



FARMINGTON CITY

PLANNING COMMISSION

October 5, 2023



FARMINGTON

MORE TIME FOR LIVING

PLANNING COMMISSION MEETING NOTICE AND AGENDA Thursday October 05, 2023

Notice is given that Farmington City Planning Commission will hold a regular meeting at City Hall 160 South Main, Farmington, Utah.

A work session and training will be held at **6:00 PM** prior to the **regular session which will begin at 7:00 PM** in the Council Chambers.

The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website at farmington.utah.gov.

Any emailed comments for the listed public hearings, should be sent to crowe@farmington.utah.gov by 5 p.m. on the day listed above.

ZONE TEXT AMENDMENTS – public hearing

1. Additional text and amendment to Chapter 11-30: FOOTHILL DEVELOPMENT STANDARDS, and 11-2 DEFINITIONS of the Farmington City ZONING REGULATIONS. The proposed amendments are to consider and clarify what can be built in areas with steep slopes. (ZT-14-23) Continued from the 9.7.23 meeting.
2. Additional text and amendment to Title 12: SUBDIVISION REGULATIONS. The proposed amendments are in response to requirements from the State of Utah to remove the requirement for concept/schematic reviews on conventional subdivisions and to establish an appeal process as outlined by the State. The amendments further clarify submittal requirements and the review process. (ZT-12-23)
3. Additional text and amendment to Chapter 39: Historic Buildings primarily within Chapter 11-39-050: Farmington City Historic Landmarks Register. The proposed amendments are to make clear what kind of modifications requiring a building permit for historic resources listed on the Landmark Register need a “certificate of historic appropriateness”, and an alternate consideration process for such certificates.

OTHER BUSINESS

4. Miscellaneous, correspondence, etc.
 - a. Minutes Approval 09.07.2023 and 09.21.2023
 - b. City Council Report 10.03.2023
 - c. Other

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to act 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.

***CERTIFICATE OF POSTING** I hereby certify that the above notice and agenda were posted at Farmington City Hall, the State Public Notice website, the city website www.farmington.utah.gov, and emailed to media representatives on October 3, 2023.*

Carly Rowe, Planning Secretary



Farmington City Planning Commission Staff Report October 5, 2023

Item 1: Zone Text Amendments regarding Foothill Development Standards

Public Hearing: Yes
Application No.: ZT-14-23
Applicant: Farmington City

Request: *City Staff is proposing a change to the text of Chapter 30 and Chapter 2 of the Zoning Ordinance to reorganize/modify the foothill ordinance review and approval process consistent with the Subdivision and Zoning Ordinances, add some architectural design standards, emphasize the no build standards of steep slope areas, and to implement other miscellaneous changes.*

Background Information

On August, 17, the Planning Commission continued this agenda item, including the public hearing, to September 7, 2023. Moreover, the notice for the public hearing was re-posted to include amendments to Chapter 2 of the Zoning Ordinance (as well as Chapter 30). At the September 7th meeting the Commission consideration to allow time for each Commission to submit review comments.

Recent applications of the City's decades old foothill development standards revealed that Chapter 30 of the Zoning Ordinance can be a better document. City staff welcomes improvements to this part of the City code. Major changes (see enclosed "marked up" copy) for Planning Commission consideration include, among other things:

- Review and approval procedures, which are no longer at the end of the Chapter, are more consistent with the City's subdivision, PUD, and site plan review processes; moreover, the review and approval body related to foothill standards is also now consistent with other City processes.
- Required reports and plan provisions are now part of the review and approval procedures instead of imbedded here and there with development standards.
- Development standards are not encumbered by items that are not development standards.
- There is a new section related to "Architectural Design" (similar to what is found in other municipalities) for Planning Commission and City Council consideration.

The latest draft in this report includes comments from planning staff, the City Engineer, and the City Attorney.

The following are comments received to date with a staff response in *red* italics after each item. Where applicable, these comments are included in “purple” the latest marked-up draft (see attached).

- Why 30% slope? Should it be more or less?

The 30% slope standards have been used by most all northern Utah cities since the late 1970s. For now, it is the dominate standard accepted by counties, municipalities, property owners, and the development community in the state.

- Should building height be dealt with differently or more specifically in the foothills?

After a laborious process, the City amended its height standards in 2000, which process considered numerous examples in foothill areas as well as “flat” areas. The height standards will be further explained and illustrated to the Planning Commission at the meeting.

- What more might be done about lighting?

Farmington’s limited lighting requirements affect mainly non-residential uses. However, Planning staff are working on a “night sky” ordinance which will provide lighting standards city-wide for all areas of the community and land use types—including the foothill areas as well. A draft may be presented to the Commission as early as November.

- Should we be trying to protect views? Is there a better way to frame that goal?

This may be a good topic to discuss with the entire Commission at the meeting.

- In the background information there is a bullet point is confusing. It reads, "Development standards are not encumbered by items that are development standards". Clarification would be helpful.

This is a typo, it should read: “Development standards are not encumbered by items that are not development standards”.

- Under 11-2-20: Definitions, page 1, modify it to read, "ACCESSORY BUILDING: A building, structure or use . . ." Including the words "structure" and "use" make the definition ambiguous. I would also remove "clearly" since it holds the City to a higher standard when we might prefer a more general standard.

Done

- At page 2, the heading for 11-30-70 has been stricken. There are four subdivisions, A, B, C & D. Have the been stricken or moved somewhere else?

The four sub-paragraphs refer one to other parts of the code when an applicant is dealing with 1) subdivisions, 2) PUDs, 3) Conditional Uses, or 4) Permitted uses. These sections were primarily deleted to eliminate redundancy because Chapter 30 consists of foothill development standards applicable to areas identified on the Zoning map and the standards of the underlying zones within these areas, which include A, B, C, and D, still apply. Furthermore, the draft also makes sure that the new 11-30-050 titled “Review And Approval Procedures, and Required Reports and Plans” is consistent with the City’s existing subdivision and site plan standards, or any amendments that may occur thereto.

- Page 2, Subpart B, 1. What prompted this amendment? Ie. what problem is it solving?

This language was included Centerville’s foothill ordinance. It is hoped that this intent will address over-grading of sites before an actual subdivision or site plan is submitted, during the subdivision and site plan process, and after.

- Page 2, Subpart B, 6 requires, "Implement early temporary or permanent planting, or both, wherever appropriate . . ." Vegetation? Perhaps we could clarify this.

Done

- Page 2, subpart B 9. There is additional language regarding views to and from the foothills. Again, what problem are we trying to solve?

This may be a good item to discuss at the meeting where examples can be shown to the Commission.

- Page 4, under "Usable Land" contains the term, accessory building. Since this is a defined term elsewhere I wonder whether or not it should be capitalized here. If not it creates an ambiguity as to what is really intended here. *This looks like it may already be done.* Also under this section it may be helpful to know what is intended beyond "anomalies" more that what is included in the text.

Done

- Page 5, under 11-30-040 the word City is used to replace the "planning commission and city council". Not sure what is intended here. Is it meant to include both bodies or is it meant to mean city staff?

The approval body (staff, Planning Commission, City Council, other land use authority as designated by the Council, etc.) is dictated by the underlying zone, other titles in the code (i.e. the subdivision ordinance), and state code. And the requirements of these documents change from time to time. Presently, the Footbill Ordinance is currently inconsistent with other areas of the code in a few places regarding the approval body. Hopefully, the word "City" will ensure continued consistency, even as requirements elsewhere change.

- Page 6, Impervious material. One would assume this is concrete or something similar through which water will not pass.

Correct

- Pages 6 & 7. Under item 7, Usable Land again substitutes City for planning commission and city council.

See explanation above

- Page 9, item 2, vegetation to be planted. Should we also include a plan as to how it will be maintained, ie rainwater or drip system etc.?

Done

- Page 9, Solar orientation review. This seems to mean that the structure will be situated to take advantage of sunlight for solar power or some other passive advantage. What does the city do if we don't like it?

We provided this as a recommendation, because characteristics of the site and other standards of the underlying zone, such as building placement requirements, may make solar orientation impractical. Staff is okay if it is removed, or move it to its own section.

- Page 10, 3,f uses the term deposition. Does this mean as it relates to the potential deposits of soil etc caused by water flow.

Yes, we modified the language in the draft to state this.

- Page 12, part F. Do we need to include the planning commission as well as city council or is that assumed?

Yes, it is assumed.

The proposed reorganization of the Chapter is summarized in the table below:

Chapter 30 Reorganization Summary		
Section	Existing	Proposed
11-30-010	Purpose	Purpose
11-30-020	Definitions	Definitions
11-30-030	Scope and Application	Scope and Application
11-30-040	Density, Lot Size, Width And Characteristics	Density, Lot Size, Set Back , Width And Characteristics
11-30-050	Required Plans And Development Standards	Review And Approval Procedure, And Required Reports and Plans
11-30-060	Bonding Requirements	Development Standards
11-30-070	Review And Approval Procedure	Architectural Design
11-30-080	N/A	Bonding Requirements

Suggested Motion

Move the Planning Commission recommend that the City approve the proposed zone text changes.

Findings:

1. The changes better implement the purpose of the foothill standards set forth in Section 11-30-010;
2. The amendment makes Chapter 30 more user friendly because no longer does and applicant, or staff, have to “hunt” for required reports and plan intermixed here and there with review and approval procedures, and vice versa, but the two sections are now separate.
3. References as to who approves what plans are now consistent with the underlying zone, state law, and other sections of the City code.
4. The changes improve the definition and standards related to “Useable Land”.
5. The updates to Chapter 30 include language from ordinances in other communities which improve the final document.
6. As per Section 11-6-020 D. of the Zoning Ordinance, the proposed amendments are: a) reasonably necessary; b) in the public interest; and c) consistent with the city general plan and are harmony with the objectives and purpose of Title 11.

Supplemental Information

1. Draft Changes to Chapter 2 and Chapter 30 of the Zoning Ordinance—Marked Up Copy.

Marked Up Copy
9.7.23 PC

CHAPTER 2
DEFINITIONS

SECTION:

11-2-010: General

11-2-020: Definitions Of Words And Terms

11-2-010: GENERAL:

For the purposes of this title, the following terms and words and their derivations shall have the meaning as given herein. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; and the plural, the singular. The word "shall" is always mandatory. Words not included herein or in the building code shall be given their usual meaning as found in the English dictionary, unless the context of the words clearly indicates a different meaning. (Ord. 1991-21, 4-21-1991)

11-2-020: DEFINITIONS OF WORDS AND TERMS:

ACCESSORY BUILDING, ~~STRUCTURE, OR USE~~: A building, **structure**, or use ~~clearly~~ incidental, customarily appropriate, and subordinate to the main use of the building or property.

CHAPTER 30
FOOTHILL DEVELOPMENT STANDARDS

SECTION:

11-30-010: Purpose

11-30-020: Definitions

11-30-030: Scope And Application

11-30-040: Density, Lot Size, **Set Back**, ~~Width~~ And Characteristics

11-30-050: Review And Approval Procedures, And Required Reports and Plans

~~11-30-0560: Required Plans And Development Standards~~

11-30-070: Architectural Design

11-30-0680: Bonding Requirements

~~11-30-070: Review And Approval Procedure~~

11-30-010: PURPOSE:

A. The city council of Farmington City, Utah, deems that in order to preserve the peace, health, safety and welfare, and promote the best interest of the inhabitants of Farmington City, that this chapter be enacted to provide standards, guidelines and criteria for minimizing flooding, erosion and other environmental hazards in designated foothill areas of the city. In addition, these standards are intended to protect the natural scenic character of the foothills, and those areas of the foothills which are not suitable for development, while ensuring the efficient expenditure of public funds.

B. The standards, guidelines and criteria established by this chapter are further intended to:

1. Minimize grading and earthwork and ensure grading which will eliminate sharp angles at the top and at the toe of cut and fill slopes, both with respect to building sites and to road cross-sections.
2. Protect the public from natural hazards of stormwater runoff and erosion.
3. Minimize the threat and consequential damage of fire in foothill areas.
4. Preserve natural features, wildlife habitat and open space.
5. Retain trees and other native vegetation (except in those cases where a high fire hazard results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the beauty of the natural landscape.
6. Implement early temporary or permanent planting of vegetation, or both, wherever appropriate to maintain necessary cut and fill slopes, stabilizing them by plant roots and concealing the raw soil from view.
7. Preserve public access to mountain areas and natural drainage channels.
8. Retain natural features, such as drainage channels, streams, ridgelines, rock outcroppings and vegetation.
9. Preserve and enhance visual and environmental quality; place greater regard for the view of the foothills as well as the view from the foothills.
10. Ensure an adequate transportation system for the total foothill area in compliance with the approved street plans of the city. Street design should, insofar as

possible, be compatible with existing topography by minimizing cuts, fills or other visible scars.

11. Encourage a variety of development, designs and concepts compatible with the natural terrain of the foothill areas which will preserve open space and the natural landscape.

12. Enable lot layouts and structure designs which will aid the objective of reducing excavation and natural topographic disturbance.

13. Establish land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.

C. To achieve the intent of this chapter, it is recommended that professionals, qualified in each of the disciplines addressed herein, be utilized to stimulate creative and appropriate designs in the foothill area. (Ord. 1993-17, 4-21-1993)

11-30-020: DEFINITIONS:

Terms used in this chapter are defined as set forth below and are in addition to those defined in chapter 2 of this title. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive.

ALL WEATHER SURFACE: A concrete or asphalt surface.

AVERAGE SLOPE: Means and is determined by the use of the following formula:

$$S = \frac{.00229(I)(L)}{A}$$

S = Average slope of the site before development or construction.

.00229 = The conversion factor of square feet to acres.

I = Contour interval in feet of the topographic mapping.

L = Summation of the length of all contour lines in feet.

A = Total number of acres in the slope district.

A. The average slope may be calculated by other means which are acceptable to the city engineer and planning commission.

B. In the determination of the average slope of a slope district, the area (A) in the formula above ~~need~~ shall not include the area of lands having a greater slope than thirty percent (30%). ~~If such areas are excluded, their acreage shall not be included as part of the total area of the development site for purposes of determining the number of dwelling sites allowed, but may be included with individual building lots.~~

DEVELOPMENT ACRES, GROSS: The **entire** total area of the development, to include all transportation land or other nonresidential uses.

DEVELOPMENT ACRES, NET: The gross acreage less transportation land and open space.

DEVELOPMENT SITE: The total perimeters of:

- A. A subdivision, as defined in the Farmington City subdivision ordinance.
- B. A planned unit development, as defined in this title.
- C. A tract, lot or parcel of land intended to be used as a, **residential**, commercial, public, quasi-public, utility or other building site.

IMPERVIOUS MATERIALS: Matter which is impenetrable by moisture.

INSTITUTIONAL BUILDINGS: Means and shall include churches, schools, hospitals, public and quasi-public buildings.

OFF SITE: Any area or improvement within public rights of way ~~or public utility easements~~, or outside the boundaries of the development.

ON SITE: Any area or improvement on private property.

OPEN SPACE: That space designated as undevelopable or as common open space areas used for visual relief or recreational purposes.

SLOPE DISTRICT: An area of at least three (3) acres where the area that is the development site is ten (10) acres or more and a minimum of one acre if the development site is less than ten (10) acres. The term "slope district" describes areas within a development site (or the entire development site if it qualifies under the definition) which are distinguishable as areas of consistent topography. Slope districts are classified by the following breakdown:

- 0 - 12.0 percent
- 12.1 - 20.0 percent
- 20.1 - 30.0 percent
- Over 30 percent

TRANSPORTATION LAND: Land used for automobile, bicycle or pedestrian circulation.

UNDERLYING ZONE: The zone in which the parcel lies on the Farmington City zoning map.

USABLE LAND: Land included within a lot, no part of which has a slope exceeding thirty percent (30%). **This space may be no less than fifty feet (50') in width at any given point. This usable area must be undisturbed or virgin slope. Certain limited foothill areas may be considered as either natural or man-made "anomalies" such as gravel pit operations, fire break roads, secondary water pipelines, culinary water facilities, public service provider improvements and related roads, or other artificial disturbances based upon size, location, and history of slope having previously been permitted by the federal government, the State,**

~~F~~Davis County ~~or~~, Farmington City, or other public entity, and may be included within the usable area as may be determined by the City. All main buildings, and accessory buildings and structures (including retaining walls, fences and walls), shall be built on the useable land only.

VEGETATION: Orchards, trees, shrubs, lawn, grass and perennial growth, and those plants native to the site. (Ord. 1993-17, 4-21-1993)

11-30-030: SCOPE AND APPLICATION:

A. The provisions of this chapter shall apply to all lands in Farmington City that lie within the area designated with zones having a suffix "F" on the official zoning map of Farmington City.

B. This chapter makes additional provisions to those set forth in the subdivision ordinance and other chapters of this title (the zoning ordinance). In the event of conflict, the more restrictive provisions shall apply.

C. Detailed reports and plans are required in the following sections of this chapter which must be approved by the city before any construction, excavation, and grading will be permitted in foothill zones.

D. Development of individual ~~un-platted residential~~ lots, parcels located in an approved subdivision shall comply with conditions, standards and requirements established through the site plan and/or subdivision approval process. ~~Site specific plans, necessary to achieve the purpose of this chapter, may also be required for residential lots which are not located in a recorded subdivision.~~ (Ord. 1993-17, 4-21-1993)

11-30-040: DENSITY, LOT SIZE, SET BACK, WIDTH AND CHARACTERISTICS:

A. Scope: The ~~City planning commission and city council~~ shall approve the overall density of any development site based on the subdivision plans and/or site plans as provided for in this chapter.

B. Residential Density: The maximum density for each gross development acre in residential subdivisions or planned unit developments shall be determined by reference to the following table and the underlying zone:

Slope District Average Slope (%)	Maximum Density Dwelling Units/Gross Acre
0 - 12.0	4.0
12.1 - 20.0	2.8
20.1 - 30.0	1.6
More than 30.0	No development allowed.

C. Planned Unit Developments: The maximum density with respect to dwelling units per gross acre shall be the same in a PUD as in any other single-family subdivision. However, at the discretion of the city, density bonuses may still be approved as outlined in the PUD chapter of this title.

D. Lot Size Conditions: When lot lines cross slope district boundaries, the lot size will be determined by the average slope of the usable land within the building lot. The ~~City planning commission~~ may require larger lots than the minimum depending upon the natural conditions (slope, vegetation, soils, etc.) of the site to assure each lot contains a suitable building site.

F. Front Yard Setback. The minimum front yard setback in the Foothill Overlay Zone may be reduced by the Zoning Administrator during the site plan review process to not less than 20 feet, provided the average slope of the lot exceeds 20% and as recommended by the City Engineer.

E. Maximum Impervious Material Coverage: The maximum impervious material coverage that shall be allowable on residential lots shall be thirty five percent (35%) of the total lot area or five thousand (5,000) square feet, whichever is smaller, including the main building, accessory buildings, patios and driveways, ~~but the maximum impervious material coverage may exceed thirty five percent (35%) or five thousand (5,000) square feet if the city council approves it after receiving the recommendation and approval of the planning commission.~~

G. Maximum Impervious Material Exception. The maximum allowable impervious material coverage of a lot may be allowed to exceed 5, 000 square feet as a special exception subject to the process set forth in Chapter 3 of this Title and upon a recommendation of the City Engineer and the approval of the applicable land use authority for the subject application (i.e. subdivision, site plan, or building permit).

Any applicant seeking a special exception to exceed 5, 000 square feet of impervious material coverage per lot shall be required to provide on-site detention/retention as required by local or state statutes and appropriately sized outflow orifice plates for the additional impervious area (over 5, 000 square feet) in accordance with City Engineer recommended detention/retention volume calculations for a 100-year storm event. The applicant shall be required to provide engineered drawings and specifications for the proposed detention/retention and drainage to qualify for the exception. Upon acceptance and approval of the engineering documents, the applicant shall enter into a maintenance agreement, as deemed acceptable by the City. Such maintenance agreement shall be recorded against the subject property as a condition of granting an increase impervious material allowance. For purposes of calculating the permissible lot coverage percentage, lot areas that exceed 30% slope shall be excluded and shall not be used in calculating the allowable impervious coverage area.

H. Usable Land:

1. ~~Single-family~~ **Dwellings, other buildings and structures, including retaining walls, fences, and walls,** shall be located only upon areas constituting usable land, which

area shall be fully contiguous and shall be at least five thousand (5,000) square feet in size. The ~~City planning commission~~ may require usable areas larger than five thousand (5,000) square feet to ensure that dwellings, other buildings and structures, including retaining walls, fences, and walls, can be located acceptable distances from geological hazards.

2. All accessory buildings, structures, and uses, including retaining walls, shall be located upon usable land.

3. All fences and walls shall be located on useable land and in areas less than twenty percent (20%) slope before and after grading and excavation [note: grading and excavation is not allowed in areas with slopes over 30%].

4. As defined above, the slope of usable land shall be thirty percent (30%) or less. Areas with slopes districts of over thirty percent (30%) shall be:

a. Placed in permanent open space, maintained by a responsible legal entity, such as a homeowners' association; or

b. Platted with adjacent approved building lots with an open space easement, or platted into building lots with an open space easement, each of which contains adequate usable land.

c. Subject to such other proposals that may be prepared by the developer and approved by the ~~City planning commission~~. (Ord. 1993-17, 4-21-1993)

5. Grading, land disturbance and/or excavation of an area with slopes less than thirty percent (30%) is allowed, but only upon, or after, the issuance of a building permit by the City for a main building. Grading, land disturbance and/or excavation of areas with slopes thirty percent (30%) or greater is prohibited unless it is for streets and ways provided herein, and in the case of private driveways may only be allowed upon the issuance of a building permit by the City for a main building.

11-30-050 REVIEW AND APPROVAL PROCEDURES, AND REQUIRED REPORTS AND PLANS

A. Subdivisions, Planned Unit Developments (PUD's), building permits, and site plan proposals for subdivision, PUDs, or site plan development within the Foothill Overlay Zone shall comply with all provisions regarding the same as set forth in the Subdivision Ordinance and the Zoning Ordinance.

B. Schematic Approval. In addition to the requirements set forth in the Subdivision Ordinance and the Zoning Ordinance, proposals for schematic approval of a subdivision, PUD, or Site Plan within the Foothill Overlay Zone shall include the following:

1. Location of the proposed Planned Unit Development, Subdivision, or Site Plan, with identification of abutting streets.

2. A slope district map reflecting existing slope conditions prior to development at a scale of 1" = 100' and an estimate of the average slope of the proposed development.

3. A topographic contour map, tied to a land base survey, delineating areas within the development site with slopes of less than 10%, areas between 10% and 20%, areas between 21% and 30%, and areas greater than 30%, shall be designated topographic contours at two-foot intervals for slopes up to 20%- and five-foot intervals for slopes greater than 20%.

