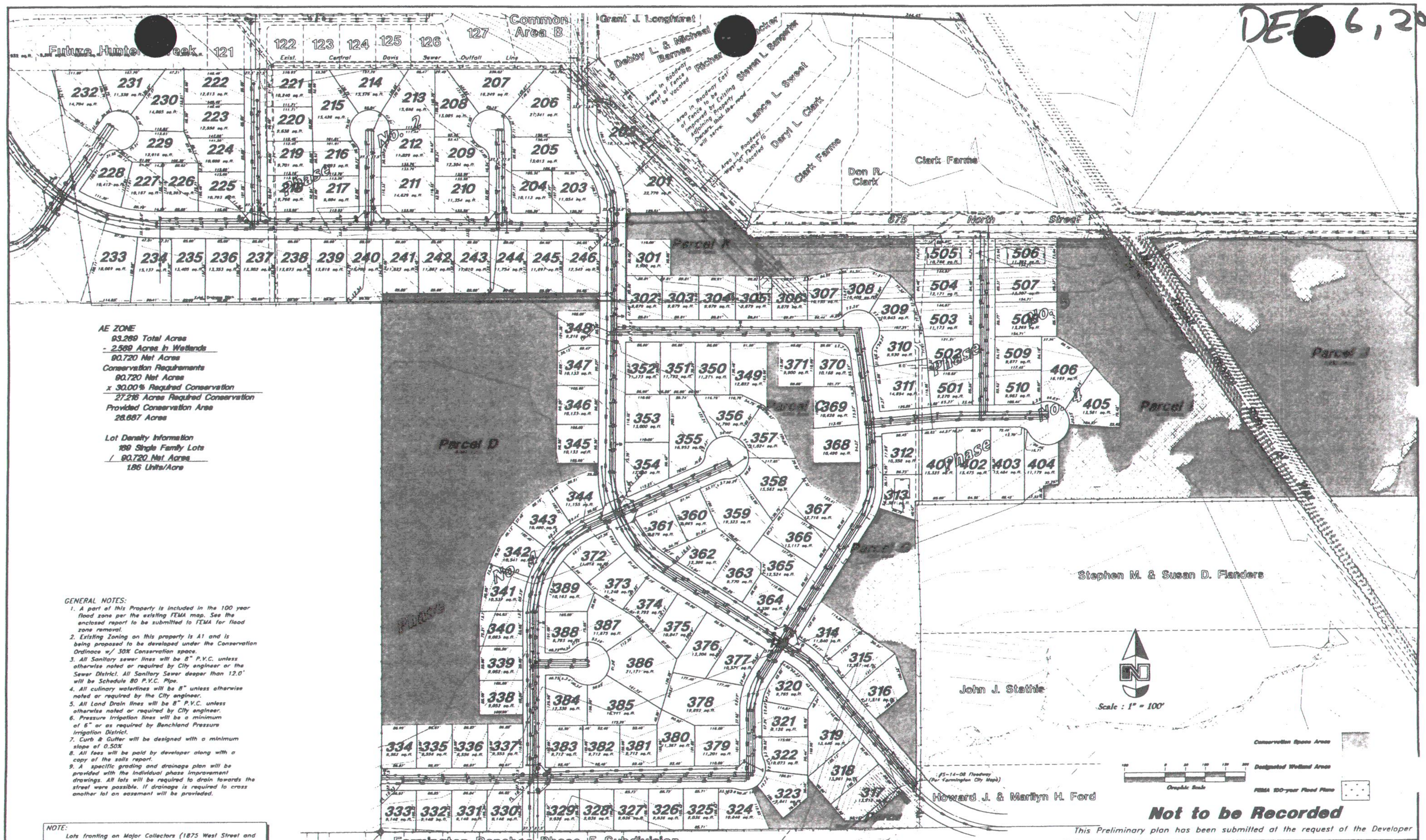
Spring Creek Estates
A part of west 1/2 of Section 14 and the Southeast 1/4 of Sellon 15, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

GREAT BASIN ENGINEERING NORTH
CONSULTING ENGINEERS AND SURVEYORS
5746 South 1475 East – Suite 200
Ogden, Utah 84403
P.O. Box 150048, Ogden, Utah 84415

SCALE : 1" = 100'	DATE : 2 Aug, 2004		DRWG. NO. 3 of 3
DRAWN : TAG	REVISIONS : 21 Apr, 2006; 19 Nov, 2007; 16 Sep, 2004; 12 Jan, 2005; 10 Apr, 2006		
MCKITRK-PRE5			

W:\01N321 McKittrick\dwg\01N321PRE-3.dwg, 11/21/2007 1:08:00 PM, danih, 1:2.19502

DEC 6, 2007



AE ZONE
93.269 Total Acres
- 2.569 Acres in Wetlands
90.720 Net Acres
Conservation Requirements
90.720 Net Acres
x 30.00% Required Conservation
27.216 Acres Required Conservation
Provided Conservation Area
28.667 Acres

Lot Density Information
168 Single Family Lots
/ 90.720 Net Acres
1.86 Units/Acre

GENERAL NOTES:
1. A part of this Property is included in the 100 year flood zone per the existing FEMA map. See the enclosed report to be submitted to FEMA for flood zone removal.
2. Existing Zoning on this property is A1 and is being proposed to be developed under the Conservation Ordinace w/ 30% Conservation space.
3. All Sanitary sewer lines will be 8" P.V.C. unless otherwise noted or required by City engineer or the Sewer District. All Sanitary Sewer deeper than 12.0' will be Schedule 80 P.V.C. Pipe.
4. All culinary waterlines will be 8" unless otherwise noted or required by the City engineer.
5. All Land Drain lines will be 8" P.V.C. unless otherwise noted or required by City engineer.
6. Pressure Irrigation lines will be a minimum of 6" or as required by Benchland Pressure Irrigation District.
7. Curb & Gutter will be designed with a minimum slope of 0.50%
8. All fees will be paid by developer along with a copy of the soils report.
9. A specific grading and drainage plan will be provided with the individual phase improvement drawings. All lots will be required to drain towards the street were possible. If drainage is required to cross another lot an easement will be provided.

NOTE:
Lots fronting on Major Collectors (1875 West Street and Burke Lane) is required to be in a Forward Manner, requiring either a Circular or Hammerhead driveway or other Turnaround as approved by Farmington City.

DEVELOPER:
SLI COMMERCIAL REAL ESTATE
Howard Kent
261 East 300 South
Suite 350
Salt Lake City, Utah 84111
(801) 521-8181

ENGINEER:
GREAT BASIN ENGINEERING-NORTH
Gary L. Newman
5746 South 1475 East Suite 200
Ogden Utah, 84405
P.O. Box 150048
Ogden Utah 84415
801-394-4515

Preliminary Plan

Spring Creek Estates
A part of west 1/2 of Section 14 and the Southeast 1/4 of Sellon 15, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

GREAT BASIN ENGINEERING NORTH
5746 South 1475 East - Suite 200
Ogden, Utah 84403
P.O. Box 150048, Ogden, Utah 84415

SCALE : 1" = 100'
DRAWN : AH/TAG
MCKITRK-PRE6

DATE : 2 Aug, 2004
REVISIONS : 7 Nov, 2005; 16 Sep, 2004; 10 Apr, 2006; 12 Jan, 2005; 3 Oct, 2007; 2 Feb, 2005; 19 Nov, 2007

DRWG. NO. 2 of 3

W:\01N321 McKittrick\dwg\01N321PRE-3.dwg, 11/21/2007 1:07:21 PM, danih, 1:2.19502

Agenda Item 7

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

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

7-1. Ratification of Construction & Storm Water Bond Agreements as previously signed by Mayor Harbertson. (See enclosed bond logs.)

7-2. Approval of Change Order #5 to Farmington City Hall Project as submitted by Hughes General Contractors.

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

CONSTRUCTION BOND LOG

DATE	NAME	PERMIT	RECEIPT	AMOUNT
04/14	Randall Const	9377	1.437057	$500.00
04/14	Richmond	9379	1.437062	$500.00
04/14	Richmond	9404	1.437061	$500.00
04/21	Rainey	9410	1.437522	$500.00
04/21	Rainey	9414	1.437521	$500.00
04/15	Embrey	9420	1.437239	Not Reqd.
04/13	Cook	9435	1.437049	Not Reqd.
04/29	Bingham	9436	1.438110	$500.00
04/19	JPC	9438	1.437447	Not Reqd.
04/22	JPC	9440	1.000000	Not Reqd.
04/14	Richmond	9441	1.437060	$500.00
04/26	Destination	9442	1.437739	$500.00
04/19	Abbott	9443	1.437380	Not Reqd.
04/26	Haskell	9444	1.437826	Not Reqd.
04/21	David Ellis	9445	1.437520	$500.00
04/26	Richmond	9447	1.437867	$500.00
04/23	Timbercreek	9449	1.437650	Not Reqd.
04/26	Pettit	9451	1.437865	Not Reqd.
04/28	Woodside	9452	1.437985	$500.00
04/28	Woodside	9453	1.437986	$500.00
04/22	Woodside	9454	1.437584	Not Reqd.

CONSTRUCTION BOND LOG

DATE	NAME	PERMIT	RECEIPT	AMOUNT
04/23	Whipple	9455	1.437669	Not Reqd.
04/28	Superior	9456	1.438001	Not Reqd.

STORM WATER BOND LOG

DATE	NAME	PERMIT	RECEIPT	AMOUNT
04/14	Randall Const	9377	1.437057	$1000.00
04/14	Richmond	9379	1.437062	$1000.00
04/14	Richmond	9404	1.437061	$1000.00
04/21	Rainey	9410	1.437522	$1000.00
04/21	Rainey	9414	1.437521	$1000.00
04/29	JDH	9436	1.438110	$1000.00
04/14	Richmond	9441	1.437060	$1000.00
04/26	Destination	9442	1.437739	$1000.00
04/21	Dave Ellis	9445	1.437520	$1000.00
04/26	Richmond	9447	1.437867	$1000.00
04/28	Woodside	9452	1.437985	$1000.00
04/28	Woodside	9453	1.437986	$1000.00

Farmington City Hall

Change Order #5 - Line Item Summary - 4.28.10

Item	*Description*	*Cost against Contract*	*Cost against Contingency*	*Time Increase (Days)*
1	**HGC-35**: Delete foot rest on dais millwork	$ -	$ (422.00)	0
2	**HGC-37:** Upgrade exterior siding stain to "Duration " full body paint	$ -	$ 2,277.00	0
3	**HGC-38:** Provide granite on main stair landing	$ -	$ 2,400.00	0
4	**HGC-39:** Provide stained cherry window sills in all rooms (except Community Room and Council Chambers)	$ -	$ 1,741.00	0
6	**HGC-40**: Provide downspouts at two west scuppers and snow guards as per ASI 23	$ -	$ 2,855.00	0
7	**HGC-41:** Replace fiber cement siding for colored roof membrane at exterior deck adjacent to break room	$ -	$ 791.00	0
8	**HGC-42:** Provide power for additional boiler pump	$ -	$ 804.00	0
9	**HGC-43:** Replace sprinkler head covers (concealed heads) in Council Chambers	$ -	$ 1,037.00	0
10	**HGC-45:** Provide reinforcement at colored concrete sections	$ -	$ 3,491.00	0
11	**HGC-46:** Provide 4'x4' ceramic wall tile on walls adjcent to slop sink in Janitor 210	$ -	$ 217.00	0
	Total Change Order Adjustments (Contract Amount/Contingency/Time)	**$ -**	**$ 15,191.00**	**0 DAYS**

Original Contract Amount/Contingency	$ 3,586,526.00	$ 170,759.00
Increase by previous Change Orders	$ -	$ (58,681.00)
Revised Contract Amount & Contingency	**$ 3,586,526.00**	**$ 214,249.00**

Agenda Item 8

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

SUBJECT: Consideration of First Amendment to Spring Creek Development Agreement

ACTION TO BE CONSIDERED:

Minute motion approving the amendment to the Development Agreement.

GENERAL INFORMATION:

See enclosed staff report prepared by the Planning Department.

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

FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

JOHN BILTON
RICK DUTSON
CORY R. RITZ
JIM TALBOT
SID YOUNG
CITY COUNCIL

MAX FORBUSH
CITY MANAGER

FARMINGTON
HISTORIC BEGINNINGS • 1847

* MEMORANDUM * * *

To: Mayor and City Council

From: David E. Petersen, Community Development Director

Date: April 30, 2010

Re: Spring Creek Development Agreement–Amendment No. 1

The City Council approved the Development Agreement for the Spring Creek subdivision on February 6, 2007. Exhibit "C" to this agreement is the preliminary plat approved for the project (see attached letter to Howard Kent, dated December 13, 2007; and preliminary plat titled "Existing"). Several months later the Planning Commission approved a revised preliminary plat/master plan (see attached preliminary plat titled "Dec 6, 2007") subject to a number of conditions including but not limited to: "The development agreement for the Spring Creek Estates subdivision must be amended to accommodate the amended master plan".

If approved, phases 3-A and 3-B will represent the first final plat approval of any phase of the subdivision since approval of the revised preliminary plat. Staff recommends that the Council approve the enclosed Amendment No. 1 to the development agreement updating Exhibit "C" thereto. This amendment should be recorded concurrent or prior to the recordation of 3-A and 3-B. [Please note: the enclosed preliminary plat titled "Dec 6, 2007" must be also be updated to meet the conditions of approval prior to recordation, including among other things, the addition of street stubbed to the westerly boundary of the Steve Flanders property].

cc: Max Forbush, City Manager

130 N MAIN • P.O. BOX 160 • FARMINGTON, UT 84025
PHONE (801) 451-2383 • FAX (801) 451-2747
www.farmington.utah.gov

AMENDMENT No. 1 TO DEVELOPMENT AGREEMENT FOR SPRING CREEK SUBDIVISION

THIS AMENDMENT TO DEVELOPMENT AGREEMENT is made and entered into as of the _____ day of _____, 2010, by and between **FARMINGTON CITY**, a Utah municipal corporation, hereinafter referred to as the "City", and **SLI COMMERCIAL REAL ESTATE COMPANY,** a Utah Corporation, hereinafter referred to as the "Developer".

RECITALS:

A. The parties previously entered into a Development Agreement for the Spring Creek Subdivision dated February 6, 2007 (the "Development Agreement").

B. Subsequent to approval of the Development Agreement, the City approved a revised Preliminary Plat for the Project (the "Revised Preliminary Plat"), on December 6, 2007.

C. The parties now desire to amend the Development Agreement to incorporate the Revised Preliminary Plat.

AGREEMENT

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

1. Exhibit "C" of the parties' prior Development Agreement dated February 6, 2007, is hereby amended by replacing Exhibit "C" with the Revised Preliminary Plat as set forth in Exhibit "1" attached hereto and by this reference made a part hereof.

2. Except as expressly modified herein, the parties' Development Agreement for the Spring Creek Subdivision, dated February 6, 2007, shall remain in full force and effect.

3. This Amendment to Development Agreement shall be binding upon the parties hereto and their respective heirs, agents, representatives, officers, successors and assigns.

4. This Amendment to Development Agreement may be amended only in writing signed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 to Development Agreement by and through their respective, duly authorized representatives as of the day and year first herein above written.

"CITY"
FARMINGTON CITY

By:_____
Mayor

ATTEST:

_____
Margy Lomax
City Recorder

"DEVELOPER"

_____
SLI COMMERCIAL REAL ESTATE COMPANY

CITY ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF DAVIS)

On the _____ day of _____, 20____, personally appeared before me Scott C Harbertson, who being by me duly sworn, did say that he is the Mayor of **FARMINGTON CITY**, a municipal corporation, and that said instrument was signed in behalf of the City by authority of its governing body and said Mayor acknowledged to me that the City executed the same.

_____
NOTARY PUBLIC

My Commission Expires:

Residing at:

_____

_____

DEVELOPERS ACKNOWLEDGMENT

STATE OF UTAH)
: ss.
COUNTY OF _____)

On this _____ day of _____, 20___, personally appeared before me _____ , who being by me duly sworn, did say that (s)he is the _____ **SLI COMMERCIAL REAL ESTATE COMPANY**, and 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.

_____
NOTARY PUBLIC

My Commission Expires:

Residing at:

_____

_____

FARMINGTON CITY

SCOTT C. HARBERTSON
MAYOR

PAULA ALDER
RICK DUTSON
DAVID S. HALE
LARRY W. HAUGEN
SID YOUNG
CITY COUNCIL

MAX FORBUSH
CITY MANAGER

December 13, 2007

SLI Commercial Real Estate- Howard Kent
261 East 300 South, Suite 350
Salt Lake City, Utah 84111

Dear Howard:

The Farmington City Planning Commission voted on December 6, 2007, to recommend an amended Spring Creek Estates Master Plan (or grant preliminary plat approval for a modified preliminary plat) to increase the number of lots from 162 to 169 (S-~~11~~ 9-07).

The motion for approval is subject to all applicable Farmington City development standards and ordinances, with the following conditions:

1. The approval thereof shall be subject to all conditions of the previous master plan approval (or preliminary plat approval) for the entire Spring Creek Estates project and the development agreement related thereto.

2. The development agreement for the Spring Creek Estates subdivision must be amended to accommodate the amended master plan.

3. All conditions regarding the preliminary plat recommendation for Phase 4 and 5 must be met.

4. The proposed amended plan or plat must be modified as follows:

   a. Lot 301 must be move to a location acceptable to the City.

   b. Lot 302 (or other lots) must be enlarged to close the gap between lot 302 and 1875 West Street.

   c. Applicant must stub a dedicated righ t-of-way to the Stephen Flanders property. It may be necessary to shift the location of Lot 313 to accommodate this stub street. This right-of-way shall remain unimproved until such time as the Flanders property is developed. In the event this occurs, the sole cost and design of the improvement thereof shall be the sole responsibility of the developer of the Flanders property.

FILE COPY

130 N MAIN • P.O. BOX 160 • FARMINGTON, UT 84025
PHONE (801) 451-2383 • FAX (801) 451-2747
www.farmington.utah.gov

5. The development of the subdivision must compliment the rolling topography of the site.

The Planning Commission established the following findings:

a. Provides traffic circulation in the area and will accommodate an eventual north to south alternative to the two rail road crossings.

b. Complies with requirements of the Conservation Subdivision Ordinance.

c. Allows for permanent open space off site near the old mill by Farmington pond.

d. The amendment is consistent with the General Plan for the area.

e. The stub street does provide for future access to the Flanders property.

