

**Plain City Planning Commission**  
**Minutes of Meeting**  
**14 August 2008**

The Plain City Planning Commission convened in a meeting on Thursday, the 14<sup>th</sup> of August 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  
Members: Bob Spencer (excused)  
Buddy Sadler  
Jarod Maw  
Alternate: Robert Seager  
Staff: Kathy Hancock

Also present: Lee Terry, Fran Terry, Michael Lobato, Debra Lobato, Dennis Brown, Carol Campbell, Karen Stone, Allan Housley, Karen Housley, Marlin Jackson, Helen Jackson, Tony Peek, Carolyn Judkins, Brent Judkins, Susanne Palmer, Rick Pilarczyk, Todd Harris, Charra Bradford, Jon Bradford, Amy Albrecht, LaFray Kelley, Jean Bradford, Jerry Bradford, Kris Talbott, Mike Talbott, Chris Hadley, Jan Runyen, Dallas Taylor, Paul Hurd, Dean Hurd, Gordon Nozaki, and Marilyn Grondel. Chairwoman Pearce conducted the meeting and Mr. Sadler gave the invocation.

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

**Mr. Stokes moved to go into a public hearing for the Karen Stone Conditional Use Permit for a dog kennel at 2732 W 1800 N. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, Chairwoman Pearce and Mr. Stokes all ayes. Motion carried.** Chairwoman Pearce explained that Ms. Stone has 5 dogs and the ordinance only allows for 3 without a conditional use permit.

Karen Stone explained that she has five dogs. The oldest is an 8 year old Airedale terrier that has lots of medical problems and is on medicine. The next is a 7 years old Pug and has hyper activity. Two other Pugs one has epilepsy and the other is a little bit slow. The 5<sup>th</sup> is an English bulldog that is 2 ½ years with hip dysplasia. She has a big backyard that her sister helps take care of. There is a white vinyl fence around the rear property. Her dogs aren't out of the yard. They are up to date on their shots and see the vet as needed. Her dogs are her family, protectors and companions. Where she goes they go. She doesn't want one taken away; her dogs are bonded to each other. They are indoor dogs and are only outside when she goes out in the golf cart or chasing it.

Carol Campbell, Karen's sister, asked her to come here so she could help take care of her. She had all five dogs when she moved here. The only person that goes in her backyard is the person who helps maintain her yard.

Tony Peek lives across the street. Her dogs are her family. She takes good care of them. His concern is she has five small inside dogs, what if someone wants 5 large outside dogs. He is concerned about a precedence being set with kennels.

Marlin Jackson lives to the east of Karen. The only time the dogs have been a problem is when they are barking at him when he is mowing his lawn. He is also concerned about a precedence being set for a dog kennel. He asked what the conditions would be. She does take good care of her dogs.

Lee Terry lives next door. He has no problems with the dogs. He feels the law should allow for 5 dogs if someone wants them especially if these dogs aren't out of control like these dogs. He sees no reason that she shouldn't be able to have these five dogs that are well cared for and not a pain to the neighbors.

Chairwoman Pearce read the letter from Francis Terry a neighbor that has no problem with the dogs. **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, Mr. Stokes, and Chairwoman Pearce all ayes. Motion carried.**

**Motion - Conditional Use Permit – Karen Stone – 2732 W 1800 N – Dog Kennel**

Chairwoman Pearce explained that conditions can be set to protect the citizens. The City Council will be addressing a change to the ordinance not allowing kennels on ½ acre lots. This should address the concerns of a large dog kennel next door. The commission is also looking at only allowing kennels for business use only. The existing ordinance doesn't specify it has to be a business at this time. The commission discussed the fact that conditional use permits stay with the land unless a condition is set otherwise. One condition could be that if the property is sold or leased the permit would terminate. Mr. Sadler asked that the motion be tabled until the next meeting so issues could be cleared up first. It was mentioned that these conditional use permits have to be reviewed according to the current ordinance and not the one submitted to the City Council. Chairwoman Pearce

**Plain City Planning Commission**  
**Minutes of Meeting**  
**14 August 2008**

mentioned that the City Council upheld the appeal for the Lobato conditional use permit and has sent it back to the commission to set conditions. There is a concern that one conditional use permit that was approved hasn't been followed. The commission feel that is up to the staff to make sure conditions are followed. There is also a concern that other dogs could be added when these dogs die and no one would know. The commission decided to put the names, ages and type in the motion. Presently the names and types are Airedale is Bing Crosby, the 3 Pugs are Sweet Pea, Buttercup and Lulu, and the Bulldog is Bonnie Bluebell. The commission would like to make sure the conditions that are set are followed through.

