The Regular Meeting of the
Brian Head Town Council
www.Zoom.us (Click Here)
Via Zoom Meeting ID# 883 2287 7113

TUESDAY, FEBRUARY 08, 2022 @ 1:00 PM

AGENDA

A. CALL TO ORDER
B. SWEARING IN OF COUNCIL MEMBER MARTIN TIDWELL
C. PLEDGE ALLEGIANCE
D. DISCLOSURES
E. APPROVAL OF THE MINUTES:
   January 11, 2022 Town Council Meeting
   February 1, 2022 Town Council Special Meeting

F. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS. Public input is limited to three (3) minutes on non-agenda items.

G. AGENDA ITEMS:

1. NIGHTLY RENTAL CODE REQUEST/DISCUSSION. Larry Edgerton, Town Resident. Mr. Edgerton is requesting the Council consider a buffer zone for nightly rentals operating in single-family residential zones. The Council will hold a discussion on this topic.

2. WOODBRIDGE SUBDIVISION WALKWAY EASEMENTS. Bret Howser, Town Manager. The Council will give direction on the Town's walkway easements located in the Woodbridge Subdivision to whether to surplus the property or keep the easements.

3. TOWN PLAYGROUND REDESIGN AND RELOCATION. Bret Howser, Town Manager. The Council will discuss a relocation and redesign for the Bristlecone Park playground equipment.

4. FUTURE AGENDA ITEMS. The Council will discuss potential items for future agendas.

H. CLOSED SESSION OF THE TOWN COUNCIL. A strategy session to discuss the sale, lease or purchase of real property including water rights.

Date: February 4, 2022

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

DEPARTMENT UPDATE
ADMINISTRATION DEPARTMENT

February 4, 2022

Brian Head Town Administration Department consists of the Town Manager, Clerk, Treasurer, Planner, and Guest Services staff. The Department primarily handles public information and records, finances and accounting, human resources, land use planning, economic development, business licensing, strategic planning, and related issues. The following highlights a few of the items the Administration Department has handled in the past month which would be of most interest to the Town Council and the public.

Personnel

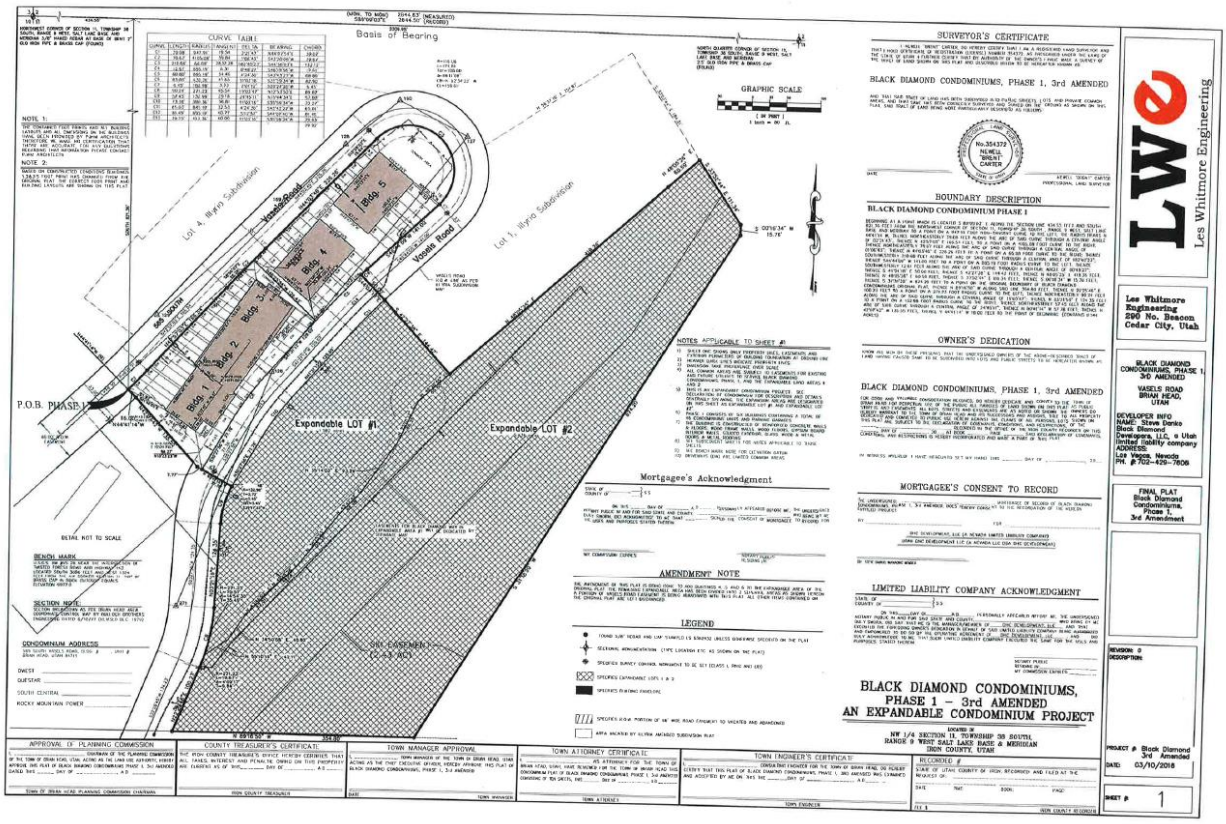
- We have a retirement party scheduled for Brad Benson on February 23 at 2pm at the Public Safety Building. We would love to have strong representation from the Council there.
- A going-away luncheon will be held for Wendy Dowland at Town Hall on February 9 at 12 pm. Council is definitely invited.
- The recruitment to replace Brad Benson is being prepared. There may be a delay between his retirement and filling that position, but it should be during a relatively slow time of year and it may help us recoup some of the money spent while we had Jon and Brad on at the same time.
- The recruitment for a Town Planner has been advertised and I'm encouraged by the early interest we've received. It closes on February 21. I'll likely be doing a full-blown interview process like we did for Public Works Director, so I'll be asking a Council Member and Planning Commissioner to participate on a panel. If you feel you're the one for the job – let me know.
- I've met with all three departments now to roll out the "Do What Matters Most" program (previously called "Becoming Your Best" – you may still hear me reference BYB). There are several action steps in the strategic plan related to this. I would call it a whole-person development and goal setting program. Rather than just setting work goals for employees, we're helping our friends and co-workers set visions for all of their roles in life and develop a strategic approach to attaining that vision. The theory is that well-rounded people who are achieving balance in their life are more likely to operate at a self-actualizing level in the workplace. Plus, you know, we actually care about one-another deeply which is pretty cool. Early returns are promising.

Community & Economic Development

- The Planning Commission held a meeting on January 4th in which they --
  - Appointed a Chair (Doug Deutschlander) and a vice chair (Carrie Dever),
  - Reviewed/approved the schematic plat plan for Aspen Meadows Southeast (formerly known as Steam Engine Summit – please note the name change [looking at you Larry 😉]). See schematic at the end of this report
  - Approved a lot line vacation between SEM lots 50/51
  - Gave input on a possible change to the LMC for a Commercial Core Overlay Zone
- The Planning Commission met again on January 18th where they –
  - Approved a lot split on the parcel at the top of Ridge View Drive, carving off a single family residential lot of .56 acres from the 12.73 acre parcel. They had previously submitted a subdivision plat for that parcel which would be have been called "Slopeside", but have retracted that application for now.
- The Planning Commission met again on February 1st and –

ADMINISTRATION DEPARTMENT UPDATE (CONT.)

- Approved a plat amendment for Black Diamond Condos Phase II, which would split the previously approved second building into two buildings with a slightly smaller cumulative footprint and eight fewer units.
- Tabled a lot line vacation for CBME Lots 9/10, they want to get more information regarding their options with this application given the pending SAA.



- We do not have any updates regarding the Aspen Meadows annexation/development agreement other than that they are working on it.
- The Southwest Utah Department of Health will be taking up an appeal by Jordan and Brittany Petersen regarding their permit for a septic tank on Snowshoe Drive on Feb 9th. Iron County Commissioner Paul Cozzens and Dr. Blodget of the Health Department are scheduled to visit Brian Head to get eyes on the area on Monday Feb 7. While the policy of not permitting septic tanks for people using water hauling as their water delivery method is not the Town's policy, it has clearly spurred the rush to create SAAs and run water lines which benefits the Town from a fire safety perspective. So there are ramifications for the Town from this decision. I will keep you posted.

Code Enforcement

- The Code Enforcement update was not ready for this report, and will come in a separate email this month (sorry)
- Two code enforcement administrative fines which were given to a business and an HOA for blocking dumpsters were appealed and the appeal was granted. Staff will be coming to Council in our second February meeting to address an insufficiency in our code that makes enforcement of dumpster violations difficult.
- Staff has been working on obtaining voluntary compliance with lighting standards from several key businesses and HOAs. We have already had meetings with Brian Head Village HOA, the owners

ADMINISTRATION DEPARTMENT UPDATE (CONT.)

of the High Country Realty/Utah Outdoor Adventure building, and the Best Western Premiere (the Resort). We have meetings scheduled with the Evergreens HOA and we're working on getting a meeting with Cedar Breaks Lodge. Brian Head Village and the Resort were very receptive of the idea of protecting our night skies. Brian Head Village is looking at pricing out a retrofit of their lighting, and I suggested they seek funding from the Town's beautification grant to help with the project. We're hoping to work with these five to be early adopters of the more stringent lighting code and lead-out for the rest of the Town.

- The Town also has a quote from Rocky Mountain Power to retrofit the street lighting. It looks reasonable, but we have a meeting scheduled on February 4 to determine what exactly is entailed in the quote and if the retrofit would achieve our dark skies objectives.
- If you have any questions on what's happening in Code Enforcement, please do not hesitate to contact Amanda.

Trails

- The Trails Committee was reconvened in December and met again in early January and early February. They are making great progress on updating the Trails Master Plan. We hope to have a draft within the next couple of months, which would contain recommendations with budget implications.

