

The Regular Meeting of the
Brian Head Town Council
Brian Head Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, NOVEMBER 12, 2019 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:** October 28, 2019 Town Council Meeting
- E. REPORTS / PUBLIC INPUT (Limited to three (3) minutes) Non-Agenda Items**
- G. AGENDA ITEMS:**
 - 1. SNOWSHOE / TOBOGGAN ROAD IMPROVEMENTS.** Jim Vincent, property owner. The Council will discuss potential road improvements for Snowshoe and Toboggan Roads.
 - 2. 2019 MUNICIPAL ELECTION CANVASS.** Nancy Leigh, Town Clerk. The Council acting as the Canvassing Board will canvass the November 5, 2019 election results.
 - 3. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 12.6 (LIGHTING), 12.7 (BUILDINGS) AND 12.7(E) ROOFS.** Bret Howser, Town Manager. The Council will consider an ordinance amending the Land Management Code, Chapter 12. 6, 12.7 and 12.7(E) for lighting, building designs and roofs.
 - 4. POTENTIAL FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agenda items.
- H. ADJOURNMENT**

Date: November 7, 2019

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

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 7th day of November 2019 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk





**Brian Head Town
Public Works Department Update
November 12, 2019**

With the week on nasty cold weather that we recently had, it drove home the fact of how close we are to Winter. The slight warm up that followed has been a great help to Public Works as we push to button up the projects for the Winter. We have blown past the expectations of where we wanted the Water line project to be at the end of the build season. Design for next years projects are underway and I believe we are in a good position to be pivoting in to winter.

Streets

- Public Works Crews have been working on getting the Streets that were involved with the Mountain View Project put back in order and be ready for winter. This is anticipated to be completed by Friday the 8th of November.
- Blading continues existing Streets to be ready for winter. (95%) complete
- 2020 Streets project design continues

Culinary

- Public Works continues to take investigative samples on the springs and distribution systems.
- Chlorination design is almost complete. We hope to be submitting to the State for approval this next week. Public Works met with a Rep from Rural water and drove him around the system. After that visit a few design changes were made.

- Public Works also met with a Regal Chlorination Rep to see about a flow-controlled gas system. This is something they do make. It will add \$3000.00 per sight to the project
- Salt Pile line has been tied in at Salt Pile spring. This project is nearing completion and we are working on pressure testing and chlorination to put this line into service this year.
- Mountain View Project – A blow off has been installed at the end of the main line on Forest and Steam Engine. This project currently is being put to bed for the winter and will be completed in the Spring. Not much is left to do cement work and the tie in to be the bulk of it.
- Salt Pile Line is complete except for the cement work, which will be completed in the Spring.
- Progress is being made on converting the two new lines from transmission to distribution.
- Meter Maintenance and installations of new meters continues as needed.

Trail / Park

- The new path to the pond from the restrooms has been roughed in and reseeded with grass seed. Road base will be out down in the spring of a walking surface.
- The Town has applied for a grant to do a lot of work at the pond next year.
- Construction continues, on the restroom project and it is starting to look good. The roof is on and rock work is nearing completion.
- Design Work for the next phase of the Town Trail will begin this fall with shots to be taken before the snow is falling.

In-house Projects

Public works will continue to work on in-house projects and maintaining equipment as needed. If you have any questions or concerns, please do not hesitate to call.



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Snowshoe & Toboggan Road Work Request
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: November 12, 2019
TYPE OF ITEM: Administrative Direction

SUMMARY:

The Council will consider a request from a group of residents on Snowshoe & Toboggan to reprioritize their roads in the Gravel Road Improvement Schedule and complete the work to bring their roads to standard sooner.

BACKGROUND:

In January 2019, the Council considered a proposed Gravel Road Improvement Schedule (see Attachment A) during the Strategic Planning Retreat. In developing the maintenance schedule staff took the approach “keeping your good roads good” and look at the areas with the most utilities already installed and just needed a good road to get people to build. This resulted in the following prioritization tiers:

1. Areas with road that are already up to standard and fully developed utilities
 - a. Circle Drive area
 - b. Lower Aspen Area
 - c. Hunter Ridge Area
 - d. Steam Engine Area
2. Areas with partially developed utilities and roads that are partially up to standard
 - a. Cedar Breaks Estate Area
 - b. Upper Aspen Area
3. Areas with none or partially developed utilities and roads that are not up to standard
 - a. Ski Haven subdivision
 - b. Snowshoe
 - c. Ponderosa
 - d. Toboggan

The Council approved the improvement schedule and it was incorporated into our annual strategic plan. The Council also approved \$24,500 in the FY 2020 budget for gravel road work to realize this plan. The budget includes the following items:

- | | |
|---|----------|
| • Excavator Rental for Gravel Road Projects (1 month) | \$5,000 |
| • Roller Rental (2 weeks) | \$1,500 |
| • Mag Chloride (for Dust Control) | \$2,500 |
| • Millings for gravel roads | \$10,000 |
| • Subgrade/Road Base Material | \$2,500 |
| • Engineering for Centerlining | \$3,000 |

In September, an informal group of residents who own cabins on Snowshoe and Toboggan roads approached Town staff to inquire about the potential to complete road work on their roads to bring them up to standard. Staff presented them with the Improvement Schedule and made them aware that work on their roads wasn't scheduled until 2033. Having a desire to

expedite that work, and noting the substantial investments they had collectively made to the neighborhood prior to being annexed as well as the current demand for building in their neighborhood, they asked if there was anything they could do to expedite the work. Staff suggested they petition the Council and that they consider bringing some of their own funding to the table.

The owners in this neighborhood have since gathered commitments to provide private funding and now wish to petition the Council to move the road work for Snowshoe and Toboggan up on the schedule.

ANALYSIS:

Staff has assembled a cost estimate of \$24,000 to complete the work on Snowshoe and Toboggan (see Attachment B). This estimate includes \$8,000 to use a product called Earth Bind on the steeper sections of Snowshoe. While this is a product we do not generally use in our gravel road work, the Public Works Department recommends use in this case due to the extreme slope of Snowshoe Drive and the likelihood that road base will erode off that slope even if it is rolled in well. As an example, this product was used on the upper portion of Hunter Ridge, which also has a relatively steep slope and that road has held pretty well.

At the time this report was written, the neighborhood had secured verbal commitments from 9 cabin owners to contribute \$1000 apiece toward the project, and were waiting on the commitment of two more. Their hope is to gather enough funds to pay for half the project and the Town would cover the remainder. (see Attachment C describing the verbal commitments)

FINANCIAL IMPLICATIONS:

If the Council wished to grant the request and move the project up to summer 2020, it could simply be done by pushing back the remaining project. Currently we are slated to bring Cedar Circle and Adams Circle up to standard and lay millings on Mountain View and Spruce. Staff would recommend delaying the millings on Mtn View and Spruce to save \$10,000 to put toward the Snowshoe and Toboggan project. Mountain View will likely be having several cuts made in it so lay water connections in the next couple of years, so it may be wise to delay millings on that road for the time being anyway.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

In light of the effort put forth by the neighborhood to gather funds and work with the Town on this project, and considering the demand for building in the area, staff recommends that the Council grant the request and that the project be slated for summer 2020.

PROPOSED MOTION:

I move that we direct staff to reprioritize the Gravel Road Improvement Schedule to complete a project to bring Snowshoe and Toboggan up to standard in summer 2020, contingent on the realization of financial commitments from the residents.

ATTACHMENTS:

A – Gravel Road Improvement Schedule

B – Snowshoe & Toboggan Cost Estimates

C – Email from Jim Vincent regarding financial commitments

Rue Jolly Needs
 Elk Drive Maintain
 Deer Trail Maintain

2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2036	2037	2038	2039
					Asphalt Millings						Asphalt Millings					Asphalt Millings			
								Asphalt Millings						Asphalt Millings					Asphalt Millings
Asphalt Millings						Asphalt Millings						Asphalt Millings							

Upper Aspen Area

Aspen Upper CL, Review
 Columbine CL, Review
 Kokopelli CL, Review
 Ski View CL, Review
 Sandstone CL, Review

							Bring to Standard					Asphalt Millings							
																			Bring to Standard
												Bring to Standard	Asphalt Millings					Asphalt Millings	
													Bring to Standard				Asphalt Millings	Asphalt Millings	
																	Bring to Standard	Asphalt Millings	

Third Tier Areas (Less Developed Utilities)

Toboggan Area

Ponderosa CL, D,SG,S
 Snow Shoe Drive CL,D, SG,S
 Toboggan CL,D,SG,S

													Bring to Standard						
														Bring to Standard					
														Bring to Standard					

Key	
CL	Centerlining
D	Drainage
SG	Sub-grade
S	Surfacing
Asphalt Millings	Asphalt Millings
Bring to Standard	Bring to Standard



Bret Howser <bhowser@bhtown.utah.gov>

Road Project

Aldo Biasi <abiasi@bhtown.utah.gov>

Thu, Nov 7, 2019 at 8:21 AM

To: Bret Howser <bhowser@bhtown.utah.gov>, jimvincent15@gmail.com

Bret,

The following are the new numbers for the project with the added area.

Total Project length - 3290ft (original was 2340ft)

Road base 1085 tons @\$7.50 =\$8137.50 (trucking not included as Town trucks will haul. Approx 6 to seven days of hauling with both trucks. We would stockpile before we start.)

