



BRIAN HEAD

The Regular Meeting of the
Brian Head Planning Commission

Town Hall - 56 North Highway 143 - Brian Head, UT 84719

Zoom Meetings ([Click Here](#))

Zoom Meeting ID# 825 7635 3481

TUESDAY, June 17, 2025 @ 1:00 PM

AGENDA

- A. CALL TO ORDER** **1:00PM**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES**
June 3, 2025 Planning Commission Meeting
- E. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- F. AGENDA ITEMS:**
 - 1. DISCUSSION ONLY – Ice Rink CUP Amendment** – Greg Sant, Planning and Building Administrator, review existing CUP and requested changes – Ice Rink, applicant.
- G. ADJOURNMENT**

Date: June 17, 2025

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.

Ciera Claridge, Deputy Clerk



ITEM: ICE RINK CUP AMENDMENT

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: June 17, 2025
TYPE OF ITEM: Discussion

SUMMARY:

The Ice Rink was previously issued a CUP and they would like to discuss amending the CUP regarding the location of the Zamboni storage and other items that are out of compliance at this time.

BACKGROUND:

In November 17, 2020 the applicant applied for a CUP for the Ice Rink at the Mall. The CUP from that time is attached and includes the following recommended conditions for mitigation of anticipated detrimental effects:

1. Applicant may use public parking until November 1, 2021 and must submit a permanent parking plan for Planning Commission approval thereafter.
2. Lighting will strictly comply with Chapter 12 lighting requirements. All lighting will be fully shielded and downward facing. No light sources will be directly visible from adjacent property or the right-of-way.
 - a. A permanent lighting plan will be submitted and approved by the Planning Commission and attached as an exhibit to this permit by November 1, 2021
 - b. Lights will not be permitted to be on after 10pm
3. Disturbed areas will be revegetated and maintained in perpetuity.
4. Mature trees within the footprint of the rink will be relocated rather than removed.
5. Due to the temporary nature of this use, a bond sufficient for reclamation/revegetation of the property will be maintained until vegetation is established.
6. Maintenance equipment will be stored inside
7. On-site sanitation facilities will be provided which meet design standards in Chapter 12 by November 1, 2021. Temporary sanitary facilities may be required upon request of Town staff.
8. Equipment which produces noise can only be used during hours of operation.
9. Hours of operation will be restricted to 7am until 10pm
10. Temporary building size is limited to 12' x 30'.

On May 4, 2021 the applicant came back before the Planning Commission to revise the CUP as follows (items in yellow highlight were modified):

1. Applicant may use public parking until **November 1, 2023** and must submit a permanent parking plan for Planning Commission approval thereafter.
2. Lighting will strictly comply with Chapter 12 lighting requirements. All lighting will be fully shielded and downward facing. No light sources will be directly visible from adjacent property or the right-of-way.
 - a. **Lighting will be inspected and approved by Town staff**
 - b. Lights will not be permitted to be on after 10pm

3. Disturbed areas will be revegetated and maintained in perpetuity.
4. Mature trees within the footprint of the rink will be relocated rather than removed.
5. Due to the temporary nature of this use, a bond sufficient for reclamation/revegetation of the property will be maintained until vegetation is established.
6. Maintenance equipment will be stored inside
7. On-site sanitation facilities will be provided which meet design standards in Chapter 12 by November 1, 2022. Temporary sanitary facilities may be required upon request of Town staff.
8. Equipment which produces noise can only be used during hours of operation.
9. Hours of operation will be restricted to 7am until 10pm
10. Temporary building size is limited to 12' x 30'.

