

The Regular Meeting of the  
Brian Head Town Council  
Brian Head Town Hall - 56 North Highway 143  
Brian Head, UT 84719  
**MONDAY, SEPTEMBER 23, 2019 @ 1:00 PM**

# AGENDA

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES:** September 9, 2019 Town Council Meeting
- E. REPORTS / PUBLIC INPUT (Limited to three (3) minutes) Non-Agenda Items**
- G. AGENDA ITEMS:**
  - 1. PUBLIC HEARING: TOWN WATER SYSTEM TREATMENT OPTIONS.** Bret Howser, Town Manager. The Council will hold a public hearing to receive public comment on options for the Town water system.
  - 2. PUBLIC HEARING FOR AN AMENDMENT TO THE LAND MANAGEMENT CODE, CHAPTER 12.6 (LIGHTING), 12.7 (BUILDINGS) AND 12.7(E) ROOFS.** The Council will receive public comment on the proposed changes to the LMC. Comments are limited to three (3) minutes and written comments may be submitted to the Town Clerk no later than noon on September 23, 2019.
  - 3. ORDINANCE AMENDING TITLE 6.2A.5 (I) REGULATING RV PARKING.** Bret Howser, Town Manager. The Council will consider an ordinance regulating RV parking within Brian Head.
  - 4. POTENTIAL FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agenda items.
- H. ADJOURNMENT**

**Date: September 19, 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 5<sup>th</sup> day of September 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





## STAFF REPORT TO THE TOWN COUNCIL

**SUBJECT:** Town Water Treatment Options Public Hearing  
**AUTHOR:** Aldo Biasi, Public Works Director  
**DEPARTMENT:** Public Works  
**DATE:** September 23, 2019  
**TYPE OF ITEM:** Discussion

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### SUMMARY:

Staff compiled information from the two previous Staff reports to the council on Chlorination. The titles and dates for the Staff Reports are listed below.

- Staff Report: Chlorination and Culinary Water Update 8/12/2019
- Staff Report Chlorination Cost Update 9/9/2019

Information from these reports were summarized into the Water Treatment Fact Sheet

- Staff is looking for direction from Council on how to proceed forward on the operation of the Towns Culinary Water System.

### BACKGROUND:

- Staff was directed by Council to provide a summary of the staff reports. A copy of the summary was to be distributed to the Town in advance of the Town hearing scheduled for September 23, 2019.
- A copy of the summary titled Water Treatment Fact Sheet was sent out (email, Facebook, Town website) on Monday September 16, 2019.

### ANALYSIS:

Staff compiled the information from the Staff Reports into a Fact Sheet that will be provided to the Town. Staff hopes that citizens and business owners read the Fact Sheet and come to the Town hearing and provide quality input for the Council, as they make their decision on how the Town proceeds forward.

### FINANCIAL IMPLICATIONS:

N/A

### BOARD/COMMISSION RECOMMENDATION:

N/A

### STAFF RECOMMENDATION:

It is my recommendation that the Town move to become a chlorinating system before the Winter Season to be able to provide safe water to the Town.

### PROPOSED MOTION:

N/A

### ATTACHMENTS:

- A - Batch Chlorination Presentation from State
- B - Water Treatment Fact Sheet



## **INFORMATION REGARDING BRIAN HEAD TOWN WATER TREATMENT**

In light of the water quality emergency (boil order) that Brian Head Town experienced in June, the Town Council and staff have been reviewing our water treatment practices. As part of the conversation we have explored the potential for officially switching from an untreated water system to a chlorinated water system. Recognizing that this is a complicated decision with strong points and opinions on either side of the argument, the Council wishes to solicit public input on the matter.

What follows is a brief review of the pertinent facts and the options for moving forward to help inform the public discussion:

### **Past Water Treatment Methods**

- Brian Head Town is permitted with the State of Utah as a non-chlorinating system which means under normal operating conditions, we cannot use any type of chlorination.
- At least over the past 10 years, Town staff has chlorinated the spring (source) water roughly annually, usually at the outset of the spring season, to help deal with any potential contamination issues that may arise. We are not sure how, when or why this practice began. This practice is called “Batch Chlorination.”
- The State has been educating communities on batch chlorination. Staff has come to the conclusion that the Town’s previous batch chlorination practices are not legitimate in light of the education we’ve been receiving from the State.
- The Town has prepared in the past to move to chlorination with a chlorination room at Mammoth Tank pump house and a chlorination building at the Million-gallon tank already constructed. The Town purchased 2 tablet chlorinators in the past (approx. 16 years ago) in a move toward chlorination, although it never converted.

