



HISTORIC BEGINNINGS • 1847

**Farmington City Planning Commission**

**February 03, 2022**



# FARMINGTON CITY

**BRETT ANDERSON**  
MAYOR

**ROGER CHILD**  
**SCOTT ISAACSON**  
**MELISSA LAYTON**  
**ALEX LEEMAN**  
**AMY SHUMWAY**  
CITY COUNCIL

**SHANE PACE**  
CITY MANAGER

## PLANNING COMMISSION MEETING

**Thursday February 03, 2022**

Public Meeting - Farmington City Hall

160 S. Main Street, Farmington, Utah.

Study Session/Training: 6:00 p.m.

**Regular Session: 7:00 p.m.**

*Farmington City Planning Commission meetings, including this meeting, are open to the public. If you wish to view the regular session online, the link to the live hearings and to comment electronically can be found on the Farmington City website at [www.farmington.utah.gov](http://www.farmington.utah.gov). If you wish to email a comment for any of the listed public hearings, you may do so at [crowe@farmington.utah.gov](mailto:crowe@farmington.utah.gov) by 5 p.m. on the day listed above.*

- 7:00
1. Approval of 01.20.2022 Minutes
  2. City Council Report

### SUBDIVISION, SPECIAL EXCEPTION AND ZONE CHANGE APPLICATION

- 7:05
3. Joey Green (Public Hearing) – Applicant is requesting recommendation of Schematic Subdivision approval for the proposed Monterra Subdivision, a four-lot subdivision at approximately 1875 N 1075 W, on 1.04 acres – a recommendation of approval for a rezone from the current zoning of Agricultural (A) to Large Residential (LR) and approval for a special exception for access to one building lot across another. (S-21-21, Z-5-21, M-11-21)

### CONDITIONAL USE PERMIT APPLICATION

- 7:30
4. Lagoon Corporation/Davkris Investments, LC (Public Hearing) – Applicant is requesting approval for a Conditional Use Permit for a proposed electronic message sign, located on the property of 375 North Lagoon Drive, on 0.65 acre of property in the C-R (Commercial – Recreation) zone. (C-1-22)

### OTHER BUSINESS

- 7:45
5. Miscellaneous, correspondence, etc.
    - a. Introduction to PC Bylaws
    - b. Presentation of North Farmington Station Greenway Concept – Stack Real Estate
    - c. Other

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

Posted January 28, 2021

Carly Rowe, Planning Secretary

FARMINGTON CITY  
PLANNING COMMISSION

January 20, 2022

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**REGULAR SESSION**

**Present:** Chair Rulon Homer; Vice Chair Erin Christensen (via Zoom); Commissioners Larry Steinhorst, John David Mortensen, Mike Plaizier, and Samuel Barlow. **Staff:** Community Development Director David Petersen, Assistant Community Development Director Lyle Gibson, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe

Chairman **Rulon Homer** opened the meeting at 7:08 PM. Commissioner **Larry Steinhorst** made a motion to move #4a to before item 3 on the agenda. Commissioner **Mike Plaizier** seconded the motion, which was unanimously approved.

**Item #1 Approval of Minutes**

**MOTION**

Commissioner **John David Mortensen** made a motion to approve the minutes from January 6, 2022, with one correction on page 7, changing the name of one issue to **Mortensen** instead of **Steinhorst**. **Mike Plaizier** seconded the motion, which was unanimously approved.

**Item #2 City Council Report**

Community Development Director **David Petersen** reported on the January 18, 2022, City Council meeting. He noted that the Parks and Recreation Director **Neil Miller** is retiring on February 1, 2022, after 29 years, and **Colby Thackery** will replace him. **Thackery** has been with the City for over 20 years and most of those years have been under **Miller**. **Petersen** also mentioned the items that were planning related, including three public hearings. One was Park Lane Commons Project Master Plan (PMP)/Development Agreement (DA), the apartments behind Sticky Bird and McDonalds. It passed on a 3-2 vote, with new Mayor **Brett Anderson** casting the deciding vote. Overall, the City was okay with having residential there instead of commercial. The second was **Tim Matthews'** exception to the height of his building on Glover's Lane, which passed. All the miscellaneous text amendments passed except one: the definition of building height. City Councilman **Scott Isaacson** is concerned with building heights in foothill areas and feels a height study is needed going forward.

**Item #4a Station Park Dedication Plat (M-1-22)**

**Petersen** presented this agenda item. Moving northeast from the roundabout on Station Parkway/100 West to Nordstrom Rack, the parcel hooks in. The original plat doesn't show the encroachments by the Utah Transit Authority (UTA) and the Utah Department of Transportation (UDOT). They have both admitted to mistakes in legal descriptions and the survey. The Bri, who is developing that apartment complex, needs to take their sewer down Station Parkway all the way to the Legacy Trail trunk line. UTA and UDOT have joined together to clean this up and create a plat. Farmington asked both to quit claim their interests there, but they decided on a quicker option with the road dedication plat that gives Farmington the entire Right of Way (ROW) that they already had on the underlying plat. This is a housekeeping item to rectify an error recommended by the Planning Commission. The City Council should review this at their February 1, 2022, meeting.

**MOTION**

**Larry Steinhorst** made a motion that the Planning Commission recommend that the City Council approve the Station Park plat dedication as presented. **John David Mortensen** seconded the motion, which was unanimously approved.

**SUBDIVISION/MASTER PLAN AND ZONING AMENDMENT APPLICATION**

**Item #3 Wasatch Farmington Holdings LLC – Applicant is requesting recommendation for a Project Master Plan (PMP)/Development Agreement (DA) for the proposed Canopy Square (formerly known as Farmington 20) mixed use project, and schematic site plan approval---and recommendation(s) for schematic subdivision and a zone text change for the City's regulating plan, related thereto. The project (approx. 20 acres) is located at approximately 1400 W. Burke Lane in the OMU (Office Mixed-Use) zone. (S-17-21, PMP-3-21, SP-6-21, ZT-21-21)**

Assistant Community Development Director **Lyle Gibson** presented this agenda item. Canopy Square is a 20-acre residential development on Burke Lane between the future Maker Way and “Commerce Drive” Right-of-Ways. The residential use of the area, despite the OMU zoning, is permitted under the North Farmington Station Project Master Plan and Development Agreement approved in 2020. The project includes multifamily stacked flats, multifamily townhomes, mixed use, and multifamily wrap - the latter being an affordable workforce housing project. The location of the product is important, as it borders the mixed-use office park proposed to the north, and other office mixed-use products to the south. It sits roughly halfway between the City’s future 14-acre park and the commercial/office center to the north. The project features as crucial location for not only housing for an emergent workforce in Farmington, but also contains a necessary circulation corridor for pedestrian, bicycle and limited auto (“Wasatch Way”). After holding the required public hearing, the Planning Commission tabled this item on October 21, 2021, requesting more information regarding the following:

1. The unit mix in the wrap building – including reduction of percentage of one-bedroom units and integrating some market rate units to the workforce housing apartments.
2. Any stigma faced by those “who have done affordable housing projects” (Minutes 10.21.21).
3. A condition for firewalls and platting abilities allowing flexible future uses.

City Staff also asked for modifications to the PMP to address the following:

1. Define the location, count, square footage and uses of the multifamily stacked flats compared with the mixed-use stack flat/retail. Show square footage ranges on all units/types, provide total count of dwelling units broken down into overall site and individual buildings – including commercial square footages and units.
2. The superseding North Farmington Station Master Plan shows commercial nodes on both the southwest and southeast corner; describe why only the southeast corner retail node is present.
3. Show detail on Commerce Drive and Burke Lane on the Circulation plan, including block dimensions (area, perimeter, block length).
4. Decide whether or not to align Wasatch Way with “Center Street.”
5. Revise the cross section of Wasatch Way, and add sidewalk cross-sections to Burke, Maker and Commerce.
6. The PMP shows three phases, but only one sequence and timing plan (in which the years are inaccurate).

The applicant has worked with Staff and neighboring property owners to better understand the local street network and has revised the site plan to appropriately bend the central north-south street identified as Wasatch Way and indicated how it relates to the east-west roads that it ties into along the project’s northern property line. Staff is happy with the road configuration, as it works with the City’s system. At the schematic review level, this layout is what Staff recommends be approved.

It is worth noting that the current iteration does not include any commercial, which would deviate from the overarching North Station Park Master Plan. The updated plans show the mix of townhomes, market rate apartments, and affordable apartment units. The breakdown for units types within each building is provided below: All the townhomes are two-bedroom units, except the end units on each building are three-bedroom units

**Apartment – wrapped product**

- 3% - studio
- 27% - 1 bed/1 bath
- 48% - 2 bed/2 bath
- 22% - 3 bed/3 bath

**Stacked Flats – Buildings A and B**

- 52% - 1 bed
- 43% - 2 bed
- 5% - 3 bed

**“L” buildings – Buildings C and D**

- 56% - 1 bed
- 36% - 2 bed
- 8% - 3 bed

The applicant is prepared to speak to the mix of unit types and why they are at the ratios proposed. The L-shaped buildings are not fully designed, so the unit mix is still playing out. The wrap building is an interesting product for a number of reasons, The idea is to create a better aesthetic as the residential units wrap around to hide a parking structure.

This would be developed under a Low-Income Housing Tax Credit (LIHTC) funding mechanism to ensure an affordable housing component. The State is showing Farmington has a need for 220 affordable housing units, and this project provides about 239. Staff has talked to Ogden City about LIHTC projects in their city to understand the impact of these projects and any stigma they have dealt with. The members of Ogden City's Staff who were approached stated that there are several existing affordable housing developments and more under way. They have had positive and negative experiences with them and summed up their experience stating that it all comes down to how it is done and who manages the project. The initial construction quality of the project plays a big role in how the tenants and property owners take care of things long term. They also gave a positive recommendation of sorts towards Wasatch indicating that they have proven to be a good property manager. LIHTC is very different than Section 8 housing, as tenants are employed and earning income under certain income thresholds.

**Gibson** said the applicant intended some of the smaller buildings, the groups of townhomes, would be rented units. The Commission had inquired if they could be built in a manner (firewalls and platting abilities) to allow future owner occupancy. Typically when developers build these, they can be done using the International Residential Code (IRC) with firewalls between the units, meaning sufficient sheetrock to theoretically slow down the spread of fire. The other option is the International Building Code (IBC), which requires fire sprinklers and is more expensive. It is Staff's understanding that they could be platted individually in the future for owner occupancy. It is proposed that the DA mentions that they should be built following IRC to allow that future option.

Another change from last time is the use configuration. Originally the plan had shown some commercial uses on the southwest and southeast corners. However, the current rendition shows only residential uses. Three large lots would be split off and be under control of Wasatch. The wrap product would be on one and the townhomes would be subdivided on the west side.

**Petersen** said the City's traffic engineer said their first entryway coming up Commerce has to be right-in-right-out as it is too close to the collector street intersection of Burke Lane. A full four-way movement would not be recommended at that location. Instead, a full four-way movement will be moved to the northwest corner. Staff is confident the road configurations will also work with what Stack has planned. Stack plans to lobby the Commission in the future to make "Center Street" all pedestrian with no vehicular traffic. Their arguments are compelling. However, Staff wants a wide paved area for bicycles to the tune of 20 feet, which is as wide as a local street. It is a compromise. The bridge crossing at Spring Creek may not be a full bridge. This is a concept layout, and the details on Wasatch Way can be worked out in the future. Four public streets are here including Commerce Drive, Wasatch Way, Maker Way, and Burke Lane. The others on the interior are private roads. Street cross sections are usually presented at preliminary plat, when the Commission will want to take a close look at Wasatch Way. Center Street merges with Wasatch Way and dead-ends at the City Park.

**Gibson** addressed the zone text amendment. The regulating plan requires identification of the street network. Wasatch Way and east-west streets across the north end of the property are not on it yet. This creates a street network with acceptable blocks.

**Petersen** said it slows down the east-west traffic. Interstate 15 and the railroad tracks bend right there, so it was difficult to get a straight east-west connection. The fold needs to happen somewhere, and traffic engineers have studied this in detail.

**Adam Lankford** of Wasatch Residential Group (620 S. State Street, Salt Lake City, Utah) addressed the Commission. The project has better urban form on the edges, and blocks have been identified. The product and amenities have stayed the same. The applicant is fine with the townhomes being built under IRC, as long as it is understood that the townhomes are for rent. They don't plan to plat them in the future.

**Lankford** addressed the reason why the applicant pulled the commercial out. The larger 120-acre PMP map is evolving and changing including roads. Center Street will tie into Spring Street, which is the new area for commercial. The whole plan is being massaged as they dig into site plans. Wasatch does have experience with smaller retail. To have successful retail, you need a critical mass. They do not want vacant retail, or dark buildings. As a partner with Stack, Wasatch also signed the PMP, so they are on board with the larger picture. Doing small retail otherwise would detract from Spring Street and compete with Center Cal's Farmington Station.

**Cory Johnson** with Wasatch Residential Group (620 S. State Street, Salt Lake City, Utah) addressed unit mix and LIHTC product. Low-income housing is complicated and complex, but a good program that addresses needs. Wasatch has built 14 low-income housing projects and manages 500 units of affordable housing in Utah. There is an affordable housing crisis. There is a big need for mid-tier housing because people can't afford market rent. The applicant labels this product "workforce housing," rather than affordable housing. Tenants have to show income in order to live in this community and if they do, they can pay \$300 to \$400 less in rent compared to a project down the street. The wrap product is nicer than the market-rate product. The normal unit mix for market-

rate rental is 50% one-bedroom, 40% two-bedroom, and maybe 10% three-bedroom. This product is opposite with 77% two- and three-bedroom units. The Salt Lake market is different and has a majority of studio and one-bedroom units. Farmington caters to a different use with bigger units and more bedrooms for families. Total project costs for the 239 units is \$66 million to be financed through a public-private program. Rents can be discounted because the government is incentivizing private development with tax credits. The government is incentivizing big companies like American Express and Goldman Sachs to invest in local communities, for which they get a tax credit. The applicant will get a 55-year regulatory agreement that prohibits rent increases above state-regulated percentages. This means the units can't be market rate for at least 55 years. The State gives lots of incentives in Salt Lake County, but not surrounding counties. Wasatch is working with the State to try to change that because there is a true need. Davis and Weber counties have been somewhat forgotten.

