

Plain City Commission
Minutes of Meeting
September 12, 2024

Plain City Planning Commission met in a regular meeting at City Hall on Thursday, September 12, 2024, also accessible via ZOOM beginning at 7:00p.m.

Present: Chairman Jenkins
Commissioner Maw
Commissioner Faulkner
Commissioner Skeen
Commissioner Ortega
Excused Commissioner Neil

Staff: Tammy Folkman, Dan Schuler

Attendees: Jonathan Grover, Tom & Tina Favero, Ernest Rowley, Jeff Hales, Amy Roskelley

Zoom Attendees: Inya Bidness

Welcome: Chairman Jenkins

Pledge of Allegiance: Chairman Jenkins

Moment of Silence/Invocation: Commissioner Maw

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

2. Opening Statement: Chairman Jenkins

3. Ex Parte: Commissioner Faulkner had a conversation with Steve Diamond about the property that Joe Marsh owns. Commissioner Maw spoke with Jake Weston about frontage on a corner lot and lot size for a duplex.

4. Public Comments: Johnathan Grover is an attorney with Evans, Grover and Bindess from Tremonton Utah. He is here representing David and Thomas Favero, who own several parcels of property that abut the River Crossing subdivision phase 3. The property parcel numbers are 150270030,150270057,150027034,15027058,15027036,150270004. Johnathan stated that River Crossing Phase 3 is seeking an amendment to the subdivision lot 84 to create a proposed lot 85. He stated part of the proposed survey amendment incorporates land that is owned by his clients. He indicated it is identified as Parcel A on the first amendment, amending lot 84 survey provided by Gardiner Engineering for developer Jeff Hales. This property consists of an L shaped parcel, there is a long-established boundary fence that is between lot 85 and the Favero parcel it is present on the north and east. He stated that his client has not petitioned the planning commission for this amendment nor have they consented at this time to executing the pending survey plat, which is required by UCA code 10-9a- 603-604 and 10-9a-608-609. If the survey plat should be prematurely approved it would wrongfully encompass property that is owned by his client and force them to seek an amendment down the road, since they are the true owners of Parcel A. He mentioned the survey has a couple of errors that the planning commission should fix prior to its adoption. The first is a bearing and distance seems to be missing on one of the lines, the second is the southern boundary of lot 85 encroaches on the Warren Irrigation property. The Warren Irrigation owns a 99-foot-wide strip on the

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southern boundary which is not reflected properly on the plat. He indicated their position as Utah law requires that these corrections be made to the plat prior to its approval. His clients request the plat only be approved on the condition that the land owners are willing to execute a quick claim deed to them for Parcel A. Once those corrections are made and the city approves the plat, the city should vacate Parcel A from the subdivision entirely. Parcel A should be then deeded to the Favero's then be recorded before the vacating ordinance and after any amended plat. Alternatively, the process should be to deed the Favero's Parcel A and city vacate that parcel from the subdivision, then the plat can be modified and leave the Favero property off. Commissioner Maw asked if this is the first time this has been brought up? He was wondering if they had talked to the developer previously. Johnathan did say there have been some conversations, he indicated he had a conversation with our city attorney, Johnathan stated our attorney wasn't going to be here tonight and to present what he had to the planning commission and if there were any questions planning could direct those to him. Commissioner Faulkner mentioned that River Crossing was approved years ago, she mentioned that nothing has been said until tonight about this lot line. Johnathan said this parcel has not been part of the subdivision until now. Commissioner Maw and Faulkner indicated it was part of the subdivision it has a lot number already. Commissioner Faulkner mentioned it was included years ago when River Crossing was approved and there was no dispute brought up clear back then. Johnathan was not aware of that. Commissioner Faulkner is wondering if there was anything brought to the planning commission years ago. He indicated his clients have been to several of the planning and city council meetings. Tom stated he has the original plat. Commissioner Skeen stated it had been recorded with the county. Johnathan said Phase 3 was recorded in February of 2024. Commissioner Faulkner read a note that was on the plat they have. It says *Parcel A is to be deeded to the adjacent land owner*, whom is Tom Favero. Commissioner Faulkner asked if this was going to solve their issue. Johnathan said there have been conversations to deed Parcel A to his client and he believes they are still in agreement to do that but his concern was that Parcel A is listed on the subdivision plat, so if and when his client decides to develop, he will need to come in and amend the subdivision plat for this particular lot. Commissioner Maw stated the plat he is looking at says *Parcel A is not approved for development at this time*. Commissioner Faulkner is wondering if there is a way to give it to the adjacent land owner without it being part of the subdivision. Commissioner Maw mentioned talking to our lawyer about this. Commissioner Faulkner indicated Jonathan and his client are okay with getting the land they just don't want it being part of the subdivision. Jonathan stated that is correct. Tom mentioned he wants it resolved and in the right way. Commissioner Faulkner asked Johnathan if he had a resolution on how it should be done. He indicated they have a surveyor here tonight. Ernest Rowley with Land Mark Survey, Ernest said it was mentioned by Johnathan that Tom could have a single parcel and not have to come back and do an amendment on this particular subdivision later in time. He indicated to remove Parcel A out of the subdivision it would be required for the city to vacate Parcel A out of the subdivision. He indicated that is the only way to get that taken out. He stated whatever the process is that planning goes through, a vacating ordinance is necessary to make that happen. Tom Favero stated he is the adjacent land owner and he is fine with how this is being done as long as we do it in the procedure that his professional people want it done. If it doesn't get done that way, he doesn't want it resolved tonight. He wants it completely done when he gets it back. So, at a later date we don't have hurdles to stumble over and he is tired of spending money on his own property over and over again because someone did something earlier in time and it ended up costing him down the road when he would like to do something with it. Dan mentioned that we need to make sure we look at the development agreement, and make sure we are following what it says in there. It states in there that the lot is not to be subdivided. He is wondering if we need to do another development agreement with this change. Commissioner Faulkner stated it is not being subdivided it is just changing the lot number because they are

