Notice and Agenda

The Plain City Planning Commission will convene in a regular meeting Thursday, June 13, 2024 in Council Chambers at Plain City Hall - 4160 West 2200 North, which meeting shall begin at 7:00 pm. This meeting will also be accessible via ZOOM.

The agenda shall be as follows:

Welcome:
Pledge of Allegiance:
Moment of Silence/Invocation:
7:00 PM – Regular Meeting

1. Roll Call
2. Opening Meeting Statement
3. Ex Parte communications or conflicts of interest to disclose
4. Public Comments for items not on the agenda
5. Approval of Minutes for May 23, 2024
6. Technical Review Report: None

7. Legislative Items:
   Discussion/Motion: Zoning Amendment – Set public hearing for July 11, 2024 for Snow View Mountain Estates approx. 3450 W 2200 N. Request rezone from A-1 to RE-18.5, Joe Marsh.
   Discussion: Residential Overlay Zone with Public Amenities 10-20-1

8. Administrative Items:
   Review Conditions: Homestead Acres approx. 3500 W 3075 N 22 lots Parker McGarvey

9. Report from City Council: Commissioner Neil

10. Commission Comments:

11. Adjournment:

City Council Meeting: June 20- Commissioner Skeen

The City of Plain City in compliance with the Americans Disabilities Act provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services, programs, or events should call Diane Hirschi at 801-731-4908 giving her at least twenty-four (24) hours' notice before the meeting.

The undersigned hereby certifies that a copy of the foregoing Notice and Agenda was posted at the Plain City Hall, Plain City website www.plaincityutah.org and the Utah Public Notice Website at www.utah.gov/pmn on June 11, 2024

Join Zoom Meeting
https://us02web.zoom.us/j/88040217385
Meeting ID: 880 4021 7385

1 346 248 7799 US (Houston)
1 253 215 8782 US (Tacoma)

Tammy Folkman

Land Use Specialist

Plain City Commission
Minutes of Meeting
May 23, 2024

Plain City Planning Commission met in a regular meeting at City Hall on Thursday, May 23, 2024, also accessible via ZOOM beginning at 7:00p.m.

Present:	Chairman Jenkins Commissioner Maw Commissioner Neil Commissioner Faulkner Commissioner Skeen Commissioner Ortega
Staff:	Tammy Folkman, Dan Schuler

Attendees: Tyler Scoffield, Michael Phillips, Parker McGarvey

Zoom Attendees: Alan Tebbs, Melinda Jensen

Welcome: Chairman Jenkins

Pledge of Allegiance: Commissioner Ortega

Moment of Silence/Invocation: Commissioner Skeen

1. Roll Call: Chairman Jenkins directed roll call. Commissioners Maw, Ortega, Skeen, Neil, Faulkner and Chairman Jenkins were all present.

Opening Statement: Chairman Jenkins

2. Ex Parte: Commissioner Faulkner mentioned she received a call from Curtis Crosby, he has property on North Plain City Road that he would like to put storage units on. She thinks he has come to technical review. She mentioned the future land use map does not work in his favor to be able to do that. He is hoping when the general plan is opened the land can be rezoned for commercial.

3. Public Comments: None at this time

5. Approval of Meeting Minutes for May 9, 2024

Commissioner Faulkner motioned to approve meeting minutes for May 9, 2024. Commissioner Neil seconded the motion. Commissioners Maw, Neil, Faulkner and Chairman Jenkins voted aye. The motion carried. Commissioner Skeen didn't vote because he was not at the meeting.

6. Technical Review Report: Snow View Mountain Estates- Joe Marsh, Craig Jensen and Matt Hunt, Brian Robbins

Commissioner Maw talked about Blue Grass Estates (Craig Jensen) on North Plain City Road. There is a 1-foot protection strip with utilities stubbed in. Jarod indicated everyone agreed we need to take this to legal. Jarod is composing and email to send to Brandon about what legally we can do. Commissioner Faulkner mentioned the protection strip was so people would have to pay the owners of the strip money for putting in those utilities. Jarod indicated they are asking a lot of money for this. He said Craig mentioned several other plans for what they might be able to do if they can't work out the protection strip issue. Commissioner Skeen mentioned maybe having a third-party help both parties work this out. Jarod talked about Joe Marsh and his property, he said it is zoned as A-1 and Joe would like to rezone it to RE-18.5. The proposal he brought in has big and small lots in it,

Jarod suggested doing a cluster subdivision. Joe decided he did not want to do that. He does want to have some duplexes in the subdivision. Shawna asked how many total lots. Jarod indicated there were 35 lots and 10% can be duplexes. Brian Robbins is wanting to develop the Taylor Family property; he doesn't want to change the zoning he wants to leave it as RE-20. He wants to keep it as is, and avoid the power lines and the wetlands. Jarod told him to review the sensitive land use ordinance and show it on the plat. Jarod mentioned that Dan indicated he would have to do an upgrade on the sewer lift station. There is one ditch that is owned by the US Government, it can't be piped it will need to be fenced. Commissioner Neil mentioned only having two accesses for 230 homes. Chairman Jenkins was wondering if there were any stub roads going towards the east.

7. Legislative Items:

Motion: Open Public Hearing to amend Zoning Ordinance for Swimming Pool, Private

Commissioner Skeen motioned to open public hearing to amend Zoning Ordinance for Swimming Pool, Private. Commissioner Faulkner seconded the motion. Commissioners Maw, Neil, Faulkner, Skeen and Chairman Jenkins voted aye. The motion carried.

There were no comments

Commissioner Maw motioned to close public hearing to amend Zoning Ordinance for Swimming Pool, Private. Commissioner Neil seconded the motion. Commissioners Maw, Neil, Faulkner, Skeen and Chairman Jenkins voted aye. The motion carried.

Discussion/Motion: amend Zoning Ordinance for Swimming Pool, Private

Chairman Jenkins asked if anyone had any changes they wanted to make, everyone agreed they liked the changes that had been made in a previous meeting.

Commissioner Faulkner motioned recommend to City Council to approve the amendment to the Zoning Ordinance for Swimming pool; Private. Commissioner Skeen seconded the motion. Commissioners Maw, Neil, Faulkner, Skeen and Chairman Jenkins voted aye. The motion carried.

Motion: Open Public Hearing to amend Subdivision Regulations 11-3-7

Commissioner Faulkner motioned to open public hearing to amend subdivision regulations 11-3-7D. Commissioner Neil seconded the motion. Commissioners Maw, Faulkner, Skeen, Neil and Chairman Jenkins voted aye. The motion carried.

Melinda Jensen was wondering what type of change they were making, she lives in Stillcreek and is concerned about the new development that Visionary Homes is doing and the amount of traffic that is going on there. She is wondering if it will be the only access. Commissioner Faulkner indicated this amendment is to make the change that both roads need to be two-way street and not just a one-way street, she said if there are more than 30 lots you are required to have a second access that goes both ways in and out. It will not affect any existing developments; they were approved without this change to the ordinance.

Commissioner Maw motioned to close public hearing to amend subdivision regulations 11-3-7. Commissioner Skeen seconded the motion. Commissioners Maw, Faulkner, Skeen, Neil and Chairman Jenkins voted aye. The motion carried.

