

Plain City Commission
Minutes of Meeting
March 9, 2023

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

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

Excused Commissioner Skeen

Staff: Tammy Folkman

Attendees: Chase Stander, Jason & Julia Beutler

Zoom Attendees: Dan Schuler, Adams Family, Bruce Parker

Welcome: Chairman Faulkner

Pledge of Allegiance: Commissioner Ortega

Moment of Silence/Invocation: Commissioner Maw

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

2.

3. Opening Statement: Chairman Faulkner

3. Ex Parte: Chairman Faulkner received a call from Rick Scadden about the senior overlay and she said the plan they brought to technical review this time was because of comments that Councilman Saddler had mentioned in a previous technical review.

4. Public Comments: Chase Stander is here tonight to make some comments on the accessory dwelling unit ordinance. He said he does not have a problem with the ½ acre or larger lots it will not impact too many residents. He said since there has been discussion of letting smaller lots build an accessory dwelling now that will impact more residents and neighborhoods. He mentioned the 5 feet between properties and said on a smaller lot you would have someone living right on the property line, he felt like this should be considered. Mr. Stander was wondering if this is just a temporary fix. If so, he would like to see a time limit on the accessory dwelling units. He would like some clarification on the 900 square feet of living space, is that just the size you can build. He brought up if we are going to reduce the lot sizes many of the subdivisions already have codes and covenants in place would this be a conflict with the city code. He would like to see these codes in place, so neighbors are not fighting with neighbors because of a possible oversight. He feels a ½ acre is a good size for accessory dwellings, smaller lots would be closer to each neighbor. Chairman Faulkner pictures an accessory dwelling in the corner of a backyard. She wondered if that is what Mr. Stander is thinking and she asked if he is in a neighborhood with covenants. He said he is. Chairman Faulkner said this will not be a temporary thing and enforcement is driven by complaints. Commissioner Neil mentioned that we need to talk with our city lawyer about the CCR's.

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5. Approval of Minutes for February 23, 2023

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

6. Technical Review Report: Jason and Julia Beutler came to technical review; we will discuss what was said later in the meeting tonight. Dan mentioned the technical review with Brynlee Acres a few months back, he that they walked out of the meeting with the understanding that the city liked the idea of a senior overlay. Leisure Villas who are working with Rick Scadden came back with a drawing of a senior living plan with club house and pickle ball courts. Dan said they did give them some feedback so they would be ready to go to planning commission. Dan said he did send them the ordinance for the senior housing overlay, he thought it would be a nice senior development.

7. Legislative Items:

Discussion/Motion: to set Public Hearing for Detached Accessory Dwelling Units on April 13, 2023

Chairman Faulkner would like to know if we should talk about making changes or just present it as it is. She mentioned the lot size, do we want to keep it where all zones are available, but the lot size needs to be a certain size. Commissioner Neil would like to know what Brandon's reading is on CCR's and HOA's. Chairman Faulkner will ask him about that. She did say the living space is 1000 square feet not the 900 square feet that Mr. Stander talked about. Commissioner Maw said they have talked about making it part of a structure, he said a barn and an accessory dwelling would have different occupancy it would be rated differently. Chairman Faulkner feels we need to table this so we can get more direction from legal. She would like to know everyone's opinion on lot size. Commissioner Jenkins mentioned the more we try and restrict this, the more people will just build what they want and call it a barn or shed then turn it into a residential dwelling without our knowledge. Commissioner Ortega indicated his lot is 18,500 feet and he has plenty of room for an accessory dwelling he did have some concerns on keeping it at a true ½ acre. He wants to make sure people are doing it right and the city is getting credit for it on our low-income housing. Commissioner Jenkins was wondering if there was a restriction on the height of the structure. Commissioner Ortega mentioned that it was in 10-21-3 (e) it does talk about it but does not define it. Chairman Faulkner would like to add the height in as #6 *The height of the accessory building shall not exceed that of the primary structure.* Chairman Faulkner indicated the accessory building should not be taller than the home.

