



The Regular Meeting of the
Brian Head Town Council

Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
www.Zoom.us [\(Click Here\)](#)

Via Zoom Meeting ID# 832 6089 7191

TUESDAY, SEPTEMBER 23, 2025 @ 1:00 PM

AGENDA

- A. **CALL TO ORDER**
- B. **PLEDGE ALLEGIANCE**
- C. **DISCLOSURES**
- D. **APPROVAL OF THE MINUTES:** September 09, 2025, Town Council Meeting
- E. **REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.
- F. **AGENDA ITEMS**
 - 1. **UTILITY EXTENSION REQUEST. Linda Cook, property owner.** The Council will consider a request to extend the utilities to the property of Linda Cook located west of Snowflake Lane.
 - 2. **SKI HAVEN CHALET'S SUBDIVISION WALKWAYS.** Bret Howser, Town Manager. The Council will consider the public use of platted walkways throughout the Ski Haven Chalets Subdivision.
 - 3. **PUBLIC HEARING FOR BRIAN HEAD UNIT 3 SPECIAL ASSESSMENT AREA.** Bret Howser, Town Manager. The Council will hold a public hearing to receive comments from the property owners in the Brian Head Unit 3 Special Assessment Area.
 - 4. **450 EAST PARTIAL ROAD VACATION ORDINANCE.** Greg Sant, Planning & Building Administrator. The Council will consider an ordinance vacating a portion of 450 East Road.
 - 5. **LAND MANAGEMENT CODE AMENDMENTS FOR CHAPTER 1-8 NOTICING REQUIREMENTS AND CHAPTER 12-2 ESTABLISHING FLAG LOTS.** Greg Sant, Planning & Building Administrator. The Council will consider an ordinance amending the LMC for Noticing Requirements and establishing Flag Lots.
 - 6. **FUTURE AGENDA ITEMS.** Discussion on potential items for future Council agendas.
- G. **ADJOURNMENT**

Date: September 19, 2025

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the 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 at the following conspicuous locations; the Post Office, The Mall, 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

ITEM: UTILITY EXTENSION REQUEST - 334 W. 775 S.

AUTHOR: JON Ficken
DEPARTMENT: Public Works
DATE: September 19, 2025
TYPE OF ITEM: Administrative Direction

SUMMARY:

Property owners Linda Cook & Bob Baker are asking the Town to help with the installation and costs of connecting sewer to their property.

BACKGROUND:

The property (344 W. 775 S.) currently has no sewer line located in front of the property. Owners are asking the Town to help with the costs and connection of the portion of the line that would extend to existing sewer line. The length of the line requested is approx. 60-65 feet.

Categories of work:

Owners are asking that the Town connect new line to existing line and share in financial obligation.

ANALYSIS:

FINANCIAL IMPLICATIONS:

Current costs of installation range from \$100-\$130 dollars per foot. The length of the shared area is 64 ft. Costs would be approx. \$ 6400 - \$8320.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommend not participating in this project. Similar requests have been brought forward, and the Town has not shared in these costs.

PROPOSED MOTION:

The Council can approve, approve with modifications, deny, or table the item for further information.

I move to _____ the installation and connection costs for the sewer line for Linda and Bob Cook.

ATTACHMENTS:

- A - Linda/Bob Cook's Request
- B - Parcel Map of area
- C - Engineered Drawings for sewer line.



BRIAN HEAD

Email: nleigh@bhtown.utah.gov - Fax: 435-677-3661
Mailing Address: P.O. Box 190068 - Brian Head, UT 84719-0068

AGENDA APPLICATION

Today's Date 9-3-25

Brian Head Town Boards: Please check one

- ☒ Town Council Meeting 9-9-25 1 PM
- ☐ Planning Commission Meeting
- ☐ Brian Head Redevelopment Agency Meeting
- ☐ Brian Head Special Service District Meeting
- ☐ Brian Head Tree Commission
- ☐ Brian Head Trails Committee

*Please check website for current meeting schedules for dates and times.

Applicant Name: Linda Cook / Bob Baker
Mailing Address: home - 2150 Balboa Way St. George 84770
Representing: owners - 344 W 775 S.

Agenda Topic Requested (Please be as specific as possible) Present benefits associated with owners' construction of first main sewer line we will construct for 775 S. to petition BH support.

Attachments to be included are:

Utah parcel map and pdf. engineering file forwarded from mac@roytalmagebuilders.com

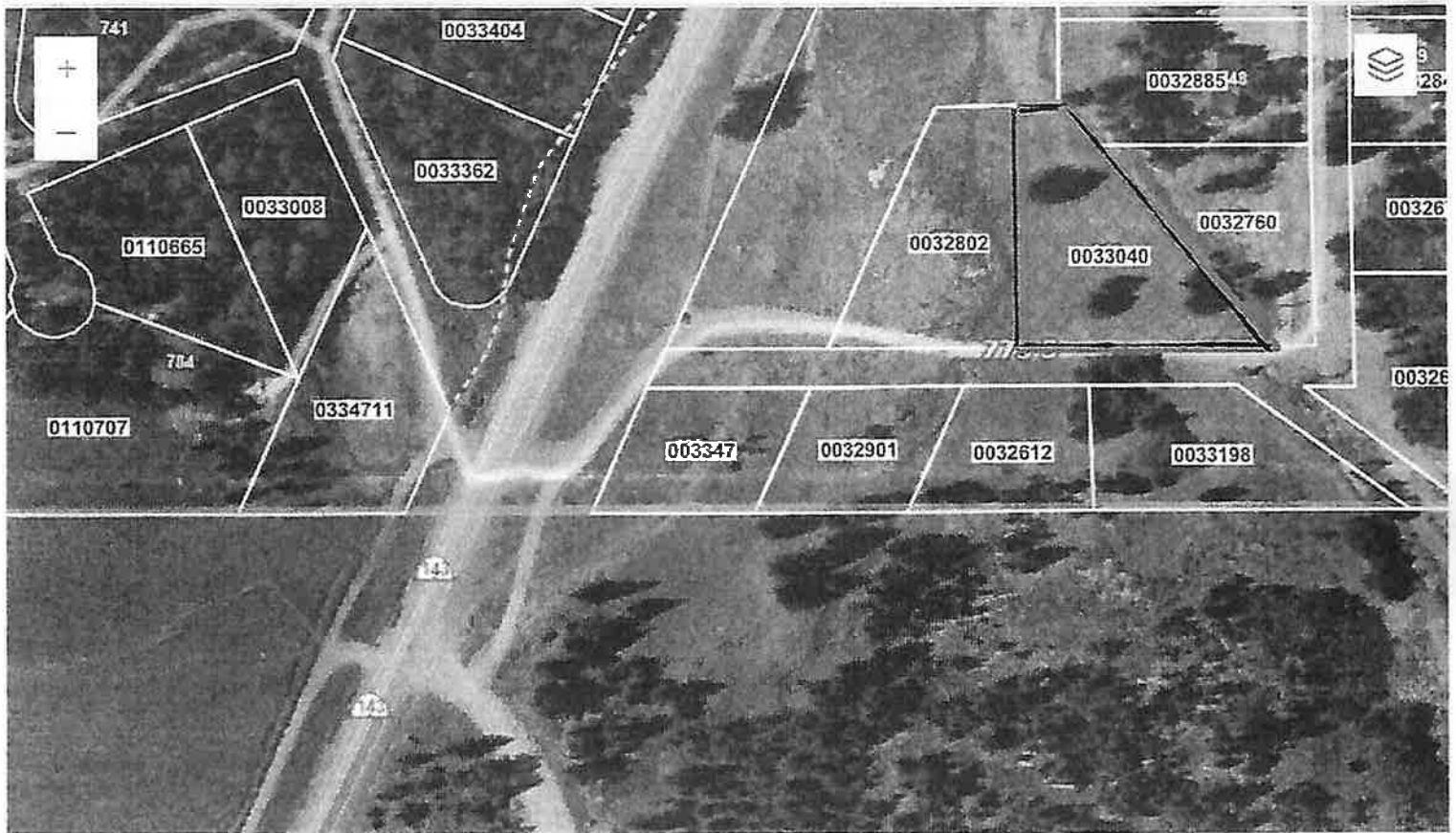
Requested date of Meeting, date of meeting in which topic is to be heard. 9-9-25

Action Desired by Applicant:

- 1) Review 'Linda Cook Utility Plans' pdf from RoyTalmage Bld.
- 2) Petition, and receive BH support by BH connecting the main sewer we construct to existing main sewer point nearby, thereby sharing financial commitment.

***NOTE:** All information pertaining to the agenda items must be submitted to the Town Clerk no later than the Wednesday prior to the meeting date in order to be included in the Council's / Commission's meeting packet. If you have any questions, please contact the Town Clerk at nleigh@bhtown.utah.gov or by calling the Town offices during normal business hours.

Linda Cook
Signature of Applicant



>

Subject lot # 7 is identified on parcel map
as 0033040
344 W 775 S.

