



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# 832 9860 9598
TUESDAY, June 18, 2024 @ 1:00 PM

MINUTES OF THE PLANNING COMMISSION

Roll Call.

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

Staff Present: Bret Howser, Town Manager; Nancy Leigh, Town Clerk; Amanda Hunter, Code Enforcement.

A. CALL TO ORDER

Chairperson Deutschlander called the Planning Commission's regular meeting to order at 1:02 p.m.

B. PLEDGE OF ALLEGIANCE

Chairperson Deutschlander led the Commission and others 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:

1. May 21, 2024 Planning Commission Meeting

Motion: Council Member Dever moved to approve the May 21 2024 Planning Commission minutes. Commissioner Wallis seconded the motion.

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

2. June 4, 2024, Planning Commission Meeting

Motion: Commissioner Morgan moved to approve the June 4, 2024, Planning Commission minutes. Commissioner Brown seconded the motion.

Action: Motion carried 4-0-1 (summary: Yes = 5, No = 0, Abstain = 1 Vote: Yes: Commissioner Dever, Commissioner Morgan, Commissioner Wallis, Commissioner Brown. Abstain: Chairperson Deutschlander).

1
2 **E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**

3
4 **Bret Howser, Town Manager**

- 5 1. Lester Ross, Building and Planning Official, submitted his resignation to become the
6 Building Official for Cedar City. The Town will be opening the position and will
7 consider different options for the building department such as contracting out the
8 inspecting service and/or the planner services. Lester's last day will be July 12th.
9 2. The Deputy Clerk position has been filled. Ciera Claridge has been hired for the position
10 and has begun working.
11 3. The Public Works Director position has been filled. Jon Ficken has accepted the position
12 and will begin on July 1st.

13
14 **Alternate Commissioner Lee** inquired if the annual 4th of July Fireworks Display will occur this
15 year or if fire restrictions are in place. Bret responded that there are currently no fire restrictions
16 in place and the fireworks are scheduled to take place.

17
18 **Commissioner Wallis** reported that the Visitor Center is now open on Saturdays from 9:00 am to
19 1:00 p.m.

20
21 **F. AGENDA ITEMS:**

22
23
24 **1. CODE ENFORCEMENT REPORT.** Code Enforcement update.

- 25
26 1. Amanda Hunter, Code Enforcement, gave a Code Enforcement update to the
27 Commission. Amanda reported that the current enforcement issues are trash
28 dumpsters onsite for construction sites. Short-term rentals operating without a
29 license in which 13 warnings have been issued and two have been resolved.
30 2. Commissioner Brown inquired about e-bike enforcement. Amanda responded that
31 e-bikes are allowed on Town trails at 15 mph or less including around Bristlecone
32 Pond/Park area. Commissioner Brown commented that she believes the e-bikes are
33 too fast for the pedestrian trails and it could take an event to happen before action is
34 taken.

35
36
37 **2. ADMINISTRATIVE ACTION - PRELIMINARY PLAT HIDDEN SPRINGS** A
38 preliminary plat proposed for Hidden Springs for a new multifamily townhome subdivision on Pine
39 Tree Way and a recommendation to the Town Council.

40
41 **Bret Howser, Town Manager,** presented the Preliminary Plat for Hidden Springs, a multi-
42 family residential development located on Pine Tree Way between Pinetree and White Bear
43 Condos (see attached). Bret reported that the Planning Commission approved the Schematic
44 Plan in September 2023 and the public hearing for the Preliminary Plat was held on May 21st.

45
46 Bret reported the Planning Commission approved the Preliminary Plat during the June 4th
47 meeting with the following conditions:

- 48 1. The slope at the intersections of Road A and Road be 4% or less and not more than 10%
49 for the first 200 feet.
50 2. Plans will show snow storage for parking areas.



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3. A dumpster location and enclosure will be added to the plans for Phase 1
4. Utility and construction easement will be determined, and proof of legal access will be provided before the final plat is approved.

Bret explained that due to a noticing error, the June 4th Planning Commission recommendation to the Town Council was invalid, and therefore the Commission will need to review the Hidden Springs Preliminary Plat and forward a recommendation to the Council.

Bret reported that the Town Council discussed the Preliminary Plat for Hidden Springs during their June 11th Council meeting and voted to table it and remanded it back to the Planning Commission for review. The Council identified the following conditions:

1. The grading plan includes the elevation of the building pad for units 38-45.
2. Miscalculated the parking requirements and underestimated the amount of hard surfaces.
3. The council was considering vacating the right-of-way for 15' of the street which is 66' and would reduce it to 50' as required for Pine Tree Way.
4. The Council asked the developer for alterations to the plan and was open to trading some of the right-of-way for parking.

Bret reported that the Commission will be reviewing the conditions and making a recommendation to the Council.

