

**Perry City Planning Commission**  
**3005 South 1200 West**  
**7:00 PM August 13, 2015**

**Members Present:** Chairman Vicki Call, Commissioner Blake Ostler, Commissioner Tom Peterson, Commissioner Toby Wright, and Commissioner Travis Coburn (7:10 PM)

**Members Excused:** Commissioner Mark Lund and Commissioner Lawrence Gunderson.

**Others Present:** Codey Illum, Perry City Planner, Greg Westfall, Perry City Administrator, Susan Obray, Minutes Clerk, Lani Braithwaite, Lee Cassity, Michael Harper, Sheila Harper, Jim Flint, Hansen & Associates, Rella Olson, Zella Rosenbach, Nancy Hilton, Lynn Hilton, Brett Jones, Jones & Associates, Council Member Brady Lewis, Jeff Hadfield, Lani Braithwaite, Randy Matthews, and Kevin Jeppsen

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

**A. Invocation-** Travis Coburn

Invocation was given by Commissioner Ostler

**B. Pledge Allegiance to the U.S. Flag-**Tom Peterson

The Pledge of Allegiance was led by Commissioner Tom Peterson

**C. Declare Conflicts of Interest, If any**

There were no conflicts of interest.

**D. Review and Adopt the Agenda**

Chairman Call stated that Item 4A regarding the Discussion of the Sign Ordinance will be stricken from the agenda.

**MOTION:** Commissioner Wright moved to adopt the agenda with the exclusion of Item 4A Discussion of the Sign Ordinance from the agenda. Commissioner Ostler seconded the motion. All in favor.

**E. Approval of the July 9, 2015 Minutes**

Commissioner Ostler called and talked to Susan and made some recommendations for some grammatical changes to the minutes.

**MOTION:** Commissioner Wright moved to approve the July 9, 2015 minutes as amended. Commissioner Ostler seconded the motion. All in favor.

**F. Make Assignment for Representative to Attend City Council Meetings (August 20th and September 3rd )**

Chairman Call will attend the August 20<sup>th</sup> City Council Meeting and Commissioner Coburn will attend the September 3<sup>rd</sup> meeting.

**G. City Council Report given by Council Member Lewis**

Council Member Lewis stated that he didn't have anything to present.

Chairman Call stated that she heard that there was some discussion regarding the animal ordinance. Council Member Lewis stated that he was trying to be quiet given his circumstance and didn't want to say too much. Chairman Call

stated that she has talked to the Mayor and it will probably be coming back to the Planning Commission for further discussion.

**2. Approx. 7:10 p.m. Public Comments and Public Hearings**

**MOTION:** Commissioner Peterson moved to close the public meeting and open the public hearings for 2A and 2B. Commissioner Ostler seconded the motion. All in favor.

**A. Approx. 7:10 pm Public Hearing Regarding Application for Suncrest Subdivision Phase 1 Location: 165 West and 1865 South**

**Jim Flint with Hansen & Associates:** Jim stated that this is a 10 lot subdivision; he said that they modified the plat slightly regarding the existing irrigation line. He stated they moved the line to the bottom of 165 west. Mr. Flint said that he would like to wait and see what the public comments are and then will address them later in the meeting. He explained that the developers of Orchard View Estates piped the irrigation water right next to lot 10 in Suncrest and it is piped all the way to the southern boundary. Jim explained that he talked to Mike Young the Fire Marshal and he requested that the fire hydrant be installed at the end of the cul-de-sac in front of lot 6 and another one in front of lot 2.

**Nancy Hilton:** Nancy stated that they live at 141 West 1820 South in Perry. She stated that she and her husband live on lot 14 in Cherish View. She said their biggest issue is drainage and flooding issues and would appreciate the consideration. Mrs. Hilton stated they were able to talk with Brett Jones before the meeting. She said they just recently found out that there is a 24 inch water pipe 11 feet from their door and steps down to their basement that are 3 1/2 feet lower than the pipe. She stated when they looked at the plan it does not show any drainage and their concern is with the pipe carrying a large amount of water and the slope of the lot they will end up getting flooded at some point of time. She stated that Brett Jones suggested putting a drainage swell behind the fence so it would divert the water away from their house. She said that Mr. Jones also suggested that another pipe could be put into take some of the pressure of all of that water. Mrs. Hilton stated that there is already flooding. She said they hired someone to put a pipe in to help with diverting some of the water that is flooding off of the hill. She stated that they are really concerned about flooding and the 24 inch pipe that is in the back of their home. Commissioner Coburn asked if it was a drainage line or a pressurized line. Kevin Jeppsen stated that it is a storm drain that ties into the Perry Canal depending on how that canal is being run determines how much water is coming down that pipe. He said it has been actually shut off for three days but two days before that it was full of water. Mrs. Hilton stated

