

FARMINGTON CITY – CITY COUNCIL MINUTES

July 16, 2024

WORK SESSION

Present:

*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,
Assistant Community Development
Director/City Planner Lyle Gibson,
Public Works Director Larry Famuliner,
and
City Lobbyist Eric Isom.*

Mayor Pro Tempore/Councilmember **Alex Leeman** called the work session to order at 6:02 p.m. Mayor **Brett Anderson** was excused.

CW URBAN DISCUSSION OF CONDITIONS FOR DEVELOPMENT OF THE CHARLOTTE

CW Urban representatives said nothing is changing, as they are using the same site plan that was approved in the Development Agreement (DA). One condition put on the approval was that residential would depend on commercial. That condition hadn't been brought up before April 9, 2024, and their company has been in collaboration since. They went to both the bank and capital partners to see if they could get construction financing to start moving on the project. There isn't a bank that would even begin financing the horizontal improvements because CW doesn't control the commercial land; **Todd Jones** does.

CW Urban is here today because they want an option to begin horizontal improvements on the site so that it can be accessible. That would include curb cuts, sidewalks, etc. They have an agreement to provide all the horizontal improvements. They want to do residential before commercial, but they will still be on the hook for horizontal improvements. They are asking that the Council amend the motion because they can't get a lender for a loan that is tied to a building permit for land that they don't control.

Councilmember **Amy Shumway** said the City has been burned before when allowing residential before commercial development. For example, there is Farmington Crossing as well as townhomes that went in and there is still no hotel. Her feeling is they don't allow residential before commercial in this case.

Councilmember **Scott Isaacson** said he understands the applicants' trouble. It was not a good idea then, and he doesn't feel it makes sense to him now. CW is suffering now because of that.

Assistant Community Development Director/City Planner **Lyle Gibson** provided an update on the reception center. **Brett Jones**, the nephew of **Todd Jones**, the person interacting with Staff for this project lately, is working on civil engineering, and he wants a site plan as quickly as possible. The reception center is coming forward soon for preliminary plat, as they want to pull

the building permit as soon as possible. CW Urban doesn't control that project, and there are a lot of variables. The reception center could pull a building permit as quickly as next month, but it may take longer.

Councilmember **Roger Child** said he speaks after 30 years of doing development. What is proposed for the commercial are unanchored, finished pads. Typically buyers want to see anchored pads, meaning they can see the nearby Walmart or Home Depot. They are scared of unanchored, unfinished raw ground. It is a chicken or egg issue right now, as the applicant can't even market to a finished pad user right now. Therefore, he is resistant. There needs to be something buyers can look at. If there was a big box anchor there, it would be a different story. Potential users need a concept of what their neighbors will be. Burke Lane doesn't have traffic yet; they are just hoping it will someday. Farmington should work with the applicant to do development in phases. They need to put in the horizontal construction and pads to get people to come look.

Child said Farmington wants the best commercial users to come in and buy these pads, and that requires a concept to look at. Maybe they could put in a few units so potential commercial buyers can see what will be next to them. He doesn't suggest giving the applicants an open privilege to do everything, especially in this market. Interest rates are high, and people want to look, touch, and feel before they buy. Right now they are not lining up to buy. Farmington needs to be more flexible instead of offering an absolute "no," especially in this tough market.

City Manager **Brigham Mellor** said the City already has an agreement, but the City Council could amend it. City Attorney **Paul Roberts** agreed.

Isaacson said he can understand, and he thinks the Council agrees that they wouldn't have a problem with the applicants doing the horizontal roads and sidewalks. However, they are not going to get financing to do that. The dilemma lies in the lending, and he can understand the bank saying "no."

Child said the applicants come with good intent. They have a partial commercial user with the reception center, so the Council ought to be able to give them the ability to build the equivalent of residential. He feels a structure could be determined that would make finance companies happy.

Leeman said this has already been through the process, which is part of his gripe. These things were supposed to have been considered before the original DA was put in place a year or two ago, so this is frustrating. Why wasn't this being discussed a few years ago?

Child replied that it is a totally different marketplace today than it was two years ago. That is also the reason why Farmington has been getting zero building permits pulled in the last several years.

Isaacson said the condition to say they couldn't start residential until a commercial building permit is pulled was added at the last second. However, the Council has always had the same concern that they are raising today: they don't want to see only residential going in there for many reasons.

They aren't asking for more density, and the condition calling for commercial first didn't come up until the end of a long meeting. It only came up after the motion had been started.

Shumway noted that the underlying zone doesn't allow residential at all, and granting such would be at the full discretion of the Council.

CW Urban said there are a lot of grade changes going on to the creek. They want to get attractive commercial users, and they understand that Farmington has been burned with previous projects that get residential before commercial. That hesitancy has always been clear.

Mellor said the item may be on an upcoming Council agenda at the end of August. The first Council meeting in August will be the Truth in Taxation. By then, there may be a better understanding about the reception center.

