

**FARMINGTON CITY
PLANNING COMMISSION**

March 03, 2022

WORK SESSION

***Present:** Chair Rulon Homer; Vice Chair Erin Christensen; Commissioners Larry Steinhorst, John David Mortensen, Mike Plaizier (via zoom), and Samuel Barlow. **Staff:** Community Development Director David Petersen, Assistant Community Development Director Lyle Gibson, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe.*

Assistant Community Development Director **Lyle Gibson** presented a training video about conditional uses in Utah. The video was put out by the Utah property rights ombudsman. The first thing a City should do after receiving a conditional use application is check the code to see if the proposed use is a permitted, conditional, or prohibited use in the zone in question. If it is a permitted use in the zone, the City cannot deny it as long as reasonable conditions are proposed or can be imposed to mitigate detrimental effects of the proposed use. Those conditions must comply with standards in the city ordinance, and can't just be made up. Standards set forth in an applicable ordinance should be objective and measurable. Most local zoning codes have permitted and conditional uses, and usually say if uses are not permitted or conditional, they are prohibited uses. You are not required by law to include conditional uses in the zoning code. The standard of review for a conditional use application can include administrative decisions that put substantial evidence in the record, making sure decisions are not an arbitrary and capricious. A planning commission can also approve conditional uses. Follow the law and make evidence-based decisions, even when the public is against the use. Public clamor is not enough of a reason to deny a conditional use.

Gibson said a planning commission is looking to mitigate impacts, that is different than completely eliminating impacts in considering a conditional use. It is not a popularity contest, but more about following the City's ordinance. There are a lot of highly specific standards that must be met in order to get a conditional use granted. If the applicant doesn't pull a building permit within a year of being granted a conditional use, they lose that right and the applicant would have to come back again to get approval. A conditional use runs with the land. Planning Commission's decisions can be appealed.

Gibson said regarding an upcoming agenda item, the Old Town Residential (OTR) district has a list of uses that are permitted and conditional, including Accessory Dwelling Units (ADUs). Minimum standards and requirements are imposed for ADUs including owner occupancy, parking, must be a single-family home, one ADU per lot, lot size, and construction code. The applicant will probably say that he plans to move in once he gets the approvals.

Community Development Director **David Petersen** said citations to enforce the code could equal \$10,000 in a 30-day period. This could be put as a lien on the property. Some cities have a notice provision that a property owner signs, which could be used by a judge or hearing officer, that says the property owner promises to reside on the property. Regarding the application in question, the garage is already finished on the outside, but not the workshop. Neighbors are concerned that the property owner will just set up an ADU but not ever actually live there. Another concern is the renter won't have enough room to park off-street. The home was built in the 19th Century. The property has had cars parked on the lawn in the past. **Petersen** noted that this applicant has done other high quality projects downtown.

Regarding the Item 3 **Phil Holland** agenda item, the applicant wants the option of going with the Planned Unit Development (PUD) and one Transfer of Development Rights (TDR) to get six lots and one detached ADU. The actual value of the TDR is confidential, as it is considered a real estate transaction. Farmington has sold 33 TDRs with the average value of \$20,000. **Petersen** said the value assigned to **Holland's** TDR is above average and fair. With a PUD, the buildings need to be superior in design and complimentary to the existing homes to the north. He is not planning to do a guaranteed moderate-income home. It is not detrimental to property values to do an ADU, and ADUs are becoming more common, especially in bigger homes due to market demand.

REGULAR SESSION

***Present:** Chair Rulon Homer; Vice Chair Erin Christensen; Commissioners Larry Steinhorst, John David Mortensen, Mike Plaizier (via Zoom), and Samuel Barlow. **Staff:** Community Development Director David Petersen, Assistant Community Development Director Lyle Gibson, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe.*

Chair **Rulon Homer** opened the meeting at 7:01 PM.

Item #1 Approval of Minutes

Commissioner **Larry Steinhorst** made a motion to approve the minutes from February 17, 2022. He proposed a change on Page 3, third paragraph up, as the comments were his, but Commissioner **Mike Plaizier's**. Commissioner **John David Mortensen** seconded the motion, which was unanimously approved.

