

BRIGHTON TOWN COUNCIL MEETING MINUTES

Tuesday, May14th, 2024, at 6:30 pm

*Approved at the Brighton Town Council Meeting on June 11th, 2024

ATTENDANCE

Dan Knopp (Mayor and meeting chair)

Council Members: Keith Zuspan, Lise Brunhart, Jeff Bossard, Carolyn Keigley

Staff: Polly McLean, Cameron Platt, Jane Martain, Kara John, Kyle Morgan

Partners: Cheryl Lenzer, April Morse, Hoyle, Wayne Dial, Dustin Dern, Amber Broadway, Mike Doyle, Barbara Cameron, Justin Hoyle, Ulrich Brunhart (Planning Commission), Tom Ward (Planning Commission), Don Despain (Planning Commission), Ben Machlis (Planning Commission)

Public: Margaret Miller, Earl Miller, Brody Nell, Bill Wack, Steve McIntosh, Kurt Slaughter, Jan Slaughter, Paul Nell, Troy Benson, Troy Morgan, Brent Ludlow, Jonathan, Amy Kelley, Joel Dehlin, Phillip Mervis, Tara Paras, Jenna Malone, Sheryl Facktor, Spencer Shaver, Peg Kramer, 801-891-2000, Megan Rider, Mark Brinton, Dwain? Rassmussen, Kirst, Karin, Carole McCalla, Angus Robertson, John's Phone, Connie and Beverly, Tom, Nicholas' iPhone, Chad Smith, Wendy Smith, Suzie Goeringer, Aj Frankenberry, Brian Reynolds, Gavan Ganung, Kirsten Ganung, Kirstin, Norm, JTC6r, Laura Alms, Paul Kuhn, Melissa Reagan, John, Bob Cameron, Marian Bonar, Jonathan, Donna Conway, iPhone, Karin Peterson, Kristin Heuer, Jeffery Duke, 801-243-5609, 720-339-3476,

PUBLIC HEARING. Recording 0:0.

- a. **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. The changes to Title 19 have been reviewed and considered by the Council in February, March and April 2024 and the action proposed at this hearing will be to confirm the chapters already adopted, amendments thereto, as well as the remaining chapters in Title 19. This amendment affects all areas within the Town of Brighton. Title 19 will be proposed as a repeal and replacement of entire existing Title 19 of Municipal Code. This item covers ordinance text amendments ONLY. There are no map amendments proposed.**

Jeff Bossard moved to open the public hearing and Carolyn Keigley seconded the motion. The motion carried unanimously.

Morgan Julian, MSD long range planner, presented the title 19 update for the continued discussion. She presented changes from the original ordinance, and from the last meeting. Before 2020, the town was under land use authority from the county. Brighton incorporated on Jan. 1, 2020, gaining land use authority. The General Plan was adopted in 2022, which is a guide for land use goals. The code was condensed from 29 to 20 chapters by removing things that don't apply to Brighton and consolidating other chapters. Staff recommended tabling the Parks and Open Spaces chapters, and the Commercial Zone chapters for future discussion. To be adopted are changes to the standards in the Forestry Zones and readopt the previous chapters while repealing and replacing the entirety of the existing code. One large change proposed was to consolidate ski resort improvement standards from FCOZ and the Forestry Zone into Specific Use Standards. Staff removed some standards from 19.46, General Site Development Standards, because of redundancies in FCOZ or things that don't apply to Brighton. Changes were recommended to chapter 19.48, Off Street Parking, to reduce the amount of pavement allowed for

parking in 30% of yard space instead of 50%. Chapter 19.54, Dark Skies, proposes changes to allow memorial lights to stay on forever. This is to accommodate the lights at Solitude's Powderhorn patrol shack that are a tribute to a ski patroller that lost his life in an avalanche.

Morgan noted that as a new town, it is within Brighton's land use authority to implement standards that have not existed before. It is also reasonable to adopt a general plan that informs land use ordinances, such as the maximum size for single family residences. The Planning Commission worked very hard at considering this recommendation, including limits of disturbance. LOD has been amended to be scaled based on lot size. For the smallest lot, the minimum is 3,000 square feet or the size of the lot, and the maximum is 40%, or 10,000 square feet. The maximum gross square footage acts as a cap, not a standard for single family developments. Staff realizes this is not a solution for water conservation, but continued collaboration with water authorities can help map out future land use regulations in Brighton. It was recognized that now is the time to implement limitations since there is more and more development beginning, and it is expected that we will see tear downs and rebuilds of older cabins. Some ideas were to limit the number of bedrooms and bathrooms, but recent state legislation prohibits municipalities from implementing those limits.

Mayor Knopp acknowledged the many meetings and discussions the Planning Commission had on Title 19 and building size limitations especially. He noted some of the discussions had a small amount of public attendance, but nothing compared to the public turnout for tonight's meeting. He has stayed out of it and let the commission do their job but wanted the public to know they needed to participate in early meetings if they wanted to influence the direction of the code amendments. Mayor Knopp opened the floor for public comment before taking council discussion.

PUBLIC INPUT FOR PUBLIC HEARING, Recording 16:16.

- 1) Robert Cameron, Silver Fork, thinks there are much better ways to ration water than limiting building size, such as tiered pricing. But limiting the size of a house that a person builds is an ex post facto regulation. When they bought the lot, they had a right to build a house any size they wanted; and now you're going to take that away long after they purchased the lot for that purpose.
- 2) Sheryl Facktor was very supportive of Brighton creating its own town. Local governance is always a better way to express how you want to live. Having said that, it's sort of like having a new toy, and all you want to do is play with it. Their home is in Silver Lake Estates, on an acre property. The character in our neighborhood is very different. And the challenges we face are very different than Silver Fork, Forest Glen, or the Brighton Loop. Similarly to when STR restrictions were put in place, at the very least we should go to each of the communities and be very sensitive to what their needs are. If this is about water, I agree with the prior speaker, that there are much better ways to achieve the goals you're looking for, like tiered use. I think we all want to take a step back and realize we're living in a very limited environment. One of our goals is to make sure we have housing for those who work in our community. I have heard the Brighton Town Council voice several times about their plans to incentivize local homeowners to make available living units for folks that are living in and working in the community but can't afford a home themselves. We specifically planned our home with a 1200 square foot, caretaker's apartment, and corresponding garage so that we could give housing to a Solitude employee, or Brighton town employee, or a Brighton ski employee. I think what you're doing is misguided. I think it is missing the point. I think we all would do better to take a big step back, look at the challenges we're trying to address on a more targeted basis, and use the tools at our discretion to address those needs. I really thank you for all your hard work on this. I think what you're doing is a selfless community service, and I'm appreciative. But in this case, I think you're misguided. Dan Knopp noted her home is mostly built

and this doesn't apply to her.

- 3) Spencer Shaver, Executive Director of Save Our Canyons, also submitted a written comment, and offered a point of clarification that Save Our Canyons does support the establishment of a maximum square footage limit to a building size, lower than the proposed amount of 5,000 square feet. Thanks for the opportunity to comment.
- 4) Jenna Malone thanked Morgan for the informative presentation. She appreciates the efforts of the Planning Commission in their discussions of this, as well as the council. She fully supports the recommendations of the planning commission, and feels they put a lot of effort into this. There's been so much input from the community. It's interesting to look at other mountain towns and the discussions they've had about this. These are always very contentious laws. I understand that the code is a living document and something that can change over time. Often the votes or comments and support come from residents and people who are really interested in the community and the character of the community. Sheryl's comment is an exception, but the comments against are often from people who are seeking to profit from the community such as people in real estate, and people who are acting in their own self-interest. The question is do you want to be a part of the community or profit from the community. If everyone acts in their own self-interest, we'll lose our sense of community. Code changes like this one are meant really to look into the future and protect the character of the community. Thank you all so much for your hard work.
- 5) Tara Paras lives full-time on Willow Loop Road. She's raising her daughter up here. She loves our community. She wants our community to thrive. However, this is a very contentious ordinance and it's causing problems in our community. She feels that very deeply. And it saddens her. By doing this, it could really ruin people's lives if they're not able to build after they've spent so much money on these properties. We're also saying this is because of water. But there's no data for that. We don't meter our water or check our water. We're causing a problem and not a solution. You're also taking away the capability for people to put in ADUs and make it more affordable for employees to live here. She feels deeply about that, because we need affordable housing up here. It is expensive to live here. Furthermore, the roofline limit is a safety issue. We had a 900-foot year last year, and we had a death in our canyon from a roof slide. You can't make people not have a safe roof line that gets rid of the snow. And to take away people's property rights. I'm begging you do not say yes to this ordinance. Because it is hurting our community. I have a different outlook. She sees people putting their life savings into these properties and it's not ok to take it away. She begged the council to vote no. Dan Knopp noted her home is built, so this doesn't apply to her.
- 6) Steve McIntosh, the Watermaster for many of the canyon water companies, commented from his experience. His job is to ensure adequate water for all connections now, and for all future build out. There are probably 20 different water systems in the canyon. They are all arranged as surplus water agreements with Salt Lake City, which do not allow for different points of diversion. These contracts allow up to 400 gallons per day per connection. According to the EPA requirements, that's 12,000 gallons a month, anything over that returns to Big Cottonwood Canyon Creek for essential use. There are times now during the winter months, when the source inflows do not produce 400 gallons per day per connection. For instance, something like Silver Fork or one of the larger systems, you may only get 200 gallons per day per connection. That's the wet water; the dry water is 400 gallons, but it's not the actual water that comes out of the tap through a meter. There are source meters and distribution meters on almost all the systems. There is hard fast data to pull this from. In the winter, there is the lowest source flow and highest usage, which doesn't work. There's not a way to get more water rights. The only way to stay in compliance is to require conservation and impose restrictions on water. The MSD doesn't have an idea of how the water affects any building as much as it does. When larger structures are built, there are typically more

bathrooms, and more fixtures that use water such as extra sinks, a wet bar, a second dishwasher, and an espresso maker. Peak day demand is where the problem is, which is the day with the highest demand, and it's threatened by the constraints of the canyon. Our peak day demand is typically from February 15th to the end of March. This is when we have the lowest inflow. When the drought returns, the available water per day per connection will be worse. Most of the systems have begun to institute water meters on each individual service line. He's beginning to collect a lot of data, but it can't be released unless an individual system tells him it's allowed. They've been proactive and provided education on conservation and engaging shareholders about this finite resource. As we approach build out, the additional burden imposed by larger structures further dilutes the water requirement of 400 gallons per day and strains the ability of the water company to stay in compliance with federal regulations. If we have a leak, that drains the tank faster. The last lot to build is no less important than the first lot. The goal of the water company is to provide the same quality and quantity of water for every structure now and in the future. Development pressure needs to be balanced with the capabilities of the water system, and the owner's desires. He'd like to determine the numerical capacity on the system by counting fixtures and assigning usage values. The data can help determine the burden, rather than assigning a building size limit. There are 260 shares in Silver Fork, and flows are at about 25 gallons a minute. This current water availability would allow for around 200 gallons per day per share if all were connected. In 2022, waterflows were down about 20%. Overflow depends on usage but is usually 12 to 15 gallons a minute. Steve has this data for most of the water companies he services. Forest Glen shares could be limited to 215 gallons a day, but less when it reaches build out.

