

Plain City Planning Commission
Minutes of Meeting
June 10, 2021

Minutes of the Plain City Planning Commission Meeting held online June 10, 2021 at 7:00 p.m. – virtually broadcast via ZOOM.

Present:	Chairman	Blake Neil
	Vice-Chair	Shawna Faulkner
	Commissioner	Jarod Maw
	Commissioner	Dustin Skeen
	Commissioner	Rob Ortega
Absent:	Commissioner	Blake Jenkins
Staff:	Mike Kerswell, Dan Schuler	

Attendees: Jim Flint, Adams Family, Steve Diamond, Rex Quilter, Drew, Bret Cummings, James Farrell

Welcome: Chairman Neil

Pledge of Allegiance: Chairman Neil

Moment of Silence / Invocation: Mike Kerswell

1. Roll Call:

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

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 May 27, 2021

Commissioner Ortega motioned to approve the Meeting Minutes for May 27, 2021.

Commissioner Faulkner seconded the motion. Vote: Commissioners Faulkner, Skeen, Maw, Ortega and Chairman Neil voted aye. Motion carried.

6. Technical Review Report

There was no TRC meeting this cycle.

Plain City Planning Commission
Minutes of Meeting
June 10, 2021

7. Administrative Items:

Discussion / Motion: Preliminary Subdivision – Plain City Fields, approx. 2200 N 3600 W

Chairman Neil informed that updated comments from the City Engineer have not been provided with the revised subdivision plat. Commissioner Skeen suggested that the plat has not been significantly modified. He identified a stormwater detention/retention basin that has been added to the subdivision. Commissioner Faulkner commented on a written response by the project engineer to the initial memorandum by Brad Jensen, City Engineer. She sought verification that an existing irrigation ditch that runs along the north shoulder of 2200 North Street is no longer in service. Chairman Neil questioned if the City Engineer has reviewed the mentioned response. Public Works Director, Dan Schuler spoke of a headgate on the open channel. Commissioner Skeen contrasted Engineer recommendations for preliminary plat approval and for final approval. He presumed that the ditch in question is active. Developer, Steve Diamond commented on existing irrigation systems in the area. Hansen and Associates representative, Bret Cummings confirmed that the ditch referred to in the memorandum is on 2200 North Street. Commissioner Maw recognized the need for verifiable evidence that the irrigation ditch that runs along the north shoulder of 2200 North Street is no longer in service.

Commissioner Faulkner motioned to table Preliminary Subdivision – Plain City Fields, approx. 2200 N 3600 W, pending updated comments from the City Engineer and a resolution to concerns about an open irrigation ditch. Commissioner Skeen seconded the motion. Vote: Chairman Neil and commissioners Faulkner, Maw, Skeen and Ortega aye. voted aye. Motion carried.

8. Legislative Items:

Discussion / Motion: Ordinance - Issuance of Building Permits and Certificates of Occupancy

Dan Schuler related a background of the proposed code amendment and referred to the current ordinance, 11-4-5 C:

Public Improvements: No building permit shall be issued nor escrows or bonds released for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) is less than two (2), for the final two (2) lots of a subdivision, until all public improvements required by the City Council for the plat have been fully completed and conditionally accepted by the City Council.

He explained that the change would require 100% completion of public improvements before building permits can be issued. He commented on development delays caused by a recent shortage of construction materials. He told of numerous subdivisions in Plain City that comprise occupied homes but have unfinished public improvements. Commissioner Faulkner pointed out a typographical error in the proposed terms of 11-4-5 A. Commissioner Maw verified that the intent of the presented ordinance amendment is to require all public improvements be completed before building permits and final occupancy are issued for houses in a subdivision. Dan Schuler identified problems associated with placing a hold on permits for the final ten percent or two lots of a subdivision. Timing, processes and potential requirements for the placement of asphalt were discussed at length. Dan Schuler remarked on ineffective escrow retention stipulations. Commissioner Ortega reasoned; allowing construction of homes prior to completion of the improvements supports typical project financing. He voiced approval of holding final occupancy from home builders until improvements are finalized. Chairman Neil cited recent building permit applications received for lots in a subdivision where vital infrastructure has not been established. He suggested that steps be taken, prior to issuance of building permits, to ensure public improvements are properly completed. Dan Schuler contended that a buyer's occupancy should not be leveraged for improvements left undone by a disingenuous developer. Commissioner Skeen advised that seasonal climate conditions may cause delays in street surfacing and concrete work. He contemplated measures that might be taken on the back end of a project, to incentivize the completion of required improvements. He reviewed accounts of final subdivision punch lists left for the Public Works Department to complete. He submitted; escrow amounts should be increased to reinforce

Plain City Planning Commission
Minutes of Meeting
June 10, 2021

commitment to finish necessary work. Dan Schuler outlined the added 11-4-2 C (Punch List Items). He spoke of a recent, concerted efforts to enforce the current code. Commissioner Ortega weighed prohibiting the sale of any lot in a new subdivision until all required city improvements are completed. Dan Schuler informed that the City Attorney has read through the draft ordinance and expressed approval of the context.

