



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

Phone: (385) 468-6700 • Fax: (385) 468-6674

**MEETING MINUTE SUMMARY
TOWN OF BRIGHTON PLANNING COMMISSION MEETING
Wednesday, January 17, 2024 6:00 p.m.**

Approximate meeting length: 2 hours 2 minutes

Number of public in attendance: 7

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Despain

**NOTE: Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.*

ATTENDANCE

Commissioners and Staff:

Commissioners	Public Mtg	Business Mtg	Absent
Donna Conway	x	x	
Don Despain (Chair)	x	x	
Ulrich Brunhart	x	x	
Tom Ward	x	x	
Ben Machlis (Vice Chair)	x	x	
Phil Lanuette (Alternate)			x
John Carpenter (Alternate)			x

Planning Staff / Counsel	Public Mtg	Business Mtg
Wendy Gurr	x	x
Jim Nakamura	x	x
Brian Tucker	x	x
Morgan Julian	x	x
Kayla Mauldin	x	
James Burton	x	
Kara John	x	x
Polly McLean	x	x

LAND USE APPLICATION(S)

Hearings began at – 6:00 p.m.

CUP2023-000988 - Troy Benson is requesting Conditional use approval for a Verizon Wireless communication facility (60’ tall monopole). **Parcel Area:**.16 acres. **Location:** 11332 East Big Cottonwood Canyon. **Zone:** C-V (FCOZ). **Planner:** Jim Nakamura (Motion/Voting)

Greater Salt Lake Municipal Services District Planner Jim Nakamura provided an analysis of the staff report. James Burton provided drone representation of where the tower is visible and views.

Commissioners and staff had a brief discussion regarding the noticing and public comment process for conditional use, tree removal, why was this site chosen, other cell phone carriers using this tower.

Mr. Benson said given zones allowed in are few and terrain and constructability. This is considered for construction, line of site, coverage and zoning and code requirements. Interested property owner. Aren’t many options in this area or zones within Brighton and positioned in a spot where Verizon can get maximum site and coverage. Version will take up top 8 feet for their antennas. Other carriers could use the site at 52’. The best antenna height for Verizon would be 60’.

Commissioners, staff, and Mr. Benson had a brief discussion regarding the cost of a stealth pole. Didn’t land on design to save cost, if a stealth would have been more attractive, just painting the monopole an evergreen color would help blend in with aspen trees, given there aren’t, standard monopole would look

better. Co-located facility. C-v zone max height is 60', unless stealth monopole can vary from provisions of the section, would determine pc supporting a taller structure. Something they could do if that's the direction they want to go in. Staff to work with the applicant to see what a stealth pole would look like. Impacts this site had, backup generators or noise. Antennas or anything attached will not. Backup diesel generator in the breaker rock structure. Just for backup or power outage or 15 minutes a month for testing. Sound would not be a problem. Would like specs. 60-kilowatt diesel generator and would meet the sound requirements in the zone. Regularly by the health department. Hours of operation. Property rights to site this and access to the site and property rights to inquire those. Complied with code, setback, height, painting, requirements in FCOZ, ordered title report, reviewed, and surveyed, discrepancy with site access 12-foot access on silver fox inn property, an existing right of way 10 feet is on silver fox inn and 10 feet is on a neighbors. No portion of the site itself is on adjacent property. Rufus road is off and is a prescriptive easement and use of it can be blocked. Recorded document described that is the right of way. 8-foot discrepancy where they are shown. Comments received provide survey data and documents conflict with the drawings. Mudek has a survey from 2020 showing the same information as they have. Property rights discrepancy and property owners should settle on a boundary line agreement and won't interfere. Few trees removed for Verizon site area, they will follow replacement requirements for two trees sites removed with 2 areas to the west and south in groups of four. Ordinance requires 60 feet, and the lightning rod is not included in the structure with only an inch in diameter. The antenna is around 13 feet in diameter. Factored in being a commercial zone and only a few sites these are able for line of site and access, and this is really the only site they are aware of. Monopoles are allowed in the FR zone. Must look at and make sure construction and property owner is a big hurdle to get to.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Troy Benson

Address: Not provided

Comments: Mr. Benson said they have done all they can to meet code requirements. If the commission points out any they can meet, if there are any.

Commissioner Machlis motioned to open the public meeting, Commissioner Brunhart seconded that motion.

50 minutes.

Speaker # 2: Citizen

Name: Laynee Jones

Address: Not provided

Comments: Ms. Jones read the email received from Matthew Mudak.

Speaker # 3: Citizen

Name: Tom Loken

Address: Not provided

Comments: Mr. Loken read a letter.

Commissioner Ward asked Mr. Loken where the other site is located. Mr. Loken said near 4500, south of Olympus Hills Shopping Center. The site with multiple received sites and generates noise. Small generator for standby 6.5 kilowatt, like a chainsaw going through the neighborhood.

Speaker # 4: Citizen

Name: Jeff Bossard

Address: Not provided

Comments: Mr. Bossard asked if there is a lease with silver fork. If the property is sold what happens in terms of the lease.

