

**WORK SESSION:** A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. The work session will be to discuss the electronic message signs, parks restroom contract, pre-audit-numbers and go over any questions the City Council may have on agenda items. The public is welcome to attend.

**FARMINGTON CITY COUNCIL MEETING  
NOTICE AND AGENDA**

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, October 16, 2012, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

*Meetings of the City Council of Farmington City may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207, as amended. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Electronic Meetings Policy established by the City Council for electronic meetings.*

The agenda for the meeting shall be as follows:

**CALL TO ORDER:**

7:00 Roll Call (Opening Comments/Invocation) Pledge of Allegiance

**PUBLIC HEARINGS:**

7:05 Zone Change for Terry Cathcart's Property located at 308 South 1100 West

**SUMMARY ACTION:**

7:15 Minute Motion Approving Summary Action List

1. Approval of Minutes from October 2, 2012
2. Acceptance of Water Rights Donation from Boyer Company
3. Consideration of Ordinance amending the Sign Ordinance regarding Electronic Message Signs

**GOVERNING BODY REPORTS:**

7:20 City Manager Report

1. Upcoming Agenda Items
2. Building Activity Report for the Month of September
3. Police & Fire Monthly Activity Reports for September

7:25 Mayor Harbertson & City Council Reports

**ADJOURN**

**CLOSED SESSION**

Minute motion adjourning to closed session, if necessary, for reasons permitted by law.

DATED this 11<sup>th</sup> day of October, 2012.

**FARMINGTON CITY CORPORATION**

By: Holly Gadd  
Holly Gadd, City Recorder

**\*PLEASE NOTE:** Times listed for each agenda item are estimates only and should not be construed to be binding on the City Council.

*In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting, should notify Holly Gadd, City Recorder, 451-2383 x 205, at least 24 hours prior to the meeting.*

CITY COUNCIL AGENDA

For Council Meeting:  
October 16, 2012

**S U B J E C T: Roll Call (Opening Comments/Invocation) Pledge of Allegiance**

It is requested that Council Member John Bilton give the invocation/opening comments to the meeting and it is requested that Mayor Scott Harbertson lead the audience in the Pledge of Allegiance.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

## CITY COUNCIL AGENDA

For Council Meeting:  
October 16, 2012

**PUBLIC HEARING:** Zone Change for Terry Cathcart's Property located at  
308 South 1100 West

### **ACTION TO BE CONSIDERED:**

1. Hold the public hearing.
2. Approve the attached Zone Change from A (Agricultural) to AE (Agricultural Estates) on approximately .723 acres of property located at approximately 308 South 1100 West, subject to the same findings established previously by the Planning Commission on October 11, 2012 as set forth in the attached supplemental information.

### **GENERAL INFORMATION:**

See enclosed staff report prepared by Christy Alexander.

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council  
From: Christy Alexander, Associate City Planner  
Date: October 16, 2012  
SUBJECT: APPROVAL OF A ZONE CHANGE FOR TERRY CATHCART'S PROPERTY

### RECOMMENDATION

1. Hold the public hearing.
2. Approve the attached Zone Change from A (Agricultural) to AE (Agricultural Estates) on approximately .723 acres of property located at approximately 308 South 1100 West, subject to the same findings established previously by the Planning Commission on October 11, 2012 as set forth in the attached supplemental information.

### BACKGROUND

The request for rezone is in conjunction with the subdivision application for the Chestnut Farms PUD Phase 2 Subdivision. This is for the approximately .723 acres of property located at approximately 308 South 1100 West. The current zoning is A (Agricultural) and the request is for AE (Agricultural Estates). The master plan for the area is AE; Mr. Cathcart would like to rezone his property so that it may be split and then sell a portion to Symphony Homes. Symphony Homes already obtained the AE (PUD) zoning for the portion they want to buy but forgot to rezone Mr. Cathcart's property so that he could legally split his lot. Two valid reasons that staff recommends this for approval are that 1) Symphony Homes was granted the same zone change when they came in for Phases 1 & 2 approvals and 2) the City's policy since 1993 has been that any land east of the 4218 line will be zoned AE.

Respectfully Submitted

Christy J. Alexander  
Associate City Planner

Review & Concur

Dave Millheim  
City Manager



## Planning Commission Staff Report October 11, 2012

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### Item 3: Zone Change for the Cathcart property

Public Hearing:	Yes
Application No.:	Z-2-12
Property Address:	Approximately 308 South 1100 West
General Plan Designation:	RRD (Rural Residential Density)
Zoning Designation:	A (Agricultural)
Area:	.723 Acres
Number of Lots:	1
Property Owner:	Cathcart, Terry & Jamie
Agent:	Symphony Homes LLC

Request: *Applicant is requesting a recommendation for approval of a requested zone change from A (Agricultural) to AE (Agricultural Estates) for the Cathcart property.*

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#### **Background Information**

The request for rezone is in conjunction with the Subdivision application for the Chestnut Farms PUD Phase 2 Subdivision. This is for the approximately .723 acres of property located at approximately 308 South 1100 West. The current zoning is A (Agricultural) and the request is for AE (Agricultural Estates). The master plan for the area is AE; Mr. Cathcart would like to rezone his property so that it may be split and then sell a portion to Symphony Homes. Symphony Homes already obtained the AE (PUD) zoning for the portion they want to buy but forgot to rezone Mr. Cathcart's property so that he could legally split his lot.

#### **Suggested Motion(s)**

Move that the Planning Commission recommend that the City Council approve the requested zone change from A (Agricultural) to AE (Agricultural Estates) on approximately .723 acres of property located at approximately 308 South 1100 West.

#### **Findings for Approval:**

1. The requested zone change is consistent with the General Plan for the area.

2. The requested zone change is associated with the requested Phase 2 subdivision application for Chestnut Farms PUD Subdivision. The schematic plan as submitted was consistent with the requested zone.
3. Symphony Homes requested and were granted the same (AE) zone change when they came in for Phases 1 & 2 approvals of their PUD subdivision.
4. The City's policy since 1993 is that any land east of the 4218 line will be zoned AE.

**Supplemental Information**

1. Existing Zoning Map

**Applicable Ordinances**

1. Title 11, Chapter 10 – Agricultural Zones



# Cathcart Rezone

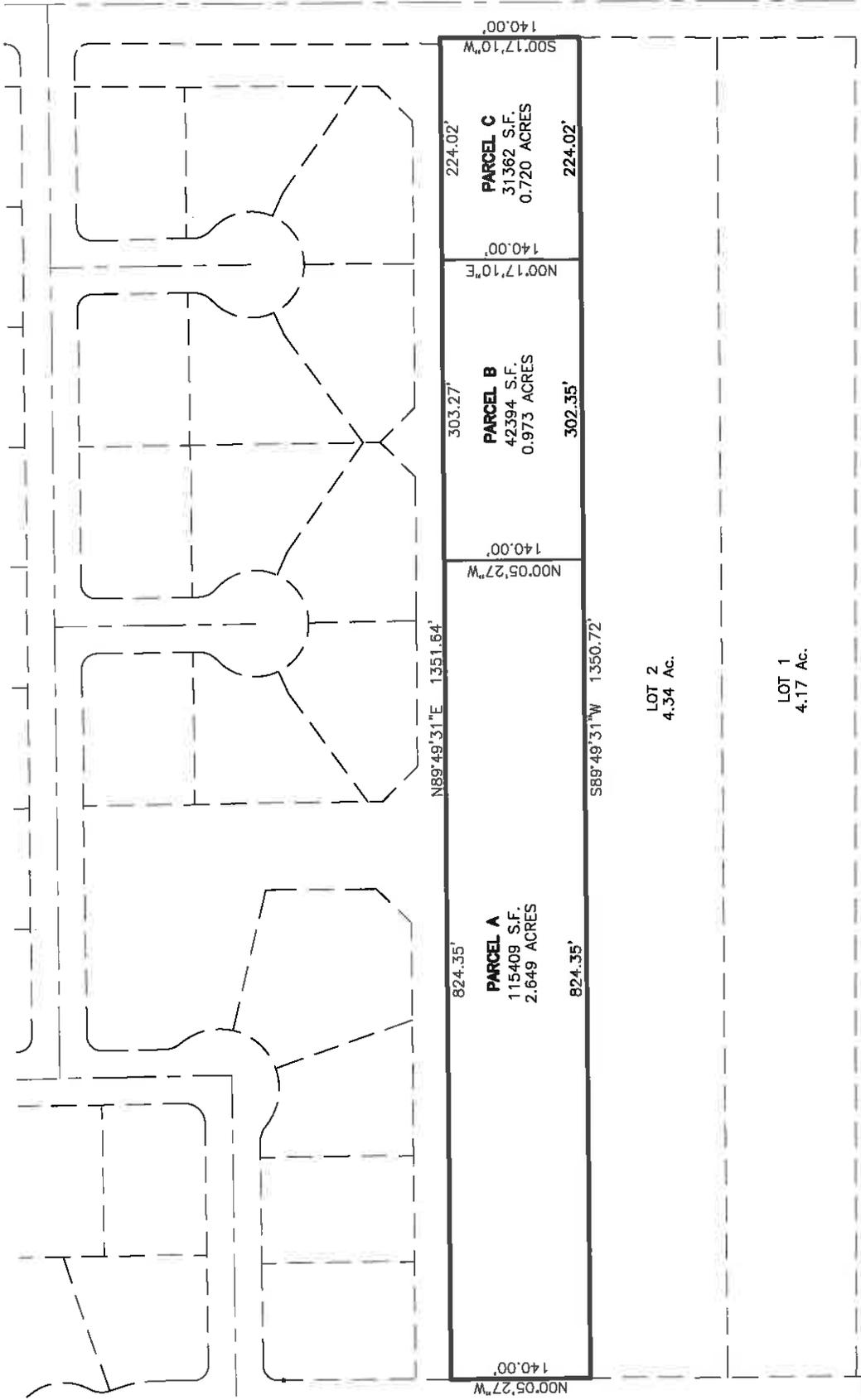




**Reeve & Associates, Inc.**  
 4100 S. HARRISON BLVD., SUITE 310, COOKER URBAN PLAZA  
 TEL: (801) 621-3100 FAX: (801) 621-2899  
 LAND PLANNING • CIVIL ENGINEERING • LAND MARKETING  
 TRAFFIC ENGINEERING • SURVEYING ENGINEERING • LANDSCAPE ARCHITECTURE