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taking Parcel A off and hopefully vacating it. Dan just wants to make sure we are following the development agreement. Tom said what Dan is saying is he thought you were giving me lot 84 and making a new lot 85. Chairman Faulkner read where it says, lot 84 is a single-family residential lot and cannot be subdivided any further. Lot 84 will be the new lot 85 because of the subdividing. Ernest feels there is a misunderstanding about lot numbering, on the original plat it is lot 84. The reason it has changed to lot 85 is because we are over platting lot 84 and in the counties records in plat amendments they don't like seeing duplicate lot numbers. Lot 84 will go away and be replaced with lot 85 and Parcel A will be vacated out per state code.

5. Approval of Meeting Minutes for August 22, 2024

Commissioner Faulkner asked Tammy if she made the changes she suggested. Tammy indicated she did make all changes.

Commissioner Faulkner motioned to approve meeting minutes for August 22, 2024. Commissioner Maw seconded the motion. Commissioners Maw, Skeen, Faulkner, Ortega and Chairman Jenkins voted aye. The motion carried.

6. Technical Review Report: none at this time

7. Legislative Items:

Discussion/Motion: Subdivision Amendment for River Crossing Phase 3, lot 85 4925 W 1500 N Jeff Hales
Jeff Hales is here representing the Marriott family. He stated everything they have been talking about is exactly what they are trying to do, he said they have no problems with it. He thinks that maybe some of the people who spoke before were not privy to some of the things he is trying to do as far as the quick claim deed. He mentioned the land owner Tom, was out at the property and set the stake, where he wanted it to be. Jeff mentioned his surveyors were there and surveyed it according to where Tom wanted it to be. He indicated this has created Parcel A that has been talked about, which is now going to be part of an existing tax ID number and it will not be part of the subdivision any longer. In the legal description for that parcel, it will including the legal description of the parcel that we are deeding to Mr. Favero. He feels it solves the problem; we are totally in agreement with whatever to get the land to Tom. He stated lot 84 will be abandoned and lot 85 will be the amended lot. When they do the development agreement lot 85 will replace lot 84 and it will state that lot 85 can never be developed. It will record at the same time the mylar does for the plat. He doesn't have any problem as far as the canal goes, he stated you cannot change the way the canal goes. He did say they have a prescriptive right to maintain it and operate it. The owner ship of the canal is touch and go through the whole thing; he did say there are policies in our bylaw that states that if they fence the canal, they are responsible for it. He did say Warran Irrigation has all these things covered. Whatever their concerns are we have no problem, the Marriotts said let's make it right. He did say once they stake it, people are aware of where it is and what people claim their ownership is, is now very visible. He mentioned you can't tell by a plat where the property markers are until we stake it. He stated Greg Shepard and Tom are working things out to where it needs to be. Jeff said Tom just wants to make sure that when he decided to do something that this little sliver of ground doesn't create a problem with him. He feels like everything is resolved with the quick claim deed. Commissioner Maw indicated that all the review comments from our engineer have been addressed. He was also wondering if the development agreement needed to be amended. Chairman Jenkins thought it would need to be. Jeff indicated they would just change lot 84 to lot 85 in the development agreement. There was talk about Parcel A getting its own parcel number and planning commissioners were in agreement that by separating Parcel A it would no longer be in the subdivision anymore. Jeff said it will be included in the north tax ID number and whatever that number is

