

**FARMINGTON CITY
PLANNING COMMISSION**

October 19, 2023

WORK SESSION

Present: Commissioners Tyler Turner, Frank Adams, Samuel Barlow, and Alan Monsen. Staff: Community Development Director David Petersen, Assistant Community Development Director/City Planner Lyle Gibson, and City Planner/GIS Specialist Shannon Hansell. Excused: Chair Erin Christensen, Vice Chair John David Mortensen, Commissioner Mike Plaizier, Commissioner Larry Steinhorst, Alternate Clay Monroe, and Planning Secretary Carly Rowe.

Assistant Community Development Director/City Planner **Lyle Gibson** mentioned removing banks as allowed uses. It can be added back easily in the future, if needed. Applicants can add them in through a Development Agreement. Existing homes will be grandfathered in from the Original Townsite Residential (OTR) change.

Regarding the subdivision regulation, Staff has been trying to update code to match State requirements. The State is asking to pull some of the process away from Councils and Commissions for housing projects in order to promote faster and cheaper production of housing. The draft would accomplish that, but there is a lot of text all over the chapters. Commissioner **Frank Adams** asked if Farmington could use the State's recommended language instead. **Gibson** is not prepared with such a draft tonight. The City Council doesn't meet until November 14, 2023, so there is still time to make some changes.

If it is only a question of checking the boxes, there is no need to come to the Commission and the only question is who has the authority to approve it. There is a chapter for approvals that doesn't require a public process and another for those that do. **Barlow** said after discussing this item in depth at the last meeting, he is pleased with the direction it is currently headed. **Gibson** said the changes won't apply to a majority of the applications that the City will see in the future, as nonconventional applications are the ones expected. The Commission will be a recommending party forwarding to the Council for approval. After that, it will be an engineering exercise. Farmington may have to go with a temporary ordinance until final language can be solidified. **Gibson** said a deeper dive is needed.

REGULAR SESSION

Present: Commissioners Tyler Turner, Frank Adams, Samuel Barlow, and Alan Monsen. Staff: Community Development Director David Petersen, Assistant Community Development Director/City Planner Lyle Gibson, and City Planner/GIS Specialist Shannon Hansell. Excused: Chair Erin Christensen, Vice Chair John David Mortensen, Commissioner Mike Plaizier, Commissioner Larry Steinhorst, Alternate Clay Monroe, and Planning Secretary Carly Rowe.

Samuel Barlow elected **Tyler Turner** as Chair Pro Tempore for tonight's meeting as both Chair **Erin Christensen** and Vice Chair **John David Mortensen** are excused.

Alan Monsen seconded the motion, which was unanimously approved.

- Commissioner Samuel Barlow	X Aye	_____	Nay
- Commissioner Frank Adams	X Aye	_____	Nay
- Commissioner Alan Monsen	X Aye	_____	Nay
- Commissioner Tyler Turner	X Aye	_____	Nay

Chair Pro Tempore Tyler Turner opened the meeting at 7:03 PM.

SPECIAL EXCEPTION

Item #1 Richard and Susan Allart – Applicant is requesting a special exception approval to exceed the standard height allowance for a detached building, located at 138 E. 500 N., in the OTR (Original Townsite Residential) zone.

Assistant Community Development Director **Lyle Gibson** presented this agenda item. The **Allarts** own the home at the subject property as well as the adjacent property (496 North) to the west on the corner. They have been working with the City for some time to consider a vacation of a portion of the 500 North Right of Way, which has previously been approved by the City Council. With this they will pursue a boundary adjustment between their properties, which will create a space for an accessory structure or detached garage west of their home at 158 E. 500 N.

The OTR zone states that all garages are considered as a permitted use, so most components of their proposal fall under the purview of the Planning Department for review and consideration. One element, however, has become apparent and needs consideration of

the Planning Commission. Per FMC 11-17-070 (E)(4), accessory buildings shall be subordinate in height to the main building and shall not exceed 15 feet in height unless approved by the Planning Commission after a review of a special exception application.

The proposed garage is 23 feet 4 inches from finish grade to the highest point of the roof. As height is measured per Farmington City ordinance, the actual measured height is the wall height plus half of the height of the roof structure. In this case the building includes an 11 foot 6 inch wall plus an additional 5 foot 11 inch of roof for a total height of 17 feet 5 inches. This height exceeds the 15 feet allowed by the zone, but is within the range allowed through the special exception process.

