

**FARMINGTON CITY  
PLANNING COMMISSION**

January 04, 2024

---

**WORK SESSION**

**Present:** Chair John David Mortensen; Commissioners Samuel Barlow, Joey Hansen, Kristen Sherlock, and Tyler Turner; Alternate Commissioners Brian Shepherd and Spencer Klein. **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:** Vice Chair Frank Adams.

New members of the Planning Commission were introduced and items on the Regular Session were discussed.

---

**REGULAR SESSION**

**Present:** Chair John David Mortensen; Commissioners Samuel Barlow, Joey Hansen, Kristen Sherlock, and Tyler Turner; Alternate Commissioners Brian Shepherd and Spencer Klein. **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:** Vice Chair Frank Adams.

Chair **John David Mortensen** opened the meeting at 7:01 pm.

Planning Secretary **Carly Rowe** administered the Oath of Office to new commissioners: **Joey Hansen** and **Kristen Sherlock**, who both will serve through the end of the 2027 year; as well as Alternate Commissioners **Brian Shepherd** and **Spencer Klein**, who will serve through the end of the 2024 year.

**CONDITIONAL USE/SITE PLAN APPLICATIONS – public hearing**

**Item #1 – Andrea & Andrew Gooch – Applicant is requesting consideration of a conditional use permit. The requested use is a home occupation, which will allow the owner to rent the detached accessory structure to other parties for storage on the property located at 912 W. 500 S. in the AE (Agricultural Estates) zone. (C-13-23)**

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. The applicants reside at 473 S. 950 W. and also own the property at 912 W. 500 S. These properties are adjacent to each other. The 912 property includes a main dwelling and large detached accessory building. The accessory building was permitted in 2018 under prior ownership. The previous property owner had a home occupation business license for an electrical business, but they did not apply for a conditional use as required by 11-35-040 3, which states that a conditional use is required for use of an accessory building in conjunction with a home occupation. The current applicant/property owner would like to utilize the accessory building as a for-rent storage unit where neighbors' recreational vehicles, equipment, etc. may be stored.

The current applicant/property owner contacted the City earlier in 2023 regarding options to adjust their properties' rear and side boundaries to incorporate the accessory building at 912 W. 500 S. into their property at 473 S. 950 W., where they live. The shift would not create any new lots. However, after review of the zoning ordinance, Staff determined that options to shift property lines were limited and likely untenable. The movement of the property lines would cause the 912 W. 500 S. property to come into noncompliance with the agricultural lot size, frontage, and/or setbacks. Staff recommended that the applicant's best option would be to propose a zone text amendment or zone change.

Assistant Community Development Director/City Planner **Lyle Gibson** said it was the position of his office that the homeowner did not qualify under the rules for a home occupation business on the property. Therefore, the applicant proposed a zone text amendment to change the Schedule of Uses for the agricultural zones to create a new use: Accessory Structure Operation. The new use would be allowed only in the Agricultural Estates (AE) zone and the suggested definition would include very specific elements which were aimed at preventing the use except in the most specific of situations. Staff recommended denial for the zone text amendment on November 16, 2023, but the Planning Commission tabled the item to form a subcommittee to further explore the issue and discuss possible solutions. It could have broader unintended implications if it had been approved.

The subcommittee determined that using the existing ordinances was in fact feasible and that it would be preferred over modifying the code. The findings of the subcommittee members were that ambiguities in the home occupation code ([Title 11, Chapter 35](#)) should be interpreted in favor of the applicant. The subcommittee reasoned that 11-35-030 J would allow the Commission to consider the applicant's request as a conditional use as provided by 11-35-040 2 and 3. The conditional use would allow the Planning Commission to specify certain conditions or mitigations necessary that would allow use of a detached structure in a home occupation business.

11-35-050 J:

*Conduct Within Dwelling: The home occupation shall be conducted entirely within the dwelling and shall be clearly incidental, secondary and compatible to the residential use of the dwelling. The home occupation shall not occupy or use any accessory building, yard space or activity outside the main building, or an attached garage to the extent that vehicle parking is displaced, unless approved by the Planning Commission as provided in section 11-35-040 of this chapter. (Ord. 1993-44, 12-8-1993)*

11-35-040 2 and 3:

2. *Uses where the applicant proposes to use more than twenty five percent (25%) of the dwelling in connection with the business.*

3. *Any use where outside storage, use of an accessory building or exclusive use of an attached garage is anticipated or requested in conjunction with the home occupation.*

Considering the new direction from the subcommittee, the Planning Commission recommended denial of the zone text amendment on December 7, 2023. The applicant then applied for a home occupation Conditional Use Permit (CUP), which is being considered today. The Commission is instructed by the above ordinances to consider the conditional use according to 11-8-050 Conditional Use Standards.

**Gibson** said that in Utah, where there is ambiguity in the law, it should fall in the property owner's favor. Staff and Commissioners involved in the subcommittee agree that the application meets the ordinance, and any ambiguity should go to the applicant. Staff recommended approval of the home occupation and rental of the detached building with five suggested conditions that Commissioners can add to or take away from.

**Gibson** said typically conditional uses run with the land if the same use is continued as previously allowed. Staff recommends that the Commissioners instead tie the approval of the CUP to the ownership of the property. If the **Gooch family** no longer lives next to the property, or on the property, the new owner wouldn't have the same rights to continue the same use of the property. If the property was sold, this CUP would be null and void. A finding to consider would be any change in ownership would trigger the dismissal of this CUP.

Property owners **Andrea** and **Andrew Gooch** (473 S. 950 W., Farmington, Utah) spoke regarding their requested use. **Andrew Gooch** thanked the Commission and Staff for looking into their unique situation. In past meetings, they have had 10 neighbors in person or through letters express their approval of this application. Since the 2,700 square foot building is in their back yard, they will be the best stewards of it. Commissioner **Tyler Turner** asked how many neighbors have inquired about this use, and **Gooch** replied that a few neighbors have inquired for storage of their side-by-sides. Ideally there will only be five to six renters storing their camper, boat, side-by-side, or maybe extra furniture, etc., but no animals or anything dangerous. Chair **John David Mortensen** asked about access. **Gooch** said the intent is to use the south door, which is approximately 30 feet wide.

Chair **John David Mortensen** opened the public hearing at 7:22 PM, limiting comment to 3 minutes per person.

**John Kiblinger** (553 S. 950 W., Farmington, Utah) addressed the Commission via Zoom, noting that he does not know the applicant. However, he is "for" the use. He noted a neighbor on the south side of 500 West uses their property as a mechanical area and hopes that will not be the case here. The street should not be a mechanic/car lot. This proposal may help clean up the neighborhood.

