



Farmington City Planning Commission

March 23, 2017



F A R M I N G T O N C I T Y

H. JAMES TALBOT
MAYOR

BRETT ANDERSON
DOUG ANDERSON
JOHN BILTON
BRIGHAM MELLOR
CORY RITZ
CITY COUNCIL

DAVE MILLHEIM
CITY MANAGER

AGENDA PLANNING COMMISSION MEETING MARCH 23, 2017

Public Meeting at the Farmington City Hall, 160 S. Main Street, Farmington, Utah

Study Session: 6:30 p.m. – Conference Room 3 (2nd Floor)

Regular Session: 7:00 p.m. – City Council Chambers (2nd Floor)

(Please note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda times, public comments will be limited to 3 minutes per person per item. A spokesperson who has been asked by a group to summarize their concerns will be allowed 5 minutes to speak. Comments which cannot be made within these limits should be submitted in writing to the Planning Department prior to noon the day before the meeting.)

1. Minutes
2. City Council Report

CONDITIONAL USE PERMIT

3. Katharine Hawkes (Public Hearing) – Applicant is requesting conditional use permit approval for a secondary dwelling unit above an attached garage on .73 acres of property located at 151 East 300 North in an OTR (Original Townsite Residential) zone. (C-4-17)
4. Jason Anderson / Enswell Fabrication (Public Hearing) – Applicant is requesting conditional use permit approval for a light manufacturing operation involving custom fabrication on 2.95 acres of property located at 1224 South 650 West Suite 2a in an LM&B (Light Manufacturing and Business) zone. (C-5-17)

OTHER

5. Miscellaneous, correspondence, etc.
 - a. Other
6. Motion to Adjourn

Please Note: Planning Commission applications may be tabled by the Commission if: 1. Additional information is needed in order to take action on the item; OR 2. if the Planning Commission feels there are unresolved issues that may need additional attention before the Commission is ready to make a motion. No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commissioners. The Commission may carry over Agenda items, scheduled late in the evening and not heard to the next regularly scheduled meeting.

Posted March 17, 2017

Eric Anderson
City Planner

FARMINGTON CITY
PLANNING COMMISSION MEETING
March 9, 2017

STUDY SESSION

***Present:** Chair Heather Barnum, Commissioners Connie Deianni, Bret Gallacher, and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioners Kent Hinckley and Rebecca Wayment were excused.*

Item #3. Chase Freebairn / Ivory Homes – Requesting Final Plat Approval for the Davis Creek Conservation Subdivision

Eric Anderson said this item is for the Davis Creek Conservation Subdivision final plat. He said this application does not include the previous commercial aspect of it, but is solely residential. He said there are approximately 15 lots, and all lots meet the minimum size requirement for conservation subdivisions. **Eric Anderson** said the applicant met all standards required, and that the applicant received a waiver from the City Council for the 30% open space requirement for a conservation subdivision. He said there are a few outstanding items that have been addressed in the conditions, including payment to the City for the previously negotiated price of the open space waiver and an off-site easement for the storm drain line prior to recordation.

In reference to the staff report, **Heather Barnum** asked why future homeowners will have to compensate Ivory Homes back when they build out their property. **David Petersen** explained that Ivory Homes will be fully improving 475 W. so future property owners on the west side of the street can have the ability to develop their property. He said a “pioneering agreement” says if a property owner develops, the property owner will be required to pay their half of the road back to the developer that improved it when their property is developed in the future.

Item #4. Brady Nowers / Questar Gas (Public Hearing) – Requesting Conditional Use Permit Approval to Locate a Temporary Construction and Staging Yard

Eric Anderson said the area in question is currently being used as a construction storage yard, but that this request is making it official. He said Questar is replacing a high-pressure gas line throughout the County, and Farmington is the section Questar is working on right now. **Eric Anderson** said a condition to the motion has been added that the applicant will need to submit a separate application if he wants a construction trailer on site. **Heather Barnum** asked why the option of a construction trailer could not be part of the application before the Commission. **Eric Anderson** said the applicant is unsure at this time if he will need a construction trailer on site, and requesting one may need additional documentation that could hold the application up.

Item #5. Raphael Nadeau (Public Hearing) – Requesting Conditional Use Permit Approval to Build a Secondary Dwelling Unit Over an Attached Garage

Eric Anderson said the applicant is seeking approval for a secondary dwelling unit; it is not an accessory dwelling unit because the dwelling unit is part of the home. He reviewed the definition of the secondary dwelling as found in the Ordinance. He said the Commission may want to ask the applicant

where he intends to build the stairwell to the secondary dwelling unit to ensure the applicant can meet the setback requirements. He said in order to approve the building permit for the secondary dwelling unit, the applicant will have to meet all setback and height requirements.

Connie Deianni asked if the secondary dwelling unit can be rented out to a non-related person. **David Petersen** said the Ordinance allows the secondary dwelling unit to be rented to a non-related person if the owner lives on site. **Bret Gallacher** asked if there will be an separate entrance on the outside for the dwelling unit. **Eric Anderson** said yes, there will be stairs leading up to the separate entrance. He said the applicant will still have to apply for a building permit, which means the dwelling unit will be reviewed to ensure it complies with requirements. **Eric Anderson** also pointed out that the social fabric of communities do well with things like secondary dwelling units because it creates “invisible density,” which means there is population growth without having to create additional housing. He said it is an efficient use of space and does not have a large traffic impact.

REGULAR SESSION

***Present:** Chair Heather Barnum, Commissioners Connie Deianni, Bret Gallacher, and Alex Leeman, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioners Kent Hinckley and Rebecca Wayment were excused.*

Item #1. Minutes

Alex Leeman made a motion to approve the Minutes from the February 23, 2016 Planning Commission meeting. **Connie Deianni** seconded the motion, which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the March 7, 2017 City Council meeting. He said the City Council swore in the new Youth City Council. He said Joel Anderson’s Held Subdivision Plat Amendment, the Site Plan/Project Master Plan (PMP) Amendment for Station Park, and Jerry Preston’s Smith Homestead Final PUD Master Plan was all approved. He said there was a discussion regarding the Mountain America Credit Union, which the Commission and staff will also discuss.

SUBDIVISION

Item #3. Chase Freebairn / Ivory Homes – Applicant is requesting final plat approval for the Davis Creek Conservation Subdivision consisting of 15 lots on 9.5 acres of property located at 475 West Glover Lane in an AE (Agriculture Estates) Zone. (S-9-16)

Eric Anderson said the applicant is proposing a residential subdivision on property that is currently zoned AE. The applicant is proposing a conservation subdivision with a minimum lot size of 20,000 sq. ft. He said the applicant has met all the standards for frontage and minimum lot size. **Eric Anderson** said the applicant received a waiver for the 30% open space requirement for conservation subdivisions from City Council. The applicant has reached an agreement with the City Manager on the amount for the waiver, but has not yet paid it. **Eric Anderson** said a condition to the motion has been included that states the amount for the waiver must be paid prior to plat recordation. He said the applicant must also receive an offsite easement for the storm water drain that goes between lots 12 and

13, through the Forza fields, and into the City's system. **Eric Anderson** also said there will be a "pioneering agreement" for the lots off of 475 W. He said the City asked the developer to move 475 W. to the south and west of the development to ensure other property owners are not landlocked for future development, but that leaves the developer fully improving the road at this time. The pioneering agreement will ensure property owners pay their portion of the improvements back to the developer at that time when they develop their property in the future.

Chase Freebairn, 978 E. Wood Oak Lane, Salt Lake City, said they are working on the storm water drain easement, and will move forward once it is completed. He said they will ensure the City receives funds for the waiver of open space, and that they are still waiting on the final wording for the pioneering agreement.

Heather Barnum asked the applicant their timeline for the project. **Chase Freebairn** said they are trying to time the project with the start of the Glovers Lane improvements. He said the home located on the property will soon be demolished, but prior to that the current renter must move out, and then the Fire and Police Departments will use the home for tactical training.

Heather Barnum asked about the impact of the construction traffic on the nearby neighbors. She said in the past, the surrounding neighbors have had a lot of discussion regarding traffic concerns with the Forza fields. **Chase Freebairn** said most of the construction traffic will remain on site once construction begins, except for the occasional dump trucks bringing in fill. He said construction workers will come and go; however, it should not significantly impact 650 W. **Heather Barnum** asked the applicant to be sensitive with this concern moving forward, and to try and mitigate additional traffic where they can.

Motion:

Bret Gallacher made a motion that the Planning Commission approve the final plat subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall record the offsite storm drain easement prior to plat recordation, as approved by the City Engineer;
2. The applicant shall address and correct all comments from the surveyor on the recorded plat;
3. The BOR easement through the site shall be abandoned prior to recordation of the plat;
4. The applicant shall pay the approved open space waiver in the agreed upon amount payable to the City prior to plat recordation;
5. Public improvement drawings, including but not limited to, a grading and drainage plan, shall be reviewed and approved by the Farmington City Works, City Engineer, Storm Water Official, Fire Department, Central Davis Sewer District, and the applicable secondary water district;
6. The applicant shall address any outstanding comments from the City's Development Review Committee on the plat prior to recordation.

Alex Leeman seconded the motion, which was unanimously approved.

Findings for Approval:

1. There appears to be no sensitive or constrained lands on site worth preserving, and the 2.85 acres of open space could be better used elsewhere in the City.
2. The lot sizes exceed the minimum and average lot size required in a Conservation Subdivision for an AE zone significantly.

