

PERRY CITY PLANNING COMMISSION

REGULAR MEETING AGENDA

October 1, 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-P Zone Change to add Development Overlay Zone with a Development Agreement to existing R1A

**located at approximately 2580 S Perry Street Parcel # 02-028-0102
Applicant: BC Assets LLC**

**B. Ordinance 26-N Zone Change To add Development Overlay Zone to existing R ½ located at approximately 3700 S Perry Street
Parcel #'s 02-035-0090, 02-035-0094, 02-035-0091 Applicant:
Lync Construction**

C. Public Hearing: Ordinance 26-O Land Use Code Updates

D. Public Hearing: Ordinance 26-Q Special Residential Facilities

3. Approval of the Minutes

A. September 3, 2026

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
(October 8th and 22nd)**

5. Training

A. Staff

6. Review Next Agenda and Adjourn

A. Items for November agenda (next meeting November 5th)

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 17th day of September. Appeals of land use decisions may be made to the designated Hearing Officer in accordance with municipal code chapter 15.05. 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.

Application Review Status

Pre-Review	Received	Date Submitted
Community Development	Not Reviewed	08/12/2026
Final-Review	Not Reviewed	

Fees		Payments		
Zone Change	\$400.00	08/17/2026	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

BC Assets, LLC

Phone Number

(385) 626-4984

Email

alex@lynconstruction.com

Mailing Address

1946 W 5600 S Roy, Utah, 84067

Interest in Property

Owner

Property Address

2580 S PERRY ST PERRY UT 84302

Property Serial #

020280102

Current Zoning Designation

R1A

Proposed Zoning Designation

Development Agreement Overlay

Purpose of Request

The purpose of this request is to apply the Development Overlay zone, with an accompanying development agreement, to approximately 15.09 acres located in the heart of Perry City, currently zoned R1A (one-acre residential). The property carries an allocation of 44 units in the City's multifamily grid, which the applicant intends to utilize. One-acre estate lots are not a compatible companion to a 44-unit multifamily component, and the surrounding context does not support them: the majority of property across Perry Street is zoned R1 for quarter-acre lots. The applicant proposes small single-family lots alongside a mix of multifamily housing types — townhomes, duplexes, and accessible attached patio homes — consistent with the direction received in the work session with the City Council and Planning Commission. The plan takes full advantage of the property's walkable location near schools and parks, preserves the existing home on the property, improves the city-owned detention pond into usable open space, provides trail connectivity to Perry Street, and improves and paves 2450 South. The development agreement will establish the approved concept plan, housing mix, and required improvements, giving the City certainty as to exactly what will be built.

Conformance with the Perry City General Plan

1. This is one of the most walkable residential locations in Perry — and the plan is built around that. The property sits in the heart of the city, within walking distance of two schools and three parks. Children can walk to Three Mile Creek Elementary and Promontory School of Expeditionary Learning without busing. Families can walk to Three Mile Creek Park, Perry City Park, and the Dale Young Nature Park. The General Plan's Housing Element directs alternative housing types to locations near amenities where residents can reach daily destinations without adding traffic to neighborhood streets — this property is precisely that location. Placing family-oriented attached and small-lot housing here means school trips on foot instead of in cars, kids at parks instead of in backyards behind acre fences, and daily errands that don't start with an ignition. Few parcels in Perry can deliver this; one-acre zoning wastes it. 2. A safe route to school. If the City supports it, the applicant will construct a crosswalk across Perry Street providing safe pedestrian crossing to the school. Combined with the internal trail network, this creates a complete, safe walking route from every front door in the development to the elementary school. 3. It extends Perry's trail network. The plan provides trail connectivity throughout the subdivision, connecting to the City's broader trail system along Perry Street. Internal trails, the Perry Street connection, and the school crossing work together as one pedestrian system rather than isolated segments. 4. The current R1A zoning is

inconsistent with both the multifamily grid and the surrounding pattern. The City's own multifamily grid allocates 44 units to this property. One-acre lots adjacent to a 44-unit multifamily component would create an abrupt and awkward transition. Across Perry Street, the prevailing zoning is R1 quarter-acre lots. The proposed small single-family lots step down logically from the multifamily units to the established neighborhood scale — a more coherent land use pattern than the current zoning permits. 5. It provides the housing mix discussed with the City. Following the work session with the City Council and Planning Commission, the plan proposes a mix of multifamily types — townhomes, duplexes, and attached patio homes designed to be accessible — rather than a single repeated product. This variety serves the City's moderate income housing objectives and provides attainable options for families just getting their start, seniors seeking single-level accessible living, and households priced out of larger-lot product. Attainable homes within walking distance of schools and parks is the combination young Perry families need most. 6. The Development Overlay with a development agreement gives the City certainty. Rather than a straight rezone, the overlay district is paired with a development agreement that locks in the approved concept plan, housing mix, open space improvements, and infrastructure commitments. The City is not approving abstract density — it is approving a specific plan made binding through the agreement. 7. It converts a liability into a community amenity. The plan improves the city-owned detention pond, currently an eyesore, into usable open space. The concept plan proposes a playset and pickleball courts, and the applicant is open to alternatives such as a pump track — the applicant welcomes City input on programming this space. 8. It improves public infrastructure. The applicant will improve and pave 2450 South as part of the project. 9. It preserves the existing streetscape. The existing home on the property will be preserved, meaning very little visible change from Perry Street. The character of the corridor as experienced by neighbors remains substantially intact.

