

**May 10, 2017
Planning Commission Meeting
3005 S 1200 West Perry UT 84302
7:00 p.m.**

Commissioners Present: Chairman Travis Coburn, Vice Chairman Devin Miles, Commissioner Blake Ostler, and Commissioner Stuart Grover.

Commissioners Excused: Commissioner Vicki Call

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

Others Present: Dave Kallas, Donna Gammon, and Jim Flint.

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

A. Invocation-

Commissioner Ostler gave the invocation.

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

Vice Chairman Miles led the Pledge of Allegiance.

C. Declare Conflict of Interest, if any-

None.

D. Review and Adopt the Agenda-

Item 4 A (Discussion/Action regarding Gravel Pit municipal code) was removed from the agenda due to the ordinance not being ready at this time.

MOTION: Commissioner Grover moved to adopt the May 10, 2017 Planning Commission Meeting agenda with the amendment Item 4 A being removed from the agenda. Vice Chairman Miles seconded the motion. Roll call vote.

Chairman Coburn, Yes

Vice Chairman Miles, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Motion Approved: 4 Yes 0 No

E. Approval of the Minutes

(a) April 12, 2017 Planning Commission Minutes

Tabled.

F. Make Assignments for Representative to Attend City Council Meetings (May 11, 2017 and May 23, 2017).

Chairman Coburn will attend the May 11, 2017 City Council Meeting and Commissioner Ostler will attend the May 23, 2017 City Council Meeting.

MOTION: Commissioner Grover moved to close the regular meeting and go into the scheduled public hearing. Commissioner Ostler seconded the motion. Roll call vote.

Chairman Coburn, Yes

Vice Chairman Miles, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Motion Approved: 4 Yes 0 No

2. Public Comments and/or Public Hearings

A. Public Hearing for a Business License Application for Life Healing Solutions, Applicant: Donna Gammon, location: 432 W. 2825 S Perry UT 84302

Greg Westfall stated the City received an anonymous letter regarding this business and he read the three concerns from this letter: traffic, parking, and using a residential zone for a commercial purpose.

MOTION: Vice Chairman Miles moved to close the public hearing and reopen the regular meeting. Commissioner Grover seconded the motion. Roll call vote.

Chairman Coburn, Yes

Vice Chairman Miles, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Motion Approved: 4 Yes 0 No

B. Public Comments

Dave Kallas representative of Geneva Rock inquired about the use of the word slope in the proposed Gravel Pit Ordinance, whether the City means final slope or “operating” slope, which are two very different things in the mining industry. He explained the slope of the Gravel Pit will change on a constant basis and so they would like the use of the word slope to be clarified to be a reclamation/ final slope.

Mr. Kallas discussed the section he added into the proposed ordinance and the reasoning behind it (they need to be able to utilize the structures on the Gravel Pit during or after Reclamation while they begin operating on a new Gravel Pit on the other side of the mountain).

Mr. Kallas reiterated the 3 to 1 slope is a major issue to them as they operate Statewide at a 2 to 1 slope. He also stated the need to cover trucks is also an issue and is not required at any of their other pits in the State. He explained the 10 year reclamation process is another issue for them and they would like it adjusted back to the original reclamation process timeframe.

3. Land Use Applications

A. Approval for a Business License Application for Life Healing Solutions Applicant: Donna Gammon, location: 432 W 2825 S Perry UT 84302

Donna Gammon explained her business is a Reiki business which she stated is similar to footzoning and will mostly be done over the phone. She does, however, have a few clients who come to her home.

Commissioner Grover inquired if she will be putting any signage up and what the parking would be for her clients who do come to her home.

Ms. Gammon stated there will be no signage and the parking would be on her property and not on the road.

Commissioner Ostler inquired about the concerns from the letter.

Mr. Westfall explained his understanding of what the traffic/ parking concerns were in the letter.

Commissioner Ostler stated this is a conditional use permit and needs to follow those regulations. He inquired if the Commission could address the concern in the letter of using a residential area for a commercial purpose. He explained currently the code allows this under the conditional use permit.

Mr. Westfall concurred and expounded it is not in the realm of the commission to say no to the applicant due to the current codes.

Vice Chairman Miles inquired at what point does the conditional use permit not apply to a residential business.

Mr. Westfall interjected this is where the land use chart comes into play to only allow certain types of businesses in residential areas.

MOTION: Commissioner Grover moved to recommend to the City Council the approval of the Business License Application for Life Healing Solutions at 432 W. 2825 S. pending it has a conditional use permit. Commissioner Ostler seconded the motion. Roll call vote.

