

**PLAIN CITY PLANNING COMMISSION
MINUTES OF MEETING
12 OCTOBER 2006**

The Plain City Planning Commission convened in a meeting at 7:00 p.m. on Thursday, October 12, 2006 in the Council Chambers of the Plain City Hall.

Present: Chairwoman Artie Pearce, Vice Chairman Buddy Sadler and Member: Gary Jackson
Excused: Bob Spencer and Al Drummond
Staff: Martha Bodily
Also present: Lane Harrison, Bill Van Hulten, Lorin Herbert, Rock Bushman, Mandy Lund, Jay Christensen, Chad Slater, Sherrie Hodson, Scott Carnahan, Warren Burbank, Jeff Hales, Carl Miller, Tyler Scoffield, Hollie Scoffield, Steve Wardleigh, Carlos Heslop, LaFray Kelley, Danny Kilgore, and Tammy Perkins

Chairwoman Pearce called the meeting to order and Mr. Jackson gave the invocation.

Public Hearings:

Gary Jackson moved to convene in a public hearing for the following: Rezone Petition – William Van Hulten, Carlos Heslop and Arlene Hodson (4112 W 2800 N), Diamond E Ranch Subdivision (3200 W 2600 N – 44 lots), and Archway Subdivision (3800 W 2200 N – 12 lots). Buddy Sadler seconded the motion. Ms. Pearce, Mr. Sadler and Mr. Jackson voted aye. The motion carried.

Rezone Petition – William Van Hulten, Carlos Heslop and Arlene Hodson (approx. 4112 W 2800 N)
William Van Hulten asked the Commission to consider a rezone from ½ acre to 1/3 acre. Mr. Van Hulten's property is contiguous to an R-15 zoning and he would like that zoning to continue onto his property. He would like to sell his mother's home. He found two other neighbors who wanted to rezone also. Sherrie Hodson was representing her mother, Arlene. Ms. Hodson informed the commission that the rezone would help her mother financially and it would give the family more options with the land.

Diamond E Ranch Subdivision (3200 W 2600 N – 44 lots)

Jeff Hales was representing Double J. Mr. Hales described the location of the property and mentioned that it was zoned R-15.

Jay Christensen spoke as an adjacent property owner and as a representative of Plain City Irrigation. Mr. Christensen asked that a chain link fence be placed around the subdivision to protect the neighbors from any vandalism or trespassing. He also asked that there be no access on the north side of the subdivision. It is a county road and zoned A-1 for agriculture. Mr. Jackson stated that if it is a county road, it should be a public road. Mr. Christensen said it was for agriculture only. Mr. Christensen restated that he would like adjacent property owners to be protected from possible trespassing etc. He stated that people had used his field to golf and his farm equipment had been damaged from the balls. It was decided that it was people in a rental property near his field that were actually responsible, not a new subdivision. Mr. Jackson reaffirmed that there is an ordinance the requires fencing. Mr. Christensen also discussed the issues related to ditches and the canal. There was a former problem when a sewer line was put under the canal without permission. He would like to know who will be responsible for fixing the problem, either the present owners or the previous owners. Mr. Hales affirmed that he had discussed this issue with Mr. Christensen. Mr. Christensen also requested that the owners get the canal piped. Ms. Pearce stated that the ordinance did not call for that, so it would not happen. Mr. Saddler mentioned that Plain City Irrigation had previously been opposed to having the canal piped. Mr. Christensen did not agree and said the canal holds a lot of water and Mr. Christensen assumed the City would want it to be tiled for safety issues. The discussion turned to ownership of the land where the canal is. Mr. Hales wanted to discuss the possibility of letting Plain City Irrigation own and maintain the canal. Mr. Christensen added that it would need to include a 16 ft. easement. Mr. Hales stated it was planned to have a 16 ft. easement already, so property owners would not assume the easement by the canal as part of their property. Mr. Christensen initially agreed that this would be acceptable, but later clarified that he would need to address the issue with the board and shareholders, that he could not make that decision by himself. He did not know how it might impact the taxes etc. The discussion continued concerning if Plain City Irrigation actually owned any real property in Plain City. As far as anyone could conclude, all the properties were easements only. Mr.

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Christensen concluded by restating how much water runs in the canal, and that the ditch is over 50 years old, and it could be pretty catastrophic in that subdivision if the canal ever gave out. Then he was counseled to continue to maintain the canal as it should be, so that would not happen.

Archway Subdivision (3800 W 2200 N – 12 lots)

Chad Slater wanted to know if there was a noise ordinance. He is worried about the big construction trucks that will be going in to this subdivision. He is worried about cement and lumber trucks driving through while there are a lot of small children around.