**Lot 3 Farmington Downs West Lot Exhibit**  
 FARMINGTON CITY, DAVIS COUNTY, UTAH  
 Project Number: 1864-61  
 Drafted: C. CAVE  
 Engineer: N. REEVE  
 Date: 7/27/12

**Project Info:**  
 Engineer: N. REEVE  
 Drafter: C. CAVE  
 Begin Date: 7/27/12  
 Name: Lot 3 Farmington Downs West Lot Exhibit  
 Number: 1864-61





09-18-2012

**PARCEL A LEGAL DESCRIPTION**

PART OF THE SOUTHEAST QUARTER OF SECTION 23, T.3N., R.1 W., S.L.B.&M., U.S. SURVEY, FARMINGTON CITY, DAVIS COUNTY, UTAH. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S00°07'46"E 1842.68 FEET ALONG THE SECTION LINE AND S89°52'14"W 80.17 FEET AND S89°49'31"W 527.29 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 23; THENCE S00°05'27"E 140.00 FEET; THENCE S89°49'31"W 824.35 FEET; THENCE N00°05'27"W 140.00 FEET; THENCE N89°49'31"E 824.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 115409 SQUARE FEET OR 2.649 ACRES

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920 Chambers St., Suite 14 • Ogden, Utah 84403 • Tel: 801-621-3100 • Fax: 801-621-2666  
ogden@reeve-assoc.com • reeve-assoc.com



09-18-2012

**PARCEL B LEGAL DESCRIPTION**

PART OF THE SOUTHEAST QUARTER OF SECTION 23, T.3N., R.1W., S.L.B.&M., U.S. SURVEY, FARMINGTON CITY, DAVIS COUNTY, UTAH. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S00°07'46"E 1842.68 FEET ALONG THE SECTION LINE AND S89°52'14"W 80.17 FEET AND S89°49'31"W 224.02 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 23; THENCE S00°17'10"W 140.00 FEET; THENCE S89°49'31"W 302.35 FEET; THENCE N00°05'27"W 140.00 FEET; THENCE N89°49'31"E 303.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 42394 SQUARE FEET OR 0.973 ACRES

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ogden@reeve-assoc.com • reeve-assoc.com



09-18-2012

**PARCEL C LEGAL DESCRIPTION**

PART OF THE SOUTHEAST QUARTER OF SECTION 23, T.3N., R.1W., S.L.B.&M., U.S. SURVEY, FARMINGTON CITY, DAVIS COUNTY, UTAH. DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, SAID POINT BEING S00°07'46"E 1842.68 FEET ALONG THE SECTION LINE AND S89°52'14"W 80.17 FEET FROM THE EAST QUARTER CORNER OF SAID SECTION 23; THENCE S00°17'10"W 140.00 FEET; THENCE S89°49'31"W 224.02 FEET; THENCE N00°17'10"E 140.00 FEET; THENCE N89°49'31"E 224.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 31362 SQUARE FEET OR 0.720 ACRES

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## CITY COUNCIL AGENDA

For Council Meeting:  
October 16, 2012

### **SUBJECT: Minute Motion Approving Summary Action List**

1. Approval of Minutes from October 2, 2012
2. Acceptance of Water Rights Donation from Boyer Company
3. Consideration of Ordinance amending the Sign Ordinance regarding Electronic Message Signs

NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.

## FARMINGTON CITY COUNCIL MEETING

October 2, 2012

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### **WORK SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, and Jim Young, City Manager Dave Millheim, Finance Director Keith Johnson, Community Development Director David Petersen, Associate Planner Christy Alexander, and City Recorder Holly Gadd. Council Member Jim Talbot was excused.*

The **Mayor** and the City Council took a tour of several new parks in the City and Forbush Park where the City has discussed installing a stage cover.

### **Schematic Plan and Preliminary PUD Master Plan Approval – Kestrel Bay Townhomes PUD Subdivision**

The Council discussed various details regarding this Subdivision, including two letters received from the owners of an 8-plex which is adjacent to the subject property.

### **Check Approval Process**

**Keith Johnson** said staff has been studying the check approval process to see if there is a more efficient way for the process to occur. In most cities the City Council does not review or approve the checks. State law requires the Department Heads and the Finance Director to review and sign the invoices before they are paid which is the method Farmington currently uses. He recommended that a check register be printed each week after the checks are cut and given to the **Mayor** and City Council to review, and there was discussion about the proposal.

### **REGULAR SESSION**

*Present: Mayor Scott Harbertson, Council Members John Bilton, Nelsen Michaelson, Cory Ritz, and Jim Young, City Manager Dave Millheim, Community Development Director David Petersen, Associate Planner Christy Alexander, and City Recorder Holly Gadd. Council Member Jim Talbot was excused.*

### **CALL TO ORDER**

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

**Mayor Harbertson** welcomed those in attendance and offered an invocation. The Pledge of Allegiance was led by Vance Ferrin, Garrett Bowman, and Devin Walke of Troop 3104.

### **PUBLIC HEARINGS**

### **Schematic Plan and Preliminary PUD Master Plan Approval – Kestrel Bay Townhomes PUD Subdivision**

**Christy Alexander** said this is a request for 11 multi-family townhomes on property located at approximately 123 West 620 South (.775 acres) in an R-8 zone which will be leased initially and sold in the future. The Planning Commission recommended approval of the Schematic Plan and the Preliminary PUD Master Plan with several conditions which the applicant has met: (1) additional windows on the frontage road elevations; (2) offsetting units on the 620 South elevations; (3) storage of recycling cans inside the garage; and (4) the revised placement of trees. Staff would still like to have the garages in the rear of the townhomes, and other concerns included the side yard and front yard setbacks, the number of curb cuts and asphalt, parking and spaces between driveways, and traffic safety. The Council should add a condition that the site will need to be removed from the flood plain.

**Scott Balling**, 1995 North 100 East, Centerville, made several changes to the units which will add value: the frontal appearance, garage doors, wider fascia trim, staggered setbacks in the middle units, open park spaces, and landscaping/trees in the park strip. Staff suggested turning the building sideways with a courtyard in the middle and having off-street parking behind the units, but there is not enough room. The buildings would encroach onto the sidewalk with no setbacks, and there would be environmental impacts, a 21% increase in storm water runoff, a need for long-term maintenance of the pavement by an HOA and for additional fill because of the natural front to back slope of the property. His goal is to provide family-friendly units which will offer privacy and covered patios, a tot lot, and grow boxes. The current plan includes 46% open space (the ordinance requires 10-15%). Each unit is close to 2000 square feet in size, and he plans to use hardy board and rock facing on the front.

***Public Hearing opened at 7:25 p.m.***

**Lorraine Flood**, 524 South Glen Hill Court, lives two blocks away from this project and complained about the City's noticing area—she did not receive notification. Her husband was on the City Council in 1980, and she knows the history of this property. The City did not follow through on decisions that were made, and two units—an 8-plex and a 4-plex—were approved. She asked the Council not to approve this high density project. If they do approve it she wants the garages/parking to be behind the units. Her \$400,000 home will be affected by this development.

**Shannon Hicks**, 511 South 111 West, said her family has owned this property for many years, and her father fought for three years to get this rezoned to an R-8 zone. He proposed a development, Woodland Park Subdivision/Comely Meadows, and covenants were put into place and recorded. She is grateful that the City has a limited noticing area, because years ago people throughout Farmington signed petitions to keep this area from being zoned R-8.

**Robert Leavitt**, 511 South 111 West, agreed with the comments made by his sister and said he likes this proposal which is family friendly and looks nice.

***Public Hearing closed at 7:50 p.m.***

The **Mayor** said the City's noticing area is 500 feet which can be expanded if necessary. The maximum number of lots in an R-8 zone is 15 units per acre (originally 21 units per acre). This property is a 2-lot platted subdivision which allows 5.3 units per lot, but as a PUD, 11 units are allowed. He lived in this area 30 years ago and realizes the importance of home values. However, zoning regulations are in place, and the Council cannot be scared or intimidated by the

comments and/or actions of residents. They must determine if the plan fits within the guidelines of the ordinance. The City received two letters from the owners of the 8-plex which will be added to the record. The first letter dealt with the 5-foot setback which is a moot point. In the second letter, the owners asked for a higher fence, and **Mr. Balling** said he spoke with the owners prior to the meeting, and he will work with them to decide on a mutually agreeable fence.

