

**FARMINGTON CITY**  
**PLANNING COMMISSION**  
November 02, 2023

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**WORK SESSION**

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

City Planner/GIS Specialist **Shannon Hansell** provided a training on a Night Sky ordinance. In recent months, Staff has been working on significant ordinance updates including the Foothill Ordinance, Subdivision Ordinance, and now a Lighting Ordinance. The purpose of a Night Sky ordinance/minimizing lighting is to not disrupt sleep patterns and animal behavior. It also saves money, as there is no need to pay for the energy. Certain houses in the foothill areas are lit very brightly, so as to be seen from the freeway. **Gibson** said lighting has changed over the last few years with advancements in LED lighting so it makes sense to consider if our ordinance needs any changes. **Hansell** mentioned Farmington already has something about commercial lighting not bleeding onto residential properties. It is not possible to see the Milky Way anymore along the Wasatch Front. The Planning Commission should consider whether to apply this retroactively or to new construction or changes of use. The Color Temperature Scale as a way to measure light, including lumens and foot candles. She mentioned light pollution, light trespass, glare, and up light. There is a lighting schedule plan for the park in the business park.

Regarding implementation, places like Zion National Park and Canyonlands in Utah are Dark Sky approved. The Dark Sky International Association has many model ordinances, some with lighting zones and classes. With a population of 25,000 spread over 10 square miles, Farmington has a lot of population density compared to other areas that are Dark Sky approved. Station Park, Lagoon, and the Mercedes dealership are the largest contributors to the City economically, and they all have massive amounts of lighting. The goal is to decrease the ambient lighting of the City, not necessarily safety lighting.

Commissioners said there are lights all along I-15, as well as at Lagoon and Station Park. They are more concerned with lighting on the foothills. They would like a purpose to be expressed in the ordinance. Community Development Director **David Petersen** said there was a lot of controversy lately over the lighting of the LDS Temple in the Heber Valley. The Church agreed to dim and shut off the lighting on that temple at a certain time of night. Lighted signs need to be considered as well.

**Hansell** said the only mention of lighting in current ordinances are for commercial uses. There are none in residential. In mixed use zones, there are street lighting standards. Most existing references are very vague. Commissioners would like a sampling to understand lighting differences and technology. Many ordinances exempt holiday lighting. Commissioners said it would be a good idea to have mentioned in an ordinance that residents should keep lighting to their own property.

Assistant Community Development Director/City Planner **Lyle Gibson** said the public hearing on the Gatrell property was re-noticed. The applicant has been working with the **Fadel's**, the property owner to the west, to make sure the existing pool at 200 West and State Street can remain with the lot. **Gibson** said it should be included as part of the subdivision, including the existing house. It would add another lot and more acreage. They may need to come back with a revision to the application. The yield plan shows they could, as a conventional subdivision, do nine lots. The packet has 10, including a bonus lot in exchange for historic preservation. The Historic Preservation Commission thinks this is a good area to preserve historic homes. A consultant is not sure that they are contributing properties (qualified to be on the National Register), but it is being investigated. The Utah State Historic Preservation Office has been consulted as well. The last survey from the state indicated there were contributing properties on site. The consultant can also suggest changes that could make a noncontributing home eligible for the National Register. The street will be private. **Petersen** said the layout is better than what could be done conventionally.

Regarding the Hess Farms final plat townhome project off Lagoon Drive, **Gibson** said it looks and feels like before, but the engineering has been proven to work. At preliminary, there was concern about parking and garbage. The ordinance doesn't have wording to push a dumpster option, and the applicant is accommodating storage of garbage cans. Nearly all have driveways and internal garages, allowing for four parking spaces. The private street is not conducive to on-street parking. The application has met the parking requirement. A commercial lot is included in the development. The applicant has committed to an office use of this area, but roads need to be in before a tenant can be secured.

**Gibson** said lengthy ordinances are on the agenda for consideration tonight, including a clean version that incorporates past input. The Subdivision changes need to be approved sooner than the Administrative Hearing Officer ordinance. **Petersen** said a lot of cities have switched to hearing officers lately, and it is a more fair process which reduces risk to the city for the types of applications they are involved with.

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**REGULAR SESSION**

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

Vice Chair John David Mortensen opened the meeting at 7:02 PM.

**SUBDIVISION APPLICATIONS**

**Item #1 Blake Bastian – Applicant is requesting to consider a recommendation for Preliminary Planned Unit Development (PUD) Master Plan and Schematic subdivision plan for the proposed Gatrell Gardens Subdivision, which will consist of 9 lots (including 2 existing homes) on 2.5 acres or property, located at 37 and 79 North 100 West and a portion of 184 W. State Street, in the Original Townsite Residential (OTR) zone (S-5-23) (This is an updated plan to a proposal first considered on August 17, 2023).**

Assistant Community Development Director/City Planner Lyle Gibson presented this agenda item. There would be access to the west to potentially bigger lots.

