

Perry City is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting

Time: Dec 2, 2021 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82663951286?pwd=NWZ3d3R2c0ZHTGdJTW9NKzVqVDhDUT09>

Meeting ID: 826 6395 1286

Passcode: 087156

One tap mobile

+13462487799,,82663951286#,,,,*087156# US (Houston)

+16699006833,,82663951286#,,,,*087156# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 826 6395 1286

Passcode: 087156

Find your local number: <https://us02web.zoom.us/j/kF8fV561p>

PERRY CITY PLANNING COMMISSION REGULAR MEETING AGENDA

December 2, 2021

7:00 pm regular meeting

3005 S 1200 W Perry, UT

The meeting will be open to the public with eight people maximum in person. 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. Preliminary Subdivision Application – Perry Landing located at approximately 3200 S 1200 W Parcel #02-034-0038 Applicant: Robert Anderson

B. Ordinance 21-R Amending the Density Map and Associated Regulations

C. Ordinance 21-S Creating an Overlay Zone for Development Agreements

D. Public Hearing – Ordinance 21-U Amendments to Title 14 and 15 Regarding Subdivisions

E. Approving the Meeting Schedule Dates for 2022

3. Discussion Items

A. Bike Rentals

4. Approval of the Minutes

A. October 21, 2021 Work Session

B. November 4, 2021 Regular Meeting

5. Discussion

A. Future Projects

B. Report on past-approved Planning Commission Agenda Items

C. Report from Commissioner regarding last Council Meeting (November 16th Meeting)

D. Make Assignments for Representative to Attend City Council Meetings

(December 9th Meeting)

6. Training

A. Staff

7. Review Next Agenda and Adjourn

A. Items for January agenda (next meeting January 6th, 2022)

- **Land Use**

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 17th day of November. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

Tyra Bischoff, Deputy Recorder

Rules for Public Hearings:

- (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

Printed: 11/24/2021

Perry Landing Subdivision

Permit/License #

09/07/2021 - 09/06/2022

0818179

Subdivision: Preliminary Application

Reference Number

e9527530-100c-11ec-b69e-5752a631aa03

Subdivision: Preliminary Application

Status

Active

Application Status

Under Review

Application Review Status

Pre-Review

Received

Date Submitted

09/07/2021

Brigham City Fire
Department

Not Reviewed

Community
Development

Not Reviewed

Final-Review

Not Reviewed

Fees

Subdivision: Preliminary Application (Residential)	\$5,700.00
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Subtotal	\$5,700.00
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Amount Paid	\$5,700.00
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Total Due	\$0.00
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Payments

09/07/2021	Check #8292	\$5,700.00
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Total Paid	\$5,700.00
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Application Form Data

(Empty fields are not included)

Applicant First Name

Robert

Applicant Last Name

Anderson

Applicant Email

rojoan@aol.com

Applicant Phone Number

(801) 668-6606

Applicant Address

2081 Hampton Circle

City

Ogden

State

UT

Zip

84403

Is the Applicant the Property Owner?

Yes

Engineer/Surveyor Name or Company

Gardner Engineering

Engineer/Surveyor Email

bduersch@gecivil.com

Engineer/Surveyor Phone Number

(801) 476-0202

Subdivision Name

Perry Landing Subdivision

Property Address

3200 S 1200 W

Property Serial #

020340038

Preliminary Drawings

 Perry Landing Subd-Prelim.pdf

Total Number of Lots/Units

54

Is this a Residential or Commercial development?

Residential

Additional Project Notes

3.7 lots per acre (which includes multi-family lots)

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 storm water plan, Preliminary utility 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?

No

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.

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. 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.

Electronically Signed

Robert J Anderson - 09/07/2021 12:53 pm

Staff Report

December 2, 2021

Perry City Planning Commission



Preliminary Subdivision – Perry Landing, Robert Anderson - located at approximately 3200 S 1200 W

Summary

The property is approximately 15 acres in size and was recently granted the R1 zoning designation. The submitted plans show 54 lots with 20 of those lots being for townhome units.

The developer will be required to replace the mainline in 1200 W to provide adequate water flow and pressure. The current line is 6". The developer will need to install a 12" mainline unless the City completes some other nearby improvement projects, which will allow the developer's line to be 8".

In lieu of sidewalk along 1200 W the developer will install a 10' wide asphalt trail in compliance with our approved standards and transportation plan. The plans show road connections to the south and stub roads to the north for future development. The updated plans also indicate three separate phases.

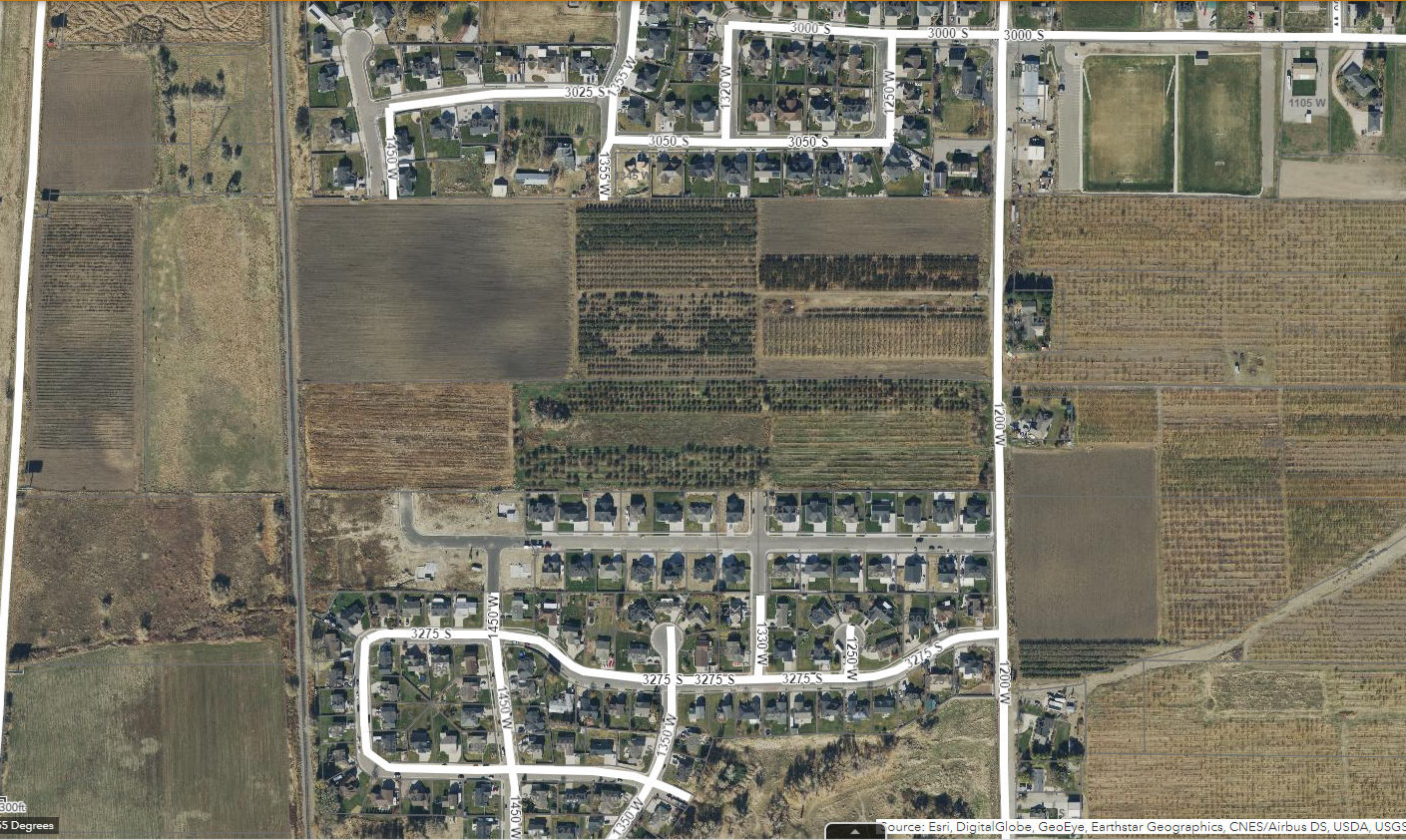
Code Compliance

The applicant has updated their submittals, which have been reviewed by staff and our City Engineer. The applicant has submitted two potential layouts. The layout having the townhomes separated is in compliance with our code, the other is not. This should be made clear in the motion if it is approved. It appears the plans are adequate for Preliminary approval.

Considerations and Recommendations

This is an administrative application and appears ready for approval.





(OPTION - 2)

OCTOBER 2021

SURVEYOR'S CERTIFICATE

SIGNED THIS _____ DAY OF _____, 2021



BOUNDARY DESCRIPTION

A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 16, PHEASANT HOLLOW SUBDIVISION PHASE 1, BEING LOCATED NORTH 01°31'54" EAST 34.80 FEET ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3 AND SOUTH 90°00'00" WEST 14.00 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 3; RUNNING THENCE NORTH 89°41'31" WEST 1958.76 FEET TO A POINT ON THE NORTH LINE OF PHEASANT HOLLOW SUBDIVISION PHASE 3; THENCE NORTH 01°47'36" WEST 323.95 FEET TO THE SOUTH PROPERTY LINE OF PETTINGILL PROPERTIES LC, THENCE ALONG THE SAID SOUTH PROPERTY LINE SOUTH 89°41'31" EAST 1968.24 FEET TO THE WEST RIGHT-OF-WAY LINE OF PERRY STREET; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 00°06'55" EAST 323.74 FEET TO THE POINT OF BEGINNING, CONTAINING 14.592 ACRES.



