

The Regular Meeting of the
Brian Head Town Council
Town Hall - 56 North Highway 143
Brian Head, UT 84719
TUESDAY, AUGUST 8, 2017 @ 1:00 PM

AGENDA

- A. CALL TO ORDER 1:00**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
- D. PUBLIC INPUT/ REPORTS (Limited to three (3) minutes) Non-Agenda Items**
- E. APPROVAL OF THE MINUTES:** July 25, 2017 Town Council Meeting
- F. AGENDA ITEMS:**
- 1. ORDINANCE AMENDING THE LAND MANAGEMENT CODE, CHAPTER 12, DESIGN STANDARDS FOR CONSTRUCTION.** Bret Howser, Town Manger. The Council will consider an ordinance amending the Land Management Code, Chapter 12 – Design Standards for Construction.
- G. ADJOURNMENT**

Date: August 4, 2017

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 8th day of August 2017 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 Public Safety Council Update

08/01/2017

Brian Head Marshal's Office:

Nothing real crazy and pressing going on this past month. People are starting to show back up and the Town is bustling. Deputies are starting to get back into the more normal routine of summer and people for the most part are behaving.

The new speed trailer has arrived and we put it to work the first day. We have already been collecting data and slowing people down in front of the fire station and along SR 143 near the Lofts. We still haven't figured out how to pull the data but hope to get some training done on that soon. I think this will be a great tool providing safer streets and giving us good useful data to speeds and vehicles on our streets.

As always, the ATV community is out in force. Deputies are working hard to educate and prevent accidents associated with them. We have responded to a few accidents involving them, but they have been outside Town limits. We will continue to stop and talk to as many as we can and especially to those who need a good visit with.

- **Total Incidents for July = 69**

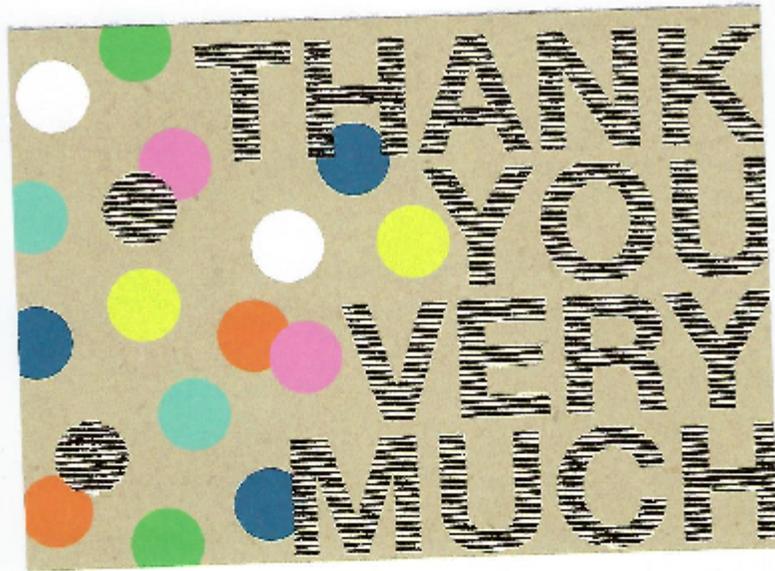
Brian Head Fire Department:

Myself and Brad drove to Draper this past month and spec'd out a fire truck that is almost exactly what we will be purchasing. I am confident and excited to add it to our fleet of fire trucks. It will be a much needed replacement to our current fleet. The contract has been signed and sent off. It takes a year to deliver the truck due to the number of units the company is producing. You can get more information on line as to what the trucks capabilities are. The truck is called a "Timberwolf" and is manufactured by Rosenbauer. You can google search those two things and watch a demo.

We are constantly meeting with different groups still discussing the effects of the Brian Head Fire. I think this will be happening for months possibly years.

We are trying to resurrect our "Community Wildfire Preparedness Plan" which involves a lot of community members. We are getting support from "5 Counties" and will be re-launching this program on Aug. 9th. If you or somebody you know would like to sit on this committee, please get me their name and phone number and an email address. Or come and sit in on this organizing meeting on August 9th at the Public Safety Building.

