

**JOINT WORK SESSION WITH THE  
BRIGHAM CITY COUNCIL  
AND PLANNING COMMISSION  
REVIEW THE GENERAL PLAN  
July 20, 2017  
6:00 PM**

PRESENT:	Tyler Vincent	Mayor
	DJ Bott	Councilmember
	Ruth Jensen	Councilmember
	Mark Thompson	Councilmember
EXCUSED:	Tom Peterson	Councilmember
	Alden Farr	Councilmember
ALSO PRESENT:	Reed Hancey	Planning Commission Chair
	Eve Jones	Planning Commission Vice-Chair
	Dean Lester	Planning Commissioner
	Steven Barsuhn	Planning Commissioner
	Bill Frye	Planning Commissioner
	Scott Mildenhall	Planning Commissioner
	Mark Bradley	City Planner
	Mary Kate Christensen	City Recorder
	Tony Ekins	Associate Planner
	Paul Larsen	Community & Econ. Development Director
	Mike Nelsen	Police Chief
	Derek Oyler	Finance Manager
	Tyler Pugsley	Public Works Director
	Jason Roberts	City Administrator

The Councilmembers and Commissioners introduced themselves and Mr. Bradley stated the reason for the joint session. He explained that historically the conditional use category has been used to allow the integration of uses in a city.

The State is now requiring:

- Local land use ordinances may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.
- The only conditions you can impose to mitigate a detrimental effect of the proposed use are those that are in accordance with standards set forth in the City Code.
- A conditional use is an administrative decision, meaning its application must be applied to the existing law. If the City doesn't like a use as a conditional use, the ordinance needs to be amended through a legislative decision. Mail-out notices are not required by State law.

Councilmember Thompson asked how many conditional use permits (CUPs) the Planning Commission sees each year. Commissioner Hancey estimated that they review five or ten applications per year. He stated that most CUPs are questions of noise, traffic, drainage and safety. It is a challenge to draft a law that covers all of these issues. He stated that it is best to have the standards in black and white so that there is no confusion.

Commissioner Lester stated that quantifying noise is their biggest problem. Commissioner Jones agreed, stating that noise was the issue with the car wash location on Main Street. She stated that everything coming before the Planning Commission has special circumstances and it is difficult to write ordinances that cover all of the bases.

The group discussed the motivation behind the State wanting to eliminate CUPs. Standards need to be created to define the use and govern what is required for the use which protects the citizens and protects the City from lawsuits. Councilmember Jensen felt that the details make the use more restrictive. She would like to know what the criteria for changing the ordinances will be. Commissioner Jones stated that they will sometimes look at what other cities are doing. They also look at what problems could occur if a CUP is approved. The basic criteria are health, safety and general welfare of the City.

Mr. Bradley explained that the code updates were included in the budget; it is the next step in updating the General Plan. There is also a matching grant from the Wasatch Front Regional Council. A consultant will be hired to work on the code updates.

Commissioner Lester asked the City Council if they want to get rid of some of the CUPs, or if they want to be more flexible. Mayor Vincent felt that the codes need to be simplified. Councilmember Jensen would like flexibility but not to the point where everyone is doing whatever they please. She would like to know what is going to be changed. Commissioner Hancey stated that the Planning Commission can provide to the City Council a list of the conditional uses that will be changed to permitted uses.

#### **Pedestrian and Sidewalk Master Plan**

Mr. Bradley introduced the item stating that the Plan was adopted in 2006 and amended in 2007. He displayed the maps which identify missing sidewalks in residential areas and ADA ramps. He also displayed the map which prioritizes sidewalk installations. Mr. Bradley stated that the majority of the deferrals do not have a time frame for sidewalk installation. He has some old information showing that 74 deferrals have been granted.

Commissioner Jones felt strongly that builders/developers should have to put in sidewalks. She felt that a lack of sidewalks is a safety issue for children walking to school and does not allow for wheelchair accessibility. She would like to see deferrals eliminated. Commissioner Hancey agreed with the safety issue and felt that people need somewhere to walk. Commissioner Lester felt that every time the City Council approves a deferral, they are saying that they do not believe in sidewalks. Mayor Vincent stated that deferrals become enforcement issues down the road.

Mr. Bradley stated that the deferral is a document that is recorded with the property and follows the property, not the owner. It prohibits the owner from objecting to a special assessment area if one is proposed. Mr. Roberts stated that if 40% of the special assessment area oppose an improvement, it does not pass.

Councilmember Thompson stated that sidewalks in the City make sense; however, to enforce sidewalks out in the areas by the slough does not make sense. Commissioner Lester stated that it depends on the use in the area. If the use is agricultural, sidewalks do not make sense. But in the industrial areas, sidewalks should be installed.

Councilmember Jensen stated that even where there are sidewalks people use the road because of the unevenness of the sidewalk due to the trees' root systems. She asked if it is possible to look into pathways which use different materials as opposed to curb and gutter with sidewalks. It would be easier to keep up and less expensive. Commissioner Lester stated that the issue is whether developers have to install a sidewalk. Councilmember Jensen suggested that the City could participate in funding of the sidewalks if 40% - 50% of the neighborhood agreed to put them in. Ms. Jensen thinks the deferrals are a fair system.

Councilmember Bott compared sidewalk installations to the cemetery; when a new section is opened up, there are new rules enforced. He believes that a date should be set where there will be no deferrals on

new development whether it is one lot or a whole development. He compared this to the mandatory sewer hook-up requirement. He also stated that the City Council needs to decide how the missing sidewalk areas on the map will be addressed going forward.

Commissioner Lester made a recommendation that the City Council take this matter under advisement and stated that the Planning Commission's recommendation is to eliminate deferrals.

Commissioner Barsuhn asked if all of the sidewalks have to have a park strip or can the sidewalk be installed adjacent to the curb. Mr. Bradley stated that in some of the older areas there is a 50 foot right of way with the property line five feet behind the curb which would make it necessary to put the sidewalk adjacent to the curb.

The Mayor stated that the City Council will get back to the Planning Commission and thanked them for their time.

The work session adjourned at 7:02.

*The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the July 20, 2017 City Council Meeting.*

*Dated this 3rd day of August 2017.*

*Mary Kate Christensen*  
*Mary Kate Christensen, Recorder*