

Perry City Planning Commission Meeting Thursday, September 1, 2011
7:00 PM Perry City Office Building Council Room
3005 South 1200 West Perry, Utah

Planning Commissioners Present: Chairman David Curtis, Commissioner Dave Walker, Commissioner Jerry Nelson, Commissioner Todd Bischoff, Commissioner Esther Montgomery, Commissioner Don Higley

Others Present: Duncan Murray, City Administrator/City Attorney, Councilman Tom Peterson, Lani Braithwaite

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

- A.** Pledge Allegiance to the U.S. Flag
The Pledge of Allegiance was conducted by Chairman Curtis
- B.** Declare Conflict if any
Declare conflicts initiated by Chairman Curtis
There were no conflicts of Interest
- C.** Review and Adopt Agenda

MOTION: Commissioner Walker moved to accept the agenda. Seconded by Commissioner Higley. All in favor.

2. Approx. 7:05 p.m. - Public Comments and Public Hearings

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.

A. Public Comments (No Public Hearings)

There were no public comments.

3. Land Use Applications (Administrative Action)

Rules: (1) Documentation must be submitted to the planning staff two weeks in advance. (2) The applicant or a representative must be present for action to be taken.

NONE.

4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc. (Planning/Quasi-Legislative Action)

A. Ordinance Amending Title 58 (provisions relating to abandoned signs)

Duncan Murray stated the Ordinance is significantly shorter than the last one. The main part that has changes is subparagraph 1 where it states that the City Council (the land use authority) may approve a special exception after a finding that the sign has significant importance to the community. The difference between this ordinance and the last ordinance is there is no reference to historical signs. The old ordinance states if an abandoned sign has been there more than 30 days, it has to be torn down. The new ordinance retains the 30 day rule unless the council approves a special exception. There needs to be some kind of standard ("significant importance to the Community").

Subparagraph 2 states what the process is if a landowner does not remove an abandoned sign. The proposed ordinance states if the landowner fails to remove the sign then they will get written notice and 8 days later the city will remove the sign and the city will bill the landowner. There is also an appeal provision if the landowner did not like the action that was taken by the city (it then goes to the appeals board). Commissioner Walker stated he thought at the last meeting they decided to scratch this ordinance. Commissioner Walker stated the only one in question is the Moore's sign. He stated it is between Moore's and UDOT, not Moore's and Perry. Chairman Curtis stated it is within the city limits of Perry. If we don't change the ordinance, the Moore's sign will have to come down. Commissioner Walker felt there was no need for an ordinance. Commissioner Montgomery asked if making these changes to the ordinance if it would allow Moore's sign to stay. Duncan Murray stated that was true. Commissioner Nelson stated he felt this ordinance was simpler and more streamlined. Commissioner Higley felt we need an ordinance to cover ourselves. Commissioner Montgomery stated the ordinance makes the landowner liable.

MOTION: Commissioner Nelson moved to approve the ordinance as written. Commissioner Bischoff seconded the motion. Roll call vote.

Commissioner Walker expressed his concern that the city is taking away freedoms. He felt that the issue is between Moore's and UDOT. Commissioner Montgomery felt this ordinance makes the Landowner accountable. She stated there needs to be checks and balances. Commissioner Walker stated every time we pass a law we make the government bigger. He stated government works better when it is lean.

Commissioner Higley	yes	Commissioner Bischoff	yes
Commissioner Montgomery	yes	Chairman Curtis	yes
Commissioner Walker	no	Commissioner Nelson	yes

Motion Approved: yes 5 no 1

B. Ordinance Regarding Amendments to Title 54, Permits to Remove Trees on City-Owned Property, and the Placement of Trees on Highway 89 Frontage

Duncan Murray stated this is the same ordinance that was given to the commission last month. He stated the city was looking at the issue of the city-owned trees in front of Moore's and Perry Dental. During this process, there was an appeal from Perry Dental that was sent to the Administrative Law Judge. There were a couple of concerns about the ambiguities in the ordinance. It solidified that the ordinance needed to be changed or abolished. The City Forester would recommend to the City Council to make the decisions about the removal of the trees. There are some definitions in the ordinance which make it clear that 3 out of 5 Council members make the decision in an open meeting. The Forester always recommends to the city council and lets him have the initial recommendation. The proposed ordinance eliminates all the ambiguities. The second page of the ordinance would adopt a policy to encourage retaining trees along the frontage of Hwy 89 from 2250 South to 2700 South. The council also wanted a provision in the ordinance to be business friendly. There is a provision that if a business is allowed to take out a tree(s) it has to pay the cost. This is a chance for the Planning Commission to plan what they want along the Highway, and what they want in the mow strips. Commissioner Montgomery asked if the landowner takes responsibility for the

mow strip if they take the tree(s) out. Mr. Murray stated it could be recommended by the council for a business owner to do that. Commissioner Walker stated that we need trees on the Hwy; but also we need to be business friendly. He stated he would like to see the business owner not have to go to the City Council; but instead come to the office and fill out an application and it is the business owner's responsibility to remove the trees and determine how many trees (they take down they could plant them somewhere else on the strip). Some businesses don't have trees in the mow strip, but have trees on the other side or on their property. Councilman Peterson stated (as a councilman) he would like the commissioners to study this ordinance and look at other cities and what they have and bring the council a recommendation.

MOTION: Commissioner Nelson moved to have a member of the Planning Commission, other Planning Commission members, City Council, Public, meet and discuss how we can be business friendly and also tree friendly and maintain an ambiance of greenery and that person would report back in the November meeting. Commissioner Montgomery seconded the motion. Roll call vote.

Commissioner Higley	yes	Commissioner Bischoff	yes
Commissioner Montgomery	yes	Chairman Curtis	yes
Commissioner Walker	yes	Commissioner Nelson	yes

Motion Approved: yes 6 no 0

Commissioner Walker will be the volunteer. Commissioner Nelson, Commissioner Montgomery will assist. Also the City Forester could assist.

5. Training, Handouts, and Reports

A. City Council Report - Tom Peterson

Councilman Peterson stated that at the last city council meeting, there was discussion on a new Charter School on the Boyd White property. The "conduit" funding is done in the name of the City and we are not responsible for the funding. Councilman Peterson stated the best thing we can do as a Council and Planning Commission is to be business friendly.

B. Approve Minutes of August 4, 2011

MOTION: Commissioner Walker moved to accept the minutes as written. Commissioner Nelson seconded the motion. All in favor.

**C. Training Regarding Subdivision Ordinances, Amending a Subdivision Plat, "Metes and Bounds" Subdivisions
(Training at Next Meeting Regarding the Open Meetings Act)**

Duncan Murray presented some training to the Commissioners on Amending Subdivision plats and "Metes and Bounds" Subdivisions.

6. Review Next Agenda and Adjourn

A. Add Agenda Items requested by Planning Commission
None.

B. Motion to Adjourn

MOTION: Commissioner Walker moved to adjourn. Commissioner Nelson seconded the motion. All in favor.