

Plain City Commission
Minutes of Meeting
November 9, 2023

Plain City Planning Commission met in a regular meeting at City Hall on Thursday November 9, 2023, also accessible via ZOOM beginning at 7:00p.m.

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

Staff: Tammy Folkman, Dan Schuler

Attendees: Miles Robinson, Dennis Rogers, Chad Bingham, Jim and Kathleen East

Zoom Attendees: J. Carter

Welcome: Chairman Faulkner

Pledge of Allegiance: Commissioner Maw

Moment of Silence/Invocation: Commissioner Neil

1. Roll Call: Chairman Faulkner directed roll call. Commissioners Maw, Ortega, Neil are all present. Commissioners Skeen and Jenkins are excused.
2. Opening Statement: Chairman Faulkner
3. Ex Parte: Commissioner Neil talked with Dan Schuler and Dennis Rogers; Chairman Faulkner has had several texts and phone calls from Nate Bywater regarding a building he has in his back yard that should qualify as a detached accessory dwelling unit based on the current code.
4. Public Comments: None at this time
5. Approval of Meeting Minutes for October 26, 2023
Commissioner Ortega motioned to approve meeting minutes for October 26, 2023 Commissioner Maw seconded the motion. Commissioners Maw, Neil, Ortega and Chairman Faulkner voted aye. The motion carried.
6. Technical Review Report: None at this time
7. Administrative Items:
Discussion/Motion: Preliminary approval for Sunset Estates approx. 2650 N 3975 W 4 lots- Cody Rhees
Commissioner Maw mentioned that part of the review from our engineer mentioned how the lots will be developed with the irrigation pipe in place. Chad indicated that the irrigation pipe sets back 130 feet with the 30-foot offset on the front of the lot, he said that still leaves 100 feet to build on. Commissioner Maw wanted to know if it is shown on the plat. Commissioner Neil said it is on there, but he mentioned that our ordinance says on the preliminary plat if there is an irrigation easement, there has to be some kind of declaration on the preliminary or something in the notes on the plat. Chad said there is one edit on the plat the red line is measured

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out at 5 feet instead of 4 foot 6 inches. Commissioner Maw would like to know when the pipe was put in. Chad said it has been existing for a long time, he said from what he understands the pipe feeds a couple of fields and as development goes further that pipe will be obsolete. Commissioner Neil mentioned that if there is an irrigation easement the developer needs to explain it, it can be found in our city code 11-3-4 16b. He asked Dan if he had gone out and measured the road. Dan said it should be a 60 foot right of way but it measures out if you were to do curb, gutter and sidewalk with park strip it measures out to be 58 feet, it is 2 feet shy of 60 feet. He also asked what the improvements for the sidewalk would be, he wanted to know if it would run off of 2600. He said he would like the improvements to be done by the developer not the homeowner. He is concerned about the decorative rocks and fencing on Jim Easts property, he said we don't have 4 feet to run the sidewalk down. He would like to see an answer on that from the developer. Commissioner Neil mentioned that we are 2 feet shy on the width of the road and we still need to address the sidewalks. He also mentioned that there are for sale signs up and that is against the city code, that can be found in 11-3-1. Chairman Faulkner mentioned that she wished Cody was here, she said in his letter he says this subdivision plat has already been platted. She is not sure what that means. Commissioner Maw mentioned that maybe Cody thought it was part of Palmer Heritage. Commissioner Neil said it is a whole new subdivision. Commissioner Ortega mentioned something about discussing a corner lot in the past and he said they talked about what would happen across the street at Palmer Heritage. He thinks there was talk about doing the side walk all the way down and having a crosswalk to the other side. Chairman Faulkner recalls we did not like the solution that the sidewalk just ended but the homeowner didn't want to do a sidewalk. She indicated what we are saying is the developer should do the sidewalk all the way along there.

Commissioner Neil motioned to table preliminary approval for Sunset Estates approx. 2650 N 3975 W 4 lots. Commissioner Maw seconded the motion. Commissioners Maw, Neil, Ortega and Chairman Faulkner voted aye. The motion carried.

Motion: to cancel meeting on November 23, 2023 for Thanksgiving

Commissioner Ortega motioned to cancel planning commission meeting on November 23, 2023. Commissioner Maw seconded the motion. Commissioners Maw, Ortega, Neil and Chairman Faulkner voted aye. The motion carried.

8 Legislative Items:

Discussion: Amendment to Zoning Ordinance concerning Sensitive Land Use

Dan explained that the sensitive land use ordinance has been approved it is now an ordinance. He said the state was good with it but when he went to Weber County, they have already adopted the flood damage ordinance. This gives FEMA the ability to go in and help them in a disaster. In our sensitive land use on 10-18-18 he ended up putting Plain City instead of Weber County in that paragraph, FEMA said it needed to be our own. *5. Prior to acceptance by the city of an application for preliminary development plan in the specified areas, it must be demonstrated to the satisfaction of the city, (IBC) International Building Code (Section 1612) including appendix G - Relates to construction in flood hazard areas, and the **Plain City** Flood Damage Prevention Ordinance, that all conditions specified in the listed chapters have been fully met and accomplished.* He will put a hyperlink so people can go straight to the addendum. This way FEMA will be able to come in and help our city during a disaster. Commissioners agreed that they will watch for changes from the IBC International Building Code to keep this updated.

