

Plain City Planning Commission
Minutes of Meeting
10 April 2008

The Plain City Planning Commission convened in a meeting on Thursday, the 10th of April 2008, in the Council Chambers of the Plain City Hall at 7:00 p.m.

Present showed the following:

Chairwoman: Artie Pearce
Vice Chairman: Brandon Stokes
Members: Bob Spencer
Buddy Sadler
Jarod Maw
Alternate: Robert Seager
Staff: Kathy Hancock

Also present: Council member LaFray Kelley, Ryan Taylor, Matt Jones, Louise Behnert, Richard Poll, Shad Christensen, Carolyn Judkins, Jason Judkins, Brent Judkins, Mark Megahan, Greg Warg, Frank Phillips, Carl Miller, Brad Simons, Boyd Parke, Florence Parke, Ron Paul, Kelly Parke, Luke Balster, Don Weston, Diane Taylor, Rochelle Taylor, Chris Christiansen, and Ryan Wilde. Chairwoman Pearce conducted the meeting and Mr. Stokes gave the invocation.

Motion - Rezone – Dennis and Libby Brown – 1957 N 5100 W – A-1 to RE-20

Chairwoman Pearce mentioned that the Browns aren't ready for tonight. **Mr. Maw moved to table the Brown rezone located at 1957 N 5100 W from A-1- to RE-20. Seconded by Mr. Stokes.** There was a question as to whether it should be tabled or denied. It was decided to table it because they are supposed to bring something in for a lot line adjustment. **Vote: Mr. Seager, Mr. Sadler, Chairwoman Pearce, Mr. Spencer, and Mr. Stokes all ayes. Motion carried.**

Motion – Lot Line Adjustment – Dennis and Libby Brown – 1957 N 5100 W

Mr. Stokes moved to table the lot line adjustment for the Browns at 1975 N 5100 W. Seconded by Mr. Maw. Vote: Mr. Sadler, Mr. Maw, Chairwoman Pearce, Mr. Stokes, and Mr. Spencer all ayes. Motion carried.

Motion – Lot Line Adjustment – Darlene Felban – 4529 W 2200 N

Darlene Felban would like to consolidate her two parcels into one parcel to have one tax id number instead of two. Her house is on the front piece. When the neighbors sold their house they sold the triangle piece to the Felbans. There is an existing fence around the whole piece of property that was there before they bought their house. There was a question as to what happens with the tax id numbers. The parcel will be recorded with one tax id number and both of the old ones will be dissolved. **Mr. Stokes moved to approve the lot line adjustment for Darlene Felban at 4529 W 2200 N. eliminating one lot and creating one lot from two. Seconded by Mr. Maw. Mr. Stokes amended his motion to say consolidation of parcels. Seconded by Mr. Sadler. Vote: Mr. Maw, Mr. Sadler, Chairwoman Pearce, Mr. Spencer, and Mr. Stokes all ayes. Motion carried.**

Motion – Lot Line Adjustment – Sandy Poll – 3112 W North Plain City Road.

Matt Jones, Louise Behnert, and Rick Poll want to consolidate six parcels into three. They each have a home with some ground. The problem is they have just built other buildings and corrals and not worried about lot lines. They want to sell all three homes and need to work the property lines out. There are jogs in the property lines because of corrals and a barn on Mr. Jones property and trees and a basketball court between the homes owned by Poll and Behnert. Mr. Jones original parcel was only 79 feet wide so they have made it 100 feet. Parcel C won't be conforming with the proposed changes. The house won't have a 40-foot setback the way it is changed. At the present time it is conforming. It was suggested moving the lot line back to the original line. The concern is there are trees and a basketball court. It was decided to move the front of the property to the original setback and jog over to exclude the basketball court. The commission would like a new plat drawn and submitted. **Mr. Stokes moved to table the Poll property and put it on the work meeting agenda in two weeks. Seconded by Mr. Sadler. Vote: Mr. Maw, Mr. Sadler, Chairwoman Pearce, Mr. Spencer, and Mr. Stokes all ayes. Motion carried.**

