

**PERRY CITY PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 4, 2010 7:00 P.M.
PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH**

PLANNING COMMISSIONERS PRESENT: Martin, Hinckley (Chair), David Curtis (Vice-chair), Harlan Brewer, Steve Pettingill

OTHERS PRESENT: Duncan Murray (City Attorney), Angela Erwin (Minutes Clerk), Tom Peterson (City Council), Lani Braithwaite, Jim Mackley

I. CALL TO ORDER AND OPENING CEREMONIES:

Comm. Hinckley called the meeting to order at approximately 7:02 p.m.

A. PLEDGE ALLEGIANCE TO THE U.S. FLAG

Conducted by Comm. Hinckley.

B. DECLARE CONFLICTS OF INTEREST, IF ANY

Questions initiated by Comm. Hinckley. None existed.

C. REVIEW AND ADOPTION OF THE AGENDA

Motion: Comm. Pettingill moved to accept the agenda for February 4, 2010. The motion was seconded by Comm. Curtis. No discussion. All in favor.

D. APPROVE MINUTES FOR JANUARY 21, 2010

Motion: Comm. Pettingill moved to approve the minutes for January 21, 2010, as written. The motion was seconded by Comm. Brewer. No discussion. All in favor.

II. PUBLIC HEARINGS AND PUBLIC COMMENTS

Comm. Hinckley read the rules, as listed on the agenda.

A. PUBLIC COMMENTS

No public comments.

B. PUBLIC HEARING

None

III. DESIGN REVIEW/SITE PLANS AND LIMITED REVIEW PERMITS
(ADMINISTRATIVE APPLICATIONS)

None

IV. SUBDIVISIONS AND STREETS (ADMINISTRATIVE APPLICATIONS)

None

V. SPECIAL EXCEPTIONS, CONDITIONAL USE PERMITS, AND MISC.

(QUASI-JUDICIAL APPLICATIONS)

None

*These items were discussed next:

VII. TRAINING AND HANDOUTS

C. REPORT ON CREATION OF COMMUNITY DEVELOPMENT AREA (FOR 1100 SOUTH)

Duncan Murray said the city council has looked at this issue. He said a community development area is a way to foster or encourage economic development. It also provides options and encourages tax increments for development. This project area is located in both Perry and Brigham City. A community development is where there is a certain area that is not developed and the city is not collecting any tax base for the area. If someone chooses to develop their property, the property tax will “skyrocket” to twenty or thirty times higher. The tax entities agree to put this tax into a “pool” to be used for future projects without having to use the general fund. This will help continue development for 1100 South. An advantage of CDA’s is that the city will be poised and ready to accept applications when they come. Also, this does not affect anyone if the land is not developed, as CDA’s are optional.

D. REPORT ON RENEWAL OF ENTERPRISE ZONE (ON HIGHWAY 89)

Mr. Murray said the enterprise zone was created as a way to help provide additional tax advantages. It focuses on the state’s income tax. If a business has employees at least six months of the year, (within the zone - 300 feet either side of Highway 89), or if a business is expanding in employees (and perhaps floor space), there may be a tax credit. The state provides the incentive, not the city.

Comm. Pettingill understood that this applies only to businesses that enhance agriculture in the zone. Mr. Murray was not sure if this option is available to “anyone.” Comm. Pettingill does not think the enterprise zone tax credit is being used as it has been applied. He would rather see the CDA’s include the NC2 and NC3 zones. Comm. Pettingill added that CDA’s provide a better component to start a business.

*The agenda continued as follows:

VI. LAND USE ORDINANCES, ZONING, DESIGN GUIDELINES, GENERAL PLAN (LEGISLATIVE ACTION)

A. FINAL REGARDING AMENDING ORDINANCE FOR BUILDING SETBACK AND AREA REQUIREMENTS

Mr. Murray explained that “note 2” was added to address the question (at the last planning commission meeting) regarding commercial property adjoining residential property. Comm. Hinckley said there are NC2 and NC3 zones that back-up to residential property in the city, which is not allowed in “rear setbacks.” Mr. Murray suggested separating C1 from NC2 and NC3 zones. Comm. Hinckley said that there are a lot of “not allowed[‘s]” in the ordinance. This creates a problem because a lot of these areas back residential properties. Comm. Hinckley said the language in “note 2” does not address this sufficiently and he feels that there are specific guidelines and other information missing from the “old” ordinance.

Mr. Murray and Codey Illum (Building Inspector and Community Development) will further review this ordinance with Comm. Hinckley and Comm. Curtis, as a subcommittee.

Non-agenda item:

Mr. Murray announced Mayor Nelson’s request that the planning commission meet once per month, on the first Thursday, until there are more land use applications. The commissioners supported the decision of Mayor Nelson to meet on the first Thursday of each month.

Motion: Comm. Pettingill moved to table the building setback and area requirements, item VI.A of the agenda. The motion was seconded by Comm. Brewer. No discussion.

Roll call vote: Comm. Hinckley–aye, Comm. Curtis–aye, Comm. Brewer–aye, Comm. Pettingill–aye. All in favor (**4 to 0**).

B. (FINAL) ORDINANCE REGARDING MONUMENT MARKERS FOR NEW SUBDIVISIONS

Comm. Curtis read the most recent change to the monument marker ordinance - “Perry has no financial obligations now for the signs, nor will it assume any such obligations in the future.” Comm. Brewer suggested, in order to be consistent, adding the word “City” after “Perry.”

