

Francis Planning Commission Meeting

Thursday, April 21st, 2022

This meeting will be held as an electronic meeting without allowing the public to enter the Community Center or another anchor location to participate, pursuant to Governor Herbert's Executive Order 2020-5.

Francis City is inviting you to attend by following the link below or by calling 1-346-248-7799

<https://us02web.zoom.us/j/82176049755?pwd=WksyRVZEeDdydVJEbGdoV0tmUU9FQT09>

Meeting ID: 821 7604 9755 Meeting Password: 730679

You can also comment by email to comments@francisutah.org

Attending: Chair Brian Henneuse, Co-chair Bob Murphy, Commissioners Terry Perkin and Sam Hunter, Planner Katie Henneuse, Engineer Scott Kettle, Treasurer Mandy Crittenden.

Others Attending: Justin Harding, Gracia Eisman, Toni Naples

1. Call Meeting to Order

Chair Brian called the meeting to order at 7:01 p.m.

2. Public Hearing – Construction Trash Code Text Amendment

Planner Katie explained that every year around this time Francis City has complaints come in regarding the trash surrounding construction sites. She said in an effort to encourage builders to keep construction sites clean and reduce the amount of trash that blows onto neighboring properties, the mayor advised staff to create an ordinance that would allow staff to implement fines to those who were responsible for said trash. Katie said the city already has an ordinance that controls nuisances such as noise and junk yards, this would be above and beyond that ordinance. Katie proposed the code as follows:

Exhibit A Ordinance 2022- Title 8 HEALTH AND SAFETY 8.20 Construction waste.

1. Purpose *The purpose of this section is to require General Contractors to contain construction waste within dumpsters and to prohibit General Contractors from littering neighboring properties with construction site waste.*

2. Definitions *"Fine" means monetary payment to Francis City as a penalty for violation of this section, added to the cost of the building permit, due before issuance of a Certificate of Occupancy for any project managed by the violating General Contractor. "General Contractor" means the person who is responsible for overseeing a construction project and who manages the various subcontractors, vendors, and trades, i.e., the licensed General Contractor or the property owner acting as their own contractor. "Litter" means waste left lying about. "Stop Work Order" means an order issued by the City which requires all construction activity on the project to be stopped. "Waste" means all trash, refuse, and rejected matter and material, including food containers and personal items. "Construction Site" means the site of a project related to new construction, renovation, remodel, landscaping, or any project for which a building permit has been issued.*

3. Regulations and Prohibitions *General Contractors are responsible for keeping their construction sites clean and free of litter. Waste shall be picked up daily by the General Contractor or their designee and placed within dumpsters. It is prohibited to litter construction sites with waste. Dumpsters shall be emptied as needed so that waste does not extend past the top of the dumpster or blow out of the dumpster. It is prohibited to place waste from a construction site on neighboring property(s). If waste from a construction site blows onto a neighboring property(s), it shall be collected by the General Contractor or their designee and disposed of in a dumpster on the construction site.*

4. Enforcement and Penalties *Enforcement may proceed as follows if the city becomes aware of a violation of this section:*

a. Warning. *If the code enforcement officer or the building inspector determines that a violation exists, a verbal or written warning shall be given to the General Contractor to make them aware of this ordinance. The General Contractor shall be given a minimum of 72 hours after receipt of the Warning to remedy the violation before the First Violation is issued.*

b. First Violation. *If the code enforcement officer or building inspector determines that there is a subsequent violation of this section by the same General Contractor within one calendar year of the Warning, a fine of \$150 shall be assessed to the General Contractor and a written violation letter shall be hand delivered, mailed, or emailed to the General Contractor. The General*

Contractor shall be given a minimum of 72 hours after receipt of the First Violation letter to remedy the violation before the Second Violation is issued.

***c. Second Violation.** If the code enforcement officer or building inspector determines that there is a subsequent violation of this section by the same General Contractor within one calendar year of the First Violation, a fine of \$300 shall be assessed to the General Contractor and a written violation letter shall be hand delivered, mailed, or emailed to the General Contractor. The General Contractor shall be given a minimum of 72 hours after receipt of the Second Violation letter to remedy the violation before the Stop Work Order is issued.*

***d. Stop Work Order.** If the code enforcement officer or building inspector determines that there is a subsequent violation(s) of this section by the same General Contractor within one calendar year of the Second Violation, a Stop Work Order shall be issued to the General Contractor. The Stop Work Order shall only be lifted after the General Contractor demonstrates they are in compliance with this section and after a minimum of 72 hours.*

Commissioner Sam recommended they look towards a bond. He said being a contractor himself in different cities, when you pull a permit, they require a \$1,000 bond that covers the cost of trash clean up and office staff time, if they don't have issues with the builder, they return the bond when the job is complete.

