

**Perry City Planning Commission**  
**3005 South 1200 West**  
**7:00 PM June 5, 2014**

**Members Present:** Vice Chairman Doug Longfellow, Commissioner Steven Pettingill, Commissioner Tom Peterson, Commissioner David Curtis, Commissioner Vicki Call, Commissioner Don Higley, Commissioner Travis Coburn

**Members Excused:** Chairman Dave Walker

**Others Present:** Malone Molgard, City Attorney; Council Member Brady Lewis, Codey Illum, Perry City Planner; Susan K. O Bray, Minutes Clerk; Lani Braithwaite, Shea Billings, Toree Sorensen, Ronda Parry, Ryan Sorensen, Rachel Doyle, Karla Jeppesen, Steve Jeppesen, Jack Kunz, Peggy Kunz, Robert Jeppesen, Cody Garner, Justin Palmer, Terra Lee

**1. Approx. 7:00 pm-Call to Order and Opening Ceremonies**

**Invocation-** Don Higley

Invocation was given by Commissioner Higley

**Pledge of Allegiance-**David Curtis

The Pledge of Allegiance was led by Commissioner Curtis

**Review and Adopt the Agenda**

**MOTION:** Commissioner Pettingill moved to adopt the agenda as written. Commissioner Higley seconded the motion. All in favor.

**Declare Conflicts of Interest, If any**

Request to declare conflicts of interest by Vice Chairman Longfellow; there were none.

**Approve the May 1, 2014 Minutes**

**MOTION:** Commissioner Call moved to approve the May 1, 2014 minutes as written. Commissioner Curtis seconded the motion. All in favor.

**Report by Council Member Lewis**

Council Member Lewis expressed his appreciation to the Planning Commission members in doing a good job. He said in regards to Item 4B the Three Mile Creek Gun Range signs that the City will be held to the same laws as a business would be. He stated that the council felt that 5 Directional signs were too many. Council Member Lewis stated that they are open to review 5 square feet which is what the current ordinance is for these types of signs. He felt that it was a little small considering the signs outline a map or directions on the right side of the sign. He stated that the council would be open to look at the bigger signs to accommodate the map or directions.

**MOTION:** Commissioner Curtis moved to open the public hearing for Country Hollow Amendment #33. Commissioner Pettingill seconded the motion. All in favor.

**2. Approx. 7:05 p.m. Public Comments and Public Hearing(s)**

**A.** Public Hearing Regarding Item 3A (Country Hollow Amendment #33)

There were no public comments.

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

**B. Public Comments (Regarding other issues)**

**Rhonda Perry:** Mrs. Perry stated that she shares a property line with the Cherry Ridge Pit. She said that she has been concerned about the conditional use application. She said she has found over the last month and attending the last two meeting there were a lot of promises made and not kept. Rhonda stated that they sold the last of phase 3 lots and then they were gone. She said they never put the street lights down there and they didn't get their access road they promised or the park. She said that they would rather not see animals down there but should the commission find it necessary to grant them the permit she would like to have conditions put on it to be a compromise with the neighborhood. She said they would like to see horses only. Mrs. Perry stated that they felt with horses that there would be less smell and fewer nuisances. She said also limit the number of horses. She stated that she knows that they are trying to greenbelt it to get the tax deduction, but if the Planning Commission would approve the minimum number of horses so that it would not be a feed yard, they would still be able to enjoy their yards without flies. She said she would also like to have an access road that they could drive on. Mrs. Perry stated that she has lived there for 6 years and there has been a pipe there, so unless you have a 4-wheeler or a motorcycle you couldn't get through it. She stated that she would like to see an easement in place so that the fence is not on the property lines. Rhonda stated that they prefer not to have a barbed fence. She said they sold them the ¼ acre pieces of property and felt that wasn't large enough to share the property with an animal. She expressed her concern that the animals will come up to the fence and hang their heads down. She said when they bought the property they had no idea that it was planned to have animals there.

**Peggy Kunz:** Mrs. Kunz stated that she is representing the Wayne S. Jeppesen Family Trust in regards to Item 3B (Saver Investing Subdivision). She said they are the lean holders on the property. Mrs. Kunz stated that they are willing to let Justin subdivide contingent on Robert & Carla Jeppesen buying the house and the shop, and getting the \$149,000 that is owed to them. She said there is a contract in place for Robert and Carla at the moment.

