

**BRIGHAM CITY PLANNING COMMISSION  
BRIGHAM CITY COUNCIL CHAMBERS  
Tuesday, 7/15/2025 6:00 p.m.**

PRESENT:	Roger Manning	Commissioner- Chair
	Cindy McConkie	Commissioner- Vice Chair
	Jason Coppieters	Commissioner
	Kristina Lenderman	Commissioner
	Garl Waldron	Commissioner
	Isaac Herbert	Commissioner
	Mandi Richens	Commissioner

EXCUSED:	Vince Crane	Commissioner
	Donny Constantineau	Commissioner
	Kristen Bogue	Commissioner

ALSO PRESENT:	Mark Bradley	City Planner
	Zane Billings	Assistant Planner
	Destry Larsen	Administrative Assistant
	DJ Bott	Mayor
	Derek Oyler	City Administrator

**AGENDA**

Pledge of Allegiance

Approval of Minutes

Public Hearing <sup>1</sup> / Application #25-042 / Amend Brigham City Zoning Map / Rezone from A-5 (Agricultural District) to R-M-7 (Multiple Residential District) on approximately 192 acres / 400 South and 1200 West / Heritage Land Development

Application #25-044 / Conditional Use Permit <sup>1</sup> / Major Home Occupation – Pet Grooming Salon / 465 West 1225 North / Mckenzie Percival

**REGULAR MEETING**

Regular session opened at 6:00 p.m. by Commissioner Manning and the Pledge of Allegiance was recited.

**APPROVAL OF MINUTES**

Commissioner Coppieters moved to approve the minutes for June 3, 2025, meeting. Commissioner Lenderman seconded the motion and it passed unanimously.

Mark Bradley formally introduced Zane Billings as the newest addition to the city's planning department.

**Public Hearing 1 / Application #25-042 / Amend Brigham City Zoning Map / Rezone from A-5 (Agricultural District) to R-M-7 (Multiple Residential District) on approximately 192 acres / 400 South and 1200 West / Heritage Land Development**

Mark Bradley, Brigham City's planner, opened the discussion on the Heritage Land Development rezone application by providing an overview of the proposal's purpose, location, and alignment with the city's long-term planning goals. He explained that Heritage Land Development is requesting a zone change from Agricultural A-5 to Medium-Density Residential R-M-7 for multiple parcels located north of 400 South and west of 1200 West. Mark clarified that while most of the parcels are included in the request, one property owner opted out, creating a small "jog" in the zoning boundary. Using maps and diagrams, he illustrated how the rezone would integrate with the city's General Plan, which calls for medium-density residential development in this area, as well as maintaining agricultural zoning west of 1400 West and allowing for potential higher-density development near the railroad tracks in the future. Staff Recommends the sliver of property west of 1400 W Remain A-5.

Bradley highlighted that the proposal is accompanied by a draft development agreement, which serves as a safeguard for the city. The agreement prohibits apartment construction in this phase and sets the framework for homeownership, while allowing for flexibility if the developer pursues a Planned District in the future.

After Mark Bradley's presentation, the Planning Commissioners posed a range of questions focused on clarifying the development's scope, restrictions, and long-term implications. Commissioner Coppieters asked for clarification over whether apartments would be permitted. Mark clarified that apartments would not be allowed under the proposed development agreement, and any change would require a new approval process. Commissioner Waldron asked whether the development would resemble the city's previous projects, such as the old golf course redevelopment, to which Mark responded that while some similar housing products (like townhomes) may be included, the proposal is distinct and would involve a phased, master-planned approach. Commissioner Richens asked for confirmation that the area would be zoned for medium density only, not high density at this time. Mark confirmed that was accurate.