**Cory Ritz** (903 W. 500 S., Farmington, Utah) owns the property south of the proposed use and noted his six years on the Planning Commission and 12 years on the City Council. **Ritz** stated his concern for the impact of any changes to neighbors and the City as a whole, including if changes set any precedents. He said that the previous owners had a couple of home occupations (a quilt shop and electrician business) inside the house, and they needed the main garage for the quilt shop. The accessory building was to house the electrician business. They got a building permit to build the building, but never went through the process to get a CUP for the business part of it. The building was never authorized to have a larger, intense use. The size of the business grew over time, as there was a whole fleet of employees and vehicles coming and going every day, as well as box truck deliveries being received. The impact to the neighborhood was out of bounds and out of character for the area. The property behind the house and to the west of the accessory building is now fenced in, establishing lot lines. The home occupation zone is only allowed by condition in the AE zone. Most of West Farmington falls in the AE zone, so this could set a precedence. He has spoken with some neighbors who are concerned that a portion of the accessory building has been finished off for use as an Airbnb, presenting another question that needs to be asked. He also noted that commercial storage units are only allowed in commercial zones and Light Manufacturing and Business (LM&B) zones. This is putting a commercial use in a residential area.

**Emily Somner** (918 W. 950 S., Farmington, Utah) moved here from downtown Farmington three years ago before most of the existing homes were built in the cul-de-sac. She wants her neighborhood protected. It is a very nice area with million-dollar houses, and she would like to keep commercial out of the area.

**Marcus Somner** (918 W. 950 S., Farmington, Utah) stated this is a rough decision but noted that zoning is there for a purpose. He stated he has investment properties, so he understands the property owner's standpoint. He said people should have property rights, but there is a balance to be struck.

**Heidi Ritz** (903 W. 500 S., Farmington, Utah) said she emailed a letter, which will be made part of the record. She noted that the zone has been changed in the last 6 months because the adjacent property was not part of the zone. According to 11-10-40, only 6,000 feet of rooftop is allowed. The applicant's shed, home and barn is almost at 6,000 square feet total. They want it grandfathered so it can be left that way. She has lived in Farmington for almost 30 years. The zoning ordinance states that the business needs to be in the home, not in an accessory building.

Community Development Director **David Petersen** noted that the letter from **Heidi Ritz** would go into public record. All Commissioners received this letter via email, but he also printed some for reading tonight.

**Andrea Gooch** (473 S. 950 W., Farmington, Utah) said they bought the property because this is their backyard. It was previously used by an electrician, and it got a bit noisy, although it didn't bother her much. She said they have had five neighbors, including the **Ritzes**, approach them wanting to store Christmas things, boats, etc. there. **Gooch** would like to come up with a solution that doesn't bother the neighbors or owners. This can help tuck the toys away off the road, where they bother others.

**Cory Ritz** (903 W. 500 S., Farmington, Utah) said that they did ask to rent the **Gooches'** space for use as a temporary private personal shop, but not for commercial use.

Chair **John David Mortensen** closed the public hearing at 7:40 PM.

**Mortensen** went through the public's concerns and answered each individually to the best of his knowledge. Items will be stored inside the building. The Commission is well aware of any precedence they may or may not be setting. In Farmington, short-term rentals are not allowed and are not in compliance with City ordinance. He inquired about the 6,000 square foot roof top.

**Gibson** said lot size and lot coverage is not being considered today. The lots there were approved legitimately, and there are size limitations for accessory buildings, the current lot coverage restrictions would not have applied to when the buildings were originally approved so even if they don't comply with the current regulations, they are legally non-conforming. A Conditional Use Permit would not have been required to construct the accessory building; however, how this building was being used was never brought before the Commission for approval. About a year ago, the Commission and Council considered some changes to the zoning text to create the Agriculture Planned (AP) District. This prompted the Staff to look at lot coverages in the area, and some changes were made. These buildings pre-dated those lot coverage changes. In this case, it is unique that the property owner owns two adjacent lots, and fencing has

changed. That doesn't in itself change the property boundary, and the City doesn't regulate where fences are put. It is not an issue of noncompliance.

**Petersen** said the lot is 0.53 acres and is allowed 6,000 square feet of coverage, which they conform with. The accessory building is subordinate in height to the main building, but it is not subordinate in area. Therefore, it is a legal non-conforming building that cannot be added onto.

**Mortensen** said there was a subcommittee set up to consider this option, which included two Commissioners who are not in attendance tonight. Both individuals are attorneys, and the City Attorney also contributed input. There were concerns voiced from the community that a precedence with broad, city-wide implications not be set. The zoning text actually being changed would bring broad implications, and was eventually denied by the Commission. What is being considered tonight only applies to this one application, which addresses home occupation where the business is on the lot where the person lives. This is not the case here, as the business would be on an adjacent lot, which is not directly prohibited by the existing ordinance. Therefore this was put forward as a conditional use. The proposed findings for approval tonight mirror conditional use elements.

**Shepherd** had no concerns. **Barlow** was only present for one of the previous meetings, and said that the one easiest solution was to go back and see if the home occupation idea would work. He agrees that the motion before the Commissioners addresses his concerns. He, too, would like to not set a precedent for the rest of Farmington. **Sherlock** appreciated the neighbor's concerns, etc. However, she suggests that this approval is null and void if either property is sold and no longer owned by the **Gooch** family. This property should not be marketed as a commercial property in the future, nor should it be a short-term rental. If 912 is sold, they would have to come back before the Commission in order to keep the same use.

**Turner** stated that he liked everyone's comments; however, he initiated the denial previously. He said if he were to approve this, he would want to tighten up the ordinance moving forward. He likes tying the CUP to the current owners. He would like to put a condition on how many renters are allowed, and he would like to require a City business license, which invokes a fire marshal approval. Another condition should include no short-term rentals. **Klein** agreed and would like to include a possibility of no daily visits to lessen the impact. **Hansen** agrees with everything that has been said, and is sensitive to the precedent issue. He noted that any future home owners of the property would need to come back to the Planning Commission for approval if they wished to do the same business model. He wants to include the conditions that were stated above, i.e. number of renters, equipment that is allowed to be stored in the facility, limited traffic impact, etc. He wants the code tightened up for clarity. **Mortensen** said it was unfortunate the previous owner was not compliant, and this is what should be prevented in this case.

