

**PERRY CITY PLANNING COMMISSION MEETING
THURSDAY, AUGUST 20, 2009 7:00 P.M.
PERRY CITY OFFICE BUILDING—CITY COUNCIL ROOM
3005 S. 1200 W. PERRY, UTAH**

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

OTHERS PRESENT: Duncan Murray (City Attorney), Rachel Tribe (City Planner), Angela Erwin (Minutes Clerk), Lani Braithwaite, Michele Bowden, Kylee Bowden, Katie Bowden, Bob Kirkman, Leonard Hill

I. CALL TO ORDER AND OPENING CEREMONIES:

Comm. Pettingill called the meeting to order at approximately 7:01 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
Questions initiated by Comm. Pettingill.

Motion: Comm. Cronin moved to adopt the agenda for August 20, 2009, as written. The motion was seconded by Comm. Brewer. No Discussion. All in favor.

D. APPROVE MINUTES FOR AUGUST 6, 2009

Comm. Cronin would like page three, item B, to read, “the concrete collar is not recommended because the wind could [cause the pole to sway and thereby break up the concrete].” Also, she would like that same paragraph to read, “Mr. Gardner had a [picture of a] fiberglass pole example from the Providence catalog.” Comm. Cronin wanted paragraph C to be more specific by adding, “phase one completing the first soccer field and phase two completing the second soccer field” to the first sentence.

Motion: Comm. Cronin moved to approve the minutes for August 6, 2009, with the noted changes. The motion was seconded by Comm. Brewer. No discussion. All in favor.

II. PUBLIC HEARINGS AND PUBLIC COMMENTS

A. PUBLIC COMMENTS

Comm. Pettingill summarized the public hearing and public comment rules, as listed on the agenda, and asked if there were any public comments.

Michele Bowden, Perry resident (2210 South Highway 89) wanted to address some zoning issues. She currently lives in a NC2 zone. Her children raise 4H projects including sheep, pigs, and calves. This is not in accordance with the zone, she said. Ms. Bowden is surrounded with property owners who also own animals and there is no commercial buildings or businesses (unless you count agricultural businesses - a farm and fruit stand). She would like the planning commission to consider changing the ordinance so that her children are able to raise the animals.

Comm. Cronin asked if there was a complaint. Ms. Bowden said yes, she received a letter from the city stating she needs to get rid of the animals. Rachel Tribe clarified this and said some of Ms. Bowden's animals are "grand-fathered in," but the pigs, which were the center of the complaint, were recently brought onto Ms. Bowden's property. Duncan Murray said this pertains to the land use chart's "family food production" animals. He said most of the residential zones that are half acre or larger allow animals, unless there is an oversized lot. Ms. Bowden said she has one acre. Mr. Duncan added that in the current land use chart, the size of the lot does not matter and does not allow for animals pertaining to "family food production." Comm. Cronin asked Ms. Tribe if the city received a complaint, therefore issuing the letter to the Bowden's. Ms. Tribe said yes.

Ms. Bowden explained that this restriction limits what her children can do in 4H. She asked the commission to look at the ordinance as it pertains to the NC2 zone.

Comm. Hinckley commented on the length of time it would take to act on this request. Mr. Murray explained that the staff worked out a temporary solution of allowing the pigs for three months. He said if the "individual" believes the staff is not applying the ordinance correctly, they can appeal the decision and it will go to the administrative law judge or the "individual" can request a review of the ordinance. The land use chart can be changed as to what is permitted in the zone or the zone can be changed altogether. Also, the "not permitted" could be changed to a "conditional use permit" for larger sized lots.

Comm. Brewer asked for the context of the complaint made to the city. Ms. Tribe said the complaint was specifically the "smell" of the pigs. Ms. Bowden noted that the wet weather in the spring made it difficult to control the smell. Comm. Cronin asked if there was a possibility that Ms. Bowden could take her pigs to another farm. Ms. Bowden responded that it is her land and "why can't she use her land?"

Mr. Murray commented that the commissioners could consider adding to the ordinance, if there is no conditional uses in a certain area, “these things are permitted” or “permitted by conditional use permit.”

Comm. Hinckley asked if the 4H sequence could be completed without pigs and Ms. Bowden said yes. Comm. Brewer would like the commission to further discuss this matter on the next agenda.