Update from August 17, 2023, meeting: After holding an initial public hearing on this project, the Planning Commission motioned to table any decisions and to have it be brought back at the discretion of the applicant after considering the following (responses to PC requests in red):

1. Staff communicate with the Historical Society to get feedback before the next meeting. They will provide some input to the status of the historic homes.  
After making updates to the project including having provided example architecture, the project was shared with the Historic Preservation Commission, which indicated their support for the proposal.
2. An update with the Fadels and their willingness to go along with the plan that uses their property.  
The developer has collaborated again with the Fadels and together they have determined to include more of the Fadel's property to assure future development potential for them while also producing a yield plan with an additional lot. This resolves a concern from Staff indicated by an original condition to reduce the number of lots.
3. Impose OTR requirements on any development, with items only waived individually and specifically.  
The developer has provided a design of the home they are proposing for Lot 3, which is most visible from the public Right of Way (ROW) which follows the OTR design guidelines. They have also provided examples of homes they would like to do on the remaining lots. They do not fully meet the OTR requirements, but are chosen per their compatibility with the area and use of design principles which recognize OTR principles while still accommodating a modern home on a smaller lot. This includes an OTR-compliant roofline with a covered front porch that comes forward past the garage. The garage spans some 60% of the front façade, but includes windows in the garage door to enhance the architecture.
4. Provide better elevations on proposed homes.  
See #3
5. What the applicant plans to do with the old homes, if they are going to renovate them and bring them up to date, providing cost estimates if possible.  
The developer does not have specific plans for what will happen to the historic homes. They have indicated to Staff that detailed plans are challenging to do at this stage in consideration of the project. Having more assurance from the City as to the project layout and number of lots will enable them to further pursue plans for these homes.
6. Applicant look into the options if they lost one lot.  
Applicant to speak to options if one lot is gone. Based on updated yield plan, applicant and Staff believe number of lots is a reasonable consideration under the ordinance.
7. Applicant explore a fee in lieu of open space.  
Applicant still proposing preservation of two historic properties in lieu of open space rather than a fee or TDR consideration.
8. Applicant's proposals for Homeowner's Associations (HOAs) and rent restrictions for affordable and/or moderate housing.  
Applicant has indicated that they have established HOAs in the City previously and would anticipate establishing similar parameters. HOA covenants would require planting of trees on property and would deal with maintenance of the private road. City Staff is hesitant to have the HOA scrutinized much, as it is not a document the City is a party to, so we have no long-term control over what it includes and how it is enforced.

The Planning Commission should review the updated information and determine whether or not their requests have been adequately addressed in a manner that, in the opinion of the Commission, merits a recommendation of the PUD.

**Background Information:** The subject property which consists of 2.5 acres accessed from 100 West Street just north of State Street currently includes two homes. The applicant has provided an updated yield plan indicating the potential development of the

property with eight lots if it were to be developed using standard street and lot dimensions. Rather than pursue this configuration, the applicant is looking to preserve the existing two homes along 100 West Street; the two homes are on the Farmington City Historic Sites List. In order to preserve these two homes and to provide more flexibility in how the property is developed, the applicant is looking for approval of a PUD subdivision. The first step is the schematic plan and Preliminary PUD Master Plan consideration. The Planning Commission is tasked with making a recommendation to the City Council regarding the request and a final determination would be made by the City Council.

Per Farmington City Municipal Code (FMC) 11-27-010, the purpose of the PUD is "...to promote flexibility in site design, to achieve, for example, the clustering of buildings, the mixture of housing types, and the combining of housing with supplementary uses such as commercial centers, business parks or other multiple use centers, etc. This chapter is also intended to promote better design of residential developments through the use of design professionals. It is further intended that a planned unit development will provide for more open space, more public amenities, and the preservation of natural features such as floodplains and steep slopes that would not be possible under traditional development techniques..." FMC 11-27-120 states that "smaller planned unit developments are encouraged in the older historical parts of the City in order to use lot interiors where unique conditions may exist."

FMC 11-27-070 below indicates the items that the Planning Commission should consider to determine if the proposal is more appropriate than a standard subdivision.

**11-27-070: PRELIMINARY PUD MASTER PLAN REVIEW BY PLANNING COMMISSION:**

The Planning Commission shall review the application for approval of a planned unit development designation and the preliminary PUD Master Plan at a public hearing. The Planning Commission shall either recommend the City Council approve the application and plan as presented, recommend the City Council approve it subject to certain conditions, table the application pending receipt of required materials, data, studies and information, or recommend the City Council disapprove it. Any recommendation for approval of the preliminary PUD Master Plan shall be made only after the Planning Commission makes the following findings:

A. **Layout:** The proposed layout will provide a more pleasant and attractive living environment than a conventional development established under the strict applications of the provisions of the underlying zones. The Planning Commission shall consider the architectural design of the buildings and their relationship on the site and their relationship to development beyond the boundaries of the proposed planned unit development. The Planning Commission shall consider the landscaping and screening as related to the several uses within the proposed planned unit development and as a means of its integration into its surroundings.

