

Plain City Planning Commission
Minutes of Meeting
September 10, 2020

Minutes of the Plain City Planning Commission Meeting held on September 10, 2020 at 7:00 p.m. in the Council Chambers of Plain City Hall – 4160 W 2200 N, Plain City, Utah 84404 and digitally replicated via ZOOM.

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

Staff: Mike Kerswell, Dan Schuler

Attendees: Kinley Puzey, Tricia Lund, Justin Nielsen, Brett Hadley, Beth, Tyler, Jason, Kori Talbot, Kinley Tyler, Bridger Musgrave, Jason Patty, George, Sean Jones, Tod Schroeder, Jamie Byington, Craig Dangerfield

Welcome: Chairman Maw

Pledge of Allegiance: Commissioner Jenkins

Moment of Silence / Invocation: Commissioner Faulkner

1. Roll Call:

Chairman Maw directed roll call and indicated; Commissioners Neil, Faulkner, Jenkins, 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:

Chairman Maw reported receiving a telephone call from Gage Arnold, who had concerns about apparent discrepancies relative to his property, on the Weber County interactive parcel map. He notified that he instructed Mr. Arnold to contact the City Office for clarification and resolution options.

4. Public Comments:

None presented.

5. Approval of Meeting Minutes for August 27, 2020

Commissioner Jenkins motioned to approve the Meeting Minutes for August 27, 2020. Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

6. Technical Review Report

1. Chairman Maw commented on a proposed Heritage Craft Homes subdivision and developer provided,
2. dedicated street. He displayed sketches of the project that were reviewed. He noted that a one-foot protection
3. strip for utilities was recommended. He remarked on a suggested ten-year legal assurance that the utility
4. easement will remain in place. He reported details from the review of the proposed Torres Townhome
5. project. He indicated that the current zoning of land intended for the multi-family development is RE-20. He
6. spoke of the density designation assigned to the area per the Future Land Use Map. He stated that use of the
7. Senior Housing Overlay was contemplated. He noted that the developer was agreeable to revising the concept
8. in order to meet General Plan guidelines. He reported that Public Works Director, Dan Schuler mentioned
9. that, according to Plain City Ordinance 11-3-3: “The City periodically hosts a Technical Review Committee
10. (TRC) meeting. In order for a preliminary plat to be scheduled for a TRC meeting, a complete preliminary
11. plat application must be received and accepted by the City prior to a date approximately one month prior to
12. the TRC meeting at which the applicant desires the project to be discussed. The City Recorder's Office
13. maintains this schedule.”

7. Legislative Items:

Public Hearing: Zoning Amendment – Stillwater Development, app. 1875 N 4700 W (A-1 and RE-20 to RE-18.5)

1. Commissioner Neil pointed out that this Public Hearing and subsequent Discussion / Motion specifically
2. relates to parcels 19-033-0014 and 15-018-0063, noting that an application for a similar zoning amendment –
3. submitted by Stillwater Development - pertaining to adjoining parcels, has been tabled pending City Engineer
4. recommendations on mitigation of sensitive land restrictions.

Commissioner Faulkner motioned to open a Public Hearing for Stillwater Development’s Zoning Amendment application, (A-1 and RE-20 to RE-18.5); specifically relating to parcels 19-033-0014 and 15-018-0063. Commissioner Jenkins seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

1. Property owner, Craig Dangerfield gave a brief account of wetland restrictions in the area that he has been
2. alerted of, by the Army Corps of Engineers. He described high water conditions on his lot and surrounding
3. properties near the land marked for rezoning. He commented on measures that have been set up for runoff
4. drainage.
5. Brett Hadley conveyed that lots in the area, including his, are irrigated with water from shallow wells. He
6. told of ongoing difficulties with the arrangement. He queried how the developer will mitigate the wetland
7. conditions without negatively impacting their shallow wells - their only source of secondary water.
8. Sean Jones echoed concerns voiced by Craig Dangerfield and Brett Hadley. He remarked on construction
9. restrictions that have been enforced, to date, and questioned how a residential subdivision might be permitted
10. on land previously deemed unsuitable for accessory buildings.

Commissioner Skeen motioned to close the Public Hearing for Stillwater Development’s Zoning Amendment application, (A-1 and RE-20 to RE-18.5); specifically relating to parcels 19-033-0014 and 15-018-0063. Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

Plain City Planning Commission
Minutes of Meeting
September 10, 2020

Discussion / Motion: Zoning Amendment – Stillwater Development, app. 1875 N 4700 W (A-1 and RE-20 to RE-18.5)

