

**FARMINGTON CITY
PLANNING COMMISSION**

August 22, 2024

WORK SESSION Present: Chair John David Mortensen; Commissioners Kristen Sherlock, George "Tony" Kalakis, and Joey Hansen; Alternate Commissioner Brian Shepard *Staff:* Community Development Director David Petersen; Assistant Director/City Planner Lyle Gibson and Planning Secretary Carly Rowe.

Excused: Vice Chair Frank Adams; Commissioners Samuel Barlow, and Tyler Turner; Alternate Commissioner Spencer Klein; and City Planner/GIS Specialist Shannon Hansell.

6:00 Work Session: City Planner **Lyle Gibson** presented information on short-term rentals, which are any residential leases less than 30 days. After 2010, these gained in popularity with websites such as Airbnb, which is now an \$82 billion company. In the United States, there were more than 2 million by 2021. In Utah, there are 20,000 listings, roughly half of which are apartments; the other half are homes. Glamping is now recognized as mainstream. The counties with the most short-term rentals are Summit, Washington, and Salt Lake. Davis is one of the lowest in the state for percentage of short-term rentals.

Basically, short-term rentals are not allowed in Farmington. There are some Staff Reports from 2021 mentioning newsworthy stories including a shooting at a Draper Airbnb, and shooting at a hillside on Bella Vista in Farmington, which caused a nuisance. Currently in the code, a dwelling is not defined as a short-term rental, which basically cuts them out as allowed. One fear of having short-term rentals is that they may significantly lower the available housing stock, which contributes to long-term housing affordability issues. The City had not previously been prepared to handle tracking and licensing of short-term rentals, but could create a mechanism if they are made legal.

The upcoming Western Sports Park and 2034 Olympics could bring more demand to Farmington. Community Development Director **David Petersen** said that when the Olympics came to Utah in 2002, all Davis County got was the rodeo, which was entertainment to showcase western culture. It was held in an indoor arena. The County is not poised to do a lot in the 2034 Olympics either.

In 2021, there were roughly 50 active short-term rentals listed online in Farmington. There are about 40 listings active currently. In 2017, the State legislature amended the law governing short-term rentals, preventing a city from prohibiting people from listing short-term rentals online. It makes it extremely hard to enforce, unless there are complaints and evidence. There has to be evidence other than an online listing.

Gibson said there was a complaint a few months back when someone rented a house for a big party. There was enough evidence that the City sent them citations. The neighbor has continued to gather evidence as penalties have ramped up. The current approach puts the burden on neighbors. The more evidence, the better. Evidence could include cars with out-of-state license plates changing all the time. Many communities haven't ever addressed short-term rentals. The State allows prohibiting short-term rentals in Internal Accessory Dwelling Units (IADUs). Salt Lake City doesn't allow them unless they are in commercial or mixed-use rentals. Draper has still never passed anything one way or another. Some cities limit where they can be. Sandy spent some time on their language, which was noticed by the State legislature. Others put a cap on how many are allowed on a first-come, first-served basis. Park City prohibits it. Summit County has the most in the State. Half the cities in Davis County haven't addressed it. Bountiful and Woods Cross license them and are figuring out a way to manage them. No one is actively enforcing them; the only way to go after them seems to be by complaint.

Is there demand in Farmington? Most of the people who come to Farmington are either from Salt Lake City or from out of state such as Pocatello or Southern Idaho. Hotels in Davis County are typically at 70% capacity. There are pros and cons to see if it is worth spending time on allowing, licensing, or managing short-term rentals. They provide an option for residents to rent out space for income. The Police Department would rather know where they are at so they can be better monitored, which is better than pretending they are not there. Cons include competing with other area facilities, increases in housing costs, and nuisances from large parties.

Gibson said a typical short-term stay in a hotel has an 11% transient room tax, which is pretty steep. The City gets close to half of that, compared to half of 1% at the grocery store. Most of the short-term rental bookings go through VRBO or Airbnb, and those entities collect the tax. It is unclear if this is already being collected or not, while the specific Units are not licensed, major booking sites collect and remit tax.

The Hyatt in Farmington is a shining star in the County. **Petersen** said the Hampton Inn has had to change their business model from catering to interstate travelers to families instead, because of its proximity to Lagoon. Nine weekends of Frightmares has created a windfall for the Hampton.

