

FARMINGTON CITY – CITY COUNCIL MINUTES

June 4, 2024

WORK SESSION

Present:

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

*Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen,
Assistant Community Development
Director/City Planner Lyle Gibson,
Finance Director Greg Davis, and
City Parks and Recreation Director Colby
Thackeray.*

Mayor **Brett Anderson** called the work session to order at 6:06 p.m. Councilmember **Melissa Layton** was excused.

CONSOLIDATED FEE SCHEDULE DISCUSSION

Finance Director **Greg Davis** presented this agenda item, highlighting changes to the Consolidated Fee Schedule (CFS). He said the City is not supposed to be making a profit off any fee. In that regard, Farmington is “way” safe, particularly when taking into account all the costs incurred (such as the field, building, vehicles, etc.) to provide sports. Staff does look at the market particularly for recreation and cemetery fees.

City Manager **Brigham Mellor** said the City transfers \$1 million from the General Fund to recreation every year. Every year each department head takes part in the budget process, looking particularly at fees in relation to Farmington’s neighbors. Since being instituted four years ago as part of the budget review process, fees are being discussed more frequently than in the past. Proposed is an increase in pool and gym memberships. A 25% discount will be offered to only veterans and active duty military.

City Parks and Recreation Director **Colby Thackeray** said there has not been an increase in fees for a long time. Some adjustments were made two years ago. It really boils down to the market, and Farmington was still really low. The cemetery child burial fee is proposed to increase from \$160 to \$300, which would still be at the bottom since it does not have perpetual care fees tacked on. Farmington is trying to catch up with everyone else, although Salt Lake cemeteries are “crazy” high. Farmington does not add after-hours and weekend fees. The new \$650,000 cemetery irrigation system looks nice.

Thackeray said there have been small adjustments in recreation fees after some discrepancies were discovered. Contracted referee fees for adult team sports have increased substantially. The adaptive fee for junior jazz increased because of new jerseys.

Mayor Anderson asked if the nonresident fees are high enough. There are a flood of people coming into Farmington to participate in programs such as pickleball. Councilmember **Alex Leeman** said he would support charging 50% more. **Thackeray** said he isn’t opposed to

increasing the gap, particularly for soccer. However, it is difficult to determine if someone is a resident or not. Councilmember **Amy Shumway** said some cities don't offer the programs Farmington does, such as flag football. She pointed out that Farmington residents can sign up for pickleball a day before nonresidents.

Davis said the Council can look at the proposed fees for a few more weeks prior to their June 18 public hearing. **Mellor** said pushback on fees can help Staff determine where they should ultimately be set. For example, Farmington got pushback last year on new pool fees—not the fee per se, but the way the fee was applied. Fees can be changed.

Councilmember **Scott Isaacson** said a fee is the fairest form of tax because the people getting the service are the ones paying for it. The Council should look seriously at charging higher fees if the General Fund is subsidizing recreation, and taxpayers are paying for services they don't benefit from.

Davis said the Central Davis Sewer District has asked Farmington to charge differently for multifamily residences. However, the Central Davis Sewer Board has to meet again to flesh out the exact details. **Mellor** said the Council can set an effective date for any fee change.

Davis said there will need to be adjustments made to the proposed budget for the Farmington Creek Lower Trail project, which carries a total cost of \$338,000. The grants cover 72% of the total. The City has already spent \$23,500. The remaining \$315,000 will be spent in Fiscal Year 2025. The City needs \$73,500 to make up the difference, and it will be taken from park improvement funds. **Mellor** said Farmington only had one effective bid for the project, and they may have opportunities to go after others. The City has until September of 2025 to complete the project, so it needs to be done this fiscal year.

Another change in the General Fund is additional police officers. Instead of having only a 5% raise [2.5% Cost of Living Adjustment (COLA) and 2.5% merit like all other employees], the budget includes an additional 15% pay rate increase. That would be covered by an additional 15% property tax increase, for a total 27% property tax increase. **Davis** said Farmington does not have final numbers from the County regarding growth.

Mellor said the primary changes from the tentative budget previously presented in May include the trail grant and the property tax increase for police wages. The Council is set to approve the budget on June 18 and hold a Truth in Taxation hearing on August 20, 2024. Two newsletters will be going out before then. The first will include information about the mural and the grant from Davis County to pay for it. The next will be the August newsletter that will mention the tax increase and the items it will go toward, specifically the police wages. He said he will have a draft of that newsletter article to Councilmembers soon.

Mellor said there will be a knee-jerk reaction from some residents who will criticize property taxes increasing more than inflation, especially with growth producing more revenue. The core of the message is that the City raised taxes last year to handle the number of police on staff. Farmington Police Department is still two seats down, and they need to be able to have a wage that is competitive enough to not only keep the Staff they have, but to attract new employees. That is hard to push back against, **Mellor** said. Just \$11 a month is not a lot to get bent out of shape over.

Shumway said everyone's budget is tighter this year compared last. **Isaacson** said that in the last two years, Farmington's portion of property taxes have been raised a total of 60%, including the proposed 27% this year. He would like to provide residents with the property tax numbers of surrounding cities, and a chart that shows Farmington's tax rate compared to others. Those two charts should be included with everything that the City sends out. If they are, he predicts 90% of residents will understand the proposed increase. It may help to also explain how sales tax revenue that has increased in the last several years has instead plateaued lately. Big increases cannot be expected anymore. **Davis** added that a graph showing how total payroll has increased and even doubled in the last four years may also be helpful.

Mayor Anderson wondered how many other cities are currently proposing tax increases. **Davis** said three other cities in Davis County have set a Truth in Taxation hearing so far, in addition to the South Davis Recreation Center. City Recorder **DeAnn Carlile** said that Syracuse City and two fire departments in the County are proposing increases. She will inquire with her contact at Davis County to find out if there are more.

Councilmember **Roger Child** said it is not prudent to tie public safety to sales tax revenue. **Davis** said the approximately \$8 million budgeted in sales tax revenue is not a reliable source for the General Fund compared to property tax revenue. Property taxes are a reliable, stable revenue source.

Leeman said animal control increases are proposed to be \$11 a month for every Davis County home. **Child** would like to compile a list of state resources that can help residents who can't afford property tax increases, which can result in liens against homes.

DISCUSSION OF REGULAR SESSION ITEMS UPON REQUEST

Mellor said CW has decided their agenda item (The Charlotte) is not ready to come back to the Council yet. They are trying to look at options and don't want to ruffle feathers. They have asked a lot about the trail and allowing one building to be pulled before residential is built. They want the opportunity to completely eliminate the commercial building permit requirement in order to not be tethered to commercial.

