

Plain City Planning Commission
Minutes of Meeting
August 13, 2020

Minutes of the Plain City Planning Commission Meeting held on August 13, 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: Brady Beal, Matt Dixon

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 that he was contacted by someone in Colorado who requested information about rezoning policies. He indicated that he referred the gentleman to staff for instruction and advised him to get on the schedule for an upcoming Technical Review Committee meeting.

4. Public Comments:

None presented.

5. Approval of Meeting Minutes for July 9, 2020 and July 23, 2020

Commissioner Faulkner motioned to approve the Meeting Minutes for July 9, 2020. Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried. Commissioner Jenkins motioned to approve the Meeting Minutes for July 23, 2020. Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

6. Technical Review Report

Chairman Maw reported that there was not a Technical Review Committee meeting, this week.

7. Legislative Items:

Discussion / Motion: Zoning Amendment – Stillwater Development, approximately 4899 W 1850 N (RE-20 to RE-18.5)

Stillwater Development representative, Brady Beal explained that a request for zoning amendment associated with the southern part of the overall development was tabled at a previous Planning Commission meeting, pending review of reported sensitive land conditions by the City Engineer. Commissioner Neil noted that a Public Hearing for the project was held but the requested Engineer review has not been provided. Commissioner Faulkner asserted that the developer was to initiate the review process. Brady Beal acknowledged that Stillwater Development has reached out to City Engineer, Brad Jensen, for guidance on acceptable mitigation of the mentioned wetland conditions. He stated that Brad Jensen recommended a third party for the evaluation. Commissioner Faulkner suggested that the developer thoroughly study the Plain City ordinance on sensitive land use. She instructed that each phase of the subdivision must not comprise more than thirty lots. She commented on the possible need for an emergency vehicle turnaround. She remarked on installation and common location of mailboxes. Brady Beal affirmed that coordination with the City Engineer and third party of experts is underway. Commissioner Jenkins commented on the presented sketch plan for the northern part of the subdivision. Commissioner Neil read the motion from the previous discussion on this agenda item: “Commissioner Neil motioned to table Discussion / Motion: Zoning Amendment – Stillwater Development, 4899 W 1850 N (RE-20 to RE-18.5), until a review of purported wetland/sensitive conditions on the property is conducted by the City Engineer.”

Commissioner Faulkner motioned to table Discussion / Motion: Zoning Amendment – Stillwater Development, approximately 4899 W 1850 N (RE-20 to RE-18.5). Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

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

Land Use Specialist, Mike Kerswell indicated that the earliest date available for the proposed Public Hearing is September 10, 2020.

Commissioner Skeen motioned to Set Public Hearing: Zoning Amendment – Stillwater Development, approximately 1875 N 4700 W (A-1 and RE-20 to RE-18.5) for September 10, 2020. Commissioner Jenkins seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

Discussion: Amendments to Overlay Zone ordinance

Chairman Maw informed that Professional Consultant, Matt Dixon has provided him an outline of the recommended process for Residential Overlay applications. He called for discussion on the scope of a Technical Review Committee meeting, particularly relevant to Residential Overlay Zone proposals. He reviewed the current practice and makeup of the Technical Review Committee. He submitted; at least two members of the Planning Commission could participate in the meeting. Commissioner Faulkner suggested that two or more members of the City Council might be invited to attend a Technical Review for Residential Overlay Zone developments. Commissioner Neil spoke of the City Engineer’s role in the Technical Review process. Commissioner Skeen compared the exercise to an assessment by an Advisory Committee. Commissioner Faulkner noted that key facts, points, or ideas emerging from the meeting must be clearly identifiable as preliminary findings and not final edicts. Matt Dixon commented on balancing a developer’s educated decision to move forward with an Overlay application and the City Council’s (Land Use Authority) discretion to determine if a property is eligible for the proposed zoning. He advised that an Overlay application should not be formally brought to the Planning