The City Manager explained that a PUD is a “planned-unit development”, and it is a label attached to project that would like more flexibility than is allowed under the ordinance. This subdivision has two lots, and by eliminating the lot lines and making one parcel, it qualifies as a PUD. Whatever the Council approves for this site will likely determine what will happen on the property to the north. He advised the Council against implementing an owner occupied restriction. The Council discussed various aspects of the elevations and the site plan, the size of the units, and the amenities.

**Lorraine Flood** said she would rather have 10 units/individual lots on this site. She is a real estate broker and pointed out that FHA financing cannot be obtained when the area has more leased property than sold properties. It will be difficult to sell these units after they are leased. She would like the units to be modular looking rather than red, pink, or purple. The square footage of the units ranges from 1630 to 1925 square feet which are tiny.

The **Mayor** pointed out that the zoning is what it is—that decision was made by a previous City Council many years ago, and these units could be a lot smaller. **David Petersen** agreed and said the Council made a zone text change at some point in the past, but he has not been able to find it in the record. He shared further details from the State Code regarding plat amendments.

***Motion:***

**Cory Ritz** made a motion to approve the Schematic Plan and Preliminary PUD Master Plan for the Kestrel Bay Townhomes PUD Subdivision (11 units), located at approximately 123 West and 620 South, subject to the same conditions and findings established by the Planning Commission on September 13, 2012 and with the following additional conditions:

1. The applicant will break up the front with additional undulating setbacks of 1-2 units.
2. The applicant will add a window to the 2<sup>nd</sup> floor bedroom exterior wall.
3. The recycling can will also be stored inside the garage.
4. The applicant will work with staff regarding the number and size of trees that were posing problems to the utility pipes running underneath the property.
5. The applicant will work with the adjoining property owner to install an upgraded fence (minimum 6' vinyl) of mutual satisfaction at the applicant's cost.
6. The applicant will provide a LOMR to remove the property from the flood plain.

The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

**PRESENTATION OF PETITIONS AND REQUEST**

**Consideration of Ordinance amending the Zoning Ordinance and the Scenic Byway Overlay Zone regarding Electronic Message Signs**

**Dave Millheim** explained that the City promised Lagoon that they could review the final version of the Ordinance prior to approval. Staff received a letter from Lagoon today saying they received three different versions of the proposed amendments and would like additional time to review the documents.

***Motion:***

**Nelsen Michaelson** made a motion to table the Ordinance amending the Zoning Ordinance and the Scenic Byway Overlay regarding Electronic Message Signs until the October 16, 2012 City Council Meeting. The motion was seconded by **John Bilton** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

**SUMMARY ACTION**

**Minute Motion Approving Summary Action List**

1. Approval of Minutes from September 18, 2012
2. Ratification of Approvals of Storm Water Bond Logs
3. Ordinance Amending, Renumbering and Recodifying Title 5 of the Municipal Code
4. Century Link Easement Request

***Motion:***

**Jim Young** made a motion to approve the items on the Summary Action List. It was seconded by **Cory Ritz** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**.

**REPORTS OF COMMITTEES/MUNICIPAL OFFICERS**

**Executive Summary for Planning Commission meeting held September 13, 2012**

The Planning Commission recommended approval of the Schematic Plan and Preliminary PUD Master Plan for the Kestrel Bay Townhomes PUD Subdivision and the Spring Creek Estates Phase 6 Subdivision. They approved a Conditional Use and Site Plan for Phase 2 of the Farmington Bay Storage Units, a Conditional Use permit for a dance studio, and amendments to the Zoning Ordinance and the Scenic Byway Overlay Zone regarding electronic message signs.

**Retreat Format and Topics List**

**Dave Millheim** said the Retreat is scheduled for October 26-27 and referred to the list of topics for discussion. He asked for further input from the Council, and **John Bilton** suggested that the use of technology be added to the list of topics.

**GOVERNING BODY REPORTS**

**City Manager – Dave Millheim**

1. The Building Activity Report for August was included in the staff report.

2. The City received two requests regarding the old church (Maughan home) on North Main Street: (1) To approve a one-year extension of the agreement which expires in November; and (2) To move forward with the demolition of the building. The Council directed the City Manager to prepare the necessary documents for both requests.
3. The 22-mile D&RG trail was never completed in Centerville, Farmington, and a portion of Davis County (the original estimate was \$1,020,000). A meeting with Centerville, Davis County and UTA will be held on October 15 to negotiate an agreement to complete the trail. The City Manager asked for direction on how to move forward and said \$700,000 was already earmarked to complete the trail. The Mayor and Council suggested that UTA pay for half of the trail and the other three entities split the other half into thirds.
4. An apartment building was built near the Old Rock Mill many years ago with a private lane for access. There were many issues with the lane, and in 2001 the City decided to change it to a public road. Through a cooperative agreement, the City obtained the right-of-way, and a property owner, **Mr. Owens**, agreed to create a landscaping buffer on the east side of the road. He spent \$8,000 and planted numerous trees; however, the trees are on a very narrow public right-of-way, and third of them died. The residents in the area want a better barrier and suggested a chain link fence with vines. The cost of the fence (\$3500-\$7000) will be paid by the City, and all future maintenance will be the residents' responsibility. The Council agreed with the approach, and the City Manager will follow through with the needed agreement which will be brought back to the Council later.
5. The City has an opportunity to possibly obtain surplus equipment from the Tooele Army Depot, and the Council must appoint a person to represent the City.

***Motion:***

**Jim Young** made a motion to authorize the **Mayor** to sign Resolution 2012, as drafted, designating the City Manager, **Dave Millheim**, as the City's representative and authorizing him to obtain surplus equipment from the Tooele Army Depot. **John Bilton** seconded the motion which was approved by Council Members **Bilton Ritz**, and **Young**.

**Mayor Scott Harbertson**

- The City received a check in the amount of \$8,588.00 from Comcast for the day of service which was held earlier in the year.
- He encouraged the Council to attend a meeting on October 17, 2012 with the Davis School District and representatives from the Farmington area schools. He asked for suggestions of issues they may want to discuss.
- He expressed appreciation for the Council's support as he served in a leadership role with the Utah League of Cities and Towns during the past year.

**City Council**

***Nelsen Michaelson***

- The ribbon cuttings for various new businesses in Station Park went well.
- He asked if the trails committee has a representative on the DRC, and the City Manager said no, but they are very involved in the process.

***Cory Ritz***

- He expressed concern regarding comments which were made about “tiny” size of 1600-2000 square foot townhomes. The City needs smaller homes also, and he cautioned against having an elitist attitude towards various types of housing.
- He received a call from resident **Chad King** who is a member of the Army/Air Force Band. They performed in Farmington several years ago and would like to perform during Festival Days 2013.

***Jim Young***

- He has many neighbors who walk the trails in the City often, and they asked when the Lagoon Trail closes for the winter. **Dave Millheim** said the City does not plow any of the trails, but they do not close any of them.

**ADJOURNMENT**

***Motion:***

**Cory Ritz** made a motion to adjourn the meeting. The motion was seconded by **Nelsen Michaelson** and approved by Council Members **Bilton, Michaelson, Ritz, and Young**. The meeting was adjourned at 9:30 p.m.

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**Holly Gadd, City Recorder**  
Farmington City Corporation

# FARMINGTON CITY



SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: Dave Millheim, City Manager

Date: October 5, 2012

SUBJECT: **ACCEPTANCE OF WATER RIGHTS DONATION FROM BOYER COMPANY**

### RECOMMENDATION

By minute motion, authorize acceptance of the donation of certain water rights to Farmington City from the Boyer Company as shown on the attached Quit Claim Deed.

### BACKGROUND

Representatives from the Boyer Company approached the City on a possible purchase and/or donation of water shares to the City. Boyer has multiple reasons to solicit our interest. They have excess water shares beyond project needs. The State Water Engineer forces beneficial use policies which will cause the water right to be lost if the water is not in active use. Cities have more liberal beneficial use rules than private parties. There are tax deduction benefits to the private party making the donation.

After checking with CRS, Farmington City probably has more water rights than it needs for ultimate build out. This lowers our desire to purchase excess rights but there are some Boyer is willing to donate to the City rather than see the rights lost due to failure to prove beneficial use to the state. A more detailed water report is being prepared on this subject. The challenge is each water right must have an assigned point of diversion (physical location). Due to the priority of some of our water rights and their respective points of diversion, we were advised to accept this donation for a variety of reasons. One, it keeps the right from being challenged by other potential area users. Two, it keeps the right within the Farmington service area. Three, it may be easier to "proof up" these donated rights easier than some of the other ones we own. The attached letter was sent to the Boyer Company after studying the rights in question.

