



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# 812 0694 2992
TUESDAY, JANUARY 2, 2024 @ 1:00 PM

AGENDA

- A. CALL TO ORDER** **1:00PM**
- B. PLEDGE OF ALLEGIANCE**
- C. SWEARING IN OF COMMISSIONERS.** Nancy Leigh, Town Clerk will swear in the new and reappointed Commission Members.
- D. DISCLOSURES**
- E. APPROVAL OF THE MINUTES:** December 5, 2023 Planning Commission meeting.
- F. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- G. AGENDA ITEMS:**
 - 1. CHAIR & VICE CHAIR SELECTION FOR 2024 YEAR.** The Commission will vote on their Chair and Vice Chair for the 2024 year.
 - 2. INTRODUCTION AND PUBLIC HEARING - CONDITIONAL USE PERMIT FOR 235 E. SNOWSHOE CIRCLE, HOME OCCUPATION, SNOW REMOVAL / GET PLOWED.** Lester Ross, Town Planning and Building Official. An introduction to the public hearing will be given. The Commission will then hold a Public Hearing on a Conditional Use Permit for a Home Occupation for snow removal business with outdoor equipment storage for Get plowed located at 235 E Snowshoe Circle. Comments are limited to three minutes and written comments may be submitted to the Town Clerk at nleigh@bhtown.utah.gov no later than January 1, 2023 by 4:30 p.m.
 - 3. ADMINISTRATIVE ACTION - CONDITIONAL USE PERMIT FOR 235 E. SNOWSHOE CIRCLE, HOME OCCUPATION, SNOW REMOVAL / GET PLOWED.** Lester Ross, Town Planning and Building Official. The Commission will review a Conditional Use Permit for Get Plowed a Home Occupation for snow removal business with outdoor equipment storage located at 235 E Snowshoe Circle.
- H. ADJOURNMENT**

Date: December 29, 2023

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 235 E SNOWSHOE CIR.

AUTHOR: Lester Ross
DEPARTMENT: Admin
DATE: January 2, 2024
TYPE OF ITEM: Administrative Action

SUMMARY:

The commission will be reviewing a proposed Conditional Use Permit for Shane Eagan at 235 E Snowshoe Cir. Lot 1 Block A Ski Haven Chalets Unit B. The Conditional use Permit is for a Home Occupation for a snow removal business with outdoor equipment storage.

BACKGROUND:

On November 29, 2023, staff received an application for a conditional use permit from Shane Eagan for a conditional use permit for a Home Occupation for a snow removal business with outdoor equipment storage.

On December 15, 2023, Public Notice were sent out to property owners within 300'.

ANALYSIS:

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

D. 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 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.

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

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.

Chapter 7 of the Land Management Code states the following for a R 1 Single Family Residential zone:

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.

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 235 E Snowshoe Cir. Lot 1 Block A Ski Haven Chalets Unit B with the following Conditions: List conditions from proposed cup and any additional 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. Only 1 piece of heavy equipment and 2 attachments are allowed for the purpose of private and commercial snow removal.
3. Loading and unloading of equipment cannot be done on Steam Engine Dr or Snowshoe Dr.
4. Screening will be applied for all equipment.
 - a. Screening: All outdoor storage, including vehicles, machinery, and equipment, shall be screened from the public view as seen from any public roadway. Existing trees and landscaping along with building orientation are acceptable methods to minimize the adverse visual impacts.
5. Equipment cannot exceed an idle time of 5 minutes between 10pm and 7am, and no backup alarms will be used on the premises.

ATTACHMENTS:

- A. Public Notice
- B. Site map
- C. Site plan
- D. Development report
- E. Proposed CUP



December 15, 2023

Dear Property Owner:

An application has been received by Brian Head Town requesting a Conditional Use Permit at 235 E Snowshoe Cir. Lot 1 Block A Ski Haven Chalets Unit B. For a Home Occupation identified in subsection 9-10-5C for a snow removal business with outdoor equipment storage. Brian Head Town is sending out this notice as per Utah Code Title 10, Chapter 9a, Part 2 and Brian Head Land Management Code 9-1-8.