Isaacson advised the Staff to make the reception center application a priority while simultaneously not cutting corners.

ALL WEST UPDATE AND PERMIT FEE DISCUSSION

Mellor said it is his understanding that there have been issues with excavation permits.

Kirk Zerkle, All West Chief Operating Officer (COO), addressed the Council. He moved to Utah from Huntsville, Alabama, three months ago in order to come help drive the customer experience. He said much progress has been made in Farmington, with 16 of 19 service areas done, and one more under construction. He said there are small quadrants of the City that don't have the density needed for proper payback. All West has invested \$14 million in Farmington, not counting the investment needed to install to customers' homes. All West recently opened an Ogden office to support everything on the Wasatch Front. Penetration has already been strong in Farmington without All West implementing marketing strategies. After six months, penetration has been in the mid 20s without marketing. All West's models are at 40% penetration at the end of five years. They have been selling for three weeks in Ogden and Herriman, and will bring the same team to sell in Farmington as well.

Installation time frames have been a challenge. Time is added when Blue Stakes has to be called in for safety of not hitting gas lines. The permitting process also takes up time. All West is paying a \$70 fee for each permit to go to each customer's home, even when there is only a 1 to 1.5 feet of disturbance to the easement. **Zerkle** asked for no fees for the first year post activation, as they didn't have that requirement while construction was going on.

Public Works Director **Larry Famuliner** said during the construction phase, hooking homeowners up to the service while crews were already out there was not a big deal. Now it will be opening a new hole, which causes a trip hazard, and then going back out to make sure things get put back and everything is safe. City Staff incurs expenses when coming back again, compared to the initial year when Staff was often on site anyway. Bundling connections could help reduce expenses, as Staff would only have to come out once instead of five times for five different connections. That is the only way expenses could be curbed. When door-to-door crews come selling the service in the future, they could create areas to bundle.

Zerkle said All West could attempt to bundle, but customer demand doesn't always follow in that way. He said Farmington is the only city charging permit fees, and they are constructing in five communities right now along the Wasatch Front. All West may have to pass the \$70 fee on to the customers, although they don't want to. Otherwise they will have to absorb that cost, even though they are already absorbing the \$700 drop cost per customer. All West is in 10 months

before having to pay for drops, and that doesn't include the initial \$14 million investment. All West is aggressively trying to get their sales and marketing team going. Farmington is the first entire community they have constructed, so Farmington is All West's "poster child."

Mellor said if the Council waives the permit fees for All West, they will have to waive it for everyone. Otherwise, Farmington would be seen as subsidizing All West. **Roberts** said Farmington has to be equal to all providers. **Leeman** suggested that Staff come up with a fee schedule to charge one fee for multiple encroachments in a small period of time. Farmington wants to support All West as much as possible, and they need time to figure out the best way.

Zerkle said some other communities have done a blanket PO to minimize the administrative components. This is another scenario that has been used in other communities that helps subsidize the cost to the local community.

Roberts noted that Farmington cannot make a profit on the fees they charge.

Isaacson said he understood that All West's agreement was that they would service every Farmington resident, and go to every home. Farmington talked to a lot of providers before they decided to have All West, and he is concerned when he hears there are areas where All West will not be going. **Zerkle** said it is only small pockets.

Famuliner asked All West to help Farmington help them. If they could break the City into four quadrants, and have their team go out to work in tighter areas, it would be more cost effective for Blue Stakes, backfilling holes, and laying sod. Sending in 10 permits instead of one is preferred. It has to be more efficient. If the All West teams concentrate on areas so Farmington Staff could handle multiple sites at once, it would be better. **Mellor** said that a clustering element may be able to be figured out for the fee schedule.

Child said he signed up for All West months ago, and he was told that since the connection to his house is more than 100 feet and it is on a cul de sac, it would have to get engineered first. **Zerkle** said that changed a few weeks ago, and it should be handled differently soon.

Mellor said something has happened over the last year that has made things vastly differently. Residents had been complaining about All West construction, but now they are not. **Zerkle** said the difference was a change in contractors.

DISCUSSION OF REGULAR SESSION ITEMS UPON REQUEST

Shumway asked if a sidewalk would be put in to Eagle Bay after all the Evans property gets developed. **Mellor** said they could put sidewalks in there right now. **Gibson** said a ditch for both conveyance and retention is needed in the area, which would take more than just normal pipe. **Issacson** said it is important residents in that area understand the importance of detention ponds and areas in preventing the flooding of nearby homes. There are wetland areas that are full of weeds, and residents complain about the rats and mosquitos they contain. It is a matter of education.

