

The Regular Meeting of the
Brian Head Town Council
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
[www.Zoom.us \(Click Here\)](https://www.zoom.us/j/84181611614)
Via Zoom Meeting ID# 841 8161 1614

TUESDAY, SEPTEMBER 13, 2022 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES: August 23, 2022 Town Council Meeting**
- E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS.** Public input is limited to three (3) minutes on non-agenda items.
- F. AGENDA ITEMS:**
 - 1. TOWN COUNCIL VACANCY INTERVIEWS.** Mayor Calloway. The Council will hold interviews with candidates to fill the Council vacancy left by Council Member VanNostran.
 - 2. ROAD NAME CHANGE DISCUSSION AND DIRECTION.** Nancy Leigh, Town Clerk. The Council will discuss and give direction to staff on a request from Nathan Trotter to change the road name Lupine Court to Trotter Court.
 - 3. A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, IRON COUNTY, UTAH, FOR WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CEDAR BREAKS MOUNTAIN HOMESITES, UNIT B, SUBDIVISION; TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2022-01 (RANGER COURT); TO FUND THE COST AND EXPENSES OF SAID ASSESSMENT AREA BY SPECIAL TAX ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY BENEFITTED BY SUCH IMPROVEMENTS; TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE CREATION OF SAID ASSESSMENT AREA; TO DECLARE ITS INTENTION OF FUNDING A RESERVE FUND IN LIEU OF A GUARANTY FUND; AND RELATED MATTERS.** Nancy Leigh, Town Clerk. The Council will consider a resolution for the Notice of Intent to create the Ranger Court Special Assessment Area, 2022-01.
 - 4. PLAYGROUND SURFACE DISCUSSION AND DIRECTION.** Nancy Leigh & Bret Howser, Town Manager. The Council will hold discussion on the playground surface material and give direction to staff on which surface material will be used.
 - 5. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 9, SUBDIVISIONS, ESTABLISHING A NEW PROVISION 9-9-6 WATER ACQUISITION REQUIREMENTS FOR SUBDIVISIONS.** Becky Bennett, Town Planner. The Council will consider an ordinance amending the Land Management Code requiring water acquisition for new subdivisions.
 - 6. BRIAN HEAD STREET LIGHTING MASTER PLAN RESOLUTION.** Bret Howser, Town Manager. The Council will consider a resolution adopting the Street Lighting Master Plan.
 - 7. FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.



G. **CLOSED SESSION OF THE TOWN COUNCIL** to discuss the character, professional competence, or physical or mental health of an individual.

H. **ADJOURNMENT**

Date: September 10, 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; Post Office, The Mall, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk





Brian Head Town Council Update

September 1, 2022

BRIAN HEAD MARSHALS OFFICE:

August was full of adventures and some sadness. We shut the canyon down 4 times to clean up after torrential rainfall and mudslides. Public Works was amazing and quick to respond and assist UDOT with the clean-up efforts. We lost one of our past firefighter, David Stolrow who fought a courageous battle with Parkinson's Disease. We also handled 73 incidents of all varieties during this past month. Deputies did a great job handling large crowds with numerous bike events and OHV accidents.

The department lost a great man this month with the passing of David Stolrow. Some of you may remember Dave for his service with the Brian Head Fire Department. Dave did all of our fire inspections, maintained our ambulance and took care of all of our medical and fire training needs. He was a huge asset to Brian Head and a huge part of us getting on track with our training programs. Dave has passed on his legacy and we currently have his son-in-law (Jason Stopper) and grandson (Zach Stopper) as members of our department. We will miss Dave, but his legacy will live on with us.

The flooding in the canyon was crazy this year. The burn scar has left us with a new challenge each year as the monsoons come through our area. The moisture was a welcomed need, but caused a few issues. The Marshal's Office worked hard to be sure there was a way for emergency vehicles to come to Brian Head either through Dry Lakes or up SR-14 out of Cedar City. The Public Works Department should be commended on their response and ability to handle the situation in a timely manner.

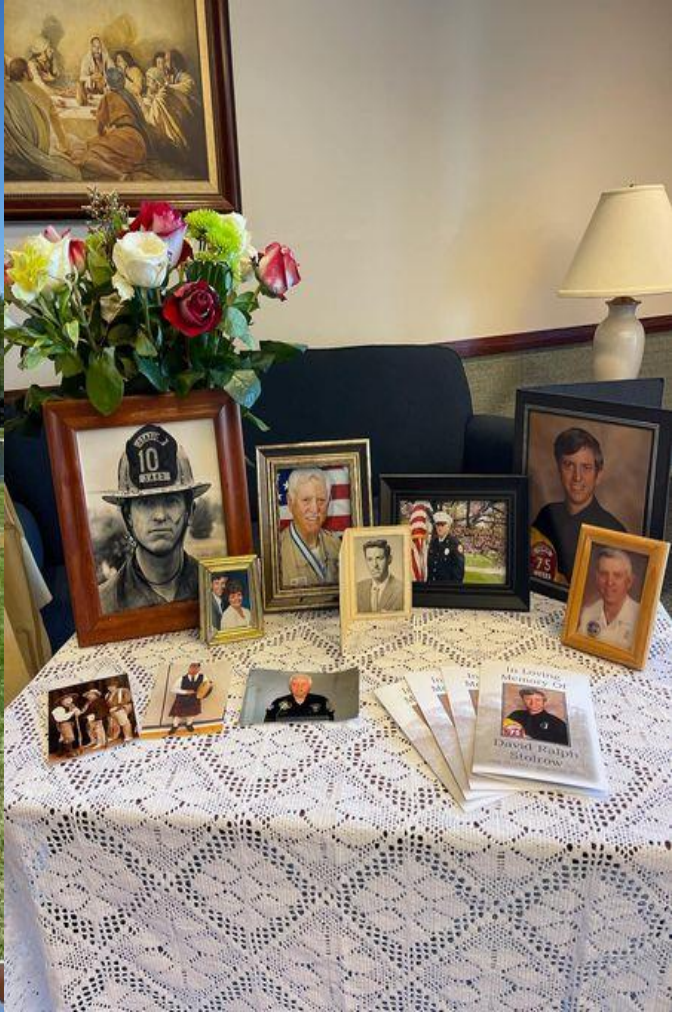
There were a couple of large events at the resort including 2 mountain bike races and a cross country run that went through the night. Deputies assisted with medical and traffic during these events.

We responded to a couple of backcountry OHV accidents that were within our fire response area. One incident was off of Highway 14 in the Tippetts Valley and the second one was up 2nd Left Hand Canyon. Both incidents resulted in air medical helicopters transporting the victims.

BRIAN HEAD FIRE DEPARTMENT:

As I am typing this, I am knocking on wood. The Brian Head Fire Department for the first time ever has not responded to a wildland fire within our area during the summer. Now that I've put that out there, we probably will get a big fall fire. Let's hope that doesn't happen. We still handled some illegal burning calls, fireworks, gas leaks, accidents, fire alarms and a couple of elevator rescues. We had some great training and some great team building events on top of all of that as well.

We had a great training involving the ladder truck, and had a family night for one of our training nights. The ladder truck is a great tool that we are getting more and more confident with. It's a great resource that we have. The family night was a great team building night that our families were able to come and hangout at the fire station and visit. We showed the kids the trucks and had a great time getting to know each of our family members. Our big team event was our "Annual Public Safety Pride Hike". This year we hiked from Brian Head Peak down the Dark Hollow Trail. Total miles were 14. We had a great lunch and some really sore feet, but learned a lot about the trail, and what mushrooms Bob knows that are edible.















Doug and Dan at the Stolrow Funeral



Brian Head Town

PUBLIC WORKS DEPARTMENT UPDATE SEPTEMBER 13, 2022

Coming in hot as the temperature begins to cool down. Projects continue to move forward as the summer construction season is coming to an end. Public works has wasted no time after the rains have stopped to get right back on to the tasks assigned to us. The following are the updates on each of the departments.

STREETS

- Culvert and ditch cleaning continues as needed and as time allows.
- Dust control second application was canceled due to the monsoon season.
- Street Chipping Project has been completed. The flush coat has also been completed
- Road work will continue on Highland Dr, Autumn, and Park u Pine during the month of September. Timing is depending on weather, but crews will work as quickly as possible to stay on schedule.

WATER

- Repair of the meter reading system continues with new MXU's being installed as they are arriving from being on backorder.
- The Sandstone Drive water main is complete. Operators will begin running the service up to the Manzanita Trailhead restroom site the week of the 19th
- The SAA water line projects continue to move forward with the monsoon season causing a few weather delays. Forest/Falcon/Scenic water lines have been completed and has received approval from the State to allow homeowners to connect to those lines. Perco Rock has moved onto installing sewer on Hidden Lake and Trail Road and those lines look to be completed this week. Perco Rock will then begin the water main install on these roads. The gas main has been relocated with the help of Dominion Gas.
- Design work for next year's water project on Snowman and Toboggan Road continues with a walk thru to be scheduled the end of September for potential bidders.

- Midco Diving has completed the routine cleaning of the Million Gallon tank
- Bearflat Well is scheduled to be re installed the week of the 12th. This will allow a little time to work out any bugs before the snow making season begins.
- Engineering on the generator for the million-gallon pump station has begun in preparation for this project next year.

SEWER

- Staff has put together an RFP and received two bids from engineers on this project. Alpha Engineering and Rosenberg Engineering have both submitted proposals. Staff will review these and select one for the project.

PARKS & TRAILS

- Park Remodel Project has begun. Public Works operators have completed the demo of the park and have started to put things back together. New irrigation has been installed. Operators have begun prepping for asphalt on the new trail areas moving through the park.

IN-HOUSE PROJECTS

- Public works will continue to work on in-house projects and maintain buildings and equipment as needed.

If you have any questions or concerns, please do not hesitate to call.



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Town Council Vacancy Interviews
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: September 13, 2022
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will interview two applicants: Ernest Hardin and Shaun Kelly during the open session of the Town Council. State law requires that if a vacancy occurs, the Council must interview potential candidates in an open meeting. Mayor Calloway will lead the Council in the interview of the two applicants who have been asked to attend the Council meeting. A closed session has been scheduled at the end of the Council to discuss the results of the interviews.

BACKGROUND:

With the resignation of Council Member VanNostran, effective August 24, 2022, staff advertised the vacancy and received two letters of interest. The first letter of interest is from Ernest Hardin who has been a resident of Brian Head since 2018. The second letter of interest is from Shaun Kelly who has served on the Town Council and Planning Commission previously. Both letters are attached as part of this staff report.

In order to hold an elective office, the candidate must meet the following criteria.

1. A registered voter of Brian Head.
2. A resident of Brian Head and reside within the Town boundaries.
3. Must be at least 18 years of age.
4. Must be a U.S. citizen.
5. Cannot be convicted of a felony or treason until their right to hold elective office is restored.

ANALYSIS:

According to State law the Council will need to make a decision within 30 days after the first day of the vacancy. This gives the Council until September 25, 2022 to decide, or the Council can have the candidates wait until the closed session is done and then announce the winning candidate during this meeting or notify them individually after the meeting. I spoke with the Lt. Governor's office as to whether the Council must take a vote and if the announcement must be made in a public meeting since State Code did not indicate. Shelly Jackson, Lt. Governor's office for elections, reported that since the state code is silent on this, it would be up to the Council as to whether a vote should be taken in the open meeting and if the Council wants to announce the winning candidate during the meeting.

Once the Council decides on a candidate, we can either swear them in at the end of the meeting or at the next Council meeting on September 27, 2022. The term for this appointment will be until December 31, 2023. State law requires if there is a mid-term vacancy, then a candidate will fulfill the term until the next election. The 2023 election will have three (3) council seats open, with one seat identified as a two-year term and the other two seats as four-year terms.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff has no recommendation on this agenda item. It will be the responsibility of the Council to interview and decide on an appointment.

PROPOSED MOTION:

N/A

ATTACHMENTS:

- A – Ernest Hardin’s Letter of Interest
- B – Shaun Kelly’s Letter of Interest

September 6, 2022

Mayor Clayton Calloway & Brian Head Town Council
P.O. Box 190068
Brian Head, UT 84719

Dear Mr. Mayor and Members of the Council,

I am interested in serving as a member of the town council, serving out the term associated with your open seat. Having recently retired I have the time to commit, and I want to serve the public in some way. Up to this point I have not been involved in town government, but I recognize that Brian Head is a small community and those who are able to help run the place should do so.

My wife Heidi and I have lived on Eagles Roost St. since 2018, and have owned a Brianwood condo since 2006. We are lifetime skiers, as are our two adult children. We have lived in Utah, Nevada, Arizona, and New Mexico for virtually all our adult lives. We find Brian Head to be perfect for enjoying nature and outdoor recreation, and we intend to live out our retirement here.

I have been Treasurer or President of the Brianwood HOA for 16 years without interruption, and count the health of that association among my qualifications for the town council. Brianwood has ample reserves and few, if any maintenance problems overdue. I understand the perspective of condo owners who contribute the majority of tax revenues to the town. There are few HOA issues that I know of, except steeply rising tax valuations that might benefit from a response from the town. As a councilman I will consider resigning from the Brianwood HOA Board to avoid any conflict of interest, especially if you advise me to do so.

