

# FARMINGTON CITY – CITY COUNCIL MINUTES

March 19, 2024

## WORK SESSION

Present:

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

*Community Development Director Dave  
Petersen,  
Assistant Community Development  
Director/City Planner Lyle Gibson,  
City Planner/GIS Specialist Shannon  
Hansell,  
Assistant City Manager/City Engineer Chad  
Boshell, and  
City Lobbyist Eric Isom.*

Mayor **Brett Anderson** called the work session to order at 6:05 p.m. City Recorder **DeAnn Carlile** was excused. Councilmember **Roger Child** participated electronically via Zoom.

## **STACK REMOTE HUB HTRZ DISCUSSION**

**Trevor Evans**, Vice President of Development with STACK Real Estate, addressed the City Council and explained the Housing Transit Reinvestment Zone (HTRZ), which represents a shift in Utah. Since 2021, the HTRZ allows local governments to use a portion of local tax revenue to help support the costs of development near transit stations. A big piece of the HTRZ is a smart community that is transit-oriented, with alternative transportation options. Components of the HTRZ are that 50% or more of the development has to be residential acreage, with 50 units per acre or more. This will help incentivize people to live near a transit station. The HTRZ funds almost two-thirds of the estimated \$254 million investment gap.

STACK has been following legislation and subsequent developments regarding the HTRZ. Since Farmington Station is mostly built-out, it makes sense to make a connection to the 100 plus acres of land to the north, dubbed North Station. **Evans** would like to qualify North Station with the HTRZ designation, which has a general goal of putting people on transit. This would require shrinking the Community Reinvestment Area (CRA) boundaries to the north and south.

For this project to effectively pencil out, 2,600 residential units are needed to complement the employment center. North Station will increase transit ridership through a fixed guideway extension from the existing Farmington FrontRunner station as well as planned bus circulation stops along arterial roads. It will increase access to employment and reduce the need to drive to work. Davis County exports over 100,000 jobs per day to neighboring counties. North Station will provide a place to live and work with multiple, accessible modes of transportation. As it is directly adjacent to a proposed Weber State University Farmington campus, it will increase access to education. The project will also provide ongoing support for Station Park, a major retail destination for Davis County and the greater region that will benefit from the additional residents and employment center. North Station will likewise provide connectivity and options for active transportation through a robust trail system running throughout Farmington City.

Projects moving forward are usually restrained by parking structures. In 2019, stalls could be built for \$15,000 to \$16,000 per stall. Now it costs \$30,000 for the same stall. In addition, parking structures can't be leased.

**Evans** said STACK can't do what was previously promised due to a different funding mechanism. Therefore, the new masterplan includes 2,631 residential units. Of those, a total of 315 units will be affordable housing, with 237 units at 80% Area Median Income (AMI) and 78 units at 60% AMI. He said the State likes to see affordable units spread across the project rather than be concentrated in one Low-Income Housing Tax Credit (LIHTC) building. The masterplan also includes 832,000 square feet of Class A office space; 162,500 square feet of commercial space; a key hotel; and the linking and expansion of the regional trail system to promote active transportation.

**Evans** said taxing entities will receive more tax revenue with the establishment of the HTRZ than without it. Over 45-year period, the HTRZ development will generate \$417.8 million in incremental property taxes with \$167.1 million in funding from the HTRZ and \$250.6 million going to the jurisdiction. Without that funding, traditional lower-density development would generate \$193.2 million in property taxes over the same 45 years. The HTRZ development will generate approximately 30% more tax revenue for the jurisdiction. At full build out, the development will generate 2.15 times the amount than the traditional lower-density development would on an annual basis.

City Manager **Brigham Mellor** said the Redevelopment Agency (RDA) Board can't expand the CRA boundaries, but it can shrink the CRAs, which still have the \$24 million collection cap. Weber State is cut out of tax increment, as it will never pay taxes, so they can be cut out of the CRA. CRA 1 has a \$21 million cap. Costs are too much to build right now, so things don't line up for developers. 2027 is the year that will trigger the beginning of tax collection on these properties. The City will then have 25 years to collect 80%. Flexibility allows for development to take place to the quality and caliber Farmington expects.

**Evans** said his company is not seeking to increase the density compared to where they were in 2020. Considering the Evergreen and Wasatch developments, STACK is on par with the residential density. Three-story walk-up apartments are what is penciling across the Wasatch front right now. A \$167 million HTRZ incentive doesn't cover the full parking structure need. There will be a funding gap, and STACK hopes to fill that gap with the right amount of rents. The first phase will not have a parking structure, but the second phase would.

