



The Regular Meeting of the Brian Head Town Council
Brian Head Town Hall – Council Chambers
56 North Highway 143 – Brian Head, UT 84719
www.Zoom.us ([Click Here](#))
Via Zoom Meeting ID# 819 8714 5004

TUESDAY, JULY 11, 2023 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. DISCLOSURES**

D. APPROVAL OF THE MINUTES:

1. May 23, 2023 Town Council Closed Session Meeting
2. June 13, 2023 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. SNOWSHOE/TOBOGGAN SPECIAL ASSESSMENT AREA PETITION.** Shane Williamson, Town Treasurer. The Council will consider a petition for a Special Assessment Area (SAA) for a waterline project for Snowshoe / Toboggan area.
- 2. PATCHWORK PARKWAY REPORT UPDATE.** Nancy Dalton, Patchwork Parkway, will give an update on the Patchwork Parkway Signage Project.
- 3. BUILDING INSPECTION COOPERATIVE AGREEMENT WITH ENOCH CITY.** Bret Howser, Town Manager. The Council will consider a cooperative agreement with Enoch City for building inspection services.
- 4. 2023 ARBOR DAY PROCLAMATION.** Nancy Leigh, Town Clerk. The Council will consider a proclamation declaring July 13, 2023 as Brian Head Arbor Day.
- 5. LAND MANAGEMENT CODE AMENDMENT, CHP. 7 BUILDING SEPARATION AND CHP. 12 DRIVEWAY STANDARDS.** Lester Ross, Building and Planning Official. The Council will consider an ordinance amending the Land Management Code (LMC) for Chp. 7 and 12 for Building Separation and Driveway Standards.
- 6. LAND MANAGEMENT CODE AMENDMENT FOR INCLUSIONARY ZONING, CHP. 7 ZONE DISTRICT REGULATIONS AND CHP. 9 SUBDIVISIONS.** Bret Howser, Town Manager. The Council will consider an ordinance amending the LMC for Chp. 7 and 9 for inclusionary zoning.
- 7. FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.

G. ADJOURNMENT

Date: July 7, 2023

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three conspicuous locations; the 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

July 1, 2023

BRIAN HEAD MARSHALS OFFICE:

Summer is up and running in full swing now. Even though there are still numerous mountain bike trails still closed due to the winter we had. People are out and about and the Marshals are busy helping with a wide variety of calls.

Deputy Jared Burton responded to a child birth call. Jared did a great job caring for the patient. The baby was born in the ambulance in Parowan. Reports are that the baby was a healthy baby boy. We all think the parents should name him "Jared".

As we are now half way through 2023 I pulled the number of incident calls handled so far. We hit 686 at the halfway point. That puts us on our fastest pace and indicates that we will exceed our highest year of 1138 in 2021. As I looked back, we handled 683 total incidents in 2016. Brian Head is busy, but our crowds seem happy and we are happy to provide an excellent level of public safety to our residents and our guests.

Deputy Caylor Mathews has been working hard on our vandalism/tagging case. He has been able to get confessions from numerous juveniles involved and is now going through the processing of charging and handling restitution. Juvenile cases, especially across state lines are time consuming.

Total Incidents for June – 75

BRIAN HEAD FIRE DEPARTMENT:

June was full of training and preparing for our annual pancake breakfast, open house and the 4th of July fireworks.

Most of our members were able to attend and receive certification from the Utah Fire and Rescue Academy on Engine Hydraulics and Pumping Operations. This training was done in a new state of the art simulator. The instructors came from the fire academy and did a great job.

We are continuing with certification for Deputy Bettridge, Dunlap, and Mathews. We will have more training simulators coming to town in July. These are live fire simulators and will be putting up some smoke. These are required live fire courses for them to receive their Firefighter 1 and 2 certifications. We will be putting as many of our volunteers through these simulators as we can. It is great training. These simulators will be set up and operated at the Public Safety Building. We are scheduled for July 8th and 15th for this training. So if you see smoke in that area, it's just us. We hope that you will take the time to let others know how hard our firefighters are working to keep our community safe.

Some fire restrictions have gone into effect, but not in Brian Head. Unincorporated Iron County has declared "Stage 1 Restrictions". This only prevents private landowners in unincorporated parts of the county from having a campfire, only if they don't have running water. As for Brian Head, Dixie National Forest and Cedar Breaks National Monument, we have not entered any restrictions. So campfires are allowed at own risk of the campers and homeowners.

I was able to issue a burn permit in late June due to the green grass, location and a light rainstorm that was coming through. I would guess it will be the last burn permit until fall. But people can still submit a burn permit application and we will review them on a case by case basis. I believe it was the latest burn permit I have ever issued. The mountains are looking really good. But if you've driven anywhere in the valley you have noticed how tall the grasses grew this spring and how they are now starting to dry and cure. This will make for a busy fire season in the valley if the monsoons don't come in. I've heard both scenarios of a good monsoon pattern coming and a "nonsoon" pattern happening. Time will tell.

By the time you get this, the 4th of July will have come and gone. I hope you all had a great and safe holiday. I hope the BBQ and dutch oven cobbler were fantastic.

STAY SAFE!!!





**Brian Head Town
Public Works Department Update
July 11, 2023**

The construction season is in full swing. Almost everywhere you look, work is happening. The following are updates on the projects that have been assigned to us.

Streets

- The streets have dried out and blading has already been happening on the dirt roads. Repair and improvement will continue to happen.
- Operators continue to haul up material to be placed.
- The first round of dust control has been applied.
- Highland drive project continues to move forward. This project is anticipated to be ready for pavement by July 17th
- UDOT has overlayed sections through Town.
- Asphalt patching has been completed on the lower section of Steam Engine.

Water

- Repair of the meter reading system continues with new MXU's being installed as they are arriving from back order.
- Work on the SAA of Hidden Lake and Trail Road has begun with the contractor moving in the week of the 4th of July.
- Water main extension on Granite Court is to begin in the next few weeks

Sewer

- The Canyon sewer line project is scheduled to begin after the 4th of July. Material may begin arriving on site a little earlier.
- Staff is working to identify sewer infiltration issues.

Park and Trail

- Phase 3 of the paved trail has been awarded to the Contractor. This project is anticipated to begin after July 4th. Staking has begun.
- Repairs to the rail fencing that has been damaged during plowing operations is being repaired.
- Manzanita Restroom has been placed. Operators will begin installing the septic tank next week.
- Welcome sign work has been completed.
- The park project is nearing completion with the playground being installed.

Equipment

- Repairs on equipment continue as needed.

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

BRIAN HEAD

ITEM: SNOWSHOE & TOBOGGAN SPECIAL ASSESSMENT AREA PETITION

AUTHOR: Shane Williamson
DEPARTMENT: Administration
DATE: July 11, 2023
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider a petition to begin the process for the Snowshoe and Toboggan Special Assessment Area (SAA).

BACKGROUND:

In June 2021, staff reported on a new Southwest Health Department regulation regarding water hauling and septic tank permits. This regulation became effective in 2019 but staff were unaware of this regulation until 2021. The Health Department requirement stated that water hauling is not a preferred method for culinary water supply for full-time residential use and unless prohibited by a local municipality, water hauling may be approved for usage for recreational property that does not have year-round access and is prohibited for commercial use which short-term rentals would be considered commercial.

With the Health Department's requirement in place, the Town has seen a dramatic increase in the number of SAA's being presented. In 2021, the Town received a total of four (4) SAA petitions: Steam Engine Meadows Phase 1C, Falcon Court, Scenic Drive and Trail Road all which are currently under construction during the 2022-2023 summer seasons. During the last round of SAA's, staff learned there are a few items that should be considered before proceeding with a SAA:

1. Financing for smaller SAA projects and whether it is viable for the Town.
2. New laws on the foreclosure process for SAA's.
3. Septic densities

That said, this specific project has already been engineered due to it being bid in spring 2023 and the bids coming in way over budget. Since then, Town has secured more grant and 0% loan funds that make this project more feasible when combined with an SAA.

ANALYSIS:

Petition:

The Snowshoe and Toboggan SAA petition consists of sixty-nine (69) lots. James Vincent, who is the sponsor of the project, has submitted a petition which includes fifty-three (53) lot owner's signatures who are in favor of a water system and road improvements. The signatures have been verified with the County records and the petition is being presented to the Council for consideration. State statute requires that 51% of the lot owners sign the petition for approval to be considered. In this case, the petition received over 76% support.

Location:

The SAA Map presented by Mr. Vincent shows the proposed SAA boundary of the sixty-nine (69) lots. A waterline would begin where an existing waterline ends on Steam Engine Drive and extends up portions of Snowshoe Drive, Snowman Circle, Toboggan Lane, and Snow Mobile Road. The map was provided by Alpha Engineering and approved by Aldo Biasi, the Town's Public Works Director, and James Vincent, the petition sponsor.

Estimated Costs:

A cost estimate is provided as an attachment. However, the current cost estimate of the project is \$2,621,664. As such, the proposed funding is as follows:

Estimated Project Costs: \$ 2,621,664

ARPA Gran:	\$ 509,000
Town Contribution:	\$ 375,000
DEQ Grant:	\$ 271,000
DEQ 0% Loan:	\$ 632,000
SAA Market Bond:	\$ 834,664
Total:	<u>\$ 2,621,664</u>

Note: The red indicates the portions that will be assessed to the property owner via the Special Assessment Area process, totaling \$1,466,664.00

Given the above funding arrangement, the following is a preliminary illustration of the potential assessment for the lots involved:

Bonding and Loan Amount:	\$1,466,664
Cost of Issuance Estimate:	\$176,000
Total Bond/Loan Issuance:	\$1,642,664
Number of Lots:	69
Assessment per Lot:	\$23,807

Note: Cost of Issuance includes a 10% debt reserve fund. The above assessment is a total number, and the property owners would pay a portion of this annually over 10-years.

FINANCIAL IMPLICATIONS:

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

In addition to the risks mentioned above, the Town would be contributing \$375,000 to the project. The funds would come from our water capital savings, where we set aside \$200k per year to fund water projects.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends that Council move forward with this SAA due to its direct relation to the Town's Capital Facilities plan, the long-standing (many years) effort of Mr. Vincent in expanding water to the area, and the expansion of fire mitigation to area not currently covered.

PROPOSED MOTION:

The Council can choose to accept the petition, request additional information, or deny the petition for the Snowshoe and Toboggan SAA.

I move to accept the Snowshoe and Toboggan SAA petition.

ATTACHMENTS:

A - Petition

B - Map

C - Cost Estimate

(51) AS OF
6/22/23

Special Assessment Area Petition

Public Way Improvements

PETITIONERS' SPOKESPERSON:

JIM VINCENT

PHONE:

5347

MAILING ADDRESS

PHYSICAL ADDRESS OF PROPERTY: SUBDIVISION: 246 Toboggan Ln

UNIT: B BLOCK: D LOT# 9

LOCATION OF PROPOSED DISTRICT:

SAA encompasses parcels on:
Steam Engine DR, Snowshoe Cir,
Snowshoe Drive, Snowman Drive,
Toboggan Lane, Toboggan Circle
Snowmobile Road, Spring Circle

SPECIFIC IMPROVEMENTS REQUESTED:

- Sidewalk
- Curb and Gutter
- Drive Approaches
- Total Street Reconstruction
- Water System
- Sewer System
- Gravel Road Construction
- Paved Road Construction
- Other: _____

ADDITIONAL COMMENTS OR REQUESTS:

See Samples

Special Assessment Area Petitioners

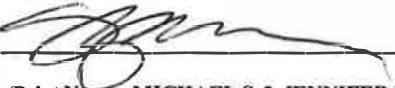
Signature: Glen Meyers Date: 6-4-2023

(Print Name: GLEN & CAROL MEYERS)

Mailing Address: 1000 Ski Haven Drive, Unit A

Lot Description: Lot 6, BLK A, Ski Haven Chalet, Unit A

Special Assessment Area Petitioners

Signature: 

Date: 01/08/23

(Print Name: MICHAEL S & JENNIFER EAGAN)

Phone: _____

Mailing Address: _____

Lot Description: LOT 1, BLK A, SKI HAVEN CHALETS, UNIT B

(2)

Special Assessment Area Petitioners

Signature: Bonnie Hooker Date: 6-10-23
(Print Name: BONNIE HOOKER) Phone: 801-553-7761

Mailing Address: _____

Lot Description: LOT 2, BLK B, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature: DWIGHT KEVIN HOOKER Date: 6/10/23

(Print Name: DWIGHT KEVIN HOOKER) Phone: 801-557-7761

Mailing Address: _____

Lot Description: LOT 3, BLK B, SKI HAVEN CHALETS, UNIT B

E-mail

Special Assessment Area Petitioners

Signature: Nelson J. Fonte Date: 8-6-2023

(Print Name: NELSON AND DENISE FONTE) Phone: _____

Nelson J. Fonte
Mailing Address:

Lot Description: LOT 11, BLK B, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature: Victor Park Echiko Park Date: 6-2-2023

(Print Name: VICTOR AND ECHIKO PARK) Phone: _____

Mailing Address: _____ S _____

Lot Description: LOT 12, BLK B, SKI HAVEN CHALET, UNIT B

Special Assessment Area Petitioners

Signature:  Date: 6/13/23
(Print Name: MICHAEL C HETEY) Phone: (703) 549-1234

Mailing Address:

Lot Description: LOT 7, BLK C, SKI HAVEN CHALETS, UNIT B

②

Special Assessment Area Petitioners

①

Signature: Thomas Gail Mays Date: 6/11/2023

(Print Name: Thomas Gail Mays) Phone: _____

Mailing Address: _____

Subdivision: SKI Haven Chalet Unit A Block D Lot 2

②

Signature: Thomas Gail Mays Date: 6/11/2023

(Print Name: Thomas Gail Mays) Phone: _____

Mailing Address: _____

Subdivision: SKI Haven Chalet Unit B Block B Lot 13

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

Signature: _____ Date: _____

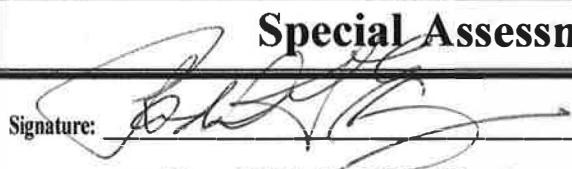
(Print Name: _____) Phone: _____

Mailing Address: _____

Subdivision: _____ Unit _____ Block _____ Lot _____

(27)

Special Assessment Area Petitioners

Signature: 

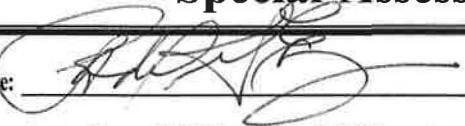
Date: 5/2/23

(Print Name: VERLA & RUBY EARY) Phone: 32

Mailing Address: _____

Lot Description: LOT 15, BLK C, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature:  Date: 5/12/23

(Print Name: VERLA & RUBY EARY) Phone: (602) 369-9348

Mailing Address: _____

Lot Description: LOT 8, BLK C, SKI HAVEN CHALETS, UNIT B

(2)

Special Assessment Area Petitioners

Signature: ALG

Date: 6/17/23

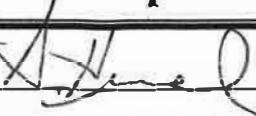
Sarah

(Print Name: ALVEN GEORGE HUMMEL) Phone: 2102

Mailing Address: _____

Lot Description: LOT 11, BLK C, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature: 

Date: 6/12/23

(Print Name: ALVEN GEORGE HUMMEL) Phone: —

Mailing Address: —

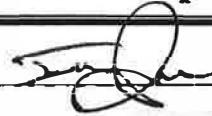
Lot Description: LOT 10, BLK C, SKI HAVEN CHALETS, UNIT B

Sarah

702-296-2111

Q
Q
Q
Q

Special Assessment Area Petitioners

Signature:  Date: 6/14/23

(Print Name: JOHN JORDON PETERSON) Phone: 80

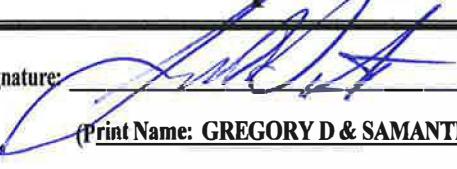
Mailing Address: _____

Lot Description: LOT 15, BLK B, SKI HAVEN CHALETS, UNIT B

(5)

Agree to special Assessment for Lot 4 below
for water line

Special Assessment Area Petitioners

Signature: 

Date: 6/7/23

(Print Name: GREGORY D & SAMANTHA J DUMITRU) Phone:

Mailing Address:

Lot Description: LOT 4, BLK D, SKI HAVEN CHALETS, UNIT B

Agree to Special Assessment for Lot 5 below
for water line.

Special Assessment Area Petitioners

Signature:  Date: 6/7/23

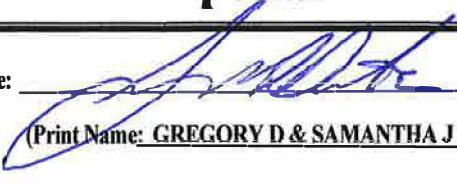
(Print Name: GREGORY D & SAMANTHA J DUMITRU) Phone: —

Mailing Address: —

Lot Description: LOT 5, BLK D, SKI HAVEN CHALETS, UNIT B

Agree to Special Assessment for Lot 6 below
for waterline

Special Assessment Area Petitioners

Signature:  Date: 6/7/23

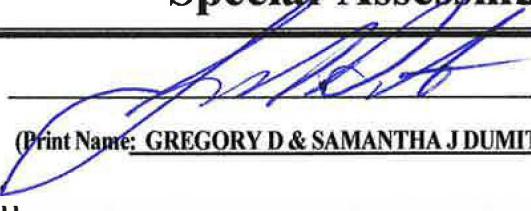
(Print Name: GREGORY D & SAMANTHA J DUMITRU) Phone: 51

Mailing Address: 1000

Lot Description: LOT 6, BLK D, SKI HAVEN CHALETS, UNIT B

Agree to special Assessment for Lot 7 below
for Waterline.

Special Assessment Area Petitioners

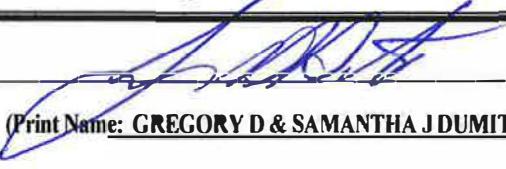
Signature:  Date: 6/7/23
(Print Name: GREGORY D & SAMANTHA J DUMITRU) Phone: (435) 229-2273

Mailing Address: _____

Lot Description: LOT 7, BLK D, SKI HAVEN CHALETS, UNIT B

Agree to Special Assessment for Lot 8 below.
for Waterline

Special Assessment Area Petitioners

Signature:  Date: 6/7/23

(Print Name: GREGORY D & SAMANTHA J DUMITRU) Phone: 

Mailing Address: _____

Lot Description: LOT 8, BLK D, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature: Jim Vincent Date: 6/4/2023
(Print Name: JIM VINCENT) Phone: _____

Mailing Address: _____

Lot Description: LOT 9, BLK D, SKI HAVEN CHALETS. UNIT B

CHAD HANVEY
2562 TOBOGGAN LN.

Special Assessment Area Petitioners

Signature:  Date: 6/9/23

(Print Name: CC CABIN PROPERTIES L L C) Phone: 7

Mailing Address: *[Redacted]*

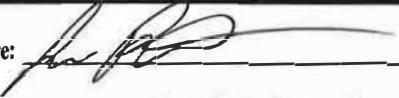
Lot Description: LOT 10, BLK D, SKI HAVEN CHALETS, UNIT B

Adopted September 14, 2021

I support the Snowshoe SAA (Modern Cabin LLC)

Special Assessment Area Petitioners

Signature:



Date: 6-5-23

(Print Name: Aaron Robertson) Phone: _____

Mailing Address: _____

Lot Description: LOT 11, BLK D, SKI HAVEN CHALETS, UNIT B

3

Special Assessment Area Petitioners

Signature: DAVID A & AMY P STILLMAN Date: 11/15/2023

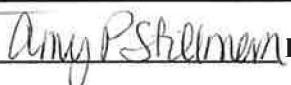
(Print Name: DAVID A & AMY P STILLMAN) Phone: _____

Mailing Address: _____

Lot Description: LOT 8, BLK B, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature: 



Date: 11 JUN 23

(Print Name: DAVID A & AMY P STILLMAN) Phone: 801-427-9106

Mailing Address: _____

Lot Description: LOT 13, BLK D, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature: DAVID A & AMY P STILLMAN Date: 11 JUN 23

(Print Name: DAVID A & AMY P STILLMAN) Phone: _____

Mailing Address: _____

Lot Description: LOT 12, BLK D, SKI HAVEN CHALETS, UNIT B

Adopted September 14, 2021

Yes - Agree

Special Assessment Area Petitioners

Signature: Joseph & Carrie Perk Date: 10/15/23

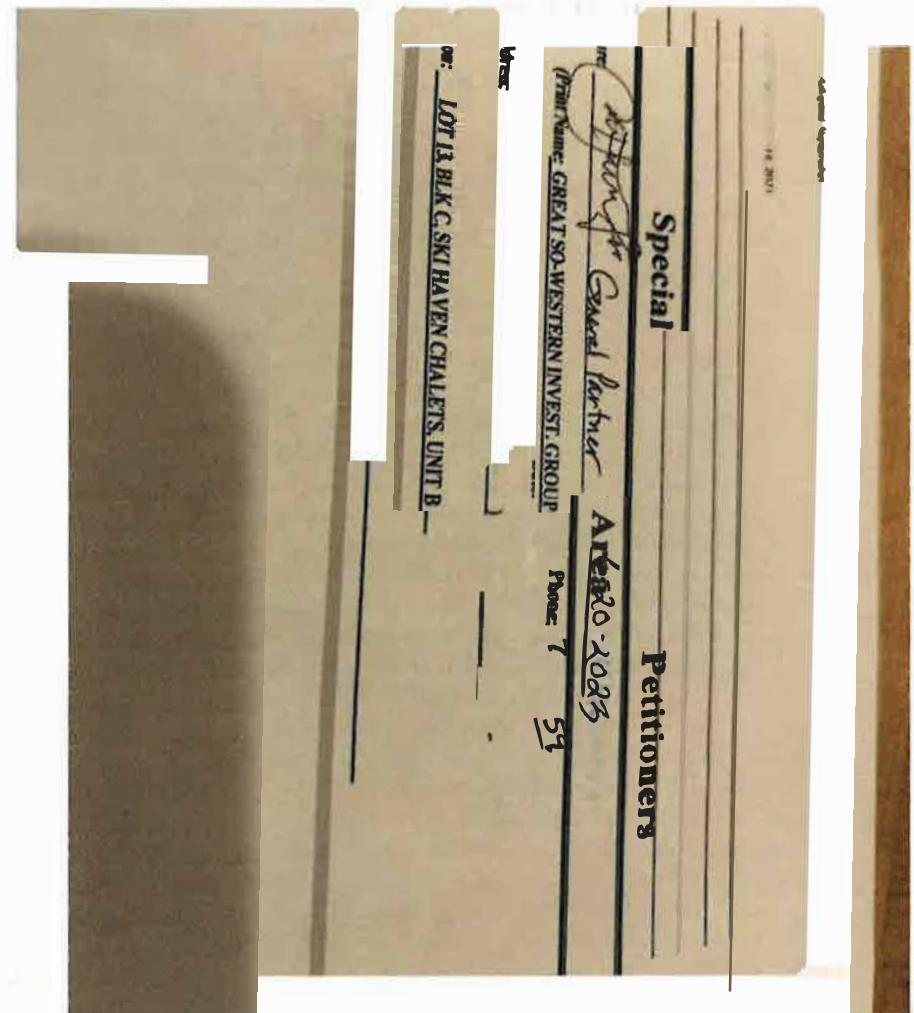
(Print Name: JOSEPH & CARRIE PERK) Phone: _____

Mailing Address: _____ 770

Lot Description: LOT 12, BLK C, SKI HAVEN CHALETS, UNIT B

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Email

D

Special Assessment Area Petitioners

Signature: Larry Snowden Date: 6/7/23
(Print Name: LARRY & JACLYN SNOWDEN) Phone: _____

Mailing Address: _____

Lot Description: LOT 19, BLK D, SKI HAVEN CHALETS, UNIT B

(3)

Special Assessment Area Petitioners

Signature:

(Print Name: DAMON SARGENT)

Date: 6-14-23

Phone: _____

Mailing Address: _____

Lot Description: LOT 16, BLK C, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature:



Date: 6-14-23

(Print Name: DAMON SARGENT) Phone: _____

Mailing Address: _____

Lot Description: LOT 6, BLK C, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature:



Date:

6-14-23

(Print Name: DAMON SARGENT) Phone:

Mailing Address:

Lot Description: LOT 9, BLK B, SKI HAVEN CHALETS, UNIT B

(2)

Twelve 12 LLC

Special Assessment Area Petitioners

Signature: Glynn Date: 6-2-23

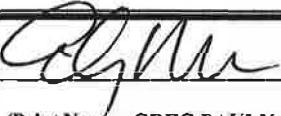
(Print Name: GREG PAULK & EMILY MCCANN) Phone: _____

Mailing Address: _____

Lot Description: LOT 5, BLK B, SKI HAVEN CHALETS, UNIT _____

C

Special Assessment Area Petitioners

Signature:  Date: 6-2-23

(Print Name: GREG PAULK & EMILY MCCANN) Phone: _____

Mailing Address: _____

Lot Description: LOT 6, BLK B, SKI HAVEN CHALETS, UNIT C

(4)

Jim Vincent
Mailing Address

Ryan Ouellette

Property Lot Owner Property Owner Address DATE of Letter

RE: Snowshoe SAA for Water, Sewer & Road Improvement.

Lot 14, BLK D, SKI HAVEN Chalets, Unit B

Lot 16, BLK D, SKI HAVEN Chalets, Unit B

Lot 17, BLK D, SKI HAVEN Chalets, Unit B

Lot 18, BLK D, SKI HAVEN Chalets, Unit B

Dear Amy and Ryan Ouellette

I own a cabin in Brian Head located at 246 Toboggan Lane and I am writing this letter on behalf of myself and 20 other property owners in the area (referred by the Town as Snowshoe SAA) who desire to have water, sewer and improved gravel roads installed in our area by the summer of 2024. (See enclosed map)

I understand that in some circumstances, a lot owner sometimes has difficulty justifying paying to bring improvements to their specific individual lot. However, by working together as a group and approving a Special Assessment Area (SAA) to fund these improvements, the Town of Brian Head (Town) backed SAA funding mechanism allows the cost per lot owner to be affordable and practical. (See enclosure for Town's SAA definition)

Our area encompasses 66 lots. If 51%, or 34 lot owners approve the establishment of an SAA, the Town will plan it, hire a contractor, and obtain financing to pay for it. If they wish, the lot owners can be assessed for their share of the cost and would be allowed to pay for it over a ten-year period.

If the lot owners approve this SAA funded project, then the water, sewer and road improvements would be scheduled to be completed in the Summer of 2024. The benefit to the lot owner could be as follows:

Increased property values

You will have an immediate increase in your lot value because the road improvement to all the lots in our area will have year-round access, not just summer only. Further, if you are holding on to your lot to sell later, approving these SAA funded improvements in our area will benefit you. The SAA funding will continue with the property; (if you sell your lot after the improvements are completed) the new buyer will assume the costs and you will not have any out-of-pocket payments. Your gain would be the added benefit of an immediate lot value and you could receive top dollar value. Another reason your lot value will increase is that we will not have to pay ANYTHING for the sewer. This cost is being paid for by the Town.



Provide ability to build.

The Southwest Utah Public Health Department does not allow septic systems to be installed without water. Therefore, the properties in our area that are not currently developed will not be able to be built until there is a water system installed. UTAH ADMINISTRATIVE CODE R317-4

Safety & convenience

If you already have a cabin, you now will have water and perhaps a Town sewer system. No longer do you have to haul water or face the possibility of a septic system freezing.

Fire Protection

As you know, if it were not for the firefighters, the 2017 Brian Head Fire could have easily spread and burned down the entire Town. This SAA area currently has NO fire protection. Fire hydrants and the improved roads for a fire truck to reach all lots would be invaluable in protecting our area and the Town from fire damage.

The Engineer's estimate to install water and make the road improvements in our area is approximately \$2,000,000.00. The Town has secured Water Grant funding in the amount of \$500,000.00 to help reduce the cost to the Lot Owners. Therefore, \$1,500,000.00 divided by 66 parcels is \$22,728.00 Cost Per Parcel. Payable over 10 years, with interest, it would only be approximately \$2,272.80 per year. The payments do not begin until all the improvements are installed, probably in the Fall of 2024. Please note that the final numbers will not be known until the Town bids and awards the contract and adopts the Final Assessment Ordinance. The payments could be included in your tax billing so they may be deductible.

There is an option to prepay the assessment after the final assessment ordinance is adopted by the Town Council. This allows for a 25-day prepayment period to pay the assessment. Otherwise, it would automatically identify the annual assessment that would include interest. Lastly, there is also a one-time per year call date that the assessment could be paid off.

If we DO approve this SAA, the result would be upgraded gravel roads; the extension of the Brian Head water system; and, a Town Grant funded sewer system to our designated area. What happens if we DO NOT approve the SAA? Because the Health Department ruling says a lot owner cannot install a septic system without Town water, the lot values will likely decrease significantly in our area because the lot owners cannot even build a cabin until the Town water and sewer system is installed. (2) To re-emphasize the benefits of the SAA and to make everything happen, we need to demonstrate to the Town that 51% (and hopefully more) of the lot owners want improvements. If you agree or not, please fill out the petition and return it to me in the enclosed stamped envelope by June 25, 2023. The petitions would then be submitted to the Town Council for adoption. That would allow the SAA to be in line for bonding and construction for system improvements in the Summer of 2024.

