

Plain City Planning Commission
Minutes of Meeting
10 July 2008

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

Present showed the following:

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

Also present: Michael Lobato, Debra Lobato, Carl Miller, Dennis Brown, Carol Campbell, Karen Stone, Katherine Olsen, Dean Olsen, Maureen Ketchum, Jason Judkins, Amy Albrecht, and Brent Judkins. Chairwoman Pearce conducted the meeting and Mr. Seager gave the invocation.

Public Hearing – Dean Olsen Subdivision – approx. 1900 N 5100 W – 2 lots

Mr. Sadler moved to go into a public hearing for the Dean Olsen Subdivision located at approx. 1900 N 5100 W for 2 lots. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, and Chairwoman Pearce all ayes.

Motion carried. It was explained that Mr. Olsen is dividing his property to create two lots. There were no public comments.

Mr. Maw moved to go out of the public hearing and into a regular meeting. Mr. Seager seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, and Chairwoman Pearce all ayes. Motion carried.

Preliminary/Final - Dean Olsen Subdivision – approx. 1900 N 5100 W – 2 lots

Chairwoman Pearce read the letter from Brad Jensen dated July 10, 2008. Item one is concerning the secondary water. Lot 1 will use Mt. View Irrigation and lot 2 is planning on having a shallow well. Item two mentions the sewer easement. The easement should be on the plat. There are no structures on either of these lots. The square footage of the lots was checked to make sure there was adequate square footage after the sewer easement is shown. Lot 2 won't be built on at this time but sometime in the future. The commission would like to have Mt. View Irrigation used for secondary water for both lots instead of just lot 1. Mr. Olsen explained that he had a shallow well permit from years passed and that is why he wanted to use the well. The commission explained that they have had problems with wells in the passed and prefer a secondary water system is used instead. **Mr. Maw moved to grant preliminary approval to the Dean Olsen Subdivision and recommend final approval to the City Council based on the letter from Brad Jensen dated July 10th, 2008, and that the secondary water is provided by Mt. View Irrigation for both lots. Mr. Seager seconded the motion. Mr. Maw amended his motion to include a deferral agreement. Mr. Sadler seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, and Chairwoman Pearce all ayes. Motion carried.**

Motion - Conditional Use Permit – Michael Lobato – 1410 N 4250 W – Dog Kennel

The commission and Mr. Lobato discussed what is being requested. The Lobatos have 5 dogs at the present time; two poodles, a Chihuahua, a German Shepard, and a Collie Mix. The commission discussed the concerns. Animal Control is concerned about having a lot of kennels and on small lots. The commission is concerned about the small lots and the number of kennels being requested lately. It was discussed that if this one is approved it needs to be on the condition that once the dogs are gone or pass away they can't be replaced. Mr. Lobato explained that they aren't planning on getting any more and would just like it conditioned upon these dogs. Chairwoman Pearce read 3 letters from their immediate neighbors the Easts, Andersons and Allreds. All three don't have a problem with the kennel license. There was a concern that a kennel is more for business and not just because someone wants five dogs instead of three. If a kennel is for 5 dogs then instead of approving a conditional use permit the ordinance should be changed to allow 5 dogs. The intent of the ordinance is for business purposes.

Mr. Lobato's backyard is all fenced with a 6-foot fence. There isn't a cement mow strip under the fence just spikes to hold it down. He has a chain link kennel with a chain link top and a cement floor so the dogs can't get out. Chairwoman Pearce read the ordinance 5-1-3 paragraphs E and G. The commission interpreted the ordinance to say a kennel has to be a business. The commission had a concern that it would be going against the ordinance to issue a conditional use permit that isn't for a business. A business kennel would have to have an indoor and an outdoor kennel facility. The commission recommended that Mr. Lobato bring in a proposal for a business kennel for selling or breeding of dogs. **Mr. Sadler moved to deny the conditional use permit for Michael Lobato under the condition that it isn't a business with what is proposed at this time and doesn't comply and look like a kennel in any form. Mr. Maw seconded the motion. Vote: Mr. Sadler, Mr. Maw, and Chairwoman Pearce all ayes, and Mr. Seager nay.**