3. The proposal seeks to create in-fill development in an area of the City where such development makes sense, i.e. across from the new high school.
4. By moving the road to the southern and western boundaries, the proposed final plat is allowing for the future development of several adjacent property owners who otherwise might not be able to develop their long and deep parcels.
5. The applicant has addressed the majority of the conditions for approval from both the DRC on this final plat.
6. The applicant has received approval from the City Council for the cul-de-sac to exceed the dead-end street provision of 1,000 feet, because this road will provide access for neighboring properties to better utilize their long, deep parcels for future development.
7. The applicant has received approval from the City Council for the waiver of the open space provision of a conservation subdivision by a vote of more than four members.

CONDITIONAL USE PERMIT

Item #4. Brady Nowers / Questar Gas (Public Hearing) – Applicant is requesting conditional use permit approval to locate a temporary construction and staging yard while two gas lines are replaced on .87 acres of property located at approximately 700 West Glover Lane in an AE (Agriculture Estates) zone. (C-1-17)

Eric Anderson said Questar Gas is replacing approximately 25 miles of high-pressure gas lines. Currently, Questar is working on the Farmington portion. Questar is submitting an application for a construction storage yard. **Eric Anderson** said a condition to the motion has been included that if the applicant wants a construction trailer, it must be requested as a separate conditional use permit. Staff is recommending approval of this item.

The applicant was present but did not have any comments at this time. The Commissioners did have a few questions for the applicant. **Alex Leeman** asked the applicant if they will trench the entire 25 miles for the gas line.

Brady Nowers, 1140 W. 200 S., Salt Lake City, said that they will open trench approximately 70-80% of the 25 miles; however, there are certain circumstances and locations along the 25 miles where they will need to bore it. He said places like the wetlands in Farmington are an example of where they will bore it. **Bret Gallacher** asked if they are working on the Farmington section at this point, and how long the Legacy Trail will be disrupted. **Brady Nowers** said they have done some test bores in the Farmington wetlands; however, they will put crews wherever they can at the time. He said they are hoping to be done on the Legacy Trail area in April; however, they cannot do asphalt until April 15th. **David Petersen** asked if they are going to move forward on Farmington at this point, or if there are other areas they are moving forward at this time. **Brady Nowers** said they are working their way up from West Bountiful; however, there are many factors that play into it. He said there is a good chance it will be end of summer before they move forward with Farmington. **Bret Gallacher** asked how long the new pipeline will last. **Brady Nowers** said approximately 70 years.

Heather Barnum opened the public hearing at 7:22 p.m.

No comments were received.

Heather Barnum closed the public hearing at 7:22 p.m.

Alex Leeman said he is in favor of this application; the other commissioners agreed.

Motion:

Alex Leeman made a motion that the Planning Commission approve the conditional use permit subject to all applicable Farmington City ordinances and development standards, and the following conditions:

1. If the applicant desires a construction trailer on site, the applicant must obtain a separate conditional use and meet all required site plan approvals for such a use;
2. The applicant must obtain all other applicable permits for the operation of the conditional use including but not limited to a business license from Farmington City, all health department regulations and all applicable building codes.

Connie Deianni seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed use of the particular location is necessary and desirable and provides a service, which contributes to the general well-being of the community.
2. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
3. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
4. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
6. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.
7. The proposed use provides adequate off-street parking, if necessary, and that parking has been removed from Glover Lane.

Item #5. Raphael Nadeau (Public Hearing) – Applicant is requesting conditional use permit approval to build a secondary dwelling unit over an attached garage on .38 acres of property located at 233 South Joy Drive in an LR (Large Residential) zone. (C-2-17)

Eric Anderson said the applicant is requesting approval for a secondary dwelling unit. He reviewed the definition of a secondary dwelling unit as found in the Ordinance. He said the applicant's home is located in the LR zone, and they are looking to extend the second story of the home over the garage to build a separate apartment. **Eric Anderson** said it is not considered an accessory dwelling unit, like what has been presented to the Commission in the past, because what is being proposed is part of the home. Staff is recommending approval of this item as it conforms to the Ordinance and does not have very low impact on the neighborhood.

Erica Nadeau, 233 S. Joy Drive, said she is available for any questions.

Bret Gallacher asked the applicant to describe the proposed secondary entrance into the secondary dwelling unit. **Erica Nadeau** said the stairs will be located next to the house going up to the

top of garage where the dwelling unit will be built. She said the secondary entrance would be located on the northwest side of the house.

Heather Barnum asked if the applicant will meet the side yard requirements for the staircase. **David Petersen** showed the applicant's lot size on a white board. He explained in the LR zone, one side of the home is required to have a 10' side setback and with the other side setback 12'. He said upon reviewing the ordinance, the applicant can construct the staircase within 6' of the side setback as long as there is 8' maintained on the other side of the home. He said since the applicant already has 12' side setback on the other side of the home, he feels the applicant should be able to meet the Ordinance requirements.

Erica Nadeau asked staff for clarification on the setbacks. **David Petersen** further explained side setbacks, and that if the Commission approves this item, her next step is to submit a building permit application. He also said the building permit application will include the standards for the secondary dwelling unit, as well as who is permissible to live there.

David Petersen passed out Section 11-28-200 of the Ordinance regarding Secondary Dwelling Units. He reviewed it with the commissioners and the applicant.

Connie Deianni asked about the parking requirements for the secondary dwelling unit, as found in in Section 11-28-200(3)c. **David Petersen** said the applicant's double driveway technically counts as four "parking spaces," which exceeds the requirement of two parking spaces for a single-family home. He said one of those "parking spaces" would need to be designated for the secondary dwelling unit for the applicant to meet the requirement.

Alex Leeman expressed concern with Section 11-28-200(3)j regarding the non-transferable nature of the conditional use permit for the secondary dwelling unit. **Heather Barnum** agreed; she feels a property owner chooses to sell, they would market the home with the secondary dwelling unit assuming the conditional use permit transfers.

Heather Barnum opened the public hearing at 7:40 p.m.

No comments were received.

Heather Barnum closed the public hearing at 7:40 p.m.

Alex Leeman asked that staff further review Section 11-28-200(3)j as part of a future omnibus zone text amendment application. He is not comfortable having a conditional use permit for a secondary dwelling unit non-transferable.

Motion:

Bret Gallacher made a motion that the Planning Commission approve the conditional use permit subject to all applicable Farmington City ordinances and development standards, and the following condition that the applicant shall obtain all other applicable permits for the operation of the conditional use including but not limited to a building permit subject to all applicable building codes, and that upon further investigation, the applicant does meet all of the requirements that are listed in 11-28-200 of the Ordinance regarding secondary dwelling units. **Alex Leeman** seconded the motion. **Heather Barnum, Bret Gallacher, and Alex Leeman** voted in favor of the motion, **Connie Deianni** voted against it. The motion passed on a 3-1 vote.

Findings for Approval:

1. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
2. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
3. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
4. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.
5. The proposed use will have to meet the standards for a main building in the LR zone, and cannot bring the existing home into non-compliance.

OTHER

Item #6. Miscellaneous a) Discussion of City Council memo regarding the Mountain America Credit Union application.

Eric Anderson said the City received an application for a Mountain America Credit Union (MACU) in the Park Lane Commons Phase IV. He said the applicant was seeking site plan approval; however, since the property is in the mixed-use zone, the applicant must abide by the Chapter 18 form-based code. Also, financial institutions are not allowed drive-up windows, as shown in the use table in Section 11-18-050. **Bret Gallacher** asked why drive-up windows are not allowed. **Eric Anderson** said when the Ordinance was written, financial institutions were listed as a permitted use, but they were not included as a permitted use that allows for drive-up windows. It is unsure why this is the case.

Eric Anderson said the proposed site plan falls under the Park Lane Commons development agreement, which provides flexibility, and that the development agreement allows for two drive-up windows in the Project Master Plan in the TMU zone. He pointed out that the proposed location of the MACU is found in the GMU zone so the development agreement does not help the applicant out in this situation. **Eric Anderson** said the other issues with the site plan and the form-based code requirements are that the entrance is located on a public street and the proposed building does not meet the 60% street frontage. Currently, the proposed building would only have approximately 36% street frontage.

Eric Anderson said staff wanted to bring this item before the Planning Commission and City Council to provide guidance with what they are comfortable moving forward on with the MACU. There are a few solutions staff has discussed, and staff wanted to present these options to the Commission. **Eric Anderson** presented each item, and discussed the pros and cons of each, as shown in the staff report.

Eric Anderson said the first solution is that the applicant revise the MACU site plan to conform to Chapter 18 form-based codes. He said one thought is that if the applicant (The Haws Companies) was wanting to deviate from the form-based codes, it should have been included when the development agreement was drafted. **Eric Anderson** said the second option is that the applicant and the City can agree to amend the existing Park Lane Commons Development Agreement to allow for this property to be included in it. It would give the City Council discretion over the change, while still providing a compromise for the developer. The third option would be a zone text amendment; however, doing so could open the door for other projects to take advantage of the change. It could potentially dilute the intent of the mixed-use zone. **David Petersen** cautioned the Commission that allowing a financial

institution drive-up may distract from the pedestrian friendly ambiance that the form-based codes are trying to create.

