



**FARMINGTON CITY
PLANNING COMMISSION**

March 21, 2024



FARMINGTON

MORE TIME FOR LIVING

PLANNING COMMISSION MEETING NOTICE AND AGENDA

Thursday March 21, 2024

Notice is given that Farmington City Planning Commission will hold a regular meeting at City Hall 160 South Main, Farmington, Utah. A work session will be held at **6:30 PM** prior to the **regular session which will begin at 7:00 PM** in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website at farmington.utah.gov. Any emailed comments for the listed public hearings, should be sent to crowe@farmington.utah.gov by 5 p.m. on the day listed above.

ZONE CHANGE APPLICATION – *public hearing*

1. Jonathan Miller – Applicant is requesting an agreement in which would grant exemptions from certain regulations of Chapter 11-35, HOME OCCUPATION. The exemptions are being sought as outlined in Section 11-35-050 (E) in order to accommodate a desired landscape yard on a property north of and adjacent to the owner's home (part of parcel ID 08-082-0003). The applicant is Jonathan Miller who resides at 818 South Shirley Rae Drive. (Z-1-24)

ZONE TEXT AMENDMENT APPLICATIONS – *public hearings on all 3.*

2. Farmington City – Applicant is requesting consideration for amendments to Chapter 39, Historic Buildings and Sites of Title 11, Zoning Regulations of the Farmington City Municipal Code related to the Farmington City Historic Landmarks Register. (ZT-4-24)
3. Farmington City – Applicant is requesting consideration for amendments to Chapter 27, Planned Unit Development (PUD), of Title 11, Zoning Regulations of the Farmington City Municipal Code regarding the process for consideration of Preliminary and Final PUD Master Plans. (ZT-3-24)
4. Farmington City – Applicant is requesting consideration for amendments to multiple sections of Title 11, Zoning Regulations as it relates to proposed changes within Chapter 11-19 for the Commercial Mixed Use (CMU) zone and Chapter 11-20 for the Neighborhood Mixed Use (NMU) zone. The proposed changes are to establish a process by which the City Council may consider deviations from the requirements identified in the NMU and CMU zones. (ZT-5-24)

OTHER BUSINESS

6. Miscellaneous, correspondence, etc.
 - a. Minutes Approval from 03.07.2024
 - b. City Council Report from 03.19.2024
 - c. Other

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

***CERTIFICATE OF POSTING** I hereby certify that the above notice and agenda were posted at Farmington City Hall, the State Public Notice website, the city website www.farmington.utah.gov, the Utah Public Notice website at www.utah.gov/pmn on March 18, 2024.
Carly Rowe, Planning Secretary*



Farmington City Planning Commission Staff Report March 21, 2024

Item 1: Consideration of an agreement for exceptions which would accommodate a landscape yard as a home business.

Public Hearing: Yes
Application No.: Z-1-24
Applicant: Jonathan Miller
Address: 772 South Shirley Rae Drive (1200 W)
Zone: A (Agriculture)

Request: *The applicant is requesting approval of an agreement which would grant exceptions needed in order to operate a landscape yard from the property adjacent to their home.*

Background Information

An agreement which would grant exemptions from certain regulations of Chapter 11-35, HOME OCCUPATION. The exemptions are being sought as outlined in Section 11-35-050 (E) in order to accommodate a desired landscape yard on a property north of and adjacent to the owner's home (part of parcel ID 08-082-0003). The applicant is Jonathan Miller who resides at 818 South Shirley Rae Drive.

The applicant, Mr. Miller, lives at 818 S Shirley Rae Drive. The property directly to the north of him is available from UDOT as surplus property from the West Davis Highway construction project. The available property is 0.86 acres in size.

While the property is part of the A zone which requires that a standard parcel be 2 acres in size, the remaining property from the larger piece that UDOT built a road through may be viable for a home one day and combining it with the applicant's current property may negate or complicate that option in the future.

There are 2 main items of consideration with the agreement under consideration as to why the agreement is necessary:

1. Use of Land:

The applicant is interested in purchasing the property to use as a landscape yard at least for the foreseeable future. More specifically this landscape yard would have materials bins for soils or groundcover. Additional details provided by the applicant included with this report.

The current zoning limits the type of business activity to Agriculture (which is defined as “A farming activity limited to the tilling of the soil, the raising of crops, horticulture and gardening.” Class C animals, which per 11-29-030 are “animals of every size, type or kind kept or maintained for commercial purposes.”, and Home Occupations as outlined in 11-35-040.

The applicant is seeking consideration as a Home Occupation with exemptions.

2. Use of Adjacent Property:

Recently, the City clarified the residency requirement for a Home Occupation with the following language.

A. Residency: A home occupation must be owned and managed and all business conducted by a bona fide resident of the parcel where the license is sought. A home occupation may not be operated on a property other than the owner’s residence.

The business activity in this instance would be occurring on a property other than the owner’s residence.

The Agreement attached to this report is the proposed option from staff. Having considered broader sweeping ordinance updates or options for rezoning the property, a provision was identified in the existing code language that would allow for unique consideration of this property that would limit wider spread or unintended implications of other options. Specifically **FMC 11-35-050 (E)** which indicates that the City Council can approve exemptions from the standard provisions of the code in writing. This implies a process of establishing new land use regulations which is tantamount to a rezone and must follow the same process for consideration. As such, staff has determined that an Agreement having been vetted through a public hearing with the Planning Commission and decided upon by the City Council was the fairest route to the surrounding property owners with the least impact to the city at large while being able to consider accommodations for the applicant.

The Planning Commission’s role in this request is to hear from the public and make a recommendation to the City Council based on that input as well as the Commission’s opinions as to how well the terms of the Agreement work at this location and in consideration of the city’s **General Plan**.

Alternate Motions

A) Move that the Planning Commission recommend approval of the Agreement to the City Council as written.

Findings:

1. The items allowed by the agreement are appropriate at this location and there are sufficient mitigating factors within the agreement to adequately mitigate the impact of the allowed business activity on surrounding properties.
2. The use considered by the Agreement is consistent with the Farmington City General Plan and follows process outlined in FMC 11-35-050.

B) Move that the Planning Commission recommend approval of the Agreement to the City Council with changes identified by the Planning Commission.

a. IDENTIFY THE RECOMMENDED CHANGES

Findings:

1. The items allowed by the agreement with the recommended changes are appropriate at this location and there are sufficient mitigating factors within the agreement to adequately mitigate the impact of the allowed business activity on surrounding properties.
2. The use considered by the Agreement is consistent with the Farmington City General Plan and follows process outlined in FMC 11-35-050.

C) Move that the Planning Commission recommend denial of the Agreement to the City Council.

Findings:

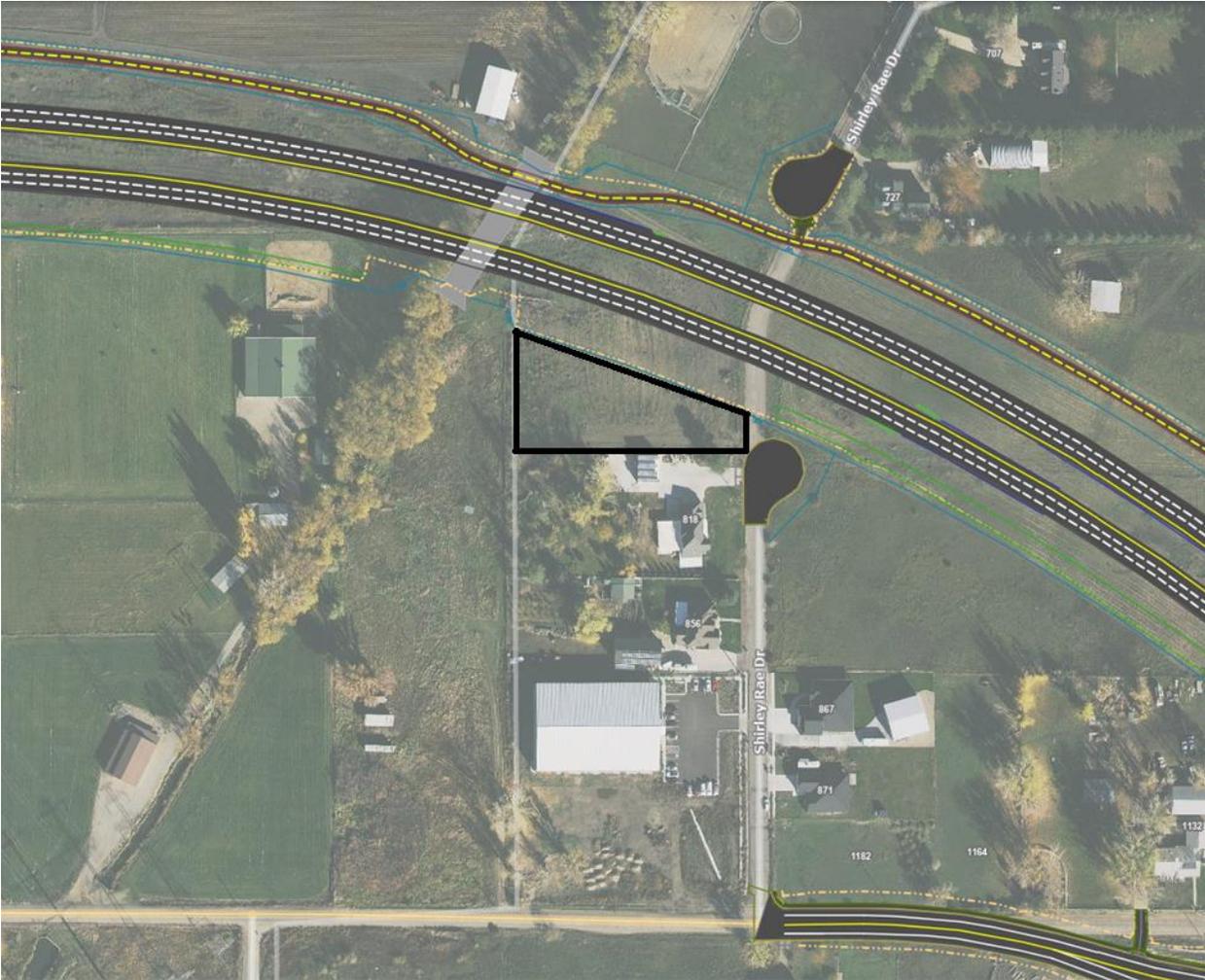
1. Granting exemptions to standard requirements at this property or inconsistent with the cities goals and policies outlined in the General Plan.
2. As proposed, there is insufficient mitigation proposed to enable the business to operate in a manner that would not create unreasonable impact on surrounding properties.

Supplemental Information

1. Maps and images of the site
2. Site plan
3. Proposal details from the applicant
4. Draft Agreement

772 South Shirley Rae Drive

Ariel View from UDOT's West Davis Corridor Construction Map with site property highlighted in black.