^



The model DM071 or CR071 gender sign alarm is a complete unit that includes the gender sign, clock, valve, HDPF (high density polyethylene) tank, controls, and alarm panel. A single DM071 or CR071 is a perfect choice for one average sized family home and can also be used for up to two average single-bathrooms in women centers, dorms and with respect of the College.

- Higher fix rates of 700 g/t (2600 g/t)
- 70 g/t (265 g/t) of zinc only
- Indoor or outdoor installation
- Shearfest surface finish is various from 14 inches to 160 inches

The DR271 is the "superstar," or "wireless" model where a cable connects the motor controls to the level controls through a longed-for wireless link.

Operational Information

1 hp 1725 rpm high torque cap. for start thermally protected 120/240V 60

Inlet Configuration
4-20, 1/2 in. inlet ground standard for DWV pipe. Other inlet configurations are available from the factory.

Discharge Connections
Pump discharge terminates in 1/2"-dia NPT female thread. Can easily be adapted to 1/2"-dia PVC pipe or any other material required by local codes.

D. schlegelii
15 g:m at 0 psig (0.25 lps at 0 m)
11 g:m at 40 psig (0.69 lps at 28 m)
1.4 g:m at 60 psig (0.98 g:m at 26

Accessories

4) One requires that the Unilateral, b) One's own size less stock those value by installing between the ground joint position and the street can for added protection against backflow

Alarm panels are available with a variety of options, from basic monitoring to advanced notice of service requirements.

The Flame to Safety is ideal for installations where the alarm is primarily for better fire protection.

Physical Geography, 6, 212, 1997
© 1997 Blackwell Science Ltd

NA0050P01 Rev C

OPTIONS : ☐ **DH071-93** (HARD ARMED
LEVEL CONTROLS)
☐ **DR071-93** (HARDENED
LEVEL CONTROLS)



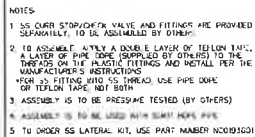
CONCRETE BALLAST MAY BE REQUIRED
SEE INSTALLATION INSTRUCTIONS
FOR DETAILS

NOTE: DIMENSIONS ARE FOR KIT ONLY.

DOI: 10.1002/anie.200500000

NA0050P06

STAINLESS STEEL
LATERAL KIT
1-1/4"
SDR 11 HDPE PIPE



ALL PARTS ARE NOT ASSEMBLED

Q30	Q41	1/10/2011	W
Q31	Q42	DATE	ISSUE

e one
SEWER SYSTEMS
STAINLESS STEEL LATERAL, 4" I.D.
15' MAX. LENS TO DEPTH 5' MAX.

NA0330P02

NA0330P02

TYPICAL LATERAL INSTALLATION

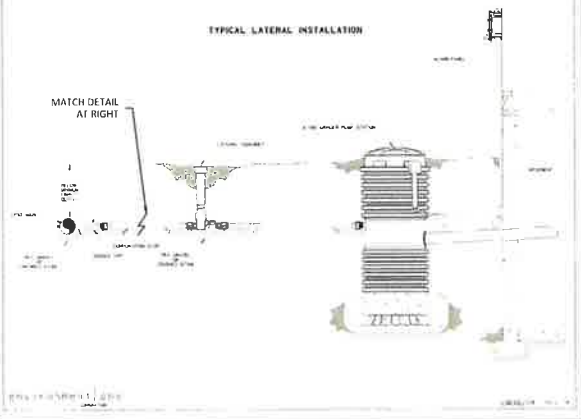
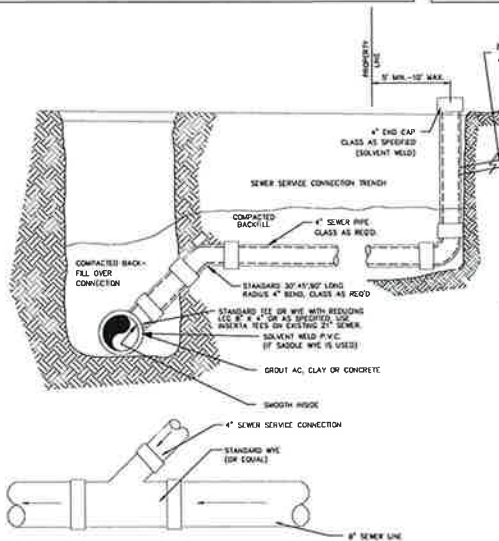
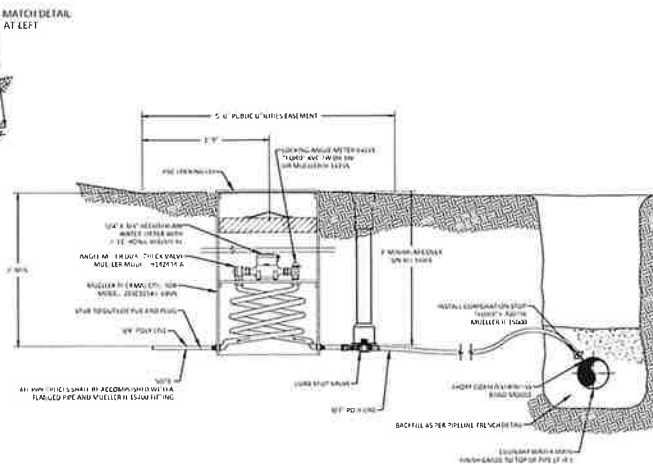


Figure 1. The effect of the concentration of the initiator on the polymerization of α -methylstyrene.



SANITARY SEWER SERVICE CONNECTION



TYPICAL WATER SERVICE INSTALLATION

**P
PLATT
&
P
PLATT, INC**
CONSULTING
CIVIL ENGINEERS
&
LAND SURVEYORS
195 N 100 E
CEDAR CITY, UT 84720
TEL (435) 586 6151
FAX (435) 586 8567
E-MAIL:
PLATT@INFOWEST.COM



DETAIL SHEETS FOR
LINDA COOK
344 W 775 SOUTH, BRIAN HEAD, UTAH
WITHIN SECTION 10, T. 36 S., R. 9 W., S1&M
IRON COUNTY, UTAH

DRAWN BY:
CHECKED BY:
R.B. PLATT
DATE: Sep 02, 2025
SCALE: none

PAGE: 2 OF 2



STAFF REPORT TO THE TOWN COUNCIL

ITEM: SKI HAVEN CHALETS WALKWAYS

AUTHOR: Bret Howser
DEPARTMENT: Admin
DATE: September 23, 2025
TYPE OF ITEM: Administrative Direction

SUMMARY:

Council will discuss the proposed use of publicly owned walkway rights-of-way in the Ski Haven Chalets subdivision for their originally intended purpose (as trail walkways). John Stark (property owner in Ski Haven Chalets) will make a presentation on the matter.

BACKGROUND/ANALYSIS:

Staff was recently approached by two property owners in the Ski Haven Chalets (SHC) subdivision (John Stark and Jim Vincent) asking for the Town to consider developing the platted public walkways in SHC for pedestrian/bike/skier access. Initially staff believed this might be a more significant action step involving the expenditure of Town funds, and recommended that the idea be pitched for policy consideration as part of our FY 2027 Strategic Plan. However, following discussion with Mr. Stark and Mr. Vincent, there may be a scenario where the tree-removal portion of project could be done – possibly as soon as this fall – with largely volunteer labor, and the trail tread portion could be done with a mix of Town labor and volunteer labor in the spring/summer of 2026. Mr. Stark and Mr. Vincent are willing to organize a donation to the Brian Head Volunteer Fire association to facilitate the volunteer labor, and Dan Benson (Public Safety Director) is looking into the willingness of volunteer firefighters to carry out the project.

The public walkways are considered Town-owned property, like a road right-of-way. Usage of Town property is definitely a policy question for the Council. To staff's recollection, the Council has not provided policy direction regarding walkway ROW's in general. Some specific walkway ROWs have been made available for uses other than pedestrian usage (like driveway access).

One of the walkways (listed as priority 3 on the attached presentation) connects Steam Engine Dr to the Town-owned "Archery Range" where we are currently pursuing construction of a dog park. Staff believes this walkway might provide more convenient access to residents of Cedar Breaks Mtn estates to the dog park. This may warrant expenditure of Town funds under the previously approved Strategic Plan action step to construct a dog park. The other walkways would have public benefit more limited to SHC neighborhood.

The attached presentation material put together by John Stark will be presented to the Council on 9-23-25 and discussed. Council is encouraged to provide direction to staff regarding the usage of the walkways.

FINANCIAL IMPLICATIONS:

Depending on Council's direction and the success of finding volunteer labor to develop the walkways, there may be limited financial impact on the Town. No Town funds have been identified for the project as of yet.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff believes this could be yet another beneficial collaboration between the SHC neighborhood and the Town. These are platted walkways, and the proposed use is as originally intended. Other than the visual impact of removing some trees, we are not aware of any reason that neighbors would object to the project. It should be noted that the intent is not to clear the walkways, but remove some trees to create a meandering single-track trail within the walkway ROW's, thus limiting the visual/privacy impacts.

