

Perry City is inviting you to a scheduled Zoom meeting.

Topic: Planning Meeting

Time: Jan 4, 2024 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89010189920?pwd=Y3ZNZVhjYTR3MmFaSU9TZGcrSk1VQT09>

Meeting ID: 890 1018 9920

Passcode: 318592

Meeting ID: 890 1018 9920

Passcode: 318592

Find your local number: <https://us02web.zoom.us/j/89010189920?pwd=Y3ZNZVhjYTR3MmFaSU9TZGcrSk1VQT09>

PERRY CITY PLANNING COMMISSION

REGULAR MEETING AGENDA

January 4, 2024

7:00 pm regular meeting

1950 S Hwy 89 Perry, UT

The meeting will be open to the public. Meetings will also be held online.
“Electronic Meeting” Web/Teleconferencing will be used.

The Perry City Planning Commission will hold an electronic meeting on the Thursday identified above, starting at approximately 7:00 PM, via web/teleconference. Go to www.perrycity.org/whats-new.htm.htm for meeting access instructions. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration.

- 1. 7:00 p.m. – Call to Order and Opening Ceremonies**
 - A. Declare Conflicts of Interest, If any**

- 2. Action Items**
 - A. Request for Extension and Amendment on Preliminary Approval of Olsen Orchards; located at 1025 W 3700 S Parcel #02-038-0004 Applicant: White Rock Partners LLC**
 - B. Final Plat Application – Brigham City YAG located at 1165 S 100 W Parcel’s #03-154-0119; 03-154-0130; 03-154-0076; 03-154-0132; and 03-154-0077 Applicant: Chandler Obray**
 - C. Public Hearing – Ordinance 24-A Amending Conservation Subdivisions**
 - D. Public Hearing – Ordinance 23-L Site Design and Approval Requirements**
 - E. Approval of the 2024 Perry City Planning Meeting Schedule (pick alternate date for July since regular meeting falls on the 4th)**
 - F. Elect a new Vice Chairperson for 2024**

- 3. Approval of the Minutes**
 - A. October 5, 2023, Regular Planning Meeting**
 - B. November 2, 2023, Regular Planning Meeting**

- 4. Discussion**
 - A. Future Projects**
 - B. Report on past-approved Planning Commission Agenda Items**
 - C. Report from Commissioner regarding previous Council Meetings**
 - D. Make Assignments for Representative to Attend City Council Meetings
(January 11th and 25th)**

5. Public Comment

6. Training

A. Staff

7. Review Next Agenda and Adjourn

A. Items for February agenda (next meeting February 1, 2024)

B. Motion to Adjourn

Certificate of Mailing

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member and alternate member of the Planning Commission and other designated City Officials and was posted in these locations: The Perry City Offices, Centennial Park, Perry City Park; Box Elder News Journal; Perry City Website; and State Website; on this 19th of December 2023. An individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Tyra Bischoff, Planning Secretary

Rules for Public Hearings/Comments:

- (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 will not be taken during this meeting if the item is not specifically on the agenda.

Perry City Community Development

Olsen Orchards

11/09/2022 - 11/08/2023

0387076

**Subdivision: Preliminary
Application**

41056c40-2571-11ed-8a0f-8f2bf18aee43

Subdivision: Preliminary Application

Active

Complete

Application Review Status

Pre-Review	Received	
Brigham City Fire Department	Reviewing	08/26/2022
Community Development	Not Reviewed	11/09/2022
Final-Review	Approved	
<i>Approved by PC Oct 06.</i>		

Fees

Subdivision: Preliminary Application (Residential)	\$15,000.00
Subtotal	\$15,000.00
Amount Paid	\$15,000.00
Total Due	\$0.00

Payments

08/31/2022	Check #135	\$15,000.00
Total Paid		\$15,000.00

Application Form Data

(Empty fields are not included)

Applicant First Name

White Rock Partners LLC

Applicant Last Name

White Rock Partners LLC

Applicant Email

ben@theblackpinegroup.com

Applicant Phone Number

(435) 776-6772

Applicant Address

1357 N 2000 W

City

Farr West

State

UT

Zip

84404

Is the Applicant the Property Owner?

Yes

Engineer/Surveyor Name or Company

Hansen & Associates/Jim Flint

Engineer/Surveyor Email

jimf@haies.net

Engineer/Surveyor Phone Number

(435) 723-3491

Subdivision Name

Olsen Orchards




Property Address

1025 W 3700 S

Property Serial #

020380004

Preliminary Drawings

-  **Drainage Calculations -4-1-2022.xls**
 -  **Conceptual Townhome Elevations.pdf**
 -  **Olsen Orchards Preliminary Submittal.pdf**
-

Total Number of Lots/Units

147

Is this a Residential or Commercial development?

Residential

Additional Project Notes

Development also includes adjacent parcels with property serial numbers ending in 0005, 0010, 0061, and 0069.

Check each item to acknowledge it has been included with the application. The following items will apply to most subdivisions, although there may be exceptions.

Preliminary Plat, Layout of lots including lot sizes and dimensions, Layout of proposed and adjacent roads including a proposed street section(s), Preliminary utility plan, Preliminary storm water plan, Existing structures and natural features, Data indicating the number of lots/units, percentage of landscaping, density of units per acre, buildable area for each lot., Preliminary compliance with design standards as applicable

Will this proposed development include multi-family dwelling units, apartments, or commercial/industrial development?

Yes

Is this proposed development adjacent to Highway 89?

Yes

There are specific design requirements for developments with multi-family dwelling units or apartments as well as any development along Highway 89. Have you submitted information to show preliminary compliance with the design standards found in Chapter 15.18 of the Perry Municipal Code? This will include a preliminary landscape plan and preliminary architectural details.

Yes

Signature

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the applicable codes, standards, and the rules listed below.

1. All sections of this application must be complete and will not be reviewed until fees have been received.
2. The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.
4. This application will be placed on the next available Planning Commission agenda AFTER necessary updates are made in response to staff comments. These updates will be required to ensure Planning Commission reviews drawings that are substantially complete and responsive to the application requirements found in the Perry Municipal Code.
5. Complete application and approval requirements can be found in Perry Municipal Code Titles 14 and 15.

Benjamin Neff - 08/26/2022 12:59 pm

Staff Report

January 4, 2024

Perry City Planning Commission



Preliminary Subdivision Amendment/Extension – Olsen Orchards - located at 1025 W 3700 S

Summary

Olsen Orchards previously received a six-month extension in September. This extension will expire in March. While they still have a couple of months before the approval expires, the developer is also seeking an amendment to their approval and would like these two issues handled concurrently. The request for amendment is in regards to a sewer lift station for the development.

Section 14.05.015 states: *Public sewer lift stations may be granted by exception by the Subdivision Land Use Authority and the City Engineer when a lift station is deemed clearly preferable to the interest of the City and gravity sewer is not feasible.*

It appears that the developer's efforts to obtain a route for gravity sewer have been unsuccessful and they request Planning Commission allow a lift station. Our city engineer will provide a detailed memo prior to the Planning Commission meeting to provide details regarding his recommendation.

Perry City Community Development

Printed: 12/22/2023

Brigham City YAG

Permit/License #

12/20/2023 - 12/19/2024

0383034

Subdivision: Final Plat Application

Reference Number

218c89a0-9df9-11ee-a709-977e270a04b4

Subdivision: Final Plat Application

Status

Active

Application Status

Under Review

Application Review Status

Pre-Review

Approved

Date Submitted

Please provide the application fee. We will plan on this for the January 4th Planning Commission mtg.

12/18/2023

Community

Not Reviewed

Development

Final-Review

Not Reviewed

Fees

Subdivision: Final Plat Application \$675.00

Subtotal**\$675.00****Processing Fee****\$20.50****Total****\$695.50****Amount Paid****\$695.50****Total Due****\$0.00**

Payments

12/20/2023 Card *1023 \$675.00

Total Paid**\$695.50**

Application Form Data

(Empty fields are not included)

Over time the development community in the State of Utah has lobbied the state legislature to adopt stricter regulations on municipal subdivision review and processing requirements. Due to these legislative changes the cost for Perry City to process, review, and inspect developments has dramatically increased. Perry City will track all time and resources expended by the city for processing, reviewing, and inspecting subdivision applications. The related city expenditures shall then be billed to the applicant/subdivider.



This Final Plat application shall expire and be considered denied if approval is not obtained within six (6) months of submittal.



Following approval of this application you will have two years to fund your escrow account to guarantee installation of required improvements, pay the direct costs required by code (seal coat and GIS), and record the plat. If this time requirement is not met, all subdivision approvals shall be void.



Following receipt of city comments and required corrections, the applicant shall respond with updated submittals in accordance with Utah Code Annotated 10-9a-604.2 within sixty business days. Failure to provide the required response and corrected submittals within sixty calendar days shall result in the application being immediately denied.



Applicant First Name

Chandler

Applicant Last Name

Obray

Applicant Email

chandler@stokesstevenson.com

Applicant Phone Number

(801) 510-9072

Applicant Address

1215 Wilmington Ave STE 120

City

Salt Lake City

State

UT

Zip

84106

Is the applicant the Property Owner?

No

Property Owner's First Name

Shirlene

Property Owner's Last Name

Peck

Property Owner's Email

s.peck@air2data.com

Property Owner's Phone
(435) 730-1001

Property Owner's Address
725 W 1200 S STE A

City
Perry

State
UT

Zip
84302

Authorized Owner/Agent Affidavit
 **Sub (1-9 Lots) FP 10-28-22 (Executed).pdf**

Engineer/Surveyor Name or Company
Colby Anderson, CIR

Engineer/Surveyor Email
colby@cirengineering.com





Engineer/Surveyor Phone Number
(435) 757-2004

Subdivision Name
Brigham City YAG

Property Address
1165 S 100 W

Property Serial #
03-154-0119; 03-154-0130; 03-154-0076; 03-154-0132; and 03-154-0077

Total Number of Lots/Units
3

Final Drawings and Submittals
 **Engineers Estimate - SSYA Brigham City.pdf**
 **Brigham City YAG Subdivision 12.7.2023.pdf**
 **3601-005-23 Geotech Study - Proposed Brigham City Car Dealership.pdf**
 **PRJ-BYA INFRA 2023-12-07.pdf**

Additional Project Notes
Well into the final plat application process with Brigham City. Brett Jones is very familiar with these plans.

Check each item to acknowledge it has been included with the application. The following items will apply to most subdivisions, although there may be some exceptions. All submittals must be in a complete and final state and demonstrate compliance with all applicable city requirements.

Submittals showing compliance with the Perry City Public Works Standards and the Perry Municipal Code, including Title 14 Subdivisions., Final Plat, Engineer's Estimate of Costs, Grading and storm water plans with calculations, Plan, profile and section drawings for roadways, Final utility plans, Detail drawings, Written approval from other applicable agencies (e.g. Pineview Water, UDOT, Army Corps, etc.), Geotechnical report, traffic study, identification of natural hazards, Final compliance with design standards as applicable, All information submitted with the Preliminary Application, CCR's as applicable

Will this proposed development include multi-family dwelling units, apartments, or commercial/industrial development?

No

Is this proposed development adjacent to Highway 89?

No

Signature

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the applicable codes, standards, and the rules listed below.

1. All sections of this application must be complete and will not be reviewed until fees have been received.
2. The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.
4. Complete application and approval requirements can be found in Perry Municipal Code Titles 14 and 15.

Electronically Signed

Chandler Obray - 12/18/2023 3:59 pm

Staff Report

January 4, 2024

Perry City Planning Commission



Subdivision Final Plat Approval – Young Automotive Group, located at 1165 S 100 W

Summary

The proposed commercial development is approximately 6.4 acres in total. The site is predominately located within Brigham City with about 1.3 acres in Perry City. The access and utilities will all come from Brigham City. The building will also be within Brigham City.

