

Minutes of the Plain City Planning Commission held on July 13, 2017 at 7:00 p.m. located at the Council Chambers in the Plain City Hall, Plain City, Utah 84404.

COPY

Present: Chairman	Blake Neil
Vice Chair	John Leonardi <i>Excused</i>
Commissioner	Jarod Maw
Commissioner	Mark Osenbach
Commissioner	Cheri Sparks
Alt. Commissioner	Kris Carrigan <i>Excused</i>
Staff:	Kathy Campbell, Derek Moss, Bren Edwards, Rob Scott

ATTENDEES: Mark Kartchner, Todd L. Davis, Jeremy Crowton, Verna Keyes, Tyler Keyes, Jeff Hales

WELCOME: Chairman Neil welcomed those in attendance.

PLEDGE OF ALLEGIANCE: Chairman Neil

MOMENT OF SILENCE/INVOCATION: Commissioner Osenbach

1.ROLL CALL Chairman Neil conducted roll call and indicated Commissioners Sparks, Maw and Osenbach were present. Vice Chair Leonardi and Commissioner Carrigan were excused.

2. OPENING MEETING STATEMENT

The opening statement was read by Chairman Neil.

3. EX PARTE COMMUNICATION OR CONFLICTS OF INTEREST TO DISCLOSE

Chairman Neil asked if any members needed to declare a conflict of interest or disclose any ex parte communication in which they have engaged. The Commission stated they have not had any ex parte. Chairman Neil introduced Planner Derrick Moss from JUB Engineering. Chairman Neil said Mr. Moss would be replacing Rod Scott and doing the notice of decisions, and confirming the zoning and information on applications is correct.

4.Public Comments for Items not on the Agenda:

Todd Davis asked the planning commissioner to look at the sign ordinance. Mr. Davis explained the upcoming elections are a mail in ballot and the sign ordinance states the signs can go out 30 days prior to the election. Citizens would be mailing in their ballots prior signs be permitted.

5.Public Hearing: Subdivision Ordinance

Motion: Commissioner Osenbach made a motion to open the public hearing for the Subdivision Ordinance. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

Chairman Neil asked Rob Scott to give a summary.

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STAFF INFORMATION

Robert O. Scott, AICP

APPLICABLE ORDINANCES

Plain City Zoning Ordinance Title 10 (Zoning Regulations)

Plain City Subdivision Ordinance Title 11 (Subdivision Regulations)

TYPE OF DECISION

When the City Council is acting as the land use authority, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes.

BACKGROUND

The Planning Commission reviewed the ordinance draft on June 22, 2017 and held a public hearing on July 13, 2017. No one spoke at the public hearing.

The Plain City Planning Commission requested staff identify options to simplify the administrative application approval processes. Staff has worked with Chair Blake Neil, Bren Edwards, and the Planning Commission to identify how these processes can be improved. Utah State Code allows cities flexibility in the approval process for administrative applications, thus allowing the City Council to spend more time on legislative matters.

City's may have a one stop land use authority review, e.g., final subdivision approvals can be done by the Planning Commission. Administrative applications are to have clear approval criteria that when those criteria are met by an applicant an approval is granted. No public hearing or noticing is required. (Exhibit A)

Subdivision Reviews

11-3 Development Procedure and Approval Process

The current subdivision review process is a multiple step approval process including an application submittal, Technical Review Committee review and recommendation, Planning Commission and City Council approval.

The City has a typical two-step subdivision approval process including a preliminary and final approval. The preliminary approval is granted by the Planning Commission. If the proposal includes a park or other public land reservation the City Council must also grant approval. Final approval for all subdivisions requires approval by both the Planning Commission and City Council.

The draft ordinance streamlines the subdivision review process by making the Planning Commission the land use authority for subdivision approval. The advantage of this option is that the subdivision approval process is simplified. The City Council is kept informed by the planning commissioner report at City Council meetings.

The ordinance also identifies the role of the Technical Review Committee (TRC). Plain City has an established technical review process; however, there is nothing in the City ordinances that specify the role and responsibilities of the Technical Review Committee.

The draft ordinance does the following:

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- Designates the Planning Commission as the land use authority for approval of subdivisions. Any subdivision that includes a park or other public land reservation must be approved by the City Council.
- The Planning Commission is the land use authority for interpreting the subdivision ordinance.
- Fee provisions are consolidated into one location.
- A notice of decision process is established.
- Hearing and publication standards are clarified.
- A new section is added outlining the technical review process.
- Subdividers will have 6 months from the recording of a final plat to schedule a preconstruction meeting and begin construction.
- The time for recording a final plat is extended from 180 days to 365 days.
- A development agreement and escrow agreement are required after final approval and prior to recording.
- Temporary turnarounds that are not within a subdivision plat require an agreement between the property owners and the city.

CITY COUNCIL CONSIDERATIONS

- Is the draft ordinance appropriate?

PLANNING COMMISSION RECOMMENDATION

The Planning Commission found that the amendment is consistent with state law, streamlines the review process for applicants, and clarifies the provisions for subdivision approval. The Planning Commission recommends adoption by the City Council.

There were no public comments.

Motion: Commissioner Maw made a motion to close the public hearing for the Subdivision Ordinance. Commissioner Osenbach seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

6. Public Hearing: Subdivision Process

Motion: Commissioner Sparks made a motion to open the public hearing for the Subdivision Process. Commissioner Osenbach seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

Rob Scott gave the staff report.

SYNOPSIS / APPLICATION INFORMATION

Discussion on a legislative amendment to simplify the conditional use permit process, add additional provisions for zoning ordinance administration, and establish standards for site plan reviews

Agenda Date: June 22, 2017

Applicant: Plain City Planning Commission

File Number: ZTA 2017-04

STAFF INFORMATION

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Robert O. Scott, AICP

APPLICABLE ORDINANCES

Plain City Zoning Ordinance Title 10 (Zoning Regulations)
Plain City Zoning Ordinance Title 10-10-3 D (Public Hearing)
Plain City Zoning Ordinance Title 10-1-5 (Administration and Enforcement)
Plain City Zoning Ordinance Title 10-8 (Regulations Applicable to All Zones)

TYPE OF DECISION

When the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

The Plain City Planning Commission has requested staff identify options to simplify the administrative application approval processes. Utah State Code allows cities flexibility in the approval process for administrative applications. Administrative applications are to have clear approval criteria that when those criteria are met by an applicant an approval is granted. No public hearing or noticing is required.