Leeman said this is not a simple Eagle Scout project; it is a \$1 million issue that the City doesn't have the budget to handle. If residents want to purchase the ground, it will take 13 landowners \$100,000 each, and they would have to give access to the City whenever it wants. They now expect that they would each pay \$10,000 for an extension of their backyard, the City would put the pipe in, and it will be easy. **Issacson** said the City doesn't usually run pipes under people's

private property anyway. **Famuliner** said it won't be 20-inch pipe; it has to be a massive cement culvert/tunnel like the one that was just painted. 99% of the time it will be empty, but it has to be there in case of a 100-year event. Homes can't be in the area where underground detention is needed.

Community Development Director **Dave Petersen** said the Planning Commission started talking about the idea of having for-sale Accessory Dwelling Units (ADUs) in January, and starting doing things about it in May. A subcommittee was set up with four Planning Commissioners and two City Councilmembers. It met twice. Staff met a lot with Commissioners **Frank Adams**, **John David Mortensen**, and **Kristen Sherlock**. This has been thoroughly vetted by the Planning Commission.

The subcommittee considered three ownership options. First is a land lease, like a mobile home park, which was pretty much shot down. One entity would own the land, and another would own the ADU. The ADU would then be considered a depreciating asset, and lenders do not finance depreciating assets. Staff and the subcommittee were cautioned by many not to embrace this option. Second is a condo situation that would require establishment of a Homeowner's Association (HOA). It would be fine to have on the books, but likely no one would use it. Therefore, the subcommittee abandoned that option. Third was owning the land, which got the eventual thumbs up.

REGULAR SESSION

Present:

*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,
Assistant Community Development
Director/City Planner Lyle Gibson, and
Youth City Councilmember Davis Stewart.*

CALL TO ORDER:

Mayor Pro Tempore/Councilmember **Alex Leeman** called the meeting to order at 7:04 p.m.
Mayor **Brett Anderson** was excused.

Councilmember **Amy Shumway** offered the invocation, and the Pledge of Allegiance was led by
City Manager **Brigham Mellor**.

BUSINESS:

Consideration of an amendment to the Development Agreement for the Gatrell Gardens PUD Subdivision to include elements related to a Pioneering Agreement

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. This property is on 100 West north of State Street and has been before both the City Council and Planning Commission, which approved the configuration and number of homes. The City Council approved the Development Agreement (DA) for the Gatrell Garden Planned Unit Development (PUD) Subdivision in December of 2023. The development proposal has remained consistent, except that two of the lots of the property owned by the Fadel Family are now proposed to be developed at a future date. For now they will remain as parcels that can become buildable lots with a future plat amendment.

Because of this timing, a Pioneering Agreement is proposed enabling the Pioneering Developer to be compensated for a portion of the improvements which benefit the Fadel property. Rather than have a separate Pioneering Agreement, it was determined by Staff and the parties involved that it may be cleaner to have these terms within the DA.

Gibson said the development team has been working with Staff on engineering details while moving through preliminary plat. With the proposed agreement, Fadels will get access and utilities for when they are ready to connect in the future. Prior to Fadels developing their property, the developer will have put in a lot of cost, so it is appropriate to include terms of the Pioneering Agreement as part of the DA. This doesn't change what they can build; it is just a twist to the story. Staff is comfortable recommending the proposed agreement.

As part of the Planning Commission's motion, they approved the preliminary plat and recommended language for the City Council to consider. **Gibson** passed out a draft that was not included in the original packet. The language marked in blue was added by the Planning

Commission for clarification. The legal experts on the Commission thought it would be useful for the Council to have on hand. Councilmember **Scott Isaacson** noted that the word “Owner” needs to be capitalized, as “Owner” is a defined term. Councilmember **Roger Child** said the Fadel property is benefiting from the access point to the back of the property including road, curb, gutter, sewer laterals, etc.

The developer said the Fadels will have to create their own drainage, as well as tear up the landscaping to install sewer and water to their property when it is time. The Fadels read through this and they are O.K. with it. It is a cost the developer has incurred whether or not the Fadels develop in the future or not.

Gibson said the Fadels are party to the agreement and will have to sign it as well. **Child** said he knows the Fadels are not interested in developing, but the City wanted to be able to have them stubbed into the property. He said 15 years can come and go pretty quickly, and in that time the Fadels may not be economically motivated to sell or develop. The current owners aren’t interested in building, but their children may be when they inherit the land. **Cal Fadel** has recently passed away.

The developer said the Fadels could get access off State Street, but they would have to tear down their pool and pool house. They have been dealing with **Cal’s** sons, who do have intention to develop in the future.

Motion:

Child moved that the City Council approve the proposed changes to the Development Agreement for the Gattrell Gardens PUD Subdivision, including Finding, inclusive of the language in the last packet received from **Gibson**, with the proposed minor changes as recommended by **Isaacson**.

Finding 1:

1. The proposed changes do not modify allowed use or configuration of the project and create a fair arrangement for cost sharing following allowed process in Section 12-6-090 of the Farmington City Ordinances.

