

**Perry City Planning Commission
3005 South 1200 West
7:00 PM April 23, 2015**

Members Present: Vice Chairman Vicki Call, Commissioner Blake Ostler, Commissioner Mark Lund, Commissioner Travis Coburn, Commissioner Tom Peterson, Commissioner Lawrence Gunderson

Others Present: Mayor Karen Cronin, Council Member Brady Lewis (7:50 p.m.), Greg Westfall, Perry City Administrator, Susan K. Obray, Minutes Clerk, Billy Dean Johnson, Codey Illum, City Planner, Millie Young, Bryan Walston

1. 7:00 p.m.- Call to Order and Opening Ceremonies

A. Invocation-Tom Peterson

Invocation was given by Commissioner Peterson

B. Pledge Allegiance to the U.S. Flag-Commissioner Mark Lund

The Pledge of Allegiance was led by Commissioner Mark Lund

C. Declare Conflicts of Interest, If any

Commissioner Coburn stated that he will not be a part of the discussion or vote regarding agenda items 2 a and 3 a on the Coburn Subdivision and Commissioner Ostler stated he will not be either if it has to do with the Bank of Utah. Chairman Call stated before we review and adopt the agenda, Mayor Cronin would like to address the commission.

D. Review and Adopt the Agenda

MOTION: Commissioner Peterson move to amend the agenda and to give Mayor Cronin some time right after we amend the agenda. Commissioner Coburn seconded the motion. All in favor.

Mayor Cronin introduced Greg Westfall Perry City's new City Administrator. She reported that Greg grew up in the southern tip of Alaska. Mayor Cronin stated that is where he met his wife, Jennifer. She said he played High School Baseball and their team took in the distance from Salt Lake City Utah to Seattle. She said going to a game took a couple of days. Mayor Cronin stated he later played for Ricks College, served his church for a couple of years, and then came home and married his wife and they have three children. She reported that was the personal side of him. The professional side of Greg was that Perry City put out an application for a City Administrator and had 29 applicants for that position. She said out of the 29, there was a screening process and 12 applicants were brought in front of a panel of 5 people. Mayor Cronin stated that out of the 12 applicants all 5 panel members had Greg in the top 2. She said 4 of the panel members had him as their number 1 choice and one had him as their number 2 choice. Mayor Cronin explained that she did her due diligence and followed up on the interview and called a couple of

his references. She said one of the references was the Planning Commission Chairman from where he previously worked. She said that the Chairman of the Planning Commission talked to her for 20 minutes and told her all of the great things that he did to help them in Monticello, and had nothing but praise. She said that they are going to be well served with Greg. She said he has worked at the City for three weeks and find everything she said to be true. Mayor Cronin stated that he is very knowledgeable. She reported that the City Council approved the recommendation for Vicki Call for Chairman, and Blake Ostler for Vice Chairman. Mayor Cronin said that the City Council also approved the appointment of Mark Lund and Blake Ostler to full members of the Planning Commission, and Lawrence Gunderson as an alternate member of the Planning Commission. Mayor Cronin stated that the Council has been working with Wendy Jensen and her subdivision. She said the Planning Commission approved it as one subdivision and she now wants to break it up in phases. Mayor Cronin said the council is in the middle of the budget sessions. She stated that they passed an ordinance on burn permits, fees and a reflection of fire services. Chairman Call asked if Mayor Cronin would explain how the burn permits process work. Mayor Cronin explained that Perry City has contracted with Brigham City to do our fire services. She stated the way that it works is that we pay them \$19,000 a year as a retainer and use their services. Mayor Cronin explained that if there is a fire call out, additional money will be charged. She said Perry acts like a Director for that. Perry City would bill whoever started the fire or the property owner where the fire was put out. Mayor Cronin stated that the city entered into a three year agreement with Brigham City. She said Brigham City is doing our fire service so we get the burn permits from them. Mayor Cronin stated that the Brigham Fire Chief would know when Perry had burns. Mayor Cronin stated part of the agreement is that Perry residents will go online and fill out their permit information. She explained that in the filling out the burn permit there is an index specifically for Perry. Mayor Cronin stated that if the residents have a hard time filling out the permit, don't have access to computer or internet they can call the city offices and the assistances will help them fill it out and print it out. She said there is not a fee for the permit. They would like the fires extinguished by dark, no smoldering. She said someone has to be present at the fire at all times with the permit there, and there is no burning on Sunday. There is a link on Perry City's website and there will be some information in the news letter.

