



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# 850 0106 7192
TUESDAY, July 2, 2024 @ 1:00 PM

AGENDA

- A. **CALL TO ORDER** 1:00 PM
- B. **PLEDGE OF ALLEGIANCE**
- C. **DISCLOSURES**
- D. **APPROVAL OF THE MINUTES: June 18, 2024 Planning Commission Meeting**
- E. **PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- F. **AGENDA ITEMS:**
1. **ADMINISTRATIVE ACTION - PLAT AMENDMENT FOR LOTS 82 & 83 IN THE CEDAR BREAKS MOUNTAIN ESTATES, UNIT C SUBDIVISION.** Lester Ross Building and Planning Official. The Planning Commission will consider a plat amendment for a lot line vacation for lots 82 and 83 in the Cedar Breaks Mountain Estates, Unit C Subdivision.
 2. **ADMINISTRATIVE ACTION - Perimeter fence application review Ammil Development.** Lester Ross Building and Planning Official. The Planning Commission will consider an application to install a fence on the property line on the west side of Ammil development property on Pine Tree way.
 3. **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.
 4. **LEGISLATIVE RECOMMENDATION - LAND MANAGEMENT CODE BUILDING DESIGN STANDARDS.** Bret Howser Town Manager. The Planning Commission will discuss and make recommendations to the Town Council for changes to Title 9 Chapter 12 of the Town Code amending Building Design Standards.
 5. **DISCUSSION - LAND MANAGEMENT CODE.** Bret Howser Town Manager. The Planning Commission will hold a discussion regarding a few different requirements of the Land Management code and may give directions regarding preparation of Land Management Code amendments.
- G. **ADJOURNMENT**

Date: June 28, 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: PLAT AMENDMENT LOTS 82 AND 83 IN CEDAR BREAKS MOUNTAIN ESTATES UNIT C

AUTHOR: Lester Ross
DEPARTMENT: Administration
DATE: July 2, 2024
TYPE OF ITEM: Administrative Action

SUMMARY:

The Planning Commission will review a minor plat amendment for a lot line vacation between Lots 82 and 83 in the Cedar Breaks Mountain Estates Unit C located at 315 and 299 Elk Drive forming one lot.

BACKGROUND:

On June 3, 2024, staff received an application for a minor plat amendment for a lot line vacation between Lots 82 and 83 in the Cedar Breaks Mountain Estates Unit C located at 315 and 299 Elk Drive. The owner would like to combine the two properties to create one lot.

On June 13, 2024, Property owners within 300' of proposed property were sent public notice notifying them of the proposed plat amendment.

ANALYSIS:

- The proposed subdivision and use conforms to the town general plan, zoning regulations, public works standards, design standards Title 9 Chapter 12 and other relevant sections in Title 9.
 - The lot is within an existing subdivision and no additional improvements will be required as part of the lot line vacation.
- The proposed method for fire protection complies with this title, and other regulations as applicable.
 - The Lot already exist so no new fire potential is created by combining the lots. The owners are working with the group to form an SAA that will provide water in the area.
- The layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts and preservations of views.
 - The layout does not change any of the above.
- Adequate public services are available to meet the needs of the proposed subdivision, including roads, water, sewer, storm water, gas, electric, telecommunications, trails, transit, snow storage areas police and fire protection and recreation.
 - No changes to any of the public services
- Provide evidence to show that there is no encumbrance, lien or conveyance restriction the intended use of the lot.
 - There are no restrictions for the intended use of the lot.
- Provide evidence from the County Treasurer that all ad valorem taxes applicable to the property have been paid.
 - Provide a letter from the County Treasurer confirming that taxes have been paid.
- Provide signature block on the plat signed by representatives of public utilities which identify their approval.

- This is an existing subdivision and is not required.

STAFF RECOMMENDATION:

Staff recommends approving the amended plat eliminating the lot line lots 82 and 83 in the Cedar Breaks Mountain Estates Unit C.

PROPOSED MOTION:

The Commission can deny, table, or approve the Plat amendment.