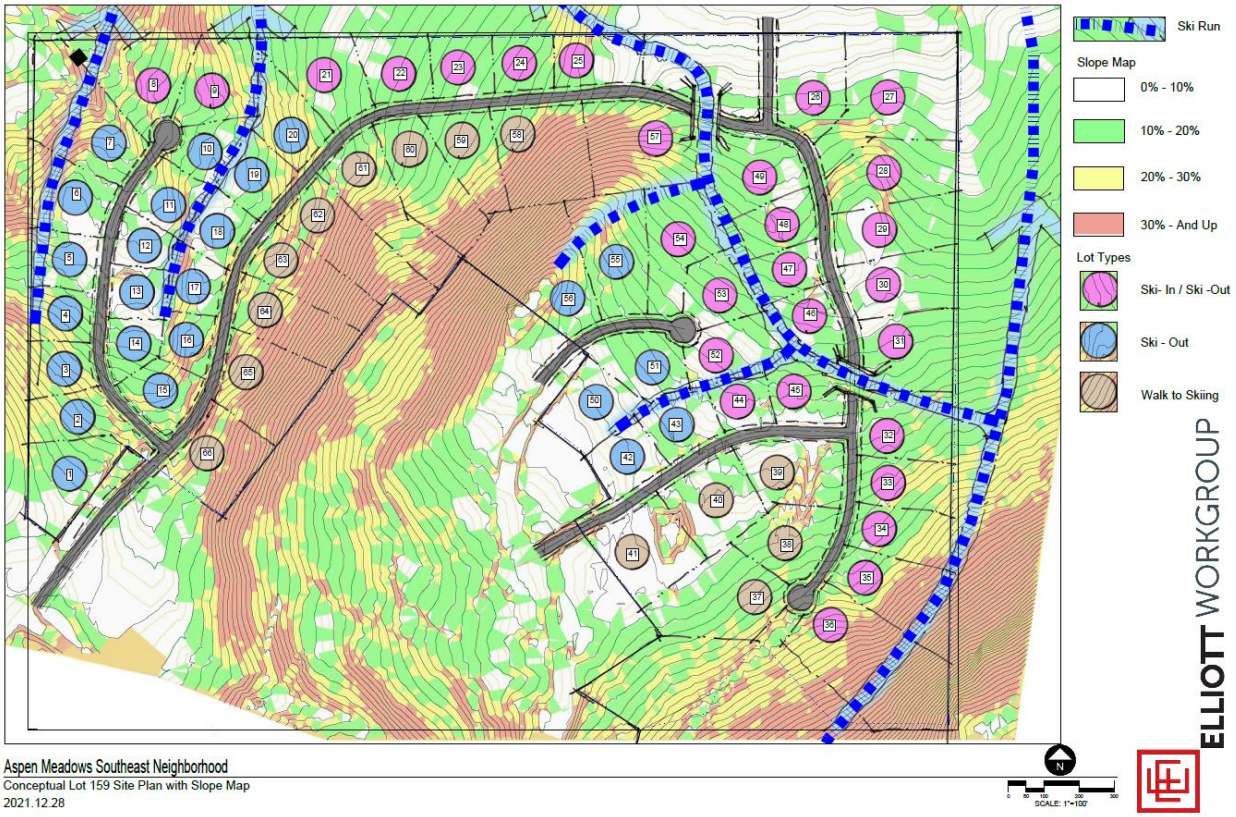
State Legislature

- I've been keeping a close eye on the legislative session. Not much big happening, or at least nothing with significant ramifications for Brian Head. Still waiting for some land use preemption bill to drop out of the sky.
- The Legislature seems to have backed off of sales tax redistribution as a method of encouraging affordable housing and is focused on local incentives for retail businesses (specifically big box) instead. They are looking to eliminate the practice of communities (largely suburbs) stealing big box from each other via tax incentives (a practice known as "zoning for dollars") which some believe is reducing land availability for housing and impacting affordability of housing. Pro tip: it's probably not gonna help. At any rate, the League has negotiated exceptions that would keep communities like Brian Head from being impacted (such as allowing grant programs and incentives for small businesses, and rural county exceptions, etc).
- There was a bill that passed Committee that would require public bodies to allow public comment at all their meetings, and to pass a resolution stating that we allow it. We already do allow it, but we'd have to pass a resolution now. Not a big deal.
- There's a bunch of bills dealing with public safety personnel shortages coming together. Not sure exactly what they're going to be yet, but we'll want to keep an eye on it.

Public Art

- Iron County has been putting together a Public Art Committee and has asked me to serve on it representing Brian Head, which I'm happy to do (although eventually I'd like to be replaced by somebody who actually knows what they're talking about). I've been to a couple meetings and they're working on an inventory of public art in the County right now. Eventually they hope to be involved in getting grant funding put toward different projects. I think there's currently an allotment of about $40k from Iron County that this group will disperse, but they hope to establish an ongoing funding source.
- I informed Brian Head Resort and MCP that we'll be working on a rebranding for the Town. I've invited them to be part of that process, still waiting to hear to what degree they're interested.

Administration Department Update (cont.)



Brian Head Town Council Update

February 1, 2022

MARSHALS' DEPARTMENT

The Marshal's Office found themselves busy as usual handling a large variety of calls. Deputies were able to also handle a large number of nightly rental fire inspections which took the place of motor vehicle accidents and slide offs. The lack of snow really helps us stay on top of numerous other projects and keeps us out patrolling the community rather than handling the canyon and the traffic problems associated there.

Deputies still responded to a handful of domestic disputes. No arrests were made, and the parties were able to settle their differences with some good community policing and communications skills from our deputies. We handled some trespassing calls, assault calls, drug and alcohol calls, and the number of thefts involving ski/snowboard equipment at the resort was a bit on the rise.

Snowboard thefts are a tough call and are really frustrating to the victims as well as the deputies. There was a total of seven thefts involving ski equipment. If you frequent the resort, you will quickly understand how easy it is to grab a snowboard or a set of skis and step onto the shuttle or into a car and you are gone. This equipment is just laying around all over the place and it is difficult to know who is prowling or looking for a set of skis/snowboard to grab and run. We will continue to monitor these calls and if it appears that there is a pattern. We will adjust some of our tactics in an attempt to find and arrest criminals involved with this type of illegal activity.

Iron County is in the process of looking for land and moving forward on building a new jail. I have been selected to sit on this committee and provide oversight for the outlying communities. The current jail we utilize is in Cedar City and is located just off of the north exit. It is close to the hospital and is in a great central location for all of Iron County. Currently the Commissioners are looking for feedback on four sites that they have identified. One is located not far from the current jail just off of the North Cedar City exit. One is located near SMEAD in the center of Cedar City just off of SR-56. Another is located out near the Iron County Landfill and is quite a distance for all agencies. The fourth location is located just off of SR-130 near the north end of Enoch. There are pro's and con's to all these locations. One of my concerns is that we locate it in an area that is not so far away to take a Brian Head Deputy off the mountain and away from our service area longer than necessary. The Iron County Commissioners are currently taking emails with thoughts and concerns about this process. They will also be holding community meetings where people can come and voice concerns and ideas. The current jail is almost 40 years old and is starting to show signs of major repairs and health and safety concerns for the inmates and the jail staff. I am happy that there is thought and concern about serving all of Iron County and I am happy to represent the outlying communities.

Total Incidents for January: 122

Domestic Disputes- 3
Theft- 7
Fire Inspections- 27

FIRE DEPARTMENT

We have gladly had a slower month for fire calls. We have handled some false alarm calls but no real active fire calls. We have had some great trainings during this past month including some OSHA required training we can handle in-house and CPR/First Aid trainings. Deputy Jared Burton was able to teach our OSHA required training about blood borne pathogens and toxic substances in our work environment. He then taught Parowan and Brian Head Fire Departments a recertification courses in CPR and First Aid. It is great to have such awesome instructors who are proficient in their skills and able to provide a high level training course in our own stations.

We are fast approaching wildland fire season. We have identified some advanced fire training courses that we are hoping to get involvement from some of our fire personnel. They are so willing and great to give up so much time to learn and grow as firefighters. Brian Head is in good hands with these qualified and unselfish men and women who serve ours and our surrounding communities.

We are happy to have Deputy Caylor Mathews enrolled in an EMT Basic training course. He is currently attending this training at Southwest Technical College in Cedar City and seems to be really enjoying it. He may be calling on some of you to take your blood pressure and get your vitals. This course is a five day a week course and will go until the first part of May. We will be happy and excited to get him through this vital training and back on the mountain for his regular patrol shifts. After he finishes this training we will start getting him progressing on his structural firefighting training.

STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Nightly Rentals
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: February 8, 2022
TYPE OF ITEM: Discussion

SUMMARY:

Mr. Larry Edgerton, Ridge View Street resident, submitted an agenda application requesting amendments to the Nightly Rental Code that would identify buffering requirements between nightly rental locations. The Council can discuss Mr. Edgerton's request.

BACKGROUND:

Mr. Edgerton is requesting the Council consider a buffering requirement between nightly rental locations that within a single-family residential zone. Mr. Edgerton refers to a Las Vegas requirement of 660 feet between nightly rentals.

Mr. Edgerton also refers to the Town a staff report from September 8, 2020 and the current Town Code regulating nightly rentals 3-2A-21-3-D(1) or (14). I've attached both the September 8, 2020 staff report for your reference along with a copy of the current Town Code regulating nightly rentals 3-2A-21 for discussion purposes.

ANALYSIS:

Staff has not researched other communities as it pertains to a buffer zone for nightly rentals. If during the discussion, the Council directs staff to review other communities, staff will present any information that is found.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

This is a discussion item at this time and staff does not have a recommendation for the Council.

PROPOSED MOTION:

N/A – Discussion Item.

ATTACHMENTS:

A – September 8, 2020 Staff Report on Nightly Rentals & Pg. 53 from the staff report – reference from Mr. Edgerton's application.
B – Current Town Code 3-2A-21 – regulating nightly rentals.

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 1/11/2022

Brian Head Boards: Please check one

- [x] Town Council Meeting
- [ ] Planning Commission Meeting
- [ ] Brian Head Redevelopment Agency Meeting
- [ ] Brian Head Special Service District Meeting
- [ ] Brian Head Master Trails Plan Committee

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

Applicant Name: LARRY EDGERTON
Mailing Address: 316 W. RIDGE VIEW ST. BX 190224 BRIAN HEAD, UT 84719
Representing: SELF

Agenda Topic Requested (Please be as specific as possible) SHORT TERM RENTAL
3-2A-21-3 D. #1 OR #14
SPACING/BUFFERING REQUIREMENT BETWEEN SHORT TERM RENTALS
Attachments to be included are:

Requested date of Meeting, date of meeting in which topic is to be heard. FEB. 8, 2022

Action Desired by Applicant: DEVELOPE SPACING/BUFFERING REQUIREMENT (SEE PG. 52 OF STAFF REPORT 9-8-20) FOR SHORT TERM RENTALS (7-1-22) LIKE LAS VEGAS DID @ 660 FEET. THIS WOULD BE FOR CABINS IN NON HOA AREAS IN SINGLE FAMILY RESIDENTIAL NEIGHBORHOODS. THIS COULD ALSO BE ACCOMPLISHED BY SETTING A MAXIMUM of STR of 10%-20%

***NOTE**: All information pertaining to the agenda items must be submitted to the Town Clerk / Recorder no later than the Wednesday prior to the meeting date in order to be included in the Council's packet. If you have any questions, please contact the Town Clerk/Recorder

Larry Edgerton
Signature of Applicant

Office Use Only

	Signature/initials	Date
Admin		
Public Works		
Building Dep.		
Public Safety		

STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Nightly Rental Regulation
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: September 8, 2020
TYPE OF ITEM: Discussion

SUMMARY:

Council will review and discuss further research regarding best practices for nightly rentals regulation, specifically as it pertains to application of these practices to condos versus single family residential.

