

# **PERRY CITY PLANNING COMMISSION**

## **REGULAR MEETING AGENDA**

**October 6, 2022**

**7:00 pm regular meeting**

**3005 S 1200 W Perry, UT**

The meeting will be open to the public. Meeting will also be held online.  
“Electronic Meeting” Web/Teleconferencing will be used.

The Perry City Planning Commission will hold an electronic meeting on the Thursday identified above, starting at approximately 7:00 PM, via web/teleconference. Go to [www.perrycity.org/whats-new.htm.htm](http://www.perrycity.org/whats-new.htm.htm) for meeting access instructions. Agenda items may vary depending on length of discussion, cancellation of scheduled items, or agenda alteration.

### **1. 7:00 p.m. – Call to Order and Opening Ceremonies**

**A. Declare Conflicts of Interest, If any**

### **2. Action Items**

**A. Final Plat Application – Acorn Ridge located at 104 W 1750 S Parcel #03-159-0141 Applicant: Michael Eyster**

**B. Final Plat Application – Harmony Cove located at approximately 690 W 2250 S Parcel #03-158-0159; 03-158-0169 Applicant: Brandt Miles**

**C. Final Plat Application – Mark at Lakepointe located at 2925 S Hwy 89 Parcel #02-029-0120 Applicant: Ryan Clark**

**D. Public Hearing – Ordinance 22-L Zone Change for Black Pine LLC from NC3 to R1/3 located at 1025 W 3700 S Parcel #02-038-0010 Applicant: Benjamin Neff**

**E. Preliminary Application for Olsen Orchards located at approximately 1025 W 3700 S Parcel #'s 02-038-0004; 02-038-0005; 02-038-0010; 02-038-0061; and 02-038-0069 Applicant: Benjamin Neff (White Rock Partners LLC)**

**F. Public Hearing – Ordinance 22-M Zone Change for Promontory Crossing LLC from IC to Industrial located at 950 S 1600 W Parcel #'s 03-236-0027; 03-236-0026 Applicant: Marc Fletcher**

**G. Preliminary Application – West Meadow Estates located at 2250 S 1200 W Parcel #03-157-0017 Applicant: Brinton Neff**

**H. Public Hearing – Ordinance 22-K Amending Swimming Pool Setbacks.**

### **3. Approval of the Minutes**

**A. August 4, 2022, Regular Planning Meeting**

**B. September 1, 2022, Regular Planning Meeting**

**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 13<sup>th</sup> & 27<sup>th</sup>)**

**5. Public Comment**

**6. Training**

**A. Staff**

**7. Review Next Agenda and Adjourn**

**A. Items for November agenda (next meeting November 3, 2022)**

**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; Box Elder News Journal; Perry City Website; and State Website; on this 19<sup>th</sup> day of September 2022. Any 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.

Perry City is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting

Time: Oct 6, 2022 07:00 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82201228126?pwd=R0p6WG1iMmM5V2JLdjVEVW1vOHROdz09>

Meeting ID: 822 0122 8126

Passcode: 185193

One tap mobile

+17193594580,,82201228126#,,,,\*185193# US

+12532158782,,82201228126#,,,,\*185193# US (Tacoma)

Dial by your location

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 564 217 2000 US

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 386 347 5053 US

Meeting ID: 822 0122 8126

Passcode: 185193

Find your local number: <https://us02web.zoom.us/j/kmC5p0l14>

Perry City Community Development

Printed: 10/03/2022

**Acorn Ridge**

09/06/2022 - 09/05/2023

9428552

**Subdivision: Final Plat  
Application**

c2990c80-2986-11ed-b49f-c5e8ed82f987

Subdivision: Final Plat Application

Active

Under Review

## Application Review Status

Pre-Review

Approved

*The application is ready for payment and we  
will place it on the Oct 6th Commission mtg.*

08/31/2022

Community  
Development

Not Reviewed

Final-Review

Not Reviewed

## Fees

## Payments

|                                     |                 |                   |            |                 |
|-------------------------------------|-----------------|-------------------|------------|-----------------|
| Subdivision: Final Plat Application | \$425.00        | 09/06/2022        | Card *3203 | \$425.00        |
| <b>Subtotal</b>                     | <b>\$425.00</b> | <b>Total Paid</b> |            | <b>\$438.00</b> |
| <b>Amount Paid</b>                  | <b>\$438.00</b> |                   |            |                 |
| <b>Total Due</b>                    | <b>-\$13.00</b> |                   |            |                 |

## Application Form Data

(Empty fields are not included)

Acknowledgement: The application fees are an estimate of the cost for the City to review the application. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.



Acknowledgement: Following approval of this application you will have 90 days to fund your escrow account to guarantee installation of required improvements, pay the direct costs required by code (seal coat and GIS), and record the plat.



Applicant First Name

Michael

Applicant Last Name

**Eyster**

Applicant Email

**m.eyster@outlook.com**

Applicant Phone Number

**(435) 730-6485**

Applicant Address

**104 W 1750 S**

City

**Perry**

State

**UT**

Zip

**84302**

Is the applicant the Property Owner?

**Yes**

Engineer/Surveyor Name or Company

**Utah Survey and GIS specialist**

Engineer/Surveyor Email

**Moore3417@msn.com**

Engineer/Surveyor Phone Number

**(801) 558-5159**

Subdivision Name

**Acorn Ridge**

Property Address

**104 W 1750 S**

Property Serial #

**03-159-0141**

Total Number of Lots/Units

**1**

Final Drawings and Submittals

 **sub\_plat-rev 3-N\_24x36[5136].pdf**

## Signature

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the applicable codes, standards, and the rules listed below.

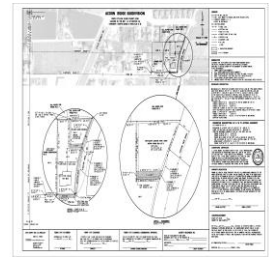
1. All sections of this application must be complete and will not be reviewed until fees have been received.
2. The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.
4. Complete application and approval requirements can be found in Perry Municipal Code Titles 14 and 15.

Michael D Eyster - 08/31/2022 5:43 pm

## Staff Report

October 6, 2022

Perry City Planning Commission



### Final Plat Application – Acorn Ridge, Mike Eyster - located at 104 W 1750 S

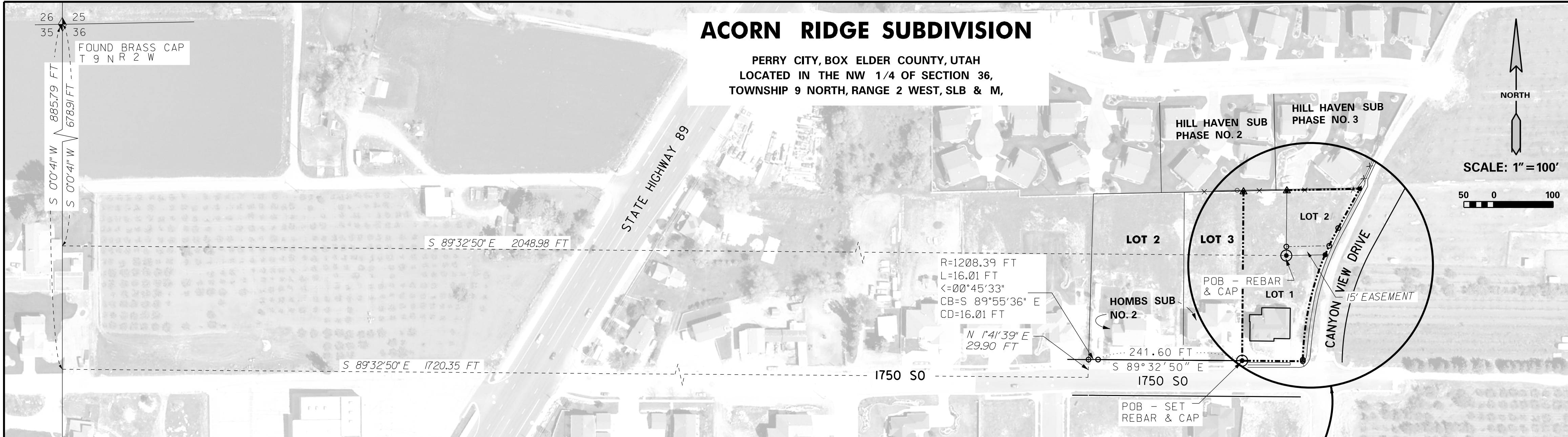
#### Summary

This subdivision involves a parcel of approximately 0.9 acres that will be divided into two building lots. There is an existing home on the property. The current zoning is R-1, which requires lots to be a minimum of 10,000 sf. The vacant building lot will be 10,426 sf (0.234 acres) and the lot with the existing home will be 0.63 acres.

A narrow strip of land along Canyon View Drive will be dedicated as right of way on the plat. The subdivider will need to finish a small section of sidewalk on 1750 S; otherwise, all improvements already exist adjacent to the property.

The application appears ready for approval.





- LEGEND**
- ▲ = SET PK NAIL ONLINE
  - = SET 5/8" REBAR 18 INCHES LONG WITH PLASTIC CAPS.
  - = PROPERTY CORNER / P. 1.
  - = POINT OF BEGINNING
  - ◆ = SECTION CORNER
  - X—X— = FENCE LINE
  - = SECTION LINE
  - - - - = POB TIE / PUE
  - = STREET RIGHT OF WAY LINE
  - R— = PROPERTY LINE
  - - - - = EASEMENT LINE
  - = LOT LINE
  - - - - = (PUE)
  - [ ] = SUBDIVISION BOUNDARY
  - [ ] = 15 FT EASEMENT

**NARRATIVE**

EVIDENCE FOR THIS SURVEY WAS TAKEN FROM RECORDED DEEDS AND PLATS, RECORD OF SURVEYS, AND PHYSICAL EVIDENCE OBTAINED IN ESTABLISHMENT OF THE BOUNDARY AS SHOWN HEREON. PLATS REFERENCED:

- HOMBS SUBDIVISION NUMBER 2.
- HILL HAVEN SUBDIVISION PHASE NUMBER 3.
- ROAD DEDICATION ENT #410320, BK 1408, PG 1589, 4-15-20.
- DEED - ENT #416145 - BK 1425, PG 1115, DATED 8-10-20.
- FILED SURVEY NO.2021-03844, DATED 12-16-21.
- AMENDED SURVEY FOR MIKE & ROBIN EYSTER NO. 2022-03955 DATED 8-30-22.

**BOUNDARY DESCRIPTION**

BEGINNING AT A POINT ON THE NORTH RIGHT OF WAY LINE OF 1750 SOUTH STREET, SAID POINT BEING S 0°0'41" W 885.79 FT ALONG THE SECTION LINE AND S 89°32'50" E 1720.35 FT AND N 1°41'39" E 29.90 FT AND ON A CURVE TO THE RIGHT WITH A RADIUS OF 1208.39, FOR A DISTANCE OF 16.01 FT, WITH A CENTRAL ANGLE OF 0°45'33" CHORD BEARS S 89°55'36" E 16.01 FT, AND S 89°32'50" E 241.60 FT FROM THE NORTHWEST CORNER OF SEC 36, T9N, R2W, SLB & M.

THENCE N 00°27'10" E 284.63 FT TO THE NE CORNER OF LOT 3;  
THENCE N 88°54'51" E 191.20 FT;  
THENCE S 28°15'02" W 72.87 FT;  
THENCE ON A CURVE TO THE LEFT, WITH A RADIUS OF 480.00 FT, FOR A DISTANCE OF 230.94 FT AND A CENTRAL ANGLE OF 27°34'02", CHORD BEARS S 14°27'50" W 228.72 FT;  
THENCE S 00°41'00" W 3.39 FT;  
THENCE N 89°32'50" W 101.76 FT TO THE POINT OF BEGINNING.  
CONTAINS 0.865 ACRES

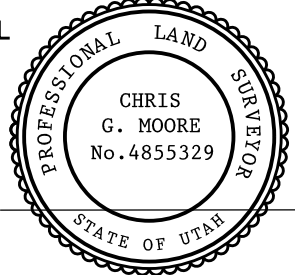
**PERIMETER DESCRIPTION OF A 15 FT ACCESS EASEMENT**  
(IN FAVOR OF LOT 1)

BEGINNING AT A POINT THAT IS S 0°0'41" W 678.91 FT ALONG THE SECTION LINE AND S 89°32'50" E 2048.98 FT FROM THE NORTHWEST CORNER OF SEC 36, T9N, R2W, SLB & M.

THENCE N 00°27'10" E 15.00 FT;  
THENCE N 88°54'51" E 73.24 FT;  
THENCE ON A CURVE TO THE LEFT, WITH A RADIUS OF 480.00 FT, FOR A DISTANCE OF 16.44 FT, AND A CENTRAL ANGLE OF 1°57'46", CHORD BEARS S 23°05'56" W 16.44 FT;  
THENCE S 88°54'51" W 66.91 FT TO THE POINT OF BEGINNING.

**SURVEYOR'S CERTIFICATE**

I, CHRIS MOORE, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH AND THAT I HOLD CERTIFICATE #4855329. I FURTHER CERTIFY THAT I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOT(S) HEREAFTER TO BE KNOWN AS "ACORN RIDGE SUBDIVISION" AND THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND.



**OWNER'S DEDICATION**

KNOWN ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOT(S) AS SHOWN ON THIS PLAT TO HEREAFTER BE KNOWN AS ACORN RIDGE SUBDIVISION, DO HEREBY DEDICATE, GRANT AND CONVEY TO PERRY CITY, BOX ELDER COUNTY, UTAH, ALL THOSE PARTS OR PORTIONS OF SAID TRACTS OF LAND DESIGNATED FOR PUBLIC UTILITY EASEMENTS (PUE) AND DRAINAGE PURPOSES AS SHOWN HEREON, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY PERRY CITY. WE ALSO GRANT AND CONVEY TO THE OWNERS OF LOT 1 A 15 FOOT PERPETUAL ACCESS EASEMENT ON AND ACCROSS THE SOUTHERN PORTION OF LOT 2 AS SHOWN HEREON. IN WITNESS WE HAVE HEREUNTO SET OUR SIGNATURE(S) THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
MICHAEL D. EYSTER

\_\_\_\_\_  
ROBIN L. EYSTER

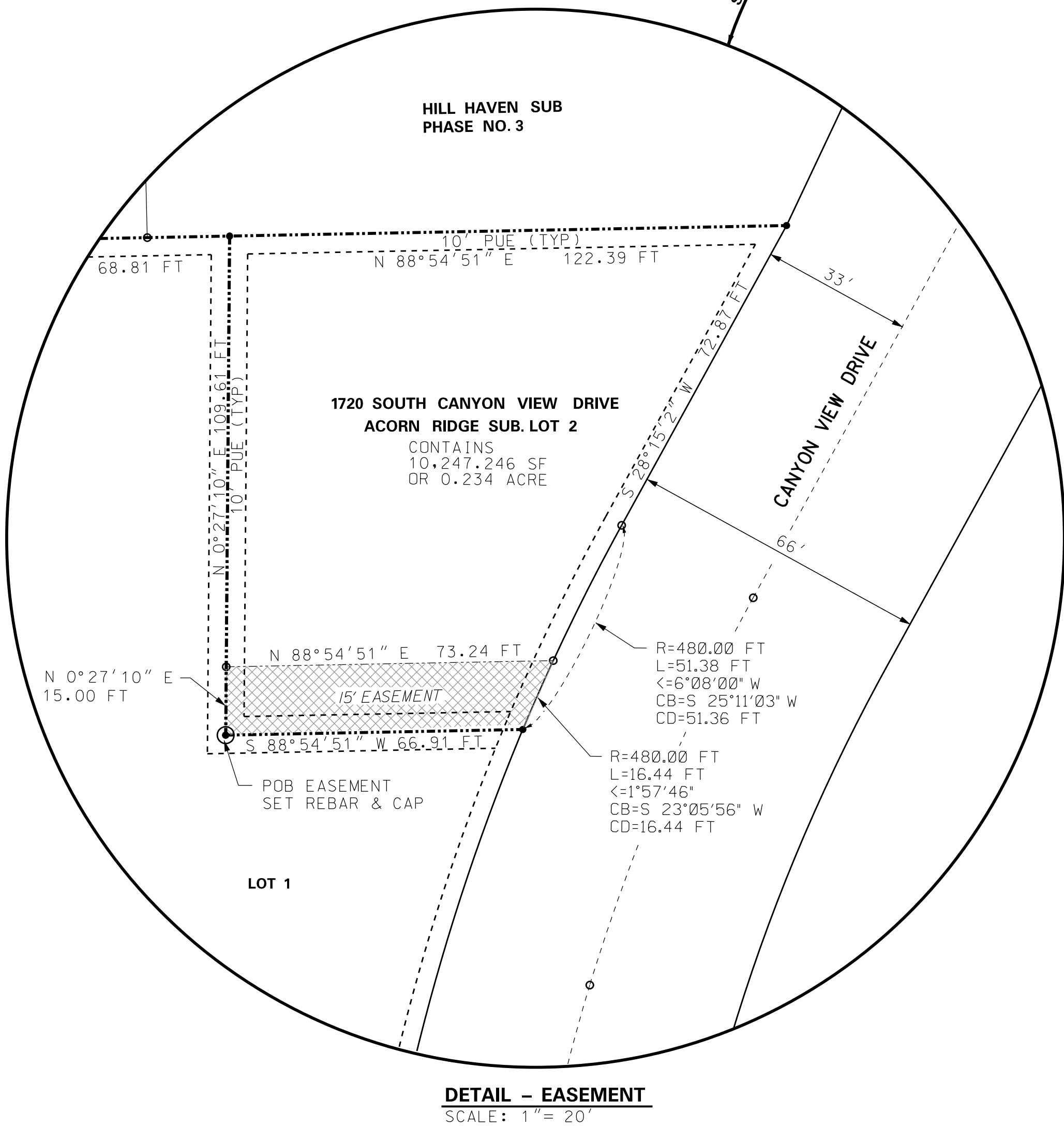
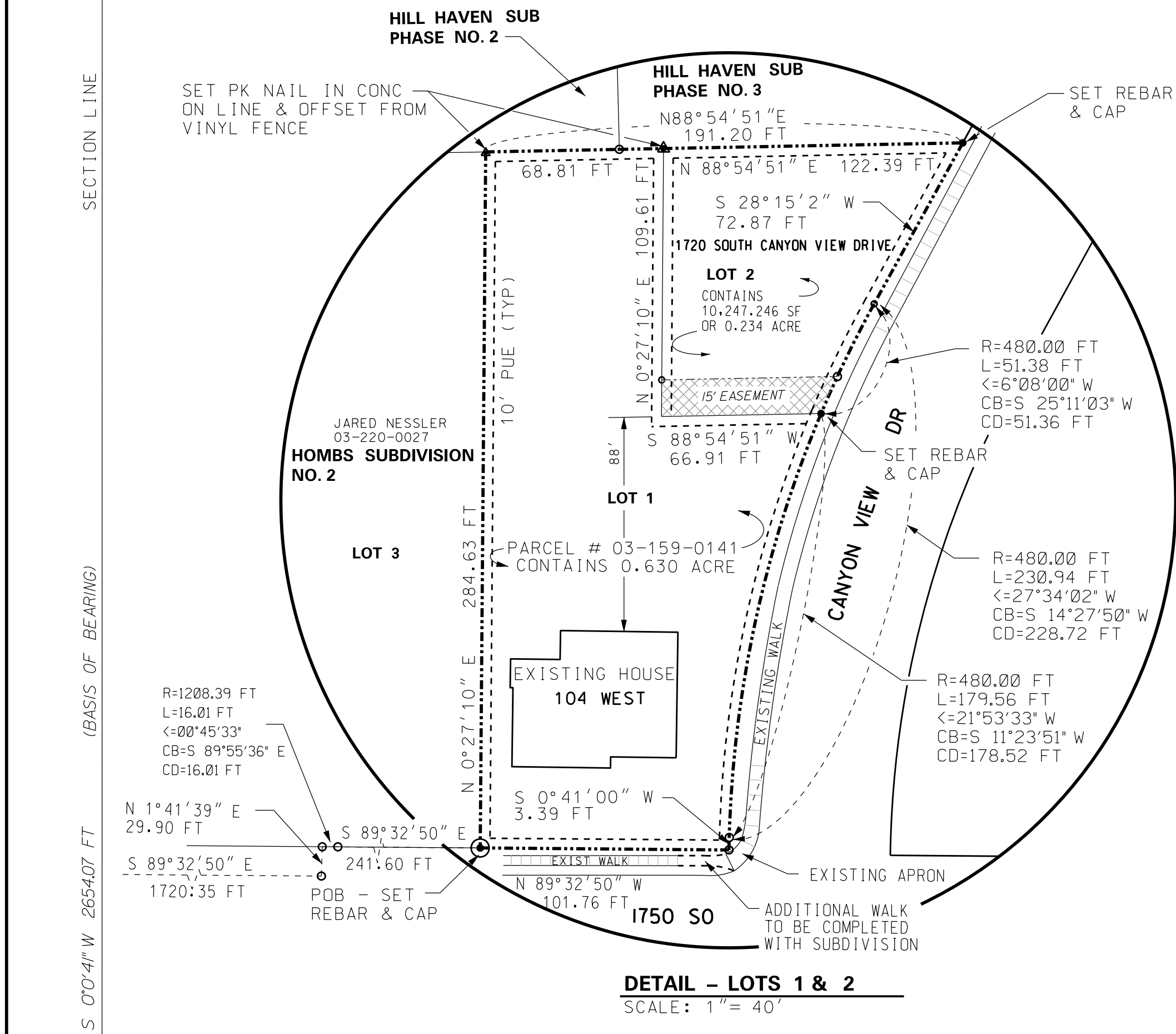
**ACKNOWLEDGEMENT**

