

PERRY CITY PLANNING COMMISSION

REGULAR MEETING AGENDA

June 5, 2025

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 at the following link <http://www.perrycityut.gov/whats-new.htm.htm>. 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. Preliminary Subdivision Amendment for Perry Springs; located at 2250 S 1200 W Parcel #03-157-0142 Applicant: Christopher Harrild

B. Public Hearing: Ordinance 25-F Zone Change Request from NC2 to R1 located at approximately 405 W 1850 S Parcel #03-157-0115 Applicant: Irv Maddox

C. Public Hearing: Ordinance 25-I Zone Change Request from IC to IC & Industrial Mixed Use located at 910 W 1600 N & 950 W 1600 N Parcel #'s 03-236-0026 & 03-236-0027 Applicant: Jeremy Whittaker

D. Public Hearing: Ordinance 25-E Special Residential Facilities

E. Public Hearing: Ordinance 25-G Accessory Buildings

F. Public Hearing: Ordinance 25-H Multi-Family Housing Regulations

3. Approval of the Minutes

A. May 1, 2025

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

(June 12th and 26th)

5. Training

A. Staff

6. Review Next Agenda and Adjourn

A. Items for August agenda (next meeting August 7, 2025)

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 15th Day of May 2025. 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.

Staff Report

June 05, 2025

Perry City Planning Commission



AMENDMENT to Preliminary *Conservation* Subdivision – Perry Springs, Neighborhood Non-Profit Housing Corporation - located at 2250 S 1200 W

Summary

The submitted request is to amend the preliminary approval for this subdivision, which would reduce the number of lots in the project. It is our understanding that the amendment will allow the development to avoid much of the wet ground on the property.

The property is located directly north of the Dale Young Nature Park and is approximately 24 acres in size and zoned R1. The submitted plans are for a Conservation Subdivision with 27 single family lots (previously 53) and 12 townhome units. The smallest lot is 6,546 sf. A Conservation Subdivision in this zoning district allows lots to be as small as 6,500 sf with an average lot size of 8,607 sf.

There are significant wetlands on the property. Any impacted wetlands will need to be permitted and mitigated through the Army Corps.

Units 32 through 35 do not have adequate open space to meet our landscape requirements. The developer will need to transfer some Conservation Land to this townhome building to meet our landscape requirements. The applicant previously submitted a conceptual landscape plan. This and other submissions that are not clearly changed by this amendment will still apply.

Planning Commission has authority to require stub roads and adjust the road layout for optimal efficiency and connectivity. In the previous approval process the commission requested that the stub road going north be relocated for better placement. The amended proposal moves this stub road to the west side of the project adjacent to 1200 W. Staff recommends that that newly proposed stub road be moved to the end of the culdesac (near to the previously approved location) to provide a more central connection to the north property. The proposed location would be redundant with 1200 W and provide less practical connectivity within future development to the north.

Conservation Subdivision

Our Conservation Subdivision requirements can be found in 15.07.130. This section has been updated recently, however the applicant is vested under the older version of this code. The applicant's submittals regarding the Conservation Subdivision requirements have been included with this staff report.

The drawings show approximately 15 acres of the property set aside as conservation or constrained/sensitive land. Approximately 6.25 acres falls under 'Constrained and Sensitive Land'

which leaves 8.75 acres as 'Conservation Land' – 36% of the total property. This percentage meets our code requirements for Conservation Land.

The previously approved plans provided trails and some enhancements to the vegetation. This has been removed from the plans. The amended proposal is to keep the open space as pasture with little to no changes. The developer does propose to remove the russian olive trees and plant water tolerant tree species in naturalized clusters. Staff recommends obtaining clarity regarding how many new trees will be planted, their location, and their planting size. It is also worth noting that all weeds must still be removed from the Conservation Land, even if it is to remain as pasture.

The amended proposal does not specify who will own the property nor who will hold the conservation easement. This should be clarified in the Planning Commissions approval. Staff recommends that Perry City own the property and a third party land conservation organization hold the easement. It would be wise to clarify what water rights come with the property and ensure that those remain with the property.

Considerations and Recommendations

While this project was originally submitted under our old code, the state property rights ombudsman recommends we allow the developer to pick and choose which portions of the new code they want to follow. This means that this decision will not proceed to City Council and that Planning Commission will be the final land use authority. It would also be worth clarifying in your motion if the one year expiration date would be renewed with this amendment.

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 25-E Special Residential Facilities, Ordinance 25-F Zone Change request from NC2 to R1 located at approximately 405 W 1850 S Parcel # 03-157-0115 Applicant: Irv Maddox, Ordinance 25-G Accessory Buildings, Ordinance 25-H Multi-Family Housing Regulations, and Ordinance 25-I Zone Change request from IC to IC & Industrial Mixed Use Parcel #'s 03-236-0026 & 03-236-0027 Applicant: Jeremy Whittaker. 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, June 5, 2025. 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.