BACKGROUND:

Over the past year and half, Brian Head Town has undertaken a review and revision of the Town's nightly rental (or short-term rental) regulations contained within the business license code. This effort began in response to a relative few (but ardent) complaints from residents in single family residential neighborhoods who were dealing with impacts (such as parking, noise, trespassing, etc) from neighboring single family residences being used as nightly rentals (an allowed use in R1 zones in Brian Head). After considering different revision options presented by staff, the Council settled on a set of revisions which focused on requiring nightly rental licensees to educate guests via a "Good Neighbor Policy" which was subsequently created by a committee consisting of nightly rental owners/operators and permanent residents.

After operating under the revised ordinance for a year, the nightly rental committee was reconvened to make any further recommendations. At that point, the committee recommended that stronger language be included in the ordinance to hold nightly rental owners responsible for nuisances generated by the operation of their business. After holding robust public hearings, the Council decided to approve further revisions to the nightly rental regulations which included the recommended provision to hold licensees responsible for noise/nuisance, but to apply that only to rental units in single-family residential zones.

At the tail end of the public hearing process, a group of residents who reside in condominiums (exclusively from one particular condominium complex, with one exception) voiced their displeasure with the Council's decision to differentiate between single-family zone rental units and multi-family zone rental units. The Council approved the revisions as drafted with a promise to come back and look at potential adjustments to provide protections for residents in multi-family residential zones. Staff was asked to conduct further research.

Prior to this report, staff has not attempted to conduct any sort of exhaustive research on what cities are doing to regulate nightly rentals. We have used portions of some city ordinances as models to deal with specific issues that have been raised, but we have not scoured the nightly rental regulatory landscape for ideas to address concerns that haven't even been brought up yet. What follows is an attempt to be more thorough in our treatment of the topic.

Found some best practice documents we hadn't used in the process

Looked at several resort cities in Utah/CO specifically

- Moab, Garden City, Midway, Breckenridge, Steamboat, Durango, Park City

ANALYSIS:

Staff studied two reports that deal with best practices in nightly rental regulations, one from the Colorado Association of Ski Towns (CAST) and one produced by the Utah Community Development Office (CDO). These were created in 2015 and 2019 respectively. The CAST report studied the regulations of 10 resort communities in CO, UT, and WY, while the CDO report looked at Utah communities in general. There is a fair amount of alignment in the resultant best practices in the reports.

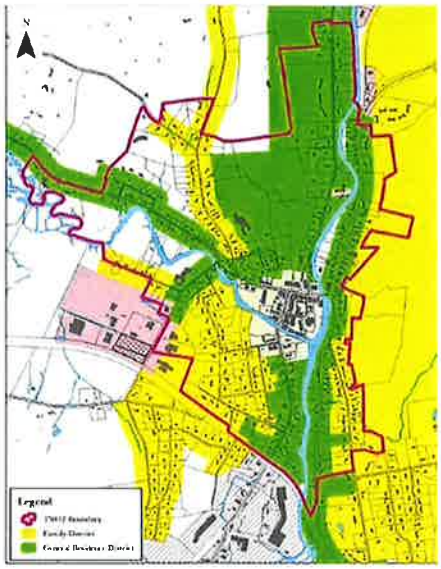
Additionally, staff directly reviewed the ordinances of the following cities: Moab, Garden City, Midway, Park City, Heber, Torrey, Breckenridge, Steamboat Springs, Durango, and Jackson

Regulatory Best Practices

- **LIMITATION/CAPS**: Regulations seeking to prohibit or limit the number of rentals or clumping of rentals in areas
    - Zoning
        - Most cities reviewed do not allow nightly rental as a permitted use in certain zones, typically residential zones
        - The following chart from the CAST report gives a sampling of different zoning restrictions:

	Location Restrictions
Breckenridge	No location restrictions
Crested Butte	Only permitted in Residential Districts (R1, R1A, R1C, R2, R2C, R3C) and B3 Business District. Cannot be rented for less than one month more than twice in any calendar year in the B1 Business district. Not allowed in B2, Commercial and Tourist Districts.
Durango	Limited to certain neighborhoods; cap on total number allowed in each area
Estes Park	No location restrictions
Frisco	No location restrictions
Jackson	Only permitted in Lodging overlay district and Snow King Master Plan
Mt. Crested Butte	No location restrictions
Ouray	Only permitted In High Density Residential (R2) and Commercial Districts
Park City	Limited in Single Family zones
Steamboat	Allowed in all zones except mobile homes and industrial zones.

- Overlay zoning – A geographic boundary drawn on the zoning map that may take in properties from multiple zones but allows for nightly rentals within the boundary
    - Examples: Midway, Rockville
- Varying restrictions by zone
    - Ex: Steamboat restrictions apply to "vacation home rentals" in single-family but not to "nightly rentals" in multi-family zones



Generic Overlay Zone Example

- Geographic/Neighborhood capping
    - Some cities cap the number of rentals in a geographic area or neighborhood
    - Examples: La Verkin City [7.5% cap], Durango [Flat cap per neighborhood]
    - ***La Verkin Code***

      6. With regards to VRs:

      a. The use is subject to the availability of licenses, which licenses and associated right may lapse if not timely used pursuant to subsection D6b of this section (to prevent the speculative acquisition of a VR license in order to preserve the right to use one's residential structure as a VR at some possible future date, and thus negatively impact the right of others to license and use their structures as a VR during such period of nonuse). (Ord. 2018-01, 1-3-2018)

      b. No more than seven and one-half percent (7.5%) of the residential units, eligible under subsection B of this section, in any given area of the City (established pursuant to subsection C of this section and determined by the City Council) may be licensed and used as VRs.
- Spacing/Buffering Requirement, rentals cannot be located within X ft from each other
    - Listed as best practice in CAST report, no examples found

- **PUBLIC SAFETY REGULATIONS**: Regulations/requirements that seek to ensure safety for guests and neighbors
    - Fire Inspections
        - Commonly required by both Utah and Colorado cities, listed as a best practice in both documents.
    - Maximum Occupancy
        - Several examples of setting maximum occupancies, many of which are below our thresholds
        - Durango – 3 per parking space
        - Steamboat – 1 per 200 max 16 for vacation home rentals
        - Moab max 10
    - Insurance

        - Seldom required in the regulations we reviewed, listed in CDO document as a best practice with no examples given.
    - Signature required by property owner giving right for Police to enter inspect at any time (addresses issue with seeking warrants to enforce)
        - Only saw this once, in Midway City's ordinance. Not listed in either best practice document.
            - ***Section 7.06-070 Unit License Application Procedure***
              The owner must provide the following information on the unit license application:

              ...

              F. A statement granting Midway City the right to inspect the rental properties and authorize the entry of police or other emergency personnel in the case of an emergency.
        - Staff recommends reviewing the legality of this provision with Town Attorney before attempting to implement anything like it

- **OWNER ACCOUNTABILITY APPROACHES**
    - Accountability for Nuisance
        - Some cities we found had
        - Examples: Park City, Durango, Midway, Breckenridge
            - Breckenridge code language:

              Special Conditions of License

              "The owner of an accommodation unit licensed pursuant to this chapter shall, as a condition of such license, be subject to the following requirements: ... No accommodation unit shall be operated in such a manner as to constitute a nuisance pursuant to Title 5, Chapter 1 of this code."
    - Local Property Manager
        - Many had a requirement for a local property manager
        - This was a recommended practice in the CAST report
        - Example: Kanab
            - *"All short-term residential properties shall designate a local property manager that resides within one hour travel time of the property. The local property manager shall be available twenty-four hours per day to respond to questions or concerns."*
    - Owner occupancy
        - Some cities have reduced requirements for owner-occupied rental units or restrict rental licenses to units that are owner occupied at least X months of each year.

- **OTHER REGULATORY APPROACHES**
    - Neighborhood Approval
        - We found one example of a city requiring approval from neighbors for a nightly rental license. One article stated that Georgetown, CO required approval from neighbors, but when we called to verify they told us they only require notice, not approval. A few cities we looked at required notice to neighbors.
        - Example: Midway requires approval from neighbors for units with shared walls (condos) and single-family units with shared driveways.

However, this hasn't come up very often because most of the condo complexes have CC&R's that disallow nightly rentals and the ones that do allow them were constructed as nightly rentals under a development agreement with the city, so the city doesn't apply the neighbor approval requirement in those cases. They haven't turned many away under this requirement.

- Regulating Advertisements
  - Durango/Steamboat require permit numbers be displayed on advertisements
  - Some examples in Colorado require maximum occupancy and parking on advertisement to match actual maximums
  - HB 253 in Utah, passed in 2017, forbids cities to "enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website," or from using any ordinance that prohibits operating a short-term rental from being enforced "solely for the act of listing" that rental online.
    - It's unclear how this law might be applied to a regulation of the content of an online listing.
    - Staff doesn't recommend that Brian Head become the test case in Utah
- Use limitation
  - Torrey disallows nightly rentals to be used for commercial gatherings, parties, weddings, etc.
- Required displays
  - Very common in the examples we reviewed.
  - Various items required, such as business license, property mgr contact, trash info, max occupancy/vehicles
- Off-street parking requirements
  - Pretty common, not dissimilar from Brian Head's
- Compliance Incentives
  - Includes special fee waiver periods to allow non-compliant rentals to come into compliance, allowing operators to have a nuisance related complaint (a strike) removed by attending an operator training, property tax abatement programs for good actors, awards programs, etc.
  - Recommended by Utah CDO, no examples found
- Nightly rental online registry/map
  - This is to facilitate compliance, more of a management best practice than a regulatory practice

Differentiating between Single Family and Multi-Family

For the most part, the nightly rental regulations we encountered were applied across the board to all nightly rentals, regardless of cabin or condo. The only real example staff found of differentiating the types were through allowed uses in zones. And generally, these were more restrictive in single family and less restrictive in multi-family. For example, Breckenridge adjusted their code to strengthen nuisance standards specifically for nightly rentals in single-family zones.

We found no special rules dedicated to multi-family nightly rentals other than the neighbor approval requirement in Midway, which we understand does not apply to many rental applicants there (and frankly we question the legality of such a provision).

FINANCIAL IMPLICATIONS:
N/A

BOARD/COMMISSION RECOMMENDATION:
N/A

STAFF RECOMMENDATION:
Discussion only

PROPOSED MOTION:
No motion necessary, item is discussion/informational only

ATTACHMENTS:
A – CDO Short Term Rental Policy & Best Practices
B – CAST Vacation Home Rentals: Issues, Emerging Trends and Best Practices

Consider penalty for failure to respond – violation of VHR regulations, fine, potential VHR license revocation.

Neighborhood and Community Character

Restrict number/concentration of VHR's – Durango

- Durango allows no more than 3% of homes to be VHR's in certain neighborhoods. No more than one VHR permitted per block. Permits are issued on a first-come, first-serve basis. This may allow too few VHR's in communities that do not have the lodging bed base of Durango.