Respectfully Submitted

Dave Millheim  
City Manager

AFTER RECORDING, PLEASE RETURN TO:  
Farmington City  
Attn: City Manager  
160 South Main Street  
Farmington, Utah 84025

**QUITCLAIM DEED**  
(Water Right)

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, BOYER WHEELER FARM, L.C., a Utah limited liability company (“Grantor”), hereby quitclaims to FARMINGTON CITY, a municipality of the State of Utah whose address is 160 South Main Street, Farmington, Utah 84025, all of Grantor’s right, title and interest in and to the following-described water right whose point of diversion and place of use are located in Davis County, State of Utah:

All of water right number **31-3869**, as such right is more particularly defined in the official records of the Utah Division of Water Rights.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the date indicated in the acknowledgement below.

Grantor:

BOYER WHEELER FARM, L.C., a Utah  
limited liability company,

By its Manager,

THE BOYER COMPANY, L.C., a Utah  
limited liability company

By \_\_\_\_\_  
Name \_\_\_\_\_  
Title \_\_\_\_\_

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of October, 2012, by \_\_\_\_\_, a Manager of The Boyer Company, L.C., a Utah limited liability company, which is the Manager of BOYER WHEELER FARM, L.C., a Utah limited liability company, who acknowledged that he executed the above instrument on behalf of said entity.

[SEAL]

\_\_\_\_\_  
NOTARY PUBLIC



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

Boyer Wheeler Farm L.C.  
Attn: Spencer Moffat  
90 S. 400 W. #200  
Salt Lake City, Utah 84101

Dear Mr. Moffat:

The City accepts your proposed donation of water right number 31-3869 to Farmington City for use in providing water to our residents. We appreciate your willingness to give this to Farmington City rather than go on the open water. We will make good use of the donation.

Based on conversations with our City Engineer and others, we estimate the market value of the donated right is \$2,000 per annual acre foot of water. The right allows the use of 20.83 acre feet per year so the donation value becomes \$41,660 by our calculations. I understand you concur with this valuation.

I have directed the City Engineer to begin the paperwork process to complete the transfer of ownership. Formal acceptance of this donation will likely occur on October 16, 2012 at the next City Council meeting when I will be recommending formal acceptance of the donation. Thank you again for your valuable donation.

Sincerely,

Dave Millheim  
City Manager

CC: Paul Hirst, CRS Engineers  
Mayor and City Council



# FARMINGTON CITY

SCOTT C. HARBERTSON  
MAYOR

JOHN BILTON  
NELSEN MICHAELSON  
CORY R. RITZ  
JIM TALBOT  
JAMES YOUNG  
CITY COUNCIL

DAVE MILLHEIM  
CITY MANAGER

## City Council Staff Report

To: Honorable Mayor and City Council

From: David E. Petersen, Community Development Director

Date: October 10, 2012

SUBJECT: **ELECTRONIC MESSAGE SIGN ORDINANCE**

### ALTERNATIVE MOTION OPTIONS

- A. Adopt the enclosed ordinance, which excludes Lagoon's Annex parcel and establishes only portions of those areas zoned CR and CH for the electronic message sign area, but continue to work with Lagoon for possible solutions regarding their request to establish an electronic message sign on Main Street.

#### Findings

1. The Electronic Message Sign area is limited to a specific area, which area is also designated on the City's Zoning Map as CR and CH.
2. This electronic message sign area does not directly abut residences, and is adjacent to Park Lane and I-15. Park Lane is identified as an arterial street on the City's Master Transportation Plan.
3. Electronic Message signs are consistent with the Description and General Limitations of the CR zone set forth in Section 11-25-101 of the Zoning Ordinance. Such areas are somewhat autonomous in that they provide a variety of amusement activities not allowed in any other area of the City.
4. The ordinance minimizes impacts to residential areas and is compatible with the CH zone in that the intent of this zone is that it be isolated from residential areas and no additional CH zones shall be created (see Section 11-24-101 of the Zoning Ordinance).
5. An electronic message sign, which may or may not conform to City codes, already exists in the proposed electronic message sign area.
6. The process used by the City to adopt the proposed changes is consistent with the General Plan. Paragraph 4 of the section of the plan dealing with the Lagoon area states in part: "Issues which should be monitored, and reevaluated if

necessary, include, but are not limited to . . . fugitive light”. Electronic message signs have the potential to emit fugitive light.

7. Videos are appropriate for the proposed electronic message sign area, but may not be appropriate for other areas of the City if the electronic message sign area is expanded in the future.
8. If the City chooses to expand the electronic message sign area in the future, the City may elect to modify standards regarding hours of operation.

**- OR -**

- B. Adopt the enclosed ordinance consistent with the motion and findings above but eliminate the possibility for video display.

**- OR -**

- C. Adopt the changes recommended by the Planning Commission and their findings below:

Findings

1. Although illumination from electronic message signs often negatively impacts surrounding properties, certain areas in the community are appropriate for such signs subject to the standards set forth in the ordinance.
2. Levels of illumination can be measured and the City is able to enforce inconsistent use of election message signs which violate the proposed changes to the ordinance.
3. The ordinance provides standards which minimize the sudden movements of electronic message signs, and brightness and duration, which distract motorists and are harmful to public safety.
4. The ordinance enables the passerby to more easily read electronic message signs reducing distractions and thereby increasing safety where possible regarding such signs.
5. Animated signs, which are similar to electronic message signs in that movement and change of lighting are often used to attract attention, are prohibited. However, the ordinance changes seek to remove “animated” type characteristics associated with electronic message signs.

**- OR -**

- D. Prohibit Electronic Message Signs in Farmington. In the meantime, conduct further review and study and bring back another ordinance in the future for City Council consideration.

## BACKGROUND

The City Council tabled this item at their last meeting to allow staff time to meet with, and discuss issues raised by Lagoon (see attached letter). Any other interested parties were also welcome to the meeting. This meeting occurred on October 8, 2012. Lagoon mentioned three concerns:

1. Lagoon wants to ensure that their existing electronic message sign on I-15 was “grand fathered”. [Note: they are currently working through this issue with staff. In time, staff could report the results of this work to the Mayor and Council].
2. Lagoon wants the ability for video display in the CR zone and on an electronic message sign on Main Street at their Annex.

Issues/discussion points:

- a. The Annex is on Main Street. How will this impact nearby residents, the passerby, and the overall look and feel of Farmington?  
Ideas discussed at the Lagoon Meeting to help resolve this issue:
  - i) City officials to visit and look at similar signs elsewhere;
  - ii) Lagoon can arrange for a sign to be displayed the evening of the City Council meeting, after dark, outside City Hall; or
  - iii) Set a trial period by agreement, and make a decision after the trial period.
- b. The City could limit video display to the CR zone only. However, the Annex is zoned BP, and the Council turned down an attempt in the past to rezone this property to CR.

3. Lagoon requests that the City Council eliminate or modify proposed restrictions on hours of operation to allow video the entire time at their annex location.

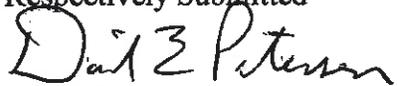
While writing this report, staff discussed another concern with the City Attorney [Note: staff also discussed this concern with David Freed of Lagoon after the October 8<sup>th</sup> meeting]:

4. The annex is zoned BP. If the overlay zone is applied to the annex, can owners of other parcels elsewhere in community zoned BP also request that the City apply the overlay zone to their properties? In the event this occurs, is the City able to review and approve/deny such requests in a non-arbitrary manner? [Note: this same issue relates to areas zoned C (General Commercial). The area encompassing Smith’s and the Old K-Mart Building are not the only areas zoned C within the City].

Response/solutions

- a. Establish findings that clearly show that such a decision is not arbitrary;
  - b. Rezone the annex property to CR and have no overlay zone.
  - c. Let the time frame for the pending legislation lapse, issue Lagoon its sign permit, enact the changes to the sign ordinance limiting electronic message signs to such places as the CR zone (not the BP zone), and thereafter, the Lagoon electronic message sign at the annex becomes a legal non-conforming use;
  - d. Exclude the Annex from the overlay zone and deny Lagoon's request for an electronic message sign at this location—at this time; or
  - e. Lagoon, in cooperation with the City, updates its long range plan for the Park. Thereafter, the City incorporates the results of this effort as part of its General Plan. Then if an electronic message sign area is expanded to include the annex, such an action is consistent with the General Plan and not arbitrary. No rezone may be necessary.
5. The term "Overlay Zone" is most often construed as a zoning term; meanwhile, the Sign Ordinance is not part of the Zoning Ordinance. Therefore, the term should be changed from "Overlay Zone" to something like "Sign Area".

Respectively Submitted



David Petersen  
Community Development Director

Review and Concur

Dave Millheim  
City Manager





375 No. Lagoon Drive  
P.O. Box 696  
Farmington, Utah 84025-0696  
Phone: 801-451-8080  
Office Fax: 801-451-8017  
www.lagoonpark.com

October 2, 2012

Mayor Scott Harbertson  
Farmington City Council  
28 East 930 North  
Farmington, UT 84025

~~Dear Mayor Harbertson:~~

DAVE MILLHEIM:

As I write this letter discussing the ordinance to amend regulations regarding electronic message signs, having been provided two dissimilar drafts, we are confused as to the totality of new requirements. We appreciate that the City intends to work with Lagoon in this area to protect our existing electronic message sign and permit additional equipment to help our business.