Item #2 City Council Report

Assistant Community Development Director **Lyle Gibson** reported on the March 1, 2022, City Council meeting. An historic property in the Rice Farms development on the south side of town is over 100 years old. Accommodations were made to keep the historic home on the front of a lot where a new home was built immediately behind it. The owner wants to divide it in order to better preserve it with a conservation easement. The Council tabled the item, which will come back to them at their next meeting. The other item is the water efficient landscape ordinance, which was tabled in order to get more information. There is an urgent need to be smarter with water, but the Council wants more time to sift it over and answer questions.

SUBDIVISION APPLICATIONS

Item #3 Phil Holland – Applicant is requesting a recommendation for schematic subdivision approval for the proposed Juniper Estates subdivision, a six-lot subdivision located at approximately 400 S. 650 W. on 3.15 acres, in the AE (Agriculture Estates) zone. (S-1-22)

Community Development Director **David Petersen** presented this agenda item. The Planning Commission reviewed this request at a public hearing on February 17, 2022, but tabled action to allow time for the applicant to meet with City Manager **Shane Pace** to establish an amount for a TDR (Transfer of Development Right). The meeting occurred and Staff determined that the amount presented by the developer is a fair proposal. The City Council will issue the final approval on the value of the TDR, which is considered a real estate transaction to be discussed in a closed session. The developer wants to do at least one Accessory Dwelling Unit (ADU) that could be deed-restricted for a moderate-income household. It is possible to do more than one ADU in the development. The applicant's main goal was finding out if he could get a sixth lot.

Background information from the 2.17.22 staff report: The developer applied for a six-lot subdivision on 3.15 acres in an AE zone located at 400 S. 650 W. At its discretion, the City may approve more than two lots, but such discretion is limited to the options (or a possible combination of the options) of conventional with two total lots; Transfer of Development Right (TDR) with six total lots; moderate income housing with five total lots; and Planned Unit Development (PUD) with six total lots. Note: The developer did not apply for the conventional alternative.

Applicant **Phil Holland** (Dutch Lane, Kaysville, Utah) said he is looking forward to starting the PUD process, which is a win for the City because it puts additional scrutiny on the property. The additional lot can help pay for a standard public Right of Way (ROW) in this project, and he noted he is planning to have an ADU to be placed on one of the lots. There is a lot going on here that is beneficial to everyone.

Homer said he likes the size of the lots, and he feels they will sell quickly. **Plaizier** asked if the ADU would be deed restricted as moderate-income housing. **Holland** said during the PUD process, they would select one lot to have the ADU. There would be a note on the plat that states that lot would have an ADU that is required to be built as part of the building application and review. Each of the lots is allowed to have an ADU. Going as deep as requiring one lot to have a moderate-income housing ADU is a bit tricky for him, although it likely will be. **Plaizier** said in his perspective, if it is not deed-restricted to be affordable housing on the whole lot, it likely won't ever be. The ADU would likely be market rate in the absence of an incentive. He doesn't see the benefit to the City.

Plaizier said the 80% of area median income band that defines moderate-income housing is sometimes the same as market rate. He asked if the applicant had done a rental analysis yet. **Holland** said he knows what that kind of a unit would rent for, but he wanted to know what qualifies as a moderate-income ADU. The difficult thing is the developer and City policing it. He is willing to require it be built. **Plaizier** said the income coming from the ADU could help the moderate-income property owner qualify for a loan. The property owner could rent the ADU at market rate, and occupy either the ADU or the house, either way. Just to propose that there will be an ADU on a lot, when all the lots are allowed to have them, doesn't make a benefit to the City.

Holland said these will be half-acre lots, and the ADU is supplemental to the rest that he is trying to accomplish. The TDR is the most important thing, and secondary to that is the PUD process. Architecture, fencing, landscaping, and Covenants, Conditions, and

Restrictions (CC&Rs) are all part of the PUD process. Lot 6 may be a better location for the ADU because it is larger, but he needs to dig into the engineering before he decides which lot to promise an ADU on.