You will be notified of the date and time your application will be placed on the City Council agenda.

If you should have any comments or questions, please contact our office at 451-2383.

Sincerely,

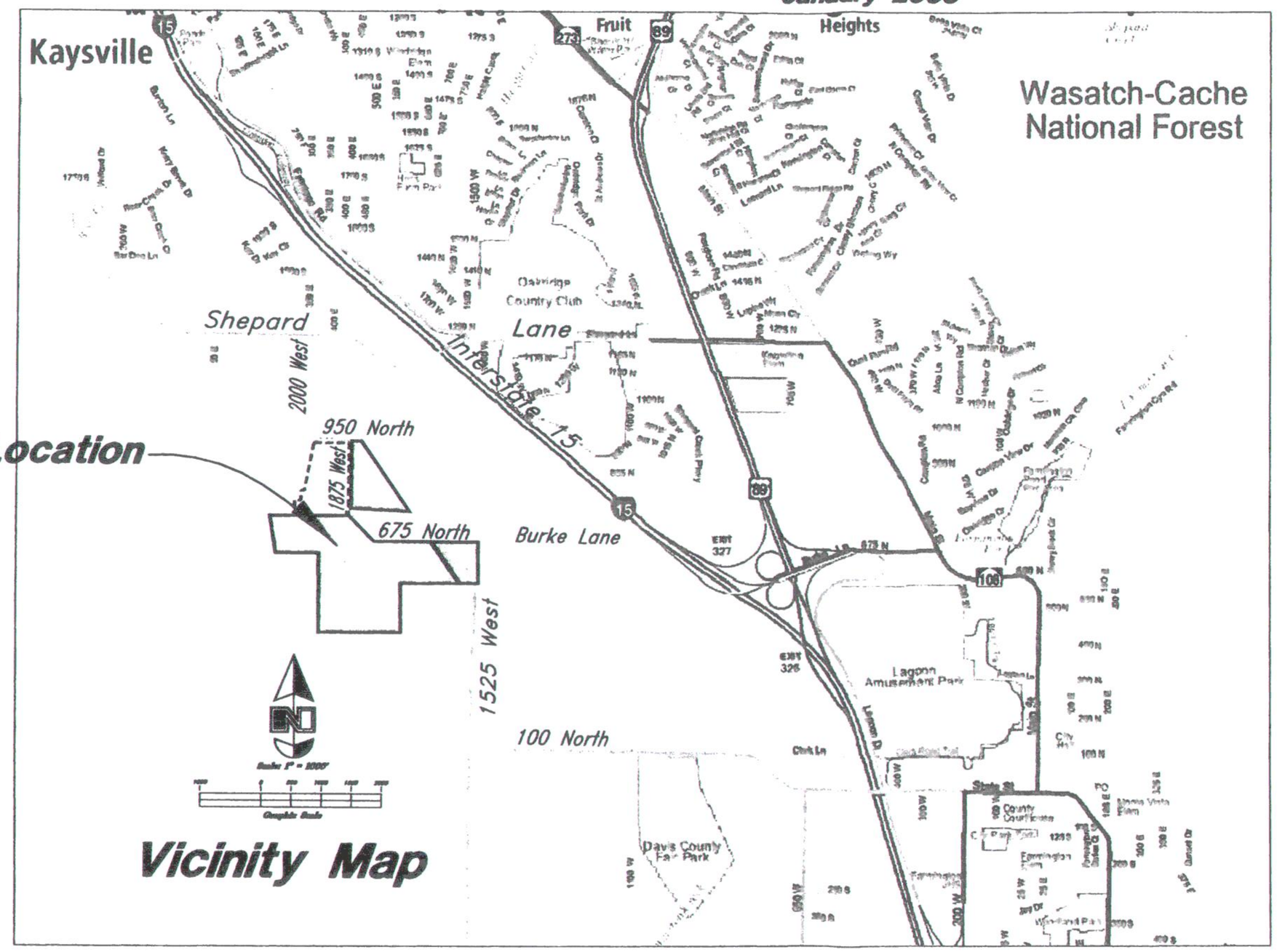
Jared Hall
Assistant City Planner

cc: Max Forbush, City Manager
Paul Hirst, City Engineer

McKittrick Property

A part of the West 1/2 of Section 14 the Southeast 1/4 of Section 15, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah
January 2005

RECEIVED



LEGEND

E	Centerline	TA	Top of Asphalt	C.M.P.	Corrugated Metal Pipe
UGT	Buried Telephone Line	EA	Edge of Asphalt	R.C.P.	Reinforced Concrete Pipe
OHT	Overhead Telephone Line	SP	Service Pole	CONC	Edge of Concrete
OHP	Overhead Power Line	LP	Light Pole	RWALL	Retaining Wall
UGP	Power Line	PP	Power Pole	SMH	Sewer Manhole
S	Sanitary Sewer Line	TP	Telephone Pole	WV	Water Valve
W	Culinary Water Line	FH	Fire Hydrant	CB	Catch Basin
G	Gas Line	DIT	Flowline of Ditch	DV	Diversion Box
SD	Storm Drain Line	TOE	Toe of Slope	TC	Top of Curb
SW	Secondary Water Line	TOP	Top of Slope	SW	Sidewalk
LD	Land Drain Line	CO	Cleanout	GAS	Gas Line Marker
IR	Irrigation Waterline	FC	Fence	BVT	Buy Wire
	Fence	DMH	Drain Manhole	BLDG	Building Corner
	Power Pole		Flowline	FH	Fire Hydrant
	Post	98.00	Spot Elevation	WV	Water Valve
	Water Meter		Contour		Light Pole
	Gas Meter				Power Pole w/guy
	Telephone Box		Asphalt		Deciduous Tree
	Sewer Manhole		Concrete		Coniferous Tree
	Drain Manhole		Building		
	Water Manhole		Catch Basin		
	Cleanout Box				

BOUNDARY DESCRIPTION

A part of the West Half of Section 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point 2066.13 feet North 0°18'20" West along the Section line and 539.88 feet East from the Southwest corner of said Section 14; running thence North 0°13'11" East 1078.73 feet; thence South 89°46'49" East 128.24 feet to the West right-of-way line of the UTA right-of-way; thence South 34°41'14" East 1368.41 feet along said right-of-way line; thence South 87°08'35" West 911.12 feet to the point of beginning.

Contains 12.919 Acres

Also:

A part of the Southwest Quarter of Section 14 and the Southeast Quarter of Section 15, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at the Southwest corner of said Section 14; running thence North 0°18'20" West 1321.24 feet along the Section line; thence South 89°55'41" West 716.62 feet; thence North 8°50'40" West 585.96 feet; thence North 89°57'26" East 1275.98 feet; thence North 0°13'11" East 1.84 feet; thence South 44°56'25" East 597.34 feet; thence South 89°38'45" East 939.04 feet to the West line of the UTA right of way; thence South 34°42'23" East 786.94 feet along said West right of way line; thence South 89°46'23" West 851.67 feet; thence South 0°19'12" East 815.10 feet to the Section line; thence South 89°46'23" West 1321.76 feet along said line to the point of beginning.

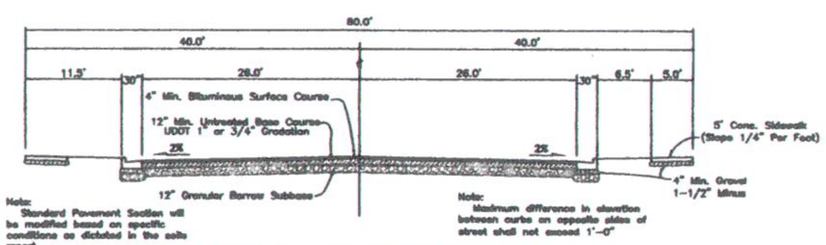
Contains 72.334 Acres

Also:

A part of the Southwest Quarter of Section 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point on the West right-of-way line of 1525 West Street as it exists on the ground at a point 815.10 feet North 0°20'03" West along the Quarter Section line and 33.00 feet South 89°46'23" West from the Southeast corner of said Quarter Section; running thence South 89°46'23" West 256.82 feet to the East line of UTA right-of-way; thence North 34°42'23" West 785.95 feet along said line to the South right-of-way line of Burkes Lane; thence South 89°38'45" East 700.59 feet along said line to the West right-of-way line of 1525 West Street; thence South 0°20'03" East 640.77 feet along said line to the point of beginning.

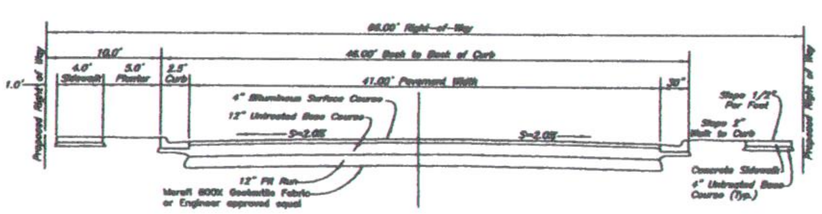
Contains 7.082 Acres



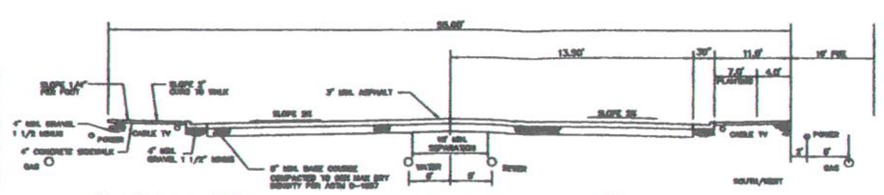
Note:
Standard Pavement Section will be modified based on specific conditions as dictated in the soils report.

Note:
Maximum difference in elevation between curbs on opposite sides of street shall not exceed 1'-0"

80.0' Road Section (Typ.)



Note:
1. Bituminous surface course to be constructed in 2 lifts (1-1/12" min. 2-1/2" Max.)



Unless otherwise approved depth of sewer over utility lines shall be as follows:

Water	48" min.
Sewer	60" min.
Storm drain	18" min.
Pressure Irrigation	24" min.
Gas	24" min.

Design sewer and water mains with 10' minimum horizontal separation. Locate sewer 8'± south and west of road centerline, and culinary water 8'± north and east of road centerline (Typ).

Notes:
1. Where water lines must cross sewer lines the bottom of the water line shall be laid at least 18" above the top of the sewer line for a distance of at least 10 feet on either side of the sewer line with no joints.
2. Culinary water lines typically located on north/east of centerline of road.
3. Sanitary sewer lines typically located on south/west of centerline of road.
4. Max allowable transverse slope on Farmington city roads shall not exceed 1'-0" elevation difference between curbs.

Not to be Recorded

DEVELOPER:
SLI Commercial Real Estate
Howard Kent
261 East 300 South Suite 350
Salt Lake, Utah 84111
801-521-8181

ENGINEER:
GREAT BASIN ENGINEERING-NORTH
Gary L. Newman
5748 South 1475 East Suite 200
Ogden Utah, 84405
P.O. Box 150048
Ogden Utah 84415
801-394-4515

This Preliminary plan has been submitted at the request of the Developer

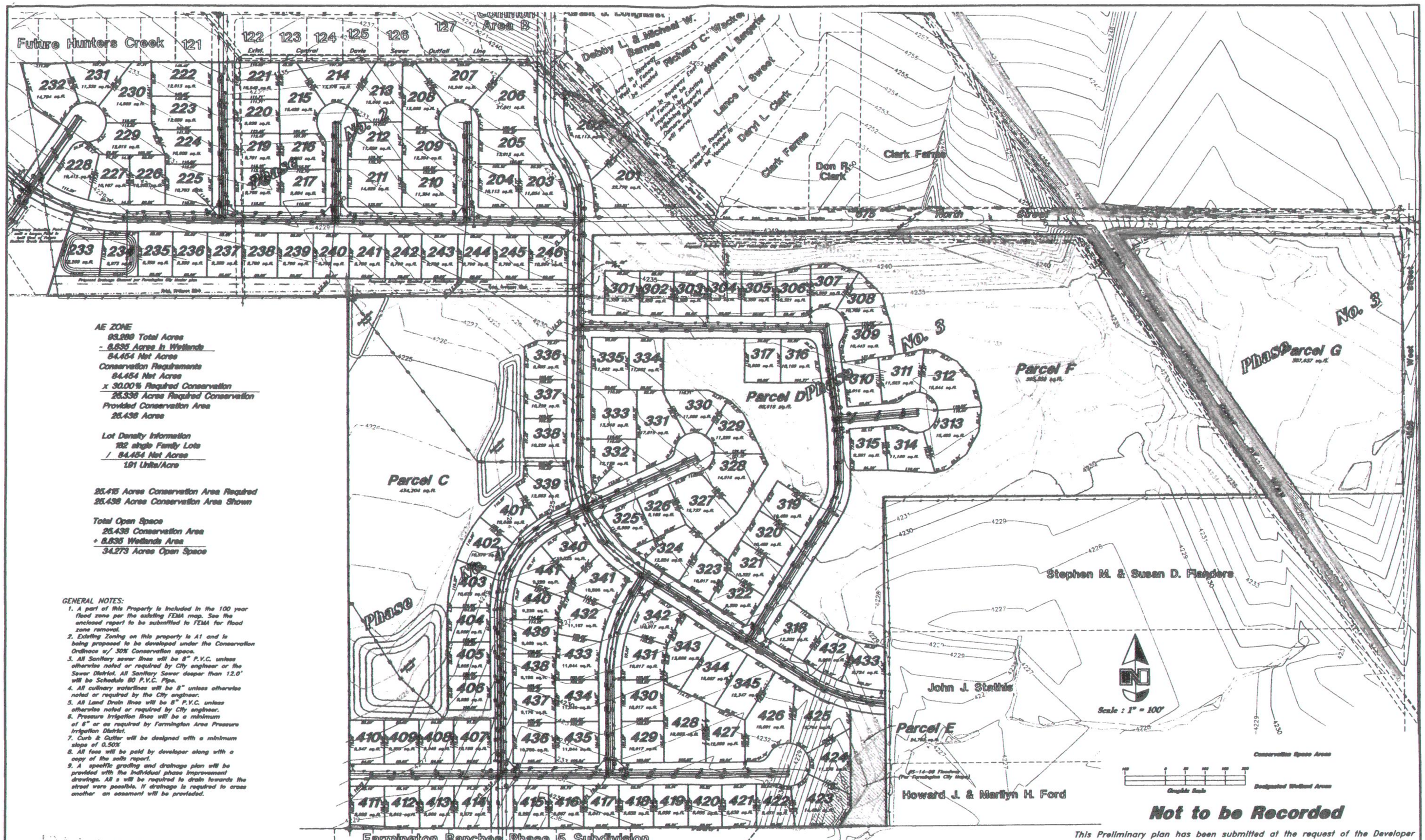
Preliminary Plan

McKittrick Property
A part of the West 1/2 of Section 14 and the Southwest 1/4 & the East 1/2 of Section 15, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

GREAT BASIN ENGINEERING NORTH
5748 South 1475 East -- Suite 200
Ogden, Utah 84405
P.O. Box 150048, Ogden, Utah 84415
Ogden (801)394-4515 Salt Lake City (801)521-8181 Fax (801)394-4515

SCALE:	1" = 100'	DATE:	2 Aug. 2004
DRAWN:	AH	REVISIONS:	16 Sep. 2004 12 Jan. 2005
MCKITRK-PRE		SHEET	1 of 3

Existing



AE ZONE
93.869 Total Acres
- 8.835 Acres in Wetlands
84.454 Net Acres
Conservation Requirements
84.454 Net Acres
x 30.00% Required Conservation
25.336 Acres Required Conservation
Provided Conservation Area
26.436 Acres

Lot Density Information
182 single Family Lots
/ 84.454 Net Acres
1.91 Units/Acre

25.416 Acres Conservation Area Required
26.436 Acres Conservation Area Shown

Total Open Space
26.436 Conservation Area
+ 8.835 Wetlands Area
34.273 Acres Open Space

GENERAL NOTES:

1. A part of this Property is included in the 100 year flood zone per the existing FEMA map. See the enclosed report to be submitted to FEMA for flood zone removal.
2. Existing Zoning on this property is A1 and is being proposed to be developed under the Conservation Ordinace w/ 30% Conservation space.
3. All Sanitary sewer lines will be 8" P.V.C. unless otherwise noted or required by City engineer or the Sewer District. All Sanitary Sewer deeper than 12.0' will be Schedule 80 P.V.C. Pipe.
4. All culinary waterlines will be 8" unless otherwise noted or required by the City engineer.
5. All Land Drain lines will be 8" P.V.C. unless otherwise noted or required by City engineer.
6. Pressure Irrigation lines will be a minimum of 6" or as required by Farmington Area Pressure Irrigation District.
7. Curb & Gutter will be designed with a minimum slope of 0.50%
8. All fees will be paid by developer along with a copy of the soils report.
9. A specific grading and drainage plan will be provided with the individual phase improvement drawings. All s will be required to drain towards the street were possible. If drainage is required to cross another an easement will be provided.

