

FARMINGTON CITY – CITY COUNCIL MINUTES

April 9, 2024

WORK SESSION

Present:

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

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

Mayor **Brett Anderson** called the work session to order at 6:22 p.m. Councilmember **Alex Leeman** participated electronically via Zoom. City Attorney **Paul Roberts** was excused.

I-15 WIDENING AND HISTORIC RESOURCE DISCUSSION

Chadwick Greenhalgh (208 W. State Street, Farmington, Utah) addressed the Council, representing the Clark Lane Historic District as well as the Historic Preservation Commission (HPC). He has lived on State Street for 25 years and is the newest and youngest resident on the street. The Utah Department of Transportation (UDOT) engaged the Clark Lane Historic District for an Environmental Impact Study (EIS) associated with proposed changes and the widening of Interstate 15 (I-15). This would call for the demolition of one historic home at the end of State Street and 400 West. UDOT presented two options, and his entire neighborhood felt that neither was acceptable. It is not acceptable to demolish even one historic home.

According to a 2019 UDOT traffic analysis, the traffic on west State Street amounted to 12,000 vehicles per day. With the widening of I-15, either option is predicted to bring 16,000 vehicle trips per day by 2050. This would mean that State Street would be a minor arterial collector rather than a residential street. **Greenhalgh** said that even now with 12,000 vehicles per day, it is dangerous for residents to back out of their driveways safely, and the noise of traffic is too loud inside of their homes.

In the past, this neighborhood got assurance from the City that traffic would be decreased. The Master Plan mentions funneling traffic from West Farmington to the freeway so that traffic on State Street would be minimized. In 2005, Legacy didn't exist. The City has had numerous options to move traffic away from State Street, which is now classified as a minor arterial collector. Road designers do not recommend having single-family homes on a collector street. A major arterial is one step away from a minor arterial, and then Farmington would end up with something similar to Bountiful's 400 North.

Greenhalgh asked for Farmington City to engage with UDOT in order to discourage them from tearing down a home that is a City landmark. UDOT is determined to tear it down, and offered some forms of remediation including building a website or putting up a plaque mentioning the home. The Historic District thinks both options are bad, and they don't want I-15 widened.

Tiffany Ames lives southwest of **Greenhalgh** and mentioned that Farmington has control over what happens between 200 and 400 West, the portion of the road that is most heavily impacted. She said what makes Farmington Farmington is its historic districts and tree-lined streets. A major arterial won't have the charm of the current State Street. She asked what the City can do to deter people from using State Street to go to Station Park, and to deter traffic from going through a historic district. Speed tables were mentioned. She said the Master Plan mentions deterring traffic in this area.

City Manager **Brigham Mellor** said he has never heard any discussion about deterring vehicular access in the two blocks between the freeway and State Street. To his knowledge, it has never been an objective. He said the Master Plan is a recommending document that was last updated before both Station Park and Farmington High School were operational.

City Councilmember **Roger Child** said school traffic on State Street gets crazy. **Ames** said people will park in front of her driveway because they don't see it as somewhere people live. She has had to ask people to move so she can get out of her driveway.

Mellor said traffic engineers have empirical data that speed tables don't work. Historic Preservation Commission Chairman **David Barney** noted that the Clark Lane Historic District is the first historic district in Davis County. Just because something hasn't been done in the past doesn't mean that the Clark Lane Historic District can't be the first to do it. Councilmember **Scott Isaacson** said it may be worth taking a look at the three speed bumps that have recently been installed on 100 North behind the Conference Center in Salt Lake City.

Ames said this is about encouraging motorists to use alternate nonresidential routes that already exist such as Park Lane. It would make the historic area more walkable if 200 West was not used to get to Station Park.

Mellor said limiting connectivity flies in the face of typical planning, and he can't think of a time where it has ever been an objective. Planners discourage developers from building cul-de-sacs or at least try to limit their distances.

Child said he has lived in this neighborhood for 30 years, and he understands the situation well. It can be addressed and worked on over time. He appreciates that the two entities have come as a collective body to present a valid concern that deserves a long-term solution. **Isaacson** said the option to have a frontage road coming to an intersection is a better option. **Greenhalgh** agreed, but said UDOT mistakenly doesn't think that option will reduce the traffic on State Street. **Isaacson** said it is a tragedy what UDOT is doing to Farmington.

Child said there is a limitation on what Farmington can do with UDOT. Farmington is allowed one voice with UDOT, and they can use it to express the opinions the HPC and Clark Lane Historic District have expressed today. However, UDOT can run right over the top of Farmington, as they have in the past. Farmington was hoping to see which alternative is best, and **Child** doesn't feel they can go to UDOT and tell them neither option is acceptable.