Recommended motion

I move to approve the amended plat eliminating the lot line between lots 82 and 83 in the Cedar Breaks Mountain Estates Unit C amended

ATTACHMENTS:

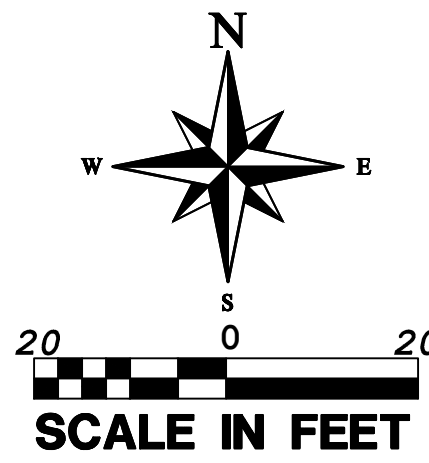
- A. Proposed Amended Plat
- B. Existing plat
- C. Public Notice

LOTS 82 AND 83, CEDAR BREAKS MOUNTAIN ESTATES, UNIT C, AMENDED

A PART OF CEDAR BREAKS MOUNTAIN ESTATES, UNIT C, LOCATED IN THE NE1/4 OF SECTION 2, T36S, R9W, S.L.B.&M.
BRIAN HEAD TOWN, IRON COUNTY, UTAH

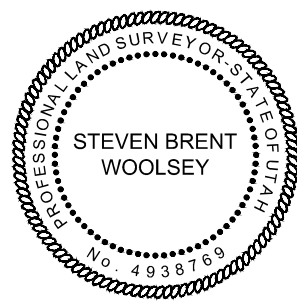
LEGEND

SUBDIVISION AMENDMENT LINE
ADJACENT LOT LINE
PUBLIC UTILITY EASEMENT LINE



SURVEYOR'S CERTIFICATE

I, STEVEN BRENT WOOLSEY, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NO. 4938769, IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, HAVE COMBINED SAID TRACTS OF LAND INTO ONE (1) LOT, TOGETHER WITH EASEMENTS, HEREFTER TO BE KNOWN AS LOTS 82 AND 83, CEDAR BREAKS MOUNTAIN ESTATES, UNIT C, AMENDED.



STEVEN BRENT WOOLSEY, PLS #4938769

DATE

SURVEYOR'S NARRATIVE

THIS SURVEY WAS DONE AT THE REQUEST OF THE JASON M. WALLIS AND CECILE-MARIE ANGELENE WALLIS TRUSTEES OF THE JASON AND CECILE WALLIS LIVING TRUST, OWNER OF LOTS 82 AND 83, CEDAR BREAKS MOUNTAIN ESTATES, UNIT C, TO VACATE THE COMMON LOT LINE BETWEEN SAID LOTS 82 AND 83 AND COMBINE SAID LOTS INTO ONE LOT TO BE CALLED LOT 82A. THEY ALSO CONVEY A 10.00 FOOT WIDE PUBLIC UTILITIES EASEMENT ALONG THE EASTERLY LINE OF SAID LOT 82A, ADJACENT TO ELK DRIVE BY THIS PLAT.

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE OFFICIAL PLAT OF CEDAR BREAKS MOUNTAIN ESTATES, UNIT C.

NOTE: TO KEEP IN HARMONY WITH THE RECORD BEARINGS AND DISTANCES, THIS SURVEY IS BASED SOLELY ON THE OFFICIAL PLAT OF CEDAR BREAKS MOUNTAIN ESTATES, UNIT C.

NOTE: THE BELOW DESCRIBED LOT 82A DESCRIPTION DOES NOT MATHEMATICALLY CLOSE. IT APPEARS THAT THE ERROR LIES SOMEWHERE IN THE RECORD SOUTHERLY LOT LINE DISTANCE OF LOT 82, AND IN THE OVERALL DISTANCES AND OR BEARINGS OF THE WESTERLY LINE OF SAID LOT 82, CEDAR BREAKS MOUNTAIN ESTATES, UNIT C. THEREFORE, TO KEEP IN HARMONY WITH THE RECORD PLAT AND UTAH STATUTORY CODE, I HOLD TO THE RECORD BEARINGS AND DISTANCES AS SHOWN ON THE OFFICIAL PLAT, AND SHOW THE ACREAGE OF THE COMBINED LOTS PER WHAT IS SHOWN BY THE IRON COUNTY ASSESSOR FOR TAXATION PURPOSES.

