

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# 826 4732 8733
TUESDAY, November 1, 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. SCHEMATIC PLAN REVIEW – MTN LIFE VENTURES, RIDGE VIEW TOWNHOMES.** Bret Howser, Town Manager. The Commission will review the proposed schematic plan for a multi-family development on Ridge View Drive.
 - 2. FOOD TRUCK ORDINANCE DISCUSSION.** Bret Howser, Town Manager. The Commission will discuss a potential ordinance modifying regulations on food trucks in Brian Head. Item is discussion only; no action will be taken until after required public hearing is held.
- G. ADJOURNMENT**

Date: November 1, 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: Schematic Plan Review
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: November 1, 2022
TYPE OF ITEM: Administration Action

SUMMARY:

The Planning Commission will review the Schematic Plan proposed by Mountain Life Ventures for a new townhome subdivision on Ridge View Drive and provide additional comments and input to assist the applicant in preparing the preliminary plat application.

HISTORY:

Mountain Life Ventures owns two previously unsubdivided parcels to the west of Ridge View Drive between Chalet Village and White Bear Condos (see attached Vicinity Map). These parcels are currently zoned R3-Multi-Family Residential. The applicant submitted an application for Schematic Plan Review on October 5, 2022, following a pre-application conference with staff.

ANALYSIS:

The following are the Standards for Review for a Schematic Plan:

1. The proposed subdivision conforms to the town general plan, zoning regulations, public works standards, design standards (chapter 12 of this title) and other relevant sections of this title.
2. The proposed water source is connected to the town's water distribution system and has adequate supply, capacity and method of distribution within the subdivision.
3. The proposed sewage system is connected to the town's sewer system and meets state and town standards and regulations.
4. The proposed method for fire protection complies with this title, and other regulations as applicable.
5. The proposed uses for the property are appropriate to the zone district and the layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts and preservation of views.
6. 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, mail, police and fire protection, schools and recreation. If adequate services do not exist at the time of application, provision must be made for expansion of services concurrent to the subdivision development at the expense of the subdivider.

FINDINGS OF FACT & CONCLUSIONS OF LAW:

Staff met with the developer on DATE to discuss the Standards for Review, and we report the following findings of fact:

1. A) General Plan - The proposed subdivision (a townhome development) is consistent with the existing zone (R3) and the underlying General Plan map and provisions.
B) Zoning Regulations – The proposal seems consistent with all the provisions of R3 zone in Chapter 9-7-3 of the LMC with the following exceptions:
 - Setback measurements are not clearly shown, unclear if minimum 25' front/20' side-rear are met
 - Maximum building coverage, measurements not shown although it appears to not exceed maximum of 40%
 - Minimum landscaping, measurements not shown, although it appears to meet minimum of 40%
- C) Design Standards - The proposal seems consistent with all the provisions in Chapter 9-12 of the LMC with the following exceptions:
 - **9-12-3(K): The proposal doesn't seem to be "designed to preserve the natural terrain" as evidenced by the large retaining wall and significant fill.**
 - **9-12-3(M): Proposed building pads do not "incorporate a non-linear and staggered placement... to avoid straight rows of similar-styled buildings"**
 - 9-12-9: Secondary access through Chalet Village will require an easement, and cul-de-sac (or hammerhead) should be provided on Road B
 - Road B has a 6% slope, and cul-de-sacs shall not exceed a 4% slope. The intersection of Road A and Road B appears to also be 6%, and shall not exceed 4%.
 - Widths of the proposed driveways are not provided, but appear to exceed the 20' minimum.
 - 9-12-15: The development report states that the town homes will vary between 1,750-2,350 square feet, which under our code would be 2.5 spaces per dwelling. The report states that each unit will have a 2-car garage and a driveway, which should satisfy the requirement so long as the driveway measures at least 10'x20'. It should be noted that no guest parking has been provided in the schematic plan. The applicant should consider modifying as units used as nightly rentals routinely have more than 4 vehicles present.
 - Trash enclosures have not been provided, and must be included in the preliminary plat, preferably at the entrance.
- D) Public Works Standards - The proposal seems consistent with all the provisions in Chapter 9-12 of the LMC with the following exceptions:
 - **20 foot roadway does not meet public works standards**
 - Culvert may be needed on the trail to snow melt/drainage
 - UDOT may require a drainage study. Town will need sign off from UDOT prior to approving preliminary plat.
 - Separation between water and sewer main lines. Min is 10ft from closest edges of pipes. Must be included in preliminary plat
 - Unclear how they plan on metering water. Town prefers 1 large meter, but might not be able to with the main line looping thru.
2. The water infrastructure in Ridge View Drive appears to be sufficient for the proposed development, but will require further evaluation by the Town Engineer during the

preliminary plat phase to ensure sufficient capacity. The applicant has not proposed to supply the Town with water rights for the development, and would be seeking to draw on the pool of water rights available from the Town via a Development Agreement per 9-9-6 of the Town LMC. The current remaining pool available to residential development is 37 acre feet. The proposed development would require approximately 10 acre feet (final determination by development agreement).

3. The sewer infrastructure in Ridge View Drive appears to be sufficient for the proposed development, but will require further evaluation by the Town Engineer during the preliminary plat phase to ensure sufficient capacity.
4. The proposed fire hydrants appear to meet the 300' minimum. **Proposed Road B is too narrow at 20' and requires a cul-de-sac for fire apparatus to turn around.**
5. In staff's view, **the layout/design may not responsive to the constraints of the topography and visual impacts, and preservation of views** due to the large proposed retaining wall. While the height and length of the walls are not specified on the schematic plan, it appears to be in excess of 400 feet and at least 8-12' in height and would likely be highly visible from the Town's commercial core. The applicant would need to demonstrate that there is not another way to develop the land in a fashion more sensitive to the topography or provide renderings demonstrating that the visual impact will not be significant.
6. Existing Town roads, water, sewer, storm water, gas, electric, telecommunications, police/fire, mail, schools and recreation services all appear to be sufficient for the proposal. Applicant should submit preliminary plat to Rocky Mtn Power and Dominion Energy to ensure sufficient service from those entities.
 - The Navajo Loop Trail easement should be included on the plat, possibly relocated to a location that is sensitive to the topography
 - Snow storage areas are designated on the schematic plan, but the measurements are not specified so it is unclear if they meet the minimum of 20% of the hard surface areas. They appear to be insufficient.
 - No provision is made for transit operations. The Town may wish to require a transit stop/turnaround on either the Ridge View side or the Chalet Village side.

