

**Perry City Planning Commission**  
**3005 South 1200 West**  
**7:00 PM March 12, 2015**

**Members Present:** Vice Chairman Vicki Call, Commissioner Blake Ostler, Commissioner Mark Lund, Commissioner Travis Coburn

**Members Excused:** Commissioner Tom Peterson

**Others Present:** Council Member Brady Lewis, Malone Molgard, Perry City Attorney, Susan K. Obray, Minutes Clerk, Lawrence Gunderson, Shanna Johnson, Human Resource Director, Jason Griffin, Alex Griffin, Levi Griffin, Alex Hoyt, Lani Braithwaite

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

**A. Invocation**-Tom Peterson

Invocation was given by Commissioner Ostler

**B. Pledge Allegiance to the U.S. Flag**-Susan K. Obray

The Pledge of Allegiance was led by Susan K. Obray

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

Request to declare conflicts of interest by Vice Chairman Call. Commissioner Ostler stated that he wanted to declare that back in January Wendy Jensen presented her subdivision Taylors Cove. He said at that time Vice Chairman Call asked for the Commissioners to declare any conflicts. Commissioner Ostler read from the January 6, 2015 minutes. He read "Commissioner Ostler stated that with the subdivisions that are going to be discussed today, he said if any have any involvement with the Bank of Utah he would be excused from those." He said he is employed with the Bank of Utah in the finance department.

**D. Review and Adopt the Agenda**

**MOTION:** Commissioner Coburn move to adopt the agenda. Commissioner Lund seconded the motion.

**E. Approval of the February 12, 2015 Minutes**

Commissioner Ostler stated that there is one correction, page 5 line 30 the word should be "disparate" and not "despaired". Susan stated that she would make the change.

**MOTION:** Commissioner Ostler moved to approve the February 12, 2015 minutes as amended. Commissioner Lund seconded the motion. All in favor.

**F. Make Assignment for Representative to Attend City Council Meeting**

March 17, 2015 –Commissioner Ostler and April 2, 2015-Vice Chairman Call

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

Council Member Lewis stated that he had nothing to report. Vice Chairman Call reported that the Chicken Ordinance left the Planning Commission and went to City Council. She said she is aware that there were some changes made to the ordinance and asked him to give a synopsis of when it left the Planning Commission to City Council. Council Member Lewis stated when it left the Planning Commission it still needed some work. He said that there was some conflicting language. Vice Chairman Call explained that residents have to fill out a Chicken Permit and pay a fee in order to have chickens. He said there were a few council members who opposed having to have a chicken permit, but it passed. The council members voting for it felt it was a good idea so they could enforce compliance to the ordinance. He reported that this will set a new standard with people who already have chicken and get them to get a permit. Council member Lewis stated that the chicken permits are \$5.00. Vice Chairman Call explained that when it left the commission, they felt it was a document that

was good to approve. She stated that they would never send the Council something that they didn't think was good. Vice Chairman Call stated that she found it very interesting that there was a lot of discussion and ended up being a lot longer than what they had submitted. She said in an effort for the Planning Commission to do a better job, so that they can be in sync with what the Council is thinking she would like feedback so that the Commission can do a better job. She said having Council Member Lewis there is a big help in getting feedback from the Council. He said the Council was not displeased with what the Planning Commission did. Malone stated that the Mayor was told by other Mayors that the Chicken Ordinance was their biggest problems. He said we reached out to two or three cities and looked at their ordinances. Malone stated the Mayor and Council looked at it again and felt there needed to be more things to talk about. Vice Chairman Call asked if there are instances when the Commission sends something to the Council and they may push it back and ask us to rework it with some of their ideas. Malone stated yes there are and it is appropriate to do that.