### **Current Water Quality Situation**

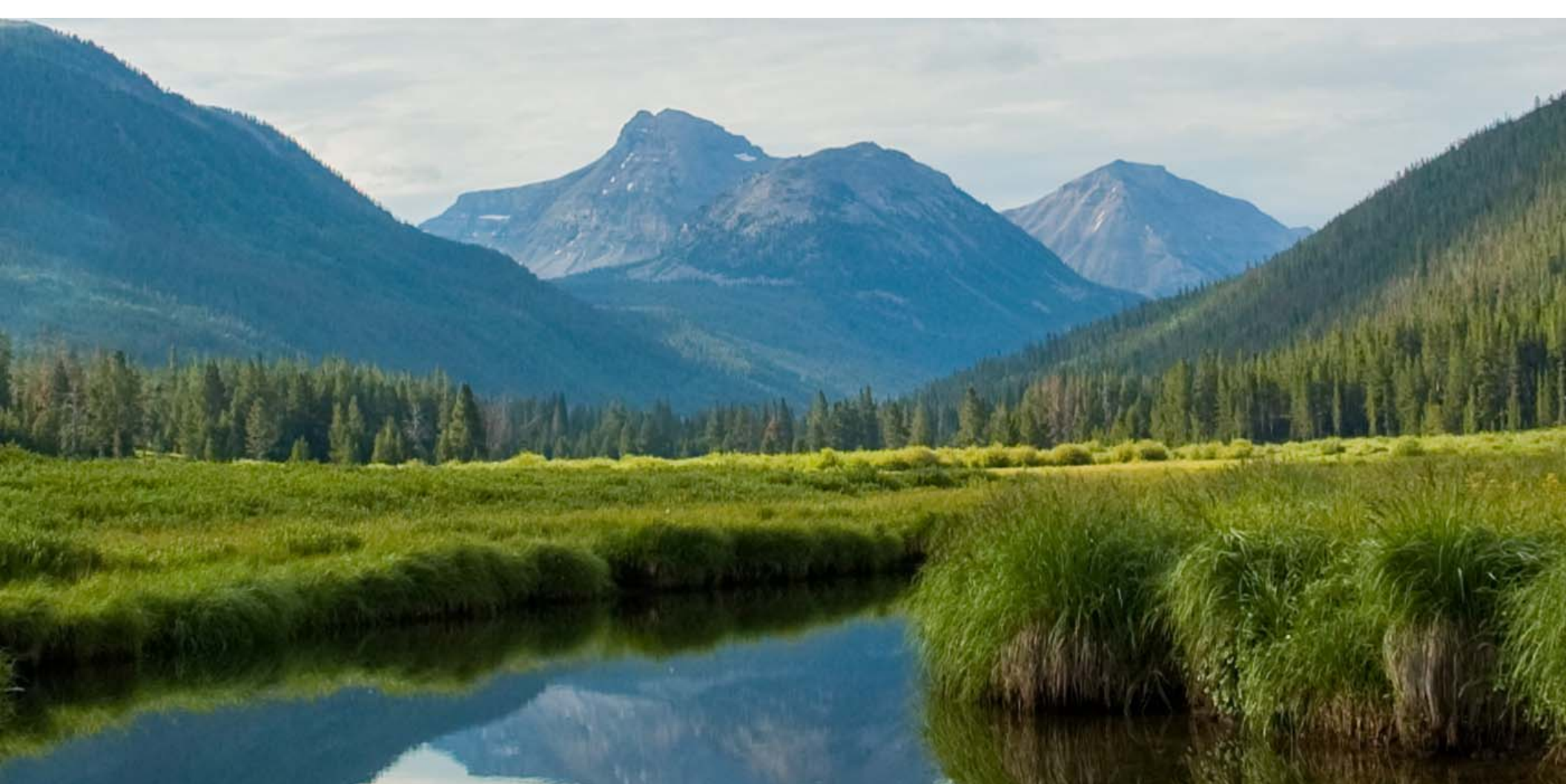
- On June 21, 2019, one of the Town’s routine samples returned positive results for e-coli and coliform. Repeat tests returned positive for coliform, triggering a boil order. Staff went to work adding chlorine to the system and flushing mainlines to disinfect the system. Staff was able to get the system cleaned up and the boil order was lifted. It was determined that due to high springtime run off, the springs had become contaminated as they all tested positive for coliform bacteria (except Salt Pile Spring).
- The springs have been turned out of the water system ever since. Staff is now receiving clean results on all the springs except the upper Mammoth Spring. Staff has taken samples after heavy rains to see if that has had any effect on the water quality. So far it has not, although we have not had significant monsoons.
- Brian Head Town’s water supply normally comes from a mixture of springs and wells. The Town has been running this summer on wells only, except for Salt Pile Spring. Brian Head Town cannot support the water needs of the Town or the snowmaking needs of the Resort if it was to lose the use of the springs as a water source.

- Brian Head Town is required by the State to take 1 routine sample per month. After the boil order we have increased that amount. Staff has continued to take the routine monthly sample from the distribution system as required by the State. In addition, staff has been taking three investigative samples every two weeks from the distribution system to continue to monitor if any changes are happening.

#### **Potential Treatment Options Moving Forward**

- Continue with a non-chlorinated system and don't treat the water
  - Pros: Maintain reputation and benefits of "pure" untreated mountain spring water
  - Cons: Runs the risk of repeating the water quality emergency we experienced this spring.
- Continue with a non-chlorinated system and continue practice of batch chlorination
  - Pros: Maintain reputation and benefits of "pure" untreated mountain spring water (usually)
  - Cons: Still runs the risk of repeating the water quality emergency we experienced this spring, and runs a legal risk now that the State is cracking down on batch chlorination
- Change to a chlorinated treatment system
  - Pros: Should virtually guarantee water safety and bolster public confidence in water quality
  - Cons: Lose perception of "pure" water, and potential flavor issues. Cost to switch the system over is approximately \$25,000, the first year and \$1,650 annually thereafter (this should not affect water rates).
- Change to a UV treatment system
  - Pros: Should virtually guarantee water safety and bolster public confidence in water quality
  - Cons: Higher cost, still have to chlorinate water as part of the process





UTAH DEPARTMENT of  
ENVIRONMENTAL QUALITY

**DRINKING  
WATER**

## *Batch Chlorination Guidance and Regulation*

Utah Division of Drinking Water



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# Ryan Dearing

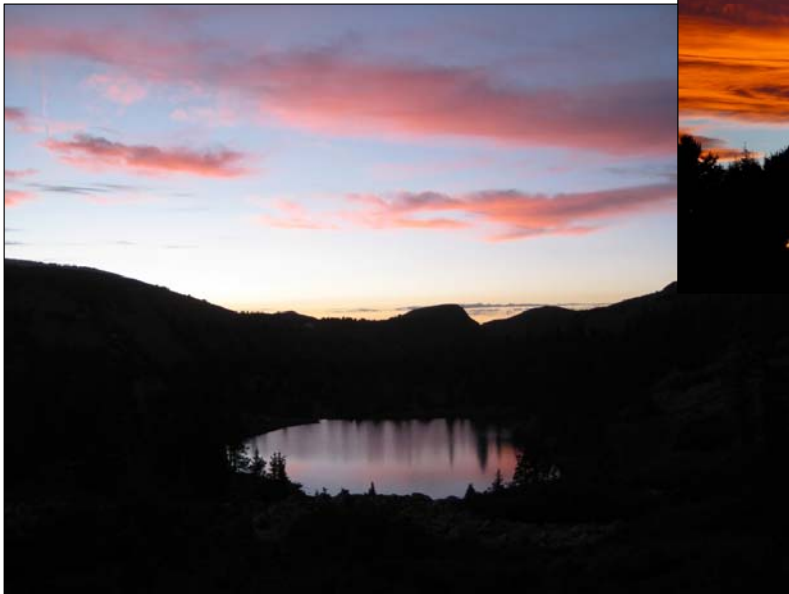
*Technical Assistance - Emergency Response*

*801-536-0048*

*[rdearing@utah.gov](mailto:rdearing@utah.gov)*

*DDW Emergency Response number*

*801-560-8456*



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# ***Batch Chlorination***

- **Batch disinfection is defined as:**  
*“the process of periodically adding a disinfecting agent to a water system, in lieu of performing approved continuous disinfection.”*
- **Batch disinfection is further defined as:**  
*“when a system adds a disinfectant to avoid coliform positive samples.”*



# ***Batch Chlorination***

## **Examples may include but are not limited to:**

- Manually adding disinfecting agent at the source or storage tank to address on-going water quality issues in the distribution system.
- The installation of some type of unapproved mechanical means of dispensing disinfecting agents into the distribution system.