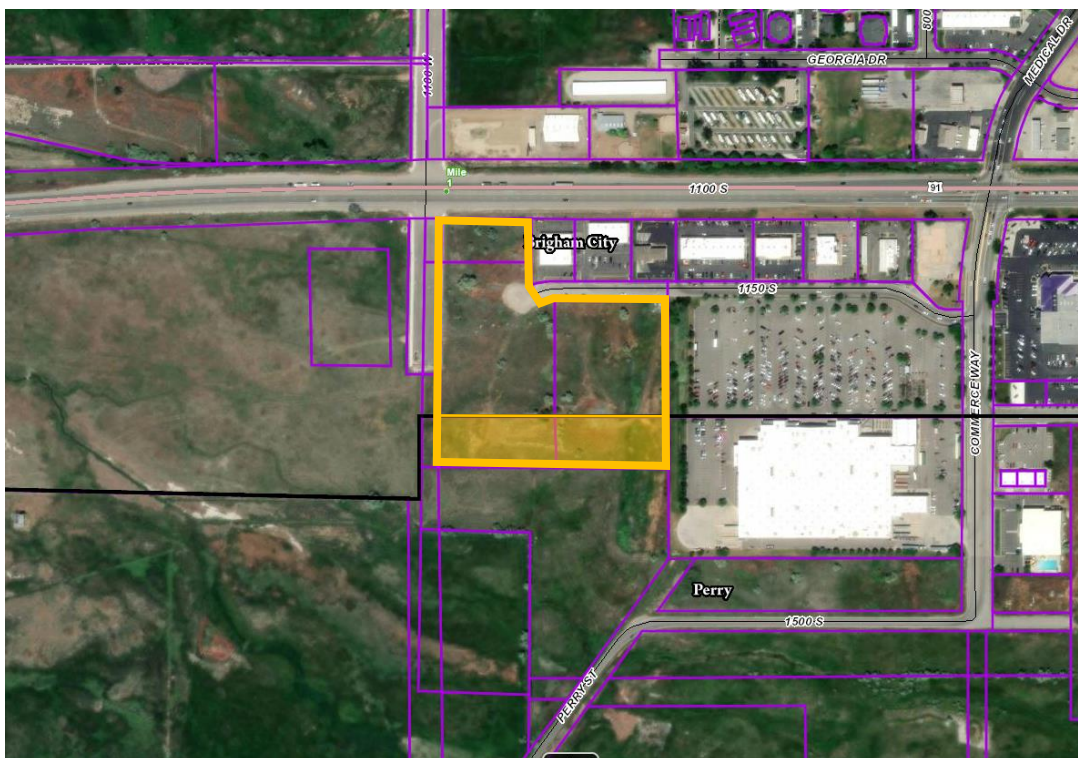
The proposed use is allowed in this area within the C1 zoning district. Brigham City, Perry City, and the Joint Advisory Board have reviewed the application previously and granted preliminary approval.

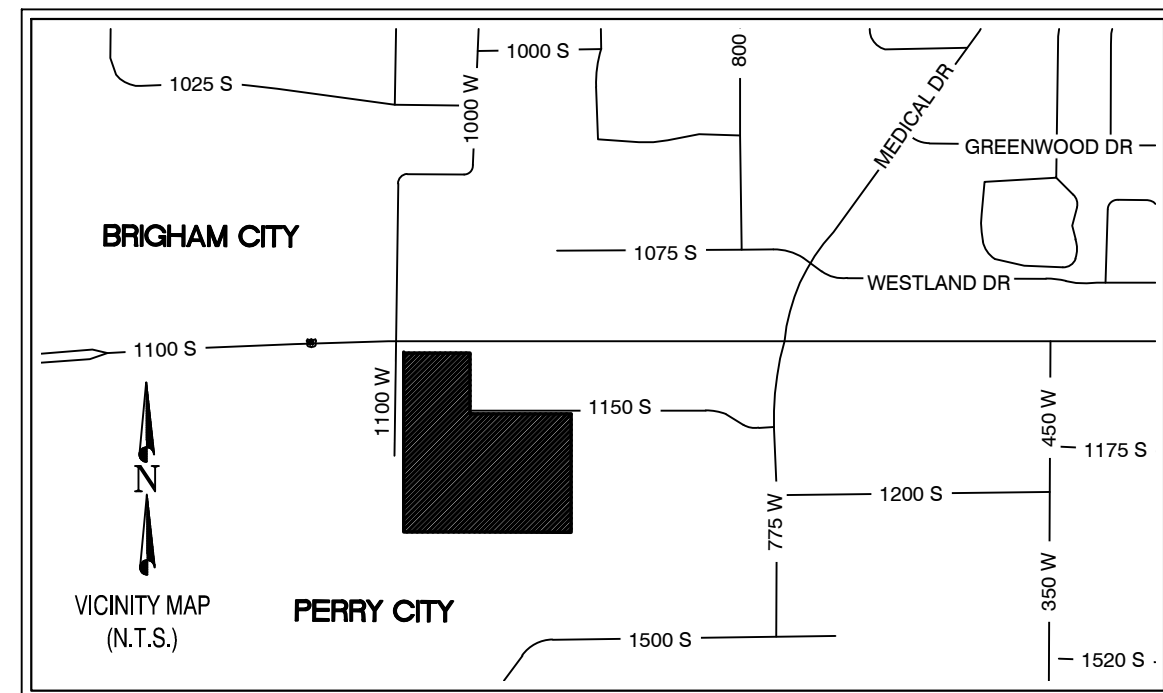
Perry City has previously approved the site plan with the condition that Brigham City site requirements are met on the portion of the development within Perry City. This application relates to the subdivision plat. The plat will dedicate the roadway to the City.

Considerations

Brett Jones is the city engineer for Brigham City and Perry City. His final review is pending.

Other than the final engineering review it appears this application is ready for approval.





LINE TABLE

LINE #	LENGTH	BEARING
L1	63.00	S25° 14' 52"E

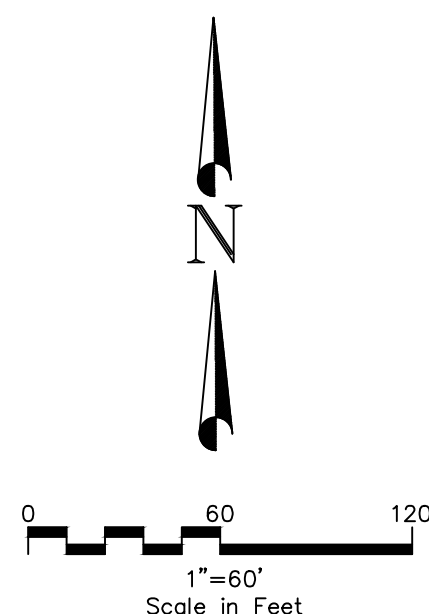
CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	53.04	120.00	25°19'30"	N77° 25' 52"E	52.61
C2	123.37	79.50	88°54'50"	N45° 26' 44"E	111.36
C3	50.44	66.50	43°27'22"	N22° 43' 00"E	49.24
C4	95.93	60.00	91°36'36"	N8° 35' 25"W	86.04
C5	24.17	25.00	55°23'02"	N26° 42' 12"W	23.24
C6	61.30	39.50	88°54'50"	N45° 26' 44"E	55.33
C7	35.78	22.62	90°38'05"	S44° 39' 11"E	32.17
C8	41.20	26.50	89°05'22"	S45° 32' 00"W	37.18
C9	185.45	119.50	88°54'50"	S45° 26' 44"W	167.39
C10	66.30	149.97	25°19'52"	N77° 25' 36"E	65.76

NARRATIVE:
 This subdivision plat was prepared to create Lots 1, 2 and 3 along with a dedicated public roadway to connect to the future southerly extension of 1100 West Street.

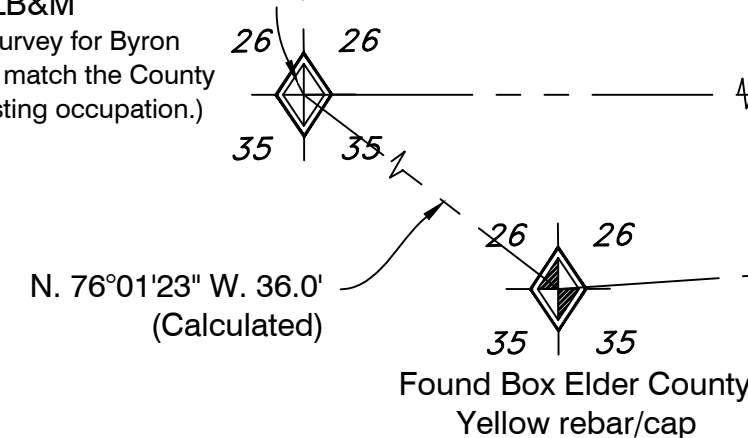
LEGEND

- Boundary Line
- Adjacent Parcel Line
- Lot Line
- Section Line
- Road Monument Line
- Roadway hereby Dedicated to Brigham City 36,972 Sq. Ft., 0.895 Ac.
- Roadway hereby Dedicated to Perry City 35,963 Sq. Ft., 0.826 Ac.
- Set rebar and cap stamped "CIR"
- Found blue rebar/cap stamped "Hansen & Assoc PLS 7881387" (Held)
- Found yellow rebar/cap - No Markings (Held)



PREPARED BY:
CIR CIVIL ENGINEERING + SURVEYING
 10718 South Beckstead Lane, Suite 102, South Jordan, Utah 84095
 Phone: (435) 503-7641

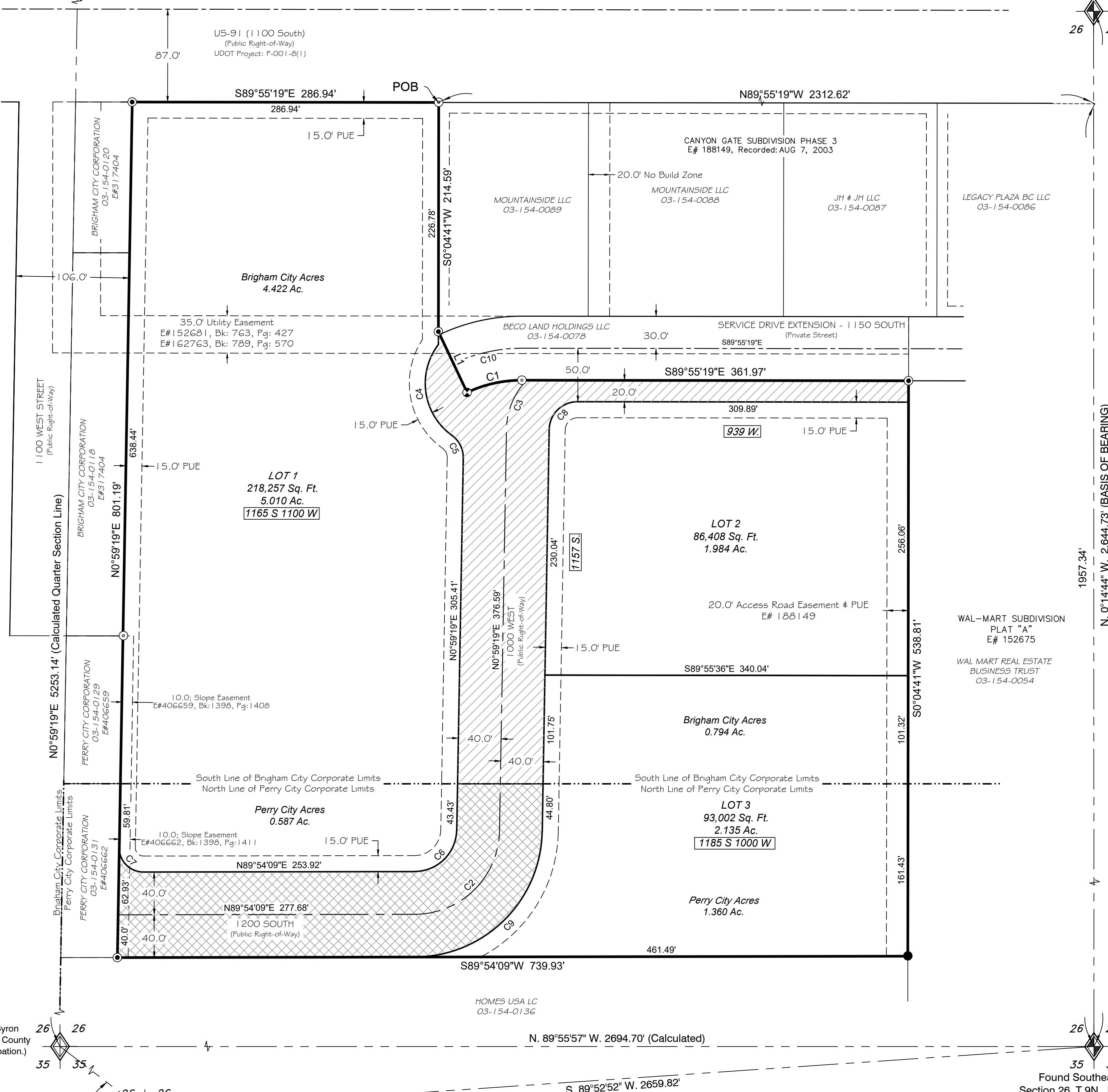
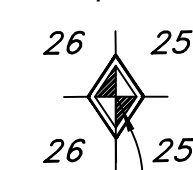
Calculated South Quarter Corner
 Section 26, T.9N., R.2W., SLB&M
 (Established by Cornerstone in the 2001 Survey for Byron Hansen. The location for this corner does not match the County Surveyor's location, but is Harmony with existing occupation.)