Commissioner Maw motioned to table Discussion / Motion: Ordinance - Issuance of Building Permits and Certificates of Occupancy. Commissioner Skeen seconded the motion. Vote: Chairman Neil and commissioners Faulkner, Maw, Skeen and Ortega voted aye. Motion carried.

Discussion / Motion: Ordinance on Cul-De-Sac Length

Chairman Neil suggested that public hearing notification stipulations in the proposed addendum should be consistent with zoning amendment requirements - *Property owners within five hundred feet (500') of the property boundaries shall receive notification of the public hearing.*

Commissioner Skeen reported concerns discussed in City Council meeting. He indicated that the Council tabled the matter and asked the Planning Commission for a revised draft of a Special Exceptions Ordinance, previously recommended for approval. Commissioner Maw noted that Dan Schuler provided a marked-up version of the original ordinance for review. Dan Schuler gave an explanation of the changes he proposed. Consensus was reached that “Guidelines” 4 and 5, in the new draft, should be combined. Removal of “Guidelines” 1 was deliberated. Chairman Neil advised that revisions to this draft will be reviewed at the next Planning Commission meeting, then recommended to City Council for approval. Steve Diamond stated that the City Council wants a much shorter version of the Special Exceptions ordinance. He supposed that Section 4 can be limited to two or three criteria. Chairman Neil commented on complications and misinterpretation that might result from omitted designations in the code. He counseled; conditions not expressly prohibited by the ordinance may be deemed permissible. It was decided that numbers 1 and 2, under “Prohibitions” should be removed – leaving 3 and some subsections of number 4. Revisions to “Conditions” and “Procedures” were considered.

Commissioner Maw motioned to table Discussion / Motion: Ordinance on Cul-De-Sac Length. Commissioner Ortega seconded the motion, pending revisions as discussed. Vote: Chairman Neil and commissioners Faulkner, Maw, Skeen and Ortega voted aye. Motion carried.

Discussion: General Plan

Chairman Neil stated that a General Plan amendment will require an approval for funding as would a General Plan update. He reviewed the procedure for amending the General Plan. He laid out the process for updating the General Plan. Commissioner Skeen expected that the General Plan will not soon be opened for a comprehensive update. He reported that the City Council is accepting of proposed, specific General Plan amendments. Commissioner Faulkner indicated that removing the average lot size constraints from the Future Land Use category definitions was contemplated during last meeting’s discussion on the topic. She spoke of adding terms that will promote 20,000 square-foot (and larger) lots in areas designated MRD-1. She recommended changing the MDR-1 minimum lot size standard to 20,000 square feet. Chairman Neil agreed with Commissioner Faulkner’s proposal. Commissioner Ortega commented on average lot size stipulations and units-per-acre directives. He suggested that listing all three metrics for establishing density is confusing and excessively pliable. He proposed that units-per-acre guidelines be eliminated from land use category definitions. Consensus that indications for MDR 1-3 be limited to lot size only, was reached. Chairman Neil remarked on Rural Residential standards. He proposed that the Open Space, Agriculture and Low-density Residential category be changed to *Open Space, Agriculture and Rural Residential*, and recommended that the minimum lot size in that category be increased to 40,000 square feet.

9. Report from City Council:

Commissioner Skeen relayed highlights from a presentation by Ogden-Weber Technical College representatives, on a 50th Anniversary scholarship opportunity for a Plain City resident. He indicated that

Plain City Planning Commission
Minutes of Meeting
June 10, 2021

Final Approval of the Skeen Subdivision was tabled at the applicant's request. He reported that the Council sent the ordinance on cul-de-sac length exceptions back to the Commission with a request for abridgements. He informed that the new version of the Residential Overlay Zone ordinance was approved with minor changes and Conditional Final Acceptance for Sunflower Estates was granted.

10. Commission Comments:

Commissioners Ortega had no further comment. Commissioner Faulkner commented on the recent displacement of barricades on 2200 North Street. She asked if the road will be blocked again, after road construction is complete. She noted that a radar sign and 25 mph speed limit sign has been placed at one end of the road. She proposed that the entire route be restricted to 25 mph. Dan Schuler indicated that the road will remain open to allow better access to unincorporated lots, situated at the end of the pavement on 2200 North Street. He agreed to consider a lowered speed limit in the area. Commissioner Faulkner sought a status update on the Regional/Urban Design Assistance Team (R/UDAT) activities in Plain City. Commissioner Maw explained that COVID-19 pandemic circumstances have hampered their progress. He agreed to coordinate with the R/UDAT subcommittee and report back to the Commission. He spoke of program funding that was budgeted by the City Council. He suggested that the ordinance for cluster subdivisions be reexamined, now that the amended Residential Overlay Zone ordinance has been approved. Chairman Neil indicated that an ordinance for accessory dwelling units should be revisited in the near future. Commissioner Skeen asserted that Plain City needs more pickleball courts. Dan Schuler affirmed that discussions on new pickleball courts in the West Park development are ongoing.

11. Adjournment:

Motion: Commissioner Maw motioned to Adjourn at 8:45 p.m. – Commissioner Ortega seconded the motion. Vote: Commissioners Faulkner, Maw, Skeen, Ortega and Chairman Neil voted aye. Motion carried.

2021

Neil	Faulkner	Maw	Jenkins	Skeen	Ortega
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