

# **PERRY CITY PLANNING COMMISSION**

## **REGULAR MEETING AGENDA**

**May 7, 2026**

**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>. **To participate in the meeting, you must attend in person.** 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. Public Hearing: Ordinance 26-E Code Amendment regarding Beehives**
  - B. Public Hearing: Ordinance 26-F Zone Change Request from NC2 to R1 located at 2180 S Highway 89 Parcel #03-158-0172 Applicant: William Bowden**
  
- 3. Approval of the Minutes**
  - A. April 2, 2026**
  
- 4. Discussion**
  - A. Development Agreement Priorities**
  - B. Conservation Subdivisions**
  - C. Future Projects**
  - D. Report on past-approved Planning Commission Agenda Items**
  - E. Report from Commissioner regarding previous Council Meetings**
  - F. Make Assignments for Representative to Attend City Council Meetings  
(May 14<sup>th</sup> and May 28<sup>th</sup>)**
  
- 5. Training**
  - A. Staff**
  
- 6. Review Next Agenda and Adjourn**
  - A. Items for May agenda (next meeting June 4<sup>th</sup> 2026)**
  - 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 27<sup>th</sup> day of April. An individual requiring auxiliary services should contact the City Offices at least 3 days in advance (435-723-6461).

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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 26-E Code Amendment regarding beehives and Ordinance 26-F Zone Change Request from NC2 to R1 located at 2180 S Highway 89 Parcel #03-158-0172 Applicant: William Bowden. Members of the public may view the meeting via Zoom using a link at <https://www.perrycityut.gov/whats-new.htm.htm>. To participate in the meeting, you must 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, May 7, 2026. 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 26-E**

**BEEHIVES**

**AMENDMENTS TO BEEHIVE REGULATIONS**

**WHEREAS**, Amendments to the city regulations regarding beehives are needed for the general health, safety, and welfare of residents; and,

**WHEREAS**, Utah Code Annotated 10-20 authorizes Perry City to enact and amend ordinances establishing land use 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 "15.06.010 " is hereby amended as follows.

...

18. Towers: See Chapter ... Miscellaneous Infrastructure of PMC.

19. Urban Livestock:

a. Regulations. Urban livestock may be kept on single-family residential lots and properties with legally non-conforming agricultural uses.

i. Allowance. Where permitted, the type and quantity of domestic farm animals allowed on a property shall be determined by the allotted animal points specified based on the acreage of the property, as show in tables (a) and (b) of this section. The applicant shall not exceed the number of animal points allowed per lot size. ~~One (1) hive of bees with no more than one (1) swarm per hive is allowed.~~ Other similar animals may be allowed within these limits as approved by the Community Development Director.

Row Type of Animal	Number of Animal Points
-----------------------	-------------------------

...

b. Additional requirements.

i. Goats must be ... goats must be neutered.

ii. Beehives are only permitted on properties used solely for agricultural purposes and on properties that are one (1) acre or larger. All beehives must be set back a minimum of ~~ten~~fifty (50) feet from any property line ~~and twenty five (25) feet from a primary dwelling on an adjacent property.~~

iii. Should a beehive ... that is not Africanized.

iv. Except for bees, ... property at any time.

...

**SECTION 3: 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 4: 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 JEPPESEN, 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



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**FW: Public Notice for Planning Commission - Public Hearing: Ordinance 26-E Code Amendment regarding Beehives**

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**From** Robert Barnhill <rbarnhill@perrycityut.gov>

**Date** Mon 4/27/2026 3:53 PM

**To** Tyra Bischoff <tbischoff@perrycityut.gov>

Please include these comments in the PC Packet.

Bob

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**From:** Todd Eskelsen <teskelsen@eskelaw.com>

**Sent:** Monday, April 27, 2026 3:36 PM

**To:** Robert Barnhill <rbarnhill@perrycityut.gov>

**Subject:** FW: Public Notice for Planning Commission - Public Hearing: Ordinance 26-E Code Amendment regarding Beehives

Bob:

Following up on our teleconference today, I wanted to follow up in writing with my comments on any proposed action on Ordinance 26-E Code regarding Beehives, which is referenced in the Public Notice below.