1. Project Developer, Justin Nielsen affirmed that his company wants to provide a highly regarded subdivision –
2. devoid of problems like flooding and traffic congestion. He referred to previous discussion about sensitive
3. lands and wetlands restrictions, indicating that the City Engineer and a third-party, professional consultant are
4. working together to verify the alleged restrictions and formulate an appropriate mitigation strategy. He
5. remarked on Utah Division of Wildlife Resources sensitive lands mapping in the area and noted that
6. restrictions by other agencies, including the US Army Corps of Engineers, are not currently documented. He
7. informed that a representative of the US Army Corps of Engineers alluded that restrictions may have been
8. removed as part of sweeping regulation rollbacks and revoked protections by President Trump. He suggested
9. that irrigation tailwater is a largely responsible for the worrisome accumulations that have been reported. He
10. stated that tailwater runoff issues will be addressed as improvements are established. He was unable to
11. comment on past or current restrictions on neighboring parcels. Chairman Maw asked about possible impacts
12. to the existing secondary water wells in the region. He inquired if a geotechnical study has been conducted.
13. Justin Nielsen indicated that he will provide a pressurized secondary source to this subdivision. He asserted
14. that a geotechnical study will be ordered after zoning of the land has been settled. Commissioner Faulkner
15. declared that information substantiating the purported removal of wetland restrictions, due to regulation
16. rollbacks and revoked protections by President Trump, should be presented. She commented on how the
17. evidence might be useful to neighbors that want to build accessory structures on their properties. Justin
18. Nielsen acknowledged the importance of such documentation and stated that a third-party consultant will be
19. tasked with researching past and present restrictions. Commissioner Faulkner noted that a secondary
20. access/exit will be required to support the number of lots in the proposed development. Justin Nielsen
21. indicated that there will be a second access through the northern phase of the subdivision. Chairman Maw
22. commented on pending results of a third-party study associated with sensitive land issues. He expressed his
23. opinion that this application should not be advanced at this time. Commissioner Skeen concurred, stating;
24. before a residential zone is approved for the property, confirmation of its feasibility for residential use should
25. be presented. Justin Nielsen agreed to combine northern and southern subdivisions and include both in the
26. engineering analysis.

Commissioner Faulkner motioned to table the requested Zoning Amendment – Stillwater Development, app. 1875 N 4700 W (A-1 and RE-20 to RE-18.5); specifically parcels 19-033-0014 and 15-018-0063.

Commissioner Jenkins seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

Discussion / Motion: Updated Public Works Standards

1. Dan Schuler indicated that the ordinances up for review are specific to the Public Works Standards related to
2. fencing at retention/detention basins and open utility conduit installation. Commissioner Faulkner
3. commented on revised ordinance text that was provided to the Commission prior to the meeting.
4. Dan Schuler acknowledged that ordinances pertaining to a Storm Water Management plan (SWMP) and Low
5. Impact Development (LID) standards were also distributed to the Planning Commissioners for review. He
6. clarified; action is requested on the ordinances associated with updated Public Works Standards that were
7. discussed and recommended to the City Council for approval at the last Planning Commission meeting.

Commissioner Faulkner motioned to recommend City Council approval of the ordinances for Updated Public Works Standards, as presented. Commissioner Jenkins seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

Plain City Planning Commission
Minutes of Meeting
September 10, 2020

Discussion / Motion: Updated Storm Water Management Plan (SWMP)

1. In answer to Chairman Maw's query, Dan Schuler described the difference between a Storm Water Pollution
2. Protection Plan (SWPPP) and a Storm Water Management Plan (SWMP). He reported that the last update to
3. the Plain City SWMP was completed in 2016. He indicated that systematic SWMP updates are required by
4. the State in order to obtain a municipal permit. Commissioner Faulkner referred to the appended definition of
5. Detention Pond in ordinance 8-2-2 and cited terminology that might be misconstrued. Dan Schuler affirmed;
6. the amended ordinances will be reviewed and refined by City Attorney, Brandon Richards. He explained that
7. the definition in question reflects exact wording found in the Utah Division of Water Quality's handbook.
8. Commissioner Faulkner made mention of fencing material requirements, listed in 11-5-13 (B) and surmised
9. that "no climbable" or "non-climbable" may not accurately describe the standard chain-link option. Dan
10. Schuler spoke of fencing materials and construction that are more outwardly climbable. He indicated that an
11. LID handbook will now be included in the SWMP, along with other elements required by the State.

Commissioner Skeen motioned to recommend City Council approval of the Updated Storm Water Management Plan (SWMP). Commissioner Jenkins seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