**Julie Mitton:** Ms. Mitton stated that she did hear about the possibility of the road being in there. With the animals it would not work out for an emergency road. She said they would have to have a gate and do some extensive work to prepare that road adequately to keep the animals in if there were an emergency. Julie stated when she moved there it was zoned for homes, and then found out it was a flood zone. She said none of the residents of Cherry Ridge considered there would be animals there, or a barbed wire fence right in the back of their yards. She reported that she talked to some farmers in the area and they said if they did have animals, they could put a metal fence up. She said that what we really need to consider is the residents of Perry. They trusted that they would have homes without the animals. She said that they should be talking about the residents of Perry and put a nature park with trails down there. She stated that they have talked over and over about donating the land for a park. Ms. Mitton said that Perry needs to look at beautifying Perry, making a nature park, finding a grant, and do what is right for the citizens of Perry.

**Matt Firth:** Mr. Firth stated that he lives on Linda Way and has lived there for 15 years. Mr. Firth stated that he is here to ask for an amendment to the R1 land use chart to allow backyard chickens. He said by chickens he means hens not roosters. He said the advantages of having backyard chickens are that gardeners love chickens with their fresh eggs, insect control, and fertilizer. He said that kids love chickens and are great for education and a connection back to nature for kids. Mr. Firth stated that it is great for kids to learn responsibility and learn where their food comes from. He explained that backyard chickens are healthy not like the factory farm raised chickens that are raised in cages the size of a shoebox, never see the light of day, grow up in filth and are shot with growth hormones and chemicals. He said that backyard chickens are allowed to grow naturally and fed a good healthy diet. He explained that the backyard chickens are free from disease. He quoted from the CDC: "when it comes to bird flu, diverse small-scale poultry farming is the solution, not the problem". He said that backyard chickens do not have an odor problem; they keep themselves clean and groom themselves. Mr. Firth stated that the smell comes from large scale commercial feed lots not backyard chickens. He said in a few minutes you can clean their cages and eliminate the smell. He said there is a sample ordinance in the back of their packets he handed out to them.

**Toree Sorensen:** Mrs. Sorensen stated that she lives in the Cherry Ridge Subdivision and shares the Perry City Pit. She said when they bought their house 11 years ago they had the ordinances that they had to follow and one of them was that there would not be any barbed wire fence. She stated that if you are going to grant the animals to be down there she would appreciate not having a barbed wire fence in their backyard. She said she would hope that they would give them the same consideration as they gave them when they built their house. She said that her concern is the barbed wire fence and the children's safety. Mrs. Sorensen stated at the last meeting Mr. Butters talked about if they moved the easement there would be a no-man's land with weeds. She said it has never been taken care of there have always been weeds. Toree stated they are willing to deal with the weeds if they don't have to have the fence right up to their property line.

**Rachel Doyle:** She stated that she lives in Cherry Ridge but does not share a property line with the Cherry Ridge "Pit". Rachel stated that she agrees with the other comments that have been made. Rachel said that she has concerns with the animals and the smell, but her concern is mostly the access road. She said if they had a problem they wouldn't be able to get out.

**Terra Lee:** Terra stated that if she knew that there were going to be a lot of cattle in there she wouldn't have bought her house. She said her other concerns are the barbed wire fence and the second outlet out of the subdivision.

**Shay Billings:** Mrs. Billings stated that she also lives in Cherry Ridge and has lived there the longest. She reported that her in-laws owned the property before the Butter's owned it. Shay said that the pit has never, ever been maintained. If it is, it's the property owners trying to keep the weeds off of their property. She commented that she does not like the idea of a barbed wire fence and asked that the commission put some conditions on the property.

**3. Land Use Applications**

**A. Final Recommendation to the City Council to Approve Country Hollow #33 Amended Plat  
Location: 1050 West 2650 South. Applicant: Codey Garner**

The applicant did not have anything to say regarding this application. Vice Chairman Longfellow asked Codey Garner to have the engineer items taken care of. Mr. Garner stated that he would.

**MOTION:** Commissioner Pettingill moved to recommend this to the City Council for final approval. Commissioner Higley seconded the motion. Roll call vote.

