

PERRY CITY PLANNING COMMISSION MEETING  
PERRY CITY OFFICES  
May 7, 2026

7:00 PM

COMMISSIONERS PRESENT: Chairman Paul White, Vice Chairman Stephen Moss, Commissioner Beth Thompson, Commissioner Marcus Wager and Commissioner Travis Moesser (alternate)

COMMISSIONERS ABSENT: Commissioner Blake Broadhead, Commissioner Jan Kerr and Commissioner Ryan Vaughn

CITY STAFF PRESENT: City Administrator Bob Barnhill, Deputy Recorder Misty Moesser and Attorney Chris Crockett

OTHERS PRESENT: Blake Ostler, Michele Bowden and Bill Bowden

ONLINE: None

**ITEM 1: CALL TO ORDER AND OPENING CEREMONIES**

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

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

None.

**ITEM 2: ACTION ITEMS**

**A. Public Hearing: Ordinance 26-E Code Amendment Regarding Beehives**

City Administrator Bob Barnhill provided background on the proposed ordinance, which arose from two separate incidents in a residential neighborhood in which an agitated backyard beehive caused bees to swarm and sting multiple residents on consecutive weekends. Mr. Barnhill noted that beehives are currently permitted in residential zones as part of the "urban livestock" use category, with a required setback of only 10 feet. He explained that a straightforward approach of restricting beehives exclusively to agricultural zones would inadvertently affect properties such as the Eskelson Orchard, which operates 15 beehives on residentially-zoned land under a legally nonconforming agricultural use. The proposed Ordinance 26-E sought to permit beehives only on properties used solely for agricultural purposes and measuring one acre or larger, with an increased setback of 50 feet. Existing beehives would be grandfathered.

Chairman White opened the Public Hearing.

**The public hearing was opened at 7:09PM.**

Blake Ostler, a Perry City resident and neighbor to the site of the incidents, addressed the Commission. He recounted that he was stung once, his elderly father was stung three times, and his wife—who is allergic to bees—was stung twice. He described a particularly alarming moment

during the second weekend when a family with a two-year-old child was swarmed upon arriving home. He noted that a police officer was dispatched to advise residents to remain indoors, and that neighbors living two or more houses away were also stung, including pedestrians passing through the neighborhood from other areas. Mr. Ostler expressed the view that no fence height or setback would have prevented the incidents, and that beehive keeping was more appropriately suited to agricultural settings.

The Commission acknowledged a written letter submitted by the owner of the Eskelson Orchard, who raised concerns about how any proposed restrictions might affect his established agricultural beekeeping operation.

**The public hearing was closed at 7:13PM.**

The Commission engaged in substantive discussion regarding whether the incidents warranted a code amendment.

Commissioner Moss noted that the incidents appeared to be an isolated occurrence and observed that he had neighbors who had kept bees for years without any known problems. He acknowledged, however, that a full swarm event is categorically different from an incidental bee sting.

Commissioner Moesser raised two central questions: first, whether this was properly a government problem to solve, and second, whether the proposed language would actually address the source of the issue.

Attorney Chris Crockett raised the option of reclassifying beehives as a conditional use rather than a permitted use, which would allow the Commission to evaluate applications on a case-by-case basis and impose conditions to mitigate detrimental effects. However, Mr. Barnhill noted that Perry City currently has no conditional uses in its code, and the practical difficulty of identifying enforceable conditions for beehives—given the unpredictable nature of bee behavior—was noted by several commissioners.

The Commission ultimately concluded that the proposed ordinance did not clearly solve the problem it was intended to address, that the incidents appeared to be an outlier, and that the matter was more appropriately a private rather than governmental remedy.

**MOTION:** Commissioner Wager made a motion to recommend denial of Ordinance 26-E Code Amendment Regarding Beehives. Commissioner Moesser seconded the motion.

**Roll Call Vote:**

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

**Motion Approved. 5 Yes, 0 No**

**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**

Mr. Barnhill presented the zone change application submitted by William Bowden for a property located on Highway 89, kitty-corner from the Maverik station at the entrance to the Davis Creek subdivision. He explained that the property is approximately one and a half acres in a horseshoe shape and is currently zoned Neighborhood Commercial 2 (NC2), with a small residential sliver at the rear already zoned R1. The property is currently vacant, with immediately adjacent properties being residential in character.

The applicants requested that the rear (western) portion of the property be rezoned to R1 to allow construction of a home, while the two small front parcels along the highway frontage would remain NC2, consistent with the city's general plan preference for commercial uses along the highway corridor. The applicants were unable to attend, but had communicated that they would accept R 1/3 or R 1/2 zoning if R1 was not approved, as long as they could build a home. Mr. Barnhill noted precedent for similar partial zone changes on neighboring properties and across the highway. The property is accessed via 2200 South rather than directly from Highway 89.

**The public hearing was opened at 7:40PM.**

No public comments were made.

**The public hearing was closed at 7:41PM.**

The Commission held a discussion.

Commissioner Moesser noted that the property slopes downward from the highway, making a commercial development in the rear portion impractical without significant regrading and demolition of the existing home.

Commissioner Thompson expressed appreciation that access to the residential portion would not be from the highway.