Commissioner **Erin Christensen** asked if Wasatch has any projects in Ogden. **Johnson** said they do not, and this will be their first affordable housing project north of Salt Lake County. They have 13 in Salt Lake County, and one in Utah County. They also have a number of projects up and down the coast of California, which they own and operate. A sister company is finishing two projects in Logan. **Christensen** asked if the applicant had done a study in respect to bedroom configuration needs in Farmington and Davis County. **Johnson** said they have looked at the needs and feel good about providing many housing types. Stacked flats have a more dense urban feel with one- and two-bedroom units. The townhomes are large and more family-focused. This mix will attract a good mix and broad spectrum of tenants.

**Lankford** said in the project there are 239 units in the wrap, affordable-housing product; 240 market-rate units; and an additional 71 two- and three-bedroom townhomes with two-car garages. This will be their third time building the three-story townhomes.

Commissioner **Sam Barton** asked if the affordable-housing tenants qualify based on Area Median Income (AMI) figures. **Johnson** answered that the tax credits help fund the equity. The average will be 60% AMI. A three-bedroom unit would rent for \$1,364 at 60% AMI, compared to \$2,000 elsewhere. It is difficult to get awarded tax credits from the State, and Wasatch has been looking for a Davis County location for a while now. The applicant is going for a 4% credit, not a 9% credit. Financially, they are more motivated to do market-rate. But this is a big enough project that they wanted to do an affordable housing component that matched Farmington's need. **Lankford** mentioned that City Manager **Shane Pace** had worked with them on their Arcadia project in Sandy. He was a great City partner. **Johnson** said the "workforce housing" he referred to earlier is a 4% credit. The way 9% credits are given, the average AMI is around 33%-42%, which is a much lower rent.

**Barton** is concerned that the affordable housing component is more minimally parked than the other unit types and amenities. Affordable housing needs to look like everything else and not be blatantly identifiable. **Johnson** said he agrees, and mentioned that the materials and amenities are of the same or better quality than the market-rate units. With 1.9 parking stalls per unit, this is higher than they have ever provided in their other affordable housing projects. **Gibson** said it is 1.89 stalls for the affordable housing, and 2.09 stalls per unit otherwise. The requirement is 1.85, so the application hits that and there is some extra wiggle room. **Lankford** said there are amenities such as a nice pool, gym, and club room. All tenants on the east and west of Wasatch Way can use all amenities. The gym in the wrap product will be very neat, and he expects to see a lot of cross over. There is a tot lot on the west and on the north is outdoor kitchens and a fire pit. These will all be shared. Wasatch will manage the whole project.

**Johnson** said employment verification is very strict and regulated by the Utah Housing Corp (UHC), a quasi-public/private entity. Every file is audited by UHC. **Plaizier** said "workforce housing" is not a defined term. Within the affordable (under 60% AMI), there are Section 8 housing vouchers administered through the Davis Community Housing typically through Housing and Urban Development (HUD), meaning rent is 30% of a tenant's income. The Housing Authority kicks in the rest of the money beyond what a tenant can afford. Permanent supportive housing is given to tenants who may or may not be employed and are identified as someone who needs housing assistance for one year while dealing with issues such as addiction and mental health. This type has more oversight. However, this type will not be included in the proposed project. Section 8 is fine depending on how it is managed. Your income can be low, but you have to be a good citizen to qualify. Wasatch does a great job managing properties. The waiting lists for vouchers are two years long, as there are a very limited number of vouchers. **Plaizier** really likes the wrap part of this project.

Commission members expressed their desire to see commercial aspects brought back. Residential is the low-hanging fruit, and the City needs to hold fast to commercial requirements. This proposal went from two commercial nodes, to one commercial node, to now no commercial in the latest iteration.

Assistant City Manager/Economic Development Director **Brigham Mellor** said the applicants were permitted some residential on the front end, along Burke Lane and along the Denver and Rio Grande Western Rail Trail (Rail Trail). The exact acreage and size of the original commercial nodes in the PMP were not identified. Per agreement, the developer can do residential where proposed with this application, and a strip along the Rail Trail. Everything else is a 3-1 commercial-residential ratio until they hit 500,000 square feet of commercial.

**Lankford** pointed out a circulation plan that shows Spring Street, which was not a part of the original master plan. It has evolved over the last several months. It is now the focus for the mixed-use retail center. Wasatch Way tying into Spring Street heading south is a new, evolving concept. However, he understands the concerns. He suggested a live-work concept on the corners, if that is what the Commission wants. He prefers not to have commercial elements in their project. The master plan originally called for 4,000 to 5,000 square feet of commercial in each of the two locations. That would be 8,000 square feet total, or equivalent to 12 residential units.

**Petersen** said he thinks of it as residential and non-residential, which wasn't specified as retail, commercial, office, leasing office, fitness center, shared parking, etc. on the macro PMP. Office counts as commercial, but isn't retail. On February 1, 2022, there is a proposed one-hour joint session between the City Council and Planning Commission. The City got a grant to update the master plan in the whole area north of Park Lane with the help of the City's consultant, GSBS. The developers are moving quickly, doing the master plan in many ways on their own. The last time the master plan was done in this area was 2016. Catalyst, a marketing firm in Texas, looked at absorption rates for the area. These nodes don't need to be retail. They can easily be office and meet Catalyst's numbers.

Commissioner **Plaizier** expressed concern over language in the DA saying the developer shall "generally incorporate high quality materials" and "generally conform to the plan." This could create loop holes for them not to use high quality materials or conform to the plan. There is no definition for "quality material." He asked if there is anything that prohibits the applicant from not doing affordable housing after getting their approval. He doesn't want to see the wrap product to be switched to market-rate units. **Petersen** said there is an affordable housing requirement now, and there are deviations from the underlying zone. He is confident that the affordable housing will be realized. The applicant has to work through the entitlements.

**Christensen** asked if the parking needs to be nailed down at this point. It seems backward to her to have fewer stalls for the units with more bedrooms. **Petersen** said Wasatch is very experienced in how to park LIHTC products, and they are very different than non-LIHTC products. **Gibson** said the larger units have a garage and driveways, so the larger units have more access to parking. **Lankford** said that is the beauty of Wasatch being the managers, and they have internal numbers to draw from. They know the data. In Sandy, Draper, and downtown Salt Lake, that 1.8 figure is very typical.

## **MOTION**

*NOTE: At the request of the applicant, the workforce wrap building will be considered with the rest of the project.*

**John David Mortensen** made a motion that the Planning Commission recommend the City Council approve the Schematic Subdivision Plan, Project Master Plan/Development Agreement, and Zone Text Amendment to the City's Regulating Plan, and approval of the Schematic Site Plan with the following 3 conditions:

1. The townhome units be built under the IRC providing for the ability to be platted as individual units upon construction or at a future date (to be included in the Development Agreement).
2. The project include the original square footage for Commercial space, with commercial being defined as either office or retail.
3. In the Development Agreement, strike the word "generally" in both 2E and 2G.

**Larry Steinhorst** seconded the motion, which was unanimously approved.

As a stipulation to this approval, the Planning Commission should verify that the additional information and requested corrections noted previously in this Staff Report have been adequately addressed.

## **Item #4 Miscellaneous, correspondence, etc.**

- a. Station Parkway Dedication Plat (M-1-22)
  - This item was moved up in the agenda to before item #3.

- b. Proposed City Council/Planning Commission Meeting – February 1, 2022, Tuesday, at 6 p.m.
  - GSBS will present a master plan update, and Commissioners were encouraged to RSVP if they can attend.
- c. Planning Commission Bylaws
  - **Gibson** presented the Commissioners with Planning Commission Bylaws including rules of order, policies, and procedures. They are outdated, and may need to change, as they haven't been updated in decades. This will be on a future agenda as an action item. It corrects gender references, and allows for electronic meeting elements.
- d. The Commission will also meet February 3, 2022, at 6 p.m. for training.

**ADJOURNMENT**

**Larry Steinhorst** made a motion to adjourn the meeting at 8:42 PM. **Mike Plaizier** seconded the motion which was unanimously approved.

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Rulon Homer, Chair



5:00 City Council pictures will be taken prior to Work Session

**COMBINED WORK SESSION WITH PLANNING COMMISSION:** A work session will be held at 6:00 p.m. in Farmington City Hall, 160 South Main Street. The public is welcome to attend. The agenda for the work session will be as follows:

1. GSBS Presentation

## **FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA**

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, February 1st, 2022, at 7:00 p.m.** The meeting will be held at the Farmington City Hall & electronically over Zoom for the public, 160 South Main Street, Farmington, Utah.

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

The agenda for the meeting shall be as follows:

### **CALL TO ORDER:**

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

### **PRESENTATION:**

7:05 Introduction of New City Councilmember and Administration of Oath of Office

### **PUBLIC HEARING:**

7:10 Canopy Square – Project Master Plan (PMP) / Development Agreement (DA), amendment to the City’s Regulating Plan and Schematic Subdivision.(approx. 20 acres) located at approximately 1475 W Burke Lane.

### **DISCUSSION:**

7:55 STACK Real Estate, regarding North Farmington Station Development Concepts

### **NEW BUSINESS:**

8:15 Resolution appointing City Council members to various committees

### **SUMMARY ACTION:**

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

8:25 Minute Motion Approving Summary Action List

1. Amendment #7 to Interlocal Cooperation Agreement for Animal Services
2. Station Parkway (800 West) Road Dedication Plat

**GOVERNING BODY REPORTS:**

8:30 City Manager Report

1. Fire Department Monthly Activity Reports, August, September and October

8:35 Mayor Anderson & City Council Reports

**ADJOURN**

**CLOSED SESSION**

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

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

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

DATED this 26<sup>th</sup> day of January 2022.

**FARMINGTON CITY CORPORATION**

By: \_\_\_\_\_  
DeAnn Carlile, City Recorder

*I hereby certify that I posted a copy of the foregoing Notice and Agenda and emailed copies to media representatives on January 26, 2022*



## Planning Commission Staff Report February 3, 2022

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### Item 3: Monterra Subdivision – Zone Change, Schematic Subdivision, and Special Exception

Public Hearing:	Yes
Application No.:	Z-5-21, S-21-21, M-11-21
Property Address:	1875 North 1075 West
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	A (Agricultural)
Area:	1.036 Acres
Number of Lots:	4
Property Owner:	Troy and Alayna Williamson
Agent:	Joey Green

Request: *Applicant is requesting a recommendation for Schematic Subdivision and a Zone Change for the proposed Monterra Subdivision. The applicant is also requesting a special exception for access to one building lot across another.*

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#### **Background Information**

Monterra Subdivision is a proposed four lot subdivision on 1.036 acres in the A zone. The entire 1.036 acre property must be rezoned from A to LR, because of the minimum one acre lot size in the A zone. The conventional lot size in the LR zone is 20,000 sf, and the applicant has shown via a yield plan that two lots are possible, however they may get two additional lots under the alternative lot size of 10,000 sf, if they provide one of the following:

1. Affordable housing equal to 10% of total dwelling units in subdivision
2. Fee in lieu – in this case, the fee in lieu would be the product of 0.4 x Total Cost of One Dwelling Unit.
3. Some other public benefit
4. Transfer of Development Rights (TDR)

For subdivisions resulting in three or more lots, the subdivider must provide 10% affordable housing, a fee in lieu, or some other public benefit, or a TDR. Because 10% of four is less than one lot, the applicant and City Council must come to an agreement on affordable housing or some other option.

The applicant is proposing two access roads, one on 1075 West and one on 1875 North – two lots are accessed per these access roads. Lots 3 and 4 are adjacent to a City Right of Way (ROW) to the

south, between Oakridge Park Estates PUD Plat 2 and the property in question. The ROW is not currently used for trails or access, but it does house a 12-inch storm water line. Lot 4 is currently reliant on this ROW for frontage, and a special exception is required to access it across Lot 3. On January 5, 2022, the City and applicant received a technical memorandum from the City's traffic engineer, Tim Taylor, concerning the line of sight to each access road, which concluded that the accesses are safely located as shown in the plan.

### **Suggested Motion**

Move that that Planning Commission recommend the City Council approve the Monterra Schematic Subdivision plan and zone change from A to LR, as well as the special exception for access to one building lot across another, pursuant to all Farmington City development standards and ordinances, including section 11-11-050 B [affordable housing in single family zones].

### **Findings for Approval:**

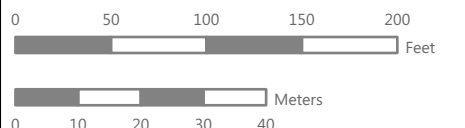
1. The zone change from A to LR supports the General Plan designation of LDR.
2. The lot sizes are similar to those in the surrounding subdivisions of Oakridge Park Estates, Oakridge Village and Cottages at Farmington Hollow.
3. The applicant has indicated that they will provide affordable housing in the form of an Accessory Dwelling Unit (ADU), constructed in one of the future homes.