With time run out, may I please offer thoughts concerning our electronic message signs. Representatives of Lagoon will also attend this evening's hearing to provide comments and information.

- We understand from talking to City staff that Lagoon's existing electronic message sign is "grandfathered" with regard to all of the provisions of the amended ordinance. Lagoon has operated this message sign for decades without complaint.
- Lagoon's existing sign is dissimilar from other electronic billboards noted along the I-15 corridor in that rather than static images changed every few seconds, our sign is virtually 100 percent video requiring constant programming to maintain appeal and current information. We consider the content of the sign to be motion graphics, and therefore, is not an animated sign under the ordinance.
- The hours of operation of the sign vary with need and the time of year, and have occasionally been outside the operating hours proposed by the ordinance. We believe this to be an important condition that must be maintained.

For the electronic message signs proposed at the Lagoon Annex and other locations on Lagoon property, we would hope to have the same provisions apply. It would be costly, and possibly prohibitive, to require alternative, individual programming for other message signs. We would point out that other than from the adjacent roadway for the intended audience, none of Lagoon's existing or proposed electronic message signs are seen from properties other than Lagoon-owned properties, eliminating the possibility of inconvenience to our neighbors.

Again, we appreciate your consideration of Lagoon's perspective. We value the working relationship that we enjoy with the staff and management of the City. Thank you for your kind regard to our welfare in this matter.

Sincerely,

A handwritten signature in blue ink that reads "David W. Freed".

David W. Freed  
Lagoon Corporation

DWF:jc

COPY TO: Councilperson Jim Talbot  
Councilperson Cory Ritz  
Councilperson Jim Young

Councilperson John Bilton  
Councilperson Nelsen Michaelson

**FARMINGTON, UTAH**

**ORDINANCE NO. 2012 -**

**AN ORDINANCE AMENDING THE SIGN ORDINANCE  
(TITLE 15 OF THE FARMINGTON CITY CODE)  
REGARDING ELECTRONIC MESSAGE SIGNS.**

**WHEREAS**, the Planning Commission has held a public hearings regarding the text changes related to electronic message signs and provided recommendations to the City Council; and

**WHEREAS**, the Farmington City Council has held a public meetings pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:**

**Section 1. Amendment.** Paragraph 15-1-104(17) of the Sign Ordinance, Title 15 of the Farmington City Code, is hereby amended to read in its entirety as set forth in Exhibit "A" attached hereto and by this reference made part hereof.

**Section 2. Re-codification and Enactment.** Chapter 4 of the Sign Ordinance, Title 15 of the Farmington City Code, is hereby re-codified, and a new Section 15-4-103 is hereby enacted to read in its entirety, as set forth in Exhibit "A".

**Section 3. Amendment and Enactment.** Chapter 5 of the Sign Ordinance, Title 15 of the Farmington City Code, is hereby amended, and a new Section 15-5-106 is hereby enacted, to read in its entirety as set forth in Exhibit "A".

**Section 4. Severability.** If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

**Section 5. Effective Date.** This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

**PASSED AND ADOPTED** by the City Council of Farmington City, State of Utah, on this 16th day of October, 2012.

**FARMINGTON CITY**

\_\_\_\_\_  
Scott C. Harbertson  
Mayor

**ATTEST:**

\_\_\_\_\_  
Holly Gadd  
City Recorder

**EXHIBIT "A"**

**15-1-104 Definitions**

(17) **Electronic Message Sign** means a changeable copy sign that uses lights to form a sign message wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time and/or temperature shall not be considered an electronic message sign. For the purposes of this ordinance, electronic message these signs are not considered to be animated signs.

**CHAPTER 4**

**STANDARDS FOR SPECIFIC SIGNS**

- 15-4-101 Awning Signs**
- 15-4-102 Directory Signs**
- 15-4-103 Electronic Message Signs**
- 15-4-1034 Identification Signs**
- 15-4-1045 Monument Signs**
- 15-4-1056 Nameplate Sign**
- 15-4-1067 Open House and Model Home Signs**
- 15-4-1078 Political Signs**
- 15-4-1089 Project Identification Signs**
- 15-4-1109 Property Signs**
- 15-4-1110 Service Signs**
- 15-4-1121 Temporary Signs**
- 15-4-1132 Wall Signs**

**15-4-103 Electronic Message Signs**

The following standards shall govern the use of electronic message signs:

(1) The night-time and day-time illumination of an electronic message sign shall conform with the criteria set forth in this Section:

(a) Illumination Measurement Criteria. The illuminance of an electronic message sign shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the electronic message sign off, and again with the electronic message sign displaying a white image for a full-color capable electronic message sign, or a solid message for a single-color electronic message sign. All measurements shall be taken perpendicular to the face of the electronic message sign at the distance determined by the total square footage of the

electronic message sign as set forth in the Sign Area Versus Measurement Distance table:

<u>Sign Area Versus Measurement Distance</u>	
<u>Area of Sign sq. ft.</u>	<u>Measurement Distance (ft.)</u>
<u>10</u>	<u>32</u>
<u>50</u>	<u>71</u>
<u>100</u>	<u>100</u>
<u>200</u>	<u>141</u>

\* For signs with an area in square feet other than those specifically listed in the table, the measurement distance may be calculated with the following formula: The square root of the product of the sign area and one-hundred.

(b) The difference between the off and solid-message measurements using the electronic message sign measurement criteria shall not exceed 0.3 foot-candles at night.

(c) Electronic message signs shall come equipped with automatic dimming technology that must automatically adjust the sign's brightness in direct correlation with ambient light conditions not to exceed 15% of full brightness at night and 85% of full brightness at day.

(d) The minimum hold time between messages, including videos, for an electronic message sign shall be no less than 3 seconds. Any such sign with a hold time less than 3 seconds shall be considered an animated sign and shall be prohibited.

(e) Videos may be considered appropriate for electronic message signs so long as the duration thereof shall not exceed 8 seconds in length but not less than 4 seconds.

(ef) Fading, transitioning, or dissolving of images may shall occur on an electronic message sign of no less than 1 second, but not to exceed 1.5 seconds, to reduce the abrupt "flashing" effect as the message on the sign changes from one image to another.

(fg) All images on electronic message signs shall be full color RGB LED (Light-emitting Diode). [Note: the RGB color model is an additive color model in which red, green, and blue light are added together in various ways to reproduce a broad array of colors. The name of the model comes from the initials of the three additive primary colors, red, green, and blue].

(g) Traveling messages are prohibited.

(h) Electronic message signs located on parcels or lots next to, across the street from, or containing residential uses or zoned residential must be turned off between the hours of 11:00 pm and 6:00 am. Electronic message signs outside of the above-described areas must be turned off between the hours of 11:00 pm and 6:00 am unless it is determined that illumination is appropriate between these hours pursuant to the conditional use permit.

## CHAPTER 5

### ZONING STANDARDS FOR SIGNS AND ELECTRONIC MESSAGE SIGN AREA STANDARDS

<b>15-5-101</b>	<b>Agricultural and Residential Zones</b>
<b>15-5-102</b>	<b>Business and Special Use Zones</b>
<b>15-5-103</b>	<b>Business Park Zone</b>
<b>15-5-104</b>	<b>Commercial Zones</b>
<b>15-5-105</b>	<b>Manufacturing Zone</b>
<b>15-5-106</b>	<b><u>Electronic Message Sign Overlay Zone Area</u></b>

#### **15-5-101 Agricultural and Residential Zones**

Signs in Agricultural Districts A, AA and AE, and Residential Districts LR, LS, R, S, R-2, R-4, and R-8 are subject to all standards set forth in this Title and to the following additional standards.

(1) Except as otherwise provided in Subsection (9) only the following signs are permitted in Agricultural and Residential Districts:

- (a) Monument signs as provided in this section;
- (b) Nameplate signs;
- (c) Open House signs;
- (d) Project Identification signs;
- (e) Property signs; and
- (f) Temporary signs.

(2) Apartment developments, condominium projects, and residential subdivisions may have one Project Identification sign indicating only the name of the development. Such signs shall be either wall or Monument signs and shall be not more than 32 square feet in size.

(3) One nameplate sign may be permitted for each dwelling unit. No permanent signs

other than nameplates are permitted on individual lots.

(4) One monument or wall sign, not to exceed 32 square feet, may be permitted in conjunction with a public use, quasi-public use, or public utility installation.

(5) One monument or wall sign, not to exceed 32 square feet, may be permitted for a day-care center or professional office in an R-4 or R-8 zone.

(6) Temporary signs shall not exceed sixteen (16) square feet in size.

(7) No sign shall be located within one (1) foot of any property line.

(8) Additional signs for office and commercial uses in the R-4 and R-8 Districts shall be permitted in accordance with Section 15-5-102(2).

**15-5-102 Business and Special Use Zones**

The Business District B-R and Special Use Districts B and S-R are considered to be unique districts in the City and, as such, allow a mix of residential, office, and low intensity commercial uses. Signs in these districts are subject to all standards set forth in this Title and to the following additional standards:

(1) Signs for residential uses and developments in these Districts shall be limited to those types listed in Section 15-5-101.

(2) For office and commercial uses in these Districts, only the following additional signs are permitted:

- (a) Awning signs;
- (b) Changeable copy signs;
- (c) Directory signs;
- (d) Identification signs;
- (e) Monument signs;
- (g) Project identification signs;
- (h) Projecting signs;
- (h) Temporary signs;
- (i) Service signs; and
- (j) Wall signs.