Additional Information

 2026.07.21_Concept Plan[15] copy.pdf

 2026.03.23 Connectivity Plan.pdf

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

Yes

Signature

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

Electronically Signed

Patrick Burns - 08/12/2026 4:51 pm

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-P Zone Change to add Development Overlay Zone with a Development Agreement to existing R1A located at approximately 2580 S Perry Street Parcel #02-028-0102 Applicant: BC Assets LLC, Ordinance 26-O Land Use Code Updates and Ordinance 26-Q Special Residential Facilities. 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, October 1, 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.

September 17, 2026

Notice of Planning Commission Public Hearing

October 1, 2026

1950 S Highway 89

Perry, Utah 84302

Application: Zone Change Request to add Development Overlay Zone with a Development Agreement to the existing R1A

Applicant: BC Assets LLC

Location: Approximately 2580 S Perry Street Parcel # 02-028-0102

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 October 1, 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.

Appeals of land use decisions may be made to the designated Hearing Officer in accordance with municipal code chapter 15.05. 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

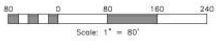


ENLARGED PARK PLAN

SCALE: 1"=50'

LEGEND

- CITY PROPOSED TRAIL
- SIDEWALK SYSTEM
- TRAIL SYSTEM



DENSITY CALCULATIONS



BC Assets LLC
6795 S 300 W
Midvale UT 84047

Box Elder Co Corp
01 S Main St
Brigham City UT 84302

Daniel Carter
113 W Elberta Dr.
Ogden UT 84414-1501

April Lewis
2520 S 1200 W
Perry UT 84302

Barry Braithwaite
2540 S 1200 W
Perry UT 84302

Ronald Cefalo
673 S 400 W
Brigham City UT 84302

Lewis Brough
2488 S 1200 W
Perry UT 84302

Vicki Topik
2510 S 1200 W
Perry UT 84302

Mark Marigoni
2558 S 1200 W
Perry UT 84302

Shawn Francis
2500 S 1350 W
Perry UT 84302

Craig Hansen
1303 W 2450 S
Perry UT 84302

Reed Jensen
2590 S 1200 W
Perry UT 84302

Dale Valcarce
2466 S 1200 W
Perry UT 84302

Marsha Francis
2855 S 1200 W
Perry UT 84302

Jeffrey Hunt
433 N 600 W
Brigham City UT 84302

Angela Cefalo
613 S 200 W
Brigham City UT 84302

Randy Hirschi
2470 S 1350 W
Perry UT 84302

Michael Brailsford
2565 S 1200 W
Perry UT 84302

Kurtis Quayle
2630 S 1200 W
Perry UT 84302

Georgia Heines
2575 S 1200 W
Perry UT 84302

Craig Eckley
2460 S 1350 W
Perry UT 84302

Richard Wagstaff
1230 W 2450 S
Perry UT 84302

Joshua Felix
2585 S 1200 W
Perry UT 84302

Joseph Quayle
1090 W 2700 S
Perry UT 84302

Staff Report

October 01, 2026

Perry City Planning Commission



Request for the Development Overlay Zone with a Development Agreement – Lync Construction, located at approximately 2580 S 1200 W

Update

An updated plan was provided on September 28th. This new plan includes the 44 multi-family units allowed by our zoning code. It also includes 35 single family lots (compared to 53 lots in the original submission). The average single family lot size is 10,566 square feet. In our work session the developer indicated they would align the single-family lots with the R1 zoning district (10,000 sf lot minimum), which is the predominant zoning district east of this property.

While not shown on the current plan the developer has indicated that they are willing to install a crosswalk with signal lights on 1200 W at 2450 S (or other more suitable location) to assist with safety for kids walking to school. Additionally, they propose the development of a pump track on the city owned storm water pond adjacent to this property. Staff recommends that this be proposed as a dollar figure which the city can then use to fully design the park as desired.

A member of City Council and Planning Commission, along with staff, provided a preliminary review of the proposal and provided the following feedback to the developer. I will include commentary regarding how this feedback has been implemented with the updated plan.

- The single family density is too high. This density should target 10,000 sf lots on average. There could be some variety, but no lots smaller than 8,000 sf. **COMPLETE**
- A small park is not desired. A pump track would be acceptable. In the case of a pump track we recommend that Lync proposes a dollar figure for the improvements rather than designing every detail for review at this stage. **Pump track shown, dollar figure needed.**
- We must have a layout demonstrating development under the current zoning. **NOT PROVIDED**
- A layout following the Conservation Subdivision parameters is also desired for comparison. **NOT PROVIDED**
- Multi-family architecture **NOT PROVIDED**
 - Provide images and architectural details of the housing types
 - Architecture should be amazing and highly desirable
- Parking on streets and at open space is needed **PROVIDED – Some additional parking near the multi-family areas has been provided. Additional parking along streets should be considered because the proposed right of way utilizes our 50' cross section. The parking at the pump track would be better if it did not back directly onto 2450 S, especially so close to the intersection.**
- Pedestrian crossing on 1200 W is appreciated
- Our team was on the fence regarding the 2520 stub road to the east. They are leaning towards removing this stub road because it is unlikely to connect and the Street E (now Street D) connection cannot be eliminated at this time. **2520 stops short of the east property line. If this street remains only for servicing #21-22, then it should be a private drive instead of a public street.**
- Storm water for the development should be considered at this stage. If the city basin is to be used then it will need to be enlarged accordingly. **NOT ADDRESSED**

