

PERRY CITY PLANNING COMMISSION

REGULAR MEETING AGENDA

November 7th, 2024

7:00 pm regular meeting

1950 S Hwy 89 Perry, UT

The meeting will be open to the public.

“Electronic Meeting” Web/Teleconferencing will be used.

The Perry City Planning Commission will hold a meeting on the Thursday identified above, starting at approximately 7:00 PM, at 1950 S Hwy 89. Members of the public may attend the meeting in person or may view the meeting via Zoom using a link and instructions provided by Perry City, please contact the city office 48 hours in advance for online 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. Ordinance 24-I Zone Change request for the Development Overlay Zone for Olsen Orchard located at approximately 1111 W 3600 S Parcel #'s: 02-038-0004; 02-038-0010; 02-038-0005; 02-038-0061; 02-038-0069 Applicant; Pat Burns**
 - B. Public Hearing: Ordinance 24-K Amending Short Term Rental Regulations**
- 3. Approval of the Minutes**
 - A. October 3, 2024**
- 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
(November 14th)**
- 5. Public Comment**
- 6. Training**
 - A. Staff**
- 7. Review Next Agenda and Adjourn**
 - A. Items for December agenda (next meeting December 5th, 2024)**

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; Perry City Website; and State Website; on this 24th of October 2024. An 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.

NOTICE OF PERRY PLANNING COMMISSION PUBLIC HEARING

Notice is hereby given that the Perry Planning Commission will hold, in the City Council Chambers at 1950 S Hwy 89 in Perry a public hearing to receive public comment regarding Ordinance 24-K Amending Short Term Rental Regulations. Members of the public may view the meeting via Zoom using a link upon request 48 hours prior to the meeting or attend in person. The public hearing will be held in conjunction with the Perry City Planning Commission Meeting, which starts at 7:00 p.m. on Thursday, November 7, 2024. 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, Planning Secretary.

Perry City
ORDINANCE 24-K

SHORT TERM RENTALS

SHORT TERM RENTAL REGULATIONS

WHEREAS, Utah Code Annotated 10-9a grants Perry City zoning authority;

NOW THEREFORE, be it ordained by the City Council of Perry City, UT as follows:

SECTION 1: Repealer. If any provisions of the municipal code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 2: Amendment. Section "1.03.010 " is hereby amended as follows.

...

SERVICES: Those intangible goods ... to a competent individual.

RURAL ROAD: A street ... at a later date.

SHORT TERM RENTAL. A Residence or residential dwelling unit that is rented for a term of less than thirty (30) days.

SIDEWALK. That portion of ... the use of pedestrians.

SIGN: An object, device, ... features used for Advertising.

...

SECTION 3: Enactment. Section "15.36.010 Short Term Rentals" is hereby enacted as follows.

Short Term Rentals are permitted within any approved Residence unless otherwise prohibited within the PMC (such as Accessory Dwelling Units). Short Term Rentals are only permitted within approved Residences and are not permitted in any other form, e.g. recreational vehicles, campers, trailers, tents, etc. Under no circumstances is more than one Short Term Rental permitted on a property (lot, parcel, or unit). All Short Term Rentals are required to have a Business License.

SECTION 4: Enactment. Chapter "15.36 Short Term Rentals" is hereby enacted as follows.

SECTION 5: Severability. If any section, subsection, sentence, clause, or phrase of this amendment is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this amendment.

SECTION 6: Effective Date. This ordinance being necessary for the peace, health, and safety of the City, shall go into effect at the expiration of the 20th day after publication or posting or the 30th

day after final passage as noted below or whichever of said days is the more remote from the date of passage thereof.

****Signatures On Next Page****

DRAFT

PASSED AND ADOPTED by Perry City Council this _____.

KEVIN JEPPSEN, Mayor
Perry City

Attest:

SHANNA JOHNSON, City Recorder
Perry City

City Council Vote as Recorded:	AYE	NAY	ABSTAIN	ABSENT
Nathan Tueller	_____	_____	_____	_____
Toby Wright	_____	_____	_____	_____
Blake Ostler	_____	_____	_____	_____
Ashley Young	_____	_____	_____	_____
Dave Walker	_____	_____	_____	_____

RECORDED this _____.
PUBLISHED OR POSTED this _____.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of Perry City, hereby certifies that the foregoing Amendment was duly passed and published or posted at:

- 1. City Hall
- 2. Perry City Website
- 3. Utah Public Notice Website

on the above referenced dates.