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Parcel A will be included in with it and will no longer be identified as Parcel A. Commissioner Faulkner feels we should move forward on this tonight and if the city needs to take the step of vacating, then we should figure out how to do that. Commissioner Maw mentioned this would be a separate action. Jeff mentioned if you incorporate it in additional tax ID number it shouldn't need to be vacated. He did say you can't have the lot the same number as before the amendment. Commissioner Maw mentioned when this gets changed it will affect the lot to the north. Jeff thought the subdivision amendment would take care of vacating it. He did mention Tom saying do the right procedure but as of right now nothing has been done wrong, it hasn't been recorded yet, if we meet the concerns they have and fix them everything should be right. Commissioner Faulkner asked Jeff about the addendum in the development agreement, it says this is a PRUD. Jeff indicated the subdivision was approved as a PRUD a long time ago and that is why they have this big lot; it was the tradeoff.

Commissioner Maw motioned to recommend to City Council to approve the subdivision amendment for River Crossing Phase 3 lot 85 approx. 4925 W 1500 N. Commissioner Skeen seconded the motion. Commissioners Maw, Ortega, Faulkner, Skeen and Chairman Jenkins voted aye. The motion carried.

Discussion/Motion: Subdivision Amendment for Hunters Run approx. 1650 N 3500 W Amy Roskelley
Amy Roskelley mentioned she met with Dan a couple of months ago to try and figure out how to get Hunters Run off the books, and this is the solution they came up with. They are taking the parcel with the retention basin on it and giving the city a new access to the lift station and amending the lot into a couple of building lots. They don't own the property to the west, that is why they did a half road construction so they could get improvements into the other lots. When Heslop's sell then they can go in and put the rest of the improvements in. Amy mentioned the fencing on the engineer's notes, she said they would not like to have to put that in at this time until they can talk with the people who will be buying the lot adjacent to it. She mentioned what they have done in the past is to agree to put a fence up at a certain price per foot and if they want to upgrade to a different type of fence then they can pay the difference. She would like it in the notes that they will do that when the time comes to put up a fence so they can work with the homeowner, so they are not putting up a fence that may not match or that the owner may not want. She also said on the paving they would like to differ until they do the road. Dan stated he is good with the road base in there until after winter. He would like to get a utility easement on the sewer man hole where it goes up outside of the road to the adjacent property to the south, he would like an easement over that sewer main that goes up into the lift station. So, if they have to do any maintenance they are not going onto someone else's property. Amy mentioned on the temporary turn around to add a description that we do a temporary public utility easement there and when that road develops it will be dedicated already.

Commissioner Faulkner motioned to recommend to City Council to approve the subdivision amendment for Hunters Rune Phase 2 approx. 1650 N 3500 W and recognize that there will be an additional easement put on the plat for access to the sewer line. Commissioner Ortega seconded the motion. Commissioners Maw, Neil, Faulkner, Skeen and Chairman Jenkins voted aye. The motion carried.

8. Administrative Items: none at this time
9. Report from City Council: Commissioner Ortega
Commissioner Ortega is reporting for Commissioner Faulkner. He stated they had the conditional final for Palmer Heritage Subdivision he said there was a problem with the storm drain and it was denied the

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conditional final. Dan mentioned they need to have a storm drain box put in. Commissioner Ortega said re-final approval for Freedom Estates was approved. He mentioned we are trading a truck and getting fence panels. The Mayor mentioned he is trying to get Collin Ray for next fourth of July. Commissioner Ortega said all the country fans are very excited and the rest of us are confused.

10. Commission Comments:

Commissioner Maw had a conversation with Jake Weston on where a duplex is allowed and how it would be done, and to define frontage on a corner lot. He suggested we clean up the definition of Duplex. Chairman Jenkins is wondering if it would look terrible if a duplex had an entrance on each street? Commissioner Faulkner indicated we don't allow single homes to do that. Commissioner Maw said it was restricted on a corner lot. Chairman Jenkins stated we should look into changing the definition for Duplex and the definition of frontage on a corner lot. Commissioner Faulkner wants to state for the official record that she is not happy about the State flag, that is flying in this room, she feels we should use the traditional State flag and not this new one, it is very controversial and how it even came to be approved. She said it was not by the voice of the people but was ran through by a legislature coming from California trying to redesign our flag and she is not happy about it. Chairman Jenkins suggested to Commissioner Skeen to bring it up to city council.

11. Adjournment

Commissioner Ortega moved to adjourn the meeting at 8:10pm. Commissioner Faulkner seconded the motion. Vote: Commissioners Maw, Ortega, Faulkner, Skeen and Chairman Jenkins voted aye. Motion carried.

City Council Meeting: September19- Commissioner Skeen

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				
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