that they did not know anything about the drain and was asking if it could be re-engineered. Mrs. Hilton handed the Chairman a letter expressing her concerns about the drainage and flooding.

**Jeff Hadfield:** Mr. Hadfield stated that he lives at 1885 Sunridge Drive. He said when he got the plans he visited with Codey a little bit about the size of the lots. He said the size was a concern to him at first considering what is here in his subdivision and up above. He said that he is not so concerned about the size of the lots anymore in the fact that some people don't want a lot of yard to take care of. He asked if the covenants will be consistent with what is already in place around to build and make sure that we are not getting too much of a contrast or a mix.

**Kevin Jeppsen:** Mr. Jeppsen stated that he lives next to the Hiltons in Cherish View Estates. He said he has two items for consideration for the Planning Commission. He said he would like them to also consider the drainage. He said in the subdivision below there is a swell that starts at the top and it takes care of the spillway off of the drainage pond in Cherish View Subdivision. Mr. Jeppsen stated that there is a larger pond in the Ansley Subdivision that does not have a spillway. Kevin stated when Mrs. Hilton mentioned the swell over by the Ansley drainage pond would need to be tied into that and it would need to have a spillway instead of just flooding over into their homes. He stated after looking through the engineering plans regarding the storm drain and the sewer, he thought it looked really good but they will be draining another 140 feet of this road over into Cherish View Subdivision. He said that is a public drain system there. The pond on Cherish View Subdivision is private property even though it is a part of that system and it does tie into the regional 24 inch pipe that has been there for a lot of years. Mr. Jeppsen stated that the drawings show that the pipe is on the opposite side of the fence but it is actually inside the Cherish View Subdivision. Kevin stated that he knows there is a proposed plan for the three detention ponds to consolidate it down to one by the highway. He said he is thinking that whoever is responsible for that should be addressing that before they do what they are doing with Suncrest Subdivision because that will change the way it is laid out. Mr. Jeppsen stated that he knows they don't want to delay this subdivision in moving forward. He said as long as everyone understands what is coming down the road, then he thinks that is great. He stated that they should consider that. Mr. Jeppsen said another thing that should be taken into consideration is that 100 west is showing another 50 foot diameter turnaround which is not there and the road has ended. Mr. Jeppsen stated that the developer is planning on covering the canal at the end of 165 west and

putting another 50 foot diameter turnaround. He said that there is only going to be 100 feet or so in between the turnarounds. Mr. Jeppsen stated in consideration of safety response, services and the flow of the traffic there they should actually connect 165 west to 100 west while they are doing this if not by a paved road at least by a gravel road that is taken care of. He continued to say that 50% of the traffic that comes down 165 West right now doesn't really want to be there. He said they come down the road and realize where they are at after they get over the hill and it is a dead end.

**Randy Matthews:** Mr. Matthews addressed some of the public comments that were made. He said the water will end up on his subdivision's side. He said either in his pond or down below. Mr. Matthews stated that they are currently working out something with the city in taking care of that and putting them all together, if not all the water stays on his property. Mr. Matthews stated that regarding the 24 inch pipe, it has been in for 40 years and it catches the water that comes out of the canyon. He said when Perry Irrigation comes in there is usually nothing that comes out of the canyon. Randy stated that none of their water off of the subdivision will go into the pipe. He said when the fence went in when Cherish View Subdivision was developed people should have known that the pipe was there. Randy addressed the CCR's and said that they will have them and they will make their subdivision very well compatible with the homes in Sunridge Subdivision. He said that most of the lots are 1/3 acre and on up to 2/3 acre. He said they are expensive lots and so people are probably not going to buy an expensive lot and put a less expensive home on it. Mr. Matthews stated that all the water that will be on 165 West will stay on their property. He said in regards to the turnarounds, they are trying to work something out with Mike Hendrick regarding getting some extra land so that we don't land lock him. Randy stated that he talked with Grant Young who is on the Perry Irrigation Board and the canal will be piped in on the lot lines. He said we are trying to do everything the best we can.