(3) Ground signs, as defined herein, are not permitted.

(4) The minimum setback from front property lines shall be ten feet (10'). If widening of public streets is planned or projected, this setback shall be measured from the future right-of-way line.

(1) Temporary signs shall not exceed sixteen (16) square feet in size.

(6) The maximum area of wall signs shall not exceed ten percent (10%) of the front building face of a main building and five percent (5%) of not more than one additional building face. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

(7) Each business or commercial complex may have one monument sign for each separate public street frontage. Such signs shall be set back a minimum of twenty-five feet (25') from side property lines.

(8) When site plan review is required for a proposed development, a master plan for signs shall be included with the application.

(9) Exceptions to the provisions of this Section may be made for signs for office and commercial uses within the Business Residential (B-R) Zone. Such exceptions shall be requested and reviewed in accordance with the conditional use permit process set forth in Chapter 8 of the City Zoning Ordinance. This exception is founded upon the provisions of the Downtown Master Plan for Farmington City. As noted in the Downtown Master Plan, the downtown area of the City contains mixed and diverse uses necessitating and requiring flexibility and discretion in implementing and allowing special deviations from standard requirements of the Zoning Ordinance and other regulations in this area.

### **15-5-103 Business Park Zone**

Signs in the Business Park (B-P) District are subject to all standards set forth in this Title and to the following additional standards.

(1) Signs for residential uses and developments in the B-P District shall be limited to those types listed in Section 15-5-101.

(2) For office and commercial uses in the B-P District, the following additional signs are permitted:

(a) All signs listed in Section 15-5-102;

~~(b) Electronic message signs; and~~

~~(c) Neon signs.~~

(3) All signs shall be set back ten feet (10') from existing or future public street right-of-way lines. Setback shall be measured from the right-of-way line to the nearest part of the sign extending toward such line.

(4) No projection of any sign shall be allowed into the required side yard where the B-P District abuts any residential zone or residential use.

(5) The maximum area of wall signs on main buildings shall not exceed ten percent (10%) of the front face and five percent (5%) of any other building face. For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

#### **15-5-104 Commercial Zones**

For the purpose of this Section, the Commercial Districts C, C-H, and C-R are considered to be Commercial Zones. Signs in these districts are subject to all standards set forth in this Title and to the following additional standards:

(1) The following signs are permitted in Commercial Zones:

(a) All signs listed in Section 15-5-102;

~~(b) Electronic Message signs;~~

(c) Ground signs; and

(d) Neon signs.

(2) All signs shall be set back ten feet (10') from existing or future public street right-of-way lines. Setback shall be measured from the right-of-way line to the nearest part of the sign extending toward such line.

(3) Temporary signs shall not exceed sixteen (16) square feet in size.

(4) No projection of any sign shall be allowed into the required side yard where a Commercial Zone abuts any Residential Zone or residential use.

(5) The maximum area of wall signs on main buildings shall not exceed ten percent (10%) of the front face and five percent (5%) of any other building face. If no ground signs are proposed, the coverage of the front face of a building may be increased to fifteen percent (15%). For the purpose of this Title, canopies over gasoline islands shall be considered accessory structures and may have wall signs incorporated into them which cover not more than twenty percent (20%) of the fascia of the roof portion of such structures.

(6) The following provisions shall apply to ground signs:

(a) Lot frontage of at least 100 feet is required before a ground sign will be

permitted;

(b) For each commercial lot or commercial complex with between 100 feet and 300 feet of frontage on a public street, one ground sign may be allowed for each separate street frontage. For each additional 300 feet of separate street frontage, one additional ground sign may be permitted;

(c) Ground signs on individual lots, or commercial complexes, shall be separated by at least 100 feet from signs on adjacent lots. Where there are multiple signs on one lot or commercial complex such signs shall be separated by at least 200 feet;

(d) The area of a ground sign shall not exceed one square foot of area for each lineal foot of street frontage, or 200 square feet, whichever is less. This standard may be reviewed by the Planning Commission in conjunction with a Conditional Use Application and may be adjusted either up or down;

(e) The maximum height of ground signs at the minimum setback shall be twenty feet (20') above the elevation of the top of curb nearest to the sign. This height may be increased to a maximum of forty feet (40') if the sign is set back an additional 1.5 feet for each foot of height over twenty feet (20'). These standards may be reviewed by the Planning Commission in conjunction with a Conditional Use Application and may be adjusted either up or down; and

(f) On corner lots, ground signs shall be set back thirty feet (30') from the intersection of property lines.

(7) One Monument sign may be allowed for each business on a lot, or in a commercial complex, provided that a minimum separation of fifty feet (50') is maintained between such signs and they are set back a minimum of twenty-five feet (25') from side property lines.

#### **15-5-105 Light Manufacturing and Business Zone**

Signs and sign standards for the Light Manufacturing and Business (LM&B) Zone shall be as specified in Section 15-5-104 above, except neon signs are not permitted in the LM&B Zone.

#### **15-5-106 Electronic Message Sign Overlay Zone Area**

Electronic message signs shall only be allowed in the Electronic Message Sign Overlay Zone Area as illustrated on Exhibit A attached hereto and by this reference made a part hereof. All electronic message signs in the electronic message sign overlay area shall be subject to all standards set forth in this Title and to the following additional standards.

(1) Electronic message signs shall be subject to the sign standards specific to the underlying zone designation of the property.

(2) Electronic message signs shall be a permanent on-premise sign and shall be limited only to ground signs and monument signs. Electronic message signs shall not include directory signs, identification signs, project identification signs, property signs, or service signs.

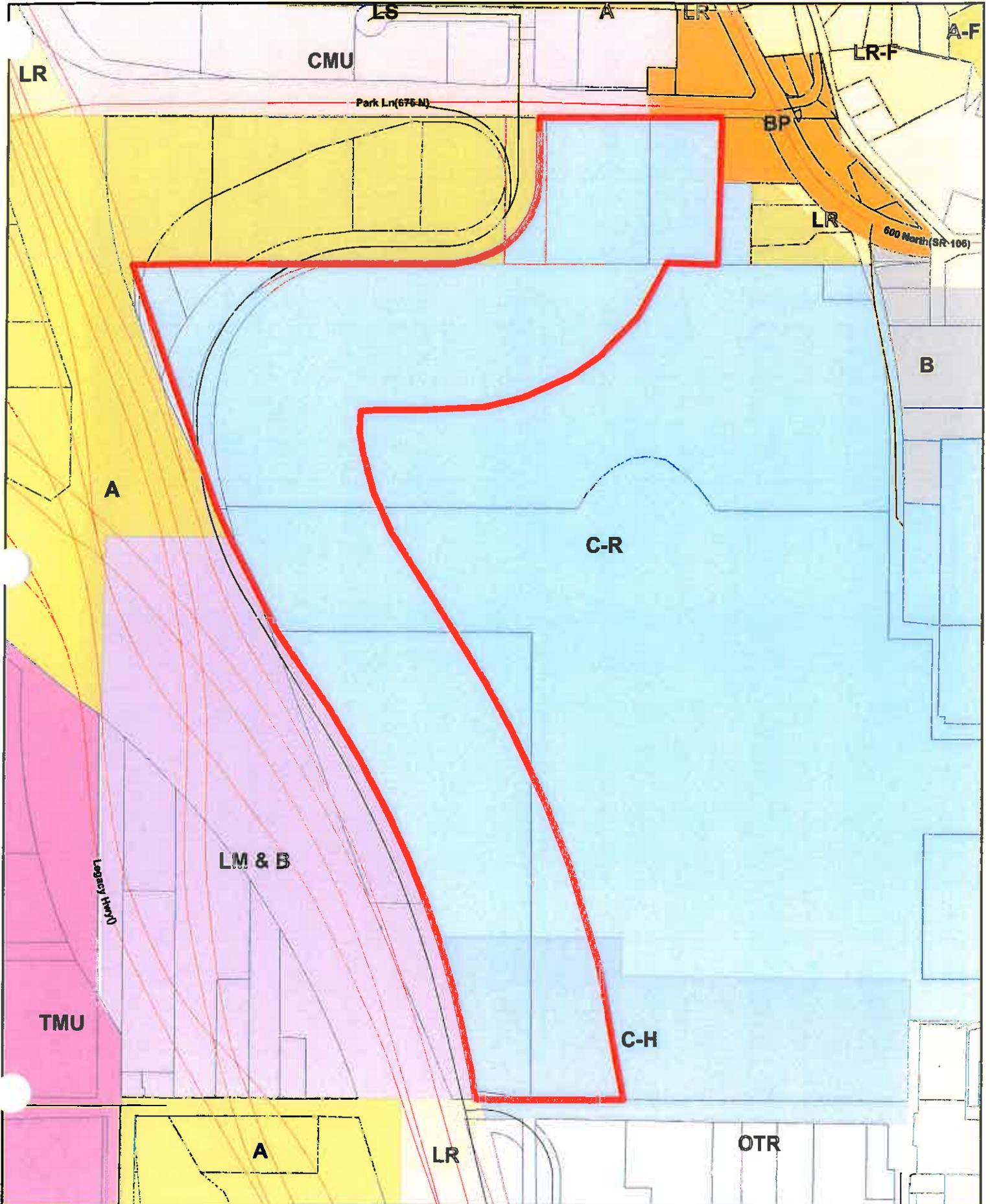
(3) Electronic message signs shall be a conditional use subject to all provisions of Chapter 8 of the Zoning Ordinance.