STATE OF UTAH } S.S.  
COUNTY OF BOX ELDER }

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, MICHAEL D. EYSTER & ROBIN L. EYSTER, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY OF BOX ELDER, IN THE STATE OF UTAH, THE SIGNERS OF THE ATTACHED OWNERS DEDICATION, TWO IN NUMBERS, WHO DULY ACKNOWLEDGED TO ME THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE PURPOSE THEREIN MENTIONED.

MY COMMISSION EXPIRES \_\_\_\_\_ NOTARY PUBLIC

RESIDING IN \_\_\_\_\_ COUNTY, UTAH.



|                                                                                                                                                                    |                                                                                                                     |                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>UTAH SURVEY AND G.I.S.SPECIALIST</p> <p>CHRIS G. MOORE</p> <p>USGIS</p> <p>121 WEST 1775 SOUTH<br/>PERRY, UT 84302<br/>(801) 558-5159<br/>moore3417@msn.com</p> | <p>PERRY CITY ATTORNEY</p> <p>APPROVED AS TO FORM THIS<br/>____ DAY OF _____, 20____.</p> <p>_____<br/>ATTORNEY</p> | <p>PERRY CITY ENGINEER</p> <p>I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED<br/>AND FIND THAT IT IS CORRECT AND IN ACCORDANCE<br/>WITH THE INFORMATION ON FILE IN THE PERRY CITY OFFICE.<br/>THIS ____ DAY OF _____, 20____.</p> <p>_____<br/>ENGINEER</p> | <p>PERRY CITY PLANNING COMMISSION APPROVAL</p> <p>THIS IS TO CERTIFY THAT THIS SUBDIVISION PLAT WAS<br/>DULY APPROVED BY THE PERRY CITY PLANNING COMMISSION ON<br/>THE ____ DAY, OF _____, 20____.</p> <p>_____<br/>CHAIRMAN PLANNING COMMISSION</p> | <p>COUNTY RECORDER NO.</p> <p>STATE OF UTAH, COUNTY OF BOX ELDER,<br/>RECORDED AND FILED AT THE REQUEST OF _____<br/>DATE: _____ TIME: _____ FEE _____</p> <p>ABSTRACTED _____<br/>INDEX _____</p> <p>_____<br/>COUNTY RECORDER</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Perry City Community Development

Printed: 10/03/2022

## Harmony Cove

09/20/2022 - 09/19/2023

8211619

Subdivision: Final Plat  
Application

23f42730-35cb-11ed-b2ce-05b006e970d5

Subdivision: Final Plat Application

Active

Awaiting Final Approval

## Application Review Status

|                       |           |            |
|-----------------------|-----------|------------|
| Pre-Review            | Approved  |            |
| Community Development | Approved  | 09/16/2022 |
| Final-Review          | Reviewing | 09/21/2022 |

## Fees

|                    |                 |
|--------------------|-----------------|
| Minimum Fee        | \$425.00        |
| <b>Subtotal</b>    | <b>\$425.00</b> |
| <b>Amount Paid</b> | <b>\$425.00</b> |
| <b>Total Due</b>   | <b>\$0.00</b>   |

## Payments

|                   |             |                 |
|-------------------|-------------|-----------------|
| 09/20/2022        | Check #1416 | \$425.00        |
| <b>Total Paid</b> |             | <b>\$425.00</b> |

## Application Form Data

(Empty fields are not included)

Acknowledgement: The application fees are an estimate of the cost for the City to review the application. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.



Acknowledgement: Following approval of this application you will have 90 days to fund your escrow account to guarantee installation of required improvements, pay the direct costs required by code (seal coat and GIS), and record the plat.



Applicant First Name

Brandt

Applicant Last Name

## Miles

Applicant Email

**brandtdmiles@gmail.com**

Applicant Phone Number

**(801) 231-9130**

Applicant Address

**2381 S Bluff Ridge Dr.**

City

**SYRACUSE**

State

**UT**

Zip

**84075**

Is the applicant the Property Owner?

**Yes**

Engineer/Surveyor Name or Company

**Hansen & Associates**

Engineer/Surveyor Email

**jimf@haies.net**

Engineer/Surveyor Phone Number

**(435) 723-3491**

Subdivision Name

**Harmony Cove**

Property Address

**Box Elder Tax ID 03-158-0079 and western portion of Tax ID 03-158-0004**

Property Serial #

**03-158-0079**

Total Number of Lots/Units

**22**

Final Drawings and Submittals

- ☐ **Harmony Cove Plat.pdf**
- ☐ **Miles & Homes\_Harmony Cove Subdivision.pdf**
- ☐ **Miles-Harmony Cove - Townhomes.pdf**
- ☐ **Harmony Cove Subd 03-03-2022 (Stamped).pdf**

---

### Additional Project Notes

Yo have final plat already. This is just a resubmission for approval. thanks

---

---

## Signature

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the applicable codes, standards, and the rules listed below.

1. All sections of this application must be complete and will not be reviewed until fees have been received.
2. The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.
4. Complete application and approval requirements can be found in Perry Municipal Code Titles 14 and 15.

Brandt Miles - Invalid date

## Messages

Brandt, hopefully with this message you can access the online portal to provide a payment. We will only charge our minimum subdivision fee (\$425) rather than charging the per lot fee for this application.

# Staff Report

October 6, 2022

Perry City Planning Commission



**Final Subdivision – Brandt Miles**, located at approximately 2200 S Hwy 89

## UPDATE

This application was actually approved previously, however the applicant didn't realize they had a time limit to record the plat following approval. They worked with our legal counsel to withdraw their application and have now returned with a new application. Staff has no corrections to address and the application appears ready for approval.

## Summary

This application is for 20 townhome units and two single family lots. The development will be accessed through the Davis Creek Subdivision and all units are required to have fire sprinklers because Davis Creek already has 30 units on one access. The road and utilities in the development will be publicly owned and maintained.

## Code Compliance

The applicant has received engineering approval on their design drawings. It appears everything is in order for final approval.

## Considerations and Recommendations

Overview drawings of the development are attached to this staff report. Please contact staff if you would like to review additional details of the submitted plans or to ask any questions. Following approval of this application the applicant will need to fund their escrow account, pay the necessary direct costs to the city, and record their plat within 90 days.

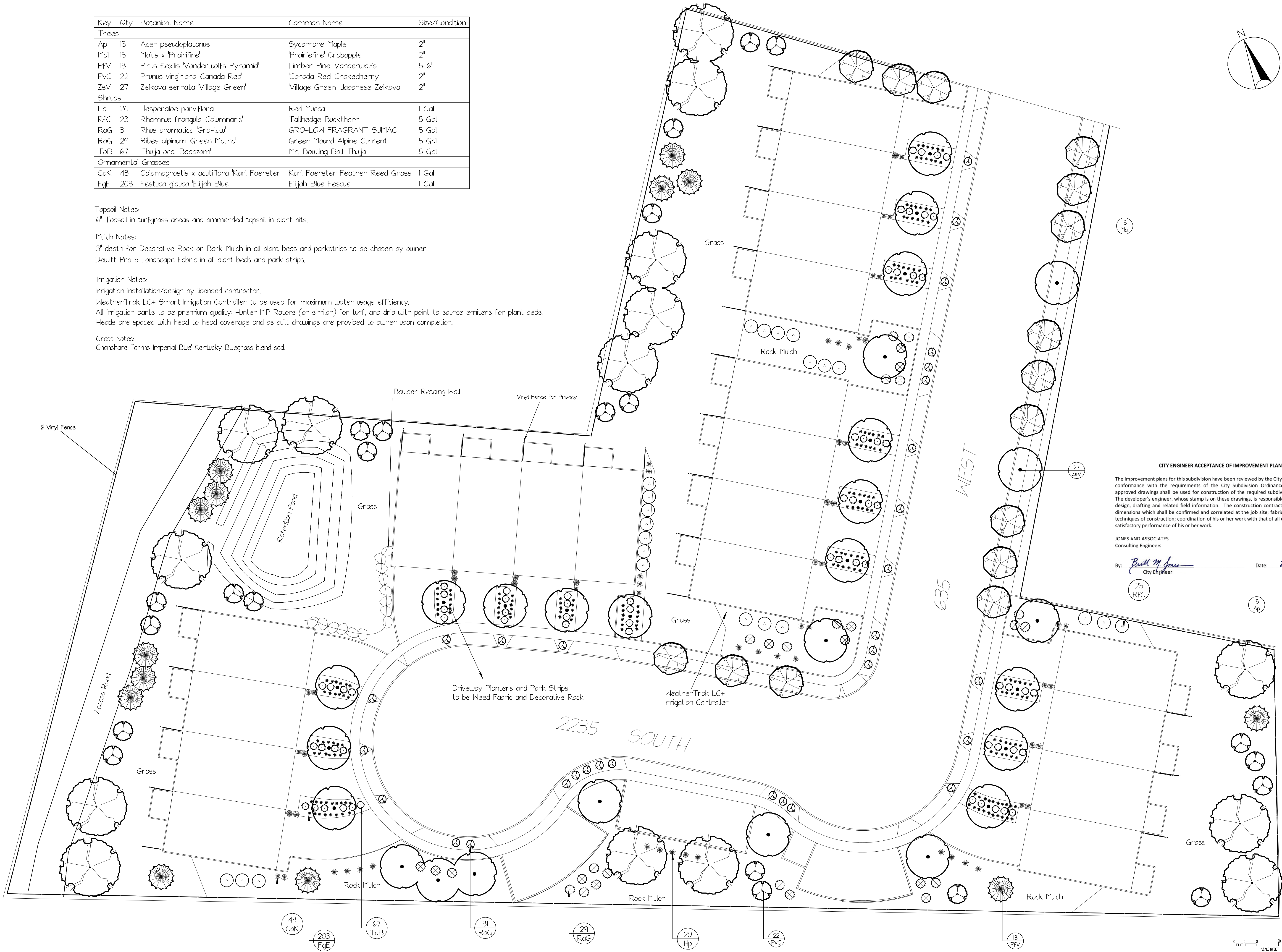
| Key                | Qty | Botanical Name                             | Common Name                      | Size/Condition |
|--------------------|-----|--------------------------------------------|----------------------------------|----------------|
| Trees              |     |                                            |                                  |                |
| Ap                 | 15  | Acer pseudoplatanus                        | Sycamore Maple                   | 2"             |
| Mal                | 15  | Malus x 'Prairifire'                       | 'Prairifire' Crabapple           | 2"             |
| PFV                | 13  | Pinus flexilis 'Vanderwolf's Pyramid'      | Limber Pine 'Vanderwolf's'       | 5'-6'          |
| PvC                | 22  | Prunus virginiana 'Canada Red'             | 'Canada Red' Chokecherry         | 2"             |
| ZsV                | 27  | Zelkova serrata 'Village Green'            | 'Village Green' Japanese Zelkova | 2"             |
| Shrubs             |     |                                            |                                  |                |
| Hp                 | 20  | Hesperaloe parviflora                      | Red Yucca                        | 1 Gal          |
| RfC                | 23  | Rhamnus frangula 'Columnaris'              | Tallhedge Buckthorn              | 5 Gal          |
| RaG                | 31  | Rhus aromatica 'Gro-low'                   | GRO-LOW FRAGRANT SUMAC           | 5 Gal          |
| RaG                | 29  | Ribes alpinum 'Green Mound'                | Green Mound Alpine Currant       | 5 Gal          |
| ToB                | 67  | Thuja occ. 'Bobozam'                       | Mr. Bowling Ball Thuja           | 5 Gal          |
| Ornamental Grasses |     |                                            |                                  |                |
| CoK                | 43  | Calamagrostis x acutiflora 'Karl Foerster' | Karl Foerster Feather Reed Grass | 1 Gal          |
| FgE                | 203 | Festuca glauca 'Elijah Blue'               | Elijah Blue Fescue               | 1 Gal          |

Topsail Notes:  
6" Topsail in turfgrass areas and ammended topsail in plant pits.

Mulch Notes:  
3" depth for Decorative Rock or Bark Mulch in all plant beds and parkstrips to be chosen by owner.  
Dewitt Pro 5 Landscape Fabric in all plant beds and park strips.

Irrigation Notes:  
Irrigation installation/design by licensed contractor.  
WeatherTrak LC+ Smart Irrigation Controller to be used for maximum water usage efficiency.  
All irrigation parts to be premium quality: Hunter MP Rotors (or similar) for turf, and drip with point to source emitters for plant beds.  
Heads are spaced with head to head coverage and as built drawings are provided to owner upon completion.

Grass Notes:  
Chanshare Farms 'Imperial Blue' Kentucky Bluegrass blend sod.



CITY ENGINEER ACCEPTANCE OF IMPROVEMENT PLANS

The improvement plans for this subdivision have been reviewed by the City Engineer for general conformance with the requirements of the City Subdivision Ordinance. This set of City approved drawings shall be used for construction of the required subdivision improvements. The developer's engineer, whose stamp is on these drawings, is responsible for the engineering design, drafting and related field information. The construction contractor is responsible for dimensions which shall be confirmed and correlated at the job site; fabrication processes and techniques of construction; coordination of his or her work with that of all other trades; and the satisfactory performance of his or her work.

JONES AND ASSOCIATES  
Consulting Engineers

By: *Brett M. Jones*  
City Engineer

Date: 2/10/2022



Harmony Cove Townhomes  
Miles and Homes Construction

Harmony Cove  
Townhomes  
2200 South & 400 West

Perry, Utah

SCALE 1" = 20'

DRAWN BY S Loveland

CHECKED BY Dan Loveland

DATE 1/24/22

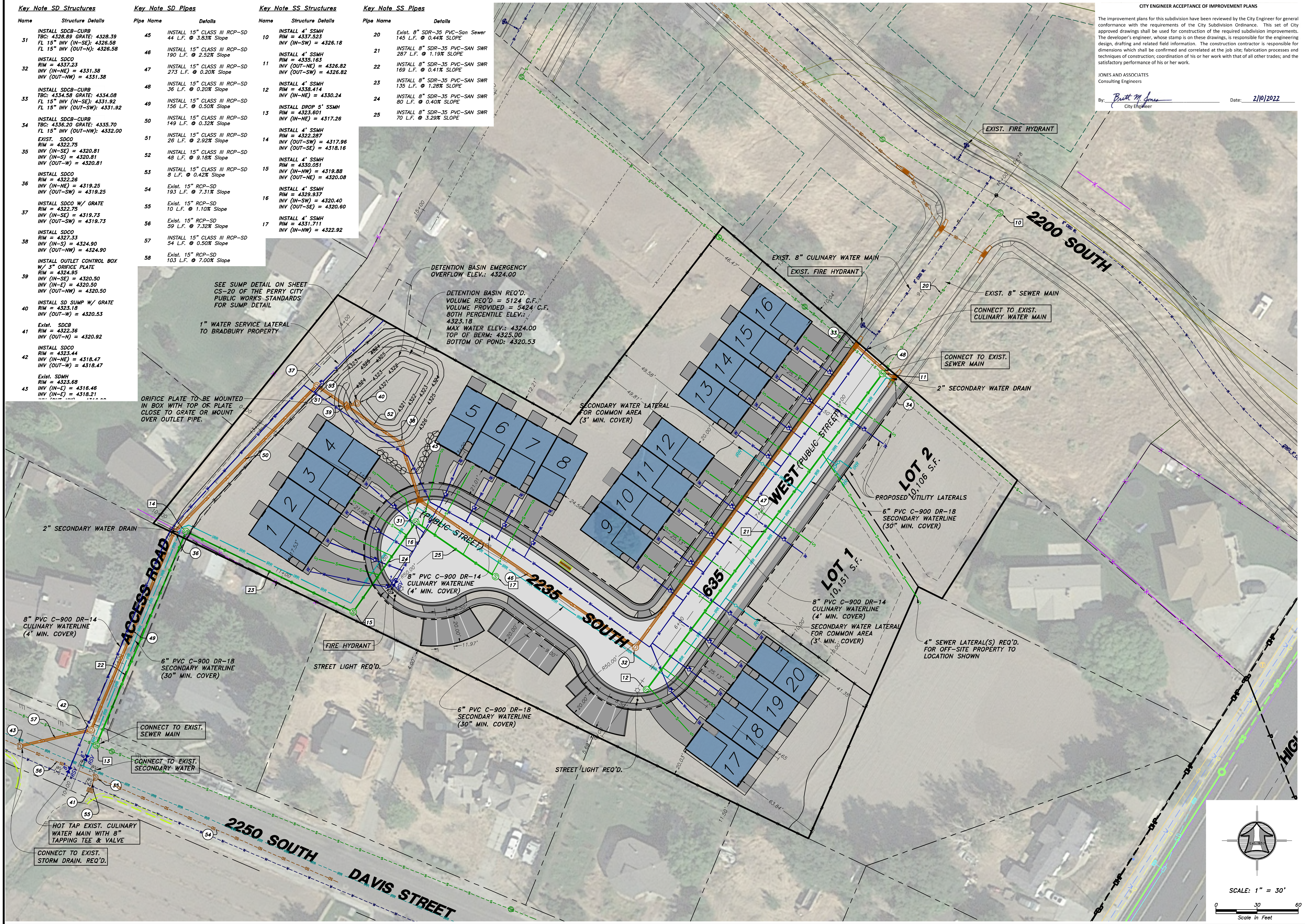
DATE OF PRINT 1/24/22

PROJECT NO.

