

**FARMINGTON CITY
PLANNING COMMISSION**

October 05, 2023

WORK SESSION

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

City Planner/GIS Specialist **Shannon Hansell** presented subdivision training as well as the New Subdivision Ordinance included in the packet. The updates are required by State Law, to be implemented by February of 2024. The State Legislature has recently increased attention to affordable housing. They believe increasing the supply of housing will decrease the cost of housing. Senate Bill 174 is supposedly trying to expedite city processes to support affordable housing. The bill calls for subdivisions that already meet the underlying zone to not be reviewed by the City Council as there are no legislative decisions being made. Building Departments have been seeing increased oversight by the State for several years and now have 14 business days to review building permits before the permit is automatically issued. The State is now going more into the planning and development side of the process. The theory behind this bill is that cities, including Farmington, have a tradition of withholding zones until a project is well into its process. The new change would rely on the zoning and parameters already spelled out in the zoning ordinance, and there is not a lot of discretion left. This would shorten the development process. Projects taking longer increases costs for the consumer down the line. If the zone isn't functional for the developer, they can apply for a rezone or special subdivision process.

Community Development Director **David Petersen** reviewed the current subdivision process.

Hansell said the changes being required by the State mean Farmington can no longer require a concept or schematic approval or review, unless the applicant wants it. It may happen at the Staff level. The applicant must come with all the preliminary plat information when they first make application. There is an option to do a Staff or Planning Commission approval, followed by a final plat review by Staff. This process applies to single-family, two-family, or townhome subdivisions. Staff is proposing that it also include conventional commercial and conventional multi-family subdivisions, but not apartments. Apartments come in under the Project Master Plan (PMP) or Development Agreement (DA), which the Planning Commission will continue to be significantly involved with.

Commissioner **Samuel Barlow** asked how often zones are updated. **Petersen** said before 1999, Farmington said people could do 10,000 square foot lots on a 10-acre parcel to get 28 lots. There was then a thirst for open space and trails. After 1999, the Large Residential (LR) zone was no longer 10,000 square feet, but 20,000 square foot lots instead. Now that same piece of ground could only have 16 lots. The developers were offered the original 28 lots if they put 10% of the property in open space. The western zones required more, like 25-30% open space. The rooftop count remained the same, but open space was now included. This allowed a huge amount of discretion. Now, most of Farmington's land is already developed. Now the City has dove-tailed that concept into moderate-income housing with Transfer of Development Rights (TDRs), fee in lieu, and other benefits. Using the conventional process, developers will almost always be in the blue, even on a lot split. Therefore, conventional subdivisions are few and far between in Farmington. Farmington is different compared to other cities. Staff is now consumed with in-fill development. **Petersen** predicted that only 5-10% of applications would go through the conventional process, or about one to two per year.

Barlow said the proposed changes would satisfy Big Brother State Legislature, but in reality, it won't be much of a change for Farmington. **Hansell** said the Commission could still ask to see conventional commercial and conventional multi-family if they would like. **Petersen** said a zone change is a legislative act, and the City Council wouldn't have to hold a public hearing. The Planning Commission would be hearing schematics for a zone change. Infill parcels are time-consuming, and often involve Planned Unit Developments (PUDs) and historic preservation.

Hansell said the proposed law is that when they apply, applicants will only get four reviews with Staff before automatic final denial if they haven't been able to address all comments. Their applications will have to be very detailed, and go through the Development Review Committee (DRC) before they even apply. The fee does not apply for a schematic review, which does not count as one of the four reviews. The fee begins once an application is complete. DRC meetings may need to be held every month or every two weeks to review schematics submitted. Commissioners want to make sure applications have the necessary quality. **Petersen** said the Utah League of Cities and Towns (ULCT) recap documents don't say what happens after four reviews, but he will look into it.

Hansell said that for conservation subdivisions, PMPs, DAs, and PUDs, legal counsel has advised to remove the public hearing from the City Council stage for the schematic plan process. The final plat would not come to the Commission. All conditions need to be

done at the schematic stage, which goes hand-in-hand with legislative decisions. If a condition is not in an ordinance or DA, it cannot be enforced. DAs and applications now have to be more complete at earlier stages. It is reasonable to assume that if the State is going to expedite an affordable housing goal, they are going to look at conservation subdivisions, PMPs, DAs and PUDs next.