PROPOSED MOTION:

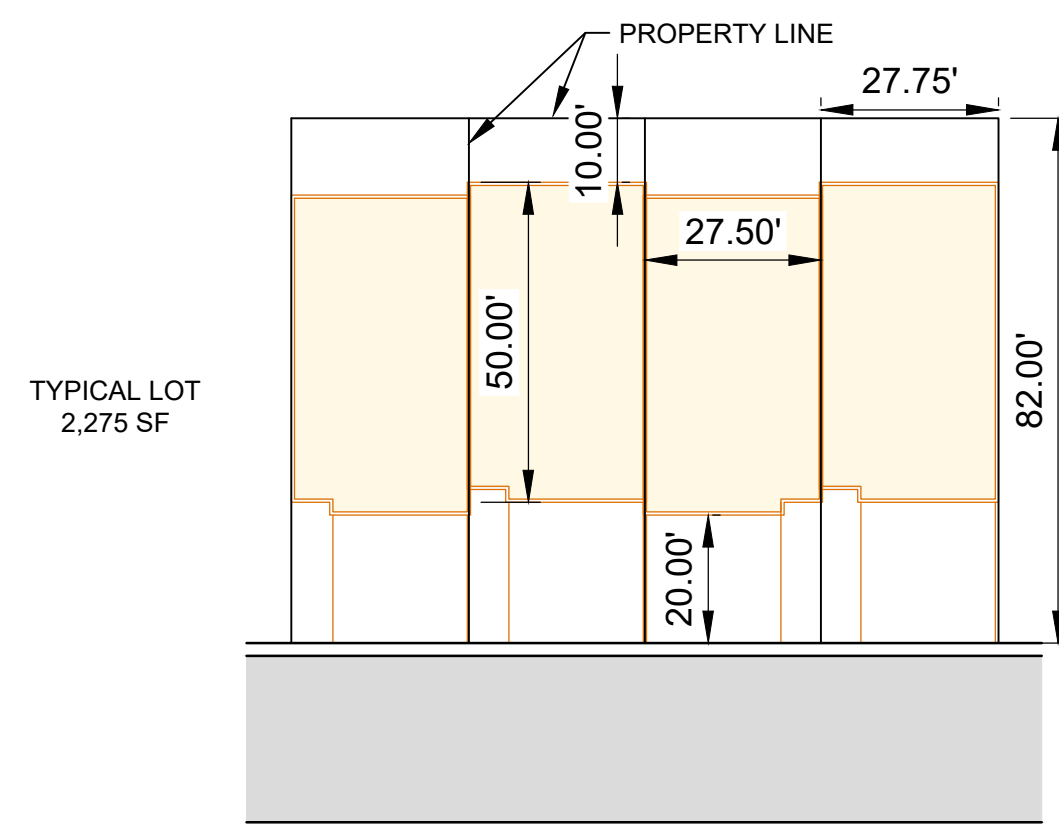
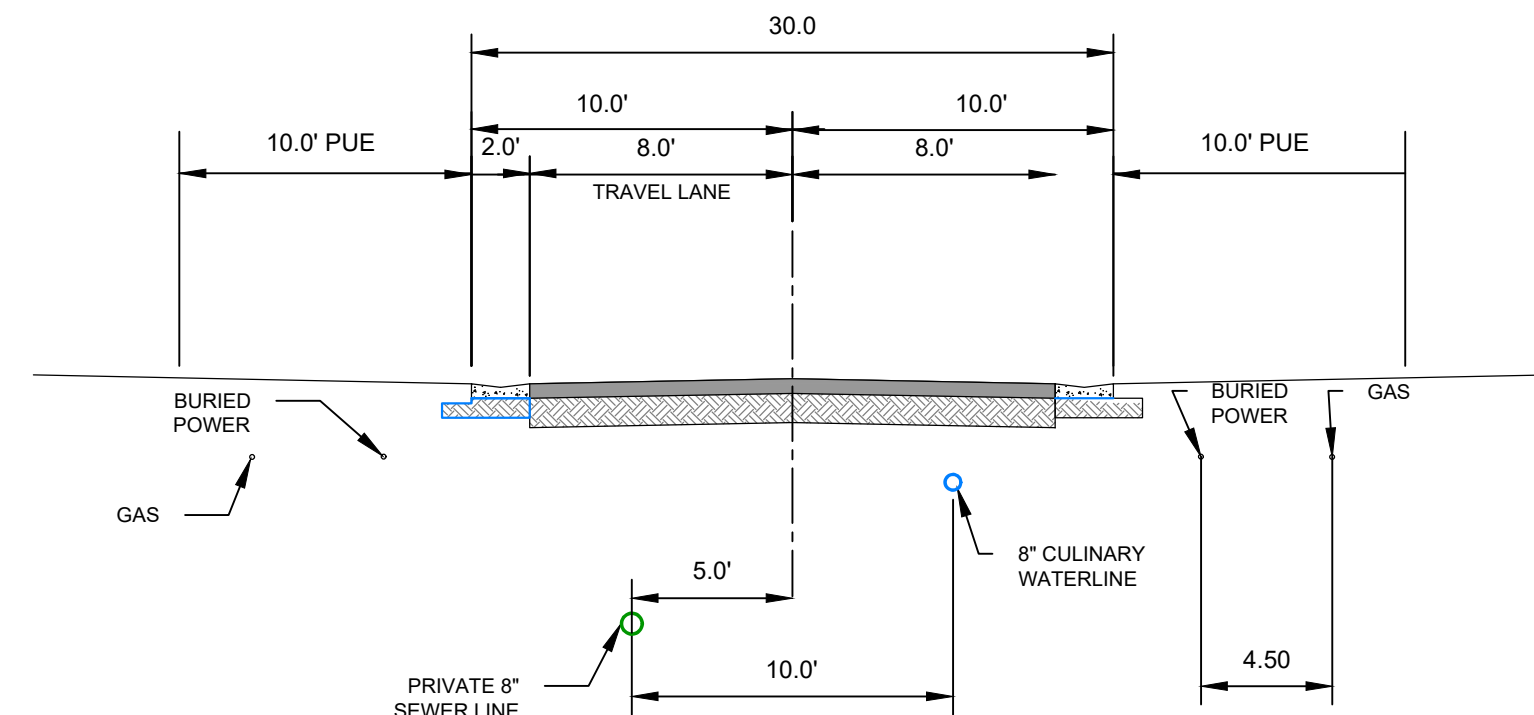
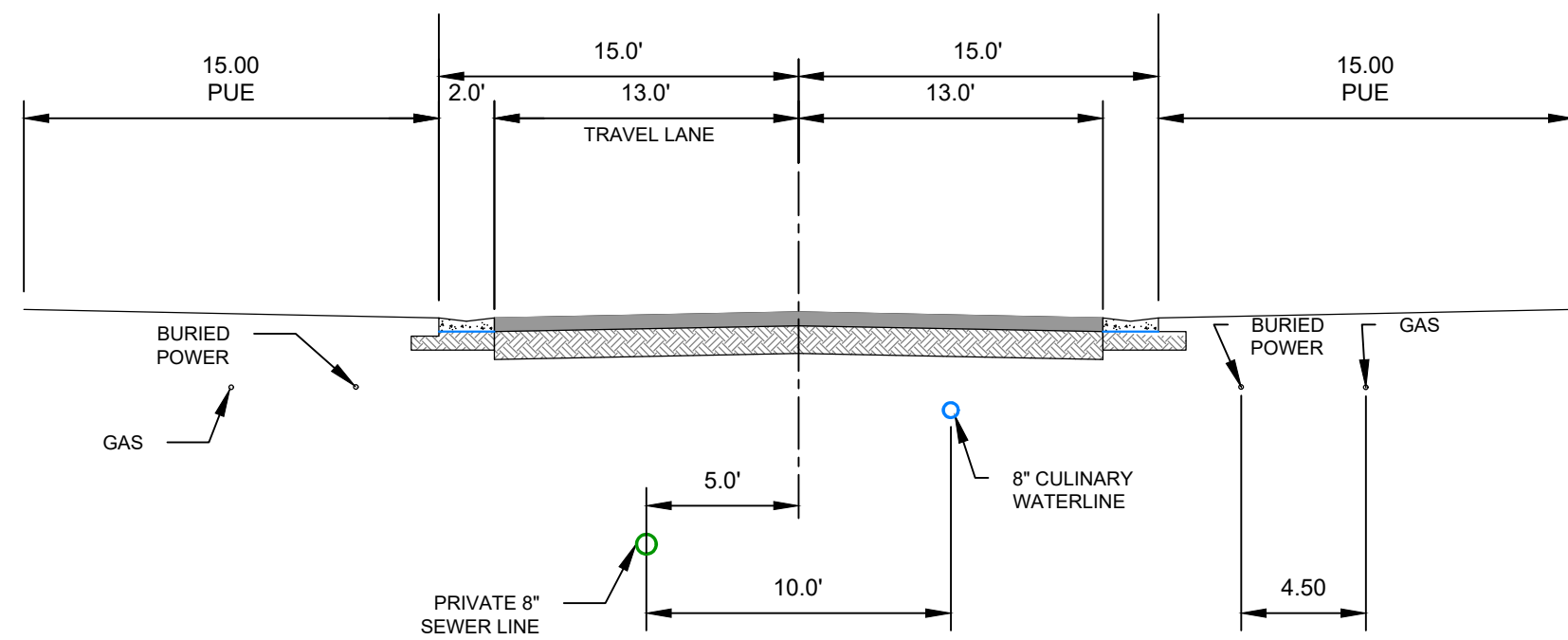
No motion is necessary. The Planning Commission should review and note any issues with the schematic plan. The applicant will then make adjustments prior to submitting a preliminary plat.