### **Supplemental Information**

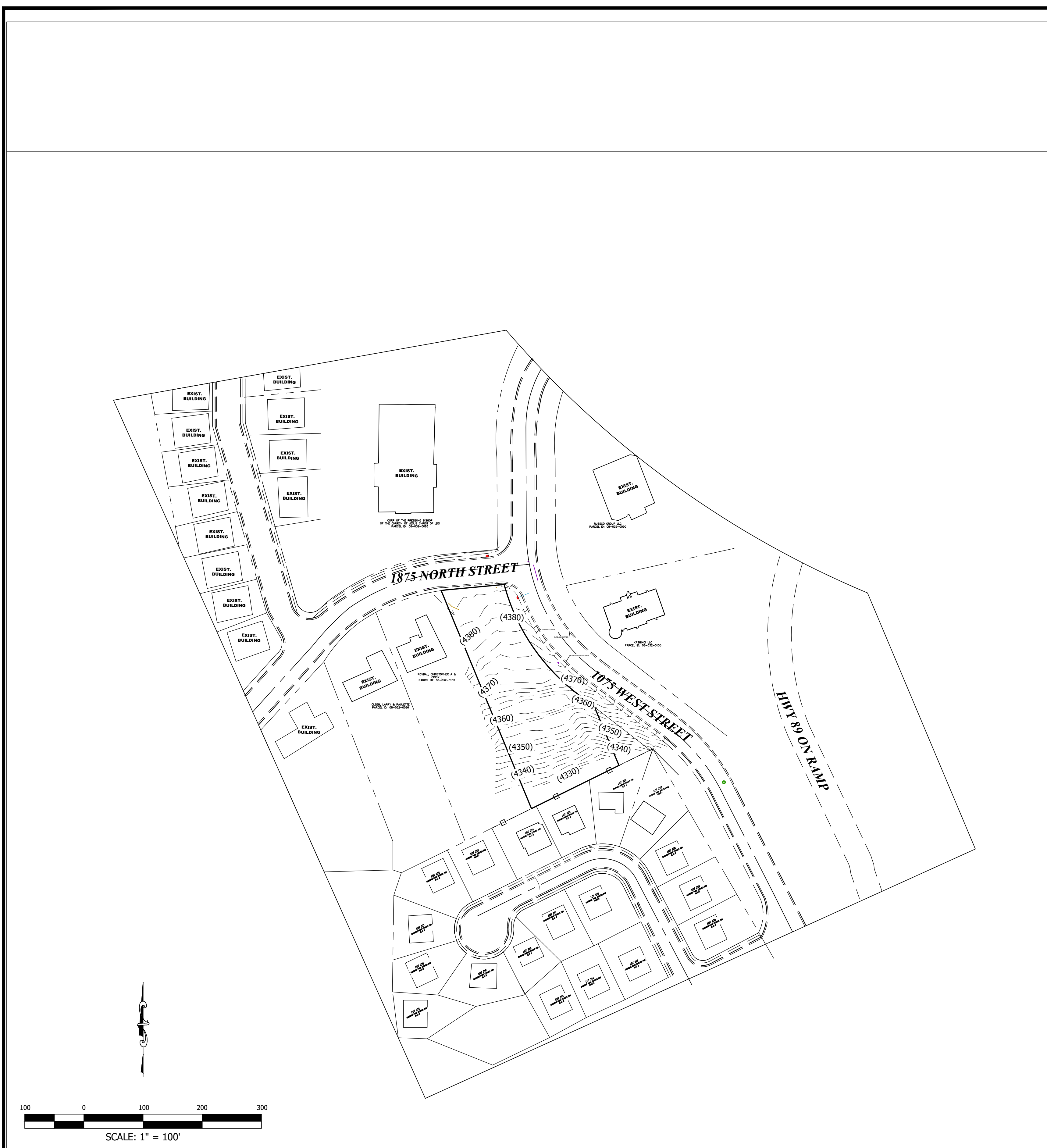
1. Vicinity Map
2. Schematic Subdivision Plan
3. Line of Sight Technical Memorandum – Tim Taylor January 5, 2022
4. Elevation rendering



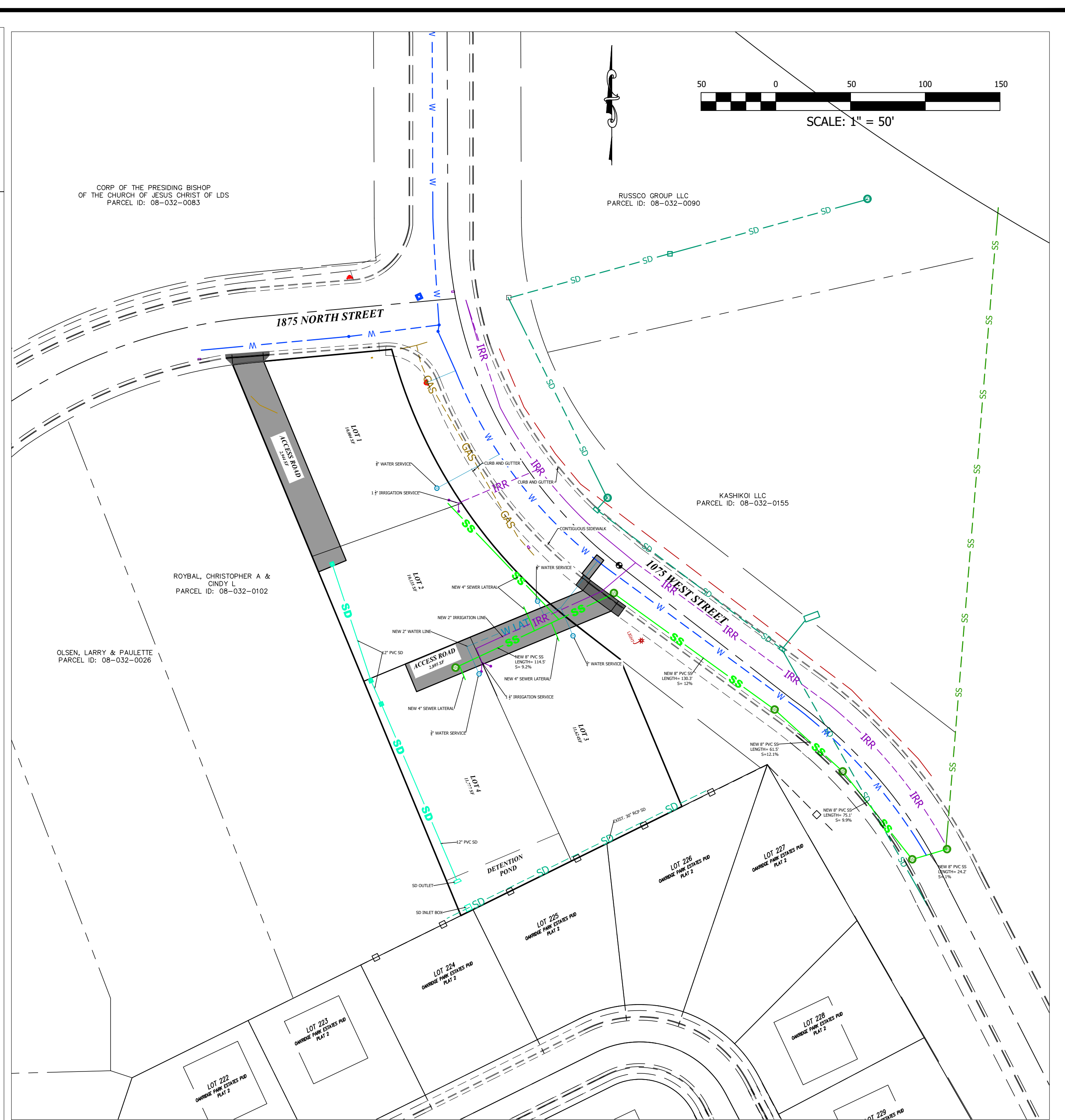
**VICINITY MAP**  
1875 North 1075 West



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



## VICINITY MAP



### NOTES

- Culinary and irrigation water is proposed to be supplied by the City of Farmington and Benchland Water District respectively. Each lot will be supplied with water from the existing water line in 1075 West and through a city standard water meter. Irrigation water will be supplied as needed to each lot depending on the amount of landscaping in each area. No water rights or secondary water shares are available from the owner.
- The sanitary sewer for this development will be provided by connecting to existing sanitary sewer manhole #302 which is located in the street south of the proposed subdivision. A new sewer line will be installed along the road to connect two new sewer manholes in the south access road on the property to the existing manhole which is maintained by Central Davis Sewer District. Each lot of the proposed subdivision will be supplied with a standard sewer lateral connecting to the new sewer line in the access road. All manholes, lines, and laterals will be installed according to Central Davis Sewer District's regulations.
- Existing storm water drain lines along the south side of the property and in 1075 West street will provide the proposed subdivision with the storm drain lines that are needed. In addition to these lines, a detention pond will be installed in the south-west corner of the property to provide additional water runoff protection for the existing subdivision to the south.
- No portions of this property are included in the most recent flood insurance rate maps that are prepared and provided by FEMA (FIRM Map #49011C0243E)
- Total acreage of the proposed development: 1.036
- It is proposed that a change in zoning classifications is necessary from Agricultural (A) to Large Residential (LR) and the appropriate application has been submitted.

Client: **JOEY GREEN**  
 Contact: **joeygreen@gmail.com**  
 Phone: **(801) 633-1917**  
 Address: **Address**  
**City, UT Zipcode**

LEGEND	
PROPERTY LINE	—————
ADJACENT PROPERTY	—————
ROAD CENTERLINE	—————
EASEMENT LINE	-----
EDGE OF PAVEMENT	-----
CURB, GUTTER, SIDEWALK	-----
FENCE LINE	----- X ----- X
WALL	□□□□□□□□□□

1470 South 600 West  
 Woods Cross, UT 84010  
 Phone 801.298.2236  
 www.Entellus.com

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

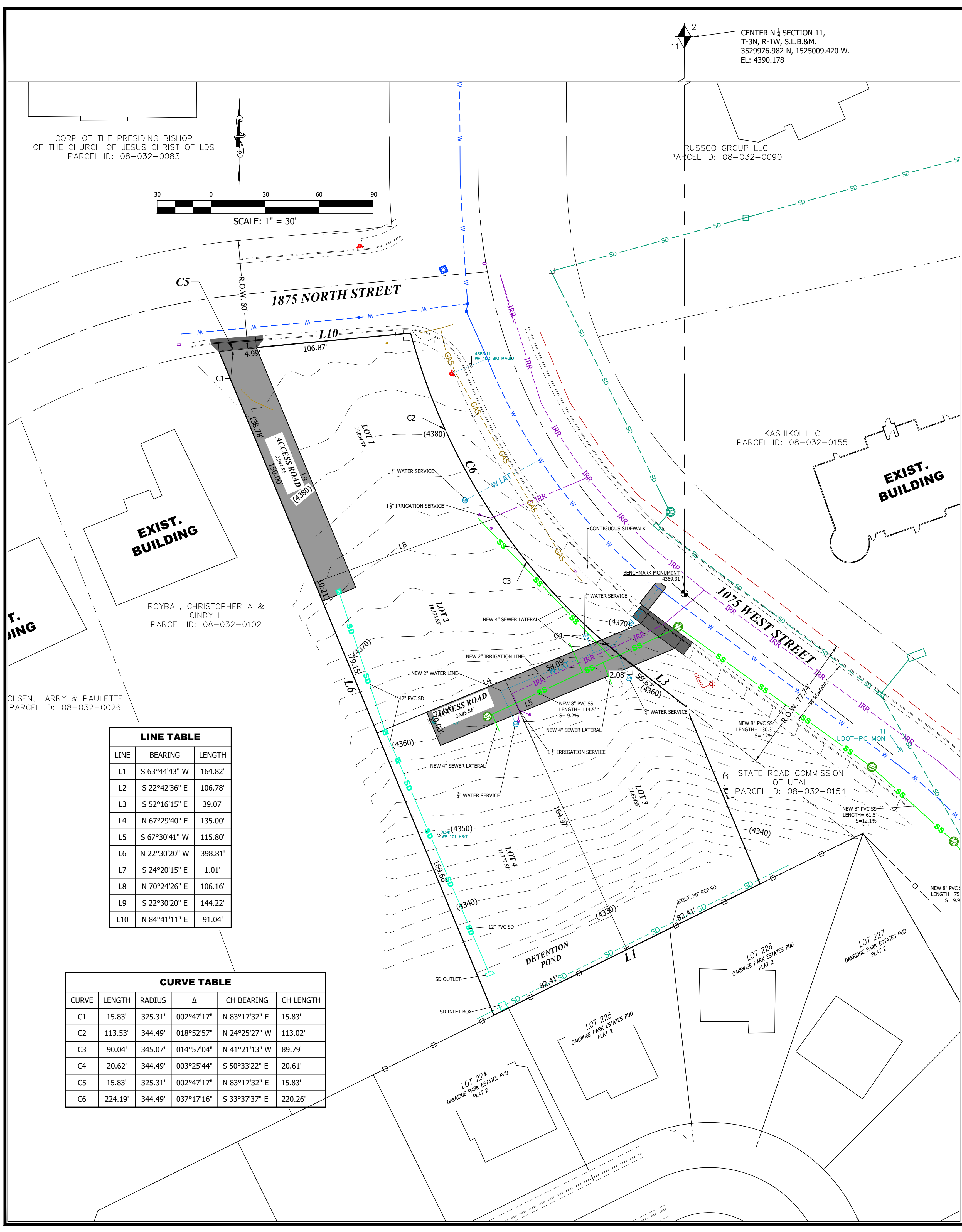
**MONTERA SUBDIVISION**

1875 N 1075 W  
 TAX PARCEL #08-032-0105  
 LOCATED IN THE NE 1/4 OF SECTION 11, T.3N., R.1W., S.L.B.&M.  
 FARMINGTON CITY, DAVIS COUNTY, UTAH