Under Review

Active

Application Review Status

Pre-Review	Received	04/28/2025
Community Development	Not Reviewed	
Final-Review	Not Reviewed	

Fees		Payments		
Zone Change	\$400.00	04/29/2025	Online	\$400.00
Subtotal	\$400.00	Total Paid		\$412.00
Processing Fee	\$12.00			
Total	\$412.00			
Amount Paid	\$412.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Name

Irv Maddox

Phone Number

(435) 720-1797

Email

irmaddox@gmail.com

Mailing Address

1910 S Highway 89

Interest in Property

Owner

Property Address

405 W 1850 S - 1900 S Highway 89 - 425 W 1850 S

Property Serial #

03-157-0115

Current Zoning Designation

NC2

Proposed Zoning Designation

R1

Purpose of Request

To get the homes that are on Maddox property to be corrected with their own lot

Conformance with the Perry City General Plan

Mayor Kevin mentioned that none of the Maddox homes are sub-divided correctly. I told the Mayor I would work on this.

Will the zone change request be tied to a specific development plan?

No

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Irvin Maddox - 04/28/2025 10:22 pm

Messages

I am assuming you want only a portion of the property changed to residential as indicated by the specific property addresses. We will need you to provide a map with dimensions showing the exact areas to have the zoning changed.

Thank you.

May 15, 2025

Notice of Planning Commission Public Hearing

June 5, 2025

1950 S Highway 89

Perry, Utah 84302

Application: Zone Change from NC2 to R1

Applicant: Irv Maddox

Location: Approximately 105 W 1850 S (03-157-0115)

Dear Property Owner:

As required by ordinance, you and all other property owners within 300 feet of the above referenced location are being notified of the application referenced above. Interested persons are invited to attend the upcoming Planning Commission Meeting and provide public comment during the public hearing. All comments are welcome, and we encourage your participation.

The public hearing will be held in conjunction with the regular Perry City Planning Commission meeting, which starts at 7:00 p.m. on Thursday June 5, 2025. You can access this meeting via zoom by going to <https://perrycity.rainadmin.com/whats-new.htm.htm>, to participate in the meeting you will need to attend in person. If a final recommendation by the Planning Commission regarding this application occurs at this meeting, then this application will be reviewed by the Perry City Council on Thursday, June 26th at 7:00 p.m.

Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461). Feel free to contact our planning staff or office staff should you have any questions.