**NOT APPROVED**

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# ***Batch Chlorination – The Rules***

## **R309-200(7) Disinfection**

***Continuous disinfection is recommended for all water sources. It shall be required of all ground water sources which do not consistently meet standards of bacteriologic quality.***

## **R309-520-5 Secondary Disinfectants**

*Secondary disinfection provides an adequate disinfectant residual in the distribution system to maintain the quality of treated water by controlling microbiological contamination. Secondary chemical disinfection is achieved by maintaining a detectable disinfectant residual throughout the distribution system. Allowable secondary disinfectants are chlorine and chloramine.*

## **R309-520-6 General**

***Intermittent or batch disinfection, such as adding hypochlorite tablets or concentrated hypochlorite solution to a tank, is not acceptable for ongoing operation if continuous disinfection is required.***

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# *Batch Chlorination*

Is it really a thing??

# ***Batch Chlorination - History***

## ➤ Early 2015 –

- DDW starts tracking all emergency response incidents.

## ➤ August 2017 –

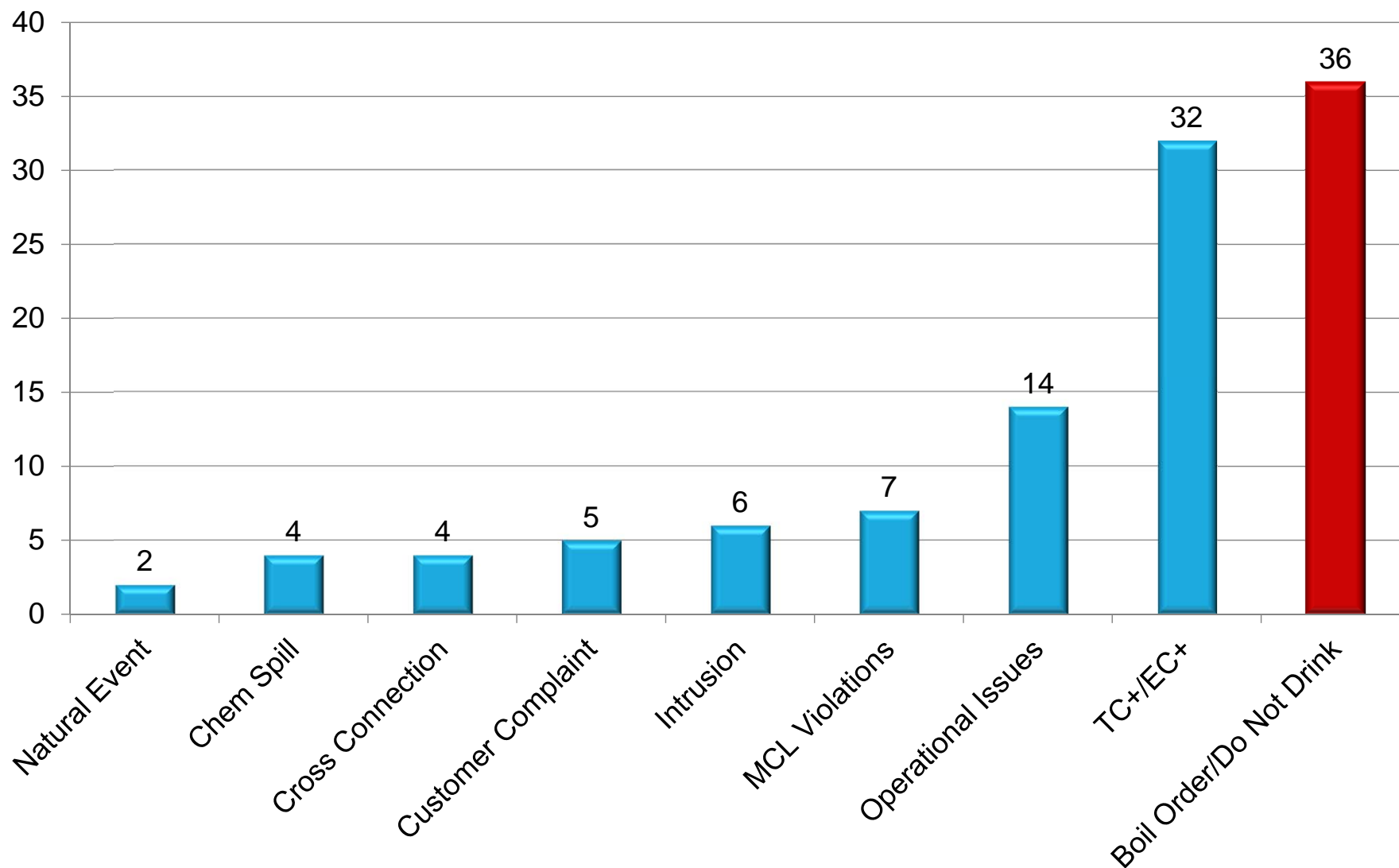
- Emergency Response Workgroup review of past incidents showed a high number of boil orders resulting from batching systems.

## ➤ January 2018-

- DDW Batch Chlorination Workflow was created.
- Designed to define batch chlorination, provide outline for technical assistance & enforcement.



