

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# 810 3441 7132
TUESDAY, October 18, 2022 @ 1:00 PM

AGENDA

A. CALL TO ORDER 1:00PM

B. PLEDGE OF ALLEGIANCE

C. DISCLOSURES

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

E. AGENDA ITEMS:

- 1. PUBLIC HEARING for LOT LINE VACATION for 250 & 268 DEER TRAIL.** Bret Howser, Town Manager. The Commission will hear public comments on the proposed lot line vacation (plat amendment) at 250 & 268 Deer Trail. Comments are limited to three minutes and written comments may be submitted to the Town Clerk at nleigh@bhtown.utah.gov no later than 4:30 pm October 17, 2022.
- 2. LOT LINE VACATION DECISION for 250 & 268 DEER TRAIL.** Bret Howser, Town Manager. The Commission will make a decision on the proposed lot line vacation (plat amendment) at 250 & 268 Deer Trail.
- 3. PUBLIC HEARING for ZONE AMENDMENT/GENERAL PLAN AMENDMENT FOR 321 WEST SPRUCE STREET.** Bret Howser, Town Manager. The Commission will hear public comments on the proposed zone amendment/General Plan amendment for 321 West Spruce. Comments are limited to three minutes and written comments may be submitted to the Town Clerk at nleigh@bhtown.utah.gov no later than 4:30 pm October 17, 2022.
- 4. RECOMMENDATION TO TOWN COUNCIL FOR 321 WEST SPRUCE STREET FOR A ZONE AMENDEMENT/GENERAL PLAN AMENDMENT.** Bret Howser, Town Manager. The Commission will make a recommendation to the Town Council regarding the proposed Zone Amendment / General Plan Amendment for 321 West Spruce Street.

G. ADJOURNMENT

Date: October 12, 2022

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 on this 12th day of October 2022 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





STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Plat Amendment – Lot Line Vacation
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: October 18, 2022
TYPE OF ITEM: Legislative Action

SUMMARY:

The Town recently received an application for an amended plat – lot line vacation of Cedar Breaks Mountain Estates lots #149 and 150, or 250 & 268 Deer Trail. The Town requires the owner to provide notice to all property owners within 300' and the Planning Commission must approve the plat prior to recording the change with the County Recorder. The notice was sent out on 9-20-22.

TOPIC / DISCUSSION:

The Commission will review and make a motion on the amended plat of SUBDIVISION NAME.

ANALYSIS:

The Commission should refer to the Land Management Code Chapter 9-9-3:
Standards for Review / Findings of Fact:

a. The proposed subdivision and use conform to the Town General Plan, Zoning Regulations, Public Works Standards, Design Standards ([chapter 12](#) of this title) and other relevant sections of this title.

The lots are within a Single-Family zone and conform to the Town General Plan, Zoning Regulations, Public Works Standards, Design Standards and other relevant sections of the Land Management Code.

b. The proposed method for fire protection complies with this title, and other regulations as applicable.

The applicant will be required to connect to water when available per Public Works policy.

c. The layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts, and preservation of views.

The layout does not change any of the above.

d. Adequate public services are available to meet the needs of the proposed subdivision, including roads, water, sewer, storm water, gas, electric, telecommunications, trails, transit, snow storage areas, police and fire protection, and recreation.

This section is not applicable. The subdivision already exists.

e. Provide evidence to show that there is no encumbrance, lien or conveyance restricting the intended use of the lot.

Staff has reviewed the Iron County records and there are no restrictions for the intended use of the lot.

f. Provide evidence from the County Treasurer that all ad valorem taxes applicable to the property have been paid.

The Iron County Treasurer's office has confirmed that taxes have been paid.

g. Provide signature blocks on the plat signed by a representative of public utilities which identify their approval.

This is an existing subdivision

PROPOSED MOTION:

The Commission can deny, table or approve the lot line vacation.

Recommended motion: I move to approve the amended plat eliminating the lot line between PARCEL NUMBERS subject to the appropriate signatures and recording of amended plat with the Iron County Recorder.

ATTACHMENTS:

Proposed amended plat



LEGEND

- FOUND MONUMENT AS NOTED
- ⊙ SET REBAR & CAP PLS 174919 ALPHA ENGINEERING CO.
- PROPERTY LINE

SURVEYOR'S CERTIFICATE

I, SCOTT P. WOOLSEY, PROFESSIONAL UTAH SURVEYOR NUMBER 174919, HOLD A LICENSE IN ACCORDANCE WITH TITLE 68, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT AND HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED HEREON IN ACCORDANCE WITH SECTION 17-25-11 AND HEREBY CERTIFY ALL MEASUREMENTS AND DESCRIPTIONS ARE CORRECT. MONUMENTS HAVE BEEN SET AS REPRESENTED ON THIS PLAT.

**CEDAR BREAKS MOUNTAIN ESTATES
UNIT "C" AMENDING LOTS 149 & 150**

SAID LANDS LYING IN AND BEING A PART OF SECTION 2, OF TOWNSHIP 36 SOUTH, RANGE 9 WEST SALT LAKE BASE AND MERIDIAN, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BOUNDARY DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF LOT 159, CEDAR BREAKS MOUNTAIN ESTATES UNIT "C" AS RECORDED IN THE OFFICE OF THE IRON COUNTY RECORDER AS DOCUMENT #174919, AND RUNNING THENCE SOUTH 33°20'00" EAST 130.00 FEET TO THE NORTHEAST CORNER OF LOT 157; THENCE SOUTH 89°40'00" WEST 280.00 FEET TO THE NORTHEAST CORNER OF LOT 150; THENCE NORTH 33°20'00" WEST 130.00 FEET TO THE NORTHEAST CORNER OF LOT 149; THENCE NORTH 56°40'00" EAST 280.00 FEET TO THE POINT OF BEGINNING.
CONTAINS 28.000 SQUARE FEET OR 0.64 ACRES, MORE OR LESS.



DATE _____

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE COMBINED INTO ONE LOT TO BE HEREINAFTER KNOWN AS:

**CEDAR BREAKS MOUNTAIN ESTATES UNIT "C"
AMENDING LOTS 149 & 150**

IN WITNESS WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____, 2022

JAMES C. ABEL JR.

ELIZABETH J. ABEL

ACKNOWLEDGMENT

State of _____
County of _____

On this _____ day of _____, A.D. 2022, personally appeared JAMES C. ABEL AND ELIZABETH J. ABEL, proved on the basis of satisfactory evidence to be the persons whose names are subscribed to in this document, and acknowledged they executed the same.

Notary Public Full Name: _____
Commission Number: _____
My Commission Expires: _____
A Notary Public Commissioned to _____

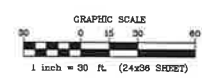
Notary Public (Signature): _____
No stamp required (Utah Code 46-1-16(a))

AMENDMENT NOTE

THE PURPOSE OF THIS AMENDED PLAT IS TO COMBINE LOTS 149 AND 150 INTO A SINGLE NEW LOT 149. NO OTHER CHANGES ARE WITNESSED TO THE ORIGINAL PLAT OR CEDAR BREAKS MOUNTAIN ESTATES UNIT "C" AS RECORDED IN THE OFFICE OF THE IRON COUNTY RECORDER AS DOCUMENT NO. 133560.

LOCATED IN THE NORTHEAST 1/4 OF SECTION 2,
TOWNSHIP 36 SOUTH, RANGE 9 WEST, S188M
IRON COUNTY, UTAH

**CEDAR BREAKS MOUNTAIN ESTATES
UNIT "C" AMENDING LOTS 149 & 150**



1888-01 SYLVANIA (SEPTEMBER 2022)



**ALPHA
ENGINEERING**

43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com

Brian Head Town Engineer's Approval	Approval as to Form	Planning Commission Approval	Recorded Number
The herein Amended Plat has been reviewed and is approved in accordance with the information on file in this office this _____ day of _____, A.D. 2022.	Approved as to Form, this the _____ day of _____, A.D. 2022.	I, _____, Chairperson of the Brian Head Planning Commission, do hereby certify that this Amended Plat was approved by the Planning Commission on this the _____ day of _____, 2022.	
_____ Brian Head Town Engineer	_____ Town Attorney Brian Head Town	_____ Chairperson Brian Head Town	_____ Iron County Recorder



STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Public Hearing and Recommendation for General Plan & Zone Change Amendment for 321 Spruce Street
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: October 18, 2022
TYPE OF ITEM: Legislative Action

SUMMARY:

The Planning Commission will hold a public hearing to receive public comment. After the public hearing is closed, the Commission will consider recommending approval of the proposed zone change for 321 West Spruce from Single-family Residential to Light Industrial zone.

BACKGROUND:

321 Spruce is currently zoned Single Family Residential. The property owner has requested a zone change to Light Industrial. The General Plan Map does not currently anticipate a light industrial use on the property, and therefore would require a General Plan amendment to proceed with a light industrial zone change.

Prior to 2015, the property in question had been zoned Light Industrial. The Town amended the General Plan in 2010 to include a new General Plan Map (see attached). The General Plan Map adopted in 2010 included a node of Light Industrial around the intersection of Spruce and Hwy 143, but that node did not extend to 321 Spruce.

In 2015, the Council properly noticed and adopted a revised Zoning Map for the Town based on the 2010 General Plan Map. In this revision, 321 Spruce was rezoned to Single Family Residential consistent with the General Plan Map. The General Plan was revised again in 2018, with no changes to the General Plan Map which affected 321 Spruce.

A Public Notice has been sent to all property owners within a three hundred foot (300') radius of the property in question and published on the Utah Meeting Notice Website as required by state law. Written comments received by the Town are attached.

ANALYSIS:

General Plan Amendment:

The following are the Standards for Review for a Zone change which the Planning Commission must consider:

- Meets a recognized and demonstrated need in the community;
- Will be compatible with the character of the neighborhood and surrounding structures in use, scale, mass and circulation;
- Will not result in an over intensive use of the land or excessive depletion of natural resources;
- Will not have a material adverse effect on the community capital improvements program;

- Will not require a level of community facilities and services greater than that which is available or will become available.
- Will not result in undue traffic congestion and traffic hazards;
- Will not cause significant air, odor, water, light or noise pollution;
- Will not otherwise be detrimental to the health, safety, or welfare of the present or future inhabitants of the Town.

Zone Amendment

The following are the Standards for Review for a Zone change which the Planning Commission must consider:

- Addresses a recognized and demonstrated need in the community;
- Will be compatible with the character of the neighborhood and surrounding structures in use, scale, mass, and circulation;
- Will not result in an over intensive use of the land or excessive depletion of natural resources;
- Will not have a material adverse effect on community capital improvement programs;
- Will not require a level of community facilities and services greater than that which is available, or will be made available;
- Will not result in undue traffic congestion or traffic hazards;
- Will not cause significant air, odor, water, light, or noise pollution; and
- Will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of the town.

STAFF RECOMMENDATION:

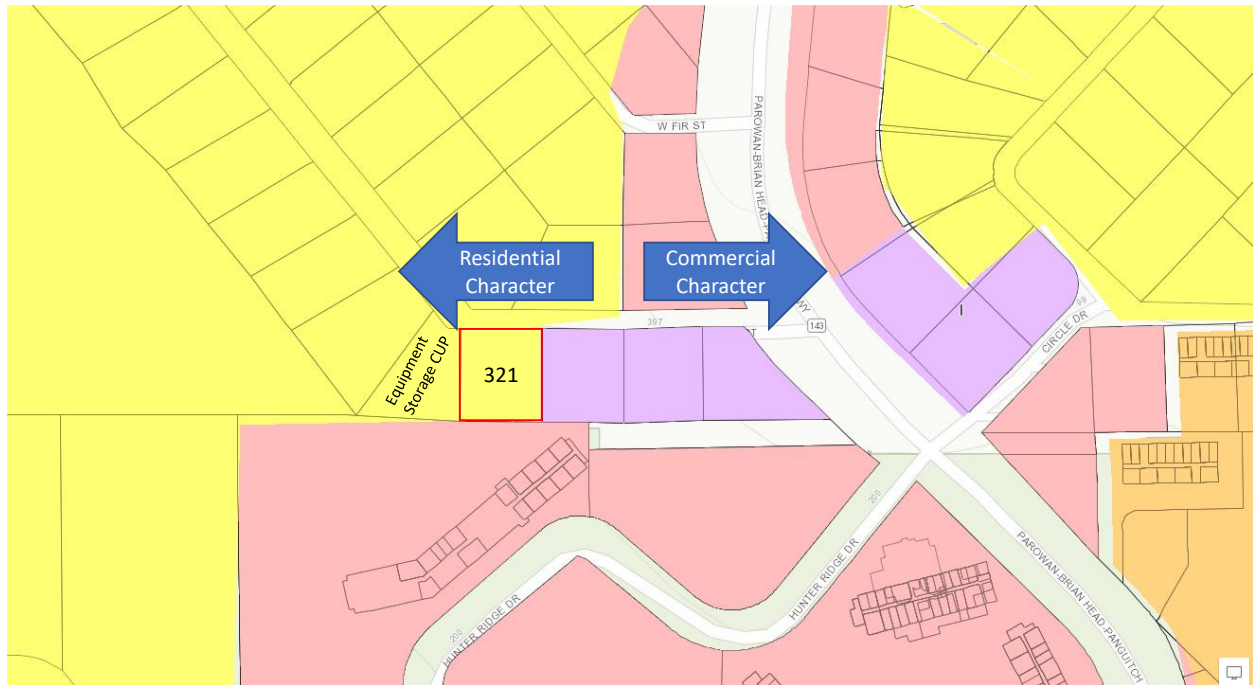
The General Plan lists the following purposes for Light Industrial Zone:

“To provide space for indoor warehousing, indoor light manufacturing, and fabrication. Major utility infrastructure should try to locate in industrial areas. Service and building trade industries which utilize heavy equipment are typical of these areas. Sites are to have attractive buildings, landscaping, and parking. No outdoor storage or materials will be permitted without appropriate screening”.

