

**FARMINGTON CITY
PLANNING COMMISSION**

May 09, 2024

WORK SESSION Present: Vice Chair Frank Adams; Commissioners Kristen Sherlock, Tyler Turner, and George “Tony” Kalakis; Alternate Commissioners Brian Shepherd and Spencer Klein; Community Development Director David Petersen; Assistant Director/City Planner Lyle Gibson; and City Planner/GIS Specialist Shannon Hansell. **Excused:** Chair John David Mortensen; Commissioners Joey Hansen and Samuel Barlow; and Planning Secretary Carly Rowe.

6:00 PM WORK SESSION: Assistant Director/City Planner **Lyle Gibson** provided training on types of decisions. The Planning Commission reviewed a State Property Rights Ombudsman video for appointed officials. The three branches of government include legislative (city council), which makes the laws; executive (Staff or Commission), which enforces the laws; and the judicial, which interprets the laws. The standard of review must be that legislative decisions are reasonably debatable and advance community purposes. An administrative decision applies the law, without debating policies that have already been made and placed in the code. The standard of review is substantial evidence or data on the record. This looks like findings in the City packets and Staff Reports.

According to the State, a land use authority, such as a planning commission, shall approve a conditional use if reasonable conditions are or can be imposed to mitigate detrimental impacts. However, mitigation does not mean elimination. For permitted uses, applicable objective standards must still be followed. Standards can include things such as roof slope, eave overhang, building height, etc. However, subjective standards are not always defensible.

Gibson said the future fire station is in an Open Space (OS) zone, which has a list of things that are allowed. Public buildings are not permitted, so this is on the agenda for a zone change. The City is proposing it be changed to an Agriculture (A) zone because public buildings are permitted in that zone, and that zoning is consistent with the neighboring properties. Often buildings are not fully engineered in the beginning stages, and conditional uses are proposed as the development proceeds, in this case much of the detail is complete.

Regarding Item #1 on the agenda tonight, the City recently changed home occupations businesses to require that the applicant conduct their business on site without outside employees as well as with limited signage. Some home occupations are only allowed if they get a conditional use from the City. The item on the agenda tonight is a home business where they teach kids how to collect eggs and care for horses. They have been doing it for seven years and all along thought they were legitimate without having to have a conditional use.

Agenda Items #3 and #4 are zone text amendment applications, or legislative actions for the Planning Commission. Item #3 is about 6-foot fences being required around swimming pools. International Building Code changed to not require a fence as long as the pool has a locking cover. A 4-foot barrier is required if the pool does not have a locking cover. This part of the ordinance was originally enacted in 1969, before pool covers were what they are now.

Item #4 involves the LM&B zone, which is essentially only in one spot of the City (southernmost part of the west side freeway with a lot of tilt-up concrete warehouse buildings). There are very few uses listed as permitted in that zone, and everything else is conditional use, including signage.

REGULAR SESSION Present: Vice Chair Frank Adams; Commissioners Kristen Sherlock, Tyler Turner, and George “Tony” Kalakis; Alternate Commissioners Brian Shepherd and Spencer Klein; Community Development Director David Petersen; Assistant Director/City Planner Lyle Gibson; City Planner/GIS Specialist Shannon Hansell; and Fire Chief Rich Love. **Excused:** Chair John David Mortensen; Commissioners Joey Hansen and Samuel Barlow; and Planning Secretary Carly Rowe.

Vice Chair **Frank Adams** opened the meeting at 7:01 pm.

ZONE CHANGE/CONDITIONAL USE APPLICATION(S) – public hearings (2)

Item #1 - Nancy Prince – Applicant is requesting a consideration for a Conditional Use Permit for a Home Occupation located at 218 W. 1000 N., for Fun on the Farm, on 1.67 acres of property in the LR-F (Large Residential – Foothill) zone. (C-2-24)

Community Development Director **David Petersen** presented this agenda item. This proposal is from the applicant titled: "Re-doing the Barn with Living Quarters". It mentions, among other things, "As for our home business which is and has been running for the last seven years 'Fun on the Farm' is a Day Camp and Farm Experience." The current barn existed on the same parcel with a single-family home for years—accessory to the use of the land and the main dwelling. However, the barn, now located on a legally created flag-lot in 2020 (Parcel #08-052-0272) separate from a single-family home, is only accessory to the use of the land, but still has the same address as the dwelling at 218 West 1000 North (Parcel #08-052-0273).