Chairman Coburn, Yes

Vice Chairman Miles, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Motion Approved: 4 Yes 0 No

B. Concept / Preliminary Approval for Wyatt Subdivision Phase 2, Applicant: Doug Wyatt, Location: 2100 South (north side) Perry UT 84302

Jim Flint explained that he would be representing the Wyatt Subdivision. He stated there is a 300 ft. setback line from the Highway. He stated there is an existing home in a commercial zoned area (within that 300 ft. setback line). He explained no new residential lot can be built in that area. He stated another matter which he would like to address is the staff would rather have a single parcel designated for a drainage pond versus having individual homeowner drainage.

Mr. Westfall stated this drainage matter will need to have more discussion at later phases before it reaches its final phase; however, for this purpose of concept/preliminary approval there is no issue.

Mr. Flint stated he feels having individual homeowner drainage would be better maintained as part of their home, than a single parcel drainage pond maintained by the City (who has far more things to maintain).

Mr. Westfall stated the applicant has made all the changes which the City has requested at this point.

It was established that this subdivision is in an R1 zone (Residential) with a section being NC-2 zone (Commercial).

Commissioner Ostler said from what he has found in the ordinances there is some flexibility which would allow the Commission to move the NC-2 zone boundary line back, so the existing home would no longer be nonconforming and could be part of the R1 zone.

Mr. Westfall inquired if a public hearing would have to be held for such a move.

Commissioner Ostler read the code to the Commission for their enlightenment on the matter.

MOTION: Vice Chairman Miles made a motion to approve the concept and preliminary for the Wyatt Subdivision Phase 2, located at 2100 South, with notation that Parcel A was presented at this meeting to the Commission and Parcel A is what is being approved. Commissioner Grover seconded the motion. Roll call vote.

Chairman Coburn, Yes

Vice Chairman Miles, Yes

Commissioner Ostler, Yes

Commissioner Grover, Yes

Motion Approved: 4 Yes 0 No

C. Concept/ Preliminary Approval for Heather Ridge Subdivision Phase 5, Applicant: John Simmons, Location: 2100 South (south side)

Jim Flint stated he would be representing the Heather Ridge Subdivision. He stated the major change is a drainage support pond. He explained that making the pond smaller and deepening it 5 ft. will yield one additional parcel.

Mr. Westfall stated in his discussion with Brett Jones, the City Engineer Mr. Jones stated some concerns in the way the calculations came out, which will need to be discussed with Mr. Flint. Mr. Westfall said in his conversation with Mr. Jones, Mr. Jones said the drainage support pond would need to be 8 ft. deep which would then need to have a chain-link fence around it. He continued, the other concern is if Perry City would want to maintain a pond which is that steep and deep. He stated his recommendation to the Commission is the staff feels comfortable with this proposal if the drainage support pond meets the City Engineers specifications, and if he is not comfortable with it then the pond would go back to its original, larger size.

Commissioner Ostler inquired if the application form filled out was an old form.

It was established it was and the applicant could fill out a current one.

It was clarified that the change spoken of by Mr. Flint was from the existing pond and not on the presented map.

Commissioner Ostler inquired if the dirt section of the road 385 W. would be updated to a pavement road.

Mr. Flint stated the affirmative.

Mr. Westfall suggested the Commission require for final recommendations of all future subdivisions that all road improvements be extended to the property lines.

Chairman Coburn inquired if the Commission would like to approve both preliminary and concept or just concept tonight.

Commissioner Ostler said he felt enough work had been done in preliminary and if they note engineer approval that would suffice for both to be approved tonight.

Mr. Westfall defined what a concept and what the preliminary (engineering) stages are to the Commission and stated both had been met by this applicant at this time.

MOTION: Commissioner Grover made a motion to approve the concept and preliminary for the Heather Ridge Phase 5 located at 2100 south, subject to the resolution of the City Engineer’s concerns, including over lot 43 and the feasibility of a smaller retention basin. Commissioner Ostler seconded the motion. Roll call vote.

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

Motion Approved: 4 Yes 0 No

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

A. Discussion/ Action Approval of Ordinance 17-E regarding proposed modifications to Chapter 15.031.020 pertaining to Gravel Pits of the Municipal Code of Perry City.

Stricken from Agenda.

5. Discussion

A. Discussion on the Conservation Subdivision

Mr. Westfall stated he felt this proposed ordinance is to the point where the Commission needs to be receiving feedback and moving it forward to the Council.

