

A Special Meeting of the
Brian Head Planning Commission
Town Hall - 56 North Highway 143
Brian Head, UT 84719
Zoom Meetings ([click here](#))
Zoom Meeting ID# 841 4527 0110
TUESDAY, December 15, 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 – CONDITIONAL USE PERMIT FOR SNOWMOBILE RENTAL BUSINESS AT 406 S HIGHWAY 143.** Bret Howser, Town Manager. The Commission will hold a public hearing regarding the proposed conditional use at 406 S Hwy 143.
- 2. ACTION – CONDITIONAL USE PERMIT FOR SNOWMOBILE RENTAL BUSINESS AT 406 S HIGHWAY 143.** Bret Howser, Town Manager. The Commission will review the application for a conditional use permit at 406 S Highway 143 and may approve, table or deny.

G. ADJOURNMENT

Date: December 15, 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 9th day of December 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: CUP for 406 Hwy 143 (Snowmobile Rental)
AUTHOR: Bret Howser
DEPARTMENT: Admin
DATE: December 15, 2022
TYPE OF ITEM: Administrative Action

SUMMARY:

The Planning Commission will hold a public hearing and consider the proposed Conditional Use Permit for Snowmobile Rental Service located at 406 Hwy 143.

BACKGROUND:

Staff received an application for conditional use at 406 Hwy 143. Both the property owner's name and the lessee's name were listed as applicant, so staff is assuming that this CUP will be under the property owner's name. The development report and proposed site plan are attached. The applicant intends to operate a snowmobile rental business on the location, which is listed as a conditional use in General Commercial, the property's existing zone.

A Public Notice has been sent to all property owners within a three hundred foot (300') radius of the property in question. The Town received no public comments back. The Public Notice is attached as Appendix A. Staff received some written comments, which are also attached.

ANALYSIS:

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

1. No conditional use permit may be issued unless the Planning commission finds that the application meets the following standards and conditions:
 - a. Protects the safety of persons and property:
 - i. Will not result in unreasonable traffic congestion or traffic hazards.
 - ii. Has adequate and necessary access for municipal services.
 - b. Will not exceed the obligations and/or financial capability of the town and will not require a level of community facilities and services greater than which is available, or which may be provided.
 - c. Will protect environmental values:
 - i. Will not cause unreasonable air, water, groundwater, light or noise pollution.
 - ii. Does not have critically expansive soils, high water table, slope instability, or other soil problems which cannot be mitigated.
 - d. Consistent with the Town General Plan:
 - i. Will comply with the requirements of the zoning district in which the use is to be established and with all other requirements of this title.
 - ii. Will be compatible with the character of the neighborhood and surrounding structures in scale, mass and traffic circulation.

- e. The applicant has assured performance of obligations by posting bond or other adequate security as determined necessary by the Planning and Zoning administrator per Chapter 13 of this title.
2. With its approval, the Planning commission may impose such conditions and safeguards to ensure compliance with the requirements, standards or conditions of this section. The violation of any condition, safeguard or commitment of record by the applicant shall be sufficient grounds for revocation of conditional use approval.

REASONABLY ANTICIPATED DETRIMENTAL EFFECTS:

Staff anticipates the following potential detrimental effects:

1. Noise and traffic congestion (Conflict between OHV's and regular traffic)
2. Aesthetic issues with Parking and display of OHVs
3. Air Quality (Exhaust)

RECOMMENDED CONDITIONS FOR MITIGATION OF ANTICIPATED DETRIMENTAL EFFECTS:

Staff recommends the following conditions, based on prior CUPs issued for OHV rental businesses (samples of which are attached):