#### **H. Elect a Chairman & Vice Chairman**

Vice Chairman Call mentioned that Chairman Longfellow has submitted his resignation as of Monday this week. She said we need to elect a Chairman and a Vice Chairman and make a recommendation to the City Council for approval. Malone stated that the ordinance states that you select a Chairman and Vice Chairman and the Vice Chairman would serve for 2 years, one year as Vice Chairman and one year as Chairman. The Vice Chairman does bump up to serve as Chairman. He suggested where the Chairman resigned, they can do one of two things, Vice Chairman Call can move up to Chairman and they can elect a Vice Chairman or elect someone to fill the remaining term of the Chairman and have Vice Chairman Call move up at her one year. Vice Chairman Call stated that some of the commissioners are alternates and asked if they were eligible to be Chairman or Vice Chairman at this time. Malone replied that nominations cannot be alternates. He said where Mr. Longfellow has resigned, one of the alternates will be moved up to permanent member. Vice Chairman Call stated the nominations could only be from the permanent commission members who include, Vice Chairman Call, Commissioner Coburn, and Commissioner Peterson.

**MOTION:** Commissioner Coburn moved to elect Vice Chairman Call as Chairman and postpone the elections for Vice Chairman until we have a full commission. Commissioner Ostler seconded the motion. Roll call vote.

#### **Discussion:**

Commissioner Coburn stated that Vice Chairman Call is already serving in that capacity and felt that she could take over as Chairman. He said he would like to have more commission members here to choose from and not by default. Vice Chairman Call stated that she started as an alternate in January a year ago and was brought on as a full Commissioner 2/3 into the year.

Commissioner Ostler asked if she was comfortable in serving as the Chairman. Vice Chairman Call said she would be willing to do the job.

#### **Roll call vote:**

Commissioner Coburn yes

Commissioner Ostler yes

Commissioner Lund yes  
Motion Approved: 4 yes 0 no

Vice Chairman Call yes

**2. Training-Sexual Harassment Training-Shanna Johnson, Human Resource Director**

The power point presentation will be attached as part of the minutes. There were no questions or comments from the Commissioners.

**MOTION:** Commissioner Lund moved to close the regular meeting and open up for public comments. Commissioner Coburn seconded the motion. All in favor.

**3. Approx. 7:15 p.m. Public Comments and Public Hearings(If Listed Below)**

**Rules: (1) Please speak only once (maximum of 3 minutes) per agenda item. (2) Please speak in a courteous and professional manner. (3) Do not speak to specific member(s) of the Planning Commission, staff, or public (please speak to the Chair or to the Commission as a group). (4) Please present possible solutions for all problems identified. (5) Action may not be taken during this meeting if the item is not specifically on the agenda. (6) A brief explanation will be provided before each public hearing.**

**A. Public Comments**

**Alex Hoyt:** Alex asked about Eagle projects and who to contact. Malone stated that he needs to talk to the Mayor. He said she has a list of eagle projects. Vice Chairman Call told him to call the city office on Monday-Thursday from 7:00 am to 5:00 pm or Friday 9:00 am to 1:00 pm.

**MOTION:** Commissioner Coburn moved to close the public comments and open the regular meeting. Commissioner Lund seconded the motion. Roll call vote.

**Roll call vote:**

Commissioner Coburn yes  
Commissioner Lund yes  
Motion Approved: 4 yes 0 no

Commissioner Ostler yes  
Vice Chairman Call yes

**4. Land Use Applications (Administrative Action)**

**Rules: (1) Documentation must be submitted to planning staff 2 weeks in advance and there is a 2 week waiting period to be on the next City Council Agenda. (2) The applicant or a representative must be present for action to be taken.**

**A. None**

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

**(Planning and Quasi-Legislative Action)-Recommendation to the City Council**

**A. Discussion Regarding the PUD or Cluster Housing Ordinance**

Vice Chairman Call stated there is a letter from Codey Illum regarding the PUD and Cluster Housing Ordinance in the packet. She said he is requesting that the Commission discuss the idea of PUD or Cluster Housing. Vice Chairman Call reported that Mr. Illum is indicating that there will be an applicant on next month's agenda that will be requesting a PUD. She stated that the memo indicates that the old ordinance was removed in 2005. Vice Chairman Call stated knowing that this will come forward, he is asking the Planning Commission to discuss this. She commented that Mr. Illum indicates that he feels it is a good time to see if Perry City wants to incorporate this type of development. Commissioner Lund asked the reason why it was removed in 2005. Vice Chairman Call said she would also like to know why the Council took it

