

**Perry City Planning Commission  
3005 South 1200 West  
7:00 PM July 9, 2015**

**Members Present:** Chairman Vicki Call, Commissioner Blake Ostler, Commissioner Tom Peterson (7:10 pm), Commissioner Toby Wright, Commissioner Lawrence Gunderson, and Commissioner Travis Coburn

**Members Excused:** Commissioner Mark Lund.

**Others Present:** Codey Illum, Perry City Planner, Susan Obray, Minutes Clerk, Lani Braithwaite, Asa Illum, Ashton Illum, Greg Hansen, Bill Bailey, Samuel Heiner, Jones & Associates, Brad Wilkinson, Randy Matthews, and Devin Miles

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

**A. Invocation-** Toby Wright

Invocation was given by Commissioner Wright

**B. Pledge Allegiance to the U.S. Flag-**Lawrence Gunderson

The Pledge of Allegiance was led by Commissioner Lawrence Gunderson

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

There were no conflicts of interest.

**D. Review and Adopt the Agenda**

Codey Illum told the Commissioners that the sign ordinance was not ready to discuss and that it would be on the next Planning Commission agenda.

**MOTION:** Commissioner Gunderson moved to adopt the agenda.

Commissioner Coburn seconded the motion. All in favor.

**E. Approval of the June 11, 2015 Minutes**

Commissioner Ostler made some recommendations for some grammatical changes to the minutes.

**MOTION:** Commissioner Gunderson moved to approve the minutes with corrections. Commissioner Ostler seconded the motion. All in favor.

**F. Make Assignment for Representative to Attend City Council Meetings (July 23<sup>rd</sup> and August 6<sup>th</sup> )**

Commissioner Gunderson will attend the July 23<sup>rd</sup> City Council Meeting and Commissioner Coburn will attend the August 6<sup>th</sup> meeting. Commissioner Ostler stated that at the last City Council Meeting on July 1<sup>st</sup> they did not have anything relevant to the Planning Commission. Commissioner Peterson stated the meeting that he attended was not relevant. The Council voted unanimously and were in favor of supporting the new house bill for a quarter cent sales tax increase for Transportation. He said it will be on the ballot for the people to vote on.

**G. City Council Report given by Council Member Lewis**

Council Member Lewis was not in attendance.

**2. Approx. 7:10 p.m. Public Comments**

**A. Public Comment**

Bill Bailey a Business Professor at Weber State University addressed the Commission and stated that he lives in the area and is here to watch the Planning Commission discuss the Conservation Subdivision Ordinance. He said that it has a lot of interest for him and that it is a good thing to be discussing. Mr. Bailey stated that it is popular in a lot of cities that are trying to be forward thinking in considering ways to conserve green space. He stated that he anticipates a lot of growth in this area in the next few decades and hoping that this board will take into consideration to do what they can do to conserve green spaces and balance what they can with both the interest of the developers and the interest of green space. He said if the cities can adopt the Conservation Ordinance intelligently and they can do a lot to serve both people fiscally and the community as far as conserving green spaces.

Commissioner Wright asked if Mr. Bailey came from an area that had Conservation Subdivisions. Mr. Bailey stated that he had. He said in Suburban areas in Seattle they have done it pretty extensively. He stated that there are a lot of different ways to draft an ordinance and it can be drafted in a way that it balances things. Mr. Bailey felt that the Seattle area sometimes did it in an unbalanced way and felt that they were more interested in the conservation to the exclusion of developers.

**3. Land Use Application (Administrative Action)**

**A. Preliminary Application for Suncrest Subdivision Phase 1.**

**Location: 1865 South 165 West. Applicant: Randy Matthews**

Greg Hansen with Hansen & Associates, is with the Engineering firm working with Randy Matthews. He said they were here last month asking for concept approval. He said they are asking for preliminary approval for Suncrest Subdivision Phase 1. Mr. Hansen stated that there are 10 lots and it is located on the south end of Cherish View Subdivision, east of Sunridge Phases 1 & 2 and west of Orchard View Estates. He said that they have addressed all of the City Engineer comments and have updated them in the plans. Greg Hansen stated that they did not have any issues with the review comments. Chairman Call stated that there were three items that stated they needed to be taken care of prior to approval. She said that item 1 regarding the improvements to the north from the Orchard View Subdivision are not stubbed completely to the north property. Mr. Hansen stated that the City Engineer is asking that Matthews extend the improvements and tie into the improvements to the north. Chairman Call stated another item that was noted is irrigation service