**Turner** and **Mortensen** walked through the conditions, agreeing with the five conditions suggested in the Staff Report as influenced by the subcommittee, but wanting to add the following:

1. In addition to suggested condition 4, "The owner of the accessory building rental operation must live on the property where the accessory building is located or on an adjacent lot," if they sell one property or the other, even if they sell both together, that dissolves the CUP completely, making it null and void. Any change in ownership, whatever that may be, would render the CUP null and void.
2. Renter number being no more than five unless otherwise dictated by the City's traffic engineer.
3. Passive use storage only, no repairs or mechanical shop use. It is not a repair shop.
4. **Petersen** suggested a condition that the owner convey to the City any overlap of their property encroaching into the City's right-of-way, that the owner quit claim their interest in the ROW. It is legal nonconforming in its present condition.
5. Obtain a City business license with an inspection from the City Fire Marshal.

**Hansen** noted that he is not comfortable deciding on this item tonight since this is his first time seeing the item. **Sherlock** asked if Staff allows residents to only use a certain amount of square footage in current storage units in town. **Gibson** noted that there is not a certain amount of square footage for each storage unit, but that the City looks more for parking based on square footage of the building in the commercial areas. That is for the property owner to deal with. However, with this in a residential area, it could be a

condition that the property owner allow a certain amount. **Barlow** said space will limit the number of customers, and he is unsure about putting a specific number on the amount of renters.

**Andrew Gooch** noted that they on board with the conditions that have been discussed and recommended and are working with the City Engineer **Chad Boshell** and City Attorney **Paul Roberts** to extend the sidewalk to the trail from the property at 912 W. 500 S. They are already in the process to do the Quit Claim Deed. **Petersen** said it will be a great asset to have pedestrian access here. **Barlow** questioned if it is allowed to be limited on number of renters and if it has been done previously. **Gibson** noted that it does happen with daycare, preschool, lessons (music, dance, etc.), or when a large number of customers or clientele are expected at one time. This is typically limited to eight. A larger preschool with 12 for example would be a typical conditional use, but it could go up to 16, while up to eight is permitted without a CUP. It would be good for experts such as the City Traffic Engineer and Fire Marshal to weigh in on this issue.

### **MOTION**

**Tyler Turner** made a motion that the Planning Commission approve the home occupation conditional use to allow only the rental of space within the accessory building for storage of vehicles, boats, and related personal property, subject to all applicable Farmington City development standards and ordinances, including the following Conditions 1-9:

1. All storage must take place within the accessory structure; no outside storage may be permitted.
2. The accessory building may not be used for any Prohibited Uses as written in 11-35-030 O.
3. The CUP shall comply with 11-35-030 Conditions A-O.
4. The owner of the accessory building rental operation must live on the property where the accessory building is located or on an adjacent lot.
5. Access of customers/tenants to their rental space shall be restricted after 10 p.m. until 7 a.m.
6. Conditional Use is dissolved if either property is sold separately or together.
7. Maximum amount of six renters allowed or as otherwise deemed by the City Traffic Engineer.
8. Passive use storage only; repairs or mechanical shop use is prohibited.
9. Obtain a City business license, with additional City Fire Marshal approval required.

### **Findings for Approval 1-6:**

1. **Necessity:** The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community.
2. **Compliance:** The proposed use does comply with the regulations and conditions in this title for such use.
3. **Comprehensive Plan:** The proposed use conforms to the goals, policies and governing principles of the comprehensive plan for Farmington City; which classifies this area as rural-residential density.
4. **Compatibility:** The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing and proposed development; no site improvements which drastically change the area or site are being proposed.
5. **Adequate Improvements:** 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 or may be provided. The property is sufficiently large enough to contain upwards of 4 parking spaces for the accessory conditional use, as well as 2+ parking spaces for the residential use, as required in 11-32.
6. **Use Not Detrimental:** With compliance with the above conditions, the use is unlikely be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. The proposed use should not be considered detrimental:
  - a. It will not cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
  - b. It will not unreasonably interfere with the lawful use of surrounding property; or
  - c. It will not create a need for essential municipal services which cannot be reasonably met

### **Supplemental Information 1-3:**

1. Vicinity Map
2. Ordinance changes as described by ZT-20-23
3. Staff Report for ZT-20-23 from November 16, 2023.

**Samuel Barlow** seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ____ Nay
Commissioner Samuel Barlow	X Aye ____ Nay
Commissioner Tyler Turner	X Aye ____ Nay
Commissioner Joey Hansen	X Aye ____ Nay
Commissioner Kristen Sherlock	X Aye ____ Nay
Commissioner Spencer Klein	X Aye ____ Nay
Commissioner Brian Shepherd	X Aye ____ Nay

**ZONE CHANGE – public hearing**

**Item #2 – Farmington City – Applicant is requesting additional text and amendments to multiple sections of Title 11, ZONING REGULATIONS, and TITLE 12, SUBDIVISION REGULATIONS. The amendments are proposed to modify the process by which subdivisions and boundary line adjustments are considered, allowing flexibility in lot size without increasing the total number of lots or density.**

**Gibson** presented this agenda item. Before August of 2021, the City ordinances allowed a subdivision to include a variety of lot sizes without requiring open space, moderate income housing, or the Planned Unit Development (PUD) process. Under these ordinances, a developer would provide a yield plan indicating the number of lots they could produce using standard lot sizes and dimensions, then staying within that proven density, the developer could vary the size and dimension of lots to better arrange a project. The minimum lot size and frontage requirements were established in Chapter 11-12.

When the City adopted its Moderate-Income Housing ordinance in August of 2021, the ordinance required that a developer provide open space, moderate income housing, or some other benefit in order to qualify for *additional lots*, but these items were also required in order to be able to vary lot dimensions even without obtaining additional units or density. It was soon after determined that requiring moderate income housing or open space without granting additional density was not the intent. The City adopted a clarifying ordinance in October of 2021 in which *alternate lot sizes* could be permitted for subdivisions which did not seek additional density.

While the clarifying ordinance was approved by the City Council, the modified text was never updated or codified in the City's books. The missing text needs to be acknowledged and should be reconciled with the newly updated subdivision ordinance approved in late 2023.

**Gibson** said in their last legislative session, the State of Utah asked cities to make some of these changes when considering the subdivision of property and land in order to expedite the approval of housing. The resulting overhaul created two processes: conventional and nonconventional subdivisions. Conventional is where Staff is the authority over a subdivision. In this case, the City Council has already determined the rules, and the proposed application follows those rules exactly. The only ones the Planning Commission will see going forward are nonconventional subdivisions. In Farmington, most of the easy ground has been developed, so the Commission will likely see a lot of nonconventional applications in the future. These take unique legislative decisions.

