



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 6343 0548
TUESDAY, May 7, 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: Lester Ross, Building and Planning Official; Nancy Leigh, Town Clerk; Bret Howser, Town Manager; Amanda Hunter, Code Enforcement.

A. CALL TO ORDER

Chairperson Deutschlander called the regular meeting of the Brian Head Planning Commission to order at 1:00 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:

April 16, 2024 Planning Commission meeting.

Motion: Commissioner Dever moved to approve the April 16, 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).**

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

Ron Regan, 466 Elk Drive. Commented that he was present at the last Council meeting to address a question regarding the Elk Drive Special Assessment Area (SAA). Mr. Regan stated that it was his understanding that it would be addressed during the May 14, 2024, Town Council meeting and was told that it needed one more signature otherwise it would be tabled until they had the appropriate number of signatures. Mr. Regan reported that he applied for a building permit to build his home in 2021 and is having to haul water to his home, in 2022 he got a mortgage on his home and was told by the Town that if he filled out the forms he would receive water through the SAA process, but the Council tabled the Elk Drive SAA petition in 2022. The mortgage lender is now asking if the water has been completed to his home or if it has been approved for water. Mr. Regan inquired if the Commission could answer any of

1 his questions so that he could respond to his mortgage lenders since it was based on the understanding
2 that he would receive water to his cabin.

3
4 Bret Howser, Town Manager, responded that an SAA petition requires 51% of the property ownership
5 and is a statutory process. Also, in the process, if 40% of the property owners submit a written protest,
6 the SAA will automatically fail. Bret reported that the SAA is a slow process and the Town cannot
7 guarantee anything but is moving through the process for Elk Drive and could take three to six months
8 before the Town can determine if funding is available for the SAA. Bret then gave a brief explanation of
9 the funding process for SAAs and suggested that Mr. Regan meet with Shane Williamson, Town
10 Treasurer, to review the SAA flow chart. The soonest the Town would be able to begin construction
11 would be in the 2025 construction season as a best-case scenario.

12
13 **Bret Howser, Town Manager**, reported the annual Town Cleanup Event is scheduled for May 22nd. Bret
14 encouraged the Commission and the public to participate in this year's cleanup event.

15
16 **Lester Ross, Building and Planning Official**. Chairperson Deutschlander reported that he needs to get
17 the information for the online seminar training for Planning Commission Chairs that is available. Lester
18 reported he would get the information to Chairperson Deutschlander at a later date.

19
20 **Nancy Leigh, Town Clerk**, thanked the Commission Members who attended the annual Open Meeting
21 Training that was held on April 30th.

22
23
24 **F. AGENDA ITEMS:**

25
26
27 **1. DISCUSSION-GENERAL PLAN AND ZONING FOR ASPEN MEADOWS.** A discussion on
28 the future general plan and zoning for Aspen Meadows.

29
30 Bret Howser, Town Manager, explained that there have been changes since the staff report was sent
31 out in the commission packets last week. Bret explained that the General Plan Land Use Map is a
32 map that shows property boundaries that are general in nature and may have several zones that
33 could be applied to it. Bret reported there are currently two annexations in the process; Brian Head
34 Unit 3 which has nine lots and the Aspen Meadows which encompasses approximately 1,800 acres.

35
36 Bret reported that as these properties are being annexed into Brian Head Town, the Town will need
37 to amend the General Plan Land Use Map and the Zone District Map. Brian Head Unit 3 is already
38 an existing subdivision with the majority of the subdivision identified as single-family residential
39 (R1) and it is recommended that the remaining nine lots be identified as single-family residential
40 (R1).

41
42 Aspen Meadows is dictated by a Development Agreement that was adopted by the Town Council.
43 Aspen Meadows will proceed with the conditions that are outlined in the Development Agreement.
44 One of the conditions is a Mountain Zoning Overlay District and each zone will have an overlay zone
45 to the six to seven parcels that are in the Aspen Meadows area.

