

Plain City Commission  
Minutes of Meeting  
June 8, 2023

Plain City Planning Commission met in a regular meeting at City Hall on Thursday June 8, 2023, also accessible via ZOOM beginning at 7:00p.m.

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

Staff: Tammy Folkman, Dan Schuler-Zoom

Attendees: Tim and Hannah Rusch

Zoom Attendees:

Welcome: Chairman Faulkner

Pledge of Allegiance: Commissioner Jenkins

Moment of Silence/Invocation: Commissioner Skeen

1. Roll Call: Chairman Faulkner directed roll call. Commissioners Maw, Jenkins, Ortega, Skeen and Chairman Faulkner were all present. Commissioner Neil was excused.
2. Opening Statement: Chairman Faulkner
3. Ex Parte: Commissioner Maw received a call from a resident, who was concerned about the conditions on the house they just moved into. The developer had them sign a non-disparagement agreement. Commissioner Maw will talk more about this in commission comments.
4. Public Comments: Tim Rusch indicated that he talked with Commissioner Neil after the last meeting. He indicated whatever we do with the 25% of the height in the detached accessory dwelling ordinance he is okay with.

5. Approval of Minutes for May 25, 2023

**Commissioner Jenkins motioned to approve meeting minutes for May 25, 2023. Commissioner Maw seconded the motion. Commissioners Maw, Jenkins, Skeen, Ortega and Chairman Faulkner voted aye. The motion carried.**

6. Technical Review Report: none at this time

7. Legislative Items:

Discussion/Motion: Set Public Hearing for Assisted Living Facility for Elderly Persons/ Residential Treatment Facility for persons with a disability for July 13, 2023

Chairman Faulkner spoke with legal today he suggested we don't need to add #8 *This type of facility would be available in Commercial Zone C3.*, he will also add definitions when approved. Legal felt like this was okay to move forward with. Commissioner Jenkins is wondering if this is the ordinance that we will use for the assisted

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living going in across from the elementary. Chairman Faulkner mentioned that this will not be for that. She felt like we just needed to clean this ordinance up. Commissioner Jenkins has a question on #11 *The total number of residents permitted in an Assisted Living, Congregate Living, or Nursing Care project (maximum allowed) shall be one resident per ~~1,000~~ 2,000 square feet of lot area.* He feels 2,000 square feet is a lot. Chairman Faulkner mentioned that it is the lot size, she said a maximum of 20 people on 1 acre and a maximum of 40 people on 2. Commissioner Jenkins is wondering if we would want 40 people. Chairman Faulkner mentioned that the facility going in across from the elementary school will have 35 people, but part of that would be memory care. She also mentioned the lot size was 2 to 2 ½ acres. She was wondering about the 1-acre and 2-acre lot, does everyone think it is too small? Everyone agreed to keep it as is 1-to-2-acre lot.

**Commissioner Maw motioned to set a public hearing for Assisted Living Facility for Elderly Persons/ Residential Treatment Facility for Persons with a Disability on July 13, 2023. Commissioner Jenkins seconded the motion. Commissioners Maw, Jenkins, Skeen, Ortega and Chairman Faulkner voted aye. The motion carried.**

Discussion/Motion: Set Public Hearing for Nonresidential Treatment Facilities for July 13, 2023

Chairman Faulkner indicated that a non-residential treatment facility is not in a residential zone but that doesn't mean they wouldn't live there. Commissioner Jenkins was wondering if on 5 (h) do we want to make that *any schools* instead of an *elementary school*? Everyone agreed that it should read *any schools*. His other question was on #6 he mentioned that we only have (a) *Be a direct threat to the health or safety of other persons; or (b) Result in substantial physical damage to the property of others.* It was suggested to read the definition, Chairman Faulkner mentioned that in the definition it does cover the criminal element and then (a) and (b) as well. Chairman Faulkner would like to leave in #8 *This type of facility is not permitted in a residential zone*, and take out what is in red on line 6 *This type of facility would be available in Commercial Zone C3.*