ATTACHMENTS:

A – Schematic Plan

B – Vicinity Map

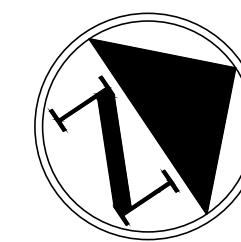
C – Development Report



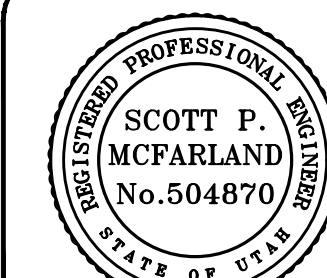
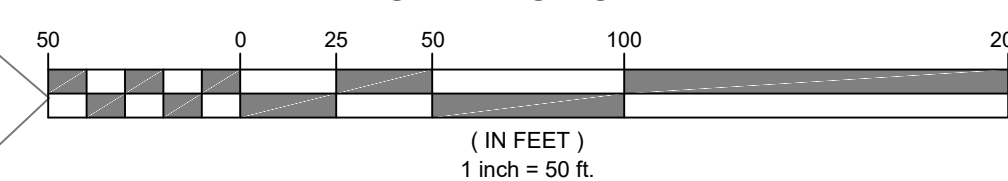
LAND USE DATA
TOTAL AREA=8.67 ACRES
48 TOWN HOMES
BUILDING AND HARDSCAPE AREAS = 2.3 ACRES
OPEN SPACE AREA = 6.37 ACRES

OWNER/APPLICANT
JOSH PETERSON
MOUNTAIN LIFE VENTURES
jpeterson@mlventures.com
(208) 881-4910

