

**FARMINGTON CITY
PLANNING COMMISSION
April 9, 2020
ELECTRONIC MEETING**

STUDY SESSION

***Present:** Chairman Roger Child, Vice Chairman Alex Leeman, Rulon Homer, Larry Steinhorst, Greg Wall, Russ Workman, Mike Plaizier and Alternate Commissioner Inger Erickson. **Staff:** Community Development Director David Petersen, City Planner Meagan Booth, Recording Secretary Carly Rowe and Planning/GIS Specialist Shannon Hansell.*

REGULAR SESSION

***Present:** Chairman Roger Child, Vice Chairman Alex Leeman, Rulon Homer, Larry Steinhorst, Greg Wall, Russ Workman, Mike Plaizier and Alternate Commissioner Inger Erickson. **Staff:** Community Development Director David Petersen, City Planner Meagan Booth, Recording Secretary Carly Rowe and Planning/GIS Specialist Shannon Hansell.*

Item #1 Minutes

Alex Leeman made a motion to approve the minutes from the March 5, 2020 Planning Commission meeting. **Greg Wall** seconded the motion, which was unanimously approved.

Item #2 City Council Report

The meeting held on April 7, 2020 was to discuss how the City is handling the COVID-19 guidelines and restrictions.

SUBDIVISIONS

Item #3 Joseph Kennard/ Forza Terra– Applicant is requesting final plat approval for the Mountain View Phase 2 Subdivision consisting of 14 lots on 8 acres of property located at approximately 650 West 250 South in the AE Agricultural Estates Zone. (S-12-17)

The applicant, Joe Kennard, is requesting final plat approval for Phase 2 of the Mountain View at Farmington (PUD) Subdivision. The Final PUD Master Plan, which was approved by the City Council on August 7, 2018, consists of 32 lots on 11.93 acres of property. Phase 1 is currently under construction. The submitted final plat is for approval of Phase 2, which consists of 14 lots on approximately 4.897 acres of the project.

MOTION

Rulon Homer made a motion to move that the Planning Commission approve the final plat for Phase 2 of the Mountain View at Farmington (PUD) at subject to all applicable Farmington City ordinances, development standards, and the following conditions:

1. In the owners dedication indicate whom Parcel C will be dedicated to before recording.
2. Onsite improvements must be completed per the city standard and the City Engineer's recommendations.
3. All outstanding DRC Comments must be addressed.

Alex Leeman seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed plans meet the requirements of the subdivision and zoning ordinances of a PUD zone.
2. The applicant has addressed the City's Dead End Street Limitation with Phase 1.
3. The submitted plat is consistent with the Final PUD Master Plan.

ZONE TEXT AMENDMENTS

Item #4 Farmington City (Public Hearing) – Applicant is requesting a recommendation to allow a property owner to rent an ADU (Accessory Dwelling Unit) (ZT-9-20)

On October 29, 2019, the City adopted a moderate income housing plan, as part of the General Plan. This was in response to S.B. 34, approved by the state legislature earlier that year. As part of the bill, municipalities must implement at least three to four of 23 strategies set forth in the legislation. Farmington selected eight for its moderate income housing plan. The proposed zone text amendment seeks to fulfill, in part, one of those strategies.

Most commonly, accessory dwelling units (ADU) are attached or detached dwelling units subordinate to single-family homes. However, Farmington's definition delineates detached units as an ADU, and attached units as secondary dwelling units (SDU). For both definitions, the owner must live on site. Only attached units (SDU) can be rented to non-family members, whereas detached units (ADU) can only be used by members of the owner's family. This amendment proposes amending the zoning ordinance to combine the definition of attached and detached dwellings units to allow rental by non-family members. This is a step in implementing the moderate housing plan by allowing more rental opportunity within Farmington.

Additionally, this change would better align Farmington's accessory dwelling policy to that of other local municipalities, many of whom already implement this definition.