As I told you in our teleconference, we have for the past several years had several beehives on our property at 2065 & 2085 S Eskelsen Lane, which is four tax parcels totaling approximately 18 acres; currently on the property are two residences, two outbuildings and 3500+ stone fruit trees and the property is operated as a commercial fruit orchard. Our understanding is that the parcels are generally zoned R-1, but the property is grandfathered as a recognized long-standing and current agricultural use.

Currently, there are 15 beehives on our property, all of which are currently located just above the Perry Canal behind the renovated old farmhouse at 2085 S Eskelsen Lane; we have also had hives temporarily immediately below the Perry Canal in the lower north orchards. We don't own the hives but have an arrangement with a local apiarist who places the hives on our property in late March and removes them in late October or early November as the weather gets too cold. The bees arrive each year as the blossoms in the orchards open and are necessary for pollination and fruit production in our orchards and for general flower and plant pollination in the surrounding area. We have not had any problems with our workers or any neighbors related to the beehives, even though in past years there were several instances where the bee colonies separate and swarms develop in the orchards as the bees establish new colonies, all of which have resolved themselves in the natural order of things without significant fuss or bother. People have respected the bees, and the bees have gone about their usual business of pollination without causing harm, unless the hives are threatened. It's the natural order of things that has existed and continues.

You indicated that the impetus for a discussion of change in zoning is in response to an incident in the Maple Hills area just to the north of our property in which bees became agitated and residents were stung. We know nothing of that incident save the vague summary you were able to provide and the notice of the public meeting is very vague as to the changes being contemplated. However, we want to

make sure that the Planning Commission carefully considers any regulation of beehives on property in Perry.

At the very least, any zoning ordinance or regulation must reflect the natural order of life. Perry and every other human residence exist in nature, which has an evolved order that is not changed by administrative fiat for the convenience of residents. Any zoning or administrative regime must respect that natural order as well the varied property uses in the town. Any administrative action should not be allowed to interfere with existing agricultural uses. We ask that before any action is taken, the Planning Commission obtain the benefit of further investigation to discover what happened in the bee sting incident and whether the bees were provoked or agitated unreasonably. Further, the Planning Commission should obtain the input of bee experts and local property owners who maintain orchards, gardens, flower beds, and open space to learn about the need for bees. Finally, we would hope that the Planning Commission determine whether the real problem is not the beehives themselves, but the encroachment of housing, the failures of the human residents in the area to just leave the bees alone or perhaps an individual failure to keep beehives on their property in a reasonable manner. The Planning Commission should carefully consider the critical and vital need for bees in the environment generally and specifically in the orchard industry in Perry and act (or not act) in a manner that respects nature and well-maintained agricultural production. If we want open space, a rural feel, and the benefits of nature in Perry, bees are essential and any interference to their survival and flourishing must be as limited as possible. If the identified problem is an individual circumstance that can be resolved by targeted action in the particular instance, please don't use the hammer of municipal rulemaking to create bigger problems.

I will not be in Perry at the time of the meeting. Because the public notice below indicates that in order to participate in the meeting one must attend in person and I can only be listening in remotely, I want to ensure that my comments be included in the record of the meeting. If helpful, I would welcome an opportunity to talk with members of the Planning Commission directly to convey my input and concerns. I can be reached at the number below if there are any questions.

Thank you.

Todd

Todd R. Eskelsen  
ESKELSEN ORCHARDS  
(240) 460-1115  
[teskelsen@eskelsenorchards.com](mailto:teskelsen@eskelsenorchards.com)

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**From:** [support@helpdesk.utah.gov](mailto:support@helpdesk.utah.gov) <[support@helpdesk.utah.gov](mailto:support@helpdesk.utah.gov)>  
**Sent:** Monday, April 27, 2026 10:53 AM  
**To:** Todd Eskelsen <[teskelsen@eskelaw.com](mailto:teskelsen@eskelaw.com)>  
**Subject:** Public Notice for Planning Commission

# Utah Public Notice

## [Planning Commission](#)

[View this notice and download a calendar invite](#)

**Notice Date & Time:** 5/7/26 7:00 PM

April 13, 2026

## **Notice of Planning Commission Public Hearing**

**May 7, 2026**

**1950 S Highway 89**

**Perry, Utah 84302**

**Application:** Zone Change Request from NC2 to R1

**Applicant:** William Bowden

**Location:** 2180 S Highway 89 (03-158-0172)

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 May 7, 2026. 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. When Planning Commission makes a recommendation to City Council regarding this application, it will be reviewed by City Council for a final decision at a future date.