DRAWN: JBC 08/12/2021  
 APPROVED: STA 08/12/2021  
 PROJECT #: 1982001  
 SCHEMATIC PLAT.dwg

**C200**  
 SCHEMATIC PLAT

PRELIMINARY PLAT --  
NOT TO BE RECORDED



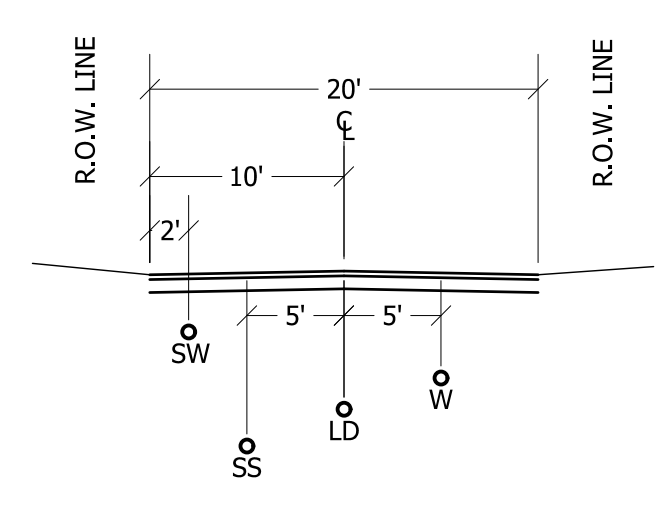
**BOUNDARY DESCRIPTION**

**LEGAL DESCRIPTION**

BEG ON S'LY LINE OF CO RD AT A PT 710.7 FT S & N 43°20' E 133 FT & N 83°47' E 111.33 FT FR NW COR OF SE 1/4 OF NE 1/4 OF SEC 11-T3N-R1W, SLM; & RUN TH ALG SD S'LY LINE OF RD N 83°47' E 68.67 FT TO NW COR OF GRANTEE'S EXIST PREMISES; TH S 22°43' E ALG W LINE OF GRANTEE'S PREMISES 335.5 FT, M/L, TO N LINE OF RD OR LANE; TH ALG SD N LINE OF RD S 65°17' W 68.35 FT; TH N 22°43' W 364.46 FT, M/L, TO POB. CONT. 0.565 ACRES ALSO, A TRACT OF LAND SIT IN SE 1/4 NE 1/4 OF SEC 11-T3N-R1W, SLM; DESC AS FOLLOWS: BEG AT THE S'LY R/W LINE OF 1875 NORTH STR & THE W'LY BNDRY LINE OF SD TRACT, BEING THE NW COR OF SD TRACT, WH PT IS 225.800 M (740.81 FT) N & 320.139 M (1050.33 FT) W FR THE E 1/4 COR OF SD SEC 11; & RUN TH S 22°21'49" E 102.260 M (335.50 FT) ALG SD W'LY BNDRY LINE TO THE SW COR OF SD TRACT; TH N 65°38'11" E 29.535 M (96.90 FT); TH N 22°21'49" W 25.265 M (82.89 FT) TO THE SW'LY R/W LINE OF FRONTAGE RD; TH NW'LY ALG SD SW'LY R/W LINE THE FOLLOWING TWO (2) COURSES: (1) N 51°54'21" W 11.909 M (39.07 FT) TO A PT OF TANGENCY WITH A 105.00 M (344.49 FT) RAD CURVE TO THE RIGHT; TH NW'LY 64.873 M (212.84 FT) ALG THE ARC OF SD CURVE TO THE N'LY BNDRY LINE OF SD TRACT (NOTE: CHORD FOR SD CURVE BEARS N 34°13'04" W 63.847 M); TH S 84°08'11" W 10.982 M (36.03 FT) TO THE POB. CONT. 0.471 ACRES  
TOTAL ACREAGE 1.036 ACRES

**LOT TABLE**

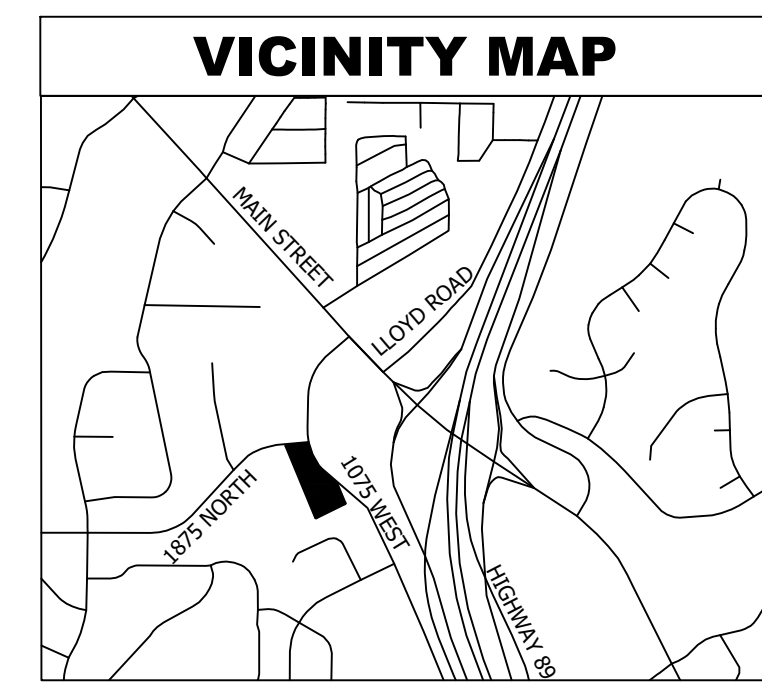
MINIMUM LOT: LOT 1 AT 10,004 SF; 0.229 ACRES  
AVERAGE LOT SIZE: 10,885 SF; 0.250 ACRES



**ACCESS ROADS 1 AND 2**

**NOTE:**  
THERE ARE NO TREES WORTH PRESERVING  
ON THIS PROPERTY

Client **JOEY GREEN**  
Contact **joeygreen@gmail.com**  
Phone **(801) 633-1917**  
Address  
City, UT Zipcode



SCALE: 1"=1000'

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S 63°44'43" W	164.82'
L2	S 22°42'36" E	106.78'
L3	S 52°16'15" E	39.07'
L4	N 67°29'40" E	135.00'
L5	S 67°30'41" W	115.80'
L6	N 22°30'20" W	398.81'
L7	S 24°20'15" E	1.01'
L8	N 70°24'26" E	106.16'
L9	S 22°30'20" E	144.22'
L10	N 84°41'11" E	91.04'

**CURVE TABLE**

CURVE	LENGTH	RADIUS	Δ	CH BEARING	CH LENGTH
C1	15.83'	325.31'	002°47'17"	N 83°17'32" E	15.83'
C2	113.53'	344.49'	018°52'57"	N 24°25'27" W	113.02'
C3	90.04'	345.07'	014°57'04"	N 41°21'13" W	89.79'
C4	20.62'	344.49'	003°25'44"	S 50°33'22" E	20.61'
C5	15.83'	325.31'	002°47'17"	N 83°17'32" E	15.83'
C6	224.19'	344.49'	037°17'16"	S 33°37'37" E	220.26'

**DRAINAGE CALCULATIONS** 18-Aug-21

NOAA Precipitation Frequency Data Server  
Latitude: 41.0109° Longitude: -111.9149°  
Allowable Runoff 0.20 cfs/acre

Time (min.)	I in./hr	Runoff ft <sup>3</sup>	Allowable Runoff ft <sup>3</sup>	Storage ft <sup>3</sup>
5	7.240	977	60	917
10	5.510	1,487	120	1,367
15	4.550	1,842	180	1,662
30	3.070	2,486	360	2,126
60	1.900	3,077	720	2,357
120	1.130	3,660	1,439	2,220
180	0.779	3,784	2,159	1,625
360	0.415	4,032	4,318	0
720	0.243	4,722	8,636	0
1440	0.140	5,441	17,272	0
Required Detention				<b>2,357</b>

**80th Percentile Retention Analysis**  
P<sub>new</sub> EQ. A R<sub>new</sub> = 0.225(Imp)<sup>-0.05</sup> when Imp < 55%  
P<sub>new</sub> EQ. B R<sub>new</sub> = 1.14(Imp)<sup>-0.371</sup> when Imp > 55%  
WQRV EQ. WQRV = (P<sub>80%</sub> \* R<sub>new</sub> \* A) / 12  
Retention Retention = WQRV \* 43560

Parameter	Value
P <sub>80%</sub>	0.60 (in.)
I <sub>15</sub> pre	0.00
I <sub>15</sub> new	40%
A	1.00 (acre)
R <sub>pre</sub>	0.05
R <sub>new</sub>	0.14
WQRV	0.004 ac-ft
Retention	196 cu.ft.

**Combined Storage**

Retention	196 cu.ft.
Detention	2161 cu.ft.
Combined Storage	2,357 cu.ft.

**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY
- ROAD CENTERLINE
- EASEMENT LINE
- EDGE OF PAVEMENT
- CURB, GUTTER, SIDEWALK
- FENCE LINE
- WALL

1470 South 600 West  
Woods Cross, UT 84010  
Phone 801.298.2236  
www.Entellus.com

**Entellus**

PRELIMINARY PLAT NOT FOR CONSTRUCTION

**MONTERA SUBDIVISION**

1875 N 1075 W  
TAX PARCEL #08-032-0105  
LOCATED IN THE NE 1/4 OF SECTION 11, T.3N., R.1W., S.L.B.&M.  
FARMINGTON CITY, DAVIS COUNTY, UTAH

DRAWN: JBC 08/16/2021  
APPROVED: STA 08/17/2021  
PROJECT #: 1982001  
PRELIMINARY PLAT.dwg

**C200**  
PRELIMINARY PLAT



2139 S. 1260 W.  
Salt Lake City, UT 84119

801-456-3847  
wcg.us

## TECHNICAL MEMORANDUM

Date: Wednesday, January 5, 2022  
To: Dave Peterson, Community Development Director  
Shannon Hansell, City Planner and GIS Specialist  
Lyle Gibson, Assistant Community Development Director and City Planner  
From: Tim Taylor, P.E., PTOE  
Subject: **Monterra Subdivision Sight Distance Assessment - 1875 North 1075 West**

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Per the City's request, we've reviewed sight distance conditions associated with the 1075 West Street access to the proposed Monterra Subdivision.

Our assessment and field inspection show that there is adequate sight distance for both the left and right-turn movements from the proposed 1075 West Street access based on a design speed of 35 mph on 1075 West Street.

Looking to the north, there is approximately 385 feet of available sight distance. Limitations are related to horizontal and vertical curvature conditions along and immediately adjacent to 1075 West Street. Looking to the south, there is approximately 450 feet of available sight distance in this direction, which is only limited by vegetation during summer months.

For left-turns from the access, the required sight distance is 350 feet. For right-turns, the required sight distance is 370 feet.

Our sight distance assessment is based on the methodology set forth in the American Association of State Highway and Transportation Officials *A Policy on Geometric Design of Street and Highways*, 2018, 7<sup>th</sup> Edition (AASHTO Green Book) and the following inputs:

- 9% grade on 1075 West Street adjacent to the proposed development
- Decision point of the departure sight triangle on the proposed access is 14.5' from the edge of the traveled way (white edge line) on 1075 West with a driver eye height of 3.5'
- 3.5' object to be seen height located in the center of the approaching lane

Please contact us if you have questions or need additional information.







## Planning Commission Staff Report February 3, 2022

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### Item 4: Conditional Use for an Electronic Message Sign

Public Hearing:	Yes
Application No.:	C-1-22
Property Address:	375 North Lagoon Drive
General Plan Designation:	CR (Commercial Recreation)
Zoning Designation:	CR (Commercial Recreation) – Electronic Message Sign Area Overlay
Area:	100 + Acres
Number of Lots:	N/A
Property Owner:	Lagoon – Davrakis Investments, LC
Agent:	David W. Freed

*Applicant is requesting a conditional use permit to construct a new electronic message ground sign near the South East corner of Lagoon Drive and Park Lane.*

---

#### **Background Information**

Lagoon is looking to better promote the park for visitors coming off the freeway from the north with a new sign that would be primarily visible to eastbound traffic along Park Lane. While a ground sign is a permitted use in the C-R zoning district, the Electronic Message Sign component of the sign requires a conditional use review by the Planning Commission.

The on premise sign is proposed to be located outside of the required clear view area near the intersection per Farmington City Code (FCC) 15-3-030. The applicant has provided documentation from the sign company indicating that the sign meets the specifications required from FCC 15-4-030 in that the sign can be programmed to turn off on a schedule and can dim according to set specifications and/or ambient light conditions.

The Electronic Message Sign component is 8 ft. x 4 ft. in size (32 sq. ft.) and there is another 10 sq. ft. of fixed text with the Lagoon logo. The signage is attached towards the top of a stone backdrop which stands just over 12 ft. in height. The total sign structure area including the stone wall and decorative metal lattice pillars on each side is 172 sq. ft. Based on the amount of frontage and property of the park, dimensions of the sign are well within the 20 ft. height allowance and 200 sq. ft. sign area permitted by the zoning ordinance and applicable zoning district.

#### **APPLICABLE ORDINANCES**

##### **11-25-070: SIGNS (Commercial Recreation):**

All signs within twenty five feet (25') of the property perimeter or that are intended to be viewed by the general public from outside the property line will be governed by title 15 of this code.

### **15-1-040: DEFINITIONS:**

**ELECTRONIC MESSAGE SIGN:** A changeable copy sign that uses lights to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time and/or temperature shall not be considered an electronic message sign. For the purposes of this title, electronic message signs are not considered to be animated signs.

**GROUND SIGN:** A sign which is three (3) or more feet above the ground and is supported by one or more uprights, poles, posts or braces placed in or upon the ground which are not a part of, or attached to, a building. The definition includes "pylon signs", "freestanding signs" and "pole signs".

### **15-5-040: COMMERCIAL ZONES:**

For the purpose of this section, the commercial districts C, C-H and C-R are considered to be commercial zones. Signs in these districts are subject to all standards set forth in this title and to the following additional standards:

A. Permitted Signs: The following signs are permitted in commercial zones:

2. Ground signs; and

B. Setback: All signs shall be set back ten feet (10') from existing or future public street right of way lines. Setback shall be measured from the right of way line to the nearest part of the sign extending toward such line.