Commissioner Lenderman asked about the procedural aspects of the application, including whether the planning commission was approving both the rezone and the development agreement— Mark confirmed that the Planning Commission would be making a recommendation on both the zoning change and the development agreement, with the final decision resting with the City Council. Commissioner Manning asked whether a Planned District would come back before the Planning Commission if pursued; Mark explained that yes, it would, and a Planned Unit Development requires

its own approval process. Additional questions from Commissioner Manning focused on recreational space planning and wetland management. Commissioner Herbert asked if there were any safety concerns with the proposed development and its proximity to the existing shooting range.

Garth Day, representing Heritage Land Development, addressed the Planning Commission. He first commented on the draft development agreement, stating that it will become more specific and amended as the project moves forward. The purpose for it now is to lay the groundwork and allow everyone to understand what they are trying to accomplish, which will likely require Heritage Land to pursue a Planned District in the future. He emphasized that the company's goal is to offer a mix of single-family homes and townhomes within the R-M-7 zoning designation. Garth stressed that apartments are not part of their development plan, noting that Heritage Land does not typically develop apartment complexes and has no intention of doing so here. He explained that the development would likely progress in phases, starting with areas closest to existing infrastructure. Finally, he mentioned that while future phases might include transit-oriented development near the railroad tracks, the current proposal is focused solely on medium-density housing that aligns with the city's General Plan. Regarding environmental considerations, Day confirmed that wetlands assessments are underway for parts of the property to ensure compliance with regulatory requirements.

Day acknowledged the infrastructure challenges, particularly the need for a regional lift station for sewer service and the complexities associated with stormwater management. He indicated that the company may pursue a Public Infrastructure District (PID) to help finance large-scale improvements, but this would require further discussions with the city.

Mayor Bott also spoke about Heritage Land Development collaborating closely with city staff, highlighting that their partnership has been unique in that both parties have been working together on design considerations before the formal application process even began.

Public Hearing:

**Motion:** Commissioner McConkie moved to open the public hearing. Commissioner Richens seconded the motion, which passed unanimously.

Mark Kapp: Mark Kapp, representing his father's trust property located directly north of the Valentine parcel within the proposed development area, spoke during the public hearing to raise two primary concerns. His first concern was whether there is sufficient water to support the Development. Second, he wanted to know why the city is supporting this development and is there possibility of conflicts of interest, asking directly if anyone on the City Council or Planning Commission stood to benefit personally or financially from the project's approval.

Following Mark Kapp's comments, Mark Bradley explained that when a rezone petition is consistent with the city's general plan then there is support from the city. On the issue of water supply, staff confirmed that Brigham City has adequate culinary water capacity to support the development and is constantly working to ensure there is sufficient water supply for current residents and new growth. City Administrator, Derek Oyler stated the city is considering secondary water systems for non-potable uses, which could ease the strain on potable water resources. Mr. Oyler directly addressed the conflict-of-interest concern. Stating that no city staff, Planning Commissioners, or elected officials stand to benefit financially or personally from the Heritage Land Development project.

Billie Clawson: Billie Clawson representing Clawson Land and Livestock, voiced deep concerns about how the proposed development would impact her family's agricultural operations. She specifically addressed the issue of access to her ranch via 400 South, which is currently a critical lane for her livestock and ranching activities. Billie worried about how the development might alter or restrict this access, as the property is adjacent to the proposed new housing. She also expressed concerns about water rights and drainage, pointing out that changes in development patterns could either reduce her access to water or result in unintended wetland designations on her land due to water flow changes. Beyond water issues, she raised the potential for trespassing and conflicts between new homeowners and ranchers, especially when it comes to fencing, wandering children, and dogs chasing cattle. Billie requested that adequate fencing, respect for property lines, and protection of her operational needs be prioritized.

**Motion:** Commissioner Lenderman moved to close the public hearing. Commissioner Coppieters seconded the motion, which passed unanimously.