Earth Bind. By cutting out some flat areas we are able to save one tote of product which is a savings of \$2640.0

Total cost for earth bind is \$7,920.00 (3 totes)

Center Line Staking- \$3520.00

Rented equipment \$4500.00 (I added \$1000.00 to this cost due to the increased length and trees that may have to be hauled out.)

The Last 500ft that was added will need some sub grade work depending on center line and how much material we can use, I figure approx 20 loads from dry canyon that may or may not be needed overall on this project.

Road Base \$8137.50

Earth Bind \$7920.00

Center Staking \$3520.00

Rented Equipment \$4500.00

Total Estimated Cost \$24,077.50

Thanks

Aldo



Bret Howser <bhowser@bhtown.utah.gov>

Re-SEND, had incorrect email for Damon Sargent

1 message

James Vincent <jimvincent15@gmail.com>

Sun, Nov 3, 2019 at 8:02 PM

To: dsargent411@yahoo.com, Bret Howser <bhowser@bhtown.utah.gov>, Aldo Biasi <1jd4020@gmail.com>, James Vincent <jimvincent15@gmail.com>, Stephen Singer <Allhendersonhandyman@gmail.com>, Greg & Samantha Dumitru <gregdumitru@gmail.com>, Aaron Robertson <qreusjorj@yahoo.com>, "Brian Head-Dave Stillman (Keith's Old Cabin)" <civicpilot@gmail.com>, tgjmayes@cox.net

Brett: Attached and below is information on the cabin and property owners who "may" be interested in contributing \$1,000 each toward the gravel road improvement for Snow Shoe Drive (AKN: Snowman) and Toboggan Lane to be completed in the summer of 2020.

I understand this matter is scheduled for the Town Agenda on 11.12.19. Please note as of this date, I have verbal commitments from eight of the eleven affected owners. I do not have phone numbers or emails on the other three; consequently, I am sending letters requesting their interest in contributing.

As discussed with you and Aldo, please augment the estimate to include the parcels noted. I understand it will increase the cost but, you (Brett) concurred it was a good idea to include them in the project, as well.

To: Cabin & Lot Owner's on Snowshoe, Snowman and Toboggan Lane 11.3.19

Beginning in 2000, I (Jim Vincent) began acquiring (purchasing) eight parcels in the back country. Together, with a partner, we built two cabins and spent approximately \$150,000 improving Snow Shoe Drive and Toboggan Lane and as well installing power and natural gas. I was working with the town to also install water, and was not successful in the water installation. Over the subsequent years, Snow Shoe and Toboggan have deteriorated, and the Town will not fully improve them until 2033. My cabin is located in Ski Haven Chalets, UNIT B, (246 Toboggan LN). My four cabin neighbors are also located on Toboggan LN, and our access rd is Snow Shoe Dr.

We (5 Cabin Owners on Toboggan Lane) are interested in improving these two gravel roads to our cabins the Summer, of 2020. In this regard, we met with Town Manager, Bret Howser. As mentioned, Brett advised that these roads are currently scheduled to be improved in the year, 2033. This was an unacceptable date; consequently, Brett advised "if" we were willing to pay approximately 50% of the total road(s) improvement construction cost, we could make a formal request on 11.12.19 from the Brian Head Town Council "that the Town pay the balance of the cost."

The current Town's estimate of this improvement is approximately \$22,000. (See Attached) My four neighbors' and I have agreed to contribute \$1,000 each toward the cost, for a total of \$5,000. Your (4) cabins and the (2) listed property lot owners are on Snowshoe Drive (AKA "Snowman") and; if, you were "ALL" willing to contribute \$1,000 each, then we would have a total of \$11,000, or 50% of the cost of the road improvement. Once these two roads are improved then the Town will maintain them each year. Additionally, the Town will clear (plow) the roads of snow to each of our cabins; so, all cabins will have Winter access.

1. Vincent, Jim-----Lot 9, BLK D, Ski Haven Chalets, Unit B. (246 Toboggan LN)-----\$1,000 (email: jimvincent15@gmail.com, 702.675-5733-cell, [850 S. Boulder](#) HWT, ste: 247, Henderson, NV 89015

2. Dumitru, Greg-----Lot 8, BLK D, Ski Haven Chalets, Unit B. (238 Toboggan LN)-----\$1,000 (Email:gregdumitru@GMAIL.COM, [636 Riesling CIR](#), Santa Clara, UT 84765, 435.229.2273-greg, 435.229.2273

3. Singer/Stephen/Sandra-----Lot 10, BLK D, Ski Haven Chalets, Unit B. (256 Toboggan LN)-----\$1,000 (Email: allhendersonhandyman@gmail.com, 388 Sun WardDr., Henderson NV 89014, 702.595.7646.

