

**BRIGHAM CITY PLANNING COMMISSION  
BRIGHAM CITY COUNCIL CHAMBERS  
Tuesday, April 16, 2019 6:00 p.m.**

|               |                  |                           |
|---------------|------------------|---------------------------|
| PRESENT:      | Dean Lester      | Chair                     |
|               | Stephen Barsuhn  | Vice-Chair                |
|               | Cindy McConkie   | Commissioner              |
|               | Bill Frye        | Commissioner              |
|               | Bonnie Mortensen | Commissioner              |
|               | Zachary Roberts  | 1 <sup>st</sup> Alternate |
| ALSO PRESENT: | Paul Larsen      | Comm & Eco Dev Director   |
|               | Tony Ekins       | Associate Planner         |
|               | Christina Boss   | Administrative Assistant  |
| EXCUSED:      | Reed Hancey      | Commissioner              |
|               | Scott Mildenhall | Commissioner              |
|               | Holly Bell       | 2 <sup>nd</sup> Alternate |

**AGENDA**

Approval of Minutes

Public Hearing <sup>3</sup> / Application #19-023 / Amend Zoning Map / Two Properties Associated with Annexation Petition / Zoning District Consideration is R-R-1 Rural Residential District / 3008 West and 3080 West Forest Street / Busch and Spencer, petitioners

Continuation / Application #19-015 / Amend Upland Square Brigham City Development Agreement and officially change name of agreement to Brigham Crossing / Southwest Corner of 1100 South and 1100 West Intersection / Ryan and Jacalyn Wilde, agents

Application #19-016 / Amend Master Street and Development Plan / Brigham Crossing (Upland Square) / Southwest Corner of 1100 South and 1100 West Intersection / Ryan and Jacalyn Wilde, agents

Discussion:

A. Legislative Update

**REGULAR MEETING**

**APPROVAL OF MINUTES**

Commissioner Barsuhn made a motion to approve the minutes from the April 2, 2019 meeting. The motion was seconded by Commissioner McConkie and passed unanimously.

**PUBLIC COMMENT**      There was no public comment.

**Public Hearing <sup>3</sup> / Application #19-023 / Amend Zoning Map / Two Properties Associated with Annexation Petition / Zoning District Consideration is R-R-1 Rural Residential District / 3008 West and 3080 West Forest Street / Busch and Spencer, petitioners**

Mr. Ekins approached the table and stated that this Application is for a zoning designation for a two-lot subdivision next to the recent Craynor annexation. If annexed, it will be zoned R-R-1 and is consistent with the Craynor annexation and the General Plan.

**Motion:** Commissioner Frye made a motion to open the Public Hearing. The motion was seconded by Commissioner Mortensen and passed unanimously.

Leon Jensen approached the podium and questioned the purpose of the Application and the Public Hearing. He has no comments on the zoning amendment.

Tauni Busch came to the podium and asked for an explanation of the difference between R-R-1 and the agricultural zone. Mr. Ekins explained that R-R-1 is residential with one house per acre. Agricultural zones have different requirements on how much acreage is required to place a house on the lot. There are different ordinances dealing with agricultural zones. Ms. Busch asked if it changes animal rights. Mr. Ekins was not sure but stated R-R-1 is limited to dogs and chickens.

**Motion:** Commissioner Barsuhn made a motion to close the Public Hearing. The motion was seconded by Commissioner Roberts and passed unanimously.

Mr. Larsen came to the podium and explained that an agricultural zone has more agriculture with fewer restrictions on animal rights and types of animals. In an R-R-1, the expectation is residential and allows for agriculture except grazing and pasturing of animals as a permitted use and agricultural including grazing and pasturing of animals as a conditional use. Animals are not allowed for commercial purposes.

**Motion:** Commissioner Frye made a motion that the Planning Commission, acting as the recommending body to the City Council, forward Application #19-023 to the City Council with a recommendation for approval subject to Staff comments, Stipulations and Findings of Fact that: 1) The zoning designation of R-R-1 Rural Residential District is consistent with the General Plan Land Use designation; 2) The zoning designation of R-R-1 Rural Residential District is consistent with the adjacent Craynor property recently annexed into the City in 2018; 3) The legislative body may not make any amendment authorized by this subsection (Utah Code, Section 10-9a-503) unless the amendment was proposed by the Planning Commission or was first submitted to the Planning Commission for its recommendation; and 4) The City Council of each municipality shall assign a land use zone or a

variety thereof to territory annexed to the municipality at the time the territory is annexed (Utah Code, Section 10-9a-506. Regulating annexed territory).

The motion was seconded by Commissioner McConkie and passed unanimously.

**Continuation / Application #19-015 / Amend Upland Square Brigham City Development Agreement and officially change name of agreement to Brigham Crossing / Southwest Corner of 1100 South and 1100 West Intersection / Ryan and Jacalyn Wilde, agents**

Mr. Larsen displayed the parcel on the screen and gave a brief history on Upland Square. He then displayed the Amended Development Agreement on the screen and the Applicants were invited to the table. Mr. Larsen reviewed the proposed changes. He went over Exhibit B, Land Use Regulations, in detail and explained what UTA's intentions are with the northern stations. Ms. Wilde explained that UTA approached them and committed to 10 acres. Mr. Larsen will send the 1100 South Design Guidelines to the Planning Commission.