Although the City couldn't go to website listings to prohibit short-term rentals, it is unclear if they can use listings in order to license them. **Gibson** said he is hesitant to legitimize them, but it may be good to go after the few the City already knows about in a licensing blast. Licensing fees and taxing situations would have to be figured out. He is not sure if short-term rentals are insured, or if Airbnb even requires it.

Some Commissioners were against prohibiting them, and liked the idea of allowing them with licensure. There may be some public interest in this issue. Commissioners want to know about insurance ramifications. Commissioner **Kristen Sherlock** said she knows that insurance carriers adjust for whether or not a home will be a short- or long-term residence. Planning Secretary **Carly Rowe** said the City's software could track if a short-term rental was licensed or not. Certain Homeowner's Associations (HOAs) don't allow short-term rentals.

Sherlock said that in general, the police chief likes to be proactive rather than reactive, and not try to play catch-up. In light of that, this is an issue that should be addressed now before the Olympics comes and Lagoon expands. Also, families with four or five kids who would need more than one hotel room when they come to watch a child compete at the WSP would be interested in short-term rentals.

Gibson said he would like to know what Commissioners have seen in their own personal travels regarding rules for short-term rentals. Commissioners said one Airbnb in Hungary required renters to send a photo of their identification or passport in compliance with a local law. Besides residential dwellings, what else can be rented out? Could it be a pickleball court, pool, RV, garage, shed, or car? The short-term rental definition could be expanded. Without indicating full support or otherwise, staff was encouraged to do additional research and return with a proposal at a future meeting.

Chair **John David Mortensen** said the zone text amendment in agenda Item #3 makes sense and will require little discussion. Item #4 discusses the revocation process for a home occupation, which should be fast as well.

This will be the third time the Commission has considered Item #2 **Harv Jeppesen's** RV resort. **Mortensen** said the applicant needs to come to the table with a level of analysis and sophistication in order for the Commission to seriously consider the Agriculture Planned (AP) District. He came back with a Strengths Weaknesses Opportunities and Threats (SWOT) report and market analysis. Commissioners need to focus on if they think this is compatible with the area. The Commission is merely making a recommendation, not making a decision. For the City Council's benefit, Commissioners should state why they are casting a "nay" vote. **Gibson** said the AP District allows unique rules that are different from the regular agriculture allowed uses. There are high standards for exceptions, but there is still legislative discretion.

Some commissioners were fine with the RV proposal, as it makes sense with Lagoon expanding and Cherry Hill nearby. **Sherlock** struggled with the proposed landscaping material, similar to that along the West Davis Corridor. She can see the argument of travelers needing a spot, but she worries about big rigs trying to get onto Interstate 15. She does not think this is a good use of the zone. The only draw would be Lagoon. She is a nay. The applicant should be told why it is a yea or nay, so he can properly construct his presentation to the City Council, who makes the final decision. **Mortensen** is also a nay. He is worried it won't fit the small area master plan in place. The Commission's job is to help the City Council make decisions. **Gibson** said among the Staff, there is enticement that it is somewhat of a temporary use without a lot of permanent structures. However, if it is successful, it would be there a long time.

Regarding Item #1, **Gibson** said it is a conditional use application. Assuming it meets the standards of a conditional use, there are some restraints or conditions the Commissioners could suggest. **Rowe** said emails from neighbors include one from the south in support of the application. One across the street supports it if the concerns about backing in the horse trailer can be addressed. Another neighbor is south down the road and is concerned about on-street parking. The applicant's half circle driveway would allow enough parking. There is proposed "no parking" to the south. Timed exits may be needed. There had been some requests to rent out the pickleball court and pool at the same time for a family function, which would be cognizant of the 10 p.m. nuisance ordinance. Both would have to be rented at the same time.

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

Chair **John David Mortensen** opened the meeting at 7:02 pm.

