

The Regular Meeting of the
Brian Head Town Council
Brian Head Town Hall - 56 North Highway 143
Brian Head, UT 84719
MONDAY, JULY 22, 2019 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:**
 - June 24, 2019 Town Council Meeting
 - June 24, 2019 Town Council Closed Session
 - July 9, 2019 Town Council Meeting
- E. REPORTS / PUBLIC INPUT (Limited to three (3) minutes) Non-Agenda Items**
- F. AGENDA ITEMS:**
 - 1. MOUNMENTS RESIDENTIAL TREATMENT CENTER DISUCSSION.** Richard Birch, Monument Residential Treatment Center will answer questions from the Council regarding the residential treatment center located in Dry Lakes.
 - 2. PHASE II TOWN WALKING TRAIL.** Bret Howser, Town Manager. The Council will discuss and give direction on the Phase II of the Town Walking Trail.
 - 3. POTENTIAL FUTURE AGENDA ITEMS.** The Council will discuss potential future agenda items.
 - 4. TOWN PIT FIELD TRIP.** The Council will take a field trip to the Town pit to consider future uses for the pit area.
- G. ADJOURNMENT**

Date: July 19, 2019

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 19th day of July 2019 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 TOWN COUNCIL

SUBJECT: Monuments Residential Treatment Center
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: July 22, 2019
TYPE OF ITEM: Discussion

SUMMARY:

The Council will discuss the recent incident involving two youth who left the Monuments Academy in the Dry Lakes area. Gordon Birch, Executive Director and Founding Partner of Monuments, will attend the meeting to discuss Monuments, the recent incident and efforts they're making to avoid these issues in the future.

BACKGROUND:

Monuments Academy purchased the property on Dry Lakes Road formerly known as Summit Mountain Lodge in 2017-18 and converted the property into a year-round rehabilitation/treatment facility. As the property is located in unincorporated Iron County, the Academy proceeded through a Conditional Use Permit process with Iron County. The Town was not involved in any way in the permitting or planning process. Some individual members of Town staff and a few in the community were aware of the change in use of the facility, but nobody thought to bring it up as a discussion point with the Town Council or with the community in general.

The Conditional Use Permit was signed in June 2018 and has several provisions including:

- Residential treatment for boys 14-17 struggling primarily with drug-alcohol abuse, depression, failing school and behavioral issues
- Not more than 60 boys at any given time
- No boys convicted of violent crime or sex offense allowed
- The Applicant shall put into place programs/mechanisms to prevent the guest youth from leaving the property without proper supervision

The full CUP is attached.

On July 7, 2019, two boys left Monuments Academy unattended. They made their way to Brian Head on foot and are accused of burglarizing multiple cabins and vandalizing property. They were eventually taken into custody following a search conducted by multiple agencies.

Some residents in Brian Head have expressed concern that they weren't made aware of the nature of the facility in neighboring Dry Lakes, and they want answers regarding how this sort of incident could have occurred and what will be done to prevent it moving forward.

ANALYSIS:

It should be made clear that the Town does not have any direct oversight of the Monuments Academy as it is out of the Town boundary. That said, Mr. Birch has been kind enough to agree to appear before the Town Council and answer questions.

The Academy has a conditional use permit with Iron County, and the County should review the conditions of the CUP to determine if there was a violation of the agreement. Staff will follow up with Iron County on the matter.

Additionally, the facility is licensed through the State Department of Humans Services. Staff has contacted Greg Hirst with DHS to make sure they are aware of the incident. Mr. Hirst indicated they are very aware of it, and following the conclusion of any legal investigation/action, DHS will conduct an investigation to determine the facility's compliance with the licensing rules (which rules can be found here: <https://rules.utah.gov/publicat/code/r501/r501.htm>). The review may or may not result in action taken against Monuments. It's important to note that youth leaving the facility in and of itself is not a rules violation as they are not allowed to lock them in. What they'll be looking for is whether there appropriate supervision and was their response adequate.

