

Minutes of the Plain City Planning Commission held on December 14, 2017 at 7:00 p.m. located at the Council Chambers in the Plain City Hall, Plain City, Utah 84404.

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

ATTENDEES: Bruce Higley

WELCOME: Chairman Neil

PLEDGE OF ALLEGIANCE: Commissioner Carrigan

MOMENT OF SILENCE/INVOCATION: Chairman Neil

1.ROLL CALL Chairman Neil conducted roll call and indicated Commissioners Sparks, Osenbach, and Carrigan were present. Vice Chair Leonardi and Commissioner Maw 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 had engaged. All Commissioners reported they had not had any ex parte communication.

4. Public Comments for items not on the Agenda

Mayor Bruce Higley expressed his appreciation to the Planning Commission. Mayor Higley stated he has enjoyed working with the Planning Commission and the work the commission has done has not been unnoticed. Mayor Higley said he deeply appreciated the commissioners commitment to serve the city. Mayor Higley gave a heartfelt thank you to the commission and asked when their paths cross they say hi.

5. Approval of Minutes for November 9, 2017

Motion: Commissioner Carrigan made a motion to approve the Minutes of November 9, 2017 with said changes. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Osenbach, Carrigan and Chairman Neil voted aye. Motion

carried.

6. Approval of Minutes for Work Meeting August 24, 2017

Motion: Commissioner Sparks made a motion to approve the Minutes of August 24, 2017 with said changes. Commissioner Osenbach seconded the motion. Vote: Commissioners Sparks, Osenbach, Carrigan and Chairman Neil voted aye. Motion carried.

7. Technical Review Report:

There was not a Technical Review

8. Legislative Items:

a. Public Hearing for the Food Trucks Ordinance

Motion: Commissioner Carrigan made a motion to open the public hearing for the Food Truck Ordinance. Commissioner Sparks seconded the motion: Vote: Commissioners Sparks, Osenbach, Carrigan and Chairman Neil voted aye. Motion Carried.

There was no public comment.

Motion: Commissioner Carrigan made a motion to close the public hearing for the Food Truck Ordinance. Commissioner Osenbach seconded the motion: Vote: Commissioners Sparks, Osenbach, Carrigan and Chairman Neil voted aye. Motion Carried.

b. Public Hearing for the Electronic Signs

Motion: Commissioner Carrigan made a motion to open the public hearing for the Electronic Sign Ordinance. Commissioner Carrigan seconded the motion: Vote: Commissioners Sparks, Osenbach, Carrigan and Chairman Neil voted aye. Motion Carried.

There was no public comment.

Motion: Commissioner Osenbach made a motion to close the public hearing for the Electronic Sign Ordinance. Commissioner Carrigan seconded the motion: Vote: Commissioners Sparks, Osenbach, Carrigan and Chairman Neil voted aye. Motion Carried.

c. Discussion/Motion: Food Trucks:

ORDINANCE # 2017-07

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 are Amended. The following amendments are made to the Plain City Code: TITLE 10 - ZONING REGULATIONS, CHAPTER 2: DEFINITIONS Mobile Food Vendors - A vendor that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels and is readily movable and does not require assembly or disassembly. TITLE 10 - ZONING REGULATIONS, CHAPTER 6: COMMERCIAL ZONES 10-6A-4: SPECIAL REGULATIONS: C. Mobile food vendors shall only operate with a business license to operate as a mobile food vendor (food truck or trailer) obtained from Plain City through the business license application process and providing a current health department permit to operate a mobile food truck or trailer, or obtained from Plain city after providing: a current business license from another jurisdiction within the state; and, a current health department permit from a health department within the state.

Mobile food vendors are: Permitted to operate in commercial / industrial zones with written permission from the property owner or authorized agent for each location in which the mobile food vendor shall operate;

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Only to operate on hard surface (pavement, asphalt); and, Operate in residential zones on private property with written permission from the property owner and notice provided to property owners within two hundred feet (200'). Permitted to operate between 7:00 am and 10:00 pm.

Mobile food vendors are: Not permitted to operate within two hundred feet (200') of any public park unless prior permission is given by the City. Not permitted to operate within two hundred feet (200') of any public or private school during operational school hours unless prior written permission from the school or authorized agent is provided. Not permitted to operate for more than twelve (12) hours within a twenty-four (24) hour period at any one location.

Mobile food vendors shall adhere to the following: Signage - All signage must be permanently attached to the mobile food vendor, except for one menu sign that shall not exceed three feet (3') by four feet (4') and shall be placed on a hard surface no more than

ten feet (10') from the mobile food vendor. Signage must comply with clear view requirements at road intersections found in Plain City Code 10-12-2 (Zoning, Sign Regulations). □ The mobile food vendor may not in any way inhibit the access to and from or the safe use of the premises on which it is located, and may not reduce the required parking of the premises. Any canopy extensions must be integrated into the design of the vehicle and may not project onto public property in any way. □ Trash removal - mobile food vendors will provide trash containers that shall be removed from the site when the vendor leaves the site. □ Shall not operate as a drive-through. □ Shall only be allowed to park overnight in residential zones where the mobile food vendor operator has a home occupation business license for operation as a mobile food vendor. □ A mobile food vendors will not be permitted to operate and a business license revoked if in violation of Plain City Code 4-2 (Public Health and Safety, Nuisance).

