

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

Roll Call:

Members Present: Chairperson Doug Deutschlander, Commissioner Jeff Morgan (via Zoom Meetings), Commissioner Carrie Dever, Commissioner Kade Bryant, Commissioner Cecil Wallis, Alternate Commissioner Sherri Brown.

Staff Present: Bret Howser, Town Manager; Amanda Hunter, Code Enforcement.

A. CALL TO ORDER

Chairperson Deutschlander called the special meeting of the Brian Head Planning Commission to order at 1:00 pm on December 15, 2022.

B. PLEDGE OF ALLEGIANCE

Chairperson Deutschlander led the Commission and others in the Pledge of Allegiance.

C. DISCLOSURES

- Commissioner Bryant stated he may have a potential conflict of interest with today's agenda item in which he leases an office area to another snowmobile business at The Mall, but who is not currently operating the business.
- Chairperson Deutschlander stated he may have a potential conflict of interest with today's agenda item in which he is a condo owner at Brian Head Village.

There were no other conflicts of interest with today's agenda item. Chairperson Deutschlander stated that the disclosure statements are on file with the Town Clerk and are available for public inspection during normal business hours.

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

No reports.

E. AGENDA ITEMS:

1. PUBLIC HEARING – CONDITIONAL USE PERMIT FOR SNOWMOBILE RENTAL BUSINESS AT 406 S HIGHWAY 143. A public hearing to receive comment on a conditional use permit for a snowmobile rental business.

Chairperson Deutschlander recessed the special meeting of the Planning Commission and opened the public hearing at 1:04 pm. for the purpose of a conditional use permit for 406 South Highway 143 for a snowmobile rental business.

Bret Howser, Town Manager, reported three written comments have been received which two comments were from one person, Rick McGough, President of the Brian Head Village Homeowners Association. (See attached comments)

Chairperson Deutschlander reported the other written comment is from LaSal a condo owner at Brian Head Village, unit M-6. His concerns were with ingress/egress and noise. (See attached comments).

There were no other comments made. Chairperson Deutschlander closed the public hearing at 1:05 pm and reconvened the special meeting of the Planning Commission.

2. ACTION – CONDITIONAL USE PERMIT FOR SNOWMOBILE RENTAL BUSINESS AT 406 S HIGHWAY 143. An application for a conditional use permit at 406 S Highway 143 for a snowmobile rental business.

An application for a conditional use permit for a snowmobile rental business located at 406 South Highway 143 has been submitted by Utah Offroad Outfitters (see attached).

James Carlin, Utah Offroad Outfitters, reported he is interested in operating a snowmobile and side-by-side rental business at 406 South Highway 143 and has submitted a development report for the operation of his business, Utah Offroad Outfitters, LLC.

The Commission reviewed the Standards of Review for a CUP (Title 9, Chapter 11).

1. Protect the safety of persons and property:
 - a. Will not result in unreasonable traffic congestion or traffic hazards.
 - b. Has adequate and necessary access for municipal services.
2. 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.
3. Will protect environmental values:
 - a. Will not cause unreasonable air, water, groundwater, light, or noise pollution.
 - b. Does not have critically expansive soils, high water table, slope instability, or other soil problems which cannot be mitigated.
4. Consistent with the Town's General Plan:
 - a. 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.
 - b. Will be compatible with the character of the neighborhood and surrounding structures in scale, mass, and traffic circulation.
5. 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 (Land Management Code, Title 9).