**Gibson** said the City's current ordinance offers additional lots as incentive for providing open space or moderate-income housing. In the mid-1990s, the City essentially down-zoned most of Farmington. Before that, much of the community on the east side of town could develop quarter-acre lots, essentially four per acre. It was downzoned to two, with the option to regain the other two by giving the City some "goodies" such as open space and preserved sensitive lands. Flexibility was added to development. This led to the City getting a lot of parks and open space. Later there was a shift to needing moderate-income housing. An ordinance update allowed moderate-income housing (reasonably-priced homes) to also become one of

these “goodies” developers could add to get increased density. However, the changes to the ordinance created some confusion Staff would now like to reconcile. In August of 2021, the City took out the alternative lot size section. There used to be a process that applicants could gain flexibility to be creative in determining lot sizes within a subdivision. The ordinance update took away this flexibility in favor of giving additional lots in exchange for some things. However, some people don’t want additional lots, just flexibility that would allow for different lot sizes.

Staff had some clarifying language since the creation of the staff report, and would be okay with either tabling this proposal to get a clean version of the improved language in front of the commission for review, or if the commission is okay with the direction identified they could move the proposed clarification forward to the council who would see a clean version for review.

When **Hansen** asked if this came up because of a resident, **Gibson** noted that there isn’t a specific application that has triggered this, but suspects that staff has encountered this working on ideas with property owners in town at one point or another. Primarily, it was just a previous practice. **Petersen** said it was interpreted that Staff had this authority in the past. Except for the southeast bench, Farmington is going to be dealing with a lot of in-fill development in the next 10 years. The proposed changes can be beneficial to a land owner who wants to create a small parcel for an heir. Setbacks in agricultural zones are 30 feet, while otherwise they are 25 feet. Another incentive is given to those who set back garages and bring porches forward, that they can be within 20 feet of the front sidewalk.

**Turner** asked what Staff would change, if anything, since **Gibson** mentioned a possibility of tabling. **Gibson** noted a few things, saying his proposal is has been put in writing, he asked if it made sense to include flexibility in standard lot setbacks. Additional lots would go through one process and alternate-sized lots would go through another. This would be favorable for property owners who want to subdivide. It doesn’t change if it is possible for applicants to do this; it just changes who sees and approves this, Staff or Commission/Council. Conflicting language in the ordinance needs to be cleaned up. He also indicated that the State’s efforts to create moderate income housing suggest that if applicants meet the City’s rules, they do not have to go through long, arduous processes to get approvals. This proposal would better fit that philosophy.

**Barlow** said he is generally in support of this. **Sherlock** said this would have standard lot widths and setbacks. **Gibson** said it would help simplify minor boundary adjustments. **Petersen** said flag lots are still under the purview of the Planning Commission and the City Council. Farmington has awkward lot sizes because they can be very deep. **Gibson** said there would be time between now, if the Commission voted to recommend the changes, and when it is on the Council’s next agenda to make needed tweaks.

Chair **John David Mortensen** opened and closed the public hearing at 8:47 PM due to no comment.

### **MOTION**

**Tyler Turner** made a motion that the Planning Commission **recommend** the ordinance (enclosed in the Staff Report) to the Farmington City Council with modifications shown during the meeting from **Lyle Gibson**.

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

1. The proposed text amendments to the City ordinance clarify conflicting provisions found in the existing text.
2. As proposed, the proposed changes reflect what Staff believes was the intended direction of the City Council in 2021 and is consistent with the recently approved process for subdivision review and approval.
3. The proposed text changes will allow flexibility for property owners to better make use of their land while maintaining the number of homes or lots anticipated by the zoning district.

### **Supplemental Information 1:**

1. Draft Changes to Title 11 and 12

**Joey Hansen** seconded the motion, which was unanimously approved.

Chair John David Mortensen	X Aye ____ Nay
Commissioner Samuel Barlow	X Aye ____ Nay
Commissioner Tyler Turner	X Aye ____ Nay
Commissioner Joey Hansen	X Aye ____ Nay
Commissioner Kristen Sherlock	X Aye ____ Nay
Commissioner Spencer Klein	X Aye ____ Nay
Commissioner Brian Shepherd	X Aye ____ Nay

**OTHER BUSINESS**

**Item #3 – Miscellaneous, correspondence, etc.**

**a. Minutes Approval from December 7, 2023**

**i. Tyler Turner** made a motion to approve the minutes. **Samuel Barlow** seconded the motion.

Chair John David Mortensen	X Aye ____ Nay
Commissioner Samuel Barlow	X Aye ____ Nay
Commissioner Tyler Turner	X Aye ____ Nay
Commissioner Joey Hansen	X Aye ____ Nay
Commissioner Kristen Sherlock	X Aye ____ Nay
Commissioner Spencer Klein	X Aye ____ Nay
Commissioner Brian Shepherd	X Aye ____ Nay

**b. City Council Report from January 02, 2024.**

**i. Petersen** offered the City Council report. The zone text change regarding driveway material type and cleaning up some setback language was the only planning item.

**c. Detached ADU Ownership Discussion**

**Petersen** brought up a discussion regarding external Accessory Dwelling Units (ADUs) and internal ADUs, saying that Farmington is currently getting more here in the City because of the continuing housing crisis. This includes basement apartments, mother-in-law flats, etc. There are internal ADUs, which are inside a single-family home; and external ADUs, which are a separate building.

The State made a requirement along the Wasatch Front that all internal ADUs had to be a permitted use, with some exceptions such as for lot size. Farmington has allowed ADUs as an option since 2002, so they are way ahead of other communities.

Farmington City adopted an affordable housing ordinance in 2019, which requires developers to set aside 10% of their housing stock as deed-restricted affordable housing. There are a couple other options including a fee in lieu. In mixed-use areas, there is a clearer path than in single-family developments. The City offers incentives, which **Gibson** mentioned earlier that was used in the 1990s. This made it possible for Farmington to have such a great interconnected trail system. In 2019, affordable housing was also offered as an incentive along with open space, etc. that gets the developer added density.

What is so frustrating is that the ADUs are all rentals without a chance to build equity that previous generations enjoyed. The City Council wondered what happened to condominiums that can be owner-occupied. They were wondering if it was possible to have ADUs be owner-occupied.

The table that **Petersen** handed out and flashed on the screen is attached and explores pros and cons, as well as the market for some uses. Would a normal single-family homeowner still own the land while the ADU household owns their own unit? The pros for the homeowner would be they would not have to maintain the interior of the ADU. The ADU would pay the landowner a lease rate for the property. A relocatable ADU would be an easy-to-understand concept that is similar, but he is not proposing trailer houses or RVs. A family living in an RV on a residential lot is not currently allowed in Farmington. He has heard of fixed ADUs on their own foundations. However, he has not heard of owned ADUs being done anywhere else.