Discussion/Motion: Amend Subdivision Regulations 11-3-7

Chairman Jenkins just wanted to explain why we are making this change. He indicated it was because of a development who has a fire lane that is 20 or 30 feet wide, we wanted to specify it has to be a two way 60-foot road for every 30. Commissioner Faulkner wanted to clarify that it was for more than 30. Chairman Jenkins mentioned once you are past 30 you need a second access. Commissioner Neil mentioned what it says in the ordinance it must be calculated in combination. Chairman Jenkins read part of the ordinance *must be calculated in combination with any and all planned or existing lots or subdivisions using the same access.* He said it limits other developments wanting to use the same roads.

Commissioner Skeen motioned to recommend approval to City Council to amend Subdivision Regulations 11-3-7D. Commissioner Faulkner seconded the motion. Commissioners Skeen, Neil, Faulkner, Maw and Chairman Jenkins voted aye. The motion carried.

Discussion/Motion: Subdivision Amendment for Scott Wayment/Ramsey Estates 1730 N 5100 W Tyler Scoffield

Tyler Scoffield is here tonight to try and combine 2 lots. He said there are two applications because it involves two subdivisions. There was some discussion of what line he wanted to get rid of, he would like to build an accessory building on the back of lot 1 and 2 of the Scott Wayment Subdivision. It will become part of lot 5 Ramsey Estates. Commissioner Maw was wondering if there was an accessory building on lot 5. Tyler said there was. He did say eventually he will build a home on lot 1. Chairman Jenkins mentioned the engineer's memorandum, Tyler said he did see it and he is not abandoning any utilities.

Commissioner Faulkner motioned to recommend to City Council to approve amendment for Ramsey Estates approx. 1730 N 5100 W lot 5 to take in part of Scott Wayment Subdivision lots 1 and 2. Commissioner Skeen seconded the motion. Commissioners Skeen, Neil, Faulkner, Maw and Chairman Jenkins voted aye. The motion carried.

Commissioner Faulkner motioned to recommend to City Council to approve the amendment for Scott Wayment subdivision to join lots 1 and 2 with lot 5 Ramsey Estates approx. 1730 N 5100 W. Commissioner Maw seconded the motion. Commissioners Skeen, Neil, Faulkner, Maw and Chairman Jenkins voted aye. The motion carried.

Discussion: Residential Overlay Zone with Public Amenities 10-20-1

Postponed until June 13.

8. Administrative Items:

Discussion/Motion: Final approval for Homestead Acres approx. 3500 W 3075 N 22 lots Parker McGarvey

Parker McGarvey is here representing Visionary Homes, he handed out an updated plat with the addresses. Chairman Jenkins indicated it is a complete application. Commissioner Neil has some concerns about the cement ditch that feeds water to over 60 families, he said in one of the comments that Brad Jensen wrote about removing trees in parcel A. He is wondering who will repair the ditch, if the trees are removed and it disturbs the ditch. Parker indicated as Visionary Homes if they did any damage they would have to repair it. Commissioner Neil mentioned before it was a cement ditch it was dirt and the roots are under the concrete. He said there are trees all along there and his concern was there may be damage to the ditch. He would like to see some kind of agreement with Visionary Homes and the Plain City Irrigation Company that if there is damage Visionary Homes will be responsible to make repairs now and in the future. He said they will need access back there to do repairs. Parker thought there might be some kind of prescriptive easement. Commissioner Neil indicated the pond easement is

for parcel A, he said it needs to go all the way through. He said the north ditch goes all the way through and goes out north. Chairman Jenkins thought there was a road or access on the west side of the ditch. The ditch runs parallel to the creek, so any trees that are removed, there could be potential damage to the ditch. The concrete ditch straddles the property line. Commissioner Neil is wanting to make sure we can get any equipment down there to do repairs. Parker said in the bond agreement and the development agreement with the city to add language there to cover this. He said there would be money bonded in case the ditch was damaged. Commissioner Neil is wanting to see someone from the irrigation company sign off on this. He talked about the trees on parcel A, and the concern he had about Brads memorandum to remove those trees. Commissioner Skeen mentioned it is a detention basin and you don't want trees there. He does agree with Commissioner Neil that there needs to be a nice big access going to the rail trail not necessarily in this subdivision but somewhere in the other phases of Stillcreek. There was talk of already having an access in the top of the Homestead property. There is an easement that runs the whole length of Stillcreek phase 3 it is behind people's backyards. Dan mentioned that an easement is usually 15 or 20 feet on each side. Parker indicated that the creek would be inside the property line but the fence will be on the north side of the ditch on the outside of the property there will be a fence blocking the ditch, but people can put a gate in, to get to the ditch. Parker indicated the only easement that is showing is the rear setback that is required. Commissioner Faulkner is wondering if other people can walk on the easement. Parker said they would not be able to, only the irrigation company can access it. Commissioner Faulkner doesn't like that. Parker mentioned they are trying to disconnect Homestead; it is not in the DA right for Stillcreek it is just in the proximity. He indicated Homestead is its own project. Commissioner Faulkner is asking about the trails because Parker has connections to both projects. Parker was showing on the map what corridors were available for trails, he said within phase 2 there are trails and phase 3 brought the trail back up and the plans for phase 4 there are trails within the open space on the power corridor and a trail that connects to Remuda to the rail trail as well as multiple other trails. He also thought England Meadows would have trails as well. Commissioner Skeen wants to make sure all the trails connect to the rail trail. Commissioner Neil is wondering if we have to keep an opening for the ditch, why don't we make that a trail. Commissioner Neil is concerned that the homeowner may think they can pump water out of the creek. Parker stated the homeowner owns the ground not the water. Commissioner Neil is wondering who would police this. Chairman Jenkins said the request we are making is a 20-foot easement on the north side of the ditch. He asked Parker if this was something he would agree to, for access and repairs. Parker thought they could give it as an easement to the canal company, he thought it was redundant. He thought they would need to look at prescriptive easements, he thought it was already covered and it was within the public utility easement that would be platted. He thought maybe language could be put in that states the back of lots 3-9 is an additional PUE to Plain City irrigation company or they can show the 20-feet from the property line. Commissioner Skeen was wondering how much property was from the water's edge to the property line. Parker thought it was about 20-feet. Commissioner Neil is worried that the livestock will paw at the ditch and ruin it. Parker indicated his concern was, it is impacting the army corp. the Federal Governments water. He said there was a portion of the ditch that was quite a bit higher and he was not sure it would be a functional path on that side of the creek. Chairman Jenkins indicated on the existing plan the homeowners' fences would be on the north side of the creek. Parker indicated they would be. He mentioned for health and safety reasons they will put up a fence, but from there the homeowners can make changes by adding a gate if they want to. Chairman Jenkins asked as far as the easement, there will be a 20-foot easement on the north side of the ditch which would get you to the south water of the creek water line approximately. Parker thought it would be 40 feet from the property line, that will encompass part of the concrete ditch and all the way through the creek. Commissioner Faulkner asked if the development agreement can include language that might say if there is damage to the ditch. Parker said, it would make sure they are held accountable. Commissioner Faulkner is not

