

# 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 ULCT 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. Three Council members voted in favor, **Leeman** made an 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

/s/ DeAnn Carlile

**DeAnn Carlile**, Recorder

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

A. Location: Accessory buildings, except for those listed in subsection B 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. 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).

C. 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.

D. Garages: All garages and any similarly related accessory buildings, whether attached or detached, shall be considered for approval as follows:

1. Under no circumstance shall any garage encroach into the front yard or any other yard, except side yards and the rear yard, of the building lot; (Ord. 2007-18, 3-6-2007)

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, 3-17-2015)

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 buildings 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. (Ord. 2007-18, 3-6-2007)