# *Emergency Response Events*





# ***Batch Chlorination – Why is it bad?***

- It masks quality issues and physical deficiencies
- It can harm infrastructure
- Changes water chemistry
- Uneven dispersal
- Unmonitored
- It can be harmful to public health



# ***Why is it bad? - Biology***

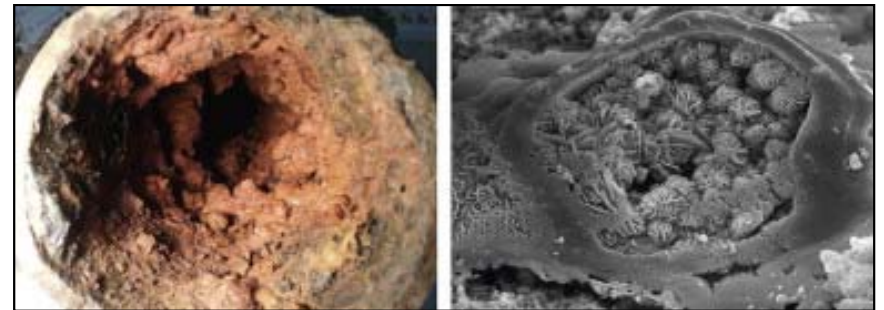
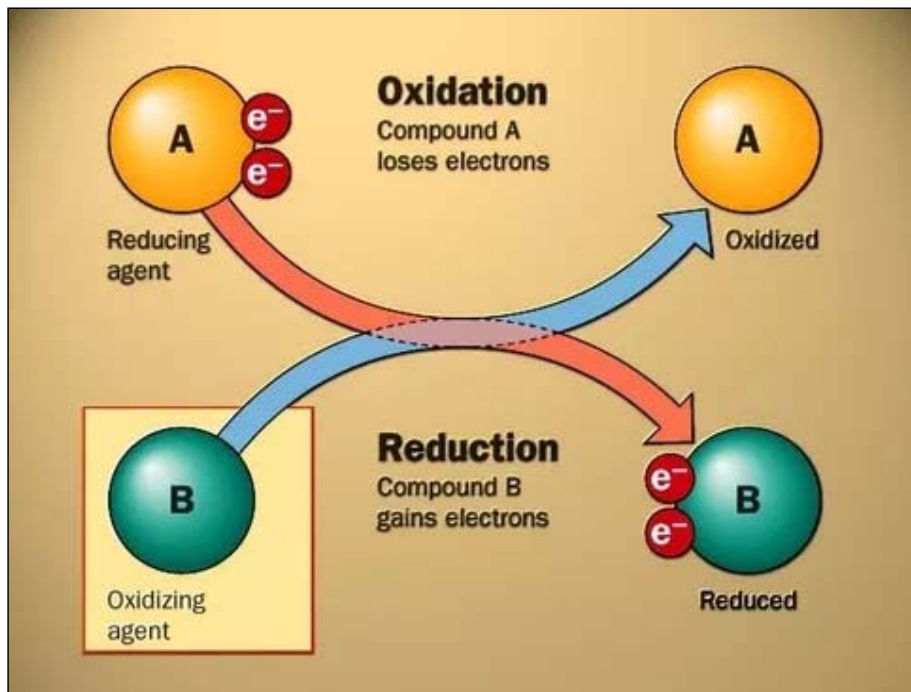
Germ inactivation for chlorinated water\*

Germ	Time
<i>E. coli</i> O157:H7 Bacterium	Less than 1 minute
Hepatitis A Virus	About 16 minutes
<i>Giardia</i> Protozoan	About 45 minutes
<i>Cryptosporidium</i> Protozoan	About 15,300 minutes (10.6 days)

\* Laboratory testing results using chlorine demand free water with 1ppm (1mg/L) 7.5, 77 °F (25 °C) and in the absence of cyanuric acid.

# *Why is it bad? - Chemistry*

- Intermittent chlorination can harm infrastructure and can be harmful to public health

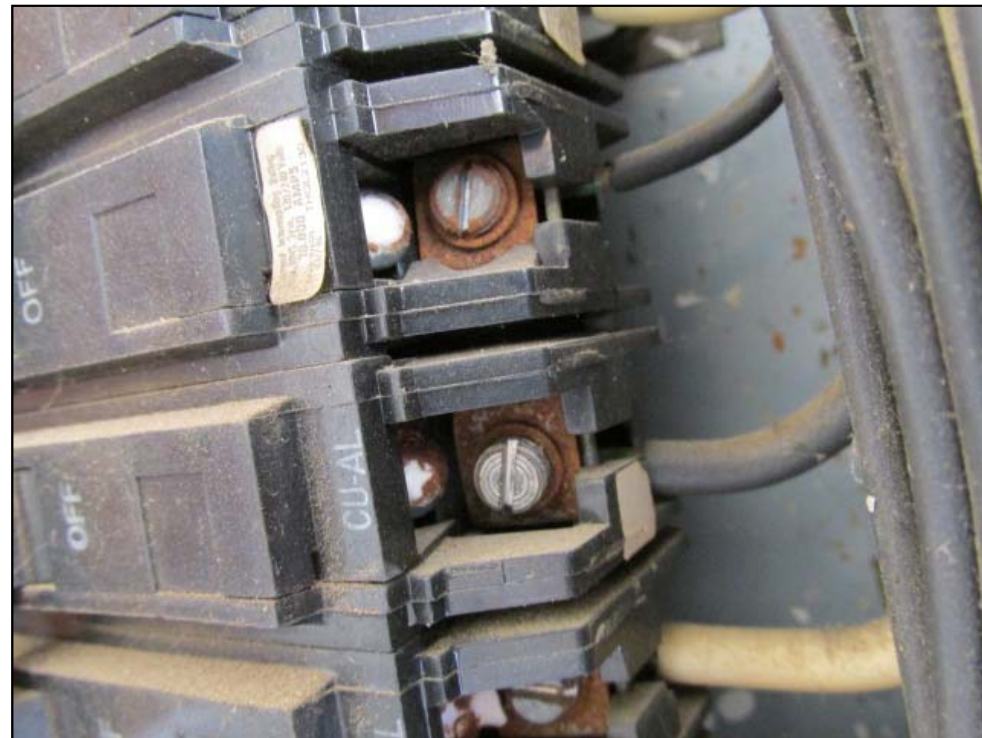
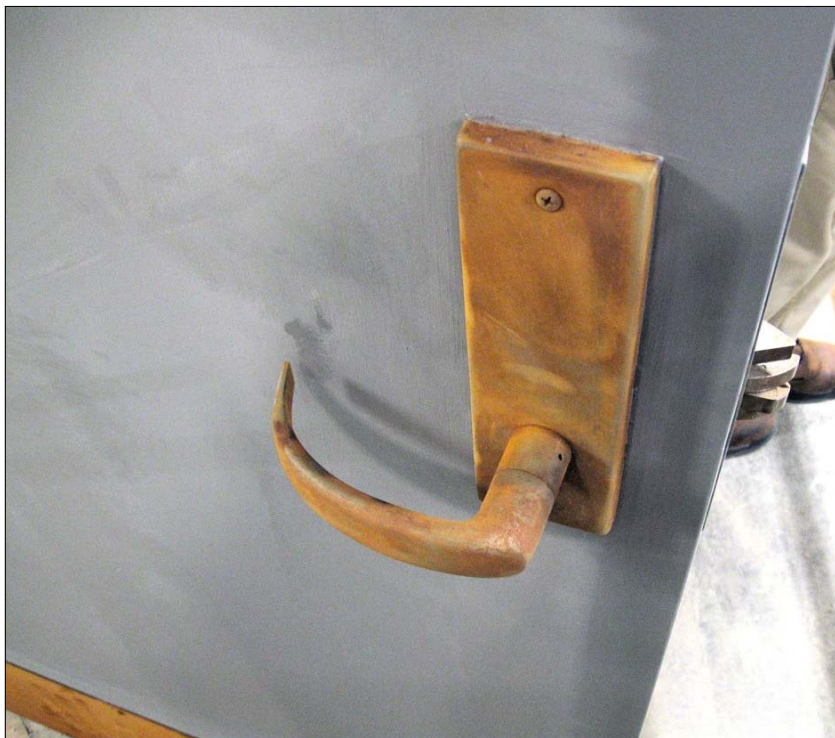