I would be happy to discuss anything with you and appreciate your time and consideration of the SAA opportunity. You may call or email me any time.

Sincerely, Jim Vincent

P.S. To independently verify the above information, you may contact, Aldo Biasi, Public Works Director, or any of the staff copied below.

Enclosures: Petition; Map of the Water Route; Map of Sewer Route; Town Definition of a SAA Town website: www.brianhead.utah.gov

CC: Bret Howser, Town Manager, bhowser@bhtown.utah.gov, 435-677-2029 #102

Nancy Leigh, Town Clerk, nleigh@bhtown.utah.gov, 435-677-2029 #103

Shane Williamson, Treasurer, scwilliamson@bhtown.utah.gov, 435-677-2029 #103

Aldo Biasi, Public Works Director, abiasi@bhtown.utah.gov, 435-592-0031

Special Assessment Are Petitioners

Signature:

Date: 6-10-23

Ryan Ouellette

Signature:

Date: 6-10-23

Amy Ouellette

Mailing Address:

Lot Description: Lot 14, BLK D, SKI HAVEN Chalets, Unit B, Lot 16, BLK D, SKI HAVEN Chalets, Unit B
Lot 17, BLK D, SKI HAVEN Chalets, Unit B, Lot 18, BLK D, SKI HAVEN Chalets, Unit B

(1)

Special Assessment Area Petitioners

Signature:



(Print Name: BRYAN BARSTOW)

Phone:

Date: 6-10-2025

Mailing Address:

Lot Description: LOT 15, BLKD, SKI HAVEN CHALETS, UNIT B

Jim Vincent
Mailing Address

June 1, 2023

RE: Snowshoe SAA for Water, Sewer & Road Improvement

Lot: LOT 15, BLK D, SKI HAVEN CHALETS, UNIT B
Address: 314 E TOBOGGAN CIR

Dear BRYAN BARSTOW ,

I am writing this letter to express my strong support for the establishment of a Special Assessment Area (SAA) in our community referred to as Snowshoe SAA by Brian Head Town. The establishment of an SAA would allow us to take a proactive approach to addressing the unique needs and challenges facing our community. By pooling our resources and working together, we can undertake important initiatives that will enhance and protect our property for a lifetime. (See enclosure for Town's SAA definition)

I own a cabin in Brian Head located at 246 Toboggan Lane and I am writing this letter on behalf of myself and 31 other property owners who desire to have water, sewer and improved gravel roads installed in our area by the summer of 2024. (See enclosed map)

Our area encompasses 69 lots, and if 51%, or 35 lot owners approve the establishment of an SAA, the Town will design, obtain funding, and hire the contractor to complete water, sewer, and road improvements by the end of Summer 2024.

The potential benefits to the lot owner are as follows:

1. Increased property values

You will have an immediate increase in your lot value because the road improvement to all the lots in our area will have year-round access,, this means snow plows during winter months. If you are holding your property for investment purposes, the SAA continues with the property and is not tied to the property owner. This means that after the improvements are made, and your property value has increased, the new buyer will assume payments of the remaining SAA funding.

2. Provide ability to build

The Southwest Utah Public Health Department does not allow septic systems to be installed without water. Therefore, the properties in our area that are currently not developed, will not be able to build until there is a water system installed. UTAH ADMINISTRATIVE CODE R317-4.

3. Convenience

If you already have a cabin, you now will have water and perhaps a Town sewer system. No longer do you have to haul water or face the possibility of a septic system freezing.

4. Fire Protection

As you know, if it were not for the firefighters, the 2017 Brian Head Fire could have easily spread and burned down the entire Town. This SAA area at this time has NO fire protection. Fire hydrants and the improved roads for a fire truck to reach all lots, would be invaluable in protecting our area and the Town from potential fire damage.

Bryan Barstow 6-10-2023

The Engineer's estimate to install water and make the road improvements in our area is approximately \$2,621,664. The Town has secured Water Grant funding in the amount of \$507,870 and a principal forgiveness in the amount of \$271,934 to help reduce the cost to the Lot Owners. Therefore, \$1,841,860 divided by 69 parcels is \$26,693.62 per parcel. Payable over 10 years, with interest, it would only be approximately \$2,669 plus interest per year. Interest rates will be set based on the market conditions when the bonding occurs in spring of 2024. However, for referencing purposes only, the Town's interest rate on SAA bonding in 2022 is around 4.17%. The first payment will show on your November 30th, 2024 property tax bill and therefore could make the SAA payments tax deductible. Along with the water and road improvements, the Town has agreed to install the sewer in our area to coincide with the water and road installations at **no additional cost to the property owners**. Please note that the final numbers will not be known until the Town bids and awards the contract and adopts the Final Assessment Ordinance. There are options on payments including one time payment, annual assessments, or payment anytime before property tax payment is due each period.

In conclusion, I strongly support the establishment of an SAA in our community and I believe that the benefits of such would be significant and long lasting, and I urge you to give serious consideration to this proposal. we would need to demonstrate to the Town that at least 51% of the lot owners want the improvements. If you agree please fill out the petition and return to me in the enclosed stamped envelope by June 25, 2023. If you have any questions or would like to discuss further, please don't hesitate to reach out to me through email or phone.

Sincerely,

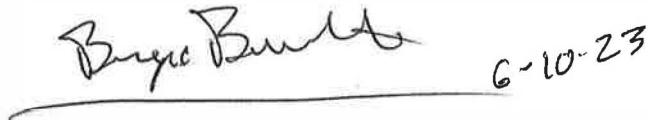
Jim Vincent

To independently verify the above information, you may contact Aldo Biasi, Public Works Director or any of the staff copied below.

Enclosures: Petition; Map of the Water Route; SAA Engineers Estimate; Town Definition of a SAA

Town website: www.brianhead.utah.gov

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Aldo Biasi, Public Works Director, abiasi@bhtown.utah.gov, 435-592-0031



6-10-23

Special Assessment Area Petitioners

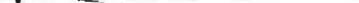
Signature: John & Cynthia Stark Date: 1/6/2023
(Print Name: JOHN I & CYNTHIA L STARK) Phone: 661-301-9684

Mailing Address: _____

Lot Description: LOT 5, BLK E, SKI HAVEN CHALETS, UNIT C

Vote Yes!
Should the Water
Rise, We All Rise

Special Assessment Area Petitioners

Signature:  Date: 15 JUNE 2023

(Print Name: RICHARD MONSON) Phone:

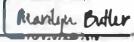
Mailing Address: _____

Lot Description: LOT 6, BLK E, SKI HAVEN CHALETS, UNIT C

Adopted September 14, 2021

(4)

Special Assessment Area Petitioners

Signature:  Handwritten signature of Marilyn Butler

Date: 6/13/2023
435-677-2035

(Print Name: BRIAN HEAD RECREATION I L L C) Phone: _____

Mailing Address: PO BOX 190008 BRIAN HEAD UT 84719

Lot Description: LOT 1, BLK B, SKI HAVEN CHALETS, UNIT C

Adopted September 14, 2021

Special Assessment Area Petitioners

Signature: Marilyn Butler Date: 6/13/2023
(Print Name: BRIAN HEAD CREATION I L L C) Phone: 435-677-2035

Mailing Address: PO BOX 190008 BRIAN HEAD UT 84719

Lot Description: LOT 3, BLK E, SKI HAVEN CHALETS, UNIT C

Adopted September 14, 2021

Special Assessment Area Petitioners

Signature: Marlene Butler Date: 6/13/2023
(Print Name: BRIAN HEAD CREATION 1 LLC) Phone: 435-677-2035

Mailing Address: PO BOX 190008 BRIAN HEAD UT 84719

Lot Description: LOT 4, BLK E, SKI HAVEN CHALETS, UNIT C

Adopted September 14, 2021

Special Assessment Area Petitioners

Signature:  Date: 6/13/2023
(Print Name: BRIAN HEAD CREATION I L L C) Phone: 435-677-2035

Mailing Address: PO BOX 190008 BRIAN HEAD UT 84719

Lot Description: LOT 44, BLK C, SKI HAVEN CHALETS, UNIT C

Jim Vincent
Mailing Address
850 S. Boulder Highway #247
Henderson, NV 89015-7564
Cell #702-675-5733
email: jimvincent15@gmail.com

June 1, 2023

RE: Snowshoe SAA for Water, Sewer & Road Improvement
Lot: LOT 1, BLK B, SKI HAVEN CHALETS, UNIT C
Address: 212 S SNOWMOBILE RD

Dear BRIAN HEAD RECREATION 1 L L C,

I am writing this letter to express my strong support for the establishment of a Special Assessment Area (SAA) in our community referred to as Snowshoe SAA by Brian Head Town. The establishment of an SAA would allow us to take a proactive approach to addressing the unique needs and challenges facing our community. By pooling our resources and working together, we can undertake important initiatives that will enhance and protect our property for a lifetime. (See enclosure for Town's SAA definition)

I own a cabin in Brian Head located at 246 Toboggan Lane and I am writing this letter on behalf of myself and 31 other property owners who desire to have water, sewer and improved gravel roads installed in our area by the summer of 2024. (See enclosed map)

Our area encompasses 69 lots, and if 51%, or 35 lot owners approve the establishment of an SAA, the Town will design, obtain funding, and hire the contractor to complete water, sewer, and road improvements by the end of Summer 2024.

The potential benefits to the lot owner are as follows:

1. Increased property values

You will have an immediate increase in your lot value because the road improvement to all the lots in our area will have year-round access, this means snow plows during winter months. If you are holding your property for investment purposes, the SAA continues with the property and is not tied to the property owner. This means that after the improvements are made, and your property value has increased, the new buyer will assume payments of the remaining SAA funding.

2. Provide ability to build

The Southwest Utah Public Health Department does not allow septic systems to be installed without water. Therefore, the properties in our area that are currently not developed, will not be able to build until there is a water system installed. UTAH ADMINISTRATIVE CODE R317-4.

3. Convenience

If you already have a cabin, you now will have water and perhaps a Town sewer system. No longer do you have to haul water or face the possibility of a septic system freezing.

4. Fire Protection

As you know, if it were not for the firefighters, the 2017 Brian Head Fire could have easily spread and burned down the entire Town. This SAA area at this time has NO fire protection. Fire hydrants and the improved roads for a fire truck to reach all lots, would be invaluable in protecting our area and the Town from potential fire damage.

The Engineer's estimate to install water and make the road improvements in our area is approximately \$2,621,664. The Town has secured Water Grant funding in the amount of \$507,870 and a principal forgiveness in the amount of \$271,934 to help reduce the cost to the Lot Owners. Therefore, \$1,841,860 divided by 69 parcels is \$26,693.62 per parcel. Payable over 10 years, with interest, it would only be approximately \$2,669 plus interest per year. Interest rates will be set based on the market conditions when the bonding occurs in spring of 2024. However, for referencing purposes only, the Town's interest rate on SAA bonding in 2022 is around 4.17%. The first payment will show on your November 30th, 2024 property tax bill and therefore could make the SAA payments tax deductible. Along with the water and road improvements, the Town has agreed to install the sewer in our area to coincide with the water and road installations at **no additional cost to the property owners**. Please note that the final numbers will not be known until the Town bids and awards the contract and adopts the Final Assessment Ordinance. There are options on payments including one time payment, annual assessments, or payment anytime before property tax payment is due each period.

In conclusion, I strongly support the establishment of an SAA in our community and I believe that the benefits of such would be significant and long lasting, and I urge you to give serious consideration to this proposal. we would need to demonstrate to the Town that at least 51% of the lot owners want the improvements. If you agree please fill out the petition and return to me in the enclosed stamped envelope by June 25, 2023. If you have any questions or would like to discuss further, please don't hesitate to reach out to me through email or phone.

Sincerely,

Jim Vincent

To independently verify the above information, you may contact Aldo Biasi, Public Works Director or any of the staff copied below.

Enclosures: Petition; Map of the Water Route; SAA Engineers Estimate; Town Definition of a SAA

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Jim Vincent
Mailing Address
850 S. Boulder Highway #247
Henderson, NV 89015-7564
Cell #702-675-5733
email: jimvincent15@gmail.com

June 1, 2023

RE: Snowshoe SAA for Water, Sewer & Road Improvement
Lot: LOT 3, BLK E, SKI HAVEN CHALETS, UNIT C
Address: 239 SNOWMOBILE RD

Dear BRIAN HEAD RECREATION 1 L L C,

I am writing this letter to express my strong support for the establishment of a Special Assessment Area (SAA) in our community referred to as Snowshoe SAA by Brian Head Town. The establishment of an SAA would allow us to take a proactive approach to addressing the unique needs and challenges facing our community. By pooling our resources and working together, we can undertake important initiatives that will enhance and protect our property for a lifetime. (See enclosure for Town's SAA definition)

I own a cabin in Brian Head located at 246 Toboggan Lane and I am writing this letter on behalf of myself and 31 other property owners who desire to have water, sewer and improved gravel roads installed in our area by the summer of 2024. (See enclosed map)

Our area encompasses 69 lots, and if 51%, or 35 lot owners approve the establishment of an SAA, the Town will design, obtain funding, and hire the contractor to complete water, sewer, and road improvements by the end of Summer 2024.

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As you know, if it were not for the firefighters, the 2017 Brian Head Fire could have easily spread and burned down the entire Town. This SAA area at this time has NO fire protection. Fire hydrants and the improved roads for a fire truck to reach all lots, would be invaluable in protecting our area and the Town from potential fire damage.

The Engineer's estimate to install water and make the road improvements in our area is approximately \$2,621,664. The Town has secured Water Grant funding in the amount of \$507,870 and a principal forgiveness in the amount of \$271,934 to help reduce the cost to the Lot Owners. Therefore, \$1,841,860 divided by 69 parcels is \$26,693.62 per parcel. Payable over 10 years, with interest, it would only be approximately \$2,669 plus interest per year. Interest rates will be set based on the market conditions when the bonding occurs in spring of 2024. However, for referencing purposes only, the Town's interest rate on SAA bonding in 2022 is around 4.17%. The first payment will show on your November 30th, 2024 property tax bill and therefore could make the SAA payments tax deductible. Along with the water and road improvements, the Town has agreed to install the sewer in our area to coincide with the water and road installations at **no additional cost to the property owners**. Please note that the final numbers will not be known until the Town bids and awards the contract and adopts the Final Assessment Ordinance. There are options on payments including one time payment, annual assessments, or payment anytime before property tax payment is due each period.

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Jim Vincent
Mailing Address
850 S. Boulder Highway #247
Henderson, NV 89015-7564
Cell #702-675-5733
email: jimvincent15@gmail.com

June 1, 2023

RE: Snowshoe SAA for Water, Sewer & Road Improvement
Lot: LOT 4, BLK E, SKI HAVEN CHALETS, UNIT C
Address: 217 SNOWMOBILE R

Dear BRIAN HEAD RECREATION 1 L L C,

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The Engineer's estimate to install water and make the road improvements in our area is approximately \$2,621,664. The Town has secured Water Grant funding in the amount of \$507,870 and a principal forgiveness in the amount of \$271,934 to help reduce the cost to the Lot Owners. Therefore, \$1,841,860 divided by 69 parcels is \$26,693.62 per parcel. Payable over 10 years, with interest, it would only be approximately \$2,669 plus interest per year. Interest rates will be set based on the market conditions when the bonding occurs in spring of 2024. However, for referencing purposes only, the Town's interest rate on SAA bonding in 2022 is around 4.17%. The first payment will show on your November 30th, 2024 property tax bill and therefore could make the SAA payments tax deductible. Along with the water and road improvements, the Town has agreed to install the sewer in our area to coincide with the water and road installations at **no additional cost to the property owners**. Please note that the final numbers will not be known until the Town bids and awards the contract and adopts the Final Assessment Ordinance. There are options on payments including one time payment, annual assessments, or payment anytime before property tax payment is due each period.

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Jim Vincent
Mailing Address
850 S. Boulder Highway #247
Henderson, NV 89015-7564
Cell #702-675-5733
email: jimvincent15@gmail.com

June 1, 2023

RE: Snowshoe SAA for Water, Sewer & Road Improvement
Lot: LOT 44, BLK C, SKI HAVEN CHALETS, UNIT C
Address: 347 E SKATE CIR

Dear BRIAN HEAD RECREATION 1 L L C,

I am writing this letter to express my strong support for the establishment of a Special Assessment Area (SAA) in our community referred to as Snowshoe SAA by Brian Head Town. The establishment of an SAA would allow us to take a proactive approach to addressing the unique needs and challenges facing our community. By pooling our resources and working together, we can undertake important initiatives that will enhance and protect our property for a lifetime. (See enclosure for Town's SAA definition)

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Aldo Biasi, Public Works Director, abiasi@bhtown.utah.gov, 435-592-0031

TORBOGGAN LN SAA

Special Assessment Area Petitioners

Signature: 

Date: 6/6/2023

(Print Name: RICHARD FRANKLIN MC CANN) Phone: _____

Mailing Address: _____

Lot Description: LOT 7, BLK E, SKI HAVEN CHALETS, UNIT C

Special Assessment Area Petitioners

Signature: C W B uck Date: JUNE 7 2023

(Print Name: CHARLES WILLIAM BUCK) Phone: _____

Mailing Address: _____

Lot Description: LOT 9, BLK E, SKI HAVEN CHALETS, UNIT C

Special Assessment Area Petitioners

Signature: Patricia Brinley Date: 6/16/2023

(Print Name: GEORGE & PATRICIA BISHOP) Phone: _____

Mailing Address: _____

Lot Description: LOT 3, BLK B, SKI HAVEN CHALETS, UNIT

12

Adopted September 14, 2021

We Gary & Kristina Stott fully support the
establishment of a well to bring water
& hopefully sewer to our area.

Special Assessment Area Petitioners

Signature: Gary C. Stott Date: 6-6-23

(Print Name: GARY C & KRISTINA L STOTT) Phone: 702-353-4456

Mailing Address: _____

Lot Description: LOT 5, BLK C, SKI HAVEN CHALETS, UNIT B

Special Assessment Area Petitioners

Signature: Joyce Ellen Trippe Date: 6/13/23

(Print Name: JOYCE ELLEN TRIPPE) Phone: (704) 522-5755

Mailing Address: _____

Lot Description: LOT 10, BLK B, SKI HAVEN CHALETS, UNIT B

Re: Snowshoe SAA for water, sewer & road
We are in support of a SAA for our property
located at 91 S Snowshoe Dr/Lot 1 Blk D, Skit Haven Chalet, VA.

Special Assessment Area Petitioners

Signature:



Date: 6/2/23

(Print Name: JAMESON MFAIRFAX & NASH FAIRFAX ERIN) Phone: _____

Erin L.

Mailing Address: _____

Lot Description: LOT 1, BLK D, S KIHAVEN CHALETS, UNIT A

- We sign this petition in support of the SAH.

Special Assessment Area Petitioners

Signature: Matthew and Amanda Truax Date: 06/12/2023

(Print Name: MATTHEW & AMANDA TRUAX) Phone: _____

Mailing Address: _____

Lot Description: LOT 3, BLK D, SKI HAVEN CHALETS, UNIT B

Brent Richeson
Tammie Richeson

Special Assessment Area Petitioners

Signature: Janice

Date: 6/21/23

(Print Name: RICHESON INVESTMENT PROPERTIES L L C) Phone: _____

Mailing Address: _____

Lot Description: LOT 1, BLK A, SKI HAVEN CHALETS, UNIT C

Special Assessment Area Petitioners

Signature: Samuel

Date: 6/21/23

(Print Name: RICHESON INVESTMENT PROPERTIES L L C) Phone: 435-229-7775

Mailing Address: 10000 N. 100 E. U 840

435-229-7775
435-229-0830

Lot Description: LOT 2, BLK A, SKI HAVEN CHALETS, UNIT C

T. Crowley

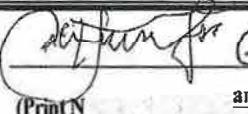
Adopted September 14, 2021

Rex Tarret, Great So. Western
Invest Group

Carol Tarret

Special Assessment Area Petitioners

Signature

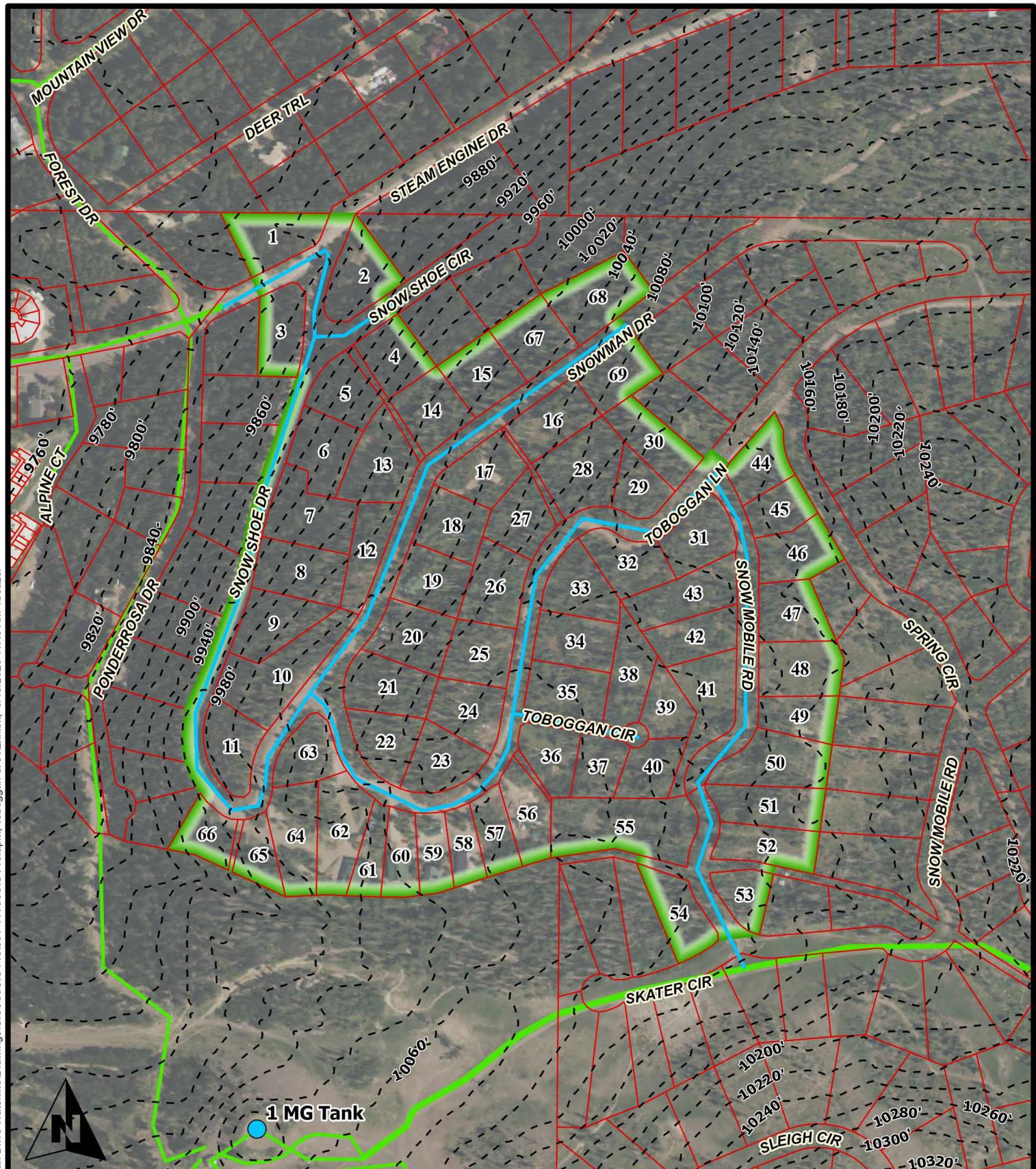
 Rex Tarret Date: 6-20-2023

(Print Name)

Name: GREAT SO-WESTERN INVEST. GROUP Phone:

Mailing Address: _____

Lot Description: LOT 13, BLK C, SKI HAVEN CHALETS, UNIT B



0 75 150 300 450
Feet

Legend

- Proposed 8" Waterline
- Water Tanks
- Toboggan SAA Boundary
- Existing 8" Line

Toboggan SAA Brian Head, UT

Spatial Reference: UT83-SF

Drawn By: RKB

Scale: 1" = 300 feet

Date: May 2023

ALPHA
ENGINEERING

43 South 100 East, Suite 100 • St George, Utah 84770
T: 435.628.6500 • F: 435.628.6553 • alphaengineering.com

Toboggan SAA Waterline
Brian Head, Utah
Preliminary Engineer's Opinion of Probable Construction Costs
May 19, 2023

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE Dollars & Cents	ITEM PRICE Dollars & Cents
1	Mobilization @ 10%	1	L.S.	\$193,338.00	\$193,338
2	8" D.I. Waterline	6,425	L.F.	\$160.00	\$1,028,000
3	8" Tee	5	Each	\$1,800.00	\$9,000
4	8" Gate Valves	15	Each	\$4,500.00	\$67,500
5	Fire Hydrant Assembly	21	Each	\$12,000.00	\$252,000
6	Water Service	69	Each	\$4,500.00	\$310,500
7	Tie-ins to Existing Piping	2	Each	\$10,000.00	\$20,000
8	Pressure Reducing Station	2	Each	\$75,000.00	\$150,000
9	6" Roadbase	64,250	Each	\$1.50	\$96,375
SUBTOTAL					\$2,126,713
20% CONTINGENCY					\$425,343
ENGINEERING & CONSTRUCTION MANAGEMENT					\$69,608
TOTAL					\$2,621,664



STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: PATCHWORK PARKWAY UPDATE REPORT

AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: July 11, 2023
TYPE OF ITEM: Informational

SUMMARY:

Nancy Dalton, Patchwork Parkway Executive Director, will give the Council an update on the Interpretive Signage and Kiosk project.

BACKGROUND:

The Town has been participating as a cooperating partner with the Patchwork Parkway since the beginning in which there have been several projects that have benefited the Town and surrounding communities such as Parowan and Panguitch.

ANALYSIS:

Currently the Patchwork Parkway is working on an interpretive signage and kiosk project. Nancy will give a presentation on the details of the project along with the budget and the status of the project.

FINANCIAL IMPLICATIONS:

The budget that is presented as part of their presentation shows a contribution of approximately \$9,000 as part of Brian Head's contribution to this project. Nancy will have the details on the funding for the budget and Brian Head's portion.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

This is an informational presentation.

PROPOSED MOTION:

Informational presentation.

ATTACHMENTS:

A - Patchwork Parkway Interpretive Signage/Kiosk Project

Utah's Patchwork Parkway's Interpretive Signage & Kiosks Project

Project Narrative

Table of Contents

Project Identification	1
Project Description	3
Project Selection Criteria	5
Timeline	6
Project Measurements of Success	8
Budget Narrative	Separate PDF

Project Identification

1. The State DOT or Indian Tribe applying for funding:

Utah Department of Transportation (UDOT)

DUNS: 8786903380000 UEI: ER8VS3TR52T8

2. Name and Contact Information for the Application Point of Contact:

Chris Potter – UDOT – Local Government Programs Engineer

cpotter@utah.gov 801-633-6255

4501 South 2700 West or PO Box 141200, Salt Lake City, UT 84114-1200

3. Cooperating/Partner Entities Involved in or Will Be Involved:

Utah's Patchwork Parkway (UPP) UDOT Region IV

Brian Head Town USFS – Dixie National Forest

Panguitch City Bureau of Land Management - Cedar City

Parowan City	Cedar Breaks National Monument
Garfield County	Utah Department of Natural Resources
Iron County	Utah Department of Wildlife Resources
Paiute Indian Tribe of Utah	

4. Name of the Byway Impacted by the Proposed Project:

Utah's Patchwork Parkway (UPP) – UT Hwy 143

5. Designation Type of the Byway Impacted by the Proposed Project:

National Scenic Byway

6. Name/Title of Proposed Project:

Utah's Patchwork Parkway's Interpretive Signage & Kiosks Project

7. Project Abstract:

Utah's Patchwork Parkway's Interpretive Signage & Kiosks Project will construct nine Interpretive Kiosk facilities; replace four Byway Wayfinding/Directional metal signs; and produce printed and digital-accessible Interpretive materials. This proposed project is aligned with our CMP and Interpretive & Signage Master Plan to develop safe accessible sites to provide historical, archaeological, cultural, natural, recreational and scenic interpretive information to enhance the Traveler's experience.

8. The Goal Under Which the Proposed Project is Aligned:

Goal (3) Economic Strength:

9. The Primary Project Type Under Which the Proposed Project is Aligned:

(4) Construction along a scenic byway of a facility for pedestrians and bicyclists, rest area, turnout, highway shoulder improvement, overlook, or interpretive facility.

10. If Applicable, Additional Project Types Identified:

- (2) Implementation of a Corridor Management Plan Strategy to maintain the six intrinsic characteristics of a byway corridor while providing for accommodation of increased tourism and development of related amenities;
- (3) Safety Improvements to a National Scenic Byway to the extent that the improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway as a result of the designation of National Scenic Byway;
- (6) Protection of scenic, historical, recreational, cultural, natural, and archaeological resources in areas adjacent to a scenic byway; and,
- (7) Development and provision of tourist information to the public, including interpretive information about a scenic byway.

