

August 3, 2017
Planning Commission Meeting
3005 S 1200 West Perry UT 84302
7:00 p.m.

Commissioners Present: Vice Chairman Devin Miles, Commissioner Blake Ostler, Commissioner Tresa Peterson and Commissioner Stuart Grover.

Commissioners Excused: Chairman Travis Coburn and Commissioner Vicki Call

City Staff Present: Greg Westfall: Perry City Administrator and Susan K. Obray: City Recorder

Others Present: Terry Jones, Kathy Jones, Brandon Hansen, Bentley Hansen, Greg Hansen, Jo Brown, Randy Matthews, and Ken Francis

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

A. Invocation-

Vice Chairman Miles gave the invocation.

B. Pledge of Allegiance to the U.S. Flag-

Susan Obray led the Pledge of Allegiance.

C. Declare Conflict of Interest, if any-

None.

D. Review and Adopt the Agenda-

MOTION: Commissioner Grover moved to adopt the August 3, 2017 Planning Commission Meeting agenda as written. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Peterson, Yes

Vice Chairman Miles, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Motion Approved: 4 Yes 0 No

E. Approval of the Minutes

(a) June 1, 2017 Regular Meeting

Tabled.

(b) July 6, 2017 Work Session Meeting

MOTION: Commissioner Grover moved to approve the July 6, 2017 Work Session Meeting Minutes. Commissioner Ostler seconded the motion. Roll call vote.

Commissioner Peterson, Yes

Vice Chairman Miles, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Motion Approved: 4 Yes, 0 No

(c) July 6, 2017 Regular Meeting

Tabled.

F. Make Assignments for Representative to Attend City Council Meetings (August 10, 2017 and August 24, 2017).

Greg Westfall informed the Commission that the August 24th City Council Meeting might be cancelled.

Commissioner Ostler will attend the August 10, 2017 City Council Meeting and Commissioner Grover will attend the August 24, 2017 City Council Meeting if it is not cancelled.

Vice Chairman Miles reported to the Commission regarding the July 13th 2017 City Council Meeting which he attended. He stated the majority of the meeting centered on the City's firework restrictions. He explained many concerned citizens attended this meeting. He said he reported to the Council the things which the Commission are currently working on.

Commissioner Grover reported to the Commission regarding the July 27th City Council Meeting which he attended. He explained he summarized the Conservation Subdivision Ordinance to the Council, as well as, the Civic and Recreational Zone. He stated the Heather Ridge and Wyatt Subdivision phases were both struck from the agenda at this meeting.

2. Public Comments and/or Public Hearings

MOTION: Commissioner Peterson moved to close the regular meeting and open the public hearing for item 2A. Commissioner Grover seconded the motion. Roll call vote.

Commissioner Peterson, Yes **Commissioner Ostler, Yes**
Commissioner Grover, Yes
Vice Chairman Miles, Yes

Motion Approved: 4 Yes 0 No

A. Public Hearing for Amendment to Perry City Center Lot 2, Applicant: Kenneth Francis, Location: 2494 S 900 W Perry

Greg Westfall explained this application has been approved by the Commission for both concept and preliminary. He stated the applicant is asking to be able to split one lot into two lots. He reported it meets all the City requirements for lot sizes, frontage, and so forth.

It was clarified the split lots would each be half acre lots.

Brandon Hansen stated he owns the property directly north of this proposed subdivided property. He explained he has two concerns: First, if the City is changing the zoning for this property and Second, where the property lines are going to be, as his property is adjacent to this property, he does not want this subdividing to affect his property value.

Joe Brown stated she lives just west of the proposed subdivided property. She expressed her two concerns are: First, if the property is going to be rezoned and Second, noted she desired the property not to be subdivided but to remain an orchard.

MOTION: Commissioner Peterson moved to close the public hearing for Perry City Center Lot 2 and open the public hearing for Conservation Subdivision Ordinance. Commissioner Grover seconded the motion. Roll call vote.

Commissioner Peterson, Yes **Commissioner Ostler, Yes**
Commissioner Grover, Yes
Vice Chairman Miles, Yes

Motion Approved: 4 Yes 0 No

B. Public Hearing for Conservation Subdivision Ordinance

Greg Westfall explained this ordinance would allow for the option of maintaining green space (parks, agricultural, walking trails, etc.) as developments take place, with the tradeoff of increasing the density of housing (smaller lot sizes).

Brandon Hansen stated he lives at 2725 S 1200 W in Perry. He said without reading the document his opinion is anything which would bring high density housing he is against. He said he likes having his neighborhood being spaced out. He explained he understands the concept of conserving green space, especially the orchards in the area. However, he continued, he felt there could be a better way of accomplishing this without increasing the density of housing.

Commissioner Ostler inquired what Mr. Hansen's suggestions are for conserving green space other than the proposed Conservation Subdivision.