PROPOSED MOTION:

Council may make a motion to direct staff based on the outcome of the discussion.

ATTACHMENTS:

A – SHC Walkway development presentation

SKI HAVEN CHALET UNITS A, B & C

PUBLIC WALKWAY TRAILS TO TOWN



SKI HAVEN CHALET UNITS A, B & C PUBLIC WALKWAY TRAILS TO TOWN



Priority #1 Snowshoe

Priority #2 Toboggan

**Old Color Country Bike
Trail**

SKI HAVEN CHALET UNITS A, B & C PUBLIC WALKWAY TRAILS TO TOWN

**Priority #1
Snowshoe**

**Walkway
Easement 10 Foot
Snowshoe**



SKI HAVEN CHALET UNITS A, B & C PUBLIC WALKWAY TRAILS TO TOWN

**Priority #2
Toboggan**

**Walkway
Easement 10 Foot
Toboggan**



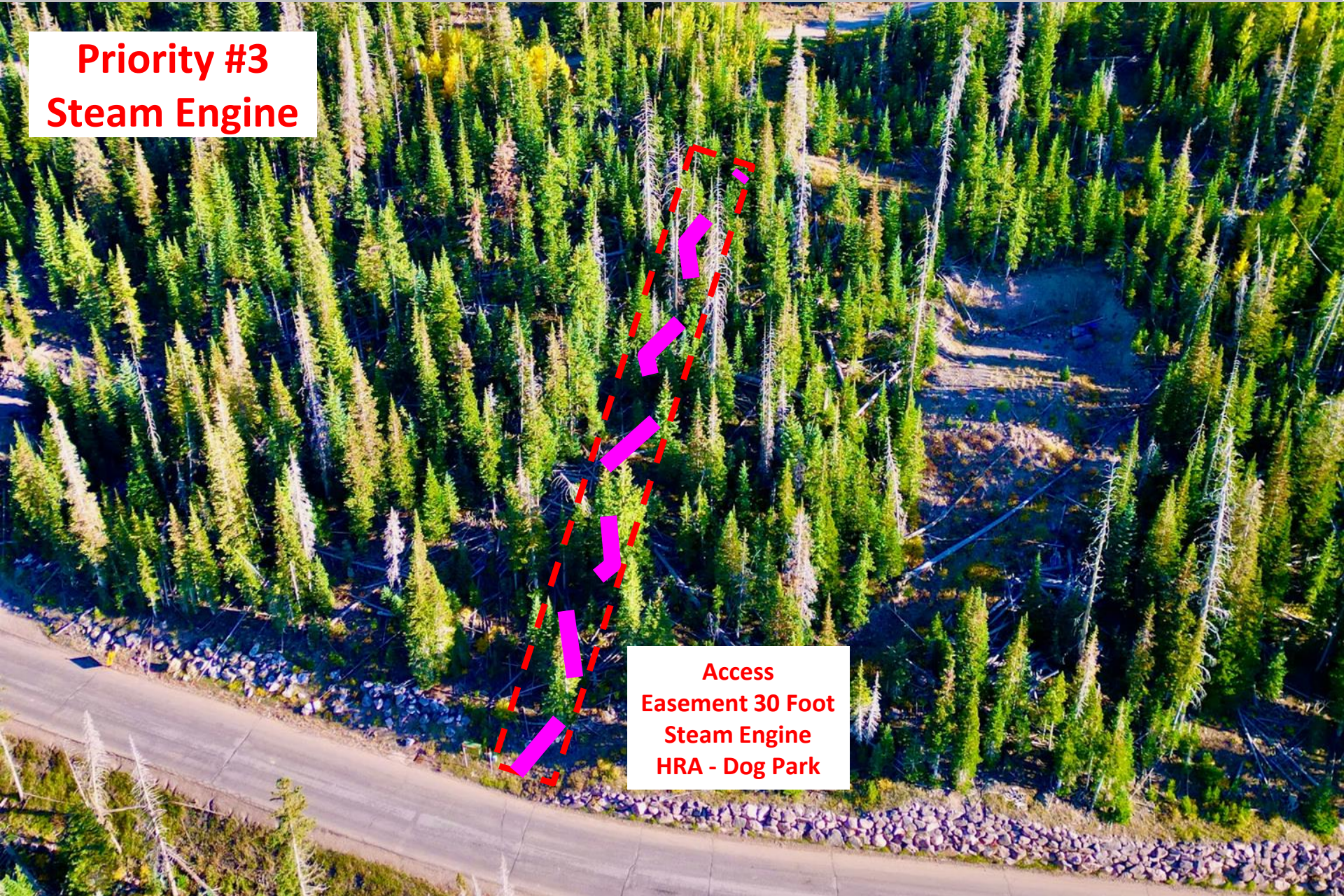
SKI HAVEN CHALET UNITS A, B & C PUBLIC WALKWAY TRAILS TO TOWN



SKI HAVEN CHALET UNITS A, B & C PUBLIC WALKWAY TRAILS TO TOWN

**Priority #3
Steam Engine**

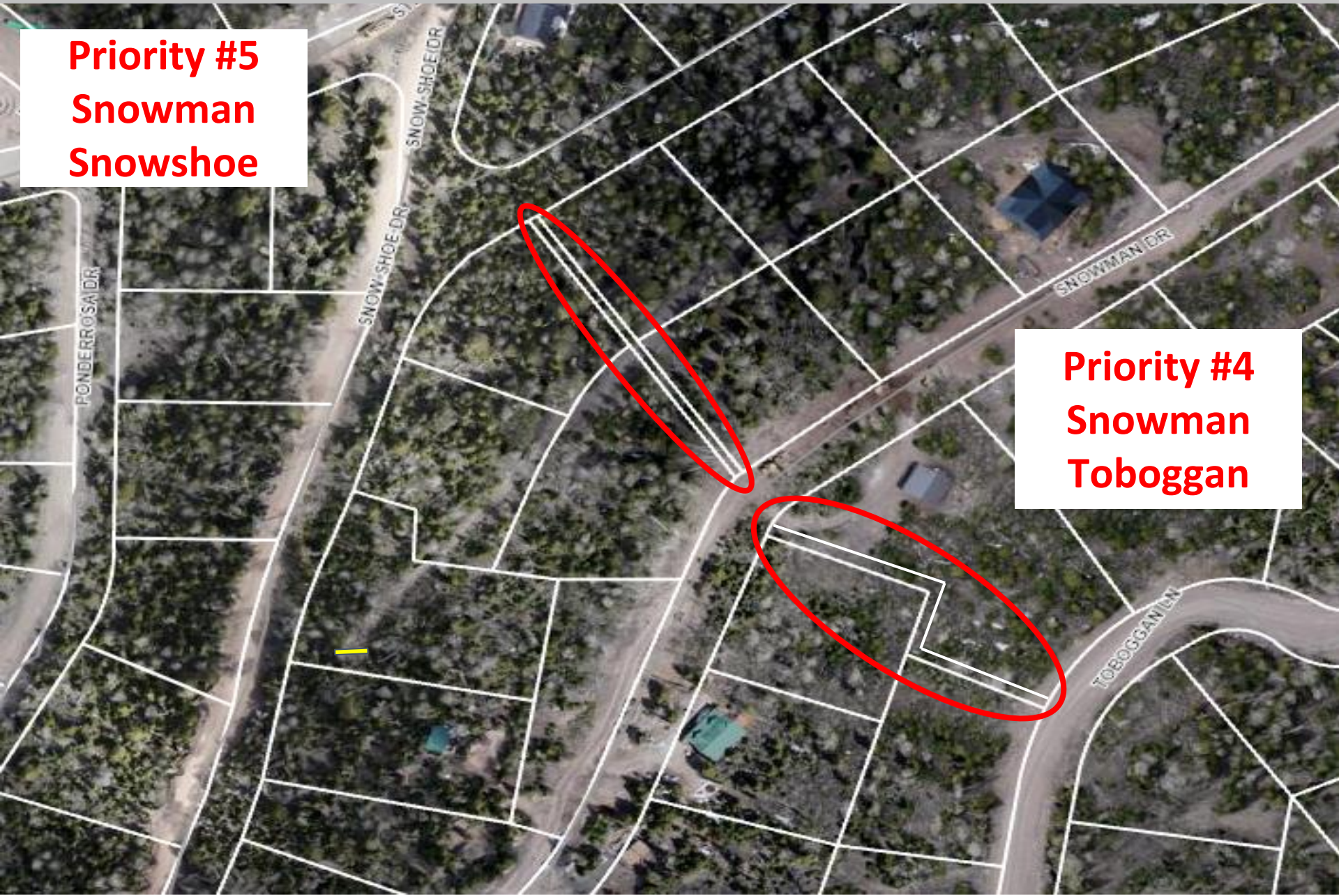
**Access
Easement 30 Foot
Steam Engine
HRA - Dog Park**



