



The Regular Meeting of the
Brian Head Planning Commission
Town Hall - 56 North Highway 143 - Brian Head, UT 84719
Zoom Meetings ([click here](#))
Zoom Meeting ID# 822 7245 8702
TUESDAY, APRIL 16, 2024 @ 1:00 PM

AGENDA

- A. **CALL TO ORDER** **1:00PM**
- B. **PLEDGE OF ALLEGIANCE**
- C. **DISCLOSURES**
- D. **APPROVAL OF THE MINUTES:** April 2, 2024 Planning Commission meeting.
- E. **PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- F. **AGENDA ITEMS:**
 - 1. **ADMINISTRATIVE ACTION - CONDITIONAL USE PERMIT RIVEW.** Lester Ross Building and Planning Official. The Commission will review the existing CUP for Prime Adventure Outfitters at 468 Highway 143 and may make any changes or modifications necessary.
 - 2. **DISCUSSION - FUTURE AGENDA ITEMS.** Lester Ross Building and Planning Official. The Commission will discuss future agenda items and give staff direction on items that they would like to address.
- G. **ADJOURNMENT**

Date: April 10, 2024

Available to Board Members as per Ordinance No, 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in two public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall and Post Office and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk



ITEM: CONDITIONAL USE PERMIT 468 HIGHWAY 143

AUTHOR: Lester Ross
DEPARTMENT: Admin
DATE: April 16, 2024
TYPE OF ITEM: Administrative Action

SUMMARY:

The commission will review the Conditional Use Permit for Prime Adventure Outfitters at 468 Highway 143. The Conditional use Permit is for an OHV and motorcycle rental business.

BACKGROUND:

On February 17, 2010, a Conditional Use Permit was granted to Brian Head Outdoor Adventures to allow them to rent OHVs on the property located at 468 Highway 143. The CUP was modified on January 6, 2015, and again on July 19, 2020. As part of the 2020 modification, the CUP was to be reviewed annually.

ANALYSIS:

The Standards for Review for a Conditional Use are as follows (9-11-2):

Standards for Review:

1. No conditional use permit may be issued unless the Planning Commission finds that the application meets the following standards and conditions:
 - a. Protects the safety of persons and property:
 - (1) Will not result in unreasonable traffic congestion or traffic hazards.
 - (2) Has adequate and necessary access for municipal services.
 - b. Will not exceed the obligations and/or financial capability of the Town and will not require a level of community facilities and services greater than that which is available, or which may be provided.
 - c. Will protect environmental values:
 - (1) Will not cause unreasonable air, water, groundwater, light, or noise pollution.
 - (2) Does not have critically expansive soils, high water table, slope instability, or other soil problems which cannot be mitigated.
 - d. Consistent with the Town's General Plan:
 - (1) Will comply with the requirements of the zoning district in which the use is to be established and with all other requirements of this title.
 - 2) Will be compatible with the character of the neighborhood and surrounding structures in scale, mass, and traffic circulation.
 - e. The applicant has assured performance of obligations by posting bond or other adequate security as determined necessary by the Planning Commission per [chapter13](#) of this title.
2. With its approval, the Planning Commission may impose such conditions and safeguards to ensure compliance with the requirements, standards, or conditions of this section. The violation of any condition, safeguard, or commitment of record by the applicant shall be sufficient grounds for revocation of conditional use approval.

Reasonably anticipated detrimental effects:

1. Traffic congestion
 - a. Additional traffic as ATV's are picked up and dropped off.
2. Parking Congestion
 - a. May be fewer parking spaces due to the parking and storage of the ATVs on site.
3. Air, light, and noise pollution
 - a. May be more noise and dust from the rented ATV's as they travel through town and as they are being maintained and prepared onsite.
4. Visual impact to neighbors
 - a. Neighboring businesses and dwellings will have the ATV's and motorcycles parked along the edges of there property as they are being stored (see attached site plan).
5. Impact on the character of the neighborhood and to Highway 143:
 - a. Travelers on Highway 143 will see the additional vehicles. It may be a detriment, but a minimal one since the ATV's are already visible.

