

**APPROVED**  
**BRIGHAM CITY PLANNING COMMISSION**  
**BRIGHAM CITY COUNCIL CHAMBERS**  
**November 15, 2011**

PRESENT:	Barbara Poelman	Chairperson
	Larry Jensen	Vice Chair
	Eve Jones	Commissioner
	Lynda Berry	Commissioner
	Joan Peterson	Commissioner
	Rob Munns	Commissioner
	Reed Hancey	Alternate Commissioner

ALSO PRESENT:	Mark Bradley	City Planner
	Julie Jeppsen	Administrative Assistant

EXCUSED:	Lynn Duce	Commissioner
	Michael Bott	Alternate Commissioner

**AGENDA**

Pledge of Allegiance

Approval of Minutes

Public Comment<sup>1</sup> (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.\*

Continuation of Public Hearing<sup>2</sup> / Application # 3332 / Amend Chapter 29.02 Definitions, Chapter 29.14 Industrial Districts, AND Establish Chapter 29.33 Junk Yards, Self-Service Enclosed Storage Facilities, Self-Service Outside Storage Facilities, Towing and Impound Yards / Brigham City Corporation

Continuation of Application # 3344 / Conditional Use Permit / Addition to Rehabilitation/Treatment Facility / 970 South 1025 West / Catalyst RTC, LLC

Discussion

Section 29.05.200 Clear View of Intersecting Streets

**REGULAR MEETING**

Regular session opened at 6:00 PM by Barbara Poelman and Rob Munns led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Motion:** A motion was made by Larry Jensen to accept the **November 1, 2011** Regular Meeting minutes as corrected. The motion was seconded by Joan Peterson and passed unanimously.

**PUBLIC COMMENT**        There was no public comment.

**Continuation of Public Hearing / Application # 3332 / Amend Chapter 29.02 Definitions, Chapter 29.14 Industrial Districts, AND Establish Chapter 29.33 Junk Yards, Self-Service Enclosed Storage Facilities, Self-Service Outside Storage Facilities, Towing and Impound Yards / Brigham City Corporation**

Mark Bradley outlined the changes to the ordinance chapter by chapter with overhead projection of the redlined revisions.

Mark Bradley explained the current position of the City regarding garage sales of 2 per year etc.

Lynda Berry requested a change to the sentence regarding Definitions simplifying the language. She will supply Mark Bradley with the requested change.

**Public hearing comments. (Continuation from previous meeting)**

Brett Reeder asked about home offices for towing operations and if they would be allowed in residential areas, specifically, in conjunction with a Home Occupancy Business? Regarding garage sales – who would be responsible to enforce this ordinance? Why would there be special permission needed?

Barbara Poelman clarified that enforcement is based on follow-up to complaints. Mark Bradley explained that the city has an enforcement officer who follows up on complaints and makes referrals to the Police as necessary.

Dirk Poulson wanted to know about stacking of vehicles. He expressed opinion regarding the corridor to Brigham City. He feels that the ancestors should have planned differently, but, penalizing current business owners isn't right either. He feels we should make decisions that benefit the community as a whole - not a few. Mr. Poulson expressed objection to the use of other cities ordinances in modeling our ordinances in Brigham City. He complies with Federal, State and County requirements and has done his best to make his business look nice. Specifically, limitation of stacking cars needs to be taken out of the ordinance.

The commissioners clarified their positions and procedures in gathering information from other municipalities in order to aid them with the decisions they make. Mark Bradley agreed and further explained the procedure and necessity of the process.

**Motion:** A motion was made by Larry Jensen to close public hearing on Application # 3332. The motion was seconded by Eve Jones and passed unanimously.

The commissioners discussed guidelines and operations of Home Occupancy Businesses specifically as they relate to towing operations and the parking of company vehicles on the streets.

Mark Bradley clarified the requirements of the City in obtaining permits, including parking, application etc.

The commission determined that these operations could be addressed during the application process under the current guidelines.

The commission discussed possible revisions in the ordinance regarding the issue of stacking and racking of vehicles.

Mr. Poulson clarified that stacking is not necessary beyond the height of the screening fence. Racking on the other hand could be higher. Additionally, the length of time required for racking and stacking is based on the marketability of metals and parts etc. but is never permanent.

