

Plain City Commission
Minutes of Meeting
September 26, 2024

Plain City Planning Commission met in a regular meeting at City Hall on Thursday, September 26, 2024, also accessible via ZOOM beginning at 7:00p.m.

Present: Chairman Jenkins
Commissioner Faulkner
Commissioner Skeen
Commissioner Ortega

Excuse Commissioner Maw
Commissioner Neil

Staff: Tammy Folkman, Dan Schuler

Attendees: Brian and Susan Goldsberry, Roger Cannon, Michael Cederquist, Jacob Johns, Mark Peterson, Joe Marsh, Rick Scadden, Buddy and Marilyn Sadler, Robert Seager, Steve Diamond, Wendy Wiser, Brenda and Doug Koenig

Zoom Attendees: Mike Phillips, Debbie Robinson, Charis Sully

Welcome: Chairman Jenkins

Pledge of Allegiance: Commissioner Faulkner

Moment of Silence/Invocation: Chairman Jenkins

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

Opening Statement: Chairman Jenkins

2. Ex Parte: Commissioner Faulkner received a phone call from Susan Goldsberry about the public hearing tonight, she encouraged them to come and give their comments. Chairman Jenkins said he talked with someone about the land on the S Curve on the south side, he indicated they were interested in purchasing some land for commercial buildings, he couldn't remember their name, he will tell everyone next time we meet.

3. Public Comments: none at this time

4. Approval of Meeting Minutes for September 12, 2024

Commissioner Ortega motioned to approve meeting minutes for September 12, 2024. Commissioner Faulkner seconded the motion. Commissioners Skeen, Faulkner, Ortega and Chairman Jenkins voted aye. The motion carried.

5. Technical Review Report: no report, Chairman Jenkins did say there will be a technical review on October 1, he is not sure if he will be able to attend. He may be reaching out to everyone to see if someone else can go.

Plain City Commission
Minutes of Meeting
September 26, 2024

6. Legislative Items:

Discussion/Motion: Subdivision Amendment for Stoney Brook at 2668 N 3850 W and 2688 N 3850 W for Michael and Robin Cederquist, Jacob and Whitney Johns

Michael and Jacob are here tonight to talk about the subdivision amendment. Chairman Jenkins was wondering who lived on lot 10, Jacob said he did. Chairman Jenkins asked if he was giving land in the back and getting land in the front? Jacob stated he was giving land in the front and consolidating two parcels in the back. Commissioner Faulkner asked if there would be a nonconforming lot? Jacob indicated there would not be. Commissioner Skeen stated that we don't have a plat showing the old lot numbers just the new lot numbers. Commissioner Faulkner said it was confusing for us. Michael mentioned that on lot 11 he had a very long arrowhead piece at the back, he traded that with Jacob and received land in the front.

Commissioner Faulkner motioned to recommend to City Council to approve the subdivision amendment for Stoney Brook at 2668 N 3850 W and 2688 N 3850 W for Michael and Robin Cederquist, Jacob and Whitney Johns. Commissioner Skeen seconded the motion. Commissioners Faulkner, Skeen, Ortega and Chairman Jenkins voted aye. The motion carried.

Discussion/Motion: Subdivision Amendment for Stoney Brook at 2689 N 3850 W for Doug & Brenda Koenig

Chairman Jenkins asked if they were just taking in a new piece on the back lot and adding it to their parcel. Doug indicated that was right.

Commissioner Skeen motioned to recommend to City Council to approve the subdivision amendment for Stoney Brook at 2689 N 3850 W for Doug and Brenda Koenig. Commissioner Ortega seconded the motion. Commissioners Maw, Neil, Faulkner, Skeen and Chairman Jenkins voted aye. The motion carried.

Motion: Public Hearing – for Conditional Use Permit for Cluster Subdivision for Marsh Mountain View Estates – Joe Marsh

Commissioner Faulkner motioned to open public hearing for conditional use permit for a Cluster Subdivision for Marsh Mountain View Estates. Commissioner Ortega seconded the motion. Commissioners Faulkner, Skeen, Ortega and Chairman Jenkins voted aye. The motion carried.