After the public hearing was closed, the Planning Commission engaged in further internal discussion to evaluate the comments received and clarify the next steps. Next steps were identified as to whether to recommend the application to the city council. Commissioners acknowledged the validity of the concerns raised by the public, particularly those regarding the transition from agricultural to residential use and emphasized the need for ongoing cooperation between the developer and existing landowners. The commission and staff also discussed the phasing of the development, recognizing that infrastructure improvements, such as the sewer lift station and road access, would take place over time, and could impact how quickly the western portions of the property are developed.

Some commissioners raised the idea of reopening the public hearing to allow the developer to respond more thoroughly to the concerns voiced, particularly those related to access and traffic flow at the intersection near 400 South and 1200 West.

Public Hearing:

**Motion:** Commissioner Coppieters moved to reopen the public hearing. Commissioner McConkie seconded the motion, which passed unanimously.

The Planning Commission invited Garth Day of Heritage Land Development back to the podium to respond directly to the concerns raised. Garth acknowledged Ms. Clawson's concerns, noting that the developer had already spoken with her and intended to continue working collaboratively to address property access, fencing, and water management concerns. Garth focused primarily on access issues along 400 South, acknowledging that the Clawson family owns a private 66-foot-wide lane that serves as their primary access point to the ranch. He clarified that Heritage Land has no intention of forcing a sale or interfering with that access, but he did recognize that the intersection at 400 South and 1200 West is currently problematic, especially with increased traffic due to nearby street closures. Garth committed to exploring temporary solutions to improve safety at the intersection, given that Heritage Land controls property on both sides of the access point. He also reiterated that 1400 West is planned as a major corridor in the city's transportation plan, which will eventually serve as a natural buffer between residential and agricultural uses, though full build-out in that area is likely several years away due to infrastructure requirements. Regarding the potential for future phases, Garth explained that the developer's approach will be incremental, beginning with parcels that are easier to service with existing infrastructure. He stressed that the developer is open to long-term collaboration with neighboring landowners as additional phases are planned.

Commissioner Richens acknowledged the broader issue of housing shortages both in Brigham City and across the state. She pointed out that while it is never easy to balance development with existing agricultural uses, responsible residential growth is necessary to meet the demands of a growing population. Commissioner Richens commented that the proposed medium-density R-M-7 zoning aligns with state and local initiatives for smart growth.

Billie Clawson inquired about how the new development will affect the churches and schools in the surrounding area. On concerns about school and church capacity, Mark Bradley explained that while the city does not control where or when schools or churches are built, the school district is actively engaged in growth discussions with the city and has been informed about the development plans.

Mark Bradley asked Garth Day if Heritage Land Development had discussed the potential for conflicts between the proposed development and the existing gun club. Garth mentioned that it has been taken under consideration at this point but felt there is sufficient distance and natural separation between the two where the proposed residential area does not directly border the shooting range. He pointed out that the shooting range is oriented to the north, while the residential development will be situated to the south and west, reducing the likelihood of any direct conflicts or safety issues.

Garth Day directly addressed the concerns raised during the public hearing about potential conflicts of interest between the developer and city officials. He clarified that Heritage Land Development has no financial relationships, partnerships, or business dealings with members of the Brigham City Planning Commission, City Council, or city staff. Commissioner Manning also took a moment to clarify their roles as unpaid volunteers, serving on the Planning Commission to support the city's planning process without personal or financial gain. He stressed that their focus is on ensuring responsible growth, balancing development with existing community needs, and maintaining transparency throughout the process.

Garth Day explained that Heritage Land Development has worked closely with the city from the outset of the project to ensure alignment with Brigham City's recently updated General Plan. He emphasized that while the development is unique for Box Elder County—not necessarily a new concept but significant for the local area—his team recognized early on that it would be impactful, which is why they initiated discussions with city staff as soon as they began acquiring properties. Garth noted that the developer has made efforts to reach out to adjacent landowners to discuss the transition and address concerns, acknowledging that while he may not personally handle those conversations, his team is committed to maintaining that dialogue. He also pointed out that while agricultural operations are important, the farmers who sold their land have made the decision to move on from farming, and the developer's property rights must also be respected. Garth reiterated that Heritage Land Development is committed to supporting the city's goals, stating that the project will not get ahead of the city on infrastructure or planning matters. He described infrastructure development as a partnership, where the developer builds the improvements, and the city eventually takes over operations, requiring close coordination to ensure the system is financially and logistically feasible for both parties.