sure this is something we can require, she does love the idea, she did say it is not in our ordinance to require this. Chairman Jenkins agreed with her. Commissioner Faulkner said it is not that much further to the end of this to hook into Stillcreek. Commissioner Skeen would like to have a nice access trail in the easement that is running north and south and tie everything in. Commissioner Faulkner feels we have more flexibility in phase 4 of Stillcreek because of the amenities that are required. Parker said with Stillcreek you can require it as part of the amenities. Chairman Jenkins asked about a gravel path on the east side of Homestead. Parker indicated it is existing right now as provided in Stillcreek. He indicated it was already a natural path and it does go to the rail trail. Commissioner Neil still feels we need to utilize the access point, maybe not a trail. He mentioned a cul-de-sac and lot 9 on the east side having a pathway to get to the trail. Parker felt it needed to be a dedicated parcel to the city of 15 feet. He said if there was a variance he would be willing to do this, because then lot 9's frontage would not meet the code. It would be just an access path to connect to the other trail. Commissioner Neil is wondering if they take some of frontage of lot 9 and lot 10 to make the path. It was agreed to ask for a variance on lot 9 taking it down to 140-foot front. There would be vinyl fencing on both sides of the path. There was discussion on whether this was a complete application. It was determined that it was a complete application. Parker mentioned that a developer's agreement is a standard form they get from the city. Parker mentioned they can record all these things and the property owner will get the plat and they will be able to see the document. Commissioner Neil is wanting to make sure the property owner knows they are responsible to clean the ditch. Dan asked Parker if he got the comments about all ditches need to be piped or fenced. Parker said he shows on the construction plans it shows it is fenced. Chairman Jenkins said the request they are making is the developers agreement states the liability of damage to the ditch and requesting a new plat that shows a new plat with a 10-foot path on lot 9 with the variance. Parker stated he could have the plat with the changes done tomorrow, but the legal language may take longer he indicated it will need to be done in the pre-construction meeting and it would probably come from our attorney. Commissioner Faulkner mentioned the Plain City irrigation company and who would take that on to get the letter. Commissioner Neil said he would get with them and tell them our concerns and see if they had any concerns as well. Parker is wondering if he will get approval tonight? Chairman Jenkins indicated this being the final we will have to wait to see the changes. Parker is worried that he will be coming back in August, he said he has contractors ready to go. He is wondering if any of this can be handled at the staff level. Chairman Jenkins mentioned we don't like to do conditions with final because they are hard to track. Commissioner Ortega is concerned about not approving it, he is wondering if anything is missing. He thinks we need to trust the process; he is not breaking any codes and he is not missing any requirements per our ordinance. He thinks we can approve this with the conditions. Commissioner Skeen is wondering if we will be able to see this again to make sure the conditions have been met everyone agreed they would like to see all the changes. Commissioner Skeen read *11-5-13: IRRIGATION WATER: A. Culvert Required: No open irrigation or drainage ditches shall be permitted within the boundary of a subdivision. All necessary irrigation ditches, whether used for the purpose of transporting irrigation or waste flow water, that must be maintained within a subdivision shall be replaced with a pipe culvert.* He didn't think we would want the creek to be piped. Chairman Jenkins said we have what we want to see done but we can't point to specific ordinances that would require him to do these things. Commissioner Ortega is wondering if we can have Dan email planning commission the changes they make, so we can look at it to make sure it is done. Dan thought he would have them put it in a developer's agreement. Commissioner Faulkner is wondering how Dan will know what needs to be in the developer's agreement. She said she had three things written down that needed to be fixed. **1-The language about who is responsible for fixing the ditch if there is damage. 2- a letter about irrigation easement. 3-The plat changes on lot 9.** Chairman Jenkins said his position right now is that we cannot physically point to any ordinance that is not being followed so he doesn't believe we cannot approve this tonight with the conditions

we have listed. We will need to rely on Dan and check in with him over the next couple of weeks to make sure it has been completed. Commissioner Neil would like Dan to send planning commission a copy of the developer agreement.

Commissioner Faulkner motioned final approval for Homestead Acres approx. 3500 W 3075 N 22 lots. With these conditions included in the developer's agreement, The language about who is responsible for repairing any damage to the ditch, including a letter about irrigation easement and plat change on lot 9 to allow for a walkway to the rail trail. With that change we will agree that the frontage on lot 9 can be reduced. Commissioner Skeen seconded the motion. Commissioners Skeen, Neil, Faulkner, Maw and Chairman Jenkins voted aye. The motion carried

9. Report from City Council: Commissioner Faulkner

Commissioner Faulkner indicated the people of Stillcreek are being very diligent, someone is showing up to every council meeting asking about public and private roads. She mentioned this was still with legal to figure out. City Council made a motion to approve a letter in support of approval voting. She indicated they are not approving that they will do it, they are just in support of the process. There was a discussion about fire department equipment, it was approved. City Council passed a resolution to dissolve the redevelopment project area, it was passed in 1991 there was no money collected and it just keeps showing up on the records at the county level. The county asked us to get rid of it. There was approval for $5,000 for a consult to design cameras for the parks, there has been a lot of vandalism. They gave the consult to one entity then they will open it up for bid on the specific design. She said Councilwoman Beal mentioned a Western Weber CTC that is $1,000 a year, then we turn around and invoice them a $1,000 and in return they will put up a banner. There was mention of emotional coaching and remote-controlled airplanes that might be a fun thing for the city to do. She said if the bathrooms are remodeled, she would like to include adult disabilities facilities. She also mentioned the school bus fees are increasing. Councilmen Jenkins mentioned the mosquito abatement there is a place to go online to get mosquitos sprayed if you are having an event. Councilwomen Wilson would like to work with Diane on grants specifically for our request to get funding for the general plan. Mayor Beesley talked about Operation Home Front there are 450 military families that were fed and received groceries.

10. Commission Comments:

Commissioner Neil is wondering if there has been any discussion about the Jackson property with legal. Commissioner Maw met with the steering committee on the recreation center, their preferred site would be Pioneer Park northwest corner. Commissioner Maw is going to donate some time to lay it out and try and get a very preliminary cost estimate. Chairman Jenkins mentioned we need to do ethics training on June 27, everyone would like to do it before our regular meeting. Tammy will get with Brandon on a time. He mentioned that Trent called him today about someone wanting to build a DADU, he said it doesn't fit our ordinance, but if you look at the drawing there are a couple of things that are holding it up. He indicated everything fits, it has 25% in the rear yard. The one issue we are having if you look at the ordinance *(3) Detached units shall be limited to twenty-five percent (25%) of the rear yard.* The square footage of this building is more than 25% of the rear yard, but if you read (a). *Detached units shall be limited to twenty-five percent (25%) of the rear yard perpendicular distance between the rear lot line and the nearest point of the main building footprint. In the case of a corner lot, the rear yard may be opposite either street frontage.* By this definition the majority of this accessory building is not in the rear yard. As far as only 25% of the DADU, are we including the square footage of the DADU that is not in the rear yard? by definition. Commissioner Faulkner was wondering if it fits as long as 25% is in the rear yard, it is bigger because some of it goes in the side yard. Chairman Jenkins indicated that was what he was saying. He said by definition the rear yard is from the back point of the home to the property line and only a small chunk of that maybe 400 feet is in the

