

**FARMINGTON CITY
PLANNING COMMISSION**
January 23, 2020

STUDY SESSION

***Present:** Chairman Roger Child, Rulon Homer, Mike Plaizier, Greg Wall, Community Development Director Dave Petersen, City Planner Meagan Booth, Planning/GIS Specialist Shannon Hansell, and Recording Secretary Carly Rowe. Vice Chairman Alex Leeman and Russ Workman were excused.*

Amended Minutes:

Minutes from November 21, 2019 meeting have been requested to be amended by the applicant to read "28 feet" wide instead of "full width," regarding improvements, and to remove the "on both sides of the street" reference related to curb and gutter. **Mike Plaizier** motioned to amend the minutes as requested except no reference to the distance related to the term "full width". **Rulon Homer** seconded the motion, which was unanimously approved.

Miscellaneous:

Jared Schmidt from Symphony Homes met with the Planning Commission regarding Eastridge Estates Phase 3 Amendment. The amendment requested would include a flag lot that requires a 28-foot stem, to be modified to 26 feet, as there was a misunderstanding when the lot was designed. Before the special exception goes before City Council, the developers wanted to inquire if the Planning Commission would be okay with an exception like this. All were preliminary favorable to allowing the special exception in this scenario.

REGULAR SESSION

***Present:** Chairman Roger Child, Rulon Homer, Mike Plaizier, Greg Wall, Community Development Director Dave Petersen, City Planner Meagan Booth, Planning/GIS Specialist Shannon Hansell and Recording Secretary Carly Rowe. Vice Chairman Alex Leeman and Russ Workman were excused.*

Item #1 Minutes

Rulon Homer made a motion to approve the minutes from January 9, 2020 Planning Commission meeting. **Mike Plaizier** seconded the motion, which was unanimously approved.

Item #2 City Council Report

Dave Petersen reviewed the City Council meeting with the Commissioners; UDOT (Utah Department of Transportation) attended the study session with a progress report on West Davis Corridor, the design elements will include trail connections and creek crossing. During the regular session, the RDA for Tax Increment at Station Park was approved. Flatrock Ranch subdivision was also approved for the waiver of open-space.

CONDITIONAL USE

Item #3 Dallon and Shelby Boyd (Public Hearing) – Applicant is requesting a conditional use approval for a secondary dwelling unit located at 1407 N State Hwy 106 in the LR (Large Residential) zone. (C-20-19)

The applicants, Dallon and Shelby Boyd are requesting conditional use approval for a Secondary Dwelling Unit (SDU) at 1407 N State Hwy 106 (Main St) in the LR (Large Residential zone). The applicant is proposing a basement apartment for rental. This request requires a conditional use permit approval from the Planning Commission.

This application was submitted on December 3, 2019, in response to a code enforcement notice of violation sent on November 27, 2019. The application followed this notice promptly and is accompanied by a narrative listing how the SDU fulfills standards in Sections 11-02-020 and 11-28-200.

Dallon Boyd, (1407 Main St) the applicant summarized his letter to the Commissioners, saying that he wants to help the housing crisis in the state. They purchased the home this last year (2019) and the basement was finished in 2001. He admitted that they are renting to another family without knowledge of the permit required and that is why they are here to get the permit to legally rent.

Roger Child opened the Public Hearing at 7:23 PM.

No comments were received.

Roger Child closed the Public Hearing at 7:23 PM.

MOTION

Rulon Homer made a motion to move that the Planning Commission approve the conditional use subject to all applicable Farmington City ordinances and development standards and the building shall meet all requirements of the building code prior to occupancy.

Greg Wall seconded the motion, which was unanimously approved.

Findings for Approval

1. The proposed use is compatible with the character of the site, adjacent properties and surrounding neighborhoods.
2. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
3. The proposed use is not detrimental to the health, safety, and general welfare of persons residing in the vicinity.
4. Approval of the conditional use will fulfill requirements of Notice of Violation

ZONE TEXT AMENDMENT

Item #4 Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend the text of the zoning ordinance to allow the Planning Commission to approve the Final PUD Master Plan, versus the City Council. Specifically, that the city amend Section 11-27-100, and remove section 11-27-110. (Z-1-20)

The request is to amend the text of the zoning ordinance to allow the Planning Commission to approve the Final PUD Master Plan, versus the City Council as part of the Planned Unit Development Process.

Specifically, it is proposed that the city amend Section 11-27-100, and remove section 11-27-110 as set forth in the suggested motion.

Roger Child opened the Public Hearing at 7:37 PM.

No comments were received.

Roger Child closed the Public Hearing at 7:37 PM.

