



Ciera Claridge <cclaridge@bhtown.utah.gov>

Fwd: FW: 2 tractors fueling CUP

1 message

Nancy Leigh <nleigh@bhtown.utah.gov>

Mon, Nov 4, 2024 at 9:52 AM

To: Ciera Claridge <cclaridge@bhtown.utah.gov>, Greg Sant <gsant@bhtown.utah.gov>

----- Forwarded message -----

From:

Date: Sat, Nov 2, 2024 at 11:26 AM

Subject: FW: 2 tractors fueling CUP

To: <bhowser@bhtown.utah.gov>

Cc: <nleigh@bhtown.utah.gov>

Brian Head Town Clerk

Town of Brian Head

nleigh@bhtown.utah.gov

I am having issues with my computer sending back my letter. If you have already received this, I apologize.

Please insure that this letter is given to the Planning Commission Meeting Monday November 4th.

Dear Brian Head Town, Council Members, and Neighbors,

My name is Frank Boisseranc [REDACTED] Spruce Street, one home from the CUP property. We received your letter dated October 14th, 2024 on October 23rd, 2024. Regarding the proposed CUP Amendment for 339 Spruce Street. We have sent many letters and attended meetings to fight this CUP.

The letter from Brett Howser references a revision requested for 339 Spruce.

My wife and I have been living through this project for 4 years. Every time we arrive at our home, there is a new, unexpected addition to the original plan.

I have shown many friends and relatives the photos of the existing project. The comments are, "that looks like a warehouse". When originally submitted the plans showed a cabin and a garage in the rear. We now look at what I call "The Gumby Building". Not only does it not look like a home, we also view consistent tractors on the property, (usually two), and fueling all winter/summer long.

Our fear in the beginning was the "fueling" of diesel. The residue from diesel never goes away.

We have witnessed fueling almost daily during the Christmas Holiday Season, as well as the summer when we are there. (photo attached). We see this through our main view of our living room and dining

room. We were never told that there would be fueling on the property, and storage of diesel fuel as you see in the photo.

We have tried to be a good neighbor to Mike Carr, our wish is that Mike would reciprocate.

What we don't understand is how this project became a warehouse, instead of a cabin with a garage.

When and how did this happen? We only see the changes when we arrive to our home. We are not

Informed until it has been done. With a permit, are there inspections during the building process?

How can trees be cut without permission to do so? How can a project take 3-4 years, and how can

a business be run during the building process? We thought the "snow plowing" business could only

be run out of the "cabin", when receiving an occupancy certificate? How can plans be revised

"after", the project already made the changes?

We bought our land in 1983 (41 years ago). We built and finished our home in one year.

We never thought we would have to fight to keep our residential area. Never did we think

That someone would strip the area of trees, or watch deer run away every time a piece of

Equipment comes rolling down our street, many times each day.

We bought on Spruce to have peace and quiet and seclusion within the forest.

I will be traveling on Sunday to Brian Head from San Clemente, Ca. 500 miles, \$300.00 in

Fuel, as well as an 8 hour drive. It was not my plan to come to Brian Head until Thanksgiving,

But again are forced to address the changes requested that were never in the original plan.

Respectfully,

Frank M. Boisseranc and Sylvia S. Boisseranc

--

Nancy Leigh
Brian Head Town Clerk
435-677-2029



20230101_155313.jpg
2984K





Ciera Claridge <cclaridge@bhtown.utah.gov>

New neighbor with concerns for Permit at 339 Spruce St

1 message

Zell Lee

Mon, Nov 4, 2024 at 10:46 AM

Reply-To: [REDACTED]

To: cclaridge@bhtown.utah.gov, "nleigh@bhtown.utah.gov" <nleigh@bhtown.utah.gov>

I would like to know how to join the TownHall meeting via Zoom. Please confirm receiving this email.

I attached a signed letter expressing my concerns. I also attached my future house plans for reference which we will start to construct in 2025. The view from the future living room windows faces this property and can even see the back of the property. I'm very concerned about heavy equipment being stored on site and being refueled even in the back of the property which I will still be able to see from our future living room window. There are no trees left on the neighboring property so there is no way to conceal the equipment or refueling of equipment anymore. The city cannot allow this type of business use to continue in a residential zone.

Sincerely,

Zell Schaal and **Jake Schaal**

the dynamic duo of [REDACTED]

2 attachments



Signed Letter.pdf
857K



Lee_BH_24_0402_Final Updated_5-14-2024.pdf
18789K

11/4/2024

I purchased the lot at [REDACTED] Spruce Street in April 2024. I recently learned of this ongoing issue by receiving a letter in the mail from Bret about today's upcoming meeting. I spoke to Bret briefly on the phone and have been speaking with the other neighbors on Spruce street.

It does cause me great concern considering my plans are to build a quiet AirBnB getaway right next to this property. In my house design I placed the largest windows looking outside which will be facing this residence/snow removal business. When I purchased the lot in April there were still many trees but when I went to see the lot again this fall I could tell that more trees had been taken down. How can the equipment be screened from neighbors view if all the trees on this property are gone now? I not only have many concerns about the storing and fueling of equipment and increased traffic passing my lot as equipment is leaving the site, but I'm also concerned about how the city is allowing this to happen in the first place? If the city updates the permits just because it's already been done exemplifies that the zoning rules don't matter.

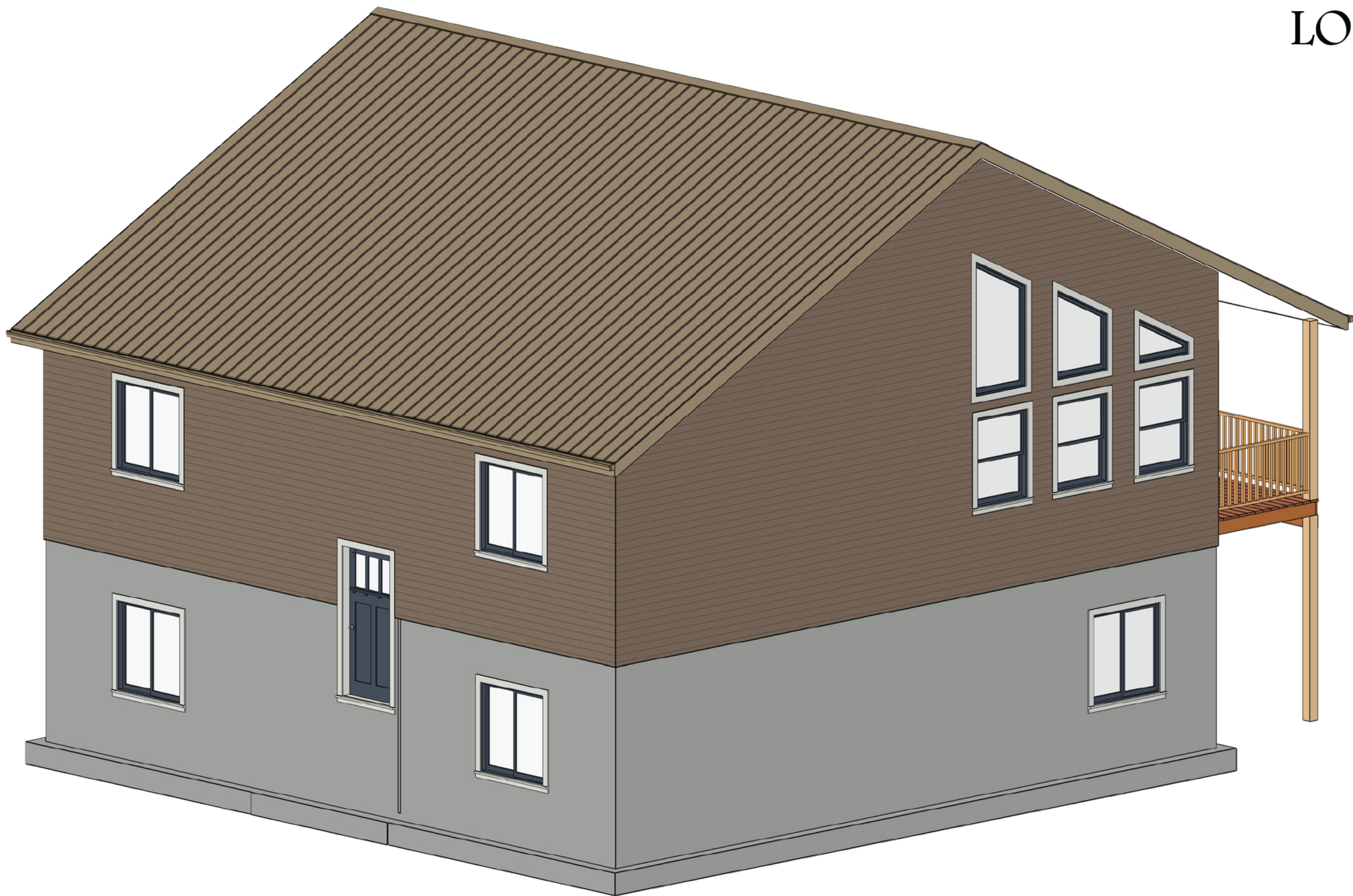
The lot I purchased and this entire street is a single family residential zone. I wanted to either put in a yurt, multiple tiny homes, or a duplex on my lot. I can't build any of these things because my lot isn't zoned that way. Instead I had a single family home designed because that is what this street is zoned for. However, if the city allows the neighboring lot to get away with whatever they want just because it's already been done, then what's stopping me from doing the same thing when I start building next year? Why follow the rules if they don't matter?

It's the city's job to enforce rules and revoke permits when they aren't being followed. Year round construction and snow removal equipment coming and going right next to my lot is extremely concerning to me. This street is a residential zone and this scale of business and heavy equipment is not allowed. I have been discussing the history of this issue with neighbors over the weekend and can see that the city is not doing their job or taking this seriously. This letter is to add my own concerns and to remind the city to enforce the rules. Otherwise, you are just encouraging me to go ahead and build whatever I want on my property next year to then just ask for forgiveness later.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Zell Schaal".

Melissa Zell Schaal



ZELL & JAKE SCHAAL RESIDENTIAL PLAN
LOT 4, BLK D, MOUNTAIR EVERGREEN
ESTATES SUBDIVISION, UNIT A
SEC 34, T35S, R9W, SLB&M
321 SPRUCE ST
BRIAN HEAD, UT 84719

-INDEX-

- SHEET 0 - TITLE SHEET
SHEET A1 - PLAN LAYOUTS
SHEET A2 - ELEVATION VIEWS -SECTION
SHEET A3 - ORTHOGRAPHIC VIEW
SHEET L1 - LOT LAYOUT
SHEET S1 - FOUNDATION, FLOOR JOIST, ROOF LAYOUTS
SHEET D1 - DETAIL SHEET
SHEET D2 - THERMAL ENVELOPE

GENERAL NOTES:

- 1 THE CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS PRIOR TO CONSTRUCTION.
2 CONTRACTOR SHALL NOTIFY ENGINEER OF ANY INCONSISTENCIES IN THIS PLAN SET PRIOR TO CONSTRUCTION.
3 ALL WORK SHALL BE DONE ACCORDING TO THE LATEST VERSION OF ALL LOCAL AND NATIONAL CONSTRUCTION CODES AS LISTED UNDER DESIGN CRITERIA THIS SHEET.
4 CONSTRUCTION SITE SHALL BE MAINTAINED AND CLEANED AT THE END OF EACH WORK DAY. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO SEE THAT ALL TRADES MAINTAIN A CLEAN AND SAFE WORKING SPACE AT ALL TIMES PER OSHA STANDARDS.
5 IT IS THE RESPONSIBILITY OF THE INDIVIDUALS AND COMPANIES PERFORMING WORK ON SITE TO MAINTAIN CURRENT CERTIFICATIONS FOR THE WORK BEING PERFORMED AS PER LOCAL REGULATIONS.
6 ALL MANUFACTURER SPECIFICATIONS AND INSTALLATION INSTRUCTIONS SHALL BE STRICTLY ADHERED TO.
7 RESIDENTIAL STRUCTURES IN THIS PLAN WERE DESIGNED TO WITHSTAND SEISMIC ACTIVITY PER ZONE D1 AS PER LOCAL GUIDELINES AND SHALL BE CONSTRUCTED ACCORDINGLY.
8 WINDOW HEIGHTS SHALL BE SEVEN FEET TO TOP OF WINDOW MEASURED FROM THE ROUGH FLOOR HEIGHT ON THE ASSOCIATED FLOOR OF SAID WINDOW.
9 RESIDENTIAL STRUCTURES IN THIS PLAN SET WERE DESIGNED TO WITHSTAND ROOF AND GROUND SNOW LOADS AS SHOWN UNDER DESIGN CRITERIA AND SHALL BE CONSTRUCTED ACCORDINGLY.
10 RESIDENTIAL STRUCTURES ON THIS PLAN SET WERE DESIGNED TO WITHSTAND WIND LOADS AS SHOWN UNDER DESIGN CRITERIA AND SHALL BE CONSTRUCTED ACCORDINGLY.
11 NUMERIC DIMENSIONS ON THIS PLAN SET SUPERCEDE SCALED DIMENSIONS.
12 ENGINEER MAKES NO WARRANTY ON EXISTING STRUCTURES ON THIS PLAN SET. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL STRUCTURAL ELEMENTS OF EXISTING STRUCTURES PRIOR TO DEMOLITION OR CONSTRUCTION.
13 THESE DRAWING SHEETS ARE PROVIDED FOR INFORMATIONAL USE ONLY. THE INDIVIDUAL OR ENTITY USING THIS DRAWING FOR ANY PURPOSE ASSUMES ALL RESPONSIBILITY FOR VERIFYING ACCURACY, SUITABILITY & USABILITY OF THE INFORMATION PROVIDED. ALL DIMENSIONS, EXISTING UTILITIES, ROADS, ELEVATION DATA AND RIGHTS OF WAY MUST BE FIELD VERIFIED PRIOR TO CONSTRUCTION.

GRADING NOTES:

- 1 ALL EXTERIOR GRADES SHALL BE CONSTRUCTED TO MAINTAIN A MINIMUM DRAINAGE SLOPE OF 5% AWAY FROM NEWLY CONSTRUCTED STRUCTURES. DRAINAGE SHALL MAINTAIN EXISTING SLOPES SO AS TO NOT "FORCE DRAIN" ONTO ADJOINING PROPERTIES.
2 ONSITE DRAINAGE SHALL BE MAINTAINED ONSITE WITHIN LIMITS OF PROPERTY BOUNDARIES OR SHALL BE DIVERTED TO AN APPROVED MUNICIPAL STORM DRAINAGE SYSTEM AS APPROVED BY LOCAL GOVERNMENT AUTHORITIES.
3 FINISH GRADE SHALL BE FREE OF DEBRIS, TRASH AND EXCESS CONSTRUCTION MATERIALS UPON COMPLETION OF CONSTRUCTION ACTIVITIES.
4 WINDOW WELL HEIGHTS SHALL BE BUILT ABOVE GRADE TO MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURE WHERE APPLICABLE.

EXCAVATION NOTES:

- 1 CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL OVERHEAD AND UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION.
2 IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY WITH LOCAL GOVERNMENT TO DETERMINE IF SOIL'S TESTING IS REQUIRED PRIOR TO CONSTRUCTION. THE ENGINEER DOES NOT GUARANTEE THE QUALITY OF SOILS UPON WHICH CONSTRUCTION WILL OCCUR. IF VERIFICATION OF SOIL'S CLASSIFICATION IS NEEDED IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HIRE A THIRD PARTY GEOTECHNICAL ENGINEER TO DO SOILS TESTING AND VERIFY COMPACTION RESULTS OF SOILS.
3 THE ENGINEER HIGHLY RECOMMENDS THAT A SOILS CLASSIFICATION IS PERFORMED PRIOR TO CONSTRUCTION. THE ENGINEER SHALL NOT BE HELD LIABLE IF THE CONTRACTOR FAILS TO OBTAIN A GEOTECHNICAL ANALYSIS.

FOUNDATION NOTES:

- 1 BOTTOM OF FOOTING SHALL BEAR ON UNDISTURBED SOIL OR AS OTHERWISE REQUIRED BY GEOTECHNICAL REPORT.
2 MINIMUM CONCRETE COMPRESSIVE STRENGTH SHALL BE 3000 PSI AT 28 DAYS
3 FOUNDATION HOLD DOWN STRAPS SHALL BE INSTALLED ON ALL WALLS GREATER THAN 3 FEET IN LENGTH AS PER FOOTING/FOUNDATION PLAN. HOLD DOWN STRAPS SHALL MEET OR EXCEED SIMPSON STRONG-TIE STD14J, ESR-2523. IT IS THE RESPONSIBILITY OF THE FOUNDATION CONTRACTOR TO VERIFY WINDOW LOCATIONS PRIOR TO INSTALLATION OF FOUNDATION HOLDDOWN STRAPS. NOTIFY ENGINEER IF ANY STRAP LOCATIONS APPEAR TO BE BELOW AN OPENING OR WINDOW ON ANY ABOVE GROUND FLOORS. FOUNDATION HOLDOWN STRAPS SHALL BE INSTALLED WITHIN 6 INCHES OF CORNERS WHERE APPLICABLE.
4 STRUCTURAL STEEL SHALL BE GRADE 60. ALL STRUCTURAL STEEL WITHIN CONCRETE SHALL BE INSTALLED TO MAINTAIN A DISTANCE OF 2 INCHES FROM ANY SURFACE OF THE CONCRETE AND MUST BE TIED IN PLACE BEFORE POURING.
5 ANCHOR BOLTS SHALL BE INSTALLED PER LOCAL CODES AND SHALL BE A MINIMUM OF 1/2 INCH DIAMETER X10 INCHES @ 32 INCHES O.C. WITH A SQUARE PLATE WASHER AND NUT.
6 CONTROL JOINTS ON ALL CONCRETE SHALL BE SPACED NOR MORE THAN 12 FEET ON ALL CONCRETE FLAT WORK.
7 FOUNDATION SHALL BE A MINIMUM OF 18 INCHES ABOVE EXISTING CROWN OF ROAD OR 12 INCHES ABOVE EXISTING STREET ADJOINING CURB AT HIGHEST POINT ADJACENT TO LOT. SOME LOCAL CODES MAY REQUIRE ADJUSTMENTS TO THIS NOTE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY WITH LOCAL GOVERNMENT TO DETERMINE FINISH FLOOR ELEVATION RESTRICTIONS.
8 BOTTOM OF FOOTING TO BE A MINIMUM OF THAT SHOWN UNDER DESIGN CRITERIA AND SHALL BE CONSTRUCTED ACCORDINGLY.
9 TOP OF STEM WALL SHALL BE A MINIMUM OF 6 INCHES ABOVE FINISH GRADE.
10 WOOD ENGINEERING CONSULTANTS, LLC IS NOT RESPONSIBLE FOR LOT LINE VERIFICATION OR TOPOGRAPHIC SURVEY DATA FOR THIS PROJECT. A FULL GRADING PLAN HAS NOT BEEN DEVELOPED FOR THIS PROJECT. ALL GRADING, FINISH FLOOR ELEVATIONS AND GRADING SHALL BE COMPLETED AS PER CONTRACTOR. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL FINAL GRADES AND FINISH FLOOR. FINISH FLOOR SHALL BE 18 INCHES ABOVE CROWN OF ROAD AT HIGHEST POINT ADJACENT TO LOT.

FRAMING NOTES:

- 1 ALL EXTERIOR WALLS (AND WALLS SEPARATING GARAGE FROM MAIN LIVING SPACE) SHALL BE 2X6 WOOD STUD @ 16 INCHES O.C.
2 INSULATION AND VAPOR BARRIER SHALL BE INSTALLED AS PER LOCAL CODES AND 2018 IECC STANDARDS
3 INTERIOR SHEATHING SHALL BE 1/2 INCH GYPSUM BOARD SHEETROCK.
4 PROVIDE STEP FLASHING AT ALL WALLS ADJACENT TO ROOF PLANES.
5 SOLID BLOCK REQUIRED AT ALL BEARING POINTS FOR ROOF RAFTERS OR TRUSSES, CEILING JOISTS AND AT ALL FLOOR AND ROOF PERIMETERS.
6 TRUSSES SHALL BE DESIGNED AND STAMPED BY A PROFESSIONAL ENGINEER AND INSTALLED PER MANUFACTURES INSTALLATION INSTRUCTIONS.
7 FIRE BLOCKING SHALL BE REQUIRED IN ALL AREAS GREATER THAN EIGHT FEET IN HEIGHT.
8 FLOOR JOISTS SHALL BE INSTALLED PER MANUFACTURERS SPECIFICATIONS.
9 INTERIOR WALLS SHALL BE 2X4 NOMINAL WOOD STUD @ 16 INCHES O.C.
10 INTERIOR LOAD BEARING WALLS SHALL BE 2X4 NOMINAL WOOD STUD @ 16 INCHES O.C. OR AS OTHERWISE SPECIFIED IN THIS PLAN SET.
11 HOUSE WRAP WITH DRAINAGE PLANE REQUIRED AS PER LOCAL CODES AND SHALL BE INSTALLED AS PER MANUFACTURERS INSTALLATION INSTRUCTIONS.
12 INSTALL WINDOW FLASHING AROUND ALL WINDOWS AND EXTERIOR DOORS AS PER LOCAL CODES AND MANUFACTURERS INSTALLATION INSTRUCTIONS.

PLUMBING NOTES:

- 1 BACKFLOW PREVENTION REQUIRED AT WATER METER LOCATION.
2 FROST FREE EXTERIOR HOSE BIBS WITH BACKFLOW PREVENTION REQUIRED ON ALL EXTERIOR PLUMBING FIXTURES.
3 INSTALL ALL PLUMBING FIXTURES, TOILETS, ETC PER MANUFACTURERS RECOMMENDED INSTALLATION INSTRUCTIONS.
4 INSTALLATION OF ALL MATERIALS SHALL BE DONE AS PER APPLICABLE CODES LISTED UNDER DESIGN CRITERIA THIS SHEET.

ELECTRICAL NOTES:

1. COORDINATION OF PANEL LOCATIONS SHALL BE DONE BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
2. PROVIDE GFCI PROTECTION FOR ALL OUTLETS ON KITCHEN COUNTERTOPS, GARAGE, BATHROOMS, WET BARS, AND WITHIN SIX FEET OF LAUNDRY ROOMS
3. PROVIDE ADEQUATE SPACING BETWEEN ALL FIXTURES, WALLS AND SHELVEING IN CLOSETS FOR FUTURE MAINTENANCE.
4. CARBON MONOXIDE DETECTORS SHALL BE INSTALLED ON EACH FLOOR LEVEL OF INHABITABLE LIVING SPACE AS DETAILED ON THIS PLAN SET.
5. INSTALL A MINIMUM OF TWO WEATHER PROOF GFCI PROTECTED OUTLETS NEAR EXTERIOR ENTRIES.
6. ELECTRICAL PANELS AND ALL SIMILAR EQUIPMENT SHALL BE INSTALLED WITH ADEQUATE WORKING SPACE MINIMUM 36 INCHES WIDE AND 30 INCHES DEEP.
7. INSTALLATION OF ALL MATERIALS SHALL BE DONE AS PER APPLICABLE CODES LISTED UNDER DESIGN CRITERIA THIS SHEET.

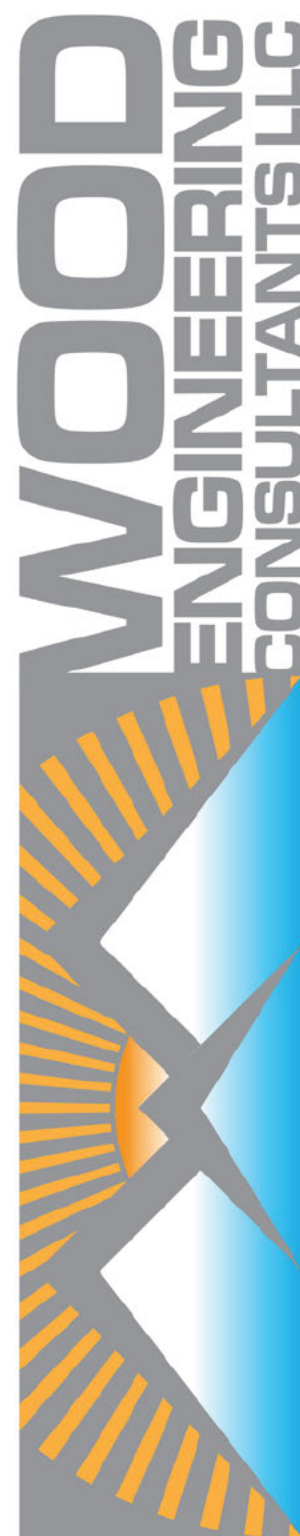
DESIGN CRITERIA:

CODE: 2021 International Residential Code, Appendix Q of 2021 IRC, 2021 International Building Code, 2021 International Fire Code, 2021 International Plumbing Code, 2021 International Mechanical Code, 2021 International Fuel Gas Code, 2020 National Electrical Code, Commercial Provisions of the 2015 IECC, 2021 International Existing Building Code, 2009 ICC/ANSI A117.1

SEISMIC: ZONE D
SNOW LOADS: GROUND SNOW LOAD 255 PSF
ROOF SNOW LOADS VARY BY PITCH: (12:12; 150 PSF), (3:12+; 255 PSF)
WIND LOAD: 115 MPH (WIND GUSTS @ 3 SECOND BURSTS) EXPOSURE B
FROST DEPTH: 48 INCHES BELOW FINISH GRADE
ASSUMED SOIL PRESSURE AT TIME OF EXCAVATION: 1,500 PSF
FLOOR LOADING (WHERE APPLICABLE): 40 PSF LIVE LOAD, 25 PSF DEAD LOAD

MECHANICAL NOTES:

- 1 MECHANICAL CONTRACTOR SHALL DESIGN CENTRAL AIR UNIT PER APPLICABLE CODES LISTED UNDER DESIGN CRITERIA THIS SHEET.
2 NEWLY CONSTRUCTED MECHANICAL ROOMS SHALL BE SEALED AND VENTED FOR COMBUSTION FROM EXTERIOR OF BUILDING.
3 EXHAUST FANS SHALL BE A MINIMUM OF 100 C.F.M. AND BE VENTED TO EXTERIOR OF BUILDING.
4 CLOTHES DRYERS SHALL BE VENTED TO EXTERIOR OF BUILDING WITH A MINIMUM FOUR INCH METAL VENT PIPE.
5 DUCTS SHALL BE CONSTRUCTED WITH FOUR INCH METAL DUCTING WITH SMOOTH INTERIOR SURFACES AND EQUIPPED WITH BACK DRAFT DAMPERS. SHEET METAL SCREWS ARE NOT PERMITTED.
6 ATTIC VENT CALCULATION SHALL BE PER FHA RECOMMENDED CALCULATION. I.E. EVERY 300 SQUARE FEET OF ATTIC SPACE SHALL HAVE A MINIMUM OF 1 FOOT OF ATTIC VENTILATION, BOTH INTAKE AND EXHAUST.
7 ALL EXHAUST VENTING FROM HOME SHALL BE A MINIMUM OF THREE FEET FROM ANY EXTERIOR OPENING.
8 2021 IRC M1305.1.3 and M1305.1.3.1 "M1305.1.3 APPLIANCES IN ATTICS ATTICS CONTAINING APPLIANCES SHALL BE PROVIDED WITH AN OPENING AND A CLEAR AND UNOBSTRUCTED PASSAGEWAY LARGE ENOUGH TO ALLOW REMOVAL OF THE LARGEST APPLIANCE, BUT NOT LESS THAN 30 INCHES (762 MM) HIGH AND 22 INCHES (559 MM) WIDE AND NOT MORE THAN 20 FEET (6096 MM) LONG MEASURED ALONG THE CENTERLINE OF THE PASSAGEWAY FROM THE OPENING TO THE APPLIANCE. THE PASSAGEWAY SHALL HAVE CONTINUOUS SOLID FLOORING IN ACCORDANCE WITH CHAPTER 5 NOT LESS THAN 24 INCHES (610 MM) WIDE. A LEVEL SERVICE SPACE AT LEAST 30 INCHES (762 MM) DEEP AND 30 INCHES (762 MM) WIDE SHALL BE PRESENT ALONG ALL SIDES OF THE APPLIANCE WHERE ACCESS IS REQUIRED. THE CLEAR ACCESS OPENING DIMENSIONS SHALL BE A MINIMUM OF 20 INCHES BY 30 INCHES (508 MM BY 762 MM), AND LARGE ENOUGH TO ALLOW REMOVAL OF THE LARGEST APPLIANCE. EXCEPTIONS: THE PASSAGEWAY AND LEVEL SERVICE SPACE ARE NOT REQUIRED WHERE THE APPLIANCE CAN BE SERVICED AND REMOVED THROUGH THE REQUIRED OPENING. WHERE THE PASSAGEWAY IS UNOBSTRUCTED AND NOT LESS THAN 6 FEET (1829 MM) HIGH AND 22 INCHES (559 MM) WIDE FOR ITS ENTIRE LENGTH, THE PASSAGEWAY SHALL BE NOT MORE THAN 50 FEET (15 250 MM) LONG. M1305.1.3.1 ELECTRICAL REQUIREMENTS A LUMINARIES CONTROLLED BY A SWITCH LOCATED AT THE REQUIRED PASSAGEWAY OPENING AND A RECEPTACLE OUTLET SHALL BE INSTALLED AT OR NEAR THE APPLIANCE LOCATION IN ACCORDANCE WITH CHAPTER 34.