DEVELOPER:
SLI COMMERCIAL REAL ESTATE
Howard Kent
261 East 300 South
Suite 350
Salt Lake City, Utah 84111
(801) 521-8181

ENGINEER:
GREAT BASIN ENGINEERING-NORTH
Gary L. Newman
5746 South 1475 East Suite 200
Ogden Utah, 84405
P.O. Box 150048
Ogden Utah 84415
801-394-4515

Not to be Recorded

This Preliminary plan has been submitted at the request of the Developer

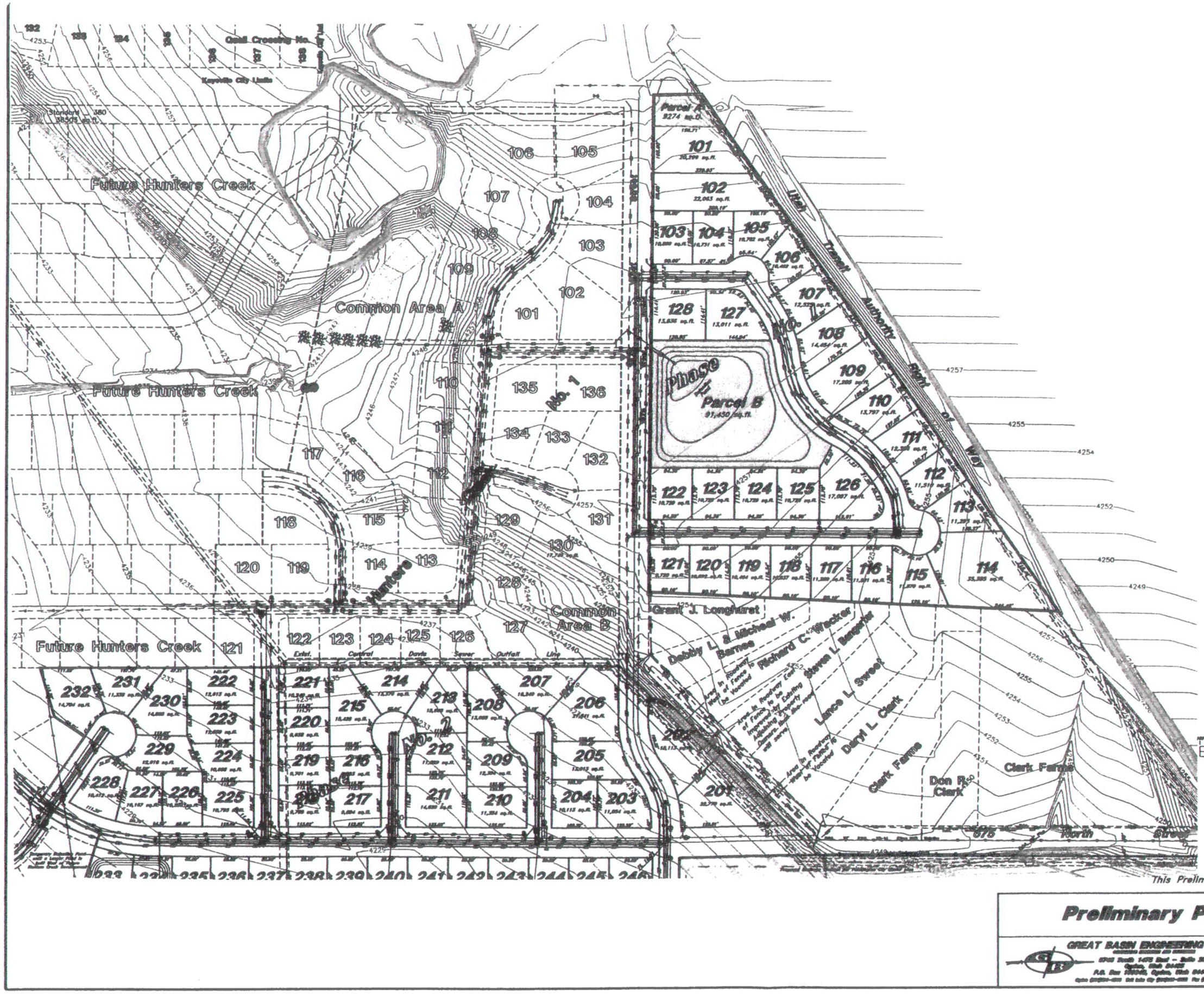
Preliminary Plan

McKittrick Property
A part of west 1/2 of Section 14 and the Southeast 1/4 of Sation 15, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

GREAT BASIN ENGINEERING NORTH

SCALE : 1" = 100'	DATE : 2 Aug, 2004	SHEET NO. 2 of 3
DRAWN : AH/TAG	REVISED : 16 Sep, 2004 12 Jan, 2005 2 Feb, 2005	
MCKITRK-PRE6		

Existing



GENERAL NOTES:

1. A part of this Property is included in the 100 year flood zone per the existing FEMA map. See the enclosed report to be submitted to FEMA for flood zone removal.
2. Existing Zoning on this property is A1 and is being proposed to be developed under the Conservation Ordinace w/ 30% Conservation space.
3. All Sanitary sewer lines will be 8" P.V.C. unless otherwise noted or required by City engineer or the Sewer District. All Sanitary Sewer deeper than 12.0' will be Schedule 80 P.V.C. Pipe.
4. All culinary waterlines will be 8" unless otherwise noted or required by the City engineer.
5. All Land Drain lines will be 8" P.V.C. unless otherwise noted or required by City engineer.
6. Pressure Irrigation lines will be a minimum of 6" or as required by Farmington Area Pressure Irrigation District.
7. Curb & Gutter will be designed with a minimum slope of 0.50%
8. All fees will be paid by developer along with a copy of the soils report.
9. A specific grading and drainage plan will be provided with the individual phase improvement drawings. All a will be required to drain towards the street were possible. If drainage is required to cross another an easement will be provided.

Conservation Space Areas

Designated Wetland Areas

Proposed 100 Year Flood Plain

Scale : 1" = 100'

Graphic Scale

DEVELOPER:
SLI COMMERCIAL REAL ESTATE
Howard Kent
261 East 300 South
Suite 350
Salt Lake City, Utah 84111
(801) 521-8181

ENGINEER:
GREAT BASIN ENGINEERING-NORTH
Gary L. Newman
5746 South 1475 East
Ogden Utah, 84405
P.O. Box 150048
Ogden Utah 84415
801-394-4515

Not to be Recorded

This Preliminary plan has been submitted at the request of the Developer

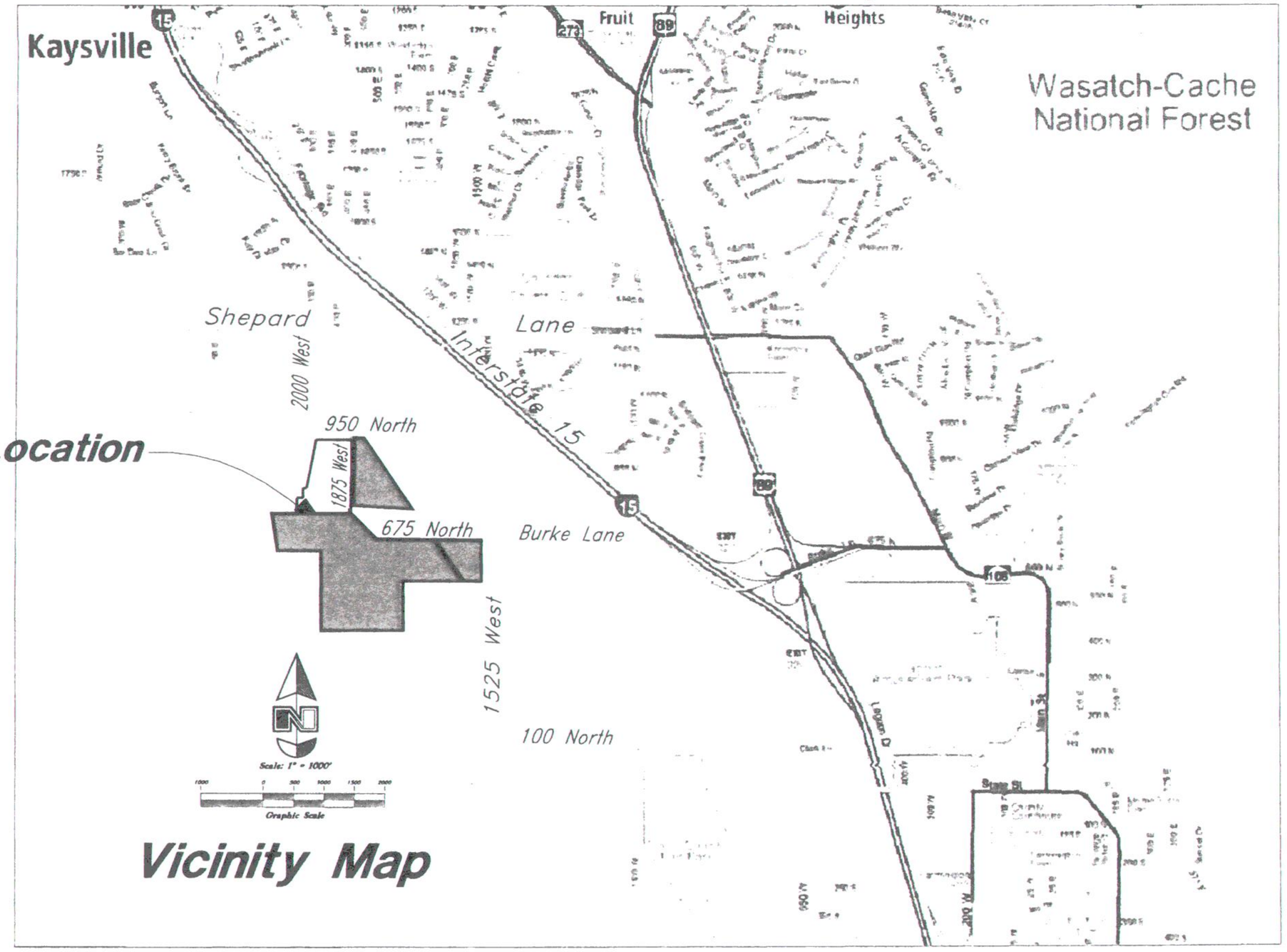
Preliminary Plan		**McKittrick Property** A part of west 1/2 of Section 14 and the Southeast 1/4 of Sefton 15, T3N, R1W, SLB&M, U.S. Survey Farmington City, Davis County, Utah	
GREAT BASIN ENGINEERING NORTH 5746 South 1475 East – Suite 200 Ogden, Utah 84405 P.O. Box 150048, Ogden, Utah 84415	SCALE : 1" = 100' DESIGN : TAG MCKITRK-PRES	DATE : 2 Aug, 2004 REVISION : 16 Sep, 2004 12 Jan, 2005	SHEET NO. 3 of 3

Existing

Spring Creek Estates

A part of the West 1/2 of Section 14 the Southeast 1/4 of Section 15, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah
January 2005

Dec 6, 2007



Vicinity Map

LEGEND

—℄—	Centerline	TA	Top of Asphalt	C.M.P.	Corrugated Metal Pipe
—UGT—	Buried Telephone line	EA	Edge of Asphalt	R.C.P.	Reinforced Concrete Pipe
—OHT—	Overhead Telephone line	SP	Service Pole	CONC	Edge of Concrete
—OHP—	Overhead Power line	LP	Light Pole	RWALL	Retaining Wall
—UGP—	Power line	PP	Power Pole	SMH	Sewer Manhole
—S—	Sanitary Sewer line	TP	Telephone Pole	WV	Water Valve
—W—	Culinary Water line	FH	Fire Hydrant	CB	Catch Basin
—G—	Gas line	DIT	Flowline of Ditch	DV	Diversion Box
—SD—	Storm Drain line	TOE	Toe of Slope	TC	Top of Curb
—SW—	Secondary Waterline	TOP	Top of Slope	SW	Sidewalk
—LD—	Land Drain line	CO	Cleanout	GAS	Gas line Marker
—IW—	Irrigation Waterline	FC	Fence	GUY	Guy Wire
—x—x—x—	Fence	DMH	Drain Manhole	BLDG	Building Corner
	Power Pole		Flowline		Fire Hydrant
	Post	x99.00	Spot Elevation		Water Valve
	Water Meter		Contour		Light Pole
	Gas Meter		Asphalt		Power Pole w/guy
	Telephone Box		Concrete		Deciduous Tree
	Sewer Manhole		Building		Coniferous Tree
	Drain Manhole		Catch Basin		
	Water Manhole				
	Cleanout Box				

BOUNDARY DESCRIPTION

A part of the West Half of Section 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at a point 2066.13 feet North 0°18'20" West along the Section line and 539.88 feet East from the Southwest corner of said Section 14; running thence North 0°13'11" East 1078.73 feet; thence South 89°46'49" East 128.24 feet to the West right-of-way line of the UTA right-of-way; thence South 34°41'14" East 1366.41 feet along said right-of-way line; thence South 87°08'55" West 911.12 feet to the point of beginning.

Contains 12.919 Acres

Also:

A part of the Southwest Quarter of Section 14 and the Southeast Quarter of Section 15, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

Beginning at the Southwest corner of said Section 14; running thence North 0°18'20" West 1321.24 feet along the Section line; thence South 89°55'41" West 716.62 feet; thence North 8°50'40" West 585.96 feet; thence North 89°57'26" East 1275.98 feet; thence North 0°13'11" East 1.84 feet; thence South 44°36'25" East 597.34 feet; thence South 89°38'45" East 939.04 feet to the West line of the UTA right of way; thence South 34°42'23" East 786.94 feet along said West right of way line; thence South 89°46'23" West 951.87 feet; thence South 0°19'12" East 815.10 feet to the Section line; thence South 89°46'23" West 1321.76 feet along said line to the point of beginning.

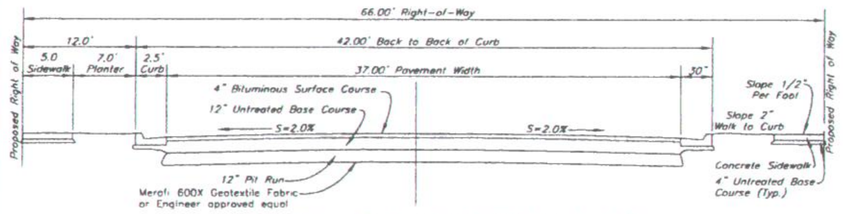
Contains 72.334 Acres

Also:

A part of the Southwest Quarter of Section 14, Township 3 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

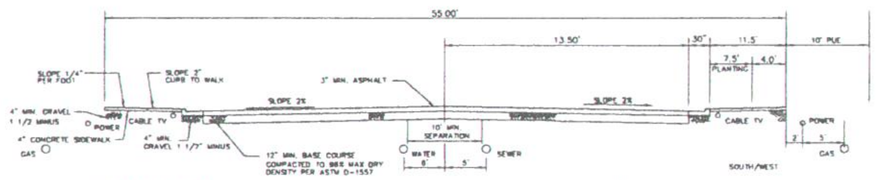
Beginning of a point on the West right-of-way line of 1525 West Street as it exists on the ground at a point 815.10 feet North 0°20'03" West along the Quarter Section line and 33.00 feet South 89°46'23" West from the Southeast corner of said Quarter Section; running thence South 89°46'23" West 256.82 feet to the East line of UTA right-of-way; thence North 34°42'23" West 785.95 feet along said line to the South right-of-way line of Burkes Lane; thence South 89°38'45" East 700.59 feet along said line to the West right-of-way line of 1525 West Street; thence South 0°20'03" East 640.77 feet along said line to the point of beginning.

Contains 7.062 Acres



1875 WEST STREET & BURKE LANE CROSS SECTION

Note:
1. Bituminous surface course to be constructed in 2 lifts (1-1/12" min. 2-1/2" Max.)



Unless otherwise approved depth of cover over utility lines shall be as follows:

Water	48" min.
Sewer	80" min.
Storm drain	18" min.
Pressure Irrigation	24" min.
Gas	24" min.

Design sewer and water mains with 10' minimum horizontal separation. Locate sewer 5'± south and west of road centerline, and culinary water 8'± north and east of road centerline (Typ).

Notes:
1. Where water lines must cross sewer lines the bottom of the water line shall be laid at least 18" above the top of the sewer line for a distance of at least 10 feet on either side of the sewer line with no joints.
2. Culinary water lines typically located on north/east of centerline of road.
3. Sanitary sewer lines typically located on south/west of centerline of road.
4. Max allowable transverse slope on Farmington city roads shall not exceed 1'-0" elevation difference between curbs.

TYPICAL 55.00' WIDE STREET SECTION

Not to be Recorded

DEVELOPER:
SLI Commercial Real Estate
Howard Kent
261 East 300 South Suite 350
Salt Lake, Utah 84111
801-521-8181

ENGINEER:
GREAT BASIN ENGINEERING-NORTH
Gary L. Newman
5746 South 1475 East Suite 200
Ogden Utah, 84405
P.O. Box 150048
Ogden Utah 84415
801-394-4515

This Preliminary plan has been submitted at the request of the Developer

Preliminary Plan

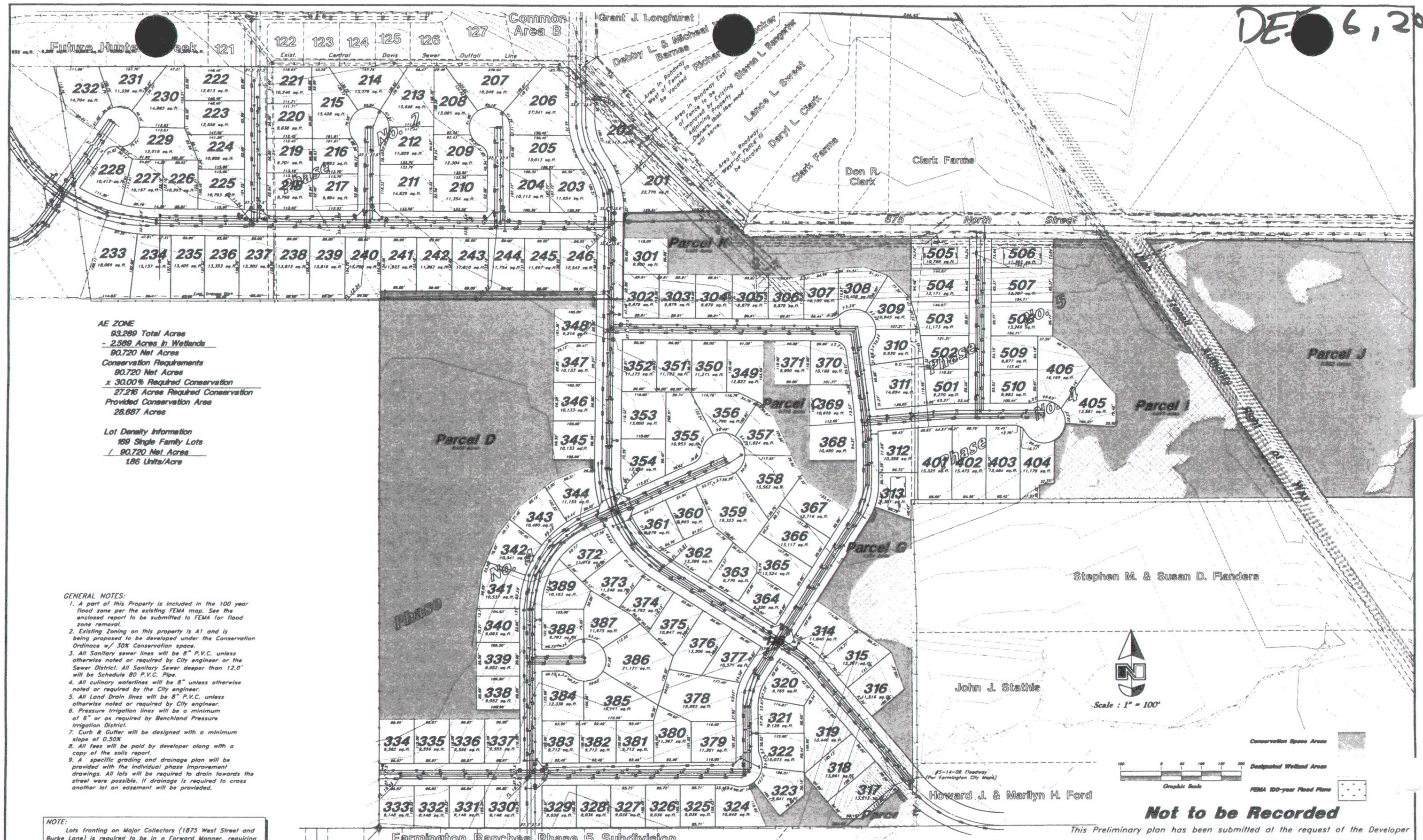
Spring Creek Estates
A part of the West 1/2 of Section 14 and the Southwest 1/4 & the East 1/2 of Section 15, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