Chair Brian said he understands that and could agree with it, except the city doesn't have the equipment or the means to do the clean up ourselves.

The Planning Commission talked about SWPPP and how using it could be a benefit but concluded that the city is not being enough for that.

The concern was raised, what if two contractors are working in the same area and you can't differentiate who the trash belongs too. Planner Katie responded at that point they would tell all contractors in the vicinity of to work together and keep it clean or they would both fall under the guidelines of the code as far as punishment.

Co-chair Bob thought it would be beneficial to add a plat note to the plat stating something about the trash while developing the project.

Chair Brian responded he didn't feel that would work, because the developers are not necessarily the builders and it's the builders that would be responsible.

Engineer Scott replied as well that we do require a bond for the developer for infrastructure costs. This is a different deal that the builder of the home is responsible for.

Planner Katie commented that with every building permit issued, our City Building Inspector adds comments to the permit. One of the repetitive comments on every permit is that they must have a construction dumpster and a porta john on site before construction starts.

Commissioners Sam and Terry stated they think there should be a bigger bite in the fine. They don't feel as if the proposed amount was enough. They felt \$500 for the first violation and \$1,000 fine for the second would get the builders attention and get them cleaning things up a lot quicker as well as preventing a repeat case with every home built.

A conversation was had that if they required a bond, essentially it would be just another cost passed down to the owner. They wanted to make sure the builders were the ones paying the dues, since they are the ones creating the problem. The Planning Commission agreed that a years-time was too long of a period to allow, they were leaning towards three offenses within a 6-month period.

Planner Katie made it clear that she set the code up so that it is based per general contractor, not per building permit. She said that prevents the contractor from doing work for 72 hours in the city, not just 72 hours on that specific home.

Engineer Scott asked if you place the fine on the general contractor and they get the 3rd violation, what home do you put the certificate of occupancy hold on if they have multiple.

Planner Katie responded, whichever one was coming up the soonest, they won't be able to get a certificate of occupancy on any home until the fine is paid.

Chair Brian opened the public comment. No comments made; public comments closed.

Chair Brian said he doesn't think they need to decipher every situation, that they will come up with what they feel to be a good plan now and if it needs modifications, they can do that a later time. With that, he asked for a motion.

Commissioner Sam made a motion to approve the code as Planner Katie has proposed with the following changes being made on 4b change to say \$500 for the first violation and 4c second infraction up to \$1,000. Also, to change the 72-hour grace period to 1 workday period to rectify the infraction. Commissioner Terry seconded the motion. All in favor, motion passed.

3. Francis Commons Final Plat – Apartment and Reciprocal Parking Code Text Amendments

Planner Katie read her staff report and explained that Russ Witt is coming to the city with plans on developing in the City Center Zone. She said that City Council had advised staff to review a code text amendment to encourage development in the City Center Zone by reducing parking requirements for smaller apartments and to create a reciprocal parking code. Katie showed the proposal of change to OFF-STREET PARKING 18.100 as:

18.100.070 Mixed or combined parking uses.

In the case of mixed uses on the same site the amount of off-street parking spaces required shall be the sum of the parking required under this chapter for the principal use together with a reasonable amount for all accessory uses. A reasonable amount shall be determined in light of the uses, location and circumstances of the building or structure and in consideration of the provisions of this title.

Up to 25 percent of non-residential parking facilities required by this chapter for a use considered to be primarily a day-time use may be provided by the parking facilities for a use considered to be primarily a night-time use. Such reciprocal parking areas shall be contiguous, and the joint use of such facilities must be assured by covenant of the owner(s) of said properties and recorded in the Summit County Recorder's office. The planning commission may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities under the conditions specified herein.

Planner Katie explained this added portion that is underlined came directly from Kamas City Code in their Commercial Zone.

Chair Brian said he likes the proposal, he said if you have the scenario of an accounting office or something similar for a daytime use and then you could have a restaurant next to it that operated at night for a dinner menu, split the usage times to provide adequate parking for both businesses at different times.