Alex Leeman said he feels there is a problem with the 60% street frontage for this building since it is located on a weird shaped lot. He is unsure how the applicant would be able to meet that requirement. He said he is not comfortable amending Chapter 18, but wondered if there is any other way to have a smaller street frontage requirement without opening the “flood gates.” **Eric Anderson** pointed out that although the lot is an irregular shape, the applicant subdivided it as such. He cautioned that although the lot is irregular and small, it was THC decision to make it that way and could be viewed as an issue of their own creation.

David Petersen asked that the Commission step back and decide if they want MACU on a prime corner of the City, and if they want to amend the Zoning Ordinance to allow for a drive-up window for a financial institution. **Alex Leeman** said he feels it would be a good location for a credit union, as he feels it would always be well maintained. **David Petersen** asked if the Commission would feel comfortable detaching the drive-up to be located behind the building as a way to compromise. Staff and the commissioners discussed this option.

David Petersen said the City Council asked staff to try and resolve the concern without a zone text change. He said there are concerns regarding the message the City may send to other developers if a zone text amendment is made to allow for this use, so that is why staff is looking at alternate options to make MACU work without a zone text amendment. **Eric Anderson** said the City Council preferred the first two options to alter the site plan or development agreement to make it work. **Bret Gallacher** said he feels the first two options seem reasonable. **Connie Deianni** said she feels having the drive-up windows separate may work, although MACU may push back because it is not cost-effective.

David Petersen said part of staff’s intention to bring this before the Commission as a discussion item was to give the commissioners an opportunity to familiarize themselves with Chapter 18 and potential issues regarding it. He said there will soon be applications presented that will address form-based codes. He also said there is no motion to be voted on at this time.

Eric Anderson said that MACU is arguing against the second door (a street front and parking lot entrances) because they say theft goes up with two entrances. He said they have not yet provided hard data showing this. **Alex Leeman** said financial institutions are commonly built with one public entrance, and a back door for staff to use. **David Petersen** said staff has talked with other credit unions regarding this concern. Many credit unions have multiple entrances; however, the credit union staff talked with that backs residential areas has had a challenging time catching criminals since the criminals disappear into the neighborhoods after the robbery. He said in this specific example, the credit union said it is not the number of entrances they have, but being located near residential housing. **Connie Deianni** said it may be an insurance requirement that they can only have one entrance. **Eric Anderson** said that may be a good reason for only one entrance; however, the applicant has not yet provided concrete evidence qualifying their assertion.

Heather Barnum asked if staff has discussed any of these options with the developer for MACU, and if the developer had any feedback. **David Petersen** said staff met with the developer, and the developer appreciated what was presented. He said the developer would like to see a zone text amendment or amending the development agreement. **Heather Barnum** expressed frustration that the developer created a lot that would not easily conform to this use or that they keep making proposals that violate the City Ordinance. She said she continually feels that the developer is looking to build the way he wants, and then comes before the City to request amendments to the standards and Ordinance. She said she may be more willing to consider this request, except that this seems to be a pattern with

this developer over and over. She does not feel there is a critical need for a credit union within the City; the City already has 3-4 credit unions here and does not feel one more will add that much more value. She said she feels if MACU would like to build in Farmington, they should be aware of the City's ordinance and be willing to abide by it. **Heather Barnum** said she is more inclined toward the first option presented by staff, and that the City ask the developer to start thinking about conforming instead of always asking to be the exception to the rule. She expressed frustration that these applications for deviations from this developer are coming time and time again. She said she feels this is a prime location, and that she doesn't think the developer will have problems finding someone that can utilize it.

ADJOURNMENT

Motion:

At 8:21p.m., **Alex Leeman** made a motion to adjourn the meeting, which was unanimously approved.

Heather Barnum
Chair, Farmington City Planning Commission

WORK SESSION: A work session will be held at 6:00 p.m. in Conference Room #3, Second Floor, of the Farmington City Hall, 160 South Main Street. Senator Adams and Representative Wilson will be providing the Council with a Legislative Debrief. The public is welcome to attend.

FARMINGTON CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is hereby given that the City Council of **Farmington City** will hold a regular City Council meeting on **Tuesday, March 21, 2017, at 7:00 p.m.** The meeting will be held at the Farmington City Hall, 160 South Main Street, Farmington, Utah.

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

The agenda for the meeting shall be as follows:

CALL TO ORDER:

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

PUBLIC HEARINGS:

7:05 Road Capital Facilities Plan Amendment

7:10 Zoning Ordinance Amendment to Business Park (BP) Zones

OLD BUSINESS:

7:15 Supplemental Information for – 650 West Road Improvement Project Scope and Budget

7:45 Award of Bid for 650 West Project

7:55 650 West and Glovers Lane Reimbursement Agreements

OLD BUSINESS:

8:00 Kaysville Boundary Adjustment – Resolution of Intent – Lowell Johnson

SUMMARY ACTION:

8:15 Minute Motion Approving Summary Action List

1. Line of Duty Benefits for Public Safety
2. Cooperative Agreement with UDOT for Frontage Road Improvements

3. Approval of Minutes from March 7, 2017
4. Hunters Creek Conservation Easement Amendment
5. Residences of Farmington Hills Sidewalk Extension Agreement
6. Davis Creek Pioneering Agreement
7. Off Duty Police Vehicle Use/Residency Requirements

GOVERNING BODY REPORTS:

8:20 City Council Committee Reports

8:30 City Manager Report

1. Executive Summary for Planning Commission held on March 9, 2017
2. Police and Fire Monthly Activity Reports for February
3. Building Activity Report for February

8:40 Mayor Talbot & City Council Reports

1. Triathlon in Farmington

ADJOURN

CLOSED SESSION

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

DATED this 16th day of March, 2017.

FARMINGTON CITY CORPORATION

By: 
Holly Gadd, City Recorder

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

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

Posted 03/16/2017



Planning Commission Staff Report March 23, 2017

Item 3: Conditional Use Permit Approval for a Secondary Dwelling Unit

Public Hearing:	Yes
Application No.:	C-4-17
Property Address:	151 East 300 North
General Plan Designation:	LDR (Low Density Residential)
Zoning Designation:	OTR (Original Townsite Residential)
Area:	.73 Acres
Number of Lots:	1
Property Owner:	Katharine Hawkes
Agent:	Katharine Hawkes

Request: *Conditional use approval for a secondary dwelling unit above an attached garage.*

Background Information

The applicant is requesting conditional use approval for a secondary dwelling unit, or “mother-in-law” apartment above an attached garage. In the OTR zone, secondary dwelling units require a conditional use permit. The proposed secondary dwelling unit structure will be built above a proposed addition to the house that will include a garage. The addition to the home will have to meet all of the standards and requirements as set forth in Chapter 17 of the Zoning Ordinance which regulates the Original Townsite Residential zone. A secondary dwelling unit is defined in Section 11-2-020 of the Zoning Ordinance as follows:

“DWELLING UNIT, SECONDARY: 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”.

Because the proposed secondary dwelling unit is being constructed as an addition to an existing home, all setback and height restrictions requirements for a main building are applicable to the addition, and the secondary dwelling unit cannot bring the home into non-conformity with any of the standards for the underlying zone. (See Sections 11-17-070(D)(2), 11-17-070(E)(3), and 11-17-070(F) of the Zoning Ordinance)

Because the home is in the OTR zone, the proposal has additional design guidelines required of all new construction and specific requirements for garages found in Section 11-17-050(D) of the Zoning

Ordinance. At the time of building permit, staff reviews all applications involving new construction in the OTR zone to ensure compliance. Because of the length of the driveway combined with the addition of two garage bays, the proposed application provides and exceeds the parking requirement as found in Chapter 32 of the Zoning Ordinance.

Suggested Motion

Move that the Planning Commission approve the conditional use permit subject to all applicable Farmington City ordinances and development standards, and the following condition: the applicant shall obtain all other applicable permits for the operation of the conditional use including but not limited to a building permit subject to all applicable building codes.

Findings for Approval

1. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
2. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
3. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.
4. The proposed use is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.
5. The proposed use will have to meet the standards for a main building in the OTR zone, including new construction design guidelines, and cannot bring the existing home into non-compliance.