GREAT BASIN ENGINEERING NORTH
CONSULTING ENGINEERS AND SURVEYORS
5746 South 1475 East - Suite 200
Ogden, Utah 84403
P.O. Box 150048, Ogden, Utah 84415
Ogden (801)394-4515 Salt Lake City (801)521-0377 Fax (801)393-7544

SCALE : 1" = 100'	DATE : 2 Aug, 2004	DRWG. NO.	
DRAWN : AH	REVISIONS : 10 Apr, 2006; 16 Sep, 2004; 19 Nov, 2007; 12 Jan, 2005; 7 Nov, 2005	1 of 3	
MCKITRK-PRE			

W:\01N321 McKittrick\dwg\01N321PRE-3.dwg, 11/21/2007 1:06:19 PM, danjh, 1:2195.19

DEC 6, 2007



AE ZONE
93.289 Total Acres
- 2.569 Acres in Wetlands
90.720 Net Acres
Conservation Requirements
90.720 Net Acres
x 30.00% Required Conservation
27.216 Acres Required Conservation
Provided Conservation Area
28.687 Acres

Lot Density Information
169 Single Family Lots
/ 90.720 Net Acres
1.86 Units/Acre

GENERAL NOTES:
1. A part of this Property is included in the 100 year flood zone per the existing FEMA map. See the enclosed report to be submitted to FEMA for flood zone removal.
2. Existing Zoning on this property is A1 and is being proposed to be developed under the Conservation Ordinace w/ 30% Conservation space.
3. All Sanitary sewer lines will be 8" P.V.C. unless otherwise noted or required by City engineer or the Sewer District. All Sanitary Sewer deeper than 12.0' will be Schedule 80 P.V.C. Pipe.
4. All culinary waterlines will be 8" unless otherwise noted or required by the City engineer.
5. All Land Drain lines will be 8" P.V.C. unless otherwise noted or required by City engineer.
6. Pressure Irrigation lines will be a minimum of 6" or as required by Benchland Pressure Irrigation District.
7. Curb & Gutter will be designed with a minimum slope of 0.50%
8. All fees will be paid by developer along with a copy of the soils report.
9. A specific grading and drainage plan will be provided with the individual phase improvement drawings. All lots will be required to drain towards the street were possible. If drainage is required to cross another lot an easement will be provided.

NOTE:
Lots fronting on Major Collectors (1875 West Street and Burke Lane) is required to be in a Forward Manner, requiring either a Circular or Hammerhead driveway or other Turnaround as approved by Farmington City.

DEVELOPER:
SLI COMMERCIAL REAL ESTATE
Howard Kent
261 East 300 South
Suite 350
Salt Lake City, Utah 84111
(801) 521-8181

ENGINEER:
GREAT BASIN ENGINEERING-NORTH
Gary L. Newman
5746 South 1475 East Suite 200
Ogden Utah, 84405
P.O. Box 150048
Ogden Utah 84415
801-394-4515

Preliminary Plan

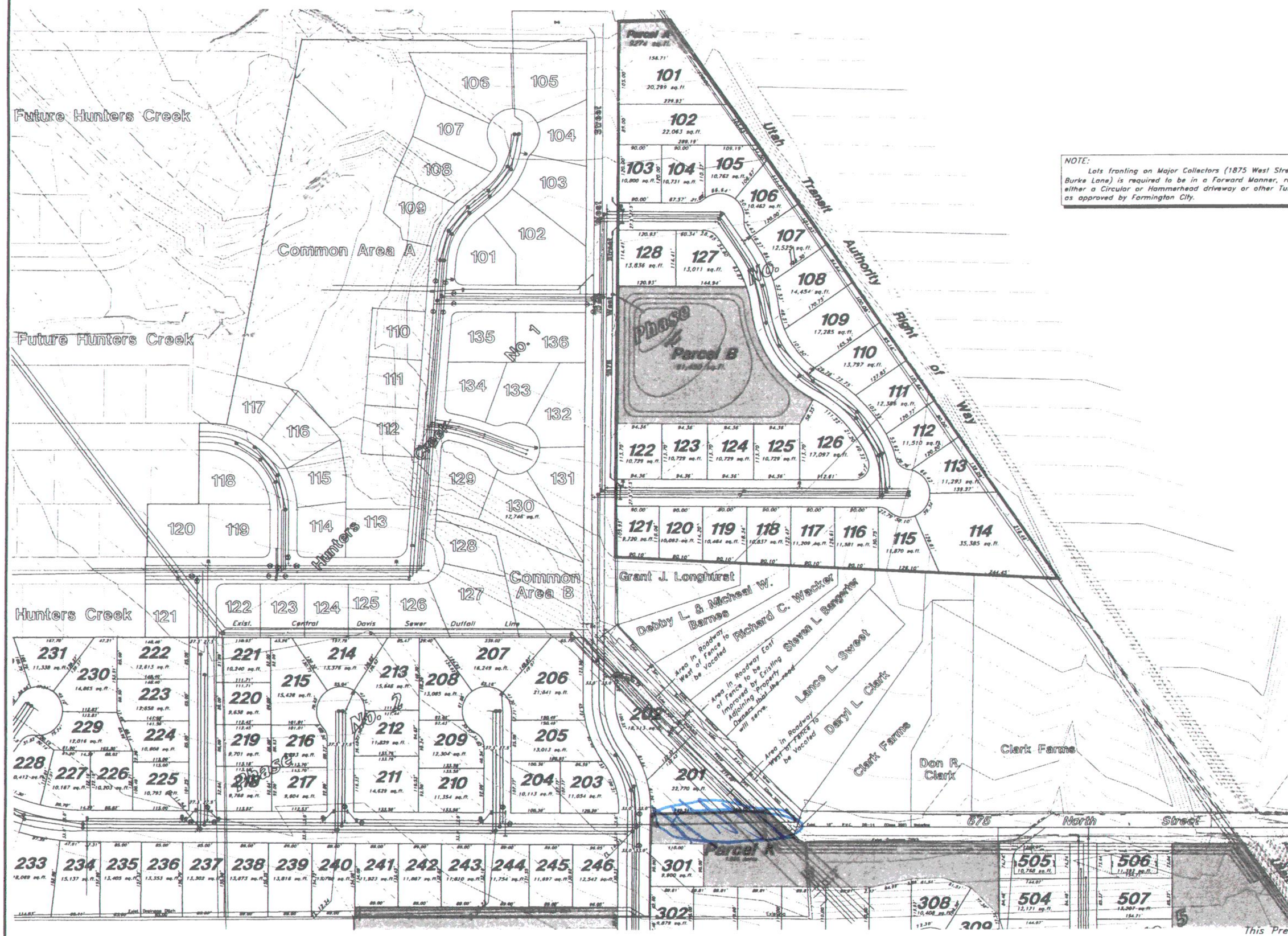
Spring Creek Estates
A part of west 1/2 of Section 14 and the Southeast 1/4 of Sation 15, T3N, R1W, SLB&M, U.S. Survey
Farmington City, Davis County, Utah

GREAT BASIN ENGINEERING NORTH
CONSULTING ENGINEERS AND SURVEYORS
5746 South 1475 East - Suite 200
Ogden, Utah 84403
P.O. Box 150048, Ogden, Utah 84415
Ogden (801)394-4515 Salt Lake City (801)521-8181 Fax (801)392-7544

SCALE : 1" = 100'	DATE : 2 Aug, 2004	DRWG. NO. 2 of 3
DRAWN : AH/TAG	REVISIONS : 7 Nov, 2005; 16 Sep. 2004; 10 Apr, 2006; 12 Jan, 2005; 3 Oct, 2007; 2 Feb, 2005; 19 Nov, 2007	
MCKITRK-PRE6		

W:\01N321 McKittrick\dwg\01N321PRE-3.dwg, 11/21/2007 1:07:21 PM, danih, 1:2.19502

Dec 6, 2007



NOTE:
Lots fronting on Major Collectors (1875 West Street and Burke Lane) is required to be in a Forward Manner, requiring either a Circular or Hammerhead driveway or other Turnaround as approved by Farmington City.

GENERAL NOTES:

1. A part of this Property is included in the 100 year flood zone per the existing FEMA map. See the enclosed report to be submitted to FEMA for flood zone removal.
2. Existing Zoning on this property is A1 and is being proposed to be developed under the Conservation Ordinace w/ 30% Conservation space.
3. All Sanitary sewer lines will be 8" P.V.C. unless otherwise noted or required by City engineer or the Sewer District. All Sanitary Sewer deeper than 12.0' will be Schedule 80 P.V.C. Pipe.
4. All culinary waterlines will be 8" unless otherwise noted or required by the City engineer.
5. All Land Drain lines will be 8" P.V.C. unless otherwise noted or required by City engineer.
6. Pressure Irrigation lines will be a minimum of 6" or as required by Farmington Area Pressure Irrigation District.
7. Curb & Gutter will be designed with a minimum slope of 0.50%
8. All fees will be paid by developer along with a copy of the soils report.
9. A specific grading and drainage plan will be provided with the individual phase improvement drawings. All s will be required to drain towards the street were possible. If drainage is required to cross another an easement will be provieded.

Conservation Space Areas

Designated Wetland Areas

FEMA 100-year Flood Plans

Scale : 1" = 100'

Graphic Scale

DEVELOPER:
SLI COMMERCIAL REAL ESTATE
Howard Kent
261 East 300 South
Suite 350
Salt Lake City, Utah 84111
(801) 521-8181

ENGINEER:
GREAT BASIN ENGINEERING-NORTH
Gary L. Newman
5746 South 1475 East Suite 2
Ogden Utah, 84405
P.O. Box 150048
Ogden Utah 84415
801-394-4515

Not to be Recorded

This Preliminary plan has been submitted at the request of the Developer

Preliminary Plan	**Spring Creek Estates** A part of west 1/2 of Section 14 and the Southeast 1/4 of Setion 15, T3N, R1W, SLB&M, U.S. Survey Farmington City, Davis County, Utah		
GREAT BASIN ENGINEERING NORTH 5746 South 1475 East - Suite 200 Ogden, Utah 84403 P.O. Box 150048, Ogden, Utah 84415	SCALE : 1" = 100' DRAWN : TAG MCKITRK-PRE5	DATE : 2 Aug, 2004 REVISIONS : 21 Apr, 2006 16 Sep, 2004 19 Nov, 2007 12 Jan, 2005 10 Apr, 2006	DRWG. NO. 3 of 3

W:\01N321 McKittrick\dwg\01N321PRE-3.dwg, 11/21/2007 1:08:00 PM, danih, 1:2.19502

Agenda Item 9

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

S U B J E C T: Ordinance amending various Sections of Title 8, Chapter 2 of the City Code regarding streets and public ways

ACTION TO BE CONSIDERED:

Minute motion approving the ordinance.

GENERAL INFORMATION:

See enclosed ordinance. This was reviewed at last Council meeting and is now ready for adoption.

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

FARMINGTON, UTAH

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 8, CHAPTER 2, OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING STREETS AND PUBLIC WAYS.

WHEREAS, the City Council has previously enacted Title 8, Chapter 2, of the Farmington City Municipal Code regarding streets and public ways; and

WHEREAS, the City Council desires to amend various provisions of Title 8, Chapter 2, regarding administration, street excavations, franchises, and other related provisions regarding the use and management of the City's rights-of-way as more particularly provided herein; and

WHEREAS, the amendments to Title 8, Chapter 2, are enacted in accordance with and subject to the authority provided by State law, including, but not limited to, the City's police power and other statutory provisions set forth in *Utah Code Ann.* §§ 10-8-11, 10-8-13, 10-8-23, and 10-8-84, and provisions of the Protection of Highways Act, as set forth in *Utah Code Ann.* §§ 72-7-101, *et seq*., as amended; and

WHEREAS, the City Council has reviewed the proposed amendments to Title 8, Chapter 2, and has determined that such amendments will promote the public interest to regulate the use and management of the City's rights-of-ways and are in the best interest of the public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Section 8-2-101 of the Farmington City Municipal Code is hereby amended to read in its entirety as follows:

Section 8-2-101. Supervision and Duties.

The Public Works Director shall have general supervision of all the streets, rights-of-way, bridges, sidewalks, and other public ways that lie within the corporate boundaries of Farmington City. The Public Works Director shall comply with and enforce the provisions of this Chapter and every other ordinance which shall relate to the maintenance and use of streets, rights-of-way, culverts, ditches, bridges, curbs, gutters, sidewalks, drains, water ways, or any other public ways. The Public Works Director shall supervise, inspect and control the construction, maintenance, and/or repair of all streets, rights-of-way, culverts, ditches, bridges, curbs, gutters, sidewalks, drains, water ways, and other public ways within the boundaries of Farmington City. The powers and duties of the Public Works Director, as specified herein, may be delegated by the Public Works Director to authorized designees. When used in this Chapter, Public Works Director shall include the reference to such authorized designees.

Section 2. Amendment. Section 8-2-102 of the Farmington City Municipal Code is hereby amended to read in its entirety as follows:

Section 8-2-102. Standards and Specifications.

The City Council, upon the recommendation of the City Engineer and Public Works Director, shall establish and adopt certain standards and specifications for the construction of streets and public improvements within the City ("Standards and Specifications"). Any installation, construction, alteration, repair, maintenance or other work on the streets and public improvements within the City, or within any public right-of-way, shall comply with the Standards and Specifications.

Section 3. Amendment. Section 8-2-103 of the Farmington City Municipal Code is hereby amended to read in its entirety as follows:

Section 8-2-103. Street Excavations.

Prior to commencement of any excavation work within the public right-of-way, an excavation permit shall be obtained from the City in accordance with the provisions of Title 8, Chapter 5. It shall be unlawful for any person to perform such excavation work within the public right-of-way without obtaining an excavation permit from the City. All excavation work shall comply with the Standards and Specifications adopted by the City and the provisions of Title 8, Chapter 5.

Section 4. Amendment. Section 8-2-103.1 of the Farmington City Municipal Code is hereby amended to read in its entirety as follows:

Section 8-2-103.1. Franchise Required.

Except as otherwise expressly provided herein or exempt under federal or state law, any person or entity desiring to install improvements or facilities within any public right-of-way under the jurisdiction of the City shall be required to enter into a franchise agreement or other acceptable rights-of-way use or license agreement with the City authorizing the use of the public right-of-way for such improvements or facilities and specifying the terms and conditions of such use of the public right-of-way. It shall be unlawful for any person to place, construct, or maintain any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, utility or any other structure, facility or object of any kind or character within the public rights-of-way within the jurisdiction of the City without obtaining such a franchise agreement or other acceptable rights-of-way use or license agreement from the City in accordance with the provisions of this Section. Telecommunications improvements or facilities installed within public rights-of-way under the jurisdiction of the City shall be governed by the provisions of Title 9, Chapter 4, regarding Telecommunications Systems. Regulation of the City's rights-of-way as provided herein shall be subject to and comply with the provisions of Title 72, Chapter 7, as amended, entitled the Protection of Highways Act.

Section 5. **Severability**. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 6. **Effective Date**. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS ____ DAY OF MAY, 2010.

FARMINGTON CITY

ATTEST:

_____ By:_____

Margy Lomax
City Recorder

Scott C. Harbertson
Mayor

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Bilton	_____	_____
Councilmember Dutson	_____	_____
Councilmember Ritz	_____	_____
Councilmember Talbot	_____	_____
Councilmember Young	_____	_____

FARMINGTON, UTAH

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 8, CHAPTER 5, OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING EXCAVATION PERMITS.

WHEREAS, the City Council has previously enacted Title 8, Chapter 5, of the Farmington City Municipal Code regarding Excavation Permits; and

WHEREAS, the City Council desires to amend various provisions of Title 8, Chapter 5, regarding street excavations, permitting, franchises, fees and other related provisions regarding the use and management of the City's rights-of-way as more particularly provided herein; and

WHEREAS, the amendments to Title 8, Chapter 5, are enacted in accordance with and subject to the authority provided by State law, including, but not limited to, the City's police power and other statutory provisions set forth in *Utah Code Ann.* §§ 10-8-11, 10-8-13, 10-8-23, and 10-8-84, and provisions of the Protection of Highways Act, as set forth in *Utah Code Ann.* §§ 72-7-101, *et seq*., as amended; and

WHEREAS, the City Council has reviewed the proposed amendments to Title 8, Chapter 5, and has determined that such amendments will promote the public interest to regulate the use and management of the City's rights-of-ways and are in the best interest of the public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Title 8, Chapter 5, regarding Excavation Permits, is hereby amended to read in its entirety as more particularly set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

Agenda Item 10

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

S U B J E C T: Ordinance amending Title 8, Chapter 5 of City Code regarding Excavation Permits

ACTION TO BE CONSIDERED:

Minute motion approving the ordinance.