Commissioner Pettingill	yes	Commissioner Peterson	yes
Commissioner Higley	yes	Vice Chairman Longfellow	yes
Commissioner Call	yes	Commissioner Coburn	yes

**Motion Approved:** 7 yes 0 no

**B. Preliminary Approval Saver Investing Subdivision. Location: 230 West 1750 South**

Justin Palmer stated that it is a .84 acre piece of property that they would like to split. He said it may be noteworthy that a shop exists on the proposed property line. He said there is an existing barn that will be torn down on lot 2. Commissioner Coburn asked how far the shop was from the proposed property line. Mr. Palmer stated that it is 8 feet. Vice Chairman Longfellow asked if the barn was currently there. Mr. Palmer stated that it was.

**MOTION:** Commissioner Pettingill moved to approve preliminary approval for the Saver Investing Subdivision. Commissioner Call seconded the motion. Roll call vote.

Commissioner Pettingill	yes	Commissioner Peterson	yes
Commissioner Higley	yes	Vice Chairman Longfellow	yes
Commissioner Call	yes	Commissioner Coburn	yes
Commissioner Curtis	yes		

**Motion Approved:** 7 yes 0 no

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

**A. Conditional Use Application for Domesticated Animals on property in the R2 Zone.  
Location: Approx. 3300 South 1200 West, locally known as "Cherry Ridge Pit". Applicant:  
Cherry Ridge LLC (Tysen Butters).**

The applicant was not in attendance.

**MOTION:** Commission Pettingill moved to give the applicant a half an hour to show up to the meeting. Commissioner Curtis seconded the motion.

**Discussion:** Commissioner Peterson stated that the meeting will probably not last another half an hour. Commissioner Pettingill modified his motion to say that until the meeting was adjourned. Commissioner Curtis stated that his second agrees with the modified motion.

Commissioner Pettingill yes  
Commissioner Higley yes  
Commissioner Call yes  
Commissioner Curtis yes

Commissioner Peterson yes  
Vice Chairman Longfellow yes  
Commissioner Coburn yes

**Motion Approved:** 7 yes 0 no

**B. Discussion/Recommendation to the City Council for Approval to put 5 signs up for the Three Mile Creek Gun Range (off-premise signs)**

Codey Illum, Perry City Planner stated that Chief Weese has not given him a description of where he wants the signs placed. Mr. Illum stated that he interprets this as putting up a city sign such as a park sign. He said that the ordinance does not regulate these kinds of signs. He said that the city puts up these kinds of signs and it does not come to the Planning Commission. Commissioner Peterson stated that the gun range is no different than a park and did not see any problem with putting these signs up.

**MOTION:** Commissioner Peterson moved to table this item until there were specifics on where they want to put the signs. Commissioner Pettingill seconded the motion.

Vice Chairman Longfellow stated that the Planning Commission does not have to make a recommendation because it is a city sign.

Council Member Lewis would like the city to have some standards and regulations for city signs.

Codey stated that in the Perry City Municipal Code 58.04.030(5) Prohibited Signs “Any sign (except a City or other government sign) on City right of way, unless specifically allowed otherwise by ordinance”. He said that the city does not allow any signs there except for the city signs.

Commissioner Peterson withdrew his motion and Commissioner Pettingill withdrew his second to the motion.

**5. Review Next Agenda Items-Thursdays July 10, 2014**

**A. General Plan Circulation Guide Element Public Work Session 1 of 3**

The Planning Commission will hold 2 additional public work sessions on the Circulation Guide. The next meeting will be July 10, 2014 and August 7, 2014 will be the public hearing regarding the General Plan Circulation Guide.

Commissioner Curtis would like to add backyard chickens on the next agenda for July.

**MOTION:** Commissioner Curtis moved to add backyard chickens to the next agenda for a discussion item modification to the land use chart. Commissioner Pettingill seconded the motion. Roll call vote.

Commissioner Pettingill yes  
Commissioner Higley yes  
Commissioner Call yes

Commissioner Peterson yes  
Vice Chairman Longfellow yes  
Commissioner Coburn yes

Commissioner Curtis yes

**Motion Approved:** 7 yes 0 no

Sam Heiner, Perry City Planning Consultant also added the Cul-de-sac Ordinance Amendment. He said that it will be on the agenda with a public hearing.

**6. Adjournment**

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