1. OHV's should not be allowed to idle for more than a 10 minute time period.
2. Hours of operation will be from 8:30 a.m. to 9:00 p.m.
3. OHV's will be stored and displayed at identified locations only (see attached site map).
4. Trailers cannot be parked on site form more than 24 hours. No parking will be allowed during holidays and weekends.
5. A total limit of 15 OHV's can be stored and displayed onsite.
6. Major machine repairs will be made off-site or indoors on-site; only minimal maintenance of rental machines can be made outside on-site.
7. Noise generated by the business, i.e. equipment use for maintenance, snowmobiles, ATV's, etc. shall not violate the nuisance ordinances.
8. Signage will comply with Title 9 Land Management Code Chapter 14.
9. Fuel will be contained in a legally conforming fueling tank subject to inspection by the Town Marshal. Tank will not exceed 500 gallons and will be shielded from public view.
10. The owner will apply gravel to the parking area for summertime use.
11. Grooming access to the town snowmobile trail will be the applicant's responsibility.
12. Applicant will supervise and assist with all snowmobile crossings of Hwy 143. All customers will be instructed to stay on the snowmobile trail in Town.
13. Applicant will comply with all UDOT requirements regarding access from and crossing of Hwy 143.

STAFF RECOMMENDATION:

Staff recommends that Planning Commission delineate any further conditions they see fit, associate those conditions with a reasonably anticipated detrimental effect, and approve the CUP.

PROPOSED MOTION:

The Planning Commission can may deny, approve, or approve with conditions of the proposed Conditional Use Permit.

Recommended motion: I move to approve the CUP application from applicants located at 406 Hwy 143.

ATTACHMENTS:

- A – Public Notice
- B – Proposed development report and site plan
- C – Written public comments
- D – Sample OHV rental business CUPs



December 1, 2022

Dear Property Owner:

An application has been received by Brian Head Town requesting a Conditional Use Permit for 406 S Highway 143. The applicant would like to use the property currently zoned as General Commercial for Recreational vehicle rentals. This may or may not affect your property. Brian Head Town is sending out this notice as per Utah Code Title 10, Chapter 9a, Part 2 and Brian Head Land Management Code 9-1-8.

- A. Anyone wishing to review the information on the proposed CUP may do so at the Brian Head Town Hall during normal business hours of 9:00 a.m. to 4:30 p.m. Monday through Friday.
- B. Anyone wishing to make comments about the proposed CUP may submit written comments to the Brian Head Town Clerk @ nleigh@bhtown.utah.gov no later than December 14, 2022 by 4:30 p.m.
- C. The Brian Head Planning Commission will hold a Public Hearing at the BRIAN HEAD TOWN HALL COUNCIL CHAMBERS, 56 North Hwy 143, Brian Head, UT on December 15, 2022 at 1:00 p.m. to receive comments from the public on this application.

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

Respectfully,
Brian Head Town

Bret Howser
Town Manager
bhowser@bhtown.utah.gov

DEVELOPMENT REPORT

SUBMITTED BY UTAH OFFROAD OUTFITTERS TO BRIAN HEAD TOWN PLANNER

12/01/2022

Executive Summary

The purpose of this development report is to provide a description and details relating to the opening of a second offroad vehicle rental location for the company Utah Offroad Outfitters. Preparation of this report is in response to a request from Brian Head Town Planner, Bret Howser.

This report deals with the summary of planned business activities, timeline, location. Also addressed is the obstacle of having vehicles cross the highway to access the trail network from rental office.

Business Activities

The location of the Utah Offroad Outfitters rental office is 406 S Highway 143 (front, northeast entrance, approximately 20'x30'). Said office space will be leased from property owner, Steven Griffin with written approval submitted separately from this report.

Business Activity	Initial Time Period
Self-guided snowmobile, UTV, and bike rentals which access the respective trail networks in Brian Head.	2022- 2023
Sale of apparel/ curio items	2022-2023