Additionally, the previously referenced section of ordinance states that the detached garage building must be subordinate in height to the main unless the Planning Commission approves a special exception. Because of the architecture of the main building, which has shorter primary walls and a very tall steep roof pitch, the building's measurement by City code is only approximately 14 feet 10 inches. This is less than the detached garage is proposed. The estimated height to the peak of the roof is actually approximately 21 feet 2 inches, which is similar to, but also still slightly shorter than the proposed garage. It is the opinion of Staff that due to the elevation drop from east to west on the property, the buildings will have a similar height at the peak and it is within the Planning Commission's purview to be able to grant the detached garage to be taller than the home.

The applicant has provided details showing their evolution of the building over time to try and work with the height allowances of the ordinance. There may be some remaining modifications to final details of the site or building to ensure compliance with other components of the City's ordinance within the purview of Staff before construction.

11-17-050: ACCESSORY BUILDINGS AND STRUCTURES (INCLUDING ATTACHED OR DETACHED GARAGES):

E. Building Height:

4. Accessory buildings or structures shall be subordinate in height to the main building and shall not exceed fifteen feet (15') in height unless approved by the planning commission after a review of a special exception application filed by the property owner.

Gibson said the code allows up to 20% in increased height by special exception if approved by the Commission, so the most the applicant can ask for is 18 feet. Given the topography of the lot, the building requested will look very similar in height to the existing building. The applicant is basically impacting themselves, as they are also the neighbor to the west. Because they can store items in the building they hope to build, it will actually clean up the lot. Staff recommends approval of the application.

Applicant Susan Allart (138 E. 500 N., Farmington, Utah) addressed the Commission, saying neighbors would rather see their stuff in a garage than their stuff outside on the lot. She has five kids, a boat, and a lot of toys. It would be nice to have a place to tuck things away. They plan a suspended slab basement, so they can rent out the basement as an Accessory Dwelling Unit (ADU) in the future. It will match the same stucco color as the existing house.

Chair Pro Tempore Tyler Turner opened and closed the public hearing at 7:09 pm, as no public comment was received.

MOTION

Samuel Barlow made a motion that the Planning Commission approve the requested special exception to allow for the building height of the detached garage to be a maximum of 18 feet and to exceed the height of the main dwelling.

Findings 1-3:

1. The proposed height is within the purview of the Planning Commission.
2. The applicant has made efforts to make the building work with the architecture of the site and still meet the functional desires for their property.
3. Though by definition and measurement the detached garage may be taller than the main building, based on topography on site, the total physical height to the peak of each building will be very similar.

Supplemental Information 1-4:

1. Vicinity Map
2. Site Plan
3. Elevations of proposed garage
4. Photos of existing home

Alan Monsen seconded the motion, which was unanimously approved.

- Commissioner Samuel Barlow X Aye _____ Nay
- Commissioner Frank Adams X Aye _____ Nay
- Commissioner Alan Monsen X Aye _____ Nay
- Commissioner Tyler Turner X Aye _____ Nay

ZONE TEXT AMENDMENT(S)

Item #2 Farmington City – Applicant is requesting additional text and amendments Title 11: ZONING REGULATIONS. The proposed amendments are to remove financial institutions as a permitted or conditional use in zoning districts where currently permitted. While amendments to the referenced section of code are being considered, applications for financial institutions within these sections are not entitled to approval per Utah Code 10-9a-509 (1)(ii)(B).

Gibson introduced this agenda item. After seeing multiple applications for the construction of financial institutions on key corners on the City, the proposed ordinance is being proposed in order to, at least for the time being, put a halt on new construction of these institutions. The Development Review Committee (DRC) noted the proliferation of financial institutions in the City. There are other entitlements available through the Development Agreement process that may permit future banks. After input from the Council, Staff recommends approval. Commissioner Tyler Turner said there seems to be a current saturation of financial institutions.