The Commission found the request straightforward and consistent with surrounding zoning and recent precedent in the area.

**MOTION:** Commissioner Wager made a motion to recommend approval of Ordinance 26-F Zone Change Request NC2 to R1 located at 2180 S Highway 89 Parcel #03-158-0172 Applicant: William Bowden. Commissioner Moss seconded the motion.

**Roll Call Vote:**

Commissioner Thompson, Yes  
Commissioner Wager, Yes  
Commissioner Moesser, Yes  
Commissioner Moss, Yes  
Commissioner White, Yes  
Commissioner Vaughn, Absent

Commissioner Kerr, Absent  
Commissioner Broadhead, Absent

**Motion Approved. 5 Yes, 0 No**

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

#### **A. April 2, 2026, Regular Planning Meeting**

**MOTION:** Commissioner Wager made a motion to approve the minutes for the April 2, 2026, Planning Commission meeting. Commissioner Moesser seconded the motion.

**Roll Call Vote:**

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

**Motion Approved. 5 Yes, 0 No**

### **ITEM 4: DISCUSSION**

#### **A. Development Agreement Priorities**

Mr. Barnhill provided an overview of the draft Development Agreement Policies and Priorities document, which has been under development over several meetings. The intent of the document is to provide developers with clear guidance on what the City values before a formal application is submitted, reducing uncertainty and negotiation at the public hearing stage. Topics addressed in the draft include parks and trails, open space preservation, architectural standards, commercial development incentives, and density considerations.

A key new element presented was a proposed ordinance amendment establishing a formal pre-application "informal review" process. Under this process, prior to placement on a planning commission agenda, a development agreement proposal would be submitted to a small group consisting of a designated planning commissioner, a designated city council member, the city administrator, and the city engineer. The group would provide written feedback to the applicant and assess the proposal against the adopted policies. Applicants would also be required to submit a conceptual development plan reflecting what would be permitted under existing zoning as a baseline for comparison.

The Commission discussed the inherent subjectivity involved in setting priorities, particularly regarding architecture, open space, and trail maintenance. Commissioners expressed concern that architectural standards are difficult to codify in a way that reflects a shared vision, and that open space amenities traded through development agreements carry long-term city maintenance obligations that must be weighed carefully. The question of whether trail and park improvements

should be city-owned and maintained, HOA-maintained, or subject to a special assessment district was raised. Commissioners agreed that the informal review process was a positive step toward reducing ad hoc negotiations during public hearings.

The Commission directed staff to redistribute both the draft Development Agreement Policies and the proposed ordinance amendment for individual review, with the intent to bring both forward as action items at a future meeting. Commissioners were asked to pay particular attention to the use of "shall" versus "should" language in the ordinance, given the potential for binding requirements to create unintended consequences.

## **B. Conservation Subdivisions**

Mr. Barnhill introduced the topic of conservation subdivisions and the associated "fee in lieu of open space" provisions currently in the city code. He shared recent cost-estimating work to provide context for the Commission. A cost estimate for improvements to Dale Young Nature Park was approximately \$1,000,000. The most recent conservation subdivision fee in lieu payment received by the city was \$200,000, and a pending payment is \$250,000. Mr. Barnhill noted that \$250,000 applied at a standard rate of \$1.50–\$2.00 per square foot would cover only turf and irrigation at the park, well short of the full improvement cost. A cost estimate for improvements to Centennial Park, including parking, landscaping, and stormwater work, was approximately \$300,000.

The Commission agreed that the current fee structure appears to undervalue the open space being foregone and that there may be merit in exploring a per-square-foot fee codified in the ordinance, with an annual inflation adjustment, as a more transparent and consistent mechanism. No formal action was taken. The Commission agreed to table the conservation subdivision discussion and focus near-term attention on completing the Development Agreement Priorities ordinance, with the intention of returning to conservation subdivisions as a subsequent agenda item.

## **C. Future Projects**

Mr. Barnhill noted that a development application submitted following a prior work session had not yet included required plans, and that he had requested supplementary materials from the applicant. He proposed organizing a field trip for planning commissioners to tour the various townhome developments in Perry City, and potentially in neighboring communities, to evaluate design, density, open space, and maintenance outcomes in the context of the Commission's ongoing work on development standards. The Commission expressed interest, and it was agreed that staff would send a message to all commissioners to identify a suitable date, with a third Thursday (non-meeting night) proposed as a likely option.

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

No significant items to report beyond the conservation subdivision previously forwarded to City Council, which had already been discussed.

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

None.

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

- May 14<sup>th</sup>- Commissioner Moesser
- May 28<sup>th</sup>- Commissioner White

**ITEM 5: TRAINING**

**A. Staff**

City Attorney Chris Crockett presented a training item on reasonable accommodation requests under the Federal Fair Housing Act.

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

**A. Items for June agenda (next meeting June 4, 2026)**

The Commission noted that the Development Agreement Priorities ordinance and policies would be brought back as action items at the next meeting. The conservation subdivision fee discussion was noted for a future agenda.

**B. Motion to Adjourn**

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

**All In Favor**

**The meeting was adjourned at 8:42PM.**