Mr. Larsen also reviewed Exhibit C, Streamlined Site Plan and Subdivision Process. The Joint Advisory Board made several recommendations regarding 1100 West Street and the yellow road. Mr. Wilde passed out the revised Master Street and Development Plan to the Commissioners and Staff. The Brigham City boundary is shown running directly adjacent and next to the Applicant's parcel boundary.

Commissioner McConkie pointed out that the Developer name needs to be changed on (C) Metes and Bounds Subdivision Process.

The Commissioners are comfortable with making a recommendation to the City Council with items (B)(4) and (5) being delegated to Staff to coordinate a resolution with Perry City.

**Motion:** Commissioner Barsuhn made a motion that the Planning Commission, acting as the recommending body to the City Council, make a recommendation for approval of Application #19-015, subject to the changes in the Amended Draft Brigham Crossing Brigham City Development Agreement, and subject to authorizing and encouraging Staff to work with the Applicant to resolve (B)(4) and (5) in Exhibit "C", and subject to the Staff Comments and Stipulations and with the Findings of Fact that: 1) Per Utah Code, a City can use the tool of a development agreement to further the development of property, outline requirements, standards, and timing for said improvements; 2) A development agreement is a mutual binding agreement between a City and the Developer; and 3) Such land use transaction with the noted conditions and stipulations should not under the circumstances of the particular case, be detrimental to the

health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The motion was seconded by Commissioner Roberts and passed unanimously.

**Application #19-016 / Amend Master Street and Development Plan / Brigham Crossing (Upland Square) / Southwest Corner of 1100 South and 1100 West Intersection / Ryan and Jacalyn Wilde, agents**

Mr. Larsen added that the new version of the Plan addresses items from the Joint Advisory Board meeting including stub outs at south end of development and a possible railroad crossing.

The Applicants discussed the future UTA transit hub. Commissioner Roberts feels that there is an opportunity for transit oriented development and would like to see more consideration for bicycles in roadways and bike paths. Ms. Wilde explained that the road will have a bike path and they plan to utilize the wetlands for paths. Mr. Larsen pointed out that Engineering comment #1 should be changed from UTA to UPPR.

Commissioner Lester stated that the Joint Advisory Board's recommendations were that Staff work with Developer and Perry City on 1100 West, the Developer include a timeline for improving the secondary yellow road in the Development Agreement and that trail connectivity be included on the Street and Development Plan.

**Motion:** Commissioner Barsuhn made a motion that the Planning Commission, acting as the recommending body to the City Council, make a recommendation for approval of Application #19-016 subject to the Staff Comments, Recommendations and Stipulations and the Joint Advisory Board recommendations and subject to Engineering Department Comment #1, changing UTA to UPPR and subject to Perry City being responsible to address the railroad crossing and with the Findings of Fact that: 1) The submitted plan is a requirement of the current existing development agreement and the proposed amended development agreement; and 2) Such action with noted conditions and compliance should not under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The motion was seconded by Commissioner Mortensen and passed unanimously.

Discussion:

A. Legislative Update

Commissioner Mortensen was excused from the meeting at 7:23 p.m.

Mr. Larsen explained that House Bill 288 redefines gravel pits as critical infrastructure materials sites. The Bill creates a critical infrastructure protection zone and states that all existing pits as of 1/1/2019 are grandfathered and vested and have the right to expand infinitely with little or no oversight by local governments. There is a requirement that a note stating buyer's property is close to a gravel pit must be included on plats for any subdivision within 1,000 feet of a pit.

Currently in the M-U zone, gravel pits are a conditional use. Mr. Larsen suggested creating a new zone for gravel and sand mining, which will limit where mines are located in the City.

There is support in the legislature for the EPA to eliminate the 2.5 particulate standard and go back to 10.

Commissioner Lester asked what actions the City could take. Mr. Larsen contacts legislators on a regular basis and lets them know how the City feels about bills and the ULCT has staff on the hill representing Utah cities. The Planning Commissioners expressed their concern over the expansion and protection of gravel pits.

Senate Bill 34 requires cities to have a housing plan and opportunities for variety of housing, which Brigham City has. The Planning Commissioners voiced their concerns over tiny housing and want to make sure the subject is addressed with Code updates.

#### **MOTION TO ADJOURN**

**Motion:** A motion was made by Commissioner Roberts to adjourn, seconded by Commissioner McConkie and unanimously carried.

The meeting was adjourned at 7:48 p.m.

*This certifies that the regular meeting minutes of April 16, 2019 are a true and accurate copy as approved by the Planning Commission on May 7, 2019.*

Signed: \_\_\_\_\_

*Christina Boss, Administrative Assistant*