Most cities notice administrative applications in the spirit of keeping residents informed. Residents sometimes don't understand that the ordinance criteria must be followed in making administrative decisions.

Staff has prepared a draft ordinance addressing the following code sections. (See Exhibit A)

Conditional Uses

10-10-3 D Public Hearing

The CUP ordinance gives the Planning Commission the option to hold a public hearing. This is a redundant step since notice is provided to adjoining property owners and the public can speak at the public meeting. There really is no purpose for a public hearing. The public meeting process is sufficient. It is suggested that this subsection be deleted.

10-1-5 Administration and Enforcement

This subsection identifies the responsibility for administration and enforcement of the zoning ordinance. The proposed amendment adds the following clarifications:

- A. Adds a purpose and intent section.
- B. Identifies the Planning Commission as the land use authority for approval of land use applications including site plans and conditional use permits.
- C. The Planning Commission is the land use authority for interpreting the zoning ordinance.
- D. Fees are referenced to the City Consolidated Fee Schedule.
- E. A notice of decision process is identified.
- F. Hearing notice standards are referenced.

The existing code sections are retained regarding the building inspectors' duties. These code subsections are renumbered.

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10-8-15. Site Plan Approval Required

A new subsection is added that identifies the requirements for submitting a site plan application, e.g., the location of main and accessory buildings, the character of buildings, traffic and parking designs, signage, landscaping. The relationship to the Technical Review Committee process is referenced.

10-6A-5, 10-6B-14, 10-6C-5 SITE PLAN REVIEW REQUIRED

A companion ordinance establishes the role and responsibilities of the Technical Review Committee. This amendment references the technical review process for site plan and condition use permit reviews.

PLANNING COMMISSION CONSIDERATIONS

- Are the amendments appropriate?
- Should the conditional use permit public hearing be eliminated?
- Are the new provisions for administration and enforcement of the zoning ordinance appropriate?
- Are the site plan review standards desired?
- Is the Technical Review Committee process clear?

STAFF RECOMMENDATION

Discuss the draft ordinance, identify any changes, and set the ordinance amendment for public hearing
There was no public comment.

Motion: Commissioner Osenbach made a motion to close the public hearing for the subdivision Process. Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

7. Public Hearing: Move the Senior Overlay Ordinance to Zoning Regulations.

Motion: Commissioner Maw made a motion to open the public hearing for the

Moving of the Senior Overlay from Subdivision Ordinance to Zoning Regulations. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

Rob Scott gave the staff report.

SYNOPSIS / APPLICATION INFORMATION

Public hearing on a legislative amendment to transfer the Senior Housing Overlay zone from the subdivision ordinance to the zoning ordinance and clarify the site plan review process

Agenda Date: July 13, 2017

Applicant: Plain City Planning Commission

File Number: ZTA 2017-03

STAFF INFORMATION

Robert O. Scott, AICP

APPLICABLE ORDINANCES

Plain City Subdivision Regulations Title 11 (Subdivision Regulations)
Plain City Zoning Ordinance Title 10 (Zoning Regulations)

TYPE OF DECISION

When the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically, the criteria for making a decision, related to a legislative matter, require compatibility with the general plan and existing codes.

BACKGROUND

The Planning Commission discussed this code amendment and requested that a public hearing be held.

The Plain City Planning Commission has requested staff prepare an ordinance amendment transferring the Senior Housing Overlay Zone from the Subdivision Regulations to the Zoning Ordinance.

In addition, the draft ordinance clarifies the site plan review process for senior housing overlay projects. Staff has prepared a draft ordinance addressing the following code sections. (See Exhibit A)

11-8 Senior Housing Overlay Zone to 10-7 Senior Housing Overlay Zone

This Senior Housing Overlay Zone is more appropriately located in the zoning ordinance.

10-7-9 Final Site Plan and/or Final Plat Approval

This subsection is amended to clarify the relationship of the site plan review process for senior housing overlay projects.

PLANNING COMMISSION CONSIDERATIONS

- Should the Senior Housing Overlay zone reside in the Zoning Ordinance?
- Is the site plan review standard appropriate?

STAFF RECOMMENDATION

Obtain public comments and make a recommendation to the City Council. The Planning Commission can find that the amendment is consistent with previous direction.

There was no public comment.

Motion: Commissioner Sparks made a motion to close the public hearing for the Moving of the Senior Overlay from Subdivision Ordinance to Zoning regulations. Commissioner Maw seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

8. Approval of Minutes June 22, 2017

Motion: Commissioner Osenbach made a motion to approve the minutes for July 13, 2017 with said changes. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

9. Technical Review Report: Bren Edwards from public works reported the Technical Review was canceled because of July 4th. There was a meeting concerning Keller Williams asking about the master plan for Jay Christensen's property. Keller Williams was asked how to lay out the sewer if they were to purchase the property which they would develop in phases. Mr. Edwards explained it would require a work session with the city council and would need to be annexed into Plain City. Commissioner Maw asked how many phases would there be. Bren Edwards stated that was not part of the discussion. Mr. Edwards said it would be a 10-year plan and they were looking at starting in the spring of 2018. The commission asked where the property was. Mr. Edwards stated the property is on the S Curve close to the Farr West line.

10. Administration Items:

a. Discussion/Motion: Lot Line adjustment Teresa S Kartchner 2735 W 1900 N

Mark Kartchner explained they are redefining the parcels and adjusting the lot line. The lot line adjustment would make the parcel a half acre in order for house to be built. Commissioner Maw confirmed the Kartchners are adjusting the lot line where the fence line is. Mark Kartchner confirmed that was correct and there is no change in the number of parcels. Chairman Neil read from the city engineers comments "This is currently submitted as a record of survey, as this will go through the approval process it should be submitted as a subdivision plat. Commissioner Maw stated Kartchners will have to address the utility issues.

