



ITEM: LAND MANAGEMENT CODE DISCUSSION

AUTHOR: Bret Howser
DEPARTMENT: Admin
DATE: August 20, 2024
TYPE OF ITEM: Discussion

SUMMARY:

The Planning Commission will hold a discussion regarding a few different requirements of the Land Management Code and may give direction regarding preparation of Land Management Code amendments.

BACKGROUND:

From time to time the Town may consider alterations to the Land Management Code as a result of experiences applying the code and a recognition that application of the code as written may not be lining up with the General Plan. The Planning Commission has asked to hold a discussion on the following topics in the Land Mgt Code to determine whether adjustments are necessary to better align the LMC with the General Plan and strategic plans of the Town.

- Minimum distance for staggering of buildings (or possibly units)
- Minimum undisturbed area requirement
- Minimum distance between buildings
- Minimum distance from parking to units
- Parking requirements (specifically guest parking requirements for R3 units)

The Planning Commission was slated to have a discussion on these topics on 7-2-24, but the item was tabled. I believe the Commission wanted more analysis from staff and options, perhaps examples of what is done in other towns. But staff needs initial input from the Commission in order to know what general direction to go searching in. That said, some additional examples/information has been included in this report.

ANALYSIS:

Minimum distance for staggering of buildings

§9-12-3 of the LMC deals with development design and layout. Part M states the following:

“Building placement shall... Incorporate non-linear and staggered placement of buildings to avoid straight rows of similar styled buildings (the cookie-cutter effect).”

While that language (last adjusted in 2020) has helped us enforce at least some staggering of buildings in R3 developments in recent years, there has definitely been some differences of opinion on satisfies this requirement. For example, the slightly curved road in MLV subdivision is technically non-linear, but does it meet our expectations? The applicant in that case was required to stagger the buildings a little more, but the offset of the buildings might have only been 5 feet, and is that enough to avoid the more urban/sub-urban linear feel that we are trying to avoid in a mountain town?

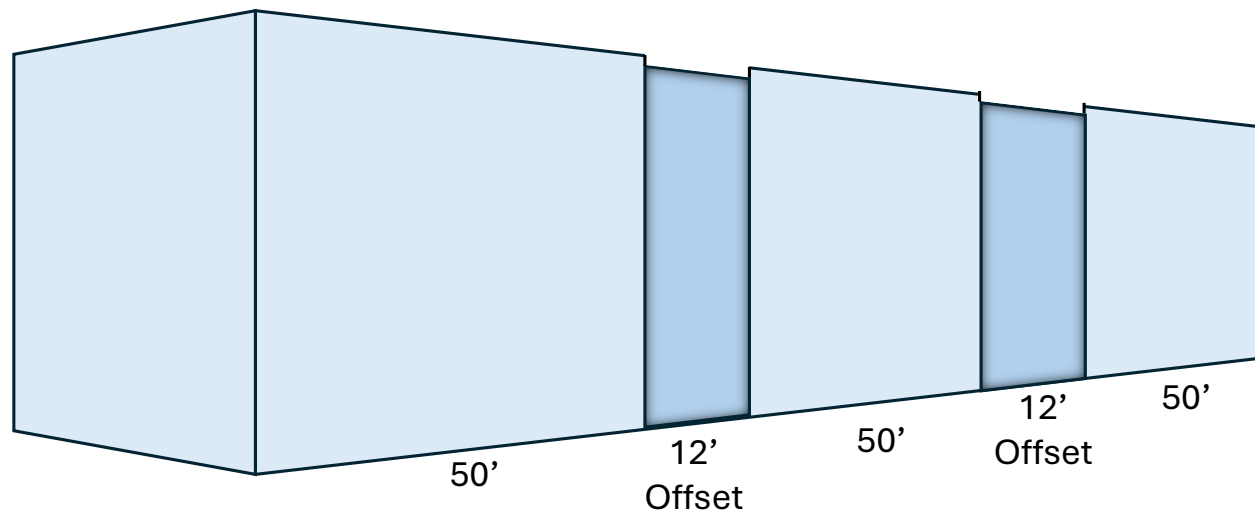
Another example is the Crooked River condos, where the language didn't allow us to require the units within a building to be offset by a certain amount (or any amount). Do we just need the buildings themselves offset? Or do we want to require the units within a building to be offset?