Sincerely,

Tyra Bischoff
Perry City Planning Secretary



Hot Iron Development LLC
325 N 200 W
Willard, UT 84340

Maddox Ranch House Inc.
1900 S Hwy 89
Perry, UT 84302

Utah Department of
Transportation
4501 S 2700 W
Salt Lake City, UT 84119

Glenn Bradbury
1810 S Hwy 89
Perry, UT 84302

Packer-Stauffer Springs LLC
1905 S Hwy 89
Perry, UT 84302

Stephen Haase
1965 S Hwy 89
Brigham City, UT 84302

Walker Properties LC
415 W 1700 S
Perry, UT 84302

Daniel Gould Chancellor
338 W 1875 S
Perry, UT 84302

Jeri Spencer
344 W 1875 S
Perry, UT 84302

Abrahan Bravo
336 W 1875 S
Perry, UT 84302

Abelardo Romero
1955 S Hwy 89
Perry, UT 84302

Leslie Bracken
284 W 2050 S
Perry, UT 84302

Jolene Valentine
342 W 1875 S
Perry, UT 84302

CWF Investments LLC
1885 S Hwy 89
Perry, UT 84302

Big Mountain Properties LLC
292 W 400 S
Logan, UT 84321-5219

Perry City Planning Commission



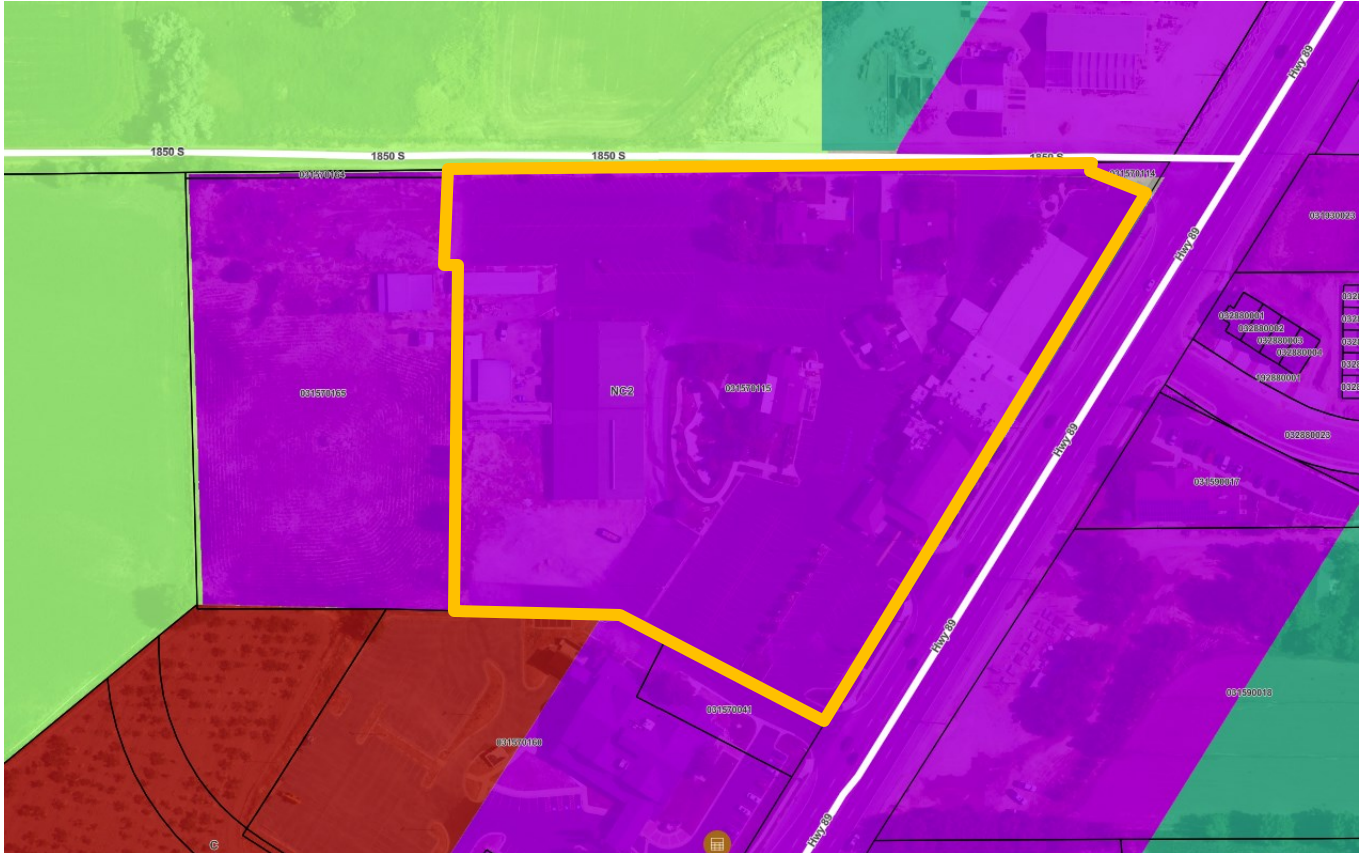
Summary

The applicant has stated their purpose is "To get the homes that are on Maddox property to be corrected with their own lot." They also listed three specific addresses in their application - 405 W 1850 S - 1900 S Highway 89 - 425 W 1850 S. The assumption of staff is that they want the zoning changed for the two homes shown on the north side of their property, however this is unclear in their request. Staff requested clarification on this issue and for clear dimensions on what should be changed, but did not receive a response. The property owners recent site plan submittal for the nearby bike shop indicated that all of the residential buildings on the property were used for commercial storage. It appears that this is not the case and that some or all of the residential buildings are being used for residential purposes. These uses could remain in the NC2 zone as nonconforming uses. If the property owner desires to subdivide the property than residential zoning would be needed to bring the homes into compliance and establish the lot sizes and frontages needed for the subdivision. The minimum lot size in the R1 zone is 10,000 square feet with 80 feet of street frontage.



Considerations and Recommendations

As a legislative item Planning Commission may take any information or opinion into consideration. City Council will be the final land use authority. Staff recommends that clarity on the exact areas and dimensions for the zone change are obtained to include any recommendation to approve.



Under Review

Active

Application Review Status

Pre-Review	Received	05/14/2025
Community Development	Not Reviewed	
Final-Review	Not Reviewed	

Fees		Payments		
Zone Change	\$400.00	05/15/2025	Online	\$400.00
Subtotal	\$400.00	Total Paid		\$412.00
Processing Fee	\$12.00			
Total	\$412.00			
Amount Paid	\$412.00			
Total Due	\$0.00			

Application Form Data

(Empty fields are not included)

Name

Jeremy Whittaker

Phone Number

(801) 657-0479

Email

Jeremy.whittaker@comcast.net

Mailing Address

2110 West 13730 South Riverton Utah 84065

Interest in Property

Agent or Authorized Representative

Owner Agent Authorization

 **Agent Authorization Perry.pdf**

Property Address

910 West 1600 North and 950 West 1600 North Perry Utah

Property Serial #

032360026 032360027

Current Zoning Designation

Interstate Commercial

Proposed Zoning Designation

Interstate Commercial & Industrial Mixed Use

Purpose of Request

Zone change for mixed use development

Conformance with the Perry City General Plan

Current General plan indicates latitude for Industrial within Interstate Commercial Zoning

Additional Information

 **Revised Perry Site Plan.pdf**

Will the zone change request be tied to a specific development plan?

No

Signature

I agree that the facts stated in this application are true, and upon changes I will provide notification as needed.

Jeremy Whittaker - 05/14/2025 5:51 pm

Messages

Jeremy,

It looks like the parcel numbers have been listed incorrectly on the application. I see on the map that they are listed as 03-236-0026 and 03-236-0027. They are listed on the application as 03-326-0026 and 03-326-0027. I have corrected them on the application. If this is incorrect, please let me know.

Thank you,

Tyra

Comments:

Hello Tyra, yes the changes you made are correct. Thank you!

Jeremy thank you for the application and the email. I have two questions for you?

1 - You indicated that your desired zoning is IC AND MI. If you only intend to rezone a portion of the property, please provide a map indicating such. I see that the 'site plan' shows 2.38 acres of MI zone so it may be as simple as clearly delineating where the zoning boundary will run so we can see and understand it clearly.

2 - I can show your revised site plan to City Council, but it will only be presented as a possible concept, not a binding site plan approval. You do have the option to apply for the Development Overlay zoning district and negotiate a development agreement.

Regardless, we prepare this for the June 5th Planning Commission meeting.

Comments:

Hello Robert, that is correct that the desired zoning is IC and MI. I will email you the site plan showing the requested delineation line. Let me know if you will need something more formal from the engineer.

We are working on the development agreement and would like to have it completed by Monday.