We are still getting numerous donations for the volunteers as well as thank you cards. I have attached some examples of these for you to view. We have also made up thank you cards and a letter has been written and will be sent out to those who provided generous donations as well as those agencies that contributed resources and manpower to the Brian Head Fire.



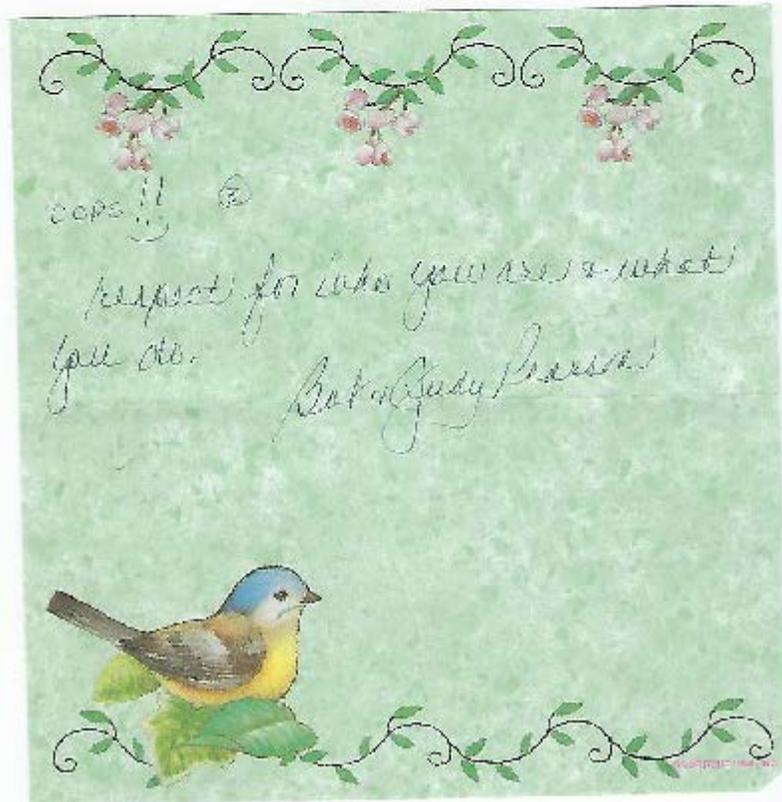
Brianhead fire firefighters,
Thank you so much for your
hard work and service. We are praying
for your safety and that it gets under
control soon. We trust the Lord for that.
May God bless you and your
families!
Blessings,
Solo family

to give us a ride back
to our hotel. We have
never forgotten your kind-
ness & when I have
wanted to hear about
the fire & its devastation



to your community.
Please accept this
donation with our
very sincere "thanks"
for your kindness that
welcomed & with sincere

We visited ^{the} Prins Head
several years ago over a 1st
of July week. On the 4th,
we were eating at a
restaurant & met one of
your firefighters. When he
found out we were from
all of town, he invited us
to the fireworks - we
shared us much fun &
your families. You all
treated us like we were
long lost friends. What
the display was over.