Vice Chair **Erin Christensen** said the extra density is not a guarantee, and it is up to the discretion of the Planning Commission. They are allowed to grant any one, a combination, or all of the options. She would like to explore requiring some form of moderate-income housing in order for the applicant to get the increased density. She is not sure how exactly to do that, but **Plaizier** can offer good perspective on that. She would like to have a combination of moderate-income housing and a PUD required of the applicant.

Holland said technically most, if not all, people in Farmington can have an ADU. However, most people do not do that. He would require as part of the PUD process and building permit that one of the six lots has to have an ADU. He would rather have a smaller private road to make the lots bigger, but is going with a wider public road instead. The ADU is a requirement, not just the property owner having the option to do it or not. He wants to figure out a way to require moderate-income housing here. What legal mechanisms are appropriate, and how will it be enforced?

Sam Barlow said enforcement is a separate issue from what is on the agenda tonight, and it seems that the Commission and applicant are on the same page. Barlow said the nature of an ADU unit is to provide for a different income class. There is a question of how the mechanics work, and he wants more information on that.

MOTION

John David Mortensen made a motion that Planning Commission recommend the City Council approve the schematic subdivision plan for the Juniper Estates Subdivision, **Option D (PUD with a TDR lot)**, subject to all Farmington City development standards and ordinances and approval of a Preliminary PUD Master Plan, and a preliminary plat, and any conditions and standards required thereto subject to the following:

1. All remaining City standards, including but not limited to, PUD requirements, the road alignment, whether or not the road is a public or private street, total number of lots, the final lot configuration, including if lots will be allowed within the ROW, DRC (Development Review Committee) comments, and so forth, will be determined upon consideration of a Preliminary PUD Master Plan and a preliminary plat for the project.
2. Applicant shall require/provide an ADU that is deed-restricted to low income/moderate income housing, as approved by the City, within at least one of the lots of the subdivision.

Mike Plaizier seconded the motion. **Erin Christensen** and **Rulon Homer** voted yay. Commissioners **Larry Steinhorst** and **Samuel Barlow** voted nay. On a 4 to 2 vote, the Commission will pass this on to the Council.

Item #4 Chris McCandless/FSC Development LLC – Applicant is requesting preliminary subdivision plat approval for the proposed Farmington Station Center Townhomes subdivision, located at approximately 1525 W. Burke Lane on 17.60 acres, in the OMU (Office Mixed Use) zone. (S-12-21)

Gibson presented this agenda item. The Farmington Station Center Townhome project is a medium density, mixed-use development proposed on the south side of Burke Lane and 1525 West. The project borders the site of the future City Park. The project consists of Sego Homes product, seen previously in Daybreak, as well as more conventional townhomes in the center of the development. The eastern portion of the applicant's property has recently been in consideration for a revised commercial use while still providing for a shared parking arrangement with the City for the future park to the south.

The Planning Commission last saw a presentation of this project in July of 2021. At that time, the Planning Commission recommended approval of the schematic subdivision plat, site plan, and Development Agreement. After receiving a favorable recommendation from the Planning Commission, over the course of multiple meetings, the City Council refined and approved a Development Agreement for the project and schematic subdivision plan. The applicant has also completed a land exchange agreement with the City Council that facilitates a better park configuration as well as a better layout for this development.

The applicant has been working to adjust the project's plans to conform to the requirements of the underlying zone and applicable Development Agreement. Additional details have been provided to Staff for review to begin understanding how the site will function. Plans have been distributed to applicable reviewing agencies and the version included with this report has satisfied applicable requirements at this stage of the review. There are lingering items to be resolved before Final Plat approval is ready to be considered and before construction may begin.

The approved Development Agreement allows for the construction of as many as 123 units. The proposed plat includes 72 units that would be built in a side-by-side traditional townhome configuration along the perimeter and would primarily be the ones seen from the street. They will have a three- and four-story look as has been approved previously. Another 50 units would share rear walls and would be platted as condominium units. This totals 122 units, which falls within the allowed amount.