Scott Carnahan, whose property borders this subdivision, was worried about the irrigation ditch that passes through that property. Mr. Carnahan wanted to make certain the head gate would remain. Mr. Carnahan also wanted a fence around the construction area. Mr. Jackson affirmed that there is a field fence required between construction of a subdivision and agricultural property. Mr. Carnahan also stated that he hoped the city would connect the sidewalks (approx. 200 ft. gap) between two subdivisions. Ms. Pearce confirmed that the City is trying to get grants to put in sidewalks. Mr. Carnahan said that the City said they would put in sidewalks a year ago, and it has not been done. Mr. Jackson asked if they had signed a deferral agreement for their property, that stated the property owner would help pay for costs when the curb and gutter goes in. Mr. Carnahan did not recall signing a deferral agreement. Finally, Mr. Carnahan wanted to make sure that his field would still be able drain, as it does now. Mr. Jackson stated that if it drains to a City drain, it should stay the same.

Lane Harrison also wanted to make sure the drain would stay open. He does not use it to drain his field, but water collects there from other sources, and he would want it to drain, as needed.

Mr. Sadler moved to leave the public hearings and reconvene in a regular meeting. Mr. Jackson seconded the motion. Ms. Pearce, Mr. Sadler and Mr. Jackson voted aye. The motion carried.

Final Approval for Mt. West Meadows Phase I (2850 W 1975 N – 28 lots)

This subdivision needed an extension in order to record the plat. Ms. Pearce stated that nothing had changed since the Commission originally approved it. There was a memo from the City Engineer stating that the developer had met all requirements. **Mr. Jackson moved to recommend, to the City Council, final approval for Mt. West Meadows Phase I. Mr. Saddler seconded the motion. Ms. Pearce, Mr. Sadler and Mr. Jackson voted aye. The motion carried.**

Final Approval for Big Cottonwood Estates Phase 2 (2050 N 4650 W – 22 lots)

This subdivision had been approved previously. There was a memo from the City Engineer stating that the developer had met all requirements. Mr. Saddler wanted to ensure that an emergency access was in place before Phase 2 started. Mr. Kilgore stated that it is being done. **Mr. Jackson moved to recommend, to the City Council, final approval for Big Cottonwood Estates Phase II. Mr. Saddler seconded the motion. Ms. Pearce, Mr. Sadler and Mr. Jackson voted aye. The motion carried.**

Motion – Rezone Petition – William Van Hulten, Carlos Heslop and Arlene Hodson (4112 W 2800 N)

Mr. Saddler wanted to ensure that the rezone complied with the new general plan. Ms. Pearce affirmed that it did. Mr. Van Hulten wanted some information about a line readjustment. He was informed that he needed to address that issue at another time. **Mr. Jackson moved to recommend, to the City Council, the rezone petition from RE-20 to RE-15, for William Van Hulten, Carlos Heslop and Arlene Hodson properties. Mr. Saddler seconded the motion. Ms. Pearce, Mr. Sadler and Mr. Jackson voted aye. The motion carried.**

Preliminary Approval – Diamond E Ranch Subdivision (3200 W 2600 N – 44 lots)

Mr. Jackson asked if there is a new memo for this subdivision. There isn't a new memo but the engineer did receive a new plat. The commission and Mr. Hales reviewed the letter from Brad Jensen dated June 29, 2006, all is in order. A discussion was started about a cul-de-sac in the subdivision. Mr. Hales would like to stub it, but the City Engineer said that the street standard would not allow that, but it would be acceptable if the Planning Commission gave approval. Mr. Hales asked the Planning Commission to recommend it be stubbed. Mr. Jackson asked what objections the City Engineer had against stubbing the road. Another issue was brought up about certain homes facing the street and not having a road on both