SHEET NO.

L101

N:\2020\20-168 Brandt Miles drawings\20-168v19 PP 09-09-2021.dwg, 2/10/2022 1:11:03 PM, DWG To PDF.pc3



CITY ENGINEER ACCEPTANCE OF IMPROVEMENT PLANS

The improvement plans for this subdivision have been reviewed by the City Engineer for general conformance with the requirements of the City Subdivision Ordinance. This set of City approved drawings shall be used for construction of the required subdivision improvements. The developer's engineer, whose stamp is on these drawings, is responsible for the engineering design, drafting and related field information. The construction contractor is responsible for dimensions which shall be confirmed and correlated at the job site; fabrication processes and techniques of construction; coordination of his or her work with that of all other trades; and the satisfactory performance of his or her work.

JONES AND ASSOCIATES  
Consulting Engineers

By: *Brett M. Jones* Date: 2/10/2022  
City Engineer

Drawn By: MBJ Date: 02/10/22

Checked By: \_\_\_\_\_

Approved By: \_\_\_\_\_

Scale: 1" = 30'

Drawing File: 20-168 CP4.DWG

JOB NUMBER: 20-168

OVERALL UTILITY PLAN FOR

# Harmony Cove Subdivision

2200 South & 400 West  
Perry City, Box Elder County, Utah  
A Part of the Southeast Quarter of Section 2  
Township 10 North, Range 2 West, S.L.B.&M.

Sheet  
**3**  
of  
**9**  
Sheets

Stamp: JAMES B. JONES, Professional Engineer, No. 32882, State of Utah, Exp. 12/31/2024

Stamp: HANSEN & ASSOCIATES, INC., Consulting Engineers and Land Surveyors, 538 North Main Street, Brigham, Utah 84302, Visit us at www.hansen.net, Logon Ogden, (435) 399-4905 (801) 399-4905 (435) 752-8272, Celebrating over 60 Years of Business

MILES & HOMES - HARMONY COVE SUBDIVISION



MATERIAL PERCENTAGES:

FRONT ELEVATION VIEW:  
44% STONE  
30% STUCCO  
26% HARDIE

LEFT SIDE VIEW:  
40% STONE  
60% STUCCO

RIGHT SIDE VIEW:  
40% STONE  
60% STUCCO

REAR ELEVATION VIEW:  
40% HARDIE  
60% STUCCO

MATERIAL BOARD:

STONE OPTIONS:



DARK STONE OPTION:  
STIRLING DRY STONE -  
HARRISTONE ROCKS

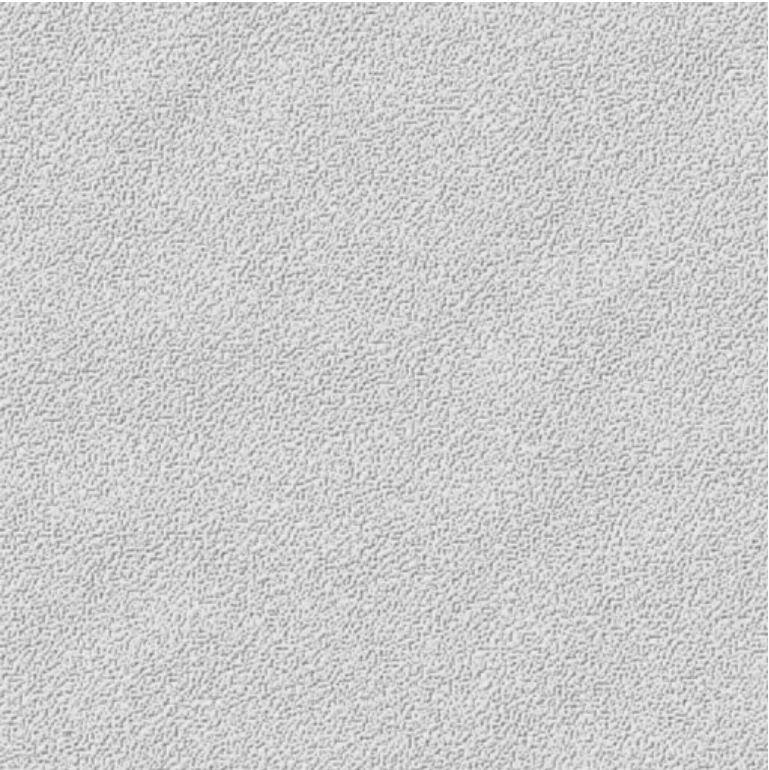


LIGHT STONE OPTION:  
HIGHLAND DRY STONE -  
HARRISTONE ROCKS

STUCCO OPTIONS:



DARK STUCCO OPTION:  
CHARCOAL GRAY STUCCO - SMOOTH  
FINISH



LIGHT STUCCO OPTION:  
GRAY WHITE STUCCO - SMOOTH  
FINISH

SIDING OPTIONS:



HARDIE SIDING OPTION:  
HORIZONTAL SIDING - WINCHESTER  
BROWN - RUSTIC SERIES

Perry City Community Development

Printed: 10/03/2022

**Mark at Lakepointe**

09/16/2022 - 09/15/2023

9829446

**Subdivision: Final Plat  
Application**

7dee6e60-355a-11ed-82e9-e532cd6aa113

Subdivision: Final Plat Application

Active

Under Review

## Application Review Status

|                          |              |            |
|--------------------------|--------------|------------|
| Pre-Review               | Approved     |            |
| Community<br>Development | Not Reviewed | 09/15/2022 |
| Final-Review             | Not Reviewed |            |

## Fees

|                                     |                   |
|-------------------------------------|-------------------|
| Subdivision: Final Plat Application | \$2,550.00        |
| <b>Subtotal</b>                     | <b>\$2,550.00</b> |
| <b>Amount Paid</b>                  | <b>\$2,626.75</b> |
| <b>Total Due</b>                    | <b>-\$76.75</b>   |

## Payments

|                   |            |                   |
|-------------------|------------|-------------------|
| 09/16/2022        | Card *6561 | \$2,550.00        |
| <b>Total Paid</b> |            | <b>\$2,626.75</b> |

## Application Form Data

(Empty fields are not included)

Acknowledgement: The application fees are an estimate of the cost for the City to review the application. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.



Acknowledgement: Following approval of this application you will have 90 days to fund your escrow account to guarantee installation of required improvements, pay the direct costs required by code (seal coat and GIS), and record the plat.



Applicant First Name

Ryan

Applicant Last Name

**Clark**

Applicant Email

**ryancclark42@gmail.com**

Applicant Phone Number

**(435) 512-9771**

Applicant Address

**16163 S Coupler Ln**

City

**Bluffdale**

State

**UT**

Zip

**84065**

Is the applicant the Property Owner?

**No**

Property Owner's First Name

**austin**

Property Owner's Last Name

**seegmiller**

Property Owner's Email

**austin@seepraconsulting.com**

Property Owner's Phone

**(801) 499-7424**

Property Owner's Address

**16163 S Coupler Ln**

City

**Bluffdale**

State

**UT**

Zip

**84065**

Authorized Owner/Agent Affidavit

 **Owners Affidavit.pdf**

Engineer/Surveyor Name or Company

**Elevate Engineering**

Engineer/Surveyor Email

**larvin@elevateng.com**

Engineer/Surveyor Phone Number

**(801) 718-5993**

Subdivision Name

**Mark at Lakepointe**

Property Address

**2925 S Hwy 89 Perry, UT 84302**

Property Serial #

**02-029-0120**

Total Number of Lots/Units

**18**

Final Drawings and Submittals

 **MARK AT LAKE POINTE CONDO PLAT - REV02.pdf**

 **MARK AT LAKE POINTE\_CIVIL\_OUT\_REV\_2.pdf**

## Signature

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the applicable codes, standards, and the rules listed below.

1. All sections of this application must be complete and will not be reviewed until fees have been received.
2. The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.
4. Complete application and approval requirements can be found in Perry Municipal Code Titles 14 and 15.

**Ryan Clark - 09/15/2022 6:57 pm**

# Staff Report

October 6, 2022

Perry City Planning Commission



**Final Plat Application – The Mark at Lake Pointe, Ryan Clark** - located at approximately 2925 S Hwy 89

## Summary

The property to be developed is approximately 1 acre in size and is zoned NC2. The submitted plans show 18 townhome units. The access for these units will be from Highway 89. UDOT has reviewed their proposal and has been involved in planning the location of the access.

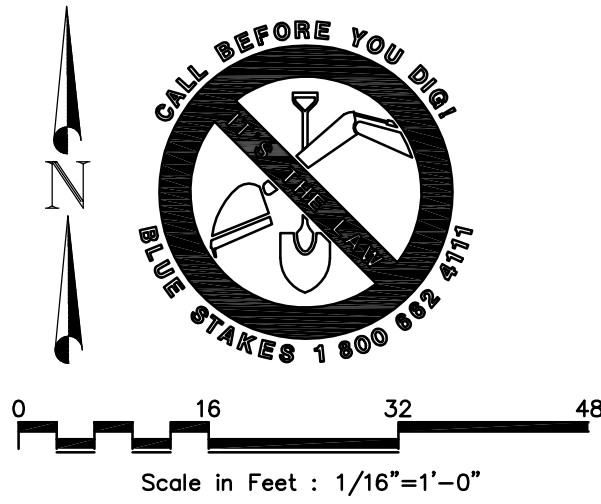
## Code Compliance

Several corrections and updates to the drawings have been made with the Design and Engineering Application, which is complete except for two items. 1 – Written access approval from UDOT. 2 – Letter from Pineview Water Systems stating the secondary can be provided to the project or cannot be provided. If Pineview water is available, it must be installed at the developer's cost.

## Considerations and Recommendations

This is an administrative application and appears ready for approval with some caveats and direction. UDOT has not raised any red flags or concerns in reviewing the proposed access. The Pineview water issue is likely easy to address once written confirmation from them is received. It is reasonable to consider approving this application with the condition that the plat is not signed by the city until these two items are addressed.

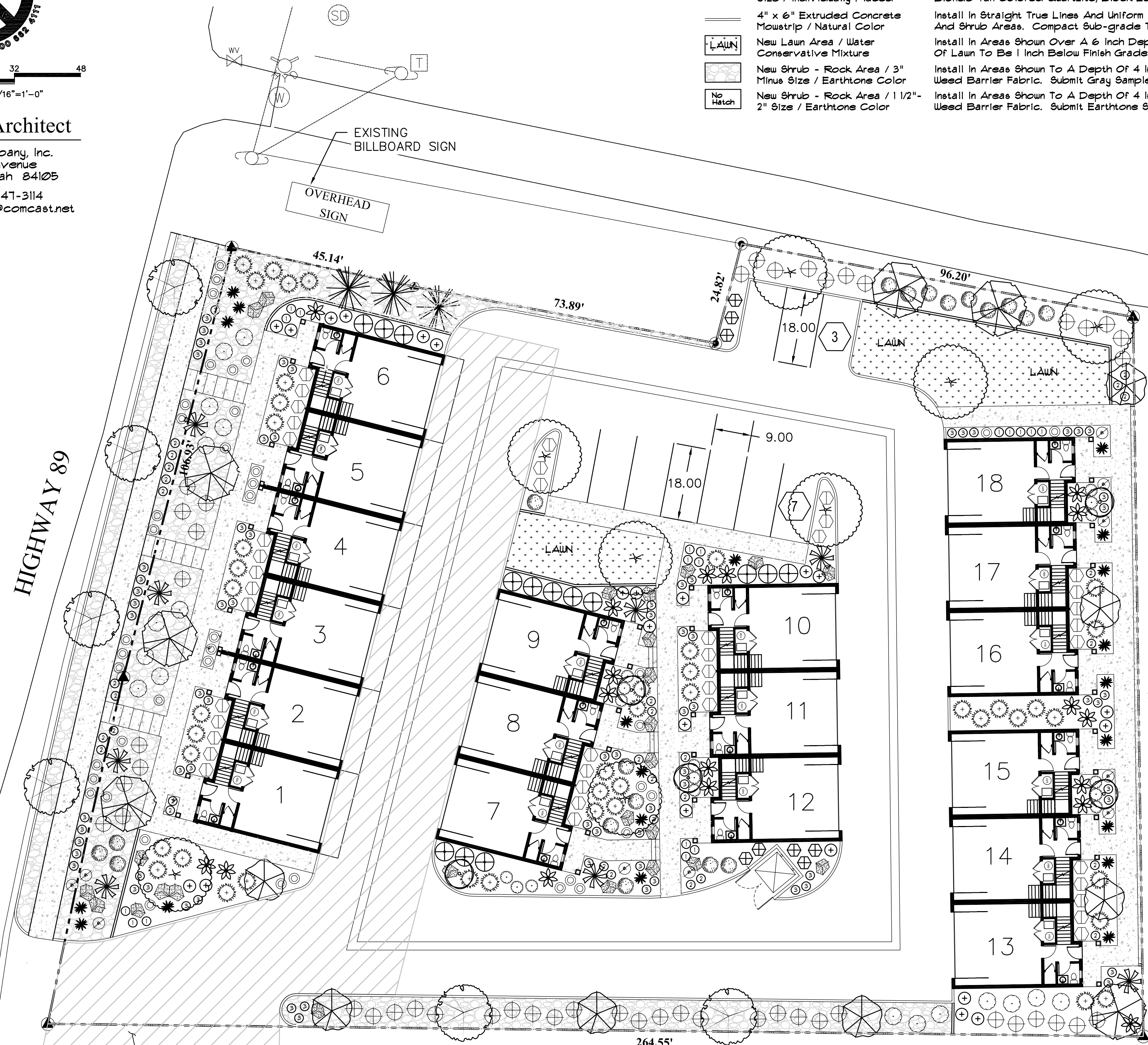
An overall drawing of the development is included in this packet. The complete drawing set is available from staff. Following approval of this application the applicant will need to fund their escrow account, pay the necessary direct costs to the city, and record their plat within 90 days.



## Landscape Architect

RDL Design Company, Inc.  
1020 East Yale Avenue  
Salt Lake City, Utah 84105  
Phone : 801-647-3114  
Email : rdl.design@comcast.net

HIGHWAY 89



## Legend

| Symbol | Description                                               | Remarks                                                                                                                                 |
|--------|-----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
|        | Landscape Boulder / 3'-4' Min. Size / Individually Placed | Boulder Type And Color Shall Be From Nearest Local Source, Blonde-Tan Colored Quartzite, Block Edges (Not Rounded).                     |
|        | 4" x 6" Extruded Concrete Mowstrip / Natural Color        | Install In Straight True Lines And Uniform Curves, 4' Between All Lawn And Shrub Areas. Compact Sub-grade To 90% Prior To Installation. |
|        | New Lawn Area / Water Conservative Mixture                | Install In Areas Shown Over A 6' Inch Depth Of Import Topsoil. Top Of Lawn To Be 1' Inch Below Finish Grade Of Concrete Surfaces.       |
|        | New Shrub - Rock Area / 3" Minus Size / Earthtone Color   | Install In Areas Shown To A Depth Of 4' Inches Over "DeWitt" Brand Weed Barrier Fabric. Submit Gray Sample For Approval.                |
|        | New Shrub - Rock Area / 1 1/2"-2" Size / Earthtone Color  | Install In Areas Shown To A Depth Of 4' Inches Over "DeWitt" Brand Weed Barrier Fabric. Submit Earthtone Sample For Approval.           |

## Plant List (TREES)

| Quan. | Symbol | Botanical Name                  | Common Name                | Size                       | Remarks                         |
|-------|--------|---------------------------------|----------------------------|----------------------------|---------------------------------|
| 6     |        | Crataegus crus-galli 'Crusader' | Cockspur Hawthorn          | 2" Calliper 8'-10' Height  | Full Head, Crown Straight Trunk |
| 5     |        | Koeleruteria p. 'Golden Candle' | Golden Candle Rain Tree    | 2" Calliper 8'-10' Height  | Full Head, Crown Straight Trunk |
| 3     |        | Pinus flexilis 'Vanderwolfae'   | Vanderwolfae Limber Pine   | 6'-8' Height B & B         | Full Throughout Specimen        |
| 1     |        | Fyrus calleryana 'Chanticleer'  | Chanticleer Flowering Pear | 2" Calliper 8'-10' Height  | Full Head, Crown Straight Trunk |
| 8     |        | Zelcova serrata 'Green Vase'    | Green Vase Zelcova         | 2" Calliper 10'-12' Height | Full Head, Crown Straight Trunk |
| 6     |        | Zelcova serrata 'Musashino'     | Musashino Zelcova          | 2" Calliper 10'-12' Height | Full Head, Crown Straight Trunk |

## Plant List (SHRUBS)

| Quan. | Symbol | Botanical Name                 | Common Name              | Size     | Remarks        |
|-------|--------|--------------------------------|--------------------------|----------|----------------|
| 10    |        | Berberis thund. 'Crimson Fygm' | Crimson Fygm Barberry    | 5 Gallon | 15"-18" Height |
| 10    |        | Physocarpus o. 'Summer Wine'   | Summer Wine Ninebark     | 5 Gallon | 24"-30" Height |
| 44    |        | Prunus besseyi 'Faunee Buttes' | Faunee Buttes Sandcherry | 5 Gallon | 18"-24" Spread |
| 17    |        | Rhus aromatica 'Low Grow'      | Low Grow Sumac           | 5 Gallon | 18"-24" Spread |
| 8     |        | Rhus typhina 'Baltiger'        | Tiger Eye's Sumac        | 5 Gallon | 24"-30" Height |
| 19    |        | Rosa 'Knock Out Red'           | Knock Out Red Rose       | 5 Gallon | 18"-24" Height |
| 15    |        | Spiraea bumalda 'Goldmound'    | Goldmound Spiraea        | 5 Gallon | 15"-18" Height |
| 22    |        | Spiraea japonica 'Neon Flash'  | Neon Flash Spiraea       | 5 Gallon | 15"-18" Height |
| 20    |        | Yucca filam. 'Golden Sword'    | Golden Sword Yucca       | 5 Gallon | 15"-18" Height |