**SKI HAVEN CHALET UNITS A, B & C
PUBLIC WALKWAY TRAILS TO TOWN**

**Priority #5
Snowman
Snowshoe**

**Priority #4
Snowman
Toboggan**

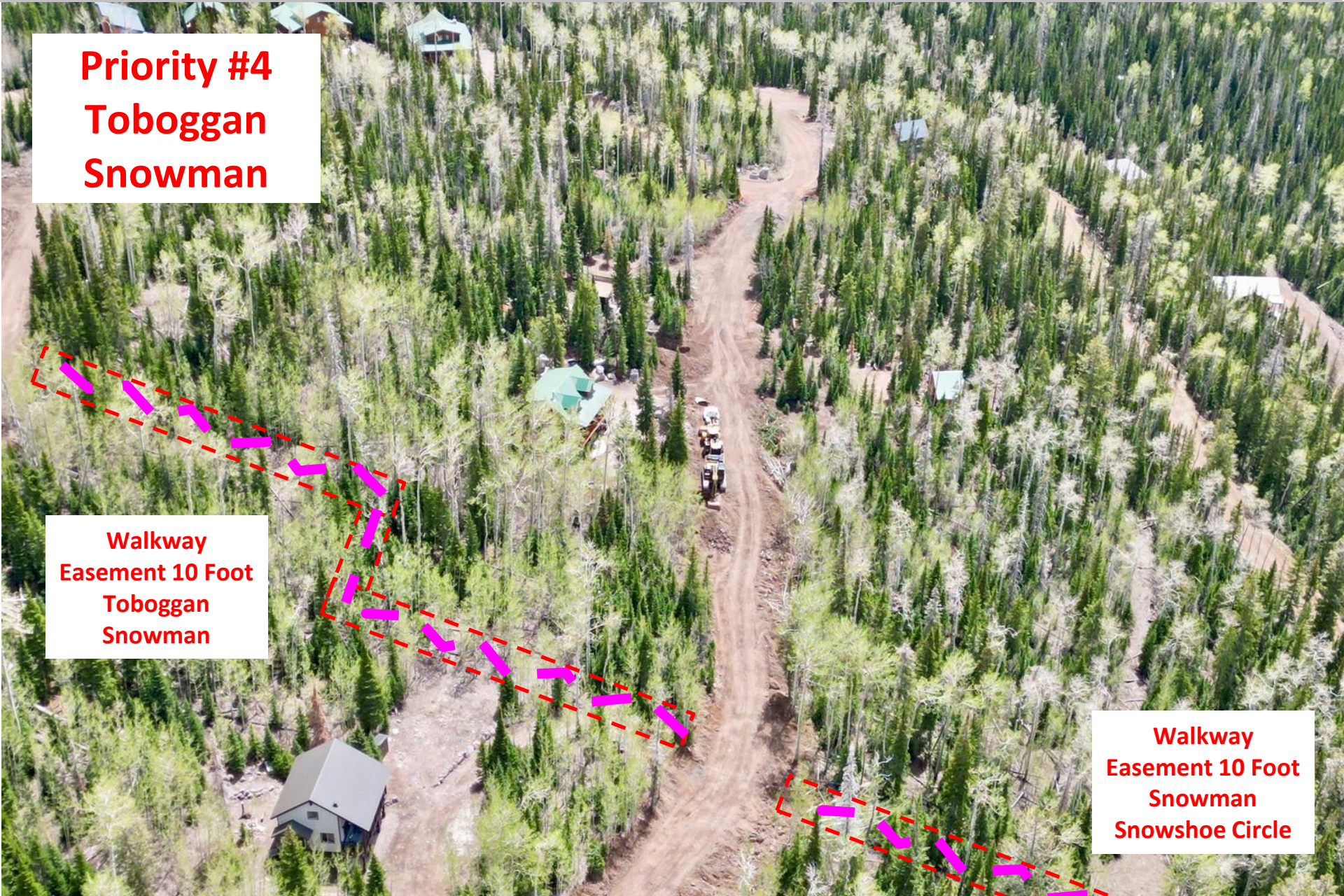


SKI HAVEN CHALET UNITS A, B & C PUBLIC WALKWAY TRAILS TO TOWN

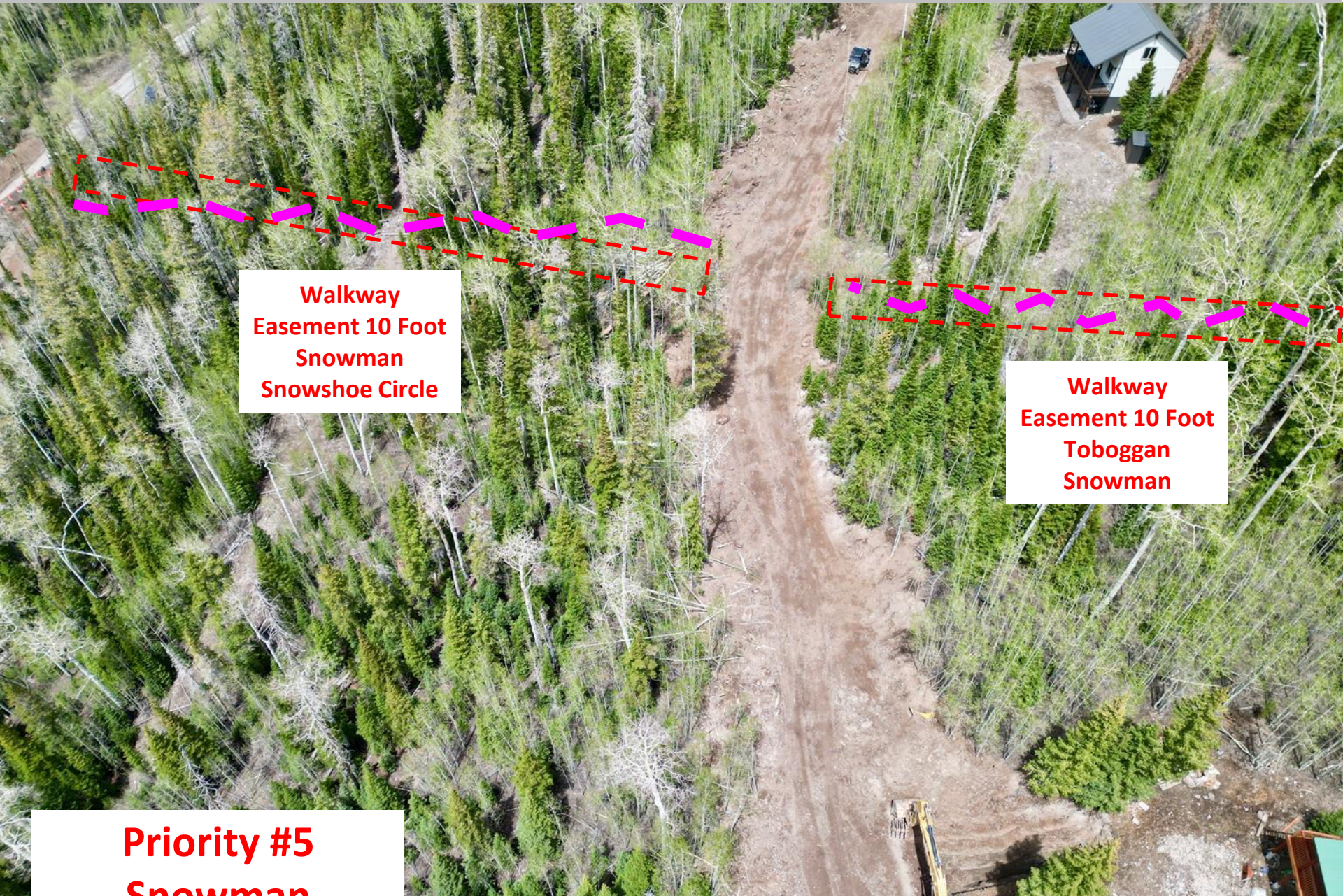
**Priority #4
Toboggan
Snowman**

**Walkway
Easement 10 Foot
Toboggan
Snowman**

**Walkway
Easement 10 Foot
Snowman
Snowshoe Circle**



SKI HAVEN CHALET UNITS A, B & C PUBLIC WALKWAY TRAILS TO TOWN



**Walkway
Easement 10 Foot
Snowman
Snowshoe Circle**

**Walkway
Easement 10 Foot
Toboggan
Snowman**

**Priority #5
Snowman**

***SKI HAVEN CHALET UNITS A, B & C
PUBLIC WALKWAY TRAILS TO TOWN***

- **Desired Timing - Summer 2026**
- **Funding - Public General or Grant**
- **Estimated Cost - Past Trail Development**
- **Possibility of Thinning Priority #3 Steam Engine with Dan's Fall Cleanup 2025**
- **Justifications - Recreation - Fire Breaks**



STAFF REPORT TO THE TOWN COUNCIL

ITEM: BH UNIT 3 SPECIAL ASSESSMENT AREA NOTICE OF INTENT

AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: September 23, 2025
TYPE OF ITEM: Administrative Action

SUMMARY:

The Council will hold a public hearing with regard to the proposed creation of the Brian Head Unit 3 Special Assessment Area (SAA).