In light of the recent direction for development in this area to create an enhanced pedestrian route or greenway from the Spring Creek area south to the new park, Staff will continue working with the developer on how this can be implemented as part of the exchange agreement process. This must be resolved before the Planning Commission may consider the Final Plat. 1400 West Street needs to remain in place to handle auto traffic. However, additional consideration for treatments on the west side of the street should be made to enhance this section of the pedestrian network in this area. Currently homes are just off the sidewalk along this stretch of the Right of Way. The most likely solution to implement this concept may meander the 1400 West Right of Way slightly to the east to make room for this feature.

Along the City's neighborhood and major street network, the project follows the layout of the schematic plan minus a street connection along 1400 West Street, which has been replaced with a pedestrian connection. Some of the internal units have been oriented north to south rather than east to west, and the street network in the eastern half of the project reflects this change. The primary open space within the development sits along Commerce Drive. Units face the neighborhood and major street network with garage access and parking on the project's interior façades. Portions of this will be divided and broken off separately to be developed commercially.

Staff recommends approval of the preliminary plat with conditions that the developer is aware of. The developer controls everything on the southern half, but moving north would potentially only have half of the 1400 West ROW, so they will need to work and coordinate with the **Romney** property owner in order to get a full street in. The applicant, City, and other land owners have been working with the Army Corps of Engineers to get wetland delineation, and **Gibson** feels that should be resolved shortly. If not, this can be developed in phases until the delineation is resolved. A portion of property on the southwest side is involved in an exchange with the City to help line up the park better. The City needs to rezone that so it matches the area, which will likely commence during the Commission's next meeting. It is about one acre that is currently zoned agricultural, and it needs to match the OMU designation of the area.

Applicant **Mike Williamson** (9071 S. 1300 W., West Jordan, Utah) with FSE Development and **Wayne Corbridge** with Sego Homes said the live/work concept along Burke Lane would typically have a ground floor store front presence. They would be townhomes with residential above and 600 to 800 square feet of office space on the ground floor. The ground floor could be used as a home office or could be leased out to someone else. It would be appropriate on Burke Lane because of the commercial. The office spaces are not required to be used as commercial spaces, although they do have separate entrances to function completely closed off from the residential area. It could also be accessed internally from the townhomes. 74% of all the townhomes have two-car driveways, and all have two-car garages. In addition, there are 26 surface parking spaces.

Larry Steinhorst said he is concerned that garages may not be used as garages, but rather storage. The surface parking will be needed. **Williamson** said additional parking will be available in the space shared with the City. Parking is an amenity they have considered. **Romney** can get access from 1400 West if desired. They are talking with other parties about the commercial uses, but they are not under contract yet. **Gibson** said the roads are set to go at this point. City engineering has looked at it, and tested other Sego Homes projects with the City's ladder truck. Staff is comfortable saying the City can service this as laid out. Street names will be approved on final plat. **Wayne Corbridge** (1028 E. 140 N., Lindon, Utah) with Sego Homes said the roads are named after his grandchildren and daughter in laws.

Petersen noted the trade with the City fulfills "some other public benefit" to benefit the park. In addition, they are giving a very good parking easement on their office parcel, which is a windfall for the City.

Homer opened and closed public comment, as there were no parties interested in speaking.

MOTION

Erin Christensen made a motion that the Planning Commission approve the preliminary plat for the Farmington Station Center Townhomes subject to all applicable Farmington City ordinances and development standards, and all remaining DRC comments including the following conditions to be verified before approval of the Final Subdivision Plat:

Conditions 1-7:

1. A note shall be placed on the Final Plat and/or a shared use agreement shall be in place to allow access from what is identified as Sego Way to the Romney properties identified on the preliminary plat as parcels # 08-060-0012 and 08-060-0013.
2. Applicant provide documentation of ability to complete 1400 West Street curb to curb between project and Burke Lane.
3. West side of 1400 West Street be modified to include greenway/enhanced pedestrian pathway, and exchange agreement to be finalized with Farmington City.
4. Decision of record for final wetland delineation shall be provided for development of northwest 20 units, otherwise Final Plat shall be completed with phasing.
5. Applicant and Staff shall verify Final Plat format per back to back units and potential condominium type plat.
6. City and applicant to coordinate update of zoning district on property currently controlled by Farmington City RDA.
7. Affordable Housing Deed Restrictions to be created in accordance with 11-18-045 (A) or some other public benefit as determined by the City Council.