PARCELS
A-1150-0003-0001-02
A-1150-0005-0005
APPROXIMATE ADDRESS
RIDGEVIEW STREET AND HWY 143



GRAPHIC SCALE



NOT FOR CONSTRUCTION

No.	DESCRIPTION	BY	DATE

SCALE (HORIZ): 1" = 50'
SCALE (VERT): NA
DRAWN BY: SPM
CHECKED BY: RHD
DATE: 10.03.2022
PROJECT No: 2487



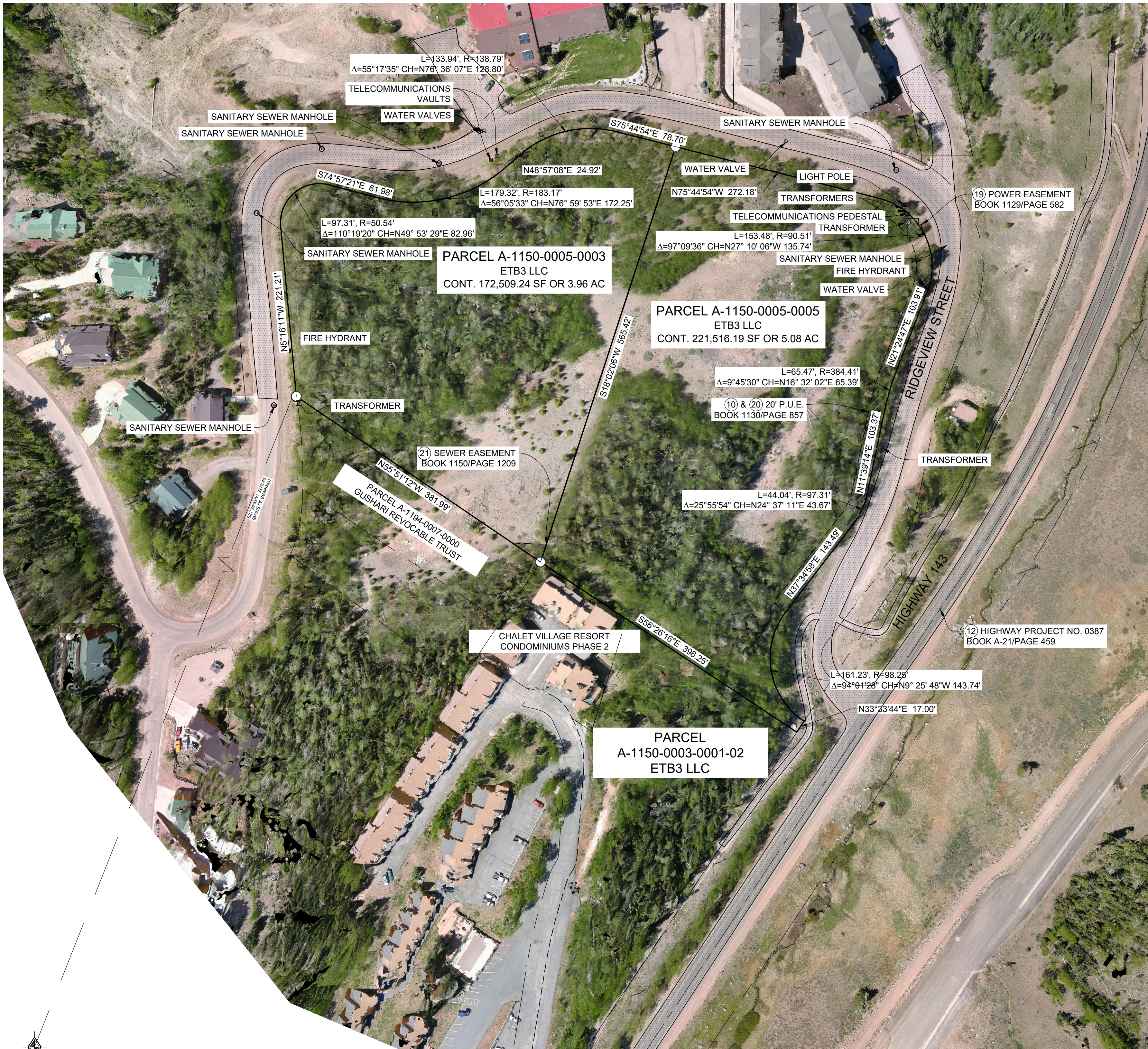
2975 Executive Parkway, Suite 300
Lehi, Utah 84043 • Tel: 801.541.3040

RIDGEVIEW TOWNHOMES

PRELIMINARY PLAT

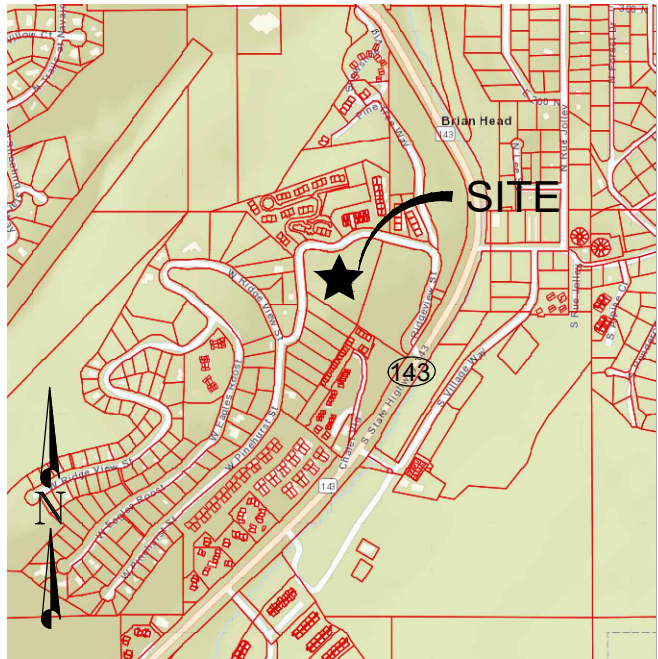
BRIAN HEAD TOWN, UTAH

SHEET
PRELIM1



FOUND SOUTHWEST CORNER
SECTION 2, TOWNSHIP 36 SOUTH,
RANGE 9 WEST, S.L.B. & M.