**Brian Head Town
Public Works Department Update
August 8, 2017**

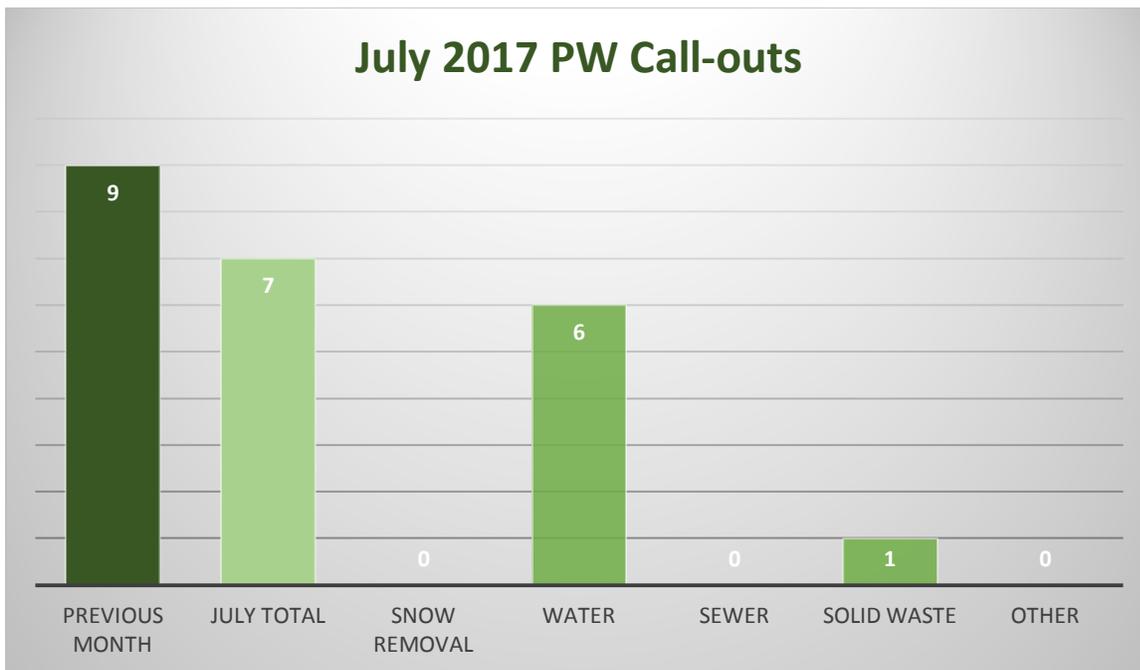
Currently, the Public Works Department is making great headway on many of our action steps and projects. Specifically, our streets project has started, though the rain has presented some challenges and delays. However, it is anticipated to have the pavement portion completed in the next two weeks, with the chip seal applications completed by mid-September. Additionally, this timeline would include paving the portion of Spruce adjacent to Thunder Mountain to match their new parking lot pavement. As for the pavement of the Town Trail, we have received environmental clearance to move forward. However, with the delay from the fire, I am not comfortable or confident with completing the project this year, as it would be a tight timeline to complete the RFP and building process prior to snow. That said, we will continue to work on this to make sure we are ready come next spring

Next, work has begun on the Manzanita Trail, with the initial tread carving completed now. Therefore, to complete the trail, we have some handwork, grooming, signage, and gate installations to compete. Ultimately, we plan to have the trail substantially complete by August 25, 2017, which is the date scheduled for the trail opening and tour event.

Finally, due to some earth movement and hillside sliding near the Mammoth Spring area, we have been forced to suspend the collection of the Mammoth Spring until we can engineer and rehab the collection area. The sliding of the hillside has caused some substantial concerns for surface water intrusion, which would threaten the integrity of our water system. As a result, to

the suspension of the spring, the Mammoth Tank will be more reliant on transferring water from the northern springs via the 1-million-gallon tank, which limits the chance for enough overflow to operate the water wheel. Some temporary measures have been made to operate the water wheel now, but they are not long-term solutions.

July PW Statistics:



Summary: *During July 2017, we experienced a decrease in the number of call-outs. Overall, the water system assumed the most callouts.*



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Ordinance Amending the Land Management Code,
Chapter 12 – Design Standards for Construction

AUTHOR: Bret Howser

DEPARTMENT: Administration

DATE: August 8, 2017

TYPE OF ITEM: Legislative Action

SUMMARY:

The Town Council will consider adopting Ordinance NO. 17-006, an ordinance amending the Land Management Code, Chapter 12 (Design Standards for Construction) 9-12-7-J (f) and (g) allowing limited exceptions for height allowances on accessory structures.

BACKGROUND:

The Town Council recently considered and adopted a slate of changes to the LMC. As part of those changes, the Planning Commission recommended that applicants be allowed an exception to the maximum height stipulated for accessory structures by Planning Commission approval. The Town Council did not adopt that change. Instead the Council considered alternative language allowing for limited exceptions to the accessory structure height allowance. The Council could not make a determination on the limited exception language and remanded that particular section to the Planning Commission for further consideration.

The Planning Commission considered the limited exception language on August 1, 2017 and forwarded a recommendation with one change to the percentage for height allowances going from the proposed 75% to 80%.