Assistant Community Development Director/City Planner **Lyle Gibson** said the Council does not have a real requirement to do anything, as the applicant already has their Development Agreement (DA) and Project Master Plan (PMP). He said there are three options including leaving the DA the way it is, allowing to build residential whenever the applicant wants, or the middle ground of only pulling one commercial building permit.

Leeman said he is not O.K. with changing it, as other projects have similar requirements. **Child** said he would be fine with a work session. **Mellor** said July is the soonest a work session could be held on this item. **Gibson** said he would send a message to the applicant that the Council is not up to amending the DA, but they can plead their case at the work session.

Community Development Director **Dave Petersen** discussed the Main Street Landmark Register Designation agenda item. **Isaacson** said he received a flurry of emails saying affected residents didn't get notice, which is frustrating when the City has bent over backwards to both take time looking through this issue as well as inform people about it.

Shumway said one email worried her regarding a resident who didn't want the unelected Historic Preservation Commission (HPC) officials approving a Certificate of Appropriateness. **Petersen** said the property owner has the choice if they go to the HPC or not.

Isaacson noted that people opposed to an item are usually the ones to show up to a public meeting, and he wonders how many people in the district are not opposed to it. **Mellor** said it is a fair estimate that the people to the north of State Street are O.K. or ambivalent to the landmark designation, but those to the south are very concerned. Those to the south have a different zoning, and the north is more restricted. **Isaacson** said the houses to the south are all bungalows built in the 1920s. No one thinks that similar houses on 17th South and 5th East in Salt Lake City are that unique or in a historic district. **Leeman** said bungalows don't look historic to him. **Child** said those to the south have an instigator, but they are not being stripped of their rights to have a duplex on their property.

Petersen said the Council could eliminate those to the south from the landmark district. **Mellor** said people may want to tear down a structure to build a newer one in order to get more density. While the residents would not be losing out on density, the means to get there are different and uncomfortable for those to the south of State Street. **Leeman** said the answer is to convince a committee, **Petersen**, or an expert—basically go through someone else to get permission with no guarantee of a permissive attitude. **Petersen** said the appeal would be to the City Council. **Child** said they are afraid of the unknown. He wants to make sure every homeowner can address concerns over the seismic safety of their home. He doesn't want to tell homeowners they can't renovate for seismic stability.

Isaacson said he has heard some who claim that Lagoon is the problem. **Leeman** offered that Lagoon tore down a house, although it was demolition by neglect.

REGULAR SESSION

Present:

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

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

CALL TO ORDER:

Mayor **Brett Anderson** called the meeting to order at 7:10 p.m. Councilmember **Melissa Layton** and Councilmember **Alex Leeman** participated electronically via Zoom. Councilmember **Roger Child** offered the invocation, and the Pledge of Allegiance was led by Councilmember **Scott Isaacson**.

PUBLIC HEARINGS:

Code Text Change Proposal – Section 11-39-050 F of Chapter 39 of the Zoning Ordinance

Community Development Director **David Petersen** presented this agenda item. On March 21, 2024, the Planning Commission held a public hearing related to changes to Chapter 39 of the Zoning Ordinance, but tabled the action to allow time for Staff to prepare findings for their future consideration. On April 18, 2024, the Commission reviewed the changes, but did not recommend either of the two alternative options included in the Staff Report. Staff tried to simplify things. He said the Historic Preservation Commission (HPC) did not recommend that the Council approve this item.

Mayor Anderson opened the Public Hearing at 7:21 p.m.

Brad Bornemeier (54 S. Main Steet, Farmington, Utah) said he appreciates that the City did not rush into this decision. At first, the meetings with affected landowners proceeded like, “This is going to happen. Now, how can we make it easier on you?” After two years on this journey, he said the chapter was poorly written and many changes have had to be made for residents. He wants to make it as easy as possible for him to do what he wants with his home. He predicts that this won’t be the last historic district, so the Council should think ahead to how residents will feel in the future.

Mayor Anderson closed the Public Hearing at 7:25 p.m.

Main Street Landmark Register Designation Ordinance

Petersen presented this agenda item. The Council reviewed this request at their September 19, 2023, public hearing, tabling consideration to allow time for additional feedback from property owners and for further study. The Council again considered a Main Street Landmark Register Designation Ordinance on December 5, 2023, but tabled action again. Erring on the side of

caution, the City sent out notice to all 100 of the affected properties, even though it was not required.

Mayor Anderson said the City has received several emails that were reviewed by the Council and will be made part of the record. He opened the Public Hearing at 7:29 p.m.

David Newton (74 S. Main Street, Farmington, Utah) said he had concerns that this was originally presented as this thing was going to happen, but the landowners could determine how they wanted it. He felt it was Big Government handing them something, and then asking how they wanted to receive it. This didn't sit well with anyone, as they wanted the chance for the City to consider that the landmark district not happen at all. Why should the government dictate what landowners do with their home as taxpayers?

His home is south of State Street, and he would like the Council to consider that those south of State Street don't want this. Their zoning is both R4 and R8, which shows a precedent to zone things differently in the area. He would like the option to opt out or have some different level of participation. He said properties that qualify for the landmark register got to that point by themselves, as property owners all care for their structures and do their own yardwork.

He appreciated the later opportunity to meet with Staff to review options. He feels many of the options Staff listed as benefits of being a part of a landmark register designation are ambiguous, using noncommittal words that sound good on paper.

Brad Bornemeier (54 S. Main Steet, Farmington, Utah) said affected landowners were called out for not attending meetings. However, all six homeowners south of State Street are either attending or being represented at tonight's meeting, and every one of them is against this. One homeowner is on a mission, but submitted a letter to the Council for consideration. Since he has lived in this area, three homes have been demolished. Now that his own property rights are in question, he and his neighbors are a little standoffish for what will go on here. He thanked the Council for waiting to making a decision about this. He said the Staff's listed financial benefits for belonging to a landmark district are false. This area is already on the federal district, so there will not be any new tax breaks available to them. In his experience, a homeowner would have to pay \$40,000 to \$60,000 in order to qualify for tax breaks, which would mean they would have to almost take out a loan. For example, his home has over 30 windows, many of which were boarded up when he bought the home. To replace it to its original condition (as called for by the landmark district), it would have to be wooden frames and single-pane glass, which would cost \$30,000 to \$40,000. Yet vinyl would cost half as much.

If developers like **Jerry Preston** had a hard time qualifying, what chances do individual homeowners have? Property owners south of State Street are asking to be left out. Different parts of Main Street have historically been treated differently, so precedence has already been set.