E. Approval of the March 12, 2015 Minutes

MOTION: Commissioner Peterson moved to approve the March 12, 2015 minutes. Commissioner Lund seconded the motion. Roll call.

Commissioner Peterson abstained	Commissioner Lund yes
Commissioner Ostler yes	Chairman Call yes
Commissioner Gunderson yes	

Motion Approved: 3 yes 1 abstained

F. Make Assignment for Representative to Attend City Council Meeting

May 7, 2015-Commissioner Coburn

May 21, 2015-Commissioner Lund

G. City Council Report Given by Council Member Lewis

Council Member Lewis was not in attendance during this portion of the meeting.

MOTION: Commissioner Coburn moved to close the regular meeting and open the public hearing portion of the meeting. Commissioner Lund seconded the motion. All in favor.

2. Approx. 7:15 p.m. Public Comments and Public Hearings (if listed below)

A. Final Approval for the Coburn Subdivision First Amendment to Lot 3

Dean Johnson: He said he owns the lot next to the Coburn Lot. He said he would like to know what the plan is for that lot.

Bryan Walston: He said he owns a lot next to Mr. Johnson's lot. He would also like to know what the plan is for that lot. Mr. Walston would also like to know if it affects the park. He said the park is becoming a weed nest.

Codey stated that this subdivision has been approved for a few years. He said it is lot 3 and the applicant wants to move the easement that runs through this lot. She has met with the farmer that owns the water and has agreed that the easement needs to be moved. Mr. Illum said that the lot is very sloped and she wants to move the easement so that it can be a buildable lot. He stated that there has been some vegetation and other debris removed so it looks like there has been a lot of work done. Codey stated in order for a home to be put there, it is going to have to have some engineering and meet all the city ordinances. He said we will also have to make sure that there is some slope side retainage because it is very steep. He commented again that in order for her to build on this lot, the irrigation easement will need to be moved to the back of the lot. He said all we are doing is taking an existing open ditch and

moving it to the back of the lot. Codey stated that this lot will not affect the park at all. He explained that the park was an old substation that the City turned into a park and they have not had any money to do anything with it. He said that the City planted some trees and should be sprayed once a year. Millie Young, the applicant, stated that they are proposing an amendment regarding the current easement which does not allow a home to be built. She said the proposed easement would be moved back to allow for a home to be built. Mrs. Young reported that she has talked to Randy Matthews who is the owner of the easement, Jerry Shultz who owns the home to the north, and Dale Green. The only people she hasn't talked to are Mr. Walston and Mr. Johnson. She said it is not piped and never has been and stated that they will pipe it with 12inch pit pipe and a 2X2 box right by the city park. Mrs. Young said that the lot is already a residential lot. They are just trying to make it buildable. She stated that they will have to bring in all the utilities. Mr. Johnson asked if the pipe will be engineered. Mrs. Young said she didn't know if it would. She stated that the drawings are going to be drawn up by Hansen & Associates. Codey said this is privately owned irrigation company and the city does not go in and have it engineered. He explained that she has met with the farmer to make sure he is happy with it. Codey said that the licensed contractor will make sure that it is done right. Mrs. Young also commented that they will put in a custom grate so that it will catch everything.

MOTION: Commissioner Peterson moved to close the public hearing and go back to the regular meeting. Commissioner Lund seconded the motion. All in favor.

B. Public Comments

There were no public comments.

3. Land Use Applications (Administrative Action)

A. Final Approval for the Coburn Subdivision First Amendment to Lot 3

Codey stated that there are some comments regarding this amendment from our City Engineer, Jones and Associates and there were no issues. He said that they are going to meet with the owner. She is going to have to get a road cut application and pay fees so that she can put the improvements in. He stated that there is no water or sewer there but it is an approved lot that has the ability to gain those. She has met with Paul and is in the process of getting the road cut permits.