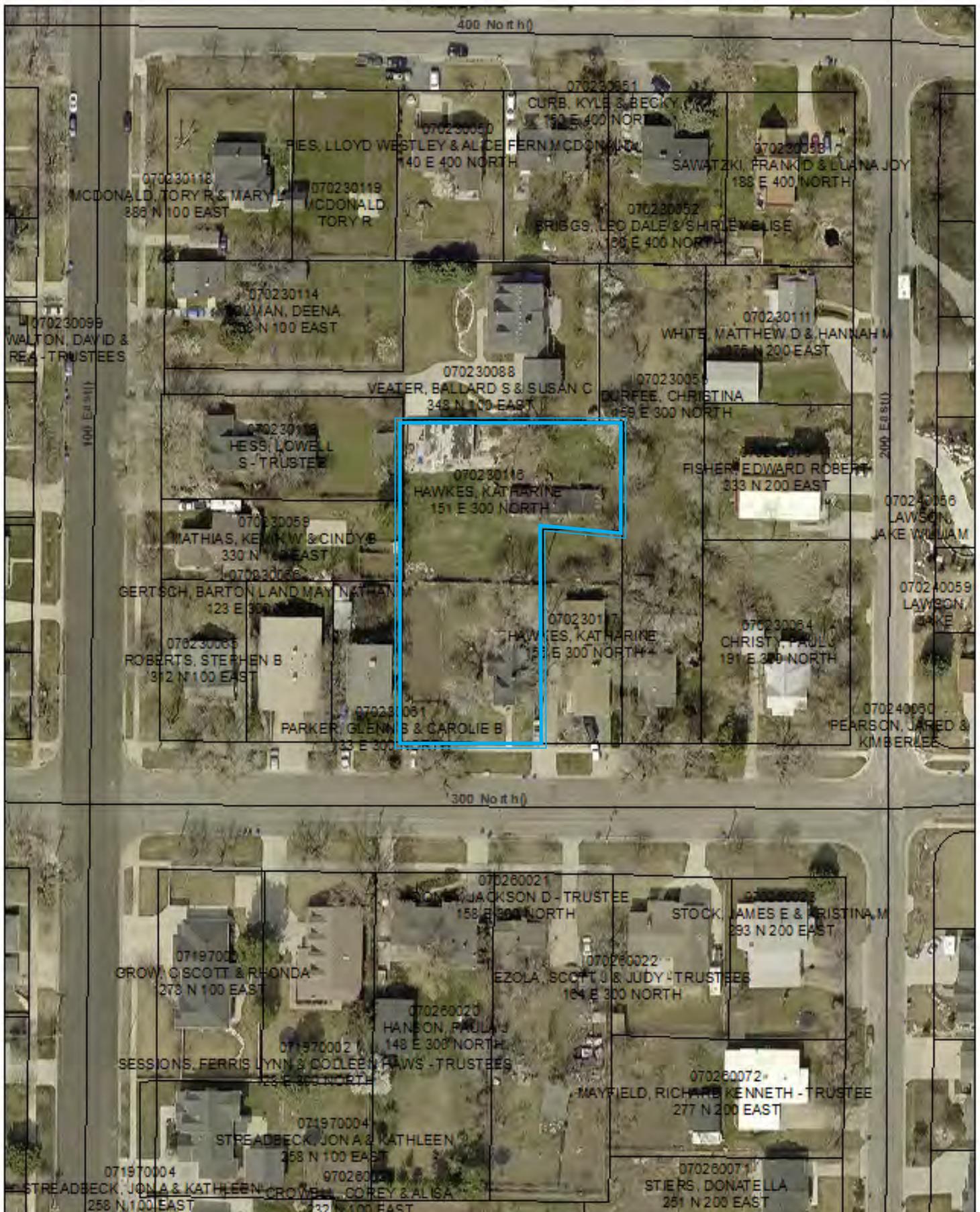
Supplemental Information

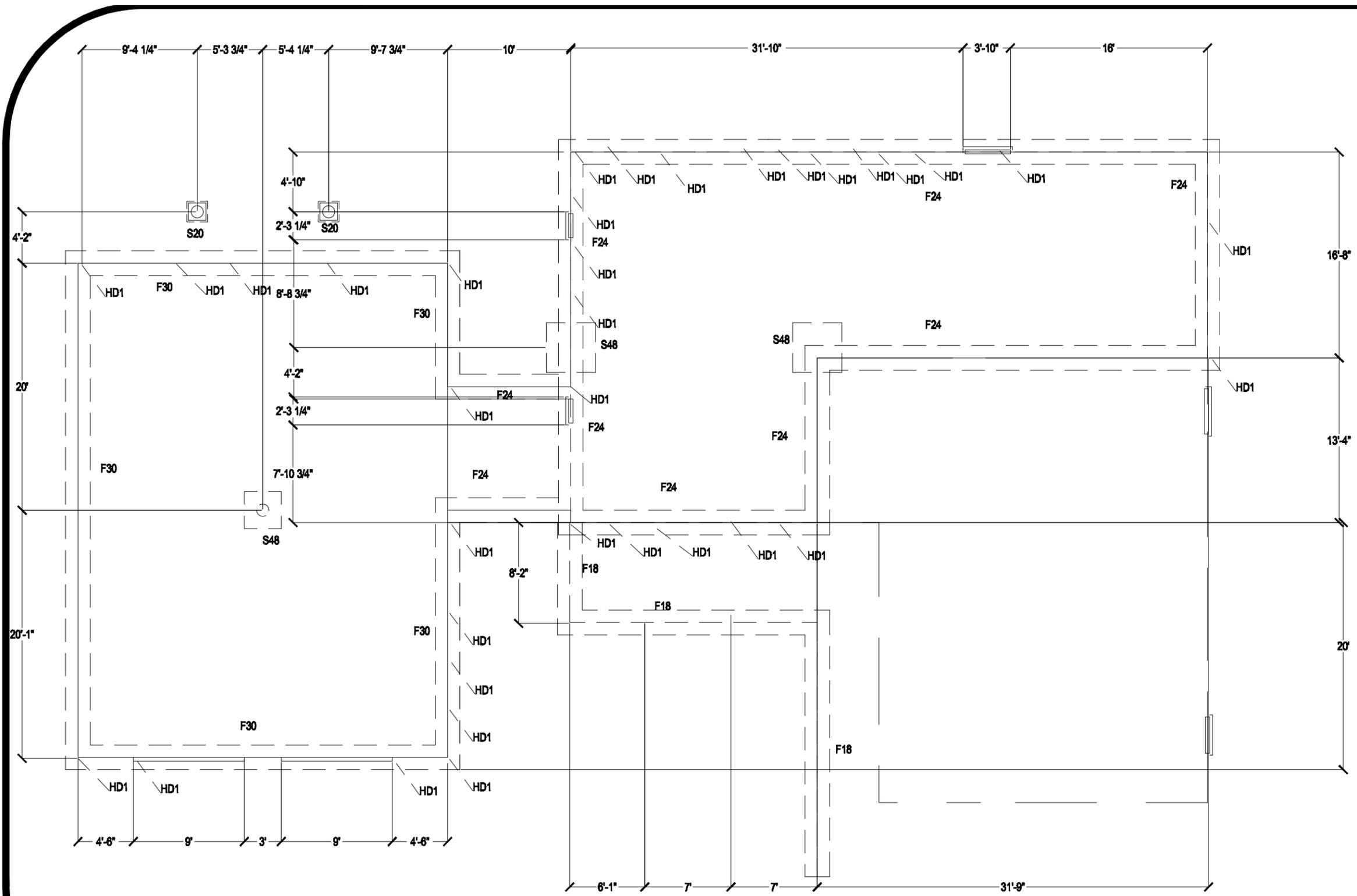
1. Vicinity Map
2. Site Plan
3. Elevation
4. Section 11-28-200 of the Zoning Ordinance

Applicable Ordinances

1. Title 11, Chapter 2 – Definitions
2. Title 11, Chapter 8 – Conditional Uses
3. Title 11, Chapter 17 – Original Townsite Residential Zone

Farmington City





NOTES:
 DESIGN CRITERIA:
 DESIGN AS PER 2012
 INTERNATIONAL BUILDING
 CODE
 ROOF LOAD = 30#
 WIND LOAD = 90 MPH
 SEISMIC ZONE D1
 LIFFER GROUND TO BE
 PLACED IN FOUNDATION
 OVER EXCAVATION AND
 COMPACTION PER SOILS
 ENGINEER
 ELEVATIONS @ 1' ABOVE
 CURB + 2%
 CO DETECTOR IN BOTH
 BASEMENT AND MAIN
 FLOOR
 ALL BEDROOMS MEET IBC
 EGRESS STANDARDS

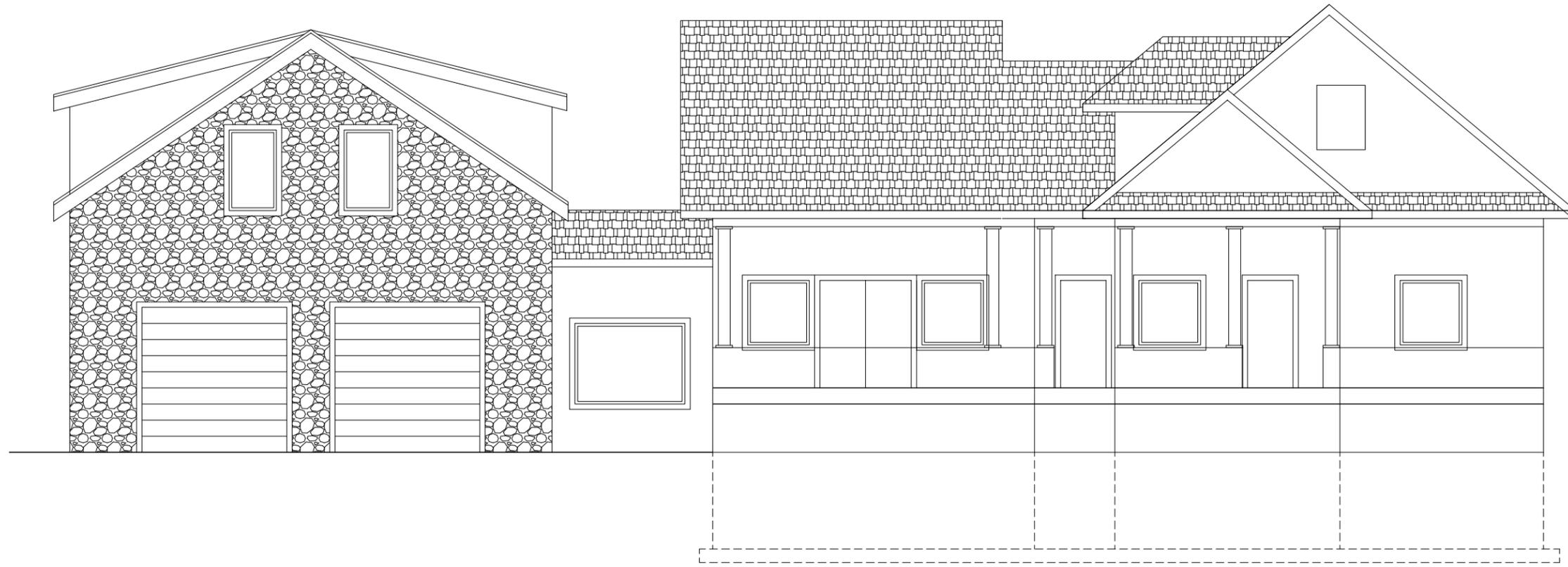
CLIENT:
 HAWKES

PROJECT:
 151 E 300 N
 FARMINGTON, UT

FOUNDATION

SCALE: 1/4" = 1'