The Commission discussed the following:

1. Commissioner Dever inquired about proof insurance for the General Contractor. Bret reported that a bond and insurance are required for public improvements.
2. Chairperson Deutschlander inquired if the issues with Pinetree Condo HOA have been resolved. Chelsea reported that the 24' easement has not been resolved yet, but in the Council meeting, the conditional 4% directed her to change the angle of entry to not take the easement for future development.
3. Commissioner Dever inquired if units 38-41 would use part of the easement. Chelsea reported that putting up a gate is to stop people from going to the wrong property, but she is not in a position to make that decision. She can evaluate a fence and put one up if the Commission and Council decide to make it a condition. She believes the grading and fence line would direct the public back up to the property and should solve the use of the easement.
4. Chairperson Deutschlander commented that in his experience fences do not work in Brian Head's environment with snow removal.
5. Chelsea reported she submitted an application for a fence and will present it to the Planning Commission for review.
6. Chairperson Deutschlander inquired as to the undeveloped and landscaped percentages for the development: The total is 83.67% as undeveloped and landscaped and 16.33% is the maximum building coverage. Chelsea reported she does not have the percentage of each the undisturbed or the landscaping.
7. Bret inquired if undeveloped was the same as undisturbed according to the Town Code. Chairperson Deutschlander commented that landscaping includes driveways, roadways, and sidewalks.



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8. Chelsea reported she will calculate the undisturbed percentages. Bret reported that any undisturbed must be landscaped according to the Code and Hidden Springs meets the landscaping area.
9. Bret explained that the Council discussed the potential for a roadway vacation and would redraw the property to give space to the A-frames for a driveway to the units to give the units parking instead of having offsite parking.
10. Commissioner Brown inquired as to the staggering of the A-frames. Commissioner Brown commented that she didn't feel that the buildings were not staggered. Commissioner Dever responded that due to a lack of definition in the Town Code, then it could not be enforced.
11. Chelsea reported that the trail worked if there was a drop in the elevation and they can do a natural decline and the trail works without manipulation. She doesn't want vehicles going off the embankment since there were comments regarding parking on Pine Tree Way.
12. Chelsea reported she will be studying possible parking by the A-frames and putting together exhibits, but it could be challenging to accomplish the parking for the A-frames.
13. Bret reported that the parking requirement is 2.5 per unit and 2 vehicles for the A-frame units. Bret explained this came to light during the last Planning Commission and Council meetings (pg. 3 of 11 of the drawings). Bret reported Hidden Springs met the required parking requirements and that all of the hard parking areas will need to be paved.
14. Discussion was held regarding the trail connecting to the Town trails and proposed options on the paths. The Navajo Loop Trail and the Town Walking Trail.
15. Commissioner Dever commented she would like to see a plan showing the options on the trails, but it would be the Council making the decision.
16. Bret explained that condition #7 in the staff report under "staff recommendation" identified that lots 41-15 would need to meet the 25' setback requirement as part of the recommended motion so that either a trade would need to be worked out with the Town Council on the setback or right-of-way.
17. Commissioner Wallis inquired if the developer would be interested in developing the units on the main property and phasing the A-frames later. Chelsea responded that she would need to figure out the trail regardless and if the trail changes, then the right-of-way would change. She could be open to the idea.
18. Commission Wallis commented that she was trying to figure out how to make the trail work by having the condominium units built first. Bret explained that the paved trail in front of units 38 -45 is not part of the Navajo Loop Trail and it would be the decision of the Town Council.
19. Commissioner Dever commented that the parcel of property that is east of Elevate is landlocked and was reported to the Commission that it was owned by Copper Chase HOA and is not owned by Copper Chase HOA but owned by a separate property owner.
20. Chairperson Deutschlander commented that 200+ condos are identified in this area and that the Town should consider connecting to the Town Walking Trail.
21. Alternate Commissioner Lee commented that she believes the Council's concerns are the same as the Commission's with the offsite parking. She would like to see the parking onsite.
22. Bret explained that it is sufficient for a Preliminary Plat to meet the existing setback and still have non-adjacent parking and they can try and negotiate a deal to acquire a right-of-way for parking. If the Town moves the right-of-way to the edge of the pavement and parking in front of the units. Chelsea explained that to have the parking for the A-frame units, then she would need to lift the hillside and retain it for parking instead of a trail. If



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1 parking was on the side of the A-frames, then it would require additional retainage, and
2 asked if the Town could plow the snow the other way and she will need to study it
3 further.

4 23. Commissioner Dever commented that the grading plan would need to include buildings
5 38-45.

6 24. Alternate Commissioner Lee inquired about moving the A-frames towards the adjacent
7 parking area to get the units built. Chelsea responded she could use that as an option but
8 felt that the neighbors wouldn't like it but it would be a smaller unit and would need to
9 be built into the hill and trees would be removed.

10 25. Commissioner Brown commented that she believes the parking is more important than
11 the trail. Commissioner Morgan and Wallis agreed.

12 26. Chelsea explained the parking for the A-frames has parking allocated; eight covered and
13 eight uncovered.

14 27. Commissioner Dever commented that in reviewing the 66' right-of-way road the 16' is
15 not located on one side of the road. Commissioner Dever inquired if the 16' easement
16 would be 8' from each side of the road. Bret responded he is not sure if the Town would
17 be giving 16' total but maybe moving the pavement over a couple of feet.