On June 7, 2023 the CUP for the Ice Rink was again presented to the Planning Commission with the following findings by staff:

1. Traffic and Parking Congestion:
 - a. Town staff recognizes that the current parking requirements could be too large given the size of the Village Commercial Zone and are bringing that conversation to the Planning Commission and Town Council later in this meeting. It is recommended that the applicant create a Development Agreement with the Town within six months to decide what parking is required of the applicants.
2. Light and Noise Pollution:
 - a. It is recommended that lighting strictly comply with Chapter 12 lighting requirements. All lighting should be fully shielded and downward facing. No light sources should be directly visible from adjacent property or the right-of-way.
 - b. It is recommended that the applicant submit a permanent light plan to the Planning Commission for approval no later than October 1, 2022.
 - c. Lights should not be permitted to be on after 10 pm.
3. Visual Impact to Neighbors and Public Right of Way:
 - a. It is recommended that the applicant create a Landscape plan showing which vegetation will be removed and how the applicants will maintain the other vegetation from the foot traffic of rogue bean bags.
 - b. It is recommended that the applicants use a permanent border to maintain their gravel pathways.
 - c. It is recommended that the applicants create a Snow Plan that describes how and when they plan to add new snow to their outdoor snow activities. That plan should be submitted to Staff first and then Planning Commission for approval prior to the opening of the winter business opening (no later than October 1, 2022).
 - d. It is recommended that the applicants create Snow Man Plan to secure the snowman clothing prior to erecting the structure and submit that plan with the Snow Pack plan prior to the winter business opening (no later than October 1, 2022).
4. Impact on the Natural Environment and Vegetation:
 - a. It is recommended that the applicants submit a grading and drainage plan for the summer cornhole walkways to Staff. It is also recommended that the applicants submit a winter drainage plan for the off chance that we have a hot winter and the snow melts off faster than expected. The applicants should submit that to Staff as well.

- b. It is recommended that the applicants expand on the details of what they plan to do with the big foot cut outs. If they will not be nailed into trees, then Staff sees no further issue with that. However, Staff strongly recommends that the applicants submit a detailed plan on how they will keep their games and decorations from blowing over in the wind and rain that come in Summer.
 - c. Staff recommends that the applicants apply for an excavation/grading permit to install the telephone pole. It is also recommended that applicants get Planning Commission's approval for the giant telephone pole prior to installation.
- 5. Sufficient Utilities and Sanitation Service for Use:
 - a. It is recommended that on-site sanitation facilities be provided to meet design standards in Chapter 12. These should be approved by Staff or Planning Commission prior to being installed or placed on the property. Temporary sanitary facilities may be required upon request of Town staff.
 - b. In communications with the applicant on June 3, 2022, the Town stated that the applicants must install a water meter by August 1, 2023. That provides the applicants with more than a reasonable amount of time to get the meter, equipment, and install. Alternatively, the applicants can hook a garden hose up to the side of the Mall and use that as a water source, since the Town granted the hydrant water was a temporary fix to help, rather than a permanent solution.
- 6. Public Safety Concerns:
 - a. It is recommended that the applicant submit an engineered grading plan that adequately addresses the walkway slopes.
 - b. It is recommended that the applicant either cease operations prior to dusk, or submit a lighting plan that meets design standards of Chapter 12 to staff prior to opening summer and winter time business.
 - c. It is recommended that the applicant create fence boundaries and install signage strictly enforcing and informing visitors of the property lines.
- 7. General Plan Consistency:
 - a. It is recommended that the amended CUP be temporary, with reviewal once a year to ensure that it remains within the Town's vision and General Plan.
- 8. Land Management Code Consistency:
 - a. It is recommended that, if the temporary structure becomes permanent or is allowed to stay, the applicants remove the noncompliant roofing material and replace it with compliant roofing material.
- 9. Coordination with Current CUP:
 - a. It is recommended that the applicant either reject the current CUP holder from their property by canceling rent, or ensuring the Town that the expanded Ice Rink CUP will not impose onto the Powersports CUP.

ANALYSIS:

Since June 7, 2023 CUP, the Ice Rink has been in violation of the CUP as follows:

- 1. Parking - The applicant has entered into a Development Agreement with the Town that addresses the long-term parking requirements.
- 2. Lighting was to conform with Title 9, Chapter 12 of the Town Code. At this point it does not. A lighting plan was to be submitted to Town Staff for review and approval, and it has not been submitted. Furthermore, no lighting was allowed to be turned on after 10pm in winter and lighting is not to be turned on during the summer.

