

**FARMINGTON CITY PLANNING
COMMISSION**

February 06, 2025

WORK SESSION Present: Commissioners (Chair Pro Tempore) Joey Hansen, George “Tony” Kalakis, Kristen Sherlock, and Spencer Klein; Alternate Commissioners Brian Shepard and Scott Behunin. *Staff:* Community Development Director David Petersen, City Planner/GIS Specialist Shannon Hansell, City Attorney Paul Roberts, and Planning Secretary Carly Rowe. **Excused:** Chair Frank Adams, Vice Chair Tyler Turner, and Assistant Planning Director Lyle Gibson.

City Attorney **Paul Roberts** presented a mandatory training on open meetings, ethics, accepting gifts, and conflicts of interest. Planning Commissioners should tailor their intent to conduct meetings and deliberations openly, not secretly. He explained what constitutes as a meeting. A recent Senate Committee change in 2024 was from “discussing” to “deliberating.” The Commission must not pre-determine any decisions before a meeting. Electronic meetings are now allowed and don’t require an anchor location. Closed meetings are rare for the Planning Commission, but must be properly noticed and recorded. Emergency meetings are also rare for the Commission. An item must not be discussed unless it is on the properly posted agenda, and **Roberts** doesn’t particularly approve of the “miscellaneous” category on the Commission’s running agenda. It would be better if it read Commissioner Reports, etc.

It is not a good idea to require those offering public comment to give their address, as it could hamper public engagement. It may be helpful to know what city they are from, but it is not required. The Planning Commission has a bit longer than 30 days to prepare meeting minutes, which are posted to both the City and State websites within three days of being approved. State law requires disclosure if Commissioners have conflicts of interest. He counseled the Commissioners not to text during public meetings.

Roberts discussed the land use liability court case Springdale Lodging v. Springdale, (2024 UT app 83) that lasted five years. It was a zone change application for 2.5 acres of property in 2019. He said this case shows that cities should allow applicants to be heard as well as advocate for their application.

City Planner/GIS Specialist **Shannon Hansell** has been working on a public notice map tool that will soon be available on the Planning Commission website.

REGULAR SESSION Present: Commissioners (Chair Pro Tempore) Joey Hansen, George “Tony” Kalakis, Kristen Sherlock, and Spencer Klein; Alternate Commissioners Brian Shepard and Scott Behunin. *Staff:* Community Development Director David Petersen, City Planner/GIS Specialist Shannon Hansell, and Planning Secretary Carly Rowe. **Excused:** Chair Frank Adams, Vice Chair Tyler Turner, and Assistant Planning Director Lyle Gibson.

Chair Pro Tempore **Joey Hansen** opened the meeting at 7:01 pm.

SUBDIVISION APPLICATION – *no public hearing*

Item #1: Matthew Saylor – Applicant is requesting approval of a Subordinate Single Family (SSF) Lot on his property located at 697 S. Shire Lane, on approximately 0.99 acres, in the AE (Agricultural Estates) zone. [Griffin Subdivision amendment to lot 6; to be called Saylor Subdivision, Lots 601-602]. SSF-1-25

Community Development Director **David Petersen** presented this agenda item. This lot is 1 acre across the street from Canyon Creek Elementary. The applicant is proposing to subdivide Lot 6 of the Griffin Subdivision to create two lots: 1) Lot 601 to accommodate an existing single-family dwelling; and 2) Lot 602 for a future for-sale SSF dwelling. The applicant had to split the lots in order to preserve their low interest rate on the mortgage of the existing home.

Lot 6 does not now include a Detached Accessory Dwelling Unit (DADU), nor has the City received plans for an SSF dwelling (or DADU). The City cannot record a subdivision to enable an SSF until the City has issued a certificate of occupancy for the same, unless a deed restriction, acceptable to the City, is recorded concurrent with the newly created vacant lot which states (as per Section 11-28-200 F 7 a. and b. of the Zoning Ordinance):

- a. The owner may establish a DADU thereon so long as both lots are held under one ownership, meet DADU Parcel requirements, and the owner must live on-site in either the DADU or the single-family dwelling; and
- b. Any future SSF on the lot must meet all related requirements, included but not limited to SSF Occupancy standards [see Finding 1 below].

Now, there can be two lots where a DADU is permissible as long as the two properties are under unified ownership. An SSF is a for-sale DADU, which is very unique. Farmington is the only city in the Intermountain West doing this, and they may be the first in the country. The deed restriction will state any unit built will have to follow DADU restrictions (being subordinate to the existing home, and after being built, it has to be owner-occupied for the first two years). That doesn’t mean there can’t be two owners. It can sit vacant, but once the DADU is built, the deed restriction (for the two years of owner occupancy) kicks in. Writing the deed restriction was more difficult than Staff had first assumed it would be.

