

CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is given that the City Council of the City of Farmington will hold a regular meeting on **Tuesday, September 5, 2023** at City Hall 160 South Main, Farmington, Utah. A work session will be held at 6:00 pm in Conference Room 3 followed by the regular session at 7:00 pm in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website at 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

WORK SESSION - 6:00 p.m.

- Presentation by Cultivate - Conlon Bonner
- Need-Based Assistance Program for Utility Bills 3

REGULAR SESSION - 7:00 p.m.

CALL TO ORDER:

- Invocation - Mayor Brett Anderson
- Pledge of Allegiance - Councilmember Alex Leeman

PRESENTATION:

- Spotlight - Eliza Lord, Farmington High School 8

PUBLIC HEARINGS:

- Renaming of a Public Street - 650 W to Phoenix Way (650 West) 10
- Renaming of a Public Street - Commerce Drive to Arrowgate Drive 18
- Update and adopt an impact fee facilities analysis for Parks 23
- Update and adopt an impact fee facilities plan for Parks 58
- Kaysville - Farmington Municipal Boundary Adjustment 78

BUSINESS:

- Criminal and Firearms Ordinance Revisions 82
- The Preserve at Farmington Creek - Lots 1-3 Amended 107

SUMMARY ACTION:

1. Minutes Approval for 07-18-2023, 08-01-2023 and 08-15-2023 111
2. Approval of an Agreement for the Deferral of Certain Public Improvements 149
3. Arbor Day Proclamation 155

GOVERNING BODY REPORTS:

- City Manager Report
 - Building Activity Report for July 158
- Mayor Anderson & City Council Reports

ADJOURN

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

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

CERTIFICATE OF POSTING I, the City Recorder of Farmington City, certify that copies of this agenda were posted at Farmington City Hall, Farmington City website www.farmington.utah.gov, and the Utah Public Notice website at www.utah.gov/pmn on August 31, 2023

WORK SESSION AGENDA

For Council Meeting:
September 5th 2023

- Presentation by Cultivate - Conlon Bonner
- Need-Based Assistance Program for Utility Bills
- Discussion of regular session items upon request

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Paul Roberts, City Attorney
Date: September 5, 2023
Subject: **Need-Based Assistance Program for Utility Bills**

The Mayor has requested a proposal from staff to establish a need-based assistance program for utility bills, funded by voluntary donations by other customers within Farmington City.

RECOMMENDATION(S)

Discuss the program during the work session, make suggestions, and give direction to staff for refinement, implementation or discontinuance.

BACKGROUND

There are situations in which a household is genuinely in need and it would be appropriate to aid that household, if possible. The Mayor has requested that the Council consider establishing a fund to provide that aid using voluntary donations.

The core components of this program are (in descending order of importance):

1. Funded entirely by voluntary donations and not tax dollars
2. Administered fairly
3. Limited burden on staff in assessing eligibility and disbursing funds

It appears that the program can be effectively established in line with these core components.

1. Voluntarily funded

The City should be able to collect donations from customers through their utility billing statement. The logistics of how this is to be accomplished are not yet worked out, especially because we are currently transitioning to a new utility billing provider. Preferably, customers would have the opportunity to give once or on an ongoing basis during the bill-paying process; and once they opt in for ongoing donations, they would continue to give until they cancel the arrangement. If staff is required to be contacted and add the donation manually, then it will serve as a significant

barrier to fund collection, due to the inconvenience to the donor in having to call City Hall.

As they are collected, the funds would be placed into a trust account, which fund's use will be restricted to aiding utility bill customers – i.e., the funds will only be transferred to the GL account for utility bill payments. A record of the transfers will be required, and our use of the trust fund will be subject to the annual audit, like all other funds of the City.

2. Fair Administration

It is a fair expectation of donors that the program will be administered fairly and that the funds will not be doled out indiscriminately or in a biased manner. The program hopes to avoid these concerns through two mechanisms: (A) requiring applicants to first receive approval for participation in the H.E.A.T. program administered by the Utah Department of Workforce Services; and (B) having the Council annually set parameters on how funds are to be disbursed, taking into consideration available funds.

One concern by donors may be that an undeserving household may receive a discounted or paid utility bill, resulting in depleted funds so that the truly deserving receive no help. Utah DWS operates the Home Energy Assistance Target (H.E.A.T.) program, which has a rigorous vetting process to determine eligibility.¹ Moreover, they also have a solid set of procedures and policies governing the administration of the program.² By piggy-backing on their eligibility determination process, the City avoids the pitfalls of administering that specific component of the program. As an additional benefit, eligible customers will have access to the benefits of the H.E.A.T. program in addition to the city's program, if approved. As such, staff recommends making eligibility entirely contingent upon approval for participation in H.E.A.T., rather than creating our own criteria, review process, and procedures.

Once the fund is established, the Council will need to set parameters for how it is administered. For instance, does staff allow eligible customers to have their entire bills paid until funds are exhausted? Do we only discount the utility bill? The answer to this will largely be based upon how much money is in the trust fund, combined with data as to how many households actually receive the benefit. Staff proposes that the Council give annual approval of the administration of the fund, including how much each eligible customer may receive. It is anticipated that for the first few years we will be gathering information about how often these funds are requested, as well as estimates of donations into the trust fund. But by allowing the Council to establish the parameters of payments, it removes the burden from staff to make

¹ For more information, see <https://jobs.utah.gov/housing/scso/seal/heat.html>. In a nutshell, a household that is responsible for paying home utility costs with a household income at or below 150% of the federal poverty level qualify for the HEAT program. This could include both property-owner utility bill recipients and tenants, so long as they are responsible for paying utilities in their arrangement.

² <https://jobs.utah.gov/housing/scso/seal/documents/heatpolicymanual.pdf>

those determinations on a case-by-case basis, and ensures clear expectations for recipients and donors.

3. Limited administrative burden

When crafting a new program, it is important to take into consideration the administrative burden placed on the City staff – every employee in the city is already fulfilling a job and is not necessarily in the position to take on additional responsibilities. If the Council adopts this program, the administrative functions will be: (A) tracking donations and expenditures by the finance department; (B) communicating and receiving proof of H.E.A.T. eligibility in order to place a customer on the program; and (C) applying the benefit based upon the parameters set by the Council. It is hoped that by having an avenue for customers to seek assistance, the administrative burden placed on the utility billing clerk and Council in entertaining individual requests for assistance will be greatly reduced. Overall, if the eligibility determination can be outsourced via the H.E.A.T. program, it is anticipated that the administrative burden will be nominal.

A draft ordinance that would institute this program is attached. Once the ordinance is adopted, then additional procedures and forms would be generated by administrative staff. We anticipate that once the program is started, there would be a period of time in which donations are collected before we open up eligibility for customers to apply for aid. In other words, the launch of the fundraising would need to occur first and we would need to determine how much needs to be collected before we started accepting applications.

Staff seeks the Council's feedback and input on this program.

Respectfully submitted,



Paul Roberts
City Attorney

Review and concur,



Brigham Mellor
City Manager

9-1-320: NEED-BASED ASSISTANCE FOR UTILITY BILLS; TRUST FUND:

- A. The city may establish a trust fund to receive voluntary donations from customers or other individuals in order to assist eligible households with Farmington City utility bill payments.
- B. The trust fund established by the city will be limited in its use for need-based assistance for utility bills generated by Farmington City and may not be accessed for any other government purpose.
- C. A household establishes eligibility for participation in the city's need-based assistance program by presenting a letter of approval for the Home Energy Assistance Target program operated by the Utah Department of Workforce Services.
- D. Eligibility to participate in the program does not guarantee specific assistance; funds will be disbursed on a programmatic basis, as directed by the city council. Once trust fund amounts are exhausted in a given fiscal year, then assistance will not be available until the following fiscal year, unless specifically authorized by the city council.

CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

PRESENTATION: Spotlight - Eliza Lord, Farmington High School

Spotlight - Eliza Lord



Eliza Lord embodies so many of the things that make Farmington High School students great. During her time at FHS, Eliza has excelled academically with a current GPA of 3.96. She represents the school as part of the Dance Company as well as attends classes at the Davis Technology Center, all while adding AP Courses to her course load as a senior. Where Eliza truly shines, however, is in the way that she treats those around her. Her constant positivity and genuine care for the students and staff shows through in each interaction she has. After talking with Eliza, one is left feeling full of hope and happiness and that makes a difference every day at FHS. We are so proud of Eliza and know she will affect many lives in the future the same way she has affected them here.

Tim Allen
Assistant Principal
Farmington High School

CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

PUBLIC HEARING: Renaming of a Public Street - 650 W to Phoenix Way
(650 West)

GENERAL INFORMATION:

See staff report prepared by Lyle Gibson, Asst.Comm. Development Director

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Lyle Gibson – Assistant Community Development Director
Date: 9/5/2023
Subject: Renaming of a public street –Phoenix Way (650 West Street)

RECOMMENDATION

Move that the City Council approve the included Ordinance to officially change the name of “650 West” to “Phoenix Way (650 West)”.

Findings:

1. The street name change will contribute to community pride and morale and may result in an important landmark for the community---and is typical of what is done in other municipalities and counties in similar situations related to local streets next to high schools elsewhere in the state.
2. An overwhelming majority of property owners adjacent to 650 West support the name change.
3. The request is acceptable to the Post Office and because the street will still carry the name of “650 West” the name change will cause no disruption to mail service and adjacent property owners are welcome to use “650 West” or “Phoenix Way” (or both) as their address.
4. It may provide a wayfinding mechanism to make it easier for visitors to find the High School.
5. Not much in the way of City resources is necessary to implement the name change---the cost to benefit ratio is extremely high.

BACKGROUND

The State of Utah in their statute 10-8-32 empowers municipalities to name streets and establish the process to do so. Farmington City Municipal Code

(FMC) 8-2-090 indicates that a public hearing must be held when considering the changing of a street name. To ensure the community was aware of the hearing, a mailed notice has been sent to every property owner with property abutting 650 West Street in addition to the inclusion of the hearing on the posted City Council agenda.

The change of the name will retain the historic 650 West as an option for help in finding the street in the grid network and to allow property owners the use of 650 West for consistency with mailing and wayfinding. For example, the Farmington Gymnasium is located at 294 S 650 W. Even after the approval of the enclosed ordinance, a letter mailed to 294 S 650 W would still arrive at the gymnasium as would a letter mailed to 294 S Phoenix Way.

Proposed Phoenix Way Street Sign:



Respectfully submitted,



Lyle Gibson
Assistant Community Development Director

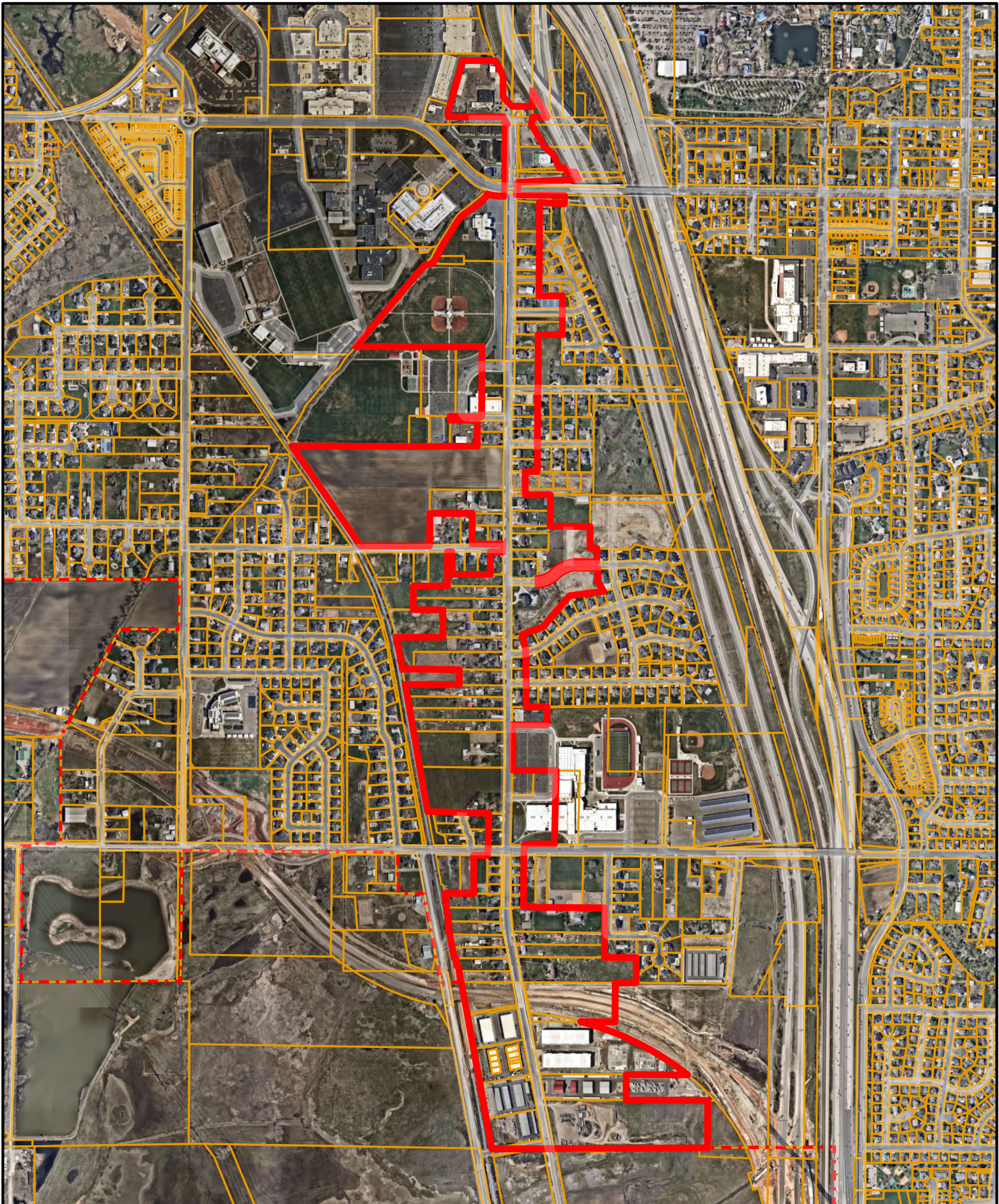
Review and concur,



Brigham Mellor
City Manager

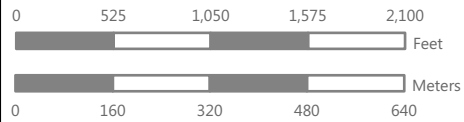
Supplemental Information

1. Vicinity map which shows all adjacent property which may be affected by the street name change.
2. Information from the High School that students hand delivered to owners of property abutting 650 West [note: students tried to personally reach out to every property owner along the street].
3. Notice sent by Farmington City to property owners whose property is adjacent to 650 W. Street.
4. Comments received by city staff.
5. Street Name Change Ordinance.



VICINITY MAP

Properties abutting 650 West



Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained in 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.



Justin Whittaker
Principal

Tim Allen
Assistant Principal

Shon Feller
Assistant Principal

Mylei Zachman
Assistant Principal

Farmington City Residents,

Our school theme for the upcoming school year is “Building Our Legacy”. Over the past 5 years we have been building our legacy by curating academic excellence and achieving athletic dominance. We want to expand our legacy from within the walls of our school into the community.

Our first goal in “Building Our Legacy” this year is by adding “Phoenix Way” to 650 West. Farmington High students drive on 650 West to get to school every day. Adding the name “Phoenix Way” will create a deeper community foundation that our student body will build a strong foundation.

With your support, adding “Phoenix Way” to 650 West will firmly establish Farmington City as the home of the Phoenix. The Phoenix family does not only exist within the walls of the school; all of Farmington City will be Phoenix Territory. To accomplish this, we need your help. As a student government we are presenting this idea to the City Council on August 16, 2023. To show your support we are asking for you to sign this petition.

Thank you for your time and consideration! We know that adding the name Phoenix Way to 650 West will deepen our community roots and create a firm foundation for generations to continue to Build Our Legacy.

Thank you for your support,

FHS Student Body Officers

Cannon Hughes; President
Ella Johnston; Social Media
Lucy Larson; Designer
Kenslee McGuire; Service
Jasmine Malhi; Diversity and Inclusion
Ian Tarbox; Tech
Kaden West; Spirit

Notice of Public Hearing

August 21, 2023

RE: Notice of Public Hearing – Renaming of Public Street – Phoenix Way (650 West Street)

Dear Property Owner:

The Farmington City Council will hold a meeting for the purpose of a public hearing to consider changing the name of the street which your property abuts. If approved, the name “650 West Street” would be changed to “Phoenix Way (650 West Street)”. This change would allow for the use of either Phoenix Way or 650 West when addressing mail or searching for the property in mapping systems.

This hearing is to be held on **Tuesday September 05, 2023** at 7:00 PM, or as soon after as the item can be heard. This meeting will be held at the City Offices at 160 South Main Street, Farmington, Utah. Farmington City Council meetings, including this meeting, are open to the public.

Members of the public wishing to attend this meeting are welcome to view the meeting online and give comments via email or zoom or attend the meeting in person. The link to view the hearings live and to comment electronically can be found on the Farmington City website at www.farmington.utah.gov.

Prior to the meeting, the agenda, staff report and attachments will be posted online. Please visit the Farmington City website at farmington.utah.gov.

If you have any questions, please contact Carly Rowe at 801-939-9215 or email at crowe@farmington.utah.gov.

Sincerely,



Carly Rowe
Planning Department

Anticipated Street Signage:





Carly Rowe <crowe@farmington.utah.gov>

650 West Street Name Objection

1 message

David Petersen <dpetersen@farmington.utah.gov>

Thu, Aug 24, 2023 at 2:16 PM

To: Carly Rowe <crowe@farmington.utah.gov>

Carly,

As you know we received a voice mail from Karlene Mower's aide that Karlene is against the street name change, and told the kids that when they came to her door. The aide also stated that Karlene said she has lived there 47 years and wants it to remain the same. Ms. Mower lives at 1063 South 650 West (Parcel ID# 08-080-0014).

Please place this email in the Street Name Change application file. Thanks.

Dave



Dave Petersen, AICP
Community Development Director

Office: [801.939.9211](tel:801.939.9211) Cell: [801.381.3575](tel:801.381.3575)

dpetersen@farmington.utah.gov

ORDINANCE NO: _____

AN ORDINANCE OF THE FARMINGTON CITY COUNCIL CHANGING THE NAME OF 650 WEST BETWEEN 100 NORTH AND 1300 SOUTH TO PHOENIX WAY (650 WEST)

WHEREAS, the City Council has authority to name streets and public ways in the City, and to change those names, pursuant to Utah Code Ann. § 10-8-32: and

WHEREAS, the City Council followed procedures to effect a name change as provided in Section 8-2-090 of the Farmington Municipal Code; and

WHEREAS, Farmington High School is located on 650 West; and

WHEREAS, Farmington High School’s mascot is the Phoenix; and

WHEREAS, the City Council finds that changing the name of 650 West to Phoenix Way (650 West) will increase community morale and awareness of the Farmington High School; and

WHEREAS, the City Council finds that including “(650 West)” in the street name will reduce confusion and aid in a smooth transition for those whose addresses are affected by the change,

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

Section 1: Name Change. The street currently named 650 West is now named Phoenix Way (650 West), between 100 North and 1300 South, which is the Southern border of Farmington City. This name change does not affect other stretches of 650 North within the City.

Section 2: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3: Effective Date. This Ordinance shall become effective immediately upon its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS ___TH DAY OF _____ 2023.

ATTEST:

FARMINGTON CITY

DeAnn Carlile, City Recorder

Brett Anderson, Mayor

CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

PUBLIC HEARING: Renaming of a Public Street - Commerce Drive to Arrowgate Drive

GENERAL INFORMATION:

See staff report prepared by Shannon Hansel, Planner and GIS Specialist

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Shannon Hansell - Planning and GIS Specialist
Date: 9/5/2023
Subject: Arrowgate Drive – Renaming of a Public Street

RECOMMENDATION(S)

1. Hold a Public Hearing
2. Move that the City Council approve the enclosed ordinance to update officially change “Commerce Drive” to Arrowgate Drive on the Arrowgate PUD subdivision plat.

Findings for Approval

1. The street name change will clean up a discrepancy.
2. No entities are addressed on Arrowgate Drive or Commerce Drive, so no residents or businesses should be affected.

BACKGROUND

The Arrowgate Planned Unit Development (PUD) was recorded by Davis County on June 23, 2020. At the time of the PUDs approval, the City had planned Commerce Drive (now Innovator Drive) to go through the center of the development. In anticipation that Commerce Drive would be built in this location, the Arrowgate PUD plat was recorded showing Commerce Drive. Soon after recordation, the new alignment of “Commerce Drive” (Innovator Drive) was updated to connect directly to Shepard Lane/950 North, instead of going through Arrowgate. Since Commerce Drive was no longer planned to go through the area, the development requested street signs with “Arrowgate Drive”, which is what is in place today.

This item is effectively in place to clear up the discrepancy in the recorded plat document and what is in place on the street. There are no residences, businesses or other entities that use Commerce Drive or Arrowgate Drive as their street address, therefore no address changes will be necessary.

Supplemental Information

1. Street sign in place at Arrowgate Drive
2. Google Maps image showing multiple street names
3. Arrowgate PUD subdivision plat showing Commerce Drive.
4. Ordinance enacting street name change

Respectfully submitted,

Shannon Hansell

Shannon Hansell
Planning and GIS Specialist

Review and concur,

A handwritten signature in black ink, appearing to read 'Brigham Mellor', with a long horizontal stroke extending to the right.

Brigham Mellor
City Manager

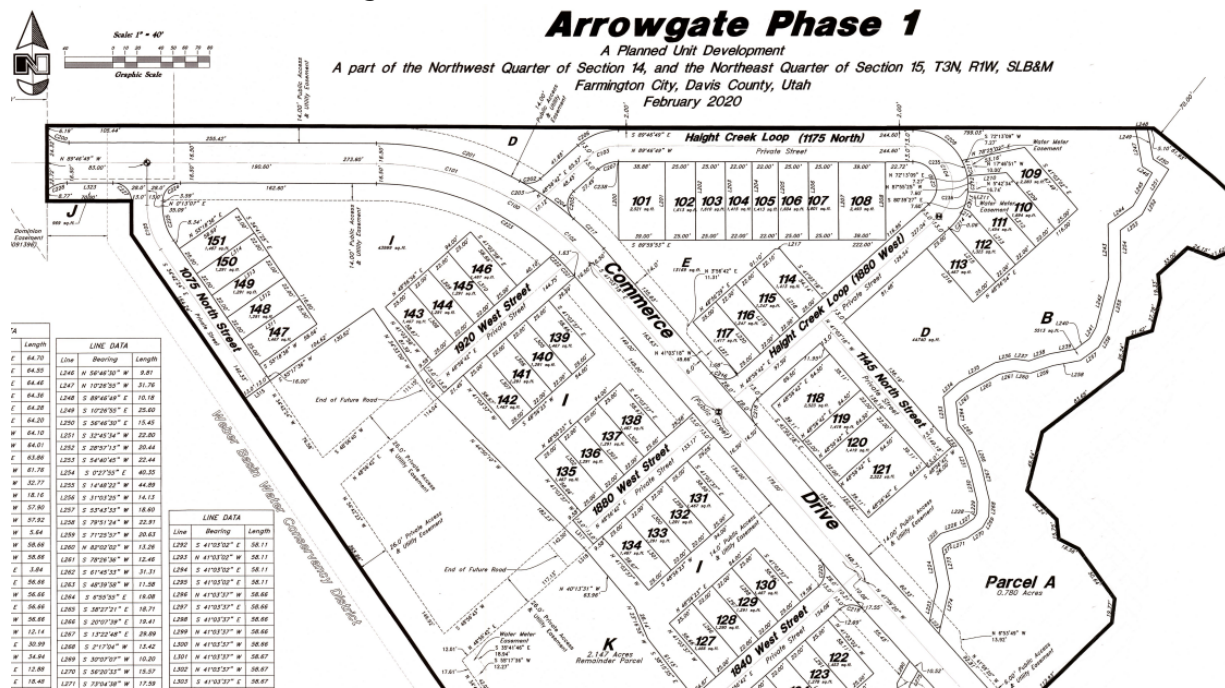
Existing Street Sign "Arrowgate Dr"



Google Maps image showing multiple street names



Subdivision Plat showing Commerce Drive



ORDINANCE NO: _____

AN ORDINANCE OF THE FARMINGTON CITY COUNCIL CHANGING THE NAME OF COMMERCE DRIVE BETWEEN 350 EAST AND HAIGHT CREEK TO ARROWGATE DRIVE.

WHEREAS, the City Council has authority to name streets and public ways in the City, and to change those names, pursuant to Utah Code Ann. § 10-8-32: and

WHEREAS, the City Council followed procedures to effect a name change as provided in Section 8-2-090 of the Farmington Municipal Code; and

WHEREAS, the stretch of Commerce Drive between 350 East and Haight Creek is referred to commonly as Arrowgate Drive, including signage to that effect; and

WHEREAS, the City Council finds that changing the name of of Commerce Drive between 350 East and Haight Creek to Arrowgate Drive will reduce confusion and bring it into conformance with the expectations and understanding of all residents abutting that drive,

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

Section 1: Name Change. The street currently named Commerce Drive is now named Arrowgate Drive, between 350 East and Haight Creek. This name change does not affect any other stretches of streets within the City.

Section 2: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3: Effective Date. This Ordinance shall become effective immediately upon its publication.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS __ TH DAY OF _____ 2023.

ATTEST:

FARMINGTON CITY

DeAnn Carlile, City Recorder

Brett Anderson, Mayor

CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

PUBLIC HEARING: Update and adopt an impact fee facilities analysis for
Parks

GENERAL INFORMATION:

See staff report prepared by Colby Thackeray, Parks & Recreation Director



CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Colby Thackeray
Date: September 5, 2023
Subject: Review and adoption of the Parks and Recreation Impact Fee Facilities Plan and Fee.

RECOMMENDATION(S)

1. Hold a public hearing for the adoption of the Parks and recreation Impact Fee Facilities Plan and impact fee.
2. Move that the City Council approve the enclosed resolution adopting the Park Impact Fee Facilities Plan and adopt the enclosed ordinance adopting the Park Impact Fee Analysis and park impact fees on development activities within Farmington.
3. Move that the council approve a CFS (Consolidated Fee Schedule) amendment to include the impact fees after 90 days.

BACKGROUND

Impact Fees must be updated regularly to meet the changing needs and growth of the City. Farmington has been in the process of updating the Park Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA). City Staff and Lewis Young Robertson & Burningham (LYRB) have created a new Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) in order to update the park impact fees. The City has properly advertised the IFFP, IFA, and proposed ordinance per State Statute prior to this meeting. The IFFP and IFA have evaluated the City's current level of service (LOS) and the proposed fees. The IFFP presents public improvements, policies, demands placed upon existing public facilities by new development, and the proposed means by which the City will meet those demands to continue to provide Farmington City residents with the same or better level of service being provided by the park facilities. The IFFP includes costs for future parks improvements and the IFA portion of the study shows the calculated fees. The current and proposed park impact fees are shown in the following table:

Use	Current Park Fee	Proposed Park Fee
Single-Family Residential	\$4,049	\$6,616
Multi-Family Residential	\$3,828	\$4,440

City Staff recommends that the IFA and new proposed impact fees shown above be adopted.

SUPPLEMENTAL INFORMATION

1. Resolution
2. Ordinance
3. Impact Fee Facilities Plan and Analysis
4. Copies of the IFFP and IFA can be obtained at City Hall.

Respectfully submitted,



Colby Thackeray
Parks & Recreation Director

Review and concur,



Brigham Mellor
City Manager

RESOLUTION 2023 - ____

A RESOLUTION ADOPTING THE PARK IMPACT FEE FACILITIES PLAN

WHEREAS, the City Council has determined that it is necessary or desirable to continue to construct, purchase, and improve the park facilities to serve new development activity within the City, and that the fore stated goal requires the City to adopt a park impact fee facilities plan; and

WHEREAS, the City Engineer has recommended an impact fee facilities plan for the orderly operation and development of the City and the protection of its facilities for the benefit of the residents of the City and the City Council has accepted this recommendation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Farmington City, State of Utah, as follows:

Section 1. Adoption. The City Council of Farmington City hereby adopts the certain Impact Fee Facilities Plan, prepared by Lewis Young Robertson & Burningham, dated June 2023, attached hereto as Exhibit A and incorporated herein by reference. Copies of the Impact Fee Facilities Plan shall be made available to City staff and other interested persons in accordance with the policies and procedures of the City regarding records.

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

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 5th day of September, 2023.

FARMINGTON CITY

Brett Anderson, Mayor

ATTEST:

DeAnn Carlile, Recorder

FARMINGTON, UTAH

ORDINANCE NO. 2023- _____

AN ORDINANCE ADOPTING PARK IMPACT FEE ANALYSIS AND PARK IMPACT FEES ON DEVELOPMENT ACTIVITIES WITHIN FARMINGTON CITY, UTAH

WHEREAS, the City Council previously enacted Title 5, Chapter 11 of the Farmington City Municipal Code establishing and adopting various impact fees on development activities within the City; and

WHEREAS, the City Council has by Resolution now approved and adopted a Park Impact Fee Facilities Plan relating to park needs and infrastructure of the City and desires to adopt a park impact fee analysis and revised park impact fees accordingly; and

WHEREAS, the City Council has reviewed the existing park impact fees as well as the Park Impact Fee Facilities Plan, together with an updated analysis as required by law and desires, based on the foregoing to adopt the updated park impact fee analysis and amended impact fees as provided herein;

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

Section 1. Impact Fee Analysis Adoption. The City Council of Farmington City hereby approves and adopts that certain Impact Fee Analysis prepared by Lewis Young Robertson & Burningham, dated June, 2023 and attached hereto as Exhibit A and incorporated herein by reference.

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

Section 3. Effective Date. This Ordinance shall become effective on the ninetieth (90th) day following the date of approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, ON THIS 5th DAY OF SEPTEMBER, 2023.

FARMINGTON CITY

Brett Anderson, Mayor

ATTEST:

DeAnn Carlile, Recorder

**IMPACT FEE FACILITIES PLAN (IFFP) &
IMPACT FEE ANALYSIS (IFA)**
PURSUANT TO 11-36A, UTAH CODE

PARKS AND RECREATION FACILITIES

JUNE 2023

FARMINGTON CITY, UTAH



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IFFP AND IFA CERTIFICATION

IFFP CERTIFICATION

LYRB certifies that the attached impact fee facilities plan:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and,
3. complies in each and every relevant respect with the Impact Fees Act.

IFA CERTIFICATION

LYRB certifies that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and,
4. complies in each and every relevant respect with the Impact Fees Act.

LYRB makes this certification with the following caveats:

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

SECTION 1: EXECUTIVE SUMMARY

The purpose of the Parks & Recreation Impact Fee Facilities Plan (“IFFP”), with supporting Impact Fee Analysis (“IFA”), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the “Impact Fees Act”, and assist Farmington City (the “City”) to plan necessary capital improvements for future growth. This document will address the future parks and recreation infrastructure needed to serve the City through the next ten years, as well as the appropriate impact fees the City may charge to new growth to maintain the level of service (“LOS”).

- Impact Fee Service Area:** The parks and recreation service area (“Service Area”) is defined as all areas within the City.
- Demand Analysis:** The demand units utilized in this analysis include population and household growth. The City’s 2023 population is estimated at 26,291. The future population in the Service Area is used to determine the additional parks and recreational needs. Based on conservative growth estimates, the Service Area should reach a population of approximately 31,591 residents by 2033, resulting in an estimated population increase of 5,300 over the next ten years. As a result of new growth, the City will need to construct additional parks and recreation facilities to maintain the existing LOS.
- Level of Service:** The LOS for the analysis is based on maintaining the existing Level of Investment (“LOI”) in current parks and recreation facilities. The LOS consists of two components – the land value per capita and the improvement value per capita (or the cost to purchase land and make improvements in today’s dollars).
- Excess Capacity:** This study does not include a buy-in component currently.
- Capital Facilities Analysis:** Due to the projected new development and redevelopment within the City, additional capital improvements will be necessary as they relate to parks.
- Funding of Future Facilities:** Impact fees will continue to be a significant source of funding for parks and recreation infrastructure as they are an appropriate and fair mechanism for funding growth-related infrastructure.

PROPOSED PARKS AND RECREATION IMPACT FEE

The fee per capita is \$1,823 as shown in **TABLE 1.1**. The current standard of practice in Utah is to assess park and recreation impact fees only to residential development. The impact fees proposed in this analysis will be assessed within the Service Area. Based on the per capita fee, the proposed impact fee per household (“HH”) is illustrated in **TABLE 1.2**.

TABLE 1.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

TYPE OF IMPROVEMENT	PROPOSED LOS PER 1,000	LAND COST PER CAPITA	IMPROVEMENT VALUE PER CAPITA	TOTAL VALUE PER CAPITA
All Parks	5.12	\$1,109	\$711	\$1,820
OTHER COMPONENTS TO FEE		ADDITIONAL VALUE	DEMAND SERVED	TOTAL VALUE PER CAPITA
Buy-In		\$0	5,300	\$0
Impact Fee Credit		\$0	5,300	\$0
Professional Expense		\$7,920	3,357	\$2
Estimate of Impact Fee Per Capita				\$1,823

TABLE 1.2: IMPACT FEE PER HOUSEHOLD

	AVERAGE HH SIZE	FEE PER HH	EXISTING FEE PER HH	% CHANGE
Single Family	3.63	\$6,616	\$4,049	63%
Multi-Family	2.44	\$4,440	\$3,828	16%

NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis.

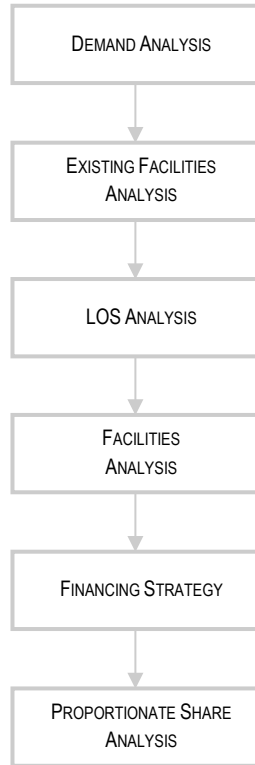
FORMULA FOR NON-STANDARD PARKS AND RECREATION IMPACT FEES:

Estimated Population per Unit x \$1,823 = Impact Fee per Unit

¹ 11-36a-402(1)(c)

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFA². The IFFP is designed to identify the demands placed upon the City's existing facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements which are intended to be funded by impact fees. The IFA is designed to proportionately allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. Each component must consider the historic level of service provided to existing development and ensure that impact fees are not used to raise that LOS. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will impact public facilities. For the purposes of this analysis, the demand unit used for parks and recreation is the City's population.

EXISTING FACILITY INVENTORY

To quantify the demands placed upon existing public facilities by new development activity, the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

LEVEL OF SERVICE ANALYSIS

The demand placed upon existing public facilities by existing development is known as the existing LOS. Through the inventory of existing facilities, combined with population growth assumptions, this analysis identifies the LOS which is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, debt issuance, alternative funding sources, and the dedication (aka donations) of system improvements, which may be used to finance system improvements.³ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁴

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future (UCA 11-36a-302).