4. The total acreage of the site, number of lots and proposed total density and slope district density for residential developments.

5. The location and approximate size of the proposed lots and/or site.

6. A general street location, width, and grade of all proposed streets and radius of any cul-de-sac.

7. Location of known hazards (i.e., faults, drainage, rock fall, landslide, slump, etc.).

8. Soil type and general description of soil types to a depth of five feet.

9. Existing vegetation-type map.

C. Preliminary Approval. In addition to the information as required for preliminary plat approval under the Subdivision Ordinance, proposals for preliminary approval of a subdivision, Planned Unit Development, or site plan in the Foothill Overlay Zone shall be required to include the reports and plans as set forth in the sub-paragraphs of this section. All reports and plans submitted herein, shall be prepared by persons or firms either licensed to practice their specialty or expertise in the State of Utah, if such license for practice is required, or by one having demonstrable expertise in such field of practice if such license is not required.

In addition to meeting the standards set forth in this chapter, the Subdivision Ordinance, and Zoning Ordinance, and the reports and plans below, proposals for preliminary approval shall be consistent with remaining development standards in this Chapter. Notwithstanding the results of preliminary consideration, final approval may result in less lots, a revised street configuration, modified usable areas, etc. In the event this occurs, the results of final approval shall prevail over preliminary approval.

1. Soil Characteristics Report: The soil report shall be prepared by a civil engineer specializing in soil mechanics and licensed by the state of Utah and shall be based upon adequate test borings and excavations. This report shall contain data regarding the nature, distribution and strength of soils within the project area to a depth of ten feet (10'). The soil report shall include, but not limited to:

- a. Unified classification of all soils encountered on the site with an estimate of their susceptibility to erosion, liquid limit, shrink-swell potential and general suitability for development.
- b. A statement as to whether or not groundwater was encountered in any of the test borings and at what elevation it was encountered and an estimate of the normal highest elevation of the season high groundwater table.
- c. Flood history and potential.
- d. Proximity to known floodplains and drainage channels.
- e. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements.
- f. Topographic contours.
- g. Soil reports must be current unless approved otherwise by the City Engineer.

2. Vegetation and Revegetation Plan: This plan shall include a slope stabilization and revegetation report which shall include, but not be limited to:

- a. Location and identification of existing vegetation;
- b. The vegetation to be removed and the method of disposal.
- c. The vegetation to be planted.
- d. Maintenance and irrigation plan consistent with landscape plan standards set forth in Chapter 7 of this Title.
- e. Slope stabilization measures to be installed while new vegetation is being established, including, among other things, erosion control blankets;
- f. Analysis of the environmental effects of such operations including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.
- g. Topsoil stockpile areas will be designated.
- e. Solar orientation is recommended for review.

3. Geology Report: A geology report shall be prepared by a geotechnical engineer licensed by the state of Utah. A geologic map shall accompany the report. Mapping shall reflect careful attention to the rock composition, structural elements and surface and subsurface distribution of the earth materials exposed or inferred within both bedrock and surficial deposits. A clear distinction shall be made between observed and inferred features and/or relationships. The geology report shall include the following information, including but not limited to:

- a. Habitable structures may not be built within a minimum of 50 feet of a center line of a zone of deformation with respect to known active faults. The City may

reduce the required setback provided herein from faults that are determined to be secondary, or a lesser significant classified deformation area, upon receiving recommendation from the City Engineer and based upon a geotechnical/geologic report submitted by the applicant. In no event shall the fault line setback be reduced to less than 30 feet from the center line of the fault or zone of deformation. If reduction is approved, a plat note and delineation of the fault line and deformation area shall be provided on the subdivision plat. The City may also require a notice of geologic hazard and/or a waiver of liability agreement to be provided by the applicant in a form acceptable to the City. The zone of deformation is defined as area of variable width adjacent to a fault where it is determined that ground rupture is likely to occur. A greater setback may be required by the City where deemed necessary to protect public health and safety. Off-site improvement design will be reviewed and approved or denied by the City Engineer.

b. Definition of any zones of deformation with respect to active faults and other mass movements of soil and rock.

c. Identification of natural and manmade anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site.

d. Location of the depth to bedrock and geological evaluation if bedrock is within ten feet (10') of the surface.

e. Written recommendations for construction of proposed structures or public improvements to minimize or avoid impacts of potential geologic hazards.

f. Flood erosion potential and/or deposition soil material potential if floodways exist on the property.

g. Determination of ground water characteristics.

4. Grading, Drainage, and Erosion Control Plan: The area of the watershed shall be used to determine the amount of storm water runoff generated before and after construction. A drainage and erosion control plan shall be prepared by a professional engineer licensed by the state of Utah. The plan shall be sufficient to determine the erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall include a stormwater management, erosion control and grading details describing the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss will be controlled during and after construction. In addition, developments in which the total area is over one acre shall submit a plan for erosion and sediment control which is consistent with current federal NPDES regulations. In a phased development, the area of all phases shall be used to compute the total area and the NPDES plan shall be prepared and submitted with the first phase of development. The plan shall include, but not be limited to, the following information:

a. The "rational method", or other stormwater computation method as approved by the city engineer, shall be used in computing runoff. The basic formula for the "rational method" is:

Q = CIA in which:

Q = Runoff in cubic feet per second (cfs)

C = Coefficient of runoff or the portion of stormwater that runs off a given area. The following are typical examples of land use ranges for C value. The actual C value used shall be approved by the city engineer:

Industrial and commercial .80 - .90

Residential .30 - .40

Parks .15 - .25

Agricultural .10 - .20

I = Average rainfall intensity, based on Davis County data for the Farmington City area, during time of concentration for 100-year return period in inches per hour. The time of concentration shall be defined as the time required for water to flow from the highest to the lowest points of the drainage basin under consideration.

A = Drainage area in acres.

b. Maps of the development site shall be provided by the developer to the City Engineer defining the boundaries of any 100-year flood plain and the limits of the watershed.

c. The grading plan shall show present topography to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using a contour interval of five feet or less. Access or haul road location, treatment and maintenance requirements shall be included. All cuts and fills shall be designed and constructed in such a way that they produce the minimum disturbance to the natural grade and character of the foothill area.

d. An appropriate scale shall be used which most clearly presents the proposed action.

e. The proposed area to be graded shall be clearly delineated on the plan and the area amount stated in square feet.

f. All calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and any other water management or soil erosion control measures shall be shown. Calculations shall employ predictions of soil loss sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Equations should include factors of:

1. Rainfall intensity and energy
2. Soil erodibility
3. Land slope and length of slope or topography
4. Condition of the soil surface and land management practices in use
5. Surface cover; grass, woodland, crops, pavements, etc.
6. Methods intended to be employed to control increased erosion during construction phase.

g. The plan shall show existing details and contours at two foot (2') contour intervals where terrain will not be modified and proposed details and contours at two foot (2') intervals where terrain modifications are proposed.

h. The proposed area to be graded shall be clearly delineated on the plan and the area amount stated in square feet.

i. Grading plans shall include slope district maps for the development site. Two (2) maps shall be prepared. The first shall represent the predevelopment slope districts and the second shall represent post development slope districts.

j. Analysis of the environmental effects of such operations, including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.

D. Final Approval. To ensure proper development of subdivisions, PUD's site plans within the Foothill Overlay Zone and compliance with foothill standards, final approval shall be required by the City. Final approval shall include the information required in the Subdivision Ordinance, Zoning Ordinance, and any other requirements imposed by the City as required to meet applicable provisions of this Chapter. Final approval shall include, along with improvement drawings, spot elevations on all site and/or lot corners or contour grading plans of all lot frontages. The City may require the staking of lots, or a site, to ensure compliance with development standards.

E. Building Permits. Proposals for approval of main buildings, accessory buildings and structures, including retaining walls, fences, and walls, upon a lot or parcel within the Foothill Overlay Zone shall be required to file a site plan drawn to a scale of at least 1" to 10' which site plan shall meet the standards of the Zoning Ordinance and show lot lines, existing and proposed contours at two-foot intervals, location of proposed main building, accessory buildings and structures, including retaining walls, etc., walks, driveways, patio areas, and vegetative, drainage, and erosion controls. Site plans shall be reviewed and approved by the Zoning Administrator and City Engineer, and/or their designees. Additional reports as set forth herein may be required by the Zoning Administrator and reviewed by the City for approval when deemed appropriate by the Zoning Administrator.

F. Approval Condition. No grading, construction, or development shall be conducted within the Foothill Overlay Zone and no building permit shall be issued until final plat approval has been granted by the City Council for subdivision or PUD development and/or until final site plan approval has been granted by the City for a main building on a parcel

and/or lot within the Foothill Overlay Zone. The approved site plan for a main building on a parcel and/or lot shall be attached to the building permit for the same.

11-30-060: DEVELOPMENT STANDARDS:

The development standards and provisions set forth in this Section shall be required in connection with all building and construction in the Foothill Overlay Zone, and schematic, preliminary, and final approval where applicable. The planning commission shall require the following reports and plans to be provided by the applicant. All reports and plans submitted herein, and shall be met-prepared by persons or firms licensed or certified to practice their specialty in the state of Utah, if the required expertise is in their field of practice:

A. Drainage And Erosion Control Plan: A drainage and erosion control plan shall be prepared by a professional engineer licensed by the state of Utah. The plan shall be sufficient to determine the erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall include a stormwater management, erosion control and grading details describing the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss will be controlled during and after construction. In addition, developments in which the total area is over one acre shall submit a plan for erosion and sediment control which is consistent with current federal NPDES regulations. In a phased development, the area of all phases shall be used to compute the total area and the NPDES plan shall be prepared and submitted with the first phase of development. The plan shall include the following information:

1. The "rational method", or other stormwater computation method as approved by the city engineer, shall be used in computing runoff. The basic formula for the "rational method" is:

$Q = CIA$ in which:

Q = Runoff in cubic feet per second (cfs)

C = Coefficient of runoff or the portion of stormwater that runs off a given area. The following are typical examples of land use ranges for C value. The actual C value used shall be approved by the city engineer:

Industrial and commercial .80-.90

Residential .30-.40

Parks .15-.25

Agricultural .10-.20

I = Average rainfall intensity, based on Davis County data for the Farmington City area, during time of concentration for 10-year return period in inches per hour. The

~~time of concentration shall be defined as the time required for water to flow from the highest to the lowest points of the drainage basin under consideration.~~

~~A = Drainage area in acres.~~

1. Lots shall be arranged so as to ensure adequate setbacks from drainage channels. The flow from a 100-year storm shall be the basis for calculating setbacks. No dwelling shall be allowed within the 100-year floodplain. **All structures shall comply with Chapter 31 Flood Damage Prevention.**

2. Erosion control measures on the development site shall be required to minimize the increased solids loading in runoff from such areas during and after construction. All erosion prevention devices, detention ponds and stormwater facilities shall be constructed ~~as part of the first facility improvements on the development site and~~ according to the following standards:

a. Such facilities shall be designed so as to detain safely and adequately the maximum expected stormwater runoff for a 100-year storm for a sufficient length of time so as to prevent flooding and erosion during stormwater runoff flow periods.

b. The existing natural drainage system shall be utilized to the extent possible in its natural state.

c. Where drainage channels are required, wide shallow swales lined with appropriate vegetation shall be used instead of cutting narrow, deep drainage ditches.

d. Flow retarding devices, such as detention ponds, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development.

3. Water from natural drainage channels shall be allowed to continue through the development site.

B. Grading, **cuts, and fills**: ~~A grading plan shall be prepared by qualified professionals licensed by the state of Utah and shall comply with the following standards:~~

~~1. The grading plan shall show present topography and proposed modifications to include elevations, lines and grades including the location and depth of all proposed cuts and fills of the finished earth surfaces. All cuts and fills shall be designed and constructed in such a way that they produce the minimum disturbance to the natural grade and character of the foothill area.~~

~~2. The plan shall show existing details and contours at two foot (2') contour intervals where terrain will not be modified and proposed details and contours at two foot (2') intervals where terrain modifications are proposed. The plan shall be drawn at a scale of one inch equals twenty feet (1" = 20').~~

~~3. The proposed area to be graded shall be clearly delineated on the plan and the area amount stated in square feet.~~

~~4. Grading plans shall include slope district maps for the development site. Two (2) maps shall be prepared. The first shall represent the predevelopment slope districts and the second shall represent postdevelopment slope districts.~~

~~5. Topsoil stockpile areas shall be designated.~~

6. The developer is responsible for interim stabilization of all disturbed areas during the period of construction to prevent off site erosion effects, and for final stabilization once construction is completed. Lot owners or homeowners' associations are responsible for stabilization of building sites and lots upon taking possession of such.

7. All ~~permanent~~ fills **slopes** shall be constructed to prevent settlement, sliding or erosion damage to streets, curbs, gutters, sidewalks or buildings.

8. All cuts and fills **and degrees of compaction** shall comply with standards of the international building code **and all applicable Construction Codes**.

9. The top and bottom edges of slopes caused by an excavation or fill up to ten (10) vertical feet shall be at least ~~five (5)~~ **three (3)** horizontal feet from property lines or public right of way lines.

10. The maximum vertical height of all cuts or fills shall be 10 feet. Fills for slumps or other natural depressions may exceed 10 feet with City approval. A series of wall retaining the same hillside within thirty (30) horizontal feet of each other shall be considered one (1) wall.

~~10. Grading of the lot or parcel which is related to creation of the primary building site or construction of the structure shall not extend more than thirty feet (30'), horizontally, in front, to the rear, or to the side of the proposed structure, unless a greater distance is approved by the planning commission upon a showing by the developer that a greater distance will not be contrary to the purposes of this chapter.~~

11. All structures except retaining walls or soil stabilization improvements shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope. Retaining walls may be a part of the dwelling unit.

12. Retaining walls shall be used to retain existing slope or graded slope as may be approved by the City Engineer. The height of necessary and approved retaining walls shall be a maximum of eight feet. Extensive "rear yard" retaining walls built for the purpose of leveling a yard by backfilling, are expressly prohibited.

13. Excess cut material resulting from road construction or utility installation shall be removed from the site. Access or haul road location, treatment and maintenance requirements shall be designated on the grading plan. Where permanent roads or roadbeds are to be used during construction and stormwater inlets have already been installed, they shall be protected to prevent sediment from entering the stormwater system. If temporary haul roads are proposed, the plan shall include a description of the

method for controlling erosion and dust during the period of the road's operation and restoration of the area once hauling is completed.

~~14. Analysis of the environmental effects of such operations, including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.~~

15. All repair measures for disturbed areas shall be made not later than thirty (30) days after the disturbance is made, except revegetation which shall take place at the earliest planting season thereafter.

C. **Vegetation and Revegetation Plan:** ~~The revegetation plan shall include a slope stabilization and revegetation report which shall include:~~

~~1. Location and identification of existing vegetation;~~

1. ~~The vegetation to be removed and the method of disposal.~~ **Vegetation shall be removed only when absolutely necessary (e.g., for the construction of buildings, roads and filled areas), as approved by the City Engineer.**

2. All areas of the development site cleared of natural vegetation in the course of construction shall be replanted with vegetation possessing erosion control characteristics at least equal to the natural vegetation which was removed;

3. The vegetation to be planted, **or** new plantings, shall be protected with mulch material and fertilized in conjunction with a planting and watering schedule.

4. Persons or firms having expertise in the practice of revegetation (i.e., licensed landscape architects or nurserymen) shall supervise the planning and installation of revegetation cover for the total development site; **and**

~~6. Slope stabilization measures to be installed while new vegetation is being established; and~~

5. All revegetation of disturbed areas shall be made not later than thirty (30) days after the disturbance is made or at the earliest planting season thereafter.

D. **Geology:** ~~A geology report shall be prepared by a geotechnical engineer licensed by the state of Utah. A geologic map shall accompany the report. Mapping shall reflect careful attention to the rock composition, structural elements and surface and subsurface distribution of the earth materials exposed or inferred within both bedrock and surficial deposits. A clear distinction shall be made between observed and inferred features and/or relationships. The geology report shall include the following information:~~

~~1. Definition of any zones of deformation with respect to active faults and other mass movements of soil and rock.~~

12. No habitable structures or off-site improvements shall be built on any identified major or minor secondary faults.

~~3. Identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site.~~

24. No structures or off-site improvements shall be allowed on any **area known to be an active landslide area, verified by the City Engineer or State Geologist.**

35. Problems associated with development on or near perched groundwater and shallow groundwater must be mitigated.

46. No structures shall be allowed in any rockfall zone. Off site improvements may be allowed through special **exception approval** by the planning commission, if the danger is mitigated.

~~7. Location of the depth to bedrock if bedrock is within ten feet (10') of the surface.~~

~~8. Written recommendations for construction of proposed structures or public improvements to minimize or avoid impacts of potential geologic hazards.~~

~~9. Flood erosion and/or deposition potential if floodways exist on the property.~~

~~E. Soil Characteristics Report: The soil report shall be prepared by a civil engineer specializing in soil mechanics and licensed by the state of Utah and shall be based upon adequate test borings and excavations. This report shall contain data regarding the nature, distribution and strength of soils within the project area to a depth of ten feet (10'). The soil report shall include:~~

~~1. Unified classification of all soils encountered on the site with an estimate of their susceptibility to erosion, liquid limit, shrink-swell potential and general suitability for development.~~

~~2. A statement as to whether or not groundwater was encountered in any of the test borings and at what elevation it was encountered and an estimate of the normal highest elevation of the season high groundwater table.~~

~~3. Flood history and potential proximity to known floodplains and drainage channels.~~

~~4. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements.~~

F. Fire Protection:

1. All developed areas, **including individual lots and parcels**, shall have an approved water supply which meets minimum firefighting requirements.

2. **All water, sewer and utilities must be installed in accordance with the Subdivision Ordinance.**

3. Each development site proposal and building permit for private lots, flag lots, and where the front setback is greater than fifty feet (50'), shall be reviewed by the Farmington City fire department to determine whether it complies with the international fire code **and applicable Construction codes, but not limited to, provisions regarding Access Roadways for Fire Apparatus** in reference to, **among other things**, required vertical driveway clearance. Developments which do not, will be disapproved.

G. Streets And Ways:

1. The street standards and specifications of Farmington City shall apply to all developments, except where conditions related to proper development of foothill areas necessitate altering these standards as described below and elsewhere in this chapter.

2. Streets, roadways and private accessways shall follow as nearly as possible the natural terrain. Roads and other vehicular routes shall not cross property having a slope greater than thirty percent (30%) unless, after review by the **City planning commission**, it is determined that:

a. Appropriate engineering measures, consistent with the purpose of this chapter, can be taken to minimize the impact of cuts and fills; and

b. The environment and aesthetics of the area will not be significantly affected.

3. The following table lists standard improvements with established standards. The exceptions listed may be specifically approved by the ~~city council~~ only after careful review of each individual application ~~and after receiving a recommendation from the planning commission~~:

Improvement	Established Standard	Maximum Exception
Collector road width	66 60 foot right of way	50 foot right of way
Cul-de-sac right of way	50 foot radius	46 foot radius
Horizontal curve	250 foot minimum radius for 30 miles per hour design speed	125 foot minimum radius for 25 miles per hour design speed
Local-Minor road width	56 50 foot right of way	42 foot right of way
Road grade	10% on collector streets 12% on local streets	12% on collector streets 14% on local streets (maximum length of street segments at increased grades shall be specifically approved by the city council)

4. The developer shall dedicate to the city a slope easement for any cut or fill slope created by construction of a street in the foothill overlay zone which is not contained within the public right of way.

5. Points of access shall be provided to all developed and nondeveloped areas for emergency firefighting equipment. Driveways shall not exceed a slope of fourteen percent (14%) and shall have direct access to a public street, **unless such direct access (not the slope) is approved otherwise as set forth in Chapter 32 of the Zoning Ordinance.**

6. Development sites which are located near canyon trails will provide reasonable access to those trails. Parking areas may be required by the ~~City planning commission~~ at trailheads.

7. The impervious surface for streets and ways within the gross development site shall not exceed twenty percent (20%).

8. Variations of the street design standards developed to solve special foothill visual and functional problems may be presented to the planning commission for consideration. Examples of such variations may be the use of split roadways or one-way streets for short sections in steeply sloped areas without intersections to avoid deep cuts, also, modifications of surface drainage for curb, gutter and sidewalk design and other innovative designs may be considered in foothill developments.

H. On Site Development: The developer, or in the case of single- family and two-family dwellings, the owner, shall be fully responsible for making all improvements in accordance with the approved plans. The property owner shall be responsible for maintaining all improvements made in accordance with the site development approval. (Ord. 1993-17, 4-21-1993; amd. Ord. 2005-11, 4-6-2005; 2016 Code; Ord. 2022-8, 1-18-2022)

11-30-070: ARCHITECTURAL DESIGN:

For non-conventional subdivisions, the City may require the following:

A. The design of buildings proposed for construction in the Foothill Overlay Zone is encouraged to be visually compatible with the natural beauty of the foothills and canyon areas. The use of building materials in colors that will blend harmoniously with the natural settings is suggested.

B. The City may review the design and comment on the specified exterior materials and colors for all structures other than single-family dwellings. Prohibition of cedar shake roofing materials, the installation of chimney screens and sprinkling systems, as well as other fire protection measures may be required by the City as may be recommended by the Farmington City Fire Department.

C. *Should we requires fencing requirements?*

11-30-0860: BONDING REQUIREMENTS:

The developer or lot owner may be required to guarantee the completion of revegetation projects, the stabilization of grading sites, construction of stormwater runoff facilities, and other requirements of this section by submitting to the city a bond in a form acceptable to the city attorney. If such bond is required, it shall be calculated and administered as set forth in section 12-6-160 of this code. (Ord. 1993-17, 4-21-1993)

~~11-30-070: REVIEW AND APPROVAL PROCEDURE:~~

~~—A. Subdivision Applications: Subdivision applications in designated foothill areas shall be reviewed according to procedures established in the Farmington City subdivision ordinance.~~

~~—B. Planned Unit Developments: Planned unit development (PUD) applications in designated foothill areas shall be reviewed according to procedures established in the Farmington City subdivision ordinance and shall also comply with additional standards contained in the PUD chapter of this title.~~

~~—C. Conditional Use Applications: Conditional use applications in designated foothill areas shall be reviewed according to procedures and standards established in the conditional use and/or site development chapters of this title.~~

~~—D. Permitted Uses: Permitted uses in designated foothill areas shall be reviewed according to procedures and standards established in the site development chapter of this title. (Ord. 1993-17, 4-21-1993)~~



Farmington City Planning Commission Staff Report October 5, 2023

Item 2: Zone Text Amendments regarding the Subdivision Process

Public Hearing: Yes
Application No.: ZT-12-23
Applicant: Farmington City

Request: *The proposed amendments are in response to requirements from the State of Utah to remove the requirement for concept/schematic reviews on conventional subdivisions and to establish an appeal process as outlined by the State. The amendments further clarify submittal requirements and the review process.*

Background Information

During the 2023 Utah State Legislative Session, a new law was passed in the form of [SB174](#) which required cities throughout the state comply with certain provisions related to how subdivisions are reviewed and approved. The bill's requirements are directed at residential subdivisions, however, to provide consistency in processes followed in Farmington City, the proposed text changes included with this report impact all subdivisions.