Project Description

11. Applicant information:

National Scenic Byway, Utah's Patchwork Parkway (UPP), UT Hwy 143, weaves the six intrinsic qualities that connect our public lands with our local communities and Travelers in southwest Utah between Bryce Canyon and Zion National Parks, and Cedar Breaks and the Grand Staircase Escalante National Monuments. The 51-mile National Scenic Byway connects the rural communities of Parowan, Brian Head and Panguitch, and Garfield and Iron counties. Utah's Patchwork Parkway climbs in elevation from 5700 ft to 11,307 ft at Brian Head Peak and drops back to 6000 ft, offering Travelers spectacular views of the diverse natural environment and wildlife. The three Byway communities along UPP have a combined estimated population of 4,865. These rural communities are dependent on the tourism industry as over 95% of the land in Garfield County is federally and state owned.

12. Project Description:

Utah's Patchwork Parkway completed its Interpretive and Signage Master Plan (I&SMP) in 2012, which was one of its CMP goals. Since 2012, UPP has continued to assist its Byway communities with Trails Master Plans, constructing Trail Heads, and repairing fire damaged popular trails using FHWA/UDOT TAP and Utah Outdoor Recreation matching grants. The Brian Head Fire of 2019 and subsequent major flooding (multiple years) significantly damaged roads, trails and historical sites. Erosion damage along with line-of-sight and steep grades (7%) created unsafe travel and protection of Byway intrinsic assets. With input from our local FLMAs and UDOT, the selected sites were based on the following criteria: (a) sites identified in Interpretive & Signage Master Plan, (b) best site for interpreting the Brian Head Fire damage and natural environmental restoration, (c) safe travel access including exiting and entering the highway, and, (d) easily accessible to Travelers (hikers, bicyclists, equestrian, and motorized vehicle). We will be replacing four damaged Byway directional signs; relocating one fire damaged historical monument to a safer and more accessible location; and producing printed and interactive digital interpretive materials. The Mt. Messian monument, identified as a historical asset in our CMP, is located one tenth-of-a-mile off the Byway on a steep dirt road with access from the Byway on a blind curve which presents a critical line-of-sight issue. Relocating the monument to an appropriate site will provide safe access to the Traveler and will allow the BLM to clear fire damage trees, repair the flood drainage area, and restore the natural vegetation. The nine (9) sites marked on the attached UPP Byway Sites Map & Photos pdf will have new Interpretive kiosks with panels (sites 3-11). Damaged Byway Wayfinding/Directional Signage will be replaced (sites 1 & 2). Relocation of an historical monument to a safe accessible site (site 6). Production of 5,000 printed brochures and digital adaptations for website, social media, and

Traveler interactive activities like Instagram. An Interpretive Consulting Firm will be hired to prepare the text and photos that will be formatted using our existing interpretive panel design/layout. They will also coordinate the fabrication of the panels and kiosks, and installation of the panels and kiosks. A Construction Firm will be hired to prepare the selected interpretive sites and will install the interpretive panels and kiosks. UDOT Region IV will supervise the creation of construction documents and construction site work to ensure that it meets FHWA standards. UDOT Region IV will also manage the required reports including project reimbursements. UPP's Byway Coordinator will coordinate the proposed project at the local level, working with the Interpretive Consulting and Construction Firms, as well as creating, maintaining, and submitting all progress, reimbursement and final reports to UDOT Region IV. The proposed project will benefit the Community/Traveler by providing quality interpretive information, and materials and sites where they can learn and experience our Byway's six intrinsic qualities. Relocation of one damaged historical monument and interpretive site selections will protect the project sites and intrinsic quality assets from future erosion. The proposed sites allow the Communities and Travelers a safer and easier access to Interpretive sites and outdoor recreation opportunities.

Project Selection Criteria

Describe the challenge(s) or issue(s) the proposed project is seeking to mitigate and/or address:

Challenges that face our Byway are: (a) The lack of improved interpretive sites that will attract and enhance the Traveler's trip to our Byway communities, National Parks and Monuments and Public Lands; (b) Safe and accessible access to our public lands from our Byway due to multiple road line-of-sight issues and steep 7% road grades; and, (c) Limited municipal budgets as the

Byway communities have a poverty rate between 7.2 and 18.3. This project will provide new interpretive sites that will: (a) Enhance the Travelers experience with interpretive sites about the Intrinsic Qualities along the Byway; (b) Be safer and accessible to Travelers, Community members, hikers, bicyclists, equestrian and motorized vehicles; (c) Relocate one historical monument to a safer, more accessible, appropriate location; and, (d) NSBP funding will help UPP Byway Communities to complete this much needed project that will enhance Travelers experience along the Byway and strengthen the Byway Communities tourism economy and tax base.

Describe how the proposed project will achieve one or more of the four NSBP goals:

Economic Strength: With over 95% of the land in Garfield County federally or state owned, Garfield County is dependent on the tourism industry. The high mountain resort town of Brian Head and Parowan, are also dependent on the tourism industry. With a combined unemployment rate of 15.6, this proposed project will help grow the economy: (a) by providing employment opportunities for individuals and families during the fabrication/installation phases; and, (b) providing financial stability for local contractors and material supply businesses. After completion, the project will: (a) enhance the Traveler's experience with much needed interpretive facilities, (b) improved accessibility to our public lands; and, (c) provide economic stability to local businesses and new start-up businesses that provide Traveler services and amenities.

Proposed Timeline for the Project:

Pre-Project Work includes: (a) 2012 completion of our Interpretive & Signage Master Plan (I&SMP), (b) 2012 installation of four byway gateway kiosks with interpretive panels, and, (c)

re-evaluation of I&SMP interpretive sites after fire, flooding and erosion damage along the Byway to pare sites down to nine (9) sites that Travelers can safely and easily access, and best showcase the Byway's historical, cultural, archaeological, natural, recreational and scenic assets.

Month 1: Grant is awarded and contracts signed – Obligated Local Match funds are obtained

Months 2-4: RFP prepared and Professional Firms selected

Months 5-10: Interpretive Panels Text/Design and Kiosk Design, Construction Specifications finalized and ready to send out for bids

Months 11-12: Bids Awarded

Months 12-16: Interpretive Panels and Kiosks are fabricated; Kiosk Site prep work is done; Interpretive Materials prepared and sent to Print/Digital Production firm

Months 17-19: Kiosks are constructed; Interpretive Panels installed; and Print/Digital Interpretive materials are completed

Months 20-22: Interactive Public Kickoff with Driving Tour to see Completed Interpretive Kiosk sites; Complete all closing project reports

Describe the Project Benefits:

Working with our Byway communities, Paiute Indian Tribe of Utah and FLMAs, we have narrowed the list of 28 potential Byway Intrinsic Interpretive sites to eleven (11) sites that can best tell the story of our history for which we were designated as a National Scenic Byway, along with interpreting our valued archeological, cultural, natural, recreational and scenic intrinsic assets. This project will benefit the communities by providing employment opportunities and

strengthening the local tourism economy and tax base. Relocating the Mt. Messian monument from a fire/flood damage area and poor line-of-sight access from the Byway to a safer more accessible appropriate site will allow more Travelers to view it and understand the importance of our serene natural and scenic landscape, formations and wildlife. Most importantly, this project benefits Travelers by providing much needed safer and more accessible sites for Travelers to learn more about our Byway's Intrinsic Qualities and Public Lands. The benefit of designated improved interpretive sites will protect the unimproved areas from unnecessary human disturbance. Through interpretation and education, the Traveler will gain a better understanding of our history, natural eco-system, wildlife, diverse geological formations, and learn the importance of taking better care of our public lands.

Project Measurements of Success:

First measurement will be: Was the proposed project completed in a timely matter with consideration to supply chain interruptions and within budget. Second: Feedback from our FLMA on the ease of construction and quality of the final product. Third: Feedback from the Public and Travelers who participate in our Interactive Kickoff Driving Tour of the new Interpretive Kiosk sites. Fourth: We have a challenge in measuring the increase use of the proposed Interpretive Kiosk sites as most sites are remotely located. However, as part of the digital production, we will include features to track use of digital mediums and an Instagram posting feature on our website. Fifth: We will track annually, UDOT's annual road counts along the Byway to see if there is an increase in the number of vehicle visits; and Utah State Sales Tax Revenues and Transient Room Tax Revenues to see if there is an increase in Traveler's expenditures.

Utah's Patchwork Parkway's Interpretive Signage & Kiosks Project

Budget Narrative

Utah's Patchwork Parkway's Interpretive Signage & Kiosks Project is requesting NSBP matching grant funding for the purpose of constructing nine (9) Interpretive Kiosk facilities, replacing four (4) Byway Wayfinding/Directional metal signs; and producing printed and digital-accessible Interpretive materials.

The total cost of the project is \$312,358, with 80% NSBP match of \$249,886.40, and 20% Local Match of \$62,471.60. Local Match funds will come from the following:

Brian Head Town	\$8,924.52	Garfield County	\$17,849.02
Panguitch City	\$8,924.52	Iron County	\$17,849.02
Parowan City	\$8,924.52		

After funding is awarded, local match funds will be obtained.

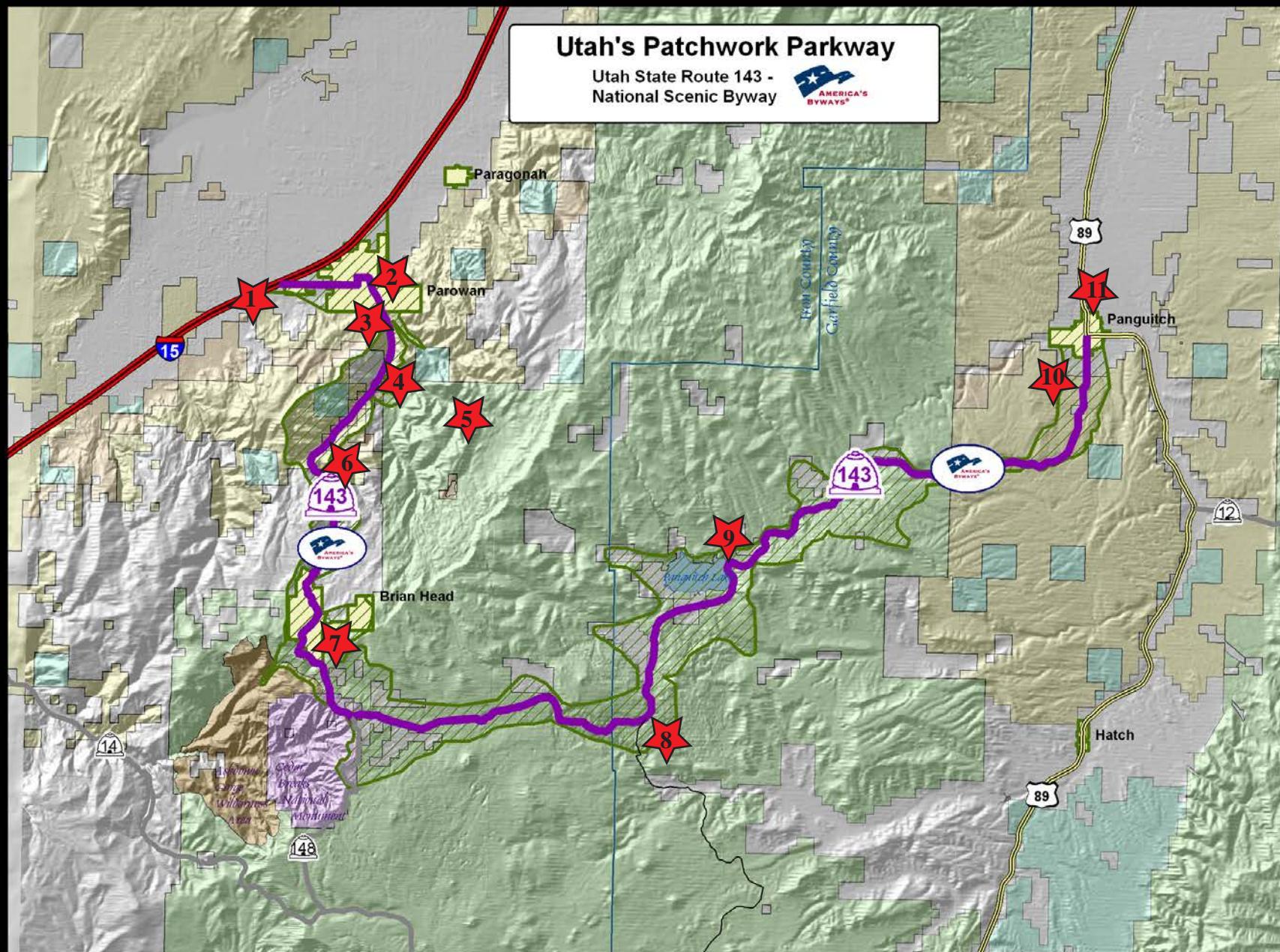
With a poverty rate between 7.2 to 18.3, and a combined unemployment rate of 15.6 (see attached UPP Byway Cities Demographics Profiles), NSBP funding will help UPP Byway communities complete this project as they have limited funding to complete this project by themselves.

Utah's Patchwork Parkway's Interpretive Signage & Kiosks Project
Detailed Budget

A	B	C	D	E
#	Description	Total Cost	NSBP Requested	Local Match
1	Professional Services			
2	1 Qualified Interpretive Consulting Firm - Interpretive Writing and Graphic Design for Interpretive Kiosks, panels and Interpretive Materials, and Coordinating Fabrication of signs, panels, and kiosks	100000	80000	20000
3	2 Qualified Construction Firm to prepare construction specification and construct kiosk sites, and assembling/installing interpretive panels, direction signage and interpretive kiosks	45000	36000	9000
4	3 Construction Supervision services to review construction specifications and work	10000	8000	2000
5	4 Project Management - to manage the project, work with contractors to ensure the quality of work is completed in a timely and professional manner, track/record project tasks prepare/submit financial reimbursement requests, and prepare progress /final project reports - \$30 per hr x 700 hrs	21000	16800	4200
6	Construction/Production			
7	5 Site Work: Labor, equipment and materials for pullout/parking area improvements (widening, grading and adding road base), concrete kiosk pads, costs for relocating historical monument	48000	38400	9600
8	6 4 four-color powder-coated metal Wayfinding/Directional Signage - 4 x \$2,500	10000	8000	2000
9	7 11 Kiosks - Stone base with metal pedestal panel holding frames with a decorative cap; labor, equipment & materials- 11 kiosks x \$4,018	44198	35358.4	8839.6
10	8 Fabrication of Interpretive Panels - Two 4-ft x 6-ft double-sided four color panels - one side with Regional Byway Map and other side with site specific Interpretive information (sites 3 & 7) - 2 x \$3,630	7260	5808	1452
11	9 Fabrication of Interpretive Panels - 14 double sides 28-inches by 3-ft four color panels - with site specific Interpretive information (sites 4,5,6,8,9,10,11) - 14 x \$850	11900	9520	2380
12	10 Interpretive Materials - 5,000 4-color printed brochures to be distributed at Visitors Centers in Garfield and Iron Counties and at FLMA Visitors Centers - 5,000 x \$2.00	10000	8000	2000
13	11 Interpretive Materials - Formating print Interpretive brochure into digital format for use on website, social media and future social media app	5000	4000	1000
14	TOTAL	312358	249886.4	62471.6

Utah's Patchwork Parkway

Utah State Route 143 -
National Scenic Byway



Utah's Patchwork Parkway's Interpretive & Signage Master Plan Implementation

Interpretive Kiosk & Signage Locations

#1 & #2 – Replace four damage Byway Directional Signs at the southwest and northwest

entryways to the National Scenic Byway

#3 - Parowan Lion's Park: construct Regional Byway Interpretive Panel, 2019 Brian Head Fire Story, Value of Water, and Outdoor Recreation Interpretive Kiosk

#4 – Parowan Forebay: parking lot improvements and construction of interpretive kiosk with panels about the value of water, pioneer sawmill industry, recreation opportunities

#5 – Yankee Meadow Reservoir and USFS campground: construction of Interpretive Kiosk with panels about the 2019 Brian Head Fire, and natural forest regrowth, forest ecology

#6 – Hidden Haven Trail Head: due to fire and flood damage, Mt. Messian monument may be relocated to this site and will also include Interpretive Panels of natural resources

#7 – Brian Head Pond: construct Interpretive Kiosk with the Regional National Scenic Byways panel and 2019 Brian Head Fire Story, forest ecology, bark beetle infestation, and outdoor recreation, and Native American and Pioneer use of high mountain alpine forest

#8 – Mammoth Creek Picnic & Rest Area: construction of Interpretive Kiosk with panels on the diverse geology including lava rock eruption area

#9 – Panguitch Lake: construction of Interpretive Kiosk with panels on Native American historic use of the area, value of water, wildlife, and recreation opportunities

#10 – Panguitch West Interpretive Kiosk: add panels on the early settlement of Panguitch

#11 – Panguitch/Garfield County Visitor Center – construction of Interpretive Kiosk with the 2019 Brian Head Fire damaged their water system and infrastructure and impacted their economy

Panguitch's Place in History and Culture

Utah's Patchwork Parkway offers travelers a diverse patchwork of colors, cultures, and climates.




Photo below: Bishop's Store House/Danvers Store

THE QUILT WALK
With their families and community facing starvation, seven men journeyed 40 miles west to Parowan through deep snow and freezing temperatures. Panguitch Quilt Walker Alexander Mathews wrote in his journal, "the trip home was hard, but the trip back was harder with the weight of the hour."

DUTCH CASSIDY
Robert Leffingwell (alias Dutch Cassidy) grew up north of Panguitch in Circleville, Utah. Cassidy traveled the West and had a reputation for taking from the rich and giving to the poor. After a stint in prison, he formed the Wild Bunch gang, which included the Sundance Kid. The gang is credited with many robberies throughout the West.

Spotted in Panguitch many times, Cassidy allegedly had hideouts in nearby Castle Canyon and visited his mother for the last time at the Blue Parrot Inn. Cassidy and the Sundance Kid died in Bolivia in 1908, although there is evidence to support the claim that Cassidy returned to the U.S. and lived out his life under an assumed name.

CINEMATIC LANDSCAPES


The Panguitch area's scenic landscapes provided an ideal backdrop for several early Westerns. Ranchers supplied animals, such as horses, for some of the films, including *My Friend Flicka* and *Drums Along the Mohawk*. Panguitch's historic Gem Theater was built in 1909 and has a colorful past. After fires, name changes, and various owners, the theater was restored and reopened in 2011.

The story of Panguitch is threaded through its historic Main Street and red brick buildings, cultural centers and parks, community celebrations, and the stories passed down through generations. Explore the Panguitch area on foot or take one of the many ATV trails around town.

weight as they walked on top of them. The last man in line passed forward the end quilt, so the men could continue moving forward.

Through faith and perseverance, they reached Parowan. The people of Parowan were happy to supply the men with flour, as most were related to ranchers or miners living in Panguitch. It's believed that the group only stayed a night or two in Parowan before making the difficult journey home.

Upon arriving back in Panguitch, the seven men were granted a hero's welcome by the community. The local townfolk had been praying for the men's safe return, especially since they had been gone longer than expected.

Today, the difficult journey to Parowan is known as the Quilt Walk and is celebrated each June with the Quilt Walk Festival.



Utah's Patchwork Parkway will use existing Interpretive Panel Design/Layout - sample of Interpretive small panel (above left photo) and Large Regional Byways Panel (below photo)

UTAH'S PATCHWORK PARKWAY NATIONAL SCENIC BYWAY
Utah's Patchwork Parkway was designated as a National Scenic Byway for its significant historical event where early Anglo-American pioneers saved themselves from starvation by crossing the rugged landscape of the Dixie National Forest. Utah's Patchwork Parkway Byway 143 follows a winding 55-mile course that rises from 6,000 feet on the west slope to elevations over 10,000 feet on the majestic alpine plateau, and gradually descending down to 6,500 feet along the eastern slope. Along with historical sites, Utah's Patchwork Parkway has an abundance of outdoor recreation and scenery to satisfy all ages and abilities.

PAROWAN
Established in 1855 as the first Ang-American settlement in southern Utah, Parowan features a historical cemetery, museums, and buildings. Nestled between the red rock mountains, Parowan has a number of walking and bike trails, along with amenities for outdoor recreation.

BRIAN HEAD
Brian Head is the most elevated occupied town in Utah with a base elevation of 11,800 feet and a peak elevation of 11,207 feet. Brian Head offers visitors a year-round outdoor experience with its extensive trail system and outdoor winter and summer recreational activities that connect to Cedar Breaks National Monument and Dixie National Forest.

PANGUITCH
A Native American Paiute word meaning "Big Fish," Panguitch is named for the plentiful rainbow trout found in surrounding lakes and streams. Panguitch celebrates its rich history with a variety of events throughout the year. Visitors to the area can also enjoy the scenic beauty of numerous national and state parks, recreation areas, and natural monuments all within a short drive. Panguitch is listed on the National Register of Historic Sites for its wealth of pioneer homes made of local brick in the mid-late 1800s.

CEDAR BREAKS NAT'L MONUMENT - STATE SCENIC BYWAY
Cedar Breaks State Scenic Byway follows a route along the rim of a large natural amphitheater about three miles wide and 2,500 feet deep. Its walls are eroded into delicate carved spires and rock formations while the east plateau provides views of lush meadows and an aspen forest with some of the tallest and summer-wilting aspens in the world. Cedar Breaks is a must-see for anyone who has ever seen the Disney Pixar movie *Up*, as it's a veritable landscape of floating houses with brilliant night sky viewing of our galaxy. Between late October to mid-May, Hwy 148 is closed to vehicle traffic, but the road is groomed during these months for snowmobile, cross-country skiing, and snowshoeing traffic.

MARKEAGHT HIGH PLATEAU STATE SCENIC BYWAY
Starting in Cedar City, State Scenic Byway 14 climbs through red sandstone mountains and forests overlooking lush meadows, towering cliffs, and wide-open vistas. Summitt at 9,900' Byway 14 provides access to forest trails leading to some of the world's oldest bristlecone pines.

DIXIE NATIONAL FOREST
The Dixie National Forest occupies almost two million acres and stretches about 170 miles from north to south. It is the largest national forest in the state and the forest way from 6,200 feet to 11,322 feet at Blue Bell Knob in the Boulder Mountains. No matter where else you can be skiing in the morning at 10,000 feet and mountain biking in high desert that afternoon. You can also enjoy camping, canoeing, fishing, hiking, horseback riding, mountain biking, rock climbing, snowmobiling, and water skiing. The Dixie National Forest supports a wide variety of wildlife species such as cougars, bobcats, blue grouse, golden eagle, cottontail rabbit, wild turkey, antelope, and Utah prairie dogs.

UTAH'S NATIONAL HERITAGE HIGHWAY
Utah's National Heritage Highway 89 is Utah's first tourist route dedicated solely to offering guests a quality Western heritage experience served up Utah-style. Winding through the Mormon Pioneer National Heritage Area, Highway 89 connects historic landmarks, inns, lodges and bed and breakfast inns, historic sites and buildings, archeological sites, cultural festivals, pageants, local foods, and heritage tours, providing insight into the histories and cultures of these rural communities.

SCENIC BYWAY 12 - ALL-AMERICAN ROAD
Along its 12-mile route, Scenic Byway 12 brings stunning and dramatically varied landscapes—from ponderosa pine and aspen forests to slickrock canyons, from flower-laced mountain meadows to sparsely vegetated shale bedlands, from wild lands to historic communities. The landscape and communities you'll pass through along Scenic Byway 12 have incredible stories to tell. Take time to discover them on your trip.

ZION SCENIC BYWAY - STATE SCENIC BYWAY
Zion Scenic Byway traverses 88 miles of incredibly beautiful natural landscapes, which have been shaped over thousands of years, and affords visitors the opportunity to experience the natural beauty of the byway. The byway follows the Virgin River, weaving through spectacular vistas that include red-rock cliffs, buttes, slickrocks, mountains, and a mountain tunnel.

U.S. BICYCLE ROUTE SYSTEM ALONG 14/15/12/89
The Western Express Bicycle Route is a 1,579 mile (2,536 km) bicycle tour route that connects the Pacific Northwest to the Midwest via the TransAmerica Bicycle Trail in Public, Colorado. It provides a shorter mileage option (476 miles less when compared to the TransAmerica Trail) on a central corridor route that changes the rider with extreme weather and riding conditions, as well as logistical obstacles. One's efforts are rewarded, however, by experiencing some of the least visited and most magnificent areas of the American West.



STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: BUILDING INSPECTION COOPERATIVE AGREEMENT

AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: July 11, 2023
TYPE OF ITEM: Administrative Direction

SUMMARY:

The Town Council will consider entering into a cooperative agreement with Enoch City to provide reciprocal backup for building inspection services.

BACKGROUND:

In March 2023, Brian Head Town hired a building inspector to provide in-house building inspection in addition to land use planning services. Prior to that time, the Town contracted with Iron County Building Dept for inspection services.

ANALYSIS:

Now that the Town is providing our own building inspection services with a single licensed inspector, we need to have a backup plan for those services when our inspector is on vacation/sick/etc. Prior to hiring Lester Ross, we checked with Enoch City (who also has a single inspector on staff) to see if we could back each other up, and they verbally committed to that. The attached agreement would simply document the verbal agreement.

FINANCIAL IMPLICATIONS:

N/A - No money is to change hands as part of this cooperative, only the occasional man-hours. The man-hours we expend, and those we receive, should approximately offset to a zero-sum.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends adopting the proposed agreement as-is.

PROPOSED MOTION:

I move that we direct staff to enter into a cooperative agreement for building inspection services with Enoch City as presented.

ATTACHMENTS:

A - Cooperative Agreement with Enoch City

COOPERATIVE AGREEMENT FOR BUILDING INSPECTION SERVICES

AGREEMENT made on this _____ day of _____, 2023, by and between Brian Head Town, Building Department, herein after referred to as "TOWN", and Enoch City Corporation, a municipality, hereinafter referred to as "CITY."

WHEREAS, TOWN, and CITY are responsible for providing building inspection for all new construction and remodeling projects to both residential and non-residential clients; and,

WHEREAS, TOWN and CITY desire to make the most efficient use of their resources by collaborating and sharing with each other on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to a form of Inter-local Cooperation that will work best with geographic, economic, population and other factors influencing the needs and development of local communities and to provide benefit of economy of scale, economic development and utilization of resources for the overall promotion of general welfare of TOWN and CITY; and,

WHEREAS, the State of Utah has enacted legislation requiring building inspectors to be certified in accordance with Utah State Standards as provided for in Title 58, Chapter 56, section 9, Utah Code Annotated, 1953 as amended; and

WHEREAS, it is a mutual benefit for TOWN and CITY to assist each other and provide building inspection services for the residents and developers, on an as needed basis.

IN CONSIDERATION of the mutual covenants and promises herein, the parties agree as follows:

1. TOWN may provide all necessary certified building inspection services to CITY, and CITY may provide all necessary certified building inspection services commencing on _____.
2. Both TOWN and CITY shall obtain all necessary liability insurance and each will hold TOWN and CITY harmless, and defend all claims against TOWN and CITY as related to the building inspection services performed.

3. TOWN and CITY shall only perform inspections scheduled through TOWN and CITY staff and agree to schedule inspections in a coordinated effort regarding TOWN and CITY workloads, schedules, and resources.
4. TOWN and CITY agree to perform these inspections at no cost.
5. Any party to this agreement may terminate its participation by providing notice, to the other party and in writing, one (1) month prior to the effective termination date.

This agreement constitutes the entire agreement of the parties and may be changed or modified only with the written consent of all parties.

IN WITNESS THEREOF, the parties hereto have affixed their hands on the dates set forth hereafter:

Geoffrey Chesnut, Mayor DATE
Enoch City



STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: 2023 ARBOR DAY PROCLAMATION

AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: July 11, 2023
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider adopting a proclamation declaring July 13, 2023 as Brian Head Arbor Day.

BACKGROUND:

Brian Head had held Arbor Day from 2011 until 2020 when the Covid pandemic hit and it was determined that it was in the public's interest to forego Arbor Day in Brian Head at that time.

A majority of the Arbor Day celebrations were held in conjunction with the annual Town Cleanup and for a few of them, we were able to have a Arborist give a presentation on different topics. Trees were planted around the pavilion /park area and also at the Town Hall. Arbor Day was also a requirement as a member of Tree City USA in which the Town was able to obtain grant funding for tree purchases.

ANALYSIS:

The Brian Head Tree Commission has held several meetings to discuss the purchase of trees, grant funding and Arbor Day. We also have been fortunate enough to have an Arborist, Ryan Thompson, attend our meetings on a regular basis and offer to become a member of the Tree Commission. With his guidance, the commission has identified possible grant opportunities, types of trees and plants for the Brian Head area, soil evaluation of the Bristlecone Park/Pond area, offered to complete a tree inventory of Brian Head area, assisted with the Forestry Management Plan, along with several other insightful information regarding the trees and plants in this area.

We are looking at July 13, 2023 as Brian Head Arbor Day due to the late winter and the Town just received the order of trees that were recently purchased. The trees that were purchased under the FY2023 budget were as follows:



Utah Service Berry - 5 Trees



Quaking Aspens - 6 Trees



Sucker Punch Chokecherry - 1 Tree



Blue Cloak Fir – 4 Trees



Weeping White Spruce – 3 Trees



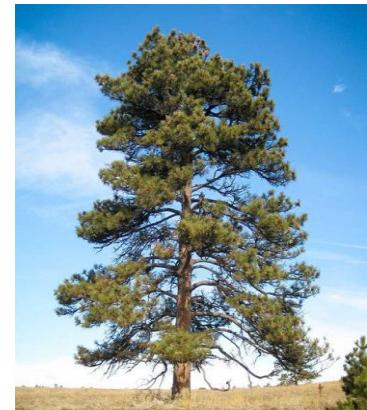
Mugo Tannenbaum Pine – 3 Trees



Clump Quaking Aspens – 2 Trees



Colorado Spruce – 2 Trees



Ponderosa Pine – 1 Tree

FINANCIAL IMPLICATIONS:

The budgetary impact for Arbor Day itself is zero since the Town Council already has a budget of \$10,000 annually for the purchase of trees for Bristlecone Park. Arbor Day is an additional benefit for the public and Town to celebrate and bring attention to the importance of trees and hopefully educate the public on planting trees in the Brian Head area through a presentation by an Arborist.