Chairman Jenkins mentioned that we will limit the comments to 3 minutes. Steve Diamond mentioned this project affects him probably more than anyone else in the city, because he is right across the street from it. He has a couple issues with this. One, do we need a pocket park for toddlers, the elementary school is only 1,000 feet away and has the best playgrounds in town and the only time it can't be used is during school and the kids are already there so this would be a park for 3- and 4-year-olds. He stated if the city determined they needed another toddler park the question would be the location. His issue is, where it's proposed to be on the plat is on 2200, it is already a crazy road; he would not like to see a park there. If it is determined that it is needed, the park should be interior to the project and the impact would only be on those who will buy the homes. The other thing is the cost. The developer is going to get three extra lots out of this and in today's market that is six hundred thousand dollars of value and he is going to give you an acre of ground? He is hoping that if we go with this the developer gives the city the playground equipment as well as restrooms and parking lot. He doesn't think this is a great location for a park. Brian Goldsberry said he has been a lifelong Plain City resident, before he tells them why he is against this he would like to tell planning commission why he moved out here. He moved out here for the small-town feel, this cluster subdivision does not meet a small-town feel. Brian mentioned there are 15 lots under the RE-18.5 requirement, he said

Plain City Commission
Minutes of Meeting
September 26, 2024

10 of the lots don't meet the frontage requirements. Two of the lots have 6 sides to them, he feels it is a terrible design. Roger Cannon mentioned he is trying to find some answers to his questions. He mentioned the cul-de-sac does not meet the city code, as well as the 100-foot frontage is not met on some of the lots. He stated one of the short roads is a poor plan entering the more traveled road at a right angle with a clear intersection as suggested by the city code. He indicated there is an angle to the road that doesn't meet the city code. He mentioned there was talk about an HOA, he is hoping that won't be considered. He stated cluster subdivisions allow for smaller lots but also allow for minimum yard setbacks to be smaller, he feels this allows the homes to be a lot closer than they should be. He is concerned about firefighters trying to get in between them. He questions the reasoning of having two different subdivisions on one parcel of land, just to be able to have a cluster subdivision. He feels this is the wrong way to go. He does support the developer at RE-18.5, but not as a cluster subdivision and does not support the open area at all. Buddy Sadler, feels this is not a very good use of a cluster subdivision. He mentioned the open space for a park so close to the school doesn't make sense. Buddy mentioned 2200 is a dead-end road and does not have good access. He doesn't have a problem with the lots being RE-18.5 he feels we should hold them to that. He indicated he helped build the cluster subdivision ordinance and it wasn't met for this type of design, he does think the cul-de-sac looks a little long. There doesn't seem to be a lot of connectivity to the other properties to the east of him. He would suggest we deny the cluster subdivision he doesn't think it is the right place for it. Robert Seager, is on board with the other comments, he said he was against the rezone to RE-18.5, he doesn't feel the cluster is a good fit there. He did say in certain cases there is a need for it, but he is hoping it gets denied. Steve mentioned the roads don't align on 2200, the width of the road dead ends to the east if it stays at the current alignment the house on 2200 will lose its entire front yard and be nonconforming. Susan Goldsberry, mentioned when they put in the new road by her subdivision, she knows the speed limit did not change but everyone speeds along there. Putting a road all the way through will be a new race way for the kids driving through, then to turn onto 2200 where the park would be, she feels like it will be a huge danger zone. She doesn't feel like a cluster subdivision will fit there with what the two other subdivisions look like.

Commissioner Faulkner motioned to close public hearing for conditional use permit for a cluster subdivision for Marsh Mountain View Estates. Commissioner Ortega seconded the motion. Commissioners Faulkner, Skeen, Ortega and Chairman Jenkins voted aye. The motion carried.

Discussion/Motion: Conditional Use Permit for Cluster Subdivision for Marsh Mountain View Estates – Joe Marsh

Chairman Jenkins invited Joe and Mark to come to the podium, he asked if Joe knew the length of the cul-de-sac. Joe indicated he did not but he thought his engineer made sure it was compliant. He indicated unless the person who made the comment is a civil engineer he is not qualified to make that statement. He said the 100-foot frontage on a cul-de-sac doesn't measure straight distance on the front, it is from the setback and it does meet the 100-foot frontage. He did say when they do the subdivision application, he will make sure everything is up to code. There was discussion on the cul-de-sac length. Commissioner Faulkner told Mr. Marsh that she was not very happy with him, she indicated the last time he was here he wanted to do a cluster subdivision and we told you it had to be 25 homes that is what the ordinance reads. She feels like he took his map and carved out 25 homes then threw in a half-acre park. If you read through our ordinance this is clearly not the intent, she feels like maybe he is taking advantage. She said last time someone said maybe you should split the two developments so you could do your cluster. She feels like he used this all to his advantage not thinking about the residents here in the city. She again stated she wasn't very happy when she saw what he sent. Joe stated those are very interesting comments, he asks Mark to come up and address them because their