SUBDIVISION DESCRIPTION: A-1211-0083-0000 & A-1211-0082-0000

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 83 CEDAR BREAKS MOUNTAIN ESTATES, UNIT C; THENCE S76°40'00"E, ALONG THE NORTHERLY LINE OF SAID LOT 83, 200.20 FEET TO THE NORTHEAST CORNER OF SAID LOT 83; THENCE S13°20'00"W, ALONG THE EASTERLY LINE OF SAID LOT 83 AND ALONG THE EASTERLY LINE OF LOT 82, 204.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 82; THENCE N76°40'00"W, ALONG THE SOUTHERLY LINE OF SAID LOT 82, 199.90 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 82; THENCE N00°08'00"E, ALONG THE WEST LINE OF SAID LOT 82, 45.80 FEET TO AN ANGLE POINT TO SAID LOT 82; THENCE N13°20'00"E, ALONG THE WESTERLY LINE OF SAID LOT 82 AND ALONG THE WESTERLY LINE OF SAID LOT 83, 158.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.94 ACRES.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED IS THE OWNER OF THE ABOVE DESCRIBED TRACT OF LAND, AND HEREBY CAUSE THE SAME TO BE COMBINED INTO ONE (1) LOT, TOGETHER WITH EXISTING EASEMENTS AS SET FORTH TO BE HEREAFTER KNOWN AS LOTS 82 AND 83, CEDAR BREAKS MOUNTAIN ESTATES, UNIT C, AMENDED. THE UNDERSIGNED OWNERS ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENT SHOWN ON THIS PLAT. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF UTILITY LINES AND FACILITIES. IN WITNESS WHEREOF, WE HAVE SET OUR HAND THIS ____ DAY OF ____, 20__.

OWNER: JASON AND CECILE WALLIS LIVING TRUST, DATED OCTOBER 21, 2020

JASON M. WALLIS-TRUSTEE

CECILE-MARIE ANGELENE WALLIS-TRUSTEE

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF IRON

S.S.

ON THIS ____ DAY OF ____, PERSONALLY APPEARED BEFORE THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID STATE OF UTAH, SAID COUNTY OF IRON, JASON M. WALLIS AND CECILE-MARIE ANGELENE WALLIS AS TRUSTEES, WHO BEING DULY SWORN DID SAY THEY ARE THE SIGNERS OF THE OWNERS DEDICATION, WHO DULY ACKNOWLEDGED THAT THEY EXECUTED THE SAME.

RESIDING IN ____ COUNTY, ____

NOTARY PUBLIC FULL NAME: _____

COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

A NOTARY PUBLIC COMMISSIONED IN _____

GENERAL NOTES:

- THERE EXISTS 10.00 FOOT WIDE PUBLIC UTILITIES EASEMENT ALONG ALL BACK PROPERTY LINES PER THE OFFICIAL PLAT OF CEDAR BREAKS MOUNTAIN ESTATES, UNIT C. SAID EXISTING EASEMENTS ARE NOT AFFECTED PER THIS PLAT AND REMAIN UNCHANGED.
- THERE EXISTS A 10.00 FOOT WIDE (DISTANCE SCALED FROM OFFICIAL PLAT) "NON-CONSTRUCTED" WATER LINE EASEMENT, RUNNING THROUGH A PORTION OF LOT 82, CEDAR BREAKS MOUNTAIN ESTATES, UNIT C AS SHOWN HEREIN. SAID EASEMENT DOES NOT MEET BRIAN HEAD TOWN STANDARDS. THEREFORE, PER BRIAN HEAD TOWN REVIEW, THEY DO NOT HAVE ISSUE WITH BUILDING OVER SAID EMPTY EASEMENT.
- A 10.00 FOOT WIDE PUBLIC UTILITIES EASEMENT ALONG THE FRONT PROPERTY LINE ADJACENT TO ELK DRIVE TO BE CONVEYED BY THIS PLAT.