GENERAL INFORMATION:

See enclosed ordinance. Enabling act and text were both reviewed at last Council meeting. These are ready for formal action.

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

FARMINGTON, UTAH

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 8, CHAPTER 5, OF THE FARMINGTON CITY MUNICIPAL CODE REGARDING EXCAVATION PERMITS.

WHEREAS, the City Council has previously enacted Title 8, Chapter 5, of the Farmington City Municipal Code regarding Excavation Permits; and

WHEREAS, the City Council desires to amend various provisions of Title 8, Chapter 5, regarding street excavations, permitting, franchises, fees and other related provisions regarding the use and management of the City's rights-of-way as more particularly provided herein; and

WHEREAS, the amendments to Title 8, Chapter 5, are enacted in accordance with and subject to the authority provided by State law, including, but not limited to, the City's police power and other statutory provisions set forth in *Utah Code Ann.* §§ 10-8-11, 10-8-13, 10-8-23, and 10-8-84, and provisions of the Protection of Highways Act, as set forth in *Utah Code Ann.* §§ 72-7-101, *et seq*., as amended; and

WHEREAS, the City Council has reviewed the proposed amendments to Title 8, Chapter 5, and has determined that such amendments will promote the public interest to regulate the use and management of the City's rights-of-ways and are in the best interest of the public health and safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Amendment. Title 8, Chapter 5, regarding Excavation Permits, is hereby amended to read in its entirety as more particularly set forth in **Exhibit "A,"** attached hereto and incorporated herein by this reference.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS ____ DAY OF MAY, 2010.

FARMINGTON CITY

ATTEST:

_____ By:_____

Margy Lomax
City Recorder

Scott C. Harbertson
Mayor

Voting by the City Council:

	"AYE"	"NAY"
Councilmember Bilton	_____	_____
Councilmember Dutson	_____	_____
Councilmember Ritz	_____	_____
Councilmember Talbot	_____	_____
Councilmember Young	_____	_____

EXHIBIT "A"

TITLE 8, CHAPTER 5
EXCAVATION PERMITS

CHAPTER 8-05. EXCAVATION PERMITS.

8-5-010. Title.
8-5-012. Authority.
8-5-015. Administration.
8-5-017. Definitions.
8-5-020. Permit Required.
8-5-030. Permit Application Requirements.
8-5-032. Application Review and Approval.
8-5-035. Franchise Required.
8-5-040. Emergency Work.
8-5-050. Application and Permit Fees.
8-5-060. Permit - Contents, Duration and Extensions.
8-5-070. Permit - No Transfer or Assignment.
8-5-080. Compliance with Standards and Specifications.
8-5-082. Boring Requirements.
8-5-085. Minimum Interference.
8-5-090. Other Highway Permits.
8-5-100. Relocation of Structures in Public Right-of-Ways.
8-5-110. Impact of Excavation on Existing Improvements.
8-5-120. Restoration of Public Property.
8-5-130. Insurance Requirements.
8-5-140. Bonds - When Required, Conditions, Warranty.
8-5-150. Hold Harmless Agreement; Limitations on City Liability.
8-5-160. Work Without Permit - Penalty.
8-5-170. Failure to Comply; Default in Performance.
8-5-180. Failure to Conform to Design Standards - Penalty.
8-5-190. Appeal of Suspension, Revocation, or Stop Order.
8-5-200. Tampering with Traffic Barricades.
8-5-210. Conflict with Governing Provisions.
8-5-220. Violation - Penalty.

Deleted: 0

Deleted: , Standards, Traffic-Control Regulations; Site Permittee Identification

Deleted: Public Way

8-5-010. Title.

This Chapter shall be known as and may be referred to as the Farmington City Excavation Permit Ordinance.

8-5-012. Authority.

This Chapter is adopted pursuant to and in accordance with applicable provisions of state law regarding a municipality's right to regulate its rights-of-way and under the City's police power to establish procedures and standards for the safe use of its rights-of-ways, including, but not limited to, the provisions set forth in *Utah Code Ann.* §§ 10-8-11, § 10-8-13, § 10-8-23, and § 10-8-84, as amended, and provisions of the Protection of Highways Act, as set forth in *Utah Code Ann.* §§ 72-7-101, *et seq.*, as amended.

8-5-015. Administration.

This Chapter shall be administered and enforced by the Public Works Director, or his or her authorized designees.

8-5-017. Definitions.

(a) "Applicant" means any person who makes application for an excavation permit under the provisions of this Chapter.

Public Right-of-Way

(b)

(c) "Emergency" means any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or property, or which causes interruption of utility services.

Public Works DirectorPublic Works Director

(d) "Manual on Uniform Traffic Control Devices" means the manual on proper barricading and traffic control practices, as published by the federal government.

(e) "Permittee" means any Person which has been issued a permit and thereby has agreed to fulfill the requirements of this Chapter.

(f) "Person" means an individual, partnership, association, trust, corporation, firm, company, organization, or entity of any kind.

(g) "Property Owner" means any person or persons who have legal title to property and/or equitable interest in the property.

(h) "Provider" means any person providing utility, cable or telecommunications services to another through the use of a system of facilities and infrastructure which uses the public rights-of-way, or any person who owns or operates such a system and leases it to another for the purpose of providing utility, cable or telecommunications services to another, or any public utility company which uses the public rights-of-way for purposes of providing gas, electrical, water or other utility product or services for the use by the general public.

(i)Public Right-of-Way. "Public Right-of-Way" means and includes all municipal streets, alleys, roads, lanes, footpaths, walkways, sidewalks and easements within the City dedicated to the public; provided, Rights-of-Way shall not include any real or personal property of the City that is not specifically described herein and shall not include utility easements not within rights-of-way of the City.

(j) "Standards and Specifications" mean the latest version of the Farmington City Standard Details for construction of public improvements and other construction within the Public Rights-of-Way as adopted by the City.

8-5-020. Permit Required.

Any person desiring to perform work of any kind in a Public Right-of-Way, other than the City or its authorized employees and agents, shall be required to apply for and obtain an Excavation Permit from the City. Any contractor or developer installing a service connection within the Public Right-of-Way shall be required to obtain an Excavation Permit in accordance with the terms and conditions of this Chapter.

Deleted: 0

Deleted: "Appurtenances" mea miscellaneous concrete surfaces within the public way

Deleted: , such as parking bays and carriage walks.¶

Formatted: Indent: Left: 0.5", No bullets or numbering

Deleted: "Business means any place in the City in which there is conducted or carried on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.

Deleted: "City" means Farmington City, a municipal corporation of the State of Utah.¶
¶
(d)

Deleted: "City Engineer" means the Farmington City Engineer, or his/her authorized representative.¶
¶

Deleted: unforseen

Deleted: (g) . "Engineering Regulations," "Specifications," and "Design Standards" mean the latest version of the Engineering ... [1]

Deleted: , and/or adopted by the City.¶ ... [2]

Deleted: ing regulations, or which results in a deteriorated or ... [3]

Deleted: <#> . "Pipe Driveway" means a driveway approach wh ... [4]

Deleted: any Operator, Infrastructure Provider, Reselle ... [5]

Deleted: <#>(h) . "Public Utility Company" means any compan ... [6]

Deleted: s of the City.¶
<#>¶ ... [7]

Deleted: Standards and Specifications

Deleted: p

Deleted: r

Deleted: w

Deleted: (u) . "Storm Drain" means a dedicated pipe, conduit, water ... [8]

Deleted: (y) . "Work Site Restoration" means and includ ... [9]

Deleted: Public Way with the City,

Deleted: make application for a

Deleted: p

The decision by the City to issue an Excavation Permit shall include, among other factors determined by the City, the following:

(a) The capacity of the Public Right-of-Way to accommodate the facilities or structures proposed to be installed in the Public Right-of-Way;

(b) The capacity of the Public Right-of-Way to accommodate multiple wire in addition to cables, conduits, pipes or other facilities or structures of other users of the Public Right-of-Way, such as electrical power, telephone, gas, sewer and water;

(c) The damage or disruption, if any of public or private facilities, improvements, or landscaping previously existing in the Public Right-of-Way; and

(d) The public interest in minimizing the cost and disruption of construction from numerous excavations of the Public Right-of-Way.

8-5-030. Permit Application Requirements.

(a) Application for a permit shall be filed with the Public Works Director on forms to be furnished by the City.

(b) Only the following persons or entities shall be eligible to receive an Excavation Permit to do work within the Public Rights-of-Way of the City:

(1) Contractors licensed by the State of Utah as general contractors; or

(2) Providers.

(c) All Applications shall include excavation plans and details, showing the trench detail including the length, width, and depth of the trench, the exact location and address of the trench, and the relationship of the trench to the right-of-way lines, traffic lanes, intersections, signals and structures.

(d) All Applications shall include a traffic control plan, including the speed limit, taper length, devices and spacing in the taper, signs and spacing, traffic phasing, hours of construction, traffic lane closures, and shall be in compliance with the Manual on Uniform Traffic Control Devices.

(e) All Applications shall including the requisite application fee, bonds and insurance certificates as more particularly set forth in this Chapter.

8-5-032. Application Review and Approval.

(a) The Public Works Director shall review all Applications and may deny the issuance of permits to contractors, Providers, utility companies, or other permit Applicants who have shown by past performance that in the opinion of the Public Works Director they will not consistently conform to the Standards and Specification, or the requirements of this Chapter.

(b) When necessary, in the judgment of the Public Works Director, to fully determine the relationship of the work proposed to existing or proposed facilities within the Public Rights-of-Way, or to determine whether the work proposed complies with the Standards and Specification the Public Works Director may require the filing of engineering plans, specifications and sketches showing the proposed work in sufficient detail to permit determination of such relationship or compliance, or both, and the application shall be deemed suspended until such plans and sketches are filed and approved.

Deleted:

Deleted: p

Deleted: public way;

Deleted: City Engineer

Deleted: a form or

Deleted: Property owners and/or tenants for whom work is being done shall be responsible for obtaining the permits, provided, however, contractors may obtain the permit in the contractor's name.

Deleted: No person

Deleted: apply for or

Deleted: p

Deleted: s

Deleted: s

Deleted: , save and except the following

Deleted: s

Deleted: ;

Deleted: (3) . Property owners installing, replacing, or maintaining less than five hundred square feet or one hundred linear feet of sidewalk, curb, and gutter, or driveway approach, or other work approved by the City Engineer, upon a portion of the public way adjacent to their residence; or¶
¶
. (4) . Persons offering a service which requires occupation of the public way, such as scaffold or staging, staging of a crane, installation or maintenance of electric signs, glass, awnings, and painting or cleaning of buildings or sign boards or other structures.¶
¶

Deleted: .

Deleted: City Engineer

Deleted: City Engineer

Deleted: Engineering Regulations, Specifications, Design Standards,

Deleted: City Engineer

Deleted: s

Deleted: Engineering Regulations, Construction Specifications and Design Standards,

Deleted: City Engineer

Deleted: City Engineer

(c) It shall be unlawful for any person to commence work upon any Public Right-of-Way until the Public Works Director has approved the application and until an Excavation Permit has been issued for such work. Any installation of or modification to a driveway within the Public Right-of-Way shall also require review and approval from the Community Development Director or his or her designee.

(d) The disapproval or denial of an application by the Public Works Director may be appealed by the Applicant to the City Manager by filing of a written notice of appeal within ten (10) days of the action of the Public Works Director. The City Manager shall hear such appeal as soon as practicable, if written request therefor is timely filed, and render his or her decision within three weeks following notice of such appeal. Any final decision of the City Manager issued hereunder may be appealed to the City Council by filing a written notice of appeal within ten (10) days from the date of the final decision issued by the City Manager. The City Council shall hear such appeal as soon as practicable, if written request therefor is timely filed, and render its decision within three weeks following notice of such appeal.

(e) In approving or disapproving work within any Public Right-of-Way, or permits therefor, in the inspection of such work; in reviewing plans, sketches or specifications, and generally in the exercise of the authority conferred upon him/her by this Chapter, the Public Works Director shall act in such manner as to preserve and protect the Public Right-of-Way and the use thereof, but shall have no authority to govern the actions or inaction of Permittees and Applicants or other persons which have no relationship to the use, preservation or protection of the Public Right-of-Way.

(f) An Excavation Permit is not required for hand digging excavations for installation or repair of sprinkler systems and landscaping within the non-paved parkstrip areas of the Public Right-of-Way. However, conformance to all City specifications is required for such work.

8-5-035. Franchise Required.

Any person, governmental entity or Provider desiring to construct, maintain, repair, operate or use any improvements or facilities to be located within the Public Right-of-Way shall be required to obtain a franchise or other acceptable rights-of-way use agreement or license agreement with the City authorizing the use of the Public Right-of-Way for such improvements or facilities in accordance with the provisions of Section 8-2-103.1, as amended, in addition and prior to the issuance of any excavation permit for work within the Public Right-of-Way.

8-5-040. Emergency Work.

(a) Any person maintaining pipes, lines, or facilities in the Public Right-of-Way may proceed with work upon existing facilities without an Excavation Permit when emergency circumstances demand the work to be done immediately; provided an Excavation Permit could not reasonably and practicably have been obtained beforehand.

(b) In the event that emergency work is commenced on or within any Public Right-of-Way of the City during regular business hours, the Public Works Director shall be notified within one-half hour from the time the work is commenced. The person commencing and conducting such work shall take all necessary safety precautions for the protection of the public and the direction and control of traffic, and shall insure that work is accomplished according to City Standards and Specification, the Manual on Uniform Traffic Control Devices and other applicable laws, regulations, or generally recognized practices in the industry.

(c) Any person commencing emergency work in the Public Right-of-Way without an Excavation Permit shall immediately thereafter apply for a permit or give notice during the first hour of the first regular business day on which City offices are open for business after such work is commenced. An

Deleted: City Engineer
Deleted:
Deleted: p
Deleted: , except as specifically approved to the contrary in this Chapter
Deleted: City Engineer
Deleted: Council
Deleted: City Engineer
Deleted: Council
Deleted: as soon as practicable,
Deleted: its
Deleted: two
Deleted: City Engineer
Deleted: . It shall be unlawful for a City, County, State, Federal or other government employee to perform routine maintenance work, not involving excavations, without first having obtained a permit therefor.¶
Deleted: p
Deleted: from the City Engineer
Deleted: p
Deleted: p
Deleted: City Engineer
Deleted: Engineering Regulations
Deleted: during other than business hours
Deleted: p

Excavation Permit for such emergency work may be issued which shall be retroactive to the date when the work was begun, at the discretion of the Public Works Director.

Deleted: p

Deleted: City Engineer.

8-5-050. Application and Permit Fees.

(a) The City shall charge and the Applicant shall pay upon filing of an Application for an Excavation Permit, an application fee as more particularly set forth in the Consolidated Fee Schedule. The City shall charge and the Permittee shall pay upon issuance of the Excavation Permit, permit fees for costs associated with the work performed under the Excavation Permit as outlined in the Consolidated Fee Schedule. All application and permit fees shall be assessed in a non-discriminatory manner.

Deleted: p

Deleted: p

Deleted: Such costs could include costs for reviewing the project and issuing the permit, inspections of the project, deterioration of the Public Way or diminution of the useful life of the Public Way, and other costs to the City associated with the work to be done under the permit.

(b) The Public Works Director may waive permit fees or portions thereof provided for in this Chapter, when he or she determines that such permit fee:

(1) pertains to construction or rehabilitation of housing for persons whose income is below the median income level for the City; or

(2) pertains to an encroachment on the Public Right-of-Way involving a beautification project which furthers specific goals and objectives set forth in the City's strategic plan, master plans, or other official documents, including decorative street lighting, building facade lighting, flower and planter boxes, and landscaping.

Deleted: costs

Deleted: City Engineer

Deleted: or penalties

Deleted: /

Deleted: or penalty

(c) Additional charges to cover the reasonable cost and expenses of any required engineering review, professional services, inspection, and work site restoration associated with each undertaking may be charged by the City to each Permittee, in addition to the application and permit fees. A deposit for such charges may be required as a condition of permit approval.

8-5-060. Permit - Contents, Duration and Extensions.

(a) Each Excavation Permit Application shall state the starting date and estimated completion date. Work shall be completed within five (5) days from the starting date or as determined by the Public Works Director. Such determination shall be based upon factors reasonably related to the work to be performed under the permit. Such factors may include, in addition to other factors related to the work to be performed, the following:

Deleted: p

Deleted: a

Deleted: City Engineer.

(1) The scope of work to be performed under the permit;

(2) Maintaining the safe and effective flow of pedestrian and vehicular traffic on the Public Right-of-Way affected by the work;

(3) Protecting the existing improvements to the Public Right-of-Way impacted by the work; and

(4) The season of the year during which the work is to be performed as well as the current weather and its impact on public safety and the use of the Public Right-of-Way by the public;

(5) Use of the Public Right-of-Way for extraordinary events anticipated by the City.

(b) The Public Works Director shall be notified by the Permittee of commencement of the work within twenty-four hours prior to commencing work. The Excavation Permit shall be valid for the time period specified in the permit.

Deleted: City Engineer

Deleted: p

(c) If the work is not completed during such period, prior to the expiration of the permit, the Permittee may apply to the Public Works Director for an additional permit or an extension, which may be granted by the Public Works Director for good cause shown.

(d) The length of the extension requested by the Permittee shall be subject to the approval of the Public Works Director.

8-5-070. Permit - No Transfer or Assignment.

Excavation Permits shall not be transferable or assignable, and work shall not be performed under a permit in any place other than that specified in the permit. Nothing herein contained shall prevent a Permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and other requirements of this Chapter and under said permit.

8-5-080. Compliance with Standards and Specifications.

(a) The work performed in the Public Right-of-Way shall conform to the requirements of the Standards and Specifications and the Traffic Control Regulations of the City, copies of which shall be available from the Public Works Director, kept on file in the office of the City Recorder and open to public inspection during office hours.

(b) Where a job site is left unattended, before completion of the work, signage with minimum two inch (2") high letters shall be attached to a barricade or otherwise posted at the site, indicating the Permittee's name, or company name, telephone number, and after hours telephone number.

8-5-082. Boring Requirements.