Zoning Ordinance Amendment as follows:

11-2-010 Definitions of Words and Terms

~~DWELLING, ACCESSORY: A dwelling unit within an accessory building which is subordinate to a single-family dwelling located on the same lot and which, together with the single-family dwelling, is used exclusively for the occupancy of one (1) family. A maximum of one (1) accessory dwelling shall be allowed per lot and no rent or other compensation may be charged for occupants of the accessory dwelling. Any conditional use permit issued hereunder shall be recorded with the Davis County Recorder's Office.~~

~~DWELLING UNIT, SECONDARY ACCESSORY: A unit within an accessory building, which is subordinate to a single-family dwelling located on the same lot. Or, a second dwelling unit within a single-family dwelling which is accessory to the single-family dwelling and which is an architectural and integral part of a single-family dwelling. A maximum of one (1) secondary accessory dwelling unit shall be allowed per home, and the owner shall live on-site.~~

11-10-020 [Chapter 10 Agricultural Uses]

SCHEDULE OF USES:

The following table identifies permitted uses by the letter "P" and conditional uses by the letter "C". The letter "X" indicates that the use is not allowed. Uses not listed shall not be allowed, except as provided in subsection 11-4-050F of this title:

Use	Agricultural Zones		
	AA	A	AE
Accessory dwellings	C	C	C
Accessory living quarters	C	X	X
Agriculture	P	P	P
Boarding kennel	X	C	X
Class A animals (small animals)	P	P	P
Class B animals (large animals)	P	P	P
Class C animals (commercial farming)	P	P	C
Class D animals (dangerous animals)	X	X	X
Commercial outdoor recreation, minor (i.e., family reunion center, outdoor reception facilities, equestrian facilities, picnic grounds, tennis courts, etc.)	C	C	C
Daycare, preschool	X	C	C

Fruit and vegetable stands for sale of produce grown on the premises	P	P	P
Greenhouse/garden center (retail or wholesale) less than 5 acres	C	C	C
Home occupations complying with provisions of the home occupation chapter of this title, except as specified in section <u>11-35-040</u> of this title	P	P	P
Home occupations specified in section <u>11-35-040</u> of this title	C	C	C
Private school, public school or hospital	X	C	C
Public uses	X	C	C
Public utility installations (not including lines and rights-of-way)	C	C	C
Quasi-public uses	X	C	C
Radio, television and telephone transmission and relay towers and facilities, except as specified in section <u>11-28-190</u> of this title	C	C	C
Residential facilities for the elderly	X	C	C
Residential facilities for the disabled	P	P	P
<u>Secondary dwelling</u>	€	€	€
Signs complying with title 15 of this Code	P	P	P
Single-family dwelling	P	P	P
Sportsman's kennel (3 to 5 dogs for noncommercial use)	C	C	C
Trails and parks	C	C	C
Uses customarily accessory to a listed conditional use	C	C	C
Uses customarily accessory to a listed permitted use	P	P	P
Veterinary clinic	C	C	C

11-11-030 [Single-Family Residential Zones]

CONDITIONAL USES:

The following are conditional uses in all single-family residential zones. No other conditional uses are allowed, except as provided by subsection 11-4-050F of this title:

Dwelling, accessory (except in the R Zone).

~~Dwelling, secondary (except in the R Zone).~~

Home occupations as identified in section 11-35-040 of this title.

Private school or hospital.

Public uses.

Public utility installations (except lines and rights-of- way).

Quasi-public uses.

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017)

11-13-020 [Multiple-Family Residential Zones]

PERMITTED USES:

The following are permitted uses in multiple-family residential zones. No other permitted uses are allowed, except as provided by subsection 11-4-050F of this title:

Agriculture.

Accessory dwelling unit.

Class A animals.

Home occupations complying with the home occupation chapter of this title, except as specified in section 11-13-030 of this chapter.

Residential facilities for the disabled.

