BRIAN HEAD

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

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, Lester Ross; Building and Planning Official, and Ciera Claridge; Deputy Clerk.

A. CALL TO ORDER

Chairperson Deutschlander called the regular meeting of the Planning Commission to order at 1:02 PM.

B. PLEDGE OF ALLEGIANCE

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

C. DISCLOSURES

Commissioner Wallis disclosed that she may have a potential conflict of interest with agenda item F-1, Plat Amendment for Lots 82-83 in which she is the property owner requesting the lot line vacation and will recuse herself from the meeting during this agenda item. Alternate Commissioner Lee will be voting in place of Commissioner Wallis.

There were no other 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:

June 18, 2024 Planning Commission Meeting.

Motion: Commissioner Dever moved to approve the June 18, 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

No public input or reports were made at this time.

F. AGENDA ITEMS:

1. ADMINISTRATIVE ACTION - PLAT AMENDMENT FOR LOTS 82 & 83 IN THE CEDAR BREAKS MOUNTAIN ESTATES, UNIT C SUBDIVISION. A plat amendment for a lot line vacation for lots 82 and 83 in the Cedar Breaks Mountain Estates, Unit C Subdivision.

Commissioner Wallis recused herself from this agenda item.

Lester Ross, Building and Planning Official, gave a brief explanation of the Plat Amendment for a lot line vacation for lots 82 and 82 in the Cedar Breaks Mountain Estates, Unit C Subdivision. Jason and Cecile Wallis, property owners, are requesting to combine lots 82 and 83 located on Elk Drive. Lester reported that the required notifications have been posted and sent to the property owner within 300′ of the affected properties. Lots 82 and 83 currently have two different street names listed: Pine Top Drive and Aspen Circle, in which Aspen Circle is the original street name and Pine Top Drive is the current street name. Lester explained that the engineer would include both names on the Amended Plat. Chairperson Deutschlander asked Lester for clarification about the waterline easement that runs through the lot. Lester explained that the plat does show the easement; however, Brian Head Town is not currently using this easement. Lester clarified if the easement was to be removed, the only individuals who can approve that is the Town Council.

Motion: Commissioner Carrie Dever moved to approve the Amended Plat eliminating the lot line between lots 82 and 83 in the Cedar Breaks Mountain Estates Unit C. Commissioner Morgan seconded the motion.

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

Commissioner Wallis rejoined after this agenda item was completed.

2. ADMINISTRATIVE ACTION – Perimeter fence application review Ammil Development. An application to install a fence on the property line on the west side of Ammil development property on Pine Tree Way.

Chairperson Deutschlander gave a brief background of the proposed perimeter fence. Lester Ross, Building and Planning Official explained that this is an administrative action and an application has been submitted to the Town for the Hidden Springs Development for a perimeter fence (see attached) The owner of this development is requesting a perimeter fence between Hidden Springs and Pinetree Condominiums. Lester explained that according to the Town Code, the Planning Commission's approval is required for a perimeter fence.

The Commission discussed the following:

1. Chairperson Deutschlander expressed his concerns with snow removal, snow storage, and maintenance issues with a perimeter fence in Brian Head's environment.
2. Chairperson Deutschlander commented that if there are future issues without the perimeter fence, this topic could be reviewed once more by the Planning Commission.
3. Commissioner Wallis agreed with the concern of a fence creating issues with snow removal.
4. Commissioner Dever expressed her concerns with the maintenance of the perimeter fence.
5. Commissioner Dever explained that both HOAs may be indifferent about who is responsible for the maintenance of the fence.

Motion: Commissioner Wallis moved to deny the proposed plan to build a fence on the property line between Ammil LLC and Pinetree Condominiums. Commissioner Jeff Morgan seconded the motion.

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

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

Bret Howser, Town Manager, reported the State Legislature enacted new state laws requiring municipalities to make changes to their subdivision ordinances. Bret went on to explain 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 the Planning Commission's review (see attached). Mike Hansen, Hansen Planning Group, is present to answer any questions and provide clarification regarding the proposed changes.

The Commission then reviewed the following Land Management Code Chapters:

Chapter One - General Provisions
9-1-8 letter C. The Planning Commission decided to revoke a suggested change regarding a ten-day notice to align with the state code. The Planning Commission proposed to keep a fourteen-day notice rather than the recommended change to match state code to allow homeowners who do not permanently live in Brian Head to have more available time to respond to a notice.