Uses permitted in the industrial zone include:

- Firewood Preparation
- Fuel storage/sales/distribution
- Recreational vehicles sales/rental/service
- Residential dwellings in conjunction with industrial space
- Utility substation
- Vehicle and equipment storage yards
- Warehouses

While these uses are obvious and demonstrated needs in the community, some of them are inconsistent with the residential character to the west in this neighborhood and more consistent with the commercial character to the east of this neighborhood. The question is whether rezoning 321 Spruce would carry the commercial/industrial character too far to the west and disrupt the residential character of that portion of the neighborhood.



In 2020, the Planning Commission approved a CUP for a snow removal business at 339 Spruce (directly to the west of 321 Spruce). This is colloquially referred to as “light light industrial” use. One of the arguments made at the time was that this could serve as a buffer or transition between the residential use to the west of the 45° turn and the industrial use to the east of the 45° turn. Staff would argue that a single lot roughly 100’ in width is insufficient to establish a buffer between a residence and a potential gas station. Therefore, staff proposes that zoning 321 Spruce light industrial is inconsistent with the character of the neighborhood, and that perhaps a “light light industrial” use allowable under the single-family residential CUP would be more appropriate and would better establish that buffer between the two sides of the neighborhood.

The General Plan also discusses the need to move Light Industrial uses to outlying areas and out of the Town’s gateway (where it is currently zoned) over the long term. This would seem to be at odds with the notion of expanding Light Industrial use at its current node at Spruce & Highway 143.

Based on inconsistency with the character of the neighborhood and the stated intent in the General Plan to phase Light Industrial use away from the Brian Head gateway, staff finds this General Plan Amendment request to be inconsistent with the General Plan as a whole and recommends denial.

PROPOSED MOTION:

I move to recommend approval/disapproval of the proposed General Plan Amendment Zone Change for 321 West Spruce from Single Family Residential to Light Industrial.

ATTACHMENTS:

- A – Written Comments
- B – General Plan Map

321 W. Spruce Street Zone Amendment

External

Town Council



Trekadoo Family Vacations

Tue, Oct 11, 9:19
PM (3 days ago)

to me

Dear Brian Head Planning Commission,

As a resident of Spruce street, I beg you to DENY the request to amend the current zoning of 321 W. Spruce St from LDR-Light density Residential to L1-Light Industrial.

The Planning Commission already passed a city ordinance in 2016 to maintain these lots as residential zoning --then, AND FOR THE FUTURE use as part of the General Plan.

We bring our children and grandchildren to the cabin often. Car/ vehicle traffic is light and that is one reason we love living on Spruce Street. We want the street to stay STRICTLY RESIDENTIAL, as it was intended, and has been promised to us as home owners.

Also, our street converts to ONE WAY TRAFFIC during the winter months. This would divert industrial traffic through our neighborhood during the winter months for sure and will likely also increase traffic all year.

It seems no coincidence that we, as a neighborhood, engaged in a similar discussion with town officials almost exactly 2 years 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 request for rezoning seems to tip the scales in the wrong direction.

Please take this important step and deny this application. That said, please use this as an opportunity to cement a permanent solution for finding the town an industrial zone that will also protect our neighborhood as a residential area for years to come.

Thank you for your consideration and understanding of our position as home owners, parents, grandparents, and lovers of Brian Head.

Sincerely,
Thomas and Kathryn Christensen

Proposed zoning amendment - 321 W. Spruce Street

External

Inbox



Danielle Giddings Fontenot

8:46 AM (1
hour ago)

to me

I am firmly against the proposed zoning amendment from LDR to LI

Danielle Giddings Fontenot, Esq.
Law Offices of Lenkowsky & Fontenot

321 W. Spruce Street Zone Ammendment Proposal

External

Inbox

Town Council

S

Sean Gubler

Tue, Oct 11, 11:03
AM (3 days ago)

to me, Sean

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

Residential ZoneDestruction

External

Inbox

G

Jill Almquist

7:53 AM (48
minutes ago)

to me

Dear Nancy,

You have always known me as a sensible and logical partner on the mountain. I love Brian Head. Yes, I live in the county on Aspen. But everything we do as a family is focused on Brian Head, its stores, entertainment, recreation and people. I know there has to be progress. I know as we grow it requires looking at zoning and what makes sense. I was on the planning commission in St. George for 16 years. I was a city council member for 8 years and am now a Washington County Commissioner. I am experienced with the tough decisions. I am especially mindful of property rights and how they might add to or subtract from neighboring zones. I believe property rights extend to an owner according to the zone they have. It is not a right to change a zone just because an owner wants to. Especially in the case where neighbors are involved. They bought their property or cabin based on their zoning and their surrounding zones and uses.

Now neighbors are faced with a degradation of their values and enjoyment by the proposed zone change from LDR to Industrial on 321 W Spruce Lane. It is hard enough to go to commercial right next to residential, but "Industrial." I'm sorry but those two are not compatible in any town or city. No buffer whatsoever. What?

It was always pleasant to leave the hustle and bustle of Thunder Mountain with its commercial/industrial-like operation south of Spruce and immediately have forest on both sides as a buffer to the beautiful cabins further down. I know we need such services provided by businesses, and I love the folks at Thunder Mountain, but who allows any commercial to operate and turn a profit? The residents and visitors. We are pleading with you to protect residential zones. We have no one to fight for us. We are always taken by surprise by those encroaching on us. We are happy with the zone we have so are always caught unaware by a neighbor who is not. Help us as our elected representatives to be our only line of defense.

A home occupation is one thing. A total rezone is another. I have witnessed many "No" votes to protect the majority in a neighborhood. Please do not side with one request against the many who don't want it.

Friend of Brian Head, Gil Almquist

October 12, 2022

Brian Head Town Clerk

Town of Brian Head

nleigh@bhtown.utah.gov

RE: 321 W. Spruce Street Zone Amendment

Dear BH Planning Commission, Council and Friends of BH,

I find it unfortunate and disheartening to AGAIN be entertaining the idea of a zone change on Spruce Street. I operate a business and own 3 lots on Spruce Street which are all zoned light industrial/commercial. Beyond my business the road turns into dirt and trail which is all residential neighborhood and trail ingress/egress to the town. There are several reasons to oppose this request for zone change, but most importantly at this time is the accessibility problems and congestion that would accompany this zone change. There is simply not enough room on Spruce Street for another driveway into another business. The road has already been declared unsuitable for 2-way traffic and is posted ONE-WAY traffic only (which is not adhered to or enforced). There have been several near accidents on the road due to congestion/traffic already, and it's only going to get worse with more businesses and the recently added structure currently under development.

My primary concern is the preservation of the snowmobile trail and the safety of those who use it. Because of this I strongly oppose any changes that would jeopardize the trail (Spruce Street) and encourage you to keep this area residential. Please DENY the request for zone change.

Kelly Oldroyd

281 W. Spruce, 267 W. Spruce, 539 N. Spruce

October 12, 2022

Brian Head Town Clerk

Town of Brian Head

nleigh@bhtown.utah.gov

RE: 321 W. Spruce Street Zone Amendment

Please accept this letter of record in opposition to the Zone Amendment for the Property located at 321 W. Spruce St. Please read this letter during the Planning Commission meeting on October 18, 2022.

Dear BH Planning Commission,

My family owns property on Spruce Street and we spend time there every year. It is a peaceful and quiet residential area. The encroachment of light industrial spot zoning threatens the well-being and value of the neighborhood. If my family had known almost forty years ago, that one by one parcels would be re-zoned industrial, I am certain they would have purchased elsewhere. It is your duty to preserve residential neighborhoods and the quality of life for its residents. Blight, traffic, noise and industrial use were never the intended use of use of the current residential zoning.

Submitted Respectfully,

Kade & Alyssa Boisseranc

357 Spruce Street

RE: 357 W. Spruce Street Zone Amendment

Dear Brian Head Planning Commission,

Please accept this letter of record in opposition to the Zone Amendment for the Property located at 321 W. Spruce St. Please read this letter during the Planning Commission meeting on October 18, 2022.

We were in opposition during the attempted zone change in January 2016. The Town Council, the Planning Commission and Staff all opposed this zone change, As well as many neighbors.

Again, on November 16, 2020 we sent a letter of opposition to the CUP application for 339 W. Spruce St for a Snow Removal Business, not to include Water Hauling. In your Staff Report to Town Council, dated January 26, 2021 (attached), on the second paragraph under BACKGROUND: Staff states the following:

“THIS ISSUE OF WHERE TO ZONE FOR LIGHT INDUSTRIAL DEVELOPMENT HAS BEEN ONE THAT HAS CONFOUNDED BRIAN HEAD TOWN SINCE THE BEGINNING. EXISTING LIGHT INDUSTRIAL APPEARS TO HAVE DEVELOPED WITHOUT MUCH PUBLIC DELIBERATION OR PREMEDITATED LAND USE PLANNING. THIS HAS RESULTED IN LIGHT INDUSTRIAL DEVELOPMENTS CLUSTERING RIGHT IN THE TOWNS ENTRYWAY CORRIDOR AND GREETING GUESTS AND VISITORS WITH A SORT OF BLIGHT.”

We ask you, why we who reside on Spruce St. should face “Blight” on a daily basis? To look out of our living room and see an industrial building, would ruin our home and what it stands for. We have come to Brian Head since the early 1980’s, purchased our land In 1985, and built our cabin in 1998. Our entire family, which includes our two sons, their Wives, and children also enjoy the peace, tranquility and fresh air that our cabin provides. The reason we come here, is slowly being taken away from us. (attached photo of our main view) 339 W. Spruce had a large piece of equipment this last winter in plain site. The neighbors were in opposition of the CUP on 339 W. Spruce with many letters being

sent. There was no notification of the changed orientation of the garage door and building from a single level garage and cabin, to a two story garage and cabin. We should have been notified of the proposed changes, before they were granted. 321 was to be preserved as a residential lot to act as a buffer from the Industrial that exists today. It is also our understanding that the lot size for 321 does not meet the criteria of ½ acre (21,780), and is in fact smaller 0.46 acre (20,037).

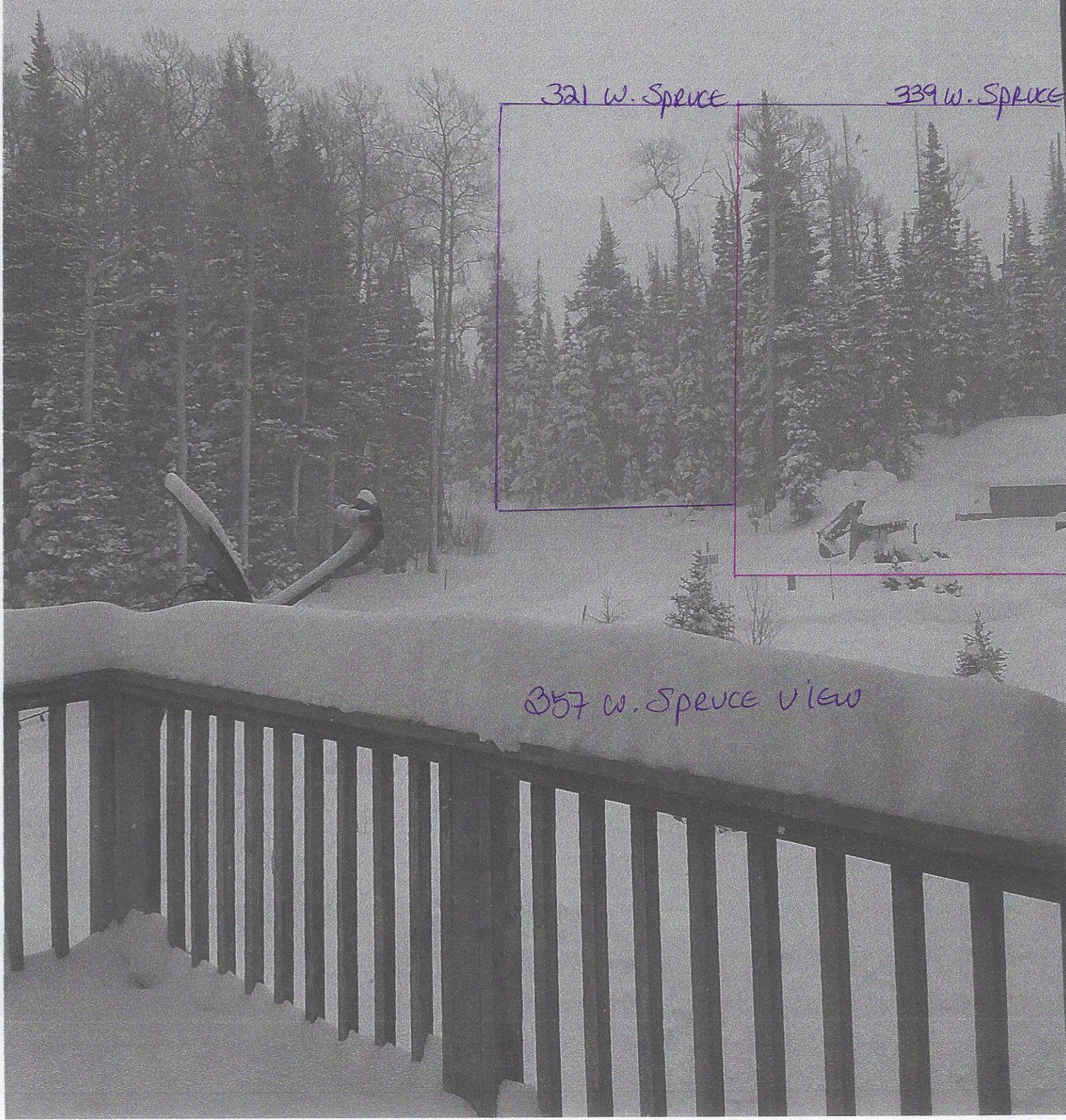
Our concern is the pollution (noise and air) that all of this will be causing, and the depletion of the forest, which has increased the noise level from the hotel above Spruce street. Not to mention the devaluation of our property.

Another consideration is the one way traffic in the winter. All of the Industrial traffic and equipment will be driving by all of our homes on Spruce.