3. Walkways were to be installed per an approved engineered site plan with grades and addressing drainage or the walkways will be installed to not alter the existing drainage. The Ice Rink is no longer offering the Corn Hole toss so this seems to be a non-issue.. Furthermore, a site plan showing snow storage, landscaping and decorations.
4. All decorations shall be secured separately and not attached to the trees.
5. The mature trees within the ice rink were replanted outside of the rink area but all died. These trees need to be replaced, and all disturbed areas need to be revegetated and maintained in perpetuity. A bond was required to ensure that this happened, however it was never provided to the Town.
6. Equipment shall be stored inside. Often the shed used for this is left open and the equipment is not inside. Furthermore, the shed was to be a temporary solution and if it becomes a permanent solution it needs to follow the standards identified in Title 9, Chapter 12 of the Town Code. In specific, the Roof needs to meet the Town Code. Said shed size to be limited to 12'X30'.
7. Temporary sanitation facilities will be supplied until the permanent bathrooms are completed in the Mall addition.
8. Hours of operation to be 7AM to 10PM. Noisy equipment can only be used during the hours of operation of the business.

In the current plans being constructed as an addition to the Mall, there was an Equipment Storage area that was supposed to replace the temporary shed. It appears that even though the Mall will be building this space, they will not be replacing the temporary shed.

There has been a discussion with staff about making the shed a permanent shed. The permanent shed would be moved back from Village Dr. with a trash and grease trap enclosure being built between Village Dr. and the shed. The shed would need to be updated to meet the Town Standards as described above.

In addition, the Town and the Mall have come to an Agreement on widening Village Dr. that would allow the Mall to designate parking as required by this CUP. These improvements should be done by July 4, 2025. This should solve the parking concerns.

STAFF RECOMMENDATION:

1. Staff recommends the following: A site plan will be supplied to Staff by July 15, 2025 showing the following:
 - a. Designated Long-term Parking as worked out with the Town.
 - b. Permanent Lighting – to comply with Town Code.
 - c. Planned walkways with grades and drainage.
 - d. Landscaping/Revegetation including the replacement of the trees from inside the ice rink.
 - e. Any planned decorations with self-support.
 - f. New Trash/Grease Trap enclosure.
 - g. Placement of the Equipment Storage Facility with elevations and colors
 - h. Temporary Sanitation facilities
2. Improvements shown on the required Site Plan will be completed by October 1, 2025. If not completed by the CUP will be terminated.
3. A bond shall be posted to ensure that the landscaping, revegetation and cleanup are completed and maintained.

4. All equipment will be stored inside the Permanent Storage Building. Said Building will provide Staff with elevations, materials and colors.
5. Hours of Operation to be 7AM to 10PM. Noisy equipment can only be used during the hours of operation of the business. Lighting is allowed in the winter season until 10pm and it is not allowed in the summer season.

PROPOSED MOTION:

At this point this is only a discussion item, so no motion is needed.

ATTACHMENTS:

A - 2020 CUP

B - 2021 CUP

C - 2023 CUP



CONDITIONAL USE PERMIT

APPLICANT: Hayden Bryant
PROPERTY: 249 South Village Way
ZONE: Village Commercial
USE: Recreational Activities – Temporary Ice Rink
DATE APPROVED: November 17, 2020

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 & Parking congestion
2. Light and Noise Pollution
3. Visual impact to neighbors and public right-of-way
4. Impact on the natural environment and vegetation
 - a. Permanent impact on land/vegetation for temporary use
5. Sufficient utilities and sanitation service for use

Recommended conditions for mitigation of anticipated detrimental effects:

1. Applicant may use public parking until November 1, 2021 and must submit a permanent parking plan for Planning Commission approval thereafter.
2. Lighting will strictly comply with Chapter 12 lighting requirements. All lighting will be fully shielded and downward facing. No light sources will be directly visible from adjacent property or the right-of-way.
 - a. A permanent lighting plan will be submitted and approved by the Planning Commission and attached as an exhibit to this permit by November 1, 2021
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4. Mature trees within the footprint of the rink will be relocated rather than removed.
5. Due to the temporary nature of this use, a bond sufficient for reclamation/revegetation of the property will be maintained until vegetation is established.
6. Maintenance equipment will be stored inside
7. On-site sanitation facilities will be provided which meet design standards in Chapter 12 by November 1, 2021. Temporary sanitary facilities may be required upon request of Town staff.
8. Equipment which produces noise can only be used during hours of operation.
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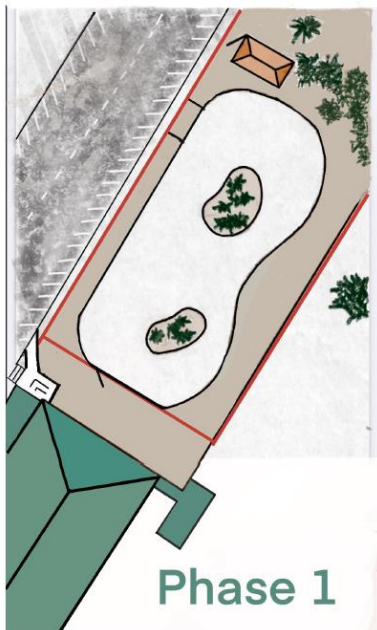
Exhibit A – Site Plan

Footprint:

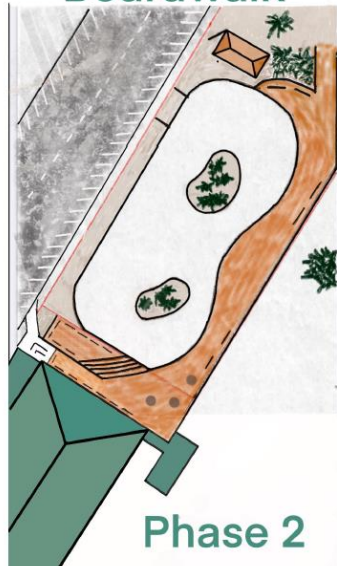
The property at 249 S Village Way is approximately 374 x 100 feet (0.88 acres). We plan to install a recreational sized ice rink, 152 x 69 feet. We would set the rink back from the street-side property line approximately 5 feet, and it would be shifted all the way to the southwest side of the lot so as to minimize the need to remove trees. There would be a 12x30 foot, rustic Cumberland Building to house the Zamboni and snow equipment on the northwest side. Below is a to-scale representation of how the rink and building would fit on the property.



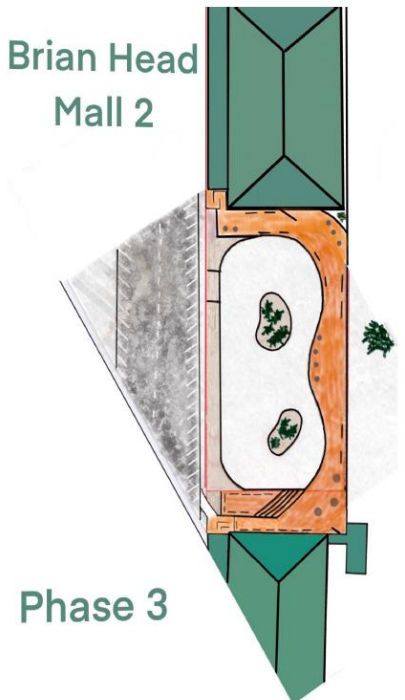
Brian Head Ice



Brian Head Boardwalk



Brian Head Mall 2





CONDITIONAL USE PERMIT

APPLICANT: Hayden Bryant
PROPERTY: 249 South Village Way
ZONE: Village Commercial
USE: Recreational Activities – Temporary Ice Rink
DATE APPROVED: November 17, 2020
DATE REVISED: May 4, 2021

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 & Parking congestion
2. Light and Noise Pollution
3. Visual impact to neighbors and public right-of-way
4. Impact on the natural environment and vegetation
 - a. Permanent impact on land/vegetation for temporary use
5. Sufficient utilities and sanitation service for use