You did not submit the proper request for a development agreement. As I mentioned that would be a request for the Development Overlay District, and the city has their own template for agreements. We have already posted the application as you submitted it to meet the state requirements for public notice, so any change would require waiting until the Planning Commission meeting after the June meeting.

Sounds great, thank you.

May 15, 2025

Notice of Planning Commission Public Hearing

June 5, 2025

1950 S Highway 89

Perry, Utah 84302

Application: Zone Change from IC to IC & Industrial Mixed Use

Applicant: Jeremy Whittaker

Location: 910 W 1600 N & 950 W 1600 N (03-236-0026 & 03-236-0027)

Dear Property Owner:

As required by ordinance, you and all other property owners within 300 feet of the above referenced location are being notified of the application referenced above. Interested persons are invited to attend the upcoming Planning Commission Meeting and provide public comment during the public hearing. All comments are welcome, and we encourage your participation.

The public hearing will be held in conjunction with the regular Perry City Planning Commission meeting, which starts at 7:00 p.m. on Thursday June 5, 2025. You can access this meeting via zoom by going to <https://perrycity.rainadmin.com/whats-new.htm.htm>, to participate in the meeting you will need to attend in person. If a final recommendation by the Planning Commission regarding this application occurs at this meeting, then this application will be reviewed by the Perry City Council on Thursday, June 26th at 7:00 p.m.

Any individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461). Feel free to contact our planning staff or office staff should you have any questions.

Sincerely,

Tyra Bischoff
Perry City Planning Secretary



Southern Pacific
Transportation
1400 Douglas St M/S 1640
Omaha, NE 68179

USA
550 E S Temple
Salt Lake City, UT 84102-1005

AMPJ Hospitality Inc.
21636 N 26th Ave
Phoenix, AZ 85027

Shantaba Investments LLC
2277 S 4075 W
Taylor, UT 84401

Chad Sokol
4990 N 3200 W
Brigham City, UT 84302

Barrett Ford
4039 Buck Hollow Ln
Bluffdale, UT

Farr West Center LLC
1956 Anasazi Drive
Ogden, UT 84403

Cross Country Equity
3138 N 1250 W
Pleasant View, UT 84414

Staff Report

June 05, 2025

Perry City Planning Commission



Zone Change Request, IC to MIL – Jeremy Whittaker, located at approximately 950 S 1600 W

Summary

This application includes two adjacent parcels totaling about 4.5 acres. Both properties are in the Interstate Commercial (IC) Zone and are currently vacant. The surrounding zoning is IC. To the west are lands under the jurisdiction of the bird refuge. To the east is the I-15 corridor. Some of the nearby properties have been developed with commercial uses.

The applicant has proposed that approximately 2.4 acres be changed to the MIL zoning district as shown on the attached site plan.

The applicant submitted a site plan with the application. A development agreement can only be considered with the Development Overlay zoning district, so approving the zone change with a requirement to follow the submitted site plan is not an option. While the site plan is included in the packet, the decision will simply be whether this zone change is appropriate for the property. If the zone change were approved, the property owner could proceed with any permitted use listed in our code for the zoning district.

Conformance to General Plan

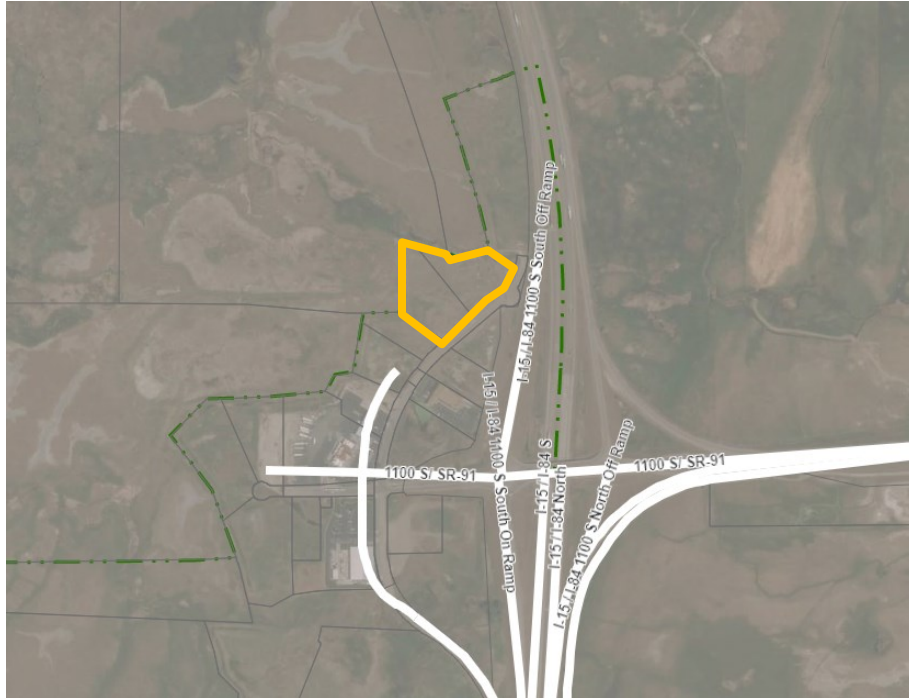
The future land use map shows this area to be commercial and states, *“Primarily commercial, these areas may have retail, service, office, and business uses in general. Light manufacturing may also be allowed in these areas. Multifamily residential uses should be selectively allowed in these areas, especially in areas transitioning between commercial and residential uses.”* The General Plan also states the following about Manufacturing and Industrial areas. *“Manufacturing and industrial zoning should be located in the south west area of the City along the freeway.”* Overall, the General Plan does not appear to directly and clearly support this request.

