

Plain City Commission
Minutes of Meeting
June 27, 2024

Plain City Planning Commission met in a regular meeting at City Hall on Thursday, June 27, 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: Craig Jensen, Michael Phillips

Zoom Attendees:

Welcome: Chairman Jenkins

Pledge of Allegiance: Commissioner Faulkner

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 Skeen mentioned he talked with Greg Shephard about the lot he is looking to buy in the River Crossing Subdivision next to Tom Favero's ground. He was calling to enquire about if he could build a shed and he also talked about some property line issues. Commissioner Skeen told him the property line issues would be a civil matter. Greg would like to build a home and a shop; he does own a landscaping company. He does have some equipment and trucks for the business, he was wondering if he would be able to keep them at his property. He lives in Plain City now and keeps his equipment at his current home. Commissioner Faulkner was wondering if it is against the ordinance to park on your property if you have the room. Commissioner Skeen did tell Greg he would need to build the residence before he builds his shed. Commissioner Maw thought he could store his equipment but not fertilizer and fuel on the property. He did mention other people who store their business trucks on their property. Commissioner Skeen did say Greg had a business license through Plain City. He did tell him to look up the codes. Commissioner Faulkner received a call from the Fowers about a DADU ordinance, they thought we included an ordinance about the curb cut. She did tell them it was not included in the DADU ordinance but maybe in another ordinance. She stated they wanted to have 50 feet of curb cut and the other side to go to the accessory dwelling unit. It would be two long driveways. She mentioned that whatever Trent told them they should follow. Commissioner Neil found out who the irrigation president was, as well as having two board members approach him. He said he will discuss this later in the meeting. Commissioner Maw mentioned that he and a few neighbors are having flooding issues because of the irrigation ditch. He called the water master Dallas Mumford. He did tell him about the issue, he is not sure if anything has been done. He did say it does this every year but this year is out of control. He also met with the committee for the recreation center and was contacted by Craig Jensen about Blue Grass Estates in regards to the technical review that they came to. Chairman Jenkins had a phone call from Eric Simper from the CBRE group that works for the Latter-Day Saint Church, they are looking for land to

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build a stake center. They were asking about a piece of land on North Plain City Road, it would be specifically for the Nilson Homes subdivision. He did tell Eric he didn't like the idea of the whole subdivision driving West to go to church.

3. Public Comments: None at this time

4. Approval of Meeting Minutes for June 13, 2024

Commissioner Maw motioned to approve meeting minutes for June 13, 2024. Commissioner Skeen seconded the motion. Commissioners Maw, Neil, Skeen, Faulkner and Chairman Jenkins voted aye. The motion carried.

5. Technical Review Report:

There was a technical review at the last minute that Commissioner Maw attended. It was regarding Blue Grass Estates with Craig Jensen. He mentioned the protection strip is in the road right of way. Once this property begins to be developed the city can require that road to be widened as part of it. He said they are looking to see if there is a contract signed for this, he did mention there is a contract unsigned and undated. He said the mayor will reach out to the owners to find out if they have a signed copy, he did say it would expire in 20 years. Commissioner Faulkner indicated when Mr. Iverson contacted her, he said it will expire after 20 years. Commissioner Maw stated if there is a signed copy that will determine from the developer's standpoint what will happen. If there is a signed copy the developer is going to do a development where there will be another street and the front of the houses will face west on another street. Commissioner Faulkner is not in favor of this. Commissioner Maw mentioned there are other solutions. He also said there is a possibility of extending the road further north. Chairman Jenkins is wondering if the protection strip is still in effect, that road still cannot be blocked because it is a city road. Commissioner Maw indicated if the protection strip is still in effect and the road is not meeting our standards it can be declared a public road and not maintained by the city, he said this was according to legal. Commissioner Maw is concerned people will want to put a gate in their rear yard it would violate the protection strip. He did say it is recorded on the plat. Chairman Jenkins was wondering if we want to put in our ordinance that you cannot have protection strips in Plain City. He mentioned we will have another technical review July 2 at 9am, Commissioner Neil said he would attend.

6. Legislative Items:

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

Chairman Jenkins stated we are going to discuss the residential overlay zone with public amenities.

Commissioner Faulkner mentioned at the city council she went to the mayor was not in favor of changing the existing ordinance, but she said she is still in favor of changing the existing ordinance. She is not in favor of doing a test overlay. Chairman Jenkins was wondering if this ordinance has ever been used. Commissioner Maw said it had not. Commissioner Faulkner indicated it needs to be fixed anyway. Commissioner Skeen is wondering when we did this, did we think everyone would use it or was it done to meet a state mandate.