## Plant List (ORNAMENTAL GRASSES)

| Quan. | Symbol | Botanical Name                    | Common Name             | Size     | Remarks        |
|-------|--------|-----------------------------------|-------------------------|----------|----------------|
| 8     |        | Calamagrostis a. 'Avalanche'      | Avalanche Feather Grass | 5 Gallon | 24"-30" Height |
| 41    |        | Calamagrostis a. 'Foerster'       | Foerster Feather Grass  | 5 Gallon | 24"-30" Height |
| 14    |        | Miscanthus sinensis 'Gracillimus' | Maiden Grass            | 5 Gallon | 24"-30" Height |
| 48    |        | Panicum virgatum 'Shenandoah'     | Shenandoah Switch Grass | 5 Gallon | 18"-24" Height |
| 41    |        | Pennisetum alopec. 'Hameln'       | Hameln Fountain Grass   | 5 Gallon | 15"-18" Height |

## Plant List (PERENNIALS)

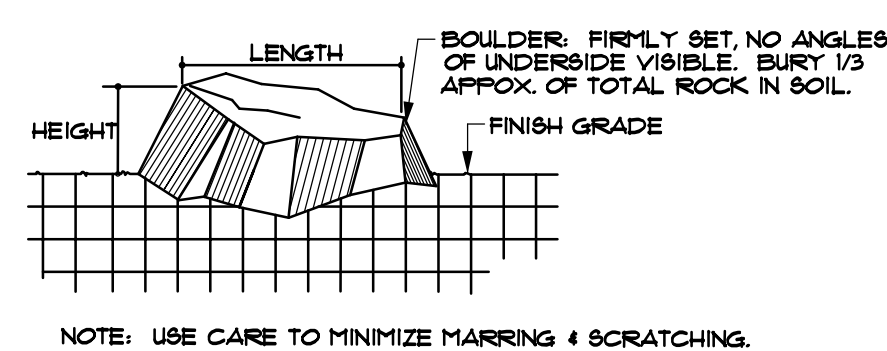
| Quan. | Symbol | Botanical Name              | Common Name           | Size     | Remarks  |
|-------|--------|-----------------------------|-----------------------|----------|----------|
| 18    |        | Hemerocallis 'Stella d'Oro' | Stella d'Oro Day Lily | 1 Gallon | Full Can |
| 25    |        | Lavandula 'Hidcote Blue'    | Blue Lavender         | 1 Gallon | Full Can |
| 15    |        | Salvia 'East Friesland'     | East Friesland Sage   | 1 Gallon | Full Can |

## Planting Notes

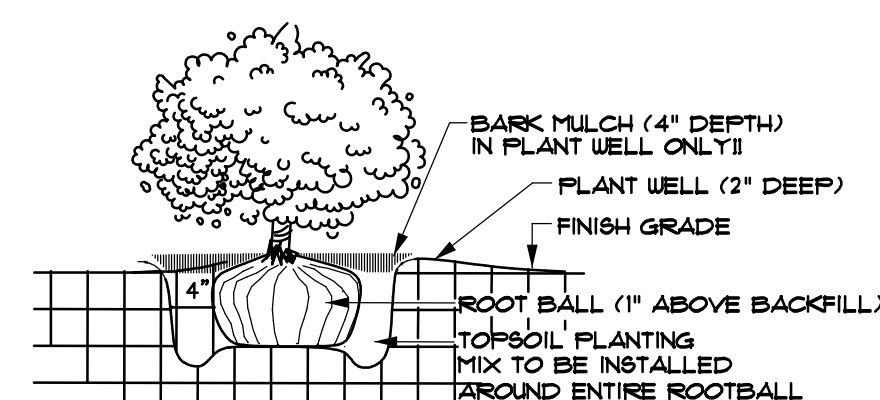
- All lawn areas shall receive a 6 inch depth of topsoil, shrub areas 4 inch depth. If topsoil is not available at the site, it must be imported from an approved local source. All topsoil shall be of a sandy loam consistency. Provide a chemical analysis of all topsoil for approval.
- Prior to placement of topsoil, all subgrade areas shall be loosened by scarifying the soil to a depth of 6 inches, by the use of mechanical means, in order to create a transition layer between existing and new soils.
- All plant material holes shall be dug twice the diameter of the rootball and 6 inches deeper. Excavated material shall be removed from the site.
- Plant backfill mixture shall be composed of 3 parts topsoil to 1 part humus additive (Soil Pep/or equal), and shall be rotary mixed on-site prior to installation.
- Plant fertilizer shall be 'Agriform' brand 21 gram tablets used as per manufacturers recommendations.
- Upon completion of planting operations, all shrub pits and tree wells shall receive a 4 inch depth of shredded bark mulch mixture as a cover. The overall shrub beds themselves (beyond plant wells) shall receive a 4" depth of decorative stone surfacing over Pro-5 weed barrier fabric.
- In decorative stone beds, cut the fabric from around the water well of each plant, then apply fine ground bark inside water well. The remainder of the planter bed shall receive the depth of decorative stone.
- Landscape maintenance shall be required for a period through the second mowing of the lawn (30 days minimum) and shall include weeding, pruning and one fertilization.
- The contractor shall comply with all warranties and guarantees set forth by the Owner, and in no case shall that period be less than two years following the date of completion and final acceptance.

## General Notes

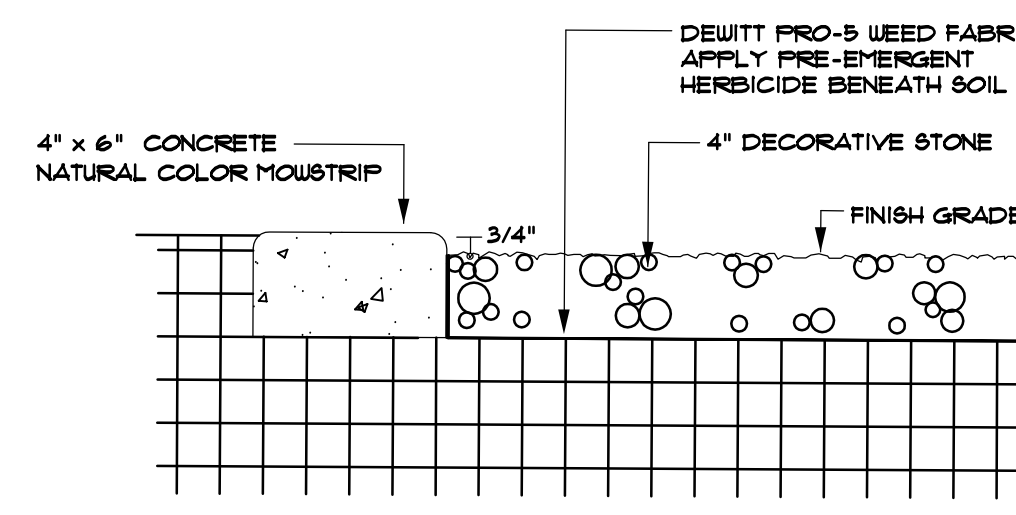
- All bidding landscape contractors shall have a minimum of 5 years experience in the installation of commercial landscapes and irrigation projects, and be able to supply the necessary staff to perform all tasks associated with these drawings, and in a professional and timely manner.
- The landscape contractor, at all times, shall have personnel on-site experienced in being able to interpret the drawings correctly, and accurately measure the design layout using the specified scales.
- The contractor shall verify the exact location of all existing and proposed utilities, and all site conditions prior to beginning work. The contractor shall coordinate his work with the project manager and all other contractors working on the site.
- The finish grade of all planting areas shall be smooth, even and consistent, free of any humps, depressions or other grading irregularities. The finish grade of all landscape areas shall be graded consistently 1/2" below all walks, curbs, etc.
- The contractor shall provide all materials, labor and equipment required for the proper completion of all landscape work as specified and shown on the drawings.
- The contractor shall plant all plants per the planting details, stakes/guy as shown. The top of the rootballs shall be planted flush with the finish grade.



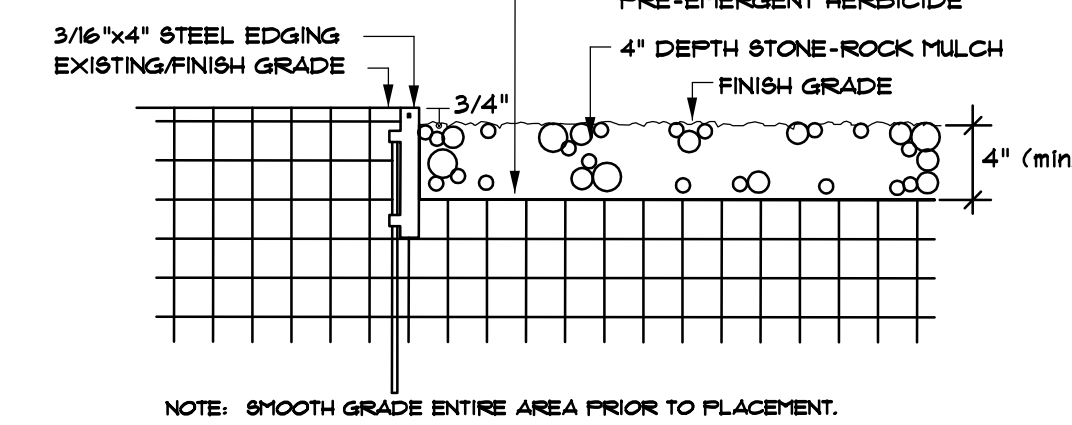
1 Decorative Boulder  
L-1 N.T.S.



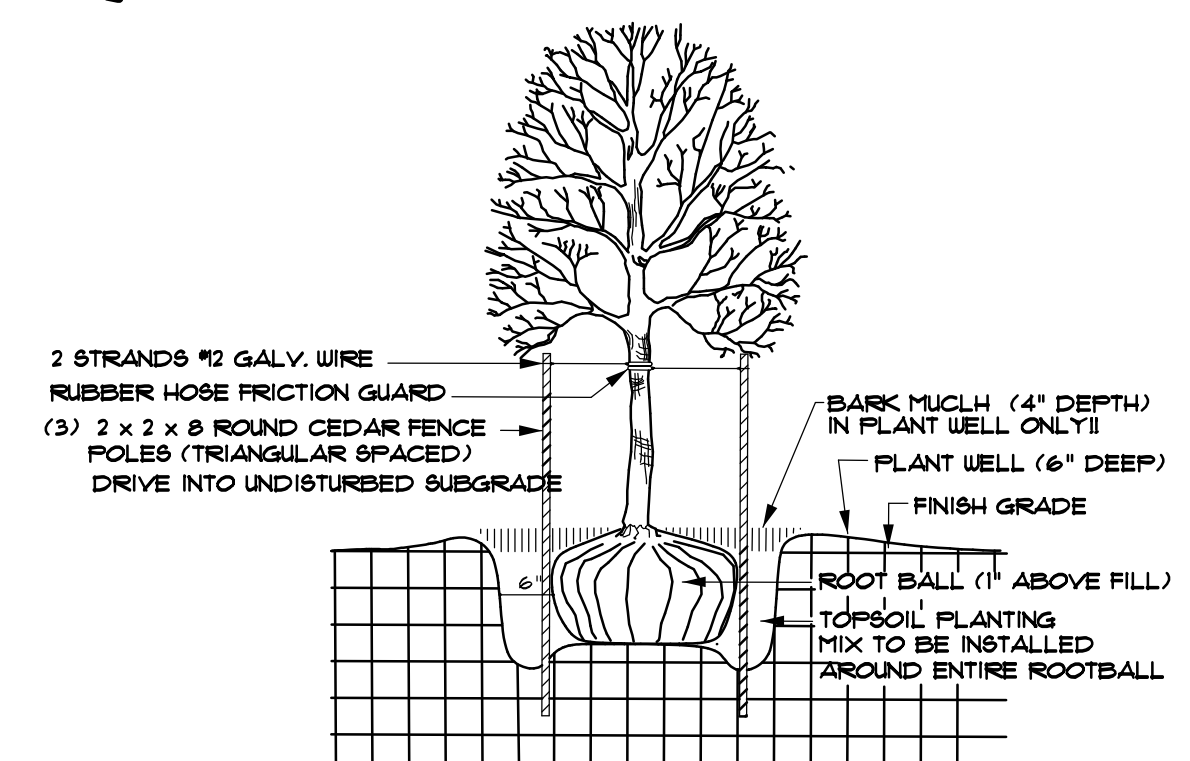
2 Shrub Planting  
L-1 N.T.S.



3 Mowstrip / Stone Mulch  
L-1 N.T.S.



4 Steel Edging / Stone Mulch  
L-1 N.T.S.

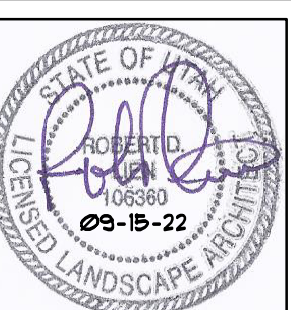


5 Tree Planting  
L-1 N.T.S.

ELEVATE ENGINEERING  
492 WEST 1200 NORTH  
SPRINGVILLE, UT 84663  
PHONE: (801) 718-5993  
lori@elevateeng.com

ELEVATE  
ENGINEERING

MARK AT LAKE POINTE SUBDIVISION  
LANDSCAPE PLAN  
2925 S. HIGHWAY 89 PERRY, UTAH 84302



SHEET:  
L-1  
DATE: 09-15-2022



B1  
A201  
6-PLEX FRONT ELEVATION  
SCALE: 3/16" = 1'-0"



D1  
A201  
6-PLEX REAR ELEVATION  
SCALE: 3/16" = 1'-0"



**FIVE DEGREES DESIGN**

3651 NORTH 100 EAST, STE 225  
PROVO, UTAH 84604  
801.960.9381  
architect@fivedegreesdesign.com

DATE: 25 MARCH 2022  
PROJECT #: 22-004  
DRAWN BY: RDW  
CHECKED BY: BCH

REVISIONS

PROJECT

**PERRY TOWNHOMES**

PRELIMINARY DESIGN

ADDRESS:  
2925 S HIGHWAY 89  
PERRY, UT 84302

**ARCHITECTURAL**

BUILDING 'A' -  
EXTERIOR ELEVATIONS

**A201**

## **NOTICE OF PERRY PLANNING COMMISSION PUBLIC HEARING**

Notice is hereby given that the Perry Planning Commission will hold, in the City Council Chambers at 3005 South 1200 West in Perry as well as electronically via zoom.com web/teleconferencing, a public hearing to receive public comment regarding Ordinance 22-L Zone Change for Black Pine LLC from NC3 to R1/3; Ordinance 22-M Zone Change for Promontory Crossing LLC from IC to Industrial; and Ordinance 22-K Amending Swimming Pool setbacks. Members of the public may view the meeting via Zoom using a link and instructions on the city web page at: <https://www.perrycity.org/whats-new.htm.htm> or attend in person within capacity limitations. 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 6, 2022. 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, City Treasurer/Planning Secretary.

Please Publish September 21, 2022

Perry City Community Development

Printed: 10/03/2022

**BlackPine LLC**

08/31/2022 - 08/30/2023

5329142

**Zone Change Application**

Zone Change

c2b90070-257c-11ed-8a0f-8f2bf18aee43

Under Review

Active

## Application Review Status

|                       |              |            |
|-----------------------|--------------|------------|
| Pre-Review            | Received     | 08/26/2022 |
| Community Development | Not Reviewed |            |
| Final-Review          | Not Reviewed |            |

## Fees

|                    |                 |
|--------------------|-----------------|
| Zone Change        | \$400.00        |
| <b>Subtotal</b>    | <b>\$400.00</b> |
| <b>Amount Paid</b> | <b>\$400.00</b> |
| <b>Total Due</b>   | <b>\$0.00</b>   |

## Payments

|                   |            |                 |
|-------------------|------------|-----------------|
| 08/31/2022        | Check #135 | \$400.00        |
| <b>Total Paid</b> |            | <b>\$400.00</b> |

## Application Form Data

(Empty fields are not included)

Name

BlackPine LLC

Phone Number

(435) 776-6772

Email

ben@theblackpinegroup.com

Mailing Address

1357 N 2000 W, Farr West, UT 84404

Interest in Property

Owner

Property Address

1025 W 3700 S, Perry, UT 84302

---

Property Serial #

020380010

---

Current Zoning Designation

NC3

---

Proposed Zoning Designation

R1/3

---

Purpose of Request

To rezone the property to comply with the general plan for single family housing

---

Conformance with the Perry City General Plan

In 2019 Neighborhood Commercial areas were limited to the northern part of Highway 89. This zone change brings the zoning into compliance with the general plan. Property owner is proposing a development that complies with the general plan with a focus on detached single-family housing as allowed in the R 1/3 zone. The focus of this area of the project will be detached single family homes on 15,000 square foot lots with CC&Rs design standards to provide the type of homes that match the quality of development in Perry. Internal to the project will be attached units and cottage homes which align with Perry's quadrant-based Multi-family Housing Density townhome allowance map and will assist Perry City with its moderate-income housing goals. The rezoned portion of the property will be utilized for single family detached units.

---

Additional Information

 Olsen Orchards Preliminary Site 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.

