



BRIAN HEAD

The Regular Meeting of the
Brian Head Planning Commission
TUESDAY, May 6, 2025 @ 1:00 PM

Planning Commission Meeting Minutes

Roll Call.

Present: Commissioner Dever, Commissioner Morgan, Alternate Commissioner Lee, Commissioner Brown.
Absent: Chairperson Deutschlander and Commissioner Wallis.
Staff: Ciera Claridge, Deputy Clerk; Bret Howser, Town Manager; Greg Sant; Building and Planning Administrator, Jon Ficken; Public Works Director.

A. CALL TO ORDER

Pro Tem Chair Morgan called the regular meeting of the Planning Commission to order at 1:00 PM.

B. PLEDGE OF ALLEGIANCE

Pro Tem Chair Morgan led the Planning Commission and others in the Pledge of Allegiance.

C. DISCLOSURES

Pro Tem Chair Morgan stated that the disclosure statements are on file with the Town Clerk and available for public inspection during normal business hours. No additional disclosures were made.

D. APPROVAL OF THE MINUTES

April 15, 2025 Planning Commission Meeting

The commission discussed the minutes from the April 15, 2025 meeting. Commissioner Dever noted that a revised version had been provided with one addition regarding the discussion of requiring two additional off-street parking spaces for an ADU under parking standards. Chairperson Deutschlander (absent) and Pro Tem Chair Morgan mentioned the topic in the April 15, 2025 meeting, hence the revision.

Motion: Commissioner Dever moved to approve the April 15, 2025 minutes with the revision to include the off-street parking. Alternate Commissioner Lee seconded the motion.

Action: Motion Carried 3-0-1 (Summary: Yes = 3. Yes: Pro Tem Chair Morgan, Commissioner Dever, Alternate Commissioner Lee. Abstain: Commissioner Brown).

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

Bret Howser, Town Manager, discussed two upcoming events:

1. The town cleanup is on May 21st, where volunteers can sign up in the morning to clean an area and then enjoy a barbecue at the firehouse around noon.
2. The first annual trails maintenance day is on May 27th, the day after Memorial Day. Volunteers will meet at town hall at 8:30 AM for breakfast snacks and a discussion about the trails master plan. Work will begin around 9 AM and continue for 3-4 hours, followed by lunch. Activities will include constructing bridges on the Aspen Meadows loop (formerly known as the Scout Camp loop and briefly as the Alpine Creek loop).



Pro Tem Chair Morgan commended the town staff for installing pet waste stations along the town trail, noting that it would improve hiking conditions.

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.

Greg Sant, Building and Planning Administrator, introduced the public hearing regarding the Minor Plat Amendment affecting Buildings 4, 6, and 11 at Elevate Town Homes. He mentioned that two email comments had been received from Lori Brooks and Tom Thomas (see attached), both concerning a private agreement between Copper Chase and Elevate. Greg emphasized that while the commission cannot consider private agreements, they are not diminishing the issues raised.

Pro Tem Chair Morgan opened the public hearing at 1:12PM.

Tom Thomas from Copper Chase, unit 128, spoke to amend his earlier written comment. He stated that after becoming aware of an agreement between what was then known as Sojourn (now Elevate) regarding access to Elevate's property using Copper Chase's driveway, his comment about the driveway was out of place. His remaining concern was about the ski in and ski out trails.

Ryan Gregerson from Elevate Villas spoke to clarify miscommunications between Elevate Villas and Copper Chase. He presented two signed agreements to show that everything agreed upon has been put in writing and fulfilled. He explained the details of the agreements, including parking arrangements, ski trail easements, and improvements made by Elevate at their cost. Ryan also clarified the exact location and nature of the ski in and ski out easement, stating that Copper Chase residents had been legally trespassing until now.

Tom Thomas spoke again to address what he saw as inaccuracies in Ryan's statement. He clarified that Elevate is only allowed to park along the west edge of Copper Chase driveway in the summer, not winter. He also pointed out issues with the ski in trail, noting that it includes a section of parking lot and roadway that is not possible to ski across, creating a dangerous situation that needs to be addressed.