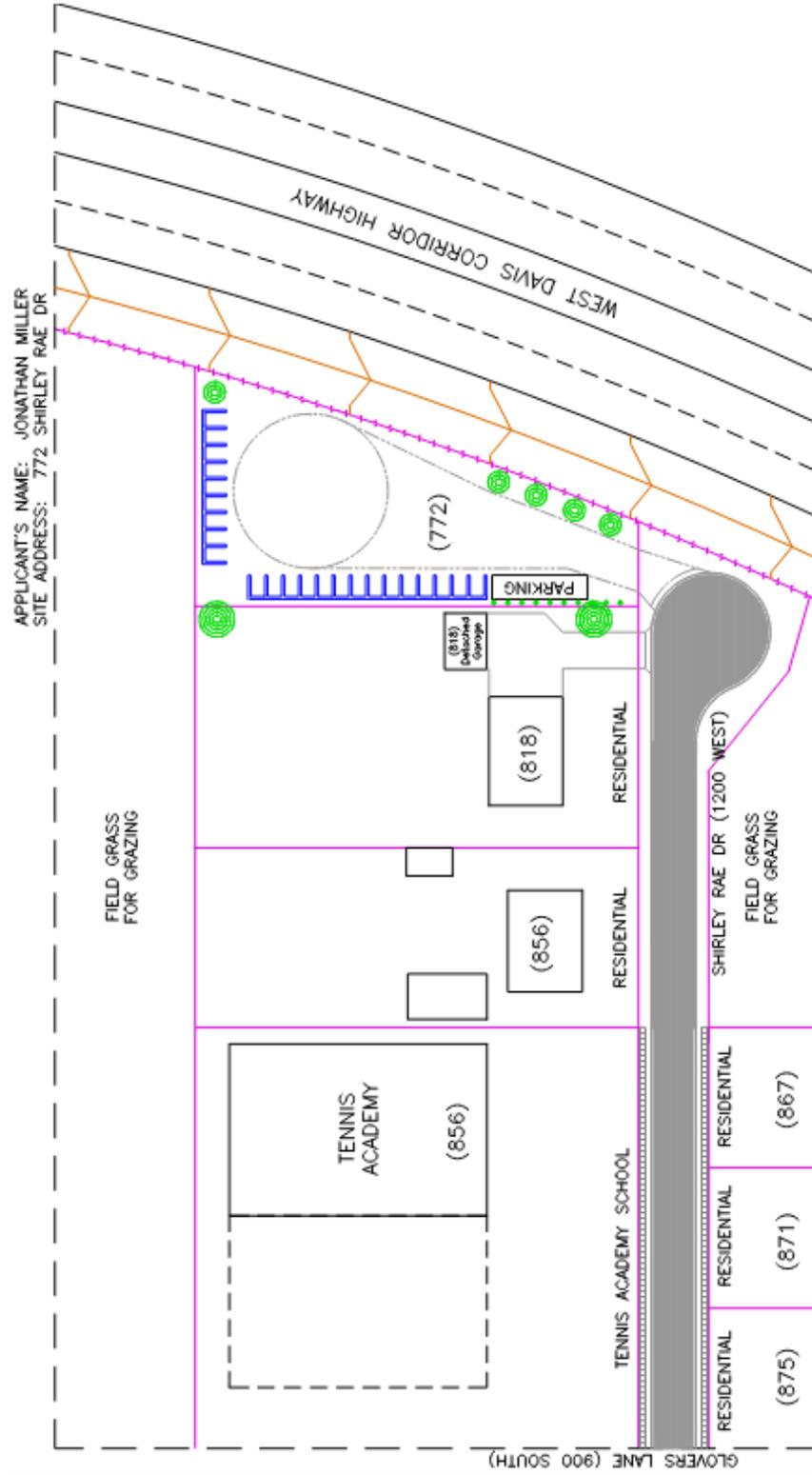


Aerial photos of property taken by UDOT for land auction:

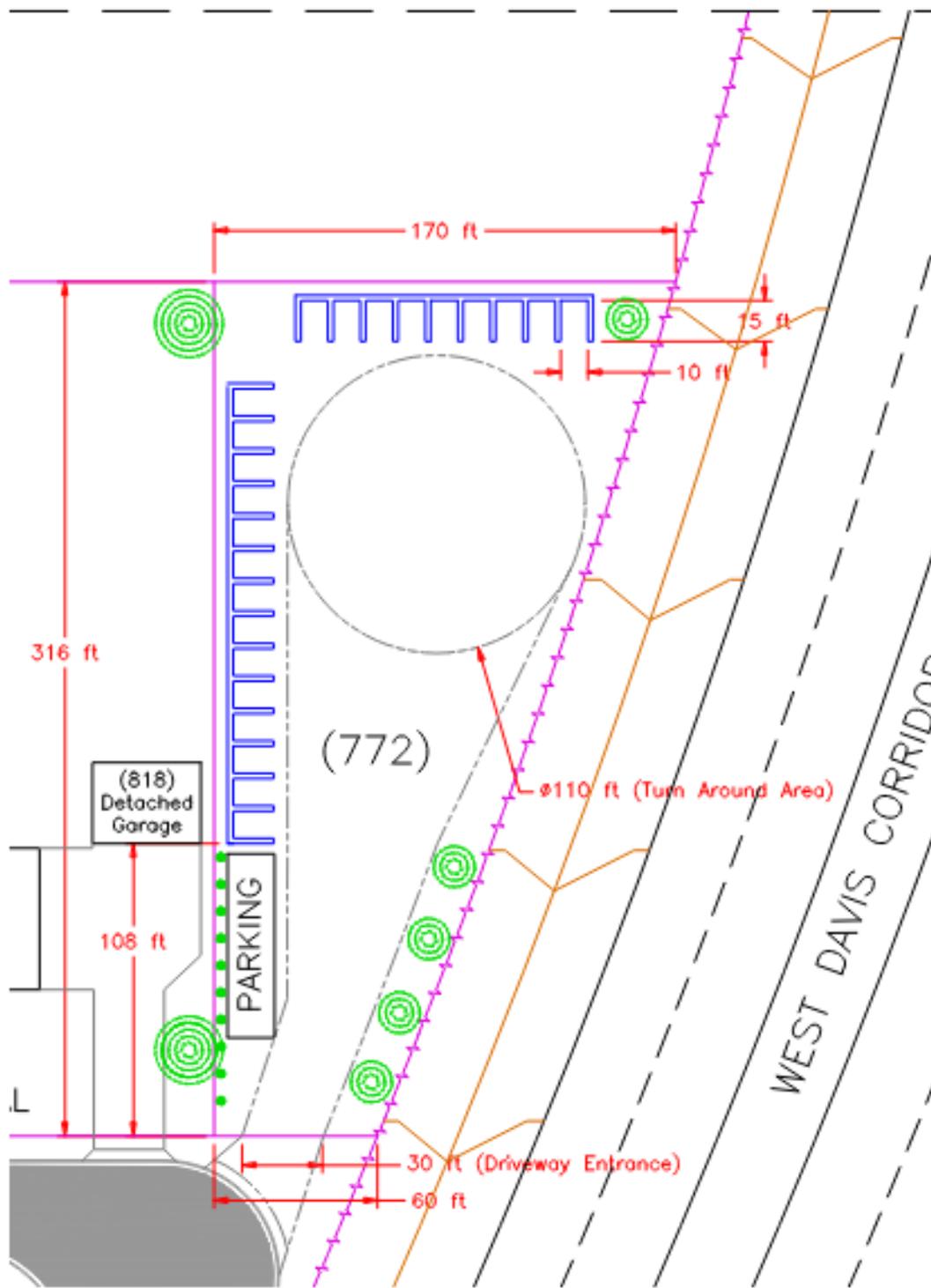




Site Plans



APPLICANT'S NAME: JONATHAN MILLER
SITE ADDRESS: 772 SHIRLEY RAE DR



Proposal details from the applicant:



Request:

This property is currently zoned “A” for “Agricultural” and I am requesting an Exception in order to operate a seasonal “Home Occupation” landscaping supply business on this property to sell decorative rock, cobble, gravel, bark, mulch, etc. to both wholesale (e.g. landscaping contractors) and retail customers (e.g. home owners).

Background:

The recent housing boom and especially the completion of the new West Davis Corridor, Highway 177, have significantly impacted the southwest portion of Farmington City. What not many years ago was a quiet agricultural area, with large equestrian lots, grazing lands, farms, and country homes, has given way to sprawling subdivisions of houses with an urban style freeway. These changes have significantly impacted land values and property taxes, which have made the previous style of living more difficult without adaptations. These land-use changes have caused me to re-evaluate how to use my land to better serve the changing community around me while holding onto the reasons I moved here.

Property Use Proposal:

The operation of a seasonal landscaping supply business is very similar to an agricultural farm operation except that the natural earth products that I will be selling are not produced on this property. I own and reside at the adjacent property to the south. For farm operations, city ordinance allows for “fruit and vegetable stands for sale of produce grown on the premises” without the requirement of that property having to be the farmer’s residence. I acknowledge that this does not directly apply to my business, but in a similar fashion, I would like to sell my natural earth products on the property adjacent to mine without combining the two lots into one. The unique reason for this request is that this property could be allowed to become a building lot in the future, under a “grandfather type clause” even though it doesn’t meet the minimum frontage requirement due to UDOT’s alteration of the original lot to build the West Davis Corridor. If the two lots are required to be joined together in order to have this zoning exception granted, I will lose this potential benefit, that will in turn dramatically affect the short-term resale of the land if the business proposal does not work out as planned due to factors that are dependent upon me and others that are out of my control like changes in the economy, public

views on water usage for landscaping, etc. As alluded to in the background section, additional land would become a financial burden to me in our changing city if I am not able to use it to generate a profit or at least break-even.

The picture below provides a visual image of what I anticipate my business will look like to travelers on the West Davis Corridor. The site plan drawing depicts my anticipated layout with 20+ material storage bins that are approximately 10 feet wide and 15 feet deep. They will be neatly constructed out of pre-formed cement interlocking blocks that are approximately 2 feet wide by 6 feet long by 2 feet tall. This will provide a crisp clean look that will keep the yard organized. In addition, this style of construction is durable but does not require permanent structures, which reduces the investment costs and make any different use of the property in the future more feasible without the cost of removing cement bins. I anticipate that bins will be only needed to be constructed 3 blocks or 6 feet high (as shown in the photo below of the American Stone supply yard located on frontage road west of I-15 in Sunset, UT), but 4 blocks may be needed. As with any business starting out, I plan to start with less bins and then increase the variety of materials offered as the business grows.



Landscaping & Curb Appeal:

The site plans show some basic landscaping ideas with trees and bushes to help make the business look more attractive from the highway and also shield it from view from surrounding properties. The bins will be set back from the road equal to or further west of the front of my adjacent detached garage to the south, as shown in the site plan.

Drainage:

The property is not very large and naturally slopes to the north where UDOT has constructed a large drainage ditch for the new highway (as shown in the site plan), so it is not anticipated that any additional drainage infrastructure will be needed.

Fencing:

The lot is already fully fenced.

Utilities:

It is not anticipated that any additional utilities will be necessary to add to the property, as the limited needs can be met from my adjacent property. The property does have a secondary water connection.

Structures:

No buildings or structures are necessary for the operation of this business with my property located next door, other than maybe a carport to park the tractor/loader under.

Signage:

The location of the property adjacent to the highway provides natural advertising, but a sign (e.g. vinyl banner) attached to the north face of my garage above the material storage bins to advertise the name of the business and contact information is needed. In addition, a small sign at the end of Shirley Rae Dr. to direct customers back into my business is also needed to coincide with my landscaping proposal above.

Lighting & Security:

The business hours of operation will be during daylight hours, but for security purposes, sufficient lighting provided from my adjacent garage should be adequate. Security cameras may be installed as needed.

Impact to Neighborhood:

I have already discussed my business proposal with each of my neighbors, except for the owners of the field across the street that was recently acquired from UDOT by FI Land LLC (according to the Davis County parcel map), and all said they could support it. One neighbor was concerned over how much additional traffic the business would bring to Shirley Rae Drive I acknowledge that every change has its impacts, so I have included my proposals below of how to minimize this as much as possible for my friends and neighbors on my road. In addition, the relatively small size of this lot limits the size and growth of the business, effectively minimizing unanticipated future impacts on the few houses between Glovers Lane and the dead end turn-about location of the business.

Hours of Operation:

This is a seasonal business from March to October. As this is a side business, I anticipate that the business will be open for a limited number of hours between 7am and 5pm on Monday through Friday, with the main focus on Saturday mornings from 8am to noon. Large supply trucks will deliver materials to the site on an occasional basis during normal weekday business hours.

Noise:

The new West Davis Corridor is now a constant source of noise to the area. I do not anticipate that neighbors will be able to hear any noise generated by the business over what is already being

produced by the constant stream of motorcycles, pick-up trucks, cars, and semis on the adjacent highway. In addition, I anticipate using a Tractor/Loader to move product around on the property which provides the operator with full visibility around the vehicle, thus not requiring the use of audible alarms that can become irritating to neighbors, as is a common complaint in regards to the use of skid steers.

Traffic:

The business will cause an increase in traffic volume to the immediate area. Since Shirley Rae Dr. is now a short dead-end road, speeding vehicles is no longer a concern in this residential area like it was before. In addition, the business is at the end of the road and will have its own parking lot, so as to minimize vehicles parked on the street that would impact the neighborhood. And finally, UDOT upgraded Glovers Lane from Shirley Rae Dr. going east, making the road more suitable to the limited increase in traffic and occasional large delivery trucks of materials.

Clean Road:

Customers will be reminded to clean off any excess materials off their bumpers and ensure that they are not spilling product onto the road. The property will initially have a gravel driveway to minimize mud/dirt from tracking out onto the road. Upgrades to pavement may be added at a later date.