Mr. Benson signs a lengthy lease agreement and rights to the site transferred and terms in potential sale. 10-9a-507 gives state code regarding a conditional use. Can't decide another site is better. Obligated to approve this use but can give reasonable conditions to be mitigated.

Commissioners and staff had a brief discussion regarding the pole looking like a tree, visual environment or view scape code, snow removal, consider the camouflage pole.

Commissioner Brunhart motioned to close the public meeting, Commissioner Conway seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners, staff, and counsel had a brief discussion regarding boundary line discrepancy that may impact either access rights or appropriate setback requirements given the height of the pole. more than a legal discrepancy rather than planning. No specific setback just 60 feet from the residential structure. The site plan shows where the structure is located. Staff find the dispute on survey, dispute on utility right of way. Construction of an access road the right to construct and parameters. Setback and line of sight.

Motion: To continue application #CUP2023-000988 Troy Benson is requesting Conditional use approval for a Verizon Wireless communication facility (60' tall monopole) to the February planning commission meeting, to allow the applicant and staff to work together and show visual impacts and options for mitigating, decibel levels at receptors from the generator and measures addressed, consideration of legal access rights in the right of way and compliance with FCOZ and in code for construction of new road surface in right of way, consideration of and accounting for conflicting survey information, group other comments received and grouped together, lightning rod included in the pole, signal and location deals with the issue to the next meeting after the information is available.

Motion by: Commissioner Machlis

2nd by: Commissioner Ward

Vote: Commissioners voted unanimous in favor (of commissioners present)

PUBLIC HEARING(S)

OAM2023-001056: The Planning Commission has been working with staff over the past year to draft amendments to Title 19 (Zoning) of Town of Brighton Municipal Code. This amendment affects all areas within the Town of Brighton. The drafted sections of Title 19 will be proposed as a repeal and replacement of existing Title 19 of Municipal Code. This item covers ordinance text amendments ONLY. There are no map amendments proposed. **Planner:** Morgan Julian (Motion/Voting)

Greater Salt Lake Municipal Services District Long Range Planner Morgan Julian provided a presentation regarding the ordinance amendment.

Commissioner Ward motioned to open the public hearing, Commissioner Brunhart seconded that motion.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Citizen

Name: Crystal Chen

Address: Not provided

Comments: Ms. Chen read her letter from Save our Canyons and sent a letter from professors.

Commissioner Ward and Ms. McLean had a brief discussion regarding 100- and 50-foot setback regardless of whether they were on sewer or not and preventing construction.

Speaker # 2: Citizen

Name: Chad Smith

Address: Not provided

Comments: Mr. Smith said he appreciates what Ms. Chen is saying and planned around. In his neighborhood two people have purchased lots and would not be able to meet the 100-foot setback. FCOZ doesn't make a distinction between wetland or streams and runoff only during spring melt.

Stream setback was changed from 100 feet in 2022 to 50 and is now considered to 100 feet and process for exceptions and variances. Land use application for a variance and goes to a land use hearing officer.

Commissioner Brunhart motioned to close the public hearing, Commissioner Ward seconded that motion.

PUBLIC PORTION OF HEARING CLOSED

Motion: To continue application #OAM2023-001056 - The Planning Commission has been working with staff over the past year to draft amendments to Title 19 (Zoning) of Town of Brighton Municipal Code. This amendment affects all areas within the Town of Brighton. The drafted sections of Title 19 will be proposed as a repeal and replacement of existing Title 19 of Municipal Code. This item covers ordinance text amendments ONLY. There are no map amendments proposed to a special planning commission meeting on January 31st.

Motion by: Commissioner Brunhart

2nd by: Commissioner Conway

Vote: Commissioners voted unanimous in favor (of commissioners present)

Commissioners and counsel discussed the appeal process and a carve out built in and set the setback to what it was now to 100 feet and if purchased since it changed. By noticing the code and if someone came in within the next six months and there is a pending process and if someone has an application in, they are vested, and the new code wouldn't affect them. Review 19.38.030, subsection g. permissible, appropriate, and desirable in the cu process a neighbor notice requirement is desirable.

BUSINESS MEETING

Meeting began at – 8:00 p.m.

- 1) 2024 Planning Commission Meeting Schedule. (Motion/Voting)

Motion: To approve the 2024 Planning Commission Meeting Schedule.

Motion by: Commissioner Conway

2nd by: Commissioner Brunhart

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 2) Approval of Minutes from the November 15, 2023 Planning Commission Meeting.
Motion: To approve Minutes from the November 15, 2023 Planning Commission Meeting as presented.

Motion by: Commissioner Brunhart

2nd by: Commissioner Ward

Vote: Commissioners voted unanimous in favor (of commissioners present)

- 3) Other Business Items. (As Needed)

Ms. Julian confirmed Commissioner Despain wants a hard copy of the ordinance and Ms. McLean would like a word version.

Commissioner Despain adjourned.

MEETING ADJOURNED

Time Adjourned – 8:02 p.m.

DRAFT