



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# 892 8307 8038

TUESDAY, May 6, 2025 @ 1:00 PM

AGENDA

A. CALL TO ORDER **1:00PM**

B. PLEDGE OF ALLEGIANCE

C. DISCLOSURES

D. APPROVAL OF THE MINUTES

April 15, 2025 Planning Commission Meeting

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

F. AGENDA ITEMS:

- 1. PUBLIC HEARING: MINOR PLAT AMENDMENT at Elevate Town Homes** – Greg Sant, Planning Administrator will introduce public hearing regarding the Minor Plat Amendment affecting Buildings 4, 6, and 11.
- 2. CONSIDERATION OF A MINOR PLAT AMENDMENT at Elevate Town Homes** – Greg Sant, Planning Administrator. The Commission will consider a Minor Plat Amendment Affecting Buildings 4, 6, and 11.
- 3. AMENDMENT TO THE LAND MANAGEMENT CODE (LMC) – Accessory Dwelling Unit (ADU)** – Greg Sant, Planning Administrator. Continuation of discussion from last Planning Commission Meeting. Changes have been made to the proposed Ordinance Revision. Recommendation to the Town Council.

G. ADJOURNMENT

Date: May 6, 2025

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.

Ciera Claridge, Deputy Clerk



BRIAN HEAD

STAFF REPORT TO THE PLANNING COMMISSION

ITEM: ELEVATE TOWN HOMES MINOR PLAT AMENDMENT

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building Department
DATE: May 6, 2025
TYPE OF ITEM: Legislative Action

SUMMARY:

The Planning Commission will review the proposed Minor Plat Amendment for Elevate Town Homes at 160 W. Ridge View St. in Brian Head and affecting Units 4A-C, 6A-C and 11A-C.

BACKGROUND:

Elevate Town Homes was approved and recorded in December of 2021 and started construction in 2022. Buildings 7, 8, 9, and 10 are completed and have closed with their buyers. Buildings 1, 2, 3, and 5 are under construction currently. Buildings 4, 6, and 11 have submitted plans for building permits. The reason for the proposed Plat Amendment is because the applicant would like to add some area to Building 4 and slight orientation shifts of Buildings 11 and 6. (See proposed Plat Amendment)

ANALYSIS:

The following are the Standards for Review for a Minor Plat Amendment:

1. The proposed subdivision and use conform to the Town General Plan, Zoning Regulations, Public Works Standards, Design Standards chapter 12 of this title, and other relevant sections of this title.
2. The proposed method for fire protection complies with this title, and other regulations as applicable.
3. The layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, and visual impacts. (amd. ord. 24-014, 10-8-24)
4. 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.
5. Provide evidence to show that there is no encumbrance, lien or conveyance restricting the intended use of the lot.
6. Provide evidence from the County Treasurer that all ad valorem taxes applicable to the property have been paid.
7. Provide signature blocks on the plat signed by a representative of public utilities which identify their approval.

FINDINGS AND ANALYSIS:

1. The proposed amendment to the subdivisions conforms to the Town General Plan and Zoning regulations as outlined in the LMC.
2. Fire Protection will not change and complies with all Town regulations. However, currently the road within the sub-division is not in compliance with our standards.

3. The layout and design are responsive to the constraints of topography and geologic hazards.
4. Adequate public services are available to meet the needs of the proposed change.
5. There is no incumbrance restricting the intended use of this change.
6. Per the current Title Report, all property taxes have been paid for 2024.
7. Applicants have submitted a draft Final Plat Amendment that has been reviewed by the Town Surveyor, and it has been approved.
8. Finally, proposed changes do not affect the open space requirements, nor the parking requirements originally approved by the Town.

STAFF RECOMMENDATION:

Staff Recommends this plat amendment be approved with the following conditions of approval:

1. Roadway to be maintained so that an emergency vehicle can drive on the road without an encumbrance.
2. All final improvements that were approved at the original final plat must be completed before any more Certificates of Occupancy for any more units are given. This includes, but is not limited to, asphalt, curb and gutter, sidewalks, fencing/walls, and gates.

PROPOSED MOTION:

I move that the Minor Plat Alteration at 160 W. Ridge View St, Units 4A-C, 6A-C and 11A-C 4 be approved per the Findings and Analysis outlined above and with the conditions of approval recommended by staff.