Staff learned from Mr. Hirst that Monuments is properly licensed with DHS. They have 3 different licenses, including one for Residential Treatment. The incident was appropriately self-reported within 24 hrs as they are required to do.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A

PROPOSED MOTION:

N/A

ATTACHMENTS:

A – Monuments Academy CUP (with Iron County)

Gordon Birch
PO Box 632 New Harmony, 84757

32 P
29 m

00715614

B: 1415 P: 1422 Fee \$29.00
Debbie B. Johnson, Iron County Recorder Page 1 of 9
06/28/2018 03:04:08 PM By GORDON BIRCH



IRON COUNTY, UTAH
82 North 100 East, Suite # 102
Cedar City, Utah 84720

- CONDITIONAL USE PERMIT -

Date: June 7, 2018

APNS: C-1124-1-2, C-1124-1-2-1, C-1124-1-2-2, & C-1118-2-1124-1

The Applicant, Monuments Academy, has duly submitted a request for a Conditional Use Permit to the Iron County Planning Commission. The Iron County Planning Commission having reviewed, discussed, and voted on the Conditional Use Permit application as submitted by the Applicant and having determined that the applicable ordinances and statutes have been complied with and that good cause exists for granting a Conditional Use Permit. Now therefore, the Iron County Planning Commission does hereby grant the Applicant a Conditional Use Permit as related to certain real property described as follows:

Approximately 70.00 acres located in the NE1/4 of Section 28 and the SE1/4 of Section 21, T35S, R9W, SLB&M - More particularly described as follows:

Beginning at the NE Corner of Section 28, Township 35 South, Range 9 West, Salt Lake Base & Meridian, thence S 0°48'00" E along the Section line 1220.67 feet, Thence S 89°55' 43" W 643.43 feet, Thence S 0°48'00" E 135.40 feet to the 1/16 Section line, Thence S 89°55'43" W along the 1/16 line 1026.77 feet to the SW Corner of the East quarter of the Northwest quarter of the Northeast quarter(E1/4NW1/4NE1/4), Thence N 0°52'51" W along the West line of said E1/4NW1/4NE1/4 1345.60 feet to the North line of said Section 28, Thence N 89°34'08" E along the section line 1672.00 feet to the point of beginning.

Together with the East half of the Southeast quarter of the Southeast quarter of Section 21, Township 35 South, Range 9 West, Salt Lake Base & Meridian.

Contains 70 Acres of Land more or less.

All of said property being located in Iron County, State of Utah, and said Conditional Use Permit being granted for the use or uses of year-round "REHABILITATION/TREATMENT FACILITY" (Project) in the zone presently classified as Commercial (C), and said Conditional Use Permit granted subject to the following terms, provisions, and conditions, to wit:

1. **Compliance.** Applicant shall comply with all federal, state, Iron County, Department of Environmental Quality (DEQ), Southwest Utah Public Health Department laws, rules, and regulations related to the operation of a facility which receives guests for rehabilitation and treatment according to, and regulated by, Utah Administrative Code R501-2, including,



without limitation, the County's zoning ordinances and all applicable building and safety codes.

2. **Authorization & Prohibitions.**

- a. This permit authorizes development (remodeling existing facilities and operation) of the Project described in the application as **"a rehabilitation treatment facility (Project) serving not more than sixty (60) at-risk boys at any one time, ages 14-17, struggling primarily with drug-alcohol abuse, depression, failing school and behavioral issues"** and located as shown on the site plan/application, together with all materials and exhibits identified in the application, forms, and maps as submitted, and hereby become part of this Conditional Use Permit ("Monuments Academy CUP" – kept on file at the Iron County Building & Planning Department Office).
- b. The Applicant is permitted to operate programs defined in Utah Code Ann. § 62-A-2-101 "Substance abuse treatment (41)", "Therapeutic School (42)", and "Residential Treatment (36)", and "Academic Services" for boys ages 14-17.

The Project operation is anticipated to occur primarily on the 70 acres identified by deed in the application, with field trips to surrounding facilities and outdoor amenities in the area. The proposed use shall follow the general site plan and program description (including the 'Monuments Policy Manual') as submitted in the CUP application to the Iron County Building and Zoning Department.

- c. The Applicant shall not allow any court adjudicated, registered sex offender, or any guest youth convicted of a violent crime or sex offense to be admitted into the Project program, reside at the property or participate in the program activities.
3. **Liability & Control.** The Applicant hereby agrees to bear all liability from the Project operations and Project area and to notify the County and any affected property owner of adjacent property or easement holder of any adverse impact to such surrounding properties. The Applicant shall put into place programs/mechanisms to prevent the guest youth from leaving the property without proper supervision. Applicant shall maintain radio or other suitable communication methods with all supervising staff assigned to every guest youth (one staff for every four guest youth), at all times.
 4. **Emergency Response Plan.** The Applicant shall prepare and comply with an approved emergency Response plan as required by Utah Code Ann. § 62A-2-106(2).
 5. **Lodging Facilities.**
 - a. This permit authorizes the remodeling and use of one (1) main lodge, consisting of twelve second-story bedrooms (24 guest youth), main level office, kitchen, dining room, main large assembly room, office and main entry; an annex with therapy office and meeting room; a remodels garage with four bedrooms (16 guest youth) and storage on the second-floor; and a laundry room. Also permitted for guest youth lodging are six existing yurts (12 guest youth). The bunk house/mini-cabins shall not be used for guest

