Plain City Commission
Minutes June 13, 2024

Plain City Planning Commission met in a regular meeting at City Hall on Thursday, June 13, 2024, also accessible via ZOOM beginning at 7:00p.m.

Present:	Chairman Jenkins Commissioner Maw Commissioner Ortega
Excuse	Commissioner Neil Commissioner Faulkner Commissioner Skeen
Staff:	Tammy Folkman, Dan Schuler
Attendees:	Larry Vialpando, Debbie Beesley, Melinda Jensen, Chauntelle Stapley, Joe Marsh, Mark Peterson
Zoom Attendees:	Fowers, Mike Phillips

Welcome: Chairman Jenkins

Pledge of Allegiance: Commissioner Ortega

Moment of Silence/Invocation: Chairman Jenkins

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

Opening Statement: Chairman Jenkins

2. Ex Parte: Commissioner Maw received a call from Craig Jensen, he will talk about it later in commission comments. Chairman Jenkins had the same conversation with Mark Jenkins, he will talk about it in commission comments as well.

3. Public Comments:
Larry Vialpondo from Stillcreek mentioned they have been having a lot of issues with Visionary Homes about water issues. He said they have contacted them several times but the issues have not been corrected. Chairman Jenkins was wondering if our public works director Dan Schuler had been contacted. Larry mentioned Dan told him he would need to talk with Visionary. Chairman Jenkins wondered if Dan had talked with Visionary and what would our role be in this situation. Larry mentioned that the water drainage it not draining off the backyards. Dan indicated that the HOA is over all landscaping, he did say they were having some issues with the detention basin. He thought maybe it would be a grading issue and he told Larry to contact the HOA about this. Melinda Jensen from Stillcreek said the issue Larry is talking about is in phase 2 where the townhomes are. She indicated Visionary brought in dirt to bring that up, and it started backing up water into the 9 homes that were built by JC Land. Melinda indicated Larry has called Visionary several times to let them know water was backing up in their yards. She said Visionary said they would take care of it. Melinda read #4 on the plat that *the developer will be responsible to grade each lot the runoff water is directed to the fronting road or swells, caring water to intersecting roads and grading shall insure that runoff from each lot does not drain onto neighboring lots or properties*. She is concerned about the new Homestead Acres coming in, she said they have been making promises to the city and are not taking care of the issues that are in Stillcreek. Melinda mentioned that one of the homes has standing water

that runs across the walkway. She feels like if they would have put a French drain in, it might help. She is wondering if the rest of Stillcreek will have problems when they bring dirt in to build up Homestead. Dan said he is glad the issues have been brought up, he indicated phase 3 has not been accepted by the city and he will talk with Parker to see what they are doing to get this resolved. He did say they have money in an escrow and until the city signs off on phase 3, they are 100% responsible for all improvements they have put in. Commissioner Maw is wondering if this is a grading issue or a piping issue or a little of both. Dan mentioned it sounded like a grading issue. Melinda mentioned that some of the lots do not grade to the street. She asked Larry if all of the lots sloped that way, he indicated they do. She feels they have brought in so much dirt to build things up and did not take into consideration the neighbors. She said they mentioned this to Visionary about it, when only one house was built. Commissioner Ortega was wondering where she read about the developer will be responsible to grade each lot. Melinda indicated it was on the plat map under notes. She would like to see something on there a year after they are finished with Homestead, so the rest of them don't have to go through with permanent water issues. She mentioned the other issue was the big trucks coming through with the big loads. Dan indicated the city will worry about the roads. Commissioner Maw is wondering if the water issue happens when people water their lawns in the summer. Melinda said it does. She mentioned getting 3 to 4 inches of water in their yards when people are not watering for lengths of time. She indicated they are not getting any satisfaction with Visionary she would like to have this on public record in case there is some kind of a punch list she would like to be on it. Dan indicated he will look into this and see what the issue is, he will make sure grading is up to standard and check that it is not the homeowner who came in and raised up their yard. He said at that point if it is a resident verses resident it would be a civil matter and not a city matter.

5. Approval of Meeting Minutes for May 23, 2024

Commissioner Maw motioned to approve meeting minutes for May 23 2024. Commissioner Ortega seconded the motion. Commissioners Maw, Ortega and Chairman Jenkins voted aye. The motion carried.

6. Technical Review Report: none at this time

7. Legislative Items:

Discussion/Motion: Zoning Amendment – Set public hearing for July 11, 2024 for Snow View Mountain Estates approx. 3450 W 2200 N. Request rezone from A-1 to RE-18.5, Joe Marsh.

Chairman Jenkins mentioned they are going from A-1 to RE-18.5, he indicated it lines up with our future land use. There were no questions for Joe Marsh.

