

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# 859 4042 4097
TUESDAY, December 6, 2022 @ 1:00 PM

Roll Call.

Members Present: Chairperson Doug Deutschlander, Commissioner Carrie Dever, Commissioner Jeff Morgan (via Zoom Meeting), Commissioner Kade Bryant, Commissioner Cecile Wallis, Alternate 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 regular meeting of the Planning Commission to order at 1:00 pm on December 6, 2022.

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

Bret Howser, Town Manager, reminded the Planning Commission of the upcoming annual Community Input Forum scheduled for December 13, 2022 at 5:00 pm at the Town Hall. There is also a special Planning Commission meeting scheduled for December 15, 2022 at 1:00 pm for a public hearing and action on a conditional use permit for a snowmobile business.

Chairperson Deutschlander reported there will be a Republican Party meeting scheduled for December 15, 2022 at 6:00 pm at the Canyon View High School in Cedar City to vote for a new county auditor.

E. AGENDA ITEMS:**1. PUBLIC HEARING – CEDAR BREAKS MOUNTAIN ESTATES UNIT C LOTS 45 & 46 LOT LINE VACATION.** A public hearing regarding the proposed plat amendment in Cedar Breaks Mountain Estates Unit C.

Bret explained that an application has been submitted requesting a lot line vacation for lots 45 and 46 in the Cedar Breaks Mountain Estates, Unit C subdivision (see attached).

Chairperson Deutschlander recessed the regular meeting of the Planning Commission and opened the public hearing at 1:03 pm to receive comments on the lot line vacation application. No comments were given, and no written comments were submitted. Chairperson Deutschlander closed the public hearing at 1:04 pm and reconvened the regular meeting of the Planning Commission.



2. ACTION – CEDAR BREAKS MOUNTAIN ESTATES UNIT C LOTS 45 & 45 LOT LINE VACATION. A proposed amended plat for Cedar Breaks Mountain Estates Unit C subdivision.

Bret Howser, Town Manager, presented an application for a lot line vacation for lots 45 and 46 in the Cedar Breaks Mountain Estates, Unit C subdivision, whose physical address is 391 and 401 Falcon Court. Bret explained this would be a plat amendment for the Cedar Breaks Mountain Estates, Unit C subdivision.

Chairperson Deutschlander inquired as to a timeframe in which culinary water would be made available to the lots. Bret responded that water has been installed in the area but is unsure as to how far away the main water line is from the lots. Town Code requires properties that are within 300 feet from the furthest point of the property they are required to connect when they pull a building permit.

The Commission reviewed the Standards for Review for a minor plat amendment:

1. The proposed subdivision and use conform to the Town's 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, visual impacts, and preservation of views.
4. Adequate public services are available to meet the needs of the proposed subdivision, including roads, water, sewer, stormwater, 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.

Bret reported the applicant meets the Standards of Review for a minor plat amendment and recommended the Planning Commission's approval.

Motion: Commissioner Bryant moved to approve the lot line vacation of lots 45 and 46 of the Cedar Breaks Mountain Estates, Unit C subdivision plat amendment as presented and subject to the appropriate signatures and the recording of the amended plat with the Iron County Recorder. Commissioner Morgan seconded the motion.

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

3. R3 TO R2 DOWNZONING DISCUSSION. A discussion on potential downzoning of various undeveloped areas currently zoned multi-family residential. No action will be taken.

Bret Howser, Town Manager, explained he would like a general discussion on downzoning various undeveloped areas from multi-family residential (R3) to medium-density residential (R2). Bret explained he would like to discuss the public hearing being noticed.

Bret reported the Town has reviewed the water study that was completed earlier this year and presented it to the Planning Commission and Town Council. The study did not conclusively identify if the Town has sufficient water rights for future use for large parcels of property that are individually owned and have the potential to require a lot of water for development. A measure to control the amount of water needed for large developments would be to downzone large parcels that are currently identified as multi-family residential (R3) to medium-density residential (R2) zone.



With the lower density of an R2 zone, fewer water rights would be needed by the Town. Areas that are currently being considered for R2, would be the Crystal Aire Subdivision, and Brian Head Unit 3 subdivision. Both subdivisions were subdivided as single-family residential (R1) and were designated as R3 zones.

Bret presented a draft General Plan Land Use Map that proposes medium-density areas, identified in the burnt orange color (see attached). A designated strip of land in Brian Head Unit 3 subdivision that could be identified as R3 for higher-density residential located adjacent to Highway 143, with medium-density residential in the middle of the subdivision as a buffer between the R3 and R1 areas. All commercial nodes were not affected by the proposed amendments.