² 11-36a-301,302,303,304

³ UC 11-36a-302(2)

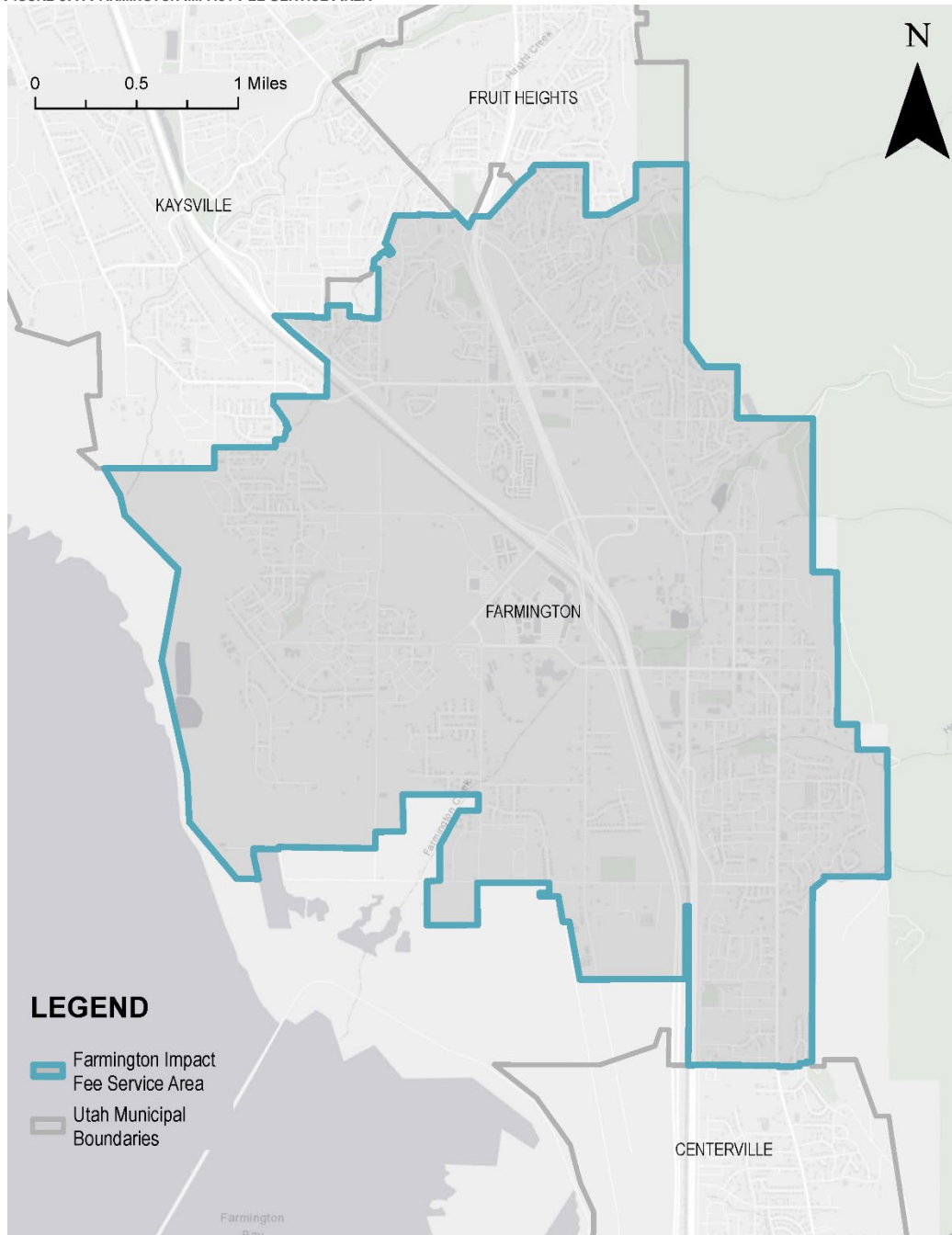
⁴ UC 11-36a-302(3)

SECTION 3: OVERVIEW OF SERVICE AREA AND GENERAL DEMAND FIGURES

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁵ The Service Area for the future parks impact fee includes all areas within the current municipal boundaries of the City, as shown in **FIGURE 3.1**. This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future.

FIGURE 3.1: FARMINGTON IMPACT FEE SERVICE AREA



⁵ UC 11-36a-402(1)(a)

DEMAND PROJECTIONS

The demand unit used in this analysis is population and household growth. The population projections are based on planning projections provided by the City. According to these projections, the City's 2023 population is **26,291**.

The future population in the Service Area is used to determine the additional parks and recreational needs to serve the additional population. The LOS standards for each of these types of improvements has been calculated, and a blended LOS determined for the future population, giving the City flexibility to provide the types of improvements that are desired by the residents to the future population. If growth projections and land use planning changes significantly in the future, the City will need to update the parks and recreation projections, the IFFP, and the impact fees. The service area should reach approximately **31,591** residents by 2033. As a result of this growth, the City will need to construct additional parks and recreation facilities to maintain the existing level of service.

TABLE 3.1: DEMAND PROJECTIONS

YEAR	POPULATION	% CHANGE
2023	26,291	
2024	26,898	2.31%
2025	27,404	1.88%
2026	27,998	2.17%
2027	28,588	2.11%
2028	29,070	1.69%
2029	29,648	1.99%
2030	30,220	1.93%
2031	30,681	1.53%
2032	31,138	1.49%
2033	31,591	1.45%
10 Yr. IFFP Growth	5,300	

Source: Farmington City, Community Development Department

TABLE 3.2: CALCULATION OF PERSONS PER HH

TYPE	HOUSING UNITS
Total Housing Units	8,012
Single Family Units	5,674
Multi-Family Units	2,338
Total Population	26,291
Single Family Population	20,595
Multi-Family Population	5,696
Average HH Size: Single Family	3.63
Average HH Size: Multifamily	2.44

Source: Farmington City, Community Development Department

SECTION 4: PARKS AND RECREATION FACILITIES

The purpose of this section is to address the parks and recreation IFA and to help the City plan for the necessary capital improvements for future growth. This section will address the future parks and recreation facilities needed to serve the City through the next 10 years, as well as address the appropriate parks and recreation impact fees the City may charge to new growth to maintain the existing LOS.

EXISTING FACILITY INVENTORY

The City's existing inventory for purposes of determining impact fees is shown in **TABLE 4.1**. See **APPENDIX A** for a detailed list of facilities and amenities. The improvement costs for parks and recreation are based on the existing improvements at each facility. The cost of land was set by City Staff and is reflective of land values throughout the Service Area.

For the purposes of the impact fee calculations, this analysis isolates the "City Funded" facilities. This represents the land and improvements funded with general fund dollars and excludes land and improvement costs that were donated or gifted to the City. The City funded acreage and estimated improvement value illustrated below will be the basis for the LOS analysis discussed in this section. In addition, special use facilities are excluded from this analysis due to the funding sources for these facilities. The City issued the 2015 General Obligation bonds for the purposes of building the existing pool and gym recreation facilities. As a result, these facilities are excluded from the calculation of the fee. Other special use facilities are not perpetuated in the proposed LOS at this time.

TABLE 4.1: PARKS AND RECREATION FACILITIES

	TYPE	TOTAL ACRES	% IFA ELIGIBLE	IMPACT FEE ELIGIBLE	LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE
Regional Park	Regional	40.4	100.00%	40.40	\$10,100,000	\$4,103,200	\$14,203,200
Farmington Pond	Community	18.3	100.00%	18.30	\$4,575,000	\$242,650	\$4,817,650
Heritage Park	Community	11.6	100.00%	11.60	\$2,900,000	\$915,975	\$3,815,975
Forbush Park	Neighborhood	4.1	100.00%	4.10	\$1,025,000	\$1,306,975	\$2,331,975
Ranches Park	Neighborhood	5.9	100.00%	5.90	\$1,475,000	\$603,175	\$2,078,175
Shepard Park	Neighborhood	5.6	100.00%	5.60	\$1,400,000	\$1,728,450	\$3,128,450
South Park	Neighborhood	6.6	100.00%	6.60	\$1,650,000	\$1,508,225	\$3,158,225
Woodland Park	Neighborhood	9.7	100.00%	9.70	\$2,425,000	\$788,900	\$3,213,900
Ezra T. Clark Park	Pocket	2.0	100.00%	2.00	\$500,000	\$0	\$500,000
Farmington Preserve Park	Pocket	1.4	100.00%	1.40	\$350,000	\$129,375	\$479,375
Lupine Park	Pocket	0.1	100.00%	0.10	\$25,000	\$115,000	\$140,000
Moon Park	Pocket	0.7	100.00%	0.70	\$175,000	\$285,775	\$460,775
Mountain View	Pocket	2.6	100.00%	2.60	\$650,000	\$217,350	\$867,350
Point of View	Pocket	1.1	100.00%	1.10	\$275,000	\$375,475	\$650,475
Spring Creek	Pocket	2.1	100.00%	2.10	\$525,000	\$378,350	\$903,350
Community Art Center	Special Use	0.4	0.00%	0.00	\$0	\$0	\$0
Farmington Gym	Special Use	2.7	0.00%	0.00	\$0	\$0	\$0
Swimming Pool	Special Use	1.2	0.00%	0.00	\$0	\$0	\$0
The Farm Mountain Bike Park	Special Use	44.0	0.00%	0.00	\$0	\$0	\$0
Glovers Lane Park	Undeveloped	3.50	100.00%	3.50	\$175,000	\$0	\$175,000
Business Park	Undeveloped	10.30	100.00%	10.30	\$515,000	\$0	\$515,000
Farmington Pond Expansion	Undeveloped	8.50	100.00%	8.50	\$425,000	\$0	\$425,000
Farmington Trails	Trails	0.00	100.00%	0.00	\$0	\$5,992,650	\$5,992,650
Total		182.80		134.50	\$29,165,000	\$18,691,525	\$47,856,525

BUY-IN COMPONENT

A buy-in to these facilities has not been contemplated at this time.

LAND VALUATION

Recent land acquisitions by the City were used to estimate the proposed land acquisition cost for future development in the City. For purposes of this analysis, \$250,000 per acre is used as the cost to acquire new park land. A lower cost of \$50,000 per acre was assumed for undevelopable open space and natural lands.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing parks and recreation infrastructure has been funded through a combination of General Fund revenues, grants, other governmental funds, and donations. General Fund revenues include a mix of property taxes, sales taxes, federal and state grants, and any other available General Fund revenues. While the City has received some donations to fund parks and recreation facilities, all park land and improvements funded through donations have been excluded in the impact fee calculations.

LEVEL OF SERVICE ANALYSIS

The LOS for this analysis is based on maintaining the existing LOI in current parks and recreation facilities. The LOS consists of two components: the land value per capita and the improvement value per capita funded by the City (or the cost to purchase the land and make improvements in today's dollars), resulting in a total value per capita for parks and recreation.

Using the estimated land values and improvement values per type of park shown in **TABLE 4.2** and the existing estimated population of 26,291 for 2023, the value per capita (or LOS) is calculated. This approach uses an estimated land value and construction costs improvements in today's dollars to determine the current value. It is assumed that the City will maintain, at a minimum, the current set LOS standard.

TABLE 4.2: LEVEL OF SERVICE SUMMARY

PARK TYPE	CITY OWNED ACREAGE	EST. LAND VALUE	LAND VALUE PER ACRE	EST. IMPROV. VALUE	IMP. VALUE PER ACRE	TOTAL VALUE PER ACRE
All Facilities	134.50	\$29,165,000	\$216,840	\$18,691,525	\$138,970	\$355,811
Per Capita	0.01	\$1,109	\$8	\$711	\$5	\$1,820

The calculation of impact fees relies upon the information contained in this analysis. The timing of construction for development-related park facilities will depend on the rate of development and the availability of funding. For purposes of this analysis, a specific construction schedule is not required since the construction of park facilities can lag development without impeding continued development activity. This analysis assumes that construction of needed park facilities will proceed on a pay-as-you-go basis, and assumes a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements.

FUTURE CAPITAL FACILITIES ANALYSIS

Future planning for parks and public lands is an ongoing process based on the changes in population and community preference. The City will purchase and improve parks and public lands to maintain the LOS defined in this document. Actual future improvements will be determined as development occurs and the opportunity to acquire and improve park land arises. Impact fees will only be assessed to maintain the existing LOS.

The analysis of impact fee eligible costs above is further refined based on the expected changes in population over the planning horizon and the existing LOS. Based on the expected growth of 5,300 people, **TABLE 4.3** illustrates the City will need to invest an estimate of \$9.6 million in parks, recreation, open space, and trail facilities (including amenities) to maintain the proposed LOS as shown in **TABLE 4.2**. The City may invest at a higher level; however, impact fees cannot be used to increase the existing LOS.

TABLE 4.3: ILLUSTRATION OF INVESTMENT NEEDED TO MAINTAIN LOS

TYPE OF IMPROVEMENT	UNIT OF MEASURE	POPULATION INCREASE IFFP HORIZON	TOTAL VALUE PER CAPITA	ESTIMATED FUTURE INVESTMENT
Total Facilities	Per Capita	5,300	\$1,820	\$9,647,392

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to the community at large.⁶ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that

⁶ 11-36a-102(20)

development.⁷ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis. Only parks and recreation facilities that serve the entire community are included in the LOS.

FINANCING STRATEGY & CONSIDERATION OF ALL REVENUE RESOURCES

This analysis assumes that construction of needed parks and recreation facilities will proceed on a pay-as-you-go basis, and assumes a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements. The IFFP must also include a consideration of all revenue sources including impact fees and developer dedications of system improvements, which may be used to finance system improvements.⁸ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁹

PROPERTY TAX REVENUES

It is anticipated that the City will continue to utilize property tax revenues, as part of the total General Fund revenues, to maintain existing park facilities. Impact fee revenues will be a continual source of revenue to fund growth related improvements.

GRANTS AND DONATIONS

The City may receive donations from new development for future system-wide capital improvements related to park facilities. A donor will be entitled to a reimbursement for the negotiated value of system improvements funded through impact fees if donations are made by new development. The City may receive grant monies to assist with park construction and improvements. This analysis has removed all funding that has come from federal grants and donations to ensure that none of those infrastructure items are included in the LOS. Therefore, the City's existing LOS standards have been funded by the City's existing residents. Funding the future improvements through impact fees places a similar burden upon future users as that which has been placed upon existing users through impact fees, property taxes, user fees, and other revenue sources.

IMPACT FEE REVENUES

Impact fees are an ideal mechanism for funding growth-related infrastructure. Impact fees are currently charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing LOS. Increases to an existing LOS cannot be funded with impact fee revenues. An impact fee analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

DEBT FINANCING

In the event the City has not amassed sufficient impact fees in the future to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt (i.e., interest costs). Future debt financing has not been considered in the calculation of the parks and recreation impact fee.

⁷ 11-36a102(13)

⁸ 11-36a-302(2)

⁹ 11-36a-302(3)

SECTION 5: PROPOSED PARKS AND RECREATION IMPACT FEE

The calculation of the parks and recreation impact fee is based on the growth-driven approach, which is based on the **growth** in residential demand. The growth-driven methodology utilizes the existing LOS and perpetuates that LOS into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities, as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development provides sufficient investment to maintain the current LOS standards in the community. This approach is often used for public facilities that are not governed by specific capacity limitations and do not need to be built before development occurs (i.e., park facilities).

PARKS AND RECREATION IMPACT FEE CALCULATION

Utilizing the estimated value per capita by park type and the value per capita to provide the same level of improvements, the total fee per capita is shown in **TABLE 5.1** below.

TABLE 5.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

TYPE OF IMPROVEMENT	PROPOSED LOS PER 1,000	LAND COST PER CAPITA	IMPROVEMENT VALUE PER CAPITA	TOTAL VALUE PER CAPITA
All Parks	5.12	\$1,109	\$711	\$1,820
OTHER COMPONENTS TO FEE		ADDITIONAL VALUE	DEMAND SERVED	TOTAL VALUE PER CAPITA
Buy-In		\$0	5,300	\$0
Impact Fee Credit		\$0	5,300	\$0
Professional Expense		\$7,920	3,357	\$2
Estimate of Impact Fee Per Capita				\$1,823

TABLE 5.2: IMPACT FEE PER HOUSEHOLD

	AVERAGE HH SIZE	FEE PER HH	EXISTING FEE PER HH	% CHANGE
Single Family	3.63	\$6,616	\$4,049	63%
Multi-Family	2.44	\$4,440	\$3,828	16%

NON-STANDARD IMPACT FEE

The proposed fees are based upon population growth. The Impact Fees Act allows the City to assess an adjusted fee that more closely matches the true impact that the land use will have upon parks and recreation facilities.¹⁰ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD PARKS AND RECREATION IMPACT FEES:

$$\text{Estimated Population per Unit} \times \$1,823 = \text{Impact Fee per Unit}$$

The formula for a non-standard impact fee should be included in the impact fee enactment (by resolution or ordinance). In addition, the impact fee enactment should contain the following elements:

- ☞ A provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories.
- ☞ A schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the local political subdivision or private entity will use to calculate each impact fee.
- ☞ A provision authorizing the local political subdivision or private entity to adjust the standard impact fee at the time the fee is charged to:
 - Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected.
 - Ensure that the impact fees are imposed fairly.

¹⁰ 11-36a-402(1)(c)

- ☞ A provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- ☞ A provision that allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
 - Dedicates land for a system improvement.
 - Builds and dedicates some or all of a system improvement.
 - Dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- ☞ A provision that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - Are system improvements; or,
 - Dedicated to the public and offset the need for an identified system improvement.

Other provisions of the impact fee enactment include exemption of fees for development activity attributable to low-income housing, the state, a school district, or a charter school. Exemptions may also include other development activities with a broad public purpose. If an exemption is provided, the entity should establish one or more sources of funds other than impact fees to pay for that development activity. The impact fee exemption for development activity attributable to a school district or charter school should be applied equally to either scenario.

SECTION 6: IMPACT FEE CONSIDERATIONS

PROPOSED CREDITS OWED TO DEVELOPMENT

The Impact Fees Act requires a local political subdivision or private entity to ensure that the impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer: (a) dedicates land for a system improvement; (b) builds and dedicates some or all of a system improvement; or (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.¹¹ The facilities must be considered system improvements or be dedicated to the public, and offset the need for an improvement identified in the IFFP.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues, such as General Fund revenues, will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure.

EXPENDITURE OF IMPACT FEES

The Impact Fee Act requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next six years should be spent on those projects outlined in the IFFP as growth related costs to maintain the LOS.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. This analysis includes an inflation component to reflect the future cost of facilities. The impact fee analysis should be updated regularly to account for changes in costs estimates over time.

¹¹ 11-36a-402(2)

APPENDIX A: PARKS AND RECREATION EXISTING FACILITIES INVENTORY

TABLE A.1: EXISTING PARKS AND RECREATIONS INVENTORY

AREA	TYPE	RESTROOMS	PLAYGROUNDS	LARGE PAVILIONS	SMALL PAVILIONS	MULTIPURPOSE FIELDS	BASEBALL/SOFTBALL FIELDS	BASKETBALL COURTS	TENNIS COURTS	PICKLEBALL COURTS	SAND VOLLEYBALL COURTS
		<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>
Cost per Unit		\$100,000	\$100,000	\$100,000	\$40,000	\$100,000	\$350,000	\$80,000	\$40,000	\$80,000	\$35,000
Regional Park	Regional	2.00	2.00	2.00	1.00	6.00	4.00	2.00	-	8.00	-
Farmington Pond	Community	1.00	-	-	2.00	-	-	-	-	-	-
Heritage Park	Community	1.00	1.00	1.00	2.00	1.00	-	2.00	-	-	-
Forbush Park	Neighborhood	1.00	2.00	3.00	-	-	1.00	-	-	-	-
Ranches Park	Neighborhood	1.00	1.00	1.00	-	-	-	-	2.00	-	-
Shepard Park	Neighborhood	1.00	1.00	2.00	-	-	2.00	-	4.00	-	1.00
South Park	Neighborhood	1.00	1.00	1.00	-	1.00	1.00	1.00	-	-	1.00
Woodland Park	Neighborhood	1.00	-	1.00	-	-	-	-	-	-	1.00
Ezra T. Clark Park	Pocket	-	-	-	-	-	-	-	-	-	-
Farmington Preserve Park	Pocket	-	1.00	-	-	-	-	-	-	-	-
Lupine Park	Pocket	-	1.00	-	-	-	-	-	-	-	-
Moon Park	Pocket	-	1.00	-	1.00	-	-	-	-	-	-
Mountain View	Pocket	-	1.00	-	-	-	-	-	2.00	-	-
Point of View	Pocket	-	1.00	-	1.00	-	-	1.00	-	-	-
Spring Creek	Pocket	-	1.00	-	1.00	-	-	1.00	-	-	-
Community Art Center	Special Use	-	-	-	-	-	-	-	-	-	-
Farmington Gym	Special Use	-	-	-	-	-	-	-	-	-	-
Swimming Pool	Special Use	-	-	-	-	-	-	-	-	-	-
The Farm Mountain Bike Park	Special Use	-	-	-	-	-	-	-	-	-	-
Glovers Lane Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Business Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Pond Expansion	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Trails	Trails	-	-	-	-	-	-	-	-	-	-
Totals		9.00	14.00	11.00	8.00	8.00	8.00	7.00	8.00	8.00	3.00
Estimated Value		\$900,000	\$1,400,000	\$1,100,000	\$320,000	\$800,000	\$2,800,000	\$560,000	\$320,000	\$640,000	\$105,000

TABLE A.1: CONT.

AREA	TYPE	SKATE/BIKE PARK	AMPHITHEATER	PICNIC TABLES	BARBEQUE GRILLS	BENCHES	FIRE PITS	DRINKING FOUNTAINS	PAVED TRAILS	UNPAVED TRAILS	OPEN LAWN AREAS
		<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>Miles</i>	<i>Miles</i>	<i>EACH</i>
COST PER UNIT		\$300,000	\$200,000	\$2,000	\$250	\$2,500	\$10,000	\$8,000	\$250,000	\$15,000	100,000
Regional Park	Regional	-	-	27.00	-	20.00	-	3.00	-	-	-
Farmington Pond	Community	-	-	4.00	-	2.00	1.00	1.00	-	-	-
Heritage Park	Community	-	-	18.00	-	5.00	-	1.00	-	-	1.00
Forbush Park	Neighborhood	-	-	33.00	-	5.00	-	1.00	-	-	1.00
Ranches Park	Neighborhood	-	-	12.00	-	5.00	-	1.00	-	-	1.00
Shepard Park	Neighborhood	-	-	20.00	-	24.00	-	1.00	-	-	1.00
South Park	Neighborhood	1.00	-	18.00	-	1.00	-	1.00	-	-	1.00
Woodland Park	Neighborhood	-	1.00	38.00	6.00	3.00	5.00	2.00	-	-	1.00
Ezra T. Clark Park	Pocket	-	-	-	-	-	-	-	-	-	-
Farmington Preserve Park	Pocket	-	-	1.00	-	1.00	-	1.00	-	-	-
Lupine Park	Pocket	-	-	-	-	-	-	-	-	-	-
Moon Park	Pocket	-	-	3.00	-	1.00	-	-	-	-	1.00
Mountain View	Pocket	-	-	2.00	-	2.00	-	-	-	-	-
Point of View	Pocket	-	-	2.00	-	1.00	-	-	-	-	1.00
Spring Creek	Pocket	-	-	2.00	-	2.00	-	-	-	-	1.00
Community Art Center	Special Use	-	-	-	-	-	-	-	-	-	-
Farmington Gym	Special Use	-	-	-	-	-	-	-	-	-	-
Swimming Pool	Special Use	-	-	-	-	-	-	-	-	-	-
The Farm Mountain Bike Park	Special Use	-	-	-	-	-	-	-	-	-	-
Glovers Lane Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Business Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Pond Expansion	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Trails	Trails	-	-	-	-	-	-	-	20.1	12.4	-
Totals		1.00	1.00	180.00	6.00	72.00	6.00	12.00	20.10	12.40	9.00
Estimated Value		\$300,000	\$200,000	\$360,000	\$1,500	\$180,000	\$60,000	\$96,000	\$5,025,000	\$186,000	\$900,000

**IMPACT FEE FACILITIES PLAN (IFFP) &
IMPACT FEE ANALYSIS (IFA)**
PURSUANT TO 11-36A, UTAH CODE

PARKS AND RECREATION FACILITIES

JUNE 2023

FARMINGTON CITY, UTAH



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IFFP AND IFA CERTIFICATION

IFFP CERTIFICATION

LYRB certifies that the attached impact fee facilities plan:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and,
3. complies in each and every relevant respect with the Impact Fees Act.

IFA CERTIFICATION

LYRB certifies that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and,
4. complies in each and every relevant respect with the Impact Fees Act.

LYRB makes this certification with the following caveats:

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

SECTION 1: EXECUTIVE SUMMARY

The purpose of the Parks & Recreation Impact Fee Facilities Plan (“IFFP”), with supporting Impact Fee Analysis (“IFA”), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the “Impact Fees Act”, and assist Farmington City (the “City”) to plan necessary capital improvements for future growth. This document will address the future parks and recreation infrastructure needed to serve the City through the next ten years, as well as the appropriate impact fees the City may charge to new growth to maintain the level of service (“LOS”).

- Impact Fee Service Area:** The parks and recreation service area (“Service Area”) is defined as all areas within the City.
- Demand Analysis:** The demand units utilized in this analysis include population and household growth. The City’s 2023 population is estimated at 26,291. The future population in the Service Area is used to determine the additional parks and recreational needs. Based on conservative growth estimates, the Service Area should reach a population of approximately 31,591 residents by 2033, resulting in an estimated population increase of 5,300 over the next ten years. As a result of new growth, the City will need to construct additional parks and recreation facilities to maintain the existing LOS.
- Level of Service:** The LOS for the analysis is based on maintaining the existing Level of Investment (“LOI”) in current parks and recreation facilities. The LOS consists of two components – the land value per capita and the improvement value per capita (or the cost to purchase land and make improvements in today’s dollars).
- Excess Capacity:** This study does not include a buy-in component currently.
- Capital Facilities Analysis:** Due to the projected new development and redevelopment within the City, additional capital improvements will be necessary as they relate to parks.
- Funding of Future Facilities:** Impact fees will continue to be a significant source of funding for parks and recreation infrastructure as they are an appropriate and fair mechanism for funding growth-related infrastructure.

PROPOSED PARKS AND RECREATION IMPACT FEE

The fee per capita is \$1,823 as shown in **TABLE 1.1**. The current standard of practice in Utah is to assess park and recreation impact fees only to residential development. The impact fees proposed in this analysis will be assessed within the Service Area. Based on the per capita fee, the proposed impact fee per household (“HH”) is illustrated in **TABLE 1.2**.

TABLE 1.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

TYPE OF IMPROVEMENT	PROPOSED LOS PER 1,000	LAND COST PER CAPITA	IMPROVEMENT VALUE PER CAPITA	TOTAL VALUE PER CAPITA
All Parks	5.12	\$1,109	\$711	\$1,820
OTHER COMPONENTS TO FEE		ADDITIONAL VALUE	DEMAND SERVED	TOTAL VALUE PER CAPITA
Buy-In		\$0	5,300	\$0
Impact Fee Credit		\$0	5,300	\$0
Professional Expense		\$7,920	3,357	\$2
Estimate of Impact Fee Per Capita				\$1,823

TABLE 1.2: IMPACT FEE PER HOUSEHOLD

	AVERAGE HH SIZE	FEE PER HH	EXISTING FEE PER HH	% CHANGE
Single Family	3.63	\$6,616	\$4,049	63%
Multi-Family	2.44	\$4,440	\$3,828	16%

NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis.

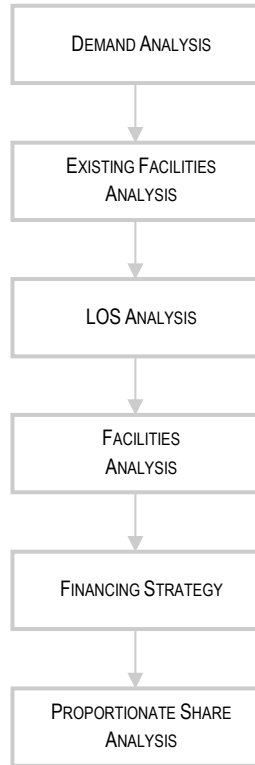
FORMULA FOR NON-STANDARD PARKS AND RECREATION IMPACT FEES:

Estimated Population per Unit x \$1,823 = Impact Fee per Unit

¹ 11-36a-402(1)(c)

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFA². The IFFP is designed to identify the demands placed upon the City's existing facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements which are intended to be funded by impact fees. The IFA is designed to proportionately allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. Each component must consider the historic level of service provided to existing development and ensure that impact fees are not used to raise that LOS. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will impact public facilities. For the purposes of this analysis, the demand unit used for parks and recreation is the City's population.

EXISTING FACILITY INVENTORY

To quantify the demands placed upon existing public facilities by new development activity, the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

LEVEL OF SERVICE ANALYSIS

The demand placed upon existing public facilities by existing development is known as the existing LOS. Through the inventory of existing facilities, combined with population growth assumptions, this analysis identifies the LOS which is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, debt issuance, alternative funding sources, and the dedication (aka donations) of system improvements, which may be used to finance system improvements.³ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁴

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future (UCA 11-36a-302).

² 11-36a-301,302,303,304

³ UC 11-36a-302(2)

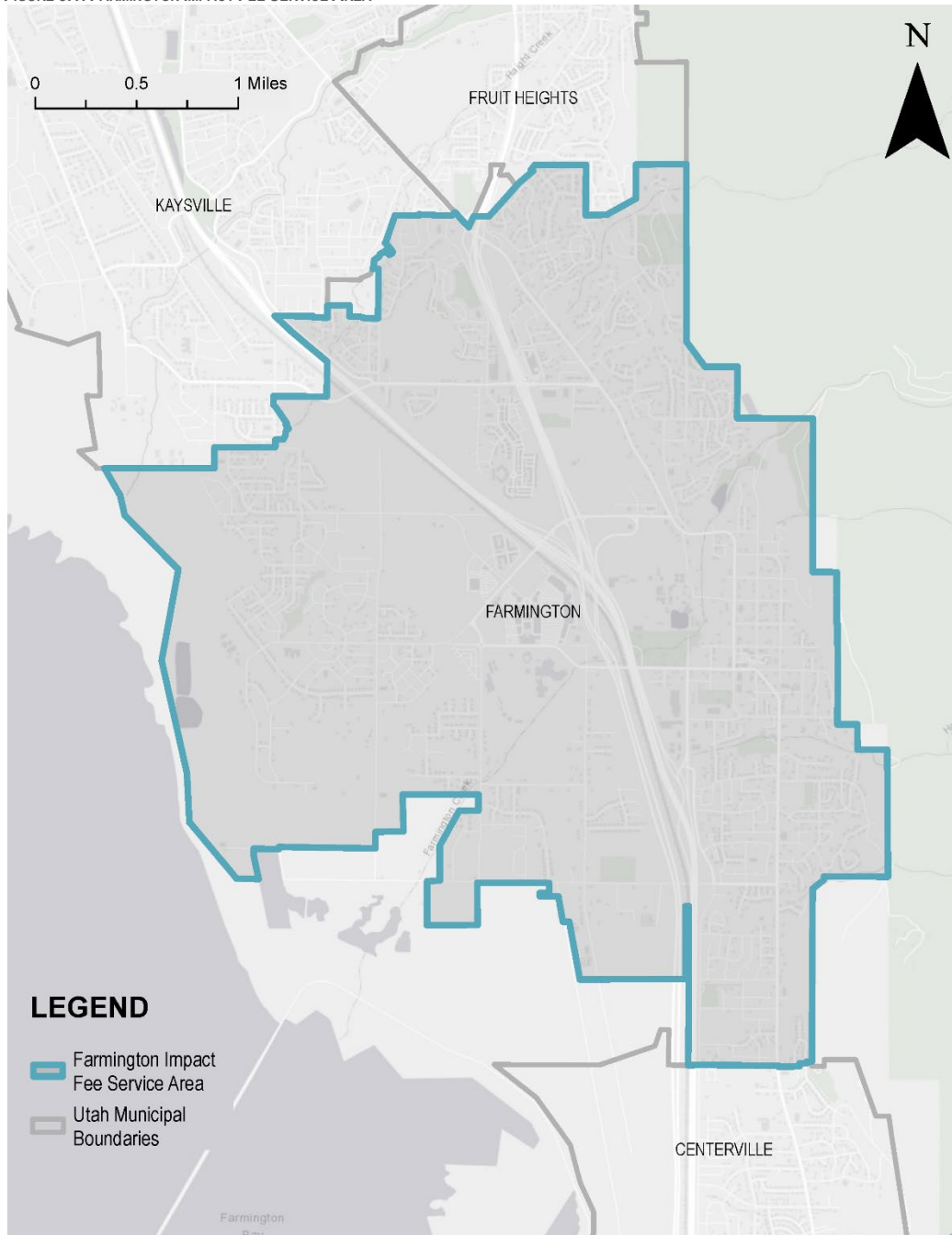
⁴ UC 11-36a-302(3)

SECTION 3: OVERVIEW OF SERVICE AREA AND GENERAL DEMAND FIGURES

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁵ The Service Area for the future parks impact fee includes all areas within the current municipal boundaries of the City, as shown in **FIGURE 3.1**. This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future.

FIGURE 3.1: FARMINGTON IMPACT FEE SERVICE AREA



⁵ UC 11-36a-402(1)(a)

DEMAND PROJECTIONS

The demand unit used in this analysis is population and household growth. The population projections are based on planning projections provided by the City. According to these projections, the City's 2023 population is **26,291**.

The future population in the Service Area is used to determine the additional parks and recreational needs to serve the additional population. The LOS standards for each of these types of improvements has been calculated, and a blended LOS determined for the future population, giving the City flexibility to provide the types of improvements that are desired by the residents to the future population. If growth projections and land use planning changes significantly in the future, the City will need to update the parks and recreation projections, the IFFP, and the impact fees. The service area should reach approximately **31,591** residents by 2033. As a result of this growth, the City will need to construct additional parks and recreation facilities to maintain the existing level of service.

TABLE 3.1: DEMAND PROJECTIONS

YEAR	POPULATION	% CHANGE
2023	26,291	
2024	26,898	2.31%
2025	27,404	1.88%
2026	27,998	2.17%
2027	28,588	2.11%
2028	29,070	1.69%
2029	29,648	1.99%
2030	30,220	1.93%
2031	30,681	1.53%
2032	31,138	1.49%
2033	31,591	1.45%
10 Yr. IFFP Growth	5,300	

Source: Farmington City, Community Development Department

TABLE 3.2: CALCULATION OF PERSONS PER HH

TYPE	HOUSING UNITS
Total Housing Units	8,012
Single Family Units	5,674
Multi-Family Units	2,338
Total Population	26,291
Single Family Population	20,595
Multi-Family Population	5,696
Average HH Size: Single Family	3.63
Average HH Size: Multifamily	2.44

Source: Farmington City, Community Development Department

SECTION 4: PARKS AND RECREATION FACILITIES

The purpose of this section is to address the parks and recreation IFA and to help the City plan for the necessary capital improvements for future growth. This section will address the future parks and recreation facilities needed to serve the City through the next 10 years, as well as address the appropriate parks and recreation impact fees the City may charge to new growth to maintain the existing LOS.

EXISTING FACILITY INVENTORY

The City's existing inventory for purposes of determining impact fees is shown in **TABLE 4.1**. See **APPENDIX A** for a detailed list of facilities and amenities. The improvement costs for parks and recreation are based on the existing improvements at each facility. The cost of land was set by City Staff and is reflective of land values throughout the Service Area.