MOTION

Kristen Sherlock moved that the Planning Commission approve: 1) the requested plat amendment (lot split) for the current Lot 6 of the Griffin Subdivision; and 2) the deed restriction (enclosed in the Staff Report) for Lot 602, which must be recorded concurrent with the recordation of the final plat for the Saylor Subdivision Plat Amendment—both of

which are subject to all applicable Farmington City development standards and ordinances including DADU Parcel compliance.

Findings 1-3:

- 1. Upon the sale of Lot 602 to an owner different than the owner of Lot 601, the deed restriction ensures that any existing or future SSF dwelling on Lot 602 must be owner occupied for two years from the start of such initial occupancy.
- 2. Lot 601 and Lot 602 together constitute a DADU parcel and meet all City requirements and standards for the same. A DADU parcel is “a defined area of ground which contains only two lots, each with a dwelling, and which, if combined together as one lot, including the structures thereon, meets the building lot, building placement, building height, parking standards, and other requirements of the underlying zone” (Section 11-28-200 F 2.).
- 3. The Planning Commission is responsible for subdivision review and approval to enable the creation of an SSF, and City Staff is responsible for SSF site plan/building permit review and approval. Accordingly, this subdivision application for consideration by the Commission does not include a site plan for the SSF.

Brian Shepard seconded the motion, which was unanimous.

Chair Pro Tempore Joey Hansen	X Aye ____Nay
Commissioner Spencer Klein	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay
Commissioner Brian Shepard	X Aye ____Nay
Commissioner Scott Behunin	X Aye ____Nay

Item #2: David Miller – Applicant is requesting approval of an SSF Lot on his property located at 153 Pointe of View Circle, on approximately 4.77 acres, in the LR (Large Residential) zone. [Pointe of View Phase 3 amendment to lot 306; to be called Pointe of View Phase 3 Amended Lot 306, Lots 312 and 313]. SSF-2-25

Petersen presented this agenda item. A great deal of the applicant’s 4.77 acres is steep hillside. The applicant is proposing to subdivide Lot 306 of the Point of View Subdivision to create two lots: 1) Lot 312 to accommodate an existing single-family dwelling; and 2) Lot 313 for a future SSF dwelling. Lot 306 does not now include a DADU, nor has the City received plans for an SSF dwelling (or DADU). The City cannot record a subdivision to enable an SSF until the City has issued a certificate of occupancy for the same, unless a deed restriction, acceptable to the City, is recorded concurrent with the newly created vacant lot which states (as per Section 11-28-200 F 7 a. and b. of the Zoning Ordinance):

- a. The owner may establish a DADU thereon so long as both lots are held under one ownership, meet DADU Parcel requirements, and the owner must live on-site in either the DADU or the single-family dwelling; and
- b. Any future SSF on the lot must meet all related requirements, included but not limited to SSF Occupancy standards [see Finding 1 below].

The two-year clock starts at occupancy. The zone text amendment done last year gives the landowner more flexibility.

Applicant **David Miller** (Farmington) said they are not sure yet if they’ll house their children in the new unit or keep it for now. The elevation in the rear yard wouldn’t allow this to work; therefore, that is why the DADU is in the front. They also own the corner piece that the developer let go to tax sale because it has a pipeline through it.

MOTION

Spencer Klein moved that the Planning Commission approve: 1) the requested plat amendment (lot split) for the current Lot 306 of the Pointe of View Phase 3 subdivision; and 2) the deed restriction (enclosed in the Staff Report) for Lot 313, which must be recorded concurrent with the recordation of the Pointe of View Phase 3 Amended Lot 306 final plat—both of which are subject to all applicable Farmington City development standards and ordinances including DADU Parcel compliance.

Findings 1-3:

- 1. Upon the sale of Lot 313 to an owner different than the owner of Lot 312, the deed restriction ensures that any existing or future SSF dwelling on Lot 313 must be owner occupied for two years from the start of such initial occupancy.
- 2. Lot 313 and Lot 312 together constitute a DADU parcel and meet all City requirements and standards for the same. A DADU parcel is “a defined area of ground which contains only two lots, each with a dwelling, and which, if combined together as one lot, including the structures thereon, meets the building lot, building placement, building height, parking standards, and other requirements of the underlying zone” (Section 11-28-200 F 2.).
- 3. The Planning Commission is responsible for subdivision review and approval to enable the creation of an SSF, and City Staff is responsible for SSF site plan/building permit review and approval. Accordingly, this subdivision application for consideration by the Commission does not include a site plan for the SSF.

Kristen Sherlock seconded the motion, which was unanimous.

Chair Pro Tempore Joey Hansen	X Aye ____Nay
Commissioner Spencer Klein	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay
Commissioner Brian Shepard	X Aye ____Nay
Commissioner Scott Behunin	X Aye ____Nay

Petersen said if the majority of the Miller property had not been more than a 20% slope, the original developer of the Pointe of View subdivision would have likely split the parcel into more lots during the original subdivision process. This helps explain the location of the DADU in the “front” of the house.

