

Plain City Commission  
Minutes of Meeting  
March 27, 2025

Plain City Planning Commission met in a regular meeting at City Hall on Thursday, March 27, 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: Jacob Hansen, Bill Moyes, Todd Moyes, Lynette Singleton. Tauni & Dennis Singleton, Larry & Melisa Hadley, Joe & Amber Dunn, Tom Singleton, Zachery Cutler, Amy Hansen, Kent Hoggan, Becky Martin, Elaine Winegar, Wendy Davis, Gary Nielsen, Jennifer Reeves, Florence Hunter, Tom & Tim Favero, Parker McGarvey, Leann Kilts

Zoom Attendees: Mike Phillips, Micheal Moyes, Brandi

Welcome: Chairman Maw

Pledge of Allegiance: Commissioner Skeen

Moment of Silence/Invocation: Commissioner Maw

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 Neil mentioned talking with Craig Jensen after the TRC and indicated they talked about other options for the property he is looking at.
4. Public Comments: No comments at this time.
5. Approval of Meeting Minutes/Work Meeting Minutes for March 13, 2025  
**Commissioner Ortega motioned to approve all meeting minutes for March 13, 2025. Commissioner Skeen seconded the motion. Commissioners Ortega, Neil, Skeen, Faulkner and Chairman Maw voted aye. The motion carried.**
6. Technical Review Report: Deep Roots Investment (Craig Jensen) and Dr. Ben Hale Dental  
Commissioner Neil indicated Dr. Ben Hale would like to build a two-story building on the S Curve by where the IHC will go. He mentioned going over the height requirements he did say the landscaping plan was not included. He said they will go back and redo the landscaping plan. He mentioned Craig Jensen and Matt Hunt are wanting to do a development on 2800 N 3800 W on North Plain City Road, he stated it is zoned for

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RE-20 right now but the general plan states it can be RE-18.5, they are looking to do an overlay if possible. He did say the roads could be an issue. Dan will explain the road width situation. Dan mentioned they wanted to use the dirt road but it belongs to Papageorge and they would need to acquire his property to do this or find the 60 foot right of way on their property or split it between their property and Papageorge's property. Dan mentioned he talked to Papageorge and he is not interested in doing this at this time. Dan mentioned talking with the engineer and they could look at a rural road (50 foot) but they would still need to acquire some property.

7. Legislative Items:

Motion: Open Public Hearing for re-zone from A-2 to RE-18.5 approx. 2500 N 5100 W (David Pitcher/Ophir Mountain LLC)

**Commissioner Skeen motioned to open public hearing for re-zone from A-2 to RE-18.5 approx. 2500 N 5100 W. Commissioner Faulkner seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.**

Dennis Singleton lives on 2500 N his concern is the increased traffic. He was concerned this would be high density. He was wondering why they chose 2500 N for their second access. Chairman Maw wanted to clarify this was just for the rezone and some of Dennis's comments may not get addressed tonight. He did mention there may be a tremendous amount of new traffic. LeAnn Kilts doesn't mind the development but would like to know if this could be rezoned to smaller lots. Commissioner Faulkner stated the developer could do an overlay but the way the overlay is written it states we want trails in the city. She is just saying it is fair to say there is an ordinance for an overlay for this land zone. There could be open space like parks or other things. LeAnn was wondering what they were going to do about their sewer. Commissioner Skeen mentioned we have not seen any development plans and this is just for a rezone. LeAnn mentioned we want to be on our toes because this is the first. She said she is fine with this but not smaller lots. Commissioner Ortega mentioned the future land use does say they can rezone to RE-18.5. He did say they could use the overlay but it would have to benefit the city. Chairman Maw did mention the general plan may be open this year. He encouraged everyone to come and participate. Jenniffer Reeves lives on 5100, she asked what is the possibility to rezone to larger lots. Commissioner Ortega stated it would be up to the developer. She would like to stick to an acre out there. Tom Singleton has 5 acres just north of 2500. He wanted to know if the city wanted it to be ingress and egress. He stated the main development comes off the dump road. Chairman Maw stated we have not seen the plan yet so he couldn't answer the question. Gary Nielsen's question was if there is 200 feet width would that give enough for 60 foot right of way and houses along the road. He is wondering if planning is taking into account of any environmental factors, he mentioned there is a lot of water below the hill. Commissioner Neil indicated when they bring their site plan in and it might be required that they do larger lots. They will probably be asked to do a wetlands study and a Geotechnical study. Gary asked what reason would you not rezone would it be because it is not in the general plan. Chairman Maw indicated that would be one of the reasons. Gary was wondering if they would make an exception to the general plan for this land. Commissioner Faulkner indicated we don't like going against the general plan she indicated the future land use map show this property as RE-18.5. Commissioner Ableman stated we do recommend public input when the general plan is opened, he stated we will take the public's input into account. He did say he has never seen a decrease in density with a general plan, he encouraged everyone to come and be part of the general plan update. David Pitcher got up and wanted to know if he could comment on this. Chairman Maw asked if anyone online would like to make a public comment there were no more comments. Chairman Maw read a letter from a property owner (there was no name) it stated this proposal