MOTION: Commissioner Peterson moved to recommend final approval to the City Council of the Coburn Subdivision First Amendment to Lot 3. Commissioner Gunderson seconded the motion. Roll call vote.

Commissioner Peterson yes	Commissioner Lund yes
Commissioner Ostler yes	Chairman Call yes
Commissioner Coburn abstained	Commissioner Gunderson yes

Motion Approved: 4 yes 1 abstained

4. **Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc. (Planning and Quasi-Legislative Action)-Recommendation to the City Council**

A. **Discussion Regarding Large Animals in the R2 Zone**

Chairman Call stated that in the last Planning Commission meeting she was given the assignment to prepare a proposed clean up in our ordinances, the ability to have large animals on residential lots.

She said that one of the discussions last meeting that didn't seem very clear was some of the nomenclature for the different zone labeling and how it related to the specific paragraphs in 15.07.020. She said she tried to clean that up a little bit indicating where each of those designation was. Chairman Call explained that she cleaned up the land use chart eliminating the wording that specified and led us to the allowance to a conditional use permit.

Codey stated what started this is that we had some issues in our land use ordinance. He said it allowed some areas of the ordinance and in other areas it didn't and so we are trying to get it cleaned up. Codey explained that the land use chart allowed large animals in the R2 zone, but then we allowed it in the animal ordinance as a conditional use permit if you met the 40,000 square feet. He said we simply removed it so you can't have large animals, conditional use or otherwise. Codey commented that this is where the Planning Commission can change more of that if they want because if someone has an acre they can have a large animal. Codey asked if it has specifically been removed from the land description. Chairman Call stated that it had.

She said the proposed write up that she did does not allow large animals in residential zones period. Codey stated that this is something that will have to be recommended to the City Council. Codey said if you are in the R1 zone and have 5 acres you can't have a large animal. Chairman Call stated that was correct. Codey felt that there were some issues with that. He is just a representative of the city staff but sees it as a concern. Chairman Call stated the R1 zone is low density residential ¼ acre. She said what he is talking

about is R1A. Codey explained if you are in a R1 zone and you have 5 acres, you can still have 40 thousand square feet in that zone. He said you are removing it from large lots that are in a low density zone. Codey said it doesn't always happen but it can. He commented that we have the perfect example of R2 in high density with a large lot.

Chairman Call stated what this proposal allows is large animals in the R1 and RE1/2 zones with these qualifications. She said it does not allow large animals in any of the other residential zones. She stated for example, if someone was in the R1 zone and they had 5 lots and they wanted large animals they would have to come in and ask for a re-zone. Codey said we also have large lots in the NC2 and NC3 zone right now that have animals. Chairman Call stated it was brought up in the last meeting, what we do with those owners that currently have large animals. She said we would have to grandfather them in until they sell the property. Commissioner Gunderson stated is there a way for the new owners of the property to get a special use permit if they want to have an animal on their lot. Commissioner Coburn said our hands were tied with the conditional use permits. He said we had to set conditions but we had to give them the permit. Commissioner Coburn said with the zone change we do have options, we can say no. Codey stated that the zone change has to meet the General Plan.

Commissioner Ostler asked what the intent was. He stated the intent is not to have a horse next to you in a residential area. He said when you live in a residential area you expect certain things. Commissioner Ostler and Peterson stated that they like what Chairman Call has proposed. Commissioner Peterson stated he would like to make a recommendation to the City Council and see this move forward with the modification. Chairman Ostler asked on page 1 15.07.020.14 and 15.07.020.15 are both called Manufacturing/Industrial limited. Chairman Call said that is a typographical error. On 14-07-020.14 it should not say limited. Commissioner Ostler stated the same should be for the description header. Commissioner Ostler asked do we need to research the questions or can we ask Malone to put in the proper references as to which ordinances control the said crop and animal conditions. Chairman Call stated on the first page 15.07.020.1 and 15.07.020.2 she highlighted some questions that she did not have answers too. She said she wanted to make sure that the commissioners were aware and asked are they answered somewhere or do we need to make modifications to answer those questions. Commissioner Peterson asked how we control a crop. We can't do that. Chairman Call asked if that is why it was left silent.