For the purposes of the impact fee calculations, this analysis isolates the "City Funded" facilities. This represents the land and improvements funded with general fund dollars and excludes land and improvement costs that were donated or gifted to the City. The City funded acreage and estimated improvement value illustrated below will be the basis for the LOS analysis discussed in this section. In addition, special use facilities are excluded from this analysis due to the funding sources for these facilities. The City issued the 2015 General Obligation bonds for the purposes of building the existing pool and gym recreation facilities. As a result, these facilities are excluded from the calculation of the fee. Other special use facilities are not perpetuated in the proposed LOS at this time.

TABLE 4.1: PARKS AND RECREATION FACILITIES

	TYPE	TOTAL ACRES	% IFA ELIGIBLE	IMPACT FEE ELIGIBLE	LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE
Regional Park	Regional	40.4	100.00%	40.40	\$10,100,000	\$4,103,200	\$14,203,200
Farmington Pond	Community	18.3	100.00%	18.30	\$4,575,000	\$242,650	\$4,817,650
Heritage Park	Community	11.6	100.00%	11.60	\$2,900,000	\$915,975	\$3,815,975
Forbush Park	Neighborhood	4.1	100.00%	4.10	\$1,025,000	\$1,306,975	\$2,331,975
Ranches Park	Neighborhood	5.9	100.00%	5.90	\$1,475,000	\$603,175	\$2,078,175
Shepard Park	Neighborhood	5.6	100.00%	5.60	\$1,400,000	\$1,728,450	\$3,128,450
South Park	Neighborhood	6.6	100.00%	6.60	\$1,650,000	\$1,508,225	\$3,158,225
Woodland Park	Neighborhood	9.7	100.00%	9.70	\$2,425,000	\$788,900	\$3,213,900
Ezra T. Clark Park	Pocket	2.0	100.00%	2.00	\$500,000	\$0	\$500,000
Farmington Preserve Park	Pocket	1.4	100.00%	1.40	\$350,000	\$129,375	\$479,375
Lupine Park	Pocket	0.1	100.00%	0.10	\$25,000	\$115,000	\$140,000
Moon Park	Pocket	0.7	100.00%	0.70	\$175,000	\$285,775	\$460,775
Mountain View	Pocket	2.6	100.00%	2.60	\$650,000	\$217,350	\$867,350
Point of View	Pocket	1.1	100.00%	1.10	\$275,000	\$375,475	\$650,475
Spring Creek	Pocket	2.1	100.00%	2.10	\$525,000	\$378,350	\$903,350
Community Art Center	Special Use	0.4	0.00%	0.00	\$0	\$0	\$0
Farmington Gym	Special Use	2.7	0.00%	0.00	\$0	\$0	\$0
Swimming Pool	Special Use	1.2	0.00%	0.00	\$0	\$0	\$0
The Farm Mountain Bike Park	Special Use	44.0	0.00%	0.00	\$0	\$0	\$0
Glovers Lane Park	Undeveloped	3.50	100.00%	3.50	\$175,000	\$0	\$175,000
Business Park	Undeveloped	10.30	100.00%	10.30	\$515,000	\$0	\$515,000
Farmington Pond Expansion	Undeveloped	8.50	100.00%	8.50	\$425,000	\$0	\$425,000
Farmington Trails	Trails	0.00	100.00%	0.00	\$0	\$5,992,650	\$5,992,650
Total		182.80		134.50	\$29,165,000	\$18,691,525	\$47,856,525

BUY-IN COMPONENT

A buy-in to these facilities has not been contemplated at this time.

LAND VALUATION

Recent land acquisitions by the City were used to estimate the proposed land acquisition cost for future development in the City. For purposes of this analysis, \$250,000 per acre is used as the cost to acquire new park land. A lower cost of \$50,000 per acre was assumed for undevelopable open space and natural lands.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing parks and recreation infrastructure has been funded through a combination of General Fund revenues, grants, other governmental funds, and donations. General Fund revenues include a mix of property taxes, sales taxes, federal and state grants, and any other available General Fund revenues. While the City has received some donations to fund parks and recreation facilities, all park land and improvements funded through donations have been excluded in the impact fee calculations.

LEVEL OF SERVICE ANALYSIS

The LOS for this analysis is based on maintaining the existing LOI in current parks and recreation facilities. The LOS consists of two components: the land value per capita and the improvement value per capita funded by the City (or the cost to purchase the land and make improvements in today's dollars), resulting in a total value per capita for parks and recreation.

Using the estimated land values and improvement values per type of park shown in **TABLE 4.2** and the existing estimated population of 26,291 for 2023, the value per capita (or LOS) is calculated. This approach uses an estimated land value and construction costs improvements in today's dollars to determine the current value. It is assumed that the City will maintain, at a minimum, the current set LOS standard.

TABLE 4.2: LEVEL OF SERVICE SUMMARY

PARK TYPE	CITY OWNED ACREAGE	EST. LAND VALUE	LAND VALUE PER ACRE	EST. IMPROV. VALUE	IMP. VALUE PER ACRE	TOTAL VALUE PER ACRE
All Facilities	134.50	\$29,165,000	\$216,840	\$18,691,525	\$138,970	\$355,811
Per Capita	0.01	\$1,109	\$8	\$711	\$5	\$1,820

The calculation of impact fees relies upon the information contained in this analysis. The timing of construction for development-related park facilities will depend on the rate of development and the availability of funding. For purposes of this analysis, a specific construction schedule is not required since the construction of park facilities can lag development without impeding continued development activity. This analysis assumes that construction of needed park facilities will proceed on a pay-as-you-go basis, and assumes a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements.

FUTURE CAPITAL FACILITIES ANALYSIS

Future planning for parks and public lands is an ongoing process based on the changes in population and community preference. The City will purchase and improve parks and public lands to maintain the LOS defined in this document. Actual future improvements will be determined as development occurs and the opportunity to acquire and improve park land arises. Impact fees will only be assessed to maintain the existing LOS.

The analysis of impact fee eligible costs above is further refined based on the expected changes in population over the planning horizon and the existing LOS. Based on the expected growth of 5,300 people, **TABLE 4.3** illustrates the City will need to invest an estimate of \$9.6 million in parks, recreation, open space, and trail facilities (including amenities) to maintain the proposed LOS as shown in **TABLE 4.2**. The City may invest at a higher level; however, impact fees cannot be used to increase the existing LOS.

TABLE 4.3: ILLUSTRATION OF INVESTMENT NEEDED TO MAINTAIN LOS

TYPE OF IMPROVEMENT	UNIT OF MEASURE	POPULATION INCREASE IFFP HORIZON	TOTAL VALUE PER CAPITA	ESTIMATED FUTURE INVESTMENT
Total Facilities	Per Capita	5,300	\$1,820	\$9,647,392

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to the community at large.⁶ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that

⁶ 11-36a-102(20)

development.⁷ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis. Only parks and recreation facilities that serve the entire community are included in the LOS.

FINANCING STRATEGY & CONSIDERATION OF ALL REVENUE RESOURCES

This analysis assumes that construction of needed parks and recreation facilities will proceed on a pay-as-you-go basis, and assumes a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements. The IFFP must also include a consideration of all revenue sources including impact fees and developer dedications of system improvements, which may be used to finance system improvements.⁸ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁹

PROPERTY TAX REVENUES

It is anticipated that the City will continue to utilize property tax revenues, as part of the total General Fund revenues, to maintain existing park facilities. Impact fee revenues will be a continual source of revenue to fund growth related improvements.

GRANTS AND DONATIONS

The City may receive donations from new development for future system-wide capital improvements related to park facilities. A donor will be entitled to a reimbursement for the negotiated value of system improvements funded through impact fees if donations are made by new development. The City may receive grant monies to assist with park construction and improvements. This analysis has removed all funding that has come from federal grants and donations to ensure that none of those infrastructure items are included in the LOS. Therefore, the City's existing LOS standards have been funded by the City's existing residents. Funding the future improvements through impact fees places a similar burden upon future users as that which has been placed upon existing users through impact fees, property taxes, user fees, and other revenue sources.

IMPACT FEE REVENUES

Impact fees are an ideal mechanism for funding growth-related infrastructure. Impact fees are currently charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing LOS. Increases to an existing LOS cannot be funded with impact fee revenues. An impact fee analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

DEBT FINANCING

In the event the City has not amassed sufficient impact fees in the future to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt (i.e., interest costs). Future debt financing has not been considered in the calculation of the parks and recreation impact fee.

⁷ 11-36a102(13)

⁸ 11-36a-302(2)

⁹ 11-36a-302(3)

SECTION 5: PROPOSED PARKS AND RECREATION IMPACT FEE

The calculation of the parks and recreation impact fee is based on the growth-driven approach, which is based on the **growth** in residential demand. The growth-driven methodology utilizes the existing LOS and perpetuates that LOS into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities, as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development provides sufficient investment to maintain the current LOS standards in the community. This approach is often used for public facilities that are not governed by specific capacity limitations and do not need to be built before development occurs (i.e., park facilities).

PARKS AND RECREATION IMPACT FEE CALCULATION

Utilizing the estimated value per capita by park type and the value per capita to provide the same level of improvements, the total fee per capita is shown in **TABLE 5.1** below.

TABLE 5.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

TYPE OF IMPROVEMENT	PROPOSED LOS PER 1,000	LAND COST PER CAPITA	IMPROVEMENT VALUE PER CAPITA	TOTAL VALUE PER CAPITA
All Parks	5.12	\$1,109	\$711	\$1,820
OTHER COMPONENTS TO FEE		ADDITIONAL VALUE	DEMAND SERVED	TOTAL VALUE PER CAPITA
Buy-In		\$0	5,300	\$0
Impact Fee Credit		\$0	5,300	\$0
Professional Expense		\$7,920	3,357	\$2
Estimate of Impact Fee Per Capita				\$1,823

TABLE 5.2: IMPACT FEE PER HOUSEHOLD

	AVERAGE HH SIZE	FEE PER HH	EXISTING FEE PER HH	% CHANGE
Single Family	3.63	\$6,616	\$4,049	63%
Multi-Family	2.44	\$4,440	\$3,828	16%

NON-STANDARD IMPACT FEE

The proposed fees are based upon population growth. The Impact Fees Act allows the City to assess an adjusted fee that more closely matches the true impact that the land use will have upon parks and recreation facilities.¹⁰ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD PARKS AND RECREATION IMPACT FEES:

Estimated Population per Unit x \$1,823 = Impact Fee per Unit

The formula for a non-standard impact fee should be included in the impact fee enactment (by resolution or ordinance). In addition, the impact fee enactment should contain the following elements:

- ☞ A provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories.
- ☞ A schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the local political subdivision or private entity will use to calculate each impact fee.
- ☞ A provision authorizing the local political subdivision or private entity to adjust the standard impact fee at the time the fee is charged to:
 - Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected.
 - Ensure that the impact fees are imposed fairly.

¹⁰ 11-36a-402(1)(c)

- ☞ A provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- ☞ A provision that allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
 - Dedicates land for a system improvement.
 - Builds and dedicates some or all of a system improvement.
 - Dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- ☞ A provision that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - Are system improvements; or,
 - Dedicated to the public and offset the need for an identified system improvement.

Other provisions of the impact fee enactment include exemption of fees for development activity attributable to low-income housing, the state, a school district, or a charter school. Exemptions may also include other development activities with a broad public purpose. If an exemption is provided, the entity should establish one or more sources of funds other than impact fees to pay for that development activity. The impact fee exemption for development activity attributable to a school district or charter school should be applied equally to either scenario.

SECTION 6: IMPACT FEE CONSIDERATIONS

PROPOSED CREDITS OWED TO DEVELOPMENT

The Impact Fees Act requires a local political subdivision or private entity to ensure that the impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer: (a) dedicates land for a system improvement; (b) builds and dedicates some or all of a system improvement; or (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.¹¹ The facilities must be considered system improvements or be dedicated to the public, and offset the need for an improvement identified in the IFFP.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues, such as General Fund revenues, will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure.

EXPENDITURE OF IMPACT FEES

The Impact Fee Act requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next six years should be spent on those projects outlined in the IFFP as growth related costs to maintain the LOS.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. This analysis includes an inflation component to reflect the future cost of facilities. The impact fee analysis should be updated regularly to account for changes in costs estimates over time.

¹¹ 11-36a-402(2)

APPENDIX A: PARKS AND RECREATION EXISTING FACILITIES INVENTORY

TABLE A.1: EXISTING PARKS AND RECREATIONS INVENTORY

AREA	TYPE	RESTROOMS	PLAYGROUNDS	LARGE PAVILIONS	SMALL PAVILIONS	MULTIPURPOSE FIELDS	BASEBALL/SOFTBALL FIELDS	BASKETBALL COURTS	TENNIS COURTS	PICKLEBALL COURTS	SAND VOLLEYBALL COURTS
		<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>
Cost per Unit		\$100,000	\$100,000	\$100,000	\$40,000	\$100,000	\$350,000	\$80,000	\$40,000	\$80,000	\$35,000
Regional Park	Regional	2.00	2.00	2.00	1.00	6.00	4.00	2.00	-	8.00	-
Farmington Pond	Community	1.00	-	-	2.00	-	-	-	-	-	-
Heritage Park	Community	1.00	1.00	1.00	2.00	1.00	-	2.00	-	-	-
Forbush Park	Neighborhood	1.00	2.00	3.00	-	-	1.00	-	-	-	-
Ranches Park	Neighborhood	1.00	1.00	1.00	-	-	-	-	2.00	-	-
Shepard Park	Neighborhood	1.00	1.00	2.00	-	-	2.00	-	4.00	-	1.00
South Park	Neighborhood	1.00	1.00	1.00	-	1.00	1.00	1.00	-	-	1.00
Woodland Park	Neighborhood	1.00	-	1.00	-	-	-	-	-	-	1.00
Ezra T. Clark Park	Pocket	-	-	-	-	-	-	-	-	-	-
Farmington Preserve Park	Pocket	-	1.00	-	-	-	-	-	-	-	-
Lupine Park	Pocket	-	1.00	-	-	-	-	-	-	-	-
Moon Park	Pocket	-	1.00	-	1.00	-	-	-	-	-	-
Mountain View	Pocket	-	1.00	-	-	-	-	-	2.00	-	-
Point of View	Pocket	-	1.00	-	1.00	-	-	1.00	-	-	-
Spring Creek	Pocket	-	1.00	-	1.00	-	-	1.00	-	-	-
Community Art Center	Special Use	-	-	-	-	-	-	-	-	-	-
Farmington Gym	Special Use	-	-	-	-	-	-	-	-	-	-
Swimming Pool	Special Use	-	-	-	-	-	-	-	-	-	-
The Farm Mountain Bike Park	Special Use	-	-	-	-	-	-	-	-	-	-
Glovers Lane Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Business Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Pond Expansion	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Trails	Trails	-	-	-	-	-	-	-	-	-	-
Totals		9.00	14.00	11.00	8.00	8.00	8.00	7.00	8.00	8.00	3.00
Estimated Value		\$900,000	\$1,400,000	\$1,100,000	\$320,000	\$800,000	\$2,800,000	\$560,000	\$320,000	\$640,000	\$105,000

TABLE A.1: CONT.

AREA	TYPE	SKATE/BIKE PARK	AMPHITHEATER	PICNIC TABLES	BARBEQUE GRILLS	BENCHES	FIRE PITS	DRINKING FOUNTAINS	PAVED TRAILS	UNPAVED TRAILS	OPEN LAWN AREAS
		<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>Miles</i>	<i>Miles</i>	<i>EACH</i>
COST PER UNIT		\$300,000	\$200,000	\$2,000	\$250	\$2,500	\$10,000	\$8,000	\$250,000	\$15,000	100,000
Regional Park	Regional	-	-	27.00	-	20.00	-	3.00	-	-	-
Farmington Pond	Community	-	-	4.00	-	2.00	1.00	1.00	-	-	-
Heritage Park	Community	-	-	18.00	-	5.00	-	1.00	-	-	1.00
Forbush Park	Neighborhood	-	-	33.00	-	5.00	-	1.00	-	-	1.00
Ranches Park	Neighborhood	-	-	12.00	-	5.00	-	1.00	-	-	1.00
Shepard Park	Neighborhood	-	-	20.00	-	24.00	-	1.00	-	-	1.00
South Park	Neighborhood	1.00	-	18.00	-	1.00	-	1.00	-	-	1.00
Woodland Park	Neighborhood	-	1.00	38.00	6.00	3.00	5.00	2.00	-	-	1.00
Ezra T. Clark Park	Pocket	-	-	-	-	-	-	-	-	-	-
Farmington Preserve Park	Pocket	-	-	1.00	-	1.00	-	1.00	-	-	-
Lupine Park	Pocket	-	-	-	-	-	-	-	-	-	-
Moon Park	Pocket	-	-	3.00	-	1.00	-	-	-	-	1.00
Mountain View	Pocket	-	-	2.00	-	2.00	-	-	-	-	-
Point of View	Pocket	-	-	2.00	-	1.00	-	-	-	-	1.00
Spring Creek	Pocket	-	-	2.00	-	2.00	-	-	-	-	1.00
Community Art Center	Special Use	-	-	-	-	-	-	-	-	-	-
Farmington Gym	Special Use	-	-	-	-	-	-	-	-	-	-
Swimming Pool	Special Use	-	-	-	-	-	-	-	-	-	-
The Farm Mountain Bike Park	Special Use	-	-	-	-	-	-	-	-	-	-
Glovers Lane Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Business Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Pond Expansion	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Trails	Trails	-	-	-	-	-	-	-	20.1	12.4	-
Totals		1.00	1.00	180.00	6.00	72.00	6.00	12.00	20.10	12.40	9.00
Estimated Value		\$300,000	\$200,000	\$360,000	\$1,500	\$180,000	\$60,000	\$96,000	\$5,025,000	\$186,000	\$900,000

CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

PUBLIC HEARING: Update and adopt an impact fee facilities plan for
Parks

GENERAL INFORMATION:

See staff report prepared by Colby Thackeray, Parks & Recreation Director



160 S Main
Farmington Utah 84025

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Colby Thackeray
Date: September 5, 2023
Subject: Review and adoption of the Parks and Recreation Impact Fee Facilities Plan and Fee.

RECOMMENDATION(S)

1. Hold a public hearing for the adoption of the Parks and recreation Impact Fee Facilities Plan and impact fee.
2. Move that the City Council approve the enclosed resolution adopting the Park Impact Fee Facilities Plan and adopt the enclosed ordinance adopting the Park Impact Fee Analysis and park impact fees on development activities within Farmington.
3. Move that the council approve a CFS (Consolidated Fee Schedule) amendment to include the impact fees after 90 days.

BACKGROUND

Impact Fees must be updated regularly to meet the changing needs and growth of the City. Farmington has been in the process of updating the Park Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA). City Staff and Lewis Young Robertson & Burningham (LYRB) have created a new Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) in order to update the park impact fees. The City has properly advertised the IFFP, IFA, and proposed ordinance per State Statute prior to this meeting. The IFFP and IFA have evaluated the City's current level of service (LOS) and the proposed fees. The IFFP presents public improvements, policies, demands placed upon existing public facilities by new development, and the proposed means by which the City will meet those demands to continue to provide Farmington City residents with the same or better level of service being provided by the park facilities. The IFFP includes costs for future parks improvements and the IFA portion of the study shows the calculated fees. The current and proposed park impact fees are shown in the following table:

Use	Current Park Fee	Proposed Park Fee
Single-Family Residential	\$4,049	\$6,616
Multi-Family Residential	\$3,828	\$4,440

City Staff recommends that the IFA and new proposed impact fees shown above be adopted.

SUPPLEMENTAL INFORMATION

1. Resolution
2. Ordinance
3. Impact Fee Facilities Plan and Analysis
4. Copies of the IFFP and IFA can be obtained at City Hall.

Respectfully submitted,



Colby Thackeray
Parks & Recreation Director

Review and concur,



Brigham Mellor
City Manager

RESOLUTION 2023 - ____

A RESOLUTION ADOPTING THE PARK IMPACT FEE FACILITIES PLAN

WHEREAS, the City Council has determined that it is necessary or desirable to continue to construct, purchase, and improve the park facilities to serve new development activity within the City, and that the fore stated goal requires the City to adopt a park impact fee facilities plan; and

WHEREAS, the City Engineer has recommended an impact fee facilities plan for the orderly operation and development of the City and the protection of its facilities for the benefit of the residents of the City and the City Council has accepted this recommendation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Farmington City, State of Utah, as follows:

Section 1. Adoption. The City Council of Farmington City hereby adopts the certain Impact Fee Facilities Plan, prepared by Lewis Young Robertson & Burningham, dated June 2023, attached hereto as Exhibit A and incorporated herein by reference. Copies of the Impact Fee Facilities Plan shall be made available to City staff and other interested persons in accordance with the policies and procedures of the City regarding records.

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

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 5th day of September, 2023.

FARMINGTON CITY

Brett Anderson, Mayor

ATTEST:

DeAnn Carlile, Recorder

FARMINGTON, UTAH

ORDINANCE NO. 2023- _____

AN ORDINANCE ADOPTING PARK IMPACT FEE ANALYSIS AND PARK IMPACT FEES ON DEVELOPMENT ACTIVITIES WITHIN FARMINGTON CITY, UTAH

WHEREAS, the City Council previously enacted Title 5, Chapter 11 of the Farmington City Municipal Code establishing and adopting various impact fees on development activities within the City; and

WHEREAS, the City Council has by Resolution now approved and adopted a Park Impact Fee Facilities Plan relating to park needs and infrastructure of the City and desires to adopt a park impact fee analysis and revised park impact fees accordingly; and

WHEREAS, the City Council has reviewed the existing park impact fees as well as the Park Impact Fee Facilities Plan, together with an updated analysis as required by law and desires, based on the foregoing to adopt the updated park impact fee analysis and amended impact fees as provided herein;

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

Section 1. Impact Fee Analysis Adoption. The City Council of Farmington City hereby approves and adopts that certain Impact Fee Analysis prepared by Lewis Young Robertson & Burningham, dated June, 2023 and attached hereto as Exhibit A and incorporated herein by reference.

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

Section 3. Effective Date. This Ordinance shall become effective on the ninetieth (90th) day following the date of approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, ON THIS 5th DAY OF SEPTEMBER, 2023.

FARMINGTON CITY

Brett Anderson, Mayor

ATTEST:

DeAnn Carlile, Recorder

**IMPACT FEE FACILITIES PLAN (IFFP) &
IMPACT FEE ANALYSIS (IFA)**
PURSUANT TO 11-36A, UTAH CODE

PARKS AND RECREATION FACILITIES

JUNE 2023

FARMINGTON CITY, UTAH



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IFFP AND IFA CERTIFICATION

IFFP CERTIFICATION

LYRB certifies that the attached impact fee facilities plan:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement; and,
3. complies in each and every relevant respect with the Impact Fees Act.

IFA CERTIFICATION

LYRB certifies that the attached impact fee analysis:

1. includes only the costs of public facilities that are:
 - a. allowed under the Impact Fees Act; and
 - b. actually incurred; or
 - c. projected to be incurred or encumbered within six years after the day on which each impact fee is paid;
2. does not include:
 - a. costs of operation and maintenance of public facilities;
 - b. costs for qualifying public facilities that will raise the level of service for the facilities, through impact fees, above the level of service that is supported by existing residents;
 - c. an expense for overhead, unless the expense is calculated pursuant to a methodology that is consistent with generally accepted cost accounting practices and the methodological standards set forth by the federal Office of Management and Budget for federal grant reimbursement;
3. offsets costs with grants or other alternate sources of payment; and,
4. complies in each and every relevant respect with the Impact Fees Act.

LYRB makes this certification with the following caveats:

1. All of the recommendations for implementations of the IFFP made in the IFFP documents or in the IFA documents are followed by City Staff and elected officials.
2. If all or a portion of the IFFP or IFA are modified or amended, this certification is no longer valid.
3. All information provided to LYRB is assumed to be correct, complete, and accurate. This includes information provided by the City as well as outside sources.

LEWIS YOUNG ROBERTSON & BURNINGHAM, INC.

SECTION 1: EXECUTIVE SUMMARY

The purpose of the Parks & Recreation Impact Fee Facilities Plan (“IFFP”), with supporting Impact Fee Analysis (“IFA”), is to fulfill the requirements established in Utah Code Title 11 Chapter 36a, the “Impact Fees Act”, and assist Farmington City (the “City”) to plan necessary capital improvements for future growth. This document will address the future parks and recreation infrastructure needed to serve the City through the next ten years, as well as the appropriate impact fees the City may charge to new growth to maintain the level of service (“LOS”).

- Impact Fee Service Area:** The parks and recreation service area (“Service Area”) is defined as all areas within the City.
- Demand Analysis:** The demand units utilized in this analysis include population and household growth. The City’s 2023 population is estimated at 26,291. The future population in the Service Area is used to determine the additional parks and recreational needs. Based on conservative growth estimates, the Service Area should reach a population of approximately 31,591 residents by 2033, resulting in an estimated population increase of 5,300 over the next ten years. As a result of new growth, the City will need to construct additional parks and recreation facilities to maintain the existing LOS.
- Level of Service:** The LOS for the analysis is based on maintaining the existing Level of Investment (“LOI”) in current parks and recreation facilities. The LOS consists of two components – the land value per capita and the improvement value per capita (or the cost to purchase land and make improvements in today’s dollars).
- Excess Capacity:** This study does not include a buy-in component currently.
- Capital Facilities Analysis:** Due to the projected new development and redevelopment within the City, additional capital improvements will be necessary as they relate to parks.
- Funding of Future Facilities:** Impact fees will continue to be a significant source of funding for parks and recreation infrastructure as they are an appropriate and fair mechanism for funding growth-related infrastructure.

PROPOSED PARKS AND RECREATION IMPACT FEE

The fee per capita is \$1,823 as shown in **TABLE 1.1**. The current standard of practice in Utah is to assess park and recreation impact fees only to residential development. The impact fees proposed in this analysis will be assessed within the Service Area. Based on the per capita fee, the proposed impact fee per household (“HH”) is illustrated in **TABLE 1.2**.

TABLE 1.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

TYPE OF IMPROVEMENT	PROPOSED LOS PER 1,000	LAND COST PER CAPITA	IMPROVEMENT VALUE PER CAPITA	TOTAL VALUE PER CAPITA
All Parks	5.12	\$1,109	\$711	\$1,820
OTHER COMPONENTS TO FEE		ADDITIONAL VALUE	DEMAND SERVED	TOTAL VALUE PER CAPITA
Buy-In		\$0	5,300	\$0
Impact Fee Credit		\$0	5,300	\$0
Professional Expense		\$7,920	3,357	\$2
Estimate of Impact Fee Per Capita				\$1,823

TABLE 1.2: IMPACT FEE PER HOUSEHOLD

	AVERAGE HH SIZE	FEE PER HH	EXISTING FEE PER HH	% CHANGE
Single Family	3.63	\$6,616	\$4,049	63%
Multi-Family	2.44	\$4,440	\$3,828	16%

NON-STANDARD IMPACT FEES

The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities.¹ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis.

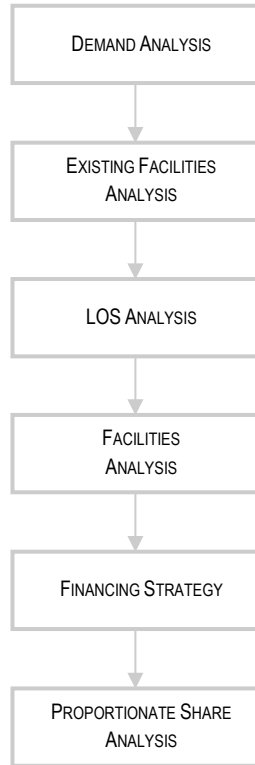
FORMULA FOR NON-STANDARD PARKS AND RECREATION IMPACT FEES:

Estimated Population per Unit x \$1,823 = Impact Fee per Unit

¹ 11-36a-402(1)(c)

SECTION 2: GENERAL IMPACT FEE METHODOLOGY

FIGURE 2.1: IMPACT FEE METHODOLOGY



The purpose of this study is to fulfill the requirements of the Impact Fees Act regarding the establishment of an IFA². The IFFP is designed to identify the demands placed upon the City's existing facilities by future development and evaluate how these demands will be met by the City. The IFFP is also intended to outline the improvements which are intended to be funded by impact fees. The IFA is designed to proportionately allocate the cost of the new facilities and any excess capacity to new development, while ensuring that all methods of financing are considered. Each component must consider the historic level of service provided to existing development and ensure that impact fees are not used to raise that LOS. The following elements are important considerations when completing an IFFP and IFA.

DEMAND ANALYSIS

The demand analysis serves as the foundation for the IFFP. This element focuses on a specific demand unit related to each public service – the existing demand on public facilities and the future demand as a result of new development that will impact public facilities. For the purposes of this analysis, the demand unit used for parks and recreation is the City's population.

EXISTING FACILITY INVENTORY

To quantify the demands placed upon existing public facilities by new development activity, the IFFP provides an inventory of the City's existing system facilities. The inventory valuation should include the original construction cost and estimated useful life of each facility. The inventory of existing facilities is important to determine the excess capacity of existing facilities and the utilization of excess capacity by new development.

LEVEL OF SERVICE ANALYSIS

The demand placed upon existing public facilities by existing development is known as the existing LOS. Through the inventory of existing facilities, combined with population growth assumptions, this analysis identifies the LOS which is provided to a community's existing residents and ensures that future facilities maintain these standards.

EXCESS CAPACITY AND FUTURE CAPITAL FACILITIES ANALYSIS

The demand analysis, existing facility inventory and LOS analysis allow for the development of a list of capital projects necessary to serve new growth and to maintain the existing system. This list includes any excess capacity of existing facilities as well as future system improvements necessary to maintain the LOS. Any demand generated from new development that overburdens the existing system beyond the existing capacity justifies the construction of new facilities.

FINANCING STRATEGY

This analysis must also include a consideration of all revenue sources, including impact fees, debt issuance, alternative funding sources, and the dedication (aka donations) of system improvements, which may be used to finance system improvements.³ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁴

PROPORTIONATE SHARE ANALYSIS

The written impact fee analysis is required under the Impact Fees Act and must identify the impacts placed on the facilities by development activity and how these impacts are reasonably related to the new development. The written impact fee analysis must include a proportionate share analysis, clearly detailing each cost component and the methodology used to calculate each impact fee. A local political subdivision or private entity may only impose impact fees on development activities when its plan for financing system improvements establishes that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future (UCA 11-36a-302).

² 11-36a-301,302,303,304

³ UC 11-36a-302(2)

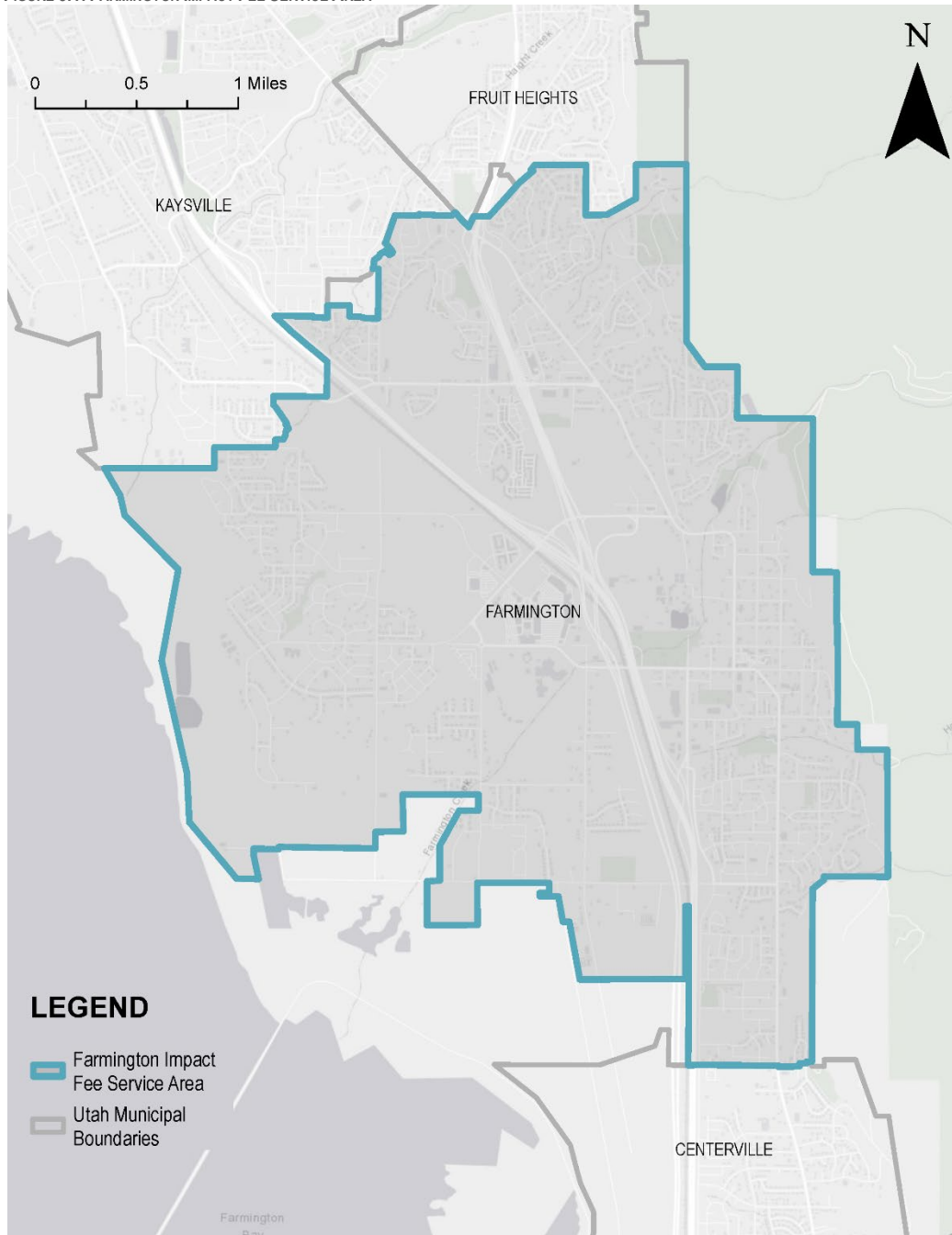
⁴ UC 11-36a-302(3)

SECTION 3: OVERVIEW OF SERVICE AREA AND GENERAL DEMAND FIGURES

SERVICE AREA

Utah Code requires the impact fee enactment to establish one or more service areas within which impact fees will be imposed.⁵ The Service Area for the future parks impact fee includes all areas within the current municipal boundaries of the City, as shown in **FIGURE 3.1**. This document identifies the necessary future system improvements for the Service Area that will maintain the existing LOS into the future.

FIGURE 3.1: FARMINGTON IMPACT FEE SERVICE AREA



⁵ UC 11-36a-402(1)(a)

DEMAND PROJECTIONS

The demand unit used in this analysis is population and household growth. The population projections are based on planning projections provided by the City. According to these projections, the City's 2023 population is **26,291**.

The future population in the Service Area is used to determine the additional parks and recreational needs to serve the additional population. The LOS standards for each of these types of improvements has been calculated, and a blended LOS determined for the future population, giving the City flexibility to provide the types of improvements that are desired by the residents to the future population. If growth projections and land use planning changes significantly in the future, the City will need to update the parks and recreation projections, the IFFP, and the impact fees. The service area should reach approximately **31,591** residents by 2033. As a result of this growth, the City will need to construct additional parks and recreation facilities to maintain the existing level of service.