FOUNDATION PLAN



HAWKES ADDITION
151 E 300 N

FRONT AND REAR ELEVATION

PROJECT NUMBER
PROJECT#

SHEET

SEE SCALE MEASUREMENTS ON FULL SIZE SHEETS. ADJUST ACCORDINGLY FOR REDUCED SIZE SHEETS.



11-28-200: SECONDARY DWELLING UNITS:

Secondary 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 any rules, regulations, standards and specifications adopted pursuant hereto are:

1. Minimal Impacts: To accommodate such housing in original townsite 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 single-family residential neighborhoods.
3. Terms And Conditions: To set forth standardized terms and conditions for secondary dwellings and procedures for review and approval of the same.

B. Conditional Use Permit: Secondary dwellings may be permitted as a conditional use in the OTR zone. Applications for a secondary 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 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 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 dwelling shall be allowed per single-family home. Secondary dwellings shall contain no more than one dwelling unit.
3. Parking: At least one off street parking stall shall be provided for the secondary 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. Utility Metering: No separate utility metering for the secondary dwelling shall be allowed.
5. Design And Character: The secondary 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 dwelling and such secondary dwelling shall not adversely affect the residential character of the surrounding neighborhood. A secondary dwelling shall be designed in such a way that neighbors or passersby would not, under normal circumstances, be aware of its existence.
6. Size: The secondary dwelling shall be equal to or subordinate in floor area to the remaining floor area occupied by the single-family dwelling.

7. Construction Codes: The secondary 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.
 8. Occupants: The secondary dwelling shall be occupied exclusively by one family.
 9. Ownership: Either the single-family dwelling or secondary dwelling shall be owner occupied.
 10. Nontransferable: No conditional use permit issued for a secondary dwelling shall be assignable or transferable upon sale of the single-family dwelling or otherwise and the conditional use permit shall expressly state that the permit shall terminate upon the sale or transfer of property.
 11. 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 dwelling and the primary dwelling.
- D. Site Development: Upon approval of a conditional use permit for a secondary dwelling, an application for site development shall be submitted in accordance with the provisions of [chapter 7](#) of this title. (Ord. 2002-48, 12-11-2002)



Planning Commission Staff Report March 23, 2017

Item 4: Enswell Fabrication CUP

Public Hearing:	Yes
Application No.:	C-5-17
Property Address:	1224 South 650 West, Suite 2A
General Plan Designation:	LM (Light Manufacturing)
Zoning Designation:	LM&B (Light Manufacturing & Business)
Area:	N/A
Number of Lots:	N/A
Property Owner:	Alkair LLC
Agent:	Jason Anderson / Enswell Fabrication

Request: *Applicant is requesting a conditional use permit to build a fabricating business in the building on Lot 202 of the Farmington Bay Business Park Subdivision, Unit 2A.*

Background Information

The applicant has proposed to build a light manufacturing operation that fabricates furniture, automobile accessories, and other similar types of goods within an existing building on Lot 202 of the Farmington Bay Business Park Subdivision. The proposed application has an office in the front portion of the unit, which is a permitted use in the LM&B, however the fabrication component of their business requires conditional use approval. While there is not an explicit use regarding fabrication per se, however, staff interprets this use to fall under the "Light manufacturing, compounding and processing, assembling or packaging of the following products: ... automotive parts and accessories."

Independent of the current application under review tonight, Section 11-26-030 of the Zoning Ordinance may need a zone text amendment. The text amendment could potentially add fabrication to the use heading that reads: "Light manufacturing, compounding and processing, assembling or packaging of the following products," and furniture products to the list that follows. However, that zone text amendment does not affect this particular application, because there is already language requiring a conditional use permit for the assembly or manufacturing of automobile parts and accessories, which will be a component use of this particular application.

The attached narrative provided by the applicant explains in more detail the proposal for this site; the proposal, as stated in the application, is low impact and is a good fit for the intended uses of the LM&B zone.

Suggested Motion:

Move that the Planning Commission approve a conditional use permit for Enswell Fabrication to be located at 1224 South 650 West Suite 2A, subject to all applicable Farmington City codes, ordinances, and development standards and the following conditions:

1. Normal business hours shall be limited to 6 a.m. to 6 p.m. Monday through Friday;
2. No hazardous materials shall be stored on site.

Findings:

1. The proposed use is low impact in comparison to many light industrial and manufacturing uses.
2. The proposed use of the particular location is necessary to provide a service or facility which will contribute to the general well-being of the community.
3. The proposed use complies with the regulations and conditions in the Farmington City ordinance for such use.
4. The proposed use conforms to the goals, policies, and governing principles of the Comprehensive General Plan for Farmington City.
5. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods, and other existing and proposed development.
6. Adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation are available.
7. Such use shall not, under the circumstances of this particular application, be detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to the property or improvements in the vicinity.

Supplemental Information

1. Vicinity Map
2. Narrative describing proposed use
3. Site Plan

Applicable Ordinances

1. Title 11, Chapter 8 – Conditional Uses
2. Title 11, Chapter 26 – Light Manufacturing and Business



Dear Sirs and Ma'ams,

My name is Jason Anderson with Enswell Speed & Fab. My business partner Cody Carico and I have leased the Southwest end cap building on 650 W. We plan to do custom fabrication and restoration of furniture, cars, and custom projects. We will be a very low volume, high end fabrication and auto shop. We don't offer typical typical general services but focus on longer term restoration of hot rod projects and custom builds. We also intend on purchasing and re marketing vehicles as a Motor Vehicle Dealership at this location. The dealership is in our business plan for the coming year but isn't the main focus of the business. Just to point out we don't do any painting, powder coating or finishes. We appreciate your consideration for our conditional use permit.