# Exhibit "A" Electronic Message Sign Area



Date: 10/11/2012



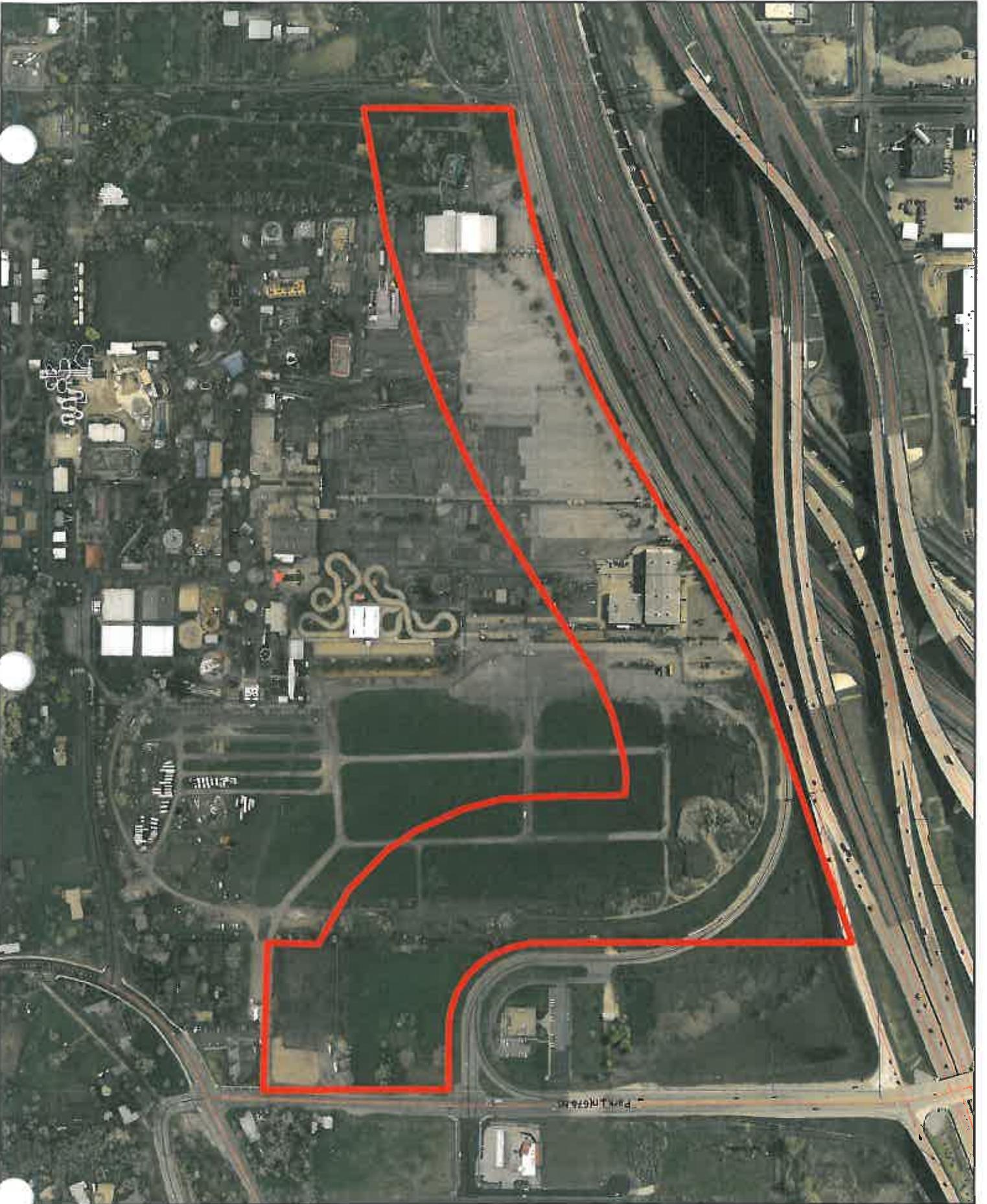


Exhibit "A"  
Electronic Message Sign Area



Date: 10/11/2012



## CITY COUNCIL AGENDA

For Council Meeting:  
October 16, 2012

### **SUBJECT: City Manager Report**

1. Upcoming Agenda Items
2. Building Activity Report for the Month of September
3. Police & Fire Monthly Activity Reports for September

**NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.**

## *Upcoming Agenda Items*

### **November 6, 2012 – Staff Reports Due: October 26th**

Work Session: Council Rolls Emergency Operations (Paul White)  
Excess Water Rights Issue (Paul Hirst)

Presentation by Randy Jefferies – Update on West Davis Corridor (15 minutes)  
801-455-1696

#### Action Items:

Tom Owens Agreement regarding Fence Issue  
Frank McCullough Agreement – Maughen Property  
Consideration of Ordinance amending the Zoning Ordinance and the Scenic  
Byway Overlay Zone

#### Summary Action Items:

- Approval of Minutes of Previous Meetings
- Ratification of Approvals of Storm Water Bond Logs

	A	B	C	D	E	F
1	Month of September 2012	BUILDING ACTIVITY REPORT - JULY 2012 THRU JUNE 2013				
2	RESIDENTIAL	PERMITS THIS MONTH	DWELLING UNITS THIS MONTH	VALUATION	PERMITS YEAR TO DATE	DWELLING UNITS YEAR TO DATE
3	<b>NEW CONSTRUCTION</b> *****					
4	SINGLE FAMILY	16	16	\$4,136,860.00	77	77
5	DUPLEX					
6	MULTIPLE DWELLING					
7	OTHER RESIDENTIAL	30	30	\$2,705,252.00	33	33
8	<b>SUB-TOTAL</b>	46	46	\$6,842,112.00	110	110
9						
10	<b>REMODELS / ALTERATION / ADDITIONS</b> *****					
11	BASEMENT FINISH	6		\$44,889.00	7	
12	CARPORT/GARAGE	2		\$28,027.00	4	
13	ADDITIONS/REMODELS	0		\$0.00	13	
14	SWIMMING POOLS/SPAS	1		\$39,436.00	2	
15	OTHER (water heater, elec change, roof)	8		\$99,971.00	18	
16	<b>SUB-TOTAL</b>	17		\$212,323.00	44	
17						
18	<b>NON-RESIDENTIAL - NEW CONSTRUCTION</b> *****					
19	COMMERCIAL (shell only)	0		\$0.00	2	
20	PUBLIC/INSTITUTIONAL					
21	CHURCHES					
22	OTHERS				6	
23	<b>SUB-TOTAL</b>	0		\$0.00	8	
24						
25	<b>REMODELS / ALTERATIONS / ADDITIONS - NON-RESIDENTIAL</b> *****					
26	COMMERCIAL/INDUSTRIAL	0		\$0.00	34	

27	OFFICE	0		\$0.00	1	
28	PUBLIC/INSTITUTIONAL	1		\$500,000.00	1	
29	CHURCHES					
30	OTHER					
31	<b>SUB-TOTAL</b>	1		\$500,000.00	36	
32						
33	<b>MISCELLANEOUS - NON-RESIDENTIAL</b> *****					
34	Signs, Demizing Wall	3		\$16,000.00	7	
35	<b>SUB-TOTAL</b>	3		\$16,000.00	7	
36						
37	<b>TOTALS</b>	67	46	\$7,570,435.00	205	110

September 2012  
Activity Reports  
for  
Police & Fire



# Farmington City Police Department 2012 - Activity and Case load summary

	January	February	March	April	May	June	July	August	September	October	November	December
Total Case#	122	118	144	143	181	171	210	179	124			

Total Reports	Officer	Crime	Accident	Supp	March	April	May	June	July	August	September	October	November	December
Officer	39	34	43	40	60	49	88	69	50					
Crime	72	75	83	96	104	99	101	90	59					
Accident	16	10	18	8	16	20	17	20	12					
Supp	39	30	31	23	29	36	16	69	35					

Citations	Total Cites	Traffic Cites	Parking Cites	Other	March	April	May	June	July	August	September	October	November	December
Total Cites	151	99	67	91	106	98	86	88	97					
Traffic Cites	99	63	11	25	86	72	41	60	77					
Parking Cites	31	11	0	4	4	3	11	1	0					
Other	21	25	24	42	16	23	34	27	20					

Activities	Total	March	April	May	June	July	August	September	October	November	December
Total	2646	2222	2310	2445	2685	2554	2132	2239	2429		

Investigations	Still Working	# Reports	March	April	May	June	July	August	September	October	November	December
Still Working	29	31	35	38	28	29	48	35	31			
# Reports	29	22	35	27	20	42	15	59	34			



# Farmington City Police Department 2012 - Summary Cont.

	Average	Total
Cases	154.67	1392

Reports	Officer	Crime	Accident	Supp	137
	52.44	86.56	15.22	34.22	

Citations	Total	Traffic	Parking	Other	933
	103.67	71.11	6.78	25.78	

Activities	2406.89	21662
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Investigations	Working	# Reports	283
	33.78	31.44	