Codey felt that was why. Greg Westfall stated that we need to make a definition for light agriculture, because if you can define it you can enforce it. Chairman Call said if you refer to the land use chart it is very specific what is allowed in the A and AL zones. Chairman Call summarized the two questions that were highlighted in yellow in the proposed ordinance (which ordinances control the said crop and animal conditions) do the paragraphs in conjunction with the land use chart answer these questions. Chairman Call said she would strike the highlighted questions before submitting it to the council.

Commissioner Ostler asked on the land use chart we are striking domesticated animals, family food, production/pleasure (see note 1)*. Where that is being struck does the reference still remain and tell the reader to go to that section because there are still notes that talk about firearms that will remain. Chairman Call said that note one still needs to remain at the bottom because there are other notes that are applicable to other situations.

Commissioner Ostler referred to the additional note page and asked what “minimum of fifty units or more” meant. After a little discussion it was determined that it was referring to storage units. He asked about number 5 in the additional notes where it refers to “25 percent of the total floor space”. Commissioner Ostler stated that they can be discussed at another time if needed. Commissioner Peterson stated number 3 in the additional notes states that “storage units shall not be defined as allowing “junk”, surplus or other various accumulations of items, supplies, or materials. He felt that it was very vague. Codey commented that he liked what they have done with the large animal ordinance. Codey stated that Mr. Butters came into the city office and is going to start putting the fence up. Chairman Call stated that he currently has a conditional use permit so he can do that. Codey said that Mr. Butters is grandfathered and we can't take that away from him. He said the conditional use permit is good under the parameters that it was approved. He stated that he is under the old ordinance, but everyone going forward will be affected by the new one.

This will be an action item for next month's meeting.

B. Discussion Regarding the PUD or Cluster Housing Ordinance

Codey stated that we can move this to the next month's agenda. Chairman Call stated that is it really necessary to put something in the ordinances that address PUD specifically or can someone come with a recommendation for a development and we can approve or disapprove with the current ordinance that we have. Codey stated that if it's not allowed specifically in our ordinance then we have to deny it. Commissioner Lund stated that in past planning commission minutes they would talk about it and then it would drop off. Codey explained what happened is all the high density housing that has been

put in along Hwy 89 went in under the old PRUD ordinance which allowed a developer to have 1 acre and put in 15 lots. He said the old City Administrator put in a new PRUD ordinance which allowed cluster housing, bonus density and open space and it made it so confusing. Commissioner Peterson stated that we have to decide if we want it or not. Commissioner Gunderson stated that the North Ogden PUD Ordinance is very specific and really detailed. Codey stated that West Haven removed theirs from their website. He suggested that we pull Kaysville City and look at theirs. It was very easy to read. Codey stated that the City has had problems with other PUD's in town. Chairman Call stated that we need to come back ready to say if we want PUD's in our town.

C. Discussion Regarding the Flag Lot Ordinance

Codey stated that this ordinance was done in 2008, there was a motion to approve it and it was never codified. Codey stated this is what we are proposing. He said this allows people to utilize their land but not over utilize the areas where normally two homes would go developers tried to put in four homes. He said this was sent to Malone and he made a few changes and cleaned it up a little bit. Codey stated that he would like to make this an action item next month. Commissioner Ostler stated that there is one typo on 14.01.040 it should say "conditions" instead of "condition". He said under C and D where it talks about the staff portion and the surface finishes, he asked if they were all prudent numbers. Codey stated that they were. He said it needs to be wide enough and have a turnaround in order for the emergency vehicles to get in there. Commissioner Ostler stated that Codey said that the proposed flag would have to meet the same setbacks. Codey stated that was correct. Commissioner Ostler stated that in the ordinance 14.01.040 (a) it says "an area of 3 acres or more for development. He asked Codey if that was an appropriate number. Codey stated that 3 acres is sufficient.

