

6. Technical Review Report

Chairman Maw reported that Cody Rhees presented a new plan for the Heritage North subdivision. He noted ongoing uncertainties over proposed open space, offered in exchange for Residential Overlay consideration. He indicated that Cody Rhees may resubmit the subdivision application with RE14.5 zoning. Recognizing as fact that Plain City does not have an RE14.5 zone, City Engineer, Paul Taylor confirmed that Cody Rhees stated that he may resubmit the subdivision application with RE14.5 zoning. Chairman Maw commented on significant elevation variations that exist between the Heritage North site and the adjoining Brook Haven development. Commissioner Neil asked if right of way issues were discussed. Public Works Director, Dan Schuler affirmed that it was clearly explained to Cody Rhees; the right of way must be unrestricted and indisputably disposed to the developer before approval of the subdivision. Chairman Maw remarked on subdivision access points.

7. Legislative Items:

Public Hearing: Annexation Policy Amendment

City Attorney, Brandon Richards described the process for amending an Annexation Policy Plan. He noted that the existing Annexation Policy plan has been in place since May of 2003. He indicated that recently proposed changes to the Plain City Annexation Policy Plan are primarily associated with the boundary. He emphasized that approval of the amendment does not make certain that all land inside the new boundary will be annexed into Plain City and submitted; as the Annexation Policy Plan is currently written, petitions for annexation of property outside of existing Plain City limits cannot be accepted. He stated that part of the process is to have a Public Hearing, hosted by the Planning Commission. He provided details on hearing notification requirements and procedures. He noted that approximately twenty-five affected entities were invited to attend this Planning Commission meeting, to publicly present comments. He reiterated that petitions for annexation within the proposed border cannot be filed until the extended boundary has been approved as part of the Plain City Annexation Policy Plan. He notified that the City Council wishes to consider a Planning Commission recommendation as they discuss and vote on the matter after a Public Hearing that is on the agenda for the next City Council meeting, December 19, 2019. Mayor Beesley referred to a map of the proposed annexation boundary, shown on a large video display and identified affected areas.

Motion: Commissioner Neil motioned to open Public Hearing: Annexation Policy Amendment. Commissioner Carrigan seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Carrigan and Chairman Maw voted aye. Motion carried.

Long-time Warren area resident, Douglas Hansen requested that if annexed, the Warren community be allowed to hold their name and convention. He retraced the proposed annexation boundary. He commented on the low population density of affected areas. He acclaimed the value of community identity. He predicted conflicts with property owners that do not want to be annexed or incorporated into a new city. He sought transparency through the process and greater opportunity for citizen input. Gary Nielsen, a resident of Warren, voiced approval of the proposed annexation. He commented on benefits of having the option to petition for annexation into Plain City. He echoed reports that a group is making advancement to incorporate the area into a new city. He assumed that these would-be founders will not preserve standing community identity – listing intended names for the new city. He stated that annexation of his 160 acres into Plain City is preferable to the land becoming part of a

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new city.

Jill Hipwell, representing herself and West Warren-Reese resident, Marion Call, reported getting about sixty signatures on a “Petition by West Warren-Reese Residents and Land Owners” stating their desire to vote on the new western Weber County city incorporation and that the unincorporated Weber County region of West Warren-Reese not be annexed into Plain City. She indicated that the signatures were gathered within two hours of an emailed request. She queried if a feasibility study has been done for the proposed annexation.

Representing Randy Marriott, Craig Jackson relayed his interest in annexing into Plain City. He expressed concern with stormwater drainage and upkeep of existing stormwater management features. Chairman Maw stated that the Commission cannot comment on the matter at this time, but took note of the issue.

Warren resident, Jim Bond asserted that western Weber County property owners want to be heard when decisions are made that impact their land. He made positive comments on County provided services. He indicated that rates for County provided services are steadily increasing. He remarked on anticipated startup costs for incorporation of a new city. He listed some foreseen benefits of annexation into Plain City.

