

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

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Plain City Planning Commission
Minutes of Meeting
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Minutes of the Plain City Planning Commission Meeting held on September 24, 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: Debbie Robinson, Julie Kerswell, Holee Jones, Brett Hadley, Bo Pallas, Adams Family, Beth Cooper, Doug Hunt, Dianna Hunt, Renee Hart, Craig Dangerfield, Sean Jones

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:

Commissioner Faulkner reported ongoing exchanges with property owners, regarding a blocked access to their lots that border an unfinished phase of the S-Curve subdivision.

4. Public Comments:

Craig Dangerfield distributed printed information to commissioners, pertaining to a previous wetlands study in the area of the Tiffany Bluffs subdivision - near a proposed Stillwater development. He identified classifications of sensitive conditions, labeled on a map, and described a drainage system that was installed when subdivision improvements were constructed. He referred to recorded Tiffany Bluffs Protective Covenants, listing restrictions that have been imposed due to soil saturation issues.

Commissioner Neil asked Mr. Dangerfield for the date of the study.

Mr. Dangerfield answered; 2001.

Brett Hadley indicated that he has the same concerns over sensitive land restrictions, voiced by Craig Dangerfield, but sees traffic flow problems as the main problem with the proposed Stillwater development.

Plain City Planning Commission
Minutes of Meeting
September 24, 2020

He advised that a traffic study be conducted before a decision is made on zoning of the land. He commented on existing pedestrian safety dilemmas and predicted that they will be increased if additional homes are allowed in the area.

Bo Pallas spoke of foreseen impacts on his daily life, from the proposed Stillwater subdivision. He noted negative outcomes caused by haphazard development of land with high water table issues in other communities. He expressed concern over potential effects on the secondary water wells in his neighborhood and evoked that, by code, footings for new construction must be formed below the frost line. He agreed that a traffic study should be conducted, prior to consideration of the requested zoning amendment.

Sean Jones pointed out an area in the southern phase of the projected Stillwater development that has been restricted to construction due to wetland conditions.

Beth Cooper reported traffic circulation fiascos that occurred with a massive build surge in the Layton region where she once lived. She described past efforts to develop the acreage around her Plain City home that were prevented because of federal wetlands restrictions. She noted that nothing has been done to change the condition. She affirmed that concerned citizens have done due diligence to preserve their neighborhood.

5. Approval of Meeting Minutes for September 10, 2020

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

6. Technical Review Report

Chairman Maw notified that a Technical Review Committee meeting was not held this week. He indicated that something has been scheduled for the October 6th meeting. He stated that the applicant is seeking direction on the development of a single building lot on North Plain City Road.

7. Administrative Items:

Discussion/Motion: Minor Subdivision - Doug & Dianna Hunt Subdivision, approximately 2771 N 4200 W

Property owner and project developer, Doug Hunt described the proposed subdivision, explaining that he resides on an adjacent parcel. He spoke of the survey executed by Reeve and Associates. He noted; as current owner of the property, he does not intend to provide required improvements. He reviewed memorandums from the City Engineer and Public Works Director. He reported that a satisfactory sewer connection arrangement has been worked out with guidance from the Public Works Director. He affirmed that the proposed lot sizes conform with applicable zoning ordinances. Commissioner Neil asked for details related to secondary water provisions. He pointed out that Bona Vista will not supply culinary water to the property until an arrangement for secondary water has been settled. He asked if water shares will be allocated to this property. Doug Hunt submitted that water shares are not available for lot 2. He indicated that a pressurized secondary water source is reachable. Commissioner Skeen verified that both lots comply with area zoning requirements. Commissioner Faulkner referred to an availability letter from Weber-Box Elder Conservation District, stating that this property is currently, only partially in the District and that the owner will need to complete inclusion requirements for the remaining portion of the property become part of the District. She asked if there is a conceivable reason this process cannot be completed. Doug Hunt agreed to check into the issue, presupposing that it will not be difficult to meet inclusion requirements. He commented on utility details imparted during a Technical Review Committee meeting he attended, one year ago. He indicated that he was confused before that meeting and came away more confused, afterward. He asserted that the Technical Review process was of no benefit to him and caused undue delay. Commissioner Neil noted that the City Engineer attending the mentioned Technical Review meeting has since been replaced. Chairman Maw suggested that procedural and finalized personnel changes have made the Technical Review Committee meetings much more streamlined, of late. He thanked Doug Hunt for his input. Commissioner

Plain City Planning Commission
Minutes of Meeting
September 24, 2020

Skeen informed that the Engineer's comments cite City Code in his recommendation for sewer infrastructure to the subdivision. Public Works Director, Dan Schuler assured the Commission that he will brief Brad Jensen - City Engineer - on the planned routing. Doug Hunt expressed intent to comply with City code. Commissioner Neil reviewed a development improvement list, mentioned in comments from the Public Works Director. Chairman Maw advised that a Deferral Agreement or Covenant to Construct Improvements will allow the owner to improve the subdivision without constructing certain elements (Deferred Improvements).