BOARD/COMMISSION RECOMMENDATION:

The Tree Commission recommended July 13, 2023 as Brian Head Arbor Day and scheduled a presentation by Ryan Thompson, Arborist, for the celebration at Bristlecone Park for the planting of the trees.

STAFF RECOMMENDATION:

Staff recommends the Council approves July 13, 2023 as Brian Head Arbor Day and authorize the Mayor to sign the proclamation.

PROPOSED MOTION:

I move to authorize the Mayor to sign the 2023 Arbor Day Proclamation declaring July 13, 2023 as Brian Head Arbor as presented.

ATTACHMENTS:

A - 2023 Arbor Day Proclamation.



2023 ARBOR DAY PROCLAMATION

WHEREAS, Brian Head Town wishes to observe Arbor Day each year and plant trees; and

WHEREAS, Arbor Day is observed throughout the nation and world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, and fuel for our fires; and

WHEREAS, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community.

NOW THEREFORE, I, Clayton Calloway, Mayor of Brian Head Town, Utah do hereby proclaim **JULY 13, 2023 AS ARBOR DAY** for the 2023 year for Head Town, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands.

I FURTHER urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Town of Brian Head this ____ day of July 2023.

Brian Head Town

ATTEST:

Clayton Calloway, Mayor

Nancy Leigh, Town Clerk

(SEAL)



ITEM: ORDINANCE AMENDING THE LMC-CHP.7 BUILDING SPACING

AUTHOR: Lester Ross
DEPARTMENT: Administration
DATE: July 11, 2023
TYPE OF ITEM: Legislative Action

SUMMARY:

The council will consider an ordinance amending the Land Management Code, Chapter 7, Zone District Regulations, section 1 Single-Family Residential, Section 2 Medium-Density Residential, and Section 3, Multi-family Residential by adding minimum distance between buildings.

BACKGROUND:

During past Planning Commission and Town Council meetings there have been some concerns expressed about the distance between buildings in Residential Planned developments or Master Planned developments.

An example of this was during the approval for the West Zion View subdivision and the tiny home project on Steam Engine. There were several concerns about how close the buildings will be together. There are currently no restrictions in the Land Management Code except for Accessory Structures.

On May 16, 2023, the planning commission discussed minimum spacing between buildings. Part of this discussion the commission would like to increasing setbacks between buildings as the building got bigger and taller. It was the desire to increase the amount of open space between large buildings to keep the town feeling open.

On June 6, 2023, the planning commission held a public hearing and discussed minimum spacing between buildings and recommend for approval to Town Council to change the Land Management Code in Chapter 7 adding building spacing.

On June 13, 2023, the town council held a public hearing and discussed minimum spacing between buildings. It was decided to remove the remediation for planning commission to increase setbacks for taller buildings in the R-2 zone.

ANALYSIS:

In the Land Management Code 9-12-7 (J) Accessory Structures

1. Must be detached from the primary structure and have a minimum of ten feet (10') of clearance from other structures.

This is the only section of the Code that calls out a minimum distance between structures, but it only applies to accessory structures.

In the International Building Code

705.3 Buildings on the same lot. For the purposes of determining the required wall and opening protection, projections, and roof-covering requirements, building on the same lot shall be assumed to have an imaginary line between them.

Where a new building is to be erected on the same lot as an existing building, the location of the assumed imaginary line with relation to the existing building shall be such that the exterior wall and opening protection of the existing building meet the criteria as set forth in Section 705.5 and 705.8

705.5 Fire-resistance Ratings. Exterior walls shall be fire-resistance rated in accordance with Tables 601 and 602 and this section. The required fire-resistance rating of exterior walls with a fire separation distance of greater than 10 feet shall be rated for exposure to fire from the inside. The required fire -resistance rating of exterior walls with a fire separation distance of less than or equal to 10 feet shall be rated for exposure to fire from both sides.

705.8 Openings. Openings in exterior walls shall comply with Sections 705.8.1 through 705.8.6

In **Table 705.8** it lets the opening you can have in an exterior wall between buildings and property lines. You cannot have any openings that are not protected (fire-rated) within 5 feet of a property line or 10 feet from another building.

To encourage openable window on the sides of dwellings it is common for a minimum of 5' side setback to property line or higher on development that will be for building that falls under R-3 Single Family/Multifamily (Townhomes) Dwellings or R-2 Multifamily(condos) Dwellings classification in the Buildings Code. In a Planned Development with common area between buildings you use the imaginary line between buildings for building separation for fire-ratings as the only setback requirement are for the outside property lines.

Other factors to consider include the look and feel of developments inside Brian Head and the requirement to have open space and maximum lot coverage. With the tiny home movement, it is becoming more popular to have multiple small footprint buildings with little spacing between them. The tiny home project on Steam Engine is an Example of this they have 6 units that are only 5 feet apart.

During planning commission on May 16, 2023, staff was directed to increase the minimum distance between buildings on muti-family and then set criteria to reduce distance between buildings with an increase of open space requirement or formula. Looking for examples from other cities and county codes a formula-based setbacks or space requirements were not found. All the formula-based requirements have to do with max density you get a point for each item that you have on the check list and the total pouts will set you density per acre. The are several cities that have increased spacing based on building height. As the building gets higher the setbacks get bigger.

BOARD RECOMMENDATION:

The Planning Commission forwarded a recommendation of approval with no changes during the June6, 2023 commission meeting. They were in agreement with the Staff's recommendations of increasing the setbacks with the increase in height of buildings and the minimum distance between buildings. Please refer to the staff's recommendations for details.

STAFF RECOMMENDATION:

Staff recommends that Planning Commission recommended to approve updates to Chapter 7 Zone District Regulations by adding the following.

- 9-7-1 (D 3)
 - d. Minimum distance between buildings: 10 feet

- 9-7-2 (D 3)
 - d. Minimum distance between buildings
 - i. Under 20 feet in height: 10 feet
 - ii. Over 20 feet and under 30 feet in height: 15 feet
 - iii. Over 30 feet in height: 20 feet
- 9-7-3(D 3)
 - e. Minimum distance between buildings
 - i. Under 20 feet in height: 10 feet
 - ii. Over 20 feet and under 30 feet in height: 15 feet
 - iii. Over 30 feet in height: 20 feet

With the Town Council direction, the increase setbacks for taller buildings were removed. Keeping the distance between buildings with the step increases to distance between buildings as the building get taller.

Having a 10-foot requirement on accessory structures in the Land Management Code and the building code not allowing openings for buildings closer than 10 feet it is the Staff opinion that 10 feet would be a good minimum distance between buildings. It will allow for the needed fire separation but also allow for the buildings to be clustered together to allow for the required open space to be combined to preserve the open feel and natural beauty of the area following the General Plan.

Please note that both chapter 7 and Chapter 12 (Driveway standards) are being proposed to be adopted by one ordinance, so the council will want to discuss both chapters prior to adoption.

PROPOSED MOTION:

Please refer to the LMC Amendment for Chapter 12 (Driveway standards) staff report for the proposed motion since both chapters will be combined into one ordinance.

ATTACHMENTS:

- A - Accessory Structures 9-12-7 (J)
- B - Table 705.8 2018 International Building Code
- C - Chapter 7 with proposed changes.

J. **Accessory Structures:** A non-habitable structure, subordinate to and located on the same lot with a primary structure, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main structure. In addition to meeting requirements A through I of this Section, accessory structures must meet the following requirements:

1. Must be detached from the primary structure and have a minimum of ten feet (10') of clearance from other structures.
2. Cannot be used as a habitable space.
3. Structure cannot be located within the setback (notwithstanding, setback exceptions that apply to the primary structure as outlined in [chapter 7](#) of this title, in the applicable zone, also apply to accessory structures).
4. Must meet snow load requirements.
5. Required to have footings or foundation for accessory structures over 450 square feet.
6. Structures being used as a garage for vehicle storage must meet all applicable International Building Code requirements.
7. Shipping containers, intermodal containers, or railroad boxes may not be used as accessory structures (Ord. 21-006, 05-25-21).
8. No more than three (3) accessory structures are allowed on a single lot of up to one (1) acre. Additional accessory structures may be allowed on lots larger than one acre, not to exceed two (2) accessory structures per additional acre.
9. Except for a building accessory to an agricultural use, the footprint of an accessory structure must not exceed fifty percent (50%) of the footprint of the primary structure. In no case shall an accessory structure exceed 3,000 square feet in footprint.
10. Maximum height of accessory structures is limited by the area of the structure as follows:
 - a. 0 – 200 square feet, 15 feet maximum height. (amd. ord. 17-004, 7-22-1017)
 - b. 201 – 400 square feet, 19 feet maximum height. (amd. ord. 17-004, 7-22-1017)
 - c. 401 – 1,000 square feet, 24 feet maximum height. (amd. ord. 17-004, 7-22-1017)
 - d. 1,001 – 1,500 square feet, 27 feet maximum height. (amd. ord. 17-004, 7-22-1017)
 - e. 1,501 square feet and above, maximum height determined by Planning Commission review, but shall in no case exceed thirty-two feet (32'). (ord. 15-018, 12-8-2015 amd. ord. 17-004, 7-11-2017)

TABLE 705.8
MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON
FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION

FIRE SEPARATION DISTANCE (feet)	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA ^a
0 to less than 3 ^{b, c, k}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted ^k
	Unprotected, Sprinklered (UP, S) ⁱ	Not Permitted ^k
	Protected (P)	Not Permitted ^k
3 to less than 5 ^{d, e}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted
	Unprotected, Sprinklered (UP, S) ⁱ	15%
	Protected (P)	15%
5 to less than 10 ^{e, f, j}	Unprotected, Nonsprinklered (UP, NS)	10% ^h
	Unprotected, Sprinklered (UP, S) ⁱ	25%
	Protected (P)	25%
10 to less than 15 ^{e, f, g, j}	Unprotected, Nonsprinklered (UP, NS)	15% ^h
	Unprotected, Sprinklered (UP, S) ⁱ	45%
	Protected (P)	45%
15 to less than 20 ^{f, g, j}	Unprotected, Nonsprinklered (UP, NS)	25%
	Unprotected, Sprinklered (UP, S) ⁱ	75%
	Protected (P)	75%
20 to less than 25 ^{f, g, j}	Unprotected, Nonsprinklered (UP, NS)	45%
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit
25 to less than 30 ^{f, g, j}	Unprotected, Nonsprinklered (UP, NS)	70%
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit
30 or greater	Unprotected, Nonsprinklered (UP, NS)	No Limit
	Unprotected, Sprinklered (UP, S) ⁱ	No Limit
	Protected (P)	No Limit

For SI: 1 foot = 304.8 mm.

UP, NS = Unprotected openings in buildings not equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

UP, S = Unprotected openings in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

P = Openings protected with an opening protective assembly in accordance with Section 705.8.2.

a. Values indicated are the percentage of the area of the exterior wall, per story.

b. For the requirements for fire walls of buildings with differing heights, see Section 706.6.1.

c. For openings in a fire wall for buildings on the same lot, see Section 706.8.

d. The maximum percentage of unprotected and protected openings shall be 25 percent for Group R-3 occupancies.

e. Unprotected openings shall not be permitted for openings with a fire separation distance of less than 15 feet for Group H-2 and H-3 occupancies.

f. The area of unprotected and protected openings shall not be limited for Group R-3 occupancies, with a fire separation distance of 5 feet or greater.

g. The area of openings in an open parking structure with a fire separation distance of 10 feet or greater shall not be limited.

h. Includes buildings accessory to Group R-3.

i. Not applicable to Group H-1, H-2 and H-3 occupancies.

j. The area of openings in a building containing only a Group U occupancy private garage or carport with a fire separation distance of 5 feet or greater shall not be limited.

k. For openings between S-2 parking garage and Group R-2 building, see Section 705.3, Exception 2.

705.9.1 Voids. The void created at the intersection of a floor/ceiling assembly and an exterior curtain wall assembly shall be protected in accordance with Section 715.4.

705.10 Ducts and air transfer openings. Penetrations by air ducts and air transfer openings in fire-resistance-rated exterior walls required to have protected openings shall comply with Section 717.

Exception: Foundation vents installed in accordance with this code are permitted.

705.11 Parapets. Parapets shall be provided on exterior walls of buildings.

Exceptions: A parapet need not be provided on an exterior wall where any of the following conditions exist:

1. The wall is not required to be fire-resistance rated in accordance with Table 602 because of fire separation distance.
2. The building has an area of not more than 1,000 square feet (93 m^2) on any floor.

Title 9 – Land Management Code

Chapter 7

ZONE DISTRICT REGULATIONS

- [9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:](#)
- [9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:](#)
- [9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:](#)
- [9-7-4: GC GENERAL COMMERCIAL:](#)
- [9-7-5: VC VILLAGE COMMERCIAL:](#)
- [9-7-6: L-1 LIGHT INDUSTRIAL:](#)
- [9-7-7: ROS RECREATION OPEN SPACE:](#)
- [9-7-8: COS CONSERVATION OPEN SPACE:](#)
- [9-7-9: C CIVIC:](#)
- [9-7-10: BUILDING BONUSES:](#)
- [9-7-11: CCOD COMMERCIAL CORE OVERLAY DISTRICT](#)

9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:

- A. **Purpose:** The R-1 district is intended to provide sites for low density single-family residential uses, together with such public facilities as may appropriately be located in the same district. The R-1 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with single-family occupancy, and, along with the Town Design Standards, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.
- B. **Permitted Uses:** Only the following uses are permitted in the R-1 zone:
 - Boarding of horses for non-commercial use, subject to a horse boarding permit.
 - Commercial rentals of single-family residences, subject to a business license.
 - Home occupations identified in subsection [9-10-5](#) of this title.
 - Single-unit dwellings.

Other uses customarily incidental and accessory to single-family residential uses, and necessary for the operation thereof (garages or carports, play equipment, or other approved single-family use).

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Bed and breakfast rentals.

Churches.

Home occupations identified in subsection [9-10-5C](#) of this title.

Mother-in-law / guest house is an accessory use one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title with a maximum of one mother-in-law/guest house per property. (ord. 18-006, 6-11-2018 amd. ord. 20-006, 7-14-2020)

Public or private schools.

Public parks.

Public utility uses.

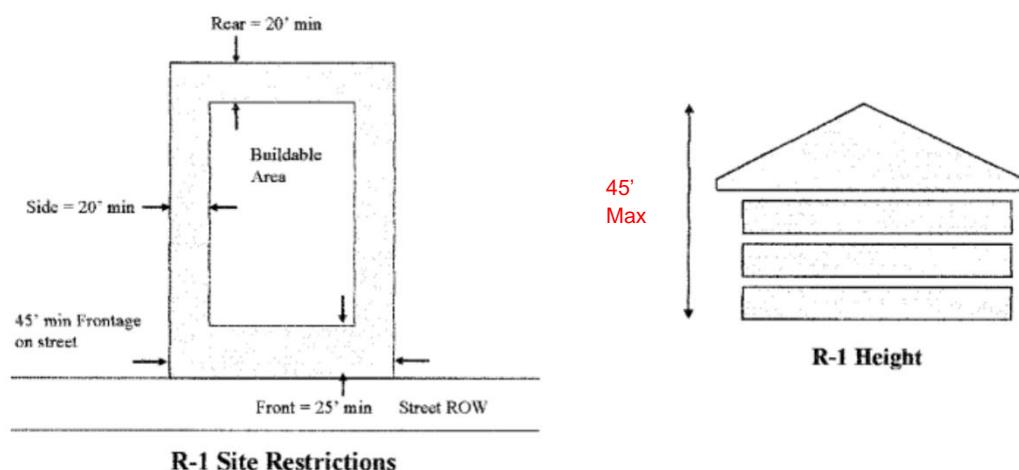
D. Physical Restrictions:

1. Minimum lot area: Fourteen thousand five hundred twenty (14,520) square feet ($\frac{1}{3}$ acre).
2. Minimum frontage width: Forty-five feet (45'). (amd. ord. 22-002, 5-10-22)
3. Minimum setbacks:
 - a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
 - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees).
 - ii. No habitable space within the setback area.
 - iii. Required off street parking is satisfied and maintained in the garage or on the lot.
 - iv. The roof sheds snow away from the public right of way.
 - v. Adequate snow storage on the lot.Under no circumstances will the setback be less than five feet (5'). (ord. 17-004, 7-11-2017)
 - b. Side: Twenty feet (20').
 - c. Rear: Twenty feet (20').
 - d. **Minimum distance between buildings: 10 feet**

4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
 - a. Driveway and walkways.
 - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four (4') feet above grade, measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3 1/2') into the required setback; and, (2010 Code, amd. ord. 15-004, 04-28-2015)
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Zoning Administrator, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015).
5. Maximum Building Height: Twenty-five feet (25'). (2010 Code, amd. ord. 22-002, 5-10-22)
6. Maximum building coverage:
 - a. One thousand square feet (1,000 sq. ft) footprint including garages, patios, and decks for a primary habitable structure. No more than 40% for all structures combined. (amd. ord. 15-004, 04-28-2015, amd. ord. 22-002, 5-10-22)
 - b. Minimum building coverage: 400 square feet for a primary habitable structure footprint (not including unenclosed decks and porches) and 160 square feet for a secondary habitable structure. (ord. 20-006, 7-14-20)
 - c. A property owner wishing to build larger than what is allowed in this code may refer to the Building Bonus section in 9-7-10. (ord. 22-002, 5-10-2022)
7. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004-2015).
8. Parking: In accordance with section [9-12-15](#) of this title.
9. Undisturbed lot area: Fifteen (15%) of the lot shall not be disturbed during development. (2010 Code, amd. ord. 15-004, 04-28-2015)
10. Remaining undeveloped lot: The remaining area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code, amd. ord. 15-004, 04-28-2015)

11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 16-007, 11-08-2016)

12. Storage Containers: Storage or cargo containers are not allowed be used as dwelling units in R-1 zones. (ord. 22-002, 5-10-22)



9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:

A. **Purpose:** The R-2 district is intended to provide sites for medium density single- and multi- family residential use at a maximum density of eight (8) dwelling units per acre, together with such public facilities as may appropriately be located in the same district. The R-2 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with medium density multi-family occupancy, and along with the Town Design Guidelines, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-2 zone:

- Food and beverage services (restaurant, cafe, etc.).
- Home occupations identified in subsection [9-10-5](#) of this title.
- Multi-family dwellings (2 or more dwelling units per structure, including townhomes).
- Nightly rental of dwelling units, subject to a business license.
- Property management.

Public parks and open spaces.

Single-unit dwellings.

Spa.

Other uses customarily incidental and accessory to medium density family residential uses, and necessary for the operation thereof (garages or carports, play equipment, etc.)

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Bed and breakfast rentals.

Churches.

Home occupations identified in subsection [9-10-5 C](#) of this title.

Public facilities.

Public or private schools. Public utility uses.

D. Physical Restrictions:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($\frac{1}{2}$ acre).

2. Minimum frontage: Forty-five feet (45').

3. Minimum setbacks:

- a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
 - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
 - ii. No habitable space within the setback area;
 - iii. Required off street parking is satisfied and maintained in the garage or on the lot;
 - iv. The roof sheds snow away from the public right of way; and
 - v. Adequate snow storage on the lot.

Under no circumstances will the setback be less than five feet (5').

(ord. 17-004, 7-11-2017).

b. Side: Twenty feet (20');

c. Rear: Twenty feet (20'). (amd. ord. 22-002, 5-10-22)

d. **Minimum distance between buildings**

i. **Under 20 feet in height: 10 feet**

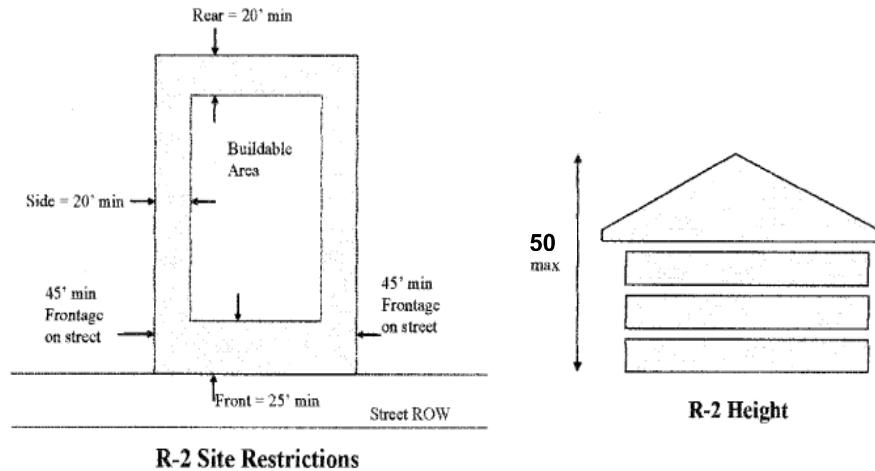
ii. **Over 20 feet and under 30 feet in height: 15 feet**

iii. **Over 30 feet in height: 20 feet**

4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
 - a. Driveways and walkways;
 - b. Roof eaves, provided they encroach no more than five feet (5') into the required setback;
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet ($3\frac{1}{2}'$) into the required setback; and
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eave of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015)
5. Maximum height: Twenty-five feet (25'). (amd. ord. 22-002, 5-10-2022)
6. Maximum building coverage: One thousand five hundred square feet (1,500 sq. ft.) footprint including garages, patios, and decks. (amd. ord. 22-002, 5-10-2022)
7. A property owner wishing to build larger than what is allowed in this code may refer to the Bonus Section in [9-7-10](#) of this title.
8. Maximum density: Eight (8) units per acre (or a fraction thereof) for multi-family dwellings, including constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
9. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per § [9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004, 04-28-2015).
10. Parking: In accordance with section [9-12-15](#)
11. Undisturbed lot area: Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (2010 Code, amd. ord. 15-004, 04-28-2015)
12. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (amd. 2015 ord. 15-004, 04-28-2015)
13. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened

from the view of the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 17-001, 4-11-2017)

14. Storage containers: Storage or cargo containers are not allowed to be used as a dwelling unit in R-2 zones. (ord. 22-002, 5-10-2022).



(2010 Code, amd. ord. 15-004, 4-28-2015

9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:

A. **Purpose:** The R-3 district is intended to provide sites for multiple-family dwellings at densities restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc., together with such commercial and public facilities as may appropriately be located in the same district. The R-3 district regulations are intended to ensure adequate light, air, open space, and other amenities commensurate with multiple-family occupancy, and, with the Town Design Standards, to maintain the desirable residential qualities of the district by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses and, where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-3 zone:

Bed and breakfast establishments.

Home occupations identified in subsection [9-10-5](#) of this title.

Multi-family dwellings (2 or more dwelling units per structure, including townhomes).

Nightly rentals of dwelling units, subject to a business license.

Property management.

Public open spaces (parks and trails for hiking, non-motorized biking, and Nordic skiing etc.).

Single-unit dwellings.

Other uses customarily incidental and accessory to permitted uses and necessary for the operation and maintenance thereof, such as garages, carports, play equipment and accessory structure.

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Churches.

Convention facilities.

Food and beverage services (restaurant, cafe, etc.).

Home occupations identified in subsection [9-10-5C](#) of this title.

Limited retail, food and beverage service and personal services in conjunction with lodging facilities (barber/beauty, travel, childcare, etc.) for the use of building residents (area of accessory uses may not exceed 40 square feet per residential unit).

Public institutions.

Public parking lots.

Real estate sales offices operated in conjunction with condominium rental offices when the office space is constructed as part of the project or when approved by the homeowners' association and in conformance with the projects CC&Rs.

Recreational trails and use of open space for motorized vehicles.

Schools.

Spa.

D. Physical Restrictions:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($1\frac{1}{2}$ acre).

2. Minimum frontage: Forty-five feet (45').

3. Minimum setbacks:

a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:

i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);

ii. No habitable space within the setback area

iii. Required off-street parking is satisfied and maintained in the garage or on the lot

iv. The roof sheds snow away from the public right of way

v. Adequate snow storage on the lot

vi. Development does not exceed R-2 density. (Ord. 20-006, 7-14-20)

Under no circumstances will the setback be less than five feet (5').

- b. Side: Twenty feet (20').
- c. Rear: Twenty feet (20').
- d. For buildings over thirty-five feet (35') in height
 - i. Side: Thirty feet (30');
 - ii. Rear: Thirty feet (30');
 - iii. Front: Twenty-five feet (25').
- e. **Minimum distance between buildings**
 - i. Under 20 feet in height: 10 feet
 - ii. Over 20 feet and under 30 feet in height: 15 feet
 - iii. Over 30 feet in height: 20 feet

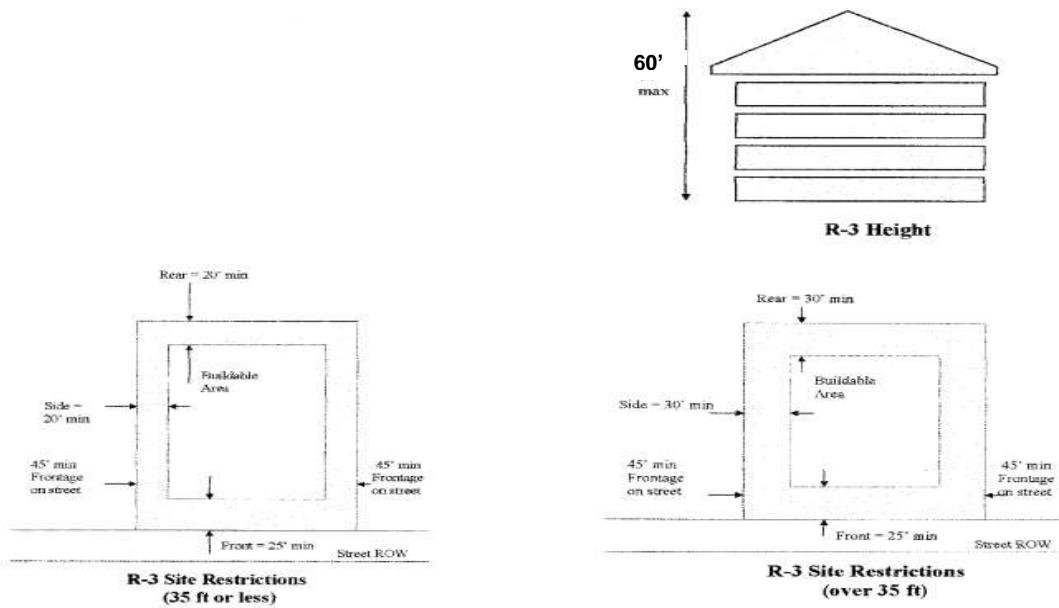
4. Setback exceptions: The following may be permitted to encroach within the required setback, subject to compliance with the provisions of this section, on a case-by-case basis after written approval of the Town Manager, or designee, following review:

- a. Driveways and walkways running parallel to a property line shall not occupy more than seventy five percent (75%) of the required setback area while retaining at least twenty five percent (25%) of the required area as a landscape buffer.
- b. Roof eaves, provided they encroach no more than five feet (5') into the required setback.
- c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet ($3\frac{1}{2}'$) into the required setback; and (2010 Code amd ord. 15-004, 04-28-2015)
- d. Decks and exterior staircases attached to the residential structure. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30' above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code amd ord. 15-004, 04-28-2015)

4. Maximum density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.

5. Maximum height: Sixty feet (60') for peaked roof, forty feet (40') for flat roof; (2010 Code. amd ord. 15-004, 04-28-2015)

6. Maximum building coverage: Forty percent (40%) of the lot area. Fifty percent (50%) is permitted if all of the required parking is within the footprint of the building. (2010 Code. amd ord. 15-004, 04-28-2015)
7. Minimum landscaping: Forty percent (40%) or all disturbed portions of the property, whichever is greater, shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation. If the building footprint is at 50% and required covered parking is within the footprint of the building, then the landscaping minimum will be 30%. (2010 Code. amd ord. 15-004, 04-28-2015)
8. Parking: In accordance with section [9-12-15](#) of this title
9. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code. amd Ord. 15-004, 04-28-2015)
10. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 17-001, 4-11-2017)



(2010 Code, amd. ord. 15-004, 04-28-2015)

9-7-4: GC GENERAL COMMERCIAL:

A. **Purpose:** The general commercial (GC) district is intended to provide sites outside of the village commercial zone, with a mixture of lodges and commercial establishments in an auto oriented setting. The GC district regulations are intended to ensure light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The GC district regulations, in conjunction with this title, prescribe site development standards that are intended to maintain the unique character and relationship of the town commercial areas and to ensure an attractive, functional commercial setting.

B. **Permitted Uses:** Only the following uses are permitted in the GC zone:

Banks.

Childcare centers.

Churches.

Food and beverage service establishments.

Home occupations identified in subsection [9-10-5 \(D\)](#) of this title. (amd. ord. 21-006, 5-25-21)

Indoor entertainment (Theater, arcade, bowling alley, etc). (ord. 15-004, 04-28-2015, amd. ord. 21-006, 5-25-21)

Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.

Light hardware (no outside storage or sales of goods).

Lodging and nightly rentals (including hotels and motels).

Mortuary (ord. 17-004, 7-11-2017)

Personal services (barber/beauty, spa, self-service laundry, etc.).

