

Perry City Planning Commission
3005 South 1200 West
7:00 p.m. January 6, 2015

Members Present: Commissioner Vicki Call, Commissioner Blake Ostler, Commissioner Mark Lund, Commissioner Tom Peterson

Members Excused: Vice Chairman Doug Longfellow, Commissioner Travis Coburn

Others Present: Codey Illum, Perry City Planner; Malone Molgard, Perry City Attorney; Susan K. Obray, Minutes Clerk; Brett Jones, Perry City Engineer; Council Member Brady Lewis; Wendy Jensen, Lani Braithwaite, Jason Felt, Greg Hansen

Commissioner Call Welcomed and Called to Order the Perry City Planning Commission.

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

A. Invocation-Blake Ostler

Invocation was given by Commissioner Ostler

B. Pledge Allegiance to the U.S. Flag-Tom Peterson

The Pledge of Allegiance was led by Commissioner Peterson

C. Declare Conflicts of Interest, If any

Request to declare conflicts of interest by Commissioner Call. Commissioner Ostler stated that with the subdivisions that are going to be discussed today, he said if any have any involvement with the Bank of Utah he would be excused from those. He stated that he is employed with the Bank of Utah in the finance department.

D. Review and Adopt the Agenda

The Sexual Harassment training will be canceled until next month.

MOTION: Commissioner Peterson moved to adopt the agenda with the amendment. Commissioner Lund seconded the motion. All in favor.

E. Approval of the November 6, 2014 Minutes

MOTION: Commissioner Peterson moved to approve the November 6, 2014 minutes. Commissioner Lund seconded the motion. All in favor.

F. Make Assignment for Representative to Attend City Council Meeting

Commissioner Call stated that she would attend the City Council meeting.

G. City Council Report given by Council Member Lewis

Council Member Lewis did not have a report.

H. Recommend a Vice Chairman/Chairman for 2015

MOTION: Commissioner Peterson recommended Commissioner Call for the Vice Chairman position. Commissioner Lund seconded the motion. Roll call vote.

Commissioner Peterson yes Commissioner Lund yes
Commissioner Ostler yes

Motion Approved: 3 yes 0 no

There were no other recommendations.

2. Training-Sexual Harassment Training-Shanna Johnson, Human Resource Director

The training was canceled until next month.

3. Approx. 7:15 p.m. Public Comments and Public Hearings (if listed below)

A. Public Comments

There were no public comments.

4. Land Use Applications (Administrative Action)

A. Final Plat for Taylors Cove Subdivision Applicant: Wendy Jensen, Located East of Hill Haven Subdivision and Hill Haven Drive (no action).

Wendy stated that she has been working on this subdivision for a while now. She said that she has received final approval from the Planning Commission and City Council. Ms. Jensen explained that the old plan was ¼ acre lots, and she has had people ask her to change it to 1/3 acre lots so they have a little more property to put their home on. She said that she has had it re-engineered to 1/3 acre lots. She said she wanted to present it to the Planning Commission and make them aware of the change. Wendy said that the Perry City Engineer and her Engineer have verified that all the information is correct. She said that she has spent a lot of time making sure that she is following all the ordinances and guidelines of the City. Wendy commented that she will be starting the first phase in January. She said that she will start putting in the road which will be a benefit to the City. She stated that she currently lets people drive on it now, as it is a dirt road.

Wendy stated that there will be 4 lots in phase 1 with parcel "A" as the detention pond. She said that the subdivision will consist of a total of 3 phases. Commissioner Peterson asked if there was a provision for a turn-around at the end of the Canyon View Drive. Wendy stated that there is a turn-around and it is shown on the improvement drawings. Commissioner Peterson stated that this is just for review because the Planning

Commission has already approved it. Malone stated that they approved it with the ¼ acre lots and felt that they needed to make a motion to approve the change to 1/3 acre lots. Codey stated that she still meets the City Ordinances. Brett Jones, Perry City Engineer stated that up above the subdivision will be a future reservoir. He said that Wendy has worked with the City and will be putting a 12" water main down Canyon View Drive. He said that she will be responsible for the 8" line and the city will pay for the 4" diameter upgrade using impact fees. Brett stated that she is putting a temporary turnaround at the end of each phase. Brett said that the only concern that he has is the phase line between Phase 3 and Phase 4. He felt that it is a lot of improvements for just the 3 lots. He said the financial feasibility for phase 4 may be a little tough. Brett commented that when she develops lots 13 and 12, he believes the intent is to do the frontage on Hill Haven Drive and the rest of the frontage will be done with Phase 4. Brett stated that he would bring it up to the City Council. Brett said that Wendy has met all of the requirements of the City ordinances and the utility requirements. Commissioner Peterson asked if it met with the street master plan. Brett stated that it did. Brett said that she has met all of the engineering comments. Commissioner Call asked just to address the early issue of conflict of interest, if Wendy had anything to do with Bank of Utah. Ms. Jensen stated that she did not. Malone stated that the Planning Commission previously approved the subdivision with ¼ acre lots and looking back at the ordinance it needs to be re-approved. Commissioner Ostler asked about the un-numbered lots. Brett stated that it is preferred that lots in future phases continue the numbering from the first. Commissioner Peterson stated that it is in the next phase. Commissioner Lund asked if the turnarounds would be paved. Codey Illum stated that they will have a road base that will meet Perry City standards. Commissioner Ostler asked about the difference in cost for the increased diameter lines that may be paid with impact fees collected by Perry City. He said we are saying it is required an 8" diameter line and for future we want 12" diameter and the City will pay the difference. Brett stated when they go to City Council, that will be discussed and if they elect to not do that with the impact fee money, then we would have her put in the 8" diameter.