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

Consideration of a Code Text Change Proposal related to Accessory Dwelling Units (ADUs) – Multiple Sections of the Zoning Ordinance

Community Development Director **Dave Petersen** presented this agenda item. He started the introduction of this item in the previous work session. This is about fee title ownership of both the land and building. Already, Farmington has been allowing both Option A and Option B since 2002; state code now requires it. Option A is a Single-Family (SF) home with an Internal

Accessory Dwelling Unit (IADU). Option B is a SF home with a Detached Accessory Dwelling Unit (DADU). In both cases, the owner must live on site, and this has always been a requirement. **Petersen** said Farmington has 22 years of experience dealing with IADUs and DADUs.

Proposed is Option C and D, where the ADU would get its own lot and then be known as a Subordinate Single-Family (SSF) dwelling not accessory to anything anymore and able to have its own ownership. For both options, the owner must live on site for the first two years, something that is hoped will discourage large investors. This will help people get a start on equity.

During subcommittee review, Planning Commissioner **Kristen Sherlock** questioned if it is constitutional to require ownership. When City Attorney **Paul Roberts** reviewed it, he determined it would be acceptable to courts if ownership was only required for a short period of time. Proposals started at five years and was eventually whittled down to two years.

In Option C, the SSF owner must live on site for the first two years. The DADU/SSF parcel together with the SF have to meet the City standards for the DADU for lot lines, access, utility, and parking easements, etc. The parcels together must be more than 10,000 square feet. The SF lot owner need not live on site. It may result in some flag lots with minimum frontage.

Option D is proposed as an SSF and a SF that has an IADU. The SSF lot must be larger than 2,500 square feet while the SSF + IADU lot must be at least 6,000 square feet; both together is proposed to be at least 10,000 square feet. The SSF owner must live on-site for the first two years while the SF + IADU lot owner must live on site. **Gibson** noted that the difference between Option C and D is that Option D would have three families, and Option C would have two families.

Leeman said any lot zoned agriculture estate could come in and do this with all internal lots, which would double the density. He speculated that new development could plan to do this from the beginning, planning and building appropriately so each new lot could eventually be split into two lots. **Shumway** noted that not everyone wants an ADU. **Leeman** said developers would be happy to cram in as many flag lots as possible in a subdivision if Farmington lets them.

Roberts noted that even now, any SF lot can have a DADU with one family living in it, so developers can plan for it. **Leeman** said the fact that it has to be owner-occupied for a few years is different from a person developing from scratch.

Petersen said a developer cannot divide land initially due to the owner-occupation requirement. Subdivision will occur sometime between the building permit and occupancy. The ADU has to be subordinate to something to begin with. It is difficult to do if the owner is not patient and in it for the long haul, because the subdivision process is done after the fact. The two housing units have to have separate utilities. Farmington is experimenting with this right now.

Child said if someone platted a subdivision just right that DADUs would be allowed eventually, it could be used in marketing. The utilities could be stubbed to be available in the future. It could be an affordability play for the buyers.

Petersen said in 1999, Farmington down-zoned the whole City, then told developers that in order to get the density back, they would have to give open space or trails. That was later flipped

to historic preservation, and now to affordable housing. A fee in lieu can also be paid instead. He shared an example of a property owner planning 16 spacious lots, 10% of which would be required for affordable housing. A friend told him about DADUs, and he plans to plat two lots as DADU lots right off the bat. Since the ordinance doesn't allow that, they could come in as a Planned Unit Development (PUD), which allows deviation from the standards of the underlying zone. Nine of the 16 lots are corner lots that could later become DADU lots.

Isaacson made the philosophical point that when whole cities are developed, things such as schools, roads, parking, utilities are made allowing for a certain amount. Allowing DADUs will have all kinds of impacts Farmington wasn't planning for. This is happening all over and is not unique to Farmington since everyone is trying to solve the housing crisis. There will be unintended consequences.

Petersen said when local streets were built in subdivisions, the capacity was determined at 3,000 cars per day. Today, these roads are way underutilized and significantly so. The general vibe is that it will take long to infill while household sizes have plummeted in recent years and continue to do so, making the population decrease overall.

Leeman said his first reaction was not only "no," but "hell no." He would mind it less in a new development PUD where people buying in know and plan for that kind of density. When elected officials first reviewed the ADU ordinance that has been on the books for years, they were concerned about changing the character of existing neighborhoods. He doesn't want someone to build an accessory unit, just to subdivide it and rent out both. It needs to be managed and not go sideways on the neighbors. Changing the character of an existing neighborhood was a big concern. His concern is about owner occupation. Option C does not require the SF to be owner occupied in order to have an SSF. Option D requires an owner to live on site in order to get the IADU, which would equal three total dwelling units.