LEGEND

- WEBER COUNTY MONUMENT AS NOTED
SET 24" REBAR AND CAP
MARKED GARDNER ENGINEERING
SURVEYED BOUNDARY
LOT LINE
ADJACENT PARCEL
SECTION LINE
EASEMENT
EXISTING FENCE LINE
EXISTING WATER LINE
NEW WATER LINE
EXISTING IRRIGATION LINE
NEW IRRIGATION LINE
EXISTING STORM DRAIN
NEW STORM DRAIN
EXISTING SANITARY SEWER
NEW SANITARY SEWER
EXISTING OVERHEAD POWER
EXISTING GAS LINE
EXISTING FIRE HYDRANT
EXISTING WATER VALVE
EXISTING STORM MANHOLE
EXISTING CATCH BASIN
EXISTING SEWER MANHOLE
NEW LIGHT POLE
NEW STREET SIGN

NOTES

1. ZONE (R-1) CURRENT YARD SETBACKS: FRONT = 20' (15' FOR GARAGES),
REAR = 10', SIDE = 8', SIDE CORNER = 15'
2. SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" - AREAS DETERMINED
TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN. PER FEMA MAP NO.
49003C2260W WITH AN EFFECTIVE DATE OF SEPTEMBER 29, 2010.
3. THE HOMEOWNER'S ASSOCIATION SHALL BE RESPONSIBLE FOR MAINTAINING THE
DETENTION BASIN AS SHOWN ON THE APPROVED SUBDIVISION IMPROVEMENT
DRAWINGS. THIS INCLUDES, BUT IS NOT LIMITED TO: IRRIGATION OF THE GRASS
LANDSCAPING, MAINTAINING DESIGN GRADES, PIPING, SPRINKLERS, CLOCKS(S)
AND TIMING. THE HOMEOWNER'S ASSOCIATION SHALL NOT ALTER IN ANY WAY
THE DRAINAGE FUNCTIONALITY OF THE BASIN IMPROVEMENTS. PERRY CITY
SHALL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE PIPING
AND APPURTENANT WORKS THEREOF.
4. BASEMENTS ARE NOT ANTICIPATED IN THE TOWNHOMES, HOWEVER THE SEWER
DEPTH IS ADEQUATE FOR BASEMENTS.

AGRICULTURAL NOTE:
AGRICULTURE IS THE PREFERRED USE IN THE AGRICULTURE ZONES. AGRICULTURE OPERATIONS AS SPECIFIED IN THE ZONING ORDINANCE FOR A PARTICULAR ZONE ARE PERMITTED AT ANY TIME INCLUDING THE OPERATION OF FARM MACHINERY AND NO ALLOWED AGRICULTURE USE SHALL BE SUBJECT TO RESTRICTION ON THAT IT INTERFERES WITH ACTIVITIES OF FUTURE RESIDENTS OF THIS SUBDIVISION.

OWNER'S DEDICATION

[illegible]

NO NAME INVESTMENTS LTD

ACKNOWLEDGEMENT

BY:

STATE OF UTAH
COUNTY OF BOX ELDER

On this _____ day of _____, 2021, _____, Personally appeared before me, the Undersigned Notary Public in and for said County of Box Elder, in the State of Utah, the Signers of the Attached Owners Dedication, one in Number _____, _____, who duly Acknowledged to me he Signed it Freely and Voluntarily and for the Purpose Therein Mentioned.

STAMP

NOTARY PUBLIC

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO CREATE A FIFTY FOUR (54) LOT, SUBDIVISION ON THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY WAS ORDERED BY BOB ANDERSON. THE CONTROL USED TO ESTABLISH THE BOUNDARY WAS THE EXISTING BOX ELDER COUNTY SURVEY MONUMENTATION AS SHOWN AND NOTED HEREON. THE BASIS OF BEARING IS THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 8 NORTH, RANGE 2 WEST, S. 1/4 B.M., (WHICH BEARS NORTH 00°03'07" EAST, 802 ELDER COUNTY, UTAH NORTH, NAD 83 STATE PLANE GRID BEARING.

COUNTY RECORDER'S NO. _____

STATE OF UTAH, COUNTY OF BOX ELDER, RECORDED AND
FILED AT THE REQUEST OF _____

DATE _____ TIME _____ FEE _____
ABSTRACTED _____

INDEX _____

FILED IN: _____ FILE OF PLATS

COUNTY RECORDER

R:\ANDERSON\2109 - PERRY SUBDIVISION\SURVEY\DWG\PERRY LANDING SUBD - OPT2.DWG

DEVELOPER:
ROBERT ANDERSON
2081 E. HAMPTON CIRCLE
OGDEN, UT 84403
(801) 476-0400 OFFICE



PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____ A.D., 2021 BY THE
PERRY PLANNING COMMISSION.

CHAIRMAN

APPROVAL AND ACCEPTANCE

PRESENTED TO THE _____ THIS _____ DAY OF _____ A.D., 202____
AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST: _____
RECORDER

ENGINEER'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT
AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THE PERRY CITY OFFICE

DATE _____ ENGINEER _____

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF _____, 2021

CITY ATTORNEY

PERRY CITY
ORDINANCE ORDINANCE 21-R AMENDING THE DENSITY MAP AND
ASSOCIATED REGULATIONS

WHEREAS, Perry City desires to allow a variety of housing options in a manner that is responsive to the General Plan, public input, and good planning practices;

NOW THEREFORE, be it ordained by the Council of the Perry City, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “14.03.025 Multi-Family Dwellings” of the Perry Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

14.03.025 Multi-Family Dwellings (Non-existent)

AFTER ADOPTION

14.03.025 Multi-Family Dwellings(*Added*)

The Land Use Authority for preliminary approval shall review and approve, as part of the Preliminary Subdivision Application, the layout and location of any proposed Multi-Family Dwellings. The Land Use Authority shall have authority to determine the location of all proposed Multi-Family Dwellings in the Subdivision. Adjustments to the location of Multi-Family Dwellings may be required to minimize the impact to existing single family dwellings and provide appropriate transitions from existing neighborhoods to the proposed Subdivision. Adjustments may also be required to conform with the General Plan and adopted policies to integrate Multi-Family Dwellings into single family neighborhoods.

Within a proposed Subdivision no more than four (4) Multi-family Dwelling units are allowed per ten (10) proposed single family lots.

SECTION 2: **AMENDMENT** “15.05.070.2 Residential Uses” of the Perry Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.05.070.2 Residential Uses

Residential Uses	A	A L	R 1 A	RE 1/2	R 1/2	R 1/3	R 1	R 2	E S	C	C 1	I C	N C2	N C 3	M U- C	M U- O	M U- R	M/ IL	M/ I
Accessory Buildings (See Area Requirements Chart)	P	P	P	P	P	P	P	P*	P*	P	~	~	P*	P*	~	~	P*	~	~
Apartments ²	~	~	~	~	~	~	~	~	~	~	~	P	~	~	~	~	~	~	~
Boarding House, Bed/Breakfast note 4*	~	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	P*	P*	~	~
Multi-Family Dwellings ²	~	~	~	P	P	P	P	P	~	~	~	~	P	P	P	P	P	~	~
Home Occupations ¹	P	P	P	P	P	P	P	P	P	P	P	~	P	P	P	P	P	~	~
Household Pets	P	P	P	P	P	P	P	P	P	~	~	~	P	P	P	P	P	~	~
Modular/ Manufactured Homes	P	P	P	P	P	P	P	P	~	~	~	~	~	~	~	~	~	~	~
Single Family Homes	P	P	P	P	P	P	P	P	P*	~	~	~	~	~	~	~	~	~	~
Model Home	~	~	C	C	C	C	C	C	~	~	~	~	~	~	C	C	C	~	~
Conservation Subdivisions	P	P	P	P	P	P	P	~	~	~	~	~	~	~	~	~	~	~	~

1. A Home Occupation may be approved with the following uses:
- Firearms sales, repair, and assembly

- b. Barber shop, beauty salon, hair salon
 - c. Home Daycare
 - d. Home Preschool
 - e. Educational Facility
 - f. Artists
 - g. Authors
 - h. Professional office services (excluding medical, dental, and other health professional offices) including, but not limited to:
 - i. Advertising
 - ii. Architectural or engineering services
 - iii. Consulting services
 - iv. Data processing, computer programming and service
 - v. Desktop publishing
 - vi. Insurance sales or broker
 - vii. Interior design
 - viii. Real estate sales, broker, or appraiser
 - ix. Contractor or handyman office
 - i. Culinary or home craft, or garden produce sales
 - j. Sales representative
 - k. Alternative medicine and holistic healing including: foot zoning, aromatherapy, reiki, chiropractic, massage, and other similar uses as determined by the Licensing Authority except for Sexually Oriented Businesses as defined in PMC.
 - l. Any use or Business not listed in this Subsection regarding Home Occupations is prohibited.
2. Multi-family Dwellings may be developed according to the allotments indicated in the Multi-family Dwelling and Apartment Density Map, which can be found at the following link ([Map](#)). Existing and proposed dwelling units are counted towards the limits shown on the Multi-family Dwelling and Apartment Density Map. When the allotted number of units in an area has been reached no more units will be permitted in the area.
- a. For the purposes of this subsection, Multi-family Dwelling and Apartment units shall not include Accessory Dwelling Units.
 - b. Multi-Family Dwelling and Apartment units shall not be permitted where they are prohibited or otherwise restricted by private Conditions, Covenants, and Restrictions.

***Notes-see PMC 15.07.100.4
Permitted in Zone**

P*- Use Permitted by Design Review

P- Use

C-Conditional Use

~ Use not Permitted

AFTER AMENDMENT

15.05.070.2 Residential Uses

Residential Uses	A	A L	R 1 A	RE 1/2	R 1/2	R 1/3	R 1	R 2	E S	C	C 1	I C	N C2	N C 3	M U- C	M U- O	M U- R	M/ IL	M/ I
Accessory Buildings (See Area Requirements Chart)	P	P	P	P	P	P	P	P*	P*	P	~	~	P*	P*	~	~	P*	~	~
Apartments ²	~	~	~	~	~	~	~	~	~	~	~	P	~	~	~	~	~	~	~
Boarding House, Bed/Breakfast note 4*	~	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	P*	P*	~	~
Multi-Family Dwellings ²	~	~	~	P	P	P	P	P	~	~	~	~	P	P	P	P	P	~	~
Home Occupations ¹	P	P	P	P	P	P	P	P	P	P	P	~	P	P	P	P	P	~	~
Household Pets	P	P	P	P	P	P	P	P	P	~	~	~	P	P	P	P	P	~	~
Modular/ Manufactured Homes	P	P	P	P	P	P	P	P	~	~	~	~	~	~	~	~	~	~	~
Single Family Homes	P	P	P	P	P	P	P	P	P*	~	~	~	~	~	~	~	~	~	~
Model Home	~	~	C	C	C	C	C	C	~	~	~	~	~	~	C	C	C	~	~
Conservation Subdivisions	P	P	P	P	P	P	P	~	~	~	~	~	~	~	~	~	~	~	~

1. A Home Occupation may be approved with the following uses:

- a. Firearms sales, repair, and assembly
 - b. Barber shop, beauty salon, hair salon
 - c. Home Daycare
 - d. Home Preschool
 - e. Educational Facility
 - f. Artists
 - g. Authors
 - h. Professional office services (excluding medical, dental, and other health professional offices) including, but not limited to:
 - i. Advertising
 - ii. Architectural or engineering services
 - iii. Consulting services
 - iv. Data processing, computer programming and service
 - v. Desktop publishing
 - vi. Insurance sales or broker
 - vii. Interior design
 - viii. Real estate sales, broker, or appraiser
 - ix. Contractor or handyman office
 - i. Culinary or home craft, or garden produce sales
 - j. Sales representative
 - k. Alternative medicine and holistic healing including: foot zoning, aromatherapy, reiki, chiropractic, massage, and other similar uses as determined by the Licensing Authority except for Sexually Oriented Businesses as defined in PMC.
 - l. Any use or Business not listed in this Subsection regarding Home Occupations is prohibited.
2. Multi-family Dwellings may be developed according to the allotments indicated in the Multi-family Dwelling and Apartment Density Map, which can be found at the following link ([Map](#)). Existing and proposed dwelling units are counted towards the limits shown on the Multi-family Dwelling and Apartment Density Map. When the allotted number of units in an area has been reached no more units will be permitted in the area. Where a certain property or proposed Subdivision is divided among multiple allotment areas on the Multi-Family Dwelling and Apartment Density Map, the Subdivider shall implement the allotted units from only one allotment area. Multiple allotments shall not be combined into one Subdivision. In the case that a Subdivider develops only a portion of the available property to include only one allotment area with the intent to subsequently development in the adjacent allotment area, the subsequent Subdivision shall wait five (5) years following Final Acceptance of the initial Subdivision before application may be made for the subsequent Subdivision.
- a. For the purposes of this subsection, Multi-family Dwelling and Apartment units shall not include Accessory Dwelling Units.
 - b. Multi-Family Dwelling and Apartment units shall not be permitted where they are prohibited or otherwise restricted by private Conditions, Covenants, and Restrictions.
 - c. Multi-family Dwelling structures in the NC2 and Mixed Use zones may

include no more than 4 units. Multi-family Dwelling structures in all other zones may not exceed 2 units.

