

Perry City is inviting you to a scheduled Zoom meeting.

Topic: Planning Meeting

Time: Feb 2, 2023 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

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Meeting ID: 820 8148 4728

Passcode: 020988

One tap mobile

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+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

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# **PERRY CITY PLANNING COMMISSION**

## **REGULAR MEETING AGENDA**

**February 2, 2023**

**7:00 pm regular meeting**

**3005 S 1200 W Perry, UT**

The meeting will be open to the public. Meeting will also be held online.  
“Electronic Meeting” Web/Teleconferencing will be used.

The Perry City Planning Commission will hold an electronic meeting on the Thursday identified above, starting at approximately 7:00 PM, via web/teleconference. Go to [www.perrycity.org/whats-new.htm.htm](http://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. Subdivision Amendment to vacate a public utility easement located at 2484 S 900 W Parcel #02-028-0168 Applicant: Kelly Baird**
- 3. Approval of the Minutes**
  - A. December 1, 2022, Regular Planning Meeting**
- 4. Discussion**
  - A. Future Projects**
  - B. Report on past-approved Planning Commission Agenda Items**
  - C. Report from Commissioner regarding previous Council Meetings**
  - D. Make Assignments for Representative to Attend City Council Meetings  
(February 9<sup>th</sup> and 23<sup>rd</sup>)**
- 5. Public Comment**
- 6. Training**
  - A. Staff**
- 7. Review Next Agenda and Adjourn**
  - A. Items for March agenda (next meeting March 2, 2023)**
  - B. Motion to Adjourn**

**Certificate of Mailing**

The undersigned duly appointed official hereby certifies that a copy of the foregoing agenda was sent to each member and alternate member of the Planning Commission and other designated City Officials and was posted in these locations: The Perry City Offices, Centennial Park, Perry City Park; Box Elder News Journal; Perry City Website; and State Website; on this 23rd day of January 2023. Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

---

Tyra Bischoff, Planning Secretary

**Rules for Public Hearings/Comments:**

- (1) Please speak only once (maximum of 3 minutes) per agenda item.
- (2) Please speak in a courteous and professional manner.
- (3) Do not speak to specific member(s) of the Planning Commission, staff, or public (please speak to the Chair or to the Commission as a group).
- (4) Please present possible solutions for all problems identified.
- (5) Action will not be taken during this meeting if the item is not specifically on the agenda.

Under Review

Active

### Application Review Status

|                       |              |            |
|-----------------------|--------------|------------|
| Pre-Review            | Approved     | 01/03/2023 |
| Community Development | Not Reviewed |            |
| Final-Review          | Not Reviewed |            |

| Fees                   |                 | Payments          |            |                 |
|------------------------|-----------------|-------------------|------------|-----------------|
| Subdivision: Amendment | \$400.00        | 01/03/2023        | Card *5978 | \$400.00        |
| <b>Subtotal</b>        | <b>\$400.00</b> | <b>Total Paid</b> |            | <b>\$412.25</b> |
| <b>Amount Paid</b>     | <b>\$412.25</b> |                   |            |                 |
| <b>Total Due</b>       | <b>-\$12.25</b> |                   |            |                 |

### Application Form Data

(Empty fields are not included)

Please Note: This application is to amend and make adjustments to a plat that has already been approved and recorded. If significant changes are proposed, especially changes that would affect public infrastructure and aspects requiring detailed engineering, the City may require the amendment to go through the complete subdivision approval process beginning with the Preliminary Subdivision Application. This would be done to ensure a proper review is performed and compliance is assured for all proposed changes.

✓

After this application is reviewed for completeness you will receive an email from Civic Review asking for payment. Following payment your application will be placed on the next available Planning Commission agenda (usually the 1st Thursday of every month). The deadline to submit items for Planning Commission is three weeks prior to the meeting.