Included with this report is a summary sheet of what SB174 requires from the Utah League of Cities and Towns.

In brief, there are 2 types of subdivisions that are generally considered in Farmington City.

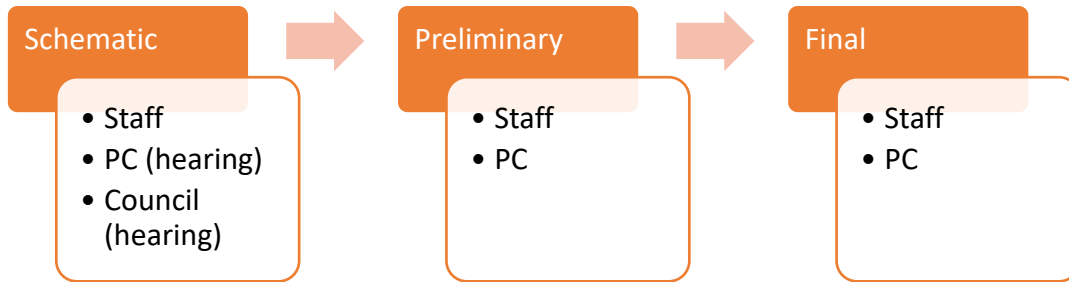
1. **Conventional Subdivision:** a subdivision which meets the zoning requirements without any deviation from development standards or any variation from what is identified by the zoning as conventional lots. This type of subdivision approval and review is entirely administrative. Verifying whether or not it meets the zoning and does not have legislative discretion.
2. **Planned Unit Development (PUD) / Conservation Subdivision / Alternate Lot Size Subdivision / Project Master Plan (PMP):** these subdivisions all include elements of legislative discretion meaning that the city does not have to approve the requests or project as proposed and the regulations for development of the subdivision are most often memorialized in a Development Agreement (DA) with the city or on occasion through conditions imposed as part of a motion by the City Council.

It is the recommendation of City Staff that all conventional subdivisions, whether residential or commercial follow the same process and that all other subdivisions requiring legislative discretion follow a different but similar process. In the public review side, the key distinction between the 2 processes is that the schematic step is required for consideration of a development looking for legislative discretion and will involve the city council. The similarities between the processes as that the Preliminary Plat is the final step in public meetings and city staff is over final approval.

A visual comparison of the proposed changes follows:

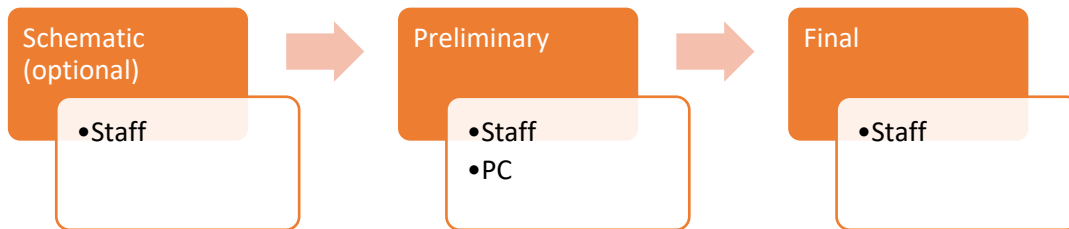
Conventional Subdivisions

Current Process



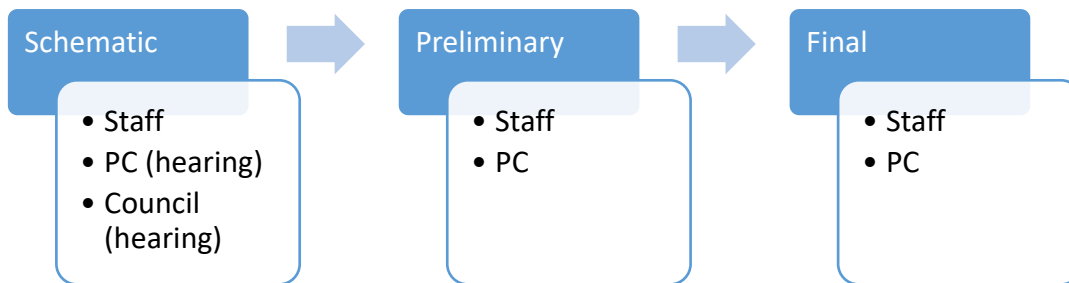
Required Process – Single Family/Two Family/Townhomes

Staff recommendation would include Conventional Commercial and Multi-family subdivisions.

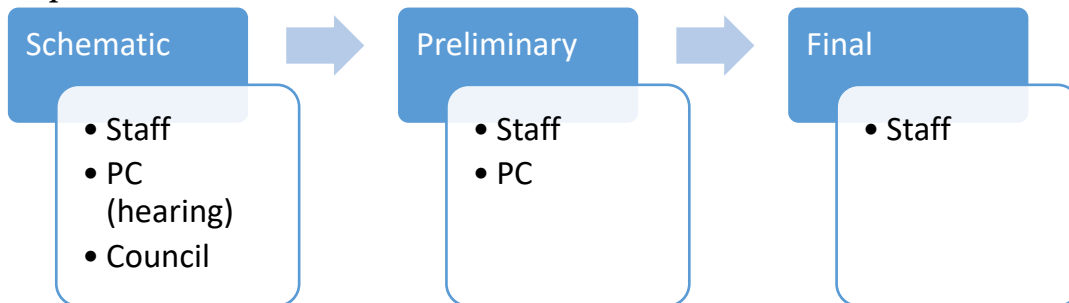


PUD / Conservation Subdivisions / Alternate Lot Size / PMP (DAs)

Current Process



Proposed Process



Included with this report are forms to help demonstrate the process an applicant can anticipate with the current and proposed process change. The actual form is not an item under the purview of the council or commission for approval, but may be helpful in understanding how the ordinances are applied. Staff is working to move away from a paper form and is trying to implement a digital submittal and review process.

The latest ordinance draft in this report includes comments from planning staff, the City Engineer, and the City Attorney. Application forms in any format will then be altered to fulfill what is required by the ordinance.

To ensure these updates meet the implementation timeframe required by the State, staff is encouraging that the Planning Commission table the item after an introduction at this initial hearing and be prepared to vote on a formal recommendation during the 2nd meeting in October. This will give time for recommendations and input from both the Commission and Council in an effort to adopt final changes by the end of the year.

Suggested Motion

Move the Planning Commission table consideration of the proposed zone text changes to allow time to incorporate comments and requested changes from the Planning Commission.

Supplemental Information

1. Draft Changes to Title 12: Subdivisions
2. ULCT Audit Checklist
3. Current Subdivision Application Form
4. Draft Updated Subdivision Application Form

CHAPTER 3 SCHEMATIC PLAN

SECTION:

12-3-010: Schematic Plan

12-3-020: Staff Cannot Bind City

12-3-030: Vested Rights

12-3-040: Submission

12-3-050: Notification

12-3-060: Review By The Planning Commission

12-3-070: Approval By The City Council

12-3-080: Expiration Of Schematic Plan Approval

12-3-010: SCHEMATIC PLAN:

- A.** A schematic plan shall be required of all subdividers pursuing the following:
- a. Planned Unit Development (PUD),
 - b. Conservation Subdivision,
 - c. Subdivision which includes ~~or~~ alternative lot sizes and frontages, or which deviates from development standards for public improvements,
 - d. Subdivision which includes Commercial, Industrial, or Multifamily Development
 - e. Any subdivision requiring a Project Master Plan (PMP) or similar approval memorialized by a development agreement. ~~For subdivisions~~
- B.** Subdivisions which meet conventional lot size and frontage requirements and which follow the development standards for public improvements may request a Schematic plan review by staff if desired.
- C.** This Schematic plan review provides the subdivider with an opportunity to consult with and receive assistance from the city regarding the regulations and design requirements applicable to the subdivision of property and facilitates resolution of problems and revisions before the preparation of a preliminary plat. The schematic plan should be based on an accurate survey showing boundaries, topography, important physical features, adjacent properties and the sketch of the proposed subdivision.
- A.D.** _____ The applicant or applicant's duly authorized agent shall submit an application to the city planning department for ~~schematic~~ Schematic plan approval and at the same time, the applicant shall pay an application fee as provided in the city's consolidated fee schedule. (Ord. 2000-13, 4-19-2000)

12-3-020: STAFF CANNOT BIND CITY:

The optional schematic plan review for a standard subdivision does not vest the developer with any rights to approval for a proposed subdivision nor do comments submitted by city staff bind the staff, Planning Commission, or City Council on future decisions. ~~The schematics~~ Schematic plan ~~requirement~~ review is designed to provide the subdivider with helpful information and suggestions before the expense and time involved in preparing a preliminary plat is incurred. ~~, or to provide exhibits for development agreements associated with certain applications.~~ However,

~~only the land use authority for the specific land use application only the city council~~ may bind the city. For zoning applications and development agreements, and only the city manager and planning commission can make official recommendations to the city council. ~~City employees and all other officers of the city act in advisory capacity to the city council and have no authority to make binding decisions or to make authoritative representations, approvals or determinations.~~ Employees and officers of the city may make recommendations, suggestions, and dispense information regarding city ordinances and the master plan, but such comments shall in no way whatsoever be binding on the city. (Ord. 2000-13, 4-19-2000)

12-3-030: VESTED RIGHTS:

Submission of a schematic plan shall in no way confer any vested rights upon the subdivider. Vested rights may attach only upon the filing of a subdivision plan ~~under chapter 4, 5, 6 or 7 of this title~~ only as memorialized by a development agreement which has been approved by the City Council, and the subdivision being able to meet the requirements of this title and other applicable ordinances at the time of the application. However, if there is a compelling, countervailing public interest or the city has initiated proceedings to amend this title or other applicable ordinances at the time of the application, then there shall be no vested rights. (Ord. 2000-13, 4-19-2000)

12-3-040: SUBMISSION:

A. Requirements: The subdivider ~~undergoing a~~ Schematic plan review shall submit ~~documentation as required by the applicable application form two (2) copies~~ of the proposed schematic plan to the city planning department. The planning department will determine if the ~~appropriate plan is submitted, if the~~ application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the planning department, ~~and the subdivider shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities. An application has not been accepted by the city until the city issues a letter of acknowledgment.~~

B. Items Included: The proposed schematic plan shall include the following items: (Ord. 2006-28, 4-19-2006)

1. The proposed name of the subdivision.
2. A subdivision yield plan pursuant to title 11, chapter 12 of this code if a conservation subdivision or a planned unit development is proposed by the applicant.
3. A vicinity plan showing significant natural and manmade features on the site and within five hundred feet (500') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than five feet (5'); and north arrow.
4. A proposed lot and street layout.
5. A description of the type of culinary and irrigation water system(s) proposed; also, documentation of water rights and secondary water shares.
6. A description of the size and location of sanitary sewer and stormwater drain lines and subsurface drainage.
7. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
8. The total acreage of the entire tract proposed for subdivision.

9. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any. (Ord. 2000-13, 4-19-2000)

12-3-050: NOTIFICATION:

A. Distribution Of Plan: The ~~subdivider, upon receipt of the letter of acknowledgment, planning department, after confirming receipt of a complete application,~~ shall distribute copies of the plan to such government departments and other agencies or advisors as in the opinion of the department ~~and the planning commission~~ may contribute to a decision in the best interest of the public. (Ord. 2006-28, 4-19-2006)

B. Notice Of Planning Commission Review: When a Schematic Review is required in connection with an application identified in 12-3-010.(A), ~~¶~~the planning department shall mail to all owners of property located within three hundred feet (300') of the boundary of the proposed subdivision a written notice of the time, date and place where the planning commission will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision.

~~—C.— Notice Of City Council Review: The planning department shall mail to all owners of property located within three hundred feet (300') of the boundary of the proposed subdivision a written notice of the time, date and place where the city council will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision. (Ord. 2000-13, 4-19-2000)~~

12-3-060: REVIEW BY THE PLANNING COMMISSION:

A. Scope Of Review: When a Schematic Review is required in connection with an application identified in 12-3-010.(A), ~~A~~at the time and place specified in the written notice described in section 12-3-050 of this chapter, the planning commission shall review the submitted schematic plan and check compliance with the city master plan, zoning ordinance, this title, and other appropriate regulations. The planning commission may recommend approval or denial to the city council, and shall make findings regarding the submitted schematic plan, specifying any inadequacy in the information submitted, noncompliance with city regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the planning commission to evaluate the proposed subdivision and in making a recommendation to the city council.

B. Additional Information: The planning commission may require additional information, data or studies to be provided to the planning commission by the subdivider for the overall development before any recommendation is given by the planning commission to the city council and the planning commission may include requirements for the overall development as part of its findings on the concept plan. (Ord. 2000-13, 4-19-2000)

12-3-070: APPROVAL BY THE CITY COUNCIL:

A. Scope Of Approval: When a Schematic Review is required in connection with an application identified in 12-3-010.(A), ~~A~~after receiving a recommendation from the planning commission, together with any information related thereto ~~and at the time and place specified in the written notice described in section 12-3-050 of this chapter,~~ the city council may grant or deny schematic plan approval for the proposed subdivision and may adopt, amend or reject any of the findings made by the planning commission regarding the submitted concept plan.

B. Denial: If the city council denies schematic plan approval, no further review of the proposed subdivision shall be made by the city council, and a new ~~schematic plan~~ submittal shall be required to reinitiate the subdivision process.

C. Limitation Of Approval: Granting of schematic plan approval by the city council shall not constitute an absolute approval or disapproval of the proposed subdivision, but is intended to give the subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the city. (Ord. 2000-13, 4-19-2000)

~~12-3-080: EXPIRATION OF SCHEMATIC PLAN APPROVAL:~~

~~Once schematic plan approval has been granted, the subdivider may apply for preliminary plat approval consistent with the schematic plan. If preliminary plat approval for any portion of an approved schematic plan has not been obtained within twelve (12) months of the date on which schematic plan approval was granted, a resubmittal and reapproval of the schematic plan may be required by the city. (Ord. 2000-13, 4-19-2000)~~

CHAPTER 5 MINOR SUBDIVISIONS

SECTION:

[12-5-010](#): Purpose

[12-5-020](#): Requirements For Minor Subdivisions

[12-5-030](#): Applicability

[12-5-040](#): Schematic Plan **Required**

[12-5-050](#): Minor Subdivision Application

[12-5-060](#): Planning Department Review

[12-5-070](#): Planning Commission Action

[12-5-080](#): Expiration Of Final Approval

[12-5-090](#): Bond Agreement

[12-5-100](#): Plat Requirements

[12-5-110](#): Recording Of Plat

12-5-010: PURPOSE:

The intent of this chapter is to provide an efficient review process for minor subdivisions. Minor subdivisions include those developments of less than ten (10) lots which also meet the requirements set forth herein. In this process, the preliminary and final plats, required for most subdivisions, are simplified and combined. (Ord. 1999-06, 2-3-1999)

12-5-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:

A subdivider of property located within Farmington City may submit an application for a minor subdivision; provided, that the property to be subdivided meets the following conditions:

- A. Less than ten (10) lots shall be created in the subdivision;
- B. The subdivision shall not require the dedication of any land for public streets or other public purposes;
- C. The area to be subdivided shall be immediately adjacent to existing public streets and utilities and shall not require the extension of any such streets or utilities. The subdivider shall be required to complete any public improvements on an existing street which are not in place at the time the application to develop a minor subdivision is made. Such improvements shall include any necessary storm drainage facilities, high back curb, gutter, sidewalk and/or asphalt paving;
- D. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan;
- E. The proposed minor subdivision shall conform to the general character of the surrounding area. New lot lines shall conform to the general pattern of existing lot lines;
- F. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the zoning ordinance; and

G. Utility easements shall be dedicated. (Ord. 1999-06, 2-3-1999)

12-5-030: APPLICABILITY:

The procedures set forth in this chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions to the contrary. (Ord. 1999-06, 2-3-1999)

12-5-040: SCHEMATIC PLAN-REQUIRED:

Prior to filing a minor subdivision application, all subdividers of proposed minor subdivisions within Farmington City ~~shall be required to complete a~~ have the option of requesting a schematic Schematic plan review by staff as set forth in this title. (Ord. 1999-06, 2-3-1999)

12-5-050: MINOR SUBDIVISION APPLICATION:

All subdividers of proposed minor subdivisions within Farmington City shall submit a minor subdivision application to the city planner on a form approved by the city. The application shall include ~~one reproducible copy and two (2) prints~~ documentation as requested on the application form of a plat meeting the requirements of section 12-5-100 of this chapter. If public improvements, as specified within this chapter, are required, the application shall be accompanied by improvement drawings for such improvements. The city planner may also, upon advice from the city engineer, require that a soil report meeting the requirements set forth in section 12-6-040 of this title be provided. At the time the application is submitted, the subdivider shall pay the appropriate application fee as set forth in the city's consolidated fee schedule. The planning department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the planning department, and the ~~subdivider planning department~~ shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities. An application has not been accepted by the city until the city issues a letter of acknowledgment. (Ord. 2006-28, 4-19-2006)

12-5-060: PLANNING DEPARTMENT REVIEW:

Within ~~a reasonable time~~ 15 business days after receipt of a minor subdivision application, comments from review of submitted items shall be returned to the applicant to complete a review cycle. Comment must be resolved or justified in detail by the applicant to commence a new review cycle. If after 4 complete review cycles all comments have not been adequately addressed by the applicant, the application shall be consider denied. Upon -and comments and/or approval from all appropriate reviewing entities, the planning department shall include the application on the planning commission agenda and prepare a report on the application's compliance with the general plan, city ordinances, rules and regulations. The subdivider's application and the report of the city planning department shall then be presented to the planning commission. (Ord. 2006-28, 4-19-2006)

12-5-070: PLANNING COMMISSION ACTION:

A. Scope Of Action: Within a reasonable time following the receipt of an approval from all appropriate reviewing entities, ~~of an application for minor subdivision approval from the planning department,~~ the planning commission shall act thereon. The planning commission shall assure that the plat is in conformity with the requirements of this chapter and title, other applicable ordinances or regulations, and any conditions of approval deemed necessary by the planning commission. If the planning commission finds that the proposed plat complies with the requirements of this title ~~and that it is satisfied with the plat of the subdivision,~~ it shall approve or approve with conditions the minor plat subdivision.

B. Disapproval: If the planning commission determines that the proposed plat is not in conformity with the ordinances of the city ~~or any reasonable conditions imposed~~, it shall not approve the plat, specifying the reasons for such disapproval. The Planning Commission may, at its discretion, notify the applicant of the deficiencies and give the applicant the opportunity to correct those deficiencies at a subsequent meeting. If a proposed plat is disapproved by the planning commission, no further plat shall be submitted and a new minor subdivision application shall be required to initiate minor subdivision approval, including the payment of the required fee. (Ord. 2016-07, 2-16-2016)

12-5-080: EXPIRATION OF FINAL APPROVAL:

If the plat is not recorded within ~~six-twelve (612)~~ months from the date of planning commission approval, such approval shall be null and void. This time period may be extended for additional six (6) month periods by the city manager. The subdivider must petition for an extension, prior to the expiration of the original ~~six-twelve (612)~~ months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the city. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, park fees, flood control fees, as well as the amounts the city uses to estimate bonds to insure completion of improvements have increased, the city manager may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting the extension. (Ord. 2016-07, 2-16-2016)

12-5-090: BOND AGREEMENT:

~~In the event~~ public improvements are required within the subdivision, the subdivider shall comply with the bond requirements of section 12-6-160 of this title. (Ord. 1999-06, 2-3-1999)

12-5-100: PLAT REQUIREMENTS:

A. Contents: Each plat submitted under this chapter shall, at a minimum, contain the following:

1. The boundaries, courses and dimensions of the parcels of ground to be subdivided;
2. The number, temporary address and length and width of the blocks and lots intended for sale;
3. Existing right of way and easement grants of record for underground facilities, as defined in Utah Code Annotated section 54-8a-2, and for other utility facilities;
4. An acknowledgment from the owner(s) of the property to be subdivided acknowledging the preparation of the plat and the owner's consent to subdivide the parcel as shown on the plat;
5. A certification from the surveyor preparing the plat; and
6. Signatures from owners or operators of all underground facilities and utility providers approving of the plat and the dedication of the required easements thereon.

7. Utility drawings

8. Grading and drainage drawing

9. Site plan

B. Additional Requirements: In addition to the plat requirements of subsection A of this section, the planning commission and city council may require that the plat comply with any of the requirements set forth in section 12-6-110 of this title. (Ord. 1999-06, 2-3-1999)

12-5-110: RECORDING OF PLAT:

Upon approval of a minor subdivision application under this chapter, and approval of a proposed plat prepared in accordance with this chapter, the subdivider shall provide the city with a current title report to be reviewed by the city attorney. A "current title report" is considered to be one which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat. Once title to the property has been approved by the city attorney, the approved plat shall be signed by the city council and may then be recorded with the Davis County recorder's office. (Ord. 1999-06, 2-3-1999)

CHAPTER 6 MAJOR SUBDIVISIONS

SECTION:

- [12-6-010](#): Preliminary Plat; Purpose
- [12-6-020](#): Application And Fees
- [12-6-030](#): Preliminary Plat; Preparation And Required Information
- [12-6-040](#): Soil Report
- [12-6-050](#): Evaluation Of Preliminary Plat
- [12-6-060](#): Planning Commission Action; Preliminary Plat
- [12-6-070](#): Notification Of Action
- [12-6-080](#): Effect Of Approval Of The Preliminary Plat
- [12-6-090](#): Final Plat; Purpose
- [12-6-100](#): Filing Deadline, Application And Fees
- [12-6-110](#): Final Plat; Preparation And Required Information
- [12-6-120](#): Data To Accompany Final Plat
- [12-6-130](#): Evaluation Of Final Plat
- [12-6-140](#): Planning Commission Action; Final Plat
- [12-6-150](#): Disapproval By The Planning Commission
- [12-6-160](#): Security Bond; Subdivider
- [12-6-170](#): Delay Agreement
- [12-6-180](#): Recording Of Plat
- [12-6-190](#): Expiration Of Final Approval

12-6-010: PRELIMINARY PLAT; PURPOSE:

The purpose of the preliminary plat is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this title and any other applicable ordinances. (Ord. 1996-24, 6-19-1996)

12-6-020: APPLICATION AND FEES:

The subdivider of a major subdivision, shall schedule a meeting with the planning department where the city planner and city engineer or their representative will review submission requirements with the applicant, after completing the schematic plan ~~required by this title as applicable,~~ the subdivider shall then file an application for preliminary plat approval with the planning department on a form prescribed by the city, together with ~~one reproducible copy and two (2) prints of the preliminary plat~~ the documentation requested on the form. After submitting the application form and requested documentation, the submittal shall be reviewed by the city

planner and city engineer or their representative to determine if all required documentation has been provided. If all requirements for an application are met, a letter of acknowledgment will be provided by the planning department. At the same time, the subdivider shall then pay an application fee as published in the consolidated fee schedule of the city to complete the application. The planning department will determine if the appropriate plan is submitted, if the application is has been determined to be complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the planning department, and the subdivider-planning department shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities. An application has not been fully accepted by the city or deemed complete until the city issues a letter of acknowledgement and all fees have been paid. (Ord. 2006-28, 4-19-2006)

12-6-030: PRELIMINARY PLAT; PREPARATION AND REQUIRED INFORMATION:

A. Form: The preliminary plat shall be clearly and legibly drawn with approved waterproof drawing ink at a scale not less than one inch equaling one hundred feet (1" = 100'). The plat shall be so drawn that the top of the sheet is either north or east, whichever accommodates the drawing best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.