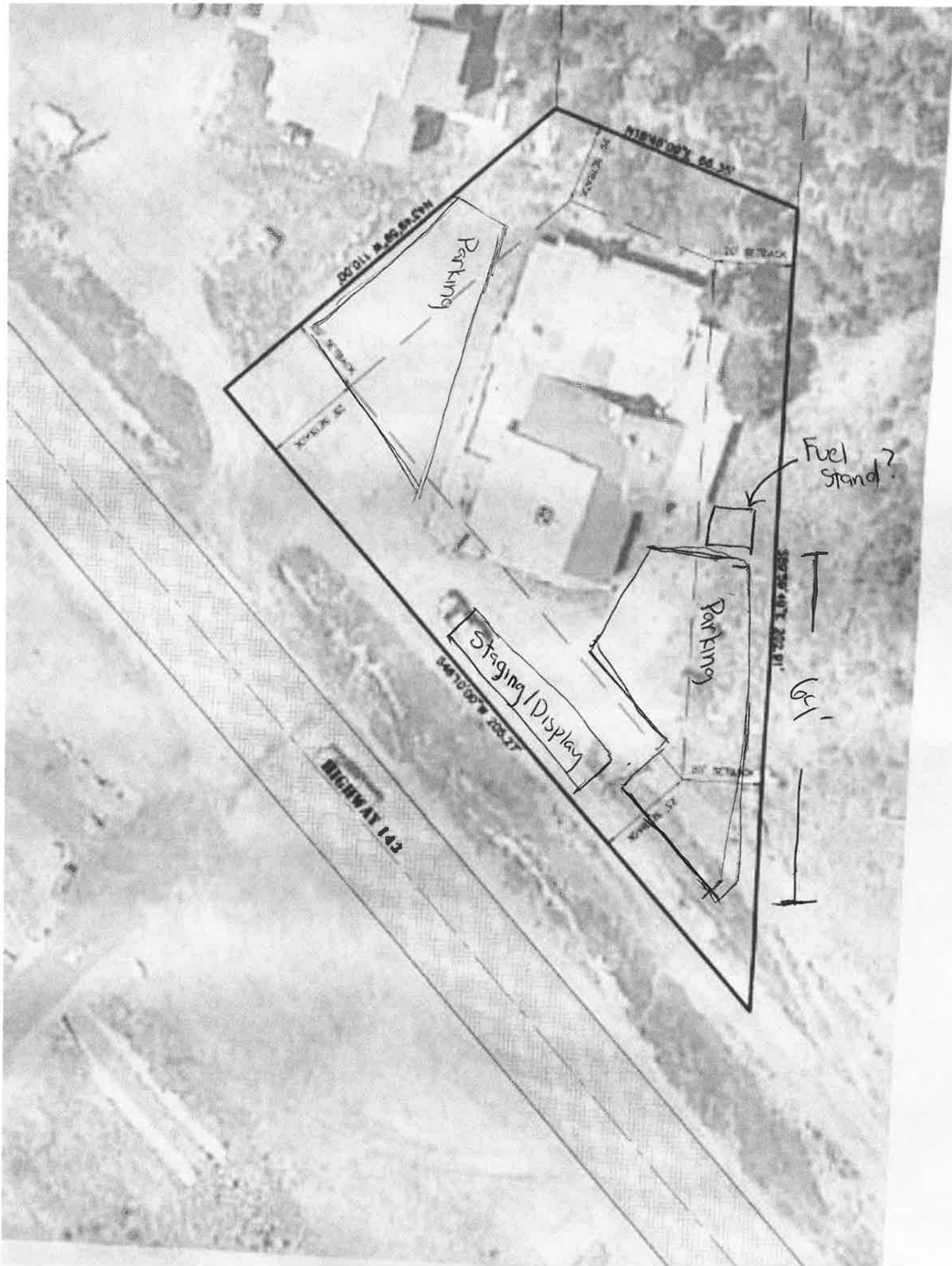
Hours of operation will be daylight hours subject to any prevailing town ordinance requirements. Renters will arrive, sign waivers, be given helmets and goggles, a map and directions on the trail network, and the safe operation of the rental unit before being sent out for their rental time period.

The plan for customer parking and rental unit parking has been notated on the site plan previously provided to Brian Head planning committee.

Due to expressed concern over having rental units cross Highway 143 in order to access the snowmobile trail network, Utah Offroad Outfitters staff will supervise renters crossing the highway to ensure it is done safely. We also will petition Utah Department of Transport to install crossing signs on the highway to make drivers aware of the snowmobile crossing area as well as stop signs on the trails at the crossing area to remind riders to stop and watch for traffic before crossing the highway.