Mr. Reeder clarified the difference between racking and stacking as stacking being the actual stacking of crushed vehicles for scrap one on top of the other and racking as the stacking of vehicles generally for the purpose of recycling vehicles utilizing specialized racks.

Mr. Bradley clarified the position of the City and suggested that language could be modified to clarify and/or limit racking and stacking depending on the commissions desires.

It was decided that language would be inserted to reflect that vehicles not be racked or stacked higher than the height of the approved screened fence.

Robb Munns expressed concern that they are starting to micro manage. If an area is zoned for the use it should be allowed based on the appropriate ordinance.

Larry Jensen clarified the direction of the Commission being too focused on one part of town and that they need to be more concerned with the clarity of the ordinance as it applies to Brigham City as a whole.

There are limitations on some business types from coming into the area etc. However, any business is welcome to make application at any time.

Mr. Bradley pointed out that a lot of the discussion has been directed toward Forest Street. That has been because Forest Street is a prime entrance to the City. There needs to be some standards in our ordinances so that applicants know and the City

knows what the guidelines are. The purpose should be to preserve and maintain the general appearance and feel of the City.

Reed Hancey questioned the necessity of excluding garage sales from this ordinance. There was extensive discussion about doing this, however, it was determined that because there are other ordinances that govern garage sales this ordinance is adequate as written.

**Motion:** A Motion was made by Eve Jones that Application 3332 be approved to amend Chapter 29.02 Definitions, Chapter 29.14 Industrial Districts, AND Establish Chapter 29.33 to City Council noting the stacking or racking of vehicles no higher than the height of the adjoining screen fence and the definitions as noted with the findings of fact that the new chapter and amendments to existing chapters are to establish standards and regulations regarding the said uses which are to assist both the City and the applicant's/property and business owners. That the drafting of this ordinance is to address the Temporary Land Use Regulation (Temporary Zoning Ordinance) July 21, 2011, the City Council enacted and that such use with the noted stipulations should not under the circumstances of the particular case be detrimental to the health safety or general welfare of persons residing in the vicinity injurious to property or improvements in the vicinity. That the recommended amendment follows the legal process as outlined by the Utah Municipal Code which states, "[t]he legislative body may not make any amendment authorized by the subsection unless the amendment was proposed by the planning commission or first submitted to the planning commission for its recommendation. (Utah Code, Section 10-9a-503(2)). The motion was seconded by Joan Peterson and passed unanimously.

**Continuation of Application # 3344 / Conditional Use Permit / Addition to  
Rehabilitation/Treatment Facility / 970 South 1025 West / Catalyst  
RTC, LLC**

Mark Bradley presented a draft copy of the Development Agreement. In order to update the commission, Mr. Bradley stated that he has met with Wynn Parker, Tim Parker, Kreg Edgmon and has spoken on the phone with the attorney for Catalyst, Mr. Jared Edgmon. After a discussion with the Parker's it was determined that it is not an option for Parker's to dedicate any portion of 1025 W. Tim Parker has offered to sell the Right of Way width from 1000 South to Catalyst on two conditions. One is that he could still maintain greenbelt status and the other is that the road not yet be improved. The price however is a concern for the Catalyst Group. If the City were to require Catalyst to build their half of the Road there would only be 17 ½ feet of improved asphalt. For an ingress/egress situation they need a minimum of 24 feet. Catalyst is proposing that they would provide a 24 foot all weather road on a temporary easement provided by Parker's on 1000 South. In speaking to the City Administrator, if this was accomplished, there are a lot of options that could be considered.

Specifically with regard to the draft Development Agreement, some initial observations have been made:

- The City generally does not get involved in the actual construction of a road. The wording would need to be revised accordingly to allow for dedication, improvement, construction etc. of the road.
- Reference needs to be made to previous agreements.
- Reference needs to be made to fencing between Catalyst and Nelsen's property.
- Reference needs to be made to maintenance of the All Weather Road
- A detailed Exhibit needs to be attached

Kreg Edgmon and Adam Paul came forward.

Larry Jensen expressed the desire to have the following considered in addition to the above:

- The Agreement needs to have participation with surrounding property owners. Specifically, Parker's and Nelsen's.
- The Agreement needs to insure that there is no other development in the area until the new roads are in.