00715614

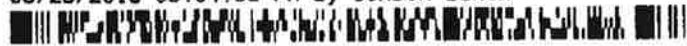
B: 1415 P: 1424 Fee \$29.00
Debbie B. Johnson, Iron County Recorder Page 3 of 9
06/28/2018 03:04:08 PM By GORDON BIRCH

- lodging. Lodging accommodations for eight (8) additional guest youth may be provided with the construction of new yurts located near the main lodge.
- b. The kitchen facilities in the main lodge shall comply with the requirements of a commercial kitchen and permitted by the County Fire Warden and Southwest Utah Public Health Department, or the Department of Environmental Quality, as appropriate. It is the intent of this conditional use permit that guest lodging facilities not be used for permanent living quarters and shall not be multi-family housing.
6. **Equine Facilities.** Facilities for equine-assisted therapy and horsemanship programs may be provided for not more than thirty (30) horses and/or mules and any one time, and shall be located north and east of the driveway/access road and include two round corrals, two holding corrals, one riding arena and a larger fenced pasture/riding area, with multi-use hiking and equestrian trails across the Project property. Any horse riding off the Project property may be done only with written permission of the property owner of record.
7. **Accessory Uses.** Accessory uses shall include recreational uses associated with the rehabilitation/treatment facility, such as outdoor experiential education, vocational education, horse riding and care, ropes course, hiking, fishing, open air amphitheater, fire pit, gardens, court games, playgrounds, play fields, etc.. Archery or outdoor gun ranges are prohibited.
8. **ATV Use.** No ATV use without qualified adult supervision on established roads and trails.
9. **Accessory Structures.** Accessory structures are permitted to accommodate the purposes identified in the Project program application, including maintenance facilities, storage, additional guest youth services, including but not limited to pavilions, recreation/game facilities, corrals, and greenhouse and gardens. Such facilities are intended to serve the needs of the guest youth and staff only.
10. **Parking Facilities & Minimizing Traffic.**
- a. Usable parking facilities (hard surface – including gravel) shall be provided for staff and visitor parking at locations identified on the site plan to accommodate up to fifty (50) vehicles. Roads/driveways and recreational areas shall not constitute required parking facilities.
- b. Ride sharing and carpooling will be necessary to reduce and minimize car trips on the Dry Lakes Road. Project program staff and administrative personnel are limited to twenty (20) vehicles parked on the Project site at any one time. Commuter vans and passenger four-wheel drive vehicles must be provided to minimize trips to the Project site. In order to use carpool sites/facilities in Parowan and Cedar City, or other locations, the Applicant must obtain written permission for vehicle parking and staging areas.
11. **Caretaker Facilities.** Caretaker facilities shall be permitted as an accessory use/building for an on-site manager's residence. The permitted manager's facility may be in the main lodge or separate building (with kitchen facilities allowed for caretaker facility) and may



include additional services to be located within the structure, as allowed by existing building codes, including but not limited to the following: office, recreation/game facilities, laundry, bathrooms, showers, etc. Such facilities are intended to serve the needs of staff only, and may not be sold separately from the resort lodge.

12. **Hours of Operation.** The Project's normal operation shall have no open fires, music, noise or lights between 10:00 pm and 7:00 am, except for Special Events held occasionally on Friday or Saturday, which shall comply with Iron County Code Section 8.20.060 - Noises.
13. **Open Fires.** Open fires shall be limited to established safe fire pits/rings approved by the Iron County Fire Warden. The Project program will comply with all local fire restrictions during no burn or limited burn periods.
14. **General Operation & Maintenance.**
 - a. Registration records must be kept as required by licensing authority for all guest youth, program staff, and visitors to the property. As a minimum, for County purposes, the record must provide for name, date, and permanent mailing address.
 - b. Upon request, appropriate Project program records shall be made available to Iron County officials.
 - c. Service buildings and facilities shall be maintained in a sanitary condition at all times.
 - d. Operator shall provide for continued maintenance of landscaping and buildings.
 - e. The Applicant shall provide adequate supervision and a sufficient number of qualified personnel to ensure proper operation of the site in compliance with all applicable laws, regulations, permit conditions and other requirements. The Project/program operator shall notify the Iron County Building & Zoning Department, in writing of the current name, address and telephone number of the operator or other person responsible for the operation, if other than the Applicant.
15. **Pets & Animals.** Pets and animals traveling with visitors shall be kept on a leash or kept within their owners control at all times.
16. **Perimeter Boundary.** The Applicant shall be responsible to have installed and maintained distinct and recognizable perimeter/boundary identification markers around the entire boundary of the Project property. Design minimum shall be approved by the Iron County Building Official and Zoning Administrator.
17. **Lighting.** All outside and security lighting shall be of a type, height, and design to direct lighting downward, shielding, to the greatest extent practical and directed away from adjoining properties. Guest and program structures shall be adequately lit at night. Adequate lighting shall be provided at the main lodge entrance and primary parking areas. Minimal lighting is desired to preserve the 'night sky' effect.
18. **Signage.** Signs and identification devices shall be permitted for the Project as follows:



- a. One identification sign, in compliance with Section 17.52.020 Iron County Code, at the entrance of the Project property, shall be permitted. The sign may be indirectly illuminated with downward directed but shall be non-flashing.
 - b. Directional or informational signs for the conveyance of guests and the public relating to parking, office, community buildings, circulation, etc., shall be permitted; provided, that each sign is not larger than two square feet in area.
 - c. Signs within the required front yard along a public road shall be no higher than forty-two inches.
19. **Traffic Control Devices.** On and off-site traffic control devices shall be provided and installed in accordance with acceptable safety standards and approved by the Iron County Engineer. A sign at the junction of State Hwy 143 and the Dry Lakes Road shall be erected explaining the safety risks associated with travel on the Dry Lakes Road, including steep grades, narrowness, limited shoulders, steep banks without guardrails, etc. Said off-site signs shall be provided and installed by Iron County and paid for by the Applicant.
20. **Right-of-way Title Clearance.** Applicant hereby agrees to provide to Iron County, a right-of-way quit-claim deed along the adjacent Dry Lakes Road on Applicant's property required to maintain a sixty-six (66) foot right-of-way on the Dry Lakes Road (thirty-three (33) feet on each side of the designated roadway centerline).
21. **Trail Access.** Trails within the Project property shall be private trails and maintained by Applicant. Any public access to the public lands currently available from this property shall be maintained open to the public.
22. **Ingress/Egress.** The primary access to the Project facilities shall be west from Dry Lakes Road on the main driveway identified on the site plan. A secondary emergency access shall be south at the property entrance and west to the main buildings remaining on the Project property, as identified on the site plan. Primary route to and from the Project property entrance shall be from Utah Hwy 143 near mile-post 10. All other roads and accesses are only to be used in the event of emergency and/or road closures.
23. **Road Conditions.**
- a. State Hwy 143 is maintained by the Utah Department of Transportation, including snow removal. Dry Lakes Road is an existing County Road on the class B road system. Road maintenance occurs as scheduled and as circumstances permit. Snow removal is not done on the Dry Lakes Road by Iron County. These road may become closed and/or impassable during winter storms or incidents of rock slides, landslides and/or flooding. Applicant hereby recognizes the existing condition of said roads and accepts the inherent risk of possible road closures, isolation and limited access for emergency vehicles and/or other unsafe road conditions.
 - b. In the event that Applicant chooses to remove snow on Dry Lakes Road for their purposes of continuing Project operations/programs during road closure events, Applicant agrees to hold Iron County harmless for any and all actions taken by Applicant and/or their assigns, or failure for Iron County to take actions, during and subsequent to Applicant's attempts to maintain Dry Lakes Road open. Maintenance



work done on the Dry Lakes Road shall be conducted within the existing Right-of-way and all equipment and gravel shall be kept off private property, except by agreement with the property owner. Applicant further understands hereby that any expenses incurred to keep Dry Lakes Road open, safe, and usable for their purposes will not warrant reimbursement or compensation by Iron County for materials, equipment, or expenses incurred by Applicant. Applicant hereby understands and agrees that they will not ask Iron County for such relief.