from Pineview Water Systems needs to be verified prior to approval. Mr. Hansen stated that it doesn't need to be approved for preliminary but it certainly needs to be approved for final. Greg Hansen stated that they have submitted the plans to Pineview and they will review them and come back and tell us what size of lines and where to put them. Mr. Hansen said that the laterals are already shown on the plans. Codey Illum stated that the engineering comments are items that need to be addressed before final approval can be given. Chairman Call stated the last item is the detention basin issue. Greg Hansen stated that in Ansley's Subdivision there is a large detention basin that Perry City owns, there is also a basin in Cherish View Subdivision and they are getting ready to clean it up and landscape it. He showed the proposed detention basin for Suncrest Subdivision which is sized to take care of everything in the subdivision. Mr. Hansen stated that they have approached the City and asked if they would consider getting rid of the detention ponds in Ansley Subdivision, and Cherish View. He said they would run a pipe from Ansley's pond, Cherish View pond, and Suncrest proposed pond, and move it down to the highway which will help remove the threat of flooding in the corridor. Mr. Hansen stated that that would get rid of three satellite ponds and put it in one regional pond. Commissioner Gunderson asked what would happen to the abandoned detention basins. Greg Hansen stated that the city would fill them in and sell them as a residential lot. Mr. Hansen stated that part of the negotiation with the city is to have them help run the pipe down to the highway so it is a win-win situation for both parties.

Codey Illum, Perry City Planner stated that Perry City does not have the man power to maintain all of the detention basins in town. He said we have implemented new public works standards that all of the detention basins need to be sodded and have sprinklers. Mr. Illum stated that we would rather have one big area we can take care of instead of a lot of smaller basins. Greg Hansen stated that this detention basin is designed to be landscaped with rocks and grass and will tie in with the lot and the owner will be responsible to maintain it. He said there are a couple of detention basins in town that is like this and they are the only ones that have stayed clean and maintained. Codey Illum stated that the detention ponds are addressed in the Public Works Standards. Codey stated that the standards say that they are owned by the city and have grass. He said that the standards can be changed through ordinance by the City Engineer. Commissioner Gunderson stated that the cities he is familiar with the city maintains the ponds. He asked how common it is for the lot owners to maintain it. Codey Illum stated that it is very uncommon. Greg Hansen stated that there is a really nice detention basin that is maintained by the owner in Sunridge Phase 4. Mr. Hansen stated that you

will only see water in the detention ponds in a flood type scenario. He explained that each one that is landscaped have easements around them to give the city full access. He said that they are still city ponds, it is just someone else is taking care of the grass and the weeds. Greg Hansen stated that the detention ponds are designed so that you don't see water in them unless it is a flood situation.

Chairman Call asked at what point does the decision have to be made on the detention basin on this approval process. Codey Illum stated that decision will be made by the Mayor and Council. He said the decision will be made before the Council gives final approval. Codey stated that the decision on detention basins can be discussed with the single family dwelling agenda item. Commissioner Gunderson asked if the detention basin was big enough to put playground equipment in and if the public had access to it. Greg Hansen stated that it is big enough for playground equipment but the public does not have access to it, just Perry City. Commissioner Ostler referred to number 3 in the Engineer comments. He asked if 100 east was on the map and does 100 east impact this property at all. He said it references the intersection of 1865 South/100 East. Greg Hansen stated that it should be 165 west instead of 100 east. Commissioner Ostler stated that on number 6 it references 165 east and asked if that was supposed to be 165 west. Sam Heiner, Jones & Associates confirmed that they both should be 165 west. Commissioner Ostler asked if the lot sizes meet the zoning. Greg Hansen stated that they do. Codey stated that they require an 80 foot frontage. Mr. Hansen stated that they meet the required frontage he has shown the dimensions and they are over the required zoning. Greg Hansen stated that he has 92.57 feet frontage on the smallest one in the cul-de-sac. Commissioner Ostler asked what the radius was in the turnaround in the cul-de-sac. Greg Hansen stated that it is 55 feet. Codey stated that it meets the standards.