**Barlow** said there is an inconvenience factor to consider. How are utilities figured out? How are evictions handled, especially if the ADU needs to be removed or relocated? Would this be an enforcement issue? In the 1990s, Farmington made a pitched roof and at least a one-bay garage a required standard for all single-family units. Would owned ADUs be considered a subdivision? If so, Farmington may have to adjust their definition of "subdivision." How would the county assessor tax the use? Can the owner of an ADU rent it out, or would Farmington instead want them to be owner-occupied? ADUs need certain standards established. **Petersen** said he believes this issue is worthy of exploration. The concept can be phased in and transitioned over a matter of years. **Mortensen** said it is worth getting more information about.

- d. **The January 16, 2024, combined City Council and Planning Commission training meeting** will be cancelled. It may be rescheduled to Tuesday, February 6, 2024. The Councilmembers want to meet the new Commissioners.
- e. **Other: Gibson** mentioned that a consultant for the General Plan update has been selected and a contract is being worked on.

**ADJOURNMENT**

**Tyler Turner** motioned to adjourn at 9:15 pm.

Chair John David Mortensen	<b>X</b> Aye ____Nay
Commissioner Samuel Barlow	<b>X</b> Aye ____Nay
Commissioner Tyler Turner	<b>X</b> Aye ____Nay
Commissioner Joey Hansen	<b>X</b> Aye ____Nay
Commissioner Kristen Sherlock	<b>X</b> Aye ____Nay
Commissioner Spencer Klein	<b>X</b> Aye ____Nay
Commissioner Brian Shepherd	<b>X</b> Aye ____Nay



**John David Mortensen, Chair**



From: Heidi Ritz <heidiritz@yahoo.com>

Date: Tue, Dec 26, 2023 at 7:10 PM

Subject: Jan 4th hearing

To: crowe@farmington.utah.gov <crowe@farmington.utah.gov>

CC: Heidiritz@yahoo.com <Heidiritz@yahoo.com>, Cory.ritz@yahoo.com <Cory.ritz@yahoo.com>

Dear, Carly Rowe

Will you please make sure the following letter is added into Planning Commission packets for this meeting. This is in response to the hearing for a conditional use permit for the property located at 912 W 500 S Farmington

.....  
Planning Commission Members  
Planning Department

I am writing to request the planning commission firmly deny this request for a conditional use permit at 912 W 500 South! This is not a use allowed by zoning, ownership, or business type.

This application comes because the applicants wanted property to add to their own lot size (partially to have space to put in a pickle ball court). Their property backs up to this property, and they have added a fence and adjusted property lines. This is an extremely easy ask for them. Their home is on an adjacent dead end street— so their own residence will not be impacted by this request!

Our question is first- has this been allowed to be made into a non-nonconforming lot without proper public hearings?

And now this— just because the now owners did not do their due diligence before purchase! This is not proper reasoning to punish the whole neighborhood! Many of us are 20+ year residents. By allowing this, it would be in total violation of all the current zoning laws! It would also create a precedent that is unacceptable in neighborhoods. As Farmington citizens, we have to be able to trust our officials will protect us!

I do know the applicants have been continuing to try to find a way around the rules for months! Others in the area have had small, in home businesses. But those were owner-occupied with conditional use permits. ( For example, one neighbor with a small accesory building was where she made quilts.) Proper residential type businesses by an owner are due appropriate consideration. But what it will do to our neighborhood, is why we are determined to fight this! We have no question to the use of the property as a residential rental. In fact, we LOVE their renters!

Maybe it would be helpful to have some historical background:

- We purchased our property prior to annexation into the city. Several of us had the original 1 acre zoning...

- The area was later changed to 1/2 AE zone with agricultural use- thus current Agricultural Estate zoning.

- We didn't argue that change due to the need for smaller acreage lots. But it was agreed local lots would have an animal /agricultural use specification or "warning" on the title.

- It doesn't help that there is a history with this property. Probably the biggest anxiety from this application comes from already seeing what this building- improperly used- can be like! Originally, the home on the application property was constructed by a young family. I'm sure that there was a building permit for the construction of this large accessory building. However, I'm not sure if there was a conditional use permit. It was supposed to be a storage building for electrical supplies since he was an electrician. The size was so large- the owners shared with neighbors- that part would be used as a quilting shop; since she bought the large machine from the forementioned neighbor when she moved.

However, for the last couple years the use had become way out of bounds! There were large truck deliveries and a crew of employees that would come and go. That was a huge safety issue, especially in a residential area. Parking and noise was also pushing the limits of zoning. It was extremely frustrating!!!

This application has been extremely upsetting. Possibly, that is because I trusted that the city planning and zoning department would totally shut this requested use down. Everything about this proposal is in total disregard for established residential zoning rules. Seems that is an easy NO! This is not an appropriate use, even if it was owner occupied. This belongs in mixed use or light commercial zoning. And it is also not an owner occupied residential business.

I sincerely appreciate your time to read and consider the neighbors strong disapproval of this request! This will affect quality of life, safety, noise, and decrease property values!

Sincerely,  
Heidi Ritz  
903 West 500 South  
(801) 201-1601



David Petersen <dpetersen@farmington.utah.gov>

# Fwd: Dispute with W Farmington AE spot zoning changes ( previously unnoticed)! Gooch request for auxillary building use !

3 messages

Brigham Mellor <bmellor@farmington.utah.gov>

Thu, Jan 4, 2024 at 10:08 AM

To: David Petersen <dpetersen@farmington.utah.gov>, Lyle Gibson <lgibson@farmington.utah.gov>

When you get a moment, will you come up and explain this to me?

**BRIGHAM MELLOR**

**CITY MANAGER**

☎ 801.939.9224 | ☎ 801.792.3704

160 S MAIN, FARMINGTON UT 84025

[FARMINGTON.UTAH.GOV](http://FARMINGTON.UTAH.GOV)



# FARMINGTON

MORE TIME FOR LIVING

----- Forwarded message -----

From: Heidi Ritz <heidritz@yahoo.com>

Date: Thu, Jan 4, 2024 at 1:39 AM

Subject: Dispute with W Farmington AE spot zoning changes ( previously unnoticed)! Gooch request for auxiliary building use !