B. Required Information: The following information shall be included on or with the preliminary plat:

1. A vicinity sketch at a scale of not less than one thousand feet to the inch (1" = 1,000') which defines the location of the subdivision within the city;

2. The name of the subdivision. Such subdivision names shall not duplicate or nearly duplicate the name of any subdivision in the city or in the incorporated and unincorporated area of Davis County;

3. The name and address of the subdivider and his or her agent, if applicable;

4. If the subdivider is represented by an agent, there shall be a statement from the recorded owner authorizing the agent to act;

5. The name and address of the person, firm or organization preparing the preliminary plat and a statement indicating the recorded owner's permission to file the plat;

6. The date, north point, written and graphic scales;

7. A legal description to define the location and boundaries of the proposed subdivision;

8. The location, names and existing widths of adjacent streets;

9. The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land;

10. The contours, at one foot (1') intervals, for predominant ground slopes within the subdivision between level and five percent (5%), and two foot (2') contours for predominant ground slopes within the subdivision over five percent (5%). Such contours shall be based on Davis County datum. The closest city survey monument shall be used and its elevation called out on the map. Survey monument information shall be obtained from the Davis County surveyor or city engineer;

11. ~~At the discretion of the city, a~~ grading plan showing, by appropriate graphic means, the proposed grading of the subdivision. Contours should be consistent with subsection B10 of

this section. Proposed subdivisions located in the foothill zone shall comply with requirements of the Farmington City foothill development ordinance set forth in the zoning ordinance;

12. The location of all isolated trees worthy of preservation with a trunk diameter of four inches (4") or greater, within the boundaries of the subdivision, and the outlines of groves or orchards;

13. The boundaries of areas subject to 100-year flooding or stormwater overflow, as determined by the city, and the location, width and direction of flow of all watercourses, including all existing and proposed irrigation and natural runoff channels and courses. If a waterway has not been studied by FEMA than the Subdivider shall determine the areas subject to a 100-year flooding or stormwater overflow and show on the drawings and plat;

14. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;

15. A statement of the present zoning and proposed use of the property, as well as proposed zoning changes, whether immediate or future;

16. Location and dimensions of proposed sites to be dedicated or reserved for open space or recreational use;

17. Any proposed lands to be reserved in private ownership for community use;

18. The locations, proposed names, widths and a typical cross section of curbs, gutters, sidewalks and other improvements of the proposed street and access easements;

19. Layout of all lots, including the average and minimum lot size, lot divisions and consecutive numbering;

20. Preliminary Location and size of sanitary sewers, water mains, pressurized irrigation lines, and any other public or private utility;

21. The dimensions and locations of all existing or proposed dedications, easements and deed restrictions. These shall include easements for drainage, sewerage and public utilities;

22. Preliminary Indication of needed storm drainage facilities with preliminary runoff calculations and location, size and outlets of the drainage system;

23. The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the subdivision plat or on the vicinity map as appropriate;

24. If it is contemplated that the development will proceed by phases, the boundaries of such phases shall be shown on the preliminary plat along with the estimated construction schedule for each phase;

25. The words "Preliminary Plat - Not To Be Recorded" shall be shown on the plat. (Ord. 1996-24, 6-19-1996)

12-6-040: SOIL REPORT:

A. Form: A soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the state of Utah, shall be required prior to preliminary approval of any subdivision plat. The soil report shall include, among other things, a description of the soil types and characteristics on the site, describe whether or not groundwater was encountered in any of the test borings and at what elevation it

was encountered, recommendations for road designs, slope stability studies, percolation rates, and shall identify the location of any seismic zones or flood zones on the property.

B. Investigation: If the soil report indicates the presence of critically expansive soils, high water table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water, premature deterioration of the public improvements, or which would represent a public health hazard, a soil investigation of each lot in the subdivision may be required by the city engineer. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application. (Ord. 1996-24, 6-19-1996)

12-6-050: EVALUATION OF PRELIMINARY PLAT:

The planning department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the planning department, and the subdivider planning department shall distribute plans for comment to all appropriate public and private entities. An application has not been accepted by the city until the city issues a letter of acknowledgement. After 15 business days from the date of a complete application After reviewing the plans, each of the public agencies and utilities will provide the acknowledgment letter their review comments to the subdivider indicating whether the plans are acceptable or need to be revised, and may forward to the subdivider a written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, water and sewer improvement districts, the public works department, the city engineer and the fire department. The planning department will also provide the city manager with one full set of plans for comment and review. The subdivider shall be required to address each comment made by a reviewing entity, either modifying the plans or indicating their objection to the review comment, citing code authority for their objection. Failure to address each comment shall be grounds for rejection of the re-submission, and a subsequent review cycle may not begin until those comments are addressed. The process of accepting an application and completing a review may occur as many as 4 times. (Ord. 2006-28, 4-19-2006)

12-6-060: PLANNING COMMISSION ACTION; PRELIMINARY PLAT:

A. Scope Of Action: Within a reasonable time after the filing of a satisfying all applicable reviewing entities during the preliminary plat review preliminary plat of a subdivision and any other information required, the planning commission shall act thereon. If the planning commission finds that the proposed plat complies with the requirements of this chapter and that it is satisfied with the plat of the subdivision, it shall approve, or approve with conditions, the plat. If the planning commission finds that the proposed plat does not meet the requirements of this title or other applicable ordinances, it shall deny approval of such plat.

B. Findings: The planning commission may approve or deny the preliminary plat and shall make findings regarding the submitted plat, specifying any inadequacy in the information submitted, noncompliance with city regulations, inconsistencies with the schematic plan when applicable, and the need for any additional information which may assist the planning commission to evaluate the preliminary plat and in making a final determination.

C. Examination Of Plat: Upon receipt of the preliminary plat, the planning commission shall also examine the plat to determine whether the plat is consistent with the concepts set forth in the approved schematic plan when applicable and with all changes requested and all requirements imposed as conditions of acceptance. In in the event that the preliminary plat has

been altered substantially from the ~~approved~~-schematic plan approved by the City Council, at the discretion of the planning commission chair, with the recommendation of the planning department, the chair may suspend planning commission review of the preliminary plat and require that the subdivider resubmit the plan subject to the schematic plan review process, or require a public hearing as part of the commission's consideration of preliminary plat. The chair may also defer such decisions related to schematic plan resubmittal ~~and/or~~ preliminary plat review to the planning commission for its approval. Any public hearing in consideration of a preliminary plat shall meet the notice requirements of section 12-3-050 of this title.

D. Substantial Change: The planning commission shall determine whether a proposed modification to an approved schematic plan is a "substantial" change. Alterations of the following types shall define a substantial change:

1. A significant change to the roadway alignment or configuration;
2. Significant changes to lot areas or lot configuration;
3. Any increase to the number of lots;
4. Any change to the configuration and amount of open space required;
5. A significant change to culinary water, sanitary sewer, or storm drain plans related to the application;
6. Any deviation from the approved schematic plan as determined by the provisions set forth in this title;
7. A modification of any other aspect of the schematic plan that would significantly change its character. (Ord. 2015-06, 2-17-2015)

12-6-070: NOTIFICATION OF ACTION:

The planning department shall notify the subdivider, in writing, of the action taken by the planning commission. One copy of the plat and accompanying conditions, if applicable, and the minutes of the planning commission meeting shall be retained in the permanent file of the planning commission. Notification of the approval of the preliminary plat shall be authorization for the subdivider to proceed with the preparation of detailed plans and specifications for the improvements required by city ordinances and the planning commission, and with the preparation of the final plat. (Ord. 1996-24, 6-19-1996)

12-6-080: EFFECT OF APPROVAL OF THE PRELIMINARY PLAT:

Approval of the preliminary plat shall in no way relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards. (Ord. 1996-24, 6-19-1996)

12-6-090: FINAL PLAT; PURPOSE:

The purpose of the final plat is to require formal approval by ~~the planning commission~~city staff before a major subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all respects ~~be in compliance~~compliance with the provisions of this title. The final plat and improvement plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure. Pursuant to Utah Code Annotated section 10-9a-604, as amended, the planning commission designates the planning commission chair as its agent to sign final subdivision plats. The planning commission chair shall not sign any final plat until such plat has been approved by ~~the planning~~

~~commission~~city staff in accordance with the provisions set forth herein. (Ord. 2015-06, 2-17-2015; amd. 2016 Code)

12-6-100: FILING DEADLINE, APPLICATION AND FEES:

The subdivider shall file an application for final plat approval with the community development department on a form prescribed by the city along with all documentation requested within the application form, together with one reproducible copy and prints of the final plat. After submitting the application form and requested documentation, the submittal shall be reviewed by the city planner and city engineer or their representative to determine if all required documentation has been provided. If all requirements for an application are met, a letter of acknowledgment will be provided by the planning department. Upon receipt of the acknowledgement letter, the subdivider shall ~~the number of which shall be determined by city staff, and~~ all required fees. Upon receipt of all required documentation and applicable fees, the final plat application shall be considered complete and accepted by the city. The preliminary plat shall become null and void unless the subdivider submits a complete application for and obtains final plat approval for all phases encompassing the area of the preliminary plat within twelve (12) months after approval or conditional approval of the preliminary plat by the planning commission, except as otherwise provided for by written agreement with the city. This time period may be extended for up to twelve (12) months for good cause shown if the subdivider petitions the planning commission in writing for an extension prior to the expiration date of the preliminary plat together with any applicable fees. Only one extension of the preliminary plat approval may be granted. ~~In~~in the event the final plat approval expires, or the city does not grant an extension of final plat approval, or the city does not reapprove a previously approved final plat, the preliminary plat approval shall also expire, unless twelve (12) months has not lapsed from the date of its approval and/or a twelve (12) month extension of time has been granted as provided herein. (Ord. 2011-10, 5-17-2011)

12-6-110: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

A. Requirements: The final plat shall consist of a sheet of approved mylar to the outside or trim line dimensions of nineteen inches by thirty inches (19" x 30"), and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inch (1¹/₂") on the left margin of the sheet for binding, and not less than a one-half inch (1/2") margin in from the outside or trim line around the other three (3) edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the mylar with approved waterproof black drawing ink. (Ord. 2010-20, 5-18-2010)

B. Scale: The final plat shall be drawn at a scale of not less than one inch equaling one hundred feet (1" = 100'), and the workmanship on the finished drawing shall be neat, clear and readable.

C. Signatures; Small Scale Vicinity Map: The plat shall be signed by all required and authorized parties and the final drawings shall contain all information set forth in this section. The location of the subdivision within the city shall be shown by a small scale vicinity map on the first sheet. (Ord. 1996-24, 6-19-1996)

D. Name, Unit Number: The title of each sheet of the final plat shall consist of the approved name and unit number of the subdivision in bold letters, and if applicable, the words "a Planned Unit Development (PUD)" or "a Conservation Subdivision", followed by the words "Farmington City" at the top of the sheet. (Ord. 2011-10, 5-17-2011)

E. Coordinates: Wherever the city engineer has established a system of coordinates, the survey shall use such system. The adjoining corners of all adjoining subdivisions shall be

identified by lot and block numbers, subdivision name and place of record, or other proper designation.

F. Boundary Survey: An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, shall close within a tolerance of one foot (1') to twenty thousand feet (20,000') of perimeter.

G. Monuments, Lines: The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.

H. Dedications, Lots: All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two (2) or more sheets, and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase 2 would be numbered 201, 202, 203, etc.

I. Right Of Way Lines: The plat shall show the right of way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown.

J. Street Names, Numbers: All streets within the subdivision shall be assigned a name. Numerical names are preferred. Streets which have an alphabetic name shall also be assigned a coordinate reference number which conforms to the numbering system adopted by the city. All numbering shall be accomplished by the city building official.

K. Easements: The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.

L. High Water Lines: If the subdivision is adjacent to a waterway or any other area which is subject to flooding, the plat shall show the line of high water with a continuous line and shall also show with a fine continuous line, any lots subject to inundation by a 100-year flood.

M. Boundary Identification: The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the city engineer. The following required monuments shall be shown on the final plat:

1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;

2. All right of way monuments at angle points and intersections as approved by the city engineer. (Ord. 1996-24, 6-19-1996)

N. Identification; Certificates: The title sheet of the map shall show the name of the engineer or surveyor, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final maps, and such certificates may be combined where appropriate: (Ord. 2010-20, 5-18-2010)

1. Registered land surveyor's "certificate of survey";

2. Owner's dedication certificate;

3. Notary public's acknowledgment for each signature on the plat;

4. A description of all property being subdivided with reference to maps or deeds of the property as shall have been previously recorded or filed. Each reference in such description shall show a complete reference to the book and page of records of the county and commence from section corners of known location, bearing and distance. The description shall also include reference to any vacated area with the vacation ordinance number indicated; (Ord. 1996-24, 6-19-1996)

5. Blocks for authorized signatures of the planning commission, city engineer, respective irrigation water district, Central Davis sewer district, city attorney and city council shall be provided along the bottom or right side of the plat. A block for the Davis County recorder shall be provided in the lower right corner of the plat. Additionally, for any plat that has gas pipelines traversing its boundaries, the plat shall have a signature block for each affected gas pipeline company. (Ord. 2015-16, 5-26-2015)

6. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this title or by the city attorney;

7. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the city attorney. A "current" title report is considered to be one which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.

O. Soil Report: A note shall be placed on the final plat indicating that a soil report has been prepared and submitted to the city for the proposed subdivision in accordance with the provisions of this title.

P. Land Reserved In Private Ownership: When a subdivision contains lands which are reserved in private ownership for community use, the subdivider shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner or organization empowered to own, maintain and pay taxes on such lands.

Q. Addresses: An address shall be placed on each lot shown on the final plat. Addresses shall conform to the established grid system for Davis County and shall include optional addresses for corner lots. (Ord. 1996-24, 6-19-1996)

12-6-120: DATA TO ACCOMPANY FINAL PLAT:

At the time a final plat of a subdivision is submitted to the city, the subdivider shall also submit the following documents:

A. Calculation, Traverse Sheets: Calculation and traverse sheets giving bearings, distances and coordinates of the boundary of the subdivision and blocks and lots as shown on the final plat.

B. Data, Assumptions, Computations: Design data, assumptions and computations for proper analysis in accordance with sound engineering practice, along with appropriate plan, section and profile sheets for all public improvements. (Ord. 1996-24, 6-19-1996)

12-6-130: EVALUATION OF FINAL PLAT:

A. Planning Department: The planning department will determine if the final plat submission is complete and if all the fees have been paid. If all requirements are met, ~~a letter of acknowledgment will be provided by the planning department and all fees have been been~~, and the ~~subdivider-planning department~~ shall distribute plans, ~~accompanied by the letter~~, for comment to all appropriate public and private entities.

B. Reviewing Entities: Reviewing entities shall review plans within 20 calendar business days of distribution. After reviewing the plans, each of the public agencies and utilities will provide the ~~acknowledgment letter~~ their review comments to the subdivider indicating whether the plans are acceptable or need to be revised, and may forward to the subdivider a written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, water and sewer improvement districts, the public works department, the city engineer and the fire department.

C. Additional Reviews: In cases where subdivider's submission or plat is incomplete, incorrect or otherwise fails to comply with Farmington City ordinances and/or development standards as determined by the city and where such failure makes additional or repeat reviews on the part of the city engineer and/or other consultants to the city necessary, subdivider shall be required to resubmit the plans to those reviewing entities that will be affected by changes. The subdivider shall be required to address each comment made by a reviewing entity, either modifying the plans or indicating their objection to the review comment, citing code authority for their objection. Failure to address each comment shall be grounds for rejection of the re-submission, and a subsequent review cycle may not begin until those comments are addressed. Reviewing entities shall be allowed an additional 20 business days to review after each complete submittal or complete resubmittal. After reviewing the plans, each of the public agencies and utilities will provide ~~the acknowledgment letter~~ their comments to the subdivider indicating whether the plans are acceptable or need to be revised. This process shall continue for as many as 4 review cycles or until all reviewing entities have accepted the plans. Approval by all reviewing entities shall be cause for the city engineer to give final approval of a final plat application. If a developer does not address all comments identified in acknowledgment letters from reviewers by the 4th Final Plat review cycle, the application shall be denied.

~~—D.— Report To Planning Commission: Within a reasonable time after receipt of a final plat and approval or comments from all appropriate reviewing entities, the planning department shall include the final plat on the planning commission agenda and prepare a report on the plat's compliance with the general plan, city ordinances, rules and regulations. The plat and the report of the city planning department shall then be presented to the planning commission. (Ord. 2006-28, 4-19-2006)~~

~~12-6-140: PLANNING COMMISSION ACTION; FINAL PLAT:~~

~~—A.— Scope: The planning commission shall not be bound by the recommendations of the city departments or the city manager, and may set its own conditions and requirements consistent with this title.~~

~~—B. Examination Of Plat: Upon receipt of the final plat, the planning commission shall examine the plat to determine whether the plat conforms with the preliminary plat and with all changes requested and all requirements imposed as conditions of acceptance. If the planning commission determines that the plat is in conformity with the preliminary plat, the requirements of this title, other applicable ordinances and any reasonable conditions as recommended by the city departments, city manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat. (Ord. 2015-06, 2-17-2015)~~

~~12-6-150: DISAPPROVAL BY THE PLANNING COMMISSION:~~

~~If the planning commission determines that the final plat is not in conformity with this title or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval. Within one year after the planning commission has disapproved any plat, the subdivider may file with the planning department a plat altered to meet the requirements of the planning commission. No plat shall have any force or effect until the same has been approved by the planning commission. (Ord. 2015-06, 2-17-2015)~~

12-6-160: SECURITY BOND; SUBDIVIDER:

Prior to the installation of or any work on any required public improvements, the subdivider shall enter into a security bond agreement acceptable to the city to insure completion of all public improvements required to be installed in the subdivision. The bond agreement shall be in a form and contain such provisions as approved by the city attorney. The bond agreement shall include, but not be limited to, the following:

- A. Incorporation: Incorporation by reference of the final plat and all accompanying data required herein which is used to compute the cost of the improvements by the city engineer;
- B. Completion Of Improvements: Completion of the improvements within a period of time not to exceed two (2) years from the date the bond agreement is executed;
- C. Satisfactory Completion: The improvements shall be completed to the satisfaction of the city and according to city standards, as established by the city engineer and as specified in chapter 8 of this title;
- D. Amount: The bond amount shall be equal to one hundred twenty percent (120%) of the city engineer's estimated cost of the public improvements to be installed;
- E. Exclusive Control By City: The city shall have exclusive control over the bond proceeds and they may be released only upon written approval of the city manager;
- F. Reduction: The bond proceeds may be reduced upon request of the subdivider as the improvements are installed. The amount of the reduction shall be determined by the city. Such requests may be made only once every thirty (30) days and no reductions shall be authorized until such time as the city has inspected the improvements and found them to be in compliance with city standards. All reductions shall be by the written authorization of the city manager;
- G. Deficiency In Bond Proceeds: If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to city standards for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision or development until the improvements are completed or, with city council approval, a new bond, satisfactory to the city, has been executed and delivered to the city to ensure completion of the remaining improvements;
- H. Deductions For Failure: If, upon written demand by the city after expiration of the time period, bond proceeds are not transferred to the city within thirty (30) days, the city's costs of

obtaining the proceeds, including attorney fees and court costs, shall be deducted from the bond proceeds;

I. Reimbursement To City: Upon receipt of the bond proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the city for the costs of administration incurred by the city in obtaining the completion of the improvements;

J. Nonliability: The subdivider shall agree to hold the city harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the city certifies the improvements as complete;

K. Type Of Bond Agreement: The bond agreement shall be one of the following types as dictated by the city:

1. A cash bond agreement accompanied by a cashier's check or a money market certificate made payable only to the city;

2. An escrow bond agreement and an escrow account with a financial institution federally insured; or

3. A letter of credit bond agreement accompanied by an irrevocable letter of credit with a financial institution federally insured;

L. Right Of Rejection: The city reserves the right to reject any bond. The bonds required by this section are for the sole benefit of the city. The bonds are not for the benefit of any individual citizen or identifiable class of citizens, including the owners or purchasers of lots within the subdivision or project;

M. Extension: The time period for the completion of the required public improvements may be extended in the following manner upon approval of the city council:

1. The subdivider may submit a new bond for approval;

2. The existing bond may be extended upon payment, by the subdivider, of the actual administrative costs incurred in reevaluating the sufficiency of the bond amount. (Ord. 2015-06, 2-17-2015)

12-6-170: DELAY AGREEMENT:

In lieu of the bond requirements outlined above, at the city's sole option, the subdivider may be permitted to execute an agreement, in a form acceptable to the city attorney, delaying the installation of any or all of the public improvements required pursuant to this title. (Ord. 2015-06, 2-17-2015)

12-6-180: RECORDING OF PLAT:

After ~~planning commission~~city engineer approval, completion of the required public improvements or filing of the bond agreement described herein, and signing of the plat by the planning commission chair and the mayor, the plat shall be presented by the city recorder to the Davis County recorder for recordation. (Ord. 2015-06, 2-17-2015)

12-6-190: EXPIRATION OF FINAL APPROVAL:

If the plat is not recorded within six (6) months from the date of ~~planning commission~~city engineer approval, such approval shall be null and void. This time period may be extended for additional six (6) month periods by the city manager. The subdivider must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the

city. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, parks fees, flood control fees, as well as the amounts the city uses to estimate bonds to ensure completion of improvements, have increased, the city manager may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting the extension. (Ord. 2015-06, 2-17-2015)

CONSERVATION SUBDIVISION

11-12-050: APPROVAL PROCESS:

A. Application: Applications for a conservation subdivision shall be submitted and processed in accordance with the requirements and procedures set forth in the city subdivision ordinance, including submission and approval of schematic, preliminary and final plans or plats, and any additional procedural requirements set forth in this chapter, including, but not limited to, submission of a subdivision yield plan, sensitive area designation plan and/or master development plan. (Ord. 2014-33, 10-7-2014)

MIXED USE DISTRICTS

11-18-070: DEVELOPMENT PLAN REVIEW:

A. Applicability: In the OS, RMU, OMU, GMU and TMU Districts, the review procedures, standards and criteria set forth in this section shall be applied during the development plan review process.