Commissioner Frank Adams suggested that the DA is not final approved until any and all conditions are met according to the Council or Commission. He also said when the public hearing for preliminary is held during a Commission meeting, the public needs to be informed that it will be the one and only public hearing for that development. Petersen said it is optional to have a public hearing at the preliminary plat stage with the Commission, but conditions not in the ordinance cannot be added. A public hearing would be held at schematic with the Staff. The authors of the bill negotiated with the ULCT to include an optional public hearing. Reading the ULCT letter in the packet is helpful to understand the changes. Discussion among the Commission is encouraged to give Staff feedback. There will probably be a few public hearings held on this as it gets through the Commission and Council by February. Hansell said it could be Staff or Commission looking at single-family, two-family, townhomes, conventional commercial, and conventional multifamily, or a combination of any of those.

REGULAR SESSION

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

MOTION

Tyler Turner made a motion to elect Larry Steinhorst as Chair for this meeting.

Samuel Barlow seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye	_____	Nay
Commissioner Frank Adams	X Aye	_____	Nay
Commissioner Larry Steinhorst	X Aye	_____	Nay
Commissioner Tyler Turner	X Aye	_____	Nay

Chair Pro-Tem Larry Steinhorst opened the meeting at 7:03 PM.

ZONE TEXT AMENDMENTS – public hearing

Item #1 Additional text and amendment to Chapter 11-30: FOOTHILL DEVELOPMENT STANDARDS, and 11-2 DEFINITIONS of the Farmington City ZONING REGULATIONS. The proposed amendments are to consider and clarify what can be built in areas with steep slopes. (ZT-14-23)

Community Development Director David Petersen presented this agenda item, which was continued from the September 7, 2023 meeting. On August, 17, the Planning Commission continued this agenda item, including the public hearing, to September 7, 2023. Moreover, the notice for the public hearing was re-posted to include amendments to Chapter 2 of the Zoning Ordinance (as well as Chapter 30). At the September 7 meeting, the Commission considered allowing time for each Commissioner to submit review comments.

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

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

The latest draft in this report includes comments from Planning Staff, the City Engineer, and the City Attorney. The following are comments received to date with a Staff response in *red* italics after each item. Where applicable, these comments are included in “purple” the latest marked-up draft (see Staff Report).

- Why 30% slope? Should it be more or less?

The 30% slope standards have been used by most all northern Utah cities since the late 1970s. For now, it is the dominate standard accepted by counties, municipalities, property owners, and the development community in the state. Petersen is not familiar with any community that doesn't use 30% slope.

- Should building height be dealt with differently or more specifically in the foothills?

After a laborious process, the City amended its height standards in 2000, which process considered numerous examples in foothill areas as well as “flat” areas. The height standards will be further explained and illustrated. Petersen said in the late 90s and early 2000s, a home was built on Ridgepoint subdivision that was very imposing for the homes below. Another was built in South Farmington in Mountain View Estates that was imposing as well. These two caused a stir that made some changes necessary.

- What more might be done about lighting?

Farmington's limited lighting requirements affect mainly non-residential uses. However, Planning Staff are working on a “night sky” ordinance which will provide lighting standards city-wide for all areas of the community and land use types—including the foothill areas as well. A draft may be presented to the Commission as early as November.

- Should we be trying to protect views? Is there a better way to frame that goal?

This may be a good topic to discuss with the entire Commission at the meeting.

- In the background information there is a bullet point that is confusing. It reads, "Development standards are not encumbered by items that are development standards". Clarification would be helpful.

This is a typo, it should read: “Development standards are not encumbered by items that are not development standards.”

- Under 11-2-20: Definitions, page 1, modify it to read, "ACCESSORY BUILDING: A building, structure or use . . ." Including the words "structure" and "use" make the definition ambiguous. I would also remove "clearly" since it holds the City to a higher standard when we might prefer a more general standard.