# ***Why is it bad? - Corrosion***



# ***Why is it Bad? - Corrosion***





# ***Why is it bad? - Aluminum Corrosion***





# ***Why is it bad? – Masking problems***



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## ***Common Stories:***

- System only chlorinates once a month to pass Bact-T samples
- System chlorinates between positive sample and repeat samples
- New operator takes over and Bact-T samples start failing



# ***Batch Chlorination – Is it ever ok?***

- Emergencies
- Seasonal Start-Up
- Temporary until permanent disinfection is installed



# Chlorine Types



← Gas

Liquid (Sodium hypochlorite) →



← Powder (Calcium hypochlorite)

Tablet (Calcium hypochlorite) →



# *Approved Products and Methods*

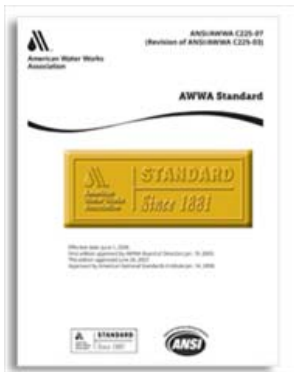


Certified to  
NSF/ANSI 60

# Approved Products and Methods

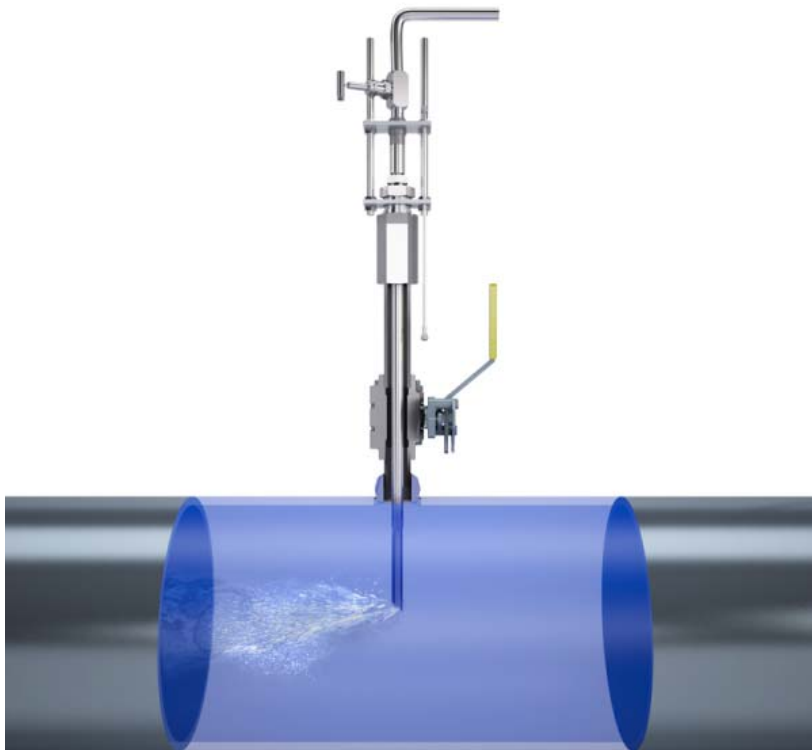


- AWWA C651-  
Disinfecting Water Mains



- AWWA C652 –  
Disinfection of Water Storage Facilities

# *Approved Products and Methods - Injector*





# *Temporary Installation*



# *H.E. Anderson Series #2*



# ***Batch Chlorination – How can you tell?***

- Public calls
- Site visits
- Ask operators
- Random residual testing





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# ***Evidence***

- **White chalky residue**
- **Excessive corrosion**
- **Empty containers**
- **Undocumented equipment**

# *Evidence*



# *Evidence*





# *Evidence*



# ***Evidence – empty containers***



# ***Evidence – empty containers***





# *Undocumented Equipment*



# Sanitary Survey

## GENERAL DISINFECTION

60.  Water system follows AWWA disinfection procedures for new, repaired, or seasonal water mains and tanks.

*SIG - 10pts - MR - D018 - DOES NOT USE AWWA DISINFECTION STANDARDS : R309-550-8(10) - R309-550-8(10) states that all new and repaired water mains, appurtenances, reservoirs and seasonal operating systems shall be disinfected in accordance with AWWA Standard C651. 10 demerit points shall be assigned.*

Comments:

61.  How often do you periodically disinfect all or any parts of your water system (ie batch disinfection) other than for repairs or maintenance?