For example, the Durango CO code includes the following requirements for multi-family developments:

Offset / Variation of Wall Planes. Building walls that are wider than 50 feet shall include offsets according to the standards of this Subsection.

1. Maximum Distance Between Offsets: 50 feet.
2. Minimum Offset Distance (measured perpendicularly to the wall plane from which the offset is taken): 10 percent of the actual distance between offsets from the wall plane, or from the corner of the elevation to the offset.
3. Minimum Width of Offset: 12 feet.
4. Minimum Offset Height:
 - a. One story buildings: 95 percent of the height of the wall that establishes the plane from which the offset is taken.
 - b. Two or more story buildings: 75 percent of the height of the wall that establishes the plane from which the offset is taken.
5. Materials: Offsets shall substantially incorporate the materials of the principal building (e.g., wood decking with standard wood post supports is not sufficient to achieve the offset required by this Subsection).

So a building that is, say, 150 ft long, must have an offset of at least 12' in length, and at least 5' in depth every 50'.



Minimum undisturbed area requirement

Current requirement is 15% undisturbed and 25% landscaped (which can include the 15% undisturbed) in the R1. It is 40% landscaping requirement "with every effort to preserve existing

vegetation” in R3, and nothing is required to be undisturbed, however all disturbed area is required to be revegetated.

At least some on the Planning Commission and Council seem to feel that the most recent R3 subdivisions have been too intensive of a use on the land. Staff interprets this as dissatisfaction with how much of the land is slated to be undisturbed, and possibly which specific portions of the lot are undisturbed (ie: a treeless rocky slope can meet the undisturbed area requirement, and even the landscaping requirements). Staff is asking for discussion on this topic.

Minimum distance between buildings

§9-7-3 of the LMC requires a minimum distance between structures in multi-family zone to be 10’ for buildings under 20’ in height, 15’ for buildings under 30’ in height, and 20’ for buildings over 30’ in height. This requirement was put in place less than a year ago, as I recall in response to the Unplugged “tiny home” development. Planning Commission requested to discuss this again.

Minimum distance from parking units

The Town's Land Mgt Code (LMC) has certain requirements for parking contained in §9-12-15. A recent multi-family subdivision proposal has 40 townhomes and 8 detached A-frame units. The townhomes are on one side of a public road and have parking directly adjacent to the units. The A-frames are on the other side of the public road, and the parking for those units are proposed to be located in a remote lot on the townhome side of the public road. Some believe that this layout will result in people illegally parking on the public road (rather than using the remote lot) to access the A-frames, and potentially impeding traffic, emergency response, and snow removal operations. However 9-12-15(E) allows for parking to be located within 500' of units. The proposed remote parking lot meets that requirement. The Planning Commission was obliged to approve the subdivision despite their objections, and has staff to review the code and propose changes to disallow this situation from occurring again. However staff is concerned that simply removing the 500' provision and requiring parking to be directly adjacent to units, while it would stop this from happening again, would also stop development where remote parking might make a lot of sense, such as commercial development or multi-family where a short walk from the parking to the units wouldn't cause problems (examples: Brian Head Village, Sawmill condos, Unplugged, etc.).

Staff proposes that the real underlying issue in the development at hand is that there is a public right-of-way between the required parking and the units, and not necessarily the mere distance between parking and the units. Therefore staff proposes continuing to allow parking not directly adjacent to the unit (the appropriate distance could be researched and argued) and adding a requirement that the parking can't be separated by a public right of way. This would limit any potential pedestrian safety issues, congestion issues, and Town liability.

Parking Requirements

Planning Commission has requested to revisit parking requirements in the wake of the Elevate development (and others). Parking requirements in §9-12-15 were researched and altered in 2022. The current requirement is:

- 2 spaces per dwelling unit under 1000 ft²
- 2.5 spaces per dwelling unit between 1000-2500 ft²
- 3.5 spaces per dwelling unit over 2500 ft²

Those requirements were increases from the prior code of half a space per unit (in each category). To staff's recollection, that was a direct response to the need for some guest parking for each unit (roughly one guest car half the time).