Please ask yourself if you would want this in your neighborhood?

Respectfully submitted,

Frank and Sylvia Boisseranc



321 W. Spruce

339 W. Spruce

357 W. Spruce view



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Brian Head Light Industrial Park
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: January 26, 2021
TYPE OF ITEM: Discussion

SUMMARY:

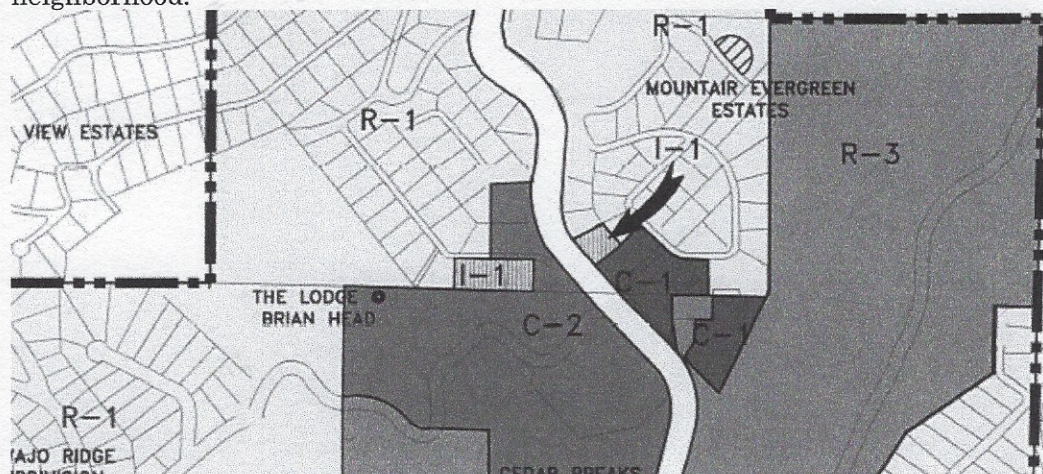
The Council will review a concept plan for a light industrial park on Town-owned property east of Mountair Evergreens subdivision (Spruce St) and north of Navajo Ridge subdivision (Adams Circle and lower Hunter Ridge Drive). This is a preliminary discussion and is not slated for a decision. Although not an official public hearing, public input on the preliminary plan is invited.

BACKGROUND:

The issue of where to zone for light industrial development has been one that has confounded Brian Head Town since the beginning. Existing light industrial appears to have developed without much public deliberation or premeditated land use planning. This has resulted in light industrial developments clustering right in the Town's entryway corridor and greeting guests and visitors with a sort of blight.

In the last 20 years or so, the approach from local land-use planners has been to limit light industrial zoning to the cluster that has already developed and search for more appropriate areas to zone light industrial which are less visible to the public. However, this has proven an unfruitful endeavor over the years. A few points of history for reference:

- A 2004 zoning map includes 4 light industrial lots in Town, all in Mountair Evergreens subdivision, Block A Lot 11 and Block D Lots 2, 3, 4. These included the existing Rocky Mtn Power substation, the Thunder Mtn Motorsports equipment storage yard, and 2 vacant lots between Thunder Mtn and the Spruce Drive neighborhood.



- In 2010, the Town adopted a new General Plan which contained the following goals/policies:

From: Jim and Lee Kelly
Date: January 4, 2016

To Whom It May Concern:

We wish to input on the proposed rezoning of lots 281, 301 and 321 on Spruce St in Brianhead, UT. We are concerned as this rezoning to industrial would negatively impact the residential area with increased noise and visual pollution that the industrial buildings would bring with them and cause as a direct result of the loss of trees and brush that would be needed to construct said industrial buildings.

Please add our names to the list of concerned long time owners that would vote no on this rezoning.

Jim and Lee Kelly

339 W. Spruce St.
Brianhead, UT

October 10, 2022

Brian Head Town Council
Planning Commission and Staff
PO Box 190068
56 North Hwy 143
Brian Head, UT 84719
Email: nleigh@bhtown.utah.gov

RE: Zone Amendment Application at 321 W. Spruce Street
(Ref: Ordinance No. 16-001)

Dear Brian Head Town,

Please accept this letter of record in opposition to the Zone Amendment Application for the property located at 321 W. Spruce Street.

Beautification + Nuisance Issues (Brian Head General Plan 2019)

Community beautification issues focus on the visual appearance of the town as well as preserving Brian Head's historic assets over time. Well-planned community design improves both the visual and functional characteristics of the town. It can make the town more aesthetically pleasing while enhancing the flow of goods and people. "Nuisances" refer to the conduct or use of land that interferes with another's ability to enjoy and use their property. This is reflected in property values. Most solutions deal with stricter regulations to keep properties maintained. The Town should focus on retaining native vegetation, materials, and land formations to maintain growth in a natural setting.

As you know this Lot was the subject of an attempted Rezone in January of 2016. This process was highly contentious with the surrounding Neighborhood and 10 owners submitted letters of opposition. This was opposed by Staff, Planning Commission recommended denial and the Town Council voted unanimously to uphold the Planning Commission recommendation for denial. The result was the adoption of Ordinance 16-001 whereby 321 Spruce remained Residential. (Attached for your reference)

And In 2019 the Town revised its General Plan, which now includes the following language regarding light industrial as well as goals and objectives:

- *Community Development Current Conditions: "In the future as the finite commercially zoned properties are developed, many commercial and industrial uses could become subject to conditional use requirements because of the limited amount of land available for those uses in Town, and to maintain the character of a mountain resort community."*
- *Gateway Issues "Part of Brian Head's brand promise is a developed area that is in harmony with the natural environment. One of the priorities of the Town is to define and preserve its northern and southern gateway areas so that future development of these areas provides this impression and does not detract from the current viewshed opportunities. "Ideas for future improvements include the beautification, redevelopment, and/or possible relocation of the industrial development on the north gateway area, and to the Public Works facility at the southern gateway area."*
- *Community Development Goals: "Provide for areas where limited, light industrial type activities can be conducted, in order to meet the needs of Brian Head citizens without deterring from the beauty and peacefulness of the valley."*
- *Engage the community with information and activities that build unity*
- *Maintain emphasis on and protect the natural environment*
- *Guide growth of the built environment to be consistent with the General Plan*
- *Improve the First Impression of Brian Head*

Subsequent to Ordinance 16-001 being adopted, again this was tested and highly debated in December of 2020 with the CUP for 339 W Spruce for Snow Removal only and not Water Hauling. This was eventually resolved and passed with conditions but not after an extreme amount of duress and hardship on the neighbors. During this process the neighbors suspected the CUP was part of a two-part strategic attempt to get Lot 321 rezoned and voiced concerns with keeping the remaining lot 321 Spruce as the last residential buffer. This led to constructive dialogue with the City whereby the City set forth guidelines to preserve this lot and establish a path forward for Industrial uses more strategically located in the town consistent with the 2019 General Plan in (Attached for your reference). Since this was approved, we have discovered by researching past agendas this CUP had been amended twice without physical mailers to the involved neighbors. Once to change the orientation of the garage door and again to change the building architecture from a single-story garage and single-story cabin both with hip roofs, to a 2-story shed roof box. I welcome this new neighbor and have focused on finding a harmonious path forward based on the mitigation measures agreed to by the Town and the neighbors. This has included my purchase and planting \$20k in mature trees to help buffer the property that were to remain as agreed but removed anyway.



Additionally, we request the Town consider the following:

- The 321 Spruce property is 0.46 acres or 20,037 sf. This does not meet code and would suspect the application would not be valid.
9-7-6: L-1 LIGHT INDUSTRIAL:
Physical Restrictions: Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).
- Spruce is a is one of the oldest residential neighborhoods in Brian Head with cabins dating back to 1970 and should be preserved as such.

- The town snowmobile trail is unique and established in the winter and a staple for recreation. This requires the roadway to be designated as “One Way” in the winter
- Lot 301 Spruce containing the Storage Building scraped that lot. Leaving Lot 321 at the crest of the hill as the last buffer to noise and traffic from Highway 143.
- Single Family Lots 308 and 338 Spruce sit directly across the street to the North of Lot 321.
- Zone Change requires a General Plan Amendment and has already been challenged and upheld resulting the 2019 General Plan Amendment keeping this lot as Single Family and the last buffer to the Spruce Neighborhood.

Also taking from the General Plan –

“Special consideration should be given to structures and infrastructure that are built in areas with potentially problematic slopes, soils, or drainage.” The below map is from the Suitability Overview Map showing areas with steeper slopes. As can be seen from the existing cabins built on these slopes it requires benching into the hillside with a smaller footprint to achieve a conforming design which can not be accomplished for any other use but a cabin. As can be seen from the Aerial Image on the prior page, Lot 301 with the storage units had to clear almost the entire site to accommodate the improvements. There remains a small sliver of trees adjacent to Lot 321 to help buffer that lot as to accommodate a future cabin with a remaining tree buffer to the East.



“The land use designations in the General Plan are intended to bring consistency, predictability, and a cohesive vision for the future of Brian Head’s land-use decision making.”

We've appreciated all great work the Town has done including helping mitigate the impact of OHV's and dust which is still a work in progress but has shown great improvements. This is really tough on us who have owned our properties and expect to live in harmony with each other and the town. We would ask that the Town once again uphold the Ordinances and Agreements that have been memorialized with our neighborhood and

deny this Zone Change Application. You just need to ask yourself one question, who benefits from changing this 20,037 sf Residential Lot to Industrial, the Town, the Residents, the Neighbors, the visitors? Consider that one question before you cast your vote because there is no measurable benefit, and the burden will affect everyone else forever.

Respectfully,

Don and Danielle Cape
349 W Spruce
Brian Head, UT

The Regular Meeting of the
Brian Head Town Council Acting as
The Governing Body of the
Brian Head Special Service District
Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, JANUARY 12, 2015 @ 1:00 PM

AGENDA

- A. **SWEARING IN OF NEW COUNCIL MEMBERS** **1:00**
B. **CALL TO ORDER**
C. **PLEDGE OF ALLEGIANCE**
D. **DISCLOSURES**
E. **APPROVAL OF THE MINUTES:** December 8, 2015 Town Council Meeting

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

G. **AGENDA ITEMS:**

1. **INTRODUCTION / PUBLIC HEARING: ZONE CHANGE REQUEST.** Bret Howser, Town Manager, will give a brief explanation of the zone change request. The Council will hold a public hearing to receive comment on a proposed zone change request from Single Family Residential to Light Industrial for lots located on Spruce Street. Comments are limited to three minutes and written comments may be submitted to the Town Clerk no later than noon on January 12, 2016.
2. **ORDINANCE AMENDING THE ZONE DISTRICT MAP.** Bret Howser, Town Manager. The Council will consider an ordinance amending the Zone District Map of the Land Management Code.
3. **SIGN CODE DISCUSSION.** Bret Howser, Town Manager. The Council will hold a discussion on the revisions to the sign code.
4. **SNOW REMOVAL POLICY DISCUSSION.** Tom Stratton, Public Works Director. The Council will hold a discussion on the town's snow removal policy.
5. **RESOLUTION AMENDING THE BRIAN HEAD PERSONNEL POLICY AND PROCEDURE MANUAL, Title 3, Chapter F-2-k Nepotism.** Cecilia Johnson, Town Treasurer. The Council will consider a resolution amending the Personnel Policy Manual addressing Nepotism.
6. **RESOLUTION APPOINTING A MAYOR PRO-TEM.** Nancy Leigh, Town Clerk. The Council will consider a resolution appointing a Mayor Pro-Tem.
7. **A RESOLUTION AUTHORIZING THE \$706,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016 (THE "BONDS") TO REFUND ITS OUTSTANDING GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004 (THE "REFUNDED BONDS"); AND RELATED MATTERS.** Bret Howser, Town Manager. The Council will consider a resolution authorizing \$706,000 in GO Bonds, series 2016 refunding the 2004 GO Bonds

BRIAN HEAD SPECIAL SERVICE DISTRICT

8. **A RESOLUTION PROPOSING THE ANNEXATION OF CERTAIN PROPERTY INTO THE BRIAN HEAD SPECIAL SERVICE DISTRICT, CALLING A PUBLIC HEARING AND PROVIDING NOTICE THEREOF, AND RELATED MATTERS.** Bret Howser, Town Manager. The Board will consider a resolution calling for a public hearing to propose annexation into the Special Service District boundaries.



H. ADJOURNMENT

Date: January 8, 2016

Available to Board Members as per Resolution No. 347 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 three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 8th day of January 2016 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





Town Council Staff Report

Subject: Public Hearing & Ordinance Amending the Zone District Map
Author: Nancy Leigh, Town Clerk
Department: Administration
Date: January 12, 2016
Type of Item: Legislative

SUMMARY:

The Council will hold a public hearing to hear comments regarding a proposed zone amendment to three lots located on Spruce Street in the Mountair Evergreen Estates. Once the public hearing is closed, Council will consider an ordinance amending the Zone District Map.

As a reminder, Bret will give an introduction to the public hearing to explain the proposed requests and then the Council will open the public hearing to the public. Please refrain from engaging with the public during the public hearing portion. Once the public hearing is closed, Council and/or staff can answer any questions that were raised during the public hearing.

PREVIOUS COUNCIL ACTION:

Council adopted the Zone District Map in August 2015.

BACKGROUND:

In 2015 Council adopted the Zone District Map (see attached). During this process the three lots were changed from light industrial to another designation without any discussion by the Council; Lots 2, 3 & 4 located on the south side of Spruce Street. Attached is a zone district map from 2001 along with the current zone map (see attached).

ANALYSIS:

The Planning Commission held their public hearing on January 5, 2016 and received public comment regarding the proposed zone change. Staff received nine written comments which are attached.

Lot 2 has a warehouse owned by Thunder Mountain Motorsports on it. This lot was zoned as light industrial since the 1980's.

Lot 3 is owned by Peggy Edwards who approached staff regarding a potential sale of the property. Ms. Edwards stated the lot was previously zoned as light industrial and was not aware there was a change in the zoning of her property.

Lot 4 is owned George Schmutz and this lot is the lot farthest west of the lots and is adjacent to the residential homes.