**Mellor** said there has been an evolution. At first there was going to be an affordable housing wrapped product, but the developer couldn't make it work. Things didn't pencil out. The City is seeing this play out not just with the STACK development, but with other developers. For example, the proposed Castle Creek project shrunk the "L" building. **Mellor** said the HTRZ has five additional years compared to the CRA, and it doesn't require Farmington to go back to Davis School District and Davis County, who may be hesitant to sign off on this. The School District and County don't deal with developers. However, the Legislature knows that there has to be a new mechanism, and this one would be between the State and Farmington. The allocation of money would be between Farmington and STACK, which would require an amendment to the current Development Agreement (DA) as well as a tax increment agreement. Originally, the DA called for 3 acres of residential for every 1 acre of commercial. After developing 500,000 square feet of office, the developer could build as much residential as they desired. While Stack has

proposed an adjustment to that, Farmington has pushed back. **Mellor** believes there is still some middle ground.

**Mayor Anderson** said time is of the essence, as any delay could freeze up the money wheels. Councilmember **Scott Isaacson** said he gets a sick feeling in his gut that Farmington will just end up with more residential, and not enough commercial and office. He wants a transit stop not just between two office buildings, but also more into the residential hub of the community with nice restaurants nearby. **Evans** said he would look into adding a second Utah Transit Authority (UTA) spot. The original design with just one UTA stop was to reduce friction getting to and from the FrontRunner station.

**Mellor** said he doesn't want to have a missed opportunity to have a FrontRunner station connected to a key location in Farmington. Other cities have missed such an opportunity. For example, Salt Lake's FrontRunner Station doesn't connect to the downtown Rio Grand. In Ogden, the Station is being moved back to Union Station. Farmington needs to think about all options, identifying the best route that fits in with the big picture. However, this wouldn't change the HTRZ boundaries.

**Evans** said they are planning for 1.5 parking spots per residential unit and 3.8 parking spots per 1,000 square feet of office space. Via Zoom, Councilmember **Roger Child** said that is pretty low for Class A office space. He doesn't suggest going lower than 1.5 for housing. Best-parked office space would be closer to five stalls per 1,000 square feet, so this proposal is going skinny. Daytime/nighttime shared parking is a unique opportunity that isn't seen often in the marketplace. Because most people like to have assigned parking, shared parking may diminish the marketability of the residential units. He would like to see a study detailing the benefit of urban daytime/nighttime parking.

**Evans** told the Council to expect a hotel and entertainment user (such as a bowling alley) in the project. Those users would cross-park with the office well. The developer is trying to marry-up users to make efficient use of shared daytime/nighttime parking arrangements. Cross-parking will be used throughout the development to maximize the experience and make the best use of their investment. Retail broker WPI has been marketing the commercial area since the fall, and they are talking to three mid-box users. They have had good traction attracting anchors for the east part of the project, and expect to build out the rest of the commercial space after the anchors have been announced. Post 2020, there is demand for office space. However, the new problem is the increase in construction costs. Users are paying a lot more for the same square footage. In one case, the cost went from \$27 per square foot to \$40, which produced sticker shock. With no vacancies, users are having to bite the bullet and accept that new product will cost more. Davis County has low office vacancy, so the market is in a transition phase right now. Utah's good labor force attracts companies to establish their headquarters here.

Councilmember **Amy Shumway** encouraged STACK to have their residential units become owner-occupied rather than rental properties. It is getting more difficult for young people to own their own homes in Utah. **Evans** said the townhomes in the first phase will be platted separately to allow for owner occupancy. However, they will be rentals until rates drop and the market comes back. He said he will be approaching the Utah Governor's Office about HTRZ opportunities for this project.

## **REGULAR SESSION**

Present:

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

*City Attorney Paul Roberts,  
Recording Secretary Deanne Chaston,  
Assistant Community Development  
Director/City Planner Lyle Gibson,  
City Planner/GIS Specialist Shannon  
Hansell, and  
Assistant City Manager/City Engineer Chad  
Boshell.*

### **CALL TO ORDER:**

Mayor **Brett Anderson** called the meeting to order at 7:04 p.m. City Recorder **DeAnn Carlile** was excused. Councilmember **Roger Child** participated electronically via Zoom.

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

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

### **PRESENTATION:**

#### **Hopebox Theatre presents Seven Brides for Seven Brothers**

Representing the Hopebox Theatre, **Leslie Richards** presented a portion of the Seven Brides for Seven Brothers cast, who performed two musical numbers for the Council. The show will run April 5 to 27, 2024, at their location in Kaysville. Hopebox donates proceeds to a local recipient in need. This play will support a father who has cancer and eight young children.

#### **Student Spotlight: Isabel Oldroyd, Farmington High School**

**Mayor Anderson** presented this agenda item. **Izzy** is an FHS officer and sets a positive tone for the entire school, according to FHS Assistant Principal **Tim Allen**. She is enrolled in both concurrent enrollment and advanced placement classes while maintaining a 3.995 GPA. “She truly cares about those around her and shows genuine interest in each peer that she comes in contact with, making each of their days better for having talked to her,” **Allen** said. “She is a wonderful example of the difference students can make when their focus is on helping others and the care of those around them.”