✓

Applicant First Name

kelly

Applicant Last Name  
**baird**

Applicant Email  
**kdog@brigham.net**

Applicant Phone Number  
**(435) 730-0874**

Applicant Address  
**2484 S 900 W**

City  
**Perry**

State  
**UT**

Zip  
**84302**

Is the applicant the property owner?  
**Yes**

Engineer/Surveyor Name or Company  
**Hansen & Associates**

Engineer/Surveyor Email  
**www.mattp@haies.net**

Engineer/Surveyor Phone Number  
**(435) 723-3491**

Subdivision Name  
**Perry City Center Subdivision**

Property Address/Location  
**2484 s 900 w Perry UT**

Describe the proposed amendment.  
**Vacate P.U.E**

Upload a PDF of the proposed plat  
 **plat map.pdf**

## 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 administration costs that go beyond the estimated fees collected at the time of application.
4. Complete application and approval requirements can be found in Perry Municipal Code Titles 14 and 15.

kelly r baird - 01/03/2023 1:21 pm

Perry City Center Subdivision Phase 1 Fourth Amendment

Amending Lot 18, Perry City Center Subdivision Phase 1 Third Amendment

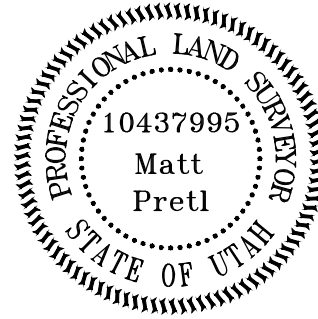
Perry City, Box Elder County, Utah  
A Part of the Northwest Quarter of Section 2,  
Township 8 North, Range 2 West, Salt Lake Base & Meridian

SURVEYOR'S CERTIFICATE

I, MATT PRETL, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT; AND BY THE AUTHORITY OF THE OWNERS, I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED AND SHOWN HEREON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE HEREBY AMENDED AND SUBDIVIDED SAID TRACT INTO ONE (1) LOT, KNOWN HEREAFTER AS PERRY CITY CENTER SUBDIVISION PHASE 1 FOURTH AMENDMENT AND THAT THE SAME HAS BEEN SURVEYED AND MONUMENTS HAVE BEEN LOCATED AND/OR PLACED ON THE GROUND AS REPRESENTED ON THE PLAT HEREON.

SIGNED THIS DAY OF , 2023.

MATT PRETL, P.L.S.  
UTAH LAND SURVEYOR LICENSE NO. 10437995



BOUNDARY DESCRIPTION

A PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE SOUTHEAST CORNER OF THE BRANDON HANSEN ETUX PROPERTY, TAX ID. NO. 02-028-0024 POINT ALSO BEING ON THE WEST RIGHT-OF-WAY LINE OF 900 WEST STREET LOCATED 2150.15 FEET SOUTH 89°42'22" EAST AND 445.02 FEET SOUTH 00°17'38" WEST FROM THE NORTHWEST CORNER OF SAID SECTION 2;