DEPARTMENT REVIEW:

Building and Zoning and Administration Departments have reviewed this item.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission made the following recommendations to the Town Council:

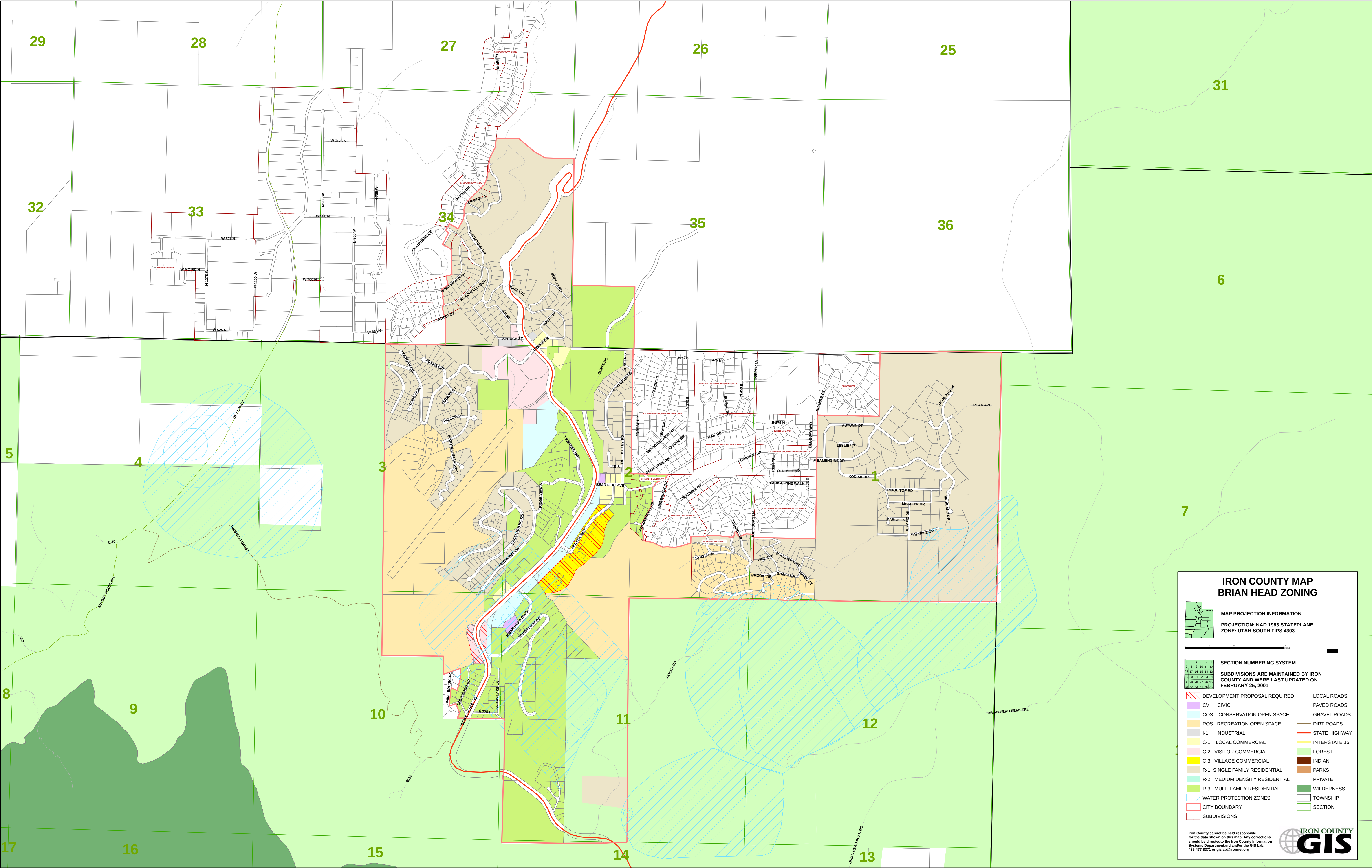
- Rezone lot 2 where the warehouse owned by Thunder Mountain Motorsport sits back to light industrial.
- Rezone lot 3 owned by Peggy Edwards back to light industrial.
- Leave lot 4 owned by George Schmutz as single family residential since this lot is sort of a buffer between the residential homes and light industrial uses

STAFF RECOMMENDATION:

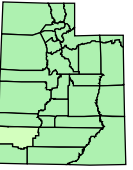
Staff recommends the Council follow the Planning Commission's recommendation to rezone lots 2 and 3 back to light industrial and leave lot 4 as single family residential.

PROPOSED MOTION:

I moved to adopt Ordinance No. 16-001, an ordinance amending the Brian Head Zone District Map, Chapter 6 in the Land Management Code.



IRON COUNTY MAP BRIAN HEAD ZONING



MAP PROJECTION INFORMATION
PROJECTION: NAD 1983 STATEPLANE
ZONE: UTAH SOUTH FIPS 4303

0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36

SUBDIVISIONS ARE MAINTAINED BY IRON COUNTY AND WERE LAST UPDATED ON FEBRUARY 25, 2001

DEVELOPMENT PROPOSAL REQUIRED	LOCAL ROADS
CV CIVIC	PAVED ROADS
COS CONSERVATION OPEN SPACE	GRAVEL ROADS
ROS RECREATION OPEN SPACE	DIRT ROADS
I-1 INDUSTRIAL	STATE HIGHWAY
C-1 LOCAL COMMERCIAL	INTERSTATE 15
C-2 VISITOR COMMERCIAL	FOREST
C-3 VILLAGE COMMERCIAL	INDIAN
R-1 SINGLE FAMILY RESIDENTIAL	PARKS
R-2 MEDIUM DENSITY RESIDENTIAL	PRIVATE
R-3 MULTI FAMILY RESIDENTIAL	WILDERNESS
WATER PROTECTION ZONES	TOWNSHIP
CITY BOUNDARY	SECTION
SUBDIVISIONS	

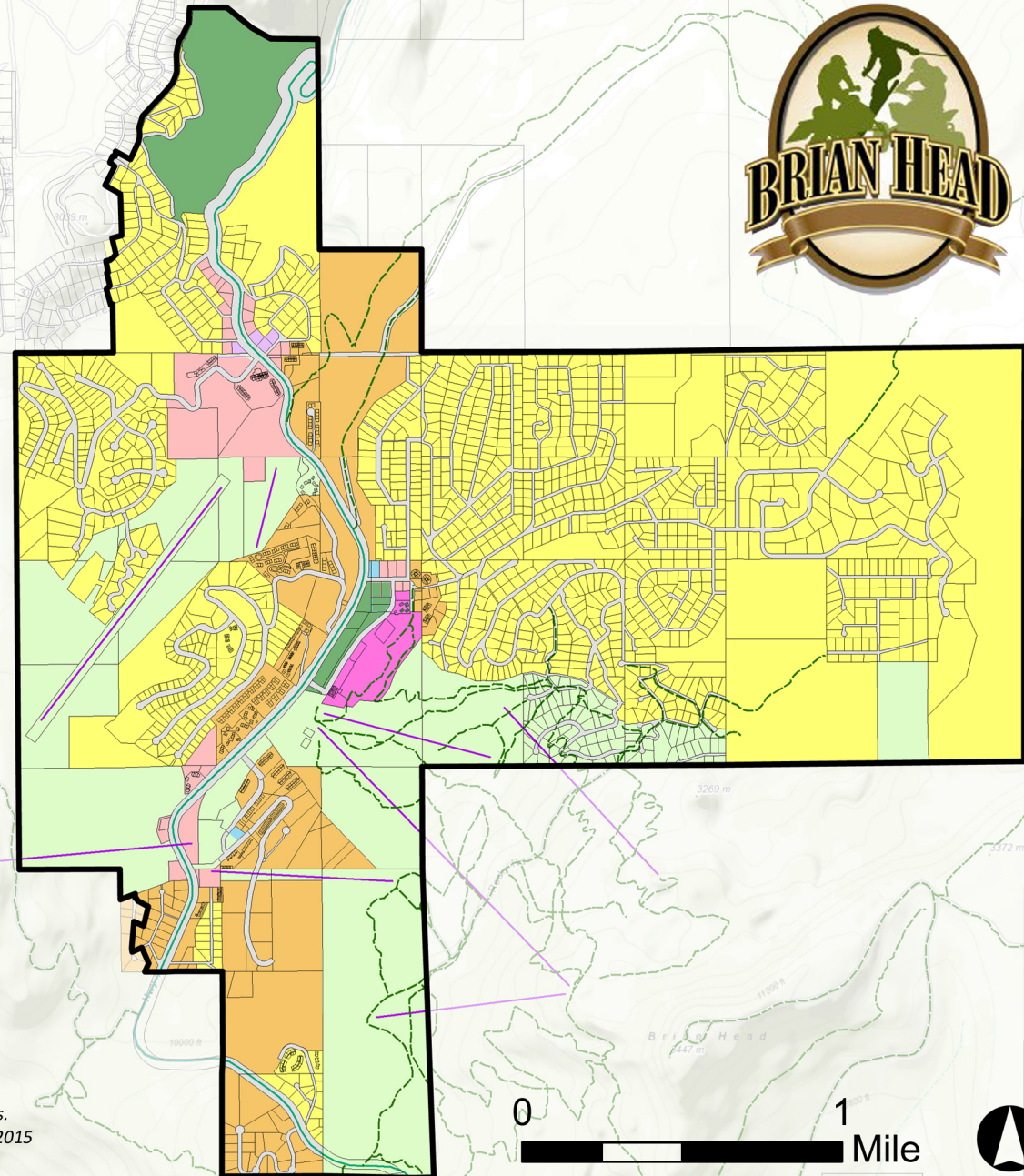
Iron County cannot be held responsible for the data shown on this map. Any corrections should be directed to the Iron County Information Systems Department and/or the GIS Lab. 435-477-8371 or gislab@ironnet.org



Brian Head Zoning



-  CV - Civic
-  COS - Conservation Open Space
-  GC - General Commercial
-  HDR - High Density Residential
-  I - Industrial
-  LDR - Low Density Residential
-  ROS - Recreation Open Space
-  VC - Village Commercial
-  Ski Lifts
-  Iron Co. Trails
-  State Route 143
-  Local Roads



Base data provided by Iron County and the Utah State AGRC.
Mapping intended for city wide planning and not for site specific analysis.
Coordinate System: NAD_1983_UTM_Zone_12N. Last updated July 11, 2015

Account 0030525

Location

Account Number 0030525

Parcel Number A-1138-0005-0000

Tax District 11 - BRIAN HEAD
REDEVELOPMENT

Acres 0.46

Situs 281 W SPRUCE ST , BRIAN HEAD

Legal LOT 2, BLK D, MOUNTAIR
EVERGREEN ESTATES, UNIT A; SUBJ TO
R/W EASE DESC REC BK 1000/1447; SEC
34, T35S, R9W, SLM.

Child Accounts

Child Parcels

Parent Accounts

Parent Parcels

Transfers

Instrument Date

[01/25/2006](#)

[01/03/2003](#)

[12/04/2000](#)

[05/09/1991](#)

Value

Market (2015) \$110,260

Taxable \$110,260

Tax Area: 11 **Tax Rate:** 0.013963

Type	Actual	Assessed	Acres
Improvement	\$64,260	\$64,260	0.000
Land	\$46,000	\$46,000	0.460

Entry Number

[00521716](#)

[00458639](#)

[00428148](#)

[00306805](#)

Images

- [Map](#)
- [Photo](#)
- [Sketch](#)



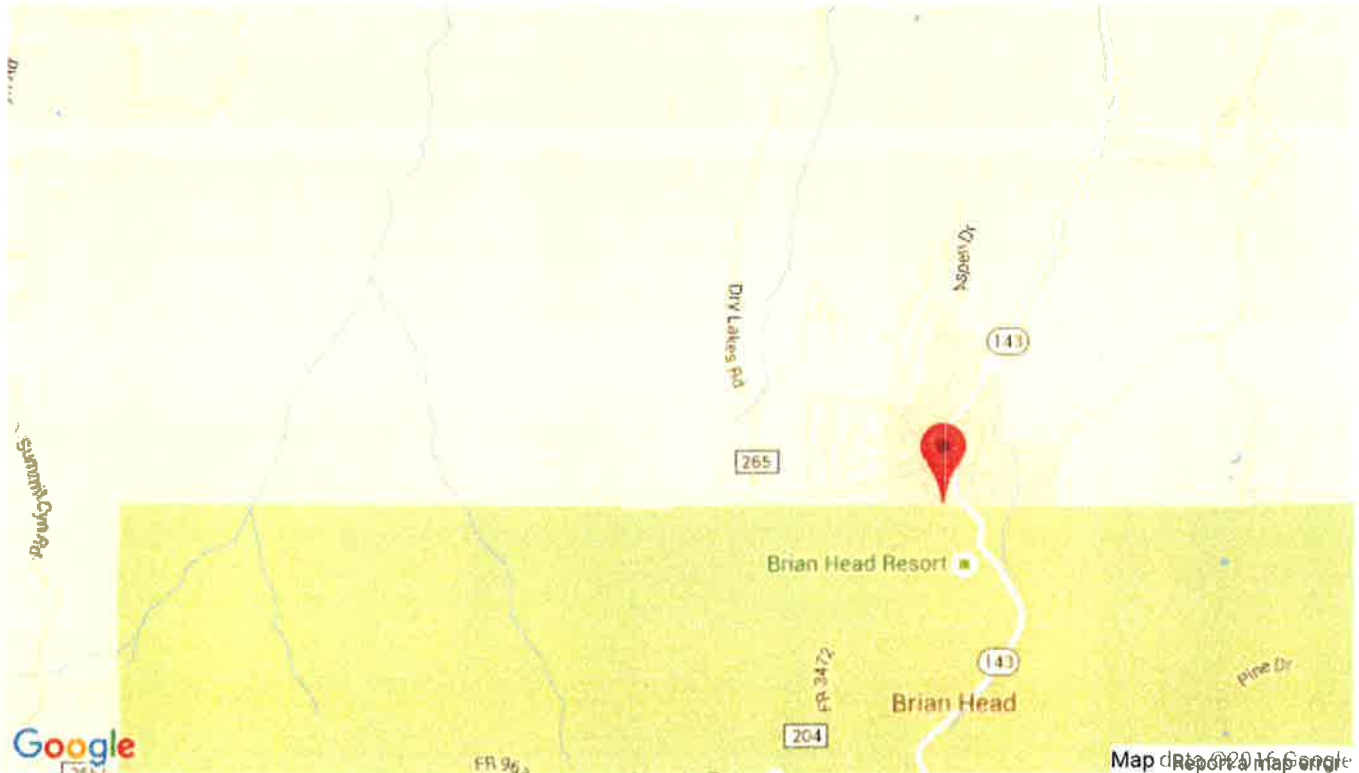
Account 0030491**Location****Account Number** 0030491**Parcel Number** A-1138-0029-0000**Tax District** 11 - BRIAN HEAD
REDEVELOPMENT**Acres** 0.46**Situs** 301 W SPRUCE ST, BRIAN HEAD**Legal** LOT 3, BLK D, MOUNTAIR
EVERGREEN ESTATES, UNIT A; SUBJ TO
R/W EASE DESC REC BK 1000/1445; SEC
34,T35S,R9W, SLM.**Child Accounts****Child Parcels****Parent Accounts****Parent Parcels****Transfers****Instrument Date**[11/07/2013](#)[04/18/2011](#)[06/30/2008](#)[10/05/2005](#)**Entry Number**[00650692](#)[00616883](#)[00576571](#)[00513607](#)**Value****Market (2015)** \$27,600**Taxable** \$27,600**Tax Area:** 11 **Tax Rate:**
0.013963**Type Actual Assessed Acres**