BACKGROUND/ANALYSIS:

During the May 13, 2025, Town Council Meeting, the Town Council accepted the petition for the Brian Head Special Assessment Area. At that time, the SAA had 63% support on the petition. Town policy requires that more than 60% of the lot owners sign the petition for approval to be considered.

On August 26, 2025, the Town Council adopted a Notice of Intent to Create the Brian Head Unit 3 Special Assessment Area by resolution. The resolution set a public hearing for September 23 regarding the proposed SAA and prescribed noticing for that public hearing. Staff has properly noticed the public hearing and the Town Council should now hold the hearing.

FINANCIAL IMPLICATIONS:

The Town does assume financial risk with any SAA, with this one being no different. Specifically, the Town assumes the debt liability and is potentially on the hook for the bond payments should a property owner default or fail to pay the assessment. However, though a lengthy process, the Town will be a lean holder on each proper with the ability to foreclose should this happen.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends that Council hold a public hearing as previously noticed.

PROPOSED MOTION:

N/A

ATTACHMENTS:

A – Proposed SAA Map and Cost Estimate

[illegible]

Unit 3 SAA
Brian Head, Utah
Preliminary Engineer's Opinion of Probable Construction Costs
April 9, 2025

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE Dollars & Cents	ITEM PRICE Dollars & Cents
1	Mobilization @10%	1	L.S.	\$66,690.00	\$66,690.00
2	Tie-in to Existing Water	1	Each	\$8,500.00	\$8,500.00
3	Furnish and Install 8" Ductile Iron Culinary Water Pipe	2,520	L.F.	\$160.00	\$403,200.00
4	Furnish and Install 8" x 8" Flange Ductile Iron Tee	2	Each	\$2,000.00	\$4,000.00
5	Furnish and Install 8" MJ Ductile Iron Bend with Restraining Glands	4	Each	\$1,800.00	\$7,200.00
6	Furnish and Install Fire Hydrant	9	Each	\$2,600.00	\$23,400.00
7	Furnish and Install 3/4" Water Service Connection	24	Each	\$4,300.00	\$103,200.00
8	Furnish and Install 8" MJ Cap with Restraining Glands	1	Each	\$1,000.00	\$1,000.00
9	Furnish and Install 8" Flange x MJ Gate Valve	6	Each	\$7,000.00	\$42,000.00
10	Furnish and Install Air/Vacuum Valve Assembly	1	Each	\$14,000.00	\$14,000.00
11	Pressure Test and Disinfect Culinary Waterline	1	L.S.	\$10,000.00	\$10,000.00
12	6" Roadbase (10 feet Wide)	25,200	S.F.	\$2.00	\$50,400.00
SUBTOTAL					\$733,590.00
20% CONTINGENCY					\$146,718.00
12% ENGINEERING & CONSTRUCTION MANAGEMENT					\$88,030.80
TOTAL					\$968,338.80





STAFF REPORT TO THE TOWN COUNCIL

ITEM: 450 EAST ROAD VACATION ORDINANCE

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: September 23, 2025
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider an ordinance vacating a portion of 450 East Road that was part of the plat amendment for eight lots located in the Cedar Breaks Mountain Estates, Unit A Subdivision. The Planning Commission approved the plat amendment during their September 2, 2025, meeting with the condition that a portion of 450 East Road be vacated. The Town Council is the only public body that can vacate a public road and is required to be done by ordinance.

BACKGROUND:

Attached, for reference, is the Minor Plat Amendment that was approved by Planning Commission on September 2, 2025. This Minor Plat Amendment was approved to conserve the "Meadow". By combining the lots, all owned by one individual, it ensures that only one home will be built on this property. The portion of 450 West that is to be vacated is highlighted in yellow.

FINANCIAL IMPLICATIONS:

Less road to maintain in the future means less cost to the Town.

BOARD/COMMISSION RECOMMENDATION:

Planning Commission recommends approval of this Road Vacation.

STAFF RECOMMENDATION:

Staff Recommendations approval of the Road Vacation.

PROPOSED MOTION:

The Council can choose to approve as presented, approved with modifications (please specifically identify any modifications) deny, or table for further information.

I move to adopt resolution/ordinance number 25-007 vacating a portion of 450 East Road as presented on the amended final plat for Cedar Breaks Mountain Estates, Unit A Subdivision.

ATTACHMENTS:

- A - Minor Plat Amendment
- B - Ordinance vacating a portion of 450 E. Rd.

ENTRY No. _____ FEE: _____
RECORDED AT THE REQUEST OF: _____



ORDINANCE NO. 25-__

AN ORDINANCE VACATING FOUR HUNDRED FEET (400') OF 450 EAST ROAD (aka MOUNTAIN VIEW DRIVE) LOCATED IN THE CEDAR BREAKS MOUNTAIN ESTATES, UNIT A SUBDIVISION.

WHEREAS, the Town has received an application requesting to vacate a portion of 450 North Road also known as Mountain View Drive for the purpose of vacating lots 2, 4, 20, 23, and 25 and doing so by amending the final plat in the Cedar Breaks Mountain Estates, Unit A Subdivision; and

WHEREAS, the Town Council may vacate a portion of a public road in a subdivision by ordinance and recording the ordinance with the County Recorder as per State Code 10-9a-609(3)(a); and

WHEREAS, the Planning Commission held a public meeting on September 2, 2025 to receive public input on the Plat Amendment for Cedar Breaks Mountain Estates, Unit A and hereby forwards a recommendation of approval for the Road Vacation. The Planning Commission approved an Amended Plat for Cedar Breaks Mountain Estates, Unit A and vacated the lot lines for lots 2,4,20,23, 25 during their regular meeting held of September 2, 2025; and,

WHEREAS, the Town Council held a public hearing on September 23, 2025, to receive public comments on the proposed Road Vacation during their regular meeting; and

WHEREAS, in making its review the Town Council finds that it is in the best interests of the health, safety, and welfare of the Town and its citizens to vacate four hundred feet (400 ft) of 450 East (Mountain View Drive).

NOW, THEREFORE, BE IT ORDINANED BY THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, UTAH.

SECTION I: that four hundred feet (400 ft) of 450 North (Mountain View Drive) located in the Cedar Breaks Mountain Estates, Unit A is hereby vacated. Legal Description below:

ROAD VACATION - RIGHT-OF-WAY LEGAL DESCRIPTION

LOT 2A

THAT PORTION OF MOUNTAIN VIEW DRIVE RIGHT-OF-WAY (R.O.W.) FROM THE R.O.W. BOUNDARY TO THE CENTERLINE OF SAID R.O.W., FRONTING LOTS 2, 4, 20, 23, AND 25, CEDAR BREAKS MOUNTAIN ESTATES, UNIT A.

LOT 6A

THAT PORTION OF MOUNTAIN VIEW DRIVE RIGHT-OF-WAY (R.O.W.) FROM THE R.O.W. BOUNDARY TO THE CENTERLINE OF SAID R.O.W., BEING 15 FEET IN WIDTH, FRONTING LOT 6, CEDAR BREAKS MOUNTAIN ESTATES, UNIT A.

LOT 8A

THAT PORTION OF MOUNTAIN VIEW DRIVE RIGHT-OF-WAY (R.O.W.) FROM THE R.O.W. BOUNDARY TO THE CENTERLINE OF SAID R.O.W., BEING 15 FEET IN WIDTH, FRONTING LOT 8, CEDAR BREAKS MOUNTAIN ESTATES, UNIT A. EXCEPTING THEREFROM THE SOUTH 45.00 FEET.

LOT 27A

THAT PORTION OF MOUNTAIN VIEW DRIVE RIGHT-OF-WAY (R.O.W.) FROM THE R.O.W. BOUNDARY TO THE CENTERLINE OF SAID R.O.W., BEING 15 FEET IN WIDTH, FRONTING LOT 8, CEDAR BREAKS MOUNTAIN ESTATES, UNIT A. EXCEPTING THEREFROM THE SOUTH 45.00 FEET.

ATTACHMENT "A" CEDAR BREAKS MOUNTAIN ESTATES, UNIT A AMENDED PLAT

SECTION II. 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 III: 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 IV: Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance and all prior Land Management Codes previously adopted shall be repealed.

SECTION V: Effective Date. The ordinance shall go into effect immediately upon final passage as noted below.

PASSED AND ADOPTED by the Town Council of the Town of Brian Head, Utah this ____ day of September 2025

Roll Call Vote of the Town Council:

Mayor Calloway	Aye____	Nay____
Council Member Freeberg	Aye____	Nay____
Council Member Tidwell	Aye____	Nay____
Council Member Ricks	Aye____	Nay____
Council Member Nyen	Aye____	Nay____

BRIAN HEAD TOWN

Clayton Calloway, 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 September 2025 and have posted a summary of the ordinance within a conspicuous location to-wit: Town Hall, and have posted it on the Utah Meeting Notice Website and on the Brian Head Town website, brianheadtown.utah.gov as per UCA§63-30-102.

