



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# 851 5091 3388
TUESDAY, November 5, 2024 @ 1:00 PM

Roll Call.

Present: Chair Pro Tem Morgan, Commissioner Dever, Commissioner Wallis, Commissioner Brown.
Absent: Chairperson Deutschlander, Alternate Commissioner Lee.
Staff Present: Ciera Claridge; Deputy Clerk, Greg Sant; Planning Administrator, Bret Howser; Town Manager, Nancy Leigh; Town Clerk, Amanda Hunter; Code Enforcement.

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE

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

C. DISCLOSURES

Commissioner Dever disclosed that she may have a potential conflict of interest 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. 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. APPROVAL OF THE MINUTES

September 17, 2024, Planning Commission Meeting

Motion: Commissioner Dever moved to table the September 17, 2024, Planning Commission Minutes. Chair Pro Tem Morgan seconded the motion.

Action: **Motion Carried 4-0-0 (Summary: Yes = 4 Vote: Yes: Chair Pro Tem Morgan, Commissioner Wallis, Commissioner Dever, Commissioner Brown. Absent: Chairperson Deutschlander, Alternate Commissioner Lee).**

October 15, 2024, Planning Commission Meeting

Motion: Commissioner Wallis moved to approve the October 15, 2024, Planning Commission Minutes. Commissioner Brown seconded the motion.

Action: **Motion Carried 4-0-0 (Summary: Yes = 4 Vote: Yes: Chair Pro Tem Morgan, Commissioner Wallis, Commissioner Dever, Commissioner Brown. Absent: Chairperson Deutschlander, Alternate Commissioner Lee).**

E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items and Public Hearings for 141 E. Mountain View and 339 Spruce St.

There were no public input or reports on non-agenda items. A public hearing was noticed to be held on November 4, 2024 and for November 5, 2024. The Public Hearing occurred on November 4, 2024 and this



meeting also held the Public Hearing for the same items and those comments were accepted during this section of the meeting.

Public Hearing for 141 East Mountain View Drive

Chair Pro Tem Morgan opened the Public Hearing for 141 East Mountain View Drive for a Conditional Use Permit. Commissioner Wallis requested clarification on where the applicant would be fueling the snow removal equipment. The applicant, Troy Benson, explained that the fueling would be located at the back of his house resulting in it being out of sight of the public. There was no other public input at this time regarding the 141 East Mountain View Drive Conditional Use Permit. Chair Pro Tem Morgan closed the public hearing at 1:08 PM.

Chair Pro Tem Morgan opened the Public Hearing for 339 Spruce Street Amendment to Conditional Use Permit at 1:10 PM.

Public Hearing for 339 Spruce Street

Frank Boisseranc owner of 357 Spruce expressed concerns of this Conditional Use Permit. He mentioned a discussion that had occurred with Greg Sant, Planning Administrator, and Bret Howser, Town Manager. This discussion entailed attempted agreements with all the parties involved. Frank mentioned that one solution was moving the equipment to the east side of the house. This would result in less visibility of equipment for Frank on 357 Spruce. However, he expressed that there would still be visibility of the equipment via the other neighbors. He expressed that there is not enough screening because of the amount of trees removed. He proposed the idea that would result in screening from the street and from Frank's perspective of the property. However, even with this screening, there could potentially be more opposition regarding this Conditional Use Permit from individual's living on the East side of the house.

Don Cape owner of 349 Spruce Street mentioned the discussion that was previously mentioned by Frank Boisseranc. This discussion was held with Greg and Bret in hopes of coming to a mutual agreement regarding this Conditional Use Permit. Don mentioned that there was an understanding that today's Agenda item, F2, would be tabled for an opportunity to hold more discussions with staff and others involved to conclude with agreed written conditions. Don provided some examples of conditions he was hoping to include. He wanted it clarified that this Conditional Use Permit would only be used for snow removal only. Don also wanted it to be noted that he was unable to find the agenda and packet posted on the Town's website for today's Planning Commission Meeting. He said that he thinks that it was not posted because he was unable to find it on the website. He was concerned how this meeting would be permitted for discussion if it was not posted to the public. Don then mentioned the meeting that occurred with staff previously regarding potential agreements that could be included in Conditional Use Permit. He explained that it should be clarified that this would only be used for snow removal only, removal of the west driveway next to Don's house, replanting trees with the formal landscape plan along the west side of the house, and updated site plan showing where additional screening would be provided, as well as showing specific locations of where equipment would be parked.

