

**Perry City Planning Commission**  
**Perry City Offices, 3005 South 1200 West**  
**April 5, 2012 7:00 PM**

**Members Present:** Chairman Jerry Nelson, Commissioner Esther Montgomery, Commissioner Todd Bischoff, Commissioner Dave Walker, Commissioner David Curtis

**Others Present:** Duncan Murray, City Administrator/Attorney; Codey Illum, Building Official; Susan K Obray, Minutes Clerk; Joe Wood; Lorin Walker; Chris Slater; Tracy Hill; Casey Crossman

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

**A. Invocation**

Invocation given by Commissioner Montgomery.

**B. Pledge Allegiance to the U.S. Flag**

Pledge of Allegiance led by Susan Obray.

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

Request to declare conflict of interest by Chairman Nelson; there were none.

**D. Review and Adopt the Agenda**

**MOTION:** Commissioner Bischoff moved to adopt the agenda. Commissioner Montgomery seconded the motion. 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 Hearings Regarding certain Land Use Applications (Items 3A through 3C)

**B.** Public Hearing Regarding Ordinance (Item 4A)

**C.** Notice of Public Hearing on May 3, 2012 Regarding Street Dedication of the Improved Portion of Maddox Lane

**D.** Public Comments (including Regarding Item 3D)

**MOTION:** Commissioner Bishoff moved to close the regular meeting and open the public hearing portion of the meeting. Commissioner Montgomery seconded the motion. All in favor.

**Public Hearings Regarding Applications**

**A.** Lot Line Adjustment for Casey Crossman, at approximately 1900 South and 50 West (the proposed lot line adjustment adjusts the existing lot line between Parcel Numbers 03-220-0045 and 03-150-0135, totaling approximately 7.4 acres)  
No public comments

**B.** Subdivision Amendment to Lot 1 Hansen Subdivision, at 1195 West 2450 South (the proposed Subdivision Amendment divides Lot 1, Parcel Number 03-206-0001, into Lots 1 and 4, creating one new lot, Lot 4, with 10,000 sq ft., on the southeast corner of 1200 West and 2450 South)  
No public comments

- C. Hargis Hill Subdivision, a new subdivision consisting of 6 lots of 1.00 to 1.21 acres each, on the west of Hargis Hill Road (at approx. 3750 to 3300 South), immediately adjacent to the north corporate limits of Willard City, including portions of parcel numbers 02-038-0005, 02-038-0010, 02-038-0061, and/or 02-038-0062  
No public comments
- D. Two “metes and bounds” commercial subdivision lot review (pursuant the PMC Section 52.01.050) for Pointe Perry Subdivision, including a Western Parcel, containing approx. 282,427 sq. ft. or 6.484 acres, and lot 22, containing approx. 59,791 sq ft. or 1.373 acres  
No public comments

**3. Land Use Applications (Administrative Action)-The Planning Commission is the Final Land Use Authority for Items 3A and 3B (No Council approval required)**

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

- A. Lot Line Adjustment for Casey Crossman, at approximately 1900 South and 50 West (the proposed lot line adjustment adjusts the existing lot line between Parcel Numbers 03-220-0045 and 03-159-0135, totaling approximately 7.4 acres)

Chris Slater, Perry City Engineer, addressed the commission. He stated they have reviewed the lot line adjustment and said the plat must include a signature block for the Planning Commission approval. Mr. Slater checked the boundary description and it was within acceptable tolerances. Codey Illum, Perry City Building Official, stated this is a remainder parcel that Mr. Crossman has built his house on and is now selling it. His father owns the property next to him and is combining the property so it can stay in green belt and able to utilize the property in the future. Mr. Illum stated he has talked to Mr. Crossman about 100 west street; the city would like the road straightened out in the future. Mr. Murray stated the Planning Commission is the final land use authority on this item.

**MOTION:** Commissioner Walker moved to approve the Lot Line adjustment for Casey Crossman. Commissioner Montgomery seconded the motion. Roll call vote.

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

**Motion Approved:** 5 yes 0 no

- B. Subdivision Amendment to Lot 1 of Hansen Subdivision, at 1195 West 2450 South (the proposed Subdivision Amendment divides Lot 1, Parcel Number 03-206-0001, into Lots 1 and 4, creating one new lot, Lot 4, with 10,000 sq. ft., on the southeast corner of 1200 West and 2450 South)

Chris Slater, Perry City Engineer, stated lot 4 is located on the corner of 1200 West and 2450 South. He stated the west side of the lot fronting 1200 west is less than 100 ft in length; therefore, the home placed on this lot must face 2450 South to comply with the minimum 100 ft frontage requirements. Mr. Slater stated the drawings must include the City Engineer, City Attorney, Fire Marshal, and the Perry City Council (Mayor); a City Surveyor certificate is not required. Also, the address for Lot 4 must be included. Mr. Slater said they need to submit a mylar copy; also they don't require a SWPPP or NOI for this development. He

stated the boundary description was accurate. Commissioner Curtis stated there are 3 lots and they are creating a fourth lot. He asked at what point we consider this a subdivision. Mr. Murray stated this is a subdivision and they are doing the regular subdivision process; the only difference is where it is between 1 to 3 lots, they are not required to go to the city council. Mr. Illum stated this is a fully improved subdivision.