Throughout my career I was involved with technical aspects of borehole drilling, completion, logging, production, water quality, and so on, representing the customer which was often the Federal government. Anyone trained in ground water hydrology as I am, has relied extensively on borehole technologies. I hope that my experience is useful to the town as we manage domestic demand with variable supply. Water supply and dealing with trends in rainfall/snowfall are important for maintaining the character of Brian Head.

I see myself as providing seasoned judgment and technical support for the affairs of the town. The 20 years or so that I spent working for two national laboratories, with constant project reporting and budgeting, regulatory compliance duties, and supervising the performance of multi-million-dollar projects while keeping staff happy and productive, seem like reasonable preparation. I hope you agree. Attached please find a short resume from my time with Sandia National Laboratories, with some more information on my background. Feel free to contact me anytime by email (ernesthardin@gmail.com) or phone (mobile: 702/630-4468).

Sincerely,



Ernest L. Hardin



Resume

Ernest L. Hardin

Engineering/Science R&D

- Engineering of geologic disposal systems for nuclear wastes
- Numerical simulation and probabilistic modeling of repository systems
- Technical project management

Areas of Interest and Expertise

Experience

- 2015-2021 Sandia National Laboratories, *Distinguished Member of Technical Staff*. Lead for nuclear waste geologic disposal concept development and conceptual design. (Retired October 2021)
- 2006-2014 Sandia National Laboratories, *Principal Member of Technical Staff*. Led engineered system studies for geologic repositories in various media.
- 2001-2006 Bechtel-SAIC Co., Las Vegas, NV. *Managing Scientist*. Contributed to managing investigations of the performance of a geologic repository.
- 1997-2001 Lawrence Livermore National Laboratory, Livermore, CA. *Technical Staff*. Investigated the effects from heating on geologic systems.
- 1997 Hargis and Associates, Tucson, AZ. *Environmental Scientist*. Compliance support for copper mining/smelting, and litigation for the Davis-Monthan AFB Superfund site.
- 1991-1996 *Research Assistant*. Ph.D. program at the Department of Hydrology and Water Resources, The University of Arizona.
- 1994-1996 Los Alamos National Laboratory, Los Alamos, NM. *Visiting Scientist*.
- 1991 Swedish Engineering Services AB (SINTAB), Stockholm. *Project Engineer*.
- 1986-1991 Science Applications International Corporation, Las Vegas, NV. *Senior Staff Scientist*.
- 1982-1983 Science Applications Inc., Salt Lake City, UT. *Staff Scientist*.
- 1978-1982 Terra Tek, Inc., Salt Lake City, UT. *Project Engineer*.

Awards

- 2000 Energy Directorate Recognition Award, Lawrence Livermore National Laboratory.
- 2000 Top 25 Contributors, TRW Environmental Safety Systems, Inc., Las Vegas, NV.
- 1991-1995 Doctoral Fellowship, Oak Ridge Institute for Science and Education.
- 1983-1985 Chevron Fellowship, Massachusetts Institute of Technology.

Education

- Ph.D. Hydrology, The University of Arizona, 1996.
- S.M. Earth and Planetary Sciences, MIT, 1986.
- B.S. Applied Geophysics, University of Utah, 1978.

Contact

P.O. Box 190204, Brian Head, UT 84719
Mobile: 702/630-4468
ernesthardin@gmail.com

shaun kelly
150 W. Ridgeview St. #107
P.O. Box 190092
Brian Head, Utah 84719-0092
September 8, 2022

Town of Brian Head
56 North Highway 143
P.O. Box 190068
Brian Head, UT 84719-0068

To whom it may concern,

I would like to indicate an interest to serve on the Brian Head Town Council.

A bit about me:

- Brian Head Town Council member 2020-2022
- Brian Head Planning Commission member 2014-2020
- Brian Head Trails Committee; former member of the Brian Head Meadow Committee
- moved to Brian Head 2013; live in Brian Head full time, retired
- some background in emergency and risk management in resort areas; safety oriented
- been in positions of management and supervision
- a couple of years operating a small community water system
- have filled in at times for HOA condominium maintenance management
- an avid skier who enjoys astronomy and astronomy outreach
- thinks that there are great picnic spots in Brian Head

Thank you for your consideration. Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Kelly', with a stylized, cursive flourish at the bottom.

shaun kelly



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Road Name Change – Lupine Court to Trotter Court
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: September 13, 2022
TYPE OF ITEM: Administrative Direction

SUMMARY:

The Council will discuss and give direction to staff on a proposed road name change from Lupine Court to Trotter Way on whether to begin the public hearing process for a road name change.

BACKGROUND:

Nathan Trotter submitted a letter requesting the Town change the Town road name from Lupine Court to Trotter Court. Mr. Trotter reported that his family has been in the Brian Head area for many years and feels that a road named Trotter Court would memorialize his family's name. Mr. Trotter's letter is attached for Council's review.

ANALYSIS:

According to the Land Management Code, Chapter 12-9-D (Street Names), a developer or citizen can request a road name change, but "are encouraged to do an investigation of local history regarding the names and references to geological and historical features located in the subdivision and, whenever possible, to incorporate the historical names and references into the names and designations of streets".

The process for a road name change identified in the Land Management Code 9-12-9 (D) is as follows: A public hearing is noticed and held at the Town Council level.

1. The public hearing is published in a newspaper of general circulation once a week for four consecutive weeks prior to the hearing.
2. Published on the Public Notice Website for four consecutive weeks prior to the hearing.
3. Posted within three places for four consecutive weeks prior to the hearing.
4. Notice of the proposed name change is mailed to all property owners abutting the road that is being proposed for a name change.
5. The Council will then consider adopting an ordinance changing the name of the road.
6. The ordinance is recorded with the Iron County Recorder.
7. Addresses for the abutting properties are submitted to the Iron County Clerk for the 911 system.
8. Street signs will be ordered by the Town and installed.

The process for a road name change is somewhat lengthy, in which there is a four week noticing period and then it typically takes approximately two weeks after to completing the recording and change the addresses of the abutting properties. Unfortunately, it seems to take even longer for other companies such as Google Maps and other GIS platforms to identify the new name for the road.

Staff still encounters challenges with the road name changes made in the 1990's when the Town made several changes to the Town streets and there are some GIS platforms that still do not have the correct name.

FINANCIAL IMPLICATIONS:

The applicant, Nathan Trotter, will be responsible to absorb the cost to notify the abutting property owners for the mailing, but the Town has been responsible for ordering and installing the street signs which typically cost \$170 per sign.

Staff has made a notation for a future change to the Consolidated Fee Schedule for a cost to the applicant for a road name change in order to deflect some of the costs for signage, postage and staff time, but at this time, there is not a cost identified in the Consolidated Fee Schedule.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff has no recommendation for this request, it will be up to the Council to decide whether to change the name of Lupine Court to Trotter Court.

PROPOSED MOTION:

N/A – Discussion and staff direction.

ATTACHMENTS:

A – Nathan Trotter's letter requesting a road name change.

Brian Head Town,

My name is Nathan Trotter and I'd like to change the name of the road that leads to my property. The current name is E Lupine Ct and I'd like to change it to E Trotter Ct. My family has been coming up to Brian Head out of Vegas since before I was born. In the town code it says the developer of a road gets to name it. Prior to me purchasing the property, the road was completely natural with mature trees. I got the road surveyed, pulled the correct bonds and permits, removed all trees in the road, and graded out a couple feet of dirt to even out the slope; all at my own expense. This was all approved by the town and public works.

Thanks for your consideration,

Nathan Trotter



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Ranger Court Special Assessment Area – Notice of Intent Resolution
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: September 9, 2022
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will reconsider a resolution for the Notice of Intent to Create the Ranger Court Special Assessment Area (SAA). The Council first considered this resolution during the August 9th meeting. The Sponsor has agreed to include three additional lots that are located on Meadow Drive for the purpose of a looped waterline.

BACKGROUND:

With the Southwest Public Health Department's regulation on water hauling and septic tank permits, the Town has seen an influx of Special Assessment Area (SAA) petitions. Staff is also experiencing a lot of phone calls and emails from property owners inquiring about the SAA process in order to get water and/or sewer to their properties.

The Ranger Court SAA is one of the latest petitions to be approved by the Council. This petition was approved during the July 26, 2022 meeting which originally included fifteen (15) properties but had nine property owners who were in favor of the SAA, giving them over the 50% requirement for submitting a petition.

During the August 9th council meeting the Notice of Intent to Create the Ranger Court SAA was presented to council, the council expressed concerns about leaving a deadline waterline on Mountain View Drive and decided to deny the Notice of Intent but with the recommendation to come back if they are able to include three additional lots (Lot 8, 9 of Block B and lot 11 of Block C) located on Mountain View Drive, so that a looped water line system could be created. Mr. Ryan Ricks did agree to include the three additional lots into the Ranger Court SAA since he already had nine (9) signatures, giving him the minimum requirement of 50% of the properties.

During the July 26th Council meeting, another potential SAA was also discussed, the Margie Court SAA, which is located near the Ranger Court SAA was being proposed. Staff had been working with the sponsors of the Margie Court SAA, Kathleen and Richard Vincent, who indicated they were in the process of submitting a petition but had not at this time because they wanted to know if the Ranger Court SAA was approved. Discussions took place as to whether the two SAAs could combine, but Mr. Ricks felt that time was an issue and did not want to wait until a petition was submitted for the Margie Court SAA.

Staff contacted the Vincent's to determine the status of their petition and it was reported they were still in the process of gathering enough signatures to meet the 50% requirement. Staff informed the Vincent's that three of the lots included in the Margie Court SAA map, would now be included in the Ranger Court SAA and that the number of signatures required

to meet the 50% reduced for the Vincent. As of September 8, 2022, the Vincent's informed us that they are one lot short of meeting the 50% requirement and cannot submit their petition at this time.

ANALYSIS:

The Ranger Court SAA is requesting water system improvements to their lots and the attached estimated cost for this project includes the water system improvements, including laterals to the properties and a gravel road base, as we are learning from the current SAAs that are being completed this year.

With the submission of the Ranger Court petition that was received by the Town on July 2nd, they were within the deadline period of June 30th. One of Mr. Rick biggest concerns was the timeframe in which to have the improvements installed for the Ranger Court SAA and felt that waiting for the Margie Court SAA to catch up would delay the project by at least another year.

The Notice of Intent to Create the Ranger Court identifies the following dates for the public hearing, protest period, bidding process and so forth. It will be up to the Council to decide whether to proceed with the Ranger Court SAA at this time.

Public Hearing scheduled for October 25th council meeting.

Protest Period begins October 26th until December 27, 2022

Notice to Create the Ranger Court SAA, if under 40% protest: January 10th council meeting

Bidding Process: three to four weeks to be submitted to the Town: February 1st

Award of the Contract: February 14, 2023 council meeting.

The Notice of Intent Resolution identifies for October 25, 2022 for the public hearing date, which is the Council's regularly scheduled meeting. This will give the required time required by state law and once the public hearing is held, the sixty-day protest period begins. Staff did not identify any special meetings for the council for this SAA.

The Ranger Court SAA is identified in the Area B of the Fire Protection Priority Area for SAA's. This means that the properties should have a value of 4:1 as per the Special Assessment Area Policy recently adopted by the council, but state law identifies a 3:1 for improvements. An appraisal will need to be determined for these properties and if Council wants the 4:1 or 3:1 for this SAA.

FINANCIAL IMPLICATIONS:

The estimated cost for this project is \$545,537 total including the water laterals and gravel road. Each lot would be assessed \$30,307, but these are only estimated costs at this time. Once the final assessment ordinance is adopted, the actual cost per lot would be identified.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the Council adopt resolution No. 22-024, a Notice of Intent to create the Ranger Court Special Assessment Area.

PROPOSED MOTION:

I move to adopt resolution No. 22-024, a Notice of Intent to create the Ranger Court Special Assessment Area.

ATTACHMENTS:

- A – Resolution - Notice of Intent to Create the Ranger Court SAA
- B - Engineering Estimate for Ranger Court SAA – updated
- C – Ranger Court SAA Map - updated.
- D – Waterline Improvement Map

**TOWN OF BRIAN HEAD, UTAH
NOTICE OF INTENTION TO DESIGNATE TOWN OF BRIAN HEAD, UTAH
SPECIAL TAX ASSESSMENT AREA 2022-01 (RANGER COURT)**

September 13, 2022

RESOLUTION NO. 22-____

A RESOLUTION DECLARING THE INTENTION OF THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, IRON COUNTY, UTAH, FOR WATER SYSTEM IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CEDAR BREAKS MOUNTAIN HOMESITES, UNIT B AND UNIT C, SUBDIVISION; TO DESIGNATE OR CREATE THE TOWN OF BRIAN HEAD, UTAH SPECIAL TAX ASSESSMENT AREA NO. 2022-01 (RANGER COURT); TO FUND THE COST AND EXPENSES OF SAID ASSESSMENT AREA BY SPECIAL TAX ASSESSMENTS TO BE LEVIED AGAINST THE PROPERTY BENEFITTED BY SUCH IMPROVEMENTS; TO PROVIDE NOTICE OF INTENTION TO AUTHORIZE SUCH IMPROVEMENTS AND TO FIX A TIME AND PLACE FOR PROTESTS AGAINST SUCH IMPROVEMENTS OR THE CREATION OF SAID ASSESSMENT AREA; TO DECLARE ITS INTENTION OF FUNDING A RESERVE FUND IN LIEU OF A GUARANTY FUND; AND RELATED MATTERS.