Many past requests for light industrial and/or storage units have been turned down in the Pointe Perry area in the past. Up to this point, City Council has tried to preserve this area for retail development.

Considerations and Recommendations

This is the fourth zone change request of a similar nature that has been made for these specific properties over the past three years. The last request was denied in October of 2022.

As a legislative item Planning Commission may take any information or opinion into consideration. City Council will be the final land use authority.



Perry City
ORDINANCE 25-E

SPECIAL RESIDENTIAL FACILITIES

ORDINANCE 25-E, SPECIAL RESIDENTIAL FACILITIES

WHEREAS, Utah Code Section 10-9a grants Perry City certain powers and duties regarding land use and zoning; and,

WHEREAS, the local land use codes of Perry City must conform with the Federal Fair Housing Act;

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.

...

REMAINDER: The portion of ... approval for development.

RESIDENCE: Any living unit ... street, or public rights-of-way.

RESIDENTIAL FACILITY FOR THE ELDERLY: A single-family or multi-family dwelling unit that meets the requirements of Chapter 15.08 of the Perry Municipal Code.

RESIDENTIAL FACILITY FOR PERSONES WITH A DISABILITY: A single-family or multiple family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour per day basis by eight or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or operated under contract with that department.

RESIDENTIAL FACILITY FOR YOUTH: A residential facility that is occupied on a 24-hour basis by no more than eight (8) qualified youth in a family type arrangement that conforms with applicable standards of, and is inspected and licensed by the State Department of Human Services.

RESPONSIBLE PERSON OR ENTITY: ... of a residential solicitation:

1. Maintaining a state ... required returns or reports;

...

SECTION 3: **Enactment.** Section "15.08.010 Residential Facilities for the Elderly" is hereby enacted as follows.

1. Policy. This Section is to comply with the federal Fair Housing Act for such facilities and shall be interpreted as such.

2. Administration. A residential facility for elderly persons shall not operate as a business.

a. A residential facility for elderly persons is not considered a business notwithstanding any fee is charged for food or necessary costs of operation and maintenance of the facility.

b. The owner of a residential facility for elderly persons may not charge residents administrative costs or salaries greater than fifteen (15) percent of that fee.

3. Any person charging a fee shall:

i. Keep a record of all expenses and costs related to the fee; and

c. Make that record available for inspection by any resident of the facility, the Utah Department of Human Services, and any local officials.

4. Eligibility. A residential facility for elderly persons shall:

a. Be owned by one of the residents or by an immediate family member of one of the residents, or by a charitable, or beneficial organization, including a facility for which the title has been placed in trust for a resident.

b. Be consistent with existing zoning of the desired location.

c. Not exceed 4,500 square feet in building size, be on a separate and independent lot not within 1,000 feet of a similar facility. The facility may exceed 4,500 square feet when an existing residence is to be converted to a residential facility for the elderly and where such residence has existed for more than five (5) years.

d. Provide twenty-four (24) hour supervision of not more than eight (8) elderly persons living in a family-type arrangement.

e. Conform with applicable state standards.

f. Be duly licensed and inspected by the state and any local authority.

5. Code. The facility shall meet all applicable building, safety, zoning, and health codes applicable to similar dwellings, and:

a. A minimum of one (1) off-street parking space for each adult resident person or married couple shall be provided.

b. The facility shall be designed to be residential in character and no structural or landscaping alterations shall be made that change its residential character.

c. No person being treated for alcoholism or drug abuse shall be placed in this facility.

d. Placement in this facility shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

e. The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the building, safety, health code, or other code.

f. Implement a non-discrimination policy that conforms to federal and state protected classes.

SECTION 4: Enactment. Section "15.08.020 Residential Facilities For Persons With A Disability" is hereby enacted as follows.

1. Policy. This Section is to comply with the federal Fair Housing Act for such facilities and shall be interpreted as such.

2. Code. The facility shall meet all applicable building, safety, zoning, and health codes applicable to similar dwellings, and:

a. The operator shall provide twenty-four (24) hour supervision.

b. Not exceed 4,500 square feet in building size and be on a separate and independent lot that meets the site development standards for the Zone in which it is locations. The facility may exceed 4,500 square feet when an existing residence is to be converted to a residential facility for persons with a disability and where such residence has existed for more than five (5) years.

c. Not be located within 1,000 feet of a similar facility.

d. Conform with applicable state standards.

e. Be duly licensed and inspected by the state and local authorities.

f. A minimum of two (2) off-street parking spaces plus one (1) off-street parking space for each staff member other than the resident manager or house parents shall be provided.

g. The facility shall be designed to be residential in character and no structural or landscaping alterations shall be made that change its residential character.

h. The facility shall meet all requirements and definitions by reference to either the Federal Fair Housing Amendments Act (42 USC 3602) or its successor statutes or the Utah Fair Housing Act (UCA § 57-21-1 et seq.) or its successor statutes.

i. No person being treated for alcoholism or drug abuse shall be placed in this facility.

j. No person who is violent shall be placed in this facility.

k. Placement in this facility shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

l. The land use permit granted in accordance with the provisions of this Section is nontransferable and terminates if the structure is devoted to a use other than the facility, or if the structure fails to comply with the building, safety, health code, or other code.

m. The facility shall obtain a business license from the City in addition to other required licensing.

n. No facility under this Section shall be made available to any individual whose tenancy therein would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

o. Implement a non-discrimination policy that conforms to federal and state protected classes.