ATTACHMENTS:

A – Current Plat

B – Proposed Amended Plat

C – Minutes from the PC Approval in August 2021

160 WEST RIDGE VIEW STREET BRIAN HEAD, UTAH
LOCATED IN THE SW ¼ OF THE NW ¼ AND A PART OF THE NW
¼ OF THE SW ¼ OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 9
WEST, SALT LAKE BASE AND MERIDIAN

I, Thomas W. Avant, a Professional Land Surveyor, License No. 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the Property described hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this plat. I certify that by authority of the hereon owners, I have

Thomas W. Avant, PLS # 5561917

The purpose of this survey was to retrace and mark on the ground the lines as shown on this Amended Plat and to re-divide the parcel of land into 33 Lots/Units, Common Areas, Limited Common Areas, Roadways and Easements at the request of the client. The purpose of the survey is to delineate the boundaries. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone, as measured between the West $\frac{1}{4}$ and East $\frac{3}{4}$ Corners of Section 2, T36S, R9W, S18R&M, with a bearing of S89°11'17"E and a distance of 5294.97', as shown on this plat.

[illegible]

Commencing at the West Corner of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian; thence, along the East-Side Line, South 89° 13' 17" East 136.99 feet, to the POINT OF BEGINNING, containing 4.0 acres, more or less; thence, along the North-Side Line, North 89° 13' 17" East 136.92 feet; thence South 11° 39' 51" East 128.92 feet; thence South 70° 34' 34" West 154.87 feet; thence South 15° 50' 20" West 153.00 feet; thence South 82° 09' 19" East 27.00 feet, to the beginning of a curve, thence, along the arc of a circle, bearing S 31° 16' 46" E, radius 117.17 feet, to the intersection of the centerline of highway known as South SR 84S 14E 31° 16' 46" E, to the westerly corner of the Copperhead Condominiums Phase 1 as recorded in the Office of the Iron County Recorder's, Utah (Entry # 252942); thence, along the centerline of said highway, North 52° 56' 46" W, distance 108.20 feet, to the right-of-way of Ridge View Street and the beginning of a non tangential curve; thence, along said right-of-way and the curve to the north, 114.68 feet, having a radius of 117.17 feet, a central angle of 110° 03' 06" and a chord bearing N 31° 16' 46" E, distance 117.17 feet, to the point of tangency of said right-of-way and the curve; thence, along the curve to the left, 224.38 feet, having a radius of 116.54 feet, a central angle of 110° 03' 06" and a chord bearing N 31° 16' 46" E, distance 117.17 feet, to the easterly corner of Lot 3 of Aspen View Subdivision as recorded in said entry (# Entry # 361643); thence, depecting said right-of-way and along the northerly line of lots 2 and 3 of said subdivision, North 44° 39' 59" W, distance 122.52 feet, to the POINT OF BEGINNING, containing 4.53 acres (more or less).

Parcel Line Table		
LINE #	LENGTH	DIRECTION
11	22.00	S121°46'57.52"E
12	20.00	S73°32'07.76"W
13	22.00	S121°46'57.52"E
14	11.34	S11°44°13'14"E
15	05.94	N211°46'05.43"E
16	46.24	N73°32'07.76"W
17	10.14	N65°08'22.20"E
18	11.34	N121°46'57.52"E
19	10.14	N65°08'22.20"E
20	11.34	N73°32'07.76"W
21	11.34	N73°32'07.76"W
22	11.34	N73°32'07.76"W
23	11.34	N73°32'07.76"W
24	11.34	N73°32'07.76"W
25	11.34	N73°32'07.76"W
26	11.34	N73°32'07.76"W
27	11.34	N73°32'07.76"W
28	11.34	N73°32'07.76"W
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31	11.34	N73°32'07.76"W
32	11.34	N73°32'07.76"W
33	11.34	N73°32'07.76"W
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42	11.34	N73°32'07.76"W
43	11.34	N73°32'07.76"W
44	11.34	N73°32'07.76"W
45	11.34	N73°32'07.76"W
46	11.34	N73°32'07.76"W
47	11.34	N73°32'07.76"W
48	11.34	N73°32'07.76"W
49	11.34	N73°32'07.76"W
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78	11.34	N73°32'07.76"W
79	11.34	N73°32'07.76"W
80	11.34	N73°32'07.76"W
81	11.34	N73°32'07.76"W
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83	11.34	N73°32'07.76"W
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99	11.34	N73°32'07.76"W
100	11.34	N73°32'07.76"W

1. THIS PLAT IS SUBJECT TO THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOJOURN TOWN HOMES, A PLANNED UNIT DEVELOPMENT ("DECLARATION") THAT HAS BEEN OR WILL BE RECORDED IN THE OFFICE OF THE IRON COUNTY RECORDER WHICH SHALL SET FORTH THE RESTRICTIONS AND GENERAL PLAN OF IMPROVEMENT FOR THE PROPERTY DESCRIBED IN THIS PLAT. CAPITALIZED TERMS NOT OTHERWISE DEFINED IN THIS PLAT SHALL HAVE THE MEANINGS ASCRIBED TO SUCH TERMS IN THE DECLARATION.