Agricultural Zoning Allowable Impacts:

Aside from the accommodations described above, code 11-10-010: D for Agricultural zoning describes normal impacts to the neighborhood due to agricultural operations:

“All lands within agricultural zones are intended, to some extent, for either private or commercial agricultural production, farming, protection of environmentally sensitive areas and/or open space. Owners, occupants and users of these properties, or neighboring properties, may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, dust, the operation of machinery, including crop dusting aircraft, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of these properties, or neighboring properties, should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations and are hereby put on official notice that Utah Code Annotated section 78B-6-1104, as amended, may bar them from obtaining a legal judgment against such normal agricultural operations. (Ord. 1999-17, 4-21-1999; amd. 2016 Code)”

When Recorded Mail to:
Farmington City Attorney
160 S. Main Street
Farmington, UT 84025

AGREEMENT ESTABLISHING
HOME OCCUPATION EXEMPTIONS

THIS AGREEMENT (the “Agreement”) is made and entered into as of the ____ day of _____, 2024, by and between **FARMINGTON CITY**, a Utah municipal corporation, hereinafter referred to as the “City,” and **JONATHAN MILLER**, hereinafter referred to as the “Owner.”

RECITALS:

A. Owner owns approximately 0.86 acres of land located within the City, which property is more particularly described in **Exhibit “A”** attached hereto and by this reference made a part hereof (the “Property”).

B. Owner desires to allow for the operation of a business on the Property known as [BUSINESS NAME] (the “Business”). Owner has sought approval of exemptions to the standard regulations for a Home Occupation as found in chapter 11-35 of the Farmington City Municipal Code (FMC). The ability to request an exemption is also outlined in FMC § 11-35-050 (E).

C. The City finds that the “Business” is appropriate for the Property as outlined herein and will allow for reasonable use of the property based on its location and particular conditions while ensuring the operation is done in such a manner as to not adversely impact surrounding properties.

D. The Property is presently zoned under the City’s zoning ordinance as Agriculture (A). Unless otherwise specified within this agreement, the Property is subject to all City ordinances and regulations including the provisions of the City’s General Plan, the City’s zoning ordinances, the City’s engineering development standards and specifications and any permits issued by the City pursuant to the foregoing ordinances and regulations (collectively, the “City’s Laws”).

E. Persons and entities hereafter using the Property or any portions of the Project thereon shall do so in accordance with the City’s Laws, and the provisions set forth in this Agreement. This Agreement contains certain requirements and conditions for design and/or development and use of the Property and the Project in addition to or in lieu of those contained in the City’s Laws.

AGREEMENT

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

1. **Incorporation of Recitals – Agreement.** The above Recitals are hereby incorporated into this Agreement. This Agreement constitutes a development agreement pursuant to Utah Code Ann. § 10-9a-532.

2. **Property Affected by this Agreement.** The legal description of the Property contained within the Project boundaries to which the Agreement applies is attached as Exhibit “A” and incorporated by reference.

3. **Compliance with Current City Ordinances.** Unless specifically addressed in this Agreement, Owner agrees that any development or use of the Property shall be in compliance with city ordinances in existence on the date of execution of this Agreement. If the City adopts different ordinances in the future, Owner shall have the right, but not the obligation, to elect to submit a development application under such future ordinances, in which event the development application will be governed by such future ordinances.

4. **General Development Plan.** The approved General Development Plan (the “GDP”) for the entire Project is attached hereto as Exhibit “B” and incorporated by reference. All portions of the Project must be developed in accordance with the approved GDP, unless reverting to uses as strictly permitted by the underlying zone. No amendment or modifications to the approved GDP shall be made by the Owner without written consent of the City. The Project shall be developed by Owner in accordance with all requirements contained herein. Any changes to the GDP that require an exception from approved development standards not otherwise addressed in this Agreement shall be considered by the City Council as an amendment to this Agreement, following the process established by Utah law for approval.

5. **Exemptions.** Pursuant to Utah Code Ann. § 10-9a-532(2)(a)(iii), this Development Agreement contains terms that conflict with, or is different from, a standard set forth in the existing land use regulations that govern the Property. This Agreement, which has undergone the same procedures for enacting a land use regulation, overrides those conflicting standards as it relates to this Project, as follows:

a) **Home Occupation Allowances – Variations From Farmington City Code Section 11-35-030.**

i) **Residency:** The owner of the business and any of its employees must reside either on the Property or within a home on a piece of land adjacent to the Property.

ii) **Display of Products:** Products are limited to landscape material and groundcover such as soil, decorative rock, and mulch. Such products may be displayed in bins as indicated in the General Development Plan in Exhibit “B.”

iii) **Advertising Sign**: One wall sign may be permitted on the Property or the adjacent property. This sign must face north towards Highway 177 (The West Davis Corridor) and may not exceed 32 sq. ft. in size. In addition to the wall sign, one directional or monument style sign not to exceed 4 ft. in height and 16 sq. ft. in size may be placed on the Property to direct traffic into the site.

iv) **Area Usage and Conduct Outside Dwelling**: The business be allowed to be conducted outside of the Owner's dwelling and on the subject property as shown in Exhibit "B."

v) **Vehicle Size**; Parking: One tractor for the purpose of moving and distributing product may be used in conjunction with the home occupation without limitation on vehicle weight and size. Other than delivery vehicles bringing in materials from off-site, all other vehicles used in conjunction with the home occupation shall not exceed a standard one ton rated capacity.

b) **Use of Property**. This Agreement shall supersede FMC § 11-10-040(H)(4) which states that equipment and material stored in accessory buildings or yards shall be for personal use only and storage of nonagricultural commercial business in a yard or accessory buildings is not allowed. Equipment and Material shall be permitted as outlined in Section 5(a) and Exhibit "B" of this Agreement.

6. Owner Obligations. In consideration of the exceptions to code provided by this Agreement, Owner acknowledges that certain obligations go beyond ordinary requirements and restricts the Owner's rights to use the property without undertaking these obligations. Owner agrees to the following provisions as a condition for being granted the exceptions under the code sought:

a) **Open Storage**: Items stored on site shall be operable and regularly used for the function of the Business. Broken or obsolete equipment shall be removed from the Property within a reasonable timeframe or within 10 days of receiving notice from the City.

b) **Dust Control**: Owner shall take preventative measure to ensure that dust and material is not blown about during normal operations and in the event of high winds. Necessary measures may include but are not limited to spraying water on materials and protecting bins or materials with tarps or similar coverings.

c) **Landscaping**. Owner shall plant trees as identified in Exhibit "B."

d) **Vehicle Maintenance**. Work on vehicles and handling of materials such as oil shall be executed in a manner which is consistent with applicable Federal, State, and Local laws and ordinances.

e) **Lighting**. No lighting which is exclusively intended to aid in the function of the Business shall be installed on the property.

f) **Business Hours.** Business hours shall be limited to 7am – 5pm, Monday through Friday, and 8am – 12pm on Saturdays.

g) **Deliveries.** No deliveries of materials to the site are permitted outside of the identified business hours.

h) **Noise.** Business vehicles or equipment which require a back-up beeper or vehicle motion alarm is prohibited. Vehicles delivering to the site or customer vehicles are exempt from this requirement.

i) **Site Condition:** The property shall have a drivable surface which will minimize mud/dirt from tracking into the public right of way. Additional measures such as a track pad, wash station, or paved drivable surface may be necessary if use of gravel or initial drive surface is insufficient to keep material from tracking into the public right of way. Owner shall implement such measures upon observation of a need or within 10 days of being notified by the City of the need.

j) **Notification of restriction.** Owner acknowledges that the obligation undertaken in this section is a restriction of applicant's rights under clearly established law – i.e., the City cannot normally require the planting of trees as indicated. However, owner agrees that it is willing to accept this restriction in exchange for the benefits received from the City through this Agreement.

7. **Payment of Fees.** The Owner shall pay to the City all required fees for licensing or citations as applicable in a timely manner. Fees shall be paid in those amounts which are applicable at the time of payment of all such fees, pursuant to and consistent with standard City procedures and requirements, adopted by City.

8. **Assignment.** Any future assignee shall consent in writing to be bound by the terms of this Agreement as a condition precedent to the assignment, or agree to immediately abandon the commercial use of the property.

9. **Owner Responsible for Project Improvements.** The Owner warrants and provides assurances that all landscaping, private drives, and amenities located within the Project shall be maintained by Owner. All costs of landscaping, and private drive maintenance, replacement, demolition, cleaning, snow removal, or demolition, shall be borne exclusively by Owner. City shall have no maintenance responsibility in relation to the property owned by Owner and shall only plow and maintain public roads that are designated as public on the plat. This section survives termination under Subsection 15 of this Agreement, unless specifically terminated in writing.

10. **Notices.** Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To Owner:

To the City:

Farmington City
Attn: City Manager
160 South Main Street
Farmington, Utah 84025

11. Default and Limited Remedies. In the event any party fails to perform its obligations hereunder or to comply with the terms hereof, within sixty (60) days after giving written notice of default, the non-defaulting party shall have the following rights and remedies available at law and in equity, including injunctive relief and specific performance, but excluding the award or recovery of any damages. Any delay by a Party in instituting or prosecuting any such actions or proceedings or otherwise asserting its rights under this Article shall not operate as a waiver of such rights. In addition, the Parties have the following rights in case of default, which are intended to be cumulative:

- a) The right to withhold all further approvals, licenses, permits or other rights associated with the Project or any development described in this Agreement until such default has been cured.
- b) The right to draw upon any security posted or provided in connection with the Project.
- c) The right to terminate this Agreement.

12. Agreement to Run with the Land. This Agreement shall be recorded against the Property as described in Exhibit A hereto and shall be deemed to run with the land and shall be binding on all successors and assigns of the Owner in the ownership and development of any portion of the Project.

13. Vested Rights. The City and Owner intend that this Agreement be construed to grant the Owner all vested rights to use the Property in fulfillment of the terms and provisions of this Agreement and the laws and ordinances that apply to the Property as of the effective date of this Agreement. The Parties intend that the rights granted to Owner under this Agreement are contractual and in addition to those rights that exist under statute, common law and at equity. If the City adopts different ordinances in the future, Owner shall have the right, but not the obligation, to elect to submit a land use application under such future ordinances, in which event the land use application will be governed by such future ordinances. By electing to submit a land use application under a new future ordinance, however, Owner shall not be deemed to have waived its right to submit or process other land use applications under the City Code that applies as of the effective date of this Agreement.

14. Amendment. The Parties or their successors in interest, may, by written agreement, choose to amend this Agreement at any time. The amendment of the Agreement relating to any substantial rights or obligations shall require the prior approval of the City Council.

15. Termination.

a) If any use permitted by this agreement which is not otherwise permitted by the zoning of the property ceases for a period of one (1) year or as identified in FMC § 11-5-070, then the use shall be considered abandoned and will not be permitted to restart under the terms of this Agreement. Cessation automatically applies if the Business does not maintain a business license with Farmington City for a period of 1 year or longer.

b) Notwithstanding anything in this Agreement to the contrary, it is agreed by the Parties that if the Business is not licensed within six (6) months from the date of this Agreement or if Owner does not comply with the City's laws and the provisions of this Agreement, the City shall have the right, but not the obligation at the sole discretion of the City, which discretion shall not be unreasonably applied, to terminate this Agreement. Such termination may be affected by the City giving written notice of intent to terminate to the Owner. Whereupon, the Owner shall have sixty (60) days during which the Owner shall be given the opportunity to correct any alleged deficiencies and to take appropriate steps to complete the Project. If Owner fails to satisfy the concerns of the City with regard to such matters, the City shall be released from any further obligations under this Agreement and the same shall be terminated.

c) The termination of a use due to a business license not being renewed is a restriction against the applicant's rights that would not otherwise be available to the city. The Owner acknowledges this restriction and agrees that it is willing to accept that restriction in exchange for the benefits it receives under this Agreement.

16. Attorneys' Fees. In the event of any lawsuit between the parties hereto arising out of or related to this Agreement, or any of the documents provided for herein, the prevailing party or parties shall be entitled, in addition to the remedies and damages, if any, awarded in such proceeding, to recover their costs and a reasonable attorneys fee.

