

Plain City Commission
Minutes of Meeting
August 11, 2022

Plain City Planning Commission met in a regular meeting at City Hall on Thursday August 11, 2022 also accessible via ZOOM beginning at 7:00p.m.

Present:	Chairman Shawna Faulkner Commissioner Blake Neil Commissioner Jarod Maw Commissioner Dustin Skeen
Excused	Commissioner Rob Ortega Commissioner Blake Jenkins
Staff:	Tammy Folkman, Dan Schuler
Attendees:	Bret Folkman, Shad Christensen, DeAnn Cragun, Bart Cragun, Glenn Williams, Kyle Stoker, Julayne Stoker, Pat Burns, Derek Kennedy
Attendees via Zoom:	Linda, Jeri Wilcox, Racheal Beal
Welcome:	Chairman Faulkner
Pledge of Allegiance:	Commissioner Skeen
Moment of Silence/Invocation:	Chairman Faulkner

1. Roll Call:

Chairman Faulkner directed roll call and indicated Commissioners Jenkins and Ortega were excused. Commissioners Maw, Skeen, Neil and Chairman Faulkner were present.

2. Opening Statement:

Opening Statement read by Chairman Faulkner

3. Ex Parte: none at this time

4. Public Comments: Mr. Bart Cragun was concerned about his well in the Sage Creek Subdivision. Julayne Stoker has concerns about the Sage Creek Subdivision going in out west. She said there is a high-water table out there and she is concerned about the sewer system.

5. Approval of Minutes for July 28, 2022

Commissioner Maw motioned to approve the meeting minutes for July 28, 2022. Commissioner Neil seconded the motion. Commissioners Neil, Skeen, Maw and Chairman Faulkner voted aye. The motion carried.

6. Technical Review Report: Chairman Faulkner mentioned that Craig Jackson was at technical review discussing Pleasant Plains Ranch. Mr. Jackson would like to have a work meeting with Planning Commission and City Council. She indicated they still have some zoning challenges they will need to work through.

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7. Administrative Items:

Discussion/Motion: Lot Line adjustment/Consolidation of Parcels Bret and Tammy Folkman 2510 N 4100 W and 2466 N 4100 W

Bret Folkman would like to consolidate property at 2466 N 4100 W into one parcel. Commissioner Neil mentioned that the small drawing from the engineer shows only .636 acres. Commissioner Maw thought that might be a typing error. Mr. Folkman provided an updated engineers drawing and it shows 3.273 acres that will be consolidated. It will become lot 5.

Commissioner Skeen motioned to approve Lot Line adjustment/Consolidation of Parcels for Bret and Tammy Folkman 2510 N 4100 W and 2466 N 4100 W Commissioner Neil seconded the motion. Commissioners Neil, Maw, Skeen and Chairman Faulkner voted aye. The motion carried.

8. Legislative Items:

Public Hearing: Regarding Xeriscape Ordinance

Commissioner Maw motioned to open Public Hearing regarding Xeriscape Ordinance. Commissioner Skeen seconded the motion. Commissioners Neil, Maw, Skeen and Chairman Faulkner voted aye. The motion carried.

Glenn Williams was wondering if the trees in the park strip should be more of a mature tree, do the branches need to be 8 feet or higher at maturity.

Commissioner Skeen motioned to close Public Hearing regarding Xeriscape Ordinance. Commissioner Neil seconded the motion. Commissioners Neil, Maw, Skeen and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Regarding Xeriscape Ordinance

Chairman Faulkner was wondering if we need to clarify *at maturity* in the ordinance. Commissioner Maw thought it was fine the way it is.