Recommended conditions for mitigation of anticipated detrimental effects:

1. Applicant may use public parking until November 1, 2023 and must submit a permanent parking plan for Planning Commission approval thereafter.
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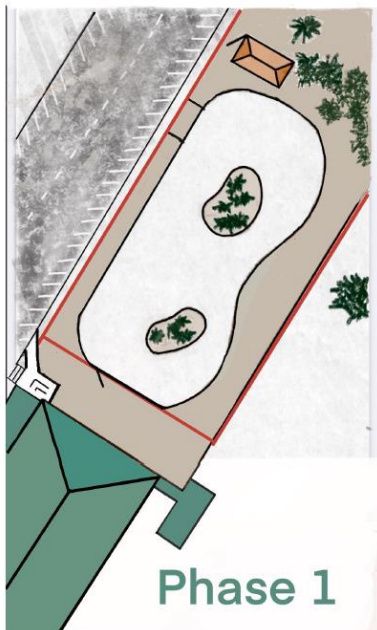
Exhibit A – Site Plan

Footprint:

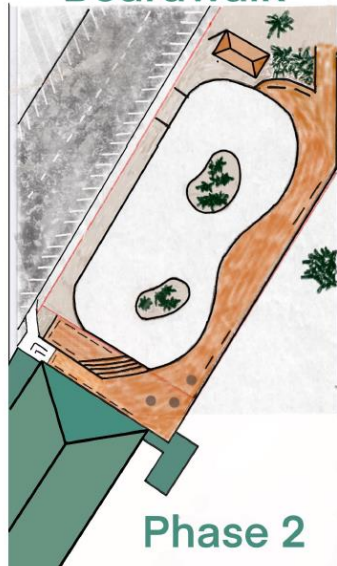
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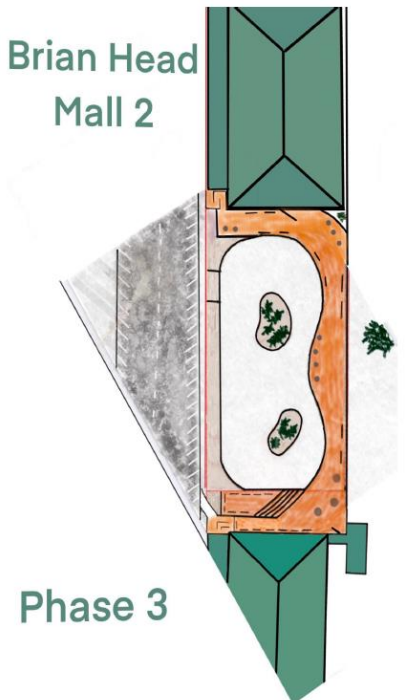
Brian Head Ice



Brian Head Boardwalk



Brian Head Mall 2





STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Amended CUP for 249 S Village Way
AUTHOR: Becky Bennett
DEPARTMENT: Admin
DATE: June 7, 2022
TYPE OF ITEM: Item 3: Legislative Action

SUMMARY:

The Planning Commission will consider recommending approval of the proposed Amended Conditional Use Permit for 249 S Village.

BACKGROUND:

The Planning Commission granted a Conditional Use Permit for a temporary ice rink to be located on the property to the north of the Mall at 249 S. Village Way. The Ice Rink has now operated for two seasons and the owner would like to request modifications to the original Conditional Use Permit (Appendix A).

The following conditions were placed on the CUP:

1. Applicant may use public parking until November 1, 2021 and must submit a permanent parking plan for Planning Commission approval thereafter.
2. Lighting will strictly comply with Chapter 12 lighting requirements. All lighting will be fully shielded and downward facing. No light sources will be directly visible from adjacent property or the right-of-way.
 - a. A permanent lighting plan will be submitted and approved by the Planning Commission and attached as an exhibit to this permit by November 1, 2021
 - b. Lights will not be permitted to be on after 10pm
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5. Due to the temporary nature of this use, a bond sufficient for reclamation/revegetation of the property will be maintained until vegetation is established.
6. Maintenance equipment will be stored inside.
7. On-site sanitation facilities will be provided which meet design standards in Chapter 12 by November 1, 2021. Temporary sanitary facilities may be required upon request of Town staff.
8. Equipment which produces noise can only be used during hours of operation.
9. Hours of operation will be restricted to 7am until 10pm.
10. Temporary building size is limited to 12' x 30'.