Conclusion

Utah Offroad Outfitters currently has a location in Duck Creek Village with similar operations to those contained in this report as well as similar conditions to the town of Brian Head. The Duck Creek Village trail networks have multiple highway crossings and there is effective signage in place along the highway and trails. The proposed Brian Head location operations and business activity summary been modeled after the operations, procedures, and conditions in the existing location and business.



Ref: conditional use permit for 406S highway 143

External

Inbox



Felix

11:18 AM
(1 hour ago)

to me

Good morning

I received your letter yesterday in the mail concerning a permit request for recreational vehicle rental next to my condominium in Brian Head, Utah. My unit is located at Brian Head Village #M6 356 South Hwy. 143 Brian Head, UT, 84719.

So it's the building right next to the potential vehicle rental location. Although I welcome any entrepreneurship in Brian Head, since it provides revenue for the town and increases travel to Brian Head, I do have great concern about noise and traffic surrounding our building. We are a residential building, Brian Head village HOA, and are now faced with a commercial enterprise in between our condominiums. It is something else if you have a commercial entity on a standalone lot or next to other commercial buildings, but not in between residential and private property. If the rental facility becomes successful, I can see much passenger vehicle traffic blocking driveways and also potentially occupying our parking lot, in search of a spot to park. No parking signs can't prevent much, as we all know. Also, I have concern that my property value will decrease due to having right next door a business, specializing in rental vehicles, and therefore needing costumers to frequent the location. In addition to the traffic, as mentioned before, the noise level is nothing to look forward to, having ATVs entering and exiting all day the business location. So therefore, I ask you to deny the application for the above mentioned reasons and have the business find a different and more suitable location in Brian Head.

Kind regards,
Felix Arndt.

Sent from my iPhone

**Bret Howser** <bhowser@bhtown.utah.gov>

Old Restaurant Utilization

Rick McGough <rickmcgough100@gmail.com>

Wed, Dec 7, 2022 at 12:00 PM

To: Bret Howser <bhowser@bhtown.utah.gov>

Bret,

I hope this finds you well. One of our owners alerted me to a letter and plot map he received relating to the repurposing of the old restaurant next to our buildings. I, as well as members of our Board have not received this notification.

Suffice it to say that we are adamantly opposed to this on several levels not the least of which are ingress/egress constraints, noise and general congestion.

Can you please let me know what the timeline and supporting information is?

Thanks,

Rick



CONDITIONAL USE PERMIT

APPLICANT: Brian Head Outdoor Adventures
PROPERTY: 468 N Highway 143
ZONE: General Commercial
USE: OHV Rental Business
DATE APPROVED: February 17, 2010 (modified Jan 6, 2015 and again Jul 19, 2022)

In accordance with §9-11-2 of the Brian Head Town Code, the following conditions are required to be met for the above-referenced use at the above-referenced location in order to assure compatibility and harmonious relationships between the proposed use and the surrounding properties and the town in general. Conditional use approval may be revoked upon failure to comply with all conditions set forth in this conditional use permit.

Anticipated Detrimental Effects:

1. Traffic and Parking Congestion: There may be less parking spaces because of the addition of the ATVs.
2. Light and Noise Pollution: There may be more noise pollution in town if every ATV onsite is rented out. The noise pollution will likely be minimal or nonexistent.
3. Visual Impact to Neighbors and Public Right of Way:
 - a. Apple Annie's will be affected by the addition of the extra vehicles because the spaces are slotted on the property line between Utah ATV and Apple Annie's.
 - b. Travelers on Hwy 143 will see the additional vehicles. It may be a detriment, but a minimal one since the ATVs are already visible.