Greenhalgh said he would like to have City engineers validate UDOT's traffic study numbers. UDOT says this is a Farmington problem, but Farmington says it is a UDOT problem. **Ames** said they would like to see if the frontage road option would be better to continue on to I-15. She likes the idea of an outside traffic study. Councilmember **Melissa Layton** suggested they speak with Utah State House District 18 Representative **Paul Cutler**.

DAVIS COUNTY PROSECUTOR DAVID COLE

David Cole is the chief deputy in the Davis County Attorney's Office, where he often deals with things such as child pornography, aggravated sexual abuse, and arson. But that is his day job. He is also a legally appointed public defender to represent people in the justice court. While Farmington has its own in-house civil attorney, **Cole** is the City's contracted prosecutor for criminal cases. This is the best way to do it, in his opinion, as separating criminal and civil can be difficult. Centerville manages things internally using an hourly wage. West Bountiful and North Salt Lake both have a straight contract.

Farmington is needing his help more and more as its population grows. The City is getting more theft, domestic violence, and tickets written by police. The Utah Highway Patrol (UHP) picks and chooses where they write tickets, and they tend to issue them where they are treated fairly by judges, prosecutors, and police agencies. Those numbers are going up in Farmington, as Davis County gets along well with the UHP.

Since 2016, he has had a 30-day contract with Farmington and serves at the City's request. He feels it is working out, but there is no process to address the increase in caseloads. He is now doing 45% more than he was in 2016. He has asked for an increase in 2019 and 2021, which together resulted in 17% more pay. **Cole** is now asking for an adjustment due to the 23% inflation. **Mellor** said this request has been included in the upcoming budget.

Cole has seen how the three Davis County Commissioners are conservative, cost-conscious, and put off tax increases when they can. They are sensitive to their electorate, and any time there is a major tax increase (of 30% or more), they are wrecked at convention. He predicts that the County will have a large tax increase in the near future.

He would like to share some suggestions with elected officials including City Councilmembers. He would like them to send a clear message that there are two different types of taxes: one to adjust for inflation and the other a baseline adjustment in real dollars. The conversation should change so there is a tax increase every year, which necessitates holding a Truth in Taxation public hearing each year. An annual tax increase is needed if only to address inflation. In his life, he has never seen a county or municipality address tax increases like that. Modest tax increases should be done regularly to address inflation, and so they don't need to occasionally do shockingly large tax increases. Cities and counties should change the process and messaging so that they can have better conversations.

REGULAR SESSION

Present:

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

*City Recorder DeAnn Carlile,
Recording Secretary Deanne Chaston,
Senior Accountant Kyle Robertson,
Assistant Community Development
Director/City Planner Lyle Gibson, and
Youth City Councilmembers Cannon
Christiansen and Sarah Miller.*

CALL TO ORDER:

Mayor **Brett Anderson** called the meeting to order at 7:17 p.m. Councilmember **Alex Leeman** participated electronically via Zoom. City Attorney **Paul Roberts** was excused.

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

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

PRESENTATION:

Allison Dunn will recognize Tyler Gee and Devin Ruston Utah Recreation and Parks Association (URPA) volunteers of the year

Farmington Recreation Coordinator **Allison Dunn** recognized **Tyler Gee** and **Devin Ruston** for volunteering in the adaptive Junior Jazz program. They were friends throughout high school who were brought back together later in life when they both had children with special needs. They know how to balance competitive nature with fun and encouraging all. Not every City has an adaptive program, and Farmington has had one for 10 years. People come from other counties to be part of the adaptive baseball and basketball programs, which welcome all ages. Councilmember **Scott Isaacson** suggested that the City consider adding adaptive soccer as well.

Student Spotlight: Cannon Christiansen, Farmington Youth City Council

Christiansen was recognized for being an exceptional member of the Farmington Youth City Council. He is one of the first to sign up for service opportunities, and the first to ask if he can help at events. He is kind, dependable, and a great leader.

PUBLIC HEARINGS:

Consideration of an Agreement for exceptions which would accommodate a landscape yard as a home business

Assistant Community Development Director/City Planner **Lyle Gibson** presented this agenda item. The applicant has the right of first refusal to purchase this Utah Department of Transportation (UDOT) surplus property off the West Davis Corridor (WDC) that is currently zoned agricultural Estates (AE). The zone limits the business activity that is allowed. Based on

the applicant's proposed use, it would require a rezone to change the rules. However, changing the zone may not be desired because the new zone could allow a lot of other uses not appropriate to this site. The Agriculture Planned (AP) District is an overlay designation that may be an option, as it creates unique rules by agreement. Another option could be an exception within the home occupation ordinance. Staff feels the exception route may be best. The resulting Development Agreement would grant or restrict uses.

