

**PLAIN CITY PLANNING COMMISSION
MINUTES OF MEETING
23 JUNE 2005**

The Plain City Planning Commission convened in a meeting on Thursday, the 23rd June 2005, in the Council Chambers of the Plain City Hall at 7:05 p.m. Present showed the following: Chairman Gary Jackson, Vice Chairman Artie Pearce, Members: Ted Balderree, Buddy Sadler, Bob Spencer excused, alternate Bob Lewis, and Secretary Kathy Hancock. Also present: Councilmember Jay Jenkins, Councilmember Calvert, Dennis Lund, and Carl Miller. Chairman Jackson conducted the meeting and Balderree gave the invocation.

Approval of the Minutes: 18 May 2005 and 9 June 2005:

Balderree moved to approve the minutes of 9 June 2005, as corrected, corrections being to reverse the first votes under Lewis Moyes Subdivision, and remove the line under New Business “They don’t want to phase it.” Seconded by Sadler. Motion carried.

Sadler moved to approve the minutes of 18 May 2005, as corrected, correction being minor. Seconded by Lewis. Motion carried.

Discussion – Craig Call – SB60:

Jackson asked Craig Call to explain the new Senate Bill 60. Craig Call handed out copies of the new bill. The crossed out lines are the old law the underlined lines are the new. Under the notice section, the planning commission now has to have a public hearing for something like the convenience store. The City Council doesn’t have to hold a public hearing but since they represent the residents they should. The planning commission can still make recommendations on changing the general plan and zoning map, but the staff can approve subdivisions. The State Law used to be restrictive but now it is encouraging cities not to be arbitrary but structured. Craig Call mentioned that he would like to see a checklist from the Utah League of Cities and Towns. He thinks that would really help the cities with this new bill. Affordable housing is required to be in the general plan. Our current general plan needs to be amended to include it; it could be as simple as five or six lines amending it to include the affordable housing plan. Under conditional use permits, the standards need to be in the ordinance. Approval can be granted if they meet the standards. The standards have to be reasonable. Some of the conditions may work for one area but not another. Like for a nursing home no lights or speakers after 10 p.m. The public opinion should not be the basis of the decision made. The neighbors could come in with evidence that the council can take into consideration though. If it could be a nuisance, standards need to be set so it isn’t. There is a checklist in the book Craig Call handed out for conditions. The Utah League of Cities and Towns may have a list of standards to go off of. We can still maintain safety and hazardous items or piping of canals. But it is not appropriate to get the canal companies approval to pipe the canal. The canal company only has the right to use the water not the land. Concerning the Board of Adjustments, one person instead of a board can do the appeal. There can be a hearing officer or a 3-20 person board. The appeals board works in a judicial manner. It was mentioned that there is a Board of Adjustments meeting set up for July 14th. We are using the five people already on the board. Craig Call mentioned that as long as our ordinance appropriates them to be the appeals board it is okay. The new bill also puts the burden on the city to show why someone is not entitled to a variance based on what the plan is. The appeals should be quayside judicial, no talking outside of the meeting. The petitioner has the right to see all of the evidence. The petitioner can’t have access to court until he has exhausted all of his local options. Once something is submitted to the city then the law at that time needs to be followed. Under non-conforming uses, new rules allow something to be rebuilt. Something that isn’t in the ordinance can’t be required for subdivisions. The Utah League of Cities and Towns needs to come up with what options there are for subdivisions. If the ordinance says a subdivision will be approved it has to be approved. If we want a developer to have no basements, check for wetlands, or have through streets it needs to be in our ordinance. Checking for wetlands is a Federal requirement but it still needs to be in our ordinance. Through streets could be required for traffic flow or emergency access for safety or health issues. A decision to rezone or not has never been questioned by a court. If a decision is made based upon public input without evidence it can be. Craig Call recommended reading the bill and seeing if the ordinances need to be changed to reflect the changes in the bill.