4. Robertson, Aaron/Bernadette-Lot 11, BLK D, Ski Haven Chalets, Unit B. (266 Toboggan LN)-----\$1,000 (email:qreusjorj@yahoo.com, PO. BOX 1558, San Juan, Capistrano, CA 92693, 949.842.0576, 949.732.0389-cell

5. David/Amy Stillman-----Lot 13, BLK D, Ski Haven Chalets, Unit B. (286 Toboggan LN)-----\$1,000(email: civicpilot@gmail.com) 801.427.9106-cell

6. Peterson, John Jordan,----- Lot 15, BLK B, Ski Haven Chalets, Unit B, (225 S. Snow Shoe Dr.)-----No cabin, "May Build", NOT CONTACTED?, [16098 S. Fielding Hill LN, DRAPER, UT 84020](#)

7. Mayes, Tom/Gail-----Lot 13 , BLK B, Ski Haven Chalets, Unit B, (237 E. Snowman Dr.) Cabin----- -\$1,000 (email: tjmayes@cox.net) 910 Greenway RD., Henderson, NV 89002, 702.340.2755-Tom, 702.340.5664-Gail

8. Cracraft, Kelly/Linda-Lot 9, Blk C, Ski Haven Chalets, Unit B, (220 E. Snow Shoe Dr). Cabin-----NOT CONTACTED? [4530 N. Wagon Wheel DR., Enoch, UT 84721](#)

9. Eary, David----- Lot 8, BLK C, Ski Haven Chalets, Unit B, (238 E. Snow Shoe Dr.) Cabin-----\$1,000 (email: eary.david@gmail.com) [3816 White Castle ST., Las Vegas, NV 89129](#), 702.588.0507-cell, 702.739.2372

10. Sargent, Damon---- Lot 6, Blk C, Ski Haven Chalets, Unit B, (266 E. Snow Shoe Dr.) Bldg Cabin-----\$1000 (email: d.sargent411@yahoo.com), 435.659.1210-cell, 435.467.5739

11. Stott, Gary-----Lot 5, BLK C, Ski Haven Chalets, Unit B, (224 E. Snowman Dr.) May Build Cabin-----"May Build", NOT CONTACTED?, 1338 Husson Court, L.V., NV 89142-3723

Could you please send me (jimvincent15@gmail.com) and the Town Manager (bhowser@bhtown.utah.gov), an indication of your interest in making a \$1000 contribution to these road improvements?

Please call if any questions. Thank you for your consideration, (Jim) Vincent

NOTE 1: # 7-Mayes, #9-Eary, and #10-Sargent, have "tentatively verbally" agreed to contribute \$1,000:----- #6-Peterson, #8-Cracraft, and #11-Stott, "I am sending letters requesting any interest today."

Note 2: Town Manager, Brett Howser, Email: bhowser@bhtown.utah.gov, 435.677.5029, 801.415.9449-cell.

2 attachments

 **Snowshoe & Toboggan rd improvement-11.3.19.docx**
21K

 **Toboggan & Snow Shoe RD Owner info-11.3.19.pdf**
2120K



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: 2019 Municipal Election Canvass
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: November 12, 2019
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will convene as the Canvass Board to canvass the 2019 Brian Head election results as required by state law UCA 20A-4-301(2). Staff will present the final canvass report during Council meeting on Tuesday.

BACKGROUND:

Every Municipal Election, the Canvass Board (Council) is required to canvass the election in order to make the results official. This year we had three Council seats up for election; two Council seats were for a four-year term and one Council seat was for a two-year term.

Larry Freeberg and Kelly Marshall (incumbents) filed for both four-year seats and Cecile Wallis and Shaun Kelly filed for the two-year seat. Since both four-year seats were uncontested, they automatically won their election and were not identified on the ballot. The only choice on the ballot this election was the two-year seat and has resulted in a tie vote, as of Friday, November 8, 2019. If a ballot should come in by Tuesday, November 12, 2019, then the vote could change, and the final canvassing will reflect the final vote.

ANALYSIS:

The unofficial results are as follows as of Friday, November 8, 2019:
Two-year Council seat:

Cecile Wallis:	23 votes or 50%
Shaun Kelly:	23 votes or 50%

The election results showed that there was a total of 46 out of 96 ballots casted which is 47.92%. Staff has been checking with the Iron County Clerk daily to see if any ballots have come in, if they do, they would need to have a postmark of November 4, 2019 in order to be counted.

Staff contacted the Lt. Governor's office on what to do in case of a tie vote, since as the Election Official for Brian Head, this would be my first tie. They informed staff that in case of a tie vote, a lot is drawn to determine the winner, and must be done within 30 days after the official canvassing of the election.

State Code states:

Effective 5/8/2018

20A-1-304. Tie votes.