RUNNING THENCE SOUTH 15°28'44" WEST 105.11 FEET ALONG SAID WEST RIGHT-OF-WAY LINE TO THE NORTHEAST CORNER OF LOT 17, PERRY CITY CENTER SUBDIVISION PHASE 1, THIRD AMENDMENT, ENTRY NO. 455361; THENCE ALONG THE BOUNDARY OF SAID LOT 17 THE FOLLOWING TWO (2) COURSES; (1) NORTH 71°57'24" WEST 145.16 FEET; AND (2) SOUTH 15°28'44" WEST 103.05 FEET TO THE NORTH BOUNDARY LINE OF PERRY CITY CENTER SUBDIVISION PHASE 1, LOT 1 AMENDED, ENTRY NO. 279486; THENCE NORTH 72°10'54" WEST 111.24 FEET ALONG SAID NORTH BOUNDARY TO THE EAST LINE OF CRYSTAL CANYON SUBDIVISION PHASE 2 AMENDED, ENTRY NO. 159815; THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES; (1) NORTH 16°45'41" EAST 32.40 FEET; (2) SOUTH 71°29'21" EAST 5.53 FEET; AND (3) NORTH 18°30'39" EAST 176.04 FEET TO THE SOUTH LINE OF SAID BRANDON HANSEN ETUX PROPERTY; THENCE SOUTH 71°57'26" EAST 240.85 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. CONTAINING 0.837 ACRES.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE AMENDED AND SUBDIVIDED INTO ONE LOT AS SHOWN ON THIS PLAT AND NAME SAID TRACT PERRY CITY CENTER SUBDIVISION PHASE 1 FOURTH AMENDMENT AND HEREBY DEDICATE, GRANT AND CONVEY TO PERRY CITY, BOX ELDER COUNTY, UTAH, THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY PERRY CITY. FINALLY, ANY OTHER LOT, PARCEL, OR OTHER TRACT OF LAND DESIGNATED AS BEING DEDICATED AND/OR DEEDED TO PERRY CITY FOR ROADS, OPEN SPACE, OR OTHER MUNICIPAL USE(S) IS HEREBY DEDICATED AND DEED TO PERRY CITY. IN WITNESS WE HAVE HEREUNTO

SET OUR SIGNATURE THIS DAY OF , 2023.

KELLY R. BAIRD DATE

SUMMER A. BAIRD DATE

ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF BOX ELDER )

ON THIS DAY OF 2023, KELLY R. BAIRD AND SUMMER A. BAIRD, HUSBAND AND WIFE AS JOINT TENANTS, 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, TWO IN NUMBERS, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSE THEREIN MENTIONED.

NOTARY PUBLIC

COUNTY SURVEYOR'S CERTIFICATE

I Herby Certify that the Box Elder County Surveyor's Office has Reviewed this plat for Mathematical Correctness, Section Corner Data, and for Harmony with Lines and Monuments on Record in County Offices. The Approval of this Plat by the Box Elder County Surveyor does not Relieve the Licensed Land Surveyor who Executed this Plat from the Responsibilities and/or Liabilities Associated Therewith.

County Surveyor Date

PLANNING COMMISSION APPROVAL

APPROVED THIS DAY OF , A.D., 2023 BY THE  
PERRY PLANNING COMMISSION.

APPROVAL AND ACCEPTANCE

PRESENTED TO THE THIS DAY OF , A.D., 2023  
AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST: RECORDER MAYOR

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS DAY OF , A.D., 2023

ATTORNEY

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.