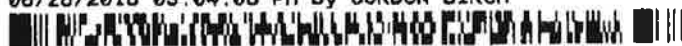
- c. At locations between State Hwy 143 and the private road entrance into the Project property, agreed upon by the County Engineer and Road Supervisor and the adjacent property owner(s), appropriately sized road turnouts and road widening areas shall be acquired (obtain permission for), constructed and maintained year-round by the Applicant at regular intervals to accommodate the safe passing of two vehicles.
24. **Future Improvements.** Applicant hereby agrees to participate in any road, drainage, water, or sewer systems improvements proposed by Iron County if such improvements warrant property owner participation and as customarily created through special assessment areas or service district established by law.
25. **Driveway & Parking Lot Standards.** At a minimum, the Project roads (driveway access and service roads) shall be on an adequate base, graded and surfaced to provide a dustless, all-weather surface. The road system within the Project property shall be privately owned, constructed, and maintained to allow emergency and visitor vehicles to have reasonable all-weather access to the Project facilities. Driveway termini shall be provided with adequate area to permit relative ease of turning around.
26. **Grading and Hydrology.** For any future facilities or structure construction, an acceptable grading and storm drainage plan, detailing run off, erosion control, contaminants potential, culverts, retention/detention basins, etc. shall be prepared and submitted to Southwest Utah Public Health Department and/or Utah Department of Environmental Quality, as applicable, and the Iron County Engineer, and in compliance with recommendations made in any required Geologic Hazard or Geotechnical soils report.
27. **Utilities.** All utilities, such as domestic water, irrigation water, fire protection, storm drainage systems, etc., shall be installed in accordance with industry standard. All power and communication lines shall be placed underground except where topography, soil, or other conditions make underground installation impractical as evidenced by the Iron County Engineer.
28. **Water.** Applicant shall certify and maintain a Public Water System (PWS) for proper operation of a Rehabilitation/Treatment Facility. Applicant shall provide proof of availability and quantity of water necessary to the Southwest Utah Public Health Department or Utah Department of Environmental Quality, as applicable, and Iron County Building/Zoning Department.
29. **Fire Protection.** The Project design shall be reviewed by the Iron County Fire Warden/Marshal to ensure adequate ingress and egress and internal circulation for

emergency vehicles. Fire suppression shall be provided in accordance with the latest building code as adopted by the State of Utah.

30. **Sewage Disposal Requirements.** Where lodging facilities are not provided with individual sewer/septic connections, restroom facilities shall be located within three-hundred (300) feet of those lodging facilities. The health department shall determine the number of toilets and showers, when required. All sewage from permitted buildings shall be discharged into a sewage disposal system approved by the Southwest Utah Public Health Department or Utah Department of Environmental Quality, as applicable.
31. **Refuse Collection/Solid Waste.** The storage, collection, and disposal of solid waste shall be accomplished so as to prevent fire and health hazards, rodent harborage, insect breeding, accidents and odor in accordance with Iron County Solid Waste rules and protocol. Approved solid waste containers shall be located not more than two-hundred fifty (250) feet from any recreational facility or amenity. Collection areas shall be screened with a view-obscuring fence or landscape and properly identified. Additional trash receptacles should be placed in strategic locations closer to recreational use areas. It shall be the Applicant's responsibility to collect in a timely manner any litter which leaves the site. Furthermore, Applicant shall submit a plan to dispose of all debris and waste materials, to be approved by the County (Landfill Supervisor and Zoning Administrator).
32. **Building Permits.** Applicant shall obtain building permits for the main lodge and any accessory structures from the Iron County Building Department.
33. **Vegetation Removal.** Applicant shall limit the removal of existing vegetation to only that necessary to construct accommodations permitted herein and in accordance with the Utah Wildland Urban Interface Code and in conjunction with Iron County Fire Warden recommendations. Applicant shall exercise all care to preserve existing vegetation and shall replant as soon as practical in areas of disturbance where ground cover was necessarily removed.
34. **Landscape Buffer.** Applicant shall maintain Project program operations no closer than fifty (50) feet from adjacent properties to prevent damage and/or disturbance to adjacent properties, which properties include but are not limited to, fences, ditches, irrigation systems, roads, easements, rights-of-way, and utilities. In no case shall dirt banks, berms, or storage materials be closer than fifty (50) feet from any adjacent properties.
35. **Agreement.** By signing this Conditional Use Permit, the applicant agrees to adhere to the conditions contained herein.
36. **Recording.** This Conditional Use Permit shall be signed by the Applicant and property owner and be recorded with the Office of the Iron County Recorder in a form required by that office. A recorded copy of this Conditional Use Permit shall be provided to the Iron County Building and Zoning Department.