In 2000, he lived in nearby apartments and heard rumors about the HPC. He determined that he would not buy a home if it was in a landmark district or Original Townsite Residential (OTR) zone. There were concerns about demolitions on the street. His parents' home on 1400 North was purchased and then demolished. His home is already protected and he couldn't demolish it as easily as his parents' home was demolished. Chapter 39 has an extra layer he would have to go through in comparison to a normal resident demolishing a home. He does not want his rights

taken away and given to a committee that is not elected or employed by the City, who do not have building qualifications, but who have the power to grant him permission of what to do or not do with his home. The “compromise” will not go well if landowners can’t control what happens to their own property. Those south of State Street want to be left off. They didn’t want to be part of it, and they didn’t ask for it.

Judy Roosendaal addressed the Council. She lives next to the Rock Church and also owns another home in the historic district. She couldn’t be more grateful for how the City takes care of people, faith, family, and freedom. She appreciates the Council taking care of older properties like her old home.

Mayor Anderson closed the Public Hearing at 7:47 p.m.

Mayor Anderson recognized that this is a hot item wrestling the desire to preserve the unique historic aspect of Farmington with property rights. He understands the tension. However, as Mayor, he only votes if there is a tie. So, he would like to at least share his thoughts before turning the issue over to voting members. In competing philosophies and ideals, he leans toward property rights to control what is theirs. If residents want to opt into the landmark register, they can join later. He is against forcing people. If a district is created and then a person moved in later, they know what they bought into. But it is hard to swallow forcing someone into it or the government telling someone what to do. It has been interesting to hear the issue deliberated. This is an issue that Councilmembers have debated for a long time, so they have taken time to think and prepare for this agenda item.

Layton said as a liaison with the Historic Preservation Commission (HPC), she has wrestled with this issue and been able to discuss it in depth. She leans toward property rights, which are important rights to protect. She also understands why the City as a whole would want to protect an iconic, beautiful street that adds value. That ambiance does not disappear overnight, but can be chipped away at little by little if there are no preservation efforts.

Isaacson said he respects everyone’s opinion and the appreciates the civility of the discussions. He understands both sides, but wants to step back to a 3,000 feet view. When we choose to live in a community, we give up certain rights. We do not have property rights to do things that would injure our neighbors under City ordinances. WE do have to give up some rights to live in a community because those rights could injure the rights of others. There is a fair line between doing whatever you want and what benefits the community as a whole. He is in favor of preserving Farmington’s historic center for the benefit of the entire community, subject to certain restrictions. That is not un-American. While visiting Charelston, South Carolina, recently, he noticed blocks of historic homes that are lived in today under strict rules that preserve the historical look of the community. There are likewise similar restrictions in downtown Park City. While he knows Farmington is not Park City, maybe the City is going too far. He is concerned that everyone south of State Street is opposed to it, and he is considering excluding them even though he thinks it is better in the long run to include them. He would be in favor of modifying the recommended ordinance because the zoning is different south of State Street. This does make a difference in his mind. He is persuaded that being a part of a historic district does benefit the involved landowners.

Mayor Anderson asked if homes south of State Street excluded from the landmark district now could opt in in the future. **Petersen** said they could if they first petition to join, which would be reviewed by the HPC and then the City Council.

Leeman said he has the same feelings as the Mayor. He is concerned about forcing things on people who have not chosen to be in a district. While the Council may adopt a historic district, they are not required to do so. It is a judgment call for the City Council. The decision of if it is worthy or important enough to preserve is a heavy decision to make, as it affects property rights. The Council has to decide if it is good for the community as a whole. He personally has a hard time distinguishing if something is historic or just old. However, he is struck by the fact that there does seem to be a line on the map, with those on one side in support or ambivalent and those on the south being against it. He would like to sever the properties south of State Street.

Child said this discussion illustrates well that there is a balance between personal property rights and preserving the community. He is in favor of personal property rights. It must be determined at what point personal and community rights conflict. There is not a whole lot of conflict over the desire to keep residential preserved on Main Street. From a 30,000 foot level, most are in agreement with a level of preservation. However, he would like to stop at the 20,000 foot level.

He has been to Charleston, and it is beautiful. However, in order to paint a house in Charleston, a homeowner has to take eight grades of paint to get scientifically tested. He never wants to go to that level in Farmington. Most people are afraid that their rights could be taken away. The City and Staff have tried to preserve property owners' rights over those who interpret if a dandelion is a weed or flower, or have a preference for a certain type of fence or window. There is a certain level to stop at.

The Planning Staff has done a great job of allowing property owners to have a voice. It is important not to force someone into the level of detail that takes property rights away, but instead preserves the quality and character of Main Street. Three options have been proposed. If this is passed, there is a declaration that the general nature of Main Street be preserved with four avenues of appeal. First, the HPC. While there are great people on that committee, and he has sat on that committee in the past, that is not his first choice. Time is money, and they are not interested in making a quick decision. He would not put an interest rate clock against the HPC. Secondly, decisions can be appealed to Staff. He has a high degree of confidence in Staff. Third, appeals can be brought to the City Council. Lastly, at the cost of the City, plans can be reviewed by an architect.

He does not want to put property rights into the hands of a pet peeve hobby horse. He wants something more efficient. He feels as a City, they have stopped at the 20,000 foot level, balancing between property rights and the desire to preserve the character and quality of Main Street. You can demolish your house if you want to, but have to put back a structure of the same character and quality of other residences on Main Street. He wants to make sure that there is a strong life safety proponent; residents have the right to have a home that is seismically safe, and there should be a process to review that. He has never seen things taken to the level of approving wood windows over vinyl windows. He is in favor of having what you want in your own home.

Isaacson said the ordinance is triggered if what is being proposed requires a building permit. Minor things that don't require a building permit aren't considered. **Child** noted that a building

permit is required for demolitions and additions, but not required for type of windows or a modern look inside the home.

Leeman physically left the meeting at 8:10 p.m., but then called in to join the meeting electronically.

Councilmember **Amy Shumway** said she is sorry that **Newton** felt the ordinance presented would be passed no matter what. She hopes nobody ever feels that way again. While being a part of a historic landmark district may not benefit **Bornemeier** personally, it will benefit those with really large backyards in the future. It is a hard balance, and she doesn't want to take away property rights. With the courthouse so close to those south of State Street, she doesn't feel those homes should be excluded. She feels all homes should be included. However, taking a bird's eye view, it is not a deal killer if those homes are excluded. She said it sounds like all agree on preserving Main Street.

Isaacson said he was saddened by **Newton's** lack of trust in City government. At the same time, **Newton** is asking the City to trust that he won't demolish his home. The Council has been studying this for years, and he hopes there is respect that goes both ways.