*SIG - 35pts - TR - TD25 - CL2 DISINFECTION PROCESS NOT CONTINUOUS: R309-200-5(7) - Rule requires continuous disinfection of groundwater sources that do not consistently meet bacteriological quality standards, all surface water sources, and groundwater sources under the direct influence of surface water. This significant deficiency must be corrected within 120 days of notification or have a compliance action plan approved by DDW.*

Comments:

Survey Sections:

General Disinfection

Refresh Survey

Mailed and Lock

Survey Deficiency PDF

Survey PDF



# Sanitary Survey

## GENERAL DISINFECTION

60.  Water system follows AWWA disinfection procedures for new, repaired, or seasonal water mains and tanks.

*SIG - 10pts - MR - D018 - DOES NOT USE AWWA DISINFECTION STANDARDS : R309-550-8(10) - R309-550-8(10) states that all new and repaired water mains, appurtenances, reservoirs and seasonal operating systems shall be disinfected in accordance with AWWA Standard C651. 10 demerit points shall be assigned.*

Comments:

61.  How often do you periodically disinfect any or all parts of your water system (ie batch disinfection) other than for repairs or

*SIG - 3 pts - MR - D018 - DISINFECTION PROCESS NOT CONTINUOUS: R309-200-5(7) - Rule requires continuous disinfection of groundwater sources that do not consistently meet bacteriological standards, all surface water sources, and groundwater sources under the direct influence of surface water. This significant deficiency must be corrected within 120 days of the survey date with a corrective action plan approved by DDW.*

- 0 - 2 times per year
- 3 - 4 times per year
- 4 - 6 times per year
- every month

Survey Sections:

General Disinfection

Refresh Survey

Mailed and Lock

Survey Deficiency PDF

PDF With Reg

PDF No Reg

Validate

Save

0 of 11 Section(s) completed

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## ***DDW Actions When Batch Disinfection is Verified***

- DDW adds deficiency TD25 (Cl2 disinfection process not continuous, significant deficiency). This deficiency will show on a system's IPS report.
- If the system does not resolve the TD25 significant deficiency within 120 days then a type 45 groundwater rule violation will be created (35 IPS points), and an NOV sent.
- The system can submit a Corrective Action Plan (CAP) to resolve the deficiency.
- In a Compliance Agreement/Enforcement Order (CA/EO) DDW will give the system a timeline in which to resolve the batch disinfection.

# Questions?





## STAFF REPORT TO THE TOWN COUNCIL

**SUBJECT:** LMC Public Hearing (Dark Skies & Building Design)  
**AUTHOR:** Bret Howser  
**DEPARTMENT:** Administration  
**DATE:** September 23, 2019  
**TYPE OF ITEM:** Discussion

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### SUMMARY:

The Town Council will hold a public hearing regarding changes to 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, although to this point the Town has not officially decided that it intends to pursue this certification.

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 suggested changes.

### ANALYSIS:

#### Lighting

The goals/objectives set by the Planning Commission are as follows:

- Preserve the dark skies resource through shielding and color restrictions
  - This includes:
    - Light does not intrude on other properties
    - Upward light pollution is prohibited
    - Reduced horizontal glare/visibility of light sources
    - Keep color on warmer spectrum (3000 kelvin)
- Don't interfere with reasonable/practical business operations
- Reasonable lighting is allowed to preserve safety/mobility
- Architectural/Aesthetic lighting is fine as long as its low lumens

Staff has endeavored to redraft the lighting ordinance with alterations that better achieve these stated goals. The latest draft of these changes are attached for review.



One of the more significant changes to the draft is contained in 9-12-6(C)(3). The original draft had a total lighting cap of 25,000 lumens per acre for commercial and 5,000 lumens per acre for residential. After investigating the methods of measuring light, staff believes it would be best to measure in “lux” or lumens per square meter. While lumens is a measure of the light power emanating from the light source, lux is a measure of the light hitting a surface. According to the goals identified by the Planning Commission, what we are trying to regulate is light pollution or glare than we are about the usage of light on the property itself. So measuring lux or lumens hitting a square meter of surface at the perimeter of the property gives us a good idea of how much light is escaping the property without having to try to measure each bulb (which can be tricky). It is an outcome measure rather than output measure.

The following table gives an idea of what a lux means in practical terms:

**Examples of light levels (in Lux)**

Very Bright Summer Day	100,000 Lux
Full Daylight	10,000 Lux
Overcast Summer Day	1,000 Lux
Very Dark Day	100 Lux
Twilight	10 Lux
Full Moon	< 1 Lux

So converting the thresholds we had already set in lumens (25,000 lumens and 5,000 lumens per acre [or 4047 square meters]) we would require about 6.2 and 1.2 lux for commercial and residential respectively. Staff recommends that this be dropped slightly to 5 and 1 lux since we’ll be measuring at the property boundaries. This seems to add up as this would limit light infiltration from residential properties to be no brighter than a full moon, and light infiltration from a business to be somewhere between a full moon and twilight.

For more practical examples, staff measured the lux at the following businesses and residents in town:

LOCATION	LUX
Town Hall Porch	5
Town Hall Street Light	10
Town Hall Bulk Water	18
Town Hall Front Walk (North Corner)	.3
The Mall Parking Lot (Front Parking Strip)	2
Giant Steps (Front of Ticket Office)	37
Brian Head Village (Mid Parking Lot)	2.9
Public Safety Building (Bay Doors)	.5
Public Safety Building (Flag)	10
West Side of Pond Trail (PSB Flag)	1.2
Evergreen Condos	6
Kristi Condos	.8
Copper Chase Upper Parking Lot	.4

For more information regarding lux measurements, see:

<https://www.atp-instrumentation.co.uk/blog/how-to-measure-light-levels/>

### 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:**

During the Planning Commission meeting on September 17, 2019 the Commission made the following motion regarding the changes to Building & Roof Design Standards:

**Motion:** Commissioner Dever moved to recommend the changes to the Design Standards of the Land Management Code to the Town Council as presented by staff. Commissioner Kelly seconded the motion.

**Action:** **Motion carried 4-0-0 (summary: Yes = Vote: Yes:** Commissioner Deutschlander, Commissioner Dever, Commissioner Kelly, Commissioner Hartlmaier).