ZELL & JAKE SCHAAL RESIDENTIAL PLAN
LOT 4, BLK D, MOUNTAIR EVERGREEN
ESTATES SUBDIVISION, UNIT A
SEC 34, T35S, R9W, SLB&M
321 SPRUCE ST
BRIAN HEAD, UT 84719

TITLE PAGE

DATE:

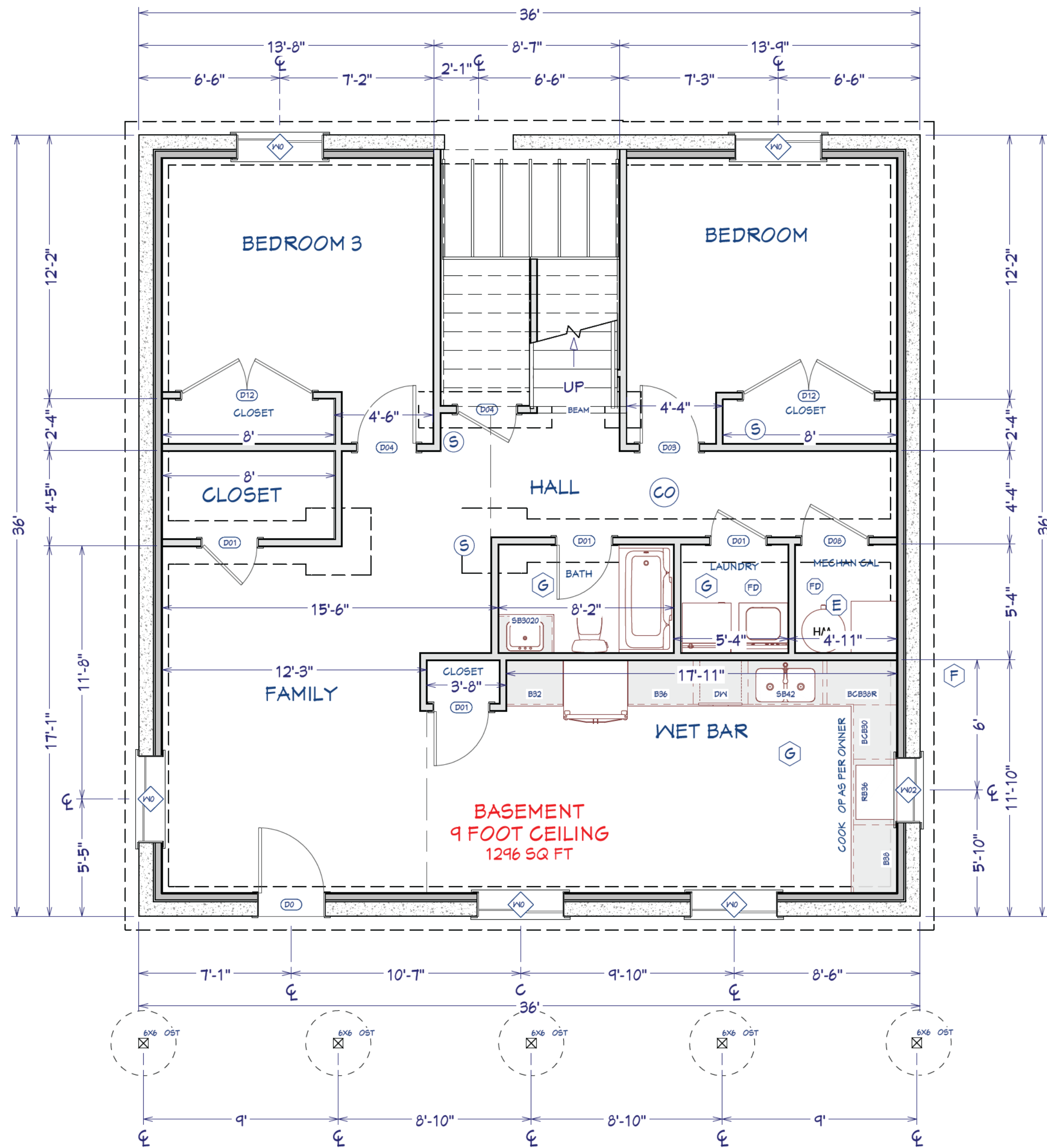
5/14/2024

*SCALE:

1/4" = 1' : 24X36
11X17 NOT TO SCALE

SHEET:

0



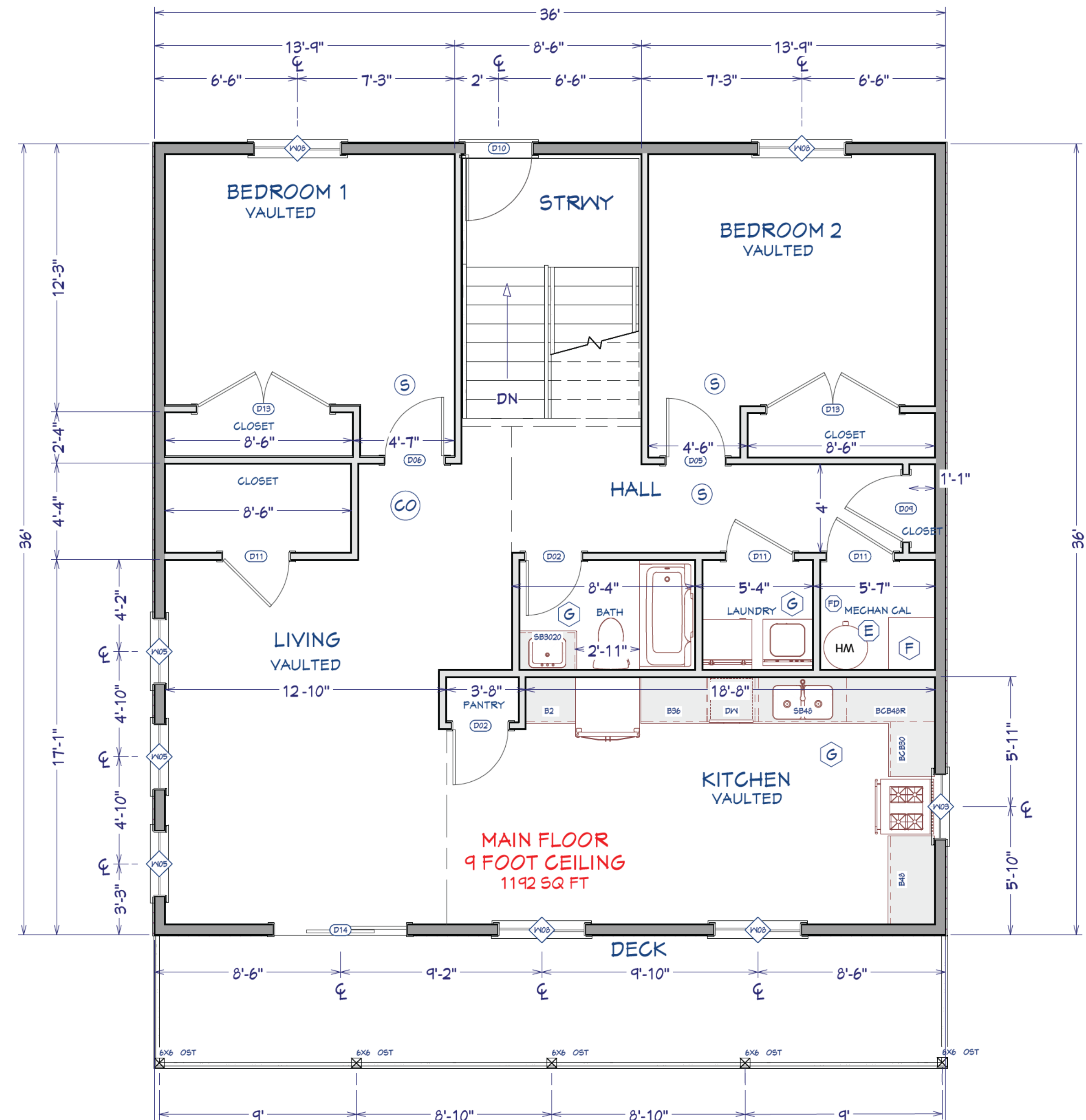
BASEMENT FLOOR PLAN VIEW

CONSTRUCTION NOTES:

- 1- INTERIOR WALL BOARD SHALL BE 4FTX8FT PUREBOND MAPLE PLYWOOD OR EQUIVALENT. MINIMUM 7/16 INCH THICKNESS. STAINED AS PER OWNER.
- 2- TREES CUT FOR CONSTRUCTION OF THE HOME SHALL BE IMPLEMENTED ON INTERIOR OF HOME FOR DECORATIVE PURPOSES. CONTRACTOR SHALL CONSULT OWNER PRIOR TO EXCAVATION OF LOT TO DETERMINE USABILITY OF TREES FOR CONSTRUCTION PURPOSES.

PLAN NOTE:

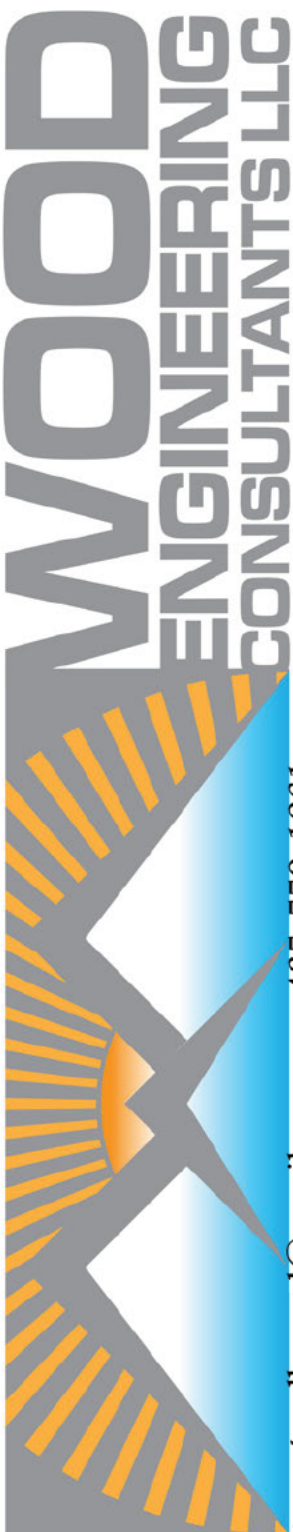
- (G) ALL OUTLETS IN THIS ROOM SHALL BE GFCI PROTECTED
- (F) FURNACE SHALL BE HARD WIRED
- (T) TEMPERED GLASS IN WINDOW
- (A) ATTIC ACCESS
- (FD) FLOOR DRAIN REQUIRED
- (S) SMOKE DETECTOR
- (CO) CARBON MONOXIDE DETECTOR SMOKE DETECTOR COMBO
- (V) VAPOR BARRIER REQUIRED ON EXTERIOR WALL PRIOR TO INSTALLATION OF TUB OR SHOWER
- (E) SEISMIC STRAPS REQUIRED PER IRC STANDARDS



MAIN FLOOR PLAN VIEW

DOOR SCHEDULE						
NUMBER	LABEL	QTY	FLOOR	SIZE	DESCRIPTION	COMMENTS
D01	2668	4	0	2668 R IN	HINGED-DOOR P04	
D02	2668	2	1	2668 R IN	HINGED-DOOR P04	
D03	2868	1	0	2868 L IN	HINGED-DOOR P04	
D04	2868	2	0	2868 R IN	HINGED-DOOR P04	
D05	2868	1	1	2868 L IN	HINGED-DOOR P04	
D06	2868	1	1	2868 R IN	HINGED-DOOR P04	
D07	3068	1	0	3068 L EX	EXT. HINGED-DOOR E21	
D08	3068	1	0	3068 R IN	HINGED-DOOR P04	
D09	3068	1	1	3068 L IN	HINGED-DOOR P04	
D10	3068	1	1	3068 R EX	EXT. HINGED-DOOR E21	
D11	3068	3	1	3068 R IN	HINGED-DOOR P04	
D12	6068	2	0	6068 L/R IN	DOUBLE HINGED-DOOR P04	
D13	6068	2	1	6068 L/R IN	DOUBLE HINGED-DOOR P04	
D14	6068	1	1	6068 R EX	EXT. SLIDER-GLASS PANEL	

WINDOW SCHEDULE						
NUMBER	LABEL	QTY	FLOOR	SIZE	DESCRIPTION	EGRESS
W01	3020FX	1	2	3020FX	FIXED GLASS	
W02	3030LS	1	0	3030LS	LEFT SLIDING	
W03	3030LS	1	1	3030LS	LEFT SLIDING	
W04	3040FX	1	2	3040FX	FIXED GLASS	
W05	3040SH	3	1	3040SH	SINGLE HUNG	
W06	3060FX	1	2	3060FX	FIXED GLASS	
W07	4040LS	5	0	4040LS	LEFT SLIDING	
W08	4040LS	4	1	4040LS	LEFT SLIDING	



ZELL & JAKE SCHAAL RESIDENTIAL PLAN
LOT 4, BLK D, MOUNTAIN EVERGREEN
ESTATES SUBDIVISION, UNIT A
SEC 34, T35S, R9W, S18&M
321 SPRUCE ST
BRIAN HEAD, UT 84719
tyrellrwood@gmail.com 435-559-1861

PLAN LAYOUTS

DATE:

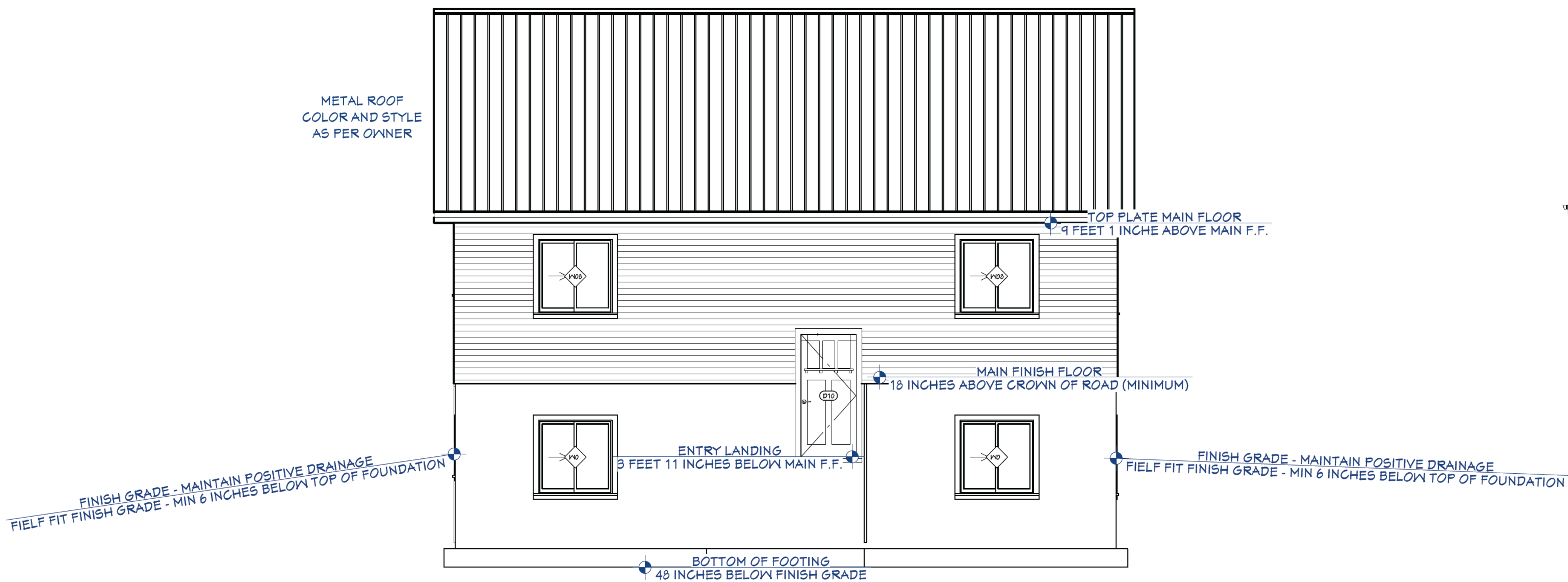
5/14/2024

*SCALE:

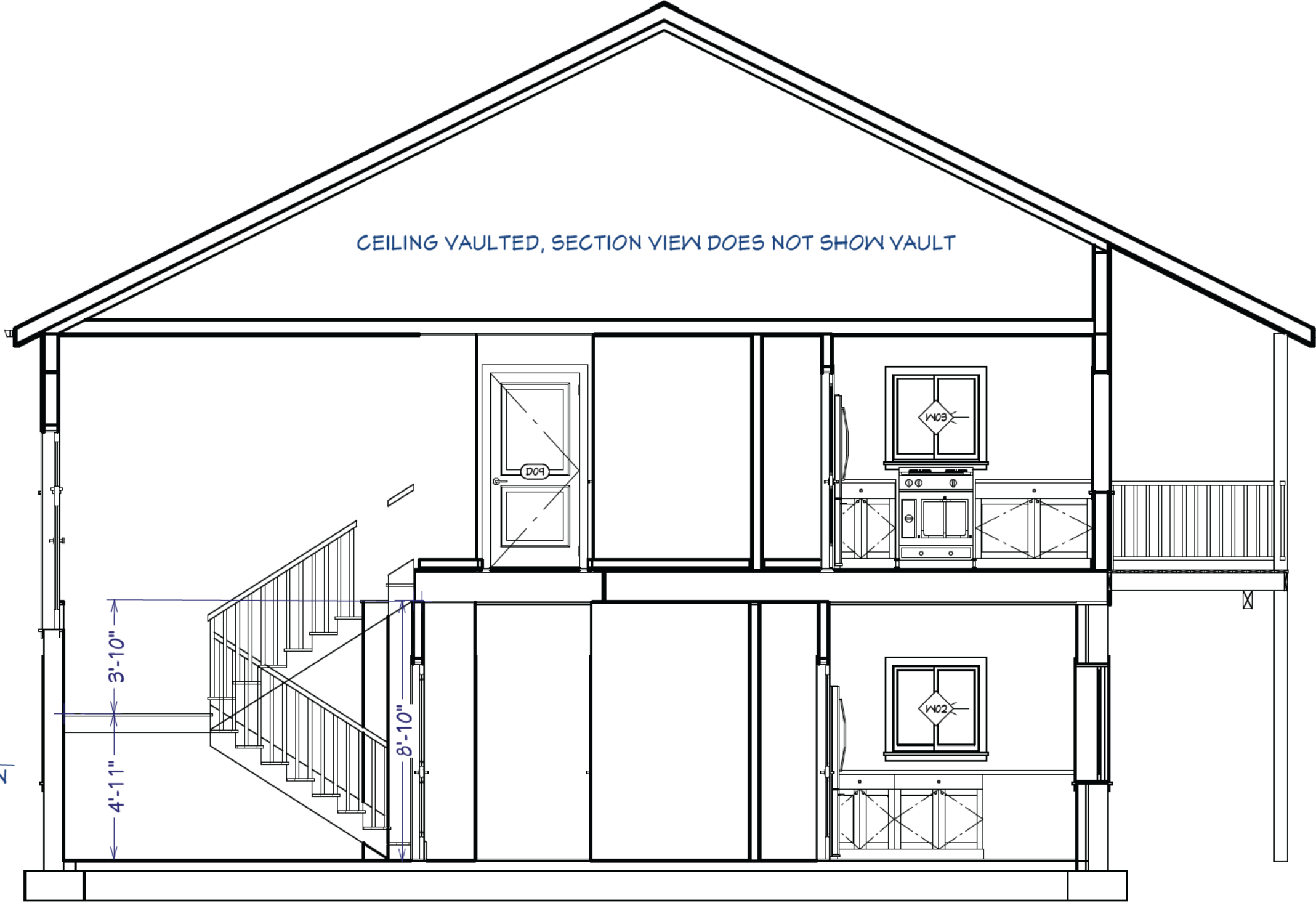
1/4" = 1' : 24X36
11X17 NOT TO SCALE

SHEET:

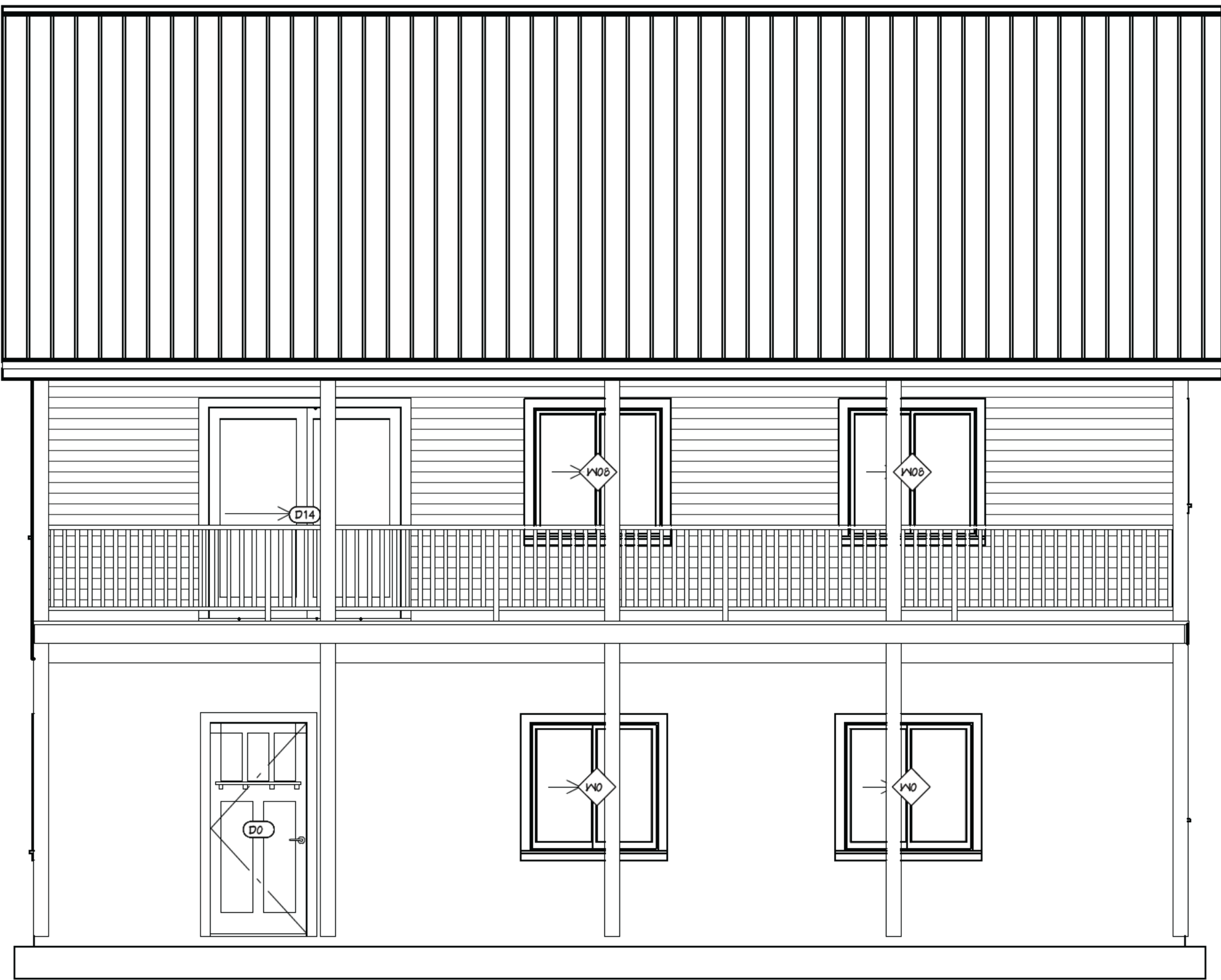
A1



NORTH ELEVATION



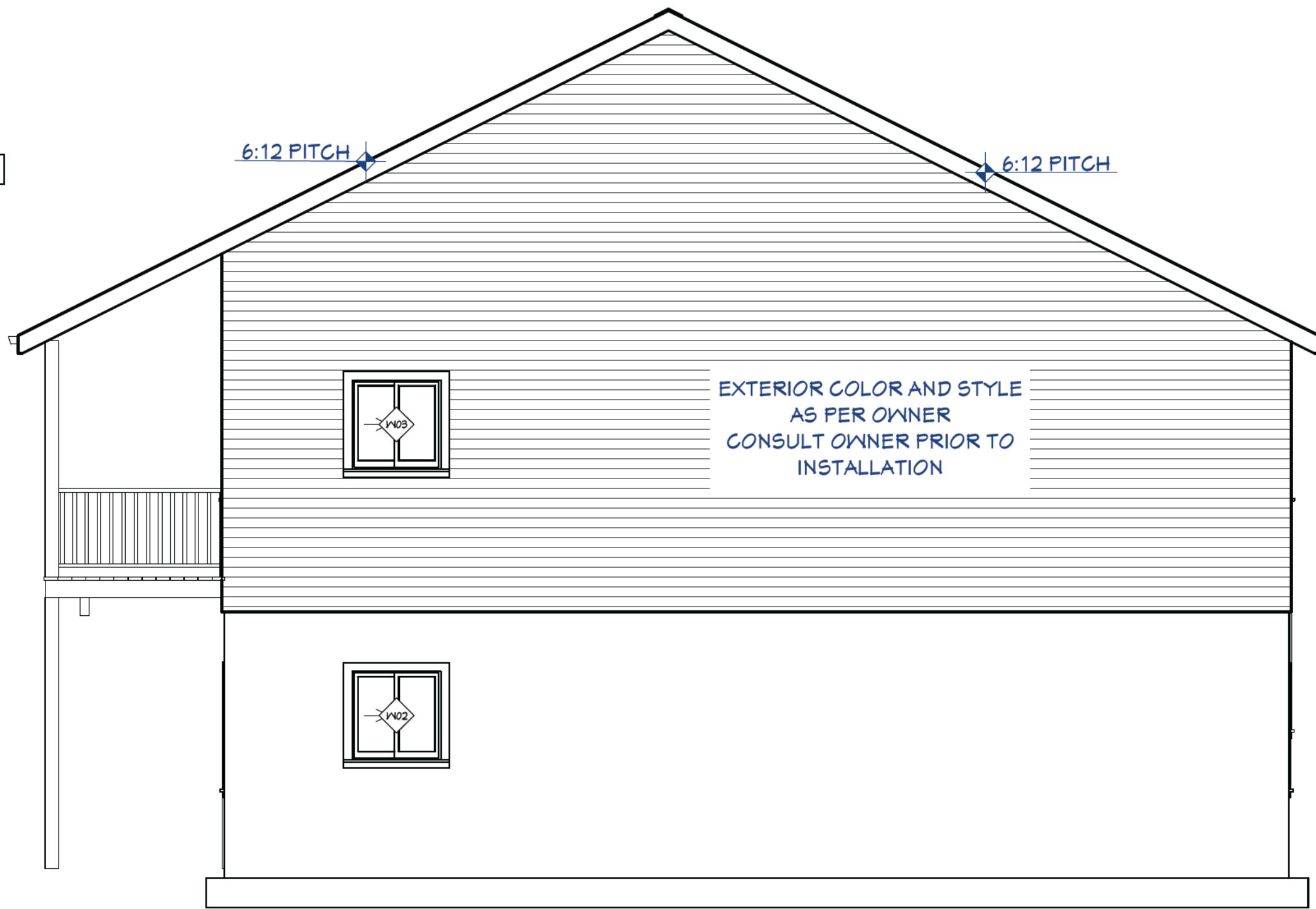
SECTION VIEW



SOUTH ELEVATION



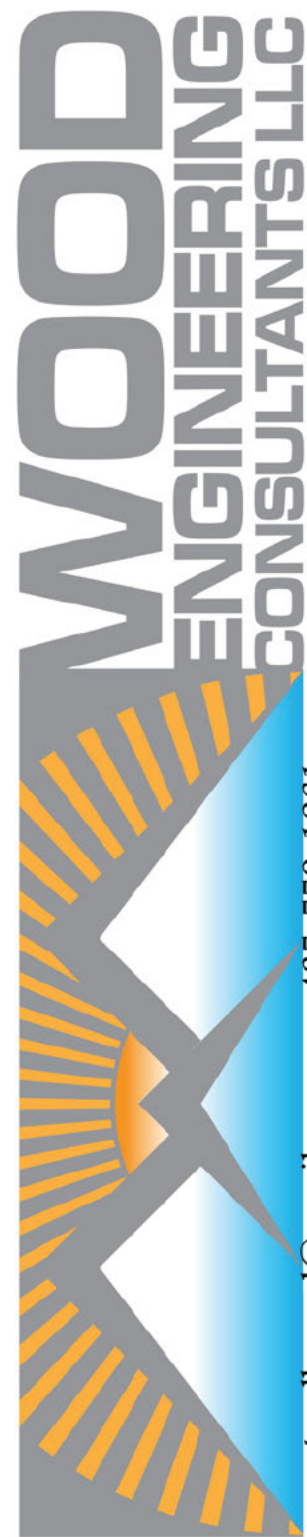
WEST ELEVATION



EAST ELEVATION

DOOR SCHEDULE						
NUMBER	LABEL	QTY	FLOOR	SIZE	DESCRIPTION	COMMENTS
D01	2668	4	0	2668 R IN	HINGED-DOOR F04	
D02	2668	2	1	2668 R IN	HINGED-DOOR F04	
D03	2668	1	0	2668 L IN	HINGED-DOOR F04	
D04	2668	2	0	2668 R IN	HINGED-DOOR F04	
D05	2668	1	1	2668 L IN	HINGED-DOOR F04	
D06	2668	1	1	2668 R IN	HINGED-DOOR F04	
D07	3068	1	0	3068 L EX	EXT. HINGED-DOOR E21	
D08	3068	0	0	3068 R IN	HINGED DOOR F04	
D09	3068	1	1	3068 L IN	HINGED-DOOR F04	
D10	3068	1	1	3068 R EX	EXT. HINGED-DOOR E21	
D11	3068	3	1	3068 R IN	HINGED-DOOR F04	
D12	6068	2	0	6068 L/R IN	DOUBLE HINGED-DOOR F04	
D13	6068	2	1	6068 L/R IN	DOUBLE HINGED-DOOR F04	
D14	6068	1	1	6068 R EX	EXT. SLIDER-GLASS PANEL	