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Set Public Hearing – Conditional Use Permit – Karen Stone – 2732 W 1800 N – Dog Kennel

Ms. Karen Stone mentioned she moved to Plain City with 5 dogs. She has a fenced yard with lattice work and there isn't any way her dogs can get out. They are all indoor dogs and are only out to go potty and when she is in the yard to water trees and bushes. Her dogs are all aging and some aren't in good health. They are her family. The commission decided to set a public hearing date unless Ms. Stone requests otherwise later. **Mr. Maw moved to set a public hearing for August 14th for a conditional use permit for Karen Stone at 2732 W 1800 N. Mr. Seager seconded the motion.** There is a concern that a public hearing shouldn't be set because it isn't a business. The commission has to take action and the precedence has been set to have a public hearing. Ms. Stone mentioned that all of her dogs are spayed and neutered so she won't have a business. She doesn't want her dogs put to sleep because she can't have them. **Vote: Mr. Seager, Mr. Maw, Mr. Sadler, and Chairwoman Pearce all ayes. Motion carried.** Mr. Maw mentioned he has found a good definition for a kennel. The commission would like to look at amending the animal ordinance also.

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

Mr. Brown has a potential buyer that wants 2 acres. The previous lot line wasn't recorded so he would like to change it. **Mr. Sadler moved to approve the lot line adjustment for Dennis & Libby Brown as submitted. Mr. Seager seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, and Chairwoman Pearce all ayes. Motion carried.**

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

The commission tabled this before because of the concern of reserving it for the Legacy corridor. The City Council approved the Olsen rezone across the street so that isn't a concern anymore. **Mr. Maw moved to recommend to the City Council the rezone for the Dennis and Libby Brown property located at 1957 N 5100 W from A-1 to RE-20 for the 4.51 acres. Mr. Seager seconded the motion.** There was a concern that the commission needs to see what the plans are for the property before it is rezoned. **Vote: Mr. Seager, and Mr. Maw ayes, and Mr. Sadler and Chairwoman Pearce nay. Motion Died. Mr. Sadler moved to table the rezone for the Dennis and Libby Brown property until a conceptual drawing is received on how it will be developed. Mr. Maw seconded the motion. Mr. Sadler amended the motion to table it until August 14th. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Maw, Mr. Sadler, and Chairwoman Pearce all ayes. Motion carried.**

Discussion/Motion – Consolidation of Parcels – Carolyn Judkins – approx. 2270 N 4475 W

Mr. Judkins explained the 1960 history of the property. It was subdivided with handshakes and never recorded. The plan is to have 87 feet frontage with the red house and 67 feet frontage with the little house. The piece by the slough that is in question to who owns it hasn't been included. They are proposing to eliminate one nonconforming parcel. The other two will still remain non-conforming. Since one lot is an existing flag lot a new flag lot won't be created. The commission would like to see a plat before approving it. **Mr. Sadler moved to table the consolidation of parcels until a legal plat is received. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, and Chairwoman Pearce all ayes. Motion carried.**

Motion – Cancel July 24, 2008 Meeting

Mr. Maw moved to cancel the July 24th meeting. Mr. Sadler seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, and Chairwoman Pearce all ayes. Motion carried.

Approval of minutes – 26 June 2008

Mr. Sadler moved to approve the minutes of June 26, 2008 as corrected, corrections to change ATC to AKC, 50X60 to 50 sq. ft., and 4X6 to 25 sq. ft., and 5X12 to 6X12 under the Lobato Conditional Use Permit. Mr. Seager seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, and Chairwoman Pearce all ayes. Motion carried.

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>
		Sept 18	Sept 4	Aug 21	Oct 2
Oct 16	Nov 6	Nov 20	Dec 4	Dec 18	

Mr. Seager moved to adjourn at 8:50 pm. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Maw, Mr. Sadler, and Chairwoman Pearce all ayes. Motion carried.

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Planning Commission Secretary

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