The following motion was made in regard to Lighting:

**Motion:** Commissioner Dever moved to recommend the changes to the Lighting Standards of the Land Management Code to the Town Council with the following changes:

1. Change the last sentence in A.2. to “Merely placing a light fixture under an eave, canopy, patio cover or similar cover does not qualify as fully shielded unless the light source is sufficiently recessed into the building or the building itself provides full shielding.
2. Include the total lumens of 5,000 and 25,000 in C.3.

Commissioner Hartlmaier seconded the motion.

**Action:** **Motion carried 4-0-0 (summary: Yes = Vote: Yes:** Commissioner Deutschlander, Commissioner Dever, Commissioner Kelly, Commissioner Hartlmaier).

### **STAFF RECOMMENDATION:**

Staff recommends discussion of the attached lighting ordinance draft at this point.

### **PROPOSED MOTION:**

N/A – Public Hearing and discussion Only

### **ATTACHMENTS:**

A – Lighting Ordinance Draft

#### 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 by minimize-minimizing light pollution, glare and light trespass, and by eliminating unnecessarily bright light color spectrums. will conserve energy while maintaining. The Town intends to accomplish these objectives without sacrificing nighttime safety, utility, security and productivity, mobility, or the ability of businesses to operate reasonably. ~~All light fixtures, including security lighting and sign lighting, except streetlamps, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source.~~ This section does not apply to indoor lighting, however, light trespass from interior lighting that negatively impacts adjacent properties is also prohibited. (2010 Code amd. Ord. 18-006, 6-11-2018)

- A. All light fixtures, including security lighting and, and sign lighting, except streetlamps, shall be aimed placed at a location, angle and height or and shielded so that the direct illumination shall be confined to the property boundaries of the source.
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.
  3. Such Light fixtures shall be located to prevent or avoid damage from roof snowshed or snow removal equipment. The lighting fixture shall be located between twelve feet (12') and six feet (6') in height above finished grade of the public sidewalk, walking surface or driveway.
- 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. Each fixture shall be not more than two hundred fifty (250) watts per fixture (standard incandescent bulb, or equivalent luminance florescent or LED bulb), and F 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 five (5) lux at any property boundary for commercial properties or 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. Security lights shall be operated on a motion sensor

A. Building And Yard Lighting: Outdoor lights shall be designed and installed to reduce and eliminate light pollution, shall be conducive to preserving night sky quality, and to the following standards:

1.3. Yard lighting fixtures and lamps may be selected by the property owner. To reduce light pollution, the fixtures shall be mounted to the building or of a pole type that directs light towards the ground and focuses on the object to be lit. The fixture shield shall provide a sharp cutoff to prevent spillover lighting of the surrounding area and/or the sky.

2.1. Such fixtures shall be located to prevent or avoid damage from roof snowshed or snow removal equipment. The lighting fixture shall be located between twelve feet (12') and six feet (6') in height above finished grade of the public sidewalk, walking surface or driveway.

3.1. Each fixture shall be not more than two hundred fifty (250) watts per fixture (standard incandescent bulb, or equivalent luminance florescent or LED bulb), and fixtures shall be spaced sufficiently to provide adequate light as required by the building code (amd. Ord. 17-004, 7-11-2017)

4.1. 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.

B-E. Subdivision & Street Lighting:

1. Street lighting will be used to ensure safety and mobility.

- i. Street lights 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 street lights 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

1.2. Subdivision plans (either residential or non-residential) shall provide for the minimum lighting of all streets, intersections and cul-de-sacs over three hundred feet (300') in length in accordance with this section and the Town's public works standards.

2.3. 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 streetlight requirements of this chapter and the town public works standards.

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~~3. In commercial, industrial and all other nonresidential subdivisions, streetlights, yard lights, or both, shall be required. The town shall have the discretion to determine the appropriate lighting for each subdivision. Said streetlights and yard lights shall conform to the requirements of this section.~~

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 where practicable, the most energy efficient luminators shall be used.~~
- 4-iii. a drawing or photograph of the typical streetlight and standard proposed and the location of energy meter, switches, cutoffs, etc., if any.

~~5. Subdivision plans shall include the size of lights in watts and type of luminator, and where practicable, the most energy efficient luminators shall be used.~~

~~6. Subdivision plans shall include a drawing or photograph of the typical streetlight and standard proposed and the location of energy meter, switches, cutoffs, etc., if any.~~

F. ~~Exception~~Exemptions: - The following shall be exempt from the requirements of this chapter:

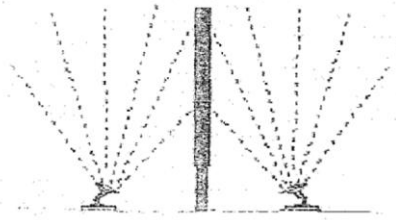
1. Holiday lighting from November 15 to January 15 as long as it does not create a safety hazard or nuisance to surrounding businesses or residences
2. Traffic control signals and devices or temporary emergency lighting in use by law enforcement or government agencies or at their direction
3. The lighting 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 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 subsection 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.

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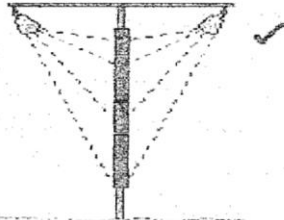
EXAMPLES OF SOME  
COMMON LIGHTING FIXTURES

POOR

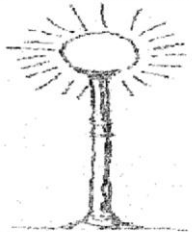


Ground-mounted  
Billboard Floodlights

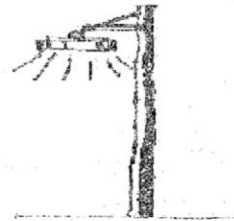
GOOD



Top-mounted  
Billboard Floodlights  
(carefully focused onto billboard)



Undesirable visibility  
of light source



Desirable shielding of light



## STAFF REPORT TO THE TOWN COUNCIL

**SUBJECT:** Extended RV Parking Ordinance  
**AUTHOR:** Wendy Dowland, Public Works Assistant  
**DEPARTMENT:** Administration  
**DATE:** September 23, 2019  
**TYPE OF ITEM:** Legislative Action

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### SUMMARY:

The Council will consider an ordinance regulating extended vehicle camping in Town.