Motion: Commissioner Maw made a motion to approve the lot line adjustment for Teresa S Kartchner at 2735 W 1900 N Commissioner Sparks seconded the motion.

Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

b. Discussion/Motion: Preliminary S Curves West at 2950 W 2600 N 29 Lots

Jeff Hales expressed thanks for the technical review which makes them better prepared when coming to the planning commission. Chairman Neil asked about the will serve letters which states phase one. Jeff Hales said there will be a phase one and a phase two and phase two will have twelve lots. The commission asked Jeff Hales to add phase one to the plat. Mr. Hales stated he now has approval from the state for three accesses for the property they own along the state road. Mr. Hales showed the commission where the access would be on the plats. Chairman Neil explained that lot 2 does not have the required amount of footage. Mr. Hales stated lot one is a large lot and the footage can be adjusted from lot one. Commissioner Osenbach asked Mr. Hales about Town Square Estates. Chairman Neil stated the current discussion is concerning S Curves.

Motion: Commissioner Maw made a motion for Preliminary approval for S Curves West Phase 1 at 2950 W 2600 N 29 Lots with changes to Lot 1 and Lot 2 to the correct footage for Lot 2, the Plat needs to be changed to state Phase 1 and all engineer comments addressed. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

11. Legislative Items:

a. Discussion/Motion: Subdivision Ordinance

ORDINANCE # 2017-

AN ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S SUBDIVISION ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE

Section 1. Recitals

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all legislative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and

WHEREAS, the City Council finds that there is a need to establish regulations for subdivisions; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

Section 2. City's Subdivision Ordinance Amended.

The following amendment is made to the Plan City Code Title 11-1-2 DEFINITIONS: Bond, the other definitions remain the same.

BOND: A form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City as stated in 11-4-1 Improvements and Guarantee. ~~city council. All bonds shall be approved by the city council wherever a bond is required by these regulations.~~

The following amendment is made to Plain City Code Title 11-2-4 C 1. The other subsections A, B, and D remain as written.

A. and B. **Remains the same**

C. No land shall be laid out and platted within the corporate limits of the city until:

1. The planning commission ~~city council~~ has given final approval of the plat; and

2. The approved plat is filed with the county recorder.

D. **Remains the same.**

The following amendment is made to Plain City Code Title 11-2-10 A: RESUBDIVISION OF LAND. This is the only subsection being amended. The other subsection B remains as written.

A. Procedure For Resubdivision: For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the planning commission and city council by the same procedures, rules and regulations as for a subdivision.

B. **Remains the same.**

The following amendment is made to Plain City Code Title 11-2-12 LOT LINE ADJUSTMENT AND CONSOLIDATION OF PARCELS: A (4) and eliminate subsection A (7); subsection C (6) is also eliminated.: These are the only subsection being amended. The other subsections remain as written.

11-2-12: LOT LINE ADJUSTMENT AND CONSOLIDATION OF PARCELS:

A. LOT LINE ADJUSTMENT

Subsections 1-3, and 5-8 remain the same. 8. Is renumbered to 7.

4. Procedure: For any change in a map of an approved or recorded plat, if such change affects any street layout shown on such map, area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the planning commission and city council by the same procedures, rules and regulations as for a subdivision

~~7. Processing Fee: At the time of filing the plat, the submitter shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.~~

B. Consolidation of Parcels. **Remains the same.**

C. Parcel Consolidation:

Subsections 1-5 remain the same. Subsection 6 is deleted and subsection 7 is renumbered to be 6.

~~6. Processing Fee: At the time of filing the plat, the submitter shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.~~

The following amendment is made to Plain City Code Title 11-2-16 ENFORCEMENT AND INSPECTIONS (2): This is the only subsection being amended. The other subsections remain as written.

A. General:

1. **Remains the same.**

2. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer, sell or offer to sell any such parcel before a plat of such subdivision has been approved by the planning commission ~~and city council~~, in accordance with the provisions of these regulations, and filed with the county recorder.

3. and 4. **Remains the same.**

B. **Remains the same.**

The following amendment adds a new subsection to the Plain City Code Title 11-3-2 ADMINISTRATION AND ENFORCEMENT. The current sections 11-3-(2 – 6) are renumbered 11-3-(4-8).

11-3-2 ADMINISTRATION AND ENFORCEMENT

A. Purpose and Intent

The purpose of this Title is to establish regulations and procedures for the processing and consideration of subdivision applications.

B. Land Use Authority

The planning commission is designated at the land use authority for the approval of subdivisions.

C. Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The planning commission is designated as the land use authority to interpret Title 11 of this Code.

D. Fees for Processing Applications.

1. Fees for processing applications shall be established by the Plain City Consolidated Fee Schedule.

2. Applications that have been deemed complete and have not been pursued with reasonable diligence before the appropriate board shall expire after six months. The applicant will have to submit a new application and fees to restart the process.

E. Notice of Decision.

After hearing the evidence and considering the application, the approving authority planning commission, shall make its findings and have them entered in the minutes. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A notice of decision can be a written notice or a copy of the approved minutes. A decision by the approving authority is final at the time the notice of decision is issued. If a notice of decision is not sent, the decision shall be final on the date the minutes from the meeting are approved by the approving authority. The city recorder shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Decisions are subject to requirements and conditions stated in the staff report and listed in the meeting minutes.

F. Hearing and Publication Notice for the Planning Commission and City Council.

At least 10 days' notice of the time and place of which shall be given of any public hearing before the Planning Commission as per state code.

The following amendment adds a new section to the Plain City Code Title 11-3-3 Technical Review and all subsequent sections 2-6 are renumbered 3-8.

11-3-3 Technical Review

A. Process: The city periodically hosts a technical review committee (TRC) meeting. In order for a preliminary plat to be scheduled for a TRC meeting, a complete preliminary plat application must be received and accepted by the city prior to a date approximately one month prior to the TRC meeting at which the applicant desires the project to be discussed. The city recorder's office maintains this schedule.

B. Meeting With Representatives: The applicant is provided an opportunity to meet with representatives from all applicable utilities and other interested governmental agencies to receive comments regarding the preliminary plat application. At this meeting, the applicant will also receive written comments from the city, detailing the extent to which the plans are required to be revised in order for the city to schedule land use authority consideration of their application. Extensive revisions caused by the TRC comments or by voluntary action of the applicant, may require additional TRC meetings.