Recent applications:

- US Bank – University Ave and Clark Lane – GMU zone
- Key Bank – Market Street and Station Parkway – GMU zone

Existing institutions:

- Utah First CU: 1100 West and Park Lane – GMU zone
- Mountain America CU: Cabelas Drive and Station Parkway – GMU zone
- Bank of America: Cabelas Drive and Station Parkway – GMU zone
- Chase Bank: Station Parkway and Clark Lane – TMU zone
- US Bank: Inside Smith’s – C zone
- Wells Fargo: 12 W State Street - BR zone
- Goldenwest CU: Lagoon Drive and 675 North – CMU zone
- Horizon CU: 200 S and 200 W – BP zone
- America First CU: inside Harmon’s Grocery Store – TMU zone
- Zion’s Bank: Main Street and Somerset Street

Chair Pro Tempore Tyler Turner opened and closed the public hearing at 7:13 pm, as no public comment was received.

MOTION

Samuel Barlow made a motion that the Planning Commission recommend the ordinance (enclosed in the Staff Report) to the Farmington City Council.

Supplemental information 1:

1. Draft Changes to Title 11

Alan Monsen seconded the motion, which was unanimously approved.

- Chair Pro Tempore Tyler Turner X Aye _____ Nay
- Commissioner Samuel Barlow X Aye _____ Nay
- Commissioner Frank Adams X Aye _____ Nay
- Commissioner Alan Monsen X Aye _____ Nay

Item #3 Farmington City – Applicant is requesting additional text amendments to Chapter 11-30: FOOTHILL DEVELOPMENT STANDARDS, and 11-2 DEFINITIONS of the Farmington City ZONING REGULATIONS. The proposed amendments are to consider and clarify, among other things, what can be built in areas with steep slopes. (ZT-14-23). CONTINUED FROM THE September 7,

2023 MEETING

Community Development Director **Dave Petersen** presented this agenda item. On August 17, 2023, the Planning Commission continued this agenda item, including the public hearing, to September 7, 2023. Moreover, the notice for the public hearing was re-posted to include amendments to Chapter 2 of the Zoning Ordinance (as well as Chapter 30). At the September 7, 2023, meeting, the Commission tabled consideration to allow time for each member to submit review comments. Thereafter, Staff incorporated their input and presented it at the October 5, 2023, meeting. The discussion at that meeting resulted in the following:

[Note: these items are addressed in the draft document dated October 19, 2023 enclosed in the Staff Report.]

- i. Typos. Staff corrected the two or three typos identified at the meeting.
 - 1-Punctuation, remove comma after “a”
 “A tract, lot or parcel of land intended to be used as a, residential, commercial, public, quasi-public, utility or other building site.”
Done (Page 4)
 - 2-Spelling, remove F from FDavis
 “previously been permitted by the federal government, the State, FDavis County or, Farmington City”
Done (Page 5)
 - 3-Clarify. Not clear what “un-platted, lots, parcels” is.
 “Development of individual ~~un-platted residential~~, lots, ~~parcels~~ located in an approved subdivision”
Done (Page 5)
 - 4a- Discuss. why limit fences to 20% slopes?
See “B” below
 - 4b- Is the intent that fences be built only on land that is 20% slope after grading and excavation (not before)? **No** If it was greater than 20% but graded down to less than 20% it seems that a fence could be built there. **Correct**
 (11-30-040.H.3) “All fences and walls shall be located on useable land and in areas less than twenty percent (20%) slope before and after grading and excavation [note: grading and excavation is not allowed in areas with slopes over 30%].”
 - 5-Paragraph could be broken into two, first part is about fills or cuts, second part is about walls. Or move to the paragraph on retaining walls.
 (11-30-060.B.10) “The maximum vertical height of all cuts or fills shall be 10 feet. Fills for slumps or other natural depressions may exceed 10 feet with City approval. A series of wall retaining the same hillside within thirty (30) horizontal feet of each other shall be considered one (1) wall.”
Done (Page 15)
 - 6- Should “planning commission” here also be changed to “City”? **Yes**
 (11-30-060.G.8) “Variations of the street design standards developed to solve special foothill visual and functional problems may be presented to the planning commission for consideration.”
Done, it is moved to the paragraph on retaining walls (Page 19)
 - 7-in 11.30.070 the question should be answered and either added or removed.
 (11-30-070) “C. Should we require fencing requirements?”
Done (Page 20) Also see “B” below
- A. Usable Land. Should the City rename the term “USABLE LAND” to “BUILDABLE LAND”? **See page 4** (Although this question was raised, Commissioners had no strong feelings one way or the other on this issue. The City Attorney likewise did not have strong feelings either way.) Staff recommends keeping the term “useable” because 1) one may interpret “buildable” as limited to any activity requiring a building permit, whereas “useable” means any land disturbance regardless—and it may be a better term to protect the foothill area overall; and 2) “buildable” may have a broader colloquial meaning for most people, whereas “useable” is the City’s term, according to the City Attorney. A sports court or patio doesn’t require a building permit, for example.
- B. Fences. Fences may be approved in areas with slopes between 20% and 30% if approved as a special exception. See Section 11-30-040 H. 3. (page 7) In the rare moment special fences are needed for deer, etc., this paragraph may need to be amended further.
- C. Solar Orientation. Section 11-30-050 C. 2. E. related to “Solar Orientation” is crossed out. **See page 9.**