WHEREAS, pursuant to the Utah Assessment Area Act, Title 11, Chapter 42, of the Utah Code, the Town Council of the Town of Brian Head, Iron County, Utah (the Town) has the power to make or cause to be made all of the following improvements, water system improvements that will benefit certain properties in the Cedar Breaks Mountain Homesites, Unit B, Block C (the Improvements); and

WHEREAS, the Town has received petitions from property owners desiring the water system improvements described herein; and

WHEREAS, the Town desires to designate or create a Special Tax Assessment Area and impose a special tax assessment against the portion of the properties in the Town that will be directly or indirectly benefitted by the Improvements:

BE IT RESOLVED by the Town Council of the Town of Brian Head, Iron County, Utah:

Section 1. The Town Council of the Town hereby determines that it will be in the best interest of the Town to finance and install or have installed the Improvements in specified locations of the Town, and to complete the whole in a proper and workmanlike manner according to plans, profiles and specifications that have been presented to the Town and are on file in the Office of the Town Clerk. In order to finance the costs of the Improvements, the Town proposes to create, establish, and designate a Special Tax Assessment Area. A description of the proposed Special Tax Assessment Area is more particularly described in the Notice of Intention to construct the proposed Improvements hereinafter set forth.

Section 2. The proposed Assessment Area shall be known as the Town of Brian Head, Utah Special Tax Assessment Area No. 2022-01 (Ranger Court) (the "Special Tax Assessment Area).

Section 3. The cost and expenses of the proposed Improvements shall be paid by a special tax assessment to be levied against the properties on a per lot basis for lots that will be benefitted directly or indirectly from the Improvements, or which may be affected or specially benefitted, directly, or indirectly, by any of such Improvements, such assessment to be paid in not more than ten (10) annual installments with interest on the unpaid balance until due and paid. An allowance shall be made for corner lots, if applicable, so that such lots are not assessed at the full rate on both streets.

Section 4. The Town Council hereby finds that the water system improvements, including any modifications to streets, that is proposed for Special Tax Assessment Area No. 2022-01 (Ranger Court) are necessary or convenient to enable the Town to provide the water service that the Town proposes and is authorized to provide in Special Tax Assessment Area No. 2022-01 (Ranger Court).

Section 5. A public hearing is called for the Town Council meeting on October 25, 2022, at 1:00 p.m., at the Town offices located at 56 N. Highway 143, Brian Head, Utah 84719 to hear from any person desiring to be heard and objections to a) the designation of the proposed Town of Brian Head, Utah Special Tax Assessment Areas No. 2022-01 (Ranger Court) or the improvements proposed to be provided in said assessment area; b) the amount that a property reasonably and equitably benefits from the improvements; and c) the inclusion of unassessed benefitted government property.

Section 6. Any owner of property that is proposed to be assess and who does not want its property to be included in the proposed Special Tax Assessment Area No. 2022-01 (Ranger Court) may file a written protest against:

- a) The designation of the Special Tax Assessment Area No. 2022-01 (Ranger Court);
- b) The inclusion of the owner's property in the proposed Special Tax Assessment Area No. 2022-01 (Ranger Court);
- c) The proposed improvements to be acquired or constructed; or
- d) If applicable, the inclusion of an unassessed benefitted government property, the benefit for which the other assessed properties will collectively pay (of which there are none)

Each written protest shall:

- a) Describe or otherwise identify the property owned by the person filing the protest; and
- b) Include the signature of the owner of the property.

The failure of a property owner within the proposed Special Tax Assessment Area No. 2022-01 (Ranger Court) to file a timely written protest constitutes a waiver of any objection to:

- a) The designation of the Special Tax Assessment Area No. 2022-01 (Ranger Court);
- b) Any improvement to be provided to property within the Special Tax Assessment Area No. 2022-01 (Ranger Court);
- c) The inclusion of the owner's property within the Special Tax Assessment Area No. 2022-01 (Ranger Court);
- d) The fact, but not amount, of benefit to the to the owner's property; and
- e) The inclusion of an unassessed benefitted government property in the assessment areas (of which there are none).

The Town Council hereby directs the Town Clerk to post the total and percentage of the written protests that the Town receives on the Town's website, and at the Town office

at least five days before the October 25, 2022 meeting against the proposed Improvements or against the creation of the Special Tax Assessment Area must be presented and filed in the Office of the Town Clerk on or before October 20, 2022, at the hour of 4:00 p.m. Any person desiring to be heard may file a written protest or objection to a) the designation of the proposed Town of Brian Head, Utah Special Tax Assessment Areas No. 2022-01 (Ranger Court) or the improvements proposed to be provided in said assessment area; b) the amount that a property reasonably and equitably benefits from the improvements; and c) the inclusion of unassessed benefitted government property (of which there is none). Thereafter at 1:00 p.m. on October 25, 2022, at 56 N. Highway 143, Brian Head, Utah, 84719, any such written protests shall be heard and considered by the Town Council.

Section 7. The Town Clerk is hereby directed to give notice of intention to make the proposed improvements and of the public hearing and of the time within which protests against the proposed improvements, or the designation of the proposed Special Tax Assessment Area may be filed and the date when such protests will be heard and considered by publishing on the Utah Public Notice website for four weeks before the deadline for filing protests specific in the notice and be posted in at least three public places at least 20 but not more than 35 days before the public hearing. In addition, the Town Clerk shall mail a copy of such notice by United States Mail, postage prepaid, to each owner of land to be assessed within the proposed Special Tax Assessment Area at the last known address of such owner, using for such purpose the names and addresses of said owners appearing on the last completed real property assessment rolls of Iron County, said notices to be so mailed not later than ten (10) days after the posting of the Notice of Intention of the Utah Public Notice Website. Said Notice shall be in substantially the following form:

NOTICE OF INTENTION

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council (the “Town Council”) of the Town of Brian Head, Iron County, Utah (the “Town”), intends to create or designate a Special Tax Assessment Area to be known as the Town of Brian Head, Iron County, Utah Special Tax Assessment Area No. 2022-01 (Ranger Court) (the “Special Tax Assessment Area”). Accordingly, the Town Council called a public hearing regarding the creation or designation of the Special Tax Assessment Area to be held on October 25, 2022, at 1:00 p.m. at the Town Office at 56 N. Highway 143, Brian Head, Utah 84719, to hear from any person desiring to be heard and objections to a) the designation of the proposed Town of Brian Head, Utah Special Tax Assessment Areas No. 2022-01 (Ranger Court) or the improvements proposed to be provided in said assessment area; b) the amount that a property reasonably and equitably benefits from the improvements; and c) the inclusion of unassessed benefitted government property (of which there is none). It is the intention of the Town Council to make water system improvements within the Special Tax Assessment Area and to levy special assessments as provided in Title 11, Chapter 42, Utah Code Annotated 1953, as amended, on the real estate lying within the Special Tax Assessment Area as described herein for the benefit of which such assessments are to be assessed in the making of such improvements.

DESCRIPTION OF SPECIAL TAX ASSESSMENT AREA

The proposed Special Tax Assessment Area shall include the following real property in the Town of Brian Head, Iron County, UT and is described as:

The properties in the Cedar Breaks Mountain Estates, Unit B subdivision in the Town of Brian Head, Iron County, Utah. More specifically the following parcel numbers in said Ranger Court and Ridge Top Drive. Properties other than the identified parcel numbers will not be included in the proposed Special Tax Assessment Area.

Cedar Breaks Mountain Homesites Unit B Subdivision

<u>Parcel #</u>	<u>Lot #</u>	<u>Block #</u>	<u>Physical Address</u>
A-1143-0001-0016	Lot #1	A	913 E. Ridge Top Drive
A-1143-0001-0011	Lot #2	A	933 E. Ridge Top Drive
A-1143-0001-0010	Lot #3	A	949 E. Ridge Top Drive
A-1143-0001-0014	Lot #4	A	965 E. Ridge Top Drive

A-1143-0001-0013	Lot #5	A	977 E. Ridge Top Drive
A-1143-0001-0010-01	Lot #6	A	995 E. Ridge Top Drive
A-1143-0001-0015	Lot #7	A	1011 E. Ridge Top Drive
A-1143-0001-0021-01	Lot #1	B	942 E. Ridge Top Drive
A-1143-0001-0007	Lot #2	B	972 E. Ridge Top Drive
A-1143-0001-0026	Lot #3	B	1002 E. Ridge Top Drive
A-1143-0001-0017-01	Lot #10	B	945 E. Meadow Drive
A-1143-0001-0020-05	Lot #1	C	912 E. Ridge Top Drive
A-1143-0001-0031	Lot #9	B	971 E. Meadow Drive
A-1143-0001-0001	Lot #8	B	1001 E. Meadow Drive
A-1143-0001-0008	Lot #2	C	6 S. Ranger Court
A-1143-0001-0027	Lot #3	C	36 S. Ranger Court
A-1143-0001-0020-01	Lot #10	C	946 E. Meadow Drive.
A-1143-0001-0004	Lot #11	C	978 E. Meadow Drive

INTENDED IMPROVEMENTS

The improvements to be constructed within the Special Tax Assessment Area are as follows:

Water System Improvement: Water System Improvements to extend water lines on Ranger Court and Ridge Top Drive, and related improvements, and complete the whole in a proper and workman like manner with all drainage and other improvement appurtenant and useful to a water system and associated municipal improvements.

ESTIMATED COST AND METHOD OF ASSESSMENT

Estimated Cost and Method of Assessment: The total cost of Improvements in the Special Tax Assessment Area is currently estimated to be \$545,537, of which the Town will pay \$0 leaving a remainder of \$545,537 which shall be paid by special tax assessment on the private property within the Special Tax Assessment Area.

This includes engineering costs, overhead costs and funding of a reserve fund described herein, all of which shall be paid by special tax assessment to be levied against the properties which may be directly or indirectly benefited by the Improvements which benefits need not actually increase the fair market value of the property to be assessed. The property owners' portion of the total estimated cost of the Improvements may be financed during the construction period by the use of interim warrants, in which case the interest on said warrants will be assessed to the property owners.

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In lieu of utilizing a guaranty fund, the Town Council intends to create a special reserve fund, if desired by lenders, to secure payment of the special assessment bonds (the "Bonds") anticipated to be issued by the Town to finance the proposed Improvements. The reserve fund will be either initially funded with proceeds of the Bonds in an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued, or by building up a reserve fund over a period of six years until an amount equal to approximately ten percent (10%) of the total principal amount of Bonds to be issued is placed in the reserve fund. The Town Council anticipates applying any moneys remaining in the reserve fund to the final payment on the Bonds which, in turn, would offset the final assessment payments to be made by the owners of property benefited by such Improvements, all of which will be further described in the assessment ordinance to be adopted by the Town. Any money in the reserve fund upon full payment of the Bonds is to be disbursed ratably to each assessed lot owner as of the date of disbursement. In addition, estimated costs of assessment include estimated overhead costs which the Town projects to incur in the creation and administration of the Special Tax Assessment Area. If Bonds are issued, the current estimated interest rate is no more than 6.50% per annum and the estimated discount is no more than 2.00%, subject to market rates at the time of issuance and the current estimated term of financing is ten (10) years.

The estimated cost and method of assessment against the properties for the Improvements are as follows:

<u>Improvement</u>	<u>Estimated Assessment</u>	<u>Method of Assessment</u>
Water System Improvement	\$545,537 total cost or \$30,308 per lot.	Per lot.
Total of All Improvements	\$545,537 total cost or \$30,308 per lot	Per lot.

For assessment purposes, if applicable, an owner of a lot is defined herein to be the owner of a platted lot within the Town of Brian Head, Iron County, Utah according to the official records of the Town of Brian Head, upon which a residential, commercial, or other structure to be used for human occupancy is now or may be located consistent with the "lot size" requirements of the applicable Town of Brian Head Land Management ordinances in place as of the date this is adopted.

LEVY OF ASSESSMENTS

It is the intention of the Town Council to levy assessments as provided by the laws of Utah on all property, parcels, and lots of real property to be benefited by the proposed improvements within the Special Tax Assessment Area. The purpose of the assessment

and levy is to pay those costs of the improvements which the Town will not assume and pay. The method of assessment shall be per lot, as set forth herein.