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



Robert Alip  
683 W 2150 S  
Perry UT 84302

William Bowden  
2210 S Highway 89  
Perry UT 84302

Andrew Oborn  
689 W 2200 S  
Perry UT 84302

Miles & Homes  
2381 S Bluff Ridge Dr  
Syracuse UT 84075

Homes USA LLC  
725 W 1200 S Suite A  
Perry UT 84302

Jeremy D Green  
682 W 2200 S  
Perry UT 84302

Kathleen Forsgren  
2150 S Highway 89  
Perry UT 84302

Casey Mikkelsen  
1590 Hargis Hill Rd  
Willard UT 84340

Harlan Taylor  
3800 S 1900 W Trailer 13  
Roy UT 84067

Sheila Broome  
615 W 2200 S  
Perry UT 84302

Cori Hendrix  
2226 S Highway 89  
Perry UT 84302

Tyson Kunz  
659 W 2200 S  
Perry UT 84302

TSR Holdings LLC  
125 E Fish Hatchery Road  
Mantua UT 84324

Jonathan Conley  
636 W 2200 S  
Perry UT 84302

Kyler B Andersen  
645 W 2200 S  
Perry UT 84302

Brian H Chapman  
2185 S Highway 89  
Perry UT 84302

Management Strategies Inc  
1228 Beecher Ave  
Brigham City UT 84302

Blair Reese  
649 W 2150 S  
Perry UT 84302

Nicholas Romney  
645 W 2250 N  
West Bountiful UT 84087

Janae Butler Coldburn  
661 W 2150 S  
Perry UT 84302

Kaden Wilson  
652 W 2150 S  
Perry UT 84302

Mitchel R Wade  
2160 S Highway 89  
Perry UT 84302

Maverick Inc  
185 S State Street Suite 800  
Salt Lake City UT 84111

Randy Bradbury  
2222 S Highway 89  
Perry UT 84302

Kaden Frampton  
648 W 2200 S  
Perry UT 84302

Douglas Hatfield  
2175 S Highway 89  
Brigham City UT 84302

Mike Bradley  
1877 W Wood Valley  
Eagle ID 83616

David Clippinger  
642 W 2150 S  
Perry UT 84302

Leslie Bracken  
284 W 2050 S  
Perry UT 84302

Kristin Pearson  
639 W 2150 S  
Perry UT 84302

Gavon Walton  
2158 S Highway 89  
Perry UT 84302

Robert Williams  
2135 S 700 W  
Perry UT 84302

Fred R Dreis  
1283 26<sup>th</sup> Street  
Ogden UT 84401

# Staff Report

May 07, 2026

Perry City Planning Commission



**Zone Change Request from NC2 to R1 – Bill Bowden**, located at approximately 2210 S Hwy 89

## Summary

The subject property is approximately 1.5 acres and is zoned NC2. The applicant desires the back portion, away from the highway to be changed to residential for the construction of a single-family residence (see image below). This property has access to 2200 S as well as frontage on Hwy 89. The property is currently vacant with adjacent properties being residential. There are also commercial uses in the area.