rear yard. So, the clarification is are we including the square footage of the total DADU in what can be in the back yard or only the portion in the back yard. Commissioners Faulkner and Maw said they thought it would be only the portion that was in the back yard. Commissioner Ortega thought that is how it reads. Chairman Jenkins indicated you could interpret it as the DADU is the total square footage is more than 25% square feet of your back yard. Commissioner Faulkner said it doesn't say total square footage, it just says limited to 25%, she indicated they are meeting that. Chairman Jenkins is asking if they are saying that 25% of your backyard can not be more. Commissioner Maw indicated the intent was that we did not want the DADU to be protruding out further than the main structure. He doesn't see a problem with what we are looking at tonight. Commissioner Faulkner indicated that the front of this DADU is almost level with the house. She is wondering if we need to adjust this so there is some depth. Chairman Jenkins did say the existing garage does jut out about 10 feet, then the house itself sits back 8 feet. Chairman Jenkins did say the DADU was a total of 1700 square feet. Both Commissioners Maw and Faulkner felt it met the requirements. Chairman Jenkins said just to clarify as far as number 3 goes detached units shall be limited to 25% of the rear yard, we are interpreting that as no more than 25% of the rear yard can be taken up by an accessory building. He indicated we don't care how big the total building is we just care about the portion that is in the backyard. Commissioner Skeen menitoned that is not how he thinks of it, he said when he built his shop from the back of his house to his back property line it could only be a certain percentage of the back yard, so he built it to the max. Chairman Jenkins asked is the whole thing in your backyard? Commissioner Skeen indicated it was. Commissioner Faulkner said it is not more than 25%, she indicated this is saying the same thing, but if someone extends into the side yard, we are still only allowing 25% to be in the rear yard. Chairman Jenkins did say the ordinance does define the rear yard. He mentioned the other question Trent had, when talking about the square footage are you referring to livable space or the total foot print of the building? Everyone agreed it was foot print of the building. Commissioner Ortega did mention requiring minimum setbacks from the front of the house. Commissioner Faulkner indicated her whole thing was to not make it look like there were 10 homes along a street instead of 5 homes, if they can all match the front setbacks it would defeat the whole purpose. Everyone agreed there may need to be changes to the ordinance in the future.

11. Adjournment

Commissioner Skeen moved to adjourn the meeting at 9:28 pm. Commissioner Maw seconded the motion. Vote: Commissioners Maw, Neil, Faulkner, Skeen and Chairman Jenkins voted aye. Motion carried.

City Council Meeting: June 6 - Commissioner Neil

2024

JENKINS	ORTEGA	MAW	NEIL	FAULKNER	SKEEN
JAN 4	JAN 18	FEB 1	FEB 15	MAR 7	APR 4
MAR 21	APR 18	MAY 2	JUNE 6	MAY 16	JUN 20
JUL 4	JUL 18	AUG 1	AUG 15	SEP 5	SEP 19
OCT 3	OCT 17	NOV 7	NOV 21	DEC 5	DEC 19

If you are unable to attend on your assigned night, please make sure someone goes in your place

Planning Commission Chair

Planning Commission Secretary

Plain City

CHAPTER 20

RESIDENTIAL OVERLAY ZONE WITH PUBLIC AMENITIES

SECTION:

10-20-1: Purpose And Intent

10-20-2: Use Regulations

10-20-3: General Regulations

10-20-4: Submission Of Conditional Rezone Application

10-20-5: Technical Review Committee, Planning Commission And City Council Consideration

10-20-6: Technical Review Committee

10-20-7: Planning Commission Action

10-20-8: City Council Action

10-20-1: PURPOSE AND INTENT:

The Residential Overlay Zone with Public Amenities is established to provide for and encourage better planned and more desirable residential developments that provide various lot sizes and public amenities, including the preservation of open space and the development of parks, trails, and other open space.

A. It is expressly provided that the Residential Overlay Zone with Public Amenities is not intended to be utilized for all residential development within the City. The Residential Overlay Zone with Public Amenities shall only be permitted for property approved by the City Council.

B. It is established to promote development of pathways (multi-purpose routes accessible to pedestrians, bicyclists and equestrians) and as such, will solely be considered for areas comprising or adjacent to existing or proposed pathway corridors, set forth in the Plain City Parks, Trails, and Open Space Master Plan. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-2: USE REGULATIONS:

A. Zones Allowed: Residential uses in the Medium Density Residential (MDR) 1, 2, and 3 areas as indicated on the Future Land Use Map of the General Plan (including only properties that have already been rezoned as RE-18.5, RE-15 and R-1-11) after the review and recommendation by the Planning Commission and review and approval by the City Council.

B. Permitted Housing Types: If the Residential Overlay Zone with Public Amenities is approved: single-family, detached dwelling units may be permitted in MDR 1 and 2 (RE-18.5 and RE-15); single-family, detached dwelling units and two-family, attached (duplex) dwelling units may be permitted in MDR 3 (R-1-11); after the review and recommendation by the Planning Commission and review and approval by the City Council.

1. Lots utilized for the construction of two-family, attached (duplex) dwelling units shall not exceed ten percent (10%) of the total lots in the subdivision.

2. Two-family, attached (duplex) dwelling units shall be constructed on a minimum lot area of one-half (1/2) acre (21,780 square feet). (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-3: GENERAL REGULATIONS:

Residential subdivisions with public amenities may be granted the exceptions described herein to site development standards within each zone when the applicant has demonstrated that the subdivision meets the following standards:

A. The subdivision provides an exceptional amenity or amenities (deemed acceptable by the Planning Commission and City Council) that are made available to the public or provides developed open space comprised of thirty three percent (33%) of the proposed development (1:2 ratio of developed open space to housing). Any developed open space shall be dedicated to the City, subject to approval by the City Council, and made available for public use and shall include a park and/or trails that have been identified in the General Plan or other parks and/or trails requested specifically by the Planning Commission or City Council in consultation with the City Parks and Recreation Department. Formations that provide State mandated stormwater detention or retention do not qualify as developed open space unless occupying more than five (5) acres and determined by the Planning Commission to be suitable for multiple uses. In cases of approved multi-use stormwater detention or retention basins, the developer shall (at City's discretion) provide restrooms and parking spaces.

B. In cases of approved multi-use stormwater detention or retention basins:

1. Seventy-five percent (75%) of the approved basin area shall qualify as developed open space.

2. The developer shall (at City's discretion) provide restrooms and parking.

C. The subdivision does not exceed a gross maximum density in the Medium Density Residential (MDR) areas indicated on the Future Land Use Map of the General Plan of:

1. Three (3) units per acre in MDR 1;

2. Four (4) units per acre in MDR 2; and

3. Five (5) units per acre in MDR 3.

Gross maximum density is calculated by taking the number of proposed residential lots and dividing by the total acreage of the development (including roads).

D. The subdivision meets the following overall minimum development standards:

1. Minimum Lot Area: Seven thousand (7,000) square feet.

2. Minimum Yard Setbacks:

a. Front: Twenty-five feet (25').

b. Side: Total of eighteen feet (18'), minimum eight feet (8') on one side.

c. Street Side On Corner Lot: Twenty-five feet (25').

d. Rear: Twenty feet (20').