- 7) Kurt Slaughter commented that Steve is doing a great job of trying to supply water for all the homes in the canyon. It's not about the size of the building, it's about water availability. He referenced the same scenario in Mulholland, CA in 1900.
- 8) Tom Ward has had a cabin in the loop area for three years. He worked in the canyon for 25 years, and part of that time was as a deputy director and watershed manager for Salt Lake City Public Utilities. When he was a consultant, he worked with Steve on projects at Snowbird and Alta. He's also on the Planning Commission. And currently he works for Sandy City's water department. What we're trying to prevent is what happened in Phoenix this year. They cut off subdivisions that had building permits because they didn't have enough water. If a water system can support larger development, and that community wants it, he thinks it should be allowed. But it just takes one cabin too many before everyone doesn't have water. It would be disruptive to the community to run out of water whether it be for a family reunion at a cabin with 20 people, or a short-term rental reservation that must get cancelled. He agreed with the mayor to allow for more public comment since some people aren't aware of the discussions from planning commission, and more education is needed. It would be good for the town to provide an out for the building code so that if a water company shows data that they have the supply for bigger homes, then it could be allowed for that site specific. If we allow unlimited use to continue, then how do we decide in the future who gets water and who doesn't. As the water companies develop their capacities, they should also be able to come to the town with conservation initiatives such as waterless urinals.
- 9) Steve McIntosh added that they have source meters, and distribution meters. They are working on meters to show how much water is used by each house. A new build doesn't have that information, so the only option is to look at the building plans to determine the burden to the water system. If the burden is greater than 400 gallons per day, something must be done about it. Water must be brought into the equation.
- 10) Jeff Bossard agreed that water is the issue, but that it's not the town's position to solve this. He's on the waterboard for the Silver Lake water company and believes it's a water company issue.

He's been fighting with the water company for three years to get homes connected to meters to have this data. If they go over a certain amount, they can be charged extra. The data will show us how much additional water there is, and if it's 200 gallons per day then people will know. The town could implement a grant that incentivizes people to switch to more efficient fixtures. Limiting a building size to 5,000 square feet doesn't solve the water issue in the way that limiting the number of fixtures would.

- 11) Steve McIntosh agreed with Jeff. He's been working with Ulrich on a water study in Silver Fork that could be done for all the systems in the canyon.
- 12) Philip Mervis wondered about the role of the town regarding water infrastructure. Before he built his house, he understood that the pipes were old and had some leaks. He wondered if that could be dealt with when it is not peak use, as well as planning for more tanks. Additional infrastructure improvements could be for an alarm to go off when there is a leak in a house. Dan Knopp noted the town doesn't have any input on water or sewer since they're all private companies. The town is not in the water business.
- 13) Jonathan asked if there is a limit to the amount of water that can be held before it's released down the canyon. Dan Knopp answered there is not a limit, but additional tanks don't solve the problem if there is insufficient inflow. It will solve it for a few days, but the tanks drain fast if additional water isn't coming in. Jonathan clarified that most of the homes aren't lived in year around, so if there was additional storage it may cover the extra use for those busier days. Steve McIntosh expects that once he has 90% of homes using meters, he'll have a better way to look at this. It will be an individual water company board decision to allow people to bank their allotted gallons for the days they want to use it. Jonathan considered that if this is the case, it should be the water companies' decision rather than the town's.
- 14) Ulrich Brunhart, Planning Commissioner, clarified that this proposed regulation does not come just from a water standpoint. There were a lot of comments at the well-attended general plan open houses, about the big monster houses and the impact on the view sheds, the impact on the environment, and the impact on wildlife. Water is part of it, but not the sole thing. We all come up here for nature and wildlife, not urbanization. We have a duty to respect and protect private property rights. However, those rights cannot interfere with protecting the watershed, the wildlife, the view shed, or protecting other people's rights. For the general plan in the code review, the town council instructed us to consider livability, affordability, community and sustainability. Larger houses interfere with all of those. Water for additional development in the canyon is extremely limited. As Steve said, we need to be looking 10 or 20 years down the road when full build out is approached and potentially full-time occupancy is reached. What are the impacts at that point. Water just like all utilities needs to be assessed at full build out and full use potential to avoid serious shortfalls in the future. Water for fire flow needs to be included in these calculations. The impacts of large structures are not isolated, they affect the entire canyon. All the areas that we're talking about continue to be built in with new builds on empty lots, remodels, additions, and tear downs. No areas are even close to being done yet. HOA restrictions are notoriously poorly enforced. The HOA building size restriction in Silver Lakes Estate number one has been exceeded 20% of the time. The average home in Silver Lake Estates number one is 3,803 square feet, well below the proposed limits. Intuitively, the larger the structure, the greater the negative impacts on our surroundings. Please vote for these limits.
- 15) Joel Dehlin commented that he is Tara's neighbor and bought a home already built, so he doesn't have a dog in this fight. He agrees with what Tara and Sheryl said. He feels like this is a divisive restriction that causes division in the community and harms people who have bought lots up here. It is a blunt instrument that doesn't necessarily solve the problem but does cause a lot of harm. He asked the council to consider not creating a blanket restriction or creating less restriction and

allow some of the individual communities within the city, which are different, have different character and have different water systems to deal with some of these problems on their own.

- 16) Amy Kelley has property in the Forest Glen area and just completed their home on Willow Loop, near Tara and Joel. She finds it important to table this issue because it's so contentious. It's important to have accurate information rather than speculation. We don't want to divide any of the community, we want to unite our efforts in helping to maintain the water for ourselves as well as our children and the future. She grew up in this canyon and values the environment, the feel of the community, and beauty. She's grateful for the water that we have every year from the mountains as well as smart monitoring and water conservancy. It's important and she supports metering to give us information so we can put forth best practices to conserve well for the future. And I think that that would give us information and education. I appreciate you mayor saying that we would like to have these outreach programs to educate because that is a driving force behind making good decisions and informing the community. Now the community also affects those that are property owners that may not be full time residents within the town of Brighton, but that have a love for the town and the community and want to be able to enjoy it. She encouraged the town council to table this ordinance revision until we can get Steve's data and have accurate information through metering. Then we can assess needs and leaks that can be taken care of to conserve water for our community.
- 17) Jonathan spoke again on behalf of his other neighbors. He's had his cabin for 8 years, and although he doesn't live in it full time, no one else uses it while they're away. He's loved Brighton ever since he came to Utah for college, and he'd like it to stay the same. He was excited for the town to form, but now worries about too much regulation and the loss of property rights. His place is built, but others haven't had the ability yet and he would hate for them to miss out on what he has just because they came in later. He encouraged the council to slow down and get more information before making more restrictions.
- 18) Dwain Rassmussen, representing Jeff Duke his friend and business partner who was unable to attend. In 2021, he and his family bought a lot in Solitude Village. They left town for two years, came back and started the process of resubmitting the plans and ran headlong into this ordinance. The idea of tabling and considering some of those things over the long term would be well. He wanted the council to know Jeff was represented here this evening, and that he would also be in favor of tabling this while some of the longer-term issues are considered. He also sent a letter to further explain the situation.
- 19) Chad Smith, Silver Lake Estates, Willow Loop Road, described his situation. He got FCOZ approval in 2022. After the crazy snow year last year, they decided they needed something that would stand up better to snow and shed better, so they changed their building plans. After meeting with Jim Nakamura, he understood that his changes were not material or substantial, so a new FOCZ approval was not needed. However, because they have not yet obtained a building permit, they cannot make changes to their original plans since they will no longer comply with the new code. They can't even apply while it's being considered, which is an urgent need since their FCOZ approval expires in 3 months. If they don't have a building permit at that time, they will lose all the money and time they've put into the project. They don't want to go back to the inferior, less safe plans. So, they can start a new plan, or give up completely. The last option is to appeal to the town council for their situation to be understood. They are trying to make their primary residence in the canyon. They want to be good for the community and the environment. They are building in the same way as all their immediate neighbors. It won't cause any problems for anyone else's viewshed. In talking with Jim, he's hopeful that there is some way to protect people who get caught in the process as the code changes. He pleaded for leniency and a provision to protect the people in his situation. He agreed with other things that have been said about getting more data

and doing things methodically to avoid unintended consequences, such as the situation he is in. Dan Knopp asked the town attorney, Polly McLean, how best to handle this situation since it seems unfair to leave them in this situation. Polly doesn't know what their nonconformity is, and his application shouldn't be discussed in the meeting. She explained that whenever a law is changed, there are always people caught in the gap. On the flip side, if you want to make a change, but you leave it open until that is complete, there are always people running to apply before it's changed. State code allows a pending ordinance provision so that once people are on notice of a change, it prevents them from applying until the law is decided on, or until 6 months have passed. The council can give direction on this. Title 19 code changes began in January 2023, and there has been plenty of notice, but people aren't always attentive which builds up steam when the changes are understood. A few months ago, Polly looked at 3 cases where the new code will interfere with the owner applying for a permit. She clarified that anyone who has started the application is vested with the regulations from the previous code. She recommended getting a calculation for the council to understand the problem and figure out how to fix it. Tom Ward commented that at the state level and various municipal levels, a council can determine an effective date. Such as allowing 6 or 12 months to execute on a complete application. This way a few people are not allowed under the old ordinance while others are not. It was decided that Dan and Polly will meet with Jim to review the applications in question to get a sense of the problem and determine how to handle it.

- 20) Jenna Malone noted that the comments opposing this are coming from one area, Silver Lake Estates. As Sheryl mentioned, she has an acre lot, which makes it a very different layout and not one size fits all. Considering the average size of a home in that area is 3,800 square feet, maybe 6,000 to 10,000 square feet isn't wanted. Regardless, it's not about water, it's the other impacts that buildings without size limits have. If it's only about "my" property value and "my" future, then it gets rid of the sense of community. If we allow more and more and more, then there will never be a limit to what's enough.
- 21) Jeff Bossard noted that the limits of disturbance have been adopted to be limited at 10,000 square feet, or 40% of the lot. Based on that, he's comfortable with the LOD acting as environmental protection for wildlife rather than limiting house size.
- 22) Dan Knopp reintroduced the idea of an overlay zone in Silver Lake Estates. Morgan Julian clarified that overlay zones are difficult to do in the canyon because of the inconsistent parcel surveys that go back many years. However, Silver Lake Estates has more recent data and it could be done for that neighborhood. Dan recommended that if the owners in Silver Lake Estates want to apply for an overlay zone with the planning department, the planning commission could easily consider that.
- 23) Tara Paras asked to make sure accurate statements are provided if it's being used to persuade the council, such as the estimate that the average square footage in SLE is 3,800 square feet. She doesn't believe that would include garages.
- 24) Ben Machlis, Silver Fork resident and Planning Commissioner, commented on the process. He's not wedded to the square foot maximum that was suggested, however, these decisions have unfolded over a year's time. The only person they've heard from along the way is Chad, and it's unfortunate and inappropriate for people to wait until this stage of the process to raise concerns.
- 25) Wendy Smith, Silver Lake Estates, would prefer the decision to be made tonight about protecting people in process. It prevents them from moving forward to the next stage, and they are running out of time. She supports the comments about tabling. It seems Title 19 needs more work before it's adopted. Regarding the comment about it being inappropriate for people to bring concerns at this stage, she's sat on planning commissions in the past and there are so many things happening with the town right now. It's also difficult when things aren't posted with very much notice for

the public to get through it. She understands overlay zones can be difficult, and she's spent a lot of time reading through the general plan. Acknowledging that it's a goal to limit square footage, there is nothing that says what the limit should be. The general plan points out the differences among neighborhoods, so she appreciates the possibility for overlay zones. The general plan references the sustainable building code as the authority for limiting square footage, but that code also argues that the limit can be tailored to the existing nature of an area. There are only 3 homes left to be built in Silver Lake Estates one, and all existing homes have complied with the HOA rules of 5,000 square foot max, excluding garages.