CONDITIONAL USE APPLICATION

Item #1 JGK Properties LLC – Applicant is requesting an approval for Conditional Use Permit to operate their home occupation outside of the main dwelling, in an accessory building, for pickleball court reservations, private and group lessons, etc. on the property located at 37 S. Buffalo Ranch Rd., in the AA (Agricultural Very Low Density) zone, on approx. 0.90 acres. *public hearing*

Business License Official **Carly Rowe** presented this item. The property owner is seeking a Conditional Use Permit (CUP) in order to rent pickleball courts in their yard and detached accessory building. They are also interested in being able to offer pool rentals, small private group swim lessons, and pickleball lessons. Rentals usually tend to occur only to family, friends, and neighbors. In the opinion of Staff, after a site visit and discussion with the property owner, the use does not create negative impacts to the neighbors due to ample available vehicle parking, reasonable hours of operation, and organized management of the operations.

Applicant **Gloria Kelley** (37 S. Buffalo Ranch Road, Farmington, Utah) said her family of 20 visited a pickleball court in 2019 and really enjoyed their time. It inspired them to put both an indoor and outdoor pickleball court in their own backyard. In 2022 she found the Court Reserve reservation platform that worked well for their needs. They rent out court time for \$20 an hour. The indoor court does get used year-round, usually by family and friends. This does generate a small amount of revenue. She does provide lessons, usually in groups of three for five hours each week.

The groups who come to play are usually in fours. This does not generate a lot of vehicular traffic. However, since April, they have been finishing their backyard, so there has been a little more traffic due to the landscapers and equipment. She said that they do encourage parking in the circular driveway. There are no employees and **Kelley** does the maintenance.

They have opened the court to neighbors to come play when it is otherwise not reserved. **Kelley** also wants to encourage pickleball play among children, which is why she has done lessons. She was surprised to see two letters with some negative comments (which will be made part of the record). Since they have had the court, **Kelley** is unaware of any car accidents regarding vehicles. Last Thursday their neighbors from across the street expressed concerns about on-street parking. The neighbor has a large horse trailer that can't get out if there are vehicles parked on the street. The **Kelley's** don't want to inconvenience their neighbors, and plan to discourage on-street parking. None of her cars or cars of pickleball patron are regularly parked on the street.

Last Friday she was approached to volunteer for the Farmington High School Pickleball Club. She has already told the club to park in her driveway and only to the north of the driveway if on-street parking is needed. On Monday, 13 youth showed up for the first club meeting. Three of the kids parked on the street, and she made sure they were on the proper portion of the street. Besides that, she doesn't know of anyone else parked in the way of her neighbors for the last several weeks.

Sherlock asked if the curb could be painted red or if no parking signs could be installed. Parking is an issue that may be able to be addressed by the Commission in their findings. **Gibson** said enforcement should be addressed by Public Works and the Police Staff. His opinion is that the City would probably not participate in that, not even on other public roads around Farmington High. Traffic control should be done by official signage that meets standards.

John David Mortensen asked about the parking situation and how it works. **Kelley** asks people to park in her driveway in a line so they can come and go together. **Kristen Sherlock** inquired about the thought of a sign that goes up and down every day for the "no parking" area.

Mortensen explained that this is a home-based business, but the business is going on outside the home, which necessitates a bit more scrutiny. A consideration is if the business produces more traffic than a normal home would, which would alert residents to the existence of a business there.

Chairman **John David Mortensen** opened the public hearing at 7:25 PM.

The three emails received will be included at the end of the minutes.

Jean Bosserman (103 S. Buffalo Ranch Road, Farmington, Utah) lives down the road. She asked if this commercial business is approved in a residential area, would it open it up for other businesses to start nearby.

Chairman **John David Mortensen** closed the public hearing at 7:26 PM.

Gibson answered with how the area is zoned, each home and property is allowed to have a home occupation. However, all home businesses would need to meet the standards and/or go through the same process. In regard to if Buffalo Ranch would be allowed to, and the short answer is no, because it is not a home. This does not set a precedence, since each situation is unique. It would be similar to a home salon or home office, which is handled by Staff review. Once things move to a workshop or outside, it has to come before the Commission because it may have more impact. **Kelley** has submitted application for the home occupation business.

Brian Shepard brought up the point that there is a small parking area for the trailhead which can be used for a car or two. **Joey Hansen** said that anyone else who has a similar request needs to follow the same steps in regard to doing a business outside of the main dwelling. **George Kalakis** mentioned orange cones in the "no parking" area. **Sherlock** likes the compliance and legitimacy of all of this. She said this is a great use of business in the area, and the proposed hours are within the bounds the City has set. If it's timed correctly, she doesn't see much of a difference between this and a home daycare business. **Mortensen** said a daycare would be inside the home, unlike this proposal. His concerns are the parking, but it has been noted that the street is a public street, and therefore people can park there. He likes the idea of the sign regarding parking. He did say if volume increases because of the success, that's where it can become an issue.