Except for a race conducted by instant runoff voting under [Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project](#), if two or more candidates for a position

have an equal and the highest number of votes for any office, the election officer shall, in a public meeting held within 30 days after the day on which the canvass is completed, determine the candidate selected, by lot, in the presence of each candidate subject to the tie.

Council will need to decide if a special meeting is to be held or if you would like to draw lots during the regular meeting on December 9th. Staff will leave this decision up to the Council.

As for drawing lots, it has happened one time that I am aware of in Brian Head in which a coin toss was done back in the late 1980's to determine the winner.

Staff will present a statement of votes casted in which all Council Members and the Mayor will need to sign. This will be sent to the Lt. Governor's office as the official canvass of the 2019 Brian Head Municipal Election as well as to the Iron County Clerk.



FINANCIAL IMPLICATIONS:

Typically, our elections cost approximately \$800 in which the County will invoice their portion to the town which is usually around \$600. The Town has not yet received a final invoice for the 2019 election but anticipates it will be approximately \$600. This cost includes the ballots and postage along with any advertising the County Clerk may have done on behalf of Brian Head. The other costs are associated with the Town's requirement to advertise as part of the election process.

This cost is significantly lower than when Brian Head conducted its elections with the election machines and poll workers in which the town was paying approximately \$2,500 for its election process. Staff proposed a change to the election process in 2007 when it was determined that the by-mail voting would be a more cost-efficient process for Brian Head's elections. The County and State are now moving towards by-mail voting.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the Board of Canvassers approve the 2019 Election as presented.

PROPOSED MOTION:

I move to approve the 2019 Brian Head Municipal Election as presented. (The Mayor may read the final votes counted on the statement).

ATTACHMENTS:

A – Unofficial Election Summary Report as of November 5, 2019.

STATISTICS

	TOTAL
Election Day Precincts Reporting	0 of 1
Registered Voters - Total	96
Ballots Cast - Total	46
Voter Turnout - Total	47.92%

Brian Head Town Council 2 Yrs

Vote For 1

	TOTAL	VOTE %
CECILE-MARIE WALLIS	23	50.00%
SHAUN KELLY	23	50.00%
Total Votes Cast	46	100.00%
Contest Totals	46	



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Ordinance amending the LMC, Chapter 12.6 (Lighting), Chapter 12.7(B) Architectural Design and Chapter 12.7(E) Roofs)

AUTHOR: Bret Howser

DEPARTMENT: Administration

DATE: October 28, 2019

TYPE OF ITEM: Legislative Action

SUMMARY:

The Town Council will consider an ordinance amending Chapter 12 of the Land Management Code for design guidelines on lighting and building design.

BACKGROUND:

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

In June 2019, the Planning Commission and the Town Council reviewed the guidelines for IDSC certification and determined the Town should review/revise its own ordinances according to our own goals and objectives rather than focus on the IDSC guidelines and then submit to IDSC to see if the resultant ordinances comply with their standards.

In July 2019, the Planning Commission set goals for this review of the Town's lighting ordinances. Staff then redrafted the lighting ordinance in accordance with these goals, which the Planning Commission reviewed in August and forwarded their recommendation to Council.

The Town Council began reviewing the changes to the lighting ordinance on September 23, 2019 and October 28, 2019 and took a field trip to review existing lighting in town on September 30, 2019.

The Planning Commission also forwarded recommendations to the Council regarding changes to the building design standards to allow for "Mountain Modern" design features.

ANALYSIS:

Lighting

During the Council's review of the proposed lighting code changes in September and October, the Council made several changes to the Planning Commission recommendations. The most significant of these are in two categories:

- 1) Shielding: The Council disagreed with the Planning Commission's recommendation to require full shielding on outdoor light fixtures. Full shielding would have included covering the top and sides of all light sources with opaque material. The Council felt this would unduly restrict the choices of residents and businesses as far as the

aesthetics of their light fixtures, and that the color spectrum and strength of the light sources mattered more than full shielding. The Council opted to allow partial shielding, which means shielding of the top of the fixture with opaque material and transparent or translucent material on the sides.

- 2) **Street Lighting:** The recommendation of the Planning Commission would have limited streetlights to intersections with the highway and with collector roads and provided for additional streetlights where deemed necessary by Public Safety. The Council was unsure if that was sufficient lighting to create a sense of place. No consensus was reached with regard to the proper spacing of streetlights. Staff was asked to research if there are state statutes that already implement a requirement for spacing of streetlights. At the time of the writing of this staff report, staff did not have a response from UDOT yet. We expect to have that information for Council by the time we meet on Nov 12.

The attached draft of the lighting code incorporates all of the changes the Council has asked for. The most recent changes from the October 28 meeting are in red.

