

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, 8/2/2022 6:00 p.m.**

PRESENT:	Dean Lester Jason Coppieters Cindy McConkie Roger Manning Mandi Richens	Commissioner Commissioner Commissioner Commissioner Commissioner
EXCUSED:	Steve Barsuhn Scott Mildenhall Holly Bell	Commissioner- Chair Commissioner- Vice Chair Commissioner
ALSO PRESENT:	Mark Bradley Tony Ekins Sarah-Jane Martin Bruce Parsons Cameron Poulsen	City Planner Associate Planner Administrative Assistant Applicant Applicant

AGENDA

Pledge of Allegiance

Approval of Minutes

Application #20-066 / No-Dedication Combined Preliminary/Final Plat / Cefalo Subdivision / 605 South 200 West / Randall Cefalo

Application #22-075 / No-Dedication Combined Preliminary-Final Plat / Parsons Subdivision / 1145 W. Forest Street / Bruce Parsons

Application #22-076 / Conditional Use Permit ¹ / Major Home Occupation / Rocky Mountain Avian Rescue / 799 Sunset Drive / Cameron Poulsen

Training

REGULAR MEETING

The Planning Commission Chair and Vice Chair were absent. The Planning Commissioners nominated Commissioner Coppieters to chair the meeting.

Regular session opened at 6:05 p.m. by Commissioner Coppieters, and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES – No minutes to approve

Application #22-075 / No-Dedication Combined Preliminary-Final Plat / Parsons Subdivision / 1145 W. Forest Street / Bruce Parsons

An application has been submitted to subdivide this parcel of land into two lots. There are two existing buildings. One building is on the west side, which will be on Lot 1, and the other is on the east side, which will be part of Lot 2. The property is in the West Forest Street Corridor Overlay. The City has acquired additional right-of-way as part of the right-of-way corridor preservation efforts along the south side of Forest Street.

Key items:

1. A subdivision application triggers specific requirements, such as the installation of sidewalks and utilities. The question is whether or not the sidewalk should be installed now, seek a deferral, or enter into a development agreement to address the timing. With a No-Dedication Subdivision, the City typically allows utility laterals and electrical infrastructure to be installed into/on the new lot with the development of the property at the time of obtaining a building permit.
2. The applicant needs to demonstrate that Lot 1 is large enough to accommodate site improvements, which would include off-street parking in this case.

Questions and comments from the Planning Commission:

1. The Planning Commission would like a development agreement for future sidewalks.
2. The area looks small, but it appears all requirements have been met.

Motion: Commissioner Lester made a motion that the Planning Commission recommend approval of application #22-075 subject to Staff comments, Findings of Fact, and stipulations as noted. It was seconded by Commissioner Richens and passed unanimously.

Application #22-076 / Conditional Use Permit ¹ / Major Home Occupation / Rocky Mountain Avian Rescue / 799 Sunset Drive / Cameron Poulsen

The nature of Rocky Mountain Avian Rescue is a safe place for parrots that have been neglected, abused, or unwanted. The applicant desires to use their enclosed carport for an Avian Rescue. The space will allow no more than 15 medium to large parrots at a time or 50 small parrots (parakeets or finches). Once the bird or birds have been taken to the veterinarian, they will be placed on the applicant's website for adoption. When someone wants to adopt the parrot, Rocky Mountain Avian Rescue will schedule a meeting at their house to verify the home has adequate space, cage, food, and is in a

healthy environment. The Avian Rescue will also provide online educational resources and hold zoom meetings. Hours of operation will be appointment only.

Avian Rescue is not categorically considered a home occupation under Section 29.30.020. Staff is recommending the Planning Commission consider the effect on the residential character of the property and determine if the proposed home occupation may or may not adversely affect the residential nature of the neighborhood. Also, will it impose any conditions necessary to mitigate potential impacts of the home occupation in the neighborhood.

Comments from the applicants Cameron and Amanda Poulsen:

They rescue all types of parrots. However, they do not save wild birds. All rescue birds are quarantined anywhere from two weeks to a month. They adopt the birds for the cost they incur while caring for them. They are working to become a nonprofit.

Questions and comments from the Planning Commission:

1. What is your experience in caring for birds?
Response from applicant: The applicant purchased a bird three years ago and has done a lot of research to care for and train birds since then. They work with two other rescue societies, Wasatch Avian Education Society (WAES) and Ronies For the Love of Birds, and much of their information has come from them.
2. How is the avian area set up?
Response from applicant: Large bird cages are kept along one wall with another wall used as a socializing area for the birds to interact and exercise.
3. How often will cages be cleaned and waste thrown away?
Response from applicant: Bird waste will be collected a couple of times a week. The bottom rack and waste collection tray will be cleaned out a few times a week. The entire cage will be cleaned about every two weeks. The waste will be thrown in the trash, and double bagged before being placed in the trash and sent to the landfill with the regular trash.
4. Do you have access to an avian veterinarian?
Response from applicant: The applicants work with Dr. Moss in Kaysville.
5. The concern was that the application does not fit the requirements for a Major Home Occupation but is similar to the keeping of animals, which is prohibited under a home occupation. They would rather see the applicant modify the Major Home Occupation Application to include an Avian Rescue that addresses the Staff recommendations, Findings of Facts, and stipulations.

Motion: Commissioner Lester made a motion that the Planning Commission, acting as the Land Use Authority, deny approval of application #22-076 based on section 29.30.030. Home Occupations section E subject to the keeping of animals, which is similar to the application and this, is an area that is prohibited. The recommendation is to consider a code amendment application that clearly defines an Avian Rescue operation as a Home Occupation, which could be regarded as acceptable. This would be based on an application for a zone change that would cover Staff comments, stipulations, and findings of facts. It was seconded by Commissioner Manning and passed unanimously.

Training: Legislative vs. Administrative

Motion to adjourn

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

The motion passed unanimously and the meeting was adjourned at 8:00 pm.

This certifies that the regular meeting minutes of August 2, 2022, is a true and accurate copy as approved by the Planning Commission on August 16, 2022

Signed: _____

Sarah-Jane Martin, Administrative Assistant