Conditions:

1. Location is for the two parcels of land that constitutes the usable property for the business.
2. Primary staff parking will be located off site at a location legally obtained by the applicant. The property owner will obtain shared parking access by agreement per the LMC provisions (parking will be re-addressed in the future when the gas station/convenience store is built). This is based on 13 parking spaces provided on site and provisions for review in one year and a maximum of 12 machines being rented from the business.
3. Fuel will be contained in a legally conforming fueling truck/tank and not left on the property at night.
4. Hours of operation (customer service) will be from 9:00a.m. – 9:00p.m.daily.
5. Storage of a single trailer will not exceed three (3) days on the property and OHV's are allowed to be kept on site with a maximum of 15 machines with only 12 machines visible. Use of equipment will be contained for visual and noise mitigation.
6. Machines will not be permitted to idle for more than 10 minutes at any one time.
7. No parking of OHV's on Town Trail.
8. Machines will not be repaired on site beyond minimal maintenance (spark plugs, belts, etc.) and a spill kit will be kept on site and hazardous spills will be mitigated.

9. Dust developed on site will be mitigated with dust control efforts.
10. Landscape area of property will be kept at 40% minimum.
11. Machines will have the stock exhaust and engine components to maintain operation and noise within factory specifications.
12. Maintain legal access to Town trail system.
13. One (1) snowcat is allowed per town ordinance 09-0098: 19-2-6.
14. This conditional use permit would become void once Brian Head Outdoor Adventures located at 468 North Highway 143, Brian Head, is no longer operating on the property. Any new business located at this location will be required to submit a new application to the Planning Commission.
15. The Planning Commission will review the Conditional Use Permit annually.
16. No further vegetation will be removed between Apple Annie's and the parcel, and if possible, additional aspen trees will be planted to help screen and fill in the buffer zone that has been dwindling.

Encouraged Activities

- a) Encourage education to customers regarding safe, responsible OHV use to promote orderly non-offensive machine use.
- b) Encourage non-business hours activity to be conducive to the neighborhood regarding noise, smoke, dust, etc.
- c) Encourage safety training and machine marking to promote safe use of machines.
- d) Make best efforts to promote cooperation between competing businesses for safety and good will to enhance customer satisfaction.



CONDITIONAL USE PERMIT

APPLICANT: Brian Head Powersports
PROPERTY: 249 & 259 S Village Way
ZONE: Village Core
USE: OHV Rental Business
DATE APPROVED: November 5, 2019

In accordance with §9-11-2 of the Brian Head Town Code, the following conditions are required to be met for the above-referenced use at the above-referenced location in order to assure compatibility and harmonious relationships between the proposed use and the surrounding properties and the town in general. Conditional use approval may be revoked upon failure to comply with all conditions set forth in this conditional use permit.

Reasonably anticipated detrimental effects:

1. Noise and traffic congestion (Conflict between OHV's and regular traffic)
2. Parking issues in the Village Core
3. Air Quality (Exhaust)
4. Outdoor equipment storage impacting the nature of the zone.
5. Parking OHV's on dirt to the north of the Mall may cause scarring & dust issues.

Recommended conditions for mitigation of anticipated detrimental effects:

1. Vehicles parked on Village Way will need to adhere to the (2) hour parking limit or park north of the posted signs.
2. OHV's should not be allowed to idle for more than a 10 minute time period.
3. Hours of operation will be from 8:30 a.m. to 9:00 p.m.
4. OHV's will be stored and displayed and will access trail at identified locations only (see attached site map).
5. Trailers cannot be parked on site form more than 24 hours. No parking will be allowed during holidays and weekends.
6. A total limit of 10 OHV's can be stored and displayed onsite.
7. Major machine repairs will be made off-site, only minimal maintenance of rental machines can be made onsite.
8. Noise generated by the business, i.e. equipment use for maintenance, snowmobiles, ATV's, etc. shall not violate the nuisance ordinances.
9. Signage will comply with Title 9 Land Management Code Chapter 14.
10. Fuel will be contained in a legally conforming fueling truck/tank and not left on the property at night.
11. The owner will apply gravel to the parking area.
12. The grooming access to the town snowmobile trail will be the applicant's responsibility.

According to §9-7-5 (C) of the Brian Head Town Code, this permit is valid for a period of five (5) years, at which point the permit expires and the applicant must apply for a new permit.