

Perry City is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting

Time: Jun 1, 2023 07:00 PM Mountain Time (US and Canada)

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+1 646 931 3860 US

+1 689 278 1000 US

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PERRY CITY PLANNING COMMISSION

REGULAR MEETING AGENDA

June 1, 2023

7:00 pm regular meeting

3005 S 1200 W Perry, UT

The meeting will be open to the public. Meeting 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. Ordinance 23-E Landscaping Regulations**
- 3. Approval of the Minutes**
 - A. April 6, 2023, Regular Planning Meeting**
- 4. Discussion**
 - A. State Legislature Changes**
 - B. Future Projects**
 - C. Report on past-approved Planning Commission Agenda Items**
 - D. Report from Commissioner regarding previous Council Meetings**
 - E. Make Assignments for Representative to Attend City Council Meetings
(June 8th and 22nd)**
- 5. Public Comment**
- 6. Training**
 - A. Staff**
- 7. Review Next Agenda and Adjourn**
 - A. Items for July agenda (next meeting July 6, 2023)**
 - 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 24th day of May 2023. Any 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
ORDINANCE 23-E

LANDSCAPE REGULATIONS

LANDSCAPE REGULATIONS

WHEREAS, the Utah Division of Water Resources has implemented a landscape rebate program; and,

WHEREAS, said program requires certain landscape requirements to be adopted in code by municipalities for eligibility in the program;

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. "15.18.010 " is hereby amended as follows:

This chapter applies to all commercial, industrial, institutional, multi-family dwelling, and apartment developments; this includes, but is not limited to churches, schools, and other permanent site developments. This chapter does not typically apply to single family residential development or agricultural operations unless explicitly stated.

HISTORY

...

SECTION 3: Amendment. "15.18.050 " is hereby amended as follows:

...

2. SITE STANDARDS

a. Street trees are ... of twenty (20) feet.

b. ~~In no case shall lawn account for more than seventy (70)~~ Lawn is not permitted in parking strips or areas less than eight feet in width in new residential development (including single family residential development).

~~percent of landscaped areas. Lawn areas should be implemented for a specific use whenever possible~~
~~(i.e~~ c. No more than 50% of front and side yard landscaped areas in new residential developments (including single family residential development) can be lawn. Exception: Small residential lots with less than 250 square feet of landscaped area.

~~recreational areas, storm water ponds).~~

d. Lawn shall not exceed 20% of the total landscaped area. Exception: Large open lawn areas specifically designated and suited for active recreation

and/or storm water ponds.

e. Large landscape areas without vegetation (rock or mulch only) are not permitted.

f. No area of the development shall be left un-improved or without development. All areas should be developed with buildings, hard surfacing, or landscaped. No area of the lot or parcel shall be arbitrarily excluded from the site plan to avoid development requirements.

g. The developer (including subdivisions and developments for single family homes) shall be responsible to implement the street improvements outlined in the current master plan for highway 89.

h. Development adjacent to Highway 89 south of 3000 S shall conform to the following (including subdivisions and developments for single family homes):

- i. Developments shall be ... for a small development.
- ii. Buildings shall be ... this setback area.

i. Developments adjacent to Highway 89 north of 3000 S shall conform to the following:

- i. Parking shall be ... of the street frontage.
- ii. Sidewalks along Highway ... (6) feet in width.

...

SECTION 4: Amendment. "15.23.030 " is hereby amended as follows:

...

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~~ 15% of Site
Row	Interstate Commercial*	~~10~~ 15% of Site
Row	~~Planned Commercial*~~ Industrial	By 10% Design of Review Site
Row	~~Industrial~~	~~5% of Site~~
Row	~~Pointe Perry Commercial*~~	By Design Review

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

...

SECTION 5: 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 6: **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.

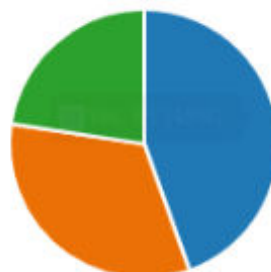
SHANNA JOHNSON, City Recorder
Perry City

The State of Utah has approved an incentive program related to water-wise landscaping. They will provide homeowners \$1.50 per square foot of lawn that is removed and replaced with water-wise landscaping.