3. Building Height:

a. Minimum: One story.

b. Maximum: Twenty-eight feet (28') - not more than two (2) stories.

4. Minimum Frontage: Sixty-five feet (65') for single-family dwelling units and one hundred forty feet (140') for duplexes.

E. Separate single-family dwellings and multi-family dwelling units in a Residential Overlay Zone shall comply with the following standard:

1. Garage Doors: Where a garage is placed on the front building facade, the width of the garage door(s) shall not exceed fifty percent (50%) of the total width of the front building facade. All garage doors shall not exceed twelve feet (12') in height. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-4: SUBMISSION OF CONDITIONAL REZONE APPLICATION:

A. Required: A conditional rezone application for a Residential Overlay Zone with Public Amenities shall be submitted to the Technical Review Committee. A concept plan including the following items shall be submitted with the application for the conditional rezone:

1. Proposed layout including streets, lots, and setbacks;

2. Development density, coverage, and open space characteristics including landscaping, fencing, screening, and parking;

3. Proposed location(s) for mailbox(es) in accordance with USPS requirements, shown on the proposed layout;

4. A description of architectural elevations and floor plans demonstrating the general design, character, and exterior building materials of the proposed structures. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-5: TECHNICAL REVIEW COMMITTEE, PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION:

In considering the proposed Residential Overlay Zone, the Technical Review Committee, Planning Commission and City Council shall consider:

A. Design: The design, exterior materials, housing type and quality of buildings and their relationship to the site and their relationship to development beyond the boundaries of the development.

B. Streets, Traffic, Parking: Which streets shall be public and which shall be private, the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.

C. Open Space: The proposed open space as a means of its integration into the City and the neighborhood.

1. All attendant open space, privately or otherwise owned, shall be publicly accessible and contained within the perimeter of the development.

2. Formations that provide State mandated stormwater detention or retention do not qualify as developed open space unless occupying more than five (5) acres and determined by the Planning Commission to be suitable for multiple uses. In cases of approved multi-use stormwater detention or retention basins, the developer shall (at City's discretion) provide restrooms and parking spaces.

D. Density: The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands.

E. Property Discrepancies: Conflicts associated with property characteristics and/or ownership, such as, but not limited to recorded property line inconsistencies, ambiguous or contested ownership, etc. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019;

amd. Ord. 2021-09, 6-3-2021)

10-20-6: TECHNICAL REVIEW COMMITTEE:
The Technical Review Committee shall review the conditional rezone application to be sure the proposed rezone meets certain minimum requirements and that the proposed project is in harmony with the intent of the City's General Plan. Prior to the conditional rezone application going before the Planning Commission, the Technical Review Committee must document that the minimum requirements of the application have been met. (Ord. 2021-09, 6-3-2021)

10-20-7: PLANNING COMMISSION ACTION:
A. The Planning Commission shall hold a public hearing on the proposed Residential Overlay Zone with Public Amenities.

B. The Planning Commission, subject to the requirements of this chapter, shall recommend to approve, modify with conditions, or deny the Residential Overlay Zone with Public Amenities. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

10-20-8: CITY COUNCIL ACTION:
A. The City Council may hold a public hearing on the proposed Residential Overlay Zone. The City Council shall approve the conditional rezone application or deny the conditional rezone of the Residential Overlay Zone with Public Amenities. Approval of the conditional rezone application shall include, but shall not be limited to the following conditions:

1. Submission, review and approval of a development agreement between the applicant and the City.
2. Submission, review and approval of a site plan.
3. Submission, review and approval of a final subdivision plat.

Upon approval of the conditional rezone application, an applicant may proceed with the preparation of a detailed development agreement, Site plan and subdivision application per title 11, chapter 3 of this Code. (Ord. 2019-04, 1-17-2019, eff. 1-17-2019; amd. Ord. 2019-12, 11-21-2019; Ord. 2021-09, 6-3-2021)

Jon's Copy

SINGLE-FAMILY RESIDENTIAL TRANSITION OVERLAY (SFRTO) ZONE

SINGLE FAMILY RESIDENTIAL TRANSITION OVERLAY ZONE PURPOSE. An overlay district is intended to provide different and/or supplemental regulations or standards from the underlying zoning district necessary to address certain geographic features, land uses, or desired outcomes. The purpose of the Single Family Residential Transition Overlay (SFRTO) Zone is to serve as a transition between medium-density Single-Family Residential Zones (R1-8, R1-10, R1-12) and multifamily residential, mixed use, or commercial zones (~~RM-8, RM-16, MU, CD, CG, CH,~~ CN). This is achieved by accommodating a variety of single-family, ~~patio home, and/or cottage~~ home residential uses at densities higher than the underlying residential zone and lower than multifamily residential zones.

Can be used in: R-20 R 18>5 R-15 R-110 structure

A. The SFRTO Zone supports the development of areas with a residential character comparable to that of a single-family residential area, and is intended to promote, stabilize, and protect an environment suitable for family life.

B. A development master plan will be required for developments in this ~~zone~~ overlay.

SINGLE FAMILY RESIDENTIAL TRANSITION OVERLAY ZONE USES. The underlying zoning district of the SFRTO Zone is the existing Single-Family Residential Zone of the development and all of the land uses shall remain the same as contained in Title I Chapter 1.07 of the Tremonton City Land Use Code for the R1-8, R1-10, or R1-12 Zoning District. Whenever there is an explicit conflict between the regulations of the underlying residential zone district and the SFRTO Zone uses, this section shall control. If there is an explicit conflict between the Development Agreement and the SFRTO Overlay Zone, the Development Agreement shall control.

SINGLE FAMILY RESIDENTIAL TRANSITION OVERLAY ZONE LOT REGULATIONS. This Section shall apply to all principal structures and accessory structures within the SFRTO Zone.