Findings for Approval 1-4:

1. Farmington Station Center Townhomes provides an innovative townhome concept to the mixed-use areas.
2. The project is a 60% to 40% commercial/residential use, which aligns with, or exceeds, that ratio in other proposed area projects.
3. The preliminary plat is consistent with the approved Schematic Subdivision Plan and Project Master Plan and follows applicable ordinances and standards and the approved Development Agreement.
4. The applicant would provide a land exchange agreement for shared parking and allow for the City to include more useable space as part of the park by re-aligning "Cook Lane."

Supplemental Information 1-4:

1. Vicinity Map
2. Approved Development Agreement/Project Master Plan/Schematic Subdivision Plat
3. Greenway Concept
4. Preliminary Plat

Samuel Barlow seconded the motion, which was unanimously approved. **Mortensen** doesn't like the addition of the some other benefit language in Condition #7, but still wished to vote aye.

CONDITIONAL USE PERMIT APPLICATION

Item #5 David Livingston (Public Hearing) – Applicant is requesting a conditional use permit approval to create an accessory Dwelling Unit (ADU) in the detached garage, located at 79 S. 100 E. in the OTR (Original Townsite Residential) zone. (C-3-22)

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. The applicant is requesting a conditional use for an Accessory Dwelling Unit (ADU) located in an accessory building on his property at 79 South 100 East. The detached accessory building was reviewed by the Planning Commission on April 6, 2021, for a special exception regarding encroachment into the front setback. There is very little back yard, but a significant amount of front and side yard. The Planning Commission heard public comment, discussed, and ultimately decided to approve the special exception, with conditions, namely that the applicant must apply for a conditional use if he planned to rent out the garage as an ADU in the future. The conditions reiterate the existing code such as parking, property owner must live on site, and maximum of one ADU per single-family lot. The attached site plan does not show a livable unit. However, this plan is from the building permit issued soon after the special exception was approved.

Christensen said the conditions also include a new building permit and new site plan. She asked if the new site plan would come back to the Commission. **Hansell** answered that once the Conditional Use is granted, the site plan would go to the building department to make sure it is safe, habitable and has proper egress.

Applicant **David Livingston** (139 N. Main Street, Farmington, Utah) addressed the Commission, saying he would like to finish the ADU even though he doesn't plan to rent it out anytime soon. He understood that it doesn't have to be rented out immediately. The value of the property would increase because of the ADU.

Plaizier said the conditions of the ADU are that the property owner lives on site, and he understands the applicant does not currently live there. As such, if he doesn't live there, he cannot rent it out.

Gibson said per City ordinances, the applicant can build the ADU but not use it as such. Commission approval is needed for the building permit. **Livingston** asked for "owner occupied" to be defined. He currently pays the property tax, insurance, water, and utilities on the property, although he doesn't live there. **Gibson** said based on the definition, the parameters need to be set for how it is utilized. He feels it is fine if one family occupies one unit on site and leaves the other unit vacant, but once there are two families onsite, one must be the property owner. However, legal counsel may need to be consulted. If there is a violation of the parameters, the City would have to enforce it. He feels it is fine to approve this, even knowing the applicant doesn't live there, as long as two units aren't simultaneously rented out. **Gibson** encouraged the Commissioners to deliberate assuming there is an owner living on site and renting to another family, and then consider the impact on the neighborhood, as well as mitigating factors that may be needed.

Livingston said when he first moved to 139 N. Main Street, he built a garage with an apartment underneath, where he lived as he tore down the uninhabitable home. Since, he has built a new home at 139, where he now lives. He rents the garage apartment out. The garage on this application is not completed yet, as it needs paint on the outside. He currently stores some tools there. When he first came to the Commission about this garage, he proposed it would be a shop underneath, not an ADU. However, he has since decided to finish it as an ADU, depending on the approval process tonight.

Rulon Homer opened the public hearing at 8:20 PM.