VICINITY MAP
NOT TO SCALE



LEGEND

	IRON COUNTY MONUMENT AS NOTED		EXISTING WATER VALVE
	PROPERTY CORNER AS DESCRIBED		EXISTING FIRE HYDRANT
	PROPERTY LINE		EXISTING SANITARY MANHOLE
	ADJACENT PARCEL		EXISTING SANITARY CLEANOUT
	SECTION LINE		EXISTING CATCH BASIN
	CENTERLINE		EXISTING POWER POLE
	RIGHT-OF-WAY LINE		EXISTING IRRIGATION MANHOLE
	EXISTING FENCE LINE		EXISTING ELECTRICAL TRANSFORMER
	EXISTING WATER LINE		EXISTING TELEPHONE MANHOLE
	EXISTING SANITARY SEWER LINE		EXISTING TELEPHONE PEDESTAL
	EXISTING STORM DRAIN LINE		EXISTING GAS METER
	EXISTING OVERHEAD POWER LINE		EXISTING AC UNIT
	EXISTING UNDERGROUND POWER LINE		
	EXISTING FIBER OPTIC LINE		
	EXISTING GAS LINE		

SCHEDULE B - SECTION 2 EXCEPTIONS

- Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
(NOT A SURVEY MATTER)
- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
(NOT A SURVEY MATTER)
- Any facts, rights, interests, or claims which are not shown by the Public Records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
(NOT A SURVEY MATTER)
- Easements, liens, or encumbrances, or claims thereof, which are not shown by the Public Records.
(DOES NOT AFFECT THE SUBJECT PROPERTY)
- Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
(DOES NOT AFFECT THE SUBJECT PROPERTY)
- (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (a) water rights, claims or title to water, ditch rights; (d) minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel and other hydrocarbons in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities related thereto, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the Public Records. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
(NOT A SURVEY MATTER)
- Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
(NOT A SURVEY MATTER)
- Taxes for the year 2021 are now a lien due and payable, as to Tax Parcel No. A-1150-0003-0001-02, A-1150-0005-0003, and A-1150-0005-0005, Tax Account No. 0245826, 0034964, and 0035821.
Tax Parcel No. A-1150-0003-0001-02 amount due \$630.24
Tax Parcel No. A-1150-0005-0003 amount due \$1,179.09
Tax Parcel No. A-1150-0003-0005 amount due \$1,512.25
(NOT A SURVEY MATTER)
- Said property is located within the boundaries of the City of Brian Head, County of Iron, and Tax District No. 11, and is subject to all assessments and service charges levied there under including but not limited to taxes established by Ordinance No. 07-013 recorded November 27, 2007 as Entry No. 563962 in Book 1113, at Page 614, and Resolution No. 378 recorded August 19, 2008 as Entry No. 576934 in Book 1143, at Page 578, and Ordinance No. 08-019 recorded November 18, 2008, as Entry No. 580797 in Book 1149, at Page 1899, and Ordinance No. 15-017 recorded December 9, 2015 as Entry No. 677620 in Book 1331, at Page 138 and Notice of Adoption of the Brian Head Village Core Community Development Project Area Plan, recorded December 17, 2015 as Entry No. 677609 in Book 1331, at Page 1594 of Official Records.
(NOT A SURVEY MATTER)
- Any Easements as shown on the Ownership Plat of Section 2, Township 36 South, Range 9 West, Salt Lake Base and Meridian, Official Records of Iron County. Also, subject to terms, conditions, restrictions, and notes that may be shown on the recorded plat.
(AFFECTS THE SUBJECT PROPERTY AS SHOWN HEREON)
- Reservations and exceptions in the patent by the State of Utah recorded May 20, 1964 as Entry No. 134992 in Book D of Patents at Page 432 and by The United States of America recorded October 14, 1965 as Entry No. 140815 in Book 120 at Page 312 of Official Records.
(NOT A SURVEY MATTER)
- Affects Parcel 2
Easement for irrigation and/or waste water ditches, in favor of the State Road Commission of Utah, recorded July 14, 1961, as Entry No. 124836 in Book A-21, at Page 459 of Official Records.
(AFFECTS THE SUBJECT PROPERTY AS SHOWN HEREON)
- Affects Parcels 1 & 2
Easement for right of way and water line connections, and purposes incidental thereto, over and across said property by virtue of that certain Easement, recorded June 9, 1972 as Entry No. 163623 and 163624, in Book 173 at Page 80 and Page 85 of Official Records.
(BLANKET IN NATURE, NOTHING TO PLOT)
- Easement for water lines, and purposes incidental thereto, in favor of the Town of Brian Head, a municipal corporation, over and across said property by virtue of that certain Judgement, recorded March 5, 1979 as Entry No. 207150, in Book 248 at Page 457 and recorded May 23, 1979 as Entry No. 208951 in Book 250 at Page 789 of Official Records.
(DOES NOT AFFECT THE SUBJECT PROPERTY)
- Affects Parcel 3
Easement for television cables, and purposes incidental thereto, in favor of R.F. Systems, over and across said property by virtue of that certain Easement, recorded October 14, 1980 as Entry No. 222218, in Book 268 at Page 647 of Official Records.
(AFFECTS THE SUBJECT PROPERTY AS SHOWN HEREON)
- Affects Parcel 3
Utility, Sewer, and Water line Easement in favor of Chalet Village Resort Condominiums Phase I, Homeowners Association, and owners of record of each unit over and across said property by virtue of that certain Easement, recorded December 30, 1983 as Entry No. 249154, in Book 312, at Page 115, of Official Records.
(AFFECTS PARCEL NOT COVERED IN THIS ALTA SURVEY)
- Affects Parcel 3
Utility, Sewer, and Water line Easement in favor of Chalet Village Resort Condominiums Phase II, Homeowners Association, and owners of record of each unit over and across said property by virtue of that certain Easement, recorded June 28 1984 as Entry No. 253168, in Book 318, at Page 871, of Official Records.
(AFFECTS PARCEL NOT COVERED IN THIS ALTA SURVEY)
- Affects Parcel 3
A 24 foot wide Utility and Roadway Easement as disclosed by that certain Warranty Deed recorded August 2, 2000, as Entry No. 42400701 Book 720, at Page 701 of Official Records.
(AFFECTS PARCEL NOT COVERED IN THIS ALTA SURVEY)
- Affects Parcel 1
Easement for sewer line, and purposes incidental thereto, over and across said property by virtue of that certain Easement, recorded November 26, 2008 as Entry No. 00581130, in Book 1150 at Page 1209 of Official Records. Consent to Easement from The Village Bank as to said Easement recorded December 19, 2008 as Entry No. 00582130 in Book 1152 at Page 75 of Official Records.
(AFFECTS THE SUBJECT PARCEL AS SHOWN HEREON)
- Affects Parcel 2
Easement for electric power transmission, distribution and communication lines, and purposes incidental thereto, in favor of PacifiCorp, an Oregon corporation, over and across said property by virtue of that certain Easement, recorded April 14, 2008 as Entry No. 00570531, in Book 1129 at Page 582 of Official Records.
(AFFECTS THE SUBJECT PARCEL AS SHOWN HEREON)
- Affects Parcel 2
Easement for electric power transmission, distribution and communication lines, and purposes incidental thereto, in favor of PacifiCorp, an Oregon corporation, over and across said property by virtue of that certain Easement, recorded April 22, 2008 as Entry No. 00571017, in Book 1130 at Page 857 of Official Records.
(AFFECTS THE SUBJECT PARCEL AS SHOWN HEREON)
- Affects Parcel 3
Easement and Agreement Re: Common Access and Utility Easements, recorded May 15, 2014 as Entry No. 656791, in Book 1289, at Page 1349, of Official Records.
(AFFECTS PARCEL NOT COVERED IN THIS ALTA SURVEY)
- Affects Parcel 3
Right-of-Way and Snow Storage Easement Agreement, recorded May 15, 2014, as Entry No. 00656792, in Book 1289, at Page 1389 of Official Records.
(AFFECTS PARCEL NOT COVERED IN THIS ALTA SURVEY)
- Affects Parcel 3
Right-of-Way and Snow Storage Easement Agreement, recorded May 15, 2014, as Entry No. 656794, in Book 1289, at Page 1409 of Official Records.
(AFFECTS PARCEL NOT COVERED IN THIS ALTA SURVEY)
- Affects Parcel 2
Rights of the public for ingress and egress to a city trail and snowmobile trail through said land, as disclosed by an inspection of said property.
(NOT A SURVEY MATTER)

