

Plain City Commission
Minutes of Meeting
April 13, 2023

Plain City Planning Commission met in a regular meeting at City Hall on Thursday April 13, 2023, also accessible via ZOOM beginning at 7:00p.m.

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

Excused Commissioner Jenkins

Staff: Tammy Folkman, Dan Schuler-Zoom

Attendees: John and Karen Leonardi, Brad Brown

Zoom Attendees: Chase S

Welcome: Chairman Faulkner

Pledge of Allegiance: Commissioner Ortega

Moment of Silence/Invocation: Commissioner Maw

1. Roll Call: Chairman Faulkner directed roll call. Commissioners Neil, Maw, Ortega, Skeen, and Chairman Faulkner were all present. Commissioner Jenkins was excused.
2. Opening Statement: Chairman Faulkner
3. Ex Parte: Commissioner Maw mentioned that he was contacted by Erin Fowers about accessory dwellings. Chairman Faulkner indicated she also was contacted by Erin Fowers about internal dwellings.
4. Public Comments: None at this time

5. Approval of Minutes for March 23, 2023

Commissioner Maw motioned to approve meeting minutes for March 23, 2023. Commissioner Neil seconded the motion. Commissioners Neil, Ortega, Maw, Skeen and Chairman Faulkner voted aye. The motion carried.

6. Technical Review Report: Kirk Dean owner of Warrens Drive Inn wants to build next to Auto Zone. Mr. Dean wanted to know some of the things we might be concerned about. Commissioner Neil mentioned the things we would be concerned about would be parking, signs and lighting. Mr. Dean mentioned they could start in a year if everything went well.

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7. Legislative Items:

Discussion/Motion: Lot Line Adjustment for John Leonardi approx. 4103 W 2800 N

Mr. Leonardi is wanting to make sure all his lot lines are in order; he used the same surveyor as Mr. East. His frontage has a three-foot loss; he is not going to fight it. Commissioner Maw asked if this was just an adjustment to correct the three feet loss Mr. Leonardi said no. Chairman Faulkner wanted to point out that on the engineer's memorandum and the application the parcel number is 19-025-0052 it should be 19-025-0062. Mr. Leonardi corrected the application.

Commissioner Maw motioned to approve the lot line adjustment for John Leonardi approx. 4103 W 2800 N. Commissioner Neil seconded the motion. Commissioners Neil, Maw, Ortega, Skeen, and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Preliminary for West Park Phase 5 approx. 2865 W North Plain City Rd. 5 lots

Mr. Brown mentioned that they have 5 lots zoned RE-20, he has received comments back from our engineer. Commissioner Skeen was wondering if this is part of West Park. Mr. Brown said it is not, but they have been working closely with Nilson Homes and JDC Ranches. Mr. Brown indicated the name will be changed. Commissioner Neil asked if there was any intention of annexing the property in Weber County into Plain City. Mr. Brown said there was not. Mr. Brown said there were comments about the street connectivity and active transportation plans. He also mentioned the county being very specific about the trail system. Commissioner Neil mentioned that some of the will serve letters are addressed to Fox Subdivision. Mr. Brown said they bought a parcel from the Fox family and another twenty acres from Doug Malan. Chairman Faulkner is wondering if the portion that will be in Plain City is that the Fox property. Mr. Brown is not sure. Commissioner Neil indicated that the parcel numbers on the will serve letters do not match up with the will serve letters from the utility companies, they also show 65 to 70 lots. Mr. Brown said the will serve letters are for the whole subdivision. He mentioned that there may have been a mistake in what his staff sent, he indicated that both properties have been annexed into Central Weber. Commissioner Neil would like an updated Bona Vista will serve letter. Chairman Faulkner said we would like to see parcel numbers and will serve letters match. Commissioner Neil mentioned that all will serve letters should say what the subdivision will be called. Mr. Brown would like to know if this can be a condition that he can fix and come back with, he mentioned that everything has been approved he just needs to update the name and parcel numbers. Commissioner Neil and Chairman Faulkner feel strongly that they do not like to approve things until our engineer has signed off. She indicated that Mr. Brown has the letter from the engineer but has not been able to address all the issues. He mentioned sending his reply today, Commissioner Maw said they had not seen that. Chairman Faulkner mentioned sending it today would not have given us time to see it. Commissioner Maw indicated we have approved things on condition and they never came through, he is not saying that will happen this time but we are very reluctant to do things on condition. Commissioners do not have current JDC subdivision plat. Mr. Brown was under the impression that even though there are issues as long as there is a path to getting them solved, he could move forward. Chairman Faulkner said for Mr. Brown to update the name get the will serve letter changed and update which parcels he is submitting and answer all of our engineers' comments first. Commissioner Skeen asked if Mr. Brown was the developer and if he had any intention of selling this to someone else, Mr. Brown said there is a potential of that. Commissioner Skeen mentioned if this is sold to Nilson homes he would like to see amenities put in. There was some confusion on where the entrance would be and if this was part of West Park. Commissioners would like to see everything cleaned up on the plat.