#### **Introduction of the New Youth City Councilmembers and Administration of Oath of Office**

**Mayor Anderson** swore in the new Youth City Councilmembers for 2024 including: **Geneva Abrams, Brigham Barber, Jacob Blood, Courtney Burgon, Cannonn Christensen, Trace Cresap, Kate Drommond, Farrah Farnsworth, Nikole Freebarin, Adley Garn, Brecklyn Garn, Hallie Gladwell, Logan Hammond, Sydney Hardy, Max Johnson, Claire McNally, Joseph Miller, Sarah Miller, Avi Muirbrook, Isabel Oldroyd, Eric Rasmussen, Amelia Smith, Charlotte Smith, Davis Stewart, Adelyn Tingey, and Amelia Wilcox.**

**Anderson** said the Youth City Council (YCC) is now much more interesting than when it was just free labor for the City. The current administration, with the help of YCC Advisor **Emme Pagget**, developed a new program where YCC members are divided into departments and get a taste of what it means to run a city. The Utah Recreation and Parks Association (URPA) recently rewarded Farmington for its outstanding YCC program.

Councilmember **Amy Shumway** introduced the group of people in the back of the room as residents of Farmington Crossing who can use the new infrastructure for pedestrian access.

## **PUBLIC HEARINGS:**

### **The Charlotte Project Master Plan/Development Agreement (DA), Schematic Site Plan**

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. This project on the west side of the City is off Burke Lane on the south, on the east side of Maker Way. In the past couple of years, this land has been identified for nonresidential uses as developers try to determine how much development the infrastructure can support. CW Urban controls 5 acres against Maker Way. Staff's feedback to the developer was to cooperate with neighboring property owners so the project could flow correctly. The proposed is a larger area now at 11 acres, after they cooperated with the neighbor, **Tod Jones**. The northeast corner of the property is the **Cook** family. The triangle shape has made it difficult to develop on its own.

The Charlotte is in the Office Mixed Use (OMU) zone. The City wants a mix of uses in this mixed-use district, where residential is not outright allowed. However, the City Council can choose to allow residential at their discretion. The proposed Development Agreement is in the packet. Restaurant pads are proposed on the north. Drive-up windows are not initially allowed, but the Council may vote to allow them on a case-by-case basis. At the Planning Commission's request, the applicant has added architectural features to make drive-up windows work better.

Shepard Creek runs north-south on the east side of the project, and Staff wants the trail to run along that. The DA includes that the applicant will design and build the trail, dedicating it long-term to the City, who would maintain the surface of the trail.

The applicant is proposing 92 single-family attached townhome units that will be platted individually as a potential for-sale product. The applicant is committing the blank area on the northeast side to be nonresidential development such as a unique recreation or entertainment use. They have had a handful of potential users consider the property for nonresidential uses, but the applicant is not able to disclose any more details at this time.

Cook Lane by McDonald's stops on the east side of the creek. There will be a future bridge and road extension. A previous developer was unable to complete that bridge and culvert because the Army Corps was still figuring out wetland delineations. The traffic engineer has worked out the Maker Way and Cook Lane intersection. Access into the property will be closer to the creek along Burke Lane. A bend in the road there makes it difficult to see approaching cars. In the OMU district, 10% of housing must be made available for moderate-income housing, and the applicant has proposed how they will fulfill that requirement.

**Gibson** said Staff would like the Council to table this application in order to allow time to resolve specifically three issues. First, the details need to be worked out regarding who is doing and paying for what for the Cook Lane bridge over the creek. In a general sense, the developer is

willing to do the installation, with some kind of a cash contribution due from the City. Secondly, verbiage in the DA needs to spell out Burke Lane access. Lastly, Staff isn't comfortable the moderate-income housing element is ready.

**Shumway** said the trail will be highly used, so the width of the trail must be considered. She would like the DA to include that the trail needs to be asphalted so that it can be stroller- and road bike-friendly.

Applicant **Colton Chronister** (426 W. Meadow Drive, Kaysville Utah) addressed the Council. They bought the property a year ago, and now, after collaborating with Staff, the proposal is better than when it was initially brought forward. There are three 3,500 square-foot restaurants and one 5,000 square-foot restaurant, for a total of four.

**Mayor Anderson** said the City is getting antsy because they expected to see mixed office, residential, and commercial, and now it just seems like all residential.

**Chronister** said they can commit to asphaltting the trail as well as installing park benches and picnic tables. They have engaged a landscape engineer to upgrade the landscaping around the trail, which will be dedicated to the City. The master commercial agreement and Homeowner's Association (HOA) agreement will address that the City will not bear the costs of maintaining the landscaping.

Each of the 92 townhome units will have two-car garages. The HOA agreement will not allow the garages to be used for storage, and preserves them for parking vehicles instead. Long trucks and big Suburbans will fit inside the garages. There will be 32 guest stalls, with some parallel parking on Maker Way. **Chronister** is excited to be close to the new City park on the southwest. There is good, active pedestrian frontage inviting to a highly used trail. The residents of this development will be able to interact with the pedestrian element and nearby park. This project will be the backyard of the Brighton development to the east and Segoe development to the west.