The Commission discussed the following:

1. Property owner, Steve Griffin, Elevation Solutions, LLC, and Utah Offroad Outfitters are identified on the conditional use permit. Chairperson Deutschlander inquired if the conditional use permit (CUP) is to be attached to the land or if it is associated with the business owner. Bret explained that the CUP would remain with the property, but if for any reason, the business ceases to operate for one year, the CUP would automatically expire.
2. Bret explained that the property owner, Elevation Solutions, LLC, will be identified as the applicant for the CUP for clarification purposes.
3. Bret reported he has identified potential conditions for the Commission to consider:
 - 1) OHVs 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) OHVs will be stored and displayed at identified locations only (see attached site map).
 - 4) Trailers cannot be parked on-site for more than 24 hours. No parking will be allowed during holidays and weekends.
 - 5) A total limit of 15 OHVs 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 used for maintenance, snowmobiles, ATVs, 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. The 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) The 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) Will comply with all UDOT requirements regarding access from and crossing Hwy 143.
4. Chairperson Deutschlander recommended an amendment to condition #4:) ADD the word "trailer" to read: "No **trailer** parking will be allowed during holidays or weekends" Consensus of the Commission.
 5. Chairperson Deutschlander recommended removing condition No. 10) as it refers to summertime use and applying gravel to the parking area. **DELETE condition #10**: "Owner will apply gravel to the parking area for summertime use". Consensus of the Commission.
 6. A new condition was added. Condition 1): The CUP will be valid from the months of November through April". Consensus of the Commission.
 7. New condition added: #14) "This permit will be reviewed by the Planning Commission with the potential for additional conditions to be applied prior to May 30, 2023. Consensus of the Commission.
 8. Chairperson Deutschlander inquired if a groomer will be stored at the location, and after discussion, the Commission recommended a new condition be added: #15): One snowcat/groomer will be allowed on the property as per ordinance 009-0098:19-2-6. Consensus of the Commission.
 9. Dust mitigation will be addressed for the summertime business at that time.
 10. Parking Spaces: Six (6) parking spaces will be provided on the north side of the building.
 11. Fifteen (15) snowmobiles will be allowed on the property, with the snowmobile display area identified on the east side of the building adjacent to the highway (see attached map).
 12. Vacasa Rental Management currently has a storage area in which the employees access the north side of the building to acquire their supplies and then leave the premises. Chairperson Deutschlander recommended signage on the north side of the building where Vacasa accesses the building, as a loading zone.
 13. Steve Griffin, the property owner, explained that parking has always been an issue for the building and believes that Brian Head Village condo does not have adequate parking available in which the access from Highway 143 is a shared driveway for both his building and the south Brian Head Village condos
 14. Bret explained one concern from owners at Brian Head Village is the parking and recommended signage could be provided by the business identifying condo owner parking only for their parking area.
 15. There will be a total of two employees working the snowmobile business and would require two employee parking spaces.
 16. Mr. Carlin reported that the fuel tank would need to be moved a minimum of fifteen feet (15') away from the building which is a state requirement, and it would place the fuel tank closer to the highway. The Planning Commission expressed their concern about the visibility of the fuel tank from the highway. Commissioner Dever suggested that a type of dumpster enclosure could shield the fuel tank. Additional language was added to condition #9 to read as follows: 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 eye level~~ view from all neighboring properties and public right of way". Consensus of the Commission.