~~Secondary dwelling unit.~~

Signs complying with title 15 of this Code.

Single-family dwellings.

Two-family dwellings.

Uses customarily accessory to a listed permitted use. (Ord. 2018-18, 5-15-2018)

11-17-030 [Original Townsite Residential Zone (OTR)]

CONDITIONAL USES:

The following are conditional uses in the OTR Zone. No other conditional uses are allowed, except as provided by subsection 11-4-050F of this title:

Class D animals.

Daycare center.

Dwelling, accessory.

~~Dwelling, secondary.~~

Greenhouses, private with no retail sales.

Home occupations requiring a conditional use permit under section 11-35-040 of this title.

Private school.

Public uses (as provided herein).

Public utility installations, except lines and rights-of-way (as provided herein).

Quasi-public uses (as provided herein).

Residential facilities for the elderly. (Ord. 2017-13, 5-16-2017)

11-28-200 [Supplementary and Qualifying Regulations]

SECONDARY ACCESSORY DWELLING UNITS:

~~Secondary Accessory~~ dwelling units may be allowed as a permitted or conditional use in various zones as designated in this title.

- A. Purpose: The purposes of this section and an
- B. By rules, regulations, standards and specifications adopted pursuant hereto are:

1. Minimal Impacts: To accommodate such housing in residential neighborhoods with minimal impacts on the neighborhood in terms of traffic, noise, parking, congestion and compatible scale and appearance of residential buildings.
2. Decline In Quality: To prevent the proliferation of rental dwellings, absentee ownership, property disinvestment, Building Code violations and associated decline in quality of residential neighborhoods.
3. Terms And Conditions: To set forth standardized terms and conditions for ~~secondary~~ accessory dwellings and procedures for review and approval of the same.

B. Conditional Use Permit: ~~Secondary~~ Accessory dwellings may be permitted as a conditional or a permitted use as designated by the underlying zone found in this title. In those zones where a ~~secondary~~ accessory dwelling unit requires conditional use permit

approval, applications for an secondary accessory dwelling shall be submitted and reviewed as a conditional use permit in accordance with chapter 8 of this title.

C. Standards: The following standards and conditions shall apply to all secondary accessory dwellings, in addition to any terms and conditions of approval as imposed by the Planning Commission during the conditional use permit process:

1. Location: A secondary accessory dwelling shall only be allowed as part of a single-family dwelling and shall be ~~secondary and subordinate~~ to such single-family dwelling.

2. Number: A maximum of one secondary accessory dwelling shall be allowed per single-family home. Secondary Accessory dwellings shall contain no more than one dwelling unit.

3. Parking: At least one off street parking stall shall be provided for the secondary accessory dwelling. Such parking stall shall be in addition to all off street parking requirements for the primary single-family dwelling on the lot and shall conform with the City parking standards specified in this title.

4. Design And Character: The secondary accessory dwelling shall be clearly incidental ~~and secondary~~ to the single-family dwelling, there should be no significant alteration to the exterior of the single-family dwelling to accommodate the secondary accessory dwelling and such secondary accessory dwelling shall not adversely affect the residential character of the surrounding neighborhood. An secondary accessory dwelling shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.

5. Size: The secondary accessory dwelling shall be equal to or subordinate in floor area to the remaining floor area occupied by the single-family dwelling.

6. Construction Codes: The secondary accessory dwelling shall comply with all Construction, Housing and Building Codes in effect at the time the secondary dwelling is constructed and shall comply with all procedures and requirements of the City building regulations.

7. Occupants: The secondary accessory dwelling shall be occupied exclusively by one family.

8. Ownership: Either the single-family dwelling or secondary accessory dwelling shall be owner occupied.

9. Absentee Owner: Temporary absentee property ownership may be allowed due to unforeseen circumstances, such as military assignments, employment commitments, family obligations and quasi-public service. Notwithstanding the foregoing, the maximum time period allowed for absentee property ownership shall not exceed four (4) years. In the event such absentee property ownership occurs, the property owner may rent both the secondary accessory dwelling and the primary dwelling.

