

Plain City Planning Commission
Minutes of Meeting
August 26, 2021

Minutes of the Plain City Planning Commission Meeting held online August 26, 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
Excused:	Commissioner	Jarod Maw
Staff:	Mike Kerswell, Dan Schuler	

Attendees: Adams Family, Craig Call

Welcome: Chairman Neil

Pledge of Allegiance: Commissioner Skeen

Moment of Silence / Invocation: Commissioner Faulkner

1. Roll Call:

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

2. Opening Statement:

Chairman Neil read 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 August 12, 2021

Commissioner Jenkins motioned to approve the Meeting Minutes for August 12, 2021. Commissioner Faulkner seconded the motion. Vote: Commissioners Jenkins, Ortega, Skeen, Faulkner and Chairman Neil voted aye. Motion carried.

6. Technical Review Report

Chairman Neil reported on a TRC review of a proposed third phase of the Still Creek subdivision. He commented on plans for a small development that was presented to the Committee by the Foley family, noting that the property is currently in unincorporated Weber County.

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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 gave a video presentation on Utah Land Use Law. He spelled out legislative and administrative acts and gave details on inabilities, referenda and appeals. He outlined roles of citizen planners, professional planners, third party planners and individual property owners in making development decisions. He noted that established ordinances must be observed if it's "reasonably debatable" that they advance the purpose of general welfare. He asserted that a municipal code must not be illegal under state or federal law or rule. He instructed; administrative decisions should be supported by substantial evidence in the record and consistent with relevant ordinances and laws, including vested rights. He defined *Substantial Evidence* and indicated that *Legislative Discretion* allows an ordinance that could promote the general welfare (or if it is reasonably debatable that it is in the interest of the general welfare) to be justifiably upheld. He related examples of developments in Utah that have been affected, in various ways, by debated administrative and legislative processes. He relayed a finding from one of the cases:

"Some people win, some people lose. It's the price we pay to live in an ordered society"

He remarked on aesthetic design standards. He advised that recent legislation prohibits municipalities from stipulating residential, aesthetic design standards. He commented on open space preservation. He spoke of the City Council's responsibility to define the basis for decisions. He gave examples of public clamor and indicated that citizen opposition is a consideration which must be weighed, but cannot be the sole basis for the decision to deny an application. He touched on interpretation of ordinance, asserting that the best evidence of an ordinance's intent is the plain language of the ordinance itself. He weighed the objective of zoning regulations in relation to a property owner's common-law right to unrestricted use of his or her property. He acknowledged that ordinances are mandatory – municipal zoning authorities are bound by the terms and standards of applicable zoning ordinances and are not at liberty to make land use decisions in derogation thereof. Recently passed legislation on Accessory Dwelling Units was discussed. A proposed update of the Plain City General Plan was considered. Chairman Neil voiced concerns about a parcel that was divided after a zoning amendment application for the original plot was recommended by the Planning Commission for City Council approval. Craig Call told of disagreement among land use administrators regarding the technical accuracy of applications. He advised that the general rule is: determinations must be reasonable.

8. Report from City Council:

Commissioner Jenkins commented on a request made by the Fremont High School Football Booster Club for the waiving of rental fees for the Pioneer Park pavilion. Commissioner Ortega reported that final approval of West Park Phase 2 was tabled, as was final approval of the ROW and Utilities Improvement Agreement for the Skeen Subdivision. He reported that a Public Hearing for a budget adjustment was set for Sept 2. He informed that a proposed amendment to the Public Works Standard was approved. He announced the formal appointment of a Plain City Fire Chief. Commissioner Skeen indicated that a Mayor's Assistant was also appointed at the meeting.

9. Commission Comments:

Chairman Neil stated that Mayor Beesley has requested a joint work meeting to finalize stipulations in the Plain City ordinance for Accessory Dwelling Units. He indicated that the meeting has been tentatively scheduled for Thursday, September 2nd. He asked Land Use Specialist, Mike Kerswell, to provide the Commission with a copy of the Still Creek Phase 3 Development Agreement for review – when available.

10. Adjournment:

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Motion: Commissioner Faulkner motioned to Adjourn at 9:11 p.m. – Commissioner Jenkins seconded the motion. Vote: Commissioners 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