Land \$27,600 \$27,600 0.460

Images

- [Map](#)

Focusing On: 301 W SPRUCE ST BRIAN HEAD 84719



Account 0030772

Location	Owner	Value
Account Number 0030772	Name SCHMUTZ GEORGE L	Market (2015) \$27,600
Parcel Number A-1138-0065-0000	208 PALMER LANE	Taxable \$27,600
Tax District 11 - BRIAN HEAD REDEVELOPMENT	MESQUITE, NV 89027	Tax Area: 11 Tax Rate: 0.013963
Acres 0.46		Type Actual Assessed Acres
Situs 321 W SPRUCE ST , BRIAN HEAD		Land \$27,600 \$27,600 0.460
Legal LOT 4, BLK D, MOUNTAIR EVERGREEN ESTATES, UNIT A; SUBJ TO R/W TO UTAH POWER & LT CO REC BK 353/809; SEC 34,T35S,R9W, SLM.		
Child Accounts		
Child Parcels		
Parent Accounts		
Parent Parcels		

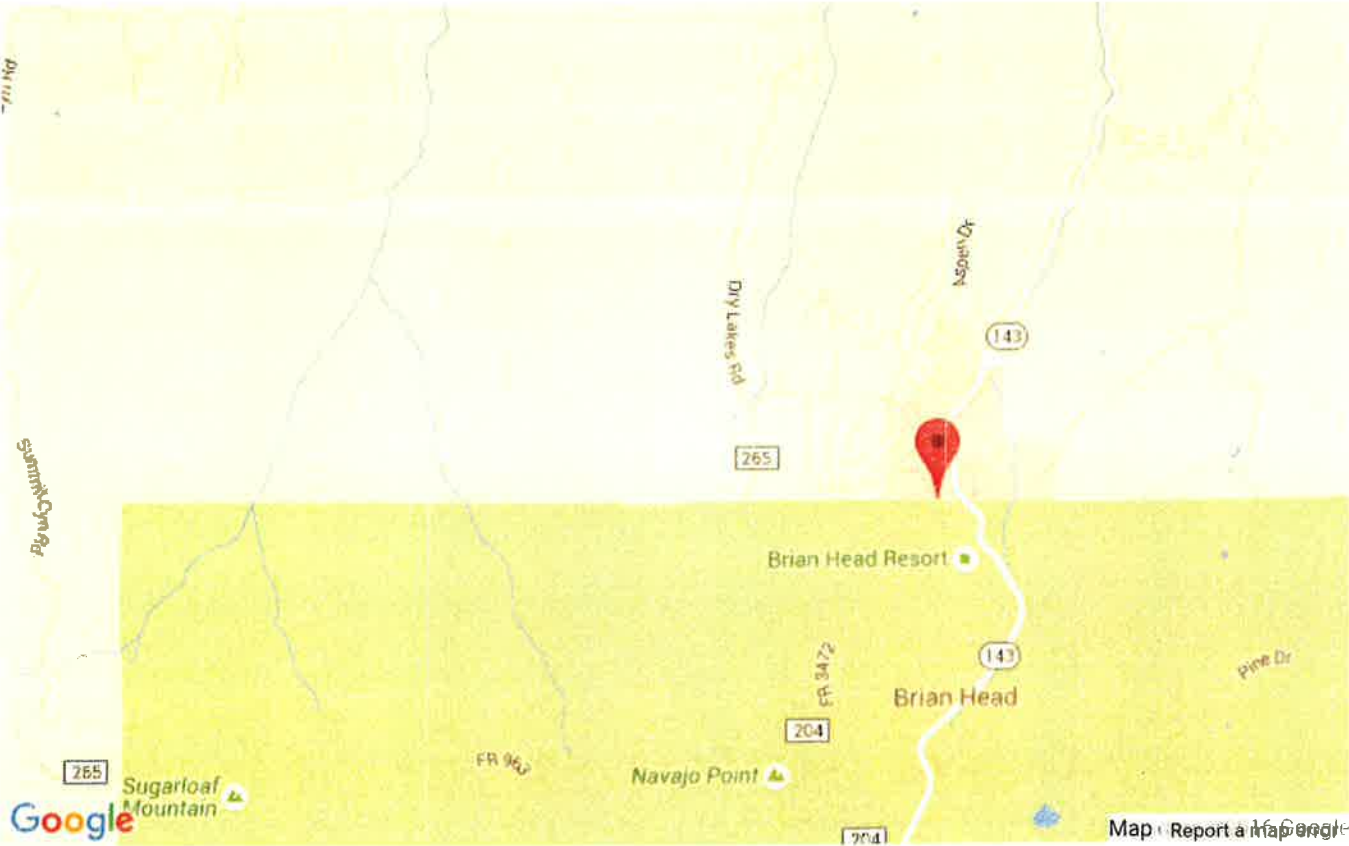
Transfers

Instrument Date	Entry Number
05/19/1994	00339302
09/08/1983	00247736

Images

- [Map](#)

Focusing On: 321 W SPRUCE ST BRIAN HEAD 84719





Nancy Leigh <nleigh@bhtown.utah.gov>

Zoning on Spruce

1 message

Kelly Thunder Mtn. <thunder5455@hotmail.com>

Mon, Jan 4, 2016 at 2:29 PM

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

Brian Head Town, Council, Planning Commission:

In regards to the proposed zone change of lots 281,301 and 321 on Spruce Street, I would like to oppose the change to industrial zoning (although I believe 281 is already zoned 'light industrial').

This is primarily a residential area, with only one business (mine), and it has already been labeled as a high traffic area. There are several cabins in the immediate vicinity who are impacted by the snowmobile trail and narrow road. Any new business in this area will mean big equipment, tree removal, excavation, excessive noise and traffic.

The town has already made Spruce a one-way street to try and reduce congestion on the steep part of the street and in front of the cabins. Having a big warehouse with heavy equipment in and out, day and night, will certainly make the street more congested.

Any industrial type business in this area would almost guarantee the obliteration of what is now the snowmobile trail, which would leave no snowmobile access into or out of town from the North end.

Snowmobile and ATV recreation is a huge part of the economy, and it should be considered how they will be impacted by having no access in or out of town.

These lots are the ONLY barrier between The Grand Lodge and Spruce Street. There is plenty going on at the lodge, 24 hours a day, and they are very noisy. I'm sure my neighbors think we are noisy too. Imagine the noise if there was no barrier. Plus the added noise of a new industrial business. The residential cabins would be surrounded by businesses and busy work, with no serenity at all.

I own 3 properties on Spruce Street, and I agree with most everyone who owns property on Spruce Street; I oppose this change.

Kelly Oldroyd
Thunder Mtn. Motorsports
Brian Head, UT
435-677-2288

From: Jim and Lee Kelly
Date: January 4, 2016

To Whom It May Concern:

We wish to input on the proposed rezoning of lots 281, 301 and 321 on Spruce St in Brianhead, UT. We are concerned as this rezoning to industrial would negatively impact the residential area with increased noise and visual pollution that the industrial buildings would bring with them and cause as a direct result of the loss of trees and brush that would be needed to construct said industrial buildings.

Please add our names to the list of concerned long time owners that would vote no on this rezoning.

Jim and Lee Kelly

339 W. Spruce St.
Brianhead, UT



Nancy Leigh <nleigh@bhtown.utah.gov>

Fwd: Proposed Zoning Amendment - MOUNTAIR EVERGREEN ESTATES Lots 281, 301 & 321

1 message

KLUASM@aol.com <KLUASM@aol.com>
To: nleigh@bhtown.utah.gov

Mon, Jan 4, 2016 at 3:47 PM

Prior email address correction

From: KLUASM@aol.com
To: nleigh@bhtown.utah.gov, wdowland@bhtown.utah.gov
Sent: 1/4/2016 2:40:21 P.M. Pacific Standard Time
Subj: Re: Proposed Zoning Amendment - MOUNTAIR EVERGREEN ESTATES Lots 281, 301 & 321

Dear Brian Head Town Council / Planing Commission:

Having recently received notice of the proposed Zone Amendment for three lots affecting our Unit A, Lot 6, Block E in the MOUNTAIR EVERGREEN ESTATES, as a very long time residential lot owner, I would like to go on record as opposing such a change of these residential lots to an industrial development which lies adjacent to an established residential neighborhood/subdivision.

Any industrial uses adjacent to or mixed in with an established adjacent residential neighborhood will have an adverse and negative impact on MOUNTAIR EVERGREEN ESTATES subdivision. I'm sure there are a few other areas within the Township of Brian Head that lend itself better for the industrial needs that the township requires for its future industrial growth.

Respectfully,

Klaus Mendenhall, et al.
Owners - Unit A, Lot 6, Block E
Mount air Evergreen Estates



Nancy Leigh <nleigh@bhtown.utah.gov>

Proposed Zone Amendment

2 messages

Sean Gubler <gublerdds@gmail.com>

Sun, Jan 3, 2016 at 10:18 PM

To: nleigh@bhtown.utah.gov, wdowland@bhtown.utah.gov

Dear Brian Head Town Recorder / BH Planning Commission / BH Town Council

It is with great interest that I write a few comments regarding the proposed ZONE AMENDMENT to Lots labeled 281,301, and 321. We have owned the property on 356 Spruce St and have watch the careful planning and development of the town of Brianhead. The decisions that the Planning Commission has pursued to develop the park and pond area as well as improvements to the center of town have been impressive. My wife, myself, and our children enjoy all that Brianhead has to offer year round. I have spent considerable time in Brian Head over the last 35 years and appreciate not only what the town has developed but also what the town has maintained and preserved.

Our property sits at the trailhead to snowmobile and atv trails that bring people to this area of central Utah. We do not mind the temporary noise that comes from this activity because we know it brings business and exposure that will allow Brian Head to prosper. These are activities that we enjoy as well and are part of the reason we bought property here. We love what the outdoors here has to offer.

My family and I DO NOT believe that rezoning these three properties to industrial fit within the objectives of the planning commission to maintain the beauty and the solitude that Brianhead has come to be known for. I am very concerned about the use of this land and how it would impact the perception of this area of town. My concerns are listed as follows...

- 1) There are several residences in the immediate vicinity and this change would effect some of the very reasons we chose to live in this neighborhood.
- 2) There several lots available for residential development in the immediate vicinity and this would negatively impact the draw to this neighborhood
- 3) Development of the proposed properties would require major work to level any substantial area for industrial construction. This effort would require the removal of most if not all of the tree barrier between the residences and 1) The Grand Lodge 2) Highway 143. The negative effects include
 - a) Visual depreciation to the residences of this neighborhood and to those using this area as the gateway to the backcountry
 - b) A loss of the noise buffer created by the forest. Presently the blowers of the Grand Lodge can be heard continuously and would become substantially more boisterous with out the trees. These trees also suppress the noise from Highway 143.
- 4) Retaining the residential zoning would maintain a more conservative approach to developing the area.
- 5) THERE ARE MANY OTHER AREAS THAT ARE MORE APPROPRIATE AND AVAILABLE FOR INDUSTRIAL DEVELOPMENT OTHER THAN OUR BACKYARD AND IN PLA OF ALL THOSE THAT COME TO ENJOY WHAT BRIAN HEAD OFFERS.

Sean Gubler <gublerdds@gmail.com>

Sun, Jan 3, 2016 at 10:28 PM

To: nleigh@bhtown.utah.gov, wdowland@bhtown.utah.gov

Dear Brian Head Town Recorder / BH Planning Commission / BH Town Council

It is with great interest that I write a few comments regarding the proposed ZONE AMENDMENT to Lots labeled 281,301, and 321. We have owned the property on 356 Spruce St and have watch the careful planning and development of the town of Brianhead. The decisions that the Planning Commission has pursued to develop the park and pond area as well as improvements to the center of town have been impressive. My wife, myself, and our children enjoy all that Brianhead has to offer year round. I have spent considerable time in Brian Head over

the last 35 years and appreciate not only what the town has developed but also what the town has maintained and preserved.

Our property sits at the trailhead to snowmobile and atv trails that bring people to this area of central Utah. We do not mind the temporary noise that comes from this activity because we know it brings business and exposure that will allow Brian Head to prosper. These are activities that we enjoy as well and are part of the reason we bought property here. We love what the outdoors here has to offer.

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to live in this neighborhood.

