

**PERRY CITY PLANNING COMMISSION TRAINING
THURSDAY, NOVEMBER 12, 2009 6:15 P.M.
PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH**

PLANNING COMMISSIONERS PRESENT: Steve Pettingill (Chair), Karen Cronin (Vice-Chair), Martin Hinckley

CITY COUNCIL MEMBERS PRESENT: Bill Walker, Boyd Malan, Marci Satterthwaite

OTHERS PRESENT: Duncan Murray (City Attorney), Taylor North (Perry Extern/Law Clerk), Angela Erwin (Minutes Clerk)

Taylor North presented training on exactions and conditions. He explained how to determine whether a proposed exaction is legal or illegal. Conditional uses should be linked to public welfare, health, or safety. If conditions are not listed in the city's conditional use guidelines, the burden of proof lies with the applicant. Mr. North provided examples of conditional uses placed upon previous business applicants in Perry. Mr. North summarized that in order to protect the city against unnecessary liability, exactions must advance a legitimate purpose, address a development burden, be roughly proportionate, and be the least intrusive option.

**PERRY CITY PLANNING COMMISSION MEETING
THURSDAY, NOVEMBER 12, 2009 7:00 P.M.
PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH**

PLANNING COMMISSIONERS PRESENT: Steve Pettingill (Chair), Karen Cronin (Vice-Chair), Martin Hinckley, Harlan Brewer

OTHERS PRESENT: Duncan Murray (City Attorney), Angela Erwin (Minutes Clerk), Lani Braithwaite, James Cheul, David Johnson, Kevin Johnson, Parker Stewart, Jace Tilley

I. CALL TO ORDER AND OPENING CEREMONIES:

Comm. Pettingill called the meeting to order at approximately 7:00 p.m.

A. **PLEDGE ALLEGIANCE TO THE U.S. FLAG**
Conducted by Comm. Pettingill.

B. **DECLARE CONFLICTS OF INTEREST, IF ANY**
Questions initiated by Comm. Pettingill. None existed.

C. **REVIEW AND ADOPTION OF THE AGENDA**
Comm. Cronin requested adding the election of a new vice-chair, as she is leaving the planning commission. Duncan Murray said this business is scheduled for the next agenda.

D. **APPROVE MINUTES FOR OCTOBER 29, 2009**
Comm. Cronin noted the font difference on some of the pages.

Motion: Comm. Cronin moved to accept the minutes for October 29, 2009, as written. The motion was seconded by Comm. Brewer. No discussion. All in favor.

II. PUBLIC HEARINGS AND PUBLIC COMMENTS

A. PUBLIC COMMENTS

No public comments.

B. PUBLIC HEARING

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

Motion: Comm. Cronin moved to close the regular meeting and open the public hearing for the (final) ordinance regarding monument markers for new subdivisions. The motion was seconded by Comm. Hinckley. No discussion. All in favor.

No public comments.

Motion: Comm. Cronin moved to close the public hearing for the (final) ordinance regarding monument markers for new subdivisions and open the general meeting. The motion was seconded by Comm. Hinckley. No discussion. All in favor.

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

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

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

Mr. Murray said Rachel Tribe, City Planner, and Codey Illum, Community Development/Building Inspector, reviewed the ordinance and the only other

setback requirements were in the building code. He added that the “forty foot site triangle” could be referenced in the chart. Comm. Hinckley recalled a different setback requirement for commercial property adjacent to residential property that is not noted in the chart. Mr. Murray will look into this. Comm. Pettingill suggested city staff look at a copy of the “old land use chart” or old database for information on the commercial setbacks.

Motion: Comm. Cronin moved to table the final regarding amending the ordinance for building setback and area requirements until more information is added. The motion was seconded by Comm. Brewer. No discussion. All in favor.

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

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

Comm. Brewer made a language change to item number nine and emailed the subcommittee. The change was not reflected in the current proposed ordinance. Comm. Cronin will forward the email, with the language change, to Ms. Tribe.

Motion: Comm. Brewer moved to table the final ordinance regarding monument markers for new subdivisions. The motion was seconded by Comm. Hinckley. No discussion.