**Kevin Jeppsen:** He said that he has studied the engineering plans and they have a storm drain at the bottom of the cul-de-sac and at the end of 165 west and so everything from that point on is going on a 6% grade down into these two storm drains on the other side of his house.

**B. Approx. 7:20 pm Public Hearing Regarding Application for Orchard View Estates Amend & Extend Lot 1 Location: 100 West and Maple Hills Drive**

Jim Flint with Hansen & Associates stated that Orchard View Estates was approved last year. He stated the idea is to add a portion of land belonging to R & R Land Development LLC to make the Orchard View Estates Lot 1 bigger. Mr. Flint stated that Orchard View Estates Amend & Extend is compatible with Suncrest Subdivision.

There were no public comments on this application.

**MOTION:** Commissioner Wright moved to close the public hearing and open the regular meeting. Commissioner Peterson seconded the motion. All in favor.

### **C. Public Comments**

**Rella Olson:** Rella said that she lives in Cherish View Estates. She asked if the Planning Commission had any plans for additional access in and out of all the subdivisions that are being built along Highway 89. She said everyone in Cherish View, those above us and those north of us, have only one access and that is on 1750 South. She stated there are well over one hundred houses up there now and more coming that only have one way in and out. She said there have been a couple of occasions when the road has been blocked and we are locked in. She felt it was a safety issue and was asking if there were any plans to do a parallel road above 89 so that there might be additional access in and out in case of an emergency.

### **3. Land Use Applications**

#### **A. Final Approval & Recommendation for Suncrest Subdivision Phase 1 Location: 1865 South 165 West Applicant: Randy Matthews**

Chairman Call stated that there have been a lot of issues raised with respect to the drainage. She said she remembers when they were here for Preliminary approval that was one of the concerns. She said the one that was mostly talked about was the drainage pond in the back of lot 3. Chairman Call and now the public have brought other issues concerning drainage. She asked Jim Flint with Hansen & Associates to address that and explain what the total drainage plan was. Jim stated that behind the scenes there is an effort in trying to create a regional pond. He explained that there is a pond to the west and there is a 24 inch pipe that goes on either side of the fence behind lots 13,14, and 15 in the Cherish View Subdivision. Mr. Flint stated that the flood control line, the Sunridge pond, Cherish View pond, and the Ansley detention pond all go into the 24 inch pipe which goes on up and takes the runoff flow from the canyon. Jim showed several pictures of the detention ponds. Jim stated that Sunridge detention pond is maintained by the

homeowner and is very well taken care of. The next slides were the Cherish View detention pond which is not landscaped or maintained. He continued on with a slide of the Ansley detention pond. Jim stated that this is a city owned and maintained pond. He said if you put those three ponds in perspective, what is the best thing to have for the city? He stated that the idea is to get all three of these ponds all wrapped up together and put in a drainage pond down by Maddox on the east side of the highway. Mr. Flint stated that it will take a lot of financial participation from a lot of parties. He said in regards to the Cherish View flooding this pond is built at a certain elevation and this whole subdivision's water should be getting into the pond. Mr. Flint stated that the 24 inch line that is coming from the canyon and all the way down to Hwy 89 doesn't have any physical openings so it is not like that pipe is causing the drainage in Cherish View. Jim explained what is going on with the pipe coming down from the canyon down to Hwy 89. He said there are only outlets in those three ponds and so if any water is surfacing coming out of that pipe it is going to be surfacing in those ponds. He explained that it is a surface water problem not a pipe problem. Jim stated that Suncrest Subdivision's detention pond has the capacity to take on Cherish View's runoff water. He explained that lot #3 in Suncrest Subdivisions' detention pond will have a berm on the north side. Chairman Call stated that before we start looking at what they look like we need to know if the pond is going to do the job for the run off in this subdivision. Mr. Flint stated that it will. He said that it is common for a subdivision to drain towards another subdivision.