The property owner proposes to replace the barn with a single-family dwelling, but designed in such a way where a good portion of the residence may still function as a barn. Fun on the Farm will use the "barn" portion of the home, as well as surrounding land and potential accessory/out buildings on the property.

Petersen said they have been running this business for seven years. They didn't know that if 25% of the building or lot was being used for the home business, they would need a conditional use permit. They need a single-family home building permit to construct the home, and Staff suggested they get the conditional use permit before building the home.

Regarding home occupations, Section 11-35-040 of the Zoning Ordinance provides the following:

11-35-040: CONDITIONAL USES:

- A. Permitted Conditional Uses: The following home occupations may be allowed only upon approval of a conditional use application by the Planning Commission and issuance of a conditional use permit:
 1. Uses where the applicant proposes to use more than twenty five percent (25%) of the dwelling in connection with the business.
 2. 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.
- B. Review Standards: In evaluating a home occupation conditional use, the Planning Commission shall apply the review standards contained in chapter 8 of this title and, if applicable, site development standards contained in chapter 7 of this title.

Applicant **Nancy Prince** (244 W. 1000 N., Farmington, Utah) addressed the Commission, saying she lives next door to her in laws. The nature of the business is not changing. Fun on the Farm is a Day Camp for 7 to 11-year-olds. Groups of children collect eggs, feed chickens, bottle feed baby goats, brush and ride horses, learn the anatomy of an egg, do crafts at the Day Camp, and interact with baby rabbits. They learn about farm life. Redoing the barn will help them have facilities during inclement weather. Preschools, groups, and individuals sign their children up, usually from June to August. Barn construction would start after the Fun on the Farm season is over. Her daughter would live in the living quarters on the second floor of the proposed barn. She is not opposed to putting her daughter's name on the business license.

Scott Prince (218 W. 1000 N., Farmington, Utah) said preschool groups come for an hour and a half with their teachers. Special needs groups come as well. There is not money in this, and they do it just for the kids to have an experience of the farm. \$5 per child covers cookies and needed wages. Parking has never been a problem. Groups in the summer come from 9 a.m. to noon. The business has insurance.

Adams said the proprietor of the business needs to live on the property where the business is conducted. If the daughter is both the proprietor and resident on the property, it will make it easier for the Planning Commission to approve.

Frank Adams opened and closed the public meeting at 7:17 pm due to no comments.

Sherlock said she likes this business and that the next generation is willing to come home to the farm. **Adams** said the requirement of residency causes him minor heartburn. He wants the new home to be occupied before the business starts to be conducted.

MOTION:

Tyler Turner made a motion that the Planning Commission approve the conditional use allowing Fun on the Farm to use more than twenty five percent (25%) of the dwelling in connection with the business and outside storage and use of an accessory building(s) subject to all applicable Farmington City ordinances and development standards and the following Conditions 1-4:

1. The applicant must obtain a building permit and construct a single-family home on site.
2. The address of the new dwelling must be different than 218 West.
3. The City shall issue a home occupation business license for Fun on the Farm.
4. The applicant shall continue to meet the parking needs of patrons of the business, including providing off-street parking when and where necessary.

Findings 1-5:

1. Fun on the Farm has been in operation for the past seven years and has proven itself not to be detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.
2. Davis County and the State of Utah are experiencing a housing crisis, and the use will provide another dwelling for a Farmington household.
3. The use will comply with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use.
4. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan.
5. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation.

Supplemental Information

1. Vicinity Map
2. Project Description by the Applicant
3. Site Plan
4. Prince Barndominium Schematic Design

Kristen Sherlock seconded the motion, which was unanimously approved.

Commissioner Frank Adams	X Aye ___Nay
Commissioner Tyler Turner	X Aye ___Nay
Commissioner Kristen Sherlock	X Aye ___Nay
Commissioner George Kalakis	X Aye ___Nay
Commissioner Spencer Klein	X Aye ___Nay
Commissioner Brian Shepard	X Aye ___Nay

Item #2 – Farmington City – Applicant is requesting a recommendation to rezone the property at approximately 450 North Innovator Drive from the OS (Open Space) district to the A (Agricultural) zoning district and consideration of a Conditional Use Permit for a Public Use (Fire Station) on the same property. (Z-4-24) (C-3-24)

City Planner/GIS Specialist **Shannon Hansell** presented this agenda item. Farmington City acquired 2.09 acres of property in the North Station Area across from the new City Park on Innovator Drive to build a Fire Station that is intended to supplement the existing station downtown. The new station will provide emergency services to residents City-wide, and will also serve as a training and education center for other public safety entities, and possibly the public.