PLANNING COMMISSION APPROVAL

I, DOUG DEUTSCHLANDER, CHAIRPERSON OF BRIAN HEAD TOWN PLANNING COMMISSION, DO HEREBY CERTIFY THAT THIS PLAT WAS RECOMMENDED FOR APPROVAL ON THIS THE ____ DAY OF ____, 20__.

DOUG DEUTSCHLANDER - CHAIRPERSON

TOWN ATTORNEY'S APPROVAL

I, ERIC JOHNSON, ATTORNEY FOR BRIAN HEAD TOWN, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND SAID PLAT MEETS THE REQUIREMENTS OF BRIAN HEAD TOWN PURSUANT TO ITS ORDINANCES AND IS HEREBY RECOMMENDED FOR APPROVAL THIS THE ____ DAY OF ____, 20__.

ERIC JOHNSON - BRIAN HEAD TOWN ATTORNEY

TOWN SURVEYOR'S APPROVAL

I, _____, SURVEYOR FOR BRIAN HEAD TOWN, DO HEREBY CERTIFY THAT THIS PLAT WAS EXAMINED AND ACCEPTED BY ME THIS THE ____ DAY OF ____, 20__.

TOWN SURVEYOR

CERTIFICATE OF ACCEPTANCE

I, BRET HOWSER, MANAGER OF BRIAN HEAD TOWN, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE TOWN COUNCIL AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE IRON COUNTY RECORDER ON THIS THE ____ DAY OF ____, 20__.

BRET HOWSER-TOWN MANAGER

ATTEST: _____
NANCY LEIGH-TOWN CLERK

CERTIFICATE OF RECORDING

I, CARRI JEFFRIES, COUNTY RECORDER OF IRON COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON THIS THE ____ DAY OF ____, 20__.

COUNTY RECORDER - CARRI JEFFRIES

BOOK _____ PAGE _____

ENTRY NO. _____ FEE _____

RECORDED AT THE REQUEST OF: JASON AND CECILE WALLIS LIVING TRUST, DATED OCTOBER 21, 2020

FALCON COURT
(FORMERLY ASPEN CIRCLE)

30.00'

N0°08'00"E 190.70'

LOT 74

N89°52'00"W
121.10'

EXIST. 10.00'
P.U.E.
(DIST. SCALED FROM BEGINNING)

EXIST. 10.00'
P.U.E.

P.O.B. LOT 82A

EXIST. 10.00'
P.U.E.

LOT 82A
0.94 ACRES

ORIGINAL LOT LINE BEING VACATED

EXIST. 10.00'
P.U.E.

S0°08'00"W 167.00'

S0°08'00"W 121.20'

EXIST. 10.00'
P.U.E.

LOT 81

LOT 84

S76°40'00"E
200.20'

S13°20'00"W 102.00'

ELK DRIVE
(FORMERLY PINE TOP DRIVE)

S13°20'00"W 204.00'

LOT 103

S13°20'00"W 118.00'

LOT 104

EXIST. 10.00'
P.U.E.
(DIST. SCALED FROM DRAWING)

S76°40'00"E
199.90'

N13°20'00"E 100.00'

N13°20'00"E 100.00'



VICINITY MAP N.T.S.

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REVISIONS		DATE	BY
NO	DESCRIPTION		

WOOLSEY LAND SURVEYING, P.C.

Land Surveyors - Land Planners
50 WEST 3600 NORTH
ENOCH CITY, UTAH 84121
435-555-2315 CELL
steven@woolsey.com

FINAL PLAT OF:
LOTS 82 AND 83, CEDAR BREAKS MOUNTAIN ESTATES, UNIT C, AMENDED

BRIAN HEAD TOWN, IRON COUNTY, UTAH
LOCATED IN THE NE1/4 OF SECTION 2, T36S, R9W, S.L.B.#1.