Building & Roof Design Standards

§9-12-7(B) of the Land Management Code allows for four architectural styles: Craftsman, Historic Mountain Lodge, Log Cabin, and National Parks. Staff has been receiving more and more design reviews which employ what is called “Mountain Modern” architectural style. It is defined as follows:

A fusion of contemporary, modern, or industrial styles with Cabin/Rustic, Lodge, Craftsman, or Traditional/ Transitional style. This style features a mix of metals and woods, interesting use or reuse of materials, clean lines, and dramatic architectural details.

Some examples are shown below:



Much of what we have seen is very consistent in terms of exterior materials and look to the other allowable architectural styles, but a common element that is not allowed is the monoslope roofs.

Staff believes this architectural style is consistent with the General Plan and would be a good addition to our code. We propose the following alterations to the code to allow it.

§9-12-7

B. Architectural Design And Style: Buildings should implement a rustic composition such as the craftsman, historic mountain lodge, log cabin, ~~or~~ national park, **or mountain modern** style architecture that will blend with the

mountain setting, as well as topography, landscape and natural environment found in and around that site. These styles include gabled roofs, exposed rafters and beams, and multi-paned windows, varied exterior materials, stone and brick wainscots, dormers, large picture windows, decks and railings, and other features intended to break up the mass and scale of the buildings and help them blend in better to the natural surroundings. Building materials shall include large wooden beams and timbers, stone covered columns, chimneys, and foundation and exterior wall materials reflecting simple, rustic design.

(update the exhibit)

E. Roofs:

1. Single and double gabled roofs are permitted with hips and sheds used on smaller sections, secondary roofs or dormers. **Monoslope roofs are allowable consistent with the mountain modern architectural style.** Flat roofs are discouraged.
2. Wood shake shingles are prohibited.
3. Roof pitches should range between four to twelve (4:12) and twelve to twelve (12:12).
4. Valleys, dormers, rain gutter and associated roof features should be designed with consideration to retention of snow on the roof. Care should be taken to avoid ice dams and snow sliding that may damage roofing materials or landscaping and building elements below. Special consideration should be given to protecting public entries, patios and balconies, where the weight of falling snow may damage such structures and endanger human life.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

The recommendation of the Planning Commission has been incorporated into the attached ordinance to the degree it has not been subsequently altered by the Town Council.

STAFF RECOMMENDATION:

Staff recommends that Council consider the attached ordinance for adoption

PROPOSED MOTION:

I move to adopt Ordinance No. 19-014 amending Title 9, Land Management Code, Chapter 12.6 (lighting), Chapter 12.7(B) (Architectural Design) and Chapter 12.7.(E) Roofs as presented.

ATTACHMENTS:

A – Land Management Code Ordinance



ORDINANCE NO. 19-_____

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, CHAPTER 9.12.6 (LIGHTING), CHAPTER 9.12.7(B) BUILDING ARCHITECTURAL DESIGN AND STYLE, AND CHAPTER 9.12.7 (E) ROOFS.

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 September 17, 2019 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 12.6 (lighting), Chapter 12.7(B) (Architectural Design and Style) and Chapter 12.7.(E) (Roofs) to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing on September 23, 2019 giving at least fourteen (14) day notice to receive public comment on the proposed amendments Brian Head Land Management Code; and

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

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

Section 1. The Brian Head Land Management Code is hereby amended and incorporated herein by reference as Title 9, Chapter 12.6 (Lighting), Chapter 12.7 (Architectural Design and Style) and Chapter 12.7.(E) (Roofs) of the Brian Head Town Code regulating land use within the Town of Brian Head, Utah as follows:

9-12-6: LIGHTING:

It is the intent of this section to encourage lighting practices and systems which will preserve Brian Head's special resource of dark skies and support the Dark Sky Certification of neighboring Cedar Breaks National Monument by minimizing light pollution, glare and light trespass, and by eliminating unnecessarily bright light color

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spectrums. The Town intends to accomplish these objectives without sacrificing nighttime safety, mobility, or the ability of businesses to operate reasonably. This section does not apply to indoor lighting. (2010 Code amd. Ord. 18-006, 6-11-2018)