Commissioner Neil motioned to recommend to City Council the Xeriscape Ordinance Commissioner Maw seconded the motion. Commissioner Neil, Maw, Skeen and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Final approval for Robson Farms Phase 3 approx. 3600 W 2100 N 11 lots

Commissioner Neil was wondering about question #8 on the engineer's memorandum *Plans show a non-conforming parcel between Lots 3,19 and 20. We recommend the parcel be included with Lot 19.* Mr. Christensen said the reason they left the small parcel on lot 20 was because of the three telephone poles. He felt like it was not a safe access to be backing out on that corner. He would like to have a side load garage as far to the north as he can get it. He did mention the little strip was going to be an easement access for a retention pond it was on the original design plans it was split off when they did Robson Farms Phase 2. Chairman Faulkner likes to see a final review from our engineer at this stage, Mr. Christensen's said his engineer has addressed all the concerns on our engineer's memorandum. The only one they are working on is the irrigation ditch. Public Works Director Dan Schuler was concerned about the sewer. Mr. Christensen said the sewer line is being changed to pressurized. On everyone's maps it had Mountain View on the east side of the road, but it runs parallel with Pineview on the west side of the road it doesn't look like there will be enough room to put in the man holes. They will do some pot hole testing. It looks like it will be really close to get a gravity system in there. Dan would like to make sure City Council sees the sewer plan before final at City Council.

Commissioner Skeen motioned to recommend final approval for Robson Farms Phase 3 approx. 3600 W 2100 N 11 lots. Commissioner Neil seconded the motion. Commissioners Neil, Skeen, Maw and Chairman Faulkner voted aye. The motion carried.

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Discussion/Motion: Final approval for Pappy Estates approx. 3475 W North Plain City Rd 18 lots

Chairman Faulkner asked if Mr. Williams had seen the engineer's comments from July 29. Mr. Williams mentioned that all questions had been answered by his engineer. Commissioner Neil was wondering what the pond was. Mr. Williams said it was a detention pond.

Commissioner Neil motioned to recommend final approval for Pappy Estates approx. 3475 W North Plain City Rd 18 lots. Commissioner Maw seconded the motion. Commissioners Neil, Skeen, Maw and Chairman Faulkner voted aye. The motion carried.

Discussion/Motion: Preliminary approval for Sage Creek 4277 W 3600 N 127 lots

Commissioner Maw was wondering why on the plans of the overlay of the wetlands there are several areas as problem areas, they call them meadows that have been irrigated. He is wondering why the problem areas are not showing on the overlay. Mr. Burns said that was the first wetlands study they did nine months ago; the second wetlands study they dug all new holes May of this year. The Wetlands Engineer went back and redlined all the new problem areas from the second study.

Commissioner Neil still had some concerns about 3600 North he mentioned that he thought the county wanted a traffic study on 3600 North. Chairman Faulkner indicated she thought the county was saying if Mr. Burns was working with the county, that is what the county would like to see done. Mr. Burns said if they tie into 3600 North at that point the county could request a study be done. Chairman Faulkner asked what Mr. Burns was going to do with 3600 North, he said that would be up to the city and the county to decide. He also stated that if he had to tie into 3600 North at that point the county could require him to do something to get a permit. He may have to tie into it at some point. Chairman Faulkner was wondering if this development will be approved in phases, Commissioner Skeen was wondering the same thing, until there is a secondary access, he has a hard time approving the whole thing. He would like to see how the whole thing is going to work first. Chairman Faulkner mentioned that the Fire Marshall and City Engineer are okay with Phase 1.

Commissioner Skeen was curious of the classification of Flood Zone A. Mr. Burns said if it drops below a certain elevation then they have to put it in a different zone. Mr. Burns indicated they will need to bring in dirt to get some areas above the flood plain. Commissioner Skeen was wondering if in our ordinance there is a certain elevation you have to be at before you can build in a flood plain. Chairman Faulkner is concerned that some of the problem areas are in yellow, she is not clear between the red and yellow problem areas. She said she would feel bad if they let people build in these areas without knowing more about it. Chairman Faulkner is concerned about the redline (wetlands) going through some of the lots. Commissioner Maw wondered if the city would have to tell the home builder about that. Mr. Burns said it was up to the developer to tell the home builder about the redline areas (wetlands) on their property. Chairman Faulkner would like this to be part of the developer's agreement.