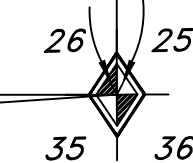
BRIGHAM CITY YAG SUBDIVISION

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26
 TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
 PERRY CITY & BRIGHAM CITY, BOX ELDER COUNTY, UTAH
 DECEMBER 2023

Found East Quarter Corner
 Section 26, T.9N., R.2W., SLB&M
 Box Elder County Survey
 (Brass Cap Monument)



1957.34'
 N. 0°14'44" W. 2,644.73' (BASIS OF BEARING)



Found Southeast Corner
 Section 26, T.9N., R.2W., SLB&M
 Box Elder County Survey
 (Brass Cap Monument)

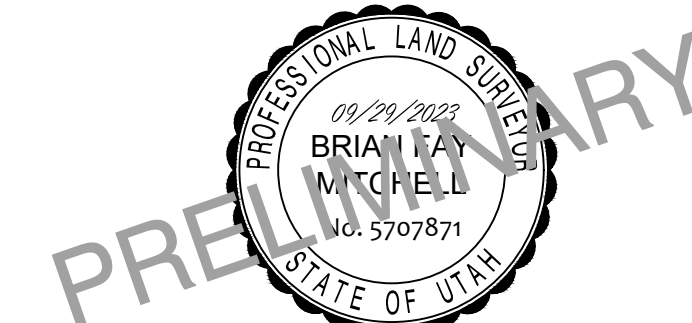
OWNER:
 BECO Land Holdings LC
 1465 S. Commerce Way
 Perry, Utah 84302

DEVELOPER:
 Stokes Stevenson
 Chandler Obray
 Chandler@stokesstevenson.com
 801.510.9072

SURVEYOR'S CERTIFICATE

I, BRIAN FAY MITCHELL, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 5707871 in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have made a survey of the property described on this plat in accordance with 17-23-17, and have subdivided said property into lots and streets, together with easements, hereafter to be known as **BRIGHAM CITY YAG SUBDIVISION** and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

Signed this ____ day of _____, 20____



BOUNDARY DESCRIPTION

A parcel of land being all of Lot 6, Canyon Gate Subdivision Phase 3 recorded August 7, 2003 as Entry No. 188149 and all of those two (2) entire tracts described in that Special Warranty Deed recorded December 30, 2010 as Entry No. 298372 in Book 1147, at Page 155 and that Special Warranty Deed recorded December 30, 2010 as Entry No. 298371 in Book 1147, at Page 152 in the Office of the Box Elder County Recorder. Said parcel of land is located in the Southeast Quarter of Section 26, Township 9 North, Range 2 West, Salt Lake Base and Meridian and is described as follows:

Beginning at the northwesterly corner of Lot 5, Amended and Extended Canyon Gate Subdivision, Phase 3, Lots 2, 3, 4, and 5 recorded November 30, 2004 in the Office of said Recorder, which is 1957.34 feet N. 00°14'44" W. along the Section line and 2312.62 feet N. 89°55'19" W. from the Southeast Corner of said Section 26; thence along said Amended and Extended Canyon Gate Subdivision the following three (3) courses: 1) S. 00°04'41" W. 214.59 feet; 2) S. 25°14'52" E. 63.00 feet to the point of non-tangency with a 120.00 - foot radius curve to the right, concave southerly (Radius point bears S. 25°13'53" E.); 3) Easterly 53.04 feet along the arc of said curve, through a central angle of 25°19'30" (Chord bears N. 77°25'52" E. 52.61 feet) to the northwesterly corner of said Lot 6, Canyon Gate Subdivision Phase 3; thence along said Lot 6 the following three courses: 1) S. 89°55'19" E. 361.97 feet; 2) S. 00°04'41" W. 538.81 feet; 3) S. 89°54'09" W. 739.93 feet and extension thereof to the easterly boundary line of that parcel of land described as the "new East right-of-way line of 1100 West Street" in that Warranty Deed recorded January 24, 2020 as Entry No. 406662 in Book 1398, at Page 1411 in the Office of said recorder; thence N. 00°59'19" E. (R=North 01°19'49" East) 801.19 feet along said "new East right-of-way line of 1100 West Street" to the southerly right-of-way line of State Road-91 UDOT Project: D-001-8(1); thence S. 89°55'19" E. 286.94 feet along said southerly right-of-way line to the **Point of Beginning**.

The above-described parcel of land contains 472,603 sq. ft. or 10.849 acres, more or less.

OWNER'S DEDICATION

Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into Lots, Parcel and Streets, together with easements as set forth to be hereafter known as:

BRIGHAM CITY YAG SUBDIVISION

And do hereby dedicate, grant, and convey to Brigham City, Box Elder County, Utah all those parts or portions of said tract of land designated as streets within the Brigham City Corporate Limits, the same to be used as public thoroughfares forever, and also dedicate to Brigham City those certain strips shown as public utility easements within Brigham City Corporate Limits for public and municipal utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance, and operation of public and municipal utility service lines and drainage as may be authorized by Brigham City.

And do hereby dedicate, grant, and convey to Perry City, Box Elder County, Utah all those parts or portions of said tract of land designated as streets within the Perry City Corporate Limits, the same to be used as public thoroughfares forever, and also dedicate to Perry City those certain strips shown as public utility easements within Perry City Corporate Limits for public and municipal utility and drainage purposes as shown hereon, the same to be used for the installation, maintenance, and operation of public and municipal utility service lines and drainage as may be authorized by Perry City.

We declare the plat notes shown hereon to be effective and binding.

BECO Land Holdings LC

By: _____
 Print Name: _____
 Title: _____

NOTARY ACKNOWLEDGMENT

State of _____)
) ss
 County of _____)

On this ____ day of _____, in the year 20____, before me, _____ a Notary Public, personally appeared _____ the _____ of BECO Land Holdings LC, proved on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to in the foregoing owner's dedication and consent regarding the **BRIGHAM CITY YAG SUBDIVISION** and was signed by him/her on behalf of said BECO Land Holdings LC and acknowledged that he/she/they executed the same.

Commission Number _____
 My Commission Expires _____
 Signature: _____
 Print Name: _____

A Notary Public Commissioned in Utah

BRIGHAM CITY YAG SUBDIVISION
 LOCATED IN THE SOUTHEAST QUARTER OF SECTION 26,
 TOWNSHIP 9 SOUTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
 PERRY CITY & BRIGHAM CITY, BOX ELDER COUNTY, UTAH

PLANNING COMMISSION APPROVAL
 I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Perry City Planning Commission. Perry City Land Use Authority per City Ordinance 20-G.
 This ____ day of _____ A.D. 2023.

 Chairman, Perry City Planning Commission

SHEET
 1
 1

APPROVAL AS TO FORM
 I hereby certify that the foregoing instrument was reviewed, approved and accepted as to form.
 This ____ day of _____ A.D. 2023.

 Perry City Attorney

BRIGHAM CITY ACCEPTANCE
 I hereby certify that the foregoing instrument was reviewed and accepted by the Perry City Mayor.
 This ____ day of _____ A.D. 2023.

 Mayor, Perry City

 Attest: Recorder

CITY ENGINEER'S CERTIFICATE
 I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Perry City Engineer's Office.
 This ____ day of _____ A.D. 2023.

 Perry City Engineer

CITY ENGINEER'S CERTIFICATE
 I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Brigham City Engineer's Office.
 This ____ day of _____ A.D. 2023.

 Brigham City Engineer

PLANNING COMMISSION APPROVAL
 I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Brigham City Planning Commission.
 This ____ day of _____ A.D. 2023.

 Chairman, Brigham City Planning Commission

APPROVAL AND ACCEPTANCE
 I hereby certify that the foregoing instrument was reviewed, approved and accepted by the Brigham City Council.
 This ____ day of _____ A.D. 2023.

 Mayor, Brigham City

 Attest: Recorder

APPROVAL AS TO FORM
 I hereby certify that the foregoing instrument was reviewed, approved and accepted as to form.
 This ____ day of _____ A.D. 2023.

 Brigham City Attorney

BOX ELDER COUNTY RECORDER
 Recorded # _____
 State of Utah, County of Box Elder, Recorded and filed at the request of _____
 Date: _____ Time: _____ Book: _____ Page: _____
 Fee \$ _____

 Box Elder County Recorder

NOTICE OF PERRY PLANNING COMMISSION PUBLIC HEARING

Notice is hereby given that the Perry Planning Commission will hold, in the City Council Chambers at 1950 S Hwy 89 in Perry as well as electronically via zoom.com web/teleconferencing, a public hearing to receive public comment regarding Ordinance 24-A Amending Conservation Subdivisions and Ordinance 23-L Site Design and Approval Requirements for reconsideration. Members of the public may view the meeting via Zoom using a link and instructions on the city web page at:

<https://www.perrycity.org/whats-new.htm.htm> or attend in person. The public hearing will be held in conjunction with the Perry City Planning Commission Meeting, which starts at 7:00 p.m. on Thursday, January 4, 2024. All interested persons shall be given the opportunity to be heard. Written concerns are welcome. Any Individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461). By: Tyra Bischoff, Planning Secretary.

Perry City
ORDINANCE 24-A

CONSERVATION SUBDIVISIONS

ORDINANCE 24-A, CONSERVATION SUBDIVISION AMENDMENTS

WHEREAS, Utah Code Annotated 10-9a authorizes Perry City to regulate the subdividing of land; and,

WHEREAS, Perry City desires to encourage the conservation of high value open space;

NOW THEREFORE, be it ordained by the City Council of Perry City, UT as follows:

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. Section "15.07.130 " is hereby amended as follows.

...

1. Costs. The O&M ... of the Conservation Subdivision.

a. To provide for the payment of the O&M Costs when the Conservation Land is owned by the City, the City shall designate a Special Assessment Area for each Conservation Subdivision, assessing the O&M Costs equally to each parcel within a Conservation Subdivision (excluding the Conservation Land) on an annual basis via the Box Elder County, Utah real property taxation process and pursuant to the Utah Assessment Area Act.

i. a. The Special Assessment ... of a Conservation Subdivision.

ii. b. In addition to ... purpose permitted by Law.

...

c. The Applicant shall ... worth of O&M Costs.

3. Approval. The Maintenance ... approval by the City.

4. Responsibility for Completing Operations and Maintenance. The City shall be responsible for operating and maintaining Conservation Land when the property is owned by the City. It may perform and complete the operations and maintenance itself; it may cause the operations and maintenance to be completed via other parties; or otherwise provide for the completion of operations and maintenance of Conservation Land through any other legal means the City's governing body deems appropriate.

5. Failure to Pay ... PMC and State Law.

...

SECTION 3: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 4: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

DRAFT

PASSED AND ADOPTED by Perry City Council this _____.

KEVIN JEPPSEN, Mayor
Perry City

Attest:

SHANNA JOHNSON, City Recorder
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	___	___	___	___
Toby Wright	___	___	___	___
Blake Ostler	___	___	___	___
Ashley Young	___	___	___	___
Dave Walker	___	___	___	___

RECORDED this _____.

PUBLISHED OR POSTED this _____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

1. City Hall
2. Perry City Website
3. Utah Public Notice Website

on the above referenced dates.

SHANNA JOHNSON, City Recorder
Perry City

**Perry City
ORDINANCE 23-L**

SITE PLANS

SITE DESIGN AND APPROVAL REQUIREMENTS

WHEREAS, Utah Code Annotated 10-9a authorizes Perry City to regulate the development of land; and,

NOW THEREFORE, be it ordained by the City Council of Perry City, UT as follows:

SECTION 1: **Repealer.** If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: **Amendment.** Section "4.09.050 " is hereby amended as follows.

...

Row	Vacate a Street, Alley, Right-of-way, etc.	\$300.00
Row	Vacate a Subdivision	\$300.00
Row	*Site Plan Review (Design Review) and Conditional Use Permit Fees:	
Row	Site Plan or Conditional Use Permit	\$300 500.00
Row	Site Plan (Concept)	\$100.00
Row	Sign Permit	\$100.00
Row	Land Use Appeals:	

...

SECTION 3: **Amendment.** Section "15.05.040 " is hereby amended as follows.

...