City Staff is requesting that the zone of this parcel be changed from OS to A, rather than Office Mixed Use (OMU). This is because public uses are not allowed in any Mixed-Use zone. The A zone allows public uses to be considered as conditional uses, meaning that they are allowed with conditions as set by the Planning Commission. Another benefit from a zone change of OS to A is that it effectively prevents any possible higher intensity uses on the parcel. Much of the west side of Farmington, including the adjacent property to the west, is agriculturally zoned. This seems to support the change requested.

Because the project is less than 5 acres, and the building footprint is less than 30,000 square feet, the site plan will undergo Staff review and approval.

Fire Chief **Rich Love** (2418 N. 5600 E., Eden, Utah) addressed the Commission. He said the location is really good for where they wanted the facility and access. Architect **Kevin Blalock** is also in attendance. It puts a station closer to where most of the calls are coming from. It also provides access to Station Park. The Denver and Rio Grande Western (D&RGW) Rail Trail separates the facility from nearby residential homes. The berm will help mitigate sound issues. Lighting will not light up the sky, only the sidewalks. They will be using Innovator Drive mostly, and only 1525 West when a call necessitates it. The long-term plans call for moving all operations to the new building while the old building is being renovated. The downtown location is 35 years old and needs some safety renovations. After renovations, operations will be run half out of the east station and half out of the west station. Administration will stay in the older building. Farmington helps cover Fruit Heights, and that would be run out of the old building.

Frank Adams opened and closed the public meeting at 7:29 pm due to no comments.

MOTION

Tyler Turner made a motion that the Planning Commission recommend that the City Council rezone 471 N. Innovator Drive from (OS) Open Space to A (Agricultural), and also that the Planning Commission approve the conditional use for

a public use, subject to all applicable Farmington City development standards and ordinances and the Conditions 1-2:

1. That the public use is subject to the approval of the zone change enabling ordinance by the City Council
2. The site plan shall address all findings and comments of the Development Review Committee.

Findings 1-2:

1. The proposed use and site plan are consistent and compliant with the existing approved Station Area Master Plan and the General Plan for the City.
2. A fire station on the west side of I-15 is a necessary and long-awaited project, which will provide invaluable service to the City as it continues to grow.

Supplemental Information 1-7:

5. Vicinity Map
6. Existing zoning map
7. Site Plan and elevations

Kristen Sherlock seconded the motion, which was unanimously approved.

Commissioner Frank Adams	X Aye ____Nay
Commissioner Tyler Turner	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Spencer Klein	X Aye ____Nay
Commissioner Brian Shepard	X Aye ____Nay

ZONE TEXT AMENDMENT APPLICATIONS – public hearings (2)

Item #3 – Farmington City – Applicant is requesting additional text and amendments to Section II-28-060, Location of Recreational Pools and Tennis Courts, of Title II, ZONING REGULATIONS. The amendments are proposed to remove the requirement for a private recreational pool to be surrounded by a fence or wall and instead refer to building code requirements. (ZT-7-24)

Assistant Director/City Planner **Lyle Gibson** presented this agenda item. It is currently required within the Farmington City Zoning Ordinance that individuals with a swimming pool on their property have a 6-foot fence or wall installed which completely surrounds the pool.

The International Code Council has very detailed code requirements related to swimming pools in the International Swimming Pool and Spa Code (ISPSC). In effect, the code does have barrier requirements similar to the fence/wall requirement found in City code. However, it also creates an exception where a wall-type barrier is not required if the pool is equipped with a powered safety cover that complies with ASTM F1346 standards. Spas or hot tubs are dealt with similarly in this code. Furthermore, the ISPSC also deals with the type of fencing or barrier which should be used when applicable, including details pertaining to height, openings, doors, etc. (ISPSC Section 305). A 4-foot fence would be required in the absence of a locking pool cover. Multiple property owners and contractors have requested to be able to simply follow building code and not be required to fully fence in a swimming pool. Examples vary, but recent scenarios include properties where fencing is proposed around portions of the pool, but retaining walls or other natural barriers are desired on other sides. The proposed ordinance simply removes the requirement for a wall or fence on a private pool and defers to building code for what sort of barrier is sufficient.