F. Ground Signs: The following provisions shall apply to ground signs:

1. Lot frontage of at least one hundred feet (100') is required before a ground sign will be permitted;
2. For each commercial lot or commercial complex with between one hundred feet (100') and three hundred feet (300') of frontage on a public street, one ground sign may be allowed for each separate street frontage. For each additional three hundred feet (300') of separate street frontage, one additional ground sign may be permitted;
3. Ground signs on individual lots or commercial complexes shall be separated by at least one hundred feet (100') from signs on adjacent lots. Where there are multiple signs on one lot or commercial complex, such signs shall be separated by at least two hundred feet (200');
4. The area of a ground sign shall not exceed one square foot of area for each linear foot of street frontage, or two hundred (200) square feet, whichever is less. This standard may be reviewed by the planning commission in conjunction with a special exception application and may be adjusted either up or down;
5. The maximum height of ground signs at the minimum setback shall be twenty feet (20') above the elevation of the top of curb nearest to the sign. This height may be increased to a maximum of forty feet (40') if the sign is set back an additional one and one-half feet (1 1/2') for each foot of height over twenty feet (20'). These standards may be reviewed by the planning commission in conjunction with a special exception application and may be adjusted either up or down; and
6. On corner lots, ground signs shall be set back thirty feet (30') from the intersection of property lines.

**15-4-030: ELECTRONIC MESSAGE SIGNS:**

The following standards shall govern the use of electronic message signs. The nighttime and daytime illumination of an electronic message sign shall conform with the criteria set forth in this section:

A. Illumination Measurement Criteria: The illuminance of an electronic message sign shall be measured with an illuminance meter set to measure foot-candles accurate to at least two (2) decimals. Illuminance shall be measured with the electronic message sign off, and again with the electronic message sign displaying a white image for a full color capable electronic message sign, or a solid message for a single color electronic message sign. All measurements shall be taken perpendicular to the face of the electronic message sign at the distance determined by the total square footage of the electronic message sign as set forth in the "Sign Area Versus Measurement Distance" table in this section:

SIGN AREA VERSUS MEASUREMENT DISTANCE

Area Of Sign (Square Feet)	Measurement Distance (Feet)
10	32
50	71
100	100
200	141

Note: For signs with an area in square feet other than those specifically listed in the table, the measurement distance may be calculated with the following formula: The square root of the product of the sign area and 100.

B. Measurement Difference: The difference between the off and solid message measurements using the electronic message sign measurement criteria shall not exceed 0.3 foot-candle at night.

C. Automatic Dimming Technology: Electronic message signs shall come equipped with automatic dimming technology that must automatically adjust the sign's brightness in direct correlation with ambient light conditions not to exceed fifteen percent (15%) of full brightness at night and eighty five percent (85%) of full brightness at day.

D. Minimum Hold Time: The minimum hold time between messages, for an electronic message sign, shall be no less than three (3) seconds. Any such sign with a hold time less than three (3) seconds shall be considered an animated sign and shall be prohibited.

E. Images: Fading, transitioning or dissolving of images shall occur on an electronic message sign of no less than one second, but not to exceed 1.5 seconds, to reduce the abrupt "flashing" effect as the message on the sign changes from one image to another.

F. Color LED: All images on electronic message signs shall be full color RGB LED (light emitting diode). (Note: The RGB color model is an additive color model in which red, green and blue light are added together in various ways to reproduce a broad array of colors. The name of the model comes from the initials of the 3 additive primary colors: red, green and blue.)

G. Traveling Messages: Traveling messages are prohibited.

H. Prohibited Hours: Electronic message signs must be turned off between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M.

**15-5-060: ELECTRONIC MESSAGE SIGN AREA:**

Electronic message signs shall only be allowed in the electronic message sign area as illustrated on exhibit A attached to the ordinance codified herein and by this reference made a part hereof. All electronic message signs in the electronic message sign area shall be subject to standards set forth in this title and to the following additional standards:

A. Zone Standards Apply: Electronic message signs shall be subject to the sign standards specific to the zone designation of the property.

B. Standards; Prohibited Signs: Electronic message signs shall be a permanent on premises sign and shall be limited only to ground signs and monument signs. Electronic message signs shall not include directory signs, identification signs, project identification signs, property signs or service signs.

C. Conditional Use: Electronic message signs shall be a conditional use subject to all provisions of title 11, chapter 8 of this code.

**15-3-030: MAINTENANCE OF CLEAR VIEW AT INTERSECTIONS:**

In all zones with a required front yard, no material obstruction to view between a height of two feet (2') and ten feet (10') above the level of the curb or sidewalk shall be permitted on any corner lot within a triangular area formed by the street property lines and a line connecting them between points thirty feet (30') from the intersection of the two (2) street property lines.

**15-3-010: SIGNS NOT TO CAUSE TRAFFIC HAZARD:**

No person shall install or maintain or cause to be installed or maintained any sign which will cause a roadway safety distraction such as glare from internal or external illumination. No sign shall simulate or imitate in size, color, lettering or design any traffic sign or signal, or which makes use of the words "STOP", "YIELD", "DANGER" or any other words, phrases, symbols or characters in such a manner as to interfere with, mislead or confuse traffic.

**11-8-050: CONDITIONAL USE STANDARDS:**

Conditional use applications shall be reviewed in accordance with, and shall conform to, all of the following standards:

A. Necessity: The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community;

B. Compliance: The proposed use shall comply with the regulations and conditions in this title for such use;

C. Comprehensive Plan: The proposed use shall conform to the goals, policies and governing principles of the comprehensive plan for Farmington City;

D. Compatibility: The proposed use shall be compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing and proposed development;

E. Adequate Improvements: Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available or may be provided; and

F. Use Not Detrimental: Such use shall not, under the circumstances of the particular case, 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. A proposed use shall be considered detrimental:

1. If it will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;

2. If it will unreasonably interfere with the lawful use of surrounding property; or

3. If it will create a need for essential municipal services which cannot be reasonably met.

### **Suggested Motion**

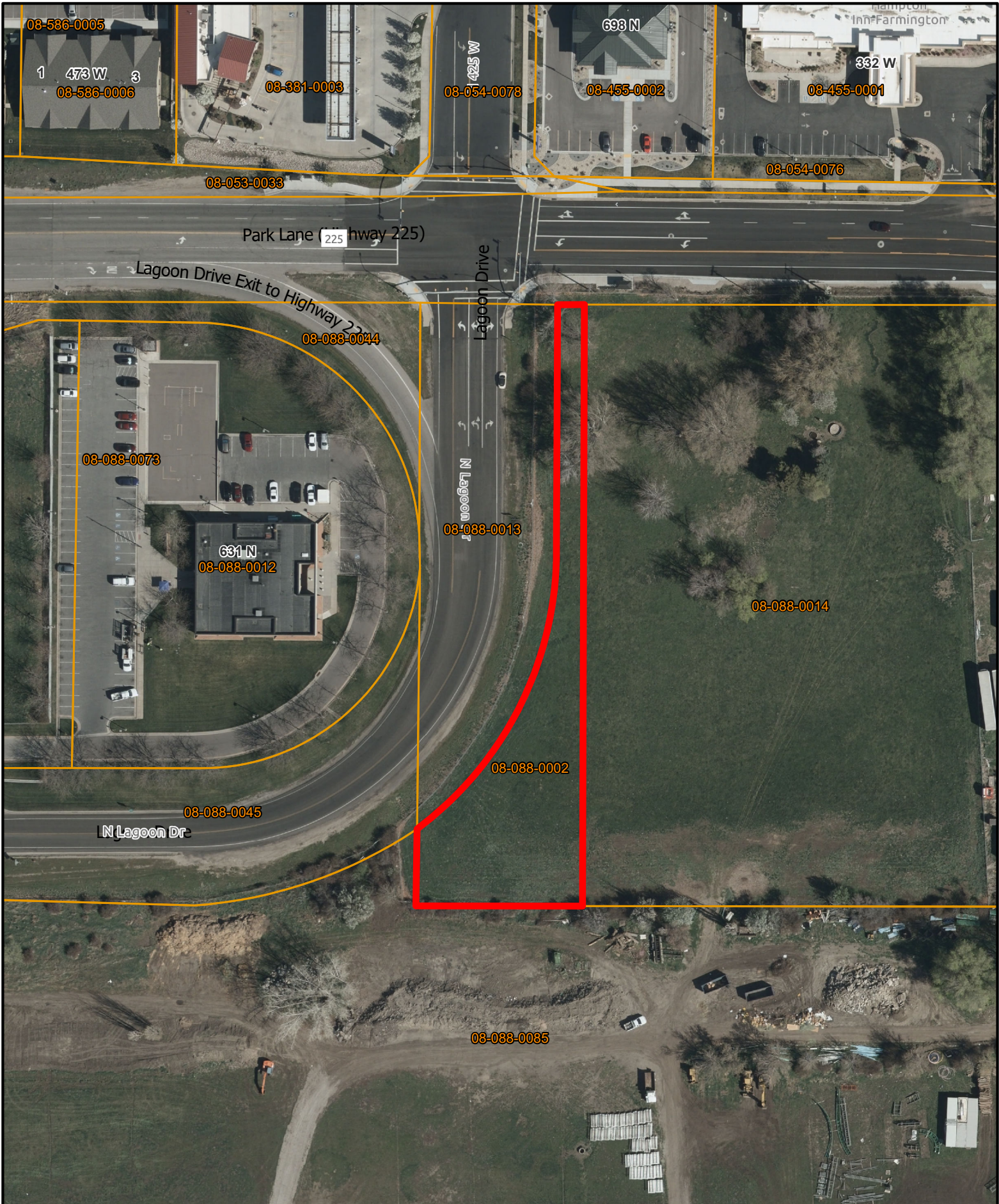
Move that the Planning Commission grant approval to the applicant (Lagoon) for a Conditional Use for an Electronic Message Sign as presented in this report subject to all applicable Farmington City ordinances, development standards, and building permit requirements.

### **Finding for Approval:**

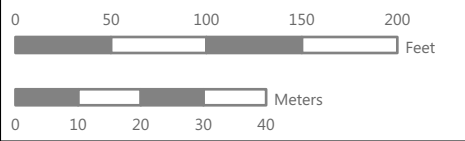
1. The sign is located in the Electronic Sign Area Overlay Zone.
2. The applicant has provided evidence from the sign manufacture to ensure that it will comply with the Electronic Message Sign standards of 15-4-060.
3. The location, height, and square footage dimensions of the sign are compliant with applicable ordinances.
4. Based on the signs location and surrounding uses, the minimum standards required by the ordinance are sufficient for mitigating reasonably anticipated detrimental impacts that may be caused by the Electronic Message component of the sign without the need for additional conditions.

### **Supplementary Information**

1. Vicinity Map
2. Electronic Message Sign Area
3. Site plan
4. Sign Plan
5. Sign Company Certification of Sign Specifications.



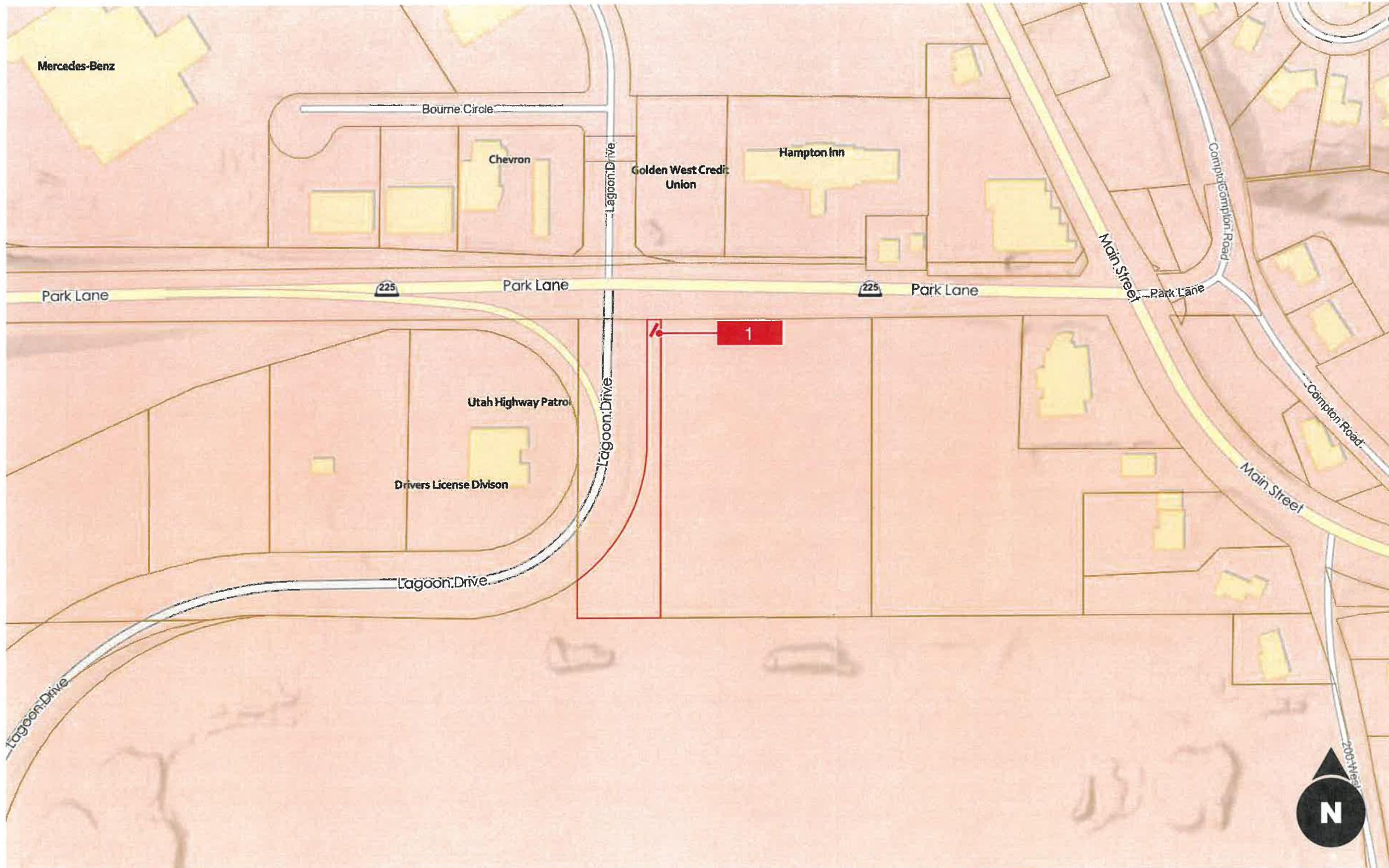
**VICINITY MAP**  
**Lagoon Electronic Message Sign**



