

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY FIRE STATION
Tuesday, September 3, 2019 6:00 p.m.**

PRESENT:	Dean Lester	Chair
	Cindy McConkie	Commissioner
	Reed Hancey	Commissioner
	Bill Frye	Commissioner
	Holly Bell	Commissioner
	Zachary Roberts	1 st Alternate
	Curtis Hoehn	2 nd Alternate
ALSO PRESENT:	Mark Bradley	City Planner
	Christina Boss	Administrative Assistant
	Michael Olson	Applicant
	Anna Olson	Applicant
	Matt Nielson	Applicant's Representative
	Rick Hellstrom	Applicant
	Rob Lindsey	Applicant
EXCUSED:	Steven Barsuhn	Vice-Chair
	Scott Mildenhall	Commissioner

AGENDA

Approval of Minutes

Public Hearing / Application #19-076 / Amend Zoning Map / Properties Associated with Annexation Petition / Zoning District Consideration is R-1-8 Residential District / 500 West and 1500 North / Benson and Peggy Astle, petitioners

Application #19-086 / Public Utility Installations Exempt from Certain Zoning Requirements / Natural Gas Facility Site / South of Flat Bottom Canyon / Dominion Energy

Discussion Item:

Application #19-088 / Subdivision Sketch Plan / Concord Village / 1100 West and Approximately 1050 South / Rob Lindsey

REGULAR MEETING

APPROVAL OF MINUTES

Commissioner McConkie stated that Line 177 *cooker* cutter should read *cookie* cutter. She then made a motion to approve the minutes from the August 20, 2019 meeting as corrected. The motion was seconded by Commissioner Hancey and passed unanimously.

Public Hearing / Application #19-076 / Amend Zoning Map / Properties Associated with Annexation Petition / Zoning District Consideration is R-1-8 Residential District / 500 West and 1500 North / Benson and Peggy Astle, petitioners

Mr. Bradley came to the table and stated that the City Council accepted the annexation petition and a public hearing is expected to be held on October 3, 2019. This application request would require an amendment to the zoning map. This request is for a rezone to R-1-8, which is consistent with the area, and the General Plan. Notices were sent to neighboring properties and Mr. Bradley received a phone inquiry and the following email, which he read into the record:

We received a notice in the mail about a planning meeting tonight about the property annexation at 500 W. 1500 N. We unfortunately are unable to attend tonight, but wanted to just make a few comments and concerns.

We have lived near this area for 14 years now. We love living out here with the country feel. As time moves forward and we recognize that it won't always be possible to live with fields around us, our concern is that a building company will come in and not keep the integrity of a small country feel, small lots and small homes just to make money. Our hope is that as this develops, this property can stay in the County, from our understanding, requiring larger lot sizes. Just south of this on 500 W. is a development with small lots, and homes being built as well as south of the Armory. With all this growth it will impact the elementary school with larger classrooms.

We are not excited about the development just west of the proposed property. There are only two house plans being used. We would love to see our community with variety. We hope that you will consider the impact of this development on the nearby schools. And consider the reality of two other new developments and our need for variety, bigger lots and possibly bigger homes so that we can bring a variety of people to the area.

Thank you for your time in reading and considering our point of view.

*Clark and Lisa Funk
(435) 723-0358*

Commissioner Hancey asked about the County/City services at the 1500 North right of way. Mr. Bradley stated that he believes there is a maintenance agreement between the City and the County for that area. Commissioner Hancey also mentioned the North 40 impact on the lift station. Mr. Bradley stated that when the developer brings the subdivision application before the Planning Commission, the impact on the lift station would be addressed.

Motion: A motion to open the public hearing was made by Commissioner Hancey, seconded by Commissioner Bell and passed unanimously.

Michael Olson came to the table and stated that he owns a six-acre lot and does not want to annex his property because he wants agricultural rights. He wants to continue to have water access to North Field Water, which goes through the subject parcels. Mr. Olson stated that they have a 1/3 share of a water right to the spring. On 500 West, to the west of the subject parcel, there is a portion of land that is a one-lane road. Mr. Olson is concerned about kids walking to and from Discovery School and the impact of more houses and increased traffic.

Anna Olson stated that she echoes some of the Funk's concerns. She does not want their water affected because it is part of their livelihood. Her neighbors across 1500 North would be impacted as well. She stated that they met with Matt Nielson, which proved to be helpful.

Motion: A motion to close the public hearing was made by Commissioner Bell, seconded by Commissioner McConkie and passed unanimously.

Commissioner Bell asked for clarification on the concerns about the Olsen's water. Mr. Bradley stated that those issues need to be addressed when the Developer comes in with the subdivision application.

There was a discussion on options for lower density zoning.

Commissioner Lester invited Matt Nielson to the table. Mr. Nielson stated that the R-1-8 zoning fits with the area and that the water rights would stay as they currently are.

Motion: Commissioner Hancey made a motion that the Planning Commission, acting as the recommending body to the City Council, recommend approval of Application #19-076 subject to the fact that the R-1-8 zoning designation is consistent with the General Plan and surrounding area and subject to the Staff comments, Stipulations and with the Findings of Fact that: 1) The zoning designation of R-1-8 Residential District is consistent with the General Plan Land Use designation of Low Density Residential; 2) The zoning designation of R-1-8 Residential District is consistent with the neighboring North Forty subdivision, the recent adjacent Olson annexed property at 209 West 1500 North, and the adjacent south undeveloped property (old Golf Course); 3) Neighboring properties within 300 feet received a public hearing notice of the meeting; 4) 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 5) 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 Frye and passed unanimously.