21. PURSUANT TO THE DECLARATION, THE ASSOCIATION IS RESPONSIBLE FOR MAINTAINING
22. 1. ALL COMMUNITY AREAS, INCLUDING, WITHOUT LIMITATION, ALL PRIVATE ROADWAYS, LANDSCAPED AREAS, COMMUNITY SIGNAGE, LIGHTING, SIDEWALKS, AND SIMILAR IMPROVEMENTS
23. 2. ALL UNIMPROVED COMMUNITY AREAS, INCLUDING, WITHOUT LIMITATION, ALL DRIVEWAYS, DECKS AND PATIOS;
24. 3. ALL EXTERIOR STRUCTURAL ELEMENTS OF THE RESIDENCES TO BE CONSTRUCTED ON THE LOTS;
25. 4. ALL LANDSCAPED AREAS, CONCRETE IMPROVEMENTS, PATIOS AND DRIVEWAYS LOCATED ON A LOT. IF ANY, AS SUCH MAINTENANCE OBLIGATIONS ARE FURTHER DESCRIBED IN THE DECLARATION. THE AREAS DESIGNATED AS LOTS/PRIVATE OWNERSHIP ON THIS PLAN ARE TO BE PRIVATE OWNERSHIP. THERE SHALL BE NO SUBSEQUENT ASSIGNMENT OF THESE ASSIGNMENTS TO ANY PARTY PRIOR TO THE DECLARATION. UNLESS DECLARANT OTHERWISE DETERMINES IN ITS SOLE AND EXCLUSIVE DISCRETION, ALL OTHER AREAS OF THE COMMUNITY EXCEPT FOR THE LOTS DESIGNATED AS PRIVATE OWNERSHIP ON THIS PLAN ARE DESIGNATED AS COMMUNITY AREAS OR LIMITED COMMUNITY AREAS AS DEFINED HEREON.
26. 5. THE ROADWAYS SHOWN ON THIS PLAN ARE DEDICATED FOR PRIVATE USE AND ARE NOT INTENDED FOR THE USE OF THE GENERAL PUBLIC. ALL UTILITIES WITHIN THE COMMUNITY SHALL BE UNDERGROUND, THE NON-EXCLUSIVE EASEMENT FOR THE PUBLIC UTILITIES SHALL BE LOCATED OVER, ACROSS AND UNDER SUCH PRIVATE ROADWAYS.
27. 6. DECLARANT HEREBY RESERVES FOR THE BENEFIT OF ITSELF, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO REALIGN AND ADJUST LOT, LIMITED COMMON AREA AND COMMON AREA BOUNDARY LINES ("BOUNDARY LINES") IN ACCORDANCE WITH THE PROVISIONS OF THE DECLARATION FOR PURPOSES OF CORRECTING ANY INADEQUACIES OR INCONSISTENCIES RELATIVE TO THE RESIDENCES AND IMPROVEMENTS OR AS OTHERWISE PERMITTED BY THE DECLARATION. THE TOWN OF BRIAN HEAD AND ALL OWNERS OF LOTS IN THE COMMUNITY AGREE THAT ANY SUCH BOUNDARY LINE ADJUSTMENTS SHALL BE ACCOMPLISHED BY RELOCATION OF A DEDICED BY THE RESPECTIVE OWNERS ADJUSTING THE BOUNDARY LINES. ALL SUCH OWNERS SHALL EXECUTE A DEED UPON REQUEST OF DECLARANT AS PROVIDED BY THE DECLARATION.
28. 7. IN INTERPRETING THIS PLAN OR ANY DEED OR OTHER INSTRUMENT AFFECTING A LOT, THE SHARED BOUNDARY LINES OF THE LOTS SHALL BE CONSIDERED TO BE THE BOUNDARY LINES OF A PARTY WALL SHALL BE CONCLUSIVELY PRESUMED TO BE THE ACTUAL BOUNDARIES OF THE LOT RATHER THAN THE DESCRIPTION AND DEPICTION OF THE LOTS SET FORTH ON THIS PLAN, REGARDLESS OF THE SETTLING OR LATERAL MOVEMENT OF THE RESIDENCES AND PARTY WALL AND REGARDLESS OF MINOR VARIANCE BETWEEN BOUNDARIES SHOWN ON THIS PLAN AND THOSE OF THE CONSTRUCTED RESIDENCES.
29. 8. NO CONSTRUCTION, INSTALLATION, OR OTHER WORK WHICH IN ANY WAY ALTERS THE APPEARANCE OF ANY OF THE AREAS OR STRUCTURES DESCRIBED OR DEPICTED ON THIS PLAN, OR ANY WORK THEREON, SHALL BE MADE OR DONE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE BOARD OF DIRECTORS OF THE ASSOCIATION.
30. 9. PURSUANT TO SECTION 4.5 OF THE DECLARATION, DECLARANT HAS RESERVED A PERPETUAL ACCESS EASEMENT OVER AND ACROSS THE COMMUNITY AREA TO RIDGE VIEW STREET FOR THE BENEFIT OF THE OWNERS OF THAT CERTAIN PROPERTY ADJACENT TO THE COMMUNITY ON THE NORTH EAST BOUNDARY WHERE THE PROPERTY IS CURRENTLY OWNED BY WILLIAM ROBERT AND CINDY STEPHENSON, AS DEPICTED ON THIS PLAN.