Set Public Hearing – May 8th – Shad Christensen Subdivision – 2 lot – 4216 W 2725 N

The General Plan shows an 80-foot street on 4200 W. If the city makes Mr. Christensen put in an 80-foot street, there won't be enough square footage for two lots. The plat shows 66-foot streets and the ordinance only requires 60 foot. Mr. Christensen would like to build a house on lot 1; there is an existing house on lot 2. A variance was discussed. Mr. Christensen would have to apply for a variance. They asked the Attorney if they could set a public hearing before a variance is granted. He mentioned that the commission couldn't approve anything without a variance. The Attorney mentioned that this is a big right of way for that area and a lot of the homes will be in the right of way. The City may want to look at the General Plan. It was mentioned that only 7 feet is needed and that there would still have the required amount. **Mr. Maw moved to set**

Plain City Planning Commission
Minutes of Meeting
10 April 2008

a public hearing for May 8th, for the Shad Christensen Subdivision located at 4216 W 2725 W. Seconded by Mr. Stokes. Vote: Mr. Maw, Mr. Sadler, Chairwoman Pearce, Mr. Spencer, and Mr. Stokes all ayes. Motion carried.

Preliminary/Final Approval – Winder Subdivision – 2275 N 4575 W – 2 lots

There was a question as to what is recorded and what needs to be done. It was explained that the lots were recorded by a quit claim deed, but the subdivision wasn't approved and the streets are not dedicated to the city. The plat needs to show 4575 W. The right of way needs to be identified and mentioned on the plat. The utility easement needs to be increased to 10 feet. The irrigation ditch has been piped and isn't an issue. The commission would like the plat updated and the deferral agreement signed before final approval is granted. The commission is willing to put the Winter Subdivision on the work meeting agenda.

Mr. Sadler moved to grant preliminary approval to the Winder Subdivision contingent upon the letter from Brad Jensen dated April 9, 2008, and put it on the work meeting agenda. Seconded by Mr. Stokes. Vote: Mr. Maw, Mr. Sadler, Chairwoman Pearce, Mr. Spencer, and Mr. Stokes all ayes. Motion carried.

Preliminary/Final Approval – Four Mile Parkway PRUD – Approx. 2900 W 1990 N – 338 lots

Mr. Brad Simons from Hawkeye Development showed the commission the plat that was started 2 years ago. Mr. Simons mentioned that he has addressed all of the items on the letters from the City Engineer, Planners, and Attorney. Mr. Simons also mentioned he brought his Engineer Chris Christiansen and Civil Engineer Ron Paul with him tonight. Chairwoman Pearce mentioned she discussed this with Brad Jensen today. On the February 28th letter from Brad Jensen, Items 2, 4, 7, 9, 15, 16, 17, 18, and 19 are items that don't need to be discussed. Items 18 and 19 have been addressed. On the April 9th letter item 1 is an access issue. The fire code states that over 29 homes a second access is required. Mr. Simons mentioned that he was told by the Mayor that if the street is 90 feet wide then it won't affect building homes because it is a major thorough fare. He was told that the 29 homes would start at the beginning of the regular streets. Mr. Simons also stated that the Fire Marshall agreed with this. Mr. Simons talked to the Fire Marshall on the phone today but didn't meet with him in person. Fire hydrants are missing in some phases and that has been addressed. Mr. Simons also mentioned that he has the right of way between lots 301 and 302, and he told the Fire Marshall he would rough grade it and put in a crash gate for emergencies to 1975 N. Don Weston was called and came over to discuss the access with the commission. Mr. Weston mentioned that the Plain View Subdivision access would count as the second access. The second access would need to be in place before any more than 29 homes are built. Mr. Simons mentioned that the Mr. Wilde who owns the property will start his subdivision at the same time and they will meet in the middle. They should have both accesses up before more than 29 homes are built. If the second access isn't in they will make an access to 1975 N through the right of way that they have between lots 301 and 302. They will grate the road and put up a crash gate.