# Farmington City Fire Department



## Monthly Activity Report

### September 2012



#### Emergency Services

**Fire Related / Engine Response Calls:** **33**  
*All Fires, Rescues, Haz-Mats, Vehicle Accidents, CO Calls, False Alarms, Brush Fires, EMS Support, etc...*

**Ambulance Related Calls:** **44 / Transported 19 (43%)**  
*Medicals, Traumatic Incidents, Transfers, CO Calls w/ Symptomatic Patients, etc...*

**Calls Missed / Unable to adequately staff:** **6**

**Urgent EMS Related Response Times (AVG):** **4.5 Minutes** **GOAL 4 minutes or less (+ 0.5 min.)**

**Urgent Fire Related Response Times (AVG):** **9.0 Minutes** **GOAL 4 minutes or less (+ 5.0 min.)**

#### FIRE / EMS Operational Staffing Hours (based on a 42-day pay period from Aug 25th – Sep 21st 2012)

**Basic Staffing Hours:** **Actual 2047 / Budgeted 2256 / Variance -209**

**Breakdown of Short Staffing Hrs. Weekends =132Hrs. Weekdays : AM= 53Hrs. PM=24Hrs.**

*1 F/T Captain @ 40 hours per week, and 2 staffed positions 24 hours per day (PT FF's).*

**Additional Staffing Hours:** **FIRE 313 / EMS 103 / TOTAL = 416**

*Additional hours accrued by P/T personnel to support operational activities such as Call-Backs, Engine Responses, etc.*

**Administrative Staffing Hours:** **Actual 530 / Budgeted 450 (Training New Secretary)**

*1 F/T Salary Exempt Fire Chief @ 40 hours per week, 1 P/T Secretary @ 20 hours per week, and 1 P/T Fire Marshal @ flexible hours not to exceed 15 hours per week avg.*

**Total Operational & Administrative Staffing Hours:** **Hours 2,993**

**Contracted Hours:** **66.5 / 289.5 YTD**

*Legacy Center Standby, Forest Service Standby, etc.*

#### Monthly Revenues & Grant Activity YTD

##### **Ambulance:**

Ambulance Services Billed (previous month):	\$43,896.16	\$305,905.91 YTD
Ambulance Billing Collected (previous month):	\$25,168.09	\$163,695.25 YTD
Variance:	-\$18,728.07	-\$142,210.66 YTD

##### **Grants / Assistance / Donations:**

Grants Applied For: Haz-Mat Computer / Chevron	\$3,000	\$109,000 YTD
Grants Received: Donation – Portable TIG Welder KIT	\$2,000	\$110,810 YTD

### Scheduled Department Training (To Include Wednesday Evening Drills) & Man Hours

Drill # 1– Officers Monthly Meeting & Training:	18	
Drill #2– New Engine In-Service Manufacturer Drill:	21	Avg. Wednesday Night Drill Attendance
Drill #3– New Engine In-Service Engineer Drill:	21	by FFD Personnel This Month: 10
Drill #4– New Engine In-Service – Firefighter Drill:	21	
<b>Other:</b> CPR-Instructor Course x2 Personnel	18	
Pediatric Advanced Life Support (PEPP)	96	
New Hire In-Service Training	100	
CTC Command Training Center (Officers)	64	
ADO-P Class to continue November 5, 2012	0	1,100 ADO-P / YTD
<b>Total Training / Actual Attended Man-Hours:</b>	<b>359</b>	<b>2,921 YTD</b>

### Fire Prevention & Inspection Activities

<b>Business Inspections:</b>	QTY	
	4	
<b>Fire Plan Reviews &amp; Related:</b>	6	
<b>Station Tours &amp; Public Ed Sessions:</b>	16	

### Health, Wellness & Safety Activities

<b>Reportable Injuries:</b>	0	1 YTD
<b>Physical Fitness / Gym Membership Participation %</b>	38%	
<b>Chaplaincy Events:</b>	1	

### FFD Committees & Other Internal Group Status

<b>Process Improvement Program (PIP) Submittals:</b>	1	5 YTD
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#### **Active FFD Committees:**

Emergency Medical Services (EMS), Apparatus & Equipment, Fire Apparatus & Equipment, Rescue – Heavy Rescue, Water, Rope & Related Equipment, Wildland Apparatus & Equipment, Health, Wellness & Safety, Charity / Fund Raiser, Fire Prevention & Pub. Ed.

#### **Non-Active FFD Committees:**

Haz-Mat Apparatus & Equipment, Building & Facilities.

#### **Additional Narrative:**

The month of September presented itself with a typical volume of emergencies. Delivery of services (response times) remained almost the same for EMS and FIRE calls at over 4 minutes on medicals and 9 minutes for fire responses. A total of 6 calls (8%) resulted in either short-staffing or no-staffing of apparatus, primarily during day time hours and weekends reducing staffing coverage by 209 hours (1897 hours YTD). Ambulance transport percentages dropped from forty-nine percent (49%) to forty-three percent (43%). Collections of revenues continue with little predictability due to collection & mandated billing variables. The new "Structure/Interface Engine" – Engine -71 was placed into service with minimal complications. The In-Service ceremony was a success with council members and community members in attendance – Thank you again! This new Engine is now the "Primary" response engine for the city. Much of September's training focused on Engine-71 in-service operations and firefighting applications. Drills included manufacturer (Rosenbauer) in-service training, in-house Engineer & FF drills, NFPA 1410 evolutions, Pediatric Advanced Life Support (PEPP) Third-Party Certification Training, CPR Instructor Training and UFRCA Command Training Center (CTC) Phase 1 Completion for Officers. September 13<sup>th</sup> marked the beginning of 6 new-hires who began mandatory 40-hour in-service training as part of the six-month probation. October will mark the first month of the new shift-fill process that appears to be a success. This will have an immediate impact on staffing coverage and initial response times during weekdays and weekends. Our new secretary Heidi Morrell successfully completed her in-service training September 21<sup>st</sup>. We are still in the process of interviewing (3) Emergency Physicians this next month with tentative starting date no later than November 1, 2012. Lagoon "Frightmares" life safety inspections completed for Halloween season. FEPP Grant Special Response Vehicle (SRV-71) was returned from Maaco –Layton who volunteered to paint the vehicle at no cost. We have since received a donation of a TIG welder (\$2,000 value) to be placed on this apparatus. This SRV is a multi-purpose vehicle is a regional-wide resource capable of performing the following functions: 20K Generator Power, Cutting Torch System, Welding System, Air Compressor System, Water Tender Support and Ice Rescue Response Vehicle. On Wednesday, October 10<sup>th</sup> we will host our annual Fire Prevention Open House – This year's NFPA theme is "Have 2 Ways Out". On October 16<sup>th</sup> the Insurance Service Office (ISO) will be in Farmington starting its audit process. We anticipate the audit to last the entire week as our last audit was performed 15 years ago.

**Fire & EMS Operational SHIFT HRS / Coverage  
12 Month Performance Trend / 2PT & 1 FT Staffing**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
<b>2011</b>													
Actual P/T Shift Hours	Pre-24 Hr Ambulance Staffing x 2 Personnel												6793
Actual F/T Shift Hours													960
Total													7753
Budgeted													9024
Variances													-1271
% of Shifts Covered													68%
% of shifts NOT Covered													32%
# of Weekend Hrs Short													
# of Weekday AM Hrs Short													
# of Weekday PM Hrs Short													
	NO DATA												

	Jan	Feb	Mar	Apr	May	Jun	Jul*	Aug	Sep	Oct	Nov	Dec	Totals
<b>2012 / Pay Periods (PP)</b>													
Actual P/T Shift Hours	3 PP	2 PP	2 PP	2 PP	2 PP	3 PP	2 PP	2 PP	3 PP	2047	0	0	13117
Actual F/T Shift Hours	240	160	170	165	170	250	170	160	240	0	0	0	1725
Total	2161	1447	1453	1363	1387	1836	1707	1201	2287	0	0	0	14842
Budgeted	2256	1504	1504	1504	1504	2256	2176	1504	2256	0	0	0	16464
Variances	-95	-57	-51	-141	-117	-420	-469	-303	31	0	0	0	-1622
% of Shifts Covered	96%	96%	97%	91%	92%	81%	78%	80%	91%	#DIV/0!	#DIV/0!	#DIV/0!	
% of shifts NOT Covered	4%	4%	3%	9%	8%	19%	22%	20%	9%				
# of Weekend Hrs Short	55	19	23	62	44	236	288	216	132	0	0	0	1075
# of Weekday AM Hrs Short	30	28	33	48	42	112	38	54	53	0	0	0	438
# of Weekday PM Hrs Short	10	10	5	36	31	82	153	33	24	0	0	0	384
	Budgeted duty hours not filled												1897

\*Includes 672 Additional Special Hazard Staffing Hours - Filled & Not Filled

CITY COUNCIL AGENDA

For Council Meeting:  
October 16, 2012

**SUBJECT: Mayor Harbertson & City Council Reports**

**NOTE: Appointments must be scheduled 14 days prior to Council Meetings; discussion items should be submitted 7 days prior to Council meeting.**