The applicant's proposal is to store mulch, soil, gravel, rock, cobble, and other landscaping materials in bins on site for trucks to come in and scoop it out, carrying it off site to their projects. The Development Review Committee (DRC) supports the proposed use. The Commission reviewed the proposal and recommended denial. While they thought it made sense at this location, they struggled with the home occupation exception. They want the resident to be on site, and not on property adjacent to where the business takes place. To them, it can't be a home occupation if it is not on site. Therefore, there can't be an exception if there isn't first a home occupation. **Gibson** said the Council's input is needed.

Applicant **Jonathan Miller** (818 S. Shirley Rae Drive, Farmington, Utah) said the WDC had traumatic effects on the community. One day he couldn't get his kids home from school because his road had been torn out. He has the opportunity to close on this property tomorrow. Because of inflation, when he had the opportunity to purchase this property, the funds he had set aside were not enough. Therefore, he will have a mortgage on the property, and he will need the land to generate revenue in order to cover loan payments.

Miller said he would like to make use of the property right on the front of the road with exposure on WDC by posting a sign. He is proposing a seasonal (spring to fall) landscaping supply yard here carrying rock, cobble, and other landscaping products. His son has a lawn-mowing and sprinkler repair business and has noticed there is not a supply yard between Salt Lake and Weber counties. With rebates to "flip the strip" and an interest in waterwise landscaping, it makes sense economically to use the property this way, and it would bring a lot of benefits for the City. For example, source materials would be available locally and sales tax revenue would be generated.

He would not be producing the gravel and rock or doing any wood chipping on this property. He would not carry any sand or wood chips. The products would be natural earth products, which fits in with agricultural zoning. The bins to hold the products would be nonpermanent and the parking lot would be a gravel road base. He is not proposing to build a structure on the property. The floodplain slopes to a ditch dug out by UDOT. He figures one delivery truck and 40 customers weekly from local residents and landscaping contractors would make him profitable. UDOT has already improved the road west to Shirley Rae. The area is already zoned agriculture, which carries the possibilities of noise, odor, and dust. He would like the ability to have one person outside the family able to help run the business in case the family wanted to go on vacation together. There would be a phone on the gate so he could walk over when needed.

He does not want to combine the parcels into one lot. If it is one property, it would negatively affect the business loan. In case the land does not produce income, he wants the ability to dispose of the property. As it is now, there are rights to build a home on the second lot in the future. However, that entitlement would be eliminated if the parcels were combined. **Miller** said this is a side business for him, and the size of the property limits the scope of the business.

Mayor Anderson opened and closed the Public Hearing at 8:02 p.m. Nobody signed up in person or electronically to address the Council on the issue.

Gibson said if the properties were combined, there would still need to be some exceptions to the home occupation to allow outside use of the property. However, there are provisions that would allow for it. If it was one combined property, the Planning Commission would have forwarded a positive recommendation. **Mayor Anderson** said the land could be combined and then bifurcated later, as has been done on Glover. However, this would eliminate the entitlement for a second home.

Issacson said there is a catch-all in the home occupation ordinance that allows “anything approved by the City Council.” That would be the clause the Council would rely on to approve this. He noted that the Commission was fine with the actual proposed use. He is also, even though he is usually opposed to businesses in residential areas. This property is on a freeway, and he doesn’t see other possible uses there. Any other option would require the applicant to hire an engineer, which could be a challenge. He would like to follow the ordinance, but even the ordinance contemplates exceptions. This is a gray area. To him, this is a home business as he is running the business from his home.

Shumway said she has no problem with the business, but she thinks this is stretching it too far. When the City can do an AP district, then there is no precedence set for future home occupation exceptions that come down the line. However, the AP district requires engineering standards. The Council can grant an exception for engineering drawings since there will be no proposed structure or foundations. If the AP is a better route, that is where the exceptions should be made.

Gibson said using AP district standards, it is allowed as an exception. The applicant would need to provide a general development plan. The Council can make a call on what is in the agreement.

Miller said the county parcel map shows that the property extends into the WDC. That will change when recording happens, as it has been fully surveyed. **Gibson** said the property is technically a nonconforming lot. **Miller** said he has spoken with both his neighbors, including one who owns tennis courts, about his proposal. They are O.K. with it. They were concerned about the affect rezoning his property could have on their property taxes.