Kelley said she has no problem putting "no parking" signs up during operation hours. Since meeting with neighbors, there have been no parking on the street – minus the high school students, whom she quickly corrected. **Mortensen** said that since this is unique, if it is not complied with, there is the ability to have the license revoked or revised.

MOTION

Kristen Sherlock made a motion that the Planning Commission **approve** the requested conditional use permit with the following Conditions 1-3:

1. A home occupation business license is obtained and remains current.
2. Approved business activity may occur only between the hours of 7 am and 9 pm.
3. Yard signage, or some other type of indicator, must be used during business hours to indicate no parking on the southwest corner of the property, in front of the strip that prohibits the neighbor from across the street backing into their driveway.

Findings 1-2:

1. The use already has established set hours which are in line with the city noise ordinances and which have not caused detriment to surrounding neighbors.
2. The property has adequate parking which will rarely flow onto streets and hinder surrounding neighbors.

Supplemental Information 1-3:

1. Vicinity Map
2. Site Plans and Parking
3. Photos of Site

Joey Hansen seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ___Nay
Commissioner George Kalakis	X Aye ___Nay
Commissioner Joey Hansen	X Aye ___Nay
Commissioner Brian Shepard	X Aye ___Nay
Commissioner Kristen Sherlock	X Aye ___Nay

ZONE CHANGE APPLICATION

Item #2 Harv Jeppsen – Applicant is requesting recommendation for a rezone to include the Agriculture Planned (AP) District overlay zone and an accompanying Development Agreement for an RV resort at approximately 650 W. Lagoon Drive (950 North) on approximately 6.5 acres of property, in the Agriculture (A) Zone. *not a public hearing item*

Gibson presented this agenda item. The AP District overlay zone has been used to develop Davis County's Western Sports Park, and generally helps embed some commercial uses in otherwise agricultural land. Although the City would not be directly responsible for this, they typically don't want dark store fronts that could become an eye sore if abandoned.

Update from the July 11, 2024 meeting: The Planning Commission held the public hearing for this proposal at their July 11, 2024 meeting. At that meeting, the Commission tabled the item to request additional information. To summarize, the Commission was interested in having a better understanding of the economic viability of the proposed land use to ensure that the application met some of the requirements of the AP district. In response to the requests of the Planning Commission, the applicant has provided studies and reports included in the Staff Report.

Original Background Information: The subject property on the south side of Lagoon Drive (currently under construction) just east of Highway 89 sits north of Spring Creek and is currently occupied by a blue barn building. This is north of the Mercedes dealership. The current zoning primarily limits the use of the property to agricultural or residential uses.

The property owner hopes to be able to develop a high-end RV resort at this location. The most similar use in Farmington is the Lagoon Campground which is within the Commercial Highway (C-H) zoning district. The description of the C-H zone in FMC 11-24-010 limits the use of that district to the Lagoon Campground site. Rather than considering a different commercial district which may require modification for a campground type use, the AP district overlay is proposed for the consideration of the City to accommodate the use.

The property is part of the East Park Lane small area master plan. The current construction of Lagoon Drive is being completed by Wright Development, who has approval for a townhome subdivision to the north with some commercial development towards the highway. The use of the property south of Lagoon Drive has been envisioned to be non-residential in nature. While some development is occurring to the north, proposals for development just south of this property have not yet been brought to the City.

The proposed use includes an office and amenity area with approximately 70 spaces for RV parking. The access to the property would be from Lagoon Drive to the north and access to the south would be accommodated on the east side of the property. The site would be enclosed with a screening wall and would be landscaped and improved to accommodate parking of RVs for brief stays.

The consideration of the AP district is a legislative action allowing for the use of discretion by the Planning Commission in providing a recommendation to the City Council. The Planning Commission's role in this request is to hear from the public and make a recommendation to the City Council based on that input as well as the Commission's opinions as to how well the terms of the Agreement work at this location and in consideration of the city's General Plan and the applicable small area plan vision. The AP District creates unique rules for the property which it is applied to. This allows the City to be very specific about what can and can't be done on the property.