Adams said he is concerned because 4 feet seems kind of low. Supervision is the best. He would prefer a 6-foot fence or pool cover. **Gibson** said building code is specific to not allow gaps in fencing that are large enough for children to fit through. There are also restrictions addressing "climb-ability." The question is if the Commission wants to go over and beyond what the building code requires.

Frank Adams opened and closed the public meeting at 7:37 pm due to no comments.

Turner said if the building code is what is done, there is no need for this. Striking it out would be fine with him. He is not sure he wants the City telling him what to do with his property; 4 foot and 6 foot should keep small children out just the same, he said, no need to have two different regulations. **Shepard** agreed. **Sherlock** said she is concerned about 4 feet being the bare minimum, and she would like to consider a compromise. She understands land owners wanting an infinity pool look with a view not spoiled by a fence. However, there is concern about the safety of neighbors, guests, and children. **Kalakis** said the City should not tell people how to make their pool or how-to parent. He had a pool with a strong cover while he was growing up.

Gibson said the current ordinance does not require fencing for a hot tub or Jacuzzi, but does require covers. The 6-foot fencing is unique in Farmington's code, and over and beyond what building code calls for.

MOTION

Tyler Turner made a motion that the Planning Commission recommend that the City Council enact the ordinance (enclosed in the Staff Report) to remove the requirement for a 6-foot fence or wall around a private recreational pool.

Finding:

The building code already includes requirements which deal with life safety issues and allows for the use of an approved pool cover rather than required fencing.

Brian Shepard seconded the motion, which was unanimously approved.

Commissioner Frank Adams	___ Aye X Nay*
Commissioner Tyler Turner	X Aye ___ Nay
Commissioner Kristen Sherlock	___ Aye X Nay*
Commissioner George Kalakis	X Aye ___ Nay
Commissioner Spencer Klein	X Aye ___ Nay
Commissioner Brian Shepard	X Aye ___ Nay

Passed 4-2 and will continue on to City Council.

Sherlock said she is concerned that building code is a "bare minimum" and feels that a 6-foot fence is good. She would like to allow exceptions for those with a pool side that is not easily accessible to have that one portion of fencing removed, if there is a hard cover. **Adams** said he wants 6-foot fences for safety, or a pool cover.

Item #4 – Farmington City – Applicant is requesting additional text and amendments to Chapter 26, Light Manufacturing and Business (LM&B) of Title 11, ZONING REGULATIONS and Title 15, SIGN REGULATIONS. The amendments are proposed to update the list of Permitted and Conditional Uses in the LM&B zoning district and the process by which signage is considered in the LM&B zoning district. (ZT-6-24)

Gibson presented this legislative agenda item. Each zoning district in the City includes lists of things that a property owner may do with their land. These allowed uses fall under one of two categories: Permitted Uses and Conditional Uses. By definition (FMC 11-2-020) a Permitted Use is a use which is allowed as a matter of right; often with standards applied to the implementation of that use. Example: a lot owner in a residential zone may build a home that is no taller than 27 feet in height. A request to do something listed as a permitted use does not require any public process, but may require review and approval by Staff.

A Conditional Use on the other hand, as defined, is a use that may be allowed in a specific zone but which may require additional safeguards to maintain and assure the health, safety, morals, and general welfare of the public and to maintain the character of the zone.

Historically, communities listed things as a Conditional Use with the assumption that they could look at proposals on a case-by-case basis and deny the requests that they didn't like. In recent years it has been affirmed through the courts that a Conditional Use is a use which is allowed where identified in a zone, and it must be approved as long as reasonable conditions can be applied to reasonably anticipated detrimental impacts. Based on this relatively recent shift in what a conditional use is, city attorneys and city planners have advised moving conditional uses with established standards to permitted uses as a best practice.

In the case of Farmington City's LM&B zoning district, the ordinance has not been updated or modified since 2002 except in relation to the City's 2022 water efficient landscaping ordinance. This zoning district only regulates about 60 acres of property around 650 West and the West Davis Corridor.