Places for retailing of goods such as necessities, sundries, groceries, and convenience items), including outdoor display. (amd. ord. 21-006, 5-25-21)

Professional offices (real estate, finance, insurance, medical and dental, etc.).

Public and private educational institutions.

Public institutions and government buildings, e.g., town hall, library, senior center, etc.

Public open spaces (parks, etc.).

Public parking lots.

Public recreation areas.

Residential dwellings in conjunction with commercial space. It is required that at least seventy-five percent (75%) of the entire main floor, facing the public street or thoroughfares, be dedicated to commercial business residential units to be located in the rear or sides of the building to maximize the commercial business exposure. On multi-building projects, the commercial space may be cumulatively oriented toward the vehicle

and pedestrian corridors rather than locations typically not accessible or visible to the general public. (amd. ord. 21-006, 5-25-21)

Retail, guest services, non-motorized equipment rental (e.g., skis, bicycles, etc.) oriented to tourists and mountain outdoor recreation (including outdoor display).

Schools.

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Building Material Sales (no outdoor storage or display) (ord. 17-004, 7-11-2017, amd. ord. 21-006, 5-25-21)

Car Wash (ord. 17-004, 7-11-2017)

Fuel service stations.

Home occupations identified in subsection [9-10-5\(E\)](#) of this title.

Public and private utility structures. (2010 Code, amd. ord. 15-004, 04-28-2015)

Recreational vehicle rental, sales, and service.

Rental of horses.

Outdoor entertainment. (amd. ord. 21-006, 5-25-21)

(amd. Ord. 21-006, 5-25-21)

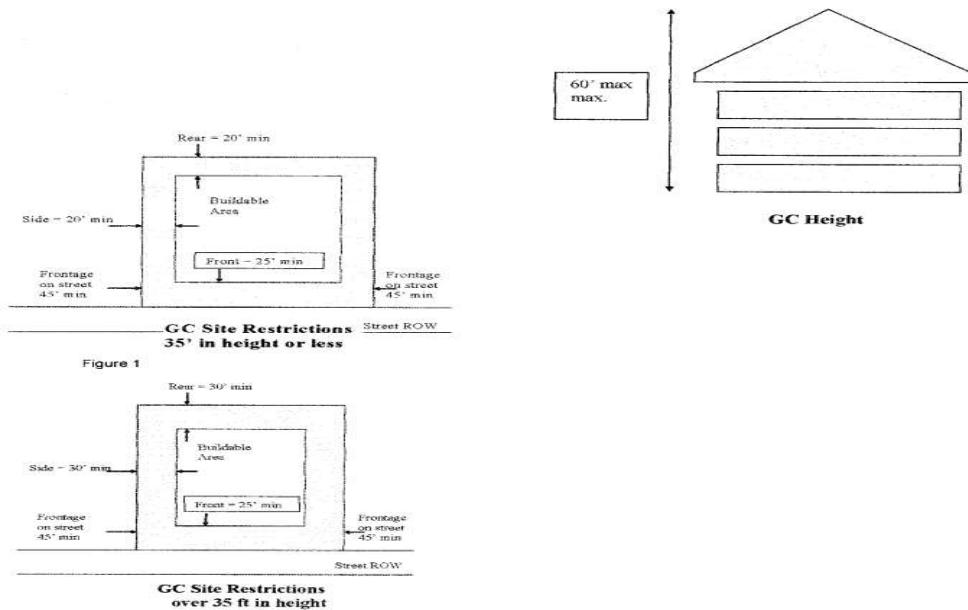
D. Physical Restrictions:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).
2. Minimum frontage: Forty-five feet (45').
3. Minimum setbacks:
 - a. Front: Twenty-five feet (25');
 - b. Side and rear: Twenty feet (20') up to thirty-five feet (35') height.
 - c. For buildings over thirty-five feet (35') in height:
 - i. Front: Twenty-five feet (25');
 - ii. Side and rear: Thirty feet (30').
4. Setback exceptions: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section.
 - a. Driveways and walkways.
 - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.

- c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet ($3\frac{1}{2}'$) into the required setback; (2010 Code, amd. ord. 15-004, 04-28-2015)
- d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or sidewalks less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015)
- e. Portico or secondary egress stairways (when required on a second story above grade plan and higher by section 1006 in IBC) may extend into-the innermost half of the setback when approved by the Planning Commission. (amd. ord. 22-004, 5-24-22)

5. Maximum height: Sixty feet (60') for peak roof, fifty feet (50') for flat roof.
6. Maximum density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
7. Maximum building coverage: Forty percent (40%) of the lot area.
8. Minimum landscaping: Forty percent (40%) of the lot shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
9. Parking and loading: In accordance with section [9-12-15](#) of this title. Onsite parking should be provided in the rear of the building or underground. Parking may be provided off site by participating in a parking district, or by providing parking lots jointly with other specific establishments with the approval of the Planning Commission. (2010 Code, amd. ord. 15-004, 04-28-2015)
10. Remaining undeveloped area shall be landscaped as per section [12-9-5](#) of this title. (2010 Code, amd. ord. 15-004, 04-28-2015)
11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 20-011, 12-08-2020)

12. Storage containers: Storage containers or cargo containers are now allowed to be used as a building in General Commercial zones unless the applicant follow the Building Bonus process listed in 9-7-10 of this title. (ord. 22-004, 5-10-2022)



(2010 Code, amd. ord. 15-004, 04-28-2015)

9 -7-5: VC VILLAGE COMMERCIAL:

A. **Purpose:** The village commercial VC district is intended to provide for village core area with a mixture of lodges, business, and commercial establishments in a predominantly pedestrian setting. The VC district regulations are intended to ensure light, air, open space, and other amenities appropriate to the permitted types of buildings and uses. The district regulations, in conjunction with the town design guidelines, prescribe site development standards that are intended to maintain the unique character of the Town commercial areas and to ensure an attractive, functional village resort setting. It is encouraged that development in the village core would be by development agreement. (2010 Code, amd. ord. 15-004, 04-28-2015)

B. **Permitted Uses:** Only the following uses are permitted in the VC zone:

- Banks.
- Entertainment establishments (not including sexually oriented business establishments).

Food and beverage establishments.

Guest services

Non-motorized recreation equipment rental.

Home occupations identified in subsection [9-10-5](#) of this title.

Multi-family housing: Hotel type lodging in conjunction with commercial space. It is required that at least seventy five percent (75%) of the entire main floor, facing the public street or thoroughfares, be dedicated to commercial business with provisions for ADA compliant residential units to be located in the rear or sides of the building to maximize the commercial business exposure. On multi-building projects, the commercial space may be cumulatively oriented toward the vehicle and pedestrian corridors rather than locations typically not accessible or visible to the general public.

Pedestrian oriented retail stores (including outdoor display).

Professional and personal services (beauty shops, travel agencies, real estate, law, medicine),

Professional offices.

Spas.

Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Home occupations as identified in subsection [9-10-5C](#) of this title.

Recreational activities and supporting appurtenances. (ord. 15-004, 4-28-2015)

OHV rental offices for which rental vehicles are stored and displayed outside of the village core zone. The conditional use permit will be no longer than a five-year period. (ord. 15-004, 4-28-2015, amd. ord. 20-002 4-28-2020)

D. Physical Restrictions:

1. Minimum lot area: Three thousand (3,000) square feet.
2. Minimum frontage: Thirty feet (30').
3. Setbacks:
 - a. Minimum: Rear, twenty feet (20'), side and front, zero feet (0');
 - b. Maximum: Front, ten feet (10'), i.e., the front line of the building shall be located no further than ten feet (10') from the front lot line.

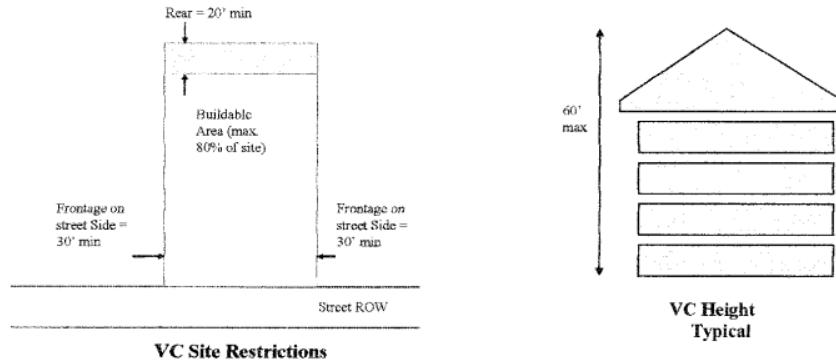
4. Rear setback exceptions: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section (amd. ord. 17-004, 7-11-2017):
 - a. Driveways and walkways.
 - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3½') into the required setback; and (2010 Code, amd. ord. 15-004, 04-28-2015).
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or sidewalks less than 30" above grade may stand within the innermost 1/3 of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015)
5. Maximum height: Sixty feet (60') for peaked roof, fifty feet (50') for flat roof.
6. Density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
7. Maximum building coverage: Eighty percent (80%) of the lot area. Commercial structures which existed prior to the year 2000 in the Village Commercial zone district may expand the building coverage up to 90% of the lot area. (ord. 23-001, 1-10-23)
8. Landscaping: No minimum requirement. Planters, decorative paving, and trees in tree grates are appropriate in conformance with section 9-12-5 of this title, with every effort to preserve existing vegetation.
9. Parking and loading:
 - a. Surface level parking areas are limited to 30% of the building footprint.
 - i. Location of surface parking must be approved by the Planning Commission to ensure the purpose of the Village Core is met.
 - ii. Surface level parking may not be located between pedestrian walkways and entrances to the commercial building.
 - b. Required residential parking must be placed onsite.
 - c. Required employee parking must be onsite or adjacent to property.

- d. Patron parking may be located off-site, as agreed upon through a Development Agreement with the Town or in accordance with a shared parking agreement approved by the Planning Commission following review of a parking demand study of the uses in question.
 - i. Shared parking agreements must designate off-site parking facility that is within 500 feet of a Town transit stop.
 - ii. The primary uses of the designated shared off-site parking facility must have clearly distinct hours of peak parking demand from the proposed uses.
 - iii. Any development permitted with a shared parking agreement shall be required to develop additional parking, if and when the use changes in the future rendering the shared parking agreement deficient.
- e. All parking must be in accordance section [9-12-15](#) with the following exceptions:
 - i. Required number of parking spaces:
 - 1) Patron Parking: 30% less than the requirements in section [9-12-15](#) of this title.
 - 2) Each underground parking space will satisfy 1.5 spaces against the requirement of section [9-12-15](#) of this title.

(Ord. 22-008, 7-26-2022)

- f. Commercial structures which existed prior to the year 2000 in the Village Commercial zone district may expand the footprint of the building by up to 25% without additional parking requirements. (ord. 23-001, 1-10-23)

- 10. Pedestrian Traffic: Provisions for pedestrian traffic, integrated with neighboring walkways, must be provided. (2010 Code)
- 11. Remaining undeveloped area shall be landscaped as per section [12-9-5](#) of this title. (ord. 17-004, 7-11-2017)
- 12. Storage containers: Storage or cargo containers are not allowed to be used as a building in Village Commercial unless the applicant abides by the Building Bonus process in [9-7-10](#) of this title. (ord. 22-004, 5-10-2022)



9-7-6: L-1 LIGHT INDUSTRIAL:

- A. **Purpose:** To provide sites for light industrial uses which are not appropriate in other commercial districts. Because of the varied nature and potential impacts of the uses, all permitted uses are subject to the restrictions below and the Town Design Guidelines as a condition of approval. The physical restrictions set out below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a permit for any use.
- B. **Permitted Uses:** Only the following uses are permitted in the L-1 zone:
 - Firewood preparation, storage, and sales.
 - Fuel and oil storage, sales, or distribution.
 - Recreational vehicle rental, sales, and service (e.g., snowmobiles, ATVs, etc.).
 - Residential dwellings in conjunction with industrial space (owner/employee housing). (ord. 15-004, 04-28-2015)
 - Storage and/or sales of construction/building materials.
 - Utility substations.
 - Vehicle and equipment storage yards (including recreational vehicles).
 - Vehicle service yards and service garages (including recreational vehicles).
 - Warehouses or storage unit rental facilities.
 - Other similar uses.
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit: (2010 Code, amd. ord. 15-004, 4-28-2015)
 - Light Manufacturing (amd. ord. 17-004, 7-11-2017)
 - Car Wash (ord. 17-004, 7-11-2017)
 - Rental of horses.
 - Sexually oriented businesses (SOB).
- D. **Physical Restrictions:** The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:
 1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).

2. Minimum frontage: Forty-five feet (45').
3. Minimum setbacks:
 - a. Front: twenty-five feet (25');
 - b. Side and rear: twenty feet (20') (from residential property);
 - c. Side and rear: ten feet (10') (from adjoining L-1 property).
4. Maximum height: Fifty feet (50') maximum structure height.
5. Density: Not applicable.
6. Maximum building coverage: Fifty percent (50%) of lot area.
7. Minimum landscaping: Twenty five percent (25%) of the lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation.
8. Parking and loading: In accordance with section [9-12-15](#) of this title.
9. Screening: All outdoor storage, including vehicles, machinery, and equipment, shall be screened from the public view as seen from any public roadway or from adjacent residential lots. Landscaping, fencing, and building orientation are acceptable methods to minimize the adverse visual impacts. (2010 Code amd. ord.16-007, 11-8-2016)
10. Noise: No use shall be permitted or conducted which creates noise, objectionable by reason of volume, pitch, intermittence, or frequency, which is audible at the boundaries of the site.
11. Other restrictions: Design should provide for all servicing of vehicles and equipment to be within structures, except for delivery of gas and other fluids. (2010 Code).
12. Storage containers: Storage or cargo containers are not allowed to be used as a building in Light Industrial zones unless the applicant abides by the Building Bonus process in [9-7-10](#) of this title. (ord. 22-002, 5-10-2022)

9-7-7: ROS RECREATION OPEN SPACE:

- A. **Purpose:** To preserve areas for land uses requiring substantial areas of open land and substantially free from structures, roads, and parking lots, while permitting recreational pursuits such as ski runs, parks, golf courses and trails. Public or private recreational facilities are suitable uses in this district; provided, that such uses maintain the open, undeveloped character of the land.
- B. **Permitted Uses:** Only the following uses are permitted in the ROS zone:

Multi-use roads and trails for OHVs, biking, hiking, and equestrian use (motorized and non-motorized roads and trails).

Outdoor recreation, including golf courses, swimming facilities, riding or bridle paths, related facilities and uses, picnic areas, tennis courts.

Parks, playgrounds, and other open recreational facilities.

Ski runs and ski lifts, tubing parks, mountain bike parks and non-motorized trails.

Unpaved maintenance roads. (2010 Code, amd. ord. 15-004, 04-28-2015)

C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:

Buildings and parking related to permitted uses, such as stalls, shelters, ticket booth, pavilion, clubhouse, or warming hut, with maximum building area of one thousand five hundred (1,500) square feet

Recreational vehicle parking and campground facilities (ord. 21-006, 05-25-21)

Rental of horses with horse boarding permit. (2010 Code, amd. ord. 15-004, 04-28-2015)

D. **Physical Restrictions:** The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a conditional use permit for any use:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet (1/2 acre).
2. Minimum frontage: Fifty feet (50').
3. Minimum setbacks: Front, twenty-five feet (25'), side and rear, twenty feet (20').
4. Maximum height: Thirty-five feet (35') for peaked roof, twenty-five feet (25') for flat roof.
5. Density: Not applicable.
6. Maximum building coverage: Ten percent (10%) of lot area.
7. Minimum Undisturbed Area: Fifty percent (50%) of lot area, unless an alternate plan is approved by the Planning Commission which satisfies the intent of [9-12-3\(J\)](#). (ord. 21-006, 05-25-21)
8. Minimum landscaping: Seventy five percent (75%) of the lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation (undisturbed area counts toward landscaping requirement). (amd. ord. 21-006, 05-25-21).

9. Parking and loading: In accordance with section [9-12-15](#) of this title. (ord. 08-016, 8-12-2008)

9-7-8: COS CONSERVATION OPEN SPACE:

- A. **Purpose:** To identify and preserve land that is, by virtue of ownership or easement, precluded from development, and to preserve the historic and natural beauty of those areas. Qualifying land includes property owned by a governmental entity, or parcels for which a scenic or conservation easement has been granted to a governmental entity, land trust or conservation organization.
- B. **Permitted Uses:** Only the following uses are permitted in the COS zone:
 - Conservation areas.
 - Recreational trails.
 - Ski lifts (limited to towers and terminals)
 - Waterways, streams, lakes, water features.
- C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:
 - Bridges over natural vegetation and water features to preserve open space.
 - Public Restrooms.
- D. **Restrictions:** All lands are to remain free of structures other than those specifically mentioned above. (2010 Code)

9-7-9: C CIVIC:

- A. **Purpose:** The Civic zone C is intended to provide areas for the location and establishment of facilities which are maintained in public and quasi-public ownership. This zone is intended to provide immediate recognition of such areas on the official Zoning Map of the Town, and to reduce the affect which the location of these facilities may have upon neighborhoods in residential, commercial, or industrial areas. Typical uses permitted in the C zone are public schools, public parks, hospitals, airports, public utilities, public equipment storage areas, municipal offices and meeting halls, and public shop areas. Though some of these uses will be allowed in other zones to initially accommodate public facilities in appropriate areas without undue difficulty, it is intended

that the C zone would then be applied to all such facilities for ease of recognition and minimizing impacts. (amd. ord. 22-008, 7-26-22)

B. **Permitted Uses:** Only the following uses are permitted in the C zone:

- Cultural activities and nature exhibits (public only).
- Forest reserves (public only).
- Governmental services.
- Public school facilities.
- Recreational activities (public only).
- Public Parking lots. (ord. 22-008, 7-26-22)

C. **Permitted Accessory Uses:** Accessory uses, and structures are permitted in the C zone, provided they are incidental to, and do not substantially alter the character of the permitted use or structure, including, but not limited to, the following:

- Accessory buildings such as garages, carports, bath houses, green houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure.
- Detached single-family residence used only for the use of a caretaker, watchman or similar employee of a permitted use, when located upon the same site as said permitted use, i.e., RV park camp host.
- Fishing activities.
- Swimming pool.

Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses. All such materials or equipment shall be screened from view from public or private streets.

D. **Conditional Uses:** The following businesses are conditional uses and require a conditional use permit:

- Airports, Heliports, and general aircraft flying fields.
- Ambulance services.
- Cemetery.
- Combination utilities company storage yards and equipment storage.
- Communications.
- Golf courses.

Group or organized camps.

Hospitals.

Parks.

Religious activities.

Public Utilities and Supporting Facilities

(2010 Code, amd. ord. 15-004, 04-28-2015)

E. Physical Restrictions:

1. Minimum lot area: Ten thousand eight hundred ninety (10,890) square feet ($\frac{1}{4}$ acre).
2. Minimum frontage: Fifty feet (50').
3. Minimum setbacks:
 - a. Front: twenty-five feet (25');
 - b. Side and rear: ten feet (10') (adjoining L-1 property); or twenty feet (20') when adjoining property in all other zones. (2010 Code)
4. Maximum height: forty feet (40') for peaked roof, thirty feet (30') for flat roof. (ord. 11-007, 6-28-2011)
5. Maximum building coverage: fifty percent (50%) of lot area.
6. Minimum landscaping: Twenty percent (20%) of lot area shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation. (amd. ord. 22-008, 7-26-22)
7. Screening: All outdoor storage, including vehicles, machinery, and equipment, shall be screened from the public view as seen from any public roadway. Landscaping, fencing, and building orientation are acceptable methods to minimize the adverse visual impacts.
8. Parking and loading: In accordance with section [9-12-15](#) of this title.
9. Noise: No use shall be permitted or conducted which creates noise objectionable by reason of volume, pitch, intermittence, or frequency which is audible at the boundaries of the site.
10. Other restrictions: No service facilities may be located within setbacks. Design should provide for all servicing of vehicles to be within structures, except for delivery of gas and other fluids. (2010 Code)

(amd. ord. 21-006, 05-25-21).

9-7-10: BUILDING BONUSES:

A. Except as provided under paragraph B below, single family and two-family structures as permitted in sections [9-7-1](#) and [9-7-2](#) of this title are not required to follow section [9-12-5](#) (as it relates to backyard landscaping plans so long as the landscaping remains "affordable", remains water efficient, and attempts to keep as many trees on the property as possible to conform with the spirit of living in a rustic alpine resort town) [9-12-7-B](#), or [9-12-7-F](#) of this title.

1. An owner who wishes to build a dwelling unit larger than what is allowed in Section 9-7-1 and 9-7-2, or an owner who wishes to build a container dwelling unit, may submit a Bonus Request to do so, provided that the Owner requests the Town to apply Sections [9-12-5](#), [9-12-7B](#) (Exterior Walls) and [9-12-7F](#) (Windows) of this title to their property for larger residential homes. For container dwelling units, an owner must request Section [9-7-10C\(3\)](#) of this title.
 - a. In doing so, Brian Head Town will require a signed and notarized Bonus Request Statement between the Town and the legal property owner agreeing that the Town will grant a larger home so long as the property owner agrees to abide by the Design and Building Standards listed in this code. The Town has a notary onsite and will provide a standard request form for owners to help with the process.
 - b. The Town will require proof of ownership or title to the property.
 - c. Upon the Town's receipt of the requested Bonus Statement listed in (a) above, all Design Standards listed in Section [9-12](#) of this title will apply to the selected property. If the Requested Bonus Statement is incomplete, altered, or has any other defect not listed here, it will be deemed invalid, and the request will not be granted.
 - d. After receipt of the signed and notarized Bonus Request Statement, the Town will record the statement with Iron County Recorder's office. Failure to record a requested statement has no effect on the Town's authority to enforce regulations against a property owner for which a Bond Request has been received.
 - e. If the property owner is found to have violated the signed Bonus Request Statement, the Certificate of Occupancy may be withheld until all provisions are in compliance with the Town's standards and regulations.

B. **The following bonuses shall be granted** if Section A above is appropriately complied with:

1. For Single-Family Residential Zones (R-1) as referred to in [9-7-1](#) of this title:
 - a. Building Height: Increased up to forty-five feet (45').
 - b. Building coverage including garages, patios: Increased up to 40% of the lot area.
2. For Medium-Family Residential Zones (R-2) as referred to in [9-7-2](#) of this title:

- a. Building Height: Increased up to fifty feet (50') for peaked roofs and thirty five feet (35') for flat roofs.
- b. Building coverage including garages and patios increased up to forty percent (40% of the lot area).

3. For container dwelling units in R-1 and R-2 zones only:

- a. No more than 25% of the overall structure shows the metal walls of the storage container:
 - i. The metal of the storage container that is visible must be painted with premium, exterior, rust-resistant paint, and color matched to soil or vegetation on the property which the container will sit on. The paint color shall strive to make the storage container blend into the surroundings and maintain the rustic feel of Brian Head.
- b. A minimum of 75% of the dwelling unit (not including windows) must be made of cladding requirements in section [9-12-7F](#) (Exterior Walls) of this title.
- c. Windows and Doors: Windows and doors should be trimmed or framed by wood, timber, wood shutters, stone or wood lintels and sills that are of a scale, color and mass that reflect styles of a mountain resort community. Windows shall comply with section [9-12-7B](#) (Windows) of this title. Doors: Container doors must be covered to camouflage the raw storage container door made of metal and roads. All door designs are subject to the Zoning Administrator's approval.
- d. Roof Pitch: The roof pitch should be a 2-12 to 12-12. The Mountain Modern style may be allowed. An entirely flat roof with no pitch shall not be allowed.
- e. Roof Colors: The roof color must have a LRV of less than 30 and must complement the rest of the dwelling unit.
- f. Landscaping: Landscaping requirements remain the same as identified in [chapter 7](#) of this title.

4. Container Buildings in Village Commercial (VC), General Commercial (GC) and Light Industrial (IL) zones only.

- a. No more than 25% of the overall structure shows metal walls of the storage container.
 - i. The metal of the dwelling unit that is visible must be painted with premium, exterior, rust-resistant paint and the color matched to soils or vegetation on the property which the dwelling unit will be located. The paint color shall strive to make the dwelling unit blend into the surroundings and maintain the rustic feel of Brian Head Town.
- b. A minimum of 75% of the dwelling unit (not including windows) must be made of cladding requirements found in section [9-12-7B](#) (Exterior Walls) of this title.
- c. Windows and Doors: Windows and doors should be trimmed or framed by wood, timber, wood shutters, stone or wood lintels and sills that are of a scale, color and mass that reflect styles of a mountain resort community. Windows shall comply with section [9-12-7B](#) (Windows) of this title. Doors: The storage

container door is prohibited and must be changed or shielded to reflect the style of a mountain resort community.

- d. Roof Pitch: The roof pitch should be 2:12 to 12-12. The Mountain Modern style may be allowed. An entirely flat roof with no pitch shall not be allowed.
- e. Roof Colors: The roof color must have a LRV of less than 30 and must complement the rest of the dwelling.
- f. Landscaping: Landscaping requirements remain the same as listed in [Chapter 7](#) of this title.

(ord. 22-004, 5-10-2022)

9-7-11: CCOD COMMERCIAL CORE OVERLAY DISTRICT

- A. Purpose Statement:** The purpose of the Commercial Core Overlay District is to guide development in the commercial core in a manner that achieves the aesthetics desired in a mountain resort community and improves the first impression of the town. This overlay district employs stricter design standards in order to achieve the Town's goals in return for relaxing other standards that may not be as critical to the Town's goals specifically in the commercial core.
- B. District Locational Criteria:** The Commercial Core Overlay District will be identified on the Zone District map as prescribed in Chapter 6 of this title. Areas covered by the district are characterized by the following:
 - 1. Uses compatible with mountain resort-complimentary commercial and residential activity.
 - 2. Located adjacent to transportation corridors; and
 - 3. Frequented by guests and visitors to the town.
- C. Permitted Uses:** The uses specified as permitted uses set forth in this chapter for the underlying zone shall be permitted uses and no other.
- D. Eligibility for District:** Applicants proposing a project under the allowances and requirements of the Commercial Core Overlay District should make application according to the requirements outlined in Chapter 4 of this Title and state on their application that they intend to develop under the requirements of the overlay district rather than the underlying zone. The designated review authority shall determine eligibility of the application to be considered under the overlay district regulations according to the following standards:
 - 1. The proposed use and development is consistent with the Town General Plan

2. The proposed use and development enhances the character of the overlay district, as set forth in the purpose of the overlay district, in a manner which could not be reasonably achieved under the regulations and standards of the underlying zone
3. The proposed use and development strictly adheres to or exceeds the enhanced design standards set forth in this section

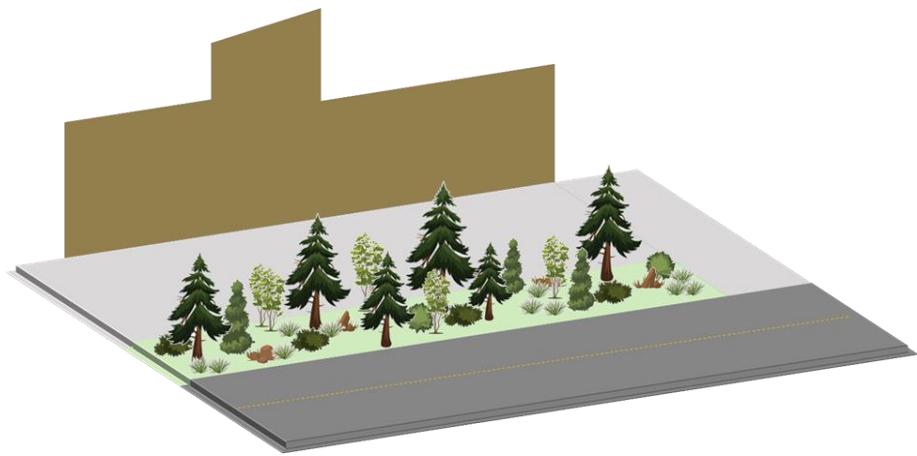
E. Conditional Uses: The uses specified as conditional uses set forth in this chapter for the underlying zone shall be conditional uses and no other.

F. Physical Restrictions: The physical restrictions specified as set forth in this chapter for the underlying zone shall be applied unaltered in this overlay district with the following exceptions:

1. Minimum Landscaping: Minimum requirement may be reduced to 20% in L-1, R-1 and R-2 underlying zones and may be reduced to 25% in R-3 and GC underlying zones. Minimum requirement remains unaltered in all other zones.

G. Design Standards: The Design Standards specified as set forth in [chapter 12](#) of this title shall be applied unaltered in this overlay district with the following exceptions:

1. Landscaping: Landscaping shall be incorporated along frontages between any buildings, structures or parking area and the public right-of-way to achieve enhanced screening. Landscaping used for screening shall consist of mature trees and shrubs, varied in height but a minimum of six (6) feet in height and four (4) inches in trunk diameter for trees. While landscaping intended for screening does not need to completely block buildings and parking area from sight, it shall be of sufficient density to render any structures significantly less imposing on views from the right-of-way. Evergreen trees shall be used predominantly to ensure that screening is effective year-round. Spacing between the foliage of mature trees shall be no greater than four (4) feet with shrubs interspersed in the spaces between and beneath tree foliage, except where driveways and walkways intersect the frontage. Placement of trees and shrubs shall be staggered and varied to avoid unnaturally linear appearance of vegetation. Enhanced landscaped areas shall not be designated for snow storage. Landscape screening shall not impede visibility for drivers entering and exiting driveways.
2. Landscape Maintenance. The developer or applicant shall maintain the landscaping plan as originally approved and may be required to provide a financial guarantee for replacement of plant materials that have died, for a period of two (2) years from the issuance of a certificate of occupancy or certificate of completion.