Leeman said there is stuff all over Farmington ordinances trying to eliminate flag lots, but now this proposed language would allow more. The City would end up with 1,500 square foot lots with zero setbacks. There is no way he wants this to go into existing single-family neighborhoods with density constraints where people bought in expecting a certain kind of space. He couldn't vote for this. However, he wants to hear from the Councilmembers who were on the subcommittee.

Petersen emphasized that DADUs are already allowed in any single family zone. The question is actual density. There is nothing in City ordinance right now about the height of DADUs or the option to give people equity for them.

Leeman said a neighborhood is designed for a certain density. The proposed text change will allow double the amount of cars, etc., which could have negative effects. When an owner is living on site, they are dedicated to the neighborhood because they live there. This results in better management. It protects the surrounding residents from the effects of double the density.

Roberts said he has seen owner-occupied properties that are not well kept, and he has seen rental properties that are well kept. Therefore, owner-occupied vs. rentals isn't always a good metric. It is a management issue. The point is, DADUs are currently allowed. As things stand currently in the market, people can't get into housing, period. Farmington's median home price is high, and people can't break into their first home here. There is a whole generation that needs help

getting started in ownership. When investors buy everything up, everyone else will only be renters. That is where we are. The City is trying to solve a problem, and trying to help those trying to break into the housing market to build equity. First home ownership is nonexistent on the Wasatch Front and is the biggest crisis facing Utah. Saying you can never rent an ADU is too difficult and toes the line of constitutionality.

Shumway said two years is too long for a corporate investor. The initial two-year ownership requirement would discourage them. She said because of life and job changes, it is difficult for one family to stay in the same house. It is not typical.

Roberts said it is a constitutional issue, one which Provo grappled with 25 years ago. With nearby Brigham Young University (BYU), many homeowners were renting out portions of their homes to students. There was an overwhelming need for student housing in the area. Provo required an owner to occupy the home in order to rent out any other part of the home, and the Utah Supreme Court upheld the ordinance. Therefore, two years feels like a good number.

Leeman said he is sympathetic to affordability issues, but he would be more tolerant to DADU ownership in a new development. Overlaying this on to an existing neighborhood is a problem.

Child said he sat on the subcommittee and helped generate this concept. Having married off his last child last week, he is now an empty nester living in the old part of Farmington. All except his youngest child have had to move away due to housing affordability challenges. He has a child who is a fireman paramedic who works in Weber County but commutes from Evanston, Wyoming, in order to afford a home. His other children are school teachers, and one lives in a horrific neighborhood in Downtown Ogden in order to afford housing. Housing affordability is a critical issue, and those solving it have to think outside the box. The families in Downtown Farmington are getting older, and children are moving back due to housing affordability, divorces, etc. Family sizes are decreasing. Five to eight children were raised in older homes. Families now have one to three children. His neighborhood has lots that are 1.3 to 0.5 acres in size, and most of them let portions of their yards go to weeds because the lots are too big for them to continue managing. His own lot is too large for him. He is looking at the possibility of downsizing his housing in order to age in place.

Neighborhoods now are becoming gentrified, and not a single young family can afford to move in. Filled with empty-nesters, Farmington neighborhoods and communities are going dead. Davis School District might as well build portable schools because neighborhoods grow and shrink. Single families can't afford the homes. Neighborhoods are happier and healthier when there is a mixture of economic strata. There is a better quality of life.

Since 2002, there have only been 18 ADU permits pulled in Farmington. Therefore, he doesn't think it will sweep across the City quickly. He has driven to find the 18 ADUs on record with the City, and they are attractive and nice, not a deterrent. This is the answer in his neighborhood. The lots are too big for older people to maintain, and they currently cannot age in place.

Leeman said maybe his issue is the size of the lot it would be allowed on. He is fine with half an acre.

Child said he lives in a 4,000 square foot house, which is too big for an empty nester. He wants to build an ADU on his property and live in it, which would allow him to stay in his neighborhood. If he was going to live in it himself, he would invest more to make it a nice

DADU. If there is an ability to sell it off, it would be a good option for a new couple to buy. Ownership is the key to value enhancement. Selling a one- to two-bedroom DADU off to a young couple is a phenomenal way to get a start in Farmington. Generally what has happened is the parents move out of the big house and into the DADU, giving the children the big house. The DADU could even be a pool house. All his neighbors are moving out of their homes because they can't maintain their large lots.

He does have some concerns with the proposed ordinance. There needs to be setback and height requirements to make sure people are not looking into someone's backyard. Protecting existing neighbors is an issue of design. Driveways should not be against the property line, but off it by at least 6 feet.

Child said that in his mind, the DADU concept is the wave of the future. As he travels the world, this is the only solution he sees: the ability to have multiple units on large lots. The proposal is both lots to be 10,000 square feet before subdividing. If other Councilmembers want to increase that, more power to them. After being split, a 2,500 square foot lot is fine in his opinion.