The applicant did not submit a parking permit plan. The applicant did transplant the trees, the transplant did not take because it was a larger tree. The original CUP for this applicant showed three phases in which a second Mall addition would be built. It appears as though that is no longer the plan, and that this amended CUP replaces all phases of the previous CUP.

This is also an opportunity for the Commission to review all aspects of the Conditional Use

Permit.

A Public Notice was posted and is attached as Appendix B. The Town did not receive any public comments.

ANALYSIS:

This property is located in the Village Core. The Village Core permitted uses do not allow recreational uses. However, the applicant may submit an application for a conditional use – here that would be “recreational activities and supporting appurtenances” (9-7-5).

The Standards for Review for a Conditional Use Permit are as follows (LMC Chapter 11):

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:
 - i. Will not result in unreasonable traffic congestion or traffic hazards.
 - ii. 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 which is available, or which may be provided.
 - c. Will protect environmental values:
 - i. Will not cause unreasonable air, water, groundwater, light or noise pollution.
 - ii. 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:
 - i. 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.
 - ii. 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 and Zoning administrator per Chapter 13 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.

G. Modification: No approved conditional use may be modified, structurally enlarged or expanded unless the permit has been reviewed, amended as necessary, and approved in accordance with the procedures and standards of this section.

REASONABLY ANTICIPATED DETRIMENTAL EFFECTS:

1. **Traffic and Parking Congestion:** The 2021 Amended CUP required that the applicants create a parking plan by September of 2021. That did not happen. However, Town staff recognizes that the current parking requirements could be too large given the size of the Village Commercial Zone, and are bringing that conversation to the Planning Commission and Town Council this month.

2. **Light and Noise Pollution:** The use expands from just using the ice rink and temporary shed, to using the entire area of the applicant's land. There will be a detrimental effect to lighting and noise pollution because the use is being expanded.
3. **Visual Impact to Neighbors and Public Right of Way:**
 - a. The amended CUP will greatly expand the current CUP area with multiple different games. The applicants plan to place gravel pathways around the meadow and keep some vegetation. However, the plan will still minimize the rocky meadow that exists now and replace it with moveable corn hole in the summer and snow slides in the winter.
 - b. Currently, the applicant does not plan to remove vegetation under the pathways or place barriers along the entire pathway to keep the gravel within the proposed pathways. If there is no barrier, then the gravel will expand to nearly double the width it was supposed to be.
 - c. Additionally, the Amended CUP will need to be upkeep. The winter activities require fresh snow constantly and in the recent years, the snow pack has been minimal.
 - d. The photos provided show a 50 foot tall Snowman. The accessories may fade or fly off. The snow may melt and become deformed, and access to snow may not be readily available. Additionally, the applicants plan to use a telephone pole to hold up the snowman. In summer, there will be a visible telephone pole in the current empty land.
4. **Impact on the Natural Environment and Vegetation:**
 - a. As stated, the applicants plan to lay gravel down in the form of walkways and increase foot traffic through the rocky field and stream that currently exists. This may negatively affect the current natural environment, drainage, and vegetation that exists. After communications, applicant stated that they do not plan to remove any vegetation or level the walkways. They plan to put the gravel down on top of what exists today and use weed killer to keep the vegetation from growing through.
 - b. Staff has concerns about the drainage of that property because of the current stream that exists. The applicant is proposing two bridges to go over the stream, but no concrete plans have been presented to Staff yet.
 - c. There have been no plans submitted regarding how the gravel will be laid down. If it is large equipment, the entire field will be chewed up from working in the meadow and marsh.
 - d. The photos also show big foot cut outs nailed into trees. If the applicant does have trees in which to nail the Bigfoots into, it will be detrimental to the existing vegetation.
 - e. The giant snowman will be held up by a telephone pole that is placed into the ground. That will require digging, and a permanent tall pole in the ground year round.
5. **Sufficient Utilities and Sanitation Service for Use:**
 - a. Since the use of the CUP will expand, there are likely not enough utilities or sanitation services in that area. The applicants currently use the Town's fire hydrant located near 249 S Village Way to provide water for the Ice Rink. The water needed for the snowman and ice slides will significantly increase that usage. Staff is not comfortable with the applicants continuing to use the hydrant for all their water needs. Last year, there were multiple problems with allowing the applicants to use the hydrant that Staff is weary of

