

Plain City Planning Commission
Minutes of Meeting
August 12, 2021

Minutes of the Plain City Planning Commission Meeting held online August 12, 2021 at 7:00 p.m. – virtually broadcast via ZOOM.

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

Staff: Mike Kerswell, Dan Schuler

Attendees: Mark Staples, Adams Family, Jake Jones, Tom Favero

Welcome: Shawna Faulkner, Planning Commission Vice-Chair

Pledge of Allegiance: Commissioner Ortega

Moment of Silence / Invocation: Commissioner Maw

1. Roll Call:

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

2. Opening Statement:

Commissioner Faulkner read the Opening Statement.

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

Commissioner Maw reported that he was contacted by Jake Weston who requested information about the draft ordinance for Accessory Dwelling Units (ADUs).

Commissioner Faulkner indicated that she has had multiple people ask about subdivisions currently under construction. She stated that she referred them to developers of the respective projects for more information.

4. Public Comments:

None offered.

5. Approval of Meeting Minutes for July 22, 2021

Commissioner Jenkins motioned to approve the Meeting Minutes for July 22, 2021. Commissioner Maw seconded the motion. Vote: Commissioners Jenkins, Ortega, Maw and Faulkner voted aye. Motion carried.

6. Technical Review Report

Commissioner Faulkner reported that Phase 3 of the River Crossing subdivision was reviewed at TRC meeting.

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She informed that developer, Jeff Hales, wants to change the original development agreement – signed by a party that is no longer involved with the project. It was decided that he will submit the proposed amendment(s) to the City Council for approval. She affirmed that the phase will be reviewed by the Planning Commission after the development agreement is finalized.

7. Administrative Items:

Discussion / Motion: Minor Subdivision – Johnson/Vreeland 2779 W 1900 N

Commissioner Faulkner recounted concerns expressed by the City Engineer, that the submitted plan is incomplete.

Commissioner Ortega motioned to table Minor Subdivision – Johnson/Vreeland 2779 W 1900 N.

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

8. Legislative Items:

Discussion / Motion: Final Subdivision – West Park Phase 2, approximately 3050 N 3075 W

Nilson Homes representative, Mark Staples introduced himself and associate, Jake Jones. He notified that all comments on the City Engineer’s memorandum for this project have been addressed. He presented an email from the City Engineer, verifying that a modified plan for the retention basin is acceptable. He commented on a secondary access point. He explained that this road is intended to be used as a secondary access road at this time and it’s anticipated that it will be brought up to be a city-standard roadway when the properties to the north of this subdivision are developed. He acknowledged; the road in question is intended to be a public roadway that is to be owned and maintained by the city. He affirmed that development agreement terms will be certified by the City Attorney before the Final Subdivision plat is signed. Commissioner Maw read the mentioned email from the City Engineer. He reviewed previous City Engineer and Public Works Director comments. Commissioner Ortega sought clarification on subdivision connectivity with existing transportation accesses. Mark Staples described the street network with multiple connections and relatively direct routes with consideration given to interconnection to adjacent neighborhoods. Commissioner Jenkins remarked on retention basin parameters. Mark Staples confirmed that the stormwater management system for this development will be somewhat oversized. He announced that Nilson Homes has purchased JDC Ranch Properties, to the south of this project, and will be aligning future development of those parcels with West Park Village. Commissioner Faulkner spoke of dedication of the proposed open space to the city. She rehashed retention/detention basin construction specifics. Public Works Director, Dan Schuler contemplated linking the West Park Phase 2 retention basin with the stormwater management system for the future Christensen property project. Mark Staples noted that the JDC Ranch properties are currently located in unincorporated Weber County. Commissioner Faulkner indicated that the proposed phase has thirty-nine lots – nine more than generally allowed in a phase. She related Dan Schuler’s counsel that an extra few lots in a phase is acceptable if they contribute to efficiency and help achieve the goal of the finished product. Mark Staples pointed out that the phase was approved by the Planning Commission as part of the overall, preliminary subdivision.

Commissioner Maw motioned to recommend City Council approval of Final Subdivision – West Park Phase 2, approximately 3050 N 3075 W. Commissioner Jenkins seconded the motion. Vote: Commissioners Jenkins, Maw, Faulkner and Ortega voted aye. Motion carried.

Discussion: Ordinance – Accessory Dwelling Units

Commissioner Faulkner reviewed a new draft ordinance for Accessory Dwelling Units. She compared attached illustrations to a design standard written in the code:

A minimum of 50% of the detached ADUs shall be behind the primary structure.