Isaacson said that when he first moved to his home in Western Farmington, he felt he had moved to the country. However, he doesn't live in the country anymore. Change is hard. The single-family house to the north of him was owned by someone in the military, and it was rented out to three families over time. Some of the renters were difficult renters with wild parties and pig pens. At one point, he considered buying it to stop bad renters because the owner was not careful who he rented it out to. He thinks **Leeman**'s concerns are legitimate. However, sometimes owners don't care for their own property. He expects to see infill in the future. This is the direction cities are headed, which means more density. The bottom line is he can see the need for this. He is a little sad, and can understand the associated concerns. It would be nice to turn the clock back and be farmers, but that is not the reality.

Isaacson said he was recently at an event in Alpine, Utah, where one lot had a preserved original pioneer cabin, a framed farm house, and a big modern house. The owner pointed out that 10 children were raised in the cabin, six in the farmhouse, and two in the modern house. That is the reality of what is happening and change is hard. However, he accepts it.

Leeman said it is not a renter/owner issue. The concern is more when you move in, you count on a bit of buffer zone between you and your neighbor because your lots are a certain size. You count on elbow room, and it shouldn't be taken away. It needs to be done in a way to protect people from the bad owner or renter. Maybe the way to deal with that is if the lot were of sufficient size to provide protection from the occasional bad apple.

Isaacson said one of the Council's responsibilities is to respect and preserve citizens' rights to enjoy their own property. But times are changing. Here along the Wasatch Front, communities will evolve.

Child said he is the first generation to live off the farm. His parents advised him to get as much land as he could in order to have a garden in an urban area. However, society has grown away from large lots and they don't want to use their weekends to maintain and mow big yards anymore. There are so many big yards in Farmington that providing the ADU opportunity is a great solution.

Councilmember **Melissa Layton** said she has a friend who loves to say, “Problems don’t kill deals; surprises do.” She thinks the proposed lots sizes are a bit small for what is proposed. If it was on bigger lots with more elbow room, it would make people less nervous. Things are changing. She now has seven children ages 16 to 21, and they will be looking for jobs and houses in the near future. She wants them to live close by. If every house on her street had an ADU, it would make living in her cul de sac difficult because they would not have room for garbage cans and parking. She has nine cars now, and an ADU would produce another two cars. This could make things difficult for neighborhoods. Larger lots would have better luck because there would be more on-street parking and room for garbage cans. A DADU could provide a creative option that could be beneficial.

Shumway said she has a 10,000 square foot, corner lot, but her yard is awkward. There would be room to put a DADU on it, but it wouldn’t work well for every 10,000 square foot lot. Of the 74 lots in her neighborhood, only three would be able to have DADUs. **Leeman** said in his neighborhood, there are 28 homes that are 10,000 square foot lots. This would turn his neighborhood upside down.

Petersen said there is room for compromise. The Council could ask for larger lots, corner lots, or a certain width in order to have an SSF. He noted that Staff met with **Chris Falk**, a commercial real estate agent, in February or March, to get his input. He said this is a great idea, but it is not going to get traction in Farmington because it doesn’t have the market for it. Developers who tried to build first-time homes failed miserably because people come to Farmington for second homes. In the past, Farmington has had permits pulled for less than one ADU per year. **Petersen** suggested a sunset clause, essentially trying the new ordinance for three years followed by a review. Elements such as fencing, windows, and positioning would help encourage privacy and autonomy.

Youth City Councilmember **Davis Stewart** said this issue needs an interesting compromise. Setbacks would be important. Farmington needs a mix of housing opportunities. He would love not to rent when he becomes an adult, and also wants to stay local. He notices people are having to share houses lately. It is difficult to get homeownership in Utah.

Petersen said during subcommittee meetings, Commissioner **Sherlock** said ADUs are a great thing to add to Farmington because it increases younger people and energy in the neighborhoods. Because of ADUs, neighborhoods can become more vibrant.

Layton said when she used to live in St. George, Utah, her neighborhood had a lot of youth but no old people. Her neighborhood in Farmington has more older people and less younger people. ADUs would help bring a healthy mix to the City.

Child said his grandchildren are between the ages of 14 and 6 years old, and when his daughter lived in Holladay, Utah, there were no neighborhood children for his grandchildren to play with. They moved from Holladay just to live near more children. He pointed out that 60% of households in the Church of Jesus Christ of Latter-day Saints are single. **Child** said getting two lots out of one lot would take investment over time or development in stages.

Leeman said he appreciated hearing **Child**’s perspective tonight. He can get behind an idea like this. However, he cringes at allowing DADUs on 10,000 square foot lots. He can get behind

allowing them on 20,000 square foot lots, which would allow these homes to have the elbow room they expected when they moved in.

Shumway said she likes **Petersen**'s idea of trying this out for three years to see how it goes.

Child said what is magical is space; a DADU would only fit on a 10,000 square foot lot if the dimensions were right. It has to be a certain distance from the property line, and must be shorter in height the closer it gets to the neighbor. It would not be preferable to cram something big and tall next to the lot line.