Mr. Hansen explained that back east they set up trusts to the City where people lease the property from the City as they live on and maintain the property. He reiterated his dislike of the idea of increasing the density of housing here in Perry City.

MOTION: Commissioner Grover moved to close the public hearing for the Conservation Subdivision Ordinance and open the public hearing for Suncrest Subdivision Phase 2. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Peterson, Yes
Commissioner Grover, Yes
Vice Chairman Miles, Yes

Commissioner Ostler, Yes

Motion Approved: 4 Yes 0 No

C. Public Hearing for Suncrest Subdivision Phase 2, Applicant: Randy Matthews, Location: Maple Hills Drive (75 East) Perry

Greg Westfall stated this is a four lot subdivision which will neighbor the current Maple Hills Subdivision. He explained it has been reviewed by the Commission in past meetings.

No Public comment received.

MOTION: Commissioner Grover moved to exit the public hearing for Suncrest Subdivision Phase 2 and reopen the regular meeting. Commissioner Peterson seconded the motion. Roll call vote.

Commissioner Peterson, Yes
Commissioner Grover, Yes
Vice Chairman Miles, Yes

Commissioner Ostler, Yes

Motion Approved: 4 Yes 0 No

D. Public Comments

No Public comment received.

3. Land Use Applications

A. Final Approval and Recommendation to City Council for Amendment to Perry City Center Lot 2, Applicant: Kenneth Francis, Location 2494 S 900 W Perry

Greg Westfall clarified there was no zone change needed for the splitting of this property to occur. He explained the other concerns expressed in the public hearing would need to be addressed at the building permit stage, when development is taking place. He said it is the responsibility of the land owners to place fences on the boundary lines.

Commissioner Ostler stated he appreciated the comment of Ms. Brown regarding the orchard remaining. For educatory purposes he explained because this is private property the owner of said property can sell or develop it as they choose. He said anyone who is wishing for the property to remain an orchard is welcome to purchase it to keep it as an orchard. He thanked Ms. Brown for her comment but stated the Commission does not have the jurisdiction to enforce it.

Commissioner Grover stated he had no further comment at this time as all the City Engineers concerns have been met.

Commissioner Peterson asked if anything had been changed from the last time the Commission met.

Mr. Westfall stated it had not.

Commissioner Peterson had no further comment.

MOTION: Commissioner Peterson moved to approve the Final Approval and Recommendation for the Perry City Center Lot 2 Subdivision and recommend it to the City Council. Commissioner Grover seconded the motion. Roll call vote.

Commissioner Peterson, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Vice Chairman Miles, Yes

Motion Approved: 4 Yes 0 No

B. Final Approval and Recommendation to City Council for Suncrest Subdivision Phase 2, Applicant: Randy Matthews, Location: Maple Hills Drive (75 East) Perry

Greg Westfall stated all concerns have been addressed and the applicant did receive an approval from the Fire Marshall on this applicant (which is what this application was waiting on).

Commissioner Peterson explained she was unfamiliar with this application because it was reviewed before she was part of the Commission, therefore, she had no comment regarding this application.

Commissioner Grover inquired if the City Engineers concerns have all been addressed.

Mr. Westfall stated they had been.

Commissioner Ostler inquired if the City Engineer had verified the adherence of the flag lot to the City ordinances regarding flag lots.

Mr. Westfall clarified the City Engineer takes the measurements of the flag lot but he does not verify that it is a flag lot.

Commissioner Ostler inquired what the grade of the stem portion of the flag was.

Greg Hansen stated the gradient is basically flat and follows the gradient of the canal. He explained the driveway gradient is flat and the lot itself is slightly lower than the driveway.

Commissioner Ostler inquired if the deficiency in water was still a concern.

Mr. Westfall stated it was not.

MOTION: Commissioner Grover moved to approve the Final Approval and Recommend to the City Council the Suncrest Subdivision Phase 2. Commissioner Ostler seconded the motion. Roll call vote.

Commissioner Peterson, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Vice Chairman Miles, Yes

Motion Approved: 4 Yes 0 No

4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc. -Recommendation to the City Council.

A. Discussion/ Action Approval and Recommendation regarding the Conservation Subdivision Ordinance

Commissioner Grover reviewed with the Commission and Staff the revisions (grammatical, wording, Perry specific, lot sizes, animal restrictions, etc.) which he has made over the past month on this document.

The Commission and Staff discussed and clarified these revisions and how/if they were in the best interest of the City.

Commissioner Ostler inquired if the Commission would be okay with not taking action on this proposed ordinance tonight. He stated he has a few sections he would still like to work through and, from the discussion this evening, there are still a few areas which need to be looked over by the attorney before he felt action should be taken.

The Commission agreed with Commissioner Ostler to wait to take action.

Commissioner Ostler inquired if there were any developers currently applying to the City for which this proposed ordinance would be an option.

Greg Westfall stated there currently were not, so there was no rush to take action before the next Commission meeting.