C. Timetables: Critical path preliminary plat processing project timetables, including monthly preliminary plat application deadlines, TRC meeting dates, required resubmittal dates and land use authority meeting dates are established and maintained by the city recorder's office.

The following amendment is made to Plain City Code Title 11-3-2-4: PRELIMINARY PLAT Subsections B. and C. are deleted, they are the only subsections being amended. The other subsections remain as written except section D is renumbered B. A new subsection E. Preliminary Approval is added.

11-3-4: PRELIMINARY PLAT

A. General: **Remains the same**

~~B. Subdivision Processing Fee: At the time of filing the preliminary plat, the developer shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats. (Ord. 2001-02, 3-1-2001, eff. 3-1-2001)~~

C. Engineering, Planner, And Legal Fees:

~~1. Engineering Checking And Inspection Fees: At the time of application for the subdivision, the subdivider shall pay an engineering checking and inspection fee for said subdivision. The city council shall, by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for engineering fees incurred on behalf of said subdivision. The subdivider is responsible to reimburse the city for any and all engineering fees that are incurred on behalf of said subdivision over and above the fees paid at time of application. No final approval shall be granted on said subdivision until the engineering fees are current. Nonpayment of the engineering fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.~~

~~1. 2. City Planner Checking Fees: At the time of application for the subdivision, the subdivider shall pay a planner checking fee for said subdivision. The city council shall, by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for fees incurred on behalf of said subdivision. The subdivider is responsible to reimburse the city for any and all planner fees that are incurred on behalf of said subdivision over and above the fees paid at the time of application. Nonpayment of the fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.~~

~~D. B. Features: The preliminary plat shall contain the following: Renumbered and text remains the same.~~

E. C. Preliminary Approval: After the planning commission has reviewed the preliminary plat, the report from the city staff and any municipal recommendations, the applicant shall be advised of any required changes and/or additions. The commission shall then approve, conditionally approve or disapprove the preliminary plat. One copy of the proposed preliminary plat shall be returned to the developer with the date of approval, conditional approval or disapproval and the reasons therefor accompanying the plat. A notice of decision will be sent to the developer outlining the decision of the planning commission. Before the commission approves a preliminary plat showing park reservation or land for other city use proposed to be dedicated to the city, the developer shall obtain approval of the park or land reservation from the city council.

F, G, H, I are renumbered to D, E., F., G.

The following amendments are made to the Plan City Code Title 11-3-4 FINAL PLAT A eliminating the provision for the City Council acceptance of the final plat and amending D 2, D3, and D5 Requirements For Final Approval. D4 is not being amended. The other subsections remain as written.

11-3-4: FINAL PLAT

A. General

1.-4. **Remain the same.**

5. The standard forms approved by the planning commission lettered for the following:

- a. Description of land to be included in a subdivision.
- b. Registered land surveyor's "certificate of survey".
- c. Owner's dedication and acknowledgment.
- d. Notary public's acknowledgment.
- e. Certificate of approval by the planning commission.
- f. Certificate of approval by the city engineer.
- g. Certificate of approval by the city attorney.
- h. ~~Certificate of acceptance by the city council, attested by the city recorder.~~

6. **Remains the same.**

C. City Recorder: **Remains the same.**

D. Requirements For Final Approval:

1. Materials Needed For Approval: **Remains the same.**

2. Final Approval By Planning Commission: The planning commission shall take action on the final plat after the applicant has satisfied the preliminary plat approval conditions. The city engineer will provide a recommendation prior to being placed on the planning commission agenda. ~~recommend to the city council the approval, conditional approval or disapproval of the final plat within thirty (30) days after the date the plat is submitted to the planning commission. The commission shall set forth in detail any conditions to which the approval recommendation is made or reason for its decision. recommendation. The subdivision plat shall then be forwarded to the city council for their approval.~~

Requests to extend final approvals shall be conducted at six (6) month intervals for a total of eighteen (18) months. ~~At the time of submitting final approval extension request, the developer shall pay the extension fees established the city council, by resolution, shall prescribe extension fees which shall be for the purpose of reimbursing the city for expenses incidental to the final approval extension process~~

The developer shall have a period of six (6) months to conduct a pre-construction meeting with city staff and start construction of the infrastructure within in the development. If such work has not been completed the developer must file a request to extend the time for installation of improvements final approval. (Ord. 2014-03, 5-15-2014, eff. 5-15-2014)

~~3. Completion of Improvements Determination By City Council: Upon receiving the recommendation of the planning commission, the city council shall consider the recommendation at a regularly scheduled city council meeting and shall approve, modify and approve, or disapprove the final plat by resolution which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval. In no event shall the period of time stipulated by the city council for completion of required improvements exceed two (2) years from the date the final plat is recorded, as identified in 11-4. One copy of the final subdivision plat shall be returned to the developer with the date of approval, conditional approval or disapproval noted thereon and the reasons therefor accompanying the plat.~~

4. Materials Testing: The developer shall be responsible for payment of materials testing required by the city engineer during construction of subdivision improvements.

5. Plat Approval Required: No street improvements or utilities shall be installed until after approval of the final plat by the ~~planning commission~~ city council and recordation thereof. No lots included in such plat shall be purchased, sold, exchanged, nor offered for sale or exchange; and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded. (Ord. 2001-02, 3-1-2001, eff. 3-1-2001; amd. Ord. 2006-12, 6-15-2006, eff. 6-15-2006)

The following amendments are made to the Plan City Code Title 11-3-5 C Final Plat adding additional time to record a plat from 180 days to 365 days after final approval. A and B are not being amended. The other subsections remain as written.

