

Plain City Planning Commission
Minutes of Meeting
September 23, 2021

Minutes of the Plain City Planning Commission Meeting held online September 23, 2021 at 7:00 p.m. – virtually broadcast via ZOOM.

Present:	Chairman	Blake Neil
	Vice-Chair	Shawna Faulkner
	Commissioner	Rob Ortega
	Commissioner	Blake Jenkins
	Commissioner	Dustin Skeen
	Commissioner	Jarod Maw

Staff: Mike Kerswell, Dan Schuler

Attendees: Adams Family, Craig Call

Welcome: Chairman Neil

Pledge of Allegiance: Chairman Neil

Moment of Silence / Invocation: Commissioner Jenkins

1. Roll Call:

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

2. Opening Statement:

Chairman Neil dispensed with reading the Opening Statement.

3. Ex Parte Communication or Conflicts of Interest to Disclose:

None reported.

4. Public Comments:

None offered.

5. Approval of Meeting Minutes for September 9, 2021

Commissioner Faulkner motioned to approve the Meeting Minutes for September 9, 2021. Commissioner Maw seconded the motion. Vote: Commissioners Maw, Jenkins, Faulkner and Chairman Neil voted aye. Motion carried.

6. Technical Review Report

Public Works Director, Dan Schuler reported that representatives for the Burns Plain City development met with him and the City Engineer to discuss access and sensitive lands concerns. He spoke of a planned sewer system arrangement for the area.

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Chairman Neil reported that Cody Rhees presented a concept for a commercial development in the City Center District. He noted that the site plan will be on the October 14th Planning Commission meeting agenda. Commissioner Faulkner indicated; Mr. Rhees was advised that more information on lighting and storm water management will be required. She commented on the location of a well that conflicts with the street layout for the proposed Burns Plain City subdivision.

7. Administrative Items:

Land Use Authority/Planning Commission Training - Craig Call

Attorney at law and Executive Director of the Utah Land Use Institute, Craig Call continued his video presentation on Utah Land Use Law. He reviewed administrative and legislative appointments. He asserted that ordinances are mandatory and that municipal zoning authorities are bound by the terms and standards of applicable ordinances and are not at liberty to make land use decisions in derogation thereof. He gave examples of situations where local ordinances were followed without regard for inconveniences or hardships. He commented on Vested Rights, informing that an applicant who has submitted a complete land use application, including the payment of fees, is entitled to substantive review of the application under the land use regulations in effect on the date the application is complete. He stated; an applicant is entitled to approval of a land use application if the application conforms to the requirements of the applicable regulations and development standards in effect when the applicant submits an application and pays fees, unless the land use authority on record finds a compelling, countervailing public interest would be jeopardized by approving the application and specifies the reason in writing. Similarly, he noted, if a municipality has formally initiated proceedings to amend the land use regulation before an application is submitted, the applicant can be denied. He reviewed principles of due process. He explained that A conditional use permit may be amended or changed by the local government, when needed - to reflect changes in the use, or to address problems that have been identified. The same general rules and processes apply to amendments. Any conditions must be reasonable, and aimed at mitigating detrimental impacts. He acknowledged that a conditional use shall be approved if reasonable conditions are proposed. He noted that public clamor is not a sufficient reason for denial of a requested conditional use permit. He defined Zoning Estoppel and related examples of its application. He remarked on quasi-judicial functions associated with land use boards of appeal and hearing officers, including standards of review. He spoke about petitions for variances. He touched on state control of land use and development, as it has grown rapidly in recent years.

8. Report from City Council:

Land Use Specialist, Mike Kerswell indicated that he'll include minutes from the September 16th City Council meeting and work session on Accessory Dwelling Units in Commissioner packets, prior to the next Planning Commission meeting.

9. Commission Comments:

Commissioner Faulkner commented on the rural street section found in the Public Works Standards and asked if prior confusion over its use in residential subdivisions has been resolved. Commissioner Maw outlined ordinance requirements for Rural Subdivisions. Dan Schuler reported that he and the City Engineer are in the process of renaming the "rural" road section in the Public Works Standards in order to avoid the mentioned confusion. He stated that the section will now be titled "alternative". He informed that its authorized use is already specified in the Plain City Public Works Standards:

- In cul-de-sacs
- On small residential roads less than 1000' long
- As approved by City Staff and confirmed by the Planning Commission

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He explained that the 50-foot road is intended for use in all residential zones, provided it meets one or more of those criteria. He advised it is not uniquely meant for Rural Subdivisions. He added; the Rural Subdivision ordinance will not be amended. Commissioner Faulkner remarked on recent attempts by a developer to designate the emergency road into a development as the required secondary traffic access. Dan Schuler affirmed that the emergency access does not fulfil the requirements for a secondary access, required for subdivisions/phases of a particular size. Development agreement rules were deliberated. Commissioner Faulkner queried about existing ordinances that deal with group homes, residential treatment centers, etc. She suggested that conditional use stipulations be reviewed and updated. Commissioner Maw spoke of building codes that address occupancy concerns.

10. Adjournment:

Motion: Commissioner Maw motioned to Adjourn at 9:16 p.m. – Commissioner Skeen seconded the motion. Vote: Commissioners Maw, Skeen, Ortega, Jenkins, Faulkner and Chairman Neil voted aye. Motion carried.

2021

<u>Neil</u>	<u>Faulkner</u>	<u>Maw</u>	<u>Jenkins</u>	<u>Skeen</u>	<u>Ortega</u>
Jan 7	Jan 21	Feb 4	Feb 18	Mar 4	Mar 18
Apr 1	Apr 15	May 6	May 20	Jun 3	Jun 17
July 1	July 15	Aug 5	Aug 19	Sept 2	Sept 16
Oct 7	Oct 21	Nov 4	Nov 18	Dec 2	Dec 16

Planning Commission Chair

Planning Commission Secretary