More restrictive regulations where VHR less desirable/has higher negative impact – Breckenridge, Grand Lake, Durango, Steamboat Springs

- CUP in Grand Lake and some neighborhoods in Durango.
- Higher "nuisance" standards imposed on single-family VHR's in Breckenridge.
- Single-family and duplex VHR's in Steamboat Springs must receive licenses through the community development department in all but the Resort Residential zone, making them subject to parking, number of people, and other regulations. All condominiums are exempt from this requirement.

Provide VHR Options for Owners and Help Protect Local Housing Supply

Create Separate Categories for VHR's Depending on Time Rented – Steamboat Springs

- Year-round VHR's, typically investor owned or second home. No limit on the total number of days that the home may be rented per year. In Steamboat, this category is subject to a community development license process and extensive VHR regulations.
- Limited VHR's, rented only occasionally by resident owner. Provides an option for local resident occupants (could be an owner or long-term renter) to supplement their income. In Steamboat, this category can be rented no more than twice, nor more than 30 days total in any given year and it only needs a business/tax license to operate.
- Large cities have had trouble enforcing limited rent term restrictions. Steamboat reports few limited VHR rentals and can enforce by monitoring VHR hosting sites. Smaller communities can manage rental term regulations on a per-unit basis more effectively than large cities.

Discourage speculative VHR purchases – San Francisco, Portland

- Owner-occupancy requirements. Portland – VHR owner must occupy the home nine months of each year, which preserves community and discourages speculative VHR purchases.
- Limited rental days during the year. San Francisco – a 90-day cap on rental nights per year for un-hosted VHR's (i.e., the owner is not present while renting the home).

Permit Bedroom Rentals With Owner Present – Petaluma (proposed)

- This allows owners to supplement their income/mortgage by providing them the option of hosting guests in their home. Some CAST communities have restrictive bed-and-breakfast requirements that may prevent this practice.
- Petaluma defines a bed-and-breakfast as three-or-more bedrooms being hosted; if less than three bedrooms then it is a VHR.
- Require permits, inspect units and consider taxes/license fees.

SHORT-TERM RENTALS
Town Code Title 3, Chapter 2A and Chapter 2B

3-2A-21-3: NIGHTLY RENTAL FACILITIES:

No person shall operate or engage in any nightly rental activity within the town without first obtaining and maintaining a valid business license as required by this chapter. (amd. Ord. 19-009, 7-8-2019)

A. License Issuance: The business license for nightly lodging facilities will be issued by the Town upon payment of necessary fees and upon a finding by the Licensing Officer or designee that the review criteria established below have been satisfied.

B. Licensee: The applicant and licensee for nightly lodging facilities under this section shall be the owner of the property which will be used as a nightly rental or the operator of the nightly rental (such as a rental management company) with the written consent of the property owner. (amd. Ord. 19-009, 7-8-2019)

C. Application Procedure: In addition to the information required by section 3-2A-4 of this article, all new and renewal license applications for nightly rental facilities must contain the name of the property owner and the property rental manager, if any, a sales tax collection number, the physical address of each nightly rental unit being operated by the licensee, the address and telephone number of the owner and/or property rental manager who is available by telephone, the number of on-site parking spaces at each nightly rental unit, and all other information requested on the application forms. It is the licensee's duty to promptly supplement all forms as information changes or as units change from one owner or manager to another. (amd. Ord. 19-009, 7-8-2019)

D. Minimum Standards For Licensing: The minimum standards required to obtain and maintain a nightly rental business license with the Town: (amd. Ord. 19-009, 7-8-2019)

1. All nightly rental must meet all applicable building, health, fire codes and town ordinances for the intended use. (Ord. 19-009, 7-8-2019)
2. Maximum occupancy as allowed by fire code shall be posted in plain view near the main entry of all single family residential nightly rentals. (Ord. 19-009, 7-8-2019)
3. Snow Removal For Access: Snow removal during winter months to a level that allows safe access to the nightly rental facility over the normal pedestrian access to the unit. (amd. Ord. 19-009, 7-8-2019)
4. Off Street Parking Maintenance: Snow removal service to and from of off-street parking facilities associated with the nightly rental facility must be maintained so that off street parking is at all times available for use of the occupants. (amd. Ord. 19-009, 7-8-2019)
5. Parking: Parking must be in compliance with the town parking ordinance including limitation on on-street parking and other state laws and regulations. Nightly rentals shall be limited to a maximum number of vehicles parked on-site based on the total available developed off-street parking spaces on premises. Single family residential nightly rental shall post the maximum on-site parking in plain view near the main entry

along with a declaration prohibiting on-street parking between November 1st and April 30th as well as a map of available overflow public parking (amd. Ord. 19-009, 7-8-2019)

6. Structural Maintenance: Structural maintenance to sure building, health, safety and fire code compliance.

7. Yard Maintenance: Summer yard maintenance, including landscaping, to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.

8. Inspections: Each unit will be inspected for safety issues such as fire extinguisher, smoke detectors, maximum occupancy limits, appropriate egress, etc. Unit will be inspected at the time the license is granted and will be re-inspected at least biennially. Inspection and re-inspections will be at the cost of the licensee. (amd. Ord. 19-009, 7-8-2019).

9. Good Neighbor Policy: Licensees are required to distribute a copy of a town-approved Good Neighbor Policy to all guests/renters at the licensee's expense and to keep a copy of the Good Neighbor Policy in a conspicuous place within the unit. (Ord. 19-009, 7-8-2019)

10. Response to Complaints: Failure of the licensee to respond in a timely manner to Town complaints or concerns may result in a violation and possible fines to the owner and/or rental management company or revocation of the business license. (Ord. 19-009, 7-8-2019).

11. Insurance: Property and casualty insurance must be maintained on the nightly rental facility at all times. Licensee must provide proof of such insurance at the time of application and upon request by the Town. (Ord. 19-009, 7-8-2019)

12. Commercial Uses Prohibited: Nightly rental facilities may not be used for commercial uses not otherwise permitted in the zone. Nightly rental facilities may not be converted to corporate sponsor or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for. (amd. Ord. 19-009,7-8-2019)

13. Collection of Applicable Taxes and Fees: Failure of the licensee to collect and deposit sales tax or the Brian Head Enhanced Service Business License Fee is a violation of the license and grounds for revocation. (Ord. 19-009, 7-8-2019)

E. Noise, Nuisance, and Occupancy Control: (amd. Ord. 20-008, 8-11-2020)

1. The licensee of any rental unit located in a single-family residential zone (R-1) is responsible for regulating the occupancy of the unit and noise and nuisance created by the occupants of the unit. Violation of the Town Nuisance Ordinance (§44), violation of maximum occupancies, failure to use designated off-street parking, criminal conduct, or any other abuse which violates any law regarding use or occupancy of the premises, is grounds for revocation under §3-2B-1 of this Title. (Ord. 20-008, 8-11-2020)

2. Licensees of rental units located in multi-family residential zones (R-3) or commercial zones, in concert with any existing owner's association, shall use their best efforts to reduce/limit noise and nuisance created by the occupants of the units. (Ord. 20-008, 8-11-2020)

F. Review Criteria: In determining whether or not a business license for a nightly rental facility shall be issued, the application shall be reviewed to see if, in addition to the minimum standards for nightly rentals set forth in 3-2A-21-3(D) and the standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met: (amd. Ord. 19-009, 7-8-2019)

1. The unit is located within a zone designated as allowing rentals or nightly rental facilities for the period for which the license is applied. (amd. Ord. 19-009, 2019)

2. The building department and public safety department has reviewed the business license application for compliance with all building, health and fire codes. Inspection of the unit shall be required under section 3-2A-7 of this article. The applicant shall bear the cost of any such inspection and any re-inspection which may be required. The cost shall be determined by the prevailing hourly rate of the building department and/or public safety department. (amd. Ord. 19-009, 7-8-2019)

3. The application must bear a sales tax collection and accounting number for the nightly rental facility. This number may be the sales tax accounting number used by the property management company or owner responsible for that unit, or may be specific to the unit, but no license will be effective until the sales tax number is provided. (Ord. 08-017, 8-26-2008) (amd. Ord. 19-009, 7-8-2019)

3-2B-1: GROUNDS FOR REVOCATION OR SUSPENSION:

Licenses issued under this title may be suspended or revoked by the Licensing Officer, Hearing Officer or Town Council for the following reasons:

A. Licensee has filed false or fraudulent information on the license application;

B. Licensee has been convicted of or pled guilty to, or paid fines or settlements in criminal or civil actions brought by the state tax commission for the collection of, or arising from the nonpayment of, taxes imposed by or collected by the state;

C. Licensee has permitted its employees, agents or patrons to engage in illegal activities on the licensed premises;

D. The business has been the subject of a sufficient number of consumer complaints that it has the effect of tarnishing the reputation of other businesses within the town; and

E. Any of the grounds for denial of a license application as set forth in section 3-2A-8 of this title. (Ord. 08-017, 8-26-2008)

F. Failure to meet the standards identified in 3-2A-21, Classification Standards of Specific Businesses. (Ord. 19-009, 7-8-2019)

G. For nightly rental business licenses, failure to meet any of the standards identified in 3-2A-21-3 on three or more occasions at a single nightly rental unit may result in revocation or suspension of the ability for that unit to be operated as a nightly rental. A single egregious instance of the minimum standards identified in 3-2A-21-3 (such as violations of fire codes or building safety issues) will result in suspension of the ability for that unit to be operated as a nightly rental. (Ord. 19-0009, 7-8-2019, amd. Ord. 20-008, 8-11-2020)

1. Violations of 3-2A-21-3(E) in which the licensee or representative of the licensee attempted to resolve the noise, nuisance, or other violation by contacting Brian Head Public Safety will not be considered an instance of violation under §3-2B-1(G). (Ord. 20-008, 8-11-2020)

2. A unit which has been barred from operating as a nightly rental under §3-2B-1(G) may be allowed to operate as a nightly rental after a period of twelve (12) months following the suspension of operations of that unit. (Ord. 20-008, 8-11-2020)

STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Walkways in Woodbridge Subdivision
AUTHOR: Bret Howser, Town Manager
DEPARTMENT: Administration
DATE: February 8, 2022
TYPE OF ITEM: Administrative Direction

SUMMARY:

The Council will consider whether platted walkways owned by the Town in the Woodbridge Subdivision should be reserved for future development of pedestrian improvements or whether they should be listed as surplus property and made available for purchase offers.

BACKGROUND:



The Woodbridge Subdivision was platted in 1978. The plat map shows dedicated rights of way for pedestrian walkways (staircases presumably) connecting upper Ridge View Drive to Eagles Roost, and Eagles Roost to Pinehurst (see attached plat). These types of walkways were commonly incorporated into subdivisions platted on steep slopes in mountain towns in those days (note staircase in Old Town Park City at right).

Staff has noticed these platted walkways in the past and assumed they were common space intended to be owned by an HOA. However, after checking with the Iron County Recorder, it has been determined that they are in fact owned by the Town. Staff is not aware of any previous plan the Town has had to utilize or develop these walkways. However, staff has been asked to begin working on a plan to extend the paved Town Trail laterally into neighborhoods. And while initially staff does not believe these walkways would be suitable for a paved trail, due to the steep grade of them, we do not know what will be recommended at this point for pedestrian facilitation in the Woodbridge Subdivision.

