BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
ELECTRONIC MEETING
Tuesday, 6/15/2021 6:00 p.m.

PRESENT:	Steve Barsuhn	Commissioner- Chair
	Scott Mildenhall	Commissioner- Vice Chair
	Dean Lester	Commissioner
	Holly Bell	Commissioner
	Cindy McConkie	Commissioner
	Roger Manning	Commissioner
	Jason Coppieters	Commissioner
EXCUSED:	Curtis Hoehn	Commissioner
ALSO PRESENT:	Mark Bradley	City Planner
	Tony Ekins	Associate Planner
	Sarah-Jane Martin	Administrative Assistant
	Tiffany Clark	Applicant
	Tina Peck	Applicant
	Duane Braegger	Applicant
	Josh Braegger	Applicant
	Jim Flint	Applicant

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AGENDA

Pledge of Allegiance

Approval of Minutes

Continued / Application #21-055 / Conditional Use Permit [1] / Major Home Occupation – Recreation Rental Equipment / 864 North 200 West / Tiffany Clark and Tina Peck

Public Hearing [1] / Application #21-048 / Amend Brigham City Code Title 29 Zoning / Allow for Internal Accessory Dwelling Units within single family dwellings and establish standards and regulations as a result of recent State Legislation House Bill 82 / Brigham City Corporation

Public Hearing [1] / Application #21-056 / Rezone property (Parcel No. 03-108-0101) of land located at 1200 West and approximately 245 North from A-5 (Agricultural District) to M-D (Manufacturing-Distribution District) on approximately 77.15 acres / Duane Braegger, Wayneco LLC

Application #21-057 / Preliminary Plat – Industrial Subdivision / Wayneco Subdivision / 1200 West and approximately 245 North / Duane Braegger, Wayneco LLC

REGULAR MEETING

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

APPROVAL OF MINUTES

Commissioner Bell made a motion to approve the minutes for June 1, 2021 meeting. The motion was seconded by Commissioner McConkie passed unanimously.

Continued / Application #21-055 / Conditional Use Permit 1 / Major Home Occupation – Recreation Rental Equipment / 864 North 200 West / Tiffany Clark and Tina Peck

The application was continued from the June 1st, 2021 Planning Commission Meeting due to neighborhood responses received from neighborhood notices concerning the applicant's location, hours of operation, and increase of traffic to the public roadways within the vicinity. The applicants have made the following adjustments to mitigate concerns from the neighborhood.

1. Patrons will pull into the driveway and not use the street for parking to load or unload rental equipment.
2. Hours of operation were adjusted to 8:00 am – 11:00 am and 5:00 pm – 7:00 pm Monday – Saturday. Closed on Sundays.

Questions and comments from the Planning Commission:

There were no questions from the Planning Commission

Motion: Commissioner Lester made a motion that the Planning Commission, acting as the Land Use Authority, approve application #20-055 subject to Staff comments, Findings of Fact, and stipulations as noted. It was seconded by Commissioner Coppieters and passed unanimously.

Public Hearing 1 / Application #21-048 / Amend Brigham City Code Title 29 Zoning / Allow for Internal Accessory Dwelling Units within single family dwellings and establish standards and regulations as a result of recent State Legislation House Bill 82 / Brigham City Corporation

The 2021 Session of the Utah Legislature passed House Bill 82 – Single-Family Housing Modifications, to be codified in various Titles and Chapters of the Utah Code. The new Utah Code requires cities to allow for "Internal Accessory Dwelling Units" and

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specifies what cities may or may not incorporated as standards and regulations. The desired outcome of the bill is to provide more affordable housing.

Key Points:

1. Definition of the word “attached”
   a. The primary dwelling unit and the IAUD (internal accessory dwelling unit) must share a portion of any wall.
   b. The roof of the IAUD must be attached to the primary dwelling.
2. IADU must have a separate dedicated kitchen and bathroom from the primary dwelling.
3. IADU will be permitted in M-U-40, M-U-80, M-U-160, A-1, A-5, RR-1, RR-5, R-1-10, R-1-8, R-1-6, R-M-7, R-M-15, R-M-30, GC, and CBD zoning districts.

Questions and comments from the Planning Commission:

1. Would applicants using the space for their family be required to get a permit?
   Response from City Planner: If you have family living with you, you are not required to have a rental license.