Petersen said Farmington's landmark districts include West State Street, Clark Lane Historic District, and the Main Street Historic District. The new district could be adopted with everything south of State Street not needing a Certificate of Appropriateness (CA) for anything other than demolitions. A CA would not be required for repairs, alterations, or additions. If someone is worried about seismic soundness, they may want to demolish and replace with something fitting to the historic district. Even appropriate duplexes can be "fitting." Something separate can be done to the south.

Mayor Anderson said the intent is that the only ordinance affecting those south of State Street is the demolition and relocation ordinance.

Motion:

Isaacson moved that the City Council approve the enabling ordinance (enclosed in the Staff Report) amending Section 11-39-050 F. subparagraph 2.a. and subparagraph 3. of Chapter 39 (Historic Buildings and Sites) regarding historic resources on the Farmington City Historic Landmark Register and adding paragraph 5 from Option 1, changing the wording to read as follows:

A Certificate of Appropriateness for an historic resource located in the Main Street Historic Landmarks Register district in the area south of State Street and north of 200 South on Main Street is not required for repairs, alterations, or additions, but only for demolitions or relocations.

Findings 1-3:

1. The amendment provides greater flexibility to the owner of an historic resource to obtain a Certificate of Appropriateness for repairs, alterations, or additions.
2. The proposed subparagraph 3 enables access to greater information to an owner of an historic resource wanting to do repairs, alterations, or additions consistent with appropriate standards.
3. The amendment reduces redundancy as "repairs" is already referenced in subparagraph 4.

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

Motion:

Isaacson moved that the City Council approve the ordinance (enclosed in the Staff Report) designating the historic resources located in the Main Street National Historic District as historic resources on the City’s Historic Landmark Register.

Findings 1-3:

1. The Farmington Main Street Historic District is located within the corporate boundaries of Farmington City.
2. It is currently listed in the national register of historic places (the “national register”).
3. The Main Street Historic District meets six of the seven criteria below necessary for Landmark Register Designation [Note: Only compliance with two of the seven criteria is required.]
 - i. It is an easily identifiable visual feature of its neighborhood or the City because of its positioning, location, age, scale, or style, and it contributes to the distinctive quality or identity of its area in such a way that its absence would negatively affect the area’s sense of place;
 - a. The district is one of the most identifiable area of the City. It contains buildings from the entire settlement history of Farmington in a variety of styles and types ranging from small settlement-era vernacular classical homes to the recently constructed City Hall in 2010.
 - b. Unlike many main streets across the county, Farmington’s Main Street is primarily single family residential.
 - c. The district area has the most historically intact collection of buildings in Farmington City, and maintains a cohesive historic streetscape with little modern infill between historic buildings.
 - ii. It figures importantly into Farmington City’s founding or development through its uses, especially public uses;
 - a. The territorial legislature designated Farmington as the seat of government for the newly formed Davis County, and the first courthouse in Utah (an adobe building) was built in the district in 1854 to 1855. Although this building no longer exists, the recently restored Memorial Courthouse, constructed in 1933 is also part of the district at 28 East State Street.
 - b. The Rock Church (or meeting house) at 272 North was erected 1862-1863, and dedicated on January 9, 1864. The

- LDS Primary Association, conceived by Aurelia Spencer Rogers, was organized in this building. 224 children enrolled at the first meeting on August 25, 1878.
- c. The Hector C. Haight House at 208 N. Main was built in 1857, and at one time was used as a hotel, which included a restaurant. It is now a single-family home.
 - d. The Farmington Tithing Office, located at 108 N. Main Street and built in 1907, is the Farmington City Museum.
 - e. The City purchased the Tithing Office for use as a City Hall in 1917. There have been three subsequent City Halls built since then, which includes the current City Hall constructed within the District at 160 S. Main Street in 2010.
 - f. Davis County School offices are also located on Main Street.
- iii. It is associated with persons significant in the founding or development of Farmington city, especially the earliest settler families (1847-1900); Hector Haight and his family were Farmington's earliest settlers in 1847, and two Haight homes are located within the district. The Haightes were joined by five other families in 1848 including the Burke, Davis, Grover, Miller, and William Smith families, and six other families in 1848 including the Hess, Clark, J. Smith, Robinson, and Secrist, and Richard families. At least four of these 11 families have direct ties to the Main Street District.
 - iv. It is associated with events that have made a significant contribution to the founding or development of Farmington City;
 - a. The Farmington City General Plan states that it is the social and cultural center of the community, and is the location of annual parades, festival days, and plays.
 - b. Main Street is the location of Farmington's earliest commercial development, clustered primarily around State and Main street.
 - v. It illustrates an important architectural form, style, or building technique, especially as an example of "local vernacular" (e.g. Single- and two-story rock/adobe homes; simple brick Victorians) or as a singular example of form, style, or technique within the City.
 - a. Architectural Classifications include: Mid 19 Century; Greek Revival; Late Victoria; Victorian; Late 19th and early 20th Century revivals; Colonial Revival, Tudor Revival; Late 19th and early 20th Century American movements; Prairie School, Bungalow/Craftsman; and Other: Minimal Traditional, Ranch.
 - vi. It has been used as a wayfinding landmark for at least 50 years;
 - a. Main Street is lined with mature deciduous trees, predominantly sycamores and is the major north-south

“non-freeway” public Right of Way in Farmington. This section of Main Street is also State Route 106.

- b. Main Street is part of the alignment of the historic Lincoln Highway as well, a precursor to the Interstate Highway Act of 1956.

Child 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

Isaacson thanked **Petersen** for the fair compromise and the creativity that went into it.

Request to vacate a platted but unimproved portion of the 1525 West Right of Way beginning in the vicinity of Innovator Drive at the north boundary of parcels identified by the following Davis County Tax I.D. numbers 08-059-0068 and 08-059-0041, and running thence north to Maker Way

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. Farmington City, the applicant, has previously been working on the construction of Maker Way and Innovator Drive for a couple of years. These projects are nearing completion. In consideration of improving this area, part of the agreements with STACK Farmington Land, LLC, the adjacent property owner, is that they would provide the Right of Way needed for these major roadways if, among other things, the City vacates this old section of Right-of-Way which does not follow the built or planned road network. The vacation of this portion of property has been delayed pending the completion of utility connections, which will sever the need and use of existing utilities under this section of Right of Way. As the new primary utility network finished building out, the timing of vacation for this section of Right of Way is appropriate.

Mayor Anderson opened and closed the Public Hearing at 8:39 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Motion:

Shumway moved that the City Council approve the ordinance (enclosed in the Staff Report) vacating a portion of the 1525 West Right of Way to the adjacent property owner. Recording of the ordinance to vacate the Right of Way shall take effect upon verification by the City Engineer that access to utilities under this Right of Way are no longer needed.