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sides of a home. Also, a storm drain needed to be set up to city standards. Mr. Hales suggested it would be even a better resolution to the problem than it is right now, because there will be a detention and it will drain out gradually. Mr. Christensen entered the discussion and asked the Commission to define “ditch” as is found in the ordinances. Ms. Pearce read from the City ordinances about the requirements of a “ditch” in a developing subdivision. But, the commission did not define the canal as a “ditch”. The ordinance (pg. 115-12, 11-5-13) was read aloud. LaFray Kelley stated that it would be easier to determine if the canal is to be piped if it were specified in the ordinance to do so. Ms. Pearce restated that the ordinance referred to a “ditch” and the commission did not interpret it to mean “canal” in that reference. It was understood that piping the canal would be a large expense for the developer; otherwise they would automatically do it. Ms. Pearce suggested the Irrigation Company and the developer could both take responsibility to get the canal piped. Mr. Christensen stated that they are a non-profit organization and it would not be feasible to do that. Mr. Christensen stated that the developers make the money by bringing in the families and so should be responsible for protecting those families. Mr. Saddler stated that the Irrigation Company should be responsible also, and it is their responsibility to maintain the canal. Mayor Jenkins stated that this canal situation is happening more and more. The developers should not be labeled as money grabbers, we have citizens who are also developing property and we don’t need to classify developers as money grabbers. There are regulations and if they aren’t up to standards, then they need to be changed. This developer seems to be willing to do what is necessary. Risks are inherent, but they can’t put it all on the backs of the developers. It is a tender balance; he asked that the Commission judiciously apply the requirements to everyone evenly and fairly. Mr. Jackson and Mr. Sadler both requested to table the matter for now. The issue would need to be on stable ground before the Commission could make a recommendation to the City Council. Ms. Pearce wondered if the City Attorney should be contacted. The Mayor said the new City Attorney was Reed Richards and Son. It was discussed having the Commission and City Council meet with the attorney to discuss these issues about the canal, and then a possible future work meeting to discuss the issues with the different water entities in the City. **Mr. Saddler moved to table the preliminary approval of the Diamond E Ranch Subdivision, until the Commission could get further information from the City Attorney on how to approach the issues of the canal and the properties bordering it. Mr. Jackson seconded the motion. Mr. Saddler and Mr. Jackson voted aye. Ms. Pearce voted nay. Motion did not carry. Commission members needed to be unanimous in order to table the preliminary approval. Ms. Pearce requested to change her vote to aye. The motion carried.**

Preliminary Approval – Archway Subdivision (3800 W 2200 N – 12 lots)

The City Engineer had no concerns about this property. There was a brief discussion about a temporary turn-around, and an irrigation ditch. Mr. Jackson suggested they think about curb and gutter in a 300’ stretch of road between subdivisions. Ms. Pearce said there were 3 homes and a field. Mr. Jackson asked if they could use the deferral agreements from those properties. Ms. Pearce said the City is looking into it, and trying to find deferral agreements for those properties. **Mr. Saddler moved to grant preliminary approval of Archway Subdivision (3800 W 2200 N – 12 lots) contingent upon an irrigation box being put in, and a field fence around the undeveloped portion of the subdivision according to City standards. Mr. Jackson seconded the motion. Ms. Pearce, Mr. Saddler and Mr. Jackson voted aye. The motion carried.** Mr. Jackson wanted to know what the City Engineer thought about the curb and gutter in this area. Ms. Pearce stated that the City Council supported it, but when Diane looked for the referral agreements, they could not be found. Mr. Jackson was dismayed this had happened. Ms. Pearce said the deferral agreement used to show up on the City Engineer’s Memo, but lately had not been included. It was affirmed that the Commission would need to correct this.

Set Public Hearing – The Homestead Subdivision (3319 W N Plain City Rd. – 20 lots)

Mr. Jackson moved to set a public hearing for The Homestead Subdivision (3319 W N Plain City Rd. – 20 lots) for November 9, 2006. Mr. Sadler seconded the motion. Ms. Pearce, Mr. Sadler and Mr. Jackson voted aye. The motion carried. Ms. Pearce addressed the owners of this property. A discussion ensued about some of the items on a memo from the City Engineer. The owners were informed they needed to address those items in order to prepare for the public hearing. Some discussion continued concerning an existing older home on the property, possibility of stubbing some of the roads in the subdivision, showing power lines on the map, detention pond, ditches, possible road to bridge two sections of property etc.

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Approval of the Minutes – September 14, 2006

No changes were indicated. **Mr. Jackson moved to approve the minutes of September 14, 2006, as written. Ms. Pearce seconded the motion. Ms. Pearce, Mr. Jackson and Mr. Sadler voted aye. The motion carried.**

Report from City Council

They talked a lot about sidewalks. The City has not been able to find some deferral agreements. If this continues to happen, the City may need to implement a new plan, so it does not fall through the cracks. It was suggested to look through previous minutes to see if there was any mention of deferral agreements in there. The Commission then discussed if they should have a work meeting to go through the general plan, paragraph by paragraph. Ms. Pearce concurred and stated that they have most of the information, but need to get some maps done and discuss if any changes need to be made on the maps.

Mr. Saddler moved to adjourn at 9:15 p.m. Mr. Jackson seconded the motion. Ms. Pearce, Mr. Saddler and Mr. Jackson voted aye. Motion carried.

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