Nancy Leigh, Town Clerk

**LOTS 2, 4, 6, 8, 20, 23, 25, 27
CEDAR BREAKS MOUNTAIN ESTATES, UNIT A**

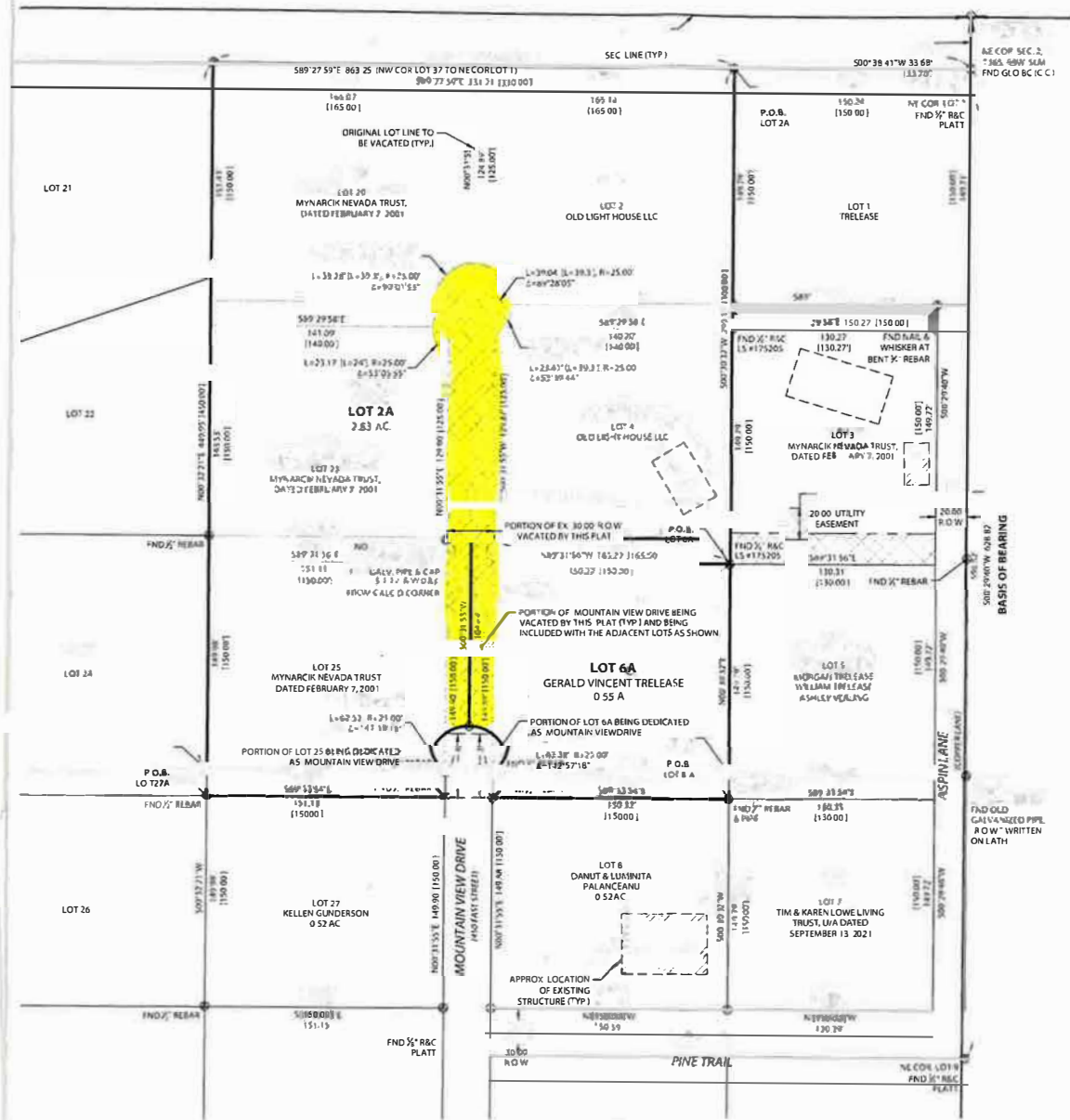
WITHIN THE NE ¼ OF SECTION 2, TOWNSHIP 36 SOUTH, RANGE 9 WEST, SALT LAKE MERIDIAN
BRIAN HEAD, IRON COUNTY, UTAH

EXHIBIT A

CEDAR BREAKS MOUNTAIN ESTATES, UNIT A SUBDIVISION

450 EAST PARTIAL ROAD VACATION

(Highlighted in Yellow)





STAFF REPORT TO THE TOWN COUNCIL

ITEM: LAND MANAGEMENT CODE AMENDMENTS: CHP. 1 - NOTICING REQUIREMENTS & CHP. 12 - FLAG LOTS

AUTHOR: Greg Sant
DEPARTMENT: Planning and Building
DATE: September 23, 2025
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will hold a public hearing to receive comments on proposed amendments to the Land Management Code (LMC) Chapter 1-8 Noticing and Chapter 12-2 establishing Flag Lots. Once the public hearing is completed, the Council will consider an ordinance amending the LMC with the proposed changes.

BACKGROUND:

9-1-8 NOTICING REQUIREMENTS:

During the September 16, 2025, Planning Commission meeting, the Commission recommended approval of the change for noticing requirements from the fourteen (14) calendar days be in line with state law of ten (10) calendar days.

The existing LMC has conflicting information regarding the Notification Requirements for a Public Hearing. In the same paragraph it requires 14 days, it also refers to the State Code that only requires 10 calendar days. This change is an effort to clarify the LMC.

NOTICING REQUIREMENTS ANALYSIS:

Our LMC discusses Notice Requirements in Title 9, Chapter 9-1-8:

NOTICES: Whenever notice to adjoining property owners or the public is required by any section of this title, the notice shall be given in the following manner:

- A. Public Notice: Public notice of all public hearings and public meetings required to be noticed shall be given in accordance with Utah Code Annotated §10-9a-201 as amended, as applicable.
- B. Notice to Adjoining Property Owners:
 - 1. Where the provisions of Utah Code Annotated § 10-9a-201 et seq. as amended, require notice of public hearings to be given to adjoining property owners, the applicant shall give such notice to those owners whose property is located entirely or partly within three hundred feet (300') from any boundary of the property subject to the application. **Notice shall be mailed at least fourteen (14) calendar days** prior to the public hearing to the address appearing on the last completed real property assessment rolls in the office of the County Recorder. The notice shall include a map showing the land included in the application and a letter stating that the application has been filed, the nature of the application, the time, place, and date of the public hearing on the application, and that more complete information is available at the Town offices. (ord. 15-004, 4-28-2015)

2. The applicant will provide a referral packet as defined in Chapter 4 of this title. The Planning and Zoning Department will prepare and mail the notice to adjacent landowners, as well as appropriate agencies. The mailing will be paid for by the applicant. **The notice shall be mailed at least fourteen (14) days prior to the public hearing.** (ord. 15-004, 4-28-2015, amd. 21-005, 05-11-2021)

However, Utah Code Annotated § 10-9a-205 et seq. as amended, states:

10-9a-205. Notice of public hearings and public meetings on adoption or modification of land use regulation.

(1) Each municipality shall give:

- (a) notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use regulation; and**
- (b) notice of each public meeting on the subject.**

(2) Each notice of a public hearing under Subsection [\(1\)\(a\)](#) shall be:

- (a) mailed to each affected entity at least 10 calendar days before the public hearing; and**
- (b) (i) provided for the area directly affected by the land use ordinance change, as a class B notice under Section [63G-30-102](#), for at least 10 calendar days before the day of the public hearing; or**
 - (ii) if the proposed land use ordinance adoption or modification is ministerial in nature, as described in Subsections [\(6\)\(a\)](#) and (b), provided as a class A notice under Section [63G-30-102](#) for at least 10 calendar days before the day of the public hearing.**

With our meetings always being held on Tuesday afternoon, if something happens in that meeting and we would like it to be on the next meeting, and it requires notification, there is not enough time to notice before the next meeting. Therefore, the issue would be put off for another cycle and it could delay it from being heard for up to 4 or 5 weeks. By going to a 10-calendar day noticing period, it would allow staff to react to items being discussed in the current meeting and have two to three days to get the notice out before the next meeting.