2) There several lots available for residential development in the immediate vicinity and this would negatively impact the

draw to this neighborhood

3) Development of the proposed properties would require major work to level any substantial area for industrial construction.

This effort would require the removal of most if not all of the tree barrier between the residences and 1) The Grand Lodge

Highway 143. The negative effects include

a) Visual depreciation to the residences of this neighborhood and to those using this area as the gateway to the

backcountry

b) A loss of the noise buffer created by the forest. Presently the blowers of the Grand Lodge can be heard continuously

and would become substantially more boisterous with out the trees. These trees also suppress the noise from

Highway 143.

4) Retaining the residential zoning would maintain a more conservative approach to developing the area.

5) THERE ARE MANY OTHER AREAS THAT ARE MORE APPROPRIATE AND AVAILABLE FOR INDUSTRIAL

DEVELOPMENT OTHER THAN OUR BACKYARD AND IN PLAIN VIEW OF ALL THOSE THAT COME TO ENJOY

WHAT BRIAN HEAD OFFERS.

I appreciate your consideration in this matter and respectfully ask that you DENY the rezoning of these properties.

Sincerely,

Sean Gubler
356 Spruce St
Brain Head, UT 84719



Nancy Leigh <nleigh@bhtown.utah.gov>

Proposed Zoning Amendment Lots 281, 301 and 321 Spruce Street

2 messages

Don Cape <dkcape@gmail.com>

Mon, Jan 4, 2016 at 4:12 PM

To: nleigh@bhtown.utah.gov, wdowland@bhtown.utah.gov

Dear Brian Town, Planning Commission, and Town Council,

RE: Proposed Zone Amendment Lots 281, 301, and 321 Spruce Street

Please accept this letter in response to the referenced action. My family and I have been recreating in the great outdoors of Brian Head since 1990 and it has always been a dream to once own a cabin on the Mountain. Our dream came true last September with the purchase of our home at 349 Spruce Street from the Boy Scouts of America. We have since vacationed here on 17 separate occasions traveling from Las Vegas. This quaint cabin was built by the Catello family in 1974 and later expanded by the Horst family to what it is today. It was one of the first cabins to be built on Spruce Street before any utilities. The best factor of this property and surrounding neighbors is the walking to several conveniences while yet being tucked away in the hidden forest.

We have seen the town grow and have valued the work that the stewards have watched over in recent years. The work that John has done on the ski resort speaks for its self and we are season pass holders to all he has to offer. We understand how much work that has gone into the planning and development of the water storage, drilling of the well, maintaining trash and the new paving project this summer that replaced the old bumpy road.

With all of these improvements it is even more important to preserve the neighborhood on Spruce Street. This area is the Front Door to the Town and will always be what it is unless compromised by allowing inappropriate use to blight the neighborhood. While we understand that certain uses are wanted we and our neighbors feel this is not appropriate. These lots are the only remaining buffer for noise and visibility to commercial and anything other than residential use will strip the last remaining natural setting. I am a Geologist/Civil Engineer by education and have been a developer for 25 years and any attempt to make use of these lots will be met by major challenges. The lots are steeply sloping up from the road and will require significant grading and retaining for any use even residential but planned carefully with post/beam construction a small footprint cabin will make great use of these lots without impacting the natural setting. Any other use will basically require major cuts and retaining walls thus stripping most of the trees that have just really begun to finally recover from the Bark Beetle that almost completely wiped out the fir and spruce.

There is only one property that separates our lot from the subject lots and this is owned by the Kelly's. And they, like most lot owners, are waiting to build and have invested years saving to show up one day and have it changed will be unbearable. If allowed to develop as industrial what

we see now from our front door as shown in the attached pictures will be lost forever. This last cluster of trees screens us from highway 143, the Grand Lodge and the power lines that run behind. We love the Grand Lodge and use it frequently however their commercial fans operate 24/7 and are very noisy especially at night when you want to enjoy the peacefulness you hear the constant hum of the fans. I recently hear the same complaint from our neighbors. Any tree removal on those lots will make it unbearable to go outside at night. In addition any increase traffic will add to the congestion and dust.

In closing I would offer that I am not closed minded to development and progress but this area is the gateway to numerous country cabins that access the Dry Lake Flats and the front door is so important to maintain the feel and mindset of those who have invested a lifetime of hard work to enjoy what this area has to offer. I have attached pictures from my living room as well as looking back at the site from 143 and if you haven't driven over here lately encourage you to go walk these lots and you will see the grading challenges that await anything other than carefully executed Residential Uses.

Respectfully,

The Capes,

Don, Danielle, Mitchell and Jack

Enclosed – areial map showing a few of the adjoining neighbors weve spoken to that oppose; site pictures.

6 attachments



Photo 1.jpg
2395K



Photo 2.jpg
1045K



Photo 3.jpg
752K



Photo 4.jpg
577K



Photo 5.jpg
614K



Spruce Aerial Lot Map.pdf
304K

Don Cape <dkcape@gmail.com>

Mon, Jan 4, 2016 at 4:14 PM

To: wdownland@bhtown.utah.gov, nleigh@bhtown.utah.gov

Resending without attachments to make sure it is received. Thank you.

[Quoted text hidden]



Nancy Leigh <nleigh@bhtown.utah.gov>

Fwd: Proposed Zone Amendment Lots 281,301,321

1 message

theboiss4@aol.com <theboiss4@aol.com>

Mon, Jan 4, 2016 at 1:44 PM

To: nleigh@bhtown.utah.gov, wdowland@bhtown.utah.gov

Dear Brian Head Town Recorder/BH Planning Commission/ BH Council

We are writing to you concerning the proposed Zone Amendment to Lots 281,301, and 321 and our opposition to this.

We purchased our lot #7 Mountair Evergreen Estates in 1985. We are from California and have been skiing in Brian Head since 1979. We spent every Christmas and New Years, Easter and Presidents Holidays with our two boys, enjoying the open clean air and beautiful trees of Utah. After years of staying in condominiums we decided to buy a lot for the future for our boys, and future grandchildren. Brian Head holds some of our most fond memories being in the outdoors with freedom for our kids, grandkids, and dogs to roam without pollution, traffic and noise.

Every Christmas we would go to our lot and cut down our Christmas tree and haul it into a condo and decorate with homemade ornaments, and enjoy our time in Brian Head skiing and getting away from the rat race.

In 1996 we began building our home and continuing our tradition at Christmas. We never imagined having to think of an industrial building being in our neighborhood, which had been building beautiful cabins over the years. We now have four grandchildren, that love to come up to Brian Head and play in the clean mountain air and snow. To think of a large industrial building on our block, and cutting down the beautiful trees that are now coming back breaks our hearts and our family as well.

The negative aspects beyond emotional are as follows:

1. Pollution from the motorized vehicles that are stored, and mechanically worked on site.
2. Visual blight of the building itself and the removal of the trees.
3. Negative impact for future homes to be built, and the devaluation of the existing homes.
4. More noise pollution from snow mobile activity, and deleting the buffer of the trees that are existing in that area, that help with the exhaust fans from The Grand Lodge and Highway 143. This will make the noise pollution and air pollution unbearable for those of us who have enjoyed this part of nature for years.
5. Depleting the oxygen that the trees generate for cleaner air.
6. Making it unsafe for our grandchildren and dogs to play in the snow, with more and more vehicles encroaching on our property as they have in the past.

The reason we came to Brian Head in the late 70's was to escape this type of pollution, noise and lack of freedom to run our dogs, and let our children play without fear of being run over. We made the extra hours drive to Brian Head instead of Mammoth because we wanted the quiet serenity Brian Head afforded us.

We love what has developed in Brian Head over the years....with quality home building and the improvements to the slopes and lodges. Please let the positive construction continue so we all can enjoy Brian Head as it should be enjoyed.

I have enclosed some photos to show the enjoyment my family has had ...We respectfully ask that you find a better alternative and ask you to DENY the rezoning of those properties.

Sincerely,

Frank and Sylvia Boisseranc & family
357 Spruce St.
Brian Head, Ut. 84719

949 230.7117

4 attachments



IMG_4100.JPG
8363K



IMG_4037.JPG
7607K



IMG_4012.JPG
6099K



IMG_3466.JPG
1100K



Wendy Dowland <wdowland@bhtown.utah.gov>

Against rezoning of land/Lots

1 message

Jason Nielson <nielson.jason@gmail.com>

Mon, Jan 4, 2016 at 2:20 PM

To: nieigh@bhtown.utah.gov, Brian Head Town <wdowland@bhtown.utah.gov>

Dear Brian Head Town Recorder / BH Planning Commission / BH Town Council

I oppose the ZONE AMENDMENT to Lots labeled 281,301, and 321. We have owned our home on 237 Trails at Navajo for a number of years. We love our home in Brian head. We own another lot off of Forest drive as well and feel the placemat of Mr Carr's machinery in a residential or "cabin area" will not improve the area. I feel this machinery should be keep down in Parowan or somewhere else out of our beautiful town.

We have watched the careful development of the Ski resort and subsequent improvement and development of the town of Brian Head. The decisions that the Planning Commission has pursued to develop the park and pond area as well as improvements to the center of town have been impressive. The improvements of the ski resort also have brought increased value and entertainment to the area. My wife, myself, and our children enjoy all that Brianhead has to offer year round. We have season passes to ski, We ride snowmobiles and mountain bike in the summer. I have spent considerable time in Brian Head over the last 10 years and appreciate not only what the town has developed but also what the town has maintained and preserved.

My family and I DO NOT believe that rezoning these three properties to industrial fit will improve any of the outdoor activities my family and many other enjoy. I am very concerned about the use of this land and how it would impact the perception of this area of town. My concerns are listed as follows...

- 1) There are several residences in the immediate vicinity and this change would effect some of the very reasons we chose to live in this neighborhood. Why not place it up the hwy where the city or county all ready keeps their machinery.
- 2) There several lots available for residential development in the immediate vicinity and this would negatively impact the draw to this neighborhood
- 3) Development of the proposed properties would require major work to level any substantial area for industrial construction. This effort would require the removal of most if not all of the tree barrier between the residences and
- 4) Retaining the residential zoning would maintain a more conservative approach to developing the area.
- 5) it will not add to anything of beauty or worth in Brain Head.

I appreciate your consideration in this matter and respectfully ask that you DENY the rezoning of these properties.

Sincerely,
Jason Nielson
237 Trails at Navajo
Brian Head Utah, 84719



Wendy Dowland <wdowland@bhtown.utah.gov>

Proposed rezoning of lots 281 - 301 - 321 on Spruce St. Brian Head

2 messages

Kathryn Christensen <tranquilityvacations@gmail.com>

Mon, Jan 4, 2016 at 11:18 AM

To: Nancy <nleigh@bhtown.utah.gov>, Wendy Dowland <wdowland@bhtown.utah.gov>

To Whom it may concern,

We wish to raise our voices in opposition to the proposed rezoning of lots 281, 301, and 321 on Spruce Street Brian head, Utah.

Any industrial use of these properties would be detrimental to the area. We rent both our Brian Head cabins and use them extensively. Both our cabin at **318 Fir Street and 368 Spruce street** would be negatively impacted. The purpose we, and others use these cabins for is to escape the noise and visual pollution of the city. Industrial buildings like the ones proposed would not blend with the neighborhood which includes various examples of cabin architecture. These lots need to remain residential.

We echo the concerns of our neighbors that these changes will negatively affect the aesthetic of both the town of Brian Head and our neighborhood. It will raise unwanted noise from its use as well as increase the noise level currently blocked by the existing trees.

Please do NOT allow this rezoning.

Sincerely

Thomas + Kathryn Christensen

318 Fir Street
Brian Head, UT

Kathryn Christensen <tranquilityvacations@gmail.com>

Mon, Jan 4, 2016 at 11:18 AM

To: Nancy <nleigh@bhtown.utah.gov>, Wendy Dowland <wdowland@bhtown.utah.gov>

To Whom it may concern,

We wish to raise our voices in opposition to the proposed rezoning of lots 281, 301, and 321 on Spruce Street Brian head, Utah.

Any industrial use of these properties would be detrimental to the area. We rent both our Brian Head cabins and use them extensively. Both our cabin at **318 Fir Street and 368 Spruce street** would be negatively impacted. The purpose we, and others use these cabins for is to escape the noise and visual pollution of the city. Industrial buildings like the ones proposed would not blend with the neighborhood which includes various examples of cabin architecture. These lots need to remain residential.

We echo the concerns of our neighbors that these changes will negatively affect the aesthetic of both the town of Brian Head and our neighborhood. It will raise unwanted noise from its use as well as increase the noise level currently blocked by the existing trees.

Please do NOT allow this rezoning.



