

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
ELECTRONIC MEETING
Tuesday, December 15, 2020 6:00 p.m.**

PRESENT:	Dean Lester	Commissioner- Chair
	Steve Barsuhn	Commissioner- Vice Chair
	Scott Mildenhall	Commissioner
	Cindy McConkie	Commissioner
	Reed Hancey	Commissioner
	Holly Bell	Commissioner

ABSENT:	Curtis Hoehn	Commissioner
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ALSO PRESENT:	Mark Bradley	City Planner
	Sarah-Jane Martin	Administrative Assistant
	Tami Van Dusen	Applicant
	Jessica Prestwich	Applicant
	Bruce Parker	Consultant
	Molly Gaughran	Consultant

AGENDA

Pledge of Allegiance

Approval of Minutes

Approval of 2021 Planning Commission Meeting Schedule

Application #20-096 / Conditional Use Permit ¹ / Major Home Occupation – Voice Instruction / 636 West 850 North / Tami and Steve Van Dusen

Application #20-097 / Preliminary Subdivision Plat / Watercress Subdivision / 500 West and 1325 North / Jessica Prestwich and Garth Day, Sierra Homes

Discussion Item:

Title 29 Zoning Update / Bruce Parker

REGULAR MEETING

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

APPROVAL OF MINUTES

Commissioner Barsuhn made a motion to approve the minutes with corrections as noted for November 17, 2020 meeting. The motion was seconded by Commissioner Bell passed unanimously.

APPROVAL OF 2021 PLANNING COMMISSION SCHEDULE

Mr. Bradley high-lighted the December 21, 2021 meeting. The committee was in agreement to keep the stated date.

The Planning Commission approved the 2021 schedule without changes.

APPLICATIONS

Application #20-096 / Conditional Use Permit ¹ / Major Home Occupation – Voice Instruction / 636 West 850 North / Tami and Steve Van Dusen

The applicants would like to use their home for voice instruction. As noted in the attached business plan, Mrs. Van Dusen has taught vocal instruction at two other locations in Brigham City. The Van Dusen's have moved into another home, which requires a conditional use permit for the new address. Group vocal lessons put the home business license into the Major category for Planning Commission consideration and approval. There will be no signage on the home.

Hours of operation and addressing how to minimize the impact on the neighborhood are typically the key discussion items with group lessons. According to the business plan, there would be an accompanist (one additional employee) who would come to the home and help the instructor (applicant) with the group lessons.

One concern from Staff was the traffic during the transition between classes.

Mrs. Van Dusen addressed the concern regarding traffic during transitions. In the past, this has not been an issue. Students do not all arrive and leave at the same time.

The commission had no questions.

Motion: Commissioner Bell made a motion that the Planning Commission, acting as the Land Use Authority, approve application #20-096 subject to Staff comments, Findings of Fact, and stipulations as recorded. It was seconded by Commissioner Mildenhall and passed unanimously.

Application #20-097 / Preliminary Subdivision Plat / Watercress Subdivision / 500 West and 1325 North / Jessica Prestwich and Garth Day, Sierra Homes

This is the preliminary subdivision plat application for the Watercress Subdivision (formerly referred to as North Forty Phase 7). They are proposing four phases with a total of 89 single-family lots. The primary access to the subdivision is 1325 North Street. Several of the lots in phase 1 would front 500 West Street. The following is a breakdown of the proposed phases and number of lots:

- Phase 1 – 18 Lots
- Phase 2 – 22 Lots
- Phase 3 – 19 Lots
- Phase 4 – 30 Lots

A concept plan (file #19-091) was discussed with Staff on October 26 and then with the Planning Commission on November 3. Sierra Homes has modified their concept plan to provide the necessary stub streets for future connectivity. The following items will need to be addressed with the application:

- Storm pond
- Secondary access if phase 2 is ready to be constructed before North Point connectivity
- Geotech Soils Report
- Routing of existing irrigation
- Wetland clearance document

The Planning Commission had the following questions and concerns:

1. Concern regarding the width of lots 38, 39, and 41. If the front of the house for lot 41 was on the opposite side (facing into Visionary Homes subdivision) there would be the option of narrowing the backend of 41 and widening lots 39 and 38.
2. How will the secondary access be addressed once phase 2 is started if Visionary Homes has not completed their portion of the road that extends past lot 43?
 - Jessica Prestwich explained that they are looking at their options for completing the road out to 1500 N. They are also looking at completing the road through Visionary Homes going out to 500 W.
3. Are the roads through the development privately or publically owned?
 - Mr. Bradley explained that the roads will be publically owned and maintained.