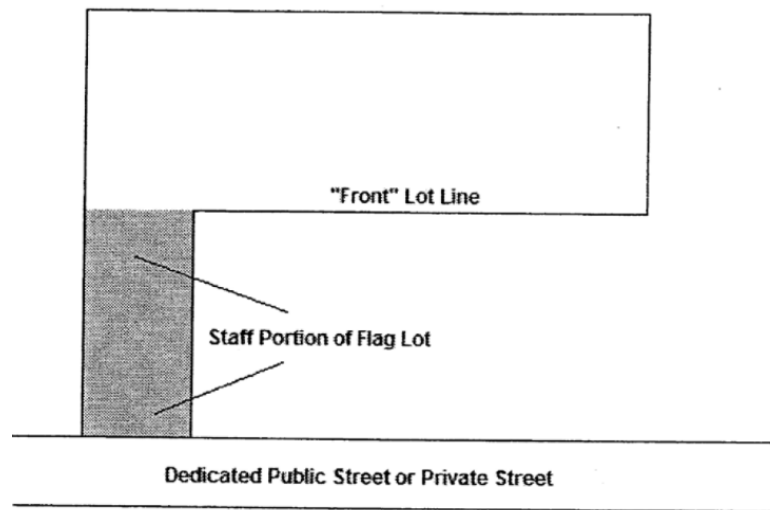
Furthermore, now that we offer a Zoom Meeting option, it is not necessary for interested parties to travel to the public hearing, they can be part of the meeting through Zoom. Also, most, if not all, of the responses that we get to the Public Hearing Notices come to us by email. With this technology we are able to get all responses within a ten-day period.

9-12-2 – FLAG LOTS:

During the September 16, 2025, Planning Commission meeting, the Commission recommended the approval to Town Council for an amendment to the LMC to establish Flag Lots as an approved Lot Standard in 9-12-2.

Over the last two months the Planning Commission has discussed whether a Flag Lot should be added to the LMC to give some lots that are currently land locked access to a roadway. A flag lot

shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion as shown below.



Our Land Management Code indicates that all lots must have forty-five-foot frontage on a public road. The LMC does not have a provision for a flag lot and would require any easement, giving access to the lot off the road to be forty-five feet wide. Furthermore, an easement frontage is not the same thing as lot frontage. Because of this, Staff recommends that we consider amending the LMC to directly address flag lots. Finally, there are many locations in our Town where a Flag Lot could give access to existing land-locked lots and that could allow the Town to preserve open space, trees and natural vegetation rather than build a road.

The Commission asked staff to further look at other cities and situations that have addressed this issue. Furthermore, the Commission asked Staff to narrow down the list of guidelines that a proposed Flag Lot ordinance would require.

FLAG LOT ANALYSIS:

Staff have looked at the Hurricane City and Springdale Town ordinances regarding Flag Lot and had found the following:

The Springdale Flag Lot ordinance starts off with "the unique topographical, geological and visual character of the Town adds a dimension of difficulty not typical in most Towns and cities. Most established lots in the Town lack frontage on a dedicated street, widths are restricted by existing structures, and foothill locations would be detrimentally affected by the pavement and width requirements of a dedicated street. Therefore, flag lots and private lanes may be developed in accordance with the special provisions herein. Brian Head Town could say something similar, however, most established lots do have frontage.

Hurricane City on the other hand thinks differently and states "A flag lot for one single-family dwelling may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this title or other titles adopted by the City. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a "last resort" for property which may not

otherwise be reasonably developed.” Staff believe that the use of Flag Lots in Brian Head should be a combination of these 2 land use policies.

Furthermore, Staff attended the State Housing Summit which talked about the need for more lots in the state. One of the tools that they mentioned was allowing Flag Lots. Flag Lots require less infrastructure and therefore are less expensive to produce. Flag Lots allow more lots to be developed without disturbing the environment with roads. This allows for more open space and landscaped common areas. Finally, the State Housing Authority is encouraging all cities and towns to at least have a provision for Flag Lots in their Town Code.

1. Creation of a flag lot should not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.
2. The Staff Portion of the Flag Lot shall:
 - a. front on a dedicated public street or private street.
 - b. be a minimum width of 20 feet.
 - c. be a maximum of 150 feet in length if possible. If longer, a wider access could be required for emergency vehicles according to the recommendation of the fire marshal.
 - d. be improved with a compacted gravel or other all-weather surface. The driving surface shall be well maintained and shall be readily passable by a standard passenger car and standard emergency vehicle. It shall be constructed to the minimum standards specified by the Town Construction Standards.
 - e. have no Town maintenance responsibility.
 - f. have no building or structure located within the Staff portion of a flag lot. All buildings shall be located on the flag portion of the lot and no more than 250 feet from a fire hydrant. If the fire hydrant is located further than 250 feet from the home, then a fire hydrant will be installed in the Staff portion of the Flag Lot.
If a fire hydrant is located in the staff portion of the flag lot, then the width of the staff will be increased to a minimum width of 30 feet, and a private fire hydrant will be installed in the Staff. This private Fire Hydrant would be the responsibility of the homeowners to maintain and test on a regular basis. The water line for the Fire Hydrant will have a shut-off valve at the street.
Exception: Lot owner could receive approval from the Town Fire Marshal to install a whole home fire sprinkler system in lieu of installing a private fire hydrant in the Staff.
 - g. require installation of curb, gutter and other drainage control measures in the Staff portion of a flag lot to prevent runoff from entering neighboring properties if Town determines it necessary.
 - h. service only one Flag Lot and the maximum slope for the Staff portion of the flag lot will be 12%.
3. The Flag Portion of the Flag Lot:
 - a. shall conform to the minimum lot size requirement of the zone in which the lot is located. The front yard, for purposes of determining setbacks, of a flag lot shall be on the side of the flag portion which connects to the Staff (see diagram). Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located. No part of the Staff portion of the lot shall be used to meet any setback requirement.

4. Flag Lot Additional Requirements:
 - a. Clear address signage shall be installed and maintained at the street by the owner, including notice that the driveway is a private right-of-way.
 - b. During the construction of the home, no building materials, dumpsters, toilets or parking will be allowed on the Staff portion of the lot as to keep it clear for emergency vehicles.
 - c. Public services, such as garbage collection, water and sewer, will be on the dedicated street only.
 - d. Flag Lots are only allowed in the R-1 Zoning.

STAFF RECOMMENDATION:

It is the recommendation of Staff that these changes to the LMC be approved.

PROPOSED MOTION:

The Council can approve as presented, approve with modifications (please be specific in any changes), or table the item for further information.

I move to adopt ordinance No. 25-008 amending the Land Management Code, Chapter 1-8 Noticing Requirements and Chapter 12-2 establishing Flag Lots as presented.

ATTACHMENTS:

A – Ordinance amending the LMC for Noticing Requirements & Flag Lots.



ORDINANCE NO. 25-__

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 1.8 GENERAL PROVISIONS FOR NOTICING REQUIREMENTS AND CHAPTER 12 DESIGN GUIDELINES FOR CONSTRUCTION FOR ESTABLISHING FLAG LOTS AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Brian Head Planning Commission held a public hearing on September 16, 2025, giving at least fourteen (14) days' notice before the public hearing to receive public comment. The Planning Commission forwarded their recommendation of approval to the Brian Head Land Management Code, Chapter 1, General Provisions for Noticing Requirements; Chapter 2, Definitions for Flag Lots and Chapter 12, Design Guidelines for Flag Lots to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on September 23, 2025, giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Code; 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 is hereby amended and incorporated herein by reference as Title 9, Chapters 1-8 General Provisions – Noticing; and Chapter 12.2 Design Guidelines for Constructions for Flag Lots is hereby identified as ATTACHMENT “A” and changes are identified in red font:

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council. 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 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 September 2025, with the following vote.

TOWN COUNCIL VOTE:

Mayor Clayton Calloway	Yes ____ No ____
Council Member Mitch Ricks	Yes ____ No ____
Council Member Larry Freeberg	Yes ____ No ____
Council Member Duane Nyen	Yes ____ No ____
Council Member Martin Tidwell	Yes ____ No ____

BRIAN HEAD TOWN COUNCIL

By: _____
Clayton Calloway, 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 September 2025, and have posted a complete of the ordinance in a conspicuous place within the Town of Brian Head, to-wit: Town Hall and have posted a copy on the Public Meeting Notice Website and on the Town website: brianheadtown.utah.gov as per UCA 63-30-102.

Nancy Leigh, Town Clerk

Title 9 – Land Management Code

Chapter 1

GENERAL PROVISIONS

9-1-1: OVERVIEW:

9-1-2: SHORT TITLE:

9-1-3: STATEMENT OF PURPOSE:

9-1-4: INTERPRETATION:

9-1-5: COORDINATION WITH OTHER LAND USE DOCUMENTS:

9-1-6: APPROVALS CONSISTENT WITH THIS TITLE:

9-1-7: AMENDMENTS:

9-1-8: NOTICES:

9-1-8: NOTICES:

Whenever notice to adjoining property owners or the public is required by any section of this title, the notice shall be given in the following manner:

A. **Public Notice:** Public notice of all public hearings and public meetings required to be noticed shall be given in accordance with Utah Code Annotated § 10-9a-201 as amended, as applicable.

