

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

MINUTES OF THE PLANNING COMMISSION

Roll Call.

Members Present: Chairperson Doug Deutschlander, Commissioner Carrie Dever, Commissioner Jeff Morgan, Commissioner Cecile Wallis, Commissioner Sheri Brown, Alternate Commissioner Rachelle Lee.

Staff Present: Bret Howser; Town Manager, Nancy Leigh; Town Clerk, Ciera Claridge; Deputy Clerk.

A. CALL TO ORDER

Chairperson Deutschlander called the regular meeting of the Planning Commission to order at 1:16 PM.

B. PLEDGE OF ALLEGIANCE

Chairperson Deutschlander led the Planning Commission and other attendees in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Chairperson Deutschlander stated that the disclosure statements are on file with the Town Clerk and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:

July 2, 2024 Planning Commission Meeting

Motion: Commissioner Morgan moved to approve the July 2, 2024, Planning Commission minutes. Commissioner Wallis seconded the motion.

Action: Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Commissioner Dever, Commissioner Wallis, Commissioner Morgan, Commissioner Brown, Chairperson Deutschlander).

E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items

Bret Howser, Town Manager, announced that he will be assisting with the town planning and building inspections. Lester Ross, Building and Planning Official, had his final day on July 12, 2024. The town will have an inspector that will be contracted out of St. George who will be scheduling inspections on Monday's and Thursday's. Lester has offered to assist if there are projects he was previously assigned and offered to give insight electronically. Also, for the time being Brian Head Town has an agreement with Enoch City if the town urgently needs an inspector. Bret explained that the Building and Planning Official position is listed and will remain open until filled. Any recommendations for this position are appreciated.

Bret announced that Brian Head will be holding Arbor Day on July 18, 2024 from 9am to 12pm. There will be thirty-one trees planted throughout the town. Volunteers are greatly appreciated. Lunch will be provided after the trees are planted.

F. AGENDA ITEMS:

1. DISCUSSION - SUBDIVISION CODE UPDATES. Proposed changes to the subdivision ordinances by the Hansen Planning Group.

Bret Howser, Town Manager, reported the State Legislature enacted new laws requiring municipalities to make changes to their subdivision ordinances. Bret explained that the Hansen Planning Group has been contracted to update the Town Code to comply with state law and has made proposed changes to the Town Code for Planning Commission's review (see attached). Bret explained that this is a continuation of a previous discussion regarding the Subdivision Code Updates. Mike Hansen, Hansen Planning Group, is present to answer any questions and provide clarification regarding the proposed changes.

The Planning Commission reviewed the following Land Management Code Chapter and Sections:

Chapter Nine - Subdivisions

9-9-2 B: Subdivision Review Cycles

Chairperson Deutschlander noticed a grammar mistake in this portion of the chapter. Instead of 'shall begin the Town's receipt' Chairperson Deutschlander recommends that it should read 'shall begin 'with' the Town's receipt' adding the verbiage of 'with'. Alternate Commissioner Lee and Bret Howser, Town Manager, agreed that the verbiage is proper. Mike Hansen recommended that we add 'with.' The Consensus was to add 'with' to have proper grammar. Mike provided some clarification and definitions for this section of the chapter.

Mike asked if the Planning Commission wants to create a new body that assists with the concept planning process, or if the Planning Commission wants more involvement. Chairperson Deutschlander recommended that meeting with the Planning Commission could be an option if they are requesting feedback. Commissioner Dever agreed with his concept because it would allow for insight from the Planning Commission if requested. The consensus was that the Planning Commission remain involved in this step, but it is not required to meet with the Planning Commission rather than an optional step.

9-9-3 A: Subdivision Process

Chairperson Deutschlander recommended that the subdivisions should be required to come before the Planning Commission. Bret clarified that this matches the state statute and that this is the pre-application conference. After this step it will be presented before the Planning Commission.

Bret asked if we should require a pre-application conference. Commissioner Morgan expressed that he does not think that this is necessary. Mike gave examples as to the benefits and the disadvantages of requiring the pre-application conference. Mike clarified that if you are R1 & R2 that you can request, but not required. However, if you are R3 then it is required. The consensus was to add more clarification but to leave this section the as is.

9-9-3 B:

Chairperson Deutschlander mentioned that in B3 of this section there is the mention of views. He asked if there was a definition of views in the town code. He mentioned that there have been previous times that an individual who was building requested more clarification on preservation of views or visual impacts. Bret mentioned that this may be an issue that will have to be addressed when it comes. Mike mentioned that depending on the town or city, the definition of views, visual impacts, and preservation of views may or may not affect the location. In a location like Brian Head, it is important to understand these definitions. Commissioner Wallis recommended that since a view can be subjective, we could possibly remove that section. Commissioner Brown questioned the difference between a visual impact and preservation of view and asked for clarification. Chairperson Deutschlander and Bret provided an explanation of the difference between the two. Chairperson Deutschlander recommended eliminating the last four words of the section and the verbiage 'preservation of views' because that would provide clarification and remove confusion. The consensus was to follow Chairperson Deutschlander's recommendation.

9-9-3 C:

Bret and the Planning Commission had some discussion of this section. Commissioner Dever mentioned that in 2c of this section 'preservation of views' needs to be removed to avoid confusion and to align with the previous conversation that was discussed earlier in chapter nine. Mike made note that the verbiage would be removed.

Mike had a question about a public hearing during this section of the process. A public hearing was held at the preliminary plat level previously. Mike questioned if this would be something that the Planning Commission would like to incorporate into the town code. The consensus was that the public hearing is to remain in this process.

9-9-3 D:

Chairperson Deutschlander had a question in 3diii where tabling or continuing the application was mentioned in this section. He requested more clarification on this process and why there would be an option to table since this is at the administrative level. He recommended removing the verbiage 'table'. Consensus was to remove 'table' from this process for better clarification.

9-9-4: Subdivision Plat Amendments

The Planning Commission discussed this section, ensuring that everything was clear and clarified. Nothing was changed throughout this section. Consensus was to leave as is.

9-9-5 Subdivision by Metes and Bounds, 9-9-6 Convertible or Expandable Area for Condominiums, 9-9-7 Water Rights Acquisition and Conditions, and 9-9-8 Incentivized Inclusionary Housing:

The Planning Commission reviewed these sections and discussed. It was concluded that no other changes were necessary, and these sections will remain as written.

The Planning Commission will continue the discussion with Chapter Eleven during their next meeting.

G. ADJOURNMENT

Motion: Chairperson Deutschlander moved to Adjourn the regular meeting of the Planning Commission. Commissioner Wallis Seconded the motion.

Action: Motion carried 5-0-0 (summary: Yes = 5 Vote: Yes: Commissioner Wallis, Commissioner Morgan, Commissioner Dever, Commissioner Brown, Chairperson Deutschlander)

The regular meeting of the Brian Head Planning Commission was adjourned at 3:16 pm on July 16, 2024.

8/6/24

Date Approved


Ciera Claridge, Deputy Clerk