WRITTEN COMMENTS FOR TITLE 19:

- 26) Written comment: The SLE Board (Jeremy Ackley, Amy Kelley, Phillip Mervis, Tara Paras, Chad Smith)
with the unanimous support of all SLE shareholders responding to our HOA poll and opportunities for input on this issue

As Silver Lake Estates owners and HOA board members, we respectfully request that our neighborhood be excluded from some of the new restrictions being considered and added to town code. Our neighborhood is largely built out and its character is well established. Adding more restrictive and onerous regulations at this point would not be appropriate. We are also concerned about the degree to which our neighborhood would suddenly consist primarily of non-complying structures if we were to be included in many of these new regulations.

We are especially concerned with the following restrictions:

- Home height, home size and LOD. (Our neighborhood has been established with homes limited by previous FCOZ standards on height and building envelope, and by HOA restrictions of 5000 square feet in SLE1 and 10000 square feet in SLE2, not including garage space.
- Setbacks from streams and/or wetlands. (Many of our lots would have been unbuildable without developing just 50' from streams and/or wetlands. Even if a waiver is possible to decrease the new 100' restriction, we could be dealing with up to a dozen non-compliant homes near streams/wetlands.)
- Other ideas that continue to be proposed from time to time, limiting the number of bedrooms, bathrooms, limits of disturbance, etc. (We feel that the longstanding Title 19 standards have already been sufficiently restrictive. And concerns with water usage should be enforced based on actual water usage, rather than via some less-accurate proxy. It should also be noted that our HOA is the water company for SLE1, and expects no water supply issues from our private source after build out, even in drought years. And if that were to happen, we have contingency plans to manage our own water use without relying on the town to regulate zoning in ways that may be correlated but are not causal.)

- 27) Chad Smith, written comment

The Dreaded FCOZ

Before our family had even purchased property in Brighton, we'd heard many horror stories about the dreaded FCOZ. It has long been legendary as the most difficult, time-consuming, and stressful thing about building or improving property in the canyon. It has certainly lived up to that reputation in our case, and as a result we had been looking forward to Brighton now having its own land-use authority and ability to have the town customize and administer Title 19 rather than the county. Our assumption was that a government consisting of people who live in our town would result in a code that is more sympathetic and friendly to residents, not less. We

figured that Brighton could and would do a better job of balancing property rights, community building, and environmental protections. We certainly did not expect an approach that would become even more onerous and broadly restrictive than it has been under the county!

Great Goals--Questionable Results

I am aware of and support Brighton's general plan and the additional stated goals for this code update. I suspect most people are fully onboard with these crucial guides for our town. But in a number of important cases I find the new restrictions either to be ineffective at achieving those goals or just plain unrelated and arbitrary. In many ways, this code update feels like those who already got in now trying to close the door behind them. I feel bad saying that, because I don't think that's the intent. I realize that these changes represent a whole lot of work done by amazing people with good intentions, and the vast majority of it is great. And I don't want to be a whiner who only focuses on the problems.

It's So Much

By the same token, all that hard work has resulted in a lot of new code throughout the vast Title 19. It's hard to even know what exactly has been changed, and why. I spend way more time than most trying to stay informed, but dozens of hours is just not enough to be entirely aware. It seems like I notice some new, unexpected restriction every time I have time to read more. (For example, I recently noticed that any hot tub over 7'x7' is considered a "Private Swimming Pool" and is prohibited except where the natural slope is 20% or less. So a standard 94"x94" hot tub is now a private swimming pool? How is this achieving the goals of our town?) The point is that, because we're dealing with so much code here, we've got to slow things down and really get it right. I understand that some provisions are more urgent than others, particularly for certain areas within our town. We can act on those sooner, without feeling rushed to approve omnibus updates where we haven't had time to thoroughly weigh the extensive ramifications of so many individual changes across so many different areas. Changes to become more restrictive, particularly, must be made carefully and sparingly, and not in a bulk sort of way, where new restrictions easily fly under the radar.

Treat Different Areas Differently

If you do feel the need to approve things now, I urge you to make substantial exceptions. A carve out for Silver Lake Estates, for example, makes sense. I know you've already heard a lot about how a one-size-fits-all approach is not appropriate in a town with a variety of neighborhoods and communities of character. I get how our town needs to make rules before areas start changing their character, by tearing down cabins to make homes bigger and taller than all the neighbors, for example. But requiring a single home to be smaller and shorter than the homes already built all around it would create that same problem in reverse. It will not preserve the character of our town or even help the environment. It would unfairly impose hardship and loss of opportunity on the last few owners in a largely built-out area. We shouldn't accept those costs in order to achieve goals for other areas in Brighton. Let's implement new regulations in ways that keep things fair and won't cause inequity within specific communities in our town. Let's also avoid administrative headaches by not adopting town-wide code changes that would create neighborhoods comprised almost entirely of non-complying structures.

Water

It's worth noting that, to the extent water management is a driving concern behind some of these proposed restrictions, Brighton is serviced by a variety of different water companies, each with its own concerns. And yet it is proposed that these blanket regulations would be applied to every area in our town, regardless of actual water supply and demand in any given area? Not to mention that none of these measures would actually address water usage directly. Restrictions this severe need to be implemented in ways that are direct, precise and data-driven. This

proposal is none of that. Furthermore, it seems to be a case of improper governance for water companies to rely on their municipality to pass indirect and possibly-correlated zoning ordinances in order for them not to have to meter and bill for actual water usage, or to take other measures commonly used by water companies in their standard management of supply and demand. The town of Brighton should not step in to do the jobs of our water companies, especially in ways that would be onerous, indirect and less effective. Please don't limit my property rights so that some water company I don't belong to might possibly have an easier time doing their job!

Unintended Effects

A few weeks ago I wrote to you about how some of these changes have already been affecting the build of our own home. I won't repeat all that here. Suffice it to say that unanticipated and unfortunate consequences (to what may have seemed like predictable tweaks in code) have become prohibitive and costly for us already. And I can only imagine if we'd had to start FCOZ under this code now being proposed for your vote. Because of our steep lot, our home would have had to be designed in a way that would have been less economical and safe, not to mention less compact and convenient. With the drastically smaller building envelope and height restrictions, we probably would not have been able to design our new primary residence (as we have), but would have instead designed a smaller ski retreat intended for brief getaways and mostly for short-term renting. I know that many of the unintended effects in our case would have been the exact opposite of the town's intended goals behind these ordinance changes.

Our Ask

Please don't adopt Section 19 as written at this time. These new restrictions, especially for size, height, setbacks and limits of disturbance, are too onerous and inappropriate for our 90%-built-out neighborhood. It would be unfair for us, considering the character of our already-established area, as well as the fact that we rely on our own water company. (A water company that appears to have tank overflow 3-4 times of what is required for the neighborhood after buildout, even during the low volume season of a drought year, by the way.)

I'm not completely sure what all the new restrictions are in this recently proposed Title 19, but I'm also afraid of additional changes that I don't yet know about. We are currently wrapping up a year-long process of getting approval for some minor design tweaks we introduced after receiving FCOZ approval, and we don't yet have our building permit. I am not exaggerating when I say that the adoption of Title 19 as proposed would result in us having to either scrap all of our redesign work of the last 12 months or, even worse, redesign from scratch and go through FCOZ all over again. I have always been glad that Brighton became a town and that we now have our own land use authority. I know that the town doesn't intend to hurt owners like myself while implementing desired changes to our zoning ordinances, but I also know that many, many people are worried about exactly this. So please, please do not let this happen as an unintended result of approving code changes that are too broad and too restrictive.

28) Wendy Smith:

I'm writing you to express serious concerns about the amendments to Title 19, both those already adopted and those proposed for adoption tonight. I notice that the action proposed at tonight's hearing will be "to confirm the chapters already adopted, amendments thereto, as well as the remaining chapters in Title 19." I'm not sure whether this means that some of the previously adopted amendments might be further modified or even withdrawn or suspended tonight, but I'm hoping so. And I'm also hoping that we don't create further problems by adopting new ordinances before providing a solution for the serious--though clearly unintended--consequences that are already resulting from the first batch.

Let me explain our situation, so you'll know what I'm talking about.

Nearly two years ago we received FCOZ approval for our home to be built in Silver Lake Estates. But then, after we saw the rampant damage and safety issues revealed during last year's crazy snow season, we thought it was worth the time, money and effort to improve the design of our home. We discussed the specific changes we wanted to make with Jim Nakamura and others at the MSD. As Jim noticed, our new design would not alter the LOD or materially change the size, height or impact of the home. Rather, it would improve our home in ways intended to avoid damage and alleviate safety concerns, especially during heavy snow years.

These are the kinds of changes we believe our town would want for our home. And we were encouraged by the MSD to pursue them. So for many months we invested our time and money to update our design, pay for engineering, etc.

And because the changes were all relatively minor, we didn't have to submit a new application or go through FCOZ again. (Thank goodness!) But unfortunately, because we did not already have a building permit in hand, or an official application submitted before the time that the Brighton Planning Commission began recommending these new zoning restrictions, our changes are now not allowed. For example, even though our LOD remains identical to what was previously FCOZ approved, it's now non-compliant with the newly adopted code. Our new design is also now non-compliant due to the new height and size restrictions.

On top of all that, we're out of time. Our FCOZ approval expires in early August, unless we secure a building permit before then. But now we can't get that building permit because we're out of compliance with the new ordinances. Ordinances that were not even proposed until after we'd discussed our plans and gotten advice from the MSD as to how we should proceed. (And then spent lots of time and money pursuing their recommendations.)

After a conversation with Jim Nakamura a few hours ago, my husband and I learned that we are among just a handful of people building in Brighton who have this type of extremely bad luck in our timing. We've been concerned about how the new zoning restrictions might affect us for a while, but it's only now that we really understand our current predicament.