B. Notice to Adjoining Property Owners:

1. Where the provisions of Utah Code Annotated § 10-9a-201 et seq. as amended, require notice of public hearings to be given to adjoining property owners, the applicant shall give such notice to those owners whose property is located entirely or partly within three hundred feet (300') from any boundary of the property subject to the application. Notice shall be mailed at least ~~fourteen (14)~~ **ten (10)** calendar days prior to the public hearing to the address appearing on the last completed real property assessment rolls in the office of the County Recorder. The notice shall include a map showing the land included in the application and a letter stating that the application has been filed, the nature of the application, the time, place, and date of the public hearing on the application, and that more complete information is available at the Town offices. (ord. 15-004, 4-28-2015)

2. The applicant will provide a referral packet as defined in Chapter 4 of this title. The Planning and Zoning Department will prepare and mail the notice to adjacent landowners, as well as appropriate agencies. The mailing will be paid for by the applicant. The notice shall be mailed at least ~~fourteen (14)~~ **ten (10)** calendar days prior to the public hearing. (ord. 15-004, 4-28-2015, amd. 21-005, 05-11-2021)
- C. **Notice to Condominiums:** In addition to the notice required under subsection B of this section, for condominium projects within the three hundred-foot (300') radius from the applicant's property, notice shall also be given to the registered agent of the condominium Homeowners Association on file with the State Homeowners Association Registry. (amd. ord. 21-005, 05-11-2021)
- D. **Defects in Notice:** The notices to affected property owners are given as a convenience to them. Minor defects in mailing, or incomplete mailing shall not be grounds for invalidating any permit or application, or for the delay of any public hearing, unless the Planning Commission or Town Council shall find the defects in notice are such that the ability of interested persons to make a meaningful presentation of their concerns at the public hearing has been significantly impaired. The approval authority for the land use action at hand shall hear any objections raised relating to notice and rule on whether notice was adequate before proceeding to hear the merits of the application. (ord. 15-004, 4-28-2015, amd. ord. 21-005, 05-11-2021)

Title 9 – Land Management Code

Chapter 12

DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT

9-12-1: PURPOSE:

9-12-2: LOT STANDARDS:

9-12-3: DEVELOPMENT DESIGN AND LAYOUT:

9-12-4: CONSTRUCTION ON SLOPES EXCEEDING TWENTY FIVE PERCENT:

9-12-5: LANDSCAPING AND FENCES:

9-12-6: LIGHTING:

9-12-7: BUILDINGS:

9-12-8: CONSTRUCTION DEBRIS REMOVAL:

9-12-9: ROADS:

9-12-10: DRIVEWAYS:

9-12-11: CUTS, FILLS AND RETAINING WALLS:

9-12-12: BRIDGE AND TUNNEL REGULATIONS:

9-12-13: WATERWAYS, DRAINAGES AND FLOOD HAZARD AREAS:

9-12-14: UTILITY IMPROVEMENTS:

9-12-15: PARKING:

9-12-16: PUBLIC IMPROVEMENTS:

9-12-17: TRASH ENCLOSURES:

9-12-18: COMPLIANCE:

9-12-19: PUBLIC UTILITIES:

9-12-20: CAMPGROUNDS:

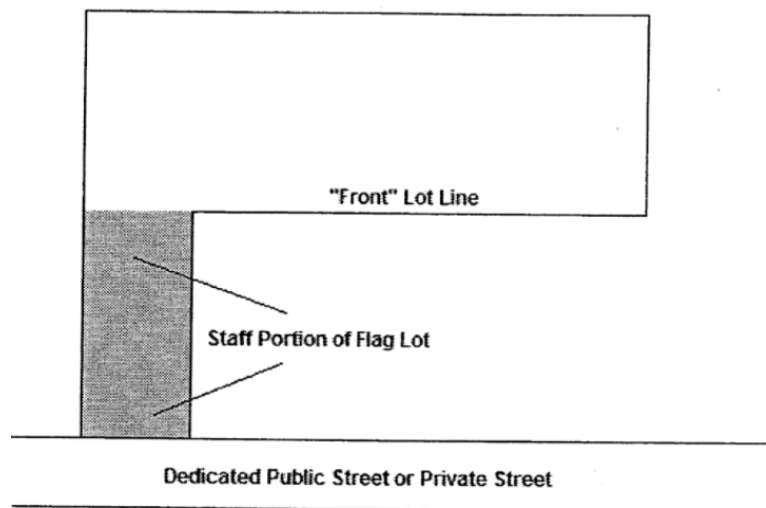
9-12-1: PURPOSE:

To enhance our mountain community, the regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this title. (ord. 08-016, 8-12-2008)

9-12-2: LOT STANDARDS:

- A. **Minimum Area, Dimensions:** The minimum area and dimensions of all lots shall conform to the requirements of the zone district in which the lot is located.
- B. **Frontage:** Except as otherwise provided herein, all lots or parcels created by subdivision shall have frontage upon a dedicated street improved to standards hereinafter required. Land designated as public right of way shall be separate and distinct from lots adjoining such right of way and shall not be included in the area of such lots.
- C. **Developable Lots:** All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots and no building permit shall be issued for any lots that would make building or access impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions, except where such lots are suitable and dedicated for a common open space, private utility, or public purpose.
- D. **Side Lines:** The side lines of all lots, so far as possible, shall be at right angles to each street on which the lot faces, or approximately radial to the center of curvatures. Exceptions may be made to this requirement for considerations such as solar orientation, grades, line of site or other traffic safety issues.
- E. **Corner Lots:** Corner lots for residential use shall be platted wider than interior lots in order to permit conformance with the required front setback requirements along all streets bordering such lots.
- F. **Lot Lines:** A Town or zoning district boundary line shall not divide a parcel or lot. Lot lines shall be made along such boundary lines. Zoning boundaries shall generally follow the lot lines and centerline of the public right of way. (amd. ord. 24-014, 10-8-24)
- G. **Lot Numbers:** Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision with no omissions or duplications; no block designations shall be used. Phased subdivisions shall maintain continuous numbering throughout all phases.
- H. **Number Of Dwelling Units Permitted:** The number of dwelling units shall be in compliance with [chapter 7](#) of this title.

- I. **Area Of Lot:** The area within a lot shall not be considered as providing a yard or open space for any other building or lot.
- J. **Minimum Area Maintained:** No area needed to meet the minimum width, yard area, coverage, parking, or other requirements of this title for a lot or building may be sold or leased away from such lot or building for the purpose of installing any kind of structure.
- K. **Contiguous Lots:** Except as otherwise provided in this title, all lots shall be contiguous. (amd. ord. 24-014, 10-8-24)
- L. **Frontage On Private Streets:** Lots with frontage on private streets shall only be allowed by conditional use within a planned unit development with an approved master development plan and subject to all applicable requirements of this title and other applicable ordinances. (ord. 08-016, 8-12-2008)
- M. **Flag Lots:** A Flag Lot shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion as shown below:



1. Creation of a flag lot should not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.
2. The Staff Portion of the Flag Lot shall:
 - a. front on a dedicated public street or private street.
 - b. be a minimum width of 20 feet.

- c. be a maximum of 150 feet in length. If longer, a wider access could be required for emergency vehicles according to the specifications of the Fire Marshal.
- d. be improved with a compacted gravel or other all-weather surface. The driving surface shall be well maintained and shall be readily passable by a standard passenger car and standard emergency vehicle. It shall be constructed to the minimum standards specified by the Town Public Works Standards.
- e. have no Town maintenance responsibility.
- f. have no building or structure located within the Staff portion of a flag lot. All buildings shall be located on the flag portion of the lot and no more than two-hundred and fifty feet (250') from a fire hydrant. If a fire hydrant is located further than two-hundred fifty feet (250') from the home, then a fire hydrant will be installed in the Staff portion of the Flag Lot.

If a fire hydrant is located in the staff portion of the flag lot, then the width of the staff will be increased to a minimum width of thirty feet (30'), and a private fire hydrant will be installed in the Staff. This private fire hydrant would be the responsibility of the homeowners to maintain and test on a regular basis.. The water line for the fire hydrant will have a shut-off valve at the street.

Exception: the Lot Owner could receive approval from the Town's Fire Marshal to install a whole home fire sprinkler system in lieu of installing a private fire hydrant in the Staff.

- g. require installation of curb, gutter, and other drainage control measures in the Staff portion of a flag lot to prevent runoff from entering neighboring properties if the Town determines it is necessary.
 - h. service only one Flag Lot and the maximum slope for the Staff portion of the flag lot will be 12%.
3. The Flag Portion of the Flag Lot: shall conform to the minimum lot size requirement of the zone in which the lot is located. The front yard, for purposes of determining setbacks, of a Flag Lot shall be on the side of the Flag portion which connects to the Staff (see diagram). Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located. No part of the Staff portion of the lot shall be used to meet any setback requirement.
4. Flag Lot Additional Requirements:
- a. clear address signage shall be installed and maintained at the street by the owner, including notice that the driveway is a private right-of-way.
 - b. during the construction of the home, no building materials, dumpsters, toilets, or parking will be allowed on the staff portion of the lot so as to keep it clear for emergency vehicles.
 - c. public services, such as garbage collection, water and sewer, will be at the dedicated street only.

End.