Rodney Miller (127 S. 100 E., Farmington, Utah) addressed the Commission, referencing the letter he sent. The letter will be attached as part of the record. He said it is understood throughout the neighborhood that the applicant intends to rent out the basement ADU. If it is understood that an ADU will help the property sell in the future for a higher value, it doesn't make sense to him as the ADU follows the owner. The new owner would have to get an ADU approved, and the Mayor understood it that way as well when **Miller** spoke with him. If the intent is to improve the value of the home, he asks the applicant to improve the main existing home that has had tarps on it for over a year. Off street parking should also be provided for the tenant. He said he is very frustrated. He has research from three different cities and how they record an ADU document clarifying restrictions. He would like to leave them with the City.

Jake Pippen (151 S. 100 E., Farmington, Utah) said he is also frustrated with the applicant. He lives nearby and works from home, so he has noticed appliances and fixtures being delivered to the site. While attending a previous meeting, he said he thought the applicant was given permission to build the garage because it would be a place for the tenants to park their cars. He said there has been a truck parked in the garage for about two weeks. As an auditor who applies Medicaid and Medicare guidelines to doctors in the community, he knows there are strict penalties for lying to a governmental entity. He feels the applicant was not truthful when he said why he wanted to build a garage in the first place. The house that is currently there is in bad shape. A quarter of the shingles are missing from the roof and it looks like it is going to fall in. Signatures of many living in the area prove that the neighbors don't want this. He feels there may be no enforcement to prevent the applicant from renting the ADU out.

Sauna Martin (85 E. 125 S., Farmington, Utah) said she has lived in the neighborhood for 64 years and the previous tenants took care of the Steed family home, a rock structure that she said was built in 1870. The tenants who live there now park on the road and the dirt where grass used to be. The applicant also owns property on Main Street north of the School District, about 36 N. Main, and it has a two-car garage. The applicant's current home has a two-car garage. She is afraid it will look like a used car lot in front of the old rock home at 79 South 100 East.

Rulon Homer closed the public hearing at 8:31 PM.

Homer said he senses the frustration of the audience tonight. However, the Commission's role is not to care for the yard or landscaping. The only thing on the agenda tonight is to approve or deny the ADU. **Gibson** clarified that these conditions run with the land, not just the property owner. Recorded documents are important so that current and future property owners know the expectations and the restrictions on the property.

Plaizier said the ADU code defines ownership saying that either the single-family dwelling or ADU shall be owner occupied. Since the owner doesn't live on site, and has no intention to live on site, he doesn't feel the Commission can approve this ADU. It would be reckless to approve an ADU if there won't be owner occupation. Enforcement opens up a can of worms. The owner should apply for the ADU when he is ready to live on site, and not before.

Gibson said that he believes the request can be approved assuming the conditions will be met. If they are not, there can be revocation or enforcement actions. There are parameters that must be met in order for it to work. It is a reasonable concern based on the history and the public comments shared tonight. This would be similar to a site plan approval, which is given before work is complete. Therefore, he feels that this can be approved prior to the applicant living there. If the applicant doesn't follow through with the requirements, then he doesn't get to use it as an ADU.

Petersen said someone could have a preschool as a home occupation if there are eight and under students, and Staff can approve it. If they have between nine and 16 students, they have to come back for a conditional use. However, some applicants come forward and ask for the Conditional Use right up front just in case they go over eight students. Is it right to approve that conditional use even though the preschool doesn't yet have over eight students? In this case, it would be the applicant saying just in case he ends up living in the old Steed house, it is all set and ready to go to use the garage basement as an ADU. He would be happy to verify this with the City Attorney. It can be tabled to allow time.

Homer said what **Plaizier** read in the code was pretty plain that if the owner is not living there, it should not be approved as an ADU. He believes the applicant still has the option to build the garage. **Hansell** said the City Attorney should look at the definition of absentee owner and employment/family commitments, both of which are pretty vague and mentions not exceeding four years. It would be best to table this and get more information about the code. **Gibson** offered another example of pre-emptively approving something before the owner is on site. There is a difference between a detached ADU and an Internal Accessory Dwelling Unit (IADU), which is permitted on nearly every residence in Utah. However, in order to function, the owner needs to live on site to make use of it. An attached ADU is already approved there and everywhere else. **Petersen** said it is not uncommon for a new homeowner in Farmington to show what appears to be an ADU in their basement while building their home, even if they don't have immediate plans to rent it out.