Findings a-d:

- a. The property owner of 08-057-0073 is the logical recipient of the Right of Way.
- b. The property can be better utilized as part of the master planned development of the North Station Area under private ownership.
- c. The Right of Way has never been improved, and is not planned to be. It will no longer serve as access to utility systems with the completion of the Maker Way and Innovator Drive project.

- d. Previous agreements between the City and Stack Farmington Land, LLC indicate that this property would be vacated to them.

Child 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,
Councilmember Scott Isaacson,
Councilmember Melissa Layton,
Councilmember Amy Shumway,*

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

Motion:

Councilmember **Roger Child** made the motion to adjourn to the Redevelopment Agency (RDA) Meeting.

Councilmember **Amy 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

CALL TO ORDER:

Mayor **Brett Anderson** called the meeting to order at 8:42 p.m. Roll call established that all members of the Governing Board of the Redevelopment Agency of Farmington City were present.

Adoption of a Conservation Easement Amendment Policy

Community Development Director **Dave Petersen** presented this agenda item. Farmington City is pursuing eventual approval and construction of a fire station on property it owns at 471 N. Innovator Drive. Notwithstanding this, the RDA owns a conservation easement which does not allow for such public uses. A conservation easement amendment policy will enable the RDA to consider amendments to a conservation easement so long as such amendments are consistent

with the conservation values of the property. This language mirrors almost verbatim the Farmington City conservation amendment policy. Due to an oversight, it failed to mirror it previously.

Mayor Anderson opened and closed the Public Hearing at 8:45 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Mellor said there was an in-house question about how necessary this is, as the fire station will be providing a public benefit on City property. However, to be safe, he feels this is the best way to go as both the land and the easement are owned by the City.

Motion:

Child moved that the RDA approve the resolution (enclosed in the Staff Report) adopting a conservation easement amendment policy.

Finding:

A conservation easement amendment policy enables the RDA to consider amendments to its conservation easements now and in the future.

Shumway 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

Conservation Easement Amendment Request

Petersen presented this agenda item. The conservation easement in question was originally established when the West Glover Lane Park was impacted by the Utah Department of Transportation (UDOT) and a replacement property was needed. As additional planning and design have taken place over recent years, a minor adjustment to the conservation easement is necessary to enable the construction of the future fire station.

Mayor Anderson opened and closed the Public Hearing at 8:52 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Motion:

Child moved that the RDA approve the second amendment (attached to the Staff Report) to the conservation easement dated April 16, 2019, which allows for public uses as an allowed use, subject to final review of the Farmington City Attorney. [Note: The easement encompasses approximately 15 acres of property and is located at about 500 North 1525 West (Davis County Tax ID #s 08-060-0070, 08-060-0071, and 08-060-0072).

Findings a-h:

- a. The amendment is consistent with the overall purposes of the conservation easement and will not be detrimental to or compromise the protection of the stated conservation values of the property.
- b. The amendment is substantially equivalent to or enhances the conservation values of the property, adds adjacent land, contributes to the public good, or achieves greater conservation of the property.
- c. The amendment is consistent with the RDA’s goals for conservation of land under applicable City Ordinances and will not undermine the RDA’s obligation to preserve and enforce conservation easements it has accepted.
- d. The amendment is the minimum change necessary to achieve the desired and acceptable purpose.
- e. The amendment is clearly warranted and in the best interest of public and subject property.
- f. Granting the amendment will not set an unfavorable precedent for future amendment requests.
- g. The amendment does not adversely affect the RDA’s qualification as holder of conservation easements.
- h. The amendment does not provide a private benefit to the landowner or any private party.

Shumway 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:

Councilmember **Scott Isaccson** made a motion to adjourn and reconvene to an open City Council meeting at 8:53 p.m.

Shumway 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

BUSINESS:

Sycamore Lane Preliminary Planned Unit Development (PUD) Master Plan

Petersen presented this agenda item for 0.31 acres of property near 300 West, north of the junior high. The applicant wants to build a single-family home behind a historic home, which will be the Accessory Dwelling Unit (ADU) in the front. The existing addition to the historic home is proposed to be removed. The Original Townsite Residential (OTR) zone does not allow an ADU

in the front yard. **Petersen** said it is a great idea to place the new home's garage behind the historic ADU so that only the new home's porch area is visible from the street.

The applicant also owns a piece of landlocked property behind the home. As a pre-1969 lot, it predates the ordinance, so it is legally nonconforming, which is a windfall for the landowners. Upon consideration, the Planning Commission pointed out that one lot cannot be developed so as to be a detriment to any adjacent property. If the new home had been constructed as initially proposed, it would have restricted access to the lot behind it. Access would require 15 feet, which was not possible as previously contemplated. Therefore, the applicants slid plans for the new home over to allow 20 feet of access to the back parcel, which was acceptable to the Fire Department, utilities, and title. Since it is accessed through an easement, and since it predates the ordinance, the back parcel would not be considered a flag lot. The Planning Commission recommended this for approval.

Applicants **Anna and Nick May** (791 S. Price Road, Farmington, Utah) addressed the Council, saying they have made concessions for access and to preserve the Sycamore trees, as they want to make this aesthetically pleasing to the neighborhood. The back lot is about a quarter acre in size.

Petersen said if they combined the 0.31- and 0.25-acre lots into one lot, they would lose the right to build on the 0.25 acre lot in the back. Surrounding property owners don't want to cooperate for access from any other direction, despite the applicants' efforts.

Petersen said the City has recently embarked on a subcommittee exploring the possibility of ADUs being carved off into their own lots. This would help people get equity and find more affordable housing. **Child** said he does like the idea of ADUs providing a creative solution for some older homes. It is a win/win situation and solution. **Shumway** said this application reminded her of the Rice project, which **Petersen** said is tiny compared to this one, although the Rice property is one of the top five historic pieces of property in Farmington.

Motion:

Child moved that the City Council approve the Preliminary PUD Master Plan for the Sycamore Lane Planned Unit Development, accompanying development agreement, and PUD enabling ordinance subject to all applicable Farming City development standards and ordinances and the following Conditions 1-2:

1. The property owner shall enter into the Development Agreement (attached to Staff Report) with the City to preserve the historic dwelling.
2. The property owner must provide and record a reciprocal access and utility easement agreement acceptable to the City between the owners of Parcels 08-089-004 and 08-089-0006 to ensure access to Parcel 0006- now and in the future.

Findings 1-5:

1. The applicant plans to preserve the historic home.
2. The impact of the PUD is similar to that of a traditional main dwelling unit and accessory dwelling unit setup.
3. NO new lots are being created.
4. The PUD option creates the most efficient use of the parcel.

