

Plain City Commission
Minutes of Meeting
May 22, 2025

Plain City Planning Commission met in a regular meeting at City Hall on Thursday, May 22, 2025, also accessible via ZOOM beginning at 7:00p.m.

Present:

Chairman Maw
Commissioner Ortega
Commissioner Neil
Commissioner Faulkner
Commissioner Skeen
Commissioner Ableman

Staff:

Tammy Folkman, Dan Schuler

Attendees:

Andy Hubbard, Hunter Murray, Joey Ulm, Michelle Ulm, Mark Peterson, Steve Anderson, Austin Evans, Parker McGarvey, David Skeen, Jim Flint

Zoom Attendees:

Mike Phillips

Welcome: Chairman Maw

Pledge of Allegiance: Commissioner Neil

Moment of Silence/Invocation: Commissioner Faulkner

1. Roll Call: Chairman Maw directed roll call. Commissioners Skeen, Faulkner, Ortega, Neil, Ableman and Chairman Maw were all present.
2. Opening Statement: Chairman Maw
3. Ex Parte: Commissioner Ableman indicated Jed Reed from Thurgood Excavating reached out for clarification about the meeting we were having tonight. Jed was wondering if any subdivisions would be approved. Commissioner Ableman told Jed it was just a review tonight. Chairman Maw also said he talked with someone whose last name was Jensen; he couldn't remember his first name. The person had questions on a flag lot on North Plain City Road. He wanted to know what the cities ordinance was on flag lots. Chairman Maw directed him to the ordinance and told him the city does not favor flag lots. He told him to contact our office if he wanted to fill out an application for a flag lot. He also received an email from Arnel Rivera about a property on 1975 N that is zoned as residential and Arnel was wondering if they could build a church on the property. Chairman Maw indicated he had not gotten back with this person yet.

4. Public Comments: none at this time

5. Approval of Meeting Minutes for May 8, 2025

Commissioner Skeen motioned to approve meeting minutes for May 8, 2025 with one name change.
Commissioner Faulkner seconded the motion. Commissioners Ortega, Neil, Skeen, Faulkner and
Chairman Maw voted aye. The motion carried.

Plain City Commission
Minutes of Meeting
May 22, 2025

6. Technical Review Report:

Chairman Maw mentioned the next TRC will be on June 3, it will be a discussion on Pleasant Plans and another one on the Winegar property. He is planning on attending.

7. Legislative Items:

Discussion/Motion: Set Public Hearing on June 12, 2025 for Residential Overlay with Public Amenities approx. 2500 N 5100 W (David Pitcher/Ophir Mountain LLC)

Commissioner Faulkner motioned to set a public hearing for the Residential Overlay with Public Amenities approx. 2500 N 5100 W on June 12, 2025. Commissioner Skeen seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.

8. Administrative Items:

Discussion/Motion: Lot Line Adjustment for John Dixon (Austin Evans)

Austin indicated they are trying to get the lot line adjustment so they can sell off the parcel and grant access to the property behind. Commissioner Faulkner mentioned there is a line with an arrow coming off of it, she is wondering if they are getting rid of the lot line where it is at and just moving it over. Austin stated that is what they are doing. Commissioner Neil indicated the drawing is incomplete there are no dimensions or buildings. There was some confusion on where the property line was. He said there was a lot of questions on 52 on the plat. Austin stated they are just moving the line so they can have an 85-foot private road. Commissioner Neil wanted to know if the question marks on the plat needed to be cleared up first before it was approved. Commissioner Ableman wanted to know if Austin had an updated drawing. Chairman Maw would like to see the existing foot print so they can see how far it is from the new property line. Commissioner Skeen was wondering if Austin was going to keep the two serial numbers. Austin stated he was. Commissioner Ableman mentioned to follow our street ordinance. Commissioner Faulkner would like the placement of any buildings as well as dimensions.

Commissioner Neil motioned to table the lot line adjustment for John Dixon. Commissioner Ortega seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.