Commissioner Faulkner mentioned we had a different one and it was not so focused there were 8 developers who came and wanted an overlay, so she said we froze it and changed it and no one has come in since.

Commissioner Skeen mentioned it was made more for the future land use trails. Commissioner Faulkner wanted to know if anyone knew of a trail map. Commissioner Skeen could only think of the rail trail, power line corridor and the river trail. Chairman Jenkins is wondering what is preventing people from using this ordinance. Commissioner Faulkner said this ordinance is to establish and to promote pathways,

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multipurpose routes accessible to pedestrians, bicyclist and equestrian. It is very narrow of where this can be applied. She also mentioned it is not intended to use for all residential developments in the city. Chairman Jenkins indicated the existing ordinance is a very specific overlay that would fit into 1% future instances. Commissioner Faulkner indicated she went through both ordinances ours and Tremonton's and she marked things that were similar (setbacks, restrictions) she said they were very similar. She is thinking the only thing they need to change is where they want to promote development. Chairman Jenkins is still wondering if the mayor will not be okay with planning just making changes to the existing ordinance. Commissioner Maw feels if we just make changes and send it to city council it will end up coming back and we will just have to separate the two. Chairman Jenkins indicated if we change the ordinance we have, and make a new one, he feels they will be very similar. Commissioner Skeen mentioned it would, but if you have a subdivision that is RE-18.5 you would have twenty RE-18.5 lots and five 7,000 square foot lots. Where the other ordinance would allow the whole subdivision to be all 7,000 square foot lots with public amenities. The other one would be a mixed ordinance; in changing this one it would still mean the subdivision would have 7,000 square foot lots. Commissioner Faulkner asked the questions where do we want the new one to be applicable. Commissioner Neil indicated it would go back to the general plan. He also mentioned anything that is adjacent to a trail needs to have an access. Commissioner Faulkner is asking if we need to update our subdivision ordinance to include (if they are adjacent to a trail they need to provide access to trails). Commissioner Skeen asked would this be any subdivision. The answer was yes. Commissioner Neil mentioned they changed the MDR to RE-18.5 and so on. Chairman Jenkins indicated we are going to do a new ordinance with the mayors notes and come back to the old one at a later date. He asked what concerns do we have with the mayors notes and what do we like and don't like. Commissioner Faulkner wanted to go on record she is against this whole thing. Commissioners Skeen, Neil felt the same way. Commissioner Skeen said he is not even interested in looking at it. He did say he understands the mayors reasoning for it, but he doesn't feel like it is going to accomplish what he wants it to do. Commissioner Faulkner feels there are other things we can do; we could put in our subdivision ordinance for every ten homes they would need one smaller lot that can be integrated with a more affordable home. Chairman Jenkins indicated there is no definition of affordable homes. Commissioner Ortega indicated that Commissioner Skeen summed it up pretty good, he did say we can look at places in the city we would want this to go. He doesn't feel it will accomplish what it is supposed to. Commissioner Faulkner is wondering if the developer who wants to do this, could they not find property that our current ordinance would fit especially when the ordinance is so close. Chairman Jenkins said if this is the way everyone feels let's not do the new ordinance. He did ask if everyone is okay at looking at the existing ordinance. He would like everyone to look at the existing ordinance and brain storm what can be changed and what we can do to get this going.

7. Administrative Items:

Review Comments: Homestead Acres approx. 3500 W 3075 N 22 lots Parker McGarvey

There was some confusion about why Parker was not here tonight. Tammy mentioned Parker saying he was going to call Chairman Jenkins. Chairman Jenkins stated he did not get a call from Parker. Tammy will give Chairman Jenkins Parkers number so he can call him. Commissioner Faulkner wanted to know if he has fixed the frontage and put the path access in there. He has done this. Commissioner Neil mentioned there was concern on who can do a variance. Tammy indicated she has heard back from Brandon and he said, *it's being done in response to something the city wants. It's just a matter of figuring out if we need to do the formality of a variance hearing or do it some other way.* Tammy did say Parker has already changed the access point and the lot size. Commissioner Neil wanted to know if Parker had received a letter from the