repeating. These problems included: leaving hoses out, and leaving hydrants on and charged through the night which caused freezing water and ice in and around the hydrant. If a hydrant is left on and freezes then it can crack and break, which would cost the Town \$10,000 minimum to replace. Staff no longer thinks that it is safe or effective way to allow applicants to continue to permanently use the Town's hydrant for private business uses.

6. Public Safety Concerns:

- a. The applicants plan to lay gravel walkways throughout the property to create a cornhole obstacle course. The applicants do not plan to grade these walkways or make them level. This will threaten public safety when visitors begin to walk on the uneven loose gravel. Falling, sliding, and potential broken bones are some of the concerns.
- b. The applicants proposed amended CUP shows no lighting plan for the additional summer and winter areas. If the operation remains open past dusk, there could be a potential safety hazard from the snow slides and gravel walkways.
- c. The applicants do not have any signage to keep visitors on their property. As the plan sits right now, visitors can wander around the neighboring Resort and LionCrest properties and not know that they are trespassing.
- d. The applicants have not submitted a proposed maintenance plan for the walkways of the ice slide area. It is very likely that with the washing and spraying of water to make the slides icy, it will also make the walkways icy and create a dangerous condition for visitors.

7. General Plan Consistency:

- a. The General Plan encourages outdoor recreation in our resort town; however, it does not encourage outdoor recreation in the Village Core zone. The Village Core was made to create a walkable sense of community throughout stores and restaurants. This amended CUP, while an accepted conditional use in the code, takes up over half of the Village Core Zone with a recreational use.
- b. Additionally, when creating the Village Core Zone, it was not anticipated that a permanent 50 foot telephone pole would be planted in the middle of the meadow. That is inconsistent with the General Plan.

8. Land Management Code Consistency:

- a. The current temporary structure roof does not conform to the requirements for LRV in the Land Management Code.

9. Coordination with Existing CUP:

- a. Brian Head Power Sports currently holds a CUP on the piece of land that the applicants propose to expand onto. It is unclear whether this expanded CUP covers the currently held CUP.

Staff walked the property with the applicant on June 3, 2022 and discussed potential issues. The applicant is aware of the drainage concerns, safety concerns, and visual concerns that are mentioned in this Staff Report. Applicant stated that the maintenance of the snow would be on a trial and error basis, and that they would think about the other problems that were mentioned. No permanent solutions were reached.

RECOMMENDED CONDITIONS FOR MITIGATION OF ANTICIPATED DETRIMENTAL EFFECTS:

1. Traffic and Parking Congestion:

- a. Town staff recognizes that the current parking requirements could be too large given the size of the Village Commercial Zone and are bringing that conversation to the Planning Commission and Town Council later in this meeting. It is recommended that the applicant create a Development Agreement with the Town within six months to decide what parking is required of the applicants.

2. Light and Noise Pollution:

- a. It is recommended that lighting strictly comply with Chapter 12 lighting requirements. All lighting should be fully shielded and downward facing. No light sources should be directly visible from adjacent property or the right-of-way.
- b. It is recommended that the applicant submit a permanent light plan to the Planning Commission for approval no later than October 1, 2022.
- c. Lights should not be permitted to be on after 10 pm.