Nancy Leigh <nleigh@bhtown.utah.gov>

Proposed Rezoning on Spruce Street, Brianhead UT

1 message

Boisseranc, Kade <BoisserancK@san-clemente.org>

Mon, Jan 4, 2016 at 12:58 PM

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

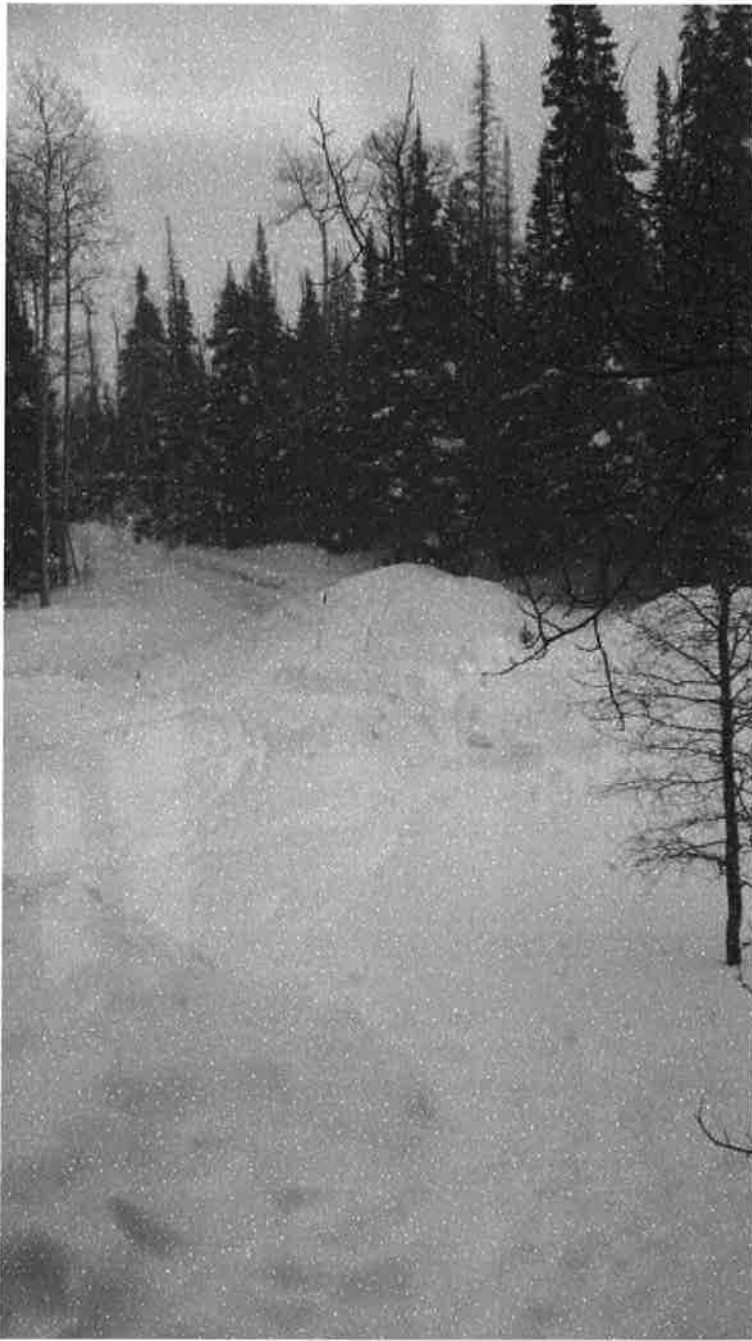
Cc: "Sylvia Boisseranc (THEBOISS4@aol.com)" <THEBOISS4@aol.com>, "Brandon Boisseranc (bssmc@yahoo.com)" <bssmc@yahoo.com>

Dear Sirs,

My family has owned lot 357 on Spruce Street since the 1985 and we have been frequently travelling to this destination from California ever since. The proposed rezoning of lots 321, 301 and 281 from residential to industrial would have a significant negative impact our property both financially and emotionally. Not only will rezoning a residential area to a partial industrial zone devalue the remaining residential properties in the neighborhood, it will also diminish the livability and safety of the properties adjacent. Industrial zones are the cause several negative externalities, such as traffic, noise disturbance, pollution, and obstruction of view. We have already seen the safety and noise disturbance impacts of commercial properties nearby in the form of snow mobile rentals and tours through the neighborhood. Our family has invested financially and emotionally into the Brianhead community for over thirty years. Three generations have and wish to continue to enjoy the serenity of this neighborhood. I urge you to consider my family and many others when making your decision regarding the rezoning of our neighborhood.

Respectfully submitted,

Kade Boisseranc*Information Technology Analyst II**City of San Clemente**(949) 361-8367 Office**(949) 283-3772 Cell**boisserancK@san-clemente.org**http://san-clemente.org****Please consider the environment before printing this e-mail.***





Nancy Leigh <nleigh@bhtown.utah.gov>

Brian Head Zone Amendment Lots 281, 301, 3211 message

Darren Vanderford <dvanderford@helixelectric.com>

Mon, Jan 4, 2016 at 1:09 PM

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

Dear Brian Head Planning Commission,

I am a proud owner of a cabin at 353 Fir St. Today I am writing with regard to the Zone Amendment to Lots labeled 281,301, and 321.

Our property sits near the trailhead to snowmobile and atv trails that bring people to this area of central Utah. We do not mind the temporary noise that comes from this activity because we know it brings business and exposure that will allow Brian Head to prosper.

My family and I do not believe that rezoning these three properties to industrial fit within the objectives of the planning commission to maintain the beauty and the solitude that Brianhead has come to be known for. I am very concerned about the use of this land and how it would impact the perception of this area of town. My concerns are listed as follows...

- There are several residences in the immediate vicinity
- There several lots available for residential development in the immediate vicinity and this would negatively impact the draw to this neighborhood
- Development of the proposed properties would require major work to level any substantial area for industrial construction. The lots subject to the proposed amendment are steeply sloping and will be difficult to develop for any use other than residential. Any attempt to develop beyond a small cabin footprint will result in substantial grading and retaining walls and thus require most of the trees to be removed further blighting the area that has just begun to recover from the epic pine beetle damage.
- The current configuration of the hill on Spruce Street and trees on both sides, buffer the neighborhood from the view and noise from Highway 143. If approved and developed the current lots will change the appearance of this neighborhood and forever harm the views of the homes

I appreciate your consideration in this matter and respectfully ask that you deny the rezoning of these properties.

Sincerely,

Darren Vanderford



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE BRIAN HEAD LAND MANAGEMENT CODE, CHAPTERS 6, ADOPTING THE ZONE DISTRICT MAP REGULATING LAND USE WITHIN THE TOWN OF BRIAN HEAD, UTAH AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Brian Head Town has identified a need to revise the Brian Head Land Management Code in order to regulate land use within the Town limits of Brian Head, Utah; and,

WHEREAS, the Brian Head Planning Commission held a public hearing on January 5, 2016 giving at least fourteen (14) days' notice prior to the public hearing to receive public comment. The Planning Commission hereby forwards their recommendation of approval with modifications to the zone district map onto the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on the Zone District Map and giving at least fourteen (14) days' notice. The public hearing was held on January 12, 2016; and

WHEREAS, Brian Head Town desires to incorporate the Zone District Map regulating land use within the town boundaries; and

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:

Section 1. The Brian Head Land Management Code, Chapter 6, Zoning, is hereby amended to incorporate the Zone District Map. All land use within the Town of Brian Head shall comply with the Brian Head Land Management Code; and

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council and following notice and publication as required by law. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this Ordinance shall be incorporated into Title 9 of the Brian Head Town Code.

Section 3. Conflict. To the extent of any conflict between other Town, County, State, or Federal laws, ordinances or regulations and this Ordinance, the more restrictive is deemed to be controlling.

Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer. All provisions of the Brian Head Town Code, Chapters one through ten that are inconsistent with the expressed terms of this Ordinance shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this ____ day of January 2016, with the following vote.

Mayor H.C. Deutschlander	Aye_____	Nay_____
Council Member Clayton Calloway	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____
Council Member Reece Wilson	Aye_____	Nay_____
Council Member David Bourne	Aye_____	Nay_____

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By: _____
H.C. Deutschlander, Mayor

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the ____ day of January, 2016, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

Nancy Leigh, Town Clerk

Ordinance No. _____

ATTACHMENT "A"
BRIAN HEAD LAND MANAGEMENT CODE
ZONE DISTRICT MAP

Brian Head Zoning



- CV - Civic
- COS - Conservation Open Space
- GC - General Commercial
- HDR - High Density Residential
- I - Industrial
- LDR - Low Density Residential
- ROS - Recreation Open Space
- VC - Village Commercial
- Ski Lifts
- Iron Co. Trails
- State Route 143
- Local Roads

Base data provided by Iron County and the Utah State AGRC.
Mapping intended for city wide planning and not for site specific analysis.
Coordinate System: NAD_1983_UTM_Zone_12N. Last updated July 11, 2015

0 1 Mile



The Annual Strategic Planning Retreat of
Brian Head Town Council
[Zoom Meeting ID# 812 7147 0901](#)
Brian Head Town Hall Council Chambers
56 North Highway 143 – Brian Head, UT 84719
JANUARY 25 & 26 2021 @ 9:00 AM

FY 2022 STRATEGIC PLANNING RETREAT AGENDA

MONDAY, JANUARY 25, 2021

- A. WELCOME AND CALL TO ORDER 9:00 AM**
- B. STRATEGIC PLANNING PROCESS (9:00 – 10:00 AM)**
 - 1. Review of Strategic Planning Process.** Bret Howser, Town Manager.
 - 2. Financial Position Update.** Shane Williamson, Town Treasurer
 - 3. Report on Community Input Forum.** Nancy Leigh, Town Clerk
- C. TAKEAWAYS FROM COMMUNITY INPUT FORUM (10:00 – Noon)**
- D. BREAK FOR LUNCH**
- E. “A TOWN IN TRANSITION” MANAGING THE GROWING PAINS OF OF BRIAN HEAD (1:00 – 4:00 PM)**
 - 1. Defining the “Brian Head Experience”**
 - 2. Threats to preserving the experience.**
 - a) Public Safety Workload.** Chief Dan Benson
 - b) OHV Enforcement.** Bret Howser, Town Manager
 - c) Code Enforcement.** Wendy Dowland, Building
 - d) Nightly Rental Enforcement.** Nancy Leigh, Town Clerk
 - 3. Strategies for preserving the experience.**
- F. RECESS FOR MONDAY, JANUARY 25, 2021. 4:00 PM**

TUESDAY, JANUARY 26, 2021

9:00 AM

- A. FOCUSED DISCUSSION OF FY 2022 STRATEGIC ITEMS (9:00 – 11:00AM)**



1. **Snowmaking System.** Aldo Biasi, Public Works Director
2. **Light Industrial Park Public Hearing.** Bret Howser, Town Manager
3. **Trails Plan and Implementation Policy.** Bret Howser, Town Manager
4. **Investing Resources in Growth vs. Using Resources to Manage Growth.** Bret Howser, Town Manager

B. OPEN DISCUSSION OF FY 2022 STRATEGIC PLAN (11:00 – Noon)

C. ADJOURMENT

Noon

Date: January 19, 2021

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 public board may participate by means of electronic communications. 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 three conspicuous locations; The Mall, Post Office, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town 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





STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Brian Head Light Industrial Park
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: January 26, 2021
TYPE OF ITEM: Discussion

SUMMARY:

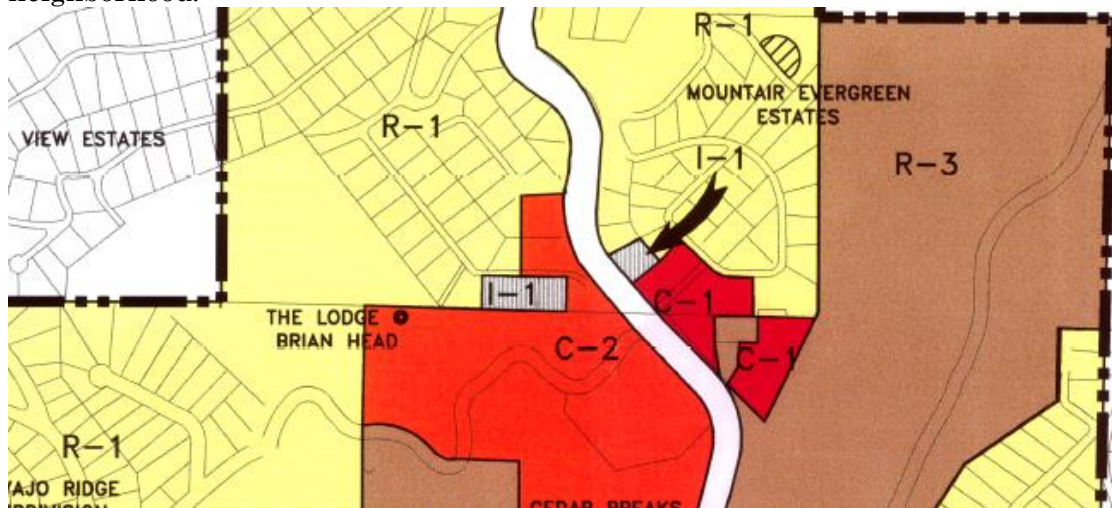
The Council will review a concept plan for a light industrial park on Town-owned property east of Mountair Evergreens subdivision (Spruce St) and north of Navajo Ridge subdivision (Adams Circle and lower Hunter Ridge Drive). This is a preliminary discussion and is not slated for a decision. Although not an official public hearing, public input on the preliminary plan is invited.

BACKGROUND:

The issue of where to zone for light industrial development has been one that has confounded Brian Head Town since the beginning. Existing light industrial appears to have developed without much public deliberation or premeditated land use planning. This has resulted in light industrial developments clustering right in the Town's entryway corridor and greeting guests and visitors with a sort of blight.

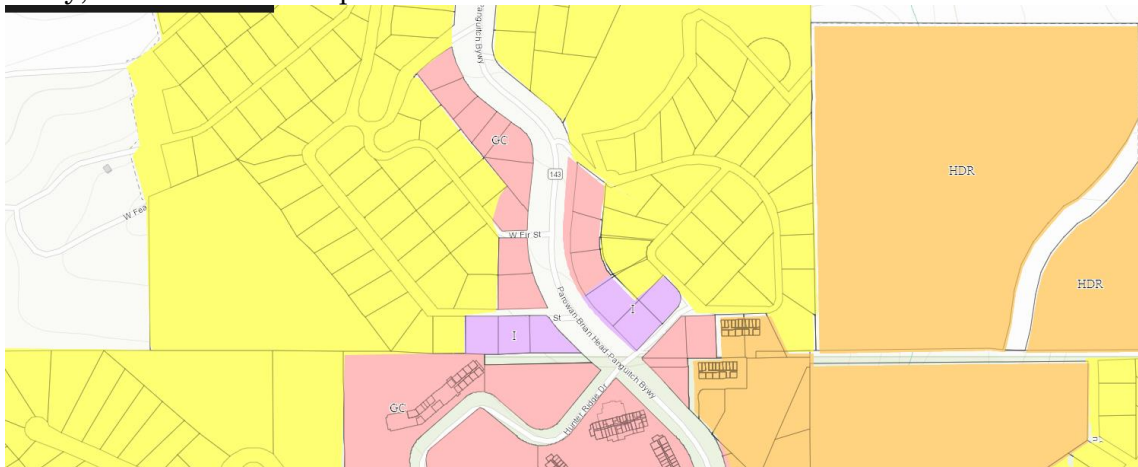
In the last 20 years or so, the approach from local land-use planners has been to limit light industrial zoning to the cluster that has already developed and search for more appropriate areas to zone light industrial which are less visible to the public. However, this has proven an unfruitful endeavor over the years. A few points of history for reference:

- A 2004 zoning map includes 4 light industrial lots in Town, all in Mountair Evergreens subdivision, Block A Lot 11 and Block D Lots 2, 3, 4. These included the existing Rocky Mtn Power substation, the Thunder Mtn Motorsports equipment storage yard, and 2 vacant lots between Thunder Mtn and the Spruce Drive neighborhood.