Done

- At page 2, the heading for 11-30-70 has been stricken. There are four subdivisions, A, B, C, and D. Have they been stricken or moved somewhere else?

The four sub-paragraphs refer one to other parts of the code when an applicant is dealing with 1) subdivisions, 2) PUDs, 3) Conditional Uses, or 4) Permitted Uses. These sections were primarily deleted to eliminate redundancy because Chapter 30 consists of foothill development standards applicable to areas identified on the Zoning map and the standards of the underlying zones within these areas, which include A, B, C, and D, still apply. Furthermore, the draft also makes sure that the new 11-30-050 titled “Review And Approval Procedures, and Required Reports and Plans” is consistent with the City's existing subdivision and site plan standards, or any amendments that may occur thereto.

- Page 2, Subpart B, 1. What prompted this amendment? I.e. What problem is it solving?

This language was included in Centerville's foothill ordinance. It is hoped that this intent will address over-grading of sites before an actual subdivision or site plan is submitted, during the subdivision and site plan process, and after.

- Page 2, Subpart B, 6 requires, "Implement early temporary or permanent planting, or both, wherever appropriate." Vegetation? Perhaps we could clarify this.

Done

- Page 2, subpart B 9. There is additional language regarding views to and from the foothills. Again, what problem are we trying to solve?

This may be a good item to discuss at the meeting where examples can be shown to the Commission. Petersen said there are examples off 200 East, which Staff tried to resolve in the past with the height ordinance. The views of the mountains differ whether viewed from East or West Farmington, so it is difficult to define "view."

- Page 4, under "Usable Land" contains the term "accessory building." Since this is a defined term elsewhere, I wonder whether or not it should be capitalized here. If not, it creates an ambiguity as to what is really intended here. *This looks like it may already be done.* Also under this section it may be helpful to know what is intended beyond "anomalies" more than what is included in the text. *Done. Staff has made it more clear what an "anomaly" is.*

- Page 5, under 11-30-040 the word "City" is used to replace the "Planning Commission and City Council." Not sure what is intended here. Is it meant to include both bodies or is it meant to mean City Staff?

The approval body (Staff, Planning Commission, City Council, other land use authority as designated by the Council, etc.) is dictated by the underlying zone, other titles in the code (i.e. the subdivision ordinance), and state code. And the requirements of these documents change from time to time. Presently, the Foothill Ordinance is currently inconsistent with other areas of the code in a few places regarding the approval body. Hopefully, the word "City" will ensure continued consistency, even as requirements elsewhere change.

- Page 6, Impervious material. One would assume this is concrete or something similar through which water will not pass. *Correct. This would not include gravel and dirt.*

- Pages 6 & 7. Under item 7, Usable Land again substitutes "City" for "Planning Commission and City Council."
See explanation above

- Page 9, item 2, vegetation to be planted. Should we also include a plan as to how it will be maintained, ie. rainwater or drip system etc.?

Done. Maintenance is addressed in Chapter 7.

- Page 9, Solar orientation review. This seems to mean that the structure will be situated to take advantage of sunlight for solar power or some other passive advantage. What does the City do if we don't like it?

We provided this as a recommendation, because characteristics of the site and other standards of the underlying zone, such as building placement requirements, may make solar orientation impractical. Staff is okay if it is removed, or move it to its own section.

- Page 10, 3,f uses the term "deposition." Does this mean as it relates to the potential deposits of soil etc. caused by water flow.

Yes, we modified the language in the draft to state this.

- Page 12, part F. Do we need to include the Planning Commission as well as City Council, or is that assumed?

Yes, it is assumed. It is already dictated in other areas of the ordinance.

Steinhorst sent some questions and commentary today before the meeting. He asked about fences being limited to 20% slope; retaining walls within 30 feet of each other being considered one wall; Planning Commission is mentioned on page 19 and shouldn't be; and architectural designs for fencing. Petersen said the State will say you can't dictate color and style in a conventional subdivision, but Farmington can address nonconventional subdivisions by ordinance. Commissioners questioned fencing needed to keep livestock. If this item is tabled tonight, it would allow those Commissioners not attending tonight to add their comments as well.