Rezone Petition – RE-20 to C-1 Carl Miller

The commission discussed permitted uses in the C-1 zone. Carl Miller has applied for a rezone for C-1 with a retail office/ light auto repair and a self-storage unit. It was noted that self-storage units are not allowed in a C-1 zone. Miller has an acre of property behind the existing buildings that he would like to use but not for a parking lot. It was noted that the auto repair would be a conditional use. Pearce asked about the commission having a public hearing. It was noted that the application couldn’t be approved as it is. Miller needs to change the application to fit the C-1 zone. **Pearce moved to table the rezone petition from R-20 to C-1 for Carl Miller for him to redo the**

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application. Seconded by Sadler. Motion carried. Mr. Miller asked the commission if they would recommend a change to the C-1 zone allowing self-storage units. The commission felt that they didn't feel they belong in a neighborhood.

Rezone Petition – Re-20 to Re-15

The commission asked if the annexation petition is still valid. There was concern that all zones in that area are Re-20. The problem with that property is the canal. They want more lots to help pay for the canal. The commission didn't feel at this time it was conducive to the area. **Sadler moved to recommend to the City Council denying the rezone petition for Montgomery/Millcreek from Re-20 to Re-15 because at the present time it is not conducive to the surrounding area since all of the surrounding area is RE-20. Seconded by Pearce. Motion carried.**

Motion – Cingular Wireless Site Plan:

Cingular would like to co-locate on the existing tower, but will be putting in a building about 18' X 16'. There is room in the existing area for this. The city will double their lease on the land. They will also be leasing from T-Mobile for the tower. The only change will be the building; they will maintain the property inside the fence. **Pearce moved to approve the Cingular Wireless Site plan. Seconded by Sadler. Motion carried.**

Motion – Amendment Annexation Policy Plan:

Councilmember Jenkins explained to the commission the changes he recommends to the annexation policy plan. He explained the recommended verbiage change in the plan. He also recommends the commission look at changing the boundaries for the policy from the Weber River on the south to the railroad tracks at approximately 1300 South and on the west boundary from 6000 West to the existing Weber County line. The north and east boundaries would remain the same with the exception of saying Marriott-Slaterville boundary instead of 4-mile creek on the east. There was a concern of breaking up the existing West Weber boundaries. The existing boundaries go to 1800 South instead of 1300 South. There was also a concern as to whether the city could handle all of that area. Councilmember Jenkins mentioned that as petitions come in the commission could review them to see if we could handle it. This would help us regulate what is going through our city. The declaration only shows the intent to annex not a mandatory annex. A public hearing would have to be set and areas to be changed declared. There is a resident who owns property touching Plain City that goes all of the way to 12th street who would like to annex into Plain City. The owner is looking at a hunting club with wetlands on part of the property. It wouldn't be much for Plain City to maintain. Councilmember Jenkins mentioned that the city could bring in all of the islands with 50% of the acreage or 1/3 the accessed value agreeing to it. There was concern with the residents of the townships and including all of the townships instead of just part. A recommendation needs to be sent to the City Council. **Pearce moved to table the amendment annexation policy plan until the next work meeting on July 28th so the commission could review it. Seconded by Sadler.** Pearce noted that she won't be to the meeting on July 28th.

Motion – Affordable Housing Plan:

Councilmember Elaine Calvert mentioned the brief changes Nicole Cottle made on the affordable housing plan. The plan does need to be part of the General Plan, but most important we need a plan. **Pearce moved to recommend to the City Council the Moderate Housing Income Plan for their approval and to amend the General Plan to adopt it into the General Plan. Seconded by Sadler. Motion carried.**

Discussion – General Plan:

There was no discussion.

New Business:

No new business.

Report from City Council – Balderree:

The City Council ratified prior final approval for Fremont Estates and all the other items were approved.

Schedule for attending the 2005 City Council Meetings:

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MINUTES OF MEETING
23 JUNE 2005**

<u>Jackson</u>	<u>Pearce</u>	<u>Sadler</u>	<u>Spencer</u>	<u>Balderree</u>	<u>Lewis</u>
Jul. 7	Jul. 21	Aug. 4	Sep. 1	Aug. 18	Sep. 15 (if held)
Oct. 6	Oct. 20	Nov. 3	Nov. 17	Dec. 1	Dec. 15 (if held)

Sadler motioned to adjourn at 9:50 p.m. Seconded by Pearce. Motion carried.

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