- Any claim, right, title or interest to water, water rights and/or ditch rights whether or not shown by the public records.
(NOT A SURVEY MATTER)
- Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand, gravel, in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
(NOT A SURVEY MATTER)
- Vehicular access is limited to openings permitted by the Utah State Department of Transportation in accordance with Section 41-6a-714, Utah Code Annotated, as amended 2005
(NOT A SURVEY MATTER)

TITLE COMMITMENT BOUNDARY DESCRIPTION

PARCEL 1: A-1150-0005-0003
BEGINNING NORTH 0°32'29" EAST 1898.94 FEET ALONG THE SECTION LINE AND EAST 1094.38 FEET FROM THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 55°51'12" WEST 381.99 FEET; THENCE NORTH 5°16'11" WEST 221.21 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.54 FEET, A DISTANCE OF 97.31 FEET; THENCE SOUTH 74°57'21" EAST 61.98 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 183.17 FEET, A DISTANCE OF 179.32 FEET; THENCE NORTH 48°57'08" EAST 24.92 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 138.79 FEET, A DISTANCE OF 133.95 FEET; THENCE SOUTH 75°44'54" EAST 78.70 FEET; THENCE SOUTH 18°02'06" WEST 565.42 FEET TO THE POINT OF BEGINNING.

PARCEL 2: A-1150-0005-0005
BEGINNING NORTH 0°32'29" EAST 1898.94 FEET ALONG THE SECTION LINE AND EAST 1094.38 FEET FROM THE SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH 18°02'06" EAST 565.42 FEET; THENCE SOUTH 75°44'54" EAST 272.18 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 90.51 FEET, A DISTANCE OF 153.48 FEET; THENCE SOUTH 21°24'47" WEST 103.91 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 384.41 FEET, A DISTANCE OF 65.47 FEET; THENCE SOUTH 11°39'14" WEST 103.37 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 97.31 FEET, A DISTANCE OF 44.04 FEET; THENCE SOUTH 37°34'58" WEST 143.48 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 98.25 FEET, A DISTANCE OF 161.23 FEET TO THE WESTERLY RIGHT OF WAY LINE OF HIGHWAY U-143; THENCE SOUTH 33°33'44" WEST 17.00 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 56°26'16" WEST, 398.25 FEET TO THE POINT OF BEGINNING.

THIS LEGAL DESCRIPTION INDICATES THE SAME PARCEL AS THAT DESCRIBED IN TITLE COMMITMENT NO. 13939-00001, WITH AN EFFECTIVE DATE OF DECEMBER 12TH, 2021 AT 7:30 A.M. SAID DESCRIPTION CLOSES WITHIN 0.01 FEET.