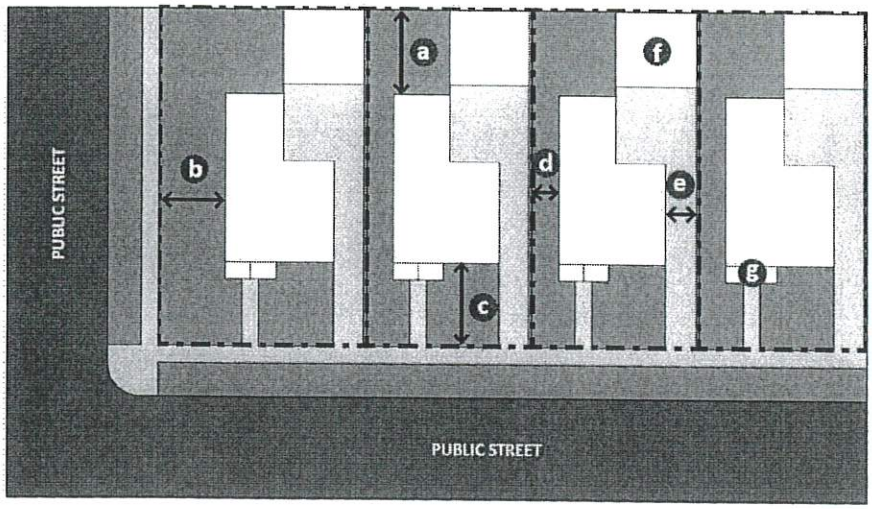
SINGLE FAMILY RESIDENTIAL TRANSITION OVERLAY ZONE LOT REGULATIONS	
LOT AREA REGULATIONS: Minimum Lot Area in square feet in the Single Family Residential Transition Overlay Zone:	
~~Patio/Cottage Homes~~:	~~4,000~~[1] 6000
Small Single-Family Lots:	~~5,000~~[1] 6000
MAXIMUM DENSITY: The maximum number of dwelling units per acre.	~~2~~ 6-7
FRONTAGE REGULATIONS: Minimum Frontage in feet for any lot in the Single Family Residential Transition Overlay Zone. Except as modified by a Site Plan approval. *(Cul-de-sac, irregular shaped lots, etc.)*	~~45~~ ~~60~~ 60
FRONT YARD SETBACK REGULATION: Minimum set back in feet for the Front Yard for structures in the Single Family Residential Transition Overlay Zone.	≥20[2]
Corner Lots from both streets:	20
REAR YARD SETBACK REGULATIONS: Minimum set back in feet for the Rear Yard in Single Family Residential Transition Overlay Zone.	~~15~~ 25
Accessory Structures:	~~3~~ 1
SIDE YARD SETBACK REGULATIONS: Minimum Side Yard setback in feet for structures in Single Family Residential Transition Overlay Zone.	~~5~~ 8 10
Total width of the two (2) side yards required shall equal:	~~10~~ 18
Accessory Structures:	~~3~~ 1
HEIGHT REGULATIONS[4]: Maximum Height for all buildings shall be, in feet:	
Main/Primary structure:	~~35~~ 32
Accessory Structures:	18
Maximum number of stories in a Main/Primary structure:	~~2~~ 1-1/2

[1] Note: Lot Regulation based on lot configuration and placement of structures on property as approved through the Site Plan approval process. A minimum of 25 percent of lots shall be Small Single-Family, mixed variably at random within the subdivision.

[2] Note: Front setbacks shall be varied, with 30 percent of structures being setback a minimum of 25 feet, in groups of two to three placed at random within the subdivision.

[2] Note: For lot layouts with detached or alley access garages, a minimum rear-yard setback of 25 feet is required.

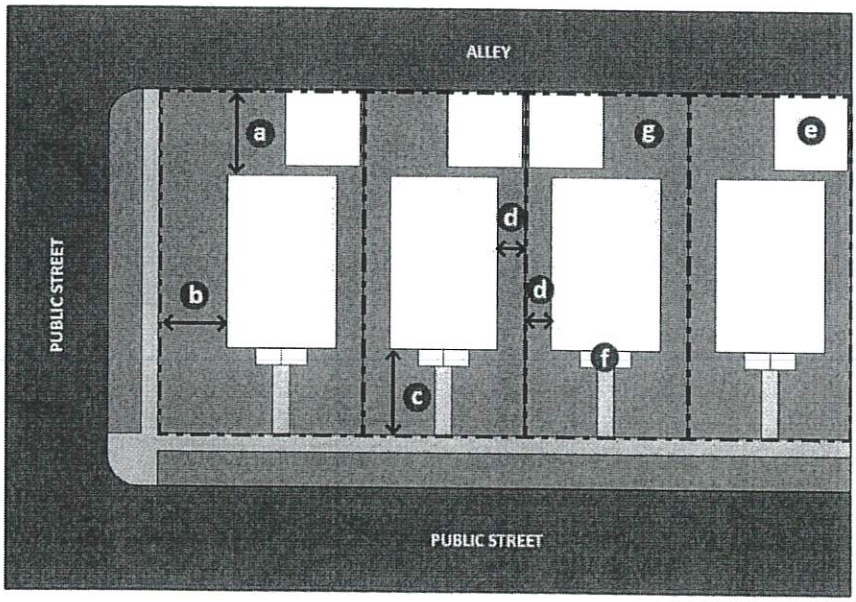
[4] Note: Exceptions to Height Regulations. Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flag poles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limit herein prescribed. But no space above the height limit for residential purposes shall be allowed for purposes of providing additional floor space, nor shall such increased height be in violation of any other Ordinance or regulation of Tremonton City. Public Buildings, Utility Buildings, and Multi-Family Dwellings when authorized in a district, may be erected to a height greater than the district height limit by Site Plan approval.



a rear yard, 25' min. c front yard, 20' min. e side yard with driveway, 10' min. g porch/alcove entry (typ.)

b corner lot side yard, 20' min. d side yard, 5' min. 8/10 f double garage (typ.)

Figure 1: Sample home layout diagram with detached two-car garage located at the rear of lot; a side yard driveway provides vehicular access from the street



a rear yard, 25' min. c front yard, 20' min. e garage (typ.) g Yard (typ.)

b corner lot side yard, 20' min. d side yard, 5' min. 8/10 f porch/alcove entry (typ.)

Figure 2: Sample home layout diagram with detached garage located in rear of lot with direct alley access

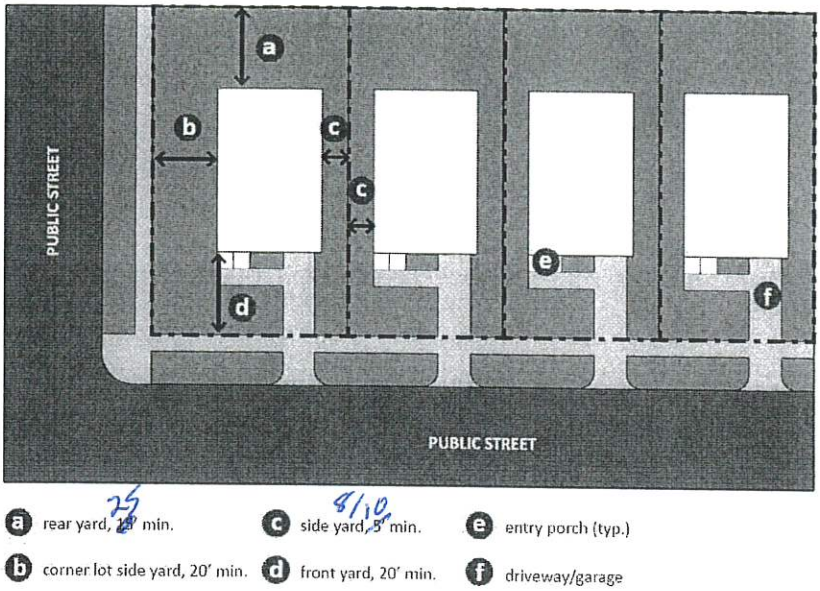


Figure 3: Sample home layout diagram with attached garage at the front of building and street access

SINGLE FAMILY RESIDENTIAL TRANSITION OVERLAY ZONE HOUSING TYPE LOCATION AND DENSITY. The housing type within the SFRTO Zone shall be Small Single-Family and Patio/Cottage single-family homes, with a minimum of 25 percent of the lots to be Small Single-Family. The maximum density of the Single Family Residential Transition Overlay Zone is nine (9) dwelling units per acre net density.