Chapter Two - Definitions
The Planning Commission requested some clarification on definitions throughout chapter two. Mike explained that many definitions follow the Utah State Code. After questions were clarified the Planning Commission concluded no additional changes were needed.

Chapter Three - Administrative and Decision-Making Bodies
Chairperson Deutschlander proposed the following change: When a vacancy exists on the Commission, the alternate should automatically be appointed into the Commission Member role. Bret reported that currently, the Town Manager makes the appointment with the advice and consent of the Town Council and may not agree with the proposed change. Consensus of the Commission: When a vacancy occurs on the Planning Commission, the alternate commission member will automatically be appointed to the Commission Member position. No additional changes were made.

Chapter Four - Submittal Requirements
Some clarification was provided to the Commission, but no additional changes were made. Chairperson Deutschlander recommended some grammatical changes to this chapter.

Motion: Commissioner Wallis moved to table Agenda Item F-3 Subdivision Code until the next Planning Commission meeting and will begin with Chapters 9, 11, 12, and 13. Commissioner Morgan seconded the motion.

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

4. **LEGISLATIVE RECOMMENDATION - LAND MANAGEMENT CODE BUILDING DESIGN STANDARDS.** A discussion and recommendation to the Town Council for changes to Title 9 Chapter 12 of the Town Code amending Building Design Standards.

Chapter 12: Colors:

Lester Ross, Building and Planning Official, explained the Commission will continue the discussion on the Land Management Code, Chapter 12, Building Design Standards, as it pertains to colors. Lester reported that during the last meeting, Commissioner Dever wanted to reevaluate some of the color choices and referenced the staff recommendation; Commissioner Dever agreed with incorporating language that the Planning Commission can approve other colors outside of the preapproved colors. Another stipulation was mentioned that the developer would need to bring a four-inch by eight-inch (4"x8") color sample of what they were requesting so the Commission would have a clearer understanding of the color they are requesting.

Setbacks:
Lester explained within the Town Code, garages are not allowed with a setback. However, he clarified an exception: Over a 20% slope the garage is allowed to go into the front setback. Chairperson Deutschlander recommended an annotation be added to the Town Code to include the exception of the setback within the Town Code for clarification purposes.

The proposed motion included changes to building cladding, exterior colors, setback exceptions, and the allowance of basement living spaces under garages.
Councilperson Doug Deutschlander called for a motion.

Motion: Commissioner Dever moved to recommend the following changes to the land management code to the Town Council:

1. Building cladding limited quantities is defined as 25% or less of any face or plane of the building.
2. Exterior colors put forth by Commissioner Dever will be restricted in all zones except R1.
3. 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. Applicant(s) must bring a color chip of at least 4 inches by 8 inches, ideally on the proposed material.
4. Setback exceptions allow covered decks into the setback, but just 4 feet, not a third of the setback on the front setback only.
5. Clarify that basement living space is allowed under a garage, which is allowed in the setback by exception.

Commissioner Morgan seconded the motion.

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

5. DISCUSSION - LAND MANAGEMENT CODE. A discussion regarding a few different requirements of the Land Management Code and staff direction regarding the preparation of Land Management Code amendments.

Chairperson Deutschlander explained the purpose of this agenda item is for the Planning Commission to address some items in the Land Management Code that the Commission would like to review and possibly amend. Chairperson Deutschlander gave a brief background of the Land Management Code regarding staggering and offset buildings and provided a visual explanation of a subdivision in St. George with four feet staggering home placement (see attached). Chairperson Deutschlander explained that despite this staggering, he believes the home placements would not be recommended in Brian Head because of potential snow drifts.

The Planning Commission continued the discussion regarding defining 'staggering', 'offset', and 'distance between units'. Town Manager, Brett Howser, clarified that the discussion was to describe how the Planning Commission would ideally like 'staggering' or an 'offset' building look like.

A visual conclusion from this discussion was to incorporate the natural environment here in Brian Head to allow natural staggering and keep the mountains incorporated into any home placements. Town Manager, Bret Howser, suggested this agenda item be tabled and to proceed with the continuation of the meeting. The Planning Commission agreed with this suggestion.

Motion: Chairperson Deutschlander moved to table Agenda Item F-5 Land Management Code Discussion. Alternate Commissioner Lee seconded the motion.

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

G. ADJOURNMENT

Motion: Commissioner Morgan moved to Adjourn the regular meeting of the Planning Commission. Commissioner Dever 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 2:48 p.m. on July 2, 2024.

7/16/2024

Date Approved

Ciera Claridge, Deputy Clerk