NOTES

- THE SUBJECT PROPERTY LIES WITHIN THE ZONE AG20 (AGRICULTURAL 20).
- THE SUBJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "X" PER MAP NUMBER 4900730750B WITH AN EFFECTIVE DATE OF JULY 17, 1986.
- THERE WAS NO OBSERVED EVIDENCE OF CONSTRUCTION OR RECENT SITE DEVELOPMENT OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THERE WAS NO OBSERVED EVIDENCE TO THE SITE USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THERE WAS NO EVIDENCE OF DELINEATED WETLAND WITHIN THE SUBJECT PROPERTY OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- THERE WAS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE FIELD WHILE CONDUCTING THE FIELDWORK.
- PUBLIC AND PRIVATE UTILITY LINE LOCATIONS WERE DETERMINED BY OBSERVED EVIDENCE AND MAPPING PROVIDED BY UTILITY COMPANIES.
- THE SUBJECT PROPERTY HAS NO PURPORTED ADDRESS AND IS REGISTERED AS VACANT LAND IN BRIAN HEAD, UTAH 84719.

NARRATIVE

THE PURPOSE OF THE SURVEY WAS TO DO AN ALTANSPS SURVEY OF THE PROPERTY AS SHOWN AND DESCRIBED HEREON. THE SURVEY IS BASED ON THE COMMITMENT FOR TITLE INSURANCE PROVIDED BY STEWART TITLE GUARANTEE COMPANY FILE NUMBER 13939-00001, WITH AN EFFECTIVE DATE OF DECEMBER 12TH, 2021 AT 7:30 A.M. THE SURVEY WAS ORDERED BY BRIANHEAD REALTY, THE BASIS OF BEARING IS THE LINE BETWEEN THE FOUND WEST PROPERTY CORNER OF PARCEL A-1150-0005-0003 AND THE FOUND SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 9 WEST, SALT LAKE BASE AND MERIDIAN, WHICH BEARS SOUTH 21°38'53" WEST.

SURVEYOR'S CERTIFICATE

I, WILLIS D. LONG DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND THAT I HOLD CERTIFICATE NO. 10708886 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND LAND SURVEYORS ACT; I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS ALTANSPS RECORD OF SURVEY PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS, THAT THE REFERENCE MONUMENTS SHOWN ON THIS RECORD OF SURVEY PLAT ARE LOCATED AS INDICATED AND ARE SUFFICIENT TO RETRACE OR REESTABLISH THIS SURVEY, AND THAT THE INFORMATION SHOWN HEREIN IS SUFFICIENT TO ACCURATELY ESTABLISH THE LATERAL BOUNDARIES OF THE HEREIN DESCRIBED TRACT OF REAL PROPERTY. I FURTHER CERTIFY TO:

ETB3 LLC
BRIANHEAD REALTY
STEWART TITLE GUARANTEE COMPANY

THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTANSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND IS BASED ON COMMITMENT FOR TITLE INSURANCE FILE NUMBER 13939-00001, WITH AN EFFECTIVE DATE OF DECEMBER 12TH, 2021 AT 7:30 A.M. AND INCLUDES ITEMS 1, 2, 3, 4, 7A, 7B1, 7C, 8, 9, 11, 13, 14, 16, 17, 18 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JUNE 20TH, 2021.

SIGNED THIS 5TH DAY OF JANUARY, 2022.



SCALE: 1"=60'	DATE: 1/5/2022	DESIGN: _____	DRAWN: MJB	CHECKED: WDL

REVIEWS	DESCRIPTION

ALTA SURVEY FOR BRIANHEAD REALTY
PARCELS A-1150-0005-0005 & A-1150-0005-0003
LOCATED IN THE SOUTHWEST 1/4 OF SECTION 2,
TOWNSHIP 36 SOUTH, RANGE 9 WEST, S.L.B. & M.



LAYTON SURVEYS LLC

S1

1

Development Report

To Whom It May Concern:

MLV Brian Head UT, LLC is proposing to develop parcels A-1150-0005-0005 and A-1150-0003-0001-02 into a 48-unit town home development. The development will consist of some duplexes, triplexes, and fourplexes. The main road for this development will tie into Chalet Village Road and Ridgeview Street.

The town homes will vary between 1,750-2,350 square feet depending on which units have basements and which ones do not. Each unit will have a two-car garage, main level, second level, and potential basements where possible.

The anticipated start date is Spring 2023. The project will be done in two phases, a west and east phase. Total build duration is 3-4 years depending on site work duration, weather, and contractor availability.

In talking with our civil engineer and Becky who was with the city of Brian Head, the only potential utility hold up is water, which is currently being evaluated by the city.

The development will be governed by an HOA entity as well as CCR's which will detail maintenance requirements and responsibility. All other necessary details will be included in the CCR's.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Peterson", with a stylized flourish at the end.

Josh Peterson
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STAFF REPORT TO THE PLANNING COMMISSION

SUBJECT: Mobile Food Vendors
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: November 1, 2022
TYPE OF ITEM: Discussion

SUMMARY:

The Planning Commission will discuss the Town's existing Mobile Food Vendor regulations. The Commission may make an informal recommendation to the Town Council regarding regulations in the Business Licensing portion of the Town Code. The Commission may direct staff to return with proposals for changes to the Land Management Code following a public hearing.

BACKGROUND:

Since 2008 the Town Code regulating Mobile Food Vendors has been restrictive for mobile food vendors, they are able to operate in Brian Head, but must meet our requirements in order to do so. Over the past decade there have been few changes to the Code, mostly due to laws passed by the Legislature prohibiting municipalities from certain regulations for food trucks.

Currently the Town Code identifies the following requirements for a mobile food vendor to operate in Brian Head:

1. Must be located at a construction site.
2. Can only remain at a location for a period of two (2) hours per day.
3. Cannot be located in the public right of way.
4. Must move a minimum of 250' feet at the end of two hours.
5. Must have permission of the property owner where the food truck is located.

The intent of these regulations was to strictly regulate the use of mobile food vendors because of the possible negative impact they could have on the brick and mortar restaurant businesses that were operating in Brian Head. The Town has made some amendments to the Town Code, but with current state regulations, the Town will again need to address the mobile food vendor portion of the Code in order to eliminate the requirement of permission from the property owner, which is now prohibited by the Town to require. The exemption to these requirements is special events. If a food truck operates under a special event permit, the only requirement they have is that they must have a special event sales tax permit, and a health department permit. They can only operate for the period of that special event which must be licensed by the Town.