Commissioner Skeen asked if Mr. Burns had a Geological Technical Study done for all phases. He indicated that it has been done. Chairman Faulkner would like to know what is going to happen with the well. Commissioner Skeen mentioned he has looked into the ownership of the well and he can't find any record of ownership or that it even exists, he said it would be hard for us to require Mr. Burns to do something about it when we don't have any record of it. Mr. Burns said he has given Mr. Cragun an easement to access that property and it will be protected on the plat and he will make it better than it is now. Mr. Cragun said he does have a deed of the well. Mr. Cragun will show the deed but nobody can make a copy of it. Commissioner Skeen said as far as we know there is no legal document of the deed. If we can get something, to show that Mr. Cragun owns the well that would be helpful. Commissioner Skeen mentioned that we can't do anything for Mr. Cragun if we don't have record that the deed exists. Mr. Burns indicated that he had hired a water attorney to find the well to but couldn't find it. Mr. Cragun is worried that the well is going to dry up with the new development. Commissioner Maw asked if someone could come in and build a house on lot 101 with the well on it. Mr. Burns indicated that they could. Commissioner Maw wanted to know if Mr. Cragun would be able to access the well? Mr. Burns said there would be an easement for Mr. Cragun. Commissioner Skeen felt like this would solve the problem for Mr. Cragun. Mr. Burns said there was no legal document on his deed, anything that is on Mr. Cragun's deed won't affect Mr. Burns deed. Mr. Cragun indicated that half of the water out of the well is his and the other half is Mr. Burns. Mr. Burns feels he is giving Mr. Cragun what he wants. Dan mentioned that you would have a utility easement and an access easement in the developer's agreement you would have to have an easement for both utilities and the well. Commissioner Maw was wondering if it could be fenced so Mr. Cragun could access it. Mr. Burns would be okay with that. Mr. Cragun is still worried about what is going to