Commissioner Ostler asked if Malone was the one who had gone through the ordinance and did the strike out of some of the information. Codey stated that it was. Commissioner Ostler asked if Codey knew why Malone would strike out on number H "two lots may share a staff but there must be a minimum thirty (30) foot staff portion and frontage requirements met. A perpetual contract or agreement must be drawn up by an attorney". He said it addresses maintenance. Codey stated that it was already addressed above in the ordinance. Chairman Call stated that the only change that has been suggested is to pluralize the word "condition" to "conditions". This will be an action item and a public hearing on the next agenda. Commissioner Ostler asked about item L. There wasn't an appendix attached. This will be added to the ordinance at the next meeting. Commissioner Lund asked about item D referring to the 20 ton weight capacity. Codey stated that was for the fire

truck. Codey stated that we could change it to say “adhere to current fire standards”.

D. Orchard Conservation Zoning or Orchard Land Discussion

Commissioner Ostler stated that is there a way to think about and take some actions to look at preserving the orchards. He said with respect of the city heritage, he was reading in last month’s city newsletter “man on the Street, what is Perry Famous For” Darrell Eddington- the Great Fruit way, Roe Jenks-peaches, Nola Young-wonderful peaches, Vicki Topik- Fruit way, what is left of it”. He said that the peach blossoms is on the Perry City website. Commissioner Ostler stated that he has been in touch with the Planner from Sanaquin City because they preserved a whole apple orchard. The Planner told Commissioner Ostler that Evan Curtis from the Governor’s Office of Management and Budget gave a presentation in recent years about the loss of agricultural lands. He said his slides included before and after satellite images of the Perry area. He said Mr. Curtis commented how ironic streets get named after the features eliminated by development. He said he saw a comment in some of the PUD Planning Commission minutes that one of the commissioners stated “Could we talk about the orchards”. He said there was no further conversation about it.

Commissioner Ostler said he has put together some thoughts of why we would want to do that and some thoughts on why we wouldn’t want to do that. He asked how much is nostalgia worth. Commissioner Peterson stated the people who own the orchard ground are all getting old and their children do not want to do it. Their children have been educated and have jobs. He said orchards are a lot of work and the farmers that are getting up in age see this as their retirement. Commissioner Peterson said it is difficult to find someone who wants to work that hard on a gamble. We cannot deny the farmers the right to sell their property. Commissioner Peterson stated he is very much against the conservation concept. Commissioner Ostler stated this is not what he is trying to do; he said you can find other farmers that want to expand their enterprise. He said he is not out to steal the farmers retirement, he is trying to encourage preservation. (Presentation attached to the minutes). Commissioner Ostler stated that Farmington City has “Conservation Subdivisions”. He said there are benefits given to a developer if he sections off a piece to conserve.

He reported that Utah State is doing their campus in Brigham City and maybe they would be interested in an orchard for their horticultural studies. Commissioner Ostler stated also a church farm. Chairman Call stated she is

in favor with the general idea of conservation. She said what we are talking about is putting something into planning and/or ordinances of the city and if we are going to do that we need to put with it how would the city give that incentive and could our city attempt to do that. Commissioner Ostler stated he wanted to further his research with the conservation subdivision and how other cities are doing it. Greg Westfall stated before the Planning Commission spends a lot of time he recommends that one of the commissioners at the next City Council meeting give a report of what the Planning Commission is looking at and what the general feel is of the City Council. Is this something they want to spend time on. Council Member Lewis stated that he brought up the orchard conservation idea to the City Council and they felt that it was something that was worth looking into. He said we cannot take rights away from landowners and nobody wants that.

5. Review Next Agenda and Adjourn

A. Review Agenda Items for Thursday May 14, 2015

- (1) Large Animals Action
- (2) Flag Lot Ordinance Action
- (3) PUD Discussion
- (4) Sign Ordinance Discussion (Commissioner Peterson-yes, Commissioner Gunderson-yes, Commissioner Coburn-no, Commissioner Lund-no, Commissioner Ostler-yes)
- (5) Subdivision

6. Motion to Adjourn

MOTION: Commissioner Peterson moved to adjourn. Commissioner Lund seconded the motion. All in favor.