Recommended conditions for mitigation of anticipated detrimental effects:

1. Will obtain and maintain the required business license with Brian Head Town and any required licenses with the State of Utah to perform the above listed use.
2. Primary staff parking will be located off-site at a location legally obtained by the applicant. The property owner will obtain shared parking access by agreement per the LMC provisions. This is based on 13 parking spaces provided on site and a maximum of 12 machines being rented from this location.
3. Fuel will be contained in a legally conforming fuel tank and stored per State and Federal requirements. No fuel will be left accessible on site.
4. Hours of Operation (customer service) will be from: 9:00 am – 9:00 pm.
5. Storage of a single trailer will not exceed three (3) days on the property and OHVs are allowed to be kept on site with a maximum of 15 machines with only 12 machines being visible.
6. Machines will not be permitted to idle for more than 10 minutes at any one time.
7. No parking on the Town Trail and maintain legal access to Town trail system.
8. Machines will not be repaired on site beyond minimal maintenance (spark plugs belts, etc.) and a spill kit will be kept on site and hazardous spills will be mitigated.
9. Dust developed on site will be mitigated with a dust control plan.
10. Minimum of 40% of the property will be landscaped.
11. Machines will have stock exhaust and engine components to maintain operation and noise within factory specifications.
12. One (1) snowcat is allowed.
13. No further vegetation will be removed on the property in the area by 90 W. Circle Dr. Additional trees will be plated and maintained in the buffer zone for additional screening along property abutting 90 W. Circle Dr.
14. The following activities are encouraged:
 - a. Education for customers regarding safe, responsible OHV use to promote orderly non-offensive machine use.
 - b. Non-business hours activity to be conducive to the neighborhood regarding noise, smoke, duct, etc.
 - c. Safety training and machine marking to promote safe use of machines.

- d. Make best efforts to promote cooperation between competing businesses for safety and good will to enhance customers satisfaction.

STAFF RECOMMENDATION:

Staff Recommends that the Planning Commission delineate any further conditions they see fit, associate those conditions with a reasonably anticipated detrimental effect, and approve the CUP. See attached proposed Conditional use permit.

PROPOSED MOTION:

The Planning Commission can approve, approve with conditions, or deny listing the reasons for denial the Conditional Use Permit.

Recommended Motion: I Move to approve the CUP for Prime Adventure Outfitters located at 468 Highway 143 with the following Conditions: List conditions from proposed CUP and any additional conditions.

ATTACHMENTS:

- A. July 19, 2020, CUP
- B. Proposed CUP



CONDITIONAL USE PERMIT

APPLICANT: Brian Head Outdoor Adventures
PROPERTY: 468 N Highway 143
ZONE: General Commercial
USE: OHV Rental Business
DATE APPROVED: February 17, 2010 (modified Jan 6, 2015 and again Jul 19, 2022)

In accordance with §9-11-2 of the Brian Head Town Code, the following conditions are required to be met for the above-referenced use at the above-referenced location in order to assure compatibility and harmonious relationships between the proposed use and the surrounding properties and the Town in general. Conditional use approval may be revoked upon failure to comply with all conditions set forth in this conditional use permit.

Anticipated Detrimental Effects:

1. Traffic and Parking Congestion: There may be less parking spaces because of the addition of the ATVs.
2. Light and Noise Pollution: There may be more noise pollution in town if every ATV on site is rented out. The noise pollution will likely be minimal or nonexistent.
3. Visual Impact to Neighbors and Public Right of Way:
 - a. Apple Annie's will be affected by the addition of the extra vehicles because the spaces are slotted on the property line between Utah ATV and Apple Annie's.
 - b. Travelers on Hwy 143 will see the additional vehicles. It may be a detriment, but a minimal one since the ATVs are already visible.

Conditions:

4. Location is for the two parcels of land that constitutes the usable property for the business.
5. Primary staff parking will be located off site at a location legally obtained by the applicant. The property owner will obtain shared parking access by agreement per the LMC provisions (parking will be re-addressed in the future when the gas station/convenience store is built). This is based on 13 parking spaces provided on site and provisions for review in one year and a maximum of 12 machines being rented from the business.
6. Fuel will be contained in a legally conforming fueling truck/tank and not left on the property at night.
7. Hours of operation (customer service) will be from 9:00a.m. – 9:00p.m.daily.
8. Storage of a single trailer will not exceed three (3) days on the property and OHV's are allowed to be kept on site with a maximum of 15 machines with only 12 machines visible. Use of equipment will be contained for visual and noise mitigation.
9. Machines will not be permitted to idle for more than 10 minutes at any one time.
10. No parking of OHV's on Town Trail.
11. Machines will not be repaired on site beyond minimal maintenance (spark plugs, belts, etc.) and a spill kit will be kept on site and hazardous spills will be mitigated.