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







**SITE MAP**

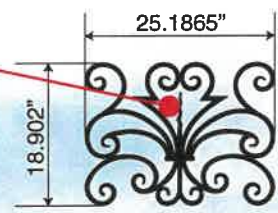
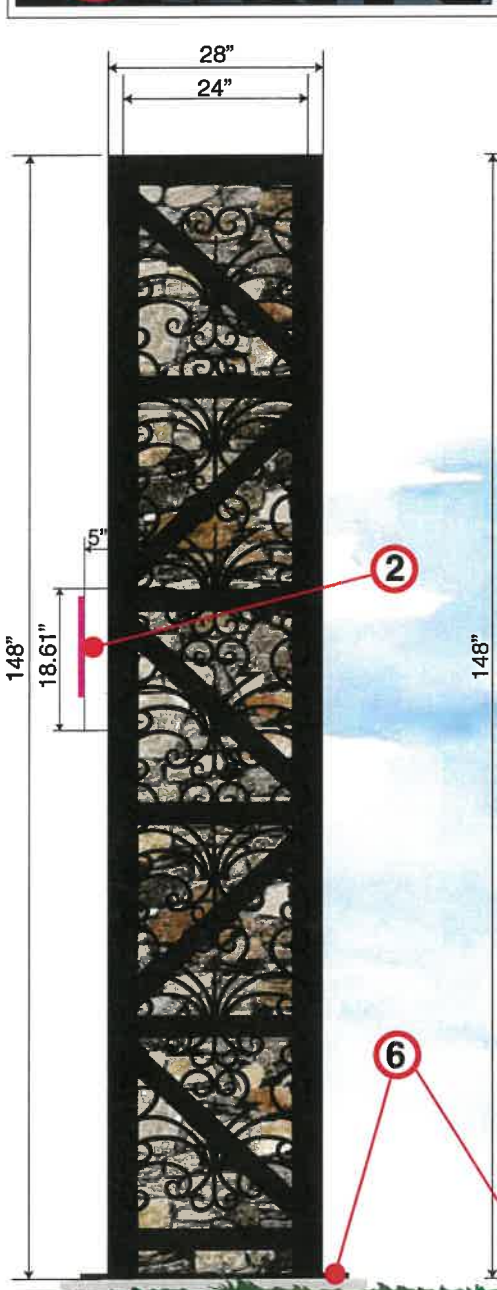
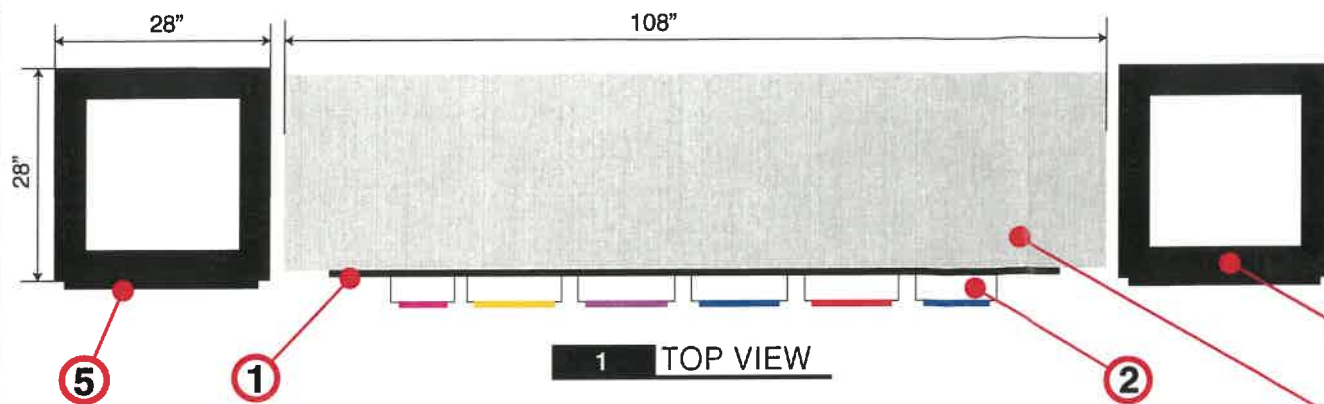
**PROPERTY OWNERSHIP**

Owner: DAVKRIS INVESTMENTS LLC  
 Mailing Address: PO BOX 696  
 Mailing Address 2: 375 NORTH LAGOON DR  
 Mailing City: FARMINGTON  
 Mailing State: UT  
 Mailing Zip: 84025-0696

Parcel ID: 080880002

**TAX LEGAL DESC:**  
 Beg on the W Bndry of Farmington City, at a Pt on the S Line Burke Lane, Wh Pt is Approximately 21.27 Chains N & 1175.46 Ft W fr the Se Cor of Sec 13-13n-1r1w, S1m; Run Th S 511.5 Ft; Th W 137.68 Ft; Th N 66.5 Ft, M/I, to the Se'y Line Of Ppty Desc In 404-49; Th Ne'y 258 Ft, M/I, Alg the Arc of a 280 Ft Rad Curve to the Left to a Pt Opposite Frontage Rd Engineer Station 65+99.53 Ft (Note: Tangency to Sd Curve at its Pob Bears Approximately N 53°35' E); Th N 0°38'30" E 223 Ft, M/I, to S'y R/W Line of Exist Burke Lane; Th E 25.68 Ft Alg Sd S'y R/W Line to Pob. Cont. 0.648 Acres

Acreeage: 0.648



**SCOPE OF WORK**

MANUFACTURE & INSTALL **ONE (1)** D/F MONUMENT SIGN.

PERMITTING | MONUMENT SIGN AREA: 106.89ft<sup>2</sup>

FINAL ELECTRICAL CONNECTION BY: LAGOON TO CONNECT SIGN TO PRIMARY POWER TO SIGN LOCATION.

- 1** D/F Electronic Message Center [9.5mm Full Color] Manufactured by NEXT LED
- 2** LED Illuminated Halo Lit Channel Letter w/ Push Thru Acrylic Faces [Colors to match as indicated]
- 3** Custom Fabricated All Weld Steel Cabinet Wrapped w/ Durock™ & Stone Applied. Cabinet Attached to Concrete Pad According to Local & National Code.
- 4** Custom Fabricated All Weld Steel Architectural Accents using 4" and 3" Square Tubing. Accents Attached to Concrete Pad According to Local & National Code. [Painted to match as indicated]
- 5** Forged Steel Panel, Teutonic Collar Design. Manufactured by King Architectural Metals. Model # 13-33025-521. Welded to Architectural Accent for Decorative Purposes Only. [Painted to match as indicated]
- 6** Concrete Mow Pad & Base Footing Reinforced w/ Rebar and Engineer for Local Wind Loads & All other Applicable Local and National Codes.
- 7** Stone Cap

This drawing was created to assist you in visualizing our proposal.

The colors shown are only approximate on any computer monitor, inkjet or laser print. The final product may vary slightly in color from your computer monitor or print.

This Sign is installed in accordance with the requirements of Article 600 of the National Electrical Code and / or other applicable local codes. This includes proper grounding and bonding of the sign. This sign is also manufactured by a UL® manufacturer and using UL® Parts & Supplies

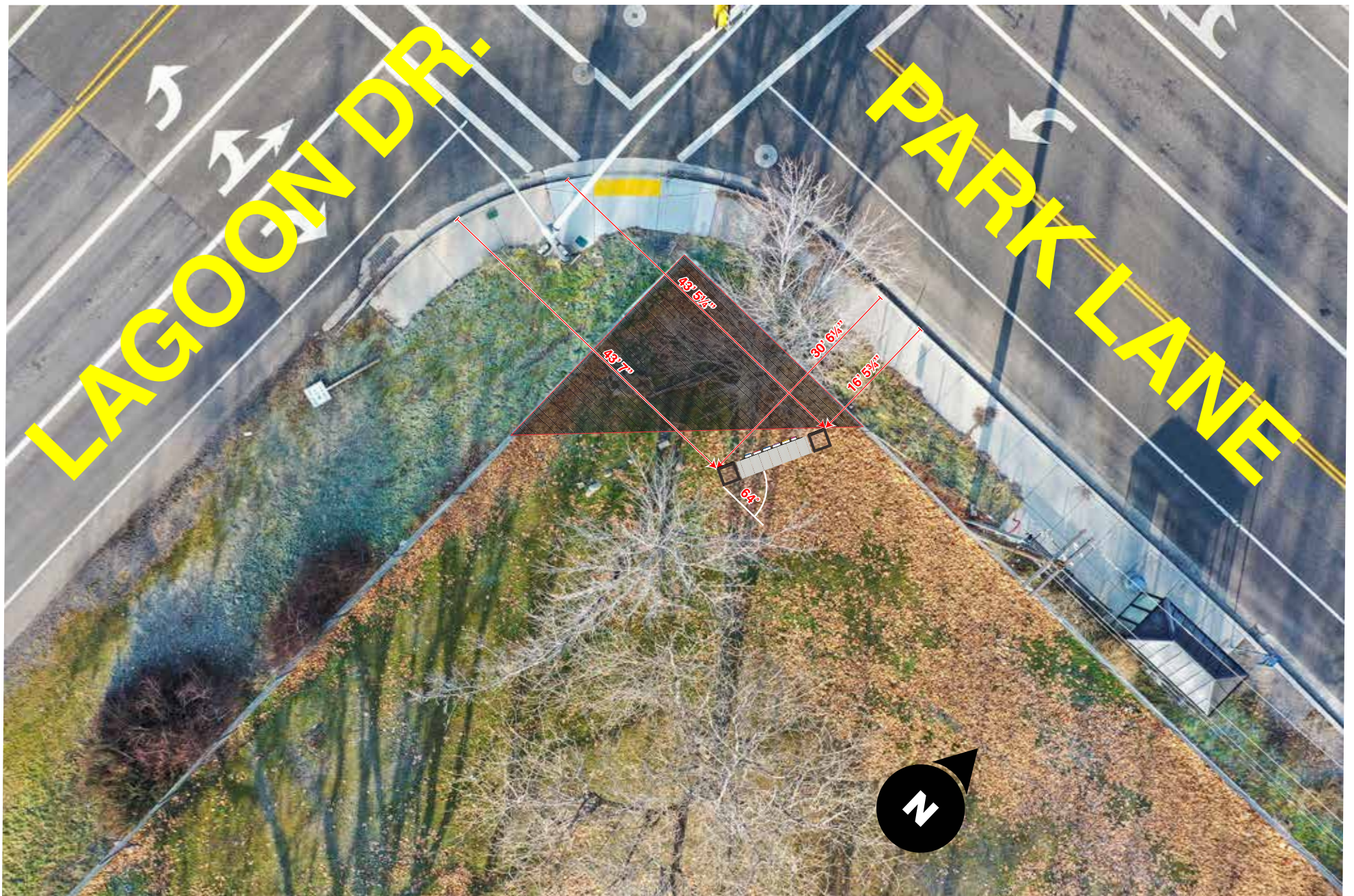
**COLOR KEY**

1	Vinyl	3M# 3630- 118 "Magenta"
2	Vinyl	3M# 3630- 25 "Sunflower"
3	Vinyl	3M# 3630- 128 "Plum Purple"
4	Vinyl	3M# 3630- 157 "Sultan Blue"
5	Vinyl	3M# 3630- 156 "Vivid Green"
6	Vinyl	3M# 3630- 133 "Red"
7	Paint	Sherwin Williams "Duranodic"
8	Paint	Sherwin Williams "Black"

NOTE: UNLESS OTHERWISE NOTED, THE COLORS DEPICTED ON THIS RENDERING MAY NOT MATCH ACTUAL COLORS ON FINISHED DISPLAY. PLEASE REFER TO COLOR-CALLOUTS AND THEIR APPROPRIATE VENDOR SPECIFIED SAMPLES FOR APPROVED COLOR SPECIFICATIONS.



SCALE: 1/2" = 1'-0"



The proposed location for the D/M Monument is located on the Northwest corner of the property and is 16' 5<sup>3</sup>/<sub>4</sub>" from the existing Park Lane curb and 30' 6<sup>1</sup>/<sub>4</sub>" from the existing Lagoon Drive curve as it merges into East bound Park Lane. The South Corner of the proposed sign location is 43' 5<sup>1</sup>/<sub>4</sub>" from the existing Park Lane Curb on the curve that merges from Lagoon Drive to Park Lane and 43' 7" from the existing Lagoon Drive curve as it merges into East bound Park Lane. All measurements were taken perpendicular to the existing fence that goes East and West on Park Lane and the existing



City of Farmington  
160 South Main St.  
Farmington, UT 84025

January 11, 2022

To Whom it My Concern:

The purpose of this letter is to certify that all Next LED Electronic Message Centers conform with Ordinance **15-4-030: Electronic Message Signs**. Each unit comes standard with automatic dimming technology (C.) and a light sensor that adjusts overall display brightness based on ambient light conditions. Maximum light values will be pre-configured to meet city specific requirements of a maximum 0.3 foot candles difference vs. the ambient light readings (B.). The signs will be regulated so as not to exceed 15% of full brightness at night or 85% during the day (C.).

Furthermore, Next LED displays are equipped with a remote software override feature so that a display can be dimmed in the case that sign hardware is compromised or experiences a failure.

The LED pixels on Next LED displays are shielded by matte-black plastic louvers which diffuse and focus light emittance.