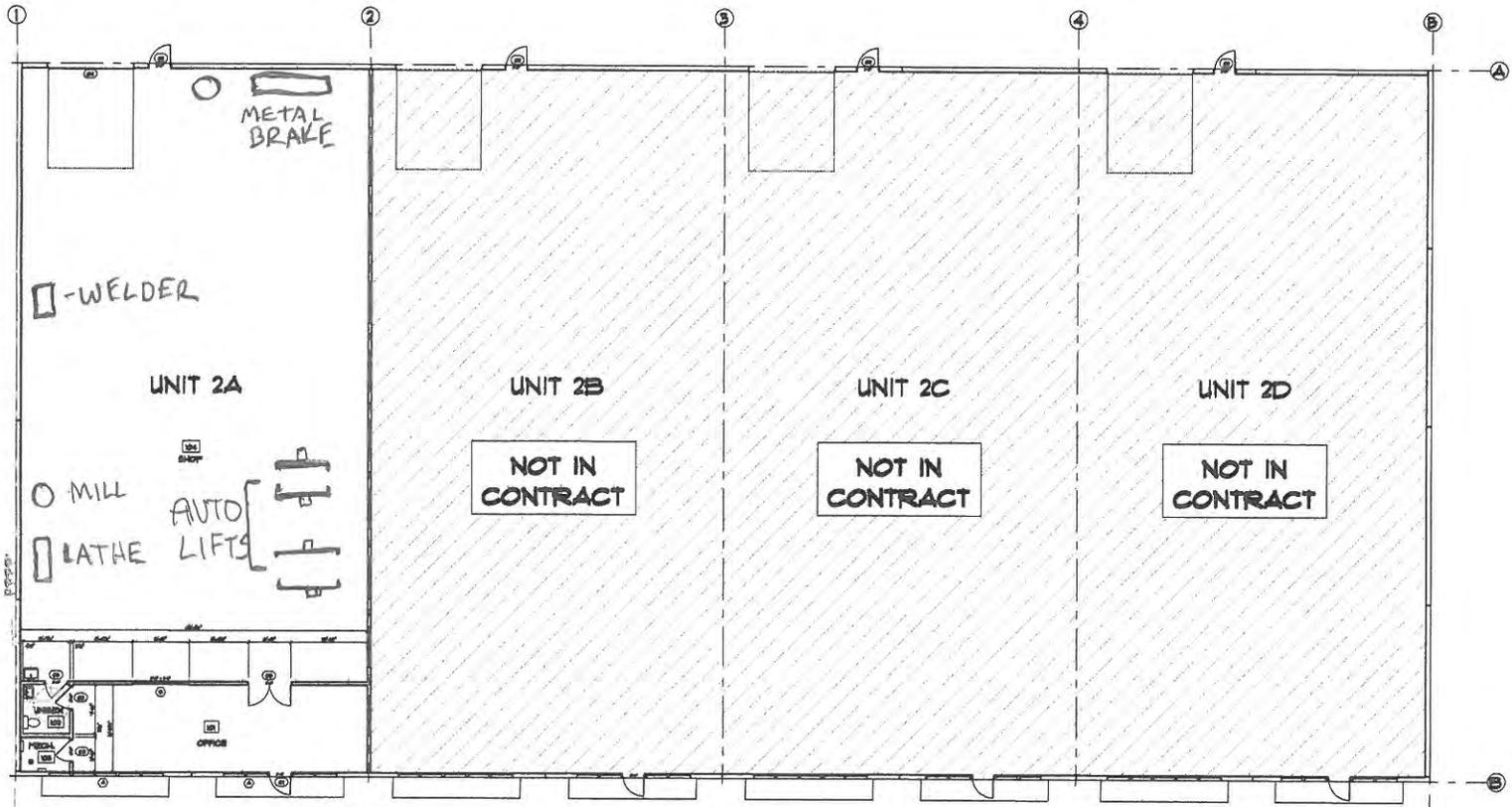
Best,

Jason Anderson



WATKINS WEST
CONTRACTING, LLC
PO BOX 40660
CLOVERFIELD, UT 84616
801-468-8888
WWW.WATKINSWEST.COM

AUTO GROUP, INC.
TENANT IMPROVEMENT
1224 S. 600 W. UNIT 2A
FARMINGTON, UT



FLOOR PLAN
SCALE 1/8" = 1'-0"

WINDOW SCHEDULE

NO.	SYMBOL	TYPE	NOTES
1	SWP	ALUMINUM	ALUMINUM WINDOW UNITS BY SHERWIN
2	SWP	GLASS	EXTERIOR GLASS PANEL SYSTEMS EXCEPT GLASS IS GLASS BY SHERWIN
3	SWP	GLASS	100% - VENT. PANELS SHALL BE PROVIDED BY ARCHITECT/OWNER'S APPROVAL

DOOR SCHEDULE

NO.	SYMBOL	TYPE	NOTES
1	SWP	ALUMINUM	ALUMINUM EXTERIOR DOORS 4' X 8' UNLESS OTHERWISE NOTED AND FRAME MATERIALS
2	SWP	GLASS	ALUMINUM EXTERIOR DOORS WITH GLASS
3	SWP	GLASS	GLASS PANELS, GLASS CORE DOORS WITH GLASS UNITS 1' FROM TOP
4	SWP	GLASS	EXTERIOR GLASS LIFT OVERHEAD DOORS
5	SWP	GLASS	100% - DOUBLE PANEL, DOUBLE AND JAMB MATERIALS AND SUPPLIES BY OWNER

OCCUPANCY LOAD CALCULATIONS

NO.	SPACE	AREA	AREA LOAD	AREA LOAD
01	OFFICE	100	100	100
02	WELDER	100	100	100
03	MILL	100	100	100
04	LATHE	100	100	100
05	AUTO LIFTS	100	100	100
TOTAL				

ROOF FINISH SCHEDULE

NO.	SYMBOL	FINISH	FINISH	FINISH	FINISH	FINISH	FINISH
01	SWP	ALUMINUM	ALUMINUM	ALUMINUM	ALUMINUM	ALUMINUM	ALUMINUM
02	SWP	GLASS	GLASS	GLASS	GLASS	GLASS	GLASS
03	SWP	GLASS	GLASS	GLASS	GLASS	GLASS	GLASS
04	SWP	GLASS	GLASS	GLASS	GLASS	GLASS	GLASS

SECTION 05-10
CONCRETE
GENERAL NOTES
TYPICAL PROFILES
SEE PLAN

FLOOR PLAN

A-101



Accessory Dwelling Units: Case Study



U.S. Department of Housing and Urban Development
Office of Policy Development and Research



Accessory Dwelling Units: Case Study

Prepared for:
U.S. Department of Housing and Urban Development
Office of Policy Development and Research

Prepared by:
Sage Computing, Inc.
Reston, VA

June 2008

Accessory Dwelling Units: Case Study

Introduction

Accessory dwelling units (ADUs) — also referred to as accessory apartments, second units, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities, and can be either attached or detached from the main residence.¹ This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs.

History of ADUs

Development of accessory dwelling units can be traced back to the early twentieth century, when they were a common feature in single-family housing.² After World War II, an increased demand for housing led to a booming suburban population. Characterized by large lots and an emphasis on the nuclear family, suburban development conformed to Euclidean-type zoning codes, a system of land-use regulations that segregate districts according to use.³

Suburbs continued to be a prevalent form of housing development throughout the 1950s and 1960s. The rapid growth of suburbs reinforced the high demand for lower-density development, and ultimately led most local jurisdictions to prohibit ADU construction. In spite of zoning restrictions, illegal construction of ADUs continued in communities where the existing housing stock was not meeting demand; San Francisco was one such community. During World War II, the Bay Area experienced a defense boom that created a high demand for workforce housing, resulting in a large number of illegally constructed second units. By 1960, San Francisco

housed between 20,000 to 30,000 secondary units, 90 percent of which were built illegally.⁴

In response to suburban sprawl, increased traffic congestion, restrictive zoning, and the affordable housing shortage, community leaders began advocating a change from the sprawling development pattern of suburban design to a more traditional style of planning. Urban design movements, such as Smart Growth and New Urbanism, emerged in the 1990s to limit automobile dependency and improve the quality of life by creating inclusive communities that provide a wide range of housing choices. Both design theories focus on reforming planning practices to create housing development that is high density, transit-oriented, mixed-use, and mixed-income through redevelopment and infill efforts.⁵

In the late 1970s to the 1990s, some municipalities adopted ADU programs to permit the use and construction of accessory units. Many of these programs were not very successful, as they lacked flexibility and scope. Although a number of communities still restrict development of accessory dwelling units, there is a growing awareness and acceptance of ADUs as an inexpensive way to increase the affordable housing supply and address illegal units already in existence.



Interior ADU – located in attic space
Photo credit: Town of Barnstable, Massachusetts

¹ Municipal Research and Services Center of Washington, *Accessory Dwelling Units*, October 1995, <http://www.mrsc.org/Publications/textadu.aspx#tenant>.

² Transportation and Land Use Coalition, *Accessory Dwelling Units*, <http://www.transcoalition.org/ia/acssdwel/01.html#body>.

³ Transportation Research Board, *The Costs of Sprawl Revisited*, 1998, http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_39-a.pdf.

⁴ San Francisco Planning and Urban Research Association, *Secondary Units: A Painless Way to Increase the Supply of Housing*, August 2001, <http://www.spur.org/newsletters/0801.pdf>.

⁵ New Urban News, *The New Urbanism – An Alternative to modern, automobile-oriented planning and development*, July 2004, <http://www.newurbannews.com/AboutNewUrbanism.html>.

Types of Accessory Dwelling Units

Depending on their location relative to the primary dwelling unit, ADUs can be classified into three categories: interior, attached, and detached.⁶ Interior ADUs are located within the primary dwelling, and are typically built through conversion of existing space, such as an attic or basement.

Attached ADUs are living spaces that are added on to the primary dwelling. The additional unit can be located to the side or rear of the primary structure, but can also be constructed on top of an attached garage. Detached ADUs are structurally separate from the primary dwelling. They can be constructed over existing accessory structures, such as a detached garage, or they can be built as units that are separate from accessory and residential structures.



ADU attached to the side of a garage addition
Illustration: RACESTUDIO and city of Santa Cruz

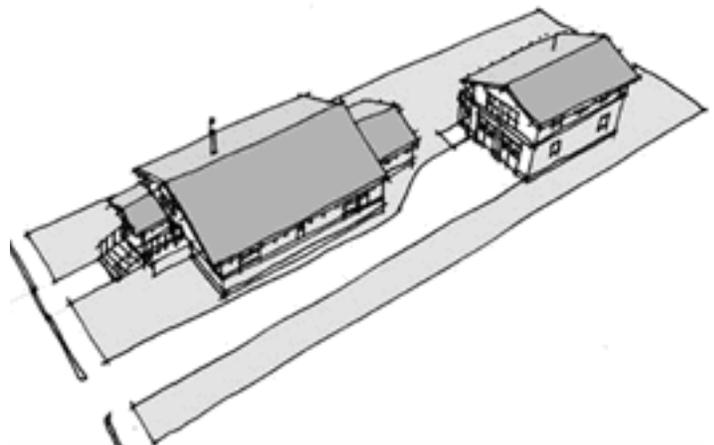
Benefits of Accessory Dwelling Units

Accessory dwelling units offer a variety of benefits to communities. They help increase a community's housing supply, and since they cost less than a new single-family home on a separate lot, they are an affordable housing option for many low- and moderate-income residents.⁷ Elderly and/or disabled persons who may want to live close to family members or caregivers, empty nesters, and young adults just entering the workforce find ADUs convenient and affordable.⁸ In addition to increasing the supply of affordable housing, ADUs benefit homeowners by providing extra income that can assist in mitigating increases in the cost of living.