- The applicant worked with City staff and fire marshal to provide adequate future access to Parcel 08-089-0006 to enable the construction of a dwelling on this lot in the future.

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

Consideration of Amendment to the Development Agreement for The Charlotte

Motion:

Isaacson moved that the City Council table this item at the request of the applicant.

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

Additional text and amendments to Title 15, Sign Regulations, and Chapter 41, Scenic Byway Overlay, and Chapter 26, Light Manufacturing and Business (LM&B) of Title 11, Zoning Regulations

Gibson presented this agenda item. Each zoning district in the City includes lists of things that a property owner may do with their land, falling under either permitted or conditional uses. Permitted uses are allowed as a matter of right. A request to do something listed as permitted does not require any public process, but may require review and approval by Staff. Conditional uses may require additional safeguards. In recent years, Courts have affirmed that conditional uses are allowed and must be approved as long as reasonable conditions can be applied to anticipated detrimental impacts. Based on this recent shift, it is advised to move conditional uses with established standards to permitted uses.

In the case of Farmington’s LM&B zoning district, the ordinance has not been updated or modified since 2002, except in relation to the 2022 water efficient landscaping ordinance. This zoning district only regulates about 60 acres of property around 650 West and the West Davis Corridor. **Gibson** said this area has many flex, tilt-up, industrial buildings with sporting uses that continue to be popular on the Wasatch Front.

As currently established, the LM&B zone has a very brief list of permitted uses. Feedback indicates that this creates a challenge for perspective tenants who may have to wait several weeks to find out if their business will even be allowed. Additionally, in contrast to all other commercial zoning districts, all signage must be approved through a conditional use review, including wall signage.

The primary item of concern is a restriction in the City’s Scenic Byway Overlay District found in Chapter 41 of the zoning ordinance. This district restricts land use in close proximity to the Legacy Parkway to help maintain the aesthetic value of the corridor. Multiple cities along the Legacy Parkway corridor cooperated to develop principles and standards, including type of signage, along this route. **Gibson** said this was to prevent billboards from popping up. However, none of the communities (including Centerville, Woods Cross, West Bountiful, and North Salt Lake) have adopted policies as restrictive as Farmington City regarding signage or otherwise.

The proposed ordinance increases the number of uses which may be considered by right to better accommodate desired uses within the zone. It also proposes a change to allow the consideration of wall signs on buildings to be placed higher than 15 feet. These signs would be approved by Staff similar to how they are handled in a commercial district. The proposed language is consistent with signage that is already in place in neighboring cities. The Planning Commission felt it was appropriate to let signs go higher up along the Scenic Byway.

City Attorney **Paul Roberts** said this is the one area of the City where Sexually Oriented Businesses (SOBs) are allowed. By law, SOBs have to be allowed somewhere. **Mellor** said this area of the City has some of the most desired real estate in the City, is passed by lots of traffic, and is where buildings were quickly built on speculation. Staff has been surprised at how fast construction happened and how restrictive the ordinance appeared. The landowner, a long-time Farmington resident, doesn’t want signs and logos to look clustered and cluttered, and wants signs that help people find the facility.

Isaacson said that when he served on the Centerville City Planning Commission years ago, he spent a lot of time reviewing their sign ordinance. He said this proposal looks good to him. **Shumway** thanked Staff for the samples and visuals included in the Staff Report.

Motion:

Shumway moved that the City Council approve the proposed changes to Chapters 11-26 and 11-41 of the City’s zoning ordinances.

Findings 1-2:

1. After completing the additional research, the proposed updates in the opinion of City Staff are both appropriate for the properties which would potentially be impacted within Farmington City, and also consistent with the regulations in effect in neighboring cities along Legacy Parkway.
2. The proposed uses in the Permitted Use category can be addressed appropriately through a Staff-level review process based on existing criteria and standards already found within the ordinance.

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

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: Discontinue Dispatch Services Agreement with Davis County Sheriff’s Office (DCSO)
- Item 2: Enter into Dispatch Services Agreement with Bountiful City
- Item 3: Interlocal Agreement for Third-Party Building Inspections
- Item 4: Approval of Minutes for May 7, 2024

Motion:

Child moved to approve the Summary Action list items 1-4 as noted in the Staff Report.

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

Councilmember Roger Child	X Aye	___ Nay
Councilmember Scott Isaacson	X Aye	___ Nay
Councilmember Melissa Layton	X Aye	___ Nay
Councilmember Amy Shumway	X Aye	___ Nay

GOVERNING BODY REPORTS:

City Manager Report

Mellor said paving is being finished on Innovator, and final construction is being wrapped up on Burke. He will make sure to inform the Council about when Burke will be opened. There will be some traffic headaches until the lights are installed. The road is not striped yet, and is linked to when the slurry seal will be put down after the one-year warranty period. This gives the opportunity to see where the road is defective. At the very least, some signage can be put in. He will check with the City Engineer about it.

Mayor Anderson wants a way to warn people not to drive on the road, as there is no lighting and it is hard to see anything. **Isaacson** said speed limit signage is needed. **Mellor** said south of Burke Lane is done, but motorists should stay off the road north of Burke.

Gibson said Maverik has everything it needs from the City, but is still dealing with a federal easement overseen by the Weber Basin Water District. Maverik is eager, but the easement is holding them up.

Mayor Anderson and City Council Reports

Shumway asked what is being done with the lot in front of the Hampton Inn. **Mayor Anderson** said since they couldn’t get the parking they needed, the owner is now rethinking the proposed use. They are now considering a walk-in ice cream shop. They want a unique, local Farmington business there and think they can get more sales revenue from ice cream than an office building.

Mellor said the City has not had any flooding issues this year. **Gibson** said Staff put together letters about landowners encroaching on trail easements. He will check that they were sent out.

Mayor Anderson said he has had residents reach out to him about inconsistent enforcement of e-bikes on public streets. Farmington needs to clarify if they are allowed or not. Law enforcement has pulled over those throttling. Some e-bikes can go 35 mph and that is very fast for sidewalks. It is not a bad thing that people use e-bikes to go to the store and back. Farmington needs to find ways to facilitate non-vehicular traffic.

Mellor said one of the ways cities have been managing e-bikes is by setting a speed limit. That might be an easy place to start handling a dangerous situation. Scooters max out at 15 mph; pedal-assists can go to 20 mph; and others can go 28 mph. The City Attorney can research what is being done in other cities regarding e-bikes and scooters, and it can be discussed in an upcoming work session.

Isaacson said he got an email from a resident, and he shared the letter with the Development Review Committee (DRC). The complaint was how it is difficult to use e-bikes in Farmington because to get from a home to a trail is unsafe and often requires crossing a freeway or other busy road. It may be worth a study.