- A. Anyone wishing to review the information on the proposed Conditional Use Permit may do so at Brian Head Town Hall during normal business hours of 9:00 a.m. to 4:30 p.m. Monday through Friday.
- B. Anyone wishing to make comments about the proposed Conditional Use Permit may submit written comments to the Brian Head Town Clerk @ nleigh@bhtown.utah.gov no later than December 29, 2023, by 4:30 p.m.
- C. The Brian Head Planning Commission will hold a Public Hearing at the BRIAN HEAD TOWN HALL COUNCIL CHAMBERS, 56 North Hwy 143, Brian Head, UT on January 2, 2024, at 1:00 p.m. to receive comments from the public on this application.

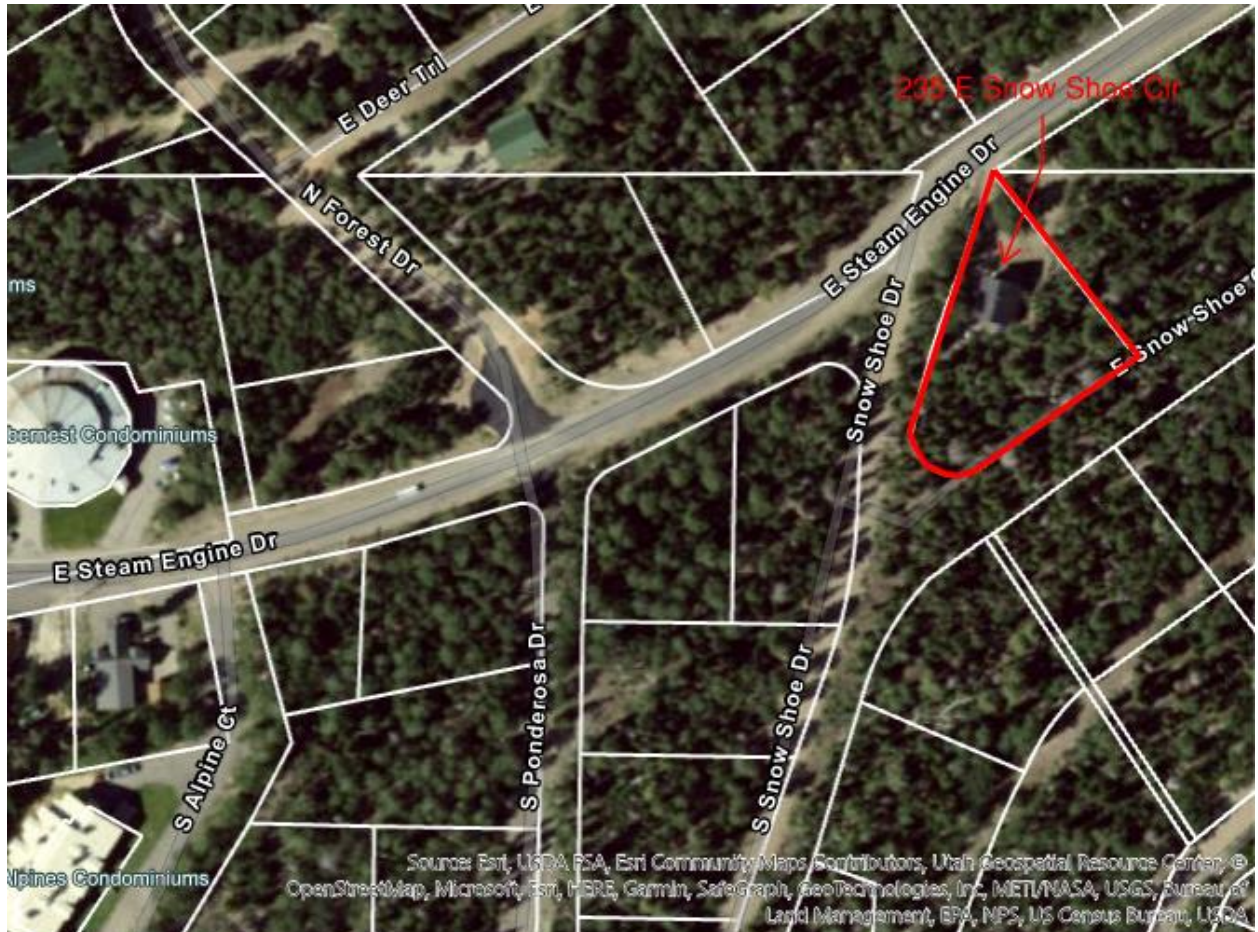
If you have any questions or should need additional information, please do not hesitate to contact our offices during normal business hours.