Mr. Seager asked if there are problems with the dogs running loose. Ms. Stone mentioned that front yard is not fenced but the dogs aren't allowed in the front yard. The neighbors explained that they haven't had problems with the dogs running loose. Some of the neighbors didn't even know she had 5 dogs. The commission discussed possible conditions: Time limit, when the number of dogs is in compliance the permit is no longer valid, no more dogs could be added, and when the house is sold or leased it is no longer valid. A time limit of 3 years would be a fair limit. When 3 years is up if the dogs are still there it could be reconsidered. It doesn't matter which two dogs die to be in compliance. The selling, leasing or moving would help prevent someone else moving in with more dogs than allowed. Animal control could be allowed to do inspections once or twice a year. There is also a concern with dogs digging to get out of the yard. Ms. Stone mentioned her dogs are either too small or too old to dig under the existing vinyl fence. Ms. Stone also mentioned that she is 64 years old and will not be getting a puppy that will out live her. Disposal of feces was discussed. Ms. Stone mentioned it goes out in the garbage once a week.

It was mentioned that in order to be consistent with the other permits issued a non-see-through fence with a mow strip under should be required. She has a vinyl fence with slats but doesn't have a mow strip under. She does have lattice work along the fence that goes into the ground so the dogs can't dig. Another condition is the dogs should be required to be in the house at night by a certain time like 9 p.m. The commission considered making Ms. Stone put in a mow strip under the vinyl fence. It was suggested requiring a mow strip be put under the fence at a later date if the dogs get out or dig. The concern is someone would have to turn her in at that time. Ms. Stone mentioned that her fence is surrounded by bushes and they would have to be torn out to put in the mow strip. It was suggested going to Ms. Stone's house at the next meeting to see what the fence looks like before addressing the mow strip. **Mr. Stokes moved to table the conditional use permit for Karen Stone for a dog kennel until the commission goes and looks at the property and sees the existing conditions and what would be recommended at the work meeting on August 28<sup>th</sup>. Mr. Sadler seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, Mr. Stokes, and Chairwoman Pearce all ayes. Motion carried.**

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

It was mentioned that once two dogs are gone the Lobato's will be in compliance. Mr. Lobato explained that all 5 dogs are in at night. He has a 6 foot chain link fence dog kennel with a top and a gate on it. Both dogs are kept in the one kennel all day. The rear yard is completely fenced with a mow strip on part of it. The indoor dogs are allowed outside to do their business and the feces are put in the garbage once a week. The dogs are a 10 year old Chihuahua named Penny, 8 year old Toy Poodle named McKenzie, a 5 year old Toy Poodle named Shadow, a 5 year old Shepherd named Alexis, and a Lab-Collie mix named Happy. One concern is the mow strip under the fence. The type of fence was discussed. Part of the commission felt that a chain link fence is adequate with a mow strip under and privacy slats in the fence. Mr. Lobato mentioned that his dogs aren't diggers and he doesn't have a hole in his backyard. The commission would like to see a separate kennel for each outside dog. The commission asked when they got the five dogs. When they got married each of them had two dogs and a son couldn't take his so they adopted it. All of the dogs have their shots. It was discussed requiring the dogs to have electronic tags so that they are permanent and other dogs can't be brought in. The commission discussed conditions. They included no additional dogs can be added, a time limit of 3 years, two inspections a year by animal control, not valid if the property is sold or they move out, the dogs need to be indoors by 9 p.m. at night, improvements need to be done by 90 days, and once two dogs pass away and they are in compliance the permit is no longer valid, and privacy slats are added to the existing fence. **Mr. Maw moved to approve the conditional use permit for Michael Lobato at 1410 N 4250 W for a dog kennel contingent upon the following: a mow strip be placed along the existing chain link fence around the entire rear yard perimeter of the property, vinyl privacy slats are installed in the existing chain link fence, an additional dog run with a minimum of 50 sq. ft. be placed directly northeast of the existing dog run allowing for one run for each outdoor dog, no additional dogs are acquired by the property owners, animal control is allowed two inspections per year, dogs are locked up at 9 p.m. every night, the time limit of the conditional use is one of the three: either 36 months, expiration of two of the dogs so they are in compliance with the ordinance, or selling of property by owners, and the owners are given 90 days to comply with these conditions and then they need to apply for the license. The property currently contains the following dogs: Penny a Chihuahua of 10 years, McKenzie a Toy Poodle of 8 years, Shadow a Toy Poodle of 5 years, Alexi a German Shepherd of 5 years, and Happy a Lab-Collie mix of 5 years. Mr. Stokes seconded the motion. Vote: Mr. Seager, Mr. Sadler, Mr. Maw, Mr. Stokes, and Chairwoman Pearce all ayes. Mr. Seager excused for a few minutes.**