Commissioner Jenkins motioned to table setting of the public hearing for the detached accessory dwelling units. Commissioner Neil seconded the motion. Commissioners Neil, Ortega, Maw, Jenkins, and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: regarding the Sensitive Land use Ordinance specifically Flood Plains

Commissioner Neil mentioned that city council did have a concern about one of the words on 10-18-17 (b) 10, what does detrimental mean and who determines that. Chairman Faulkner mentioned changing it to say *Canals, Rivers and Streams are required to be fenced and or piped as determined by planning commission and or city council for public health, safety and/or welfare.* Commissioner Neil mentioned that in 10-18-18 (1) the mayor felt like this was a grey area he would like to see a minimum acreage size of 4 acres. Chairman Faulkner was wondering what the reason for limiting the acreage was. Commissioner Neil said if you have a home on a

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smaller lot, they may be surrounded by a flood plain also to avoid lawsuits. He also felt that if you had a bigger lot there would be more space for septic tanks. He was wondering if we needed to make the frontage bigger. Chairman Faulkner was wondering if we keep the frontage the same and change the side yard so one side is big enough to drive equipment through, would that help. Commissioner Jenkins is wondering if we will need to change our existing ordinance or just make it specific to this ordinance. Commissioner Neil and Chairman Faulkner felt like it should just be for this ordinance because of septic tanks. Chairman Faulkner felt like we should just say no septic tanks in flood plain areas. Dan mentioned that you need to get approval from Weber County for a septic tank. Commissioner Neil feels we need to run this by legal. It was decided to add onto 10-18-18 end of paragraph (1) minimum *lot size is 4 acres* and on 10-18-18 add a line (B) *to say no septic tanks allowed.*

Commissioner Jenkins made a motion to table the sensitive land use ordinance specifically flood plains. Commissioner Maw seconded the motion. Commissioner Neil, Ortega, Maw, and Chairman Faulkner voted aye. The motion carried.

8. Administrative Items:

Discussion: Jason and Julia Beutler minor subdivision

Jason and Julia are here to talk about a home they would like to build on a lot they already own that has another existing home on it already. Julia mentioned that the lot is one lot but at one time it was two lots, they would like to re-subdivide it and make two lots again. Lot A has 85 feet of frontage and lot B would have 110 feet of frontage. Commissioner Neil mentioned that this home (lot A) was built in 1964 he is not sure they even had a planning commission back then or standards. He feels he has a hard time making them conform to today's standards. He had suggested to the Beutlers at technical review to bring what they wanted to do to planning commission to talk about it before going to all the expense of engineer drawings. Commissioner Maw said he thinks the zoning fits and thinks it will be okay.

Discussion: 2022 Moderate Income Housing Annual Report- Bruce Parker

Mr. Bruce Parker is a planning consultant and has had the pleasure of working with communities across the state. He mentioned the state is getting a little bit more serious on making sure municipalities and counties are invested in moderate income housing. The legislators are concerned about the lack of affordable housing. It has become a social issue, families and friends cannot find affordable housing in areas that they would like to live. The state of Utah has asked every municipality with some exceptions and counties to develop a moderate-income housing plan. The first requirement is we must have a plan and Plain City has this in their 2018 general plan, now the state is asking to do a couple of additional steps. They would like to know what actions we have taken to address affordable housing and how we monitor the progress of affordable housing. He believes the report filed for 2022 meets the needs of the state. Coming from the 2023 legislature there will be more reporting. Mr. Parker is still working through all of them he will follow up with us on what we need for our report that we do in 2024 for 2023. He mentioned that the state required us to have three strategies that Plain City is prepared to do implementation, strategy and monitoring to show the seriousness of moderate-income housing within the city. *Item A on page 3- Rezone for densities necessary to facilitate the production of moderate-income housing.* What was put here was the senior overlay district. This led us into the goals of the general plan on page four of the report. There are a couple of things we need to comply with 1. *Is have twice yearly reviews* and 2. *Put the senior overlay housing and zoning ordinance and general plan on website.* Mr. Parker said we have a plan to do a twice-yearly review on the moderate-income housing plan, progress reports will be done twice a year as well. Chairman Faulkner asked if this would be an update to our general plan? Mr.