D. Site Development: Upon approval of a conditional use permit for an secondary accessory dwelling, an application for site development shall be submitted in accordance with the provisions of chapter 7 of this title. (Ord. 2018-18, 5-15-2018)

Roger Child opened and closed the Public Hearing at 7:19 PM due to no comments received.

MOTION

Larry Steinhorst motioned to move that the Planning Commission recommend the City Council approve the proposed amendment to the Zoning Ordinance as set forth in the staff report, subject to all applicable Farmington City ordinances and standards.

Greg Wall seconded the motion, which was unanimously approved.

Findings for Approval:

1. The amendment fulfills a strategy from Farmington's moderate income housing plan, in agreement with the General Plan.
2. The amendment creates rental flexibility in Farmington, providing moderate-income housing options to more citizens.

- The amendment would support consistency between Farmington zoning ordinance and other local municipalities.

Item #5 Farmington City (Public Hearing) – Applicant is requesting a recommendation to consider an amendment related to clarifying alternative lot size language in Chapters 10, 11, and 12 (ZT-8-20).

On October 7, 2014, the City adopted an “alternative lot size” for single-family and agriculture zones set forth in Chapters 10 and 11 of the Zoning Ordinance. At the same time, they provided a method for property owners to obtain additional lots through a transfer of development right (TDR). However, in so doing the alternative lot size inadvertently became a non-option in conventional subdivisions. It is believed by staff that the City intended to offer an alternative lot size to property owners so long as the overall number of lots in a subdivision did not exceed the total number of lots possible in a conventional subdivision yield plan. That is, the City desired to offer some flexibility to property owners, but not at the expense of increasing residential densities.

Policy Question:

The 2014 ordinance also set the minimum lot size for TDR lots equal to the minimum alternative lot size. Regardless, the language of the ordinance states that any consideration of TDR lots is at the “sole discretion” of the City. Should the Council set the minimum lot size for TDR lots at the time they are considered (and if approved and memorialized by development agreement), or should the minimum standard remain the same regardless as now prescribed by ordinance?

Zoning Ordinance Amendment

To simplify discussion and to make the staff report “less busy”, the proposed amendments (below) remove the prescribed TDR minimum lot size, but the Commission is welcome to add the minimum back [note: staff can recommend either scenario].

11-10-040: LOT AND SETBACK STANDARDS:

A. Minimum Standards: The following shall be the minimum lot areas, widths and main building setbacks in agricultural zones:

Zone	Conventional Lot Area	Alternative ^{1, 2} Lot Size	Lot Width		Front	Side	Side Corner	Rear
			Interior	Corner				
AA	10 acre	5 acre	150'	160'	40'	15' minimum, total 30'	30'	40'
A	2 acre	1 acre	100'	110'	30'	10' minimum, total 24'	25'	30'
AE	1 acre	12,000 square feet [±]	100'	110'	30'	10' minimum, total 24'	25'	30'

Notes:

- The total number of lots in the subdivision shall not exceed the total number of lots allowed as per the yield plan process set forth in chapter 12 of this title in a conventional subdivision yield plan.
- Lot width and setback standards for alternative lot areas may meet such standards set forth in Chapter 12 of this Title.

B. Additional Alternative Lots-Size:

1. Additional lots-The alternative lot size is limited to subdivisions whereby the City approves a transfer of development right as set forth in section 11-28-240 of this title; or obtains improved or unimproved land in fee title, or easement, for public purposes, such as parks, trails, detention basins, etc. The value of which, and the total number of lots related thereto, shall be determined by the City at its sole discretion as part of the subdivision process. Any applicant seeking a TDR must provide a yield plan consistent with the underlying zone and the conventional subdivision standards within that zone, and the yield plan must also conform to subsections 11-12-070A and B of this title. (Ord. 2015-16, 5-26-2015)