To: Mayor Brett Anderson <banderson@farmington.utah.gov>, Brigham Mellor <bmellor@farmington.utah.gov>

Cc: mplaizier@farmington.utah.gov <mplaizier@farmington.utah.gov>, lsteinhorst@farmington.utah.gov <lsteinhorst@farmington.utah.gov>, jmortensen@farmington.utah.gov <jmortensen@farmington.utah.gov>, echristensen@farmington.utah.gov <echristensen@farmington.utah.gov>, sbarlow@farmington.utah.gov <sbarlow@farmington.utah.gov>, tturner@farmington.utah.gov <tturner@farmington.utah.gov>, fadams@farmington.utah.gov <fadams@farmington.utah.gov>, cmonroe@farmington.utah.gov <cmonroe@farmington.utah.gov>, Cory Ritz <cory.ritz@yahoo.com>

Jan 3, 2024 (updated)

Dear,

Mayor and City Manager  
Planning Commission Members  
Planning Department

I am writing to request the planning commission....

\* Firmly deny this request for any AE zoning changes in West Farmington. Specifically those requested at 912 W 500 S.

\* Also, that any conditional use permit be denied! This is not a use allowed by zoning, ownership, or business type. The building size is probably too big even for compliance on a 1/2 acre lot. It is much, much larger than stated square footage in application. The concept of changing zoning to benefit only this one owner is absolutely unethical !!

This application comes because the applicants wanted property to add to their own lot size. Their property backs up to this property, and they have added a fence and adjusted property lines. This has changed the zoned family use. As to the application, this is an extremely easy ask for them. Their home is on an adjacent dead end street— so their own residence will not be impacted by this request!

Our question is first- how has this been allowed to make a non-nonconforming lot without proper public hearings? Last months meeting was only attended by their requested people, who spoke on their behalf. NO directly impacted neighbors were invited!

The now owners obviously did not do their due diligence before purchasing this property! This is not proper reasoning to punish the neighborhood; some of whom are 25+ year residents. By allowing this, it would be in total violation of all the current zoning laws! It would also create a precedent that is unacceptable to neighborhoods. As Farmington citizens, we have to be able to trust our officials will follow the law, and protect neighborhoods !

I do know the applicants have been continuing to try to find a way around the rules for months! Others in the area have had small, in home businesses. But those were owner- occupied with conditional use permits. ( For example, one neighbor with a small accessory building was where she made quilts.) Proper residential type in-home businesses by an owner are due appropriate consideration. But what this will do to our neighborhood is why we are determined to fight this! We have no question as the use of the property as a residential rental. In fact, we LOVE their renters!

Maybe it would be helpful to have some historical background:

- We purchased our property prior to annexation into the city. Several of us had the original 1 acre zoning...
- The area was later changed to 1/2 AE zone with agricultural use- thus current Agricultural Estate zoning.
- We didn't argue that change due to the need for smaller acreage lots. But it was agreed local lots would have an animal /agricultural use specification with even a "warning" on the title.

This application has been extremely upsetting. Possibly, that is because I trusted that the city planning and zoning department would totally shut this request down! Everything about this request is in total disregard for established residential rules! Seems that is an easy NO! This is not an appropriate use, even if it was owner occupied. This belongs in mixed use or light commercial zoning. But it is also not an owner occupied residential business!

It doesn't help that there is a history with this property. Probably the biggest anxiety from this application comes from seeing what this improperly used building can be like! Originally, the home on the application property was constructed by a young family. I'm sure that there was a building permit for the construction of this large accessory building. However, we don't believe they ever received a conditional use permit. It was supposed to be a storage building for electrical supplies since he was an electrician. The size was so large- the owners shared with neighbors- that part would be used as a quilting shop, since she bought the large machine from the fore-mentioned neighbor when she moved.

However, for the last couple years the use had become way out of bounds! There were large truck deliveries and a crew of employees that would come and go. That did create safety and parking issues; noise; and was pushing the limits of zoning. It was extremely illegal and frustrating!!!

I sincerely appreciate your time to read this letter. Please consider the close neighbors strong disapproval of this request! This will affect quality of life, safety, noise, and decrease property values! Especially affecting nearby property owners with larger 1/2 acre to 3 acre " Residential Agricultural Estates". Some of us in Farmington, are still trying to keep our farms here!

Sincerely,  
Heidi Ritz  
903 West 500 South  
(801) 201-1601

Sent from Yahoo Mail on Android

Heidi Ritz <heidiritz@yahoo.com>  
Reply-To: Heidi Ritz <heidiritz@yahoo.com>  
To: "dpetersen@farmington.utah.gov" <dpetersen@farmington.utah.gov>

Thu, Jan 4, 2024 at 1:02 PM

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Heidi Ritz" <heidiritz@yahoo.com>  
To: "Mayor Brett Anderson" <banderson@farmington.utah.gov>, "Brigham Mellor" <bmellor@farmington.utah.gov>  
Cc: "mplaizier@farmington.utah.gov" <mplaizier@farmington.utah.gov>, "Isteinhorst@farmington.utah.gov" <Isteinhorst@farmington.utah.gov>, "jmortensen@farmington.utah.gov" <jmortensen@farmington.utah.gov>, "echristensen@farmington.utah.gov" <echristensen@farmington.utah.gov>, "sbarlow@farmington.utah.gov"

Detached ADU Ownership Discussion  
PC 01.04.24

Possible Pros/Unknowns	Possible Cons/Unknowns	To Do/Other
<ul style="list-style-type: none"> <li>It may provide an opportunity for a household to build equity. Is there a market for such uses?</li> </ul>	<ul style="list-style-type: none"> <li>How are evictions handled? — because removing an ADU maybe different than removing a tenant.</li> <li>However, Must an Owner ADU be relocatable?</li> </ul>	<ul style="list-style-type: none"> <li>An update to the Zoning Ordinance maybe necessary to ensure that detached ADUs cannot be a “trailer”, RV, etc.</li> </ul>
<ul style="list-style-type: none"> <li>Landlord does not have to worry about upkeep on the inside of the ADU—she or she is only leasing the site.</li> </ul>	<ul style="list-style-type: none"> <li>If the building is removed, what is the cost of removal, and what about the resale value of the ADU?</li> </ul>	<ul style="list-style-type: none"> <li>Does this constitute a subdivision? Will updates be necessary to the City’s Subdivision Ordinance?</li> </ul>
<ul style="list-style-type: none"> <li>Can the City enact more rigorous design guidelines? Is this a Pro?</li> <li>Other?</li> </ul>	<ul style="list-style-type: none"> <li>Will there be any changes necessary to accommodate the delivery of utilities?</li> <li>Will enforcement be an issue?</li> <li>Other?</li> </ul>	<ul style="list-style-type: none"> <li>What must be provided to the County Recorder to allow for an Owner ADU?</li> <li>How and/or will the County Assessor tax such a use?</li> <li>Can the City ensure that the ADU is owner occupied? Is this something that the City wants to require?</li> </ul>
		<ul style="list-style-type: none"> <li>Is this something that the City should explore further?</li> </ul>
		<ul style="list-style-type: none"> <li>Other?</li> </ul>

# Alternate Lot Size

1.4.24



# Current Ordinance

- Additional Lots – Incentive for providing open space or moderate income housing.