00715614

B: 1415 P: 1429 Fee \$29.00
Debbie B. Johnson, Iron County Recorder Page 8 of 9
06/28/2018 03:04:08 PM By GORDON BIRCH



37. **Transferability.** This Conditional Use Permit runs with the property described herein and is non-transferable to any other location.
38. **Validity.** This Conditional Use Permit is not valid until all required plans and permits are submitted and approved, and a recorded copy of the CUP is returned to the Iron County Building/Zoning Department. Should any portion of this permit be found for any reason to be in conflict with the previous CUP issued for this property, the more restrictive provision shall prevail and remain in full force and effect.
39. **Content of Application.** All of the application, forms, and maps as submitted are part of the Conditional Use Permit.
40. **Acknowledgement.** Applicant hereby acknowledges and agrees that the existing uses of neighboring properties include agricultural, recreational and residential uses and that these and other uses may generate noise, odors, blowing debris, wandering livestock, and other incidental impacts commensurate with the normal operation of these uses. Applicant recognizes and understands the “coming to the nuisance” doctrine and hereby agrees to hold harmless Iron County and neighboring property owners in the continued and future prudent exercise of these uses and for those uses permitted for the zoning districts to the extent that they currently exist. Applicant further acknowledges the “open range” doctrine and understands that if the Applicant does not want livestock from other properties coming onto the Project property, the Applicant is responsible to provide and maintain an appropriate fence built to minimum County standards (Iron County Code Section 6.04.020 - Legal fence defined) to keep unwanted livestock out.

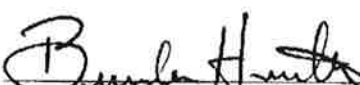
DATED this 7th day of June, 2018.

IRON COUNTY ZONING DEPARTMENT:



Zoning Officer or Administrator

IRON COUNTY PLANNING COMMISSION:

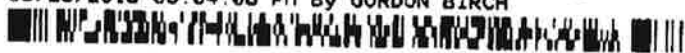


Brandon Hunter, Chairman

Monuments Academy
C.U.P. - Rehabilitation/Treatment Facility
June 7, 2018

00715614

B: 1415 P: 1430 Fee \$29.00
Debbie B. Johnson, Iron County Recorder Page 9 of 9
06/28/2018 03:04:08 PM By GORDON BIRCH



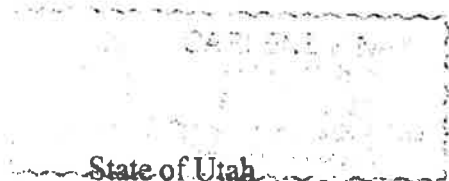
APPLICANT:

Monuments Academy:

Gordon Birch, Applicant

Certificate of Notary Public

On this 11th day of June, 2018 Gordon Birch
personally appeared before me to be the signer of the foregoing document and acknowledges that
he/she signed it.



State of Utah
County of Washington

Notary Public

My Commission Expires: 10/4/2019

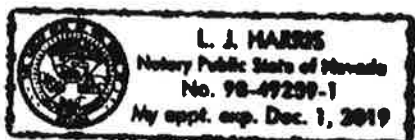
PROPERTY OWNER:

15 Yurts LLC:

Paul Kenner, Managing Property Owner

Certificate of Notary Public

On this 11th day of June, 2018 Paul Kenner
personally appeared before me to be the signer of the foregoing document and acknowledges that
he/she signed it.



State of Nevada
County of Clark

Notary Public

My Commission Expires: 12/1/2019



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Town Trail Phase II
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: July 22, 2019
TYPE OF ITEM: Discussion

SUMMARY:

The Council will discuss the potential routing and design for Phase II of the Town Trail in light of recent alternative opportunities for partnership that have arisen.

BACKGROUND:

The Town Trail refers to the pedestrian trail that runs in the UDOT right-of-way along the west side of Hwy 143 the length of Brian Head. The trail was permitted by UDOT and completed many years ago with a dirt/gravel surface. The Town adopted a Trails Master Plan in 2013 which prescribed an asphalt surface for the Town Trail. With a dirt surface, the trail was not highly utilized. Often, particularly in the winter, pedestrians opted to walk on the edge of the highway pavement creating dangerous conditions.

Phase I: The Town sought Transportation Alternative Project (TAP) funding from UDOT in 2016-17 to pave a portion of the Town Trail. The Town also received funds from the first ever round of Outdoor Recreation Grant funding from the Utah Dept of Outdoor Recreation (ORG). With these funds along with funding from the Brian Head Redevelopment Agency (RDA), the Town constructed nearly 1 mile of paved trail along the existing dirt Town Trail in summer 2018. The total cost of the project was \$256,000 (\$150,000 from UDOT, \$50,000 from ORG, and \$56,000 from Town/RDA).