Plain City Planning Commission
Minutes of Meeting
August 13, 2020

Commission until the Technical Review Committee can assure an applicant of the aptness of their proposal. He defined “conditional approval” and recommended that it be an initial step in the Residential Overlay application process. He commented on the significance of a development agreement. He remarked on the scale of detail that should be included in the ordinance. He noted that the City Attorney will provide direction concerning code limitations. Commissioner Faulkner proposed that a distinct application be created for the Residential Overlay Zone – currently, a standard Zoning Amendment application form is used. Chairman Maw revisited a discussion about contingencies/conditions placed on Planning Commission recommendations on legislative matters that have been discounted or otherwise overlooked. Matt Dixon contemplated a more in-depth Technical Review structure for all land use applications. Commissioner Faulkner relayed concerns expressed by developers, over a cumbersome system of multiple Technical Review meetings and unpredictable Planning Commission actions. She surmised that a more concentrated effort during the Technical Review phase of the process would streamline the next steps in the course. Public Works Director, Dan Schuler asserted that he has not scheduled multiple Technical Review Committee meetings for the same development. He agreed with Matt Dixon’s vision of a more effective Technical Review sequence. Matt Dixon commented on the existing flat fee schedule for Technical Review. He noted that some developers may take advantage of the relatively low-cost access to professional services, contracted by the City. He suggested that an applicant should be required to pay the City Engineer’s bill to the City for work on their project, at some point. He identified “conditional approval” prerequisites. He urged that a draft development agreement be reviewed prior to final approval of an Overlay project. Commissioner Neil explained that the proposed changes to the ordinance will limit the number of applications for the Residential Overlay Zone due to its specific requirements and restrictions. Matt Dixon indicated that he has done a rough analysis of the current site development standards, put forth in the ordinance. He queried if the pledged density bonus will offer sufficient incentive for developers to provide acceptable amenities. Commissioner Skeen considered eliminating the Residential Overlay Zone ordinance and offering another form of concession as incentive for developers to improve and dedicate desired amenities. Commissioner Faulkner commented on President Trump’s recent action to defend single-family zoning. She proposed surveying the community, to determine if the intent of the Residential Overlay Zone is widely accepted. Matt Dixon stated that the ordinance is sound, to the degree of intent. He suggested; with minor adjustments, the code can provide the envisioned results. Chairman Maw remarked on citizen involvement in the recent General Plan update. Matt Dixon positively referenced consideration of limiting the use of this overlay to portions or phases of a development, instead of allowing it over the entire project. He recommended that City staff review the revised procedural elements in the ordinance, prior to submittal for Planning Commission review. He agreed to email a digital copy of his draft to Chairman Maw.

8. Report from City Council:

Chairman Maw recounted points from a presentation by EntryPoint Networks on Municipal broadband infrastructure. He commented on their installation of fiber-optic service for the city of Ammon, Idaho. He mentioned a proposed requirement for developers to provide a utility conduit for fiber-optic connections at each lot in a new subdivision. He explained that private sector ISPs would provide services running over the infrastructure. Dan Schuler indicated that there will be pushback by developers on the suggested stipulation. He affirmed that he is researching effective ways to provide connectivity to existing homes. Chairman Maw indicated that the Plain City Youth Council will shortly be assuming their regular meeting schedule. He reported that rental fees were waived for the Fremont Football team’s weekly assembly at Pioneer Park. He stated that final approval of the Heritage North subdivision was tabled, pending updated plat drawings and additional documentation for a planned regional detention basin. He reported that the purchase of parcels 19-025-0012 and 19-025-0057, for development of the aforementioned regional stormwater management system, was approved. He informed that the residential sewer billing schedule was changed from a flat fee to a pay-per-use arrangement. He gave details on the rate that will be based on metered culinary water usage and reported that the rate of .00442/Gallon (metered culinary water) will beginning November 1, 2020 – with winter rate exemptions to be considered as of March 1, 2021. Dan Schuler noted that there are some inherent reliability issues with the pay-