Application #19-086 / Public Utility Installations Exempt from Certain Zoning Requirements / Natural Gas Facility Site / South of Flat Bottom Canyon / Dominion Energy

Mr. Bradley displayed the site on the screen and stated that the pipeline upgrade extends from the Cache area to the Wasatch front. Dominion Energy would re-route the pipe to increase the size and would work with the Staker Parson property owners. The current station would be removed due to issues with inaccessibility and a new regulatory station would be installed. The line pressure would be reduced through the residential area. Mr. Bradley explained that the zoning on the hillside is MU-160. City Code has an exemption for certain zoning regulations with minimum lot area, width and frontage.

Mr. Bradley pointed out the 1-acre parcel for the new station site, which would be behind the City well site. One of the conditions would be that Dominion Energy does not impede the existing utility road. He displayed a typical regulatory station building on the screen. Staff comments included an adjustment to the parcel so that it would not overlap on to the easement. There is no conflict with ownership and the road easement.

Rick Hellstrom, Land Consultant for Dominion Energy, came to the table. He explained that the high-pressure line changes when it comes down off the hillside. After the regulatory station, the pressure is reduced from 300 pounds to 45 pounds. Mr. Hellstrom stated that the drawing would be adjusted for fence and parcel boundaries.

Commissioner Lester asked if the station would be protected from random shooting. Mr. Hellstrom stated that there is no way to protect above ground piping. He further explained that the pipe and valves have been exposed in the current location without incident. He stated that the high-pressure pipe would remain steel.

Motion: Commissioner Bell made a motion that the Planning Commission, acting as the land use authority, approve Application #19-086 subject to the Staff Comments, Stipulations and with the Findings of Fact that: 1) Per City Code Section 29.05.230 Public Utility Installations Exempt from Certain Zoning Requirements, the Planning Commission may exempt public utilities from lot area, width, and frontage regulations contained within the zoning district regulations of Chapter 29 Zoning Ordinance upon a finding that such exemption: A. will 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, and B. that the proposed use will comply with all other regulations and conditions specified in this Title for such use, and C. such exemption will not substantially adversely affect the General Plan or intent of the zoning district in which the use is proposed, and D. in the particular case for which the exemption is requested, adherence to lot area, width, and frontage regulations is unnecessary in order to carry out the intent of the General Plan; and 2) The Planning Commission find that such stipulations noted in City Code Section 29.05.230 have or will be met and complied with for the utility installation and improvement of the site by addressing the Staff Review comments.

The motion was seconded by Commissioner Roberts and passed unanimously.

Discussion Item:

Application #19-088 / Subdivision Sketch Plan / Concord Village / 1100 West and Approximately 1050 South / Rob Lindsey

Commissioner Lester invited Mr. Lindsey to the table. Mr. Bradley displayed the proposed site on the screen and stated that it is zoned A-1 Agricultural. The General Plan shows the site as future commercial. There will be a 106-foot wide road from State Road 13 to 1100 South.

Staff comments include a required General Plan or Code amendment for the project to be developed at the proposed site. Staff's position is that the parcel should remain a future commercial property due to the proximity to 1100 South and 1100 West streets. The development would require a large detention basin due to the large amount of proposed hard surfacing. Public Works has a concern with the location of the road pertaining to function and design. Mr. Bradley expressed Staff concerns with the setback issues. Mr. Lindsey stated that the dirt road would help with setbacks. Mr. Bradley replied that the dirt road is the old Parker Lane and ownership is unclear.

Mr. Lindsey displayed his market study on the screen and stated that the current demand is for multi-family housing and the area is ideal because of the proximity to I-15. He explained that the 1-bedroom unit is 630 square feet, 2-bedroom units are 900 square feet and 3-bedroom units are 1,285 square feet. The development would be constructed in two phases. The first phase would be the east section and upon reaching 90% occupancy, Phase 2 would begin. Commissioner Hancey commented on building one-half of the road. Mr. Lindsey stated that they would only own half and a 53-foot wide road would be adequate. Mr. Bradley stated that Public Works would like to avoid a half-built road.

There was a lengthy discussion on the development. Planning Commission comments included:

- High-density in the proposed location is not consistent with the General Plan and there was not support for a rezone
- The General Plan focused on bringing high-density to the downtown area
- Concern that this project may spark other developments of similar density in the same area
- Substantial impact on schools and roads
- Prefer different housing types mixed in
- Use more trails and green space in a high-density development
- Not supportive of high-density housing being a gateway to Brigham City
- Proposed number of units would be too many for any area in Brigham City; prefer to see scaled down development
- High density limits urban sprawl and promotes more green space
- Promote integration of high density with lower-density areas
- There is a need for quality housing and high-density housing
- Kirk Nelsen property would be more suitable for higher-density housing

MOTION TO ADJOURN

Motion: A motion was made by Commissioner Bell to adjourn, seconded by Commissioner Hoehn and unanimously carried.

The meeting was adjourned at 8:07 pm.

This certifies that the regular meeting minutes of September 3, 2019 are a true and accurate copy as approved by the Planning Commission on September 17, 2019.

Signed: _____

Christina Boss, Administrative Assistant