He reported that the turnaround is within the fire marshal standards. Chairman Call asked Codey Illum regarding the master road plan with the future plan for that to come. Is it fitting in with the master plan? Codey stated that the master plan is a working document and it will conform and flow the way that it should and connect to the existing roads. Chairman Call stated that we have a couple objectives with the north, south, east and west accessibility and especially for emergency situations. Codey stated that the road meets the city standards and the fire marshal standards. Commissioner Coburn asked with respect of drainage, this subdivision going in is it addressing any impact on the surrounding homes. Mr. Flint stated that they are not and they are not sizing this pond to take over Cherish Views pond. Codey Illum stated that behind the scenes we are trying to remedy some issues that we have and so with this city and with the engineer we realize that there are issues here and by meeting collectively together to fix it. Codey said that we feel we can come to a solution and fix what could be a problem. He said the way it is right now meets City ordinance. He said we are thinking ahead and we feel there is a way we can fix this. Chairman Call stated

regardless of the Sun crest Subdivision, we have drainage issues there anyway. Codey stated we have to separate this. Chairman Call said that recognizing the whole issue we are working on something for the future. Codey stated we are negotiating now to fix the problem. Chairman Call stated currently what is planned meets our ordinance. Codey stated that it meets our Public Works Standards. Jim Flint stated as far as the ponds they tend to be the biggest liability because the majority of the drainage is focused on getting into those ponds. He said so if there is a way to eliminate four ponds and have a regional pond in one area that would be a win win situation for everyone. Commissioner Coburn stated he wanted to make sure that we were not making the problem any worse.

Brett Jones stated, as the City Engineer, he strongly supports consolidating these basins. He stated that he also represents the Flood District as their Engineer. He said the 24 inch pipe was intended to take canyon drainage. Brett stated what has happened over the years is developers have connected their detention basins to it. He explained that detention basins essentially release as much water as was there before. Brett stated it is a concentrated point the water backs up and just a little bit pecculates out. He said because this pipe is so steep it does address one of the concerns that one of the property owners has. Brett stated that it does not keep water in it very long and it can handle a lot of water. He said as the Flood District Engineer he would prefer to see it reserved for the canyon drainage and any irrigation that comes into it. He said so when we have storms there is a second pipe that will take it down. Mr. Jones stated that if one of these basins were to fail or have a problem, he would much rather have a basin down closer to Highway 89 and flood Highway 89. He said what is proposed now meets the city ordinances required. Brett stated that they would like to see something better for the whole city and they are working towards that. He said he would like to see the issue addressed before the City Council, and felt it was not a Planning Commission issue. Brett stated that the other issue is the asphalt, curb and gutter and some of the utility improvements in Cherish View Estates were not fully completed to the north boundary of the Suncrest Subdivision. He said this is the responsibility of the Cherish View Estates development to complete. He said we have had this issue in the past and it is still an issue.

Commissioner Ostler asked if all the other improvement drawing comments have been addressed. Brett stated that the developer has already addressed most everything in his memo. He said they have talked to the Perry Irrigation Company and the fire hydrants have been addressed. Commissioner Ostler asked in regards to the storm drains not coming from the cul-de-sac down. Brett said hopefully there will be a new pipe at the bottom of 165 West and

they can discharge into the new pipe. Brett stated that catch basins are a lot more effective in flatter area. Commissioner Peterson felt that they could approve the subdivision with the idea that the City Council will address the drainage issues. Commissioner Ostler asked if the basin on lot 3 was on private property. Brett stated that it is on an easement to the city on private property. Commissioner Ostler asked if the city maintains the pond. Codey Illum stated that the detention pond gets plugged up then it is the city's responsibility to clean it out. Brett stated that storm drainage should be a city run facility. He said the down side of a private basin that becomes a liability issue not just for the city but for the homeowner.

**MOTION:** Commissioner Wright moved to forward to City Council the Suncrest Subdivision Phase 1 with the recommendation for final approval and that they address the drainage issues and Engineering conditions are met. Commissioner Coburn seconded the motion. Roll call vote.