Benjamin Neff - 08/26/2022 2:22 pm

| Parcel_Num | OWNERNAME                     | SITUS                  | OWNERADDRE                                           |
|------------|-------------------------------|------------------------|------------------------------------------------------|
| 20360007   | SHIREL INVESTMENT CO LLC      |                        | 2088 S 1230 W<br>SYRACUSE, UT 84075                  |
| 20360009   | WEED REBECCA H TTEE ETAL      |                        | 710 W 3000 S<br>Perry, UT 84302                      |
| 20360010   | NIELSON VALENE K TTEE         |                        | 710 W 3000 S<br>PERRY, UT 84302-                     |
| 20370021   | JOHNSON BRADLEY V TTEE        | 970 W 3600 S           | 5005<br>970 W 3600 S<br>PERRY, UT 84302              |
| 20370022   | ANGELO AVE LLC SERIES 2 LLC   | 3564 S HWY 89          | 2974 E ALVERA DR<br>HOLLADAY, UT 84117               |
| 20370038   | ANGELO AVENUE LLC SERIES 1 LI |                        | 2974 E ALVERA DR<br>HOLLADAY, UT 84117               |
| 20370047   | SITES & WONDERS INC           | 1040 W 3600 S          | 1040 W 3600 S<br>PERRY, UT 84302                     |
| 20370052   | CHAMBERS KENDALL L ETAL       | 960 W 3600 S           | 960 W 3600 S<br>PERRY, UT 84302                      |
| 20370053   | CHAMBERS KENDALL L ETAL       |                        | 960 W 3600 S<br>PERRY, UT 84302                      |
| 20380004   | WHITE ROCK PARTNERS LLC       |                        | 1357 N 2000 W<br>FARR WEST, UT<br>84404              |
| 20380005   | WHITE ROCK PARTNERS LLC       |                        | 1357 N 2000 W<br>FARR WEST, UT<br>84404              |
| 20380010   | RW CUSTOM INC                 |                        | 2120 N 400 E<br>NORTH OGDEN, UT<br>84414             |
| 20380011   | FLINT WILLIAM D ETAL          | 3755 S HARGIS HILL RD. | 3755 S HARGUS HILL<br>RD<br>PERRY, UT 84302-         |
| 20380012   | GOMEZ RUDY                    | 3775 S HARGIS HILL RD. | 4239<br>3775 S HARGUS HILL<br>RD<br>PERRY, UT 84302- |
| 20380013   | QUALITY CARE LLC              | 3820 S HWY 89          | 131 E 300 N<br>WILLARD, UT 84340                     |
| 20380039   | SHIREL INVESTMENT CO LLC      |                        | 2088 S 1230 W<br>SYRACUSE, UT 84075                  |

|                                        |               |                                                |
|----------------------------------------|---------------|------------------------------------------------|
| 20380052 HARRIS ZACHARY G ETUX         | 3605 S HWY 89 | 3605 SOUTH HWY 89<br>BRIGHAM CITY, UT<br>84302 |
| 20380061 WHITE ROCK PARTNERS LLC       |               | 1357 N 2000 W<br>FARR WEST, UT<br>84404        |
| 20360005 BLAKELEY JASON JT             | 3607 S HWY 89 | 3607 S HWY 89<br>PERRY, UT 84302               |
| 20360021 HARRIS GUY ETUX               | 3615 S HWY 89 | 3615 S HWY 89<br>PERRY, UT 84302               |
| 20370035 HALES JACOB ETUX              |               | 3585 S HWY 89<br>PERRY, UT 84302               |
| 20380069 WHITE ROCK PARTNERS LLC       |               | 1357 N 2000 W<br>FARR WEST, UT<br>84404        |
| 20370054 RICKS SHANNA TTEE<br>CONFLICT | 3359 S HWY 89 | 3555 S HWY 89<br>PERRY, UT 84302               |

September 15, 2022

## Notice of Planning Commission Public Hearing

October 6, 2022

3005 S 1200 W

Perry, Utah 84302

**Application:** Zone Change from NC3 to R1/3

**Applicant:** Black Pine LLC (Benjamin Neff)

**Location:** 1025 W 3700 S (02-038-0010)

Dear Property Owner:

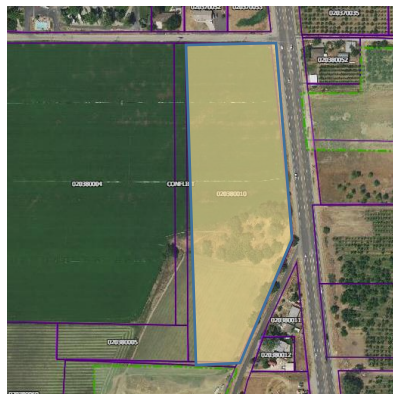
As required by ordinance, you and all other property owners within 300 feet of the above referenced location are being notified of the application referenced above. Interested persons are invited to attend the upcoming Planning Commission Meeting and provide public comment during the public hearing. 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 October 6, 2022. You can access this meeting via zoom by going to <https://perrycity.rainadmin.com/whats-new.htm.htm>, or you may also attend in person. A final recommendation by the Planning Commission regarding this application will most likely occur during this meeting. This application will likely be reviewed by the Perry City Council on Thursday October 27, 2022 at 7:00 p.m.

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

Sincerely,

Tyra Bischoff  
Perry City Deputy Recorder



Perry City Community Development

Printed: 10/03/2022

## Olsen Orchards

08/31/2022 - 08/30/2023

0387076

**Subdivision: Preliminary  
Application**

41056c40-2571-11ed-8a0f-8f2bf18aee43

Subdivision: Preliminary Application

Active

Under Review

## Application Review Status

|                                 |              |            |
|---------------------------------|--------------|------------|
| Pre-Review                      | Received     |            |
| Brigham City Fire<br>Department | Not Reviewed | 08/26/2022 |
| Community<br>Development        | Not Reviewed |            |
| Final-Review                    | Not Reviewed |            |

## Fees

Subdivision: Preliminary Application \$15,000.00  
(Residential)**Subtotal \$15,000.00****Amount Paid \$15,000.00****Total Due \$0.00**

## Payments

08/31/2022 Check #135 \$15,000.00

**Total Paid \$15,000.00**

## Application Form Data

(Empty fields are not included)

Applicant First Name

White Rock Partners LLC

Applicant Last Name

White Rock Partners LLC

Applicant Email

ben@theblackpinegroup.com

Applicant Phone Number

**(435) 776-6772**

Applicant Address

**1357 N 2000 W**

City

**Farr West**

State

**UT**

Zip

**84404**

Is the Applicant the Property Owner?

**Yes**

Engineer/Surveyor Name or Company

**Hansen & Associates/Jim Flint**

Engineer/Surveyor Email

**jimf@haies.net**

Engineer/Surveyor Phone Number

**(435) 723-3491**

Subdivision Name

**Olsen Orchards**

Property Address

**1025 W 3700 S**

Property Serial #

**020380004**

Preliminary Drawings

 **Drainage Calculations -4-1-2022.xls**

 **Conceptual Townhome Elevations.pdf**

 **Olsen Orchards Preliminary Submittal.pdf**

Total Number of Lots/Units

**147**

Is this a Residential or Commercial development?

**Residential**

Additional Project Notes

**Development also includes adjacent parcels with property serial numbers ending in 0005, 0010, 0061, and 0069.**

Check each item to acknowledge it has been included with the application. The following items will apply to most subdivisions, although there may be exceptions.

**Preliminary Plat, Layout of lots including lot sizes and dimensions, Layout of proposed and adjacent roads including a proposed street section(s), Preliminary utility plan, Preliminary storm water plan, Existing structures and natural features, Data indicating the number of lots/units, percentage of landscaping, density of units per acre, buildable area for each lot., Preliminary compliance with design standards as applicable**

---

Will this proposed development include multi-family dwelling units, apartments, or commercial/industrial development?

**Yes**

---

Is this proposed development adjacent to Highway 89?

**Yes**

---

There are specific design requirements for developments with multi-family dwelling units or apartments as well as any development along Highway 89. Have you submitted information to show preliminary compliance with the design standards found in Chapter 15.18 of the Perry Municipal Code? This will include a preliminary landscape plan and preliminary architectural details.

**Yes**

---

## Signature

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the applicable codes, standards, and the rules listed below.

1. All sections of this application must be complete and will not be reviewed until fees have been received.
2. The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.
4. This application will be placed on the next available Planning Commission agenda AFTER necessary updates are made in response to staff comments. These updates will be required to ensure Planning Commission reviews drawings that are substantially complete and responsive to the application requirements found in the Perry Municipal Code.
5. Complete application and approval requirements can be found in Perry Municipal Code Titles 14 and 15.

**Benjamin Neff - 08/26/2022 12:59 pm**

| Parcel_Num | OWNERNAME                   | OWNERADDRE                                              |
|------------|-----------------------------|---------------------------------------------------------|
| 20360007   | SHIREL INVESTMENT CO LLC    | 2088 S 1230 W<br>SYRACUSE, UT 84075<br>710 W 3000 S     |
| 20360009   | WEED REBECCA H TTEE ETAL    | Perry, UT 84302                                         |
| 20360010   | NIELSON VALENE K TTEE       | 710 W 3000 S<br>PERRY, UT 84302-5005<br>970 W 3600 S    |
| 20370021   | JOHNSON BRADLEY V TTEE      | PERRY, UT 84302                                         |
| 20370022   | ANGELO AVE LLC SERIES 2 LLC | 2974 E ALVERA DR<br>HOLLADAY, UT 84117<br>1040 W 3600 S |
| 20370047   | SITES & WONDERS INC         | PERRY, UT 84302<br>2850 S 1200 W                        |
| 20370048   | ADL STORAGE LLC             | PERRY, UT 84302<br>960 W 3600 S                         |
| 20370052   | CHAMBERS KENDALL L ETAL     | PERRY, UT 84302<br>960 W 3600 S                         |
| 20370053   | CHAMBERS KENDALL L ETAL     | PERRY, UT 84302<br>1045 W 3600 S                        |
| 20380064   | WOOD THOMAS K JT            | PERRY, UT 84302                                         |
| 20380004   | WHITE ROCK PARTNERS LLC     | 1357 N 2000 W<br>FARR WEST, UT 84404                    |
| 20380005   | WHITE ROCK PARTNERS LLC     | 1357 N 2000 W<br>FARR WEST, UT 84404                    |
| 20380010   | RW CUSTOM INC               | 2120 N 400 E<br>NORTH OGDEN, UT 84414                   |
| 20380011   | FLINT WILLIAM D ETAL        | 3755 S HARGUS HILL RD<br>PERRY, UT 84302-4239           |
| 20380012   | GOMEZ RUDY                  | 3775 S HARGUS HILL RD<br>PERRY, UT 84302-4239           |
| 20380013   | QUALITY CARE LLC            | 131 E 300 N<br>WILLARD, UT 84340                        |
| 20380014   | MOLINA JUAN M BRAVO         | 3855 HARGUS HILL ROAD<br>PERRY, UT 84302                |

|                                             |                                             |
|---------------------------------------------|---------------------------------------------|
| 20380015 QUALITY CARE LLC                   | 131 E 300 N<br>WILLARD, UT 84340            |
| 20380016 QUALITY CARE LLC                   | 131 E 300 N<br>WILLARD, UT 84340            |
| 20380039 SHIREL INVESTMENT CO LLC           | 2088 S 1230 W<br>SYRACUSE, UT 84075         |
| 20380063 PHIPPS ALAN PAUL TTEE              | 1095 W 3600 S<br>PERRY, UT 84302            |
| 20380052 HARRIS ZACHARY G ETUX              | 3605 SOUTH HWY 89<br>BRIGHAM CITY, UT 84302 |
| 20380057 NELSON KIERSTEN M                  | 1185 W 3600 S<br>PERRY, UT 84302            |
| 20380058 JENSEN JERRY R JT                  | 1155 W 3600 S<br>BRIGHAM CITY, UT 84302     |
| 20380061 WHITE ROCK PARTNERS LLC            | 1357 N 2000 W<br>FARR WEST, UT 84404        |
| 20360005 BLAKELEY JASON JT                  | 3607 S HWY 89<br>PERRY, UT 84302            |
| 20360021 HARRIS GUY ETUX                    | 3615 S HWY 89<br>PERRY, UT 84302            |
| 20370035 HALES JACOB ETUX                   | 3585 S HWY 89<br>PERRY, UT 84302            |
| 20380069 WHITE ROCK PARTNERS LLC            | 1357 N 2000 W<br>FARR WEST, UT 84404        |
| 20380068 OLSEN BARNEY JT                    | 1111 W 3600 S<br>PERRY, UT 84302            |
| 20370054 RICKS SHANNA TTEE                  | 3555 S HWY 89<br>PERRY, UT 84302            |
| 20350082 PERRY CITY CORPORATION             | 3005 S 1200 W<br>PERRY, UT 84302            |
| 20350084 PERRY CITY CORPORATION<br>CONFLICT | 3005 S 1200 W<br>PERRY, UT 84302            |

September 15, 2022

## Notice of Planning Commission Meeting

October 6, 2022

3005 S 1200 W

Perry, Utah 84302

**Application:** Preliminary Subdivision Application (Olsen Orchards)

**Applicant:** White Rock Partners LLC (Benjamin Neff)

**Location:** Approximately 1025 W 3700 S (02-038-0004; 02-038-0005; 02-038-0010; 02-038-0061; and 02-038-0069)

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. The preliminary subdivision application proposes the creation of 147 single and multi-family mix subdivision. Interested persons are invited to attend the upcoming Planning Commission Meeting on Thursday October 6, 2022, at 7:00 p.m.

You can access this meeting via zoom by going to <https://perrycity.rainadmin.com/whats-new.htm.htm>.

*The subdivision application will NOT include a Public Hearing. Please note the following important information:*

- *The decision on the application is administrative in nature and the application will be reviewed for code compliance only. Law provides that administrative land use applications must be approved if they meet applicable regulations, regardless of public sentiment. The Planning Commission Chairperson may or may not allow comments during the meeting. While your comments are highly valued, they may not (and depending on the comment, cannot) change the outcome of the application.*
- *Appropriate public comments should be submitted in writing prior to the public meeting and will help identify potential concerns related to code compliance, not whether the proposal is viewed favorably by the public. Keeping your public comments brief and applicable to the role and responsibilities of the Planning Commission will help all involved parties maintain focus and productivity.*
  - *An example of a useful comment would be: "I reviewed the application package and noticed the lots of the proposed subdivision are one quarter acre in size; however I believe the current zoning requires lots to be one-third of an acre.*
  - *An example of an ineffective comment would be: "I haven't reviewed the application package or City code, but I don't like the proposed subdivision and*

- *Please contact the applicant directly to communicate in a civil manner any matters of a subjective nature.*
- *If you feel the City's current land use regulations need changed, please contact City staff to discuss your concerns and proposed solutions. If eventually adopted, any regulation changes would apply to future applications only.*

Tyra Bischoff  
Perry City Planning Secretary



# Staff Report

October 6, 2022

Perry City Planning Commission



**Preliminary Subdivision – Ben Neff/Gene Stephens**, located at approximately 1100 W 3600 S

## Summary

This preliminary subdivision application proposes 103 single-family homes and 44 townhomes. The total project comprises approximately 55 acres. The development is adjacent to 1200 W, 3600 S, Hwy 89, and Hargis Hill Road.

The submitted plans show one access to 1200 W, two on 3600 S, and one access onto Hwy 89 (realignment of Hargis Hill Rd). The subdivision is proposed to be developed in five phases. Significant investment in utilities are needed for this development.

1. The culinary water line in 1200 W will be upsized from 6" to 10".
2. A connection to the sewer main line to the west is required. The design and routing of this connection is still in process.
3. Pineview secondary water will be brought in from off-site.

## Code Compliance

Staff has provided several comments related to the forthcoming detailed plans and engineering. Most comments related to the preliminary plans have been addressed. These memos have been attached to this staff report. For this application

For the preliminary application only two comments remain:

1. Adjust the frontage for the culdesac lots to meet code minimums.
2. Address the wetlands (Parcel A) regarding ownership and maintenance.

The townhomes follow the grid lines of our density map. They also stay under our density threshold of 16 units per acre.

## Considerations and Recommendations

This application is an administrative item and should be approved if our code requirements are met. While there are several engineering details to address moving forward, it appears that the preliminary plans are sufficient for approval at this time.

NORTHWEST CORNER OF SEC. 11,  
T. 8 N., R. W. W., SLB&M  
FOUND B.E. CO. BRASS CAP MON.

FOUND B.E. CO. WITNESS CORNER  
BRASS CAP MONUMENT

WEST QUARTER CORNER OF SEC. 11,  
T. 8 N., R. W. W., SLB&M  
CALCULATED POSITION FROM B.E. CO.  
BRASS CAP WITNESS MONUMENT

#### LEGEND

- SUBJECT PROPERTY LINE
- INTERIOR LOT LINE
- ADJOINING PROPERTY LINE
- BUILDING SET BACK LINE
- CENTERLINE
- PUBLIC UTILITY EASEMENT (PUE)
- FENCE LINE
- EXISTING EDGE OF ASPHALT
- EXISTING EDGE OF GRAVEL
- FOUND REBAR SET BY OTHERS
- SET 5/8"x24" REBAR WITH CAP
- SECTION CORNER

#### NOTE:

- ALL PUBLIC UTILITY EASEMENTS (P.U.E.) ARE 10.0 FOOT WIDE UNLESS OTHERWISE NOTED.
- REBAR AND CAP SET ON ALL CORNERS AS SHOWN.

#### PLANNING COMMISSION APPROVAL

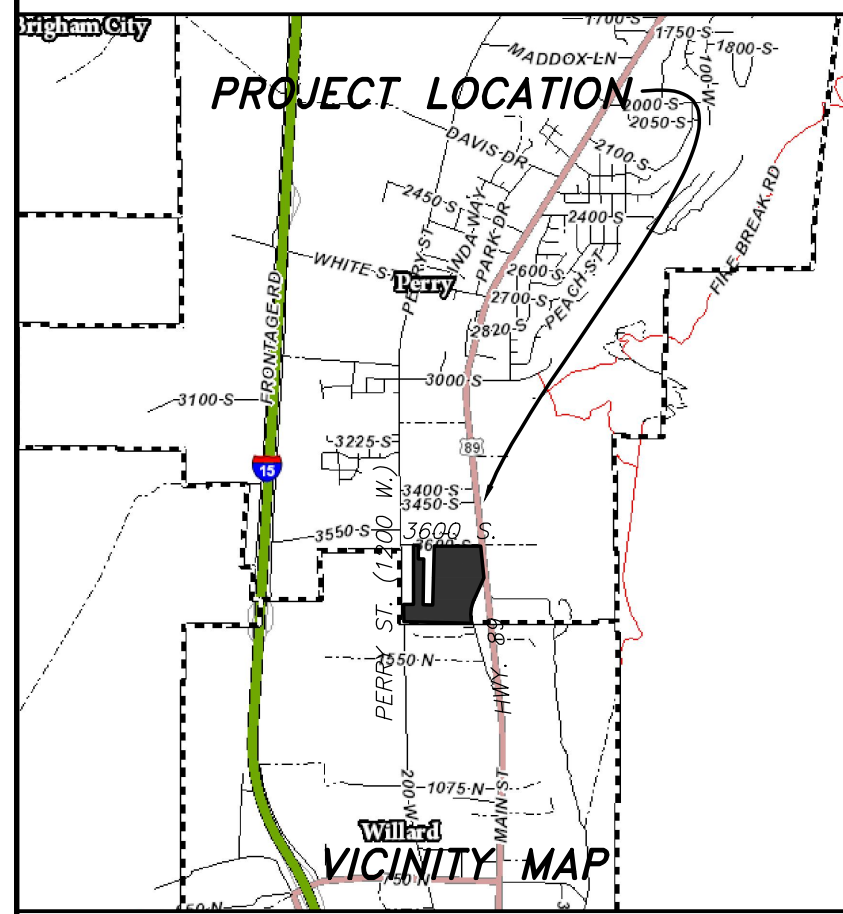
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2022  
BY THE PERRY PLANNING COMMISSION.