17. General Terms and Conditions.

a) **Entire Agreement.** This Agreement together with the Exhibits attached thereto and the documents referenced herein, and all regulatory approvals given by the City for the Property and/or the Project, contain the entire agreement of the parties and supersede any prior promises, representations, warranties or understandings between the parties with respect to the subject matter hereof which are not contained in this Agreement and the regulatory approvals for the Project, including any related conditions.

b) **Headings.** The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

c) **Non-Liability of City Officials, Employees and Others.** No officer, representative, agent, or employee of the City shall be personally liable to the Owner, or any

successor-in-interest or assignee of the Owner in the event of any default or breach by the City or for any amount which may become due Owner, or its successors or assigns, for any obligation arising under the terms of this Agreement unless it is established that the officer, representative, agent or employee acted or failed to act due to fraud or malice.

d) Referendum or Challenge. Both Parties understand that any legislative action by the City Council is subject to referral or challenge by individuals or groups of citizens, including zone changes and the approval of associated development agreements. The Owner agrees that the City shall not be found to be in breach of this Agreement if such a referendum or challenge is successful. In such case, this Agreement is void at inception.

e) Ethical Standards. The Owner represents that it has not: (a) provided an illegal gift or payoff to any officer or employee of the City, or former officer or employee of the City, or to any relative or business entity of an officer or employee of the City; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in Utah Code Ann. § 10-3-1301 et seq. and 67-16-3 et seq.; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any officer or employee of the City or former officer or employee of the City to breach any of the ethical standards set forth in State statute or City ordinances.

f) No Officer or Employee Interest. It is understood and agreed that no officer or employee of the City has or shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds resulting from the performance of this Agreement. No officer, manager, employee or member of the Owner, or any member of any such persons' families shall serve on any City board or committee or hold any such position which either by rule, practice, or action nominates, recommends, or supervises the Owner's operations, or authorizes funding or payments to the Owner. This section does not apply to elected offices.

g) Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns.

h) Integration. This Agreement contains the entire Agreement with respect to the subject matter hereof and integrates all prior conversations, discussions or understandings of whatever kind or nature and may only be modified by a subsequent writing duly executed by the parties hereto.

i) No Third-Party Rights. The obligations of Owner set forth herein shall not create any rights in and/or obligations to any persons or parties other than the City. The parties hereto alone shall be entitled to enforce or waive any provisions of this Agreement.

j) Recordation. This Agreement shall be recorded by the City against the Property in the office of the Davis County Recorder, State of Utah.

k) Relationship. Nothing in this Agreement shall be construed to create any partnership, joint venture or fiduciary relationship between the parties hereto.

l) Severability. If any portion of this Agreement is held to be unenforceable or invalid for any reason by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

m) Governing Law & Venue. This Agreement and the performance hereunder shall be governed by the laws of the State of Utah. Any action taken to enforce the provisions of this Agreement shall have exclusive venue in the District Court of the State of Utah with jurisdiction over Davis County, Farmington Division.

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 herein above written.

OWNER
Jonathan Miller

Jonathan Miller

STATE OF UTAH)
 : ss.
COUNTY OF _____)

On this ____ day of _____, 2024, personally appeared before me, _____, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument and acknowledged he executed the same.

Notary Public

FARMINGTON CITY

By _____
Brett Anderson, Mayor

Attest:

DeAnn Carlile
City Recorder

STATE OF UTAH)
 : ss.
COUNTY OF DAVIS)

On this ____ day of _____, 2024, personally appeared before me, Brett Anderson, who being by me duly sworn, did say that he is the Mayor of Farmington City, a Utah municipal corporation and political subdivision of the State of Utah, and that the foregoing instrument was signed on behalf of the City for the purposes therein stated.

Notary Public

Approved as to Form:

Paul H. Roberts
City Attorney

EXHIBIT "A"

PROPERTY DESCRIPTION

Address: 772 South Shirley Rae Drive (1200 West)

Davis County Parcel No. **08-082-0003**

Legal Description:

ALL OF PARCEL 3, KNIGHTON SUBDIVISION. CONT. 2.36 ACRES

(NOTE: THIS REMAINING LEGAL WAS WRITTEN IN THE DAVIS COUNTY RECORDER'S OFFICE FOR I.D. PURPOSES. IT DOES NOT REFLECT A SURVEY OF THE PROPERTY.)

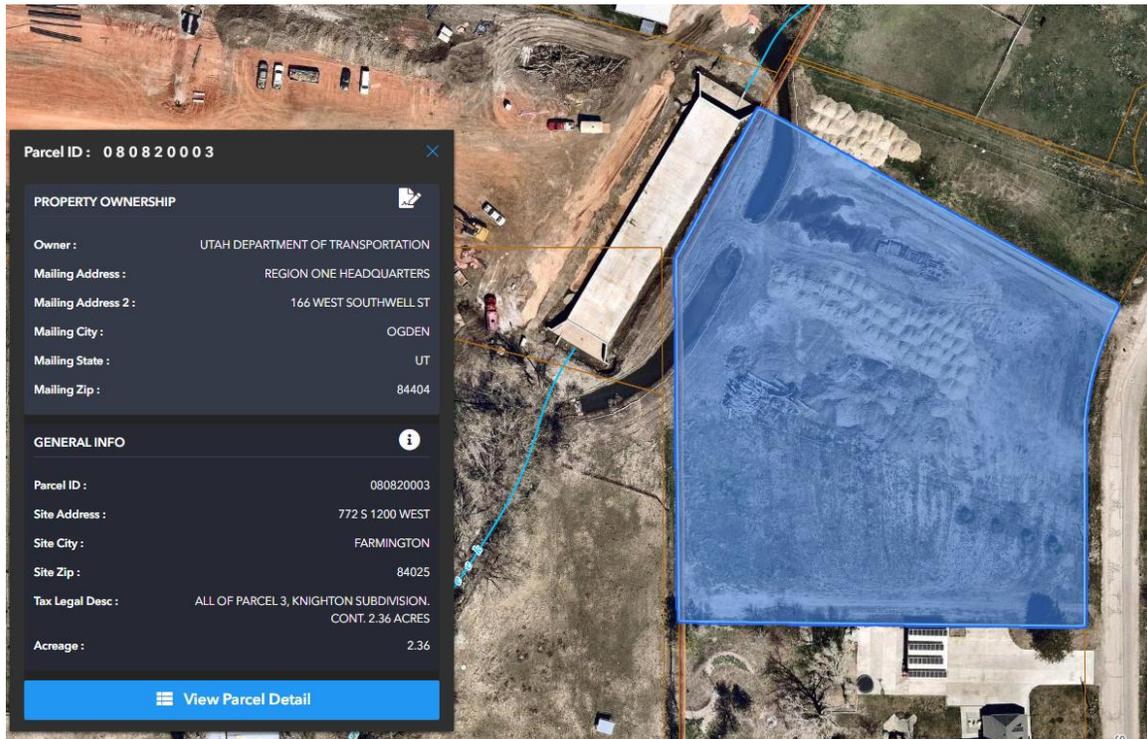
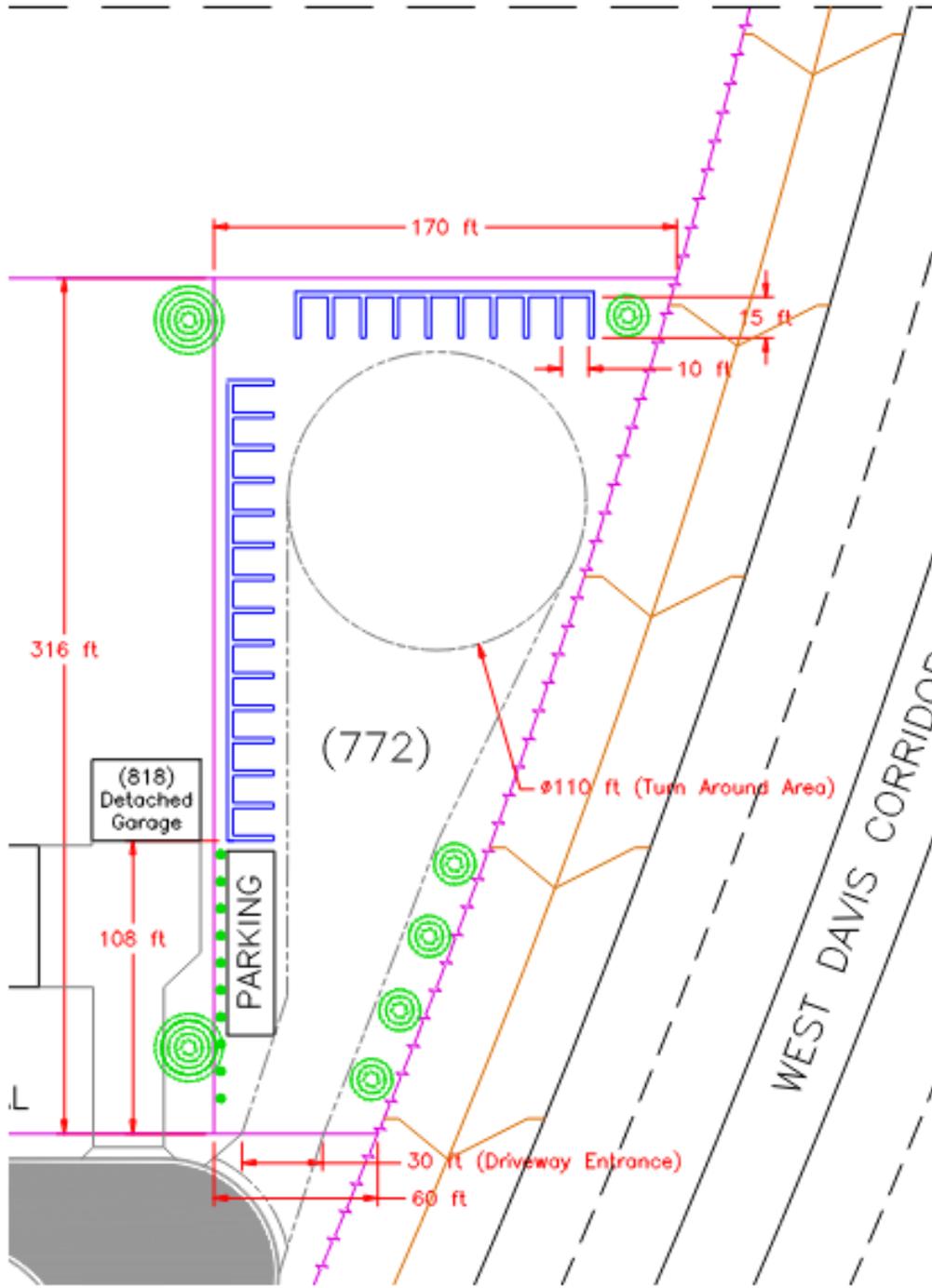


EXHIBIT "B"

GENERAL DEVELOPMENT PLAN

APPLICANT'S NAME: JONATHAN MILLER
SITE ADDRESS: 772 SHIRLEY RAE DR





Farmington City Planning Commission Staff Report March 21, 2024

Item 2: Zone Text Change Proposal—Section 11-39-050 F (Results of [Landmark Register] Designation)

Public Hearing: Yes
Application No.: ZT-4-24
Applicant: Farmington City

Request: *Recommendation to amend the text of Section 11-39-050 F of the Zoning Ordinance related to “Results of [Landmark Register] Designation”.*

Suggested Motion

Move the Planning Commission recommend that the City Council amend Section 11-39-050 F of the Zoning Ordinance option ____ (A, B, or C) as shown on the enclosed table titled “Proposed Zone Text Change Draft Options”, and direct City staff to prepare findings in support of this motion for consideration by the Commission at an upcoming meeting. The findings may be based on specific input from the Commission as part of this agenda item.

Background

Background information will be presented and discussed at the meeting.