WINDOW SCHEDULE						
NUMBER	LABEL	QTY	FLOOR	SIZE	DESCRIPTION	EGRESS
W01	3020FX	1	2	3020FX	FIXED GLASS	
W02	3030LS	1	0	3030LS	LEFT SLIDING	
W03	3030LS	1	1	3030LS	LEFT SLIDING	
W04	3040FX	1	2	3040FX	FIXED GLASS	
W05	3040SH	3	1	3040SH	SINGLE HUNG	
W06	3060FX	1	2	3060FX	FIXED GLASS	
W07	4040LS	5	0	4040LS	LEFT SLIDING	
W08	4040LS	4	1	4040LS	LEFT SLIDING	



ZELL & JAKE SCHAAL RESIDENTIAL PLAN
LOT 4, BLK D, MOUNTAIN EVERGREEN
ESTATES SUBDIVISION, UNIT A
SEC 34, T35S, R9W, S18&M
321 SPRUCE ST
BRIAN HEAD, UT 84719
tyrellrwood@gmail.com 435-559-1861

**ELEVATIONS -
SECTION**

DATE:

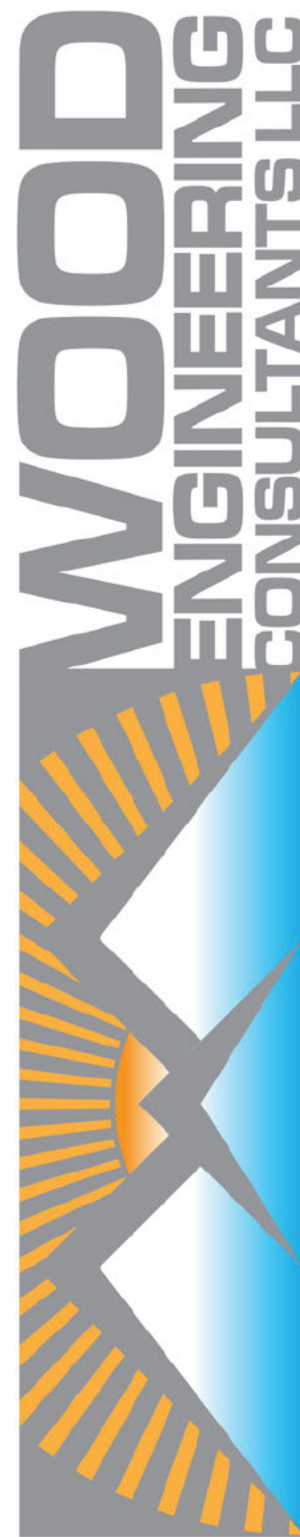
5/14/2024

*SCALE:

1/4" = 1' : 24X36
11X11 NOT TO SCALE

SHEET:

A2



ZELL & JAKE SCHAAI RESIDENTIAL PLAN
LOT 4, BLK D, MOUNTAIN EVERGREEN
ESTATES SUBDIVISION, UNIT A
SEC 34, T35S, R9W, SL&M
321 SPRUCE ST
BRIAN HEAD, UT 84719
tyrellrwood@gmail.com 435-559-1861

ORTHOGRAPHIC
VIEWS

DATE:

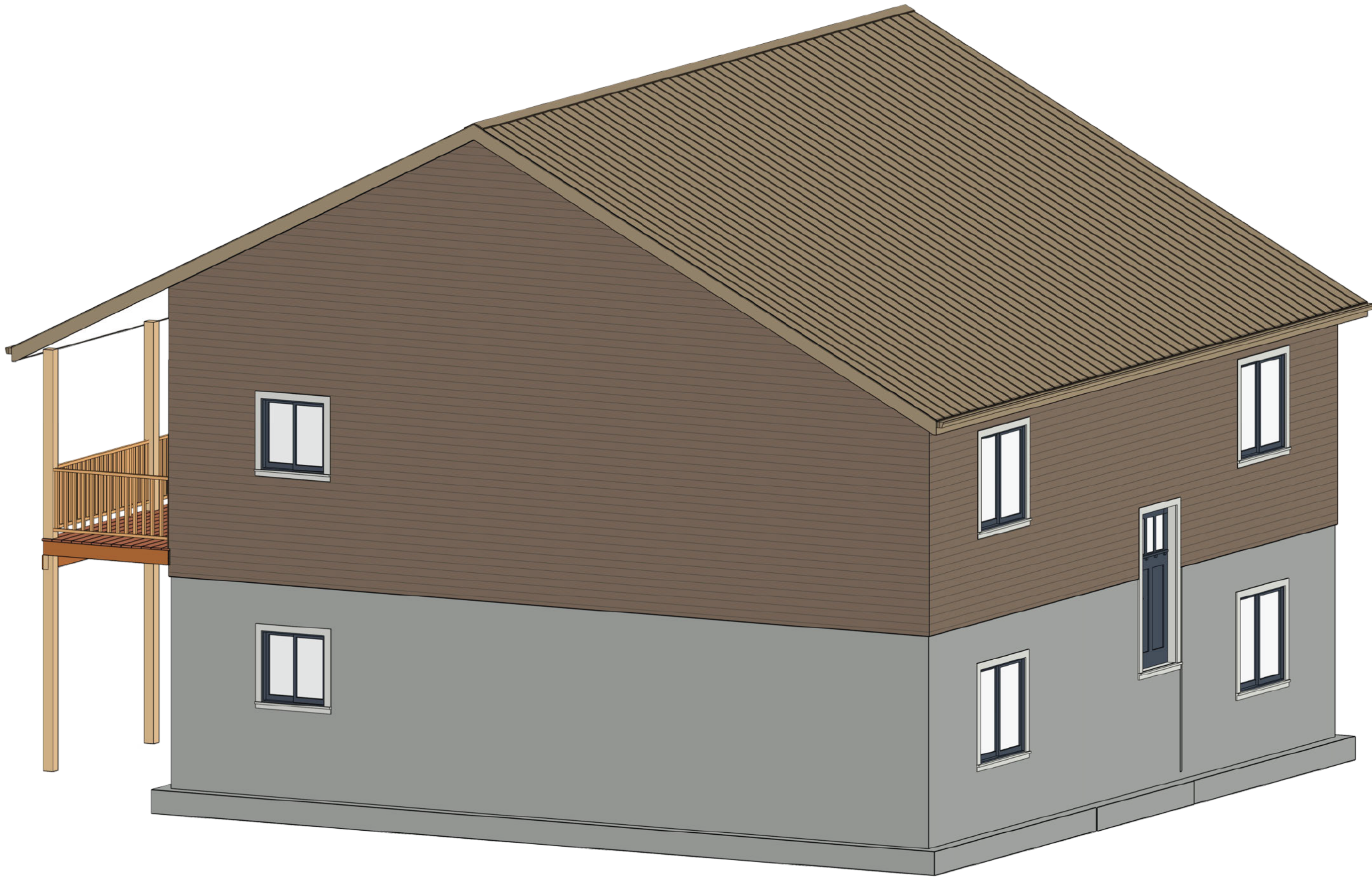
5/14/2024

*SCALE:

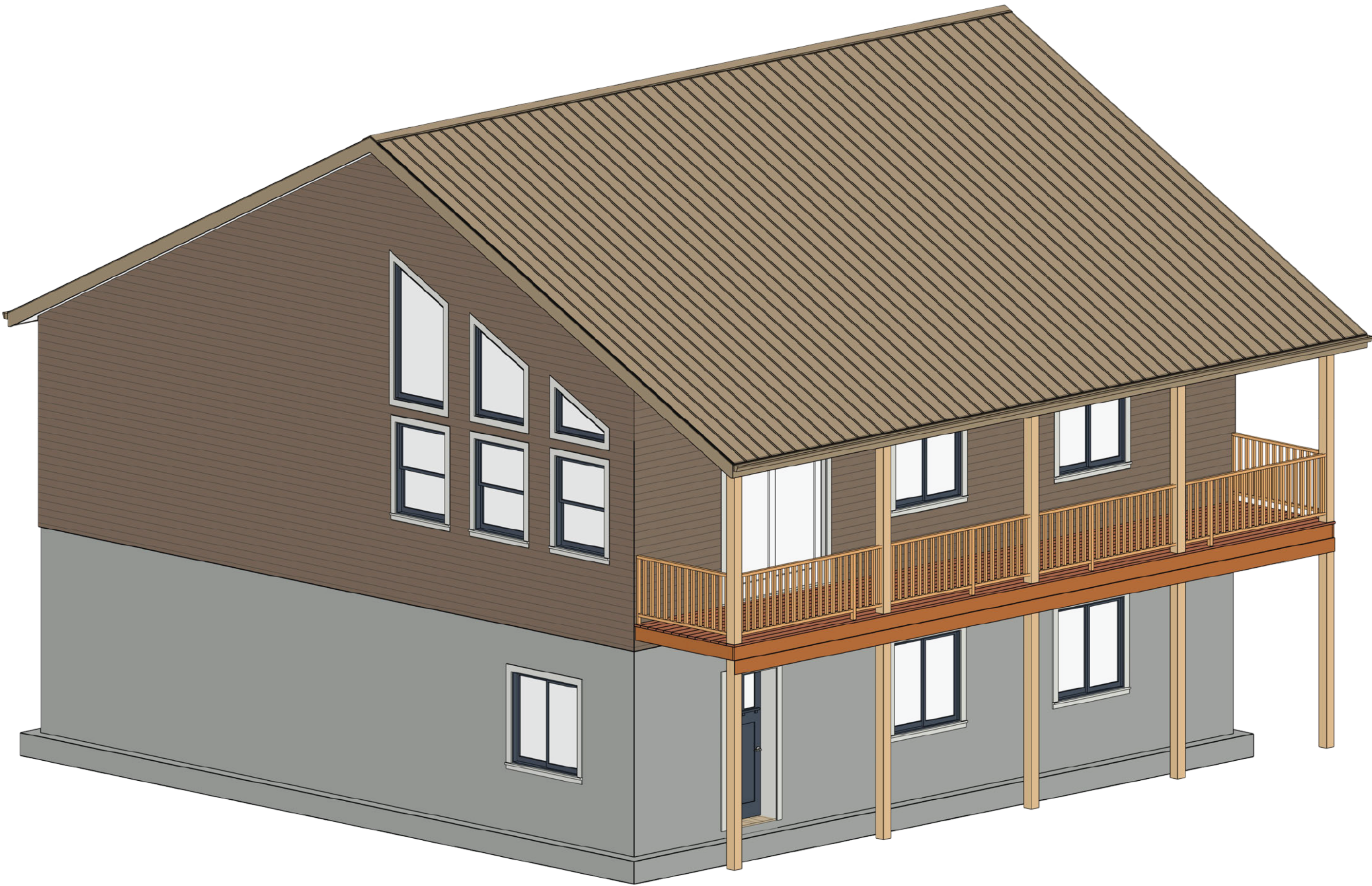
1/4" = 1' : 24X36
11X11 NOT TO SCALE

SHEET:

A3



ORTHO VIEWS FOR INFORMATION ONLY

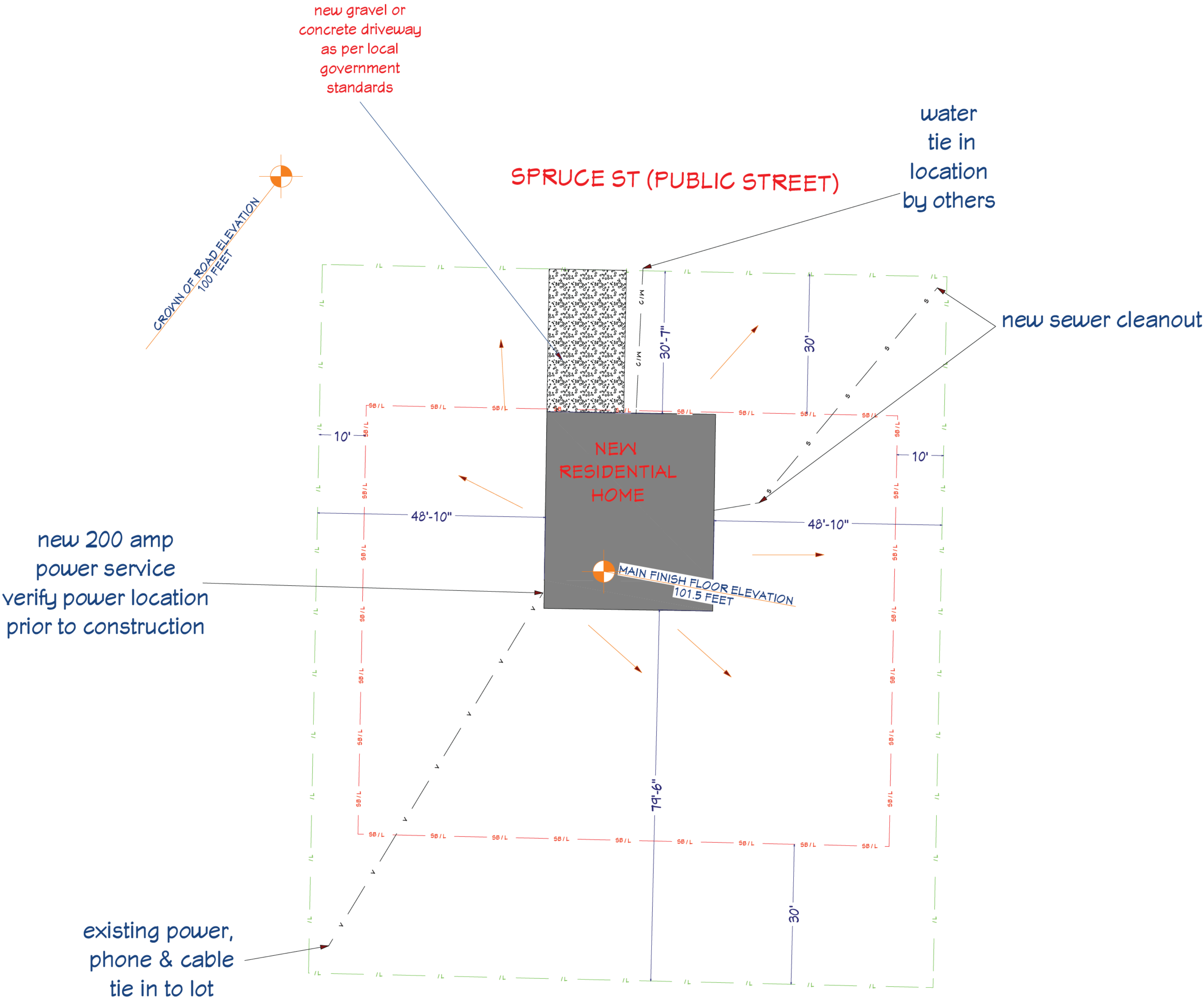


LOT NOTES:

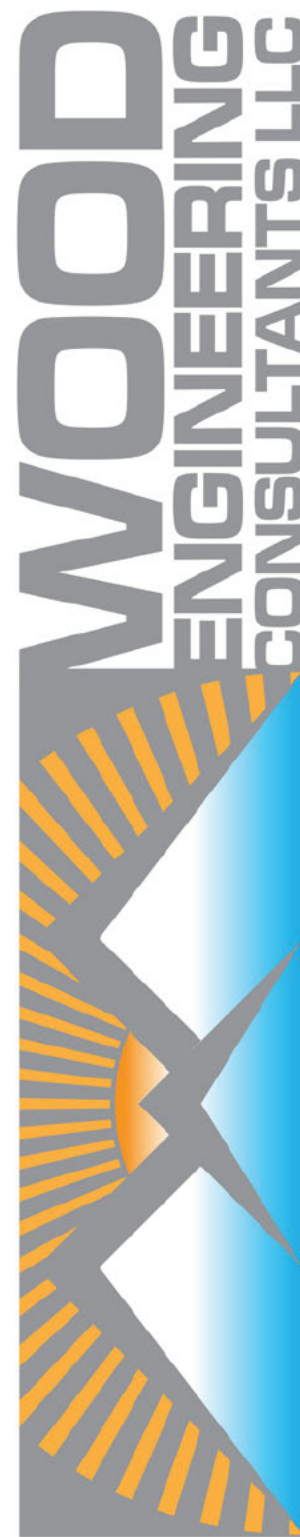
1. LOT LINE INFORMATION WAS OBTAINED FROM IRONCOUNTY.NET, MOUNTAIR EVERGREEN ESTATES SUBDIVISION UNIT A, LT 4 BLK D, LOCATED WITHIN SEC 34, T35S R9W, SLB&M ON FILE WITH IRON COUNTY RECORDER.
- 2- CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION OR EXCAVATION AND NOTIFY ENGINEER OF DISCREPANCIES ON PLANS.
3. INFORMATION ON THIS PLAN SET IS FOR INFORMATION ONLY AND IS NOT TO SCALE
4. ALL MEASUREMENTS ARE TAKEN FROM PROPERTY LINE TO SETBACK OR STRUCTURE
5. ONSITE DRAINAGE SHALL BE MAINTAINED ONSITE WITHIN LIMITS OF PROPERTY BOUNDARIES OR SHALL BE DIVERTED TO AN APPROVED MUNICIPAL STORM DRAINAGE SYSTEM AS APPROVED BY LOCAL GOVERNMENT AUTHORITIES.
6. WOOD ENGINEERING CONSULTANTS, LLC IS NOT RESPONSIBLE FOR LOT LINE VERIFICATION OR TOPOGRAPHIC SURVEY DATA FOR THIS PROJECT. A FULL GRADING PLAN HAS NOT BEEN DEVELOPED FOR THIS PROJECT. ALL GRADING, FINISH FLOOR ELEVATIONS AND GRADING SHALL BE COMPLETED AS PER CONTRACTOR. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL FINAL GRADES AND FINISH FLOOR. FINISH FLOOR SHALL BE 18 INCHES ABOVE CROWN OF ROAD AT HIGHEST POINT ADJACENT TO LOT.
7. THESE DRAWING SHEETS ARE PROVIDED FOR INFORMATIONAL USE ONLY. THE INDIVIDUAL OR ENTITY USING THIS DRAWING FOR ANY PURPOSE ASSUMES ALL RESPONSIBILITY FOR VERIFYING ACCURACY, SUITABILITY & USABILITY OF THE INFORMATION PROVIDED. ALL DIMENSIONS, EXISTING UTILITIES, ROADS, ELEVATION DATA AND RIGHTS OF WAY MUST BE FIELD VERIFIED PRIOR TO CONSTRUCTION.

LEGEND FOR NEW UTILITIES:

PROPERTY LINE	— P / L —
SET BACK LINE	— SB / L —
POWER LINE	— V — V —
GAS LINE	— GAS — GAS —
WATER LINE	— C / W — C / W —
SANITARY SEWER	— S — S —
DRAINAGE ARROWS	→



LOT LAYOUT (NTS)



ZELL & JAKE SCHAAL RESIDENTIAL PLAN
LOT 4, BLK D, MOUNTAIR EVERGREEN
ESTATES SUBDIVISION, UNIT A
SEC 34, T35S, R9W, SLB&M
321 SPRUCE ST
BRIAN HEAD, UT 84719
tyrellrwood@gmail.com 435-559-1861

LOT LAYOUT

DATE:
5/14/2024

*SCALE:
THIS SHEET
NOT TO SCALE

SHEET:
L1

HEADER SCHEDULE:

OPENING WIDTH	LOAD BEARING & SHEAR WALLS	NON-LOAD BEARING WALLS
0-3 FEET	(2) 2X6 NOMINAL	(2) 2X4 NOMINAL
3-5 FEET	(2) 2X10 NOMINAL	(2) 2X4 NOMINAL
5-7 FEET	(2) 2X12 NOMINAL or (3) 2x10 NOM.	(2) 2X6 NOMINAL
7-9 FEET	(2) 2X12 NOMINAL W/ PLYWOOD BETWEEN or (3) 2x10 NOM. w/p wwood between	(2) 2X8 NOMINAL

OVER 9 FEET:
BEAM AND HEADER SCHEDULE:

LABEL: STRUCTURAL ELEMENT:

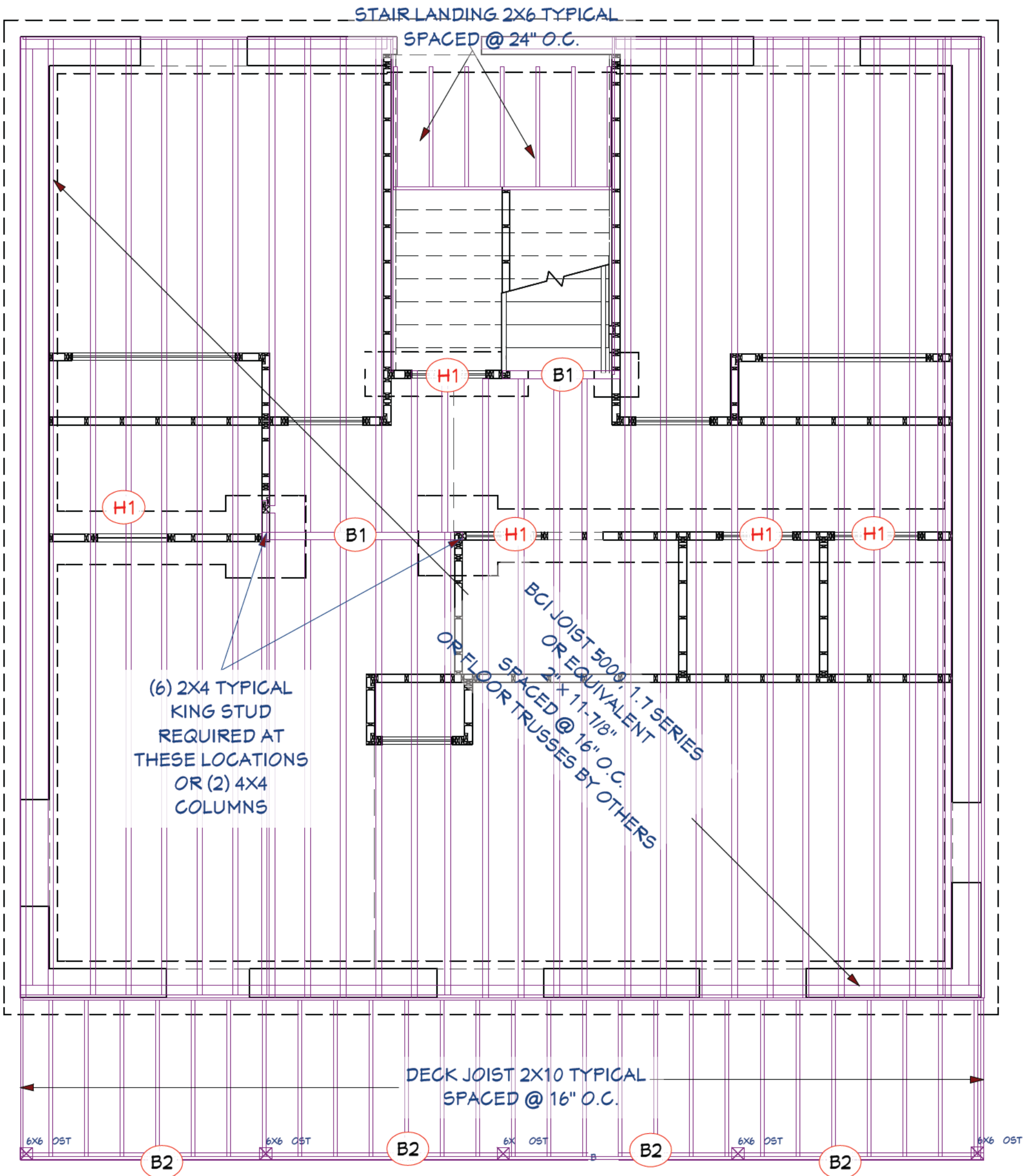
- H1** (3) 1-3/4" x 11-7/8 BCI LVL (TYP) WRAPPED WHEN EXPOSED TO ELEMENTS
OR
(1) 5-1/8" X 12" BOISE GLULAM BEAM PAINTED/STAINED
- B1** (1) 3-1/2" X 12" BOISE GLULAM BEAM 24F-V4
- B2** (1) 8-3/4" X 24" BOISE GLULAM BEAM 24F-V4 PAINTED/STAINED

SHEAR WALL SCHEDULE:

SHEATHING THICKNESS:	STAPLE SIZE:	SPACING EDGE/PLANE:	LABEL:
7/16"	4/8 16 gauge	6"	* ALL WALLS NOT LABELED
7/16"	2/12 0.131x2-1/2"	3"	S2

ATTIC DESIGN NOTES:

1. VENTILATION FOR ALL ATTIC SPACES SHALL BE PER IRC SECTION R806
2. ATTIC ACCESS SHALL BE CONSTRUCTED AS PER IRC SECTION R807 WHERE APPLICABLE



FLOOR JOIST LAYOUT

ATTIC VENTILATION

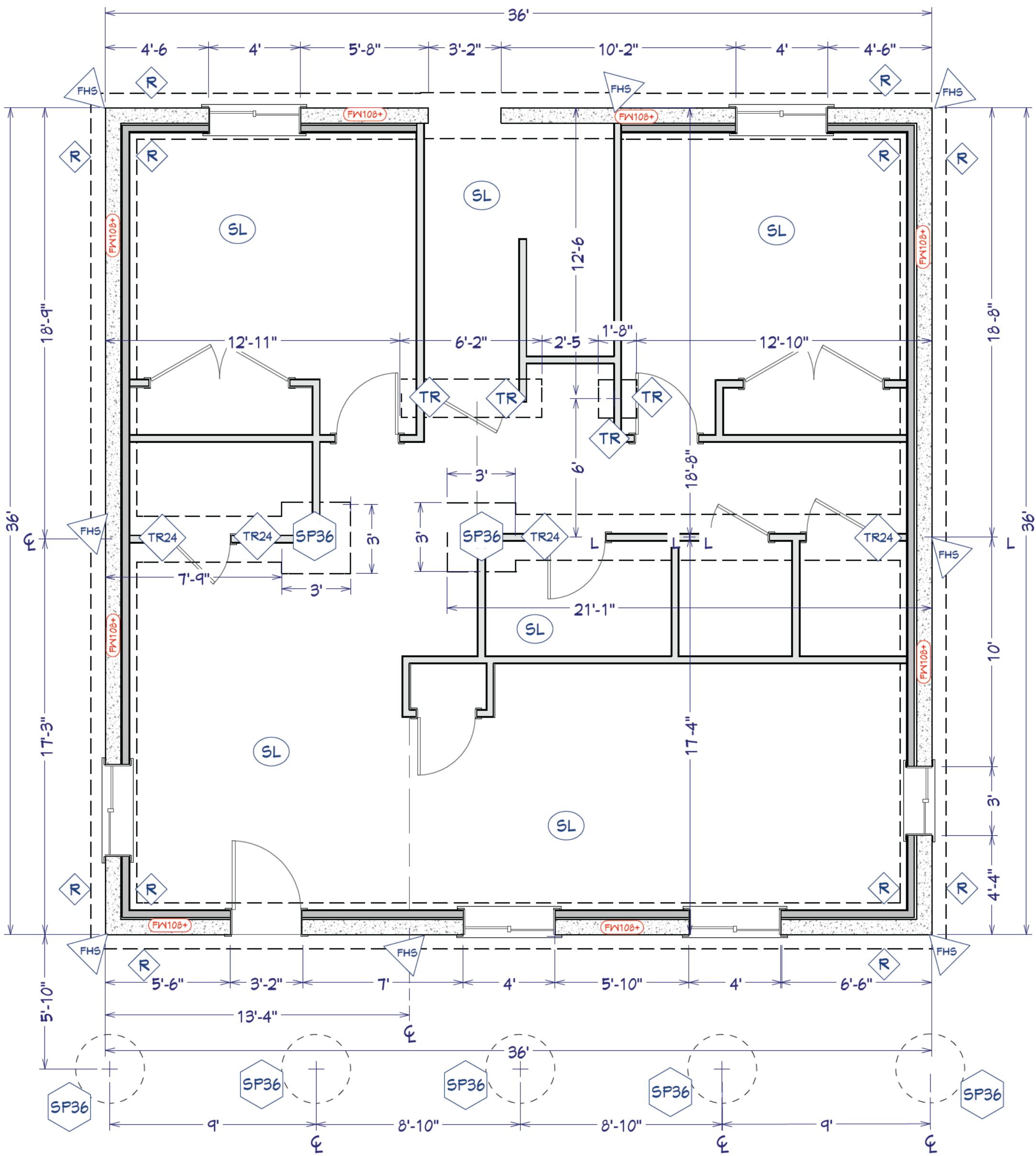
REQUIREMENTS:

1676 SQ. FT. ATTIC AREA,
1676/300 = 5.59 SQ. FT.
VENTING AREA REQUIRED
5.59 SQ. FT. = 804.48 SQ. IN.
ROOF SHALL BE VENTED
WITH RIDGE VENTS, GE
VENTS, TURTLE VENTS IN
CONJUNCTION WITH SOFFIT
VENTS & MUST MEET OR
EXCEED MINIMUM VENTING
AREA.