It is staff's understanding that some feel the parking requirements are insufficient to account for guest parking. We are requesting a discussion on the topic.

STAFF RECOMMENDATION:

Discussion only

PROPOSED MOTION:

Discussion only

ATTACHMENTS:

N/A



ITEM: SUBDIVISION CODE UPDATES

AUTHOR: Lester Ross
DEPARTMENT: Administration
DATE: July 16, 2024
TYPE OF ITEM: Discussion

SUMMARY:

The Planning Commission will discuss some of the proposed changes to the subdivision ordinances proposed by the Hansen Planning Group.

BACKGROUND:

In the 2023 Utah Legislature session SB174 and HB406 requires all municipalities to update their subdivision codes and ordinances to comply with the requirements in state law. Brian Head is required to update their subdivision codes by December 2024. The substantial changes have to do with who can be involved in the subdivision processes, what the town can require and the timeline that they need to be done. Brian Head has contracted with the Hansen Planning Group to help us through this process.

On May 29, 2024, the Hansen Planning group submitted the Initial review of Brian Head current code and ordinances. This review highlights changes that need to be made to the code and makes recommendations.

On June 18 and July 2, 2024, Planning Commission had a discussion and tabled the discussion until the next meeting.

ANALYSIS:

The Commission will start the review processes and discuss some of the changes to the code and ordinances and provide feedback to staff.

STAFF RECOMMENDATION:

There is no recommendation, this is for discussion and staff is looking for feedback.

PROPOSED MOTION:

No motion required discussion only

ATTACHMENTS:

- A. Brian Head Subdivision- initial review transmittal

Brian Head Planning Commission
(c/o Lester Ross lesterross@bhtown.utah.gov)

May 29, 2024

RE: BRIAN HEAD SUBDIVISION - INITIAL REVIEW TRANSMITTAL

Thanks again for partnering with our team on the Brian Head subdivision ordinance update initiative. Our team has completed its first review of your code, and offer this letter as highlights of our findings. You can also review the more detailed files in the folder at this link - tinyurl.com/BHsubdivision

Chapter 1 – General Provisions: Edited for general clarity/correctness edits.

Chapter 2 – Definitions:

- **POLICY DISCUSSION:** Recommended definitions from State statutes have been populated below. If the Town doesn't want to add this kind of volume/maintenance to their code, they could also just rely on the statement contained in 9-1-4(B).
- **POLICY DISCUSSION:** The State doesn't currently define "Concept Plan". The Town's existing definition is written to the scope of building permit/plans where it is now less relevant. Perhaps we redefine the concept plan? See suggestion included in redline file.
- **POLICY DISCUSSION:** Lot types are also not defined in State statutes. Our typical recommendations + illustrations have been included in the redline file. They can be amended if the Town desires something different. *NOTE: Same with Lot Depth and Lot Width definitions.*
- **POLICY DISCUSSION:** Just like the Concept Plan, Preliminary and Final Plats are not defined in State Statutes. Our typical recommendation has been included in the redline file. These can be modified further if desired by the Town.

Chapter 3 – Administrative Decision-Making Bodies:

- **POLICY DISCUSSION:** Recommended language added to 9-3-3 (D) to address guidelines/checklists. Our typical recommendation has been included in the redline file. This can be modified further if desired by the Town.
- **POLICY DISCUSSION:** Recommended language added to 9-3-4 to address designation of land use authorities. Our typical recommendation has been included in the redline file. This can be modified further if desired by the Town. Note: The Town had already started to clarify this element in the code, just not in chart/table format in Chapter 4 along with submittal requirements. Could also be placed at the beginning of Chapter 4 depending on Town's preference.

Chapter 4 – Submittal Requirements: General clarity/correctness edits including improvements to requirements for Surveyor's Certificate and proposed relocation of designation of land use authorities elements to Chapter 3.