SINGLE FAMILY RESIDENTIAL TRANSITION OVERLAY ZONE DEVELOPMENT STANDARDS.

A. **Development Master Plan.** In addition to the other requirements of this Chapter, an application for development in the SFRTO Zone shall be accompanied by a development master plan, that clearly demonstrates that:
   i. the development will be built with a consistent, but not necessarily uniform, character and compatible architectural styles;
   ii. overall control during the development process by a single development entity;
   iii. design and implementation guidelines to ensure the overall vision is captured and maintained.

B. **Architectural and Design Standards.** The following design materials and features are required and shall appear on the Development Master Plan:
   i. a variety of one-story and two-story floor plans.
   ii. high-quality exterior materials featuring a combination of at least 2 of the following materials is encouraged: stone, brick, or cement/composite fiberboard (which may be used as 2 separate materials if styles are clearly distinct either in orientation, design or texture), covering at least 60% of all exterior surfaces visible from a public street; the remainder of the rear surface may be composed of a single material such as EIFS or similar material.
   iii. a variety of exterior paint/material colors and textures, preventing a uniform or "cookie cutter" appearance
   iv. inclusion of front-facing architectural features such as dormers, front porches, awnings, alcoves, decorative covered door stoops, and similar features. Front doors/main entrances shall face the front yard; main entrances that face a side yard are prohibited.
   v. varied rooflines, which includes but is not limited to having multiple gables extending above the eves, that there be varied roofline heights between units and gable roofs.

C. **Garages.** All units in this zone shall have a completely enclosed two-car or one-car garage. Garages may be incorporated into the main dwelling or may be built as a detached accessory building. Where built as an accessory building, the garage shall meet all requirements of this title for accessory buildings and shall be constructed of the same materials required for the main building and with the same architectural theme.

D. **Parking Access – Driveways.** All driveways in this zone shall meet the following minimum requirements:

i. Attached Garage Facing Street: Minimum width equal to opening of garage.
ii. Sole Use Driveway to Detached Garage in Rear Yard: Minimum width of ten feet.
iii. Common Use Driveway or Accessway (Alley) to Attached or Detached Garage(s) in Rear of Residential Unit: Minimum width of 24 feet; or wider as required to meet fire safety requirements and efficient and safe flow of vehicular and pedestrian traffic.

E. **Landscaping, Buffering, and Fencing.** Landscaping and fencing shall be provided per the requirements of Chapter 1.18 Landscaping, Buffering, and Fencing Regulations. The Developer shall install street trees in the park strip with an irrigation source in accordance with Public Tree Ordinance (Chapter 8-700) of the Tremonton City Revised Ordinances.

F. **Park and Trails Improvements.** The Developer shall either construct park and trail improvements as part of the City's park and trails system in accordance with City standards, or pay a fee-in-lieu to the City for system-wide improvements. These improvements/fees shall be determined as part of the Development Master Plan and included in the Development Agreement.

G. **Other Rules.**

i. The DRC or Planning Commission may require engineering studies or other studies to ensure compliance with, and mitigation of, health, safety, and welfare concerns.

Application # _____

Zoning Amendment Application

Location of Property Approx. 3450 W. 2200 N., Plain City UT

Land Serial Number(s) 19-038-0016, -0085, -0086, -0087, -0088, -0092

Request from Zone A-1 to Zone RE-185

cashier R# 2037013

FEE: $200.00 **Date paid** 5/21/2024 **Receipt #** 257470 PAID

*Property Owner Snow View Mountain Estates LLC

Phone (213) 887-8070 Fax _____

Mailing Address 103 Prospect St., Providence RI Zip 02906

Developer/Agent Joseph Marsh

Phone (213) 887-8070 Fax _____

Mailing Address 103 Prospect St., Providence RI Zip 02906

E-Mail Address ASHITANOJOE@GMAIL.COM

LEGAL DESCRIPTION: **Please Attach**

TOTAL AREA – Acres or Square Feet: 19 acres

Please attach a letter addressing the following:

1. Summarization of:
   - -Current Plain City General Plan classification and zoning classification
   - -Requested change to the General Plan classification and zoning classification
2. For what reason(s) do you suggest the change? The applicant is responsible for justifying the requested change to the General Plan and Zoning. Issues to be evaluated will include, but are not limited to:
   - -adopted goals and policies as expressed in Plain City's General Plan
   - -adjacent land uses
   - -population served
   - -transportation impacts
   - -public facilities (water, sewer, storm water, parks, schools, etc.)
   - -the type of use requested and reasons why this use should be on this site
3. What is the estimated development schedule?
4. Attach a list of all adjacent properties within 500 feet. (Parcel #, name, mailing address)

- **Current property owner(s) must sign application (see attached affidavit)**

Application # _____

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)
) ss
COUNTY OF WEBER)

I (we), Joseph Marsh, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I also acknowledge that I have received written instructions regarding the process for which I am applying and the Plain City Planning staff have indicated they are available to assist me in making this application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this 21st day of May, 20 24.

LYNETTE SINGLETON
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 736663
COMM. EXP. 05/11/2028

(Notary)
Residing in Weber County, Utah

My commission expires: 05/11/2028

AGENT AUTHORIZATION

I (we), Joseph Marsh, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Mark S. Peterson to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Agent)

(Property Owner)

(Property Owner)

Dated this 21st day of May, 20 24, personally appeared before me Joseph Marsh & Mark S. Peterson, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