ROOF LAYOUT

FOUNDATION NOTES:

- 1 BOTTOM OF FOOTING SHALL BEAR ON UNDISTURBED SOIL OR AS OTHERWISE REQUIRED BY GEOTECHNICAL REPORT.
- 2 MINIMUM CONCRETE COMPRESSIVE STRENGTH SHALL BE 3000 PSI AT 28 DAYS
- 3 FOUNDATION HOLD DOWN STRAPS SHALL BE INSTALLED ON ALL WALLS GREATER THAN 3 FEET IN LENGTH AS PER FOOTING/FOUNDATION PLAN. HOLD DOWN STRAPS SHALL MEET OR EXCEED SIMPSON STRONG-TIE STD14J, ESR-2523. IT IS THE RESPONSIBILITY OF THE FOUNDATION CONTRACTOR TO VERIFY WINDOW LOCATIONS PRIOR TO INSTALLATION OF FOUNDATION HOLDDOWN STRAPS. NOTIFY ENGINEER IF ANY STRAP LOCATIONS APPEAR TO BE BELOW AN OPENING OR WINDOW ON ANY ABOVE GROUND FLOORS. FOUNDATION HOLDDOWN STRAPS SHALL BE INSTALLED WITHIN 6 INCHES OF CORNERS WHERE APPLICABLE.
- 4 STRUCTURAL STEEL SHALL BE GRADE 60. ALL STRUCTURAL STEEL WITHIN CONCRETE SHALL BE INSTALLED TO MAINTAIN A DISTANCE OF 2 INCHES FROM ANY SURFACE OF THE CONCRETE AND MUST BE TIED IN PLACE BEFORE POURING.
- 5 ANCHOR BOLTS SHALL BE INSTALLED PER LOCAL CODES AND SHALL BE A MINIMUM OF 1/2 INCH DIAMETER X 10 INCHES @ 32 INCHES O.C. WITH A SQUARE PLATE WASHER AND NUT.
- 6 CONTROL JOINTS ON ALL CONCRETE SHALL BE SPACED NOR MORE THAN 12 FEET ON ALL CONCRETE FLAT WORK.
- 7 FOUNDATION SHALL BE A MINIMUM OF 18 INCHES ABOVE EXISTING CROWN OF ROAD OR 12 INCHES ABOVE EXISTING STREET ADJOINING CURB AT HIGHEST POINT ADJACENT TO LOT. SOME LOCAL CODES MAY REQUIRE ADJUSTMENTS TO THIS NOTE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY WITH LOCAL GOVERNMENT TO DETERMINE FINISH FLOOR ELEVATION RESTRICTIONS.
- 8 BOTTOM OF FOOTING TO BE INSTALLED AT THE DEPTH LISTED IN DESIGN CRITERIA ON SHEET 0 OF THIS PLAN SET AND SHALL BE MEASURED FROM FINISH GRADE SURFACE (FROST DEPTH). TOP OF STEINWALL MUST BE 6 INCHES ABOVE FINAL GRADE.
- 9 WOOD ENGINEERING CONSULTANTS, LLC IS NOT RESPONSIBLE FOR LOT LINE VERIFICATION OR TOPOGRAPHIC SURVEY DATA FOR THIS PROJECT. A FULL GRADING PLAN HAS NOT BEEN DEVELOPED FOR THIS PROJECT. ALL GRADING, FINISH FLOOR ELEVATIONS AND GRADING SHALL BE COMPLETED AS PER CONTRACTOR. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF ALL FINAL GRADES AND FINISH FLOOR. FINISH FLOOR SHALL BE 18 INCHES ABOVE CROWN OF ROAD AT HIGHEST POINT ADJACENT TO LOT.

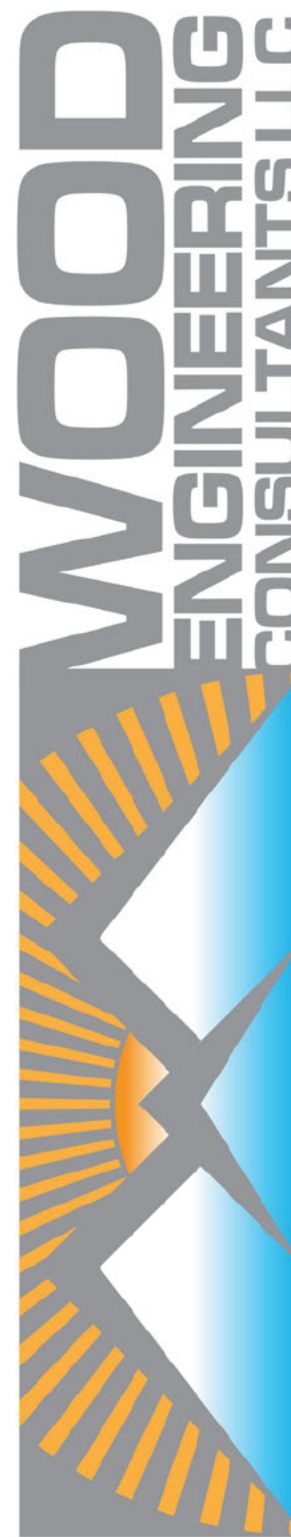


FOUNDATION LAYOUT

FOUNDATION DESIGN NOTES:

- FHS** FOUNDATION HOLDOWN STRAP REQUIRED SEE NOTES & DETAIL SHEETS FOR INSTALLATION & MATERIAL REQUIREMENTS.
- SL** 4" THICK SLAB SEE DETAIL SHEETS
- R** 24"x12" CONTINUOUS FOOTING (2) #4 REBAR CONTINUOUS #4 VERTICAL REBAR PLACED AT 24" O.C.
- TR** 20"x10" CONTINUOUS SLAB FOOTING (2) #4 REBAR CONTINUOUS
- TR24** 24"x12" CONTINUOUS SLAB FOOTING (3) #4 REBAR CONTINUOUS
- SP36** 36" DIAMETER OR 36"x36" SPOT FOOTING (4) #4 REBAR GRID EVENLY HORIZONTALLY, (4) #4 REBAR VERTICALLY FOR EXTERIOR APPLICATIONS

- FW108+** 8" THICK X 96"X121" (HEIGHT), #4 HORIZONTAL REBAR SPACED AT 16" O.C. CONTINUOUS, EVENLY SPACED WITH TOP & BOTTOM REBAR PLACED NO MORE THAN 3 INCHES FROM TOP / BOTTOM OF WALL, #4 VERTICAL REBAR @ 16" O.C.
- IF FOUNDATION WALL IS TALLER THAN 10 FEET USE:**
10" THICK X 12"X144" (HEIGHT), #4 DOUBLE MATT HORIZONTAL REBAR SPACED AT 12" O.C. CONTINUOUS, EVENLY SPACED WITH TOP & BOTTOM REBAR PLACED NO MORE THAN 3 INCHES FROM TOP / BOTTOM OF WALL, #4 VERTICAL REBAR @ 12" O.C.



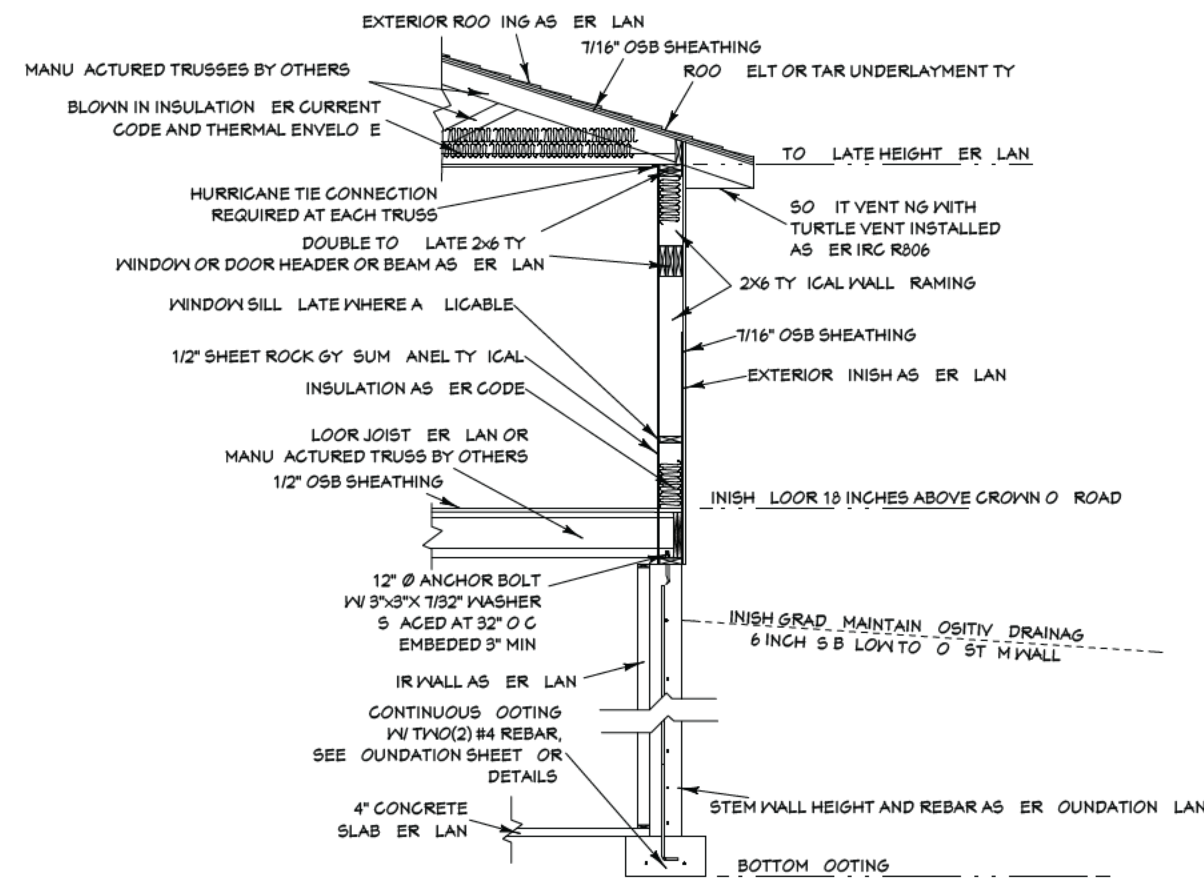
ZELL & JAKE SCHAAL RESIDENTIAL PLAN
LOT 4, BLK D, MOUNTAIN EVERGREEN
ESTATES SUBDIVISION, UNIT A
SEC 34, T35S, R9W, SLR&M
321 SPRUCE ST
BRIAN HEAD, UT 84719
tyrellrwood@gmail.com 435-559-1861

FOUNDATION, FLOOR
JOIST, ROOF LAYOUTS

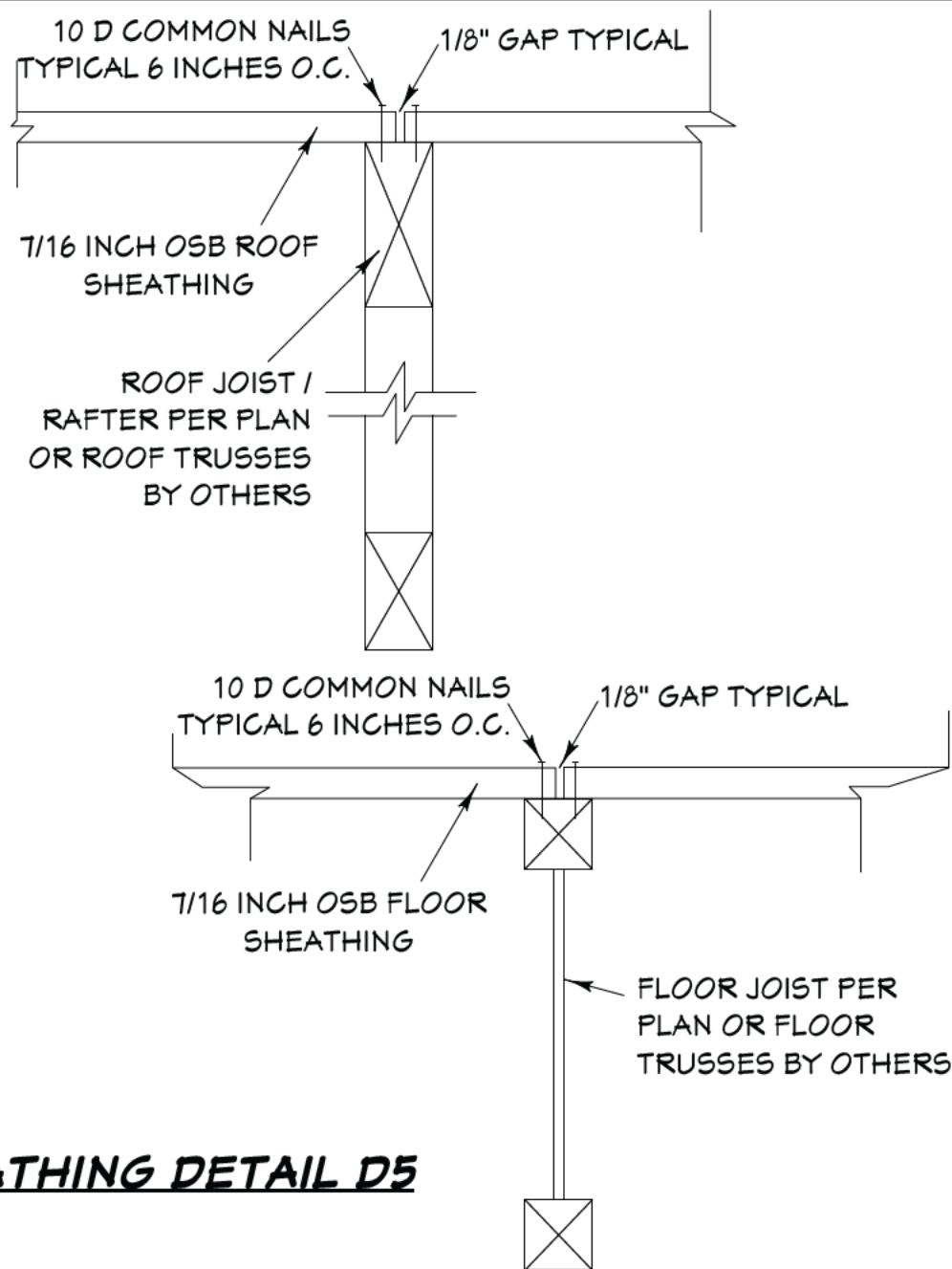
DATE:
5/14/2024

*SCALE:
1/4" = 1' : 24X36
11X17 NOT TO SCALE

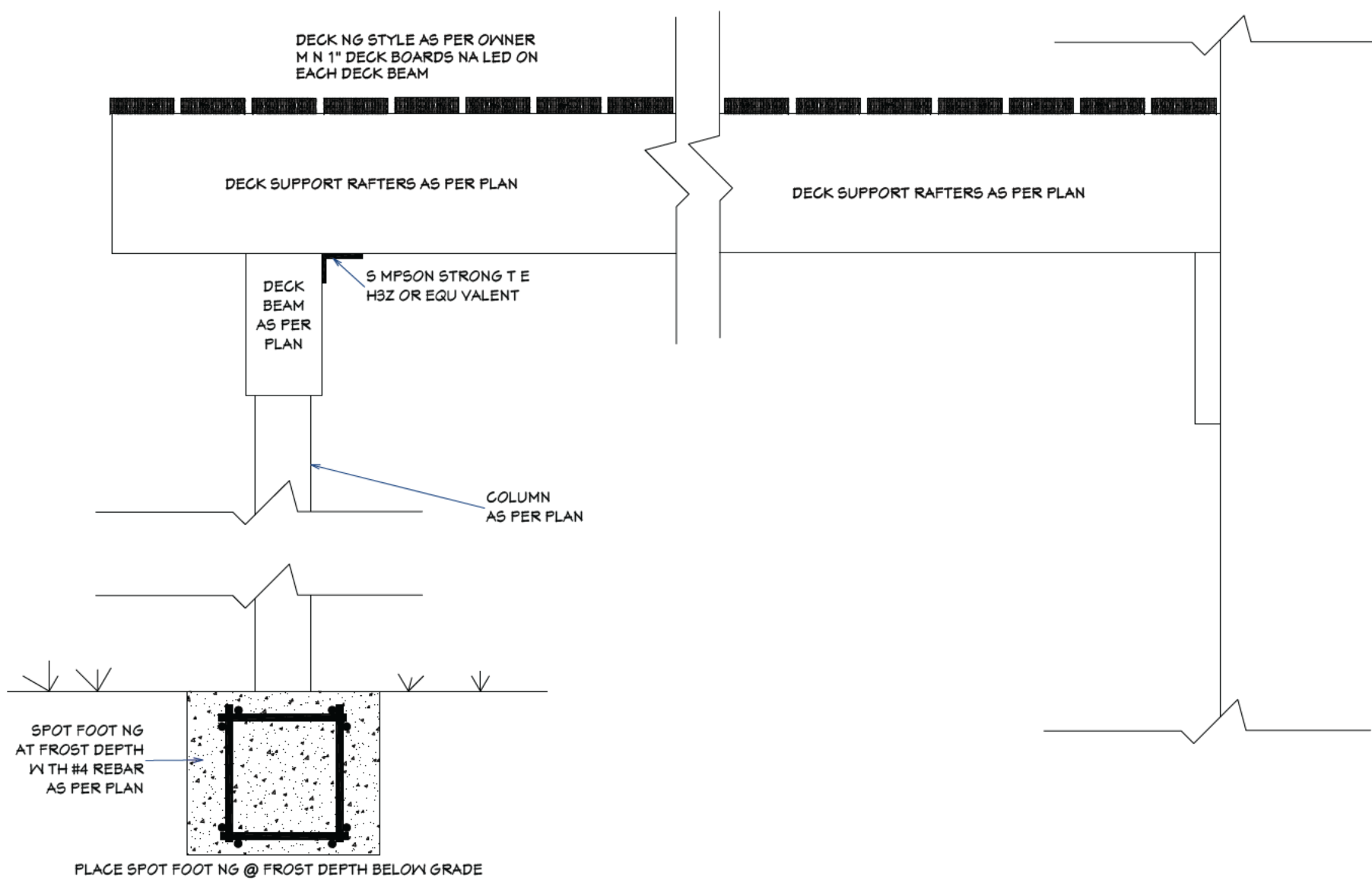
SHEET:
S1



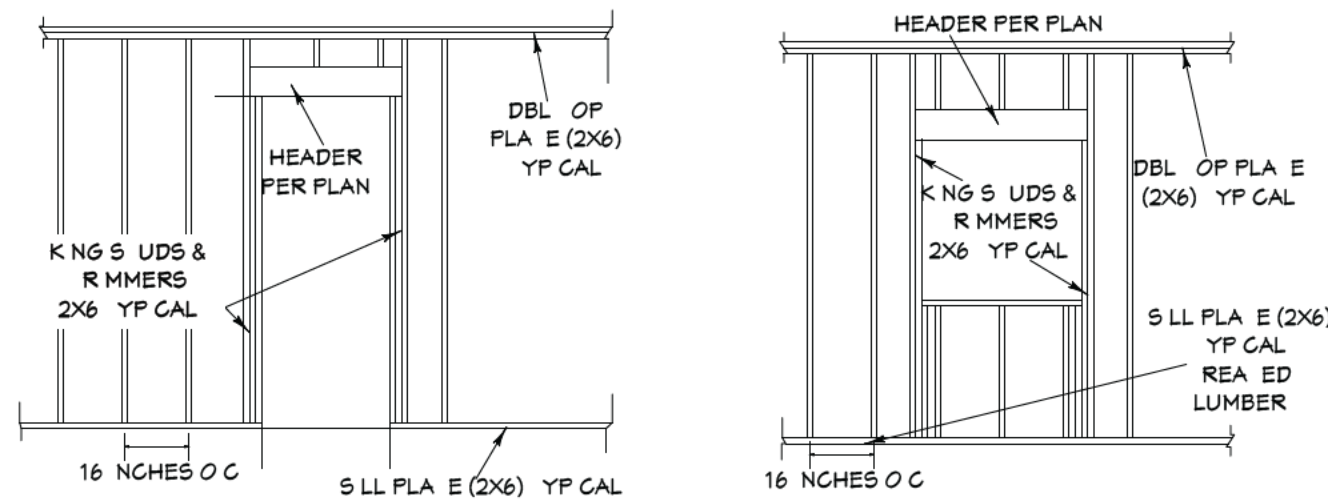
WALL SECTION DETAIL D1



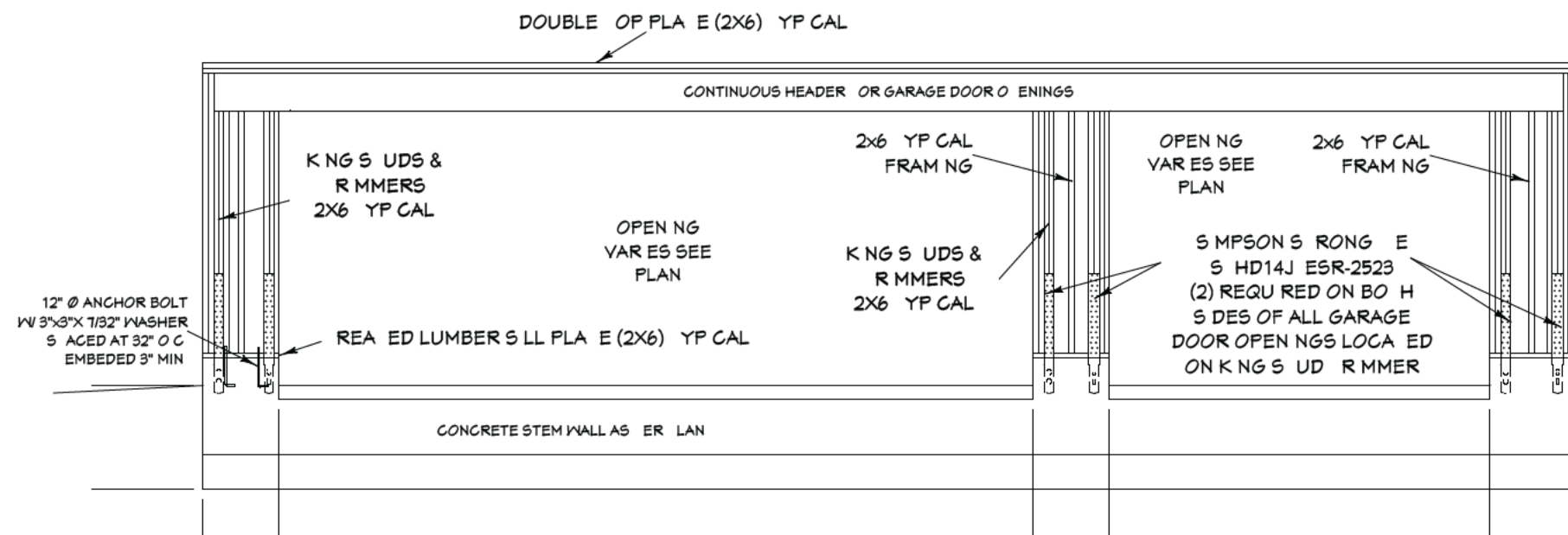
SHEATHING DETAIL D5



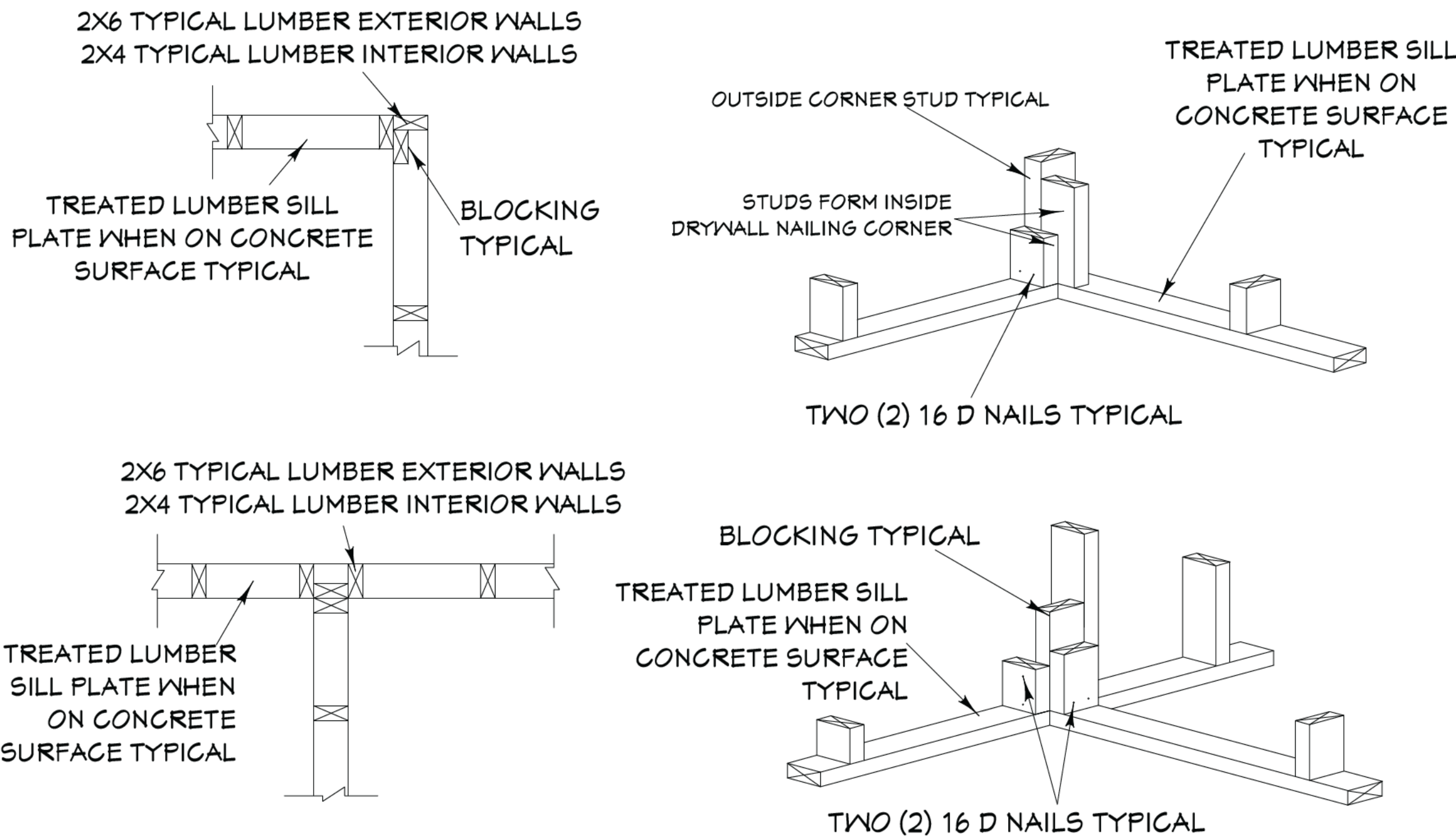
DECK FOOTING HURRICANE TIE DOWN DETAIL D9



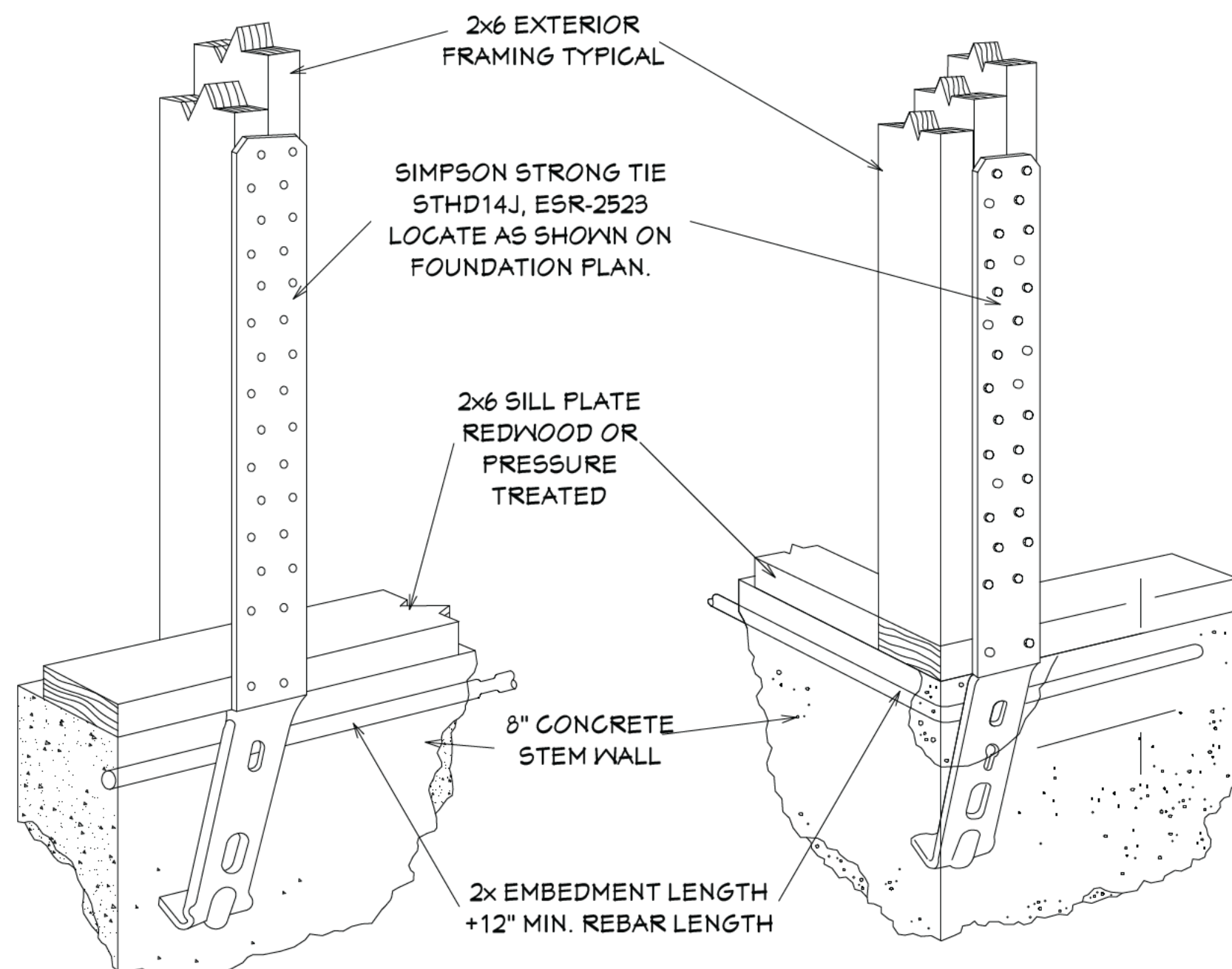
WALL PORTAL DETAIL DOOR AND WINDOW D2



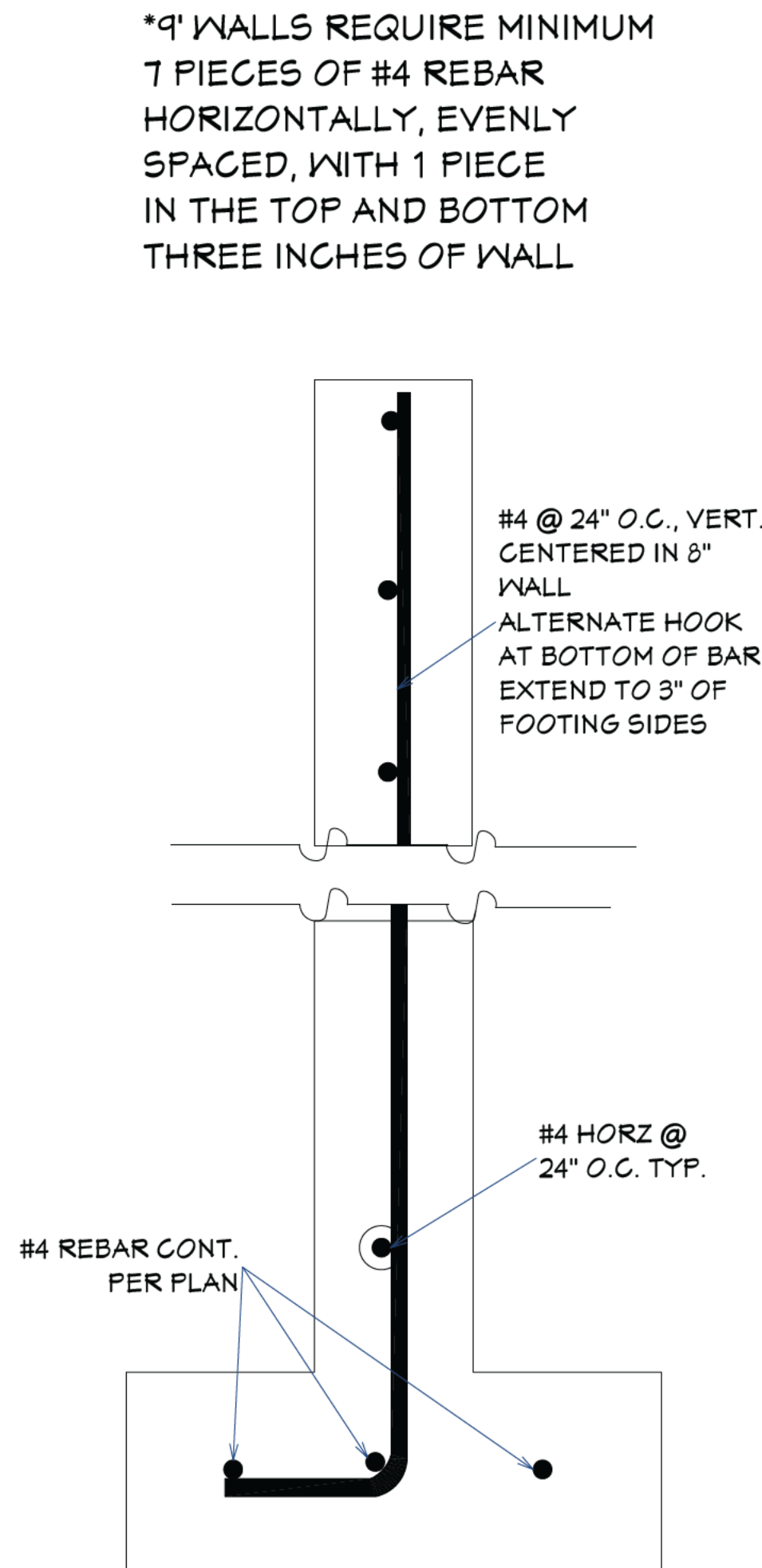
WALL PORTAL DETAIL GARAGE DOOR OPENINGS D3