Child said there are three homes on that dead-end street, and they chose to live on that street because it was a dead end with zero traffic. The property running tennis lessons changed their quality of life and the uniqueness of living on a dead-end street. The neighbor across the street from the tennis courts said she is not opposed to this new proposal. However, **Child** is worried about large commercial trucks delivering products. He would like an agreement to spell out pick-up and delivery times, as well as vehicle size and weight. While he is not against the proposed use, he is against a commercial/industrial use of the street. The area now needs to deal with moms in mini vans at tennis courts, and it would be bad to combine that with dump trucks on residential streets. That mix of traffic spells trouble. Since this would be a variance, the City can have control of the variables.

Miller said it wasn’t a dead-end street until UDOT cut it into one. It was the west side of Farmington. He needs to buy in bulk in order to make the business profitable. He recognizes the challenge of getting deliveries at the same time tennis lessons are being held. His neighbor with the tennis courts did an extensive \$5,000 traffic study to find that his traffic did not impact the

nearest Glovers intersection at all. Those using Google maps think they can use Shirley Rae to get on to the new WDC. In the last two years, this has generated more traffic than the tennis courts.

Gibson said if the applicant had to go through the AP district rezone, he would have to start over at the Planning Commission level before returning to the Council again.

Isaacson said three councilmembers are O.K. with the actual business. The question is what the right procedure is. He said being 10 feet away from the freeway is a justified finding. If this were anywhere else, it wouldn't be a good idea. Traffic doesn't have to go to Station Park to get out; they can go on Glovers Lane instead.

Councilmember **Alex Leeman** said he doesn't like this use in this location at all, as the area is inaccessible. The good thing about the home occupation is that it expires with the property owner. The AP zone runs with the land. **Leeman** says he disapproves of what is in front of the Council tonight. He would like to have the applicant come back after six months to apply for the AP rezone.

Gibson said the Council can put a termination clause in as part of their motion and agreement. **Mayor Anderson** said there could be a "sunset clause" that would require the applicant to come back after a certain amount of time for re-evaluation. Councilmember **Melissa Layton** said she would like a way out if a problem was discovered. She does not know if she would like something like this in her own neighborhood.

Miller said if he doesn't close on this property tomorrow, he loses the 10% he already placed as a down payment. He wanted to come before the City Council today despite the negative recommendation from the Planning Commission. Time is of the essence.

Isaacson said the Council has to act procedurally on what is before them on the agenda tonight. It doesn't make sense to table this tonight. Anything agreed to verbally is not binding. He likes the suggestion of a term, which would be an automatic chance to revisit the question in two to five years. **Shumway** said that would be binding a future Council. **Child** said he is getting loads of texts from neighbors during the meeting that they are O.K. with the proposed use.

Motion:

Isaacson moved that the City Council approve the applicant's petition for a home occupation on the property under the exception from the standard home occupation ordinance and that the City Council approve the Development Agreement with two changes:

1. The Development Agreement (DA) is personal to this applicant and that it not run with the land.
2. It is for a two-year term; if it continues or not will be revisited by the City Council.
3. Allow one person outside the family to conduct the business.

Leeman seconded the motion.

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

___ Aye **X** Nay

The 4-1 vote carried.

BUSINESS:

Alternative Approval Process, Enactment of a new Section for Chapter 20, Neighborhood Mixed Use (NMU)

Gibson presented this agenda item regarding the NMU zone, which is one of several mixed use zones. Section 140 of Chapter 18 exists for the west side mixed use zones, which allows the City to consider alternative land uses and standards proposed (but not foreseen by the existing underlying zone text) as part of the development process in these zones. No such mechanism is in place for the NMU zone. All land zoned Commercial Mixed Use (CMU) is developed or entitled, and the Business Residential (BR) zone has its own set of unique circumstances. Consequently, a “Section 140” tool is not necessary at this time for these zones. The Planning Commission recommended approval of the proposed Section 180, which mirrors the use of Section 140 used on the west side, on March 21, 2024.

The proposed Section 180 would affect City-owned Old Farm property on Highway 89 and Main Street. All other land this would affect has already been developed. The Council may appreciate the flexibility provided by Section 180 when the Old Farm property develops in the future. This way the City can entertain different ideas about the future development of that land, and work with a developer to establish the rules by agreement.

Mellor said the point is flexibility to help define the development the City wants to see at Old Farm. It would take more design work on the front end from the developer in order to get it approved. It is a form-based code element for the City ordinance. This is essentially the same process used to develop the area around the Mercedes Benz.

Gibson said unlike Section 140, which requires a minimum of 25 acres, Section 180 does not have a size requirement. He said it is too difficult to say exactly what the City wants developed there, and it would be better to have the flexibility to look at multiple options.

Motion:

Shumway moved that the City Council approve the ordinance (enclosed in the Staff Report) enacting Section 180 of Chapter 20 of the Zoning Ordinance.