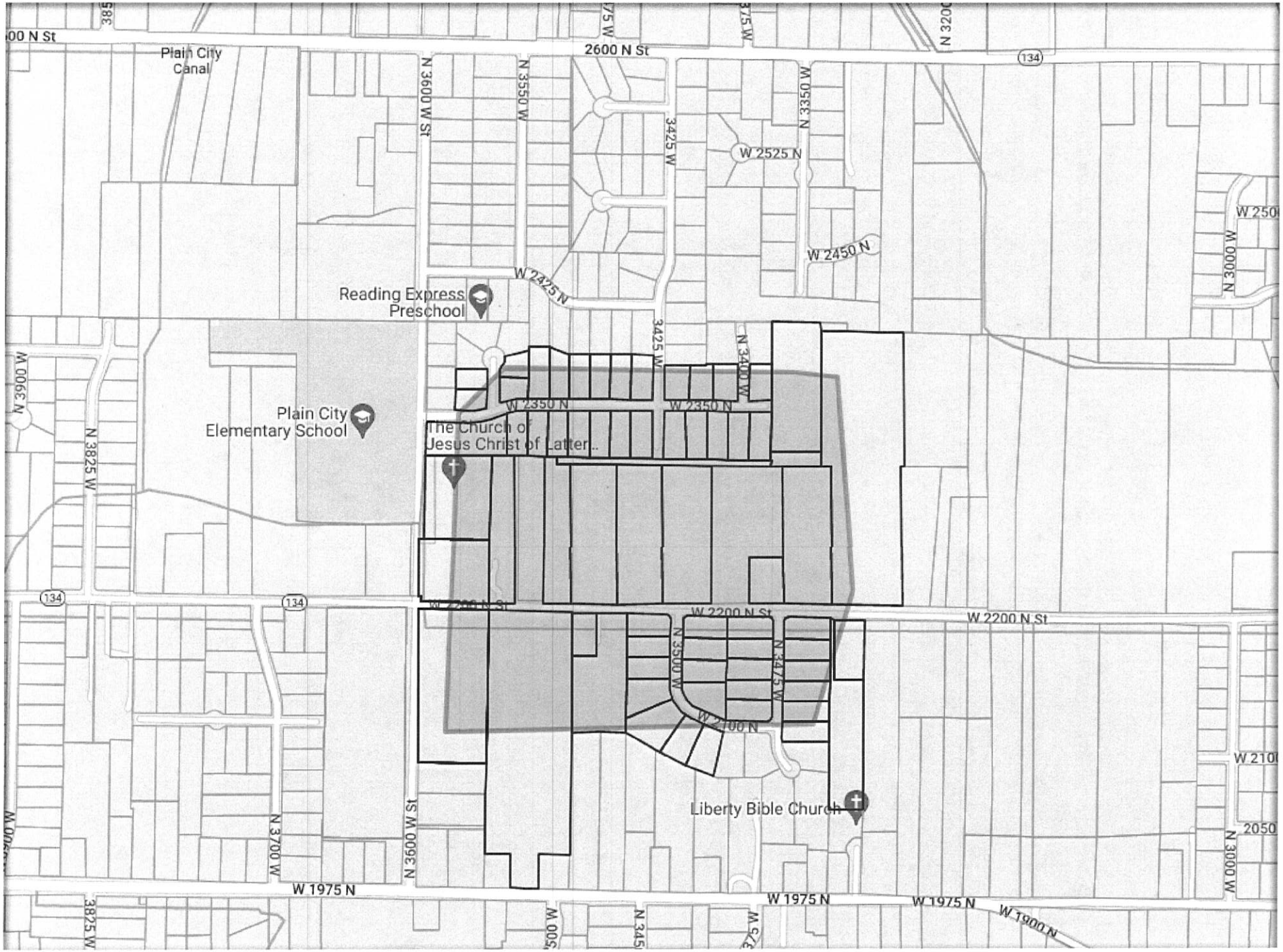
(Notary)
Residing in Weber County, Utah

LYNETTE SINGLETON
NOTARY PUBLIC • STATE OF UTAH
COMMISSION NO. 736663
COMM. EXP. 05/11/2028

My commission expires: 05/11/2028

Snow View Mountain Estates - approx. 3450 W 2200 N




2600 N St
Plain City Canal
N 3600 W St
N 3550 W
3425 W
N 3350 W
W 2525 N
W 2450 N
W 2425 N
Reading Express Preschool
N 3400 W
W 2350 N
Plain City Elementary School
The Church of Jesus Christ of Latter...
N 3825 W
W 2200 N St
N 3500 W
N 3475 W
W 2100 N
Liberty Bible Church
N 3700 W
N 3600 W St
W 1975 N
W 1900 N
N 3000 W
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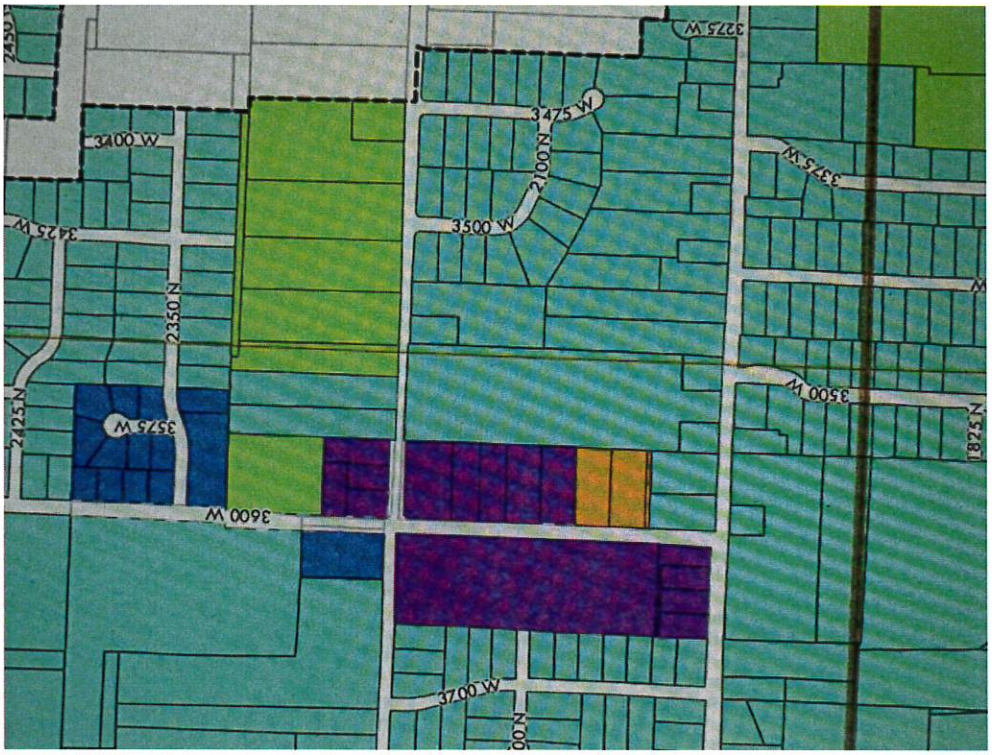
Zoning Amendment Application Letter
Snow View Mountain Estates LLC

1. Current Zoning for this property is Agriculture. The Plain City General Plan indicates that this is to be Medium Density Residential.
   I am requesting a change from Agriculture to RE-18.5

2. I am requesting the change to Residential in order to become a Residential Subdivision. As discussed in the Technical Review today (May 21, 2024) while I would prefer RE-15, I am requesting RE-18.5 as that is more in line with the City`s Plan and recent zoning amendments granted.
   Adjacent land uses are residential and Agriculture, with examples of RE-20, RE-18.5 and RE-15, and Agriculture within 500 feet. Please see list below of adjacent properties within 500 feet.

3. Assuming no major changes, the majority of the Civil Engineering and requirements to submit the Subdivision Application have been completed. Subsequent to approval by the City and for my loan, I am hoping to get the Infrastructure started, and ideally asphalt in this year. I am hoping to sell enough lots to pay for the infrastructure, then next year plan to build and sell another 10 lots with the remaining parcels the following year, depending a lot on demand.

Adjacent Properties within 500 Feet		
Name	**Parcel Number**	**Zoning**
Plain C Meadows Phase 6	Multiple	RE-20
Sunflower Est Sub.	19-402-0001 to -0013	RE-15
Brett Moulding	19-038-0017	Unincorporated Agriculture
Josua Ostrup	19-038-0079	Unincorporated?
Country Road Estates	19-110-0001 to -0027	RE-20
Skeen Brothers Sub.	19-446-0001 to -0003	RE-18.5
Meridian Line Invest LLC	19-035-0063	RE-15
Robson Farms Ph3	19-470-0001 to -0011	RE-18.5
Gerald DeBartolo	19-035-0039, -0045	RE-20
Plain City Fields	19-449-0001 to -0004	RE-18.5
Robson Farms Ph3	Multiple	RE-18.5



Excerpt from 2022 Plain City Zoning Map