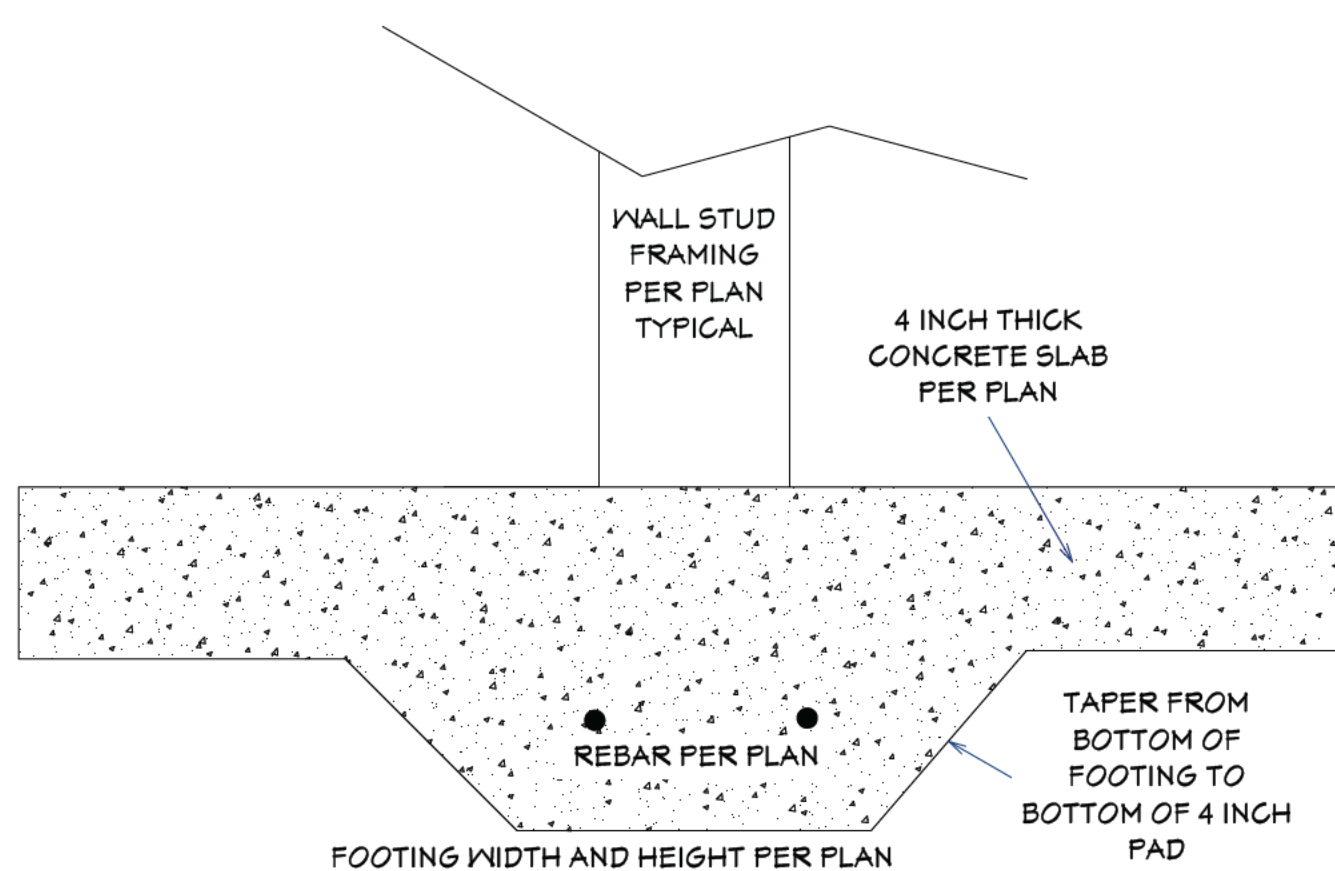
TYPICAL FRAMING DETAILS D6



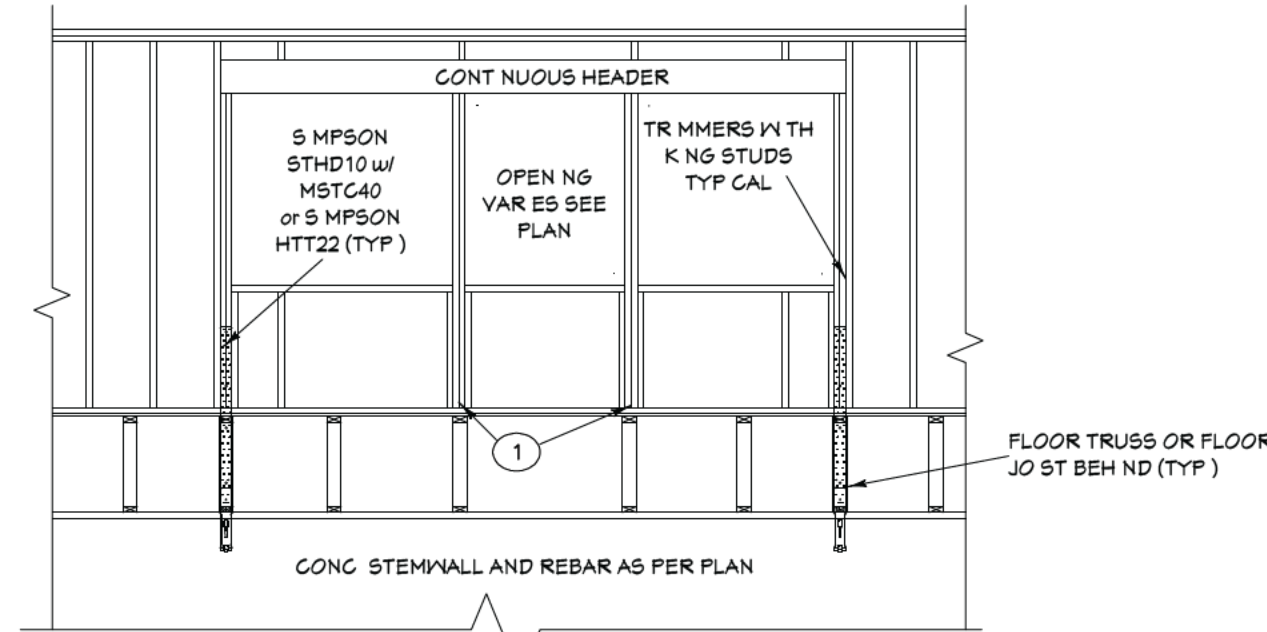
FOUNDATION HOLDOWN DETAIL D10



FOOTING & STEM WALL DETAIL D7

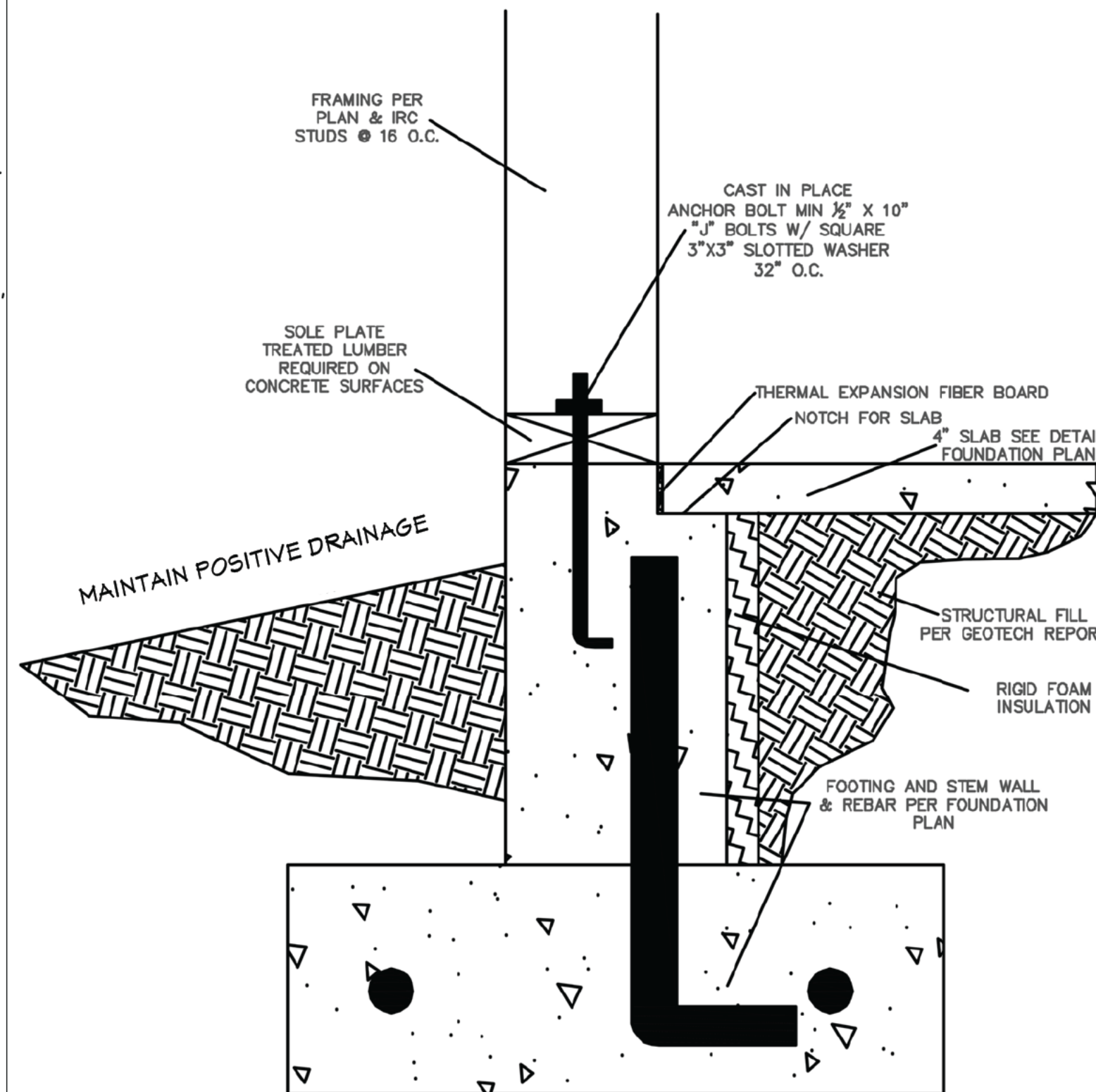


SLAB FOOTING DETAIL D11

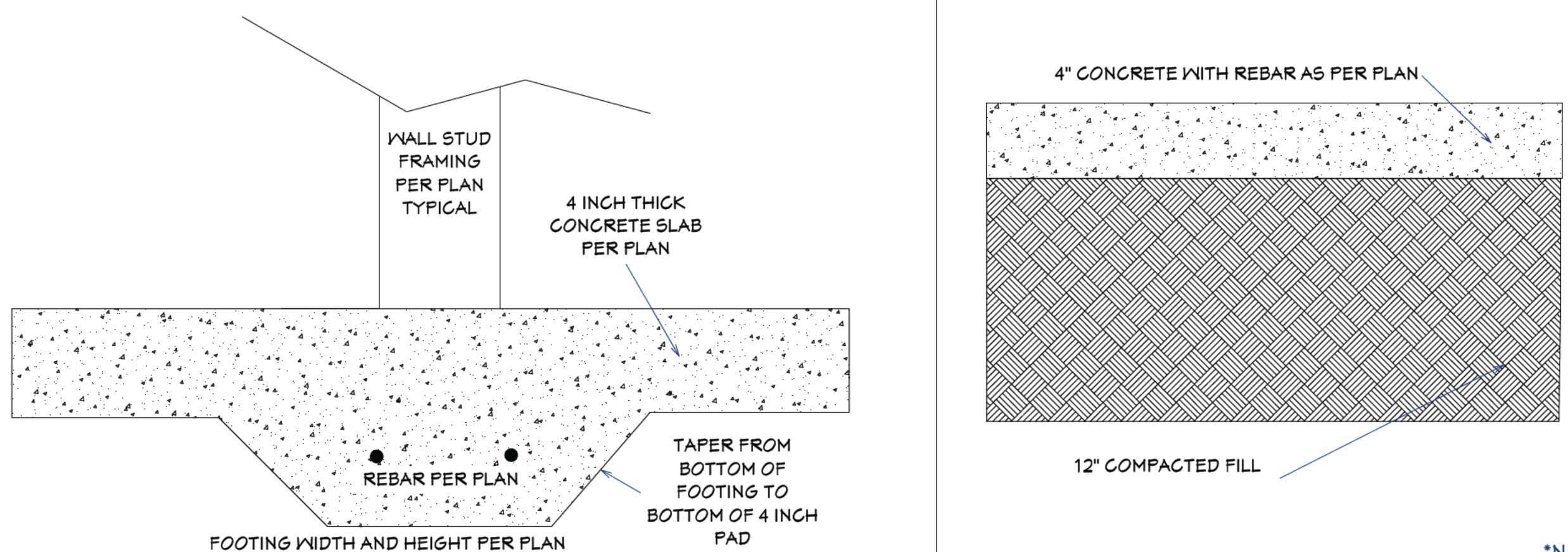


NOTE: WHERE HEADER IS NOT CONTINUOUS, HOLDOWNS SHALL BE INSTALLED AT EACH END OF HEADER THEN ATTACHED TO STUD TRIMMERS. USE - 5 MPSON HTT22 OR 5 MPSON STD10 W/ MSTC40 AND INSTALL AS PER MANUFACTURERS INSTALLATION INSTRUCTIONS.

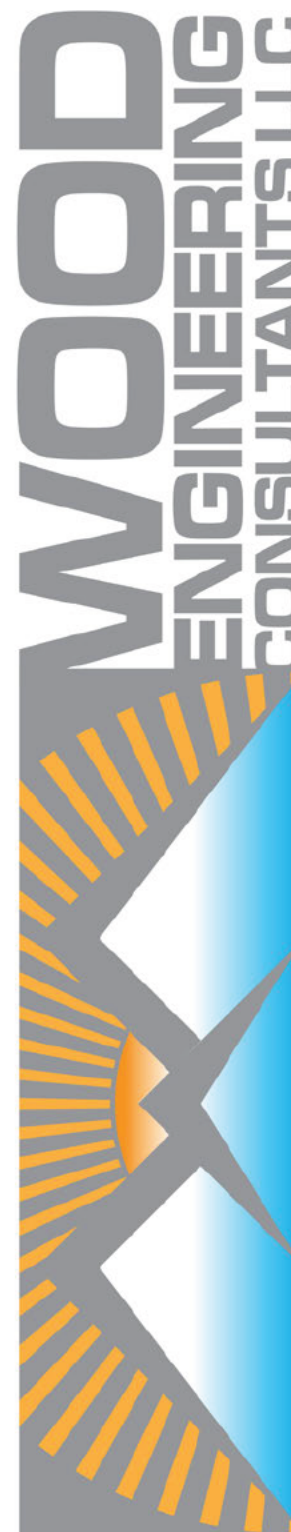
WALL STRAP DETAIL D4



FOOTING WITH SLAB ANCHOR BOLT SPACING DETAIL D8



INTERIOR PAD DETAIL D12



ZELL & JAKE SCHAAAL RESIDENTIAL PLAN
LOT 4, BLK D, MOUNTAIN EVERGREEN
ESTATES SUBDIVISION, UNIT A
SEC 34, T35S, R9W, SLR&M
321 SPRUCE ST
BRIAN HEAD, UT 84719

DETAILS

DATE:

5/14/2024

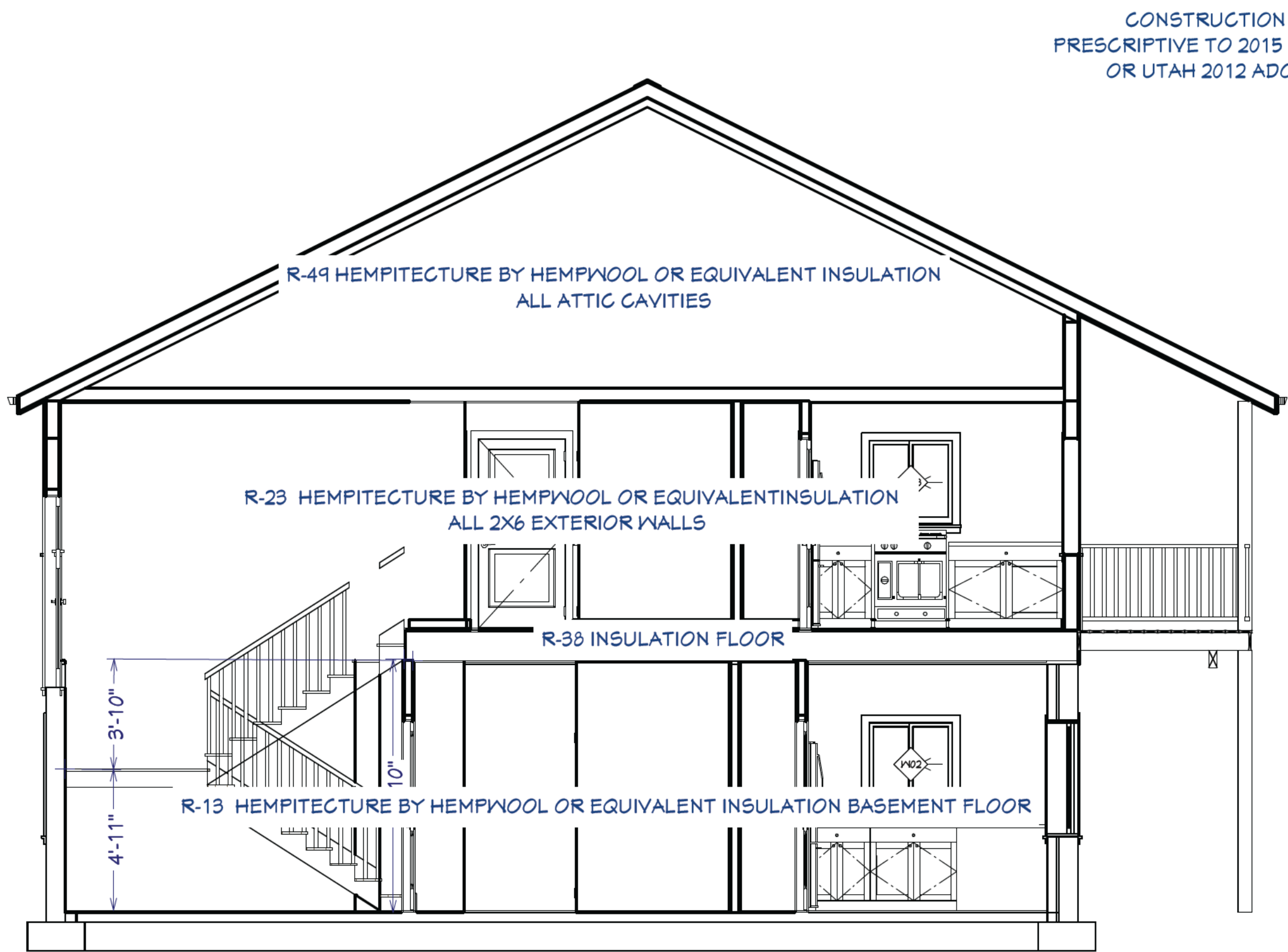
*SCALE:

THIS SHEET
NOT TO SCALE

SHEET:

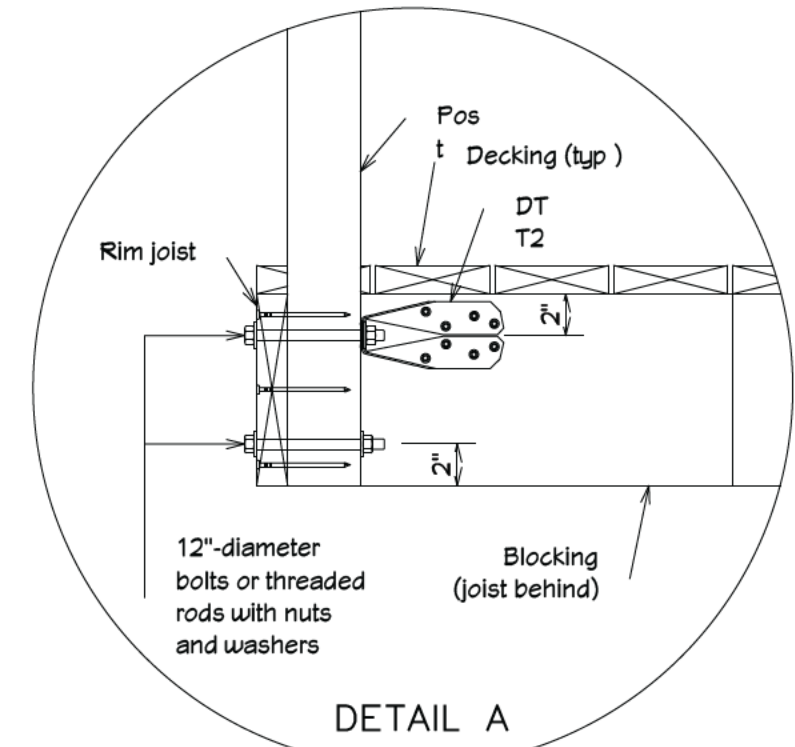
D1

*NOT
TO SCALE



4-THERMAL ENVELOPE
TYPICAL DETAIL

INSULATION SHALL BE HEMPITECTURE BY HEMPWOOL OR EQUIVALENT AS PER CUSTOMER REQUEST. ENGINEER HAS REVIEWED INSULATION DATA. THIS INSULATION MAY USED IN PLACE OF STANDARD FIBERGLASS INSULATION. INSTALL AS PER MANUFACTURERS SPECIFICATIONS.



DECK LATERAL PULL
AWAY DETAIL

SKU	Description	SqFt / Panel	Pieces / Bundle	Bundle Stack / Pallet	Bundle / Pallet	Pieces / Pallet	SqFt / Pallet	Pallet Height	Cost / SqFt	Cost / Pallet
100216	HempWool 2 x 15.25 x 48	5.33	11	4	12	132	704	92.5	\$0.89	\$626.56
100224	HempWool 2 x 23.25 x 48	8	11	4	8	88	704	92.5	\$0.89	\$626.56
100316	HempWool 3.5 x 15.25 x 48	5.33	5	5	15	75	400	92	\$1.25	\$600.00
100324	HempWool 3.5 x 23.25 x 48	8	5	5	10	50	400	92	\$1.25	\$500.00
100516	HempWool 5.5 x 15.25 x 48	5.33	4	4	12	48	256	92.5	\$1.75	\$448.00
100524	HempWool 5.5 x 23.25 x 48	8	4	4	8	32	256	92.5	\$1.75	\$448.00
100716	HempWool 7.5 x 15.25 x 48	5.33	3	4	12	36	192	94.5	\$2.45	\$470.40
100724	HempWool 7.5 x 23.25 x 48	8	3	4	8	24	192	94.5	\$2.45	\$470.40

SKU	Description	SqFt / Panel	Pieces / Bundle	Bundle Stack / Pallet	Bundle / Pallet	Pieces / Pallet	SqFt / Pallet	Pallet Height	Cost / SqFt	Cost / Pallet
100216LGS	HempWool 2 x 16.25 x 48	5.33	11	4	12	132	704	92.5	\$0.94	\$661.76
100224LGS	HempWool 2 x 24.25 x 48	8	11	4	8	88	704	92.5	\$0.94	\$661.76
100316LGS	HempWool 3.5 x 16.25 x 48	5.33	5	5	15	75	400	92	\$1.30	\$520.00
100324LGS	HempWool 3.5 x 24.25 x 48	8	5	5	10	50	400	92	\$1.30	\$520.00
100516LGS	HempWool 5.5 x 16.25 x 48	5.33	4	4	12	48	256	92.5	\$1.80	\$460.80
100524LGS	HempWool 5.5 x 24.25 x 48	8	4	4	8	32	256	92.5	\$1.80	\$460.80
100716LGS	HempWool 7.5 x 16.25 x 48	5.33	3	4	12	36	192	94.5	\$2.50	\$480.00
100724LGS	HempWool 7.5 x 24.25 x 48	8	3	4	8	24	192	94.5	\$2.50	\$480.00

SKU	Description	SqFt / Panel	Bundle Stack / Pallet	Bundle / Pallet	Pieces / Pallet	SqFt / Pallet	Pallet Height	Cost / SqFt	Cost / Pallet
1001SPP	PlantPanel 1.5 x 24 x 48	8	12	5	10	120	960	Corring Soon	Corring Soon

SKU	Description	SqFt / Panel	Pieces / Bundle	Bundle Stack / Pallet	Bundle / Pallet	Pieces / Pallet	SqFt / Pallet	Pallet Height	Cost / SqFt	Cost / Pallet
1000STW	ThermaWall 5 x 24 x 48	8	30	6	12	360	2880	94.5	Corring Soon	Corring Soon

hempitecture®

HempWool
LOW DENSITY BATT



PRODUCT DESCRIPTION
HempWool is a natural fiber thermal insulation made of 90% hemp fiber and 10% polymer fiber. At R3.69/in, the thermal resistance of HempWool insulation is comparable to commonly used insulation products. HempWool does not contain any VOCs and is non-toxic.

CHARACTERISTICS
Natural Fiber insulation used primarily for exterior walls, including floors, ceilings, and walls

PRIMARY USE
Pre-formed and flexible plant based insulation designed to be inserted by friction fit between wooden or steel frames. It is offered in panel thickness of: 2" (R-7), 3.5" (R-13), 5.5" (R-20), 7.5" (R-28). Other dimensions on request.

TECHNICAL DATA

ASTM C109
Density of insulation - 2.81lbs/ft³ / 45Kg/m³

ASTM C618
Thermal Resistance - R3.69/in
Thermal Conductivity 0.040W/m.K

ASTM E1354
Vapor Permeability - 0.647 Perms / 37ng/Pa.s.m²

ASTM E98
Ignition Time - 6.67 sec.
Average Heat Release Rate - 5.74 (Btu/s/ft²)
Total Heat Release - 642.8 (Btu/s/ft²)
Heat Release Maximum Rate - 10.94 (Btu/s/ft²)
Total Smoke Release by Surface Unit - 217.28 (Btu/s/ft²)



Testing data obtained by our manufacturing partner for our imported HempWool® insulation. Our Idaho made HempWool® is made to the same specifications, but has not been independently tested. A new technical data sheet covering the results of our improved HempWool® formulation is pending. Please consult with your local building department to use the product that meets your local inspector's compliance threshold.