**MOTION:** Commissioner Walker moved to approve the Hansen Subdivision Amendment to Lot 1. Commissioner Montgomery seconded the motion. Roll call vote.

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

**Motion Approved:** 5 yes 0 no

- C. Hargis Hill Subdivision, a new subdivision consisting of 6 lots of 1.00 to 1.21 acres each, on the west side of Hargis Hill Road (at approx. 3750 to 3900 South), immediately adjacent to the north corporate limits of Willard City, including portions of parcel numbers 02-038-0005, 02-038-0010, 02-038-0061, and/or 02-038-0062

Chris Slater stated Hargis Hill is a conceptual plan. In their review, they had the following comments: (1) Plan should include topographic contours; (2) the concept should show the location of all dominant existing features such as property lines, structures, hard surfaces, vegetation, utilities, adjacent land use, drainage, wetlands etc., as well as the location of all proposed improvements. Mr. Slater said this development needs to show proposed improvements on future drawings. Mr. Slater would like to talk to the Willard City Planner to review future improvement plans for Hargis Hill Drive. He said the Commissioner should consider what improvements are needed in the area for automobile and pedestrian safety. He said these items could include full improvements of curb, gutter, and sidewalk, or street widening with shoulders. Mr. Slater said this development will also require a new eight inch culinary waterline to be installed, with two fire hydrants. Commissioner Walker asked how close this development was to the sewer line. Mr. Illum stated the closest sewer line is in Willard on the Bamberger right of way. Mr. Illum stated it would be cost prohibitive for the developer to connect to the sewer being so far away. Mr. Illum stated there will be an agreement with homeowners when sewer is available in the vicinity; they will connect and pay impact fees at that time. Mr. Slater stated septic tanks will be utilized and they must obtain approval from the Bear River Health Department. Mr. Illum said Willard has overlaid asphalt on Hargis Hill Road. On Perry City's portion it is concrete. Mr. Illum stated he talked to Paul Nelson, Perry City Public Works Director, who agrees with looping the water line. Richard Olsen stated he owns the adjacent property to this development. He said he sold 5 1/2 acres several years ago. He stated the bank owns the property now. Joe Wood stated he has purchased the 5 1/4 acre property, with some of it deeded for a turn around. Mr. Wood said the bank does not own it. He stated he spoke to Mr. Olsen and told him what his intentions were. He stated the Brendy Acres Subdivision (prior proposed subdivision) plan cannot be developed without financial stress. He stated his plan was to take the 5 1/4 acres and make it into three 1 acre lots. Mr. Wood stated he asked Greg Hansen to show lots 4, 5, and 6 on the plat as conditioned upon purchasing additional land. He said he wanted it to be on the plan so if he was able to move forward, he could talk to Mr. Olsen about purchasing the additional 3 lots. He stated he did talk to Mr. Olsen in advance about his intention. Mr. Wood said there would be no way he could develop this with the rural stipulations; he said

the curb and gutter would be an “island”. There is no room for storm drains because of the way the road slopes. He said it is a narrow road and does not think it is Willard’s intention to put curb and gutter in, because the road is so narrow. Mr. Wood said the old concrete would have to be pulled out and that would be a major project. Mr. Wood stated he would be willing to bring in asphalt to bump up against the concrete to widen the road. He is asking the commission to consider it a rural area, because of the nature of the ground, slope, and the surrounding area. Mr. Wood is asking for conceptual approval of lots 1, 2, and 3. Mr. Olsen stated he is not against this development and is willing to work with Mr. Wood. Commissioner Bischoff asked about the water line requirements and where and if they had to have a loop. Chris Slater stated that at the preliminary stage, it will be put in the city’s water model to make sure the fire flow could be achieved. Commissioner Curtis expressed his concern about the connection on the north end of the road. He asked if it should be a 90 degree access. He expressed concern with safety. Mr. Murray stated it is development driven and you have to go through a permitting process with UDOT. Mr. Illum stated there will be a time when the road issue will have to be addressed in the future. Mr. Murray stated UDOT will do a traffic study and let the city know what needs to be done.