11-3-5: SIGNING AND RECORDING OF SUBDIVISION PLAT:

A. and B. **Remain the same.**

C. Final Plat; Time Limit For Recording: Any final plat having received final approval ~~by the city council~~ shall be offered for recording within one ~~hundred eighty (180) year~~ (365) days after final approval. If a final plat is not offered for recording within one ~~hundred eighty (180) year~~ (365) days after final approval, final approval shall be considered null and void, and the developer must resubmit the final plat for ~~recommendation~~ approval by the planning commission ~~and approval by the city council~~. (Ord. 2004-14, 12-2-2004, eff. 12-2-2004)

D. Remains the same.

The following amendments are made to the Plan City Code Title 11-3-6: MINOR SUBDIVISION PRELIMINARY/FINAL PLAT: Section A 5 h is deleted, sections E and F are deleted, G is renumbered E identifies the planning commission as the approval authority, H is deleted, I is renumbered F and remains the same, J is renumbered G identifies the timing of improvement installation. K is renumbered H and L is renumbered I. The other subsections remain as written.

11-3-6: MINOR SUBDIVISION PRELIMINARY/FINAL PLAT

A. General

1. – 4. Remains the same.

5. The standard forms approved by the planning commission lettered for the following:

a. – g. Remains the same.

~~h. Certificate of acceptance by the city council, attested by the city recorder.~~

B. – D. Remains the same.

~~E. Subdivision Processing Fee: At the time of filing the preliminary plat, the developer shall deposit with the city recorder a nonrefundable fee made payable to the city. The city council shall, by resolution, prescribe the amount of such fee which shall be for the purpose of reimbursing the city for the expenses incidental to processing the subdivision plats.~~

~~F. Engineering Checking And Inspection Fees: At the time of application for the subdivision, the subdivider shall pay an engineering checking and inspection fee for said subdivision. The city council shall, by resolution, prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for engineering fees incurred on behalf of said subdivision. The subdivider is responsible to reimburse the city for any and all engineering fees that are incurred on behalf of said subdivision over and above the fees paid at time of application. No final approval shall be granted on said subdivision until the engineering fees are current. Nonpayment of the engineering fees shall be cause to order all work to cease in said subdivision until such fees are paid in full.~~

~~G. E. Preliminary/Final Approval By Planning Commission: In one meeting, the planning commission may grant preliminary /final approval and recommend to the city council the approval, conditional approval or disapproval of the final plat within thirty (30) days after~~

~~the date the plat is submitted to the planning commission. The city engineer will provide a recommendation proper to being placed on the planning commission agenda. The commission shall set forth in detail any conditions to which the recommendation is made or reason for its recommendation decision. The subdivision plat shall then be forwarded to the city council for their approval.~~

~~H. Determination By City Council: Upon receiving the recommendation of the planning commission, the city council shall consider the recommendation at a regularly scheduled city council meeting and shall approve, modify and approve, or disapprove the final plat by resolution which shall set forth in detail any conditions to which the approval is subject or reasons for disapproval.~~

~~I. F. Materials Testing: The developer shall be responsible for payment of materials testing required by the city engineer during construction of subdivision improvements.~~

~~J. G. Plat Approval Required: No street improvements or utilities shall be installed until after approval of the final plat by the city council and recordation thereof. No lots included in such plat shall be purchased, sold, exchanged, nor offered for sale or exchange; and no construction of buildings upon such lots shall begin until the final plat is so approved and recorded.~~

~~K. H, Mylar Copy Remains the same.~~

~~L. I. Electronic Copy of Signed Plat Required: **Remains the same.**~~

The following amendments are made to the Plan City Code 11-4-1: IMPROVEMENTS AND GUARANTEE. The other subsections 11-4-(2-5) remain as written.

11-4-1: IMPROVEMENTS AND GUARANTEE

A. Methods For Installation: The owner of any land which has been laid out, platted and recorded pursuant to the provisions of this title shall at his own expense install the required improvements within a period of two (2) years from the date the final plat is recorded. Said owner shall guarantee the installation of such improvements by the following methods designated by the city:

2. 1. Deposit In Escrow: The developer will deposit in escrow with an escrow holder approved by the city council an amount of money equal to the cost of improvements required plus ten percent (10%) as estimated by the developer and approved by the city engineer under an escrow agreement conditioned for the installation of said improvements within two (2) years from the date the final plat is recorded. The escrow agreement aforesaid shall be approved by the Mayor ~~city council~~ and city attorney and shall be filed

Plain City Planning
Minutes of Meeting
July 13, 2017

with the city recorder. The ten percent (10%) improvement guarantee amount will be held for one year beyond the date of conditional final acceptance of improvements.

3. 2. Development Agreements: A development agreement and escrow agreement shall be provided for all subdivisions after final approval and prior to recording. ~~with five (5) or more lots to be submitted at the rezone or preliminary approval process and recommended by the planning commission to the city council for approval. The planning commission retains the right to require additional information be provided on the agreement.~~

4. B. Default: In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the escrow deposit forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of the escrow to defray the expense thereof. The developer may apply to the Plain City Planning Commission Council for an extension of time of one year, with additional one year extensions after the first extension. The Plain City Planning Commission council may grant this request upon proof of difficulty. Said extensions shall be subject to adequate security for the completion of said improvements being made by increasing the amount of the escrow account, if necessary. The Plain City Planning Commission council may require certain improvements to be completed before an extension is allowed. (Ord. 2010-03, 8-5-2010, eff. 8-6-2010)

The following amendments are made to the Plan City Code Title 11-4-5 B: ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY. The other subsections remain as written.

11-4-5: ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

5. A. Remains the same.

B. Public Safety Improvements: Certificates of occupancy will not be issued on any home within a subdivision prior to the fencing or piping of all ditches, as required by the final plat approval city council, or installation of any improvements determined to be necessary for public safety, in complete and satisfactory condition as determined by the city engineer.

C. Remains the same.

The following amendments are made to the Plan City Code Title 11-5-1 C: General Improvements. The other subsections remain as written.

11-5-1 C: General Improvements

A. and B. **Remain the same.**

C. Character Of The Land: Land which the planning commission finds to be unsuitable for subdivision or development due to flooding, wetlands, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other such features which will be reasonably harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be laid out or platted or developed unless adequate methods are formulated by the developer and approved by the planning commission ~~and city council~~, upon recommendation of the city engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger. Title 10-18 Sensitive Lands shall be applied in these instances.