OWNER'S DEDICATION

I know all men by these provisions that ELVATV AT BRIAN HEAT, a Utah limited liability
company cause the same to be ASSIGNED INTO ONE, Common Area, limited Common Area
ELVATV TOWN HOMES, A PLANNED UNIT DEVELOPMENT, the undersigned owners a
non-exclusive easement over the public utility easements shown on the plat and along
and operation of utility lines and facilities.

IN WITNESS WHEREOF, I have set my hand this the 14th day of November 2000

ELVATV AT BRIAN HEAT, L.P., a Utah limited liability company
By: William J. Williams Managing Member

ACKNOWLEDGMENT

STATE OF UTAH,)
COUNTY OF J -ss-

On this 11th day of November,
before me, Ryan Green, who being
he if the ELLEVATE AT SUGAN HEAD, L.L.C., a Utah
that said instrument was signed by them in behalf
company by authority of statute, its articles of or
agreement, for the uses and purposes herein
Ryan Green, acknowledged to
personally executed the same.
Knowledge Company

[Signature]
NOTARY PUBLIC

CERTIFICATE OF RECORDING
I, Carol R. Johnson, Recorder of Iron County, do hereby certify that above Amended Plat was filed for recording in my office this 17 day of March, 20 21.

Carol R. Johnson
IRON COUNTY RECORDER

783000
ENTRY NO.

DATE	TIME	BOOK	PAGE	FEE
10/19/21	2:23	1587	360	166.00

<u>TOWN ENGINEER'S APPROVAL</u> I, <u>Terry GARDNER</u>, BRIAN HEAD TOWN ENGINEER, do hereby certify that this offer has examined the above Plan and have determined that it is correct and in accordance with information on file in this office and recommend it for approval this <u>14</u> day of <u>DECEMBER</u>, 20 <u>21</u> <u>Terry Gardner</u> TOWN ENGINEER	<u>UTILITY COMPANIES APPROVALS</u> <u>ATLANTA</u> SC <u>BROWARD</u> TELEPHONE COMPANY <u>South</u> POWER <u>ATLANTA</u> NATURAL GAS COMPANY
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APPROVAL AND ACCEPTANCE
by the Planning Commission Approval

We the IRON BRUSH ROAD TOWN PLANNING Commission have reviewed the Petition Amended plat and by participation of said Commission presented at the 10th meeting of the 19 day of August, 2021, hereby accept the said plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Iron County Recorder.

Attest: _____ Chairman

IRON ROCK
ENGINEERING
SURVEYING & DESIGN

*Building on Solid
Foundations*

460 E. 300 SOUTH
KANAB, UTAH 84741
435-644-2031
www.ironrockeng.com

AMENDED PLAT OF ELEVATE TOWN HOMES
A PLANNED UNIT DEVELOPMENT
160 WEST RIDGE VIEW STREET
BRIAN HEAD, UTAH

[illegible]

DRAWN BY:	TA
SCALE:	1" = 40'
SHEET:	