First Review: Silver Valley Subdivision approx. 3050 W between 1975 N and 2200 N 18 lots (David Skeen)

Hunter Murray is here representing the Skeen project. Chairman Maw indicated this is the first review, he wondered if Hunter had read the review process. Hunter indicated he had. He mentioned 2 lots on the south end are RE-15 and the rest are RE-18.5. He also stated he has the will serve letters. He was hoping the planning commission could vote on this tonight. Commissioner Albelman mentioned it needs to be on the agenda for a discussion motion before they can vote. Commissioner Faulkner had a question of who is responsible to develop 2200 North to this property. Hunter mentioned the gap in the road on 2200 North will be the county that takes care of this. David Skeen mentioned they did not know it was a county road, he said that Dan got involved and worked it out with Weber County to get the pipe in. Commissioner Faulkner asked if the city will be responsible to put the asphalt on that road. David indicated it was all set up and taken care of. Commissioner Faulkner did mention the gate will need to be moved west. Dan did say he has been working with the county and the county is looking at doing a partial annexation, they would do the improvements up to the Skeen property and the city would do the asphalt. He also said he would move the gate. Commissioner Ableman asked about the drainage ditch. Hunter indicated it would be piped. Commissioner Ableman mentioned a conflict between two home owners about the gate. He

Plain City Commission

Minutes of Meeting

May 22, 2025

wondered if that conflict was resolved. Hunter stated the conflict had been resolved. Commissioners liked the subdivision. Commissioner Ableman wanted to make sure the road was paved before any building could go forward. He also mentioned the sewer extension in the engineer's comments. Jim Flint stated they went as far as they could north, they have two storm drain lines with the sewer in the middle. He said it was very shallow. Dan stated he is not concerned with it, he said they are already developed on the east side as well as on 1975 North. Hunter wanted to know what the process was to be able to vote. Commissioner Faulkner stated we like one meeting to review. Commissioner Ableman suggested calling the city to get on the next agenda.

First Review: Marsh Mountain View Subdivision approx. 2200 N 3450 W 31 lots (Joe Marsh)

Andy Hubbard with Great Basin Engineering is here representing Marsh Mountain View. Commissioner Neil noticed that all the shareholders had signed off but he doesn't see a letter from Plain City Irrigation. Commissioner Faulkner mentioned that the person from Plain City Irrigation did not want to sign off, he wanted the shareholders to sign off on this. Commissioner Ableman mentioned the letters the shareholders signed off on some of them mentioned they would get four times the flow. Then there was another letter that said something different. He wanted to know if the shareholders with the old letter had seen the new letter? Mark Peterson was wondering who didn't sign the new letter? Tammy gave Mark all the letters.

Commissioner Ableman wanted to make sure the shareholders know what they are signing. Commissioner Faulkner is wondering now that he has the shareholders signatures if he can get a letter from the Irrigation Company as well. They are going to reroute the ditch down a little bit through the road it will run through lots 10,11 then into the road until it hits lots 13,14 then down the east sideline by lots 14,15 and across the frontage of lots 15,16, they also have a lateral out along the south line of lot 13 over to the east property line. Commissioner Ableman wanted to know if the other property owners were okay with this. Andy indicated it is in the easement. Commissioners mentioned they don't see what Andy is talking about on the plat. He said he would get it updated. Commissioner Ableman had a question about the length of the cul-de-sac. Andy did say it is a little over the ordinance and he mentioned they would have to ask for an exception.

Commissioner Ableman mentioned the ordinance is 400 feet and sometimes they will grant a variance for 600 feet but he stated they were over 600 feet. It was decided it might be 500 feet. Andy did say a variance has been asked for but hasn't been granted yet. Commissioner Ortega read the engineers review on the cul-de-sac. *The length of the proposed cul-de-sac appears to be in excess of the maximum allowable length of 400-feet. However, it appears this cul-de-sac may be eligible for a special exception that would allow the length to be extended to a maximum of 600-feet. I recommend the cul-de-sac be allowed as it is shown on the submitted plans.* He did say they would have to be under the 600 feet. Andy stated they were under 600 feet. He did say he asked the city engineer the process on getting that variance. The city engineer said he just had to ask for it. Andy asked if there was any room for interpreting the intersection to start at where the road turns and goes south instead of the east west. Commissioner Ableman mentioned the definition in our ordinance on streets. Andy wants to make sure he understands correctly. Commissioner Ableman said the intersection street would be 3450. Commissioner Faulkner wanted to make them aware of a couple lots where the house needs to face a certain way lot 25 needs to face east, lot 8 needs to face onto 3450 she feels lot 13 doesn't have the frontage it needs. Commissioner Ableman was wondering if lots 25,27 are going to be duplexes. Andy did say they were still planning on having some duplexes maybe on lots 5,27,11,21. Andy did say he will work on the variance letter.