46
47 Bret reported the first change from the staff report is the early draft of the General Plan Land Use
48 Map, which will need to wait until the final draft to mirror the Annexation Development Agreement.
49 Bret reported the Commission can review it today, but it could change if the Aspen Meadows
50 developers want to in their Master Plan. The density is set in the Development Agreement and they
51 are scheduled to build 1,467 units the Town has assured them of water and sewer for those units.

1 Bret reported that in reviewing the General Plan and Zone District Map, it was brought to his
2 attention that Cedar City has a zone identified for annexations called Annexed Transitions (AT) in
3 which there are a few uses allowed in the zone such as grazing, single-family residential on a
4 property of no less than five-acres, rural uses, but they cannot subdivide the property until it is
5 rezoned.

6
7 When Aspen Meadows is ready to subdivide into a neighborhood, then they will rezone the property
8 that is consistent with the General Plan. Staff will create the new zone (Annexed Transition (AT)) and
9 apply it to the properties in the Aspen Meadows annexation area until they are ready to develop the
10 properties.

11
12 The Commission discussed the following:

- 13 1. Commissioner Dever inquired as to why Aspen Meadows Developers identified Mountain
14 Zoning. Bret responded that initially the town negotiated Mountain Zoning and thought
15 they would have their zones, but in working with the developers, it was one or two things
16 where the developers wanted more or less and the overlay district would be easier to
17 identify, which is outlined in the staff report.
- 18 2. Flint Decker, Aspen Meadows, reported that the Overlay District was formally labeled Aspen
19 Meadows Overlay District and one example was the height restriction of 35' instead of the
20 allowance of 45' that the Town had.
- 21 3. Bret reported that identifying an Annexed Transition Zone would be easier to implement
22 since it would keep the property in a "holding pattern" until the property was ready to
23 subdivide at which time, the property would be rezoned and the General Plan would be
24 updated.
- 25 4. Bret reported that the language proposed is from Cedar City's Code and is simplified for
26 Brian Head. Bret will send the language to the Planning Commission for review.
- 27 5. Chairperson Deutschlander commented that in reviewing the maps, there is a crosshatch of
28 pods of high density and commercial and believes that the Zone District Map would need to
29 follow the property lines and requested that the attachment be included. Anyone abutting
30 their property would have something to refer to.
- 31 6. Alternate Commissioner Lee commented that the Annexed Transition is a good idea and
32 simplifies the process.

33
34
35 **2. DISCUSSION - LAND MANAGEMENT CODE BUILDING DESIGN STANDARDS.** A
36 discussion on existing design standards for buildings contained in Title 9 Chapter 12 of the Town Code and
37 advise staff regarding potential changes.

38
39 Bret Howser, Town Manager, reported this agenda item was presented to the Town Council last year
40 regarding the color and cladding of buildings. Bret reported that the Council identified muted colors,
41 soils, and rocks and limited quantities. Bret inquired as to what the Commission would like to
42 consider for cladding and color requirements.

43
44 Bret gave a brief background on single-family residential buildings and what the Town can regulate
45 due to state requirements. Bret reported that any building under 1,000 square feet can clad their
46 exterior in anything they desire but anything over 1,000 square feet, the owner signs a Building
47 Bonus Agreement and the Town can regulate the exterior of their R1 building.

48
49 Currently, the Town has the following cladding requirements:

- 50 1. Full log and log-facing siding.
- 51 2. Stone (cultured or natural)

3. Wood shingles,
4. Horizontal wood board
5. Batten siding.
6. Other synthetic materials are textured to simulate natural materials.
7. Stucco and non-reflective metal are allowed in limited quantities.

Responses:

1. Commissioner Dever: Recommended 10%-20% for a limited quantity total of the building. Does not like a certain color of reds (bright), likes redwood color.
2. Alternate Commissioner Lee: Would like a visual of what 20% would look like.

Bret inquired what limited quantities mean and if it is a percentage of the building face of all of the cladding (all four sides).

Commissioner Morgan lost internet service and left the meeting at 1:57 p.m.

Consensus of the Commission: 25% of the building for cladding for limited quantities on any face or plane. Metal will be under 25%.