B. **Consideration of Adjacent Property:** The proposed planned unit development will create no detriment to property adjacent to the planned unit development and to this end the Planning Commission may require that the uses of least intensity or greatest compatibility be arranged around the boundaries of the project. The Planning Commission may require that yard and height requirements for the adjacent zone apply on the periphery of the planned unit development.

C. **Efficient Use of Land:** The proposed planned unit development will provide more efficient use of the land and more usable open space than a conventional development permitted in the underlying zone. The Planning Commission shall consider the residential density of the proposed development and its distribution.

D. **Compensation for Increased Density:** The increased density allowed within the planned unit development will be compensated by better site design and by the provision of increased amenities, common open space and recreational facilities. To ensure this requirement is achieved, site plans and other plans should be prepared by design professionals.

E. **Hazards Not Increased; Recommendations:** Any variation allowed from the development standards of the underlying zone will not increase hazards to the health, safety or general welfare of the residents of the proposed planned unit development. Based on its action on the preliminary PUD Master Plan, the Planning Commission shall make recommendations to the City Council. A recommendation for approval of the preliminary PUD Master Plan shall also include a list of recommendations for deviation from the requirements of the underlying zone requirements.

The applicant has provided a plan indicating a private drive that enters from 100 West to five smaller lots on the eastern portion of the subdivision. The existing homes fronting 100 West would remain. The new homes would be accessed from a lane designed as a turnaround for emergency services. Further, the lane stubs to what is identified as Lot 8, which would be established as a larger ½ size lot. The updated version of the plan also shows what is Lot 9, which would be accessed from State Street. The Development Review Committee (DRC) has reviewed the proposal and at the schematic level, it can work as proposed from a technical standpoint. At the direction of Staff and with feedback from the Planning Commission, the common space around the new homes which was originally proposed has been removed and each home now includes its own yard.

While the yield plan indicates a potential of eight lots using the conventional standards, the applicant is requesting that the preservation of the two existing homes on site meet the "some other public benefit" provision of FMC 11-17-035 in lieu of moderate-income housing units. The applicant is also requesting that the City consider "additional lots" for this preservation effort.

This provision does not place a cap on the number of additional lots, so the applicant has the right to ask for consideration of the one extra lot identified. A baseline for consideration of added density may be a reference to the common open space density bonus from 11-27-120 identified below.

“Every planned unit development shall provide usable common open space, accessible to all lots or units, of not less than ten percent (10%) of the net area (gross area less constrained or sensitive lands), in single-family planned unit developments. . .” (Section 11-27-120 G 1. of Chapter 27 of the Zoning Ordinance (the PUD chapter)). The common area includes 6,700 square feet in Open Space Parcel A and 8,600 square feet in Open Space Parcel B for a total of 15,300 square feet of open space, or 17% open space. While the proposal meets the 10% requirements, the preservation of the historic homes may also be allowed in lieu of open space requirements for a PUD per 11-27-120 (G)(2)(a). The applicant has provided a detail indicating what is expected to occur with trees on site. However, the implementation of open space even with the historic preservation is relevant in consideration of additional units. Under a standard open space type subdivision where 20% of the property is designated as open space, the development may merit a 20% density bonus. In this case, that would bump the project from the six units identified in the yield plan to 7.2 or 7 units.

The applicant proposes to remove the existing fencing around the perimeter and replace it with a 6 foot vinyl privacy fence. The creation of a private drive with the proposed lot sizes and common area configuration may be accomplished through the Planned Unit Development (PUD) process, but at the sole discretion of the City, as it is a legislative act.

Provision permitting consideration of “additional lots:”

**11-17-035: MODERATE INCOME HOUSING:**

A. Minimum Requirement: Subdividers must provide or set aside lots (or dwelling units at the option of the City) equal in number to at least ten percent (10%) of the total number of lots approved for the subdivision for moderate income housing subject to entering into an agreement with the City; unless, at the sole discretion of, and by agreement with the City, the subdivider provides:

1. Open space; or
2. A fee in lieu thereof determined in consideration of factors set forth in Section 11-28-270 of this Title; or
3. Some other public benefit; or
4. A combination of 1, 2, and 3 above.

B. Exemption: Subdivisions resulting in two (2) or fewer additional lots are exempt from the minimum moderate-income housing requirements of this Section.

C. Additional Lots: The City may approve additional lots than what is conventionally allowed in the underlying zone as an incentive to a subdivider to provide moderate income housing.

The following has been included for reference in consideration of the proposed lot sizes and setbacks identified in the schematic plat. The PUD allows the City to approve deviations from these standards.

The proposed development includes yards of 10 feet or larger around the perimeter, except for the existing home on Lot 1, which would remain at just over 3 feet from the north property line. Yards between new homes are 15 feet total.