Warren land owner, Scott Wayment reported efforts to reach out to each Warren resident, to garner feedback regarding the proposed annexation. He indicated that a majority of community members he spoke with expressed a desire to be annexed into Plain City vs. becoming part of a new city. He noted that a few of those surveyed would like to remain unincorporated, if possible.

Weber County Commissioner, Scott Jenkins explained that the County cannot sway or otherwise influence studies by groups/entities intending to incorporate or annex land. He stated that the analysis for incorporation has been completed and projected cost for establishment and operation of the new city is known. He contrasted the Plain City property tax schedule and property taxes charged by other cities in Weber County, noting that Plain City’s property taxes are the lowest in the State - not accounting for those cities that do not charge property tax because of other high-end revenues. He announced that the group perusing incorporation has petitioned the Lieutenant Governor for a vote on the application. He further stated that the Lieutenant Governor has not ruled on the petition. He expressed appreciation for the process and commended Plain City officials for endeavoring to provide an option for owners of unincorporated, western Weber County land.

Mayor Beesley reported meeting with Weber County department heads and staff to discuss aspects of land management, including predictable expenditures and revenue. He acknowledged that additional equipment and personnel will be needed to provide adequate service to residents in potential annexation areas. He gave details gleaned from an informal, yet comprehensive feasibility study, he has conducted. He stated that his first concern is for the good of current Plain City citizens.

Motion: Commissioner Faulkner motioned to close Public Hearing: Annexation Policy Amendment. Commissioner Skeen seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Carrigan and Chairman Maw voted aye. Motion carried.

Discussion / Motion: Annexation Policy Amendment

Commissioner Sparks asked if citizens will be able to vote on petitions for annexation if the proposed Annexation Policy Plan is approved by the City Council. She noted changes in the proposed Annexation Policy Plan that markedly bypass Planning Commission review of future annexation petitions. City Attorney, Brandon Richards affirmed that draft changes to the Annexation Policy Plan are not intended to modify process. He explained the consequences of Council adoption of this Annexation Policy Amendment. Commissioner Sparks noted that the Annexation Policy Amendment

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refers to 2000 census data and recommended that a more current reference be furnished, such as the current US census or information found the updated Plain City General Plan. Commissioner Faulkner pointed out an unnecessarily replicated clause on page one of the Policy. She identified locations where unsuitable words might be removed or replaced. She suggested that the description of expansion conditions should not portray existing special districts (sewer and cemetery) as an exception to the claim of not having special districts for the provision of utility services. She asked for clarification on the concept of proportionate taxation. She made mention of some misspellings. She called attention to the sense of community expressed by property owners that commented during the Public Hearing and indicated that it's an underlying sentiment that should be respected. Commissioner Neil expressed agreement with the outline and proposed corrections. Commissioners Carrigan and Skeen stated comprehension of the Annexation Policy Plan Amendment and its purpose and intent. Chairman Maw told of his family history in Plain City and in unincorporated areas to the west. He commented on planning actions that will be the responsibility of the Planning Commission, as the potential annexation evolves. He asked Commissioner Sparks to restate her concerns regarding Amendments to Annexation Policy. Commissioner Sparks acknowledged that citizens will not vote on petitions for annexation if the proposed Annexation Policy Plan is approved by the City Council. She relayed understanding that there will not be a formal vote, but individual land owners will submit petitions for annexation according to their needs and desires. She reiterated that Section 7 should be updated to reflect current census data and/or Plain City General Plan information.

Motion: Commissioner Faulkner motioned to recommend City Council approval of the Annexation Policy Amendment with corrections and updates as discussed. Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Carrigan and Chairman Maw voted aye. Commissioner Sparks voted nay. Motion carried.