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has been denied in the past due to the flood zone, what changed the rezone. He stated the Army Corps. had assessed their land and it was designated wetlands and a flood zone, the ducks and geese are now nesting the sewer plant was built in the 1970's and few upgrades have been made, thousands of homes have been built and new ones coming. How is the sewer going to handle the growth. A generator with a pump is running twenty-four seven, the north east corner it is 18 inches from going over the top and it stinks and is noisy. This is not acceptable where is the drainage going other than the surrounding ground.

**Commissioner Neil motioned to close the public hearing for re-zone from A-2 to RE-18.5 approx. 2500 N 5100 W (David Pitcher/Ophir Mountain LLC). Commissioner Ortega seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.**

Discussion/Motion: Discussion/Motion: For re-zone from A-2 to RE-18.5 approx. 2500 N 5100 W (David Pitcher/Ophir Mountain LLC)

David Pitcher mentioned he is happy to answer any questions anyone has; he gave his phone number 661-865-2945. He is happy to get calls or meet with anyone. He mentioned 2500 the main reason it is included because it does have a common owner and the city standards would have a 60 foot right of way going through there and with the remaining land on the south side they would put a row of houses. He did say Marriotts are willing to sell a 100-foot strip on the north side. They do plan on putting houses on both the Marriott side and the Winegar side. He did mention the international fire code only allows 30 homes on a single access; he was not sure how many homes were there already. He did say they need a secondary access which would go up to 2500 which would give the added benefit of looping the water down that road which should increase the water pressure on 2500 same with the secondary. The northern 15 acres of this parcel is being rezoned as per the future land use map. The northern acreage on the general plan does shows a park or public space, he said he didn't see it on the agenda but the northern acreage on the general plan shows a park. He indicated he was hoping the application showed they are requesting that be changed from agriculture to what the city envisions it to be. He indicated he is all for that being a park, because of this the square footage of the lots would drop. Chairman Maw said as part of your future site plan you will be ask to comply with sensitive land and coordinate with the Army Corps. Mr. Pitcher indicated he understood the steps he needed to go through. Chairman Maw indicated this is a legislative matter and that we will be recommending whatever we recommend to the city council and they will make the final decision. Then they will be back to talk about the site plan. Commissioner Faulkner stated a lot of times we get people here for the public hearing but they don't go to city council and sometimes things change there. She encouraged everyone to go and give their comments.

**Commissioner Faulkner motioned to recommend to City Council to approve the re-zone from A-2 to RE-18.5 approx. 2500 N 5100 W (David Pitcher/Ophir Mountain LLC). Commissioner Neil seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.**

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

Parker mentioned it has been about a year since they received approval for Homestead, he indicated it was by Stillcreek and they were acre size lots. He stated development has been delayed this past year hence the reason to extend. He is hoping to break ground sometime in June. Commissioner Neil stated he understood there were some water issues. Parker stated there were some secondary water issues but he did say they would provide a will serve letter they are involved with that right now. He indicated there were very extreme