The assessments may be paid by property owners in not more than ten (10) annual installments with interest on the unpaid balance at a rate or rates fixed by the Town, or the whole or any part of the assessment may be paid without interest within twenty-five (25) days after the ordinance levying the assessment becomes effective. The assessments shall be levied according to the benefits to be derived by each property within the Special Tax Assessment Area. Other payment provisions and enforcement remedies shall be in accordance with Title 11, Chapter 42, Utah Code Annotated 1953, as amended. The assessment method will be by inclusion on a property tax notice issued in accordance with Section 59-2-1317 and in compliance with Section 11-42-401 of the Utah Code.

A map of the proposed Special Tax Assessment Area is on file in the Town offices which will make such information available to all interested persons. Copies of plans, profiles and specifications of the proposed improvements shall be made available by the Town as soon as they have been prepared

TIME FOR FILING PROTESTS

Any person who is the owner of record of property to be assessed in the Special Tax Assessment Area described in this Notice of Intention shall have the right to file in writing a protest against the creation of the Special Tax Assessment Area or to make any other objections relating thereto. Protests shall describe or otherwise identify the property owner of record by the person or persons making the protest and shall indicate the total number of lots represented by said protest. Protests shall be filed with the Town Clerk of the Town of Brian Head, Utah, on or before sixty (60) days after the public hearing to be held October 25, 2022, at 1:00 p.m. at the Town Office. The Town Council will meet on January 10, 2023, at 1:00 p.m. in public meeting at the regular meeting place of the Town Council at the Town Office at 56 N. Highway 143, Brian Head, Utah 84719 to consider all protests so filed and hear all objections relating to the proposed improvements. Each protest must be filed in writing and describe or otherwise identify the property owned by the person filing the protest and include the signature of the property owner.

A PROPERTY OWNER MUST PROTEST THE DESIGNATION OF THE SPECIAL TAX ASSESSMENT AREA IN WRITING IF THE OWNER OBJECTS TO (1) THE DESIGNATION OF THE SPECIAL TAX ASSESSMENT AREA, (2) ANY PROPOSED IMPROVEMENT, (3) THE INCLUSION OF THE OWNER'S PROPERTY, OR (4) THE FACT, BUT NOT AMOUNT, OF BENEFIT TO THE OWNER'S PROPERTY. Failure of an owner of property to file a timely written protest can constitute a waiver.

After such consideration and determination, the Town Council shall adopt a resolution either abandoning the Special Tax Assessment Area or creating and designating the Special Tax Assessment Area either as described in this Notice of Intention or with deletions and changes made as authorized by law; but the Town Council shall abandon the

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Special Tax Assessment Area and not create the same if the necessary number of protests as provided herein have been filed on or before the time specified in this Notice of Intention for the filing of protests after eliminating from such filed protests: (i) protests relating to property or relating to a type of improvement which has been deleted from the Special Tax Assessment Area, and (ii) protests which have been withdrawn in writing prior to sixty (60) days after the public hearing. The necessary number of protests shall mean the aggregate of the protests representing forty percent (40%) of the owners proposed to be assessed, according to the same assessment method by which the assessment is proposed to be levied.

BY ORDER OF THE TOWN COUNCIL OF TOWN OF BRIAN HEAD, IRON COUNTY, UTAH

/s/ Nancy Leigh
Town Clerk

Published on the Public Meeting Website:

Posted at least three public places on:

Section 8. The Town Council reasonably expects, to reimburse the Town from proceeds of the Bonds for capital expenditures paid by the Town (whether or not such expenditures are paid from proceeds of interim warrants) with respect to the Improvements.

Section 9. This declaration is intended to be a declaration of official intent under Treasury Regulation ' 1.103-18(1).

Section 10. The maximum principal amount of debt expected to be issued for reimbursement purposes is \$545,537,000. This amount will be reduced by cash payments received by the Town from property owners who elect to pay their assessment in full during the cash payment period immediately following the effective date of the assessment ordinance.

Section 11. This declaration of official intent is consistent with the Town's budgetary and financial circumstances. No funds from sources other than the Bonds are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Town or by any member of the same controlled group pursuant to their budget or financial policies with respect to the expenditures to be reimbursed.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF BRIAN HEAD, IRON
COUNTY, UTAH THIS SEPTEMBER 13, 2022.

Clayton Calloway, Mayor

ATTEST:

Nancy Leigh, Town Clerk

(S E A L)

RECORD OF PROCEEDINGS

A regular meeting of the Town Council of the Town of Brian Head, Iron County, Utah was held on September 13, 2022, at 1:00 p.m., or as soon thereafter as feasible, at the regular meeting place of said Town Council at 56 N. Highway 143, Brian Head, Utah 84719 at which meeting there were present and answering roll call the following members who constituted a quorum:

Clayton Calloway
Kelly Marishall
Larry Freeberg
Martin Tidwell

Mayor
Council Member
Council Member
Council Member

Also present:

Nancy Leigh
Bret Howser

Town Clerk
Town Manager

Absent:

After the meeting had been duly called to order and other matters not pertinent to this resolution had been discussed, the Town Clerk presented to the Town Council a Certificate of Compliance with Open Meeting Law with respect to this September 13, 2022 meeting, a copy of which is attached hereto.

Council Member _____ introduced the foregoing resolution in writing and moved its adoption. Council Member _____ seconded the motion to adopt the foregoing resolution. The motion and resolution were adopted on the following recorded vote:

Those voting AYE:

Those voting NAY:

Those ABSTAINING:

After the conduct of other business not pertinent to the above, the meeting was adjourned.

STATE OF UTAH)

: ss.

COUNTY OF IRON)

I, Nancy Leigh, the duly chosen, qualified and acting Town Clerk of the Town of Brian Head, Iron County, Utah, do hereby certify as follows:

That the foregoing typewritten pages constitute a full, true and correct copy of the record of proceedings of the Town Council taken at a regular meeting thereof held in said Town on September 13, 2022, at the hour of 1:00 p.m., insofar as said proceedings relate to the consideration and adoption of a resolution declaring the intention of the Town Council to create the Town of Brian Head, Utah Assessment Area No. 2022-01 (Ranger Court) and make certain improvements therein described as the same appears of record in my office; that I personally attended said meeting, and that the proceedings were in fact held as in said minutes specified.

That due, legal, and timely notice of said meeting was served upon all members as required by law and the rules and ordinances of said Town.

That the above resolution was deposited in my office on _____, 2022 has been recorded by me, and is a part of the permanent records of the Town of Brian Head, Iron County, Utah.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said Town this _____, 2022.

Nancy Leigh, Town Clerk

(S E A L)

DRAFT

STATE OF UTAH)

: ss.

COUNTY OF IRON)

AFFIDAVIT OF MAILING

NOTICE OF INTENTION

I, Nancy Leigh, the duly chosen, qualified and acting Town Clerk of the Town of Brian Head, Iron County, Utah, do hereby certify that the attached Notice of Intention was approved and adopted in the proceedings of the Town Council held on September 13, 2022.

I further certify that on the _____, 2022 (a date not later than ten (10) days after the first publication of the Notice of Intention (or the posting on the Town Website, whichever was first) I mailed a true copy of the Notice of Intention to create the Town of Brian Head, Utah Assessment Area No. 2022-01 (Ranger Court) by United States Mail, postage prepaid to each owner of land to be assessed within the proposed Assessment Area at the last known address of such owner, using for such purpose the names and addresses appearing on the last completed real property assessment rolls of Iron County. I further certify that a certified copy of said Notice of Intention together with profiles of the improvements and a map of the proposed Assessment Area, was on file in my office for inspection by any interested parties.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Brian Head, Iron County, Utah this _____, 2022.

(S E A L)

Nancy Leigh, Town Clerk

CERTIFICATE OF COMPLIANCE WITH OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town of Brian Head, Iron County, Utah (the Town), do hereby certify, according to the records of the Town in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-6(2), Utah Code Annotated, 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the August 9, 2022 public meeting held by the Town as follows:

(a) By causing a Notice, in the form attached hereto (the "Meeting Notice"), to be posted at the principal office of the Issuer at least twenty-four (24) hours prior the convening of the meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Issuer at least twenty-four (24) hours prior to the convening of the meeting; and

(c) By causing a copy of the Meeting Notice to be published on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the meeting; and

(d) By causing a copy of the Meeting Notice to be delivered to each member of the Town Council of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting.

In addition, the Notice of 2022 Annual Meeting Schedule for the Issuer, attached hereto, specifying the date, time and place of the regular meetings of the governing body of the Issuer to be held during the calendar year 2022 was (1) posted on January 6, 2022, at the principal offices of the Issuer; (2) provided to a newspaper of general circulation within the geographic jurisdiction of the Town on January 6, 2022; and (3) published on the Utah Public Notice Website on January 6, 2022.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this _____, 2022.

Nancy Leigh, Town Clerk

(S E A L)

(Affidavit of proof of publication of the Notice of Intention to create the Town of Brian Head, Utah Assessment Area No. 2022-01 (Ranger Court)).

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SCHEDULE "1"

**NOTICE OF MEETING and EVIDENCE OF POSTING MEETING NOTICE ON
PUBLIC NOTICE WEBSITE**

SCHEDULE "2"

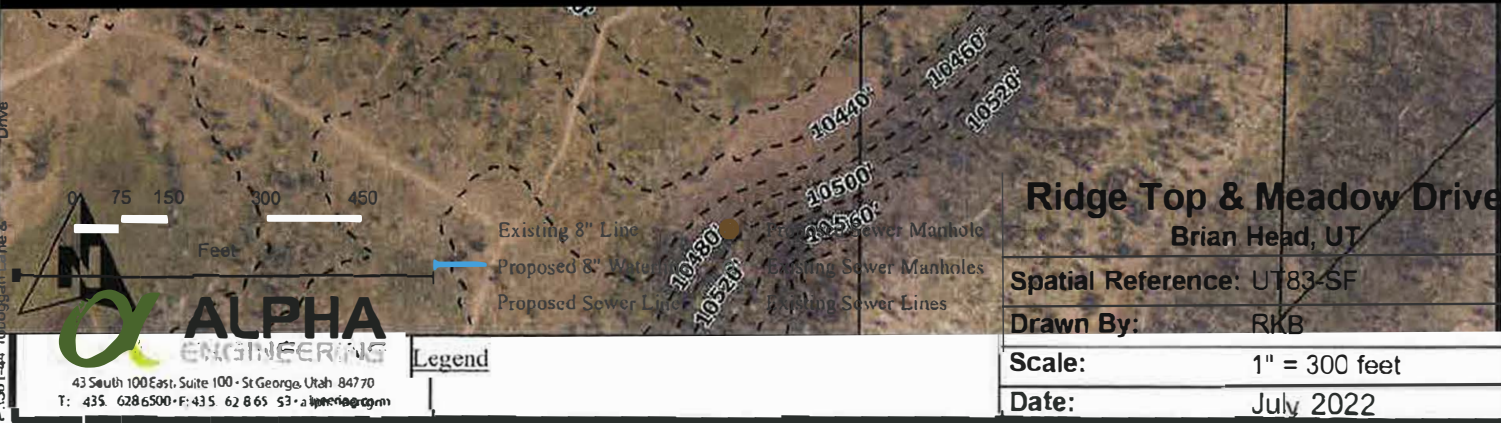
**NOTICE OF ANNUAL MEETING SCHEDULE
EVIDENCE OF POSTING ANNUAL NOTICE ON PUBLIC NOTICE WEBSITE**

Ridge Top SAA
Brian Head, Utah
Estimated Construction Costs
September 8 2022

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE Dollars & Cents	ITEM PRICE Dollars & Cents
1	Mobilization @ 10%	1	L.S.	\$36,745.00	\$36,745
2	8" D.I. Waterline	1,600	L.F.	\$86.00	\$137,600
3	8" Tee	2	Each	\$2,000.00	\$4,000
4	8" Gate Valves	6	Each	\$5,000.00	\$30,000
5	8" 90° D.I. Elbow	1	Each	\$1,100.00	\$1,100
6	Fire Hydrant Assembly	5	Each	\$12,300.00	\$61,500
7	Tie-ins to Existing Waterline	2	Each	\$2,500.00	\$5,000
8	3/4" Water Service Connection	17	Each	\$4,250.00	\$72,250
9	60" Sewer Manhole	0	Each	\$15,000.00	\$0
10	8" Sewer Pipe	0	L.F.	\$67.00	\$0
11	Tie-in to Existing Manhole	0	Each	\$1,500.00	\$0
12	4" Sewer Service Connection	0	Each	\$1,350.00	\$0
13	Gravel Road (6" roadbase, tree removal, drainage, subgrade)	1,600	L.F.	\$35.00	\$56,000
SUBTOTAL					\$404,195
20% CONTINGENCY					\$80,839
12% ENGINEERING & CONSTRUCTION MANAGEMENT					\$48,503
TOTAL					\$533,537

* Estimated. ~~Costs~~ May change once engineering is completed.