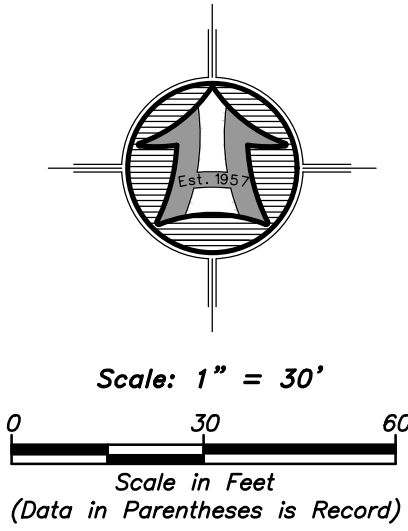
DATE ENGINEER

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

NORTHWEST CORNER OF SEC. 2,  
T. 8 N., R. 2 W., SLB&M  
FOUND B.E. CO. BRASS CAP MONUMENT

NORTHEAST CORNER OF SEC. 2,  
T. 8 N., R. 2 W., SLB&M  
FOUND B.E. CO. BRASS CAP MONUMENT



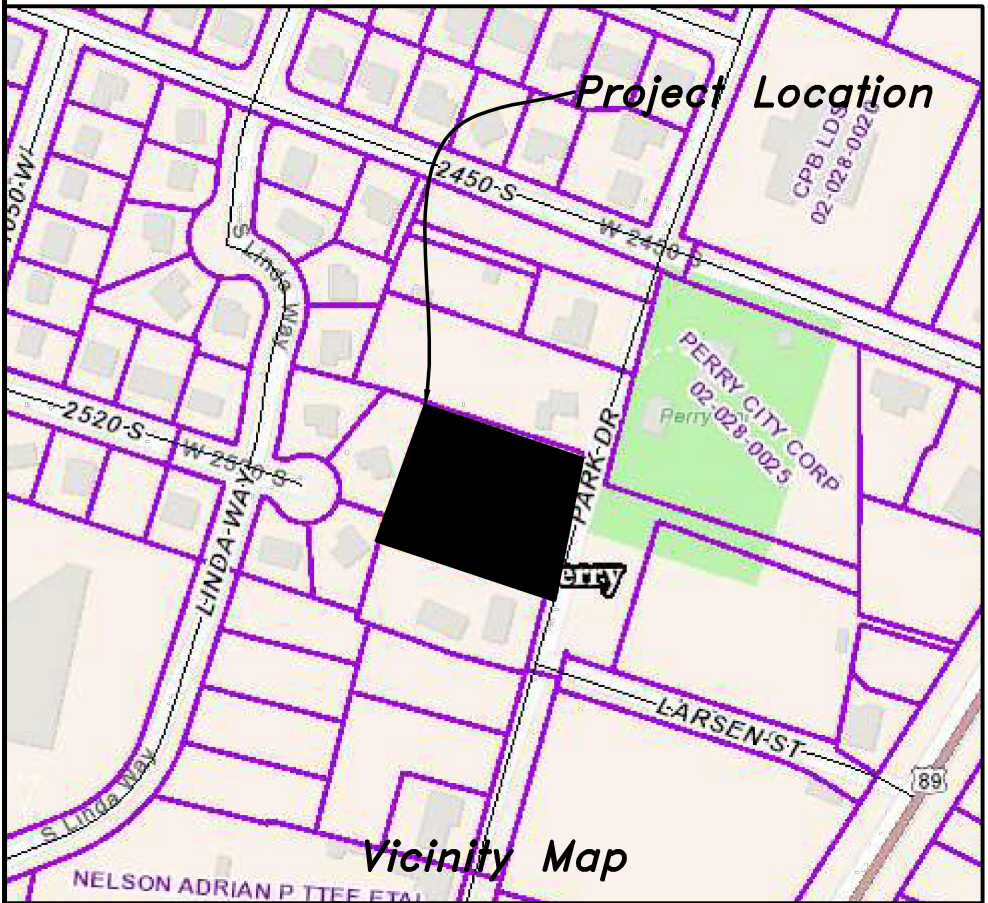
LEGEND

- Subject Property Line
- Interior Lot Lines
- Adjoining Property Line
- Previous Property Line
- Centerline
- Public Utility Easement (PUE)
- Fence Line
- Street Monument to be set
- Found HAI Rebar (Unless Noted)
- Set 5/8"x24" Rebar With Cap
- Section Corner

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH AND SET THE PROPERTY CORNERS, AND TO REMOVE THE P.U.E. ON THE NORTH SIDE OF THE ONE LOT AMENDED SUBDIVISION AS SHOWN AND DESCRIBED HEREON. THIS SURVEY WAS ORDERED BY KELLY BAIRD. THE CONTROL USED TO ESTABLISH THE PROPERTY CORNERS WAS THE PERRY CITY CENTER SUBDIVISION PHASE 1, LOT 2 AMENDED, ENTRY NO. 375206, PERRY CITY CENTER SUBDIVISION PHASE 1, LOT 1 AMENDED, ENTRY NO. 279486, CRYSTAL CANYON SUBDIVISION PHASE 2 AMENDED, ENTRY NO. 159815, AND ROS NO. 2022-03890 AS WELL AS THE EXISTING BOX ELDER COUNTY SURVEYOR MONUMENTATION SURROUNDING SECTION 2, TOWNSHIP 8 NORTH, RANGE 2 WEST, S.L.B.&M.