***Notes-see PMC 15.07.100.4
Permitted in Zone**

P*- Use Permitted by Design Review

P- Use

C-Conditional Use

~ Use not Permitted

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE PERRY CITY COUNCIL

AYE NAY ABSENT ABSTAIN

Councilmember Nathan Tueller

Councilmember Blake Ostler

Councilmember Toby Wright

Councilmember Esther Montgomery

Councilmember Andrew Watkins

Presiding Officer

Attest

Kevin Jepps, Mayor, Perry City

Tyra Bischoff, Deputy City Recorder
Perry City

PERRY CITY
ORDINANCE ORDINANCE 21-S CREATING AN OVERLAY ZONE FOR
DEVELOPMENT AGREEMENTS

WHEREAS, Perry City desires to provide avenues for creative development options that are responsive to adopted plans and policies and protect the health, safety, and welfare of its residents; and

WHEREAS, Development agreements must be established in accordance with Utah Code Annotated §10-9a-532.

NOW THEREFORE, be it ordained by the Council of the Perry City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “15.07.010.1 List Of Zones” of the Perry Municipal Code is hereby *amended* as follows:

AMENDMENT

15.07.010.1 List Of Zones

The territory of the City of Perry is divided into the following zoning districts or potential districts. For the Land Use Chart, which shows the restrictions and limitations within these districts or potential districts(excepting the Civic and Recreation Zones), refer to PMC 15.07.100. Please see PMC 15.07.020.4 for regulations pertaining to the Civic (CVC) and Recreation (REC) Zones, respectively.

AE AGGREGATE EXTRACTION

A AGRICULTURAL

AL AGRICULTURAL LIMITED

R1 A RURAL RESIDENTIAL~~—1 ACRE~~

RE 1/2 RURAL RESIDENTIAL~~—1/2 ACRE~~

R 1/2 LOW DENSITY RESIDENTIAL~~—20,000-sf~~

R 1/3 LOW DENSITY RESIDENTIAL~~—1/3 ACRE~~

R1 LOW DENSITY RESIDENTIAL~~—10,000-sf~~

R2 MEDIUM DENSITY RESIDENTIAL~~—8,000-sf~~

C COMMERCIAL

C 1 COMMERCIAL ~~—PRINCIPAL~~

IC INTERSTATE COMMERCIAL

NC2 NEIGHBORHOOD COMMERCIAL

NC3 NEIGHBORHOOD COMMERCIAL

MU-C MIXED-USE COMMERCIAL

MU-O MIXED-USE OFFICE

MU-R MIXED-USE RESIDENTIAL

M/I MANUFACTURING/INDUSTRIAL

M/I L MANUFACTURING/INDUSTRIAL LIMITED

ES ENVIRONMENTALLY SENSITIVE

CVC CIVICREC RECREATION

DO DEVELOPMENT OVERLAY

SECTION 2: **ADOPTION** “15.07.020.21 Development Overlay (DO)” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.07.020.21 Development Overlay (DO)(*Added*)

When applied to a certain property this zone shall not replace any other zoning district, but rather shall be added to the zoning regulations for the subject property as an overlay zone.

SECTION 3: **ADOPTION** “15.02 Development Agreements” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02 Development Agreements(*Added*)

SECTION 4: ADOPTION “15.02.010 Purpose And Intent” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02.010 Purpose And Intent(*Added*)

The purpose of this chapter is to provide procedures and minimum standards for the review, consideration, and possible approval of development agreements by the City Council. The purpose of development agreements is to allow exceptions or changes to the current code for a specific development, respond to unique aspects of a property or development, further city priorities, bind the Subdivider to agreed upon Improvements and Infrastructure and other development parameters, and above all, create better developments than what could be had without a development agreement. A development agreement may only be approved, if in the opinion of the City Council, such agreement is found:

1. To recognize the intended character of the subject property by tailoring development standards and requirements that provide more desirable land use planning and regulatory standards than would be possible under the city's existing ordinances: and
2. To advance the policies and adopted plans of the City.

SECTION 5: ADOPTION “15.02.020 Applicability” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02.020 Applicability(*Added*)

1. Unless expressly required elsewhere in this Title, a development agreement is an optional land use regulatory tool that may be used at the sole discretion of the City Council.
2. All persons entering into a development agreement with the city must have a legal or equitable interest in the property that is the subject of the development agreement.
3. The City Council may require additional provisions and requirements depending on the nature and scope of the parcel(s) affected and the particular purposes and intent(s) of the development agreement.
4. Development agreements are permitted only within the Development Overlay zone.

SECTION 6: ADOPTION “15.02.030 Minimum Requirements” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02.030 Minimum Requirements(*Added*)

All development agreements entered into by the city shall, at a minimum, comply with the following standards:

1. Be in writing.
2. Provide an accurate legal description of the subject property and the names of all legal and equitable owners.
3. Provide a concept plan including, but not limited to, the location and arrangement of all allowed uses, traffic circulation, buildings, general open space enhancements, and required dedications and improvements.
4. Provide the terms of the agreement including and expiration date and any extension requirement(s).
5. Identify all allowed uses for the subject property and the procedures required for the approval of each use.
6. Identify development standards that will be implemented, including the timing and obligations associated with the necessary services and other Improvements and Infrastructure.
7. Provide for the installation of required public Infrastructure and Improvements.
8. Identify enforcement mechanisms determined necessary to ensure compliance.
9. Provide for the recording of the approved development agreement in the office of the Box Elder County Recorder.
10. Include any requirements and conditions identified by the City Council determined necessary to advance the policies and interests of the city or to protect the public health, safety and welfare, of the city and its residents.
11. Include a clause stating that in the event a development agreement expires or is terminated as a result of noncompliance by the property owner or developer, the Development Overlay zoning designation shall be removed, the agreement shall be void, and the underlying zoning district alone shall be in force.

SECTION 7: **ADOPTION** “15.02.040 Procedures” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02.040 Procedures(*Added*)

1. The City Council, as the legislative body, shall consider a development agreement at a regular council meeting in conjunction with a zoning request for the Development Overlay zone (DO). The proposed agreement shall be submitted with the application for the DO zone and be subject to the public hearing and review process required for

the zoning request. The zoning request for the DO zone with a development agreement may be processed prior to other associated land use applications , any time prior to the Design and Engineering application for subdivisions, or in conjunction with a site plan application

2. After consideration of the proposed agreement the City Council may approve or deny the agreement with or without additional requirements and conditions and with associated findings. If approved, the Mayor, applicant, and city attorney shall sign and execute the agreement as approved.
3. Within fourteen (14) business days of approval the signed agreement shall be recorded by the applicant in the Office of the County Recorder. The applicant shall provide a copy of the recorded agreement to the City prior to any further applications are submitted or construction on the development occurs. The recorded agreement constitutes the official document of the city.
4. In reviewing a proposed development agreement the City Council may consider, but shall not be limited to considering, the following:
 - a. Public impacts and benefits
 - b. Adequacy in the provision of all necessary public Improvements and Infrastructure.
 - c. Appropriateness and adequacy of environmental protection measures.
 - d. Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.
 - e. The general plan and other adopted plans and policies.
 - f. The extent of code changes, exceptions or advantages (such as density bonuses) granted to the developer and the counter balancing amenities or other benefits provided in return to the city.

SECTION 8: **ADOPTION** “15.02.050 Effect Of Approval” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02.050 Effect Of Approval(*Added*)

1. An approved and recorded development agreement shall be controlling for the subject property and shall modify the city's land use ordinances to the extent specifically identified by the development agreement.
2. Only those city land use ordinance provisions specifically identified by the development agreement shall be modified. All other land use ordinances shall remain in full force and effect.
3. A development agreement shall not prevent the city from applying any new provisions or regulations to the subject property that do not conflict with those contained within the development agreement.

SECTION 9: **ADOPTION** “15.02.060 Binding Nature Of Development Agreements” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02.060 Binding Nature Of Development Agreements(*Added*)

All development agreements shall be binding on the city, the applicant, and on all successors and assigns for the term of the agreement.

SECTION 10: **ADOPTION** “15.02.070 Expenses” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02.070 Expenses(*Added*)

The city may require the applicant to reimburse the city for all reasonable expenses, including staff time, incurred by the city related to the preparation and adoption of a development agreement.

SECTION 11: **ADOPTION** “15.02.080 Enforcement” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02.080 Enforcement(*Added*)

Violation of a development agreement by an applicant or developer shall constitute a violation of this Title. The city may utilize all legally available enforcement mechanisms necessary to achieve compliance with this chapter and a development agreement including, but not limited to, the withholding of necessary land use or building related approvals or permits.

SECTION 12: **ADOPTION** “15.02.090 Non Compliance” of the Perry Municipal Code is hereby *added* as follows:

ADOPTION

15.02.090 Non Compliance(*Added*)

In the event a development agreement is terminated as a result of noncompliance by the subject property owner, the subject property shall have the DO zone removed.