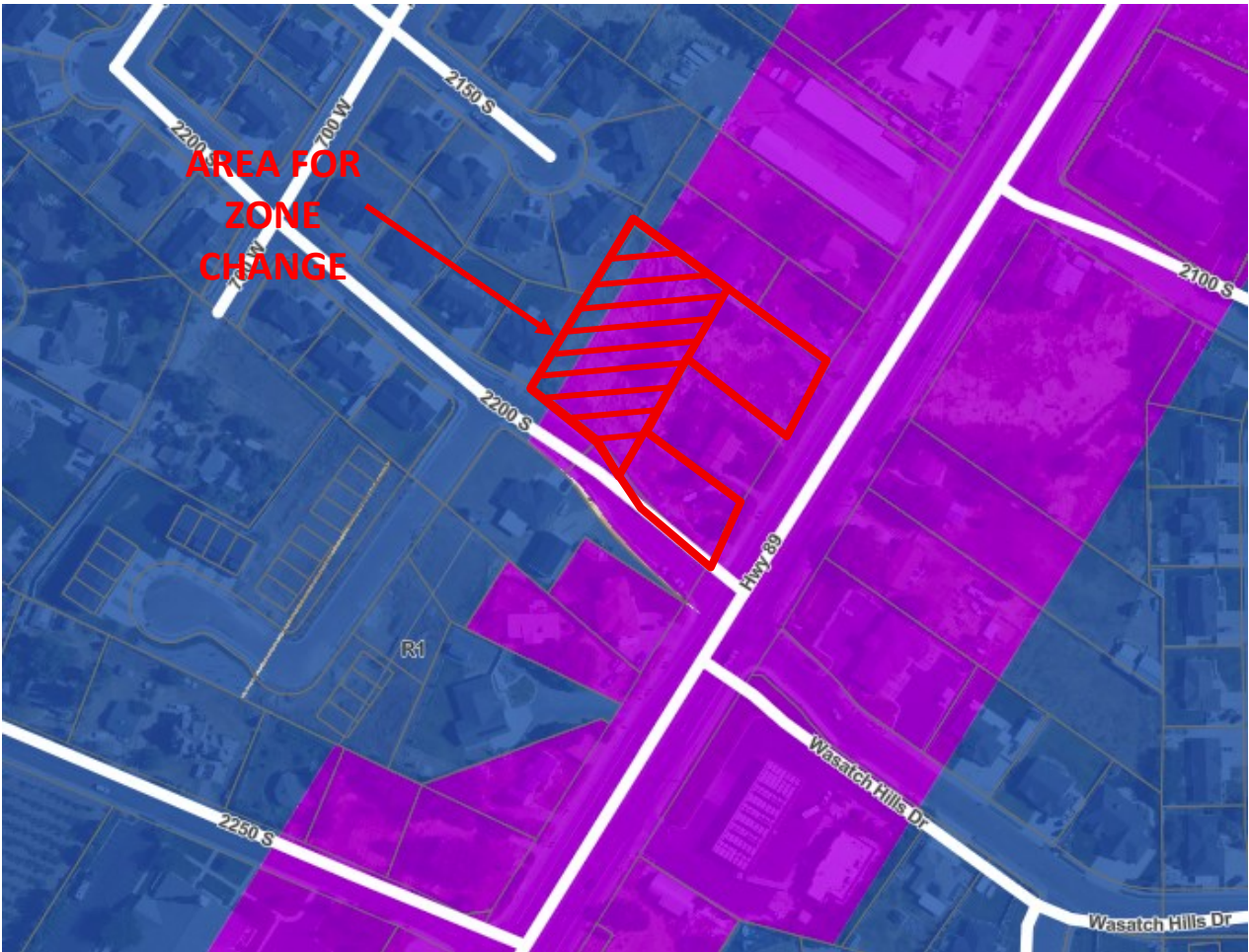
The area designated for the zone change could be changed to R1, R1/3, or R1/2 and still have the square footage necessary to be in compliance.

## Conformance to General Plan and Code Compliance

Our general plan supports the highway frontage remaining commercial. The applicant does propose keeping some frontage in the NC2 zone for potential small format commercial use. There is an existing residence established in the center of this property, which wraps around the residence. The existing residential uses makes the residential development of the designated area more appropriate. Additionally, The city has changed two nearby properties from NC2 to R1 in the recent years that were in similar situations.

## 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.



1 PERRY CITY PLANNING COMMISSION MEETING  
2 PERRY CITY OFFICES  
3 April 2, 2026

7:00 PM

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6  
7 COMMISSIONERS PRESENT: Chairman Paul White, Vice Chairman Stephen Moss,  
8 Commissioner Ryan Vaughn, Commissioner Beth Thompson,  
9 Commissioner Marcus Wager, Commissioner Jan Kerr and  
10 Commissioner Travis Moesser (alternate)

11  
12 COMMISSIONERS ABSENT: Commissioner Blake Broadhead

13  
14 CITY COUNCIL PRESENT: Mayor Keving Jeppsen, Council Member Ashley Young,  
15 Council Member Dave Walker, Council Member Toby Wright  
16 and Council Member Blake Ostler

17  
18 CITY STAFF PRESENT: City Administrator Bob Barnhill, Planning Secretary Tyra  
19 Bischoff, Deputy Recorder Misty Moesser and Attorney Chris  
20 Crockett

21  
22 OTHERS PRESENT: Jeannine Jensen, Pat Burns, Seth Rosier and Alex Owens

23  
24 ONLINE: None

25  
26  
27 **ITEM 1: CALL TO ORDER AND OPENING CEREMONIES**

28 Chairman White called the meeting to order at 7:00 PM.

29  
30 **A. Declare Conflict of Interest, if any**

31  
32 None.