Example of Enhanced Landscaping Requirement required by 9-7-11(G)(1)

(ord. 22-004, 5-24-22)

**ITEM: LAND MANAGEMENT CODE AMENDMENT FOR 9-12-10 (B)
DRIVEWAY STANDARDS****AUTHOR:** Lester Ross**DEPARTMENT:** Admin**DATE:** July 11, 2023**TYPE OF ITEM:** Legislative Action**SUMMARY:**

The Council will consider an ordinance for the proposed amendment to Chapter 12, Section 10-B Driveway Standards adding driveway spacing as a requirement and a new column for Multi-family Dwellings.

Note that this chapter and Chapter 7 for the Building Setbacks/Separations will be considered under one ordinance (No. 23-007)

BACKGROUND:

During past Planning Commission and Town Council meetings there have been some concerns expressed about proximity of a proposed driveway to an intersection or other driveways. In reviewing the Land Management Code, the Town does not currently have any restriction or regulations on the spacing of driveways.

The most recent example of this is during the plat amendment for the West Zion View subdivision the new layout with 4 units along Zion View Drive the distance from the proposed West Zion View Cabins Drive to the driveway for the first unit will be 21 feet.

On May 16, 2023, the Planning Commission discussed access management and driveways. The discussion covered exceptions to the standards, driveways for multi-family dwellings and snow storage. The planning commission recommended adding an exception to the driveway's separation based on lot shape and slope. There were a few concerns regarding driveways for townhomes with the space between each driveway being too small. Snow storage was a concern on multi-family and along driveways with the area being used as for snow storage being too small to be able handle the snow without going onto the neighboring properties.

On June 6, 2023, the Planning Commission held a public hearing and recommended for approval to Town Council updating the Land Management Code as Presented.

On June 13, 2023, The Town Council held a public hearing and consider an ordinance to amend the Land management code. The council ask to have the footnotes renumbered to make them easier to find. The council tabled the Ordinance to give them more time to review the changes to the code.

ANALYSIS:**Principles of Access Management (Driveways)**

Access points are an essential element of any roadway network as they represent the start and end points of any trip. Access points can range from large, complex intersections to simple,

unpaved field entrances. Every driveway represents potential conflict points between motor vehicles, pedestrians, and bicyclists. The number and complexity of these conflict points relate to the safety performance of the roadway. Therefore, access should be managed through thoughtful consideration of context, function, and location. Good access management begins at the planning level and proceeds through design, construction, and ongoing maintenance. When well executed, access management will result in an appropriate balance between the safety and operation efficiency of the roadway and effective ingress and egress to adjacent properties. (Access management FHWA.dot.gov)

To determine what the appropriate balance between safety and operation efficiency we need to look at several factors.

- Context
 - Speed
 - Traffic type and volume
 - Spacing of existing driveways
 - Property lines
- Degree of Access
 - Sight distance
 - Reducing the number of conflicting movements
 - Proximity to intersections
 - Commercial entrances
- Geometry
 - Physical location
 - Grade
 - Sight distance
 - Turning radius
- Other Considerations
 - Parking
 - Drainage
 - Pavement type

The US Department of Transportation has 4 road Classifications (types).

- Interstate
- Arterial
- Collectors
- Local

Bian Head only has 3 types of roads that we work with

Arterial

- Arterial Highways and other important roadways that supplement the interstate system. They connect, as directly as practicable, to the Nation's principal urbanized areas, cities, and industrial centers. Land access is limited.
- Average Speed 45-70 MPH

Collectors

- Collectors are major and minor roads that connect local roads and streets with arterials. Collectors provide less mobility than arterials at lower speeds and for shorter distances.
- Average Speed 25-35 MPH

Local Roads

- Local Roads Provide limited mobility and are the primary access to residential areas, businesses farms and other local areas.
- Average speed 25 MPH or less

The Brian Head Master Plan identifies the road type (see attachment).

Suggested sight distances for passenger cars entering two lane roadway from stop with various speed limits are shown in the table below:

Operating Speed on Roadway (Mph)	Safe Sight Distance Looking Left from Driveway (ft.)	Safe Sight Distance Looking Right from Driveway (ft.)
20	225	195
30	335	290
40	445	385
50	555	480
60	665	575

Source: American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets 2011 (AASHTO: Washington, DC, 2011).

Access radii. The turning radii of an access must accommodate the turning radius of the largest vehicle using the access on a regular basis.

- (i) Minimum and maximum radii ranges:
 - (A) Commercial, industrial, or agricultural land uses:
 - (I) Urban areas: 30 feet minimum to 60 feet maximum.
 - (II) Rural areas: 20 feet minimum to 60 feet maximum.
 - (ii) Residential land uses:
 - (I) Urban areas: 10 feet minimum to 15 feet maximum.
 - (II) Rural areas: 20 feet minimum to 30 feet maximum.

Cornell Law School Access Design Requirements.

In researching how different towns, cities, and counties handle their access management there have been 2 different methods. One size fit all or different spacing per road classification and use type.

1. Enoch City
 - a. Minimum spacing from property line 3 feet
 - b. Minimum spacing between driveways 12 feet
 - c. Minimum spacing from intersection 10 feet
2. Cedar City
 - a. Minimum spacing from property line 3 feet
 - b. Minimum spacing between driveways 12 feet
 - c. Minimum spacing from intersection 15 feet
3. Parowan City
 - a. Residential Lots

- i. Minimum spacing between driveways 12 feet
 - ii. Minimum spacing from intersection 10 feet
- b. All other lots
 - i. Minimum spacing from property line 3 feet
 - ii. Minimum spacing between driveways 12 feet
 - iii. Minimum spacing from intersection determined by Planning Commission

4. Telluride Colorado

- a. Minimum spacing from property line 10 Feet (except when shared access)
- b. Minimum spacing from intersection 50 feet

5. Park City

STREET CLASSIFICATION	MINIMUM SPACING BETWEEN DRIVEWAYS	MINIMUM SPACING FROM INTERSECTION
LOCAL	15'	25'
COLLECTOR	50'	75'
ARTERIAL	75'	150'
HISTORIC DISTRICT	7.5'	10'

6. Iron County

- a. They are currently working on Driveway Spacing but they do not have anything in their code currently. They are looking at going with a spacing based on the speed limit of the road. See attachment B GDOT Spacing of Driveways

STAFF RECOMMENDATION:

Due to the unique nature and terrain of the mountain roads in Brian Head. Having steep winding roads and low sight distance the staff recommends using road classification and use type for driveway spacing. We also recommend setting a minimum spacing of the driveway from the property line.

During Planning Commission on May 16, 2023, staff were directed to add exception to the driveway separation based on lot shape and slope and to address snow storage between driveways on multi-family dwellings. A new column was added splitting the single-family dwellings and multi-family dwellings allowing for different standards between them. In the new multi-family column, the standards are a mix of the residential and commercial requirements as they share similarities between both. The spacing requirements in the multi-family are higher on the arterial and collector road to encourage shared driveways or private roads to reduce the number of vehicles backing into the roadway. A footnote was added to require a design for the driveways or private road to prevent vehicles from backing into the roadway. Private roads were added to set a standard for planned developments along with a footnote allowing for exception to the spacing requirements to allow for different designs. Footnotes were added to the table to add clarification, allow exceptions and to add snow storage restrictions.

During Town Council on June 13, 2023, the council asked to have the footnotes renumbered and was concerned about the restrictions not allowing backing on to the collector road. The footnotes

have been renumbered and the restriction for not backing on to the collector road was removed on single family dwellings.

Recommend updates to Driveway Standards.

B. Driveway Standards:

Standards	Residential Single-Family Dwelling (SFD)	Residential Multi-Family Dwelling	Commercial (all others)
Minimum width	16 Feet	20 feet (4 or fewer units) (1) 24 Feet (5 or more units) (1)	20 Feet (one-way); 24 feet (two-way)
Maximum width at street line	24 feet	36 Feet	36 Feet
Maximum number of driveway accesses per lot	1 per each 100 feet of frontage (or fraction thereof) Maximum 2 interior, 3 corners	1 per each 100 feet of frontage (or fraction thereof) Maximum 2 interior, 3 corners	1 per each 200 feet of frontage (or fraction thereof)
Minimum Spacing Between Driveway (6)	LOCAL 15 Feet Private 10 Feet Collector 50 Feet Arterial 150 Feet (4)	Local 15 Feet (2) Private 10 Feet (2,3) Collector 75 Feet (4) Arterial 150 Feet (4)	LOCAL 75 Feet NA COLLECTOR 75 Feet ARTERIAL 150 Feet
Minimum Spacing From Intersection	LOCAL 25 Feet Collector 70Feet Arterial 150 Feet (4)	Local 25 Feet Collector 100 Feet (4) Arterial 150 Feet (4)	LOCAL 75 Feet COLLECTOR 100 Feet ARTERIAL 150 Feet
Minimum Spacing from Property Line (6)	5 Feet	5 Feet (5)	10 Feet (5)
Driveway angle to street	45 degree – 90 degree	45 degree – 90 degree	70 degree – 90 degree
Snow Storage	20% additional area (7) Maintain clear view at intersection	20% additional area (7) Maintain clear view at intersection	20% additional aera (7) Maintain clear view at intersection
Drainage	May not drain to road surface	To approved storm drain collection system	To approved storm drain collection system
Retaining walls	May extend into public right of way with town staff approval	May extend into public right of way with town staff approval	May extend into public right of way with town staff approval

1. Driveways for individual units connected to a local or private road can be reduced to 16 feet.
2. Driveway Spacing between 2 units in the same building that share a common wall or property line between garage and/or parking area is not required or can be reduced. Driveways for other units in the same building will need to meet minimum spacing.
3. An administrative exemption may be granted for the minimum spacing based on lot shape and slope.
4. Driveways or private roads need to be designed to allow vehicles to turn around to prevent vehicles backing into roadways.
5. Driveway spacing is not required or can be reduced if rear loading garage or parking is used.
6. Except where it is possible to provide one access point that will serve both adjacent properties with recorded access and maintenance agreement.
7. Snow storage shall be provided on the subject property within the parking lot, adjacent landscaping or other area that allows for safe snow storage without damage to the structures or landscaping. Area less than 5 feet to property line or less than 5 feet to imaginary line between units on the same property cannot be counted for snow storage.

PROPOSED MOTION:

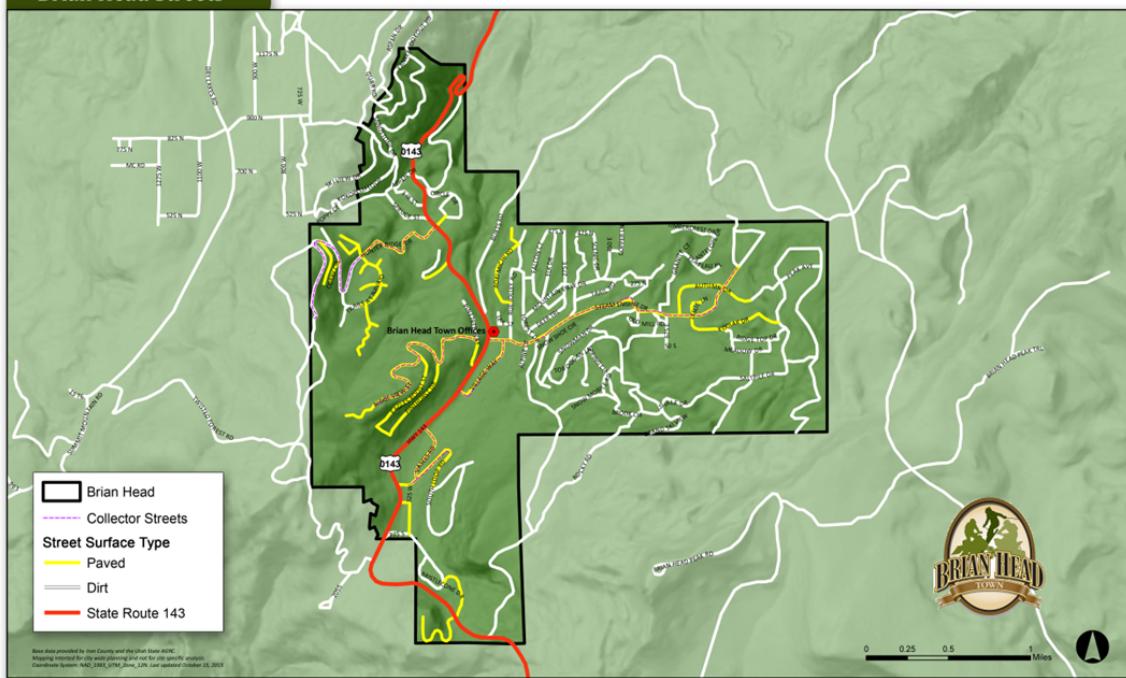
The Council can Approve, Deny or Approve with conditions to amend the Land Management Code, Chapter 12 section 10 (B) Driveway Standards.

Recommended Motion: I move to adopt Ordinance No. 23-007 amending the Land Management Code Chapter 12 section 10 (B) Driveway standards as presented by staff. (if there are conditions, please be specific as possible in the motion.

ATTACHMENTS:

- A - Brian Head Streets
- B - GDOT spacing of driveways
- C - Current driveway standards
- D- Updated driveway standards
- E- Chapter 12 with changes

Brian Head Streets



SPACING OF DRIVEWAYS

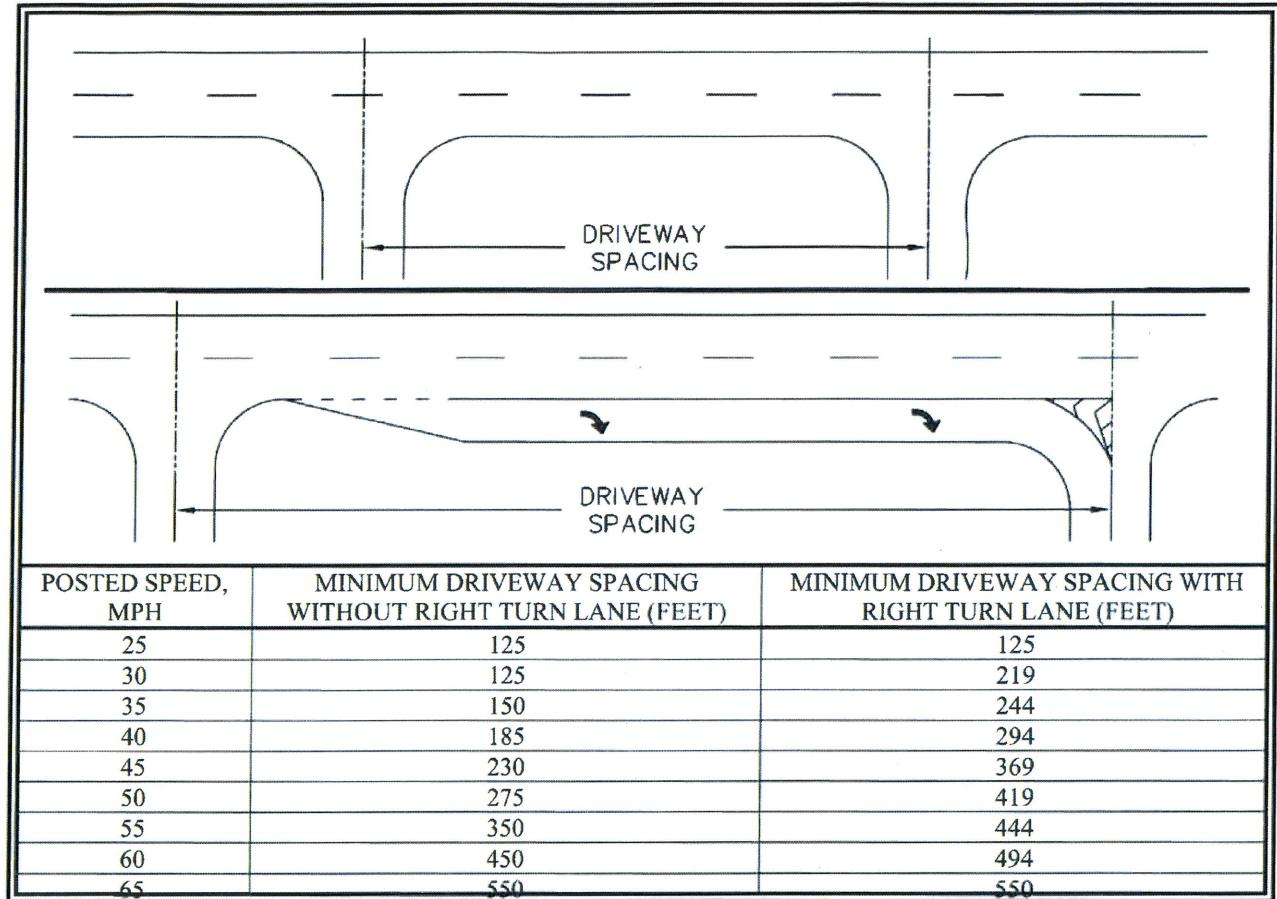


TABLE 3-1 SPACING CRITERIA FOR DRIVEWAYS, PUBLIC ROADS AND SIDE STREETS

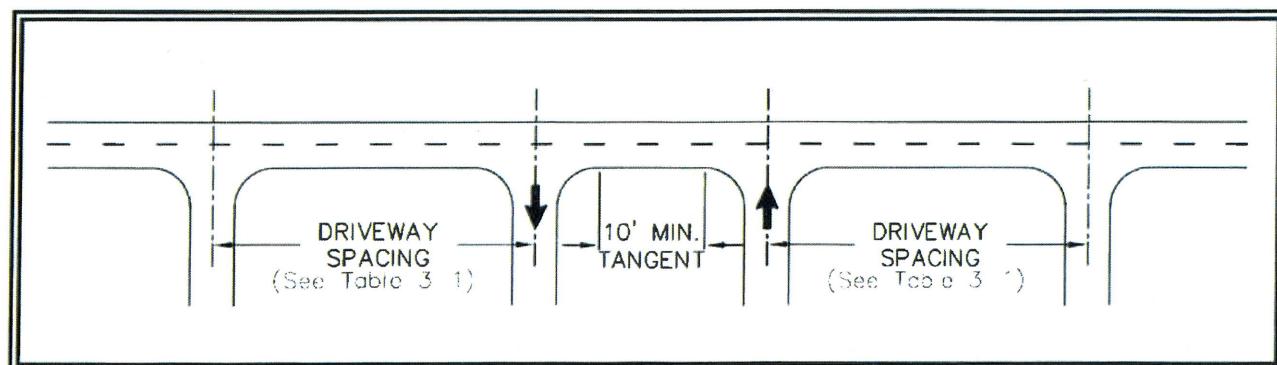


FIGURE 3-1 SPACING CRITERIA FOR ONE-WAY DRIVEWAYS

Driveway Standards

Park City

STREET CLASSIFICATION	MINIMUM SPACING BETWEEN DRIVEWAYS	MINIMUM SPACING FROM INTERSECTION
LOCAL	15'	25'
COLLECTOR	50'	75'
ARTERIAL	75'	150'
HISTORIC DISTRICT	7.5'	10'
Driveway widths		
PROPOSED USE	MINIMUM WIDTH	MAXIMUM TOTAL WIDTH
RESIDENTIAL Single-Family Duplex Shared Driveways	10'	27'
RESIDENTIAL Multi-Unit, 5 or more Parking Spaces	18'	30'
COMMERCIAL Requiring 5 or more Parking Spaces	24'	30'
COMMERCIAL Requiring 4 or fewer Parking Spaces	18'	30'

CLEAR VIEW OF INTERSECTING STREETS. In all Zoning Districts, no obstruction is allowed in excess of two feet (2') in height above Street Grade on any corner Lot within the Site Distance Triangle. See 15-3-3(D)(8).

A reasonable number of trees with lower branches pruned to six feet (6') to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by Administrative Permit.

Enoch City

Adequate ingress and egress to and from all uses shall be provided as follows:

A. Residential Lots. For each residential lot, not more than two (2) driveways, each of which shall be a maximum of twenty (20) feet wide at the street lot line, and such driveways shall not be closer than twelve (12) feet to each other.

B. Other than Residential lots. Access shall be provided to meet the following requirements:

1. Not more than two (2) driveways shall be used for each one hundred (100) feet or fraction thereof of frontage on the street.
2. No two (2) of said driveways shall be closer to each other than twelve (12) feet and no driveway shall be closer to a side property line than three (3) feet.
3. Each driveway shall be no more than thirty-five (35) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.
4. No driveway shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line.

5. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two ends and street side of each such island there shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the local surveyor or engineer.

6. Where there is no existing curb and gutter or sidewalk, the applicant may at his option install such safety island and curb, or in place thereof, shall construct along the entire length of the property line (except in front of the permitted driveways) a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height.

Cedar City

On corner lots no driveway shall be closer than fifteen (15) feet to the point of intersection of the front property line with the side property line which abuts upon a street. No driveway shall be located across any curved section of frontage lying between said point of intersection and point of tangent.

Driveways shall not be closer to each other than twelve (12) feet measured four (4) feet on each curb taper and four (4) feet between the curb tapers and no driveway shall be closer to a side lot line than three (3) feet. Twin home lots are not required to have driveway separation when garages are connected. When a commercial or industrial lot abuts any residential zone, a driveway shall be at least twenty feet (20') from the side lot line.

Access shall be by not more than two driveways from any one street upon which there is One Hundred Feet (100') of frontage or less. Any structure with more than One Hundred Feet (100') of frontage shall be allowed one (1) additional driveway for every additional One Hundred Feet (100').

Parowan

Residential Lots.

For each residential lot not more than two (2) driveways, each of which shall be a maximum of twenty (20) feet wide at the street lot line, and such driveways shall not be closer than twelve (12) feet to each other. No driveway shall be closer than twenty (20) feet of any intersection at any corner as measured along the property line.

Other than Residential Lots.

Access shall be provided to meet the following requirements:

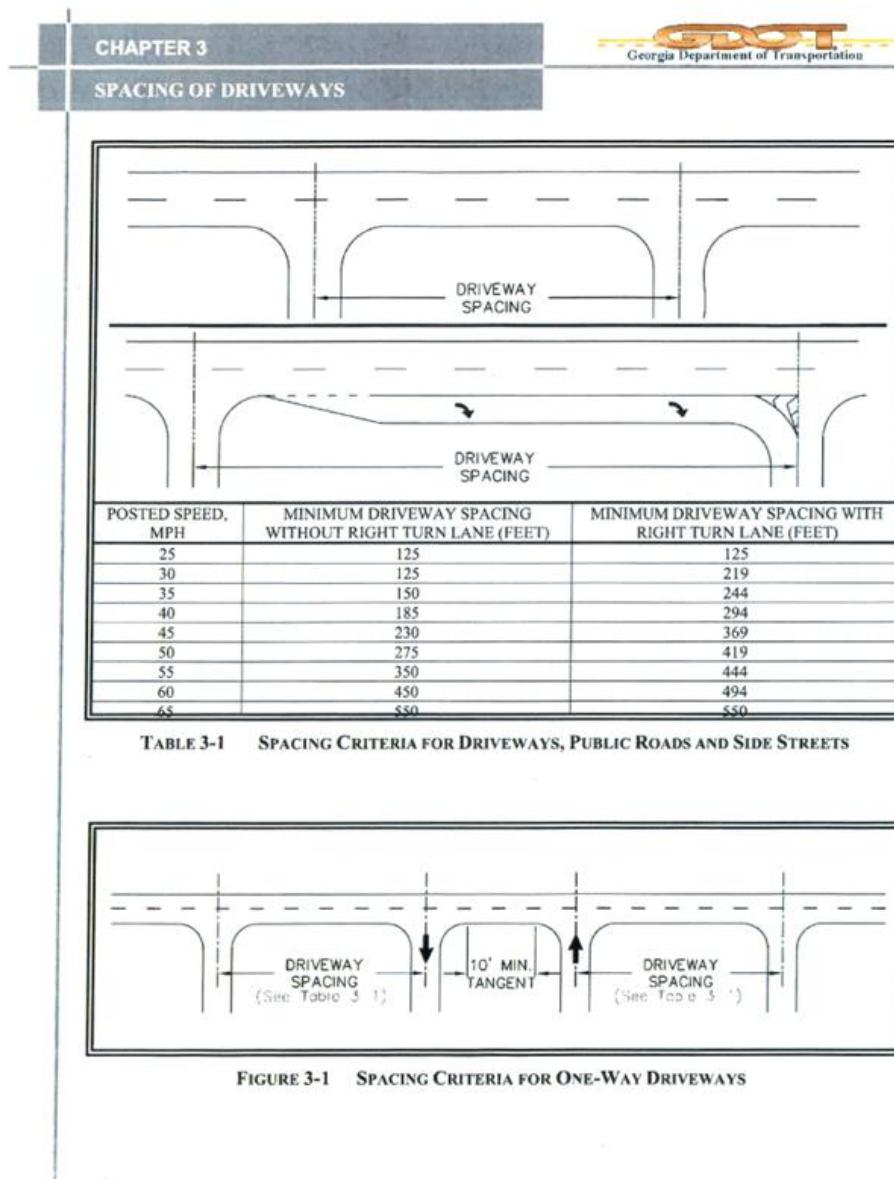
1. Not more than two (2) driveways shall be used for each one hundred (100) feet or fraction thereof of frontage on any street with the exception of u-shaped driveways.
2. No two (2) of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three (3) feet.
3. No driveway shall be closer than twenty (20) feet of any intersection at any corner as measured along the property line.
4. Where there is no existing curb and gutter or sidewalk, the applicant may at his option install a safety island and curb, or, in place thereof shall construct along the entire length of the property line (except in front of the permitted driveways) a curb, fence, or pipe rail not exceeding two (2) feet or less than eight (8) inches in height.
5. All other uses not listed above as determined by the Parowan City Planning Commission, based on the nearest compatible use standards.

Telluride

No entrance or exit shall be located nearer than fifty feet (50') to any intersecting street right of way or nearer than ten feet (10') to any adjacent property line, except where it is possible to provide one access point that will serve both adjacent properties, or except onto an alle

Iron County

They are currently working on Driveway Spacing but they do not have anything in their code currently. They are looking at going with a spacing based on the speed limit of the road.





ORDINANCE NO. 23-____

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7 ZONE DISTRICT REGULATIONS, SECTION 1 R1 ZONES, R2 ZONES AND R3 ZONES AS THEY PERTAIN TO BUILDING SEPARATIONS AND SPACING AND CHAPTER 12 DESIGN STANDARDS FOR CONSTRUCTION, SECTION 10-B DRIVEWAY STANDARDS. 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, the Brian Head Planning Commission held a public hearing on June 6, 2023 Planning Commission hereby forward their recommendation of approval to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on June 13, 2023 giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Code; and

WHEREAS, the Council determined that establishing standards for minimum distance between buildings for Single-Family, Medium Density and Multi-Family Residential Zones and would allow for an more open area; and

WHEREAS, the Council determined that in reviewing the driveway standards that it was in the best interest and safety of its citizens to amend the driveway standards to include spacing in driveway as a safety measure; 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 7, Zone District Regulations, Section 1 (R1), 2 (R2), and 3 (R3) and Chapter 12, Design Standards for Construction, Section 10-B Driveway Standards are identified in red font as Attachment "A"

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council. Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this Ordinance shall be 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.

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 July 2023 with the following vote.**

TOWN COUNCIL VOTE:

Mayor Clayton Calloway
Council Member Martin Tidwell
Council Member Kelly Marshall
Council Member Shaun Kelly
Council Member Larry Freeberg

Aye_____ Nay_____
Aye_____ Nay_____
Aye_____ Nay_____
Aye_____ Nay_____
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 24th day of May 2022 and have posted a summary of the adopted ordinance in two conspicuous places within the Town of Brian Head, to-wit: Town Hall and Post Office. A complete copy of the adopted ordinance on the Brian Head Town Website and posted on the Utah Public Meeting Notice Website.

Nancy Leigh, Town Clerk

Title 9 – Land Management Code

Chapter 7

ZONE DISTRICT REGULATIONS

[9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:](#)

[9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:](#)

[9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:](#)

[9-7-4: GC GENERAL COMMERCIAL:](#)

[9-7-5: VC VILLAGE COMMERCIAL:](#)

[9-7-6: L-1 LIGHT INDUSTRIAL:](#)

[9-7-7: ROS RECREATION OPEN SPACE:](#)

[9-7-8: COS CONSERVATION OPEN SPACE:](#)

[9-7-9: C CIVIC:](#)

[9-7-10: BUILDING BONUSES:](#)

[9-7-11: CCOD COMMERCIAL CORE OVERLAY DISTRICT](#)

9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:

A. **Purpose:** The R-1 district is intended to provide sites for low density single-family residential uses, together with such public facilities as may appropriately be located in the same district. The R-1 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with single-family occupancy, and, along with the Town Design Standards, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-1 zone:

Boarding of horses for non-commercial use, subject to a horse boarding permit.

Commercial rentals of single-family residences, subject to a business license.

Home occupations identified in subsection [9-10-5](#) of this title.

Single-unit dwellings.

Other uses customarily incidental and accessory to single-family residential uses, and necessary for the operation thereof (garages or carports, play equipment, or other approved single-family use).

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Bed and breakfast rentals.

Churches.

Home occupations identified in subsection [9-10-5C](#) of this title.

Mother-in-law / guest house is an accessory use one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title with a maximum of one mother-in-law/guest house per property. (ord. 18-006, 6-11-2018 amd. ord. 20-006, 7-14-2020)

Public or private schools.

Public parks.

Public utility uses.

