

Plain City Commission
Minutes of Meeting
February 9, 2023

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

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

Staff: Tammy Folkman

Attendees: Randy Weston, Linda Youngdell, Erika Terry

Zoom Attendees: Dan Schuler, NLCOX

Welcome: Chairman Faulkner

Pledge of Allegiance: Commissioner Jenkins

Moment of Silence/Invocation: Commissioner Skeen

1. Roll Call: Chairman Faulkner directed roll call. Commissioners Jenkins, Skeen, Neil, Maw, Ortega were all present.
2. Opening Statement: Chairman Faulkner
3. Ex Parte: Chairman Faulkner mentioned that she talked with Buddy Sadler and he isn't very happy with the changes to the detached accessory dwelling ordinance.
4. Public Comments: Erika Terry was wondering about what we are doing on 1500 North it is getting very busy, cars are going too fast. She would like to have a walking path or sidewalk put in for the residents.
5. Approval of Minutes for January 26, 2023
Commissioner Jenkins motioned to approve meeting minutes for January 26, 2023. Commissioner Skeen seconded the motion. Commissioners Jenkins, Skeen, Neil, Maw and Chairman Faulkner voted aye. The motion carried.
6. Technical Review Report: Commissioner Neil mentioned that the residents at 1748 N 4425 W would like to take their current lot and divide it. He said they went and got their engineer drawings before they realized they would need to rezone. The future land use map says it would need to be RE-18.5 but for them to subdivide they would need it to be RE-15. They are going to come to the planning commission because they have RE-15 across the street as well as down the street, they are hoping to get it zoned to RE-15. Dan said this would be a good opportunity to make improvements on that corner. Chairman Faulkner is worried about

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the frontage. Commissioner Neil said they didn't get into that. They were concentrating on the zoning. Chairman Faulkner was wondering if Pioneer Road is not the same as 1500 North. Dan said it is not. Commissioner Neil indicated that he didn't think they let the applicants know that the City Council has final approval not the Planning Commission. Commissioner Neil would like Dan to write up a letter that will help strengthen their case with all the improvements that can be done.

7. Legislative Items:

Discussion/Motion: Subdivision Amendment for MRB Subdivision approx. 2466 N 4100 W Bret and Tammy Folkman

Randy Weston is here representing Bret and Tammy Folkman. He has a memorandum from Wasatch Civil recommending approval for the subdivision amendment as well as the plat showing where the lot line has been changed to show the front parcel is 15,000 square feet. Commissioner Skeen is wondering if the back piece will get a new parcel number. Mr. Weston said it would.

Commissioner Skeen motioned to recommend approval on the MRB subdivision amendment approx. 2466 N 4100 W. Commissioner Jenkins seconded the motion. Commissioners Jenkins, Skeen, Neil, Maw and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Final approval for C&B Subdivision approx. 1950 N 5100 W 11 lots

No one was here to represent C&B Subdivision. Commissioner Skeen mentioned that lot 2 is slightly under 18.5, Chairman Faulkner said they did ask them to move the line so lot 2 is 18.5. Everyone was in favor of tabling the C&B subdivision final.

Commissioner Jenkins motioned to table C&B Subdivision approx. 1950 N 5100 W 11 Lots

Commissioner Neil seconded the motion. Commissioners Jenkins, Skeen, Neil, Maw and Chairman Faulkner voted aye. The motion carried.

8. Administrative Items:

Discussion/Motion: 2023 Planning Chair and Co-Chair

Commissioner Neil is wondering if Commissioner Skeen has been put back on the planning commission. Commissioner Skeen said he needs to write a letter to the city council. He did mention he would rather not be the chair. Commissioner Neil had a question for Diane. If Commissioner Skeen's term has ended can he vote? Diane said we will need to look into this.

Commissioner Jenkins motioned to table the 2023 Planning Chair and Co-Chair Commissioner Neil seconded the motion. Commissioners Jenkins, Skeen, Neil, Maw and Chairman Faulkner voted aye. The motion carried.

Discussion Rehabilitation Ordinance

Chairman Faulkner feels the information that they received in their packets didn't pertain to a rehab center. She asked what everyone liked in a disability home. She read the state definition *for residential support program includes a program that provides a supervised living environment for individuals with dysfunctions*