Background Information from Previous Staff Reports

Recent applications of the City’s decades-old foothill development standards revealed that Chapter 30 of the Zoning Ordinance can be a better document. City Staff welcomes improvements to this part of the City Code. Major changes (see “marked up” copy enclosed in Staff Report) for Planning Commission consideration include, among other things:

- o Review and approval procedures, which are no longer at the end of the Chapter, are more consistent with the City’s subdivision, PUD, and site plan review processes; moreover, the review and approval body related to foothill standards is also now consistent with other City processes.
- o Required reports and plan provisions are now part of the review and approval procedures instead of imbedded here and there with development standards.
- o Development standards are not encumbered by items that are not development standards.
- o There is a new section related to “Architectural Design” (similar to what is found in other municipalities) for Planning Commission and City Council consideration.

The proposed reorganization of the Chapter is summarized in the table below:

Chapter 30 Reorganization Summary		
Section	Existing	Proposed
11-30-010	Purpose	Purpose
11-30-020	Definitions	Definitions
11-30-030	Scope and Application	Scope and Application
11-30-040	Density, Lot Size, Width And Characteristics	Density, Lot Size, Set Back , Width And Characteristics
11-30-050	Required Plans And Development Standards	Review And Approval Procedure, And Required Reports and Plans
11-30-060	Bonding Requirements	Development Standards
11-30-070	Review And Approval Procedure	Architectural Design
11-30-080	N/A	Bonding Requirements

Petersen thinks the proposed draft is now in a great spot, and Staff recommends approval tonight. Commissioners expressed appreciation to Staff for their thorough attention to details and responsiveness to Commissioners’ questions.

MOTION

Samuel Barlow made a motion that the Planning Commission recommend that the City approve the zone text changes as proposed.

Findings 1-6:

1. The changes better implement the purpose of the foothill standards set forth in Section 11-30-010.
2. The amendment makes Chapter 30 more user friendly because no longer does and applicant, or Staff, have to “hunt” for required reports and plans intermixed here and there with review and approval procedures, and vice versa, but the two sections are now separate.
3. References as to who approves what plans are now consistent with the underlying zone, state law, and other sections of the City code.
4. The changes improve the definition and standards related to “Useable Land.”
5. The updates to Chapter 30 include language from ordinances in other communities, which improve the final document.
6. As per Section 11-6-020 D. of the Zoning Ordinance, the proposed amendments are: a) reasonably necessary; b) in the public interest; and c) consistent with the City General Plan and are harmony with the objectives and purpose of Title 11.

Supplemental Information 1:

1. Draft Changes to Chapter 2 and Chapter 30 of the Zoning Ordinance—Marked Up Copy, 10.19.23.

Alan Monsen seconded the motion, which was unanimously approved.

- Commissioner Samuel Barlow X Aye ___ Nay
- Commissioner Frank Adams X Aye ___ Nay
- Commissioner Alan Monsen X Aye ___ Nay
- Chair Pro Tempore Tyler Turner X Aye ___ Nay

Item #4: Applicant is requesting additional text and amendment to Title 12: SUBDIVISION REGULATIONS. The proposed amendments are in response to requirements from the State of Utah to remove the requirement for concept/schematic reviews

on conventional subdivisions and to establish an appeal process as outlined by the State. The amendments further clarify submittal requirements and the review process. (continued from October 5, 2023 Meeting)

Gibson introduced this agenda item. During the 2023 Utah State Legislative Session, a new law was passed in the form of [SB174](#), which required cities throughout the State to comply with certain provisions related to how subdivisions are reviewed and approved. The bill’s requirements are directed at residential subdivisions. However, to provide consistency in processes followed in Farmington City, the proposed text changes included with the Staff Report impact all subdivisions.