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water issues where an acre size lot you would be limited to 4,000 square feet of sod which would create an acre size weed patch. He stated it would be hard to market and sell lots. He has been working with Mountain View to provide water. He said everything had been resolved. Commissioner Skeen asked if there was a law or rule that you could only have 4,000 square feet of sod. Parker indicated it was a mandate from Weber Basin that they were going to enforce onto Mountain View. He indicated they have gone a different route as far as the source of the water. Mountain View is not going to adopt this or enforce it. Chairman Maw mentioned previous minutes where they received final approval, he stated there were some conditions on there. Here are the conditions that he read. *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.* Parker stated everything had been taken care of. Commissioner Neil asked if he did have a letter from the irrigation company. Parker mentioned there is a note on the plat. Commissioner Neil wanted to know if the Plain City irrigation company was aware of what Parker was doing. Chairman Maw asked if he had a letter from them. He indicated he did not have a letter. Commissioner Neil would like to see a letter from them. Commissioner Faulkner mentioned it looks like this should be in the developer's agreement; she asked that Parker make sure it is in there. He said he would. Chairman Maw asked if we approve this without the letter. Commissioner Faulkner feels the approval needs to include those conditions again. Commissioner Neil feels we don't do final until everything is met. Commissioner Skeen wanted to know what the agreement on the irrigation ditch was. Commissioner Neil indicated the mayor wanted to see it buried. Parker mentioned the irrigation ditch was on the whole plat and they can't pipe it because it is deemed Army Corps. of Wetlands. Commissioner Skeen stated that was the canal not the irrigation ditch. Commissioner Ableman mentioned the ditch feeds the north end of the city, he agrees we need to get with the irrigation company to get their thoughts on this. Parker stated it currently carries water from A to B across the property and it will continue to do so. Just because it becomes platted lots it won't change the homeowner's ability or ourselves to take that away from the irrigation company. Commissioner Ableman is wondering how the irrigation company will maintain the ditch as a prescriptive easement. Parker indicated they are not proposing any changes to the utility. He said fences will be on the interior side of the lots even though they own to the other side. They could put gates or little bridges if they want to, as a developer home building we will be putting a fence between the backyard and the creek. Commissioner Neil referenced a letter he has received from the irrigation company. He mentioned that Mr. Christensen said to send any developer to them so they can review the plan. Commissioner Faulkner thought this would be fair because it has been a year and the letter is not there. **Commissioner Neil motioned to table extension for Homestead Acres. Commissioner Faulkner seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.**

Discussion: Development Agreement Ordinance - Hansen Group

Jacob is here from Hansen planning group. He gave an overview of why this was necessary. This is not considering a particular development but creating a framework for future developments and the building regulations is about public improvements to be completed before any building takes place. He mentioned this is the second draft and, in this draft, he added (1) making the developer pay for the city's time in reviewing all the plans. This draft is requiring the developer to put up a retainer and the amount can be changed but he put it at \$20,000 and replenish it as the developer draws from it. He did mention we could set the fee however we would like (2) defining the technical review by adding a short paragraph that the mayor can fill from city staff or outside council or whomever he chooses (3) adjusting some of the language and the purpose provision to

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emphasis this is not the main channel for development it is an exception. (4) adding language to split up formal development proposals. It was more of a language edit. He suggested developing a template for development agreement after working through the one we have with the Jacksons. Then you can pull out the things everyone agrees on and put them into a future template. Commissioner Faulkner would like to have a list of things that will protect us or things we should be aware of. Jacob mentioned if he was going to submit a development agreement, he would start with a term sheet and a map and once the big picture policy priorities were hammered out then he would zoom in and talk about more of the specifics then finally hand it over to the attorneys then they would hash out the language in the agreement. Commissioner Faulkner is wondering if they sell the property to another developer how does that agreement get enforced with the new developer. Jacob did say they did put in the ordinance that these development agreements do not run with the land. So, if the land is sold the new developer will need to come in and start a new development agreement. Commissioner Neil is wondering if there was a time limit on an agreement. He suggested reviewing the development agreement every time the general plan was reviewed. Jacob mentioned we received the grant from the state to update the general plan. Commissioner Faulkner doesn't like that it says 5 acres in the ordinance she feels it needs to be higher, she feels like it should be 10 acres. Commissioner Skeen feels it should be 100 acres. Some of the commissioners don't favor development agreements. Everyone agreed on changing it from 5 acres to 100 acres. Commissioner Faulkner mentioned the last page at the bottom where it says on 11-9-9 must include all written objections from the public, she thinks it should include objections from the minutes at the public hearing. On (b) it should say and all written and oral objections. Commissioner Ortega is wondering if we can add if the \$20,000 dips below a certain percentage the developer needs to replenish to get it up to the certain amount. Jacob stated it says the developer will replenish retainer when requested by the city. He said they can add something like if it dips below half or 80% the developer will need to replenish funds. Commissioners felt like 80% was good and it was suggested to consult with legal.