THE BASIS OF BEARING IS THE NORTH LINE OF SAID SECTION WHICH BEARS SOUTH 89°42'22" EAST, UTAH NORTH, STATE PLANE, CALCULATED N.A.D.83 BEARING.



NOTE:

- All public utility easements (P.U.E.) are 10.0 foot wide unless otherwise noted.
- Rebar and cap set on all back lot corners with curb nails set in top back of curb and gutter on all side yard projections.

Developer:  
KELLY BAIRD  
2484 S 900 W  
PERRY, UTAH 84302  
(435) 730-0874



HANSEN & ASSOCIATES, INC.  
Consulting Engineers and Land Surveyors  
538 North Main Street, Brigham, Utah 84302  
Visit us at www.haies.net  
Brigham City Ogden Logan  
(435) 723-3491 (801) 399-4905 (435) 752-8272  
Celebrating over 60 Years of Business

CHAIRMAN

RECORDER

MAYOR

DATE

ENGINEER

County Recorder

December 1, 2022  
Planning Commission Meeting  
Virtual Meeting  
7:00 p.m.

**Commissioners Present:** Chairman Julie Jones, Vice Chairman Marcus Wager, Commissioner Jan Kerr (on-line), Commissioner Blake Broadhead, and Commissioner Ryan Vaughn.

**Commissioners Absent:** Commissioner Stephan Moss and Commissioner Beth Thompson

**City Staff Present:** City Administrator Bob Barnhill, Planning Secretary Tyra Bischoff, and Attorney Chris Crockett

**Others Present:** Brinton Neff, Melanie Barnhill (on-line)

**1. 7:01 p.m. - Call to Order and Opening Ceremonies**

Chairman Julie Jones called the meeting to order.

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

None.

**2. Action Items**

**A. Preliminary Application – West Meadow Estates located at 2250 S 1200 W Parcel #03-157-0017 Applicant: Brinton Neff**

Mr. Barnhill said they have already seen this application for a Conservation Subdivision plan that included an open space component. He recounted that at the work session with the Planning Commission, City Council, and the developer, it was decided to consider an option for a more traditional development and to give the additional density that was allowed in the Conservation Subdivision Ordinance. Also discussed was to take the open space improvement compensation and move the improvements off site. He said that since the last Planning Commission meeting the applicant, Brinton Neff and city engineer, Brett Jones have met together and discussed the open space option and a compensation amount.

Mr. Brinton Neff gave his perspective on the open space value from appraisals of similar projects close by. He asked the commissioners to keep in mind the current economic turmoil. He said that building has slowed and houses are not selling but he wants to continue with this application process.

Mr. Barnhill mentioned that he had a few notes for a compensation amount and that they need to find an amount that both parties may feel comfortable with. In addition, the Commissioners need to show the taxpayers they have followed the ordinance and justify the value they pick. On the other hand, the developer needs to have something that still works and is viable. He pointed out that the appraisals they have are black and white but where the future market is going is not black and white. He said the open space in this Conservation Subdivision that would have been turned over to the city is about 5 acres. He mentioned that he had received an appraisal for agricultural land near the development which showed \$55,000 per acre for a total land valued of \$250,000 for this open space. He said because of the recent decline in the housing market he called a realtor to discuss this appraisal and was told the value has decreased about 15 percent or to \$230,000.

Mr. Barnhill said this action item will be a recommendation to the City Council and that they should consider the phasing on this Conservation Subdivision. He explained that full value payment of this is probably not realistic to require it when the developer records the plan. He then pointed out the four planned phases on the plat map.