**11-17-040: MINIMUM LOT AND SETBACK STANDARDS:**

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

Zone	Lot Area	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
OTR	10,000 square feet for each single-family	85'	95'	30'	10'	20'	30'

Gibson said the applicant tonight wants to know if they have sufficiently addressed the Commission’s concerns, and is meeting the intent of the PUD. They would like some flexibility that the PUD provides, such as the private road and setbacks.

Applicant Blake Bastian (7689 S. 1750 E., South Weber, Utah) addressed the Commission. He owns the two older homes in the proposed subdivision. The Smith Homestead subdivision is another area in Farmington that is similar to this proposal. 100 N. 245 E. is in the OTR and had an old rock house on the corner of Smith Lane and 100 North. Two homes were constructed behind the rock house, which had a big addition done to it with a garage and additional square footage. Therefore, what they are proposing has been done in Farmington before. They are asking for one additional bonus lot in exchange for preserving two historic homes.

Since the packet was submitted, he has spoken with the **Fadels** again. There were concerns with separating the pool from the other property, so there was a change. **Barbara's** house/Lot 9 was added into the yield plan, for a total of nine lots. All are over 10,000 square feet. The **Fadel's** property adds three lots, with seven on the other side, for a total of 10 proposed lots. Access easements will need to be provided to access Lot 2. The new addition provides one bonus lot for preserving the two older homes (on Lots 1 and 2). They plan to update, remodel, and restore those homes, but it depends on what happens with the approval process. He doesn't have a definitive answer yet. He plans to sell them off. If this proposal is not approved, he may have to tear the old houses down to do something completely different.

It is hard to follow OTR guidelines with the garages and porches on such small lots. They want to try to keep the charm of downtown Farmington by attempting to match the OTR as much as possible. The front portion would match OTR entirely, with side-load garages etc. Proposed Covenants, Conditions, and Restrictions (CCRs) call for a landscape plan with two trees per lot, and corner lots having three trees.

Noting 18-foot driveways, Commissioner **Sam Barlow** asked if there are driveway length minimums in the OTR. **Bastian** answered that since the PUD is an overlay over the existing OTR zone, there are no requirements, and guidelines go according to the PUD. **Gibson** said typical front yard is 30 feet, so the driveway is 30 feet also. **Bastian** said it is 15 feet from the street to the front of the house, and 18 feet from the street to the garage. By default, the garages will be set back 3 feet from the front of the house. **Gibson** said 18 feet should be the minimum setback for driveways. **Bastian** said the houses would fit on 50x60 feet footprints. He presented individual lot lines with this plan rendition, which makes the HOA a lot simpler. **Gibson** said the Smith Homestead was done under a PUD. He suspects that the Council at the time gave some leniency in architecture from the underlying zone. The PUD allows the application to deviate from any standard. The City should get something out of the PUD that is better for the community before granting deviations from the typical standard. In this case, the Commission needs to decide if allowing a narrower Right of Way, less set back, and more garage frontage is worth the historic preservation of two homes. At first, the applicant was asking for two additional lots, but with the additional acreage from the **Fadel's**, they are now only asking for one additional lot. The arrangement will help the **Fadel's** long term.

**Vice Chair John David Mortensen** opened the public hearing at 7:34 PM.

**Cameron Forbush** (80 N. 100 W., Farmington, Utah) said he lives directly across the street. He was originally opposed to this plan, but is now onboard with it after getting his questions answered. It is a responsible plan he is happy with. He wishes the developer would have opened up the communication lines sooner with the surrounding neighbors.

**Kyle Fadel** (184 W. State Street, Farmington, Utah) said he owns the business and home at the stated address. He, his brother, and his mother were all approached by the developer from the beginning, as the developer asked them their thoughts and if they had any access needs. He said the applicant has handled this properly, and he expressed his support.

**Cindy Ellis** (72 W. State Street, Farmington, Utah) said nothing has been mentioned about what will be happening to the **Fadel** property. She is wondering if the **Fadel's** will likewise want to develop eight more lots under a PUD in the future. They have been hauling in fill dirt, and may put the homes higher up. She is worried about storm water drainage. The City should not continue to make deviations now just because they did for the Smith property in the past. Daybreak has done a good job with tiny lots and big houses, and that would look good in this Farmington location. She wants to see more creativity. **Fadel** answered and confirmed that they have no desire to do any high density, maybe only one or two more homes for their own family is all. It would do the memory of his father wrong if the property were developed into a lot of homes.

**Jeff Gregson** (94 N. 100 W., Farmington, Utah) said he has similar thoughts as **Cameron Forbush**, his neighbor, that this plan is better than the first one proposed. He likes the three homes that are visible matching the neighborhood. He wouldn't be sad if the smaller of the existing homes was demolished, as he is interested in making the neighborhood look better. Although it is historic in age, it is a sorry house. He agrees that the City needs to be careful when approving these sorts of projects because of setting a precedence.