A "restaurant row" with a larger sit-down restaurant will have an outdoor seating element to interact with the pedestrian element. To the south are two drive-thrus, which have been in higher demand since the 2020 pandemic. **Chronister** said they have been intentional about how these drive-thrus look and feel, and there will be a buffer between the pedestrian and residential. Parking will be both tenant- and City-driven. Per the DA, there will be cross access so site circulation works.

There has been interest from multiple "experiential" users, but no other information can be disclosed at this time. The applicant feels comfortable committing that the future phase will be commercial and a use that fits in the OMU zone without deviations. The applicant intends to get a unique user and "land the big fish," maximizing even empty space.

The 92 townhomes will have between two to four bedrooms, and between 1,500 to 2,100 square feet, depending on market demand and site plan design. The applicant intends to keep product options open. The Planning Commission expressed their desire to see the townhomes individually platted, allowing for a for-sale product. The applicant intends to help the City reach the goal of creating for-sale, owner-occupied units.

**Chronister** said he has heard loud and clear that Farmington doesn't want units that are boxy, so they will vary the roofline. They pride themselves on design and can dabble in anything requested by the City. They intend to give Farmington the vision Staff and the Council desires.

Councilmember **Alex Leeman** said that of all the developers he has dealt with over the years, CW Urban has been the most focused on thoughtful design and incorporating feedback from the City. He has very little heartburn because he trusts the applicant to do it right.

**Shumway** said that since the applicant is coming in under Section 140, the Council has the discretion to accept the cash or require nine units of moderate-income housing. She would like to see the proposal revisited regarding affordable housing. A lot of the townhome unit communities coming in now don't have amenities such as weight rooms and pools that Farmington is used to seeing. Perhaps these are being cut because construction costs have increased. If amenities are being cut in these communities, new density will start to have an impact on City facilities instead. She questioned if the parks and recreation impact fees are enough to cover the new demand. These pressures are going to affect the City quite a bit.

**Chronister** said it is easier for them to rent the townhomes rather than deed restrict them or pay a fee in lieu. Because everyone is struggling with high interest rates, they proposed that \$400,000 go toward buying down interest rates. The money would be structured as permanent rate buy-downs restricted to residents, reducing the interest rates for all 30 years of their mortgage and saving as much as \$150,000 over the life of the loan. This will make more attainable housing. They feel this proposal satisfies the "other public benefit" called for in the code, as does the continued landscape maintenance and trail construction. They are not willing to commit to deed-restricting the townhome units. However, they are open to discussion and discourse. The proposal does need some fine-tuning.

**Mayor Anderson** opened and closed the Public Hearing at 8:10 p.m. Nobody signed up in person or electronically to address the Council on the issue.

**Child** said it is a challenge to convert rentals into for-sale units when considering financing.

**Isaacson** said he likes the interest buy-down idea in theory, but he is not sure if it satisfies the affordable housing requirement. The State has mandated each city in the state to have a certain amount of affordable housing, and he is not sure this would meet that obligation. He wants to know if it actually works.

**Gibson** said the State doesn't tell cities how many or how to do it, as cities choose the strategies to employ. Farmington has to report its efforts to the State annually, and interest rate buy-downs could be included in the future. However, he is not sure if it would meet the requirement. City Attorney **Paul Roberts** said interest rate buy-downs are not specifically linked to affordable housing, as they could be offered to any buyer.

**Isaacson** said the zone is "office mixed use," but there are not offices. It was supposed to be an office park. Because the market changed in the last five years, it may not be realistic to expect office. The anticipated "experiential" use is not office. His constituents don't want more townhomes and apartments in Farmington, but the City keeps approving residential development.

**Leeman** said a lot of office has been approved, but it is not coming out of the ground yet. He envisioned Class A office space, not medical spaces. He likes the creek being visible, not piped.

He also likes the retail uses up by Burke Lane and the 50/50 ratios. **Gibson** said it is necessary to verify if the interest rate buy-down qualifies for moderate-income housing.

**Motion:**

**Leeman** moved that the City Council table this item to a future meeting specifically to address details and Development Agreement language for the Cook Lane bridge, the Burke Lane access, and moderate-income housing issue.

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

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

**Supplemental Development Agreement for sign proposal for the Western Sports Park**

**Gibson** presented this agenda item. Construction of the Western Sports Park (WSP), previously known as the Davis County Legacy Events Center, is well underway. As is common with nonresidential projects, signs come in later. In the initial agreement, Davis County was granted the ability to keep an electronic message sign on the corner by the roundabout. The current zone doesn't allow electronic message signs. However, the City will be allowed to use it, and their participation was mentioned in a prior agreement.

The applicant is now providing details of what the signs will look like. These include directional signage, stop signs, parking signs, and building signs. The Planning Commission heard this over two meetings, and some neighbors have given feedback that they want signs to direct traffic to the main entrance off Clark Lane. There will not be any signs on the west side facing 1100 West where residents are. The WSP sign will be on the south side of the building. Sponsor signs will face north along Clark Lane. The windows will become adaptive signs with changeable vinyl signage that allows light and visibility to come through.