On the February 28th letter from Brad Jensen, he mentions a land drain system. Brad Jensen doesn't have a problem with the land drain just with the city taking on the maintenance and the up front costs. The commission and Mr. Simons discussed the land drain system. The proposed land drain pump is a top of the line pump. The concern is the city taking over the cost if the HOA fails. Mr. Simons mentioned that he would be over the HOA until the last house is built in about 10 years. After that there is the option to go with professional management for 10 years. The City won't have to do anything for 20 years. Right now the Development Agreement states until January 20, 2020. Mr. Simons is willing to have the option for a professional management for 20 years instead of 10. The new date would be January 20, 2038. A Special Improvement District could be set up then to pay for any maintenance after that according to the Development Agreement. The concern is the city doesn't want to pay to have the district set up. There is a concern as to whether the city wants to get into land drain system. This could open it up to several land drain systems in the city. Mr. Simons was asked if he would put in a Special Service District now rather than the city later. There would still need to be an HOA for the parks and the entrance. Mr. Simons is willing to create a Special Service District. The Homeowners will pay up front costs in possibly their water bills. It was decided that the CC&Rs should include a section that no gates will be allowed for trail access on the lots.

The Development Agreement will have to be adjusted. Mr. Simons mentioned it reflects all of the items that were discussed in the last meeting. The agreement needs to be changed and approved before final approval. A new copy of the agreement needs to be submitted. The land drains will need to be installed correctly or they won't work. The foundation drains will need to be reviewed and inspected. Item four on the February 28th letter mentions a back up generator. Mr. Simons explained the land drain pump. It will have a natural gas back up system. The geotech study mentions no houses deeper than 3 feet. Mr. Simons mentioned that the roads will be higher and so it will go off of the existing ground level. If they go deeper than 3 feet a letter needs to be received for approval. Item five, the Fire Marshall has already discussed the hydrant locations, and that has been corrected. Item six; there will be a chain link fence around the perimeter of the property with a rock looking material fence around the parks. The fence along the trails will be 3ft of rock looking material with 3 feet of rod iron about that. That will be done for safety reasons. Sheet 2 explains the fencing. All of the fencing will need to be shown on the plat. Fencing along phases 10-12 needs to be shown along 4-Mile Creek. Item 5 on the letter of April 9th mentions a double frontage lot with the flag lot stem. It wouldn't be a double frontage but a corner lot. The concern with this flag lot is the city ordinance doesn't

Plain City Planning Commission
Minutes of Meeting
10 April 2008

encourage flag lots. The concern is you can't landlock someone. It needs to be addressed with a street or something else. Mr. Simons will address the issue with Mr. Parkin the landowner. The commission would like it taken care of before final is granted.

Item nine, on the April 9th letter mentions the open waterways. The ordinance states all ditches within the subdivision have to be piped. The trail system runs along the waterways. Mr. Simons mentioned he spent \$20,000 designing the waterways and he would like to keep them open. The open waterways run through the senior area. There was a comment regarding the 4-mile creek. Part of the creek is classified wetlands and can't be piped. There is also a concern with a mosquito problem and safety with kids. Mr. Chris Christiansen from CRS Civil Engineers explained how he designed the waterways. Mr. Christiansen explained that he has made the slope for the pond a 4-1 slope so kids can get out. The water depth will be 3-4 feet so children would still have to be watched. He doesn't feel the ditch could be piped because it is so big. There would have to be 5 pipes side by side to get the flow required. He has also designed the ditch so it will speed up and slow down so there shouldn't be a mosquito problem with standing water. The ditch will need to be cleaned out and maintained. There is a concern that when the ditch is used for irrigation it backs up and floods the Poplar Subdivision. It was suggested that part of the ditch should be piped. That part feeds into wetlands and isn't part of the subdivision. When the Taylors stop irrigating the drainage ditch may dry up and the problem will be resolved. The subdivision has the option on the Taylor water shares for 20 years incase it does dry up. That way the pond can still function. The pond will have an inlet and outlet system that will keep the water in the pond at the right height. The pond has a stand-alone feature. It was suggested having some kind of fountain in the pond for mosquito control. Mr. Christiansen explained that he has designed the banks to keep water moving in the pond. The channel will handle more water than will be coming out of the pond. Anything over that will go on down 4-mile creek. It isn't supposed to back the water up in the section of 4-mile creek that borders Poplar. The County owns that portion of the ditch and they are in favor of the proposal. Mr. Simons will bring in a letter from Weber County. It was mentioned that under conditions a PRUD could deviate from the ordinance. The attorney will check into setting conditions for open waterways. There have been public concerns with the open waterways. The cross section is referenced wrong and should be G-1-12 instead of G-1-13. The commission asked Mr. Christiansen about the amount of ducks. He can't guarantee no more than 7, but with the habitat no more should nest by the pond. The North Ogden duck problem was mentioned. Ducks won't be planted there just those that are presently living there will remain. The levies will be such that muskrats wont live in the pond and destroy the banks.