**Commissioner Jenkins motioned to set public hearing for Nonresidential Treatment Facilities for July 13, 2023. Commissioner Skeen seconded the motion. Commissioners Maw, Jenkins, Ortega, Skeen and Chairman Faulkner voted aye. The motion carried.**

Discussion/Motion: Set Public Hearing for the Commercial Zone Ordinance on July 13, 2023

Chairman Faulkner explained things that are in red have been changed *If a specific business is not listed these uses apply C-1 Not Allowed (N) C-2 Not Allowed (N) C-3 Not Allowed (N), Dumpster Rental (N) (N) (C), Portable/Mobile Toilet (N) (N) (C), Rehabilitation Center (N) (N) (C)* and everything else that is not listed automatically goes to not allowed. Commissioner Maw feels this will be one that we are constantly looking at.

**Commissioner Maw motioned to set public hearing for the Commercial Zone Ordinance for July 13, 2023. Commissioner Skeen seconded the motion. Commissioners Skeen, Maw, Jenkins, Ortega and Chairman Faulkner voted aye. The motion carried.**

Chairman Faulkner mentioned that she may not be to the July 13 meeting.

8. Administrative Items:

Discussion: Site Development Standards/Detached Accessory Dwelling Unit

Commissioner Maw is wondering what items we are looking at. Chairman Faulkner mentioned the height. Commissioner Jenkins is wondering if the maximum height of any structure is 30 feet? Chairman Faulkner mentioned that in the site development standards it is 35 feet. Commissioner Jenkins is wondering if anyone would care if it is 35 feet. Commissioner Skeen indicated that he would care, he would like the detached

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accessory dwelling to be one story. He said if it is in a garage, it could be up top but if it is just an accessory dwelling unit, he feels it should be just one story. Chairman Faulkner said we are going to change our accessory building. Commissioner Skeen said an accessory building can only be 25 feet. Chairman Faulkner mentioned that the building inspector would like a set height in our code, it would be difficult to measure the buildings. Commissioner Maw suggested they could put the height graphically on their drawings when they turn in their plans for a permit. Commissioner Skeen would like to see accessory dwellings tucked away in the back so they don't stand out. Commissioner Maw would like to do something like Weber County did. *The height of a detached accessory building that houses an accessory dwelling unit shall be no greater than 90% of the height of the single-family dwelling.* Commissioner Ortega said in West Point they said if the dwelling was taller than the house it had to be 10 feet away from the property line and a graduating height that they could do (example- the further you get from your property line the taller you can build). Chairman Faulkner likes commissioner Maw's suggestion that it could be a percentage but still have a maximum. Commissioner Jenkins likes that a single story can be closer to the property line. Commissioner Jenkins mentioned that if we do 90% of the home, people who have a single level home would not be able to have a detached accessory dwelling in their backyard. Chairman Faulkner suggested we do 90% with a maximum of 25 feet. Commissioner Jenkins was wondering if we need a minimum on there, he also feels that the 90% would restrict a lot of homes. Commissioner Maw suggested we say *90% Ninety percent of the height of the main structure with a maximum height of (25) feet twenty-five.* Chairman Faulkner asked the question do you think you should be limited to one detached accessory dwelling per property? Everyone agreed that it should be limited to one. She is also wondering if you have an accessory building can you also have a detached dwelling unit? Everyone agreed that if they had enough space to do it and complied to the ordinances, commissioners would be okay to let them do it. Under 10-21-3 add (F) *Only one detached accessory dwelling unit per property.* She also brought up a line in the site development standards that can be taken out of all zones (b) *Other main building 20 feet each side.* She also wanted to know about grandfathering in a garage that doesn't meet the setbacks are we going to allow them to convert it because the structure is already there. Chairman Faulkner feels they should come in and apply for a permit. Commissioner Skeen read what Weber County has in their ordinance on an accessory dwelling. *Converting existing dwelling unit. An existing single-family dwelling unit, lawfully established at least 5 years prior to the date of application for an accessory dwelling unit, may be converted to an accessory dwelling unit and is exempt from the standards of this section.* He thinks this also pertains to a detached as well. Commissioner Ortega indicated if the building is already there it doesn't change much for the neighbor. Commissioner Skeen doesn't mind this. Commissioner Maw was okay with grandfathering as long as it is brought up to current code. Commissioner Skeen feels like at the end of the day we are not going to get credit for accessory dwelling units from the state. Chairman Faulkner said we do get credit for having an ordinance. She also mentioned that she was not happy about how the ordinance got passed, she felt it was very stringent. She indicated that we have had five permits come into the city but they did not meet the code so they were not permitted, if they are done right, we would get credit. Commissioner Ortega mentioned that we are trying to control the nuisance to the neighbors and if the building is already there then the nuisance is already there, having it converted for people to live in would be noise and parking and we have codes for those things, he doesn't feel it would be a nuisance to the neighbors he does not feel we need a time limit. Commissioner Jenkins said do we want to open it up to all existing accessory buildings? he feels the years don't matter. Chairman Faulkner indicated in the site development standards we need to change *Accessory building- 10 feet, except 1 foot if located at least 6 feet in rear of main building to Accessory building- 10 feet, except 5 feet if located at least 6 feet in rear of main building.* Anywhere it says 1 foot change it to 5 feet on all site development standards. Commissioner Maw mentioned putting in a line in the site development standards that says see 10-21-3 #2 *Detached units shall have a minimum separation from the primary dwelling of fourteen (14) feet. Rear and side setbacks are five (5) feet, and corner lot side setbacks are thirty (30) feet* for a reference. Put it in where we are taking out (b) *other main building.* Commissioner Ortega mentioned he built a lean to and he likes having it 3 feet away from the property line so he can walk around it and the rain doesn't run off into the neighbor's yard, if it was 1 foot it would run into the neighbor's yard. Chairman Faulkner would like to change anywhere it says *1 foot, except 10 feet where accessory*