DATE: 5-13-2024
SCALE: 1"=20'

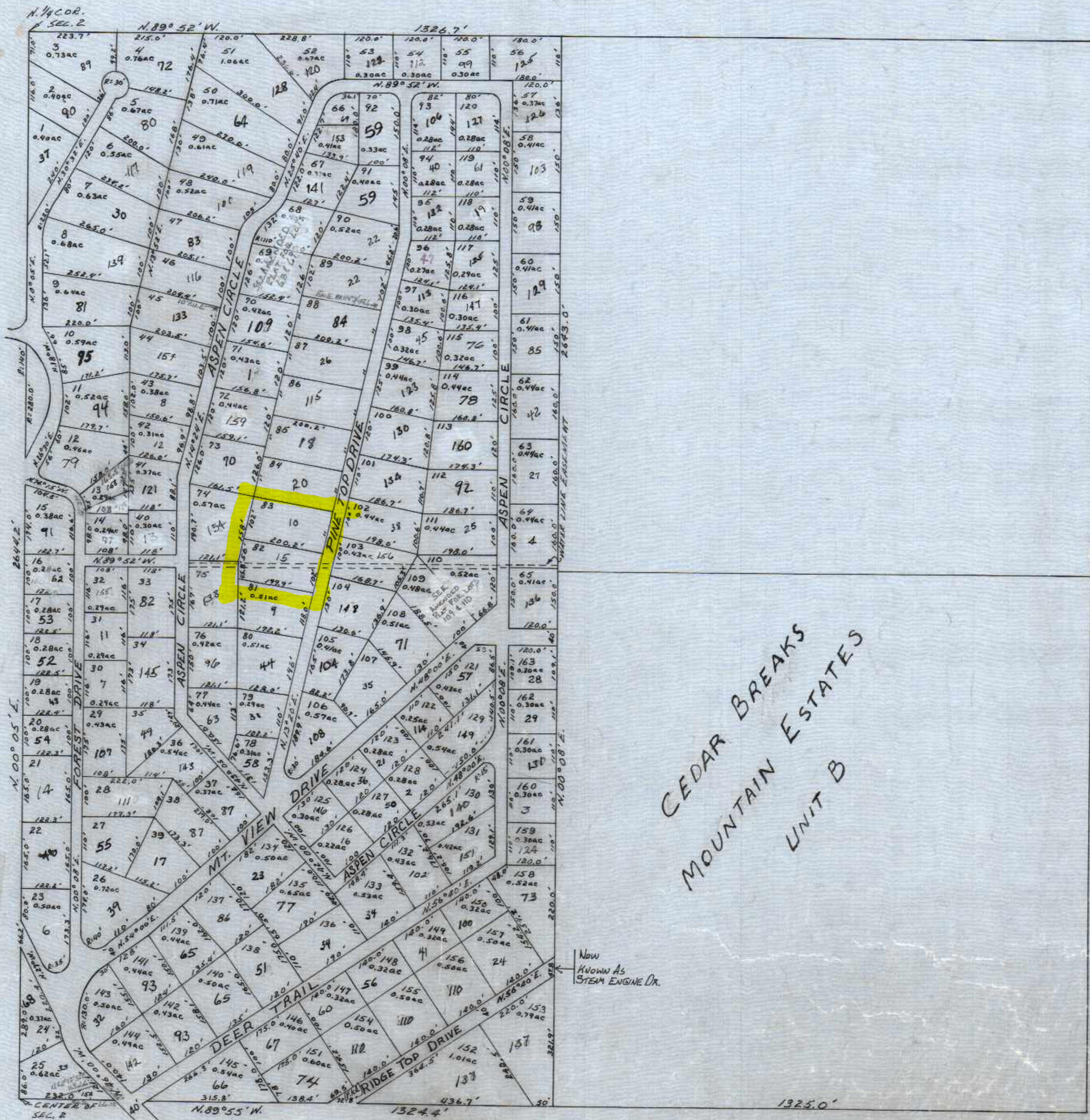
JOB NO.
2390

SHEET NO:

1 OF 1

IRON COUNTY PLAT

WEST 1/2 SECTION 2 TOWNSHIP 36 SOUTH RANGE 9 WEST



CEDAR BREAKS
MOUNTAIN ESTATES
UNIT B

CEDAR BREAKS MOUNTAIN ESTATES UNIT C

SCALE 200' = 1"

June 13, 2024

Dear Property Owner:

An application has been received by Brian Head Town requesting a plat amendment for lots 82 and 83 in Cedar Breaks Mountain Estates, Unit C 315 and 299 N Elk Drive. Brian Head Town is sending out this notice as per Utah Code Title 10, Chapter 9a, Part 2 and Brian Head Land Management Code 9-1-8.