We were recently approached by a property owner who desires permission to develop a driveway in one of those platted walkways. Therefore, staff is seeking clarification whether these may be considered surplus property which may be disposed of (sold) according to §2-2 of the Town Code, or whether they should be retained for future pedestrian improvements.

ANALYSIS:

Brian Head Town Code §2-2 allows non-significant parcels (ie: those under 5 acres in size) to be sold at the Town Manager's discretion. The rights of way in question clearly qualify as non-significant and would not be subject to processes stipulated in §2-2. However, staff recommends that in this case we follow the process laid out for significant parcels since the nature of the parcels are such that it may have a community impact or neighborhood impact if they were sold. The process would be as follows:

- Town Council declares the property to be surplus
- Hold a public hearing with 14 days' notice (although the notice could be scaled back)
- Obtain appraisal (or in this case, probably an estimate of value from 2 or 3 realtors)

- List the property for sale
- Town Manager may accept any offers within 10% of asking price

FINANCIAL IMPLICATIONS:
No financial implications at this point

BOARD/COMMISSION RECOMMENDATION:
The Trails Committee discussed the potential for someday using the walkways for pedestrian improvements in the future. They do not recommend relinquishing these rights-of-way at this point. The Council could seek the advice of the Planning Commission if desired, but this is not required.

STAFF RECOMMENDATION:
Staff sees some potential value in the walkways given the Council's stated goal of having a pedestrian oriented community. Park City has advised us that the stairways in their old town area are indispensable. The situation is not the same in Brian Head, but we're not sure that there won't be a day in the future when these would be useful. While we would love to be accommodating and help neighboring property owners with driveway needs, we do not recommend relinquishing the option to utilize stairways as a pedestrian solution in the Woodbridge Subdivision unless Council is certain they would never pursue that option.

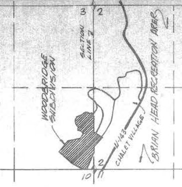
Alternatively, the Council may wish to attempt to negotiate a solution where the walkway could be used as both a driveway for the neighboring owner and a public walkway. Determining the feasibility of this option would likely require on-site investigation after the snow melts.

PROPOSED MOTION:
I move to declare the platted walkways in the Woodbridge Subdivision other than those used as connections on the Navajo Loop Trail as surplus property.

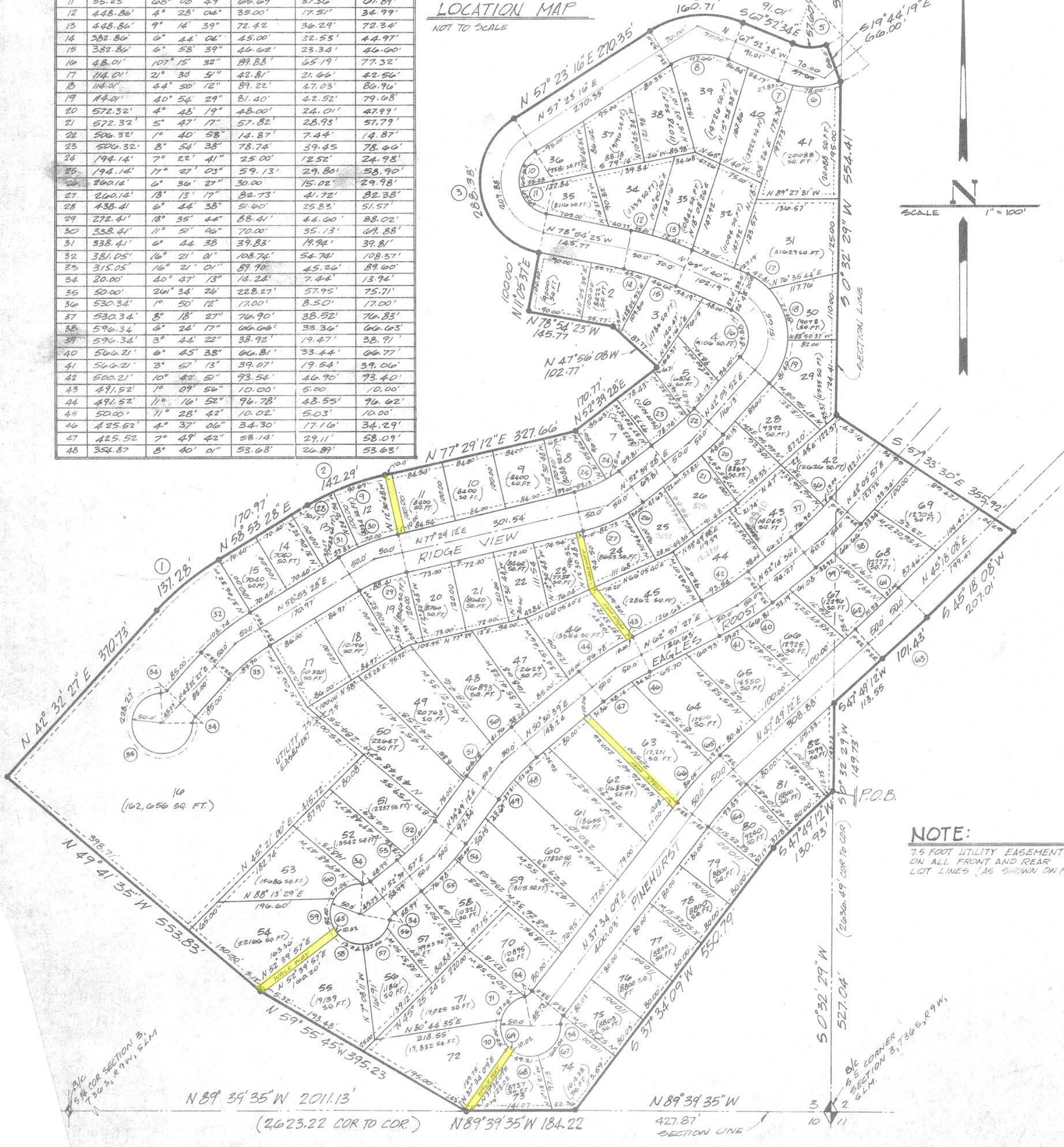
ATTACHMENTS:
A – Woodbridge Subdivision Plat

CIRCULAR CURVE DATA:

CURVE Nº	RADIUS	Δ	ARC	TANGENT	CHORD
1	481.05'	16° 21' 01"	137.28'	69.11'	136.81'
2	438.41'	18° 35' 44"	142.29'	71.77'	141.66'
3	121.23'	136° 17' 39"	288.38'	302.29	225.04'
4	168.23'	54° 44' 10"	160.71	87.08'	154.67'
5	78.84'	41° 51' 45"	57.60'	30.16'	56.33'
6	144.84'	30° 51' 19"	78.00'	39.97	77.06
7	144.84	11° 00' 26"	27.83'	13.96	27.78
8	102.23'	54° 44' 10"	97.66'	52.92	93.99
9	438.41'	11° 51' 06"	90.69'	45.51'	90.52'
10	55.23'	68° 08' 49	65.69'	37.36	61.89'
11	55.23'	68° 08' 49'	65.69'	37.36'	61.89'
12	448.86'	4° 28' 04"	35.00'	17.51'	34.99'
13	448.86'	9° 14' 39"	72.42	36.29'	72.34'
14	382.86'	6° 44' 04"	45.00'	22.53'	44.97'
15	382.86'	6° 58' 39"	46.62'	23.34'	46.60'
16	48.01'	107° 15' 32"	89.88'	65.19'	77.32'
17	114.01'	21° 30' 51"	42.81'	21.66'	42.56'
18	114.01'	44° 50' 12"	89.22'	47.03'	86.96'
19	114.01'	40° 54' 29"	81.40'	42.52'	79.68'
20	572.32'	4° 48' 19"	48.00'	24.01'	47.99'
21	572.32'	5° 47' 17"	57.82'	28.93'	57.79'
22	506.32'	1° 40' 58"	14.87'	7.44'	14.87'
23	506.32'	8° 54' 38"	78.74'	39.45	78.66'
24	194.14'	7° 22' 41"	25.00'	12.52'	24.98'
25	194.14'	17° 27' 03"	59.13'	29.80'	58.90'
26	260.14'	6° 36' 27"	30.00	15.02'	29.98'
27	260.14'	18° 13' 17"	82.73'	41.72'	82.38'
28	438.41	6° 44' 38"	51.60'	25.83'	51.57'
29	272.41'	18° 35' 44"	88.41'	44.60'	88.02'
30	338.41'	11° 51' 06"	70.00'	35.13'	69.88'
31	338.41'	6° 44 38	39.83'	19.94'	39.81'
32	381.05'	16° 21' 01"	108.74'	54.74'	108.37'
33	315.05'	16° 21' 01"	89.90'	45.26'	89.60'
34	20.00'	40° 47' 13"	14.24'	7.44'	13.94'
35	50.00'	261° 34' 26'	228.27'	57.95'	75.71'
36	530.34'	1° 50' 12"	17.00'	8.50'	17.00'
37	530.34'	8° 18' 27"	76.90'	38.52'	76.83'
38	596.34'	6° 24' 17"	66.66'	33.36'	66.63'
39	596.34'	3° 44' 22"	38.92'	19.47'	38.91'
40	566.21'	6° 45' 38"	66.81'	33.44'	66.77'
41	566.21'	3° 57' 13"	39.07'	19.54'	39.06'
42	500.21'	10° 42' 51"	93.54'	46.90'	93.40'
43	491.52'	1° 09' 56"	10.00'	5.00	10.00'
44	491.52'	11° 16' 52"	96.78'	48.55'	96.62'
45	50.00'	11° 28' 42"	10.02'	5.03'	10.00'
46	425.52'	4° 37' 06"	34.30'	17.16'	34.29'
47	425.52	7° 49' 42"	58.14'	29.11'	58.09'
48	354.87	8° 40' 01"	53.68'	26.89'	53.63'



LOCATION MAP
NOT TO SCALE



NOTE:
7.5 FOOT UTILITY EASEMENT ON ALL FRONT AND REAR LOT LINES (AS SHOWN ON PLAT)

SURVEYOR'S CERTIFICATE

I NEIL L. RHODES LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH AND PRACTICING UNDER UTAH LICENSE Nº 4100, DO HEREBY CERTIFY THAT THE ACCOMPANYING PLAT CORRECTLY REPRESENTS A SURVEY MADE BY ME AND THAT SAID PLAT CORRECTLY REPRESENTS WOODBRIDGE SUBDIVISION A SUBDIVISION LOCATED IN BRIAN HEAD TOWN IRON COUNTY, UTAH AS SHOWN ON THE PLAT AND DESCRIBED HEREON.