Supplemental Information

1. Proposed Zone Text Change Draft Options table--Section 11-39-050 F (Results of [Landmark Register] Designation)

Proposed Zone Text Change Draft Options
Section 11-39-050 F (Results of [Landmark Register] Designation)

A	B	C
2. Except as set forth in sub-paragraphs 34 and 5 below, proposed repairs, alterations, additions, relocation or demolitions to historic resources listed on the register requiring a building permit are subject to review by the historic preservation commission and shall receive a "certificate of historic appropriateness" prior to issuance of a building permit. The purpose of this review is to ensure the preservation of historic resources to the greatest extent reasonably possible.	2. Except as set forth in sub-paragraph 34 below, proposed repairs , alterations, additions, relocation or demolitions to historic resources listed on the register requiring a building permit are subject to review by the historic preservation commission and shall receive a "certificate of historic appropriateness" prior to issuance of a building permit. The purpose of this review is to ensure the preservation of historic resources to the greatest extent reasonably possible.	2. Except as set forth in sub-paragraph 34 below, proposed repairs, alterations, additions, relocation or demolitions to historic resources listed on the register requiring a building permit are subject to review by the historic preservation commission and shall receive a "certificate of historic appropriateness" prior to issuance of a building permit. The purpose of this review is to ensure the preservation of historic resources to the greatest extent reasonably possible.
<p>a. The community development director-city manager, at his or her sole discretion, and with the advice of the community development director and the chair of the historic preservation commission, at the option of the property owner, may appoint an historic preservation architect or a reconnaissance level survey professional to consider applications for certificates of appropriateness related to repairs, alterations, or additions. Once appointed, the architect or professional shall have all the powers and duties of the historic preservation commission, but limited solely to the consideration and issuance of a certificate of historic appropriateness. The historic preservation commission shall retain authority related to relocation or demolition of an historic resource.</p>		
<p>3. The Zoning Administrator will encourage owners seeking approval for proposed repairs, alterations, or additions for an historic resource on the historic landmark register to counsel with an historic preservation architect, a reconnaissance level survey professional, tax consultant, or others, about the feasibility and benefits of meeting the United States secretary of the interior's standards for rehabilitation as set forth in section 11-39-060 of this chapter.</p>		
4. A certificate of appropriateness for an historic resource located in the Main Street Historic Landmarks Register district is not required for repairs, alterations, or additions.		
<p>35 or 4. Ordinary maintenance and repair of any exterior architectural or environmental feature in or on a historic resource to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of historic appropriateness.</p>		
Certificate of Appropriateness (COA) Change Summary		
If the Main Street Historic Landmarks Register district is approved by the City Council, under this option a COA is not required in this district for "repairs, alterations, or additions"; however, for all other existing and future historic landmarks City-wide it is required.	Under this option a COA is not necessary for "repairs", but is required for everything else as presently set forth in the code for all existing and future landmarks in the City.	Existing COA requirements do not change as per this option.



Farmington City Planning Commission Staff Report March 21, 2024

Item 3: PUD Master Plan Process Changes—Zone Text Amendment Chapter 27 Planned Unit Development (PUD)

Public Hearing: Yes
Application No.: ZT-3-24
Applicant: Farmington City

Request: *Recommendation to update the PUD Master Plan process to better accommodate qualifying PUDs.*

Suggested Motion

Move the Planning Commission recommend that the City Council approve the enclosed changes to Chapter 27 of the Zoning Ordinance related to the PUD Master Plan approval process.

Findings:

1. Presently, the Planning Commission is the review and approval body for many commercial and multi-family site plans. The Commission has the discretion to delegate such review to the Planning Department. This discretion has worked well for the City over the years. The proposed Chapter 27 amendment allows the Planning Commission the same delegation authority for Final PUD Master Plans.
2. The Preliminary PUD Master Plan checklist is detailed and lengthy, and much of this is not relevant to some PUDs. The recommended text changes result less submittal information for Single Family PUDs if greater architectural detail and/or open space is not required.

Supplemental Information

1. Chapter 27 (Planned Unit Development (PUD)) draft text changes.

DRAFT

3.21.24

CHAPTER 27 PLANNED UNIT DEVELOPMENT (PUD)

11-27-060: PRELIMINARY PUD MASTER PLAN:

All applications for approval by Farmington City of a preliminary PUD Master Plan, shall include seven (7) copies, and one electronic copy, of the proposed preliminary PUD Master Plan.

- A. **Applications for preliminary PUD Master Plan** ~~This development plan~~ shall contain the following written documents:
- 1A. Legal Description: A legal description of the total site proposed for development, including a statement of present and proposed ownership.
 - 2.B. Development Schedule: A development schedule indicating the approximate date when construction of the planned unit development or stages of the planned unit development can be expected to begin and be completed.
- C. ~~Tabulations: A tabulation of the following: total number, by type, of dwelling units; total acreage of the site and the percentages thereof to be designated for various uses, i.e., parking, open space, streets, commercial, residential, etc.; gross and net dwelling unit densities and an estimate of the project population; anticipated number of employees, proposed lot coverage ratio of buildings and structures.~~
- 3D. Site Plan, Maps: Site plan and supporting maps:
- a1. Topographic maps of the site, including contour intervals of no greater than two feet (2'). This map should include existing conditions such as a drainage channel, floodplain, other unique natural features and natural vegetation coverage.
 - b2. General location ~~and size of all dwellings and other structures~~ in the planned unit development.
 - c3. Proposed circulation system ~~and parking areas, including streets, pedestrian pathways, ingress and egress and recreational vehicle storage areas and proposed outdoor lighting.~~
 4. ~~Parks, common open spaces, semiprivate open spaces, playgrounds, school sites and other public and private recreational facilities and improvements proposed for the planned unit development.~~

d5. An existing and proposed utility system plan, including sanitary sewers, culinary water, stormwater and easements for electricity, natural gas and telephone, etc. This plan should also indicate from which point the utilities will be extended.

~~6. A landscaping plan indicating the general type, location and treatment of trees, shrubs, ground covers and plan materials used for private and common open spaces and a preliminary layout of the sprinkling system. The retention of healthy existing trees and other vegetation is strongly encouraged.~~

e7. The proposed treatment of the perimeter of the planned unit development, including materials and techniques used such as berms, planting screens, fences and walls unless otherwise approved by the City as part of the Preliminary PUD Master Plan.

~~8. Preliminary subdivision plat, if the entire planned unit development is being subdivided in no more than one phase or plat, as required in the Farmington City subdivision standards showing the layout of all lots.~~

~~9. Location of any proposed signs.~~

4E. Elevations: Preliminary elevations, including building heights and appropriate perspectives of all building types proposed within the planned unit development, to clearly show the nature, building materials, design and layout of the development site.

5F. Control Of Property Evidenced: Evidence that the applicant has sufficient control over the subject property to effectuate the proposed plan.

6G. Additional Information: Other materials data and studies as may be required by either the City Planner or the Planning Commission. The applicant may ask for a preliminary Planning Commission review as an agenda item to assist in establishing the type, need and extent for specific materials, data or studies. These may include, but not be limited to, the following:

a1. An economic feasibility study or market analysis showing the need or basis for the planned unit development.

b2. Seismic, special topographic and soils studies.

a3. Other studies identified as being necessary because of the uniqueness of the proposed planned unit development site or its general surroundings.

B. Applications for preliminary PUD Master Plan which include multi-family, commercial, other non-residential uses, and single-family developments which provide open space, shall contain the following additional written documents:

1. Tabulations: A tabulation of the following: total number, by type, of dwelling units; total acreage of the site and the percentages thereof to be designated for various uses, i.e., parking, open space, streets, commercial, residential, etc.; gross and net

dwelling unit densities and an estimate of the project population; anticipated number of employees, proposed lot coverage ratio of buildings and structures.

2. Site Plan, Maps: Site plan and supporting maps:

- a. Proposed and parking areas, including streets, pedestrian pathways, ingress and egress and recreational vehicle storage areas and proposed outdoor lighting.
- b. Parks, common open spaces, semiprivate open spaces, playgrounds, school sites and other public and private recreational facilities and improvements proposed for the planned unit development.
- c. A landscaping plan indicating the general type, location and treatment of trees, shrubs, ground covers and plan materials used for private and common open spaces and a preliminary layout of the sprinkling system. The retention of healthy existing trees and other vegetation is strongly encouraged.

3. Location of any proposed signs.

11-27-070: PRELIMINARY PUD MASTER PLAN REVIEW BY PLANNING COMMISSION:

The Planning Commission shall review the application for approval of a planned unit development designation and the preliminary PUD Master Plan at a public hearing. The Planning Commission shall either recommend the City Council approve the application and plan as presented, recommend the City Council approve it subject to certain conditions, table the application pending receipt of required materials, data, studies and information, or recommend the City Council disapprove it. Any recommendation for approval of the preliminary PUD Master Plan shall be made only after the Planning Commission makes the following findings:

- A. Layout: The proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones. The Planning Commission shall consider the architectural design of the buildings and their relationship on the site and their relationship to development beyond the boundaries of the proposed planned unit development. The Planning Commission shall consider the landscaping and screening as related to the several uses within the proposed planned unit development and as a means of its integration into its surroundings.
- B. Consideration Of Adjacent Property: The proposed planned unit development will create no detriment to property adjacent to the planned unit development and to this end the Planning Commission may require that the uses of least intensity or greatest compatibility be arranged around the boundaries of the project. The Planning Commission may require that yard and height requirements for the adjacent zone apply on the periphery of the planned unit development.
- C. Efficient Use Of Land: The proposed planned unit development will provide more efficient use of the land and more usable open space than a conventional development

permitted in the underlying zone. The Planning Commission shall consider the residential density of the proposed development and its distribution.

- D. Compensation For Increased Density: The increased density allowed within the planned unit development will be compensated by better site design and by the provision of increased amenities, common open space and recreational facilities. To ensure this requirement is achieved, site plans and other plans should be prepared by design professionals.
- E. Hazards Not Increased; Recommendations: Any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety or general welfare of the residents of the proposed planned unit development. Based on its action on the preliminary PUD Master Plan, the Planning Commission shall make recommendations to the City Council. A recommendation for approval of the preliminary PUD Master Plan shall also include a list of recommendations for deviation from the requirements of the underlying zone requirements.
- F. The Planning Commission, at its sole discretion, may delegate future review and consideration of the Final PUD Master Plan to the Planning Department.



Farmington City Planning Commission Staff Report March 21, 2024

Item 4: Alternative Approval Process; Development Agreements—Enactment of Zone Text Amendment for Chapter 20 Neighborhood Mixed Use (NMU) Zone

Public Hearing: Yes
Application No.: ZT-5-24
Applicant: Farmington City

Request: *Recommendation to enact Section 180 of Chapter 20 of the Zoning Ordinance.*

Suggested Motion

Move the Planning Commission recommend that the City Council enact the enclosed Section 180 to Chapter 20 of the Zoning Ordinance titled: “Alternative Approval Process; Development Agreements”.

Finding:

The entire NMU zone, created in 2005, comprises a developable area almost completely under one ownership. Conditions have changed since the mid 2000’s, and the landowner may need greater flexibility now, and in the future, to better meet a continual shifting socio-economic and demographic landscape. The proposed Section 180 offers this flexibility.

Background

The Farmington City Zoning Map and Zoning Ordinance contains seven mixed use districts: **A)** the TMU (Transit Mixed Use), GMU (General Mixed Use), RMU (Residential Mixed Use) and OMU (Office Mixed Use) zones located on the west side of I-15—the primary supporting text for these districts is set forth in Chapter 18 of the Zoning Ordinance; **B)** the CMU (Commercial Mixed Use) and NMU (Neighborhood Mixed Use) zones on the east side of US 89—the text for these zones may be found in Chapters 19 and 20; and **C)** the BR (Business Residential zone) is located in downtown Farmington (see Chapter 15 of the Zoning Ordinance).

Section 140 of Chapter 18 exists for the west side mixed use zones which allows the City to consider alternative land uses and standards proposed as part of the development process in these zones--not foreseen by the existing underlying zone text. No such mechanism is in place for the NMU zone [note: all land zoned CMU is developed or entitled and the BR zone has its own set of unique circumstances; consequently, a “Section 140” tool is not necessary at this time for these zones].

Supplemental Information

1. Draft Section 11-20-180: Alternative Approval Process; Development Agreements

DRAFT

3.21.24

11-20-180: ALTERNATIVE APPROVAL PROCESS; DEVELOPMENT AGREEMENTS:

A. Alternative Development Agreement Approval Process: Projects within the NMU Zone may elect the alternative approval process described in this section, resulting in the approval, execution and recordation of a development agreement. An approved development agreement shall govern the specific uses, densities and intensities of use proposed for the project area and the specific development standards to be applied in the development of the project, and include where the City Council determines an alternative development standard proposed by the project developer is appropriate for the development of the project and the Council finds there is appropriate consideration, in the form of monetary, tangible or intangible consideration of benefit to City or the public from the proposed development and/or other appropriate reasons that justify the determination of the City to alter generally applicable standards. The development standards of an approved development agreement shall also govern over any conflicting development standards contained in any other provisions of Farmington City ordinances, including, without limitation, provisions relating to site development standards in chapter 7 of this title, standards or limitations in this chapter, off street parking in chapter 32 of this title, supplementary and qualifying regulations in chapter 28 of this title, and signage standards in title 15 of this Code.

B. Approvals: The processes for approval of a development agreement and subsequent approvals for a project covered by a development agreement shall be governed by the provisions of this section and any supplemental procedural provisions agreed by the parties in an approved development agreement.