P:\501-44 Topograp... 7/21/2022 8:36 AM rbeazer



0 75 150 300 450 Feet

ALPHA
ENGINEERING

43 South 100 East, Suite 100 - St George, Utah 84770
T: 435 628 6500 • F: 435 62 8 65 53 • info@alphaengineering.com

Legend

- Existing 8" Line
- Proposed 8" Line
- Proposed Sower Line
- Existing Sower Manhole
- Existing Sower Manholes
- Existing Sower Lines

Ridge Top & Meadow Drive	
Brian Head, UT	
Spatial Reference: UT83-SF	
Drawn By:	RKB
Scale:	1" = 300 feet
Date:	July 2022

Lot 1
Unit B
Block A

Lot 2
Unit B
Block A

Lot 3
Unit B
Block A

Yes

Lot 4
Unit B
Block A

Yes

Lot 5
Unit B
Block A

Lot 6
Unit B
Block A

Lot 7
Unit B
Block A

Yes

Lot 1
Unit B
Blk C

Yes

Lot 2
Unit B
Block C

Lot 3
Unit B
Block C

Yes

S-Ranger Ct

Lot 1
Unit B
Block B
Yes

Lot 2
Unit B
Block B
Yes

Lot 3
Unit B
Block B
Yes

Lot 10
Unit B
Block B

Added -Lot 9
Unit B
Block B

Added Lot 8
Unit B
Block B

E-Meadow Dr

Lot 10
Unit B
Block C

Yes

Added - Lot 11
Unit B
Block C



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Playground Surface Discussion & Direction
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: September 13, 2022
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council hold a discussion and give staff direction on the ground surface material for the new playground equipment that has been ordered for Bristlecone Park. Council will consider staying with the engineered woodchips or going to rubber mulch for the ground covering.

BACKGROUND:

On April 12, 2022, the Council agreed to purchase new playground equipment for the Bristlecone Park as part of the park improvements. The existing playground equipment has deteriorated over the years since it was originally installed in the early 1990's.

As part of the playground equipment installation, ground covering material was discussed and what would be acceptable for a playground in Brian Head's extreme environment. The quote that was approved by the Council identified engineered woodchips for the covering and since that time, the Council discussed possible other ground coverings options such as rubber mulch and directed staff to acquire a cost on rubber mulch for the playground.

ANALYSIS:

Staff contacted several commercial playground equipment companies to obtain quotes for rubber mulch and as of the current date, two quotes were received. Garrett Park and Play is the company that the Town will be purchasing the playground equipment from, the second is from BYO Playground Equipment.

Company	Ground Covering	Cubic Yard/Tons	Shipping/Deliver	Amount
Garrett Park n Play	Engineered Wood	150 cubic yards	Delivered / Installed	\$6,480
Garrett Park n Play	Rubber Mulch	24 tons	Delivered / Installed	\$22,160
BYO Playgrounds	Rubber Mulch	24 tons	Shipping only	\$16,085

Staff will have engineered woodchips and rubber mulch samples available for the Council to review in deciding on the type of ground covering for the playground equipment.

The rubber mulch comes in several colors: cedar redwood, green, brown, black and blue for the Council to choose from if rubber mulch is the choice for the ground covering. In speaking with Vern Garrett (Parks and Play) about any additional work that may need to be done for the installation of the rubber mulch, he indicated that there should be some type of drainage for the water to leave the playground area but would have the same need for drainage as the engineered woodchips.

Insurance Companies consider the rubber mulch as a safe ground covering for commercial playgrounds and is widely used in commercial playgrounds.

Staff did reach out to both companies to see if there was a change in the quotes and will present any updated quotes if received prior to Tuesday's meeting.

FINANCIAL IMPLICATIONS:

If the Council is interested in going with the rubber mulch vs. the engineered woodchips, the cost difference is \$15,680 from Garrett Park and Play. This includes the delivery and installation of the mulch. From BYO Playground Equipment for their rubber mulch, the difference between the engineered woodchip is \$9,605, for delivery only.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

It is staff's recommendation to go with the rubber mulch ground covering for the playground. If Garrett Park and Play were to provide the mulch, they would deliver and install the mulch and would be in coordination with the installation of the playground equipment since they would be the company installing the equipment.

PROPOSED MOTION:

N/A – Administrative direction only.

ATTACHMENTS:

- A – Playsoft engineered wood fiber specification sheet (Informational)
- B - Rubber Mulch specification sheet (Informational)
- C - Engineered woodchip quote from original quote for playground equipment Pg. 8 of 9.
- D – Garrett Parks and Play Quote for Rubber Mulch
- E – BYO Playground Quote for Rubber Mulch



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Discussion Re: LMC Ch 9 Water Acquisition
AUTHOR: Bret Howser / Becky Bennett
DEPARTMENT: Administration
DATE: September 13, 2022
TYPE OF ITEM: Legislative Action

SUMMARY:

The Town Council will discuss and consider an ordinance amending the Land Management Code, Chapter 9 Subdivisions on the proposed water acquisition.

HISTORY:

Brian Head contracted Alpha Engineering in 2021 to create capital facilities plan that would describe how many years of buildout the Town has prior to needing more water rights to serve residents. Based on the past growth of two cabins per year, Alpha estimated that the town would suffice until roughly 2064. However, that was prior to the unprecedented amount of growth Brian Head has seen, and likely will continue to see for the upcoming years. Because of this growth and the imminent drought that the state will likely remain in, Staff worries about the future of water capacity in Brian Head. This report and proposed LMC amendment provide a summary of the water usage in town and a solution to the lack of water we may have in the future.

Town Council met on August 23, 2022 to discuss the proposed LMC changes. Council made several changes to the LMC that Planning Commission proposed. Those changes are listed below:

1. Reserve 3 acre feet of water for small single family lot splits.
2. Reserve 37 acre feet of water for all residential subdivisions (not including small single family lot splits)
3. Reserve 60 acre feet of water for commercial subdivisions.
4. Ensure that these water rights are allocated strictly on a first come, first served basis.
5. If a property owner vacates a lot line, then that share of the water returns to the 3 acre foot pool reserved for single family residential homes.

ANALYSIS:

The policy question staff needs answered is: Who gets the water? In past meetings, we tiptoed around the question and answer but never outright said it.

The idea accepted by Planning Commission creates a pool of water. This way, the people who are ready to subdivide and build now get the water they need without having to bring any in, and the residents who wish to subdivide their land now get the water they need without having to bring any in. But when the allocated water is gone, it is gone and everybody after that moment will be required to find and transfer the required amount of water rights to the Town. This would replace any sort of subdivision tracking process proposed at the beginning of the proposed changes, would reserve water for the parcels we have in town now, and provide the developers who are ready to build an opportunity to build so that the town doesn't immediately halt development.

FINDINGS:

1. Brian Head has limited water rights. Brian Head provides culinary and irrigation water for residential, commercial, and industrial uses consistent with Town ordinances. There are limited water rights in the Brian Head area.
2. Brian Head is experiencing sustained residential, commercial, and industrial growth and growth necessitates acquisition of additional water rights.
3. The State of Utah water engineer has determined that the water rights in Parowan Valley Aquifer and Cedar Valley Aquifer have been fully appropriated and has closed the basins to future appropriation of water rights.
4. The proposed land management code change is consistent with General Plan Policy A 1 and 2:
 - A. “Establish orderly, planned growth and development of Brian Head that enhances Brian Head’s distinctive mountain resort environment and small-town character and provides consistent services and infrastructure suitable for consumer expectations while remaining in harmony with the mountain atmosphere.”
 1. “Utility and infrastructure improvements should meet consumer expectations and needs such as asphalt streets, water, sewer, natural gas, electricity, telecommunications, television, waste collection and recycling services.”
 2. “Require developers of projects to design improvements to be compatible with the severe weather conditions that exist and to incorporate natural vegetation that is capable of surviving in this environment into landscaping plans.”
5. The proposed land management code change addresses a noted problem in the Town and fixes it based on collected data and similarly situated towns.
6. The proposed land management code change meets the vision and intent set forth in the Community Vision: Brian Head is a rustic mountain village with diverse recreation where people and nature co-exist.

PROPOSED MOTION:

The Town Council can make a motion of denial, approval, or approval with conditions of the proposed land management code change.

Recommended motion: I move to adopt ordinance No. 22-009 amending the Land Management Code, Chapter 9 Subdivision for the addition of 9-9-6 Water Acquisition as presented.

ATTACHMENTS:

A – Proposed Changes to the Code

B – Ordinance Amending the LMC, Chp. 9 Subdivisions

Title 9 – Land Management Code

Chapter 9 SUBDIVISIONS

9-9-1: PURPOSE:

9-9-2: SUBDIVISION PROCESS:

9-9-3: PLAT AMENDMENTS:

9-9-4: SUBDIVISION BY METES AND BOUNDS:

9-9-5: CONVERTIBLE OR EXPANDABLE AREA FOR CONDOMINIUMS:

9-9-6: WATER ACQUISITION

9-9-1: PURPOSE:

It is the town's intent to promote the orderly growth and development of subdivisions to ensure that subdivisions meet local and state codes, and to ensure that growth conforms to the Town General Plan, this title and design standards. (2010 Code, amd. ord. 21-005, 05-11-2021)

9-9-2: SUBDIVISION PROCESS:

Subdivision of land must comply with the provisions of this chapter and Utah Code Annotated section [10-9a-601](#) et seq. Until a final plat is recorded according to these provisions, the following may not occur: lots transferred, sold or offered for sale, contracted for sale, deeded or conveyed, building permit issued on said lots; terrain altered; any vegetation removed from the proposed subdivision site; or engaging in any site development. The steps of the subdivision process are as follows: (amd. ord. 21-005, 05-11-2021)

- A. Pre-application Conference: Prior to submission of formal materials for a proposed subdivision, a subdivider shall participate in a pre-application conference with the Planning and Zoning Department. This will provide the subdivider an opportunity to consult with and receive assistance from the Town regarding the regulations and design requirements applicable to the subdivision of the property prior to a significant investment in technical/engineering and legal work. (amd. ord. 21-005, 05-11-2021)
- B. Schematic Plan Review:
 - 1. Purpose: The schematic plan is intended to be an informal and abbreviated submittal, to allow the applicant and the review boards to determine the basic feasibility of the proposal before incurring the time and expense of a formal application for the preliminary and final plats. Town staff and Planning Commission recommendations,

suggestions and interpretations during the schematic plan review are advisory and shall not be considered binding on the Town.

2. Review Process:

- a. Submittal: See [chapter 4](#)
- b. Planning and Zoning Review: The Planning and Zoning Department and other necessary town staff shall review the documents submitted for schematic plan review to determine if they are complete as required in [chapter 4](#) of this title and meet the standards for review for Schematic Plan Renew. The application and staff comments are then forwarded to the Planning Commission.
- c. Planning Commission Review: Within a reasonable time after the Planning and Zoning Department review, the schematic plan shall be presented to the Planning Commission at a regular meeting. During this review, the Planning Commission shall provide additional comments and input as they pertain to this title to assist the applicant in preparing the preliminary plat application.

3. Standards For Review: The applicant shall demonstrate that:

- a. Conformance To General Plan: The proposed subdivision conforms to the Town General Plan, zoning regulations, Public Works Standards, Design Standards ([chapter 12](#))
- b. Water: The proposed water source is connected to the Town's water distribution system and has adequate supply, capacity, and method of distribution within the subdivision. (2010 Code, amd. ord. 15-004, 4-28-2015)
- c. Sewer: The proposed sewage system is connected to the Town's sewer system and meets State and Town standards and regulations. (2010 Code, amd. ord. 15-004, 4-8-2015)
- d. Fire Protection: The proposed method for fire protection complies with this title and other regulations as applicable.
- e. Appropriate Use: The proposed uses for the property are appropriate to the zone district and the layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts and preservation of views.
- f. Public Services: Adequate public services are available to meet the needs of the proposed subdivision, including roads, water, sewer, storm water, gas, electric, telecommunications, trails, transit, snow storage areas, police and fire protection, and recreation. If adequate services do not exist at the time of application, provision must be made for expansion of services concurrent to the subdivision development at the expense of the subdivider.

4. Vested Rights: Submission of a schematic plan does not constitute the beginning of any vested rights for the applicant. Vested rights shall accrue only upon the filing of a complete preliminary plat application with all required information and fees. However, if there is a compelling, countervailing public interest or the Town has initiated proceedings to amend this title or other applicable ordinances at the time of the preliminary plat application, then there shall be no vesting as it pertains to the compelling, countervailing public interest or pending ordinance change. (amd. Ord. 21-005, 05-11,2021)
5. If the applicant does not proceed with the preliminary plat review application within six (6) months of completing the schematic plan review, the applicant shall resubmit the proposed schematic plan and the Planning and Zoning Administrator shall determine whether the schematic plan review process shall be repeated. (ord. 21-005, 05-11-2021)

C. Preliminary Plat:

1. Purpose: The purpose of the preliminary plat is to review and resolve most of the technical details of the subdivision design in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat, and all information and procedures relating thereto, shall in all respects be in compliance with the provisions of this title and any other applicable ordinances.
2. Standards For Review: The applicant shall demonstrate that:
 - a. Compliance with Schematic Plan: The proposal does not significantly deviate from the schematic plan insofar that the schematic plan was consistent with local ordinances and state statute.
 - b. Water: The proposed water distribution system is connected to the Town's water system and meets the requirements of the Town; (2010 Code, amd. ord. 15-004, 4-28-2015)
 - c. Sewer: Provision has been made for a public sewer collection system and is connected to the Town's sewer system and meets Town requirements. (2010 Code, amd. ord.15-004, 4-28-2015)
 - d. Public Services: Preliminary engineering plans provide evidence that public services (roads, trails, transit, storm water, snow storage, fire, police, gas, electricity, telecommunications, and recreation) meet the requirements of this title and applicable codes.
3. Review Process:
 - a. Application: After completing the schematic plan review required in this title, the subdivider shall file an application for preliminary plat approval. See [Chapter 4](#) of this title for the information required to be included on or with the preliminary plat.