2. What is the definition of Occupancy?
   Response from City Planner: We do not have one for this draft. The purpose of requiring homeowners to occupy one of the dwelling units is to prevent two rented units. If a homeowner is not occupying one of the units for an extended period, they would not be able to rent the second unit.

3. Will rental licenses need to be renewed yearly?
   Response from City Planner: Yes, rental licenses will be renewed yearly.

4. Does this amendment to Title 29 override any HOA covenants?
   Response from City Planner: That will need to be looked at legally with the City attornies.

Public Hearing:

Motion: Commissioner Lester made a motion to open the public hearing. It was seconded by Commissioner Bell and passed unanimously.

- Jeffery Packer is in approval of the draft.

- Stefanie Tugaw Madsen – could a future owner remove the recording of an IADU?
  Response: They could remove it as long as it doesn’t create a duplex once removed.

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- Jim Flint – Will IADU's be Staff administered or will they go through the Planning Commission for approval?
  Response: They will be administered by City Staff.

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

Motion: Commissioner Lester made a motion that the Planning Commission recommend approval of application #21-048 to City Council subject to the following stipulations:

1. Approval of the copy in their packets with adjustments noted.
2. Setback parking illustration be included
3. Approval contingent upon approval by the city attorney of HOA covenants that conflict with and IADU.

It was seconded by Commissioner Bell and passed unanimously.

Public Hearing 1 / Application #21-056 / Rezone property (Parcel No. 03-108-0101) of land located at 1200 West and approximately 245 North from A-5 (Agricultural District) to M-D (Manufacturing-Distribution District) on approximately 77.15 acres / Duane Braegger, Wayneco LLC

The applicants desire to rezone their property in preparation for developing an industrial subdivision (see Application #21-057). The rezone request is consistent with the adjacent south and east industrial zoned M-D properties and the General Plan land use designation Light Industrial.

Public Hearing:

Motion: Commissioner Bell made a motion to open the public hearing. It was seconded by Commissioner Coppieters and passed unanimously.

Roger Cragen with Autoliv– What is the timeline for improvements to 1200 West with the added traffic and will there traffic signaling on Forest Street?
Response from Planning Official:

- The city has been working to acquire additional right-of-way so it becomes 106' wide along 1200 West.
- Along the east side, developments will happen as property is developed.
- True North widened further than they needed to and because of this, there is a consideration in the future to create a turn lane going southbound towards Forest Street.
- A traffic signal is an option the City can look into but would be determined by Public Works and there is no timeline currently for one.

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

Motion: Commissioner McConkie made a motion that the Planning Commission recommend approval of application #21-056 to City Council subject to Staff comments, Findings of Fact, and stipulations as noted. It was seconded by Commissioner Bell and passed unanimously.

Application #21-057 / Preliminary Plat – Industrial Subdivision / Wayneco Subdivision / 1200 West and approximately 245 North / Duane Braegger, Wayneco LLC

The applicant desires to develop a 9 lot industrial subdivision. A concept plan (Application #21-023) was discussed with staff on February 22, 2021, and Planning Commission on March 16, 2021. There was discussion about a stub street to the north property line.

Comments from the applicants:

They are hoping to adjust the stub street to be changed from 1450 W to 1325 W. With the wetlands, it will be less problematic.

Also, in response to the widened True North improvements, they plan on extending the widened improvement on the east side of Lot 1 and blending it into the intersection and then continuing with the planned improvements along 1200 West.

Questions and comments from the Planning Commission:

1. Is the applicant compliant with the engineering comments and willing to address those items?
   Response from applicant: Other than the stub street, they are willing to comply with all engineering comments.

2. Planning Commission is uncomfortable going against Staff comments regarding the stub street location at 1450 West. However, they are willing to add this request to the motion giving the applicant and Staff the ability to work together on this request.

Motion: Commissioner Lester made a motion that the Planning Commission recommend approval of application #21-057 subject to Staff comments, Findings of Fact, and stipulations as noted with the added stipulation that the stub street on 1450 west is

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adjusted to 1325 west and contingent on approval of application #21-056. It was seconded by Commissioner Mildenhall and passed unanimously.

Motion to adjourn

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

The motion passed unanimously and the meeting was adjourned at 7:22 pm.

This certifies that the regular meeting minutes of June 15, 2021, is a true and accurate copy as approved by the Planning Commission on July 20, 2021

Signed: _____

Sarah-Jane Martin, Administrative Assistant

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