- A. Anyone wishing to review the information on the proposed plat amendment may do so at Brian Head Town Hall during normal business hours of 9:00 a.m. to 4:30 p.m. Monday through Friday.
- B. Anyone wishing to make comments about the proposed plat amendment may submit written comments to the Brian Head Town Clerk @ nleigh@bhtown.utah.gov no later than July 1, 2024, by 4:30 p.m.
- C. The Brian Head Planning Commission will hold a Public Meeting at the BRIAN HEAD TOWN HALL COUNCIL CHAMBERS, 56 North Hwy 143, Brian Head, UT on July 2, 2024, at 1:00 p.m.

If you have any questions or should need additional information, please do not hesitate to contact our offices during normal business hours.

Respectfully,

Brian Head Town

Lester Ross
Building and Planning Official

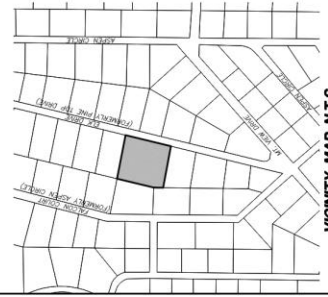
 BRIAN HEAD

Enclosure

A PART OF CEDAR BREAKS MOUNTAIN ESTATES, UNIT C, LOCATED IN THE NE1/4 OF SECTION 2, T36S, R9W, S12E, 4M
BRIAN HEAD TOWN, IRON COUNTY, UTAH



— SUBDIVISION AMENDMENT LINE
— ADJACENT LOT LINE
- - - - - PUBLIC UTILITY EASEMENT LINE



VICINITY MAP N.T.S.



ITEM: PERIMETER FENCE APPLICATION FOR AMMIL DEVELOPMENT

AUTHOR: Lester Ross
DEPARTMENT: Administration
DATE: July 2, 2024
TYPE OF ITEM: Administrative Action

SUMMARY:

The Planning Commission will review an application to build a fence on the perimeter of Ammil Development property between Ammil property and Pine Tree condos.

BACKGROUND:

On June 13, 2024, staff received an application to build a fence on the property line between Ammil LLC and Pine Tree Condos. In Town code 9-12-5 Landscaping and Fences section C3 it states that a perimeter fencing of a property is prohibited without specific Planning Commission approval.

ANALYSIS:

C. Fences: Fences and gates should be avoided to preserve a sense of openness and continuity. When fences are implemented for landscaping, safety, animal containment, or privacy they shall comply with the following:

1. Fences and gates shall be set back at least ten feet (10') behind the building front facade.
 - a. There are no buildings on the property, the applicant is asking for a fence on the edge of the property.
2. Perimeter fencing of a property is prohibited without specific Planning Commission approval.
 - a. It is up to the Planning Commission to give approval for a perimeter fence. The applicant is not asking to build a fence around the hole property but only on the area that is shown on the plans between Ammil LLC and Pine Tree Condos.
3. Fences shall not exceed four feet (4') in height, except where required for safety reasons (swimming pool and attractive nuisances) or where necessary to meet screening requirements or where not visible from off site. (ord. 08-016, 8-12-2008 amd ord. 15-018, 12-8-2015)
 - a. The Fence can only be 4 feet high unless approved by planning commission.
4. Fence materials shall be wood, timbers, rock or materials indigenous to the area. Wrought iron fencing should be used primarily at swimming pools and painted or treated to blend in with the surrounding environment or building facade.
 - a. Proposed Fence will be wood and will meet the LMC requirements.
5. Vegetation should be planted in and around fencing to soften the appearance except where no visible from off site. (ord. 08-016, 8-12-2008 amd ord. 15-018, 12-8-2015)
 - a. The vegetation would need to be planted but would not be done until the area is develop as part of the proposed subdivision.
6. Inappropriate wall and fence materials are railroad ties, stucco, chain-link, concrete blocks, and vinyl. Use of these or similar materials must be consistent with the General

Plan and approved by the Planning Commission. (ord.08-016, 12-2008, amd ord. 16-007, 12-8-2016).