Finding 1:

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

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

Mayor Pro Tempore/Councilmember Alex Leeman

X Aye ___ Nay

Councilmember Roger Child

X Aye ___ Nay

Councilmember Scott Isaacson
Councilmember Melissa Layton
Councilmember Amy Shumway

X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay

Requirement to install rapid access key boxes for qualified structures within Farmington City

Mellor presented this agenda item. The City does not currently require rapid access key boxes (known popularly as Knox boxes) on any structure. Quick access to the interior of buildings is essential to extinguish flames, contain hazards, and preserve life. If a building is locked up and an ongoing emergency is unfolding inside, alternative means are used to access the interior.

Rapid access boxes are placed on the exterior of a building and include keys to exterior doors, any locked interior doors, electric panels, etc. The Fire Department has a master key that can be used to access all rapid access key boxes within their jurisdiction. Using keys reduces the property damage that must be inflicted to enter the building, and is safer for City employees and anyone else exiting a building. In situations in which a sprinkler is deployed, rapid access to the interior also mitigates ongoing water damage.

This ordinance does not apply to every structure in the City. In order for a key box to be required, the structure must be one for which the IFC requires a Fire Department access door, fire alarm, or automatic fire sprinkler system. Structures that install such amenities voluntarily are not subject to the key box requirement.

This code mandates that all such structures that are currently existing have a rapid access key box installed by April 30, 2025. This gives property owners one year to make arrangement with the fire marshal before the deadline takes effect. **Mellor** said Knox boxes are commonly used by police to access a property. They are not typically found on homes, but are on commercial buildings and gates to subdivisions. The building owner pays for the installation of the Knox boxes. **Shumway** noted that the costs to install Knox boxes are pretty minimal.

Motion:

Child moved that the City Council adopt this ordinance enacting section 7-5-020 of the Farmington City Municipal Code related to the installation of rapid access key boxes at qualified structures within the City.

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

Mayor Pro Tempore/Councilmember Alex Leeman
Councilmember Roger Child
Councilmember Scott Isaacson
Councilmember Melissa Layton
Councilmember Amy Shumway

X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay
X Aye ___ Nay

The Charlotte – Project Master Plan (PMP)/DA, Schematic Subdivision, Schematic Site Plan

Gibson presented this agenda item, reminding the Council this a small project within a larger master plan that is being considered under Section 140 in the Office Mixed Use (OMU) district.

Therefore, the Council has some leverage of elements such as what it looks like. The residential on the south side of the project includes 92 townhome units. Retail uses are being considered on the other side of the property. Previously, Staff requested the item tabled in order to get questions answered.

Cook Lane was built from the adjacent development to just shy of the creek. At that time, the Army Corps of Engineers did not allow Brighton Homes to build the road. This may be the right timing to push the road through now that there will be development on both sides. Terms have been outlined including the developer participating in the construction and design of that facility. The cost will come from the existing cash on hand from the previous developer, and the rest will be paid for by credits from the City.

Another question is access to the property. The City traffic engineer has exhibited a right and left in, but no left turns out. The median will be at the cost of the developer.

To satisfy the low-income housing element, the developer had proposed a rate buy-down. While the Council thought it was unique, the Staff had concerns. Since, Staff has decided that the proposal didn't meet City goals and would not qualify as a method for State reporting. Therefore, the applicant made an alternate proposal in the proposed agreement found on 5.7, page 86 of the packet. The developer is proposing for-sale units platted individually. They will pay a \$200,000 fee in lieu, coming in per the sale of each home. They propose the maintenance of the trail along Shepard Creek, as well as installation and design of the trail itself, as the "some other public benefit" option.

Since last meeting with the City, the developer is further along on a proposal for the commercial side. They are proposing a reception center along the creek, and the business is worried about public trail use interrupting their events. They proposed a public trail on only one side of the creek in this area, using the Cook Lane road connection. Coordination with neighboring property owners will be necessary.

Isaacson said he really wants this area to develop with a master plan so it looks congruent with the other assembled 25 acres. **Mellor** said that once the developer combined to get 25 acres, each area was colored for different uses on their master plan. The main focus was on connectivity. Every parcel in West Farmington known as the golden triangle between the Rail Trail and I-15 is now part of some Development Agreement or Master PMP. **Gibson** said now that there is an agreement over all 25 acres, sections of it can be individually considered.

Applicant **Colton Chronister** (426 W. Meadow Drive, Kaysville Utah) addressed the Council, saying they understood the intent of the City and the feedback for them to work with the neighboring landowner. It has been a long effort to get to this meaningful piece, the last 11 acres in this master plan. The residential units will be marketed for-sale.