2. Additional lots under this section are ~~The alternative lot size is not available for subdivisions consisting of five (5) acres or more, or for subdivisions located in the Conservation Subdivision Overlay Zone. (Ord. 2014-33, 10-7-2014)~~

3. ~~Lot width and setback standards for alternative lot widths within the AE Zone may meet such standards as set forth in chapter 12 of this title. (Ord. 2015-16, 5-26-2015)~~

11-11-050: MINIMUM LOT AREA, WIDTH AND SETBACK STANDARDS:

A. Minimum Standards: The following shall be the minimum lot areas, widths and main building setbacks for conventional layout subdivision development in single-family residential zones:

Zone	Conventional Lot Area In Square Feet	Alternative ^{1, 2} Lot Size Area In Square Feet	Lot Width		Front	Side	Side Corner	Rear
			Interior	Corner				
R	16,000	8,000	75'	85'	25'	8' minimum, total 18'	20'	30'
LR	20,000	10,000	85'	95'	25'	10' minimum, total 22'	20'	30'
S	30,000	12,000	95'	100'	25'	10' minimum, total 22'	20'	30'
LS	40,000	15,000 [±]	100'	110'	30'	10' minimum, total 24'	25'	30'

Notes:

1. The total number of lots in the subdivision shall not exceed the total number of lots ~~allowed as per the yield plan process set forth in chapter 12 of this title~~ in a conventional subdivision yield plan.
2. Lot width and setback standards for alternative lot areas may meet such standards set forth in Chapter 12 of this Title.

B. Additional ~~Alternative Lots Size:~~

1. Additional lots ~~The alternative lot size is limited to subdivisions~~ whereby the city approves a transfer of development right as set forth in section 11-28-240 of this title; or obtains improved or unimproved land in fee title, or easement, for public purposes, such as parks, trails, detention basins, etc. The value of which, and the total number of lots related thereto, shall be determined by the city at its sole discretion as part of the subdivision process. Any applicant seeking a TDR must provide a yield plan consistent with the underlying zone and the conventional subdivision standards within that zone, and the yield plan must also conform to subsections 11-12-070A and B of this title. (Ord. 2015-16, 5-26-2015)

2. Additional lots under this section are ~~The alternative lot size is not available for subdivisions consisting of ten (10) acres or more, or for subdivisions located in the conservation subdivision overlay zone. (Ord. 2014-33, 10-7-2014)~~

3. ~~Lot width and setback standards for alternative lot widths within the LS zone may meet such standards set forth in chapter 12 of this title. (Ord. 2015-16, 5-26-2015)~~

Roger Child opened and closed the Public Hearing at 7:24 PM due to no comments received.

MOTION

Greg Wall motioned to move that the Planning Commission recommend the City Council approve the proposed amendment to the Zoning Ordinance as set forth in the staff report, subject to all applicable Farmington City ordinances and standards.

Alex Leeman seconded the motion, which was unanimously approved.

Findings for Approval:

1. The amendments do not increase residential densities under an administrative conventional subdivision alternative consistent with the Farmington City General Plan and the 2014 zone text amendment.

2. The recommendation provides a property owner greater use of his property without unduly increasing the number of lots in a neighborhood.
3. In the event the City Council deems that a TDR lot (or lots) are necessary, leaving the size of such lots at the discretion of the City provides the Council flexibility to do what is best for the community as specific circumstances unique to a given situation may warrant it.

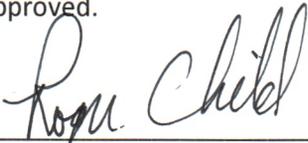
OTHER BUSINESS

Item #6 Miscellaneous, correspondence, etc.

- a. Other

ADJOURNMENT

Rulon Homer made a motion to adjourn at 7:26 PM. **Alex Leeman** seconded the motion, which was unanimously approved.



Roger Child, Planning Commission Chair