Discussion: Final Subdivision – Panunzio Estates Phase 1, 4100 W 1975 N

Developer, Jeff Hales reviewed previous discussion concerning an amended design for the Panunzio Estates subdivision. He described changes that were made, according to Planning Commission and City Engineer recommendations. He explained that he would like feedback on the latest draft so that he can finalize his drawings and submit them for formal Planning Commission approval. Commissioner Neil indicated that written comments from the City Engineer were not made available to the Commission, prior to the meeting. Paul Taylor reported meeting with Mr. Hales and the project engineer, to work through issues and adapt recommended adjustments to the plat. He noted that all but one of the listed changes has been effected. He explained why the 4100 West Street intersection (south) is offset from the existing Pioneer Road tie-in. Commissioner Faulkner pronounced support of the configuration. Chairman Maw directed that the draft be finalized and put on the January 9th Planning Commission meeting agenda, for endorsement. Apparent zoning and property line divergences that will impact future phases of the Panunzio Estates subdivision were discussed.

Discussion / Motion: Ordinance Amendment – Mixed-Use Overlay Zone

Commissioner Neil related qualms that prompted the tabling of Discussion / Motion: Ordinance Amendment – Mixed-Use Overlay Zone at the previous meeting. He pointed out that two commercial uses were added to the list of incompatible uses; prohibited in a Mixed-Use Overlay Zone. Commissioner Skeen indicated that all other uses as permitted or conditional in the C-1 and C-2 Commercial Zones should be reviewed, because they are specified as allowable in the Mixed-Use Overlay ordinance. Commissioner Faulkner asserted that tabling of the matter was also done in

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consideration of Commissioners that were absent. She suggested that a new phrase (C) be added after 10-19-6 B, stating “Applicant may choose to proceed to City Council or begin application process by submitting a new application with appropriate fees and forms”. She remarked on a recent project that was reviewed by the Planning Commission and because recommendation for City Council denial was conferred, the applicant did not forward the proposal to City Council. She indicated that the applicant will submit modified drawings to the Planning Commission under terms of the existing application and without payment of additional filing fees. Paul Taylor agreed that stipulations should be included to mark a cutoff point for applications. Commissioner Faulkner stated that the applicant can presumably consider their application open if not officially denied by City Council. She proposed that the language be placed after 10-19-7 A, as well. Chairman Maw agreed with the recommendation. Commissioner Carrigan contended that an applicant should not be required to present a plan to the City Council that has been recommended for denial, nor be required to pay additional fees after making adjustments to a plan, at the request of the Planning Commission. Brandon Richards suggested that tabling the motion on an application when adjustments are necessary is preferable to moving for a recommended denial. He commented on instances when an applicant insists on a motion and vote. He indicated that a vote should signal closure of an application. Commissioner Sparks weighed placement of a time constraint on applications. Paul Taylor related details on the Heritage North subdivision (with Residential Overlay Zone) application process. He noted that the project was not put on the City Council meeting agenda at the applicant’s request – specifically to avoid submittal of a new application. He commented on revisions made to the Residential Overlay Zone ordinance, after the Planning Commission’s preliminary review of Heritage North subdivision plat. Brandon Richards said that refusal to forward an application to City Council is a fundamental declaration, by the applicant, of their withdrawal of that application. He suggested the stipulation be generally applied to all land use applications. Commissioner Carrigan commented on existing application expiration terms. Commissioner Neil reported having a conversation with the mayor after the last Planning Commission meeting, in which he expressed accord with Residential Overlay height restriction specifications. He suggested that height restrictions in the Mixed-Use Overlay ordinance be similarly composed. Commissioner Carrigan questioned the logic of disqualifying formations that provide State mandated stormwater detention or retention as developed open space, in the ordinance. He named locations where such features have been successfully used for multiple functions. Commissioner Neil explained that the general exclusion was added to the code as called for by the City Council. Commissioner Faulkner noted that the issue was discussed at two previous meetings and that the full exclusion of detention and retention features from open space calculations was agreed upon. Commissioner Carrigan asserted that an omitted clause provides the Planning Commission authority to reject plat designs that exploit the permitted use of detention/retention area. Commissioner Skeen remarked on well-placed open space within a development, submitting that multi-function detention basins can be large and will dissuade balanced distribution of open space throughout a subdivision. Chairman Maw instructed that the previously stricken clause in 10-19-3, “Open space used for stormwater retention/detention may be used to meet the fifteen percent (15%) requirement only if it is maintained and usable open space, as determined by the Planning Commission or City Council.” should be restored and that the disqualification of formations that provide State mandated stormwater detention or retention as developed open space, be removed from the draft. Commissioner Neil revisited height restriction considerations. He suggested the standards for developments of 10 acres or less and projects with an area of more than 10 acres should be uniform. Commissioner Faulkner stated, for the record, that she is not in favor of restoring allowed use of stormwater detention/retention elements as

acceptable open space.

Motion: Commissioner Carrigan motioned to forward the amended Mixed-Use Overlay Zone Ordinance with changes as discussed to City Council; recommending approval. There was no second.

Commissioner Faulkner moved to table Discussion / Motion: Ordinance Amendment – Mixed-Use Overlay Zone Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil and Chairman Maw voted aye. Commissioner Sparks abstained. Commissioner Carrigan voted nay. Motion carried.

8. Administrative Items:

Discussion / Motion: Cancel Regular Planning Commission Meeting 12/26/2019

Motion: Commissioner Faulkner motioned to Cancel Regular Planning Commission Meeting 12/26/2019. Commissioner Sparks seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Carrigan and Chairman Maw voted aye. Motion carried.

9. Report from City Council:

Commissioner Faulkner reported public comments presented in favor and against the potential annexation of western unincorporated land, during the City Council Meeting of November 21, 2019. She remarked on the Plain City Youth Council's progress update, relating to an upcoming tribute to military veterans with ties to the community. She reported that the amended Residential Overlay Zone ordinance was approved. She indicated that an amendment to the Town Square subdivision was approved. She reported that Sherry Barker's petition for annexation was given the green light to be processed. She commented on discussion resulting in approval of partial funding of playground equipment for the City park at Stillcreek. She reported the tabling of a request by the Mayor, to delete the City Manager position from Plain City code. She mentioned Councilmember Weston's state of the sewer account. She relayed accolades from Councilmember Sadler to the Planning Commission, for their continued, constructive efforts toward improving the City. She reported Mayor Beesley's announcement of the Christmas tree lighting event and Plain City Corp. Christmas party.

Chairman Maw reported on the City Council meeting of December 5th. He indicated that the KH Gibson Subdivision was granted final acceptance. He commented on discussion about employee credit cards and spending policy. He reported that Councilmember Allen recognized Dan Schuler and Public Works personnel for proficient snow removal endeavors over the past week. He mentioned Councilmember Sadler's report on the Fire Department Christmas party. He indicated that Councilmember Sadler requested that the City Attorney put forward an updated draft of the Fire Department Constitution, before the end of 2019. He reported that Councilmember Weston reviewed makeshift sewer system vault repairs that have been done to allow the component to function as intended and remarked on inactive sewer lines, constructed many years ago, that are to be returned to service. He summarized Mayor Beesley's comments on a new sewer trunk line (15" - 18") that will be installed along the rail trail.

10. Commission Comments:

Commissioner Sparks had no further comments. Commissioner Faulkner emphasized the importance of considering property lines when the next update of the General Plan is constituted. Commissioner Neil yielded. Commissioner Carrigan had no further comment. Commissioner Skeen deferred comment. Chairman Maw commented on industrial and high-density zoning of

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future annexed territory. He mentioned Mayor Beesley’s observation of increased maintenance costs associated with wider streets.

11. Adjournment

Motion: Commissioner Sparks made motion to adjourn at 9:00 p.m.
Commissioner Neil seconded the motion. Vote: Commissioners Sparks, Faulkner, Neil, Carrigan and Chairman Maw voted aye. Motion Carried.

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<u>Neil</u>	<u>Carrigan</u>	<u>Faulkner</u>	<u>Maw</u>	<u>Sparks</u>	<u>Skeen</u>
Jan 2	Jan 16	Feb 6	Feb 20	Mar 5	Mar 19
Apr 2	Apr 16	May 7	May 21	Jun 4	Jun 18
July 2	July 16	Aug 6	Aug 20	Sept 3	Sept 17
Oct 1	Oct 15	Nov 5	Nov 19	Dec 3	Dec 17

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