Opinions from City Staff are varied. Concern for the proposal includes questions about how long the use will remain in effect. While it seems like a reasonably easy use to redevelop when other opportunities come along, if it is successful, it is likely to remain. While the proposed regulations and management seem to create a favorable environment, there are concerns that inevitably there will be RV owners who stay long term. The Development Review Committee (DRC) has indicated that servicing something like the proposed concept is viable, technical analysis of detailed plans would come if the City decides to approve the AP district and concept. Because of the varied opinions of City Staff, multiple motions are being included with this report for the consideration of the Planning Commission. The recommendation of the Planning Commission will be forwarded to the City Council, where a final decision on the matter would be made at a future meeting.

Harv Jeppsen (727 Leonard Lane, Farmington, Utah) indicated that this is a local, family-ran small business, not some large, national business wanting to come in and make top dollar. He wants it to remain in the family. He said an RV resort in Heber City is rated No. 1 in the nation, and makes a big impact on that city. He also showed a video of Valley View RV Resort on Fort Lane in Layton. He would like to do something similar to this local resort, whose owner was in attendance. It is a well ran, well designed, and high-end resort. As a long-time resident of Farmington, he doesn't want to bring in anything that would detract from the City. The name of his resort would be called the Spring Creek RV Resort.

Jeppsen read the Strength, Weakness, Opportunities, and Threats (SWOT) Analysis. Start-up costs are generally minimal aside from the cost of the land. Demand is expected to increase 10% a year over the next five years. The number of households owning an RV has grown 60% in the last two decades. An RV purchase is on the agenda for 13% more households for the next five years. Research shows customer demand for high-speed internet accessibility in large parks and among campers is high.

Average age is 32 for first-time RV owners, while Millennials and GenZers are the largest age groups hoping to buy an RV. They are nomads that like to work, using Wi-Fi, as they travel. RV parks can positively impact their local economy through tourism, revenue generation, recreation, and community development. RV park guests generate \$10 billion in economic activity each year. For every \$1 spent by an RV park visitor, an estimated \$10-\$12 circulates throughout the local economy. This is the economic multiplier effect. He is expecting between 12,000 to 15,000 guests each year if they have full occupancy. RV parks stimulate economic growth, job creation, and tourism.

Currently, the City gets \$54.54 from this land each year, and has for about 25 years. If office space was developed on this property, it would produce \$10,900 in property taxes for the City. Developed as an RV resort, the land would also give the City \$10,900 in property taxes, but would also create \$94,900 in sales tax and have an economic impact of \$300,000 (based on 50% occupancy and spending \$25 a day). It costs the City nothing to get this revenue. He wants to do it for a place for his grandchildren to work and interact with people. He wants to talk to those who travel the country.

Mortensen pointed out that the Commission has seen these three times now, and **Jeppsen's** next step is going before the City Council. The Commission will issue a recommendation for the Council to consider. He appreciates the applicant's efforts to refine his application. The AP designation is a big deal, and the Commission's responsibility is to prep the application for the Council's consideration.

Brian Shepard: Voting Aye—He likes what he sees for the future and the need and benefit. The WSP and expansion of Lagoon will produce demand for an RV park.

Joey Hansen: Voting Aye—He appreciates the applicant's due diligence. He likes the up-scale vision and the idea of recreational activities, friendships, etc. The reservation process is where lengths and numbers of stays are managed and/or rejected.

George Kalakis: Voting Aye—He does this himself and loves the RV lifestyle. Lots of young adults who cannot afford a home usually RV with internet and work on-the-go while they travel the country. It would be a big benefit to the City as a whole.

Kristen Sherlock: Voting Nay—She does not think it is compatible with the East Park Lane master plan or the General Plan. She has nothing against the vision itself, but just does not think it fits.

John David Mortensen: Voting Nay—He likes the product/site and benefits, but feels it does not fit. He is a property owner and property rights proponent, but fit is everything, as it affects neighboring property owners.

MOTION

Joey Hansen made a motion that the Planning Commission **recommend** approval of the Agreement to the City Council as written. They are now to go through the commission.