C. Application For Development Agreement: Simultaneously with the application for a PMP (Project Master Plan) as set forth elsewhere in Section 11-18-080 of the Title, an applicant may apply for approval of a development agreement. In addition to the application requirements for a PMP, the applicant shall provide in narrative form a proposed development agreement including a specific description of the proposed uses and intensities of use proposed for the project area and a statement of the specific development standards proposed by the applicant to be applied in the development of any necessary public infrastructure and the private improvements to be located on the project site. The proposed uses shall be consistent with the purpose of the NMU Zone, but the other proposed development standards may vary from those development standards set forth elsewhere in this chapter, this zoning title or this Code. However, nothing herein shall be construed to allow any deviation from uniform construction codes or standards as set forth in this Code. Any application information required by this section may be waived by the Zoning Administrator on the basis that the information is not necessary to review the proposed PMP and development agreement.

D. Consideration And Approval Of Development Agreement: The development agreement shall be considered at the same time as the PMP and following the same approval process described in section 11-18-080 of this chapter 18 of the Title.

E. Final Development Agreement: The final development agreement shall incorporate the terms of the approved PMP, and shall contain development standards for the development of the project site and any public infrastructure required to be improved, the duration of the agreement and the rights granted pursuant thereto and such conditions of approval as may be imposed by the City Council and agreed to by the applicant. In addition to addressing uses, densities and intensities of use and development standards governing the project, the final development agreement may contain such other agreements between the City and the applicant as may be agreed by such parties and necessary for the development and financing of the project, including, without limitation, agreements regarding the phasing of development, the vesting of development rights and approvals, terms for moderate income housing, the terms and conditions for the extension of public infrastructure, the extension by developer of infrastructure, and any payment or repayment obligations associated therewith, the donation of any land or any other agreement reflecting an agreement between developer and the City, not covered within the description of the approved PMP.

F. Controlling Provisions: The terms of a development agreement shall be binding on the City and all successors in the ownership and occupancy of any portion of the project site covered by the development agreement. The provisions of the development agreement shall control over any inconsistent provision in the zoning ordinance. Upon approval and recordation of a development agreement, the property covered by the development agreement shall be deemed to be established as a separate district for purposes of establishing and enforcing the development regulations contained in the development agreement.

G. Approval Processes After Approval Of Development Agreement:

1. Site Plan Review: Notwithstanding any inconsistent provision of this title, a final development agreement may contain such site plan review processes as may be agreed between developer and the City, including such application requirements and review processes.

2. Amendment: Notwithstanding any inconsistent provision of this title, a development agreement and a PMP for a project covered by a development agreement may be amended on such terms and following such processes as is provided in the final development agreement. A PMP shall be deemed amended by any changes to the PMP approved at the time of final site plan or final plat review. No amendment of a PMP or a development agreement shall be required to reflect normal adjustments to the locations of improvements that occur as a result of the development of more specific plats, plans and specifications.

CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is given that the Farmington City Council will hold a regular meeting on **Tuesday, March 19, 2024** at City Hall 160 South Main, Farmington, Utah. A work session will be held at 6:00 pm in Conference Room 3 followed by the regular session at 7:00 pm in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so to dcarlile@farmington.utah.gov

WORK SESSION – 6:00 p.m.

- STACK Remote Hub HTRZ Discussion
- Discussion of regular session items upon request

REGULAR SESSION – 7:00 p.m.

CALL TO ORDER:

- Invocation – Scott Isaacson, Councilmember
- Pledge of Allegiance – Brett Anderson, Mayor

PRESENTATIONS:

- Hope Box presents Seven Brides for Seven Brothers
- Recognition of Isabel Oldroyd, Student of the Month
- Introduction of the New Youth City Councilmembers and Administration of Oath of Office by Mayor Anderson

PUBLIC HEARINGS:

- The Charlotte Project Master Plan /Development Agreement, Schematic Site Plan
- Supplemental Development Agreement for sign proposal for the Western Sports Park
- Plat amendment for the Looch Estates subdivision amending the Eagle Creek Subdivision Phase II Boundary Line Agreement Plan, consideration of a street vacation for part of 1100 West Street and consideration of a transfer of Development Right
- Rezone of property to the LR Zoning District and consideration of Preliminary PUD Master Plan and Schematic Subdivision Plan for the Ericksen Subdivision

Minute motion adjourning to the Redevelopment Agency meeting. (See RDA Agenda)

Minute motion to reconvene the City Council Meeting

SUMMARY ACTION:

1. Main Street (Park Lane – Shepard Lane) Right-of-Way Acquisition Services Agreement – Meridian Engineering
2. Main Street (Park Lane – Shepard Lane) Right-of-Way Acquisition Services Agreement – Avenue Consultants
3. Main Street (Park Lane – Shepard Lane) Right-of-Way Acquisition Services Agreement – Sunrise Engineering
4. Interlocal Agreement related to Right-of-Way Improvements between Davis County, University of Utah and Farmington City
5. UTA License Agreement for the Station Point Subdivision
6. Resolution amending the Rules of Order of the Planning Commission
7. Cottrell Hills Planned Unit Development, Enabling Ordinance and Historic Preservation Development Agreement
8. Procurement Policy Update
9. Approval of Minutes for 02.20.24, 03.01.24 and 03.02.24

GOVERNING BODY REPORTS:

- City Manager Report
- Mayor Anderson & City Council Reports

ADJOURN

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

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

I hereby certify that I posted a copy of the foregoing Notice and Agenda at Farmington City Hall, Farmington City website www.farmington.utah.gov and the Utah Public Notice website at www.utah.gov/pm.n. Posted on March 14, 2024

**FARMINGTON CITY
PLANNING COMMISSION**

March 07, 2024

WORK SESSION Present: Chair John David Mortensen; Vice Chair Frank Adams; Commissioners Tyler Turner, Samuel Barlow, Joey Hansen, Kristen Sherlock, and George (Tony) Kalakis; Alternate Commissioner Spencer Klein; Community Development Director David Petersen; Assistant Director/City Planner Lyle Gibson; City Planner/GIS Specialist Shannon Hansell; and Planning Secretary Carly Rowe. **Excused:** Alternate Commissioner Brian Shepherd.

The Work Session initiated at 6:00 pm. Chair **John David Mortensen** conducted training on motions. Staff is the suggesting body; the Planning Commission is the recommending body; and the City Council is the approving body. In reality, Staff is the experts, and the Planning Commission weighs in. Staff prepares suggested motions; conditions based on background, City ordinances, and conversations with the applicant; findings as they did the research; and supplemental information. In his experience, the Commission approves the suggested motions 90% or more of the time. Occasionally the Commission tables the motion. Rarely does the Commission deny. For a sensitive agenda item, Staff may provide several options. Many times, the Commission will spend time to revise, eliminate, or add conditions.

If there is no second to a motion, it doesn't pass. After discussion, another motion can be taken. If it is a straight-forward motion, such as to adjourn, individual voting is not necessary. If it is a sensitive issue, voting will take place individually. Aside from the Chair, anyone can make a motion, and it is good for new Commissioners to try. Commissioners should follow slight variations of Roberts Rules of Order.

Assistant Director/City Planner **Lyle Gibson** said Staff tries not to bring things to the Commission that aren't ready. However, having a commission full of people with different backgrounds and opinions often helps get things to the finish line with better results. Community Development Director **David Petersen** said sometimes Staff wants to test an application's wings, so they want a public hearing on the Commission level, at which time they prefer a Commission motion to table so Staff can tie up the more technical things. Commissioner **Frank Adams** said if Commissioners need help understanding something, Staff is quick to respond to emails and calls.

Petersen conducted a training on Historic Preservation. The original townsite stretches from 400 West to the bench, and 600 North to 200 South. This is Farmington's "bread and butter" with a lot of historic homes, which Chapter 39 calls "contributing properties." There are two levels of historical preservation. The first is a home that is at least 50 years old with two more criteria: architectural and other things. It could qualify for the National Historic Register of Historic Places. If it qualifies or is on the National Register, and retains its status as a contributing property, remodels can qualify for substantial state and national tax credits. Being on the National Register doesn't prevent the owner from demolishing the home or doing major alterations that can render it ineligible. It is an honorary designation that is very important.

The next level is a landmark district, a local designation for an individual building or a whole district of homes. Major repairs, alterations, additions, relocations, and demolitions require a Certificate of Appropriateness (CA) from the seven-member Farmington City Historic Preservation Commission. This can be daunting, especially for a demolition. The four-block West State Street Clark Historic District became a national district in the 1990s, and the local landmark district was adopted in 2009.

The Main Street Historic District 200 South to Park Lane became a national historic district in 2011. Two years ago, there was a proposal to turn it into a local landmark district. It has 100 properties, with 60 contributing properties. The Historic Commission held a meeting and an open house. They followed the ordinance and found it met the criteria for a local landmark district. In September, the City Council held a public hearing, with very little turnout even after Staff had canvassed opinions door-to-door. Many landowners were undecided, with two to three against it and a handful for it. After another public hearing months later, still there was little turnout. Usually a big turnout means there are a lot of people against the item in question.

The City Council directed a zone text change in Chapter 39, which took up all October. It was back on the Council's agenda with inclusion of the enabling ordinance in December. At that point, the Council received a dozen emails asking why the City wasn't getting resident input. Admittedly, telling Americans what to do with their property gets controversial. So, the Council put the brakes on it and held a series of neighborhood meetings. Everyone was invited Jan. 22, 2024, where the Original Townsite Residential (OTR) zone was explained. The Farmington City Block is awkward at 500 feet square. Some lots are 247 feet deep and 60 feet wide, a large lot that is almost a football field deep. Farmington received a grant for these 218 acres/48 blocks to have an infill ordinance in order to address the "no man's land" in the middle of these lots. The old zoning involved a mix of 1960s zones such as Multiple-Family Residential (R-2)/Large Residential (LR) applied almost as an afterthought. This zoning was cumbersome for people to develop. While there were 192 lots that conformed with the width of 85 feet, there were 230 nonconforming lots with an average width of 74 feet and 14,000 square feet. These were large lots. This meant there were 70 acres left to be developed in the Old Town, which presented significant infill opportunities.

After some infill development attempts in the 1990s, residents were becoming vocal in opposition, as evidenced in a 2002 meeting. Specifically, residents expressed opposition to duplexes, absentee owners, and flag lots. What made this area of Farmington unique was the historic homes didn't have visible garages designed front and center. Almost 30% of the existing homes had no garages at all. Only 11% had garages projecting past the front door of the home, as many were detached and/or setback from the home. That is why downtown is different from other neighborhoods. Another unique feature was that there were very few two-story homes, as 76% were one-story homes. For 77% of the homes, there were dominant front porches. Post 1960, those porch features fell out of favor. Now three-car garages are the norm in other neighborhoods. In the 1990s, vinyl fences were big, but Old Town did not have any vinyl fences.

After the OTR was adopted, they mistakenly thought they were in a historic district. Staff had to educate people about what the OTR zone actually was. There is a lot of flexibility in the OTR zone because of the wacky lot sizes. For example, setbacks can be deviated from by a maximum of 15 feet. Design standards for garages, fences, roofs, etc. were enacted.

The first OTR zone was adopted in the Rock Church district, a neighborhood that became strong allies going forward. Results of the OTR zone were stability and reinvestment. Farmington Elementary was the second most walked-to school in the district. These benefits were shared with residents during the Jan. 22, 2024, meeting. The aim is to preserve the look and feel of Main Street without a heavy government hand.

In the proposed landmark district, there really are two distinct areas with different needs. South Main is south of State Street and has a predominant underlying zone of R-4 and Multiple-Family Residential (R-8) rather than OTR. Staff felt it best to have a separate meeting for this group on Jan. 29, 2024. The "Southerners" are those owning the seven lots south of State Street, and they really don't want the historic landmark district because they are already preserving their homes well and they don't want government telling them what to do. Staff explained that the landmark district is to protect their current homes when other people may own their land in the future. There are two types of property rights: one for the individual, and one that protects you from what your neighbor may do to you. Staff informed residents about the Planned Unit Development (PUD) Chapter 27, which is undergoing some changes currently. This spells out that if a historic home is preserved, it allows a lot of flexibility for additional development such as duplexes.

Petersen said Farmington's Main Street is like no other, especially considering neighboring cities like Bountiful and Kaysville. It is more like a New England Main Street with clusters of stuff. Alternatives are no landmark district (Option A), or a landmark district with two different options (Option B and C). The first agenda item tonight is in the OTR zone, and they are asking for a PUD, which allows them flexibility. Usually an Accessory Dwelling Unit (ADU) has to be in the back, but the applicant is asking for flexibility to have an ADU in the front. The benefit for the City is preserving a historic home. Access needs to be provided to the back lot, and the garage should not be front and center. Access has to be 20 feet wide.