Mayor Anderson said he doesn't want to run out of candy at the upcoming Festival Days parade. **Mellor** said paying for taffy or Tootsie Rolls will come out of both the City Council and Fire Department budgets. **Shumway** said she would rather have a box left over at the end instead of run out.

Mayor Anderson said the State Legislature is requiring every county and city to have a Code Blue plan for winter nights when the temperatures are below 15 degrees. There has to be a "warming center" to house the homeless population during a Code Blue event. Last year within six months, there were less than 20 total days below 15 degrees in Davis County, where there are between 10 to 30 homeless individuals on the streets.

The Code Blue Commission in Davis County has been meeting for a year and haven't quite come up with a solution, although the plan is supposed to be submitted to the State in 58 days. They would like four or five separate rotating locations, each in a different city. That way each city would have a Code Blue location about five nonconsecutive days each year. A facilitator would know where to pick them up, and he would know where to house them that night, but the homeless individuals would not know where they were going from day to day. Those using the facility would be prescreened, so they are not stoned or wasted. The facilitator said some homeless individuals don't prefer to use a Code Blue location, as they don't want to leave their "own place," even in the cold. There are reasons why it should not be a predictable, permanent place, nor should it be close to amenities. If they don't know in advance, they won't congregate at selected locations. **Mayor Anderson** said they do not want homeless people near Station Park. It should be a place where they want to leave in the morning. For example, it could be the pool lobby. Every city would come up with a location, and the group would get together to evaluate locations, picking the best four or five that meet the needs.

This is an unfunded mandate, meaning the State is not offering money to meet the requirement. **Child** said without funds, it would be difficult to incentivize private property owners to provide space for Code Blue events. **Mayor Anderson** said there is a risk that if the counties and cities don't find a solution on their own, the State will eventually force a solution on them. This is a chance for the cities in Davis County to be the masters of their own destiny. He would like

Councilmembers to consider suitable locations, perhaps a warehouse on the south end of town, and share them at an upcoming work session.

ADJOURNMENT

Motion:

Child made a motion to adjourn the meeting at 9:54 p.m.

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

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



DeAnn Carlile <dcarlile@farmington.utah.gov>

Fwd: Landmark Designation

1 message

Melissa Layton <mlayton@farmington.utah.gov>
To: DeAnn Carlile <dcarlile@farmington.utah.gov>

Tue, Jun 4, 2024 at 8:29 PM

Sent from my iPad

Begin forwarded message:

From: Marlene Kay <8ssgreat@gmail.com>
Date: June 4, 2024 at 11:48:29 AM MDT
To: mlayton@farmington.utah.gov
Subject: Landmark Designation

Dear Mayor Anderson and City Council Members,

My name is Marlene Kay and I live 10 S. Main St, (the home on the corner of State and Main) which is part of the parcel being disputed in the proposed amendments to chapter 39 of the City Code that outlines the Landmark code. I have attended numerous meetings on this matter expressing my opposition of being swept into the Historic District's affairs for reasons that really don't apply the same way as they do two blocks up from us.

I love living in this lovely part of town but have watched vigilantly as other proposed proposals for use of various properties around me have been entertained and debated. It always seem that those with some authority have the desire to exercise their vision and may manipulate their "good intentions" without fully realizing the unintended/intended consequences for the homeowners it directly affects. It is an eclectic block with many precedences and exceptions to zoning and use permits. We cannot be viewed and enforced with the tools as other parts of historic Farmington. Thus, as a home-owners on the block west of State Street, I do not want to be legislated by the Historic Committee. As I have previously stated in writing and at prior meetings, I feel that we are experiencing unnecessary government overreach by a non-elected committee that may affect us long after those people leave their office.

In as much as I cannot attend the meeting this evening, I wanted to restate my position. Thank you for your service and consideration in this matter.

Sincerely,

Marlene Kay



DeAnn Carlile <dcarlile@farmington.utah.gov>

Fwd: Proposed Historic District

1 message

Brett Anderson <banderson@farmington.utah.gov>
To: DeAnn Carlile <dcarlile@farmington.utah.gov>

Tue, Jun 4, 2024 at 9:29 PM

----- Forwarded message -----

From: **jack servicelovehope.org** <jack@servicelovehope.org>
Date: Tue, Jun 4, 2024 at 4:50 PM
Subject: Proposed Historic District
To: dcarlile@farmington.utah.gov <dcarlile@farmington.utah.gov>, banderson@farmington.utah.gov <banderson@farmington.utah.gov>
CC: rchild@farmington.utah.gov <rchild@farmington.utah.gov>, sisaacson@farmington.utah.gov <sisaacson@farmington.utah.gov>, Melissa Layton <mlayton@farmington.utah.gov>, Alex Leeman <aleeman@farmington.utah.gov>, ashumway@farmington.utah.gov <ashumway@farmington.utah.gov>, Brad B <middleb24@gmail.com>

Mayor Anderson

My wife and I are owners of 30 South Main St. and as such want to **once again register our unequivocal opposition** to the matters at hand related to changes in landmark and zoning designations. We wrote our detailed feelings on December 1, 2023, (below) with a follow-up on December 5, 2023 regarding the poorly administered owner survey.

As I understand the situation, fear has grown over the years regarding Lagoon properties, their maintenance and potential demolition. If that is the concern, the City should deal with that directly. This smacks a bit of the guilty being caught, but the innocent punished. If the plan is to restrict demolition of houses on our block, we are already restricted by the current regulations in place. Further regulation is unnecessary.

One of our major concerns is that an unelected, non-employee board with accountability to no one but themselves will be left to define what constitutes "minor changes" that we will be allowed to make to the exterior of our houses. They will also have the power to require work, regardless of the cost to meet whatever standard they deem appropriate. Putting that much control in the hands of an unelected body takes away our basic property rights. As a homeowner and building contractor for over 40 years, I think I am much better qualified to decide what is best for my home, as long as it is within existing codes and guidelines.

If there is merit in this plan for our street, than would it not be more just and less of an infringement on our property rights to introduce the change gradually as we sell our homes. In that way the new owners will know what they are getting into, unlike those of us who have no desire for this change and the costs that we are sure will result.

My wife and I are in Ecuador serving a mission and are therefore unable to attend but would be happy to answer any questions.

Regards,

Jack and Lestelle Schwab

From: jack [servicelovehope.org](mailto:jack@servicelovehope.org)
Sent: Friday, December 1, 2023 12:39 PM
To: banderson@farmington.utah.gov
Cc: rchild@farmington.utah.gov; sisaacson@farmington.utah.gov; mlayton@farmington.utah.gov;

Subject: Proposed Historic District

Dear Mayor Anderson,

My wife and I are owners of 30 South Main and 177-179 200 W. We would like to express our **unequivocal feelings against** the historic district under consideration. After two lengthy conversations with the City Planner, David Peterson, we have yet to understand any real advantage to such a move.