BEGINNING N 0° 32' 29" E 527.04 FEET ALONG THE EAST LINE OF SECTION 3, T 36 S, R 9 W, S L M, THENCE S 47° 49' 12" W 130.93 FEET, THENCE S 37° 34' 09" W 550.79 FEET, THENCE N 89° 39' 35" W 184.22 FEET ALONG THE SECTION LINE THENCE N 59° 55' 45" W 395.23 FEET, THENCE N 49 41 35 W 553.83 FEET, THENCE N 42° 32' 27" E 370.73 FEET, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 481.05 FEET, A DISTANCE OF 137.28 FEET, THENCE N 58° 53' 28" E 170.97 FEET, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 438.41 FEET, A DISTANCE OF 142.29 FEET, THENCE N 77° 29' 12" E 327.66 FEET THENCE N 52° 39' 28" E 170.77 FEET, THENCE N 47° 56' 08" W 102.77 FEET, THENCE N 78° 54' 23" W 145.77 FEET, THENCE N 11° 05' 37" E 100.00 FEET, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS POINT OF SAID CURVE BEARS N 11° 05' 37" E 121.23 FEET), A DISTANCE OF 288.38 FEET, THENCE N 57° 23' 16" E 270.35 FEET, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 168.23 FEET, A DISTANCE OF 160.71 FEET, THENCE S 67° 52' 34" E 91.01 FEET, THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 78.84 FEET, A DISTANCE OF 57.60 FEET, THENCE S 19° 44' 19" E 66.00 FEET, THENCE S 0° 32' 29" W 554.41 FEET ALONG THE EAST LINE OF SAID SECTION 3, THENCE S 57° 33' 30" E 355.92 FEET, THENCE S 45° 18' 08" W 207.01 FEET, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2308.28 FEET A DISTANCE OF 101.43 FEET, THENCE S 47° 49' 12" W 113.55 FEET, THENCE S 0° 32' 29" W 149.73 FEET TO THE POINT OF BEGINNING CONTAINING 33.330 ACRES OF LAND.

Neil L. Rhodes 8/28/78
NEIL L. RHODES L.S. # 4100

OWNERS CERTIFICATE

THE UNDERSIGNED, SECURITY TITLE COMPANY OF SOUTHERN UTAH, TRUSTEE, AS OWNER OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, DOES HEREBY CERTIFY THAT IT IS OUR INTENTION TO SUBDIVIDE THE PROPERTY SO DESCRIBED INTO BLOCKS, LOTS, STREETS WALKWAYS AND EASEMENTS AS SHOWN ON THE ACCOMPANYING PLAT OF WOODBRIDGE SUBDIVISION AND DOES HEREBY DEDICATE TO FREE PUBLIC USE ALL STREETS, WALKWAYS & EASEMENTS SHOWN HEREON

SECURITY TITLE COMPANY OF SOUTHERN UTAH, TRUSTEE
(A UTAH CORPORATION)

ATTEST Karen L. Robison BY [signature]
KAREN L. ROBISON, SEC'Y DAN A ROBISON, PRES.

STATE OF UTAH }
COUNTY OF IRON }

ON THIS THE DAY OF 1978 PERSONALLY APPEARED BEFORE ME, DAN A ROBISON AND KAREN L ROBISON PRESIDENT AND SECRETARY, RESPECTIVELY OF SECURITY TITLE COMPANY OF SOUTHERN UTAH, TRUSTEE, OWNER OF THE PROPERTY DESCRIBED IN THE SURVEYORS CERTIFICATE AND SIGNERS OF THE OWNERS CERTIFICATE, WHO DULY ACKNOWLEDGED TO ME THAT THEY EXICUTED THE SAME.

April 6 1981
MY COMMISSION EXPIRES

Mitchell [signature]
NOTARY PUBLIC
CEDAR CITY UTAH
RESIDING IN

CIRCULAR CURVE DATA:

CURVE Nº	RADIUS	Δ	ARC	TANGENT	CHORD
49	354.87'	6° 01' 26"	37.31'	18.67'	37.29'
50	420.87'	5° 41' 06"	41.76'	20.90'	41.74'
51	420.87'	9° 00' 21"	66.15'	33.14'	66.08'
52	304.66'	13° 21' 16"	71.01'	35.67'	70.85'
53	304.66'	3° 29' 29"	18.56'	9.29'	18.56'
54	370.66'	4° 56' 47"	32.00'	16.01'	31.99'
55	370.66'	11° 53' 58"	76.98'	38.63'	76.84'
56	50.00'	11° 27' 33"	10.00'	5.02'	9.98'
57	50.00'	65° 19' 02"	57.00'	32.05'	53.96'
58	50.00'	48° 22' 12"	42.21'	22.46'	40.97'
59	50.00'	59° 35' 15"	52.00'	28.63'	49.69'
60	50.00	65° 21' 42"	57.04	32.07'	54.00'
61	2242.28	0° 41' 24"	27.00'	13.50'	27.00'
62	2242.28	1° 49' 40"	71.53'	35.77'	71.53'
63	2308.28	2° 31' 04"	101.43'	50.73'	101.43
64	524.45	10° 15' 03"	93.83'	47.04'	93.70'
65	590.45	1° 54' 03"	19.59'	9.80	19.59'
66	590.45	8° 21' 00"	86.05	43.10'	85.97'
67	50.00	68° 45' 18"	60.00	34.21'	56.46
68	50.00	56° 23' 29"	49.21'	26.80'	47.25'
69	50.00	11° 28' 42"	10.02'	5.03	10.00'
70	50.00	59° 35' 15"	52.00'	28.63'	49.69'
71	50.00	65° 21' 42"	57.04'	32.08	54.00'

TOWN ENGINEER APPROVAL:

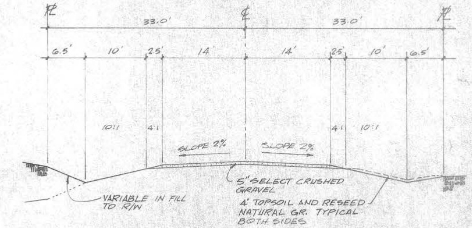
I RALPH E. WATSON CONSULTING ENGINEER FOR BRIAN HEAD TOWN DO HEREBY CERTIFY THE ACCOMPANYING PLAT OF WOODBRIDGE SUBDIVISION WAS EXAMINED AND ACCEPTED BY ME ON THIS THE 5th DAY OF September 1978.

Ralph E Watson
ENGINEER

TOWN ATTORNEY APPROVAL:

I WILLARD R. BISHOP THE DULY ELECTED OR OTHERWISE QUALIFIED ATTORNEY FOR AND IN BEHALF OF BRIAN HEAD TOWN, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT OF WOODBRIDGE SUBDIVISION AND THAT SAID PLAT MEETS THE REQUIREMENTS OF BRIAN HEAD TOWN AND IS HEREBY RECOMMENDED FOR APPROVAL ON THIS THE 6TH DAY OF SEPTEMBER, 1978.

Willard R. Bishop
ATTORNEY



TYPICAL ROAD SECTION

CERTIFICATE OF ACCEPTANCE:

I, REX EMENEGGER MAYOR OF BRIAN HEAD, DO HEREBY CERTIFY THAT THE ACCOMPANYING PLAT OF WOODBRIDGE SUBDIVISION HAS BEEN APPROVED BY THE TOWN COUNCIL AND IS HEREBY ORDERED FILED FOR RECORD IN THE OFFICE OF THE IRON COUNTY RECORDER ON THIS THE ______ DAY OF ______, 1978.

ATTEST ______ CITY RECORDER ______ MAYOR

CERTIFICATE OF RECORDING

I JOAN WASDEN, COUNTY RECORDER OF IRON COUNTY, UTAH, DO HEREBY CERTIFY THAT THE ACCOMPANYING PLAT OF WOODBRIDGE SUBDIVISION WAS FILED FOR RECORDING IN MY OFFICE ON THIS THE ______ DAY OF ______, 1978.

______ COUNTY RECORDER

WOODBRIDGE SUBDIVISION

BULLOCH BROS. ENGINEERING, INC.
CONSULTING ENGINEERS — LAND SURVEYORS
1-801-586-9592 CEDAR CITY, UTAH 84720

SCALE 1" = 100'	DRAWN R.M.	SHEET 1 OF 1
DATE 8-31-78	CHECKED N.L.R.	

1-88

STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Bristlecone Playground Redesign & Relocation
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: February 8, 2022
TYPE OF ITEM: Discussion

SUMMARY:

The Council will discuss a playground relocation and redesign at Bristlecone Park, in the context of selecting a location for the "Brian the Bear" public art project. Council may give staff direction.

BACKGROUND:

The existing playground structures at Bristlecone Park have been in place for well over a decade and are showing their age. Several years ago, the Town's insurance provider did an assessment of the Town facilities, including the playground, and noted that the playground structures are not commercial grade and should be replaced. Subsequently staff approached Council to discuss the issue. Since then the Council has looked at some options for replacing the playground, most recently in December 2018. At the time the Council was interested in switching to an "imaginative play" style of playground. The cost estimate at that time was just under $100,000 ($52k for the equipment, $4k for wood fiber surface, and $40k for site prep and install). Staff applied for a grant for the playground through Iron County the following year and was denied.

In 2021 the Town conducted a process to commission a public art piece, eventually selecting the Brian the Bear public art proposal from Terrence Martin. During that process, the Council had to decide on the best location for that art piece. After considering a few possible locations, Council visited Bristlecone Park together in October 2021 and directed staff to consider locating the bear, along with a plaza-like park space where the playground currently resides. To facilitate this, the Council suggested relocating the playground to the area just east of the Town pavilion.

In January 2022, staff applied again for Restaurant Tax Grant funding through Iron County to help defray project costs. The total project cost for the public art piece, the plaza-style park space, and the playground upgrade/relocation was estimated at $302,800. Staff applied for $136,500 from County funds. Staff has not heard a final decision from the County yet. During our oral interview with the grant committee, they seemed skeptical.

ANALYSIS:

The existing playground equipment (pictured here) is older and dilapidated. It was also never commercial grade in the first place. So it needs to be replaced at some point regardless. Replacing the equipment and relocating it simultaneously to maximize the benefit of the public art installation increases the value of the project, both for the community and economically. Our hope is that the entire park increases in attractiveness and marketability with Brian the Bear becoming a social media staple attracting attention and visitors to Brian Head.



Since the Council's field trip to the playground in October, the artist has created a few new renderings showing the concept that the Council discussed:





The Council should give any further instruction to staff they may have regarding the general concept of locating the bear where pictured and relocating the park.

In the past, Council has looked at an imaginative play concept for the new playground structures. The concept pictured below is called “Jasper” and was furnished by Garrett Parks & Play. It has served as our basis for cost estimates as we’ve considered a new playground the past few years.





However in our October field trip, Council expressed a desire to see other alternatives, perhaps more traditional play structures. Garrett Play has provided some other options pictured below:

Option 2:



Option 3:



Details on these options are attached. They were each designed for a space matching our existing space but would need to be downscaled slightly for the smaller space east of the pavilion. I believe the sales rep also scaled them to be about the same cost as the Jasper

option, and obviously there is much more equipment in Options 2 & 3 than the Jasper option. So the costs could come in cheaper if we don't want all of that equipment.