Phase I extended from Hunter Ridge Drive on the north to Chalet Village in the middle of Town. The intent was to create a pedestrian connection between the hotels on Hunter Ridge Drive and the two skier bases, Navajo and Giant Steps. The project has been unequivocally successful, with an unmistakable uptick in usage of the trail for both recreation and transportation usage. The Town was able to clear snow from the trail through the heaviest visitation of the winter season resulting in much safer pedestrian access between the resort bases and the hotels.

Phase II: With the success of Phase I came immediate discussion for planning of Phase II of the paved Town Trail. Council met in October 2018 to discuss the potential routing for future phases of the Town Trail. The consensus was to continue the trail from Chalet Village to the Lofts (which would bring pedestrians just across the street from the front door of Giant Steps rather than requiring them to double back 50 yards from the entrance of Chalet Village to cross the Highway at Village Way/The Mall and enter Giant Steps from the side). Also, there was a desire to construct a stretch of trail along Steam Engine Drive to Village Way, and to weave the trail through Giant Steps Ski Area and between the condos south of Giant Steps Ski Area to Bristlecone Pond. The continuation of the trail along the west side of the Hwy from the Lofts to Georg's would be in a future Phase III (mostly due to difficulties navigating the trail through the Brian Head Village parking lot).

Staff put a placeholder for Phase II on the alternative transportation project list with the local Rural Planning Organization (RPO), which queues it up for potential TAP funding from UDOT. Staff has also spend time investigating the proposed Phase II routes for potential issues, one of which is how to best delineate the trail from the road when the trail runs directly in the shoulder of the road.

Village Core Transportation Plan: In early 2019, the Town completed a Village Core Multimodal Transportation Plan which studied the best way to get vehicle, pedestrian, bike, and OHV traffic as well as public parking within the Village Way right of way in the event of commercial development in the Village Core district. One of the resultant recommendations was to move OHV traffic to the road and put the paved pedestrian/bike trail on the existing separated OHV trail. There seemed to be consensus from both the Planning Commission and the Town Council on this plan.

ANALYSIS:

Phase II Design: Staff now has more specific/detailed recommendations for routing of Phase II for Council to consider:

- 1) Chalet Village to the Lofts -

The location of the trail through this 500 ft stretch is obvious, but there is a potential conflict with snow removal operations. Unlike Brian Head Village, there is some snow storage available between the trail and the parking lot, but historically the snow removal has bled onto the trail.



Ultimately the Town is permitted to have a trail in the right of way, and the Lofts is not permitted to store snow in the ROW, so we have the option to simply build the trail, clear it of snow, and tell the Lofts they can't put their snow there. But conflicts are likely to persist.

Additionally, there is the issue of where we put snow from the trail through that stretch. The area to the west of the trail is the Lofts' snow storage area, and to the east is UDOT's snow storage area. The Town could perhaps work a deal with UDOT where we clear snow from the trail into the Hwy shoulder (UDOTs storage area) and then come back with our loaders occasionally and push snow from that storage area across the street to the meadow. Alternatively, when we blow snow off the trail there, we could run a 10-wheeler along the highway and blow the snow directly into the 10-wheeler and haul it off. The latter is not a very tenable option though given our

manpower and the fact that the 10-wheelers are generally saddled for sand/salt in the winter.

2) Steam Engine to Village Way –

Staff has looked at various alternatives for putting a trail directly in the shoulder with continuous pavement and somehow satisfactorily and aesthetically delineating the two. We have yet to find an option that accomplishes these without interfering with snow removal operations. Therefore, staff recommends separating the trail and running it a little further off the road into the meadow (as is extremely crudely rendered in the figure at right).

We understand that any development in the Meadow is a sensitive topic and that the current policy of the Council is to preserve the Meadow. However, we feel this can be done in a way that enhances the Meadow as a usable, recreational feature without damaging any of the better-established vegetation in the Meadow.



3) Village Way Between Hwy 143 and the Mall –

Staff had previously recommended a little connector trail along this stretch. However, upon further inspection there is basically no room to accomplish it. The slopes on either side of the road are basically prohibitive, and putting anything in the shoulder would be so tight that pedestrians would basically be in the road anyway and it would consume overflow/event parking for the Mall.



4) Giant Steps Ski Area –

There already exists a sidewalk along the east edge of the Giant Steps parking lot, which actually begins at the north end in front of Brian Head Sports. However, it is anticipated that the trail on Village Way would run on the west side on the existing OHV trail, making a connection to the sidewalk in front of Brian Head Sports a kitty-corner connection which might be confusing for trail users. Further complicating that trail connection is the change in surfacing from asphalt trail to cement sidewalk. Effective signage will be necessary to alleviate confusion at this point. Also the Town would need agreements with Brian Head Sports and the Resort to clarify ownership and maintenance responsibilities for this stretch of the trail.