Plain City Planning Commission
Minutes of Meeting
August 13, 2020

per-use arrangement unless meters are placed at each household sewer connection. He announced that a monthly fee (\$3.65) was settled on for the new green waste program and other particulars were sorted out. He indicated that Councilmember Skeen reported that the outgoing, 15 ½ M.P.H. speed limit sign at the landfill is missing and remarked on the status of a proposal for a new evaporative cooler at the Fire Station. He commented on Councilmember Weston's progress report on sewer lagoon maintenance work. He spoke of recent test results that show effective system performance at minimized capacity. He indicated that Councilmember Sadler reported that overgrown weeds and construction materials are obstructing the sidewalk near Sunflower Estates and that some vacant lots in the Sunflower Estates subdivision have excessive overspreading of weeds. He notified that Councilmember Beal reported a citizen's complaint about a substandard structure being used for an irrigation ditch crossing and that she requested assistance from the Public Works Department, as the president of Plain City Irrigation has not been reachable by phone.

9. Commission Comments:

Commissioner Jenkins had no further comment. Commissioner Faulkner made mention of an alleged City code that restricts the number of times a parcel can be subdivided. She asked if the rule should be changed or removed. Chairman Maw asserted; if the rule exists, it should be eliminated. He noted that his attempt to find the statute in Plain City code has been unsuccessful. He informed that Brad Jensen is looking into the matter. Commissioner Skeen indicated he has been unable to find an official re-subdividing limitation. Commissioner Neil spoke of concerns that former Planning Commissioner, John Leonardi once expressed, over alignment complications associated with the multiple subdividing of a parcel over time. He surmised; that is where the case originated. He remarked on an existing barn and apparent property line encroachment on a parcel the City will purchase for development of a regional stormwater management system adjacent to the proposed Heritage North subdivision. He recommended that the boundary be professionally surveyed to verify that the accessory building is not located over the actual property line. He questioned the status of the barn and related building demolition rulings, made by the City Council in the past. Dan Schuler proposed that items scheduled for Technical Review be submitted for Planning Commission assessment prior to the Technical Review Committee meeting. He explained how the preliminary check would be beneficial. Chairman Maw suggested that a discussion on the projected developments could occur during the Technical Review Report segment of each meeting. Commissioner Faulkner commented on Public Works Standards for emergency vehicle turnarounds. Commissioner Neil reported receiving an early morning phone call from a resident, asking for noise ordinance details, specifically regarding construction activities. He indicated that a builder had begun work in the caller's neighborhood at 4:45 a.m. – He noted that the incident was reported to the Sheriff's Office. He reviewed the ordinance (4-6-2 E):

“Construction Or Repairing Of Buildings: The erection (including excavation), demolition, alteration or repair of any building shall be prohibited between the hours of ten o'clock (10:00) P.M. and six thirty o'clock (6:30) A.M., local prevailing time”

He reported that he was alerted to a possible unapproved commercial gravel pit being operated by Tyson Hales, on a vacant lot near the S-Curve subdivision. Dan Schuler reported citizen complaints about excessive dust in that area. Commissioner Faulkner indicated that she's received a similar complaint. Commissioner Skeen commented on the Trump administration's ruling to preserve community and housing choices -which repeals 2015 Federal regulations implementing the statutory obligation to “affirmatively further fair housing”. He indicated that a source from the State expressed to him an expectation that requirements aimed at encouraging affordable housing in all Utah cities and towns will be abandoned. Chairman Maw responded that the State's Affordable Housing Act is still in effect and may not be modified or repealed until next legislative session. He remarked on recent, main arterial road closures, due to construction in other jurisdictions, that impact Plain City traffic. He voiced objection to the lack of notification received from the city/cities in which the roadwork is being done. Commissioner Skeen reported that concerns about roadside memorials in the City have been brought to his attention. Dan Schuler verified the location of the mentioned memorials and summarized City and State ordinances on roadside tributes. He informed that one of the monuments in question is on private property and cannot be restricted.