In general, an agricultural zone has minimal signage. Now that it has been zoned Agriculture Planned (AP) District, the applicant can ask the Council to approve something unique. The applicant is not asking for a deviation from the typical electronic signage requirements, and they will honor when to turn the sign on and off to reduce nighttime light pollution. However, the use of signage to name WSP sponsors worried Staff. However, if the sponsors are associated with events happening on-site and are vetted through WSP management, it would not be considered off-premise advertising. Therefore, Staff is comfortable with the proposal. There is no opposition from the neighbors to the west if there is a directional sign on the corner. Neighbors had been concerned that the project's address was listed off of 1100 West in prior documents. However, **Gibson** said the address should be off Clark Lane instead and therefore has been re-noticed.

**Scott Smith** with Method Studio Architects, representing the applicant, addressed the Council. He said the signs are expected to go up in August or September. **Smith** said the signs on the



corrugated building are all vinyl and will not be protruding. At night the graphic signs on the windows will not be visible, as you would be able to see into the building instead.

**Mellor** said he is excited about this project. **Shumway** asked if anyone else was nervous about how large, intense, and imposing the signs would be on the building. However, it may be off-set by the parking lot that is in between the road and the building. **Isaacson** said he lives on 1100 and has nothing against it. He wishes the County had as much interest in the fine arts as they do in sports. He hopes to have a county concert and fine arts facility in the future.

**Mayor Anderson** opened and closed the Public Hearing at 8:36 p.m.

**Wendy Rasmussen** (1233 W. 175 S., Farmington, Utah) lives west of this project. She is afraid vinyl signs would rip from the wind in this location. She is also concerned about how bright the electronic sign will be. Canyon Creek Elementary's electronic sign is blindingly bright at night. However, the sign will be on the north side, and there are no residential neighbors there. While this is a huge facility that has lots of parking, she wants to know if the "no parking during events" signs further down the road will be enforced.

**Leeman** said Davis School District's signs are different. Parking is a separate, huge can of worms. Since the front of the building will be on the north side, where there will be signage, that will be the recognizable place to enter and park. There is a ton of parking.

**Anderson** closed the Public Hearing at 8:40 p.m.

**Gibson** said the State oversees signs for the School District. They are Big Brother and tell Farmington what to do. The WSP electronic sign is done to Farmington standards, will turn off at certain times, and will be extra dim so as not to be overwhelmingly bright. Farmington can work with Davis County so it is not a nuisance.

**Smith** said he is working with a professional sign company to affix signs to the building properly. The company considers wind loads, but he will ensure they know how important it is in this location. The signs on the buildings will be adhesive and similar to a vehicle wrap.

***Motion:***

**Leeman** moved that the City Council approve the Supplemental Development Agreement for the Davis County Legacy Events Center/Western Sports Park permitting the signage as indicated in the included plans with the following Condition:

1. The final location of the electronic message sign be placed in a manner acceptable to the Development Review Committee (DRC) so as to provide sufficient spacing for access to maintain, replace, or repair the culinary water line on the south side of Clark Lane. Sign placement shall not interfere with traffic safety.

**Findings 1-4:**

1. The majority of the signs proposed for the project are important to guiding users and traffic to and throughout the property and facilitating better traffic flow and safety.
2. The existence of an electronic message sign has been previously established both by long-standing use of one on the property and the previous agreement with the City.

3. The proposed electronic message sign will comply with FMC 15-4-030 as far as its ability to dim according to ambient light conditions, and will shut off between 10 p.m. and 6 a.m.
4. The large wall signs will help support identification of a large regional draw and allow users to more quickly identify their destination. These signs also create interest and variety to what could otherwise be a somewhat plain large wall.

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

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	<input type="checkbox"/> Nay
Councilmember Roger Child	X Aye	<input type="checkbox"/> Nay
Councilmember Scott Isaacson	X Aye	<input type="checkbox"/> Nay
Councilmember Melissa Layton	X Aye	<input type="checkbox"/> Nay
Councilmember Amy Shumway	X Aye	<input type="checkbox"/> Nay

**Plat amendment for the Loock 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 (TDR)**

**Gibson** presented this agenda item. This is one 75-foot wide, narrow lot with an existing home. The end goal is to move and rotate the existing home in order to create one new lot on which to build a new home. To get an additional lot, the zone requires open space, moderate-income housing, or the purchase of a TDR. A negotiated TDR agreement is being presented tonight in order for the applicant to have two homes. The applicant has proposed to pay \$3,500 to purchase the TDR. The Right of Way (ROW) could be reduced to 66 feet, allowing the City to consider vacating a portion to the applicant, who would put in a curb, gutter, and sidewalk. Staff feels the vacation is appropriate, although the degree it tapers needs to still be determined.

**Gibson** said Farmington Creek wraps along the northern order, and there is interest for a trail system there as it heads east toward the mountain. There are some easements on the north side even though the trail doesn't exist on that side yet.