Accessory dwelling units have other advantages as well. They can be designed to blend in with the surrounding architecture, maintaining compatibility with established neighborhoods and preserving community character. Furthermore, there is no need to develop new infrastructure, since ADUs can be connected to the existing utilities of a primary dwelling. Allowing ADUs facilitates efficient use of existing housing stock, helps meet the demand for housing, and offers an alternative to major zoning changes that can significantly alter neighborhoods.⁹



Attached ADU
Photo credit: <http://mass.gov>



Detached two-story ADU over garage
Illustration: RACESTUDIO and city of Santa Cruz

⁶ Transportation and Land Use Coalition.

⁷ Atlanta Regional Commission, *Accessory Dwelling Units*, August 2007, http://www.atlantaregional.com/documents/Accessory_Dwelling_Units_.pdf.

⁸ Ibid.

⁹ Municipal Research and Services Center of Washington.

Examples of ADU Ordinances and Programs

The following section of the case study provides an overview of ADU ordinances that have been adopted by five communities from across the nation. To gain a wider understanding of ADU programs in practice, the five communities have been chosen to represent a diverse range of geographic, demographic, and socioeconomic characteristics with different land use and growth control policies.

Lexington, Massachusetts

Lexington, Massachusetts is an affluent historic town, located 11 miles northwest of Boston, with a population of 30,355.¹⁰ According to the town's 2002 Comprehensive Plan, Lexington has largely exhausted its vacant unprotected land supply and is a highly built-out suburb with less than 1,000 acres of land available for new development.¹¹ Approximately 18 percent of the households in Lexington are eligible for affordable housing of some sort, and with a median home sales price of over \$600,000, many residents are being priced out of the housing market.¹² This limited growth potential and strong demand for affordable housing has led to the adoption of accessory apartment programs. The town implemented its first accessory unit bylaw in 1983, resulting in the construction of 60 units. In February of 2005, Lexington amended its bylaws to improve the clarity and flexibility of its ADU program.¹³ The town affirmed that the purpose of promoting ADUs is to increase the range of housing choices, encourage population diversity, and promote efficient use of the housing supply while maintaining the town's character.

The amended bylaws reduce or eliminate minimum lot size requirements, allow ADUs 'by-right' in homes built as recently as five years ago, and allow second units by special permit in new construction, or as apartments in accessory structures. The Lexington Zoning Code allows two ADUs per lot, provided the primary dwelling is connected to public water and sewer systems.¹⁴ Provisions allow absentee ownership for two years under special circumstances. In addition, a minimum of one off-street parking space

must be provided for every accessory unit. The by-right accessory apartments must be located within the primary dwelling and are allowed on lots that are at least 10,000 square feet. The maximum gross floor area of a by-right accessory apartment is 1,000 square feet and the unit cannot have more than two bedrooms.¹⁵

Increased flexibility in the program has proven beneficial to Lexington in the development of ADUs. According to Aaron Henry, Senior Planner for Lexington, the town's Housing Partnership Board is launching an education and outreach campaign for their ADU program to raise public interest.

Santa Cruz, California

Santa Cruz, California is a seaside city with a population of 54,600; it is one of the most expensive cities in the country in which to live. In 2006, the median price for a single-family home in Santa Cruz was \$746,000, which only 6.9 percent of the city residents could easily afford.¹⁶ In spite of the high cost of living, the city continues to be a desirable destination on account of its scenic location and proximity to San Francisco and the Silicon Valley. The location of a campus of the University of California — the area's largest employer — also adds to the demand for housing in Santa Cruz.¹⁷ Another contributing factor is the limited amount of land allowed for development within the city's



Detached ADU over garage – design by Boone/Low Architects and Planners

Illustration: RACESTUDIO and city of Santa Cruz

¹⁰ U.S. Census 2000, www.census.gov.

¹¹ Town of Lexington, *Comprehensive Plan*, 2002, <http://ci.lexington.ma.us/Planning/CompPlan.htm>.

¹² Town of Lexington, *Lexington Housing Strategy*, October 2007, [http://ci.lexington.ma.us/Planning/Documents/Housing%20Strategy%20\(Oct%202007\).pdf](http://ci.lexington.ma.us/Planning/Documents/Housing%20Strategy%20(Oct%202007).pdf).

¹³ The Massachusetts Smart Growth/Smart Energy Toolkit, *Accessory Dwelling Units (ADU) Suburban Case Study*, http://www.mass.gov/envir/smart_growth_toolkit/pages/CS-adu-lexington.html.

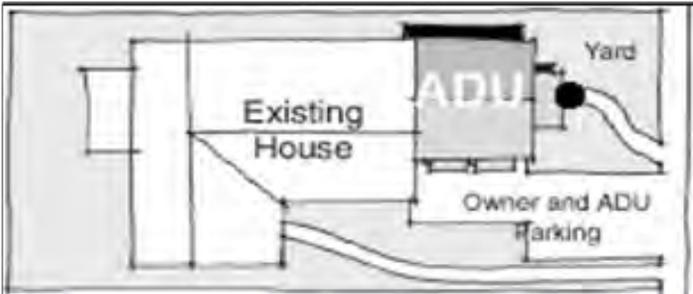
¹⁴ See Appendix A.

¹⁵ Town of Lexington, <http://ci.lexington.ma.us>.

¹⁶ City of Santa Cruz, <http://www.ci.santa-cruz.ca.us>.

¹⁷ Fred Bernstein, *Granny Flats for Cool Grannies*, February 2005, <http://www.fredbernstein.com/articles/display.asp?id=91>.

greenbelt. In order to preserve the greenbelt while accommodating new growth, promoting public transportation, and increasing the supply of affordable housing, the city adopted a new ADU ordinance in 2003.



Prototype site layout for attached ADU – ADU Manual
Illustration: RACESTUDIO and city of Santa Cruz

This ordinance sets forth regulations for the location, permit process, deed restrictions, zoning incentives, and design and development standards for ADUs. Accessory dwelling units are permitted in designated residential zones on lots that are at least 5,000 square feet in area. No more than one ADU per lot is allowed and the property owner must occupy the primary or accessory dwelling unit. ADUs that do not meet the permitting requirements stipulated in the ordinance must undergo a public hearing process. Development fees are waived for ADUs made available for low- and very-low-income households.¹⁸

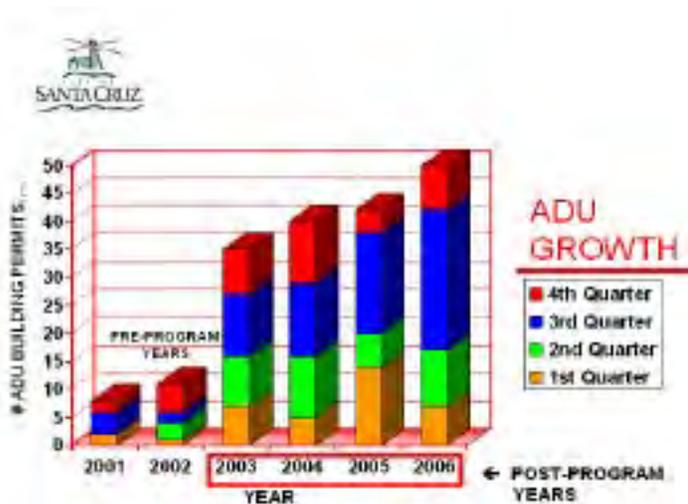
In addition to the ordinance that regulates the development of ADUs, Santa Cruz has established an ADU development program with three major components: technical assistance, a wage subsidy and apprentice program, and an ADU loan program.¹⁹ As part of the technical assistance program, the city published an ADU Plan Sets Book that contains design concepts developed by local and regional architects. Homeowners can select one of these designs and receive permits in an expedited manner. In addition, the city offers an ADU Manual, which provides homeowners with information on making their ADU architecturally compatible with their neighborhood, zoning regulations relevant to ADUs, and the permitting process.

Santa Cruz’s ADU Development Program has won numerous awards and has been used as a model by other communities. According to Carol Berg, who is the housing and community development manager for the city, an average of 40 to 50 ADU permits have been approved every year since the start of the program. She attributes the program’s success primarily to zoning changes that were adopted to facilitate development of ADUs, such as the elimination of covered parking requirements.

Portland, Oregon

With a population of approximately 530,000, Portland is the most populous city in the state of Oregon, and is noted for its strong land use control and growth management policies. Although Portland has had an ADU program in place for several years, ADU development was not effectively promoted until 1998, when the city amended its laws to relax the regulations governing ADUs.²⁰ The amendments eliminated the minimum square footage and owner-occupancy requirements. ADUs are now allowed in all residential zones with relaxed development standards.

Portland’s regulations permit the construction of ADUs on lots with a single-family home, as long as they are smaller, supplementary to the primary residence, and no more than 800 square feet.²¹ They can be created by conversion of an existing structure or by construction of a new building. An early assistance process is available to help with project development for ADUs created through the conversion of an existing structure. ADUs that meet all the standards are permitted by right and do not require a land use review. No additional parking is required for accessory



ADU Permits approved for the city of Santa Cruz
Source: City of Santa Cruz

¹⁸ See Appendix B.

¹⁹ City of Santa Cruz, *Accessory Dwelling Unit Development Program*, <http://www.ci.santa-cruz.ca.us>.

²⁰ Barbara Sack, city of Portland.