Motion: Comm. Brewer moved to add the word “City” after the word “Perry” in the statement read by Comm. Curtis [above]. Also, Comm. Brewer moved to approve the ordinance regarding monument markers for new subdivisions. The motion was seconded by Comm. Curtis. Discussion: Comm. Brewer does not see a reason to not have subdivision signs. If the city is going to have signs he would like a few restraints, which is his intent. He does not want to encourage signs, but does not want to discourage them. Comm. Curtis does not think the city needs subdivision signs and thinks they may be an eyesore. He wanted to know if it

would be illegal to not allow subdivision signs. Mr. Murray said the ordinance could simply read “subdivision signs are not allowed within Perry City limits.”

Roll call vote: Comm. Hinckley–aye, Comm. Curtis–nay, Comm. Brewer–aye, Comm. Pettingill–nay. Motion fails (2 to 2).

Motion: Comm. Curtis moved to amend the ordinance to read “subdivision signs are not allowed within Perry City limits.” The motion was seconded by Comm. Pettingill. Discussion: Comm. Curtis does not see the benefit to having subdivision signs. He said these signs could cause divisions when there are signs in upscale areas and not signs in other areas. He thinks the signs will be become damaged and eyesores. Comm. Pettingill was recently in St. George, where he found eight water features depicting subdivisions entries. He thinks of St. George as a place where there is a shortage of water. He said signs would be a use of resources and land, when Perry boasts conservation. Comm. Pettingill added that subdivision signs serve no benefit to Perry City. He commented on a sign in Willard that gets no regular maintenance and has become an eyesore. Comm. Brewer would like property owners to have a right of self expression in a way that owner sees fit. Tom Peterson added that subdivision signs would benefit the city because they would help make subdivisions easier to locate.

Roll call vote: Comm. Hinckley–nay, Comm. Curtis–aye, Comm. Brewer–nay, Comm. Pettingill–aye. Motion fails (2 to 2).

In order to reach an agreement, Comm. Curtis suggested adding “no water” or being a little more restrictive in the ordinance. Comm. Hinckley said not having a code is worse than having “not allowed” or “not allowed under these conditions.” If there is no code, a person can come along and do what he/she pleases. Comm. Hinckley thinks it would be better to clarify expectations than not do anything. Comm. Pettingill does not want to create more laws that are not complied with. He said if the city does not control signs, the city will be overrun with signs. Comm. Pettingill suggested the commissioners ask ten residents of their feelings on this issue. There was discussion on the current “noncomplying” subdivision sign located in the city. Comm. Pettingill was concerned with the fairness and political repercussions. Comm. Hinckley suggested checking the code to see if subdivision signs are covered in the current sign ordinance. Mr. Murray believes the current sign ordinance has enough ambiguity that it needs to be clarified.

Motion: Comm. Brewer moved to send the ordinance regarding monument markers for new subdivisions to the city council with the understanding there was a split vote and the commission would like both options [above motions] considered, at their pleasure. The motion was seconded by Comm. Hinckley. No discussion.

Roll call vote: Comm. Hinckley–aye, Comm. Curtis–aye, Comm. Brewer–aye, Comm. Pettingill–nay. Motion passes (**3 to 1**).

C. DISCUSSION REGARDING LAND USE CHART TITLE 45 (NC2 AND NC3 ZONES NEIGHBORHOOD COMMERCIAL)

Comm. Pettingill discussed this item with Mayor Nelson. Mayor Nelson said he would like to further discuss this item at the city council retreat. Mr. Peterson said, as far as he knew, this was not addressed at the retreat.

Comm. Pettingill commented that as new subdivisions are being built and proposed, he is seeing their detention/retention basins built adjacent to Highway 89. He said these basins need to be in another place because they are “swallowing” up valuable commercial land. Comm. Pettingill will attend the city council meeting on February 25, 2010.

VII. TRAINING AND HANDOUTS

A. UPDATE ON ISSUES ASSIGNED TO STAFF AND DISCUSSION ON PRESSURE ZONES AND ANY OTHER MAPS

The BRAG map will be included in the next planning commissioner’s packet. Comm. Hinckley would like city staff to contact Jim Buchanan regarding the mitigation measures for high risk fire zones.

B. CITY COUNCIL REPORT - TOM PETERSON

Tom Peterson was not in attendance at the last city council meeting.

C. REPORT ON CREATION OF COMMUNITY DEVELOPMENT AREA (FOR 1100 SOUTH)

Discussed above.

D. REPORT ON RENEWAL OF ENTERPRISE ZONE (ON HIGHWAY 89)

Discussed above.

VIII. REVIEW NEXT AGENDA AND ADJOURN

A. ADD AGENDA ITEMS REQUESTED BY PLANNING COMMISSIONERS

Mr. Murray summarized items on the next agenda as the pre-disaster mitigation plan, updated news on the flood control, and the water conservation plan. The county has approved moving ahead with the flood control district changes and they would like to divest themselves and let Perry residents be elected or appointed.

B. MOTION TO ADJOURN

Motion: Comm. Curtis moved to close the meeting. The motion was seconded by Comm. Pettingill. No discussion. All in favor.

Meeting adjourned at approximately 8:23 p.m.