Plain City Planning Commission
Minutes of Meeting
August 13, 2020

10. Adjournment

Motion: Commissioner Faulkner motioned to Adjourn at 8:47 p.m. – Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

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

Plain City Planning Commission
Minutes of Meeting
August 27, 2020

Minutes of the Plain City Planning Commission Meeting held on August 27, 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: Andy Olsen, Jaime Byington, Dean Olsen, Julie Kerswell

Welcome: Chairman Maw

Pledge of Allegiance: Commissioner Neil

Moment of Silence / Invocation: Chairman Maw

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:

None reported.

4. Public Comments:

None presented.

5. Approval of Meeting Minutes for August 13, 2020

Commissioner Jenkins motioned to approve the Meeting Minutes for August 13, 2020. Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

6. Technical Review Report

Chairman Maw reported on the August 18th Technical Review Committee meeting. He indicated that Jared Hadley proposed a seven-lot subdivision to be constructed west of town (5100 West Street). He commented on their conversation about the subdivision process and expected that there will not be a rezone request for the

Plain City Planning Commission
Minutes of Meeting
August 27, 2020

property. He remarked on a four-lot subdivision concept presented by the Dixon family, proposed for the corner of 3600 West Street and 2200 North Street. He mentioned irrigation ditch issues in the area that will need to be dealt with. He affirmed that sidewalks around the development will likely be required. He spoke of a City road that runs through the existing parcel that will necessitate special recording arrangements. He indicated that a second Technical Review was requested. A proposed Heritage Craft Homes subdivision and the Torres Townhome project, scheduled for the September 1st Technical Review Committee meeting were overviewed.

7. Administrative Items:

Discussion / Motion: Lot Line Adjustment – Clara’s Corner, approximately 1900 N 5100 W

Property owner, Dean Olsen explained that the adjustment will be made to allow a third lot in the subdivision with adequate frontage. Commissioner Neil pointed out that the change allows ample room for an access road. He indicated that the requested action is approvable. Chairman Maw agreed with Commissioner Neil’s assessment. Commissioner Faulkner commented on City Engineer, Brad Jensen’s memo on the project. She verified that this application is Administrative and can be approved by the Planning Commission.

Commissioner Faulkner motioned to approve the requested Lot Line Adjustment for Clara’s Corner, approximately 1900 N 5100 W. Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

8. Legislative Items:

Discussion: Amendments to Overlay Zone ordinance

Chairman Maw informed that the feasibility of setbacks, currently ascribed in the Residential Overlay Site Development Standards, is in question. He shared an illustration of a regular Residential Overlay lot and positioned a buildable footprint according to the code. Within the typical setbacks, he determined that a 3000 square-foot footprint is achievable. He noted that space for an attached garage would be included in that block out. Commissioner Neil submitted that larger setbacks would cut down the buildable footprint area. He commented on multi-story construction. Commissioner Jenkins contemplated requiring more than a ten-foot side setback. Commissioner Skeen stated that today’s typical garage is twenty-four feet square. He ascertained; with the modern garage, upwards of 2400 square-feet of space within the shown footprint would remain available for dwelling, at ground level. Front and rear setbacks were deliberated. Chairman Maw indicated that a twenty-foot front setback allows room for a standard size parking space in the driveway. Commissioner Skeen contended that a full-size truck is longer than twenty feet. He measured his truck and acknowledged that it is twenty-one feet long – front bumper to rear bumper. Chairman Maw agreed to present the information from this discussion, including a printout of the illustration showing a buildable footprint, to Mayor Beesley and Matt Dixon, Professional Consultant to the Mayor.