Mike and Anna Olson own two pieces of property that border the subdivision on the North and Northeast side of the property. They had three concerns:

1. Mr. Olson doesn't want the irrigation to be routed through yards. If the irrigation needs to be serviced or fixed, he doesn't want to have to enter people's private property to get to the canal.
2. The land slopes as you go north and west. He is concerned about the current proposal because of the lot to the southeast (lot 70) of his property (parcel 03-081-0018). This is where his irrigation comes in and where water is released to irrigate that area. However, there is a small elevated area and he sometimes will plug off the irrigation right where the stubbed road is between lots 69 and 70. He understands the irrigation is being rerouted but wanted his concerns voiced so Sierra Homes can consider them as they design the new irrigation route.
3. One of the proposed secondary roads goes through their property (parcel 03-081-009). How would that work?
 - Jessica Prestwich explained that the road would shift to the east. This would move it off of the Olson property and onto Sierra Homes' property.

Mr. Bradley explained all the possible options for the secondary road.

Motion: Commissioner Barsuhn made a motion that the Planning Commission recommend approval of application #20-097 to City Council subject to Staff comments, Findings of Fact, and stipulations as recorded. With the additional stipulation that the secondary access must be finalized before phase two construction begins. It was seconded by Commissioner Hancey and passed unanimously.

DISCUSSION ITEM

Title 29 Zoning Update / Bruce Parker

Mr. Parker reviewed changes made to title 29 focusing on Accessory Dwelling Units (AD) and Planned Unit Developments (PUD)

AUD

Legalize preexisting ADU key points:

- Must be allowed in the Zoning District.
- Must be inspected by the Building Official to verify compliance with building code.
- A separate entrance is provided for the unit.
- Connected to the same utilities as the home

- Have at least 1 off-street parking space for the unit.
- The unit cannot be sold separately from the primary building.
- An ADU cannot be a mobile home, recreational vehicle, travel trailer, boat, or similar recreational vehicle.

New ADU key points:

- Will meet Land Use Ordinance and Building Code.
- ADU cannot be sold separately from the primary dwelling
- Should it be open to all Single-Family Dwellings units regardless of zoning district?
- Meets the required Zoning setbacks.
- An ADU will not exceed twenty-five percent of the rear yard.
- Connected to the same utilities as the home
- Only one ADU can be connected to a Single-Family Dwelling.
- Have at least 1 off-street parking space for the unit.
- ADUs cannot be a mobile home, recreational vehicle, travel trailer, boat, or similar recreational vehicle.

Items of discussion/concern:

- Should a zoning district be applied to ADUs or is any Single-Family Dwelling eligible for an ADU?
- How would separate heating and air unit requirements work with not having separate utilities from the primary home?
- What should the Zoning setback requirements be?
- The property owner is required to live on-site either in the ADU or the primary home.
- Height of the accessory dwelling unit.
- Potential misuse of this type of allowance.
- Is this the best way to provide affordable housing?
- How will Brigham City enforce these new codes with the current staff?

Comments from the Planning Commission:

- By keeping utilities connected to the primary dwelling, it makes home-owners more responsible about who they rent to and Brigham City is not left with unpaid utility bills from renters.

PUDs

PUDs would be dealt with differently. PUDs would be removed from the code. Instead, the underlying densities would be set by the Zoning District in which a piece of property is located. Mixed-use projects would be handled as a zoning matter with a rigorous site-plan approval process.

MOTION TO ADJOURN

Motion: A motion was made by Commissioner McConkie to adjourn. The motion was seconded by Commissioner Bell and passed unanimously.

The motion passed unanimously and the meeting was adjourned at 8:02

This certifies that the regular meeting minutes of December 15, 2020, is a true and accurate copy as approved by the Planning Commission on January 19, 2021.

Signed: _____

Sarah-Jane Martin, Administrative Assistant