As currently established, the LM&B zone has a very brief list of permitted uses including business and professional offices; research and development activities; veterinary clinic or animal hospital; and warehousing. Feedback to the City from business owners has been that this creates a challenge for perspective tenants who may have to wait several weeks to find out if their business will even be allowed or not. Therefore, Staff is proposing adding a few more things such as: indoor self-storage facilities; indoor sports facilities including golf, soccer, trampoline, volleyball, and similar recreation facilities; light manufacturing, compounding and processing, assembling or packaging; printing and publishing; and retail sales and service, including restaurants and food trucks.

Additionally, in contrast to all other commercial zoning districts, all signage must be approved through a conditional use review, including wall signage. The proposed ordinance has been put together to increase the number of uses which may be considered by right to better accommodate desires uses within the zone. In the current sign ordinance, neon and lit signs are not allowed in this zone. It is proposed that back-lit signs would be permitted after Staff review. Ground and wall signs would be allowed if within square footage requirements.

Frank Adams opened the public hearing at 8:00 pm.

Andrew Hiller (1268 W. Atrium Court, Farmington, Utah), owner of the property in question, addressed the Commission, offering his support of the proposed changes. He is excited that the zone will actually allow light manufacturing. For three of the companies that did need conditional approvals, he brought their application forward for them. He wants successful businesses to come to Farmington. Nice monument and wall signs are on similar property in Kaysville, but not on the businesses located on his property. Some people think his building is vacant because of lack of signage. Lagoon, as well as the elementary and high school schools, have digital signs.

Frank Adams closed the public hearing at 8:08 pm.

Petersen said the sign portion will be considered another day after Staff can sort out some things such as the Scenic Byway overlay zone, which continues to 650 West. Communities on Legacy Parkway need to consult with each other on what the Scenic Byway overlay zone means for signs.

MOTION

Kristen Sherlock made a motion that the Planning Commission recommend that the City Council approve the proposed changes to the LM&B zoning district as included with the Staff Report.

Finding:

The proposed uses in the Permitted Use category can be addressed appropriately through a Staff level review process based on existing criteria and standards already found within the ordinance.

Tyler Turner seconded the motion, which was unanimously approved.

Commissioner Frank Adams	X Aye	___ Nay
Commissioner Tyler Turner	X Aye	___ Nay
Commissioner Kristen Sherlock	X Aye	___ Nay
Commissioner George Kalakis	X Aye	___ Nay
Commissioner Spencer Klein	X Aye	___ Nay
Commissioner Brian Shepard	X Aye	___ Nay

OTHER BUSINESS

Item #5 – Miscellaneous, correspondence, etc.

a) Minutes Approval from April 18, 2024

- Tyler Turner** made a motion to approve the minutes from April 18, 2024. **Adams** had one grammatical correction on Item #1 at the bottom of the page. It should read “parking agreement ‘with’ (instead of between) Evergreen Development.”

George Kalakis seconded the motion.

Commissioner Frank Adams	X Aye	___ Nay
Commissioner Tyler Turner	X Aye	___ Nay
Commissioner Kristen Sherlock	X Aye	___ Nay
Commissioner George Kalakis	X Aye	___ Nay
Commissioner Spencer Klein	X Aye	___ Nay
Commissioner Brian Shepard	X Aye	___ Nay

- b) City Council Report from May 7, 2024.** **Gibson** said the vast majority of the meeting was spent discussing budget items. The Council is looking for ways to fund the City because inflation is hitting hard and sales tax revenue hasn’t been as good as it has been in past years. The Council is considering what items to continue funding and whether or not to increase taxes. The new budget takes effect July 1, 2024. Two land use items including the Main Street Historic District hearing were postponed until June 4, 2024. The Council approved a lot split on 650 W. 250 S. The Council also approve burying power lines along Park Lane.

- c) **Detached ADU Ownership Discussion – Petersen** said he is looking for a subcommittee for one meeting. **Sherlock** and **Adams** volunteered. **John Davis Mortensen** may also be interested. They will join City Councilmember **Amy Shumway** and **Roger Child**.

ADJOURNMENT

Kristen Sherlock motioned to adjourn at 8:18 pm.

Commissioner Frank Adams
Commissioner Tyler Turner
Commissioner Kristen Sherlock
Commissioner George Kalakis
Commissioner Spencer Klein
Commissioner Brian Shepard

X Aye ____Nay
X Aye ____Nay
X Aye ____Nay
X Aye ____Nay
X Aye ____Nay
X Aye ____Nay


Frank Adams, Vice Chair