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*building rears on side yard of adjacent corner lot to 5 feet, except 10 feet where accessory building rears on side yard of adjacent corner lot, in all the site development standards. Chairman Faulkner would like our building inspector to come to the next meeting to talk about some of these things.*

9. Report from City Council: Commissioner Neil

Chairman Faulkner is reading the report that Commissioner Neil sent her. The main discussion was about the FIIZ and how the plans are different than what was approved. The mayor said that someone just brought in the plans, Commissioner Neil gave him what planning had approved. Chairman Faulkner felt like this was a loop hole in our process. Commissioner Maw mentioned that some cities have an addendum that has to be submitted to the city if you are changing anything from the original permit. Chairman Faulkner was wondering how city council knows if it is different than what came to planning commission. Commissioner Ortega indicated on a residential building they have to get an occupancy permit before they can move in, shouldn't it be the same with commercial. Chairman Faulkner would like to make sure the council knows what the planning approved. (next items from city council report) Councilwomen Beal talked about the 4<sup>th</sup> of July, there was a question from Councilmen Jenkins regarding the height requirement of 25 feet and setbacks on a detached accessory dwelling unit. The mayor liked the idea of making the detached accessory dwelling unit the same as the accessory building.

10. Commission Comments: Commissioner Maw mentioned what he talked a little about earlier at the beginning of the meeting, about the call he received from the couple who bought a new home who had some concerns about the condition of the new house they just bought. He saw rebar that was protruding out from the foundation horizontally and steel ties that were stuck into the foundation wall that they had not pulled out from the forms. He said he told them they needed to let the city know and they said they signed a non-disparagement agreement that said they could not talk bad about the developer or they could be fined or their warranty would expire. He mentioned another city pulling in the developer and telling them they could not have people sign such an agreement. Chairman Faulkner mentioned that she will talk to legal about this. Commissioner Jenkins will be out of town on June 22. Commissioner Skeen wanted to note for future reference he feels it should be the same setbacks as the zone, he is still not a fan of the 5 feet. He feels we can go lower on the rear but put 10 feet on the side. He is okay with the accessory building being 5 feet but the dwelling unit should be 10 feet.

11. Adjournment

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

Meeting ended at 8:41pm

City Council: June 15– Chairman Faulkner

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**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         | AUG 17     | SEP 7       | SEP 21          |
| OCT 5        | 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

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Planning Commission Chair

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Planning Commission Secretary