Plain City Commission

Minutes of Meeting

May 22, 2025

Discussion/Motion: Extension for Homestead Acres approx. 3500 W 3075 N Visionary Homes (Parker McGarvey)

Parker McGarvey is requesting an extension. There were two things that were requested one was a signed irrigation letter and whose responsibility it would be to remove the trees and that the developer will be responsible to repair the ditch if there is any damage to the ditch. Commissioner Neil mentioned this just addresses the ditch and not the stream or canal that goes through there. He mentioned the sensitive land use ordinance needs to be incorporated into this. He also mentioned fencing and wanting to know how high it would be. Commissioner Ableman asked if they were selling this property. Parker indicated they were looking to sell. Commissioner Ableman wanted to know the procedure if this is not extended. Commissioner Neil stated his opinion would be they would have to start over. He did mention what Commissioner Ortega has brought up; we are selling people ground that they can't access. Commissioner Skeen is wondering why the property owner can't access the ground on the other side of the fence. He also asked about the secondary water. Parker indicated they are working through Mountain View on this. Parkers understanding is that the agreement was for the clearing of the trees and ensuring any damage to the concrete ditch would be on those who removed the trees. He indicated initially it would be the developer, if there is anything in addition this is new to him. Commissioner Faulkner agreed in past minutes it doesn't talk about the stream she is not saying it isn't a valid point but she did say planning didn't indicate this in the last meeting and she is wondering if it is fair that we are putting more on them. When he has done all the things that were asked of him in the last meeting. Commissioner Neil said he was just following the ordinance. Commissioner Skeen mentioned that you can't convert it to anything else it would need to stay wetlands, he also mentioned there would be a fence going in front. He envisions a vinyl fence along the back. Commissioner Ortega asked if the irrigation company would allow a bridge over the ditch. It was brought up this was for the creek not the irrigation ditch. Commissioner Neil would like the agreement to say they will abide by the ordinance 10-18 both the developer and the homeowner. Commissioner Faulkner is wondering if the agreement can say there are lots that need to be flagged and they will need to abide by the sensitive land use ordinance. Commissioner Skeen asked how far off the canal will the fence be. Parker indicated it would be on top of the slope. He did say the owner would own right up to the property line. Commissioner Faulkner wondered, is the reason that they are going onto land that they won't be able to do anything with to make the lot size bigger. Parker indicated it is using the land that is there. Commissioner Ableman mentioned when it comes to utility easements or irrigation easements the utility easement is part of the property and you now have state and city ordinances they would need to follow. Commissioner Faulkner understands but she is wondering if the homeowner will say that is my land I will do what I want with it. She is wondering if there is some kind of list that can be given to the homeowner so they know about the easements. She feels there should be some note made on those lots to say what their responsibility is. Chairman Maw wanted to know what everyone wanted to say in the agreement. Commissioner Faulkner would like something that will notify the land owners about the easement responsibilities and any sensitive land use. Commissioner Neil would like to identify the lots it will affect. Commissioner Ortega wanted to be clear on somethings. He said they have a concrete canal and it is going to be fenced and then there is a part between the fence and the canal. He is wondering how far is the fence from the canal. Parker stated on the lot side the fences for the homes for the lots will go on top of the slope to maximize the yardage. Commissioner Ortega is wondering if they put a gate there then they are walking through the gate right out to the canal. Parker said yes. Commissioner Ableman is wondering if there will be a 15-foot access to the irrigation ditch. Parker said there would be. He said it is a prescriptive easement. He said the fence around Parcel A will have the 15-foot easement; he also mentioned the irrigation ditch meanders off the property they are developing. Commissioner Ortega is wondering how far the property