The pond size was discussed and credit for open space was discussed. Picnic tables were discussed. It was decided that the less attraction to people the safer and cleaner the pond would be. Item 11 of the February 28th letter mentions the sewer going to Central Weber Sewer; Mr. Simons will meet with them on the 21st. There will be 14 lots going to Plain City and the rest will go to Central Weber Sewer. They are planning on having one single lift station, but Central Weber hasn't told them what they have to do yet. Central Weber is excited to get the dirty water for the sewer system. On the April 9th letter item 11 and February 28th letter item 13, mention the homes being built in close proximity to Four-Mile Creek. This property isn't in the flood zone. The photographs from 1952 and 1983 show the channel several times its normal width. It was suggested having some kind of a barrier or an embankment. It was mentioned that since 1983 it has been cleaned and widened. Weber County has been talked to and Mr. Simons will get a letter from him concerning Four-Mile Creek. The city is concerned about flooding. Mr. Simons will build up the trail a couple of feet and look into a dike by the south park. Mr. Simons will have the lots slope toward the Four-Mile Creek. The lots will have a 4-1 slope. The grading for the lots will be shown on the final plat. He will have easements on the plats so they can't change the grade. The lots will also need a larger rear yard setback. The setbacks need to be approved by Weber County. Item 14, on the February 28th letter a letter needs to be received concerning putting water into Four Mile Creek and permission received from the downstream users. Mr. Simons mentioned that they want more water down stream. The water will first be used for the pond. They have the leasing rights from Taylors for the Plain City Irrigation water for 10 years to keep water in the pond. If the water isn't needed it will revert back to the Taylor family. It was recommended increasing the lease for 15 years. Weber Basin water will be used for secondary water. Item 15 has been taken care of. Item 16 the round about needs to be according to the Federal Highway Regulations. Mr. Simon's engineer Mr. Ron Paul from Focus Engineering stated that it is to their regulations. The middle will have xeriscape landscaping. The landscaping will be shown on the final plat. Item 17, mentions the cul-de-sacs can't be longer than 400 ft. The cul-de-sacs in phase 2 and 4 have been changed. There is a concern that the elevation on page 2 matches with the corner lot. Mr. Simons mentioned there is a drop off, but he will make sure the elevation is on the final plat and taken care of.

On the April 9th letter, item 2 mentions consecutive lot numbers. Mr. Simons mentioned that Weber County is doing away with that and he will talk to the County Recorder and Brad Jensen about it. It was mentioned that until the ordinance is changed the lot numbers would have to be consecutive. The south park was discussed. The drawing shows a soccer and a baseball field. The commission decided that a regular soccer field and open space is what they want. A tot lot will also be needed. They are looking at having curb around the tot lot with fall material. The tot lots design will be discussed at final approval. Pictures of tot lots were presented. Parking stalls need to be added. There are 46 stalls on the plat. With just a