Planner Katie moved onto the next section of this change as proposed:

18.100.100 Specific requirements by use. *Minimum on-site and off-street parking spaces for individual or similar uses shall be provided for in accordance with Table 1 as follows and as interpreted by the Planning Commission for uses not specific to those listed in the following table.*

USES	PARKING REQUIREMENT
Dwelling, Single-Family	3 spaces per dwelling unit
Dwelling, Two-Family	3 spaces per dwelling unit
Dwelling, Multifamily 3+ Bedrooms	3 Spaces per dwelling
Dwelling, Multifamily Studio, 1 Bedroom, 2 Bedroom	2 spaces per dwelling unit

She said this proposal will reduce the required amount of parking spaces for smaller apartments.

Chair Brian opened the public portion.

Toni Naples asked where the proposed apartments are located and where Francis City's Commercial Zone is located.

Planner Katie responded that this is not specific to any project this is simply to address parking requirements for any coming in the future. She said there has been a recent application for a development in the City Center Zone and that in their proposal they do have mixed-use with Commercial units on the bottom level and some Residential Use on the upper levels. She explained the Commercial Zone being located on the frontage of SR 32 and SR 35, and that our City Center Zone is more precisely located within approximately 600' of the 4-way stop in Francis where SR 32 and SR 35 intersect.

Public comment closed.

Chair Brian asked how the Planning Commission members felt about the first item, the reciprocal parking.

Engineer Scott Kettle commented the only issue he sees is that in Brian's earlier scenario, what happens when the nighttime restaurant can't be a viable business only operating at night and wants to extend their hours to daytime, how will that be handled.

Chair Brian responded that is a problem between the owner and the tenant, the agreement will be made, signed, and recorded at the county, so they will need to work out the issue.

Co-Chair Bob asked what happens when the lessee changes, and it becomes a completely different business.

Planner Katie responded in that case the previous lessee contract would be null and void and a new contract would be drafted for the new tenant.

Commissioner Terry asked is that something that would be addressed with the city?

Planner Katie responded yes, that on the business license application, there is a section for staff to sign off on verifying the business meets City Code requirements. With that, the parking requirements and the signed contract would need to be met with the license.

Co-chair Bob questioned the idea of changing the wording to the owner instead of the lessee.

Chair Brian likes that idea, but stated with it being the lessee, then the city has grounds to pull their business license if they aren't meeting the requirements. He asked if they should stay in the code upon change of business license, the agreement would need to be amended? Will they need to record a new agreement every time the business changes?

Planner Katie responded yes, she thinks they would, because the lessee would be different.

Engineer Scott commented he thinks that it will be addressed, if the business comes in to apply for the license and adequate parking for that business doesn't exist, the business will not be allowed.

Planner Katie agreed. She said that we would need to require the recorded reciprocal agreement to be provided with the business license application.

Commissioner Bob verified that Francis City would deny a business license if the parking didn't meet City Code.

Planner Katie confirmed.

Chair Brian commented that we can't design a building and parking business specific, because they are constantly changing, realistically all Francis City can regulate is at the time of issuing the business license, it meets city code, if not, that we have the recorded reciprocal parking agreement signed and at that point regulating it becomes the owner and tenant issue not the cities.

Planning Commission was in agreeance on how it is written.

Chair Brian moved on to the apartment space requirement. He asked for the commission's opinion on it.

Commissioner Terry is in favor of keeping it the same as it is, with 3 spaces.

Commissioner Sam agrees with Terry. He understands the reasoning behind this is to entice more commercial, but he wants to be considerate of the residents moving in these places as well, they'll need more parking. He said what we require is enough spaces for the tenants to have adequate parking, but with 3, he doesn't think that's enough to allow for any visitor parking.

Co-chair Bob agrees with Terry and Sam's comments, he thinks it should remain 3 spaces.

Chair Brian said he is ok with moving towards less based on, if you have a wider road, your traffic doesn't decrease, he thinks its relative that just because you require more spaces it doesn't mean you'll have enough. He said so he thinks its less likely to jam more people into the units if they don't have the space for them to park, providing the space to park allows for more people in the units.

Commissioner Sam argued that if you have a couple with a teenager in a 2-bedroom apartment, you still need 3 spaces.

Engineer Scott questioned if they should have something different with apartments and townhomes, if its apartments, they are rented units so the manager would monitor it, if they are owned units, it becomes harder for someone to enforce.