Isaacson said the ordinance calls for 10% of the units to be for moderate-income housing. He feels \$200,000 is not enough to even buy a single unit, so he is not sure where that number came from. The amount offered for the rate buy-down option was \$400,000, and he thought that would be a good idea, as it could benefit eight to nine units. But \$200,000 does not work for **Isaacson**. **Chronister** said the \$200,000 could be broken up into multiple down payment assistance for those who qualify. **Isaacson** replied that that is a good idea, but Farmington doesn't have a

program to administer it. **Child** said Farmington would have to have a qualification program to justify that it would benefit the applicants.

Chronister said after sitting with Planning Staff and the City Attorney, they offered \$400,000 for rate buy-downs, not sure if it would check the box according to the State. They have committed resources to the trail and are still open to an additional \$150,000 in rate buy-downs to satisfy the Council.

Shumway said she has sat on the Planning Commission and City Council for years, and in that time developers have come in and suggested what they wanted for moderate-income housing. She said now it is time for the Council to take back the reins and say what they envision for moderate-income housing. When Section 140 was first created, Farmington wanted open space throughout the City. Now that Farmington is getting close to buildout, the City has a new affordable housing need. The Council has 100% discretion on this, so they get to dictate what the public benefit is. She doesn't feel Farmington needs more open space or townhomes that cost \$450,000 to \$600,000. It needs affordable housing, and is not getting it. Legislatively, the City is held to provide affordable housing in the City or lose road funds.

Morally, as a Councilmember **Shumway** feels inclined to fight for affordable housing because people are struggling to get into homes. The developer is not entitled to the 92 townhome units, so the City Council should take the reins back and dictate what Farmington wants and needs. She does see the trail as a public benefit, but it is already master planned. The master plan has trails on both sides of Farmington's three creeks. She believes Farmington needs nine deed-restricted, affordable units. Why is the Council not holding to what the ordinance is? The Council gets to choose, but in the past, the developers have chosen. Considering the trail, maybe the City could settle on eight units instead. The City is setting a precedence, and they have not yet gotten deed-restricted units.

Isaacson said the ordinance is written so the Council has the ultimate legislative say. As a practice, the Council allows the developer to make their proposals.

Chronister said it isn't financially feasible to deed restrict for-sale units. Deed restrictions work only on rental units. They feel a public benefit is to make the housing available as for-sale, attainable units. They are doing as much as they can in today's climate to make the residential units as affordable as possible. They feel they are delivering an attainable product. It is not too often home builders get praise, but they did at the last Council meeting. CW Urban prides themselves on design and delivering something that fits the City. They are now extending the most they can.

Child said he agrees that Farmington needs to come up with a program, as no benefit is trickling down to the public yet. He worries about deed-restricted units because there is no way to police or force it, as the developers often retain ownership. **Shumway** said she is not opposed to nine units being leased.

Child said Federal Housing Administration (FHA) financing can be affected by these issues, but most townhomes fit within affordable housing price points. **Chronister** said he doesn't have pricing yet for the for-sale units, but prices will be based on between 1,400 to 2,100 square feet per unit. **Child** feels the 1,400 square foot units would fall into the affordable price point if median income is considered as opposed to what single-family homes are selling for. The

definition of affordable housing is kind of gray. If the developer gives the City the money, then it is in the City's control to make sure it benefits the public. He feels there is discomfort in the amount of money currently being offered. He loves the idea of an interest rate buy-down, but that doesn't target the most needed buyers.

Chronister said the units have to be owner-occupied to qualify for an interest rate buy-down. Residents would go through a preferred lender, who would report all dollars. He is committed to quarterly reporting to the City. These would be permanent buy-downs for the life of the loan, saving between \$80,000 to \$120,000 in interest.

Leeman said for the rate buy-down to work, the people have to first qualify for low-income housing. Otherwise, it is a marketing tactic. He echoes **Shumway**'s concerns about the Council needing to take control of affordable housing. When push comes to shove, Farmington is collecting money for affordable housing, but the City doesn't know what it is going to do with it. The Council needs to have a heart-to-heart conversation. **Isaacson** said it is a great idea, but it is not working very well. The State Legislature is mandating these things and setting their own definitions.

Gibson said the State puts together a pick list of 26 options for goals to pursue as a City, but they don't say how many the City must pick. They don't give a number of required units. Farmington has chosen goals such as zoning for more density, encouraging housing in transportation hubs, putting housing in the right places, and preserving affordable housing. The hard question is if it meets the intent of the City ordinance.