Plain City Commission
Minutes of Meeting
May 22, 2025

line goes beyond their fence that you are going to fence off. Parker indicated it was about 30 to 40 feet. Commissioner Ableman stated it was like buying a 15,000 square foot lot and only being able to use 12,000 square feet. Commissioner Ortega is concerned about this. Dan loves the concept but does not like the liability to the city. Commissioner Neil mentioned Mitch Hunt who is on the board of Plain City Irrigation having the same concern about safety of kids and who would be liable. Commissioner Ableman referred to our ordinance 11-5-13 culvert requirements as long as the developer is following the ordinance he sees no problem with the subdivision. He doesn't know if we need an agreement because we do have ordinances in place for the developer as well as the homeowner to be held accountable to follow the ordinance.

Commissioner Ortega is still not sure about the developer fencing off 4,000 square feet of the homeowner's property. Parker is wondering if it is legal counsel who should be taking plannings recommendations and implementing them, he doesn't want to come back and get tabled ten more times as we go back and forth on the agreement text, he doesn't think it is fair. Commissioner Ortega is not good with everything his concern is the huge amount of property that is being fenced even though the homeowner owns it. He is wondering why they can't pipe the canal. Parker stated it is owned by the Army Corps. of Engineers. There was also discussion on setbacks.

Commissioner Faulkner motioned to recommend to approve the extension for Homestead Acres with some additions to the agreement to include lots that will be affected by sensitive land use and lots that are effect by the easement are specifically told about those two things. Commissioner Skeen seconded the motion. Commissioners, Neil, Faulkner, Skeen and Chairman Maw voted aye. Commissioner Ortega abstained. The motion carried.

Amended motion

Commissioner Faulkner motioned to approve the extension for Homestead Acres with some additions to the agreement to include lots that will be affected by sensitive land use and lots that are effect by the easement are specifically told about those two things. Commissioner Skeen seconded the motion. Commissioners, Neil, Faulkner, Skeen and Chairman Maw voted aye. Commissioner Ortega abstained. The motion carried.

9. Report from City Council: Commissioner Ortega

Commissioner Ortega stated city council had a long discussion with Kerry Gibson, who is a lobbyist for Plain City. Commissioner Ortega stated Mr. Gibson gets paid \$42,000 a year. He stated Mr. Gibson tried to get an extension for 2 years. City Council decided to review his contract in November of 2025. Commissioner Skeen said the disconnect comes from no one pushing the grants. Commissioner Faulkner stated that is what we are supposedly paying him to do to lobby for our city to get the grants. She stated that was the argument in city council. She indicated he doesn't fill out the forms he just tells us about the grants. Dan did say Mr. Gibson has helped us with a couple of grants that have gone through the state of Utah. Dan has filled out the paperwork for all the grants the city has gotten; Dan also stated the seven years he has been working here is has gotten the city 14 million dollars in grants. He did say they do push the grants but UDOT beats to its own drum and sometimes it is not worth it. He did say there is no such thing as free money in the long run it will cost us more by the time we get done spending it. Commissioner Skeen feels the city needs to hire or assign someone to hold whoever is working on these things accountable.

10. Commission Comments:

Chairman Maw stated we need to look into our ordinance and clarify the language in a developer's agreement and development agreement.

Plain City Commission
Minutes of Meeting
May 22, 2025

11. Adjournment

Commissioner Faulkner moved to adjourn the meeting at 9:15pm. Commissioner Skeen seconded the motion. Vote: Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. Motion carried.

City Council Meeting: June 5- Commissioner Skeen

2025					
MAW	NEIL	ABLEMAN	ORTEGA	SKEEN	FAULKNER
JAN 2	JAN 16 Ortega	FEB 6	FEB 20	MAR 6	MAR 20
APR 3	APR 17	MAY 1	MAY 15	JUN 5	JUN 19
JUL 3	JUL 17	AUG 7	AUG 21	SEP 4	SEP 18
OCT 2	OCT 16	NOV 6	NOV 20	DEC 4	DEC 18

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

Planning Commission Chair

Planning Commission Secretary