Discussion / Motion: Updated Public Works Standards

Public Works Director, Dan Schuler reported that the City will require developers to install an open utility conduit down certain streets in new subdivisions and redevelopments. He noted that the conduit will be owned by the City and may house fiberoptic cabling. He proposed that the subdivision ordinance be revised to require the conduit installation as per City Engineer recommendation. He referred to Public Works Standard drawings, distributed to the Planning Commission prior to the meeting, that show details associated with the planned conduit. Commissioner Neil asked about the utility provision in and around existing developments. Dan Schuler suggested that a blank line can be placed in trenches that other utility companies dig for new service to Plain City. Commissioner Faulkner commented on action that the Planning Commission will take to enable implementation of this cost-saving plan. Commissioner Neil noted that there have been utility restrictions through the Rail Trail, imposed by the Rail Road in the past. Dan Schuler

Plain City Planning Commission
Minutes of Meeting
August 27, 2020

affirmed that the proposed, open conduit can be placed under the Rail Trail pathway. He explained that the Department is seeking a recommendation by the Planning Commission for Council approval of the Updated Public Works Standards. Commissioner Jenkins noted that the Updated Public Works Standards do not stipulate which utility will be conveyed through the open conduit, nor provide directives for new utility infrastructure through existing developments. Commissioner Skeen pointed out that standards for detention/retention basins were presented to the Commission for review, as well. He asked if action will be taken on those details. Dan Schuler answered in the affirmative. He described updates that were made to the Public Works Standards for SWPPP. Commissioner Skeen asked if basin surface materials will be specified. Dan Schuler answered in the negative. He informed that the City Engineer will make a recommendation on surface material based on a range of parameters. Commissioner Neil submitted that the administration has some discretion on preferred surface materials for the ponds – And those preferences vary with each administration. Chairman Maw displayed the updated detention and retention basin detail sheets. Commissioner Skeen remarked on landscaping specifics that are not stipulated in the Public Works Standards. Dan Schuler affirmed that a developers' agreement will ensure proper treatment of basin surfaces according to variables such as slope, size, location, etc.

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

9. Report from City Council:

Commissioner Jenkins indicated that the City Council gave Final Approval of the Heritage North Subdivision. He noted that the condition and location of an existing barn on the property was discussed. He reported that the City Engineer found the barn to be safe and positioned appropriately. He informed that a regional detention basin will be constructed by the developer and possibly cobbled with funding assistance from the City. He commented on the Council's discussion on residential sewer billing rates. He stated that public input on social media caused some rethinking of a previously approved pay-per-use fee structure. He indicated that an exemption for households without access to secondary water and water usage for animal care was considered. He reported that Mayor Beesley proposed a hybrid billing system that would include a flat rate for collecting the sewage and a pay-per-use structure for treatment.

10. Commission Comments:

Commissioner Skeen had no further comment. Commissioner Ortega yielded. Commissioner Neil commented on an upcoming Utah League of Cities and Towns Annual Convention. He sought registration details. Land Use Specialist, Mike Kerswell explained that commissioners will be reimbursed by the City if they choose to pay the registration fee with their credit/debit card. He noted that an option to bill the City for the registration fee may be available. Commissioner Faulkner spoke of commitments made by developers, when projects are reviewed by the Planning Commission, that are not realized after their application is approved. She recommended greater oversight throughout the application and development process, to ensure these agreements are kept. She contemplated ways to record verbal pledges made by applicants during Planning Commission deliberations. She applauded the Mayor, City Council and staff for their dedication in keeping citizens (accurately) informed on social media platforms. She noted their willingness to listen to public input. Commissioner Jenkins reported on a meeting he attended with Chairman Maw, Commissioner Skeen and Mayor Beesley, to discuss development options for unincorporated land, currently owned by the Christensen family. Commissioner Faulkner suggested that public feedback be requisite to any decision made on this momentous matter. Chairman Maw remarked on notices of decision that will identify contingencies and conditions agreed to in official motions made by the Commission.

Plain City Planning Commission
Minutes of Meeting
August 27, 2020

11. Adjournment

Motion: Commissioner Jenkins motioned to Adjourn at 8:39 p.m. – Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil and Jenkins voted aye. Motion carried.

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