

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, August 2, 2022 @ 1:00 PM

Roll Call

Members Present: Chair Pro Tem Jeff Morgan, Commissioner Carrie Dever, Commissioner Cecile Wallis, Commissioner Kade Bryan, Alternate Commissioner Sherri Brown, Commissioner Kade Bryant arrived at 1:14 pm.

Members Absent: Chairperson Doug Deutschlander.

Staff Present: Bret Howser, Town Manager; Amanda Hunter, Code Enforcement, Becky Bennett Town Planner.

A. CALL TO ORDER

Chair Pro Tem Morgan called the regular meeting of the Brian Head Planning Commission to order at 1:05 pm for August 2, 2022.

B. PLEDGE OF ALLEGIANCE

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

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Chair Pro Tem Morgan 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 Manger**

1. The Town is anticipating an Annexation Development Agreement from Aspen Meadow Subdivision for the annexation of the 1600 acres located on the north side of Brian Head.
2. Work has begun in at Bristlecone Park in the anticipation of the public art piece, Brian the Bear, and new playground equipment. Both items should be ready for installation in October 2022.

E. AGENDA ITEMS:

- 1. DISCUSSION/RECOMMENDATION FOR AMENDMENT TO THE LAND MANAGEMENT CODE, CHAPTER 9 (Subdivisions) relating to water acquisitions for new subdivisions.** A discussion and recommendation to the Town Council for an amendment to the LMC regarding water acquisition requirements for new subdivisions.

Bret Howser, Town Manager, reported staff has been researching the Town's water capacity which includes paper and wet water rights to determine what the Town currently owns and if it is sufficient for new developments that may build in the future. Bret presented the proposed



amendments to the Land Management Code, Chapter 9 Subdivisions for the Commission's review and forward a recommendation to the Town Council (see attached).

Bret explained staff has completed an analysis for the Town's water (see attached). The Town currently has enough capacity if the water usage remains the same, but in trying to predict the future for new development and/or annexations, the challenge is trying to determine if the Town has enough water rights to support new development such as a new subdivision that comes in.

The Commission reviewed the water analysis with the following discussions:

1. The challenge of determining how much water would be used in each home in the future based on existing lots within the current town boundaries only.
2. For new subdivisions, a first come first serve basis could be considered as an option, but the challenge is knowing whether the Town has sufficient water to provide in the future.
3. Another option could be to require a water survey from new subdivisions to determine their anticipated water usage and then enter into a development agreement to purchase water from the Town as a pay in lieu of.
4. The State Engineer requires each residential home with 0.45 acre feet of water and with that calculation considered, the Town does not have sufficient water. This could require the Town to approach the State Engineer with a request for a reduced amount per home requirement.
5. If the Town were to require developers of new subdivisions to bring water rights to the Town, a development agreement would need to be approved by the Town Council on whether they would be required to bring water in for their development.
6. Commissioner Dever suggested that single-family residential zones should be allowed to subdivide the lot once or twice but prohibit any ability to subdivide multiple times. This could cap the number of times a property owner could subdivide since the LMC requires the minimum lot size to build is one-third acre, depending on the size of the property.
7. Larry Zajack, Parowan City Planning & Zoning, explained if the Town were to allow an R-1 property owner to split their property once or twice, it would be a challenge to administratively track those changes over a period of time. Parowan City has discussed that the State Engineer may be taking away water rights with newer dates since the state overallocated water rights and are in the process of reviewing the water rights statewide but believes that cities and towns may not be affected.
8. Mr. Zajack commented if the Town were to allow a pay in lieu of fee, it would drive the market up for water rights that it would be cost prohibitive to purchase water rights.

Motion: Commissioner Bryant moved to table the discussion/recommendation for the Land Management Code Chapter 9. Planning Commission is needing additional information on the revised proposed amendment on chapter 9. Commissioner Dever seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5, No = 0, Abstain = 0 Vote: Yes:** Chair Pro Tem Morgan, Commissioner Bryant, Commissioner Dever, Commissioner Wallis, Alternate Commissioner Brown. **Absent:** Chairperson Deutschlander).

E. ADJOURNMENT

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

Action: **Motion carried 5-0-0 (summary: Yes = 5, No = 0, Abstain = 0 Vote: Yes:** Chair Pro Tem Morgan, Commissioner Bryant, Commissioner Dever,



Commissioner Wallis, Alternate Commissioner Brown. **Absent:** Chairperson Deutschlander).

The regular meeting of the Brian Head Planning Commission was adjourned at 2:39 pm for August 2, 2022.

8.16.2022

Date Approved


Amanda Hunter, Code Enforcement