## B. Additional Lot Alternatives And Standards:

### 1. Alternatives:

a. Open Space: As (1) incentive (2) a subdivider to provide open space, the City, at its discretion, may approve a transfer of development right (TDR) or conservation subdivision as follows:

(1) Additional lots are those the City approves in exchange for a TDR as set forth in section 11-28-240 of this title, or in exchange for which the City obtains improved or unimproved land in fee title, or easement, for public purposes, such as parks, trails, detention basins, etc. The value of which, and the total number of lots related thereto, shall be determined by the City at its sole discretion as part of the subdivision process. Any applicant seeking additional lots under this section must provide a subdivision yield plan as defined in Chapter 2 of this title consistent with the underlying zone and the conventional subdivision standards within that zone to establish the base number of lots allowed prior to a request for additional lots, and the yield plan must also conform to subsections 11-12-020A and B of this title.

(2) Additional lots under this section may also be available for subdivisions consisting of five (5) acres or more, or for subdivisions located in the Conservation Subdivision Overlay Zone as set forth in Chapter 12 of the title "Conservation Subdivision (CS) Overlay Zone And Development Standards", or

b. Moderate Income Housing: The City may approve a smaller lot size as set forth in the following table which will result in additional lots than what is conventionally allowed in the underlying zone as (1) an incentive (2) a subdivider to provide moderate income housing.

# Current Ordinance

- Additional Lots – Incentive for providing open space or moderate income housing.

Zone	Conventional Lot Area In Square Feet	Lot Width		Front	Side	Side Corner	Rear
		Interior	Corner				
R	16,000	75'	95'	25'	8' minimum, total 16'	20'	30'
LR	20,000	95'	95'	25'	10' minimum, total 22'	20'	30'
S	30,000	95'	100'	25'	10' minimum, total 22'	20'	30'
LS	40,000	100'	110'	30'	10' minimum, total 24'	25'	30'

## Smaller Lots

Zone	Lot Area
R	8,000
LR	10,000
S	15,000
LS	20,000

# Past Ordinance (pre-August 2021)

## 11-10-040: LOT AND SETBACK STANDARDS:

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

Zone	Lot Area	Alternative Lot Size <sup>1,2</sup>	Lot Width		Front	Side	Side Corner	Rear
			Interior	Corner				
AA	10 acre	5-acre	150'	160'	40'	15' minimum, total 30'	30'	40'
A	2 acre	4-acre	100'	110'	30'	10' minimum, total 24'	25'	30'
AE	1 acre	±2,000-square feet	100'	110'	30'	10' minimum, total 24'	25'	30'

### Notes:

1. The total number of lots in the subdivision shall not exceed the total number of lots in a conventional subdivision yield plan.
2. Lot width and setback standards for alternative lot areas may meet such standards set forth in Chapter 17-2 of this Title.

# Past Ordinance (October 2021)

## C.2. Standards

Lot width, setback, and other dimensional requirements for conventional and additional lots may meet such standards set forth in Chapter 12 of this Title, but the number of lots in the subdivision cannot exceed the total number of lots resulting from the respective yield plan.

# Proposed Ordinance

## 12-1-040: DEFINITIONS:

**Conventional Subdivision:** Any exclusively residential subdivision of property for single family, two-family, or townhome development which meets all development standards adopted by ordinances and all minimum lot size and frontage requirements identified by the applicable zoning district.

**Non-Conventional Subdivision:** Any subdivision which is not a Conventional Subdivision, including but not limited to 1 or more of the following processes or considerations:

- Planned Unit Development (PUD),
- Conservation Subdivision,
- Subdivision which includes alternate lot sizes and frontages, additional lots, or which deviates from development standards for public improvements,
- Subdivision which includes Commercial, Industrial, or Multifamily Development
- Any subdivision requiring a Project Master Plan (PMP) or similar approval memorialized by a development agreement.

## 11-10-040: LOT AND SETBACK STANDARDS:

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

Zone	Conventional Lot Area	Lot Width	
		Interior	Corner
AA	10 acre	150'	160'
A	2 acre	100'	110'
AE	1 acre	100'	110'

2. Standards: Lot width, setback, and other dimensional requirements for conventional and additional lots may meet such standards set forth in Chapter 12 of this Title, but the number of lots in the subdivision cannot exceed the total number of lots resulting from the respective yield plan.

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

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

Zone	Conventional Lot Area In Square Feet	Lot Width	
		Interior	Corner
R	16,000	75'	85'
LR	20,000	85'	95'
S	30,000	95'	100'
LS	40,000	100'	110'

2. Standards: Lot width, setback, and other dimensional requirements for conventional and additional lots may meet such standards set forth in Chapter 12 of this Title, but the number of lots in the subdivision cannot exceed the total number of lots resulting from the respective yield plan.

# Proposed Ordinance

## 12-1-040: DEFINITIONS:

**Conventional Subdivision:** Any exclusively residential subdivision of property for single family, two-family, or lowhome development which meets all development standards adopted by ordinances and all minimum lot size and frontage requirements identified by the applicable zoning district.

**Non-Conventional Subdivision:** Any subdivision which is not a Conventional Subdivision, including but not limited to 1 or more of the following processes or considerations:

- Planned Unit Development (PUD),
- Conservation Subdivision,
- Subdivision which includes alternative lot sizes and frontages, additional lots, or which deviates from development standards for public improvements,
- Subdivision which includes Commercial, Industrial, or Multifamily Development
- Any subdivision requiring a Project Master Plan (PMP) or similar approval memorialized by a development agreement.

**11-10-040: LOT AND SETBACK STANDARDS:**  
 A. Minimum Standards: The following shall be the minimum lot areas, widths and main building setbacks in agricultural zones:

Zone	Conventional Lot Area	Lot Width	
		Interior	Corner
AA	10 acre	150'	160'
A	2 acre	100'	110'
AB	1 acre	100'	110'

2. a. Standards: Lot width, setback, and other dimensional requirements for conventional and additional lots may meet such standards set forth in Chapter 12 of this Title, but the number of lots in the subdivision cannot exceed the total number of lots resulting from the respective yield plan.  
 2b. Standards: Lot width, setback, and other dimensional requirements for alternate lot sizes may meet such standards set forth in Chapter 12 of this Title, but the number of lots in the subdivision cannot exceed the total number of lots resulting from the 'subdivision yield plan' as defined in Chapter 11-2.