1 OF 2

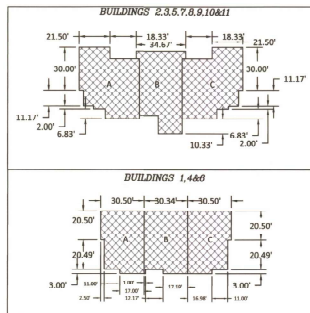
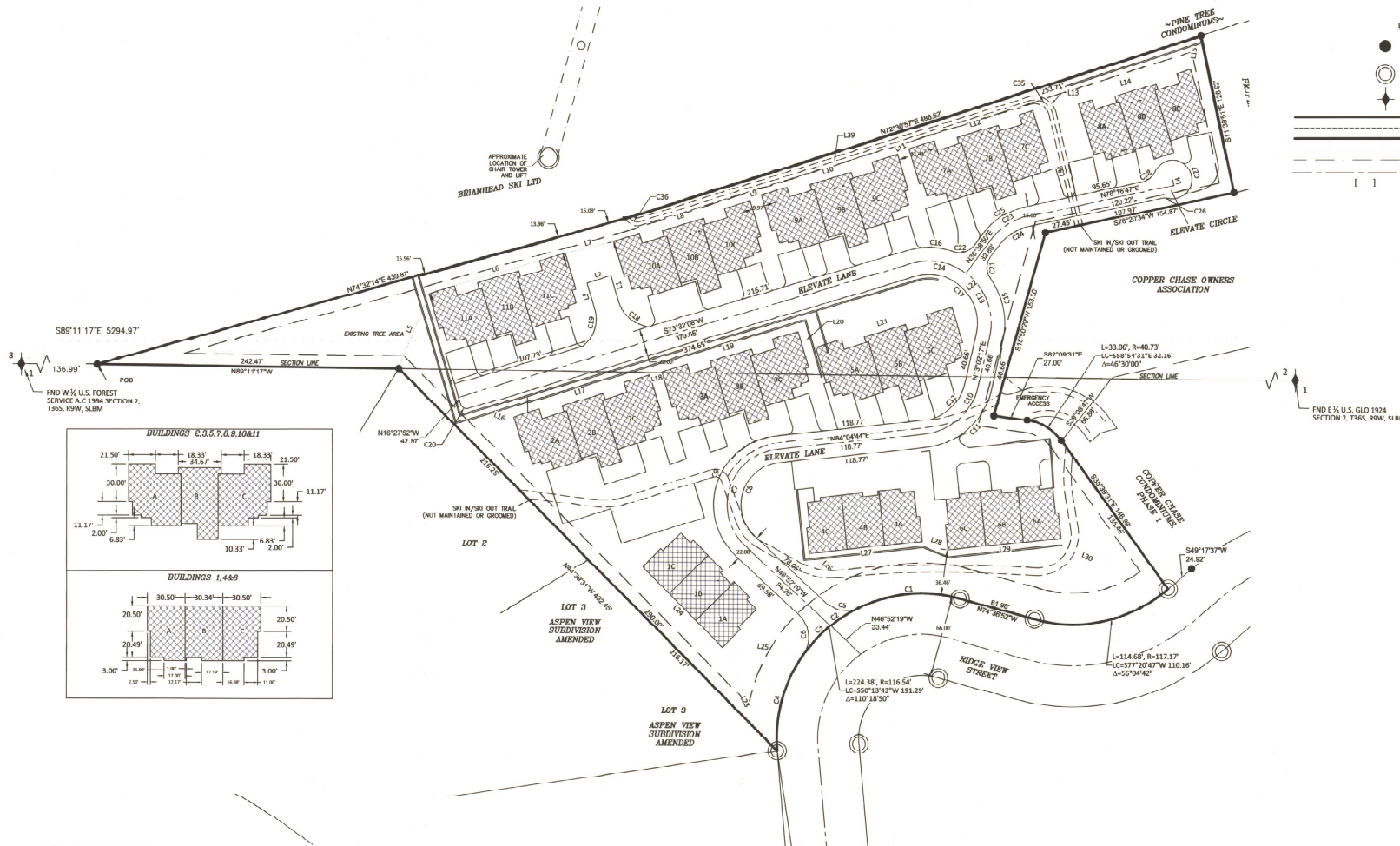
AMENDED PLAT OF ELEVATE TOWN HOMES, A PLANNED UNIT DEVELOPMENT

160 WEST RIDGE VIEW STREET BRIAN HEAD, UTAH
LOCATED IN THE SW ¼ OF THE NW ¼ AND A PART OF THE NW ¼ OF THE SW ¼ OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN

SCALE IN FEET
SCALE 1" = 40'

LEGEND

- SET 6/8" x 36" REBAR WITH PLASTIC CAP MARKED IR ENG. PLS 5561917
- FOUND BBE REBAR
- ◆ FOUND SECTION CORNER AS NOTED
- PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- - - SURVEY BOUNDARY
- - - EASEMENT
- - - SECTION LINE
- - - ROAD CENTER LINE
- - - RECORD BEARING AND DISTANCE