There are still many relevant details to address before giving this development a positive recommendation. However, the single-family density has been adjusted and a variety of multi-family housing types have been proposed in response to the feedback from our joint work session. Planning Commission should consider if the current proposal provides a worthy foundation to build upon and a positive outcome is attainable. Please refer to our adopted policies and priorities (PMC 15.37) for development agreements and remember that this proposal should only be approved if it is deemed to be better for the city than the development would be without a development agreement.

If Planning Commission feels this plan has merit, you may still consider tabling this action item and requesting the applicant follow-up on some of the items listed above, such as: providing a baseline plan for comparison, providing architectural details, and solidifying the open space resource commitment.

Some additional details to consider:

- A simple landscape buffer to be installed between the proposed townhomes and the existing home in the northwest.
- Our code requires 30% landscaping around multi-family. Should the pump track count towards this? It probably does not fit the same intent. How much landscape is left around these units?
- Show setbacks and dimensions on all multi-family units.
- It needs to be determined if the property on the north side of the access road (Street D) will be included in this agreement.
- Should some basic single-family architecture guidelines be applied, similar to Olsen Orchards?
- A preliminary concept for handling the existing stream and any other irrigation rights on the property should be developed.

Summary (Original Submission)

The subject property is approximately 15 acres and is zoned R1A, allowing for single family lots of one acre or larger. The current use of the property is agricultural. There are single family homes adjacent to the property as well as other agricultural properties.

This property centers on the intersection of four districts of the density map, allowing them 44 multi-family units. Staff has suggested to the applicant that the city may be reticent to add additional units to this area beyond the current allotment because of the relatively high number already allowed.

A work session was held in April with Planning Commission and City Council. A variety of thoughts were shared among participants, not all of which were in alignment. There seemed to be consensus that standard parks space would not be valued as an offsetting community benefit, largely due to this property's proximity to four existing public parks. If open space were to be developed it should be something unique and different. The idea of a pump track had some traction with it's proximity to the Historic Orchard Path, uniqueness, and possibility for less regular maintenance. There also seemed to be some consensus that density should be varied. The developer stated that their target would be ¼ acre average lot size for single family.

Conformance to Draft Policies and Procedures

A baseline plan following existing zoning was not submitted.

The submitted plans do not provide variety in single family lot size and did not meet the stated goal of ¼ acre average lot sizing. In fact, no lot on the plan meets ¼ acre in size. The typical lot size is 6,000 square feet. The single-family component of the plan does not appear to align with our policies and priorities nor the work session feedback.

The multi-family portion uses the 44 available units and does provide some variety in housing types. The plan shows 22 standard townhomes, 10 twinhomes/duplexes, and 12 four-plexes that have a unique layout. It would be helpful to have images of the fourplexes to understand what they will look like and how they will function. No additional architectural commitments were proposed. It appears that the landscape provided around the multi-family units is very close to our minimum requirements, but fall just shy.

The open space proposal provides a small playground and two pickleball courts within the city owned storm water pond. While one council member suggested pickleball courts, staff believes that the proposed open space area does not meet our request for something that is unique and not a standard park. The park plan is not detailed or specific and is very uninspiring and lacks any unique, or superior open space elements. The grass is proposed to be hydroseeded and no trees, benches, pavilions, drinking fountains, or other features were proposed. The playground itself is very small. No parking is provided. It is also worth noting that the developer has not set aside any of their property in this proposal. Staff recommends not accepting this open space proposal. A pump track with additional features (parking, water, trees, benches, etc.) may worthwhile. Such a facility should be budgeted between \$800,000 and \$1.2 million. It should also be noted that the improved roadway will reduce the size of the pond slightly and the new development will need to add storm water capacity. This should be taken into consideration in the early stages of design.

Applicant Narrative

Purpose of Request

The purpose of this request is to apply the Development Overlay zone, with an accompanying development agreement, to approximately 15.09 acres located in the heart of Perry City, currently zoned R1A (one-acre residential). The property carries an allocation of 44 units in the City's multifamily grid, which the applicant intends to utilize. One-acre estate lots are not a compatible companion to a 44-unit multifamily component, and the surrounding context does not support them: the majority of property across Perry Street is zoned R1 for quarter-acre lots. The applicant proposes small single-family lots alongside a mix of multifamily housing types — townhomes, duplexes, and accessible attached patio homes — consistent with the direction received in the work session with the City Council and Planning Commission. The plan takes full advantage of the property's walkable location near schools and parks, preserves the existing home on the property, improves the city-owned detention pond into usable open space, provides trail connectivity to Perry Street, and improves and paves 2450 South. The development agreement will establish the approved concept plan, housing mix, and required improvements, giving the City certainty as to exactly what will be built.