Next LED Signs are controlled with a cloud-based software platform that allows the operator full management over the following functions:

- (D.) Minimum Hold Time: Message hold times can be scheduled to be no less than three (3) seconds.
- (E.) Images: Transitioning or dissolving of images can be programmed in the exact range of 1-1.5 seconds.
- (F.) Color LED: Images are of full color RGB LED.
- (G.) Traveling Messages: User has full control to schedule static messages.
- (H.) Prohibited Hours: User has full control to schedule hours in which no messages are displayed on the sign.

Thank you for your time,

Luke Luttrell  
Chief Technology Officer

## Per Utah Code 52-4-207 (2)

### 11-3-030: ORGANIZATION AND PROCEDURE:

The planning commission shall be organized and exercise its powers and duties as follows:

A. Chairperson: The planning commission shall elect one of its members as chairperson to oversee the proceedings and activities of the planning commission and one of its members to act as vice chairperson to assist the chairperson and to act as chairperson in the event the chairperson is unable to attend a meeting or act for any reason. ~~The city council shall ratify the chairperson and vice chairperson elected by the planning commission.~~ The chairperson and vice chairperson shall serve for a term of one year. The chairperson or vice chairperson acting as the chairperson shall have the power to vote on all matters. The chairperson and vice chairperson may be elected for successive terms.

B. Rules: The Planning Commission may adopt reasonable policies and procedures for governing the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the Planning Commission. Such policies and procedures shall be approved by the City Council before taking effect.

C. Meetings: The Planning Commission shall generally meet in person but may conduct an electronic meeting on the ~~second-first~~ and ~~fourth-third~~ Thursday of each month at the hour of seven o'clock (7:00) P.M., and/or such other times as deemed necessary by the Chairperson, City Manager or City Council. All meetings shall be properly noticed and held in accordance with the Open Meetings Law set forth in Utah Code Annotated title 52, chapter 4, as amended. Written minutes of all meetings of the Planning Commission shall be prepared and filed in the Office of the City Recorder for review and access by the public in accordance with the City government records access and management ordinance.

D. Quorum: No official business shall be conducted by the Planning Commission unless a quorum of the members is present. Four (4) members of the Planning Commission shall constitute a quorum. While participation in person is preferred, members may also participate remotely via electronic communication as necessary. Unless otherwise provided by law or City ordinance, the minimum number of yes votes required for the Planning Commission to take action on any matter shall be by majority vote of the members of the quorum present. The concurring vote of four (4) members is necessary to reverse any order, requirement, decision or determination of any administrative official or agency or to decide in favor of the appellant.

Draft Date: 10/30/90, 10/22/90, 10/26/90, 11/15/90  
Approved and Adopted: 11/15/90  
Amended: 12/10/92, 02/09/94, 12/15/97 (Res. 97-61), 2/3/22

## **FARMINGTON PLANNING COMMISSION POLICIES AND PROCEDURES**

### **I. PURPOSE**

These policies and procedures are designed and adopted for the purpose of providing guidance and direction to the members of the Farmington Planning Commission in the performance of their duties. The Planning Commission shall be governed by the provisions of all applicable State Statutes, City Ordinances, and these policies. Nothing in these policies shall be interpreted to provide an independent basis for the invalidation or alteration of a final decision of the Commission unless otherwise provided by City Ordinance or State Law.

### **II. OFFICERS AND DUTIES**

Election of Officers – The Planning Commission shall annually elect a Chair~~man~~, Vice-Chair~~man~~, and representative to the Board of Adjustment at its last meeting of the calendar year. The officers and Board Member shall be elected from the duly appointed members of the Commission by a majority of the total membership and may be elected for subsequent terms. Terms of office shall be from January 1<sup>st</sup> to December 31<sup>st</sup> of the year following the election.

The Chair~~man~~ shall preside over all meetings and hearings and shall execute all official documents and letters on behalf of the Commission. The Chair~~man~~ shall have the same rights, privileges, and duties as any other member, including the right to vote on any matter before the Commission. The term “Chair~~man~~,” as used throughout this document, shall mean the Chair~~man~~ of the Planning Commission, or in the absence or incapacity of the Chair~~man~~, the Vice-Chair~~man~~ unless otherwise designated. In the event that the Chair is only able to participate remotely, the Vice-Chair shall preside over meetings unless all meeting participation is conducted remotely.

### **III. NOTICE**

In order to make residents of the City more aware of the various hearings conducted by the Planning Commission, and particularly those residents or businesses which may be affected by changes in land use, procedures are established below for notification of affected property owners. These notice provisions are provided as a courtesy to these property owners and are not intended to subject the City to a greater notice requirement than required by Federal or State Law. Failure of any person to receive notice shall not invalidate, or serve as basis for appeal, of any Planning Commission decision.

1. **Meetings** – The Planning Commission shall give public notice at least once each year of its schedule for all regular meetings scheduled for that year specifying the date, time, and

place of such meetings. In addition to public notice of the Planning Commission’s annual meeting schedule, the Planning Commission shall give not less than 24 hours’ public notice of the agenda, date, time, and place of each of its public meetings. Public notice shall be provided by:

- a. Posting written notice:
  - i. at the Farmington City Offices, ~~130 North 160 South~~ Main Street; and
  - ii. on the City’s website; and
  - iii. on the Utah Public Notice Website (www.pmn.utah.gov); and
- b. Providing notice to:
  - i. at least one newspaper of general circulation within the City; or
  - ii. ~~to~~ a local media correspondent. ~~(Utah Code Ann. 52-4-6)~~

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2. **Special Emergency Meetings** – When, because of unforeseen circumstances, it is necessary for the Planning Commission to hold an emergency meeting to consider matters of an urgent nature, the notice requirements as listed above may be disregarded and the best notice practicable given. No such emergency meeting of the Planning Commission shall be held unless an attempt has been made to notify all of its members and a majority votes in the affirmative to hold the meeting. (Utah Code Ann. 52-4)

3. **Subdivision Approvals** – Applications for subdivision approval shall be noticed prior to the meeting in the following manner:

- a. Applications shall be identified by name on the Planning Commission agenda. ~~The agenda shall be posted at least 24 hours in advance of the meeting in the entrance to the City offices, 130 North Main Street, and in the office of the City Planning;~~
- b. The City Planner shall notify all property owners within 300 feet from the boundaries of the affected property, by mail, of the meeting at which the preliminary plat will be considered. At the discretion of the City Planner, and with the concurrence of the Chairman, the mailing area may be extended beyond 300 feet from the subject property in order to notify additional parties. The mailing area may also be extended by a majority vote of the Commission;
- c. The meeting at which the final plat will be considered need not be noticed by individual mailing, but shall be identified by name on the agenda ~~and posted 24 hours in advance of the meeting as indicated above;~~
- d. The City Planner shall send a letter or email to the applicant within a reasonable time after the final decision of the Planning Commission indicating the action taken on the application.

4. **Conditional Use Applications** – Applications for Conditional Use approval shall be noticed prior to the meeting in the following manner:
  - a. Applications shall be identified by name on the Planning Commission agenda. ~~The agenda shall be conspicuously posted at least 24 hours in advance of the meeting in the entrance of the City offices, 130 North Main Street, and in the office of the City Planner;~~
  - b. The City Planner shall notify all property owners within 300 feet from the boundaries of the affected property, by mail, of the meeting at which the application will be considered. At the discretion of the City Planner, and with the concurrence of the Chairman, the mailing area may be extended beyond 300 feet from the subject property in order to notify additional parties. The mailing area may also be extended by a majority vote of the Commission;
  - c. The City Planner shall send a letter or email to the applicant within a reasonable time after the final decision of the Planning Commission indicating the action taken on the application.
  - d. The notice procedure for a new Conditional Use application shall also be followed if it becomes necessary to commence proceedings to revoke a Conditional Use Permit.
5. **Zoning Map and Ordinance Amendments** – The Planning Commission shall review all proposed amendments to the City Zoning Map and/or Zoning Ordinance and shall prepare written recommendations regarding the proposed amendments and forward the same to the City Council for its consideration. Notice of proposed Zoning Map or Zoning Ordinance amendments shall be provided as follows:
  - a. Proposed amendments to the Zoning Map and/or Zoning Ordinance shall be identified by name on the Planning Commission agenda. ~~The agenda shall be posted at least 24 hours in advance of the meeting in the entrance to the City Offices, 130 North Main Street, and in the office of the City Planner.~~
  - b. The City Planner shall notify all property owners within 300 feet from the boundaries of any affected property, proposed to be rezoned, by mail, of the meeting at which the proposed rezone will be considered. At the discretion of the City Planner, and with the concurrence of the Chairman, the mailing area may be extended beyond 300 feet from the subject property in order to notify additional parties of the proposed rezone. The mailing area may also be extended by a majority vote of the Commission.



- c. The City Planner shall send a letter or email to the applicant of any proposed Zoning Map or Zoning Ordinance amendment within a reasonable time after the final decision of the Planning Commission indicating the action taken on the application.
6. **General Plan Amendments** – The Planning Commission shall prepare and/or review all proposed amendments to the City General Plan and shall hold a public hearing on such proposed amendments. After the public hearing, the Planning Commission shall make any changes to the proposed amended Plan and forward its recommendations regarding the same to the City Council for its consideration. Notice of the public hearing before the Planning Commission on the proposed amended General Plan amendments shall be provided in accordance with City Ordinances and State Law regarding the same.
7. **Planned Unit Development / Condominium** – A Planned Unit Development or Condominium application shall be noticed in the same way as a Conditional Use.
8. **Annexation Applications** – Annexation hearings shall be identified by name on the Planning Commission agenda. ~~The agenda shall be posted at least 24 hours in advance of the meeting in the entrance of the City offices, 130 North Main Street, and in the office of the City Planner.~~ In addition to the notice given on the agenda, notice of the date, time, place, and subject of the hearing shall be published at least one week prior to the hearing ~~in a newspaper of general circulation~~ on the City's website and the Utah Public Meeting Notice website.
9. **Street Name Change, Street Dedication, or Major Street Plan Amendment** – Notice shall be provided in the following manner:
  - a. An application for a street name change, Major Street Plan change, or street dedication shall be identified by name on the Planning Commission agenda. ~~The agenda shall be posted at least 24 hours in advance of the meeting in the entrance to the City offices, 130 North Main Street, and in the office of the City Planner.~~
  - b. The City Planner shall notify all affected utilities of the date of the hearing and the proposed change;
  - c. The City Planner shall mail notice to all owners-of-record of land abutting the street on which the change or dedication is proposed and may also publish such notice ~~in a newspaper of general circulation~~ on the City's webpage and the Utah Public Meeting Notice website within a reasonable time prior to the meeting date.
10. **Vacation of Alleys or Streets** – No requirement exists in State Law for sending street and alley vacations to the Planning Commission for a recommendation. If the City Council determines that a recommendation from the Commission is desirable, then notice

shall be given in the following manner:

- a. An application for a street or alley vacation shall be identified by name on the Planning Commission agenda. ~~The agenda shall be posted at least 24 hours in advance of the meeting in the entrance to the City offices, 130 North Main Street, and in the office of the City Planner;~~
- b. The City Planner shall notify all affected utilities of the date of the hearing and the proposed change;
- c. The City Planner shall mail notice to all owners-of-record of land abutting the street on which the change ~~or dedication~~ is proposed and may also publish such notice ~~in a newspaper of general circulation on the City's webpage and the Utah Public Meeting Notice website~~ within a reasonable time prior to the meeting date.
- d. At the discretion of the City Planner, and with the concurrence of the Chair~~man~~, the mailing area may be extended in order to notify additional parties. The mailing area may also be extended by a majority vote of the Commission~~;~~

#### IV. APPLICATION REQUIRED

An application may not be heard by the Planning Commission unless an application form is ~~completely adequately~~ filled out and accompanied by the appropriate fee and required plans drawn to scale with dimensions clearly indicated and with sufficient detail and clarity to show ~~exactly~~ what is being requested. ~~The application must also be accompanied by a list of names and addresses for all property owners of record within at least 300 feet from the boundaries of the affected property where this list is required by these policies or by City Ordinance.~~ Applications must be received at least two weeks prior to the meeting at which they will be considered.

**Commented [2]:** Our office crates the list of neighboring owners to ensure the applicant doesn't forget anyone.

#### V. MEETINGS

1. **Time and Place of Meetings** – Regular public meetings of the Planning Commission ~~shall be will~~ generally be held on the ~~second first~~ and ~~fourth third~~ Thursday of each month at 7:00 p.m. in accordance with Farmington City Code Section 11-3-030 (C). In person meetings will be held in the City Offices located at ~~130 North 160 South~~ Main Street when there is business to conduct unless otherwise noted on the agenda. A preparation meeting may be held prior to regular meetings, typically starting at 6:30 p.m. This preparation meeting is still a public meeting and the start time of the preparation meeting must also be published on the agenda. As determined by the Chair or City Staff, meetings may be held to facilitate participation either entirely or partially via remote

**Commented [3]:** Right now, we are generally holding meetings on the first and third. We should either change this to match, or add language to match the ordinance which allows "and/or such other times as deemed necessary by the Chairperson, City Manager or City Council." (11-3-030(C))

electronic means.

2. **Special emergency meetings** may be called by the Chair~~man~~, or upon an affirmative authorization of at least four members of the Commission.
3. **Open to the Public** – All meetings of the Planning Commission are open to the public unless closed pursuant to law.
4. **Order of Business** – Applications submitted to the Planning Commission shall appear on the agenda in the following order:

a. Approval of Minutes;

b. City Council Report

~~a-c.~~ Subdivision and Planned Unit Development applications – hearings and decisions;

~~b-d.~~ Master Plan and Zoning Amendment applications – hearings and decisions;

~~e-c.~~ Conditional Use / Site Plan review applications – hearings and decisions.

~~d-f.~~ Annexation applications;

~~e-g.~~ Zoning Text Changes – hearings and decisions;

~~f-h.~~ Other Business;

~~g-a.~~ Approval of Minutes;

~~h-i.~~ Adjournment.

