

The Regular Meeting of the
Brian Head Planning Commission
Town Hall - 56 North Highway 143 - Brian Head, UT 84719
Zoom Meetings ([click here](#))
Zoom Meeting ID# 860 7456 1399
TUESDAY, July 16, 2024 @ 1:00 PM

AGENDA

- A. **CALL TO ORDER** **1:00 PM**
- B. **PLEDGE OF ALLEGIANCE**
- C. **DISCLOSURES**
- D. **APPROVAL OF THE MINUTES: July 2, 2024 Planning Commission Meeting**
- E. **PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- F. **AGENDA ITEMS:**
 - 1. **DISCUSSION – SUBDIVISION CODE UPDATES.** Lester Ross Building and Planning Official. The Planning Commission will discuss some of the proposed changes to the subdivision ordinances proposed by the Hansen Planning Group.
- G. **ADJOURNMENT**

Date: July 12, 2024

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in two public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall and Post Office, and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.
Nancy Leigh, Town Clerk



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