Conformance with the Perry City General Plan

1. This is one of the most walkable residential locations in Perry — and the plan is built around that. The property sits in the heart of the city, within walking distance of two schools and three parks. Children can walk to Three Mile Creek Elementary and Promontory School of Expeditionary Learning without busing. Families can walk to Three Mile Creek Park, Perry City Park, and the Dale Young Nature Park. The General Plan's Housing Element directs alternative housing types to locations near amenities where residents can reach daily destinations without adding traffic to neighborhood streets — this property is precisely that location. Placing family-oriented attached and small-lot housing here means school trips on foot instead of in cars, kids at parks instead of in backyards behind acre fences, and daily errands that don't start with an ignition. Few parcels in Perry can deliver this; one-acre zoning wastes it.

2. A safe route to school. If the City supports it, the applicant will construct a crosswalk across Perry Street providing safe pedestrian crossing to the school. Combined with the internal trail network, this creates a complete, safe walking route from every front door in the development to the elementary school.

3. It extends Perry's trail network. The plan provides trail connectivity throughout the subdivision, connecting to the City's broader trail system along Perry Street. Internal trails, the Perry Street connection, and the school crossing work together as one pedestrian system rather than isolated segments.
4. The current R1A zoning is inconsistent with both the multifamily grid and the surrounding pattern. The City's own multifamily grid allocates 44 units to this property. One-acre lots adjacent to a 44-unit multifamily component would create an abrupt and awkward transition. Across Perry Street, the prevailing zoning is R1 quarter-acre lots. The proposed small single-family lots step down logically from the multifamily units to the established neighborhood scale — a more coherent land use pattern than the current zoning permits.
5. It provides the housing mix discussed with the City. Following the work session with the City Council and Planning Commission, the plan proposes a mix of multifamily types — townhomes, duplexes, and attached patio homes designed to be accessible — rather than a single repeated product. This variety serves the City's moderate income housing objectives and provides attainable options for families just getting their start, seniors seeking single-level accessible living, and households priced out of larger-lot product. Attainable homes within walking distance of schools and parks is the combination young Perry families need most.
6. The Development Overlay with a development agreement gives the City certainty. Rather than a straight rezone, the overlay district is paired with a development agreement that locks in the approved concept plan, housing mix, open space improvements, and infrastructure commitments. The City is not approving abstract density — it is approving a specific plan made binding through the agreement.
7. It converts a liability into a community amenity. The plan improves the city-owned detention pond, currently an eyesore, into usable open space. The concept plan proposes a playset and pickleball courts, and the applicant is open to alternatives such as a pump track — the applicant welcomes City input on programming this space.
8. It improves public infrastructure. The applicant will improve and pave 2450 South as part of the project.
9. It preserves the existing streetscape. The existing home on the property will be preserved, meaning very little visible change from Perry Street. The character of the corridor as experienced by neighbors remains substantially intact.

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 a reworking of this concept if it is to be considered for a positive recommendation. A revised concept may include more concrete architectural commitments, a more fully developed and unique open space proposal, and single-family lot sizes that average over 10,000 square feet.

Lync Construction

Permit/License #

07/07/2026 - 07/06/2027

5015628

Zone Change Application

Reference Number

Zone Change

0dee48c0-7984-11f1-9b71-6384278e981f

Application Status

Status

Under Review

Active

Application Review Status

Pre-Review	Received	Date Submitted
Community Development	Not Reviewed	07/06/2026
Final-Review	Not Reviewed	

Fees

Payments

Zone Change	\$400.00	07/07/2026	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

Lync Construction

Phone Number

(385) 626-4984

Email

alex@lynccconstruction.com

Mailing Address

1946 W 5600 S, Roy, Utah, 84067

Interest in Property

Owner

Property Address

3700 S PERRY ST PERRY UT 84302

Property Serial #

020350090, 020350094, 020350091

Current Zoning Designation

R1A

Proposed Zoning Designation

DOZ

Purpose of Request

The purpose of this request is to apply the Development Overlay zone, with an accompanying development agreement, to approximately 33 acres of R-1/2 zoned property adjacent to the Olsen Orchards development. The applicant proposes a 74-lot single-family subdivision in place of the multifamily component (8 townhome units) permitted under current zoning. The proposed plan provides a mix of lot sizes, including several lots over one acre, consistent with feedback received from the City. The development agreement will establish the approved concept plan, lot count, lot mix, and required improvements, giving the City certainty as to exactly what will be built.