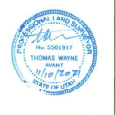


Building on Solid Foundations

460 E. 300 SOUTH
KANAB, UTAH 84741
435-644-2031
www.ironrockeng.com

AMENDED PLAT OF ELEVATE TOWN HOMES
A PLANNED UNIT DEVELOPMENT
160 WEST RIDGE VIEW STREET
BRIAN HEAD, UTAH

DATE:	6/17/2021
DESCRIPTION:	Aug 14, 2021 ALPHA Review
DATE:	8/12/2021
REVIEW:	1ST



DRAWN BY: TA
SCALE: 1" = 40'

SHEET:
2 OF 2



The Special Meeting of the
BRIAN HEAD TOWN
PLANNING COMMISSION
56 N. Hwy 143, Brian Head, UT 84719
Via Zoom Meeting ID# [81058894229](#)
Tuesday, August 19, 2021 @ 11:00 a.m.

Roll Call.

Members Present: Chairperson Doug Deutschlander, Commissioner Martin Tidwell, Commissioner Jeff Morgan, Commissioner Cecile Wallis, Commissioner Carrie Dever, Alternate Member Dennis VanNostran.

Staff Present: Bret Howser, Town Manager; Wendy Dowland, Town Planner; Amanda Hunter, Code Enforcement Officer.

A. CALL TO ORDER

Chairperson Deutschlander called the regular meeting of the Brian Head Planning Commission to order at 11:07 AM

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. REPORTS / PUBLIC INPUT

No reports nor public input was given.

E. AGENDA ITEMS

1. PLAT AMENDMENT – ELEVATE TOWN HOMES PUD

A review of a plat amendment for Elevate Townhomes at approximately 160 W Ridge View Street formally platted as Sojourn

Wendy Dowland, Town Planner, recommended the Commission address Agenda Item #2, Design Review for Elevate at Brian Head before addressing the plat amendment. The Commission then addressed Agenda Item #2, Design Review for Elevate at Brian Head.

The Commission then returned to address this agenda item.

No discussion was held on the amended plat since the Commission felt the items were addressed in the Design Review. Chairperson Deutschlander explained . . .

Motion: Commissioner Dever moved to approve the final plat amendment for Elevate at Brian Head Townhomes PUD subject the following conditions:
Commissioner Morgan seconded the motion.

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

2. DESIGN REVIEW – ELEVATE AT BRIAN HEAD

A design review for Elevate at Brian Head townhomes located at approximately 160 W. Ridge View Street. Formally known as Sojourn.

Tom Avada, Iron Rock Group, reported he is requesting approval for the design review for the Elevate at Brian Head Townhomes PUD. Mr. Avada then addressed the following items for the design review:

Retaining Wall:

1. Drawings for a perimeter retaining wall on the northeast corner of the property were presented (see attached drawing C001).
2. The retaining wall needs approval from the Planning Commission due to the height and the wall will be made from precast blocks with the top layer of concrete removed to show the aggregate or they may possibly stain the wall to match the building and will plant Virginia Creeper, a climbing vine, that will soften the look on the retaining wall.
3. There will be a small part of the wall that will be 12 feet tall that will be about 20 or 30 feet in length, the height of the wall will taper down to three feet (3') (see attached drawing C300).

Parking:

1. Parking has been moved and buildings relocated to allow for a 30' wide road. This will allow the utilities to run parallel with the building for easier access to the infrastructure and the decks have also been moved so they are no longer located within the easement.
2. A steel railing with aircraft cable that will be a little higher than the commercial requirement will be installed.
3. Since it is a PUD, they are requesting an exemption from the required parking spaces to be reduced from three (3) parking spaces per unit to two (2) parking spaces per unit.
4. Mr. Avada explained they do have some contingency overflow parking areas identified in case parking is needed in the future.
5. The cul-de-sac for fire access has been modified and has been approved by the Public Safety Director.
6. Jim Ortler, Copper Chase HOA President, expressed his concerns with the request for reduced parking and snow removal. Jim explained during the last couple of winters, Copper Chase has faced challenges with providing sufficient parking for their guests and owners and with this new development, the snow storage and lack of parking will negatively impact both properties.
7. Mr. Ortler commented that if the Commission does approve the design review and plat amendment, they will wait for the additional parking.
8. Wendy Dowland, Town Planner, reported they are requesting the reduced parking in lieu of additional landscaping. Wendy explained the Commission could identify a condition that if additional parking is needed, they would need to install three (3) parking spaces per unit. The HOA would be responsible for the cost of the additional parking.
9. Commissioner Dever stated she is in favor of allowing the reduced parking in lieu of additional trees and landscaping and would recommend the Commission identify a condition for the HOA to provide the additional parking spaces as a declaration of the CC&Rs.
10. Commissioner Wallis recommended they build nine buildings at this time and the rest at a

later date this would allow the area for the two buildings to be used for parking.