CHAIRMAN

#### APPROVAL AS TO FORM

APPROVED AS TO FORM THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ A.D., 2022

ATTORNEY



**HANSEN & ASSOCIATES, INC.**  
Consulting Engineers and Land Surveyors  
538 North Main Street, Brigham, Utah 84302  
Visit us at [www.haies.net](http://www.haies.net)  
Brigham City Ogdén Logan  
(435) 723-3491 (801) 399-4905 (435) 752-8272  
Celebrating over 65 Years of Business

DEVELOPER:  
GENE STEPHENS  
(801) 710-4005

BOYD RIGGS TTEE  
02-038-0028

GERRY WILSON ETAL  
02-038-0031

GERALD WILSON  
02-038-0030

VALGARCE ETAL JT  
02-038-0025

"PRELIMINARY"

## OLSEN ORCHARDS

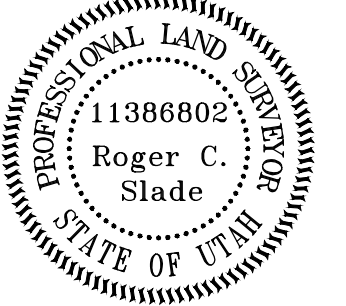
PERRY CITY, BOX ELDER COUNTY, UTAH  
A PART OF THE SOUTHWEST QUARTER OF SECTION 11,  
TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN

#### SURVEYOR'S CERTIFICATE

I, ROGER C. SLADE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT; AND BY THE AUTHORITY OF THE OWNERS, I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED AND SHOWN HEREON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS AND HAVE HEREBY AMENDED AND SUBDIVIDED SAID TRACT INTO NINETY FOUR (94) LOTS, 44 TOWNHOMES AND PARCELS A & B, KNOWN HEREFTER AS OLSEN ORCHARDS AND THAT THE SAME HAS BEEN SURVEYED AND MONUMENTS HAVE BEEN LOCATED AND/OR PLACED ON THE GROUND AS REPRESENTED ON THE PLAT HEREON.

SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ROGER C. SLADE, P.L.S.  
UTAH LAND SURVEYOR LICENCE NO. 11386802



#### SUBDIVISION BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF 3600 SOUTH STREET LOCATED 349.19 FEET SOUTH 89°52'45" EAST FROM THE WEST QUARTER CORNER OF SAID SECTION 11 (BASIS OF BEARING IS THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 11 WHICH BEARS NORTH 00°03'07" EAST);

RUNNING THENCE SOUTH 89°52'45" EAST 110.75 FEET; THENCE SOUTH 00°46'09" WEST 330.00 FEET; THENCE SOUTH 89°52'43" EAST 132.00 FEET; THENCE SOUTH 00°46'09" WEST 1077.67 FEET; THENCE SOUTH 88°44'03" EAST 225.72 FEET; THENCE NORTH 01°27'48" EAST 1396.71 FEET; THENCE SOUTH 85°16'08" EAST 63.95 FEET; THENCE EASTERLY TO THE LEFT ALONG THE ARC OF A 1266.95 FOOT RADIUS CURVE, A DISTANCE OF 101.95 FEET, CHORD BEARS SOUTH 87°34'28" EAST 101.93 FEET, HAVING A CENTRAL ANGLE OF 04°36'39"; THENCE SOUTH 89°52'43" EAST 930.64 FEET; THENCE SOUTH 06°01'20" EAST 748.14 FEET; THENCE SOUTH 24°19'57" WEST 572.70 FEET; THENCE SOUTHERLY TO THE LEFT ALONG THE ARC OF A 840.00 FOOT RADIUS CURVE, A DISTANCE OF 565.73 FEET, CHORD BEARS SOUTH 05°02'18" WEST 555.10 FEET, HAVING A CENTRAL ANGLE OF 38°35'18"; THENCE NORTH 88°36'56" WEST 1604.30 FEET; THENCE NORTH 00°55'15" WEST 405.20 FEET; THENCE NORTH 88°58'20" EAST 233.29 FEET; THENCE NORTH 00°04'38" EAST 1403.11 FEET TO THE POINT OF BEGINNING. CONTAINING 56.96 ACRES.

#### OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED THE SAME TO BE AMENDED AND SUBDIVIDED INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT OLSEN ORCHARDS AND HEREBY DEDICATE, GRANT AND CONVEY TO PERRY CITY, BOX ELDER COUNTY, UTAH, ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, AND ALSO DEDICATE TO PERRY CITY THOSE CERTAIN STRIPS AS EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY PERRY CITY.

IN WITNESS WE HAVE HERETO SET OUR SIGNATURE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

DANIEL STEPHENS, MANAGER OF BLACKPINE, LLC - MANAGER OF WHITE ROCK PARTNERS, LLC

#### LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF \_\_\_\_\_ )

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, PERSONALLY APPEARED BEFORE ME, DANIEL STEPHENS, WHO BEING BY ME DULY SWORN DID SAY AND ACKNOWLEDGE THAT HE IS A MANAGER OF BLACKPINE, LLC - MANAGER OF WHITE ROCK PARTNERS, LLC, A UTAH LIMITED LIABILITY COMPANY ("LLC"), WHICH LLC IS THE OWNER OF THE REAL PROPERTY LISTED HEREIN, AND EXECUTED THE FOREGOING INSTRUMENT AS THE AUTHORIZED AGENT OF THE LLC, AND THAT SAID AUTHORIZATION TO SIGN ON BEHALF OF THE LLC CAME PURSUANT TO A RESOLUTION OF THE MANAGERS, THE CERTIFICATE OF ORGANIZATION, AND/OR THE OPERATING AGREEMENT OF THE LLC.

NOTARY PUBLIC

#### APPROVAL AND ACCEPTANCE

PRESENTED TO THE \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2022  
AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST: \_\_\_\_\_ RECORDER \_\_\_\_\_ MAYOR

#### ENGINEER'S CERTIFICATE

I CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION ON FILE IN THE PERRY CITY OFFICE.

DATE \_\_\_\_\_ ENGINEER \_\_\_\_\_

#### COUNTY RECORDER'S NO.

STATE OF UTAH, COUNTY OF BOX ELDER, RECORDED AND

FILED AT THE REQUEST OF \_\_\_\_\_

DATE \_\_\_\_\_ TIME \_\_\_\_\_ FEE \_\_\_\_\_

ABSTRACTED \_\_\_\_\_

INDEX \_\_\_\_\_

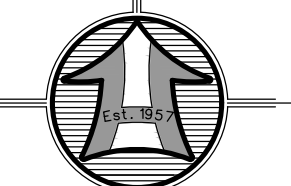
FILED IN: \_\_\_\_\_ FILE OF PLATS

COUNTY RECORDER

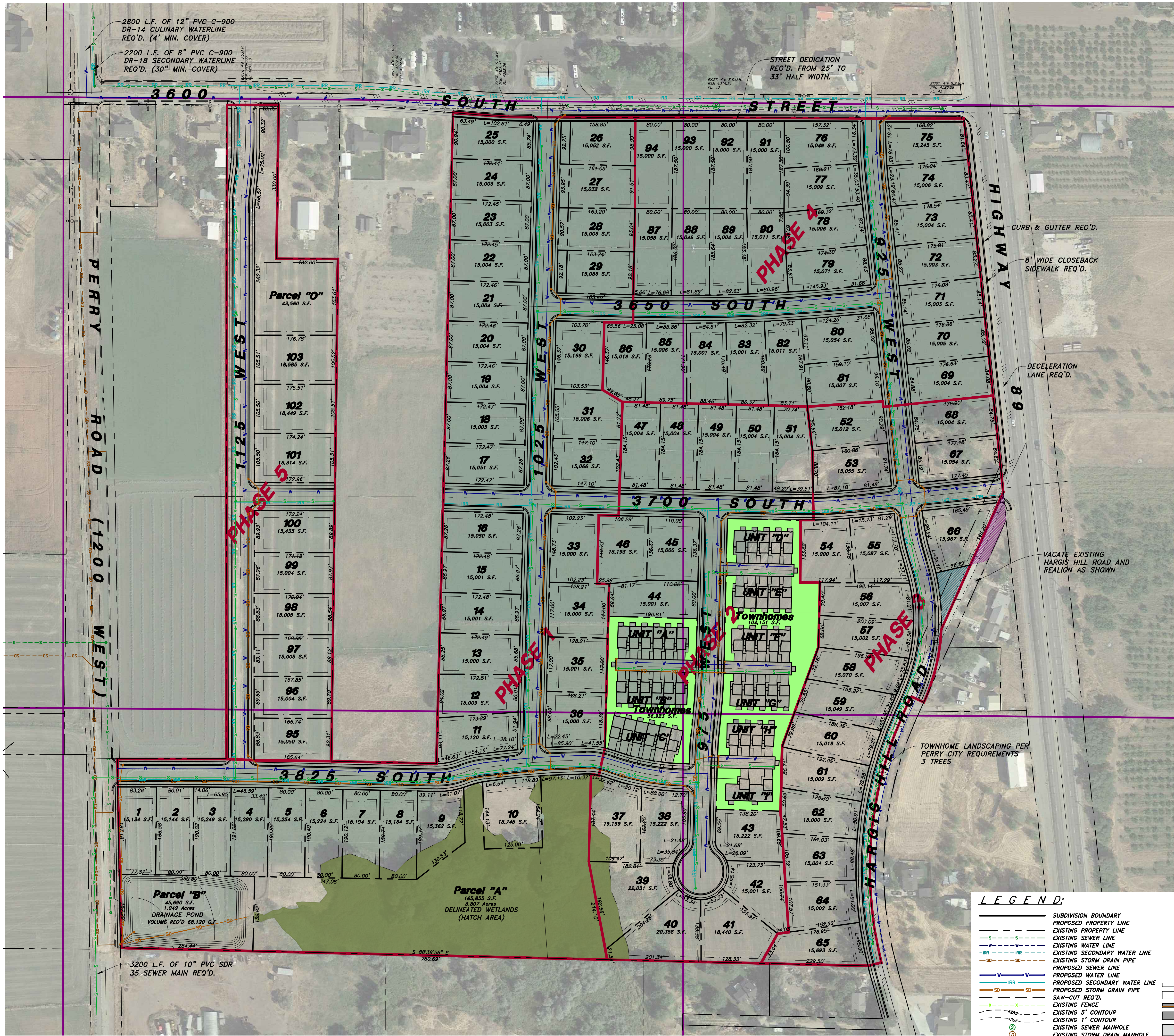
#### NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH AND TO SET THE PROPERTY CORNERS OF THE SUBDIVISION AS SHOWN AND DESCRIBED HEREON. THIS SURVEY WAS ORDERED BY GENE STEPHENS. THE CONTROL USED TO ESTABLISH THE PROPERTY CORNERS WAS THE EXISTING BOX ELDER COUNTY SURVEYOR MONUMENTATION SURROUNDING SECTION 11, TOWNSHIP 8 NORTH, RANGE 2 WEST, S.L.B.&M.

THE BASIS OF BEARING IS THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION WHICH BEARS NORTH 0°03'07" EAST, UTAH NORTH, STATE PLANE, CALCULATED N.A.D.83 BEARING.



SCALE: 1" = 100'  
0 100 200  
Scale in Feet  
(Data in Parentheses is Record)



## **REVIEW MEMO**

PROJECT: Olsen Orchards  
APPLICATION: Preliminary  
DATE: Sep 7, 2022



*Review comments help to address deficiencies in the submitted materials and encourage compliance with adopted codes and standards; however, staff reviews cannot guarantee that the submittals are fully vetted and compliant with city requirements. Review Comments in no way void or provide exceptions to any codes, standards, or other requirements.*

Items to address with the Preliminary Application:

1. Provide frontage for culdesac lots at the front setback.
2. Address wetland area (Parcel A)

Items to address with future applications:

1. Show a restriction designation on lots with wetlands.
2. Show how the narrow piece of land adjacent to Jerry Jensen will be handled (via the subdivision plat, parcel boundary adjustment prior to recording the plat, or another avenue)
3. Parcel B to be deeded to Perry City.
4. Reimbursement agreements to be handled with the Design and Engineering Application for the water main, sewer main (potentially), 1125 west, and sewer in Hargis Hall (potentially).
5. Work with Flint property for land swap in conjunction with the road vacation.
6. Show how stream will flow through separately from the storm water infrastructure.
7. Landscaping and architectural details will be needed for townhomes. Twin homes must be designed as 'Mansion Homes'. Variety among units will be needed.
8. Work with Brett Jones to verify 3600 S right of way and improvements.
9. Finalize the sewer main layout.

Sincerely,



Robert Barnhill  
City Administrator  
Perry City  
435.723.6464

## MEMORANDUM

TO: Perry City Planning Commission  
Robert Barnhill, Perry City Administrator  
Tyra Bishoff, Perry City Recorder

FROM: Brett M. Jones, P.E.  
City Engineer



RE: **OLSEN ORCHARDS SUBDIVISION – Preliminary Application Review**

Date: September 13, 2022

---

Our office has completed a review of the preliminary plat and plans submitted for the proposed Olsen Orchards Subdivision located at approximately 3700 South 1100 West. Our comments are:

### PRELIMINARY

1. We support the roadway layout and the proposed connection to Hargis Hill Road.
2. The lot layout, ownership, and plans to maintain Parcel “A” need to be addressed.

### FUTURE APPLICATIONS

3. On the plat, lots with partial wetland areas will need to include a restricted “R” designation indicating that wetland areas shall not be filled.
4. We recommend the roadway curvature be smoothed between Lot 9 and Lot 37.
5. The plat will need to dedicate the small strip of land east of Jerry Jensen’s home on 1125 W to Jerry.
6. The intersections on the plat should include chamfered lot corners per Sheet CS-03 of the Public Works Standards.
7. Our office will perform a more detailed review of the plat once the final lot layout has been approved by the Planning Commission.
8. We plan to attend a meeting at UDOT Region 1 on September 26<sup>th</sup> at 11:00 am to help facilitate discussions regarding the development’s improvements along US-89 and the UDOT US-89 reconstruction project from 3000 S to the south end of Willard.
9. Further discussion will need to define the character and maintenance of landscaping improvements along the US-89 frontage to create a visually appealing corridor.
10. Plan and profile construction drawings will need to be submitted for review. The plans should include typical construction level detail – water valves, fire hydrants, water services and meters, sewer laterals, manhole locations, catch basins, detention pond inlet/outlet and construction details, etc.
11. City code allows a reimbursement agreement from future development for the proposed 1200 W water supply line, the development’s gravity sewer outfall (depending on location), half of the 1125 W improvements, and the sewer line servicing future units on Hargis Hill Road, if desired.

12. The applicant will need to coordinate power pole realignment with Rocky Mountain Power. Since the poles are in the existing right-of-way, we expect the realignment can be proposed and approved by the City with RMP bearing the cost of relocation.
13. It is our understanding that the 3600 S 66-foot right-of-way on the KOA frontage should line up with the 1983 Allemande Acres Subdivision. We recommend the applicant's surveyor research and verify the alignment of 3600 S matches with the most recent county records.
14. Due to recent water system improvements constructed by the City on US-89, 3000 S, and 1200 W, the enlarged line on 1200 W can be reduced to 10-inch diameter.
15. Since this development will be connecting to Hargis Hill via 925 W, we recommend the existing 6" water main on the west side of US-89 be abandoned south of 3600 S. This would allow for elimination of the proposed waterline between Lots 66 and 67. Existing connections would need to be reconnected to the new line.
16. Detail on connections to Pineview for irrigation services should be shown on updated plans.
17. A design for the proposed gravity sewer outfall for the development will need to be provided for review. Any associated easements and permits will need to be acquired by the developer and coordinated with the City.
18. Recent design plans received from Hansen & Associates indicate the storm drainage system and gravity sewer system will be able to adequately service the Hargis Hill area.
19. The drainage design will need to keep historical wetland drainage intact and generally separate from storm water drainage.
20. If the applicant needs additional detention storage that encroaches on the wetland area, this may be able to be achieved via a Nationwide 43 Permit issued by the US Army Corps of Engineers.
21. The site will need to incorporate low impact design (LID) unless it can be shown that it is technically infeasible for the subdivision.
22. Detention calculations for the basin and a drainage report for the subdivision will need to be submitted for review.

Should you have further questions, please let us know.

Perry City Community Development

Printed: 10/03/2022

**Marc Fletcher**

08/30/2022 - 08/29/2023

1835430

**Zone Change Application**

Zone Change

88906c60-28a3-11ed-a877-2f4ede6e6874

Under Review

Active

## Application Review Status

|                       |              |            |
|-----------------------|--------------|------------|
| Pre-Review            | Received     | 08/30/2022 |
| Community Development | Not Reviewed |            |
| Final-Review          | Not Reviewed |            |

## Fees

|                    |                 |
|--------------------|-----------------|
| Zone Change        | \$400.00        |
| <b>Subtotal</b>    | <b>\$400.00</b> |
| <b>Amount Paid</b> | <b>\$412.25</b> |
| <b>Total Due</b>   | <b>-\$12.25</b> |

## Payments

|                   |            |                 |
|-------------------|------------|-----------------|
| 08/30/2022        | Card *0533 | \$400.00        |
| <b>Total Paid</b> |            | <b>\$412.25</b> |

## Application Form Data

(Empty fields are not included)

Name

**Marc Fletcher**

Phone Number

**(801) 971-3695**

Email

**marclfletcher@gmail.com**

Mailing Address

**4039 Buck Hollow Lane**

Interest in Property

**Owner**

Property Address

**950 South 1600 West**

---

Property Serial #

**0323600027**

---

Current Zoning Designation

**Interstate Commercial**

---

Proposed Zoning Designation

**Industrial**

---

Purpose of Request

**Change zoning for the back portion of the property to industrial**

---

Conformance with the Perry City General Plan

**Yes**

---

Additional Information

 **Industrial rezone request.pdf**

---

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

**No**

---

## Signature

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

Marc Fletcher - 08/30/2022 2:37 pm

## Messages

Marc, I am just getting the agenda ready for next months meeting and we noticed that you only had parcel # 03-236-0027 listed on the application. I am adding parcel # 03-236-0026 as well. If you do not want the second parcel added, please let me know and I will remove it.