Conformance with the Perry City General Plan

This request covers approximately 33 acres adjacent to the Olsen Orchards development, currently zoned R-1/2. The request is to apply the Development Overlay zone with an accompanying development agreement. The current zoning permits a multifamily component of 8 townhome units. Rather than building attached product, we are proposing to develop the property entirely as single-family homes — 74 total lots — trading the townhome units for a modest number of additional single-family lots. 1. It delivers the housing type Perry residents asked for. During the General Plan outreach process, the top land-use finding from the 2018 open house was that "¼ acre single family homes are needed in Perry," and the majority of survey respondents disagreed that Perry should provide more diversity of housing types such as townhomes and condos. This request responds directly to that preference: it removes the attached-unit component and replaces it with the single-family product the community said it wants. 2. It provides genuine lot-size diversity, including estate-sized lots. The proposed plan is not a uniform grid. It mixes conventional single-family lots with several lots exceeding one acre. This range of lot sizes serves households at different stages — from young families to buyers seeking larger properties consistent with Perry's rural character — and creates a transition in scale within the neighborhood rather than a single repeated lot type. 3. It is consistent with the Housing Element's direction on where attached housing belongs. The General Plan states that future residential development should be in keeping with existing homes, and that alternative housing types such as attached units should be located near existing or planned regional transportation amenities to minimize increased traffic on neighborhood streets. This parcel is an interior residential location, not a regional transportation corridor. Single-family homes are the more appropriate product here under the Plan's own criteria. 4. The Development Overlay with a development agreement gives the City certainty. Rather than a straight rezone, this request follows the same structure the City recently applied to the adjacent Olsen Orchards property (Ordinance 24-

l): the overlay district paired with a development agreement that locks in the approved concept plan, lot count, lot mix, and improvements. The City is not approving abstract density — it is approving a specific plan, with the larger lots and single-family commitment made binding through the agreement. 5. It represents thoughtful growth where infrastructure already exists. A core General Plan goal is to "encourage thoughtful growth patterns and developments," with growth focused where resources and infrastructure allow. This parcel is contiguous to Olsen Orchards, where roads, sewer, and water infrastructure are being constructed now. Developing here uses that infrastructure efficiently rather than leapfrogging into unserved areas, and the developer will pay for the extension of sewer, water, and road infrastructure, including all applicable impact fees. 6. It preserves Perry's small-town character while meeting documented housing need. The Plan's leading goal is to enhance Perry's agricultural and small-town community feel. Detached single-family homes — including the estate lots — continue the established neighborhood pattern, avoid the massing and traffic intensity of attached product, and contribute 74 family-oriented homes toward Perry's projected long-term housing need.

Additional Information

 2026.06.01 Connectivity Plan.pdf

 2026.03.30 Concept Plan.pdf

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

Yes

Signature

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

Electronically Signed

Alexander Owens - 07/06/2026 3:45 pm

Messages

07/07/2026 15:05 pm - Robert Barnhill

Updated address and SN as per phone conversation

Staff Report

October 1, 2026

Perry City Planning Commission



Request for the Development Overlay Zone with a Development Agreement – Lync Construction, located at approximately 3700 S 1200 W

UPDATE

The developer has updated their plans to include sixty lots. The eight townhomes allowed on the density map are not proposed to be developed.

In the previous meeting Planning Commission asked for the following:

1. Only two 'six-packs'. **COMPLETE**
2. Developer may add lots on the west side as long as they are larger than ½ acre. **COMPLETE**
3. Apply RE1/2 zoning to west lots. **COMPLETE** (Executed with official ordinance document)
4. Consider improvement for pond access. Developer feedback: We are not intending on the pond being a public amenity. The 'trail' shown north of the pond is the [utility] access. We see this pond becoming a secondary pond owned by Pineview in the future (assuming they are still interested in this) and in the meantime it will just be a private pond.
5. Research potential impacts of the nearby private airstrip. **COMPLETE** (See attached information from applicant)

Certain planning commissioners and staff provided additional research regarding the private airstrip. It appears that the current airstrip does not have statutory standing to impede or impact zoning and land use on neighboring properties. This does not preclude the commission from considering the potential impacts of such an airstrip.

Staff recommends that the developer clarify what surface improvements shall be installed for the pond access. If this strip is to be an access and utility easement with no surface improvements, then this should be considered to be a simple easement across a private lot, with the intent being that the property owner would have interest in maintaining the property.

Public Hearing – Three individuals provided public comments during the hearing.

Concerns and Opposition: Don't like it, we need to keep this area rural, possible affects to private aircraft runway, garbage on the nearby trail, more homes will bring more trail use and more garbage, ethical accusations towards the commission, confused about the process, increase in traffic, there is agriculture nearby, lots are too small, there will be storm water runoff that will contaminate the water, they prefer R1A zoning, concerned about last minute information received from the developer without time to review, why change from the ½ acre zoning, the developer needs to prove why their proposal is beneficial.

Other comments: Support the feedback from the preliminary review, support the new trail.

Overall the planning commission felt that the baseline ½ acre zoning was acceptable. Without any clearly defined community benefits, the increase in density was simply too much. There is some interest in having the 'six-pack' layout of single-family homes in lieu of the allotted eight townhomes. The need for a true baseline concept matching the current zoning was reaffirmed.

Summary

The subject property is approximately 33 acres and is zoned R 1/2. (The actual acreage and layout of the property boundaries are anticipated to change as part of a land swap with a neighboring property owner). The property is directly west of the approved Olsen Orchards Subdivision and is currently under agricultural use. The current zoning allows for 1/2 acre lots and eight multi-family units. The applicant is proposing to forego the eight allowed multi-family units and convert them to single family lots.

The submitted concept includes 74 residential lots. Seven of these lots would be over one acre in size. The remaining 67 lots would range in size from 6,700 sf to about 14,000 sf. Many of the smaller lots are proposed to be accessed by small shared private driveways. (These driveways would reduce the usable area of these small lots.)

