

PERRY CITY WORK SESSION  
PERRY CITY OFFICES  
October 27, 2022

6:01 PM

CITY COUNCIL PRESENT: Mayor Kevin Jeppsen presided and conducted the meeting. Council Member Nathan Tueller, Council Member Toby Wright, Council Member Blake Ostler, Council Member Dave Walker, and Council Member Ashley Young

PLANNING COMMISSION PRESENT: Commissioner Jan Kerr, Commissioner Blake Broadhead, Commissioner Ryan Vaughn, and Commissioner Beth Thompson

CITY STAFF PRESENT: Robert Barnhill, City Administrator and Shanna Johnson

OTHERS PRESENT: Brinton Neff, Marvin Neff

### **Welcome to Order and Welcome**

Mayor Jeppsen welcomed everyone and called the meeting to order.

### **ITEM 1: WEST MEADOW ESTATES**

Mr. Barnhill explained that Brinton Neff submitted a Conservation Subdivision Application which was the first of its kind to go through this process with City Council. He mentioned a few things that came up in previous reviews of this proposal that should be addressed before an approval may be made. He noted a regulation of the code for the conservation subdivision where it says that there needs to be a constrained and sensitive land plan that is to be permanently set aside. There were concerns on what type of things that would be accepted in this open space. So he referenced code 15.07.130 where it states "agriculture/pasture with the most-superior/highest-quality standard grass mix is a permitted use of conservation land". He highlighted a few other options within the code that the council may utilize. He said if the council can justify it, one of the options is a waiver from the open space in the conservation subdivision.

He presented the layout that the applicant proposed. He said for their open space they have a dryland area that would be mowed once a year. He said that there will be Frisbee Golf goals installed in this area. The proposed subdivision will have 87 single family lots and 8 townhome units. He mentioned that the R1/3 zone baseline is 65 lots for a property of this size.

The applicant, Brinton Neff, added that the conservation area is a little more than five acres. So if it's just grass there will be a lot to mow and maintain. He recounted a few ideas that have been suggested to him on how to improve this area, but wants to discuss other options.

Commissioner Broadhead said he has concerns with the city taking on five acres of grass (to water and maintain). He said maybe they should leave it natural with an extension of the trail from Dale Young Park. He suggested winding the water way and trails through the open space area to give it some character. Commissioner Kerr commented that as it is she doesn't see a demand for the public

to come and use it. She said what's proposed needs to be something for the public to want to come to the area. Council Member Walker reviewed the map that showed the natural water ways with the proposed plans. He said he's looking for a trail that is attractive that possibly follows the natural water way with play or park type areas off the sides of the path for people to enjoy. They discussed the narrow size of the area and decided that because of code a play area might not be feasible. Mr. Barnhill reminded them that there is a wavier that they could utilize. Commissioner Kerr commented that the walking path might be the best solution and perhaps people will use it to cut through the property.

Mr. Barnhill focused the conversation on the water way and if the plan is for a well-defined stream with rocks and tailored shrubs vs. a ditch with natural grasses. He said these ideas have a completely different feel and maybe those are the two sides that need to find middle ground. Mr. Neff said he wants to create a beautiful area the public can enjoy, with it being an asset to the city. He noted that most city members will probably not utilize the Frisbee Golf.

Commissioner Broadhead gave another suggestion that they create a way water to flow back and forth through the long open space area with the walking path going along one side and back on the other. Council Member Walker pointed to the natural water paths and suggested they open a couple of planned lots to create more usable green space because a pasture field is just not inviting.

Commissioner Kerr was concerned with the lots that are being built over the natural water ways. Mr. Barnhill commented that the engineers will test or review this issue in the next phase of the development.

Mr. Neff said if you want it to be user friendly there is still upkeep and maintenance and he's not sure what the maintenance cost would. Council Member Walker said the structure of the Conservation Subdivision is for the residents in the area to pay every year for the maintenance. So if it is priced correctly the cost of this burden shouldn't be on the city, however, it does go back to the question of if the city should act as the HOA or not. Commissioner Kerr indicated that the original plan was to allot an annual \$3,300 fee for a once a year clean-up and maintenance. She wondered if maintenance service should be done more often.

Council Member Tueller reminded the group that there was grant money awarded for a proposed trail to go along the opposite side of this development on 1200 West. He's concerned if not maintained the open space might encroach on the landowner's properties. He expressed that he likes the double trail idea and that the city is looking for creativity. He indicated that over time, and if the need arises, the city may change the green space area to be more conducive to the community. He said the developers should follow the Conservation Subdivision examples and codes but be creativity.