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or impairments that are emotional, psychological, developmental or behavioral. Commissioner Maw said he does a lot of this kind of thing in his day job. He indicated they group these things together in the ordinance with hospitals, but he said we wouldn't put a hospital in a residential area. Chairman Faulkner mentioned that there is one that defines residential support program as a facility that serves fewer than four individuals and that treatment is not a component, she feels like this would be for people who don't need to be in a hospital. Commissioner Skeen said is this like an adult handicap facility or an emotional type facility or serve autism. He is wondering if that is what we are looking to go to. Commissioner Maw was wondering how we separate this from a nursing home. He would like to prevent a large facility of that type in a residential area. A concern that Commissioner Jenkins has is the definition of disability, in the North Ogden ordinance it says *disability is based upon their status as current users of illegal controlled substance, sex offender, or juvenile offender.* He thinks we will need to be pretty specific on this. Chairman Faulkner mentioned the Bountiful ordinance where it says *In a Residential Single-Family Zone, not more than three unrelated persons shall occupy a residential facility for persons with a disability established in a dwelling unit.* She feels this is important to include. Commissioner Neil likes the Roy ordinance it has four elements its short and sweet. He feels we need to identify what commercial zone we want this in, maybe a C2. Chairman Faulkner asked how everyone felt about a disability in a residential area with restrictions on it. Commissioner Jenkins feels this would be fine he does like the Bountiful ordinance where it says three unrelated persons, and we restrict the definition of disability. Dan mentioned adequate parking. Commissioner Ortega mentioned that usually the clients don't drive but you would have employees that would drive, you would need room for two cars. He also mentioned that you can't tell that it is any different than a single-family dwelling. Commissioner Jenkins is wondering if the State is requiring the city to have a residential facility. Chairman Faulkner feels like our ordinance is too broad so we were going to really define each type of facility. Commissioner Skeen is wondering if we expect to see a lot of this in homes or a building. Chairman Faulkner feels like it could be either. She said Bountiful requires a permit. She thinks we want one that says a residential facility for persons with a disability that a substance abuse facility is not allowed in a residential zone. Commissioner Jenkins is in favor of doing a residential facility ordinance, he likes the Bountiful one he did say they would need to make a few changes. Define disability and make sure we limit any bad behavior stuff (drugs). Everyone seemed to like all of North Ogden's ordinance and include some of things from the Bountiful ordinance as well. Commissioner Neil said the Bountiful ordinance does talk about parking 14-21-106 number 2- A, B. Commissioner Skeen did say the Bountiful ordinance does say you will need additional parking in the back of building this is on page 21-7 B. 2 also 4-A, B. structure design. Chairman Faulkner was wondering if the facility is in a residential zone should it be 500 feet from a school. Commissioner Skeen said in 14-21-105 1 through 9 and 11 leave out #10. Chairman Faulkner will have Tammy type everything up to go over again as well as write up the assisted living ordinance.

Discussion Accessory Dwelling Ordinance

Chairman Faulkner mentioned that Buddy did not want an accessory dwelling unit on anything less than a true half acre. He would like to leave the setbacks the way they are in the ordinance now. Commissioner Jenkins feels we need to change the setbacks if not we will continue to have problems. He feels the setbacks need to be the same on all exterior buildings. Everyone felt that the setbacks should be 5 feet all the way around. Commissioner Skeen said to do it in tiers depending on the size of the accessory building. Commissioner Jenkins was wondering if we care how cramped their backyards are as long as they are following the setbacks.

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Chairman Faulkner feels like they should keep the 14 feet between building and she feels we should be able to add RE-18.5. Commissioner Maw feels we need to get the setbacks right. There was talk about duplexes and everyone agreed they would like to do away with them. Chairman Faulkner said to look at percentage and parking on the duplex ordinance. She said for the detached accessory dwelling the setbacks should be the same as our current standards, also only a 1,000 square feet of living space. Commissioner Ortega said there is not much difference between RE-18.5 and a true half acre. Everyone felt if they meet the setbacks, they should be okay. Chairman Faulkner feels we should leave the RE-15 zone. There was talk about how much of your rear yard can have an accessory building on it. In our code 10-8-4 F. *No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty five percent (25%) of the rear yard.* She is wondering if we should remove this line in our ordinance *10-21-2 B. Zones Allowed: properties already zoned as A-1, A-2, RE-40, RE-30, RE-20, RE-18.5, and RE-15. A detached DADU shall not be permitted on any lot smaller than twenty-one thousand seven hundred and eighty (21,780) square feet.* She is thinking we need to have another public hearing on the changes that are being made. An accessory dwelling needs to be on a foundation not some thing you can move around.

9. Report from City Council:

Commissioner Ortega mentioned that city council had a quick meeting. He said a person came into city council and said the garbage trucks are putting the cans down too hard and breaking them. Commissioner Jenkins said we have to pay for our garbage can now and they are not cheap.

10. Commission Comments:

Chairman Faulkner said she would address Erika Terrys comment from early in the meeting about 1500 North. She asked Dan if he had any comments on this. Dan said he has done an overlay on it this past summer. He said he approached council about making it a three way stop but was turned down and was asked to do a crosswalk there. He is in favor of a sidewalk on the North side of the road or a walking trail. Chairman Faulkner suggested striping the walking trail so cars don't drive in it. Erika is referencing 1500 North not the old S curve, she is talking about the road that goes all the way through. Dan said he did get a grant to do sidewalk on 4650 West up to 1500 North then do a cross walk on the west side. Dan mentioned he can look into doing a temporary asphalt path. He is hoping to get a grant for the east side. Chairman Faulkner asked if he was doing anything on the road that goes up to Marriott Slaterville, he is hoping to do something.

Commissioner Neil mentioned something he saw in the news about farmers and residential people getting inundated with solar farms. Chairman Faulkner said we will watch this, and look at our commercial zones. Commissioner Maw mentioned what was going on at Capital Hill about moderate income housing, he also mentioned that building codes will be updated to 2021 version. Dan said he had a phone call from Pineview water they will be installing meters at the parks to see what usage we are using.

11. Adjournment

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

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Meeting ended at 8:25pm

City Council: February 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	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