MOTION

Greg Wall made a motion to move that the Planning Commission recommend approval of the proposed amendments to Section 11-27-100 and 11-27-110 of the Zoning Ordinances subject to all applicable Farmington City ordinances and standards and recodifying the remaining sections in Chapter 27 accordingly (see below):

Rulon Homer seconded the motion, which was unanimously approved.

11-27-100: FINAL PUD MASTER PLAN REVIEW BY PLANNING COMMISSION:

~~Action By Planning Commission:~~ The Planning Commission shall review the submitted final PUD Master Plan and may ~~recommend the City Council~~ approve or disapprove it. The Planning Commission may ~~recommend the City Council~~ approve the final PUD Master Plan if they find that the proposed planned unit development meets all of the requirements of this chapter, that it is in substantial compliance with the approved preliminary PUD Master Plan and that it meets the objectives and purposes of this chapter. The Planning Commission may ~~recommend~~ **apply** conditions with the ~~recommendation of~~ approval of the final PUD Master Plan that will ensure that the proposed PUD meets with the objectives of this chapter, subject to, but not limited to, the following:

- A. Building Permit: No building permit for any portion of the proposed planned unit development shall be issued until the final PUD Master Plan has been approved and all necessary subdivision ordinance requirements have been met. Building permits may be issued in accordance with the approved final PUD Master Plan even though the yard requirements, building heights, minimum lot sizes, etc., differ from the requirements of the underlying zone in which the development is proposed.
- B. Permanent Protection: Permanent protection of planned unit development open space, performance bonds, guarantee of improvements, covenants and restrictions. All provisions pertaining to the requirements cited in sections 11-27-130, 11-27-140 and 11-27-150 of this chapter shall be met as required in the approved conditions of the planned unit development prior to ~~City Council Planning Commission~~ final approval. (Ord. 2018-05, 1-18-2018) in which the development is proposed.
- C. Phased Development: Development plans for an approved preliminary PUD Master Plan may be submitted in phases provided each phase can exist as a separate unit capable of independently meeting all the requirements and objectives of this chapter. If the planned unit development is developed in phases, the required open space and approved recreational facilities shall be developed in proportion to the number of dwelling units intended to be developed during any given development phase, unless it is determined that a greater amount of open space and recreation facilities must be provided in order to assure that these spaces and facilities can function properly.
- D. Fees: All final plans shall be accompanied by the appropriate fee, as specified from time to time by the City Council. (Ord. 2018-05, 1-18-2018)

~~11-27-110: FINAL PUD MASTER PLAN REVIEW BY THE CITY COUNCIL:~~

~~The City Council shall review the final PUD Master Plan after review by the Planning Commission. If the City Council~~

finds that the proposed planned unit development meets the objectives and purposes of this chapter, it may approve the final PUD Master Plan subject to, but not limited to, the following:

- A. ~~Building Permit: No building permit for any portion of the proposed planned unit development shall be issued until the final PUD Master Plan has been approved and all necessary subdivision ordinance requirements have been met. Building permits may be issued in accordance with the approved final PUD Master Plan even though the yard requirements, building heights, minimum lot sizes, etc., differ from the requirements of the underlying zone in which the development is proposed.~~
- B. ~~Permanent Protection: Permanent protection of planned unit development open space, performance bonds, guarantee of improvements, covenants and restrictions. All provisions pertaining to the requirements cited in sections 11-27-130, 11-27-140 and 11-27-150 of this chapter shall be met as required in the approved conditions of the planned unit development prior to City Council final approval. (Ord. 2018-05, 1-18-2018)~~

Finding for Approval:

Consideration of the Preliminary PUD Master Plan is a legislative act and it is that portion of the process where the City Council enacts an overlay zone after receiving a recommendation from the Planning Commission. On the other hand, Final PUD Master Plan approval is an administrative act to ensure the Preliminary PUD Master Plan is implemented appropriately, and as such should solely be reviewed by the Planning Commission with the City Council as the appeal authority--- this is also consistent with subdivision process, which often occurs concurrently with the PUD Process.

Item #5 Farmington City (Public Hearing) – Applicant is requesting a recommendation to amend 11-7-040 of the zoning ordinance to establish a one-year expiration date for site plan approval. (Z-2-20)

The request is to amend 11-7-040 of the zoning ordinance to establish a one-year expiration date for site plan approval as set forth in the suggested motion.

Roger Child opened the Public Hearing at 7:39 PM.

No comments were received.

Roger Child closed the public hearing at 7:39 PM.

MOTION

Greg Wall made a motion to move that the Planning Commission recommend the City Council approve the proposed amendment to 11-7-040 (Site Development Plan Review Process) of the Zoning Ordinance as set forth in the staff report, subject to all applicable Farmington City ordinances and standards, as follows:

Mike Plaizier seconded the motion, which was unanimously approved.