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

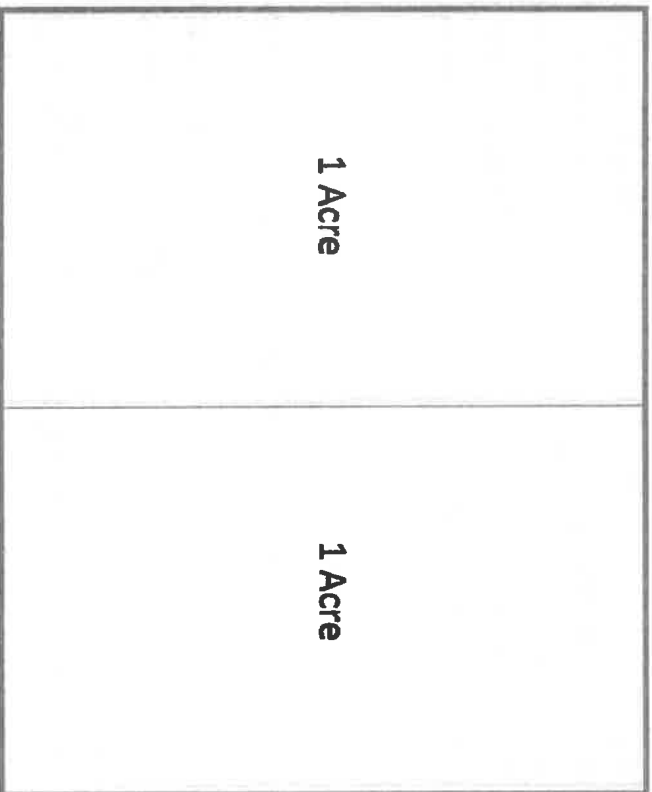
A. Minimum Standards: The following shall be the minimum lot areas, widths and main building setbacks for conventional layout subdivision development in single-family residential zones:

Zone	Conventional Lot Area In Square Feet	Lot Width	
		Interior	Corner
R	16,000	75'	85'
LR	20,000	85'	95'
S	30,000	95'	100'
LS	40,000	100'	110'

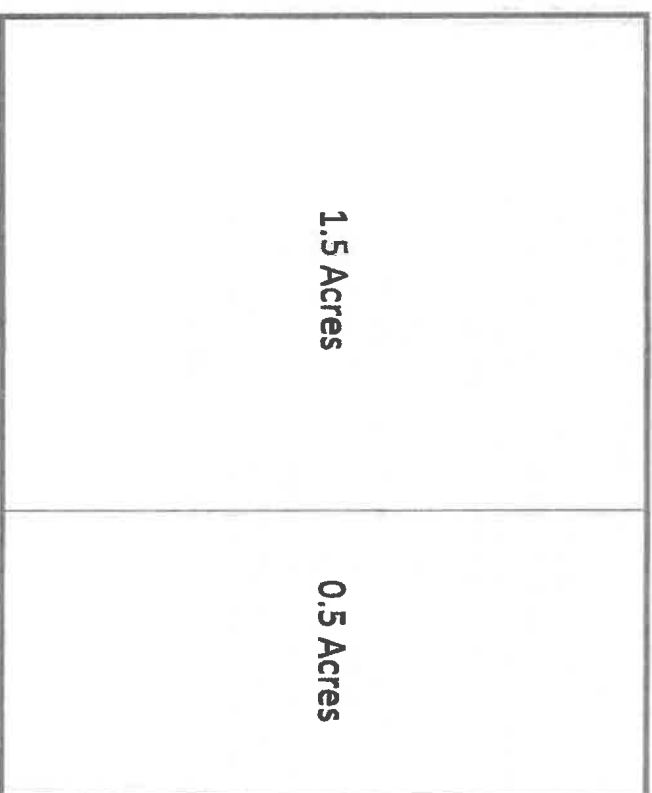
2a. Standards: Lot width, setback, and other dimensional requirements for conventional and additional lots may meet such standards set forth in Chapter 12 of this Title, but the number of lots in the subdivision cannot exceed the total number of lots resulting from the respective yield plan.  
 2b. Standards: Lot width, setback, and other dimensional requirements for alternate lot sizes may meet such standards set forth in Chapter 12 of this Title, but the number of lots in the subdivision cannot exceed the total number of lots resulting from the 'subdivision yield plan' as defined in Chapter 11-2.

# Example -- AE zone -- 2 acre site - conventional lot options

Conventional



Conventional with Alternate lot size



# Proposed Ordinance

Alternate Lot Size Min.

From Ch. 11-12

## SUBDIVISION YIELD PLAN DIMENSIONAL STANDARDS

Zone	Lot Area	Lot Width	
		Interior	Corner
R (Residential)	8,000 square feet	75 feet	85 feet
LR (Large residential)	10,000 square feet	85 feet	95 feet
S (Suburban)	15,000 square feet	95 feet	100 feet
LS (Large suburban)	20,000 square feet	100 feet	110 feet
AE (Agriculture estates)	1/2 acre	100 feet	110 feet
A (Agriculture)	1 acre	100 feet	110 feet
AA (Agriculture - very low density)	5 acres	160 feet	160 feet

Lot Width At Building Line: The minimum lot width at the building line for main buildings within a conservation subdivision shall be seventy five feet (75'), except in the R and LR Zones the minimum lot width shall be sixty feet (60').

- 1. Front Setback:** The minimum front yard setback for main buildings in a conservation subdivision shall be twenty feet (20'). Notwithstanding the foregoing, the minimum front yard setback for front-loaded attached garages which extend past the front of the dwelling toward the front property line in any conservation subdivision shall be thirty feet (30').
- 2. Rear Setback:** The minimum rear yard setback for main buildings within a conservation subdivision shall be thirty feet (30').
- 3. Side Setback:** The minimum side yard setback for main buildings within a conservation subdivision shall be ten feet (10') for lots within the S, LS, AE and AA Zones, and a minimum of five feet (5') for lots within the R and LR Zones, but the total of both side setbacks in the R and LR Zones shall be no less than thirteen feet (13').
- 4. Side Corner Setback:** The minimum side corner setback for main buildings within a conservation subdivision shall be fifteen feet (15') from the property line in compliance with clear vision standards set forth in section 11-28-150 of this title.