18 28. Chairperson Deutschlander commented that when the waterline was installed, the road
19 cut was not the center right-of-way.

20
21 **Motion:** Commissioner Dever moved to approve the recommendation for the
22 Preliminary Plat for Hidden Springs to the Town Council with the following
23 conditions:

- 24 1. The slope at the intersections for roads A and B must be 4% or less and
25 not more than 10% for the first 200 feet.
- 26 2. Plans will show snow storage for the parking areas.
- 27 3. A dumpster location and enclosure will be added to the plans for
28 Phase 1.
- 29 4. Utility and construction easement determined, and proof of legal access
30 will be provided before the approval of the Final Plat.
- 31 5. The grading plan will need to include the elevation for the building
32 pads for lots 38 - 45.
- 33 6. The parking lot will need to be paved with a drainage plan.
- 34 7. Lots 41-45 will need to meet the 25' setbacks.

35 Commissioner Morgan seconded the motion.

36 **Action:** **Motion carried 4-0-1 (summary: Yes = 4 No = 0, Abstain = 1 Vote: Yes:**
37 **Commissioner Dever, Commissioner Morgan, Commissioner Wallis,**
38 **Commissioner Brown. Abstain: Chairperson Deutschlander).**

3. 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.

45 Bret Howser, Town Manager, explained the Commission will continue their review of
46 changes to Chapter 12, Design Guides, as it pertains to colors. Bret reported that the
47 Commission would need to determine the colors they would like to see incorporated into the
48 Land Management Code and make a recommendation to the Town Council.

49
50 The Commission discussed the following:



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1. Commissioner Dever commented she would like to have a simplified spectrum of colors such as shades of grey to black and dark browns to tans. Primary colors such as redwood brown color, neutral tones, forest green, and muted greens.
2. Commissioner Dever commented an option could be to have the applicant come before the Building Administrator or Town Manager for a review of colors such as forest green and muted green.
3. Commissioner Wallis suggested using RGB codes and allowing colors that are comfortable and trending.
4. Bret suggested the option of allowing a color wheel such as the one presented in the staff report.
5. Commissioner Dever suggested a printed board of available colors and if the applicant did not want those colors, then staff would need to review and approve it first. Bret responded that it would be challenging to codify the language for this option.
6. Commissioner Dever commented that she would like to prohibit blues and yellows and would volunteer to review the colors and identify the colors she would agree to. This would not include accent colors.
7. Bret commented he would reference what is allowed in the Town Code and identify that a document is available online.
8. Discussion was held regarding Aspen Meadows development's requirements for colors and whether the Town should consider using their colors for the Land Management Code.
9. Commissioner Dever commented that some of the HOAs in single-family residential areas restrict their exterior cladding such as Trails at Navajo and Steam Engine Meadows.
10. Commissioner Dever commented that she is unsure how many color choices there will be.

Consensus of the Commission: Commissioner Dever will identify colors allowed and submit them to the Town Manager which will be presented at the next Commission meeting.

Staff Recommendation: Staff will identify a stricter approach towards multi-family residential (R3) and commercial buildings on colors and will be more flexible on single-family residential (R1).

Motion: Commissioner Morgan moved to table this agenda item until a color selection is made. Commissioner Brown seconded the motion.

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

4. DISCUSSION - SUBDIVISION CODE UPDATES. A discussion on proposed changes to the subdivision ordinances proposed by the Hansen Planning Group.

Bret Howser, Town Manager, presented the draft changes of the subdivision ordinances from the Hansen Group (see attached). Chairperson Deutschlander commented that he would like to have a printed version of the proposed changes.

The Commission discussed the following:

1. Commissioner Dever commented that she has concerns about eliminating the Town Council from the process since they have the authority to vacate roads, adopt Development Agreements, etc.
2. Some of the Planning Commission's concerns are as follows:
 - a) They have one time to review the Preliminary Plat Plan.
 - b) With the Town Council taken out of the process, they no longer have another set of eyes on plans to catch things they may have missed.
3. Bret reported he will contact Mike Hansen to see if the Final Plat will come back to the Planning Commission for approval as part of the process.

Future Agenda Item Discussions:

1. Commissioner Brown commented that a definition for Building Staggering should be identified in the Town Code or discussed at the Planning Commission level.
2. Commissioner Dever responded that it is one of the items she would like to discuss for future items.

Next Agenda Items:

1. Building "Staggering" definition. Bret reported that he will contact Commissioner Dever and Commissioner Brown along with the others on items they would like to see for future agenda items.

G. ADJOURNMENT

Motion: Alternate Commissioner Lee moved to adjourn the regular meeting of the Brian Head Planning Commission. Commissioner Wallis seconded the motion.

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

The regular meeting of the Brian Head Town Council was adjourned at 3:12 p.m. on June 18, 2024.

July 2, 2024

Date Approved

Nancy Leigh, Town Clerk