The applicant shall provide the Town with sufficient information so that it can provide notice by transmittal letter to such public agencies and utilities as deemed appropriate by the Planning and Zoning Administrator, or designee. In the transmittal letter, the Town shall request that each of the affected entities, as set forth in Utah Code Annotated section [10-9a-103\(3\)](#), as amended, forward a report of its findings and recommendations to the Planning and Zoning Department and Planning Commission by the date of the public hearing set for the preliminary plat approval. The developer shall pay for all costs incurred.

b. Town staff Review:

- i. Within a reasonable amount of time, the Planning and Zoning Administrator and/or staff shall review the preliminary plat application for general compliance with these regulations: Public Works Standards, Design Standards and other applicable ordinances. If the preliminary plat is not complete or not in general compliance, the Planning and Zoning Administrator shall notify the subdivider in writing and specify the respects in which it is deficient. When the submission is complete the Planning and Zoning Administrator, or designee, shall forward the preliminary plat to the Planning Commission.
- ii. The Public Works Department and Town Engineer shall review submittals, plans and plats as to engineering requirements for street widths, grades, alignments, snow removal and storage, surface water flow and flood control, and for consistency of the proposed public improvements with this title and other applicable ordinances. (2010 Code, amd. ord. 15-004, 4-28-2015)

c. Planning Commission Review: When the filing of a preliminary plat of a subdivision and any other information required is deemed complete and accurate by the Planning and Zoning Department, the Planning Commission shall hold a public hearing consistent with [UCA §10-9a-602 et seq.](#) as amended, to review and recommend thereon. If the Planning Commission finds that the proposed plat complies with the standards for review as well as all other requirements of this title, it shall forward to the Town Council a recommendation to approve, or approve with conditions, the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of this title or other applicable ordinances, it shall recommend to deny such plat.

d. Town Council Review: Upon receipt of a recommendation from the Planning Commission, the Town Council shall meet to approve as recommended, approve as modified by the Town Council, or deny the proposed preliminary plat.

4. Effect Of Approval Of Preliminary Plat: Approval of the preliminary plat shall in no way relieve the applicant of responsibility to comply with all ordinances, all issues identified during the schematic plan review (unless formally waived by the Town Council), and to provide all improvements and easements necessary to meet Town Standards and Specifications.
5. Expiration Of Preliminary Plat Approval: Application for final plat approval shall be made within twelve (12) months after approval or conditional approval of the preliminary plat by the Town Council. This time period may be extended for no more than an additional six (6) months by the Town Manager for good cause shown if the subdivider petitions for an extension prior to the end of the original six (6) month period. Only one extension may be granted. Failure to submit the application for final plat within the allotted time period shall cause the previous approvals to be null and void. Fees previously paid by the applicant shall not be refunded. (ord. 08-016, 8-12-2008, amd. ord. 21-005, 05-11-2021)

D. Final Plat:

1. Purpose: The purpose of the final plat review is to obtain formal land use authority approval of the detailed engineering and legal requirements of the final plat prior to recording the subdivision plat pursuant to [UCA §10-9a-604\(b\)\(i\)](#) as amended. The final plat and all information and procedures relating thereto shall be in compliance with the provisions of this title. The final plat and improvement plants submitted shall conform in all respects to those regulations and requirements specified during the schematic plan and preliminary plat procedures. (2010 Code, amd. ord. 21-005, 05-11-2021)
2. Standards For Review: The applicant shall:
 - a. Comply with all conditions of schematic and preliminary plat approval.
 - b. Include acceptable final engineering plans for the water distribution system, final agreements from the water provider, and provisions for perpetual maintenance for the water system.
 - c. Meet all planning, engineering, and surveying requirements of the Town for maps, data, surveys, analyses, studies, reports, plans, designs, documents, wetlands designations, and other supporting materials.
 - d. Provide evidence to show that there is no encumbrance, lien or conveyance restricting the intended use of the lot.

- e. Provide evidence from the County Treasurer that all ad valorem taxes applicable to the property have been paid.
- f. Include all dedications for streets, roadways, easements, trails and/or rights of way, as necessary.
- g. Provide signature blocks on the plat signed by a representative of public utilities which identify their approval.

3. Review Process:

- a. Application: The subdivider shall file an application for final plat approval with the Planning and Zoning Department in such form and quantities as prescribed by [chapter 4](#). (amd. ord. 21-005, 05-11-2021)
- b. Planning and Zoning Department Review: The Planning and Zoning Administrator shall ensure that the final plat and associated documents have been checked by the applicable town departments (Public Works, Public Safety), Town Engineer and Town Attorney for completeness and general compliance with this title and for incorporation of any changes required during the preliminary plat procedure, and that other applicable approval agencies have granted approval. If the submission is not complete, not in general compliance with or does not incorporate conditions of previous approvals, the Planning and Zoning Administrator shall notify the applicant in writing and specify the respects in which it is deficient. When the submission is complete, in general compliance with applicable ordinances, and incorporates all prior conditions of approval the Planning and Zoning Administrator shall forward the final plat to the Planning Commission for review. (amd. ord. 21-005, 05-2021)
- c. Planning Commission Review: Upon receipt of the final plat, the Planning Commission shall examine the plat to determine whether the plat conforms to the standards for review and shall forward its recommendation onto the Town Council for final approval or denial. (2010 Code, amd. ord. 15-004, 4-28-2015)
- d. Town Council Review: Upon receipt of the final plat and the Planning Commission's recommendation, the Town Council shall examine the plat to determine whether the plat conforms to the preliminary plat, all applicable town ordinances and codes and the standards of the town, and with all requirements imposed as conditions of previous acceptances. The Town Council may:
 - i. Approve the final plat as presented.

- ii. Disapprove the final plat and advise the subdivider in writing of the changes or additions that must be made for approval; or
- iii. Table or continue the application to allow the subdivider to make revisions. The subdivider shall be responsible for notifying the Town that the final plat has been revised and is ready for recommendation. (2010 Code, amd. ord. 21-005, 05-11-2021)

4. Expiration Of Final Plat Approval: If the final plat is not recorded or the requirements set forth as a condition of final approval are not met by the subdivider within twelve (12) months from the date of final plat approval, such approval shall be null and void. This time period may be extended for good cause shown, for additional six (6) month period by the Town Manager. The subdivider must petition for an extension prior to the expiration of the original twelve (12) months, or an extension previously granted. Up to two (2) extensions may be granted, if the Town Manager finds that each extension will not be detrimental to the town. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, park fees, flood control fees, as well as the amounts the Town uses to estimate bonds to ensure completion of improvements, have increased, the Town Manager may require the subdivider pay such increases as a condition of granting the extension. (amd. ord. 21-005, 05-11-2021)

E. Security Agreement: Prior to recording a final plat, the subdivider shall provide sufficient financial guarantee consistent with [chapter 13](#) (amd. ord. 21-005, 05-11-2021)

F. Plat Recorded: After final approval, filing of security agreements and signing of the plat by the Town Manager, Mayor, Town Engineer, Town Attorney, utility companies and other required entities, the plat and covenants, conditions, and restrictions (CC&Rs) shall be recorded in the office of the County Recorder by the Town Clerk, with all recording costs paid by the subdivider. (2010 Code, amd. ord. 15-004, 4-28-2015)

G. Acceptance of Subdivision Improvements:

1. Subdivision improvement or such conditions imposed under this title shall be deemed accepted by the Town only upon complete final inspection by the appropriate Town officials and the issuance of a certificate of acceptance by the Town Manager or designee.
2. Conditions for Acceptance: In order for the subdivision public improvements such as streets, sewer and water to be accepted, the following shall occur:
 - a. Upon substantial completion of the subdivision improvements, the subdivider shall submit a written request for the Town to conduct a substantial completion inspection.

- b. Within a reasonable time of the request, and weather permitting, the Town shall conduct an inspection of the improvements to ensure that they have been installed per the letter to the subdivider identifying required corrections to be completed prior to the one-year warranty period beginning. At the beginning of the warranty period, the Town shall release all funds, except for a retention bond as allowed per Utah Code Annotated. During the one-year warranty period, the Town may provide services to the subdivision such as water, sewer, snow removal and garbage collection.
- c. At the end of the one-year warranty period, the subdivider may submit a written request to the Town for a final acceptance inspection of the subdivision improvements. Upon completion of any required corrections or repairs, the Town shall issue a letter of final acceptance and release any retention due to the subdivider. (2010 Code)

9-9-3: SUBDIVISION PLAT AMENDMENTS:

- A. Any landowner whose land has been platted as provided in this title may, upon application to the Town, have such plat, or portion therefor, or any street or alley therein contained, altered, amended, or vacated in compliance with the provisions of this section and [UCA §10-9a-601](#) et seq. (2010 Code, and ord. 21-005, 05-11-2021)
- B. Lot Line Adjustment: Any relocation of a lot line boundary between adjoining lots or parcels, whether or not the lots are located in the same subdivision, with the consent of the owners of record which does not result in a change in the number of lots in the subdivision is exempt from the full subdivision process or plat amendment process. The Planning and Zoning Department may approve a lot line adjustment upon determination that the resultant lots are consistent with all other provisions of this title. (ord. 21-005, 05-11-2021)
- C. Minor Plat Amendments:
 - 1. As provided for in UCA [§10-9a-608\(2\)](#), any plat amendment which meets the following criteria qualifies for the streamlined plat amendment process described in this section:
 - a. Does not increase the number of lots in the subdivision by more than ten (10) lots;
 - b. Does not reduce the number of lots in the subdivision by more than ten (10) lots;
 - c. Does not alter the plat in a manner that changes existing boundaries of other attributes of lots within the subdivision that are not owned by the petitioner or designated as common area;
 - d. Does not require additional public utilities or infrastructure to provide adequate public service to the newly divided lots; and

- e. Does not create a lot that is smaller than the smallest lot within the existing subdivision plat.

(ord. 21-005, 05-11-2021)

2. Standards for Review:

- a. The proposed subdivision and use conform to the Town General Plan, Zoning Regulations, Public Works Standards, Design Standards ([chapter 12](#) of this title) and other relevant sections of this title.
- b. The proposed method for fire protection complies with this title, and other regulations as applicable.
- c. The layout/design is responsive to the constraints of topography, soil types, geologic hazards, watercourses and floodplains, visual impacts, and preservation of views.
- d. Adequate public services are available to meet the needs of the proposed subdivision, including roads, water, sewer, storm water, gas, electric, telecommunications, trails, transit, snow storage areas, police and fire protection, and recreation.
- e. Provide evidence to show that there is no encumbrance, lien or conveyance restricting the intended use of the lot.
- f. Provide evidence from the County Treasurer that all ad valorem taxes applicable to the property have been paid.
- g. Provide signature blocks on the plat signed by a representative of public utilities which identify their approval.

(ord. 21-005, 05-11-2021)

3. Review Process:

- a. Planning and Zoning Review: The Planning and Zoning Department and other necessary Town staff shall review the documents submitted for schematic plan review to determine if they are complete as required in [chapter 4](#) of this title and meets the standards for review.
- b. Public Notice: Notice for at least one public meeting at which the Planning Commission will consider the amended plat shall be given to adjoining property consistent with UCA [§10-9a-207](#).
- c. Planning Commission Review: Upon receipt of the amended plat, the Planning Commission shall examine the plat to determine whether the plat conforms to all applicable Town ordinances and codes and the standards for review, and with all

requirements imposed as conditions of previous acceptances. The Planning Commission may:

- i. Approve the amended plat as presented.
- ii. Disapprove the amended plat and advise the applicant in writing of the changes or additions that must be made for approval; or
- iii. Table or continue the application to allow the applicant to make revisions. The applicant is responsible for notifying the Town that the amended plat has been revised and is ready for reconsideration.

d. Plat Recorded: After final approval and signing of the amended plat by the Town Manager, Mayor, Town Engineer, Town Attorney, utility companies and other required entities, the approved amended plat shall be recorded in the office of the County Recorder by the Town Clerk, with all recording costs paid by the subdivider.

4. Expiration of Amended Plat Approval: If the amended plat is not recorded or the requirements set forth as a condition of final approval are not met by the subdivider within six (6) months from the date of amended plat approval, such approval shall be null and void.

D. Major Plat Amendments: All plat amendments which do not qualify under subsection (B) or (C) shall be considered major plat amendments and will be considered under the process described in 9-9-2 and consistent with UCA [§10-9a-608](#) and [§10-9a-609](#).