Commissioner Ostler stated that he saw a couple of notes on the plan regarding abandoned water lines. Greg Hansen stated that there is a 10" water line that runs in the middle of the property and they are going to move the water line and abandon the old piece of pipe.

**MOTION:** Commissioner Peterson moved to give preliminary approval for Suncrest Subdivision Phase 1. Commission Wright seconded the motion. Roll call vote.

Commissioner Peterson yes  
Commissioner Gunderson yes

Commissioner Wright yes  
Chairman Call yes

Commissioner Ostler yes

Commissioner Coburn yes

Motion Approved: 6 Yes 0 No

**4. Land Use Ordinances, Zoning, Design Guidelines, General Plan, Etc.**

**A. Discussion Regarding the Sign Ordinance**

This was tabled until the next meeting.

**B. Discussion Regarding the Requirements for Single Family Dwellings**

Codey Illum stated that the City got an application for a single family dwelling that he denied. He said that on this property there is an existing house and they wanted to split the lot off and put another house on it. Codey explained that there was a dead end street that had all of the improvements curb, gutter, and sidewalk. He said from the dead end street to the lot where they wanted to put the house is 290 feet. Codey stated that according to our ordinance he could have developed this lot and put a home there and put a road in without improvements. Codey stated that it was denied because it was a legal non-conforming lot. He said the minimum lot size is 20,000 square feet. He stated we don't have a definition of a single family dwelling on our city ordinances. Codey said we need to have one that applies to the whole city across the board. Sam Heiner, Perry City Engineer, asked if we need to define lot size and where it is defined in the zoning. Chairman Call stated that it is defined in title 15.07.110 and for every zone it tells you what your lot size requirement is.

Codey gave an example if I put a home in and I am 250 feet away from sewer, water, storm drain, and I want a dirt road there, does Perry City want to define this by telling me I can have a dirt road. Codey stated when someone applies for an application he wants to be able to go to the ordinance where it defines what the requirements are for a single family dwelling. Codey stated if an applicant comes in and has a buildable lot in the middle of a field with the required dedicated 80 feet of frontage, does the city want that to be able to be built on? Chairman Call stated that we need to be very careful the way we pull all of the requirements together. She said that the requirements are scattered throughout the ordinances. Codey stated that we need to start somewhere. Sam Heiner, Perry City Engineer, stated that you start with the requirements that you want and then have a draft that you can work with. Chairman Call stated that we need to pull together a draft of comprehensive requirements for single family dwellings and bring that and have something to start working

from. Codey suggested that they start with the definition of a single family dwelling lot and then we have to define what it is. Mr. Illum stated the only reason he could deny the application that was submitted was it was already a legal nonconforming lot, other than that the Applicant met all the requirements of the definition that we have in our ordinances. Commissioner Peterson stated that he would like to see some ordinances from other cities and see what they are doing. Chairman Call expressed her concern that the Planning Commission has brought several ordinances to the table and then we put it back on Staff to bring us back something we can discuss and act upon. She said that we are sending the Staff back a lot of stuff and they are so busy they are not able to accommodate. Chairman Call asked if they could set up a committee. Commissioner Peterson stated that the City Council can put together committees. Chairman Call stated that she will talk to the Mayor.