Is this a program you would be interested in?

[More Details](#)

● Yes	65
● No	48
● Maybe	33



2.

In order for citizens to be eligible for this program Perry City would be required to adopt the following regulations for NEW residential development.

*No lawn in park strips or areas less than eight feet in width.

*No more than 50% of landscape areas in front and side yards can be lawn.

Considering these requirements on NEW development, is this a program you would support?

[More Details](#)

● Yes	53
● No	61
● Maybe	33



1 April 6, 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 (on-line until 8:12 p.m.),
8 Commissioner Julie Jones, Commissioner Beth Thompson (on-line), and Commissioner Blake Broadhead
9

10 **Commissioners Absent:** Chairman Marcus Wager and Commissioner Ryan Vaughn
11

12 **City Staff Present:** City Administrator Bob Barnhill, City Attorney Chris Crockett, Scott Hancey (on-line),
13 and Planning Secretary Tyra Bischoff (on-line)
14

15 **Others Present:** Zach Swenson (on-line), Brach Nelson (on-line), Melanie Barnhill (on-line), Mike Dean,
16 Marilyn Dean, and Marvin Neff
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. Site Plan Application – Maverik Located at 1674 W 1100 S Parcel #03-236-0018 Applicant:**
26 **Brach Nelson/Maverik Inc.**

27 Mr. Barnhill said this site plan application for Maverik at Point Perry and was on the agenda last month.
28 He showed the conceptual site plan with an overlay of the original building to explain the applicants' site
29 changes. He mentioned that based on the expansion of their site, their landscaping plans, storm water
30 runoff, and dumpster enclosures have all increased. He described in more detail the landscaping plan
31 presented with this application. He read part of the Staff Report that contained some of the Perry City
32 landscaping code. He then reiterated that in the last meeting the applicant was asked to present a more
33 detailed landscaping plan for the north side of the property. He asked the Planning Commission to
34 determine if what the applicant had presented met the intent of the code.
35

36 Mr. Barnhill noted that our city engineer has not had the opportunity to do a technical review of the
37 drainage plan but what they have presented looked very thorough. He reminded them that this was an
38 administrative item and the Planning Commission may give any recommendations to City Council with an
39 approved motion. He read the city code that stated, "No area of the development shall be left un-
40 improved or without development. All areas should be developed with buildings, hard surfacing, or
41 landscapes. No area of the lot or parcel shall be arbitrarily excluded from the site plan to avoid
42 development requirements." He then gave examples of a complete development which is the intent of
43 the code. He commented on the undeveloped parts of the property and that the commissioners need to
44 determine if the plans as presented met the rules of the code.
45

46 Commissioner Kerr asked where the retention pond was, and Mr. Barnhill responded that it was on the
47 west side of the property. Commissioner Thompson mentioned that there was a 50-foot-wide drainage
48 and buffer easement and Mr. Barnhill noted that they would not be able to build on it.

Vice Chairman Moss asked about the west triangular portion of the property and if the city could require landscape development in the future. Mr. Barnhill said that typically any requirements will be done at the time of the application. The commissioners were curious why the small triangle section of the property was not being developed at this time. Brach Nelson from Maverik responded that they are doing analysis for electric vehicle charging stations and these options might be in their future site development plans.

MOTION: Commissioner Kerr made a motion to send it forward recommending approval to the city council with a stipulation that before it goes to the city council it receives a full review from the city engineers to get their approval that it has met all requirements. Commissioner Kerr amended the motion to include future plans (for the west triangular side of the site). Commissioner Broadhead seconded the motion.

Roll Call Vote:

Commissioner Wager, Absent
Commissioner Moss, Yes
Commissioner Jones, Yes
Commissioner Kerr, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Absent
Commissioner Thompson, Yes

Motion Approved

B. Site Plan Application – Perry/Brigham Ford Located at Approximately 988 W 1100 S Parcel #'s 03-154-0132; 03-154-0077 Applicant: Zach Swenson

Mr. Barnhill said this site plan was for an auto dealership with most of the property located in the Brigham City boundary and a small portion of the parking lot with its adjacent road within the Perry City limits. He explained that Brigham City's relevant standards are similar to Perry City's standards. He pointed out that the site will use Brigham City's utilities and our engineer recommend that Perry City utilities not be extended to the adjacent roadway. Even though our standards are similar to Brigham City's, there are differences in the landscaping requirements, so he said his recommendation was to approve this site plan with the applicant following Brigham City's standards. He noted there was a city boundary agreement between Brigham City and Perry City where a City Advisory Board was created to have representatives from both cities. He said this group will have a meeting in the future to review the next step in this development and to make sure things comply. He mentioned that the road on the south of the lot would be the responsibility of Perry City to maintain.

Commissioner Thompson asked about the proposed buildings and was told they will be the dealership offices and the building across the street to the east was just a place holder for a future project. Commissioner Kerr asked about the neighboring properties and the developer expanding 1100 West Street. Applicant Zach Swenson commented that the width of the right of way was designed to a public road with parallel parking. Commissioner Jones inquired about the property to the south in Perry City and its future development and future utilities. Mr. Barnhill commented on the future development plan for that area with a possible utility placement.

MOTION: Commissioner Jones made a motion to recommend the Perry/Brigham Ford located at 988 W 1100 S for approval to the city council with the caveat that they go with Brigham City to figure out their site plan. Commissioner Kerr seconded the motion.

Roll Call Vote:

Commissioner Wager, Absent
Commissioner Moss, Yes
Commissioner Jones, Yes
Commissioner Kerr, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Absent
Commissioner Thompson, Yes

Motion Approved

C. Final Plat Application – Perry View Townhomes located at 1875 S 300 W Parcel #'s 03-159-0016; 03-159-0201 Applicant: Brinton Neff

Mr. Barnhill explained that this application was for twenty-two multi-family townhomes along Highway 89 and was across the road from Maddox Restaurant. He pointed out the layout from the site map and gave highlighted information from the Staff Report. He mentioned that the preliminary application was approved a while ago and now the developer presented the storm water calculations, sewer system and utilities plans. He said the state required that we allow a developer to begin construction on the infrastructure once the city had the approved engineer drawings, also before they record the final plat. He continued by saying if this final plat is approved in this motion the developer will be required to fund their escrow, get the official signatures on the plat and get it recorded at the county in addition to applying for building permits on the lots. He concluded by saying the developer had met the city requirements and everything seems to be in order on this final plat application.

MOTION: Commissioner Kerr made a motion to approve the final plat application for Perry View Townhomes at 1875 South 300 West; it appears they met the requirements. Commissioner Thompson seconded the motion.

Roll Call Vote:

Commissioner Wager, Absent
Commissioner Moss, Yes
Commissioner Jones, Yes
Commissioner Kerr, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Absent
Commissioner Thompson, Yes

Motion Approved

D. Public Hearing – Ordinance 23-E Landscaping Regulations

Mr. Barnhill said this ordinance affects the city landscape ordinance. He said the state has a new program to encourage water saving. The program allows any home owner or business the opportunity to remove grass and replace it with water-wise landscaping and the state will pay a certain amount for this change

over. But to be eligible the city must adopt certain standards so that moving forwards new development follows a more water wise pattern. He said to do this we need to adjust the landscape language in our city code to match the language the state requested us to adopt and use. He went through the ordinance and explained the changes along with the state requirements. He commented that he also updated other parts of the ordinance while he was reviewing it.

Commissioner Jones asked for clarification whether the 50% of the front and side yard included the driveway in the calculation with this program. Mr. Barnhill said he interpreted it to mean only the landscape part of the yard but if the language needs to be adjusted for better clarification, they may change it. Commissioner Moss reiterated that the purpose of this was to allow other citizens to be eligible for the state offer. Commissioner Kerr noted that if implemented new developments will need to follow this code.

Public Hearing opened at 7:47 p.m.

Mike Dean commented that he did not know that this public hearing was only for new construction. He would like to change his park strip area. Mr. Barnhill stated that the city does not have any codes addressing park strip areas. The commissioners explained that if this ordinance was approved for new residential developments, then established homeowners will benefit from it. Further explained was if the ordinance gets approved then these homeowners who choose to remove their grass and install water wise landscaping may apply with the state to get \$1.50 per square foot reimbursement.