- a. Not asking for any exemption to the materials.

STAFF RECOMMENDATION:

Staff understands why Ammil Development wants to build a Fences on the edge of the property between them and Pine Tree Condos. Ammil Development has included a Fences as part of the Subdivision plans to discourage trespassing for their property onto Pine Tree property along the edge of the parking area. It is up to the discretion of the Planning Commission to approve the perimeter fence.

PROPOSED MOTION:

The Commission can deny, table, or approve the Plat amendment.

Recommended motion

I move to _____ the proposed plan to build a Fence on the property line between Ammil LLC and Pine Tree Condos.

ATTACHMENTS:

- A. Permit Plans

- Gravel surface area
- Existing natural landscape - wooded
- Proposed fence line at property line

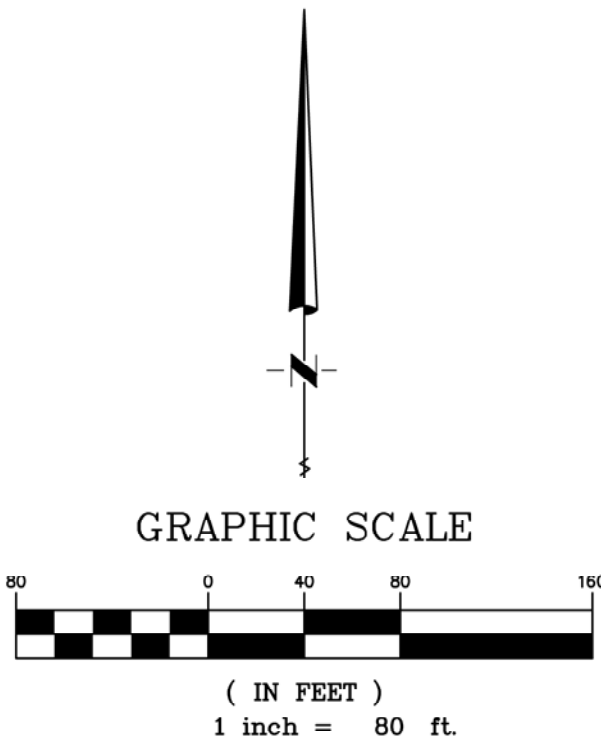
Notes:
All existing land is vacant and undisturbed
There are no existing structures
Existing trees will not be impacted by fence installation
No landscape is being proposed
Fence location 6" inside property line

- LEGEND
- EXISTING SEWER
- EXISTING WATER
- EXISTING STORM DRAIN
- EXISTING RIGHT OF WAY LINE
- EXISTING LOT LINES
- DRAINAGE CHANNEL FLOW LINE
- EXISTING FENCING
- EXISTING OVER HEAD POWER
- EASEMENT LINE
- EXISTING 2' CONTOUR
- EXISTING 10' CONTOUR
- EXISTING ASPHALT
- EXISTING GRAVEL SURFACE ROAD
- EXISTING BUILDING

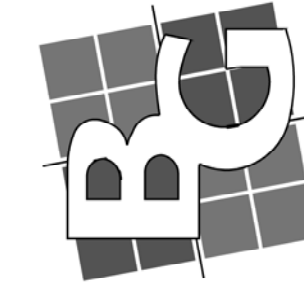
SITE NOTE:
SITE IS COVERED WITH TREES AND VEGETATION.

OWNER / DEVELOPER
AMMIL DEVELOPMENT LLC
CHELSEA CURCURI
chelsea@ammildevelopment.com
(774) 454-9404
5725 S. VALLEY VIEW BLVD
LAS VEGAS, NV 89118
ENGINEERING CONTACT
BUSH AND GUDGELL, INC.
205 EAST TABERNALE #4
ST. GEORGE, UT 84770
RICK MEYER - PROJECT MANAGER
(435)-673-2337

AVOID CUTTING UNDERGROUND
UTILITY LINES. IT'S COSTLY.
Call
before you
Dig
1-800-662-4111
BLUE STAVES LOCATION CENTER (BLOC)