ANALYSIS:

The Planning Commission and staff recommend the following amendments to 9-12-7-J to allow for limited flexibility of the maximum height allowance for accessory structures under particular circumstances: (changes are identified in **red font**)

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 H of this Section, accessory structure 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. *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.*
8. *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.*
9. *Maximum height of accessory structures is limited by the area of the structure as follows:*
 - a. *0 – 200 square feet, 15 feet maximum height.*
 - b. *201 – 400 square feet, 19 feet maximum height.*
 - c. *401 – 1,000 square feet, 24 feet maximum height.*
 - d. *1,001 – 1,500 square feet, 27 feet maximum height.*
 - e. *1,501 square feet and above, maximum height determined by Planning Commission review, but shall in no case exceed thirty feet (32').*
 - f. *If the proposed accessory structure sits at a lower elevation than the primary structure, an additional five feet (5') of height may be allowed following a determination by the Planning Commission that the height of the accessory structure does not conflict with the general plan or detract from the intended character of the zone.*
 - g. *Under no circumstances shall an accessory structure exceed 80% of the height of the primary structure.*

Staff believes that if an exception by Planning Commission approval is to be included in the code, there must be standards for review associated with it. In the proposed language, there are two simple standards for review built right into the exception language – 1) it fits with the General Plan, and it doesn't look out of place for that zone. Also, it is better that the exception be limited to certain circumstances. In this language, it is limited to five additional feet (or no more than 80% of the primary structure) and only when the proposed accessory sits lower in elevation than the primary.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission has submitted their recommendation with the explanation that instead of the proposed 75% for height allowance, 80% would better suit smaller developments and also for calculations purposes.

STAFF RECOMMENDATION:

Staff concurs with the Planning Commission recommendation.

PROPOSED MOTION:

I move to adopt ordinance number 17-006, and ordinance amending Title 9, Land Management Code, Chapter 12, Section 7-J as presented.

ATTACHMENTS:

A – Ordinance #17-006 amending the Land Management Code.



ORDINANCE NO. _____

AN ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 9, LAND MANAGEMENT CODE, 9-12-7-J(f) & (g) DESIGN STANDARDS FOR CONSTRUCTION AND DEVELOPMENTS – ACCESSORY STRUCTURES.

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, 2017 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 2 Definitions, Chapter 4 Submittal Requirements, Chapter 7 Zone District Regulations, Chapter 10 Other Required Permits and Chapter 12 Design Standards for Construction and Development to the Brian Head Town Council for their consideration and adoption; and

WHEREAS, the Brian Head Town Council held a public hearing giving at least fourteen (14) day notice, the public hearing was held on June 13, 2017 to receive public comment on the proposed amendments Brian Head Land Management Code; and

WHEREAS, The Town Council requested the Planning Commission review additional language proposed on Town Code 9-12-7-J(f) and (g) of the Land Management Code and submit a recommendation on the proposed language; 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, Chapters 12-7-J-f & g of the Brian Head Town Code regulating land use within the Town of Brian Head, Utah. All land uses within the Town of Brian Head shall comply with the Brian Head Land Management Code; and

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

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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 August, 2017 with the following vote.

Mayor H.C. Deutschlander	Aye_____	Nay_____
Council Member David Bourne	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____
Council Member Clayton Calloway	Aye_____	Nay_____
Council Member Reece Wilson	Aye_____	Nay_____

BRIAN HEAD TOWN COUNCIL
BRIAN HEAD, UTAH

By: _____
H.C. Deutschlander, 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 August 2017, 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

ATTACHMENT “A”
BRIAN HEAD TOWN CODE, TITLE 9
LAND MANAGEMENT CODE
Chapter 12-7-J (Design Standards for Construction
& Development – Accessory Structures)
All Changes are identified in red font.

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 H of this Section, accessory structure must meet the following requirements:

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 - e. 1,501 square feet and above, maximum height determined by Planning Commission review, but shall in no case exceed thirty feet (32').
 - f. If the proposed accessory structure sits at a lower elevation than the primary structure, an additional five feet (5') of height may be allowed following a determination by the planning commission that the height of the accessory structure does not conflict with the general plan or detract from the intended character of the zone.
 - g. Under no circumstances shall an accessory structure exceed ~~75%~~ 80% of the height of the primary structure.