**Commented [4]:** We should move this up to match current practice, unless there is a reason to leave it at the end, in which case we should change our practice.

The Chair~~man~~ may change the order of business or consider matters out of order if there is no objection from any member of the Commission, or by majority vote of the Commission.

5. **Presentation of Application** – Staff shall present the application. An applicant may offer written or oral comments and clarification if needed. An applicant may ~~appear-represent themselves~~ in person or remotely. ~~The applicant~~ may also choose to be represented by an attorney or other authorized agent at any meeting of the Commission, and the representing party may participate in person or remotely. Written authorization shall be required for an agent.
6. **Order of Procedure** – Except as otherwise provided in these rules, the order of procedure in the hearing of each application shall be as follows:
  - a. Staff makes presentation;
  - b. Applicant offers written or oral comments and clarification if needed;
  - c. Those individuals in favor of the application;
  - d. Those individuals against the application;
  - e. Summation may be permitted.

**Commented [5]:** We should move this up to match current practice, unless there is a reason to leave it at the end, in which case we should change our practice.

The Chair~~man~~ may change the order of procedure if there is no objection from any member of the Commission or by majority vote of the Commission.

#### **VI. VOTING**

An affirmative vote of a majority of the members of a quorum shall decide any matter under consideration in accordance with Section 11-3-030(d) of the Farmington City Zoning Ordinance.

#### **VII. DECISIONS**

Decisions of the Commission shall be considered final, for the purposes of any appeal, at the end of the meeting at which the matter is heard and a decision rendered. The Zoning Administrator shall send a written notification of the decision to the applicant within a reasonable time after the date such decision was made. Such notification shall include the reasons for the Commission's decision.

#### **VIII. RE-HEARING**

The Commission may re-hear an application upon written request by the applicant and a showing that there is substantial new evidence that was unavailable at the time of the original hearing through no fault on the part of the applicant. The Commission shall, by vote, make a determination as to whether or not to reconsider its prior decision. In the event a re-hearing is approved, the matter shall be considered only after notice has been given in the same manner as was given for the original application. The applicant shall pay any costs incurred in re-advertising the hearing.

#### **IX. RECORDS**

1. **Written Minutes** – Written minutes shall be kept of all Planning Commission meetings. Such minutes shall include:
  - a. The date, time, and place of the meeting;
  - b. The names of members present and absent;
  - c. The substance of all matter~~s~~ proposed, discussed, or decided, and a record, by individual member, of the votes taken.

The minutes are public records and shall be available within a reasonable time after the meeting. An official copy of the minutes shall not be made available until after formal approval by the Commission.

2. **Recording** – All proceedings of the Planning Commission shall be electronically recorded and the ~~tapes~~ audio recording retained in the office of the City Planner for a minimum of six months following the meeting at which the recording was made. Such recordings may be used in the event a Commission Member misses a meeting and wishes to qualify to vote on a particular item, or if it is necessary to produce a verbatim transcript

of all, or part, of a meeting.

3. A recording of all or any part of a Planning Commission Meeting may be made by any person in attendance provided that the recording does not interfere with the conduct of the meeting.

## **X. RULES OF ETHICAL CONDUCT**

1. **Definitions** – The following definitions shall apply to this section:

- a. **Assist** means to act, offer, or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity.
- b. **Business Entity** means a sole proprietorship, firm, partnership, association, joint venture, trust, corporation, foundation, or other organization or entity used in carrying on a business.
- c. **Compensation** means anything of economic value which is paid, loaned, granted, given, donated, or transferred to any person or business entity for, or in consideration of, personal services, materials, property, or any other thing whatsoever.
- d. **Substantial interest** means ownership, either legal or equitable, by an individual, a spouse, or minor children, of at least 10% of the outstanding shares of a corporation or a 10% interest in any other business entity.

2. **A Commission member shall not:**

- a. Disclose confidential information acquired by reason of his/her official position or use such information to secure special privileges or exemptions for him/herself or others;
- b. Use, or attempt to use, his/her official position to secure special privileges for him/herself or others;
- c. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for him/herself, or another, if the gift or loan tends to influence him/her in the discharge of his/her official duties, except for:
  - i. An occasional nonpecuniary gift having a value of less than \$50.00;
  - ii. An award presented publicly;
  - iii. Any bona-fide loan made in the ordinary course of business;

- iv. Political campaign contributions actually used in a political campaign.
- d. Participate in any Commission action which may result in a private benefit;
  - i. The private benefit may be direct or indirect, create a material, personal gain, or provide an advantage to relations, friends, groups, or associations which hold some share of a person's loyalty. However, mere membership in a group or organization shall not be considered a conflict of interest unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of an issue.
  - ii. A Commission member experiencing, in his/her opinion, a conflict of interest, shall declare this interest publicly, abstain from voting on the action, and shall be excused from his/her seat on the Commission during consideration of the action. He/she should not discuss the matter privately or publicly with any other Commission member. The vote of a Commission member experiencing a conflict of interest who fails to disqualify himself shall be disallowed.
  - iii. A conflict of interest may exist under these rules even though a Commission member may not believe he/she has an actual conflict. A Commission member who has a question as to whether a conflict exists should raise the matter with the other members and the City Attorney in order that a determination may be made.
- 3. **Compensation** – [a.](#) A Commission member shall not receive or agree to receive compensation for assisting any person or business entity in any transaction connected with an action being considered by the Commission or which may come before the Commission.
  - [b.](#) Any Commission member who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does, or anticipates doing business with the City shall disclose the nature of his/her interests in that business entity prior to any discussion by the Commission of any matter concerning such business entity.
  - [c.](#) Any personal investment by a Commission member which creates a substantial conflict between the Member's personal interests and his/[her](#) public duties shall be fully disclosed.

## **XI. RULES OF ORDER**

All regular meetings of the Planning Commission will be conducted according to such rules of order as are passed and approved by a majority vote of the Commission. These Rules may be amended from time to time in the same manner.

## **XII. TIE VOTE**

In the event of a tie vote on any decision before the Commission, the motion shall fail and the Chair~~man~~ may ask for another motion. If no other motion is made, or in the event the second motion also ends in a tie vote, the matter shall be continued until the next regular meeting of the Commission. In the event that a final decision is not made at the next meeting, the application shall be deemed denied and the applicant shall have a right to appeal as provided in the Farmington City Code.

## **XIII. AMENDMENTS**

These Policies and Procedures may be amended at any regular meeting of the Commission by an affirmative vote of the majority of all members, provided that such amendments have been presented in writing to each Commission member at least 48 hours preceding the meeting at which the vote is taken. Such amendment must be ratified by the City Council per Farmington City Code 11-3-030 (B) before taking effect.

Adopted December 1989

## **FARMINGTON CITY PLANNING COMMISSION RULES OF ORDER**

These rules are for the order and convenience of the Planning Commission and shall not be interpreted to provide an independent basis for invalidating or in any way altering a final decision of the Commission unless otherwise provided by City Ordinance or State Code. All regular meetings of the Farmington City Planning Commission shall be conducted according to these rules where these rules so provide.

### **I. GENERAL PROVISIONS**

#### **1. Basic Principles**

- a. Equality of Members – As the Planning Commission conducts its affairs in accordance with these rules, each member has the same rights, privileges, and duties as any other member.
- b. Freedom of Discussion – The right to be heard and to hear what others have to say about a motion before voting on it is basic to intelligent group action.
- c. One Main Motion – Only one main motion may be considered at any given time.
- d. Members Right to Know – Members have a right to know at all times what the immediately pending motion is and to have it restated before any vote is taken.
- e. Meeting Properly Called – The Planning Commission may take official action only in meetings properly called and with a quorum of members present.
- f. Actions Must Be Lawful – Actions taken by the Planning Commission must be in accord with City Ordinance and State and Federal Law.



## **2. Seconding Motions**

All motions of the Commission shall require the second except:

- a. A motion to amend the amendment;
- b. A motion to adjourn; or
- c. A motion to withdraw.

## **3. General Consent**

A formal vote shall be taken on all main motions. The formal vote shall include a second (when required), the polling of each eligible member, and the recording of votes by the secretary. For all motions other than a main motion, at the discretion of the Chair~~man~~, the Chair may call for approval of the Commission by verbally polling the Commission for any objections. If there is an objection from any member of the Commission, the motion shall be put to a formal vote.

## **4. Making the Motion**

A motion may be made by any member of the Commission except the Chair~~man~~ or, in his/her absence, the Vice-Chair~~man~~. Each motion proposed must be recognized by the Chair.

## **5. Debate on a Motion**

Except as otherwise provided by these rules, all motions shall be subject to debate by the Commission only after a second to the motion has been made and accepted by the Chair (where a second is required). Where no second is required, debate on the motion may begin immediately after the motion is accepted by the Chair.

## **6. Duties of the Chair~~man~~**

- a. The Chair~~man~~ shall conduct all meetings of the Commission and shall have the power to administer the rules at each meeting of the Commission in a manner not inconsistent with these Rules, City Ordinance, or State Law.
- b. The Chair~~man~~ should, to the extent practical, remain impartial.
- c. Whenever the Chair~~man~~ rules a motion out of order, he should explain why it is out of order and advise the mover when it would be in order, or how the mover's intent, if known, might be accomplished by use of another procedure.

- d. No member of the Commission, applicant, witness, or any other individual should speak in an open meeting of the Commission without first being recognized by the Chair~~man~~. This rule may be specifically set aside by the Chair~~man~~ as the circumstances may require.

## 7. Disciplinary Measures

- a. Disturbance by Non-Commission Members – If a non-Commission member is at the center of a disturbance, the Chair~~man~~ shall invite the offending party(s)~~him~~, after appropriate warning, to leave the meeting. “Appropriate Warning” should include a clear statement to the offending party(s) indicating that they are “out of order<sub>2</sub>”; stating the specific reason why they are out of order<sub>2</sub> and specifically what they may do to bring their actions into order. If the offending party(s) continue the disturbance, the Chair~~man~~ shall invite the offender(s) to cease and be seated or to leave the meeting, depending on the seriousness of the disturbance. If the offender(s) refuse to leave, the Chair~~man~~ may order the person(s) removed by the Police Department.
- b. Appeal of Expulsion – The Action to expel an individual is a ruling from the Chair and may be appealed by any member of the Commission but not by the non-Commission member. If an appeal is not called for, or if the decision of the Chair to expel the offender is upheld by the Commission, the person may be properly excluded from the meeting and in addition be charged with violation of the law where applicable.
- c. Motion to Appeal – A motion to appeal shall subject the ruling of the Chair to examination by the other members of the Commission to secure their support for reversal of the ruling. A motion to appeal is debatable and may not be amended or postponed.
- d. Disturbance by Commission Members – Commission members who demand the floor after exhausting their right to debate or who continue to talk without being recognized by the Chair may be dealt with in the following manner.
  - i. A warning from the Chair;
  - ii. A second warning from the Chair;
  - iii. The Chair may invite a motion to censure the offending Commission member by explaining that this becomes a matter of record in the minutes of the Commission. The offending member

shall be permitted to speak in his/her own defense and the secretary may be called to read examples of offensive remarks that he/she had directed to the record during the proceedings. Members excluded from a meeting by a vote of the Commission, but who refuse to leave, may invite more serious action such as eviction by a police officer and possible criminal charges.

## II. MOTIONS

1. **Main Motion** – A Main Motion is the statement of request for action, an idea for evaluation, or the introduction of a resolution stating the Commission’s position on a subject. Main Motions should be clear and concise and should be accompanied by specific facts that support the motion. If the motion is to be based on the requirements of an ordinance, each of the requirements of the ordinance should be addressed in the motion and supported by facts.
2. **Motion for Continuance** – A motion for continuance removes the subject from consideration until a future time or meeting. A motion for continuance may be made by either continuing the matter to a time certain or indefinitely. A continuance to a time certain is preferred since all parties are given actual notice of the time and date that the matter will be heard next. A continuance to an indefinite time in the future would require re-advertising of the matter in order to ensure that all interested parties are informed of the date and time that the matter will be heard again. Any motion for continuance should be accompanied by specific reasons for continuing the matter.
3. **Motion to Withdraw a Motion** – A motion is required to remove a motion which is before the Commission. The member who has made a motion pending before the Commission may move to withdraw that motion at any time prior to the Chairman putting the motion to a vote of the Commission. Withdrawal of a second is not necessary. Any member may move to withdraw a motion pending before the Commission prior to the Chairman putting the motion to a vote unless there is an objection from any other member of the Commission, in which case the withdrawal of the motion shall be put to a vote.
4. **Motion to Aamend a Motion** – A motion may be made to change the wording of a motion pending in order to make it express more accurately what the majority wants it to say. When a motion is pending before the Commission, any member may amend the motion at any time prior to the Chairman putting the motion to a vote provided the motion to amend receives a second and an affirmative vote of the Commission.
5. **Motion to Amend the Amendment** – A motion may be made to change the wording of a proposed amendment to a pending motion. This may be done by motion, no second required, and the Chairman may merely ask if there is any opposition. Only if there is

opposition does the amendment to the amendment need to be put to a formal vote.

6. **Motion to Rescind** – A motion is required to cancel or make void, the results of a motion passed. A prior motion may only be rescinded when the applicant and other persons directly affected by the motion have not materially changed their position in reliance on the Commission’s action on the motion.
7. **Motion to Reconsider** – A motion is required to call back for further consideration by the Commission any action taken in the same meeting, or in the immediately preceding meeting, for the purpose of reconsidering a motion. If it is determined by the Commission that the motion should stand as previously approved, no formal vote is necessary. If the former motion is to be amended or rescinded, the motion shall be put to a formal vote of the Commission.
8. **Motion to Recess** – A motion to recess may be made to break for a specific purpose while also stipulating a time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.

### **III. ADJOURNMENT**

Any meeting of the Commission may be adjourned by a motion from any member and an affirmative vote of the Commission. The Chair~~man~~ shall also have the power to adjourn a meeting where there is no objection from any other member and where all business items and orders of the day have been completed.