REGULAR SESSION Present: Chair John David Mortensen; Vice Chair Frank Adams; Commissioners Tyler Turner, Samuel Barlow, Joey Hansen, Kristen Sherlock, and George (Tony) Kalakis; Alternate Commissioner Spencer Klein; Community Development Director David Petersen; Assistant Director/City Planner Lyle Gibson; City Planner/GIS Specialist Shannon Hansell; and Planning Secretary Carly Rowe. **Excused:** Alternate Commissioner Brian Shepherd.

Chair **John David Mortensen** opened the meeting at 07:02 pm.

SUBDIVISION / PLANNED UNIT DEVELOPMENT & REZONE APPLICATION(S) – public hearings

Item #1 – Nathan & Anna May – Applicants are requesting a recommendation for a Preliminary Planned Unit Development (PUD) Master Plan for the Sycamore Lane PUD at 59 S. 300 W. The PUD would allow the construction of a new home on the east side of the property while maintaining the historic home as an Accessory Dwelling Unit (ADU) in its current location in front of the new home. The property includes 0.31 acres in the OTR (Original Townsite Residential) zone. (S-3-24)

Community Development Director **David Petersen** introduced this agenda item. The subject property is 0.31 acres. The proposed plan consists of a new home to the east of the existing historic home. The historic home has an addition which is planned to be removed, but the applicant is preserving the historically significant part of the home and plans to use it as an Accessory Dwelling Unit (ADU). ADUs are a permitted use in the OTR zone, but not in the front yard; this is the reason the applicant has applied for a PUD. To justify this flexibility, the applicant has agreed to enter into a Development Agreement (DA) to preserve the existing historic dwelling. It will help preserve the ambiance of the street

and the existing trees. In order to get the flexibility to do that, the applicant needs the PUD approved. The three-car garage would be behind the historic ADU and difficult to see from the street. The ADU will have its own place to park.

The applicant also owns a 10,000 square foot landlocked lot behind the proposed site of the new home. The rare legally nonconforming lot predates the ordinance, and therefore could have a single-family lot on it in the future if there is access to it. There is 15 feet from the side of both the existing home and proposed home and the lot boundary, but the Fire Department wants 20 feet of width. **Petersen** said the proposed home could be shimmied to one side to make way for access. This was reviewed with the City Attorney, who encouraged figuring this out sooner than later in consideration of the back lot. Another option is to combine the two lots into one, but that would cause the loss of a legal lot, which is major.

Applicant **Anna May** (791 S. Rice Rd., Farmington, Utah) purchased the property 20 years ago, and she and her husband, **Nathan May**, lived there for 15 years. They have been researching this proposal for years and have been in talks with neighbors regarding preserving the current home and gaining access to the back lot. They want to preserve the sycamore trees and red brick portion of the historic home. They would love to have access to the back, but right now are hoping to use it for gardening or animals. They want to keep the back lot for future posterity. They designed the new home particularly so you could see the porch from the street.

Commissioner **Kristen Sherlock** asked if there are plans to combine or separate the two lots in the future. The applicant(s) said not right now, as they hope to use it for their fruit trees and small animals. They would like to have access eventually.

Vice Chair **Frank Adams** said that before recommending this to the City Council, the Commission needs to find things to be true, which includes adjacent lots. Right now, it may not be an issue to have no access to that back lot, but it could be in the future. This could cause future litigation if it is not handled now.

Chair **John David Mortensen** opened the public meeting at 07:22 PM.

Greg Smith (94 W. State Street, Farmington, Utah) grew up in the house south of this property. His parents reside there, raising sheep over the years, and said nothing will happen in regard to easements until their "names are on headstones." However, he supports the ideas the **Mays** have.

Chair **John David Mortensen** closed the public meeting at 07:24 PM.

Commissioner **Tyler Turner** asked if the new home could be right against the property line to the north with zero clearance. **Petersen** said they could do a zero-lot line but they couldn't have any doors or windows on those sides. He also suggested some ideas regarding easements and landscaping with a minor redesign (moving the home), but it would move the porch to behind the current home/future ADU. He said the **Smiths** could get eight or maybe nine units on their property, and could even get a bonus of one or two units if they put a PUD overlay over all three parcels and give up an easement to the **Mays**. **Turner** said he loves the look from the street.

Assistant Director/City Planner **Lyle Gibson** said a zero-lot line could be allowed, but then there would be a problem with the building code if it was not 5 feet off the property line. **Petersen** said the City Attorney agrees with **Adams**, and it would be dicey to access the back of the lot by going from the north of the existing home, then shifting to the south of the new home, even if 20 feet were available to the south. This is an opportunity to rectify the situation. The Development Review Committee (DRC) has looked at this, and the Fire Department is part of the DRC. **Adams** said if the Fire Department allowed parking in the 15 feet to the south, they would probably not want any parking there.

Commissioner **Samuel Barlow** is in favor of the ADU, but the new house many need to be redesigned to solve the access issue. **Petersen** said lot coverage requirements are met with this proposal using the flexibility of the PUD. The ADU is subordinate in height and size to the main structure, which would be the proposed new home.

Commissioner **Joey Hansen** asked the timeline on this project. Applicant **Nathan May** answered that they would like to start construction as soon as they can secure financing. Both he and his wife have lived in Farmington for 40 years, and owned the home for 20 years. He has already paid his architect for drawings and engineering, and he is hesitant to amend them. There is currently 10 feet between the existing house and the tree. The Fire Department said an "S" shaped driveway would be too tight of a curve for them, so that is not an option. They are trying to preserve the tree, and digging a basement may compromise the trees. Therefore, the proposed new home does not have a basement. They have been exploring these possibilities for a decade; however, they have never considered access from the back of the house.

Mortensen loves the proposed project as well, as it represents something the City will see more and more of as infill lots get developed. The challenge is the applicant is asking to do something that is not allowed by ordinance. It can be allowed if the Commission recommends a PUD. The Commission has a responsibility to the ordinances as written as well as to the City to not kick the problem down the road. The applicant needs additional time to talk with Staff and the Fire Department about options.

Barlow said another option is for the applicant to consider the existing historic home the primary dwelling, and then they could build an ADU in the back that is subordinate in size and height to it. They have the right to do that right now. **Adams** said access to the back lot will enhance the value of that lot, so it is worth the time and money to solve this now. **Petersen** said if the lots were combined into one, they would lose the entitlement for another lot on which to build. Losing that lot is like losing \$250,000, which would be questioned by their heirs.

Sherlock said she understands the City’s position that they need a plan for infilling. She likewise understands the applicants’ desire to build their dream home. She also understands maintaining value for the heirs. As a Realtor, she is trying to figure out how to make this work for all three positions. Therefore, she is in favor of tabling this to get more time to figure it out. A rash, quick decision may not be wise.

Mortensen said there are three options. One is to recommend the City Council approve, which would move the item on to the Council. Another is to recommend that the Council deny this. The third option is to table it to give the applicant time to work through creative brainstorm and come back in as few as two weeks.

MOTION

Tyler Turner made a motion that the Planning Commission table this agenda item for continuous vetting and working with the City to find other ways to make this work for the applicant.

Kristen Sherlock seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ____Nay
Vice Chair Frank Adams	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Samuel Barlow	X Aye ____Nay

Item #2 – NPE2024 LLC – Applicant is requesting a recommendation to rezone the property at 1926 W. 950 N. from the A (Agriculture) district to the LR (Large Residential) zoning district and recommendation of a Preliminary Planned Unit Development (PUD) Master Plan and Schematic Subdivision Plan for the Ericksen Subdivision (NPE2024 LLC) consisting of four lots on 2.51 acres. (S-9-23)

Gibson presented this agenda item. This is a discretionary item for the Commission to consider. The subject property consists of 2.5 acres accessed from 950 North Street (North Station Lane). This property is somewhat isolated in that it is bordered by Haight Creek and the Haight Creek Trail to the west and north, with the Denver and Rio Grande Western (D&RGW) Rail Trail on the east and a pipeline easement within the east side of the property as well. Homes on the other side of the street are separated by a large Right of Way (ROW) and do not front 950 North. This went on sale a few months back and there have been a lot of ideas of how to develop the property. Staff recommends single-family development here, but feels there needs to flexibility due to the shape of the property.

Under the current zoning designation, further development of the property is not feasible. The requested zoning would match the zoning directly to the north and west of the site and, in the opinion of Staff, permits use of the property consistent with the current General Plan designation in the area. The rezone would be required in order to accommodate the requested PUD subdivision.

The applicant has provided a yield plan indicating the potential of five lots in the LR zone, but is looking to create only four (the existing house + three new lots). The existing detached garage would become part of the largest lot (Lot 4) on the north portion of the property, which would be accessed via a flag stem drive as a flag lot. This new drive leading back to Lot 4 would also be the means of access for the southeastern lot (Lot 3) with a shared access easement.

While the large single-family home lots are within the allowed density of the requested zone and meet the dimensional standards allowed per Chapter 11-12, the PUD is necessary for the consideration of the following elements: flag lot allowance, flexibility in setbacks, fencing placement, sidewalk and ROW design.

Per Farmington City Municipal Code (FMC) 11-27-010, the purpose of the PUD is "...to promote flexibility in site design, to achieve, for example, the clustering of buildings, the mixture of housing types, and the combining of housing with supplementary uses such as commercial centers, business parks or other multiple use centers, etc. This chapter is also intended to promote better design of residential developments through the use of design professionals. It is further intended that a planned unit development will provide for more open space, more public amenities, and the preservation of natural features such as floodplains and steep slopes that would not be possible under traditional development techniques..."

This rezone request and consideration of preliminary PUD and schematic subdivision is the first step in the process to permitting the extra lots. The Planning Commission is tasked with making a recommendation to the City Council regarding the request, and the Council would make a final determination. If these first items are approved, the preliminary plat and final PUD master plan would return to the Planning Commission for review at a future date.

11-27-070: PRELIMINARY PUD MASTER PLAN REVIEW BY PLANNING COMMISSION:

The Planning Commission shall review the application for approval of a planned unit development designation and the preliminary PUD Master Plan at a public hearing. The Planning Commission shall either recommend the City Council approve the application and plan as presented, recommend the City Council approve it subject to certain conditions, table the application pending receipt of required materials, data, studies and information, or recommend the City Council disapprove it. Any recommendation for approval of the preliminary PUD Master Plan shall be made only after the Planning Commission makes the following findings:

- A. Layout: The proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones. The Planning Commission shall consider the architectural design of the buildings and their relationship on the site and their relationship to development beyond the boundaries of the proposed planned unit development. The Planning Commission shall consider the landscaping and screening as related to the several uses within the proposed planned unit development and as a means of its integration into its surroundings.
- B. Consideration of Adjacent Property: The proposed planned unit development will create no detriment to property adjacent to the planned unit development and to this end the Planning Commission may require that the uses of least intensity or greatest compatibility be arranged around the boundaries of the project. The Planning Commission may require that yard and height requirements for the adjacent zone apply on the periphery of the planned unit development.
- C. Efficient Use of Land: The proposed planned unit development will provide more efficient use of the land and more usable open space than a conventional development permitted in the underlying zone. The Planning Commission shall consider the residential density of the proposed development and its distribution.
- D. Compensation for Increased Density: **(N/A – no increase in density)**
- E. Hazards Not Increased; Recommendations: Any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety or general welfare of the residents of the proposed planned unit development. Based on its action on the preliminary PUD Master Plan, the Planning Commission shall make recommendations to the City Council. A recommendation for approval of the preliminary PUD Master Plan shall also include a list of recommendations for deviation from the requirements of the underlying zone requirements.

Typically a PUD will include common open space, however per [FMC 11-27-120 \(C\)](#) (2) c. Waiver: "The City may waive all or a portion of the ten percent (10%) open space requirement consistent with the standards set forth in this chapter. Any development receiving a waiver shall not qualify for a density bonus." As this subdivision is not looking for a density bonus, it is eligible for consideration of this waiver.

The following has been included for reference in consideration of the proposed lot sizes and setbacks identified in the schematic plat. The PUD allows the City to approve deviations from these standards.

Lot Size: Follows conventional allowance per [11-12-070 \(C\)](#).

Lot width: Follows conventional allowance per [11-12-090 \(C\)](#).

Setbacks: Lot 1 has standard front and rear setbacks, but the applicant is seeking to reduce the side yards to 8 feet each (instead of the typical 10 feet).

Lot 2 has a standard front yard setback. The applicant is seeking permission to have side yard setbacks of 8 feet (instead of 10 feet) each and a reduced rear yard setback. Most of the rear yard is set back at 30 feet. However due to the shape of the lot to account for access into the existing garage that will remain, the east side of the rear yard reduces to approximately 8 feet.