9. Dust developed on site will be mitigated with dust control efforts.
10. Landscape area of property will be kept at 40% minimum.
11. Machines will have the stock exhaust and engine components to maintain operation and noise within factory specifications.
12. Maintain legal access to Town trail system.
13. One (1) snowcat is allowed per town ordinance 09-0098: 19-2-6.
14. This conditional use permit would become void once Brian Head Outdoor Adventures located at 468 North Highway 143, Brian Head, is no longer operating on the property. Any new business located at this location will be required to submit a new application to the Planning Commission.
15. The Planning Commission will review the Conditional Use Permit annually.
16. No further vegetation will be removed between Apple Annie's and the parcel, and if possible, additional aspen trees will be planted to help screen and fill in the buffer zone that has been dwindling.

Encouraged Activities

- a) Encourage education to customers regarding safe, responsible OHV use to promote orderly non-offensive machine use.
- b) Encourage non-business hours activity to be conducive to the neighborhood regarding noise, smoke, dust, etc.
- c) Encourage safety training and machine marking to promote safe use of machines.
- d) Make best efforts to promote cooperation between competing businesses for safety and good will to enhance customer satisfaction.

Site Map for CUP- Utah ATV
Rentals
62722

Apple
Annie's

Hwy 143

Town Trail

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12

2

1

2

1

U

7

2

10

11

12

1

16 17 18 19 20

Utah ATV
Rentals
Office

High
Country
office

Porch

parking
lot

CONDITIONAL USE PERMIT

APPLICANT: Prime Adventure Outfitters
PROPERTY: 468 Highway 143
ZONE: GC General Commercial
USE: OHV Rental Business
DATE APPROVED: April 16, 2024

Date CUP was first approved February 17, 2010

Dates CUP were modified January 6, 2015, July 19, 2022.

Parcel Number: A-1144-0001-0004-041, A-1144-0001-0004-04

Property Legal Description

BEG N89°06'32"W 536.88 FT ALG SEC LN & S0°06'20"E 37.54 FT ALG E LN OF TIMBERBROOK VILLAGE CONDO PHASE I, FR SE COR SEC 34, T36S, R9W, SLM; SD PT BE ON N LN OF SEC LOT 5, SEC 2, T36S, R9W, SLM; S0°06'20"E 169.18 FT ALG E LN OF TIMBERBROOK VILLAGE CONDOS PHASE I, TO N LN OF U-143; N44°35'06"W 240.26 FT TO N LN SD LOT 5; S89°28'53"E ALG SD S LN 168.46 FT TO POB. (LOC SEC 2, T36S, R9W, SLM)

BEG AT SE COR SEC 34, T36S, R9W, SLM; N89°06'32"W 536.88 FT ALG SEVENTH STANDARD PARALLEL S AS SHOWN ON U.S. GOVERNMENT TOWNSHIP PLAT OF T36S, R9W, SLM & SIGNED BY U.S. SUPERVISOR OF SURVEYS ON 9/19/29 TO TRUE POB; S0°06'20"E 37.13 FT ALG E LN OF TIMBERBROOK VILLAGE CONDOMINIUMS TRACE; N89°28'53"W 168.35 FT ALG S LN OF SEC LOT 4, SEC 2, T36S, R9W, SLM; N44°35'06"W 54.50 FT ALG NE'LY LN OF HWYU-143; S89°06'32"E 206.55 FT ALG SD SEVENTH STANDARD PARALLEL S TO TRUE POB. (SEC 2, T36S, R9W, SLM)

Use: Rental of Off Highway Vehicles (OHV), and Motorcycles

Use Description: Rental of All Train Vehicles (ATV), Motorcycles, and related safety equipment.

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Doug Deutschlander
Planning Commission Chairperson

Property Owner

Site Map for CUP. Utah ATV
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62722