33  
34  
35 **ITEM 2: WORK SESSION**

36  
37 **A. Work Session with Lync Construction to discuss development of properties in the city**

38  
39  
40 The Commission held a work session with Lync Construction representatives Pat Burns and Alex  
41 Owens to discuss potential development of a 16-acre property located near 1200 West and 2450  
42 South. City Administrator Bob Barnhill provided background on the property, explaining that it is  
43 currently zoned R-1A (one-acre residential with agricultural uses) and is surrounded by existing  
44 developments including Three Mile Creek Elementary School, Dale Young Park, and Perry City Park.  
45 Mr. Barnhill explained that the property sits at the intersection of four multifamily housing grid  
46 squares, allowing for 44 multifamily units (10, 8, 10, and 16 units respectively) under current  
47 zoning.  
48

49 Mr. Barnhill explained that Lync Construction had successfully worked with the city on the Olsen  
50 Orchard subdivision and wanted to engage early in the planning process rather than presenting a  
51 finalized proposal.

52  
53 The developers presented their vision for the property, which would involve a development  
54 agreement to allow flexibility in unit placement and design. Mr. Burns emphasized their desire to  
55 create attractive, accessible housing rather than standard three-story townhomes. They proposed a  
56 mix of housing types including single-story duplexes, four-unit buildings designed to look like  
57 single large homes, and various lot sizes to create a transition between higher-density and existing  
58 single-family neighborhoods.

59  
60 Commissioner Kerr expressed concern about the proliferation of townhouses in the city and  
61 advocated for ADA-accessible homes on smaller lots that would provide affordable options for  
62 residents with mobility needs. She specifically requested single-story living options with easy  
63 access and minimal maintenance requirements.

64  
65 The developers responded positively to these suggestions, noting they had considered similar  
66 concepts. Mr. Owens mentioned they were interested in creating different types of multifamily  
67 housing, including mansion-style homes, patio homes, and duplexes, rather than repetitive  
68 townhome designs. They referenced successful examples in Pleasant View and North Ogden of four-  
69 unit buildings that maintain the appearance of single-family homes.

70  
71 Council Member Walker expressed support for creative density solutions that blend well with  
72 existing neighborhoods, emphasizing the importance of architectural variety and accessibility. He  
73 suggested that if the City were to approve additional density, community benefits should extend  
74 beyond just attractive architecture. Council Member Walker proposed unique amenities such as  
75 pump tracks, climbing walls, or pickleball courts rather than traditional park space, given the  
76 proximity to existing parks and schools.

77  
78 Access to the property was discussed extensively, with Mr. Barnhill explaining that Lync  
79 Construction had identified potential road connections to the north and south, including the  
80 possibility of removing a garage from an existing home that the developer owns to accommodate  
81 proper street width. The developers confirmed they would build full-width roads rather than half-  
82 roads.

83  
84 Council Member Ostler emphasized several key principles for Perry City development: the  
85 importance of open space to prevent urban sprawl, creativity in design, and the principle that  
86 density should not be given away freely. He expressed particular interest in incorporating orchards  
87 into developments, noting the conservation subdivision guidelines that require 15-20% open space.  
88 Council Member Ostler also supported the concept of limiting and scattering multifamily units  
89 rather than concentrating them in one location.

90  
91 The discussion included consideration of improving the existing city-owned stormwater retention  
92 pond adjacent to the property. Mr. Burns described successful examples from other developments  
93 where retention ponds were enhanced with walking trails and recreational amenities like pickleball  
94 courts. The developers offered to contribute to improvements of this city-owned space as part of  
95 their community benefit package.

96  
97 Council Member Young expressed preference for practical solutions, suggesting that rather than  
98 creating new open spaces that require city maintenance, the developers could contribute fees that

99 would go toward improving existing city parks. She noted concerns about the city's current capacity  
100 to maintain additional park facilities. Commissioner Thompson shared this concern as well.