**Vice Chair John David Mortensen** closed the public hearing at 7:43 PM.

**Gibson** said at this phase in the development, storm water has not yet been designed or determined. If it moves forward, the developer will work with civil engineers to design storm water systems. The water will need to be handled on their own property and not on others' properties. City Staff will ensure the developer's engineered plans meet City standards and requirements. Considering Lots 1 and 2, which belong to the **Fadel** family, only one single-family home could be built on each. An Accessory Dwelling Unit (ADU) could be located on site like, this is true as well for other homes in the surrounding neighborhood. It would take a future City Council legislative act to develop additional lots beyond what is being proposed. If the **Fadel's** kept those two lots and

didn't combine them with the currently proposed PUD, they could potentially ask for similar to what is being proposed on the east side. This proposal is mutually beneficial to both property owners. It takes some density from the Fadel's and moves it over to the developer, but the Fadel's get more access to their own property they wouldn't have had otherwise.

Adams asked about the three-car garages on the front. The house is about 62 feet wide and the garage is about 34 feet of that. The plans should meet the OTR, including the limited garage frontage. The driveways won't accommodate the parking of many cars, especially when people use their garages for storage. It is hard to park cars on the street, and they may create parking problems on 100 West. He would like to see a formal plan for the historic homes, including a cost estimate to restore the homes up to code. Bonding may be necessary, instead of just a commitment to restore them. He is not yet comfortable with this proposal.

Gibson said the access easement between the two property owners will be memorialized on the subdivision plat itself, which is both convenient and clear. An easement document could also be recorded with more details. These are very common, and Staff would ensure it is recorded simultaneously. Commissioner Larry Steinhorst said an 18-foot driveway is often not long enough to park a truck or extended vehicle. He wants more detail on what is being done with the existing homes. Barlow said he likes this plan, and the porches being bumped out helped. He would also like more details on what will be done on the existing homes. Adams said either moving the private drive forward (west) or moving the homes back would give more room for longer driveways. It may be more economical to tear the existing homes down, and that would allow more room for additional driveway/parking space or a wider Right of Way (ROW).

Mortensen said the Commission will likely see this again. Tonight, the Commission expressed concern over driveways. After engaging the Fadel's, the applicant is now asking for an additional bonus lot through use of a PUD. The Commission now needs to determine if the City gets something out of giving the applicant an additional bonus lot. He said he would like to see "charm" and "quaintness" in this development, and this is getting closer to that. He senses mixed feelings on the desire to preserve one or maybe even both existing homes. There is not a unanimous feeling that preserving them would be a benefit to the City. He would like to see more detailed plans for the existing homes.

Gibson said the historic consultant has been engaged, but he will find out when her findings would be available. Staff is recommending the Commission table this tonight to allow time to get this surveyed.

**MOTION**

Frank Adams made a motion to table Item #1 to be reset at the convenience of Staff and applicant.

Larry Steinhorst seconded the motion, which was unanimously approved.

Vice Chair John David Mortensen	X Aye _____ Nay
Commissioner Mike Plaizier	X Aye _____ Nay
Commissioner Frank Adams	X Aye _____ Nay
Commissioner Alan Monsen	X Aye _____ Nay
Commissioner Larry Steinhorst	X Aye _____ Nay
Commissioner Sam Barlow	X Aye _____ Nay

**Item #2 Wright Development Group – Applicant is requesting approval for Final Plat and Final Site Plan for the proposed Hess Farms subdivision, on 10 acres of property, at approximately 900 N. Highway 89 (north of Lagoon Drive)**

City Planner/GIS Specialist Shannon Hansell presented this agenda item. Hess Farms Subdivision is located at approximately 900 N. Highway 89 on Parcel 08-052-0262. The 10-acre parcel was rezoned to Commercial Mixed Use (CMU) on January 3, 2023. At that same meeting, the City Council approved the Development Agreement and schematic subdivision plan. The Planning Commission approved the preliminary plat on May 18, 2023. When reviewing the preliminary plat, the Commission was concerned about the location and storage of trash cans. The Commission requested that the applicant come up with a solution to storing a large number of trash and recycle bins in plain view of Lagoon Drive and the rest of the East Park Lane area. Additionally, the Commission noted the hazards of loose bins in windy weather. The applicant has provided a space within the garages of the units specifically to store the garbage and recycle bins. Robinson Waste, the City's trash removal provider has submitted a will serve letter for this area. It details the three areas where the cans will be picked up.

Another concern from the Commission was the apparent lack of guest parking. However, the project meets and even exceeds the parking counts required by the ordinance. The ordinance requires 1.85 to 2 stalls per unit, and the project provides 3.77 stalls per

unit. The residential project would complete the connection of the north part of Lagoon Drive to the Highway 89 frontage road and provides for a completion of the connection of 700 West Street to Lagoon Drive. Apart from 700 West and Lagoon Drive, the development would be served by private streets, and homes are platted on individual lots for the option of owner occupancy.

Hansell said the Commission is approving the whole plat tonight, which is both the townhome residential component as well as Lot 1 (2.69 acres is being set aside for commercial use). The commercial site plan is under review with Staff and the DRC.