Except as otherwise approved by the City, all lateral crossing excavations shall be placed by boring. If boring is impossible, a request for an except may be made to the Public Works Director. Upon review and consideration of the submitted request and supporting information, the Public Works Director may approve the exception.

8-5-085. Minimum Interference.

All excavations shall be conducted in a manner resulting in a minimum amount of interference or interruption of street or pedestrian traffic. Inconvenience to residents and businesses fronting on the Public Right-of-Way shall be minimized. Suitable, adequate and sufficient barricades and/or other structures will be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all of the Permittee's equipment is removed from the site and the excavation has been backfilled and proper temporary gravel surface is in place, except where backfilling and resurfacing is to be done by the City; in which case the barricades, together with any necessary lights, flares or torches, must remain in place until the backfill work is actually commenced by the City. From sunset to sunrise, all barricades and excavations must be clearly outlined by adequate signal lights, torches, etc. The Police Department and Fire Department shall be notified at least twenty-four (24) hours in advance of any planned excavation requiring street closure or traffic detour.

8-5-090. Other Highway Permits.

(a) Holders of permits for work on highways owned or under the jurisdiction of other government entities, but located within the City limits, shall not be required to obtain an Excavation Permit from the City under the provisions of this Chapter, unless the work extends beyond the back side of the

Deleted: City Engineer

Deleted:

Deleted: City Engineer

Deleted:

Deleted: City Engineer. No extension shall be made that allows work to be completed in the winter period without payment of winter fees.

Deleted: , Standards, Traffic-Control Regulations; Site Permittee Identification

Deleted: Engineering Regulations, Design Standards, Construction Specifications and

Deleted: City Engineer

Deleted: (c)

Deleted: p

Deleted: s

curb, or beyond any other designated jurisdictional boundary, or is otherwise located within the Public Right-of-Way of the City. Any City permit shall not be construed to permit or allow work on a County road or on a State highway within the City without an applicable County or State permit.

(b) The Public Works Director, in his or her discretion, shall have the right and authority to regulate work under permits issued by other governmental entities with respect to hours and days of work, and measures required to be taken by the Permittee of said governmental entity for the protection of traffic and safety of persons and property. Notwithstanding the foregoing, nothing in this Chapter shall be construed to impose any duty, implied or express, on the City or its employees, officers, agents or assigns, relative to the protection of traffic and safety of persons or property, arising out of the issuance of any permit issued by government entities other than the City, or arising out of any work performed on any Public Right-of-Way owned or within the jurisdiction of the City.

Deleted: City Engineer,

8-5-100. Relocation of Structures in Public Rights-of-Way.

Deleted: s

(a) The Public Works Director may direct any person owning or maintaining facilities or structures in the Public Right-of-Way to alter, modify or relocate such facilities or structures as the Public Works Director may require. Such facilities or structure include, but shall not be limited to, sewers, pipes, drains, tunnels, conduits, pipe driveways, vaults, trash receptacles and overhead and underground gas, electric, telephone, cable, telecommunication and communication facilities, pressure irrigation lines, and power and telephone poles. The person owning or maintaining the facilities or structures shall, at their own cost and expense and upon reasonable written notice by the City, promptly protect, or promptly alter or relocate such facilities or structures, or part thereof, as directed by the City. In the event that such person refuses or neglects to conform to the directive of the City, the City shall have the right to break through, remove, alter or relocate such part of the facilities or structures without liability to such person. Such person shall pay to the City all costs incurred by the City in connection with such work performed by the City, including also design, engineering, construction, materials, insurance, court costs and attorneys fees.

Deleted: City Engineer

Deleted: p

Deleted: w

Deleted: City Engineer

Deleted: S

Deleted: shall specifically be subject to such directives.

(b) Any directive by the Public Works Director shall be based upon one or more of the following:

Deleted: City Engineer

(1) The facility or structure was installed, erected or is being maintained contrary to law, or determined by the Public Works Director to be structurally unsound or defective;

Deleted: City Engineer

(2) The facility or structure constitutes a nuisance as defined under State statute or City ordinance. (This Section shall not, however, be deemed to diminish the vehicle impound authority of the Police Department);

(3) The authority under which the facility or structure was installed has expired or has been revoked;

(4) The facility or structure is not in conformity with public improvements consistent with the General Plan of the City for the area;

(5) The Public Right-of-Way is about to be repaired or improved and such facilities or structures may pose a hindrance to construction; or

(6) The grades or lines of the Public Right-of-Way are to be altered or changed.

(c) Any person owning or maintaining facilities or structures in the Public Right-of-Way who fails to alter, modify or relocate such facilities or structures upon notice to do so by the Public Works

Director shall be guilty of a class B misdemeanor. All costs of alteration, modification or relocation shall be borne by the person owning or maintaining the facilities or structures involved.

8-5-110. Impact of Excavation on Existing Improvements.

(a) If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided. Said temporary improvement shall be safe for travel and convenient for users, and consistent with City standards for such.

(b) Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface until such time as the permanent repairs are completed.

(c) At any time a Permittee disturbs the yard, residence or the real or personal property of a private property owner or the City, such Permittee shall insure that such property is returned, replaced and/or restored to a condition that is comparable to the condition that existed prior to the commencement of the work. The costs associated with the disturbance and the return, replacement and/or restoration shall be borne by the Permittee.

(d) A Permittee shall reimburse a property owner or the City, for any actual damage caused by the Permittee, its subcontractor, or its independent contractor, in connection with the disturbance of such property. However, nothing in this Subsection shall require the Permittee to pay a subscriber or private property owner when that subscriber or private property owner requests that the Permittee remove, replace or relocate improvements associated with the service provided by the Permittee to the property owner and when the Permittee exercises due care in the performance of that service, or when the subscriber or private property owner provided false information to the Permittee on which the Permittee relied to its detriment.

(e) Existing drainage channels, such as gutters or ditches, shall be kept free of dirt or other debris so that natural flow will not be interrupted. When it is necessary to block or otherwise interrupt flow of the drainage channel, a method of rerouting the flow must be submitted for approval by the Public Works Director prior to the blockage of the channel. Permittee shall comply with all other storm water drainage requirements and restrictions, including, but not limited applicable provisions of the Storm Water Ordinance as set forth in Title 16, as amended.

(c) The requirements imposed upon the Permittee extend to any subcontractor or independent contractor that the Permittee might employee to perform the tasks pursuant to the permit.

(d) The requirements of this Section shall not apply to the removal by a Permittee, of a permanent structure placed by a property owner in the Public Right-of-Way, unless such property owner has received prior written permission from the City granting the property owner the right to install a permanent structure on or within the Public Right-of-Way, and such written permission has been recorded in the office of the County Recorder.

8-5-120. Restoration of Public Property.

(a) The Permittee shall, at its own expense, restore the surface of any Public Right-of-Way to its original condition and replace any removed or damaged pavement. All restoration shall conform to the Standards and Specification promulgated by the City and shall be accomplished within the time limits set forth in the permit, unless additional time is granted in writing by the Public Works Director.

(b) The Permittee doing the actual excavation work may request that the City restore the surface to its original condition. Approval of such request shall be made by the Public Works Director as

Deleted: City Engineer

Deleted: . (1) .

Deleted: (2) .

Deleted: Further, a

Deleted: Examples of types of acts specifically included in this Section are the following:¶
¶
(1) . . Removal of sod, lawn, shrubbery, flowers, trees, driveways, or fence, to install, trench, repair, replace, remove or locate, equipment, cable or other Appurtenances of the Permittee;¶
¶
(2) . Installation or removal of equipment or other Appurtenances of the Permittee's System within a private property owner's property or residence which requires drilling, excavating, plastering, or the like on the part of the Permittee;¶
¶
(3) . Temporarily relocating or moving a piece of personal property or a fixture of a private property owner (such as a motor vehicle, fence, air conditioning, heating unit, or the like) in order to perform some sort of construction, maintenance or repair by the Permittee; or¶
¶
. (4) . Permanently removing a Permittee's equipment or other Appurtenances due to the revocation, termination or non-renewal of the franchise, if applicable.¶

Deleted: City Engineer

Deleted: a public way,

Deleted: a public way,

Deleted: with the same type and depth of pavement as that which is adjoining, including the gravel base material.

Deleted: Engineering Regulations, Design Standards and Specifications

Deleted: City Engineer.

Deleted: At its option, the

part of the Excavation Permit approval. The fee for such resurfacing shall be determined by the Public Works Director in accordance with its reasonable costs for such work and shall be charged to the person, firm, or corporation making the excavation. Payment for the estimated cost of said work shall be received by the City prior to issuance of the Excavation Permit. Actual cost of such work shall be paid to the City prior to release of the bond.

Deleted: City Engineer

Deleted: the

8-5-130. Insurance Requirements.

(a) Before a permit is issued, the Applicant shall furnish to the City evidence that such Applicant has a comprehensive general liability and property damage policy that includes contractual liability coverage endorsed with the following limits and provisions:

(1) A minimum of Two Million Dollars ($2,000,000) per occurrence for bodily injury, personal injury, and property damage and not less than Two Million Dollars ($2,000,000) in the aggregate. The general aggregate limit shall apply separately to the permit, or the general aggregate limit shall be two times the required occurrence limit. The coverage shall be in the nature of Broad Form Commercial General Liability coverage. The City may increase minimum insurance limits, depending on the potential liability of any project. In no event shall insurance coverage be in amounts less than those set forth herein or less than federal or state statutory limits and requirements, whichever is greater, including, but not limited to, governmental immunity cap limits for municipal corporations, as set forth in *Utah Code Ann.* §§ 63G-7-101, *et seq.*, as amended. The Permittee shall increase the limits of such insurance to at least the amount of the Limitation of Judgments described in *Utah Code Ann.* §§ 63G-7-101, *et seq.*, as amended, of the Governmental Immunity Act of Utah, as calculated by the State risk manager every two years and stated in Utah Admin. Code R37-4-3, as amended.

Deleted: One

Deleted: 1

Deleted: combined single limit

Deleted: One

Deleted: 1

Deleted: From

Deleted: Attorney

Deleted: or decrease

(2) All policies shall include the City, its employees, officers, officials, agents, volunteers and assigns, as insureds. Any reference to the "City" shall include the City, its employees, officers, officials, agents, volunteers and assigns.

(3) The coverage shall be primary insurance as respects the City, its employees, officers, officials, agents, volunteers, and assigns. Any insurance or self-insurance maintained by the City, its employees, officers, officials, agents, volunteers, and assigns shall be in excess of the Permittee's insurance and shall not contribute to or with it.

(4) Any failure to comply with reporting provisions of the policy shall not effect coverage provided to the City, its employees, officers, officials, agents, volunteers, and assigns.

(5) Coverage shall state that the Permittee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(6) Underwriters shall have no right of recovery or subrogation against the City, it being the intent of the parties that the insurance policy so affected shall protect both parties and be primary coverage for any and all losses covered by the described insurance.

(7) The insurance companies issuing the policy or policies shall have no recourse against the City for payment of any premiums due or for any assessments under any form of any policy.

(8) Each insurance policy shall be endorsed to state that the coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits, except after thirty (30) days prior written notice by certified mail, return receipt requested sent to the City.

(9) Each policy shall be endorsed to indemnify, save harmless and defend the City and its officers and employees against any claim or loss, damage or expense sustained on account of damages to persons or property occurring by reason of permit work done by the Permittee, or his/her subcontractor or agent, whether or not the work has been completed and whether or not the right-of-way has been opened to public travel.

(10) Each policy shall be endorsed to indemnify, hold harmless and defend the City, and its officers and employees against any claim or loss, damage or expense sustained by any person occurring by reason of doing any work pursuant to the permit including, but not limited to falling objects or failure to maintain proper barricades and/or lights as required from the time work begins until the work is completed and right-of-way is opened for public use.

(b) Insurance is to be placed with insurers with an AM Best rating of no less than an A carrier, with a rating of "A7" or higher.

(c) The Permittee shall furnish the City with certificates of insurance and original endorsements affecting coverage required by the permit. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The City expressly reserves the right to require complete, certified copies of all required insurance policies at any time. Consequently, the Permittee shall be prepared to provide such copies prior to the issuance of the permit.

(d) If any of the required policies are, or at any time become, unsatisfactory to the City as to form or substance, or if a company issuing any such policy is, or at any time becomes, unsatisfactory to the City, the Permittee shall promptly obtain a new policy, submit the same to the City for approval, and thereafter submit verification of coverage as required by the City. Upon failure to furnish, deliver and maintain such insurance as provided herein, the City may declare the permit to be in default and pursue any and all remedies the City may have at law or in equity, including those actions outlined in this Chapter.

(e) The Permittee shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

(f) Any deductibles or self-insured retentions shall be declared to and approved by the City. At the option of the City, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its employees, officers, officials, agents, volunteers or assigns, or the Permittee shall procure a bond, in a form acceptable to the City, guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

(g) A Provider may be relieved of the obligation of submitting certificates of insurance if such company submits satisfactory evidence in advance that:

Deleted: A property owner performing work adjacent to his or her residence may submit proof of a homeowner's insurance policy in lieu of the insurance requirements of this Section.¶

(1) It is insured in the amounts set forth in this Chapter, or has complied with State requirements to become self insured. Public utilities may submit annually evidence of insurance coverage in lieu of individual submissions for each permit; and

(2) Said coverage provides to the City the same scope of coverage that would otherwise be provided by a separate policy as required by this Chapter; or

(3) The work to be performed under the permit issued to the Applicant is performed by the City, in which case insurance requirement shall be negotiated between the City and the Applicant by separate agreement.

8-5-140. Bonds - When Required, Conditions, Warranty.

or other acceptable to City PLO

(a) Except as noted in this Chapter, each Applicant, before being issued a permit, shall provide the City with an acceptable cash bond in the amount of $1,000 and a corporate surety bond in an amount determined by the Public Works Director to guarantee faithful performance of the work authorized by a permit granted pursuant to this Chapter. The amount of the bond required may be increased or decreased at the discretion of the Public Works Director whenever it appears that the amount and cost of the work to be performed, and not satisfactorily completed, may vary from the amount of bond otherwise required under this Chapter. The form of the bond and the entity issuing the bond shall be subject to the approval of the City.

Deleted: City Engineer

Deleted: City Engineer

Deleted: Attorney

(b) Public utilities franchised or authorized by separate agreement with the City shall not be required to file the cash bond or the corporate surety bond if such requirement is expressly waived in the franchise document or other acceptable right-of-way use agreement or license, or if such bond(s) has been provided with the franchise grant or other acceptable right-of-way use agreement or license.

Deleted: a

Deleted: s

(c) The bonds required by this Section shall be conditioned as follows:

(1) That the Permittee shall fully comply with the requirements of the City ordinances and regulations, the Uniform Traffic Control and Device Manual, and the Standards and Specifications promulgated by the City relative to work in the Public Right-of-Way, and respond to the City in damages for failure to conform therewith;

Deleted: specifications and standards

(2) That after work is commenced, the Permittee shall proceed with diligence and expedition and shall promptly complete such work and restore the Public Right-0f-Way to construction specifications, so as not to obstruct the Public Right-of-Way or travel thereon more than is reasonably necessary;

(3) That the Permittee shall guarantee the materials and workmanship for a period of two (2) years from completion of such work, with reasonable wear and tear excepted; and

(4) That unless authorized by the Public Works Director on the permit, all paving, resurfacing or replacement of street facilities on major or collector streets shall be done in conformance with the regulations contained herein within two (2) calendar days from the time the excavation commences, and within five (5) calendar days from the time the excavation commences on all other streets, except as provided for during excavation in winter or during weather conditions which do not allow paving according to the Standards and Specifications. In winter, a temporary patch must be provided. In all excavations, restoration of pavement surfaces shall be made immediately after backfilling is completed or concrete is cured. If work is expected to exceed the above duration, the Permittee shall submit a detailed construction schedule for approval. The schedule will address means and methods to minimize traffic disruption and complete the construction as soon as reasonably possible.

Deleted: City Engineer

Deleted: three (3)

Deleted: seven (7)

Deleted: Engineering Regulations.

8-5-150. Hold Harmless Agreement; Limitations on City Liability.

(a) The Permittee agrees to save the City, its officers, employees, volunteers, and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under the permit. The issuance and acceptance of any permit under this Chapter shall constitute such an agreement by the Permittee to this Section.

(b) This Chapter shall neither be construed as imposing upon the City, its officers, employees, volunteers, and agents, any liability or responsibility for damages to any person injured by or by reason of the performance of any work within the Public Rights-of-Way, or under a permit issued pursuant to this Chapter; nor shall the City, its officers, officials, employees, agents, volunteers or assigns thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder, the issuance of any permit, or the approval of any work.

8-5-160. Work Without Permit - Penalty.

(a) A stop order may be issued by the Public Works Director, or his or her designee, directed to any person or persons doing or causing any work to be done in the Public Right-of-Way without a permit.

Deleted: City Engineer

Deleted: The abutting property owner shall be responsible for causing work to be done.

(b) Any person found to be doing work in the Public Right-of-Way without having obtained a permit, as provided in this Chapter, shall be required to pay a permit fee equal to two times the normal permit fee. For replacement work, where a fee is not normally charged, the normal permit fee for new construction shall apply.

8-5-170. Failure to Comply; Default in Performance.

(a) Any permit may be revoked or suspended and a stop order issued by the Public Works Director, after notice to the Permittee for any of the following reasons:

Deleted: City Engineer,

(1) Violation of any condition of the permit, the bond, or of any provision of this Chapter;

(2) Violation of any provision of any other ordinance of the City or law relating to the work; or

(3) Existence of any condition or the doing of any act which constitutes, may constitute or cause a condition endangering life or property.

Deleted: does

(b) A suspension or revocation by the Public Works Director, and a stop order, shall take effect immediately upon entry thereof by the Public Works Director and notice to the person performing the work in the Public Right-of-Way. Notice to the person performing the work shall be accomplished when the Public Works Director has posted a stop work order at the location of the work and written notice has been mailed, return receipt requested, to the address indicated by the Permittee on the permit.

Deleted: City Engineer,

Deleted: City Engineer

Deleted: City Engineer

(c) Whenever the Public Works Director finds that a default has occurred in the performance of any term or condition of the permit, written notice thereof may be given to the principal and to the surety on the bond, if there is a surety bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Public Works Director to be reasonably necessary for the completion of the work.