Findings 1-3:

1. The items allowed by the Agreement are appropriate at this location and there are sufficient mitigating factors within the agreement to adequately mitigate the impact of the allowed business activity on surrounding properties.
2. The use considered by the Agreement is consistent with the Farmington City General Plan and applicable small area plan.
3. The proposed use and accompanying Development Agreement adhere to the purpose of the AP District per 11-27B-010.

Supplemental Information 1-5:

1. Vicinity Map
2. East Park Lane Master Plan
3. Development Agreement and GDP
4. Minutes from July 11, 2024 meeting
5. RV Park SWOT Analysis, Economic Impact Assessment, Industry Statistics, and Market Analysis reports.

George Kalakis seconded the motion. A favorable recommendation to City Council with a, 3-2 vote.

Chair John David Mortensen	___Aye ___X_Nay
Commissioner George Kalakis	X Aye ___Nay
Commissioner Joey Hansen	X Aye ___Nay
Commissioner Brian Shepard	X Aye ___Nay
Commissioner Kristen Sherlock	___Aye ___X_Nay

ZONE TEXT AMENDMENTS

Item #3 Farmington City – Applicant is requesting an amendment to Chapter 11-2, DEFINITIONS of Title 11, ZONING REGULATIONS. The amendment is to include a new definition for “Live/Work Residential” which is an existing use identified in create zoning districts. *public hearing*

Gibson presented this agenda item. The City’s mixed-use zoning districts currently include an allowed use called “Live/Work Residential.” The City has even approved multiple projects, primarily along Burke Lane, yet to be constructed which include units with ground floor store/shop space. Buildings which include this type of space could be available for purchase or rent by early 2025. Staff is looking to define what this means to prepare to manage and license the types of businesses that may fill these spaces.

The proposed definition of “live/work residential” and additional text includes: “A dwelling unit which combines residential and non-residential uses allowed in the underlying zone where the proprietor of the business is also the resident of the same dwelling unit. The non-residential use of the dwelling unit may be licensed as either a home occupation which complies with the standards of Chapter 11-35 or a commercial business if the impact exceeds the standards for a home occupation including use of larger signs as allowed in the zone or holding open office or store hours rather than accepting customers by appointment only.”

Chairman **John David Mortensen** said that out of all the concepts the Commission has been working with for the past couple of years, this is one of his favorites. He opened and closed the public hearing at 8:11 PM due to no comments received.

Sherlock questioned whether large signage was necessary, and if it could be further defined. **Gibson** said home occupation signage is typically 1 foot by 1 foot. Something like a 2 foot by 6 foot backlit sign may be more desirable. Blade, wall, and window signs were also discussed. The Commission discussed what sign lighting they would want, especially considering light pollution. They want more research on hours of operation and signs in other live/work situations.

MOTION:

Kristen Sherlock made a motion that the Planning Commission **table** this item (amendment to Chapter 11-2) to give Staff more time to design the terms.

Brian Shepard seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay
Commissioner Brian Shepard	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay

Item #4 Farmington City – Applicant is requesting an Amendment and additional text to Section 11-35-060: REVOCATION, of Chapter 11-35, HOME OCCUPATION, of Title 11, ZONING REGULATIONS. The proposed text amendment is to clarify which body has the authority to revoke a home occupation business license. *public hearing*

Gibson presented this item. About three years ago, the City moved away from a Board of Adjustment and established an ordinance that allowed for the use of an Administrative Hearing Officer who would handle most appeals, variances, and quasi-judicial type decisions. Not long after being hired to work for Farmington City, the City Attorney worked on an ordinance which updated a long-standing process for how appeals would be handled in large part to keep legislative matters in the hands of the City Council while shifting other administrative type acts to other bodies more appropriate to handle them.

In updating this process, the Home Occupation Chapter was also updated to indicate that a person who was denied a home occupation business license could appeal that decision to the Administrative Hearing Officer as the land use appeal authority rather than the City Council, as it had previously been identified. Recently the Planning office found that while the appeals process had been updated, it would be appropriate to update the revocation process in a similar fashion. The feeling of Staff is that whichever body (Staff or the Planning Commission) approved the home occupation would have the ability to revoke that license if they find that the business operations are not following the required standards and/or conditions imposed on them. Persons who wish to appeal the decision of Staff or the Commission regarding revocation would then make application to the Administrative Hearing Officer. Proposed is that revocation would not be by the City Council, but rather “by the body which originally approved the home occupation.”