Applicant Logan Johnson (1178 W. Legacy Crossing, Centerville, Utah) with Wright Development addressed the Commission. There is a screening code requirement that the City wanted a white vinyl fence placed on the east end of the lot. However, he doesn't think the Army Corps of Engineers will allow a fence on the property line because of the wetlands. It will likely be left open, with a fence ending at the northern boundary. He proposes that there would be no north-south fencing. He is confident they meet and exceed both the parking and garbage elements, which are administrative decisions. He is happy to add to the HOA language that storage of garbage and recycling cans must be inside garages. There will not be a need for parking along the private road, which is not wide enough to accommodate it anyway. He is confident they meet the requirements in both the Development Agreement and ordinances of the City, and are anxious to get Lagoon Drive started.

Regarding the commercial use, Johnson said four buildings for office spaces are being planned. The family is splitting access a bit, with him taking half and the family taking half of this commercial space. He can't speak for the family's intentions for that land.

Gibson said anything under 5 acres falls under the purview of Staff per city code, so they are reviewing the commercial lot.

Commissioners prefer that the garbage and recycling cans remain out of site, not necessarily in garages. One commissioner said he would never want trash cans stored in his townhome garage, even if there was a nook designed for them in the garage.

**MOTION**

Frank Adams made a motion that the Planning Commission approve the final plat for Hess Farms Subdivision subject to all applicable development standards and ordinances, with the condition that the applicant must address all remaining DRC comments; including Findings and Supplemental Information; as well as final site plan.

**Findings 1-5:**

1. The final plat conforms with the preliminary plat.
2. The project addresses the conditions of acceptance and all requested changes.
3. The final plat conforms with the approved Development Agreement, which includes a previously accepted deed restriction as approved by the City Council.
4. The Hess Farms project conforms with the East Park Lane Small Area Master Plan.
5. The project provides valuable connections to 700 West, Lagoon Drive, and the frontage road.

**Supplemental Information 1-3:**

1. Vicinity Map
2. Final Plat
3. Layout of unit garage refuse storage area

Larry Steinhorst seconded the motion. The motion passed 5-1.

Vice Chair John David Mortensen	X Aye ___ Nay
Commissioner Mike Plaizier	X Aye ___ Nay
Commissioner Frank Adams	X Aye ___ Nay
Commissioner Alan Monsen	___ Aye ___ X Nay
Commissioner Larry Steinhorst	X Aye ___ Nay
Commissioner Sam Barlow	X Aye ___ Nay

**ZONE TEXT AMENDMENTS**

**Item #3 Farmington City – Applicant is requesting 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. (continued)**

Gibson introduced this agenda item. 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.

Included with the Staff Report is a summary sheet of what SB174 requires from the Utah League of Cities and Towns.

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. Verifying whether or not it meets the zoning and does not have legislative discretion.
2. **Non-Conventional Subdivision - 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.

Based on conversations with the Planning Commission at prior meetings, the process under consideration would put the review of purely residential subdivisions under the purview of City Staff as long as they are conventional in nature. The Planning Commission and City Council will be involved in the initial step of non-conventional subdivisions which includes legislative type decisions. The Commission will also have the administrative function of ensuring a non-conventional preliminary plat follows the parameters established by the City Council.

A visual comparison of the proposed changes is included in the Staff Report. 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 make a recommendation in time to have the Council do their first review on November 14, 2023.

Update: Comments from the Planning Commission during the October 5, 2023, meeting is included below. These items have been addressed or included in the current ordinance draft as indicated.

*Clarify – denied or approved at four reviews? If they can't fix deficiencies after four reviews, is it automatic approval or denial? (Depending on who the land use authority is, they would have the chance to formally deny or approve the application. If deficiencies aren't addressed within the limit of review cycles, it would be denied – 12-6-130 (C) last sentence.)*

*Does PC review constitute a review? For example, does tabling a project constitute a review? (This is not clear in statute. Staff can continue working with the City Attorney to verify. As written, the ordinance assumes that the DRC has four chances to review before sending to PC for decision. PC would then approve or deny rather than table. Unless applicant consents to tabling item, appeal process would be next option if desired.)*

*Does quality of application information come into play at optional schematic review? (Staff will maintain a list of items requested at schematic review. For applications which aren't required to submit this, we will not be able to force them to fully submit the desired details. The quality and amount of feedback that an applicant can receive will be based on the quality or amount of information provided at schematic review, and can help an applicant with better direction moving forward.)*

*Public hearing at prelim plat – optional? What's the point in public hearing or even PC review at conventional? (A public hearing is important primarily when opinion and policy is under consideration. For administrative actions where something is simply being reviewed for compliance with existing rules, a hearing can be ineffective or even problematic. For this reason, the proposed process does not include a hearing on conventional subdivisions. 12-1-060 proposes Staff as the authority for conventional single-family and two-family dwellings.)*

*Designate a land use authority in the ordinance. – (Updated 12-1-060 to clarify this and added definitions.)*