out of the ordinance. Commissioner Coburn recalled it had to do with some problems with some of the developers. Susan stated that in the past there were some issues with the residents in PUD developments keeping with the covenants that were set. Vice Chairman Call asked if there were minutes that might reflect what took place and why it was removed. Susan said that she would do some research on the minutes and send them to them. Vice Chairman Call asked if there were any questions that the Commission had in regards to the information that was sent in the packet. Commissioner Lund stated some of his questions come from the reasoning of why it was removed and who polices the fact that the common area is maintained. Malone stated when they have restrictive covenants, they have a Home Owners Association but if they are not set up correctly or they don't do their job then it leaves a mess. Vice Chairman Call stated that in the packet are some of the previous ordinances information and a model ordinance. She said in the model ordinance it said when they set up their development covenants if they make changes to those, they had to bring them forward either with the Planning Commission or the City Council to get agreement with the City that those changes were approved. She said that is one way to control it.

Commissioner Lund responded that it comes down to the fact that they are trying to change something. They just stopped enforcing something or stopped caring. Vice Chairman Call stated that she would like Codey to tell the Commission how this fits in with our current Master Plan as far as setting up zones with commercial, and then your transition with the apartment dwelling, PUD's, and Cluster Housing and then on into your residential areas. She wants to know how the Master Plan accommodates those types of philosophies. She said that Codey seems to be very much in favor of these types of developments and to get some of his insights and his experience would be helpful. Commissioner Lund said this type of development seems to be very attractive to retirees and single families. He said they have their place as long as they continue to be maintained.

Commissioner Ostler commented in the previous 2005 ordinance on the last page it notes: "Maintenance and use of common open space must be controlled by State Law." He said it recites the State law and then continues by saying "and a written procedure and guarantee by the developer is required." Commissioner Ostler stated that he liked this and felt that it needed to be massaged to be better understood and for the developers to have a little more skin in the game. Commissioner Ostler commented that properties in a PUD can have less marketability. He said the Bank has no different requirements or standards when lending on properties within a PUD, so we wouldn't be facing the possibility of a foreclosure. Commissioner Ostler read from the model ordinance regarding alternatives to PUD's. He read "Sometimes a community is better off using PUD's to achieve sustainability goals, but to instead create specific development regulations tailored to a specific sustainability result. For instance, creating a conservation subdivision ordinance is often the best way to achieving natural resource protection goals". He said in this conversation of PUD's or land use and maybe in the spirit of reviewing the Master Plan, he would like to start a conversation regarding orchard preservation. He said he has been made aware of some public opinion where it is highly favor to conserve some of the orchard space that exists within the city. Vice Chairman Call stated she read the model ordinance and it is comprehensive with so many things to take into consideration. She said Codey wants the Planning Commission to prepare something for someone to bring in next month and there is no way that we will have this comprehensive plan in place with respect to the whole Master Plan of our City. Vice Chairman Call agrees that the Planning Commission needs to address it, but it won't be done by next month. She said we need to have all the history on this and a copy of the Master Plan of our City. Commissioner Coburn commented the PUD's that he has seen come in fast, go up quickly, and the developer is gone, and there is a huge population explosion that goes

with it. He said when you drive down our highway and see all the for sale signs in the orchards that is what you are talking about is the future of our city, PUD's on every single one of them. Commissioner Coburn stated that they can come in and create a whole new community right from underneath you. The commissioners wanted to wait until they received more information.

## **B. Discussion Regarding Large Animals in the NC2 Zone**

Vice Chairman Call stated that she put together a little packet that every Commissioner should have in front of them. She said she put this together to show the current ordinance with respect to large animals in residential areas. She said the first page is the land use chart that shows agricultural uses and half way down the page it addresses domesticated animals. Vice Chairman Call gave a little bit of background on the issue of an applicant who wanted to get a conditional use permit to put large animals in the R2 zone down in the Cherry Ridge Subdivision area. She said across the top of the land use chart it addresses the different zone types. As you go down to the domesticated animals they are permitted in the A, AL, and R1A zones. Vice Chairman Call continued as you move to the RE1/2 they are allowed by Conditional Use, and they are not permitted in the other residential areas. She said if you look under domesticated animals it says see note 1, if you go to the bottom it tells you where note 1 is located. Vice Chairman Call stated that note 1 says for any lot in the RE 1/2 zones, or for 40,000 square feet or larger lots in all the rest of the residential lots domesticated animals shall be permitted by Conditional Use Permit. She said this is where we got caught because on the land use chart it says they are not permitted but in the note it says they shall be permitted. Vice Chairman Call explained that shall is a very strong word and we would have to allow it in the residential zone unless they were proposing to violate some other code. She said we got caught with some inconsistency in the code.