MOTION: Commissioner Lund moved to approve and recommend the Final plat for Taylors Cove Phase 1 Subdivision to the City Council. Commissioner Peterson seconded the motion. Roll Call Vote.

Commissioner Peterson yes

Commissioner Ostler yes

Commissioner Lund yes

Commissioner Call yes

Motion Approved: 4 yes 0 no

B. Preliminary Application for Sunridge Subdivision Plat 5, Applicant: Randy Matthews Located at: 250 West.

Greg Hansen with Hansen & Associates represented Randy Matthews who is the landowner and the developer. He presented a two lot subdivision for preliminary approval. He said that it is a subdivision that is connecting Sunridge Subdivision phase 4 and phase 2. Mr. Hansen stated it was a challenge because there are 2 roads that do not line up. He commented that they have met the engineering review comments. Greg stated that they will sit down and discuss storm drainage with the City Engineer. Brett stated that they have done a really good job connecting the roads. He said because of the mis-alignment of the roads, the curve will need to be limited to 20 mph. He said they will discuss storm drain at final approval.

MOTION: Commissioner Peterson moved to give preliminary approval to Sunridge Phase 5. Commissioner Lund seconded the motion. Roll call vote.

Commissioner Ostler yes

Commissioner Lund yes

Commissioner Call yes

Commissioner Peterson yes

Motion Approved: 4 yes 0 no

5. Land Use Ordinances, Zoning, Design Guidelines, General Plan Etc.

A. Discussion of the Land Use Chart R2 Zone-Removing the Conditional Use for Large Animals.

Codey Illum stated that the codified ordinances are just about complete. There has been a lot of work done on them. He said he wanted to start with this discussion and then there will be a presentation on the new codified ordinances by the Municipal Code Online in the next month or so. Cody stated that the code is user friendly. Cody said that someone will call him and ask how many chickens or ducks they can have on their property. He said you do a search on the land use chart and it will bring it up. Codey stated that the number of animals is in the additional information (notes) regarding the land use chart.

Codey said for any lots in the RE ½ zone or for 40,000 square feet or larger lots in the R1/2, R1/3, R1A, R1 or R2 zones, domesticated animals are allowed(which include horses,cattle,sheep,goats,llamas,and pigs), also 1 large animal or nine small animals/fowl are allowed per 20,000 square feet. He explained that you can have animals in any zone in Perry. Codey said that the Planning Commission will have to decide how they want to approach it. He commented that what started it was the situation down in Cherry Ridge Subdivision. Codey said the proposal is do we remove the large animals from these zones or do we leave it the way it is. He stated that he knows that the Planning Commission wants the large animals removed from the R2 zone. He stated this is where the planning comes in and how the Planning Commission wants to enforce the zone in

the City. Mr. Illum stated this is not going to be a onetime meeting. It will be a discussion on how to address this in several meetings. Codey said that there should be no large animals in the R2 zone. Commissioner Call stated that it only allows by conditional use permit. Codey stated that we need to remove the large animals from the R2 zone. Commissioner Call asked for definitions of the zones. Codey explained the definition of the zones and said that in the area requirements it will show each zone and the requirements for each zone. He said what we are doing is omitting an allowed use in a zone. Commissioner Call stated that if it is stated as residential that means residential and no large animals should be allowed in these residential zones. Codey said that some people have a lot of land in the residential zone. Commissioner Call said that they need to come forward and ask for a re-zone so they can have those large animals. Codey explained that they already have a use that they are allowed to do that. Codey said what Commissioner Call is proposing takes a lot of animal rights out of Perry City. Commissioner Call said can someone come in and purchase 30/ ½ acre lots so they have their 15 acres to put their large animal on. She asked could they not come in and ask for a rezone. Codey stated they could fill out an application and pay their \$400.00 for the rezone. Commissioner Peterson expressed that we have to be very careful about this. He said Perry City is still rural, we still have a lot of farmers here and we still have people that have livestock. Commissioner Peterson explained that some of the livestock is on ground that is zoned R1/3 acre. Commissioner Peterson said it would be grandfathered. Codey stated that they would have to prove that it has been there for so long and it's been established. Commissioner Peterson cautioned again that the Planning Commission needed to be very careful about that. He said he certainly does not want to destroy the rural atmosphere that we have because that is one of the great things about Perry. Commissioner Call stated that she agrees with that, but has heartburn with the situation that we had where someone purposely zoned their property to residential and changed it so they could have animals, without rezoning. Commissioner Peterson commented that our ordinance allowed them to do it. Commissioner Call stated that the people in Cherry Ridge bought on good faith thinking that right next door to them was residential. Codey said when you purchase R2 zone property; you want to put in high density. He explained very rarely that someone would have a R2 zone and then put in animals. Codey mentioned that Cherry Ridge is the only R2 zone in the City. Commissioner Peterson stated that unfortunately the problem was a financial one. Commissioner Call asked how does it protect the other zones. Codey explained that you have to have at least 40,000 square feet. Commissioner Call stated someone would have to come in and buy multiple lots in order to accomplish that. Codey felt that R2 should have not been in there to begin with.

6. Review Next Agenda and Adjourn

A. Review Agenda Items for Thursday, February 12, 2015

(1) Training

B. Add Agenda Items Requested by Planning Commission

(1) Sign Ordinance

C. Motion to Adjourn

MOTION: Commissioner Peterson moved to adjourn. Commission Lund seconded the motion. All in favor.