During the discussion, Commissioner Manning raised concerns about the lack of communication between the Planning Commission and the school district, noting that commissioners are often left out of discussions regarding future school locations and planning. Mayor Bott responded by explaining that the city regularly meets with school district officials, including during annual development update meetings where growth maps, such as Heritage Land Development's proposal, are shared to keep the district informed. However, Mayor Bott acknowledged that the city has no control over where or when schools are built, as those decisions are made by the school district and other separate governing bodies, just like churches manage their own land use. Additionally, in response to the conflict-of-interest concerns raised earlier, Mayor Bott reiterated that while small-town interactions are inevitable, there are no conflicts of interest influencing this project in Brigham City.

Commissioner Herbert asked about the condition of Brigham City's sewer system and if it will be able to accommodate the new development. Derek Oyler, City

Administrator explained that while 1200 West already has a sewer main with sufficient capacity to handle the initial phases of the development, gravity-fed sewer service is not feasible for all portions of the project area due to elevation changes and distance from existing lines. As a result, the project will require the construction of a regional sewer lift station to collect wastewater from the western sections of the development and pump it into the city's system.

**Motion:** Commissioner Richens moved to close the public hearing. Commissioner Herbert seconded the motion, which passed unanimously.

**Motion:** Commissioner Coppieters moved that the Planning Commission, acting as the recommending body to the Land Use Authority, recommend approval of application #25-042 subject to Staff comments, Findings of Fact, and stipulations as noted. Commissioner McConkie seconded the motion and it passed unanimously.

### **Application #25-044 / Conditional Use Permit 1 / Major Home Occupation – Pet Grooming Salon / 465 West 1225 North / Mckenzie Percival**

Mark Bradley introduced the Conditional Use Permit application submitted by McKenzie Percival for a home-based pet grooming business. Mark explained that under the city code, any home occupation involving work in a garage or yard area requires Planning Commission approval, making this application subject to a formal review. The proposed business will operate out of McKenzie's garage located at 465 W 1225 North. Mark detailed how the setup is designed to minimize neighborhood impact: clients will park in the driveway, and animals will be brought into the garage through a side entrance man door, not the main garage door. The grooming space includes a professional-grade tub, grooming table, and toolbox, all placed inside the garage. A kennel area is also provided inside to hold dogs temporarily if they need to wait for pickup. McKenzie plans to groom one dog at a time, staggering appointments throughout the day, with a maximum of three dogs per day. The planned hours of operation are 8:00 AM to 6:00 PM, ensuring no early morning or late-night disturbances. Mark confirmed that the applicant would maintain two off-street parking spaces for personal vehicles, so client visits would not interfere with neighborhood parking. He also noted that the city had sent public notices to nearby property owners and received two letters of support, with no objections filed.

**Motion:** Commissioner McConkie moved that the Planning Commission, acting as the Land Use Authority, approve application #25-044 subject to Staff comments, Findings of Fact, and stipulations as noted. Commissioner Lenderman seconded the motion and it passed unanimously.

Motion to adjourn

**Motion:** Commissioner Richens moved to adjourn the meeting. Commissioner Coppieters seconded the motion, which passed unanimously.

The meeting was adjourned at 7:17 p.m.

*This certifies that the regular meeting minutes of July 15, 2025, is a true and accurate copy as approved by the Planning Commission on August 5, 2025.*

Signed: \_\_\_\_\_ *Destry Larsen* \_\_\_\_\_

*Destry Larsen, Administrative Assistant*