Commissioner Ortega motioned to set public hearing for July 11, 2024 for Snow View Mountain Estates approx. 3450 W 2200 N. Commissioner Maw seconded the motion. Commissioners Maw, Ortega and Chairman Jenkins voted aye. The motion carried.

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

Chairman Jenkins did say he thought the Mayor wanted a whole new overlay.

Postponed until next meeting June 27.

8. Administrative Items:

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

Chairman Jenkins mentioned a letter from Plain City Irrigation Company dated in 2014. Tammy attached our ordinance with this, he is wondering if we want to hold off until everyone else is here. He did say one of his concerns is the letter and who is going to be accountable for any damage to the ditch for the next 60 years. The feeling he is getting from the letter is that the irrigation company wants the homeowner to take

accountability for any damage or any issues that comes up. Chairman Jenkins doesn't think it is realistic and it will be a problem long term and come back on the city. Commissioner Maw feels like it depends on whether the land owner does something on their property, landscape wise that causes the damage, he feels we need to hold them accountable for the damage. He also feels if they have done nothing wrong, they should not be held accountable to make the repairs. Chairman Jenkins agreed, he said the issue is the property goes to the ditch and includes the ditch and our ordinance requires to either have it piped or requires a fence no closer than 6 feet on either side. The letter from the irrigation company states they want the fence to be 16 feet from the top of the slope. He indicated the homeowners would loose 16 feet off the back of their property. Commissioner Ortega asked if there was a ditch and a creek down below, he thought the ditch was first and then the creek. He said we were told the property goes to the midpoint of the creek. He is wondering if the homeowner would loose 20 to 30 feet at the back of their property line. Chairman Jenkins mentioned the irrigation company would like to get trucks back there, they would like an open access to drive through there. Chairman Jenkins said his personal opinion would be to pipe it and never worry about it again. He was wondering what it would cost to do this. He did say based on the way our ordinance is written, he doesn't think we can legally require them to pipe it. There was talk about if the irrigation company would be okay with less than 16 feet property if the ditch was piped. Chairman Jenkins would like this back on the agenda for June 27, he indicated Parker was waiting for a letter from the irrigation company. He would like Parker to come back in to talk about this.

8. Report from City Council: Commissioner Ortega
   Commissioner Neil was excused tonight, Commissioner Ortega is reporting on city council for him. He mentioned the council had a lot of discussion about Homestead Acres and the homeowners loosing so much property off the back of their land because of the ditch. City Council approved a cash receipting policy they also approved the public hearing for the budget for June 20. Fee schedule was approved there were some fee increases. City Council is looking into planning services. Commissioner Ortega talked about the planner also helping us with the general plan. Chairman Jenkins didn't think we had the budget for that. He will talk with the Mayor. There was talk about getting a grant as well. Commissioner Ortega reminded Chairman Jenkins about going to his city council meeting on July 18. City Council canceled their meeting on July 4. He mentioned city council talked about getting shirts and hats.

10. Commission Comments:
    Commissioner Maw mentioned he had a few neighbors who have water from the irrigation ditch leaking onto their lawns when the ditch is overflowing. He indicated it has happened to his yard as well. He would like to call the water master but is not sure who that is. He attended an architectural conference, he said there was some talk about being involved in the general public and there was talk about development from a planning perspective. He mentioned the problems they are having with diverse housing. He also mentioned there was talk on how to educate the public on the land use process. Chairman Jenkins wanted to talk about 2800 North, he is wondering if the dirt road on 2800 is a city road. Dan indicated it was a city road, it is in the future transportation plan to be a road. Chairman Jenkins wanted to know how soon can subdivisions tie into the road. Dan indicated as soon as the subdivision is approved. Chairman Jenkins mentioned another road 3650 that has a stub road in the middle and the owners retain 1 foot of land on the end of the stub road. Dan indicated it is a 1-foot protection strip and he doesn't believe you can block off a city access for utilities. Dan mentioned he has never seen a protection strip jog around and take in a section of the road. Chairman Jenkins is wondering if legally that protection strip can exist the whole length except for the portion that is blocking the road. Dan indicated that is correct. They could tie into the stub road and not at the top of the cul-de-sac where they would have to go into the protection strip. There was talk of which way the houses should be facing, and if the homes would have double frontage. Commissioner Maw mentioned that legal

would follow up on this as well. Dan also talked with legal about the strip and public utilities.

11. Adjournment

Commissioner Ortega moved to adjourn the meeting at 7:57pm. Commissioner Maw seconded the motion. Vote: Commissioners Maw, Ortega and Chairman Jenkins voted aye. Motion carried.

City Council Meeting: June 20- 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	JUNE 6	MAY 16	JUN 20 Ortega
JUL 4 canceled	JUL 18 Jenkins	AUG 1	AUG 15	SEP 5	SEP 19
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

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Planning Commission Chair Planning Commission Secretary