

The Regular Meeting of the
Brian Head Planning Commission
Town Hall - 56 North Highway 143
Brian Head, UT 84719
Zoom Meeting ID# 825 8622 7922
TUESDAY, September 20, 2022 @ 1:00 PM

MINUTES OF THE BRIAN HEAD PLANNING COMMISSION

Roll Call:

Members Present: Chairperson Doug Deutschlander, Commissioner Carrie Dever, Commissioner Kade Bryant, Commissioner Jeff Morgan (via Zoom Meetings), Commissioner Cecile Wallis.

Members Absent: Alternate Commissioner Sheri Brown.

Staff Present: 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 1:11 p.m. for September 20, 2022.

B. PLEDGE OF ALLEGIANCE

Chairperson Deutschlander led the Commissioners 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. PUBLIC INPUT/ REPORTS

Bret Howser, Town Manager

1. The first Fall Town Hall Cleanup scheduled for Saturday; September 24, 2022 due to some feedback from people wanting to participate on a weekend instead of mid-week. Bret reported that participants can pick up their trash bags at the Town Hall and lunch will be served at the Public Safety Building.
2. The first Community Fall Hike was held last Friday, September 16, 2022 in which the group was separated into two groups. One group hiked the full 5-mile hike, and the 2nd portion of the hike had the second group join the first group for the last two miles of the hike. Bret explained that he would like to see this event grow over the years.

Becky Bennett, Town Planner, reported that this will be her last Planning Commission meeting since next Monday is her last day working for Brian Head Town. Chairperson Deutschlander commented that it was nice working with her and wished her well.

E. AGENDA ITEMS:

1. **PUBLIC HEARING FOR AN AMENDMENT TO THE LAND MANAGEMENT CODE, CHAPTER 4, SUBMITTALS.** The Commission will hold a public hearing to receive comments on a proposed amendment to the LMC, Chapter 4, Submittal Requirements

Chairperson Deutschlander recessed the regular meeting of the Planning Commission and opened the public hearing at 1:16 pm to receive public comment on a proposed amendment to the Land Management Code, Chapter 4, Submittal Requirements.

No comments were submitted. Chairperson Deutschlander closed the public hearing and reconvened the Planning Commission meeting at 1:17 pm.

2. DECISION ON AN AMENDMENT TO THE LAND MANAGEMENT CODE, CHAPTER 4, SUBMITTAL REQUIREMENTS. A. decision on the proposed LMC amendment for Chapter 4, Submittal Requirements as a recommendation to the Town Council.

Becky Bennett, Town Planner, presented a draft ordinance amending the Land Management Code. Chapter 4, Submittal Requirements (see attached). Becky explained the proposed amendment revised the entire chapter 4 for the Submittal Requirements.

The Commission discussed the following:

1. Lot Line Adjustments: It shows the approval authority is the Planning and Zoning Department and inquired if it should be the Planning Commission as the Land Use Authority. Bret responded that lot line adjustments are identified as administrative decision in Chapter 9, Subdivisions, in the Land Management Code, but lot line vacations are required to be approved by the Planning Commission.
2. Chairperson Deutschlander inquired if the Approval Authority needs to be identified in the Submittal Requirements for each process. RDP, Development Agreements, Preliminary Plats, Final Plats, etc.
3. Chairperson Deutschlander commented that on 9-4-3-F Submittal Descriptions: F: Referral Packet and if the applicant pays for the mailings. Bret responded that the applicant is responsible for paying for the postage. The first sentence was crossed out because the Town was already in other areas of the submittal requirements and was a duplicate. The second sentence was removed because it was a restatement of the Notice statement in Chapter 1 of the LMC.
4. Chairperson Deutschlander inquired as to 9-4-3-3: as to why the chart was deleted from the information on the slopes. Bret responded that on the new submittal requirements, that any slope over 20%, the applicant is required to submit.
5. Bret explained that the way the new submittal requirements were drafted in a way as to what the Town required. There may be some items that were struck out in the proposed language that are now identified in a sentence instead of the chart.
6. Bret explained that the packets that were created over the past year which included the updated the list is what the applicants have been submitting to the Town and the Town has been using.
7. Commissioner Dever commented that one difference she noticed for calculations site data table #5, that was crossed out, and "n" for site plans was the number of bedrooms and believes that it is important for parking reasons. Something that is being built in Town that has 6 bedrooms in a relatively small space, which means more parking spaces than the square footage would require. Bret explained the Town does not require parking spaces based on square footage. Commissioner Dever commented that it could be important and may want to plan for it in the future.
8. Bret explained that parking is identified in Chapter 12-15 and there are some uses that are identified based on square footage, such as a bed and breakfast. If the Commission is interested in addressing the parking section of the Land Management Code, then it can be a future agenda item.
9. Becky reported the Town currently requires an engineered grading plan for grading permits and inquired if the Commission is interested in continuing to require an engineered grading plan. Bret gave a brief history of why the Town required an engineered grading plan in which eight years ago people obtained grading permits and cleared their lots and left a lot of scars on the land. The Council changed the grading requirements in which a lot could not clear a lot until a building permit was issued, which received a lot of backlashe from the public. The Council amended the Code to allow the public to obtain a grading permit, but they would need an

engineered grading plan, but there was an allowance for staff to waive the engineer grading plan when an applicant had a flat lot. There was a soft administrative policy that if a lot was under 20% the requirement was waived, but since staff has held strong.

10. Commissioner Dever commented that the \$5,000 bond was not strong enough to stop them, so they continued along with camping on their lot. The Code was amended that penalized those who cut the trees without a permit, a fine of \$3,000 per tree would be assessed.
11. Commissioner Bryant commented he would be in favor of lots under 20% would not be required to have engineered grading plans.
12. Chairperson Deutschlander inquired if the Town holds the bonds until the project is completed. Bret responded that the bonds are held until everything is signed off by the departments.
13. Chairperson Deutschlander commented that a soils geology report should be required. Bret responded that the Town does require a soils report. Sections Submittals "g".
14. Becky reported that in order to get a soils report, there needs to be access to the property and in a majority of cases, the property is inaccessible since the property owner is unable to get a grading permit to open the lot to do a soils test.
15. Bret reported that if the County requires a soils test, then the Town will identify language that will allow a property owner to access the property for a soils test.
16. Bret reported that the order of the list identified in the language will be organized accordingly for clarity purposes.

Motion: Commissioner Bryant moved to approve the amendments to the Land Management Code, Chapter 4, Submittal Requirements with the additional amendments and forward a recommendation of approval to the Town Council with the following additional changes:

1. A grading permit shall be issued for all building permits.
2. A soils test shall be required for a building permit.

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

G. ADJOURNMENT

Motion: Commissioner Bryant moved to adjourn the regular meeting of the Brian Head Planning Commission. Commissioner Dever seconded the motion.

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

The regular meeting of the Brian Head Planning Commission was adjourned at 2:05 pm for September 20, 2021.

June 20, 2023

Date Approved

Nancy Leigh, Town Clerk