TABLE 3.1: DEMAND PROJECTIONS

YEAR	POPULATION	% CHANGE
2023	26,291	
2024	26,898	2.31%
2025	27,404	1.88%
2026	27,998	2.17%
2027	28,588	2.11%
2028	29,070	1.69%
2029	29,648	1.99%
2030	30,220	1.93%
2031	30,681	1.53%
2032	31,138	1.49%
2033	31,591	1.45%
10 Yr. IFFP Growth	5,300	

Source: Farmington City, Community Development Department

TABLE 3.2: CALCULATION OF PERSONS PER HH

TYPE	HOUSING UNITS
Total Housing Units	8,012
Single Family Units	5,674
Multi-Family Units	2,338
Total Population	26,291
Single Family Population	20,595
Multi-Family Population	5,696
Average HH Size: Single Family	3.63
Average HH Size: Multifamily	2.44

Source: Farmington City, Community Development Department

SECTION 4: PARKS AND RECREATION FACILITIES

The purpose of this section is to address the parks and recreation IFA and to help the City plan for the necessary capital improvements for future growth. This section will address the future parks and recreation facilities needed to serve the City through the next 10 years, as well as address the appropriate parks and recreation impact fees the City may charge to new growth to maintain the existing LOS.

EXISTING FACILITY INVENTORY

The City's existing inventory for purposes of determining impact fees is shown in **TABLE 4.1**. See **APPENDIX A** for a detailed list of facilities and amenities. The improvement costs for parks and recreation are based on the existing improvements at each facility. The cost of land was set by City Staff and is reflective of land values throughout the Service Area.

For the purposes of the impact fee calculations, this analysis isolates the "City Funded" facilities. This represents the land and improvements funded with general fund dollars and excludes land and improvement costs that were donated or gifted to the City. The City funded acreage and estimated improvement value illustrated below will be the basis for the LOS analysis discussed in this section. In addition, special use facilities are excluded from this analysis due to the funding sources for these facilities. The City issued the 2015 General Obligation bonds for the purposes of building the existing pool and gym recreation facilities. As a result, these facilities are excluded from the calculation of the fee. Other special use facilities are not perpetuated in the proposed LOS at this time.

TABLE 4.1: PARKS AND RECREATION FACILITIES

	TYPE	TOTAL ACRES	% IFA ELIGIBLE	IMPACT FEE ELIGIBLE	LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE
Regional Park	Regional	40.4	100.00%	40.40	\$10,100,000	\$4,103,200	\$14,203,200
Farmington Pond	Community	18.3	100.00%	18.30	\$4,575,000	\$242,650	\$4,817,650
Heritage Park	Community	11.6	100.00%	11.60	\$2,900,000	\$915,975	\$3,815,975
Forbush Park	Neighborhood	4.1	100.00%	4.10	\$1,025,000	\$1,306,975	\$2,331,975
Ranches Park	Neighborhood	5.9	100.00%	5.90	\$1,475,000	\$603,175	\$2,078,175
Shepard Park	Neighborhood	5.6	100.00%	5.60	\$1,400,000	\$1,728,450	\$3,128,450
South Park	Neighborhood	6.6	100.00%	6.60	\$1,650,000	\$1,508,225	\$3,158,225
Woodland Park	Neighborhood	9.7	100.00%	9.70	\$2,425,000	\$788,900	\$3,213,900
Ezra T. Clark Park	Pocket	2.0	100.00%	2.00	\$500,000	\$0	\$500,000
Farmington Preserve Park	Pocket	1.4	100.00%	1.40	\$350,000	\$129,375	\$479,375
Lupine Park	Pocket	0.1	100.00%	0.10	\$25,000	\$115,000	\$140,000
Moon Park	Pocket	0.7	100.00%	0.70	\$175,000	\$285,775	\$460,775
Mountain View	Pocket	2.6	100.00%	2.60	\$650,000	\$217,350	\$867,350
Point of View	Pocket	1.1	100.00%	1.10	\$275,000	\$375,475	\$650,475
Spring Creek	Pocket	2.1	100.00%	2.10	\$525,000	\$378,350	\$903,350
Community Art Center	Special Use	0.4	0.00%	0.00	\$0	\$0	\$0
Farmington Gym	Special Use	2.7	0.00%	0.00	\$0	\$0	\$0
Swimming Pool	Special Use	1.2	0.00%	0.00	\$0	\$0	\$0
The Farm Mountain Bike Park	Special Use	44.0	0.00%	0.00	\$0	\$0	\$0
Glovers Lane Park	Undeveloped	3.50	100.00%	3.50	\$175,000	\$0	\$175,000
Business Park	Undeveloped	10.30	100.00%	10.30	\$515,000	\$0	\$515,000
Farmington Pond Expansion	Undeveloped	8.50	100.00%	8.50	\$425,000	\$0	\$425,000
Farmington Trails	Trails	0.00	100.00%	0.00	\$0	\$5,992,650	\$5,992,650
Total		182.80		134.50	\$29,165,000	\$18,691,525	\$47,856,525

BUY-IN COMPONENT

A buy-in to these facilities has not been contemplated at this time.

LAND VALUATION

Recent land acquisitions by the City were used to estimate the proposed land acquisition cost for future development in the City. For purposes of this analysis, \$250,000 per acre is used as the cost to acquire new park land. A lower cost of \$50,000 per acre was assumed for undevelopable open space and natural lands.

MANNER OF FINANCING EXISTING PUBLIC FACILITIES

The City's existing parks and recreation infrastructure has been funded through a combination of General Fund revenues, grants, other governmental funds, and donations. General Fund revenues include a mix of property taxes, sales taxes, federal and state grants, and any other available General Fund revenues. While the City has received some donations to fund parks and recreation facilities, all park land and improvements funded through donations have been excluded in the impact fee calculations.

LEVEL OF SERVICE ANALYSIS

The LOS for this analysis is based on maintaining the existing LOI in current parks and recreation facilities. The LOS consists of two components: the land value per capita and the improvement value per capita funded by the City (or the cost to purchase the land and make improvements in today's dollars), resulting in a total value per capita for parks and recreation.

Using the estimated land values and improvement values per type of park shown in **TABLE 4.2** and the existing estimated population of 26,291 for 2023, the value per capita (or LOS) is calculated. This approach uses an estimated land value and construction costs improvements in today's dollars to determine the current value. It is assumed that the City will maintain, at a minimum, the current set LOS standard.

TABLE 4.2: LEVEL OF SERVICE SUMMARY

PARK TYPE	CITY OWNED ACREAGE	EST. LAND VALUE	LAND VALUE PER ACRE	EST. IMPROV. VALUE	IMP. VALUE PER ACRE	TOTAL VALUE PER ACRE
All Facilities	134.50	\$29,165,000	\$216,840	\$18,691,525	\$138,970	\$355,811
Per Capita	0.01	\$1,109	\$8	\$711	\$5	\$1,820

The calculation of impact fees relies upon the information contained in this analysis. The timing of construction for development-related park facilities will depend on the rate of development and the availability of funding. For purposes of this analysis, a specific construction schedule is not required since the construction of park facilities can lag development without impeding continued development activity. This analysis assumes that construction of needed park facilities will proceed on a pay-as-you-go basis, and assumes a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements.

FUTURE CAPITAL FACILITIES ANALYSIS

Future planning for parks and public lands is an ongoing process based on the changes in population and community preference. The City will purchase and improve parks and public lands to maintain the LOS defined in this document. Actual future improvements will be determined as development occurs and the opportunity to acquire and improve park land arises. Impact fees will only be assessed to maintain the existing LOS.

The analysis of impact fee eligible costs above is further refined based on the expected changes in population over the planning horizon and the existing LOS. Based on the expected growth of 5,300 people, **TABLE 4.3** illustrates the City will need to invest an estimate of \$9.6 million in parks, recreation, open space, and trail facilities (including amenities) to maintain the proposed LOS as shown in **TABLE 4.2**. The City may invest at a higher level; however, impact fees cannot be used to increase the existing LOS.

TABLE 4.3: ILLUSTRATION OF INVESTMENT NEEDED TO MAINTAIN LOS

TYPE OF IMPROVEMENT	UNIT OF MEASURE	POPULATION INCREASE IFFP HORIZON	TOTAL VALUE PER CAPITA	ESTIMATED FUTURE INVESTMENT
Total Facilities	Per Capita	5,300	\$1,820	\$9,647,392

SYSTEM VS. PROJECT IMPROVEMENTS

System improvements are defined as existing and future public facilities designed to provide services to the community at large.⁶ Project improvements are improvements and facilities that are planned and designed to provide service for a specific development (resulting from a development activity) and considered necessary for the use and convenience of the occupants or users of that

⁶ 11-36a-102(20)

development.⁷ The Impact Fee Analysis may only include the costs of impacts on system improvements related to new growth within the proportionate share analysis. Only parks and recreation facilities that serve the entire community are included in the LOS.

FINANCING STRATEGY & CONSIDERATION OF ALL REVENUE RESOURCES

This analysis assumes that construction of needed parks and recreation facilities will proceed on a pay-as-you-go basis, and assumes a standard annual dollar amount the City should anticipate collecting and plan to expend on park improvements. The IFFP must also include a consideration of all revenue sources including impact fees and developer dedications of system improvements, which may be used to finance system improvements.⁸ In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.⁹

PROPERTY TAX REVENUES

It is anticipated that the City will continue to utilize property tax revenues, as part of the total General Fund revenues, to maintain existing park facilities. Impact fee revenues will be a continual source of revenue to fund growth related improvements.

GRANTS AND DONATIONS

The City may receive donations from new development for future system-wide capital improvements related to park facilities. A donor will be entitled to a reimbursement for the negotiated value of system improvements funded through impact fees if donations are made by new development. The City may receive grant monies to assist with park construction and improvements. This analysis has removed all funding that has come from federal grants and donations to ensure that none of those infrastructure items are included in the LOS. Therefore, the City's existing LOS standards have been funded by the City's existing residents. Funding the future improvements through impact fees places a similar burden upon future users as that which has been placed upon existing users through impact fees, property taxes, user fees, and other revenue sources.

IMPACT FEE REVENUES

Impact fees are an ideal mechanism for funding growth-related infrastructure. Impact fees are currently charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing LOS. Increases to an existing LOS cannot be funded with impact fee revenues. An impact fee analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth.

DEBT FINANCING

In the event the City has not amassed sufficient impact fees in the future to pay for the construction of time sensitive or urgent capital projects needed to accommodate new growth, the City must look to revenue sources other than impact fees for funding. The Impact Fees Act allows for the costs related to the financing of future capital projects to be legally included in the impact fee. This allows the City to finance and quickly construct infrastructure for new development and reimburse itself later from impact fee revenues for the costs of issuing debt (i.e., interest costs). Future debt financing has not been considered in the calculation of the parks and recreation impact fee.

⁷ 11-36a102(13)

⁸ 11-36a-302(2)

⁹ 11-36a-302(3)

SECTION 5: PROPOSED PARKS AND RECREATION IMPACT FEE

The calculation of the parks and recreation impact fee is based on the growth-driven approach, which is based on the **growth** in residential demand. The growth-driven methodology utilizes the existing LOS and perpetuates that LOS into the future. Impact fees are then calculated to provide sufficient funds for the entity to expand or provide additional facilities, as growth occurs within the community. Under this methodology, impact fees are calculated to ensure new development provides sufficient investment to maintain the current LOS standards in the community. This approach is often used for public facilities that are not governed by specific capacity limitations and do not need to be built before development occurs (i.e., park facilities).

PARKS AND RECREATION IMPACT FEE CALCULATION

Utilizing the estimated value per capita by park type and the value per capita to provide the same level of improvements, the total fee per capita is shown in **TABLE 5.1** below.

TABLE 5.1: ESTIMATE OF IMPACT FEE VALUE PER CAPITA

TYPE OF IMPROVEMENT	PROPOSED LOS PER 1,000	LAND COST PER CAPITA	IMPROVEMENT VALUE PER CAPITA	TOTAL VALUE PER CAPITA
All Parks	5.12	\$1,109	\$711	\$1,820
OTHER COMPONENTS TO FEE		ADDITIONAL VALUE	DEMAND SERVED	TOTAL VALUE PER CAPITA
Buy-In		\$0	5,300	\$0
Impact Fee Credit		\$0	5,300	\$0
Professional Expense		\$7,920	3,357	\$2
Estimate of Impact Fee Per Capita				\$1,823

TABLE 5.2: IMPACT FEE PER HOUSEHOLD

	AVERAGE HH SIZE	FEE PER HH	EXISTING FEE PER HH	% CHANGE
Single Family	3.63	\$6,616	\$4,049	63%
Multi-Family	2.44	\$4,440	\$3,828	16%

NON-STANDARD IMPACT FEE

The proposed fees are based upon population growth. The Impact Fees Act allows the City to assess an adjusted fee that more closely matches the true impact that the land use will have upon parks and recreation facilities.¹⁰ This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The City may also decrease the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be lower than what is proposed in this analysis. The formula for determining a non-standard impact fee is found below.

FORMULA FOR NON-STANDARD PARKS AND RECREATION IMPACT FEES:

Estimated Population per Unit x \$1,823 = Impact Fee per Unit

The formula for a non-standard impact fee should be included in the impact fee enactment (by resolution or ordinance). In addition, the impact fee enactment should contain the following elements:

- ☞ A provision establishing one or more service areas within which the local political subdivision or private entity calculates and imposes impact fees for various land use categories.
- ☞ A schedule of impact fees for each type of development activity that specifies the amount of the impact fee to be imposed for each type of system improvement or the formula that the local political subdivision or private entity will use to calculate each impact fee.
- ☞ A provision authorizing the local political subdivision or private entity to adjust the standard impact fee at the time the fee is charged to:
 - Respond to unusual circumstances in specific cases or a request for a prompt and individualized impact fee review for the development activity of the state, a school district, or a charter school and an offset or credit for a public facility for which an impact fee has been or will be collected.
 - Ensure that the impact fees are imposed fairly.

¹⁰ 11-36a-402(1)(c)

- ☞ A provision governing calculation of the amount of the impact fee to be imposed on a particular development that permits adjustment of the amount of the impact fee based upon studies and data submitted by the developer.
- ☞ A provision that allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer:
 - Dedicates land for a system improvement.
 - Builds and dedicates some or all of a system improvement.
 - Dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.
- ☞ A provision that requires a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities:
 - Are system improvements; or,
 - Dedicated to the public and offset the need for an identified system improvement.

Other provisions of the impact fee enactment include exemption of fees for development activity attributable to low-income housing, the state, a school district, or a charter school. Exemptions may also include other development activities with a broad public purpose. If an exemption is provided, the entity should establish one or more sources of funds other than impact fees to pay for that development activity. The impact fee exemption for development activity attributable to a school district or charter school should be applied equally to either scenario.

SECTION 6: IMPACT FEE CONSIDERATIONS

PROPOSED CREDITS OWED TO DEVELOPMENT

The Impact Fees Act requires a local political subdivision or private entity to ensure that the impact fee enactment allows a developer, including a school district or a charter school, to receive a credit against or proportionate reimbursement of an impact fee if the developer: (a) dedicates land for a system improvement; (b) builds and dedicates some or all of a system improvement; or (c) dedicates a public facility that the local political subdivision or private entity and the developer agree will reduce the need for a system improvement.¹¹ The facilities must be considered system improvements or be dedicated to the public, and offset the need for an improvement identified in the IFFP.

EQUITY OF IMPACT FEES

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. The impact fee calculations are structured for impact fees to fund 100 percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses. In those years, other revenues, such as General Fund revenues, will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

NECESSITY OF IMPACT FEES

An entity may only impose impact fees on development activity if the entity's plan for financing system improvements establishes that impact fees are necessary to achieve parity between existing and new development. This analysis has identified the improvements to public facilities and the funding mechanisms to complete the suggested improvements. Impact fees are identified as a necessary funding mechanism to help offset the costs of new capital improvements related to new growth. In addition, alternative funding mechanisms are identified to help offset the cost of future capital improvements.

CONSIDERATION OF ALL REVENUE SOURCES

The Impact Fees Act requires the proportionate share analysis to demonstrate that impact fees paid by new development are the most equitable method of funding growth-related infrastructure.

EXPENDITURE OF IMPACT FEES

The Impact Fee Act requires that impact fees should be spent or encumbered within six years after each impact fee is paid. Impact fees collected in the next six years should be spent on those projects outlined in the IFFP as growth related costs to maintain the LOS.

GROWTH-DRIVEN EXTRAORDINARY COSTS

The City does not anticipate any extraordinary costs necessary to provide services to future development.

SUMMARY OF TIME PRICE DIFFERENTIAL

The Impact Fees Act allows for the inclusion of a time price differential to ensure that the future value of costs incurred at a later date are accurately calculated to include the costs of construction inflation. This analysis includes an inflation component to reflect the future cost of facilities. The impact fee analysis should be updated regularly to account for changes in costs estimates over time.

¹¹ 11-36a-402(2)

APPENDIX A: PARKS AND RECREATION EXISTING FACILITIES INVENTORY

TABLE A.1: EXISTING PARKS AND RECREATIONS INVENTORY

AREA	TYPE	RESTROOMS	PLAYGROUNDS	LARGE PAVILIONS	SMALL PAVILIONS	MULTIPURPOSE FIELDS	BASEBALL/SOFTBALL FIELDS	BASKETBALL COURTS	TENNIS COURTS	PICKLEBALL COURTS	SAND VOLLEYBALL COURTS
		<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>
Cost per Unit		\$100,000	\$100,000	\$100,000	\$40,000	\$100,000	\$350,000	\$80,000	\$40,000	\$80,000	\$35,000
Regional Park	Regional	2.00	2.00	2.00	1.00	6.00	4.00	2.00	-	8.00	-
Farmington Pond	Community	1.00	-	-	2.00	-	-	-	-	-	-
Heritage Park	Community	1.00	1.00	1.00	2.00	1.00	-	2.00	-	-	-
Forbush Park	Neighborhood	1.00	2.00	3.00	-	-	1.00	-	-	-	-
Ranches Park	Neighborhood	1.00	1.00	1.00	-	-	-	-	2.00	-	-
Shepard Park	Neighborhood	1.00	1.00	2.00	-	-	2.00	-	4.00	-	1.00
South Park	Neighborhood	1.00	1.00	1.00	-	1.00	1.00	1.00	-	-	1.00
Woodland Park	Neighborhood	1.00	-	1.00	-	-	-	-	-	-	1.00
Ezra T. Clark Park	Pocket	-	-	-	-	-	-	-	-	-	-
Farmington Preserve Park	Pocket	-	1.00	-	-	-	-	-	-	-	-
Lupine Park	Pocket	-	1.00	-	-	-	-	-	-	-	-
Moon Park	Pocket	-	1.00	-	1.00	-	-	-	-	-	-
Mountain View	Pocket	-	1.00	-	-	-	-	-	2.00	-	-
Point of View	Pocket	-	1.00	-	1.00	-	-	1.00	-	-	-
Spring Creek	Pocket	-	1.00	-	1.00	-	-	1.00	-	-	-
Community Art Center	Special Use	-	-	-	-	-	-	-	-	-	-
Farmington Gym	Special Use	-	-	-	-	-	-	-	-	-	-
Swimming Pool	Special Use	-	-	-	-	-	-	-	-	-	-
The Farm Mountain Bike Park	Special Use	-	-	-	-	-	-	-	-	-	-
Glovers Lane Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Business Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Pond Expansion	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Trails	Trails	-	-	-	-	-	-	-	-	-	-
Totals		9.00	14.00	11.00	8.00	8.00	8.00	7.00	8.00	8.00	3.00
Estimated Value		\$900,000	\$1,400,000	\$1,100,000	\$320,000	\$800,000	\$2,800,000	\$560,000	\$320,000	\$640,000	\$105,000

TABLE A.1: CONT.

AREA	TYPE	SKATE/BIKE PARK	AMPHITHEATER	PICNIC TABLES	BARBEQUE GRILLS	BENCHES	FIRE PITS	DRINKING FOUNTAINS	PAVED TRAILS	UNPAVED TRAILS	OPEN LAWN AREAS
		<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>EACH</i>	<i>Miles</i>	<i>Miles</i>	<i>EACH</i>
COST PER UNIT		\$300,000	\$200,000	\$2,000	\$250	\$2,500	\$10,000	\$8,000	\$250,000	\$15,000	100,000
Regional Park	Regional	-	-	27.00	-	20.00	-	3.00	-	-	-
Farmington Pond	Community	-	-	4.00	-	2.00	1.00	1.00	-	-	-
Heritage Park	Community	-	-	18.00	-	5.00	-	1.00	-	-	1.00
Forbush Park	Neighborhood	-	-	33.00	-	5.00	-	1.00	-	-	1.00
Ranches Park	Neighborhood	-	-	12.00	-	5.00	-	1.00	-	-	1.00
Shepard Park	Neighborhood	-	-	20.00	-	24.00	-	1.00	-	-	1.00
South Park	Neighborhood	1.00	-	18.00	-	1.00	-	1.00	-	-	1.00
Woodland Park	Neighborhood	-	1.00	38.00	6.00	3.00	5.00	2.00	-	-	1.00
Ezra T. Clark Park	Pocket	-	-	-	-	-	-	-	-	-	-
Farmington Preserve Park	Pocket	-	-	1.00	-	1.00	-	1.00	-	-	-
Lupine Park	Pocket	-	-	-	-	-	-	-	-	-	-
Moon Park	Pocket	-	-	3.00	-	1.00	-	-	-	-	1.00
Mountain View	Pocket	-	-	2.00	-	2.00	-	-	-	-	-
Point of View	Pocket	-	-	2.00	-	1.00	-	-	-	-	1.00
Spring Creek	Pocket	-	-	2.00	-	2.00	-	-	-	-	1.00
Community Art Center	Special Use	-	-	-	-	-	-	-	-	-	-
Farmington Gym	Special Use	-	-	-	-	-	-	-	-	-	-
Swimming Pool	Special Use	-	-	-	-	-	-	-	-	-	-
The Farm Mountain Bike Park	Special Use	-	-	-	-	-	-	-	-	-	-
Glovers Lane Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Business Park	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Pond Expansion	Undeveloped	-	-	-	-	-	-	-	-	-	-
Farmington Trails	Trails	-	-	-	-	-	-	-	20.1	12.4	-
Totals		1.00	1.00	180.00	6.00	72.00	6.00	12.00	20.10	12.40	9.00
Estimated Value		\$300,000	\$200,000	\$360,000	\$1,500	\$180,000	\$60,000	\$96,000	\$5,025,000	\$186,000	\$900,000

CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

PUBLIC HEARING: Kaysville - Farmington Municipal Boundary
Adjustment

GENERAL INFORMATION:

See staff report prepared by Lyle Gibson, Asst.Comm. Development Director

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Lyle Gibson – Assistant Community Development Director
Date: 9/5/2023
Subject: Kaysville – Farmington Municipal Boundary Adjustment

RECOMMENDATION(S)

Move that the City Council open and close the public hearing which has been noticed and then take no action regarding the boundary adjustment.

BACKGROUND

In June of this year the City Council adopted a resolution to start notice for this public hearing where a consideration of adjusting a common municipal boundary with Kaysville City would be introduced and potentially considered.

The section of municipal boundary in consideration is in the north west part of Farmington along the new 950 North Street as included in the supplemental information provided with this report.

Both Farmington City and Kaysville City adopted similar resolutions around the same time to initiate this process. Since the passing of the resolution to explore the options to adjust the boundary, Kaysville City has indicated that they are not interested in pursuing a change to the municipal boundary. As a municipal boundary adjustment requires that both cities approve an ordinance adopting any changes to their boundaries, the consideration of an adjustment by Farmington City is now a moot point.

Supplemental Information

1. Concept Boundary Adjustment Scenarios

Respectfully submitted,



Lyle Gibson
Assistant Community Development Director

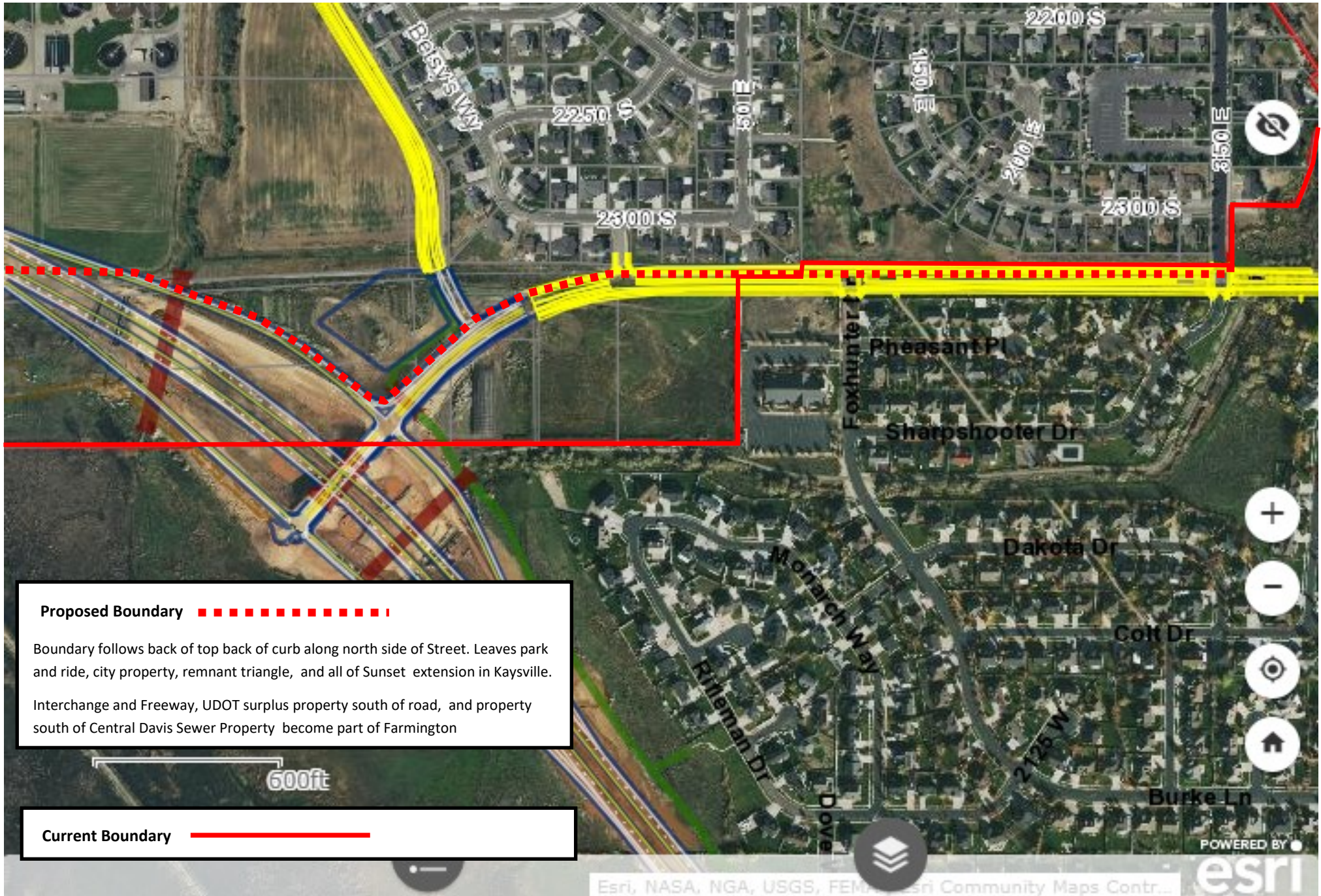
Review and concur,



Brigham Mellor
City Manager

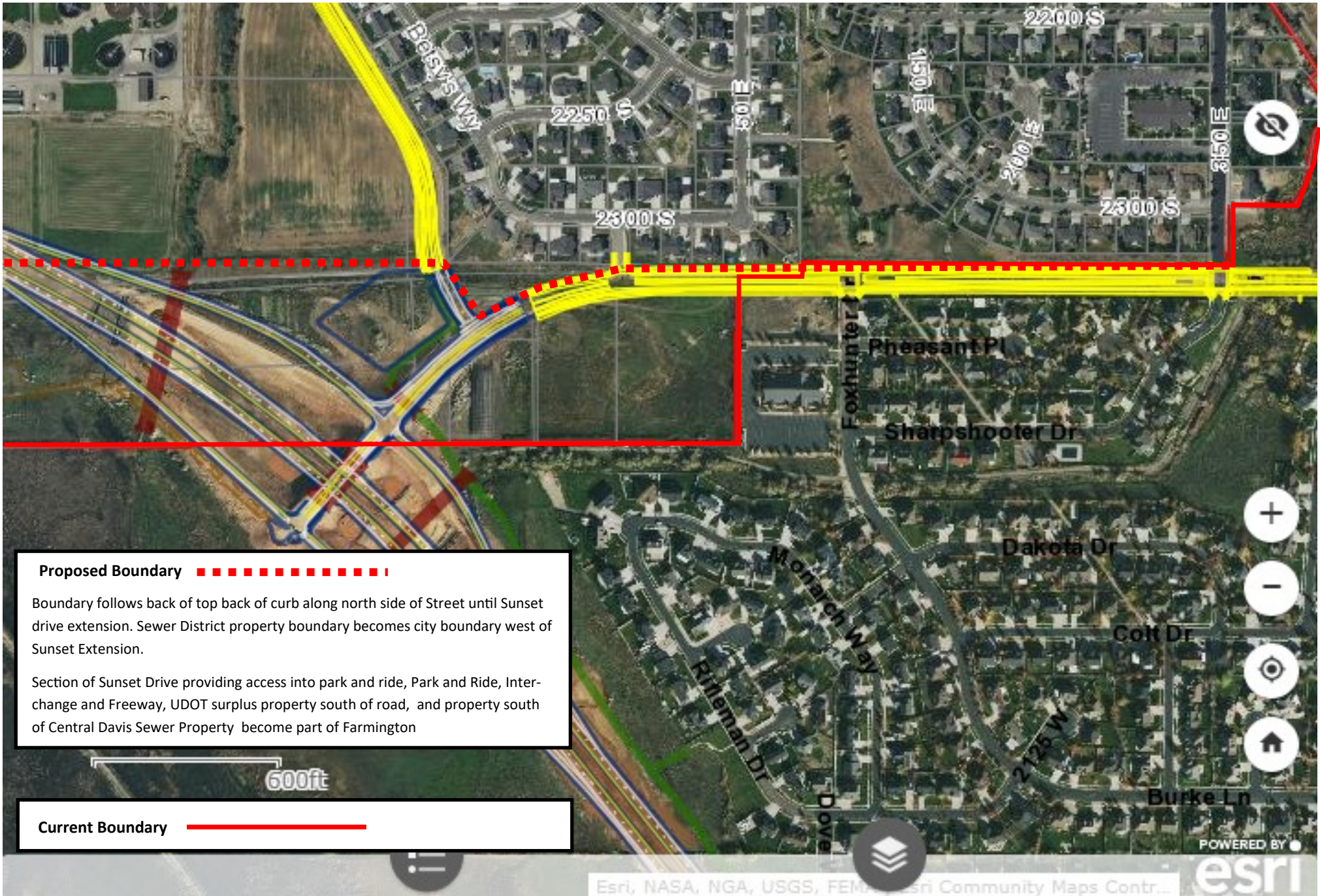
KAYSVILLE FARMINGTON BOUNDARY ADJUSTMENT

OPTION 1



KAYSVILLE FARMINGTON BOUNDARY ADJUSTMENT

OPTION 2



CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

BUSINESS: Criminal and Firearms Ordinance Revisions

GENERAL INFORMATION:

See staff report prepared by Paul Robertson, Attorney

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Paul Roberts, City Attorney
Date: September 5, 2023
Subject: **Criminal Code and Firearms Ordinance Revisions**

A review of Title 13 of the Farmington Municipal Code revealed duplicative provisions to what exists in state law, along with some provisions that conflict with it. This amendment attempts to clean up the code and ensure conformance to state laws governing firearm possession.

RECOMMENDATION(S)

Staff recommends the proposed redlines, which follow this report. Some provisions, addressed in this staff report, could be either modified or repealed by the City Council, based upon the Council's preferences.

Motion Language: "I move that the Council adopt the Ordinance Amending Section 8-4-090 and Chapter 13 of the Farmington City Municipal Code, related to criminal code and firearms ordinances."

OR "I move that the Council table this matter and place it on a subsequent agenda for further study."

BACKGROUND

Title 13 of the Farmington Municipal Code was adopted in 1995 and has been largely untouched since that date.¹ In the meantime, state laws have covered significantly more territory in the realm of criminal code, with special attention having been paid to the regulation of firearms and other weapons.

These vestige sections in the Farmington Municipal Code are not utilized by police officers within the City; our peace officers are well-trained in the provisions of state code and use those provisions almost exclusively. Given their disuse and the potential

¹ A few sections were modified or repealed in 2016, and a smattering have been amended over the past thirty years. But it has otherwise remained static.

confusion that could result from conflicting code provisions, staff suggests that it is time to simply remove many criminal provisions from our city code, or scale them back to cover conduct that is not addressed in state law. This staff report will go through each change and provide a brief explanation for the modification. Further illumination will be provided upon request.

As it relates to firearms restrictions in the code, It is also important to understand the directives we have received from the Utah Legislature:

(2) The individual right to keep and bear arms being a constitutionally protected right under Article I, Section 6, of the Utah Constitution and the Second Amendment to the United States Constitution, the Legislature finds the need to provide uniform civil and criminal laws throughout the state and declares that the Legislature occupies the whole field of state regulation of firearms.

(3) Except as specifically provided by state law, a local or state governmental entity may not:

(a) prohibit an individual from owning, possessing, purchasing, selling, transferring, transporting, or keeping any firearm at the individual's place of residence, property, business, or in any vehicle lawfully in the individual's possession or lawfully under the individual's control; or

(b) require an individual to have a permit or license to purchase, own, possess, transport, or keep a firearm.

(4) This part is uniformly applicable throughout this state and in all the state's political subdivisions.

(5) Authority to regulate firearms is reserved to the state except where the Legislature specifically delegates responsibility to local or state governmental entities.

(6) Unless specifically authorized by the Legislature by statute, a local or state governmental entity may not enact or enforce a directive pertaining to firearms that in any way inhibits or restricts the possession, ownership, purchase, sale, transfer, transport, or use of firearms on either public or private property.²

Title 8

8-4-090: Firearms and Explosives

This provision of code is nestled in our Parks ordinance and the inclusion of firearm bans from public parks is in direct contradiction of state law and court precedent.³ It

² Utah Code Ann. § 76-10-500. Under long-established precedent, where the State has “preempted by comprehensive legislation intended to blanket a particular field,” an ordinance contrary to that comprehensive legislation is invalid. *State v. Hutchinson*, 624 P.2d 1116, 1121 (Utah 1980).

³ See Utah Code Ann. § 76-10-500(3); e.g., *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022) (requiring government to establish that a “firearm regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms”).

is recommended that firearms be removed from the prohibition, but that fireworks and other explosives remain unlawful in our public parks.

Title 13

Chapter 1: Adoption of State Codes

13-1-010: Utah Criminal Code

To the extent it is necessary to adopt the state criminal code (which by its own passage indicates that it applies throughout the state without respect to city boundaries),⁴ this amendment at least confirms that the City will exert prosecutorial authority over infractions, class C misdemeanors, and class B misdemeanors committed within its boundaries.⁵

13-1-030, 13-1-040, 13-1-050, 13-1-060: Controlled Substances, Paraphernalia, Alcohol

Rather than list specific titles that we adopt as our own code, the amendment to 13-1-010 indicates that any criminal violation in the Utah State Code is also a violation of our code. I am unaware of any reason to adopt these specific chapters, considering the state of current Utah law.

13-1-070, 13-1-080: Limitations & Omissions

These codes are amended for clarification only.

13-1-090: Citation

The Utah Code of Criminal Procedures, adopted by section 13-1-020, addresses the process for issuing citations.⁶ We need not have our own section addressing it.

