

Plain City Planning Commission
Minutes of Meeting
24 September 2009

The Plain City Planning Commission convened in a meeting on Thursday, the 24th of September 2009, in the Council Chambers of the Plain City Hall at 7:00 pm.

Present showed the following:

Chairwoman: Artie Pearce

Vice Chairman: Buddy Sadler

Members: Jarod Maw
Robert Seager
Bob Spencer (excused)

Alternate: Blake Neil

Staff: Kathy Hancock

Also present: City Attorney Brandon Richards, Jay Gresham, Diane Hunt, Jake Hunt, and James Jensen. Chairman Pearce conducted the meeting and Mr. Maw gave the invocation.

Discussion – Temporary Recreational Trailer Use

Mr. Maw and Mr. Neil looked up different issues with this ordinance. Mr. Maw found more examples of definitions for recreational vehicles. Mr. Neil looked up recreational use during disasters. Mr. Maw mentioned that he typed up our definition of mobile home and the definition he found of recreational vehicle. One concern with staying in trailers is being hooked up to the sewer. The commission doesn't have a problem with bringing trailers home from camping and emptying them into the clean out. It is being hooked up to a clean out while the trailer is being lived in that is a concern. If the ordinance allows staying in a trailer for 90-120 days the sewer could be hooked up for that long. Hooking up to the sewer needs to be discouraged. The commission felt that staying in a trailer for 30 days is plenty of time. It was also discussed whether it should be 30 days a year or 30 days once a quarter. The commission decided to have the ordinance say 30 days in a quarter not to exceed 60 days in a year. When asked, Deputy Cragun suggested that the commission not make it easy to stay in a trailer, because people will take advantage of it. The commission asked City Attorney Brandon Richards his opinion on the penalty and he recommended at least a Class C Misdemeanor and not an infraction.

Our current ordinance mentions living in trailers during construction with a conditional use permit. The other issue is during disaster. FEMA trailers were brought in after Katrina but they aren't being up kept. At that point it is out of the cities hands. The city can have in the ordinance how long but during disasters it is under FEMA control.

The mobile homes are addressed under 10-8-13. The recreational trailer is under the criteria for mobile home. One way to separate them is with the square footage of living area. Some motorhomes are over 100 sq. ft. The commission feels that a mobile home isn't easily moved. A modular home needs to be differentiated because they have to be allowed according to Senate Bill 60. The commission decided to remove E under the mobile home definition. The definition for recreation vehicle needs to be added with removing e. A park trailer. Under 10-8-13 Mobile Home added as A. and add Recreational Vehicle as B. with the temporary sewer connection sentences to be removed.

Discussion – Abandoned Property Ordinance

City Attorney Brandon Richards added the draft abandoned property ordinance to the nuisance ordinance. He has made 4-2-5 clearer to include objects and structures. It now is in line with the State statue. Some of the wording has been changed referring to different sections rather than having it explained again. The building inspector would send letters out and the city would send out bills. The appeal process has been changed in compliance with the code. The fees still need to be addressed. He is concerned about charging permit fees for securing a building. There maybe a cost for the building inspector, but he doesn't want to see property owners discouraged by having to pay a fee for getting a securing permit. The commission agreed. There needs to be an application but there shouldn't be an up front fee. A bill could be sent if the building inspector is required to inspect the property. There was a concern that bigger buildings may require more and a fee needs to be charged. That would be hard to manage. It was mentioned that if expenses become an issue the ordinance could be changed later.

Discussion – PRUD – Open Space versus Common Area

The concern is Stillcreek Village is being taxed for their open space. The County wants it labeled open space instead of common area. Mr. Brandon Richards mentioned there are two ways this can be handled. One way is to amend the plat. That would mean it goes before the commission and Council again for approval, signed off and recorded. The other option that Mr. Flood has suggested is an affidavit with the city and developer stating it is common area. Mr. Richards doesn't recommend changing the ordinance because the ordinance was recommended and reviewed by professional planners. He feels our ordinance states what we want. There are some in the County that see it as common area and some that see it as open space. There was a concern as to whether it makes a difference if the common area is owned and maintained by the Homeowners Association and Open Space is owned by the City. Depending upon what is done the development agreement

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may also need to be amended. Mr. Richards mentioned it is up to the developer to follow through. The city just needs to make sure they agree with what is being proposed by the developer and approved by the County. Other phases have been recorded and there hasn't been a problem to the commission's knowledge. After the discussion Mr. Richards thinks that maybe the affidavit is the way to go instead of amending the plat.

Public Comments:

No public comments.

Approval of minutes – September 10, 2009

Mr. Maw moved to approve the minutes of September 10, 2009 as written. Mr. Sadler seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairman Pearce, Mr. Maw, and Mr. Neil all ayes. Motion carried. Chairwoman Pearce noted that she voted but was not at the meeting.

Report from City Council – Seager

Mr. Seager reported that there was quite a few public comments and controversy over the proposed animal ordinance changes, minutes were approved, Chamber of Commerce wants the city to be part of it for \$675 a year, re-final was approved for Diamond E Ranch Subdivision, canvas for the elections was set for Tuesday September 22nd, business licenses and warrants were approved, and the Council report: Mosquito Abatement is charging about \$.25 more per house, 3 bids on the parking lot addition were received, 1st Harvest Festival went well, asphalt by the sidewalks on 1975 N and 3600 W should go in this week, the State is concerned with our sewer report even though the numbers are good, water rights transferred for the cemetery, and League of Cities had some informative classes.

Commission Comments:

Mr. Sadler is concerned with some of the definitions in our current and proposed animal ordinance. One is manure. What determines the accumulation? Should a stable permit be required like we require a kennel permit?

Mr. Maw mentioned he contacted the Veterinary Science Department at Utah State and talked to the equine specialist, Ms. Pat Evans. She recommends 20,000 sq. ft. per horse not including any buildings. She said there is about 50 lbs per horse of manure a day. For the health and safety of the horse she wouldn't require less than 20,000 sq. ft. per horse. A big concern is lime disease with smaller lots. She recommended changing the ordinance. Pasture rotation could also be considered. The Department of Agricultural recommends nothing less than 1 acre. It was mentioned that some of the residents complaining aren't even in compliance with the current ordinance.

Mr. Neil is concerned about paragraph C under 5-4-7 in the Livestock Ordinance Draft; it doesn't fit in with the grandfather clause. It needs to be re-looked at.

Chairwoman Pearce mentioned it probably won't be put back on the agenda until January. She has pulled it back from the Council because of that issue. The nuisance ordinance might also need to be addressed to control the manure etc. She also mentioned there is a petition going around with lots of names on it.

Schedule for Attending the City Council Meeting

<u>Pearce</u>	<u>Spencer</u>	<u>Sadler</u>	<u>Maw</u>	<u>Seager</u>	<u>Neil</u>
Oct 15	Nov 5	Nov 19	Dec 3	Dec 17 (if held)	

Mr. Seager moved to adjourn at 9:00 pm. Mr. Maw seconded the motion. Vote: Mr. Seager, Mr. Sadler, Chairman Pearce, Mr. Maw, and Mr. Neil all ayes. Motion carried.

Planning Commission Chair

Planning Commission Secretary