The following are some of the arguments for the historic District that Mr. Peterson presented to us:

Property values are low and will only increase because of the Historic District.

My experience dealing with historic preservation committees in New York City and Virginia have shown me quite the opposite, as any restrictions reduce property values because owners will not have a freehand in external renovations (as far as building and zoning codes allow).. In addition, the possibility of mandated changes and related fines will cause concern for many potential buyers.

No one want to live on Main St. because of the condition of the houses and the 14,000 cars a day which pass on the street.

I have never heard anything but praise about how beautiful our street is and how the sycamore trees, the courthouse and limited commercial areas give it a real hometown feel. As to 14,000 cars a day, we cannot imagine that many cars in a month. Other than when there is a traffic backup on I-15, rarely is there even a line of more than a few cars at the light. Regardless, this debate is over the historic district, not traffic control. This unrelated argument seems to be used purely to sway support.

Absentee landlords have let their houses deteriorate bringing the entire neighborhood down.

All 5 houses on our block are owner-occupied so where is the benefit? The only complaints we have heard about absentee landlords is Lagoon and if they are a problem they should be dealt with individually. This proposal is ultimately trying to deal with Lagoon while hiding behind the Historic District. We are all going to be required to pay because the Town is not happy with Lagoon.

A majority of owners are in favor of the change.

I would like to see the data on this because no one we know is in favor of it.

I have heard only upsides from the City and only downsides from the residents. Needless to say no plan is without flaws and to present this plan as flawless is disingenuous. The survey seems to have been very biased to induce positive answers. Were all the respondents fully briefed on the implications? How many of the "yes" votes were from the designated area? How many would have voted yes if it was going to cost them money? Mr. Peterson represented the historic district as being a painless almost happy experience to us and if we had not known better, we would have told him "yes" ourselves.

We are in Ecuador serving a mission, so could not be present at the hearing, but we were appalled when we read the minutes. Some of the arguments, seemingly well documented, were in fact highly subjective and speculative. Some of the arguments violate the basic statistical principle of "correlation is not causation".

For instance:

"Absentee owners of contributing properties enjoyed an increase in property values of 31%, while owner-occupied noncontributing properties had an increase of 48%. This shows that owners who occupy their property tend to take better care of an asset than absentee owners."

This shows nothing of the kind. It shows that that the author made his own conclusion. Was there a proper multi-factor statistical analysis done? It certainly appears not. Do these numbers take into consideration age, location, size of property, size of house, proximity to schools or highways? It certainly appears not.

"It is better to preserve historic homes before their values drop."

Our house value has more than doubled since we bought it a few years ago. Why would we want to endanger that with restrictions and City mandated costs? Is that value going to keep increasing if this burden is placed on our property? Why would we want to take that chance?

"...qualification for grants and federal income tax incentives."

The idea that grants are readily available to help offset costs is not the full story. Has anyone asked, what will be the average cost of required repairs? Who can qualify for a grant? Is there a maximum income qualification? How much will the grants be? How much paperwork will be required? What is the likelihood of success? This is the same argument used in favor of tax breaks. Personally, we would rather not have any expenses that needed offsetting.

“Main Street is very iconic; the City’s tree logo was fashioned after the trees found along Main Street.”

This argument has no bearing on the issue at hand. First, it contradicts Mr. Peterson’s statement that no one wants to live on Main Street. Secondly, the trees are iconic. But no one is debating the trees. They are City property and not in dispute. (Of course, those who live on Main Street must carry the burden of leaf and branch clean-up.)

Issuing of orders and fines will be totally subjective and the only way to fight will be through an administrative process likely taking countless hours. What are the guidelines that will govern this process? Should they not be written before the vote so everyone can make a fully informed decision? Standards rarely are lessened. We all know that year-by-year many standards will be tightened, often to the point of strangulation.

There is a very distinct division in Farmington: those on the west side live in new homes, in planned developments, who probably visit the downtown area infrequently. Why would they? There is very little there commercially to attract anyone. It is easy to approve of something that will cost the owner nothing. Would they still vote yes if they were to carry some of that burden in fixing our homes? If all benefit from the historic district, then all should pay.

If those speaking at the meeting are typical of the thought process, we need go no further. Of the 6 speakers 1 was for (not in the affected area), 2 against and 3 were on the Historic Preservation Committee, none of whom live in the affected area.

I agree with Main Street owner, Brad Bornemeier. The houses on Main Street should be excluded. As a general contractor for over 40 years, I can verify they were cheaply built houses, now over 100 years old, that are in constant need of repair. Adding an ever-growing burden on the homeowners for improvements is patently unfair. And since none of those in favor live within the new district it smacks a bit of “Taxation without Representation”.

There are certainly better ways to resolve the Lagoon problem than this, however. Let us start with:

A proper survey that includes negative impacts.

A proper analysis prepared by an independent expert.

A hearing with just the affected owners.

Once these are accomplished everyone can make a better-informed decision. If this historic district is imposed on us and our property values do in fact decrease and our overall quality of life decreases as well, we will have nowhere to look but to City Hall.

Thank you for your time,

John and Lestelle Schwab

C: City Council



DeAnn Carlile <dcarlile@farmington.utah.gov>

Fwd: Main Street Historic Landmark

1 message

Melissa Layton <mlayton@farmington.utah.gov>
To: DeAnn Carlile <dcarlile@farmington.utah.gov>

Tue, Jun 4, 2024 at 8:53 PM

Sent from my iPad

Begin forwarded message:

From: Brad B <middleb24@gmail.com>
Date: June 4, 2024 at 2:03:33 PM MDT
To: aleeman@farmington.utah.gov, rchild@farmington.utah.gov, sisaacson@farmington.utah.gov, mlayton@farmington.utah.gov, ashumway@farmington.utah.gov, Brett Anderson <banderson@farmington.utah.gov>, Brigham Mellor <bmellor@farmington.utah.gov>
Subject: Main Street Historic Landmark

Before tonight's meeting I'm asking if you could quickly look at City Code 11-28-230 sub section D-3. I know some are concerned about historic homes being torn down without more scrutiny. Since Main Street is already in a Federal historic district this section applies to us already and requires we go through the process outlined in chapter 39. That makes the Landmark designation redundant and unnecessary. I will bring this up tonight but just wanted to get this on your radar before the meeting tonight. Thank you for your time and also thank you for not rushing a vote on this.

Brad Bornemeier
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