Council Member Ostler asked about the possibility of the land being farmed for example, alfalfa, dry farming or an orchard. Mr. Barnhill said the open space has to follow the zoning code and it currently doesn't allow agriculture. He noted that he checked with farmers and they said it's not suitable and/or is not the appropriate size to do any of these options. He reminded them that in the Conservation Subdivision code there is a wavier that states if they're within a half mile of a park there is a built-in option that says they don't need an open space and they may give compensation in

lieu of it. He said since they are having a problem deciding on what to do with this particular property they may want to exercise this option.

Council Member Walker asked how many layouts have the developers configured. Mr. Neff said they have tried several with all types of angles and smaller lots, but each design seemed to create more cul-de-sacs. He said if the waiver is granted then he can reconfigure the lot sizes but is concerned if they want a box looking community. He said he has seen other cities and communities that have angles, curves, and cul-de-sacs to add character and variety, he does not think this fits into the Conservation Subdivision plan, especially with this long and narrow sized property.

Council Member Tueller commented that it sounds like they are going towards an in lieu of plan. This idea allows them the same 87 lots but they will be bigger and compensation will go to the neighboring park in lieu of the open space. Mr. Neff said he would agree to this plan. Council Member Tueller recounted his earlier comment that maybe in the future the city might find the open space valuable. Council Member Walker asked if the waiver fee was a one-time payment and it was answered that it was a one-time payment. Commissioner Kerr asked what improvements would be done with the compensation received by the waiver fee. Council Member Tueller responded that there is a long-term master plan (for Dale Young Park) where they may identify where it can be applied.

They continued a discussion regarding if the city will or will not need to maintain the open space created in the conservation subdivision. Council Member Walker pointed out that the home owner would expect the area to be nice and maintained. Mr. Barnhill said if the city didn't maintain the area it might become a fire hazard. He also remarked that they want it to be an area the citizens are happy to have. He then said the meeting is more than half over and they need to give the developers an idea of a direction they want them to go with the Conservation Subdivision plans.

Council Member Wright asked if the waiver was granted, what amount of impact fee per house the developer would pay. Mr. Neff said he thought it will be \$1,000 per lot, which equals to \$87,000 on this subdivision. Council Member Ostler summarized the Conservation Subdivision plan, stating that the developer gets increased density for a trade that requires the city will get set aside land or receive a fee. As for the open space plan, Commissioner Thompson, commented that people will not drive across town just to walk on a trail unless it's a nice walking path. She does not think the city needs more areas to maintain, but should invest in the current parks to draw people to use them.

Council Member Young remarked that if she lived in this subdivision she wouldn't want strangers walking around behind her house. She then asked if the compensation they'll receive had to only go to Dale Young Park. It was discussed that this was not clear so they will have to consult with the attorney. She inquired about the lot sizes and Council Member Tueller said they're less than a quarter acre. They discussed the changes with the lot size if the waiver of open space was approved. Council Member Tueller mentioned that what one person considers green space could be their property around their own house and that a smaller lot might be great for them. Council Member Wright said because this open space is right by the park, with a nice trail, he thinks it could be a usable piece of property for the city.

Council Member Tueller said he was in favor of a waiver with fee in lieu of the open space. Council Member Walker expressed he is more in favor of useable open space as an addition to the park but did not like what was currently presented. Council Member Ostler said he's in favor of open space if they will present a redesign, if not then the fee in lieu may be the best solution. Council Member Young said she thinks they should have bigger lots instead of open space since that area wouldn't benefit anyone. Mayor Jeppsen said he agreed with Council Member Ostler that unless there is a redesign where there might be something useful for the city, he would probably prefer the fee in lieu option. Commissioner Broadhead is in favor of the fee in lieu of this option mostly because having a park split across a busy road is not a good idea. Commissioner Kerr said the fee in lieu option makes more sense to her.

Council Member Ostler asked for feedback from the Planning Commission and the applicant about the plan and process of this Conservation Subdivision Ordinance. He said they want to know what part is good or bad, and what part of the ordinance might need to be tweaked or improved. He thinks the idea is for the developer to create a unique approach to a development. Maybe they need to revisit the options and provisions on the use of the open space and be more specific.

Mr. Barnhill recounted that they seem to feel, with the close proximity of the park, the open space presented would not be a good idea, and so they are leaning towards the fee in lieu of option. He asked Mr. Neff if they could have updated plans ready for the next Planning Commission Meeting. He said he would let them know if he could. Council Member Tueller thanked Mr. Neff for working with them.

## **ADJOURNMENT**

Mayor Jeppsen closed the work session.

The meeting adjourned at 6:57 p.m.

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Shanna Johnson, City Recorder

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Kevin Jeppsen, Mayor

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Anita Nicholas, Deputy Recorder