13-1-100: Rules of Construction

This code is amended for clarity only.

Chapter 2: Offenses Relating to Minors

No state law specifically imposes a curfew; the legislature has – so far – left that to the municipalities based upon their community standards. As such, I recommend leaving the curfew provisions as is, unless the Council would like to jettison the notion of curfews entirely.

⁴ Utah Code Ann. § 76-1-201(1).

⁵ Incidentally, city attorneys are authorized by state law to prosecute all misdemeanors, including those in the Class A category. See Utah Code Ann. § 10-3-928(2). But the logistics of prosecuting Class A misdemeanors, which are heard in district court and on the same criminal dockets with felony cases, is difficult for most municipalities. Thus, the County kindly exercises jurisdiction over Class A offenses committed in the City.

⁶ Utah Code Ann. §§ 77-7-18, -19, & -20.

13-2-010: Curfew

A minor change clarifies that the person having “legal care and custody” of the minor must be an adult, and not only a “person.” It would not take a particularly imaginative mind to try and assert that a group of minors each had legal care and custody over each other.

13-2-020: Aiding Minor to Violate Curfew

These amendments add a state of mind requirement of “intentional or knowing,” meaning that a person must have good reason to know that the person they are aiding or abetting in committing a curfew violation is a minor. This would protect from prosecution innocent parties who wrongly believe that a minor is an adult.

If the Council wanted to repeal this section, it could do so and rely on state codes criminalizing contributing to the delinquency of a minor.⁷ Then, merely encouraging a minor to be out between midnight and 5:00 am would not subject an adult to prosecution, unless the minor was engaged in otherwise illegal activities.

13-2-030, 13-2-040: Minors in Taverns

State law covers these topics in their entirety and also applies a restriction against minors entering bar licensees other than taverns.⁸ As this is entirely covered by applicable state laws, repeal is recommended.

13-2-050: Contributing to Delinquency of Minor

This section has been covered by multiple state criminal code provisions:

- (A)(1) by Contributing to Delinquency of a Minor⁹
- (A)(2) by Child Abuse, Child Abandonment, Child Endangerment, etc¹⁰
- (A)(3) by Kidnapping, Custodial Interference, et al¹¹
- (A)(4) by Unlawful Admittance by Minor¹²
- (A)(5) by Child Abuse and Neglect Reporting Requirements¹³

While our section may have been more efficient, the state law supersedes and in many cases exceeds the penalties that we could enforce under city ordinance. I recommend repeal of this section entirely.

13-2-060, 13-2-070: Soliciting Services or Prohibited Admission/Articles

⁷ See Utah Code Ann. § 76-10-2301.

⁸ See *Id.* §32B-4-410.

⁹ *Id.* § 76-10-2301.

¹⁰ *Id.* §§ 76-5-109, -109.2, -109.3, -112, & -112.5.

¹¹ *Id.* §§ 76-5-301.1, -302.2, -302, -303, et seq.

¹² *Id.* § 32A-4-410.

¹³ *Id.* § 80-2-602.

To the extent this was aimed at prohibiting a person from providing alcohol or tobacco to minors, those provisions are covered by state law.¹⁴ As they are entirely subsumed by state code, they need not remain in our code.

Chapter 3: Offenses Relating to Public Schools

All of these provisions are addressed in state code:

- 13-3-010 by Possession or Consumption of Alcoholic Beverages at School¹⁵
- 13-3-020 by Possession of Dangerous Weapon on or about School Premises¹⁶
- 13-3-030 by Criminal Trespass Upon School Property¹⁷
- 13-3-040 by Disruptive Student Behavior and Disruption of Activities in or Near School Building¹⁸

I recommend repeal of the entire chapter.

Chapter 4: Offenses Against Administration of Government

I recommend adding code enforcement officials to the list of employees specifically protected by section 13-4-020's prohibition against interfering or physically obstructing enforcement activity. When violence is used against them, then provisions of state code undoubtedly apply. There are other provisions in state code related to failing to aid or stop at the command of a peace officer,¹⁹ but our city code includes more negative behaviors, and thus may be worth retaining. The recommendation to expand the list to specifically protect code enforcement officers is borne out of experiences with individuals who treat code enforcement officials with particular disdain and feel they can abuse them without repercussion.

Chapter 5: Offenses Against Public Decency

State codes cover this ground,²⁰ and there is no need to retain this chapter.

Chapter 6: Weapons & Firearms

As mentioned above, state code pre-empts any attempt by a local government to restrict possession or sale of firearms contrary to state laws. This includes the regulation of knives.²¹ However, the city retains specific power to regulate the discharge of firearms pursuant to Title 10: "The municipal legislative body may: ... (c) regulate and prevent the discharge of firearms, rockets, powder, fireworks... or any

¹⁴ *Id.* §§ 32B-4-403 (unlawful furnishing of alcohol); 76-10-104 (unlawful furnishing of tobacco).

¹⁵ *Id.* § 53G-8-602.

¹⁶ *Id.* § 76-10-505.5.

¹⁷ *Id.* § 53G-8-603.

¹⁸ *Id.* §§ 53G-8-210 & 76-8-1402, respectively.

¹⁹ *Id.* §§ 76-8-305.5 (Failure to Stop at the Command of a Peace Officer), 76-8-307 (Failure to Aid Peace Officer).

²⁰ *Id.* §§ 76-9-702 (Lewdness), 76-9-702.1 (Sexual Battery), 76-9-702.3 (Public Urination), 76-9-702.5 (Lewdness Involving a Child), and 76-9-702.7 (Voyeurism).

²¹ *Id.* § 10-8-47.5.

other dangerous or combustible material..."²² As such, the Council's authority in the firearm realm is limited to regulating weapon discharge.

13-6-010: Definitions

Rather than utilize our own definitions, the amendment recommends adopting the state code for any terms of art that remain after these amendments.

13-6-020: Discharge of Firearm Prohibited

This section widely prohibits discharging a weapon within city limits. As the City code adopts State law applicable to criminal codes, the state law provisions providing justification for the use of force and deadly force would apply to shield an individual who uses their firearm in self-defense or defense of another.²³

State code restricts the discharge of firearms in a more limited fashion:

- From an automobile or vehicle
- From, upon or across a highway
- At road signs
- At communications equipment or utility property
- At railroad equipment or facilities
- Within a Utah State Park building, along with designated camps, picnic sites, golf courses, ramps and beaches
- Within 600 feet of a house, dwelling, barns, stockyards, or other buildings, unless that person has written permission from the owner or person in charge of that property to discharge their firearm within that proximity²⁴

But considering the explicit allowance for municipalities to prohibit discharge, our codes are not contrary to the state code's limited restrictions. So, it can remain if the Council wants to retain it. However, it is seldom if ever utilized by our police; they will generally cite a person for discharge under state code.

Whether to retain or remove the code is within the Council's purview. If the Council wants to retain the prohibition and also add language ensuring your intention that the self-defense/defense of others justification applies, then the Council could recommend an addition of those provisions.

13-6-040: Illegal Weapons Prohibited

Multiple items on this list are not illegal under state law: short-barrel shotguns, short-barreled rifles, and switchblade knives. And with the state code prohibiting us from restricting possession of firearms or knives without a specific mandate from the state,²⁵ these provisions need to go.

²² *Id.* § 10-8-47(1).

²³ *See id.* §§ 76-2-402, -407.

²⁴ *Id.* § 76-10-508(1)(a).

²⁵ *Id.* § 76-10-500.

That leaves bludgeons, slingshots, blackjacks & sand clubs, and metal knuckles on the list of disapproved weapons. The Council could retain its prohibition against these items. I have some concern with prohibiting a “bludgeon” due to vagueness, however. This could include clubs, large hammers, maces, or potentially baseball bats. And a “sand club” could include a partially filled sac with sand in it, such as the thousands of sand bags the City distributed this Spring.

As such, I recommend removing this section. Although there might be a portion of our population who abstained from possessing metal knuckles due to our municipal code, we can take some comfort in state code that addresses the use of any dangerous weapon (which would include any of these enumerated items along with every-day objects utilized as weapons) with criminal intent.²⁶ And if a person actually inflicts an injury on another using a weapon, it enhances the offense to an Aggravated Assault.²⁷ The state code criminalizes both the use and the intention to use those objects as weapons to the extent that our code is likely unnecessary.

13-6-070: Spring Guns Prohibited

We are permitted to regulate the use of spring guns thanks to our legislative grant of authority over the discharge of weapons. This amendment describes what a “spring gun” is, which might be unfamiliar to those who have not recently attended a first-year Torts class in law school.²⁸

13-6-080: Silencers Prohibited

So long as a fee is paid to the ATF,²⁹ a person is permitted to possess a suppressor for their firearm in Utah. As such, it is recommended that this section be repealed.

Chapter 7: Miscellaneous Offenses

13-7-020: Cheats and Swindles

As much fun as the word swindle is to say, there are substantial portions of the Utah state code that address theft and fraud.³⁰ State code covers practically every angle that might be worked by a cheat or swindle, so our code is unnecessary.

13-7-040: Destruction of Property

Between the Destruction of Property³¹ and Criminal Trespass³² statutes in Utah law, the provisions of this section are covered by state provisions.

²⁶ See *id.* § 76-10-507 (Possession of a Dangerous Weapon with Criminal Intent).

²⁷ *Id.* § 76-5-103.

²⁸ Ah, the memories. See *Katko v. Briney*, 183 N.W.2d 657 (Iowa 1971), which is a nearly ubiquitous inclusion in tort law textbooks.

²⁹ See 27 CFR 478.11 (including silencers within the definition of “firearm” subject to tax paid transfer and registration).

³⁰ See Parts 4 and 5 of Chapter 76-6, Utah Code Annotated.

³¹ Utah Code Ann. § 76-6-106.1.

³² *Id.* § 76-6-206.

13-7-050: Mechanized Racing

It appears the intention behind this code was to prohibit drag racing in vehicles. If so, state code sufficiently covers this topic through its prohibition against speed contests and speed exhibition.³³ However, if the Council intends to prohibit the racing of other means of transport other than motor vehicles, then the code should be amended. For instance, if we were concerned with the racing of motor-powered go-carts, we could specify the parameters of the prohibition.

This provision also applies city-wide, even if conducted on private property. Most motor vehicle regulations in the state are limited to public roads, so the Council could consider limiting its scope somewhat, if it wishes to retain the section.

The term “motor powered vehicles” is not defined in city code or state code, so there is some uncertainty of what applies. Does an eBike count? A motorized scooter? A motorized wheelchair? There are a variety of definitions laid out by the Utah Traffic Code, should the council wish to peruse various lines that have been drawn by our legislature.

Without these clarifying amendments, I would recommend repealing the section due to non-use and mostly being covered by the state code prohibition against street racing in motor vehicles.

13-7-060: Temporary Auto Theft

State law now addresses this in its “joyriding” statute, Unauthorized Control for Extended Time.³⁴ We need not address the same subject matter.

CONCLUSION

Proposed amendments are made in light of legal restrictions and anticipated policy direction from the Council. Staff seeks direction from the Council, or if the amendments are acceptable, seeks the Council's approving vote.

Respectfully submitted,



Paul Roberts
City Attorney

Review and concur,



Brigham Mellor
City Manager

³³ *Id.* § 41-6a-606.

³⁴ *Id.* § 41-1a-1314.

ORDINANCE NO: _____

**AN ORDINANCE AMENDING TITLE 13 OF THE FARMINGTON MUNICIPAL CODE
RELATED TO CRIMINAL OFFENSES AND FIREARM RESTRICTIONS**

WHEREAS, the City Council has conducted a review of Title 13 and identified provisions that are outdated, unnecessary or in conflict with state code: and

WHEREAS, the City Council retains police power to provide for the safety and comfort of its residents and visitors, including the discharge of firearms, unless restricted by the Utah Legislature; and

WHEREAS, the City Council finds that the amendments in this ordinance will bring the City Code into conformance with conflicting laws and provide clear descriptions of behavior that is prohibited within the city;

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

Section 1: Amendment. Title 13 of the Farmington Municipal Code is amended, as provided in Exhibit A, which is attached to this Ordinance and incorporated by this reference.

Section 2: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3: Effective Date. This Ordinance shall become effective immediately upon its publication.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,
STATE OF UTAH, THIS 5TH DAY OF SEPTEMBER 2023.**

ATTEST:

FARMINGTON CITY

DeAnn Carlile, City Recorder

Brett Anderson, Mayor

8-4-090: ~~FIREARMS-FIREWORKS~~ AND EXPLOSIVES:

No person shall carry or discharge any ~~firearms,~~ firecrackers, rockets, or any other ~~fireworks or~~ explosives within a city park, except persons who have obtained a special permit from the city to put on a fireworks show.

TITLE 13
CRIMINAL CODE

CHAPTER 1
ADOPTION OF STATE CODES

SECTION:

13-1-010: Utah ~~State Code Criminal Violations~~Criminal Code

13-1-020: Utah Code Of Criminal Procedure

13-1-030: ~~Utah Controlled Substances Act~~Reserved

13-1-040: ~~Utah Drug Paraphernalia Act~~Reserved

13-1-050: ~~Imitation Controlled Substances Act~~Reserved

13-1-060: ~~Alcoholic Beverage Control Act~~Reserved

13-1-070: Limitations

13-1-080: Omission Not A Waiver

13-1-090: ~~Citation~~Reserved

13-1-100: Rules Of Construction

13-1-110: Reserved

13-1-120: Penalties

13-1-130: Fine Schedule

13-1-010: ~~UTAH CRIMINAL CODE~~UTAH STATE CODE CRIMINAL VIOLATIONS:

The All class "B" and "C" misdemeanors and infractions in the Utah Code, as they exist now and as amended or enacted in the future, are hereby adopted and incorporated by this reference as violation of City ordinances. Public officials, including peace officers, are hereby authorized to cite violations of the Utah Code by citing the appropriate section number. ~~Utah criminal code~~

~~set forth at Utah Code Annotated section 76-1-101 et seq., as amended, is hereby adopted as the criminal code of Farmington City.~~

13-1-020: UTAH CODE OF CRIMINAL PROCEDURE:

The Utah code of criminal procedure as set forth at Utah Code Annotated section 77-1-1 et seq., as amended, is hereby adopted as the code of criminal procedure of Farmington City.

13-1-030: ~~UTAH CONTROLLED SUBSTANCES ACT:RESERVED~~

~~The Utah controlled substances act as set forth at Utah Code Annotated section 58-37-1 et seq., as amended, is hereby adopted as the controlled substances act of Farmington City.~~

13-1-040: ~~UTAH DRUG PARAPHERNALIA ACT:RESERVED~~

~~The Utah drug paraphernalia act as set forth at Utah Code Annotated section 58-37a-1 et seq., as amended, is hereby adopted as the drug paraphernalia act of Farmington City. (Ord.~~

13-1-050: ~~IMITATION CONTROLLED SUBSTANCES ACT:RESERVED~~

~~The imitation controlled substances act as set forth at Utah Code Annotated section 58-37b-1 et seq., as amended, is hereby adopted as the imitation controlled substances act of Farmington City.~~

13-1-060: ~~ALCOHOLIC BEVERAGE CONTROL ACT:RESERVED~~

~~The alcoholic beverage control act as set forth at Utah Code Annotated section 32B-1-101 et seq., as amended, is hereby adopted as the alcoholic beverage control act of Farmington City.~~

13-1-070: LIMITATIONS:

Each of the codes and acts adopted herein are hereby adopted as if fully set forth at length; provided, however, that any provision which is classified as a felony or a class A misdemeanor or which is not enforceable by Farmington

City under the laws of the state of Utah, is excluded as a violation of city ordinance.

13-1-080: OMISSION NOT A WAIVER:

The omission to specify or enumerate in this title those provisions of general criminal law and offenses applicable ~~to all cities throughout the state of Utah~~ shall not be construed as a waiver of the benefits and enforcement of any such provisions.

13-1-090: ~~CITATION: RESERVED~~

~~For purposes of referring or citing to provisions of the codes and acts adopted herein, the specific provision of the code or act shall be cited by number preceded by this title, e.g., 13/76-1-101.~~

13-1-100: RULES OF CONSTRUCTION:

Insofar as possible, the provisions of this title and the codes and acts adopted herein shall be construed in a manner to ensure the enforcement of the criminal laws of the state of Utah. In the event any provisions are inconsistent, the inconsistency shall be resolved as follows:

A. ~~—A. Any provision of this title which was at one time, but is not now, consistent with the codes and acts adopted herein shall be controlled by the law as it is reflected in the most recent version of the code or act, as amended. Any provision of law that directly conflicts with Utah state law is not enforceable and shall be controlled by the laws of the State of Utah.~~

B. Any provision of this title which deals with the particular local needs and policies of Farmington City and is otherwise lawful shall control.

13-1-110: RESERVED:

13-1-120: PENALTIES:

Except as otherwise provided, any violation of this title shall be a class B misdemeanor. This section shall not limit the authority of the court to impose any other sanction or order any other relief as may be appropriate and lawful under the laws of the state of Utah.

13-1-130: FINE SCHEDULE:

Fines for violations of this title shall be assessed in accordance with the uniform fine schedule as adopted and amended by the judicial council.

CHAPTER 2
OFFENSES RELATING TO MINORS

SECTION:

13-2-010: Curfew

13-2-020: Aiding Minor To Violate Curfew

13-2-030: ~~Minors Not Allowed In Taverns~~Reserved

13-2-040: ~~Aiding Minor To Violate Tavern Restriction~~Reserved

13-2-050: ~~Contributing To The Delinquency Of A Minor~~Reserved

13-2-060: ~~Soliciting The Service Of Others~~Reserved

13-2-070: ~~Procuring Prohibited Admission Or Articles For Minors~~Reserved

13-2-010: CURFEW:

A. Hours: It is unlawful for any person under the age of eighteen (18) years to be in any public place or on any public street, sidewalk or alley within Farmington City between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) A.M.

B. Exceptions: The foregoing prohibition shall not apply to situations:

1. Where the minor is accompanied by a parent, legal guardian or other ~~person~~adult having the legal care and custody of said minor; or
2. Where the presence of the minor is connected with or required by some legitimate employment or business of the minor; or
3. Where the presence of the minor is connected with a bona fide meeting, dance, party, sporting event or practice sponsored by a church, school, league, youth club or theater; or
4. Where the presence of the minor is connected with an emergency.

C. Penalty: Any violation of this section shall be a class C misdemeanor.

13-2-020: AIDING MINOR TO VIOLATE CURFEW:

A. Generally: It is unlawful for any person to intentionally or knowingly assist, aid, abet or encourage any minor to violate the provisions of section 13-2-010 of this chapter.

B. Parent Or Guardian: It is unlawful for any parent, guardian or other person having legal care of any minor, to intentionally or knowingly allow or permit such minor to be in any public place or public street, sidewalk, or alley within Farmington City ~~between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) A.M.~~ in violation of section 13-2-010 of this chapter.

C. Owner Or Operator Of Business: It is unlawful for any person owning or operating a business to intentionally or knowingly permit any minor to be or remain on the premises where such business is conducted between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) A.M. in violation of section 13-2-010 of this chapter.

D. Penalty: Any violation of this section shall be a class C misdemeanor.

13-2-030: ~~MINORS NOT ALLOWED IN TAVERNS: RESERVED~~

~~It is unlawful for any person under the age of twenty one (21) years to be in any establishment within Farmington City which sells beer or other alcoholic beverages for on premises consumption.~~

13-2-040: ~~AIDING MINOR TO VIOLATE TAVERN RESTRICTION: RESERVED~~

~~—A.— Presence Prohibited: It shall be unlawful for any person in charge of or employed in an establishment within Farmington City which sells beer or other alcoholic beverages for on premises consumption to permit any person under the age of twenty one (21) years to enter upon, visit or remain in said premises for any purpose except to make deliveries or carry messages to the proprietor thereof and depart therefrom immediately.~~

~~—B.— Notice Required: It shall be unlawful for any person to operate any establishment within Farmington City which sells beer or other alcoholic beverages for on premises consumption without first establishing, enforcing and posting in a conspicuous place a notice which shall read:~~

~~No person under 21 years of age permitted in these premises.~~

13-2-050: ~~CONTRIBUTING TO THE DELINQUENCY OF A MINOR:RESERVED~~

~~—A. Offenses Specified: The following shall be offenses when committed by adults against minors:~~

~~—1. Any person eighteen (18) years of age or older who solicits, requests, commands, encourages or intentionally aids or who acts with a juvenile in the violation of any federal, state or city ordinance, or who tends to cause children to become or remain delinquent, or who aids, contributes to or becomes responsible for the neglect, abuse or delinquency of any child;~~

~~—2. Any person eighteen (18) years or older, having a child in his or her legal custody, or under his or her care, or in his or her employment, who wilfully abuses or ill treats, neglects or abandons the child in any manner likely to cause the child unnecessary suffering or serious injury to his or her health or morals;~~

~~—3. Any person eighteen (18) years or older who forcibly takes away a child from, or wrongfully encourages him or her to leave, the legal or physical custody of any person, agency or institution in which the child lawfully resides or has been legally placed for the purpose of care, support, education or adoption, or any person who knowingly detains or harbors a child whom he or she has reasonable grounds to believe has escaped or fled from the custody of any agency or institution in which the child lawfully resides or has run away from his or her parent, guardian or custodian;~~

~~—4. Any person eighteen (18) years of age or older who provides a child with an alcoholic beverage or a controlled substance or who encourages or permits a child to consume an alcoholic beverage or controlled substance; or~~

~~—5. Any person eighteen (18) years of age or older who fails to report child abuse, as required by Utah Code Annotated section 62A-4a-403, as amended.~~

~~—B. Delinquency Not Necessary: It shall not be necessary in order to obtain a conviction under this statute to establish that the minor had become a delinquent or committed a delinquent act.~~

13-2-060: ~~SOLICITING THE SERVICE OF OTHERS:RESERVED~~

~~It is unlawful for any person under the age of twenty one (21) to solicit or utilize the services of any other person to procure any prohibited article or admission to any prohibited premises.~~

~~13-2-070: PROCURING PROHIBITED ADMISSION OR ARTICLES FOR MINORS:RESERVED~~

~~It is unlawful for any person to procure for any person under the age of twenty one (21) prohibited articles or admission to prohibited premises.~~

~~CHAPTER 3: RESERVED
OFFENSES RELATING TO PUBLIC SCHOOLS~~

~~SECTION:~~

~~13-3-010: Possession Or Consumption Of Alcoholic Beverages~~

~~13-3-020: Dangerous Materials~~

~~13-3-030: Criminal Trespass~~

~~13-3-040: Disturbing The Peace~~

~~13-3-010: POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES:~~

~~It is unlawful for any person to possess or drink an alcoholic beverage: a) inside or on the grounds of any building operated by a part of the public education system; or b) in those portions of any building, park or stadium which are being used for an activity sponsored by or through any part of the public education system.~~

~~13-3-020: DANGEROUS MATERIALS:~~

~~—A.— Prohibitions: It is unlawful for any person to possess a weapon, explosive, flammable material or other material dangerous to persons or property in a public or private elementary or secondary school, on the grounds of the school, or in those parts of a building, park or stadium which are being used for an activity sponsored by or through the school.~~

~~—B.— Exceptions: This section does not apply when: 1) possession is approved by the responsible school administrator; or 2) the item or material is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use.~~

~~13-3-030: CRIMINAL TRESPASS:~~

~~—A. Acts Constituting: A person shall be guilty of criminal trespass upon school property if the person does the following:~~

~~—1. Enters or remains unlawfully upon school property and:~~

~~— a. Intends to cause annoyance or injury to a person or damage to property on the school property;~~

~~— b. Intends to commit a crime; or~~

~~— c. Is reckless as to whether the person's presence will cause fear for the safety of another.~~

~~—2. Enters or remains without authorization unlawfully upon school property if notice against entry or remaining has been given by:~~

~~— a. Personal communication to the person by a school official or an individual with apparent authority to act for a school official;~~

~~— b. The posting of signs reasonably likely to come to the attention of trespassers;~~

~~— c. Fencing or other enclosure obviously designed to exclude trespassers; or~~

~~— d. A current order of suspension or expulsion.~~

~~—B. Definitions: As used in this section:~~

~~—ENTER: Intrusion of the entire body.~~

~~—SCHOOL OFFICIAL: A public or private school administrator or person in charge of a school program or activity.~~

~~—SCHOOL PROPERTY: Real property owned or occupied by a public or regularly organized private school, including real property temporarily occupied for a school activity or program.~~

~~13-3-040: DISTURBING THE PEACE:~~

~~A person shall be guilty of disturbing the peace if the person does any of the following:~~

~~—A. Disturbs, interferes with or otherwise prevents the orderly conduct of the activities, administration or carrying on of classes of any school;~~

~~—B. Annoys, disturbs, assaults or molests any student or employee of any school while in the school or on the school grounds;~~

~~—C. Loiters, idles, wanders, strolls or plays in or about any school grounds or buildings, either on foot or in or on any vehicle without having some lawful business therein or thereabouts, or in connection with the school or the employees thereof, or without being engaged in permitted recreational activity;~~

~~—D. Conducts himself or herself in a lewd, wanton or lascivious manner in speech or behavior in, about or on any school building or grounds;~~

~~—E. Parks or moves a motor vehicle within one hundred (100) yards of any school building or grounds for the purpose of annoying or molesting any student or employee of the school or in an effort to induce, entice or invite any student or employee into or on the vehicle for illegal or immoral purposes.~~

CHAPTER 4

OFFENSES AGAINST THE ADMINISTRATION OF GOVERNMENT

SECTION:

13-4-010: Manufacture Or Use Of Official Badges

13-4-020: Interfering With Officer In Discharge Of Duty

13-4-030: Concealing Identity Or Furnishing False Information

13-4-010: MANUFACTURE OR USE OF OFFICIAL BADGES:

It is unlawful to manufacture, sell, issue, possess or display any badge or identification card or other insignia of the design prescribed by the Farmington City police department or an officer or employee thereof, except by authorized personnel in the lawful performance of their duties.

13-4-020: INTERFERING WITH OFFICER IN DISCHARGE OF DUTY:

A. Interference: It is unlawful for any person to deter, interfere with or prevent a police officer, firefighter, code enforcement official or any other city employee from performing any official duty imposed upon such officer, firefighter or employee.

B. Obstruction: It is unlawful to ~~wilfully resist,~~ physically delay or physically obstruct a police officer, firefighter, code enforcement official or any other city employee, ~~or fail to comply with a lawful command of a police officer,~~

~~firefighter or any other city employee~~ in the discharge or attempt to discharge ~~his or her~~their official duties.

13-4-030: CONCEALING IDENTITY OR FURNISHING FALSE INFORMATION:

It is unlawful for any person to knowingly and intentionally conceal or attempt to conceal his or her identity, to falsely identify himself or herself, or to furnish or give false or misleading information to any person charged with the enforcement or administration of any Farmington City ordinance.

CHAPTER 5: RESERVED ~~OFFENSES AGAINST PUBLIC DECENCY~~

~~SECTION:~~

~~13-5-010: Lewd Or Obscene Behavior~~

~~13-5-020: Lewd Or Obscene Material~~

~~13-5-010: LEWD OR OBSCENE BEHAVIOR;~~RESERVED

~~—A.—Acts Constituting: It is unlawful for any person to engage in any lewd, lascivious or obscene conduct. A person is guilty of lewdness who knowingly or intentionally, in a public place:~~

- ~~—1.—Engages in sexual intercourse;~~
- ~~—2.—Engages in deviate sexual conduct;~~
- ~~—3.—Appears in a state of nudity; or~~
- ~~—4.—Fondles the genitals of himself or another person.~~

~~—B.—Definitions: As used in this section:~~

~~—NUDITY: The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering or any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.~~

~~—PRIVATE PARTS: Pubic area, buttocks with less than a fully opaque covering, or a showing of the female breast below a point immediately above the top of the areola.~~

~~—PUBLIC PLACE: Any place to which the public or a substantial group of the public has access. It includes commercial establishments and any place to which admission is gained by payment of a membership or admission fee, however designated, notwithstanding its being designated a private club or by words of like import.~~

~~13-5-020: LEWD OR OBSCENE MATERIAL:~~

~~It is unlawful for a person to knowingly permit or authorize the public display of any obscene performance or materials or to knowingly own, lease or manage any theater, building, structure, room or place for the purpose of presenting such obscene performance or materials.~~

CHAPTER 6
WEAPONS AND FIREARMS

SECTION:

13-6-010: Definitions

13-6-020: Discharge Of Firearm Prohibited

13-6-030: Hunting Prohibited

13-6-040: ~~Illegal Weapons Prohibited~~Reserved

13-6-050: Incendiary Weapons Prohibited

13-6-060: Tear Gas Weapons Prohibited

13-6-070: Spring Guns Prohibited

13-6-080: ~~Silencers Prohibited~~Reserved

13-6-010: DEFINITIONS:

~~As used herein, the following words shall have the meaning described below:~~

~~**DANGEROUS WEAPON:** Any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object or thing; the character of the wound produced, if any; and the manner in which the instrument, object or thing was used are determinative.~~

~~FIREARM: Any pistol, revolver, sawed off shotgun, sawed off rifle, or any device that could be used as a weapon from which is expelled a projectile by any force.~~

The definitions contained within Part 5 of Chapter 76-10 of the Utah State Code, as amended by the Utah Legislature in the future, are hereby adopted for purposes of this chapter.

13-6-020: DISCHARGE OF FIREARM PROHIBITED:

Except as otherwise provided by law, it is unlawful for any person to discharge any firearm within the limits of Farmington City.

13-6-030: HUNTING PROHIBITED:

A. Definitions: As used herein, the following words shall have the meaning described below:

HUNT: To pursue, chase, harass, capture, possess, injure or kill any wildlife, big game, upland game, waterfowl or small game using any kind of firearm, handgun, rifle, muzzleloader gun or rifle, pellet gun, BB gun, dart gun, blow gun, bow and arrow, crossbow, slingshot, or any other device designed and used or used to propel a projectile ~~of any nature.~~

WILDLIFE: Vertebrate animals living in nature and captive vertebrate animals, including hybrids, belonging to a species that naturally occurs in the wild. Wildlife includes big game, upland game, waterfowl and small game as designated by the Utah wildlife board.

B. Hunting Restrictions: It is unlawful for any person to hunt big game, upland game, waterfowl, small game or wildlife within the limits of Farmington City.

13-6-040: ~~ILLEGAL WEAPONS PROHIBITED~~:RESERVED

~~It is unlawful for any person to sell, manufacture, purchase or possess any bludgeon, blackjack, slingshot, sand club, shotgun with the barrel less than eighteen inches (18") in length, rifle with the barrel less than sixteen inches (16"), metal knuckles, or any knife that has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.~~

13-6-050: INCENDIARY WEAPONS PROHIBITED:

It is unlawful for any person to use, make, carry or possess any type of "molotov cocktail", gasoline or petroleum base firebomb, or other incendiary weapon, within the limits of Farmington City. "Molotov cocktail" means a bottle or other container containing gasoline or other flammable liquid with a fuse type wick inserted therein.

13-6-060: TEAR GAS WEAPONS PROHIBITED:

It is unlawful for any person to carry on his person or in any vehicle a tear gas gun, projector or bomb, or any object containing noxious liquid gas or substance. This provision shall not prohibit persons from carrying a small amount of CS, CN or a similar type gas in aerosol containers for self-defense purposes.

13-6-070: SPRING GUNS PROHIBITED:

It is unlawful for any person to set a spring gun. "Spring gun" means a firearm that is rigged to fire when a line or other triggering device is tripped by contact or sufficient force to pull the firearm trigger and thus discharge the firearm.

13-6-080: ~~SILENCERS PROHIBITED~~:RESERVED

~~It is unlawful for any person to possess any device or attachment used or intended for use in silencing the report of any firearm.~~

CHAPTER 7 MISCELLANEOUS OFFENSES

SECTION:

13-7-010: Swimming In Public Waters

13-7-020: ~~Cheats And Swindlers~~RESERVED

13-7-030: Trespass By Persons And Motor Vehicles

13-7-040: ~~Destruction Of Property~~RESERVED

13-7-050: ~~Mechanized Racing~~RESERVED

13-7-060: ~~Temporary Auto Theft~~RESERVED

13-7-010: SWIMMING IN PUBLIC WATERS:

It shall be unlawful for any person to swim, wade or play in any public waters within Farmington City unless it is specifically posted that such activity is permitted.

13-7-020: ~~CHEATS AND SWINDLERS:~~RESERVED

~~It shall be unlawful for any person to use or practice any game, trick or device with intent to defraud, cheat or swindle another.~~

13-7-030: TRESPASS BY PERSONS AND MOTOR VEHICLES:

A. Exposing Enclosed Premises: It is unlawful for any person to open any gate, take down any fence, or let down any barrier so as to expose any enclosed premises of another without the permission of the owner or occupant thereof.

B. Presence On Premises: It is unlawful for any person to drive or park any motor vehicle, motorcycle or other contrivance, or to walk, lodge, camp or sleep upon the premises of another without the permission of the owner or occupant thereof.

C. Presence On City Premises: It is unlawful for any person to drive or park any motor vehicle, motorcycle or other contrivance upon any city owned property which is not designated for vehicular traffic or parking.

13-7-040: ~~DESTRUCTION OF PROPERTY:~~RESERVED

~~—A. Wood Or Timber: It shall be unlawful for any person to wilfully cut down, destroy, injure, sever or carry away any kind of wood or timber growing or lying upon the land of another without the permission of the owner or occupant thereof.~~

~~—B. Earth, Soil Or Stone: It shall be unlawful for any person to wilfully dig, sever or carry away any earth, soil or stone from the land of another without the permission of the owner or occupant thereof.~~

~~—C. Affixing Or Painting: It shall be unlawful for any person to put up, affix or paint any sign, notice, advertisement or other item upon the property of another without permission of the owner or occupant thereof.~~

~~13-7-050: MECHANIZED RACING:RESERVED~~

~~It shall be unlawful for any person, firm or corporation to engage in any form of "mechanized racing or competition" within the limits of Farmington City. "Mechanized racing or competition" means any timed, speed or endurance racing or competition by individuals or groups in any motor powered vehicles, but shall not include the use of bumper or dodge em cars or any other amusement park cars or motor driven vehicles on a fixed track or course which are operated by patrons from the general public through admission by ticket or fee.~~

~~13-7-060: TEMPORARY AUTO THEFT:RESERVED~~

~~It shall be unlawful for any person to drive a vehicle which is not his or her own, without the consent of the owner thereof and with the intent to temporarily deprive the owner of possession of the vehicle, even though he or she may not have the intent to steal the vehicle. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving such vehicle by the same or a different person.~~

CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

BUSINESS:

The Preserve at Farmington Creek – Lots 1-3
Amended

GENERAL INFORMATION:

See staff report prepared by Lyle Gibson, Asst.Comm. Development Director

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Lyle Gibson – Assistant Community Development Director
Date: 9/5/2023
Subject: The Preserve at Farmington Creek – Lots 1-3 Amended

RECOMMENDATION(S)

Move that the City Council approve the proposed subdivision plat amendment for ‘The Preserve at Farmington Creek – Lots 1-3 Amended’ with the following condition:

- A set of utility service laterals be removed so that only 1 set of utility laterals is in place to service what will be lot 3.

BACKGROUND

The Owners of lots 1-3 of The Preserve at Farmington Creek are requesting approval to modify their properties. They have agreed amongst each other to shift a boundary line to enlarge lot 1 and the current owner of lots 2 and 3 wishes to combine his remaining property into a larger lot. This reduces the total number of lots in the subdivision and creates 2 lots which are larger than what is currently recorded. As such each lot meets what is allowed under the existing zoning and conditions for the subdivision.