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Motion: Set Public Hearing for November 30, 2023 for Amendment to Zoning Ordinance concerning Sensitive Land Use

Commissioner Maw motioned to set public hearing for Amendment to Zoning Ordinance concerning Sensitive Land Use on November 30, 2023. Commissioner Neil seconded the motion. Commissioners Maw, Ortega, Neil and Chairman Faulkner voted aye. The motion carried.

Discussion: Commercial Zone Ordinance- Tattoo/Body Art, Piercing, Training, Tattoo Removal

Chairman Faulkner wanted to talk about the commercial zone she did mention we have a public hearing set up for December 14, she thought it would be good to look at what conditions we may want to have. She asked the question what is it about these types of businesses that makes us think we need certain conditions more than other businesses? She is wondering are there conditions on any business in a C-2 or C-3 that are not specific to this type of business, are we just singling out tattoo and massage or are we looking for common sense things in a C-2 zone. Commissioner Ortega is wondering the same thing why would we be more restrictive on these types of businesses. Commissioner Neil indicated we can create our own conditions, so they can refer to them. If we don't, they would just do what they want. Chairman Faulkner is just wondering if we can come up with some conditions for a C-2 zone and not single any one business out, hours of operation would be a logical one. She is wondering if the businesses that are in Royles are they permitted or do they have conditions. There is a dog grooming place it is permitted use. There is a window covering business, it doesn't have conditions. Commissioner Maw thinks that would fall under professional office. Chairman Faulkner found a trade or industrial school, she is wondering if teaching microblading would qualify as a trade. Commissioner Maw is wondering what do we compare it with. Chairman Faulkner thinks we need to add tattoo/body art and underneath application and removal. Dan thinks the conditions for the tattoo needs to go through the health department and be licensed through the health department as well as with the city and have it spelled out. Commissioner Maw feels that should be the same for massage therapy. Chairman Falkner feels we need to include in the C-2 zone that businesses that require health department licensing, that will need to submitted as well. Specific to whatever it is they are doing in that category, that they have the licenses that they need displayed. Dan is wondering if the same would go for an in-home tattoo parlor business. Chairman Faulkner said that is a C-1 and it is not permitted, she mentioned that we try to be very careful about having a retail business in a residential zone and having people come and park on the street. She mentioned that people do hair in their home so maybe tattooing should be permitted. Commissioner Neal mentioned that spa and massage establishments are conditional in C-1, in C-2 it is permitted and C-3 it is conditional. He is wondering if we should change spa and massage as conditional in all three zones. Chairman Faulkner indicated she does not have a problem with it all being conditional. She asked if everyone felt okay with trade and industrial school taking care of teaching and any kind of trade, she said we just need to add body art and piercing. Final recommendations will come after the public hearing. Tonight, is just a discussion. Commissioner Maw does not have a problem with a tattoo parlor being conditional in each of the zones and part of the conditions is that they comply with all the state licensing. Chairman Faulkner feels that our conditions should be consistent.

9. Report from City Council: Commissioner Ortega

Commissioner Ortega mentioned that at city council there was a quick budget adjustment. He also said city council approved some money to go to the children's justice center. He mentioned the estimated income from interest was 240 thousand dollars more than what the city thought they would get in interest, that is not the total that is just the adjustment. He indicated that the fire department will get 30 thousand for new radios and couple thousand for cleaning and building maintenance. Bruce Parker came and talked about the moderate-income

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housing report he did mention 7-8, the two that planning wanted to remove. City Council set a public hearing for the housing element on November 16. There was an update on the new State mandates from Matt Dixon, it was the same presentation planning commission heard. They denied a business license it was a scrap storage that was being done out of his home. Dan mentioned that he is in a residential zone and it is quite the mess.

10. Commission Comments:

Commissioner Neil indicated that at the meet the candidate's night Buddy mentioned that we had a code enforcer, he is wondering who that is. Dan said he is the code enforcer; he did mention that he has hired another person to help with this. He is now at the point where he can go around and look for things. Commissioner Maw mentioned that he made the revisions on the drawings for the detached accessory dwelling ordinance. He said he will be going to the next city council meeting. Chairman Faulkner would like Jarod to reiterate why we don't want 7 and 8 in the moderate-income housing report. She indicated she would like to know what they are before we commit to them. She mentioned a call she had gotten from the mayor about updating our ordinances to comply with the state mandate, he said he only wants the things changed that the state is mandating single family, multi-family and town homes. She also mentioned that they will need to figure out who can do the final. It can't be planning commission or city council. She asked the mayor when they do get a committee that someone from the planning is on the committee to double check what was approved at preliminary stayed there for final.

11. Adjournment

Commissioner Maw moved to adjourn the meeting. Commissioner Neil seconded the motion. Vote: Commissioners Ortega, Maw, Neil, and Chairman Faulkner voted aye. Motion carried.

Adjourned at 7:55pm

City Council: November 16– Commissioner Maw

2023

<u>SKEEN</u>	<u>JENKINS</u>	<u>ORTEGA</u>	<u>MAW</u>	<u>NEIL</u>	<u>FAULKNER</u>
JAN 5	JAN 19	FEB 2	FEB 16	MAR 2	MAR 16
APR 6	APR 20	MAY 4	MAY 18	JUN 1	JUN 15
JUL 6	JUL 20	AUG 3	OCT 5	SEP 7	SEP 21
AUG 17	OCT 19	NOV 2	NOV 16	DEC 7	DEC 21

If you are unable to attend on your assigned night, please make sure someone goes in your place

Planning Commission Chair

Planning Commission Secretary