The only affordable units Farmington has seen is Evergreen committing 40 units for rent, Wasatch committing 50 units for rent, and **Rich Haws** committing six units for affordable rent. There are no deed-restricted, for-sale units. After a few years, Farmington is getting a feel for how their affordable housing ordinance is working. The fee in lieu calculator speaks to single-family home prices. The average Farmington home is \$900,000, and the (\$500,000) gap between that and an affordable \$400,000 unit is used in the calculator. However, beginning with The Ivy, the cost of just townhomes was considered instead of every home in the City. For example, if the market rate on a townhome is \$500,000, and \$400,000 is affordable, then the gap is \$100,000.

Shumway said she is not ready to approve this, as \$200,000 is unacceptable in her opinion. When this project started, Stack had to have commercial first. After COVID hit, the City said putting residential along Burke was O.K. Farmington needs to go back to the original idea that this is a business park, and approve residential at the same time as commercial.

Mellor agreed, and said it is the Council's call. He wants to bring up three things. First, many people have worked together to get to this solution including **Chronister**, **Tod**, and the **Cooks**. A plan is better when not done in isolation. Second, there were issues with the road crossing. It is an option to take cash as security to pay for the box culvert. Farmington is obligated to make up the difference from Brighton Homes to the east. The City can only tack on a 10% increase to what it cost at the time. Lastly, every property in this area generates tax increment. The base value for the old homes wasn't a lot. If all the property taxes generated for 20 years, 10% of that goes to affordable housing. A commercial building can bring in \$25,000 annually, and 10% of that goes to affordable housing for 20 years. After running a quick estimate, **Mellor** believes that over 20 years, that will bring \$4 million in to the Redevelopment Agency (RDA). This \$4 million can be bonded against. Something needs to go into the ground by the 2027 trigger date.

Mellor said the bigger concern is what Farmington wants to see. The ordinance plagues the State because it is not clear who is going to police this and how. Farmington has tools, and one is to use their property taxes for affordable housing.

Shumway said Section 140 needs to go with what the needs are now, not in 20 years from now. For example, open space is not a benefit to the City now.

Tod Jones has owned his property for 12 years, and tried to get it under contract for years. Time is of the essence to get a commitment from a reception center along the creek. It will cost millions of dollars, and the landowner may lose out on this opportunity if the City takes time to do a work session.

Child said interest can kill a deal. The way to pull the reins back is doing it through Staff, as they are the ones negotiating these commitments. The Council needs to get involved in those Staff discussions if they don't feel it is fair. He feels this is a great fit for the commercial area. Most commercial requires a big square piece of property with a lot of parking up front. Finding a commercial use amenable to a natural waterway is frankly a good thing, and it enhances what the City wants. The landowners have worked together to do everything asked of them, including bringing together a cohesive plan. As he has looked at the site plan, he doesn't have heartburn with it, as it is a happy marriage between residential and commercial use that enhances public access along the creek.

Shumway said that when Farmington master planned the North Station area, it was contemplated to have trails on both sides of all three creeks in the area. This will be the highlight of the entire 350 acres. Having trails on just one side of the creek is not in the overall master plan. She is not interested in deviating from the original plan.

Chronister said a public trail doesn't enhance the reception center that wants to interact with the creek. Time is of the essence, and his company wants to move to the preliminary plat phase as soon as possible in order to get units in the ground. They have met with Staff and the City Attorney countless times in an effort to create an amazing space. He is committed to engaging with the neighbors on the east side of the creek for immediate trail installation.

Mellor said the reception center is the most tenable user most likely to come out of the ground. He suggested language in the Development Agreement that doesn't allow for the townhomes to go in until the commercial permit is pulled.

Brett and Kate Jones addressed the Council, saying **Kate** started her wedding planning design business 10 years ago, and now sees the value of opening a wedding event venue. This Cook parcel may be a great opportunity. She is proposing an elevated event center along the creek, and she doesn't want to have people running through during a private event. Considering there may be open containers of alcohol, there may be a danger of having children run through. There are a lot of things they like about this area, and it would be a great backdrop for weddings. A reception center would be better than a sea of retail in the area. The Cook triangular piece of land would otherwise be difficult to commercially develop. They would not be able to move forward with the reception center project if the trail had to run through it.

Isaacson said he appreciates the number of parties who came together to negotiate this proposal. As much as he is frustrated seeing residential come in, he believes this is the right place and that

it fits. He likes the outline of the proposal. His concerns are about affordable housing and the trail. He highly respects **Shumway** and the life she has given to trails in Farmington.

Gibson mentioned that in some parts of Farmington—such as the Evergreen Apartment building on the far west of the Rail Trail—where the trail is only on the south side of the creek. The Council approved a modification of a bridge in its park, so the trail is partially on one side in that project as well.