Plain City Planning Commission
Minutes of Meeting
10 April 2008

soccer field more might not be needed. The commission would like portable goals instead of stationary. Mr. Simons mentioned that a long time ago the Mayor talked about a park committee to design the parks. That hasn't happened. Colored details concerning the parks, trees, tot lots, etc. will be presented for final approval. Lots 1107 and 1106 were discussed. There is a concern with setbacks on these lots. Lots 516, 517, 518, and 519 are smaller than the rest of the lots on the block. It was recommended making them all consistent. Lot 1407 doesn't seem to fit with the rest of the area. This is a different size lot and it creates uniqueness. Footprints for houses need to be shown on lots 911 and 111, so the city can make sure they are buildable lots. The senior area was discussed. Mr. Simons will follow the Federal Housing standards for seniors for this area. The Development Agreement will include the information. Lots 603, 604, and 605 were mentioned as possibly not making the 80-foot frontage like the rest. The whole area has 80-foot frontages. The trails were discussed going into the B Park in phase 16; the planners mentioned the access needs to be wider. Mr. Simons mentioned it wasn't there and it was added as a 10-foot wide access. It will also have a 3-foot rock material fence with rod iron above it. All trails will have asphalt surface. It was mentioned that the power line corridor is on the Parks, Trails, and Open Space Master Plan. There aren't any trails under the power line corridor planned. It will need to be worked out. Mr. Simons mentioned they would develop five acres someplace as part of the agreement. The Master Plan shows trails from Four-Mile Creek to the power line corridor. Barriers will be required for the accesses to the trails to keep 4 wheelers out. It was suggested having the HOA maintain the B Park instead of the city. Lots 1811 and 1812 will need to be restricted as turnarounds until the road goes through. Mr. Simons will have one lot as a temporary turnaround. Lots 301 and 302 need to face the main street. The flag lots on the Taylor property were discussed. Ryan Taylor's house isn't part of the subdivision, but it was made known that the flag lots may not be approved in the future. The sidewalk will go all the way to the east side of Ryan Taylor's home.

Having the entrance line up with the road almost across 1900 N was discussed. Mr. Simons mentioned his traffic study didn't recommend it and it would prevent a racetrack if it is off set. It is in compliance with the ordinance the way it is. All of the items from the Attorney and Planners have been addressed. The open waterway was discussed. Because it is a PRUD, it might be able to be put as a condition to leave the waterway open. The Attorney and Brad Jensen need to discuss this. The small lot setbacks were addressed. One side will have a 6-foot for one home and 8 foot for the other so there will be 14 feet between homes. The garage on any of the lots can't be more than 50 % of the front. Having the same setback requirements for the 11,000 sq. ft. lots were discussed. Mr. Simons feels that he should get adjustments for the amenities. Some of the homes with a three-car garage wouldn't fit with the regular setbacks in this area. The planners recommended having the Parkside side setbacks 10 foot on one and 8 on the other and the Northcreek rear yards 40 feet. It was mentioned that if there is a lift station for drainage water a cinder block building needs to be required similar to what is required for lift stations. The lift station would also require a cinder block building. Mr. Simons mentioned he has been asked by the Public Works to give some property for a back up generator by the entrance. Rochelle Taylor is concerned about having access to till her garden. It was mentioned that a tractor won't fit but a tiller could be used. **Mr. Stokes moved to grant preliminary approval for the Four Mile Parkway PRUD with the letters from Brad Jensen dated February 28, 2008 and April 9, 2008, specifically the geotech studies concerning the land drain system, a Special Service District will be put together by the developer prior to final approval, a Homeowners Association will be set up for the parks and design features of the subdivision, fencing on the final plat will be shown and more clear around the entire perimeter, parks, and trail ways; the flag lot will be addressed for a road way rather than an easement being created between lots 1820 and 1819, for final there will be a letter from Weber County allowing discharge water into the Four-Mile Creek, an embankment study will be done along the entire channel for cleaning and water control, the easement further along Four-Mile Creek will be increased along the back of the properties for a 100 year storm, the fire marshall approved the entrances as long as access is restricted to the ordinance of more than 29 homes having two accesses, on the April 9th letter from Brad Jensen item 5 a double frontage lot won't be created it will be a corner lot, the setbacks for Northcreek area will be increased to 40 ft for a rear yard setback, the changes in the South Park to have parking increased to 46 stalls, there will just be a full size soccer field, a tot lot, and open space with restrooms; an agreement is received from Ryan Wilde the owner the of the former Kilts property, there will be fences separating the yards and the trails and no gates will be allowed into the trail system from private properties directly, there will be an emergency access with a crash gate and grading to 1975 N on final if required on the stub street between lots 301 and 302, the Development Agreement needs to show the changes that have been made tonight in the motion, the open waterways that run from the pond to Four-Mile Creek to be reviewed for compliance to the City Ordinance and discussed by Legal Council and the City Engineer prior to Final Approval. Seconded by Spencer. Vote: Mr. Maw, Chairwoman Pearce, Mr. Stokes, Mr. Spencer all ayes, and Mr. Sadler nay. Motion carried.** Mr. Sadler is concerned with the city taking over the land drain system, the 80 foot collector road and other items discussed tonight.