- In 2010, the Town adopted a new General Plan which contained the following goals/policies:

- GOAL: Provide for areas where limited industrial type activities can be conducted, in order to meet the needs of Brian Head citizens without deterring from the beauty and peacefulness of the valley.
 - Policies:
 - Recognize the need for heavy equipment to be stored and used in the community for construction and snow removal purposes.
 - Provide opportunities for industrial uses in Brian Head that contribute to the growth and to the development of the Town.
 - Implementation:
 - Establish zoning regulations and areas that provide for industrial uses, including requirements to keep them integrated with the mountain environment (i.e. screening, noise pollution, dust mitigation, safety, traffic control, vehicular access, etc.).
- In 2013, after receiving a zone change request from the owner of Mountair Evergreens Block A Lot 1, the Council granted a zone change from Commercial to Light Industrial.
- In 2015, the Town revised the Zoning Map based on the new General Plan Map.
 - During that process Mountair Evergreens Block D Lot 1 was changed from Commercial to Light Industrial and Block D Lot 2 was changed from Light Industrial to Commercial. This was recommended by staff based on an erroneous understanding of the current uses of those lots. The mistake went apparently unnoticed by either the Planning Commission or the Council.
 - Also during that process, Mountair Evergreens Block D Lots 3 and 4 were changed to Single Family Residential. This was recommended by staff based on the fact that the General Plan Map did not appear to anticipate the potential for Light Industrial Zoning on Lot 4 and arguably not on Lot 3.
 - Additionally Mountair Evergreens Block A Lot 12 was changed to Light Industrial as this lot is slated for an expansion of the Rocky Mountain Power substation.
- In 2016, owners of Mountair Evergreens Block D Lots 1, 2, and 3 objected to the zone changes that happened in 2015. They requested that these lots all be set back to Light Industrial. Their request received a positive recommendation from the Planning Commission and was granted by the Town Council.
- These changes have resulted in 6 lots being zoned light industrial in Brian Head today, as seen on the map below:



- In 2019 the Town revised its General Plan, which now includes the following language regarding light industrial:
 - Community Development Current Conditions: “In the future as the finite commercially zoned properties are developed, many commercial and industrial uses could become subject to conditional use requirements because of the limited amount of land available for those uses in Town, and to maintain the character of a mountain resort community.”
 - Gateway Issues
 - “Part of Brian Head’s brand promise is a developed area that is in harmony with the natural environment. One of the priorities of the Town is to define and preserve its northern and southern gateway areas so that future development of these areas provides this impression and does not detract from the current viewshed opportunities.
 - “Ideas for future improvements include the beautification, redevelopment, and/or possible relocation of the industrial development on the north gateway area, and to the Public Works facility at the southern gateway area.”
 - Community Development Goals: “Provide for areas where limited, light industrial type activities can be conducted, in order to meet the needs of Brian Head citizens without deterring from the beauty and peacefulness of the valley.”

In 2013, the Town Council adopted a Strategic Plan which included the explicit goal to “Improve the First Impression of Brian Head”. Since that time, the Planning Commission and Town Council occasionally discussed other potential locations for Light Industrial further away from the public view. However, we have always run up against the issue that land outside of the public view (ie: off Hwy 143) tends to be in residential neighborhoods and where light industrial use is unwelcomed by the neighbors.

In 2015, as an attempt to strike a balance between the need for moving light industrial off of the highway while not allowing full-blown industrial in residential areas, the Planning Commission and Town Council altered the Town’s Land Management Code to allow “Snow Removal Services” and “Water Transportation Services” to be conducted as a home occupation in single family residential zones with a conditional use permit. This is informally called the light-light-industrial option. Two such conditional use permits were granted shortly thereafter and later expired for not meeting the conditions.

In 2020 an application for conditional use permit for snow removal and water hauling services to be conducted as a home occupation was submitted for a yet-to-be-built cabin in Mountair Evergreens Block D Lot 5 (339 Spruce). The permit was eventually granted with conditions requiring all equipment to be stored in the garage. However, during the process several neighbors voiced deep concerns and objections. One of their requests was that the Town pursue a process to identify other areas of Town where light industrial may be more appropriate.

The Town Council subsequently directed the Planning Commission to search for more areas to potentially zone light industrial. The Commission identified four potential areas and positively recommended three of them to the Council – specifically:

- 1) Land along the access road to the Brian Head Resort maintenance shop (which is located on Forest Service land)

- 2) Land along “Burt’s Road” east of Mountair Evergreens subdivision (which is all under one ownership who has no intention of developing light industrial on that property)
- 3) And two Town-owned parcels (total 18 acres) west of Mountair Evergreens subdivision (the property at the heart of this report and discussion). This property has previously been discussed as a potential location for expansion of the Town’s Public Works operations.

The Town-owned land is the only one of those options with the potential to move quickly enough to provide any possible immediate relief to the neighbors in Mountair Evergreens (meaning: if the Town were to develop the land quickly enough, the owner of 339 Spruce may choose to locate his operation on a light industrial lot there rather than build a cabin and execute his CUP in the single-family zone). So staff took the initiative to have a conceptual plan drawn up by the Town engineer in order to facilitate a discussion. This is the subject matter at hand.

Staff specifically invited property owners and residents on Spruce St and Adams Circle to participate in this review and discussion in order to give Council robust input early in the process. The conceptual drawing was sent to as many of them for whom we could find email addresses as possible so they could be prepared for this discussion. They have requested a neighborhood charette with the engineer prior to this meeting, but staff feels that since the engineer and the Council will be present at the Strategic Planning Retreat, and no decisions are being made yet, this preliminary discussion serves the same purpose as a neighborhood charette. Further input meetings can also be held if necessary as the Town needs not be in any more of a hurry than the neighbors are.

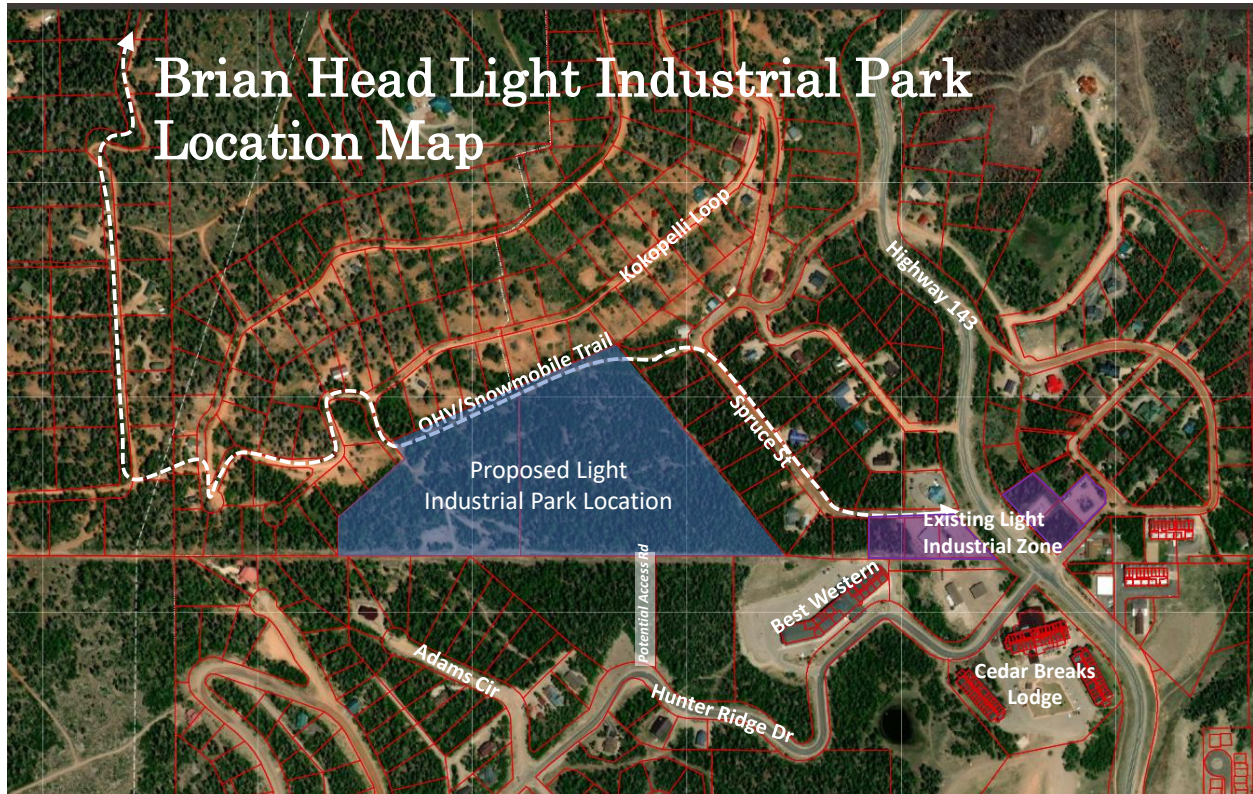
ANALYSIS:

The proposed preliminary conceptual plan is attached for your review. Items that should be noted and thoroughly discussed:

- Access issues – Staff has had preliminary discussions with the property owner on Hunter Ridge Drive regarding establishing primary access to the Town’s property off of Hunter Ridge Drive and he is open to the idea. This would limit the impact of any traffic to and from the light industrial area on residential streets such as Spruce and Adams Circle while simultaneously giving more direct access to paved collector roads and the highway for snow removal operators who might be responding to snow events from the light industrial areas. Secondary/emergency access could be from the northwest corner of the property onto Kokopelli, which access already exists. However this would create a potential conflict with the snowmobile trail in the winter.
- Preservation of a buffer with adjacent residential lots – Staff requested that the engineer build in a 25-50 ft buffer between the backs of the Spruce St lots on the east border of the light industrial park. This may be expanded if there is sufficient space.
- OHV/Snowmobile Trail – Currently this trail runs on Spruce street and then along the north border of the Town parcels. This may need to be relocated, and perhaps if it could be relocated off of Spruce altogether and threaded through the light industrial park instead, it would be a boon to the residential neighbors. This might possibly be accomplished by trading land with the owner of 339 Spruce and using that property to move the trail off of Spruce and into the light industrial park (although the terrain

and slopes may make that difficult, and more than two landowners would need to be involved).

- Annexation – Only one of the two Town-owned parcels is actually within Town limits. It may be advisable to annex the other one or work with the County on its development.



What follows is an evaluation of the project tested against the Town's various standards:

- Does it conflict with the Community Vision – Brian Head is a rustic mountain village with diverse recreation and complementary commercial opportunities where people and nature coexist?
 - Any light industrial development is going to conflict with the Thomas Kinkade-like vision of a rustic mountain village. But the Vision statement itself recognizes that and calls for complementary commercial development, which arguably includes limited light industrial necessary for support services. The goal is to get that development to happen in a way that it best co-exists with people and nature. The General Plan was written with the goal of guiding development in a way that it will best co-exist with people and nature.
- Does it meet the objectives stated in the General Plan?
 - The GP explicitly calls for light industrial to be moved off of the highway and out of the entryway. This location is definitely off of the highway and largely out of public view.
 - Additionally, it is consistent with Town Goal – Environment #4: Improve the 1st Impression of Brian Head.

- The GP calls for light industrial to be located somewhere “without deterring from the beauty and peacefulness of the valley.” That would arguably include not disturbing the peacefulness of a residential neighborhood. So if a light industrial park is developed in this location, it should be done in such a manner to substantially mitigate the impact on surrounding neighborhoods or it should not be done at all.
- Is it consistent with the Town’s Core Values?
 - **Visitor Experience:** It enhances the visitor experience by providing an area where needed service providers can be located on mountain, and it is out of view of most of our visitors.
 - **Collaboration:** We have invited potentially impacted neighborhoods to be part of this discussion from the outset, and will continue to do so. Additionally we plan to collaborate with the Forest Service to develop a better plan for the existing Public Works facility on the south end of Town to expand operations there, which could simultaneously result in a more attractive light industrial use on Highway 143 and reduce some volume of light industrial use on this property.
 - **Quality of Life:** This development would have the potential to impact surrounding neighbors’ quality of life negatively. So we should do everything possible to mitigate that impact, and if we cannot do so substantially we should consider scrapping this concept.
 - **Excellence in Public Services:** This development would allow Town the space to store additional equipment which will someday be needed to grow/improve public services such as snow removal, parks maintenance, water and sewer infrastructure, etc.
 - **Fiscal Responsibility:** While the price tag on this development is substantial, the Town may significantly defray costs by selling or leasing lots. It is difficult to say at this stage, without a definite financing plan, whether the project is fiscally responsible.

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission has also been asked to review this conceptual plan and participate in the discussion. The Council may choose to remand this item to the Planning Commission for review and an official recommendation. Indeed, any zoning change would need to follow that process.

The Spruce Street neighbors have requested that a citizens’ committee be created to review and make recommendations.

STAFF RECOMMENDATION:

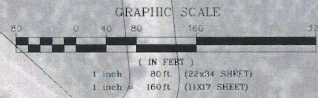
Staff believes this is the best potential option to create a light industrial zone off of Highway 143 and out of the entryway corridor while minimizing the disturbance of a residential neighborhood. Since the Town owns the land, we can have full control over how it is developed to separate the light industrial activities from the residential uses as much as possible.

PROPOSED MOTION:

No motion necessary, item is discussion/informational only

ATTACHMENTS:

A – Brian Head Light Industrial Park Conceptual Plan



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