101  
102 Commissioner Travis Moesser, drawing from his experience living in the nearby neighborhood,  
103 advocated for mixed-density development that provides housing options for various economic  
104 levels while maintaining the character of the area. He supported the concept of transitioning from  
105 larger lots adjacent to existing development down to higher-density multifamily units.

106  
107 The developers indicated they would take the feedback received and return with specific proposals  
108 that incorporate the community's priorities. The work session concluded with general agreement  
109 that a development agreement approach had merit, though specific details regarding community  
110 benefits and design standards would need to be negotiated in future discussions.

111  
112 Council Member Wright suggested consideration of a 55-and-older community concept, noting the  
113 lack of such options in Perry City and sharing his experience with similar developments in other  
114 areas.

115  
116 The session ended with the understanding that Lync Construction would prepare more detailed  
117 proposals based on the input received and return to the Commission with specific plans and  
118 community benefit packages for further consideration.

119  
120  
121

122 **ITEM 3: APPROVAL OF THE MINUTES**

123  
124 **A. February 5, 2026, Regular Planning Meeting**

125  
126 **MOTION:** Commissioner Wager made a motion to approve the minutes for the  
127 February 5, 2026, Planning Commission meeting. Commissioner Moss seconded the  
128 motion.

129  
130 **Roll Call Vote:**

- 131 Commissioner Broadhead, Absent
- 132 Commissioner Thompson, Yes
- 133 Commissioner Wager, Yes
- 134 Commissioner Moesser, Yes
- 135 Commissioner Moss, Yes
- 136 Commissioner White, Yes
- 137 Commissioner Vaughn, Yes
- 138 Commissioner Kerr, Yes

139  
140 **Motion Approved. 7 Yes, 0 No**

141  
142  
143 **ITEM 4: DISCUSSION**

144  
145 **A. Development Agreement Priorities**

146  
147 This agenda item was discussed extensively during the work session and Chairman White  
148 encouraged the Commission to continue brainstorming as the item will be carried forward for

149 future meetings as the Commissioners continues to develop a framework for prioritizing  
150 development agreement benefits.

151

152 **B. Conservation Subdivisions**

153 Mr. Barnhill provided a brief overview of issues that have arisen regarding conservation  
154 subdivision fee calculations. He explained that recent developments, including Brookside Fields,  
155 have opted to pay fees in lieu of providing open space, but the city lacks clear standards for  
156 calculating these fees. Different developments have used varying methodologies - some based on  
157 square footage of deleted open space, others on the number of additional housing units created.

158 Mr. Barnhill noted that basic landscaping costs approximately \$1.50 to \$2.00 per square foot, but  
159 current fee calculations may not adequately cover the cost of developing equivalent park  
160 improvements. He asked commissioners to consider how the city should standardize these  
161 calculations, whether based on land value, improvement costs, number of units, or acreage  
162 involved.

163 The item was tabled for future discussion to allow commissioners time to consider the various  
164 approaches.

165 **C. Future Projects**

166

167 This item was covered in conjunction with other discussion topics.

168

169 **D. Report on past-approved Planning Commission Items**

170

171 None.

172

173 **E. Report from Commissioners regarding previous Council Meetings**

174

175 Commissioner Moesser reported that the City Council had approved Ordinance 25Q (the  
176 development north of West Meadows) with modifications from the Planning Commission's  
177 recommendation. He noted that the Council approved R-1 half-acre zoning with a development  
178 overlay and fee in lieu, rather than the R-1 third-acre zoning the Commission had recommended.  
179 He added that the Council also approved the omnibus code changes that had been discussed by the  
180 Planning Commission.

181

182 **F. Make assignments for representative(s) to attend City Council (April 16th)**

183

184 Mr. Barnhill noted that the April 16th city council meeting might be moved to April 14th. The  
185 Commission made the following assignment for the upcoming city council meeting:

186

- 187 • April 14<sup>th</sup>- Commissioner Moesser

188

189 **ITEM 5: TRAINING**

190

191 **A. Staff**

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193 None.

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195 **ITEM 6: REVIEW NEXT ADGENDA AND ADJOURN**

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**A. Items for May agenda (next meeting May 7, 2026)**

Mr. Barnhill indicated that the May agenda would include a zone change request for property on Highway 89 where an existing residence seeks to preserve commercial zoning in front while adding residential zoning in back for an additional single-family home. The agenda will also include continued discussion of development agreement priorities and a code amendment related to beekeeping regulations.