Proceeding through the parking area, the cement sidewalk ends abruptly just south of Gian Steps Lodge, opening into a parking area without a defined edge. Staff

recommends putting a short stretch of sidewalk along the island in the parking lot south of the shuttle pickup area and then more sidewalk between the parking lot and the bottom of the tubing hill on the southeast corner of the parking lot. Again, effective signage will be necessary to direct people through this portion of the trail.



5) Brianwood & Giant Steps Condos -

There are a couple potential routes to get from Giant Steps Ski Area to Bristlecone Park/Pond. One would start between the Giant Steps Condos and Brianwood on an existing ATV trail to Vasels Rd, and then go either in the shoulder of Vasels or along the east edge of the Brianwood parking lot to the Pavilion. This route is not preferred by staff as it has a couple potential conflicts with parking and snow removal and could be confused as being a specific access point for neighboring condos.



An alternative would be to skirt the west side of Brianwood on the line between their lawn and the Meadow. This would be pretty scenic and would be on Town property. However, if we ever wished to remove snow from this stretch of trail, that would probably be near impossible due to drifting.



6) Vasels Road –

The previous iteration of Phase II routing had a trail running in the shoulder of Vasels Rd up past the Public Safety Building and then on Old Vasels Rd to Georg's. Staff believes it would be better to stay off of Vasels Rd and eventually continue the trail around Bristlecone Pond and connect to Georg's from the Pond Trail to close the loop.

Brian Head Village Parking Lot & Potential Switch of Phase II & III: Staff was notified by UDOT in recent weeks that an application was submitted by Brian Head Village to UDOT for a permit to pave their parking lot, much of which is in the UDOT right of way where the Town Trail is permitted. Staff met with Scott Neuhauser, who manages Brian Head Village, to discuss a potential joint project. He indicated that Brian Head Village would be interested in an agreement where they pave the trail through their parking lot on the Town's behalf and the Town agrees to let them use the area for snow storage in the winter.

Staff also contacted UDOT to determine the feasibility of getting TAP funding for the next phase of the Town Trail sooner rather than later and whether the work potentially done by Brian Head Village could count as a match. They indicated their next round of TAP funding is available in 2021, but that we may be able to do some work ahead of time and still count it as a match. Discussions with UDOT on this matter are ongoing.

Staff estimates that continuing the paved trail from Chalet Village to Georg's on the west side of Hwy 143 would cost approximately \$150,000. The portion that Brian Head Village may be willing to pave would cover about \$37,500 of that. If UDOT is willing to pay for half of the project with TAP, then that leaves about \$37,500 for the Town to cover. Staff would recommend seeking those funds from the RDA or General Fund savings, or some combination of both.

Phase I (Hunter Ridge to Chalet Village)

Actual Cost	\$256,000
Distance	4,650 linear ft
Ratio	\$55 per lin ft

Phase II (Chalet Village to Georg's)

Distance	2,730 linear ft
Ratio	\$55 per lin ft
Projected Cost	\$150,000

Council should consider whether they intend to keep moving forward with the currently slated Phase II routing on the east side of Hwy 143 through Giant Steps Ski Area or whether to prioritize a route along the west side of Hwy 143 from Chalet Village to Georg's to take advantage of potential matching funds from Brian Head Village.

Future Phases: Future phases in Town include paving the trail along Village Way from Steam Engine to the Mall. This might be done in conjunction with a larger scale commercial

development in order to better integrate the two. However, the current recommendation in the Village Core Transportation Plan is to put a paved trail on the existing separated OHV trail along the west side of Village Way which would be used more for recreational use while a sidewalk could be put along the east side of Village Way which would serve the commercial use. This would help to avoid issues such as bicyclists conflicting with window shoppers (or vice versa).

Another future phase would complete a paved loop around Bristlecone Pond and up to either Georg's or Chair 1 Parking Lot (or both). This would close the loop of the Town Trail. There are multiple options for how exactly to close the loop and safely get people back across the Highway that would need to be vetted.

FINANCIAL IMPLICATIONS:

See analysis section

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Just discussion at this point, staff has no recommendation yet

PROPOSED MOTION:

No motion necessary, item is discussion/informational only

ATTACHMENTS:

A – Current Town Trail Phasing Plan



Town Trail Phases

- Phase I (Completed)
- Phase II (Identified in Oct 2018)
- ... Phase II (Alternate Routes)
- Future Phases



1994