

Plain City Planning Commission  
Minutes of Meeting  
April 9, 2020

Minutes of the Virtual Plain City Planning Commission Meeting held on April 9, 2020 at 7:00 p.m. via ZOOM.

Present:                      Chairman                      Jarod Maw  
                                    Vice-Chairman              Blake Neil  
                                    Commissioner                Blake Jenkins  
                                    Commissioner                Shawna Faulkner  
                                    Commissioner                Dustin Skeen  
                                    Commissioner                Rob Ortega

Staff:                              Mike Kerswell, Dan Schuler, Paul Taylor

**Attendees:**                      Jason Patty, Kaiden Miller, Jeff Hales, Rob B.

**Welcome:**                              Chairman Maw

**Pledge of Allegiance:**              Commissioner Neil

**Moment of Silence / Invocation:**      Commissioner Faulkner

**1. Roll Call:**

Chairman Maw directed roll call and indicated; Commissioners Jenkins, Neil, Faulkner, Skeen, Ortega and Chairman Maw were present.

**2. Opening Statement:**

Chairman Maw presented the Opening Statement.

**3. Ex Parte Communication or Conflicts of Interest to Disclose:**

Commissioner Faulkner reported receiving a phone call from Buddy Sadler. She stated that they spoke about the Wasatch Peaks Credit Union site plan and that she would give details during the Commissioner Comments segment of the meeting.

**4. Public Comments:**

None presented.

**5. Approval of Meeting Minutes for March 26, 2020**

**Motion: Chairman Maw noted that his name is mentioned in the voting record for all motions in the meeting. He did not vote, as a full quorum was present. Commissioner Skeen motioned to approve the Meeting Minutes for March 26, 2020. Commissioner Jenkins seconded the motion. Vote: Commissioners Jenkins, Faulkner, Neil, and Skeen voted aye. Motion carried.**

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**6. Technical Review Report**

The Technical Review Committee meeting was cancelled, this cycle.

**7. Legislative Items:**

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

Developer, Jeff Hales commented on a review of the Panunzio Estates Final Subdivision plan and the report by City Engineer, Paul Taylor. He noted that a list of mentioned concerns has been fully addressed. Chairman Maw indicated that the City Engineer’s memorandum appears to comprise typical comments and concerns. He verified that drawings contained in the Commissioner’s packets reflect the latest updates. Commissioner Skeen queried if previous issues with a road through the subdivision that ties into Pioneer Road have been resolved. Paul Taylor explained that roads in future phases, to the east, have been realigned; creating a “T” intersection at 4100 W. He further noted that a temporary detention basin will be relocated when work on the next phases commences and the road will be extended. Public Works Director, Dan Schuler pointed out that only half of 1700 North Street is shown as part of the development. He indicated that the cost for the City to finish the remaining half is \$52,000 – an expenditure that must be approved by the City Council. Commissioner Jenkins reexamined the proposed intersection at 1700 North Street and alignment with 4100 West Street at the north end of the subdivision. Jeff Hales referred to a signed document permitting initial stormwater drainage to run over and through adjacent property owned by Farrell Christoffersen. Dan Schuler sought clarification on speculated improvements along 1700 North Street. He commented on subdivision access requirements. Jeff Hales indicated that the northside half of the improvements will be provided by the developer as part of Phase 1, if the City agrees to improve the other half at the same time. Alternatively; the entire road will be furnished by the developer during construction of a future phase – when another full access is required. Dan Schuler informed that two access/exit points are necessary because of the number of lots in Phase 1. He reiterated that the \$52,000 City contribution for half of the 1700 North access will need to be approved by the City Council. Paul Taylor read from Plain City ordinance:

11-5-3: STREETS

A. General Requirements

3. Topography And Arrangement ...

b) All streets shall be properly...

- (1) Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be permitted.

Jeff Hales submitted that if the City will participate, an improved street will be provided for access into Phase 1. He asserted that if the City does not agree with the proposed involvement, construction of the improved access/exit at 1700 North Street will be postponed until Phase 2, and a temporary emergency outlet will be established at that end. He identified future mailbox locations, confirming that pullouts will not be added to the street. Commissioner Neil stated that Final Subdivision approval is a legislative matter and will be ultimately decided by the City Council. Commissioner Skeen verified that common mailbox locations are not too close to intersections. Commissioner Faulkner called attention to the active and participatory role that the USPS will have in making or influencing the decision about mailbox placement. Commissioner Jenkins remarked on future development of adjacent property, owned by Carlos Heslop.

**Motion: Commissioner Faulkner motioned to recommend City Council approval of Final Subdivision – Panunzio Estates Phase 1, 4100 W 1975 N. Commissioner Neil seconded the motion. Vote: Commissioners Jenkins, Faulkner, Neil and Skeen voted aye. Motion carried.**

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**Discussion/Motion: Subdivision Amendment – Wasatch Peaks Credit Union at Kelly’s Corner, approximately 3631 W 2600 N**

Level 5 Project Engineer, Kaiden Miller summarized the purpose and scope of the proposed Subdivision Amendment. Commissioner Neil clarified that a Subdivision Amendment is necessary, in this case, because two existing lots will be consolidated into one. Paul Taylor explained that he did not receive anything, graphically, for this proposal, prior to the meeting. He acknowledged understanding of the concept and indicated that he has discussed the matter with the developer. Chairman Maw stated that recommendation for approval can be motioned, with a stipulation that the City Engineer verify drawings and the documented legal description. Commissioner Skeen commented on considerations of a future coffee shop, planned for the pad. Kaiden Miller indicated that the (coffee shop) building will be leased to another company, once the structure is in place.

**Motion: Commissioner Skeen motioned to recommend City Council approval of the Subdivision Amendment – Wasatch Peaks Credit Union at Kelly’s Corner, approximately 3631 W 2600 N, conditional upon review of plat drawings and the legal description by the City Engineer. Commissioner Neil seconded the motion. Vote: Commissioners Jenkins, Faulkner, Neil and Skeen voted aye. Motion carried.**

**8. Report from City Council:**

Commissioner Neil reported that Discussion/Motion on adjusted annexation boundaries was tabled because of State legislation that was recently passed, restricting municipal annexations. He indicated that Sherry Barker’s zoning amendment was approved. He reported that Elk Horn Properties’ application for the Mixed-Use Overlay Zone was denied, noting that Councilmember Beal abstained from voting on the matter. He stated that Taylor Parks Phase 3 conditional final acceptance was granted. He announced the appointment of Rob Ortega to the Planning Commission. He commented about Council discussion on an Off-road vehicle draft ordinance, originated by Councilmember Skeen. He reported commentary on budgeting for SCADA sewer system monitoring equipment and installation. He indicated that Councilmember Weston volunteered to provide seasonal maintenance and repairs to the City Landfill chipper.

**9. Commission Comments:**

Commissioner Ortega thanked the Commission for inviting him to the meeting. Commissioner Jenkins had no further comment. Commissioner Skeen welcomed Rob Ortega to the Planning Commission and thanked Mike Kerswell for distributing the contact lists and other important information related to projects that are currently being considered. Commissioner Faulkner reported on a phone call she received from Buddy Sadler. She indicated that they discussed an agreement on exterior lighting limitations, made with residents that live near Kelly’s Corner when plans for the development were being drafted. He confirmed; exterior lighting that projects outward was disallowed. She noted that Buddy Sadler spoke of other terms in the agreement regarding drive throughs. She relayed Buddy Sadler’s presumption that applications for Overlay Zones will be reviewed by City Council before coming to the Planning Commission, when the moratorium is lifted. She welcomed Rob Ortega to the Planning Commission. Commissioner Neil had no further comment. Chairman Maw announced a Zoom meeting that will be held Tuesday, April 14th from 11:30 a.m. to 1:00 p.m. on 2020 legislative updates to land use codes.

**10. Adjournment**

**Motion: Commissioner Faulkner motioned to Adjourn at 8:00 p.m. – Commissioner Skeen seconded the motion. Vote: Commissioners Jenkins, Faulkner, Neil and Skeen voted aye. Motion carried.**

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**2020**

<u>Neil</u>	<u>Faulkner</u>	<u>Maw</u>	<u>Jenkins</u>	<u>Skeen</u>	<u>Ortega</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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Planning Commission Chair

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Planning Commission Secretary

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Minutes of the Virtual Plain City Planning Commission Meeting held on April 23, 2020 at 7:00 p.m. via ZOOM.

Present:                      Chairman                      Jarod Maw  
                                    Vice-Chairman              Blake Neil  
                                    Commissioner                Blake Jenkins  
                                    Commissioner                Shawna Faulkner  
                                    Commissioner                Dustin Skeen  
                                    Commissioner                Rob Ortega

Staff:                              Mike Kerswell, Dan Schuler, Brad Jensen, Brandon Richards

**Attendees:**                      Jason Patty, Kaiden Miller, Cody Rhees, Glen Ellis, Carole Ellis,  
    Kent Marr, Vicki Marr, Casey Hall, Jake Weston, Jeff Shaw

**Welcome:**                              Chairman Maw

**Pledge of Allegiance:**              Commissioner Faulkner

**Moment of Silence / Invocation:**      Commissioner Skeen

**1. Roll Call:**

Chairman Maw directed roll call and indicated; Commissioners Jenkins, Neil, Faulkner, Skeen, Ortega and Chairman Maw were present.

**2. Opening Statement:**

Chairman Maw read the Opening Statement.

**3. Ex Parte Communication or Conflicts of Interest to Disclose:**

Commissioner Skeen reported conversing with Gary Nielsen of Pegasus Investments, about access issues related to the Heritage North subdivision. He indicated that he will expound the details when discussion on the proposal is opened, later in this meeting.

**4. Public Comments:**

None presented.

**5. Approval of Meeting Minutes for April 9, 2020**

Commissioner Faulkner noted that Councilmember Sadler's name is misspelled on the first page.

**Commissioner Faulkner motioned to approve the Meeting Minutes for April 9, 2020. Commissioner Jenkins seconded the motion. Vote: Commissioners Jenkins, Faulkner, Neil, and Skeen voted aye. Motion carried.**

**6. Technical Review Report**

The Technical Review Committee meeting was cancelled, this cycle. Chairman Maw indicated that he was invited to a meeting with Public Works Director, Dan Schuler, Mayor Beesley, and Cody Rhees, to discuss the Heritage North subdivision proposal. He affirmed that he will impart the aspects that were considered when the project is discussed, later in this meeting.

**7. Legislative Items:**

**Public Hearing: Zoning Amendment – Taylor Parks Three, approx. 3850 W 2200 N (RE-20 to RE-15)**

**Commissioner Skeen motioned to open a Public Hearing for the Zoning Amendment – Taylor Parks Three, approximately 3850 W 2200 N (RE-20 to RE-15). Commissioner Neil seconded the motion. Vote: Commissioners Jenkins, Faulkner, Neil, and Skeen voted aye. Motion carried.**

Casey Hall voiced concerns over future development behind his lot. He requested that the matter be part of the upcoming discussion. Jake Weston speculated on possible landlock conditions if outlets in development are not well devised. Glen Ellis asked that a preliminary plat be displayed. He commented on the aforementioned landlock worries. Richard Adams remarked on canal access and landlock concerns. He made mention of canal maintenance obligations. He queried how RE-15 zone standards compare with those for RE-20 zoning.

**Commissioner Jenkins motioned to close the Public Hearing for the Zoning Amendment – Taylor Parks Three, approximately 3850 W 2200 N (RE-20 to RE-15). Commissioner Faulkner seconded the motion. Vote: Commissioners Jenkins, Faulkner, Neil, and Skeen voted aye. Motion carried.**

Chairman Maw explained the differences between RE-15 and RE-20 zoning designations. He confirmed that the proposed zone is in order with General Plan and Future Land Use Map directives.

**Discussion/Motion: Zoning Amendment – Taylor Parks Three, approx. 3850 W 2200 N (RE-20 to RE-15)**

Chairman Maw displayed a conceptual subdivision plat. Developer, Cody Rhees described the proposed layout, indicating that consistency with surrounding development is reflected in the plan for Taylor Parks Three. He acknowledged that the preliminary plat will be adjusted for necessary easements, utility provisions, etc. He stated that he has been working with Jay Christensen on issues related to the canal. Commissioner Faulkner commented on questions raised about the canal easement and advised that the developer be more forthcoming in addressing the concern. Cody Rhees explained that the canal easement is an existing arrangement and right of way for the Plain City Irrigation Company. He indicated that it's not possible to develop around or over it. The feature will necessarily be shown on the final subdivision plat. He informed; the Plain City Irrigation Company must sign off on any plan to amend the waterway. He divulged possible configurations for appropriate flow through the new neighborhood.

**Motion: Commissioner Skeen motioned to recommend City Council approval of the Zoning Amendment – Taylor Parks Three, approx. 3850 W 2200 N (RE-20 to RE-15). Commissioner Neil seconded the motion. Vote: Commissioners Jenkins, Faulkner, Neil and Skeen voted aye. Motion carried.**

**Discussion / Motion: Residential Overlay Zone – Heritage North (Rhees Farms property), approximately 4000 W 2800 N**

Cody Rhees stated that he has presented an updated application, noting, the proposal has been submitted with various conceptual drafts in the past. He indicated that City Council and the Public Works Department were consulted as this project design was being produced. He gave a concise description of the development layout. Commissioner Neil pointed out a lot numbering discrepancy, found on the subdivision concept. He expressed concern over an abiding right of way issue that has not been resolved. Cody Rhees responded to

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the lot numbering mismatch. He affirmed that the right of way will be included on a subdivision plat when an application for a subdivision is submitted. He stated that the owner of the narrow strip of land will sign the final plat. He explained that the right of way is part of a larger parcel that will not be subdivided for this application. He asserted; the parcel in question is zoned appropriately for Overlay conditions. Commissioner Neil maintained that the Overlay must be approved for the entire parcel if it is not subdivided. Chairman Maw reported reviewing the history of Cody Rhees' application for the Residential Overlay Zone in a meeting with Mayor Beesley, Dan Schuler, and the developer. He displayed a plat, submitted with the initial petition. He indicated that the proposal was rejected by the Planning Commission and denial was recommended to the City Council. He told of the tabling and subsequent action on the application, by the City Council. He commented on indeterminate legal impacts of a moratorium placed on Overlay Zone applications by the City Council. Commissioner Skeen verified that City Council moved to approve the requested Residential Overlay Zone (Ord. 2020-04). Commissioner Faulkner indicated that approval was based on the original application, but Cody Rhees presented a new concept to the Council that was not reviewed by the Commission. Chairman Maw stated that the amended plat is more acceptable. He advised that the new concept be reviewed directly, with further discussion on process to follow. Commissioner Faulkner stated that the Residential Overlay Zone is intended for areas of particular attributes, not to provide a means to get smaller lots in subdivisions, generally. She pointed out a numerical error on the last page of the draft Covenants, Conditions and Restrictions of the Heritage North Subdivision. Cody Rhees reasoned that smaller lot frontages, not only provide attractive consistency with the neighboring Brook Haven subdivision, but offer a more suitable geometry for building placement. He remarked on the variation of lot sizes in the proposed development. Commissioner Skeen indicated that he spoke with Gary Nielsen of Pegasus Investments, about the Heritage North subdivision. He noted that Mr. Nielsen is aware of the proposed development and issues related to his strip (right of way) of property that will be encompassed in the project. He reported that Mr. Nielsen has not entered into an agreement with Cody Rhees, for authorized use of the land. He supposed that a signed agreement will be required for approval of this application. He acknowledged that Mr. Nielsen did not outwardly oppose the concept and is willing to work with the developer to resolve the matter. Cody Rhees recounted discussions he has had with Gary Nielsen. He reiterated that Mr. Nielsen is not apprehensive about collaborating. He concurred with Commissioner Skeen's deduction that something in writing will be necessary. Commissioner Faulkner stated that she is not in favor of the Residential Overlay Zone in this area. Chairman Maw noted that the presented drawing is a concept – not a plat/preliminary plat. He indicated that an accompanying plat drawing is in order for this application. Commissioner Neil referred to Plain City Code:

10-20-7: CITY COUNCIL ACTION:

- A. The City Council shall hold a public hearing on the proposed Residential Overlay Zone. The City Council shall then approve, approve with conditions, or deny the Residential Overlay Zone.

He pointed out that a Public Hearing has yet to be held for Overlay on the parcel that comprises the right of way in question. Commissioner Ortega asked that the minimum lot size stipulation in the Residential Overlay Zone ordinance be stated. He commented on specified minimum average lot sizes. Chairman Maw informed that the minimum lot area stipulation in the Residential Overlay Zone ordinance is 6,000 square feet. He requested that data on expected lot sizes and overall density be annotated.

**Motion: Commissioner Neil motioned to table Discussion / Motion: Residential Overlay Zone – Heritage North (Rhees Farms property), approximately 4000 W 2800 N. Commissioner Skeen seconded the motion. Vote: Commissioners Jenkins, Neil and Skeen voted aye. Commissioner Faulkner voted no. Motion carried.**

A list of information that is requisite for further consideration of this application follows:

- Legitimate authorization for use of the proposed right of way – written and signed by owner, Gary Nielsen, with a clear indication of intended plans for parcel 19-025-0002.
- A formal plat drawing that includes a summary of lot sizes and projected overall density.

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**Discussion/Motion: Subdivision Amendment – Wasatch Peaks Credit Union at Kelly’s Corner, approximately 3631 W 2600 N**

Level 5 Project Engineer, Kaiden Miller relayed a suggestion by City Councilmember Sadler, that the parcels on which the Wasatch Peaks Credit Union will be built should remain as two separate properties, taking into account the establishment of a future coffee shop on the pad. Land Use Specialist, Mike Kerswell emphasized that the application for the proposed consolidation was denied by City Council, allowing for the newly designed adjustment to be put forward. Chairman Maw explained that a new application was submitted for the proposal being discussed. Commissioner Jenkins verified that both parcels will be owned by Wasatch Peaks Credit Union. Kaiden Miller answered in the affirmative and expressed that there is no plan to sell either portion. Wasatch Peaks EVP/CFO, Jeff Shaw confirmed that the entire site will remain under their ownership. Commissioner Neil commented on an easement that surrounds the complex. Kaiden Miller noted that the easement will be part of the landscaping until access to the proposed kiosk is needed. Level 5 Senior Project Manager, Jason Patty expounded; a formal site plan will be produced for the future coffee shop when a specific vendor is signed. Chairman Maw voiced opinion that the proposed arrangement is suitable for approval.

**Motion: Commissioner Neil motioned to recommend City Council approval of the Subdivision Amendment – Wasatch Peaks Credit Union at Kelly’s Corner, approximately 3631 W 2600 N. Commissioner Jenkins seconded the motion. Vote: Commissioners Jenkins, Neil, Faulkner and Skeen voted aye. Motion carried.**

**8. Administrative Items:**

**Discussion/Motion: Minor Subdivision – B.S. Acres, 3224 W 2200 N**

Applicant, Sherry Barker gave a description of the proposed B.S. Acres subdivision. Commissioner Faulkner remarked on an existing fence that appears to deviate from the recorded property line. Sherry Barker indicated that there was a fence line agreement recorded for the west side of the parcel and the existing fence on the east side will be moved.

**Motion: Commissioner Faulkner motioned to approve the B.S. Acres Subdivision, 3224 W 2200 N. Commissioner Neil seconded the motion. Vote: Commissioners Jenkins, Neil, Faulkner and Skeen voted aye. Motion carried.**

**Discussion: Sign Permit – Wasatch Peaks Credit Union at Kelly’s Corner**

Commissioner Faulkner noted that the presented signage plan does not specify that the lighting is to be turned off at a certain time - after business hours – as previously agreed. She advised that the schedule be spelled out. She read a highlighted code reference, provided by the Building Inspector.

10-12-4: GENERAL PROVISIONS:

E. Lighting of Signs: Signs may be illuminated by indirect lighting, floodlights or luminous tubes only. No lighting shall be installed in any way which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes, or in any manner constituting a nuisance. Animated signs are prohibited except as expressly provided herein.

Commissioner Skeen reported that he visited the Wasatch Peaks Credit Union in Pleasant View to assess the comparable lighted building signs. He indicated that the display is acceptable, in his view. He voiced concern over the proposed monument sign. Kaiden Miller confirmed that building signs and the proposed monument sign are included on the same permit. Commissioner Faulkner stated that halo lighting was denied by the Planning Commission for the AutoZone store at Kelly’s Corner. She spoke of potential negative ramifications if the element is approved for Wasatch Peaks Credit Union, despite the fact that it was once prohibited. Commissioner Neil reminded those present that the Building Inspector will make a final decision on this sign application. He reviewed the mentioned agreement that building lighting will be turned off at a certain time of night. Commissioner Jenkins proposed that the Wasatch Peaks Credit Union nighttime lighting schedule be the same as the one set for AutoZone. Commissioner Faulkner recalled that AutoZone

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agreed to shut their building lights off after hours of operation (business hours). Jeff Shaw indicated that the lighted message center on the monument sign will be turned off at a sensible time, after dark. He suggested that the building sign lighting was designed with the adjacent residential community in mind and reckoned that those signs will not need to be turned down at night. He asserted that the Wasatch Peaks Credit Union site will be more deferentially lit than the other business lots in Kelly's Corner. Commissioner Faulkner stated that the presented sign package is aesthetically pleasant and will not impose on the neighbors to the extent that the existing lighting around Kelly's Corner does, provided the message center on the monument sign is turned off at night. Chairman Maw recommended that the monument sign lighting be turned off after 9:00 pm. He asked Mike Kerswell to give the Building Inspector a copy of the minutes of this meeting.

**9. Report from City Council:**

Commissioner Faulkner reported that final approval of Panunzio Estates Phase 1 at 4100 W 1975 N was tabled because revisions to the south entrance/exit were in the process of being settled. She indicated that the proposed subdivision amendment for Wasatch Peaks Credit Union at Kelly's Corner was denied and a lot line adjustment was advised, instead of the requested consolidation. She reported that an ordinance for off-road vehicle operation on Plain City streets (2020-06) was approved. She introduced the new City Engineer, Brad Jensen of Wasatch Civil, that was appointed at the City Council meeting. She mentioned the approval of the purchase of Mission SCADA equipment for sewer lift stations. She explained the proposed contract with Plain City Cemetery for assistance from the Public Works Department, noting that the draft proposal was admitted. She outlined the City Council assignments that were accepted:

- Councilmember Sadler -Mayor Pro Tem and representative to the Mosquito Abatement District
- Councilmember Allen -Representative to the Fremont 5 Communities that Care Coalition.
- Councilmember Skeen -Facilities and Land
- Councilmember Beal -Irrigation

She reported that the mayor assigned himself to the Parks and Recreation Departments and the Planning Commission. She told of discussion on replacing the Board of Adjustments with a Hearing Officer.

**10. Commission Comments:**

Commissioner Neil welcomed Brad Jensen. Commissioner Skeen thanked Brad Jensen for serving Plain City citizens. Chairman Maw reported information conveyed at a virtual ULCT meeting on Utah legislation updates. He noted that there was a lot of discussion on annexation policies. Commissioner Jenkins had no further comment. Commissioner Faulkner yielded.

**11. Adjournment**

**Motion: Commissioner Neil motioned to Adjourn at 8:56 p.m. – Commissioner Faulkner seconded the motion. Vote: Commissioners Jenkins, Faulkner, Neil and Skeen voted aye. Motion carried.**

**2020**

Neil	Faulkner	Maw	Jenkins	Skeen	Ortega
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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Planning Commission Chair

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Planning Commission Secretary