- i. All applications for ... state and federal law).
- b. Legislative Action.
 - i. Any request to amend the land use ordinances or maps (including zone changes), or request to amend the general plan or maps, or request for other legislative action, shall also be duly

filed with the Department, who shall forward the same to the Planning Commission or City Council, etc., as is appropriate, and as provided for in PMC 15.05.050.1. ~~Appointment to the appeals board (by the mayor, with advice/consent)~~

2. Applications; fees; errors; enforcement.

a. Land use applications.

...

i. See the following ... of the Appeal Authorities.

Row	Type of Standard Application* (Administrative)	Initial Land Use Authority	Final Land Use Authority	Appeal Authority (Quasi-Judicial)
Row	1. Routine Permits(including building permits, Business Licenses, utility easements, regular traffic signs/markings, design review not involving a site plan change, temporary use/obstruction of city right of way, etc.); Escrow Release Requests	--	CC Dep./Staff	Hearing Officer
Row	2. Non-Routine Permits(including changes to street names/signs, special traffic signs/markings); Temporary Emergency Exceptions	CC Dep./Staff or Mayor--	City Council Engineer	Hearing Officer
Row	3A. Limited Review Permits, including certain commercial bldg. permits, res. site plans not in a subdivision, signs, etc. ***	CC Building Dep./Staff Official	Plan. Building Com.- Ltd. Review*** Official	Hearing Officer

<p>Row 3B. Design Review involving a (New or Amended) Site Plan**; Recommendations to Public Agencies or Neighborhood Planning Issues*** Site Plan Applications, Signs.</p>	<p>Plan. Com.**</p>	<p>City Comm. Council Dev. Director</p>	<p>Hearing Officer</p>
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<p>Row 4. Subdivisions/Street Dedications** (new, amend, vacate, dedicate, etc.)</p>	<p>Plan. Planning Com.** Public Hearing Commission</p>	<p>City Comm. Council Dev. Director</p>	<p>Hearing Officer</p>
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* Or for an amendment, modification, enlargement, or revocation of said type of application, unless otherwise indicated.

** Preliminary and final recommendations may be combined for simplified site plans and one to three lot residential subdivisions. For the design review/site plan process, a public hearing is not required, but is an option (for the Planning Commission). See PMC 14.01.020 and PMC 14.01.030 for optional processes for subdivisions.

*** This is a limited one meeting review (for limited review permits). See PMC 15.05.040(3)(a)/PMC 15.05.040(3)(b) for further information regarding this process. A recommendation as to a public right of way or other neighborhood planning issue may be given to UDOT or another public agency (or to otherwise take action on an issue, with or without a formal application).

<p>Row Type of Standard Application* (Administrative)</p>	<p>Initial Land Use Authority</p>	<p>Final Land Use Authority</p>	<p>Appeal/Revocation Authority (Quasi-Judicial)</p>
--	-----------------------------------	---------------------------------	---

<p>Row 5A. Zoning Location and Boundary Policy**</p>	<p>Planning Commission**</p>	<p>**City Council Planning Commission</p>	<p>Hearing Officer</p>
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<p>Row 5B. Conditional Use Permits (including Excavation, etc.); Special Exceptions for Subdivisions and Residential (incl. lot line adj., flag lots)</p>	<p>CD Dep./Staff</p>	<p>Planning Commission***</p>	<p>Hearing Officer</p>
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<p>Row 5C. Nonconforming Uses, incl. Certif. of Exist. for Limited Nonconforming Uses/Structures (Sec. 15.05.040(B)(3)), Modify “Regular” Nonconforming Uses/Structures, etc.; Other Special Exceptions and Special Applications</p>	<p>Planning-Commission****--</p>	<p>CityPlanning Council****<u>Commission</u></p>	<p>Hearing Officer</p>
<p>Row 5D. Certificate of Existence for Nonconforming Uses/Noncomplying Structures (and Certif. of Legal Compliance)</p>	<p>--</p>	<p>CD Dep./Staff</p>	<p>Hearing Officer</p>
<p>Row 6A. Limited Appeals to Interpret Land Use Ordinances and Maps**; Variances***; Procedural Appeals (See PMC 15.05.040(5) (a))</p>	<p>--</p>	<p>--</p>	<p>Hearing Officer</p>

...

** Either an applicant ... and PMC 15.07.040).

*** As per Utah ... interest . . .”

~~****The proposed amendment, modification, or enlargement of a Nonconforming Use or Noncomplying Structure requires a public hearing by the Special Uses and Appeals Board. The review, suspension, or revocation of a Conditional Use Permit does not require a public hearing.~~

b. Community development department ... land use authority.

...

b. Public notice requirements ... established in state law.

i. If, for a ... shall be as follows:

(1) Publish at least once, and at least 8 days in advance, ~~in a newspaper of local circulation;~~on the Utah Public Notice Website;

(2) Place on the ... land use authority; and

(3) Mail notice, by ... days in advance, to:

...

SECTION 4: Amendment. Section "15.07.040 " is hereby amended as follows.

...

The following are guidelines for zoning boundary policy:

1. These guidelines may be applied during the ~~Design Review process (PMC 15.17) or the Subdivision process (PMC Title 14) as a means to extend a land use when the following requirements are met:~~ Site Plan Application process (PMC 15.18) or the Subdivision process (PMC Title 14) as a means to extend a land use when the following requirements are met:

- a. The parcel for ... two or more zones).
- b. The applicant has ... are within the parcel.

...

- d. Primary frontage of ... uses for corner lots.
- e. Non-residential uses abutting ... to the nonresidential use.

3. One or a combination of the following methods for determining land use may be applied by the Planning Commission to make ~~recommendations~~ determination for the parcel in question:

- a. The Planning Commission may ~~recommend~~ determine that the uses allowed in the majority zone of the parcel be extended to the entire parcel.
- b. The Planning Commission ... Planning Commission deems necessary.
- c. When there are conflicting lot size requirements in the zones contained in the parcel for development, the Planning Commission may ~~recommend~~ determine using a formula to average the size of the lots to be developed to conform to the average density allowed in all of the zones involved.

4. In making land ... of the following suggestions:

- a. The right of ... be recommended when appropriate.
- b. Re-Zoning of a parcel to conform to ~~ne~~ the zone should be recommended when appropriate.
- c. Discouragement of small ... of multiple density uses.
- d. Commercial uses should ... collector or arterial streets.

...

SECTION 5: Repeal. Section "15.17.010 " is hereby repealed.

~~15.17.010.1 Intent And Purpose~~

~~The intent of the Design Review Procedure is to assure that a detailed design review process is followed for permitted uses in any zone that require special consideration to be harmonious with the goals of the Perry City General Plan.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.010.2 Compliance With Municipal Code~~

~~Each Design Review application shall be reviewed to assure that all ordinances and policies of Perry City are complied with for the welfare, health and safety of Perry residents and for the protection of adjoining properties.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 6: Repeal. Section "15.17.020 " is hereby repealed.

~~15.17.020.1 Application~~

~~A Design Review Application shall be required for all uses designated by the Perry City Land Use Chart* (PMC 15.15) with an asterisk "*" indicating the use is allowed by Design Review or whenever required by the Planning Commission or City Council for protection of the public interest.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.020.2 Compliance With Municipal Code~~

~~Each application shall be reviewed and evaluated for compliance and must meet all applicable Perry City Ordinances (Ex. Fence, Sign, Parking, Landscape, etc.).~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.020.3 No Physical Change To A Site~~

~~If there is no physical change to the site, building or parking, for example, some home occupations; the Design Review Process will not be necessary, although a Design Review Application will need to be completed and Planning Commission review and approval will be necessary.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 7: Repeal. Section "15.17.030 " is hereby repealed.

~~15.17.030.1 Compliance With Municipal Code~~

~~All development approved with the Design Review process shall comply with the adopted building codes and the ordinances and policies of Perry City.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.030.2 Effect On Adjacent Property~~

~~The property adjacent to the proposed development shall not be adversely affected. To this end, the Planning Commission shall recommend and the City Council shall require such conditions as are necessary to protect existing permitted uses or potential permitted uses adjoining the proposed development.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.030.3 City Council Surety For Completion~~

~~The City Council may require the developer to provide a surety of cash bond or other acceptable surety in an amount determined by the City Council guaranteeing completion of the project in accordance with the conditions of the building permit or Design Review Application approval. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two (2) years from the date of final acceptance, the City Attorney will review the progress and Perry City may proceed to use the bond to meet the conditions required for the approved use.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 8: Repeal. Section "15.17.040 " is hereby repealed.

~~15.17.040.1 Obtain Perry City Land Use Ordinances~~

~~Information as to standard zoning and Perry City General Plan requirements is to be secured by the developer. Any person wishing to obtain approval for a permitted use that requires Design Review within Perry City shall secure from the City Recorder or City Office or other authorized representative of the Planning Commission, information pertaining to the City Standards and to the City's ordinances and policies regarding streets, landscape, parks, drainage, zoning, parking, traffic circulation, signs, fences, subdivision of land, and/or other General Plan requirements affecting the proposed development.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.040.2 Preparation Of Site Plan And/Or Concept/Preliminary Plan~~

~~The following is required of any site plan or concept/preliminary plan:~~

~~1. Seven (7) full size 24" X 36", Sixteen (16) 11" X 17" copies and one electronic PDF copy of the Site Plan or the Concept/Preliminary Plan (or the number of copies required as determined by the City Staff), a plat map showing the location of the development and a Planning Commission Hearing Application with payment of the fee will be required to be received at the City Office fourteen (14) days prior to the Planning Commission Meeting when the application is to be reviewed. The Perry City Staff will review the application and make recommendations to the Planning Commission.~~

~~2. The site plan or concept/preliminary plan need not be prepared by a design professional but the more detailed and accurate the information that is provided to the Planning Commission, the more valid the information and direction the developer will receive back and the Design Review Process may proceed in a more timely fashion.~~

~~3. Graphic Standards: The Site Plan or Concept/Preliminary Plan shall be large enough scale to show sufficient detail for adequate review. The plan shall show the following:~~

~~a. Scale, north arrow, and dimensions of property.~~

~~b. Location of all dominant existing features such as property lines, structures, hard surfaces, vegetation, utilities, adjacent land uses, drainage, wetlands, etc.~~

~~c. Location of all proposed improvements including structures, sidewalks, streets, parking areas, landscaped areas, utilities, drainage facilities etc.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.040.3 Time Limit On Approval~~

~~The developer shall have one year following the approval by the Planning Commission of the site plan or concept/preliminary plan to submit the final plan, profile and other required drawings.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.040.4 Public Hearing~~

~~If the Planning Commission shall deem it to be in the best interest of surrounding property owners and City residents to hold a public hearing, they will so advise the Community Development Department to advertise the hearing and notice of an application for a Design Review will be mailed to property owners, or other written notice given, as required by state law. The public hearing shall be held after public notice in a local newspaper, as per the requirements of state law. This is a courtesy to adjacent landowners and compliance with this section shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of failure to give notice to all nearby landowners. The applicant is responsible for the costs of mailing or other written notice.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.040.5 Planning Commission Recommendation~~

~~After the public hearing is held (if deemed necessary), a recommendation of the Planning Commission to table, deny, approve with conditions or approve the site plan or concept/preliminary plan along with any conditions for denial or approval shall be forwarded to the applicant after the meeting. The recommendation should also include any comments from the City Staff, further requirements to be met or changes to be made. If preliminary approval is obtained, the applicant will then submit a final plan including the recommendations. If preliminary approval is not obtained, the applicant may submit another plan fourteen (14) days prior to the next regular meeting for re-consideration.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.040.6 Preparation And Submittal Of Final Site Plan~~

~~The following is required in preparation and submittal of the final site plan:~~

~~1. The developer shall prepare and submit eight (8) 11" X 17" copies and five (5) 24" X 36" copies of the final site plan and any other required drawings or information to the City Recorder fourteen (14) days prior to the Planning Commission meeting when the final plan is to be reviewed.~~

~~2. The Final Site Plan shall be prepared by a Design Professional or Engineer and shall be of sufficient detail to show all pertinent information.~~

~~3. All costs incurred for professional reviews of site plans shall be paid by the developer/applicant.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.040.7 Submittal Of Final Site Plan To Perry City Staff Professional Consultants~~

~~The final site plan and any required engineering or drawings (an estimate of the costs for installation~~

~~of improvements may be required) shall be submitted to the Perry City Staff and/or professional consultants as deemed necessary. The City Engineer shall check the final site plan and engineering drawings for completeness and accuracy and if necessary, review the breakdown of improvements and cost estimates submitted to him by the developer/applicant and/or the City Recorder. The purpose of this review is to establish a basis for bonding, escrow or other approved assurance requirements which will guarantee the completion of improvements at any point in the development regardless of the financial condition of the developer. All available recommendations of the City Staff, City Engineer, Fire Marshal, Building Inspector, Health Department or other consultants will be forwarded to the Planning Commission along with the agenda for the meeting in which the final site plan is to be reviewed.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.050.8 Approval Of Final Site Plan By Planning Commission~~

~~After the final site plan and engineering drawings have been approved by the City Engineer and other Professional Consultants, they shall be submitted to the Planning Commission for its verification as to compliance with the Design Review Requirements and Perry City ordinances and policies. If the plan is acceptable, the Planning Commission shall recommend approval to the City Council. If the plan is not acceptable, the developer shall be notified in writing and the developer shall submit a new plan with the required corrections fourteen (14) days prior to the regular meeting in which the new plan will be reviewed by the Planning Commission.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 9: Repeal. Section "15.17.050 " is hereby repealed.