SECTION 5: Enactment. Section "15.08.030 Residential Facility For Youth" is hereby enacted as follows.

1. Policy. This Section is to comply with the federal Fair Housing Act for such facilities and shall be interpreted as such.

2. Requirements. The facility shall meet all applicable building, safety, zoning, and health codes applicable to similar dwellings, and:

a. Be owned or leased by the residents or an immediate family member of the residents, or by a charitable, or beneficial organization, or by the state or a licensee thereof.

b. Be consistent with existing zoning of the desired location.

c. Be occupied on a 24-hour basis by no more than eight (8) qualified youth in a family-type arrangement.

d. Not exceed 4,500 square feet in building size. The facility may exceed 4,500 square feet when an existing residence is to be converted to a residential facility for youth and where such residence has existed for more than five (5) years.

e. Conform with applicable state standards and be duly licensed and inspected by the state.

f. The facility shall be designed to be residential in character and no structural or landscaping alterations shall be made that change its residential character, and the structure shall not be used as a lock-down facility for the incarceration of any youth.

g. No facility under this Section shall be established within five (5) miles of any other facility or any facility that detains youth.

3. Youth who qualify for placement in the facility shall:

i. Be no less than ten (10) years of age and no more than eighteen (18) years of age.

ii. Not be convicted of or charged with any sexual offence, arson, or aggravated assault.

iii. Not be individuals with such severe psychiatric problems that they present a danger to themselves or others;

iv. Attend school classes and matriculate in local area schools.

h. No facility under this Section home for troubled youth shall house children whose respective ages span more than four years. For instance, if the home houses children ten years of age, the oldest child in the home can be no more than 14 years of age.

i. The land use permit granted in accordance with the provisions of this Section is nontransferable and terminates if the structure is devoted to a use other than the facility, or if the structure fails to comply with the building, safety, health code, or other code.

j. The facility shall obtain a business license from the City in addition to other required licensing.

4. The facility shall be permanently occupied by a married couple who shall serve as house parents to the youth who reside therein. The duties of the house parents include:

i. Counseling and guidance to the youth under their care.

ii. Supervise the orderly functioning of the household.

iii. Provide meals to the youth who occupy the home.

iv. Assign the duties, chores and other tasks to each of the youth who occupy the home.

v. Supervise homework and studies each of the youth is required to complete for their

education in local schools.

vi. Immediately report to the appropriate state agency any difficulties, problems, breaches of the peace, or violations of law engaged in by any of the youth under their care.

vii. Report the same conduct to the organization who employs them directly.

viii. Meet state standards and obtain all licenses, permits, or certificates required by the state before undertaking their duties as house parents.

k. Implement a non-discrimination policy that conforms to federal and state protected classes.

5. In the event that the house parents terminate their employment without first training suitable replacements, the facility must replace them with trained house parents within thirty (30) days, or cease operating.

SECTION 6: Enactment. Chapter "15.08 Special Residential Facilities" is hereby enacted as follows.

SECTION 7: 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 8: Effective Date. This ordinance being necessary for the peace, health, and safety of Perry 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****

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

[illegible]

Row	Minimum Lot Width 2	200'	150'	120'	80'	60'	80'	80'	80'	Design Review	Design Review
Design Review											
Row	Maximum Height	50'	50'	50'	35'	35'	35'	35'	35'	35'	55'
35'											
Row	PRIMARY BUILDING	Minimum Front Setback	30'	30'	30'	20'	20'	20'	20'	20'	20'
Design Review											
Row	Minimum Front Setback for an Attached Garage	25'	25'	25'	25'	25'	25'	25'	25'	N/A	25'
Design Review											

...

8'

Design Review

35'

20'5'

Row	Minimum Side Setback	5'	5'	5'	5'	5'	5'	5'	5'	Design Review	Design Review
5'											
Row	Minimum Side Setback (Corner Lot)5	15'	15'	15'	15'	15'	15'	15'	15'	Design Review	Design Review
Design Review											
Row	Maximum Height	25'	25'	25'	25'	25'	25'	25'	25'	25'	25'
25'											

Notes:

1. Lots with septic ... PMC, especially PMC 7.09.

...

SECTION 4: 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 5: Effective Date. This ordinance being necessary for the peace, health, and safety of Perry 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****

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 _____.

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Perry City

Perry City
ORDINANCE 25-H

MULTI-FAMILY HOUSING

ORDINANCE 25-H MULTI-FAMILY HOUSING

WHEREAS, Utah Code Annotated 10-9a authorizes Perry City to enact and amend ordinances establishing land use and subdivision regulations;

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 "15.18.060 " is hereby amended as follows.

...

General Landscape Requirements:

~~1. The term Landscape Area refers to the areas set aside for lawn, trees, shrubs, perennials, annuals, and ground cover. Recreation amenities including, but not limited to, sports courts, play areas, swimming pools, courtyards, and gazebos may be allowed in and meet the requirements for Landscape Area.~~
1. The term Landscape Area refers to irrigated areas installed with sod, trees, shrubs, perennials, annuals, and ground cover. Recreation amenities including, but not limited to, sports courts, play areas, swimming pools, courtyards, and gazebos may be allowed in and meet the requirements for Landscape Area.