ENVIRONMENTAL

- 90% natural plant fibers, non-allergenic and containing no VOC's
- Low embodied energy, utilizing energy efficient manufacturing
- Reduction of greenhouse gases (GHGs), currently being analyzed for an Environmental Product Declaration.
- Biobased material feedstock contributes to storage of GHG
- VOC and Red List Chemical Free
- Complete Product life cycle analysis (LCA) available in 2024
- Recoverable, recyclable, compostable biobased material

421 E 500 S #100 Jerome, ID 83340
hempitecture.com | sales@hempitecture.com | 208.218.8898



WOOD
ENGINEERING
CONSULTANTS LLC

tyrellrwood@gmail.com 435-559-1861

ZELL & JAKE SCHAAI RESIDENTIAL PLAN
LOT 4, BLK D, MOUNTAIN EVERGREEN
ESTATES SUBDIVISION, UNIT A
SEC 34, T35S, R9W, SLR&M
321 SPRUCE ST
BRIAN HEAD, UT 84719

THERMAL ENVELOPE

DATE:

5/14/2024

*SCALE:

THIS SHEET
NOT TO SCALE

SHEET:

D2



Ciera Claridge <cclaridge@bhtown.utah.gov>

Fwd: 339 Spruce Street Revision

1 message

Nancy Leigh <nleigh@bhtown.utah.gov>

Mon, Nov 4, 2024 at 9:53 AM

To: Ciera Claridge <cclaridge@bhtown.utah.gov>, Greg Sant <gsant@bhtown.utah.gov>

----- Forwarded message -----

From: **Sean Gubler** [REDACTED]

Date: Sat, Nov 2, 2024 at 2:53 AM

Subject: 339 Spruce Street Revision

To: bhowser@bhtown.utah.gov <bhowser@bhtown.utah.gov>, Nancy Leigh <nleigh@bhtown.utah.gov>

Cc: Don Cape [REDACTED] Aimee [REDACTED] dinosea [REDACTED]

Brian Head Town Clerk

Town of Brian Head

nleigh@bhtown.utah.gov

Please ensure the attached letter is included in the packet for the Brian Head Planning Commision Meeting scheduled for Monday, November 4, 2024. I apologize for the late submission as I was only notified last week that this meeting would be held addressing this issue.

Thank you kindly,

Sean Gubler

[REDACTED] W Spruce Street

Brian Head UT

--

*Nancy Leigh**Brian Head Town Clerk**435-677-2029***Brian Head Town Council Planning Commission**
22K**November 1.docx**

Brian Head Town Council Planning Commission
PO Box 190068
56 North Hwy 143
Brian Head, UT 84719

November 1, 2024

RE: CUP Revision Application at 339 W. Spruce Street

Dear Council and Planning Commission,

On October 23, 2024 I received a notice regarding a “Revision” to a Conditional Use Permit for 339 W. Spruce St in Brian Head, UT. I am surprised that, once again, we as neighbors, are again being asked to defend the very essence of what drew us to this area of town. My wife, Aimee, and I purchased the property at [REDACTED] Spruce St. in 2011. As part of raising 6 kids for the past 13 years, we have spent much of each summer, 3 day weekends, and holidays retreating to our cabin to enjoy everything this mountain has to offer.

When we were first notified of the original application back in 2020, we voiced our concerns, wrote emails, and attended meetings. Neighbors that live in other areas of the mountain even voiced their concerns of the process of rezoning areas that should be protected. We were placated with words that the “acceptance” was “conditional” and close supervision would be made to ensure the sanctity of this area would be protected. Almost 2 years to the day, 2022 brought an amendment to this CUP which was again vigorously opposed by the residence of the area. Both letters, that I personally submitted, opposing those applications are included below for your reference.

Now, November 2024, we are here again. The history is well documented. The gross infractions are evident and in plain sight. I am pleading for protection of our home and its surroundings and the town zoning in which we have entrusted you to protect. Please deny the application and enforce the requirements that came with your original approval.

Very Sincerely,

Sean and Aimee Gubler
[REDACTED] W. Spruce Street
Brian Head, UT

October 19, 2020

Wendy Dowland
Planning and Zoning Secretary
Town of Brian Head
Wdowland@bhtown.utah.gov

RE: 339 W. Spruce Street Conditional Use Permit

Good Morning Wendy,

As a resident of Spruce street, I am contacting you to **OPPOSE** the approval of Conditional Use Permit Application for property 339 W. Spruce Street. My understanding that this application will receive a hearing tomorrow, October 20th, 2020.

I began visiting Brian Head over 40 years ago. My parents own a condo on the South end of town. After getting married and having children, my wife and I spent months looking for a place where we could enjoy all that Brian Head has to offer all year long and for many years to come. We bought our cabin in 2011 and, for the past 9 years, have loved all of our time here.

As you know, my neighbors and I opposed the attempt to rezone this area in 2016 in order to preserve the landscape that provides noise reduction and the appearance that will draw future residents, to our neighborhood, who want similar surroundings.

Approval of such an application, and its intended use, are **not** congruent with the zoning of this property, nor would it protect what we have invested in for ourselves and for our children. We feel it will expose our neighborhood to more industrial/commercial use and influence and threaten the very reason we love living on Spruce Street.

Please protect the residential nature and the intended use (in both the letter of the law and the spirit of it) by denying this application for a Conditional Use Permit for property 339 W Spruce St.

Thank you for your consideration on this matter

Sean and Aimee Gubler
[REDACTED] W. Spruce Street
Brian Head, UT
702 809 1611

October 10, 2022

Brian Head Town Clerk
Town of Brian Head
nleigh@bhtown.utah.gov

RE: 321 W. Spruce Street Zone Amendment

Dear BH Planning Commission,

As a resident of Spruce street, I implore you to **DENY** the request to amend the current zoning of 321 W Spruce St from LDR-Light Density Residential to L1 - Light Industrial. My understanding is that I should submit my comments to the BH Town Clerk by October 14, 2022 and that a public hearing is scheduled on October 18, 2022.

As a basis for the denial, the planning commission already passed a **city ordinance in 2016** to maintain these lots as residential then and for future use as part of the General Plan. Another primary reason is the fact that our street converts to **one way traffic** in the winter. This would divert Industrial traffic through our neighborhood during the winter months at best. It seems no coincidence that we, as a neighborhood, engaged in a similar discussion with town officials almost exactly 2 year ago. That experience and the fact that we are in another similar discussion **emphasizes** the fact that our neighborhood needs to be protected for the very reasons that we all love living here. Based on the balance of economy, culture, and environment, this seems to tip the scales in the wrong direction.

Over the past few years it has been evident that light industrial zoning needs a home. I am aware of several proposals that warrant consideration. I am assuming those discussions have taken place and are being planned as part of the long term strategy for the growth of the town of Brian Head. We were told 2 years ago that an industrial area was being planned.

With that said, I would ask the planning commission to find a permanent solution to the needs of Brian Head while protecting its residents. Denying this rezoning would be an important step. Completing the discussion on where to permanently place the industrial zone will help ensure that this protection will be in place for years to come.

As I wrote in a letter 2 years ago...

Approval of such an application, and its intended use, are **not congruent** with the zoning of this property, nor would it protect what we have invested in for ourselves and for our children. We feel it will expose our neighborhood to more industrial/commercial use and influence and threaten the very reason we love living on Spruce Street.

With approval of this or subsequent requests, we will see that what we had feared 2 years ago is becoming a reality, the encroachment of industrial zoning into our neighborhood. Please protect the residential nature of and the intended use of the current zoning (in both the letter of the law and the spirit of it) by denying this application. Thank you for your consideration on this matter.

Sean and Aimee Gubler
356 W. Spruce Street
Brian Head, UT



Ciera Claridge <cclaridge@bhtown.utah.gov>

Fwd: Fw: January 2022. Tractor

1 message

Nancy Leigh <nleigh@bhtown.utah.gov>

Mon, Nov 4, 2024 at 9:52 AM

To: Ciera Claridge <cclaridge@bhtown.utah.gov>, Greg Sant <gsant@bhtown.utah.gov>

----- Forwarded message -----

From: theboiss4@aol.com <theboiss4@aol.com>

Date: Mon, Nov 4, 2024 at 7:21 AM

Subject: Fw: January 2022. Tractor

To: bhowser@bhtown.utah.gov <bhowser@bhtown.utah.gov>Cc: nleigh@bhtown.utah.gov <nleigh@bhtown.utah.gov>

Please include the following emails, with photos/videos to show that 339 Spruce Street has been using the property for business, as well as storage (outside) for equipment from the beginning.

Sylvia Boisseranc

Sylvia Sunday Boisseranc

Sea Shore Sales

[229 Avenida Del Mar](#)[San Clemente, Ca. 92672](#)

949 230.7117

DRE# 01126557

C21 Affiliated

----- Forwarded Message -----

From: Sylvia Boisseranc [REDACTED]

Sent: Sunday, November 3, 2024 at 03:26:12 AM PST

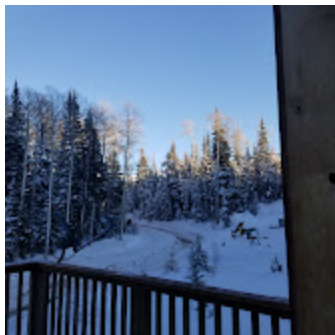
Subject: January 2022. Tractor

Sylvia Sunday Boisseranc

Sea. Shore. Sales.

#01126557 [REDACTED]

--
*Nancy Leigh**Brian Head Town Clerk**435-677-2029*



20220102_161824.jpg
3427K





Ciera Claridge <cclaridge@bhtown.utah.gov>

Fwd: Fw: December 2022 tractors

1 message

Nancy Leigh <nleigh@bhtown.utah.gov>

Mon, Nov 4, 2024 at 9:51 AM

To: Ciera Claridge <cclaridge@bhtown.utah.gov>, Greg Sant <gsant@bhtown.utah.gov>

----- Forwarded message -----

From: [REDACTED]
Date: Mon, Nov 4, 2024 at 7:24 AM
Subject: Fw: December 2022 tractors
To: bhowser@bhtown.utah.gov <bhowser@bhtown.utah.gov>
Cc: nleigh@bhtown.utah.gov <nleigh@bhtown.utah.gov>

Please include this email in the presentation today . This is 339 Spruce Street in December 2022.
Two tractors (attachment) at the property while servicing them.

Sylvia Boisseranc

Sylvia Sunday Boisseranc
Sea Shore Sales



DRE# 01126557
C21 Affiliated

----- Forwarded Message -----

From: Sylvia Boisseranc [REDACTED]
To: [REDACTED]
Sent: Sunday, November 3, 2024 at 03:22:54 AM PST
Subject: December 2022 tractors

Sylvia Sunday Boisseranc

Sea. Shore. Sales.

#01126557



--
Nancy Leigh
Brian Head Town Clerk
435-677-2029



20221228_131804.jpg
3298K



----- Forwarded message -----

From: [REDACTED]
Date: Mon, Nov 4, 2024 at 7:27 AM
Subject: Fw: January 2022
To: bhowser@bhtown.utah.gov <bhowser@bhtown.utah.gov>
Cc: nleigh@bhtown.utah.gov <nleigh@bhtown.utah.gov>

Attached is a video of the tractor being fueled at 339 Spruce Street.

Sylvia Boisseranc

Sylvia Sunday Boisseranc
Sea Shore Sales
[REDACTED]

DRE# 01126557
C21 Affiliated

----- Forwarded Message -----

From: Sylvia Boisseranc [REDACTED]
To: [REDACTED]
Sent: Sunday, November 3, 2024 at 03:22:50 AM PST
Subject: January 2022

Sylvia Sunday Boisseranc Sea. Shore. Sales. #01126557 [REDACTED]

--
Nancy Leigh
Brian Head Town Clerk
435-677-2029

 20241103_032126_253651801163341.mp4
21298K

KIRTON | McCONKIE

Loyal C. Hulme
50 E. South Temple, Suite 400
Salt Lake City, UT 84111
lhulme@kmclaw.com
801.323.5913

November 1, 2024

Via Email

Town of Brian Head Planning Commission
c/o Town Clerk
56 North Highway 143
Post Office Box 190068
Brian Head, Utah 84719
nleigh@bhtown.utah.gov

**Re: Request for Revision to CUP
Property at 339 Spruce Street
Opposition to Request**

Dear Planning Commission:

This law firm represents Don Cape and Danielle Cape (collectively, “**Capes**”), owners of real property located at [REDACTED] West Spruce Street, Brian Head, Utah (“**Cape Property**”). The Capes received a written notice dated October 14, 2024 (“**Notice**”), from the Town of Brian Head (“**Town**”) indicating that the owner of property located at 339 Spruce Street, Brian Head, Utah (“**Carr Property**”) had applied for “a Revision to a Conditional Use Permit” and that the Brian Head Planning Commission (“**Planning Commission**”) would hold a meeting with respect to the requested revision. The Capes oppose the revision and request that the Planning Commission deny the request.

BACKGROUND

In 2020, the Planning Commission approved a conditional use permit (“**CUP**”) for the Carr Property. At that time, the Capes—in addition to other local residents—opposed the CUP and provided written comments to the Planning Commission urging denial of the CUP. The Capes’ written opposition expressed significant concerns. Among other things, the Capes argued that the proposed CUP was inconsistent with the provisions of the Brian Head Town Code (“**Code**”) and that the “applicant has established precedent of not complying with conditions of approval” with respect to other conditional use permits granted by the Town.

Despite opposition from residents, the Planning Commission approved the CUP on November 17, 2020. However, in order to address concerns about the project, including concerns raised by the Capes and other neighbors, the Planning Commission imposed conditions of approval

with which the applicant would need to comply. Those conditions were critical to mitigate the harmful effects of the proposed use on surrounding properties, including the Cape Property. The Capes expected that the Town would enforce the restrictions set forth in the CUP. Indeed, the CUP itself stated in clear terms: **“Conditional use approval may be revoked upon failure to comply with all conditions set forth in this conditional use permit.”** (Emphasis added.) That warning is consistent with Town Code Section 9-11-2(D)(2) which states: “The violation of any condition, safeguard, or commitment of record by the applicant shall be sufficient grounds for **revocation of conditional use approval.**” (Emphasis added.)

The Capes have identified for the Town multiple examples of violations of the CUP by the owner of the Carr Property. Several illustrative examples are provided in this correspondence. A letter which Don Cape sent to the Planning Commission on October 22, 2024, details additional violations.

Pursuant to the CUP, the approved use for the Property consists of “Home Occupation, Snow Removal & Water Transport.” However, it appears the Carr Property is currently being used to operate a construction business. In other words, what the Capes—and other neighbors—anticipated would be a seasonal use with limited impact has essentially become a year-round use which creates significant disruption to the neighborhood. A related limitation in the CUP is that: “Only 2 pieces of heavy equipment” are allowed. It appears that there are regularly multiple pieces of heavy equipment located or stored on the Carr Property in direct violation of that provision. Finally, any equipment which is stored on the Carr Property is to be “screened from public view.” Unfortunately, far from being screened by natural trees and bushes, the owner of Carr Property has removed many trees that were anticipated to be a buffer on the Carr Property.

The Capes have made Town staff aware of the various violations of the CUP by the owner of the Carr Property. While the Town staff have engaged with the Capes regarding these violations, the Town has not taken any meaningful action. In September of 2024, Town staff person Amanda Hunter suggested that the Town could not enforce the CUP because a certificate of occupancy (“COO”) had not yet been issued. Assuming that is the case, then there should—of course—be no use or occupancy of any sort with respect to the building or buildings on the Carr Property. The fact that the owner has been using the Carr Property without a COO (and is potentially continuing to use the Carr Property without a COO) is particularly concerning.

REQUEST FOR DENIAL

As noted above, the Town Code provides that the violation of a “condition, safeguard, or commitment” contained in a CUP is grounds for “revocation of conditional use approval.” In this case, the Capes have documented multiple violations of the CUP by the owner of the Carr Property. Rather than complying with the original CUP as granted, the owner apparently now seeks to simply modify the CUP to reflect the new reality. In other words, rather than face any consequences for its violation of the provisions of the CUP, the owner of the Carr Property apparently wants the Town to disregard those violations altogether and simply revise the CUP to acknowledge—and expressly approve—those violations.

The Town's failure to enforce the CUP as issued will have significant negative impacts and will likely cause damage to surrounding properties, including a diminution of property values. Conditional use permits are intended to "mitigate anticipated detrimental effects of the proposed conditional use." Utah Code § 10-9a-507. In this case, the conditions set forth in the CUP are necessary to protect detrimental effects on surrounding properties, including the Cape Property. Far from mitigating detrimental effects, granting an amendment to the CUP would exacerbate those detrimental effects.

The Planning Commission should reject the applicant's request to modify the conditions of the CUP which were originally imposed to protect members of the community, including the Capes. There is no good cause for amending the CUP. Indeed, the facts associated with development of the Carr Property thus far appear to show a brazen disregard by the owner of the Carr Property for any restrictions imposed by the Town. The conditions in the CUP should be maintained and enforced.

Please feel free to contact me with any questions regarding this matter.

Sincerely,

KIRTON McCONKIE

A handwritten signature in blue ink, appearing to read "Loyal C. Hulme", with a stylized, flowing script.

Loyal C. Hulme

October 22, 2024

Brian Head Town Council
Planning Commission and Staff
PO Box 190068
56 North Hwy 143
Brian Head, UT 84719

RE: CUP Application at 339 W. Spruce Street
(Revision to a Conditional Use Permit)

Dear Brian Head Town,

On October 21, 2024, I received a letter from Bret Howser, Town Manager Brian Head Town. The letter appears to be a notice for a revision to the referenced CUP scheduled to be heard by the Planning Commission on November 4th, 2024, at 1 pm MST at the Brian Head Town Hall. There was very little information contained in this letter stating that "Anyone wishing to review this information on the proposed plat amendment may do so at Brian Head Town Hall during normal business hours..."

As you are fully aware there is a long and controversial history with this application as well as prior proposed zone changes for 321 Spruce Street and a General Plan Amendment for these two parcels attempting to rezone from Single Family Residential to Light Industrial. In recent years the neighbors have been required to join together and vigorously fight to protect our homes on Spruce Street and its long-established residential use and historical nature. We have spent hundreds of hours collectively researching, writing and attending meetings and public hearings and it has come at a cost to most of us. It's been emotionally bankrupting to have gone through this and will forever change the feeling towards our homes and enjoyment we once had. It's something no one should ever have to endure for a recreation property yet here we are again.

During the months that led up to the approval of the CUP on November 17, 2020, there were numerous objections rendered sighting reasons why this should not be allowed but in the end compromises were made and conditions ratified to ensure that these compromises would be met above all else. We were assured this would be followed and we could attempt to put this behind us and try to resume some sense of normalcy and get past public hearings we were once ambivalent to. Again lets recall this was being tested on us. The issues being fleshed out were the interpretation of the Land Use Code for Home Occupations as a Secondary use for a Primary Residence. (see attached final conditions at the end of this letter).

This wasn't to be the case and the deviations from the agreed to conditions began to unravel starting with the clearing of the tree buffers that were so heavily scrutinized and we were assured would be protected (see below correspondence from Mrs. Cape to Amanda Hunter on June 21-22, 2021).

From: Danielle Cape [REDACTED]
Date: July 22, 2021 at 2:43:33 PM PDT
To: Wendy Dowland <wdowland@bhtown.utah.gov>
Cc: Amanda Hunter <ahunter@bhtown.utah.gov>
Subject: Re: Lot line setbacks
Thank you ladies.

Sent from my iPhone

On Jul 22, 2021, at 11:30 AM, Wendy Dowland <wdowland@bhtown.utah.gov> wrote:

Hi Danielle,

Amanda Hunter (the Town's new Code Enforcement employee) and myself went and inspected the property this morning. We measured and found that the clearing for the cabin has left trees along the property line at depths between 8 ft and 12 ft. This is within the guidelines for our Wildland Urban Interface Code and building setbacks. We have also notified the owner and noted that no more trees are to be removed from the west property line. We will continue to monitor the property throughout the process. Please let us know if you have any other questions or see anything else that concerns you.

Thanks,
Wendy

On Thu, Jul 22, 2021 at 10:25 AM Danielle Cape [REDACTED] wrote:
Thank you very much. I look forward to what you find out.

Danielle
Sent from my iPhone

On Jul 21, 2021, at 4:42 PM, Bret Howser <bhowser@bhtown.utah.gov> wrote:

Wendy, could you look into this tomorrow morning, please. I know his certification of footings will have to show that he's meeting setbacks, but I believe his CUP was contingent on preserving a buffer of trees between him and the neighbor.

On Wed, Jul 21, 2021, 4:35 PM Danielle Cape [REDACTED] wrote:
Hi Bret,

This is Mrs. Cape who has the property at [REDACTED] W Spruce. I see that Mr. Carr is busy next door knocking down trees. It appears as though the lot line setback has been ignored from what is visually accessible. Could you please look into this ASAP.

Thanks,
Danielle Cape

Sent from my iPhone

--
Wendy Dowland
Brian Head Town
435-677-2029



On August 17, 2021 the CUP was further amended without including or making aware of this to any of the neighbors that were intimately involved in the final compromises contained in the November 17, 2020 approval. This request was a modification from the existing approved site plan to relocate the garage door from facing the East side of the garage to facing the Spruce Street. While this was ultimately benign it was alarming that given the emotional history of this application that the neighbors were not provided any notification other than what I presume was the public notice requirements of posting it in select places around town and publishing on line. As an Adjoining Property Owner we were not notified for this request to amend the CUP as referenced below.

9-1-8: NOTICES:

Whenever notice to adjoining property owners or the public is required by any section of this title, the notice shall be given in the following manner:

A. *Public Notice: Public notice of all public hearings and public meetings required to be noticed shall be given in accordance with Utah Code Annotated §.10-9a-201.*

B. Notice to Adjoining Property Owners:

1. *Where the provisions of Utah Code Annotated § 10-9a-201 et seq.*

2. *The applicant will provide a referral packet as defined in Chapter 4 of this title. The Planning and Zoning Department will prepare and mail the notice to adjacent landowners, as well as appropriate agencies. The mailing will be paid for by the applicant. The notice shall be mailed at least fourteen (14) days prior to the public hearing. (ord. 15-004, 4-28-2015, amd. 21-005, 05-11-2021)*

In May of 2023 an email was submitted requesting the Town act regarding violations with the conditions (See below email correspondence from May 14-16, 2023)

Thank you. I don't want to be a pesky neighbor and we've all be getting along fine, just want to make sure it doesn't get off to the wrong start.

Don Cape

Vice President



On May 16, 2023, at 12:57 PM, Bret Howser <bhowser@bhtown.utah.gov> wrote:

Amanda, would you please log the attached code enforcement complaint and begin investigation/action. Thx

On Sun, May 14, 2023, 9:05 PM Don Cape < > wrote:

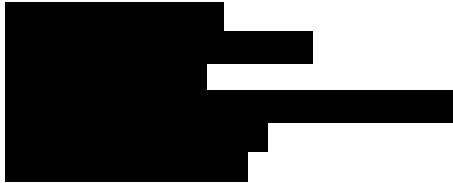
Brett, I hope you are doing well. I wanted to make note of the activities that have been going on with the heavy equipment @339 spruce street that are not in compliance with the CUP for snow removal as part of the home occupation provision. As you know the CUP is limited to snow removal only. This is limited to 2 pieces of equipment that need to be stored inside. This is only permitted once the residence has been completed and finalized and permits closed out.

We have watched their commercial services operate out of this property all winter despite having the project completed. In addition to these operations they have also conducted refueling this entire season from a tank that's installed on the property.

We all compromised on the final conditions and we would appreciate the city enforcing these requirements. Since the spring has started a loader and excavator have been coming and going and parked on the street that are clearly not being used for the construction of the residence.

Can you please engage with the applicant and correct these actions that are not permitted. Should you request additional verification I have video footage of the non compliant Actions.

Thank you.
Don Cape
Vice President



In December of 2023 again email correspondence with the Town requesting action be take to respond to deficiencies and our frustrations over miss use and conditions not being adhered to.

Amanda, thank you for your reply and Happy Holidays.

Don Cape
Vice President



From: Amanda Hunter <ahunter@bhtown.utah.gov>
Sent: Monday, December 11, 2023 8:23 AM
To: Bret Howser <bhowser@bhtown.utah.gov>
Cc: Don Cape [REDACTED] Lester Ross <lesterross@bhtown.utah.gov>
Subject: Re: 339 Spruce CUP

Don

I have contacted the owner and reminded him of the CUP guidelines for that property. Thank you for contacting me.

On Thu, Dec 7, 2023 at 10:47 AM Bret Howser <bhowser@bhtown.utah.gov> wrote:

Don, I'm passing your email to Amanda Hunter, our Code Enforcement Officer. She will review the terms of the CUP and look into this and report back. Thanks.

----- Forwarded message -----

From: Don Cape [REDACTED]
Date: Thu, Dec 7, 2023 at 9:38 AM
Subject: Re: 339 Spruce CUP
To: Bret Howser <bhowser@bhtown.utah.gov>

Brett, it's been some time since we've visited this project and want to make sure the agreements are being kept and enforced. The neighbors have been understanding of the construction process despite the obvious use of the property for a construction staging operations for the last 2 years. We all have daily footage from our cameras that

show the shuttling of excavators and loaders in the morning and dropping them off in the evening all summer long for 2 years, and parking in the street and on the private property across Spruce.

We have committed to be good Neighbors but let's make sure the Conditional Use Permit is being adhered to. The loader is clearly being stored outside and has been for some time. Compromises happened upon the ratification of the CUP and are not to be furthered by a pattern and practice violation.

We greatly appreciate your attention to this matter

Happy Holidays

Don Cape



Over the July 4th weekend of this year (2024) I bumped in to Mayor Calloway at the pancake breakfast. We were just visiting, and he asked how things were going with the CUP project that he had been vested in guiding a solution and ultimate compromise with the neighbors. I shared the history of issues and frustrations by the noncompliance, and he asked me to submit a summary of my conversation so he may look into the issues. (email correspondence below).

Clayton, it was wonderful to see the town so vibrant this year and great to catch up with you over the 4th of July. Per our conversation, please find the enclosed history on the CUP as well a subsequent correspondence regarding the same. I have also provided a link below to the photos and exhibits.

 [339 Spruce CUP](#)

This was conditioned to only have "Snow Removal" not Water Hauling and certainly not construction. No outside fueling sheds, was supposed to have preserved the trees along the PL but there are no trees left on his property and the ones adjacent have been damaged or will die due to the continued abuse and now retaining wall. I like Mike and want to continue to be a good neighbor but the scale is out of balance for what was a long and arduous compromise.

Its time something is done to bring this back into compliance or rescind the CUP. That was the agreement. I don't know what can be done about the trees but that was always the fear and now they are gone, he's cleared them out so he can drive equipment back behind the building. This was to remain a tree buffer. This is supposed to be a home with snow removal occupation only. Trucks and equipment are always parked on the street and all over the property. I'm happy to arrange to meet on site to review should you desire.

Thank you,

Don Cape
Executive Vice President



In October I followed up a few times to see if anything had been reviewed or looked into by the Town and included below is that correspondence.

Brett, I would like to schedule a meeting to discuss this as it isn't consistent with compromises and the conditions that were ratified and agreed to. He can't just keep updating the CUP to match what he did or does. As I'm sure you recall this was extremely difficult and emotional for us and all the neighbors. The concerns about what could or may happen are now very real. We need to make sure the agreements are adhered to. I've not informed the neighbors yet about the latest correspondence so hoping to get out in front of this. He's basically violated the majority of conditions at this point without care the biggest one is not operating the snow removal until he's received a C/O. He's not allowed to base his construction and shuttle equipment and trucks all year. Only snow removal. We've been extremely patient and wanting to be good neighbors but it hasn't been reciprocated

I appreciate your time and look forward to hearing from you

Don Cape



Begin forwarded message:

From: Bristlecone Building Co [REDACTED]
Date: October 1, 2024 at 6:03:24 AM PDT
To: Don Cape [REDACTED]
Subject: Fwd: Carr CUP

You don't often get email from [REDACTED] [Learn why this is important](#)

This is the last conversation.
Sent from my iPhone

Begin forwarded message:

From: Greg Sant <gsant@bhtown.utah.gov>
Date: September 25, 2024 at 12:02:50 PM MDT
To: Amanda Hunter <ahunter@bhtown.utah.gov>
Cc: Bret Howser <bhowser@bhtown.utah.gov>, Bristlecone Building Co [REDACTED]
Subject: Re: Carr CUP

As a follow up to Amanda's response I will let you know what I discussed with Mike Carr. I met with him on 9/24/2024 in my office and we looked at his building permit application and the submitted plans. The site plan was not updated to reflect what he is doing on his property. The architectural and structural plans were updated and what he is building matches what we have in our records. I told him that we have a problem with the following: the removal of more trees than was anticipated, the fuel shed that is on the side of his home was supposed to be in the garage, and the driveway was only supposed to be on one side of the house. He has committed to get me a new site plan showing the building sited as it has been built, with the fuel shed off to the side (at least 10' from the home) and the driveway location as proposed. He also has committed to show the location of the new trees that he will plant, and he has committed to doing the planting now.

When this plan is complete we will take it back in front of the Planning Commission to get it approved as well as to revise the Conditional Use Permit. It should be noted that having the fueling happening in the garage as originally stated in the CUP does not meet building code. I am hoping to get this new site plan from Mike's engineer soon and try and get it on the soonest Planning Commission that I can. If you have any other questions please contact me.