**B. Motion to Adjourn**

**Motion:** Commissioner Kerr made a motion to adjourn the meeting. Commissioner Moss seconded.

**All In Favor**

**The meeting was adjourned at 8:51PM.**

DRAFT

# Development Agreement Policy and Priorities

[Date]

Section of 15.02.010 states:

*The purpose of development agreements is to allow exceptions or changes to the current code for a specific development, respond to unique aspects of a property or development, further city priorities, bind the Subdivider to agreed upon Improvements and Infrastructure and other development parameters, and above all, create better developments than what could be had without a development agreement. A development agreement may only be approved, if in the opinion of the City Council, such agreement is found:*

- *To recognize the intended character of the subject property by tailoring development standards and requirements that provide more desirable land use planning and regulatory standards than would be possible under the city's existing ordinances: and*
- *To advance the policies and adopted plans of the City.*
- *In reviewing a proposed development agreement the City Council may consider, but shall not be limited to considering, the following:*
  - *Public impacts and benefits.*
  - *Adequacy in the provision of all necessary public Improvements and Infrastructure.*
  - *Appropriateness and adequacy of environmental protection measures.*
  - *Protection and enhancements of the public health, welfare, and safety, beyond what is provided by the existing land use ordinances.*
  - *The general plan and other adopted plans and policies.*
  - *The extent of code changes, exceptions or advantages (such as density bonuses) granted to the developer and the counter balancing amenities or other benefits provided in return to the city.*
  - *Conformance with the adopted "Development Agreement Policy and Priorities."*

Development agreements are discretionary legislative actions and shall not be granted as a matter of right. The burden shall be on the applicant to demonstrate that the proposed agreement provides clear, measurable, and substantial public benefits beyond those required under existing City ordinances. To further the intent and efficacy of development

agreements as well as to focus and streamline the negotiation of development agreements, the following policies and priorities are formally adopted by Perry City.

It is anticipated that most development agreements will be proposed by a developer in order to obtain a development benefit. It is the policy of Perry City that such developer benefits be counterbalanced with relatively equal community and city benefits. As much as possible competing benefits should be proportional and roughly equivalent in value. The benefits desired by the city will be different for each development based on context, type of developer benefits being considered, and the need for such city benefits for that particular area of the city. Community benefits must exceed baseline requirements already imposed by City code, subdivision regulations, or other applicable ordinances. Improvements required as standard conditions of approval shall not be considered qualifying community benefits. Where possible, counterbalancing developer and community benefits should have a common nexus. Certain divergences from City code may not have clear nexus to community benefits and are less likely to be approved; additionally divergences from codes strictly related to emergency and safety standards are less likely to be approved.

Desirable city benefits include, but are not limited to the following:

- **Parks and Trails** – Park proposal should be detailed, comprehensive, and fully realized. Conceptual park placeholders or undefined future amenities shall not be credited as community benefits unless accompanied by detailed plans, cost estimates, construction timelines, and identified maintenance responsibilities. Generalized and ambiguous park and open space plans are not acceptable. The quality of specific outdoor elements is critical.
  - New Parks (see Parks Map for priority locations)
  - Improvements to existing parks
  - Trails throughout developments
  - Improved streetscapes
  - Unique outdoor features and amenities that do not exist elsewhere in the city.
- **Open space preservation**
  - Orchards are the highest priority for open space preservation. Orchards will be more highly valued if they are visible to the public and large enough to be functional.
  - Cash contributions to a restricted city account for the purchase of orchards can be considered. Cash contributions shall be placed in a restricted

account and may be subject to independent valuation review to ensure proportionality with the requested development benefit.