Motion: Comm. Brewer moved to include a discussion relating to the NC2 and NC3 zones on the next agenda. The motion was seconded by Comm. Cronin.

Discussion: Comm. Brewer wanted to see this considered thoroughly. Comm. Pettingill said he would like to see Ms. Bowden at all the planning commission meetings that the NC2 and NC3 zones will be on the agenda. He emphasized that he appreciated Ms. Bowden’s comment about doing what she wants with her land. He is “adamant against” the NC2 and NC3 zones because of all the commercial land Perry owns. Comm. Cronin said she would like to see the NC2 and NC3 zones further discussed. All in favor.

Kylee Bowden, Perry resident (2210 South Highway 89) said she has been raising lambs for about five years. Her brother wanted to “try some new stuff with the pigs and cows.” They got rid of the cows. After the complaint, they moved the pigs into their uncles barn. She said the pigs do not stink, but the weather was a problem. There are two pregnant pigs.

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

A. MAPLE HILLS OFF PREMISE/ON PREMISE SIGN LOCATED ON HIGHWAY 89 (AT ABOUT 1850 SOUTH EAST SIDE OF HIGHWAY)

*Comm. Curtis arrived at approximately 7:34 p.m.

Bob Kirkman, applicant, said he owns the property on which the on-premise sign is located, but not the property of the off-premise sign. The signs are temporary, 4' x 8' signs that will be displayed for two or three years. Mr. Kirkman said Codey Illum, Building Inspector, has looked at the area and given his approval. There is an annual agreement with Marv Nef on the off-premise location. Comm. Hinckley commented that he appreciated the quality of the sign. Leonard Hill said the sign is on one-eighth inch aluminum and backed with foam. The signs will be mounted to wood and will not be lit.

Motion: Comm. Cronin moved to approve the Maple Hills off-site, on-site application to put the sign, not only on their on-premise site, but also to put it on the

premise of ABCO Construction, as permission has been given by the landowner, for two years. Also, the applicant can come in for further approval at the end of the two years, if necessary. The motion was seconded by Comm. Hinckley.

Discussion: Comm. Curtis asked why the motion approval was based on two years, if the agreement for the off-premise sign was for one year. Mr. Kirkman said the off-premise sign verbal agreement was for “two years,” but they have made payment for one year of the agreement period. Comm. Cronin would like to add [to the motion] that if the lots get sold, the signs will be taken down. Mr. Kirkman said “of course” he would take the signs down at that point.

Mr. Kirkman said the city is installing an “upgraded” fence in the Maple Hills area. He asked if the fence could be placed on a forty-five degree angle, rather than a ninety degree angle on the northwest corner of Maple Hills, as they would like to put a “monument” on the corner that symbolizes Maple Hills of Perry. Comm. Pettingill said he was concerned with the long term maintenance of a “monument.” He said he knows it would look nice, but he questions the long term maintenance, especially if it is the responsibility of the city. Mr. Kirkman said some cities find this as an enhancement or upgrade to the community. Comm. Pettingill said “monuments” could be added to the commission’s agenda as a discussion item. Mr. Kirkman also asked if an agreement has been reached concerning lighting. Comm. Pettingill said it is on the agenda for discussion. Mr. Kirkman will contact Ms. Tribe next week regarding this issue.

Roll call vote: Comm. Cronin–aye, Comm. Hinckley–aye, Comm. Curtis–aye, Comm. Brewer–aye, Comm. Pettingill–aye. All in favor (**5 to 0**).

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. DISCUSSION REGARDING FIRE OVERLAY MAP

This item will be addressed in September, after the committee has met.

B. STREET LIGHTS (APPROVED STYLES)

Ms. Tribe said Lorin Gardner, City Engineer, will have more information regarding lighting at the next planning commission meeting.

C. DISCUSSION REGARDING FIRE STATION LOCATION

Comm. Pettingill asked that the committee members stay after the meeting to discuss this item.

VII. TRAINING AND HANDOUTS

- A. UPDATE ON ISSUES ASSIGNED TO STAFF (DEAD END STREET SIGNS)
Ms. Tribe said city staff has come up with a list of the dead end streets. The first “dead end” sign has been placed in the Sally Simmons subdivision.

- B. CITY COUNCIL
REPORT - TOM
PETERSON

Tom Peterson was not in attendance.