**Plain City Planning Commission  
Minutes of Meeting  
14 August 2008**

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

Mrs. Judkins explained that she had the frontages changed to 67 feet and 87 feet. The way the plat is the north boundary of parcel A is into the Gary & Marilyn Cook house and the Cook property is into the Rhead house. The surveyor felt that since this property hadn't been surveyed in years it would be best to go by the fence lines on the north side. On the south side the Judkins will lose some property but they don't have a problem with that. There is a concern with changing the plat and affecting the neighbors as well. Mrs. Judkins stated that her options are to get the plat recorded as per the surveyed plat or sell the three parcels as is. She cannot have any more surveys done. Mr. Cook and Mr. Rhead haven't seen the plat but the fence lines have been there for about 50 years. The commission wasn't sure if the law states that after so many years the fence line is used for the boundary line. Mr. Seager returned. The original plat maps were looked at and they are very vague in that area; a lot of "?" on the plat. Reeves and Reeves did the surveying and they would be responsible for any problems. The Commission asked Mrs. Judkins to get a letter from the Cooks and the Rheads stating they understand what is being done and don't have a problem with it. **Mr. Stokes moved to approve the consolidation of parcels for Carolyn Judkins from three parcels to become two parcels contingent upon two letters being received, one from Gary and Marilyn Cook and the other from Steve and Bonnie Rhead, stating they are okay with the lot lines as drawn according to the fence lines. Mr. Maw seconded the motion. Vote: Mr. Sadler, Mr. Maw, Mr. Stokes, and Chairwoman Pearce all ayes. Mr. Seager abstained because he wasn't there for the whole discussion. Motion carried.**

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

Chairwoman Pearce mentioned that this was tabled to see what the City Council wanted to do concerning the Legacy Highway. The City Council approved the Olsen Property across the street, so that is no longer a concern. The back portion of this property will stay A-1 and stay in the green belt. Eventually it will be a three lot subdivision. **Mr. Stokes moved to recommend the rezone to the City Council for the Dennis and Libby Brown property from and A-1 to Re-20 zone for the 4.51 acres. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Maw, Mr. Sadler, Mr. Stokes, and Chairwoman Pearce all ayes. Motion carried.**

**Subdivision Ordinance Amendment – Improvements and Guarantees**

The commission reviewed the recommendation from the City Attorney. **Mr. Sadler moved to recommend the Subdivision Ordinance Amendment to the City Council concerning 11-4-1 as presented by the City Attorney. Mr. Stokes seconded the motion. Vote: Mr. Seager, Mr. Maw, Mr. Sadler, Mr. Stokes, and Chairwoman Pearce all ayes. Motion carried.**

**Discussion – Vahid Sadeghi – Concerning old elementary property**

No one was present

**Discussion – Brad Oliverson and Josh Richards – concerning old elementary property**

No one was present

**Universal Estates 2 – 2815 N Plain City Rd. - 21 lots**

The commission received revised plans tonight. Chairwoman Pearce explained that she discussed this subdivision with Brad Jensen. Mr. Jensen received new plans also. Everything on the letter from Brad Jensen except items 1, 7, 9 and 10 have been addressed or are normal comments that are put in all of the letters. Chairwoman Pearce mentioned that Mr. Jensen didn't have any major concerns, but some items needed to be addressed. Item one mentions a geo tech study needs to be done. Mr. Harris had one done years ago, but there was a misunderstanding and his engineer will either have to review and sign it or a new one done. This time of the year isn't the best time to have one done. Mr. Harris is looking at getting the subdivision approved without basements until the geo-tech issue is resolved. Item seven addresses the storm water and detention pond. Mr. Harris explained that the drainage ditch will go through Weber County property and then into a Farr West drainage ditch. A letter from Mayor Papageorge has been received approving the storm water going into the Farr West ditch. Mr. Harris didn't know if the city wanted to maintain something in the County and Farr West. Originally the pond was going to all be in lot 15, but that has been changed. Now the pond will be located in lots 14 and 15. It could be in the CC&Rs that the property owners have to pay a fee to maintain the pond and ditch depending on what the city wants. Mr. Harris also explained that the property line is off about 20 feet and he will have another 20 feet to the south of the fence line. This could be added to the detention pond property. The commission questioned whether Farr West will continue to maintain that ditch or Plain City will be required to. In the letter from Mayor Papageorge, Mr. Harris or the city would be responsible to maintain the pipes to the Farr West ditch. The letter also states it has to be put in within 4 days. Brad Jensen would like to have the Attorney review the maintenance details. If it is going to be done privately, how it will be paid for needs to be addressed. This isn't a PRUD so there aren't any specifications on how it is to be done. It could be included in an escrow account or assessed from each lot owner and put in an escrow account. If the developer maintains it, it will fall upon the developer and the city won't be involved. It was suggested a