On November 20, 2020, the Council adopted a resolution that relaxed some of the requirements for mobile food vendors so they could operate in Brian Head for a temporary period of time, the ski season of 2020/2021. With the adoption of resolution No. 496, the Town only received one interested business, Sasquatch Donuts, who took advantage of the resolution and was able to operate from December through May 1, 2021. It is important to note that Sasquatch Donuts previously operated a temporary restaurant since they had a

building permit. The Town did not receive any complaints from the brick and mortar businesses regarding the operation of a food truck business during that time period.

ANALYSIS:

Over the years, staff receives several inquiries from mobile food truck businesses who are interested in operating a food truck in Brian Head during the winter season and various times during the summer months. When they are informed of the Town's regulations, they reported the restrictions are too strict to operate a food truck business in Brian Head and do not pursue any further.

It is important to note that the sales taxes from a mobile food vendor do not come back to Brian Head unless their commissary is located in Brian Head. Utah Code Annotated §11-56 regulates food trucks and identifies what the municipalities are prohibited from doing and what the requirements for food trucks are. The Town would receive sales taxes from food trucks operating under a special event permit, since they are required to apply for a special event permit from the Tax Commission which identifies the location of the event. Attached is UCA §11-56-106 Food Truck Operation, but the above mentioned link identifies the State Code in whole for food truck.

With the limited number of food establishments in Brian Head and more inquiries from mobile food vendors, staff decided to approach the Council to see if the Council had an appetite for entertaining a discussion on whether the mobile food vendor code should be amended or not. The Town Council indicated a willingness to open up the code to mobile food vendors operating on private commercial property, and directed the staff to review it with the Planning Commission.

FINANCIAL IMPLICATIONS:

Mobile food vendors must be associated with a commissary (brick and mortar) and sales taxes for their sales go to the jurisdiction where the commissary is located. However, if the vendor is operating under a special event sales tax permit, the sales taxes would go to the location where the event is located. So the Town could require that mobile food vendors operate under special event permits only to ensure that sales taxes come to the Town.

STAFF RECOMMENDATION:

The attached edits to the business license code would allow food trucks to operate on private commercial property fairly unfettered. The only significant provision is that the trucks can't displace necessary parking unless they are operating as part of a special event. The language also removes any provisions which are inconsistent with State Statute.

The Commission should consider and discuss whether this change in the business license section is sufficient by itself, or whether the a change should be made to the LMC requiring a Conditional Use Permit for mobile food vendors to operate on private commercial property.

PROPOSED MOTION:

No motion necessary, item is discussion/informational only

ATTACHMENTS:

A – Proposed Business License Code Changes

3-2A-21-2: MOBILE VENDORS:

It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from tents/canopies, push carts, mobile wagons, trailers or motor vehicles (collectively "Mobile Vendors") on private or public property, except as authorized and licensed under this article. This section shall in no way govern temporary commercial structures, which are instead regulated under the Land Management Code and the International Building Code. Consistent with Utah Code § 10-1-203(5), a license is not required for a business that is only operated occasionally and operated by an individual under the age of 18 (such as a lemonade stand). (2010 Code, amd. Ord. 18-010, 9-10-2018)

A. Sales ~~At Construction Sites~~ On Private Property:

1. A business license may be obtained for a mobile vendor to conduct business on private property ~~as a service to construction sites in a commercial zone~~. Licensees must list the ~~construction sites they intend to serve~~ property(s) upon which they intend to conduct business on the license application, and update the list as needed throughout the year. (2010 Code amd. Ord. 18-010, 9-10-2018)
2. ~~A mobile vendor shall not operate on private property in a manner which displaces parking required for permanent uses on the property, except as authorized under a special event permit.~~
- ~~2. Licensees shall have written permission from the owner of the private property to conduct business on that property and shall not remain at any one site for more than a two (2) hour period per day. (amd. Ord. 18-010, 9-10-2018)~~

B. Sales Within Public Rights Of Way: Vending within any public right of way is strictly prohibited (except as allowed under the terms of a special event permit). (2010 Code amd. Ord. 18-010, 9-10-2018)

C. Special Events: Mobile vendors may operate on private land under a special event permit and with the permission of the property owner according to conditions of the special event permit. If the special event permit allows for the event to operate within a specific public right-of-way, mobile vendors associated with that special event may operate within the public right-of-way according to the conditions of the special event permit. (Ord. 18-010, 9-18-2018)

D. Terms And Conditions: Mobile vendors may obtain a license subject to the following terms and conditions:

1. License Fee: The license fee for a mobile vendor business license shall be as set forth by the consolidated fee schedule.
2. Health Department Approval: All mobile vendors serving food or garden produce for human consumption must have the means of preparing, keeping and serving the foods approved by the health department. This approval, in writing, must be submitted as part of the license application. Withdrawal of health department approval for sanitary or health violations is grounds for revocation of the Town license.

3. Fire Inspection Approval: All mobile vendors which meet Utah State guidelines for a "Food Truck" serving food for human consumption must submit proof of inspection when applying for a business license. (Ord. 18-010, 9-10-2018)

~~1. Limitation On Locations: Mobile vendors shall be restricted to construction sites or special events. Street vending on town rights of way during construction or other situations creating a public health or safety concern may be prohibited by the Building Department or Public Safety Department. (amd. Ord. 17-005, 7-25-2017, amd. Ord. 18-010, 9-10-2018)~~

~~2. Mobile Vendors Required To Move Location: It shall be unlawful for any mobile vendor to obstruct pedestrian or vehicular traffic on streets or sidewalks. Vendors shall move a distance of at least two hundred fifty feet (250') from their prior location every two (2) hours during which they are conducting business except as allowed under the conditions of a special event permit. It shall be unlawful for any mobile vendor to conduct business in a location that impairs reasonable pedestrian or vehicular access to any adjoining building, alley, yard or other property.~~

2010 Code, amd. Ord. 18-010, 9-10-2018

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