### **C. Discussion Regarding Conservation Subdivision Ordinance**

Commissioner Ostler stated that he has done some forward thinking with respect to organized development and growth. He said this discussion topic is to determine if this is something that needs to be pursued further and ultimately develop into an ordinance; if not, discontinue at this time. He stated when he was asked to be on the Planning Commission the Mayor gave him some advice with respect to good ways to go about proposing things to couch them in principals and what the General Plan says. He said he tries to take that approach when he does things. Commissioner Ostler stated that he has a few quotes from the General Plan, Page 5 “growth strategies to accommodate Perry’s continuing growth trend, while exploring growth alternatives to assure that a high quality of life is maintained.” He continued on Page 10 “Perry City favors exploring options to create new zoning guidelines that allow greater flexibility in lot sizes and average densities to create site amenities such as parks or pasture areas.” He said on page 27-8 of the General Plan under Preservation or Environmentally Sensitive Lands: “Perry City supports landowners who wish to preserve key rural open space areas for the future and seeks to encourage compatible development adjacent to preservation areas.” He continued to say What is a conservation subdivision? He said he got the idea from the Springdale City Planner who recommended that he get in contact with Farmington City. He stated that Farmington has several of these Conservation Subdivisions in their city already. Commissioner Ostler said that their ordinance has been in effect for at least 10 years. He stated that Farmington City hired Randall Arendt who is an expert in Conservation Subdivisions. He said Mr. Arendt defines a conservation subdivision as “An approach to laying out subdivisions so that a percentage of buildable (lands) is permanently protected in such a manner as

to create interconnected networks of conservation lands.” Commissioner Ostler reported that some of the research he has done suggests that 15% to 80% be set-aside. He said the types of lands that get set-aside for conservation are Trails, Pasturelands, and Neighborhood Open Space. Commissioner Ostler explained that Conservation Subdivisions are similar to, but different from, PUD/Cluster concepts. They are different in that it is the intent to conserve a greater amount of land area. He said there is a focus on green space rather than on recreational space (parks, clubs houses, etc.). Commissioner Ostler stated that it is more a planned network of green space versus random “green islands.” He said that the applicability range can be optional, require in certain zones, and can be a permitted use and all others are conditional.

Commissioner Wright asked how it was working for Farmington. Commissioner Ostler replied that it has worked very well and they are pleased with the results. He said the exchange is the developer gives up a certain amount of acreage and the ordinance defines the percentages. Commissioner Ostler continued to say that for a permanent conservation easement for the perpetual protection of the desired lands, the developer gets density, lot positioning and setback concessions and flexibility. He stated that he has provided examples of Farmington City Ordinance. He said on exhibit B it starts with a raw piece of ground, 29 acres, and it shows the constrained land which is undeveloped land. He said on the 29 acres you end up with 25 acre lots (conventional subdivision). Commissioner Ostler continued with Exhibit C If it were allowed to do 1/2 acre lots then you would yield 39 1/2 acre lots. He said Exhibits D & E show what can be done with conservation. Commissioner Ostler stated that as you move from Exhibit D to E you can see the amount of green space growing on the map. He said on Exhibit D you get down to 1/3 acre lots and the developer ends up with two more lots, on Exhibit E the developer ends up with 8 more lots on 1/4 acre lots and you get 7 1/2 acres set aside for conservation.

Commissioner Gunderson asked who takes care of the maintenance. Chairman Call stated you start out with 1 acre lots and end up with 1/4 acre lots. She said she assumes that it was not zoned for 1/4 acre lots. Chairman Call stated that it is the conservation criteria that moves in and says all though it is zoned for 1 acre or 1/2 acre lots if you agree to conserve this much ground then the ordinance could allow for smaller lots. Chairman Call asked if it requires a re-zone. Commissioner Ostler stated that the ordinance allows it. He stated that the economics of this seems to work out for the developer because the developer gets more lots, a production builder would get more