11-7-040: SITE DEVELOPMENT PLAN REVIEW PROCESS:

- A. Submission: The applicant shall prepare and make a submission to the City consistent with the standards contained in this chapter, the general plan and other ordinances and resolutions. The applicant shall not engage in any site development or building construction until the necessary approvals, as outlined herein, have been obtained.

- B. Referral To Entities: Proposed site plans shall be delivered by the applicant to such City departments, special districts, governmental boards, bureaus, utility companies and other agencies, which will need to provide facilities and services to the site, for their information and comment. The Planning Department is responsible for coordinating the comments received from all public and private entities, and shall decide which agencies to refer proposed site plans to.
- C. Site Plan Review: The Planning Department shall review the site plan for conformance with the standards outlined herein; for conformance with the comprehensive plan and this title; for environmental impacts, which may be associated with the design; and shall process the site plan and reports as provided in this chapter.
- D. City Engineer, Public Works Director: The City Engineer and Public Works Department shall review the site plan and make recommendations concerning: flood control requirements; engineering requirements for street widths, grades and alignments; sewer and water requirements; whether the proposed public improvements conform to the requirements of this chapter and other applicable ordinances; and shall be responsible for the approval and inspection of all public improvements.
- E. City Planner: The City Planner shall review all applications for single-family and two-family dwellings, and residential permitted uses in all zones. If desired, an applicant may request a review by the Planning Commission of a permitted use. This provision is intended to resolve conflicts or differences of opinion between the applicant and City staff concerning the requirements or interpretation of this chapter.
- F. Planning Commission: The Planning Commission shall review all conditional uses. The Planning Commission shall also review all multiple-family residential, commercial, commercial recreation, office, agricultural use or industrial permitted uses, which are subject to the requirements of this chapter, unless such review is waived by the commission and is delegated to the Planning Department. A notice shall be sent to all adjacent property owners within five hundred feet (500') of the subject property for all site plan reviews considered by the Planning Commission. After adequate review, an application may be approved, approved with conditions, continued for further study or disapproved for the use and/or site plan. (Ord. 2018-18, 5-15-2018)
- G. Notification To Applicant: The applicant shall be notified within a reasonable time after receipt of the application of the City's decision. The City may either issue a building permit, advise the applicant of the approval of the application, or advise the applicant of additional information required by the City in order to act upon the application. (Ord. 1991-27, 7-17-1991)
- H. Expiration and extension of site plan approval: The final approval of a site plan shall expire within (12) months of the date of approval, unless a building permit and/or excavation permit is issued for the project. A single one-year extension may be granted by the approval body, which approved the original site plan and in accordance with applicable city ordinances including 11-7-090 and 11-8-060.

11-7-090: AMENDMENT OR MODIFICATIONS:

- A. Request: Modifications to an approved site plan approval may be granted when it can be determined that such changes or modifications are necessary or desirable to accommodate special circumstances related to the location, siting or implementation of the approved development. The request for amendment shall be made in writing and documented on the site plan of the project. Where, after favorable review by the city engineer, building inspector and planning staff, the staff finds such modifications are so insignificant and minor as not to measurably change the approved site plan approval or the intent of conditions that may have been imposed, the city planner shall review and approve the modifications. Modifications so approved by the city planner shall be reported at the next planning commission meeting. Amendments which are determined to constitute a significant change to the site plan, or where there is not unanimous

staff approval, shall be heard by the planning commission.

- B. Record: Once revisions are approved, they shall be clearly marked and dated on the approved site plan and kept on file in the office of the planning department. (Ord. 1991-27, 7-17-1991)

Findings for Approval:

1. No expiration period exists for site plan approval even though the Farmington City Code provides the same for most administrative actions such as subdivision approval, conditional use approval. etc. The proposed zone text change will establish an expiration time limit consistent with similar actions elsewhere in the zoning and subdivision ordinances.
2. It is not good practice to allow entitlements to last indefinitely without an applicant obtaining a permit because external conditions and internal ordinances may change over time.

OTHER BUSINESS

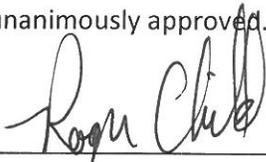
Item #6 Miscellaneous, correspondence, etc.

a. Visionary Homes Development Agreement Update

- **Dave Petersen** wanted to clarify that the site plan from the agreement file presented last meeting was incorrect. "Option A" was presented at the meeting, when it should have been "Option B" since that was the concept plan that was approved.

ADJOURNMENT

Greg Wall made a motion to adjourn the meeting at 7:50 PM. **Rulon Homer** seconded the motion, which was unanimously approved.



Roger Child, Planning Commission Chair