D. and E. **Remain the same.**

The following amendments are made to the Plan City Code Title 11-5-3 STREETS. A General Requirements 1 Frontage On Improved Streets 1. B. and 2. e. The other subsections remain as written.

11-5-3 STREETS

A. General Requirements

1. Frontage On Improved Streets

a. **Remains the same.**

b. Wherever the area to be laid out and platted is to utilize existing street frontage, such street shall be fully improved as required by the public works standards unless otherwise provided for by the city council after a recommendation from the planning commission. (Ord. 2001-02, 3-1-2001, eff. 3-1-2001)

c. **Remains the same.**

2. Remains the same.

3. Topography And Arrangement

a. – d. **Remains the same.**

e. Plain City may require selected streets within a subdivision to be extended to the boundary lines of the subdivision. All streets required to be extended to the boundary lines of the subdivision shall be properly terminated with a temporary turnaround constructed in accordance with current public works standards or as approved by Plain City. However, in all cases, the temporary turnaround shall have sufficient stability to support snowplows, emergency vehicles, school buses and trash collection trucks. If the terminal street extends no more than the length of one lot beyond the nearest intersection, the city council after a recommendation from the planning commission may waive the turnaround requirement as

stated herein. If the temporary turnaround is located on an adjacent property an agreement between the two property owners and the city is required. (Ord. 2016-03, 5-5-2016, eff. 5-5-2016)

j. – m. **Remains the same.**

The following amendments are made to the Plan City Code Title 11-5-4 DRAINAGE AND STORM SEWERS: B. 4 Nature Of Stormwater Facilities and C Floodplain Areas. The other subsections remain as written.

11-5-4 DRAINAGE AND STORM SEWERS

A. **Remains the same.**

B. Nature Of Stormwater Facilities.

1. – 3. **Remains the same.**

4. Effect On Downstream Drainage Areas: The city engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the planning commission city council may withhold approval of the subdivision until provision has been made for the improvement of said potential condition in a manner the planning commission city council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

6. C. Floodplain Areas: The planning commission city council may, when it deems necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading or dumping of earth, waste material or stumps, except at the discretion of the planning commission. Title 10-18 Sensitive Lands shall be applied in these instances.

D. **Remains the same.**

The following amendments are made to the Plan City Code Title 11-5-12 A 1. Public Uses. The other subsections remain as written.

11-5-12: PUBLIC USES:

A. Recreation:

1. Recreation Sites: Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, or for other recreation purposes, and shall be relatively level and dry; and shall be improved by the developer to the standards required by the city council, which improvements shall be included in the escrow. All land to be reserved for dedication to the city for park purposes shall have prior approval of the city council and shall be shown marked on the plat "reserved for park and/or recreation purposes". (Ord. 2011-05, 3-3-2011, eff. 3-4-2011).

B. Remains the same.

Section 3. Prior Ordinances and Resolutions The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. Repealer of Conflicting Enactments All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. Savings Clause If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

Section 6. Date of Effect This Ordinance shall be effective on the ___th day of _____, 2017, and after publication or posting as required by law.

DATED this ___th day of _____, 2017

PLAIN CITY, a municipal corporation

MAYOR – Bruce Higley

ATTESTED AND RECORDED:

Diane Hirschi, CMC

CITY RECORDER

Motion: Commissioner Maw made a motion to revise the Subdivision Ordinance to comply with State Law and to shorten the process for the community constituents. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

b. Discussion/Motion: Subdivision Process

ORDINANCE # 2017-

AN ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S ZONING ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE

Section 1. Recitals

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all legislative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and

WHEREAS, the City Council finds that there is a need to establish regulations for subdivisions; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

Section 2. City's Zoning Ordinance Amended.

The following amendments are made to the Plain City Code Title 10-10-3 D Public Hearing eliminating the public hearing for conditional use permits.

~~D. Public Hearing: The planning commission may call a specific public hearing on any application after adequate notice if it is deemed in the public interest. The planning commission shall take action on the application by the second meeting of the planning commission after the application filing date. When a public hearing is held, a record of the hearing, together with a recommendation for the denial or issuance of the conditional use permit with conditions of approval or reasons for denial, shall be forwarded to the city council for their action. (Ord., 11-14-1974)~~

The following amendments are made to the Plain City Code Title 10-1-5 ADMINISTRATION AND ENFORCEMENT. The existing subsections are hereby renumbered from A-F to G-L.

A. The Purpose and Intent.

The purpose of this Title is to establish regulations and procedures for the processing and consideration of zoning applications.

B. Land Use Authority

The planning commission is designated at the land use authority for the approval of zoning applications including site plans and conditional use permits.

C. Interpretation: In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. The planning commission is designated as the land use authority to interpret Title 10 of this Code.

D. Fees for Processing Applications.

1. Fees for processing applications shall be established by the Plain City Consolidated Fee Schedule.

2. Applications that have been deemed complete and have not been pursued with reasonable diligence before the appropriate board shall expire after six months. The applicant will have to submit a new application and fees to restart the process.

E. Notice of Decision.

After hearing the evidence and considering the application, the approving authority planning commission, shall make its findings and have them entered in the minutes. Upon a decision by the approving authority, a notice of decision shall be mailed to the applicant at the address or e-mail address given in the application. A notice of decision can be a written notice or a copy of the approved minutes. A decision by the approving authority is final at the time the notice of decision is issued. If a notice of decision is not sent, the decision shall be final on the date the minutes from the meeting are approved by the approving authority. The city recorder shall also mail notice of any decisions to any person or agency who, in writing, requested such notification before the decision was rendered. Decisions are subject to requirements and conditions stated in the staff report and listed in the meeting minutes.

F. Hearing and Publication Notice for the Planning Commission and City Council.

At least 10 days' notice of the time and place of which shall be given of any public hearing before the Planning Commission as per state code.