Lot 3 is seeking variation from conventional setbacks. They intent to face the building west, as it will be accessed from the shared drive. This would have a 20 foot setback on the west side, and 10 feet on the south side against the public street. They are also seeking a 20 foot setback against the trail; there may be further encumbrance to this side of the property due to pipeline easements.

Lot 4 is the flag lot. It has a standard 25 foot front yard only in front of the existing building with a 30 foot yard on the east and 10 foot yards on the north and west.

Reference ordinances:

11-12-070 (C):

SUBDIVISION YIELD PLAN DIMENSIONAL STANDARDS

Zone	Lot Area	Lot Width	
		Interior	Corner
LR (Large residential)	10,000 square feet	85 feet	95 feet

11-12-090:

C. Lot Width at Building Line: The minimum lot width at the building line for main buildings within a conservation subdivision shall be seventy-five feet (75'), except in the R and LR Zones the minimum lot width shall be sixty feet (60').

Yard/Setback Requirements FMC 11-11-050:

- Front: 25'
- Side: 10', total 22'
- Side Corner: 20'
- Rear: 30'

Sidewalk: Currently the street improvements stop at the back of curb on this property. Typically, with a subdivision, the property owner/developer will dedicate any remaining ROW needed based on the applicable street designation, then ensure all ROW improvements are in place. Staff has requested that standard improvements be installed including a park strip and sidewalk behind curb along with the undergrounding of overhead utilities, which per [FMC 12-8](#) are done by the developer.

The applicant has expressed concerns with the standard approach, as there is an existing retaining wall behind the curb along the west side of the property as well as mature ash trees. The applicant hopes to keep at least part of the existing retaining wall in place near the existing driveway and is asking to bring the sidewalk further into the property with a standard park strip and walk that then veers northward around the trees until it returns to typical sidewalk on Lot 3. The sidewalk outside of the actual ROW would have a public access easement over it. The Staff is divided about what is the right method, so they are interested in the Commission's recommendation.

Fencing: The standard for fencing along a public ROW is to have a 4 foot tall fence starting 8 feet from the property line. Per [FMC 11-28-140](#), the height and distance may be modified upon finding that it will not adversely affect the safety of pedestrians nor obstruct the view of or impact the safety of vehicular traffic, or adversely affect adjacent properties. The applicant is proposing a concrete panel fence up to 8 feet in height around the perimeter of Lot 3 and along the east side of the property against the Rail Trail corridor. Other fencing is indicated on the C1.0 drawing included in the Staff Report.

Gibson said the standard sidewalk would have a 5-foot park strip and 6-foot sidewalk section immediately next to the lot line. A larger collector or arterial road may have wider park strips and sidewalks. In this area, there is a lot of new construction with a new trail that has been put in. There are wetland areas near here where the sidewalk has been brought to the back of the curb without a park strip. The PUD allows for things that are atypical. The typical setback is 25 feet, but the applicant is asking for that to be reduced down to 10 feet.

Applicant **Jared Ericksen** (1926 W. 950 N., Farmington, Utah) addressed the Commission. He lives in the existing home on the property. The potential owner of Lot 3 is flexible. **Ericksen** was fortunate to come into possession of this property. He appreciates the privacy and room to build on a larger lot. He grew up on the same street as the people planning to purchase Lot 3. In some spots, the trail is about 2 or more feet higher than his property. The 8-foot fence would be for privacy. A commercial property is across the street. The fence is pre-fabricated concrete and will hold up well against the wind.

Gibson said the typical fence in a front yard cannot exceed 4 feet in height. But the Zoning Administrator can determine any deviations due to traffic or pedestrian visibility issues. Anything over 7 feet tall requires a building permit, so an 8-foot fence would be a deviation.

Chair **John David Mortensen** opened the public meeting at 08:27 PM.

Ken Stuart (950 N., Farmington, Utah) owns all the property to the west and north of this. He thinks a single-family subdivision is a great idea. He has some concerns about a discrepancy between the warranty deed and west property line. So the property line on the north end between himself and **Ericksen** is in question. Another concern is where the sidewalk ends demarks the property line. It may be a recording error and there is no easement to the north of that.

Chair **John David Mortensen** closed the public meeting at 08:33 PM.

Gibson said the north boundary may need to be investigated, but an approval of the number of lots and general layout would still be acceptable at this point. There is still preliminary and final plat to go through, so there is time to resolve the boundary question. **Sherlock** said she is fine with the rezone, but she would like clarification on the fence height near the shared driveway. She would prefer a continuous sidewalk for ease of pedestrian use instead of a jutting one.

Mortensen said the rezone makes sense in this area. Driving 950 recently, he noticed that the angle in the southwest corner is significant. The jog for the sidewalk would have to be significant to not take out the trees or retaining wall. On the west side of the property going from the existing sidewalk to what would be the new sidewalk would be an abrupt change in elevation. The sidewalk would be to the north of the current retaining wall. **Ericksen** said the existing white fence would go away with the sale of Lot 1. The main reason for the sidewalk is the trees. There is so much traffic on the road, and the trees block traffic. The driveway for Lot 1 has not been determined yet. It could be on east side of Lot 1. He would rather have a sidewalk in further than closer to the curb, especially where the configuration is asphalt, curb, then sidewalk (without a park strip) for the safety of his own children. Having the trees adds to the value of the lots, even if the sidewalk has to come further into private property. Commissioners would like the fence lowered near the driveway shared by Lot 3 and Lot 4 for pedestrian safety reasons.

Barlow asked if there is a sidewalk difference because this is the Kaysville/Farmington line. He is fine with Lot 3 coming closer. He is torn on the pre-fabricated wall/fence, as it is a busy thoroughfare. Perhaps a traffic expert can look into visibility and curve issues there. **Petersen** said it is hard to find a front yard fence that looks good over 4 feet tall.

Ericksen said it is a front yard to a private lane. From the curb to the fence would be 11 feet. **Sherlock** said it may not be a busy street now, but it will become one in the future.

MOTION

Tyler Turner made a motion that the Planning Commission recommend that the City Council approve the rezone of the property to the LR zoning district, Preliminary PUD Master Plan and Schematic Subdivision plan for the proposed Ericksen Subdivision with the proposed lot layout, setbacks, and fencing subject to all other applicable Farmington City development standards and ordinances with the following **conditions and/or alterations 1-7:**

1. A letter confirming the location and size of the pipeline easement from the easement holder be provided to the City to ensure it is properly accounted for on the plat.
2. The sidewalk design may be as shown on the plans provided to the City Council.
3. The sidewalk shall be extended to connect to the Rail Trail to the east.
4. The applicant must meet all requirements of the City’s DRC (Development Review Committee).
5. Fence length, placement, and height to be fully identified in subsequent steps. Fence placement may not be in front yard of Lot 3. Fence may be precast concrete panel wall.
6. Fencing/walls shall not impede on clear view areas to ensure traffic and pedestrian safety.
7. Applicant shall return to Planning Commission at Preliminary Plat with a proposed path to resolution pertaining to any property boundary in dispute.

Findings 1-5:

1. The single-family development is consistent with the General Land Use Plan and other development near this location while accommodating lots on a triangular-shaped property.
2. The applicant is not seeking additional lots.
3. The PUD helps facilitate lots on a triangular-shaped piece of property and limits curb cuts onto 950 North Street with the Flag Lot configuration.
4. The scale of development doesn’t support or justifies common spaces.
5. The City already owns the property for the Haight Creek Trail to the west.

Supplemental Information 1-3:

1. Vicinity map and Site Photos
2. Subdivision Yield Plan of the property.
3. Schematic Subdivision / Preliminary PUD Plan.

Joey Hansen seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ____Nay
Vice Chair Frank Adams	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay

Commissioner Samuel Barlow

X Aye ____Nay

OTHER BUSINESS

Item #3 – Miscellaneous, correspondence, etc.

a) Minutes Approval from February 22, 2024

- **Joey Hansen** made a motion to approve the minutes from February 22, 2024. **George Kalakis** seconded the motion.

Chair John David Mortensen	X Aye ____Nay
Vice Chair Frank Adams	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Samuel Barlow	X Aye ____Nay

b) Other

- **Petersen** finished his Historic Preservation discussion started in the Work Session. At the Feb. 5, 2024, meeting, Staff came to the “Southerners” with a compromise that a Certificate of Appropriateness (CA) would only be needed for relocations and demolitions. Some demolitions on Main Street would totally affect the feel of it. The Southerners wanted Option A (no landmark district) no matter what, and were surprised with the compromise. Meanwhile, the “Northerners” want it to stay the way it is. The big deal for Lagoon was that in order to get a second dwelling, you need a parcel that is at least 20,000 square feet in a PUD situation. 25 parcels along the west side of Main Street meet this size requirement. This was appealing to Lagoon, who could see if they demolished the old home, they could not get a second dwelling. The PUD would help them, so they were fine with Option B. A few weeks later, some City Councilmembers said they were uncomfortable having alterations and additions off the table (regarding CAs). One City Councilmember was fine with not needing a CA for repairs. Staff will probably offer a hybrid as the final language. The Historic Preservation Commission was not comfortable with the negotiations, saying there was no need for them if so many things were taken off the table. Granted, demolitions are rare. Staff agreed to give a mailing to affected residents when it is on the Commission agenda again, which could be on the next meeting.

Previously the Commission had talked about forming a subcommittee to discuss streamlining the PUD, but **Petersen** said even a small PUDs can be complex. A parcel size threshold was being debated, along with the possibility that the Commission may be included if and when deemed appropriate.

ADJOURNMENT

Sherlock motioned to adjourn at 09:26 pm. **Hansen** seconded the motion.

Chair John David Mortensen	X Aye ____Nay
Vice Chair Frank Adams	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Samuel Barlow	X Aye ____Nay

John David Mortensen, Chair

CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is given that the Farmington City Council will hold a regular meeting on **Tuesday, March 19, 2024** at City Hall 160 South Main, Farmington, Utah. A work session will be held at 6:00 pm in Conference Room 3 followed by the regular session at 7:00 pm in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so to dcarlile@farmington.utah.gov

WORK SESSION – 6:00 p.m.

- STACK Remote Hub HTRZ Discussion
- Discussion of regular session items upon request

REGULAR SESSION – 7:00 p.m.

CALL TO ORDER:

- Invocation – Scott Isaacson, Councilmember
- Pledge of Allegiance – Brett Anderson, Mayor

PRESENTATIONS:

- Hope Box presents Seven Brides for Seven Brothers
- Recognition of Isabel Oldroyd, Student of the Month
- Introduction of the New Youth City Councilmembers and Administration of Oath of Office by Mayor Anderson

PUBLIC HEARINGS:

- The Charlotte Project Master Plan /Development Agreement, Schematic Site Plan
- Supplemental Development Agreement for sign proposal for the Western Sports Park
- Plat amendment for the Looch Estates subdivision amending the Eagle Creek Subdivision Phase II Boundary Line Agreement Plan, consideration of a street vacation for part of 1100 West Street and consideration of a transfer of Development Right
- Rezone of property to the LR Zoning District and consideration of Preliminary PUD Master Plan and Schematic Subdivision Plan for the Ericksen Subdivision

Minute motion adjourning to the Redevelopment Agency meeting. (See RDA Agenda)

Minute motion to reconvene the City Council Meeting

SUMMARY ACTION:

1. Main Street (Park Lane – Shepard Lane) Right-of-Way Acquisition Services Agreement – Meridian Engineering
2. Main Street (Park Lane – Shepard Lane) Right-of-Way Acquisition Services Agreement – Avenue Consultants
3. Main Street (Park Lane – Shepard Lane) Right-of-Way Acquisition Services Agreement – Sunrise Engineering
4. Interlocal Agreement related to Right-of-Way Improvements between Davis County, University of Utah and Farmington City
5. UTA License Agreement for the Station Point Subdivision
6. Resolution amending the Rules of Order of the Planning Commission
7. Cottrell Hills Planned Unit Development, Enabling Ordinance and Historic Preservation Development Agreement
8. Procurement Policy Update
9. Approval of Minutes for 02.20.24, 03.01.24 and 03.02.24

GOVERNING BODY REPORTS:

- City Manager Report
- Mayor Anderson & City Council Reports

ADJOURN

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

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

I hereby certify that I posted a copy of the foregoing Notice and Agenda at Farmington City Hall, Farmington City website www.farmington.utah.gov and the Utah Public Notice website at www.utah.gov/pm.n. Posted on March 14, 2024