

**BRIGHAM CITY PLANNING COMMISSION  
BRIGHAM CITY COUNCIL CHAMBERS  
Tuesday, May 19, 2015 6:00 p.m.**

PRESENT:	Lynn Duce	Chairperson
	Larry Jensen	Commissioner
	Bill Frye	Alternate
	Debbie Manning	Commissioner
	Reed Hancey	Commissioner
EXCUSED:	Dean Lester	Commissioner
	Lynda Berry	Commissioner
	Eve Jones	Vice Chair
ALSO PRESENT:	Mark Bradley	City Planner
	Donna Pett	Administrative Assistant

**AGENDA**

Approval of Minutes

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

Discussion Items:

1. Park Strip Landscape and Maintenance
2. Legislative Updates
3. Status on Grant for General Plan Rewrite

**REGULAR MEETING**

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

**APPROVAL OF MINUTES**

Motion: Commissioner Jensen made a motion that the minutes from the April 21, 2015 meeting be approved as written, the motion was seconded by Commissioner Manning and approved unanimously.

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

**DISCUSSION**

**Park Strip Landscape and Maintenance:**

Mark Bradley noted that current code does not speak to requirements in the park strip other than in new construction. This matter has come about because of some gardening habits that are taking place with planter boxes being put in the park strip. In the old area on the north/south streets there is a 99' right of way, so the street is built out at 60' and there is about 19' feet back to the property line. Depending on the location of sidewalk the area varies 9 to 14.5'. The current subdivision standards is a 5' park strip and 4' sidewalk and the property line is 1' behind it. As we looked at other communities, there are several standards. Several photos were taken by Commissioner Duce showing

different examples of park strips in Brigham City and other communities. Public Works governs the work in the public right-of-way. Anyone doing work there should be getting approval from the streets superintendent. There are two things that cause frustration for Public Works and they are wood chips and small rocks that get out into the street. There are several people who have installed concrete and asphalt in the park strip area.

There is a City Ordinance which makes it illegal to park cars on curbing or sidewalk. Other than that, there is an approved shade tree list based on the size of the park strip together with a non-desirable list which "shall not be planted" in the park strip. The City has no real solid regulation to require people to maintain their park strip.

The Planning Commission needs to determine whether it believes that an ordinance should be implemented. If an ordinance should be prepared, should it be under Public Works or in Title 29 under Zoning? The Public Works Director is glad to get some feedback from the Planning Commission.

Commissioner Hancey believes that there are safety issues that should be addressed. Particularly bark and small rocks that either get on the sidewalk or road. He is uncertain as to how far the Commission should get into the aesthetics as far as colors and what is and is not allowed.

Commissioner Fry feels that there needs to be a guideline on the size of rocks that will be allowed. He also expressed concern about the homes that do not have sidewalk and what the rules are there. Mark indicated that when there is no sidewalk the distance is typically 10' behind curb depending on the street.

Commissioner Duce stated that he feels there should be some guidelines in place. As he went and looked around the City he found that some do nothing and some take great care. The problem is maintaining the area. He does not believe we should go as far as HOA standards, but that we should put some regulations in place.

Commissioner Manning believes there should be some guidance, some regulations; however, she would like a statement much like Salt Lake City's that states they are known for their tree-lined streets. She wondered if it is possible to make different requirements depending on the street, such as Forest Street, Main Street, etc. She also likes the xeriscape that requires less water for maintenance.

Commissioner Jensen thinks that there should be a focus on what really matters to us and not get hung up on colors, shapes and sizes. What he really cares about is what the City looks like. He believes we should focus on what is maintainable, long term. He also believes it should be permeable. We should not allow asphalt, concrete, paving stones or any of those type of things. Also, he believes that there should be trees in the park strips. His feeling is that trees and grass are the most maintainable.

Commissioner Duce asked about the City's policy on putting in cement or asphalt over easements and who is responsible for the costs if maintenance is required. He also brought up irrigation boxes being in the park strip. Maybe a requirement should be made that the box must be put in the property owner's yard. One city requires the

developer to put in conduit under the sidewalk for each lot for irrigation.

Commissioner Hancey does not like the idea of citizens being required to get a permit for work in their yards.

Commissioner Duce asked the members specifically what their feeling is about people who grow their gardens in the park strip. Commissioners Jensen, Manning, Duce and Fry do not like the idea, however, Commissioner Hancey has a neighbor who grows a garden in the strip and takes good care of it. He feels that it looks a lot nicer than some of the other park strips in the City. Commissioner Hancey believes that people should be allowed to do what they want, but need to be aware if the City needs to take anything out to get to the utility, it is the property owner's responsibility to pay to put it back.

Commissioner Fry asked about implementation of any new policy and how long it would take. It was suggested that the city give homeowners three years to comply with any ordinance that is put in place.

Mr. Bradley will take the information and speak with the Public Works Director and get feedback. The Commissioners would like the opportunity to look at the matter again.

**Legislative Update:**

Mr. Bradley went through some of the pertinent legislation that passed during the 2015 Legislative Session. There were 528 total bills passed this year, more than any other year.

HB42 Annexation Amendments changed the past legislation to allow for an island or peninsula to be created through annexation as long as the city and county agree.

HB70 requires a city to allow candidates for office to have equal space on public property if public property allows placement of political signs.

HB170 does not allow cities to prohibit use of a drive-through to persons not in motor vehicles.

HB276 makes a change that temporary growing structures can be subject to inspections, zoning and permitting if the structure remains for more than 180 days.

HB362 is the Transportation Infrastructure Funding and allows for a tax increase from the current 24.5 cents per gallon to a 12% tax with a \$2.45 rack floor price. This is the equivalent of 5 cents per gallon. The funds from this tax will pay for roads. The effective date is January 1, 2016 and 70% will go to the state and 30% to cities and counties. There is a separate component which allows for counties to put a local option on the ballot to allow an additional .25% general sales tax. Mark gave out copies of the information for the members to review.

HB415S5 begins regulation of electronic cigarettes.

SB29 requires school districts to meet with local governments on the planning and review process.

SB124S3 authorizes a city to allow subdivision utilities that do not meet subdivision standards in a particular zone. Brigham City already had this exemption in 29.05.230.

### **General Plan Update**

Mark Bradley and Paul Larsen have been working with the WFRC grant administrators and are nearly ready to put it out to RFP. There is a list of qualified consultants that must be used to give a bid for the general plan. We will need to have three bids, minimum and the winning bid will be the most qualified. We anticipate a year-long process.

### **Other**

Commissioner Jensen felt that the term of office for Planning Commission needs to be clarified.

Commissioner Hancey asked about the timetable on 1100 West. Mr. Bradley said they are looking at beginning in 2016. This will be a UDOT project.

Mark also stated that at the next meeting we should have the Love's application.

### **MOTION TO ADJOURN**

**Motion:** A motion was made by Commissioner Manning to adjourn the meeting. The motion was seconded by Commissioner Hancey. The motion passed unanimously.

*This certifies that the regular meeting minutes of May 19, 2015 are a true and accurate copy as approved by the Planning Commission on \_\_\_\_\_.*

Signed: \_\_\_\_\_  
Donna Pett, Administrative Assistant