Chapter 9 – Subdivisions:

- POLICY DISCUSSION: Recommended language added to 9-9-2 to address subdivision review cycles. Our typical recommendation has been included in the redline file. This can be modified further if desired by the Town.
- POLICY DISCUSSION: Recommended language added to 9-9-3(A) formerly 9-9-2(A) to address exemption of single family, two family and townhomes from pre-application conference. Our typical recommendation has been included in the redline file. This can be modified further if desired by the Town.
- POLICY DISCUSSION: If schematic/concept is supposed to be informal and not binding, does the Town want to keep PC involved at this stage? If PC doesn't need to be involved, I think we can remove this statement and item (c) in its entirety.
- POLICY DISCUSSION: Where is the rest of the schematic plan review process outlined? We're assuming at some point all of the review comments are collected and given to the applicant? We added a suggestion for thoughts/discussion to 9-9-3 (B). Also, # 5, 6,7, if the Town is OK with suggested changes, we could rearrange into #2 as sub items.
- POLICY DISCUSSION: Schematic (Concept): Add the ability for applicants to request 1 extension?
- POLICY DISCUSSION: Does the Town want to keep the requirement for public hearing during preliminary plat, or revise to be a public meeting since the decision is administrative? Maybe it is appropriate to leave public hearing if the Town is desiring that all plats regardless of their type go through this consolidated process, since they would be voluntarily giving up sending certain types of plats to the Council for review/approval?
- POLICY DISCUSSION: Preliminary plat: Deadline for affected entity review comments? Recommend revising to 3 business days prior or more if possible, in order to comply with applicant notice requirements found in §10-9a.
- POLICY DISCUSSION: Section 9-9-3 (C) Minor Plat Amendments. Confused as to what the Town meant by this section. Is the word "amendment" misplaced, and are they intended to be language for "minor subdivisions" (i.e., platting exemptions for 10 lots or less found in §10-9a-605?). Or, is the §10-9a-608 section correct and are they referring to the exemption from public hearing on certain types of subdivision amendments? They are two separate issues, need clarification in order to resolve appropriately.

Chapter 11 – Flexible Approaches:

- POLICY DISCUSSION: Public hearings are not required by the State for conditional uses. Does the Town want to reconsider?
- POLICY DISCUSSION: 9-11-4, Master Planned Development Agreement: This section kind of reads like someone inadvertently added "agreement" to the end of development in this section by accident. See suggested redlines for clarification.

Chapter 12 – Design Standards:

- POLICY DISCUSSION: Generally, there are a lot of “should”s in this chapter. Do any of them need to become “shalls”?
- POLICY DISCUSSION: 9-12-5 Landscaping and Fences. What is the point of saying these are inappropriate materials then if they can be permitted by the Planning Commission? Recommend the Town plainly state prohibited materials.
- POLICY DISCUSSION: Section 9-12-7 (B): §10-9A-534 passed during the 2023 Session restricts building design elements that may be required of single and two-family dwelling units, unless the dwelling is located in a historic district/area, is due to a National Flood Insurance Program requirement, or was enacted to implement Wildland Urban Interface code requirement. It doesn't sound like any of these requirements are necessarily for that - so the Town may want to change this language and re-tool the example photos below.
- POLICY DISCUSSION: Opening statement of 9-12-7 (J) states "A non-habitable accessory structure..." Item 8 interjects there can be up to 3 on a single lot of one acre, more for each additional acre. What does the Town want to allow?
- POLICY DISCUSSION: Are there any other design standards that need updated or added to this section?

Chapter 13 – Enforcement:

- ADVISE REVIEW WITH ATTORNEY: Section 9-13-17(B)(2): 10-9a-604.5 (5)(a) and (b) state the sum of improvement completion assurance may not exceed 110%. However, we have run into some attorney's who have differing interpretations of these requirements. Recommend consulting with the City Attorney and amending if determined to be necessary.

Please let us know when you think we should meet to get your feedback on these questions.

Respectfully,



Mike Hansen, Hansen Planning Group

cc: Kendall Welch, Jones & DeMille Engineering, kendall.w@jonesanddemille.com
 Bret Howser, Brian Head Town, bhowser@bhtown.utah.gov