~~15.17.050.1 Requirements For Bond And/Or Other Approved Assurance~~

~~If required, the developer shall post a bond, escrow, or other approved assurance that is acceptable with the city; which bond or assurance shall be in an amount equal to the estimated costs submitted and approved by the City Engineer for the improvements plus fifteen percent, guaranteeing that the improvements will be installed according to Perry City Standards and paid for without cost to the city, and the developer shall sign an agreement with the city guaranteeing all improvements for a period of one year after final acceptance by the city (Typically, three (3) years total). Evidence of marketable title shall be obtained by the developer. The performance bond, escrow or other means of assurance and evidence of marketable title will be submitted to the City Recorder by the developer. The City Recorder shall obtain and forward to the City Attorney, the performance bond, evidence of marketable title, and final site plan for review.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.050.2 Impact Fees~~

~~The City Recorder shall inform the developer of the City Attorney's approval and the developer shall deposit with the City Recorder any impact fees or recording fees that may be applicable.~~

HISTORY

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 10: Repeal. Section "15.17.060 " is hereby repealed.

~~15.17.060.1 Final Approval By City Council~~

~~A statement of approval from utility companies and assurance of license and insurance of contractors, etc. performing work in dedicated areas shall be required from the developer. After the final site plan Design Review has been approved by the City Engineer, the Planning Commission, and the City Attorney; and the developer has furnished the required performance bond, escrow or other approved means of assurance; and all required assessments have been made; the final plan shall be submitted to the City Council (with or without conditions) for approval, conditional approval or denial. The Council shall have 20 days to act. If the Design Review Use request is denied, the package along with impact fees and performance bond, etc., shall be returned to the developer with reasons for the denial in writing and directions of how the developer may or may not resubmit the final plan with the required changes for approval.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.060.2 Inspection~~

~~Following the approval of a Design Review Use request by the City Council, the Building Official or Building Inspector shall sign an application for a building permit. The Building Inspector shall insure that the development is undertaken and completed in compliance with all Perry City standards, ordinances and policies and is constructed in accordance with the approved site plan.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.060.3 Time Limit Of Final Site Plan Approval~~

~~Unless there is substantial construction started on a Design Review development as determined by the City Council under a Design Review Permitted Use approval of the final site plan within one (1) year of such approval, the Design Review Permitted Use approval shall then expire.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.17.060.4 Ongoing Maintenance~~

~~Approval of a development allowed by Design Review implies a guarantee of ongoing maintenance and upkeep of buildings, parking areas, landscaped areas, undeveloped areas and/or any other area or structure shown on the approved site plan.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 11: Repeal. Chapter "15.17 Design Review Procedure" is hereby repealed.

SECTION 12: Amendment. Section "15.18.010 General" is hereby amended as follows.

15.18.010 ~~Applicability~~ General

Applicability. This chapter applies to all commercial, industrial, multi-family dwelling, and apartment developments; this includes, but is not limited to churches, schools, and other permanent site developments. This chapter also applies to the expansion of existing developments when proposed changes will expand the use by thirty (30) percent from the most recently approved site plan or to any expansion when a previously approved site plan does not exist. This chapter does not typically apply to single family residential development or agricultural operations unless explicitly stated.

...

SECTION 13: Amendment. Section "15.18.020 Objectives" is hereby amended as follows.

This Chapter has been established to:

1. Ensure health, safety, and welfare standards are adequately addressed in the development of property.
2. Ensure future developments enhance Perry City, harmonize with adjacent land uses, and are aesthetically pleasing.
3. Provide prospective developers with a clear statement of requirements.
4. Coordinate utility services and ensure Standards are met.

SECTION 14: Amendment. Section "15.18.030 Site Plan Application" is hereby amended as follows.

SITE PLAN REVIEW AND APPROVAL. Full compliance with the requirements of this section shall be demonstrated by the applicant during the Final Subdivision Application for subdivisions or the Site Plan Application for site plans and other non-subdivision applications. The Land Use Authority shall require submittals indicating general compliance during the Preliminary Subdivision Application phase of development as appropriate.

REQUIRED SUBMITTALS. The submitted plans must show compliance with all related aspects of the PMC and the Public Works Standards for Development, Design, and Construction (Standards). The following submittals are required when applicable to the development:

1. Location of main and accessory buildings with setbacks indicated.
2. Parking access and layout including a UDOT permit when applicable.
3. Signage plan.
4. Utility plan.
5. Storm water plan.
6. Existing and proposed contours at two-foot intervals or equivalent.
7. Fencing
8. Other relevant existing site features.
9. 3D renderings or professional perspective drawings of the development with buildings, site

elements, and materials accurately depicted (residential developments with fewer than eight units and accessory building are exempted).

10. Elevation drawings of the front facades and street facing sides of buildings.

11. Materials boards providing the type and color of all exterior building materials and site elements.

12. Landscape plan.

APPLICATION.

1. Complete Information. Each application shall have all required information and fees paid before the City accepts it as a complete application. The City is not obligated to review incomplete applications, and only complete applications shall be accepted and be eligible for approval. Required information shall be submitted in one complete application, notwithstanding the submitted information may be updated with subsequent submittals. There shall be no presumption of approval of any aspect of the process.

2. Pending Applications. No application shall be accepted if a similar application is pending on the same Parcel(s) of land.

3. Table or Denial of Application. The Land Use Authority may request specific information found to be incomplete in its review and table further action until the information is submitted. Denial shall include written findings of fact and decision. Denial may be based upon, but not limited to, comments from City staff or other regulating agencies, geological concerns, the inability of the City or utility providers to provide public services, or non-compliance with the requirements of the PMC or the Public Works Standards.

4. Inadvertent Approval. Should a Site Plan application, by inadvertence, be approved that shows on its face, or in any documents attached thereto or that are deemed to be a part thereof, that the development does not comply in one or more respects with the requirements of this Title or with the requirements of approved City Standards in any way, and no variance or exception thereto has been approved, such plan approval shall not be deemed a waiver of such requirements, but on the contrary such requirements shall remain in full force and such development shall comply therewith. Any discrepancy between the preliminary plan and the final plans, which may not be noticed, shall still be the responsibility of the applicant and approval of the final plan in such case shall not be deemed a waiver of the requirements of this Title or any Standards or specifications approved in connection herewith.

APPROVAL PROCESS.

1. Concept Review (Optional). A developer may elect to submit a concept plan for review. The concept plan review shall include an informal review involving the applicant, the Community Development Director, the City Engineer, and other related agencies and departments. Comments from the City staff and other participants during such informal review can guide the applicant in the preparation of subsequent applications. These comments shall not be binding and shall only be used for information in the preparation of subsequent applications and shall not create any vested rights to proceed with development in any way. Applicants should anticipate that future reviews may raise additional concerns and issues not addressed in the Concept Review. There is no requirement for level of detail or information for a Concept Review. However, the more information and detail provided

will allow for more detailed feedback.

2. Site Plan Application. The Community Development Director or designee shall be the Land Use Authority. They shall review the application and then make a decision to approve or deny it. Approval shall be granted if the application shows complete compliance with the requirements of the PMC and the City Standards. The Land Use Authority may, for any reason, refer a site plan application to the Planning Commission for review and a final decision. The Land Use Authority shall review the application and shall determine:

a. The proposed use is a permitted use within the zoning district.

b. The proposed use complies with all requirements of the zoning district, the PMC, the Public Works Standards, and other requirements as applicable.

c. The property on which the proposed use/development is proposed is an approved legal parcel or lot.

d. The property is of adequate size to permit the conduct of the use/development.

e. The proposed use/development complies with all applicable dedication requirements and provides the necessary Improvements and Infrastructure as required.

3. Expiration.

a. Each Site Plan application approval shall be valid for a period of not more than one (1) year. At the request of the Applicant, the applicable Land Use Authority may grant up to two (2) six-month (6) extensions if substantial progress has been demonstrated by the Applicant.

b. Expired applications shall be deemed null and void and require the Applicant to start the Site Plan approval process over.

EFFECT OF APPROVAL

Approval of a site plan application shall authorize the establishment of the approved use/development in accordance with the approved plans and subject to any revisions and requirements determined necessary to comply with all requirements of the PMC. Only when the application has been approved, and a building permit issued, as required, may and building, activity, or construction be commenced. Approval of a site plan application shall not be deemed an approval of any other land use application, permit, or license.

FEES.

The Site Plan application fees in the fee schedule are an estimate of the funds needed to cover the City's costs to administer local and state codes and provide adequate engineering review and inspections. In the case that the established fees do not cover the City's costs, the City may charge the applicant on an hourly basis for services provided. These fees shall be paid prior to final acceptance of the development, the issuance of a Certificate of Occupancy, and operation of the use.

APPEALS.

Any person aggrieved by a decision of the Land Use Authority for a site plan application may appeal the decision to the Hearing Officer.

SECTION 15: Enactment. Section "15.18.040 Improvements and Infrastructure" is hereby enacted as follows.

The following Improvements and Infrastructure are required:

1. Culinary Water: Culinary water Infrastructure shall be provided and installed by the developer. The water source shall be Perry City unless an alternative permanent source is approved by the City Engineer and the Bear River Health Department.

2. Sewer: Sewer Infrastructure shall be provided and installed by the developer. The sewer service shall be Perry City. Public sewer lift stations are not permitted.

a. Public sewer lift stations may be granted by exception by the Land Use Authority and the City Engineer when a lift station is deemed clearly preferable to the interest of the City and gravity sewer is not feasible.

3. Secondary Water: Secondary water service shall be provided and installed by the developer. Secondary water service shall be Pineview Irrigation Systems or an alternative permanent source approved by the City Engineer. An exception to this requirement may be granted by the City Engineer when:

a. Pineview Water Systems provides written notice that they will not service the subdivision, and;

b. The required fee for developments without secondary water is paid prior to recording the Plat.

4. Public Streets: The developer shall dedicate and install public streets adjacent to and providing access to the property to be developed in accordance with the Public Works Standards and the Perry City circulation and transportation plans; this includes upgrading existing streets that do not meet current standards.

SECTION 16: Amendment. Section "15.18.050 " is hereby amended as follows.

...

DESIGN STANDARDS AND REQUIREMENTS

1. ARCHITECTURAL STANDARDS

a. No vinyl, aluminum, or similar materials shall be allowed on the exterior of buildings. These material restrictions do not apply to trim materials that make up a small portion of the overall exterior materials of a building. Exceptions may be granted by the Land Use Authority when the proposed exterior materials clearly exceed the standards and intent of this provision.

b. There shall be a minimum of two building materials used on all sides of buildings with no ~~less than forty percent (40%) of each required material being used per side. A minimum of forty percent (40%) of the front facade and street facing sides shall be brick, stone, or cultured stone (excluding glass area). Exception: Building using all brick or stone.~~ more than sixty percent (60%) of a single material being used on any given side. A minimum of forty percent (40%) of the front facade and street facing sides shall be brick, stone, or cultured stone (excluding glass area). Exception: Building using all brick or stone. Exceptions may be granted by the Land Use Authority when the proposed exterior materials clearly exceed the standards and intent of this provision.

c. Integrate at least ... street facing building facade.

d. Dumpster enclosures, monument ... of the primary building(s).

~~e. Roofing materials shall be graded as having a 30 year life or longer; proof of installation and certification are required. Membrane roofs are to be hidden by parapets or other appropriate screening.~~ A 6' solid fence (slats and/or fabric are not permitted) must be utilized to protect and buffer any single family residential use or zone from any other use. The installation of the fence is the responsibility of the owner/developer who is creating the need for the buffer.

f. Buildings containing two ... symmetrical or mirrored designs.

g. Buildings adjacent to ... conform to the following:

...

f. Developments adjacent to ... conform to the following:

i. Parking shall be ... of the street frontage.

ii. Sidewalks along Highway 89 shall be a minimum of ~~six~~eight (68) feet in width.