So here's what I'm asking Brighton to do to help us out of this unintended situation

1) Brighton Town Council somehow exempts our area from the recently added rules on height and LOD, and you don't adopt the proposed rules on size for our area (unless you exclude garages from that 5000 sq' limit). Even suspending the enactment of these rules might do the trick, as we need to have our building permit by Aug 12.
and/or...

2) Brighton Town Council formally--and quickly--adopts a policy that would provide some leniency in application timing. To prevent abuse, it could require evidence of a physical meeting (not just some phone call) that was held onsite or in office with staff (like Jim Nakamura), where direction was given to start investing time/money into plans under then-current rules. Evidence of such a meeting could effectively pause the clock in regards to new restrictions, as is already the case for those who have officially submitted their application.

We're not the only ones caught in this unfortunate situation. According to Jim Nakamura there are a number of us. (In fact, option 2, above, was Jim's idea.) Brighton really needs to provide consideration and leniency for those caught in this period between early house planning meetings and later application submittal. A significant lag is typical here and should be expected, considering all that needs to happen between the due diligence for purchasing a lot and official application submittal to FCOZ. As things stand, you should expect this critical problem to affect someone every time a relevant ordinance is adopted.

So, please, would you as our Town Council ask staff for a policy proposal that you can adopt (ASAP!) to address this recurring issue? It would not only help those of us currently caught in

this situation, but would provide similar relief for those who will be developing their plans in good faith when more ordinance updates are made in the future.

Additionally, we would be eternally grateful for anything you can do to repeal, suspend and/or not adopt the new rules for LOD, height, setback and size. Or to make an exemption for our area. There appears to be a combination of options here that could help us, but it's all completely dependent on your action. We're desperate, and are pinning our hopes on you.

- 29) Save Our Canyons (SOC) appreciates the opportunity to comment on proposed changes to the zoning ordinances of the town of Brighton. SOC submits public comments to encourage implementation of best practices to preserve ecosystem health of surrounding wildlife habitats, aesthetic considerations and preservation of watershed health. Our comments focus on changes related to "limits of disturbance" and building size limits discussed in ordinances 19.24.050 and 19.24.070, respectively. These ordinance changes will impact surrounding aesthetic values, wildlife habitat and water quality in the critical, increasingly fragmented ecosystems of the Wasatch Mountains. "Limits of Disturbance" are defined as the boundary within which all construction, materials storage, grading, landscaping and related activities shall occur. To better understand methodology related to calculating proposed ordinances related to "limits of disturbance", SOC requests to meet with town of Brighton staff before the implementation of said zoning ordinances, as well as view examples showing plots where calculations related to limits of disturbance are subject to administrative increases at the discretion of planning directors. SOC recommends scaling maximum limits of disturbance based upon the total footprint of the building on the property in question, rather than the options presented in current ordinances (either 10,000 sq. ft. or 40%, whichever is less) which will reduce impacts to the town of Brighton's natural landscapes, vegetation and wildlife habitats. Landowners also benefit from the preservation of the natural character of the town of Brighton, directly in property value, and indirectly through ecosystem services. Other municipalities in and around the Wasatch Mountains have successfully implemented a scaled limits of disturbance model to maintain the character of their communities, ensuring preservation of the natural amenities landowners and visitors alike benefit. When considering limits of disturbance ordinance changes, SOC encourages the use of a system which would scale the limits of disturbance based on lot size, rather than a "one-size-fits-all approach". To ensure connectivity of wildlife habitats and to minimize disturbance of natural, protected areas, planning processes should delineate areas for preservation in a given plot via scaled limits of disturbance, based on the size of a given lot, before any clearing or construction begins, and should be used to set the development envelope as well as guide site layout. This approach clearly marks areas for preservation on all construction and grading plans to ensure that equipment is kept out of these areas and that native vegetation is kept in an undisturbed state.

In addition, when considering lot size square footage limits, establishing residential dwelling size limits at the proposed level (5,000 square feet) and gross square footage limits in FR zones for single family dwellings at this level could negatively impact the implementation of best practices for preserving connectivity of existing wildlife habitat and nearby water quality. Other municipalities surrounding the Wasatch Mountains can serve as examples for implementing best practices in the Town of Brighton. Both Cottonwood Heights and Park City demonstrate how to utilize a smaller limit to both maximum lot coverage and apply scaled limits of disturbance during construction activities, as well as establishing a mitigation bank for disturbances in protected areas.

For example, instead of providing two different size limits based off the size of a given lot, Cottonwood Heights provides a minimum lot size, and requires that maximum lot coverage for

the certain areas zoned for single family dwellings is 50%, including all structures, except portions of those properties also located in the Sensitive Lands Overlay Zone, for which the maximum lot coverage shall be 30% including all structures and impervious surfaces. The scaled approach to determining limits of disturbance, based on percentage and maximum lot coverage, as well as the implementation of a separate standard for protected landscapes, provides for the preservation of the aesthetic and environmental character of mountain communities, while ensuring that development in protected areas is confined to a smaller percentage of a given area zoned for single family dwellings. Park City also collects "Impact Fees" from any applicant seeking a Building Permit, allowing for restoration and mitigation of impacts to natural areas due to construction of homes and single-family dwellings.

In consultation with town council members, SOC has encouraged the establishment of a mitigation plan and bank to address any disturbances of defensible space inside areas designated as within the limits of disturbance. While impacts to defensible space in areas zoned for residential use under the suggested maximum square footage ordinances are inevitable, SOC encourages the establishment of a mitigation bank, or impact fees earmarked specifically to provide for mitigation measures and best practices related to the overall impacts from development in defensible space zoned for single family dwellings in FR zones. In places where a majority of development happens in stream corridors, critical to fluvial function and aquatic health, or near steep slopes critical to wildlife, standards should be established that allow for bonuses, impact fees or other funds made available for restoration purposes. This mitigation bank could be applied as a fee levied on developers or owners at the time applications are approved or denied by the relevant land managers or project directors for the town of Brighton. Thank you for the opportunity to comment on proposed ordinances related to the changes related to limits of disturbance, building size limits, current zoning and building ordinances and the impact implementation of proposed ordinances may have on surrounding aesthetic values, wildlife habitat and water quality in critical, increasingly fragmented mountain ecosystems.

Council Discussion

Polly McLean recommended to the mayor to meet with the MSD to understand the specifics of the homes caught in the process before making any decisions tonight. It may not need council directive, and at the most it can be worked out in a month at the next council meeting. She reminded any public who have not yet subscribed to the Utah Public Notice website to do so to obtain email notification of all council and planning commission public meetings and agendas.

Keith Zuspan noted that in Title 19, chapters 10, 12, 16, 74, and 76 are the only chapters that mention water supply. He understands that limiting size relates to building a bigger house leads to consuming more water. But water supply and usage are not really part of title 19. They are private water systems. It is a big problem if water runs short because of over usage, but it isn't considered in this title. Building size and roof height are, so he'd like us to focus on the structure of title 19 itself.

Dan remembers 31 years ago when he moved up here and purchased Silver Fork Lodge. They ran out of water all the time, and pipes would freeze often. That's why he joined the water board and has worked for improvements since then. There were 18 bleeders at one point to keep the pipes from freezing. The thing to do is keep fixing the system to be able to provide water.

Jeff's issue is with the height restrictions proposed at 30 feet because it changes the designs you can use to shed snow. With 887 inches of snow last year, we saw how important it is for the structure to shed

snow. Looking at his personal plans in process, a 6-12 roof pitch wouldn't be allowed in the new code, so it would have to be a 5-12 which wouldn't shed snow.

Regarding the electronic sign section, he's ok with allowing them if they fall under the dark sky ordinance. Polly added that the Forest Service did not approve the electronic sign at Brighton resort. It was agreed that if Brighton is allowed to have one, Solitude should also be allowed to have one. Morgan informed that electronic signs can be allowed in FM zones, which are only in resort boundaries.

Morgan Julian clarified that hot tubs are not regulated in the old code or proposed changes. Specific approval may be obtained from Salt Lake City Public Utilities for a hot tub in the watershed, if it's connected to the sewer. They review plans and have required hot tubs to be removed for plans to be approved. The portion of the code that referenced pools was to protect slope angle above a 20% grade so that it could not be excavated for uses such as pool installation.

In review, Jeff discovered the section requiring tree replacement at a ratio of 10 seedlings per tree removed. It was thought that the council had previously changed this since the canyon is overgrown, and we don't need more trees. Carolyn added that it says you must replace the trees, but elsewhere they're not allowed to be watered. Polly will redline this portion.

Lise Brunhart intends to research the Kazi Sustainability plan to see if there is anything in it relating to home size. In researching the town of Powder Mountain, there is a 3,500 square foot limit. She wants character areas to be considered when looking at these limits.

Jeff Bossard moved to approve Title 19 except for the height and square footage limitations, which would be rejected completely, not tabled. Lise Brunhart seconded the motion.

Polly McLean recommended tabling the tree replacement exclusion so she can refer back and match what had previously been discussed or approved. Since 4,500 square foot maximum was adopted in February, the motion would need to amend that size restriction.

In discussion, Carolyn expressed a preference to table the vote until Dan can meet with the MSD about the applicants in process because that may change whether a square footage maximum is approved. Additionally, the discussion about water led to the idea of limiting fixtures as a solution rather than size. The council began a vote.

Keith Zuspan: Aye

Lise Brunhart: Aye

Dan Knopp: The mayor mentioned a preference to table this, and Polly noted that a possibility is to table the size, height, and electronic signs. Morgan added that the staff recommendation was to repeal and replace all of title 19, which would include the previously set building limit. This would allow anyone to come with an application for a 10,000 or 20,000 square foot plan. If the intent is to have some limit on the building size, then that can be amended at a later meeting, unless the intent is to have no restrictions. The motion was restated for clarity. Jeff moved to approve Title 19 with the exception of leaving out the height issue and excluding the 5,000 square foot limitation on homes. Hearing it again, Lise withdrew her second. No second was made.

Carolyn Keigley moved to table this for a month and to explore the possibilities for the people already in process, so they won't be subject to the decisions. Polly McLean anticipated the likelihood of finding a solution for the people in process despite the proposed restrictions. She wouldn't want legislation to be based on incomplete information.

Carolyn Keigley restated the motion to table Title 19. Lise Brunhart seconded the motion. Carolyn suggested the following action items before the next meeting.

- 1) Dan will meet with Jim Nakamura to find a solution for people in the process so they can finish

their plans and permits and start building.

- 2) Find a way to determine how to solve the square footage issue with dedicated character areas
- 3) Explore other alternatives to square footage like water fixtures.
- 4) Look at the safety of roofs holding snow vs. shedding.

Many homes are engineered to hold snow, which prevents the risk of people or pets being under rooflines during a slide. Polly suggested an alternative to adopt title 19, except table the issue of height and square footage, and have a joint meeting with the planning commission to discuss these two issues. The planning commission looked at this closely, and it will give the council feedback.

The council voted on the above motion.

Dan Knopp: Nay

Lise Brunhart: Aye

Keith Zuspan: Aye

Jeff Bossard: Nay

Carolyn Keigley: Nay

Jeff Bossard moved to adopt Title 19 and table the discussion on building height and size. Lise Brunhart seconded the motion.