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irrigation company. Tammy did say she sent it. Chairman Jenkins indicated Parker has two options as far as the ditch goes, either he follows what the irrigation company is saying or he can follow the city ordinance and pipe it. Commissioner Neil said the irrigation company would like it fenced, he said it is in their letter. Chairman Jenkins mentioned they would not need a fence if it is piped, just a 6-foot access easement. His preference would be to have it piped, he talked with Dan about this, leaving a 16-foot easement that property owners own but have to keep it fenced off and potentially have issues with access. He said this could be a problem for Plain City for the next 60 years. Everyone agreed having an open ditch was not safe. Commissioner Skeen said it is against our ordinance to have an open ditch inside the subdivision. Commissioner Neil indicated Jay Christensen is still the president of the irrigation company. He did say he talked with two of the board members and they did say they will need to repair a lot of the ditch because of age. He also said the irrigation company was wondering why they are not invited to technical review. Dan indicated they are invited; he sends emails to everyone and they don't show up. Commissioner Neil felt like the irrigation company and Visionary need to get together. Chairman Jenkins mentioned that we did put conditions on the final of Homestead Acres, but they were not enforceable with our ordinance so we had to approve it. Commissioner Neil said not everything was done according to our ordinance. Chairman Jenkins mentioned it was our first time doing it. He feels Parker is not feeling the urgency to meet with us anymore and his thought is maybe Parker thinks he is good to go. Commissioner Maw would like Parker to come back to a planning meeting he doesn't want to approve anything without him being here. Chairman Jenkins mentioned we need to get the irrigation company and Parker together and come to an agreement on what needs to be done, and does the plat need to be redone with the plat showing the easement. It does say in our ordinance that you need to show easements on the plat. Dan mentioned he asked Parker to get a letter from the irrigation company on what they are going to require. Commissioner Neil mentioned 11-3-B *they need to show the location of irrigation ditches and streams as well as other easements*. Chairman Jenkins will follow up with Parker and let him know he needs to get with the irrigation company. He said as a city he would prefer to pipe it. Commissioner Ortega mentioned a line in our new subdivision ordinance that states *the land use authority should not review an incomplete subdivision application except to determine whether the application is complete*. He is wondering if we can require them to come and meet with us so we can determine if it is complete. Chairman Jenkins had a discussion with Dan and one of the ideas he had was they share their comments with us at the same time they are doing their review. Commissioner Ortega is saying we wouldn't consider it a complete application, so it wouldn't start the review process so we could meet to determine if it is a complete application. If we determined it is a complete application then we could start the review process. Commissioner Faulkner was wondering if it could be on the agenda as an application review. Commissioner Skeen clarified the irrigation easement, you don't have to fence it only if it is adjacent to a subdivision. 11-5-13 Irrigation Water Paragraph 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.* Paragraph B. *Fencing: A solid board, chain-link or other nonclimbable fence not less than six feet (6') in height shall be installed on the side of an existing open canal, irrigation, basin or drainage ditch adjacent to (within five (5) feet of the subdivision boundary to nearest centerline).* He said if it is in the subdivision it has to be piped, if it is not in the subdivision but is within 5 feet it needs to be fenced. Commissioner Ortega mentioned once the developer has their checklist complete, they come before planning and they will decide if it is complete then the review process can start.

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8. Report from City Council: Commissioner Ortega

Commissioner Ortega said Plain City is doing really well at putting money away for a rainy day. He said as far as budget goes everything is on track. City Council adopted the certified tax rate, there was a fraud risk assessment he indicated we scored really well. He did say the one we got a couple of years ago was really bad, because we didn't have the procedures in place. It was a new thing. Brynlee Acres was tabled. The mutual aid fire agreement got approved.

9. Commission Comments:

Commissioner Maw meant with steering committee on the recreation center, he indicated they are getting a better idea of what they want. Commissioner Neil mentioned the Plain City irrigation letter as well as a letter from Bona Vista from 2015, regarding the availability letter, and the will serve letter. The availability is saying Bona Vista can serve them. The will serve letter is when the developer pays for the service and shows proof of secondary water. The will serve letter should be included in a complete subdivision packet.

10. Adjournment

Commissioner Faulkner moved to adjourn the meeting at 8:20pm. Commissioner Neil seconded the motion. Vote: Commissioners Maw, Neil, Faulkner, Skeen and Chairman Jenkins voted aye. Motion carried.

City Council Meeting: July 18- Chairman Jenkins

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	JUN 6	MAY 16	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