Supplemental Information

1. The Preserve at Farmington Creek – Lots 1-3 Amended (plat)
2. Letter from the applicant.

Respectfully submitted,



Lyle Gibson
Assistant Community Development Director

Review and concur,



Brigham Mellor
City Manager

THE PRESERVE AT FARMINGTON CREEK - LOTS 1-3 AMENDED

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18,
TOWNSHIP 3 NORTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN
MAY 2023
FARMINGTON CITY, DAVIS COUNTY, STATE OF UTAH

SURVEYOR'S CERTIFICATE:

I, KAGAN M. DIXON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 9081091 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT, BY THE AUTHORITY OF THE OWNER, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND THAT I HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, HEREAFTER TO BE KNOWN AS:

THE PRESERVE AT FARMINGTON CREEK - LOTS 1-3 AMENDED

AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT.

BOUNDARY DESCRIPTION:

ALL OF LOTS 1-3 OF THE PRESERVE AT FARMINGTON CREEK ON FILE WITH THE DAVIS COUNTY RECORDER AS ENTRY 3293961 IN BOOK 7597 AT PAGE 470, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS NORTH 00°16'50" WEST ALONG THE SECTION LINE A DISTANCE OF 1441.43 FEET AND EAST 258.09 FEET FROM THE SOUTHWEST CORNER OF SECTION 18, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN AND RUNNING THENCE NORTH 87°37'00" EAST 100.65 FEET; THENCE SOUTHEASTERLY 94.12 FEET ALONG THE ARC OF A 47.50 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT (CHORD BEARS SOUTH 61°33'57" EAST 79.46 FEET); THENCE SOUTHEASTERLY 27.15 FEET ALONG THE ARC OF A 22.50 FOOT RADIUS REVERSE CURVE TO THE RIGHT (CHORD BEARS SOUTH 83°45'58" EAST 25.53 FEET); THENCE SOUTH 49°11'55" EAST 109.56 FEET; THENCE SOUTH 07°34'42" WEST 75.49 FEET; THENCE NORTH 71°41'41" WEST 268.24 FEET; THENCE NORTH 08°09'22" WEST 99.60 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.669 ACRES, MORE OR LESS.

OWNER'S DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS OF THE TRACT OF LAND DESCRIBED HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND STREETS TO BE HEREAFTER KNOWN AS

THE PRESERVE AT FARMINGTON CREEK LOTS 1-3 AMENDED

DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT INTENDED FOR PUBLIC USE. THIS DEDICATION SHALL WARRANT, DEFEND AND SAVE THE CITY HARMLESS AGAINST EASEMENTS OR OTHER ENCUMBRANCES ON ANY AREA DEDICATED FOR PUBLIC USE OR INTENDED IN WITNESS FOR PUBLIC USE WHICH, WILL INTERFERE WITH THE INTENDED USE, MAINTENANCE AND OPERATION OF SAID AREAS. IN WITNESS WHEREOF WE HAVE HITHERTO SIGNED THIS PLAT, THIS ____ DAY OF _____, 20__ AD.

SCOTT HASLAM SHAWN GIBSON

ACKNOWLEDGEMENT

STATE OF UTAH } S.S.
COUNTY OF DAVIS }

ON THIS ____ DAY OF _____ A.D. 20__ PERSONALLY APPEARED BEFORE ME _____ WHO BEING DULY SWORN OF AFFIRMED, DID SAY THAT (S)HE IS THE SIGNER OF THE WITHIN OWNER'S DEDICATION AND THAT SAID DEDICATION WAS SIGNED BY HIM/HER FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN STATED.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF UTAH THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

NOTARY PUBLIC FULL NAME: _____

COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

A NOTARY PUBLIC COMMISSIONED IN UTAH

ACKNOWLEDGEMENT

STATE OF UTAH } S.S.
COUNTY OF DAVIS }

ON THIS ____ DAY OF _____ A.D. 20__ PERSONALLY APPEARED BEFORE ME _____ WHO BEING DULY SWORN OF AFFIRMED, DID SAY THAT (S)HE IS THE SIGNER OF THE WITHIN OWNER'S DEDICATION AND THAT SAID DEDICATION WAS SIGNED BY HIM/HER FREELY AND VOLUNTARILY AND FOR THE PURPOSES THEREIN STATED.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF UTAH THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

NOTARY PUBLIC FULL NAME: _____

COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

A NOTARY PUBLIC COMMISSIONED IN UTAH

NOTES:

- BUILDING SETBACKS ARE AS FOLLOWS:
-15' FRONT (AGAINST RIGHT-OF-WAY)
-20' REAR
-8' MINIMUM SIDEYARD (18' TOTAL)
- THE SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "AE" AND "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN PER FEMA MAP NO. 49011C0382E.
- AREA FALLS IN A DAM INUNDATION/SPECIAL FLOOD HAZARD AREA. SEE THE FINAL PLAT FOR THE PRESERVE AT FARMINGTON CREEK A PLANNED UNIT DEVELOPMENT ON FILE WITH THE DAVIS COUNTY RECORDER AS ENTRY 3293961, BOOK 7597, PAGE 470

PREPARED BY:



THE PRESERVE AT FARMINGTON CREEK LOTS 1-3 AMENDED

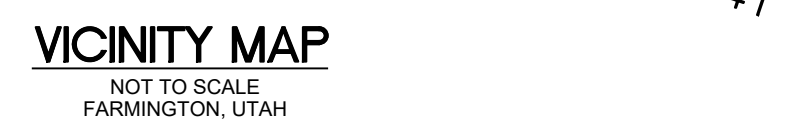
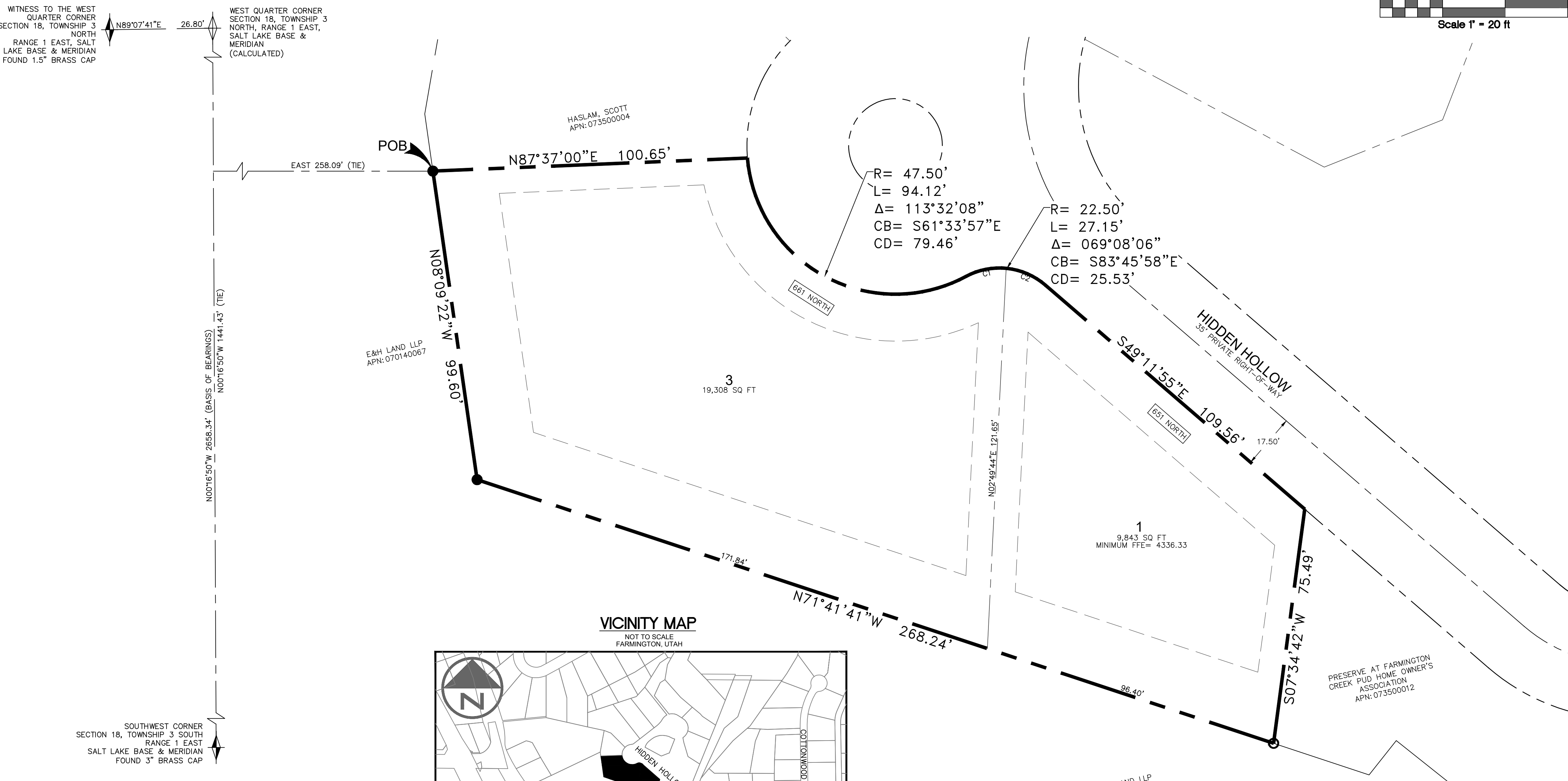
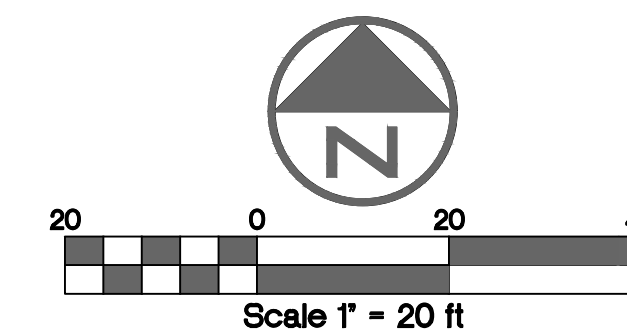
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18,
TOWNSHIP 3 NORTH, RANGE 1 EAST,
SALT LAKE BASE AND MERIDIAN

SHEET 1 OF 1

WITNESS TO THE WEST QUARTER CORNER SECTION 18, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN FOUND 1.5" BRASS CAP

N89°07'41"E 26.80'

WEST QUARTER CORNER SECTION 18, TOWNSHIP 3 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN (CALCULATED)



SOUTHWEST CORNER SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN FOUND 3" BRASS CAP

N00°16'50"W 2658.34' (BASIS OF BEARINGS)
N00°16'50"W 1441.43' (TIE)

DOMINION ENERGY
QUESTAR GAS COMPANY, dba DOMINION ENERGY UTAH, HEREBY APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF APPROXIMATING THE LOCATION, BOUNDARIES, COURSE AND DIMENSIONS OF THE RIGHTS-OF-WAY AND EASEMENTS GRANTS AND EXISTING UNDERGROUND FACILITIES. NOTHING HEREIN SHALL BE CONSTRUED TO WARRANT OR VERIFY THE PRECISE LOCATION OF SUCH ITEMS. THE RIGHTS-OF-WAY AND EASEMENTS ARE SUBJECT TO NUMEROUS RESTRICTIONS APPEARING ON THE RECORDED RIGHT-OF-WAY AND EASEMENT GRANTS(S). DOMINION ENERGY UTAH MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE AGRATIFICATION OR WAIVER OF ANY OTHER EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL, OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNER DEDICATION OR IN THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF NATURAL GAS SERVICE. FOR FURTHER INFORMATION PLEASE CONTACT DOMINION ENERGY UTAH'S RIGHT-OF-WAY DEPARTMENT AT 800-366-8532

QUESTAR GAS COMPANY
dba DOMINION ENERGY UTAH

APPROVED THIS ____ DAY OF _____ A.D. 20__

BY: _____ TITLE: _____

ROCKY MOUNTAIN POWER
1. PURSUANT TO UTAH CODE ANN. § 54-3-27 THIS PLAT CONVEYS TO THE OWNER(S) OR OPERATORS OF UTILITY FACILITIES A PUBLIC UTILITY EASEMENT ALONG WITH ALL RIGHTS AND DUTIES DESCRIBED THEREIN.
2. PURSUANT TO UTAH CODE ANN. § 17-27a-603(4)(c)(i) ROCKY MOUNTAIN POWER ACCEPTS DELIVERY OF THE PUE AS DESCRIBED IN THIS PLAT AND APPROVES THIS PLAT SOLELY FOR THE PURPOSE OF CONFIRMING THAT THE PLAT CONTAINS PUBLIC UTILITY EASEMENTS AND APPROXIMATES THE LOCATION OF THE PUBLIC UTILITY EASEMENT, BUT DOES NOT WARRANT THEIR PRECISE LOCATION. ROCKY MOUNTAIN POWER MAY REQUIRE OTHER EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT AFFECT ANY RIGHT THAT ROCKY MOUNTAIN POWER HAS UNDER
(1) A RECORDED EASEMENT OR RIGHT OF WAY
(2) THE LAW APPLICATION TO PRESCRIPTIVE RIGHTS
(3) TITLE 54, CHAPTER 8a, DAMAGE TO UNDERGROUND UTILITY FACILITIES, OR
(4) ANY OTHER PROVISION OF LAW

APPROVED THIS ____ DAY OF _____ A.D. 20__

DOMINION ENERGY BY: _____ TITLE: _____

COMCAST APPROVED THIS ____ DAY OF _____ A.D. 20__ _____ REPRESENTATIVE	CENTURY LINK APPROVED THIS ____ DAY OF _____ A.D. 20__ _____ REPRESENTATIVE	PLANNING COMMISSION RECOMMENDED FOR APPROVAL THIS ____ DAY OF _____ A.D. 20__ BY THE FARMINGTON CITY PLANNING COMMISSION _____ CHAIRMAN, CITY PLANNING COMMISSION	CITY ENGINEER RECOMMENDED FOR APPROVAL THIS ____ DAY OF _____ A.D. 20__ BY THE FARMINGTON CITY ENGINEER. _____ FARMINGTON CITY ENGINEER	CITY ATTORNEY RECOMMENDED FOR APPROVAL THIS ____ DAY OF _____ A.D. 20__ BY THE FARMINGTON CITY ATTORNEY. _____ FARMINGTON CITY ATTORNEY	DAVIS COUNTY RECORDER RECORDED NO. _____ State of Utah, County of Davis, _____ Recorded and filed at the request of _____ Date _____ Time _____ Book _____ Page _____ Fee \$ _____ Davis County Recorder
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LEGEND

- SET WILDING ENGINEERING REBAR & CAP
- BOUNDARY LINE
- FOUND REBAR & CAP
- SECTION CORNER
- SECTION LINE
- RIGHT-OF-WAY CENTERLINE
- RIGHT-OF-WAY LINE
- SETBACK LINE (SEE NOTE 1)

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	13.29'	22.50'	33°50'27"	S78°35'12"W	13.10'
C2	13.86'	22.50'	35°17'39"	N66°50'45"W	13.64'



May 22, 2023

Project name: Haslam Amended Plat
Applicant: Scott Haslam
Scotthaslam17@gmail.com
801-663-9811

Current plat name: The Preserve at Farmington Creek A Planned Unit Development (PUD)
Lots included: Lots 1 (073500001), 2 (073500002), and 3 (073500003)
Owners: Lot 1: Shawn Gibson
Lots 2 & 3: Scott Haslam

The purpose of this amended plat is to combine lots 2 and 3 together and to also move the westerly lot line of lot 1 by 4 feet. The end result of amending this plat will be that we are taking the area of 3 lots and amending the lot lines to have 2 lots, both of which will be larger than what is currently platted.

CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

SUMMARY ACTION:

1. Minutes Approval for 07-18-2023, 08-01-2023 and 08-15-2023
2. Approval of an Agreement for the Deferral of Certain Public Improvements
3. Arbor Day Proclamation

FARMINGTON CITY – CITY COUNCIL MINUTES

July 18, 2023

WORK SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Scott
Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,
Councilmember Alex Leeman,
Councilmember Amy Shumway,
City Attorney Paul Roberts,*

*City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen,
Assistant Community Development
Director/City Planner Lyle Gibson,
Finance Director Greg Davis, and
City Lobbyist Eric Isom.*

Mayor **Brett Anderson** called the work session to order at 6:00 p.m.

2023 LEGISLATIVE SESSION SUMMARY

The work session was held to consider a presentations made by State Legislators **Stewart Barlow** and **Paul Cutler**. Utah was recently ranked No. 1 in economic competitiveness, a ranking it has held for 16 years in a row based on economic policy. The State's budget is \$29 billion, much of it pass throughs from the Federal Government. The Legislature is allocating \$500 million for water this year. Because 80% of water is used for agriculture, agricultural optimization is what could make the biggest conservation difference. **Cutler** said people can help with efforts to save the Great Salt Lake by purchasing a specific license plate for \$46. A minimum order of 500 is required to start printing the Great Salt Lake license plates.

Cutler said the legislature wants to see desert landscaping in the front yard decorative areas of homes. As yet, there is no legislation being run on that, and if it was, it would only apply to new builds. The federal government is trying to shut down coal plants, but **Cutler's** argument is to replace that energy before it is cut off. The income tax rate may be dropping from 4.85 to 4.65. Social Security is expanding its eligibility. The earned income tax credit is being increased from 15% to 20% of the federal tax credit. Eliminating the state sales tax on food is contingent on the passage of something else. Income tax revenue is growing at a faster rate than sales tax revenue, and income tax is currently required to go to education. Education will be experiencing record funding this year.

Cutler said housing is a big issue for local governments throughout Utah. There are not many new-build homes under \$400,000 that qualify for first-time homebuyers. There should be an effort to increase the supply. The idea is if aid is given to existing homes, that is not incentivizing new supply. Recently the Utah League of Cities and Towns (ULCT) used Farmington as a responsible planning model. He wonders if things have gone too far in terms of design elements, and he would appreciate Farmington's feedback. **Barlow** said the State is focused on reducing regulatory barriers, identifying tools to facilitate market-based solutions and increasing housing in rural Utah.

City Manager **Brigham Mellor** said the Wasatch Low-Income Housing Tax Credit (LIHTC) project in Farmington didn't get approved, and now the developer is doing a market-rate multi-family project that is not LIHTC. Farmington now has at least 4,000 permitted units, but now developers are waiting on the availability of capital and better interest rates. Impact fees are not to blame.

Cutler said he has consulted with Red Barn in Farmington for help with better principles and programs to benefit the homeless. Councilmember **Alex Leeman** said homelessness is less of a housing affordability problem and more of a mental health problem. **Barlow** said Salt Lake City cleaned up Pioneer Park in Salt Lake, but the City's full support is needed to keep it clean. Now the homeless are going to the Jordan River area. **Cutler** said that there are Davis County school students who are impacted by homelessness. The teen homeless center in Davis County will be used as a model across the state.

Cutler said he has been lobbying for Utah Department of Transportation (UDOT) to take over the Legacy Trail. He appreciates Farmington's recent efforts with The Farm, a popular mountain bike park at the mouth of Farmington Canyon. Councilmembers said they want safer trail crossings.

Barlow said this will be record year for education funding, and school safety may be a focus. **Cutler** mentioned that some are concerned with students recently released from juvenile detention going directly back into the school system.

Cutler said a construction project to remove the light at the mouth of Weber Canyon has been funded, and an Environmental Impact Study (EIS) is in process. The Highway 89 project has been a good one.

Cutler said he would like to focus on local control of design element guidelines for housing. He is also focusing on getting records uniformly digitized in order to make county and local governments across the state more efficient while handing permits, etc. This would allow elected officials in all cities to use the same standards and software. He would also like to improve campaign disclosure and finance tools. He is working on a domestic violence/child custody bill. He said some judges penalize children for parents' mistakes, as the child is made to go visit their abusive parent or attend a reunification camp. He feels the safety of the child should be the first priority.

Cutler mentioned a bill that would increase penalties for road rage. It would make auto towing and license revocation immediate. Councilmember **Scott Isaacson** said that Driving Under the Influence (DUI) penalties need to be more immediate and serious. He was almost hit by a wrong-way driver on I-15. **Cutler** said water districts don't legislate specific details of water conservation grants.

Mayor Anderson thanked the legislators for recent road allocations, which have been big lately for Farmington. **Barlow** said this is a good time to apply for grants, as the Legislature likely won't have another year like this.

Councilmember **Amy Shumway** mentioned UTLCT meetings regarding Low Impact Development (LID) and developers getting bonds without public approval. She said it takes a ton away from local municipalities.

REGULAR SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Scott
Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,
Councilmember Alex Leeman,
Councilmember Amy Shumway,*

*City Attorney Paul Roberts,
City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen, and
Assistant Community Development
Director/City Planner Lyle Gibson*

CALL TO ORDER:

Mayor **Brett Anderson** called the meeting to order at 7:03 p.m.

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

Councilmember **Roger Child** offered the invocation, and the Pledge of Allegiance was led by Councilmember **Amy Shumway**.

PRESENTATION:

Farmington City Theater performance from Xanadu

Director **Dena Brady** presented this agenda item. The Farmington City Theater performed a number for the Council from their upcoming production of Xanadu. They will perform it July 27-29 and August 3-5, 2023. She encouraged the Councilmember to attend a performance.

Freedom's Light Foundation Board

Freedom's Light Foundation Founder and educator **Delane England** presented this agenda item. She encouraged Councilmembers and Farmington residents to attend Freedom's Light Festival September 14-16, 2023, for free at the Bountiful Park. She is also in need of volunteers. The event will feature 45 different booths that teach about the Constitution. There will be an exact replica of a Revolutionary War-era printing press, cannons, art gallery, Veteran appreciation, and candy. A presentation on the five lost virtues of America is planned. Participants can go through a simulated immigration process, complete with an Ellis Island experience, citizenship test, and oath of citizenship. She requested that Farmington put this event on their website and in their newsletter.

England started this event in 2007 to help students learn more about the U.S. Constitution and the nation's founders. Utah House Bill 179 passed this year encourages founders and Constitution recognition, designating the month of September as American Founders Month.

PUBLIC HEARINGS:

Zone Text Amendment – side yard requirements related to primary and accessory buildings

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. The Planning Commission has been working on this item during multiple meetings. Even though the width of a “required side corner yard” in the Original Townsite Residential (OTR) zone is 20 feet, a “side corner yard” width may be much larger depending on the location of the main building on the lot. The ordinance allows construction of an accessory building in the OTR zone including garages in the “side corner yard,” but not in the “required side corner yard.” Ordinance language prevents construction of a garage or “similarly related accessory building” in the front yard “or any other yard,” which includes side corner and required side corner yards. Close to 49.4% of all residential lots in the zone may be impacted by this ordinance. One of the key elements that separates the downtown area from other areas in Farmington is the size and placement of garages, including driveway widths and whether a garage exists on-site or not. Some of the Commissioners surmised that the ordinance intentionally distinguished the treatment of garages from other accessory buildings. This is to prevent having garages constructed “front and center” on corner lots and dominating the original townsite streetscape. This would adjust the placement of detached garages, sheds and other common accessory buildings to 5 feet off the property line instead of 15 feet away from any adjacent dwelling.

Mayor Anderson opened and closed the Public Hearing at 7:27 p.m. as nobody signed up in person or electronically to address the Council on the issue.

Child said he has never seen a habitable Accessory Dwelling Unit (ADU) that is 200 square feet. He also wanted to ensure this amendment addressed drainage.

Motion:

Councilmember **Alex Leeman** moved that the City Council approve the enabling ordinance and zone text amendments as requested by Staff (enclosed in the Staff Report).

Findings 1-3:

1. The zone text amendments clarify for property owners and builders what they need to account for before considering building in a recorded easement and will help reviewers of a project to remember this consideration as well.
2. The zone text amendments clarify meaning regarding accessory buildings and their compatibility with the main dwelling on a lot.
3. The proposed zone text amendments continue to allow a reasonable use of property while reducing scenarios where a neighboring property owner may determine inadvertently or otherwise what someone else can do with their property.

Councilmember **Melissa Layton** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___ Nay
Councilmember Roger Child	X Aye	___ Nay
Councilmember Melissa Layton	X Aye	___ Nay
Councilmember Alex Leeman	X Aye	___ Nay

BUSINESS:

Condemnation of Parcel 08-283-002 for public park purposes

City Attorney **Paul Roberts** presented this agenda item. In 2001, this parcel was created as part of surrounding development. It was placed in the ownership of Residential Zone Owner Association, which was governed by four surrounding homeowner’s associations (HOAs). The HOA reportedly failed to pay property taxes on the parcel, and the County conducted a tax sale of the parcel in 2007. The **Browns** then acquired the land, which has remained in its current state since.

It is proposed that the land be acquired as an expansion of public park that the City owns and maintains to the west of the parcel. The City sent the **Browns** a certified letter inviting voluntary transfer. Another certified letter notified them of an initial hearing. When that letter was returned, the City sent another certified notice of the July 18 hearing. This letter was received on June 16, 2023. **Roberts** said after sending the letter, the City must wait 30 days before filing.

City Manager **Brigham Mellor** said an appraisal has already been conducted. **Roberts** said the state ombudsman can assist with mediation and obtaining a second appraisal. If negotiations are unsuccessful, the **Browns** could file a complaint with the Court. The **Browns** were not present at the Council meeting. **Mellor** said there have been many code enforcement issues with this property over the years. The **Browns** haven’t communicated with the City, and the **Browns’** attorney reportedly can’t get a hold of them.

Child mentioned that the **Browns** acquired this property through a tax sale. He said many times property is obtained during a tax sale, the owner may not have a whole lot of interest in the property. The fact that the property hasn’t been maintained recently makes him feel this is the case. **Mellor** said 12 to 18 months ago, a real estate developer was interested in this land’s possibilities. Staff informed him that because of various easements and restrictions, the land was undevelopable. It appraised for \$68,000, and he bought it for \$45,000. He noted that Davis County closed down their dog park at the fairgrounds. Farmington Crossing across the street is interested in a replacement dog park as well as community gardens.

City Treasurer **Shannon Harper** addressed the Council via Zoom. **Mayor Anderson** checked the audience and attendees online to locate the affected land owner, **Mr. Brown**, who was not in attendance. There was no feedback in public or online.

Motion:

Shumway moved that the City Council authorize the resolution authorizing the use of eminent domain related to parcel 08-283-0002 to acquire the entire parcel in fee simple.

Leeman seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson
Councilmember Roger Child
Councilmember Melissa Layton
Councilmember Alex Leeman

X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay

Text Amendment to Accessory Buildings/Garages in Side Corner Yards in the OTR Zone

Community Development Director **David Petersen** presented this agenda item, which addresses accessory buildings and garages in side corner yards (also called interior side yards) in the Original Townsite Residential (OTR) zone. The proposed amendment would make language referring to garages and accessory buildings in side corner yards consistent. Currently Paragraphs D and A are not consistent, as they call out garages differently from accessory buildings. However, there may be a reason for the differentiation.

In the 218-acre OTR zone, which has been in the making since the 1850s, lot sizes are not consistent. The Rights of Way (ROWs) are 99 feet here, while they are 50 to 56 feet in other areas of Farmington. Park strips are at least 30 feet wide, while they are 4 to 7.5 feet wide in other areas. Porches are a big deal in the OTR zone, but not so much in other zones. In the OTR, garages do not dominate and are often set to the rear of buildings. In other newer subdivisions, garages dominate. In the OTR zone, there are many one-car garages. Almost 29% of the OTR lots had no garages at all in 2001. Out of the 98 side corner yards in the OTR zone, 9 are commercial and 89 are residential. Of the 98 side corner yards, 25% are 35 feet wide, 22 are more than 35 feet wide, and one is over 100 feet wide. Six of the homes in this area are on the National Register.

Both the Planning Commission and Staff determined that the City got it right but failed to thoroughly explain the differences between Paragraph A and Paragraph D. Based on the study of what the old town was in 2002, the City doesn't want garages front and center in the OTR zone. The Planning Commission is recommending that this needs to be clarified, and recommended alternative motion A. This is a clarification of the intent. When it was on the Commission's agenda, no one from the public came to comment on it.

Child clarified that this recommendation would allow for a shed in a side corner yard, but not a garage. **Petersen** agreed, saying there are minimal design guidelines for sheds and storage sheds. Garages would only be allowed if the home doesn't already have a garage and there is nowhere else to locate one. He said the zone text amendment "side yard requirements related to primary and accessory buildings" earlier in tonight's agenda addressed some issues common to this item as well. **Shumway** said this gives more options and flexibility.

Mayor Anderson re-opened the Public Hearing.

Dave Livingston (139 N. Main Street, Farmington, Utah) addressed the Council. He said he got this ball rolling. He owns the Steed rock home, and his plan was to make it usable and put a barn on it. He needed clarification on if he could have a detached barn. He understood that if it was attached to the home, he could have a barn. He asked for a definition of "attached," and if it could mean a breezeway connecting the house and barn. He feels it would look silly to have a rock house attached to a wooden barn.

Petersen responded that the ordinance is the same whether the barn is detached or attached. A garage can be attached or detached, but it can't be in a side corner yard. So the answer is **Livingston** can't have a barn. **Isacson** said the language "integral part" doesn't mean "attached." **Petersen** agreed. He said **Livingston** does have room to build a garage on his side

yard. The term “garage” is not a defined term, although Staff has considered making it a defined term in Section 2.

Mayor Anderson said the primary purpose of a garage is to house automobiles, although the sad reality is that 90% of Farmington garages have “stuff” in them, not cars. **Leeman** said if it becomes a problem, the definition can be addressed later. He agreed with the Staff’s interpretation. **Isaacson** said he agrees with the spirit of preserving Farmington’s historic center because it is valuable to the City. Big garages next to historical homes would be detrimental. **Child** said the City is trying to avoid the misuse of the language. The intent is to preserve the historic nature of the downtown OTR zone.

Motion:

Isaacson moved that the City Council approve the enclosed enabling ordinance amending Section 11-17-050 of the Zoning Ordinance as follows:

11-17-050: ACCESSORY BUILDINGS AND STRUCTURES (INCLUDING ATTACHED OR DETACHED GARAGES):

- A. Location: Accessory buildings, except for those listed in subsection ~~B~~ C of this section, may be located within one foot (1’) of the side or rear property line, provided they are at least six feet (6’) to the rear of the dwelling, do not encroach on any recorded easements, occupy not more than twenty five percent (25%) of the rear yard, are located at least fifteen feet (15’) from any dwelling on an adjacent lot, and accessory buildings ~~shall, without exception, be subordinate in height and area to the main building and shall not encroach into the front yard and required side corner yard.~~
- B. **Size: All accessory buildings shall, without exception, be subordinate in height and lot coverage to the main building.**
- C. Animal Shelters and Similar Buildings: Animal shelters, hay barns, coops, corrals or other similar buildings or structures shall be located not closer than ten feet (10’) from any side or rear property line and eighty feet (80’) from any public street or from any dwelling on an adjacent property (exceptions to these setback requirements may be reviewed by the Planning Commission as a ~~conditional use~~ **special exception**).
- D. Double Frontage Lots: On double frontage lots, accessory buildings shall be located not less than twenty five feet (25’) from each street upon which the lot has frontage.
- E. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:
 1. **Notwithstanding paragraph A of this Section, Under no circumstance shall any a garage shall not encroach into the front yard, side corner yard, or any other yard, except side yards and the rear yard, of the building lot, with the exception that if a garage currently does not exist on the property and one could not fit within the side or rear yard, then a garage may encroach into the side corner yard, but not the required side corner yard, provided that it is designed so as to be an architectural and integral part of the main dwelling.**
 2. Attached garages constructed even with the front setback line, or that are set back (or recessed) from the front setback less than a distance equal to half the depth of the main building shall comprise no more than thirty three percent (33%) of the front plane of the home on lots greater than eighty five feet (85’) in width, and up to forty percent (40%) on lots less than eighty five feet (85’) in width if for every percentage point over thirty three

percent (33%) the garage is set back (or recessed) an additional one foot (1') behind the front plane of the home. (Ord. 2015-11, 13-17-2015)

- 3. All garages, unless otherwise provided herein, shall be considered as a permitted use.
- 4. Garages must be compatible and consistent with existing garages in the area. The placement of garages in the general vicinity and on adjoining properties with respect to setbacks and the position of existing garages in relation to the main building will be a consideration in determining site plan approval for new garages. Property owners may be asked to provide information regarding such during the building permit application review process.

Findings 1-3:

- 1. The City established the first Original Townsite Residential (OTR) zone in the vicinity of the Rock Church in 2002, and the remainder in most of downtown Farmington in 2003. A study showed that 405 dwellings existed in this area at the time and garages were not a dominate, but subdued, design feature for the district/neighborhoods. The existing text of Chapter 17 addresses garage characteristics separately from other accessory buildings, and the proposed changes to section 11-17-050 are consistent with, enhance, and clarify the original language and intent of the ordinance.
- 2. The text amendment continues to help minimize the appearance of garages in the OTR zone.
- 3. The proposed changes offer flexibility for the owners of corner lots to construct a garage in the side corner yard, but not the required side corner yard, if a garage currently does not exist on the property and one could not fit within the side or rear yard, provided that it is designed so as to be an architectural and integral part of the main dwelling.

Layton seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

Monterra Subdivision-Schematic plan

Petersen presented this agenda item. The City Council previously heard this item in February of 2022, when it was tabled. The Council did approve the schematic plan, but said they were open to four lots. An Accessory Dwelling Unit (ADU) to help pay the mortgage was contemplated, along with converting Lot 4 to a flag lot to accommodate future access to the adjacent land to the west. The ordinance calls for 10% of housing to be affordable, and requiring an ADU in one home would be 25%. However, the ADU would not help anything be affordable if it sat vacant for years, even if the deed restriction remained.

Petersen said he called the applicant to remind them they were on tonight's Council agenda, and reviewed the conditions. After an unofficial past nod from the City Council, Staff prepared a

deed restriction calling for an ADU on one lot. The developer invested time and money to dig in ancient records to find the ROW, which could qualify as “some other public benefit” to the City.

Isaacson said developers and residents should not think today’s City Council is bound to past positions expressed by past Councils.

Mayor Anderson opened a Public Hearing.

Chris Roybal (1267 W. 1875 North, Farmington, Utah) addressed the Council. He owns the property adjacent, and said there are five one-acre lots on that street. With the rezone from agriculture to large residential a year ago, they would be allowed to build two homes rather than one. He is not opposed to them building two homes on the property, but he is opposed to four homes. He is the current president of the Northern Utah Economic Alliance and does not feel this is the place for four homes. It has been a large residential neighborhood for decades and should stay that way. He feels the affordable housing piece is a work around that doesn’t fit the spirit of the law and is willing to enter litigation to that effect.

Cindy Roybal (1267 W. 1875 North, Farmington, Utah), Chris’s wife, addressed the Council, saying she appreciates the applicant’s compromise to go from an initial request for high density to four homes. As it sits now it is zoned for two homes. She disagrees with calling an ADU in a \$600,000 to \$700,000 home affordable. She is sensitive to those who need affordable housing, as the 36 mobile homes behind Cherry Hill belong to her congregation. They could leave the ADU empty and still qualify for this loop hole. She truly wants this development to go through, since an empty lot next door is a fire hazard to her own home. There are currently weeds 3 feet high on the unmaintained lot.

Rod Potter (1228 Carson Court, Farmington, Utah) lives in the home just below the property and is concerned with the steepness of that hill. His home has flooded before from water off that lot. Walking in the backyards of the homes next to him would cause someone to sink. Putting new streets and cement there will cause dramatic water flow. He encouraged the Council to walk the lot to see how steep it is.