The developer has already installed sewer and water utilities to benefit this property. Stub roads are provided to the north and south. There are two access points on 1200 W, which do not align with the road alignment from Olsen Orchards. This misalignment on 1200 W is concerning. Staff recommends consolidating the two access roads into one road that aligns with Olsen Orchards. Unfortunately, this significantly limits the potential of this development as two accesses are needed in order to exceed 30 lots. Another option is to adjust the road network in Olsen Orchards before it is recorded so that it can align with these newly proposed roads. The city engineer recommends adjusting the stub road in Olsen Orchards to begin curving south to align with the proposed layout in this development.

The developer has suggested that the pond area could be deeded to the city.

Conformance to Draft Policies and Procedures

When viewed alongside nearby development this proposed concept does provide some housing variety. The one acre lots are larger than other developed lots in the area. The elimination of the townhomes helps the area to be less overloaded with that housing type considering that Olsen Orchard includes 75 units. Olsen Orchards does have many single family lots similar in size to this concept, however the concept does include a unique layout with lots on small private drives.

The applicant verbally indicated that their intent is to keep the number of lots/units roughly equal to what is allowed with the base zoning. The idea is that this approach would not necessitate additional community benefits, but only open the door for a creative design approach. It does not appear that this goal is being met.

A preliminary plan (without townhomes) was submitted following ½ acre zoning requirements. Unfortunately the boundaries and details of the baseline and proposed plans do not fully align and are insufficient for a true comparison.

If the overall direction and layout of the development holds appeal to the city we should consider what adjustments should be made or what community benefits could be requested.

- Trails around the pond (some wetland challenges) and a connection to the Historic Orchard Pathway.
- Additional improvements to the Olsen Orchards Park
- Street trees along 1200 W
- Preservation of orchards elsewhere in the city.

The developer may prefer to reduce the number of lots rather than make significant additional improvements.

Preliminary Review (City Council Representative, Planning Commission Representative, Engineer,

Staff)

Notes from the preliminary review in accordance with the draft ordinance change regarding development agreements.

1. After studying the traffic implications, our engineer strongly recommends adjusting the Olsen Orchards road to curve south rather than north. Having this access further from the 3600 S intersection is critical.
2. Provide an updated layout for the existing ½ acre zoning that matches development boundaries, includes storm water pond, etc. so the city has a more accurate plan to compare against.
3. The layout following the existing ½ acre zoning is not viewed unfavorably. With that being said, we believe the proposed plan still has enough merit to explore further.
4. Community benefits that may be appropriate to counterbalance the increased density:
 - a. Character - Identify ways to help this development have its own unique character. This could include:
 - i. Enhanced streetscapes and corner treatments
 - ii. Street trees
 - iii. Unique lighting
 - iv. Distinct variety in architectural styles among the homes
 - v. Homes close to the street, lesser setbacks, front porches, picket fences, etc.
 - b. Enhancement of pond - trails, dock, etc.
 - c. Connection to Historic Orchard Pathway
 - d. Craft a view from 1200 W that is appealing
 - e. Provide images of what the shared driveway areas would look like and consider language that can ensure these will be implemented well.
 - f. Preservation of orchards elsewhere in the city.
5. It appears that 15-20 additional residential lots are being proposed beyond what the current zoning would allow. Considering the type of community benefits that may be included in this agreement, the proposed increase in density is not viewed favorably. Density between the current zoning and the proposed plan would be viewed favorably.

Comparison of Single-Family lots sizes in Olsen Orchards to Proposed development

Olsen Orchards Single Family Lots

6 – 8,000 sf	45
8 – 10,000 sf	28
10 – 12,000 sf	21
12,000 + sf	37

Proposed Development

6 – 8,000 sf	33
8 – 10,000 sf	10
10 – 12,000 sf	13
12,000 + sf	18

Applicant Narrative

Purpose of Request

The purpose of this request is to apply the Development Overlay zone, with an accompanying development agreement, to approximately 33 acres of R-1/2 zoned property adjacent to the Olsen Orchards development. The applicant proposes a 74-lot single-family subdivision in place of the

multifamily component (8 townhome units) permitted under current zoning. The proposed plan provides a mix of lot sizes, including several lots over one acre, consistent with feedback received from the City. The development agreement will establish the approved concept plan, lot count, lot mix, and required improvements, giving the City certainty as to exactly what will be built.