Jeff Bossard: Aye

Lise Brunhart: Aye

Keith Zuspan: Aye

Dan Knopp: Aye

Carolyn Keigley: Aye

The motion passed unanimously, audio recording 2:00:00.

Carolyn Keigley moved to close the public hearing and Jeff Bossard seconded it. The motion passed unanimously.

ANNOUNCEMENTS

There is an application to amend the approval for relocation and rebuild of a non-complying structure located at 10806 E. Moose Run, to additionally allow for a retaining wall to be built within the 50' setback of a perennial stream corridor. The ALJ will be hearing this application on May 21, 2024, at 1pm. A public notice will be posted with the specifics of the request and the date, time, and location of the meeting at least 24 hours prior to the ALJ review.

PUBLIC INPUT

WRITTEN COMMENTS

MINUTES

There were a few changes from the draft that was published in the packet. Dan was removed from the attendance list at the last council meeting. There was a correction to the count of licenses in Silver Fork and Pine Tree. Lise Brunhart moved to approve the minutes for the Town Council Meeting on April 9th, 2024, and the Short-Term Rental Subcommittee meeting on April 29th, 2024. Jeff Bossard seconded the motion. The minutes were approved with corrections.

UPD

In April, the Town of Brighton had 98 calls for service. Last year, there were 201, in comparison with the huge snow year. UPD responded to 2- Welfare Checks, 1- Mental Subject, 1- Assault, 4-Dogs and 1 Camping in a Watershed, 1 H&S Neglect, 2- Suspicious Circumstances, 2- Residential Alarms, 2- Civil

Issues, 3-Thefts, 1-Fraud, 2- Damaged Property, 1-Skier Collision, 1-Unattended Death, 1- Search and Rescue, 4-Traffic Enforcement, and 3- Traffic Accidents. 21 Parking Notices, and 22 Citations for violations were written.

Interviews for the Town of Brighton Sgt, Detective and Patrol Officers were conducted in the last couple of weeks. Sgt. Mike Hill was chosen to be the sergeant over a tight field of candidates. A new Detective was chosen, and four of the 5 Officers have been picked. The new positions will begin on July 1.

Last night I gave a Fraud/Scam awareness presentation to the BCCA. Thank you for that opportunity. This month I was assigned to a fraud case and the circumstances of it broke my heart. While working as the Canyon Detective, I have been assigned to many Fraud cases. While each one is unique in their operation they are financially devastating to victims. I don't want one more person to fall victim to a fraud scheme. The link for the information can be shared if anyone would like it.

I want to remind everyone of the Drop 13 half marathon next month on June 8. The race will impact traffic flow from 5:30 AM to 9:30 AM. Shuttle cars will be escorting vehicles around the race.

Detective Cheryl Lenzer C.O.P/Fraud/Property Crimes
Special Operations/Canyon Patrol and Rescue
Unified Police Department
Dispatch 801-840-4000

UFA

Dusty Dern reported they are in the middle of the budget process. The proposed budget goes to the board for tentative approval on the 21st. Recruit camp will be complete tomorrow night and will be ready to be in the station with the exception of those that need to complete the four week EMT class. Wildland crews are up and ready for the coming season. The Firewise meeting a few weeks ago with the community went really well. As of the end of April, the seasonal ambulance out of station 116 will be shut down until next ski season. The fireworks restrictions obviously nothing changed in the town of Brighton, but those maps are being finalized and all that information will be posted on the website by June 1.

SKI RESORTS

Brighton will be open all week until Sunday, which is the last day.

Solitude, Not available at this point in the meeting.

BUSINESS

- a. Approve a resolution adopting the Tentative Budget for the Town of Brighton, Utah for the Fiscal Year 2025 beginning July 1, 2024, and ending June 30, 2025, and set a time and place for a public hearing on June 11, 2024, at 6:30 PM at Fire Station 108, 6788 S Big Cottonwood Canyon Rd, and electronically via Zoom. Recording 2:09.04**

Nate Rockwood, the Administrator for the Town of Brighton, presented next year's budget which is the 2025 tentative budget. It goes from July 1 of this year to June 30 of next year. It's also time to adjust the current year's budget based on the needs or changes that the council wants to make to the budget. The process is set to adopt the tentative budget tonight, make it available to the public, set the property tax rate at 0 since there's no property tax in town as it always has been since incorporation, and then set a time and place for the public hearing. It will be the next council meeting, which is June 11, at 6:30pm. The council has the opportunity today and next month to discuss the budget and make any changes. The notices will be posted by June 4th for the final budget hearing, which will be held on June 11th for

adoption of the next year's budget. At that time, the final adjustments to the current year's budget will be made. We will provide the information to the state auditor and certify the property tax rate at zero in the state system.

Regarding revenues, Brighton is a seasonal town, and the resorts contribute heavily. Since there's no property tax, most of the revenue comes from sales tax, as well as some fees. Sometimes there will be a spike in one month because the bigger reporting entities report at different times, so they show up in different months. The total estimated sales in 2023 was \$124M in the town. This year estimated sales are becoming closer to what Nate expects to be the average at just over \$100 million. We've seen that in three different years. A big snow year brings that up, or something like COVID, drops it significantly. He shared the different sales tax rates and where they are distributed. A lot of it goes to the county and state, and then a portion to the town. Another table shows the breakdown of quarterly sales by the four different sales taxes that are collected by the town. We've started a five-year capital improvement plan now that the fund balance for the general fund is full. With that five year capital plan, we'd like to forecast out the five years of revenue that would lead to the capital plan, which basically relies on sales tax. Typically, the tax revenues go up by 2-3% per year to match long term, average inflation. He shared a graph showing where property tax goes. The largest portion goes to the school district. A little less than 25% of that goes to either Salt Lake County or the Salt Lake County Library. A big portion goes to SLVLESA for law enforcement. Unified Fire also has a big section just over 10%. The town does not collect any property tax. The next graph shows five years of property tax since the town's incorporation. As assessed values of your property go up, each entity collects the same amount of property tax that they collected the previous year. Their rates sink down. The majority of them have gone through at least one truth in taxation in the last five years. But even with that truth and taxation process of raising their taxes, the tax rate between 2019 and 2023 has actually decreased by 20%. The values of the homes have probably increased by much more than 20%. This is the way that property tax works in the state of Utah.

The budget shows the actuals for the last completed year of fiscal year 2023, estimated revenues and expenditures for the current year 2024, and the forecasting revenues for next year's budget, 2025. The recommended amendments are to change the beginning fund balance to \$1.3M because it was recognized that the MSD has a fund balance of \$400,000. He'll verify this when reviewing payroll taxes. There was an increase to the interest fund calculated revenues to the MSD to \$981,000. There was confusion on the Fuels Reduction amount. We increased it, but didn't see the expenditures come out of it, so it is set at \$20,000. It can be increased to \$30,000 if they are able to use it. The Emergency Management amount had continually been increased, but it has now been reduced by \$18,000 to match the line item needs. Parking violations were reduced since the parking program was initiated. The budget estimates show Sales Tax at \$700,000, which is up 2%. Transit Tax that comes from the county is \$70,000. The interlocal revenue is a calculated budget based on how much the town asked for and can be discussed more at the next meeting. The resort money coming to the town of Brighton increased by 2% to \$1.4M. The TRT increased to \$150,000. Parking revenue is set at \$50,000. Looking at the incremental changes to expenditures, the payroll taxes and benefits were added to wages. The interlocal is applied to the MSD. The transfer calculated for the Brighton Capital Improvement Fund would be \$1,750,000. We've received the same three requests from the BCCA at \$5,000, Cottonwood Canyons Foundation at \$15,000, and Brighton Institute at \$5,500. The fund balance for the town as allowed by state code is based on what the actual revenue is for the current year that you're in. You are allowed to have 100% of that revenue stored in the fund balance. From the beginning, the goal of the town is to max that out as much as we can since we're seasonal and can use those savings if there was a very bad ski season or emergency. Nate will get clarification if we've maxed that out. Last year, we ended at 63%. The projection for this year anticipates that we would exceed that at 137%. So that means we need to transfer 37% or more of that through the Capital Fund.

So the recommendation is to transfer approximately \$2.1M. At the end of 2025, we anticipate exceeding that by 162%, which leads to the \$1,750,000 transfer to the CIP. We're staying under budget with the MSD. If we want to use fund balance, we will want to use it from the MSD first rather than storing it there.

The Capital Improvement Budget shows the \$70,000 contribution that went to the Forest Service for the Trails Master Plan. There is money set aside that has rolled over each year in the Infrastructure and Facility Improvement Projects. The total available that can be moved around is \$5.25M for capital improvements, property acquisitions, trail improvements, or asset management.

Jeff Bossard moved to approve Resolution 2024-R-5-1 adopting a Tentative Budget for the town of Brighton, Utah for Fiscal Year 2025. And set a time and place for the public hearing on June 11th, 2024, at 6:30pm. Carolyn Keigley seconded the motion. The motion carried unanimously.

Mayor Knopp noted for the final budget that the CWC membership will increase by \$5,000 to total \$30,000. The Fuels Reduction will increase by \$10,000 to also total \$30,000.

b. Silver Fork Lodge Right-of-First-Refusal and purchase agreement. Presented by Polly McLean and Nate Rockwood. Recording: 2:32.25.

As the owner of Silver Fork Lodge, Mayor Knopp recused himself from this discussion item. He noted he hasn't participated in any of the closed sessions the council has had about this. He met with Nate Rockwood and Polly McLean twice to consider terms of a right of first refusal. Beyond that he is unaware of the council's plans. He's marketing the lodge to sell because after 31 years, it's time to retire.

Jeff Bossard acted as mayor pro tempore on this item since Keith Zuspan connected remotely and was unsure if his internet connection would be strong enough.

Nate Rockwood explained that property acquisition is an item to be discussed in closed sessions so that negotiations are confidential. An offer must be adopted in an open meeting. Polly and Nate have been discussing terms with Dan and the council separately. Town residents brought the purchase idea to the council when they learned the lodge would be for sale. Nate suggested pursuing the possibility of purchasing the asset because of the scarcity of property in the canyon and the opportunity may not be there in the future. It could be used for many different things, a town hall, community center, and or continue to be a restaurant. Nate and Polly worked on the terms of the right of first refusal. It would cost \$100,000 to have the right to purchase the property and that money would go toward the purchase price. The term is for one year and would give the town the opportunity to match any price that potential outside buyers offer. If no offers are made in one year, the town would be obligated to purchase the property for \$4.5M. Another condition is that the current owner, Mayor Knopp, could not enter into an agreement with Verizon to put the cell tower on the property.

Polly McLean addressed the question from the public that came up ahead of the meeting. This purchase would not affect property tax. The town's property tax is set at \$0 and that would not change. Another concern was for the lodge to stay a restaurant. If another buyer purchases the property, then the town will have no say in what becomes of it, but if we purchase it then we can determine the future use.