**MOTION:** Commissioner Curtis move to approve the concept plan for Lots 1,2, and 3 for Hargis Hill Subdivision, with engineering comments addressed, include a rural road agreement, and road issues be discussed with Willard City (to work towards a plan with the two cities concerning the road). Commissioner Bischoff seconded the motion. Roll call vote.

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

**Motion Approved:** 5 yes 0 no

- D.** Two “metes and bounds” commercial subdivision lot reviews (pursuant to PMC Section 52.01.050) for Pointe Perry Subdivision, including a Western Parcel, containing approx. 282,427 sq. ft. or 6.484 acres, and Lot 22, containing approx. 59,791 sq. ft. or 1.373 acres

Chris Slater stated they checked the boundaries and they were accurate. Mr. Murray stated this is a commercial subdivision. It is a metes and bounds subdivision (not a regular subdivision). Point Perry is 106 acres of commercial properties; there are several platted lots. Some lots are not developed but they are platted as separate lots. Mr. Murray stated there are approximately 80 acres that are not individual lots. He stated the city adopted an ordinance that allows large commercial areas to subdivide short of a full fledged subdivision process, in order the expedite sales or prevent loss of possible development. They are requesting to do a metes and bounds subdivision and are not required to have a drawing. He stated the ordinance reads in 1 ½ years after the metes and bounds are recorded, then they can take these and any others that have been approved and do a regular subdivision plat. This helps to expedite development processes. The ordinance requires that the engineer review the boundary description, and does require a Planning Commission presentation. Lorin Walker, Point Perry Developer, passed around a site design of a future use in the Pointe Perry Subdivision, showing buildings, parking, and other anticipated City requirements. He stated they have talked to several entities that are interested in locating here.

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

- A. Ordinance 12-T, adopting PMC Title 64 regarding regulations for Large Scale Utility Lines, Telecommunications Towers, and Related Structures, and amendments to the Land Use Chart (PMC Chapter 45.20) to allow for said structures in certain zones  
Duncan Murray stated there were 5 main changes. The first change is 64.03.050 (b) permitted uses. Mr. Murray stated “within” was added for clarification. He said any of the cell tower applications are a conditional use process which comes before the planning commission. He stated this is an exception. It does not require a full fledged conditional use (just a basic permitted use) if it is one of the situations where Perry City owns the land. 64.03.050(b) states “ No such license or lease shall be issued for an antenna or tower that is to be located within three hundred (300) feet of any residentially zoned property within Perry City limits until a public hearing has been held at a regular or special Planning Commission meeting”.

Mr. Murray asked the commission if this language is what they were looking for. Commissioner Montgomery stated what it said before was on Perry City owned property, she stated it is not necessarily Perry City owned property it is property within Perry City limits. Duncan Murray stated subsection 2 (a) states “Antenna or towers located on property owned, leased, or otherwise controlled by Perry City”. Mr. Murray stated if the city wanted to put a tower on city owned property it would not have to go through the conditional use permitting process. Commissioner Curtis asked what if you wanted to put it on city owned property and it is within 300 feet of residential. Mr. Murray stated that would be something they would need to decide. Mr. Murray stated he interprets it as a permitted use if it is on city owned land and even though it is on city owned land it requires a public hearing. Duncan stated he would add no such license or lease “on city owned land” to subsection 2 (b). Mr. Murray stated telecommunications towers was added to the land use chart in Industrial and Manufacturing zones. He said if it is in any other zone (unless it is city owned) it is not permitted. Mr. Murray said other changes are in 64.03.070 (1) (a) this eliminates the “110% rule”. It also states “Towers must be set back a distance approved by the planning commission, after considering health and safety concerns and concerns of the adjacent landowners”. Mr. Murray felt this took care of non-city owned property. He stated we have a public hearing and adjacent land owners are notified. Mr. Murray said 64.03.070(3) (4) states “chain link fences (and/or other fences approved by the Planning Commission) may be placed around a tower or related structures or buildings” this also encourages safety. Mr. Murray continued to say in 64.03.080 it refers to buildings and other equipment storage. He stated that most towers have buildings or storage facilities to store generators, cabinets etc. it reads that: “The Planning Commission may require during the conditional use process, conditions regarding buildings or other equipment storage, including antennas mounted on structures or rooftops and/or buildings, structures, or cabinets related thereto”. Commissioner Curtis asked if there was a problem leaving (64.03.050) the way it is because applies to any land. Mr. Murray suggested additional language regarding 64.03.050(2) (b) so it reads as follows: “No such license or lease on City land”. Commissioner Walker asked why large scale items were included. Mr. Murray stated that the city focuses mainly on telecommunications towers but this ordinance was created when Rocky Mountain Power brought the power lines here. This is for any large scale utility lines anything that is high power, massive that requires a corridor through our community it gives the city a voice. He stated large scale utility lines require a conditional use permit.