Commissioner Broadhead asked about the findings of the wetlands and if they have gone away. Mr. Neff responded that he was told to present to the city what he thought the results of the delineation study might give. Commissioner Kerr said the first phase of the development does not contain the wetland area so it will give them time to get the delineation study results. Mr. Neff said the study will be done in the spring and it might take another six months to get the answers from the Corps of Engineers. Commissioner Kerr asked how long Phase 1 will take to complete. Mr. Neff thought it would take 90 days or a little longer with the off-site thing, however, they will only build as they sell the lots. Mr. Barnhill interjected that Mr. Neff has several options for the development of the wetland after he received the results from the delineation study.

Commissioner Wager asked for the designation of the money the city receives in lieu of the open space. Mr. Barnhill said the ordinance states it will be to the city's discretion but they may suggest Dale Young Park or a specific purpose in the motion. Commissioner Vaughn asked about the upgrade planned for Dale Young Park and if the money can also be used at other parks. Mr. Barnhill responded that the master plan for the Dale Young Park upgrade will cost much more money than what they are talking about. He mentioned the equipment needs to be removed or replaced at Mountain View Park but that Dale Young Park improvements are the top of the list.

Chairman Jones asked the Commissioners what they think about the amounts (Mr. Neff presented \$87,000 and the realtor appraisal was \$230,000) for the in lieu of the 5 acre open space. She also asked if they could adjust the value at the beginning of each phase. Mr. Barnhill said they probably could create a plan like that but they may have issues down the road. Commissioner Broadhead said he thinks it is fairer to Mr. Neff to give him a value now. The Commissioners discussed that they could have an incremental percentage change with a cap after each phase has received its approval. They voiced that they feel with the downward housing market the \$230,000 amount might be high and were leaning more towards a fairer amount of \$200,000. Commissioner Kerr said what she knows the Utah housing market usually has a ten-year market cycle but, historically they end up higher than at the start of the cycle.

**MOTION:** Commissioner Broadhead made a motion to approve the West Meadow Estates application with \$200,000 to be paid over 4 payments per phase. He recommended that \$50,000 be collected prior to issuing conditional acceptance and prior to recording the plat of the sequential phase and that 100% goes to Dale C Young Park. Commissioner Wager seconded the motion.

**Roll Call Vote:**

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

96 **Motion Approved**

97  
98 Mr. Barnhill said he will try to get this action item scheduled for the next City Council Meeting on  
99 December 8, 2022 mostly because the next meeting will not be until January 2023.

100  
101 **B. Approving the Meeting Schedule Dates for 2023**

102 Chairman Jones presented the 2023 schedule for the Planning Commission and mentioned it is still on the  
103 first Thursday of the month.

104  
105 **MOTION:** Commissioner Wager made a motion to approve the Meeting Schedule Dates for 2023 as  
106 written. Commissioner Kerr seconded the motion.

107  
108 **Roll Call Vote:**

109 Commissioner Jones, Yes  
110 Commissioner Wager, Yes  
111 Commissioner Kerr, Yes  
112 Commissioner Broadhead, Yes  
113 Commissioner Vaughn, Yes  
114 Commissioner Thompson, Absent  
115 Commissioner Moss, Absent

116  
117 **Motion Approved**

118  
119 **C. Appointing new Chair/Vice Chairperson for 2023**

120 Mr. Barnhill explained that if a commissioner is appointed Chairperson, he or she is Vice Chairman for  
121 2023 and the Chairman in 2024. Therefore, the Chairperson for 2023 will be Vice Chairman Marcus  
122 Wager. Vice Chairman Wager said last year Commissioner Stephan Moss said he will be Vice Chairman at  
123 the point of the change.

124  
125 **MOTION:** Commissioner Kerr said she nominates (makes a motion) Commissioner Stephan Moss as  
126 Vice Chairman for 2023. Commissioner Vaughn seconded the motion.