She continued by saying that she attached pages 2 & 3 to show the zone descriptions and get an idea of what their definitions are and why they are. Vice Chairman Call stated the purpose of agricultural is intensive agricultural and Agricultural limited is light agricultural. She said these titles do not coincide with what is at the top of the land use chart and this is something we need to consider in the future. She went on to say that the purpose of the Rural Residential zone is to provide for and protect residential development in a semi-rural environment. The keeping of limited numbers of livestock and the raising of crops can be considered normal activities in the rural residential zone. Vice Chairman Call stated that our forebears before use recognized that we need to allow for Rural Residential areas where people do want to have animals and raise crops. She said then they went on to define Rural Residential 1/2 acre which is referred to as the RE1/2 on the land use chart. She said it gives further qualifications and rules and the purpose of this is to have animals and raise crops and then it gives you the number of animals you can have. Vice Chairman Call stated what is interesting is that everything in the note 1 in the land use chart reiterates in the description of the Rural Residential 1/2 Acre, however they are in conflict with each other. She said if you go to note 1 page 4 where it says they shall be permitted by conditional use permit on the zone description page under Rural Residential 1/2 acre it says you can have them period with no conditional use permit unless you want to have more small animals. She said those two pages are in conflict with each other. Vice Chairman Call stated what she got out of it was that we have allowances for Rural Residential areas to allow animals but we have conflicts on how those are allowed and some repeat. Commissioner Ostler asked if there were any R1A zones in Perry. Vice Chairman Call stated that she was not able to bring it up on her computer. Malone stated that he thought that it had been updated. Vice Chairman Call said her thought is that we need to clean these up and make them consistent, or eliminate it in some areas and have it just in one spot. She said on the land use chart we need to make sure somewhere in there that there is a very discrete description of the zones it defines and what they

are so that we know what they are. She said as we are working with the codes, we need to make the titles consistent with the written word. She stated for example if it says Rural Residential we need to put in parentheses R1A. Vice Chairman Call stated as she reads it everything that is under the description of 15.7.020 if follows what is in the extra note #1. She said she proposes that the note #1 be eliminated all together. She said they are spelled out under the RE1/2 description. Vice Chairman Call proposed that on the land use chart under RE1/2 they strike conditional and put permitted, that is the reason they set up that zone. She stated that she proposes that we leave the other residential zone areas as they are shown there, use not permitted. She said what this means if someone wants to come in that lives in a residential area and propose animals, then they would need to propose a rezone. Malone stated that there is a R1A zone on the east side of town. Malone showed the commissioners the R1A zone on the zoning map. Malone stated that the Planning Commission would recommend changes to the City Council. Vice Chairman Call stated that the Planning Commission needs to red line a packet of the changes they would like to propose and then pass it along to the City Council. She said as far as large animals, if we go with those definitions it is already allowed and that was the intent. She said she would propose that in the land use chart in the RE1/2 zone the "C" should be removed and add a "P" use permitted in the zone, and get rid of note 1 because it is redundant in what is said under the RE1/2 zone description. Malone stated that would get rid of the conflict. He said he would go through and look at it. Vice Chairman Call stated that we need to come to an agreement with the philosophy that we are not going to allow large animals in these residential areas and there are provisions to put them in the rural residential areas. She said if any applicant wanted to put large animals in a residential area they would have to propose a zone change. Vice Chairman Call asked what do we do with people in residential areas who already have large animals and who already have conditional use permits for large animals. She said this is something that the Planning Commission will have to take into consideration. She said that they would have to be grandfathered in somehow and maybe that is with the renewal of the permit and the permit is good until a new owner takes that land