Included in the Staff Report is a summary sheet of what SB174 requires from the Utah League of Cities and Towns (ULCT).

In brief, there are two types of subdivisions that are generally considered in Farmington City:

1. **Conventional Subdivision:** a subdivision which meets the zoning requirements without any deviation from development standards or any variation from what is identified by the zoning as conventional lots. This type of subdivision approval and review is entirely administrative, verifying whether or not it meets the zoning and does not have legislative discretion.
2. **Planned Unit Development (PUD) / Conservation Subdivision / Alternate Lot Size Subdivision / Project Master Plan (PMP):** these subdivisions all include elements of legislative discretion, meaning that the City does not have to approve the requests or project as proposed and the regulations for development of the subdivision are most often memorialized in a Development Agreement (DA) with the City or on occasion through conditions imposed as part of a motion by the City Council. These types will likely be a majority of what the City sees going forward.

It is the recommendation of City Staff that all conventional subdivisions, whether residential or commercial, follow the same process and that all other subdivisions requiring legislative discretion follow a different, but similar, process. In the public review side, the key distinction between the two processes is that the schematic step is required for consideration of a development looking for legislative discretion and will involve the City Council. The similarities between the processes are that the Preliminary Plat is the final step in public meetings and City Staff is over final approval.

Required Process – Single Family/Two Family/Townhomes

Staff recommendation would include Conventional Commercial and Multi-family subdivisions. Included with the report are forms to help demonstrate the process an applicant can anticipate with the current and proposed process change. The actual form is not an item under the purview of the Council or Commission for approval, but may be helpful in understanding how the ordinances are applied. Staff is working to move away from a paper form and is trying to implement a digital submittal and review process.

The latest ordinance draft in the Staff Report includes comments from Planning Staff, the City Engineer, and the City Attorney. Application forms in any format will then be altered to fulfill what is required by the ordinance.

To ensure these updates meet the implementation timeframe required by the State, Staff is encouraging that the Planning Commission table the item after an introduction at this initial hearing and be prepared to vote on a formal recommendation during the second meeting in October. This will give time for recommendations and input from both the Commission and Council in an effort to adopt final changes by the end of the year.

Update: Comments from the Planning Commission during the October 5, 2023, meeting are included below. These items have been addressed or included in the current ordinance draft as indicated.

Clarify – denied or approved at four reviews? If they can’t fix deficiencies after four reviews, is it automatic approval or denial? (Depending on who the land use authority is, they would have the chance to formally deny or approve the application. If deficiencies aren’t addressed within the limit of review cycles, it would be denied – 12-6-130 (C) last sentence.

Does Planning Commission (PC) review constitute a review? For example, does tabling a project constitute a review? (This is not clear in statute. Staff can continue working with the City Attorney to verify. As written, the ordinance assumes that the Development Review Committee (DRC) has four chances to review before sending to PC for decision. PC would then approve or deny rather than table. Unless applicant consents to tabling item, appeal process would be next option (if desired.)

Does quality of application info come into play at optional schematic review? (Staff will maintain a list of items requested at schematic review. For applications which aren’t required to submit this, we will not be able to force them to fully submit the desired details. The quality and amount of feedback that an applicant can receive will be based on the quality or amount of information provided at schematic review and can help an applicant with better direction moving forward.)

Public hearing at preliminary plat – optional? What’s the point in Public Hearing or even PC review at conventional? (A public hearing is important primarily when opinion and policy is under consideration. For administrative actions where something is simply being reviewed for compliance with existing rules, a hearing can be ineffective or even problematic. For this reason, the proposed process does not include a hearing on conventional subdivisions. 12-1-060 proposes Staff as the authority for conventional single-family and two-family dwellings.)

Designate a land use authority in the ordinance. – (Updated 12-1-060 to clarify this and added definitions.)

Development Agreements (DAs) – how does the Planning Commission communicate their conditions/changes effectively? For example, PC can do conditions in their recommendation that are not implemented by the City Council (CC) in the DA. What happens to those conditions? What is the point of PC review of DA/PMP/PUD etc. at that point? (Conditions in this case are an addition to or a variation from the established regulations or standards for a subdivision and are legislative in nature. As such, the PC will give recommendations on legislative items or additional or modified rules which the City Council, which is the elected legislative body, may choose to implement those recommendations or not.)

Boilerplate of all DAs should include all conditions (past, current or future?) made by the CC and/or PC. (Staff can include all conditions for consideration in a template DA from past projects on upcoming proposals. Reports will also likely include a DA, which has been modified from that template as the proposed agreement as negotiated or modified by the developer and Staff being recommended to the PC. The PC can then recommend changes to the agreement for the consideration of the City Council.)

All notices should include that there will be only one public hearing in a project’s process. (Staff will include this language in future notices.)

Additional submittal requirements have been added based on comments from the City Engineer.

Gibson said this likely won’t be the last revision the State imposes on municipalities, so he expects there to be further work on these amendments. The Commission will likely see less subdivision applications in the future, but more time on setting policies and rules. Even though the State’s focus is on residential, **Gibson’s** suggestion is to think about keeping things consistent with commercial and industrial projects as well. **Petersen** said the City doesn’t go after aesthetics. The Regulating Plan dictates street patterns and block sizes, and this tool was kept in the City’s arsenal. The plan is difficult to follow, and developers will likely request flexibility through a legislative act. This will give the Commission a chance for input and could help further guide development.

Commissioner **Frank Adams** said if an application meets the rules, there isn’t a lot of discretion going forward, so there is not a need for a public hearing. All the Commission can do is take Staff recommendations anyway. The Planning Commission should be the authorized land use authority. He wondered if the City would run afoul of State requirements by including townhomes in the amendment. **Gibson** doesn’t think Farmington would be running afoul, but he will check with the City Attorney to confirm before next meeting. **Petersen** said most townhomes would be in the mixed-use areas that follow form-based code including: height requirements, build-to lines, open space standard, and parking tucked behind or to the side. The only difficult thing is if the application comes in under Section 140 requesting flexibility. **Petersen** thanked **Adams** for his extensive legwork to identify ways to simplify and consolidate the process. **Barlow** said he is support of incentivizing more housing in Farmington. Commissioners would like to have some purview on aesthetics, but focus more on residential (rather than commercial) amendments at this point.

MOTION

Samuel Barlow made a motion that the Planning Commission continue this zone text amendment item to the November 2, 2023, meeting.

Alan Monsen seconded the motion, which was unanimously approved.

- Commissioner Samuel Barlow X Aye ___ Nay
- Commissioner Frank Adams X Aye ___ Nay
- Commissioner Alan Monsen X Aye ___ Nay
- Chair Pro Tempore Tyler Turner X Aye ___ Nay

OTHER BUSINESS

Item #4 Miscellaneous, correspondence, etc.

- a. City Council Report October 17, 2023

- i. **Petersen** said the meeting was a short one, with the longest agenda item being the Public Works Department report. The Council approved the Zone Text Amendments regarding Historic Resources on the Farmington City Landmarks Register, including certificates of appropriateness from a professional.
- ii. **Gibson** said at the end of the year, some Commissioners' appointments will be up, including those of **Mike Plaizier** and **Larry Steinhorst**. Farmington typically has Commissioners serve one term before passing the opportunity to someone else. Applications will be requested from residents in the November newsletter. He encouraged the Commissioners to nominate people for these positions.

b. Minutes Approval 10.05.2023

- i. No minutes were received at time of meeting or packet publishing and will be approved at the next meeting.

c. Other

ADJOURNMENT

Samuel Barlow motioned to adjourn at 7:47 pm.

- | | |
|----------------------------------|----------------|
| - Chair Pro Tempore Tyler Turner | X Aye ____ Nay |
| - Commissioner Samuel Barlow | X Aye ____ Nay |
| - Commissioner Frank Adams | X Aye ____ Nay |
| - Commissioner Alan Monsen | X Aye ____ Nay |



Tyler Turner, Chair Pro Tempore