Respectfully,
Brian Head Town

Lester Ross
Building and Planning Official
 BRIAN HEAD

Enclosure

Proposed Parking for tractor on West side of building or in the garage.



Starting a snow removal company and will be storing a small Kubota tractor with 2 snow removal attachments. The purpose for the use of the property is to secure and provide the ideal environment for storing the snowplows, and other essential equipment, ensuring quick and easy access during winter weather events.

Proposed Parking for tractor on West side of building or in the garage as indicated by the red arrows.



Proposed Business activity

Starting a snow removal company and Will be storing a small Kubota tractor with 2 snow removal attachments. Purpose for use of property is to secure and provide the ideal environment for storing snow plows, and other essential equipment, ensuring quick and easy access during winter weather events.

CONDITIONAL USE PERMIT

APPLICANT: Michael Shane Eagan
PROPERTY: 235 E Snowshoe Cir
ZONE: R 1 Single-Family residential
USE: Home Occupation
DATE APPROVED: January 2, 2024

Property Legal Description

Lot 1 Block A Ski Haven Chalets Unit B

Use: Home Occupation using garage and yard space.

Use Description: Home occupation for snow removal with outdoor equipment storage.

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.

Reasonably anticipated detrimental effects:

1. Traffic congestion
2. Air and noise pollution
3. Visual impact to neighbors
4. Impact on the character of the neighborhood

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. Only 1 piece of heavy equipment and 2 attachments are allowed for the purpose of private and commercial snow removal.
3. Loading and unloading of equipment cannot be done on Steam engine Dr. or Snowshoe Dr.
4. Screening will be applied for all equipment.
 - a. Screening: All outdoor storage, including vehicles, machinery and equipment shall be screened from the public view as seen from any public roadway. Existing trees and landscaping along with building orientation are acceptable methods to minimize the adverse visual impacts.
5. Equipment cannot exceed an idle time of 5 minutes between 10pm and 7am, and no backup alarms will be used on the premises.

Doug Deutschlander
Planning Commission Chairperson

Michael Shane Eagan
Property Owner

Concerns regarding proposed Conditional Use Permit at 235 E Snowshoe Cir.

External



false

Thu, Dec 21, 5:28 PM (5 days ago)

to nleigh@bhtown.utah.gov

December 21, 2023

To: Brian Head Planning Commission

My name is Glen Meyers and I am the owner of 201 E Steam Engine and 209 E Steam Engine, parcels A-1145-0000-000A-06 and A-1211-0151-0000. These two lots on Steam Engine are directly across from 235 E Snowshoe Circle. My wife and I purchased these two lots with the expectation of building a nice home in this residential area. We have some concerns regarding this Conditional Use Permit at 235 E Snowshoe Cir.

We like the idea of starting small businesses in Brian Head and with the cost of commercial real estate, we are not against residents using their residential property. That being said, our concern is that this small business turns into a large business from one small Kubota tractor to several large tractors and other excavating equipment. I do not want to have a Utility yard with heavy equipment being stored in a residential area. The application for this conditional use permit states, "Proposed Parking for tractor on West side of building or in the garage". Storing the tractor and attachments in the garage would be ideal. We would not be against the building of a structure for storing this equipment as long as it is aesthetically pleasing. Aka, not some metal shed that looks like it belongs in a utility yard. As we are currently not in the building season, we would be ok with the storage of one small Kubota tractor on the west side of the home for the current snow season.

Respectfully: Glen Meyers