Commissioner Terry commented that everyone here commutes, there isn't really any connectivity or transportation, so you need to assume everyone over 16 will have a vehicle.

Chair Brian offered they state if it is a rented 1 bedroom or studio apartment, they require 2 spaces. If it is an owned unit, then they abide by the 3 spaces.

Commissioner Bob agreed with that, he suggested they add an additional box at the bottom that states if it is a studio or 2 bedroom that's rented, it requires 2 spaces. If it is owned unit 3 spaces required.

Commissioner Sam suggested that the code reads dwelling multifamily 2+ bedroom to be 3 spaces, and studio or 1 bedroom to be 2 spaces regardless of owned or rented unit.

Chair Brian said he could agree with Sam's suggestion.

Commissioner Terry made a motion to forward positively the reciprocal code as proposed, and to positively recommend the apartment code text amendment with the changes of 2+ bedroom to be 3 spaces and a studio/1-bedroom apartment to be 2 spaces. Commissioner Bob seconded the motion. All in favor, motion passed.

4. General Plan

Planner Katie presented the notes from last months general plan discussion. She reminded that there would be a joint work session on April 28th, 2022, with the City Council and the Planning Commission to discuss the general plan. She asked them to review the items listed and discuss any other items they want added to the list for that meeting.

Commissioner Terry said he likes Mayor Jan's suggestion of taking the task on in chunks. He thinks it will run more smoothly if they break it into phases, complete one phase and then move on instead of tackling it as a whole.

Planner Katie agreed, she said what she has envisioned is at the joint work session have a discussion on the direction of where they would like to see the city going in the next 5 years.

A suggestion from Toni Naples was made that she thinks the city needs a dog park.

Planner Katie informed her that there is a dog park planned as part of the Hart Ranch Development. She said she would let Rusty (the developer) know her suggestion of having separate sections of the dog park based on sized of dogs.

Toni Naples asked about different approvals in the City.

Planner Katie offered her answers and informed her she could come to the city or call her anytime with questions.

Chair Brian said that a dog park is a great suggestion, and it will be addressed along with trails and recreation in the general plan discussion.

Commissioner Bob agreed and said a second dog park in addition to the Hart dog park will be needed in the city. Also, adding a trails impact fee.

Engineer Scott reminded the city does have a parks impact fee, that the idea of a dog park had just never been suggested.

Co-chair Bob asked if the new bike park going in will allow for dogs.

Chair Brian responded he doesn't think dogs will be banned by any means, and that there will be a walking trail around the corridor. Brian said there is a meeting with the bike park contractor in June to

Planner Katie offered some information on the bike park including that they have received \$292,000 in grant money for this park. She reminded that when applying for a grant they require you to be specific in what you are asking for. If awarded the money, you must spend the money on exactly what you requested it for. She said along with the general bike park things, they asked for fencing, a bathroom and walking path. She said the county would not reimburse us money that we spent on a dog park. She said that it would be a good idea to ask for when applying for another grant in the future. She said they have awarded the contractor who they thought had the best bid and will meet with him in June with a "bike park committee" they have put together to organize a concept plan and nail down the final details. She said the Planning Commission will have to approve the landscape plan, so they'll see that in July or August and in the meantime, fencing will start going in. She said that originally, they had discussed a split rail vinyl, but that the contractor has suggested a wood fence for durability, so that is what they are going with.

The Commission wrapped up the conversation on the general plan reminding of the meeting next week.

5. Planner Update

Planner Katie informed Rusty Webster has turned in his preliminary plan for Hidden Meadows, they will see that next month. She informed the Planning Commissioners that they are on the "Shade Tree Committee," she said a while back the city wanted to become part of a group called Tree City USA, through the Arbor Day Foundation. She said with that it requires you create an ordinance appointing a shade tree committee, at that time the Council believed it was best to appoint the Commission. She said forwarding to this week she was informed of a grant that she would like to apply for some trees, they would need to be some less utilized species of trees. She said Francis City Code requires an arborist to plant any trees on city property. So, look forward to more discussion on that in the future.

6. Approval of March 17th, 2022, minutes.

Co-chair Bob made a motion to approve the March 17th, 2022, minutes. Commissioner Sam seconded the motion. All in favor, motion passed.

7. Adjourn

Chair Brian made a motion to adjourn.

Meeting ended.