1. At the applicant's request, the Planning and Zoning Administrator may choose to waive the Schematic Plan Review process required by section [9-9-2](#) of this title if it is determined following the pre-application conference that the proposed plat amendments substantially meet the standards for review and that additional conditions are not likely to result from the Schematic Plan Review. The applicant will still be responsible for any costs associated with adjustments to the preliminary plat which result from the Preliminary Plat Review.

2. Public Notice Requirements: In addition to the requirements of [9-9-2](#), notice for the public hearing during the Preliminary Plat Review shall be given to adjoining property owners consistent with [9-1-8](#) of this title and UCA [§10-9a-207](#).

(ord. 21-005, 05-11-2021)

9-9-4: SUBDIVISION BY METES AND BOUNDS:

A. Purpose

1. The intent of subdivision by metes and bounds is to streamline the subdivision review and approval process for previously unsubdivided parcels in coordination with the existing utilities and public infrastructure where no more than ten (10) residential parcels or no more than two (2) commercial parcels will result from the subdivision. (2010 Code, amd. ord. 21-005, 05-11-2021).

B. Standards for Review: When the subdivider is prepared to record sell specific parcels of property not previously subdivided, he or she must demonstrate to the satisfaction of the Town the following:

1. The proposed parcels conform to the previously approved general plan and this title;
2. No additional public utilities or infrastructure are required to provide adequate public service to the newly divided lots; (ord. 21-005, 05-11-2021)
3. The utility and/or vehicular access to remaining undeveloped property will not be impaired;
4. The proposed parcels will have access to existing necessary utilities;
5. That remnant parcels which did not previously exist are not created which, due to size, configuration or location, do not meet current zoning requirements and/or are not able to be developed; and
6. The proposed subdivision meets the criteria for exemption from the plat requirement set forth by the UCA §[10-9a-605](#), as amended.

C. Review Process: Subdivisions which qualify under this section shall be considered under the Minor Plat Amendment process described in section [9-9-3 \(C\)](#) of this title.

9-9-5: CONVERTIBLE OR EXPANDABLE AREA FOR CONDOMINIUMS:

Land use approvals depicted with convertible or expandable space shall comply with the requirements of Utah Code Annotated, title 57, chapter 8 and the declaration associated with the project. Conversions and expansions of units shall go through a plat amendment process unless the original plat approval specifically identifies the proposed conversions and expansions of the project, and the amended plat and declaration are in harmony and conformance with the original project approval. In such cases, the amendment documents may be recorded when they have been reviewed, signed, and approved for recordation by appropriate Town staff. (2010 Code, amd. Ord. 15-004, 4-28-2015)

9-9-6: WATER ACQUISITION

A. Purpose and Findings:

- a. Brian Head's primary purpose for establishing this ordinance is to acquire the water rights necessary to serve its expanding population.
- b. Based off studies done by Brian Head, the town likely has enough rights to provide water to all existing parcels (as of August 11, 2022). The Town does not have many extra water rights to provide water for potentially hundreds of new parcels that can be created when Brian Head expands.

B. Time to acquire water rights:

- a. 100 acre feet of water rights (the "Pool") will be reserved for certain subdivisions on a first come, first served basis.
 - i. 60 acre feet of the Pool will be reserved for commercial subdivision. A single commercial owner/subdivision may only use 50% of the available Pool.
 - ii. 37 acre feet of water will be reserved for R1, R2, and R3 subdivisions of more than two lots.
 - iii. 3 acre feet of water will be reserved for single family lot splits (an individual who wishes to divide his parcel into two lots only).
 - iv. Once the Pool has been allocated, any property owner wishing to subdivide must follow all the regulations below in this section.

- b. All property that has not previously dedicated water rights shall be required to dedicate water rights at the time of annexation, or if already in Town limits, at the time the property subdivides.

C. Amount of Water Rights

- a. Prior to final approval or recordation of the final plat of any subdivision or other development activity requiring culinary water service from the town, the developer shall transfer and dedicate to the town, the unencumbered, clear title to a sufficient quantity water rights and/or sources necessary to provide and deliver culinary water to each lot, dwelling unit and/or other use within the new development.
- b. Sufficient Quantity of Water Defined: A "sufficient quantity of water" shall be decided as a result of the developer's produced water study. The water study shall include open space and all other real property included in the proposed subdivision and/or development. The Commission and Council must review and approve the proposed amount of water based on the buildout study provided by Staff. The council may reasonably adjust this amount depending on the type of subdivision and development requested and the water requirements thereof.

D. Acquisition of Excess Water Rights

- a. If at any time an owner is required to deed water rights to the Town, and if that owner owns more water rights which have been used on the property relating to the land use application than the owner is required to deed to the Town, then the Town shall request that the owner either sell the excess rights to the town or enter into an agreement with the Town giving the Town the first right of refusal should the owner decide to sell said water rights in the future.

E. Type of Water Rights

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- a. Water rights shall be sub-surface water rights that have a priority date prior to January 1, 1934 and be available for use in water right area 75.

F. Transferring Water Rights

- a. The developer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The developer shall also provide a title insurance policy in such a sum that is adequate to cover the appraised value of the water rights the policy is covering.
- b. A change application with the State of Utah shall be completed at the expense of the party developing the land. Information to be included in the change application will be provided by Brian Head Town, including the points of diversion. The change application must be approved by the State Engineer prior to transferring water rights to the Town on the books of the State of Utah Division of Water Rights. This transfer may also be conditioned on approval of the land use application pending before the Town that caused the developer to transfer the water rights.
- c. A deed transferring the water rights to Brian Head Town shall be completed and held prior to the land use application approval. The deed transferring ownership may be held either by the Town or in an escrow account paid for by the developer. Once the land use application and change application receive approval, the deed will be recorded.
- d. If the Division of Water Rights has not made a final decision on the change application prior to the land use approval, then the land use application will be tabled until a final decision is made.
- e. If at any point in this process, the change application is denied by the Division of Water Rights then the request will be denied and the land use application will die.

G. Exceptions

a. Public Lands Exception

- i. If at the time of annexation, the annexed property is owned by the Bureau of Land Management or the US Forest Service then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights. This exception only applies to annexation and not when the property is platted as a residential subdivision or receives a building permit.

b. Brian Head Town Exception

- i. Nothing in this ordinance shall require the town to deed water or pay a fee if the Town develops land.

c. Lot Line Vacation Exception

- i. For purposes of this chapter, lot line vacations shall be considered as "putting water back into the pool." For example, if two lots vacate one line and become one property, then the equal amount of water rights for one lot shall be added into the three acre feet of water reserved for single family lots.

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ORDINANCE NO. 22-_____

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 9 SUBDIVISIONS, ESTABLISHING PROVISION 9-9-6 WATER ACQUISITIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, it is a priority of the Town to ensure that sufficient water is available to new subdivisions by requiring developers of new subdivisions to bring water to the Town for their development and ensure for future growth of the Town, and;

WHEREAS, the Brian Head Planning Commission held a public hearing on August 2, 2022, giving at least fourteen (14) days' notice prior to the public hearing to receive public comment. The Planning Commission hereby forward their recommendation of approval to the Brian Head Land Management Code, Chapter 9 Subdivisions with the addition of a new provision for water acquisitions to the Brian Head Town Council for their consideration and adoption, and;

WHEREAS, the Brian Head Town Council held a public hearing on August 9, 2022, giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Cod, and;

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:

Section 1. The Brian Head Land Management Code is hereby amended and incorporated herein by reference as Title 9, Chapter 9 Subdivisions as Attachment "A" of the Brian Head Town Code.

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council and following notice and publication as required by law. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this Ordinance shall be codified into Title 9 of the Brian Head Town Code.

Section 3. Conflict. To the extent of any conflict between other Town, County, State, or Federal laws, ordinances or regulations and this Ordinance, the more restrictive is deemed to be controlling.

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Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH this _____ day of September 2022 with the following vote.

Mayor Clayton Calloway	Aye_____	Nay_____
Council Member Kelly Marshall	Aye_____	Nay_____
Council Member Martin Tidwell	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____

BRIAN HEAD TOWN COUNCIL

ATTEST:

By: _____
Clayton Calloway, Mayor

Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance, passed by the Town Council on the _____ day of September 2022 and have posted a summary of the adopted ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office, and the Mall and a complete copy of the adopted ordinance on the Brian Head Town Website and has been posed on the Utah Public Meeting Notice Website.

Nancy Leigh, Town Clerk

ATTACHMENT “A”
Title 9 – Land Management Code

Chapter 9
SUBDIVISIONS

PROPOSED CHANGES IDENTIFIED IN RED FONT

9-9-1: PURPOSE:

9-9-2: SUBDIVISION PROCESS:

9-9-3: PLAT AMENDMENTS:

9-9-4: SUBDIVISION BY METES AND BOUNDS:

9-9-5: CONVERTIBLE OR EXPANDABLE AREA FOR CONDOMINIUMS:

9-9-6: WATER ACQUISITION:

9-9-6: WATER ACQUISITION

A. Purpose and Findings:

1. Brian Head's primary purpose for establishing this ordinance is to acquire the water rights necessary to serve its expanding population.
2. Based off studies done by Brian Head, the Town likely has enough rights to provide water to all existing parcels (as of August 11, 2022). The Town does not have many extra water rights to provide water for potentially hundreds of new parcels that can be created when Brian Head expands.

B. Time to acquire water rights:

1. 100 acre feet of water rights (the “Pool”) will be reserved for certain subdivisions on a first come, first served basis.
 - a. Sixty (60) acre feet of the Pool will be reserved for commercial subdivisions. A single commercial owner/subdivision may only use 50% of the available Pool.
 - b. Thirty-seven (37) acre feet of water will be reserved for R1, R2, and R3 subdivisions of more than two (2) lots.
 - c. Three (3) acre feet of water will be reserved for single-family lot splits (an individual who wishes to divide their parcel into two (2) lots only).
 - d. Once the Pool has been allocated, any property owner wishing to subdivide must follow all the regulations below in this section.

2. All property that has not previously dedicated water rights shall be required to dedicate water rights at the time of annexation, or if already in Town limits, at the time the property subdivide.

C. Amount of Water Rights:

1. Prior to final approval or recordation of the final plat of any subdivision or other development activity requiring culinary water service from the Town, the developer shall transfer and dedicate to the Town, the unencumbered, clear title to a sufficient quantity of water system shares, water rights and/or sources, necessary to provide and deliver culinary and irrigation water to each lot, dwelling unit and/or other use within the new development.
2. Sufficient Quantity of Water Defined: A "sufficient quantity of water" shall be decided as a result of the developer's produced water study. The water study shall include open space and all other real property included in the proposed subdivision and/or development. The Planning Commission and Town Council must review and approve the proposed amount of water based on the buildout study provided by Staff. The council may reasonably adjust this amount depending on the type of subdivision and development requested and the water requirements thereof.

D. Acquisition of Excess Water Rights:

1. If at any time an owner is required to deed water rights to the Town, and if that owner owns more water rights which have been used on the property relating to the land use application than the owner is required to deed to the Town, then the Town shall request that the owner either sell the excess rights to the Town or enter into an agreement with the Town, giving the Town the first right of refusal should the owner decide to sell said water rights in the future.

E. Type of Water Rights:

1. Water rights shall be sub-surface water rights that have a priority date prior to January 1, 1934 and be available for use in water right area 75.

F. Transferring Water Rights:

1. The developer shall submit a title report showing the type of water right, ownership of the right, and any liens or encumbrances. The developer shall also provide a title insurance policy in such a sum that is adequate to cover the appraised value of the water rights the policy is covering.
2. A change application with the State of Utah shall be completed at the expense of the party developing the land. Information to be included in the change application will be provided by Brian Head Town, including the points of diversion. The change

application must be approved by the State Engineer prior to transferring water rights to the Town on the books of the State of Utah Division of Water Rights. This transfer may also be conditioned on approval of the land use application pending before the Town that caused the developer to transfer the water rights.

3. A deed transferring the water rights to Brian Head Town shall be completed and held prior to the land use application approval. The deed transferring ownership may be held either by the Town or in an escrow account paid for by the developer. Once the land use application and change application receive approval, the deed will be recorded.
4. If the Division of Water Rights has not made a final decision on the change application prior to the land use approval, then the land use application will be tabled until a final decision is made.
5. If at any point in this process, the change application is denied by the Division of Water Rights then the request will be denied and the land use application will die.

G. Exceptions:

1. Public Lands Exception:
 - a. If at the time of annexation, the annexed property is owned by the Bureau of Land Management or the US Forest Service then that acreage is not subject to the requirements of this ordinance that mandate the deeding of water rights. This exception only applies to annexation and not when the property is platted as a residential subdivision or receives a building permit.
2. Brian Head Town Exception: Nothing in this ordinance shall require the town to deed water or pay a fee if the Town develops land.
3. Lot Line Vacation Exception: For purposes of this chapter, lot line vacations shall be considered as “putting water back into the Pool”. For example, if two lots vacate one line and become one property, then the equal amount of water rights for one lot shall be added into the three (3) acre feet of water reserved for single-family residential lots.