Polly noted other terms have come up and asked that the council don't vote on this tonight. She suggested taking public input and having another closed session tonight to discuss the new terms. Then follow up in a special meeting in the next two weeks to get more input and take a vote. The town hall meeting was scheduled for May 21st, 2024, at 6:30pm and it was agreed that the special meeting to vote could take place afterward.

As a part of due diligence, the council directed Nate and Polly to hire a structural engineering firm to inspect the building and check for basic code compliance. They found code compliance issues for things

such as ADA compliance which would limit the ways the building could be used. The inspector did as much as they could without taking the building apart. They determined it is structurally and foundationally sound based on the inspection and performance history. Major retrofitting would not be needed.

Dan provided the books showing revenues and expenditures for the last three years. It's not the intention of the town to run the business in the exact same way, but Nate was able to do a cost method based on revenue and value of the business to determine the sale price is fair at \$4.5M.

Jeff noted the town could lease out the building to a third-party vendor to continue to run it as a restaurant. It was thought the hotel rooms upstairs could be rented out as office space. Some ideas for downstairs are to have a micro school since there was money allocated for homeschooling in the recent legislative session. The question is whether it can be in the same building if it also has a liquor license. In consideration of the neighbors, it was thought weddings would not continue, but public input is wanted to define the vision for the future of this building. Other suggestions are for a post office and package delivery location. The town hall will be set up to hear all ideas with a recorder standing at the white board with three columns for pros, cons, and possible uses.

Jeff Bossard opened the meeting to public input regarding the purchase of Silver Fork Lodge.

PUBLIC INPUT: Recording 2:46.19.

- 1) Kurt Slaughter was not in favor of the town purchasing the lodge and wants to know the names of the community members who initiated the idea. There are people who have fought to put Dan out of business and it's important to him to know where this is coming from.

Polly McLean explained that it's confidential and not public information to share.

Kurt explained he's been in the canyon for 35 years, and he's been a builder for 50 years, so he understands the ramifications of retrofitting a building for what the council has in mind. Per Jeff's question, he'd rather see it purchased privately and maintained as a restaurant with the exact same use as it has today. He expected the zoning would have to be changed if the use is changed to meet ADA compliance and electrical standards.

Nate Rockwood corrected that the zoning does not need to be changed for municipal use.

- 2) Brent Ludlow has been here 40 years. He'd rather see it stay a nice restaurant. After learning about the idea last night, he took a poll of his neighbors. He expects a new building, like the current fire station, could be constructed for the cost of the lodge at \$4.5M. He described the situation when West Valley incorporated and purchased the fire department. He wondered if Brighton could do something similar and purchase the fire station and hire a fire crew.
- 3) Jan Slaughter commented that she lives right next to Silver Fork Lodge, and she would love to have it stay a restaurant as it is. She has never had a problem with it being a wedding venue as other neighbors have. It shocks her that we want to spend \$4.5M on it as a town hall, but that we don't know what we're going to do with it. She doesn't understand why the town would run a restaurant or how it could function as a town hall, office space, post office etc. She doesn't expect it could make back the money to buy it. She doesn't think it would be used enough days of the year as a town hall.
- 4) Margaret Miller commented that she lives in Silver Fork. She wondered if someone were to buy the property, tear it down and build something else if they would be limited to what they could do with two water shares. She also wondered if they could buy outstanding water shares.

Jeff Bossard acknowledged they would be limited with what they can do with only two water shares, but they could buy more water shares. However, there is a limited amount of parking that would prevent other uses for the building.

Margaret would prefer that it stay a restaurant.

- 5) Donna Conway, Brighton Loop. She reiterated Jeff's statement that the town doesn't need most of the building, therefore much of it would be rented out. It is more sensible for the town to rent out the space they need, as they do with the offices at the fire station. She finds it too risky to spend \$100,000 when there are other people making offers, and there isn't a solid need or plan for that much space. She also finds it risky leasing it to a vendor because the restaurant business is risky.

Jeff explained the person who came up with the idea had the intention of preserving the building since it's a big part of the town's history.

Carolyn addressed the future vision of the town as much as 50 years down the road. Land is premium in the town boundaries because most of it is Forest Service land, Salt Lake City property, or the resorts. Very little of it is residential or private land. The use of the building and whether to preserve it can be decided later, but the land may not be available down the road. Carolyn noted that we have 100% of the allowed amount in our Fund Balance. Many municipalities struggle to have a 5% Fund Balance as required by the state. We have an opportunity for land banking our excess money, as many communities do. They buy property for the future of the community. The land is valuable.

Donna didn't think it seemed like a good idea to get into an older building that will need so many modifications. A new building could be built smaller to fit the needs we have. She also doesn't like that it's so close to the road which is unsafe for children to be occupying part of the building.

- 6) Ben Machlis commented that it's unusual to be obligated to purchase the property at the end of the right of first refusal contract based on a price that is set now. It's problematic to get through an entire year if no one is willing to pay the price to be stuck at that amount. He encouraged the council to think critically about that. He noted the structural engineer who went through the property, but recommended that a phase 1 environmental assessment is done on the property because of the historic use as a gas station

- 7) John Cooper (JTC6, zoom name), encouraged the council to get 3 independent appraisals on the property itself. It should be appraised as a building and not a business if it isn't going to be continued as a business. That would change the dynamics of it quite a bit. He asked about the property given to the town by Solitude and if it could be built on.

Carolyn Keigley clarified it was given by the DeSeelhorst family and the steep grade of the slope makes it completely unbuildable. There is no water share, and it can't even accommodate a parking lot, or a site for garbage cans.

John wondered if it was considered to designate the lodge as a historic site.

Jeff was unsure of the purpose of that since registering it as historic limits what can be done with it.

- 8) Don Despain wanted to confirm his written comments were received. Carolyn acknowledged that they were and advised him to join the Town Hall meeting next week since he provided thoughtful pros and cons on the topic.
- 9) Mark Brinton commented that this is a huge and incredible opportunity for the town. He thinks the council has been wise, cautious, and careful as they've pursued the right of first refusal. He

appreciates the critical and invaluable advice the council has received from the expertise of Nate and Polly. And believes the council has moved wisely and cautiously through the process. He likes the idea of maintaining the restaurant and is supportive of the town using the other space in creative ways. He thinks the Verizon cell phone tower could be very beneficial for the community and encourages it to be considered seriously since we have big problems with connectivity in the canyon. We have small cell towers, but the large cell tower could bring big improvements. He noted that someone who has left the meeting has left something that is not worth even putting in the record in the chat as it is just ad hominem attack and insults and false information about this and would just like to point out, it really should just be deleted.

- 10) Tom Ward, owner in the Brighton Loop, informed everyone about the grant the town received from the Wasatch Front Regional Council for the neighborhood nodes project that helps to determine the future needs of the town. It's looking at the loop area, Silver Fork, and Solitude. He has changed his mind to think that it could be a good idea for the town to purchase the lodge if the option doesn't cost too much. It would allow the town to have control and figure out what could be done with the space. He added that some communities use a redevelopment agency where the council acts as a separate body, purchases property, decides how that can fit with their future, defines it on paper, and achieves private and public funding options.
- 11) Ulrich Brunhart commented that at this price level he is against this purchase. He recommends the town council look at other options, such as the ones Don gives details for.

WRITTEN COMMENT

- 12) *The SF Lodge is much more than a restaurant. It is a social center for Brighton visitors/residents and a big part of the heart, culture and spirit that Brighton represents (including the SLC valley). It is much, much more and personifies the BC Canyon and Brighton as a City. This can not be replaced with a City Hall and the town of Brighton and spirit will be changed - a sense of community lost forever. As a minimum, a vote should be presented to all Brighton residents and a majority vote required to pass, not the approval of the City Council.*

The Town of Brighton should tread lightly on this issue - be very, very careful what it wishes for because there's no turning back. I have seen more than one town die because of a situation like this - taking its heart and soul. It would be like losing Solitude or Brighton Ski Resort.

*Thanks,
J. Williams*

- 13) *Don Despain*
Considerations for acquiring a location for Town offices, Town hall, Community center .
Premise: Should the Town of Brighton purchase the Silver Fork Lodge for Town purposes?
A regrettable Essay by Don Despain
As one of 5 sponsors that initiated an incorporation proposal for the new town of Brighton a feasibility study demonstrated that a Town of Brighton would be viable. The new town would remain in the Municipal Service District (MSD) for the foreseeable future.
The sponsor committee noted the experiences of Cottonwood Heights, Millcreek Town, Town of Brian Head that all leased town office space whilst evaluating and cataloging their administrative needs for their future Town/City halls.

The Town of Brighton was able to lease space at the Fire Station, which has been adequate for the first four years. Much has been accomplished by the Town Council during this interim: Seating the council, adopting the budget, updating and codifying municipal ordinances, obtaining land use authority, developing the general plan, forming the STR ordinances and holding it's first election cycle. Brighton has matured enough to begin planning for a permanent Town Hall. A goal of developing and preserving a sense of community is as important as providing services.

Comparisons to other nascent town experiences are useful while keeping in mind the uniqueness of Brighton's resort locality and interdependence on other political jurisdictions.

Brighton is an incorporated town whose municipal services are provided by the MSD along with other members of metro townships, The safety services are provided by special service districts such as Unified Fire and Unified Police. Other services are provided by Districts for garbage collection, sewer district, private water companies, and private snow removal contractors. Other jurisdictions are overlayed by Salt Lake City Public Utilities, UDOT, USFS, UTA.

Brighton is adjacent to a large tri-county metropolitan population with two large, developed ski resorts. As such Brighton is a resort town with a small population with big responsibilities.

Possible Town Hall locations with analysis of pros and cons. In no particular order.

Note: All locations need geographic and parking considerations.

1. Brighton Fire Station

Pros: Easily the best choice for location, already constructed, expandable, built to all applicable codes.

Cons: Acquisition is problematic and political.

2. James Ivers property

Pros: This property is acquirable by negotiation. Property could be developed to a town master plan. Could be developed into a local area plan with mixed uses including limited leased commercial.

Cons: Though situated ideally this property would be impacted by the winter parking congestion

3. BCCID property

Pros: Property is owned by the sewer district and would be available for acquisition easily if a development plan provided for the District needs and water company association proposals. Could be available immediately.

Cons: Also impacted by winter parking congestion

4. Old Fire Station and compactor area

The Town owns this parcel, but its acreage is too small for community purposes other than a possible public works building or other ideas such as post office, recycling center or emergency response equipment.

5. Silver Fork Lodge

The Town Council and others have proposed this purchase and references to these considerations are listed elsewhere (see Barbara Cameron's list and numerous email comments). In general, renovating and retrofitting is often more costly than new construction. The location is situated ideally in the Town geography.

It is also situated ideally for the existing commercial restaurant that would be a great loss to the community if repurposed.

The restaurant could be leased to a successful restaurateur or managing company.

Restaurants that are sold often fail, leaving foreclosure problems persisting for lengthy periods where the location advantage is lost. Leased restaurants also have an imperfect record

e.g. Kimmi's, Giovannis, early leases of the Brighton Store. Some reasons are, landlord related , or operator over expectations.