Council should give input on their preferred design, or possibly direct staff regarding the process they wish to follow to select a design. Council should also specifically direct whether to

FINANCIAL IMPLICATIONS:

The total project cost is estimated at $302,800. The Town is already budgeted to cover the cost of the art installation at $102,500, with funds coming from operating surplus in FY 2021. The Town can also obtain funding through the RDA for the plaza in which the public art would be located, at a cost of $63,800. The Restaurant Tax Grant funding request was for the playground equipment, install, site prep and surfacing at a cost of $136,500. Cost estimates were provided by Jagged Edge Metal Art, Garret Play, and the Brian Head Public Works Department. Site prep and install quotes were modified assuming that Public Works staff would do the site prep as they're working on the plaza space. Detailed quotes are attached.

Project Cost Estimates		
Public Art Contract/Installation	$	95,000
Public Art Site Prep		$7,500
Total Public Art:	$	102,500
Playground Equipment	$	60,000
Playground Install	$	10,000
Playground Solid Rubber Surface	$	59,000
Playground Site Prep	$	7,500
Total Playground:	$	136,500
Plaza Grass/Irrigation	$	44,300
Plaza Paved Pathway	$	19,500
Total Plaza:	$	63,800
Total Project:	**$**	**302,800**

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends proceeding with the project if sufficient funding is granted by Iron County. If not, staff recommends funding a scaled down playground project (wood fiber instead of rubber surface, and fewer pieces of equipment) using RDA funds and/or FY 2021 operating surplus.

PROPOSED MOTION:

Council may give administrative direction to staff, either by consensus or by motion

ATTACHMENTS:

A- Playground Options (details and quotes)

Estimate

PROJECT	BRIAN HEAD	**DRAWING**	N/A	**ESTIMATE**	21373-1
BILL TO	BRIAN HEAD TOWN	**SHIP TO**	BRET HOWSER	**OPTION**	1
				DATE	10/25/2021
	BRIAN HEAD, UT 84719		BRIAN HEAD, UT 84719	**EXPIRES**	12/24/2021
	BHOWSER@BHTOWN.UTAH.G(		BHOWSER@BHTOWN.UTAH.G(		

ITEM	DESCRIPTION	QTY	AMOUNT
1002 NATURE PLAY	JASPER UPC CONFIGURATION	1.00	$ 54,604.00
1003 FREESTANDING PLAY	BOULDER RIDGE ROCK WALL	1.00	$ 5,080.00
			$ -
6003 INSTALLATION	PLAYGROUND AND GRAVEL REMOVAL, SITE LEVELING AND PLAYGROUND INSTALLATION	1.00	$ 44,000.00
	*PRICE DOES NOT INCLUDE CURB (IF NEEDED) OR REQUIRED COMPACTED STONE BASE FOR RUBBER (IF RUBBER IS CHOSEN)		$ -
2003 ENGINEERED WOOD FIBER SURFACING	140 CY ENGINEERED WOOD FIBER	140.00	$ 3,588.00
6003 INSTALLATION	INSTALLATION OF ENGINEERED WOOD FIBER	1.00	$ 1,540.00
			$ -
	OPTIONAL: 3,210 SF RUBBER SURFACING, 2" DEPTH. ADD $58,906.		$ -
			$ -
			$ -
			$ -
			$ -

Thank You

Thank you for choosing Garrett Parks and Play for your recreation equipment needs. We sincerely appreciate your business!

SUBTOTAL	$ 108,812.00
SALES TAX	$ -
OFFLOAD	$ -
TOTAL	**$ 108,812.00**

Questions about your Estimate? Contact us!

P.O. Box 57246, Murray, UT 84157
1 (800) 748-4608 / (801) 265-8443
design@garrettplay.com

Notes

SALES TAX

Sales Tax (if applicable) is subject to change based on purchase location and order date. Final Sales Tax amount will be reflected on invoice(s).

FREIGHT

Freight costs are included in these prices.

PAYMENT / PERFORMANCE BOND

Payment and/or performance bond costs are not included in this estimate. If a payment and/or performance bond is required to complete this project, the cost will be added to this estimate or will result in a change order.

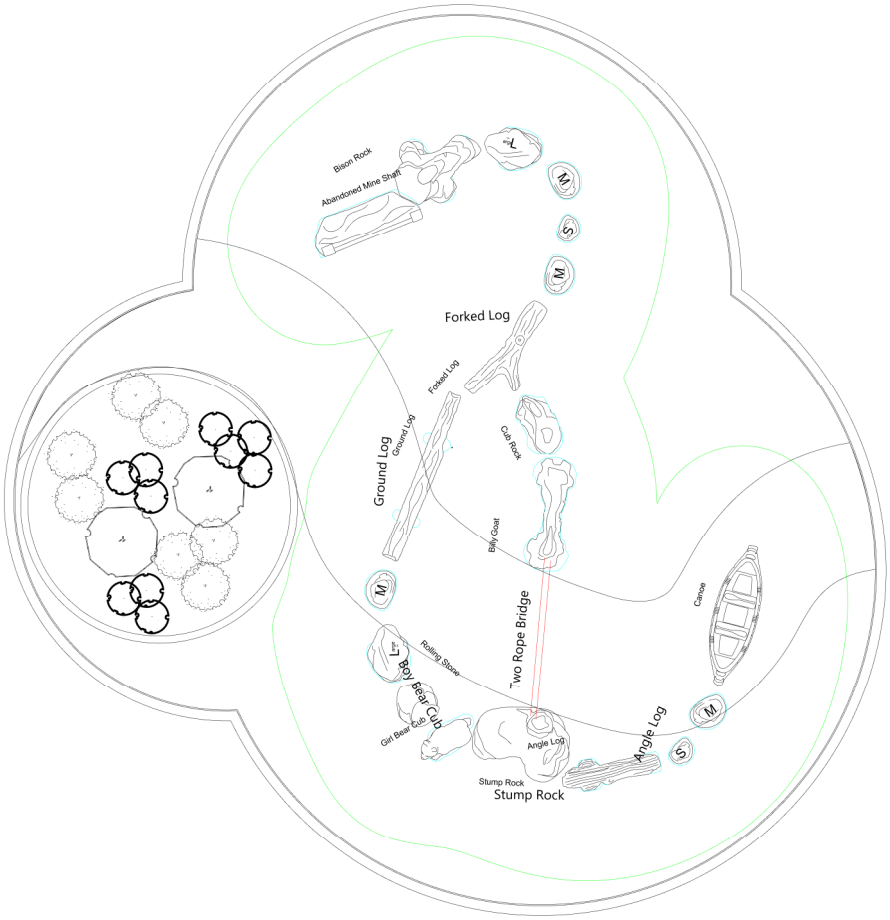






Jasper

This UPC Parks layout is fully compliant with CPSC and ASTM Playground Safety Standards.



This drawing / parts layout is conceptual only.
They are based on information received by UPC Parks, and not on actual field verified dimensions. They are not construction documents, and should not be used as such.
Parts or items shown that are not UPC Parks items are shown for clarity only.

Plan View
Scale: 1:130

Rep: Name	Company: Name		Phone: tbd	
Contractor:		Project: Jasper		
Desc: Rocks & Ropes Adventure Playground			Model # Custom	
Plant: 530-243-6477	Date: Date	Contact: Claire C	Rev: na	Page: 1/1

UPC Parks
530-605-2664
www.upcparks.com

Estimate

PROJECT	BRIAN HEAD	**DRAWING**	N/A	**ESTIMATE**	21373-2
BILL TO	BRIAN HEAD TOWN	**SHIP TO**	BRET HOWSER	**OPTION**	2
				DATE	1/13/2022
	BRIAN HEAD, UT 84719		BRIAN HEAD, UT 84719	**EXPIRES**	3/14/2022
	BHOWSER@BHTOWN.UTAH.G(		BHOWSER@BHTOWN.UTAH.G(		

ITEM	DESCRIPTION	QTY	AMOUNT
1001 PLAY STRUCTURE	718S187: MAIN TC STRUCTURE	1.00	$ 30,315.00
1003 FREESTANDING PLAY	JAX WEB	1.00	$ 9,639.00
1003 FREESTANDING PLAY	JAX 3-PACK	1.00	$ 2,986.00
1003 FREESTANDING PLAY	CURVED BALANCE BEAM	1.00	$ 669.00
1003 FREESTANDING PLAY	FLUX CAPACITOR	1.00	$ 6,080.00
1003 FREESTANDING PLAY	CAMEL BACK CLIMBER	1.00	$ 1,195.00
1003 FREESTANDING PLAY	BONGO STUMP PERCH	15.00	$ 2,895.00
1003 FREESTANDING PLAY	SADDLE SEAT SPINNERS (2 STRAIGHT, 1 ANGLED)	3.00	$ 2,102.00
1003 FREESTANDING PLAY	TEN SPIN	1.00	$ 3,849.00
1003 FREESTANDING PLAY	MAY POLE	1.00	$ 3,336.00
1003 FREESTANDING PLAY	ACCELERATOR BIRD NEST SWING	1.00	$ 7,548.00
6003 INSTALLATION	INSTALLATION OF OPTION 2 (DOES NOT INCLUDE PLAYGROUND AND GRAVEL REMOVAL OR SITE LEVELING)	1.00	$ 21,105.00
2003 ENGINEERED WOOD FIBER SURFACING	140 CY ENGINEERED WOOD FIBER	140.00	$ 3,738.00
6003 INSTALLATION	INSTALLATION OF ENGINEERED WOOD FIBER	140.00	$ 2,100.00

Thank You

Thank you for choosing Garrett Parks and Play for your recreation equipment needs. We sincerely appreciate your business!

SUBTOTAL	$	97,557.00
SALES TAX	$	-
OFFLOAD	$	-
TOTAL	**$**	**97,557.00**

Questions about your Estimate? Contact us!