SECTION 13: **REPEAL** “15.01.070 Land Use Agreements” of the Perry Municipal Code is hereby *repealed* as follows:

REPEAL

~~15.01.070 Land Use Agreements~~ (*Repealed*)

~~The city may review, approve, or otherwise enter development agreements, site improvement agreement, and any other agreement or document relating to land use. The city may also review, enter, and otherwise approve any covenants, conditions, and restrictions relating to any development regardless of whether or not the city is a party. Such agreements:~~

- ~~1. May contain, without limitation, vesting of zoning and uses, site plan and subdivision approval and recording processes, aesthetic standards and requirements, a requirement that the development agreement be recorded against the real property, and/or other requirements.~~
- ~~2. To the extent there is an inconsistency between the applicable land use ordinances, standards, or guidelines and any development agreement or similar document, the development agreement shall govern, except where health and safety regulations apply, the development or a component thereof has changed in any way, the site or use is being changed or amended, or the agreement is no longer valid or applicable.~~

SECTION 14: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE PERRY CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nathan Tueller	_____	_____	_____	_____
Councilmember Blake Ostler	_____	_____	_____	_____
Councilmember Toby Wright	_____	_____	_____	_____
Councilmember Esther Montgomery	_____	_____	_____	_____
Councilmember Andrew Watkins	_____	_____	_____	_____

Presiding Officer

Attest

Kevin Jeppsen, Mayor, Perry City

Tyra Bischoff, Deputy City Recorder
Perry City

NOTICE OF PERRY PLANNING COMMISSION PUBLIC HEARING

Notice is hereby given that the Perry Planning Commission will hold, in the City Council Chambers at 3005 South 1200 West in Perry (limited to (8) public attendees in order to meet CDC social distancing requirements) as well as electronically via zoom.com web/teleconferencing, a public hearing to receive public comment regarding Ordinance 21-U Amendments to Title 14 and 15 Regarding Subdivisions. 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 within capacity limitations. The public hearing will be held in conjunction with the Perry City Planning Commission Meeting, which starts at 7:00 p.m. on Thursday, December 2, 2021. 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, Deputy Recorder.

PERRY CITY
ORDINANCE 21-U AMENDMENTS TO TITLE 14 AND 15
REGARDING SUBDIVISIONS

WHEREAS, Utah Code Annotated §10-9a authorizes cities to adopt regulations related to subdivision; and

WHEREAS, Perry City adopted a comprehensive update to its subdivision code in April, 2020 and now finds certain changes and updates to this code warranted;

NOW THEREFORE, be it ordained by the Council of Perry City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “14.02.030 Fees” of the Perry Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.02.030 Fees

1. **Subdivision Plan Application Fees:** All persons desiring to develop a Subdivision within the City shall file an application with the City and pay the associated fees. The City Council shall from time to time pass by resolution the fees to be charged. No Subdivision plans or applications may be considered by the Land Use Authority until such fees have been paid.
2. **Inspection Fees:** At the time of Final Plat Application submittal, the Subdivider shall pay all applicable inspection fees as established by the City.
3. **Direct Costs:** At the time of Final Plat Application submittal, the Subdivider shall pay all applicable direct costs for those items not included in the Escrow Agreement(s) associated with the subject Subdivision, but that are still required as part of the Subdivision Improvements and Infrastructure. These direct costs include those items that are installed or completed by the City.
4. **Subdivision Final Plat Recording Fee:** The Subdivider shall deliver said Final Plat to the Office of the Box Elder County Recorder for recording and pay all associated County fees.
5. **Additional Fees:** The Subdivision 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 Subdivision Improvements and Infrastructure and release of escrow funds. The City may collect these funds directly from the escrow account.

AFTER AMENDMENT

14.02.030 Fees

1. **Subdivision Plan Application Fees:** All persons desiring to develop a Subdivision within the City shall file an application with the City and pay the associated fees. The City Council shall from time to time pass by resolution the fees to be charged. No Subdivision plans or applications may be considered by the Land Use Authority until such fees have been paid.
2. **Inspection Fees:** At the time of Final Plat Application submittal, the Subdivider shall pay all applicable inspection fees as established by the City.
3. **Direct Costs:** Following approval of the~~At the time of~~ Final Plat Application, but prior to recording the plat,~~submittal~~, the Subdivider shall pay all applicable direct costs for those items not included in the Escrow Agreement(s) associated with the subject Subdivision, but that are still required as part of the Subdivision Improvements and Infrastructure. These direct costs include those items that are installed or completed by the City.
4. **Subdivision Final Plat Recording Fee:** The Subdivider shall deliver said Final Plat to the Office of the Box Elder County Recorder for recording and pay all associated County fees.
5. **Additional Fees:** The Subdivision 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 Subdivision Improvements and Infrastructure and release of escrow funds. The City may collect these funds directly from the escrow account.

SECTION 2: **AMENDMENT** "14.02.070 Application Requirements And Review Process" of the Perry Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.02.070 Application Requirements And Review Process

Notwithstanding the specific requirements outlined in this section for each application, all proposed Subdivisions shall show compliance with all applicable state and local codes and regulations.

1. **Concept Review (Optional).** The Subdivider shall contact the Community Development Director to arrange a time for a meeting to discuss the proposed Subdivision. The Subdivider shall submit a completed application and required fee.

2. **Preliminary Subdivision Application.** The Subdivider shall submit the following:
- a. A completed Preliminary Subdivision Application form and required fee for all phases of the Subdivision (An exception to the requirement to include all phases in one application may be granted by the City Engineer).
 - b. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - c. A digital copy of the Preliminary Final Plat and design and Improvement and Infrastructure drawings that contain, at a minimum, the following:
 - i. Name of the Subdivision and the words “Preliminary Final Plat – Not to be Recorded” listed on the Final Plat.
 - ii. Layout of Lots including Lot sizes and dimensions.
 - iii. Layout of roads including Street sections and location of adjacent roads.
 - iv. Preliminary storm water plan and feasibility study.
 - v. Common or public open space development plans including materials, furnishings, equipment, and preliminary landscape plan.
 - vi. Preliminary utility plan showing availability and feasibility of utility services.
 - vii. Existing structures and natural features such as drainages, waterways, waterbodies, special views, existing vegetation to preserve, and other unique features.
 - viii. Data tables showing: number of Lots/units, buildable area for each Lot, percentage of landscaping/open space, and density of units per acre.
 - ix. Preliminary landscape plan (if applicable).
 - d. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
 - e. The information submitted with the Preliminary Subdivision Application shall be for all phases of the Subdivision. The City Engineer may provide an exception to this requirement and only require information for future phases as he/she deems prudent.
3. **Preliminary Subdivision Application Review.** Within fourteen (14) days of receipt of a complete application, City Staff and other invited regulating agencies and utility providers, shall review the submittals. Comments and corrections from this review process shall then be forwarded to the applicant and the Land Use Authority. When the comments and corrections from the review have been satisfactorily addressed, the application will be placed on the Land Use Authority’s next available meeting agenda.
4. **Engineering and Design Application.** After receiving approval of the Preliminary Subdivision Application and satisfactorily addressing all comments and corrections, the Subdivider shall submit the following:
- a. A completed Engineering and Design Application form and required fee.
 - b. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - c. A digital copy of the updated Final Plat, and design and Improvements and

Infrastructure drawings that contain, at a minimum, the following:

- i. Show compliance with the Public Works Standards and PMC.
 - ii. Complete storm water plan with calculations.
 - iii. Plan and profile drawings for all roadways.
 - iv. Utility plans.
 - v. Detail drawings.
 - vi. Written approval from other agencies as applicable (e.g. secondary water provider, Army Corps of Engineers, Utah Department of Transportation, etc.)
 - vii. For additional requirements see Chapter 14.03 of this Title.
- d. Additional information as listed on the application form and as necessary to show compliance with applicable codes and regulations.
5. **Engineering and Design Application Approval.** When the City Engineer deems the drawings to be complete and acceptable, he/she shall approve and stamp and date the final set. Following the City Engineer's approval, and after finding the submittal to be complete and acceptable, the Land Use Authority shall issue approval of the Engineering and Design Application.
6. **Pre-Construction Meeting.** After receiving Engineering and Design Application Approval and before starting construction, the Subdivider shall work with the Community Development Director to schedule a preconstruction meeting. In no case shall any Improvement or Infrastructure associated with a Subdivision be constructed, in whole or in part, whether or not such Improvements and Infrastructure have been approved or guaranteed, without first holding a preconstruction meeting. City representatives to be invited to the meeting shall include the City Engineer, Public Works Director, and Community Development Director. This meeting shall be for the purpose of reviewing the codes, standards, and expectation of work associated with constructing a Subdivision with the Subdivider and the Contractor(s).
7. **Final Plat Application Requirements.** After receiving approval of the Engineering and Design Application, the Subdivider shall submit the following:
 - a. A completed Final Plat Application form and required fee.
 - b. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - c. Proof of an established escrow account with a signed Escrow Agreement.
 - i. The Subdivider shall submit an engineer's cost estimate based upon all required Improvements and Infrastructure for the Subdivision and account for what has been installed.
 - ii. The City Engineer shall establish the final escrow amount.
 - d. A storm water permit with the State of Utah if not previously submitted.
 - e. A digital copy of the Final Plat and a Mylar print for signatures.
 - i. The Final Plat shall be signed by the owner(s), the Mayor, the final Land Use Authority, the City Engineer, and the City Attorney.
 - ii. See PMC 14.04 for additional Final Plat requirements.
 - f. Final covenants, conditions, and restrictions (if applicable) which shall be recorded with the Final Plat.
 - g. Final agreements (if applicable) executed by all parties.

8. **Development Agreements (Land Use Agreement).** Agreements may voluntarily be entered into by the City and the Subdivider at any time during the Subdivision approval process in accordance with 15.01.070 of the PMC.

AFTER AMENDMENT

14.02.070 Application Requirements And Review Process

Notwithstanding the specific requirements outlined in this ~~Section~~ for each application, all proposed Subdivisions shall show compliance with all applicable ~~state and local codes and regulations~~ Law.

1. **Concept Review (Optional).** The Subdivider shall contact the Community Development Director to arrange a time for a meeting to discuss the proposed Subdivision. The Subdivider shall submit a completed application and required fee.
2. **Preliminary Subdivision Application.** The Subdivider shall submit the following:
 - a. A completed Preliminary Subdivision Application form and required fee for all phases of the Subdivision (An exception to the requirement to include all phases in one application may be granted by the City Engineer).
 - b. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - c. A digital copy of the Preliminary Final Plat and design and Improvement and Infrastructure drawings that contain, at a minimum, the following:
 - i. Name of the Subdivision and the words “Preliminary ~~Final~~ Plat – Not to be Recorded” listed on the ~~Final~~ Preliminary Plat.
 - ii. Layout of Lots including Lot sizes and dimensions.
 - iii. Layout of roads including Street sections and location of adjacent roads.
 - iv. Preliminary storm water plan and feasibility study.
 - v. Common or public open space development plans including materials, furnishings, equipment, and preliminary landscape plan.
 - vi. Preliminary utility plan showing availability and feasibility of utility services.
 - vii. Existing structures and natural features such as drainages, waterways, waterbodies, special views, existing vegetation to preserve, and other unique features.
 - viii. Data tables showing: number of Lots/units, buildable area for each Lot, percentage of landscaping/open space, and density of units per acre.
 - ix. Preliminary landscape plan (if applicable).
 - d. For residential Subdivisions with a gross size/area equal to or greater than ten (10) acres, a Conservation Subdivision Plan; this requirements is to provide the Subdivider the opportunity to assess the merits of a Conservation Subdivision for the proposed Subdivision and to communicate about the

option with the Community Development Director.

- e. Additional information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
 - f. The information submitted with the Preliminary Subdivision Application shall be for all phases of the Subdivision. The City Engineer may provide an exception to this requirement and only require information for future phases as he/she deems prudent.
3. **Preliminary Subdivision Application Review.** Within fourteen (14) days of receipt of a complete application, City Staff and other invited regulating agencies and utility providers, shall review the submittals. Comments and corrections from this review process shall then be forwarded to the applicant and the Land Use Authority. When the comments and corrections from the review have been satisfactorily addressed, the application will be placed on the Land Use Authority's next available meeting agenda.
4. **Engineering and Design Application.** After receiving approval of the Preliminary Subdivision Application and satisfactorily addressing all comments and corrections, the Subdivider shall submit the following:
- a. A completed Engineering and Design Application form and required fee.
 - b. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - c. A digital copy of the updated Final Plat, and design and Improvements and Infrastructure drawings that contain, at a minimum, the following:
 - i. Show compliance with the Public Works Standards and PMC.
 - ii. Complete storm water plan with calculations.
 - iii. Plan and profile drawings for all roadways.
 - iv. Utility plans.
 - v. Detail drawings.
 - vi. Written approval from other agencies as applicable (e.g. secondary water provider, Army Corps of Engineers, Utah Department of Transportation, etc.)
 - vii. For additional requirements see Chapter 14.03 of this Title.
 - d.
 - e. Additional information as listed on the application form and as necessary to show compliance with applicable codes and regulations.
5. **Engineering and Design Application Approval.** When the City Engineer deems the drawings to be complete and acceptable, he/she shall approve and stamp and date the final set. Following the City Engineer's approval, and after finding the submittal to be complete and acceptable, the Land Use Authority shall issue approval of the Engineering and Design Application.
6. **Pre-Construction Meeting.** After receiving Engineering and Design Application Approval and before starting construction, the Subdivider shall work with the Community Development Director to schedule a preconstruction meeting. In no case shall any Improvement or Infrastructure associated with a Subdivision be constructed, in whole or in part, whether or not such Improvements and Infrastructure have been approved or guaranteed, without first holding a preconstruction meeting. City

representatives to be invited to the meeting shall include the City Engineer, Public Works Director, and Community Development Director. This meeting shall be for the purpose of reviewing the codes, standards, and expectation of work associated with constructing a Subdivision with the Subdivider and the Contractor(s).

7. **Final Plat Application Requirements.** After receiving approval of the Engineering and Design Application, the Subdivider shall submit the following:
 - a. A completed Final Plat Application form and required fee.
 - b. A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - c. ~~Proof of an established escrow account with a signed Escrow Agreement. The Subdivider shall submit an engineer's cost estimate based upon all required Improvements and Infrastructure for the Subdivision and account for what has been installed. The City Engineer shall establish the final escrow amount.~~
 - d. A storm water permit with the State of Utah if not previously submitted.
 - e. A digital copy of the Final Plat and a Mylar print for signatures.
 - i. The Final Plat shall be signed by the owner(s), the Mayor, the final Land Use Authority, the City Engineer, and the City Attorney.
 - ii. See PMC 14.04 for additional Final Plat requirements.
 - f. Final covenants, conditions, and restrictions (if applicable) which shall be recorded with the Final Plat.
 - g. Final agreements (if applicable) executed by all parties.
8. **Development Agreements (Land Use Agreement).** Agreements may voluntarily be entered into by the City and the Subdivider at any time during the Subdivision approval process in accordance with 15.01.070 of the PMC.
9. **Subdivision Improvement Agreement.** The Subdivider shall sign a Subdivision Improvement Agreement as provided by the City. Such agreement shall be recorded with the Plat.

SECTION 3: **AMENDMENT** “14.02.080 Improvements, Infrastructure And Guarantee Of Performance” of the Perry Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.02.080 Improvements, Infrastructure And Guarantee Of Performance

To assure the completion of required Improvements and Infrastructure as required by the approved plans, Public Works Standards, and the PMC, the Subdivider shall establish an approved escrow guarantee with either a federally insured financial institution or as cash deposited directly to the City.

1. **Cost Estimate.** The Subdivider shall submit an engineer’s cost estimate for all

Improvements and Infrastructure required within the Subdivision. The cost estimate shall include quantities, units, and costs for all Improvements and Infrastructure required, and shall indicate which items have already been installed. The City Engineer shall review and approve the cost estimate and may adjust the costs to meet current industry standards. Those items that are deemed as a “direct fee” shall be removed from the escrow and shall be accounted separately.

2. **Guarantee Amount.** The guarantee shall be equal to one hundred fifteen (115%) percent of the cost estimated and approved by the City Engineer.
 - a. One hundred percent (100%) shall be for the cost of those Improvements and Infrastructure not yet installed;
 - b. Ten percent (10%) shall be for a required one-year (1) warranty period (see Subsection 9 hereof). The warranty amount calculated shall be based upon the total cost of all required Improvements and Infrastructure; and
 - c. Five percent (5%) contingency shall be required to account for additional quantities or items that may be needed during construction and/or increases in estimated pricing. The contingency shall be based upon the total cost of the uninstalled Improvements and Infrastructure.
3. **Liability.** The Subdivider and/or contractor shall indemnify and hold harmless the City and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorney’s fees, arising out of or resulting from the installation of the required Improvements and Infrastructure. The indemnity required hereby shall be included in the applicable Escrow Agreement.
4. **Default.** In the event the Subdivider is in default with any provision of this Section, or fails or neglects to satisfactorily install the required Improvements and Infrastructure within three (3) years from the date of approval of the Final Plat, or to pay all liens in connection therewith, or to correct deficiencies or damages to the Improvements and Infrastructure required for final acceptance (see Subsection 10 hereof), the City may declare the escrow forfeited and the City may install, repair, or cause the required Improvements and Infrastructure to be installed or repaired, using the proceeds from the collection of escrow to defray the expense thereof. The City may apply all sums deposited in escrow against the cost of completing all required Improvements and Infrastructure and to pay all expenses, including, but not limited to, all unreimbursed engineering expenses related to the development, a ten percent (10%) administration fee for the securing of contracts, and court costs and attorney fees. The default provisions required hereby shall be included in the applicable Escrow Agreement.
5. **Improvements and Infrastructure Required for Occupancy.** No occupancy permit shall be issued by the City unless the Improvements and Infrastructure adjacent to and directly servicing the Lot is complete and warranted as herein required. This shall include, but is not limited to, Streets, Utilities, and Sidewalk.
6. **Release of Funds.** The Subdivider shall be responsible for the quality of all materials and workmanship. If Improvements and Infrastructure are properly installed and verified via City inspections and testing, liens are paid, and other conditions are found to be satisfactory, then the City Engineer shall authorize the money held in escrow for the specific improvement completed (except for the 10% held during the hereinafter described warranty period) to be released. If the conditions of material or

workmanship show unusual depreciation, or do not comply with the acceptable standards of durability, or if required inspections or testing have not been done, or if any outstanding liens are not paid, then the City may withhold releasing the money and the City may declare the Subdivider in default. The City shall have exclusive control over release of the escrow funds and they may be released only upon written approval by the City.

7. **Direct Costs.** The Subdivider shall pay the following direct costs at the time they submit the Final Plat Application:
 - a. Funds to create GIS data for new public Improvements and Infrastructure in the amount of 1% of the approved engineer's cost estimate for all Improvements and Infrastructure.
 - b. Funds for the City to seal coat the public Streets constructed in the development. The amount shall be provided by the Subdivider in an engineer's cost estimate and approved by the City Engineer.
8. **Conditional Acceptance of Improvements and Infrastructure.** The City Engineer shall issue conditional acceptance upon the following:
 - a. Completion of all required Improvements and Infrastructure.
 - b. The Final Plat Application has been approved and the Final Plat has been recorded.
 - c. The Subdivider makes a written request for inspection of Improvements and Infrastructure for the purpose of conditional acceptance.
 - d. Improvements and Infrastructure are inspected by the City and found to be acceptable and in compliance.
 - e. Reproducible as-built drawings have been submitted to and accepted by the City Engineer.
9. **Warranty Period.** The one (1) year warranty period shall begin upon the date conditional acceptance was issued. The City Engineer shall authorize the release of all funds related to the installation of the Improvements and Infrastructure and the five percent (5%) contingency. The warranty amount shall remain in place. During the warranty period and until final acceptance has been granted, the Subdivider shall be responsible to correct and repair any deficiencies found in the Improvements and Infrastructure.
 - a. **Exemption.** Sidewalk shall be exempted from the warranty period when a building permit has been issued on the adjacent property and a deposit has been received from the permittee to cover replacement of damaged sidewalk. This exemption is for damaged Sidewalk only. The Subdivider shall continue to be responsible for installation deficiencies.
10. **Final Acceptance of the Subdivision.** The City Council shall issue final acceptance of the Subdivision Improvements and Infrastructure when:
 - a. The Subdivider makes a written request for inspection of Improvements and Infrastructure for the purpose of final acceptance.
 - b. Improvements and Infrastructure are inspected by the City and found to be acceptable and in compliance.

Upon acceptance by the City Council, the City Engineer shall authorize release of all remaining escrow monies.

AFTER AMENDMENT

14.02.080 Improvements, Infrastructure And Guarantee Of Performance

To assure the completion of required Improvements and Infrastructure as required by the approved plans, Public Works Standards, and the PMC, the Subdivider shall establish an approved escrow guarantee with either a federally insured financial institution or as cash deposited directly to the City. This completion assurance shall be established prior to recording the Subdivision plat. If the Subdivider installs the Infrastructure and Improvements and such Infrastructure and Improvements are inspected and approved by the city prior to recording the plat then only the warranty portion of the completion assurance shall be required.

1. **Cost Estimate.** The Subdivider shall submit an engineer's cost estimate for all Improvements and Infrastructure required within the Subdivision as part of the Design and Engineering Application. The cost estimate shall include quantities, units, and costs for all Improvements and Infrastructure required, and shall indicate which items have already been installed. The City Engineer shall review and approve the cost estimate and may adjust the costs to meet current industry standards. Those items that are deemed as a "direct fee" shall be removed from the escrow and shall be accounted separately.
2. **Guarantee Amount.** The guarantee shall be equal to one hundred fifteen (115%) percent of the cost estimated and approved by the City Engineer.
 - a. One hundred percent (100%) shall be for the cost of those Improvements and Infrastructure not yet installed;
 - b. Ten percent (10%) shall be for a required one-year (1) warranty period (see Subsection 9 hereof). The warranty amount calculated shall be based upon the total cost of all required Improvements and Infrastructure; and
 - c. Five percent (5%) contingency shall be required to account for additional quantities or items that may be needed during construction and/or increases in estimated pricing. The contingency shall be based upon the total cost of the uninstalled Improvements and Infrastructure.
3. **Liability.** The Subdivider and/or contractor shall indemnify and hold harmless the City and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorney's fees, arising out of or resulting from the installation of the required Improvements and Infrastructure. The indemnity required hereby shall be included in the applicable Escrow Agreement.
4. **Default.** In the event the Subdivider is in default with any provision of this Section, or fails or neglects to satisfactorily install the required Improvements and Infrastructure within three (3) years from the date of approval of the Final Plat, or to pay all liens in connection therewith, or to correct deficiencies or damages to the Improvements and

Infrastructure required for final acceptance (see Subsection 10 hereof), the City may declare the escrow forfeited and the City may install, repair, or cause the required Improvements and Infrastructure to be installed or repaired, using the proceeds from the collection of escrow to defray the expense thereof. The City may apply all sums deposited in escrow against the cost of completing all required Improvements and Infrastructure and to pay all expenses, including, but not limited to, all unreimbursed engineering expenses related to the development, a ten percent (10%) administration fee for the securing of contracts, and court costs and attorney fees. The default provisions required hereby shall be included in the applicable Escrow Agreement.

5. **Improvements and Infrastructure Required for Occupancy.** No occupancy permit shall be issued by the City unless the Improvements and Infrastructure adjacent to and directly servicing the Lot is complete and warranted as herein required. This shall include, but is not limited to, Streets, Utilities, and Sidewalk.
6. **Release of Funds.** The Subdivider shall be responsible for the quality of all materials and workmanship. If Improvements and Infrastructure are properly installed and verified via City inspections and testing, liens are paid, and other conditions are found to be satisfactory, then the City Engineer shall authorize the money held in escrow for the specific improvement completed (except for the 10% held during the hereinafter described warranty period) to be released. If the conditions of material or workmanship show unusual depreciation, or do not comply with the acceptable standards of durability, or if required inspections or testing have not been done, or if any outstanding liens are not paid, then the City may withhold releasing the money and the City may declare the Subdivider in default. The City shall have exclusive control over release of the escrow funds and they may be released only upon written approval by the City.
7. **Direct Costs.** The Subdivider shall pay the following direct costs at the time they submit the Final Plat Application:
 - a. Funds to create GIS data for new public Improvements and Infrastructure in the amount of 1% of the approved engineer's cost estimate for all Improvements and Infrastructure.
 - b. Funds for the City to seal coat the public Streets constructed in the development. The amount shall be provided by the Subdivider in an engineer's cost estimate and approved by the City Engineer.
8. **Conditional Acceptance of Improvements and Infrastructure.** The City Engineer shall issue conditional acceptance upon the following:
 - a. Completion of all required Improvements and Infrastructure.
 - b. The Final Plat Application has been approved and the Final Plat has been recorded.
 - c. The Subdivider makes a written request for inspection of Improvements and Infrastructure for the purpose of conditional acceptance.
 - d. Improvements and Infrastructure are inspected by the City and found to be acceptable and in compliance.
 - e. Reproducible as-built drawings have been submitted to and accepted by the City Engineer.
9. **Warranty Period.** The one (1) year warranty period shall begin upon the date

conditional acceptance was issued. The City Engineer shall authorize the release of all funds related to the installation of the Improvements and Infrastructure and the five percent (5%) contingency. The warranty amount shall remain in place. During the warranty period and until final acceptance has been granted, the Subdivider shall be responsible to correct and repair any deficiencies found in the Improvements and Infrastructure.

- a. **Exemption.** Sidewalk shall be exempted from the warranty period when a building permit has been issued on the adjacent property and a deposit has been received from the permittee to cover replacement of damaged sidewalk. This exemption is for damaged Sidewalk only. The Subdivider shall continue to be responsible for installation deficiencies.

10. **Final Acceptance of the Subdivision.** The City Council shall issue final acceptance of the Subdivision Improvements and Infrastructure when:

- a. The Subdivider makes a written request for inspection of Improvements and Infrastructure for the purpose of final acceptance.
- b. Improvements and Infrastructure are inspected by the City and found to be acceptable and in compliance.

Upon acceptance by the City Council, the City Engineer shall authorize release of all remaining escrow monies.

SECTION 4: **AMENDMENT** “14.03.010 General Requirements” of the Perry Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.03.010 General Requirements

1. **Access.** All Lots shall be accessed by a fully improved City Street and shall meet the frontage requirements found in PMC Title 15. It shall be the responsibility of the Subdivider to provide the proper road access to his or her Subdivision as required in the PMC and the Public Works Standards. The mere existence of a Public Road or right-of-way to the proposed Subdivision does not mean that adequate access exists. It shall be the Subdivider’s responsibility to construct and dedicate any and all Public Roads required by Perry City to provide access to the Subdivision.
2. **Design Standards.** All Subdivisions shall comply with the current adopted design standards set forth in the PMC and the Public Works Standards.
3. **Additional Reports and Studies.**
 - a. Geotechnical reports as required by the Public Works Standards and the City Engineer.
 - b. Storm water pollution protection as required by the Public Works Standards

and the PMC.

- c. A traffic study may be required by the City Engineer depending on his/her judgment regarding the size of the Subdivision, complex traffic movements involved with the proposal, interaction of Streets with Highway 89, traffic volume in or near the Subdivision, history of crashes or expected crashes in the area, general safety, or anticipated traffic delays due to the Subdivision.
- d. Wetland delineation and mitigation may be required as determined by the City Engineer.
- e. **Preservation of Natural Conditions.** The design and development of Subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees as determined by the Land Use Authority for the Preliminary Subdivision Application.
- f. **Hazards.** Land subject to hazardous conditions such as slides, mud flows, rock falls, faults, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall not be subdivided until the hazards have been properly mitigated or will be properly mitigated by the construction of the Subdivision.

AFTER AMENDMENT

14.03.010 General Requirements

1. **Access.** All Lots shall be accessed by a fully improved City Street and shall meet the frontage requirements found in PMC Title 15. It shall be the responsibility of the Subdivider to provide the proper road access to his or her Subdivision as required in the PMC and the Public Works Standards. The mere existence of a Public Road or right-of-way to the proposed Subdivision does not mean that adequate access exists. It shall be the Subdivider's responsibility to construct and dedicate any and all Public Roads required by Perry City to provide access to the Subdivision.
2. **Design Standards.** All Subdivisions shall comply with the current adopted design standards set forth in the PMC and the Public Works Standards.
3. Public Infrastructure and Improvements. The Land Use Authority shall have authority to require adjustments to the utility plan associated with a proposed subdivision including adjustments to the type, manner, and location of utilities. Such adjustments to the utility plan may be required to provide connectivity among developments, provide for public safety, and minimize public infrastructure maintenance and liability.
4. All Multi-family Dwellings and Apartments shall be developed with private roads and utilities to such extent as is reasonable. In cases where the City desires public connectivity through the property for roadways or utilities, or there is another compelling public interest, roads and utilities may be developed and/or dedicated to the City for public use.
5. **Additional Reports and Studies.**
 - a. Geotechnical reports as required by the Public Works Standards and the City Engineer.

- b. Storm water pollution protection as required by the Public Works Standards and the PMC.
- c. A traffic study may be required by the City Engineer depending on his/her judgment regarding the size of the Subdivision, complex traffic movements involved with the proposal, interaction of Streets with Highway 89, traffic volume in or near the Subdivision, history of crashes or expected crashes in the area, general safety, or anticipated traffic delays due to the Subdivision.
- d. Wetland delineation and mitigation may be required as determined by the City Engineer.
- e. **Preservation of Natural Conditions.** The design and development of Subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees as determined by the Land Use Authority for the Preliminary Subdivision Application.
- f. **Hazards.** Land subject to hazardous conditions such as slides, mud flows, rock falls, faults, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall not be subdivided until the hazards have been properly mitigated or will be properly mitigated by the construction of the Subdivision.

SECTION 5: **ADOPTION** “14.05.015 Utilities Required” of the Perry Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

14.05.015 Utilities Required (Non-existent)

AFTER ADOPTION

14.05.015 Utilities Required(*Added*)

The following utilities are required to be provided by the subdivider to each lot:

1. Culinary Water: 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: The sewer service provided shall be Perry City unless a septic system is approved by the City Engineer and the Bear River Health Department for a subdivision with three or fewer lots. Public sewer lift stations are not permitted.
 - a. 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.
3. Secondary Water: Secondary water service shall be provided by 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 subdivisions without secondary water is paid with prior to recording the Plat.

SECTION 6: **AMENDMENT** “14.05.020 Inspections” of the Perry Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.05.020 Inspections

All Improvements and Infrastructure shall receive inspections by the City Public Works Department and/or City Engineer as required in the Public Works Standards and as necessary to verify conformance with the PMC and the Public Works Standards. Failure to obtain the necessary inspections shall result in a fine as outlined in this Title. Failure to obtain the necessary inspections may also necessitate removal and re-installation of the Improvements and Infrastructure at the Subdivider’s sole cost, as such removal and re-installation are determined by the Public Works Department and/or City Engineer.

AFTER AMENDMENT

14.05.020 Inspections

All Improvements and Infrastructure shall receive inspections by the City Public Works Department and/or City Engineer as required in the Public Works Standards and as necessary to verify conformance with the PMC and the Public Works Standards. Failure to obtain the necessary inspections shall result in a fine as outlined in this Title. Failure to obtain the necessary inspections may also necessitate removal and re-installation of the Improvements and Infrastructure at the Subdivider’s sole cost, as such removal and re-installation are determined by the Public Works Department and/or City Engineer. The City Engineer may require a one year extension of the required warranty period for Improvements and Infrastructure that did not receive adequate inspections.

SECTION 7: **ADOPTION** “14.50.050 Construction Waste” of the Perry Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

14.50.050 Construction Waste (Non-existent)

AFTER ADOPTION

14.50.050 Construction Waste(*Added*)

Subdivider shall be responsible to leave the site in an orderly and clean condition following construction. Construction waste, debris, excess fill material, or any other similar material shall not be left or abandoned on the site or on other nearby properties. Neither Conditional Acceptance nor Final Acceptance shall be granted if this provision is not fulfilled.

SECTION 8: AMENDMENT “15.07.080.2 Amendments To Zoning Ordinance And Map” of the Perry Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

15.07.080.2 Amendments To Zoning Ordinance And Map

The City Council may initiate Ordinance amendment recommendations. When the proposed amendment originates with the City Council, it shall be submitted to the Planning Commission for review and comment. The Planning Commission may initiate ordinance amendment recommendations to the City Council; also, any other person seeking to amend the ordinance or map shall make application for such amendment by filing the required material with the City Recorder for Planning Commission Review and recommendations to the City Council.

AFTER AMENDMENT

15.07.080.2 Amendments To Zoning ~~Ordinance And~~ Map

The Zoning Map may be amended by:

1. The City Council~~-~~. When the proposed amendment originates with the City Council, it shall be submitted to the Planning Commission for review and comment.
2. The Planning Commission for recommendations~~s~~ to the City Council; or
3. ~~Any other Person seeking to amend the ordinance or map shall,~~ Any other Person ~~by making~~ by including application for such amendment, ~~by including~~ filing the required material with the City ~~Recorder~~ for Planning Commission ~~R~~review and recommendations to the City Council.
 - a. As a general policy - responsive to the General Plan to (i) ensure that any increased residential density is met with public parks and green space for new and existing residents and for neighborhood beautification, and (ii) support Conservation Subdivisions - the highest-density residential zone for which the City Council may approve a proposed Zoning Map amendment under

paragraph 3 of this Subsection is RE1/2 or R1/2. Real Property owners may accomplish additional single-family residential density by utilizing a Conservation Subdivision. The City Council may approve exceptions to such general policy at its sole discretion.

SECTION 9: AMENDMENT “14.03.070 Fences” of the Perry Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.03.070 Fences

1. Fences will be required on the perimeter of each new Subdivision where the property abuts an open canal, stream or river, or commercial or industrial zoned or used property or other dissimilar use.
2. Fences will be a minimum six feet (6') high and of a type as approved by the Land Use Authority.
3. Fabric, slats, and other types of plastic materials will not be permitted on the fence.

AFTER AMENDMENT

14.03.070 Fences and Waterways

1. Fences will be required on the perimeter of each new Subdivision where the property abuts an waterway such as an open canal, stream or river, ~~or commercial or industrial zoned or used property or other dissimilar use.~~
2. Fences will be required on the perimeter of each new Subdivision where the property abuts a commercial or industrial zoned or used property or other dissimilar use.
3. Fences will be a minimum six feet (6') high and of a type as approved by the Land Use Authority.
4. Fabric, slats, and other types of plastic materials will not be permitted on the fence.

PASSED AND ADOPTED BY THE PERRY CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nathan Tueller	_____	_____	_____	_____
Councilmember Blake Ostler	_____	_____	_____	_____
Councilmember Toby Wright	_____	_____	_____	_____
Councilmember Esther Montgomery	_____	_____	_____	_____
Councilmember Andrew Watkins	_____	_____	_____	_____

Presiding Officer

Attest

Kevin Jeppsen, Mayor, Perry City

Tyra Bischoff, Deputy City Recorder
Perry City

PERRY CITY 2022 MEETING SCHEDULE
CITY COUNCIL MEETINGS (7:00 P.M.)

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

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

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 21, 2021
2 Planning Commission Work Session
3 Virtual Meeting
4 7:01 p.m.
5
6

7 **Commissioners Present:** Chairman Jan Kerr, Vice Chairman Julie Jones, and Commissioner Stephan Moss
8

9 **City Council Present:** Mayor Kevin Jeppsen, Council Member Toby Wright, Council Member Nathan
10 Tueller, Council Member Blake Ostler, Council Member Esther Montgomery, Council Member Andrew
11 Watkins (came at 7:17 p.m.)
12

13 **Commissioners Absent:** Commissioner Marcus Wager
14

15 **City Staff Present:** Tyra Bischoff; Deputy Recorder
16

17 **Others Present:** None.
18

19 **1. 7:00 p.m. - Call to Order and Opening Ceremonies**

20 Chairman Jan Kerr called the meeting to order.
21

22 **2. Discussion Items (Density Map)**

23 Chairman Kerr discussed her thoughts on the density map. She said there were a lot of public
24 comments coming in about a development going in (and the reason they decided to have this meeting).
25 She said she feels like this (the density map) is an experiment to see how it goes, but the intent was to
26 allow more affordable housing to come into the city. She said as the development plans are coming in,
27 developers are trying to monopolize the quantities of the volume available in a particular grid in a single
28 development. She feels this is why concerns are coming in (because it is creating a condensed
29 population growth) instead of spreading it out like intended. Her thought to solve this problem is to
30 leave it alone in the NC2 zone along the highway, but maybe put a cap on the number of density
31 allowed per development (so an individual developer cannot come in and monopolize the entire
32 number of units available in a certain grid).
33

34 Vice Chairman Jones said she lives in the neighborhood next to the proposed development (Perry
35 Landing) that is coming in and has had multiple people that live near her come and talk to her about
36 concerns. She said there is not a lot that can be done with this particular development but for future
37 developments, she thinks when developers come in and want to put in multi-family housing, they
38 should put the multi-family housing in a spot that will affect existing homes the least. She said they
39 could add a clause that says that multi-family units are not allowed to build directly behind an existing
40 lot (unless there is a giant lot and there is no way to get around that). She wants to protect residents
41 that currently live here. She discussed the general plan and the idea of spreading out multi-family units
42 with duplexes and fourplexes. She talked about driving around the city and looking at the existing
43 multi-family housing and what is currently being proposed or built. She feels that the 10 foot set-back
44 would make the multi-family housing too close to existing single family homes. She discussed the
45 proposed development and the number of townhomes that are going in on that street. She also
46 discussed the traffic on 1200 west that would be added from this development. She doesn't feel 1200
47 west is wide enough to handle this many homes. She thinks that multi-family homes should affect
48 existing homes the least as possible, that they be more spread out, and likes the suggestion of allowing
49 4 multi-family units per 30 homes.
50

51 Council Member Wright said that they (Shanna Johnson, Robert Barnhill, Esther Montgomery, and
52 himself) had a discussion after the last city council meeting. He said that Shanna had said they have

53 allowed 'so many homes' in Perry since multi-family have been allowed. He discussed that there are
54 340 total units in place or planned but 240 of those units are isolated at Bear River Landing. He does
55 not feel that those can be counted since they are removed. He discussed the Perry Landing developer
56 wanting to put in 20 town homes and that it will only be 5 buildings. He said that is a very small amount
57 in a small part of town. He understands it affects the homes it is next to and that no one ever wants it
58 to affect their own home. They cannot control what they do with their property. The codes are in
59 place and he thinks they are good and fair. There is a lot of discussion on the grid map and he feels
60 they are making a mountain out of a mole hill. He said it is a small challenge they are facing and that it
61 happens in all developments. Every time there is a new development, it makes people squirm. He
62 thinks that the younger generation is needed and that they need to make affordable housing available
63 to them (as right now most could not afford a \$500,000 home). The way the grid system is set up
64 should keep it from expanding beyond their control. The numbers can be adjusted if they feel that
65 need.
66

67 Council Member Tueller said he has lived here for 25 years and he appreciates the discussion side of
68 this because that is not how it used to be. He was here when all of the townhomes that currently exist
69 were built. He understands that people want to keep the 'Perry feel' but also knows that growth is
70 coming and that it can either roll over them or they can try and control it. He appreciates this work
71 session and planning commission wanting feedback from city council but does not want to interject too
72 much. He wants planning commission to have their own ideas and discussions that are not too
73 influenced by city council's opinions. He loves the grid system and thinks that it works out great. He
74 talked about integrating the community all together. If the townhomes are separated out from the
75 single family homes, they end up isolated. Younger families that come in and can be integrated in end
76 up loving the community and being a part of it. He discussed living on highway 89 and the traffic and
77 busy-ness of it. He also talked about 1200 west having more of a rural feel to it and it being developed
78 as developers come in. He said he doesn't have the same concerns with safety, and that is not because
79 he doesn't care about the children (that walk along 1200 west to and from school). He just feels that
80 with the way he was raised (riding bikes all over and teaching his own children about safety) he may
81 view it differently than others. He also discussed property value and townhomes not affecting that.
82 Council Member Ostler added that in all of the appraisals he has read through (with his job in banking)
83 he has never once seen an appraisal be lower due to being next to a townhome. Council Member
84 Tueller said that he feels there are smart people here that can determine what is best for Perry. He
85 discussed the development challenges that they are dealing with from previous growth in the late
86 1990's and early 2000's.
87

88 Council Member Montgomery said that they can make recommendations to developers. They can also
89 propose recommendations or modifications to code.
90

91 Commissioner Moss asked if it would be too much micromanaging to suggest dividing the grid into 24%
92 in each quarter of the grid. Council Member Watkins said it is a good idea to think about and discuss
93 ways to limit and scatter within each grid so they are not taking away property rights down the road
94 (for example 20 years and then no options are available because it was first come first serve).
95 Chairman Kerr said that is why she suggested her thought to put a cap per development, it would make
96 the developer respect the cap or make smaller developments. Council Member Montgomery said she
97 would prefer Vice Chairman Jones suggestion (of 4 multi-family units allowed per 30 homes) because a
98 development can be very small.
99

100 Chairman Kerr said when developments come in, there seems to be a lot of developers asking for a
101 deferral agreement. She wondered if the city should insist that any developments that may touch 1200
102 west do their curb and gutters now (and also not grant any deferral agreements that may come in that
103 touch 1200 west). The commissioners and council discussed deferral agreements and the properties
104 that have them. They also discussed the Perry Landing subdivision and the location the proposed

townhomes would be (including the developer wanting to clump them together, and whether that can be modified).

Council Member Ostler discussed public health and safety concerns. If it doesn't violate regulations that are put in place from code and officials (Fire Marshall, etc.) then the roads and subdivisions should be considered safe. Council Member Tueller added that the City Engineer also looks at things (addressing water pressure concerns) to make sure they are covered.

Council Member Wright discussed the density map and the locations of where the townhomes are that are already built or that are going to be. He said that the townhomes are limited and scattered with the higher density being near Highway 89. He feels things are spread out and that Perry has done a fabulous job with putting things where they need to be. Vice Chairman Jones agreed that it is good, the ones she has concerns with are the ones outside of the NC2 zone (away from Highway 89).