Applicant **D. Spencer Loock** (496 S. 1100 W., Farmington, Utah) said he appreciates the guidance of Staff, and he and his wife, **Marynn**, plan to make this their forever home, moving Grandma and Grandpa into the other home on the side.

**Mayor Anderson** opened and closed the Public Hearing at 8:53 p.m. Nobody signed up in person or electronically to address the Council on the issue.

**Isaacson** said he lives across the street, and he feels this is a good proposal that represents an improvement to the area. **Shumway** said she walked the property, paying particular attention to the north side trail easement. She noticed one property owner to the north highly encroaching on the trail easement with a fence, concrete, swing set, and covered gazebo. Although that encroachment does not pertain to this application, she feels the City needs to rough out the trails so the intent is clear to neighboring property owners. She doesn't anticipate the City improving the trail until the Bangerter property development possibly decades into the future, but she wants property owners to be aware of the possibility. It is a platted easement all should be aware of, and she would like to know the best political method to approach land owners about the possibility of a trail coming through in the future.

**Mayor Anderson** said he has a pipeline easement in his backyard where he has installed a basketball court. He was told that if the company needs to excavate across it, they will not replace his basketball court. He is aware of that possibility, but still encroaches on the easement.

**Mellor** said he would talk with Community Development Director **Dave Petersen, Roberts**, Assistant City Manager/City Engineer **Chad Boshell**, and City Parks and Recreation Director **Colby Thackery** about the encroachment issue and the best diplomatic way to handle it. It may be to knock on the door and talk to the land owners before sending a notice, as he doesn't want to stir the pot. He doesn't anticipate the Bangarter property developing in the near future.

**Loock** said he wants to give his neighbor some credit, as he was trying to find a way to keep his children out of the creek in that area. He suggested a light-handed approach to the encroachment issue.

***Motion:***

**Isaacson** moved that the City Council approve the ordinance (enclosed in the Staff Report) vacating a portion of the 1100 West Right-of-Way (ROW) as identified within the ordinance adjacent to the property at 496 S. 1100 W. subject to the following Conditions 1-6:

1. Final approval of the plat amendment and street vacation is subject to approval of the plat and construction drawings by the DRC.
2. The vacated area shall be similar to that area identified in the plans, which includes a more gradual narrowing of the street.
3. The final legal description shall be provided by the property owner delineating the area to be vacated.
4. The plat for the subdivision amendment shall include the vacated ROW and requested easements related to it.
5. A public utility easement and other easements identified by the DRC such as an extension of the BOR easement shall be granted within the vacated portion of the ROW to accommodate existing and potential future utilities.
6. Full street improvements including curb/gutter/sidewalk on the west side of 1100 West shall be installed by the property owner.

Findings 1-4:

1. The property owner of 08-674-0214 is the logical recipient of any ROW being proposed for vacation.
2. The actual road surface from this point south is already more narrow than the road to the north.
3. The remaining ROW width meets the planned dimensions for 1100 West.
4. The ROW can be put to better use and no harm to the general interest of the public is created by its vacation.

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

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

X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay

Councilmember Melissa Layton  
Councilmember Amy Shumway

X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay

**Rezone of property to the Large Residential (LR) Zoning District and consideration of Preliminary Planned Unit Development (PUD) Master Plan and Schematic Subdivision Plan for the Ericksen Subdivision**

**Gibson** presented this agenda item. The subject property of 2.5 acres is accessed from 950 North Street (North Station Lane) near the city boundary with Kaysville. Haight Creek runs along the east side of the property and the Rail Trail is to the west. The property is zoned Agriculture (A), and there have been a lot of proposals for its development, including townhomes. Staff's direction has been that single-family detached products on large residential zoning are best in this area in order to match the surrounding area.

The applicant has put together a plan with five residential lots. Since they are not asking for additional lots or density, open space and moderate-income housing is not required. The configuration is a bit unique considering their desire to keep the existing home on the property. So, the applicant is looking for five lots, with one lot having an existing home on it.

Three of the lots would front 950 North, and Lot 4 would be on a flag lot. They intend to keep the detached garage. This proposal would require a PUD, and the Council has discretion on that as well as a zone change from A to anything else. The ordinance does not generally allow flag lots. Lot 4 would get access from the flag lot, and Lot 3 would also use it so as to prevent curb cuts on 950 North. This is a positive, so Staff thinks it makes sense.

The applicant is also looking for flexibility for their setbacks. A gas pipeline runs on the east side of the property, as mentioned in the first condition. The applicant wants to keep the retaining wall in place in front of the house, and also has some changes to the proposed sidewalk. Some have been concerned with the proposed 8-foot tall stamped concrete wall, saying it would create pedestrian visibility problems on the shared drive. The ordinance typically calls for a 6-foot fence, but the applicant is asking for two more feet for privacy reasons. **Gibson** said when the Commission heard this, their emotions were all over the place.