BUSH & GUDGELL, INC.
Engineers - Planners - Surveyors
205 East Tabernacle Suite #4
St. George, Utah 84770
Phone (435) 673-2337 / Fax (435) 673-3161
www.bushandgudgell.com



DATE: SEPT 2023
DRAWN: CBW
APPROVED: WFM
SCALE: 1" = 80'
JOB NO: 231008

EXISTING CONDITIONS
HIDDEN SPRINGS
BRIAN HEAD, UTAH

SHEET 2 OF 4 SHEETS
FILE: 231008-PLAN-REV



ITEM: SUBDIVISION CODE UPDATES

AUTHOR: Lester Ross
DEPARTMENT: Administration
DATE: July 2, 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, 2024, Planning Commission had a discussion and Table 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



STAFF REPORT TO THE TOWN COUNCIL

ITEM: BUILDING DESIGN STANDARDS

AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: July 2, 2024
TYPE OF ITEM: Legislative Action

SUMMARY:

The Planning Commission will hold a public hearing and consider making a recommendation to the Town Council regarding changes to the Land Management Code, Chapter 12 Design Standards.

BACKGROUND:

In early 2023, staff approached the Planning Commission and Council to determine if any changes to the building cladding standards were needed in light of disagreements in the community about whether recent developments meet the existing standards (or what those standards even mean). A variety of feedback was given, but consensus was difficult to determine.

The conversation was resumed on May 7, 2024 at the Planning Commission meeting. Input received at that time:

- Building Cladding
 - Limited quantities is defined as 25% or less of any face or plane of the building
 - Look into using a color palette to clarify what colors are allowed
 - Possibly only apply color palette to R3 and commercial (stick with existing language for R-1)
 - Setback exception changes:
 - Allow covered decks into setback, but just 4' not 1/3 of the setback, on front setback only
 - Allow living space under garage in setback exception
- Snow Storage
 - Address the issue of landscaping doubling as snow storage
 - Increase minimum to 25% in R3

Planning Commission resumed discussion specifically on building colors on June 18, 2024, specifically discussing the Munsell Color Wheel and its role in Springdale's color requirements. Planning Commission seemed favorable to limiting the colors as Springdale does, but selecting a more limited set than Springdale has and with a more simple/defined approach (such as listing allowed RGB or Hex codes instead of directing people to the color wheel). They also were

favorable to leaving the existing exterior color language to apply to single-family residential, and the more restrictive language to be for R3/Commercial.

The Commission asked Commissioner Dever to select the allowable colors for review at the next meeting.

ANALYSIS:

The following allowable colors have been proposed by Commissioner Dever:

Grays

206/199/210	179/173/183	152/147/155	125/121/128	99/95/101	74/71/75	50/48/52	29/28/30
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Browns

195/170/161	168/143/135	141/117/109	115/92/82	89/67/58	63/45/37	43/24/14
127/88/62	99/64/41	72/42/19	106/61/20			

Greens

30/54/34	10/57/23
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STAFF RECOMMENDATION:

Staff believes that implementing a clear, allowed color palette may lead to more consistent results, but it may also make things frustrating for residents who wish to have design control over their own cabins. Applying the color palette to R3 and commercial, while leaving the subjective language to apply to cabins may be the best compromise. Staff feels the proposed color chips are pretty limited, so possibly incorporating language allowing the PC to approve color options outside the pre-approved colors so long as they are consistent with the General Plan.

PROPOSED MOTION:

I move to recommend the following changes to the Land Management Code to the Town Council:

- For building cladding:
 - Limited quantities is defined as 25% or less of any face or plane of the building

- Exterior colors will be restricted in all zones except R1 to those colors put forth by Commissioner Dever. Other colors may be allowed where the Planning Commission determines the color is strictly consistent with the General Plan and blends well with the natural surroundings.
- For setback exceptions:
 - Allow covered decks into setback, but just 4' not 1/3 of the setback, on front setback only
 - Clarify that basement living space is allowed under a garage which is allowed in the setback by exception

ATTACHMENTS:

N/A



ITEM: LAND MANAGEMENT CODE DISCUSSION

AUTHOR: Bret Howser
DEPARTMENT: Admin
DATE: July 2, 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)

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?

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, an 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