Snow Storage & Landscaping:

1. Snow storage and landscaping drawings were presented (See attached drawing C200).
2. Landscaping is at 52%, which exceeds the Town's requirement of 40%.

Ski in – Ski out Access:

1. The original plat for the ski-in, ski-out access was along the roadway, and they modified it for easier access. This will access Chair #6 ski area at the Navajo Lodge ski base. The access is for a ski-out access since they would have to walk back up to the project.
2. Ryan Gregerson, developer, explained they have an easement for the ski in-ski out access and residents from Copper Chase Condos have been trespassing on the easement. With the change on the access, it an extra easement for the ski in-ski out access that would allow access for the Copper Chase Condos.
3. Shaun Kelly, Copper Chase resident, explained he sees there are several issues the Commission should address; 1. Upper ski end, only one showing, goes through snow storage, through a parking lot, down some stairs, and around vehicles in order to access the ski area.
4. Wendy Downland, Town Planner, reported that easements for the ski in ski out; trail and, and utility easement will be recorded as part of the plat.

Motion: Commissioner Tidwell moved to approve the design review for Elevate at Brian Head Townhomes PUD, located at 160 W. Ridge View Street as presented with the following conditions:

1. Parking exemption will be granted to allow two (2) vehicles per unit instead of the Town's requirement of three (3) vehicles per unit. This will be identified in the HOA's CC&R declarations and if it is determined that insufficient parking is identified by Brian Head Town, the HOA would be responsible for increasing the number of parking spaces.
2. The decks will no longer encroach into the setbacks as originally identified.
3. The engineered retaining wall presented is approved and will either be stained or will have aggregate showing.

Commissioner Morgan seconded the motion.

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

F. ADJOURNMENT

Motion: Commissioner Morgan moved to adjourn the regular meeting of the Planning Commission for August 17, 2021. Commissioner Tidwell seconded the motion.

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

The regular meeting of the Brian Head Planning Commission was adjourned at 12:38 pm for August 19, 2021.

September 21, 2021

Date Approved

Amanda Hunter, Code Enforcement



ITEM: ACCESSORY DWELLING UNIT (ADU)

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: May 6, 2025
TYPE OF ITEM: Legislative Action

SUMMARY:

The Commission, after looking at communities that have addressed this issue, and after discussing this issue in the March 11th Planning Commission meeting, is now ready to recommend approval to the Town Council regarding the potential implementation of an Accessory Dwelling Unit Land Use. On April 15 the Planning Commission met and proposed some changes to the ADU policy and code change.

BACKGROUND:

An accessory dwelling unit (ADU) is a secondary living space on a property that shares a lot with the main house. ADUs can be a basement apartment, a garage conversion, or an addition to the house. They can also be stand-alone detached structures in the backyard.

Purpose

- **Additional living space:** For family members, guests, or young adults returning home
- **Rental income:** Can be rented out to generate income
- **Affordable housing:** Can help make housing more affordable for homeowners and tenants
- **Community:** Can help foster familial bonds and community

Types of ADUs

- **Detached:** Also called backyard cottages, granny flats, or laneway houses
- **Garage conversion:** A garage converted into living space
- **Addition:** Added onto the house, sharing walls and utilities
- **Basement conversion:** Also called basement apartments or in-law suites
- **Internal:** Part of the primary house converted to an ADU

Legality

ADUs are legally part of the same property as the main house and cannot be bought or sold separately.

Zoning

Cities and counties often have zoning regulations that permit ADUs in certain areas.

Our current Land Management Code (LMC) allows ADU's as follows:

In 9-7-1(C), Mother-in-law and guest houses are a conditional use and are addressed as follows: Mother-in-law / guest house is an accessory use on a lot that is **equal to or greater than one acre** and shall comply with accessory structure requirements in this title with a **maximum of one mother-in-law/guest house per property**. (ord. 18-006, 6-11-2018 amd. ord. 20-006, 7-14-2020)

Accessory Structures are defined in our LMC as follows: **Non-habitable accessory structures**, subordinate to and located on the same lot with a primary structure, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main structure may be permitted.