B. Review: All structures shall be subject to the design criteria and development standards, and the review procedures set forth herein prior to issuance of a building permit.

1. Review Process: Review shall consist of the following three (3) phases. Review phases may be combined or eliminated by the city planner/zoning administrator after consideration of a recommendation by the community development director and/or city manager.

a. Presubmittal Conference: Prior to filing an application, the applicant and the community development department shall have a presubmittal conference to discuss the application and process. Information about the proposed uses, project program and building footprint should be provided for discussion.

b. Schematic (Concept) Design Phase: The architectural schematic design application shall be submitted.

c. Design Development Phase: The architectural design development application shall be submitted.

2. Application, How Filed And Noticed: All applications shall be filed with the community development department. Such applications shall be reviewed for completeness and, if found to be complete, shall be transmitted to the planning office for review. The community development department shall notify members of the city council and the planning commission of all applications received for the schematic review phase for developments on sites equal to or larger than thirty thousand (30,000) square feet. Such council or commission member may request additional information and may submit written comments to the planning office within twenty (20) days after notice is sent. After an initial review by the city planning office for compliance with the rules and regulations of this chapter, the application shall be transmitted to the site plan and architectural review committee (SPARC) for review.

Plans and any accompanying information for each phase of the development plan review process shall be delivered by the applicant to such city departments, special districts, governmental boards, bureaus, utility companies and other agencies, which will need to provide facilities and services to the site, which together constitute the city's development review committee (DRC), for information and comment. The community development department is

responsible for coordinating the comments received from all public and private entities, and shall decide which agencies to refer site plans to, but the applicant is responsible for obtaining the comments back from these entities within a reasonable time in a manner and/or form as prescribed by the community development department.

3. Application, Contents: Applications shall contain the following information:

a. Schematic (Concept) Design Phase: Site plan and context photos of the site and immediately adjacent properties, building elevations and other supporting information as requested;

b. Design Development Phase: All information set forth in chapter 7 of this title, except as otherwise provided in this chapter, including, but not limited to, such things as landscaping, lighting, screening and sign requirements, and all items required to make a determination of consistency for the schematic design phase, and other supporting information as requested.

4. Review, Recommendation Decision And Time Frames: Review shall comply with the terms and conditions of the PMP and applicable city ordinances in accordance with the site development review process set forth in chapter 7 of this title and the following standards and criteria. Notwithstanding this, the city planner/zoning administrator, and the site plan and architectural review committee (SPARC) will review all applications in the mixed use districts. After adequate review, the SPARC will provide recommendations to the city planner/zoning administrator and an application, or particular phase of review, may be approved, approved with conditions, continued for further study, or disapproved. The SPARC will also provide recommendations to the planning commission for applications that are forwarded to them for review and approval. Appeals of any such decision may be submitted as set forth in this title.

a. Applications that meet one or all of the following conditions will be forwarded to the planning commission for review and approval:

(1) The application includes a structure that exceeds thirty thousand (30,000) square feet in size;

(2) The application is asking for flexibility with the design criteria and development standards of this section, while still meeting the intents and purposes of said criteria and standards;

(3) The application is a planned development area (in excess of 5 acres in size);

(4) The application includes a use or element that requires a special review process.

b. Review at the schematic design phase shall be completed within thirty (30) days after the submission of a complete application to the community development department. The planning office, or the SPARC, shall consider any written comments received and make a determination of consistency of the application with adopted plans, the standards and criteria and any applicable rules and regulations and guidelines and shall identify additional design issues to be addressed in the design development phase. After adequate review, the application may proceed to the design development phase of the development plan review process.

c. Review by the community development department at the design development phase shall be ~~competed~~completed within thirty (30) days after the submission of a complete application. The planning office shall make a determination of consistency of the application with the adopted plans, standards and criteria and any applicable rules and regulations and guidelines and shall make a recommendation to the city planner/zoning administrator or the SPARC. The city planner/zoning administrator shall have fifteen (15) days to approve, approve

with conditions, continue for further study, or deny the application; or determine if review by the planning commission is necessary according to the conditions stated above.

d. Review periods may be extended by an amount of time equal to any delay caused by the applicant or by failure of the applicant to obtain comments from related reviewing entities and delivering these comments to the community development department, or with the applicant's consent.

e. Any person or entity aggrieved by the decision of the city planner/zoning administrator and/or the planning commission in the administration of this development plan review process may appeal such decision to the city council. Such appeals must be taken within fifteen (15) days of the action or decision by filing a written notice with the city recorder, specifying the grounds for appeal. Only those grounds specified in the appeal shall be considered by the city council.

12-1-070: ~~APPEALS OF FROM PLANNING COMMISSION DECISIONS~~ APPEALS OF FROM PLANNING COMMISSION DECISIONS ~~SUBDIVISION ORDINANCE REVIEW:~~

A. ~~City Council:~~ Review of Planning Commission Decisions:

- 1) Appeal may be made to the city council from any decision, determination or requirement of the planning commission under this title by filing with the city recorder a notice thereof in writing within fifteen (15) days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider, or other interested person, deems himself or herself aggrieved. ~~In the event of an appeal, application a~~
- 2) Application deadlines set forth in this title shall be extended to incorporate the time necessary to hear and consider such appeals.
- 4) ~~1)~~
- 3) ~~B. Hearing:~~ The city recorder shall set the appeal for hearing before the city council to be held within a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the city council. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing.
- 4) After hearing the appeal, the city council may affirm, modify or overrule the decision, determination or requirement appealed and enter any such order or orders as are in harmony with the spirit and purpose of this title. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the city council. (Ord. 2015-06, 2-17-2015)

B. Administrative Review of Staff Decisions:

- 1) An appeal from a decision by staff denying a plat based upon the City's subdivision ordinance or the provisions of this title may be made to an Administrative Hearing Officer appointed by the City Manager in accordance with provisions of this Code, made by filing with the city recorder a notice thereof in writing within fifteen (15) days after such decision, determination or requirement is made.
- 2) Application deadlines set forth in this title shall be extended to incorporate the time necessary to hear and consider such appeals.
- 3) The Zoning Administrator shall set the appeal for hearing before the Administrative Hearing Officer within a reasonable time from date of receipt of the appeal. The

appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing.

- 4) The Administrative Hearing Officer may affirm, modify or overrule the decision, determination or requirement appealed and enter a written order explaining the officer's decision.

12-1-075: APPEALS FROM SUBDIVISION IMPROVEMENT PLAN DECISIONS:

- A. Appeals from review comments made related to subdivision improvement plans during the review cycle described in Section 12-6-130 of this Title may be made by filing a written notice of appeal to the City Recorder within fifteen (15) days of denial of the final plat by the City Engineer.
- B. Upon receiving the appeal, the City Engineer and the appellant shall, unless otherwise agreed by the City and appellant, designate a licensed engineer to serve on a three-member panel described in Utah Code Ann .§ 10-9a-508(5)(d). Neither engineer designated may have an interest in the application subject to appeal. Any engineer employed by or working at a firm retained by the city or appellant to review, modify or draft plans is considered to have an interest in the application and are not eligible to serve.
- C. The two designated engineers shall confer and designate one additional licensed engineer.
- D. The land use applicant is responsible for payment of fifty percent (50%) of the cost of the panel and an appeal fee designated on the City's consolidated fee schedule.
- E. The panel shall hear arguments and exhibits provided by the parties and render a written decision supported by applicable codes and the City's adopted construction standards and specifications. The panel may not overrule the City's adopted construction standards and specifications unless a state law expressly overrides a provision of those standards.
- F. The panel's decision may be reviewed by a district court by either party, by filing a petition for review within thirty days after the date on which the decision is final.

12-1-080: JUDICIAL REVIEW OF ~~CITY COUNCIL~~ DECISIONS:

Any person aggrieved by any decision of the ~~city council~~appeal authority under this title may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the rendering of the decision by the ~~city council~~appeal authority. No person may challenge in district court any land use decision made by the city under this title until that person has exhausted his or her administrative remedies as provided herein. (Ord. 1996-24, 6-19-1996)



SB174 Compliance Subdivision Ordinance Update Audit Checklist April 2023

Do we have to update our Subdivision Ordinance?

Yes, State Law changes effective May 4, 2023 but, in a sense, not a lot. Subdivisions are administrative in nature (e.g. there is no discretion – if they meet your ordinances, they get approved). Most of the changes simply reinforced the administrative nature of subdivisions. See new LUDMA [Section 604.1](#). This new law only applies to subdivisions for 1 or 2 family dwellings and townhomes, but it could be useful to generalize this for all subdivisions. All these changes need to be accomplished by **February 1, 2024**, for cities over 5,000 in population and smaller communities will have until **December 1, 2024**. Here is a link to the [bill summary](#) and FAQ's.

Step One: Check your current ordinance to see what you may need to modify or update.
Look for these items.

1. Review and Update your process. Designate an administrative land use authority.

Make sure you have designated in your subdivision ordinance an “administrative land use authority” for preliminary plats. This can be staff or planning commission or a subset of the Planning Commission. This is a local policy decision to make.

Some options to consider: a) preliminary plat can be reviewed by staff, b) the planning commission can review in a public meeting, or a public hearing. If you choose to hold a public hearing please consider what the hearing will add to this administrative fact based process.

Reminder: The Final plat **cannot** be reviewed by Council or Planning Commission (for small towns it could be a subset of the PC). Staff, if you have staff, could manage (and be designated in the ordinance) to be the administrative land use authority to take the process of final subdivision review through the recording process. Then the Mayor signs the final plat, which also dedicates any potential streets.

2. **Remove any mandates for a concept plan review.** In the new law concept plan review cannot be mandated. It can be optional, strongly encouraged and agreed to by the applicant. Since these are administrative approvals, they have no regulatory value. It can be incorporated into the preliminary plat as part of that process but call it something else. Again an applicant may request a pre-application meeting but it **cannot** be mandated.
3. **Define a Complete Application.** Make sure you have clearly defined what a “complete” application is with checklists for both planning and engineering. Here is one example from [Lehi, Utah](#).

Step Two. Review process timing issues.

Reminder: Under the new law, Preliminary and final plats review are the only “steps” allowed within the new subdivision process. Here are the steps to make sure your updated ordinance reflect.

1. **Initial review of preliminary plat.** To be completed within **15 business days** of receiving a **Complete Application**. As mentioned above it is important to assure you have everything required for review before it moves forward in the process.
2. **Review of final plat.** To be completed within **20 days** of receiving the complete application,
3. **Capped Review Cycle.** There is now a maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.
4. **Agreed upon changes.** The Applicant must respond to required changes. If he/she disagrees with those issues, those must be committed in writing.
5. **Lot line adjustments.** Changes were made in HB406 and SB174. The lot line adjustment changes removed the requirement to record an amendment plat.

Step Three. Review engineering standards

1. **Codified Engineering standards.** As a reminder from prior law, every municipality needs to provide clear engineering standards and these need to be adopted by the City, Town or County with a public hearing at the Planning Commission and final adoption by the legislative body.

2. **Bonding for Private Landscaping.** In another companion bill HB406 [Section 10-9a-604.5](#) new provisions were added in regards to bonding. As of May 2023 Bonding for landscaping on private property is **not** allowed. Update your enforcement processes to include any fines, liens, and when you go to court for any unmet obligations. Update the bonding language. Under assurances can only be accomplished for public infrastructure
3. **New road standards.** In HB406 [Section 10-9a-508. Exactions](#) new residential roadway standards were adopted. Municipalities that require road widths greater than 32' for residential roads (defined as residential use and 25 mph roads) should review those ordinances for compliance with these new standards. Wider can be allowed under certain conditions.

Step Three. Add the new appeal process

Reminder: SB 174 creates two distinct appeal processes after the four review cycles have been exhausted and 20 days have passed. You will need to add this appeal process to your subdivision ordinance.

1. For disputes relating to public improvement or engineering standards, the municipality shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.
2. For all other disputes, the municipality shall refer the question to the designated appeal authority at the applicant's request.
 - The panel of experts includes:
 - One licensed engineer designated by the municipality.
 - One licensed engineer designated by the land use applicant.
 - One licensed engineer, agreed upon, and designated by the two designated engineers.

Members appointed to the panel may not have an interest in the application in question. The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%. The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.



Application No. _____
(For Office use Only)

SUBDIVISION APPLICATION

Fee: See "Consolidated Fee Schedule"

Application for property located at : _____

Date : _____ Total Acreage: _____ Current zone: _____

Property Owner: _____ Phone No.: _____
(Current property owner must sign application)

Subdivision Name: _____ Number of lots: _____

Subdivider/Agent: _____ Phone No.: _____

Email: _____ Fax: _____ Cell No. _____

Mailing Address : _____ Zip Code: _____

Engineer : _____ Phone No. : _____

Email: _____ Fax: _____ Cell No. _____

Mailing Address: _____ Zip Code: _____

LEGAL DESCRIPTION FOR THE PROPERTY MUST ACCOMPANY THIS APPLICATION

1. The street(s) from which access will be provided is/are: _____

2. The minimum required lot area is: _____ . The area of the smallest lot shown is: _____ .

(Continued on next page.)

3. The minimum required width is: _____. The width of the narrowest lot shown

is: _____.

4. Is this one phase of a larger project: Yes No

5. Fee total (see attached "Consolidated Fee Schedule") : _____

6. The following information must also be submitted with the application:

a. A document verifying proof of ownership and completion of the attached affidavit. The current property owner must be the applicant but may designate an authorized agent to act in his/her behalf. Proof of ownership may include a Davis County Recorder's printout indicating ownership with corresponding parcel number, a warranty deed, quit claim deed, or tax notice.

b. Property address and legal description. A legal description can be obtained from the deed, tax notice, or Davis County Recorder's Office.

c. Property plat from the Davis County Recorder's Office. The subject property should be clearly marked in red. Notification of this proposal will be sent to the adjacent property owners by Farmington City in accordance with City ordinances.

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH)
 : ss
COUNTY OF DAVIS)

I (We), _____, being duly sworn, depose and say that I (We) am (are) the owner(s)* of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

(Authorized Agent)

Subscribed and sworn to me this _____ day of _____, 20____.

(Notary)

Residing in Davis County, Utah
My commission expires: _____

*Shall be the owner-of-record as listed by the Davis County Recorder's Office or may be the authorized agent of the owner as listed below.

=====

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any City Boards considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Property Owner)

(Property Owner)

Dated this _____ day of _____, 20__, personally appeared before me _____, the signer(s) of the above instrument who duly acknowledged to me that they executed the same.

(Notary)

Residing in Davis County, Utah
My commission expires: _____

SCHEMATIC PLAT REQUIREMENTS



This sheet shall be completed by applicant and submitted with the required documentation.

Incomplete applications or applications which provide too much additional information may need revision before being accepted for review.

12-3-040 Schematic Plan Submission.

The Subdivider shall submit a digital copy and three (3 if you are in Weber Basin water’s district) or four (4 if you are in Benchland water’s district) to scale copies of the proposed schematic plan to the City Planning Department. The Planning Department will determine if the appropriate plan is submitted; if the application is complete and if all the fees have been paid. If all requirements are met, the Planning Department will distribute plans for review and comment to all appropriate public and private entities.

The proposed schematic plan shall include the following items:

Applicant

Requirement

<input type="checkbox"/>	The proposed name of the subdivision.
<input type="checkbox"/>	A Subdivision Yield Plan pursuant to Chapter 12 of Title 11 if a Conservation Subdivision or a Planned Unit Development is proposed by the Applicant.
<input type="checkbox"/>	A vicinity plan showing significant natural and manmade features on the site and within five hundred (500) feet of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than five (5) feet; and north arrow.
<input type="checkbox"/>	A proposed lot and street layout.
<input type="checkbox"/>	A description of the type of culinary and irrigation water system(s) proposed; also, documentation of water rights and secondary water shares.
<input type="checkbox"/>	A description of the size and location of sanitary sewer and stormwater drain lines and subsurface drainage.
<input type="checkbox"/>	A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
<input type="checkbox"/>	The total acreage of the entire tract proposed for subdivision.

Applicant hereby certifies that application is complete and accurate. _____ (Initial)

PRELIMINARY PLAT REQUIREMENTS



This sheet shall be completed by applicant and submitted with the required documentation.

Incomplete applications or applications which provide too much additional information may need revision before being accepted for review.

The Subdivider shall submit a digital copy and three (3 if you are in Weber Basin water’s district) or four (4 if you are in Benchland water’s district) legible to scale copies (do not manipulate the scale) of the proposed Preliminary Plat to the City Planning Department. This information will generally be able to be shown on 1 to 2 pages. The Planning Department will determine if the appropriate plan is submitted; if the application is complete and if all the fees have been paid. If all requirements are met, the Planning Department will distribute plans for review and comment to all appropriate public and private entities.

****note: at preliminary, you do not need to fill out the application again – just provide this form, initialed and appropriate payment****

12-6-030 Preliminary Plat - Preparation and Required Information.

(1) Form. The preliminary plat shall be clearly and legibly drawn with approved waterproof drawing ink at a scale not less than one inch (1") equaling one hundred (100) feet. The plat shall be so drawn that the top of the sheet is either north or east, whichever accommodates the drawing best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.

(2) Required Information. The following information shall be included on or with the preliminary plat:

Applicant

Requirement

- | | |
|--------------------------|---|
| <input type="checkbox"/> | A vicinity sketch at a scale of not less than one thousand (1000) feet to the inch which defines the location of the subdivision within the City; |
| <input type="checkbox"/> | The name of the subdivision. Such subdivision names shall not duplicate or nearly duplicate the name of any subdivision in the City or in the incorporated and unincorporated area of Davis County; |
| <input type="checkbox"/> | The date, north point, written and graphic scales; |
| <input type="checkbox"/> | A legal description to define the location and boundaries of the proposed subdivision; |

The location, names and existing widths of adjacent streets;

The names of adjacent subdivisions and the names of owners of adjacent unplatted land;

The contours, at one (1) foot intervals, for predominant ground slopes within the subdivision between level and five percent (5%), and two (2) foot contours for predominant ground slopes within the subdivision over five percent (5%). Such contours shall be based on Davis County datum. The closest City survey monument shall be used and its elevation called out on the map. Survey monument information shall be obtained from the Davis County Surveyor or City Engineer;

At the discretion of the City, a grading plan showing, by appropriate graphic means, the proposed grading of the subdivision. Contours should be consistent with Subsection (j). Proposed subdivisions located in the Foothill Zone shall comply with requirements of the Farmington City Foothill Development Ordinance set forth in the Zoning Ordinance;

The location of all isolated trees worthy of preservation with a trunk diameter of four (4) inches or greater, within the boundaries of the subdivision, and the outlines of groves or orchards;

The boundaries of areas subject to one hundred (100) year flooding or storm water overflow, as determined by the City, and the location, width and direction of flow of all watercourses, including all existing and proposed irrigation and natural runoff channels and courses;

The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;

Location and dimensions of proposed sites to be dedicated or reserved for open space or recreational use;

Any proposed lands to be reserved in private ownership for community use;

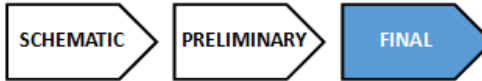
The locations, proposed names, widths and a typical cross section of curbs, gutters, sidewalks and other improvements of the proposed street and access easements;

Layout of all lots, including the average and minimum lot size, lot divisions, and consecutive numbering;

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Preliminary location and size of sanitary sewers, water mains, pressurized irrigation lines, and any other public or private utility; |
| <input type="checkbox"/> | The dimensions and locations of all existing or proposed dedications, easements, and deed restrictions. These shall include easements for drainage, sewerage and public utilities; |
| <input type="checkbox"/> | Preliminary indication of needed storm drainage facilities with preliminary runoff calculations and location, size, and outlets of the drainage system; |
| <input type="checkbox"/> | The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the subdivision plat or on the vicinity map as appropriate; |
| <input type="checkbox"/> | If it is contemplated that the development will proceed by phases, the boundaries of such phases shall be shown on the preliminary plat along with the estimated construction schedule for each phase; |
| <input type="checkbox"/> | The words "Preliminary Plat - Not to be Recorded" shall be shown on the plat. |
| | 12-6-040 Soil Report. |
| | (1) Form. A soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah, shall be required prior to preliminary approval of any subdivision plat. The soil report shall include, among other things, a description of the soil types and characteristics on the site, describe whether or not ground water was encountered in any of the test borings and at what elevation it was encountered, and shall identify the location of any seismic zones or flood zones on the property. |
| <input type="checkbox"/> | (2) Investigation. If the soil report indicates the presence of critically expansive soils, high water table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water, premature deterioration of the public improvements, or which would represent a public health hazard, a soil investigation of each lot in the subdivision may be required by the City Engineer. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application. |

Applicant hereby certifies that application is complete and accurate. _____ (Initial)

FINAL PLAT REQUIREMENTS



This sheet shall be completed by applicant and submitted with the required documentation.

Incomplete applications or applications which provide too much additional information may need revision before being accepted for review.

12-6-110 Final Plat Submission.

The Subdivider shall submit a digital copy and four (4 if you are in Weber Basin water's district) or five (5 if you are in Benchland water's district) to scale paper copies of the proposed Final Plat to the City Planning Department. **DO NOT CREATE A MYLAR VERSION OF THE PLAT UNTIL REVIEWS INDICATE IT IS READY.** The Planning Department will determine if the appropriate plan is submitted; if the application is complete and if all the fees have been paid. If all requirements are met, the Planning Department will distribute plans for review and comment to all appropriate public and private entities.

****note: at final, you do not need to fill out the application again – just provide this form, initialed and appropriate payment****

The proposed final plan shall include the following items:

Applicant

Requirement

The final plat shall consist of a sheet of approved tracing linen or mylar to the outside or trim line dimensions of nineteen by thirty inches (19" x 30") , and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inch (1½") on the left margin of the sheet for binding, and not less than a one-half inch (½") margin in from the outside or trim line around the other three edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black drawing ink.