**Plain City Planning Commission  
Minutes of Meeting  
14 August 2008**

development agreement be submitted explaining in detail how item 7 will be resolved. The City Attorney will then need to review it. Item nine, a Water Quality permit needs to be received and submitted to the city. Brad Jensen will rewrite a letter including only these three items. It was mentioned that lot 20 needs to be shown as not buildable with a 50 foot turnaround instead of a 41 foot turnaround. Lot 13 needs to be a temporary turnaround and not buildable until the road continues. Lots 8 and 9 need to be restricted so driveways are on 2875 W. There needs to be a field fence around the surrounding agricultural property. All street names need to be taken off or numbers bigger on street signs. Lot 1 and 2 buildings will need to be cleaned up or removed. Mr. Harris explained that Lot 1 and lot 2 are owned by the Owens and won't be changed. The problem is there is a discrepancy with the boundary lines and they were added to the subdivision plat to clean them up. The problem is the ordinance. The commission asked if the property lines could be moved 3 feet to solve the building problem. Right now the back up generator building is located on the northeast corner, but it might be moved farther east to further benefit the city. The commission asked that the back up generator building property have xeriscape, so there isn't any maintenance for the city. The commission has concerns with the steep banks of the detention pond. The commission may want it to be xeriscape as well. Mr. Harris mentioned that by final it may be bigger and the banks may not be as steep. Another option is a buried system with grass over the top. The pipes would be engineered so there is enough capacity and still meet adequate calculations and manholes would be required. If this could be done it would do away with maintenance. Mr. Harris will consider this option and have something redrawn and submitted before the first meeting in September. **Mr. Stokes moved to table final approval for Universal Estates #2 until the September 11<sup>th</sup> meeting. Mr. Sadler seconded the motion. Vote: Mr. Seager, Mr. Maw, Mr. Sadler, Mr. Stokes, and Chairwoman Pearce all ayes. Motion carried.**

**Public Comments**

Susanne Palmer lives by the elementary and is concerned about it being sold as commercial property. The neighbors are very concerned about what will go in there. Another concern is it is an eyesore. There have been some vandalism problems also. It was asked if it is on the historical register. The commission explained that if there is a petition for rezone it would come before the commission and the neighbors would be notified. The building probably isn't on the historical register at this time. It may be hard to put it on there with all of the additions. If it is rezoned there aren't a lot of things that can be put there unless a conditional use permit is issued. Another concern is seismically the building may have to be torn down.

Charra Bradford lives east of the school parking lot. She is also concerned about it being sold as commercial property. The commission explained that it isn't presently in the General Plan for that property to be commercial. The commission explained what could be done in a R-1-11 zone. The commission also mentioned there might be an asbestos problem that would need to be resolved.

**Approval of minutes – 10 July 2008**

**Mr. Maw moved to approve the minutes of 10 July 2008 as written Mr. Seager seconded the motion. Vote: Mr. Seager, Mr. Maw, Mr. Stokes, and Chairwoman Pearce all ayes. Motion carried. Mr. Stokes noted that he voted, but wasn't present.**

**Commission Comments**

Chairwoman Pearce mentioned a seminar on September 11<sup>th</sup> in Salt Lake. She also mentioned a questionnaire that needs to be filled out.

**Schedule for Attending the City Council Meeting**

Pearce	Sadler	Spencer	Stokes	Maw	Seager
Sept 4	Nov 6	Sept 18 Nov 20	Oct 16 Dec 4	Dec 18	Oct 2

**Mr. Seager moved to adjourn at 10:20 pm. Mr. Stokes seconded the motion. Vote: Mr. Seager, Mr. Maw, Mr. Sadler, Mr. Stokes, and Chairwoman Pearce all ayes. Motion carried.**

---

Planning Commission Chair

---

Planning Commission Secretary