Petersen said the minimum height of an DADU in the ordinance is 15 feet tall, and it is possible to get an exception from the Planning Commission that would allow for 18 feet at the peak of the roof. The DADU has to be subordinate in height and footprint to the main building, unless the existing building is less than 15 feet, then the DADU can go up to 15 feet. Farmington has been doing this for 22 years, and there are established standards such as setbacks.

Child said privacy is more about height and windows, so windows that would overlook neighbors could be restricted. Building a two-story DADU with no windows on the neighbor's side would produce more privacy. The devil is in the details.

Leeman asked about having to have a functioning DADU for two years before it can be split off into an SSF after having a public hearing. He wondered if that would help anything. **Shumway** said that may not help if the original owner bought it for affordability, then they would have to wait two years. She would rather have less restrictions and less micromanaging. **Layton** said she does like trying it out until a sunset date, and she doesn't think people will come knocking down the door to make DADUs. **Isaacson** said most people won't be aware of this ordinance unless it is publicized.

Leeman said it doesn't sound like the Council has a passable ordinance right now. He would like to send **Gibson** back to do revisions considering setbacks, building heights, increasing the lot size, and other requirements. **Shumway** said she is not for increasing the 10,000 square foot lot requirement, because every lot is shaped differently. She doesn't want to exclude people with 10,000 square foot lots where it would work. **Isaacson** said he agreed with **Shumway**. **Leeman** said there are differing opinions about what minimum sized lot this would work on. The Council needs to set a minimum lot size. To him, 10,000 square feet is too tight.

Child said he is fine with 10,000 square feet, as there are hoops to jump through based on details such as height, setback, parking, access, utilities, etc. It does need to be adaptable so it doesn't detract from the context of neighborhood.

Petersen said Farmington already has a tough parking ordinance set up. An IADU was conditional for a number of years until State code gave it to Staff. Farmington did not get many applications, and there may be many rouge IADUs. A DADU was conditional for a while. After the Planning Commission said all findings have been the same, they asked for Staff to take over. If things become routine, it is handed to Staff. He said standards take away judgement calls.

Leeman said part of this is a judgement call. The more judgment calls that are made, the less legislative it is. **Child** said the biggest hurdle is to find a 2,500 square foot lot that could be fully deeded without impacting the primary residence. The situation has to be so perfect. **Leeman** said it has to be perfectly really cramped and off the fence line.

Petersen said that in order to establish height standards decades ago, Staff looked around the area to see what “looked” appropriate. They can do the same with ADUs so that it would be easier to visualize for-sale units and then build standards and write code around that. It can be analyzed just like building height was. Staff needs to see real-life examples, taking care to be systematic and quantitative.

Leeman said that is a great idea. He lives on a 10,600 square foot lot. He can’t imagine putting another shrunken lot on his property without it being right on top of his neighbors.

Petersen suggested that the Council change Option D to a third an acre instead. **Child** said it should be driven by the shape of the lot. There are lots with narrow frontage and super deep lots in the old part of town. There needs to be a minimum frontage or depth instead of a 10,000 square foot lot. **Shumway** said every lot’s shape and size is different, and not everyone should be put in a box. **Isaacson** said very few people on a 10,000 square foot lot would qualify. **Layton** said she would rather see it done right than just pass it.

Mellor said this has been a good discussion, and that the Council spent only a fraction of the amount of time the Planning Commission spent on it. **Petersen** said the Council used to be the land use authority, or “decider,” on plat amendments, but now it is reviewed by the Planning Commission. Staff is proposing the subdivision and ADU process to be administrative.

Motion:

Shumway moved that the City Council approve the enabling ordinance (enclosed in the Staff Report) amending or enacting Sections 11-2-020, 11-28-200, 11-10-040, 11-11-060, 11-11-070, 11-13-050, 11-13-060, 11-17-050, and 11-32-060 of the Zoning Ordinance; with Findings 1-5; changing the D Proposal to be 12,000 square feet; and also putting a three-year sunset on it, at which time it would be reviewed.

Findings 1-5:

1. The State of Utah and much of the country are experiencing an unprecedented housing shortage. Much is being done to provide affordable “for rent” units but little is being done to create affordable owner-occupied dwellings. The amendment enables opportunities to increase affordable “for sale” housing supply, and will provide low to moderate income households the possibility of realizing equity as part of their housing expenses.
2. The proposed changes support and implement objectives of the City’s Affordable Housing Plan—an element of the General Plan.
3. Ownership will not impact the look and feel of Farmington’s neighborhoods as renter occupied Accessory Dwelling Units (ADUs) are already a permitted use in the City’s agriculture and residential zones, and one cannot differentiate a “renter” from an “owner;” moreover, owner occupancy often enhances property values.
4. Utility and public service providers, the City Engineer, and City’s Building Official have reviewed the amendments and found them consistent with standards and day-to-day operations of their respective entities.
5. Many of the changes clarify and/or memorialize long-held practices and interpretations by the City.