2. Storm water detention ... for Landscape Area.

3. City parkway strips ... single family residential Subdivisions).

...

SECTION 3: Amendment. Section "15.18.110 " is hereby amended as follows.

Prior to a development ... the required improvements.

Any development or site that is found to be occupied or in operation without receiving final approval or without fully complying with this Chapter shall be in violation of the Perry Municipal Code, Title 15.

HISTORY

...

SECTION 4: 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 5: Effective Date. This ordinance being necessary for the peace, health, and safety of Perry 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	_____	_____	_____	_____

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SHANNA JOHNSON, City Recorder
Perry City

PERRY CITY PLANNING COMMISSION MEETING
PERRY CITY OFFICES
May 1, 2025

7:01 PM

COMMISSIONERS PRESENT: Chairman Ryan Vaughn, Commissioner Blake Broadhead, Commissioner Marcus Wager, Commissioner Jan Kerr and Vice-Chairman Paul White

COMMISSIONERS ABSENT: Commissioner Beth Thompson and Commissioner Stephen Moss

CITY STAFF PRESENT: City Administrator Bob Barnhill, Planning Secretary Tyra Bischoff, and Deputy Recorder Misty Moesser

OTHERS PRESENT: Brad Brown, Gerry Lynn Wilson, Clark F. Conway, Brad V. Johnson, Alex Owens, Jeannine Jensen, Christine A. Olsen, Nathan Combs, Zach Harris, Guy Harris and Pat Burns

ONLINE: John Serf

ITEM 1: CALL TO ORDER AND OPENING CEREMONIES

Chairman Ryan Vaughn called the meeting to order at 7:01 PM.

- A. Declare Conflict of Interest, if any**
None.

ITEM 2: ACTION ITEMS

- A. Preliminary Subdivision Application Bear River Landing located at 1679 W 1100 S Parcel #03-155-0065 Applicant: Brad Brown**

City Administrator Bob Barnhill presented the preliminary subdivision application for Bear River Landing, located at 1679 W 1100 S. He explained that this was an administrative item, and if the application met code requirements, the commission was obligated to approve it. The project, originally approved for apartments in 2021, now proposed 110 townhomes on approximately 10.5 acres, including significant wetlands.

Mr. Barnhill detailed the project's features, including two access points, public and private streets, and updated sewer plans. He noted that the landscape plan had been recently updated to meet code requirements. The Commission discussed the wetlands permitting process with the Army Corps of Engineers.

Brad Brown, representing Stewart Land Company, confirmed that they had received permits from the Army Corps of Engineers the previous week.

The Commission inquired about landscaping calculations, density requirements, and traffic concerns. Mr. Barnhill addressed these questions, explaining that the density map had been specifically amended for this project.

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MOTION: Commissioner Wager made a motion to approve the Preliminary Subdivision Application for Bear River Landing. Commissioner Kerr seconded the motion.

Roll Call Vote: Commissioner Vaughn, Yes
Commissioner White, Yes
Commissioner Wager, Yes
Commissioner Broadhead, Yes
Commissioner Kerr, Yes
Commissioner Moss, Absent
Commissioner Thompson, Absent

Motion Approved. 5 Yes, 0 No

B. Preliminary Subdivision Application for Olsen Orchards located at 1111 W 3600 S Parcel #02-038-0005 Applicant: Pat Burns

Mr. Barnhill presented the preliminary subdivision application for Olsen Orchards, located at 1111 W 3600 S. He explained that this application followed an approved development agreement and was now being reviewed to ensure it met the agreement's terms and city code.

Mr. Barnhill outlined the project's details, including 133 single-family lots and 75 townhomes on approximately 69 acres. He noted recent updates, such as obtained easements for utilities and ongoing construction to upsize the main line in 1200 West.

The Commission discussed concerns about stormwater management, with Mr. Barnhill explaining that the applicant needed to update their plan to include detention for the northern portion of the development. Alex Owens, representing the applicant, confirmed that Lot #304 would be turned into a detention basin.

Commissioners also inquired about the boardwalk mentioned in the development agreement, which Mr. Barnhill clarified would be an asphalt trail transitioning to a boardwalk in wet areas.

MOTION: Commissioner Wager made a motion to approve the subdivision Preliminary Subdivision Application for Olsen Orchards. Commissioner Broadhead seconded the motion.

Roll Call Vote: Commissioner Vaughn, Yes
Commissioner White, Yes
Commissioner Wager, Yes
Commissioner Broadhead, Yes
Commissioner Kerr, Yes
Commissioner Moss, Absent
Commissioner Thompson, Absent

98
99 **Motion Approved. 5 Yes, 0 No**
100
101
102

103 **C. Public Hearing: Ordinance 25-C Zone Change Request adding the Development**
104 **Overlay Zone to existing RE1/2 located at approximately 3650 S Highway 89 Parcel**
105 **#s 02-038-0039 & 02-036-0007 Applicant: Pat Burns**
106

107 Mr. Barnhill presented the zone change request for approximately 23.5 acres located at
108 3650 S Highway 89. The applicant requested a development overlay zone to allow for
109 negotiation on custom requirements for the proposed development.
110