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happen to his well when they start developing, he would like a Bona Vista connection at Mr. Burns expense. The well is used to water Mr. Craguns cattle it is not used for drinking water. Commissioner Skeen indicated we don't need to see the deed if Mr. Burns is already giving access to the well to Mr. Cragun. There was further discussion on Mr. Craguns well drying up. Commissioner Maw asked Mr. Burns if he had read through our sensitive land use ordinance and if he complied with it? Mr. Burns has read it and does comply with it. Commissioner Skeen had a question about the secondary water, he wanted to know who would be the provider. Mr. Burns indicated it would be owned by Mountain View Irrigation. He does not have the letter from them now but will have one at final he is also working with Bona Vista as well. Mr. Burns will get those letters to Tammy to give to the Commissioners. Commissioner Neil asked about the second access, Mr. Burns indicated there were multiple requests from Commissioners to move it and he has moved it away from the curve. Mr. Burns said the traffic study says the closer you can be to the vertical curve the safer it will be to see. With the vertical curve off the rail trail, Mr. Burns said they can move 53 feet he indicated that is what he turned in to the Commissioners, plus what Dan proposed a deceleration/acceleration lane it is a step in the right direction. At the last meeting Mr. Burns thought the Commissioners wanted him to move it away from the curve in the road, but they were talking about the vertical curve. Commissioner Maw showed the road moved onto the Jackson property. Mr. Burns mentioned that the traffic engineer said no, if you move 53 feet then it is not safe. Mr. Burns said if you move it closer to the Jacksons property you are getting too close to the curve in the road. Mr. Burns indicated again the traffic study report and where they thought the road would work best, he indicated if the Commissioners wanted to move it, he would but he said he will not be liable for it, he said he just listens to the engineers. Commissioner Maw would like the Jacksons to sign off on the road as well. Commissioner Neil is concerned about a citizens comment that was sent to the county about a substandard road. Our engineer's comment was *it is unclear to us how the existing road is substandard*. Mr. Burns said it was the same size as the other roads. Commissioner Skeen mentioned Plain City ordinance 0-18-12: *POSTCONSTRUCTION INSPECTION AND CERTIFICATION: For any real property with respect to which development has proceeded on the basis of a letter report or a geologic report which has been acknowledged by the city engineer, no final inspection shall be completed or certificate of occupancy issued or performance bond released until the engineer or geologist who signed and approved that letter report or geologic report shall further certify that the completed improvements and structures conform to the descriptions and requirements contained in said letter or report*. He was not sure how we maintain this, Mr. Burns said they have to maintain this as well as send report to the state. He said he could not even apply for a building permit without following our ordinance or he can't revise the Lomar. Chairman Faulkner indicated it is still hard to make a motion because there are still a lot of unanswered questions. Commissioner Neil was still concerned about the county's comments. Chairman Faulkner mentioned she asked that our engineer respond to those comments. The county comments were in the July 28 planning packet. Commissioner Skeen read the comments and said he would take into consideration the counties comments that deal with our city, he also felt like we had addressed them. Chairman Faulkner felt like the ones that applied to Plain City were addressed by our engineer. The concerns from the Commissioners were #1. the secondary access, #2. easement of the well, #3. wetlands, #4. something from the Geotechnical Engineer saying he will stand by everything that has been done on the Sage Creek Subdivision and is willing to inspect each site with his stamp and signature on it, #5. Will serve letters and also one from Mountain View Irrigation. Derek Kennedy from the audience was trying to talk. Chairman Faulkner mentioned she had taken comments at the beginning of the meeting, but Mr. Kennedy came in late. Chairman Faulkner let Mr. Kennedy speak. He asked if the Commissioners received his email about his concerns? They had received them. Commissioner Skeen indicated that we take questions into consideration but if they have already been addressed, they won't go over them again. Mr. Kennedy had some concerns of the traffic on the roads as well as a secondary access. Commissioner Skeen mentioned we have already addressed the second access. He indicated you can build 30 lots before you need a second access. Most of Mr. Kennedys concerns had been addressed earlier. Commissioner Skeen said we will listen to the County's input as long as it fits in with our ordinances.

Commissioner Maw motioned to table Sage Creek preliminary at 4277 W 3600 N 127 lots, until we receive the five things we talked about tonight. Commissioner Skeen seconded the motion. Commissioners Neil, Skeen, Maw and Chairman Faulkner voted aye. The motion carried.

9. Report from City Council:

River Crossing was approved at City Council.

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10. Commission Comments:

Commissioner Maw was approached by an individual from the American Institute of Architects, they would like to proceed with the assessment. Instead of being \$10,000 it has gone down to \$5,000. He mentioned that we are in the process of re-writing our general plan, he would like to have a date of when we will start updating our general plan. Chairman Faulkner will get a date soon. She received a call from Dallas Weston he has been talking to Mr. Adams who has property east of Taylor Parks. Mr. Adams is willing to have a walkway through his property to the elementary and he will keep it plowed low between the two fields. Chairman Faulkner was not sure who she should talk to about this. Dan said he would talk to Mr. Weston. Chairman Faulkner received a call from Cody Rhees, he wanted her to come and see his Parade of Homes the one by Kents and he wanted her to see the Accessory Dwelling he had built as part of that home. His comment was the way our ordinance is now, people will build them but they won't be considered livable, they may not have closets and something to do with the kitchen that would make it not livable. Mr. Rhees said he has built this type of place in other parts of the city. He mentioned that the city won't get credit for them. She is wondering if we have enough in our ordinance to satisfy the state. Commissioner Maw mentioned going back to our axillary ordinance and look at it. It sounds like Mr. Rhees is using the axillary ordinance for this type of dwelling.

11. Adjournment

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

City Council August 18 -Commissioner Ortega

2022

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

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

Planning Commission Chair

Planning Commission Secretary