*DAs – how does the Planning Commission communicate their conditions/changes effectively? For example, PC can do conditions in their recommendation that are not implemented by the City Council in the DA. What happens to those conditions? What is the point of PC review of DA/PMP/PUD etc. at that point? (Conditions in this case are an addition to or a variation from the established regulations or standards for a subdivision and are legislative in nature. As such, the PC will give recommendations on legislative items or additional or modified rules, which the City Council (the elected legislative body) may choose to implement or not.)*

*Boilerplate of all DAs should include all conditions (past, current or future?) made by the City Council and/or PC. (Staff can include all conditions for consideration in a template DA from past projects on upcoming proposals. Reports will also likely include a DA which has been modified from that template as the proposed agreement as negotiated or modified by the developer and Staff being recommended to the PC. The PC can then recommend changes to the agreement for the consideration of the City Council.)*



All notices should include that there will be only one public hearing in a project's process.  
 (Staff will include this language in future notices.)

1. Additional submittal requirements have been added based on comments from the City Engineer.
2. Additional changes have been made to the order of Title 12, with reference added to applicable sections of State Code based on comments from the October 19, 2023, PC meeting.

**Gibson** explained what a metes and bounds subdivision is. Old properties don't exist in subdivision plats, but only have a legal description using metes and bounds. The City established a process to get one of such lots split into two without having to create an expensive plat. It still requires a surveyor to create new legal descriptions. That would be considered conventional and would be reviewed by Staff. Currently, these bypass the Planning Commission and go straight to the City Council. Essentially, two processes are proposed, one for conventional and one for nonconventional. The Planning Commission will not see the conventional, as it does not require legislative decisions. All final plat approvals would rest with Staff. This would meet the State's updated requirements.

**Barlow** said after reviewing this item a few times, he is comfortable with it. The details have been worked out. **Adams** said he had a lot of comments, but **Gibson** and the City Attorney went through them already. Commissioner **Mike Plaizier** said he missed discussion of this at the past two meetings. **Mortensen** said he is behind as well.

**MOTION**

**Sam Barlow** made a motion that the Planning Commission recommend approval of the subdivision ordinance text amendments (included in the Staff Report) to the City Council, plus the responses to the Commissioners' responses.

**Findings 1-4:**

1. The proposed changes will bring the City ordinances into compliance with processes mandated by the State of Utah.
2. The proposed text amendments clarify when steps are optional and when processes are required, based on different application types.
3. The proposed changes will help clarify which items must be submitted during the process for a complete application and clarifies the review process for both City Staff and applicants.
4. As proposed, the process considered by the text amendments will keep legislative decisions in the hands of the legislative body and keep more technical or administrative issues with administrative bodies for review and consideration.

**Supplemental Information 1:**

1. Draft Changes to Title 12: Subdivisions

**Alan Monsen** seconded the motion, which was unanimously approved.

Vice Chair John David Mortensen	X Aye ___ Nay
Commissioner Mike Plaizier	X Aye ___ Nay
Commissioner Frank Adams	X Aye ___ Nay
Commissioner Alan Monsen	X Aye ___ Nay
Commissioner Larry Steinhorst	X Aye ___ Nay
Commissioner Sam Barlow	X Aye ___ Nay

**Item #4: Farmington City – Applicant is requesting additional text and amendments to Title 11: ZONING REGULATIONS and Title 15: SIGN REGULATIONS. The proposed amendments are to update the body which hears appeals and other land use applications such as variance requests. This ordinance would transfer the role of the Board of Adjustments to an Administrative Hearing Officer (AHO).**

City Attorney **Paul Roberts** presented this agenda item. City Staff is working on establishing a more sophisticated and structured administrative hearing process. As part of the process, multiple administrative appeals will now be referred to the Administrative Hearing Officer (AHO). An AHO is not a City employee, and thus has the benefit of being aloof from politics and public clamor. As administrative appeals require both (1) the presentation and resolution of factual disputes, and (2) a legally-mandated course of action in light of those facts, the AHO is well suited to take on those matters. This application transfers administrative appeals that touch upon land development to the AHO.

The Board of Adjustment has not been formed or asked to function in over two years, in light of the passage of section 11-5-045, which permitted the use of the AHO to address variances and nonconforming use determination matters. This proposal removes references to the Board throughout the City code.

This ordinance also amends the variance section (11-5-080) to remove duplicative language to what already exists in state code, and which would be applicable to variance petitions anyway. It retains any unique aspects of our variance code, such as the section elaborating on hardship and special circumstances.

Once this application receives a recommendation from the Planning Commission, it will be presented to the Council alongside the chapter establishing the administrative procedures, along with various other code amendments that transfer administrative appeal authority to the AHO. Those procedures include a section that lists the matters over which the AHO has authority. For those who are interested in reviewing the draft procedure chapter, along with a table tracking all administrative appeals being transferred to it, that matter was presented for work session discussion during the October 17, 2023, City Council meeting.

