

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

MINUTES OF THE PLANNING COMMISSION

Roll Call.

Members Present: Chairperson Doug Deutschlander, Commissioner Carrie Dever, Commissioner Cecile Wallis, Commissioner Sheri Brown.
Members Absent: Commissioner Morgan, Alternate Commissioner Lee.
Staff Present: Lester Ross, Building and Planning Official; Nancy Leigh, Town Clerk; Amanda Hunter, Code Enforcement.

A. CALL TO ORDER

Chairperson Deutschlander called the regular meeting of the Planning Commission to order at 1:03 p.m.

B. PLEDGE OF ALLEGIANCE

Chairperson Deutschlander led the Commission and others in the Pledge of Allegiance.

C. DISCLOSURES

There were no conflicts of interest with today's agenda items. Chairperson Deutschlander stated that the disclosure statements are on file with the Town Clerk and are available for public inspection during normal business hours.

D. APPROVAL OF THE MINUTES:

April 2, 2024 Planning Commission meeting.

Motion: Commissioner Dever moved to approve the April 2, 2024 Planning Commission minutes. Commissioner Brown seconded the motion.

Action: **Motion carried 3-0-1 (summary: Yes = 3 No = 0 Abstain = 1 Vote: Yes: Commissioner Dever, Commissioner Brown, Chairperson Deutschlander. Abstained: Commissioner Wallis).**

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

Lester Ross, Building and Planning Official,

1. Another subdivision, Hidden Springs, has submitted a preliminary plat that will be reviewed by the Planning Commission in May. The Planning Commission has already completed the Schematic Review.

2. The training for Planning Commission Chairs in Clearfield will be recorded and available to those who are not able to attend in person. Lester reported that he would forward the information to Chairperson Deutschlander.

Nancy Leigh, Town Clerk, reminded the Commission of the upcoming Open and Public Meeting training that is scheduled for April 30, 2024 at 1:00 p.m. Nancy reported this is a required training for all public boards.

F. AGENDA ITEMS:

1. **ADMINISTRATIVE ACTION - CONDITIONAL USE PERMIT REVIEW.** A review of the existing CUP for Prime Adventure Outfitters at 468 Highway 143.

Lester Ross, Building and Planning Official, reported that Utah Outdoor Adventures currently has a Conditional Use Permit (CUP) for motorized vehicle use on the property. The company has changed its name to Prime Adventures since the last time and now has four locations outside of Brian Head Town. Lester explained that the Planning Commission is reviewing the CUP due to a provision that was previously written in for an annual of the CUP.

Lester reported that there has been a change to the CUP in which the business has expanded their business to include "slingshots" which are considered an on-road motorcycle but included in their CUP. Lester explained that there are other staff recommendations for changes that are permitted use in the zone and allow the individual the assurance to run their business. It also removes the requirement for an annual review and if a complaint is filed, then it would need to be brought to the business's attention and if it is not resolved, then it could be brought to the Planning Commission's attention.

Lester explained that the business is asked for a use that is currently what is beyond the use of their CUP and the Planning Commission will need to review the potential impacts on the neighboring properties and mitigate the negative impacts with conditions of the CUP. Lester reported staff identified the following recommended conditions for Prime Adventures CUP:

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 the 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. A minimum of 40% of the property will be Landscaped.



11. Machines will have the 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 Circle Dr. Additional Trees will be plated and maintained in the buffer zone for additional screening along the property abutting 90 Circle Dr.
14. The following activities are encouraged:
 - a. Education to 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 goodwill to enhance customer satisfaction.

The Commission discussed the following:

1. Commissioner Dever inquired if additional trees had been planted previously. Lester responded that he did not believe additional trees were planted and explained that it was a recommendation identified on the current CUP, but not a condition. Lester reported that it was removed as a requirement on the updated CUP.
2. Chairperson Deutschlander commented that the drawing that is attached to the CUP is incorrect and is approximately 90 degrees off the drawing.
3. Commissioner Wallis inquired as to the parking for the business. Commissioner Dever explained that the business rented a vacant parcel of parcel adjacent to the property for their customer parking.
4. Chairperson Deutschlander commented there have been times in the past when he noticed the business had exceeded the number of vehicles allowed to be displayed.
5. Chairperson Deutschlander expressed his biggest concern in which they park on the landscape area, but they also count the area as landscape since it is a grassy area. He has also seen a total of 18 machines parked on the grassy area to be displayed, which violated the CUP. Lester explained that if there is an issue, then the Town can revoke the CUP.
6. Commissioner Dever inquired if the property changed ownership, the CUP would become void. Lester explained that it is currently identified in the Town Code and would not be identified in the CUP.
7. If the CUP application is submitted by the property owner, then the CUP will remain with the property. If the business acquires the CUP and does not own the property and the applicant moves from the property, then the CUP would become void.
8. Commissioner Dever inquired as to why Snowcat tours were identified on the updated CUP. Nancy Leigh, Town Clerk, explained that it was part of the original CUP in which the business was planning to conduct snowcat tours. Lester explained that the business owner would need to request the condition be removed from the CUP permit.
9. Commissioner Dever suggested that during the motion for this agenda item, "slingshots" should be defined as motorcycles and are equal to ATVs for the motion. Lester explained that "slingshots" were considered in state code in relation to ATVs, but in speaking with Public Safety Director, Chief Dan Benson, he did not identify these area OHVs.
10. Chairperson Deutschlander inquired if a measurement of the existing property should be taken for accuracy purposes. Lester reported the attached map is from 2022.