3. GENERAL STANDARDS

a. Lighting. All site plan applications shall include an exterior lighting plan and shall:

i. Show all outdoor lighting fixtures with model type, location, and height. The plan shall show ground lighting levels with either an iso footcandle plan or photometric grid. The maximum allowable footcandles (fc) at property lines abutting residential uses is 0.5 fc. The maximum height of outdoor lighting shall be twenty five (25) feet.

ii. Prevent glare/light trespass onto adjacent properties and into the sky. All lighting shall be fully shielded and directed downward (as shown in the following exhibit) unless lighting a flag.

The following image has been added:



HISTORY

Adopted by Ord. 19-M Design Standards on 3/26/2020

...

SECTION 17: Amendment. Section "15.18.060 Landscaping" is hereby amended as follows.

Minimum Landscaped Area Requirements

Row	<u>Multi-family Residential (Any Zone)</u>	<u>30%</u>
Row	<u>Commercial Zones</u>	<u>15%</u>
Row	<u>Industrial Zones</u>	<u>10%</u>

Plant Material Requirements:

1. Three (3) Trees per 1000 Square Feet of required Landscape Area. Deciduous trees shall be two inch (2") caliper minimum size (multi-stem trees to be 20 gal. minimum size), conifers shall be six foot (6') minimum height.

2. Six (6) Shrubs per 1000 Square Feet of required Landscape Area. Shrubs shall be: Fifty percent (50%) 5 gal. and fifty percent (50%) 2 gal. minimum size.

General Landscape Requirements:

1. The term Landscape Area refers to the areas set aside for lawn, trees, shrubs, perennials, annuals, and ground cover. Recreation amenities including, but not limited to, sports courts, play areas, swimming pools, courtyards, and gazebos may be allowed in and meet the requirements for Landscape Area.

2. Storm water detention and retention basins must be landscaped and shall be allowed in and meet the requirements for Landscape Area.

3. City parkway strips between street side curb and sidewalks must be landscaped and shall meet the requirements for Landscape Area. These areas shall not be planted with lawn, sod, or grass (applicable to all new developments and Subdivisions, including single family residential Subdivisions).

4. All plant material must be sustainable and adapted to the specific conditions of the site and plan.

SECTION 18: Amendment. Section "15.19.050 " is hereby amended as follows.

...

The following considerations regarding visual impact design:

1. All proposed parking ... Perry City Landscape Policy.

2. Buffer planting areas shall be a minimum of ~~four (4') feet wide at the perimeter of parking areas~~ five (5') feet wide at the perimeter of parking areas.

3. Buffer planting areas are required within all parking areas including:

- ~~row ends (four (4') foot minimum width);~~ a. Row Ends - Five (5') foot minimum width.
- ~~between rows (six (6') foot minimum width every other row minimum) and between~~ b.
- ~~stalls (four (4') foot minimum widths ever twelve (12) stalls minimum.~~ c. Between stalls - Five
- (5') foot minimum widths every twelve (12) stalls minimum.

d. The Land Use Authority may allow required landscape islands to be combined.

4. A dumpster or ... of six feet tall.

5. Where feasible, parking ... the building or development.

...

SECTION 19: Repeal. Section "15.23.010 " is hereby repealed.

~~15.23.010.1 Primary Purpose~~

~~The primary goal of these regulations is to protect existing single-family uses and single-family zones from the potential negative impact from all other potential uses.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.010.2 Intent~~

~~The main intent of these regulations is to insure all development and growth is safe, functional and visually pleasing.~~

HISTORY

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.010.3 Reasons For Legislation~~

~~The policy of Perry City is not to dictate the design style of any development, but to encourage creative landscaping concepts that meet basic standards as defined by this document.~~

HISTORY

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.010.4 Applicability~~

~~These regulations do not apply to single-family dwellings.~~

HISTORY

~~Adopted by Ord. 15-C on 3/17/2015~~

~~Amended by Ord. 19-C Multi-Family Housing on 5/23/2019~~

SECTION 20: Repeal. Section "15.23.020 " is hereby repealed.

~~15.23.020.1 Design Plan And Preparation~~

~~Landscape and irrigation plans must be prepared by a Licensed or professional Landscape Architect or designer, and approved by the Planning Commission. Plans that do not show sufficient detail or include basic specifications will be rejected.~~

HISTORY

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.020.2 Design Plan Submission~~

~~Landscape and irrigation plans must be submitted with the general architecture and engineering plans for review before the scheduled Planning Commission meetings.~~

HISTORY

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.020.3 Landscape And Irrigation Elements~~

~~Landscape and irrigation elements must be guaranteed by the owner for one year after final acceptance by Perry City.~~

HISTORY

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.020.4 Planning Commission Requests And Fees~~

~~The Planning Commission may at any time request review of plans by a consulting landscape architect. All professional review fees will be paid by the developer.~~

HISTORY

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 21: Repeal. Section "15.23.030 " is hereby repealed.

~~15.23.030.1 Minimum Landscaped Area Requirements~~

~~The criteria for minimum landscaped area requirements are:~~

Row	Multi-Family Residential*	30% of Site
Row	Institutional	20% of Site
Row	Commercial Zones NC-1,2,3	15% of Site
Row	Commercial 1	10% of Site
Row	Interstate Commercial*	10% of Site
Row	Planned Commercial*	By Design Review
Row	Industrial	5% of Site
Row	Pointe Perry Commercial*	By Design Review

~~*Placement of landscaping will be by Design Review.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~Amended by Ord. 22-J Subdivision Amendments on 8/25/2022~~

~~15.23.030.2 Plant Material Requirements~~

~~The plant material requirements are:~~

- ~~1. Three (3) Trees per 1000 Square Feet of required landscape.~~
- ~~2. Six (6) Shrubs per 1000 Square Feet of required landscape.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.030.3 Plant Material Size Requirement~~

~~The plant material size requirements are:~~

- ~~1. Deciduous trees must be 2" caliper minimum size.~~
- ~~2. Evergreen trees must meet six (6') foot height minimum size.~~
- ~~3. Shrubs must be at minimum 50% 5 Gal., and 50% 2 Gal.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 22: Repeal. Section "15.23.040 " is hereby repealed.

~~15.23.040.2 Distance Requirement From Pavement To Street Or Parking Area~~

~~A 10' minimum landscape width between edge of pavement of any parking area or access lane and street is required.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.040.3 Fence Requirement~~

~~A 6' solid masonry or solid vinyl fence (or as determined by Design Review) must be utilized to protect~~

~~and buffer any single family residential use or zone from any other use. The installation of the fence is the responsibility of the owner/developer who is creating the need for the buffer. (See Fencing Ordinance, PMC 15.25.)~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.040.4 Safe Sight Line Requirement~~

~~Landscape design consideration must not create safe sight line (as defined by Perry City Land Use Ordinances) problems for vehicles or pedestrians at intersecting streets, within parking lots and at drive access points.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 23: Repeal. Section "15.23.050 " is hereby repealed.

~~15.23.050.1 Definition~~

~~The term landscape area refers to the areas set aside for lawn, trees, shrubs, perennials, annuals, and ground cover. Recreation amenities including, but not limited to, sports courts, play areas, swimming pools, and gazebos may be allowed as part of the sq. ft. requirement for landscaping~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.050.2 Storm Water Detention Basins And Special Areas~~

~~Storm water detention basins must be landscaped and may be allowed as part of the sq. ft. required for landscaping by design review. Special hard landscape areas such as courtyards and plazas may be allowed as part of the sq. ft. required for landscaping by design review.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.050.3 City Parkway Strips~~

~~City parkway strips between street side curb and sidewalks will not be allowed as part of the sq. ft. requirement for landscaping. However, these areas must be landscaped and maintained by the developer/owner.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.050.4 Plant Material For Landscape Design~~

~~All plant material must be sustainable for all of the specific climatic conditions of the site and plan.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 24: Repeal. Section "15.23.060 " is hereby repealed.

~~15.23.060.1 Certificate Of Temporary Occupancy~~

~~A certificate of temporary occupancy may be issued prior to installation of the approved landscape~~

~~when seasonal weather conditions exist. A written guarantee of completion deadline and appropriate surety will be required which may include escrow accounts as determined appropriate by the Planning Commission.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.060.2 Final Inspection Regulation~~

~~A final inspection for regulation compliance must be scheduled by the owner/developer with a representative of Perry City. This will activate the required landscape one-year guarantee period.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.060.3 Landscape Change Approval~~

~~No landscape element shall be removed or changed by the developer/owner after plan approval.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

~~15.23.060.4 Landscape Maintenance Review~~

~~Landscaping must be maintained and will be reviewed during the annual business license review.~~

~~HISTORY~~

~~Adopted by Ord. 15-C on 3/17/2015~~

SECTION 25: Repeal. Chapter "15.23 Landscape Regulations" is hereby repealed.

SECTION 26: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 27: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

PASSED AND ADOPTED by Perry City Council this _____.

KEVIN JEPPSEN, Mayor
Perry City

Attest:

SHANNA JOHNSON, City Recorder
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	___	___	___	___
Toby Wright	___	___	___	___
Blake Ostler	___	___	___	___
Ashley Young	___	___	___	___
Dave Walker	___	___	___	___

RECORDED this _____.

PUBLISHED OR POSTED this _____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

1. City Hall
2. Perry City Website
3. Utah Public Notice Website

on the above referenced dates.

SHANNA JOHNSON, City Recorder
Perry City

PERRY CITY 2024 MEETING SCHEDULE
CITY COUNCIL MEETINGS (7:00 P.M.)

January 11 and 25	July 11 and 25
February 08 and 22	August 08 and 22
March 14 and 28	September 12 and 26
April 11 and 25	October 10 and 24
May 09 and 23	November 14
June 13 and 27	December 12

**Meetings will be held on the 2nd and 4th Thursday of the month.
 There will only be one meeting held in November and December.**

PLANNING COMMISSION MEETING SCHEDULE (7:00 P.M.)

January 04	July TBD
February 01	August 01
March 07	September 05
April 04	October 03
May 02	November 07
June 06	December 05

Meetings will be held the 1st Thursday of the month.

Check the Box Elder News Journal, the Public Meeting Website (utah.gov/pmn), Perry City Website, or the City Office for specific start times. Meeting dates and times are subject to change.

1 October 05, 2023
2 Planning Commission Meeting
3 Virtual Meeting
4 7:00 p.m.
5
6

7 **Commissioners Present:** Vice Chairman Stephan Moss, Commissioner Jan Kerr, Commissioner Blake
8 Broadhead, and Commissioner Ryan Vaughn
9

10 **Commissioners Absent:** Chairman Marcus Wager, Commissioner Julie Jones, and Commissioner Beth
11 Thompson
12

13 **City Staff Present:** City Administrator Bob Barnhill, City Attorney Chris Crockett and Planning Secretary
14 Tyra Bischoff
15

16 **Others Present:** Chris Harrild, Melanie Barnhill (on-line), and Marnie Roche (on-line)
17

18 **1. 7:00 p.m. - Call to Order and Opening Ceremonies**
19 Vice Chairman Stephan Moss called the meeting to order.
20

21 **A. Declare Conflict of Interest, if any**
22 None.
23

24 **2. Action Items**

25 **A. Subdivision Amendment; located at 57 E 1550 S Parcel #'s 03-243-0038 and 03-243-0039**
26 **Applicant: Robert Thurgood**

27 Mr. Barnhill showed the aerial image of the properties and pointed out the two lots owned by Robert
28 Thurgood. He explained how they want to combine the two existing lots into one. They proposed to
29 amend the subdivision plat map and combine lot 51 and 52 into lot 57 to create a 0.76-acre lot. He
30 mentioned that no zoning changes will be needed, and no other rules were prohibiting this from
31 happening. He reminded the Planning Commission that they were the administrative authority to
32 approve this action.
33

34 **MOTION:** Commissioner Kerr made a motion to approve this Subdivision Amendment. Commissioner
35 Moss seconded the motion.
36

37 **Roll Call Vote:**

38 Commissioner Vaughn, Yes
39 Commissioner Kerr, Yes
40 Commissioner Broadhead, Yes
41 Commissioner Moss, Yes
42 Commissioner Wager, Absent
43 Commissioner Jones, Absent
44 Commissioner Thompson, Absent
45

46 **Motion Approved**
47

B. Perry Springs Preliminary Subdivision Application; located at approximately 2250 S 1200 W Parcel #03-157-0142 Applicant: Christopher Harrild

Mr. Barnhill said this application was for a conservation subdivision and there will be some items for discussion. He commented that the Planning Commissions responsibility on this is to administer and follow through with the (adopted) code. He explained that the property was just north of Dale Young Park at 2250 S (Davis Street) and 1200 W (Perry Street) and is approximately 24 total acres.