roof tops, reduced developable area which means lower development costs, which increases the project's gross profit, smaller lots move more quickly, and the developments with green space can command a pricing premium. Commissioner Ostler stated that ownership of the conserved land can go to an individual, a land trust, HOA or the City or other public agency. He said depending on what entity it goes to there can be a potential charitable deduction for income tax purposes that could be added to the list of economic benefits too. He stated that the conservation easement gets recorded and the owner of that ground will deed it into an entity and then take advantage of the charitable deduction. Commissioner Ostler stated that the ownership and maintenance of that is highly dependent on what type of land it is. He said Farmington City and what they take under city ownership and maintenance is very small. He stated that they are very selective in what they take. Commissioner Ostler stated that the Farmington Planner said they will take paved trails into their trail system, and then they take the marshes and wetlands out by the Great Salt Lake where there is not maintenance to be done. He stated most everything else is done privately through HOA dues. In the case of peach orchards, Farmington City said they have agriculture conservation easements that have been leased out to agriculture holding companies that go and farm the land, or the landowner could lease it out to a local farmer to farm. He stated that some of the benefits of conservation subdivisions are that it preserves open space for habitat for plants and animals, preserves rural atmosphere, provides recreational areas, protects home values, reduce cost of municipal services, and implements community-wide greenway plans. Commissioner Peterson stated that the fruit growers are the ones selling their orchards because their families no longer want to produce fruit. He said it would be nice if you could find someone that would want to run an orchard, but he contends that would be very, very difficult to do.

Commissioner Peterson stated that we only have two kinds of property here, grass lands and orchards. He said that in conservation we either have vacant lots that you can put grass on or you are going to do orchards. He stated that his contention is that it would be hard pressed to find anyone who wants to expand and grow an orchard, it is a lot of work and there is not much money in it. He said the young people don't want to do it and that is why they are for sale now. Commissioner Peterson stated that it is not for our area and with the city's tax base they can't afford to support them individually and he didn't think that they could get a contractor to do that.



Chairman Call stated when you say conservation which implies you're keeping something that already exists. She asked if that is what Farmington is doing or are they in fact coming in and creating a forest or a treed area.

Commissioner Ostler stated that it goes both ways. Chairman Call stated that you could leave that up to the developer or you give them the incentive and let them come up with the proposal. She asked how hard has it been for Farmington City to find someone who wants to come in and do that.

Commissioner Ostler stated that the gentleman that he spoke with didn't indicate that it was a problem. Chairman Call stated that the developer has to have that all lined up before he comes in and gets that approved. She said the burden of finding someone to do it is on the developers. Codey stated that orchards are something that you have to spray, prune etc. He said he loves the idea of the open space and the density. Chairman Call asked who enforces the contract and the maintenance of the conserved land. Commissioner Ostler stated that it is done by ordinance and a requirement that it has to be done. It would be like any other vacant lot that is out of control with grass and weeds.

Codey Illum stated that Perry City does not have code enforcement. He said that by allowing what Commissioner Ostler proposed it will give us the roof tops and the tax base to allow the city to grow. Commissioner Peterson disagreed that roof tops give you a tax increase. Commissioner Gunderson stated that maybe we could look at PUD's/Cluster Housing under this scenario. Commissioner Peterson stated once you have all of these households you have to have the businesses to support those. Chairman Call commended Commissioner Ostler on the presentation and all the research that he did on the conservation subdivision.

Codey Illum stated the first step is to get the support from the Mayor and Council. He said the second step is hold a public hearing and find out what the people want. He stated that this is going to affect a lot of people for generations to come. Chairman Call stated the very first step before going to the Council is to know that the support is right here on this board. She asked for each commissioner to vote whether to move forward on this. A roll call vote was taken:

Commissioner Ostler yes  
Commissioner Wright yes  
Commissioner Peterson no

Commissioner Coburn yes  
Commissioner Gunderson yes  
Chairman Call yes

Chairman Call stated that the majority of the commissioners felt they would like to move forward. Commissioner Peterson stated that he voted no

because he felt it was a good idea but not the right time. Codey Illum stated that you need to have the support of the Mayor or Council to have it put on the agenda.

Presentation is attached to the minutes.

**5. Review Next Agenda and Adjourn**

**A. Review Agenda Items for Thursday, August 13, 2015**

- (1)** Single Family Dwellings
- (2)** Sign Ordinance
- (3)** Suncrest Subdivision Phase 1-Final includes a public hearing
- (4)** Conservation Ordinance Discussion(potential item)

Chairman Call asked where the animal ordinance was. Susan stated that Malone has to put it in ordinance form. There is a possibility that it may come back to the Planning Commission.

**B. Motion to Adjourn**

Commissioner Coburn moved to adjourn. Commissioner Gunderson seconded the motion. All in favor.