Deleted: City Engineer

Deleted: City Engineer

(d) In the event that the surety or principal, within a reasonable time following the giving of such notice (taking into consideration the exigencies of the situation, the nature of the work, the requirements of public safety and for the protection of persons and property), fails either to commence and cause the required work to be performed with due diligence, or to indemnify the City for the cost of doing the work, as set forth in the notice, the City may perform the work, at the discretion of the Public Works Director, with City forces or contract forces or both, and suit may be commenced by the City against the contractor and bonding company and such other persons as may be liable, to recover the entire amount due to the City, including attorney fees, on account thereof. In the event that cash has been

Deleted: City Engineer

Deleted: Attorney

deposited, the cost of performing the work may be charged against the amount deposited, and suit brought for the balance due, if any.

8-5-180. Failure to Conform to Design Standards - Penalty.

For failure to conform to the design standards and regulations, the Public Works Director may:

Deleted: City Engineer

(a) Suspend or revoke the permit;

(b) Issue a stop order;

(c) Order removal and replacement of faulty work;

(d) Require an extended warranty period; and/or

(e) Negotiate a cash settlement to be applied toward future maintenance costs.

8-5-190. Appeal of Suspension, Revocation, or Stop Order.

Any suspension, revocation or stop order by the Public Works Director may be appealed by the Permittee by filing a written notice of appeal with the City Council within ten (10) days of the action of the Public Works Director. The City Council shall hear such appeal, if written request therefor is timely filed, as soon as practicable, and render its decision within a reasonable time following filing of notice of appeal.

Deleted: City Engineer

Deleted: City Engineer

8-5-200. Tampering with Traffic Barricades.

It shall be unlawful for any person to maliciously or wantonly or without authorization and legal cause, extinguish, remove or diminish any light illuminating any barricade or excavation, or to tear down, remove or in any manner alter any rail, fence or barricade protecting any excavation or other construction site.

8-5-210. Conflict with Governing Provisions.

Should there be a conflict between the provisions of this Chapter and the provisions of any other ordinance, agreement, franchise, or other document governing the excavation of a Public Right-of-Way, the more restrictive provisions of the aforesaid documents shall apply.

Deleted: public way

8-5-220. Violation - Penalty.

Unless otherwise specified in this Chapter, a violation of any provision of this Chapter, or failure to comply with an order of suspension, revocation or stop work, shall be a class B misdemeanor. Each day the violation exists shall be a separate offense. No criminal conviction shall excuse the person from otherwise complying with the provisions of this Chapter. Civil penalties may also be imposed in accordance with applicable ordinances regarding the same.

Page 2: [1] Deleted lisa 3/22/2010 4:15:00 PM

(g) "Engineering Regulations," "Specifications," and "Design Standards" mean the latest version of the Engineering Regulations, or Standard Specifications for construction published by the City Engineer

Page 2: [2] Deleted lisa 3/22/2010 4:15:00 PM

, and/or adopted by the City.

(h) "Failure" means a work site restoration which fails to meet City Engineer

Page 2: [3] Deleted lisa 3/22/2010 4:15:00 PM

ing regulations, or which results in a deteriorated or substandard condition within the duration of the warranty period. Failure may be settlement of surfaces, deterioration of materials, or other surface irregularities. Measurement of failure shall be further defined in the Engineering Regulations.

(i) "Infrastructure Provider" means a person providing to another, for the purpose of providing telecommunication services to customers, all or part of the necessary System which uses the right-of-way.

(j) "Operator" means any person who provides service over a Telecommunications System and directly or through one or more affiliates owns a controlling interest in such System, or who otherwise controls or is responsible for the operation of such a System.

Page 2: [4] Deleted lisa 3/22/2010 4:18:00 PM

"Pipe Driveway" means a driveway approach which uses a pipe or other means to bridge the gutter.

Page 2: [5] Deleted lisa 3/22/2010 4:20:00 PM

any Operator, Infrastructure Provider, Reseller, System Lessee, or Public Utility Company.

Page 2: [6] Deleted lisa 3/22/2010 4:25:00 PM

(h) "Public Utility Company" means any company subject to the jurisdiction of the Utah State Public Service Commission, or any mutual corporation providing gas, electricity, water, telephone, or other utility product or services for use by the general public.

(i) "Public Way" means and includes all public rights-of-way and easements, public footpaths, walkways and sidewalks, public streets, public roads, public highways, public alleys, and pubic drainage ways. It does not, however, include utility easements not within public way

Page 2: [7] Deleted lisa 3/22/2010 4:25:00 PM

s of the City.

(j) "Private Drain Line" means a pipe installed solely for the transmission of water collected or generated on private property such as drainage, spring, or storm water, or condensate into the public drainage system.

(k) "Reseller" refers to any person that provides service over a System for which a separate charge is made, where that person does not own or lease the underlying System used for the transmission and does not install any System in the rights-of-way.

(l) "Resident" means the person or persons currently making their home at a particular dwelling.

Page 2: [8] Deleted lisa 3/22/2010 4:27:00 PM

(u) "Storm Drain" means a dedicated pipe, conduit, water way, or ditch installed in a right-of-way or easement for the transmission of storm and drainage water. This term does not include private drain lines.

(v) "System Lessee" refers to any person that leases a System or a specific portion of a System to provide services.

(w) "Telecommunications System" or "System" means all conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, wire and Appurtenances owned, leased, or used by a provider located in the construction, ownership, operation, use or maintenance of a Telecommunications System.

(i) "Traffic Barricade Manual" means the manual on proper barricading and traffic control practices, published by the City Engineer.

Page 2: [9] Deleted **lisa** **3/22/2010 4:28:00 PM**

(y) "Work Site Restoration" means and includes the restoring of the original ground or paved hard surface area to comply with engineering regulations, and includes but is not limited to repair, cleanup, backfilling, compaction, and stabilization, paving and other work necessary to place the site in acceptable condition following the conclusion of the work, or the expiration or revocation of the permit.

Agenda Item 11

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

S U B J E C T: Adoption of the Tentative Budget for Fiscal Year ending June 30, 2011

ACTION TO BE CONSIDERED:

Minute motion approving the enclosed resolution adopting the tentative budget and setting the final adoption hearing for 6-15-10

GENERAL INFORMATION:

See enclosed resolution. More information will be provided at Council meeting.

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

RESOLUTION 2010-____

A RESOLUTION ADOPTING THE FARMINGTON CITY TENTATIVE BUDGET FOR FISCAL YEAR 2010-2011

WHEREAS, pursuant to State law, a tentative budget has been delivered to the Farmington City Council for consideration; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Adoption of Tentative Budget. The Farmington City Council hereby adopts the tentative budget for Fiscal Year 2010-2011 which is attached hereto as Exhibit A and incorporated herein by reference.

Section 2. Setting of a public hearing for final adoption. The Farmington City Council hereby directs staff to provide notice of a public hearing for June 15, 2010, after which hearing the City Council will consider adoption of the final budget.

Section 2. Severability. If any section, part, or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts, and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH THIS 4TH DAY OF MAY, 2010.

FARMINGTON CITY

By: _____
Scott C. Harbertson
Mayor

ATTEST:

_____
Margy L. Lomax, City Recorder

Agenda Item 12

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

S U B J E C T: Review of additional water rate information to be provided by Lewis-Young-Robertson-Burningham

ACTION TO BE CONSIDERED:

1. Set a public hearing on water rates for June 15, 2010.

2. Discussion - review of additional alternative options as requested of Lewis-Young-Robertson-Burningham.

GENERAL INFORMATION:

At the time of dictation this report had not been submitted to the City Manager. It may be included in the packet. If not, it will be emailed prior to Council meeting.

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

Max Forbush

From: Matt Millis [matt@lewisyoung.com]
Sent: Friday, April 30, 2010 2:50 PM
To: Max Forbush
Cc: Jason Burningham; Susan C. Becker
Subject: Water Rate Alternatives
Attachments: SCENARIOS FOR FARMINGTON WATER RATES 4-30-2010.pdf

Max:

Attached for your review is a report detailing the alternative rate calculations discussed with Jason and Susie in the prior meeting with Lagoon. We believe this gives you a few more viable rate options for your future rate discussions. Please review and let Jason, Susie or I know if you have any additional questions, adjustments to the scenarios, or additional concepts to consider.

Thanks,

Matt Millis
Vice-President
Lewis Young Robertson & Burningham, Inc.
801 201 9608

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

SCENARIOS FOR WATER RATES

LAGOON

FARMINGTON CITY

TABLE OF CONTENTS

SCENARIOS FOR WATER RATES 3
THREE FACTORS RELATED TO HIGHER MARGINAL COSTS FOR RESIDENTIAL 3
ALTERNATIVE 1: ELIMINATE THE PEAKING FACTOR FROM THE RATE CALCULATION 4
ALTERNATIVE 2: SET LAGOON'S PEAK TO BE THE SAME AS RESIDENTIAL 5
ALTERNATIVE 3: USE THE CALCULATED RESIDENTIAL RATE, KEEP CURRENT COMMERCIAL RATES, LAGOON PAYS THE REMAINDER 6
ALTERNATIVE 4: RESIDENTIAL AND A COMBINED COMMERCIAL/LAGOON USER CLASS 7

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC. SALT LAKE CITY, UTAH 84101 OFFICE 801.596.0700 FAX 801.596.2800

SCENARIOS FOR WATER RATES

Based on the meeting held on April 15, 2010 between Farmington City (the "City") and Lagoon Corporation ("Lagoon"), Lewis Young Robertson & Burningham, Inc. ("LYRB") was asked to review alternatives to the original cost per thousand gallons that was calculated by LYRB in the memo dated February 19, 2010. City staff requested that LYRB consider four alternative scenarios for the purpose of further discussion with Lagoon. In each of the alternative scenarios residential has the highest cost per thousand gallons due to three key factors.

THREE FACTORS RELATED TO HIGHER MARGINAL COSTS FOR RESIDENTIAL

First, the City initiated a policy whereby the allocation of repair and replacement of city lines is applied solely to residential users. Secondly, although the fire flow requirements for a home are generally lower on a per unit basis than commercial, the lesser demand per unit of residential compared with commercial drives the cost per thousand gallons up. Finally the fixed costs of billing and meter maintenance per unit are higher per thousand gallons for residential than commercial or Lagoon as the consumption per bill or per connection is much lower which increases the costs per gallon to residential users.

Due to these three factors, residential users will pay a greater amount per thousand gallons than other user classifications within the City's system. Provided below in Figure 1 is the original rate calculations (calculated on a per 1,000 gallons basis), which were included in LYRB's February 19, 2010 memorandum.

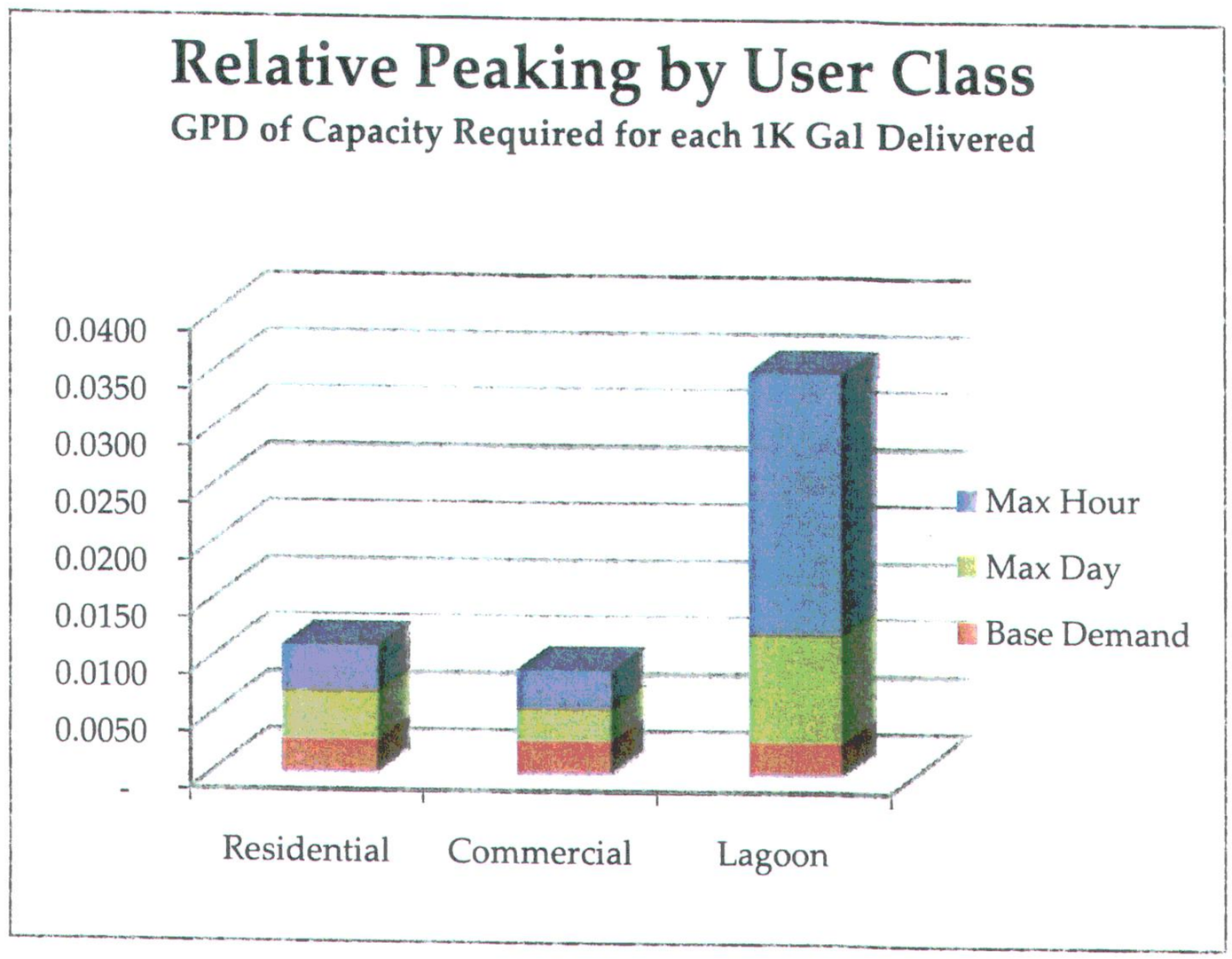
Figure 1: Original Rate Calculations

Customer Class	Revenue Requirement	Annual Demand	Cost per 1,000 Gals.
Residential	$ 1,167,322	320,438	$ 3.64
Commercial	138,008	52,938	2.61
Lagoon	181,705	50,280	3.61

In Figure 1, the cost per 1,000 gallons for residential was calculated at $3.64, whereas the cost per 1,000 gallons for commercial and Lagoon were $2.61 and $3.61, respectively. Again, due to the three factors referenced above the residential user classification places the greatest demand per thousand gallons on the system. Lagoon also creates demand on the system at a greater level than commercial not because of the factors referenced above but primarily due to the peaking factors related to its demand placed on the City's system (as depicted in Figure 2 below).

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC. SALT LAKE CITY, UTAH 84101 OFFICE 801.596.0700 FAX 801.596.2800

Figure 2: Relative Peaking by User Class



ALTERNATIVE 1: ELIMINATE THE PEAKING FACTOR FROM THE RATE CALCULATION

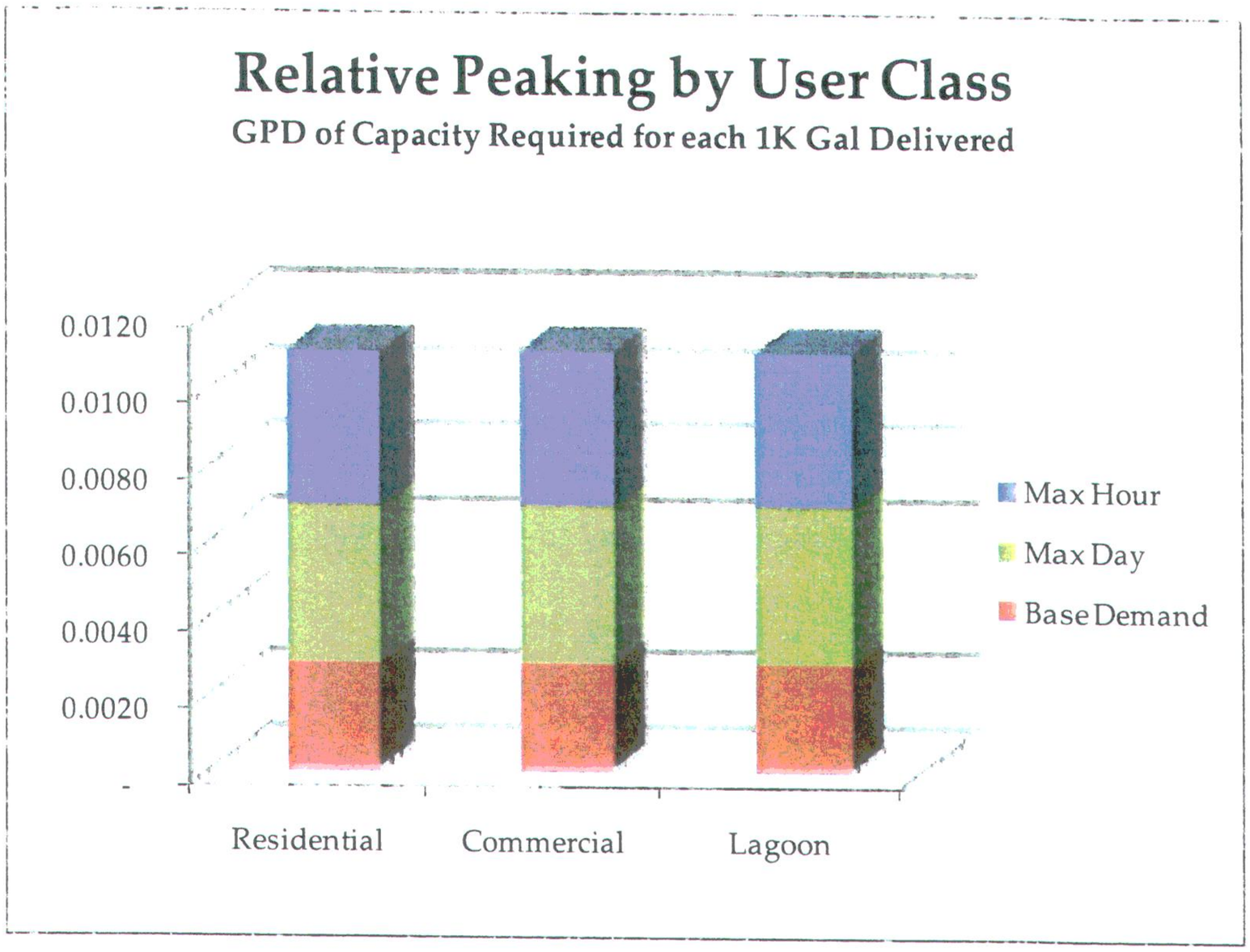
This alternative rate structure eliminates the peaking factor from the cost recovery model. As such, the economies of scale become much clearer. Under this alternative Lagoon drastically decreases to $2.62 per thousand gallons of water consumed. Proportionally the rates for the other user classes are increased to make of the difference in the revenue requirement analysis. In a static analysis where peaking is not a factor this rate structure is fair and equitable.