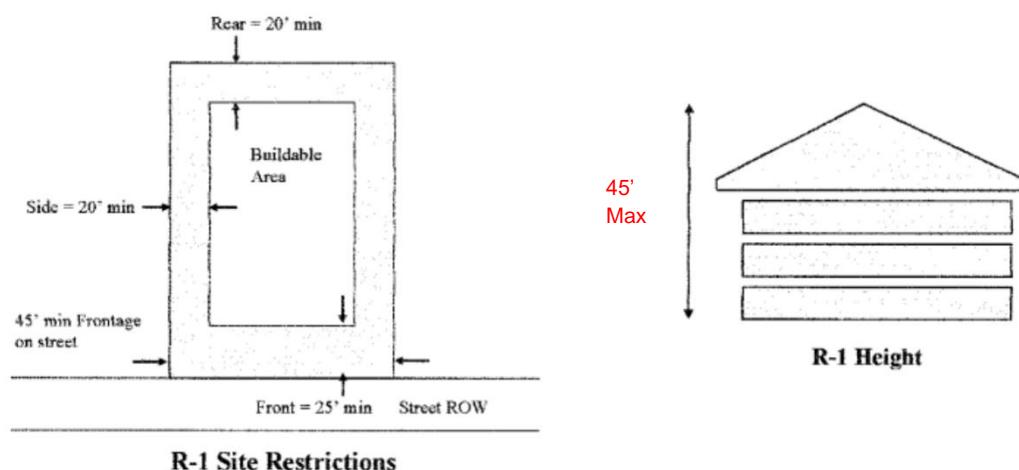
D. Physical Restrictions:

1. Minimum lot area: Fourteen thousand five hundred twenty (14,520) square feet ($\frac{1}{3}$ acre).
2. Minimum frontage width: Forty-five feet (45'). (amd. ord. 22-002, 5-10-22)
3. Minimum setbacks:
 - a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
 - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees).
 - ii. No habitable space within the setback area.
 - iii. Required off street parking is satisfied and maintained in the garage or on the lot.
 - iv. The roof sheds snow away from the public right of way.
 - v. Adequate snow storage on the lot.Under no circumstances will the setback be less than five feet (5'). (ord. 17-004, 7-11-2017)
 - b. Side: Twenty feet (20').
 - c. Rear: Twenty feet (20').
 - d. **Minimum distance between buildings: 10 feet**

4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
 - a. Driveway and walkways.
 - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four (4') feet above grade, measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3 1/2') into the required setback; and, (2010 Code, amd. ord. 15-004, 04-28-2015)
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Zoning Administrator, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015).
5. Maximum Building Height: Twenty-five feet (25'). (2010 Code, amd. ord. 22-002, 5-10-22)
6. Maximum building coverage:
 - a. One thousand square feet (1,000 sq. ft) footprint including garages, patios, and decks for a primary habitable structure. No more than 40% for all structures combined. (amd. ord. 15-004, 04-28-2015, amd. ord. 22-002, 5-10-22)
 - b. Minimum building coverage: 400 square feet for a primary habitable structure footprint (not including unenclosed decks and porches) and 160 square feet for a secondary habitable structure. (ord. 20-006, 7-14-20)
 - c. A property owner wishing to build larger than what is allowed in this code may refer to the Building Bonus section in 9-7-10. (ord. 22-002, 5-10-2022)
7. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004-2015).
8. Parking: In accordance with section [9-12-15](#) of this title.
9. Undisturbed lot area: Fifteen (15%) of the lot shall not be disturbed during development. (2010 Code, amd. ord. 15-004, 04-28-2015)
10. Remaining undeveloped lot: The remaining area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code, amd. ord. 15-004, 04-28-2015)

11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 16-007, 11-08-2016)

12. Storage Containers: Storage or cargo containers are not allowed be used as dwelling units in R-1 zones. (ord. 22-002, 5-10-22)



9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:

A. **Purpose:** The R-2 district is intended to provide sites for medium density single- and multi- family residential use at a maximum density of eight (8) dwelling units per acre, together with such public facilities as may appropriately be located in the same district. The R-2 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with medium density multi-family occupancy, and along with the Town Design Guidelines, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-2 zone:

- Food and beverage services (restaurant, cafe, etc.).
- Home occupations identified in subsection [9-10-5](#) of this title.
- Multi-family dwellings (2 or more dwelling units per structure, including townhomes).
- Nightly rental of dwelling units, subject to a business license.
- Property management.

Public parks and open spaces.

Single-unit dwellings.

Spa.

Other uses customarily incidental and accessory to medium density family residential uses, and necessary for the operation thereof (garages or carports, play equipment, etc.)

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Bed and breakfast rentals.

Churches.

Home occupations identified in subsection [9-10-5 C](#) of this title.

Public facilities.

Public or private schools. Public utility uses.

D. Physical Restrictions:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($\frac{1}{2}$ acre).
2. Minimum frontage: Forty-five feet (45').

3. Minimum setbacks:

- a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
 - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
 - ii. No habitable space within the setback area;
 - iii. Required off street parking is satisfied and maintained in the garage or on the lot;
 - iv. The roof sheds snow away from the public right of way; and
 - v. Adequate snow storage on the lot.

Under no circumstances will the setback be less than five feet (5').

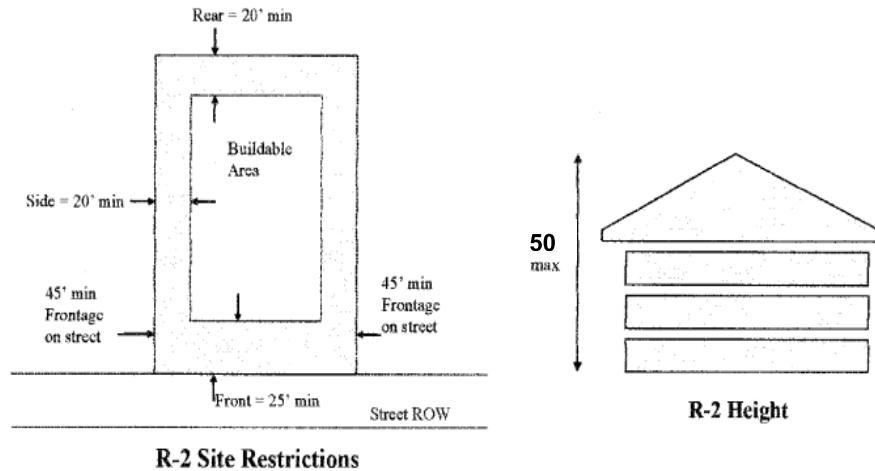
(ord. 17-004, 7-11-2017).

- b. Side: Twenty feet (20');
- c. Rear: Twenty feet (20'). (amd. ord. 22-002, 5-10-22)
- d. **Minimum distance between buildings**
 - i. Under 20 feet in height: 10 feet
 - ii. Over 20 feet and under 30 feet in height: 15 feet
 - iii. Over 30 feet in height: 20 feet

4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
 - a. Driveways and walkways;
 - b. Roof eaves, provided they encroach no more than five feet (5') into the required setback;
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet ($3\frac{1}{2}'$) into the required setback; and
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eave of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015)
5. Maximum height: Twenty-five feet (25'). (amd. ord. 22-002, 5-10-2022)
6. Maximum building coverage: One thousand five hundred square feet (1,500 sq. ft.) footprint including garages, patios, and decks. (amd. ord. 22-002, 5-10-2022)
7. A property owner wishing to build larger than what is allowed in this code may refer to the Bonus Section in [9-7-10](#) of this title.
8. Maximum density: Eight (8) units per acre (or a fraction thereof) for multi-family dwellings, including constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.
9. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per § [9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004, 04-28-2015).
10. Parking: In accordance with section [9-12-15](#)
11. Undisturbed lot area: Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (2010 Code, amd. ord. 15-004, 04-28-2015)
12. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (amd. 2015 ord. 15-004, 04-28-2015)
13. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened

from the view of the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 17-001, 4-11-2017)

14. Storage containers: Storage or cargo containers are not allowed to be used as a dwelling unit in R-2 zones. (ord. 22-002, 5-10-2022).



(2010 Code, amd. ord. 15-004, 4-28-2015

9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:

A. **Purpose:** The R-3 district is intended to provide sites for multiple-family dwellings at densities restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc., together with such commercial and public facilities as may appropriately be located in the same district. The R-3 district regulations are intended to ensure adequate light, air, open space, and other amenities commensurate with multiple-family occupancy, and, with the Town Design Standards, to maintain the desirable residential qualities of the district by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses and, where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-3 zone:

Bed and breakfast establishments.

Home occupations identified in subsection [9-10-5](#) of this title.

Multi-family dwellings (2 or more dwelling units per structure, including townhomes).

Nightly rentals of dwelling units, subject to a business license.

Property management.

Public open spaces (parks and trails for hiking, non-motorized biking, and Nordic skiing etc.).

Single-unit dwellings.

Other uses customarily incidental and accessory to permitted uses and necessary for the operation and maintenance thereof, such as garages, carports, play equipment and accessory structure.

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Churches.

Convention facilities.

Food and beverage services (restaurant, cafe, etc.).

Home occupations identified in subsection [9-10-5C](#) of this title.

Limited retail, food and beverage service and personal services in conjunction with lodging facilities (barber/beauty, travel, childcare, etc.) for the use of building residents (area of accessory uses may not exceed 40 square feet per residential unit).

Public institutions.

Public parking lots.

Real estate sales offices operated in conjunction with condominium rental offices when the office space is constructed as part of the project or when approved by the homeowners' association and in conformance with the projects CC&Rs.

Recreational trails and use of open space for motorized vehicles.

Schools.

Spa.

D. Physical Restrictions:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($1\frac{1}{2}$ acre).

2. Minimum frontage: Forty-five feet (45').

3. Minimum setbacks:

a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:

i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);

ii. No habitable space within the setback area

iii. Required off-street parking is satisfied and maintained in the garage or on the lot

iv. The roof sheds snow away from the public right of way

v. Adequate snow storage on the lot

vi. Development does not exceed R-2 density. (Ord. 20-006, 7-14-20)

Under no circumstances will the setback be less than five feet (5').

- b. Side: Twenty feet (20').
- c. Rear: Twenty feet (20').
- d. For buildings over thirty-five feet (35') in height
 - i. Side: Thirty feet (30');
 - ii. Rear: Thirty feet (30');
 - iii. Front: Twenty-five feet (25').
- e. **Minimum distance between buildings**
 - i. Under 20 feet in height: 10 feet
 - ii. Over 20 feet and under 30 feet in height: 15 feet
 - iii. Over 30 feet in height: 20 feet

4. Setback exceptions: The following may be permitted to encroach within the required setback, subject to compliance with the provisions of this section, on a case-by-case basis after written approval of the Town Manager, or designee, following review:

- a. Driveways and walkways running parallel to a property line shall not occupy more than seventy five percent (75%) of the required setback area while retaining at least twenty five percent (25%) of the required area as a landscape buffer.
- b. Roof eaves, provided they encroach no more than five feet (5') into the required setback.
- c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet ($3\frac{1}{2}'$) into the required setback; and (2010 Code amd ord. 15-004, 04-28-2015)
- d. Decks and exterior staircases attached to the residential structure. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30' above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code amd ord. 15-004, 04-28-2015)

4. Maximum density: Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.

5. Maximum height: Sixty feet (60') for peaked roof, forty feet (40') for flat roof; (2010 Code. amd ord. 15-004, 04-28-2015)

Title 9 – Land Management Code

Chapter 12

DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENT

9-12-1: PURPOSE:

9-12-2: LOT STANDARDS:

9-12-3: DEVELOPMENT DESIGN AND LAYOUT:

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

9-12-5: LANDSCAPING AND FENCES:

9-12-6: LIGHTING:

9-12-7: BUILDINGS:

9-12-8: CONSTRUCTION DEBRIS REMOVAL:

9-12-9: ROADS:

9-12-10: DRIVEWAYS:

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

9-12-12: BRIDGE AND TUNNEL REGULATIONS:

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

9-12-14: UTILITY IMPROVEMENTS:

9-12-15: PARKING:

9-12-16: PUBLIC IMPROVEMENTS:

9-12-17: TRASH ENCLOSURES:

9-12-18: COMPLIANCE:

9-12-19: PUBLIC UTILITIES:

9-12-20: CAMPGROUNDS:

9-12-1: PURPOSE:

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

9-12-2: LOT STANDARDS:

- i. Published;
 - a) In a newspaper of general circulation in the county once per week for four consecutive weeks before the hearing; and
 - b) On the Utah Public Notice Website created in [UCA §63A-12-114](#), for four consecutive weeks prior to the hearing; and
- ii. Posted in three places for four consecutive weeks prior to the hearing; and
- iii. Mailed to all owners of property abutting the town road.

4. All street names must be coordinated with the appropriate county official. (amd. ord. 15-018, 12-8-2015)

9-12-10: DRIVEWAYS:

The following shall apply to all driveways connecting the public right of way to a private or public parking lot or structure:

- A. **When Approval Required:** Driveways exceeding one hundred fifty feet (150') in length and/or twelve percent (12%) (6.8 degrees) grade must be approved by the Director of Public Sand/or designee.
- B. **Driveway Standards:**

Standards	Residential Single-Family Dwelling (SFD)	Commercial (All Others)
Minimum width	16 feet (4 or fewer units)	20 feet (one-way); 24 feet (two-way)
Maximum width at street line	24 feet	36 feet
Maximum number of driveway accesses per lot	1 per each 100 feet of frontage (or fraction thereof), maximum 2 interior, 3 corners	1 per each 200 feet of frontage (or fraction thereof)

Driveway angle to street	45 degree - 90 degree	70 degree - 90 degree
Snow storage	Maintain clear view at intersection	Maintain clear view at intersection
Drainage	May not drain to road surface	To approved storm drain collection system
Retaining walls	May extend into public right of way with town staff approval	May extend into public right of way with town staff approval

(ord. 08-016, 8-12-2008, amd ord. 16-007, 11-8-2016)

B. Driveway Standards:

Standards	Residential Single-Family Dwelling (SFD)	Residential Multi-Family Dwelling	Commercial (all others)
Minimum width	16 Feet	20 Feet (4 or fewer units) ⁽¹⁾ 24 Feet (5 or more units) ⁽¹⁾	20 Feet (one-way); 24 feet (two-way)
Maximum width at street line	24 feet	36 Feet	36 Feet
Maximum number of driveway accesses per lot	1 per each 100 feet of frontage (or fraction thereof) Maximum 2 interior, 3 corners	1 per each 100 feet of frontage (or fraction thereof) Maximum 2 interior, 3 corners	1 per each 200 feet of frontage (or fraction thereof)
Minimum Spacing Between Driveway (6)	Local 15 Feet Private 10 Feet Collector 50 Feet Arterial 150 Feet (4)	Local 15 Feet (2) Private 10 Feet (2,3) Collector 75 Feet (4) Arterial 150 Feet (4)	Local 75 Feet NA Collector 75 Feet Arterial 150 Feet
Minimum Spacing From Intersection	Local 25 Feet Collector 70 Feet Arterial 150 Feet (4)	Local 25 Feet Collector 100 Feet (4) Arterial 150 Feet (4)	Local 75 Feet Collector 100 Feet Arterial 150 Feet
Minimum Spacing from Property Line (6)	5 Feet	5 Feet ⁽⁵⁾	10 Feet ⁽⁵⁾
Driveway angle to street	45 degree – 90 degree	45 degree – 90 degree	70 degree – 90 degree

Snow Storage	20% additional area (7) Maintain clear view at intersection	20% additional area (7) Maintain clear view at intersection	20% additional area (7) Maintain clear view at intersection
Drainage	May not drain to road surface	To approved storm drain collection system	To approved storm drain collection system
Retaining walls	May extend into public right of way with town staff approval	May extend into public right of way with town staff approval	May extend into public right of way with town staff approval

1. Driveways for individual units connected to a local or private road can be reduced to 16 feet.
2. Driveway Spacing between 2 units in the same building that share a common wall or property line between garage and/or parking area is not required or can be reduced. Driveways for other units in the same building will need to meet minimum spacing.
3. An administrative exemption may be granted for the minimum spacing based on lot shape and slope.
4. Driveways or private roads need to be designed to allow vehicles to turn around to prevent vehicles backing into roadways.
5. Driveway spacing is not required or can be reduced if rear loading garage or parking is used.
6. Except where it is possible to provide one access point that will serve both adjacent properties with recorded access and maintenance agreement.
7. Snow storage shall be provided on the subject property within the parking lot, adjacent landscaping or other area that allows for safe snow storage without damage to the structures or landscaping. Area less than 5 feet to property line or less than 5 feet to imaginary line between units on the same property cannot be counted for snow storage.

C. **Surface Material:** Hard surface is required in commercial and multi-family residential zones. Other materials that make the surface effectively hard but aren't asphalt or concrete may be used with the approval of the Planning Commission. All weather surface may be used for overflow parking (parking in excess of the requirement) as well as in all other zones. (ord. 16-007, 11-8-2016)

D. **Design of access point** (where driveway meets pavement) must be approved by the Public Works Director to minimize snow removal and drainage issues. (ord. 17-004, 7-11-2017)

E. **Where multi-family or commercial developments are situated with frontage** on both a collector road and residential road, driveway access point shall be from the collector road. (ord. 20-002, 4-28-2020)

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

A. **Purpose:** Because of the dramatic visual impact of cuts, fills and retaining walls in the town, and the public safety factors that may arise with significant cuts and fills in unsuitable



STAFF REPORT TO THE TOWN COUNCIL

BRIAN HEAD

ITEM: LMC CHANGE - CH. 2, 7, 9 - INCLUSIONARY ZONING

AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: July 11, 2023
TYPE OF ITEM: Legislative Action

SUMMARY:

The Town Council will consider an ordinance amending the Land Management Code establishing an inclusionary zoning bonus incentive which will allow bonus density for subdivisions which provide for affordable housing.

BACKGROUND:

See 6-9-23 staff report for full background on this issue.

On June 6, the Planning Commission held a public hearing and forwarded a positive recommendation of the attached ordinance. On June 13, 2023, the Town Council held a public hearing and began consideration of the proposed ordinance, suggesting several changes to the draft before tabling the item.

ANALYSIS:

The attached draft ordinance would do the following:

1. Reduce the base maximum densities in zones R1, R2, and R3 to
2. Allow for density bonuses (basically back to our current density limits, with a new density limit of **2025** units/acre in R3) for those willing to meet inclusionary zoning requirements
3. Sets the requirement as follows:
 - a. For rental units - 2.5% @ 30% Area Median Income (AMI) or 5% @ 60% AMI
 - b. For for-sale units - 5% @ 80% AMI or **6.25% @ 100% AMI or 7.5% @ 120% AMI**
4. Gives three options for fulfilling the requirement: 1) Build on-site, 2) Fee In-Lieu, or 3) land donation
 - a. The fee in-lieu calculation can be found in Attachment B
5. Puts design criteria on the affordable units (minimum size, etc) and requirements on the mix of unit types, location, and timing of construction
6. Defines affordable units, income limitations, deed restricted prices/rents, etc

Additional changes to the draft since the June 13 meeting with Town Council:

- Removed “comparable size” in 9-9-7-C-1
- Reconsidered 30% of gross income for housing costs figure – couldn’t find an alternative generally accepted standard, so staff does not recommend changing this figure yet
- Inserted an Iron County employment requirement
- Increased R3 density max to 25 per acre (consistent with other ski resort towns)
- Tiered the affordability requirement allowing options at 80%, 100% and 120% AMI
- Added language to land donation option to ensure buildability of the land
- Increased minimum sizing, removed maximum sizing of units
- Fixed “intentional” damage language in F.1.C

- Considered alternatives to the 3% appreciation cap, but staff believes this will become too confusing and may leave room for loopholes
- Added clarifying language on the 10% improvement appreciation cap

Staff also contacted the Cedar City Housing Authority to preliminary gauge the feasibility of contracting out administration of affordable housing units in Brian Head. They are very open to the idea (perhaps even excited about it). No details yet.

STAFF RECOMMENDATION:

Staff is in favor of an inclusionary zoning ordinance. In developing the attached examples of what the requirement would have been with MLV Townhomes and West Zion View, it became clear that with the base density allotment of 10 units per acre, few (if any) future multi-family developments will be required to provide affordable units. Staff recommends that we reconsider the base requirement prior to adoption. One alternative might be to tie the affordable housing bonus to water rights requirements rather than density.

PLANNING COMMISSION RECOMMENDATION:

The attached proposed ordinance reflects the Planning Commission recommendation (with additional changes by the Town Council). Each member of the Planning Commission individually supported the 5% housing requirement to qualify for the bonus density.

PROPOSED MOTION:

I move to adopt ordinance No. 23-008 establishing inclusionary zoning density bonuses as presented by staff [or with the following provisions...]

ATTACHMENTS:

A - Proposed Inclusionary Zoning Ordinance language

B - Sample inclusionary zoning bonus calculations (note: staff used MLV Townhomes and West Zion View for these sample calculations – these developments have already been through the subdivision process and would not have any obligation to meet affordability requirements for bonus density)



ORDINANCE NO. 23-____

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 7- ZONE DISTRICT REGULATIONS AND CHAPTER 9 SUBDIVISIONS FOR INCLUSIONARY ZONING BONUS INCENTIVES FOR SUBDIVISIONS 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, the Brian Head Planning Commission held a public hearing on June 6, 2023, 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 with modifications of the Brian Head Land Management Code, Chapter 7, Zone District Regulations and Chapter 9, Subdivisions the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on June 13, 2023 giving at least fourteen (14) days' notice to receive public comment on the proposed amendments Brian Head Land Management Code; and

WHEREAS, the Town Council believes that it is in the best interest of the Town to establish workforce housing with incentives to developers who desire to build within Brian Head Town; 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 7 Zone District Regulations and Chapter 9 Subdivisions hereby as Attachment "A". All changes are hereby identified in red font.

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council 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 incorporated into Title 9 of the Brian Head Town Code.

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

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

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

**PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY,
UTAH this ____ day of July, 2023 with the following vote.**

TOWN COUNCIL VOTE:

Mayor Clayton Calloway
Council Member Martin Tidwell
Council Member Kelly Marshall
Council Member Shaun Kelly
Council Member Larry Freeberg

Aye____ Nay____
Aye____ Nay____
Aye____ Nay____
Aye____ Nay____
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 July 2023 and hereby 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 posted on the Utah Public Meeting Notice Website.

Nancy Leigh, Town Clerk

Title 9 – Land Management Code

Chapter 7 ZONE DISTRICT REGULATIONS

[9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:](#)

[9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:](#)

[9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:](#)

[9-7-4: GC GENERAL COMMERCIAL:](#)

[9-7-5: VC VILLAGE COMMERCIAL:](#)

[9-7-6: L-1 LIGHT INDUSTRIAL:](#)

[9-7-7: ROS RECREATION OPEN SPACE:](#)

[9-7-8: COS CONSERVATION OPEN SPACE:](#)

[9-7-9: C CIVIC:](#)

[9-7-10: BUILDING BONUSES:](#)

[9-7-11: CCOD COMMERCIAL CORE OVERLAY DISTRICT](#)

9-7-1: R-1 SINGLE-FAMILY RESIDENTIAL:

A. **Purpose:** The R-1 district is intended to provide sites for low density single-family residential uses, together with such public facilities as may appropriately be located in the same district. The R-1 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with single-family occupancy, and, along with the Town Design Standards, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-1 zone:

Boarding of horses for non-commercial use, subject to a horse boarding permit.

Commercial rentals of single-family residences, subject to a business license.

Home occupations identified in subsection [9-10-5](#) of this title.

Single-unit dwellings.

Other uses customarily incidental and accessory to single-family residential uses, and necessary for the operation thereof (garages or carports, play equipment, or other approved single-family use).

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Bed and breakfast rentals.

Churches.

Home occupations identified in subsection [9-10-5C](#) of this title.

Mother-in-law / guest house is an accessory use one lot that is equal to or greater than one acre and shall comply with accessory structure requirements in this title with a maximum of one mother-in-law/guest house per property. (ord. 18-006, 6-11-2018 amd. ord. 20-006, 7-14-2020)

Public or private schools.

Public parks.

Public utility uses.

D. Physical Restrictions:

1. Minimum lot area: ~~Fourteen thousand five hundred twenty (14,520) square feet~~
~~($\frac{1}{3}$ acre)~~ One (1) acre or forty-three thousand five hundred sixty (43,560) square feet. Lots as small as fourteen thousand five hundred twenty (14,520) square feet or one-third (1/3) acre may be allowed where the provisions of §9-9-7 are met.

2. Minimum frontage width: Forty-five feet (45'). (amd. ord. 22-002, 5-10-22)

3. Minimum setbacks:

- Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
 - Front yard setback exceeds twenty percent (20%) slope (11.3 degrees).
 - No habitable space within the setback area.
 - Required off street parking is satisfied and maintained in the garage or on the lot.
 - The roof sheds snow away from the public right of way.
 - Adequate snow storage on the lot.

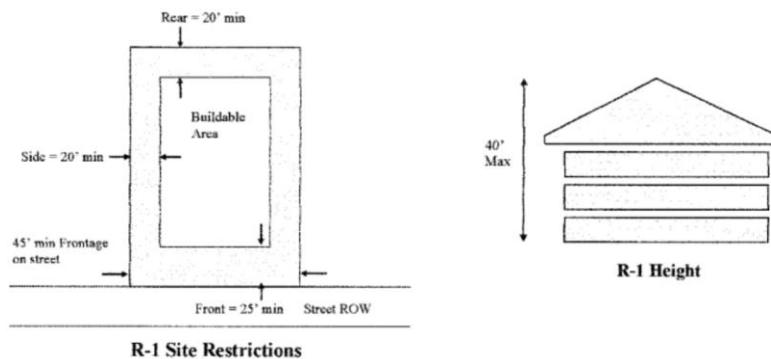
Under no circumstances will the setback be less than five feet (5'). (ord. 17-004, 7-11-2017)

- Side: Twenty feet (20').
- Rear: Twenty feet (20').

4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:
 - a. Driveway and walkways.
 - b. Roof eaves provided they encroach no more than five feet (5') into the required setback.
 - c. Pop out windows, provided the bottom of the pop out structure is no less than four (4') feet above grade, measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3 1/2') into the required setback; and, (2010 Code, amd. ord. 15-004, 04-28-2015)
 - d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Zoning Administrator, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015).
5. Maximum Building Height: Twenty-five feet (25'). (2010 Code, amd. ord. 22-002, 5-10-22)
6. Maximum building coverage:
 - a. One thousand square feet (1,000 sq. ft) footprint including garages, patios, and decks for a primary habitable structure. No more than 40% for all structures combined. (amd. ord. 15-004, 04-28-2015, amd. ord. 22-002, 5-10-22)
 - b. Minimum building coverage: 400 square feet for a primary habitable structure footprint (not including unenclosed decks and porches) and 160 square feet for a secondary habitable structure. (ord. 20-006, 7-14-20)
 - c. A property owner wishing to build larger than what is allowed in this code may refer to the Building Bonus section in 9-7-10. (ord. 22-002, 5-10-2022)
7. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004-2015).
8. Parking: In accordance with section [9-12-15](#) of this title.
9. Undisturbed lot area: Fifteen (15%) of the lot shall not be disturbed during development. (2010 Code, amd. ord. 15-004, 04-28-2015)
10. Remaining undeveloped lot: The remaining area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code, amd. ord. 15-004, 04-28-2015)

11. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for non-commercial use, such as private snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 16-007, 11-08-2016)

12. Storage Containers: Storage or cargo containers are not allowed be used as dwelling units in R-1 zones. (ord. 22-002, 5-10-22)



9-7-2: R-2 MEDIUM DENSITY RESIDENTIAL:

A. **Purpose:** The R-2 district is intended to provide sites for medium density single- and multi- family residential use at a maximum density of eight (8) dwelling units per acre, together with such public facilities as may appropriately be located in the same district. The R-2 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with medium density multi-family occupancy, and along with the Town Design Guidelines, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-2 zone:

- Food and beverage services (restaurant, cafe, etc.).
- Home occupations identified in subsection 9-10-5 of this title.
- Multi-family dwellings (2 or more dwelling units per structure, including townhomes).
- Nightly rental of dwelling units, subject to a business license.
- Property management.

Public parks and open spaces.

Single-unit dwellings.

Spa.

Other uses customarily incidental and accessory to medium density family residential uses, and necessary for the operation thereof (garages or carports, play equipment, etc.)

C. **Conditional Uses:** The following uses are conditional and require a conditional use permit:

Bed and breakfast rentals.

Churches.

Home occupations identified in subsection [9-10-5 C](#) of this title.

Public facilities.

Public or private schools. Public utility uses.

D. **Physical Restrictions:**

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($1\frac{1}{2}$ acre).
2. Minimum frontage: Forty-five feet (45').

3. Minimum setbacks:

- a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
 - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
 - ii. No habitable space within the setback area;
 - iii. Required off street parking is satisfied and maintained in the garage or on the lot;
 - iv. The roof sheds snow away from the public right of way; and
 - v. Adequate snow storage on the lot.

Under no circumstances will the setback be less than five feet (5').

(ord. 17-004, 7-11-2017).