End.



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Street Lights Master Plan
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: September 13, 2022
TYPE OF ITEM: Administrative Direction

SUMMARY:

The Town Council will review and discuss a proposed Street Lighting Master Plan. The Council may adopt the plan by resolution and direct staff to pursue implementation of the plan.

BACKGROUND:

Brian Head Town has long been recognized for its pristine night skies. The General Plan anticipates that the Town will take efforts to maintain this natural resource. In FY 2019 and FY 2020, the Town Council adopted a strategic plan that included an action step to explore International Dark Skies Community (IDSC) certification as a potential measure for preserving our night skies.

In summer and fall of 2019, Planning Commission and Town Council reviewed the guidelines for IDSC certification and made changes to the Town's lighting code which, while perhaps falling short of the strict requirements of IDSC, were more "night sky friendly" than they had previously been. These amendments to Title 9 Chapter 12 of the Town Code were adopted in November 2019.

One of those changes dealt specifically with street lighting. The recommendation of the Planning Commission would have limited streetlights to intersections with the highway and with collector roads and provided for additional streetlights where deemed necessary by Public Safety. The Council was unsure if that was sufficient lighting to create a sense of place. Ultimately the Council adopted the ordinance change with the provision that a Street Light Master Plan would be created to guide the placement of street lights in Town which strikes a balance of safety, dark sky considerations, and sense of place.

ANALYSIS:

The attached Street Light Master Plan was created by a committee consisting of Martin Tidwell (Town Council), Bret Howser (Town Manager), and Dan Benson (Public Safety Director). The plan maps out where street lights ought to be located based on the requirements of Town Code, namely at intersections with collector roads and the highway, for public safety purposes, and for sense of place.

Major points from the committee's recommendations:

- Lighting at all intersections with highway and collector roads unless those intersections are close enough to warrant less lighting
- Only two lights were recommended for safety purposes, at Navajo and Giant Steps parking lot entrances
 - Staff researched safety protocols with regard to street lighting and found little data relating street lighting to traffic safety. UDOT also has no particular

requirements with regard to placement of street lighting or amount of lighting required for safety reasons.

- Section 2.3 of UDOT's Roadway Lighting Design Guidelines states: "If the municipality has elected to fund the lighting in its entirety, then you may refer to city standards for junction box, wiring, pole/light fixture preferences, and pole spacing. **Light levels and uniformity are generally not a consideration**, but the city/municipality may want to optimize the design using their standard poles." (Emphasis added)
- Section 4.2 states: "The primary objective of lighting design is to put the light where we want it to be. As one might suspect, a quality fixture will distribute light to only the roadway, so when selecting a fixture consider the following: 1) Pole spacing: What provides the best pole spacing in an optimized design? 2) Spill light: Which fixture minimizes "spill light" or "light trespass"? Spill light is usually backlight but can also be lateral forward light shed beyond the far side of the roadway. 3) Glare: Which fixture minimizes glare? Glare is a significant factor when considering driver nighttime comfort 4) Environmental comfort: Will there be a preference for warmer color temperatures? 5) **Light pollution: Has the municipality adopted a dark sky policy?**" (Emphasis added)
- No lighting was recommended specifically for creating a sense of place, although it was considered near Bristlecone Park.

Outstanding questions that the Town Council may want to consider:

- Should lighting be placed at entrances to condo complexes on arterial or collector roads? While there's not a specific safety purpose to do so, would it create a sense of place for which the benefits outweigh the downside of additional light pollution?
- Are there other areas which require lighting to establish a sense of place?

FINANCIAL IMPLICATIONS:

There may be significant financial implications for carrying out such a project. Simply replacing existing lights with more night sky friendly lights was anticipated to cost around \$17,000 with a 3-year payback due to energy savings on LED. However, removing many lights and adding others complicates this plan and may push the cost into six figures.

BOARD/COMMISSION RECOMMENDATION:

The Street Lights Master Plan committee recommendation is attached

The Planning Commission forwards a positive recommendation of the proposed plan

STAFF RECOMMENDATION:

The committee recommendation reflects staff's opinion

PROPOSED MOTION:

I move to adopt resolution No. 22-525, establishing the Brian Head Street Lighting Master Plan and to direct staff to make preparations for its implementation.

ATTACHMENTS:

A – Draft Street Light Master Plan

B – Additional Map showing current lighting



RESOLUTION NO. 22-____

A RESOLUTION ESTABLISHING THE BRIAN HEAD STREET LIGHTING MASTER PLAN AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Brian Head is known for its pristine night skies and the 2018 Brian Head General Plan anticipates the Town will take efforts in order to maintain its natural resources; and

WHEREAS, the Town Council understands the need for a Master Street Lighting Plan to enhance lighting while staying within the guidelines of a night friendly sky community; and

WHEREAS, the Town Council established a committee to review the Town's street lights to determine if changes should be made to either reduce or increase the number of street lights to ensure the safety of its citizens while still maintaining a night sky friendly community; and

WHEREAS, the Town Council believes it is in the best interest for the health, safety and welfare of its citizens to adopt the Brian Head Commercial Corridor Transportation Study.

NOW THEREFORE BE IT RESOLVED by the Brian Head Town Council of Brian Head, Iron County, State of Utah, the following attachment "A" The Brian Head Street Lighting Master Plan Study is hereby adopted.

DATED this ____ day of September, 2022

TOWN COUNCIL VOTE:

Mayor Clayton Calloway	Aye____	Nay____
Council Member Larry Freeberg	Aye____	Nay____
Council Member Martin Tidwell	Aye____	Nay____
Council Member Kelly Marshall	Aye____	Nay____

BRIAN HEAD TOWN

ATTEST:

Clayton Calloway, Mayor

Nancy Leigh, Town Clerk

(SEAL)





STREET LIGHTING MASTER PLAN

SEPTEMBER 2022

Introduction/Purpose

Pursuant to Brian Head Town Code 9-12-6, this Street Lighting Master Plan has been prepared and adopted to guide the installation and maintenance of street lighting in Brian Head Town. Consistent with the Brian Head Town General Plan and the direction of the Town Council, this plan was designed to limit light pollution while providing for basic safety needs and sense of place. By following this plan, Brian Head Town seeks to use street lighting to bring two potentially competing facets of the Town's character – namely its resort economy and its dark sky natural resource – into balance.

Categorization of Streets

The following categorizations are made for purposes of this master plan and are not to be confused with distinct street categorizations which may exist in other documents or plans, including the Brian Head Streets Master Plan.

- Arterial Roads
 - Characterized by commercial and arterial traffic, speed limits which range over 25 mph and several collector intersections or commercial access points
 - Includes only Highway 143
- Major Collector Streets & Commercial Collectors
 - Characterized as paved roadways with multiple residential streets feeding into it, often connecting multiple subdivisions or providing access to multiple commercial establishments
 - Includes Hunter Ridge, Steam Engine Drive, Ridge View, and Village Way
- Minor Collector Streets
 - Characterized as residential streets which serve as primary access through one or two subdivisions into which multiple residential streets feed
 - Includes Aspen Drive, Circle Drive, Trails at Navajo, Mountain View, Rue Jolley, and Vasels
- Residential Streets & Non-collectors
 - Characterized as streets predominantly (nearly exclusively) serving as access to individual properties located on that same street
 - Includes most of the streets in Brian Head

Guidelines for Street Lighting Location

- Arterial & Major Collector Streets
 - One streetlight shall be located at intersections and designated crosswalks
 - Where two intersections are located within 125 feet of each other, only one streetlight shall be employed to provide the maximum lighting and safety conditions possible
 - Additional streetlights may be mandated by the Public Safety Director where a demonstrable safety concern warrants additional lighting
 - On arterial roads, the lowest illumination design that meets the minimum illumination requirements set by UDOT shall be used





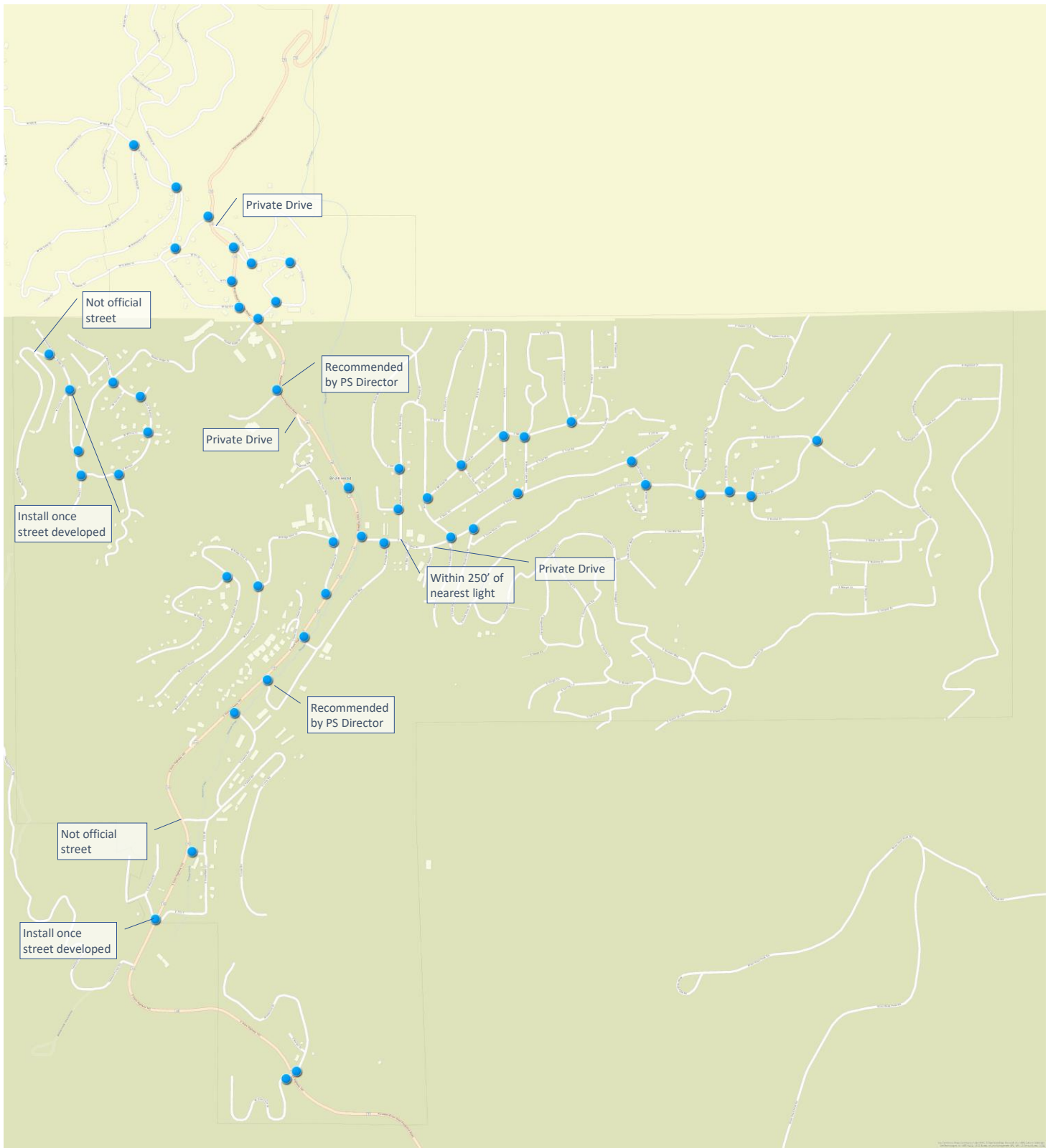
- Minor Collector Streets
 - One streetlight shall be located at intersections and designated crosswalks
 - Where two intersections are located within 250 feet of each other, only one streetlight shall be employed to provide the maximum lighting and safety conditions possible
 - Additional streetlights may be mandated by the Public Safety Director where a demonstrable safety concern warrants additional lighting
- Residential Streets and Non-Collectors
 - No streetlights are required on residential streets and non-collectors
 - Streetlights may be located on residential streets by neighborhood request
 - Streetlights located on residential streets may not be closer than 500 feet from the nearest streetlight
 - Neighborhood requests may be submitted as a request from a Homeowners Association, as a street lighting plan submitted by a developer at the time of subdivision, or as a petition representing a majority of the property owners on a residential street.
 - The Planning Commission will consider requests for additional residential street lighting and may approve or deny based on:
 - Safety concerns
 - Potential impact on dark sky resources, and
 - Availability of funds to complete the project
- Neighborhood associations (such as HOA's) may elect to be more restrictive with respect to the placement of street lighting except where the Public Safety Director has identified a safety concern
- Lighting Height & Shielding
 - Light sources shall not be mounted higher than 25 feet above the street surface
 - Lights sources shall be shielded to reduce glare and direct light to its intended target

Resolution No:

Adopted:



Attachment A – Street Lighting Master Plan Map



Existing Town Street Lights

- Existing Lights Proposed to Stay
- Existing Lights Proposed to Remove
- Proposed New Lights
- Existing Lights Not Known to RMP