The Commission discussed the following:

Brian Head Unit 3 Subdivision

1. Commissioner Dever inquired as to a preliminary plat that was approved for a condominium development but did not see any type of development. Bret reported that the developers did not submit their required paperwork to the Town and the preliminary plat timeframe expired for that development.
2. Brian Head Unit 3: The east side of Highway 143 is identified as R3, where existing condos, the Kristi and Edelweiss are located. On the west side of Highway 143, the majority of lots are small and more of an R1 zone, the proposed amendment would identify R2 along the west side of Highway 143 and transition into R1 further west away from the highway.
3. Chairperson Deutschlander reported that Brian Head Unit 3 was originally zoned as R1 and due to a proposed condominium development, the subdivision was rezoned as R3 but agreed that the area would be more appropriate for an R2 zone.
4. Bret explained that when the condominium development, Shangla, was working with UDOT, they ran into issues with access into the subdivision and were informed they were to use an existing road that went through an existing neighborhood. The road right-of-way widths are not to the Town's standards and are more of an R1 rural area.
5. Chairperson Deutschlander commented that the platted road access from Highway 143 is a bad location for safety issues.
6. Crystal Aire Subdivision: Three (3) lots are identified as R3 for the West Zion View condominium development, but other lots are adjacent to Highway 143 that could be identified as R3. Lots that are adjacent to the south of West Zion View development could be identified as R2 and then transition into R1 identifying smaller lots.
7. Bristlecone Summit subdivision: Bret reported that a development agreement and approved plat for The Summit development were recorded. The proposed amendment would split the large parcel of property between R3 going towards the south of the development and R2 going towards the north of the development and would be a mix of both R3 and R2.
8. Chairperson Deutschlander inquired as to the original development identified R2 properties with commercial included. Bret explained it would be a development agreement, where a mixed-use can be recognized, and the development would identify the appropriate infrastructure required.
9. Vasels Property: East of Highway 143, East behind the Black Diamond condominiums, and south of the Bristlecone-Summit, subdivision. Bret identified a buffer area stripe that could be either R2 or R3 for the Vasels property. Bret explained he would like aspects to be less dense for future development.
10. The entryway into Aspen Meadows (Burt's Road to Nowhere): Bret explained he identified a strip of land identified as R2 that could be a mix of R3 or R2.
11. Bret explained that the entryway into Aspen Meadows, The Summit now owned by Kiava, Vasels property are large parcels that were once clearly identified as R1 zone, but with the proposed amendments, they could now have a mix of R3 and R2. The Town has a pool of water available that can be drawn on for developments, but at some future point, the Town would require a large development to bring water in.
12. Commissioner Dever recommended the Town take steps to ensure that any notice for the public hearings is relayed to the property owners that it could affect and ensure clear communication is made with those property owners as to what the Town



is proposing and when the public hearings are scheduled. Commissioner Dever requested staff contact her when the public hearings are held so she can assist in the communication.

13. Bret reported he received communication from a property owner in the Brian Head Unit 3 subdivision regarding a Special Assessment Area but will reach out to him regarding the potential changes.
14. Commissioner Dever commented she likes the idea of having the option of either R2 or R3 and they have the option to bring water for their development.
15. Commissioner Bryant suggested that staff have a discussion with the three property owners: Aspen Meadows, Kiava, and Vasels on what their preference may be for their properties.
16. Bret explained that the white buffer areas identified on the draft map indicate the zone could go either direction and would be up to the developer since this is the General Plan Land Use Map and not the Zone District Map which identifies a specific zone.
17. Chairperson Deutschlander commented that he is satisfied with the proposed changes to the Crystal Aire and Brian Head Unit 3 subdivisions and recommended that the other three parcels be downsized as well. Bret responded that the Summit property that Kiva owns, has been platted as R3 and would remain as R3.
18. Vasels Road currently runs behind (east) of the Black Diamond Condos where the road is narrow, and the owners are forced to back onto Vasels Road. Commissioner Morgan explained that during a conversation with Nick Vasels, it was relayed to him that the road would continue south to the Summit property. Bret reported that he was aware of a conversation with Vasels about access directly from Snowflake Lane onto Southloop road (Vasels Road if it were to continue south).
19. Bret reported on a discussion with the Forest Service in which there could be a road from the Resort maintenance shop to the power easement and are looking for other roads to access the property.
20. Chairperson Deutschlander expressed his concerns regarding the increased traffic on Vasels Road.

Bret thanked the Commission for their input and reported that staff will be presenting an amendment to the General Plan Land Use Map soon.

4. 2023 MEETING SCHEDULE. Approval of the 2023 meeting schedule.

Nancy Leigh, Town Clerk, presented a draft 2023 meeting schedule for the Planning Commission's approval (see attached).

Chairperson Deutschlander recommended that November 21, 2023 be identified as a regular meeting date since it is the third Tuesday in November. Nancy responded that it is two days before the Thanksgiving holiday, but the Commission can cancel the meeting if it is determined that a meeting is not needed.

Motion: Commissioner Bryant moved to approve the 2023 Planning Commission meeting schedule with the addition of identifying November 21, 2023 as a regular meeting date. Commissioner Dever seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 6 Vote: Yes: Commissioner Bryant, Commissioner Dever, Commissioner Morgan, Commissioner Wallis, Chairperson Deutschlander).**

G. ADJOURNMENT

Motion: Commissioner Bryant moved to adjourn the regular meeting of the Brian Head Planning Commission for December 6, 2022. Commissioner Wallis seconded the motion.



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

The regular meeting of the Brian Head Planning Commission was adjourned at 1:45 pm. for December 6,
2022.

January 3, 2023

Date Approved

Nancy Leigh, Town Clerk