Proposed Text Change:
11-35-060: REVOCATION:

Violation of, or failure to comply with, the requirements of this chapter may result in revocation of the home occupation business license by the body which originally approved the home occupation. Any activity presenting an immediate threat to the health, safety and welfare of the neighboring residents may be ordered terminated immediately by the Mayor under the powers given him to act in an emergency.

Chairman **John David Mortensen** opened and closed the public hearing at 8:27 PM due to no comments received.

MOTION:

George Kalakis made a motion that the Planning Commission **recommend** that the City Council approve the proposed changes to Chapter 11-35

Finding 1:

- 1. The proposed changes provide clarity to an already allowed use which has not yet been defined.

Supplemental Information 1:

- 1. Proposed text change.

Joey Hansen seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay
Commissioner Brian Shepard	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay

OTHER BUSINESS

Item #5 – Miscellaneous, correspondence, etc.

- a) **Planning Commission minutes from August 8, 2024:** **Joey Hansen** made a motion to approve the minutes from the date above; **George Kalakis** seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay
Commissioner Brian Shepard	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay

- b) **City Council Report from August 20, 2024** – The Council held a Truth in Taxation hearing, where the proposed tax increase was approved. **Sherlock** said the residents did say that they prefer small increases over time as opposed to the large ones.

ADJOURNMENT

Kristen Sherlock motioned to adjourn at 8:32 PM.

Chair John David Mortensen	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Joey Hansen	X Aye ____Nay
Commissioner Brian Shepard	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay



John David Mortensen, Chair.
Frank Adams, vice chair



Carly Rowe <crowe@farmington.utah.gov>

Fwd: Buffalo Ranch Road Pickleball Conditional use

Lyle Gibson <lgibson@farmington.utah.gov>
To: Carly Rowe <crowe@farmington.utah.gov>

Tue, Aug 20, 2024 at 8:06 AM

Will you also forward this to the PC, please?

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

From: **Brigham Mellor** <bmellor@farmington.utah.gov>
Date: Mon, Aug 19, 2024 at 8:14 PM
Subject: Fwd: Buffalo Ranch Road Pickleball Conditional use
To: Dave Petersen <dpetersen@farmington.utah.gov>, Lyle Gibson <lgibson@farmington.utah.gov>

Please share with the PC

Sent from my iPhone

Begin forwarded message:

From: Nicole Knowles <nickknowles84@gmail.com>
Date: August 19, 2024 at 4:39:46 PM MDT
To: bmellor@farmington.utah.gov
Subject: **Buffalo Ranch Road Pickleball Conditional use**

To whom it may concern,

I am writing in regards to the conditional use permit letter we received for the pickleball courts in the Kelly backyard on Buffalo Ranch rd. We are their neighbors located directly across the street. The Kellys are Lovely people and we would love for them to be able to enjoy their hobby of pickleball. We are unable to attend the meeting this Thursday, but we do have 2 concerns.

1. Will issuing this conditional use permit help Mr Plummer with Buffalo Ranch in obtaining any sort of conditional use permit for his property and barn. If so then we sadly have to oppose this permit in order to protect ourselves from Mr. Plummer and his conniving ways.

2. Parking- There is ample parking at the "pickleball barn" in discussion, but will parking be enforced to their property and not be allowed to use the street to park. They use this facility several hours of the day and night, and there has been several instances of my teenage daughters friends backing into cars parked directly behind our driveway due to pickleball guests using the very poor lit road to park while using the courts. There has also been several occasions we are not able to pull our horse trailer in and out of our driveway due to cars parked in front of our house and driveway at all hours of the day. I am a barrel racer and am training horses, I must be able to get my horses to races, and have not been able to which prohibits me from making any monetary gain in payouts, and having to forfeit entry fees by not being able to attend. I haven't been able to mow my park strip on several occasions, and not to mention the safety of the elementary school children trying to walk home and cross the street with cars parked on both sides of the road. There have been instances when children who have accompanied parents have ran out in the road and have almost been hit, let alone the school children and neighborhood children. We have spoken with the Kellys, and had a very nice conversation with them about our concerns, and they were open to hearing and acknowledging that it is an issue. They have promised to patrol it better. However, two days after the conversation there were 6 cars double parked on both sided of the road and in front of our driveway. After asking, the cars did move, I just don't want it to be a constant problem between our neighbors who we love and would like to maintain a good relationship with. But, It is a full time job policing this, and being affected by it. Again, If parking is addressed and part of the conditional use permit, we have no problem with the pickle ball court itself, or the Kellys enjoying their beautiful property and hobby, and sharing that with others. But 8-16 cars parked on both sides of the road in front of our house all hours of the day has become exhausting and dangerous.