- b. Side: Twenty feet (20');

- c. Rear: Twenty feet (20'). (amd. ord. 22-002, 5-10-22)

4. Setback exception: The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section:

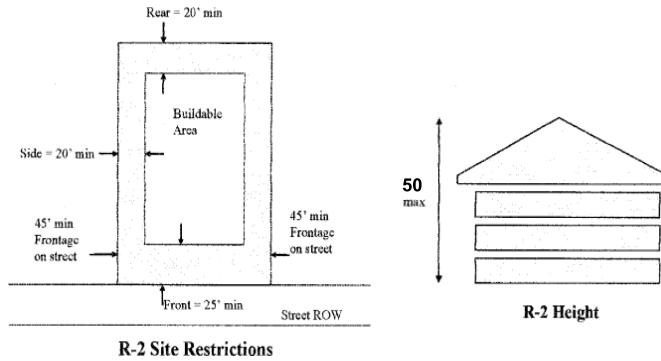
- a. Driveways and walkways;

- b. Roof eaves, provided they encroach no more than five feet (5') into the required setback;
- c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet (3½') into the required setback; and
- d. Decks and exterior staircases attached to the residential structure may be permitted on a case-by-case basis after written approval of the Town Manager, or designee, following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eave of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30" above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code, amd. ord. 15-004, 04-28-2015)

5. Maximum height: Twenty-five feet (25'). (amd. ord. 22-002, 5-10-2022)
6. Maximum building coverage: One thousand five hundred square feet (1,500 sq. ft.) footprint including garages, patios, and decks. (amd. ord. 22-002, 5-10-2022)
7. A property owner wishing to build larger than what is allowed in this code may refer to the Bonus Section in [9-7-10](#) of this title.
8. Maximum density: ~~Eight (8)~~ Four (4) units per acre (or a fraction thereof) for multi-family dwellings, including constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc. Up to ~~ten~~~~eight~~ (108) units per acre may be allowed where the provisions of §9-9-7 are met.
9. Minimum landscaping: Twenty-five percent (25%) of the lot shall be landscaped per [§ 9-12-5](#) of this title, with every effort to preserve vegetation. (2010 Code, amd. ord. 15-004, 04-28-2015).
10. Parking: In accordance with section [9-12-15](#)
11. Undisturbed lot area: Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (2010 Code, amd. ord. 15-004, 04-28-2015)
12. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title (amd. 2015 ord. 15-004, 04-28-2015)
13. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from the view of the public right of way. Additional equipment used for construction

may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 17-001, 4-11-2017)

14. Storage containers: Storage or cargo containers are not allowed to be used as a dwelling unit in R-2 zones. (ord. 22-002, 5-10-2022).



(2010 Code, amd. ord. 15-004, 4-28-2015

9-7-3: R-3 MULTI-FAMILY RESIDENTIAL:

A. **Purpose:** The R-3 district is intended to provide sites for multiple-family dwellings at densities restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc., together with such commercial and public facilities as may appropriately be located in the same district. The R-3 district regulations are intended to ensure adequate light, air, open space, and other amenities commensurate with multiple-family occupancy, and, with the Town Design Standards, to maintain the desirable residential qualities of the district by establishing appropriate site development standards. Certain nonresidential uses may be permitted as conditional uses and, where approved, are intended to blend harmoniously with the residential character of the district.

B. **Permitted Uses:** Only the following uses are permitted in the R-3 zone:

- Bed and breakfast establishments.
- Home occupations identified in subsection [9-10-5](#) of this title.
- Multi-family dwellings (2 or more dwelling units per structure, including townhomes).
- Nightly rentals of dwelling units, subject to a business license.
- Property management.
- Public open spaces (parks and trails for hiking, non-motorized biking, and Nordic skiing etc.).

Single-unit dwellings.

Other uses customarily incidental and accessory to permitted uses and necessary for the operation and maintenance thereof, such as garages, carports, play equipment and accessory structure.

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

Churches.

Convention facilities.

Food and beverage services (restaurant, cafe, etc.).

Home occupations identified in subsection [9-10-5C](#) of this title.

Limited retail, food and beverage service and personal services in conjunction with lodging facilities (barber/beauty, travel, childcare, etc.) for the use of building residents (area of accessory uses may not exceed 40 square feet per residential unit).

Public institutions.

Public parking lots.

Real estate sales offices operated in conjunction with condominium rental offices when the office space is constructed as part of the project or when approved by the homeowners' association and in conformance with the projects CC&Rs.

Recreational trails and use of open space for motorized vehicles.

Schools.

Spa.

D. Physical Restrictions:

1. Minimum lot area: Twenty-one thousand seven hundred eighty (21,780) square feet ($\frac{1}{2}$ acre).
2. Minimum frontage: Forty-five feet (45').
3. Minimum setbacks:
 - a. Front: Twenty-five feet (25'). An administrative exception may be granted for the garage only when all of the following apply:
 - i. Front yard setback exceeds twenty percent (20%) slope (11.3 degrees);
 - ii. No habitable space within the setback area
 - iii. Required off-street parking is satisfied and maintained in the garage or on the lot
 - iv. The roof sheds snow away from the public right of way
 - v. Adequate snow storage on the lot
 - vi. Development does not exceed R-2 density. (Ord. 20-006, 7-14-20)

Under no circumstances will the setback be less than five feet (5').

- b. Side: Twenty feet (20').
- c. Rear: Twenty feet (20').
- d. For buildings over thirty-five feet (35') in height
 - i. Side: Thirty feet (30');
 - ii. Rear: Thirty feet (30');
 - iii. Front: Twenty-five feet (25').

4. Setback exceptions: The following may be permitted to encroach within the required setback, subject to compliance with the provisions of this section, on a case-by-case basis after written approval of the Town Manager, or designee, following review:

- a. Driveways and walkways running parallel to a property line shall not occupy more than seventy five percent (75%) of the required setback area while retaining at least twenty five percent (25%) of the required area as a landscape buffer.
- b. Roof eaves, provided they encroach no more than five feet (5') into the required setback.
- c. Pop out windows, provided the bottom of the pop out structure is no less than four feet (4') above grade measured at the pop out structure, the total width of the pop out structure does not exceed twelve feet (12') measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eaves, and the pop out structure encroaches no more than three and one-half feet ($3\frac{1}{2}'$) into the required setback; and (2010 Code amd ord. 15-004, 04-28-2015)
- d. Decks and exterior staircases attached to the residential structure. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eaves of the residential structure, and the deck or exterior staircase may encroach no more than four feet (4') into the required setback. Decks or walkways less than 30' above grade may stand within the innermost one-third (1/3) of the setback. (2010 Code amd ord. 15-004, 04-28-2015)

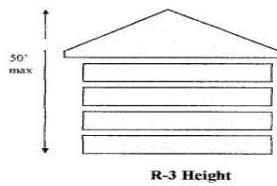
4. Maximum density: ~~Restricted by constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc.~~ Eight (8) units per acre (or a fraction thereof) for multi-family dwellings, including constraints of this title relating to height, setback, landscaping, lot disturbance, parking, etc. Up to ~~twent~~^{tw}twenty-five (2520) units per acre may be allowed where the provisions of §9-9-7 are met.

5. Maximum height: Sixty feet (60') for peaked roof, forty feet (40') for flat roof; (2010 Code. amd ord. 15-004, 04-28-2015)

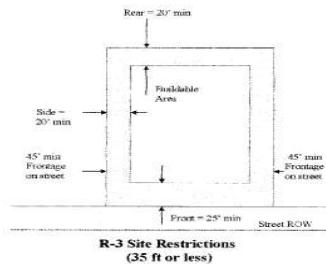
6. Maximum building coverage: Forty percent (40%) of the lot area. Fifty percent (50%) is permitted if all of the required parking is within the footprint of the building. (2010 Code. amd ord. 15-004, 04-28-2015)

7. Minimum landscaping: Forty percent (40%) or all disturbed portions of the property, whichever is greater, shall be landscaped per section [9-12-5](#) of this title, with every effort to preserve existing vegetation. If the building footprint is at 50% and required covered parking is within the footprint of the building, then the landscaping minimum will be 30%. (2010 Code. amd ord. 15-004, 04-28-2015)
8. Parking: In accordance with section [9-12-15](#) of this title
9. Remaining undeveloped area shall be landscaped as per section [9-12-5](#) of this title. (2010 Code. amd Ord. 15-004, 04-28-2015)
10. One piece of heavy equipment along with two heavy equipment attachments may be kept on premises for uses such as snow removal or light excavation. The equipment shall be parked in a place and manner so as to be reasonably screened from view from the public right of way. Additional equipment used for construction may be parked at the site when authorized by a current building permit or otherwise authorized by the Town. (ord. 17-001, 4-11-2017)

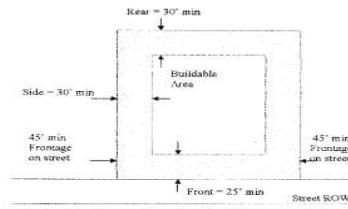
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R-3 Height



**R-3 Site Restrictions
(35 ft or less)**



**R-3 Site Restrictions
(over 35 ft)**

(2010 Code, amd. ord. 15-004, 04-28-2015)

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:

9-9-7: INCENTIVIZED INCLUSIONARY HOUSING:

9-9-7: INCENTIVIZED INCLUSIONARY HOUSING:

A. Purpose & Authority:

1. To support the 2022 Workforce Housing Plan's recommendation to implement an inclusionary housing program for Brian Head Town;
2. To facilitate and encourage development that includes a range of housing opportunities through a variety of residential types, forms of ownership, home sale prices and rental rates;
3. To increase the number of owner-occupied or 'for sale' housing units for households with an income of 1280% or less of Iron County's Median Family Income; and
4. To increase the number of rental housing units for households with an income of 60% or less (or less than 30% for some projects) of Iron County's Median Family Income.
5. To provide for a range of workforce housing units to ensure the welfare and viability of the Town's resort economy operations.

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B. Applicability & Minimum Project Size: Incentivized Height and/or Density Opportunities Based Upon the Provision of Workforce Housing

1. The following bonus density is allowed where the workforce housing provisions of this section are met:

- a. R1: Single Family Residential – One unit per 1/3 acre
- b. R2: Medium Density Residential – ~~Eight-Ten~~ units per acre
- c. R3: Multi-Family Residential – ~~Twenty-Twenty-five~~ units per acre

Commented [TE1]: I also changed the corresponding densities in the Zoning District sections above

2. On-Site Option:

- a. Any new residential or commercial project may increase the allowed base density, or building height, on a site pursuant to the zoning classification bonus standards outlined in 9-9-7.2-A.1.c subject to the provision of deed-restricted affordable housing units on site with the following income restrictions

- i. Rental Units:

- I. For subdivisions or condominium projects of ten (10) lots/units or more, 2.5% of the total dwelling units for rent must be affordable to households earning thirty percent (30%) or less of Iron County's Median Household Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); or
- II. For subdivisions or condominium projects of ten (10) lots/units or more, 5% of the total dwelling units for rent must be affordable to households earning sixty percent (60%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); Household Income

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- ii. Ownership or 'For Sale' Units:

- I. For subdivisions or condominium projects of ten (10) lots/units or more, 5% of the total dwelling units for sale must be affordable to households earning eighty percent (80%) or less of Iron County's Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); Median Household Income; or
- II. For subdivisions or condominium projects of ten (10) lots/units or more, 6.25% of the total dwelling units for sale must be affordable to households earning one hundred percent (100%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD); or
- III. For subdivisions or condominium projects of ten (10) lots/units or more, 7.5% of the total dwelling units for sale must be affordable to households earning one hundred and twenty percent (120%) or less of Iron County's Median Family Income based on housing size and determined by the US Department of Housing and Urban Development (HUD);

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Commented [TE2]: 6.25% at 100% AMI (increased from 80% to 100% AMI and that is a 25% increase, so increase the 5% total by 25% = 6.25%
And 7.5% at 120% AMI (same math)

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- b. For developments built by a single developer, all required workforce housing units must be constructed simultaneous to the market rate units. The final 20% of a

project's building permits for the market units will not be issued until the workforce housing units are completed.

- c. If the approved workforce housing units are part of a subdivision approval in which individual lots will be sold separately, the following provisions apply:
 - i. All final subdivision plats shall include plat notes specifically identifying those lots that are dedicated for the construction of workforce housing units. These plat notes must include minimum/maximum size of unit requirements, household income requirements (e.g., 30%, 60%, or 80%, 100%, or 120% of Iron County's median family income based on housing size and determined by the US Department of Housing and Urban Development [HUD] AMI maximum allowances), etc.
 - ii. These lots will also be required to have a deed-restriction recorded with the final subdivision plat that outlines the requirements and limitations associated with workforce housing.
 - iii. The Applicant must provide a performance bond in the amount of the estimated construction costs for the workforce housing units. The Town Engineer will provide the construction cost estimate.
 - iv. Whether the developer sells or donates these lots to a private or non-profit organization or decides to build the units themselves, all workforce housing units must be completed and a Certificate of Occupancy (CO) issued within two (2) years of the recordation of the final subdivision plat.

3. Cash-In-Lieu Option

- a. A developer may make a cash payment to the Town in lieu of providing the required number of on-site affordable units. The cash-in-lieu fee shall be calculated pursuant to the table below by multiplying the number of required affordable units by the applicable prescribed fee:

Tenure Type	Per Unit Fee
For Sale	\$350,000
Rental	\$200,000

** Note: Applicants may use the lowest percentage of units applicable as outlined in Section B.2.a for calculating the cash-in-lieu amount.*

- b. Remittance and collection of payment. Cash-in-lieu fees shall be collected in conjunction with the administration of the Town's system for planning and building review. All cash-in-lieu fees shall be paid in full prior to the recordation of the final subdivision plat. In the event that a project is phased, the cash-in-lieu fees may be paid with each applicable phase.

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Commented [TE3]: New clarification w/ the addition of 100% and 120% AMI in the for-sale category

c. Deposit and use of fees. All cash-in-lieu fees collected pursuant to this section shall be remitted to the housing development fund or a similar fund maintained by the Town. These funds shall be used exclusively to support the preservation or development of affordable housing for the administration and compliance of housing programs.

4. Land Donation Option

a. A developer may dedicate land to the Town as a third option to satisfy their workforce housing units. The dedication of land shall be subject to the following requirements:

Tenure Type	Per Unit Land Dedication
For Sale	Dedication of land (or lots) that appraise at \$350,000 or more at time of dedication
Rental	Dedication of land (or lots) that appraise at \$200,000 or more at time of dedication

* Note: Applicants may use the lowest percentage of units applicable as outlined in Section B.2.a for calculating the land dedication.

Commented [TE4]: New clarification w/ the addition of 100% and 120% AMI in the for-sale category

b. All land required for dedication to the Town must be deeded to the Town prior to or at the time of the recordation of the final subdivision or condominium plat.

b.c. All land dedicated to the Town must be determined suitable for development by the Town's Planning and Development Department. Suitability shall be determined by an assessment of location and accessibility, marketability, slope, soil typology, additional environmental constraints, etc.

Commented [TE5]: New section

5. Proportional Application. Any development proposing a mixture of ownership or 'for sale' dwelling units and 'rental' dwelling units shall have an obligation to satisfy the requirements of sections (1), (2), and (3) above based on the proportion of each use type to the overall development. This applies to on-site units as well as the cash-in-lieu and land donation options.

6. Rounding or Fractional Units. When calculating the number of on-site affordable units required pursuant to section (1) above, rounding shall be applied as outlined in the following example:

a. Example: A new 35-unit rental residential development is proposed. Application of a 5% inclusionary requirement for rental units results in a requirement for 1.75 deed-restricted affordable rental units. The proposed

affordable housing plan shall (1) provide one deed-restricted affordable rental unit on-site and pay an additional cash-in-lieu fee for 0.75 units (see calculation below) or (2) provide two deed-restricted affordable rental units on-site with no additional cash-in-lieu fee.

Fractional Unit Calculation:

35 units with a 5% inclusionary requirement = 1.75 required affordable units.

One (1) deed-restricted affordable rental unit shall be constructed on-site or a fee of \$200,000 paid.

The remaining 0.75-unit requirement shall be met with the construction of one (1) affordable unit or a payment of \$150,000 ($0.75 \times \$200,000$).

C. Standards for Income-Restricted Units

1. Design. Restricted units shall be comparable in design, size, and appearance to the market-rate units in the residential development, and shall comply with all size requirements and other design standards of the Town's Land Management Code requirements including, but not limited to, building code requirements, parking standards, landscaping, etc. apply equally to all dwelling units, market units and affordable units alike.

a. Minimum Square Footage Standards: In order to assure livability, the standard net livable square footage for affordable units shall be as follows:

UNIT TYPE	MINIMUM SQUARE FEET
Micro Unit/Studio	4300
1 Bedroom	600
2 Bedroom	800
3 Bedroom	1,2100
4 Bedroom	1,4300

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* Note: No development shall have more than 10% of all affordable units designated as 'Micro Unit/Studio' units unless specifically approved by the Town Council. All units must be used as the homeowner's/renter's primary residence and comply with all aspects of the Town's Land Management Code and the Building Code.

Commented [TE7]: Added language for Town Council approval

2. Type. Residential developments that include more than one type of residential unit shall provide income-restricted units in rough proportion to the types and various designs of market-rate residential units constructed. For example, in developments with a mixture

of two-bedroom and three-bedroom residential units, the income-restricted units shall be comprised of each residential unit type in the same proportion and living area as the market-rate units. The Applicant may request an exception from this requirement for review and approval by the Town Council.

3. For sale or rent. Income-restricted units shall be for sale or for rent in the same proportion as the market-rate units. For example, if fifty percent (50%) of the units in the residential development are for sale, then at least fifty percent (50%) of the income-restricted units shall be for sale unless otherwise approved by the Town Council.

4. Location. Income-restricted units shall be located on the site on which the residential development is proposed, and shall have access to amenities equal to that of the owners and renters of the market-rate units, including without limitation: parks, outdoor play areas, pools, exercise facilities, and similar on-site amenities.

Commented [TE8]: Added language for Town Council approval

5. Timing. Income-restricted units shall be ready for occupancy no later than the date of the initial Certificate of Occupancy for any of the market-rate units in the project. If the market-rate units are to be constructed in phases, then the income-restricted units may be constructed in phases, in proportion to the phasing of the market-rate units.

6. Residency or Employment Requirements: For sale ~~Income-restricted units shall be limited to:~~

- a. A full-time (aggregate of 30 hours of employment per week) employee of an entity or entities located within Iron County for a minimum of one year; or
- b. An owner of a business or entity with a primary place of business within Iron County for a minimum of one year; or
- c. A full-time (aggregate of 30 hours of employment per week) worker who is self-employed or works out of their home and can provide proof that a minimum of 75% of their clients are based within Iron County for a minimum of one year.
- d. Remote work will only be considered if the applicant has been a local, Iron County, resident for a minimum of two years prior to application.

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D. Income Standards for All Affordable Housing Units

1. All units must remain affordable for a period not less than thirty (30) years from the initial Certificate of Occupancy. At that time, the Town Council shall determine whether to extend the inclusionary housing program and associated deed restrictions.
2. A deed restriction will be recorded on the property that stipulates the income requirements and term requirements for the units provided.
3. Household income shall be defined as the combined income of all individuals, excluding dependents, who are or will be occupying the unit regardless of legal status.

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Commented [TE9]: New section added – residency / employment requirement
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4. For ownership or 'for sale' units: qualified households cannot earn more than eighty-one hundred and twenty percent (1280%) of Iron County's household AMI (determined by the US Census' most recently released yearly data or equivalent source), median family income based on housing size and determined by the US Department of Housing and Urban Development (HUD):
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5. For rental units: qualified households cannot earn more than thirty percent (30%) or sixty percent (60%) of Iron County's household AMI (determined by the US Census' most recently released yearly data or equivalent source), depending on the project type submitted for review, median family income based on housing size and determined by the US Department of Housing and Urban Development (HUD):
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6. The Town Council will adopt income requirements by resolution as frequently as necessary and the requirements will be maintained by the Planning and Building Department.
7. In addition to income, the following standards will apply.
 - a. Net Assets/Net Worth Standard:
 - i. The combined net worth of the persons eighteen years of age and older in the Household shall not exceed four times the AMI for the household size. Assets include business assets, real estate, stocks, bonds, trust funds, cash and retirement accounts/
 - ii. A one-time gift of up to thirty percent (30%) of the purchase price used for the purchase of a for sale unit may be considered in net assets, and not as income, for the purposes of initial qualification.
 - iii. Disposition of Assets – Any member of a household who has assigned, conveyed, transferred or otherwise disposed of property or other assets within the last two (2) years without fair consideration in order to meet the net asset limitation or the property ownership limitation shall be ineligible.
8. Brian Head Town's Planning and Building Department staff, or designee, will serve as the entity to review and qualify households for the affordable units.
9. A list of qualified households shall be kept by the Town staff, or designee, in the order of approved application.

E. Calculation of Sale Price

1. The initial sales price for an affordable ownership unit in any development shall average a price affordable to a household earning eighty percent (80%) or one hundred percent (100%) or one hundred and twenty percent (120%) of Iron County's median family income based on housing size and determined by the US Department of Housing and Urban Development (HUD), depending on the proposed unit and AMI configuration the developer proposes to include in the development (see Section B.2.a), of Iron County's household AMI. The target household income sale price shall be calculated according to the following guidelines:
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- a. Mortgage payment for the owner-occupied unit, including principal, interest, taxes and insurance (PITI), and HOA operating dues shall not exceed thirty percent (30%) of the target household income (gross).
- b. The assumptions used to calculate the sales price shall be: (i) a 5% down payment; (ii) a 30-year term; and (iii) an interest rate equal to the prevailing interest rates as defined by the federal government (Federal Reserve Bank of St. Louis) at the time of the offer.

Commented [TE10]: I did some research. This is pretty standard – 30%. If we change it, the work to determine prices will be much more local and require manual calculations rather than using the HUD standards.

F. Calculation of Rental Rates

1. In general, rental rates for an affordable unit in any development shall be affordable to a household earning either thirty (30%) or sixty percent (60%) of Iron County's median family income based on housing size and determined by the US Department of Housing and Urban Development (HUD), household AMI (gross), depending on the project type submitted for review. Affordability standards are based on maximum rental rates which are targeted at thirty percent (30%) of the household's income. Maximum rental rates shall be calculated as follows:

- a. Maximum rental rates shall include the cost of utilities and HOA fees, if applicable. The landlord/owner shall submit a lease which includes the proposed monthly rental rate along with proof of utility costs to Brian Head Town Planning and Building Department staff, or designee. Town staff, or designee, will evaluate the lease and either approve or deny the rental rate proposed based on the standards established herein.
- b. Rental rates shall apply whether the units are provided furnished or unfurnished.
- c. The owner of any designated affordable housing rental units, at their cost and expense, must keep and maintain the interior and exterior of the total structure (including all residential units therein) and the adjacent open areas in a safe and clean condition and in a state of good order and repair, reasonable wear and tear and negligent or unintentional damage by tenants excepted.

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Commented [TE12]: There was discussion regarding tying this to local real estate rates but I think this could get complicated. I recommend leaving it as is. If you think this change is necessary, I recommend the following replacement paragraphs:

i. An increase in price of up to three percent (3%) per year from the date of purchase to the date of owner's notice of intent to sell (compounded annually and prorated at the rate of .25 percent per each whole month of any part of a year).

ii. The maximum 3% annual increase shall be based on the local Multiple Listing Service's (MLS) annual assessment of sales price fluctuations for the duration of unit ownership. For example, for an owner that has owned a unit for ten years, the Town Planning and Development Department shall review the MLS assessment for the past ten years to determine the average annual sales price increase (or decrease) for Brian Head Town. If the average annual sales price percentage increase exceeds an average of 3%, the unit owner shall be awarded the full 3% annual equity increase for their unit at time of sale. If the average annual sales price percentage increase is less than 3%, the unit owner shall be awarded a matching percentage increase at time of sale.

G. Deed Restriction Standards for Affordable Units - Owner-Occupied Units and Rental Units

1. Owner Occupied Units. All owner-occupied affordable units will have the following requirements clearly outlined in the deed restriction recorded for the property:
 - a. The method of calculation of the allowed Maximum Resale Price ('MRP') shall include:
 - i. An increase in price of three percent (3%) per year from the date of purchase to the date of owner's notice of intent to sell (compounded annually and prorated at the rate of .25 percent per each whole month of any part of a year).

- I. Any proposed improvements or renovations to the unit, internal or external, must be approved by the Town's Planning and Development Department, or designee, prior to the commencement of any work. The base value of the unit (at time of purchase by the new owner) may not increase more than 10% as a result of these approved eligible improvements. For example, if the base value of a unit is \$200,000, and an owner is approved to make improvements valued at \$25,000, the maximum value of the affordable unit will be capped at \$220,000 ($\$200,000 * 0.10$). The outstanding \$5,000 for improvements will not be counted in the MRP.
 - ii. The notice of intent to sell must be made to the Town's Planning and Building Department staff, or designee, via USPS or email. The notice of intent shall allow the Department staff, or designee, no less than 60 days to determine whether to exercise the right-of-first-refusal or to coordinate a private transaction.
 - iii. The Town, or designee, shall either purchase the unit per a right-of-first-refusal clause included in the deed restriction or coordinate with the owner of the affordable unit to sell the unit to the qualified household at the top of the Town's qualified households list.
 - b. All owner-occupied units must be occupied by the qualified household that purchased the unit as the/their primary residence (minimum of twelve months occupancy per year).
 - c. No nightly rentals are permitted within any affordable housing unit.
2. Rental Units. All rental affordable units will have the following requirements clearly outlined in the deed restriction recorded for the property:
 - a. All rental units must be occupied by the qualified household that rented the unit as the/their primary residence (minimum of twelve months occupancy per year unless the Town Council approves a project with part-time workforce housing units such as, but not limited to, single-room occupancy units, etc.).
 - i. The Applicant may request an exception from this requirement (e.g., a request for seasonal workforce housing, etc.) for review and approval by the Town Council.
 - b. No subleases are allowed without the written approval of the Town's Planning and Building Department, or designee.
 - c. No nightly rentals are permitted within any affordable housing unit.
 - d. The landlord/owner may not increase the monthly rental rates for the affordable units more than two percent (2%) annually.

H. Violation & Penalty

1. It is unlawful to operate a restricted unit in violation of this Chapter, and violations shall be punishable as set forth in Title Chapter 4 of the Town Code. Each day of violation shall be deemed a separate offense.
2. In addition to the remedies provided by this Code, the Town shall have any and all remedies provided by law and in equity for a violation of a deed restriction, including without limitation: (i) damages; (ii) specific performance; and (iii) injunctions, including without limitation an injunction requiring eviction of the occupant(s) and an injunction to prohibit the occupancy of the deed-restricted unit in violation of the deed restriction.

Commented [TE13]: Is this the correct Chapter?

Brian Head Town - Incentivized Inclusionary Housing Ordinance Analysis

Sample Projects
<p>MLV Development Project</p> <p>48 units</p> <p>1,316 Average unit size (sq footprint) = Each unit approximately 2,500 sq ft (2x footprint)</p> <p>8.69 Site acres</p>

Assumptions:

For sale units

Units are two- and three-bedroom units

Workforce Housing Option selected:

6.25% of total required workforce housing units restricted to 100% of County Median Family AMI

Workforce units will be a mix of two- and three-bedroom units

Workforce units will be built on site (no cash-in-lieu or land donation)

Required Deliverables:

45 Units will be market rate

3.00 Units will be restricted to 100% of County Median Family AMI

48.00 Total units

* If cash-in-lieu or a land donation was proposed for the total project, the total value would equate to:

\$1,050,000

Annual Workforce Household Income Limits:

[HUDUser.gov - data source](#)

Annual Gross Median Family Income

\$77,300

Median Family Income Limits (per unit for family size designated):	Monthly Income	30% Allowable for Housing Costs (P&I & HOA)	HOA Fees (assumption)	Monthly \$ Available for Mortgage	Maximum Mortgage Amount @ Today's 30-Year Rate of 7.25% (100% financed) = Maximum Sales Price	Estimated Cost to Developer
Two two-bedroom units at 1,000 sq ft each						
Unit 1 (Town designated as a 3-person family/household)	\$78,688	\$6,557.33	\$1,967.20	\$300.00	\$1,667.20	\$244,000 \$240,000
Unit 2 (Town designated as a 3-person family/household)	\$78,688	\$6,557.33	\$1,967.20	\$300.00	\$1,667.20	\$244,000 \$240,000
One three-bedroom unit at 1,300 sq ft						
Unit 3 (Town designated as a 4.5 person family/household)	\$90,875	\$7,572.92	\$2,271.88	\$300.00	\$1,971.88	\$289,000 \$360,000

West Zion View

22 units

1,530 Average unit size (sq footprint) = Each unit approximately 3,000 sq ft (2x footprint)

3.49 Site acres

Assumptions:

For sale units

Units are three-bedroom units

Workforce Housing Option selected:

7.50% of total required workforce housing units restricted to 120% of County Median Family AMI

Workforce units will be three-bedroom units

Workforce units will be built on site (no cash-in-lieu or land donation)

Required Deliverables:

20 Units will be market rate

1.65 Units will be restricted to 120% of County Median Family AMI

21.65 Total units (so...21 units + cash for the 0.35 difference or land OR 22 total units; two of which are workforce units)

* If 21 units are built, the developer owes some cash to the Town (0.65x\$350,000) \$227,500

* If 22 units are built (rounding up 0.35), no additional funds will be transferred to the Town \$0

* If cash-in-lieu or a land donation was proposed for the total project, the total value would equate to: \$577,500

Annual Workforce Household Income Limits:

[HUDUser.gov - data source](#)

Annual Gross Median Family Income

\$77,300

Median Family Income Limits (per unit for family size designated):	Monthly Income	30% Allowable for Housing Costs (PITI & HOA)	HOA Fees (assumption)	Monthly \$ Available for Mortgage	Maximum Mortgage Amount @ Today's 30-Year Rate of 7.25% (100% financed) = Maximum Sales Price	Estimated Cost to Developer
One three-bedroom unit at 1,350 sq ft						
Unit 1 (Town designated as a 4.5 person family/household)	\$90,875	\$7,572.92	\$2,271.88	\$300.00	\$1,971.88	\$289,000 \$360,000