- C. TRAINING REGARDING COMMUNITY DEVELOPMENT AREAS
(APPROXIMATELY 8:00 - 8:30)

Mr. Murray presented training. He said the NC2 and NC3 zones on Highway 89 were initially called the “C” zone. He explained how he thought the “C” zone could be broken down into several different “packed areas.” The “C” zone was instead separated into NC2 and NC3 zones.

Comm. Pettingill said they city’s limits are the city’s boundaries and Perry is retaining more commercial area than Riverdale [City] Road. Comm. Hinckley said there are some problems with zoning. Industrial areas need excellent access and right now the industrial areas are isolated. He does not think the population will support the commercial area. Mr. Murray said, in discussion with Brigham City officials regarding the commuter rail, Perry [city officials] identified where they would like commercial and high density zones. Comm. Cronin said this is a land use issue and asked “are we not telling the owner how to use his land?” She added, “we are telling him, even if he wants to, he can’t [put high density on his land].” Comm. Cronin said, “we are telling him what he can and can’t do with his land” and that “it is the same issue all along.”

Lani Braithwaite said 7800 South in West Jordan was residence “up and down.” Currently, it is all commercial. Ms. Braithwaite said if it was saved for commercial it would have been “weed patches” for twenty-five years. Homes are now converted into office buildings. Ms. Braithwaite said preserving commercial will create unused land for a period of time.

Comm. Cronin has spoken to residents along Highway 89 who say “it is not a place for houses.” Comm. Pettingill said the landowners on Highway 89 are “scorched” over this. He said they came to the public hearings when the NC2 and NC3 zones were created and said Perry was making a mistake in not allowing houses on

Highway 89. He added that Smithfield City probably has four times the amount of residents as Perry. He said main street is full of homes and there is a “nucleus” area of commercial. There is a major artery and all the streets come together and they all live on main street.

Comm. Hinckley commented that Smithfield City has a lot of parallel roads that can carry traffic, not on the main road. He said the problem is that Perry has only one main road. This changes the traffic pattern of Perry. Comm. Hinckley said there are a lot of hazards getting on and off Highway 89. The more connections on the road, the lower the speed has to be, and the less traffic the road can support. Comm. Hinckley thinks there needs to be limited access in non-commercial areas and the roads should be “straight across.” He lived in a community outside of San Francisco that became a bedroom community for the larger metropolitan area. He said this is what will happen to Perry. He said residential will grow the most and will require some commercial, which will be mostly on the west side of Highway 89. He added that the commercial will not support larger shopping areas because the traffic will not move.

Comm. Cronin disagreed and said Maddox is the biggest restaurant attraction in the county and Walker Cinemas is the biggest theater attraction in the community. Perry also has the biggest children’s education facility in the county. All three of these places draw people, not only from Perry, but from all over. She does not agree that Perry cannot support major business on Highway 89.

Comm. Pettingill agreed, but not to the extent of Perry’s commercial area (640 acres).

Comm. Cronin does not think an entire subdivision will be taken down for commercial areas. Comm. Pettingill said houses will be torn down to build businesses. Ms. Braithwaite said in West Jordan her house and five others were torn down for a strip mall. Comm. Curtis would like to preserve the atmosphere of the community and find ways to encourage development that has some “green space.” He said if Perry does not do something different from what they have been doing, they are going to become a subdivision. Ms. Tribe commented that a lot of the open space becomes weeds. Comm. Curtis thinks there is a way to preserve somewhat of a rural atmosphere and still let people develop as farmers retire.

Mr. Murray said the city council is going on a work session field trip to the new Rocky Mountain Power substation at 6:00 p.m. on August 27, 2009. Also, at 6:00 p.m. on September 10, 2009, the work session will include a presentation from UTOPIA. The planning commissioners are invited to both of these work sessions. Mr. Murray said Paul Larsen, the economic development director and planner with Brigham City, can present training on community development areas. Comm.

Cronin requested that this be set up for one of the last two Wednesdays in September.

VIII. REVIEW NEXT AGENDA AND ADJOURN

A. ADD AGENDA ITEMS REQUESTED BY PLANNING COMMISSIONERS
None mentioned.

B. MOTION TO ADJOURN

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

Meeting adjourned at approximately 8:35 p.m.