Mr. Harrild said he works as a Development Director for Neighborhood Non-Profit Housing Corporation. He explained that they are trying to put people in reasonably priced homes. He said the home building process the clients go through strengthens them and helps build the community. In groups of eight, the homeowners will build their houses together and through this sweat equity program it helps them become self-sufficient. He said they are not typical developers because they have a program going from start to finish that works with the homeowner and includes financial counseling. He continued by explaining their corporate levels of the non-profit housing program.

Mr. Harrild presented a slideshow of the layout of the proposed Perry Springs Subdivision. He said the development is a 24-acre property broken into 64 lots and will contain 52 single family dwellings with 12 townhomes. He highlighted the new roads they will develop as they build this subdivision, including the improved infrastructure along Perry and Davis streets. He pointed out that after they received the final wetland delineation, they realized the conservation part of this subdivision was almost doubled in size than originally planned. He said they had to revise the subdivision plans which created about 40% of the subdivision for open space or approximately 10 acres in conservation land. He said that most of this conservation land is planned trails with buffers into the wetland areas. He noted that there was a fault line going through the property that they had to create a 15 feet buffer on each side of it.

He addressed the Perry City code and what they were doing to comply with it. He said they were proposing that the special assessment area be HOA dedicated land so they may manage all this conservation property. Mr. Barnhill mentioned that this discussion would need a waiver of the code since the city code stated that ownership and maintenance of the conservation area would be handled by the city. Mr. Harrild turned to the city code and compared it with what was written in the Staff Report about the conservation area to show how they have exceeded the expectations of the code. He then discussed the vegetation, trailways, stream corridors, and access to the area.

Commissioner Kerr asked who owned the water rights on the property. Mr. Harrild said they own some water rights, but the water will flow through the subdivision and that they are working with the Conservation District on this issue. Commissioner Kerr asked what their stream corridors flood plan was in a high-water year. Mr. Harrild responded that there was not any information about whether the water has ever been backed-up enough to flood besides most of the water comes from the (natural) spring in the area. He mentioned that because of the water levels in the area none of the houses will have basements. He continued by showing the landscape plans and highlighting a few of the diverse types of plants they will put in the conservation area.

Mr. Barnhill said both the preliminary landscape and architectural plans were moving in the right direction. He asked the Planning Commission to refer to the description in the city code and determine if

92 the trail and conservation land in this subdivision meets the requirements as written. He gave several
93 examples of what was written in the code and how the developer has applied his interpretation of the
94 code into this conservation subdivision plan. He reminded the Planning Commission of the suggestions
95 they gave to the developer when the application came before them at the last meeting. He pointed out
96 that when there were discrepancies the more restrictive standard would apply as stated in the code. The
97 concerns from the last meeting they discussed were the material used for the trail and the development
98 of the conservation open space areas.

99
100 Commissioner Broadhead asked about the trails in the subdivision matching up with other city trailways.
101 Mr. Harrild responded that the trail in the subdivision will not end at 1200 West because of safety
102 concerns. He then asked if the city had the ability (authority) to direct the type of use in the open space
103 and Mr. Barnhill said as the code was written the applicant will present the use for that area. Mr. Harrild
104 said of the total 9.69 acres conservation wetland area 5.27 acres will be preserved and .33 will be
105 impacted and 4.45 acres will be open space. He explained the difference between the city taking
106 ownership of the conservation area compared to the subdivision having an HOA to maintain it.
107 Commissioner Kerr mentioned she was concerned with the lack of it being maintained and of the weeds
108 over taking the property. Mr. Barnhill commented that the city had a weed control policy in our city code
109 and that the developer did provide a maintenance plan.

110
111 Commissioner Kerr asked if the Army of Corp Engineers approved the conservation wetland areas. Mr.
112 Harrild explained there had been a delay in getting it approval from them because of the new rules
113 (definition) recently added through a Supreme Court case. He assured them that they will work with the
114 Army Corp of Engineers on the wetland area. They also discussed what it would take to be assured that
115 the maintenance of the trails would be handled over the years.

116
117 Commissioner Moss asked if they could make a recommendation with the approval of covenants,
118 conditions, and restrictions (CC&Rs) and Mr. Barnhill responded that the city does not get involved in
119 HOA rules and by-laws. Mr. Barnhill pointed out that if the conservation area remains private the
120 developer would need to request a waiver. He remarked that the Planning Commission might have the
121 option to consider the wavier if they feel the developer had drafted strong enough CC&Rs. Commissioner
122 Moss said he was mostly concerned that the trails have strong enough CC&Rs and standards in place to
123 maintain them if a waiver was granted. Mr. Harrild said that his understanding of the Perry City code
124 (15.07.130 14 and 15.07.130 15) was that they were not required to get a waiver for construction
125 material used on the trails if they were built to code. He and Mr. Barnhill then reviewed the code on who
126 would own the conservation land. City Attorney, Chris Crockett, commented that there was a legal
127 doctrine called Doctrine of Merger which states that a person cannot hold (just) the easement but that
128 the easement goes with the land. Mr. Harrild reiterated that it does not make sense for the city to
129 manage the conservation area. Mr. Barnhill was concerned about whether the conservation area and
130 trailways would be available to the public if managed by a private HOA.

131
132 Commissioner Kerr asked the difference in allotted homes and the higher density the development was
133 asking for. Mr. Harrild said he calculated approximately eight more lots by doing the conservation
134 subdivision. Commissioner Kerr asked for the qualification a person needs to get in the Neighborhood

135 Non-Profit Housing Corporation program. She mentioned she was concerned that the current housing
136 market was not affordable for any low-income families.

137
138 Commissioner Vaughn asked if the bottom three odd-shaped lots were even buildable. Mr. Harrild said
139 the engineer did verify that they met their specific criteria. Commissioner Kerr asked if these homes were
140 one level and Mr. Harrild responded that they usually build basements but the water table in this area
141 only allows them to plan on slab on grade homes. He then mentioned that if money was left after building
142 the house then they would include a fence around the lot but if not, it will be up to the homeowner to
143 build their own fence. Commissioner Kerr voiced her concerns that the water in the area would be
144 dangerous to small children if not fenced. Mr. Harrild responded that there was not anything written in
145 the code requiring a fence but that the developers would investigate her concern. They concluded the
146 discussion with what the developers were going to offer the city to get the higher density in the
147 conservation subdivision. Mr. Barnhill then said on October 26, this recommendation will go before the
148 City Council.

149
150 **MOTION:** Commissioner Kerr made a motion to give preliminary approval with the caveat that the trails
151 be accessible to the public and that the CC&Rs and HOA will give a view of how this will be managed and
152 maintained. (With the recommendation in support of allowing this be an HOA conservation land).
153 Commissioner Vaughn seconded the motion.

154

155 **Roll Call Vote:**

156 Commissioner Vaughn, Yes
157 Commissioner Kerr, Yes
158 Commissioner Broadhead, Yes
159 Commissioner Moss, Yes
160 Commissioner Wager, Absent
161 Commissioner Jones, Absent
162 Commissioner Thompson, Absent

163

164 **Motion Approved**

165

166 **C. Public Hearing - Ordinance 23-K Amending the Subdivision Code**

167 Mr. Barnhill said the main reason for this ordinance amendment was to comply with the new state
168 legislation rulings. He said the city has until February to implement this code and he would discuss the
169 changes or updates of this ordinance. The big picture on the state legislative changes was to streamline
170 the subdivision paperwork process. He said the new plan will be when a developer presents to the city
171 their subdivision paperwork they will have (only) two applications: a preliminary application followed by a
172 final plat application, and it will (only) be a four-step process. He pointed out that the Planning
173 Commission shall be the Land Use Authority on the preliminary application. He noted that the final plat
174 application shall not be determined by the City Council or Planning Commission. He explained that the
175 state was pushing for these to be more efficient and administrative in nature. He said they (the Planning
176 Commission and staff) need to be very cognizant of all the details in the subdivision paperwork because
177 whatever designs they approve will stand. He recognized that we would need to work on our internal
178 processes to be more scrutinizing and spend more time on the reviews. He remarked that because of the

179 increasing number of people involved and the staff working with this process the city will need to track
180 the time used on each application and then bill the developer for this extra time.

181
182 Attorney Chris Crockett said the state ruling was not for commercial building and asked if this ordinance
183 also included commercial. Mr. Barnhill stated that the ordinance has always been for both commercial
184 and residential and wanted to keep it that way. Mr. Barnhill then went through all the changes and
185 updates on the ordinance. He explained how the two applications streamline the program and might
186 benefit both the developer and the city. Mr. Crockett commented that he will need to do more research
187 on the state statute regarding the response time requirement on this process. Mr. Barnhill reviewed the
188 state statute, and they found the time requirement concerns. He said as he understands it, the
189 Development and Review meeting should be set up with comments from the Planning Commission within
190 15 days. He then commented that they might want to have a provision that the developers record the
191 plat map at the time they start building. He went through the ordinance and showed the different steps
192 in the process, and they figured out that they should be okay with not having the plat recorded before
193 the developer starts building. The final step change is that the city engineer was to be the deciding body
194 for the subdivider improvements and infrastructure.

195
196 Mr. Barnhill mentioned a few minor updates with flag lots and underground utilities then explained his
197 intent for the changes to them. He said he made updates to the language in the section for the Final
198 Subdivision Application requirements. He noted that at the end of the ordinance, he added a line to
199 comply with state statute that a lot line adjustment does not require an amended plat. He asked the
200 Planning Commission if they want to have a timeline on having the developer record the plat and
201 Commissioner Vaughn said he thinks two years gave plenty of time to have the plat recorded.

202
203 Public Hearing opened at 8:41 p.m.

204
205 Public Hearing closed at 8:41 p.m.

206
207 **MOTION:** Commissioner Kerr made a motion to amend the ordinance as edited by Mr. Bob Barnhill.
208 Commissioner Broadhead seconded the motion.

209
210 **Roll Call Vote:**

211 Commissioner Vaughn, Yes
212 Commissioner Kerr, Yes
213 Commissioner Broadhead, Yes
214 Commissioner Moss, Yes
215 Commissioner Wager, Absent
216 Commissioner Jones, Absent
217 Commissioner Thompson, Absent

218
219 **Motion Approved**

220
221 **D. Public Hearing - Ordinance 23-L Site Design and Approval Requirements**

222 Mr. Barnhill said this was not a state required amendment but updates to the city site design approval
223 process. He commented that our site plan was convoluted and currently goes to the City Council. He said
224 he feels they should be administered at the staff level then added that they are typically commercial

225 developments. He pointed out that the turn around with the submittal and comments will be quicker. He
226 said he talked to legal counsel and the state ombudsman, and both feel it is best practice to have these
227 administration items at the staff level. He pointed out that the red strikeout lines of the ordinance
228 pertained to the original site design process. His proposal was for this code to be cleaned up to make it
229 easier to read and explain what the code was for. The updated ordinance will also give the approval
230 requirements, say how to complete the application, note that non-compliance might cause it to be
231 tabled, explain the approval process, and the requirements on the design standards and plant materials.
232 He mentioned that they might want to add landscaping requirements in the park strip areas and then
233 discussed the parking area requirements.

234
235 Public Hearing opened at 8:57 p.m.

236
237 No Public Comment

238
239 Public Hearing closed at 8:57 p.m.

240
241 **MOTION:** Commissioner Broadhead made a motion to approve Ordinance 23-L with Bob (Mr. Barnhill)
242 input and the changes of grass in the park strip. Commissioner Kerr seconded the motion.

243
244 **Roll Call Vote:**

245 Commissioner Vaughn, Yes
246 Commissioner Kerr, Yes
247 Commissioner Broadhead, Yes
248 Commissioner Moss, Yes
249 Commissioner Wager, Absent
250 Commissioner Jones, Absent
251 Commissioner Thompson, Absent

252 **Motion Approved**

253
254 **3. Approval of the Minutes**

255 **A. September 7, 2023, Regular Planning Meeting**

256 Commissioner Kerr said line 176 the word discloser should be disclosure. Then on line 181 the word "to"
257 reads better as "the".

258
259 **MOTION:** Commissioner Broadhead made a motion to approve meeting minutes with the changes as
260 mentioned by Commissioner Kerr. Commissioner Kerr seconded the motion.