Now to the biggest problem of the Town purchase of the Silver Fork Lodge.

Dan Knopp, restaurateur/entrepreneur, has done a remarkable 30-year successful operation of the Lodge. He and Tara worked tirelessly and hard to make it a canyon hotspot.

Covid hit restaurants especially hard and Silver Fork Lodge in particular. It may not have recovered adequately but has caused a life re-evaluation in extremis. Dan deserves all the return he can expect from a sale.

However, as council member and Mayor of the Town of Brighton, a sale to the town is an enormous conflict of interest for him. Even if the Council holds executive sessions where Dan is recused the Council is reduced by one member and the Mayor. This makes the council even members and not statutorily viable. There is no getting around this conflict.

If the purchase were to proceed Dan's position as mayor on its redevelopment or considerations of other properties would still pose a significant conflict. The selection and development of a Town Hall site will be the single most important decision the Town Council will make and will need a fully complemented council responsible to the Brighton Voters. This could mean a referendum ballot initiative. An interim Mayor might need to be appointed.

c. Set date and time for Town Hall meeting regarding Silver Fork Lodge Right-of-First-Refusal and purchase agreement. Recording 3:15:57.

May 21st, 2024 @ 6:30pm. This will be noticed and have a zoom option.

d. Verizon Cell Tower. Discussion regarding possible locations of a cell tower within the Town. This is not an approval of the Conditional Use Permit for a cell tower which is before the Planning Commission Presented by Troy Benson and Jane Martain. Recording 3:16:28.

Jeff Bossard noted that the original design presented at the Planning Commission has been changed for the tower to now look like a pine tree.

Jane Martain provided background information for the project. On January 20th, 2022, the Brighton Emergency Operations Planning Committee had a quarterly meeting. During the discussion about communications, members expressed concerns from neighborhoods about deteriorating Verizon service such as dropped calls, the inability to call or send attachments, and dead service. It was reported that some residents had already switched to AT&T or T-Mobile to get better reception. The committee asked Jim Woodward, the Town of Brighton's emergency manager liaison from Salt Lake County, to help us contact Verizon about these problems. Some residents had tried to contact Verizon on their own, but weren't getting solutions. Jim arranged an online meeting with our regional representatives from Verizon on February 22nd, 2022. Verizon needed specifics about the areas of the canyon that were affected and what problems customers were experiencing. Mayor Knopp asked Jane to get a list of at least 20 addresses having difficulties with their Verizon service. During the meeting, the associates from Verizon stated that they were 100% committed to fixing the coverage in our canyon and town. On that same day, Jane sent out a three questions survey to the regular and seasonal residents that she had contact information for. The questions were as follows. Are you currently a Verizon customer? Have you had difficulties with service only during peak times of the day when the canyon is busy with visitors? And do you have difficulties with calls, text messages and attachments at all times of the day and night. Before even 24 hours was up. On February 23 2022, 91 responses were received. The numbers of households affected were broken down by area of the canyon: 26 in Brighton, 3 at Lady of the Lakes, 4 in Forest Glen, 4 in Solitude, 2 in Giles Flat, 27 in Silver Fork, 3 in Pine Tree, 12 in Cardiff fork and 10 from Mount Haven. The data represented most of the communities in our town with a sizable amount of

responses in 24 hours. After the data was compiled, it was sent to Verizon and Dan. Most reported problems during peak ski hours, which extended into the early evening when the red snake was still subsiding. Difficulties with service were also reported anytime in the day and night, not just during peak times when the canyon was busy. Jane highlighted some of the comments. A significant issue was being unable to use get out of their gate because the cell phone didn't have reception to open it. Others commented that they couldn't hear or the outside party couldn't hear them. UFA and UPD noted the dead reception zones while driving in the canyon. In Pine Tree, they couldn't talk outside of their home even with a booster. In Mount Haven, physicians lost connectivity and missed pages on their phones. Also, calls were going straight to voicemail instead of ringing on their phone. In conversations with residents, Jane heard of events that could be considered personal emergencies when they couldn't call out to a doctor or reach out to family and friends to get help. Some people were trying to switch cell services because of these issues. As the Town of Brighton's Emergency Management Planner, Jane experienced all of these same problems at different times. She sent text messages about accidents, road closures, power outages, and avalanches slides onto the road but had reports that some people were not reached even in a group text message. Being unable to communicate is a major problem for conducting emergency management. In the next step, Mayor Knopp had conversations with the engineers. They determined they could make adjustments to the Scott's Peak tower during the summer of 2022. It targeted the ski resorts to give them better service, and some community areas. Another tower would be needed in Silver Fork area to boost service. Jane expressed, out of the interest of the community, and not his own, Dan offered a piece of his property to meet the need. Over the last two years the Verizon engineers planned and got the correct permissions to try and improve service. If we do not move forward with this project in a place that is reasonable for the whole town, we will be giving up great hope for better service. Verizon is the company that many of our residents use. Steve McIntosh, the watermaster, informed Jane that the meters being installed at homes are read through a Verizon app. From an emergency management standpoint, we live in a canyon that only has one way out in the winter, extreme levels of snow, a forested area at risk of fire danger, and almost 2 million annual visitors, and we are far from medical facilities. We are a unique town in need of adequate communications. Jane feels like we need to be willing to upgrade our infrastructure in order to increase our ability to communicate with competence.

Troy Benson representing Verizon wireless, reiterated the events that Jane shared that got us to this point. He shared additional comments from residents that they only have cell coverage 50% of the time, and when it's working it only shows one or two bars. Another noted they only get one or zero bars which is not only inconvenient, but a safety concern. Another customer has difficulties at different times. Currently, Verizon has 5 small, brown cell towers that can be seen on the side of the highway. These were deployed in 2018 to address coverage. There is one macro facility two miles east of the proposed tower location. In the wireless ecosystem, there are three main types of facilities which are macros, small cells, and in building systems. Macro facilities are the traditional wireless towers that provide coverage to a broad area up to several miles. Small wireless facilities or short range wireless sites used to complement macro facilities in smaller geographic areas ranging from 100-1,000 feet, depending on how many wireless devices are active in the area. Small cells are typically used to enhance capacity in high traffic areas, dense urban areas, and suburban areas. Verizon has proposed to construct a 60 foot tall stealth mono pine, resembling an evergreen tree, at Silver Fork Lodge for improved wireless connectivity. A macro facility is needed close to the wireless users in order to improve service. The proposed coverage spans 3 miles east and west, focusing on the canyon road and the residential area. The facilities ground equipment will be stored in a 12 foot tall building made of concrete masonry units, which are 8x8x16 inches to weaken the sound of the backup diesel generator. The new design would have a tapered appearance to resemble a tree with branches, which would extend 7 feet above

the tower. Two stands of significant trees would need to be removed, which would be replaced with 20 aspen seedlings per the code.

There were four sites considered before selecting the location at Silver Fork. The steepness of the canyon excludes many locations. The criteria for choosing a location was based on somewhere that had radiofrequency propagation to address the gap in coverage, be able to meet code requirements, a willing landlord, and easy access to utilities, an area that is constructible and meets zoning requirements. It must also be 60 feet from any neighbor. Placement too high or too low in elevation impacts the signal. Of the other three options were less likely for success. They were in the FR 0.5 zone which isn't as compatible as a commercial zone, and they are undeveloped making access more difficult and require more tree removal. One was on Salt Lake City Public Utilities property, and may have difficult access in the winter. The other two were on ski home place and may have had a better line of sight, but the elevation was higher and may not have been better.

Jeff Bossard noted the current location is controversial because of the neighbors who are opposed. This location is the easy way out since there are other options that wouldn't impact views for as many people. It was confirmed that SLC Public Utilities was not consulted about the possibility of using their property. There is also a house within that vicinity. Jeff was opposed to the tower and was contacted by residents immediately next to the proposed location who were opposed to it being so close to their house. Jeff noted that it is the planning commission that is to review the conditional use permit. It was presented at the town council meeting tonight as a condition of the right of first refusal that if the town purchases Silver Fork Lodge, they could deny construction of the tower.

PUBLIC COMMENT ON VERIZON CELL TOWER Recording: 3:48:00

- 1) Brent Ludlow (recording 2:53.50) commented that he researched the electromagnetic impulses coming from cell towers. He finds it scary and would not want to be within a mile of it and doesn't want to see it in the middle of all our homes. He sees a lot of places driving up the canyon where it could be rather than up by the houses.
- 2) Jan Slaughter asked why T-Mobile and other carriers don't need a 60-foot tower to provide service. It's unattractive to look at and she lives right next to the lodge.

Troy was unaware of the solution other carriers are using, perhaps they have better line of sight. He wasn't aware of other towers that they could co-locate to prevent the monopole.

- 3) Carolyn Keigley expressed that Verizon used to be best for remote areas such as Tahoe where they were very popular. When she started having trouble getting out of her gate is when she and many of her neighbors switched carriers.
- 4) Mark Brinton, Silver Fork, has Verizon and doesn't have the option of switching. He's been disappointed with the degradation of service in the past years, so he's glad we're looking at the option of the tower. He echoed Jeff that the fourth location on SLC Public Utilities could be worth looking at further and it doesn't seem to have been vetted enough. He's supportive of the tower at the lodge and agreed it's an unattractive sight. He has guests that come to the area that would be unable to switch carriers. He hopes Verizon hears feedback to improve their service.
- 5) Jane Martain clarified the feedback from Jeff that it doesn't mean he doesn't want the tower, he just wants it at a location that isn't Silver Fork Lodge.
- 6) Tom Loken owns property right next to the proposed tower location. It is actually 55 feet from his front door. It's similar encroachment to when a home is built 100 feet from the creek and a balcony is added that puts the home 80 feet from the creek. He assumes the tower will be 5G although there's been no mention of the mega hertz output, but it will be some type of radiation, but he'd like Verizon to address this. He asked how the community listening would feel about a 67 foot manmade structure 55 feet from their front door. He'd

rather other options were considered. He noted the data is two years old. Verizon did improve service and he is still a customer.

WRITTEN COMMENT ON VERIZON CELL TOWER

- 7) My wife and I, Sally and Tom Loken, are responding to the proposed construction of a Verizon 67 foot stealth monopole. Our property at 11315 E. Silver Fork Rd is immediately adjacent to the proposed site.

The following facts are from the MSD Summary and Recommendations, which was sent out a few days before the Brighton Planning Commission's meeting scheduled for 4/17/24 but was cancelled prior to that meeting:

1. The height of the proposed stealth monopole is 67 feet. The top of the pole will be supporting 12 - 8ft. tall, 1 ft. wide antennas. The top diameter of the antenna structure will be approximately 14 ft. wide. For reference, this is taller and wider than the tower near Whitmore Library. Despite Verizon stating that the structure will be 61 ft 10 inches from the nearest residence, which is ours, in reality, it will be less than 55 feet from our front door.

2. The monopole and antennas will be enclosed by artificial tree branches. This look is similar to what one would expect from a very tall but cheap looking Christmas tree.