- A. All light fixtures, including security lighting, and sign lighting, except streetlamps, shall be placed at a location, angle and height and shielded so that ~~the direct illumination shall be confined to the property boundaries of the source~~ upward light pollution is minimized.
1. Light fixtures shall be mounted to the building or a pole that directs light towards the ground and focuses on the object to be lit. Where signs and similar objects can be lit from above with lighting directed downward, this option should be employed. Where it is not possible, sufficient shielding should be employed to focus the light on the object rather than allowing it to escape upward and pollute the night sky.
 2. Shielding shall be employed to prevent light sources within light fixtures from being directly visible from adjacent properties. The fixture shield shall provide a sharp cutoff to prevent spillover lighting of the surrounding area and/or the sky. In order to qualify as a "shielded" fixture it must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Merely placing a light fixture under an eave, canopy, patio cover or other similar cover does not qualify as full shielding unless the light source is sufficiently recessed into the building or the building itself provides full shielding. Light fixtures shall be fully shielded on top with opaque material that disallows light from the source to travel upward into the sky. The sides of the fixture shall be at least partially shielded with either transparent or translucent material. Fixtures which are not fully shielded with opaque material shall be limited to 800 lumens per fixture in residential zones and 2000 lumens per fixture in commercial zones.
~~Light fixtures shall be located to prevent or avoid damage from roof snowshed or snow removal equipment.~~
- B. The correlated color temperature of any outdoor lighting fixture shall not exceed three thousand degrees kelvin (3,000° K)
- C. Light fixtures shall not emit more light than is necessary to accomplish its purpose:
1. Fixtures shall be spaced sufficiently to provide adequate light as required by the building code (amd. Ord. 17-004, 7-11-2017)
 2. Parking lot lights, yard lights, or both, may be required for multi-family, commercial and industrial projects. The Planning Commission shall review the proposed lighting plan of a project to determine that it meets the minimum lighting requirement for safety while maintaining sensitivity to night sky preservation.
 3. Total outdoor lighting shall not produce more than 25,000 lumens per acre or more than five (5) lux at any property boundary for commercial properties or more than 5,000 per acre or more than one (1) lux at any property boundary for residential properties.

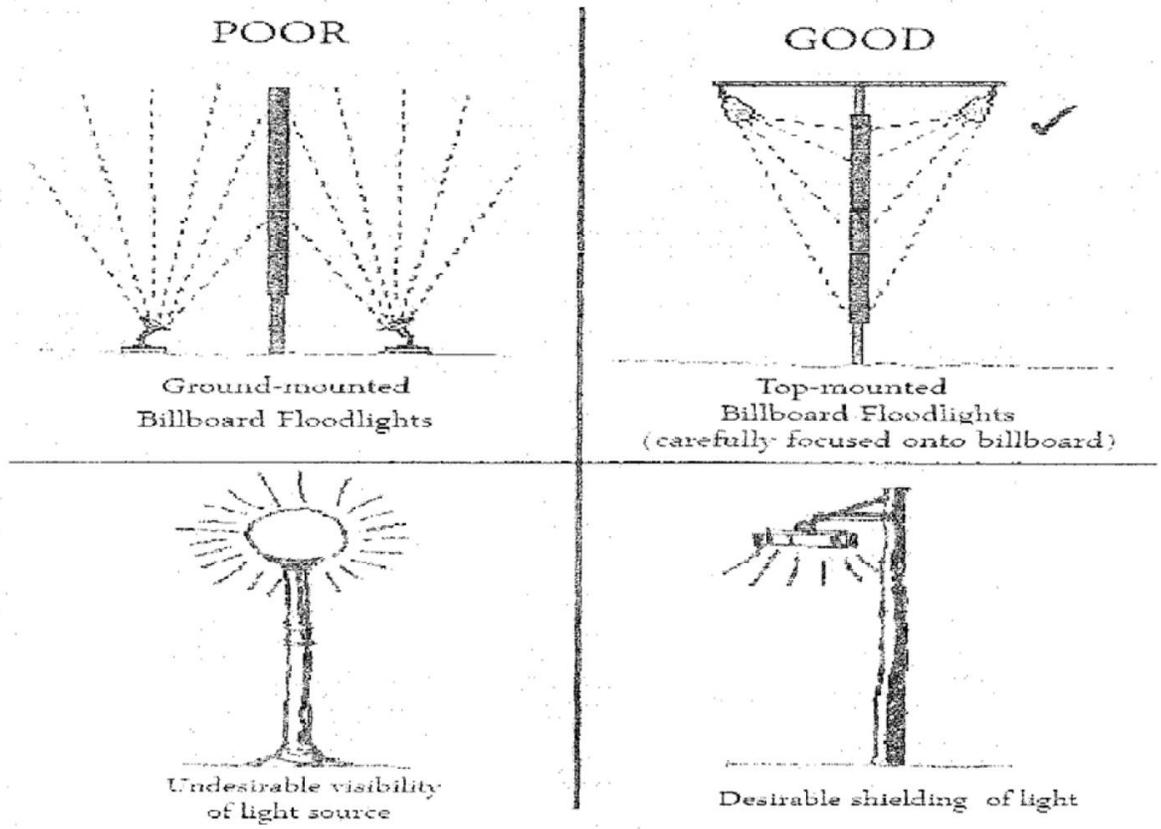
4. Architectural and aesthetic lighting shall use low-lumen light sources
- D. Outdoor lighting shall only be used when necessary to accomplish its purpose:
- ~~1. Outdoor lighting not necessary for business operation or identification or for safety purposes shall not be permitted after 10:00 pm or one hour after the business is closed.~~
 2. 1. Security lights shall be operated on a motion sensor. Any light on a functioning motion sensor will not count toward the light maximums in subsection C(3).
- E. Subdivision & Street Lighting:
1. Street lighting will be used to ensure safety and mobility.
 - i. Streetlights will be placed at all intersections with a state highway and all intersections with a town collector road (as defined in the Brian Head Transportation Master Plan)
 - ii. The Public Safety Director may order the placement of additional streetlights where necessary to preserve public safety
 - iii. The specifications of street lighting fixtures will be in accordance with the Town's public works standards and shall utilize lamp types that are energy efficient and minimize sky glow and other negative impacts of artificial lighting
 - iv. Pedestrian trails, sidewalks and walkways may be lit with minimum light necessary to ensure pedestrian safety and in accordance with Public Works Standards
 2. Subdivision plans (either residential or non-residential) shall provide for lighting of all streets in accordance with subsection 9-12-6(E)(1) and the Town's public works standards.
 3. At the option of the town, additional streetlights along the public right of way may be required. Said streetlights, when required, shall conform to the town public works standards.
 4. Subdivision lighting plans shall include:
 - i. The location, height and overhang of each light.
 - ii. The size of lights in lumens and type of luminator and the color of the lights (expressed in Kelvin). ~~w~~Where practicable, the most energy efficient luminators shall be used.
 - iii. ~~a~~A drawing or photograph of the typical streetlight and standard proposed and the location of energy meter, switches, cutoffs, etc., if any.
- F. Exemptions - The following shall be exempt from the requirements of this chapter:
1. Holiday lighting from November 15 to January 15 as long as it does not create a safety hazard or nuisance to surrounding businesses or residences
 2. Traffic control signals and devices or temporary emergency lighting in use by law enforcement or government agencies or at their direction
 3. The lighting of federal or state flags; provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light the flag, while at the same time