ZONE TEXT AMENDMENT – public hearing

Item #3: Farmington City – Applicant is requesting a recommendation for a zone text amendment to Chapter 11-39 regarding penalty provisions for deterioration by neglect (ZT-1-25)

Petersen presented this agenda item. The applicant (Farmington City) requests a zone text amendment to Section 11-39-070 of the Zoning ordinance, which relates to penalty provisions regarding deterioration by neglect. There are several homes on the Landmark Register this may apply to, as they have fallen into disrepair over the years. The Historic Preservation Commission (HPC) will send a letter to the landowner about the condition, asking for compliance within 30 days. If it is not remedied, penalties can be imposed. Penalties so far have not been handed down within the City.

If it is not remedied, the landowner may be found guilty of a Class C misdemeanor. Farmington typically uses Chapter 6 for enforcement; it is much more user friendly and includes notice, definitions, requirements, warning periods, immediate enforcement, and civil citations. Staff always tries to work with the landowners. The City Attorney recommend that the City Council not be the ones to impose the fine, as their decisions are immediately appealed to court. It is different for Staff, as their decisions are appealed to a third-party administrative legal authority who decides the hearing.

11-39-070: DETERIORATION BY NEGLECT:

An owner of a historic resource listed on the list or the register shall not allow any building to deteriorate by failing to provide ordinary maintenance or repair. The Historic Preservation Commission shall be charged with the following responsibilities regarding deterioration by neglect:

- A. Monitoring Of Conditions: The Historic Preservation Commission shall monitor the condition of historic resources to determine if any historic resource is being allowed to deteriorate by neglect. Conditions such as broken windows, doors and exterior openings which allow the elements to enter or otherwise become an attractive nuisance, or the deterioration of a historic resource's structural system, shall constitute failure to provide ordinary maintenance or repair.
- B. Failure To Maintain: In the event the Historic Preservation Commission determines there is a failure to provide ordinary maintenance or repair, the Historic Preservation Commission shall notify the owner of the historic resource and set forth the steps which need to be taken to remedy the situation. The owner of the historic resource shall have thirty (30) days to make necessary repairs.
- C. Penalty: In the event that the condition is not remedied in thirty (30) days, the Historic Preservation Commission may recommend to the city council that penalty fines be imposed as provided in chapter 38, "Enforcement And Penalties", of this Title 1 "General Provisions", of the City Code of Farmington City.

Commissioner **Sherlock** asked about how Staff handles these situations if the neglect is due to financial hardship, as 30 days may not be enough in such circumstances. **Petersen** said usually the landowner contacts Staff to ask for additional time to comply, which is usually granted and confirmed in writing. Staff can help some offending landowners apply for grants. If the condition is not remedied within 30 days, the seven-member HPC may opt not to levy penalties if they are satisfied with the progress up to that point. Typical code enforcement can be more painful.

Chair Pro Tempore **Joey Hansen** opened and closed the public hearing, as nobody signed up in person or electronically to address the Commission.

MOTION

Kristen Sherlock moved that the Planning Commission recommend the City Council approve the following zone text amendment to 11-39-070 DETERIORATION BY NEGLECT including items A, B, and C as written in the Staff Report, subject to all applicable Farmington City development standards and ordinances.

- 1. The existing penalty provisions for deterioration by neglect have existed for a while, and the more recent provisions in Title 1 are better suited to encourage compliance with the ordinance.

Tony Kalakis seconded the motion, which was unanimous.

Chair Pro Tempore Joey Hansen	X Aye ____Nay
Commissioner Spencer Klein	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay
Commissioner Brian Shepard	X Aye ____Nay
Commissioner Scott Behunin	X Aye ____Nay

OTHER BUSINESS


Item #4: City Council Reports, Approval of Minutes, Upcoming Items & Trainings.

- a. **City Council Report from February 4, 2025** – City Planner/GIS Specialist **Shannon Hansell** has provided the City Council Report, which included an update on the Farmstead, The Ana, Rice Farms IADUs, Miller Meadows Phase 10, and the swearing in of the new Police Chief.
- b. **Planning Commission Minutes Approval from January 23, 2025** – **Kristen Sherlock** motioned to approve the minutes; **Tony Kalakis** seconded. All in favor.

ADJOURNMENT

Kristen Sherlock motioned to adjourn at 7:46 PM.

Chair Pro Tempore Joey Hansen	X Aye ____Nay
Commissioner Spencer Klein	X Aye ____Nay
Commissioner George Kalakis	X Aye ____Nay
Commissioner Kristen Sherlock	X Aye ____Nay
Commissioner Brian Shepard	X Aye ____Nay
Commissioner Scott Behunin	X Aye ____Nay



Frank Adams, Chair