17. Chairperson Deutschlander inquired how the business will supervise and assist snowmobile customers crossing Highway 143. Mr. Carlin explained that he plans to petition the Utah Department of Transportation (UDOT) for snowmobile crossing signage or pay Thunder Mountain Motorsports to groom an access and/or physically assist or be present to assist their customers across the highway (Condition #12).
18. Chairperson Deutschlander recommended the word "OHV" throughout the CUP be amended to "snowmobiles" since the CUP is only for snowmobiles.
19. Commissioner Wallis inquired as to the location of the dumpster and expressed her concerns that the trash truck may have to back out onto the highway. Mr. Carlin explained the business does not have a lot of refuse and did not feel that another dumpster would be needed. Steve Griffin explained there is a dumpster located at Brian Head Village south condos and access would not be an issue for the truck. Mr. Carlin reported he would work with the Brian Head Village HOA president on a shared dumpster.
20. Commissioner Morgan expressed his concern for customers crossing the highway with snowmobiles and inquired if safety training would be provided. Mr. Carlin explained they provide a safety orientation for all of their customer which includes them physically operating the snowmobiles, the orientation is approximately 15-20 minutes in length. Mr. Carlin went on to explain that his employees could also cross the snowmobiles themselves if the customer is unsure. Commissioner Morgan inquired if only one employee is working at this location and may not be available to assist the customer across the highway.
21. Commissioner Bryant inquired if the fuel tank was denied, and where would they store fuel. Mr. Carlin reported he would fuel from a fuel can and would be stored in their truck beds, but also intend to use the Town's fuel pumps as well.
22. Commissioner Brown expressed her concern regarding the crossing of the highway and inquired as to the number of employees working the business and if there would be an employee available to assist. Mr. Carlin reported that one employee would be operating the business and he would alternate times with the employee. That employee would be available to assist their customers across the highway when necessary.
23. Rick McGough, Brian Head Village HOA President, commented that he plans to install signage in the parking area for Brian Head Village. Mr. McGough reported that the Town's walking trail is used for snow storage for their buildings on the south side. Mr. McGough reported that they currently have issues with Vacasa Rental Management company in which they use their dumpster, and it fills up quickly with their waste. Mr. McGough went on to state that he did not receive a notice from the Town but was informed by a condo owner. He finds the ingress/egress a choke point and has sent a lengthy memo to the Town.
24. Bret recommended that Mr. McGough identify the main concerns. Mr. McGough stated that his main concerns are the noise factor and the choke point of the driveway. Brian Head Village plows the driveway and sees the potential for cross traffic which could create a hazard. He has also experienced parking issues and believes that it could be a potential issue with this business.
25. Steve Griffin reported that Vacasa is to dispose of their waste at the units they are cleaning and not to use Brian Head Village's dumpster.
26. Commissioner Bryant suggested that a dumpster be identified for 406 South Highway 143. Amanda Hunter, Code Enforcement, reported that Town Code requires a dumpster per business. A dumpster will be installed for 406 South Highway 143 for the snowmobile business.

Motion: Commissioner Bryant moved to approve the conditional use permit for 406 South Highway 143 for Elevation Solutions LLC with the following conditions:

Approved January 3, 2023

- 1) The permit is valid between the months of November through April.
- 2) Snowmobiles 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) Snowmobiles will be stored and displayed at identified locations only (see attached site map).
- 5) Trailers cannot be parked on site form more than 24 hours. No trailer parking will be allowed during holidays and weekends.
- 6) A total limit of 15 snowmobiles can be stored and displayed onsite.
- 7) Major machine repairs will be made off-site or indoors on-site; only minimal maintenance of rental machines can be made outside on-site.
- 8) Noise generated by the business, i.e., equipment used 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 tank subject to inspection by the Town Marshal. Tank will not exceed 500 gallons and will be shielded from eye level view from all neighboring properties and public right of way.
- 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) Will comply with all UDOT requirements regarding access from and crossing Hwy 143.
- 14) One snowcat/groomer will be allowed on the property as per ordinance 009-0098:19-2-6.
- 15) This permit will be reviewed by the Planning Commission with the potential for additional conditions to be applied prior to May 31, 2023.

Commissioner Dever seconded the motion

Action: **Motion carried 4-1-0 (summary: Yes = 4 No = 1 Abstain = 0 Vote: Yes:** Commissioner Dever, Commissioner Bryant, Commissioner Wallis, Chairperson Deutschlander. **No:** Commissioner Morgan).

F. ADJOURNMENT

Motion: Commissioner Morgan moved to adjourn the special meeting of the Planning Commission. Commissioner Bryant seconded the motion.

Action: **Motion carried 5-0-0 (summary: Yes = 5 vote: Yes:** Commissioner Bryant, Commissioner Morgan, Commissioner Dever, Commissioner Wallis, Chairperson Deutschlander).

The special meeting of the Brian Head Planning Commission was adjourned at 2:13 pm for December 15, 2022.

January 3, 2023

Date Approved

Nancy Leigh, Town Clerk