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Parker said it would be. Commissioner Maw asked if that means we as a city will need to open our general plan and address every two years? Mr. Parker said we will only be focusing on the moderate-income housing portion only. He mentioned it can be done as an amendment to the general plan. He indicated by doing this we will qualify for funds from the State. *Item B on page 5- Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate-income housing.* In the last three years we have had \$1.5 million road and street maintenance funds, we use that for our moderate-income housing. The implementation was to make this part of the city's budget process. *One of the strategies that was recommended was to have a moderate-income housing benefits and barriers report accompany all proposed annual infrastructure and service expenditures.* What this is saying that this will benefit moderate income housing in some way. Chairman Faulkner asked if the Connex cable that the city is having put in will qualify for one of these things. Mr. Parker said yes anything that you do in the public interest will benefit the moderate-income housing. *Item E on page 6- Create or allow for and reduce regulations to internal or detached accessory dwelling units in residential zones.* At the bottom of page 6 there are some strategies that we will do so the public is informed about Internal and External accessory dwellings, information will be posted by March 31,2023. Chairman Faulkner was wondering if we could put in next year's report, that we talked to our city inspector, and he said that nobody has qualified for the internal dwelling, so we are taking another look at the external dwelling. Would this show that we are making improvements to the ordinance? Mr. Parker indicated that the internal accessory dwelling ordinance is required by state law, however the state has not taken the same steps for external dwellings. Plain City has taken the initiative to implement external accessory dwellings in their plan. He mentioned that very few cities have done this, that was helpful for us in filing our report. Another strategy is *we will monitor the number of building permits issued for internal and external construction annually. We will also continue to monitor twice-yearly moderate-income housing plan and report to planning commission and city council.* Commissioner Neil was wondering if city council will be briefed on this plan. Mr. Parker will be going to city council in April. Chairman Faulkner would like to calendar in our twice a year review.

Discussion: Commercial Zones C1, C2, C3

Commissioner Neil mentioned that when he did his report to city council, they wanted to know why we were discussing commercial zones. He said we have some businesses that are not in the right zones. Councilman Beal was wondering if this was an enforcement issue instead of an ordinance issue. Commissioner Jenkins was surprised of some of the businesses that were allowed in Plain City. Commissioner Maw mentioned we need to have everything listed so people can't say we don't have a certain business listed so therefore they can put one in. Commissioner Neil mentioned two businesses that may be in the wrong zone, Dan has talked to both of them, and he feels that they are not conducting business at this point just storing supplies on their property. Chairman Faulkner asked if they are not listed specifically do they default to being okay? Commissioner Jenkins is wondering if we can have them default too conditional. Chairman Faulkner is wondering if we can put in a line that says. *If a specific business is not listed these uses apply C-1-N, C-2-C, C-3-C.* Commissioner Maw felt like we need to have our city attorney look at this. Commissioner Neil mentioned that self-storage is not permitted in C-1 and both C-2 and C-3 are conditional. He did not see anywhere that it showed commercial storage. Chairman Faulkner had a few questions on what is a five and ten cent notions store, and how come you can sell pies out of your home, but you can't have a pie manufacturer? She feels like car detailing should be allowed in a neighborhood as well as graphic design. Commissioner Jenkins was wondering if we ever had an issue with a permit. Chairman Faulkner indicated about six months ago the Hayloft wanted to sell rocks, but the building is in a residential zone not a commercial, it was a zoning issue not so much a business type issue. Chairman Faulkner does not understand some of the differences of where businesses can and cannot be.

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Commissioner Ortega asked if we have C-1 on our future land use map. It shows on the map as just commercial.

9. Report from City Council:

Commissioner Neil mentioned that the Scott Wayment, C&B subdivision were tabled because they did not have a deferral agreement in the city council packets. He asked Commissioner Maw if he had ever seen deferral agreements in the packets? Commissioner Maw indicated he had not. Commissioner Neil said that Mr. Hales mentioned that the deferral agreement means nothing until the mylar is signed, he said if city council wants it in their packets, he will put it in. He indicated the council was changing the rules without anyone knowing. The council will put aside \$2,000 for the easter egg hunt. Garbage contract was renewed, blue cans are now considered a garbage can. The yard waste program went away. The mayor paid a tribute to Randy Marriott and his contribution to the city. Councilman Beal asked about grants for amphitheater, there will be no grants for this. Councilman Skeen wanted to know if the amphitheater could be combined with the recreation center. Councilmen Sadler talked about the upcoming conference coming up in April.

10. Commission Comments:

Commissioner Ortega wanted to express thanks to Tammy for all the work she does. Commissioner Jenkins wanted to know if we really are getting a recreation center. Dan said he is getting costs for the future. The location he is looking at is pioneer park. He is also wondering if the commission wants him to make changes to the flood plain ordinance and get it back to them. They would and then they will make a motion on it.

11. Adjournment

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

Meeting ended at 8:50pm

City Council: March 16 -Chairman Faulkner

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

Planning Commission Chair

Planning Commission Secretary