**MOTION:** Commissioner Curtis moved to approve Ordinance 12-T as written (with the minor changes discussed). Commissioner Montgomery seconded the motion. Roll call vote.

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

**Motion Approved:** 5 yes 0 no

Ordinance 12-S, Sign Ordinance Amendments (Title 58)

Duncan Murray stated that he, Codey Illum, and Commissioner Montgomery worked a lot on the cross referencing on this ordinance and cleaned it up. He stated there were not a lot of substantive changes. Mr. Murray stated there was one definition added referring to “department”, which includes the Community Development Department, Building Officials, Inspectors, and relevant City Staff. Commissioner Montgomery felt the commission needed to modify marquee signs. She stated that the elementary school and Heritage Theatre has marquee signs. She stated the definition says a sign placed over the entrance of a building. Mr. Murray stated that they fit under the electronic message display signs. He stated, for example, Seagull Book is a marquee sign that projects over the entrance. Commissioner Walker stated he felt we are taking rights away from business owners because we are not allowing them to have the kind of sign they want. Codey Illum stated this ordinance has been worked on for several years and felt this is a less restrictive ordinance then other cities. Commissioner Walker suggested striking the balloon sign portion of the ordinance. Mr. Murray suggested that it stay in the ordinance in some form, because balloon signs can include the big massive balloons (example: fan driven balloons); it can be distractive to drivers and is a safety issue. Commissioner Montgomery stated that abandoned signs are still in the ordinance, and she recommended removing it from the ordinance. Mr. Murray stated in 58.02.010 he added” removal” to conformity and amortization of signs. He said that is also refers to removal of abandoned signs in 58.02.070 and this section could be eliminated. Commissioner Montgomery agreed. Commissioner Walker felt that a business should be able to have a balloon sign bigger than one cubic foot and should be able to have more than 5 balloons.

**MOTION:** Commissioner Walker moved to remove the balloon signs out of the ordinance. Motion failed, due to the lack of a second.

**MOTION:** Commissioner Bischoff moved to approve the ordinance, with the removal of 58.02.070 abandoned signs. Commissioner Montgomery seconded the motion.

Commissioner Curtis would like to see included in the motion a study on the balloon sign portion of the ordinance.

**MOTION:** Commissioner Bischoff amended his motion, and thus moved to approve the ordinance, with the removal of 58.02.070 abandoned signs and to include a study on the balloon sign portion of the ordinance. Commissioner Montgomery seconded the amended motion. Roll call vote.

Commissioner Bischoff	yes	Commissioner Montgomery	yes
Commissioner Walker	yes	Commissioner Curtis	yes

Chairman Nelson                      yes

**Motion Approved:** 5 yes    0 no

**4. Training, Minutes, and Reports**

**A. City Council Report (Council Member Karen Cronin)**

Council Member Cronin stated that the council approved the infill ordinance. Council Member Cronin will be the member from the council for the infill ordinance committee. She stated she has had a couple of phone calls on what the definition is of light manufacturing. She would like the commission to discuss this at the next meeting.

**B. Approve Minutes of March 1, 2012**

**MOTION:** Commissioner Montgomery moved to approve the March 1, 2012 minutes. Commissioner Walker seconded the motion. All in favor.

**C. Make Assignments for a Representative to City Council Meeting**

Chairman Nelson will work on a schedule for Council meeting attendance.

**D. Training Regarding Robert's Rules of Order**

Duncan Murray presented a brief training on Robert's Rules of Order. He explained that the Board might want to simplify the Robert's Rules of Order. A two page synopsis was handed out to the Board members. He explained that Robert's Rules are commonly used rules that follow parliamentary procedure. What is parliamentary procedure? It is a set of rules for conduct at meetings that allow everyone to be heard and to make decisions without confusion. He said every Board member should have input and make decisions. The parliamentary procedures usually follow a fixed order of business on the agenda. He also discussed the method used by members to express themselves in the form of moving motions, the basic types of motions and how the motions are presented. Any Board member can place an item on the agenda, before the agenda is published the Chairman agrees to the agenda. Mr. Murray informed the Board the two most important items are to have an agenda and make motions on the agenda items. He also talked about the method on voting on a motion and how it depends on the situation and the by-laws of policy of the organization (handout will be attached to the minutes).

**5. Review Next Agenda and Adjourn**

**A. Review Agenda Items (including Subdivision Ordinance revisions on next agenda)**

**B. Add Agenda Items requested by Planning Commission**

- (1) Light Manufacturing
- (2) Subdivision Ordinance revisions

**C. Motion to Adjourn**

**MOTION:** Commissioner Bischoff move to adjourn. Commissioner Montgomery seconded the motion. All in favor.