Livingston said generally the City likes to incentivize the building of ADUs, but there seems to be an impasse on absentee owners. He wonders if there could be a kind of double application for those seeking approval of a detached ADU, while they don't live on site. The second phase would apply only once the owner was living on the property.

Petersen said this applicant was previously approved to build a garage and side yard, not necessarily an accessory dwelling. The home is in the dead center of the lot, without a lot of room for a garage with the proper setbacks. The applicant can currently use it as a garage, even with appliances, a bathroom, sink, cupboards, etc. Staff is used to new homes being built with an internal ADU, but the scenario where a garage is improved to have an ADU is not that common.

Christensen can see both sides of the legal issue. She would rather approve it once the conditions are met and would like to get the attorney's opinion. She wants to make note of parking issues and enforcement so it can be discussed next time. The intent of the absenteeism language is to accommodate the owner having to leave because of something they can't control such as military etc. There is a grace period so that an owner doesn't have to kick out tenants unexpectedly. It isn't meant to start out as an absentee owner for four years until you have to comply. **Petersen** has heard someone say they can live offsite for four years, come back and live on the property for a week, then they can be gone another four years. However, that is not the intent of that phrase.

Homer said the proposed seven conditions seem to cover all the Commission's concerns. **Petersen** said some of the concerns that have been raised lead to the question of if the applicant can apply for an ADU without living onsite first. The City Attorney works with at least six other municipalities, so he could have a lot of perspective to add.

MOTION

Larry Steinhorst made a motion that the Planning Commission table the Livingston accessory dwelling unit subject to consulting with legal counsel regarding clarification on owner occupancy and the concerns expressed.

Erin Christensen seconded the motion, which was unanimously approved.

ZONE TEXT AMENDMENT APPLICATION

Item #6 Farmington City (Public Hearing) – Applicant is requesting recommendation of approval for a zone text change to consider amendments/additional text to the Zoning Ordinance to modify driveway slope standards (ZT-2-22)

Gibson presented this agenda item. Recently the City has run into multiple occurrences where it has had to confront property owners and contractors regarding the installation of driveways which are steeper than permitted by city ordinance. Driveways are currently regulated by Section 11-30-050 (G)(5) and Section 11-32-060 (A)(4). Each of these sections imposes a maximum driveway slope of 14%. Section 11-32-060 (A)(4) is the general requirement for all driveways and simply states, “Driveways shall not exceed a slope of fourteen percent (14%).”

Section 11-30-050 (G)(5), which applies to foothill development, gives further reasoning behind the requirement. It states, “Points of access shall be provided to all developed and non-developed areas for emergency firefighting equipment. Driveways shall not exceed a slope of fourteen percent (14%) and shall have direct access to a public street.”

Many development standards exist to ensure that a site functions for a proposed use. In regards to driveways, it is the City’s primary interest to be able to provide emergency services to residents as stated in 11-30-050 (G)(5). Staff is interested in reviewing this policy to determine if changes are merited. In most cases, homes are near the street and driveway lengths are short enough that emergency vehicles do not need to use the driveway to operate. Staff is questioning whether or not this policy should continue to regulate shorter driveways.

While maximum slopes for new roads are common in communities, driveway slope requirements are more varied. By way of comparison, here are the standards found in other neighboring communities:

- Layton City: no slope requirement
- Kaysville City: no slope requirement
- Fruit Heights City: no slope requirement
- Centerville City: 12% driveway slope maximum
- Bountiful City: no slope requirement
- Salt Lake County: private access roads and driveways within 25 feet of a road have 10% slope maximum, possible exception to 15%.
- Ogden City: no slope requirement
- Salt Lake City: no slope requirement

Staff is looking for input from the public and the Planning Commission to consider as it does additional research on the matter. Not a lot of cities regulate driveway slopes, since it is a private matter to some degree. It is part of the land use code, and **Gibson** would like some input. Staff can continue to debate the technical issues.