**Leeman** said he really likes the proposal to save the trees, but moving the sidewalk into what feels like the front yard may be awkward. **Gibson** said Public Works likes keeping large park strips for snow and utilities, and allowing the sidewalk to go directly to the back of the curb creates problems.

**Mellor** said having 8-foot tall concrete fences right up against the sidewalk feels incongruent with what has been proposed in the area, which currently has a very open feel with trees.

**Shumway** said she is concerned with a 8-foot wall right up against the sidewalk, especially with the Rail Trail right there. She said those riding a bike along there may hit into the wall. She suggested looking at the Ivory development along Farmington Hollow where landscaping is installed in front of a fence on the north side of the road. The area looks really nice, and the trees create some privacy.

**Shumway** also noted that the City owns the Haight Creek trail on the west side of the proposed project. The railroad ties along the trail to the side of Lot 1 have sluffed off, and a tree is lying in the creek. A new boardwalk may need to be created. She would like access to make the needed trail improvements. The trail needs to be reconstructed or re-engineered for more sustained use. It

may be easier to fix the trail while construction is otherwise occurring on the adjacent lot. Once a house is constructed, it may be difficult for needed equipment to get access to the trail.

Applicant **Jared Ericksen** (1926 W. 950 N., Farmington, Utah) addressed the Council, saying he is amenable to an agreement allowing access to the trail. He is also open to the fence being pushed further to the north. He is planning to sell Lot 3. He is fine with the property owner maintaining the landscaping between the wall and the sidewalk. Since the Denver and Rio Grande Western (D&RGW) Rail Trail is raised a few feet, he feels a 6-foot fence will not be adequate for privacy and security. **Mayor Anderson** said he has sympathy for the applicant, as the Rail Trail runs along his property as well.

**Leeman** said he is worried that an 8-foot fence will create the feel of a compound, although he is fine with an 8-foot fence near the Rail Trail. He is more concerned with the feel of an 8-foot fence than the site lines. It may feel out of place on that street that has been widened and improved as an entrance into Farmington. **Mellor** said the concrete walls along Layton Parkway feel different than the Antelope Drive sound walls, and those are taller than 8 feet. If the walls are pushed back off the sidewalk, they don't look as bad.

**Mayor Anderson** opened the Public Hearing at 9:58 p.m.

**Amee Ruedas** (1864 W. 875 N., Farmington, Utah) said she lives nearby and received the City's notice. Because of the strong windstorms in the area, she appreciates moving the power lines underground. It will also save the trees from being trimmed by the power company. She said keeping the 8-foot fence would help prevent vehicle headlights from shining into residential yards. This area is expected to receive a lot more traffic in the future. Her 16-year-old son was hit while riding his bike in this area. She thinks setting the wall back is a good compromise, especially as there is not a finished park strip across the street.

**Mayor Anderson** closed the Public Hearing at 10:05 p.m.

**Leeman** said **Ruedas** has a good point about the headlights. The lot is a huge 0.7 acres, so a fence being pushed back won't feel as big. It is a neat piece of property and he is happy with what is being proposed there.

**Ericksen** commented on a 5-foot gap on the north property line that still needs to be resolved with his neighbor. **Mayor Anderson** said it is a civil matter that the City doesn't need to get involved in.

**Leeman** said there is an understanding that he wants put on the record that the applicant will provide access across Lot 1 for the City to fix the trail. It is not necessary to put it in the official conditions or depict it on the plat.

***Motion:***

**Leeman** moved 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 1-10:

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 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.
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.
8. One change is for sidewalk to abut back of curb across Lot 1, the existing home. When it reaches Lot 3, the sidewalk would move north so there is a 5-foot park strip, 6-foot sidewalk, and an additional 5 feet of property before any fence or wall can be put in.
9. The wall in that location can be 8 feet tall; same thing for the wall that goes up along the Rail Trail.
10. In addition, the City is requiring the applicant to put in park strips, trees, and adequate vegetation along the wall in that area consistent with the examples discussed during the meeting.

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 justify common spaces.
5. The City already owns the property for the Haight Creek Trail to the west.

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

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

**REDEVELOPMENT AGENCY MEETING**

Present:

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

*City Attorney Paul Roberts,  
Recording Secretary Deanne Chaston,  
Assistant Community Development  
Director/City Planner Lyle Gibson,  
City Planner/GIS Specialist Shannon  
Hansell, and  
Assistant City Manager/City Engineer Chad  
Boshell.*

***Motion:***

Councilmember **Melissa Layton** made the motion to adjourn to the Redevelopment Agency (RDA) Meeting.

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

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

**CALL TO ORDER:**

Mayor **Brett Anderson** called the meeting to order at 10:18 p.m. Roll call established that all members of the Governing Board of the Redevelopment Agency of Farmington City were present.