111 Mr. Barnhill explained the current zoning of the property and the applicant's proposal for
112 44 single-family lots and 24 multifamily units. He noted that the concept plan did not clearly
113 indicate any community benefits, which are typically required for development agreements.
114

115 The Commission discussed concerns about the proposed density, lack of clear benefits to
116 the city, and potential issues with access and utilities. Alex Owens, representing the
117 applicant, explained that they were seeking feedback from the Commission and public to
118 refine their proposal. He mentioned talking to the city administrator, who noted possible
119 interest in preserving some orchard land permanently in exchange for approval on the
120 development overlay. Some commissioners voice disinterest in the proposal.
121

122 Chairman Vaughn opened the public hearing at 7:44PM.
123

124 During the public hearing, several residents expressed concerns about the project:
125

- 126 • Janine Jensen inquired about stormwater management.
- 127
- 128 • Zach Harris asked about the impact on irrigation water for his property.
- 129
- 130 • Guy Harris expressed concerns about increased traffic on the private road that he
- 131 partially owns.
- 132

133 The public hearing was closed at 7:50PM.
134

135 The Commission continued to discuss the proposal, noting that they did not see clear
136 benefits to the city that would justify the requested zone change.
137

138 **MOTION:** Commission Wager made a motion to recommend denial of Ordinance 25-
139 C. Commissioner White seconded the motion.
140

141 Roll Call Vote:	Commissioner Vaughn, Yes
142	Commissioner White, Yes
143	Commissioner Wager, Yes
144	Commissioner Broadhead, Yes
145	Commissioner Kerr, Yes
146	Commissioner Moss, Absent
147	Commissioner Thompson, Absent

148
149 **Motion Approved. 5 Yes, 0 No**
150
151

152 **ITEM 3: APPROVAL OF THE MINUTES**
153

154 **A. April 3, 2025, Regular Planning Meeting**

155 Commissioner Kerr pointed out an error on line 111, noting that the sign should read
156 "Home of the World's Finest Beef".
157

158 **MOTION:** Commissioner Broadhead made a motion to approve the minutes with the
159 correction on line 111 for the April 3, 2025, Planning Commission meeting.
160 Commissioner Kerr seconded the motion.
161

162 **Roll Call Vote:** Commissioner Vaughn, Yes
163 Commissioner White, Yes
164 Commissioner Wager, Yes
165 Commissioner Broadhead, Yes
166 Commissioner Kerr, Yes
167 Commissioner Moss, Absent
168 Commissioner Thompson, Absent
169
170

171 **Motion Approved. 5 Yes, 0 No**
172
173

174 **ITEM 4: DISCUSSION**
175

176 **A. Future Projects**

177 Mr. Barnhill discussed potential future projects and ordinance changes:
178

- 179 • Accessory Buildings: Mr. Barnhill proposed limiting the height of accessory
180 buildings to 25 feet to address concerns about large structures in residential areas.
181
- 182 • Landscaping Requirements: Mr. Barnhill suggested strengthening the code to
183 require irrigated plant material and sod installation for lawns.
184
- 185 • Special Residential Facilities: Mr. Barnhill mentioned an upcoming code amendment
186 to address facilities for elderly, youth, or people with disabilities.
187

188 The Commission expressed support for these proposed changes and agreed to review draft
189 ordinances at a future meeting.
190

191 **B. Report on past-approved Planning Commission Items**

192 Nothing to report.
193

194 **C. Report from Commissioners regarding previous Council Meetings**

195 Commissioner White reported attending a City Council meeting that focused on preliminary
196 budget discussions.
197

198 **D. Make assignments for representative(s) to attend City Council (May 8th and**
199 **22nd)**

200 The commission made the following assignments for upcoming city council meetings:

- 201 • May 8, 2025: Commissioner Kerr
- 202 • May 22, 2025: Commissioner White

203
204 **ITEM 5: PUBLIC COMMENT**

205 Chairman Vaughn opened the public comment session at 8:12PM.

206
207 Brad Johnson, a resident living across from the Olsen Orchards project, expressed concerns
208 about the development process and the changes in lot sizes. Mr. Barnhill provided a detailed
209 explanation of how zoning changes occur and the factors influencing development decisions,
210 including pressure from the state legislature to address housing affordability.

211
212 Public comment was closed at 8:22PM.

213
214 **ITEM 6: TRAINING**

215
216 **A. Staff**

217 Mr. Barnhill provided training on public comment procedures, explaining that the chair can
218 decide to take public comments at any point during the meeting. He emphasized that
219 comments on non-agenda items cannot be deliberated upon and discussed the importance of
220 having clear rules for public comment periods.

221
222 Mr. Barnhill also advised on how to handle potentially disruptive or inappropriate comments,
223 noting a court case that advised that public servants must have "thicker skin" but that there
224 are limits to what must be tolerated.

225
226 **ITEM 7: REVIEW NEXT ADGENDA AND ADJOURN**

227
228 **A. Items for June agenda (next meeting June 5, 2025)**

229
230 Mr. Barnhill mentioned that the June agenda would include an amendment to the Perry
231 Springs preliminary approval, explaining that the developer had reduced the scope of their
232 project due to wetland constraints.

233
234 **B. Motion to Adjourn**

235
236 **Motion:** Commissioner Wager made a motion to adjourn the meeting.

237
238 **All In Favor**

239
240 The meeting was adjourned at 8:33 p.m.