SHANNA JOHNSON, City Recorder
Perry City

1 October 3, 2024
2 Planning Commission Meeting
3 7:05 p.m.
4
5

6 Commissioners Present: Chairman Stephen Moss, Vice-Chairman Ryan Vaughn, Commissioner Jan Kerr
7 (online), Commissioner Beth Thompson and Commissioner Paul White
8

9 Commissioners Absent: Commissioner Marcus Wager, and Commissioner Blake Broadhead
10

11 City Staff Present: City Administrator Bob Barnhill, Planning Secretary Tyra Bischoff, Deputy Recorder
12 Misty Moesser, City Attorney Chris Crockett
13

14 Others Present: Mardi Obray, Johnny Watson, Brad Brown, Jeannine Jensen, Alex Owens, Pat Burns,
15 Eileen Bradbury, Glenn Bradbury, Ryan Bateman (online)
16

17 1. Call to Order and Opening Ceremonies
18

19 Chairman Stephen Moss called the meeting to order at 7:05 PM. The meeting started late due to
20 technical difficulties. To address the situation, Commissioner Kerr spoke to City Administrator, Bob
21 Barnhill, who then relayed messages from her to the rest of the commission.
22

23 A. Declare Conflict of Interest, if any
24 None.
25

26 2. Action Items
27

28 A. A Preliminary Subdivision Application for Canyon Gate Subdivision No. 4 Lot 1 located at
29 approximately 1200 S 725 W Parcel #03-154-0104, Applicant: Courtney Barton

30 Bob Barnhill, City Administrator, explained the details of the subdivision application amending
31 the Canyon Gate Subdivision. He described the location of the property and mentioned that
32 the proposed development is for a Deseret Industries, Bishops' Storehouse and other
33 operations. Mr. Barnhill noted that the property owners had not originally planned on
34 continuing the stubbed road (1500 South), but per city code, it is required. The property owners
35 are now planning on continuing and dedicating that roadway, which will split the lot into a
36 northern and southern section. Mr. Barnhill presented the conceptual site plan and explained
37 that part of the commission's decision is whether to allow the right of way to be 50 feet to
38 accommodate their development, as opposed to the standard of 60 feet. He explained that the
39 development would accommodate the difference by eliminating the park strip on both sides and
40 keeping the asphalt the same width as the current road. He noted that he met with the city
41 engineer and staff, and they concluded that the 50-foot right of way adjustment could be
42 supported. He also added that the property owners will submit their plan for connecting the
43 sewer in their site development plan.

44 Chairman Moss asked for verification that the road width would match what is already stubbed.
45 The Commission discussed the potential impacts of the reduced right of way, concerns over
46 future traffic congestion, future road connections and the assurance by the engineers
47 supporting the 50-foot width option.
48

49 MOTION: Commissioner Kerr made a motion to approve the Preliminary Subdivision Application
50 as presented and submitted for the Canyon Gate Subdivision No. 4 Lot 1. Commissioner
51 Thompson seconded the motion.

52
53 Roll Call Vote:

54 Commissioner Moss, Yes
55 Commissioner Kerr, Yes
56 Commissioner Vaughn, Yes
57 Commissioner Thompson, Yes
58 Commissioner White, Yes
59 Commissioner Wager, Absent
60 Commissioner Broadhead, Absent

61
62 Motion Approved

63
64 B. Ordinance 24-I Zone Change request for the Development Overlay Zone for Olsen Orchard
65 located at approximately 1111 W 3600 S Parcel #'s: 02-038-0004; 02-038-0010; 02-038-0005;
66 02-038-0061; 02-038-0069, Applicant: Pat Burns

67 Mr. Barnhill updated the Commission on the changes made to the development plan for the
68 Olsen Orchards subdivision since the work session which was held on September 5, 2024. He
69 reminded the commission of the changes asked of the developer, which included an average
70 single family lot size of 10,000 square feet, no more than 75 townhomes, townhomes to buffer
71 Highway 89, landscaping to buffer 3600 South, a submitted phasing plan, and a clear plan for
72 the park. Mr. Barnhill mentioned that most of the changes asked for were addressed in the
73 resubmitted proposal and he then presented the updated proposal images and slides submitted
74 by the developer. He emphasized some of the equipment/elements included in the park plan,
75 such as pavilions, playgrounds, trails and pickleball courts. He ended his presentation with a
76 reminder that development agreements are voluntary by the city and the developer, and the
77 agreements create an opportunity to create custom zoning that can bring benefits to the city
78 when the proposal is more beneficial than the current zoning.

79 A thorough discussion and question/answer session with the developer, Pat Burns, factored in
80 park construction (emphasizing its inclusion in early phases), who would provide maintenance
81 (city vs HOA), and whether adjustments could be made to allow a trail connection to the park.
82 The phasing plan for the development was also discussed. The improvement in plan proposal
83 addressing past concerns was favorably acknowledged by commissioners, reflecting a notable
84 progression toward more community-compatible development.

85 Commission members mentioned they would like to see a plan that allows the trail to swing
86 around and connect to the park, and a phasing plan on paper before pushing the plan to City
87 Council. They also would like some more information on the planned materials for the wooden
88 structures on the path, and plan for low maintenance landscaping along it.

89
90 MOTION: Commissioner Thompson made a motion to table for clarification on items requested
91 from the developer. Commissioner White seconded the motion.