Comments:

That works for me. Thank you!

| Parcel_Num | OWNERNAME                | SITUS                  | OWNERADDRE                                    |
|------------|--------------------------|------------------------|-----------------------------------------------|
| 32360017   | PERRY CITY CORP.         |                        | PERRY, UT 84302                               |
| 32360021   | AMPJ HOSPITALITY INC     | 1033 S POINTE PERRY DR | 21636 N 26TH AVE<br>PHOENIX, AZ 85027         |
| 32360023   | PERRY CITY               |                        | 3005 S 1200 W<br>PERRY, UT 84302              |
| 32360024   | RANDALL PEAK CORP        | 1010 S POINTE PERRY DR | 3315 S 1900 W<br>WEST HAVEN, UT<br>84401      |
| 32360025   | CROSS COUNTRY EQUITY LLC | 980 S POINTE PERRY DR  | 3138 N 1250 W<br>PLEASANT VIEW, UT<br>84414   |
| 32360026   | FORD BARRETT ETAL        | 950 S POINTE PERRY DR  | 4039 BUCK HOLLOW<br>LN<br>BLUFFDALE, UT 84065 |
| 32360027   | FORD BARRETT ETAL        | 910 S POINTE PERRY DR  | 4039 BUCK HOLLOW<br>LN<br>BLUFFDALE, UT 84065 |
| 32360028   | CROSS COUNTRY EQUITY LLC | 995 S POINTE PERRY DR  | 3138 N 1250 W<br>PLEASANT VIEW, UT<br>84414   |
| 32360029   | CROSS COUNTRY EQUITY LLC | 945 S POINTE PERRY DR  | 3138 N 1250 W<br>PLEASANT VIEW, UT<br>84414   |

32360031 PERRY CITY

3005 S 1200 W  
PERRY, UT 84302

32360032 CROSS COUNTRY EQUITY LLC

3138 N 1250 W  
PLEASANT VIEW, UT  
84414

September 15, 2022

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

**October 6, 2022**

**3005 S 1200 W**

**Perry, Utah 84302**

**Application:** Zone Change from IC (Interstate Commercial) to Industrial

**Applicant:** Marc Fletcher

**Location:** Approximately 950 S 1600 W (03-236-0027; 03-236-0026)

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 October 6, 2022. You can access this meeting via zoom by going to <https://perrycity.rainadmin.com/whats-new.htm.htm>, or you may also attend in person. A final recommendation by the Planning Commission regarding this application will most likely occur during this meeting. This application will likely be reviewed by the Perry City Council on Thursday, October 27, 2022 at 7:00 p.m.

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

Sincerely,

Tyra Bischoff  
Perry City Deputy Recorder



# Staff Report

October 6, 2022

Perry City Planning Commission



**Zone Change Request, IC to MIL – Marc Fletcher, located at approximately 950 S 1600 W**

## Summary

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

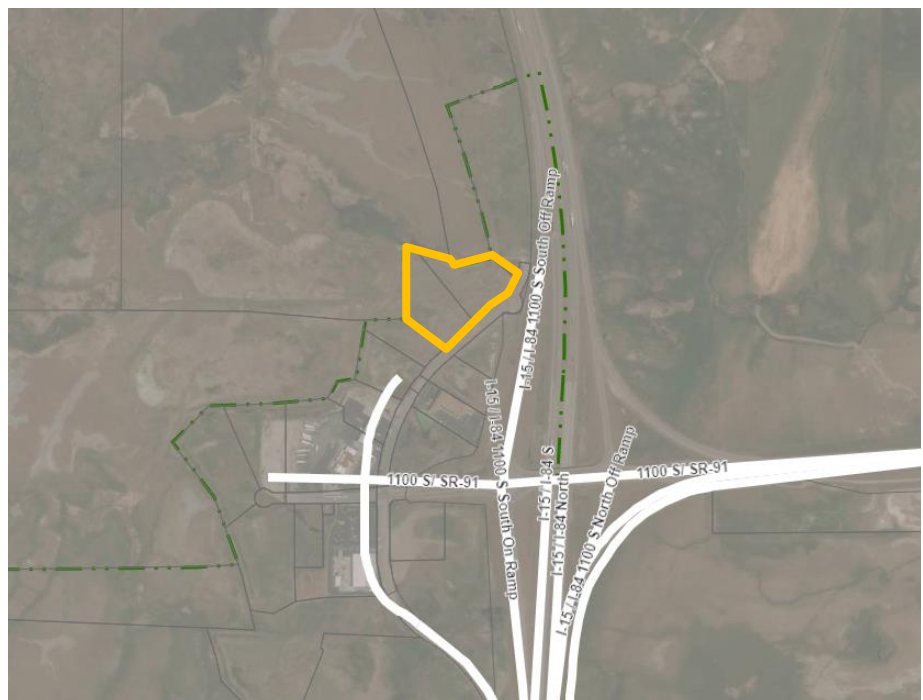
This property received a zone change last year with the condition that the submitted plan with storage units and retail strip be implemented and that building permits be obtained within one year. The one year timeframe has lapsed so the zoning has remained IC. Since that time, the city has adopted a formal process and parameters for development agreements through the Development Overlay Zone. This request does not include a development agreement nor does it request the DO Zone.

## Conformance to General Plan

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

## Considerations and Recommendations

As a legislative item Planning Commission may take any information or opinion into consideration when making a decision on this zone change.



Perry City Community Development

Printed: 10/03/2022

**West meadows estates**

06/23/2022 - 06/22/2023

4624063

**Subdivision: Preliminary  
Application**

e233b4f0-edd1-11ec-914f-65594307d375

Subdivision: Preliminary Application

Active

Under Review

---

## Application Review Status

|                                 |              |            |
|---------------------------------|--------------|------------|
| Pre-Review                      | Received     |            |
| Brigham City Fire<br>Department | Not Reviewed | 06/16/2022 |
| Community<br>Development        | Not Reviewed |            |
| Final-Review                    | Not Reviewed |            |

---

## Fees

|                                                       |                   |
|-------------------------------------------------------|-------------------|
| Subdivision: Preliminary Application<br>(Residential) | \$8,400.00        |
| <b>Subtotal</b>                                       | <b>\$8,400.00</b> |
| <b>Amount Paid</b>                                    | <b>\$8,400.00</b> |
| <b>Total Due</b>                                      | <b>\$0.00</b>     |

---

## Payments

|                   |             |                   |
|-------------------|-------------|-------------------|
| 06/23/2022        | Check #2003 | \$8,400.00        |
| <b>Total Paid</b> |             | <b>\$8,400.00</b> |

---

## Application Form Data

(Empty fields are not included)

Applicant First Name

Brinton

Applicant Last Name

Neff

Applicant Email

bhneff@gmail.com

Applicant Phone Number

**(801) 648-5640**

Applicant Address

**325 n 200 w**

City

**Willard**

State

**UT**

Zip

**84340**

Is the Applicant the Property Owner?

**Yes**

Engineer/Surveyor Name or Company

**Alliance**

Engineer/Surveyor Email

**cody.alliance@gmail.com**

Engineer/Surveyor Phone Number

**(435) 764-3791**

Subdivision Name

**West meadows estates**

Property Address

**2250 s 1200 w**

Property Serial #

**031570017**

Preliminary Drawings

 **Preliminary 6.16.pdf**

Total Number of Lots/Units

**81**

Is this a Residential or Commercial development?

**Residential**

Check each item to acknowledge it has been included with the application. The following items will apply to most subdivisions, although there may be exceptions.

**Preliminary Plat, Layout of lots including lot sizes and dimensions, Layout of proposed and adjacent roads including a proposed street section(s), Preliminary utility plan, Preliminary storm water plan, Existing structures and natural features, Data indicating the number of lots/units, percentage of**

landscaping, density of units per acre, buildable area for each lot., Preliminary compliance with design standards as applicable

---

Will this proposed development include multi-family dwelling units, apartments, or commercial/industrial development?

**Yes**

---

Is this proposed development adjacent to Highway 89?

**No**

---

There are specific design requirements for developments with multi-family dwelling units or apartments as well as any development along Highway 89. Have you submitted information to show preliminary compliance with the design standards found in Chapter 15.18 of the Perry Municipal Code? This will include a preliminary landscape plan and preliminary architectural details.

**Yes**

---

## Signature

I hereby certify that all information provided herein is true and correct. I understand and agree to comply with the applicable codes, standards, and the rules listed below.

1. All sections of this application must be complete and will not be reviewed until fees have been received.
2. The payment of fees does not guarantee a certain result and fees are not refunded due to the lack of favorable results.
3. Fees are an estimate of the costs for the City to administer the Subdivision review and approval process. Perry City reserves the right to bill the applicant for administrative costs that go beyond the estimated fees collected at the time of application.
4. This application will be placed on the next available Planning Commission agenda AFTER necessary updates are made in response to staff comments. These updates will be required to ensure Planning Commission reviews drawings that are substantially complete and responsive to the application requirements found in the Perry Municipal Code.
5. Complete application and approval requirements can be found in Perry Municipal Code Titles 14 and 15.

Brinton Neff - 06/16/2022 6:10 pm

# Staff Report

October 6, 2022

Perry City Planning Commission



**Preliminary Subdivision – West Meadows Estates, Brinton Neff** - located at 2250 S 1200 W

## UPDATE

We are waiting for updates for the following:

- More detail on open space improvements and a proposal to justify utilizing the storm water pond and conservation land.
- Maintenance Plan
- Sensitive Area Designation Plan

No updates have been received at this point.

## Summary

The property is approximately 29 acres and is zoned R1/3. The submitted plans are for a Conservation Subdivision with 89 single family lots and 8 townhome units as allowed by our density map. The smallest lot is 8,674 sf. A Conservation Subdivision in this zoning district allows lots to be as small as 6,500 sf with an average lot size of 8,712 sf.

The road network includes one stub to the west and two stubs to the south. Staff worked with the applicant to minimize wasted roads and specifically to avoid bisecting the open space. The adjacent portions of 1200 W and 2250 S will be improved with the development. Secondary water is available and utilized in the development.

## Code Compliance

Staff has reviewed the proposal and finds the level of detail generally adequate for a preliminary application other than some concerns with the conservation subdivision requirements and preliminary compliance with our architectural design standards. The applicant should note that the final landscape plan will need to be created by a landscape architect. Some changes from the submitted plan will be needed including street trees, small lawn areas, and plant sizes.

## Conservation Subdivision

Our Conservation Subdivision requirements can be found in 15.07.130.1. I recommend each commissioner review this section to understand the requirements and process.

15% of the site is set aside as conservation area with a proposed trail. The submitted plans do not include preservation of the water drainage running through the property. Looking at past aerial images it appears this is a natural water feature that may need to be preserved as Constrained and Sensitive Lands – “Land that is generally unbuildable and that contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults and other

geologically or environmentally sensitive features.” The applicant is also required to develop a Sensitive Area Designation Plan that, “Shall also clearly identify all natural or cultural resources present on the property.... including, but not limited to, geographic features, Meadows, Grasslands, Tree Stands, Wooded Areas, Streams, Stream Corridors, Flood Walls, Berms, Watercourses, Farmland, Wildlife Corridors and/or Wildlife Habitats; historic buildings and/or sites; archaeological sites; cultural features and green space.”

It is an option to maintain Conservation Land in its pre-developed state, which in this case would be pasture. However, the long narrow nature of the proposed Conservation Land may not lend itself to such use and the construction activities would likely compromise the pasture. The land could also be developed as recreation space. Currently the plan shows a trail, although other improvements are not indicated. The storm water pond is currently counted as part of the Conservation Land, however our code does not allow this unless they improve the pond to be an acceptable outdoor amenity. They show a trail around the pond, however, in staff’s opinion this is not acceptable for considering the entire pond area Conservation Land.

A Sensitive Area Designation Plan and a Maintenance Plan need to be submitted. The Commission may consider allowing the Maintenance Plan to come forward later in the process. A Conventional Subdivision Plan has been provided for comparison.

#### **Considerations and Recommendations**

Conservation Subdivision are approved by City Council; the recommendation of the Planning Commission will be forwarded to them. Staff recommends that the Sensitive Area Designation Plan and more detail on the open space improvements be provided before providing a positive recommendation.

**PERRY CITY**  
**ORDINANCE 22-K SWIMMING POOL REGULATIONS**

**SECTION 1:**        **AMENDMENT** “15.25.020.1 Pool As An Accessory Use” of the Perry Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

**15.25.020.1 Pool As An Accessory Use**

A residential/family swimming pool shall be permitted in the rear or side of a dwelling as an accessory use provided the requirements of PMC 15.25.020.2 and PMC 15.25.020.3 are met.

**SECTION 2:**        **AMENDMENT** “15.25.020.2 Location” of the Perry Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

**15.25.020.2 Location**

The location of such family swimming pool or accessory machinery shall be ~~not less than thirty-five feet (35') from any dwelling on an adjoining lot and~~ not less than ~~ten feet (10') from any interior property line facing on a street shall not be less than~~ the required ~~side yard~~setbacks for and accessory building in that zone.

PASSED AND ADOPTED BY THE PERRY CITY COUNCIL

\_\_\_\_\_.

|                              | <b>AYE</b> | <b>NAY</b> | <b>ABSENT</b> | <b>ABSTAIN</b> |
|------------------------------|------------|------------|---------------|----------------|
| Councilmember Nathan Tueller | _____      | _____      | _____         | _____          |
| Councilmember Blake Ostler   | _____      | _____      | _____         | _____          |
| Councilmember Toby Wright    | _____      | _____      | _____         | _____          |
| Councilmember David Walker   | _____      | _____      | _____         | _____          |
| Councilmember Ashley Young   | _____      | _____      | _____         | _____          |

Presiding Officer

Attest

\_\_\_\_\_  
Kevin Jeppsen, Mayor, Perry City

\_\_\_\_\_  
Tyra Bischoff, Deputy City Recorder,  
Perry City

1 August 4, 2022  
2 Planning Commission Meeting  
3 Virtual Meeting  
4 7:00 p.m.  
5  
6

7 **Commissioners Present:** Vice Chairman Marcus Wager, Commissioner Jan Kerr, Commissioner Stephan  
8 Moss, Commissioner Blake Broadhead  
9

10 **Commissioners Absent:** Chairman Julie Jones, Commissioner Beth Thompson, Commissioner Ryan Vaughn  
11

12 **City Staff Present:** City Administrator Robert Barnhill  
13 Deputy Recorder Tyra Bischoff  
14 City Attorney Chris Crockett  
15

16 **Others Present:** Christine A. Olsen, Bryan Loveless, Michele Bowden, Bill Bowden, Brinton Neff  
17

18 **Others On-line:** Taten Barker, Barney Olsen, Joni Loveless, Braun Bowden  
19

20 **1. 7:00 p.m. - Call to Order and Opening Ceremonies**

21 Vice Chairman Wager called the meeting to order at 7:03 pm  
22

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

24 None.  
25

26 **2. Action Items**

27 **A. Subdivision Amendment (Lot Line Adjustment) – Mount Pleasant Estates Phase 1 located at**  
28 **2045 S 150 W Parcel #03-159-0231 Applicant: Bryan Loveless**

29 Mr. Barnhill said this was an amendment to the Mount Pleasant Estates plat map. The developer was  
30 asking for a lot line adjustment to move the property line a few feet. The developer discovered there  
31 were electrical and valves for the sprinklers that were on the other side of the lot line that serve the  
32 existing home. Mr. Barnhill said this request does not create any issues with zoning compliance, setbacks  
33 or lot sizes but was a straightforward request. He mentioned the developer already had a plat prepared,  
34 approved, and signed by the engineer. This mylar was awaiting approval and signatures from the  
35 Planning Commission.  
36

37 Commissioner Broadhead asked about the acreage amount and Vice Chairman Moss asked if the lot line  
38 adjustment was for another unit. Mr. Loveless said it was not, but the request was to move the property  
39 line about 1.5 feet to the north. Commissioner Jan Kerr asked if lot 22 will still meet the requirement for  
40 the minimum lot size. Mr. Barnhill responded that it did. Vice Chairman Moss inquired if both the  
41 properties had sold but Mr. Loveless said that only the house had sold. It was mentioned that the  
42 potential owner of the house was aware of the request for this lot line adjustment.  
43

44 **MOTION:** Commissioner Moss made a motion to approve the Subdivision Amendment lot line  
45 adjustment on Action Item 2. A. Commissioner Kerr seconded the motion.  
46

47 **Roll Call Vote:**

48 Commissioner Moss, Yes

Commissioner Kerr, Yes  
Commissioner Broadhead, Yes  
Commissioner Wager, Yes  
Commissioner Thompson, Absent  
Commissioner Vaughn, Absent  
Commissioner Jones, Absent

**Motion Approved:** 4 Yes 0 No, 3 Absent

**B. Preliminary Subdivision Application – West Meadow Estates located at 2250 S 1200 W Parcel  
#03-157-0017 Applicant: Brinton Neff**

Mr. Barnhill explained that the property was approximately 29 acres and zoned R1/3. The submitted plans are for a Conservation Subdivision with 88 single family lots and 8 townhome units as allowed by our density map. A Conservation Subdivision in this zoning district allowed lots to be as small as 6,500 square feet with an average lot size of 8,712 square feet and most of the lots on the plat map were around 9,000 square feet. He pointed out that there would be two east and one north access roads. The road network includes one stub to the west and two stubs to the south. Mr. Barnhill said two access roads are needed for fire code and this development will have three. In regard to the roads, he added that they looked to see if the adjacent properties have the option to develop and this plat map allows for this type of growth. He said that they also considered if the roads created long term maintenance issues. Commissioner Kerr said that 1250 west was a dirt road. Mr. Barnhill noted that 1250 west and 1200 west will be improved with curb, gutter, sidewalk, and asphalt on the developer side of the road.

Secondary water was planned for in this development and was shown as a utility on the map plan. Initially the developer was going to divide the open space, but it was decided to make it contiguous for this conservation subdivision. Commissioner Kerr asked if there was a planned use for the open space. Mr. Barnhill said with a preliminary subdivision application there was only specific levels of detail. He mentioned that this was the first Conservation Subdivision Application that the city had received. This will be a learning process and they will need to refer to the code. The requirements of the Conservation Subdivision mentioned in the staff report that 15 percent of the site must be set aside as conservation land. He said that this preliminary plat application complies with the 15 percent rule. However, past aerial images show this area might be a natural water feature that may need to be preserved as constrained or sensitive lands. The staff report explained the following:

Constrained and Sensitive Lands – “Land that is generally unbuildable and that contains constrained and sensitive features including, but not limited to, wetlands, floodplains, steep slopes, faults and other geologically or environmentally sensitive features.” The applicant is also required to develop a Sensitive Area Designation Plan that, “Shall also clearly identify all natural or cultural resources present on the property.... including, but not limited to, geographic features, Meadows, Grasslands, Tree Stands, Wooded Areas, Streams, Stream Corridors, Flood Walls, Berms, Watercourses, Farmland, Wildlife Corridors and/or Wildlife Habitats; historic buildings and/or sites; archaeological sites; cultural features and green space.”

Mr. Barnhill said the plat map included a trail around the detention pond. He referred to the following recommendation from the staff report:

Currently the plan shows a trail, although other improvements are not indicated. The storm water pond is currently counted as part of the Conservation Land; however our code does not allow this unless they improve the pond to be an acceptable outdoor amenity. They show a trail around the pond, however, in staff's opinion this is not acceptable for considering the entire pond area Conservation Land.

Mr. Barnhill said they will need to see these things in a finished and ready proposal before it will be approved. He mentioned that there should be a preliminary maintenance plan submitted with this application. Per code, City Council approves the Conservation Subdivisions. He then referred to the Conservation Subdivision requirements found in 15.07.130.1 and recommended the commissioners review this section.

Mr. Barnhill pointed out that the applicant did submit a preliminary landscape plan for the townhomes, but the final plan will need to be drawn by a landscape architect. Commissioner Moss asked if the code required a landscape plan for the whole subdivision and Mr. Barnhill responded that it was only for the townhomes. Commissioner Kerr asked if this subdivision was going to be a private HOA. Mr. Barnhill said that the plan was to have the city receive a special assessment fee from the homeowners to maintain the space. He noted that the maintenance plan will layout these directives, but the city will first need to approve it.