Discussion: Building Regulations Ordinance- Hansen Group

At the end of chapter 8 Jacob said it essentially says you can't get a building permit from the city until the final plat of a subdivision is recorded and all public improvements are required. This is in the subdivision ordinance and building regulations. All improvements would need to be made in each phase before you are allowed to get a building permit to build any kind of dwelling on it. Dan mentioned it is minimal stuff but they can't get final until it is all done. He said it would be all city improvements. Commissioner Ableman would like the new subdivisions to be the same as the existing grade of the surrounding properties. He is wondering if this would be the time to add something. Commissioner Faulkner thought this would be in the building standards, she asked Dan if he could look into this. Jacob will also look into this.

8. Administrative Items:

Discussion/Motion: Approval for Site Development, Commercial Existing Building- 2392 N 4350 W (Joe Dunn)

Joe stated this is at town square it's the building next to the dentist office. Everyone stated everything looked good.

**Commissioner Faulkner motioned to approve the site development plan for the beauty salon.**

**Commissioner Ortega seconded the motion. Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. The motion carried.**

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9. Report from City Council: Commissioner Faulkner

Commissioner Faulkner mentioned there is a new assistant fire chief his name is Casey Christiansen. She also mentioned Stacy Dixon came and talked about a theatre group and asked for a donation she also wanted to do a play this summer. Commissioner Faulkner thought this would be a good Founders Day project to try and get it going again. She mentioned Dan getting three grants one to improve the splash pad and one to remove the chain link fence at the lion's club and the third for Collin Ray coming over the 4<sup>th</sup> of July. She indicated we applied for a grant for the general plan for \$85,000 but we were approved for \$120,000. Matt Gwynn gave an overview of the bills that were done at the state legislature. Jason Jacobson and his family came she said the family makes benches out of skateboards in honor of their son who committed suicide his name was Mason; they make Mason benches. They are looking for skateboards or if you want to donate money you can find the information on the city's Facebook page. The mayor asked if they would do one for the 4<sup>th</sup> of July raffle. The mayor had a special request for planning, he would like to see a conditional use for commercial A-1 and A-2 also on detached accessory dwellings he wants to have a timeline between building the accessory and living in it while building your primary dwelling.

10. Commission Comments:

Commissioner Skeen would like to know if we have a standard for trails. Tammy will send the map of trails to everyone. He mentioned the irrigation ditch at Homestead, he said in our ordinance it says if they are in a subdivision they need to be piped or fenced. Commissioner Faulkner thought the easement was part of the subdivision not the ditch, it was unclear. She mentioned the irrigation committee requesting a letter she thinks we need to make this part of our ordinance. She feels the developer needs to have a meeting with the irrigation company or invite them to come to the technical review meetings. She asked if David Skeen was developing already. Dan mentioned that is the county not the Skeen subdivision. Commissioner Neil talked about the secondary water that Craig Jackson is wanting to do. He suggested they need to run it through a series of tests before it can be approved this would be at their expense. Commissioner Ortega has a concern about fencing the ditch off at Homestead. He feels it is taking part of the land from the property owners and he doesn't feel comfortable doing this. Chairman Maw was approached by the amphitheater committee, he mentioned doing a presentation to city council on the recreation center/amphitheater then he will bring it to planning. Commissioner Skeen mentioned he had called the water rights division after the last meeting. He stated the application and the approval they have right now is for irrigation and livestock. He mentioned the person at the state said if they want to sell it or use it for commercial or subdivision use, they will need to fill out a form called the declaration of beneficial use it would have to be reviewed and evaluated for a different use. He also said the water rights are co-owned with the Etherington's. He indicated both parties would have to sign off on it and be approved. Commissioner Skeen said these were just his notes.

11. Adjournment

**Commissioner Faulkner moved to adjourn the meeting at 9:02pm. Commissioner Neil seconded the motion. Vote: Commissioners Ortega, Neil, Faulkner, Skeen and Chairman Maw voted aye. Motion carried.**

City Council Meeting: April 3- Chairman Maw

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| MAW              | NEIL                        | ABLEMAN          | ORTEGA            | SKEEN            | FAULKNER          |
|------------------|-----------------------------|------------------|-------------------|------------------|-------------------|
| <del>JAN 2</del> | <del>JAN 16</del><br>Ortega | <del>FEB 6</del> | <del>FEB 20</del> | <del>MAR 6</del> | <del>MAR 20</del> |
| 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