

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, 7/19/2022 6:00 p.m.**

PRESENT:	Steve Barsuhn	Commissioner- Chair
	Scott Mildenhall	Commissioner- Vice Chair
	Dean Lester	Commissioner
	Jason Coppieters	Commissioner
	Holly Bell	Commissioner
	Cindy McConkie	Commissioner
	Roger Manning	Commissioner

EXCUSED:	Mandi Richens	Commissioner
	Sarah-Jane Martin	Administrative Assistant

ALSO PRESENT:	Mark Bradley	City Planner
	M. Johan VanZeben	Applicant
	Jon Madsen	Applicant
	Josh Green	Applicant

AGENDA

Pledge of Allegiance

Approval of Minutes

Continued / Public Hearing ¹ / Application #22-043 / Amend Brigham City Code Title 29 Zoning, Chapter 29.11 Multiple Use, Agricultural, and Rural Residential Districts / Address Use Categories, Inconsistencies, and General Standards and Regulations / Brigham City Corporation

Application #22-070 / Conditional Use Permit ¹ / Bear River Health Department Additions and Site Improvements / 817 W. Parker Lane / M. Johan VanZeben

Application #22-072 / Permitted Use Permit / Contractor Office and Shop / 108 South 1100 West / Madsen Remodeling

Letter of Support Rural Communities Opportunity Grant

Discussion Item:

- Application #22-069 / Concept Plan / Brigham Village Subdivision / 410 N. Main / Josh Green

REGULAR MEETING

Regular session opened at 6:01 p.m. by Commissioner Barsuhn and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES – There were no minutes to approve

Continued / Public Hearing ¹ / Application #22-043 / Amend Brigham City Code Title 29 Zoning, Chapter 29.11 Multiple Use, Agricultural, and Rural Residential Districts / Address Use Categories, Inconsistencies, and General Standards and Regulations / Brigham City Corporation

The following is an overview of the June 21, 2022 meeting. This application and the public hearing continued to address the following:

- Agriculture, Business and Industry:

To avoid unintended consequences, staff recommends leaving the use category and type of uses (conditional use, permitted use, not allowed) as currently adopted and assigning the use type for the new A-20 zoning district as a permitted use. In addition, staff recommends amending the definition, which is located in City Code Chapter 29.02 Definitions, to protect the City of certain use described in the definition. The following is the definition:

Agricultural Industry or Business. An industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the planning commission.

- Cluster Subdivisions:

In reviewing the table provided last meeting on the various cluster calculations, staff recommends the cluster allowance follow the recently adopted provision of Title 25 Subdivision, Chapter 25.06 Cluster Subdivision Option. This allows the number of units based on the gross acreage of the parcel before the division of land and incorporating roadway. It simplifies the calculation and still provides an increase from standard subdivision in which lot acreage is created after the design of the roadways. It is also recommended that the use type changes from a conditional use to a permitted use where standards and regulations are already established in Chapter 25.06. There is no need for an additional application where the subdivision application is presented to both the Planning Commission and City Council. The draft version shows the proposed changes.

- Conditional Use Permit option for additional small animals and fowls:

The Planning Commission may consider additional small animals and fowl units per parcel through a conditional use permit application process. The Planning Commission must find that no additional impact, nuisance (noise, smells, flies, pests), or hardship

would occur to the adjacent property owners and no additional impact on the City's transportation and infrastructure system. If an approved plan is violated or causes situations that become a nuisance to adjacent property owners, the conditional use shall be subject to revocation.

- Fencing Distance from public right-of-way:

The working draft language was changed to remove draft language "within a platted subdivision" and include "when located by a public sidewalk, path, or trail" for clarification. This way an existing fence can remain until the installation of the sidewalk, path, or trail. The said improvement would most likely require the fence to be relocated at that time.

- Grandfathering:

The City Attorney advised any subdivision of land that alters the existing property causes the grandfathered use prior to the update of this code amendment or annexation into Brigham City. He further emphasized that the purpose of this code amendment and update is to help improve the uses for the agricultural and rural residential zoning districts. The restrictions are lessened except for establishing the number of animals and fowls in the A-1, RR-1, and RR-5 zoning districts. There are no animal and fowl restrictions in the A-5 or A-20 zoning districts.

Questions and comments from the Planning Commission:

1. Clarification of #4 - Agriculture and Forestry subcategory "a." Remove "or non-grazing and non-pasturing of animals." The Planning Commission would like it to read "Agriculture, grazing, housing, corralling, and pasturing of animals."
2. Clarification of #24 – Mine, quarry, gravel pit, rock crusher, concrete batching plant, or asphalt plant, oil wells or steam well. Why is it a conditional use permit in A-5 but not allowed in A-20?

Response from City Planner: A-5 is an established zone with protected Utah state rights. However, a newly created zone does not have those rights, so that it can be established as non-permitted.