There was discussion regarding the importance of all of the property owner's being on board with the agreement.

Kreg Edgmon represented that it is Catalyst's intention that all of the adjoining property owners and the City be party to the agreement.

Mr. Bradley indicated that Staff had not yet been consulted due to time constraints with the Veteran's Day Holiday etc. however they would be at the earliest possible meeting.

Wynn Parker came forward and stated that he didn't want the development to begin with however they have agreed to exchange easements to allow them to move forward until the City Street is put in. The North Easement would be solely used for construction and then they would give up the North Easement as soon as construction is complete. He voiced opinions regarding the routing etc. of the 1000 S intersection. He has no objection to being party to the Development Agreement and further agreed that Kirk Nelsen needs to be party as well. He explained that any additional sale of land by Tim Parker would jeopardize his greenbelt status and he is not interested in doing that at this time. He was very clear that at the time construction is complete, use of the North Easement would cease.

Larry Jensen summarized that the Development Agreement needs to be refined by City Staff and signed by Kirk Nelsen, the Parker's and any other adjacent property owners that might be affected. Everyone needs to be on the same page as to what is going to happen with future development. The intention of all parties should be that there is to be no additional development in the area until roads are improved to service the area.

Barbara Poelman pointed out that as far as this application is concerned Catalyst is requesting approval of a Temporary Easement for access as outlined in their application only. Specifically, they have worked out arrangements for the temporary road with the neighbors.

Mark Bradley clarified the options to the planning commission for this application. He explained the impact of the 1100 W project on future development in the area and this project in detail including the fact that the Mayor has invited all parties to discuss the 1100 W project and that the City and property owners are working to resolve development issues to that end.

Eve Jones asked for clarification regarding the original CUP and what the requirements were for any future development. Mark Bradley will research the original minutes and provide them to all parties.

Lynda Berry and the other commissioners were provided with clarification of the surrounding property ownership.

**Motion:** A motion was made by Larry Jensen to continue Application 3344 to the next meeting on December 6, 2011 for the City Staff and City Attorney to work with the Applicant on the Development Agreement as well as the neighboring and bordering property owners to insure among other things limitations to future development of roads without dedicated and paved city streets. The motion was seconded by Lynda Berry and approved unanimously.

## **DISCUSSION**

### **Section 29.05.200 Clear View of Intersecting Streets, Tony Davis**

Mark Bradley made presentation regarding a change in signage at The Dixie Grill. The owner has approached the planning commission to determine if there is any possibility that there could be an exception made or ordinance change to enable him to revise the height of his sign.

Mr. Bradley defined the clear view area of the intersection and further clarified revisions to ordinances governing signage etc. With regard to this request, Staff has expressed concern in allowing an increase in obstruction in the clear view area.

Tony Davis came forward. He provided a graphic of the proposed sign. He also displayed photos taken from a car of the clear view area. He pointed out that there is obstruction currently in the area and that his opinion is that the proposed sign would not cause a further obstruction.

The commission asked for clarification of location etc. After discussion it was determined that a change in the ordinance would be required to allow for the proposed change in his sign, an exception for this use is not permissible, because of the change in height grandfathering does not apply and additionally, an exception could not be entertained by the Appeal Authority under its guidelines.

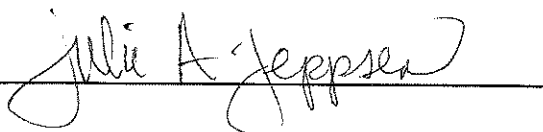
Unfortunately the commission will most likely not recommend a change to the ordinance at this time due to the potential unintended consequences. Several other possible options for the sign were discussed and it was suggested that Mr. Davis pursue other alternatives.

MOTION TO ADJOURN

**Motion:** A motion was made by Larry Jensen to adjourn. The motion was seconded by Joan Peterson and the meeting was adjourned at 7:58 PM.

*This certifies that the regular meeting minutes of November 15, 2011 are a true and accurate copy*

*as approved by the Planning Commission on December 6, 2011.*

Signed: 

*Julie A. Jeppsen, Administrative Assistant*