²¹ See Appendix C.

units. Portland's ADU program guide outlines ways to bring existing nonconforming units into compliance.

The city considers ADUs to be more affordable than other housing types because of the efficiency of the units in using fewer resources and reducing housing costs. City planner Mark Bello notes that allowing more ADUs did increase the housing supply, and that city residents viewed ADUs positively and were satisfied with the changes made. He also added, "There were no significant negative issues that arose from liberalizing Portland's code."

Barnstable, Massachusetts

With seven villages within its boundaries and a total population of 47,821, the town of Barnstable is the largest community in both land area and population on Cape Cod.²² Approved in November 2000, Barnstable's Accessory Affordable Apartment or Amnesty Program is a component of its Affordable Housing Plan.²³ The program guides creation of affordable units within existing detached structures or new affordable units within attached structures. Eligibility for the program is limited to single-family properties that are owner-occupied and multifamily properties that are legally permitted.

Barnstable's amnesty program is seen as a way to bring the high number of existing illegal ADUs into compliance with current requirements. In order to bring a unit into compliance, the property owner must agree to rent to low-income tenants — those earning 80 percent or less



ADU over detached garage
Photo credit: Town of Barnstable



ADU on lower level of primary dwelling
Photo credit: Town of Barnstable

of the area median income — with a minimum lease term of one year. The amnesty program offers fee waivers for inspection and monitoring of units and designates town staff to assist homeowners through the program's administrative process. The town can access Community Development Block Grant funds to reimburse homeowners for eligible costs associated with the rehabilitation or upgrade of an affordable ADU. Homeowners are also offered tax relief to offset the negative effects of deed restrictions that preserve the affordability of the units.²⁴

Through its Amnesty Program, the town of Barnstable has successfully brought many of its illegal accessory units into compliance, with the added benefit of increasing the supply of affordable housing. Since the start of the program, Barnstable has approved 160 affordable ADUs. Beth Dillen, Special Projects Coordinator for the town's Growth Management Department, noted that "the ADU program has been very well received and there has been no neighborhood opposition." The program has been successful in converting existing illegal accessory apartments into code-compliant ADUs. According to Building Commissioner Tom Perry, "The benefit to this program is twofold. It is increasing the affordable housing supply and it also makes units, that before were unsafe and illegal, safe and legal."

Wellfleet, Massachusetts — Home of Oysters...and ADUs

Wellfleet is located in Barnstable County, Massachusetts. Located on Cape Cod, Wellfleet is a tourist town with a

²² U.S. Census 2000, www.census.gov.

²³ See Appendix D.

²⁴ Town of Barnstable, *Accessory Affordable Apartment Program*, http://www.town.barnstable.ma.us/GrowthManagement/CommunityDevelopment/AssessoryHousing/AAAP-BROCHURE_rev041206.pdf.

year-round population of 3,500, which increases to 17,000 in the summer months. Sixty-one percent of the land area in Wellfleet is part of the Cape Cod National Seashore and about 70 percent of the entire land area is protected from development.²⁵ Wellfleet also has a growing concentration of elderly residents 65 years and older. A housing needs assessment study conducted by the town in 2006 recommended the adoption of an affordable ADU program to meet elderly housing needs and to increase the supply of affordable multifamily rental units.²⁶

primary structure, and may not be larger than 1,200 square feet. Homeowners with pre-existing attached and nonconforming accessory apartments may only make changes that increase the conformity of the structures.²⁷

Unless the provisions are specifically waived, the construction of new ADUs must conform to all zoning bylaw provisions and the owner of the property must occupy either the ADU or the primary dwelling. Detached units must comply with all setback requirements. Owners are required to rent to low- or moderate-income households. Maximum rents follow the Fair Market Rental Guidelines published by HUD and the property owners must submit annual information on rents to be charged.

To encourage participation in the ADU program, Wellfleet has instituted a new affordable accessory dwelling unit loan program.²⁸ The program offers interest-free loans for homeowners to develop affordable accessory units. The funds can also be used by homeowners to bring their ADU up to code. Wellfleet offers tax exemptions to homeowners on the portion of the property that is rented as an affordable unit. According to Nancy Vail, Assessor for the Town of Wellfleet, the combined tax savings for all ADU property owners totaled \$7,971.17 for fiscal year 2008. Sixteen units have been approved since the start of the program in November 2006.



Interior ADU – Town of Wellfleet
Photo credit: Town of Wellfleet

The affordable ADU bylaw for Wellfleet allows up to three ADUs per lot in any district, but requires approval of a special permit from the Zoning Board of Appeals. Secondary units may be within, attached to, or detached from a

Fauquier County, Virginia

Fauquier County is a largely rural county located about 50 miles outside of Washington, D. C. Beginning in 1967, Fauquier County adopted strict zoning regulations to limit growth to nine defined areas as a means of preserving farmland and open space; in effect, establishing growth boundaries.²⁹ However, the county population is rapidly increasing. The 2006 U.S. Census population estimate for Fauquier County was 66,170, a 20 percent increase from 2000. A needs assessment study by the Fauquier County Affordable Housing Task Force found that between 2000 and 2006, the median housing price in Fauquier County increased 127 percent, while the median household income increased 21 percent. To accommodate its growing population, especially the need for workforce housing, the county encourages infill development within the nine defined areas, and is active in reducing barriers to affordable housing.



Detached ADU – Town of Wellfleet
Photo credit: Town of Wellfleet

²⁵ Town of Wellfleet, <http://www.wellfleetma.org>

²⁶ Town of Wellfleet, *Housing Needs Assessment, 2006*, http://www.wellfleetma.org/Public_Documents/WellfleetMA_LocalCompPlan/Appendix8.pdf.

²⁷ See Appendix E.

²⁸ Town of Wellfleet, *Affordable Accessory Dwelling Unit Program*, http://www.wellfleetma.org/Public_Documents/WellfleetMA_WebDocs/AADU.pdf.

²⁹ Keith Schneider, *New Approaches to Shaping Community Futures*, March 1997, Michigan Land Use Institute, <http://www.mlui.org/growthmanagement/fullarticle.asp?fileid=3862>.

Fauquier County recognizes three different types of accessory units: family dwellings, efficiency apartments, and tenant houses.³⁰ Family dwelling units are detached accessory units constructed for use by the homeowner's family member(s); they must be occupied by no more than five people, at least one of them related to the owner. Family dwelling units may be as large as 1,400 square feet in size and are permitted in both rural and many residentially zoned areas. Efficiency apartments are alternatives to family dwelling units and are attached to either the primary residence or to an accessory structure, such as a garage. The size is limited to 600 square feet or 25 percent of the gross floor area of the main dwelling, whichever is greater. Efficiencies may not be occupied by more than two unrelated people and are allowed in rural and residential-zoned areas. Tenant houses are detached dwellings built on the property for the purpose of supporting agricultural land uses. At least one person occupying the tenant house must work on the property. Tenant houses have no size limits. They are allowed only on rurally zoned areas or properties of at least 50 acres, with one tenant house for every 50 acres of a property.

Development of ADUs in Fauquier County depends on the zoning, the size of the property, and availability of septic/sewer and water services. Each of the unit types is approved by the Fauquier Office of Zoning Permitting and Inspections, with a building permit, provided that the units meet zoning requirements. According to the county's zoning office, 155 accessory dwelling units and 37 efficiency apartments were permitted from 1997 to 2007.

Conclusion

At the height of the suburbanization of the United States in the 1950s and 1960s, high-density development became undesirable. Instead, communities favored low-density development defined by large-lot single-family homes. Accessory apartments that were once a common feature in many homes were excluded from zoning ordinances. However, growing demand for affordable housing (coupled with the limited amount of land available for development in many communities) has led to changing attitudes about the use and development of accessory apartments. An

increasing number of communities across the nation are adopting flexible zoning codes within low-density areas in order to increase their affordable housing supply.

Communities find that allowing accessory dwelling units is advantageous in many ways. In addition to providing practical housing options for the elderly, disabled, empty nesters, and young workers, ADUs can provide additional rental income for homeowners. ADUs are smaller in size, do not require the extra expense of purchasing land, can be developed by converting existing structures, and do not require additional infrastructure. They are an inexpensive way for municipalities to increase their housing supply, while also increasing their property tax base. By providing affordable housing options for low- and moderate-income residents, communities can retain population groups that might otherwise be priced out of the housing market.

The examples provided in the previous section involve communities that have to rely on existing housing stock to meet rising demand, either due to lack of developable land or strict growth management regulations. Portland and Fauquier County have adopted ADU ordinances to increase housing supply within their growth boundaries. Communities that are built out or have limited available land benefit from allowing the development of accessory units, as in Lexington and Wellfleet. Barnstable's amnesty program shows how to successfully bring a large number of existing illegal accessory units into compliance. In addition to allowing ADUs in all residential zones, Santa Cruz has attracted interest in ADU development by publishing an ADU Manual and Plan Sets Book with seven prototype designs for accessory units.

A community can tailor ADU ordinances to suit its demographic, geographic, and socioeconomic characteristics. The communities discussed in this case study provide loan programs, tax incentives, streamlined permitting, and reduced development fees as part of their ADU programs. In order for an ADU program to succeed, it has to be flexible, uncomplicated, include fiscal incentives, and be supported by a public education campaign that increases awareness and generates community support.

³⁰ See Appendix F.