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She queried about the intent of the requirement. Commissioner Maw explained that the stipulation is not meant to hide detached ADUs behind a house but to ensure they are essentially positioned behind the front of the main dwelling; or principally in the backyard. Commissioner Jenkins stated that Figure (2) shows an ADU 100% behind the primary structure. He assumed that there's a difference between 50% in the rear yard and 50% behind the house. Commissioner Maw noted that Figure (1) depicts an ADU that is 50% behind the rear line of the footprint of the primary structure. He suggested that the clause be reworded. Commissioner Ortega proposed the phrase, *behind the primary structure*, be changed to *behind the rear line of the primary structure*. Commissioner Maw informed that a building footprint is the perimeter of a building at the outer edge of the outside walls of the building. Commissioner Faulkner recommended that the rear line of the primary structure footprint be specified in the directive. She read 10-21-1B:

Requests for ADUs must be approved by staff prior to the issuance of a building permit

She talked about plan review, building permit application and inspection processes. Commissioner Jenkins remarked on side yard setback requirements. He voiced approval of changes regarding utility connections. Commissioners Faulkner and Maw agreed with Commissioner Jenkins' opinion. Commissioner Ortega touched on rental provisions in the ordinance. He made sure that it's the Commission's intent to restrict short-term renting of ADUs. He weighed limitations on unrelated individuals that may occupy each residential unit. He advised that eligible renters might be constrained to family members, clergy and disabled persons. He contemplated allowing separate utility meters assigned to individual tenants. Commissioner Maw commented on an owner's responsibility to vet potential renters. Commissioner Faulkner asserted that the city should not be burdened with policing renter status and enforcing utility regulations. Commissioner Ortega evoked; utility companies have policies for multiple residential connections and metering. He reviewed terms in the ordinance that stipulate:

Number of Accessory Dwelling Units: A maximum of one (1) ADU shall be allowed on a property and associated with the single-family dwelling.

Commissioner Jenkins proposed that the utility provider work connection and meter details out with the building owner. Dan Schuler stated that the sewer is a public utility. He recommended that billing for sewer and water be in the property owner's name.

Discussion: Preparation Process for an Update to the General Plan

Commissioner Faulkner related key points she remembered from serving on the Advisory Committee for the 2018 General Plan Update. She told of community representatives that were selected to participate in the planning. She voiced her opinion that an update is being advanced at this time to appease a particular land owner who is concerned about zoning and development requirements for his property. She surmised that this precedent will elicit more requests for General Plan Updates from other residents who are unhappy with some guideline therein. Commissioner Maw commented on the process and funding for the anticipated General Plan revamp. Commissioner Faulkner indicated that the City Council has final authority on General Plan/Future Land Use Map decisions. Commissioner Ortega conveyed the Council's perspectives on the Preparation Process for an Update to the General Plan. He suggested that the Planning Commission begin discussions on revisions and put together their recommendations without delay. He outlined an incremental approach that could be taken to focus on segments of the Future Land Use Map over a number of Planning Commission meetings. Commissioner Maw spoke of advice he received from Councilmember Sadler, specifically related to zoning provisions for keeping of horses and raising of animals for food production.

9. Report from City Council:

Commissioner Jenkins commented on a presentation by Weber School District Community Relations Specialist, Lane Findlay, on a balanced approach to addressing growing school district needs without increasing property taxes. He informed that a bond for a new high school in Taylor will be on the ballot for the November election. He told of plans to make Pioneer Elementary into a special needs school for kids who have challenges or disabilities. He made mention of Mayor Beesley's concern over extravagant design

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elements built into the new Silver Ridge Elementary School. Commissioner Ortega reported that Ordinance 2021-10 concerning Cul-de-sac Special Exceptions was approved, as written. He commented on the Public Hearing that was held on the proposed zoning amendment of MR Wilde & Sons Property – approx. 4277 W 3600 N from A-1 to RE-30. He noted that the final plat for Plain City Fields was approved, conditional upon Parcel A being designated as a Retention Basin. He indicated that the preparation process for an update to the General Plan was discussed and a General Plan amendment, recommended by Planning Commission, was passed. He noted that a sewer lift station reimbursement agreement with Golden Land Management, Inc. was denied.

10. Commission Comments:

None presented.

11. Adjournment:

Motion: Commissioner Ortega motioned to Adjourn at 8:25 p.m. – Commissioner Maw seconded the motion. Vote: Commissioners Maw, Ortega, Jenkins, and Faulkner 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 7	Jan 21	Feb 4	Feb 18	Mar 4	Mar 18
Apr 1	Apr 15	May 6	May 20	Jun 3	Jun 17
July 1	July 15	Aug 5	Aug 19	Sept 2	Sept 16
Oct 7	Oct 21	Nov 4	Nov 18	Dec 2	Dec 16

Planning Commission Chair

Planning Commission Secretary

Plain City Planning Commission
Minutes of Meeting
August 26, 2021

Minutes of the Plain City Planning Commission Meeting held online August 26, 2021 at 7:00 p.m. – virtually broadcast via ZOOM.

