

PERRY CITY PLANNING COMMISSION MEETING THURSDAY, November 4, 2010
7:00 P.M. PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH

PLANNING COMMISSIONERS PRESENT: Martin Hinckley (Chair), Steven Pettingill, Harlan Brewer, Don Higley, Jerry Nelson

OTHERS PRESENT: Tom Peterson (Councilmember), Susan K. Obray, Minute Clerk, Duncan Murray (City Administrator, City Attorney), Codey Illum (City Building Official), Lani Braithwaite, Boyd White, Karen White, Karen Rustan, Randall Hunsaker, Heike Hunsaker, Dave Putnam, Todd Bischoff, Lehi Jenks, Moroni Jenks, Julie Gardner, David Roberts, Brandon Hansen

Call to Order and Opening Ceremonies

Chairman Martin Hinckley called the meeting to order at approximately 7:04 p.m.

A. PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

Conducted by Chairman Hinckley.

B. DECLARE CONFLICT OF INTEREST, IF ANY

Questions initiated by Chairman Hinckley. None existed.

C. REVIEW AND ADOPTION OF THE AGENDA

Comm. Hinckley stated the training can be done after the close of the meeting.

MOTION: Comm. Pettingill moved to adopt the agenda with the training to occur after the meeting. Comm. Nelson seconded the motion. All were in favor.

D. APPROVE MINUTES FOR THE AUGUST 5, 2010

MOTION: Comm. Pettingill moved to approve the October 7, 2010 minutes as written. Comm. Brewer seconded the motion. All in favor.

2. PUBLIC HEARING AND PUBLIC COMMENTS

A. Public Comment (No Public Hearing)

Boyd B. White II: Mr. White is the executor of his father's estate. The property in question is all orchard. Mr. White stated the property is in greenbelt. He stated if you farm the ground, you can afford to pay the taxes, but if you don't farm it, you are taxed at the highest possible use, which is \$7,000 a year, which is hard to pay if you don't have an income. Mr. White stated he was not notified of the public hearing that was held last month. That is why he is here at this meeting. Mr. White stated what he is interested in and what he knows his father would be interested in, is maintaining the property in Perry and make sure the community is upheld. This property has been on the market for 3 ½ years. No one has an interest with ½ zoning. Carol Quayle across the street has approval for ¼ and 1/3 acre lots. The proposal for this property is not more than 60% of the lots would be ¼ acres and the remainder would 1/3 acres. Mr. White reported the houses approximately would be consistent with the value of the houses in the neighborhood. There has been some concern about the loss of animal rights. He

handed out 2 sheets from the University of New Hampshire on Housing and Space Guidelines for Livestock, that he would like the commission to consider. Everyone would like to see the property stay empty, but he can't afford to leave it empty. Mr. White stated that he waived his option to have a public hearing. Mr. White presented a new concept drawing for the proposed subdivision (which is dependent on the zone change).

Brandon Hansen: Mr. Hansen handed out a letter to the commissioners. Mr. Hansen read a portion of the letter. (The letter will be attached as part of the minutes).

David Roberts: Mr. Roberts stated his concern with the amount of houses being put into the small area of property. He was also concerned with Perry losing all their animal rights. He stated there are not very many areas in Perry that are able to have animals.

Lehi Jenks: Mr. Jenks stated that Mr. White has a right to do what he wants with his property. He is concerned with the farming that he does on the adjacent property. He stated that they spray, and that there is dust from plowing. He was also concerned about the irrigation line that goes through the property and how it will be taken care of.

Karen White: Mrs. White commented on Brandon Hansen's statement and they are not able to plant hay on this property because there are not enough water rights to water the hay.

Randy Hunsaker: Mr. Hunsaker is concerned about the additional amount of traffic that will be added to 2700 South and the safety of the school children.

3. Land Use Application (Administrative Action)

A. None

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

A. In-Fill Ordinance Revisions

Codey Illum, Perry City Building Official, addressed the commissioners. He stated they have been working on the in-fill ordinance for several months. The changes were made to allow three and four family multi-family dwellings. There was a discussion by the Commission concerning the ordinance.

MOTION: Comm. Pettingill moved to approve the in-fill ordinance. Comm. Brewer seconded the motion. All in favor.

B. Ordinance for Storage Pods and Containers

Codey Illum, Perry City Building Official, presented the ordinance for the storage pods and containers. Mr. Illum stated Duncan Murray, City Attorney revised the ordinance to fit under the accessory building requirements. Mr. Illum stated this ordinance will enable him to enforce and regulate certain building situations.

Comm. Brewer commented he would like to use different language for the first phrase of the ordinance.

Mr. Murray stated that the word “use” could be placed after the word “or” so that the ordinance was more clear and understandable.

Comm. Brewer made a motion but substituted it with the following motion.

MOTION: Comm. Brewer moved to approve the ordinance with the first sentence of the ordinance to read as follows: “A detached subordinate building or other use on the same lot with, but of the nature clearly incidental and subordinate to, the principal building or any of the property. Comm. Pettingill seconded the motion. All in favor.

Comm. Brewer	yes	Comm. Pettingill	yes
Comm. Higley	yes	Comm. Nelson	yes
Comm. Hinckley	yes		

MOTION APPROVED: yes 5 no 0

C. Follow-up on an application for a zoning map amendment to change from RE ½ (half acre minimum zoning, with animal rights) to R1 (1/4 acre minimum zoning, no animal rights) for a 10.775 acre parcel at approx. 2700 South 1200 West (not including existing house on corner), near the southeast corner of the intersection (parcel number 02-028-0121)

Comm. Pettingill stated his concern was not the size of the lots. He stated his concern is the city would not accept a subdivision that would create an area that would be considered a blighted area. In his opinion there is not an agriculture interest in that area to protect.

Comm. Nelson stated he is a land owner that is directly affected by this zone change. Comm. Nelson felt the city has plenty of 1 acre lots and he commented that we need to protect the 7% of the ½ acre lots that we have. He commented on how Perry needs to protect the heritage and does not want the pressure 5 years in the future on animal rights/farming that the subdivision will bring to the block of mainly large lots. He also stated he does not like having low income in one place. He commented low income houses are good but should be limited to a few per subdivision.

Comm. Higley stated he did not want to see low income homes built. He stated it will create a problem for the city in the future. He commented he has seen this same thing happen in other cities. He felt farm animals should not be allowed on these lots. He stated he would like to see good quality homes put on the property.

MOTION: Comm. Pettingill moved to table this item until a proposal could be submitted to the commissioners. Comm. Nelson seconded the motion. Roll call vote.

Comm. Brewer	no	Comm. Pettingill	yes
Comm. Higley	yes	Comm. Nelson	yes
Comm. Hinckley	yes		

MOTION APPROVED: yes 4 no 1

5. Training, Handouts, and Reports

A. City Council Report-Tom Peterson

Councilman Peterson reported the city council had the land use chart change for the storage units come in front of them and it was not approved.

B. Training by City Attorney Regarding “Burdens on New Development” Including Impact Fees

It was held after the meeting.

6. Review Next Agenda and Adjourn

A. Add Agenda Items requested by Planning Commission

Mr. Murray mentioned agenda items for the next meeting. No additional items added by commissioners.

B. Motion to Adjourn

MOTION: Comm. Pettingill moved to adjourn the meeting. Comm. Brewer seconded the motion. All in favor.

*Mr. Murray presented a power point on the “Burdens on New Development,” including exaction conditional uses, and impact fees.