The following amendment is made to Plain City Code Title 10-8 REGULATIONS APPLICABLE TO ALL ZONES establishing a new subsection 15 SITE PLAN REVIEWS

10-8-15: SITE PLAN APPROVAL REQUIRED

- A. A site plan shall be submitted to the planning commission which shows the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height, bulk and character of building, the provision for off street parking space, the provision of driveways for ingress and egress, the provision for other open space on the site and the display of signs. Each of the foregoing features shall be in accordance with the site plan (or subsequent amendment thereof) of the proposed development approved by the planning commission prior to the issuance of a building permit.
- B. A site plan shall include landscaping, fences and walls designed to further the purpose of the regulations for commercial, manufacturing and multiple housing zones, and such features shall be provided and maintained as a condition of the establishment and the maintenance of any use to which they are appurtenant. The site plan shall include a comprehensive sign plan.
- C. In considering any site plan, the planning commission shall endeavor to assure safety and convenience of traffic movement, both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods, and that the requirements of this title have been met.
- D. In approving site plans, the planning commission may act on a site plan submitted to it or may act on its own initiative in proposing and approving a site plan, including any conditions or requirements designated or specified therein or in connection therewith.
- E. The process for site plan reviews is established in 11-3-2 Technical Review.

The following amendments are made to 10-6A-5, 10-6B-14, 10-6C-5 SITE PLAN REVIEW REQUIRED: Permitted uses specified in this chapter require site plan approval by the planning commission before building permits are issued subject to 10-8-15. Conditional uses are regulated by chapter 10 of this title.

Section 3. Prior Ordinances and Resolutions The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. Repealer of Conflicting Enactments All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. Savings Clause If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

Section 6. Date of Effect This Ordinance shall be effective on the ___th day of _____, 2017, and after publication or posting as required by law.

DATED this ___th day of _____, 2017

PLAIN CITY, a municipal corporation

MAYOR – Bruce Higley

ATTESTED AND RECORDED:

Diane Hirschi, CMC
CITY RECORDER

Motion: Commissioner Maw made a motion to revise the Subdivision Process to Simplify the process for the community constituents and streamline the process. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

c. Discussion/Motion: Move the Senior Overlay from Subdivision Ordinance to Zoning Regulations.

ORDINANCE # 2017-

**AN ORDINANCE OF PLAIN CITY, UTAH AMENDING THE CITY'S ZONING
ORDINANCE AND SUBDIVISION ORDINANCE; AND ESTABLISHING AN
EFFECTIVE DATE**

Section 1. Recitals

WHEREAS, The City Council finds, that the City of PLAIN CITY (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-717, the governing body of the city may exercise all legislative powers; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 10-3-702, the governing body of the City may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and

WHEREAS, the City Council finds that this issue has been reviewed by the Planning Commission and certain recommendations made by them; and

WHEREAS, the City Council finds that there is a need to establish regulations for subdivisions; and

WHEREAS, the City Council finds that the public health, welfare and safety are at issue in this matter; now,

NOW THEREFORE, BE IT ORDAINED by the City of PLAIN CITY as follows:

Section 2. City's Subdivision Ordinance and Zoning Ordinance are Amended.

The following amendments are made to the Plain City Code Title 11-8 SENIOR HOUSING OVERLAY ZONE is transferred to Title 10-7 SENIOR HOUSING OVERLAY ZONE.

The following amendments are made to 10-7-9 FINAL SITE PLAN AND/OR FINAL PLAT APPROVAL: Permitted uses specified in 10-7-2 require site plan approval by the planning commission before building permits are issued subject to 10-8-15. Conditional uses are regulated by chapter 10 of this title.

All plans shall follow standard subdivision approval process with the planning commission ~~and city council~~. Approved final site plan or final plat will be forwarded to the building official for issuance of building permit.

Section 3. Prior Ordinances and Resolutions The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4. Repealer of Conflicting Enactments All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by

the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance Amendment, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 5. Savings Clause If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Plain City.

Section 6. Date of Effect This Ordinance shall be effective on the ___th day of _____, 2017, and after publication or posting as required by law.

DATED this ___th day of _____, 2017

PLAIN CITY, a municipal corporation

MAYOR – Bruce Higley

ATTESTED AND RECORDED:

Diane Hirschi, CMC

CITY RECORDER

Motion: Commissioner Maw made a motion to Move the Senior Overlay from the subdivision Ordinance to Zoning Regulations because it makes sense to move it. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw, Osenbach and Chairman Neil voted aye. Motion carried.

12. Report from City Council

City Council was canceled for the July 6 meeting.

13. Commission Comments

Commissioner Maw said they just about have everything nailed down for DAT. Brandon Taylor is working on pictures and there will not a DAT meeting in the month of July. Commissioner Osenbach asked Jeff Hales about the Town Square Estates. Mr. Hales explained that they have final approval. Commissioner Osenbach asked when the property was going to be cleaned up. Mr. Hales explained now that they have approval they can work on cleaning up the property. They had not moved forward until they had approval due to the expense. Mr. Hales stated he thinks Town Square Estates is good for the city and they have a good design going forward for the houses and the subdivision. Chairman Neil informed the commission the budget had been approved for the Master Plan. Chairman Neil stated the Planner Derek Moss will be headed up the general plan and Derek had been asked to get with Commissioner Maw for questions and answers on the general plan. Mr. Moss said they plan on making a presentation to the city council on August 3, 2017

11. Adjournment

Motion: Commissioner Maw made a motion to adjourn the meeting at 7:45 pm.

Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Carrigan, Vice Chair Leonardi and Chairman Neil voted aye. Motion carried.

<u>Neil</u>	<u>Carrigan</u>	<u>Osenbach</u>	<u>Maw</u>	<u>Sparks</u>	<u>Leonardi</u>
			Jan 5	Jan 19	Feb 2
Feb 16	*Apr 6	Mar 16	Mar 2	May 18	May 4
Apr 20	June 1	June 15	Jul 6	Jul 20	Aug 3
Aug 17	Sept 7	Sept 21	Oct 5	Oct 19	Nov 2
Nov 16	Dec 7	Dec 21			

* Meeting canceled.

Planning Commission Chair

Planning Commission Secretary

Plain City Planning
Minutes of Meeting
July 27, 2017

Minutes of the Plain City Planning Commission held on July 27, 2017 at 7:00 p.m. located at the Council Chambers in the Plain City Hall, Plain City, Utah 84404.