Colors:

Responses:

1. Chairperson Deutschlander commented that a previous LMC version had a list of acceptable colors and also prohibited cinder block buildings, but the Town currently has several cinder block buildings such as the fire station and Brianhead Sports which look good. Chairperson Deutschlander commented that it should be broken up into color chromatic and phase in its relief. Monochromatic (one color) cannot be one color.
2. The Town Council identified earth tones, greens, browns, and greys. Bret asked the Commission if they would consider a color pallet. Lester reported that it would need to be broad and include the color black since the majority of homeowners are now identifying the color black in their plans.
3. Springdale is a page of assorted colors and shades.
4. Larger buildings will have stricter requirements, whereas smaller buildings will have the flexibility for the exterior.
5. Commissioner Dever would like the colors red and blue removed and replaced with black and green for trim colors up to 25%. Would like to see an array of browns, greys, and greens.
6. Bret reported that staff will bring a spectrum of reds and have the Commission identify the colors within the spectrum.

Setbacks, Decks/Eves & Garages/Living Spaces:

Bret reported that the Council also addressed the provision regarding decks and living spaces above garages in the setback exception and inquired if the Commission was interested in reviewing the Code.

Bret reported that the current code allows for covered decks into the decks four feet (4') and the roof eaves can go five feet (5') into the setback. Lester Ross, the Building and Planning Official, reported that the Council was concerned about the living space below the garage and the Code allows for anything over 20%. Lester commented that the question from the Council was why to allow living space under the garage where it does not encroach on the neighbor.

Consensus of the Commission: Allow living space under the garage. Staff will draft language for an amendment to the Code.

- 1
2
3 **3. DISCUSSION - LAND MANAGEMENT CODE SNOW STORAGE.** A discussion on the
4 existing snow storage requirements in Title 9 Chapter 12 of the Town Code and advise staff regarding potential
5 changes.

6 Lester Ross, Building and Planning Official, explained this agenda item is being discussed at the
7 request of the Commission. Lester explained that snow storage is identified under the Land
8 Management Code, Chapter 12 under the Parking and Driveway Standards, and the current code
9 identifies that 20% of hard surfaces (parking areas, sidewalks) are calculated for snow storage.

10
11 Lester reported that in researching other communities, the majority of communities identified the
12 snow storage needed to be "adequate". Some communities, such as Park City, UT Vale, CO, Tahoe,
13 CA, and Anchorage, AK identified a percentage for snow storage.

14
15 The Commission discussed the following:

- 16 1. Chairperson Deutschlander inquired as to why the communities that were researched were
17 not higher in elevation and closer to Brian Head's elevation. Lester responded that
18 communities that were within the same elevation all identified their snow storage
19 requirement as adequate.
20 2. Bret cautioned the Commission on changing the code to a stricter snow storage requirement
21 based on a winter every ten years.
22 3. Alternate Commissioner Lee inquired how the snow storage was calculated. Lester reported
23 that an engineer typically calculates it, but it is recommended to go to 15% - 30% for a project.
24 They also referred to the placement of the snow for the watershed of the snow.
25 4. Chairperson Deutschlander stated his concerns regarding the placement of the snow storage
26 on the landscaping and the damage from the snow storage on the landscaping area. Lester
27 responded that the Commission could require that salt-resistant landscaping be a
28 requirement if snow storage is identified in the same area.
29 5. Bret reported that if the Commission would like to see more green space instead of less
30 density, he recommended the Commission make a requirement to increase the green space
31 instead of reducing the density.
32

33 **Consensus of the Commission:** Snow storage requirement for multi-family residential: 25%.
34
35

36 **G. ADJOURNMENT**

37
38 **Motion:** Commissioner Wallis moved to adjourn the regular meeting of the Planning
39 Commission. Commissioner Dever seconded the motion.
40 **Action:** **Motion carried 5-0-0 (summary: Yes = Vote: Yes:** Commissioner Dever, Commissioner
41 Morgan, Commissioner Wallis, Brown, Chairperson Deutschlander).
42

43 The regular meeting of the Brian Head Planning Commission was adjourned at 3:03 p.m. on May 7, 2024.
44
45

46 June 4, 2024
47 Date Approved

48
49 Nancy Leigh
50 Town Clerk