127  
128 **Roll Call Vote:**

129 Commissioner Jones, Yes  
130 Commissioner Wager, Yes  
131 Commissioner Kerr, Yes  
132 Commissioner Broadhead, Yes  
133 Commissioner Vaughn, Yes  
134 Commissioner Thompson, Absent  
135 Commissioner Moss, Absent

136  
137 **Motion Approved**

138  
139  
140 **3. Approval of the Minutes**

141 **A. November 3, 2022, Regular Planning Meeting**

142 Commissioner Kerr said line 32 should be changed from council to commission. Commissioner Vaughn  
143 pointed out the spelling error of his name on line 107 and 130. Commissioner Broadhead said in line 66  
144 the word Corp should have an "s" at the end of it.

145  
146 **MOTION:** Commissioner Wager made a motion to approve the November 3, 2022 with the  
147 corrections. Commissioner Broadhead seconded the motion.

148  
149 **Roll Call Vote:**

150 Commissioner Jones, Yes  
151 Commissioner Wager, Yes  
152 Commissioner Kerr, Yes  
153 Commissioner Broadhead, Yes  
154 Commissioner Vaughn, Yes  
155 Commissioner Thompson, Absent  
156 Commissioner Moss, Absent

157  
158 **Motion Approved**

159  
160 **4. Discussion**

161 **A. Future Projects**

162 Mr. Barnhill said for their information the city will be changing their on-line code providers. He explained  
163 that we currently are serviced by Municode, but we have problems getting the process done when we try  
164 to post digital ordinances. He said the city will be moving over to CiviclinQ as our electronic code provider  
165 and noted that they are cheaper and have better ratings. He advised them that in the next few weeks  
166 they will see a change on the system. Ms. Bischoff mentioned that the search engine with CiviclinQ is  
167 better.

168  
169 **B. Report on past-approved Planning Commission Agenda Items**

170 Mr. Barnhill said there wasn't anything to report on. Commissioner Wager asked for an update with the  
171 property by Hargis Hill Road. Mr. Barnhill responded that the developer pulled the development  
172 agreement and will build with the standard zoning requirements.

173  
174 **C. Report from Commissioner regarding previous Council Meetings**

175 None.

176  
177 **D. Make Assignments for Representative to Attend City Council Meeting**  
178 **(December 8, 2022)**

179 Mr. Barnhill said the City Council meetings have mainly administrative items on the agenda. He then said  
180 he will attend this meeting.

181  
182 **5. Public Comment**

183 None.

184  
185 **6. Training 7:30 p. m. – 7:45 p. m.**

186 **A. Staff**

Attorney Chris Crockett gave his training to the Planning Commission on a Court of Appeals for an important procedural provision. In section 4D of the Utah Code 10-9A-701 it talks about appeals of land use decisions that the Planning Commission may make. It explains what happens if the Planning Commission receives an appeal on a decision which results in a public hearing and the appeal goes to the hearing officer. Mr. Barnhill commented that in his time with Perry City he has not had an appeal but has had a couple of variances. Mr. Crockett said for an appeal the person filing will need to exhaust all their administrative remedies before they go to court. He further explained the appeal authority and that the city creates a full and complete record of the issue so not to waste judicial resources. He gave an example of a recent case and then gave exceptions to get around the exhausting of administrative remedies. The four exceptions are that party would sustain irreparable injury, a likelihood of oppression or injustice, where exhaustion would serve no purpose or is futile, and where an administrative agency or officer has acted outside the scope of his defined statutory authority. He remarked that this example was to educate and explain how the courts will interpret and apply these principles to the Land Use Statutes.

**7. Review Next Agenda and Adjourn**

**A. Items for January agenda (next meeting January 5, 2023)**

None.

**B. Motion to Adjourn**

**Motion:** Commissioner Broadhead made a motion to adjourn the meeting. Commissioner Kerr seconded the motion.

All Commissioners were in favor. The meeting ended at 7:48 p.m.