Chairman Coburn stated he would like to have a work session on this.

Mr. Westfall felt that would be okay to do so after they have worked through the Gravel Pit Ordinance.

Commissioner Ostler agreed with this and stated his only concerns were those which are highlighted in yellow on the Conservation Subdivision ordinance draft currently before the Commission, as they are Farmington specific. He explained he would like to make sure the proposed ordinance matches the needs of Perry City and if not, be adjusted to do so.

Commissioner Grover inquired about how this affects the current zones.

Commissioner Ostler stated it would expand the options of the zones to which the Commission decides to apply the Conservation Subdivision.

Mr. Westfall explained this ordinance preserves the green space so that in future times new owners, Commissions, etc. cannot develop the green space.

Commissioner Ostler read from the proposed Conservation Subdivision Ordinance to expound this point.

Commissioner Grover inquired about how the City will enforce the maintenance of the green space and what the fees would be for this green space maintenance.

Commissioner Ostler directed the Commission to code 14-03-150 of the proposed Conservation Subdivision Ordinance which answers these inquiries.

Commissioner Grover inquired if public access is guaranteed in the agreement.

Commissioner Ostler said it depends on the use of the space you are conserving which must be defined in the agreement.

Mr. Westfall inquired if there is a minimum of what green space can be preserved.

Commissioner Ostler stated there is a minimum which the Commission can set for whatever is in the best interest of Perry City.

Mr. Westfall stated the Commission needs to come to the next meeting ready with their feedback documented, so by the July meeting it can be ready for recommendation. He continued if they are not comfortable with that, they need to have a work session where they can go over it in depth instead of vaguely in multiple regular meetings.

It was established the Commissioners can email each other individually regarding Commission matters but not in group emails.

There was a discussion on if Perry City has a need for Conservation Subdivisions with the remaining land available for development.

Mr. Westfall stated there have been multiple people who have called the City with interest in Conservation Subdivision type ideas for developing here in Perry City.

There was a discussion about whether the Commission should bring back the R2 zone for the Conservation Subdivisions. It was explained the R2 zone would conflict the interest of this proposed ordinance.

The Commission decided to schedule a Work Session on June 1st regarding this matter.

B. Discussion on the Civic and Agricultural Zone

Mr. Westfall stated, from his and Commissioner Ostler's research, Perry City must adhere to its own ordinances and is not exempt from them. He explained the point of this document is to reorganize the City's Land Use to be formatted in this structure. (See attached documentation.)

It was explained this will simplify the process of Land Use matters and concerns.

The Commission decided to email out this document to all the Commissioners so each can review it fully and return to their next meeting with feedback.

Commissioner Ostler suggested having this also be part of the June 1st Work Session to move it along faster.

The Commission agreed.

C. Discussion/Action on the Business License Process

Commissioner Ostler stated there are some conflicting issues with the current Business License process. He reviewed the conditional use permit process and the conflicting issues with this specific permit.

Mr. Westfall said in his experience most home businesses are overseen at a Staff level, unless they have visiting clientele which then can either be handled by Staff only or both Staff and the Commission. He explained the Commission is currently spending far too much time on out-of-home Business Licenses when the majority of its time should be spent on the City Ordinances.

Commissioner Grover wondered if adding an ordinance to the Land Use Chart specifically regarding homeowner businesses would resolve these conflicts.

Mr. Westfall stated there is currently a conflicting ordinance regarding foot trafficking which would not allow for this. He then read this ordinance to the Commission and stated this is one example of a conflicting ordinance that needs to be removed.

Mr. Westfall inquired where this matter is on the priority list because the City will continue to get these types of Business License Applications and a precedent has been set by allowing previous applications to be approved, even though there are conflicting provisions of Perry City Municipal codes regarding them.

It was agreed upon by the Commission that Mr. Westfall would work on this specific matter and bring his drafted adjustments before the Commission for review.

6. Training

A. None.

7. Review Next Agenda and Adjourn

- Work Session June 1st
- Transportation Plan Public Hearing
- Suncrest Subdivision Public Hearing
- Wyatt Subdivision Public Hearing
- Simmon Subdivision Phase 5 Public Hearing
- Civic and Recreational Zone Discussion
- Business License Discussion

A. Motion to Adjourn

MOTION: Vice Chairman Miles moved to adjourn. Commissioner Grover seconded the motion.

Motion Approved: All Commissioners were in favor.