Thank you very much,

Knowles

42 S Buffalo Ranch Rd
Farmington, UT 84025



Carly Rowe <crowe@farmington.utah.gov>

Regarding "Kelly Conditional Use" public hearing on 22 Aug 2024

Hall Family <irhallfam@gmail.com>
To: crowe@farmington.utah.gov

Mon, Aug 19, 2024 at 5:01 PM

Carly,

I wanted to send an email in support of approving the conditional use permit for JGK Properties LLC (aka Kelly Courts) to operate the pickleball court reservations for the accessory building on 37 S. Buffalo Ranch Drive.

I live in the home directly South of Kelly's (61 S. Buffalo Ranch Rd). My property is adjacent to the long driveway that leads to the pickleball court building.

There has been no adverse effect (to me) since the pickleball court has been in operation. In my opinion, the building (I affectionately call "The Pickleball Palace") has been an asset to Farmington Ranches. The Kelly's have shared this resource with many local neighbors within the Farmington Ranches Community.

I know there is a small hourly fee for renting the courts; but I don't feel like this is a huge money making scheme for them. I imagine this is the best way to keep the traffic in and out of the property at a minimum (so people show up only at their reserved time rather than willy nilley). I don't think I've seen more than 6 or 8 (extra) cars parked in the long driveway (and it can certainly hold more than that). The number of cars that come for a pickleball session rarely exceeds 4 (because the indoor court is usually the only one used, and some of the local neighbors walk to the court). This is not an impact to the flow of traffic in our neighborhood.

I won't be able to attend the meeting, but I hope the Farmington City Planning Commission will agree that JGK Properties should be allowed to continue to use the online pickleball court reservation application as a way to keep a few cars flowing in and out of the neighborhood in an organized manor.

As an aside: I want to mention that (while this activity may technically be outside of an "Agricultural Very Low Density" zone use); this is not the same impact as would have come from adding multiple soccer fields to the Buffalo Ranches. It's also not the same as the hundreds of cars that were coming and going when Buffalo Ranches was giving sporting lessons inside their barn. I know the Buffalo Ranches likes to pay the pity card about the freeway being built on their property; but I was here when the Buffalo Ranches chose to move their horse operation to Texas. It was well before UDOT chose their property as the path for the freeway (not after). I would love to see horses return to the Buffalo Ranches fields instead of tuning that land into 95 home lots.

Thank You

Roger Hall

61 S. Buffalo Ranch Rd.

Farmington UT



Carly Rowe <crowe@farmington.utah.gov>

Aug 22pm planning commission comments

galant2424 <galant2424@yahoo.com>

Thu, Aug 22, 2024 at 11:19 AM

To: crowe@farmington.utah.gov

Hello,

We cannot attend the meeting but want to comment on the conditional use permit regarding the pickleball court.

We live on Buffalo Ranch Rd and must drive past this residence daily. We have a few issues.

Not sure how such a large business was allowed to build in a very low density housing area?

Cars are frequently parked down the street causing congestion through the neighborhood.

There is limited visibility as the road makes a hard curve directly north of the property. This has already caused accidents with people pulling out or backing into other vehicles. There have been multiple close calls with children who cannot see oncoming traffic and have almost been hit.

Owners have signs directing their patrons to not park on the street but they have very little space on their property for any parking and patrons routinely ignore the signs. They are not enforcing parking so we don't have any confidence they will do so in the future, if they are allowed to continue.

Very low density housing is not appropriate for this type of commercial business with the number of patrons and cars that it brings into the neighborhood.

Maybe a small home hair or nail salon, that only has one client at a time but this business brings in too much unwanted and hazardous traffic.

We politely ask you strongly consider denying this petition so residents don't have to worry about their kids, accidents and street congestion.

Thank you
Kevin & Patricia Tanis

Sent via the Samsung Galaxy S21 Ultra 5G, an AT&T 5G smartphone