Zell owner of 321 Spruce Street mentioned that she is planning to build a single family home that she is planning to use as a business and additional income as a short term rental. She initially wanted to build a duplex, tiny homes, or even yurts to use as short-term rentals, however she is not following through with that because her property is not zoned for buildings, she hoped to short term rent. She has developed plans to eventually build a single-family home. Her concern about eventually building this single-family home is that she plans to build the home with the biggest windows in the living room to be facing 339 Spruce Street. Since these windows she is planning to place are going to be so large, she will be able to see all aspects of this house. Resulting in seeing the equipment and fueling in the back of the house. She hopes that additional screening will also be included not only on the West side of the house but also on the East side of the house where she will eventually place her short-term rental. She is hoping that some regulations will be enforced despite this project already taking place, or else this would enable her to build the properties mentioned above despite not being permitted.



Chair Pro Tem Morgan closed the public hearing for 339 Spruce Street at 1:17 PM.

F. AGENDA ITEMS:

1. CONSIDERATION FOR APPROVAL OF A CONDITIONAL USE PERMIT AT 141 E. MOUNTAIN VIEW DR.: Greg Sant, Planning Administrator. The Commission will consider a CUP for a home-based snow removal.

Commissioner Dever questioned if the owner is permitted to store fuel outside. Greg Sant provided clarification that this was allowed with specific regulations that the owner will be required to follow. The fueling station will be hidden from view and the fueling will happen outside rather within the garage that is attached to a residential unit.

Nancy Leigh, Town Clerk, recommended that the owner holds a valid business license as a condition of approval for the Conditional Use Permit.

Greg read the staff recommendations:

1. Current and valid business license that is renewed each year
2. All equipment must be stored in the garage or screened from the neighborhood to reduce the impact of the residential nature of the neighborhood.
3. Potential nuisance from dust, vapor, noise, etc. will be maintained to a minimum with a maximum idle of five minutes.
4. Maintenance and repairs of equipment must be completed within the garage.

Motion: Commissioner Brown moved to approve the Conditional Use Permit with the following staff recommendations:

1. Current and valid business license that is renewed each year.
 2. All equipment must be stored in the garage or screened from the neighborhood to reduce the impact of the residential nature of the neighborhood.
 3. Potential nuisance from dust, vapor, noise, etc. will be maintained to a minimum with a maximum idle of five minutes.
 4. Maintenance and repairs of equipment must be completed within the garage.
- Commissioner Wallis seconded the motion.

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

2. CONSIDERATION FOR APPROVAL OF AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT AT 339 SPRUCE ST. Greg Sant, Planning Administrator. The Commission will consider an amendment to a CUP for fuel tanks and review of existing conditions.

Greg Sant, Planning Administrator, explained that he and Don Cape went directly to the site to have a better understanding of what would be expected and permitted for this Conditional Use Permit. He said that it would be clarified that this would only be used for snow removal. The driveway on the West needs to be eliminated. It is going to be required that 15 trees along the West side be replanted that were previously removed without permission. The two pieces of equipment that will be used, one can be parked behind the house while the other will be required to be parked within the garage. There will be a fuel shed that covers the fuel and the equipment parked outside will be blocked by this fuel shed. Greg mentioned the concern of the neighbor from the East, and he additionally recommended that there could be more screening provided on the East side. Greg then recommended to the Planning Commission that this agenda item be tabled for the opportunity of further discussion of these agreements to occur.



BRIAN HEAD

Motion: Commissioner Wallis moved to table the amendment to the Conditional Use Permit. Commissioner Brown seconded the motion.
Action: Motion carried 3-0-1 (Summary: Yes = 3 No = 1 Vote: Yes: Chair Pro Tem Morgan, Commissioner Wallis, Commissioner Brown. No: Commissioner Dever. Absent: Chairperson Deutschlander, Alternate Commissioner Lee).

G. ADJOURNMENT

Motion: Commissioner Dever moved to adjourn the November 4, 2024, Planning Commission Meeting. Commissioner Wallis seconded the motion.
Action: Motion Carried 4-0-0 (summary: Yes = 4 Vote: Yes: Chair Pro Tem Morgan, Commissioner Wallis, Commissioner Brown, Commissioner Dever. Absent: Chairperson Deutschlander, Alternate Commissioner Lee).

The regular meeting of the Brian Head Planning Commission was adjourned at 1:32 PM on November 5, 2024.

12/3/24

Date Approved

Ciera Claridge, Deputy Clerk