Plain City Commission
Minutes of Meeting
September 26, 2024

understanding is the opposite of what you just said. Commissioner Faulkner mentioned there is no way the ordinance would want a little pocket of regular RE-18.5 surrounded by a cluster subdivision, it is not the intent to surround another development. Mark stated it was a suggestion coming from the city in that direction so that is why they did it. Commissioner Faulkner thinks if both of them were to live right next to this they would not want to live there. She mentioned in the meeting if the residents wanted a park, she probably would support it, but clearly, they are not in support of it and that is where she is too. Commissioner Skeen is confused about the plat; he is wondering is there two subdivisions or one. Joe is asking for the one subdivision which is highlighted around the other. Commissioner Skeen is asking what is in the middle of the plat. Joe indicated it would be another subdivision. Commissioner Skeen is wondering when you develop this are you going to be coming off of 2200 with a fully improved road, then will it cut into a half-improved road. Joe indicated he would do all the infrastructure at the same time. Commissioner Skeen wasn't sure if you would be allowed to do that without approving both subdivisions at once. Joe said he could get both subdivisions approved at the same time. Commissioner Skeen stated they couldn't approve this one at this time because it is showing half roads not full roads. He isn't sure how this will work, he also asked what Joe's plans are for the open space. Joe indicated in the event there is no cluster subdivision there would be no open space. Commissioner Skeen mentioned per the ordinance there needs to be a plan of what the open space would be developed to, what it will look like and how it would be landscaped. Joe stated it was left in the planning committee's court whether they wanted to take over the land and decide what to do with it. He said his original proposal was to have it in the middle of the subdivision with an HOA, he indicated the feedback he received was negative on an HOA. He stated the long skinny park would have been just for the people paying for the HOA. He indicated the feedback was to have a park for all the residents in the vicinity and to put it on 2200 North. He mentioned this was not his preference, he stated it is what they understood as the feedback. Commissioner Faulkner agreed about the feedback because with the park being on the street it would make it more accessible for everyone. Commissioner Skeen mentioned the other question he has is before the cluster subdivision could be allowed there would need to be agreements with Joe, as the developer on what you are going to do with the open space in conjunction with the city before the subdivision would be allowed. He asked if Joe was prepared if this subdivision was to move forward to fund and install a park. Joe indicated it depends on what the requirements are within reason, he said the answer would be yes. He said the reason he didn't bring anything on the open space was because he thought the planning commission was going to decide what they wanted and take it over as a city. Commissioner Skeen mentioned after it was all approved and done then the city would take it over and maintain it, in most cases. He did say the city and the developer would work together on how the park would be developed. Commissioner Skeen was wondering what was coming down through lots 114 and 115. He thought there was a fence coming down through lots 113, 114, 115 and lots 105, 106 he said there were two lines running through there he thought one was a fence and maybe a sewer. Joe indicated it was an irrigation line that will get rerouted. Commissioner Skeen is wondering about the one in lot 105. Joe indicated it was an irrigation ditch and a fence, he did say there is an irrigation pipe that is above ground it has been covered with dirt and it will be the one that gets rerouted between lots 112, 113. Commissioner Skeen indicated on the plat right now it is showing a line going through lots 105, 106 and that line will move over to the other line in the cul-de-sac? he is wondering if they are the same or two separate lines. Commissioner Ortega stated he has said before he doesn't feel this is the right spot for a cluster subdivision with how busy the roads are on 3600 and 2200. He is worried about the kids crossing the street right there, he has the same concerns as what has been talked about. He doesn't like the idea of making the homes smaller, but he indicated Joe had the right to submit it. Chairman Jenkins mentioned looking through the cluster subdivision's purpose and intent and reading it, he stated the last

Plain City Commission
Minutes of Meeting
September 26, 2024

sentence says *it is not intended that this type of subdivision be universally applied but only where circumstances or natural features and land make it appropriate and of a special benefit to the residents of the subdivision and surrounding area.* Based on this presentation he doesn't think this meets that intent. He indicated he also does not support this.

Commissioner Faulkner motioned to recommend that we deny the conditional use permit for a Cluster Subdivision for Marsh Mountain View Estates. Commissioner Skeen seconded the motion. Commissioners Faulkner, Skeen, Ortega and Chairman Jenkins voted aye. The motion carried.