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

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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 Carrigan made a motion to recommend to the city council for amending the zoning ordinance Title 10, Chapter 6 Mobile Food Vendors.

Commissioner Osenbach seconded the motion. Vote: Commissioners Sparks,

Osenbach, Carrigan and Chairman Neil voted aye. Motion Carried.

d. Discussion/Motion: Electronic Signs

ORDINANCE # 2017-07

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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 are Amended. The following amendments are made to the Plain City Code: TITLE 10 - ZONING REGULATIONS, CHAPTER 12: SIGN REGULATIONS SECTION 2: DEFINITIONS SIGN, ELECTRONIC MESSAGE: A sign which uses changing patterns of light to display public information, commercial messages that is capable of displaying a changeable electronic message or image (to be prohibited in residential zones). TITLE 10 - ZONING REGULATIONS, CHAPTER 12: SIGN REGULATIONS SECTION 5: SPECIAL PROVISIONS The electronic message sign area shall not exceed seventy-five percent (75%) of the total allowable sign area.

Electronic message signs shall not cause glare or contain rapid blinking messaging, nor be intensely lit such that the sign may create a nuisance or hazard to vehicular traffic, pedestrians, or adjacent properties. See Plain City Code 4-2 (Public Health and Safety, Nuisance). No electronic message sign shall be installed in any way which will permit direct rays of light to penetrate onto any adjoining property used for residential purposes, or in any manner constituting a nuisance.

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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 Sparks made a motion to recommend to the City Council Amending the City Zoning Ordinance Title 10, Chapter 12: Sign Regulations. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Osenbach, Carrigan and Chairman Neil voted aye. Motion Carried.

e. Discussion : Commercial Zones – Propane Refill Station

Chairman Neil stated Jeff Johansen the representative from Kelly’s Korner was to going to come to the meeting to give a presentation. Mr. Johansen was not present. Chairman Neil asked if everyone had seen the letter from the Plain City Fire Chief. The North Ogden Ordinance that Rob Scott had sent and the staff report from Derek Moss of JUB

DATE: December 14, 2017

TO: Kathy Campbell, Planning Commission Secretary Plain City

CC: Bren Edwards, Public Works Director

FROM: Derek Moss, AICP; City Planner

SUBJECT: Retail/Bulk Propane Sales

Background: Recent requests from residents and businesses in Plain City regarding propane retail sales other than propane exchange services has resulted in ordinance review to determine appropriate action in the zoning ordinance. Staff have reviewed State standards and examples of retail and bulk propane sales ordinances for Ogden, North Ogden City, Salt Lake City, and North Salt Lake City.

Staff Comments: Propane sales as an accessory use is typically permitted within general commercial (C-2) and manufacturing (C-3) zones. The municipality can specify the following: Where: recommended outside any setback or utility easement Dimensions: length and height, standard tanks are no greater than 16 feet in length and could be restricted to 10 feet in height if vertical Volume: limited to 1,100 gallons Quantity: limited to 1 tank per site

Other considerations include restricting signage, maintaining color standards, safety standards for installation and maintenance of tanks greater than a certain capacity, and the Utah State Department of Public Safety licensing standards for filling tanks onsite.

The Planning Commission may consider adding propane retail sales in the commercial uses table of Title 10, Chapter 6 (10-6-1 Uses) as an accessory use to the primary commercial use in each of the commercial zones.

Chairman Neil explained propane retail sales would have to be added to the commercial uses and there will have to be a public hearing.

9. Discussion /Motion: Cancellation of December 28, 2017 Planning Commission Meeting.

Motion: Commissioner Osenbach made a motion to cancel the December 28, 2017 meeting. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Osenbach, Carrigan and Chairman Neil voted aye. Motion Carried.

10. Report from the City Council.

Chairman Neil report on the both the November 16, 2017 meeting and the December 7, 2017 meeting. November 16, 2017 a Eagle Scout reported on his project of refurbishing the Plain City Welcome signs. The Amendment to Stillcreek phase 2 was approved. The Christmas Tree Lighting Ceremony Proposal was approved. The sell of the surplus items was a no. Purchasing of new trucks was no. The memorandum of a one-year Agreement for the Recycling Fees was approved.

The December 7, 2017 meeting the Amendment to the Subdivision Ordinance concerning the Subdivision Process was approved. Amendment to the Development Agreement with Kelly's Korner for bulk propane sales was passed to the planning commission. Review of the City Code and Personnel Policy was tabled except that a employee cannot be on the City Council. The Contract for the Annual Sewer Line Maintenance was approved. There was a update on the Home Occupation Licensing because of the State Legislative changing the Law. A Home Occupation License is not required but if someone needs one there will be a \$50.00 fee. The City Council meeting for December 21, 2017 was canceled.

11. Commission Comments:

Chairman Neil stated the last General Plan meeting was not well attended. The meeting has been rescheduled until next month. Commission Secretary Kathy Campbell reported she has enjoyed working with the Planning Commission but she is retiring December 29, 2017 and this will be her last meeting. The Planning Commission thanked her for her service.

12. Adjournment

Motion: Commissioner Carrigan made motion to adjourn at 7:40 p.m. Commissioner

Sparks seconded the motion. Vote: Commissioners Sparks, Osenbach, Carrigan and Chairman Neil voted aye. Motion Carried.

2018

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

* Meeting canceled.

Planning Commission Chair

Planning Commission Secretary