The final plat shall be drawn at a scale of not less than one inch (1") equaling one hundred feet (100'), and the workmanship on the finished drawing shall be neat, clear and readable.

The plat shall be signed by all required and authorized parties and the final drawings shall contain all information set forth in this Section. The location of the subdivision within the City shall be shown by a small scale vicinity map on the first sheet.

- | | |
|--------------------------|--|
| <input type="checkbox"/> | The title of each sheet of the final plat shall consist of the approved name and unit number of the subdivision in bold letters followed by the words "Farmington City" at the top of the sheet. |
| <input type="checkbox"/> | Wherever the City Engineer has established a system of coordinates, the survey shall use such system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation. |
| <input type="checkbox"/> | An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground shall close within a tolerance of one (1) foot to twenty thousand (20,000) feet of perimeter. |
| <input type="checkbox"/> | The final plat shall show all survey, mathematical information, and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves. |
| <input type="checkbox"/> | All lots, blocks, and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets, and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase two would be numbered 201, 202, 203, etc. |
| <input type="checkbox"/> | The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown. |
| <input type="checkbox"/> | All streets within the subdivision shall be assigned a name. Numerical names are preferred. Streets which have an alphabetic name shall also be assigned a |

	coordinate reference number which conforms to the numbering system adopted by the City. All numbering shall be accomplished by the City Building Official.
<input type="checkbox"/>	The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.
<input type="checkbox"/>	If the subdivision is adjacent to a waterway or any other area which is subject to flooding, the plat shall show the line of high water with a continuous line and shall also show with a fine continuous line, any lots subject to inundation by a one hundred (100) year flood.
<input type="checkbox"/>	The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the Subdivider under the direction of the City Engineer. The following required monuments shall be shown on the final plat: <ul style="list-style-type: none"> (a) The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties; (b) All right-of-way monuments at angle points and intersections as approved by the City Engineer.
<input type="checkbox"/>	The title sheet of the map shall show the name of the engineer or surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final maps, and such certificates may be combined where appropriate: <ul style="list-style-type: none"> (a) Registered land surveyor's "Certificate of Survey;" (b) Owner's dedication certificate; (c) Notary public's acknowledgment for each signature on the plat;
<input type="checkbox"/>	A description of all property being subdivided with reference to maps or deeds of the property as shall have been previously recorded or filed. Each reference in such description shall show a complete reference to the book and page of records of the County and commence from Section corners of known location, bearing, and distance. The description shall also include reference to any vacated area with the vacation ordinance number indicated;
<input type="checkbox"/>	Blocks for authorized signatures of the Planning Commission, City Engineer, Farmington Area Pressurized Irrigation System, Central Davis Sewer District, City Attorney, and City Council shall be provided along the bottom or right side of the plat. A block for the Davis County Recorder shall be provided in the lower right

	corner of the plat.
<input type="checkbox"/>	Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this Title or by the City Attorney;
<input type="checkbox"/>	Prior to recordation of the plat, the Subdivider shall submit a current title report to be reviewed by the City Attorney. A "current" title report is considered to be one which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.
<input type="checkbox"/>	A note shall be placed on the final plat indicating that a soil report has been prepared and submitted to the City for the proposed subdivision in accordance with the provisions of this Title.
<input type="checkbox"/>	When a subdivision contains lands which are reserved in private ownership for community use, the Subdivider shall submit, with the final plat, the name, proposed articles of incorporation, and bylaws of the owner or organization empowered to own, maintain and pay taxes on such lands.
<input type="checkbox"/>	An address shall be placed on each lot shown on the final plat. Addresses shall conform to the established grid system for Davis County and shall include optional addresses for corner lots.

Applicant hereby certifies that application is complete and accurate. _____ (Initial)



APPLICATION FOR PRELIMINARY SUBDIVISION PLAT APPROVAL
(Sections ~~11-070~~—~~11-110~~12-6-010 – 12-6-030, Farmington City Development Code of Ordinance)

For Office Use Only	
File #:	Application Date: Receipt #: Planner:
Fee: Residential - Single family detached lots \$XXX + \$XXX per lot; Multi-Family/Attached units - \$XXX + \$XX per unit Commercial - \$XXX + \$XX per lot *** Concept Fee Credit	

Name of Proposed Subdivision: _____ Total # of Lots: _____

Address of Proposed Subdivision: _____

Name of Applicant or Authorized Agent(s): _____
 Address: _____ City: _____ State: _____ Zip: _____
 Phone#: _____ Cell#: _____ Fax#: _____ Email: _____

Name of Owner(s) (if other than applicant): _____
 (if more than one owner, attach additional information for each owner to this application)
 Address: _____ City: _____ State: _____ Zip: _____
 Phone#: _____ Cell#: _____ Fax#: _____ Email: _____

Owner's Signature of Authorization to file: _____
 (if more than one owner, attach the signature of each owner to this application)

Name of Licensed Engineer: _____
 Address: _____ City: _____ State: _____ Zip: _____
 Phone#: _____ Cell#: _____ Fax#: _____ Email: _____

APPLICATION SUBMITTAL PROCEDURES

- (1) _____ The applicant shall contact a member of the Planning Staff before submitting plans electronically.
- (2) _____ The applicant shall ~~create an account and~~ submit all required information ~~electronically through the following link https://www.lehi-ut.gov/government/public_meetings/planning/applications/ (Agency Code Leh02), including in person at City hall:~~
 - (a) _____ the completed application, all other required information including a narrative;
 - (b) _____ a preliminary or draft copy of any restrictive covenants (CC&Rs), Bylaws, environmental studies;
 - (c) _____ a copy of the drainage study with narrative (must be stamped and signed by a licensed engineer);
 - (d) _____ copy of the ~~CBR test results and~~ geotechnical report.
- (3) _____ **Staff will then review the submittal and send out an email with a link for the payment of fees.**
- (4) _____ The applicant shall provide stamped, addressed #10 business envelopes for all property owners within 300 feet, including a mailing list.
 The names and addresses for the most recently available **Utah-Davis** County tax assessment records can be found by using the following link <https://maps.utahcounty.gov/PropertyNotification/PropertyNotification.htm> <https://webportal.daviscountyutah.gov/App/PropertySearch/esri/map>. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate.
- (5) _____ ~~Applicant has satisfied the water dedication requirements.~~

Commented [CB1]: Do we need this? Coordinate with planning.

Commented [CB2]: Do we need this? Coordinate with planning.

The deadline for submittal for the meeting of the Reviewing Departments is 5:00 pm on Tuesday for review the following week on Wednesday. All fees need to be paid by noon on Wednesday (a week before the meeting). ~~It is the applicant's responsibility to call and confirm their scheduled DRC time.~~

APPLICATION REQUIREMENTS

Please read the applicable sections of the Farmington City Development Code and Farmington City Design Standards and Public Improvements Specifications Manual in detail before submitting an application. A land surveyor licensed to practice in the State of Utah shall prepare the Preliminary Plat. All engineering and/or surveying documents submitted for City review shall be stamped by said engineer or land surveyor in accordance with the procedures of the Utah State Board for Professional Registration. If the plat contains more than one sheet, the sheets shall be numbered in sequence and clearly indicated on each sheet. The following information, at a minimum, shall be included with the application for Preliminary Subdivision Plat Approval (*additional information may be required by the Staff, Planning Commission or City Council*). The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause of an incomplete application and disapproval of a Preliminary Plat.

Follow carefully the Checklist below and ***initial each item*** as being completed, or put N/A if waived by staff or not applicable to approval process:

Format and General Items

- (1) ___ All engineering and/or surveying documents stamped by engineer or land surveyor in accordance with the procedures of the Utah State Board for Professional Registration.
- (2) ___ The words "Preliminary Plat - Not To Be Recorded" shall be shown on the plat. (Ord. 1996-24, 6-19-1996)
- (3) ___ A title block showing:
 - (a) ___ Name of the subdivision.
 - (b) ___ Type of development (residential, commercial, PUD, PRD, etc.).
 - (c) ___ Name and address of owner of record, developer and designer.
 - (d) ___ Name and address of engineer or land surveyor.
 - (e) ___ Date of preparation.
 - (f) ___ Tabulation of acres, lots, open space and units per acre.
- (4) ___ Graphic and written scale at no more than one (1) inch equals one hundred (100) feet or as recommended by City Engineer.
- (5) ___ North arrow.
- (6) ___ Township and Range, section lines, and other monuments.
- (7) ___ Vicinity map at a scale of one (1) inch equals one thousand (1,000) feet.
- (8) ___ Topographic contour intervals of no greater than two (2) feet, unless otherwise specified by City Engineer.
- (9) ___ Surveyed boundary of the subdivision.
- (10) ___ Location and names of adjacent properties/property owners and platted subdivisions.
- (11) ___ Location of zoning boundary lines within and adjacent to the proposed subdivision.
- (12) ___ Location, height and type of existing fence lines within and contiguous to the subdivision.
- (13) ___ Location, use, and dimensions of all existing buildings within the proposed subdivision. Indicate which buildings are to remain and which are to be removed.
- (14) ___ Location of all proposed lots including:
 - (a) ___ Lot dimensions.
 - (b) ___ Lot frontage.
 - (c) ___ Lot area (square feet).
 - (d) ___ Building setback lines (building envelopes).
- (15) ___ Lots consecutively numbered or lettered in alphabetical order.
- (16) ___ Location of existing features within and contiguous to the proposed subdivision including:
 - (a) ___ Existing public utility, drainage, and sewerage easements.
 - (b) ___ Existing dedications.
 - (c) ___ Deed restrictions

- (d) ___ Existing utilities including power lines/poles (must identify ownership of lines), telephone, cable, gas, fiber optic, etc. Indicate whether they are to remain or be re-located. If they are to be relocated, show the proposed new location.
 - (e) ___ Irrigation ditches.
 - (f) ___ Drain pipes, drainage channels, and culverts.
 - (g) ___ Railroads.
 - (h) ___ Bridges.
 - (i) ___ Water bodies, springs or water sources within twenty-five hundred (2,500) feet.
 - (j) ___ Wells (show and label whether the well is to remain or be abandoned - if the well is to be abandoned, add a note on the plans stating "existing well to be abandoned and capped by a certified well driller and documentation provided to Farmington City").
 - (k) ___ Equestrian, pedestrian and bicycle trails.
- (17) ___ Location and dimensions of any common space or open space areas including property to be set aside for parks, playgrounds, trails, or other public or private uses, with a designation of the purpose of those areas, and conditions, if any, of the dedication or reservation.
- (18) ___ Location and extent of all cuts and fills exceeding (3) three feet anywhere on the project site and any associated retaining walls.

Roads

- (19) ___ The location and width of all existing and proposed roads, rights-of-way, alleys, and other public ways (all main roads must comply with the Farmington City Master Transportation Plan).
- (20) ___ Cross sections of all existing and proposed roads (include road dimensions and location of utilities within the road.)
- (21) ___ Proposed names of all new roads.
- (22) ___ Location of all existing and proposed curb, gutter and sidewalk within the subdivision including:
- (a) ___ An indication of the grades.
 - (b) ___ Flow arrows showing direction of storm water surface flows.
- (23) ___ Location of any necessary temporary turnaround easements for emergency access on dead end roads.
- (24) ___ Provide a circulation plan that includes information on cul-de-sac lengths, block lengths, and connectivity.
- (25) ___ ~~Not more than 50 units off of a single point of access and provision for future access to adjacent vacant parcels.~~
- (26) ___ Street intersection offsets of not less than 150 feet.
- (27) ___ If adjacent to a state road specify UDOT access size and location (UDOT approval will be required at final plat).

Water/Sewer

- (28) ___ Location and size of existing and proposed culinary, sewer, and pressure irrigation water lines (including existing lines adjacent to and/or affected by the proposed subdivision). ~~Show main lines only. Do not show proposed valves, blowoffs, hydrants, pipe types or other related details. These items will be reviewed with the final plat.~~
- (29) ___ Location of existing and proposed sewer main lines including size, depth, and slope (show any sewer lines adjacent to or affected by the proposed subdivision).
- (30) ___ Letter(s) of intent for any necessary offsite water or sewer easements across privately owned land.

Drainage

- (31) ___ Drainage system calculations and an explanatory narrative stamped and signed by a licensed engineer.
- (a) ___ Provide a drainage study showing calculations for the 25- and 100-year flood events.
 - (b) ___ Size detention basins for the 100-year flood event.
 - (c) ___ Design storm drain lines using the 25-year flood event.
- (32) ___ Existing and proposed storm drainage improvements including:
- (a) ___ Major drainage facilities, outfalls, and discharge.
 - (b) ___ Drainage pipe locations, sizes and depths.
- (33) ___ Location of detention/retention basins with an indication that the basin(s) will include the following:
- (a) ___ Minimum 1-foot freeboard.
 - (b) ___ 3:1 slopes or flatter.
 - (c) ___ Grass covering with underground sprinkler system or xeriscaping.
 - (d) ___ Designation of the purpose and conditions, if any, of the dedication or reservation.
- (34) ___ A written statement from the appropriate agency accepting responsibility for all surface and subsurface drainage, which is directed into channels owned, by the agency (such as irrigation companies, private land owners, etc.).
- (35) ___ Easements for any necessary offsite drainage easements across privately owned land.

Commented [CB3]: We restrict this by cul-de-sac lengths and water connections. Put a comment for length here and the water one in the water.

Commented [CB4]: Break up into sections for sewer, water, culinary water.

Commented [CB5]: Insert our final plat requirements and engineering checklist requirements. This needs full design and plan and profile views.

Commented [CB6]: At this point we need easements.

~~(36)~~ (36) Drainage Report section describing how Low Impact Development (LID) is being incorporated into the site and how storm water quality will be improved.

~~(36)~~ ~~(37)~~ (37) Flood control and stream alteration permits

Irrigation Ditches

~~(37)~~ ~~(38)~~ (38) A written statement from the appropriate agency (such as irrigation companies, private land owners, etc.) regarding the effect of the proposed subdivision on any irrigation channels or ditches and any piping or other mitigation required.

~~(38)~~ ~~(39)~~ (39) The location, size and grade of any required piping for irrigation ditches as per the irrigation company requirements.

Sensitive Lands

~~(39)~~ ~~(40)~~ (40) Identification of natural features or sensitive lands including, but not limited to:

- (a) Wetlands.
- (b) Floodplains, floodways and areas that would be covered in water in a 100-year storm event.
- (c) Areas where ground water rises periodically to within two (2) feet of the surface of the ground.
- (d) Slopes exceeding thirty (30) percent marked non-buildable.
- (e) Vegetation areas (including name and size of all existing trees and shrubs which could be incorporated into the subdivision).
- (f) Threatened or endangered species habitat areas.

~~(40)~~ ~~(41)~~ (41) A letter from the Army Corp of Engineers regarding any wetland areas within boundaries of the proposed plat.

Buffering

~~(41)~~ ~~(42)~~ (42) The proposed treatment of the perimeter of the development, including materials and techniques used, such as:

- (a) Fences;
- (b) Berms;
- (c) Walls.

~~(42)~~ ~~(43)~~ (43) Provide a note on the preliminary plat which states that the following items will be reviewed at the time of Final Plat review (because these items will be reviewed with the final plat, please do not show them on the Preliminary Plat):

- (a) Plan & profiles/construction drawings of public improvements.
- (b) All pipe types, specific locations & details (bends, detector tape etc.).
- (c) Valves.
- (d) Blowoffs including size type & protection.
- (e) Manholes, boxes and related details.
- (f) Water & sewer service details.
- (g) Fire hydrants.
- (h) Street lights/street signs/traffic signs.
- (i) Power line extensions & dome/transformer locations.
- (j) Lot addresses
- (k) Subdivision monumentation and lot corner markers.

Other Required documents

~~(43)~~ ~~(44)~~ (44) Landscaping plan for all park, open space, and common ownership areas including:

- (a) Location, name and size of all proposed trees, shrubs, and plants.
- (b) Indication of proposed seed mix for grass areas (previously accepted seed mixes have included: 18% "Bluestar" Kentucky Bluegrass, 19% "Marquis" Kentucky Bluegrass, 17% "Newport" Kentucky Bluegrass, 17% "Touchdown" Kentucky Bluegrass, 16% "APM" Perennial Ryegrass, 13% "Accent" Perennial Ryegrass).
- (c) Indication of proposed irrigation facilities (underground sprinkler system).
- (d) Location of the clear view area at all street intersections (a triangular area formed by a line connecting the property lines at points 35 feet in each direction from the intersection) and an indication that no landscaping or other obstruction in excess of 3 feet above finished grade shall be allowed in the clear view area.

~~(44)~~ ~~(45)~~ (45) A development phasing schedule (if applicable) including the sequence for each phase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open space areas.

Commented [CB7]: This should all be looked at during the preliminary plat.

~~(45)~~ (46) Applicant and/or Applicant's engineer/surveyor has a copy of the latest Farmington City Design Standards and Public Improvements Specifications Manual.

~~(46)~~ (47) Applicant and/or Applicant's engineer/surveyor has reviewed Farmington City's existing and master plan utility maps (available for review at the Planning Department Office).

EFFECTIVE PERIOD OF PRELIMINARY SUBDIVISION PLAT APPROVAL

A Preliminary Subdivision Plat shall not authorize the development of land. After a Preliminary Subdivision Plat has been approved by the City Council, the applicant may file an application for Final Subdivision Plat approval. The approval of a Preliminary Plat shall be effective for a period of two (2) years from the date the preliminary plat is approved by the City Council, at the end of which time the applicant must have submitted a final subdivision plat for approval for the entire preliminary plat or portion thereof. If a final subdivision plat is not submitted within the two year period, or as extended according to the provisions of Section 10.120, the preliminary approval shall be void.

Commented [CB8]: Change to Farmington's verbiage or delete.

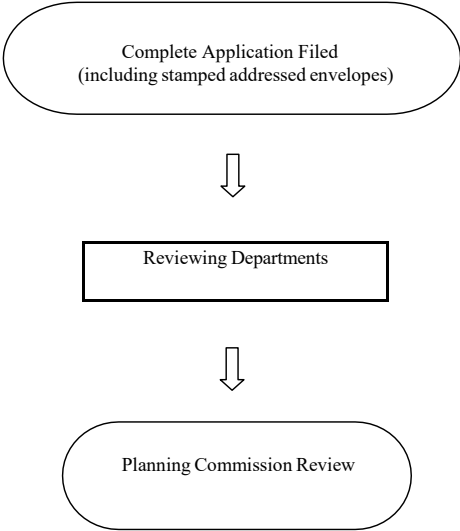
APPLICANT(S) CERTIFICATION

I (we) certify under penalty of perjury that this application and all information submitted as a part of this application is true, complete and accurate to the best of my (our) knowledge. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I (we) understand that Farmington City may rescind any approval or take any other legal or appropriate action. I (we) also acknowledge that I (we) have reviewed the applicable sections of the Farmington City Development Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. I (we) also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

Applicant's Signature _____ Title _____ Date _____

PLEASE NOTE: Attendance at Planning Commission and City Council meetings is required by the applicant or a representative. It is the applicant's responsibility to call for meeting dates and times.

PRELIMINARY SUBDIVISION PLAT APPROVAL PROCESS





Farmington City Planning Commission Staff Report October 5, 2023

Item 3 : Zone Text Amendments regarding Historic Resources on the Farmington City Landmarks Register

Public Hearing: Yes
Application No.: ZT-18-23
Applicant: Farmington City

Request: *City Staff is proposing a change to the text of Chapter 39 of the Zoning Ordinance to make clear what kind of modifications requiring a building permit for historic resources listed on the Landmark Register need a “certificate of historic appropriateness”, and an alternate consideration process for such certificates.*

Background Information

The Farmington City Landmarks Register consists of at least 11 Historic Resources and the Clark Lane Historic district. On September 19, 2023, the City Council held a public hearing to consider whether or not to include the Main Street Historic District on the Landmarks Register as well, but tabled action for further deliberation.

Whether or not the Council decides to place the Main Street Historic District on the Register, it is recommended that the City clarify that a certificate of historic appropriateness is only required for the issuance of building permits related to “exterior” repairs, alterations, additions, relocation or demolitions to historic resources. [Note: Ordinary maintenance and repair of any exterior architectural or environmental feature in or on a historic resource to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of historic appropriateness].

Suggested Motion

Move the Planning Commission recommend that the City Council adopt the attached changes to Section 11-39-050 of the Zoning Ordinance.

Findings:

1. The changes to the zoning text clarify that only certain kinds of building permits for exterior work require a certificate of historic appropriateness;
2. The amendment provides a more expeditious path where needed to the owner to obtain a certificate of historic appropriateness;

Supplemental Information

1. Draft Changes to Section 11-39-050 of the Zoning Ordinance

11-39-050: FARMINGTON CITY HISTORIC LANDMARKS REGISTER:

A. Created: There is hereby created a Farmington City historic landmarks register (the "register"), which shall provide further recognition of significant historic resources; provide protection for historic resources as set forth in this chapter; and may qualify owners of historic resources to special assistance from the city as may be determined by the city council in its sole discretion. The register shall be prepared and maintained by the historic preservation commission in accordance with the provisions set forth in this chapter. A notice of listing shall be filed for each property listed on the register with the city and recorded in the office of the Davis County recorder.

B. Contents: The register shall describe each historic resource, the date or approximate date of its construction, the date during which its historic significance was established, the qualifications for including it on the register, and the name and address of the current owner of the property as shown on the records of the Davis County recorder.

C. Criteria: Any building, structure, object or district may be designated to the register in accordance with the procedures set forth herein if it meets all the criteria set forth below:

1. It is located within the corporate boundaries of Farmington City.
2. It is currently listed in the national register of historic places (the "national register"), or it has been officially determined eligible for listing in the national register under the criteria of 36 CFR 60.4, as amended.
3. Historic resources shall also meet at least two (2) of the following criteria:
 - a. It is an easily identifiable visual feature of its neighborhood or the city because of its positioning, location, age, scale or style, and it contributes to the distinctive quality or identity of its area in such a way that its absence would negatively affect the area's sense of place;
 - b. It figures importantly into Farmington City's founding or development through its uses, especially public uses;
 - c. It is associated with persons significant in the founding or development of Farmington City, especially the earliest settler families (1847 - 1900);
 - d. It is associated with events that have made a significant contribution to the founding or development of Farmington City;
 - e. It illustrates an important architectural form, style or building technique, especially as an example of "local vernacular" (e.g., single- and two-story rock/adobe homes; simple brick Victorians) or as a singular example of form, style or technique within the city;
 - f. It has been used as a wayfinding landmark for at least fifty (50) years; or

g. It has yielded, or may be likely to yield, information important in prehistory or history (e.g., archaeological sites).