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

Chapter 30 Reorganization Summary		
Section	Existing	Proposed
11-30-010	Purpose	Purpose
11-30-020	Definitions	Definitions
11-30-030	Scope and Application	Scope and Application
11-30-040	Density, Lot Size, Width And Characteristics	Density, Lot Size, Set Back, Width And Characteristics
11-30-050	Required Plans And Development Standards	Review And Approval Procedure, And Required Reports and Plans

11-30-060	Bonding Requirements	Development Standards
11-30-070	Review And Approval Procedure	Architectural Design
11-30-080	N/A	Bonding Requirements

Larry Steinhorst opened and closed the public hearing at 7:41 pm due to no comments received.

MOTION

Tyler Turner made a motion to that the Planning Commission table with all the corrections made by the Commissioners in this meeting.

Commissioner Samuel Barlow	X Aye ___ Nay
Commissioner Frank Adams	X Aye ___ Nay
Commissioner Larry Steinhorst	X Aye ___ Nay
Commissioner Tyler Turner	X Aye ___ Nay

Samuel Barlow seconded the motion, which was unanimously approved.

Item #2 Additional text and amendment to Title 12: SUBDIVISION REGULATIONS. The proposed amendments are in response to requirements from the State of Utah to remove the requirement for concept/schematic reviews on conventional subdivisions and to establish an appeal process as outlined by the State. The amendments further clarify submittal requirements and the review process. (ZT-12-23)

City Planner/GIS Specialist Shannon Hansell said the Commission considered this agenda item during the earlier work session. In the past two years, the State Legislature has been trying to expedite City processes for the support of creating more affordable housing, with the theory that if a developer is spending less time getting a project approved, they are saving money and passing those savings on to the consumer. By creating more housing, the supply increases, lowering home prices. During the 2023 Utah State Legislative Session, a new law was passed in the form of SB174 which required cities throughout the state to comply with certain provisions related to how subdivisions are reviewed and approved. The bill’s requirements are directed at residential subdivisions. However, to provide consistency in processes followed in Farmington City, the proposed text changes (included with the Staff Report) impact all subdivisions.

Farmington’s current process includes a schematic step with both the Planning Commission and City Council having public hearings. Both the preliminary and final plat is reviewed by both Staff and Planning Commission. The State-required process would be pared down for conventional subdivisions including single-family, two-family, and townhomes. Staff would do most of the review, and a schematic step is optional. Most of the subdivisions being seen in Farmington required Planned Unit Developments (PUDs), conservation subdivisions, Project Master Plans (PMPs), zone changes, and Development Agreements (DAs) that include legislative decisions. The State is not requiring any changes for these, but Staff is recommending changes. Now the current process is a schematic plan with a Planning Commission public hearing and approval by the City Council, followed by reviews from the Commission and Staff at both the preliminary and final stages.

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

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

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

It is the recommendation of City Staff that all conventional subdivisions, whether residential or commercial, follow the same process and that all other subdivisions requiring legislative discretion follow a different but similar process. In the public review side, the key

distinction between the two processes is that the schematic step is required for consideration of a development looking for legislative discretion and will involve the City Council. The difference between the processes is that the Preliminary Plat is the final step in public meetings and City Staff is over final approval.

Forms to help demonstrate the process an applicant can anticipate with the current and proposed process change are included in the Staff Report. The actual form is not an item under the purview of the Council or Commission for approval, but may be helpful in understanding how the ordinances are applied. Staff is working to move away from a paper form and is trying to implement a digital submittal and review process. The latest ordinance draft in this report includes comments from Planning Staff, the City Engineer, and the City Attorney. Application forms in any format will then be altered to fulfill what is required by the ordinance.

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

Larry Steinhorst opened and closed the public hearing at 7:58 pm due to no comments received.

Hansell said the City has until February 1, 2024, to comply with the new requirements. All the mixed use zones around Station Park do not allow residential for the most part. Therefore, they would require legislative discretion, so they would still be coming to the Commission and Council. Conventional commercial subdivisions would be by the Smith's/Zion's Bank/Burt Brothers/Extra Space Storage and in Light Manufacturing and Business (LM&B) zones, and Staff is recommending those would go to the new process.