Commissioner Faulkner motioned to approve the Minor Subdivision - Doug & Dianna Hunt Subdivision, approximately 2771 N 4200 W, which will include a Deferral Agreement for future curb and gutter. Commissioner Neil seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

8. Legislative Items:

Discussion: Residential Overlay Zone Ordinance Amendments

Chairman Maw indicated that the Mayor and professional consultant, Matt Dixon have not reviewed the changes most recently discussed by the Planning Commission. He recognized that further revision of the site development standards in the Residential Overlay Zone ordinance is needed. Commissioner Neil reported seeing a number of pickup trucks parked in the driveway of homes in Town Square - a Senior Overlay development, which encroached on the sidewalk. It was proposed that the front setback requirement for homes in a Residential Overlay Zone be increased to 25'-0". Chairman Maw illustrated a 2250 square-foot buildable footprint within setbacks of:

- a. Front – 25'-0"
- b. Rear – 30'-0"
- c. Sides – 15'-0"

Commissioner Skeen estimated the area of a typical 2-car garage that must be included within that buildable footprint. Commissioner Jenkins commented on height restrictions in the ordinance. Commissioner Neil proposed reducing the height limit to 30'-0" from 35'-0". It was agreed that the maximum height for dwellings in a Residential Overlay Zone should be 28'-0". Commissioner Faulkner commented on language in the ordinance stating intent to enhance the Plain City trails and parks system. Chairman Maw suggested that the parks and trails system remains a driving factor in the code. He asked Land Use Specialist, Mike Kerswell, to draft the changes for review by Mayor Beesley and Matt Dixon.

Discussion: Subdivision Completion Time Limit

Chairman Maw read from Plain City code 11-3-4 D:

Effective Periods Of Preliminary Approval:

The approval of a preliminary plat shall be effective for a period of twelve (12) months only from the date of approval. Any plat not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval subject to all new zoning restrictions and subdivision regulations then in existence. Preliminary approval of any undeveloped phases of a phased subdivision shall become null and void should more than two (2) years elapse between the date of conditional acceptance of the off-site improvements of the last phase by the City and the application for final approval of a subsequent phase. Extensions of time up to twelve (12) months may be granted upon application and approval from the Planning Commission.

Commissioner Faulkner noted that off-site improvements are defined in 11-3-6 D:

"Off-site improvements" are construed to be those improvements required by the City public works standards.

Chairman Maw expounded development components regarded as off-site improvements. He commented on past stipulations that set shorter time limits, noting that the number of appeals for extensions was

Plain City Planning Commission
Minutes of Meeting
September 24, 2020

considerable. Commissioner Neil indicated that the number of applications for extensions tapered off when fees for the process were instituted. He explained that developers began to abandon or postpone indefinitely, project phases that could not be completed within the shorter time constraint. Commissioner Jenkins spoke of action construed as beginning work on a phase of a subdivision. Commissioner Faulkner revisited difficulties being experienced by a property owner that lives near an unfinished phase of the S-Curve subdivision. She spoke of access restrictions due to barricades that have been placed by the developer. She noted that excessive dust in the region has required special maintenance by the Plain City the Public Works Department. Commissioner Neil explained that the parcel(s) are not part of the S-Curve or S-Curve West subdivision.

Commissioner Faulkner asked if the owner of the undeveloped property in question is permitted to use the land for storage of equipment and construction materials until a preliminary plat is approved. Dan Schuler answered in the negative. Code enforcement processes were discussed. Other time limits in Title 10, Zoning Regulations, were evaluated and found to be reasonable.

Discussion: Maximum Development Phases Allowed on a Plat

Chairman Maw read from Plain City code 11-3-7 D:

Phasing: Subdivisions containing more than thirty (30) lots shall be done in phases. Each phase must be approved by the Planning Commission and shall consist of that number of lots that can be completely developed with off-site improvements within a two (2) year period. "Off-site improvements" are construed to be those improvements required by the City public works standards. "On site improvements" shall be construed to mean the construction of the dwelling and its appurtenant improvements on each lot. The development of the subdivision shall be in an orderly manner and all said off-site improvements will be made available for the full, effective and practical use and enjoyment thereof by lessees or grantees of any of the lands located within the subdivision within the time hereinafter specified. Phases shall be designed to minimize the dead ending of streets and water lines. Phasing shall be done in such a manner as to provide sufficient traffic circulation in each of the phases. (Ord. 2001-02, 3-1-2001, eff. 3-1-2001; amd. Ord. 2017-14, 12-7-2017, eff. 12-8-2017).