Mervin Neff thinks it is a great program for water conservation and those who want to do it. He said he does not like that the government is taking away freedom by saying it is mandatory. If someone wants to choose it great but it should not be mandatory and that they should not be telling us what to do with our own property. He thinks and feels it overrates our freedom.

Mr. Barnhill explained that this was a land use regulation and Planning Commission was used to administering the law, but this code change might get into their ideology and priorities which can become political. He reminded them that this was planning for the future water of the city and that approximately 75% of residential water usage was in landscape. He commented that it is difficult to find a balance for the freedom of property rights and the reality of providing water to the people.

Commissioner Jones wondered if the standards would apply to anyone who has already put in a development application. Mr. Barnhill responded that the applicant follows the current landscape requirement the day the application is submitted. Commissioner Moss commented that he has reservations with the program on how many people will benefit from it compared to the amount of people it will restrict.

Public Hearing closed at 7:56 p.m.

Commissioner Jones commented this would be a good incentive for people to be water wise. She mentioned that Perry was the last to get secondary water and first to be cut from it. Commissioner Kerr said she feels that the people of Perry do not know about this plan and we should get more feedback from the public before accepting the plan. Commissioner Thompson said she feels more people need to know about the program and that it is the city's responsibility to be water wise. They discussed putting the information to the residents out on social media in a public poll.

MOTION: Commissioner Jones made a motion to table this item until next month. Commissioner Kerr seconded the motion.

Roll Call Vote:

Commissioner Wager, Absent
Commissioner Moss, Yes
Commissioner Jones, Yes
Commissioner Kerr, Yes
Commissioner Broadhead, Yes
Commissioner Vaughn, Absent
Commissioner Thompson, Yes

Motion Tabled

3. Approval of the Minutes

A. March 2, 2023, Regular Planning Meeting

Commissioner Kerr said there were grammatical changes as follows: line 39, 41, 75, 124, 134, 152, 161, 164, 174, 178, and 242.

MOTION: Commissioner Broadhead made a motion to approve the meeting with the corrected as noted by Commissioner Kerr. Commissioner Thompson seconded the motion.

All In Favor

4. Discussion

A. Future Projects

Mr. Barnhill noted that the city received grant funding from Wasatch Front Regional Council to partner with UDOT for the master plan of the part of Highway 89 going through Perry City. He said we are putting together the scope of work and Wasatch Front Regional Council will put out the Request for Proposal (RFP) for consultants to help with that project. He explained that this will be presented in a few months. The presentation will display a few different plans to get public opinions and see if we can all come together and be on the same page.

B. Report on past-approved Planning Commission Agenda Items

Mr. Barnhill said the City Council approved the zone change at Davis Creek but the Francis property by Perry Park was denied.

C. Report from Commissioner regarding previous Council Meetings

Commissioner Kerr said she was not able to attend the March 9th Council Meeting. Mr. Barnhill said they opened a bid for a new city garbage service company.

**D. Make Assignments for Representative to Attend City Council Meeting
(April 13 & April 27, 2023)**

Commissioner Thompson said she can go to the April 13th meeting. Mr. Barnhill will be at the April 27th City Council Meetings.

233
234 **5. Public Comment**

235 None.
236

237 **6. Training**

238 City Attorney Chris Crockett asked if they had participated in the Open and Public Meeting Act training
239 given at the city council meeting on February 9, 2023. He said the purpose of this act was to make sure
240 public business was done in an open and transparent manner. He continued explaining and giving
241 examples of what would violate the act. He noted that they are required to receive this training annually.
242 As a side note, he said he has been working on an Enforcing the Improvement Guarantee training that will
243 allow changes to an agreement without memorializing it in writing.
244

245 **A. Staff**

246 Mr. Barnhill commented to the Planning Commission that they did a good job on the site plan.
247 Upcoming training will be about enforcing improvement guarantees.
248
249

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

251 **A. Items for May agenda (next meeting May 4, 2023)**

252 Mr. Barnhill said that they will bring back Landscaping Regulations on the next agenda.
253

254 **B. Motion to Adjourn**
255

256 **Motion:** Commissioner Kerr made a motion to adjourn the meeting. Commissioner Thompson
257 seconded the motion.
258

259 All Commissioners were in favor. The meeting ended at 8:25 p.m.
260
261