Council Member Ostler said that if there are concerns that are not appropriately cared for within the code, from a public health and safety stand point, they should make recommendations to make the code what it needs to be. He added that if there are creative ideas to improve 1200 west, those can be looked at as well.

Chairman Kerr thanked everyone for coming and participating in the discussion.

3. Adjourn

Motion: Vice Chairman Jones made a motion to adjourn. Commissioner Moss seconded the Motion.

The meeting ended at 8:24 p.m.

1 November 4, 2021
2 Planning Commission Meeting
3 Virtual Meeting
4 7:00 p.m.
5
6

7 **Commissioners Present:** Chairman Jan Kerr, Vice Chairman Julie Jones, and Commissioner Marcus Wager
8

9 **Commissioners Absent:** Commissioner Stephen Moss
10

11 **City Staff Present:** Robert Barnhill: City Administrator
12 Tyra Bischoff: Deputy Recorder
13 Chris Crockett: City Attorney
14

15 **Others Present:** Tyler Wagstaff, Orren Hirschi, Matt Hirschi, Lanie Hirschi, Maurice Roche, Brinton Neff,
16 Marvin Neff, Scott Baker, Dick Wagstaff, Jeff Phillips, Shawn Parry, Ronda Parry and
17 Melanie Barnhill
18

19 **1. 7:00 p.m. - Call to Order and Opening Ceremonies**

20 Chairman Jan Kerr called the meeting to order.
21

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

23 None.
24

25 **2. Action Items**

26 **A. Public Hearing- Ordinance 21-T Zone Change from AL to R1 located at approximately 2250 S**
27 **1200 W Parcel #03-157-0017**

28 Robert Barnhill discussed the area that the zone change request is for as well as the surrounding area.
29 It is approximately 30 acres in size and is currently zoned Agriculture limited. The zone change request
30 is to become residential. The surrounding zoning has agriculture to the north, residential agriculture
31 zone to the south, a city park, and two small properties zoned RE1/2. He discussed the future land use
32 map and it shows the subject property as residential.
33

34 Mr. Barnhill explained that this would be going to City Council for final approval and that he knows
35 some of the Council Members would like to encourage the use of the conservation subdivision
36 ordinance (so they may not always approve granting the R1 higher density zoning). He further
37 explained that zoning in R1 allows for 10,000 square foot lots, AL allows for 2 acre lots, and there would
38 be a possibility of 8 attached housing allowed if they obtain any residential zoning.
39

40 Chairman Kerr opened the public meeting at 7:05 p.m.
41

42 Scott Baker wanted to know what would happen to the irrigation ditch that runs along the property.
43 Mr. Barnhill said that typically they would sit down with the applicant and engineer when they make
44 application for development. He said that any waterways have to be maintained and often times it
45 means that they end up getting piped but not always.
46

47 Chairmen Kerr closed the public meeting at 7:09 p.m.

Commissioner Wager said that this conforms with the general plan. Vice Chairman Jones wondered if the dirt road would have to be paved if approved. Mr. Barnhill said they would be responsible for improving their half of 2250 (South) and 1200 (West).

MOTION: Commissioner Wager made a motion to recommend approval to City Council for Ordinance 21-T Zone change from AL to R1. Vice Chairman Jones seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes

Motion Approved: 3 Yes 0 No

Mr. Barnhill said that this would normally go to City Council on November 25th, but that is Thanksgiving, so it will be December 9th.

B. Public Hearing – Ordinance 21-R Amending the Density Map

Mr. Barnhill discussed the work session they had last month (between City Council and Planning Commission regarding the density map) that he was unable to attend due to being sick. He had talked with a few people that were at the work session and wanted to share a few thoughts he has. He does not have any issues with any of the developments that have come through so far but said that most have crossed boundaries and combined (the allowed number of multi-family housing units on the grid from adjacent districts). His suggestion is that if a development or property crosses districts, that they choose one or the other instead of getting both.

Chairman Kerr said it was a good meeting and that there were a couple of suggestions that came up. Vice Chairman Jones said they discussed changing the numbers of units allowed per grid on the map as well as a possibility of allowing only 4 units per 30 homes (to spread out the number of multi-family homes allowed within each grid even more). She said this may help it feel less like a complex and make it more integrated in a neighborhood. She also suggested that the multi-family homes not be allowed to be adjacent to existing single-family housing. Mr. Barnhill said that right now our code gives Planning Commission land use authority for subdivisions (to dictate where stub roads go and the layout of the roads). He thinks it would be reasonable to give Planning Commission authority to dictate where within the development the multi-family housing would be located. He discussed writing things into code and that adding reasons why would be helpful as well.

Chairman Kerr opened the public meeting at 7:21 p.m.

No comments received.

Chairman Kerr closed the public meeting at 7:21 p.m.

Chairman Kerr suggested that Mr. Barnhill write a proposed ordinance putting some ability for the Planning Commission to give authority on location or placement of multi-family units within residential developments. Chairman Jones suggested also adding something about limiting the number of multi-

family housing units allowed per so many homes. The Planning Commission discussed what ratio that number should be. They also discussed the possibility of changing the grid from allowing townhomes to duplexes in R1 and R1/2 developments. Mr. Barnhill said they can propose whatever they would like but added that he thinks some of the developments have stretched the units out (for example 12 units in a row) and they could limit that to 4 units in a row allowed. The Planning Commission discussed allowing duplexes and not townhomes in certain zones. Commissioner Wager said he likes everything integrated together. They also liked Mr. Barnhill's suggestion of not being able to combine grids.

MOTION: Commissioner Wager made a motion to table Ordinance 21-R Amending the Density Map and to be brought back for further discussion. Vice Chairman Jones seconded the motion.

Roll Call Vote:

Commissioner Kerr, Yes
Commissioner Jones, Yes
Commissioner Wager, Yes

Motion Approved: 3 Yes 0 No

C. Public Hearing – Ordinance 21-S Creating an Overlay Zone for Development Agreements

Mr. Barnhill explained that the genesis for how the Council would handle requests to grant an increase in numbers on the density map, (if a developer came to them with an awesome plan they agreed with) is that they would want to guarantee that the plan is followed with a development agreement. There are ideas that may not fit into our code but are still good ideas. The state passed a statute stating that if a development agreement changes something in code, it needs to go through the legislative process to be legal. As he talked to Bill Morris about this, one solution they thought would be good is establishing an overlay zone (so a developer can come in and request a special zone as an overlay zone) and then anything that might be granted with that plan, their site plan and any special parameters would be attached to that zone and they have to follow it. He added that it could even have an expiration date that would revert back to the previous zone if not followed. He said they could include in their code a list of things that can be changed and things that can't be changed.

Commissioner Wager said that he likes the idea of including the list of things that they can and cannot change. Mr. Barnhill added that attaching an overlay zone to a zoning district is a good tracking mechanism that would have minutes, the zoning map, and when you pull up the zoning map you would see that a certain property has a development agreement attached (which they could look up). Chairman Kerr asked who would write the development agreements. Chris Crockett explained that planners usually have a template that they use and that Weber County has one that he could share with them.

Chairman Kerr opened the public hearing at 7:37 p.m.

No comment.

Chairman Kerr closed the public hearing at 7:37 p.m.

MOTION: No action taken.

140
141 **3. Discussion Items**

142 Mr. Barnhill said that the Parry's (that were at the meeting) have a proposal for bike rentals (like bigger
143 cities have electric scooters with a kiosk for example). He explained that right now our code does not
144 address this type of use. He wanted to bring this up and see if they would like this as an agenda item in
145 the future or if anyone would like to spearhead research on this. The location of the bike rental would
146 be next to a trail or by the KOA. The Planning Commission discussed feeling this would be a good idea
147 and how to put something together on this. Vice Chairman Jones said she could help look up code and
148 see what other cities may have on this. Mr. Barnhill said he can look at what Brigham City has regarding
149 this as well. The Commission decided to bring it back as a discussion item at the next meeting.

150
151 Vice Chairman Jones allowed the residents to comment on this idea. Mr. Parry explained that is it a
152 toss-up between tandem bikes, e-bikes, or a combination of both. They were also thinking of adding
153 electric scooters but it would be rent and return from the kiosk or bike rental facility, they would not
154 have them left all over like bigger cities have. The Parry's added that the kiosk would be manned.

155
156 **4. Approval of the Minutes**

157 **A. October 7, 2021 Regular Meeting Minutes**

158
159 **MOTION:** Vice Chairman Jones made a motion to approve the October 7, 2021 meeting minutes.
160 Commissioner Wager seconded the motion.

161
162 **Roll Call Vote:**

163 Commissioner Kerr, Yes
164 Commissioner Jones, Yes
165 Commissioner Wager, Yes
166

167 **Motion Approved:** 3 Yes 0 No
168

169 **5. Discussion**

170 **A. Future Projects**

171 None.
172

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

174 The Ventura zone change was approved.
175

176 **C. Report from Commissioner regarding last Council Meeting**
177 **(October 14th & 28th meetings)**

178 Mr. Barnhill said there was nothing planning related.
179

180 **D. Make Assignments for Representative to Attend City Council Meetings**
181 **(November 16th meeting)**

182 Vice Chairman Jones will go if there is anything relevant to Planning Commission on the agenda.
183

184 **6. Training**

185 **A. Staff**

Chris Crockett presented a training on Public Infrastructure Act (PID's). He explained that these are full of risks and very developer friendly. They are similar to a local district, a separate public entity, and what they are designed to do is that they are a body politic that is created solely for the financing of infrastructure. It can be connected to any type of municipal service (such as water, sewer, and roads). They are created by filing a petition and you have to have consent of 100% of the registered voters that are living within the applicable area and contain the signatures of 100% of the surface property owners. The problem is that they will come from single land owners. This creates a difficulty with checks and balances because these districts have the ability to tax and issue bonds.

He reviewed how Weber County handles these requests in detail. He also explained that if the county legislative body is favorable to one of these and they approve an application, they will negotiate with a governing document. This is where you want to be really careful and employ bond council to assist with these because you can put whatever restrictions you want in that document (that will structure how the board of the PID operates). He added that one thing they will want to make sure and do is charge a fee that is sufficient enough to cover those costs (the statute allows you to recover costs for reviewing these) but also add a provision in your ordinance and application that if you need to hire experts for financing models or bond council to look at it, that they will reimburse you for those costs.

7. Review Next Agenda and Adjourn

A. Items for October Agenda (next meeting October 7, 2021)

- Perry Landing Preliminary Subdivision
- Bike Rental
- Density Map

B. Motion to Adjourn

Motion: Commissioner Wager made a motion to adjourn. Vice Chairman Jones seconded the motion.

All Commissioners were in favor. The meeting ended at 8:13 p.m.