Motion – Amend Subdivision Ordinance: Minor Subdivisions, Flag Lots, & Planner and Attorney Fees

The commission discussed the proposed amendments to the Subdivision Ordinance. There is a concern that the flag lot ordinance shouldn't be changed just removed from the ordinance. The flag lot ordinance requires a conditional use permit and

**Plain City Planning Commission
Minutes of Meeting
10 April 2008**

the conditions will have to be looked at. It was suggested instead of saying unit say structure. It was decided that unit would be a better option and only items allowed in a residential zone would be allowed. Under the minor subdivision ordinance they added a deferral agreement signed before final approval. The commission feels that planner and legal fees need to be reimbursed by developers.

Minor subdivision: Mr. Maw moved to recommend the minor subdivision ordinance based upon the changes discussed specifically Paragraph D. 1. d. Deferral agreement signed prior to final and changing e. Processing and checking fees. Seconded by Mr. Sadler. Vote: Mr. Maw, Mr. Sadler, Chairwoman Pearce, Mr. Spencer, and Mr. Stokes all ayes. Motion carried.

Flag Lots: Mr. Sadler moved to deny the changes to the flag lot section. Motion died for lack of second. Mr. Spencer moved to change the flag lot ordinance 11-5-2E 2a to say a “single unit” instead of a “single family dwelling.” Seconded by Mr. Stokes. There is a concern that by saying unit it is opening up the city to problems. The ordinance was added to help those who weren’t able to build a house on their property. By having it under a Conditional Use then the city has the control of a flag lot. The only units that could be put on a flag lot is what is allowed in a residential zone. Vote: Mr. Spencer, Mr. Stokes, Mr. Maw, and Chairwoman Pearce all ayes, Sadler nay. Motion carried. Mr. Sadler mentioned he is against anything but a single family on a flag lot when the property can’t be built on any other way and it can open the city up to unexpected problems.

Planner and Legal Fees: Mr. Sadler moved to recommend the Planner and Legal fees to the City Council with a fee schedule of \$350 plus \$50 per lot. Seconded by Mr. Spencer. Vote: Mr. Maw, Mr. Sadler, Chairwoman Pearce, Mr. Spencer, and Mr. Stokes all ayes. Motion carried.

Approval of minutes – 27 March 2008

Mr. Sadler moved to approve the minutes of March 27, 2008 as written. Seconded by Chairwoman Pearce. Vote: Mr. Maw, Mr. Sadler, Chairwoman Pearce, Mr. Spencer, and Mr. Stokes all ayes. Motion carried.

Report from City Council - Sadler

Since the Planning Commission was all there no report was given.

Schedule for Attending the City Council Meeting

<u>Pearce</u>	<u>Sadler</u>	<u>Spencer</u>	<u>Stokes</u>	<u>Maw</u>	<u>Seager</u>
		May 1	May 15	Jun 5	June 19
Jul 17	Aug 7	Aug 21	Sept 4	Sept 18	Oct 2
Oct 16	Nov 6	Nov 20	Dec 4	Dec 18	

Mr. Maw moved to adjourn at 11:20 p.m. Seconded by Mr. Stokes. Vote: Mr. Maw, Mr. Sadler, Chairwoman Pearce, Mr. Spencer, and Mr. Stokes all ayes. Motion carried.