BRIAN HEAD

Motion:

Commissioner Dever moved to amend the current Conditional Use Permit dated February 16, 2015 for Prime Adventures located at 468 North Highway 143, Brian Head, UT 84719 with the following conditions:

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 the 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. A minimum of 40% of the property will be Landscaped.
11. Machines will have the stock exhaust and engine components to maintain operation and noise within factory specifications.
12. The following activities are encouraged:
 - a. Education to 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 goodwill to enhance customer satisfaction.

Commissioner Wallis seconded the motion.

Action:

Motion carried 4-0-0 (summary: Yes = 4 Vote: Yes: Commissioner Dever, Commissioner Wallis, Commissioner Brown, Chairperson Deutschlander).

2. DISCUSSION – FUTURE AGENDA ITEMS. A discussion on future agenda items.

Land Management Code Review – U of U Students

Lester Ross, Building and Planning Official, reported that the University of Utah students have been working with staff on a review of the Land Management Code and will give their recommendations to the Town Council and Planning Commission in the coming weeks.

E-Bikes:

Chairperson Deutschlander inquired if the State has identified a definition for E-bikes yet. Amanda Hunter, Code Enforcement, commented that a staff report and discussion was made to the Town Council several months ago in which the Town Council identified areas where E-bikes were allowed, depending on the classification of the E-bike. Amanda explained that there is not yet full regulation on the bikes and they cannot ride on Forest Service or Parks property yet.

Chairperson Deutschlander inquired if the Town's regulations would be in line with the State's regulations. Amanda responded that the Town would be in line with the State but with some allowance for the Town walking trail and Bristlecone walking trail area. Signs have been ordered for the E-bikes.

Long-Term Rentals

Chairperson Deutschlander commented that he would like the Commission to review the concept of adjusting the Town Code to allow a property owner to build a deed-restricted unit for a long-term rental to meet the demand for workforce housing. Chairperson Deutschlander commented that short-term rentals would be prohibited from this provision.

Accessory buildings without a Main Structure

Chairperson Deutschlander commented that he would like the Commission to review the concept of allowing property owners with smaller lots in the original subdivisions to build garages for storage but without the requirement of building a home. Lester reported that he would need to review the code since it could create challenges. Chairperson Deutschlander commented that a long-term rental could be identified in the upper loft of the garage.

Commissioner Dever commented that currently, the requirement has a percentage tied to the living space to the percentage of the garage space. Lester explained that unless it is an accessory dwelling, it would allow for a small living above the garage but would need to be 50% of the main structure.

Snow Storage

Chairperson Deutschlander commented that the Commission has previously discussed the challenges of snow storage with the subdivisions that have been presented to the Commission and the impact on the landscaping requirements. Chairperson Deutschlander expressed his concerns that the developers are identifying the snow storage area where the landscaping area is identified and then nothing grows in that area where the snow storage is located. He would like the Commission to determine the percentage of snow storage but would like the landscaping area and snow storage area separated.

Building Separation Requirements & Other LMC Miscellaneous Items

Chairperson Deutschlander commented that during a review of the past subdivisions, he noticed that several subdivisions in his opinion have been overbuilt with the number of units on a property and would like the Commission to review building separation.

Lester explained the Commission reviewed building separation last year and the Town Council also reviewed it and reduced it from the Commission's recommendation. Chairperson Dever inquired if building separation could be identified by zones (R1, R2, R3) which are all identified as a 10' separation. Lester cautioned the Commission on being too restrictive if the Commission wants growth in Brian Head. Lester reported that a Development Agreement could be a tool that could be used instead.

Lester updated the Commission on the state's requirements which the Hansen Group is in the process of revising Chapter 9, Subdivisions, to meet the new state requirements. The Planning Commission will be the body to review the subdivisions and it removes the Town Council from the process, but the majority of the work is identified at an administrative level. The Town Council will be responsible for any legislative changes such as zone changes and general plan amendments. The Planning Commission's authority is an administrative authority only.

Commissioner Dever inquired if it would be beneficial for the Commission to have a work meeting and then an action meeting. Lester reported that it would be at the Commission's discretion, but the Town Code would need to be amended.

Lester updated the Commission on public hearings in which the Commission can take public comment, but if the developer has met the Town Code requirements, the Commission cannot give in to public clamor and must follow the Town Code. Lester recommended the Commission hold the public hearing in one meeting and decide in the next meeting.

Public Meetings: If someone is affected by a subdivision, that person has a right to speak in a public meeting. This is for those property owners who are immediately adjacent to the affected area.

G. ADJOURNMENT

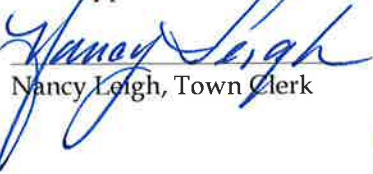
Motion: Commissioner Dever moved to adjourn the regular meeting of the Planning Commission. Commissioner Brown seconded the motion.

Action: **Motion carried 4-0-0 (summary: Yes = Vote: Yes: Commissioner Dever, Commissioner Wallis, Commissioner Brown, Chairperson Deutschlander).**

The regular meeting of the Brian Head Planning Commission was adjourned at 2:05 p.m. on April 16, 2024.

May 7, 2024

Date Approved


Nancy Leigh, Town Clerk