Mr. Westfall thanked the Commission for all the work they have done for this and all the other current proposed documents the Commission is working on.

Commissioner Peterson inquired if the Conservation Subdivision Ordinance protects from further subdividing.

Commissioner Grover and Commissioner Ostler clarified the ordinance does protect the conserved property from any further subdividing.

The Commission and Staff further discussed and clarified sections in the Conservation Subdivision Ordinance.

The Commission thanked Commissioner Grover and Commissioner Ostler for their efforts on the Conservation Subdivision Ordinance.

5. Discussion

A. Discussion/Action on the Civic and Recreational Zone

Commissioner Ostler inquired if there was enough direction from the Work Session to complete the Working Map.

Mr. Westfall stated he felt there was and said he would get the Working Map over to the City Engineer, with the discussed adjustments from the Commission from the work session.

The Commission decided to have the public hearing for this item at the next meeting, as well as, having it available as a discussion/action item at the next meeting.

Mr. Westfall stated with the public hearing notice there will need to be a letter stating the zone changes to those effected land owners. He said he would speak to the City Attorney to verify in which way the City needs to notify land owners regarding the zone changes.

The Commission and Staff discussed the reaction of the community to receiving these letters, and the importance of having feedback from the community on this Civic and Recreational Zone Ordinance.

B. Discussion on the Business License Process

Commissioner Ostler stated he currently is working on this ordinance and focusing on the Home Occupation with Visiting Clientele sections. He explained much of the adjusting will be in the administrative processes and making things straighter forward.

Mr. Westfall explained one of these administrative process adjustments is: in the current ordinance it states that all home businesses applications, including non-visiting clientele, must have a Fire Marshall inspection. He advised the Commission to remove this requirement for home business applications with non-visiting clientele.

The Commission agreed with this adjustment.

Mr. Westfall stated he felt business licenses do not need to go to the City Council, instead, the Planning Commission should give the final approval for all business licenses.

Commissioner Grover inquired for clarification on this suggestion, as City Council Members are elected officials and Planning Commissioners are not.

Mr. Westfall stated his reasoning for this suggestion is because it is a land use matter and he feels the Planning Commission should be the final land use authority, not the City Council. He explained currently there are three members on the City Council who were previously Planning Commissioners, he said this is rare. He said more often than not, there will be no City Council Member who has served as a Planning Commissioner or has any experience with land use. He explained this is why, in his opinion, it does not make sense to have the City Council be the final authority for land use matters.

Commissioner Ostler inquired if the Appellate Body would be the City Council or the Special Uses Appeals Board if this change was adopted.

Mr. Westfall stated either can be used, but the encouragement is to not use the City Council as the Appellate Body. He explained most cities are getting away from a Special Uses Appeals Board and changing to a Special Uses Appeals Individual. He explained it simplifies the process tremendously.

Commissioner Ostler suggested if this change is incorporated to still have a business license applicant attend a City Council meeting as a formality, to meet the Council and Mayor and be welcomed by them as a new business.

The Commission agreed with this suggestion.

C. Discussion on the Subdivision Ordinance

Commissioner Ostler inquired if any of the Commission or Staff knew who the land use authority on Subdivisions is in other larger cities, such as Ogden.

Mr. Westfall stated Logan and Park City both have their Planning Commissions as their land use authority. He explained it is usually smaller cities which have multiple processes. He expounded larger cities also have larger staffs to handle these matters, which helps in moving things forward at a much faster rate.

Commissioner Ostler inquired if any of the Commission or Staff had read the Foothill Development Areas Code.

Mr. Westfall stated he had a long time ago.

Commissioner Ostler explained he thought it may apply to Randy Matthews Subdivision development. He explained the code has conflicting terms but in one section it says an applicant can't move dirt until they have final approval. He stated he lives right by this development and they have been excavating for around two months. He advised the Commission to review this Foothill Development Areas code.

Mr. Westfall clarified that because it is private property he can excavate and move dirt around.

Commissioner Ostler felt that this code is saying not to change grades or vegetation until an engineer can look over the area for flood control and other environmentally sensitive issues.

Mr. Westfall stated this is something the Commission could require for all developments, not just foothill areas, to have the area checked by an engineer before any excavating can occur.

6. Training

- A.** Mr. Westfall spoke to the Commission regarding Commissioners communicating through emails between other Commissioners and City Council Members. He advised them to never hit the *reply all* button in response to something which was sent as a mass email to the Commissioners and/or City Council due to State law. He advised to always reply individually.

7. Review Next Agenda and Adjourn

- Work Session: Conservation Subdivision
- Discussion/ Action on Conservation Subdivision
- Public Hearing for Civic and Recreational Zone
- Discussion/Action on Civic and Recreational Zone

A. Motion to Adjourn

MOTION: Commissioner Grover moved to adjourn.

Motion Approved: All Commissioners were in favor.