Child seconded the motion, which passed with a 4-1 vote.

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

Councilmembers noted that the second line of paragraph 6 on page 33 of the packet should read “or if,” not “of if.”

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: Consideration for additional text and changes to Title 12 Subdivision Regulations. **Isaacson** suggested a minor, non-substantive change: “oversite” should be “oversight.” **Child** said “is” should be changed to “if.”
- Item 2: Approval of Minutes for July 2, 2024. **Layton** asked to make a slight change to the minutes, siting reference to keeping “young children” safe around pools.

Motion:

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

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

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

GOVERNING BODY REPORTS:

City Manager Report

Mellor said Farmington has the first Housing and Transit Reinvestment Zone (HTRZ) in Davis County, after the City had to shrink a Community Reinvestment Area (CRA). Representatives of Davis County, the Utah Department of Transportation (UDOT), Utah Transit Authority (UTA), and the Davis County School District on the board were very complimentary of Farmington.

Some Staff are concerned about the safety of the City’s reception area, although not everyone is in agreement. Some cities have their staff behind glass. Finance Director **Greg Davis** has looked into some options. **Mellor** said he is pushing back because it would affect the experience patrons have when visiting the City offices. He said most of the patrons coming in are elderly and hard of hearing. They are coming in for the one-on-one experience. While security can be handled administratively, he wanted to inform the Council because it could have a big impact.

Mayor and City Council Reports

Layton said Festival Days was fantastic. The parade went off without a hitch and City employees did a phenomenal job. **Mellor** said he appreciated the creative freedom to try something different with the carnival, although City employees are divided on the outcome. **Shumway** said the carnival lights at night were cool, but may not have been worth the cost. **Isaacson** said many residents didn't want to go to the carnival because they could go to nearby Lagoon instead.

Isaacson promised the jazz band director that he would recommend to the Council that the group comes back for the next Festival Days. **Child** said they were better than the featured number. **Mellor** said he and Event Coordinator **Tia Uzelac** will be offering their compliments for the band's referral.

Layton said she noticed an advertisement for a community police BBQ while in Orem lately. The community comes out to meet the police. She thinks this may be a good idea to use in Farmington, especially with the proposed increase in taxes that will fund increased police wages. In Farmington, the Fire Department holds an open house, but the Police Department doesn't.

Isaacson mentioned the recent 3.5-hour long mosquito abatement meeting where it was obvious a Syracuse City Councilmember and the Syracuse Mayor didn't agree on an item that could be seen as benefitting only one company, in this case Costco. The item was tabled on an 8-3 vote.

Isaacson said there has been an increase in speeding on 1100 West. Recently he noticed three cars racing side-by-side in the evening. While the speed limit is 35 miles per hour, it is a wide open road.

Leeman said Festival Days was awesome. Employees were working a long day, from 6 a.m. to midnight, all with smiles on their faces. A radio station host attending said that it was one of the best kept secrets in Utah.

Isaacson said he is not sure the crowds knew the Councilmembers were riding on the fire truck during the parade or serving breakfast. **Mellor** said a banner failed to be used on the fire truck.

Layton said the Youth City Councilmembers taking tickets and money for the breakfast had some feedback. There were not signs displaying the price, and people were getting mad thinking they could get five tickets for \$20. Having Venmo would help.

Mellor said Venmo is problematic. If the City could have Venmo, it would make the Park Department employees happy. He will look into it again. He said it would be good to raise the price of the race \$5 next year. This year the cost of breakfast was included in the cost of the race ticket.

Leeman said the fire fighters won the baseball game against the Police Department fair and square. It was a good game to the end, although there were not many spectators aside from family members. Next year they could possibly increase the number of spectators and make more of an event of it. He said many people didn't know about the Festival Days events, and a banner announcing Festival Days could have been placed near Cabela's as a community announcement. **Mellor** noted that only residents who get a utility bill get the City newsletter, so many renters may not be aware of the event.

Leeman asked about scheduling a West Davis Corridor (WDC) betterment meeting. **Mellor** answered that he is wanting to include other neighborhoods instead of just The Ranches, and he is shooting for a meeting in August. The property still has not been deeded to Farmington for the detention basin, roundabout, and Right of Way. He is not sure what the hold-up is, and will talk to Assistant City Manager/City Engineer **Chad Boshell** about it.

Child said there are two big parcels on Main Street that are up for sale, and someone has approached him asking about the possible density on them. People are asking about the density between Park Lane and Shepard on the east side, so an application may be forthcoming. It is Large Residential (LR) right now.

ADJOURNMENT

Motion:

Child made a motion to adjourn the meeting at 9:56 p.m.

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

/s/ DeAnn Carlile

DeAnn Carlile, Recorder