Figure 3 below provides the different rate schedules for each user class.

Figure 3: Proposed Cost Per 1,000 Gallons Alternative 1

Proposed Cost per 1,000 Gallons			
Customer Class	Revenue Requirement	Annual Demand	Cost per 1,000 Gals.
Residential	$ 1,203,935	320,438	$ 3.76
Commercial	151,514	52,938	2.86
Lagoon	131,564	50,280	2.62

Figure 4: Relative Peaking by User Class Alternative 1



ALTERNATIVE 2: SET LAGOON'S PEAK TO BE THE SAME AS RESIDENTIAL

This alternative assumes that peaking is a factor for equitably assigning costs across users. However, an assumption is made that Lagoon's peaking is the same in magnitude as the residential classification on a proportional basis. This shifts a small portion of the cost per thousand gallons away from commercial and back to residential and Lagoon. The commercial user classification creates the least amount of peaking demand and therefore would pay less proportionally for peaking than the other user classifications.

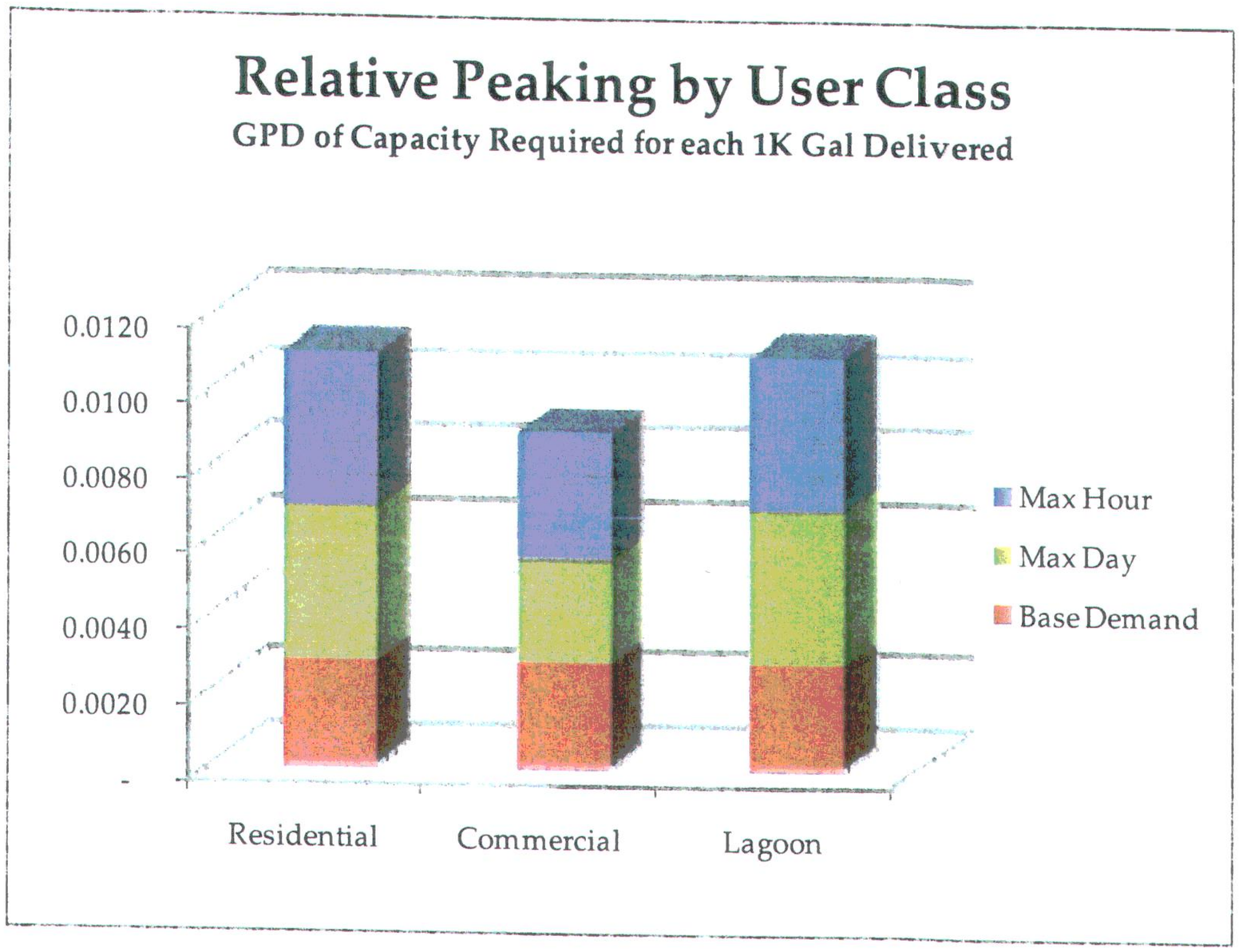
Figure 5 provides a summary of the cost per 1,000 gallons if Lagoon's peaking was assumed to be the same as residential.

Figure 5: Proposed Cost Per 1,000 Gallons Alternative 2

Customer Class	Revenue Requirement	Annual Demand	Cost per 1,000 Gals.
Residential	$ 1,210,852	320,438	$ 3.78
Commercial	143,508	52,938	2.71
Lagoon	132,649	50,280	2.64

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC. SALT LAKE CITY, UTAH 84101 OFFICE 801.596.0700 FAX 801.596.2800

Figure 6: Relative Peaking by User Class Alternative 2



ALTERNATIVE 3: USE THE CALCULATED RESIDENTIAL RATE, KEEP CURRENT COMMERCIAL RATES, LAGOON PAYS THE REMAINDER

Under this scenario the residential rate would be as originally calculated and the commercial rates would stay the same as currently constituted. Lagoon's rate would be increased sufficient to meet the revenue requirements of the system. Alternative 3 would result in a cost per 1,000 gallons of $2.85 for Lagoon as contrasted to the original rate calculation of $3.61 per thousand gallons.

Figure 7: Proposed Cost Per 1,000 Gallons Alternative 3

Customer Class	Revenue Requirement	Annual Demand	Cost per 1,000 Gals.
Residential	$ 1,167,322	320,438	$ 3.64
Commercial	176,814	52,938	3.34
Lagoon	143,470	50,280	2.85

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC. SALT LAKE CITY, UTAH 84101 OFFICE 801.596.0700 FAX 801.596.2800

ALTERNATIVE 4: RESIDENTIAL AND A COMBINED COMMERCIAL/LAGOON USER CLASS

Alternative 4 assumes that commercial and Lagoon would share one rate structure. Residential users would be assessed at the original calculated rate. Commercial and Lagoon would be assessed $3.10 per 1,000 gallons. This is effect shifts some of Lagoon's peaking demand onto commercial users.

Figure 8: Proposed Cost Per 1,000 Gallons Alternative 4

Customer Class	Revenue Requirement	Annual Demand	Cost per 1,000 Gals.
Residential	$ 1,167,322	320,438	$ 3.64
Commercial/Lagoon	319,713	103,218	3.10

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC. SALT LAKE CITY, UTAH 84101 OFFICE 801.596.0700 FAX 801.596.2800

Agenda Item 13

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

S U B J E C T: Governing Body Reports

- Mayor Harbertson's Report
- City Council Reports

To be given at Council meeting.

1. SID

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

Agenda Item 14

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

SUBJECT: **Miscellaneous**

a. Miscellaneous items. To be provided at City Council meeting.

b. Minute motion adjourning to closed session, if necessary, for reasons permitted by law. To be provided to the City Council if there is a need to go to closed session.

1. Rental Space – CRS

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion

Agenda Item 15

CITY COUNCIL AGENDA

[ ] Appointments, Hearings, Etc.
[ ] Discussion Items - Recommendations
[ ] Reports

For Council Meeting:
May 4,2010

Petitioner _____

S U B J E C T: Items of General Correspondence

15-1. Copy of City Council Action List for Council Meeting held April 20, 2010. (See Tab 16.)

15-2. Copy of special HOA report published by the Farmington Ranches Homeowners Assn. (See Tab 17.)

15-3. Wasatch Front Regional 2004 Socio-Economic forecast. (See Tab 17.)

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

CITY COUNCIL ACTION LIST
FOR REGULAR COUNCIL MEETING HELD April 20, 2010

Disposition					ACTION ITEM
Dept.	Initiated	Completed	Not Started	Number	
Adm		X		1.	Number, post, and file Ordinance amending Farmington Meadows Conservation Easement to accommodate Steve Christensen farming.
Adm/ CD	X			2.	Number, record and file Ordinance listing Davis County Memorial Courthouse to Landmark Resource List.
Adm/ CD		X		3.	Number, post, and file Ordinance amending General Plan Map and rezoning new City Hall area to BR.
[illegible]		X		4.	Number and file Resolution/Ordinance regarding Fire Impact Fees. Notify Building Department.
Adm		X		5.	Number and file Resolution and Ordinance regarding culinary water impact fees. Notify Building Department.
Adm		X		6.	Number and file resolution amending Park Capital Facilities Plan.
CD	X			7.	Process lot line adjustment in Bray Subdivision.
Adm		X		8.	Notify Frodsham of water rate reduction.
Adm	X			9.	Record revocation/abandonment of easement for Steve Abbott.
Adm		X		10	Secure signatures on First Amendment to Park Lane Village Development Agr.
Adm		X		11	Notify Hank Semadeni, Pam Hansen, and Arlo Nielson they are exempt from curbside recycling.
Adm		X		12	Number and file Sidewalk Repair Agreements for Redd, Spear, Gardiner and Snyder. Provide copies to Public Works.
Adm		X		13	Number and file 3c Business Solutions Change Order.
Adm		X		14	Number and file Agreement for Planning Consultant Services with Lotus.
Adm	X			15	Ask Jill Swain to prepare compensation increase request.
PD	X			16	Have Chief Hansen review Ruth Anderson's traffic complaint at Foxglove and Creek Lane.

Special HOA Report

April 2010

In this Special Report:

- Mayor Harbertson's Request
- Farmington Ranches Park Planned Opening
- HOA voting rules summarized

Special Request from Farmington City Mayor Harbertson Watering Lawns 2010---by Rob Blaser, HOA Communications Officer

The Mayor has sent a request to all of the citizens living in West Farmington to decrease lawn watering. The vast majority of residents are OVERWATERING their lawns. The excess water has been accumulating in the streets/gutters and is causing the roads to deteriorate and breakdown faster than they should. It is important that each of us take this request seriously and plan on watering our lawns with water conservation in mind. Here are a few tips to keep a great looking green lawn, and save water at the same time.

1. Adjust watering schedule per season---For instance, I only water once per week during the spring. As the summer approaches and the temperatures start to climb, I will gradually increase to 2 waterings per week. This frequency should get you through the majority of the summer; however, in the very height of the summer heat (Late July and early August) I will sometimes throw in an extra watering during the week to keep the lawn green, but only if needed. This schedule not only saves water, but promotes a healthier lawn by encouraging root growth.

2. Water Smart---West Farmington soil absorbs water very slowly because of the high clay content; if you put down too much water too quickly, the majority will just run off into the street. Breaking up each watering into 3 or 4 shorter cycles will allow the water to soak into your soil much deeper. If a particular zone requires 24 minutes of watering, breaking that time up into three 8-minute or four 6-minute cycles over a 12-hour period will allow much more water to penetrate the ground instead of run-off. For instance, if my lawn is scheduled to be watered on a Thursday night, I'll have the first cycle start at 11pm and run through all the zones. I'll then have consecutive cycles begin at 2am and 5am, running through all zones each time.

3. Grass Height---It is also important to consider your lawn height. As the summer heat approaches, adjust your lawn mower higher to allow your grass to grow a little taller. A taller grass height during hot weather will retain moisture in your soil longer and also promote a greener lawn. Personally, I will adjust my lawn height several times during the season. I start with my lawn fairly short in the spring and gradually increase the height as the summer heat increases. During the Fall, I will gradually lower my lawn height as the temperatures decrease.

4. Aerate Lawn---It is also helpful to have your lawn aerated each year (or even twice a year if you are a go getter). This keeps your soil from becoming too compacted, which helps water absorption.

All of the above tips will not only help conserve water, but promote a healthier lawn!
If anyone else has any tips, let's hear them on the forum at the HOA website.

The Mayor appreciates us addressing this growing problem in our neighborhood! Please visit our website to keep up on this and other HOA issues.
http://farmingtonranches.com/resource/lawn_watering_request.pdf

Farmington Ranches Park

The City Parks and Recreation Director, Neil Miller has asked the Farmington Ranches citizens to be patient with the new park being developed. Limited Access to the Park will be given after the opening in JULY. The turf must be given time to mature before full access is allowed. Please STAY OUT of the park and for those living next to the park, we would encourage you to REPORT ANY VANDALISM. Thanks for helping our City Officials.

HOA Website online

A basic web site is online at **www.farmingtonranches.com**. Rob Blaser is trying to keep this site updated periodically with meeting summaries, voting results, and the current contact information for officers and board members of the association. Thanks to Rob for his volunteer services. All of the work coordinated by the HOA Officers is based on their commitment to spend time in our behalf. Thanks to all who support and help them in their efforts.

HOA voting rules summarized

The majority of the business of the HOA is completed by the Executive Committee in order to streamline the decision-making process and get the most "bang" for our volunteer time. The Executive Committee is elected at the annual meeting and consists of vice presidents from every phase, a president, and various other officers (currently a secretary/treasurer, a communications officer, and a government-relations officer).

Although the Executive Committee seeks to represent the Farmington Ranches homeowners fairly, some issues or decisions are important enough that a full vote of all homeowners is appropriate. The following summary outlines the official voting rules of the HOA:

All members (homeowners or lot owners) will be invited to vote on:

- Transferring ownership of common area property to individuals or entities (i.e. Farmington City)
- Increasing the HOA dues *more than* 10% over the previous year.
- Electing a president, secretary/treasurer, communications officer, and government relations officer (voted on every 2 years).
- Amending the covenants--- CC&R's.

Members of a particular phase will be invited to vote on:

- Electing a vice president for the phase every 2 years.

All other actions can be taken via Vote of Officers at a meeting or by phone, subject to the following:

- A quorum of SIX officers is required to take action (total number of officers is twelve).
- A simple majority is required to approve actions (minimum of 4 votes).
- Actions should be voted on at regular meetings of officers, unless special circumstances require a phone vote. In the case of a phone vote, ALL OFFICERS must be polled.
- In the case of a tie vote, the following procedure will be followed:
    1. Debate will continue, with periodic re-voting, to try and resolve the tie.
    2. If the tie is not broken after a reasonable amount of debate, and if all twelve officers are not present, missing officers will be polled as soon as possible to resolve the tie.
    3. If the full vote of all officers still results in a tie, the President shall abstain from voting, forcing a tie-break.

For your information, actions that require the officers to vote may include the following:

- Major projects including the commitment of funds (what gets done?)
- Prioritization of projects (what gets done first?)
- Collections policies and procedures
- Placing of liens on properties for violation of covenants or payment delinquency
- Annual modification of dues amount, if 10% or less compared to previous year
- Major maintenance/service contracts
- Approval of annual Financial Report

Wasatch Front Regional 2040 Socioeconomic Forecasts

Davis County

NAME	2007 Population	2040 Population
Bountiful	43,713	46,074
Centerville	15,353	24,145
Clearfield	27,444	30,937
Clinton	19,589	25,864
Farmington	17,136	30,409
Fruit Heights	5,638	6,353
Kaysville	25,555	35,527
Layton	63,023	81,199
North Salt Lake	15,700	20,378
South Weber	6,000	13,900
Sunset	5,196	5,408
Syracuse	21,044	38,000
West Bountiful	5,183	8,772
West Point	9,415	18,462
Woods Cross	7,853	11,757
Unincorporated	5,207	10,053
Total*	291,669	407,238

Salt Lake County

NAME	2007 Population	2040 Population
Alta	351	390
Bluffdale	8,579	35,740
Cottonwood Height	35,871	43,590
Draper	38,673	62,903
Herriman	14,600	55,555
Holladay	26,609	32,778
Midvale	25,001	55,943
Murray	44,108	75,015
Riverton	38,906	62,648
Salt Lake City	179,204	245,838
Sandy	96,351	120,602
South Jordan	46,096	102,436
South Salt Lake	23,255	34,684
Taylorsville	60,534	74,671
West Jordan	101,065	165,885
West Valley City	126,000	160,000
Unincorporated	146,279	342,949
Total*	1,002,877	1,671,627

Weber County

NAME	2007 Population	2040 Population
Farr West	2,726	7,859
Harrisville	3,575	7,435
Hooper	4,975	22,515
Huntsville	554	716
Marriott-Slaterville	2,038	5,021
North Ogden	18,000	38,416
Ogden	78,589	108,766
Plain City	3,725	11,126
Pleasant View	7,022	16,258
Riverdale	8,475	9,047
Roy	34,623	38,261
South Ogden	15,350	17,208
Uintah	858	1,820
Washington Terrac	10,984	11,693
West Haven	4,853	33,995
Unincorporated	25,433	40,387
Total*	217,471	370,523

* Governor's Office of Planning and Budget (GOPB) 2008 Baseline-Total Population
City population totals for 2007 and 2040 based on WFRC's "Wasatch Choice for 2040" land use assumptions.
Comments received by February 24, 2010 are included. Adjustments were made to match GOPB Control Totals.