8. Administrative Items:

Discussion / Motion: Site Plan – FiiZ at Kelly's Corner, app. 3636 W 2600 N

1. Level5 Senior Project Manager, Jason Patty introduced FiiZ Franchisee, Bridger Musgrave and Onyx Design
2. Collective owner, Kinley Puzey, attending as project contributors. He explained that this building is part of
3. the overall Wasatch Peaks Credit Union project. He indicated that Level5 intends to do civil work for the
4. FiiZ Drinks shop as they complete construction on the credit union building. Chairman Maw confirmed that
5. the Site Plan is on the agenda for Discussion and Motion. Commissioner Skeen pointed out that some
6. landscaping and the dumpster location appears to intermingle over the property line. Jason Patty stated that
7. the layout is intended to provide a seamless melding of the establishments. Commissioner Skeen noted that
8. both parcels are owned by Wasatch Peaks Credit Union. He considered difficulties that may arise if one of
9. the parcels is ever sold off, separately. Jason Patty affirmed that utilities for both parcels have stand-alone
10. connections. He assumed the only shared aspect would be the dumpster/dumpster location. Commissioner
11. Faulkner commented on proposed lighted signage and asked for specifics. Bridger Musgrave informed that
12. emergency egress lighting will be placed on the building, as required by code, and thoughtfully integrated into
13. the design. He indicated that actual sign locations have not been determined. Commissioner Faulkner stated
14. that lighted signage has been restricted for the other commercial units in the Kelly's Corner development and
15. expressed her opinion that concessions should not be offered for this project. She remarked on terms in the
16. development agreement that require drive through structures to be positioned such that headlights do not
17. shine into residential areas. She disclosed her eagerness to frequent the business when it's up and running.
18. Bridger Musgrave indicated that sign lighting will be incorporated in strict accordance with Planning
19. Commission directives. Jason Patty submitted that a landscape berm will block light from car headlights.
20. Commissioner Jenkins spoke about drive through design criteria, asking how many cars will be
21. accommodated in the line. Jason Patty verified that eight to ten cars can be situated in the drive through line.
22. Commissioner Jenkins contemplated where overflow might extend. Bridger Musgrave assured that strategies
23. are in place to provide quick service and minimize idling times. He spoke of traffic direction plans, should
24. overflow become a nuisance. Commissioner Skeen asked for an overall building height dimension. Jason
25. Patty indicated that the highest point will be 20'-6 1/2" above finished grade. Chairman Maw stated that,
26. architecturally, the building is a good compliment to the exterior of the adjacent Wasatch Peaks Credit Union.
27. Commissioner Faulkner made clear that the Planning Commission will review the sign permit application and
28. reiterated that exterior lighting will be closely scrutinized.

Commissioner Faulkner motioned to approve the Site Plan – FiiZ at Kelly’s Corner, app. 3636 W 2600 N. Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

9. Report from City Council:

Commissioner Ortega reported that the Council approved a Resolution to Accept West Annexation Petitions. He indicated that a Resolution on the Public Works Standard Update related to Conduit, Detention & Retention Basin Requirements was passed.

10. Commission Comments:

1. Commissioner Jenkins remarked on pending wetlands restriction reports for the first phase of Stillwater
2. Development’s proposed subdivision near 4899 W 1850 N. He verified that the reports will be submitted
3. with new drawings and other requested documents for the northern part (“Phase 2”) of the project. He
4. reported on a pre-development meeting with Nilson Homes, held to discuss plans for the Christensen
5. property. Commissioner Skeen noted that during the pre-development meeting, the developer presented a list
6. of three major amenities that might be provided under certain density conditions. He commented on
7. commercial zoning within the proposed project. Commissioner Faulkner read from the Cluster Subdivision
8. ordinance 11-7-1: PURPOSE AND INTENT:
 ...It is not intended that this type of subdivision be universally applied but only where circumstances
 or natural features and land use make it appropriate and of special benefit to the residents of the
 subdivision and surrounding area.
9. She advised that similar language should be incorporated into the Residential Overlay Zone ordinance. She
10. indicated that these terms could be used to better define areas where the Overlay may be applied. She
11. commented on difficulties being experienced by a property owner that lives near an unfinished phase of the S-
12. Curve subdivision. She spoke of access restrictions due to barricades that have been placed by the developer.
13. She noted that excessive dust in the region has required ongoing relief efforts by the Public Works
14. Department. She considered measures to resolve some of the issues. Chairman Maw deduced that the
15. conundrum is between the resident and the developer. He proposed that stipulations be written into Plain City
16. code to restrict the number of active developments on a plat by a single development company. He
17. requested a digital copy of the Cluster Subdivision Purpose and Intent section from Commissioner Faulkner.
18. Commissioner Faulkner agreed to send the copy via email. She pointed out that the unfinished subdivision
19. phase, spoken of earlier, was approved with the understanding that there would be a dedicated, improved
20. road, as shown on plat drawings. She assumed that a development agreement exists, committing the
21. developer to provide an access. Commissioner Neil remarked on Residential Overlay setback standards and
22. the reexamination of feasibility, conducted by the Planning Commission at their previous meeting. He
23. submitted that Overlay setbacks could be increased. Chairman Maw stated that he will present findings from
24. the study to Mayor Beesley and professional consultant, Matt Dixon. He indicated that he will follow up with
25. the City Engineer on the legendary ordinance that limits the number of times a parcel can be subdivided.
26. Commissioner Skeen relayed citizen concerns about the proximity of a foundation to the road in the
27. unrecorded Heritage North subdivision. He reported visiting the site and acknowledged a clear disregard of
28. ordered setback requirements. Dan Schuler noted that the foundation was once under an existing house that is
29. undergoing extensive remodeling. Commissioner Ortega confirmed that he is on the schedule to represent the
30. Planning Commission at the next City Council meeting.

11. Adjournment

Motion: Commissioner Faulkner motioned to Adjourn at 8:34 p.m. – Commissioner Jenkins seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

Plain City Planning Commission
Minutes of Meeting
September 10, 2020

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

Planning Commission Chair

Planning Commission Secretary

COPY