Commissioner Jenkins pointed out that there is not a specified maximum number of phases that can be comprised in a plat. Chairman Maw noted that Brandon Richards, City Attorney, acknowledged that the aforementioned statute literally directs that subdivisions of larger than 30 lots be separated into phases that can be completed within a two-year period – it does not specify how many lots are allowed in each phase. Dan Schuler inferred that holding a developer to a maximum of 30 lots per phase is unfavorable in effect. He explained how designing a subdivision around this restriction complicates aspects such as roadways, utility systems, and construction scheduling. Commissioner Neil contemplated including terms in the code that ensure the layout of a subdivision is beneficial to the City, in addition to compliant with Public Works Standards and zoning ordinances. Commissioner Faulkner weighed regulating the number of open projects a developer has throughout the City. Commissioner Skeen reiterated that subdivisions and/or subdivision phases that are not completed within the stipulated two-year time constraint are considered null and void. Dan Schuler remarked on measures taken to enforce sanctioned time limits and penalties posed for dereliction. Commissioner Jenkins considered incentivizing methods that could be used. Commissioner Faulkner voiced endorsement of imposing a "per-lot" fine for parts of a development that are not completed within the ordered time limit. Dan Schuler suggested the late fee be levied when an extension is requested. Commissioner Jenkins spoke of City code (Ord. 2001-02) that requires a minimum number of subdivisions Outlets, necessary to provide convenient and safe access to properties. Mike Kerswell repeated Brandon Richards' technical assessment of 11-3-7 D. Commissioner Faulkner wondered about the originators' intent when writing this rule for phasing of subdivisions. She noted that Plain City governing bodies have interpreted 11-3-7 D as limiting subdivision phases to a maximum of 30 lots, in recent past. Commissioner Neil recommended reinstating a revised version of the late fee policy, instituted by a past Planning Commission, that was charged to applicants when they filed for an extension. Chairman Maw proposed that the cited late fee policy be discussed at the next Planning Commission meeting.

Plain City Planning Commission
 Minutes of Meeting
 September 24, 2020

9. Report from City Council:

Commissioner Skeen commented on a Public Hearing that was hosted for input on an approved revision to the Residential Sewer billing structure. He stated that all public comment during the hearing was inclined toward retaining the current flat-rate system. He noted that this was a second Public Hearing on the matter and was not essential. He reported details from a discussion on rehabilitation of a sewer lift station, to which Nilson Homes has pledged a \$40,000.00 contribution. He indicated that the Public Works Department requested budget funds for the purchase of a sewer vacuum truck, announcing that a Public Hearing for the budget adjustment was set for October 1, 2020. He informed that a Public Hearing for Public Works Standard changes to ordinances was set for October 15, 2020. He reported that amendments to the Storm Water Management Plan and Addition of LID (Low Impact Development) were approved, per Planning Commission recommendation.

10. Commission Comments:

Commissioner Jenkins had no further comment. Commissioner Faulkner requested a substitute for the October 15th City Council meeting. Commissioner Jenkins said he would attend. Commissioner Faulkner offered to fill in for Commissioner Jenkins at the November 19th meeting in exchange. She urged Technical Review Committee members to focus on providing comprehensible information to applicants. Commissioner Neil divulged that a follow-up Technical Review was recommended to applicants for the Doug and Dianna Hunt subdivision, during their first meeting. Commissioner Faulkner commented on the Utah Land Use Institute 2020 Conference. She mentioned that registration is free. She congratulated Dan Schuler on his new grandbaby. Commissioner Neil reported receiving an email from Landmark Development requesting statistics on local housing growth, etc. They made known; a large, national retail client is looking into Plain City for a store location. He asserted that more information about the national retailer must be provided before the requested data is made available to the developer. He requested a substitute for the October 1st City Council meeting. Chairman Maw agreed to cover the assignment for him. Commissioner Neil offered to attend the November 5th City Council meeting in exchange. Commissioner Skeen remarked on an imperceptible City code that is claimed to restrict the number of times a plat can be resubdivided. It was mentioned that the City Engineer has been tasked with finding any such reference in Plain City ordinances. Chairman Maw questioned the constitutionality of limiting resubdividing. He notified that questions regarding the length of a proposed internal cul-de-sac have been brought to his attention and will be presented to the Planning Commission for consideration, soon. Commissioner Ortega had nothing to add.

Motion: Commissioner Faulkner motioned to Adjourn at 9:13 p.m. – Commissioner Jenkins seconded the motion. Vote: Commissioners Faulkner, Neil, Skeen and Jenkins voted aye. Motion carried.

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<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
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 Planning Commission Chair

 Planning Commission Secretary