Mr. Barnhill thanked the applicant and members of the public in attendance. He mentioned that he had received letters from the public and sent copies to the commissioners. He reminded the commissioners that this request was an administrative item, and it was their job to follow the current codes. Meaning if it meets the code, it gets approved and not a subjective item if they like it or not. The only comments that can be valid on record are those of substantial evidence.

Applicant Brinton Neff said he was available to answer questions. Commissioner Moss asked if the two plans mentioned above are forthcoming. Mr. Neff responded that the code was vague on a maintenance plan for the designated conservation land. He had struggled on what to do with the conservation area and how it would benefit the subdivision before he could present the maintenance plan. He said he had owned the property for the past ten years and noticed a waterway in the sensitive ground area. Also, when Dale Young overflowed or when they irrigated the area it flooded. He mentioned they are planning to control the water flow with piped lines. Commissioner Kerr commented on the 15 percent conservation land and the storm drain pond. Commissioner Broadhead asked if part of the conservation code stated that the land remain the same. Mr. Neff said they are not trying to make a park but keep it a nature area. Mr. Barnhill said the code does allow it to be improved as recreational space. Commissioner Kerr advised that it will be available space for all the public and not just the people living in the subdivision. Mr. Barnhill looked on the municipal code and found that the "areas designed landscape and available for use as an integral part of the Conservation land." 15.07.130.12 (b). i.i. which means as long as the land was designed to be integral.

Commissioner Kerr inquired about the density of the Conservation Subdivision. Mr. Barnhill said that this plat does meet these requirements.

Commissioner Broadhead recommended using and maintaining the existing waterways as they currently are. Mr. Neff replied that the area had weird angles and it would create a lot of wasted space.

Mr. Barnhill asked the commissioners if they had any suggestions to give the developer on this plat. Commissioner Moss suggested to leave the conservation area open and build a walkway with a bridge or two, so it felt like a stroll in the park instead of a walk through someone's back yards. Commissioner Kerr agreed and added that the city wanted to preserve the natural contours there. Commissioner Moss also recommended, to offer to the city as an amenity, in the 130 feet wide conservation area a Frisbee golf game setup. He said that Perry City does not have that type of recreation and it would be wonderful to have something usable in that space. Mr. Barnhill commented that there were landscape architects to assist with designs of open space to create areas that have both a natural and manicured feel.

The commissioners gave the applicant feedback under what conditions they were inclined to accept this conservation land and suggested a couple of improvements to make the area useful. Commissioner Moss recommended that the developer widen the 130 feet area and take away one lot to make a playground area. Mr. Barnhill suggested the storm water pond be reshaped. He said the state was pushing for Low Impact Development (LID) on their storm water. For a lot of this size, they could change the design and have the waterway contain much of the water retention. However, they still might need a space for water retention on the low spot of the property. One thought on the reshaping plan was that the storm water area be smaller and take some of the volume needed for storm water to spread it out into the stream. This reshaping might take a lot of the square footage to intergrade it in their feature ware. Mr. Barnhill pointed out that this type of thinking was what the Planning Commission wanted to see in these Conservation Subdivision plans.

Mr. Neff asked if they removed the storm pond and spread it out in the stream does that land now count as part of the conservation area and in theory the waterway detention pond. Commissioner Moss suggested that they make the detention pond area be more park like to give a continuous conservation feeling throughout the open space areas. He also pointed out that not all the water will accumulate in the pond but be in the waterway which was part of their draining system. Mr. Barnhill said if this was done then it would be an integral part of the conservation land. Commissioner Broadhead said if the pond design served a dual purpose, he could see it count as the conservation area but not if it was just a fenced pond. Mr. Neff wanted to clarify that the 15 percent open space was with the detention pond and if the waterway canal needed to be deep enough to help your retainage. Mr. Barnhill expressed we would need to work closely with the city engineer and Mr. Neff's engineer to be creative and come up with a workable solution.

Michelle Bowden asked where public parking for the conservation and walking areas will be. Commissioner Kerr said that parking was not a requirement in a Conservation Subdivision. Commissioner Moss said people could park along the side of the road and Commissioner Wager said they could park across the street at the city park. Mr. Barnhill showed that the city owns the property to the east of this plan. He mentioned that the long-term plan of the city was to establish parking for Dale Young Park in this adjacent city lot. He pointed out a few areas on the lots around this property that the city has

discussed for future walking trails. He showed that the trail by the water way in this subdivision may be a continuation of the planned future trails.

Bill Bowden asked for clarification of the access on 2250 south for the houses. He asked if these houses would have a driveway. Commissioner Kerr responded that the road will be paved the required halfway of the developing roadside and each lot will have driveway access. Commissioner Kerr asked Mr. Barnhill if there are development agreements pending for the other side of 2250 south and what time would they have to finish that side of the road. He said that there are two deferral agreements in the area.

Bill Bowden asked about irrigation on the other side of the road. Mr. Neff responded that there was irrigation with culverts going across 2250 south that will need to be piped to the head gates of each effected landowner. Commissioner Kerr asked if this cost was in the developer's subdivision budget. Mr. Neff said, yes, that it had to be. Mr. Barnhill commented that the irrigation water and utilities will be reviewed by the engineers in the next application process and that during that stage was when the water user may give their comments.

Mr. Neff asked for the required timing of the preliminary version on the other plans. Commissioner Wager indicated that at the very least they would need them before Planning Commission sent this recommendation to City Council. Mr. Barnhill said that the Conservation Subdivision code was not very clear in spelling out the process of when things need to be done. He commented that typically in the preliminary stage they want preliminary detail of all aspects. He said it was up to this body to decide if they need those preliminary level plans to move forward or if they may come through in the sequential applications. He explained to satisfy the preliminary plan of the conservation area that the developer could do a conceptual landscape plan. This plan would show the layout of the stream, walking path, bridges, and the shape of the storm water pond with ideas of the plants that will be incorporated throughout the area.

There was a concern of the speed on 2250 south and it was discussed that it should be the city residential speed of 25 mph. Commissioner Wager also responded that the road will be 26 feet of asphalt with sidewalk, curb and gutter on the developed side and dirt on the undeveloped side.

In conclusion, Mr. Barnhill pointed out that typically they see some detail of the architect design at the preliminary application stage. Also, that they need to see phasing plans for this subdivision. He said the city will require at least two phases for this development.

**MOTION:** Commissioner Kerr made a motion to table this pending further planning. Commissioner Broadhead seconded the motion.

**Roll Call Vote:**

Commissioner Moss, Yes

Commissioner Kerr, Yes

Commissioner Broadhead, Yes

Commissioner Wager, Yes

Commissioner Thompson, Absent

Commissioner Vaughn, Absent

Commissioner Jones, Absent

**Motion Tabled:** 4 Yes 0 No, 3 Absent

223  
224 **C. Ordinance 22-D Zone Change from R1/3 and NC3 to DO (Development Overlay) Zone with a**  
225 **Development Agreement located at approximately 1100 W 3600 S Parcels #02-038-0069; 02-**  
226 **038-004; 02-038-0005; 02-038-0010 Applicant: Jim Flint/Gene Stephens**

227 Applicant asked to be removed for the agenda.  
228

229 **D. Public Hearing for Ordinance 22-J Subdivision Amendments**

230 Mr. Barnhill explained that last fall the Planning Commission sent a recommendation, specifically multi-  
231 family, with few provisions related to subdivisions. At the time there were four provisions on multi-  
232 family. These were limiting the structures to two or four unit maximum depending upon where they  
233 were at, not allowing one development to pull from multiple districts, limiting the units within the single-  
234 family housing, and allowing the city to say where the multi-family was placed in the development. He  
235 said that City Council did not approve this recommendation because how heavily it hit multi-family, but  
236 it was still an ongoing conversation. He said with the interest in this topic it was time to continue with  
237 the conversation on the subdivision amendment while also doing some clean-up of the ordinance.  
238

239 Mr. Barnhill began with discussing infrastructure. He said there was always a battle between developers  
240 who put in the streets, utilities, curb, gutter and sidewalk then the builders sometimes damaged the  
241 work already completed. A couple of years ago the city decided to collect a refundable deposit after the  
242 developer was done and when the building permit was issued. This deposit transfers responsibility of the  
243 infrastructure to the permit holder. He suggested the wording should be updated to include a broader  
244 explanation in the warranty period section of the ordinance. He pointed out that the impact fee section  
245 increased the refundable deposit amount to \$4,000. It also allowed this deposit to be used for code  
246 enforcement, which meant that the city may deduct a code violation fine from the deposit before  
247 refunding the balance.  
248

249 Mr. Barnhill explained that they are trying to get the developers to get a community vision and be more  
250 creative in their developments. Mr. Barnhill said another addition in the ordinance was to have the  
251 larger developers (10 or greater acres) use a certified planner or landscape engineer do the overall  
252 layout of the plat map. He said that the completed preliminary applications that were submitted before  
253 these ordinance updates were publicly noted, would be held to the rules of the ordinance that was  
254 approved at the time the applications were received. Commissioner Jan Kerr commented that they just  
255 had their first conservation subdivision application with this process and they found things in the  
256 ordinance vague and asked if they could add more detail and clean it up now. Mr. Barnhill said they may  
257 want to wait for a few months to get more information from the current application being processed  
258 now and evaluate what did or what did not work. He indicated that the requested changes and updates  
259 may be difficult for developers to adjust to but perhaps that will inspire them to submit preliminary  
260 plans showing something appealing to the city.  
261

262 Density was a great concern with developers and the Planning Commission so an update to the  
263 ordinance was needed. Mr. Barnhill said he received comments in regard to recent developments about  
264 the tight feel of the multi-family dwellings. A change of units per acre or a higher percentage of  
265 landscape requirement might help with density and the tight feel. He also wanted to clarify the general  
266 requirements on infrastructure and improvements for subdivisions along the highway. A couple of

concerns which needed clarification were garbage collection requirements and off-street parking. He said that there was code provisions that talk about general parking that might not be clear cut.

Vice Chairman Wager read the public hearing rules then opened it at 8:12 p.m.

Bill Bowden – was concerned about sidewalk, curb, and gutter in the 300 feet that extend beyond the Davis Creek Estates development. He was specifically concerned about the entrance. Mr. Barnhill said that the plans were approved fifteen years ago, and he would need to look at the original plan, but if they were approved today the developer would need to provide service all the way to the highway. Vice Chairman Wager asked Mr. Bowden if he had any comments towards the proposed text amendments. Mr. Bowden said the changes make it better and people will understand what they need to do.

Vice Chairman Wager closed the public hearing at 8:17 p.m.

**MOTION:** Commissioner Moss made a motion to recommend the approval of changes to Ordinance 22-J Subdivision Amendments with the change to the word fifteen to sixteen to match the number that follows and deleting the park stall chart. Commissioner Kerr seconded the motion.

**Roll Call Vote:**

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

**Motion Approved:** 4 Yes 0 No, 3 Absent

**3. Approval of the Minutes**

**A. June 16, 2022 Work Session**

**MOTION:** Commissioner Broadhead made a motion to approve the June 16, 2022, Work Session as amended. Commissioner Kerr seconded the motion.

**All Commissioners were in favor.**

**B. July 7, 2022 Regular Meeting**

**MOTION:** Commissioner Moss made a motion to approve the July 7, 2022 Regular Meeting minutes as amended. Commissioner Broadhead seconded the motion.

**All Commissioners were in favor.**

**4. Discussion**

**A. Future Projects**

Mr. Barnhill said he had been working on another amendment involving addressing the approval of site plans. He might not have it ready for the next Planning Meeting. In the meantime, he asked for the commissioner to review the code and let him know of errors or corrections.

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

Commissioner Jan Kerr reported that City Council agreed with the Planning Commission on not to allow the nineteen unit at The Mark at Lakepointe but stay with eighteen units. Mr. Barnhill stated that there were good points brought by both council and commission on this denial. He explained the comparison between two different subdivisions; one was allotted the extra unit and this subdivision that was not. The major decision maker was the subdivision didn't offer up anything for the city. Commissioner Jan Kerr mentioned that the developers didn't choose to offer to the city commercial units in the lower level of the townhomes because of parking requirements. She reported that in the meeting the council also discussed mortuaries, cemeteries, and burials on private property.

**C. Report from Commissioner regarding last Council Meeting**

Nothing to report.

**D. Make Assignments for Representative to Attend City Council Meetings  
(August 11 and 25 Meeting)**

There will not be anyone from the Planning Commission attending the August 11 and City Administrator Bob Barnhill will be attending the August 25, City Council Meeting.

**5. Public Comment**

None.

**6. Training**

**A. Staff**

No training this month.

**7. Review Next Agenda and Adjourn**

**A. Items for August agenda (next meeting September 1, 2022)**

Mr. Barnhill said nothing setup at this time.

**B. Motion to Adjourn**

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

All Commissioners were in favor. The meeting ended at 8:30 p.m.

1 September 1, 2022  
2 Planning Commission Meeting  
3 Virtual Meeting  
4 7:01 p.m.  
5  
6

7 **Commissioners Present:** Chairman Julie Jones, Vice Chairman Marcus Wager, Commissioner Blake  
8 Broadhead, Commissioner Jan Kerr, Commissioner Stephan Moss, and  
9 Commissioner Beth Thompson  
10

11 **Commissioners Absent:** Commissioner Ryan Vaughn  
12

13 **City Staff Present:** Tyra Bischoff: Deputy Recorder  
14

15 **Others Present:** Robert Anderson  
16

17 **1. 7:00 p.m. - Call to Order and Opening Ceremonies**

18 Chairman Julie Jones called the meeting to order.  
19

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

21 None.  
22

23 **2. Action Items**

24 **A. Final Plat Application – Perry Landing Subdivision located at 3200 S 1200 W Parcel #02-034-  
25 0038 Applicant: Robert Anderson**

26 Ms. Bischoff read the following from the staff report:  
27

28 This particular phase of the Perry Landing Subdivision includes 16 single family  
29 lots in the R1 zoning district. This phase is on the east end of the development  
30 adjacent to 1200 W. The preliminary plan has been approved previously and the  
31 engineering drawings have been approved by the city engineer. Everything  
32 appears to be in order for approval. Following approval the applicant will have 90  
33 days to fund their escrow account, pay direct costs to the city (seal coat and GIS  
34 fee), obtain signatures on the plat, and record the plat.  
35

36 Chairman Jones asked about the minimum square footage required per lot in the R1 zone. They found in  
37 Municipal Code 15.07.020.7 that the minimum is 10,000 square feet. Commissioner Wager asked if the  
38 applicant had funded it or will plan on using the ninety days to pay. The developer, Mr. Anderson said  
39 they expect to do it immediately after approval. Chairman Jones asked if there will be curb and gutter  
40 installed on the west side of 1300 West. Mr. Anderson said that area will be open because of a temporary  
41 detention basin required by the city. A finished curb and gutter in that area will be in the plans for the  
42 next phase. Chairman Jones reviewed the stub and connection roads to check that they were marked as  
43 60 foot wide. She asked about the plans for a sidewalk or path on the east of 1200 West. Mr. Anderson  
44 mentioned that the bike path will be on the west side of the street which is on city property.  
45 Commissioner Kerr asked for clarification that the developer will still put in curb and gutter on the east  
46 side of 1200 West. Mr. Anderson said it will be done. Chairman Jones expressed concerns of the width  
47 and spacing of the bike path and park strip. Chairman Jones asked if the final plat requires sidewalks to be  
48 shown on it. Commissioner Wager responded that it is usually shown on the improvement drawing. Ms.  
49 Bischoff commented that the city engineer had already approved the drawings.

**MOTION:** Commissioner Marcus Wager made a motion to approve the Final Plat Application for Perry Landing Subdivision subject to Mr. Barnhill checking into the pathway and verifying that everything is good with it. Commissioner Kerr seconded the motion.

**Roll Call Vote:**

Commissioner Jones, Yes  
Commissioner Kerr, Yes  
Commissioner Wager, Yes  
Commissioner Moss, Yes  
Commissioner Thompson, Yes  
Commissioner Broadhead, Yes

**Motion Approved:** 6 Yes 0 No

**B. Preliminary Subdivision Application – West Meadow Estates located at 2250 S 1200 W Parcel #03-157-0017 Applicant: Brinton Neff**

Ms. Bischoff said the applicant asked for this to be tabled because he didn't have any updates to present.

**Motion was Tabled**

**3. Approval of the Minutes**

**A. August 4, 2022 Regular Meeting**

The commissioners said they hadn't reviewed all the minutes and would like more time.

**MOTION:** Vice Chairman Wager made a motion to table the August 4, 2021 meeting minutes. Commissioner Moss seconded the motion.

**All in favor. Motion was Tabled**

**4. Discussion**

**A. Future Projects**

For future projects Ms. Bischoff read from the October planning meeting agenda. She said what was scheduled was an amendment to swimming pool setbacks, a zone change at Promontory Crossing from Interstate Commercial IC to Industrial, a zone change at Olsen Orchards from NC3 to R1/3, the preliminary applicant at Olsen Orchards, and the final plat application at Acorn Ridge. Commissioner Kerr asked if the Olsen Orchards was the development on 3600 South. Ms. Bischoff said the original plan was scrapped by the developer and with the requested zone change they plan to build single family with a few multi-family homes in this area. As for Acorn Ridge, Ms. Bischoff, explained that this is a large single family lot that the applicant wants to subdivide to build another house.

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

None.

95 **C. Report from Commissioner regarding last Council Meeting**

96 Ms. Bischoff reported that City Council passed the budget with a reduced tax rate that equals an 18%  
97 increase. She said they also passed the subdivision ordinance with 16 units per acre and 30% of the site to  
98 be landscaped. The Land Use Chart was passed with changes to the wording in section 3 paragraph 2 on  
99 "ratio being prorated" to "calculated accord to acreage", add public streets to the exclusions, and an  
100 amendment on fee for developer change wording from "residential unit" to "per single family dwelling".

101  
102 **D. Make Assignments for Representative to Attend City Council Meetings**  
103 **(September 8 & 22 Meeting)**

104 The September 8, City Council meeting might be cancelled so an assignment was not made.  
105 Commissioner Broadhead said he can go to the meeting on September 22.

106  
107 **5. Public Comment**

108 None.

109  
110 **6. Training**

111 **A. Staff**

112 None.

113  
114 **7. Review Next Agenda and Adjourn**

115 **A. Items for October agenda (next meeting October 6, 2022)**

- 116 • Amendment to swimming pool setbacks
- 117 • Zone change Promontory Crossing – from Interstate Commercial IC to Industrial
- 118 • Zone change Olsen Orchards – from NC3 to R1/3
- 119 • Preliminary applicant Olsen Orchards
- 120 • Final plat application Acorn Ridge – Canyon View Drive

121  
122 **B. Motion to Adjourn**

123  
124 **Motion:** Commissioner Wager made a motion to adjourn the meeting. Vice Chairman Moss  
125 seconded the motion.

126  
127 All Commissioners were in favor. The meeting ended at 7:17 p.m.  
128  
129  
130