In addition, the accessory structures must meet the following requirements per 9-12-7(J):

1. Must have a minimum of ten feet (10') of clearance from other structures.
2. Structure cannot be located within the setback (notwithstanding, setback exceptions that apply to the primary structure as outlined in chapter 7 of this title, in the applicable zone, also apply to accessory structures).
3. Must meet snow load requirements.
4. Required to have footings or foundation for accessory structures over 450 square feet.
5. Structures being used as a garage for vehicle storage must meet all applicable International Building Code requirements.
6. Shipping containers, intermodal containers, or railroad boxes may not be used as accessory structures. (Ord. 21-006, 05-25-21)
7. No more than three (3) accessory structures are allowed on a single lot of up to one (1) acre. Additional accessory structures may be allowed on lots larger than one acre, not to exceed two (2) accessory structures per additional acre.
8. Except for a building accessory to an agricultural use, the footprint of an accessory structure must not exceed fifty percent (50%) of the footprint of the primary structure. In no case shall an accessory structure's footprint exceed three thousand (3,000 sq. ft.) in size. (amd. ord. 24-014, 10-8-24)
9. Maximum height of accessory structures shall be limited as follows:

Size Of Accessory Structure	Maximum Structure Height
a. 0 - 200 sq. ft.	15'
b. 201 - 400 sq. ft.	19'
c. 401 - 1,000 sq. ft.	24'
d. 1,001 - 1,500 sq. ft.	27'
e. >1,501 sq. ft.	As determined by the Land Use Authority and not to exceed 32'
- f. If the proposed accessory structure sits at a lower elevation than the primary structure, an addition of one foot (1') of height may be allowed for each one foot (1') of elevation difference up to five feet (5') of additional height following a determination of the Land Use Authority that the height of the accessory structure does not conflict with the Town's General Plan or detract from the intended character of the zone. (ord. 17-006, 8-8-2017, amd. ord. 24-014, 10-8-24) c. Under no circumstances shall an accessory structure exceed eighty percent (80%) of the height of the primary structure. (ord. 17-006, 8-8-2017).

PROPOSED LMC AMENDMENT LANGUAGE:

It is proposed that the current LMC Title 9, Chapter 7 Conditional Uses as described in paragraph 1 (§9-7-1) be changed as follows:

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

~~Mother-in-law / guest house is an accessory use one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title with a maximum of one mother-in-law/guest house per property. (ord. 18-006, 6-11-2018 amd. ord. 20-006, 7-14-2020)~~

One detached accessory dwelling unit (ADU), whether attached or detached, on an R-1 lot will be allowed of no less than 0.5 acres. Accessory Dwelling Units (ADUs) are defined as a secondary living space on a property that shares a lot and ownership with the primary residential structure. ADUs can be a basement apartment, a garage conversion, or an addition to the house (internal ADU). They can also be stand-alone structures on the lot (detached ADU). The following requirements/restrictions apply to this type of dwelling:

1. The purpose of allowing this type of use on an R-1 lot is to create more affordable housing. ADU's will not be permitted as Short-Term Rentals (STR).
2. The ADU is a secondary use to the primary residential structure on the lot and therefore one master water meter and one sewer hookup per lot shall be installed for utilities for metering all structures on the lot.
3. Detached ADUs will meet all the requirements of Accessory Structures in §9-12-7(I).
4. Off-street parking requirements will remain per the parking ordinance for the main residence. If the new construction for the ADU diminishes the number of parking spaces for the main residence, then new parking will be installed to bring the main residence in compliance with required minimum parking. For new ADU's, off-street parking requirements of 1 per bedroom in the ADU, not to exceed 2 new spaces will be added to the lot.
5. All detached accessory dwelling units must follow the design standards and guidelines as outlined in §9-12-7 and should substantially match the primary residential structure in design features.
6. ADUs are subject to the building codes (IRC), and design standards in place at the time of the application
7. Occupancy shall comply with the same definition for a single-family unit as it pertains to the number of unrelated occupants allowed to dwell in the unit (see definition for "Family").

STAFF RECOMMENDATION:

Staff recommend that the Planning Commission recommend approval to the Town Council the included LMC Amendment for detached Accessory Dwelling Units (ADU) as written above or modified by the Commission.

PROPOSED MOTION:

I recommend to the Town Council the approval of the detached Accessory Dwelling Unit (ADU) amendment to the Land Management Code §9-7-1 per staff/commission recommendations.

ATTACHMENTS:

None