4. If a historic resource does not meet at least two (2) of the criteria of subsection C3 of this section, but is of exceptional importance to Farmington City's history and the owner of the property wishes to have it designated as a historic resource on the register, the historic preservation commission may review the request and, if deemed suitably significant, may recommend to the city council that the historic resource be added to the register.

D. Notification: The owner of the historic resource shall be notified in writing either by certified mail or hand delivery of proposed action to designate the historic resource to the register and shall be invited to attend the historic preservation commission meeting in which the designation will be discussed.

E. Designation:

1. Official designation proceedings shall begin with submittal of a written request for designation by either the property owner or a member of the historic preservation commission. The request shall identify the property by its address and historic name, give the date the property was listed in the national register or officially determined eligible, and include a statement summarizing the property's significance to the city. This official request may be preceded by informal contacts with the property owner by historic preservation commission members, private citizens, local officials or others regarding designation of the property.

2. Upon written request for designation, the historic preservation commission chairperson shall arrange for the designation to be considered at the next historic preservation commission meeting, which shall be held at a time not to exceed thirty (30) days from the date the designation request was received.

3. A decision by the historic preservation commission shall be based on whether the property meets the criteria for designating properties to the register as set forth in subsection C of this section. The historic preservation commission shall forward its recommendation in writing to the city council within fourteen (14) days of the decision.

4. The city council may, by adoption of an appropriate ordinance, designate a historic resource to the register. The owner of the historic resource shall be notified at least three (3) days prior to the city council meeting at which the ordinance will be considered and shall be allowed to address the council with regard to the designation. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this chapter.

5. A historic resource which, in the opinion of the historic preservation commission, no longer meets the criteria for eligibility may be removed from the register after review and recommendation by the historic preservation commission and the adoption of an appropriate ordinance by the city council.

6. Upon official adoption of a designating or removal ordinance, the historic preservation commission shall record the ordinance with both the city recorder's office

and the county recorder's office to indicate such designation or removal on the official records thereof.

F. Result Of Designation:

1. An owner of a historic resource listed on the register may seek assistance from the historic preservation commission in applying for grants or tax credits for rehabilitating the owner's properties.

2. **Except as set forth in sub-paragraph 3 below,** Proposed **exterior** repairs, alterations, additions, relocation or demolitions to historic resources listed on the register requiring a building permit are subject to review by the historic preservation commission and shall receive a "certificate of historic appropriateness" prior to issuance of a building permit. The purpose of this review is to ensure the preservation of historic resources to the greatest extent reasonably possible.

a. The city manager, at his or her sole discretion, and with the advice of the community development director and the chair of the historic preservation commission, may appoint an historic preservation architect or a reconnaissance level survey professional to consider applications for certificates of appropriateness related to repairs, alterations, or additions. Once appointed, the architect or professional shall have all the powers and duties of the historic preservation commission, but limited solely to the consideration and issuance of a certificate of historic appropriateness. The historic preservation commission shall retain authority related to relocation or demolition of an historic resource.

ab. Any application for a building permit pertaining to a historic resource designated on the register shall be forwarded by the zoning administrator to the historic preservation commission for its determination prior to the issuance of the requested permit.

bc. At its next scheduled meeting, the historic preservation commission shall review the application and proposed work for compliance using the United States secretary of the interior's standards for rehabilitation (the "standards") as set forth in section 11-39-060 of this chapter.

ed. The historic preservation commission's determination shall be forwarded within three (3) days to the zoning administrator for review. If the historic preservation commission denies or requires significant revisions to a permit application, the determination shall indicate of the specific "standards" on which the decision of the historic preservation commission is based and, where appropriate, shall provide a brief explanation setting forth the reasons for the determination. Copies of the determination shall be forwarded by the zoning administrator to the property owner.

de. The zoning administrator shall, upon receipt of the historic preservation commission's determination, process the permit as set forth in this section. Projects which, as determined by the historic preservation commission, are consistent with the standards shall be issued a certificate of historical appropriateness which authorizes the building

permit to be issued upon compliance with all other applicable requirements of this title or any other applicable ordinance.

ef. An applicant whose submittal does not comply with the standards may, for a period of sixty (60) days, meet with the historic preservation commission, together with the zoning administrator, to explore means for proper repair, alteration or addition to the historical resource which are consistent with the standards, which may include the following:

- (1) Feasibility of modifications to the plans;
- (2) Feasibility of alternative uses of the historic resource;
- (3) Feasibility of acquiring easements and/or variances;
- (4) Feasibility of acquiring financial or other forms of assistance from preservations organizations.

f. If no approval is granted within the initial sixty (60) days, the historic preservation commission may grant an extension of an additional sixty (60) days. If no approval is granted at the conclusion of one hundred twenty (120) days, the certificate of historic appropriateness shall be denied if the standards for rehabilitation cannot be met and the requested building permit shall not be issued by the zoning administrator.

g. A decision by the historic preservation commission approving or denying a certificate of historic appropriateness for the relocation of a historic resource shall be guided by the following criteria:

- (1) How the historic character and aesthetic interest of the historic resource contributes to its present setting;
- (2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
- (3) Whether the historic resource can be relocated without significant damage to its physical integrity; and
- (4) Whether the proposed relocation area is compatible with the historical and architectural character of the historic resource.

h. A decision by the historic preservation commission approving or denying a certificate of historic appropriateness for the demolition of a historic resource listed on the register shall be guided by the following criteria:

- (1) The historic, scenic or architectural significance of the historic resource;
- (2) The importance of the resource to the character of the neighborhood or city;
- (3) The difficulty or the impossibility of reproducing the historic resource because of its design, texture, material, detail or unique location;

(4) Whether the historic resource is one of the last remaining examples of its kind in the neighborhood or city;

(5) Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;

(6) Whether reasonable measures can be taken to save the historic resource from deterioration or collapse; and

(7) Whether the historic resource is capable of being used to earn a reasonable economic return on its value.

i. A certificate of historical appropriateness shall become void unless construction authorized by a building permit is commenced within one hundred eighty (180) days after issuance of the certificate.

3. Ordinary maintenance and repair of any exterior architectural or environmental feature in or on a historic resource **as determined by the Zoning Administrator** to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of historic appropriateness.

G. Enforcement: Failure to follow the procedure for acquiring a certificate of historical appropriateness may result in the zoning administrator issuing a stop work order while a review is conducted. The review will determine if revocation of a conditional use permit granted for a use associated with the historic resource revocation of building permits and/or other penalty fines are necessary as per chapter 38, "Enforcement And Penalties", of this title.

1. Failure to follow the procedure set forth in this chapter for acquiring a certificate of historic appropriateness may result in removal of the historic resource from the register and the national register, thus rendering the property ineligible for federal, state, and city tax credits, grant and loan programs.

2. In addition, if the historic resource has received land use entitlements as a result of its placement on the register, the city may consider the revocation of such entitlements and/or the acceleration of any debt issued by the city as part of a program of historic preservation/rehabilitation consistent with applicable law. (Ord. 2013-08, 4-16-2013)

FARMINGTON CITY
PLANNING COMMISSION
September 07, 2023

WORK SESSION

Present: Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Larry Steinhorst, Samuel Barlow, Frank Adams, and Tyler Turner.
Staff: Community Development Director David Petersen, Planning Director Lyle Gibson, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe. **Excused:** Commissioners Mike Plaizier; and Alternates Clay Monroe and Alan Monson.

City Planner/GIS Specialist **Shannon Hansell** explained the foothill ordinance agenda item. Staff is trying to prepare the Commission for discussion of this zone text amendment. She explained an overlay zone. For example, an "OTR-F" on a zoning map means the base zoning is Original Townsite Residential (OTR), with a Foothill (F) overlay. This means there is an extra set of rules on top of the base zone. Other overlays include the Planned Unit Development (PUD), Agriculture Planned (AP) District, and Scenic Byway Overlay Zone around Legacy Parkway. Anything with an overlay zone is a legislative decision.

Planning Director **Lyle Gibson** said the OTR zone sets the lot size and architecture standards. The Foothill overlay zone deals with slope and topography of the land you are building on. Overlay zones mean the City has done something unique, and they remind Staff to look at the unique agreements that have been memorialized.

Hansell said foothill areas need to be regulated differently due to topography. The foothill area is very narrow. At its widest point, Farmington is 3.5 miles wide, spanning from the lake bottom to mountains very quickly. The landslides in North Salt Lake and Draper remind why foothill overlays are important. They help regulate environmentally sensitive areas more closely. It is also important to get emergency vehicles to the foothills quickly in the case of an emergency. The foothills are close to National Forest Service land, where fires can quickly spread into wildfires on the mountainside. Water pressure is important not only for personal use, but for fire suppression. Storm water is also a big concern.

Staff predicts 200 acres in the southeast bench area may be annexed into Farmington in the future, and it is all foothill area. Staff would like to update the Foothill Overlay before this area is annexed. There have not been any applications yet. They feel property owners will band together in the future to present an annexation application so they can develop their property. This annexation area has some pretty steep slopes. Staff would like to protect current residents as well as the City when those applications come.

Gibson said developers and qualified engineers verify details, not the City. The City doesn't design subdivisions, and it is not good for the City to be in the situation where they are approving risky or potentially dangerous development. On the flip side, the City must allow landowners their property rights to develop. The rules help define the line between the two interests. Each community has their own foothill standards, and they vary even along the Wasatch Front. Developers have hinted at developing up to 1,800 units in those 200 acres on Farmington's southeast bench. These need to be built safely on the slopes, and they also need to be serviced by emergency vehicles.

The City wants to be ahead of the annexation curve. On 400 North, there are residences in the foothills, and there have been some struggles. Community Development Director **David Petersen** has been spearheading recent drafts of this ordinance, looking closely at Centerville's and other Wasatch Front cities' ordinances. **Gibson** said portions of the ordinance have been relocated in the effort is to make the language flow better and read easier. He asked Commission members to keep that in mind when they review the changes and offer feedback. It has become problematic that when developers build roads in approved foothill subdivisions and then begin grading for building pads, they cut more than they needed to. Fights have developed between buyers and developers about where the original grades were. Changing grades and modifying topography have been a challenge. Retaining of land can only be done for less than 30% grade, which is a common figure among cities. Public roads and driveways are not built over 14% grade. Cutting into 40% slopes is not allowed. Structures, including retaining walls and fences, cannot be placed on land with more than 30% grade. Vegetation is important to prevent soil erosion. People can build and engineer retaining at 45% per building code, but it is expensive. Building permits are required for building anything over 4 feet in height, but new language would prohibit of series of walls. Soils reports detailing site-specific soil types, saturation, and percolation will be required in certain cases.

Hansell said there haven't been any recent applications in the annexation area. If someone were to come forward, the City would require a slope map showing anything over 30% marked in red as unbuildable, and buildable areas marked in green. Lots would require 5,000 square feet of contiguous buildable area. That may not be enough to build mansions. It is hard to predict how many buildable lots would be in that area. **Gibson** said four or five years ago, Davis County essentially down-zoned every unincorporated area of the county in order to get out of the development business. The County has typically been more rural, with lots of at least 5 acres. Currently those property owners in the foothills have no right to develop. In order to get the right as well as utilities to develop, they would need to be annexed into Farmington. Since water pressure that high up would be a concern, the City could compel construction of a water tank and needed infrastructure before annexation is granted. Davis County's Little Valley was constructed prior to the County's recent downzone.

Gibson said tonight is an introduction to this foothill overlay zone. He welcomes questions and feedback from the Commission. If the City is pursuing pending legislation, any new development may be held to the standards of that new legislation. He said the City wanted to get the ball rolling, even though the draft is young.

Hansell pointed out the Key Bank application agenda item, and said she recommends removing the awning/canopy in order to facilitate better redevelopment of the building in the future. However, it may not be required per ordinance. Commissioners said other banks have awnings.

REGULAR SESSION

Present: Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Larry Steinhorst, Samuel Barlow, Frank Adams, and Tyler Turner. **Staff:** Community Development Director David Petersen, Planning Director Lyle Gibson, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe. **Excused:** Commissioners Mike Plaizier; and Alternates Clay Monroe and Alan Monson.

Chair Erin Christensen opened the meeting at 7:03 PM.

SPECIAL EXCEPTION APPLICATION – public hearing

Item #1 Key Bank – Applicant is requesting a special exception approval to have a drive through as part of a financial institution at 529 North Station Parkway in the GMU (General Mixed Use) zone (M-10-23).

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. Key Bank has applied for site plan approval with City Staff for a new branch located at 529 Station Parkway. As part of this project, the applicant has proposed a drive-up window with three lanes. Drive-up windows are allowed only as special exceptions in the mixed-use zones. The purpose of the special exception requirement is to allow additional consideration on design to minimize the impact of drive-up windows, as the goal of the mixed-use zones is to promote walkable and pedestrian oriented scales and uses. To better align with the purpose of the mixed-use zones, several conditions can be implemented such as positioning the drive-up opposite of the primary frontage, and to remove the overhead awning. The awning can introduce difficulty in redeveloping the building in the future; once in place, they are unlikely to be removed, even if the building use changes. Some solutions to the awning are to detach the awning (such as with Mountain America Credit Union at 495 N. Station Parkway), or to remove it entirely (such as with Bank of America at 423 N. 1075 W.).

On May 16, 2017, the City Council approved a zone text amendment to Chapter 18 allowing for financial institutions in the GMU zone to have drive-up windows through special exception, as set forth in Section 11-3-045 of the Zoning Ordinance, “A special exception has less potential impact than a conditional use but still requires careful review of such factors as location, design, configuration, and/or impacts to determine the desirability of authorizing its establishment on any given site.”

A special exception, therefore, is to be treated similarly to a conditional use, and must be a public hearing. The approval standards, as set forth in Section E specify that: “Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the city as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception.”

Applicant **Ben Gingrich**, project architect on behalf of KeyBank/HSB Architects, talked about the awning for the drive-up, which was positioned to avoid viewing from Station Parkway. It is an attached canopy over the drive-up that includes three lanes: an ATM/night drop and two auto-teller lanes with video screens. While it is possible to run vacuum tubes underground, it is more challenging. Therefore, the vacuum tubes have been designed to go upwards through the awning. The detached awning at Mountain America Credit Union example provided by Staff was designed for that particular site plan and is directly visible from Station Parkway. Key Bank is providing better screening. An attached canopy is better for the functionality of this site. Since this is an urban infill situation, they felt it would be better to have the lanes tighter against the building for a smaller footprint. Key Bank is a national bank with other branches throughout Utah.

Stacie Flaisman, retail design manager of Key Bank, addressed the Commission. Key Bank started as a merger of two banks (Key Bank and Society Bank) in 1994. Key was in Utah prior to the 1994 merger. The amount of due diligence and market planning done before planning this branch was extensive. Key does not have short-term leases. They try not to install vacuum tubes underground for longevity and maintenance purposes. Often, they leak and water seepage is a problem if they are underground.

Gingrich said this is built very well for longevity, unlike other retail establishments. Detached awnings put the branch at a hardship because the ATM is out in the open and more difficult to service. There is not a one-size-fits all solution, and they are in favor of an attached canopy. Drive-ups are becoming a common part of buildings.

Erin Christensen opened and closed the public hearing at 7:20 PM due to no comments received.

MOTION

Tyler Turner made a motion that the Planning Commission approve the drive-up window special exception for Key Bank at 529 Station Parkway, subject to all applicable Farmington City development standards and ordinances.

Findings for Approval 1-3:

1. The drive-up window has sufficient stacking space (12 spaces) to accommodate the use.
2. The drive-up window is oriented away from the primary frontage on Station Parkway.

3. The drive-up window use has been successfully implemented at other locations in the mixed-use zones, such as Mountain America Credit Union (495 N. Station Parkway) and Chase Bank (100 N. Station Parkway).

Supplemental Information 1-3:

1. Vicinity Map
2. Key Bank Site Plan and Elevations
3. Drive Up Examples

Frank Adams seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____Nay
Vice Chair John David Mortensen	_ Aye <u>X</u> _____Nay
Commissioner Larry Steinhorst	X Aye _____Nay
Commissioner Frank Adams	X Aye _____Nay
Commissioner Tyler Turner	X Aye _____Nay
Commissioner Sam Barlow	X Aye _____Nay

CONDITIONAL USE APPLICATION – public hearing

Item #2 Farmington Flex / Andrew Hiller – Applicant is requesting conditional use approval to use space in the Farmington Flex development for Gymnasium/Indoor Sports in part of Building 3 at 1261 South 650 West in the LM&B (Light Manufacturing and Business) zone (C-10-23)

Planning Director **Lyle Gibson** presented this agenda item. This property is on the south edge of town. The property owner has interest from a gymnastics and tumbling business that would like to locate in Unit 4 of Building 3 at the Farmington Flex development. The building they are moving into is a new construction that has received previous approvals for the shell construction. They are working on the tenant improvements for their use and seeking a conditional use permit to complete their business license approvals.

The use is allowed with a conditional use permit and is similar to other gym/rec facilities in the immediate area previously approved by the Planning Commission. As a conditional use, the presumption is to approve the use so long as conditions can be imposed to mitigate potential detrimental impacts if necessary. In the opinion of Staff, the use does not create negative impacts that would require mitigation beyond the generation of traffic meriting consideration of the impacts due to vehicle parking.

Gibson said it would be difficult to hold gymnastics meets or tournament at this location. Parking is available directly in front. Uses on the other side of the building would also share some of the front parking. The other user in this building is a warehouse, which is requesting an expansion. They primarily use their space for shipping/warehousing from 9 a.m. to 5 p.m., and they don't have a lot of customers visiting. They will be using the loading bays more than the front parking. The gymnastics use is primarily after school from 3 to 8 p.m. As such, there would be only a small overlap of time between the two uses of the building. There are 294 parking stalls provided, and the maximum use anticipated is 260. Staff's recommendation is to approve the application as proposed.

Farmington City Code (FCC), 11-8-050 Conditional Use Standards (E), states that uses shall have adequate improvements such as parking and loading spaces. Per FCC 11-32-040: Minimum Parking Spaces Required, such a facility would fit best as a commercial recreation use which parking requirement is identified as one to be determined by the Planning Commission.

The applicant has recently requested similar approvals from the Planning Commission within the development. Since review of the other user, the applicant has since obtained more interest and has a better understanding of users throughout his development. With this understanding of parking needs, a parking analysis for the site has been provided for consideration. The other indoor sports user at the site was approved at a parking ratio of 2.5 / 1,000 square feet. The applicant has based available parking of this same requirement.

Gibson said the Commission saw this flex building site plan previously without knowing the uses. The original parking ratio that was requested has been met and exceeded, as the applicant was able to acquire more land from UDOT on the north end. The process is that each user comes in for conditional use approval as they fill the space. The busiest times would be evenings and weekends, when there may be as many as 200 cars on the site. However, 294 stalls are provided. Building 2 is constructed and Kongo currently occupies it. Building 4 has been approved as MetaSoccer. The parking needs of future tenants of this site were figured into the parking tables provided by the applicant.

Commissioners said they would like to get further details from the applicant, and considered putting a prohibition on meets/tournaments as a condition of approval. Applicants should attend public meetings in order to answer questions. They questioned the traffic flow including drop-offs and pick-ups. **Gibson** said 26 feet is the traditional two-lane approach. Seventeen notifications of this public hearing were sent out, representing all property owners within 300 feet of the site.

MOTION

Tyler Turner made a motion that the Commission **table** the requested conditional use permit and **continue** the public hearing to the next available meeting for the applicant to attend.

Samuel Barlow seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye ____Nay
Vice Chair John David Mortensen	X Aye ____Nay
Commissioner Larry Steinhorst	X Aye ____Nay
Commissioner Frank Adams	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay
Commissioner Sam Barlow	X Aye ____Nay

ZONE TEXT AMENDMENTS – public hearings unless noted otherwise with item.

Item #3 Farmington City – Additional text and amendment to Title 16, STORMWATER REGULATIONS. The proposed amendments are to update definitions and to clarify what permitting is needed before disturbing land. (ZT-15-23)

Hansell presented this agenda item. Title 16 of the City Code describes Stormwater Regulations. Title 11 of City Code describes Zoning Regulations. There is some overlap in the two titles regarding certain definitions and permitting requirements. In the interest of protecting the City’s stormwater systems and environmentally sensitive areas, such as foothills and wetlands, the Stormwater Official has proposed changes to Title 16. These changes must be reviewed by the Planning Commission as they have implications for land use and Title 11. Definitions would be added for aquifer recharge areas, environmentally sensitive areas, frequently flooded areas, and steep slope. Another change is the stormwater permits required section. The Stormwater Official was fine with the grammatical and clarification changes proposed earlier by **Chair Christensen**. **Gibson** said there are some references in the foothill section that relate to stormwater, but they will be distinct and separate.

Erin Christensen opened and closed the public hearing at 7:45 PM due to no comments received.

MOTION

Tyler Turner made a motion that the Planning Commission recommend that the City Council approve the proposed zone text changes to Section 16-1-090 Definitions and changes to 16-3-010 City Stormwater Permit Required, including definitions in 16-1-090 and corrections proposed by Chair.

Findings for Approval 1-2:

1. Clarifying definitions helps property owners and the City by reducing confusion caused by subjectivity.
2. Defining the type of permit required in 16-3-010 outlines a clearer path to protect environmentally sensitive areas.

Supplemental Information 1-3:

1. Proposed changes (in red type) to 16-1-090 Definitions
2. Proposed changes (in red type) to 16-3-010 Stormwater Permit Required
3. Corrections proposed by the chair

John David Mortensen seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye ____Nay
Vice Chair John David Mortensen	X Aye ____Nay
Commissioner Larry Steinhorst	X Aye ____Nay
Commissioner Frank Adams	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay
Commissioner Sam Barlow	X Aye ____Nay

Item #4 Farmington City – Applicant is requesting Additional text and amendments to Section 11-28-140: FENCES, and Section 11-18-160: OPEN STORAGE IN RESIDENTIAL ZONES of Chapter 11-28: SUPPLEMENTARY AND QUALIFYING REGULATIONS, and Chapter 11-2, DEFINITIONS, of the Farmington City ZONING REGULATIONS. The proposed amendments are to consider matching requirements in residential zoning districts to residential developments in other zones. (ZT-11-23)

Gibson presented this agenda item. The current City Ordinances have regulations related to fencing and open storage in order to foster clean, vibrant residential neighborhoods. The presumption is that the way land is used in a residential neighborhood is different than what one may expect to find in a commercial, industrial, or true agricultural setting.

As written, the sections of ordinance under consideration only apply to residential zones. This has proved problematic in multiple circumstances where nearly all of the residential neighborhoods west of I-15 are actually located in an agricultural zoning district, the Agricultural Estates (AE) zone. In practice these provisions have probably been applied to these subdivisions and neighborhoods, but when push comes to shove, the ability to enforce these provisions has fallen short if they are not in a Residential (R) zone.