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Notes

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FREIGHT

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PAYMENT / PERFORMANCE BOND

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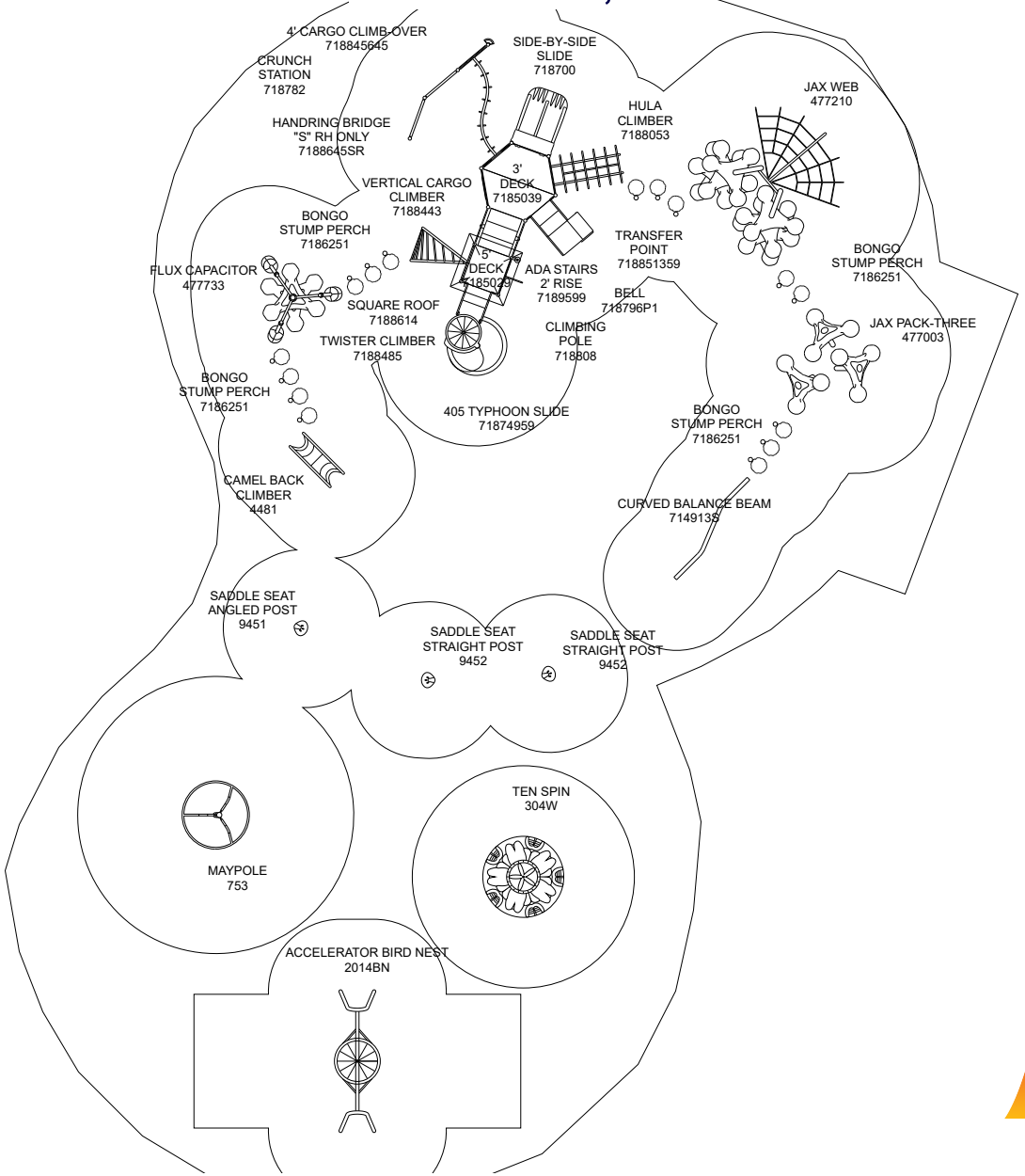




FOR KIDS AGES 2-5 YEARS

Brian Head Option 2
Brian Head, UT

FOR KIDS AGES 5-12 YEARS



INTERNATIONAL PLAY EQUIPMENT MANUFACTURERS ASSOCIATION
PUBLIC PLAY EQUIPMENT
IPEMA CERTIFIED TO ASTM F1487

To verify product certification, visit www.ipema.org

Miracle

GARRETT & COMPANY, INC.
850 Quaking Aspen Dr
Murray,UT
PHONE NO: (801) 265-8443
FAX NO: (801) 263-1254

GROUND SPACE: 63'-6" x 97'-6"

PROTECTIVE AREA: 77'-6" x 109'-6"

DRAWN BY: Angela LeBaron

DATE: 1/13/2022

R0032_44574479827

✔ COMPLIES TO ASTM/CPSC

To promote safe and proper equipment use by children. Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.

THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS

Estimate

PROJECT	BRIAN HEAD	**DRAWING**	N/A	**ESTIMATE**	21373-3
BILL TO	BRIAN HEAD TOWN	**SHIP TO**	BRET HOWSER	**OPTION**	3
				DATE	1/13/2022
	BRIAN HEAD, UT 84719		BRIAN HEAD, UT 84719	**EXPIRES**	3/14/2022
	BHOWSER@BHTOWN.UTAH.G(		BHOWSER@BHTOWN.UTAH.G(		

ITEM	DESCRIPTION	QTY	AMOUNT
1001 PLAY STRUCTURE	MAIN KIDS CHOICE PLAY SYSTEM WITH SHADE	1.00	$ 27,570.00
1003 FREESTANDING PLAY	3.5" OD ARCH SWINGS, 3.5 BAY, 2 TOTS, 3 BELTS, 1 INCLUSIVE, AND 1 GENERATION SEAT	1.00	$ 9,205.00
1003 FREESTANDING PLAY	WHIRL	1.00	$ 5,601.00
1003 FREESTANDING PLAY	ROCK PILE CLIMBER	1.00	$ 4,239.00
1003 FREESTANDING PLAY	ALPHA CLIMBER	1.00	$ 1,484.00
1003 FREESTANDING PLAY	TWIN RIDER	1.00	$ 1,166.00
1003 FREESTANDING PLAY	DOME CLIMBER	1.00	$ 6,902.00
1003 FREESTANDING PLAY	HOOPZ CLIMBING RING	1.00	$ 1,337.00
1003 FREESTANDING PLAY	BONGO PERCH	5.00	$ 1,030.00
1003 FREESTANDING PLAY	WAVY WALKER CLIMBER WITH SPIRAL ADD ON	1.00	$ 3,522.00
1003 FREESTANDING PLAY	INTERACTIVE PLAY PANELS (FOUR THE WIN, SLIDE AND SOLVE, AND A-MAZE-ING INSERTS)	1.00	$ 4,720.00
6003 INSTALLATION	INSTALLATION OF OPTION 3	1.00	$ 22,000.00
2003 ENGINEERED WOOD FIBER SURFACING	140 CY ENGINEERED WOOD FIBER	140.00	$ 3,738.00
6003 INSTALLATION	INSTALLATION OF ENGINEERED WOOD FIBER	140.00	$ 2,100.00

Thank You

Thank you for choosing Garrett Parks and Play for your recreation equipment needs. We sincerely appreciate your business!

SUBTOTAL	$	94,614.00
SALES TAX	$	-
OFFLOAD	$	-
TOTAL	**$**	**94,614.00**

Questions about your Estimate? Contact us!

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design@garrettplay.com

Notes

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FREIGHT

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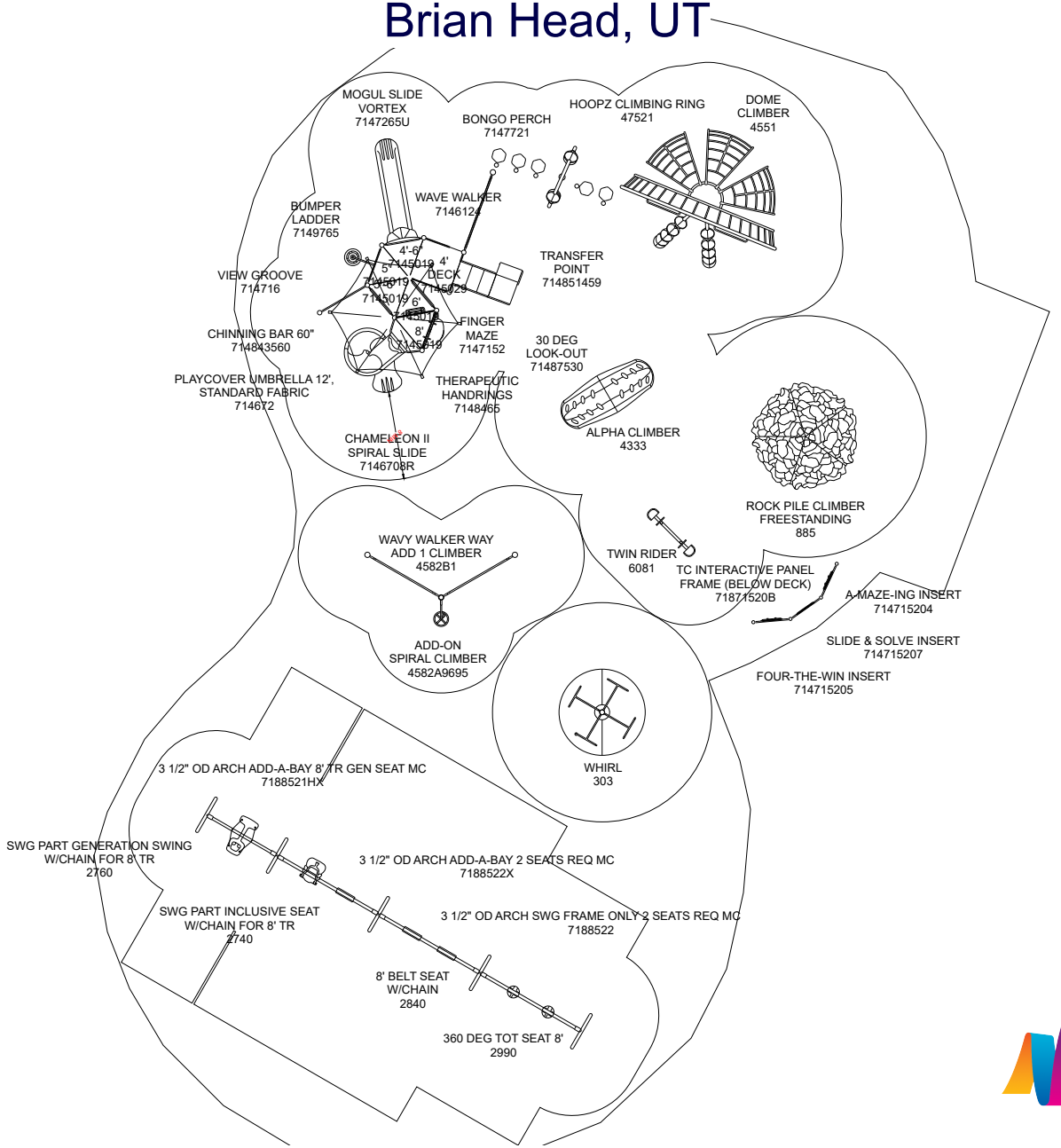






Brian Head Option 3
Brian Head, UT

FOR KIDS AGES 5-12 YEARS



INTERNATIONAL PLAY EQUIPMENT MANUFACTURERS ASSOCIATION — PUBLIC PLAY EQUIPMENT — IPEMA CERTIFIED TO ASTM F1487

To verify product certification, visit www.ipema.org

Miracle

GARRETT & COMPANY, INC.
850 Quaking Aspen Dr
Murray,UT
PHONE NO: (801) 265-8443
FAX NO: (801) 263-1254

GROUND SPACE: 63'-6" x 89'-0"

PROTECTIVE AREA: 76'-0" x 102'-0"

DRAWN BY: Angela LeBaron | DATE: 1/13/2022

R0032_44574525653

✔ COMPLIES TO ASTM/CPSC

To promote safe and proper equipment use by children. Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.

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AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS