

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# 840 1848 0649
TUESDAY, December 3, 2024 @ 1:00 PM

Roll Call.

Present: Chairperson Deutschlander, Commissioner Dever, Commissioner Morgan, Alternate Commissioner Lee, Commissioner Wallis.
Absent: Commissioner Brown.
Staff Present: Ciera Claridge; Deputy Clerk, Clayton Calloway; Mayor, Bret Howser; Town Manager, Nancy Leigh; Town Clerk

A. CALL TO ORDER

Chairperson Deutschlander called the regular meeting of the Planning Commission to order at 1:00PM.

B. PLEDGE OF ALLEGIANCE

Chairperson Deutschlander led the Planning Commission and other attendees in the Pledge of Allegiance.

C. DISCLOSURES

Commissioner Dever explained that she has a potential conflict with today's agenda item number two. She explained that her real estate license is in the same brokerage as the applicant for 339 Spruce Street. However, Commissioner Dever and the applicant are in different offices. There were no other disclosures or 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. APPROVAL OF THE MINUTES

September 17, 2024 Planning Commission Meeting

Motion: Commissioner Dever moved to approve the September 17, 2024 Planning Commission Minutes. Commissioner Wallis seconded the motion.

Action: **Motion Carried 5-0-0 (Summary: Yes = 5 Vote: Yes: Chairperson Deutschlander, Commissioner Wallis, Commissioner Dever, Commissioner Morgan, Alternate Commissioner Lee. Absent: Commissioner Brown).**

November 4, 2024 Special Planning Commission Meeting

Motion: Commissioner Wallis moved to approve the November 4, 2024 Special Planning Commission Minutes. Commissioner Morgan seconded the motion.

Action: **Motion Carried 3-0-2 (Summary: Yes = 3 Abstained = 2 Vote: Yes: Commissioner Wallis, Commissioner Dever, Commissioner Morgan. Abstained: Chairperson Deutschlander, Alternate Commissioner Lee. Absent: Commissioner Brown).**

November 5, 2024 Planning Commission Meeting

Motion: Commissioner Wallis moved to approve the November 4, 2024 Special Planning Commission Minutes. Commissioner Morgan seconded the motion.

Action: **Motion Carried 3-0-2 (Summary: Yes = 3 Abstained = 2 Vote: Yes: Commissioner Wallis, Commissioner Dever, Commissioner Morgan. Abstained: Chairperson Deutschlander, Alternate Commissioner Lee. Absent: Commissioner Brown).**

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

Chairperson Deutschlander explained a meeting on December 18th from noon to one that is required for registration. He encouraged the commissioners to register and attend this webinar. However, Nancy will have the meeting recorded if anyone missed the live session.

E. AGENDA ITEMS:

1. ROCKY MOUNTAIN POWER GRADING PERMIT REVIEW FOR 512 NORTH HIGHWAY 143 (SUBSTATION): Greg Sant, Planning Administrator. The Commission will review a Grading Permit for Rocky Mountain Power Substation located at 512 North Highway 143.

Bret Howser gave a background for this grading permit that Rocky Mountain Power (RMP) was requesting. Rocky Mountain Power did not have any individuals present at the beginning of this agenda item. Bret explained that Rocky Mountain Power had not completed the process of submitting all required documentation for this permit. RMP wanted to expand their substation. However, they began grading without a permit which is prohibited in light industrial zones per the Land Management Code. A permit that was issued mistakenly by the town was a tree removal permit before the actual building permit was issued. As of now, RMP is required to submit plans for screening around the substation and to submit all the required documentation before approving this permit. Bret then suggested to the Planning Commission to table this item until this information was provided.

Mike Johns, at Rocky Mountain Power, called into the meeting shortly after Bret began the introduction. He explained that he was on the same page as Bret regarding the background that was given. Bret explained that before they get a grading permit, they are required to get a building permit. He expressed that this may have caused confusion in the process because a building permit is not actually necessary for what RMP is wanting to accomplish; however, it is required to receive a grading permit. The plans that will be reviewed once all information is obtained will be reviewed by the Town Engineer. Bret recommended potentially holding a special meeting once all the required information is received.

Mike explained that there are two projects running at the same time - upgrading size of transformer for more power and quantity of power. This is necessary for the town to have the proper amount of power. Mike explained that he had a meeting with his contractor regarding the wall. The contractor would incorporate what was discussed in the drawing (see attached). This wall would provide screening. Mike proposed the idea that this wall would be the front of the substation and turn the corner running down the following side visible to the public. Potentially this screening and the wall can be built along the whole front so the street view would be a decorative screened wall. There can be multiple options that can mesh the best with the feel of Brian Head.

Chairperson Deutschlander expressed concern regarding the wall. He recommended some shrubbery or other natural screening be added rather than just a wall for screening. He also asked if there can be coloring of the wall - Mike expressed that is possible but maintaining the color of the wall has been difficult in climates similar to Brian Head. Mike said that he would provide this information when providing all the other documentation that was requested.

Mayor Clayton Calloway pointed attention to the construction period, that Rocky Mountain Power ensures that they maintain snow mobile trail and do not block or obstruct the trail during this process. Mike said that he would communicate that through the contractor. Alternate Commissioner Lee then requested information regarding the timeline of this project. Mike clarified that it should only be a couple weeks for grading.

Motion: Commissioner Morgan moved to table the Building and Grading Permit for Rocky Mountain Power until all the information has been submitted to the town for approval. Alternate Commissioner Lee seconded the motion.

Action: Motion Carried 5-0-0 (Summary Yes = 5 Vote: Yes: Chairperson Deutschlander, Commissioner Wallis, Commissioner Dever, Commissioner Morgan, Alternate Commissioner Lee. Absent: Commissioner Brown).

2. APPROVAL OF AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT AT

116 **339 SPRUCE ST.:** Greg Sant, Planning Administrator. The Commission will consider an amendment
117 to a CUP for fuel tanks and review of existing conditions.
118

119 Bret Howser, Town Manager, explained previous to this Planning Commission meeting, there has been
120 discussion in hopes of meeting satisfactory circumstances for all parties. Bret gave a brief background
121 of this Conditional Use Permit (CUP). He reminded those attending and the Commission that this is an
122 amendment to a CUP that was approved in 2020. There has been concern expressed by various
123 neighbors regarding this amendment, which resulted in adjustments in hopes to provide satisfactory
124 requirements for all parties. Bret listed the various requirements of the CUP:

- 125 1. The residential structure will be used for winter only, private snow removal
126 business between October 15 and May 15.
- 127 2. The CUP is not effective until a C of O is obtained.
- 128 3. Only two pieces of heavy equipment is allowed – with one being stored within
129 the garage.
- 130 4. Following the submitted site plan – with any additional changes needing to be
131 reviewed by the Planning Commission
- 132 5. Equipment will not exceed idle time of 5 minutes between 10pm to 7am and
133 backup alarm must be disabled.
- 134 6. Maintenance will be done within the garage.
- 135 7. The snowmobile trail will not be damaged with equipment
- 136 8. Equipment will yield to snowmobile traffic on Spruce.
137

138 Alternate Commissioner Lee questioned if these requirements would accommodate the neighbor / lot
139 owner's concerns. It was clarified that there were a fair number of trees located along the driveway
140 resulting in natural screening for the property owners located on the East and West lots. This natural
141 screening would result in a potentially adequate amount of screening for the equipment that is to be
142 placed at 339 Spruce Street.
143

144 Chairperson Deutschlander asked Don Cape, owner of 349 West Spruce Street, if there were any
145 potential plans of additional changes that he would make for his property in hopes to accommodate
146 some of his own concerns. Don clarified that he had not considered planting trees on his side for
147 additional screening; however, when looking at this solution he did explain that cost would be a
148 deciding factor. Don expressed some concerns about the CUP requirements and that there were some
149 suggestions made in previous meetings with staff that were not included in the CUP as presented. He
150 mentioned that in the site plan, 'Pine Tree' needs to be changed to 'Colorado Blue Spruce.' This was the
151 major suggestion he noticed was not included.
152

153 Chairperson Deutschlander recommended removing the verbiage of 'no backup alarms will be used
154 on premises' out of requirement #5. He explained the removal of a backup alarm could potentially be
155 hazardous. He also recommended that an additional point of #9 be added requiring a valid business
156 license to be held by the applicant and owner of 339 Spruce Street.
157

158 **Motion:** Commissioner Dever moved to approve the following revised CUP with
159 conditions presented by staff and changed by the Planning Commission
160 today:

- 161 1. The residential structure will be used for winter only, private snow
162 removal business between October 15 and May 15.
- 163 2. The CUP is not effective until a C of O is obtained.
- 164 3. Only two pieces of heavy equipment is allowed – with one being
165 stored within the garage.
- 166 4. Following the submitted site plan – with any additional changes
167 needing to be reviewed by the Planning Commission
- 168 5. Equipment will not exceed idle time of 5 minutes between 10pm to
169 7am
- 170 6. Maintenance will be done within the garage.
- 171 7. The snowmobile trail will not be damaged with equipment
- 172 8. Equipment will yield to snowmobile traffic on Spruce.
- 173 9. Applicant must hold active business license.

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

3. **2025 PLANNING COMMISSION MEETING SCHEDULE:** Ciera Claridge, Deputy Clerk. The Planning Commission will review and approve the 2025 meeting schedule.

Chairperson Deutschlander introduced the 2025 meeting schedule. After the Planning Commission reviewed, they unanimously agreed that no changes need to be made and that this schedule would be approved as presented.

Motion: Commissioner Dever moved to approve the 2025 meeting schedule as presented. Commissioner Wallis seconded the motion.

Action: Motion Carried 5-0-0 (Summary: Yes = 5 Vote: Chairperson Deutschlander, Commissioner Wallis, Commissioner Dever, Commissioner Morgan, Alternate Commissioner Lee. **Absent:** Commissioner Brown).

F. ADJOURNMENT

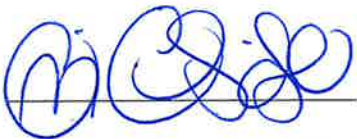
Motion: Commissioner Wallis moved to adjourn the December 3, 2024 Planning Commission Meeting. Alternate Commissioner Lee seconded the motion.

Action: Motion Carried 5-0-0 (Summary: Yes = 5 Vote: Yes: Chairperson Deutschlander, Commissioner Wallis, Commissioner Dever, Commissioner Morgan, Alternate Commissioner Lee. **Absent:** Commissioner Brown).

The regular meeting of the Brian Head Planning Commission was adjourned at 2:21 PM on December 3, 2024.

1/7/25

Date Approved



Ciera Claridge, Deputy Clerk