The proposed definition of “residential area” includes: lots in any residential subdivision or any property on which a dwelling is located, except for lots or parcels located within the AA or A zoning districts. Tractors and trailers, as well as unique fencing, are expected in AA and A zoning districts.

Erin Christensen opened and closed the public hearing at 7:50 PM due to no comments received.

Gibson said the heights of fences—8 feet in rear and side yards (for privacy among neighbors), as well as 6 feet in street-facing corner side and front yards (affecting pedestrians and visibility)—can be discussed. Fences are usually 6 feet, as anything over 7 feet requires a building permit.

MOTION

Larry Steinhorst made a motion that the Planning Commission recommend approval of the proposed changes to the zoning ordinance in Chapter 11-2 and Sections 11-28-140 and 11-28-160, and additional changes as presented by Staff.

Findings for Approval 1-2:

1. The proposed changes impose regulations on neighborhoods that while developed under an agricultural designation are residential in nature.
2. The regulations support characteristics of residential development and match requirements for neighborhoods and homes built within a residential zoning district.

Supplemental Information 1-2:

1. Zoning Map
2. Draft Ordinance Changes

Frank Adams seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____Nay
Vice Chair John David Mortensen	X Aye _____Nay
Commissioner Larry Steinhorst	X Aye _____Nay
Commissioner Frank Adams	X Aye _____Nay
Commissioner Tyler Turner	X Aye _____Nay
Commissioner Sam Barlow	X Aye _____Nay

Item #5 (Public hearing previously held) Farmington City – Applicant is requesting Additional text and amendments to Section 11-17-050: ACCESSORY BUILDINGS AND STRUCTURES (INCLUDING ATTACHED OR DETACHED GARAGES), of Chapter 11-17: ORIGINAL TOWNSITE RESIDENTIAL ZONE (OTR), of the Farmington City ZONING REGULATIONS. The proposed amendments are to consider changes to the percent of garage that may occupy the front plane of a home. (ZT-13-23)

Gibson presented this agenda item. It is proposed that side-loaded garages, with windows and fenestration consistent with the main building, should not be considered as part of the overall garage percentage of the front of the structure. Staff agrees with comments received from the Planning Commission’s review of this agenda item on August 17, 2023, regarding the word “combination” to mean the total front width of all garages shall not exceed the specified percentage standard. The draft is intended to further clarify this distinction and to except side-loaded garages from the front face percentage requirements. Gibson said it is appropriate to encourage side-load garages in the OTR so they can’t be identified from the street.

MOTION

Samuel Barlow made a motion that the Planning Commission recommend that the City Council approve a zone text change to Section 11-17-050 D. sub-paragraph 2. of Chapter 17 of the Zoning Ordinance (the OTR zone), including the changes as proposed by Staff in tonight’s meeting, namely Option 2:

"Attached garages constructed even with the front setback line, or that are set back (or recessed) from the front setback less than a distance equal to half the depth of the main building shall comprise no more than thirty three percent (33%) of the front plane of the home on lots greater than eighty five feet (85') in width, and up to forty percent (40%) on lots less than eighty five feet (85') in width if for every percentage point over thirty three percent (33%) the garage is set back (or recessed) an additional one foot (1') behind the front plane of the home. Side loaded garages where windows, openings and fenestration of the front façade thereof are consistent with such features of the main building and where the garage door does not face the street are an exception to this standard."

Findings for Approval 1-2:

1. Side entry garages, if done right, minimize the unappealing appearance of the garage door to the passerby.
2. Side entry garages only work on wider lots, and these type of lots have appropriate street frontage to better accommodate homes with more garage space and provide opportunities to minimize the greater mass and scale which often accompany such larger garages.

Larry Steinhorst seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye _____Nay
Vice Chair John David Mortensen	X Aye _____Nay
Commissioner Larry Steinhorst	X Aye _____Nay

Commissioner Frank Adams X Aye _____ Nay
 Commissioner Tyler Turner X Aye _____ Nay
 Commissioner Sam Barlow X Aye _____ Nay

Item #6 Farmington City – Applicant is requesting amendments to Chapter 11-30: FOOTHILL DEVELOPMENT STANDARDS, of the Farmington City ZONING REGULATIONS. The proposed amendments are to reconfigure/modify the foothill ordinance review and approval process consistent with the Subdivision and Zoning Ordinances, add some architectural design standards, emphasize the no-build standards of steep slope areas, and to implement other miscellaneous changes. (ZT-14-23)

Gibson presented this agenda item. The City recently has struggled on the interpretation of existing code regarding foothill areas east of Main Street. On August, 17, 2023, the Planning Commission continued this agenda item, including the public hearing, to September 7, 2023. Moreover, the notice for the public hearing was re-posted to include amendments to Chapter 2 of the Zoning Ordinance (as well as Chapter 30).

Recent applications of the City’s decades-old foothill development standards revealed that Chapter 30 of the Zoning Ordinance can be a better document. City Staff welcomes improvements to this part of the City code. Major changes (see “marked up” draft and “clean copy” enclosed in Staff Report) for Planning Commission consideration include, among other things:

- Review and approval procedures, which are no longer at the end of the Chapter, are more consistent with the City’s subdivision, Planned Unit Development (PUD), and site plan review processes; moreover, the review and approval body related to foothill standards is also now consistent with other City processes.
- Required reports and plan provisions are now part of the review and approval procedures instead of imbedded here and there with development standards.
- Development standards are not in conflict with items that are development standards.
- There is a new section related to “Architectural Design” (similar to what is found in other municipalities) for Planning Commission and City Council consideration.

The latest draft in this report includes comments from Planning Staff, the City Engineer, and the City Attorney. Adjustments will clarify existing rules so interpretation battles are unnecessary. Adjustments will also enhance intent when facing anticipated infill and annexed development. **Gibson** welcomed Commission feedback as the draft is further refined.

The proposed reorganization of the Chapter is summarized in the table below:

Chapter 30 Reorganization Summary		
Section	Existing	Proposed
11-30-010	Purpose	Purpose
11-30-020	Definitions	Definitions
11-30-030	Scope and Application	Scope and Application
11-30-040	Density, Lot Size, Width And Characteristics	Density, Lot Size, Set Back, Width And Characteristics
11-30-050	Required Plans And Development Standards	Review And Approval Procedure, And Required Reports and Plans
11-30-060	Bonding Requirements	Development Standards
11-30-070	Review And Approval Procedure	Architectural Design
11-30-080	N/A	Bonding Requirements

As this is a recognized draft, Commissioners asked if it was appropriate to hold a public hearing at this point. **Gibson** said additional public hearings could be held when it is closer to a finished product. Commissioners want more details such as where the 30% slope standard came from. **Adams** said he doesn’t like the use of the word “view” in Paragraph B9 of 11-30-10, because it implies a resident’s right to a view that may not exist. He does not want language to confer a right to an unobstructed view. The views “of” the foothills were also considered. **Gibson** said Staff is still discussing lighting and night views. Wildland urban interface for fire protection is not thoroughly addressed and may not be relevant. Building heights are not addressed in the overlay zone, but rather in the underlying zones. This item may be on an upcoming agenda in a month’s time.

Erin Christensen opened and closed the public hearing at 8:02 PM due to no comments received.

MOTION

Tyler Turner made a motion that the Planning Commission **table** consideration of the proposed zone text changes to allow time for:

1. Staff to incorporate comments from the Planning Commission;
2. Additional input from the City Engineer, Building Department, City Attorney, Planning Staff; and
3. Feedback from and the City’s Stormwater Official, Public Works Department, Fire Department, and others.

Supplemental Information 1-2:

1. Draft Changes to Chapter 2 and Chapter 30 of the Zoning Ordinance-Clean Copy
2. Draft Changes to Chapter 2 and Chapter 30 of the Zoning Ordinance-Marked Up Copy.

Frank Adams seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye	_____	Nay
Vice Chair John David Mortensen	X Aye	_____	Nay
Commissioner Larry Steinhorst	X Aye	_____	Nay
Commissioner Frank Adams	X Aye	_____	Nay
Commissioner Tyler Turner	X Aye	_____	Nay
Commissioner Sam Barlow	X Aye	_____	Nay

OTHER BUSINESS

Item #8 Miscellaneous, correspondence, etc.

a. Minutes Approval August 17, 2023

i. **Tyler Turner** made a motion to approve the minutes as listed above. **Larry Steinhorst** seconded the motion, which was unanimously approved.

Chair Erin Christensen	X Aye	_____	Nay
Vice Chair John David Mortensen	X Aye	_____	Nay
Commissioner Larry Steinhorst	X Aye	_____	Nay
Commissioner Frank Adams	X Aye	_____	Nay
Commissioner Tyler Turner	X Aye	_____	Nay
Commissioner Sam Barlow	X Aye	_____	Nay

b. City Council Report 09.05.2023

i. **Gibson** provided a report on the September 5, 2023, City Council meeting. Farmington High School was successful in adding "Phoenix Way" as an additional street name on 650 West. The Council also discussed and voted to correct the clerical error regarding Commerce Drive and Arrowgate Drive. Originally, Commerce Drive was going to go through the Arrowgate townhome subdivision. Commerce Drive was changed to Innovator Drive, and the road was realigned to no longer take the original route through Arrowgate. Therefore, the street on the plat was changed to Arrowgate Drive. Lastly, the Kaysville-Farmington boundary adjustment that was noticed has been withdrawn, as Kaysville backed out. The 6-acre property is near the West Davis Corridor exchange. Kaysville feels there will be more potential for revenue than associated costs for maintenance such as snow removal.

ADJOURNMENT

Tyler Turner made a motion to adjourn at 8:25 pm.

Chair, Erin Christensen. *Signed by Larry Steinhorst, Chair Pro-Tem.*

FARMINGTON CITY
PLANNING COMMISSION

September 21, 2023

WORK SESSION

Present: Commissioners Samuel Barlow, Mike Plaizier, Larry Steinhorst, Tyler Turner; Alternate Commissioners Clay Monroe and Alan Monsen. **Staff:** Community Development Director David Petersen, Planning Director Lyle Gibson, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe. **Excused:** Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Frank Adams and Clay Monroe.

City Planner/GIS Specialist **Shannon Hansell** mentioned the special exception request for a deck expansion that would require a rear-setback of 18 feet instead of the minimum 30 feet. The applicant wants to build a 12-foot wide deck off the back of their home. There was feedback from a resident at 492 W. Miller who was concerned about the proposal for privacy reasons.

REGULAR SESSION

Present: Commissioners Samuel Barlow, Mike Plaizier, Larry Steinhorst, Tyler Turner; Alternate Commissioners Clay Monroe and Alan Monsen. **Staff:** Community Development Director David Petersen, Planning Director Lyle Gibson, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe. **Excused:** Chair Erin Christensen; Vice Chair John David Mortensen; Commissioners Frank Adams and Clay Monroe.

MOTION

Mike Plaizier made a motion to elect **Larry Steinhorst** as Chair for this meeting.

Tyler Turner seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Alan Monson	X Aye _____ Nay
Commissioner Clay Monroe	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay

Chair Pro-Tem **Larry Steinhorst** opened the meeting at 7:03 PM.

SPECIAL EXCEPTION APPLICATION – public hearing

Item #1 Brandon and Michelle Harden – Applicant is requesting a special exception approval to encroach into the rear setback of the property, located at 644 S. Daniel Drive in the AE (Agricultural Estates) zone.

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. The applicant is requesting a special exception to exceed the minimum rear setback of 30 feet prescribed by FCC 11-12-090. The applicant wishes to construct a 12-foot wide deck off the back of their existing home, reducing the distance from the dwelling to the rear yard property line to 18 feet as shown on their site plan. Staff recommends approval, because the building department has already approved the building permit.

In considering the Special Exception, FCC 11-3-045 E identifies the standards of review:

11-3-045 E. Approval Standards: The following standards shall apply to the approval of a special exception:

1. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the special exception, upon the City as a whole, or upon public facilities and services. These conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping, screening, parking and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the motion authorizing the special exception.
2. The Planning Commission shall not authorize a special exception unless the evidence presented establishes the proposed special exception:
 - a. Will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
 - b. Will not create unreasonable traffic hazards;
 - c. Is located on a lot or parcel of sufficient size to accommodate the special exception.

Jordan Boyd (3855 Brinker Avenue, Ogden, Utah) addressed the Commission via Zoom, representing the applicants. **Boyd** is the contractor who is building the deck for the **Hardens**. He said there was a small deck there previously (same height, 6 feet) at the base of a door on the back of the home, and they are wanting to just extend the deck to obtain more use of it.

Larry Steinhorst opened and closed the public hearing at 7:07 pm due to no comments received.

MOTION

Tyler Turner made a motion that the Planning Commission approve the special exception for a reduced rear setback of 18 feet for the property at 644 S. Daniel Drive, subject to all applicable Farmington City development standards and ordinances.

Findings for Approval 1-3:

1. The building department has approved the building permit; therefore, it is reasonable to assume that the reduced rear yard will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
2. The property is of sufficient size to accommodate the special exception.
3. The existence of a deck in a rear yard is unlikely to create traffic hazards.

Supplemental Information 1-3:

1. Vicinity Map
2. Site plan
3. Information from applicant

Alan Monson seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye _____ Nay
Commissioner Alan Monson	X Aye _____ Nay
Commissioner Clay Monroe	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay
Commissioner Tyler Turner	X Aye _____ Nay

CONDITIONAL USE APPLICATION – public hearing

Item #2 Farmington Flex / Andrew Hiller – Applicant is requesting conditional use approval to use space in the Farmington Flex development for Gymnasium/Indoor Sports in part of Building 3 at 1261 South 650 West in the LM&B (Light Manufacturing and Business) zone (C-10-23)

Planning Secretary **Carly Rowe** presented this agenda item. The item was tabled at the previous meeting (September 7, 2023) because the applicant was not present for questions regarding the new use. The property owner has interest from a gymnastics and tumbling business who would like to locate in Unit 4 of Building 3 at the Farmington Flex development. The building they are moving into is a new construction that has received previous approvals for the shell construction. They are working on the tenant improvements for their use and seeking a conditional use permit to complete their business license approvals.

The use is allowed with a conditional use permit and is similar to other gym/rec facilities in the immediate area previously approved by the Planning Commission. As a conditional use, the presumption is to approve the use so long as conditions can be imposed to mitigate potential detrimental impacts if necessary. In the opinion of Staff, the use does not create negative impacts that would require mitigation beyond the generation of traffic meriting consideration of the impacts due to vehicle parking.

Farmington City Code (FCC), 11-8-050 Conditional Use Standards (E), states that uses shall have adequate improvements such as parking and loading spaces. Per FCC 11-32-040: Minimum Parking Spaces Required. Such a facility would fit best as a commercial recreation use, and the parking requirement is identified as one to be determined by the Planning Commission.

The applicant has recently requested similar approvals from the Planning Commission within the development. Since review of the other user, the applicant has since obtained more interest and has a better understanding of users throughout his development. With this understanding of parking needs, a parking analysis for the site has been provided with this report for consideration. The

other indoor sports user at the site was approved at a parking ratio of 2.5 / 1,000 square feet. The applicant has based available parking of this same requirement.

Applicant **Andrew Hiller** (1268 W. Atrium Court, Farmington, Utah) is here to discuss questions that the Commission had from the previous meeting and today's as well. He said this is the third and final Conditional Use Permit he will be coming for regarding this property, as the entire site is now fully leased. Per building code and use, each business is allowed only so many people into their building. He used the maximum allowed per company to maximize parking. Even if every business was filled to maximum use at the same time, there would be enough parking. Even when Kongo has events on Saturdays, not every parking spot is filled. Most is warehouse use. The primary use would mostly be just trainings and classes for young children. Buildings 1 and 2 are occupied. Building 3 will be used as overflow for a tenant in Building 1. Building 2 has tinted windows, so it may difficult to see people in the building. Buildings 3 and 4 don't have people moved in yet. He said he understands parking problems, as he lives next to the Legacy Events Center, and there are problems with people parking along the street there.

The Commissioners heard from the applicant, who addressed their prior parking and event concerns. All the uses will not require parking at the same times. This seems to be an ideal use for this area.

Larry Steinhorst opened and closed the public hearing at 7:19 pm due to no comments received.

MOTION

Samuel Barlow made a motion that the Planning Commission approve the requested conditional use permit with the parking ratio at a minimum of 2.5 spaces per thousand as is provided on site without the need to add additional conditions.

Findings for Approval 1-3:

1. The proposed use is moving into an already approved building.
2. Potentially impacted businesses fall within the same project and parking can be further managed by the property owner.
3. At a parking ration of 2.5 stalls per 1,000 square feet, it is anticipated that the facility will be able to provide sufficient parking for its customers/users.

Supplemental Information 1-3:

1. Vicinity Map
2. Site Plans and parking counts
3. Photos of the Site

Tyler Turner seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye ____Nay
Commissioner Alan Monson	X Aye ____Nay
Commissioner Clay Monroe	X Aye ____Nay
Commissioner Mike Plaizier	X Aye ____Nay
Commissioner Larry Steinhorst	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay

OTHER BUSINESS

Item #8 Miscellaneous, correspondence, etc.

- a. Minutes Approval September 7, 2023
 - i. There was an error on attendance that Staff will review and bring back to the next meeting for approval. **Mike Plaizier** was not in attendance at the meeting.
 - ii. There were some "nays" on the Key Bank agenda item that were not recorded properly. **Mike Plaizier** wasn't available to vote and **John David Mortensen** voted "nay."
- b. City Council Report September 19, 2023
 - i. Planning Director **Lyle Gibson** provided the report. Several ordinances forwarded to the Council for simple text changes were approved as recommended. The biggest agenda item was the public hearing regarding the designation of Main Street on the Landmark Registry, a historic preservation effort. It was the first presentation to the Council

after the Historic Preservation Commission's study. The Council has not made a decision yet, and it will return to them again in the next few months.

- c. Discussion. **Gibson** said Staff has been working with a code enforcement regarding a business zoning question off of the Frontage Road. The applicants have been very cooperative. They run a business, Acer Trees, off an Agriculture Estates (AE) property. The current stance is that Staff must follow the book and they don't have flexibility, but the Commission and Council do.

Jeff Tolman (433 S. 200 W., Farmington, Utah) addressed the Commission. He would like guidance from the Commission that could lead to resolve. **Kevan Tolman** (433 S. 200 W., Farmington, Utah) said in April of 2017 he started a tree care business with a partner based out of Fruit Heights. In December of 2021, prior him buying out his business partner and moving to Farmington, he called the Farmington Planning Department to determine what was necessary to move the business from Fruit Heights to Farmington. He wanted to park his trucks and equipment on the property. No work is done on the property. It is a tree cutting business where he goes to other people's property to prune trees and grind stumps. When he called Farmington, the employee said he wouldn't need a business license since the work is not conducted on his own property. So, he did not get a business license from Farmington.

The property is directly south of the new Brookside development. The developer made a mistake and raised the sewer level too high so the home sewers couldn't drain to the street. Therefore the height of the entire lot had to be raised 4 feet. A 6-foot privacy fence was installed around the entire property. This borders his property on the north side. A drainage system was put in on the north side of his property and drains to Steed Creek. The last home that was sold in Brookside is 431, which was sold to Mr. **Clegg**, who is a Wyoming resident who visits his Farmington property a few times each month.

On July 5, 2023, the City received a complaint. The **Tolmans** were notified about the complaint regarding their driveway and carport on July 27, 2023. Their driveway has been the way it is for more than 50 years, and there was a permit issued for the carport that was built. He read excerpts from the complaint, with the complainant saying that views of the commercial trucks from **Clegg's** property are intrusive and constituted a nuisance. **Tolman** showed the Commission pictures of the complainant's views. The 6-foot fence is 4 feet below the complainant's foundation. If the fence was 4 feet higher to accommodate for the 4 foot raise, they wouldn't see the trucks. The new fence was installed along the side of the **Tolman's** established driveway. The Brookside community was advertised as a 55+ community, and residents there expect quietness. However, that doesn't extend past the property line. Loud sounds from the freeway are often heard in Brookside.

Gibson said the challenge is if the business wasn't technically licensed there, **Tolman** could technically bring his work truck home at night and park it there. Therefore, the impact could be there no matter what. There is a code conflict creating an impasse, and Staff needs help from the Commission. A rezone may be appropriate, or a text change in the agricultural zoning ordinance with the reminder that it could be broadly applied anywhere in that zone. He is looking for direction from the Commission.

Tolman said Code 11-35-010 mentions that a home occupation should not be conducted in a way that passersby would know of its existence. This is not a normal circumstance when the developer builds a property line 4 feet up from its original location. The code encourages home occupied businesses to grow, but also says that employees cannot park at a home-occupied business. This seems to be counter-intuitive. The **Tolmans** have one full-time employee and one part-time employee. They park their personal cars there in the mornings before getting in the company trucks. A tree care business fits in an agricultural zone. There are probably 25 to 30 other similar situations currently occurring throughout the City, but Staff only responds to complaints. If the law is only applied due to a complaint, that seems unfair.

Commissioners would like to look at different things that don't involve a zone text change. They understand the issue and situation, and the Commission needs to do some review.

ADJOURNMENT

Tyler Turner made a motion to adjourn at 7:55 pm.

Larry Steinhorst, Chair Pro-Tem

CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is given that the Farmington City Council will hold a regular meeting on **Tuesday, October 3, 2023** at City Hall 160 South Main, Farmington, Utah. A work session will be held at 6:00 pm in Conference Room 3 followed by the regular session at 7:00 pm in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so to dcarlile@farmington.utah.gov

WORK SESSION – 6:00 p.m.

- No Parking sign discussion
- Discussion of regular session items upon request

REGULAR SESSION – 7:00 p.m.

CALL TO ORDER:

- Invocation – Alex Leeman, Councilmember
- Pledge of Allegiance – Roger Child, Councilmember

PRESENTATION:

- Hopebox Theater presents a selection from The Little Mermaid
- UDOT I-15 Environmental Impact Statement Study Update by Mike Romero: UDOT Program Manager and Shane Marshall: Consultant Project Manager

BUSINESS:

- Consolidated Fee Schedule (CFS) Amendments

SUMMARY ACTION:

- UDOT Jurisdictional transfer of the frontage roads near the Highway 89 Main Street interchange
- Fraud Risk Assessment
- Approval of Minutes for 09.05.23 and 09.19.23

GOVERNING BODY REPORTS:

- City Manager Report
- Mayor Anderson & City Council Reports

ADJOURN

CLOSED SESSION – Minute motion adjourning to closed session, for reasons permitted by law.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability, please contact DeAnn Carlile, City recorder at 801-939-9206 at least 24 hours in advance of the meeting.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at Farmington City Hall, Farmington City website www.farmington.utah.gov and the Utah Public Notice website at www.utah.gov/pmn. Posted on September 28, 2023