3. Visual Impact to Neighbors and Public Right of Way:

- a. It is recommended that the applicant create a Landscape plan showing which vegetation will be removed and how the applicants will maintain the other vegetation from the foot traffic of rogue bean bags.
- b. It is recommended that the applicants use a permanent border to maintain their gravel pathways.
- c. It is recommended that the applicants create a Snow Plan that describes how and when they plan to add new snow to their outdoor snow activities. That plan should be submitted to Staff first, and then Planning Commission for approval prior to the opening of the winter business opening (no later than October 1, 2022).
- d. It is recommended that the applicants create Snow Man Plan to secure the snowman clothing prior to erecting the structure and submit that plan with the Snow Pack plan prior to the winter business opening (no later than October 1, 2022).

4. Impact on the Natural Environment and Vegetation:

- a. It is recommended that the applicants submit a grading and drainage plan for the summer cornhole walkways to Staff. It is also recommended that the applicants submit a winter drainage plan for the off chance that we have a hot winter and the snow melts off faster than expected. The applicants should submit that to Staff as well.
- b. It is recommended that the applicants expand on the details of what they plan to do with the big foot cut outs. If they will not be nailed into trees, then Staff sees no further issue with that. However, Staff strongly recommends that the applicants submit a detailed plan on how they will keep their games and decorations from blowing over in the wind and rain that come in Summer.
- c. Staff recommends that the applicants apply for an excavation/grading permit to install the telephone pole. It is also recommended that applicants get Planning Commission's approval for the giant telephone pole prior to installation.

5. Sufficient Utilities and Sanitation Service for Use:

- a. It is recommended that on-site sanitation facilities be provided to meet design standards in Chapter 12. These should be approved by Staff or Planning Commission prior to being installed or placed on the property. Temporary sanitary facilities may be required upon request of Town staff.
- b. In communications with the applicant on June 3, 2022, the Town stated that the applicants must install a water meter by August 1, 2023. That provides the applicants with more than a reasonable amount of time to get the meter, equipment, and install. Alternatively, the applicants can hook a garden hose up to the side of the Mall and use that as a water source, since the Town granted the hydrant water was a temporary fix to help, rather than a permanent solution.

6. Public Safety Concerns:

- a. It is recommended that the applicant submit an engineered grading plan that adequately addresses the walkway slopes.
- b. It is recommended that the applicant either cease operations prior to dusk, or submit a lighting plan that meets design standards of Chapter 12 to staff prior to opening summer and winter time business.
- c. It is recommended that the applicant create fence boundaries and install signage strictly enforcing and informing visitors of the property lines.

7. General Plan Consistency:

- a. It is recommended that the amended CUP be temporary, with reviewal once a year to ensure that it remains within the Town's vision and General Plan.

8. Land Management Code Consistency:

- a. It is recommended that, if the temporary structure becomes permanent or is allowed to stay, the applicants remove the noncompliant roofing material and replace it with compliant roofing material.

9. Coordination with Current CUP:

- a. It is recommended that the applicant either reject the current CUP holder from their property by canceling rent, or ensuring the Town that the expanded Ice Rink CUP will not impose onto the Powersports CUP.

STAFF RECOMMENDATION:

Staff recommends that Planning Commission table or deny the proposed amended CUP based on the detrimental effects listed above.

This idea could be a fantastic addition to the Village Core IF it were fully thought out and carefully executed. However, as it sits now, this idea is merely an idea that will be executed through trial and error and staff is very worried about the way it will turn out, its safety aspects, and how it will reflect on the Village Core and Town as a whole. It would be a shame if the amended CUP were rushed and executed quickly without being fully thought out. Staff is of the opinion that the applicants put more thought into this plan and then engineer the problem portions before it is granted a Conditional Use Permit in the core of our town.

PROPOSED MOTION:

The Planning Commission can make a recommendation of denial, approval, or approval with conditions of the proposed amended CUP for 249 S Village Way.

Recommended motion: I move to (table, deny, or approve) the amended CUP application from applicants located at 249 S Village Way.

ATTACHMENTS:

A: 2021 Ice Rink CUP

B: Public Notice Sent on May 24, 2022

C: 2022 Proposed Amended Ice Rink CUP