**Purchase of the Boyce property for the Rocky Mountain Power (RMP) Substation**

City Manager **Brigham Mellor** presented this agenda item. Purchase of the Boyce property is under contract subject to City Council approval. This purchase by the RDA allows the Boyce Family to leverage a 1033 Exchange and facilitate Rocky Mountain Power’s acquisition of a parcel for a power substation that will feed the business park with the necessary power. The parcel will eventually be sold to RMP at the price Farmington paid for the land prior to the construction of the substation. RMP has to get buying approvals before purchasing the property. **Mellor** said Farmington will get their money recouped if needed.

City Attorney **Paul Roberts** said RMP has a year to pay the same price Farmington paid for it.

***Motion:***

Councilmember **Scott Isaacson** moved that the RDA approve the Real Estate Purchase Contract (REPC) for the Purchase of Parcel ID 080570019, approximately 2.1 acres, for \$925,000 to facilitate the construction of a power substation.

Councilmember **Alex Leeman** seconded the motion. All RDA members voted in favor, as there was no opposing vote.

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

***Motion:***

**Isaacson** made a motion to adjourn and reconvene to an open City Council meeting at 10:22 p.m.

**Layton** seconded the motion, which was unanimously approved.

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

**SUMMARY ACTION:**

**Minute Motion Approving Summary Action List**

The Council considered the Summary Action List including:

- Item 1: Main Street (Park Lane – Shepard Lane) Right-of-Way Acquisition Service Agreement – Meridian Engineering for \$59,561.97. **Layton** mentioned that the deadline for insurance is expiring in the next couple of months, even though completion is projected for February of 2025. **Roberts** said it was proof of insurance that will be updated every year. **Boshell** said these temporary ROWs needed to complete the project have added more expenses than expected.
- Item 2: Main Street (Park Lane – Shepard Lane) Right-of-Way Acquisition Service Agreement – Avenue Consultants for \$71,674.08.
- Item 3: Main Street (Park Lane – Shepard Lane) Right-of-Way Acquisition Service Agreement – Sunrise Engineering for \$77,874.26.
- Item 4: Interlocal Agreement related to Right-of-Way Improvements between Davis County, University of Utah, and Farmington City
- Item 5: Utah Transit Authority (UTA) License Agreement for the Station Point Subdivision to allow installation of storm drain pipeline and waterways across UTA property.
- Item 6: Resolution amending the Rules of Order of the Planning Commission
- Item 7: Cottrell Hills Planned Unit Development, Enabling Ordinance and Historic Preservation Development Agreement
- Item 8: Procurement Policy Update
- Item 9: Approval of Minutes for February 20, March 1, and March 2, 2024



***Motion:***

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

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

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	<input type="checkbox"/> Nay
Councilmember Roger Child	X Aye	<input type="checkbox"/> Nay
Councilmember Scott Isaacson	X Aye	<input type="checkbox"/> Nay
Councilmember Melissa Layton	X Aye	<input type="checkbox"/> Nay
Councilmember Amy Shumway	X Aye	<input type="checkbox"/> Nay

**GOVERNING BODY REPORTS:**

**City Manager Report**

**Mellor** said in coming days, he would like to discuss the HTRZ and budget updates with Councilmembers in small groups or individually.

**Mayor Anderson and City Council Reports**

**Mellor** said he will set up a meeting with **Layton, Leeman**, City Parks and Recreation Director **Colby Thackeray, Boshell, Gibson**, and the Ranches representatives. **Isaacson** said it will not be difficult, as it is just deciding how to spend the money and the residents are very prepared and easy to work with.

**Leeman** asked about the street lights by Cabela’s that still don’t light. **Mellor** responded that they are on private property, and it would take thousands of dollars to run conduit. He said Staff is waiting for the opportunity for leverage.

**CLOSED SESSION**

Present:

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

*City Attorney Paul Roberts,  
Recording Secretary Deanne Chaston,  
Community Development Director Dave  
Petersen,  
Assistant Community Development  
Director/City Planner Lyle Gibson, and  
City Planner/GIS Specialist Shannon  
Hansell.*

***Motion:***

At 10:34 p.m., Councilmember **Scott Isaacson** made the motion to go into a closed meeting for the purpose of acquisition or sale of real property.

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

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	<input checked="" type="checkbox"/>	Nay
Councilmember Roger Child	X Aye	<input checked="" type="checkbox"/>	Nay
Councilmember Melissa Layton	X Aye	<input checked="" type="checkbox"/>	Nay
Councilmember Alex Leeman	X Aye	<input checked="" type="checkbox"/>	Nay
Councilmember Amy Shumway	X Aye	<input checked="" type="checkbox"/>	Nay

Sworn Statement

I, **Brett Anderson**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session, and that no other business was conducted while the Council was so convened in a closed meeting.

/s/ Brett Anderson

**Brett Anderson**, Mayor

***Motion:***

At 10:47 p.m., **Shumway** made the motion to adjourn the closed meeting.

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

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

**ADJOURNMENT**

***Motion:***

**Councilmember Alex Leeman** made a motion to adjourn the meeting at 10:34 p.m.

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

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

    /s/ DeAnn Carlile    

**DeAnn Carlile**, Recorder