- If preservation is proposed as a community benefit, the land must be generally developable to qualify as a creditable offset. Land that is constrained, unbuildable, or otherwise unsuitable for development shall not be assigned equivalent community benefit value.
- **Improved Architecture** - Architectural enhancements proposed as community benefits must be clearly documented in the development agreement through binding elevation exhibits, material specifications, details, descriptions, and enforceable design standards. Architectural representations presented during negotiation shall be incorporated by reference into the agreement and shall be enforceable through the building permit process.
  - Variety in architectural styles, façade articulation, alternating rooflines, covered entries and porches, cornice and trim details, reduced visual bulk, reduced prominence of garage doors along the street, changes in plane, material, colors, and form. Variety can be proposed within a coordinated color and style selection.
  - Projects should avoid repetition and monotony.
  - Quality materials that can be shown to be clearly above and beyond standard construction practices. Extensive brick and stone materials, including on the sides and rear of buildings are valued.
  - ‘Mansion Style Homes’ in lieu of traditional townhomes. Townhomes should limit repetition and long unbroken planes, even on rear and sides of buildings.
  - Variety in lot and home sizes.
  - Improved streetscapes.
  - Outdoor amenities and features that create a sense of place – corner treatments, pedestrian crossings, unique lighting and signage, landscaping, art, etc.
- **Commercial development** – Residential density bonuses are more likely to be approved in conjunction with significant commercial development. It is important to note that Perry City expects commercial developments in commercial zones and along major traffic corridors. Residential density bonuses are more likely to be approved when commercial development exceeds current zoning expectations, recruits a highly valued tenant or business type, and/or is guaranteed to be constructed prior to, or concurrently with, residential units.
- **Deeding of property** to the city for public purposes, i.e. cemetery, fire station, etc.

The city may consider other creative and meaningful proposals, however developers should expect appropriate scrutiny and vetting of proposals. Developers should articulate the benefits and reasons for all deviations from code. While additional residential density can provide affordable housing to Perry City, this will be unequivocally deemed a developer benefit.

Not all community benefits are considered equal; duly the developer benefits will be balanced to be commensurate with the community benefits. If a particular development does not have the opportunity to provide a large park, preservation of open space, or commercial development it may simply not be eligible for a significant developer benefit. Properties that by chance cover multiple districts on the city's 'Density Map' may be less likely to receive additional bonus density because the area already has many units allocated to it. Development agreements will encourage housing variety and consider the principles of limiting and scattering higher density housing as described in the adopted "Multi-family Dwelling and Apartment Density Map Policy."

Ultimately, development agreements should foster the best types of developments that would not be likely, or prohibited, from moving forward under existing codes. If development according to the prescribed parameters of city code is deemed more desirable than the proposed development agreement, then the city should deny such a development agreement and encourage development by code. If a proposed development agreement is found to provide an opportunity for improvement over standard development by code, the city should pursue such an outcome.

**Perry City**  
**ORDINANCE 26-D**

**DEVELOPMENT AGREEMENTS**

**26-D DEVELOPMENT AGREEMENT AMENDMENTS**

**WHEREAS**, Utah Code Annotated 10-20 authorizes Perry City to enact and amend ordinances establishing land use and subdivision regulations; and,

**WHEREAS**, Development agreements, when carefully crafted and negotiated, can provide additional community benefits and further the goals and priorities of the City;

**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 "15.02.040 " is hereby amended as follows.

1. After receiving a recommendation from Planning Commission, the City Council, as the legislative body, shall consider a development agreement at a regular council meeting in conjunction with a zoning request for the Development Overlay zone (DO). The proposed agreement shall be submitted with the application for the DO zone and be subject to the public hearing and review process required for the zoning request. The zoning request for the DO zone with a development agreement may be processed prior to other associated land use applications, any time prior to the Design and Engineering application for subdivisions, or in conjunction with a site plan application.

a. Prior to being placed on the Planning Commission agenda, a development agreement proposal shall be submitted by the applicant for an informal review to be performed by the following city representatives:

- i. A designated planning commissioner
- ii. A designated city council member
- iii. The Community Development Director
- iv. The city engineer

The applicant shall submit their proposal for development agreement along with a statement describing how their proposal meets the city's code requirements and the adopted "Development Agreement Policy and Priorities." The applicant shall provide a conceptual development plan that follows current zoning standards for a comparison review. The city reviewers shall provide their written feedback to the applicant and to the Planning Commission.

2. After consideration of ... the agreement as approved.
3. Within fourteen (14) ... document of the city.

...

e. The general plan ... adopted plans and policies.

f. The extent of ... return to the city.

g. Conformance with the adopted "Development Agreement Policy and Priorities."

## HISTORY

...

**SECTION 3: 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 4: 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 JEPPESEN, 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