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

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

Comm. Pettingill visited Bluff Street in St. George where there were houses and now there are businesses. He said people lived there and used their property and then the area made a transition into commercial. He thinks the growth of Perry will be stagnant if [commercial] restrictions are placed on people’s property. There will also be a problem with weeds. Comm. Pettingill would like to hear suggestions from the planning commissioners on this issue.

VII. TRAINING AND HANDOUTS

A. UPDATE ON ISSUES ASSIGNED TO STAFF

1. FIRE OVERLAY MAP
No specific comments.

2. PRESSURE ZONES MAP

Comm. Cronin asked what the minimum pressure is and Comm. Pettingill said around 30 psi. Comm. Hinckley said if the pressure is not there from the natural source, a good flow out of the line cannot be produced. Comm. Pettingill said hooking a pumper truck to a bigger line may overcome these limits. Comm. Pettingill said the pressure zone map and the fire overlay map need to be overlaid to locate the non-buildable areas (due to water supply). Comm. Cronin said Jim Buchanan, Fire Marshall, mentioned there are certain altitudes that may require additional water sources to be supplied by the builder. She will contact Mr. Buchanan for further information.

3. CRITICAL LANDS MAP

Comm. Hinckley pointed out that "flood" was missing from the critical lands map. He was concerned about the landslide area around 2100 South, a large area on the south part of town, and a small part just south of the gravel pit. Comm. Pettingill would like to see the source [of the map] listed on the map.

4. PARK AND TRAILS MAP

Comm. Hinckley was surprised to see a bike lane on Highway 89. Mr. Murray said UDOT wanted an acceleration and deceleration lane that could be converted, if needed. Comm. Hinckley felt a bike lane would best fit on 1200 West. Mr. Murray said there is a pre-approved trail for 1200 West.

Comm. Pettingill asked if the storm drain model, in the commissioners' packet, would be adopted. He said Perry paid for a storm drain model years ago and he keeps asking for it, but has not yet seen it. He does not want the city to have to pay again. Mr. Murray will track down the storm drain map. Comm. Pettingill suggested contacting Neil Smith.

5. SOURCE PROTECTION MAP AND ANY ADDITIONAL MAPS

Comm. Hinckley asked if there were restrictions on the property to preserve source protection. Comm. Pettingill said there are no septic tanks allowed. Comm. Hinckley said if there are no restrictions there is no protection. Comm. Pettingill said the water resource protection act is in the state law and needs to be called out.

Comm. Hinckley asked what happens to areas where there is not an adequate supply of water. Comm. Cronin will ask Mr. Buchanan for the minimum psi. Comm. Cronin would like color copies of the fire and pressure maps before she speaks with Mr. Buchanan.

6. VENTILATION (RALLY READY LOCATED NORTH OF SKYWAY DINER)

Mr. Murray and Ms. Tribe discussed this issue with Mr. Illum. Mr. Illum has checked out the ventilation and there is sufficient ventilation unless cars are running for a significant period of time.

Comm. Cronin said the applicant should ensure that the exhaust is piped outside the building if a vehicle is running.

Motion: Comm. Cronin moved to add one additional condition to the Rally Ready application based on the information received from the building inspector on the ventilation. This condition is that anytime vehicles are running, all exhaust fumes must be piped outside the building or taken care of with a similar equivalent remedy. Also, the applicant must comply with other government regulations and industry standards. The motion was seconded by Comm. Hinckley. Discussion: Comm. Pettingill asked if there was an ordinance to penalize the applicant if he does not meet the requirement. Mr. Murray said the conditional use permit can be reviewed and revoked if the applicant does not abide by the conditions. Comm. Hinckley asked about requirements for other mechanic shops. Mr. Murray said there are not set standards for this type of business.

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

B. CITY COUNCIL REPORT - TOM PETERSON

Tom Peterson was not in attendance.

C. NEXT TRAINING: JANUARY

Mr. Murray asked the commissioners for training suggestions.

VIII. REVIEW NEXT AGENDA AND ADJOURN

A. ADD AGENDA ITEMS REQUESTED BY PLANNING COMMISSIONERS

Mr. Murray informed the commissioners of the city Christmas party scheduled for 6:30 p.m. on December 11, 2009 at Maddox. Those wanting to attend need to RSVP by November 26, 2009.

B. MOTION TO ADJOURN

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

Meeting adjourned at approximately 7:57 p.m.

Perry City Planning Commission Meeting
Thursday, November 12, 2009
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