### BACKGROUND:

The Town Council had a brief discussion regarding RV Parking on May 29, 2018 and remanded to the Planning Commission. Please see attached minutes.

The Planning Commission met on June 05, 2018 to further discuss RV Parking on private property.

Staff contacted Parowan City and Iron County. Parowan City doesn't allow living in an RV permanently. Iron County only allows R.V.'s to be lived in outside a travel trailer park, for one year, while they are constructing a house. Even then, they must have a building permit, the water developed (no hauling of water), the wastewater system installed, and an approved source of electricity (they cannot run off a generator). Washington County regulates RV's through zoning.

Council considered the proposed ordinance on July 8, 2019 and again on September 9th. Some changes were suggested.

### ANALYSIS:

The following ordinance is proposed. Changes in red are from the Planning Commission, and those in blue and green are from the Town Council:

- I. **Overnight Parking, Camping:** It shall be unlawful to park a vehicle (such as a camper van, recreational vehicle, camping trailer, etc.) on a public street, or within a public parking facility, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation without written approval from the Town Manager. The Town Manager may give temporary written approval in conjunction with a special use permit or in times of emergency.
- II. Vehicles may be parked on private property for purposes of overnight camping, sleeping or other habitation under the following conditions:
  - a. ~~The private property is undeveloped and does not have developed utilities and has an active building permit associated with it~~ The vehicle is not inhabited on the property for more than sixteen (16) days in a one year span.
  - b. The vehicle is on a property that has an active building permit associated with it and is not inhabited on the property for more than 60 days within any 90 day timeframe ninety (90) days within any one year span

- c. No more than one vehicle per property at any given time is allowed for purposes of overnight camping, sleeping or other habitation. A second inhabited vehicle may be allowed on a property associated with an active building permit for which construction is actively underway.
- d. Generators must comply with the Town's noise ordinance. Generator use will be prohibited after 10pm
- e. Vehicles are not allowed to be parked in the setbacks
- f. Vehicles must be properly licensed and registered
- g. Vehicles may only be parked for overnight camping, sleeping or other habitation between April 30 and November 1.

**FINANCIAL IMPLICATIONS:**

N/A

**BOARD/COMMISSION RECOMMENDATION:**

The Planning Commission had a 3/2 consensus to apply regulations to RV's on private property. The suggested regulations are listed in the analysis.

**STAFF RECOMMENDATION:**

Staff recommends adoption of the attached ordinance

**PROPOSED MOTION:**

I move to adopt ordinance 19-012, amending Title 6.2A.5(I) of the Brian Head Town Code regulating extended vehicle camping within Brian Head Town.

**ATTACHMENTS:**

A – Vehicle Parking Ordinance





**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 6, MOTOR VEHICLE AND TRAFFIC, CHAPTER 2A PARKING, SECTION 5 (I) PARKING REGULATIONS, OVERNIGHT CAMPING OF THE BRIAN HEAD TOWN CODE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, The Brian Head Town Council determined a need for to maintain the aesthetics of Brian Head Town as a mountain resort community and ensure the value of private and public lands; and,

**WHEREAS**, the Brian Head Town Council has seen an increase of recreational vehicles parked on public and private lands for periods of time with some private property owners violating the Brian Head Land Management Code by cutting down trees and clearing their property in an effort to park their recreational vehicle during summer seasons; and

**WHEREAS**, the Brian Head Town Council has determined that it is in the best interest of the public health, safety, and welfare of Brian Head Town that Title 6, Chapter 2A: Parking Section 5 (I) Standard Parking Regulations, Overnight camping be amended.

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

**SECTION 1. Title 6, Motor Vehicle and Traffic, Chapter 2A Parking, Section 5 Standard Parking Regulations, (I) Overnight Camping** of the Brian Head Town Code be amended as follows:

**6-2A-5**

**I. Overnight Parking, Camping:**

1. It shall be unlawful to park a vehicle (such as a camper van, recreational vehicle, camping trailer, etc.) on a public street, or within a public parking facility, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation without written approval from the Town Manager. The Town Manager may give temporary written approval in conjunction with a special use permit or in times of emergency.
2. Vehicles may be parked on private property for purposes of overnight camping, sleeping or other habitation under the following conditions:
  - a. Vehicle is not inhabited on the property for more than sixteen (16) days in a one year span.
  - b. The vehicle is not inhabited on the property for more than sixteen (16) days in a one year span.
  - c. The vehicle is on a property that has an active building permit associated with it and is not inhabited on the property for more than ninety (90) days within any one year span.
  - d. No more than one vehicle per property at any given time is allowed for purposes of overnight camping, sleeping or other habitation. A second

inhabited vehicle may be allowed on a property associated with an active building permit for which construction is actively underway.

- e. Generators must comply with the Town's noise ordinance. Generator use will be prohibited after 10pm.
- f. Vehicles are not allowed to be parked in the setbacks.
- g. Vehicles must be properly licensed and registered.
- h. Vehicles may only be parked for overnight camping, sleeping or other habitation between April 30 and November 1.

**SECTION 3. Effective Date.** Upon this Ordinance being adopted by the Brian Head Town Council of Iron County, Utah, all provisions of this ordinance shall be incorporated. All provisions of the Brian Head Town Code that are inconsistent with the express terms of this ordinance shall be repealed. All other provisions of the Brian Head Town Code shall remain in full force.

**SECTION 4. Conflict.** To the extent of any conflict between other Town, County, State, or Federal ordinances or regulations, and this ordinance, the more restrictive is deemed to be controlling.

**SECTION 5. 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 or 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.

**PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY, UTAH**  
**this \_\_\_\_ day of September 2019, with the following vote.**

***Town Council Vote:***

Mayor Clayton Calloway	Aye____	Nay____
Council Member Larry Freeberg	Aye____	Nay____
Council Member Lynn Mulder	Aye____	Nay____
Council Member Shad Hunter	Aye____	Nay____
Council Member Kelly Marshall	Aye____	Nay____

***BRIAN HEAD TOWN***

**ATTEST:**

By: \_\_\_\_\_  
Clayton Calloway, Mayor

\_\_\_\_\_  
Nancy Leigh, Town Clerk

(SEAL)

**CERTIFICATE OF PASSAGE AND POSTING**

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the \_\_\_\_ day of September 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

Ordinance No. \_\_\_\_