On Wed, Sep 25, 2024 at 8:53 AM Amanda Hunter <ahunter@bhtown.utah.gov> wrote:

Bret

His CUP is not in effect until he has COF and he does not have that yet so we can not enforce it as of now. I have talked to Mike and he did come in and talk with Greg about his building permit and his CUP that he would like to make some changes to and it will be going in front of the Planning Commission.

On Tue, Sep 24, 2024 at 5:04 PM Bret Howser <bhowser@bhtown.utah.gov> wrote:

Amanda, Greg and I went and looked at this a few weeks ago. I can't remember what all we saw, but I think I called Mike Carr and asked to address a couple things. Maybe Greg can remember what happened. But I'll look to you to investigate whether Mike is holding to his conditional use permit and enforce accordingly. I'd like to see it all documented -- meaning there's a letter that lists each condition of the CUP and states whether or not he is in compliance and if not, explain how not and include pictures. Then we can send a copy of the letter to Mike and copy Don and the Town Council on it as well. We need to be thorough on this.

Thanks.

On Tue, Sep 24, 2024 at 6:52 AM Bristlecone Building Co [REDACTED] wrote:
Clayton,

What's the status of this. I never heard back and yet it's still way off base on what was agreed to. We've been more than patient.

He's basically created a full round commercial driveway eliminating all the trees and the ones that are damaged will also die. None of what he's done here is what was agreed to. This was to be a home occupation for snow removal only not running summer time construction company and equipment. Also the fuel shed was moved but is not allowed per the concessions agreed to. This is exactly what we all feared would be the result. Mike does whatever he wants and everyone in town knows that's the deal.

Danielle's so mad she doesn't even want to come back up here. I looked this morning and I have over 600 emails to various parties and community members over this and the lot next to it. That should not have happened we bought here to have a retirement and the pattern and practice from the town and this applicant that ensued left me no choice but to spend countless hours trying to protect our neighborhood. This is just not how it should go.

We would strongly desire to see a plan for this to be brought into full compliance or suspend the "conditional permit"



Don Cape
Executive Vice President



On Jul 23, 2024, at 8:01 PM, "Don Cape" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8014FB4CD1894A3F937C31E29F460637-DON> wrote:
Thank you Sir. Appreciate you.

Don Cape
Executive Vice President



On Jul 23, 2024, at 4:35 PM, Clayton Calloway <ccalloway@bhtown.utah.gov> wrote:
Good afternoon, I wanted to let you know that I received your message and I will be looking into how the project complies.

Thanks, Clayton
Sent from my iPhone

On Jul 23, 2024, at 3:55 PM, Don Cape [REDACTED] wrote:

Clayton, it was wonderful to see the town so vibrant this year and great to catch up with you over the 4th of July. Per our conversation, please find the enclosed history on the CUP as well a subsequent correspondence regarding the same. I have also provided a link below to the photos and exhibits.

[<image001.png>](#)
[339 Spruce CUP](#)

This was conditioned to only have "Snow Removal" not Water Hauling and certainly not construction. No outside fueling sheds, was supposed to have preserved the trees along the PL but there are no trees left on his property and the ones adjacent have been damaged or will die due to the continued abuse and now retaining wall. I like Mike and want to continue to be a good neighbor but the scale is out of balance for what was a long and arduous compromise.

Its time something is done to bring this back into compliance or rescind the CUP. That was the agreement. I don't know what can be done about the trees but that was always the fear and now they are gone, he's cleared them out so he can drive equipment back behind the building. This was to remain a tree buffer. This is supposed to be a home with snow removal occupation only. Trucks and equipment are always parked on the street and all over the property. I'm happy to arrange to meet on site to review should you desire.

Thank you,

Don Cape
Executive Vice President



[REDACTED]
Sent from my iPhone

--

Amanda Hunter
Brian Head Town
435-677-2029



BRIAN HEAD

--

Greg Sant
Planning and Building Administrator
Brian Head Town
Office: 435-677-2029
gsant@bhutown.utah.gov

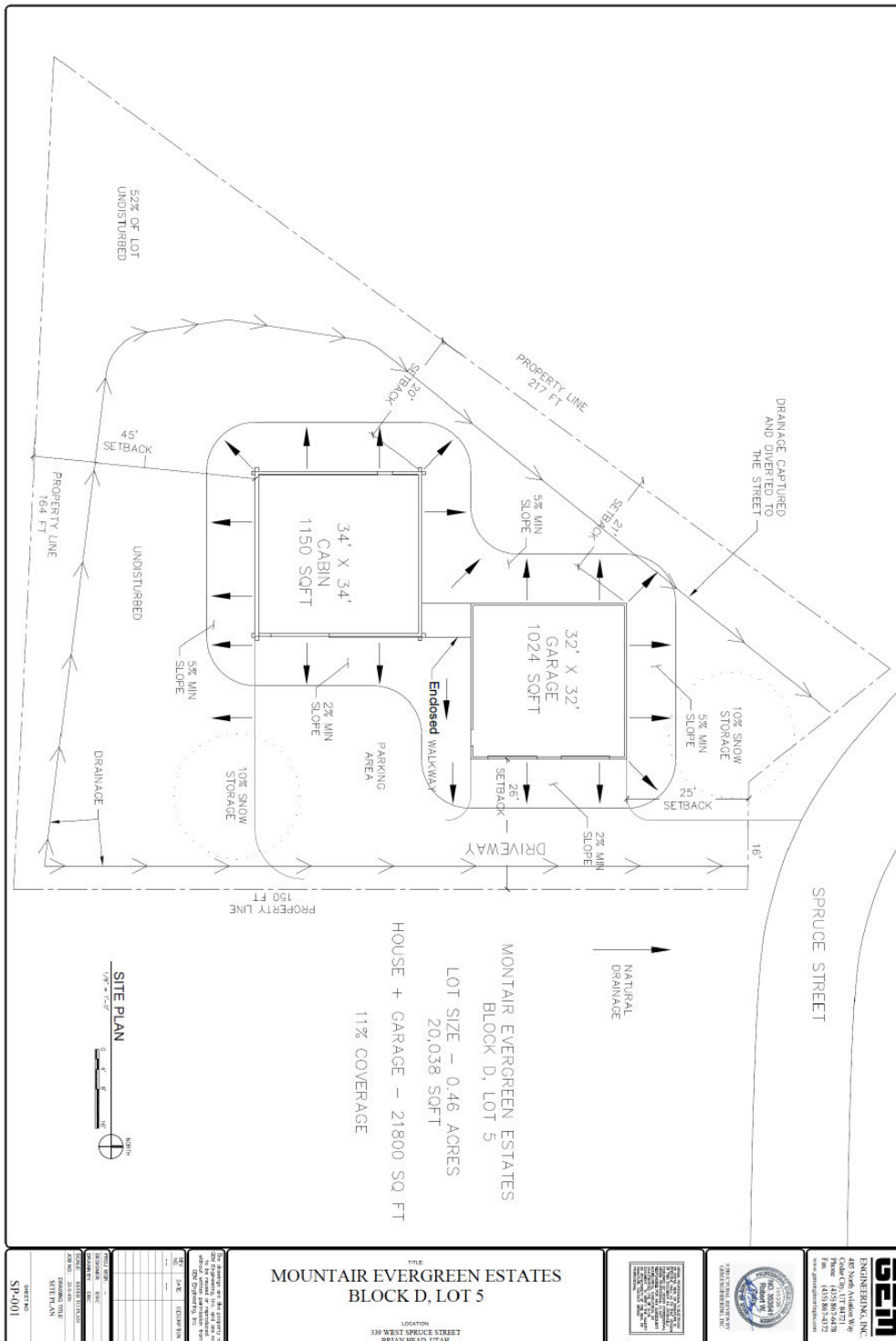
As you can see from the constant engagement and notices to the town exactly what we all were concerned that would end up happening is what's resulted. Yesterday I received a phone call from Mike Carr asking if we had any concerns about what has been happening and that he was just about completed with the project. The conversation was poignant and neighborly but I shared with Mike all of the issues that have been well documented and submitted through out the last 4 years.

Yesterday I received the notice in the mail for yet another request to modify the CUP. There were 3 pages included in the brief notice.

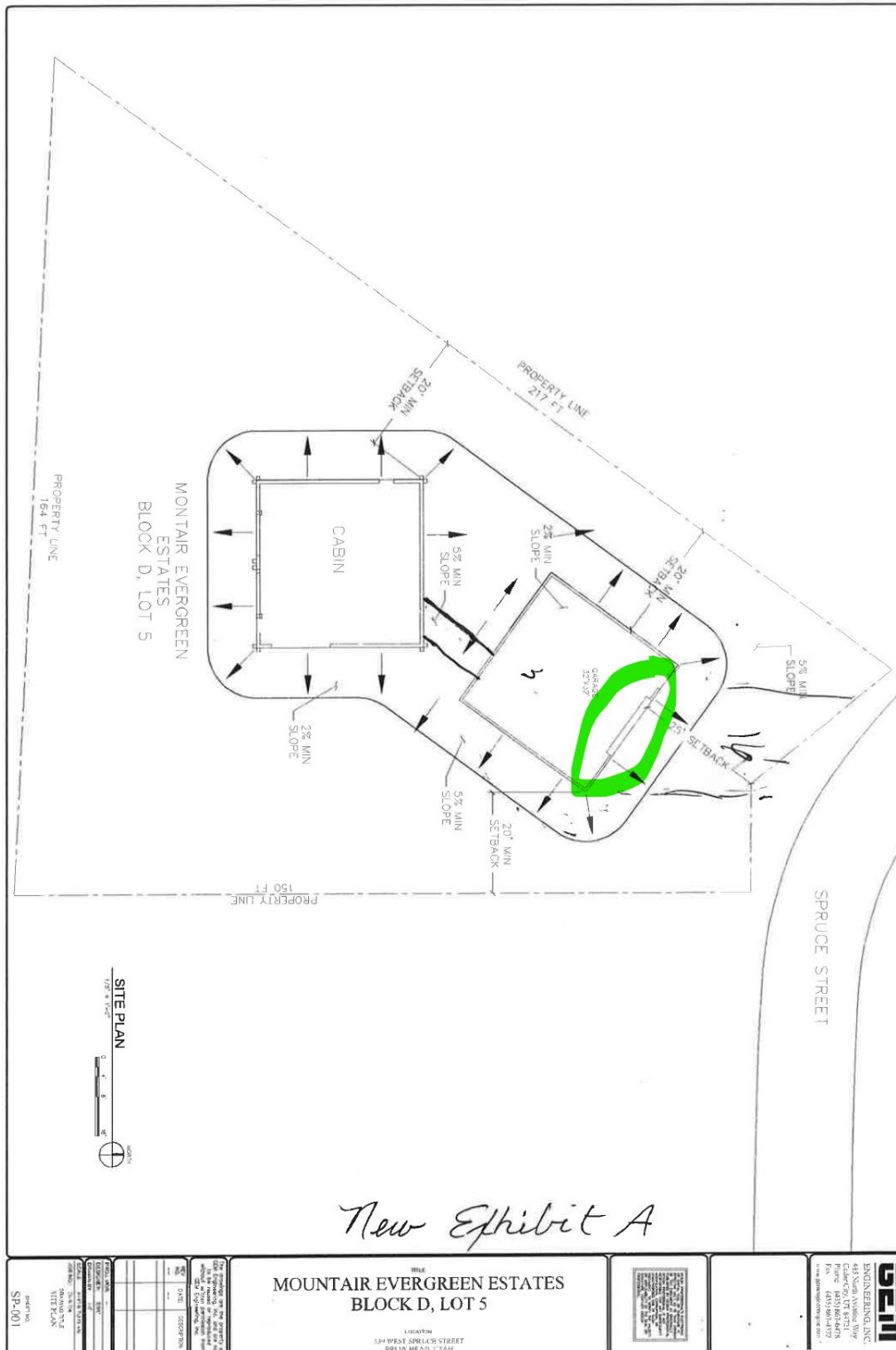
1. "Original Site Plan 10/3/2020"
2. "New Site Plan 10/14/2024"
3. "339 W Spruce Street"

I'm not sure what these are but for starters No 1. "Original Site Plan" is not the Approved Site Plan from November 17, 2020 or as Amended August 17, 2021. Those both showed a 32x32 single story garage close to Spruce and a separate 34x34 single story cabin offset to the rear of the garage with a single Driveway that was on the East side of the garage only which said driveway was part of the compromise reached as to preserve the tree buffer along the west property line. The first being what was agreed to with the neighbors and approved on November 17th as Exhibit A of the record approval. And the second only the change to move the Garage door to face Spruce Street. The "Original Site Plan" included in this most recent notice has never been seen and depicts a larger rectangular cabin in place of the 34x34 cabin and shows a new and additional "Driveway" on the West side. These are shown below

November 17, 2020 Approved Site Plan
Exhibit A – Site Plan



August 21, 2021 Amended CUP (Showing Garage Door being relocated to Spruce)



SITE PLAN

PROPERTY LINE 217 FT

PROPERTY LINE 164 FT

PROPERTY LINE 150 FT

SETBACK 20'

SETBACK 25'

SETBACK 25'

SLOPE 5% MIN

SLOPE 2% MIN

SLOPE 2% MIN

CABIN

GARAGE

DRIVEWAY

DRIVEWAY

SPRUCE STREET

1" = 10'

10/13/2020

ORIGINAL SITE PLAN

ENGINEERING, INC.

400 North Main Street

PO Box 1000

Phone: (408) 844-4444

Fax: (408) 844-4444

www.mountainevergreen.com

SP-001

This is extremely troubling how this was even included in the recent packet because its not the Approved Plan of a single story cabin and single story garage both with hip roofs and a Driveway only on the East side. Then it brings us to what actually got built today. A 2-story shop with living quarters above and a full 360 driveway around the shop, the Driveway on the west side of the Shop that wasn't to be there in order to preserve the tree buffer to the property line, and a rock retaining wall along the West property line to back fill for this new Driveway.



TREE BUFFER???



So now what, here we are, there is a 2 story shop with living quarters above that doesn't comply to the approved CUP Conditions and Exhibit. The trees have been removed which were one of the largest components of the entire situation. We warned, and pleaded that this was the pattern and practice of the applicant on prior applications for a Home Occupation as a secondary use for a Primary Residence. The use was conditioned on a Certificate of Occupancy meaning the project had been fully completed and complied with conditions yet the use has been enjoyed by the applicant over the last 4 years in addition to using this property to store and shuttle construction equipment on and off site for unrelated work. Parking trucks, and heavy equipment unrelated to the actual work being carried out for months and months, installing diesel fueling tank in a shed next to the property which was discussed in depth and ultimately conditioned to read "Maintenance, fueling, and repairs to equipment will be done inside the garage."

On the following pages are the original approval with conditions from November 17, 2020 meeting and the Amendment from August 21, 2021. My original letter sighting the concerns with the original application allowing for this CUP.

I can't see how anyone could read this and conclude this was a complete failure of the process, laws and statutes. We relied and entrusted the Town to make sure that none of this would happen, we engaged civilly and promptly numerous times over the last 4 years to assist in this process with professional courtesy. This has left us emotionally scarred and will never be able to patronize our properties in the fashion for which they were meant without the constant reminder of this failed process. I have no idea what's in store for the November 4th meeting but again will travel 200 miles spending \$200 dollars for gas out of my own pocket to beg and plead with the Town to protect us and do the right thing once again.

In all of this what is the most troubling to me is the correspondence from Greg Sant, who I empathize wasn't employed when this was approved. In summary his response... *the Applicant didn't comply to any of the conditions he was supposed to and were clear documented violations but he is going to bring in a plan that matches what he wanted to do and ultimately did and we will get it to the Planning Commission for approval....* Huh??? There is no supporting argument this property deserves to have a CUP issued. The blatant disregard for the rule of law is self evident and it should be rescinded and terminated immediately. Brian Head Town, do the right thing.

Sincerely and Respectfully,

Don Cape
[REDACTED] W Spruce Street
702-339-9115

Joy E. Thompson

From: Joy E. Thompson
Sent: Friday, November 1, 2024 6:08 PM
To: nleight@bhtown.utah.gov
Cc: Loyal Hulme; Daniel Dansie; Don Cape
Subject: CUP for 339 Spruce Street - Opposition to Request
Attachments: [CORR] 2024-11-01 Letter to Town of Brian Head re Don Cape 4867-8531-4036 v.1.pdf

Dear Town Clerk,

Please be sure the attached is distributed to the Planning Commission members as soon as possible and is incorporated into the packet for the Monday, November 4 meeting.

Best regards,

KIRTON McCONKIE

Kirton McConkie Building
50 E. South Temple, Ste. 400
Salt Lake City, UT 84111
kirtonmcconkie.com

Joy E. Thompson Legal Assistant

o 801.328.3600
d 801.323.5910
jthompson@kmclaw.com

CONFIDENTIALITY NOTICE: This communication may contain attorney-client privileged information. If you received this communication in error, please alert me by replying to this email and delete it immediately. Do not misuse or transmit the information to anyone. Thank you.

November 2, 2020

Brian Head Town Council
Planning Commission and Staff
PO Box 190068
56 North Hwy 143
Brian Head, UT 84719

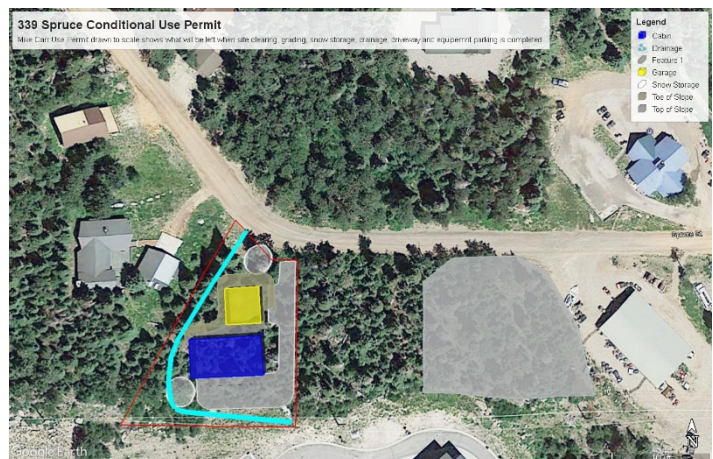
RE: CUP Application at 339 W. Spruce Street
(Amended from 10/20/2020 Planning Commission Meeting)

Dear Brian Head Town,

Please accept this letter of record as my revised and amended opposition to the Conditional Use Permit for the property located at 339 W. Spruce Street. The application states that the Applicant, "M & R Services is requesting a conditional use permit for the purpose of providing snow removal and water transport services in Brian Head." As referenced in the subsequent sections, this application for a Conditional Use Permit does not meet the standards as required under 9-10-5C: Home Occupations. 10 letters of opposition have been submitted from Neighbors, we urge staff to reconsider their recommendation for approval. The applicant has established precedent of not complying with conditions of approval as stated in the Background and evidenced by the failed Conditional Use Permit of 262 E. Quakie Drive.

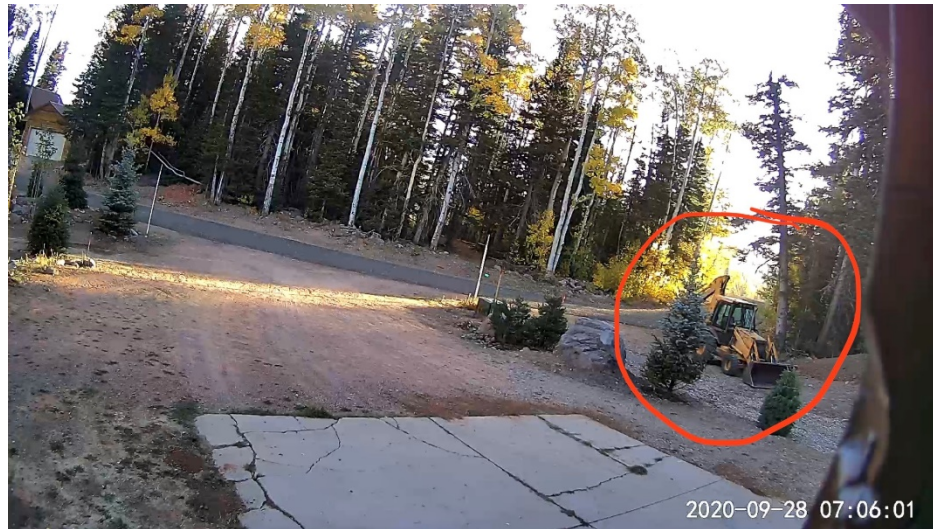
"The applicant previously applied for and was granted a Conditional Use Permit for the property located at 262 E. Quakie Drive in 2016. One of the conditions of the permit was that the approval would expire if a building permit was not acquired within two years. The applicant was unable to build during the required time frame and has since purchased property on Spruce Street. The applicant feels that this property provides a better location for the service he provides. The applicant is asking for the same conditions that were previously applied."

262 Quakie is 15% larger and is basically level with sparse trees and streets bordering two sides which is more conducive to the intended use and ingress/egress from water hauling and heavy equipment.



Additionally, the cabins in this location don't have municipal water so these are his clients for Water

Transport. All the cabins in the Spruce, Aspen and Fir area are on City water. The location is clearly a unilateral desire by the Applicant and should not be considered as a basis under the review. Shortly after purchasing the subject lot on August 27th the applicant proceeded with dumping fill and storing equipment on the subject lot without obtaining any requisite permits or notifying the Town as required under the code. Which this event resulted in a citation from the Town Manager. Continuing to reward this applicant's pattern of non-compliance should certainly be questioned as it relates to this or any future Conditional Use Permit application, especially given the sensitive nature and history of these neighborhood lots. Had the applicant approached the city for feedback this it would have been made clear that these lots have history and may not be the best place for him to pursue his interests.



Brian Head Town
CODE ENFORCEMENT VIOLATION
No. 016

Part 1 - White - Management
Part 2 - Yellow - Owner
Part 3 - Pink - Marshal

☒ Warning ☐ Citation

Date: 9-28-2020

To: Arlen Cove

Address: 1000 Spruce St. Box 100

City Code: 1000

Occ. Phone:

Address of violation:

City Code: 1000

High Phone:

CODE SECTION

COMPLY WITH REQUIREMENTS AS NOTED

9-28-2020 (1) Excavator stored at property on road side lot

Excavator must be moved or properly stored

Failure to do so by 9-30-2020 will result in citation

Failure to comply with this rule or section will subject you to penalties specified by said ordinance.

Signature: [Signature] Title: Town Manager

For Additional Information Phone: 435-677-2029

By: [Signature] Title: [Signature]

Chapter 2. Definitions

HOME OCCUPATION: Any income producing activity conducted primarily within a dwelling and carried on by persons residing in the dwelling unit; **which use is clearly incidental and secondary to the use of the home for dwelling purposes.** (Ord. 15-004, 4-28-2015)

Subject Property 339 Spruce –

The Subject Property is zoned R-1, and the adjacent lots 321, 301, and 281 Spruce street were the focus of a proposed Rezone of lots along Spruce in January of 2016. This was an extremely sensitive subject and became a point of contention for the neighborhood. In cooperation from the Town and strong input from the neighbors on January 12, 2016 the Town adopted Ordinance No. 16-001, an ordinance amending the Brian Head Zone District Map, Chapter 6 in the Land Management Code. This resulted in a compromise with the neighbors and only lots 301 and 281 being zoned to Light Industrial therefore leaving the buffer at the crest of the hill to R-1 Residential. Even though Lot 301 is 0.46 acres did not qualify as a Minimum Lot Size under 9-7-6: L-1 LIGHT INDUSTRIAL: for the following reason:

D. Physical Restrictions: The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:

- *Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).*

This record alone should tip the scale of meeting the duty of care, as evidenced in various sections of the code, for considering this application.

October 20, 2020 Planning Commission Meeting –

The Referral Packet was received on October 8, 2020 citing the date of a PC hearing for October 20, 2020 yet the Town Calendar did not show a meeting was planned until October 19 the night before the hearing. Additionally, there was not a physical posting at the General Store, a location typically used in Brian Head until October 19th as confirmed by Staff. This is especially problematic due to the second home nature and absentee owners. On the morning of October 20th a meeting was conducted with Staff to discuss why this application met the qualifications under 9-10-5 as evidenced by the published Brian Head Land Management Code which stated

Home occupations identified in subsection 9-10-5C of this title prohibit the use of Snow Removal and Water Transport Services.

- E. *Conditional Uses: Home occupations which **shall not be considered** under subsection C of this section include the following uses, or uses which are similar in character, origin or impact, as determined by the Building Official/Zoning Administrator: (2010 Code, amd. Ord. 15-018, 12-8-2015)*
- *Agricultural uses that involve the keeping of animals, unless in a zoning district where the keeping of such animals is allowed.*
 - *Agricultural uses that use more than twenty five percent (25%) of the area of the lot when the lot is less than one acre in size.*
 - *Kennel, animal hospital.*
 - *Machine shop.*
 - *Light Manufacturing.*
 - *Secondhand shops and pawnshops.*
 - *Storage and warehousing.*
 - *Uses which involve the storage, display or repair of motor vehicles, or body and fender work on such vehicles. (Ord. 08-016, 8-12-2008)*
 - **Snow Removal Services (Ord. 15-018, 12-8-2015)**
 - **Water Transport Services (Ord. 15-018, 12-8-2015)**
 - *(amd. Ord. 17-004, 7-11-2017).*

At this meeting Staff indicated that the published documents contained a typo and in fact *Ord. 15-018, 12-8-2015* Amended this to say, “shall be considered”. At this point the neighbors that received the Referral Packet believed this wasn’t allowed based on the published Code. This left little or no time to review the code and provide appropriate comments from the neighbors, certainly not the time as would have been allowed from the receipt of the Referral Packet, and only if you were notified within the 300’ radius. Essentially not publishing an actual Planning Commission meeting on the calendar with an agenda item for review by the public, no one had knowledge of a hearing including the fact that even if they did they thought it wasn’t allowed under the published code unless they were present at the December 8, 2015 hearing when the change in ordinance was adopted by Town Council.

As this was my first public meeting in Brian Head, I was anticipating a different process. Typically, staff does a complete presentation of the agenda item going into relevant details displaying the plans and project documents etc., discussing the application and conformity to code then concluding their presentation with a recommendation to the approval body with added conditions especially for a Conditional Use. In this case Staff opened the item to public comment to an agenda item that had just been printed and available allowing public comment, then closed the public hearing to no further comment and only then did they do their presentation again not allowing the public to have any knowledge of the item unless they had prior knowledge and in this case they didn’t. This is essentially the reverse sequence in which this should have happened.

As suspected and confirmed by staff during the hearing they acknowledged a request for rezoning the lot known as 321 Spruce Street back to Light Industrial to allow the owners of 301 Spruce street (the storage) to purchase 321 Spruce street to use as parking for the Storage lot. This clearly stands in the face of the compromise that was reached with the neighbors in 2016. Further this parcel does not meet the minimum lot size of 0.5 acres as aforementioned for L-1 Light Industrial. After nearly an hour of deliberation between the Planning Commission and Staff they voted to delay action on the item until the November 17th Planning Commission to allow time to re-evaluate and discuss conformity and potential conditions that may be placed on the Applicant should it meet the code. This meeting has been published on the Calendar.

DOES THE APPLICATION COMPLY WITH 9-4 and SUBMITTAL REQUIREMENTS?

9-4-2: SUBMITTAL REQUIREMENT TABLES:

A. The following tables have been prepared to simplify the determination of which permits, and regulations apply to a given action, and the information that is required to be submitted to obtain such permits and their associated approvals. The tables are sequential and cumulative. Use them as follows:

- 1. Review the numbered list of activities in [table 1](#) and determine which activity most closely resembles the action you propose to undertake. Note the permits that are required for that activity.*
- 2. Refer to [table 2](#) to determine the documents that **must be submitted** with the various types of permits.*
- 3. Refer to [table 3](#) to see the requirements/content of each drawing, plan or other document that **must be submitted**.*

B. These tables are necessarily simplified and abbreviated and may be modified as needed. Additional information regarding key documents is presented in section [9-4-3](#) of this chapter and may be modified by ordinance as needed.