7. Administrative Items:

First Review: Brynlee Acres Subdivision RE-18.5/Senior Overlay approx. 3415 W North Plain City Road- Rick Scadden

Rick Scadden, mentioned we have been down the road with this one, and we are here to talk about the plat approval. He indicated he had received the engineer's comments and he mentioned they have been dealt with. He stated they have gotten comments from Bona Vista Water and they have answered them but don't have an affirmative yet. Commissioner Faulkner indicated the development agreement had been signed and notarized. Rick stated it had been recorded at the county as well. Chairman Jenkins was wondering if this is the one they looked at two years ago. Commissioner Faulkner asked Rick if he had seen the comments from September 12 from our engineer and if so, have they been addressed. Rick indicated he had seen the comments and sent them back to Mr. Jensen. Chairman Jenkins wanted to make everyone aware that this is our first review and we will not be making a motion on this tonight. He stated it is a review for planning to ask questions and get everything cleared up then we will do a final. Commissioner Skeen asked about the fire lane and ask Rick if he was going to pave it. Rick said there will be curb and gutter and the curb will be painted red and it will be paved as well as no parking signs. He said it will be a temporary situation as they are working with Nilson Homes to the east, they have purchased that property and plan to connect to Brynlee Acres subdivision. Chairman Jenkins indicated Rick was using the fire lane as a second access. Rick stated it would only be an egress. Chairman Jenkins asked if it was going to have a gate across. Rick indicated the fire department requested to not have one, but he is fine putting one up. He also mentioned they have requested a one-way sign and a do not enter sign out on North Plain City Road. Chairman Jenkins asked if the road was 20 feet. Rick said it was. He did say it will be like this for maybe one to two years and then he would like to put some poles out there and make it a walking path, but for right now it will be used as an egress only emergency exit. Rick did say his design team and Nilsons design team are working on getting utilities and the streets to line up on the east side. Commissioner Skeen mention there being a little bit of a discrepancy. Rick said there was and that is why there was the slight change. He said the road was moved a little bit to accommodate us working together, it was the stub road. Commissioner Skeen is wondering who the secondary water is. Rick stated it is Pineview and he has enough shares for water. Commissioner Skeen asked if the street width would match what is going in at the Nilson subdivision. Rick stated the county is making them do a lot wider road, he said his are private roads as well as the utilities they will all be his responsibility until the HOA is established. Commissioner Skeen asked what the density was per house. Rick thought it was less than 5. Commissioner Skeen asked about the irrigation ditch running through the property. Rick indicated it was abandoned. Commissioner Skeen was wondering about how much open space there was. Rick stated it was about 17%, he did say our ordinance requires 15%. Commissioner Skeen wanted to know if any of the ground was for utility easements. Rick said it was the same ground as the rest of the subdivision. Commissioner Skeen asked Rick if he had a plan of what the open space would look like. Rick indicated there will be a small clubhouse, pickleball court and a walking trail. Commissioner Ortega

Plain City Commission
Minutes of Meeting
September 26, 2024

asked if the road conforms with what the fire department wanted. Rick indicated it did and that there is a letter in commissioners' packet from them. Commissioner Ortega said when you do connect to the future growth will the fire department no longer need the road. Rick indicated they would not need the secondary egress. Commissioner Ortega indicated he likes the idea of putting up poles and making that a walking path. Chairman Jenkins mentioned the process going forward is Rick will be back in a couple of weeks for another review, if he has all comments answered from our engineer. Rick stated the comments went to our engineer directly from his engineer. Tammy did not receive those. Rick mentioned he would email them on Friday to her.

8. Report from City Council: Commissioner Skeen

Commissioner Skeen indicated there were just the two things, that were at our last meeting. River Crossing Phase 3, he said everything had been addressed. He said they agreed to vacate and it was approved. Hunter Run Subdivision was also approved. He did say city council have saved a little money for the Colin Ray concert for next 4th of July.

9. Commission Comments:

Commissioner Skeen wanted to let everyone know he was not in favor of the cluster subdivision, he said he had a lot of questions to bring up. Commissioner Faulkner wanted to state that cluster subdivisions are an option for our city because they can be a good thing, it wasn't the right spot for it but it doesn't mean that they are a bad option. She also mentioned we get a lot of people saying we need more parks in the city, probably a bigger one than the one being proposed. She does like the idea of smaller and bigger lots mixed she feels it is a good way to make people in smaller lots not feel excluded. She likes the idea of a cluster but didn't feel it was the right spot. She is hoping 3600 West is moving forward. Dan said they are done putting the utilities in Robson Farms. He did say they have a meeting with UDOT on October 5, he said they have an end date of November 2025 for the road to be completed.

10. Adjournment

Commissioner Faulkner moved to adjourn the meeting at 8:02pm. Commissioner Ortega seconded the motion. Vote: Commissioners Faulkner, Skeen, Ortega and Chairman Jenkins voted aye. Motion carried.

City Council Meeting: October 3- Chairman Jenkins

Plain City Commission
Minutes of Meeting
September 26, 2024

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	MAY 16	JUN 6	JUN 20
JUL 4	JUL 18	AUG 1	AUG 15	SEP 5	SEP 19
canceled	Jenkins				Ortega
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