Present: Chairman Blake Neil *Excused*
Vice Chair John Leonardi
Commissioner Jarod Maw
Commissioner Mark Osenbach *Absent*
Commissioner Cheri Sparks
Alt. Commissioner Kris Carrigan *Excused*
Staff: Kathy Campbell, Derek Moss, Bren Edwards, Rob Scott

ATTENDEES: Bill Van Hulten, JD Christensen, Garrett Seely, Shad Christensen, Joel Maw, Jon Beesley, Gage Beesley

WELCOME: Vice Chair Leonardi welcomed those in attendance.

PLEDGE OF ALLEGIANCE: Commissioner Sparks

MOMENT OF SILENCE/INVOCATION: Secretary Kathy Campbell

1.ROLL CALL Vice Chair Leonardi conducted roll call and indicated Commissioners Sparks, and Maw were present. Chairman Neil and Commissioner Carrigan were excused. Commissioner Osenbach was absent.

2. OPENING MEETING STATEMENT

The opening statement was read by Vice Chair Leonardi

3. EX PARTE COMMUNICATION OR CONFLICTS OF INTEREST TO DISCLOSE

Vice Chair Leonardi asked if any members needed to declare a conflict of interest or disclose any ex parte communication in which they have engaged. Commissioner Sparks remarked City Councilman Searle asked her about the subdivision ordinance and she referred him to Chairman Neil. Commissioner Sparks said she had a neighbor ask concerning speed limits and she referred them to Chairman Neil. Commissioner Maw stated Todd Davis had asked him about the time line of the sign ordinance with the changing of a mail in ballots for voting.

4.Public Comments for Items not on the Agenda:

None

5. Approval of Minutes July 13, 2017

Motion: Commissioner Maw made a motion to approve the Minutes of July 13, 2017 with said changes. Commissioner Sparks seconded the motion. Vote: Commissioners Maw, Sparks and Vice Chair Leonardi voted aye. Motion carried.

6. Technical Review Report: There was not a technical review.

7. Administration Items:

a. Discussion/Motion: Preliminary Brook Haven 2800 N 4050 W 18 Lots

Garrett Seely stated he is was representing Brook Haven and the Van Hulten's and Christensen's are here tonight with the two properties being under contract. Mr. Seely stated the subdivision conforms to the zoning for that area. Commissioner Maw asked about the road going east and west. Commissioner Maw asked if the road connects to 2875 North. Mr. Seely confirmed that it does. Commissioner Maw asked if on the east end of the road is a temporary turnaround needed. It was concluded because it is one lot deep a temporary turnaround is not needed and not required by code. Commissioner Maw asked concerning the plat stating it was 2800 North when it is actually 2875 North. Vice Chair Leonardi asked where the mail boxes are going to be located. Garret Seely responded the community mail box will go next to lot 118. Vice Chair Leonardi confirmed the conversation with Bren Edwards and Garrett Seely concerning the piping for the storm water would be enlarged to accommodate the storm water and therefore a detention basin would not be needed. JD Christensen asked the commission about the irrigation ditch that runs along the back of the development. The Mr. Seely stated it would be piped if it is in the development. JD Christensen also inquired about the type of fence that would be put in between the development and the farm land. The Planning Commissioners responded a fence would be constructed according to the Plain City public works standards. JD Christensen asked when a nicer fence is built who does that. The planning commission informed Mr. Christensen that could be done between the developer and the other property owner.

Motion: Commissioner Maw made a motion for preliminary approval for Brook Haven located at 2800 N 4050 W with 18 lots. Contingent upon 2800 N being changed to 2875 N. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Maw and Vice Chair Leonardi voted aye. Motion passed.

8. Report from City Council:

Vice Chair Leonardi reported Bryan Memmott was appointed the new Plain City Justice Court Judge upon Judge Beesly's retirement. The Pioneer Agreement Extension for the Grouse Meadows lift station was denied. Vacate the Post Subdivision at 3440 N Plain City Rd was approved. Amendment to Grouse Meadows Subdivision – Lot 9 was approved. Final approval for the Cragun Subdivision and the KH Gibson Estates and Town Square Estates, 21 lots was approved. The Sunny Brook subdivision extension was approved. Marriott construction was awarded the 2425 W Storm Drain project. Econo Waste recycling fees were approved to go up thirty-nine cents. The Animal Control Services agreement was approved. Approval was given to purchase new tables and chairs for the senior center. The Amendment to the Subdivisions Ordinance revamping the application process was sent back to the planning commission. The Amendment to the Zoning Ordinance concerning public

Plain City Planning
Minutes of Meeting
July 27, 2017

hearings for conditional use permits was approved. The Amendment to Zoning and Subdivision Ordinance for the Senior Housing Overlay Zone and Clarifications was approved.

9. Commission Comments:

Commissioner Maw said Todd Davis had contacted him concerning the sign ordinance time line because of the change in mail in ballot for the upcoming elections. Mr. Davis's concern is voting is now done by mail and he felt there needs to be more time for the signs to be out. Jon Beesley stated he would like the ordinance changed to at least 75 days. Commissioner Maw read code 10-12-5. f. "Political Or Campaign Signs: Political or campaign signs are permitted in accordance with the following provisions; provided, that any such sign shall be erected not earlier than sixty (60) days prior to the election at which time the candidates or measure will be voted upon." Vice Chair Leonardi responded he is in favor of putting it on the agenda. Commissioner Sparks said she has a concern with the lack of parking in cul-de-sacs. Vice Chair Leonardi suggesting increasing the size of a cul-de sac to address parking.

10. Adjournment

Motion: Commissioner Maw made a motion to adjourn the meeting at 7:35 pm.

Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, and Vice Chair Leonardi voted aye. Motion carried.

Neil	Carrigan	Osenbach	Maw	Sparks	Leonardi
			Jan 5	Jan 19	Feb 2
Feb 16	*Apr 6	Mar 16	Mar 27	May 18	May 4
Apr 20	June 1	June 15	Jul 6*	Jul 20	Aug 3
Aug 17	Sept 7	Sept 21	Oct 5	Oct 19	Nov 2
Nov 16	Dec 7	Dec 21			

* Meeting canceled.

Planning Commission Chair

Planning Commission Secretary