Grant Romney (1252 W. Carson Court, Farmington, Utah) lives on the road below. He said according to the Staff Report, the proposed lots sizes are similar to lots in the area. However, he pointed out the lots’ sizes would not be consistent with the lots directly adjacent to it. There is no advocate for making flag lots for future access. He is concerned that the diagram doesn’t show the property lines being impacted by the ROW, which would change how the land is being utilized by current residents. Putting twice as many homes as what the current zoning calls for is like trying to fit a square peg into a round hole.

Larry Olsen (1289 W. 1575 North, Farmington, Utah) lives west of the **Roybal** lot. He asked how many times the City Council and Planning Commission need to go over the same thing. A flag lot is to circumvent the spirit of the large residential lot it was intended for. He personally does not have the desire to develop the back of his property, although he would like the option in case he chooses to develop in the future for his children. He knows the ROW was intended for a driveway to a home where his wife was born and raised.

Samuel Noel (1252 Carson Court, Farmington, Utah) addressed the Council via Zoom. He lives down the hill from **Larry Olsen**. He feels the ADU deed restriction should address whether it is

vacant or being occupied. They could not use the ADU at all. The ADU doesn't meet the spirit of the area. It doesn't make sense on the steep slope.

Mayor Anderson closed the Public Hearing at 8:53 p.m.

Applicant **Greg Nelson** (172 N. East Promontory, Suite 275, Farmington, Utah) addressed the Council. He grew up in Farmington, and walked to Cherry Hill a lot in the summers. He knows Farmington, and he feels four homes here is appropriate because it borders a high-traffic road. The character of that area has changes significantly since the current homes were built there.

He said he was not aware tonight's agenda item would be a public hearing. He has been trying to address concerns raised by the Planning Commission and City Council for a long time. They are worn out, and the process is complicated. Because they lacked history, it was a complicated issue that took a year and a half to figure out. They spent tens of thousands of dollars and good faith to figure it out, and he hopes it was a benefit to the City. Instead of being used for a ROW, that land has been used by adjacent landowners for many years now for more than just gardens. There are many things in the ROW.

He said ADUs can be beneficial. His own mother- and father-in-law have used an ADU to partially fund their retirement. In many spaces, an ADU doesn't go empty and is a benefit. He thinks his development would actually help with the flooding issues because they would improve the current conditions. Any project has to go through technical reviews, and those review will thoroughly address water retention and the concerns that were brought up by neighbors tonight.

He is here tonight because the last time they were on the Council's agenda, they approved two homes and said they could have four if certain conditions were met. It has taken a while to meet those conditions, and the ROW was a difficult issue to solve.

When asked if he planned to do an internal ADU or a detached structure, **Nelson** said a basement unit makes the most sense. The cost of the home will be close to \$600,000, although he doesn't know for sure yet. There is a demand for homes in that price range for older homebuyers trying to downsize. The shared driveways off 1075 are not roadways. There will be no public snow removal and garbage cans will have to be taken out to the street.

Child asked what the grade was of the two lower lots. He said his own home is surrounded by three deep lots, and none of them are maintained. Landscaping is maintained in the quarter acre immediately surrounding the house, and the homeowners let the rest of the property go. Due to that, **Child** is constantly dealing with the encroachment of nature on his own property. This neighborhood is in transition from residential to commercial, as there are commercial properties to the east. Usual transition between large residential and commercial involves smaller residential lots. The home values of the property in question will always be impacted by the sound of traffic on Highway 89. The land has great views to the south of the valley, which enhances value. However, 1075 West is a busy road with commercial uses along it. Highway 89 has been developed into a major freeway in the last few years. The lots to the north and south of this project are even smaller than those being proposed. This project is in between commercial and large residential lots. Therefore, he is not opposed to a four-lot subdivision.

Leeman said as a lawyer, he reads the law when all else fails. As either a Planning Commissioner or City Councilmember, **Leeman** has had something to do with Monterra since its beginnings. While he knows it is frustrating to see something come up over and over again,

applicants are allowed to file applications as often as they want and they can be answered each time. Since initially proposing eight townhomes, the applicant has responded to feedback.

He agrees with **Child** that this is a unique spot. If this was a flat lot in the same location, four lots would be very reasonable. However, there are some peculiarities. In the Large Residential (LR) zone, the default is 20,000 square foot lots, meaning it could fit two lots. By definition, a subdivision is two lots. The code determines what is permitted, and the code says the developer can ask for more. That is not illegal or sneaky. They can ask for up to two more lots, but the Council has to be satisfied they fulfilled the conditions to get those two additional lots. To provide 10% of the lots being affordable, they have options such as paying a fee in lieu, including an ADU, or providing some other public benefit. The applicant argues they have provided an affordable housing unit and some other public benefit. **Leeman** said that to him, the survey doesn't qualify as "some other public benefit" because it is necessary to find property lines. That doesn't cut it as a public benefit.

Regarding affordable housing, **Leeman** said this has been kicked around. In his mind, it doesn't make sense to make half a house affordable. That does not fulfill what the City had in mind when they wrote the statute. What was imagined was one in 10 lots being affordable, and it doesn't apply well in a four-lot subdivision. Half a house being affordable would qualify if the Council voted to accept it, but he wouldn't vote to accept it. He needs a home in its entirety to be affordable.

Mayor Anderson asked how an ADU can be made affordable. **Leeman** answered it would be affordable if rent were capped at a percentage of the poverty level. He said it is more palatable if the main unit is affordable because of the option to rent out some portion of it. To make the situation work, the homeowner would have to be a landlord. Conceptually, the density of four lots doesn't offend him, but the City needs to find out how to get there with the ordinance. What has been produced so far doesn't do it for him.

As a past member of the affordable housing committee, **Shumway** said she believes this does satisfy the affordable housing requirement, and helps with an affordable housing problem in the state. The Planning Commission recommended that the main house be the affordable unit, and the ADU could be rented out at market rate.

She called a few people and ran some numbers. A house in Farmington on a quarter acre could sale for \$650,000. People can spend 30% of their income on housing, which defines what affordable housing is. If the Area Median Income (AMI) is \$87,000, a person can only spend \$26,000 annually on housing for the year including utilities, insurance, and a mortgage. The bottom line is the house has to drop \$2,600 a month to rent the house, or the sales price would have to be dropped \$200,000. The minimum the house would need to sell for would be \$450,000. This does not work, and sets them up for failure. However, a house with an ADU already in it is going to be very marketable, and it will help them qualify for a loan. To qualify for a loan with a rental, 70% of the rent could go to the loan. If it is a new build, a lease doesn't have to be provided to the lender.

Mayor Anderson said at \$300 a square foot, an affordable house would have to be 1,500 square feet. **Shumway** said this application does meet the City's affordable housing goals, since it disperses it throughout the City rather than just concentrate it in a few multi-family projects.

Child said preserving the ability to develop adjacent properties is significant. There are not homes selling below \$1 million in that area.

Petersen said housing is affordable at 80% AMI. The fee in lieu would be \$80,000.

Determining the property lines is a benefit to the property owners, but he is not sure how to calculate that. The **Olsens** and **Roybals** can have utilities stubbed to them. The first 150 feet from south to north of the property in question has a 20% slope, which is reasonable to build on. To the **Olsen's** lot is steeper, about 22%. The flag lot would be from 1875 to the **Roybal** and **Olsen** properties. If it is over 14% slope on driveway, you can't get a flag lot. Without a developer stubbing a private drive, their heirs lose out on the future value of lots. If a street came through to their properties, it would go through others' gardens and trampolines. Housing on the Wasatch Front is getting more expensive, so it may be cost-effective someday to put a street back there.

Shumway said lots would be better maintained if they were smaller. **Isaacson** said at this stage, the Council is approving a number of lots. If those lots are not buildable for some technical reason, that will be dealt with later and is not the issue tonight. He has walked the site and is persuaded that four lots is justifiable under Farmington code. The affordable unit is not ideal or perfect, and it is possible it may never be used as intended. But the applicant is following the law as written, and the conditions are satisfied in his mind. There is a reason why there is not a big house on the corner. That is because it is on a busy street across from commercial property, and it is not suitable for a mansion there. It is a transition area.

Layton said these neighbors are good friends of hers. She has walked the site, noting the highway, commercial uses, and the cars coming and going. It doesn't make sense to her to only have two homes there. She would not want to own a half-acre lot and sit and look at a dental office. This is a really tricky spot, and it is hard because no one will be happy. She does not want affordable housing in Farmington to only exist in apartment complexes and townhomes. She also doesn't want affordable housing to have a negative reputation. She wants it dispersed throughout the City, and not just put in problem areas. Affordable housing is for helping children transition during a tricky time of life. Water and engineering problems will be taken care of in a future development stage.

Leeman asked the Council if this were a 10-lot subdivision, would they approve two basement ADUs instead of one unit. He doesn't think they would. However, he understands that he may be in the minority.

Child said the ROW should be used for the future development of adjacent properties, although he understands at this point it would be extremely disruptive to actually put in the road. **Petersen** said it should be a written easement.

Isaacson asked if the ADU were detached, if it would alleviate **Leeman's** concerns. **Leeman** said he was not satisfied with what has been offered. **Isaacson** said he does believe the ADU is a stretch, and is not black and white. However, for him it is keeping the spirit of what was intended.

Motion:

Shumway moved that the City Council approve the Monterra Schematic Subdivision plan pursuant to all Farmington City development standards and ordinances, with the following Conditions a-d:

- a. Lot 4 is converted to a flag lot to accommodate future access to the land west adjacent.
- b. Affordable housing shall be in the form a deed-restricted Accessory Dwelling Unit (ADU) or an Internal Accessory Dwelling Unit (IADU) (Section 11-11-050 B) [Developer Recommendation].
- c. The developer must grant the deed restriction prior to occupancy, and the City must approve and acknowledge the same.
- d. Stub the road to the Roybal property, but leave both access points optional for future development. The stub to the Roybal property is the southern driveway that accesses 1075 West.

Findings 1-3:

- 1. The lot sizes are similar to those in the surrounding subdivisions of Oakridge Park Estates, Oakridge Village and Cottages at Farmington Hollow.
- 2. The applicant will provide a deed-restricted affordable housing dwelling unit.
- 3. Section 11-3-060 A.5 of the zoning ordinance, plus a special exception approval from the Planning Commission, allow access to Lot 3 with the stem of the flag lot (Lot 4), and the possibility of an additional lot as well.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___ Nay
Councilmember Roger Child	X Aye	___ Nay
Councilmember Melissa Layton	X Aye	___ Nay
Councilmember Alex Leeman	___ Aye	X Nay
Councilmember Amy Shumway	X Aye	___ Nay

The motion carries 4-1.

Commission and Committee Member Residency Requirement

Mayor Anderson said there is not currently a requirement that members of Commissions and Committees reside within Farmington City. **Mellor** said it would be best to make this effective at the beginning of the next year. **Roberts** said the Council can amend the ordinance and make it effective whenever they choose. **Shumway** said there are some members of the Trails Committee who don't live in Farmington. **Petersen** said a member of the Historic Preservation Commission does not live in Farmington, but their term expires at the end of this year.

Motion:

Leeman moved that the City Council approve the enabling ordinance (enclosed in the Staff Report) to amend Section 3-3-020 of the Farmington City Code requiring that all Commission

and Committee members must be residents of the City. The amendment shall be effective Jan. 1, 2024.

Findings 1-2:

1. The change to the code memorializes what is typically done in practice when citizens are appointed as members of commissions and committees for the City.
2. Residents usually have a more vested interest than non-residents in what occurs within the Farmington community.

Child seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

Lower Farmington Creek Trail – Grant, Funding, and Manpower Allocation

Mellor presented this agenda item. The trail construction project consists of improvements to the existing Farmington Creek Trail, as well as reroutes to sections of the existing rail that are unsustainable. It connects the pond to the Farmington Trail. Part of the trail is in Farmington, part is in unincorporated Davis County, and part in the U.S. Forest Service.

As the Fiscal Year 2024 budget was nearing completion, the Utah State Office of Outdoor Recreation notified him Farmington had been awarded \$96,825 in a trail grant for an estimated \$200,000 total project construction. The City would have to match the grant. Farmington had initially been told in April that they did not get the grant, but that abruptly shifted. As the Utah Outdoor Recreation Grant (UORG) is distributed as a reimbursement, the total project must be completed before the funding is received. The project reimbursement must be submitted by Sept. 30, 2025, so Farmington has two and a half years. Because construction demand is significant, finding contractors for this project may be challenging. Booking a contractor may take months to a year, considering weather. Winters such as that experienced in 2022/2023 increase the demand for trail builders because of the shortened timeframe. If a contractor is secured, Farmington may need to amend the budget to include the \$200,000 in expenses and a future revenue source of \$97,000 to account for the grant reimbursement. The net impact to the FY24 budget of \$103,175, and design work counts for about \$25,000 of that. Man hours can also go towards Farmington match.

Mellor said Farmington has been busy with other projects such as wrapping up roadwork and design work for the Old Mill, and he is worried this project could stretch Staff thin. This is the third or fourth time Farmington has applied for this grant. He thinks Farmington should not turn this grant away.

Shumway said regardless of when it is funded, Farmington should start to work on the grant now. She understands that the City needs to consider when to draw the line considering unincorporated Davis County as well as the federal Forest Service area. However, because of a study in place with Davis County, Farmington should jump on this.

Mellor said this item should go back to the Parks, Recreation, Arts and Trails (PRAT) Advisory Board. He recently met with **Jon Lowe** to discuss the future of trails and to give him some direction. In the past, some PRAT members focused on Forest Service ground, which is not in Farmington’s jurisdiction. Trails start on Farmington property, extend to the pond, and go through the City. If projects get turned over to the Forest Service or Davis County, they won’t get done. This is not because it is not worth it, but because it is not as high a priority as it is to Farmington. Councilmembers indicated that they approve Staff getting penciled in with contractors.

Historic Conservation Easement for Lot 704 Rice Farms Estates for Bob Aamodt

Gibson presented this agenda item. In April of 2022, the City Council approved an amendment to Phase 7 of the Rice Farms Estates Subdivision to allow Lot 704 to be divided into two lots. One lot contained a new home and the second lot contained a historic home, the old stone Rice home. The Council approved it in order to sustain historic preservation, which would be done through putting the historic home in a trust or placing it in a conservation easement that would monitor the home’s preservation.

Since that time, the construction of the new home has been fully completed and the restoration work on the historic home has also been completed. The two homes remain on a single lot as the applicant has been working to meet the conditions imposed by the City Council in order to place each home on its own lot.

The applicant has spent several months trying to find an organization that would accept the easement. Preservation Utah is no longer accepting additional properties to monitor, so new direction is needed from the Council. The proposed conservation easement names the City as the grantee and the monitoring entity. Another option would be to release the condition and allow the home to be put in an established irrevocable trust. **Child** said he anticipated in 2022 that this was going to be a problem.

Applicant **Bob Aamodt** (284 Grandview Court, Farmington, Utah) said he had no preference which option the Council chose, as he plans to protect the historic property no matter what. The irrevocable trust has an independent trustee for monitoring. He is interested in serving on the City’s Historic Preservation Commission in the future, and he hopes this won’t preclude him from that.

Child said parking was a problem for this site before, but now the situation was amenable.

Roberts said Farmington has had a lot of conservation easement problems, so his preference is not a conservation easement.

Motion:

Child moved that the City Council remove the requirement of putting the historic home under a conservation easement, subject to the City attorney reviewing the irrevocable trust for satisfying historic preservation.

Layton seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson
Councilmember Roger Child

X Aye ___ Nay
X Aye ___ Nay

Councilmember Melissa Layton
Councilmember Alex Leeman
Councilmember Amy Shumway

X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay

First Amendment to the Development Agreement for the Trail Apartments

Gibson presented this agenda item. The Development Agreement for the Trail Apartments was approved in October of 2022. The project is on the northwest side of Innovator and Burke Lane. The agreement allowed Evergreen Devco, Inc. to construct a residential project that includes some townhomes and an apartment building that wraps around a parking garage. As the details and engineering of the project have been refined over subsequent steps in the review process, changes to the original agreement may be needed. These changes set the terms for how improvements along Burke Lane will be handled, allow for use of the future park for staging, and modify the timeframes for when the park will be improved. The amendment also modifies requirements for signaling an intersection and the extent of how the trail on the south side of Spring Creek will be built. The City may not need to install a traffic signal. **Mellor** said the details of using the future park for staging vs. water detention need to be worked out.

Gibson said he and Assistant City Manager/City Engineer **Chad Boshell** have been working closely with the developers, and they are fine with these changes. The gap in the curb and gutter will be discussed with Weber State University in the future to make sure improvements on the north side of the street are contiguous.

Via Zoom, applicant **Jeremy Carver** said involving **Boshell** early and often has been the best decision. In 10 years from now, this area will be amazing.

Motion:

Leeman moved that the City Council approve the First Amendment to the Development Agreement (included in the Staff Report) for the Trail Apartments.

Child seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson
Councilmember Roger Child
Councilmember Melissa Layton
Councilmember Alex Leeman
Councilmember Amy Shumway

X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: Local Government Agreement with the Utah Department of Transportation (UDOT) and Serio Consulting for Utility Relocation coordination for the Main Street Widening Project in the amount of \$84,705.12.
- Item 2: Updated Investment Policy to bring the policy in line with the Utah Money Management Act. City Treasurer **Shannon Harper** said this involves the state investment pool. In 2017, it was approved. The amount is pooled into interest earnings in

the general fund. **Mellor** said interest earnings are accounted for in the City budget every year.

- Item 3: Approval of Minutes for June 20, 2023.

Motion:

Child moved to approve the Summary Action list items as noted in the Staff Report.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

GOVERNING BODY REPORTS:

City Manager Report

Mellor presented the Building Activity Report for June. UDOT has indicated that the skate park and baseball diamond will be removed in the I-15 widening project. Farmington City will need to replace the facilities at some point. The skate park was one of the first to be built by a municipality in the State of Utah. The PRAT Committee may be able to help find a new location.

Mayor Anderson and City Council Reports

Layton said she would not be able to attend the next Council meeting. She was impressed with a recent email she received mentioning that bat houses may be able to help with mosquitoes in West Farmington. **Mellor** would like him to present at an upcoming work session.

Isaacson said he has been receiving many questions from constituents about what the City’s plans are for the Old Mill. **Mellor** said a Request for Proposal (RFP) for a preservation architect has been put out. It could be a future reception center. A Staff member will try using it for their own wedding in November to test it out. For the Sept. 11 day of service, the Old Mill may get cleaned of old trees. A City Staff member will be moving into the Old Mill apartment in September. A consultant will be on Staff in November to help with a design charrette, which will involve the City Council, Planning Commission, and property owners adjacent to the Old Mill. This was recently explained to a group of residents who live near the Old Mill.

Shumway said this year’s Festival Days was excellent, specifically the fireworks. She is not sure how a drone show would compare to fireworks in the future. She was impressed with the scavenger hunt presented at the Historic Preservation Commission booth, and encouraged Councilmembers to all do it.

Leeman said he will not be able to attend the Aug. 1 meeting. He commended Staff on Festival Days. They could have used more candy during the parade. Softball was fun, but it needs to be better advertised next time as the kick-off to Festival Days, and more activities should be planned around it. Perhaps the movie night could start right at the end of the game. It should be held at 8 p.m. next time instead of 7 p.m., because this year it was too hot at 7 p.m. Police and

fire may want to consider soliciting fans to cheer on their team. **Mellor** said Staff participates in a debrief every year following Festival Days. The event that has the most potential for improvement is the baseball game.

Child said since the articles came out on the upcoming tax increase, he hasn't had any resident comments. **Mellor** said he has had a few phone calls, but they were pleasant and information-seeking. Staff met with the Community Council regarding the tax increase, and members plan to come to the Truth in Taxation hearing to advocate for the increase. **Isaacson** said the charts published were persuasive.

Mayor Anderson plans to invite the Wasatch Integrated director to speak with the Community Council about garbage and recycling alternatives. Woods Cross has implemented a flat rate that entitles residents to a black, blue and green can, or a combination of any three. Residents don't have to accept all three cans, but they must pay the flat rate no matter what. A second black can for garbage is not part of the flat rate. This allows some flexibility to residents without impacting the budget.

Mellor said Woods Cross has the best recycling metrics compared to other Wasatch Front cities. **Leeman** said some Homeowner's Associations (HOAs) don't allow residents to have their cans outside, and a third can could be occupying valuable garage space. **Shumway** said the 74 homes in her HOA wouldn't need green waste cans.

ADJOURNMENT

Motion:

Shumway made a motion to adjourn the meeting at 11:02 p.m. **Leeman** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

DeAnn Carlile, Recorder



FARMINGTON

MORE TIME FOR LIVING

CITY COUNCIL MINUTES

AUGUST 1, 2023

WORK SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember
Scott Isaacson,
Councilmember Roger Child,
Councilmember Amy Shumway,*

*City Recorder DeAnn Carlile,
Assistant Community Development
Director/City Planner Lyle Gibson,
Assistant City Manager/City Engineer
Chad Boshell, and
City Lobbyist Eric Isom.*

Mayor Brett Anderson called the work session to order at 6:08 p.m.

TOUR NEW ROADS

The work session was held to tour new roads in North Farmington Station.

Presentation by Farmington High School Student Body Officers to rename 650 West to Phoenix Way

Going into its sixth year, Farmington High School is building an identity and traditions, finding their place in the greater Farmington community. Farmington High is on 650 West and Glovers Lane, and the student body officers would like to rename 650 West after its mascot, the phoenix. The Youth City Council approves the idea. There is a precedence for this, as Layton High School has Lancer Lane and Clearfield has Falcon Way.

City Manager **Brigham Mellor** said the student body officers are going to canvass landowners on the road to see who approves or disapproves of the change. They will return with their results to the Sept. 5, 2023, City Council meeting. If the Council approves of the change, a new sign will be unveiled on Sept. 15, 2023, as part of their annual homecoming festivities. **Mayor Anderson** said the City made a lot of friends when they put in sidewalks on 650 West.

Mellor said if required, a public hearing would be noticed 10 days in advance. After that, a resolution would be prepared. The school's current address is on Glovers Lane, but since the school is on a corner, the address could be changed to Phoenix Way after an address change affidavit is prepared. The name "Glovers Lane" would remain unchanged. The name "Phoenix Way" would be added to 650 West, so pre-existing addresses on that route would not need to be changed.

REGULAR SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember
Scott Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,*

*Councilmember Amy Shumway,
City Recorder DeAnn Carlile,
Assistant Community Development
Director/City Planner Lyle Gibson, and
Assistant City Manager/City Engineer
Chad Boshell.*

CALL TO ORDER:

Mayor Brett Anderson called the meeting to order at 7:05 p.m. Councilmember **Alex Leeman** was excused. Councilmember **Melissa Layton** participated electronically via Zoom.

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

Councilmember **Scott Isaacson** offered the invocation, and the Pledge of Allegiance was led by **Mayor Anderson**.

PUBLIC HEARINGS:

Consideration of approval for a Development Agreement and application for the Agriculture Planned (AP) District overlay zone for an additional building and site plan alterations for Ace Athletics at 874 S. Shirley Rae Drive

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. This 2-acre piece of property is in the southwest part of town off Glovers Lane. They would like to expand their facility. They could have put in uncovered courts, but are more interested in covering them. They explored a bubble option. Changes to lot coverage that would have allowed this were also explored. The Agriculture Planned (AP) District was adopted to better handle Davis County's new Western Sports Park/Legacy Events Center proposal. Using the AP District, this applicant could create their own rules through a Development Agreement that could be accepted by the City Council. The lot coverage issue has been the biggest hiccup for several months. The Planning Commission has been working with the applicant for several months.

In a 6-1 vote, the Commission recommended approval. There is a 20,000 square foot building on site now, and they want to add an additional 20,000 square foot building on the south side. The Commission wanted it landscaped and screened appropriately, and for that to be included in the Development Agreement. They liked the wooden timberwork on the entrance of the existing building, and want elements to break up the long mundane look of the building.

Shirley Rae Drive is a north-south road that runs along the east side of the property. On the south side of the property is Glovers Lane running east-west. Glovers Lane is currently unimproved, and the applicant previously put in a deposit for their future

portion of curb, gutter and sidewalk improvements. Staff may need to ensure that the amount is sufficient in today's dollar amounts for those future improvements. The Commission also addressed parking.

Isaacson said this technically a rezone, which is surprising. **Gibson** said it was placed on the agenda tonight to allow for the Council's legislative discretion. This is analogous to a Planned Unit Development (PUD), which is an overlay zone that also requires legislative discretion. This application doesn't meet the lot coverage in an Agriculture zone.

Layton asked if the overlay is permanent on this land, or just for this applicant. **Gibson** said the Development Agreement and overlay both run with the land, and could transfer to a new landowner. Any changes would require City Council approval. Uses could not be changed without City Council approval. **Isaacson** said this field is sometimes under 2 to 3 feet of water, and he wants to know about water detention. In the past it has been a wet area. If the applicant gets initial approval, the Planning Commission would require fully engineered water detention plans in the future.

Applicant **Scott Adamson** (1498 W. Glovers Lane, Farmington, Utah) addressed the Council. He purchased the closest house to the west of this property. The current detention pond worked well this year and there was no flooding on his lot. He is willing to comply with the City's engineering requirements. The City did approve an amendment to the zoning language that would have allowed them to build the building, but then took it back out when he considered the AP District. This is a good opportunity to see how to operate this new overlay zone.

Mayor Anderson asked if this would bind all future land owners to a certain use. However, he didn't see some suggested offerings included in the Development Agreement. **Gibson** said the agreement says that in addition to the uses allowed in the underlying agriculture zone, only two additional uses would be allowed.

Mayor Anderson opened the Public Hearing at 7:28 p.m.

Scott Conlin, a Morgan County resident who also owns property in Davis County, addressed the Council. There is only one tennis court in Morgan, so he comes to Davis County a lot to play tennis. He plays at Lagoon and takes lessons and plays at Ace Athletics. Their business model is superb as it caters to all ages and abilities. The quality of tennis instruction is top notch.

Bryce Jex, a Layton resident, addressed the Council. His son attends Ace Athletics. They are great for the community and young children. This is the type of people small communities want, and this would help the entire county in general.

Shawn Kearns of Centerville addressed the Council. His wife took tennis lessons from Ace Athletics. There is a shortage of tennis courts in Davis County. There are some in North Salt Lake, but they are leaking and dangerous. This expansion is needed in the County. The community is starving for court space, and Lagoon is full, not offering court time.

Mary Kearns of Centerville addressed the Council. Tennis can be played for a lifetime. She has been playing for nine years now, and loves tennis. Recently a woman from South Jordan was using Ace's courts, commenting that there is a shortage of tennis courts along the Wasatch Front. Salt Lake courts are expensive compared to California.

Leslie Beynon (871 Shirley Rae Drive, Farmington, Utah) addressed the Council. She lives in front of the tennis courts and was initially concerned with parking. The applicant has been good to listen to residents' concerns. Expanding the courts will actually help resolve the parking issues. It is important to offer sports options to the community. Employees make the effort to keep things clean, and she has no complaints about this business owner. A peak traffic time is early in the mornings until 9 a.m. In the summer, they have been able to expand time frames, so there are less issues. Early evenings are the peak during the school year. They have made efforts to ensure that her property has not been blocked. Classes don't all come in at once. Patrons used to park on the street, but they don't any more.

Heidi Robinson (1462 Silverwood Drive, Farmington, Utah) is an educator in Davis County. She said what is taught at Ace Athletics is what is needed in classrooms including taking turns, being kind, etc. Participants are building life-long skills during these classes. The audience applauded each speaker during the public comment period.

Mayor Anderson closed the Public Hearing at 7:42 p.m.

Councilmember **Roger Child** recalled a concern about snow loads coming off the roof during approval of the first building. Snow loads and water coming off a metal roof may affect the neighbor on the north property line.

Adamson said the **Openshaws** live to the north. He is not aware of drainage or water seepage issues so far. The **Openshaws** have actually noticed an increase in solar collection from their solar panels after the building was built. **Child** said because there is no slope, adequate detention on site is needed. **Adamson** said drainage flows to the creek.

Assistant City Manager/City Engineer **Chad Boshell** said when they got their site plan for the first building, they piped the front of the building on Shirley Rae and on the west of the property. Everything drains to the west. It is low lying property. The same thing will have to be done with the new building. Standing water is backing up out of the creek when it flows high. They need a back flow preventer to prevent the flood water from coming in. Building officials and structural engineers will review the plans for this application.

Adamson said the building designer is aware of snow loads. There will be proper rain gutters and slopes.

Councilmember **Amy Shumway** said the original agreement called for landscaping, and she has noticed very little landscaping has been done to date. She wants the Development Agreement to address that since it hasn't been done from the previous agreement. Can the City hold a landscaping bond until it is completed?

Gibson said in a normal circumstance, the City would not require landscaping for private property, but it could be mentioned in the Development Agreement as a two-way agreement. A bond could be made necessary until the completion. City Manager **Brigham Mellor** said the Council could withhold the certificate of occupancy instead. The building official and Planning Department could help with that, depending on the time of year. The certificate of occupancy would be contingent on completed landscaping.

Adamson said the traffic study concluded there would be no impact to the area. The approach is off of Glovers. **Boshell** said the master plan doesn't show Glovers being widened in the future. It will be 37 feet of asphalt. There is a conservation area nearby.

Isaacson said he lives on 1100 down the road a little ways. When the first building was built, he was shocked it was allowed in a residential area because this is clearly a commercial use. This was long before he was a member of the Council. It is zoned agricultural. He loves the business and it is a thorough application. However, the location is still questionable to him. If it weren't for the freeway going in that will create a division between this building and residential neighborhoods, he would be more concerned. The freeway changes things a lot. He is confident the technical questions will be addressed as the project moves forward. He doesn't want this to set a precedence for what could be done with an agricultural zone. However, there is not a lot of agricultural land left in Farmington. He would not vote to approve this if it was starting from scratch.

Layton said Ace is a good neighbor and addition to the City.

Motion:

Child moved that the City Council approve the Development Agreement (included in the Staff Report) and request to rezone 2.17 acres of property at 874 S. Shirley Rae Drive to include the Agriculture Planned District overlay zone with condition that certificate of occupancy will be withheld until such time as the landscaping plan is completed with the exception of winter time with a possible bond. Also the Development Agreement must include that the City Council has the ability to review any change of use.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	_____
Nay		
Councilmember Roger Child	X Aye	_____ Nay
Councilmember Melissa Layton	X Aye	_____ Nay
Councilmember Amy Shumway	X Aye	_____ Nay

The motion was met with applause from the audience. **Shumway** said she was impressed that the applicant had so many people come out to support this agenda item, and said it made a difference. **Adamson** said Gibson has done a great job and is an asset to the City.

Regulating Plan Amendment – Proposed City Park

Gibson presented this agenda item. Part of the zoning ordinances in the mixed use districts include a regulating plan, which establishes the street network in the Farmington Station area. What is in the plan does not match what is under construction and has been approved by the City Council. This will help clarify the situation.

Mayor Anderson opened and closed the Public Hearing at 8:14 p.m. as nobody signed up in person or electronically to address the Council on the issue.

Motion:

Child moved that the City Council approve the Regulating Plan amendment for the proposed City Park.

Isaacson seconded the motion.

All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	_____
Nay		
Councilmember Roger Child	X Aye	_____ Nay
Councilmember Melissa Layton	X Aye	_____ Nay
Councilmember Amy Shumway	X Aye	_____ Nay

GOVERNING BODY REPORTS:

City Manager Report

Mellor said on Friday during the Congressional debate he will be out of town. Starting tomorrow until Friday, **Boshell** will be the acting City Manager. City Attorney **Paul Roberts** is out of town for 10 days while he is in Japan. The next Council meeting is the Truth in Taxation meeting. There will not be a work session. He expects many to show up in support of the tax increase. It will help address concerns in the police and fire departments. **Isaacson** said the media reports 85 cities are raising taxes, and Farmington is being used as an example on the low end. **Shumway** said she has gotten some pushback from those on fixed incomes.

Mayor Anderson and City Council Reports

Isaacson is concerned about the weeds in front of Cabela’s. It is an entrance to Farmington and is now an eyesore. **Mellor** said it is City property, and it may have been overlooked during the initial development. There are different options that could help out such as low-maintenance buffalo grass. Years ago, the City has had a conversation with Cabela’s about maintaining that property, but they were unreceptive. Redevelopment Agency funding would be available to take care of this. He said he wants to talk to the Post Office about the City maintaining landscaping there in exchange for the Post Office giving the City a cross parking easement on the corner near the City’s property.

Mellor said a gentlemen who lives east of the roundabout near where the new Glovers Lane overpass that goes over West Davis Corridor sent an email

complaining there is not an eastern guardrail at the top. He is afraid if a motorist goes more than 35 miles an hour around that roundabout, they will end up on his property or in his house. The City shouldn't have to use betterment money to put in a guardrail for safety reasons.

Shumway said a guardrail was supposed to be installed on Flag Rock Drive, and it still hasn't been. She was driving by the Hampton and realized the house is gone. **Mellor** said the new landowner is working on designs. A lot of time was spent when she was working on a cross parking easement with the Hampton owner.

Isaacson asked about security at Lagoon. He is concerned with the amount of coolers being brought in. **Mellor** said the best time to discuss this with Lagoon is when they want their new billboard, which is right away. They want the new billboard on City property west of the golf course. **Mayor Anderson** said Lagoon is not worried about guns on their property. They tout that they are the only amusement park in the country that allows outside food in for picnics. Staff will even go to your car to help bring in coolers. **Isaacson** said bags coming into a football game even have to be checked. A metal detector or other nonintrusive options may need to be employed there.

Layton said she would like to add art to the new park, and she forwarded an email with Gateway examples to Councilmembers. **Mayor Anderson** noted a recent ribbon installation at the Gateway that is being used as a sun shade.

Child said he heard a suggestion that the City install a large slip and slide on Main Street by the Post Office next year for Festival Days.

Mayor Anderson spoke of a City fund that could be added to the utility bill to help those needing financial assistance for utilities. Residents could opt in on their bill to create a pool of money administered by the City. This will be presented on a future Council agenda. Farmington is a City that really takes care of its residents.

ADJOURNMENT

Motion:

Child made a motion to adjourn the meeting at 8:43 p.m. **Shumway** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	_____
Nay		
Councilmember Roger Child	X Aye	_____ Nay
Councilmember Melissa Layton	X Aye	_____ Nay
Councilmember Amy Shumway	X Aye	_____ Nay

DeAnn Carlile, Recorder

DRAFT



FARMINGTON

MORE TIME FOR LIVING

CITY COUNCIL MINUTES

AUGUST 15, 2023

REGULAR SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember
Scott Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,
Councilmember Alex Leeman,
Councilmember Amy Shumway,
City Attorney Paul Roberts,
City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,*

*Community Development Director
Dave Petersen,
Assistant City Manager/City Engineer
Chad Boshell,
Finance Director Greg Davis,
Accountant Kyle Robertson,
Police Chief Eric Johnsen,
Fire Chief Rich Love,
Assistant Public Works Director Cory
Brazell (via Zoom), and
City Lobbyist Eric Isom (via Zoom).*

CALL TO ORDER:

Mayor Brett Anderson called the meeting to order at 7:00 p.m.

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

Councilmember **Amy Shumway** offered the invocation, and the Pledge of Allegiance was led by City Manager **Brigham Mellor**.