What the applicant submitted:

Copy of Plat with hand drawn sketch of improvements

Photo of a log cabin siding

Elevations and floor plans from <http://www.kinglogs.com/p/log-home-plans.html> (Pinterest)

What the applicant was required to submit:

TABLE 1		Required Permits/Approvals/Actions																	
		General Plan Amendment (Chap. 5)	Re-Zoning (Chap. 6)	Subdivision (Chap. 9)	Planned Unit Development (Chap. 11)	Plat Amendment (Chap. 9)	Conceptual Design Review (Chap. 8)	Building Permit-Final Review (Chap. 8)	Certificate of Occupancy (Chap. 8)	Certificate of Completion (Chap. 8)	Grading/Trenching Permit (Chap. 10)	Sign Permit (Chap. 14)	Variance (Chap. 11)	Conditional Use (Chap. 11)	Record with County Recorder (Chap. 9)	Tree Removal (Chap. 10)	Staff Review	Land Use Authority Review/Approval	Appeals Body ^g
1	Selling or Conveying An existing lot in its entirety (with or without an existing														✓				
2	Creating One new lot per LMC Chap. 9 Minor Subdivision			✓											✓		✓	W	V
3	Creating more than one new lot to be created from a larger parcel			✓											✓		✓	X1	V
4	Constructing or modifying a commercial or multi-family residential building on an						✓	✓	✓		E						K	✓	V
5	Constructing or remodeling a single-family home on an existing lot							✓	✓								K	✓	V
6	Painting all or parts of an existing commercial building						✓	I			F						✓	W	V
7	Changing the use of a building (such as an office to a store, store to clinic, etc.)	A	B					✓	✓		F			D			✓	W	V
8	Prosing a use not allowed by current zoning	A	✓					I	I					D			✓	X	V
9	Grading or constructing a road or driveway									✓	✓						K	✓	V
10	Digging and/or installing utilities (water, sewer, septic, gas, electricity, cable tv)									✓	✓						K	✓	V
11	Removing trees on a private property																✓	✓	V
12	Building a retaining wall						✓	H									K	✓	V
13	Installing an exterior yard light						✓	✓									✓	W	V
14	Installing a new sign or modifying and/or enlarging an existing sign						✓	H			✓						✓	W	V

Key:

✓ Always Required

A If the intended use is not consistent with the General Plan

B If the proposed use is not consistent with existing Zoning

C If greater flexibility is desired than permitted under standard subdivision regulations

D If proposed use is permitted in the Zone District as a condition upon special review

E If grading and/or trenching are proposed

F If signage is proposed

H As required in Building Code and/or LMC

I When required by the currently adopted building code

J An abbreviated review by Building Dept. staff for single family homes

K If trees greater than 6" diameter at chest height (trunk) are to be removed

L Only the Sketch Plan submittal is required

V Appeal Authority

W Staff

X Planning Commission

X1 Planning Commission and Town Council process

Y Town Council

Z District Court

(2010 Code, amd. Ord. 15-004, 4-28-2015)

TABLE 2		Submittal Documents Required																	
		Application and fee	Title Report	Existing Conditions Map	Development Report	Schematic Subdivision Plat	Preliminary Subdivision Plat	Final subdivision Plat and Associated Required Public Hearing	Development Agreement	Conceptual Construction Plans	Final Construction Plans	Conditional Use Site Plan	Referral Packets	Soils/geology Report	Covenants, conditions and restrictions	Security Agreement	As-Built Drawings	Certificate of Footing Location	
1	General Plan Amendment	✓						✓					B						
2	Rezoning	✓						✓					B						
3	Annexation Petition	✓						✓					B						
4	Subdivision Schematic Plat (Including Condominiums)	✓	✓	✓	✓	✓													
5	Subdivision Preliminary Plat (Including Condominiums)	✓					✓	✓	✓				B	✓					
6	Subdivision Final Plat (Including Condominiums)	✓					✓		✓						✓	✓	D		
7	Lot Split	✓	✓	✓	✓														
8	Re-plat	✓	✓	✓	✓			✓					B						
9	Building Permit- Conceptual Design Review	✓		✓	✓					✓									
10	Building Permit - Final	✓									✓			✓				C	
11	Grading and Trenching Permit	✓		✓							✓								
12	Variance	✓		✓															
13	Conditional Use	✓		✓	✓			✓				✓	B						
14	Certificate of Occupancy															A	D		
15	Vacation of Easement or Right-of-way	✓					✓	✓					B						
16	Trenching & Tree Removal Permit	✓																	

Key:

- ✓ Always Required
 - A If site improvements are not completed at the time of occupancy
 - B Mailing list/labels of the owners of abutting properties located within three hundred feet (300') of the property lines of the land in question
 - C Prior to footing pour
 - D Due at completion of project
- (2010 Code, amd. Ord. 15-004, 4-28-2015)

TABLE 3		Submittal					
		Existing Conditions Map	Subdivision Schematic Plat	Subdivision Preliminary Plat	Subdivision Final Plat and Associated Conditional Use Site Plan	Conceptual Const. Plans- For Design	Final Construction Plans
1	Project name and subdivision, if applicable	✓	✓	✓	✓	✓	✓
2	Applicant's name, address, phone number	✓	✓	✓	✓	✓	✓
3	Preparer's company name, address, phone number	✓	✓	✓	✓	✓	✓
4	Agent authorization of owner (if not applicant)	✓	✓	✓	✓	✓	✓
5	North arrow, scale	✓	✓	✓	✓	✓	✓
6	Legend (for symbols used on drawings)	✓	✓	✓	✓	✓	✓
7	Vicinity map showing project location relative to Brian Head Town	✓	✓	✓	✓	✓	
8	Site Boundaries with dimensions	✓	✓	✓	✓	✓	
9	Protection area boundaries (wetlands, spring/well protection areas, flood plains)	✓	✓	✓	✓	✓	
10	Existing topography	✓		✓		✓	
11	Slopes over 10%, 25% and 40% identified	✓		✓	✓	✓	
12	Existing vegetation, trees or grouping of trees	✓				✓	
13	Existing roads, including names, grades, pavement widths. Show ROW	✓	✓	✓		✓	✓
14	Existing utilities, by type, including location and dimension of easements	✓		✓		✓	✓
15	Existing emergency access, fire lanes, fire hydrants	✓			✓	✓	✓
16	Footprint of existing structures, with uses indicated	✓			✓	✓	
17	Existing drainage system	✓			✓	✓	
18	Proposed topography			✓		✓	✓
19	Proposed cut/fill			✓	✓	✓	✓
21	Proposed vegetation - detailed landscape plan: type, size, spacing (including				✓	✓	✓
22	Proposed drainage system, including location and dimensions of easements			✓	✓	✓	✓
23	Proposed utilities, by type, including location and dimensions of easements			✓	✓	✓	✓
24	Proposed roads - names, grades, pavement widths and ROW			✓	✓		✓
25	Proposed emergency access, fire lanes, fire hydrants			✓	✓	✓	✓
26	Typical cross sections of roads, curbs, gutters, sidewalks			✓	✓		✓
27	Layout of lots, with lot sizes, setbacks, buildable areas and lot numbers shown			✓	✓	✓	✓
28	Footprint of proposed structures, with uses indicated				✓	✓	✓
29	Calculations of site area, building coverage, units, bedrooms, parking spaces				✓	✓	
30	Preliminary construction plans and elevations with general dimensions			✓	✓	✓	
31	Final construction plans with dimensions, elevations, sections, etc.				✓		✓
32	Layout and dimensions of parking lots, with stalls shown				✓	✓	✓
33	Designation of snow storage areas			✓	✓	✓	✓
34	Proposed locations for gas tanks, LP gas, dumpsters				✓	✓	✓
35	Proposed locations, and types, for signage				✓	✓	✓
36	Proposed locations for exterior lot and building lighting plan				✓	✓	✓
36	Final Plat data				✓		✓
37	Phasing plan			✓		✓	✓
	Approval Signature of Owner, Town Engineer, Attorney, Manager, Mayor, Utilities and						
39	Waterways or Floodplain Setbacks (Section 12.12 Brian Head LMC)			✓	✓	✓	
40	Designation of "No Build Area" for slopes over 40%			✓	✓		

(2010 Code, amd. Ord. 15-004, 4-28-2015)

Not only are most of these items incomplete, the Referral Packet requires a development schedule and a vicinity map both of which were not included. While the vicinity map may seem trivial it remains a requirement. And the development schedule is largely important especially given the history of the applicant. **Based on this alone the non-conforming Referral Packet deems this application invalid and item should be stricken from the 11-17-20 PC Agenda.**

- C. *Vicinity Map: A map showing the project location relative to the town. The map may be at any legible scale and may be an inset on another plan or drawing (e.g., existing conditions plan). It shall show the town boundaries, major roads (e.g., Highway 143) and minor roads that serve the property. It shall clearly identify where it is located in the town and identify businesses or condominium projects adjacent to the property to indicate the location.*
- D. *Development Report; Statement of Interest:*
1. *The name and location of the property and applicant;*
 2. *If the applicant is represented by an agent, a statement from the applicant authorizing the agent to act;*
 3. *The name and address of the person, firm or organization preparing the application and a statement indicating the record owner's permission to submit the application;*
 4. *An explanation of the purpose of the proposed action and proposed land use, including building descriptions, variations in building setbacks, parking, height or other requirements that are being sought;*
 5. *A development schedule indicating the approximate date of the development or stages of the development with expected completion dates;*
 6. *Assessment of the availability and capacity of public infrastructure (utilities, roads) to serve the proposed use;*
 7. *Any special agreements, conveyances, restrictions or covenants, which will govern the use, maintenance and continued protection of the development and any of its common areas.*

Additional required items of importance are

3. *Existing and proposed topography: Show contours at not more than two-foot (2') intervals for areas of less than ten percent (10%) slope and not more than five-foot (5') intervals for areas over ten percent (10%) slope. Such contour maps shall be based on county data. The closest established survey monument shall be used, and its location/elevation noted. Clearly designate the following slope categories:*

0 - 10 percent slopes	0 - 5.7 degrees
11 - 25 percent slopes	6.3 - 14 degrees
26 - 39 percent slopes	14.6 - 21.3 degrees
40 percent and greater slopes	21.8 degrees

4. *Existing conditions (vegetation, roads, utilities, buildings, etc.): In addition to showing existing conditions on the property, also show conditions immediately adjacent to the property as well as the location of any improvements that may be required to be constructed beyond the boundaries of the subdivision or project where applicable.*
6. *Detailed landscape plan: Show all landscaped areas; include plans for walls, patios, fences, trees and other vegetation. Vegetation plan shall include species, variety, number to be planted and size of plant on a legend page. Show areas of lot that will remain undisturbed. The plan shall provide adequate detail to determine planting locations and shall take into account impact of snow storage, and roof snow shed. (2010 Code, amd. Ord. 15-004, 4-28-2015)*
7. *Preliminary construction plans:*
 - a. *Site plans showing footprints of all structures and paved surfaces;*
 - b. *Sections through the structures and the site, with maximum heights noted;*
 - c. *Preliminary elevations (exterior views of the building);*
 - d. *Exhibits to demonstrate compliance with town design standards, chapter 12 of this title, including elevations, and material samples showing textures and color.*

Assuming the Applicant starts over as clearly required under the code. This would not meet the duty of care and benefit and burden as defined in the code and could not be supported on its merits.

9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL states the following:

- A. *Purpose: The R-1 district is intended to provide sites for low density single-family residential uses, together with such public facilities as may be appropriately located in the same district. The R-1 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with single-family occupancy, and, along with the town design standards, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.*
- B. *Permitted Uses: Only the following uses are permitted in the R-1 zone:*
 - *Boarding of horses for non-commercial use, subject to a horse boarding permit.*
 - *Commercial rentals of single-family residences, subject to a business license.*
 - *Home occupations identified in subsection 9-10-5 of this title.*
 - *Single-unit dwellings.*
 - *Other uses customarily incidental and accessory to single-family residential uses, and necessary for the operation thereof (garages or carports, play equipment, or other approved single-family use).*
- C. *Conditional Uses: The following uses are conditional and require a conditional use permit:*
 - *Bed and breakfast rentals.*
 - *Churches.*
 - *Home occupations identified in subsection 9-10-5C of this title.*
 - *Mother-in-law / guest house is an accessory use on one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title (Ord. 18-006, 6-11-2018)*
 - *Public or private schools.*
 - *Public parks.*
 - *Public utility uses.*

Home occupations identified in subsection 9-10-5C of this title as recently discovered by way of Ord. 15-018 states the following:

- F. *Conditional Uses: Home occupations which **shall be considered** under subsection C of this section include the following uses, or uses which are similar in character, origin or impact, as determined by the Building Official/Zoning Administrator: (2010 Code, amd. Ord. 15-018, 12-8-2015)*
- *Agricultural uses that involve the keeping of animals, unless in a zoning district where the keeping of such animals is allowed.*
 - *Agricultural uses that use more than twenty five percent (25%) of the area of the lot when the lot is less than one acre in size.*
 - *Kennel, animal hospital.*
 - *Machine shop.*
 - *Light Manufacturing.*
 - *Secondhand shops and pawnshops.*
 - *Storage and warehousing.*
 - *Uses which involve the storage, display or repair of motor vehicles, or body and fender work on such vehicles. (Ord. 08-016, 8-12-2008)*
 - ***Snow Removal Services (Ord. 15-018, 12-8-2015)***
 - ***Water Transport Services (Ord. 15-018, 12-8-2015)***
 - *(amd. Ord. 17-004, 7-11-2017).*

Because all this hangs on 9-10-5C it is important to review this in context and highlight the dominant emphasis of burden and benefit required.

9-10-5: HOME OCCUPATIONS:

- A. *Purpose: It is the purpose and intent of this section to allow persons residing in dwellings to use their mental or physical expertise and talent in providing a service, developing a product for sale to the public, operating certain kinds of small businesses or maintaining a professional or business office work space **in the dwelling, or in an attached or detached garage** or accessory building, or **yard space**, while at the same time **maintaining the peace, quiet and domestic tranquility within all residential areas of the town**. It is further the purpose and intent of this chapter that home occupations **shall be clearly accessory and subordinate to the principal use of the property for dwelling purposes**.*

The proposal is clearly not accessory and subordinate, rather it dictates a commercial design and layout necessary to deploy all these lot modifications and improvements to house 3 pieces of heavy equipment and attachments on a 20,000 square foot lot. Essentially its reverse engineered around the “off-site commercial use” for heavy equipment storage. Moreover it clearly violates the stated requirement of maintaining the peace, quiet and tranquility of the residential area by deploying large loaders and dump trucks with diesel engines and engine brakes aka “Jake Brakes” I have video of the exact truck coming and going down the hill on Spruce demonstrating the noise from a Jake Brake.

- B. *Permitted Standards For Home Occupations When Conducted Entirely Within Residence: The following standards **shall be observed** in the operation of all home occupations to be approved by town staff:*
1. *The home occupation shall be conducted primarily by residents of the premises. A home occupation may have employees; however, only one employee who does not live in the home may come to the home at any one time for purposes of employment. One*

additional off-street parking stall shall be provided for any employee coming to the home who is not a resident of the premises.

This requires the applicant to be the resident of the premises to conduct its business. Is this the case?

2. The home occupation **shall not physically change the dwelling or yard space to the extent that it would alter the residential or aesthetic character of the dwelling, yard or neighborhood.**

Again, clearly it physically changes the residential and aesthetic character of the dwelling, yard, and neighborhood which have cabins designed with dominance to the principal use by preserving their lots natural habitat through careful planning and orientation of architecture and civil engineering. No one would have this level of improvements for a cabin in the woods as is evidenced by the existing cabins. This lot is too small to conform to this plan. Especially clearing 20% of the trees for a commercial driveway.

Most importantly the natural drainage is to the Northwest directly onto my lot and I had up to 1" of water in my Garage floor during the melt until I installed a small French drain to intercept my snowmelt. Based on the applicants plan and his proposed drainage and when this is cleared, and snow is stockpiled on the lot it will add more drainage onto my lot than it can handle and flood my garage again. At a minimum any new development would need to do a drainage study to make sure this doesn't happen.





3. *The home occupation shall be allowed one nameplate sign, which shall be consistent with chapter 14 of this title. Temporary signs shall not be permitted for home occupations.*
4. *The home occupation **shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located**, as determined by the zoning administrator and appropriate regulatory authorities. "Occupancy load", as defined by the currently adopted building code, shall not be exceeded.*

The pedestrian, car, atv and snowmobile traffic is barely working and arguably with 23,000 vehicles (mostly OHV's) recorded over 9 days this July, this is going the wrong direction for Spruce Street now adding heavy loaders and trucks coming and going from this lot.

5. *The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential use, as determined by the Zoning Administrator and appropriate regulatory authorities.*
6. *Sale of commodities produced on the premises shall be permitted. The sale of all commodities shall be by prior individual invitation only.*
7. *Home occupations shall conform to business license requirements of title 3 of this code.*
8. *There shall be complete conformity with all applicable Town, County, State and Federal laws and ordinances.*

C. *Conditional Use Standards For Home Occupations Using Attached Or Detached Garages, Accessory Structures Or Yard Space: The following standards **shall be observed** in the operation of all home occupations using garages, other accessory structures or yard space, which shall be approved by conditional use, **in addition to the standards specified in subsection B** of this section:*

1. *An occupation **may** be considered as a conditional use **only under** the following conditions:*
 - a. *The Planning Commission finds that the proposed home occupation will be **clearly accessory and subordinate to the principal use of the property for dwelling purposes**; and*

May and Shall as defined by Title 9-1-4 B.) "**shall**" is always mandatory and "**may**" is always permissive (Ord. 15-004, 4-28-2015). This is important as you continue in the analysis.

- b. *The Planning Commission finds that **the proposed home occupation will not adversely affect the residential nature and aesthetic quality of the neighborhood**; and*

Again, clearly it physically changes the residential and aesthetic character of the dwelling, yard and neighborhood which have cabins designed with dominance to the principal use by preserving their lots natural habitat through careful planning and orientation of architecture and civil engineering. No one would have this level of improvements for a cabin in the woods as is evidenced by the existing cabins. A use that requires a commercial driveway to extend through the site claiming 20% of the trees? This lot is too small to conform to this plan. And remember this is Considering a Use Permit from an applicant that has a history of not performing so when reviewing this in its entirety it has to be fully reviewed for what's going to happen with clearing and grading, drainage, and more importantly the next owner that succeeds this applicant. Will the residence that's being built that is not the primary purpose, be a well-designed layout and orientation for the future? Who wants their front yard facing the Grand Lodge and who wants their master bedroom facing the Garage? Again, this lot is too small to do what's intended by the applicant.

- c. *Any off-street parking displaced by the home occupation is relocated elsewhere on the lot or parcel; and*
- d. **The Planning Commission may impose any conditions it deems necessary to mitigate impacts of the home occupation on the neighborhood.**

The applicant states that he “wasn’t able” to build on 262 Quakie during the 2 years afforded under that CUP and that he feels this property provides a better location for the service he provides. That location serves cabins that don’t have municipal water. All of the cabins in the vicinity of Spruce have municipal water again creating excess traffic on a “long-haul” through non-served neighborhoods. He purchased that lot in 2005, cleared it to store equipment and never built a residence. Subsequently he just sold that lot on 9/16/20. Planning Commission must deny this or it’s just more of the same. The Under a Conditional Use the Burden must not outweigh the Benefit on all merit of the code. Adding the same conditions as before didn’t provide any assurances. Based on the magnitude of the proposed application this can’t be mitigated with conditions while still satisfying the code stipulations. The application would need to be pared-back significantly to a design that is the primary function and purpose of R-1 Zoning and in doing so would require a scaled down proposal to what is currently allowed in R-1 which is **One** piece of heavy equipment with 2 attachments. This is the only plan that fits on 20,000 square feet. Additionally the siting and orientation of the structures should be consistent with the lot size, utilizing design features such as a tuck under garage with residential above and a short residential driveway to the garage to reduce the foot print while ensuring that the next owner will benefit from the stated purpose in the code for development standards. The Burden can’t outweigh the Benefit when considering commercial “off-site” uses to intrude into historic neighborhoods. If this was to be considered on a larger lot which could accommodate the level proposed, special care needs to be given ensuring that enforcement provisions are in place to avoid a “strip and cleared” lot and no cabin. Examples should include a bond of 125% of the improvement value, careful review of final building plans, especially grading and landscape plans and definitely a Certificate of Occupancy is required before it should be effective. Hours of use should be daytime only no other Home Occupation uses operate outside the home in non-daytime hours. The applicant stated he will utilize engine block heaters so no idle time should be permitted. The applicant can’t haul water from this lot so that should be excluded and limited again to **one piece** of snow removal equipment and 2 attachments. It should be limited to winter months say October 1- May 30 and not summer months to avoid doubling up on grading services being deployed from this lot. The applicant stated that he services snow removal in the spruce neighborhood then its only necessary to allow one piece of equipment. Moreover 10 neighbors are opposed to this and these are his clients.

- 2. In **determining whether to grant a conditional use approval** for the use of an attached or detached garage, accessory structure or yard space for a home occupation, the Planning Commission **shall consider the effect of such use on the residential character of the property upon which the home occupation is proposed to be located. In making a determination, the Planning Commission may consider factors including, but not limited to:**
 - a. **Displacement of normally residential functions of yard space and building or structure usage;**
 - b. **The potential for generation of noise, dust, vapors, fumes, odors and light;**
 - c. **The potential for generation of excess traffic;**
 - d. **The potential impact of the proposed home occupation on the aesthetic quality of the neighborhood and the property upon which the home occupation is proposed to be located.**

Because “shall” means mandatory by definition in the code it becomes impossible to conclude that this proposed use meets the above referenced requirements for the following reasons.

Is clearly not subordinate to the primary use.

It clearly displaces normal residential functions and uses

It clearly generates noise, dust, vapors fumes, and odors beyond the primary use. This area of Spruce the dust and fumes from traffic drifts in a west to a southwesterly direction today inundating us with dust. We just planted \$5k of 12 mature native trees to help combat this but it won't mitigate vapors fumes and odors. In the winter the diesel fumes from heavy equipment settles due to inversion and will be forever detrimental to our air quality. There won't be enough trees left to buffer our homes from the noise not only from the heavy equipment but the exhaust fans that run continuously from the North side of Best Western. Currently it sounds like a sawmill is running 24/7 just beyond the trees. Which I would request everyone take time to come to my home and physically verify. Any acoustical study will prove that the proposed development overloads the 20,000 square foot lot and leaves little buffer left to further exacerbate this condition. I have a recent video of this that is included with this response, but it warrants staff and Planning Commissions review this matter specifically along with the drainage for any development.

This is and has been a Historic Neighborhood. My cabin was built in 1970 and is one of the first cabins on the mountain. It still has working propane lights. It is a/the Historic landmark. Every one of the locals refers to it as the “70's Cabin”. We've invested over \$200,000 over the last several years in transforming and restoring this cabin while maintaining its original and historical character.



3. *Due to the special nature of home occupations, their potential to create adverse impacts to the neighborhood, and the potential for significant unforeseen impacts to occur, the Planning Commission reserves the right to review any home occupation granted conditional use approval pursuant to this subsection. The conditional use permit for the home occupation may be reviewed and modified or revoked by the Planning Commission due to failure of the owner or operator of the home occupation to observe all conditions specified in issuing the permit; failure to observe the purpose and intent of this section or other requirements of this title in regard to the maintenance of improvements and conduct of the home occupation as approved; or significant unforeseen impacts resulting from the operation of the home occupation in conflict with the purpose and intent of this section and as explained in the application.*

- D. *Permitted Uses: Home occupations **which may be considered** under subsection B of this section may include the following uses, or uses which are similar in character, origin or impact, as determined by the Building Official/Zoning Administrator:*

*Animal grooming services conducted entirely within the home.
Architectural service.
Artist, author.
Barber shop, beauty service.
Childcare services in compliance with state and federal standards.
Consulting service.
Craft sale.
Dance studio; aerobic exercise, music lessons, tutoring and general educational instruction.
Data processing, computer programming.
Direct sales distribution.
Food preparation in compliance with state and federal standards.
Garden plants and produce.
Home crafts.
Insurance sales or broker.
Interior design.
Janitorial service.
Mail order (not including retail sales from site). Real estate sales or broker.
Sales representative.*

- E. *Conditional Uses: Home occupations **which shall be considered** under subsection C of this section include the following uses, or uses which are similar in character, origin or impact, as determined by the Building Official/Zoning Administrator: (2010 Code, amd. Ord. 15-018, 12-8-2015)*

Agricultural uses that involve the keeping of animals, unless in a zoning district where the keeping of such animals is allowed.

Agricultural uses that use more than twenty five percent (25%) of the area of the lot when the lot is less than one acre in size.

Kennel, animal hospital.

Machine shop.

Light Manufacturing.

Secondhand shops and pawnshops.

Storage and warehousing.

Uses which involve the storage, display or repair of motor vehicles, or body and fender work on such vehicles. (Ord. 08-016, 8-12-2008)

Snow Removal Services (Ord. 15-018, 12-8-2015)

Water Transport Services (Ord. 15-018, 12-8-2015)

(amd. Ord. 17-004, 7-11-2017).

I charge that Town Council clearly didn't intend to grant blanket approval by virtue of a CUP of noxious uses that were specifically and purposefully excluded prior to adoption of *Ord. 15-018*. *Whereby the permitted uses "May be" considered and the more invasive uses "Shall be" considered?* It was clearly the intent of the town to find a solution to work with commercial vendors that provide snow removal and water hauling services but unfortunately may have established precedent for being forced to accept all the above listed uses. This needs immediate attention to avoid the unintended consequences that will

come. I urge the Town to immediately adopt an emergency ordinance putting a moratorium on Conditional Uses that are under review pursuant to *Ord. 15-018* until such time that a new and comprehensive study can be conducted. I suggest forming an ADHOC committee, including but not limited to staff, residents, and stakeholders to review and compile a better solution rather than what has been adopted. Several factors need to be considered and written into the revised Ordinance if this is to succeed in a harmonious nature. Consideration needs to be given to lot size minimums. These contractors can afford to purchase the larger lots in areas that are level and don't already have environmentally sensitive factors. The best underutilized asset in town is the Cedar Breaks Lodge Maintenance Yard. The City could pass a special assessment bond to purchase this and lease it back to contractors to "solve the problem" rather than create new ones. I'd gladly pay a small tax to help this cause and the bond holders would be paid back with interest and the City would have a performing asset. *"Improve the first impression of Brian Head" (2021 Brian Head Strategic Plan)* This is the Gateway to the town, and it would clean it up rather than destroying residential historical R-1 neighborhoods. Just like you did with the Meadow when you took a survey on what the citizens wanted to see. I doubt they would like to see more industrial uses than currently exist when coming into town. The hill has a natural buffer which was weighed in the decision in 2016 to prevent the commercial from creeping beyond 301 Spruce.

The following will identify some of the issues that rub against the current code for Home Occupations further exposing the eminent issues and conflicts that are evident.

Prior to *Ord. 15-018* the only opportunity for heavy equipment allowed on a Residential Lot are listed as follows and this is only after a building permit has been issued and a certificate of occupancy has been granted:

9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL

11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (Ord. 16-007, 11-08-2016)

Title 9 of the Land Management Code is clearly intended to protect and preserve the environment of the residents. Primarily the focus should be on preserving the natural habitat we have left. Trees have been in peril even before the 2017 wildfire that cleared 77,000 acres of forest habitat. I remember skiing and mountain biking 30 years ago before the bark beetle ravaged the landscape. We've only seen 4 days of measurable rainfall since the last snow. The code is very clear on the protection of trees and lot clearing to avoid the old days of scraping a lot to build on.

The following are references to the Town of Brian Head's mission statement and are very intentional and purposeful.

9-1-3: STATEMENT OF PURPOSE: *The purposes of this title, and any rules, regulations and specifications hereafter adopted are to promote the public health, safety and general welfare through provisions designed:*

- A. *To preserve the natural beauty and topography of the town and to preserve the outstanding natural, cultural or historical features, to ensure appropriate development with regard to these features and to assure the proper use and management of the natural beauty and resources of the town;*
- E. *To prevent the pollution or degradation of air, streams, and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table; to minimize site disturbance, removal of native vegetation and soil erosions; and to encourage and promote the conservation, wise use and management of natural resources throughout the town in order to preserve the integrity, stability and beauty of the community and value of the land;*

9-12-3: DEVELOPMENT DESIGN AND LAYOUT:

- J. *Preservation of Features: Where trees, groves, waterways, scenic points, historic spots or other town assets and landmarks exist, as determined by the town, every possible means shall be provided to preserve these features. The development is encouraged to maintain a minimum of twenty percent (20%) of the lot area in natural vegetation in order to preserve the natural environment and topography or demonstrate to the Planning Commission satisfaction that an alternate plan will satisfy this intent. Undisturbed natural vegetation areas that are shown on the approved plan shall be properly marked and protected against damage.*
- K. *Placement of Buildings: The placement of buildings shall be designed to preserve the natural terrain, drainage, existing topsoil, tree groupings, large trees and large rocks as much as possible so as to screen the building and parking areas from public view.*

Brian Head Sustainable Recreation and Tourism Plan –

One of the major purposes of the framework is to prevent conflicts between recreation opportunities by identifying key areas of similar user experience. In the plan we call these “gravity areas”. Some recreational activities do not complement each other. A good example is OHV use, which is often loud; and activities such as bird watching, which requires solitude. The two activities cannot exist together without competing and causing conflict. If stakeholders reference the identified gravity areas within this framework when making decisions, then future conflicts can be avoided and recreation opportunities can grow.

This concept is the same and this is a Gravity Area

“Foster a stronger sense of community and well-informed public discourse” (2021 Brian Head Strategic Plan)

In summary this should not be allowed to continue due to the non-compliant and incomplete application and the non-qualifying Referral Packet combined with the issues with the published code and meeting calendar. Should the applicant return with a complete application the Planning Commission should act on their fair and accurate review that it does not meet the requirements as outlined herein and as full authority to deny the Conditional Use for these reasons. There at least 10 neighbors that have submitted to the record formal objections.

“Upon receipt of the town staff and other applicable agency recommendations, and input from the public hearing, the Planning Commission shall review the project and may impose reasonable conditions of approval which are designed to mitigate the reasonably anticipated detrimental effects of the proposed use. If the applicant accepts the conditions imposed, the Planning Commission may grant the conditional use permit. If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the Planning Commission may deny the conditional use.”

We are supportive and welcome having new neighbors especially the applicant but it's extremely important to enforce the code and only approve development that's allowed with special attention paid to maintaining the natural program we have inherited. It is apparent from the application information which we received that shows hand sketches of a cabin and plans from Pinterest that requirements listed in Chapter 4 and Tables 2 and 3 under 9-7-10 for those allowed by conditional use, that the criterion was not met. It clearly lists a volume of studies and plans that are required which were not performed. Most importantly for any application to avoid physical damage to my garage, a grading and drainage study is necessary since it drains directly onto my property a topo survey with required contours and specific civil engineering with proposed grades and finished floor elevations are necessary.

Lots 321 and 339 are the only natural buffer left to protect our neighborhood and adjacent to our property that was one of the original cabins built in 1970 and we have spent the last 6 years pouring hard work and money into preserving and transforming this cabin. We have become subject to the increased intensity of the OHV's that whip down Spruce Street. The city staff has recently taken aggressive steps to engage the community and neighbors this year to get out in front of this issue and recently applied recycled asphalt to the surface and will be implementing more aggressive measures next season with signage, hopefully 10 MPH limits, education through social media and public outreach and yes punitive citations to establish that Brian Head is special and is not intended to ever become what's transpired in Duck Creek.

Thank you for your consideration and the work that you do to keep Brian Head Special.

Sincerely

Don and Danielle Cape
[REDACTED] Spruce Street
[REDACTED]

cc: Council Members (Calloway, Freeberg, Mulder, Marshall) via email.