**Roberts** said it is really helpful for the City in general to have a good, rigorous administrative hearing process. Current City ordinance language has appeals being handled in many ways, with some going to the Mayor, City Council, or City Manager. They were all over the place, but all administrative. It is better to have one point of appeal with a AHO. A consistent 10-business day length is proposed. It was time for Farmington to get rid of references to Boards of Adjustments, which typically go away as cities become larger and more sophisticated. They are still used in half of all jurisdictions. Boards often make decisions on what they feel should be rather than on law, which can cause problems for cities. The City has used an AHO for variances for the past two years, and it has gone well. He thanked **Adams** for his submitted comments. Timelines for appeals are established by State code. There is one type of appeal (11-4-070 bonds being released) that **Roberts** said makes sense to leave with the City Manager. 11-4-090 says appeals need to be made within 10 days to the City Recorder. Rather than rewrite the entirety of Chapter 5, many things were stripped out and the chapter will be renamed 'Appeals, Variances and Nonconformities. These are not really appeals, but rather requests for a variance. Rather than a section on bonds, he suggests referring to State code, which Farmington matched anyway. This will allow the City to keep pace with any State changes. Chapter 3-7 is yet to be written to identify how the AHO is appointed. It will likely be a two-year position appointed by the City Manager as approved by the Community Development Director. The AHO can be removed for cause or reappointed after two years.

11-25-080 addresses the possibility of the City appealing an action (such as a decision by a rogue City Council), and allows the City Manager to make the appeal. That way, the AHO could correct it before the City gets sued. Some clean-up is still needed, as the proposed changes overlap the subdivision code. **Roberts** knows of no court cases where a Court has overturned a legislative decision, unless they have done something illegal. A referendum on the ballot is another remedy. Recently, many administrative decisions are being taken away from the City Council. Decisions have to be made according to the law. Since **Roberts** has been with the City, there have been about one appeal per month. In certain circumstances, an attorney may need to be hired to advise the AHO. Under State law, anything that touches on development needs to go through the Planning Commission, which is why this is before the Commission tonight.

**Adams** said there is a potential for bias of the AHO because their fees are paid by both parties. **Roberts** said the applicant would pay the appeal fee, but the City would pay the AHO's bill. **Adams** said he is concerned about a minor potential for bias, that the AHO would rule in favor of the City in order to get their contract renewed. **Roberts** said the way to avoid bias is the two-year term and dismissal for cause only.

Vice Chair **John David Mortensen** opened and closed the public hearing at 8:45 PM, due to no comment received.

### **MOTION**

**Frank Adams** made a motion that the Planning Commission recommend approval of the ordinance (enclosed in the Staff Report) to the City Council.

### **Findings 1-3:**

1. The use of an Administrative Hearing Officer is both legally sound and bound to be more efficient and transparent than a Board of Adjustment in cases of variances and determinations of nonconforming use.
2. The utilization of an Administrative Hearing Officer in cases of administrative appeals in the land use context will be similarly preferable due to the Administrative Hearing Officer's independence from the City's organizational and political influences.
3. The use of an Administrative Hearing Officer will increase efficiency and help insulate the City from legal challenges on the bias or unfair treatment.

### **Supplemental Information 1-2:**

1. A list of draft changes to the effected sections to be found within the packet.
2. A list of repeal to the effected sections to be found within the packet.

**Mike Plaizier** seconded the motion, which was unanimously approved.

Vice Chair John David Mortensen  
Commissioner Mike Plaizier  
Commissioner Frank Adams  
Commissioner Alan Monsen  
Commissioner Larry Steinhorst  
Commissioner Sam Barlow

X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay

**OTHER BUSINESS**

Item #4 Miscellaneous, correspondence, etc.

a. Minutes Approval October 5, 2023

i. Larry Steinhorst made a motion to approve the October 5, 2023, minutes.

Frank Adams seconded the motion.

Vice Chair John David Mortensen  
Commissioner Mike Plaizier  
Commissioner Frank Adams  
Commissioner Alan Monsen  
Commissioner Larry Steinhorst  
Commissioner Sam Barlow

X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay

- b. Gibson said the Council will meet again on November 14, 2023. The Commission only has one December meeting.
- c. Adams wants a report from Staff on the General Plan update. Gibson said they are reviewing Requests for Proposal (RFPs) and understanding options on getting consultants. Adams also inquired about reconstituting a committee to study low- and moderate-income housing including criteria. Gibson said it is on the mayor's radar, and he is awaiting input from the mayor.

**ADJOURNMENT**

Larry Steinhorst motioned to adjourn at 8:50 pm.

Vice Chair John David Mortensen  
Commissioner Mike Plaizier  
Commissioner Frank Adams  
Commissioner Alan Monsen  
Commissioner Larry Steinhorst  
Commissioner Sam Barlow

X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay  
X Aye \_\_\_ Nay

John  
David  
Mortensen

Digitally signed  
by John David  
Mortensen  
Date: 2023.11.27  
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