PUBLIC HEARINGS:

Property tax increase for Fiscal Year 2024

City Manager **Brigham Mellor** said that Farmington had a Truth in Taxation hearing in 2021 when Davis County was transferring paramedic services to the cities. Before that, the last time Farmington held a Truth in Taxation hearing was in 2010. That was **Max Forbush's** last year as City Manager, and the last time the City increased taxes. Therefore, property taxes were last increased 13 years ago. Before that, taxes were last increased in 2001. Since 2010, inflation has increased 36%. The Consumer Price Index (CPI) is the direct measure of inflation, and is assessed by "a basket of goods", but does not take into account fuel, housing, and wages. Farmington has lost purchasing power due to inflation. In the last 10 years, payroll for Farmington Police increased 190%, with most of the increase just since 2020. Frankly, Utah cities were fighting for police officers and fire fighters.

In Utah, the property tax revenue remains the same if a Truth in Taxation hearing is not held. Therefore, taxes don't go up because the value of your home has increased. Of the entire property tax bill, Farmington only makes up 12% to 13%, while the Davis School District makes up a lion's share. A few years ago, the School District increased taxes 30%. Davis County increased their portion of the property tax 40% the year before that. **Mellor** acknowledged public safety employees attending the hearing.

Finance Director **Greg Davis** addressed the Council. He said the Fiscal Year 2024 (FY24) budget that the Council adopted in June of 2023 included revenue that would have to be generated from a 30% property tax increase. However, the Council must hear public input in a Truth in Taxation hearing before formally adopting a new certified tax rate (0.001502 for property tax year 2023, Farmington's FY24). Without the increase, the tax rate is 0.001159.

Davis said Farmington tries to be as efficient and lean as possible. An administrative staff position was removed and replaced with a sworn officer position. The department is trying to do everything possible to give Farmington proper coverage on the streets. Without the tax increase, the City can employ 26 sworn police officers. After the tax increase, the City can employ 29 officers.

He said according to a pay rate market study, Farmington is not the only city raising taxes. There is tremendous pressure to keep up with neighboring cities. Wages are the largest portion of the City's expenses. The City has been tapping into existing reserves to cover professional services and supplies. The City has taken advantage of every efficiency possible and now needs to increase revenue.

Increasing property taxes will generate \$900,000 in additional revenue, \$361,000 of which will be used to cover wages and benefits for three new officers. \$350,000 will be used to fund annual vehicle replacement while \$100,000 will go toward reclassifications, and \$89,000 to Cost of Living Adjustments (COLA).

Davis shared the number of full-time employees in the Police Department per fiscal year from 2019 to current. In 2019, there were 24 employees; 2020 had 25; 2021 and 2022 had 26; 2023 had 28; and 2024 will hopefully have 31. The budget increased from \$2.3 million in FY19 to \$4.184 in FY24.

For 27 years, **Davis** worked for Salt Lake City managing a \$9 million budget for the Transportation Department. He said he noticed they had an ongoing problem because they would wait until the end to see how much they could afford for the fleet replacement fund. They did not get in front of the process and budget what fleet replacement would demand. **Davis** said replacement should come first in order to keep service levels up. He said with this tax increase, Farmington is making a new commitment to take care of replacements and address core needs first. As such, \$350,000 of the new taxes will help keep police vehicles properly rotated. Officers live in their vehicles, which act as their offices. Therefore, the interior wears out. These vehicles are critical infrastructure and core needs.

In summary, the recommended property tax increase would be applied only to the Farmington City portion of the property tax bill and would result in an additional \$10 monthly property tax on Farmington's average residential home. The City's tax on a

\$641,000 residence would increase from \$356.78 to \$477.71, which is a \$120.93 increase per year. The City tax on a \$641,000 business would increase from \$648.69 to \$868.56, which is an increase of \$219.87 per year.

The proposed property tax increase would generate approximately \$900,000 per year in the City's General Fund, enabling the City to hire three additional police officers, provide merit and market adjustments for police officers, and set aside annual funding for the timely replacement of police vehicles. If the budget is approved, the City's property tax budgeted revenue (\$4.193 million) would increase 30.09% above last year's property tax budgeted revenue, excluding eligible new growth.

Mayor Anderson said the City has three sources of revenue: impact fees, sales tax, and property tax. He often has residents ask him why the impact fees from new development doesn't cover Farmington's ongoing needs. When he teaches a class at the local junior high about municipal budgets, he mentions that a piece of commercial ground generates 10 times the amount as residential ground. There is a preference between funding things with property taxes vs. sales taxes. If a City relies on sales taxes for ongoing needs, when a recession hits, it can hurt the City.

Davis said it is solid financial advice not to put all your eggs in one basket. Likewise, the City shouldn't rely on just one source of revenue. Farmington is fortunate to have a diverse set of industries, as well as a good mix of residential and commercial, to provide tax revenue. Fruit Heights relies primarily on property taxes, as they don't have a large commercial base. Three quarters of Farmington's ongoing revenue comes from a combination of sales and property taxes.

Councilmember **Scott Isaacson** said it is important that essential services are paid for by property taxes (not sales taxes) as much as possible. That way essential services can continue on even during a recession, when sales taxes typically drop. In Farmington, sales taxes are down this year compared to last year (looking at April's numbers).

Mayor Anderson said it is unacceptable for first responders' vehicles to not work when a 911 call comes in. That is an insufficient answer Farmington is trying to avoid.

Davis said in Salt Lake City, the average age of a police vehicle was between four to six years old because they wouldn't fund enough up front. Vehicles are necessary to provide a wide variety of services in Farmington including police, fire fighters, parks, and maintenance. Farmington needs to keep the community attractive for others. If the City does that with proper maintenance of parks, police support, etc., it keeps residents' property values up. If Farmington doesn't stay attractive and competitive, it will come out of the pockets of residents as property values decline.

Mellor said every few years the City goes through an International Organization for Standardization (ISO), where it is audited by insurance providers to evaluate the risk related to the City. If a city scores poorly on this insurance audit because of deficiencies, their premiums go up. The City doesn't get much out of increased insurance premiums, so it is preferable to get better services instead. He would rather improve public safety than make claims on insurance and pay a higher premium.

Councilmember **Alex Leeman** said scoring well on the insurance audit leads to lower homeowners insurance through the whole City.

Davis said Farmington takes advantage of impact fees, but they can only pay for new infrastructure and growth-related items. **Mellor** added that impact fees can't pay for anything less than \$500,000 and can't replace an old fire truck. The only fire apparatus that can be paid for with impact fees is a new ladder truck, which can cost \$1.5 million to \$2 million. Impact fees can't be used to remodel a fire station, only to grow the fire service. The Fire Department building in West Farmington coming in the spring will be paid for with impact fees. If a new truck is needed there, the City can pay for it with impact fees. Everything else will be paid for using the General Fund.

Mayor Anderson said impact fees are meant to try to maintain the status quo level of service. Farmington's Police Department is already understaffed without the impact of Lagoon, the County Fairgrounds, and Station Park. In a City with 27,000 people, the daily population can grow to 60,000 because of these attractions. That means the number of people in the City could double every day, and Farmington needs the resources to deal with that. When the County Fairgrounds gets repurposed into a sports park, Farmington may need more police. Davis County estimated that the economic impact of the fairgrounds was \$3 million to \$5 million per year. When it is repurposed into a sports complex, the economic impact is estimated to grow to \$90 million. The County sees this as a way to increase revenue through visitors patronizing local businesses and restaurants. **Mayor Anderson** said that was put on the City without consultation. Farmington is the County seat with not only City Hall, but also the County Jail, County Fairgrounds, and School District offices. Farmington doesn't get property taxes from these government uses. Farmington needs police to keep watch over all these facilities, but impact fees were not designed for that kind of ongoing maintenance.

Mellor said the proposed tax increase is not to address future growth. Instead, it is paying for the officers that are needed now and the vehicles that need replaced annually from this point forward. Farmington is setting the base line on a new level of service that is needed going forward.

Davis said the budget process started in May when the Budget Committee received millions of dollars' worth of department requests that were not just "fluff." The requests were whittled way down. **Leeman** said for every dollar of sales tax generated, Farmington gets one penny. Everyone pays the same taxes as everyone else, and there are no special deals going on. **Mellor** said no entity is receiving any tax revenue, and there are no deals on taxes.

Councilmember **Roger Child** said most of the sales tax generators are people who come into the City to buy services, pay for cars, and pursue entertainment and recreation. These draws are regional in nature. Although it is not fun to deal with the many freeways that slice and dice the City, those roadways bring people into Farmington to spend their money. The City is fortunate.

Leeman said Farmington has its pluses and minuses. Government buildings such as the jail, courthouse, fairgrounds, and schools don't pay property taxes. The

University of Utah Medical Center is also considered a government building. Those are all built on some of Farmington's most prime property, and the City still needs to send fire and police to those buildings. Farmington has to carry them on its back because they don't pay the bills. Lagoon and Station Park bring in people who help pay Farmington bills (via sales tax), but government uses don't. This burden must not fall on Farmington residents.

Mayor Anderson said it is an interesting analysis to try to estimate the cost of running the City. Everyone expected sales taxes to level off eventually and it actually came later than anticipated. This is the year that it hit, and now Staff expects sales tax revenue to level off. This creates a gap compared to past years when sales tax revenues were continually climbing. Right after the Salt Lake City riots a few years back, a lot of officers left the Salt Lake police force. Salt Lake City had to give a 30% increase in salary to get officers back. When Salt Lake City raised their officer salaries, the Utah Highway Patrol likewise raised theirs. That had a domino effect on Wasatch Front cities, who all had to raise their salaries to keep their own officers. Now everyone has been raising police pay, leaving poor cities to deal with the consequences.

Police Chief **Eric Johnsen** said right now, Ogden City pays starting officers \$5 an hour more than Farmington does. **Mayor Anderson** said this shows that Farmington is still down in the market, even though they have given consistent increases every year. It has turned into a game for every city in Davis County and beyond. Farmington is struggling to keep up.

Leeman said last year Farmington gave a significant 22% first responder wage increase just to meet the market. During annual wage studies covering all City employees, comparing Farmington to other Davis County cities, it was determined that Farmington first responders were bottom of the barrel. After the 22% increase, they rose to middle of the pack. Now, Farmington is second from the bottom again.

Mayor Anderson said mayors of other cities in Davis County are jealous of Farmington's commercial base. They all only have property tax. Public safety wage increases have hit cities every year as they try to stay competitive, which has caused many cities to really struggle.

Leeman said it is hard in today's social-political climate to be a police officer and fewer people are coming into the industry. Those who are in the industry are working harder. There are standards and Farmington has to support them, giving them the resources they need to do their job. The competitive market has led to the situation where there is only one police officer on duty during Farmington's night shift. This leaves one officer to wrestle drunk drivers to the ground and get them to jail all by themselves. They can't take a break, since they are the only one on duty. There are fewer officers on duty at night than during the day. **Leeman** said that is not good enough. There should be three night shifts.

Councilmember **Scott Isaacson** said 85 Utah cities are holding Truth in Taxation hearing this August, so this is not unique to Farmington.

Mayor Anderson said the proposed 30% property tax increase does not mean resident's entire property tax bill will increase 30%. Only Farmington's portion of the overall pie will be increased 30%. Farmington is only about 12% of the entire property tax pie. That has not always been explained well to residents. This is just Farmington's small piece of the pie. The City doesn't control the other pieces of the pie. The School District is half the pie, then there are six to seven other entities as well.

Isaacson said some Councilmembers are running for reelection this year. They did not want taxes to be raised during an election year. Because of their reluctance, they scrutinized the numbers and asked a lot of questions during the budget cycle. After three to four months of digging, he became persuaded that the tax increase was needed. He did not come to this decision lightly.

Councilmember **Melissa Layton** said the starting wage for a police officer in Farmington is \$25.95. Farmington wants officers to stay, and should pay them well to do so. They go into situations that the rest of us run away from, and the City should be paying them accordingly.

Mayor Anderson opened the Public Hearing at 7:50 p.m.

Michael Willard (1414 Frost Drive, Farmington, Utah) said nobody likes to pay more property taxes, but this has been done infrequently in the City. He wants services to be provided, roads to be plowed, pot holes to be filled, and public safety to respond to calls. He commended the Council for taking on this tough job. It will benefit him to have more than one officer on shift at night. He encouraged the Council to pass the property tax increase.

Max Forbush (73 S. 100 W., Farmington, Utah), former Farmington City Manager who retired 12 years ago, addressed the Council. He understands that financing a City is difficult. He has been in Farmington for 45 years and served as City Manager before Station Park was built. Money was always on his mind as he took on the challenge of securing funding for public safety, police, and fire. The City used to have volunteer fire fighters and a police force of seven to 10 officers. He wonders if Farmington will have to continue raising property taxes in the foreseeable future. He noted that residents are paying more on their utility bills, a transportation fee has been added, a new fire station is being planned, the City purchased the Old Mill, and now they are discussing a new swimming pool. He is concerned about destroying Farmington's peace and serenity. He wants the Council to look at all the options, ask questions, and seek funding alternatives. He asked them to consider the unemployed, new home buyers, and the poor in the community. It is a balancing act. There will never be enough money to fund all the needs of a City, so requests have to be cut. He questioned the newsletter saying the level of service is 2.5 officers per thousand population, as he doesn't believe in set national standards being a one-size-fits-all. Farmington used to have one officer per thousand. He is grateful for the future office park, which will help with needed revenue.

Hank Semadeni (247 E. 600 S., Farmington, Utah), who has served on the State Tax Commission, addressed the Council in behalf of senior citizens on fixed incomes. These are the people who made Farmington what it is today, and also support the

police and fire departments. While you won't see a senior citizen protesting on the steps to City Hall, they will be hoping in silence that they can stay in their homes until it is their time to go. These people have had to deal with increases from Weber Basin Water Conservancy District, Benchland Water District, basic water service, garbage, sewer, and storm water utility. Their cost of living has been impacted by the increasing costs of medicine and medical care. They are not asking for a handout, just a peaceful existence during the rest of their time. The senior citizens thank the Council for what they are doing. This is not begging; it is reality. The senior citizens are not going to complain, but some day everyone will be a senior citizen. In 1970, Farmington had no revenue and very little industry and retail sales, so a utility tax was imposed on electricity, natural gas, telephone, etc. Now 53 years later, that utility tax is still there. Since, there has been tremendous growth in retail, commercial, and residential. Let the people who want to go on the trails pay for the trails. Let Lagoon pay sales tax to offset what is needed for a budget. It is great to have the County and School District as guests, but they don't pay property taxes. Other cities in the County benefit from them, but they don't kick in on the difference.

Karen Davis (180 W. 600 N., Farmington, Utah) said she had learned a lot about the entities that share in the property tax pie, as well as impact fees. She said something seems "off" and not right. She agrees with the senior citizens, and doesn't want them hurt. If you live in your house for 50 to 80 years, property tax should go down. Why pay for schools when your kids no longer go to school? Fire fighters should have increased wages, but it needs to be funded in a way that doesn't hurt the resident who made the City where they are serving. The City should get a bigger piece of the pie. Police officers should be given raises and not have only one offer on staff at night. At 2 a.m., people speed 100 miles per hour down some Farmington roads. She learned a lot and is hyped about this, and warned that she was going to look further into this proposed tax increase.

Rusty Cannon (562 S. 10 W., Farmington, Utah), president of the Utah Tax Commission, addressed the Council. He has attended hundreds of Truth in Taxation hearings across the State, and this has been one of the better ones he has been to. Truth in Taxation is designed to do this out in the open, which is exactly what Farmington has done. They have done it exactly right: talking about the rate and the budget.

He said 13 years is too long to go without a property tax increase. Five to seven years is the "sweet spot" to raise property taxes in order to give raises and catch up with inflation. **Mayor Anderson** asked how **Cannon** felt about cities who plan to do property tax increases each year, which he feels leads residents to not be as informed. **Cannon** answered that an annual increase guts the reason for a Truth in Taxation hearing and numbs the people, and the Utah State Tax Commission always advocates against it. The Tax Commission also does not like transportation fees. If inflation is increasing, sales taxes also increases. School districts are mostly to blame for property tax increases, as they represent over 60% of the property taxes. They are the root of the problem.

David Stringfellow (2068 Sharp Shooter Court, Farmington, Utah) commended the Council for raising taxes. He encouraged any senior citizen struggling with paying property tax to seek programs that help with that. Such programs only help about half the people who would qualify for such help. He lives on the west side of Farmington, where they are building lots of new roads and stop signs are being stolen. Farmington residents consume a lot of services. If Farmington is going to double in size, he doesn't want the City facing a public safety crisis. In five years, inflation has risen 20%, which reduces the purchasing power of the City's money. Residents want a rich community full of services. He would hate to see those services reduced or eliminated because the City was afraid to raise property taxes.

Richard Baggett (217 S. 25 W., Farmington, Utah) asked why Farmington residents would have to pay for additional services rendered to the new County sports complex that would bring in \$90 million in economic impact. That should come from the sports complex. In other cities he has lived in, when something new is built, it takes a 10- to 20-year bond against new development; and the developers have to pay for curbs, gutters, and sidewalks. He doesn't understand why developer bonds can't help reduce the need for increased taxes.

Deb Hansen addressed the Council via Zoom. She is in favor of building a fire station in West Farmington. The City has a fabulous Fire Department and she is in favor of this increase. **Mayor Anderson** said the new fire station on the west side will be a more central location than the current fire station.

Mayor Anderson closed the Public Hearing at 8:24 p.m.

Leeman said a fire station on the west side has been a long time coming. If all the bridges over Interstate 15 were down, it would cause the Fire Chief nightmares. Services, including parks and recreation, need to be increased in this area of the City.

Isaacson said the most likely emergency to hit Farmington would be some kind of a toxic spill from a truck on the freeway or from a train. He appreciates the comments and questions from tonight.

Mayor Anderson said the City is working on something that may be able to help anyone struggling to pay their property taxes. He encouraged those in the audience to look for a future announcement. **Child** said it would be nice to publish the resources that can assist people with paying their property taxes in the newsletter.

In response to **Bagget** and **Karen Davis**, **Isaacson** said he understands their frustrations in not getting enough impact fees and having government not pay property taxes. He encouraged them to seek answers from the State Legislature, as cities don't make those rules. Cities are created by the State and only have the authority given them by the State. State law sets what can be done with the impact fees. **Layton** mentioned this is why it is good to have those who have served on city levels go on to be State Representatives.

Leeman said the School District was not required to file an application to build the new high school. Farmington gets no revenue off schools, and schools don't pay for the increased services they need. When the high school was constructed, the City

did not have sidewalks going out there. Farmington usually does make developers pay for such infrastructure. However, when the homes in that area were first built, there were no sidewalks to connect to and this infrastructure was not required of the developers. Some things come at inopportune times. Regarding laws at the State level that determine the money cities get and what cities can spend the money on, he encouraged residents to write to their legislators.

Shumway said all increases for garbage, sewer, and water rates are pass-through, meaning they are passed on to the City by the contractors who provides the services. When they raise their rates, the City has to. Water has been under budget for a very long time, necessitating the City to pull from the General Fund for that infrastructure. Farmington shouldn't be reliant on sales tax to pay for water. She warned that water rates will continue to increase in order to fund that critical infrastructure.

Mayor Anderson said Benchland Water District had more than 60 water breaks this year, and because of new pipe, Weber Basin Water Conservancy District only had three breaks. Farmington has a significant problem with water lines. Both hot and cold water cause water line breaks because the underground pipes are very old. The City is in the process of having a schedule for all old lines to be replaced, since it is not good to wait for them to break first. Water is needed now. Farmington is trying to be proactive with its water maintenance so there are not catastrophic failures. This can be very expensive.

Mellor said many pipes in Farmington are almost 100 years old. They have found pipe in Main Street stamped with the year 1933. Residents' utility fees are different from the General Fund because they are enterprise fees, as each acts as its own business. Enterprise funds can't be used to pay for anything other than the utilities and administration costs for that utility. For example, money from the water fund can't be used to pay for police or fire.

Isaacson said during COVID, the federal government sent out \$3 million. This is another reason why Farmington didn't have to raise property taxes for a while. The State Legislature said half of that federal money had to be used for water. In addition, the City used it to fund police. It is not prudent to continue using one-time money to fund police and services. He said the State and County are both helping to pay for Farmington's new roads.

Leeman said the budget process started in February, when Staff disclosed the idea of a property tax increase to close the gap between the money coming in and going out. He considers himself a budget hawk, and was initially upset with the proposal. When senior citizens talk about the impact this increase will have on their budgets, it is very painful to him, and increasing taxes is not something he takes lightly. The increase was proposed because of the math. Farmington doesn't have fluff or pet projects in its budget to trim. The City provides services that are needed and tries to get the best deals without sacrificing quality. But Farmington needs to be better than one police officer on shift at night. Roads need to be plowed, water needs to flow, and recreation needs to be provided for a good quality of life. Farmington can do less, or they can raise taxes to pay for what it costs to do what they already do. There is a standard Farmington wants to provide to its residents, and now the

Council is coming to the residents to say a tax increase is needed. He asked that residents tell the Council if they are spending money on things they shouldn't be.

He expected to hear more public backlash when the City recently paid \$4.7 million for the Old Mill, followed by a property tax increase. Purchasing the Old Mill was a once-in-a-lifetime opportunity. Farmington has a stewardship to preserve the history of the community, and the Old Mill was a jewel that the City needed to buy. It just happened that Weber State University bought a piece of City property that helped pay for the Old Mill. However, one-time money always runs out.

Although he understands the argument of not paying property taxes to fund schools if you don't have children, the City doesn't have a way of addressing that. The County sports complex will bring money in, and the City does get some of that. Visitors will spend \$5 million in new dollars at restaurants in Station Park, and the City gets a portion of that. This tax increase has not been an easy decision for him, but he is in favor of it. It is the right decision.

Mayor Anderson said he wants public input about what to do with Old Farm, which is City-owned land. He said there is no shortage of developers who want to buy the land and develop it into a lot of rooftops. The money could be used to build a fire station, among other things.

Leeman said Old Mill can't be used as it is right now. It would take \$2 million to make it safe and turn it into a park people can use. However, those long-term decision don't have to be made yet; it is just good that the property has been secured for now.

Isaacson said that according to recent surveys, open space is high on residents' priority lists and not all land needs to be built out. It will be prudent to figure out a way to make Old Farm into open space. **Layton** said it is good to preserve the small town feel of Farmington.

Child said it takes vision to look ahead and figure out how to create a tax base that doesn't burden the single-family home residents. The City is lucky to break even with single-family homes, so Farmington has to look into bringing additional revenue. Farmington is fortunate to have other revenue. Efforts to bring office buildings to the City will bring jobs and significantly impact revenue. One office building can pay tens of thousands of dollars of revenue to the City. The West Davis Corridor and freeway interchanges move day-time traffic in and out of the City without having to have that traffic drive through neighborhoods. This required significant planning, and timing is not always convenient. Sometimes roads have to be built before uses come to the City. Farmington has petitioned and worked with the State to get them to pay for some of the roads. It hasn't come down on any residents to pay for any new roads that are currently being built. From those roads will come revenue-generating uses that will add to the well balanced budget of Farmington.

He commended the conservative Staff who turns over every stone to make sure Farmington is justified in the budget. Farmington is the envy of many cities along the Wasatch Front for how well managed it is. The City should pay for the most critical services with the most reliable resources. He doesn't want to use sales tax

revenue for the City's most critical services. Sales tax revenue comes and goes. During COVID when people weren't going to stores, sales tax dwindled, just to explode once things opened back up. It was a wild ride and shows sales tax revenue isn't the most reliable source of income.

Child said he is sympathetic to the needs of public safety employees. His son and son-in-law are firemen paramedics. His son works for Clinton but had to move to Evanston, Wyoming, to afford a home. His commute is now 1.5 hours one way. He thanked public safety employees for their service, and said the Council was determined to keep and help them.

Shumway said she took note of what **Cannon** said comparing Farmington to other cities conducting Truth in Taxation hearings. Staff educated the Council and public in the right way.

Layton noted that Councilmembers pay taxes, too. Whatever increase they vote on will personally affect them as well. She has a lot of children and recently had to pay more school expenses than she ever has before. Staff and employees have worked tirelessly on this budget. She recently toured Public Works, and was fascinated with what they do themselves such as fixing their own vehicles. They are very frugal.

Motion:

Isaacson moved that the City Council approve the resolution to formally adopt the certified tax rate of 0.001502 and revenue of \$4.193 million as presented in the Staff Report.

Leeman seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	_____
Nay		
Councilmember Roger Child	X Aye	_____ Nay
Councilmember Melissa Layton	X Aye	_____ Nay
Councilmember Alex Leeman	X Aye	_____ Nay
Councilmember Amy Shumway	X Aye	_____ Nay

ADJOURNMENT

Motion:

Leeman made a motion to adjourn the meeting at 9:00 p.m.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	_____
Nay		
Councilmember Roger Child	X Aye	_____ Nay
Councilmember Melissa Layton	X Aye	_____ Nay
Councilmember Alex Leeman	X Aye	_____ Nay

DeAnn Carlile, Recorder

DRAFT

CITY COUNCIL STAFF REPORT

To: Honorable Mayor and City Council

From: David Petersen, Community Development Director

Date: September 5, 2023

SUBJECT: **Approval of an Agreement for the Deferral of Certain Public Improvements**

Property Owner: 1500 South 200 East LLC (Jayd Petersen)

RECOMMENDATION

Move that the City Council approve the enclosed Agreement for the Deferral of Certain Public Improvements.

Findings for Approval:

- a. The Agreement satisfies Section 11-28-170 of the Farmington City Ordinances which requires that the Owner be responsible for identified public improvements such as curb, gutter, and sidewalk as a prerequisite for obtaining a building permit.
- b. The amount included with the agreement was computed and verified by the City Engineer.

BACKGROUND

The property owner is looking to obtain a building permit on their property at approximately 1550 South 200 East Street. The city ordinance requires the construction of certain improvements to the public right of way shall be made prior to the issuance of a building permit or that an extension (deferral) agreement be approved. As the subject property is not adjacent to other properties with sidewalk or curb and gutter, it was the recommendation of staff that the City and the property owner enter into a deferral agreement rather than the actual installation of improvements

Supplemental Information

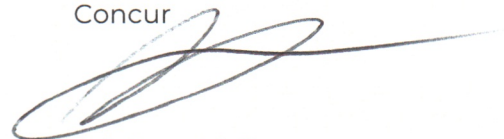
1. Vicinity Map
2. Deferral Agreement

Respectfully Submitted



David Petersen
Community Development Director

Concur

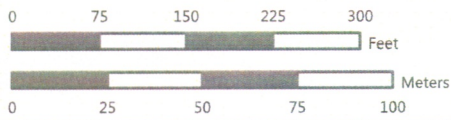


Brigham Mellor
City Manager



VICINITY MAP

1550 S 200 E



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.

AGREEMENT FOR THE DEFERRAL OF CERTAIN PUBLIC IMPROVEMENTS

THIS AGREEMENT (This "Agreement") is made and entered into as of the ___ day of _____, 2023 by and between FARMINGTON CITY, a Utah municipal corporation, hereinafter referred to as the "City," and _____, hereinafter referred to, collectively with its assignees, as "Owner."

RECITALS

WHEREAS, Owner desires to obtain site plan approval and a building permit for a single family home on property (the "Property") located at approximately 1550 South 200 East Street and more particularly described in **Exhibit A** incorporated here herein by reference; and

WHEREAS, as a requirement of City ordinances, Owner is generally required to construct all street improvements fronting or related to a building lot; and

WHEREAS, Owner and the City desire that certain improvements along 200 East Street and adjacent to the project, (the "Deferral Improvements"), within the City not be constructed at the current time; and

WHEREAS, Owner has requested that the City accept a cash payment in lieu of the construction of the Deferral Improvements and the City believes that acceptance of the cash payment will promote the public interest and the welfare of Owner and the residents of the City;

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

1. Incorporation of Recitals. The above Recitals are hereby incorporated into this Agreement.
2. Deferral of Certain Street Improvements. Consistent with Section 11-28-170 of the Farmington City Municipal Code, Owner hereby agrees to complete all required public improvements for the Property. This Agreement provides the Owner with the opportunity to defer construction of improvements identified in **Exhibit B**, and incorporated herein by reference, the Deferral Improvements.
3. Cash Payment. Concurrent with the execution of this Agreement, Owner has provided to the City a cash payment (the "Cash Payment") in the amount of \$51,201.00 which represents the estimated cost of the Deferral Improvements in 200 East Street as calculated in Exhibit B, incorporated herein by reference. The City hereby agrees that acceptance of the cash payment releases the owner of any obligation, now or in the future, to complete the Deferral Improvements.
4. Timing of Cash Payment. Owner must provide the City with the Cash Payment prior to, or concurrent with, the City's issuance of a building permit on the Property. The City may withhold issuance of the building permit until Cash Payment is tendered by Owner or the Deferral Improvements are installed, whichever comes first.
5. Potential Refund. 200 East Street is a State Route (SR-106). In the event that the Utah Department of Transportation (UDOT), or some other non-City entity, constructs the Deferral Improvements in their entirety without any City funds, before the City constructs the same, the City agrees to refund the Cash Payment to the Owner.

6. Termination. If the Owner neither applies for a building permit nor provides the City the Cash Payment within 120 days of the date referenced herein above, this agreement shall expire and become null and void.
7. Governing Law. This Agreement will be construed and enforced in accordance with the laws of the State of Utah.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year first hereinabove written.

“CITY”
FARMINGTON CITY

“OWNER”

By: _____
Mayor

By: _____

AND

By: _____

STATE OF UTAH, COUNTY OF DAVIS, ss:

This instrument was acknowledged before me on this ___ day of _____ 202__ by Brett Anderson, Mayor, on behalf of Farmington City Corporation.

Notary Public
My Commission Expires: _____

STATE OF UTAH, COUNTY OF _____, ss:

This instrument was acknowledged before me on this ___ day of _____ 202__ by _____, on behalf of _____, who being duly sworn, did say that he is the signer of the forgoing, who duly acknowledged to me that he executed the same.

Notary Public
My Commission Expires: _____

Exhibit A

PART OF THE N 1/2 OF SEC 31-T3N-R1E, SLB&M, MORE PART'LY DESC AS FOLLOWS: BEG AT A PT ON THE CALCULATED N 1/4 SEC LINE BETWEEN THE N 1/4 COR & THE CENTER 1/4 COR (CALCULATED FR FOUND WITNESS COR), SD PT BEING S 00°15'20" W ALG SD LINE 907.51 FT FR THE N 1/4 COR OF SD SEC 31; & RUN TH N 89°33'40" E 198.14 FT TO THE NW COR OF TUSCANY COVE AT LAKE POINTE (DEED READS TUSCAN COVE SUB); TH S 03°41'21" W ALG SD W LINE 415.65 FT; TH N 89°44'40" W 173.23 FT TO A PT ON SD N 1/4 SEC LINE OF SEC 31; TH S 00°15'21" W ALG SD LINE 14.23 FT TO A PT ON AN EXIST FENCE; TH N 89°08'31" W ALG THE EXTENSION OF SD FENCE 222.65 FT TO THE E'LY R/W LINE OF 200 EAST STR; TH N 00°03'35" W ALG SD E'LY R/W LINE 409.23 FT; TH S 89°44'40" E 224.89 FT TO A PT ON SD N 1/4 SEC LINE OF SEC 31; TH N 00°15'20" E ALG SD LINE 15.17 FT TO THE POB. CONT. 3.871 ACRES

PARECEL SERIAL NUMBER 07-071-0090

EXHIBIT B

Petersen Residence
 Delayed Improvement Estimate Cost
 8-29-23

Road Improvements									
Item	Quantity	Unit	Unit Cost	Bond Amount	System	Bond Released	Current Draw	%	
Mobilization	1	LS	\$ 350.00	\$ 350.00		0	0	0	
UDOT Spec Curb and Gutter w/ Base	380	LF	\$ 22.50	\$ 8,550.00		0	0	0	
Sidewalk w/ Base (Perimeter Sidewalk)	1,900	SF	\$ 8.00	\$ 15,200.00		0	0	0	
12" Road Base	2,050	SF	\$ 5.00	\$ 10,250.00		0	0	0	
UDOT Spec Asphalt Road	2,050	SF	\$ 8.22	\$ 16,851.00		0	0	0	
Total				\$ 51,201.00					
Total Bond				\$ 51,201.00					



160 S Main
Farmington Utah 84025

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Colby Thackeray
Date: September 5, 2023
Subject: Arbor Day Proclamation

RECOMMENDATION(S)

1. Designate September 9th, 2023, as Arbor Day for Farmington City.

BACKGROUND

Traditionally, Arbor Day is observed on the last Friday of April. However, it is permissible for communities to select an alternative date that aligns with local events or priorities. Farmington City has consistently synchronized its Arbor Day observance with another significant day of service. For this year, the chosen alignment is with the 9/11 Day of Service.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'C. Thackeray'.

Colby Thackeray
Parks & Recreation Director

Review and concur,

A handwritten signature in black ink, appearing to be 'Brigham Mellor'.

Brigham Mellor
City Manager

Arbor Day Proclamation

WHEREAS, in 1872, J. Sterling proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, emit oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource, giving us paper, wood for our homes, fuel for our fires, and countless other products and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

Now, Therefore, I, Brett Anderson, Mayor of Farmington City, do hereby proclaim September 9, 2023, as

Arbor Day

In the city of Farmington, I urge all citizens to support efforts to protect our trees and woodlands and to support our city's urban forestry program and

Further, I urge all citizens to plant trees to gladden hearts and promote the well-being of present and future generations.

Dated this 5th day of September 2023

Brett Anderson
Mayor

CITY COUNCIL AGENDA

For Council Meeting:
September 5th 2023

GOVERNING BODY REPORTS:

- City Manager Report
 - Building Activity Report for July
- Mayor Anderson & City Council Reports

Month of July 2023	BUILDING ACTIVITY REPORT - JULY 2023 THRU JUNE 2024				
RESIDENTIAL	PERMITS THIS MONTH	DWELLING UNITS THIS MONTH	VALUATION	PERMITS YEAR TO DATE	DWELLING UNITS YEAR TO DATE
NEW CONSTRUCTION *****					
SINGLE FAMILY	5	5	\$1,258,693.77	5	5
DUPLEX	0	0	\$0.00	0	0
MULTIPLE DWELLING	0	0	\$0.00	0	0
CARPORT/GARAGE	1		\$11,588.50	1	
OTHER RESIDENTIAL	1	1	\$44,472.11	1	1
SUB-TOTAL	7	6	\$1,314,754.38	7	6
REMODELS / ALTERATION / ADDITIONS *****					
BASEMENT FINISH	0		\$0.00	0	
ADDITIONS/REMODELS	0		\$0.00	0	
SWIMMING POOLS/SPAS	1		\$39,080.80	1	
OTHER	27		\$736,588.00	27	
SUB-TOTAL	28		\$775,668.80	28	
NON-RESIDENTIAL - NEW CONSTRUCTION *****					
COMMERCIAL	2		\$25,593,649.20	2	
PUBLIC/INSTITUTIONAL	0		\$0.00	0	
CHURCHES	0		\$0.00	0	
OTHER	1		\$9,500.00	1	
SUB-TOTAL	3		\$25,603,149.20	3	
REMODELS / ALTERATIONS / ADDITIONS - NON-RESIDENTIAL *****					
COMMERCIAL/INDUSTRIAL	2		\$284,657.00	2	
OFFICE	0		\$0.00	0	
PUBLIC/INSTITUTIONAL	0		\$0.00	0	
CHURCHES	0		\$0.00	0	
OTHER	0		\$0.00	0	
SUB-TOTAL	2		\$ 284,657.00	2	
MISCELLANEOUS - NON-RESIDENTIAL *****					
MISC.	0		\$0.00	0	
SUB-TOTAL	0		\$0.00	0	
TOTALS	40	6	\$27,978,229.38	39	6