Ryan Gregerson responded once more with the presentation of a plat map from 2007. He presented this to support the agreement that was made.

Scott Kraft from Copper Chase called in to request that the fire gate blocking the bottom of the driveway be put back in place before approving the Elevate modification, asking if this was under the town's control or a private agreement.

Pro Tem Chair Morgan closed the Public Hearing at 1:22PM.

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.

Greg Sant presented the minor plat amendment, explaining that the only differences between



BRIAN HEAD

the final plat recorded in 2021 and the new one being considered are slight changes to the positioning of buildings 11, 4, and 6. He noted that the ski in/ski out easement is identical to the original plat.

Bret from the town staff added context about the challenges of building out subdivisions while also allowing occupancy of completed units. He explained the practical issues of road construction and maintenance during ongoing building work.

The commission raised concerns about the clarity of the ski easement and its intended use. There was disagreement between the commission's understanding of the easement's use and Ryan Gregerson's interpretation of the legal rights associated with it.

Commissioner Dever pointed out that building 11 appeared to be encroaching into setbacks, contrary to the original approval of design standards in 2021.

Greg noted that since there are multiple owners of the plat already, those owners would need to sign off on the plat for the minor plat amendment to proceed. The commission agreed this should be clarified before the item comes before the council again.

Due to the uncertainties surrounding the easement and the setback issue with building 11, the commission decided to table the item.

Motion: Commissioner Dever moved to table the minor plat amendment for Elevate town homes while Elevate fixes the setback for building 11 and research of the easements ensuring they are in the correct places. Commissioner Brown seconded the motion.

Action: Motion Carried 4-0-0 (Summary: Yes = 4: Pro Tem Chair Morgan, Commissioner Dever, Commissioner Brown, Alternate Commissioner Lee).

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.

Greg Sant presented the changes made to the proposed ordinance revision for Accessory Dwelling Units (ADUs) based on the commission's previous feedback. Key changes included:

1. Allowing only one accessory building per lot, whether detached or internal.
2. Requiring one master water meter and one sewer hookup per lot.
3. Clarifying off-street parking requirements, including the need to replace parking spaces if a garage is converted to an ADU and adding 1 space per bedroom (not to exceed 2 new spaces) for new ADUs.

The commission discussed adding language to clarify on item #4 in the last section that the parking requirements apply to all types of ADUs, whether internal or detached.

Pro Tem Chair Morgan inquired about methods to enforce occupancy limits and prevent over-inhabitation in correlation to parking. Greg explained that most municipalities rely on reports from neighbors and don't have specific enforcement mechanisms beyond fines and potentially revoking ADU rights for repeat violations.



BRIAN HEAD

The commission acknowledged the challenges of enforcing occupancy limits but expressed concern about potential future issues.

Motion: Commissioner Dever moved to recommend to the Town Council the approval of the detached accessory dwelling unit amendment to the Land Management Code 9-7-1 per staff and commission recommendations with the addition of the wording 'whether internal or detached' on the last sentence of item 4. Alternate Commissioner Lee seconded the motion.

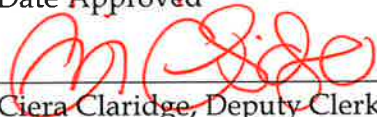
Action: Motion Carried 4-0-0 (Summary: Yes = 4: Pro Tem Chair Morgan, Commissioner Dever, Commissioner Brown, Alternate Commissioner Lee).

G. ADJOURNMENT

Motion: Alternate Commissioner Lee moved to adjourn the meeting. Commissioner Brown seconded the motion.

Action: Motion Carried 4-0-0 (Summary: Yes = 4: Pro Tem Chair Morgan, Commissioner Dever, Commissioner Brown, Alternate Commissioner Lee).

The meeting was adjourned at 2:04 PM.

5/20/25
Date Approved

Ciera Claridge, Deputy Clerk