Conformance with the Perry City General Plan

This request covers approximately 33 acres adjacent to the Olsen Orchards development, currently zoned R-1/2. The request is to apply the Development Overlay zone with an accompanying development agreement. The current zoning permits a multifamily component of 8 townhome units. Rather than building attached product, we are proposing to develop the property entirely as single-family homes — 74 total lots — trading the townhome units for a modest number of additional single-family lots. 1. It delivers the housing type Perry residents asked for. During the General Plan outreach process, the top land-use finding from the 2018 open house was that "¼ acre single family homes are needed in Perry," and the majority of survey respondents disagreed that Perry should provide more diversity of housing types such as townhomes and condos. This request responds directly to that preference: it removes the attached-unit component and replaces it with the single-family product the community said it wants. 2. It provides genuine lot-size diversity, including estate-sized lots. The proposed plan is not a uniform grid. It mixes conventional single-family lots with several lots exceeding one acre. This range of lot sizes serves households at different stages — from young families to buyers seeking larger properties consistent with Perry's rural character — and creates a transition in scale within the neighborhood rather than a single repeated lot type. 3. It is consistent with the Housing Element's direction on where attached housing belongs. The General Plan states that future residential development should be in keeping with existing homes, and that alternative housing types such as attached units should be located near existing or planned regional transportation amenities to minimize increased traffic on neighborhood streets. This parcel is an interior residential location, not a regional transportation corridor. Single-family homes are the more appropriate product here under the Plan's own criteria. 4. The Development Overlay with a development agreement gives the City certainty. Rather than a straight rezone, this request follows the same structure the City recently applied to the adjacent Olsen Orchards property (Ordinance 24-1): the overlay district paired with a development agreement that locks in the approved concept plan, lot count, lot mix, and improvements. The City is not approving abstract density — it is approving a specific plan, with the larger lots and single-family commitment made binding through the agreement. 5. It represents thoughtful growth where infrastructure already exists. A core General Plan goal is to "encourage thoughtful growth patterns and developments," with growth focused where resources and infrastructure allow. This parcel is contiguous to Olsen Orchards, where roads, sewer, and water infrastructure are being constructed now. Developing here uses that infrastructure efficiently rather than leapfrogging into unserved areas, and the developer will pay for the extension of sewer, water, and road infrastructure, including all applicable impact fees. 6. It preserves Perry's small-town character while meeting documented housing need. The Plan's leading goal is to enhance Perry's agricultural and small-town community feel. Detached single-family homes — including the estate lots — continue the established neighborhood pattern, avoid the massing and traffic intensity of attached product, and contribute 74 family-oriented homes toward Perry's projected long-term housing need.

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.

Perry City
ORDINANCE 26-Q

SPECIAL RESIDENTIAL FACILITIES

SPECIAL RESIDENTIAL FACILITIES AMENDMENTS

WHEREAS, Utah Code Section 10-20 grants Perry City certain powers and duties regarding land use and zoning;

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 "15.08.010" is hereby amended as follows.

...

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

c. Not exceed 3,500 ... 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, and in limited number based upon safety or health-related occupancy standards that apply neutrally to all housing.

e. Conform with applicable state standards.

f. Be duly licensed ... and any local authority.

...

a. A minimum of ... couple shall be provided.

b. The facility shall ... change its residential character.

c. No ~~person being treated for alcoholism or drug abuse shall be placed in this facility~~ alcohol or unlawful drug use is permitted in this facility.

d. Placement in this ... in a correctional facility.

e. The land use ... code, or other code.

...

SECTION 3: Amendment. Section "15.08.020" is hereby amended as follows.

1. Policy. This Section ... be interpreted as such.

2. Code. The facility ... to similar dwellings, and:

a. The operator shall provide twenty-four (24) hour supervision for a limited number of disabled residents based upon safety or health-related occupancy standards that apply neutrally to all housing.

b. Not exceed 3,500 ... than five (5) years.

c. Not be located ... of a similar facility.

...

g. The facility shall ... change its residential character.

h. The facility shall ... or its successor statutes.

i. No ~~person being treated for alcoholism or drug abuse shall be placed in this facility.~~ alcohol or unlawful drug use is permitted in this facility.

j. No person who ... placed in this facility.

k. Placement in this ... in a correctional facility.

...

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 _____.

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

PERRY CITY PLANNING COMMISSION MEETING
PERRY CITY OFFICES
September 3, 2026

7:00 PM

COMMISSIONERS PRESENT: Chairman Paul White, Vice Chairman Stephan Moss,
Commissioner Beth Thompson and Commissioner Travis
Moesser

COMMISSIONERS ABSENT: Commissioner Marcus Wager and Commissioner Jan Kerr

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

OTHERS PRESENT: Rolin Hinrichsen, Ronda Hinrichsen, James Settlemire, Pat
Burns and Alex Owens

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. Ordinance 26-N Zone Change to Add Development Overlay Zone to Existing R ½
located at approximately 3700 S Perry St, Parcel #s: 02-035-0090, 02-035-0094 &
02-035-0091; Applicant: LYNC Construction**

City Administrator Bob Barnhill provided an update on the development agreement proposal for approximately 3700 South Perry Street. He reviewed the baseline plan, which would allow 50 lots under the existing R½ zoning, the previous proposal of 74 lots, and the updated proposal of 60 lots. The revised plan removed the townhome units and instead proposed 18 smaller homes arranged in three groups of six, referred to as “6-packs.” The applicant also offered a \$100,000 contribution toward city park improvements for the 10 lots above the baseline.

The Commission discussed the proposed lot sizes, road layout, wetlands, and the required land swap with the neighboring property. They discussed whether the 18 6-pack units provided an appropriate increase in density. Chair White supported the baseline plan but suggested reducing the 6-packs from 18 to 12 units and using the remaining area for traditional single-family lots. Other commissioners were comfortable with the proposed 18 units or were generally open to either option. The Commission also discussed potentially allowing animal-keeping rights on some of the larger western lots. Members agreed that the park contribution should be available for citywide park improvements rather than being limited to a specific park.