3. The noise level from the generator at a distance of 23 ft, which is then on our property, will be 86.3 decibels.

4. The land survey done by Verizon on 8/10/23, which can be found on page 18 of the MSD Summary and Recommendation report, states under 4d in the narrative - that it does not certify their accuracy. Also, under 5c, it is recommended that this area be avoided until landowners settle on a location through a boundary line agreement.

We oppose the proposed construction of the Verizon stealth monopole for the following reasons:

1. It exceeds the height restrictions, which is 60 ft, and it deviates from the setback requirement of one foot for each foot of height. The MSD report states that the Brighton Planning Commission has discretion to allow the ability to deviate from these requirements because it's a stealth monopole. The MSD staff recommends approval of the 67 foot stealth monopole with an exception granted for height and setbacks. However, what is implied in these two statements is that the Brighton Planning Commission does NOT have to approve nor are they obligated to approve this application.

2. It will be noisy. Noise will be generated at 86.3 decibels. Multiple studies have shown that consistent noise at 85 decibels over 2 hrs requires ear protection. We will be subjected to this since our home is 55 feet from the structure.

3. There is still a question of lot boundaries which must be resolved prior to approval or disapproval of this project.

4. It will be ugly. No amount of Christmas tree branches can disguise the massive antenna structure. This 67 foot stealth monopole will not be anything remotely similar to the multiple small brown cellular towers that are scattered up the canyon. It will be an intrusive eyesore for the residents of Brighton and our thousands of visitors.

Is there anyone here tonight that would be OK having a man-made structure 67 feet tall and 55 feet from your front door? Also, would anyone want to live next to a structure producing 86.3 decibels on your land and consistently sending out radio-frequency transmissions which, in some studies, has been shown to have detrimental health effects?

In summary we would like to emphasize that the Town of Brighton was formed a little over 4 years ago. One of the major reasons for forming this town was to control our identity and standards. As a town, we would no longer be dictated by what Salt Lake County and the MSD

recommendations. The Town of Brighton has the ability and the right to set our own standards. The Town of Brighton Planning Commission has the power to deny this application and we believe it should deny it.

e. Forest Ranger Contract. Recording 3:57.52

Dan Knopp reported he's been in contact with the Forest Service, and they've asked us to renew the contract. The ranger is mostly in Cardiff educating visitors and answering questions, but they travel around the town a bit. The watershed report stated there are 70,000 visitors per month to Cardiff. The Forest Service costs have gone up, but they'll keep our contract at the same amount. Lise Brunhart moved to renew the contract, and Carolyn Keigley seconded the motion. The motion carried unanimously.

f. Resolution to adopt an updated Fee Schedule.

Polly McLean explained this is an update to the fee schedule adopted in November. The updates are due to adopting Title 19 and changes associated with that, and the MSD made amendments when the other townships incorporated and became towns and had to convert to a fiscal year. The big change was to add a fee of \$300 per day for zoning violations.

Carolyn Keigley moved to adopt the updated Fee Schedule and Jeff Bossard seconded the motion. The motion carried unanimously.

g. STR meeting update. Recording 4:01.55.

Jeff Bossard reported on the highlights from the meeting on April 29th, 2024. The subcommittee voted against the proposal to take Church Road out of the license cap in Silver Fork. They reviewed the 300-foot neighbor notification requirement and decided to keep it the same. In the meeting, people reported they hadn't received any notification despite STRs being around them, so it was clarified that for any homes that were already licensed when this was adopted, they don't have to notify again until renewal. At the Solitude condos, they don't have to notify every condo owner, just the HOA. Due to a discrepancy in the online business license map, and the actual licenses on file at the MSD, the STR counts presented at the meeting were inaccurate. The corrected counts show: Silver Fork has 24 active licenses and 3 renewals totaling 27 licenses filled toward the cap of 30. There are 6 new pending applications. It was also corrected that the cap was based on 15% of the number of homes when the cap was put in place. The cap will not increase as new homes are built. In Pine Tree, there are 3 active licenses and 3 renewals, totaling 6 licenses filled toward the cap of 6. There is 1 new pending application. Also at the meeting, it was reported that the online MSD portal has been improved. There was discussion about Salt Lake City Public Utilities involvement in the renewal process and the need for the water letters. The Granicus contract lasts through November, and it's worth keeping them for now. There was talk about the issues on the steepness of roads, but it's the responsibility of the management companies and owners, not something the town needs to handle. Mill F could operate short term rentals if they connect to the sewer.

h. Update on administrative changes to Lease to Locals program. Recording: 4:05.

Polly McLean explained we just received our first application which brought the need for administrative changes to the program. Now people will be expected to submit an invoice every three months with proof of employment and the lease before they receive payment. The other change is to allow someone who does the Lease to Locals program to segue into the Turns for Tenants program. That program was for newly established long term rentals, not anyone that had rented long term in the last year.

i. UPD Update.

Carolyn Keigley introduced Justin Hoyle, our new Precinct Chief, who we will share with Holladay. Mike Hill was selected as the new Seargent. He used to work in the canyon. We'll be sharing the detective and victim advocate with Holladay. We will have 5 dedicated officers that will be just for Brighton. We've made office space for them, pending UFA chief's approval. We will have a meet and greet at the pancake breakfast that the fire crew is putting on for us. Justin Hoyle acknowledged Cheryl Lenzer for her award of Detective of the year. The outstanding unit of the year was Canyon Patrol due to their efforts in last year's large snow season. UPD is working on their annual budget. The final numbers will depend on the areas officers choose to work.

PUBLIC INPUT

None

CHAT BOX COMMENTS

01:51:51 ulrich brunhart: Jeff, the average house size in Silver Lake Estates #1 is 3804 sq ft. With garage it is 4514 sq ft.

01:52:05 Jenna Malone: Reacted to "Jeff, the average ho..." with ❤️

01:52:28 Joel Dehlin: I have spoken up at several planning meetings. I personally heard Tara speak up at one of them.

01:58:06 Kara John: Home | Public Notice Website (utah.gov)

01:58:27 Kara John: ^^Please subscribe to the Town of Brighton Town Council Meetings at this link

02:09:03 taraparas: Does that include garages and adu

02:16:25 amykelley: Withdraw the motion and restate it

02:16:30 Jenna Malone: I'm VERY uncomfortable with the optics of a council member who would be affected directly by this ordinance suggesting an off the cuff change to it

02:17:53 Jonathan: Did anyone consider the public comment many suggested a table

02:17:57 JTC6r: Jenna, I agree with your position

03:19:46 [Attendee provided a spoof name]: Due to the nature of the comment, it has been summarized: Knopp has multiple conflicts of interest. The sale of his property is at an inflated price and only benefits him. The building is not to code, but he is above the law. He should sell the lodge at a discount, or at least bring it into code compliance.

REPORTS

Mayor's Report

Dan Knopp reported that Rocky Mountain Power will begin in another month. They have two sections of road cuts to make between Pine Tree and Silver Fork. Other than that, they'll be working on secondary lines in the neighborhoods. Those are not burying the connections to individual houses.

The water treatment plant at the mouth of the canyon will begin construction. They have to put a 36" steel welded pipe in from the mouth of the canyon to the plant. They expect to complete about 100 feet a day. They will go across Wasatch Blvd. then over to the metropolitan plant over to Danish Rd.

UDOT will now begin an EIS for the upper canyon. They are building off the BCC Transportation Action Plan. They'll be meeting with the ski areas and other entities.

Dan will be meeting with the new Community Development person at the MSD.

The Firewise meeting went well. Salt Lake City Public Utilities, Forest Service, UDOT, UPD are all committed to fuels reduction and we will see a lot more work up here toward that effort. Barbara and Dan did a KUTV interview about to talk about our wildfire prevention plans. The parking program is done for the year and was a success for solving the morning traffic problems. The resorts did well to stagger

their closing and opening times to spread out traffic. For a big snow year, it went well and UDOT did a great job managing the roads. UDOT has been working on the Guardsman pass road and Wasatch County will begin their side. Dan authorized a raise for our legal team because he felt it was warranted and within his purview.

Council Members' Reports

Jeff Bossard attended fire school 101. He learned about the huge difference a 4-team crew makes when fighting fire. Mosquito Abatement is getting ready for the season. Jeff and Tom Ward are working on the Neighborhood Nodes project. They've had discussions with consultants and there is an invitation only meeting on July 11th for stakeholders in the town. We put \$100,000 toward the plan for connecting the neighborhoods in the canyon.

Carolyn Keigley didn't report anything additional.

Lise Brunhart reported on her meeting with John Knoblock for the Silver Lake Trail restoration. June 5th is the site review for the two contractors they're considering. The contractors must have their bids in by June 16th. They're working with landowners on the revised access agreement so they can move ahead. She attended the MSD board of Trustees meeting. She went to the Emergency and Culinary Water Meeting at the county. They plan to get a GIS image of all the lots in the canyon. They want to encourage water metering. She went to the Association of Municipal Councils. The head of Utah Division of Environmental Quality presented interesting statistics.

Keith Zuspan provided a written and report:

Finance

Zions bank balance is \$639,778 which includes April disbursements of Resort Community/Transient Room (\$317,784) and Interstate Parking (\$5,840)

PTIF balance is \$4,144,816, which includes interest income of \$18,473. Interest on an annualized basis is 5.44%.

WFWRD

I spoke with Pam Roberts on Friday about establishing the Cardiff area. A representative will review the site and begin erecting the fencing and placing the seasonal containers. Given the warming trend and snow melt, they should be in place shortly.

Momentum Recycling is prepared to place the glass container adjacent to the compactor with a similar site evaluation.

MSD

The MSD is in the process of relocating from the county building to 860 W Levoy Street (Taylorsville), off 4500 S West of I-15. The move is expected late this calendar year.

Joel Grant replaced Brooke Barnes. He has an extensive HR background and will support MSD excellently.

The MSD is also providing review and support surrounding accounting entries from the previous payroll company. Exeupay [the former third-party payroll processor] may not have cited the correct state withholding accounts. Stewart and the staff are in the process of resolving the accounting issues. This will not affect anyone's individual payroll accounts.

Emergency Management Report

None.

BCCA Report

Barbara Cameron reported on the wonderful Firewise and Chili Dinner that Jane prepared on May 2nd. Chipper Days will begin on July 29th. Start collecting and sign up. We have an ISO rating of 2X. X means we're rural. We used to have a 9 rating, but we've dropped it to 2 by having a fire station close by. We learned about the importance of defensible space to protect ourselves and our land. There is a field trip planned to the Rocky Mountain Recycling Center. RSVP to Barbara. It's at 3110 S 900 W.

PROPOSALS FOR FUTURE AGENDA ITEMS

None

ADJOURN

Keith Zuspan moved to go into closed session for a discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property pursuant to per Utah Code §524-205 and Jeff Bossard seconded the motion. The motion passed unanimously.

Jeff Bossard moved to close the Closed Session and Carolyn Keigley seconded the motion. The motion passed unanimously.

Jeff Bossard moved to adjourn the meeting and Carolyn Keigley seconded the motion. The meeting was adjourned at 11:23pm



Submitted by Kara John, Town Clerk