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fulfilling the purposes of this chapter. Up-lighting of flags is permitted with a limit of three (3) fixtures per flagpole with a maximum of two thousand (2000) lumens each. The fixtures must be shielded such that the point source is not visible outside of a fifteen (15) foot radius.

4. Lights on snow removal or grooming equipment engaged in winter snow operations
5. Lighting plans for recreational uses (such as ballfields, parks or night skiing) which do not strictly adhere to the requirements of this section may be approved by the Planning Commission following a determination that the lighting plan meets the spirit of the lighting requirements and upon the condition that lighting will be subject to a reasonable curfew.
- ~~6. The subdivision lighting requirements noted in this section shall not apply where it has been determined by the town that such lighting would adversely affect the Cedar Breaks Monument, and where a written agreement to that effect has been reached between the Town Council, Planning Commission, and the Cedar Breaks Monument staff.~~

EXAMPLES OF SOME
COMMON LIGHTING FIXTURES



Building & Roof Design Standards

§9-12-7

- B. Architectural Design And Style: Buildings should implement a rustic composition such as the craftsman, historic mountain lodge, log cabin, ~~or~~ national park, **or mountain modern** style architecture that will blend with the mountain setting, as well as topography, landscape and natural environment found in and around that site. These styles include gabled roofs, exposed rafters and beams, and multi-paned windows, varied exterior materials, stone and brick wainscots, dormers, large picture windows, decks and railings, and other features intended to break up the mass and scale of the buildings and help them blend in better to the natural surroundings. Building materials shall include large wooden beams and

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timbers, stone covered columns, chimneys, and foundation and exterior wall materials reflecting simple, rustic design.

(update the exhibit)

E. Roofs:

1. Single and double gabled roofs are permitted with hips and sheds used on smaller sections, secondary roofs or dormers. **Monoslope roofs are allowable consistent with the mountain modern architectural style.** Flat roofs are discouraged.
2. Wood shake shingles are prohibited.
3. Roof pitches should range between four to twelve (4:12) and twelve to twelve (12:12).
4. Valleys, dormers, rain gutter and associated roof features should be designed with consideration to retention of snow on the roof. Care should be taken to avoid ice dams and snow sliding that may damage roofing materials or landscaping and building elements below. Special consideration should be given to protecting public entries, patios and balconies, where the weight of falling snow may damage such structures and endanger human life.

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.

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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 November 2019 with the following vote.

Mayor Clayton Calloway	Aye_____	Nay_____
Council Member Lynn Mulder	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____
Council Member Shad Hunter	Aye_____	Nay_____
Council Member Kelly Marshall	Aye_____	Nay_____

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By: _____
Clayton Calloway, Mayor

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the _____ day of November 2019 and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

Nancy Leigh, Town Clerk