Present: Chairman Blake Neil
Vice-Chair Shawna Faulkner
Commissioner Rob Ortega
Commissioner Blake Jenkins
Commissioner Dustin Skeen
Excused: Commissioner Jarod Maw
Staff: Mike Kerswell, Dan Schuler

Attendees: Adams Family, Craig Call

Welcome: Chairman Neil

Pledge of Allegiance: Commissioner Skeen

Moment of Silence / Invocation: Commissioner Faulkner

1. Roll Call:

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

2. Opening Statement:

Chairman Neil read the Opening Statement.

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

None reported.

4. Public Comments:

None offered.

5. Approval of Meeting Minutes for August 12, 2021

Commissioner Jenkins motioned to approve the Meeting Minutes for August 12, 2021. Commissioner Faulkner seconded the motion. Vote: Commissioners Jenkins, Ortega, Skeen, Faulkner and Chairman Neil voted aye. Motion carried.

6. Technical Review Report

Chairman Neil reported on a TRC review of a proposed third phase of the Still Creek subdivision. He commented on plans for a small development that was presented to the Committee by the Foley family, noting that the property is currently in unincorporated Weber County.

7. Administrative Items:

Land Use Authority/Planning Commission Training - Craig Call

Attorney at law and Executive Director of the Utah Land Use Institute, Craig Call gave a video presentation on Utah Land Use Law. He spelled out legislative and administrative acts and gave details on inabilities, referenda and appeals. He outlined roles of citizen planners, professional planners, third party planners and individual property owners in making development decisions. He noted that established ordinances must be observed if it's "reasonably debatable" that they advance the purpose of general welfare. He asserted that a municipal code must not be illegal under state or federal law or rule. He instructed; administrative decisions should be supported by substantial evidence in the record and consistent with relevant ordinances and laws, including vested rights. He defined *Substantial Evidence* and indicated that *Legislative Discretion* allows an ordinance that could promote the general welfare (or if it is reasonably debatable that it is in the interest of the general welfare) to be justifiably upheld. He related examples of developments in Utah that have been affected, in various ways, by debated administrative and legislative processes. He relayed a finding from one of the cases:

"Some people win, some people lose. It's the price we pay to live in an ordered society"

He remarked on aesthetic design standards. He advised that recent legislation prohibits municipalities from stipulating residential, aesthetic design standards. He commented on open space preservation. He spoke of the City Council's responsibility to define the basis for decisions. He gave examples of public clamor and indicated that citizen opposition is a consideration which must be weighed, but cannot be the sole basis for the decision to deny an application. He touched on interpretation of ordinance, asserting that the best evidence of an ordinance's intent is the plain language of the ordinance itself. He weighed the objective of zoning regulations in relation to a property owner's common-law right to unrestricted use of his or her property. He acknowledged that ordinances are mandatory – municipal zoning authorities are bound by the terms and standards of applicable zoning ordinances and are not at liberty to make land use decisions in derogation thereof. Recently passed legislation on Accessory Dwelling Units was discussed. A proposed update of the Plain City General Plan was considered. Chairman Neil voiced concerns about a parcel that was divided after a zoning amendment application for the original plot was recommended by the Planning Commission for City Council approval. Craig Call told of disagreement among land use administrators regarding the technical accuracy of applications. He advised that the general rule is: determinations must be reasonable.

8. Report from City Council:

Commissioner Jenkins commented on a request made by the Fremont High School Football Booster Club for the waiving of rental fees for the Pioneer Park pavilion. Commissioner Ortega reported that final approval of West Park Phase 2 was tabled, as was final approval of the ROW and Utilities Improvement Agreement for the Skeen Subdivision. He reported that a Public Hearing for a budget adjustment was set for Sept 2. He informed that a proposed amendment to the Public Works Standard was approved. He announced the formal appointment of a Plain City Fire Chief. Commissioner Skeen indicated that a Mayor's Assistant was also appointed at the meeting.

9. Commission Comments:

Chairman Neil stated that Mayor Beesley has requested a joint work meeting to finalize stipulations in the Plain City ordinance for Accessory Dwelling Units. He indicated that the meeting has been tentatively scheduled for Thursday, September 2nd. He asked Land Use Specialist, Mike Kerswell, to provide the Commission with a copy of the Still Creek Phase 3 Development Agreement for review – when available.

10. Adjournment:

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Motion: Commissioner Faulkner motioned to Adjourn at 9:11 p.m. – Commissioner Jenkins seconded the motion. Vote: Commissioners Skeen, Ortega, Jenkins, Faulkner and Chairman Neil 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>
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