261
262 **All In Favor**

263
264 **4. Discussion**

265 **A. Future Projects**

266 Mr. Barnhill said that we have received the grant money to create the Highway 89 master plan and
267 they have received a zone change that might be at the next meeting.

268
269 **B. Report on past-approved Planning Commission Agenda Items**

270 Mr. Barnhill said the last thing that came through the Planning Commission was the Heritage Auto plans.
271 He said the City Council did approve it with the same things to be addressed as the Planning Commission
272 recommended. Commissioner Broadhead said they attended the Joint City Advisory Committee meeting
273 on this project, and it was a good meeting. Commissioner Kerr noted she gets invitations from Wasatch
274 Front Regional Council for training, and she has attended them, and they give good information.
275

276 **C. Report from Commissioner regarding previous Council Meetings**

277 None of the Commissioners were able to attend.
278

279 **D. Make Assignments for Representative to Attend City Council Meeting**
280 **(October 12th and 26th, 2023)**

281 Mr. Barnhill said the October 12th meeting will be cancelled. Commissioner Kerr said she will try to go to
282 the October 26th City Council Meetings. Mr. Barnhill mentioned that October 10th will be the City Hall
283 Open House at the Lodge and that there might be a chance the next meeting will be at the new building.
284

285 **5. Public Comment**

286 None.
287

288 **6. Training**

289 **A. Staff**

290 City Attorney Chris Crockett gave Beaver City's time limitation for plat work recording. He said the
291 subdivision plat shall be recorded within one year of approval of the Land Use Authority. He pointed out
292 that in the Beaver City code the subdivision with multiple phases must record a new phase within one
293 year of the previous phase or the plat map shall have no validity. Mr. Barnhill said he will include such
294 wording in the ordinance amendment.
295

296 **7. Review Next Agenda and Adjourn**

297 **A. Items for November agenda (next meeting November 2, 2023)**

298 **B. Motion to Adjourn**
299

300
301 **Motion:** Commissioner Kerr made a motion to adjourn the meeting. Commissioner Broadhead
302 seconded the motion.
303

304 All Commissioners were in favor. The meeting ended at 9:07 p.m.

1 November 2, 2023
2 Planning Commission Meeting
3 Virtual Meeting
4 7:09 p.m.
5
6

7 **Commissioners Present:** Commissioner Jan Kerr (on-line), Commissioner Julie Jones (on-line),
8 Commissioner Ryan Vaughn, and Commissioner Beth Thompson
9

10 **Commissioners Absent:** Chairman Marcus Wager, Vice Chairman Stephan Moss and Commissioner and
11 Blake Broadhead
12

13 **City Staff Present:** Mayor Jeppsen (on-line), City Administrator Bob Barnhill, and Planning Secretary Tyra
14 Bischoff
15

16 **Others Present:** Brian Capener, Hugh Parkes, Irvan Maddox, Hunter Roeller, Cody Faerber, and Melanie
17 Barnhill (on-line)
18

19 **1. Call to Order and Opening Ceremonies**

20 Commissioner Ryan Vaughn called the meeting to order.
21

22 **A. Declare Conflict of Interest, if any**

23 None.
24

25 **MOTION:** Commissioner Kerr motion for Commissioner Ryan Vaughn to be acting chair for this evening's
26 meeting. Commissioner Jones second the motion.
27

28 **Roll Call Vote:**

29 Commissioner Kerr, Yes
30 Commissioner Thompson, Yes
31 Commissioner Jones, Yes
32 Commissioner Vaughn, Yes
33

34 **Motion Approved**
35

36 **2. Action Items**

37 **A. Public Hearing - Ordinance 23-N Zone Change for Agricultural to Neighborhood Commercial;**
38 **located at 475 W 1850 S Parcel #'s 03-157-0115 and 03-028-0031 Applicant: Irvin Maddox**

39 Mr. Barnhill showed the zoning map of the two properties and said there were commercial, residential,
40 and agricultural in this area. He said the zone of these properties are split between Neighborhood
41 Commercial (NC) on the east and Agricultural (A) on the west. He said that the applicant has requested
42 the NC zone be extended through both properties. He explained that this action item along with their
43 thought or opinions would be for a recommendation to City Council. He suggested they look at the zone
44 in the surrounding properties and see if this zone change would be compatible with this area and the
45 city's future plan map. He talked about the property and neighboring properties then mentioned that this
46 zone change would open commercial in the area.
47

48 **Open Public Hearing 7:14 p.m.**
49

50 Mr. Cody Faerber owns the veterinarian clinic at 1885 S Hwy 89 and across the street from Maddox
51 Restaurant. He said he was for the zone change but was concerned with the traffic in front of Maddox
52 and the corridor. He pointed out that in the ten years the clinic has been in that location traffic has

53 increased by 30 percent. He was worried about funneling any more traffic on 1850 S and around that
54 area. Mr. Irvan Maddox, the applicant, responded to how he was planning to help ease the traffic and
55 create better traffic flow in that area. He said his design was to access the business from the south and
56 discourage traffic coming from the north. He commented that they (the city) may need to address this
57 issue because of the new subdivision development to the north. He mentioned that the traffic coming to
58 his bike shop will not have the quantity like the restaurant and should not add (anymore) traffic than a
59 busy day at the restaurant.

60

61 Mr. Faerber asked if there can be multi-family unit with the (NC) zoning. Mr. Barnhill responded that
62 currently there are 16 multi-family units that could be developed in the area behind Maddox Restaurant.

63

64 **Closed Public Hearing 7:22 p.m.**

65

66 Mr. Barnhill said he will add information about the traffic and that typically with a zone change that is not
67 the action that would trigger the required improvements. He explained that Perry City has obtained the
68 right of way to connect to the road going to Walmart, and in the future, there might be a streetlight on
69 the highway and UDOT was going to try and eliminate as many lefthand turns as possible. He also noted
70 that the city received a grant to create with UDOT a master plan to remodel Highway 89.

71

72 Commissioner Kerr asked if the plan was to use an existing building or build a new structure and Mr.
73 Maddox responded that it was for a remodel.

74

75 Mr. Faerber asked why they needed to change the zone to the west. Mr. Maddox responded that he
76 wanted to enhance the west area of the bike shop and create an area for people to test ride their bikes.
77 Mr. Faerber said whatever gets changed now can affect what they decide to plan to do (in the future).
78 Mr. Barnhill commented that nothing discussed today will hold them to their plans because this (action)
79 was only for a zone change. He said it was good for the Planning Commission to look at all uses for the
80 zone and to make sure they were okay with the plans for any potential uses that will come with that zone.
81 He recounted that the zone was generally for commercial, retail office space, restaurants, multi-family (if
82 available on the density map) and not industrial type uses or single-family homes. Mr. Maddox briefly
83 explained the ownership of the properties and that Buffalo Buddies LLC was the controlling party of one
84 of the parcels. He talked about diverting traffic with a sign on the highway and then mentioned how his
85 business started and some plans for its future.

86

87 Mr. Barnhill said this zone change would be step one in bringing the bike shop into compliance and
88 setting them up for expansion of the bike shop.

89

90 **MOTION:** Commissioner Jones made a motion to recommend approval of the zone change of agriculture
91 to (NC) to City Council. Commissioner Thompson seconded the motion.

92

93 **Roll Call Vote:**

94

Commissioner Kerr, Yes

95

Commissioner Thompson, Yes

96

Commissioner Jones, Yes

97

Commissioner Vaughn, Yes

98

99

Motion Approved

100

101 Mr. Barnhill informed the applicant that this would go to the City Council on December 14. He said it
102 might be at the old (City Hall) building and advised him to watch for the agenda as it gets closer to that
103 date.

104

105 **B. Brandon Capener Preliminary Subdivision Application; located at 2544 S Hwy 89 Parcel #02-**
106 **028-0031 Applicant: Brandon Capener**

107 Mr. Barnhill said this property is along Highway 89 and just south of Perry Park. He said the property is
108 about 3 acres in size and is a split zone of Neighborhood Commercial on the front and Residential on the
109 back side of the property. He noted this plan followed the zone. He showed the plat map to explain the
110 proposed five single family lots on the west side of the property with one flag lot. He pointed out that
111 they all met the minimum 10,000 square feet lot requirement with the smallest lot being 10,028. He
112 mentioned they are dedicating a right of way of 50 feet and other infrastructure improvements. He said
113 there were 20 proposed multifamily units which will use all the allotted density (the required 16 units per
114 acre). He noted there was a building structure on the east corner of the property that has historically
115 been used as residential with a store front. He said that the applicant wants to preserve the building and
116 keep Perry Ice as the business there. He showed and discussed the preliminary plans of the subdivision.
117 He highlighted that they exceeded the two-and-half parking requirements. He explained that the city
118 engineer, and planning staff have reviewed this application and gave comments and corrections. He said
119 there was nothing left from the initial review that the applicant needed to address, and the other
120 suggested comments will be addressed in the next step of the approval process.

121

122 Commissioner Kerr commented that she thinks this was a smart plan for this space. Commissioner
123 Vaughn mentioned he remembers the concerns from the last time the applicant submitted their plans
124 and that there was a commercial building facing a residential home. He asked about the short lane on the
125 plans and Mr. Barnhill explained it was the easement for the flag lot.

126

127 Commissioner Jones asked if they required open space for the townhomes. Mr. Barnhill said the
128 requirement for a multi-family unit was 30% landscaping and this was checked by the engineer, and they
129 meet this requirement. Commissioner Jones asked about the height of the townhomes and how we
130 measure the 30 feet. Mr. Barnhill said what was shown on the plat map but sometimes it will be different
131 when built because of grading issues. He said he will look on the plat map for the measurement from the
132 peak to the bottom of the home and that sometimes townhomes push the 35 feet maximum height
133 restriction. Since they now have had some townhomes built around the city, they discussed how they
134 might want to re-evaluate the height requirements especially for the multi-family houses.

135

136 **MOTION:** Commissioner Kerr made a motion to approval the development of the 20 townhomes and 5
137 residential lots on this parcel. Commissioner Thompson seconded the motion.

138

139 **Roll Call Vote:**

140 Commissioner Kerr, Yes
141 Commissioner Thompson, Yes
142 Commissioner Jones, Yes
143 Commissioner Vaughn, Yes

144

145 **Motion Approved**

146

147 Mr. Barnhill let Mr. Capener know that he may submit the next application step of the approval process
148 which will be done by staff.

149

150 **3. Approval of the Minutes**

151 **A. October 5, 2023 Regular Planning Meeting**

152 Mr. Barnhill said the minutes were drafted but not ready and Commissioner Vaughn said they will be
153 tabled for next time.

154

155 **Motion Tabled**

156

157 **4. Discussion**

158

159 **A. Future Projects**

160

161 Mr. Barnhill mentioned that now that they have had a couple of conservation subdivision applications
162 come through them, (they might want to reevaluate the plan). He noticed that there was friction and
163 difficulty with these and the vision they had compared to what was present (by the applicant) on the
164 conservation applications. He said he could bring an ordinance amendment proposal that will give
165 parameters on the conservation land such as lawn, trees, recreational areas, or orchards. Commissioner
166 Kerr and Vaughn said they would like this (amendment) brought before them.

166

167 **B. Report on past-approved Planning Commission Agenda Items**

168

169 Mr. Barnhill said the preliminary application for the conservation subdivision was approved by the City
170 Council, but they had a split vote and had an extensive discussion about it. They had different views and
171 checked to see if they were meeting the code then wondered if what was presented was better than a
172 standard subdivision.

172

173 **C. Report from Commissioner regarding previous Council Meetings**

174

174 None.

175

176 **D. Make Assignments for Representative to Attend City Council Meeting (November 9, 2023)**

177

177 Mr. Barnhill said he will attend the meeting.

178

179 **5. Public Comment**

180

181 Commissioner Kerr said she was happy to hear that Mr. Capener was going to renovate the building on
182 the corner of the lot. She said it was historical and should look nice. Mr. Capener said he was looking for
183 historical pictures of the Larson Store and was working with a lady at the historical society.

183

184 **6. Training**

185

185 **A. Staff**

186

186 None.

187

188 **7. Review Next Agenda and Adjourn**

189

189 **A. Items for December agenda (next meeting December 7, 2023)**

190

191 Mr. Barnhill said that there was nothing yet except for a potential amendment. He might cancel the
192 meeting if nothing comes up.

192

193 **B. Motion to Adjourn**

194

195 **Motion:** Commissioner Kerr made a motion to adjourn the meeting. Commissioner Thompson
196 seconded the motion.

197

198 All Commissioners were in favor. The meeting ended at 8:02 p.m.

199

200