Continuation of Public Hearing:

Key points from Bonnie Robinson, Jody Jensen, and Julie Larsen

- Would prefer keeping #4 subcategory "a" as it is written to allow for animals that pasture and animals that are not pastured.
- Concerned about losing the grandfathering status if they subdivide any of their property.
- Concerned about the definition of Agriculture. Would prefer if Cache County's definition was used instead.

Public Hearing:

Motion: Commissioner Bell made a motion to close the public hearing for application #22-043. It was seconded by Commissioner McConkie and passed unanimously.

Motion: Commissioner Coppieters made a motion that the Planning Commission recommend approval of application #22-043 subject to Staff comments, Findings of Fact, and stipulations as noted. Including the discussion items from this meeting. It was seconded by Commissioner Bell and passed unanimously.

Application #22-070 / Conditional Use Permit ¹ / Bear River Health Department Additions and Site Improvements / 817 W. Parker Lane / M. Johan VanZeben

An application has been filed to build additions and make site improvements at the Bear River Health Department facility at 817 W. Parker Lane. According to the applicant, to better accommodate public health services, the health department is proposing a new drive-thru and porte-cochere to service W.I.C. (Women, Infants, and Children) as well as public vaccination drives. They would also like to build an addition with a connecting hallway between the two existing buildings and provide additional offices and a break room. Other additions would include a new lobby addition and a new entry plaza.

The approval is subject to the public utility easement being vacated, and existing utilities relocated. The recent application #22-062 to vacate the public utility easement located between the two existing buildings on the subject property will be considered by the City Council at a public hearing on Thursday, July 7, 2022.

Questions and comments from the Planning Commission:

1. What is the height or clearance for the porte-cochere?
Response from applicant: The clearance is 11 feet.
2. Clarification of parking stalls.

Motion: Commissioner Bell made a motion that the Planning Commission, acting as the Land Use Authority, approve application #22-070 subject to Staff comments, Findings of Fact, and stipulations as noted. It was seconded by Commissioner Coppieters and passed unanimously.

Application #22-072 / Permitted Use Permit / Contractor Office and Shop / 108 South 1100 West / Madsen Remodeling

A land use application has been submitted to construct a contractor office and shop on Lot 4 "R" of the K.E.B. Subdivision No. 3, which was recently recorded in April 2022. It is a corner lot, and the building will face 1100 West. The address for the property is 108 South 1100 West. The applicants have provided a project write-up addressing specific

details (parking, lighting, signage, building elevation colors and materials, proposed waste collection, and landscaping).

Comments from Jon Madsen:

- Implementing more dryscape vs. greenscape – noticed the landscaping around town is not looking very good. If commercial spaces were allowed more dryscape, the properties might look better.

Questions and comments from the Planning Commission:

1. Will there be parked cars or storage on the undisturbed area of the property?
Response from applicant: There will be some storage, but mostly it will be left vacant.
2. Is this a pre-built structure that will be bought in?
Response from applicant: It is a pole barn structure that will be constructed.
3. How will exterior lighting be used on the building?
Response from applicant: There will be floodlights in the back for security with sconces attached to the front and street side of the building that will illuminate roughly 30 feet.
4. A recommendation to be aware of light pollution and use judicious lighting for their needs and not more than is necessary.

Motion: Commissioner Mildenhall made a motion that the Planning Commission, acting as the Land Use Authority, approve application #22-072 subject to Staff comments, Findings of Fact, stipulations as noted, and the use of judicious lighting. It was seconded by Commissioner Coppieters

Letter of Support Rural Communities Opportunity Grant

The City is preparing to submit a grant application to obtain funding from the State to help develop new well sites. The grant application requires the Planning Commission to provide a letter of support stating how the grant to improve the City's water source infrastructure promotes and fits within the City's General Plan.

Questions and comments from the Planning Commission:

1. Are there stipulations associated with the grant?
Response from the Community & Economic Development Director: It would require that Brigham City match the amount awarded at 25%. Brigham City already has funds available for use through the water department.

Motion: Commissioner Coppieters motioned that the Planning Commission approve authorization for the Chairman to sign the prepared letter of support for the grant application. It was seconded by Commissioner McConkie and passed unanimously.

Discussion Item:

Application #22-069 / Concept Plan / Brigham Village Subdivision / 410 N. Main / Josh Green

The ownership currently contains two properties and has changed hands from Boulder Ranch LC to Brigham Village LLC in August 2021. The new owners are looking at making some changes to the site and would like to end up with seven lots. The City Community and Economic Development Department has advised them to establish a Planned District for this area, which could include Anvil Cabinet. There are several addresses associated with this property. A project description by the application is on the attached application, referring to facilitating financing and future redevelopment. This is a concept plan discussion with the City Staff and Planning Commission.

Key points from the Planning Commission:

- Agreement with comments from the Fire Department.
- No grandfathering of existing codes or ordinances.
- More information is needed to have a proper discussion.

Motion to adjourn

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

The motion passed unanimously and the meeting was adjourned at 7:38 pm.

This certifies that the regular meeting minutes of July 19, 2022 , is a true and accurate copy as approved by the Planning Commission on August 16, 2022

Signed: _____

Sarah-Jane Martin, Administrative Assistant