Brett Jones said it is very expensive to build a bridge to Army Corps standards, in addition to the cost of the land. While they appreciate **Shumway**'s passion, paying \$100,000 to \$200,000 for a bridge on both sides of the property is not feasible.

Shumway said Farmington has been screwed over and over and over on trail access over the years, so this is a hard pill for her to swallow. What was going to make this area amazing was the trails and public access. However, the proposed reception center is nice.

Gibson noted that maintenance of the trail will be up to the City.

Chronister said that they are willing to offer \$200,000 in cash, and an additional \$200,000 in permanent rate buy-downs that will last for 30-year loans. They are happy to provide the City with quarterly reports. To qualify for a rate buy-down, the owner has to occupy the unit. The project offers more attainable housing since the units are for-sale.

Motion:

Isaacson moved that the City Council approve the proposed PMP/DA, Schematic Subdivision, and Schematic Site Plan for The Charlotte.

Findings 1-11:

1. The proposed use and site plan is consistent with the vision for the area identified by the Farmington Station Area Plan.
2. The property is allowed to have deviations considered through Section 140 per the Farmington Station Center PMP adopted in 2020.
3. The number of units is within the range previously identified by planning efforts to project infrastructure needs and traffic capacities.
4. The residential development is near the soon-to-be-built public park, which compliments the use and provides amenities to the future residents of this site.
5. The proposed commercial development would complement the known uses coming into the area.
6. The individually platted townhomes offer the potential for owner occupancy in an area where rental units are the majority.
7. The proposed DA includes a plan which assists the City in pursuing its moderate income housing goals.
8. The project provides a means for completion of Cook Lane.
9. In addition to the \$200,000 cash in lieu, the developer will develop a program satisfactory to our City Attorney for \$200,000 in interest buy-down incentives to make some of the units more affordable.
10. Building permits for the residential cannot be pulled until they are pulled simultaneously for at least one commercial use.

11. The agreement to allow trail on east side from Cook Lane up to Burke is conditioned on the reception center. If this doesn't go, then the question of where the trails go will be revisited.

Child seconded the motion.

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	Aye		X Nay

The reception drawings will be incorporated into the record. **Shumway** voted “nay,” because she opposed the motion in principle. She wants the Council and Staff to be more hard-nosed on holding the reins to Section 140. **Mellor** suggested holding a future work session. **Isaacson** advised that the DA include the correct signing parties.

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: Contract modification for Blu Line Designs in the amount of \$90,880 for Administration services, a fresh Topographic Survey, and additional Geotechnical Services.
- Item 2: Amendments to Chapter 3-2 related to the City Manager appointing deputy department heads and the Finance Director appointing a deputy finance director.
- Item 3: Planned Unit Development (PUD) Master Plan Process Changes-Zone Text Amendment Chapter 27 PUD (ZT-3-24) related to the approval process.
- Item 4: Consolidated Fee Schedule Amendment adding \$25 for a resident and \$35 for a non-resident to enroll in a new fishing program.
- Item 5: Surplus of Parcel 070280079 approximately 0.24 acres, including approval of the \$40,000 Real Estate Purchase Contract (REPC).
- Item 6: Correction of Ordinance 2023-21 to remove reference to a 45-foot public utility easement.
- Item 7: Approval of Minutes for March 19, 2024.

Motion:

Child moved to approve the Summary Action list Items 1-7 as noted in the Staff Report.

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

Mayor Pro Tempore/Councilmember Alex Leeman	X Aye	___	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

GOVERNING BODY REPORTS:

City Manager Report

Mellor said budget season has started, so he would like to go over talking points with each Councilmember when they are available between meetings. He has a meeting regarding Main Street tomorrow.

Mayor Anderson and City Council Reports

Layton said the Youth City Council may want to get involved with the Junior Jazz adaptive program. Other youth may want to sign up for the team as a volunteer buddy as well.

Shumway said riding a bike on the West Davis Trail recently is awesome, as a lot of frogs are croaking. She asked **Mellor** if Staff had approached residents who are encroaching on trail easements, particularly one home owner west of 1100. She thinks a gentle reminder is in order.

Mellor said a form letter could be sent to those identified.

Child asked if Farmington had an emergency plan. **Mellor** answered that they do have a detailed one.

The Council showed their appreciation for Senior Accountant **Kyle Robertson** by offering a standing ovation. **Robertson** is leaving the City to take advantage of another job opportunity in Oregon.

ADJOURNMENT

Motion:

Leeman made a motion to adjourn the meeting at 11:02 p.m.

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

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

 /s/ DeAnn Carlile

DeAnn Carlile, Recorder