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Commissioner Neil feels they should come back with a whole new application with the name change with all new will serve letters. It was decided to waive the fee for a new application.

Commissioner Maw made a motion to table preliminary West Park Phase 5 approx. 2865 W North Plain City Rd. 5 lots. With the condition that the name, be changed. Commissioner Skeen seconded the motion. Commissioner Neil, Ortega, Maw, Skeen, and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Set public hearing for Detached Accessory Dwelling Units for May 11, 2023

Commissioner Maw will change the drawings in the detached accessory dwelling ordinance. Tammy will change CCR to CC&R's. Commissioner Skeen mentioned that a lot of homes have ten-foot easements in their yards that they would have to get letters from all utility companies to build an accessory dwelling over the easement. Commissioner Skeen was wondering if legal has looked at home owners' association on accessory dwellings. Chairman Faulkner said legal was at the meeting when she talked about this, he wanted to do more research. Commissioner Skeen is concerned about the state being able to override home owners' association (HOA) and covenants conditions restrictions (CC&R's). Commissioner Neil mentioned that the city council and legal will have to look at this to make sure we can do what it says in 10-21-2 (c) 2. *State statute overrides any Home Owners Association (HOA) and Covenants Conditions Restrictions (CC&R's).*

Commissioner Neil made a motion to set public hearing for Detached Accessory Dwelling Units for May 11, 2023 Commissioner Maw seconded the motion. Commissioner Neil, Skeen, Maw, Ortega and Chairman Faulkner voted aye. The motion carried.

8. Administrative Items:

9. Report from City Council: Commissioner Skeen

Commissioner Skeen indicated that final approval for C&B subdivision was approved. He mentioned that he did not know it was a rural subdivision. He mentioned the city council was okay with it. Chairman Faulkner thought it was rural in Re-30 and RE-40. The re-zone for the Brodie Schwinn property was approved. Conditional final on Panunzio subdivision phase 1 was approved, MRB subdivision to remove easement was approved. He said the state is making us provide two options for subdivisions you can either do a 10% escrow or a bond. The sensitive land use ordinance will be coming back to planning, city council wanted to have in there a set elevation before a developer can build. Dan will take care of fixing this ordinance. Approval of the headworks project. Talked about the garbage rate increase, it was approved. Bruce Parker spoke about the moderate-income housing report we were noncompliant. The next time to report starts in May of 2023 report needs to be in by August 2023 if we are not compliant in the future there could be a fee attached. He also mentioned that we need to change our language in the general plan to match the states language.

10. Commission Comments:

Commissioner Ortega will be out of town for the next meeting. Chairman Faulkner has been conversing with Ben Modesitt by email. He is looking for land to do storage units. There has been some talk about people coming to technical review before they own the land. Commissioner Neil felt they could come once but not keep coming back. Chairman Faulkner feels we need to be equal with everyone. Dan mentioned all the sand bags we have down by the salt shed, anyone can go get some if they need to protect their home.

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11. Adjournment

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

Meeting ended 8:16pm

City Council: April 20– meeting canceled

2023

SKEEN	JENKINS	ORTEGA	MAW	NEIL	FAULKNER
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


Planning Commission Chair


Planning Commission Secretary