Susan stated that the only conditional use we have is Mr. Butters over in Cherry Ridge Subdivision. Commissioner Coburn said when it comes up for annual review we can say "no" because we have changed our zoning. Vice Chairman Call stated that he never did anything with the Conditional Use Permit, he just left it. Malone said if we amend the codes and it came up for review and he didn't do anything, then it would be easy. Commissioner Ostler stated that he agrees with not having large animals in the RE1/2 through R2 zones. Malone suggested having the title Rural Residential as "RR" and Rural Residential 1/2 as "RR1/2". Malone said we need to clean all this up. Vice Chairman Call stated in the description on the Agricultural, Agricultural Limited, and Rural Residential it allows for animals and crops. She said she could not find any detail on guidance and restrictions on types of animals, how many animals etc. She asked if that was all we had what was listed in the RE1/2 zone. Malone stated they can have as many animals as they want in the Agricultural Zone. Vice Chairman Call stated that there should have been some guidelines in the R1A zone and some limitations of how many animals they can have. Malone stated that can be part of this process in identifying how many animals they can have. Vice Chairman Call stated that the regulations in RE1/2 are applicable to 1 acre or more. She said it says per 20,000 and can be applicable up to how many acres you have. Vice Chairman Call stated the wording works, it is the organization that doesn't work. She stated she will work with the wording and organization of this proposal to the City Council. This item will be put on the next agenda.

**C. Review Next Agenda and Adjourn**

**A. Review Agenda Items for Thursday, April 9 , 2015**

Vice Chairman Call stated that she is going to be out of the Country at the next meeting. Malone stated that he texted the Mayor and she is going to recommend that Commissioner Ostler, and Commissioner Lund be made permanent members. He said that Commissioner Peterson has 1 year left on his term so he could not be approved for Vice Chairman because he would not have the 2 years. He stated that the Mayor said that if they wanted to make a recommendation for Vice Chairman they would be appointed at the next meeting and then they can approve the recommendations.

**MOTION:** Commissioner Lund moved to bring up the discussion on the previous motion on the Vice Chairman. Commissioner Coburn seconded the motion. Roll call vote.

Commissioner Coburn	yes	Commissioner Lund	yes
Commissioner Ostler	yes	Vice Chairman Call	yes

**Motion Approved:** 4 yes 0 no

Commissioner Lund moved to nominate Commissioner Ostler as Vice Chairman. Commissioner Coburn seconded the motion.

Commissioner Ostler stated he would accept the nomination, and would be willing to do the job.

Commissioner Coburn	yes	Commissioner Lund	yes
Commissioner Ostler	yes	Vice Chairman Call	yes

**Motion Approved:** 4 yes 0 no

There was a discussion regarding the April 9, 2015 meeting scheduled during spring break. Some of the Commissioners were going to be out of town with family. It was suggested that the meeting be rescheduled to April 23, 2015.

**MOTION:** Commissioner Lund moved to reschedule the Planning Commission meeting from April 9, 2015 to April 23, 2015 at 7:00 p.m. Commissioner Coburn seconded the motion. Roll call vote.

Commissioner Lund	yes	Commissioner Ostler	yes
Commissioner Coburn	yes	Vice Chairman Call	yes

**Motion Approved:** 4 yes 0 no

Vice Chairman Call stated that she would like to have a consensus of 3 commissioners to have an item placed on the agenda.

- (1)** Large Animals in the R2 zone
- (2)** PUD/Cluster Housing Ordinance
- (3)** Orchard Conservation

Vice Chairman Call stated she would like to have that separate from the PUD/Cluster Housing Ordinance

**MOTION:** Commissioner Ostler moved that the topic of Orchard Conservation or Zoning of Orchard Land be made a discussion item for the next Planning Commissioner meeting. Commissioner Lund seconded the motion. Roll call vote.

Commissioner Lund yes  
Commissioner Coburn yes

Commissioner Ostler yes  
Vice Chairman Call no

**Motion Approved:** 3 yes 1 no

**(4)** Amendment to the Coburn Subdivision Lot#3

**B. Motion to Adjourn**

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