Commissioner Wright yes                      Commissioner Coburn yes

Commissioner Peterson yes                      Commissioner Ostler yes

Chairman Call yes

**Motion Approved:** 5 Yes 0 No

**B. Final Approval & Recommendation for Orchard View Estates**

**Amend & Extend Lot 1 Location 100 West and Maple Hills Drive**

Chairman Call asked if the extension of lot 1 dovetails into the Suncrest Subdivision property. Jim Flint with Hansen & Associates stated that was correct. Commissioner Coburn asked how many feet does it extend. Chairman Call stated that it extends 50 feet. Chairman Call stated that there is currently a house on lot 1.

**MOTION:** Commissioner Coburn moved to recommend to the City Council final approval for the Orchard View Estates Amend & Extend Lot 1. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Wright yes                      Commissioner Coburn yes

Commissioner Peterson yes                      Commissioner Ostler yes

Chairman Call yes

**Motion Approved:** 5 Yes 0 No

**4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.**

**A. Discussion Regarding the Sign Ordinance**

This issue was stricken from the agenda.

**B. Discussion Regarding the Requirements for Single Family Dwelling**

Codey Illum stated that in their packet there was some information from three cities for the Commission input. Codey said that he highlighted a couple of items that he liked. He stated what we are doing is trying to define what an approved single family dwelling lot in city ordinances. Chairman Call asked if there was nothing that addresses single family dwellings. Codey stated that there are bits and pieces throughout the ordinance. He said what he wants to do is when a developer comes in he can go right to it and show them. Codey stated that the current ordinance is confusing because the ordinance is not all in one place. Greg Westfall, City Administrator, stated that he and Codey will put the Planning Commission ideas together for the next meeting.

Commissioner Peterson stated he would much rather have Greg and Codey put something together. Chairman Call stated she would like to see all the pieces of the ordinance pulled together. Codey Illum stated that these are the items he is going to build the ordinance from. Greg Westfall stated that it will be a lot more user friendly.

He referred to number 4 from Marriott-Slatterville City “interior lots having frontage on two streets shall be prohibited except where unusual conditions make other designs undesirable”. Codey stated you can’t have a double frontage lot. He said there is nothing in our ordinance that says that you can’t have it and so we allow it. Codey continued with number 7 “All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as unusable parcels”. He said the developer wants to make as much money as he can. He stated we want to make things as clean cut as possible. Codey continued with the Farr West City ordinance. He said that Item B states “1. All lots shown on the subdivision plan must conform to the minimum requirements of the zoning ordinance for the zone in which the subdivision is located, and to the minimum requirements of the city engineer and the county board of health for sewage disposal”. Codey said that we could take out “and the county board of health for sewage disposal and end with city engineer”. He continued with C1.”Each lot shall abut on a street dedicated by the recording of the subdivision or on an existing publicly dedicated street, or on a street which has become public by right of use and more than twenty six feet (26’) wide”. He said he would strike “or on a street which has become public by

right of use and is more than twenty six (26') wide". Codey remarked that he doesn't want it right of use he wants it to be a dedicated street. He stated that we have a lot of old homes that have a road to their house. Codey said that we would deny that because it is legal non-conforming and you can't make something more non-conforming. He said he wants it to say that it has to have 80 feet of frontage on a dedicated road with curb, gutter, and sidewalk. Codey continued with Item D. Corner Lots:" Corner lots shall have extra width sufficient for maintenance or required building lines on both streets". He said people will buy a lot and realize that their house does not fit. He stated we want them to have sufficient room to put their home on the lot. Commissioner Ostler asked if they wanted to be as specific as telling people what kind of exterior material they have to have. Greg Westfall stated that we don't get involved in the CCR's. Commissioner Ostler asked if it will provide for some minimum standards. Greg Westfall stated that we have a building code for that which takes care of life safety.

**5. Review Next Agenda and Adjourn**

- (1)** Single Family Dwelling
- (2)** Sign Ordinance
- (3)** Large Animal Ordinance

**MOTION:** Commissioner Coburn moved to adjourn. Commissioner Wright seconded the motion. All in favor.