Commissioners expressed wanting to allow residents to be heard during public hearings on development matters. Adams sent a list of comments to Assistant Community Development Director Lyle Gibson, who may be able to share them with the other Commissioners. He noted the statute is requiring an Administrative Land Use Authority. The process has to be streamlined, but the right gatekeeping needs to be instituted for public comments to be received and the appropriate amount of review and conditions to be applied.

MOTION

Tyler Turner made a motion to that the Planning Commission table consideration of the proposed zone text changes to allow time to incorporate comments and request changes from the Planning Commission.

Samuel Barlow seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye ____ Nay
Commissioner Frank Adams	X Aye ____ Nay
Commissioner Larry Steinhorst	X Aye ____ Nay
Commissioner Tyler Turner	X Aye ____ Nay

Item #3 Additional text and amendment to Chapter 39: Historic Buildings primarily within Chapter 11-39-050: Farmington City Historic Landmarks Register. The proposed amendments are to make clear what kind of modifications requiring a building permit for historic resources listed on the Landmark Register need a "certificate of historic appropriateness," and an alternate consideration process for such certificates.

Petersen presented this agenda item. The Farmington City Landmarks Register consists of at least 11 historic resources and the Clark Lane Historic District. On September 19, 2023, the City Council held a public hearing to consider whether or not to include the Main Street Historic District on the Landmarks Register as well, but tabled action for further deliberation.

Whether or not the Council decides to place the Main Street Historic District on the Register, it is recommended that the City clarify that a certificate of historic appropriateness is only required for the issuance of building permits related to “exterior” repairs, alterations, additions, relocation or demolitions to historic resources. [Note: Ordinary maintenance and repair of any exterior architectural or environmental feature in or on a historic resource to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of historic appropriateness.]

Larry Steinhorst opened and closed the public hearing at 7:58 pm due to no comments received.

Petersen said the ordinance requires that a document be recorded with the County to give notice that the building would be subject to additional requirements. Property on the Landmark Register would show on a Title Report.

MOTION

Tyler Turner made a motion that the Planning Commission recommend that the City Council adopt the changes (attached to the Staff Report) to Section 11-39-050 of the Zoning Ordinance.

Findings for Approval 1-2:

1. The changes to the zoning text clarify that only certain kinds of building permits for exterior work require a certificate of historic appropriateness.
2. The amendment provides a more expeditious path where needed to the owner to obtain a certificate of historic appropriateness.

Supplemental Information 1:

1. Draft Changes to Section 11-39-050 of the Zoning Ordinance

Samuel Barlow seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye ____Nay
Commissioner Frank Adams	X Aye ____Nay
Commissioner Larry Steinhorst	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay

OTHER BUSINESS

Item #4 Miscellaneous, correspondence, etc.

- a. Minutes Approval September 7, 2023, and September 21, 2023
 - i. There was a correction to the minutes mentioning Key Bank, with one nay vote. Tyler Turner motioned to approve the minutes from both meetings. Samuel Barlow seconded the motion, which was unanimously approved.

Commissioner Samuel Barlow	X Aye ____Nay
Commissioner Frank Adams	X Aye ____Nay
Commissioner Larry Steinhorst	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay

- b. City Council Report October 3, 2023
 - i. Petersen said there were not Commission-related items on the agenda. There was a presentation by Horrocks Engineering for the Interstate 15 widening. The Environmental Impact Statement (EIS) is in its last 45-day public comment period. The presentation and documents can be forwarded to Commission members. The Utah Department of Transportation (UDOT) has dropped the Glovers Lane interchange option. It will only be an overpass like it is now. The widening project stretches from Farmington to 6th North in Salt Lake City. Some neighborhoods in the north part of Salt Lake City are not pleased with the proposed changes to their area.

ADJOURNMENT

Tyler Turner made a motion to adjourn at 8:23 pm.



Larry Steinhorst, Chair Pro-Tem