Steinhorst said on foothill developments, there are some long driveways being put in. There are places in the City where it would make sense to have guidelines. **Gibson** said many front setbacks are 30 feet, so it may make sense not to put guidelines on the first 30 feet of a driveway. It becomes a matter of time on the Staff’s end, but cost on the property owner’s end. The State does not have a driveway slope requirement, and cities are all across the board on how they regulate the streets and public Right of Ways (ROWs). There are similarities, but they vary widely. Staff’s recommendation is to open the public hearing and hear if anyone has strong opinions. This will still have to go before the City Council for final approval.

Homer opened and closed the public hearing, as no one came forward with public comments.

Christensen said she doesn’t have a lot of feedback. She wondered if shorter driveways could be higher, and wants reasons provided for why driveway slopes matter. She would like to see the issue come back to the Commission before moving on to the City Council.

MOTION

Erin Christensen made a motion that the Planning Commission table any decision on this ordinance to allow additional time to for research as discussed.

Findings for Approval 1-3:

Larry Steinhorst seconded the motion, which was unanimously approved.

OTHER BUSINESS

Item #7 Miscellaneous, correspondence, etc.

a. Policies & Procedures

Update from 2/17/22:

The Planning Commission had questions regarding language included that allowed Staff to execute documents on behalf of the Planning Commission. This language has been modified to clarify how Staff would recommend this take place. Christensen has put forward her recommendations as well. As it has been some time since the Policies and Procedures of the Planning Commission have been updated, the proposed changes deal with some housekeeping issues ensuring that the procedures indicate accurate information for meeting dates and location, as well as consideration for electronic participation. Following the City Ordinance, a change to this document requires the approval of the City Council upon recommendation of the Planning Commission.

New language would read: "The Chair shall execute official documents and letters on behalf of the Commission. In the absence of the Chair, the Vice-Chair may fill this role. The Community Development Director or designee may execute time sensitive documents on behalf of the Planning Commission to formalize an action taken in a public meeting."

Christensen said this language addresses the Commission's prior concerns. Mortensen asked about the deletion of several references to public notification, and suggested using social media for public notices. Gibson said it doesn't lower noticing requirements or standards. Rather, it clarifies language and has it live in one place rather than multiple locations. It strikes language related to placing notice in newspapers, which is not required or effective.

Planning Secretary Carly Rowe said there will be efforts to put the agenda on the City Facebook and Instagram pages, which are typically used for parks and recreation news as well as emergency updates. From there it will be shared on the various neighborhood pages. Notices that are typically on the City and State websites could be considered as well. Gibson said if there are too many minimum requirements, it could come back to bite the City. While putting agendas and notices on social media is a good idea and a practice Staff is happy to do, he is hesitant to officially require it in the policy or ordinance. Christensen said the middle ground is having language that encourages the use of social media for noticing purposes, as it would memorialize the intent.

Mortensen said he doesn't know a lot of people who run down to see what is posted as public notices on the wall in the City building. He thinks it is a good compromise to encourage the use of current social media platforms for public notification purposes. He would like to mention that attempt to use social media would be supplemental in nature.

MOTION

John David Mortensen made a motion that the Planning Commission make a recommendation to the City Council to approve a resolution to update the Policies and Procedures of the Farmington Planning Commission as drafted, with Findings 1 and 2, and a change to Section 3.1.c. which would read: "In addition to the requirements for public notification in subsections 'a' and 'b', a reasonable effort shall be made to notify the public via social media e.g. Facebook and Instagram.

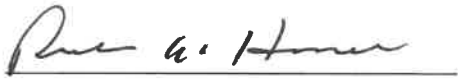
Findings for Approval 1-2:

1. The proposed amendments do not create a substantive change to the policies or procedures of the Planning Commission. Rather, they clean up dated text and location and date inaccuracies.
2. The recommended changes also provide for a consistent way of operating in consideration of current practices with electronic meetings, electronic notice and communication.

Erin Christensen seconded the motion, which was unanimously approved.

ADJOURNMENT

Larry Steinhorst motioned to adjourn the meeting. Mike Plaizier seconded the motion, and all were in favor.

A handwritten signature in black ink, appearing to read "Rulon Homer", written over a horizontal line.

Rulon Homer, Chair