A neighboring property owner, Rolin Hinrichsen raised concerns regarding flooding near the pond, access to his property, impacts to his farming operation, and potential dust, noise, and property-value concerns. He also informed the Commission of a private airstrip on his property and requested that the required FAA setbacks be considered when locating homes.

The Commission requested that the airstrip and applicable setbacks be identified on the development plans and that City staff will seek additional guidance from the City Attorney before the development agreement returns to the Commission.

Directions to Applicant Included:

- Reduce 6-pack units from 18 to 12 (three groups of 6 to two groups of 6), with the removed 6-pack area converted to standard single-family lots.
- Investigate the registered private airstrip and show setback distances on the plans.
- Retain the larger western lots at or above 0.5 acres; apply RE zone regulations to those lots to permit animal-keeping rights.
- The park/amenity contribution need not be restricted to the Olsen Orchards park and may be directed to any Perry City park.
- Consider pedestrian connectivity from the subdivision to the pond and to the existing Orchard Trail system.

It was also discussed that staff will begin drafting the formal development agreement for the next review and will consult with the City Attorney regarding the applicant's six-month application expiration provision and the airstrip overlay question.

Chair White moved to table Ordinance 26-N, with the direction noted above provided to the applicant. Commissioner Moesser seconded the motion. The motion carried unanimously.

MOTION: Commissioner Thompson made a motion to table Ordinance 26-N Zone Change to Add a Development Overlay. Commissioner Moesser seconded the motion.

Roll Call Vote:

Commissioner Moesser, Yes
Commissioner White, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Kerr, ABSENT
Commissioner Wager, ABSENT

Motion Approved. 4 Yes, 0 No

ITEM 3: APPROVAL OF THE MINUTES

A. August 6, 2026, Regular Planning Meeting

Commissioner Moss pointed out the misspelling of his first name. No other errors were noted.

MOTION: Commissioner Moesser made a motion to approve the minutes for the August 6, 2026 Planning Commission meeting with the spelling correction. Commissioner Moss seconded.

Roll Call Vote:

Commissioner Moesser, Yes
Commissioner White, Yes
Commissioner Moss, Yes
Commissioner Thompson, Yes
Commissioner Kerr, ABSENT
Commissioner Wager, ABSENT

Motion Approved. 4 Yes, 0 No

ITEM 4: DISCUSSION

A. Future Projects

Mr. Barnhill advised the Commission that he is preparing a code amendment addressing several sections of the municipal code that are outdated, undefined. The amendment proposes edits to 5 sections and deletion of 17 sections. The item will be presented at the next meeting.

Commissioner Moesser invoked the principle of Chesterton's Fence, urging that before any code sections are deleted, staff should research the original intent and history of those provisions to ensure no substantive protections are inadvertently removed.

Mr. Barnhill also noted his intention to revisit, in coordination with the city attorney, a subdivision code provision requiring applications to expire if approval is not obtained within 6 months — a provision that has not been enforced due to concerns about its enforceability under state law.

B. Report on past-approved Planning Commission Items

Mr. Barnhill reported on recent City Council action regarding items previously reviewed by the Planning Commission. Both zone changes were approved, and the development agreement policies and priorities were also approved and are now in effect. The water-wise landscaping ordinance was not approved, as the Council expressed concerns about regulating private landscaping choices.

C. Report from Commissioners regarding previous Council Meetings

Commissioner Moesser reported on the August 13th City Council meeting, at which the sole action item was approval of the vacation of Hargis Hill Road adjacent to Olsen Orchards.

Chair White reported that he listened to the August 31st meeting in its entirety and noted that council members expressed appreciation for the Commission's work on development agreement policies, with discussion emphasizing the use of development agreements to achieve higher-quality outcomes for the city.

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

- 154
- 155 • September 10th- Likely canceled
 - 156 • September 24th- Commissioner White
- 157

158

159 **ITEM 5: TRAINING**

160

161 **A. Staff**

162

163 City Attorney Chris Crockett provided training on zoning estoppel, a legal doctrine that may
164 prevent a local government from changing its position when a property owner has reasonably
165 relied on governmental action. He reviewed the three elements required to establish zoning
166 estoppel: good-faith reliance, a substantial change in position or expenses, and significant
167 inequity if the owner is prevented from proceeding. Mr. Crockett discussed recent cases
168 illustrating the doctrine and noted that informal staff statements generally do not establish
169 reliance, while formal approvals may. He also reviewed the Governmental Immunity Act and
170 confirmed that Planning Commissioners are generally protected from damages when acting
171 within their authority.

172

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

174

175 **A. Items for September agenda (September 3rd)**

176 Mr. Barnhill noted that the 3700 South Perry Street development agreement item will return for a
177 revised plan review. Additionally, a development agreement proposal from Lync Development
178 pertaining to a site near 3 Mile Creek and Promontory School is expected to be submitted in revised
179 form for the next meeting, having previously been returned to the applicant for density reductions.

180 **B. Motion to Adjourn**

181

182 **MOTION:** Commissioner Moss made a motion to adjourn the meeting. Commissioner
183 Thompson Seconded.

184

185 **All In Favor**

186

187 **The meeting was adjourned at 8:37PM.**