92
93 Roll Call Vote:

94 Commissioner Moss, Yes
95 Commissioner Kerr, Yes

96 Commissioner Vaughn, Yes
97 Commissioner Thompson, Yes
98 Commissioner White, Yes
99 Commissioner Wager, Absent
100 Commissioner Broadhead, Absent
101
102

103 **C. Ordinance 24-H Amending Multi-Family Dwelling/Apartment Density Map & Subdivision Code**
104 (Action Item C was moved down the agenda to follow Action Item D.)

105 Mr. Barnhill presented the background of Ordinance 24-H and summarized discussions from
106 previous meetings. He reminded the Commission of considerations for pausing further high-
107 density developments in neighborhood commercial zones and limiting the height of
108 townhomes along the highway and within single family neighborhoods.

109 The Commission held a discussion about height restrictions of townhomes. Chairman Moss
110 expressed his opinion that it would be wise to pause further multi-family developments due
111 to the number of developments that are already approved or built and unoccupied and felt
112 that it would be wise to see what happens with the housing market before approving more.

113 Commissioner White shared that he felt that some of the recent developments look and feel
114 a little overbearing and he would like Perry to have a small town feel about it.
115

116 **MOTION:** Commissioner Vaughn made a motion to approve Ordinance 24-H Amending Multi-
117 Family Dwelling/Apartment Density Map & Subdivision Code. Commissioner White seconded
118 the motion.
119

120 **Roll Call Vote:**

121 Commissioner Moss, Yes
122 Commissioner Kerr, Yes
123 Commissioner Vaughn, Yes
124 Commissioner Thompson, Yes
125 Commissioner White, Yes
126 Commissioner Wager, Absent
127 Commissioner Broadhead, Absent
128

129 **Motion Approved**
130
131

132 **D. Public Hearing: Ordinance 24-J Amending IC Zone and Density Map**

133 Mr. Barnhill offered up background on Ordinance 24-J, which would amend the Interstate
134 Commercial (IC) zone, as well as, update the density map and allow the developer of the Bear
135 River Landing Project to put 97 townhomes on the property, rather than the 240 apartments
136 that were originally approved. The amendment would allow units to be built in the northern
137 quadrant of the property. He explained that approving the code change would open the door
138 for developers to make application on the property. Brad Brown, project representative, shared
139 that townhouses fit better with the current market, interest rates and are a more preferred
140 product for Perry. Many commissioners favored townhomes over apartments.
141

Chairman Moss opened the public hearing at 8:07PM.

No public comments were made.

Chairman Moss closed the public hearing at 8:08PM.

MOTION: Commissioner Kerr motioned to recommend approval of Ordinance 24-J as presented. Commissioner Vaughn seconded the motion.

Roll Call Vote:

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

Motion Approved

3. Approval of the Minutes

A. August 1, 2024 Regular Planning Meeting

B. September 5, 2024 Work Session

Commission Kerr pointed out changes needed for the meeting and work session minutes.

MOTION: Commission Beth Thompson made a motion to approve the August 1, 2024, regular Planning Commission meeting minutes and September 5, 2024, Work Session minutes with noted changes. Commissioner White seconded the motion.

All In Favor

4. Discussion

A. Short Term Rentals

Mr. Barnhill reported that the city has received a couple calls about short-term rentals (VRBO, Air-BNB, etc). He stated that the city has not regulated these previously but wondered if it would be wise to have something drafted and approved to fall back on if ever needed. He explained that the city already has rules for ADUs (Accessory Dwelling Units), which are not permitted for short-term rentals. The Commission held a discussion clarifying the rules for ADUs, the draw for short-term rentals in the city, and whether it needed to be addressed. Concerns shared included multiple short-term rentals being set up on the same property and not having anything written to fall back on if a problem arises. Mr. Barnhill was asked to draft up a general policy for the city regarding short-term rentals and bring it back to the commission.

B. Future Projects

None reported.

C. Report on past-approved Planning Commission Items

Nothing reported.

D. Report from Commissioners regarding previous Council Meetings

Nothing reported.

E. Make Assignments for representative to attend City Council

Mr. Barnhill mentioned that that the meeting on October 10th could possibly be canceled.

Commissioner White said that he would attend the upcoming meeting on October 24th.

5. Public Comment

No public comment was made.

6. Training

A. Staff

No training was needed. Chris Crockett, City Attorney, shared information about the upcoming APA (American Planning Association) Conference, which is being held October 10-11 in Provo. Mr. Barnhill shared some of the topics covered in the conferences. Planning Secretary, Tyra Bischoff said that she will email information to the commissioners. Invitations from the Wasatch Front Regional Council were discussed.

7. Review Next Agenda and Adjourn

A. Items for November agenda (next meeting November 7th, 2024)

No agenda items.

B. Motion to Adjourn

Motion: Commissioner Thompson made a motion to adjourn the meeting. Commissioner Vaughn seconded the motion.

All In Favor

The meeting was adjourned at 8:40 p.m.