



Planning and Development Services
860 Levoy Drive, Suite 300 • Taylorsville, UT 84123
Phone: (385) 910-5600

Town of Brighton Planning Commission

Public Meeting Agenda

****AMENDED****

Wednesday, September 17, 2025, 6:00 pm

Location:

Microsoft Teams Meeting

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWMjZmOWItN2RkMi00NzljLWEzZGMtNDBmNDAwNDkwMGY5%40thread.v2/0?context=%7b%22Tid%22%3a%22fac3e0b8-c4a6-4120-b366-ee6cb2fb76a8%22%2c%22Oid%22%3a%22f8a001a5-21cc-482a-9f5a-682bacd87641%22%7d

Meeting ID: 213 706 589 696 2

Passcode: tr9gu3DH

Dial in by phone

[+1 213-357-4434,,218692391#](tel:+12133574434,,218692391#) United States, Los Angeles

Phone conference ID: 218 692 391#

**Anchor Location: Big Cottonwood Fire Station
7688 South Big Cottonwood Canyon Road**

**UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-391-8268.
TTY USERS SHOULD CALL 711.**

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and MSD staff regarding land use applications and other items on the Commission's agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance, or recommendation to other bodies as applicable.

BUSINESS MEETING

- 1) Election of Chair and Vice Chair 2025/2026. (Motion/Voting)
- 2) Approval of July 16, 2025, Planning Commission Meeting Minutes. (Motion/Voting)
- 3) Other Business Items. (As Needed)

PUBLIC HEARING(S)

REZ2025-001421 - Stephen Burt (applicant) is applying to rezone a property from FR-1 to FR-0.5. **Parcel:** 24-21-286-025-0000. **Acres:** 0.72. **Location:** 11456 East Mountain Sun Lane. **Zone:** FR-1. **Planner:** Justin Smith (Discussion/Recommendation)

OAM2025-001431 - An ordinance of the town of Brighton amending section 19.04.070 Use Definitions and 19.24.030 Schedule of Uses to clarify the difference between “Ski Resort” and “Ski Resort Support Facilities”, to define “Ski Resort Boundaries” and to establish ski resort support facilities as a conditional use in the FM-10 and FM-20 zones. **Planner:** Curtis Woodward (Discussion/Recommendation)

ADJOURN

Rules of Conduct for Planning Commission Meetings

PROCEDURE FOR PUBLIC COMMENT

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
2. Unless altered by the Chair, the order of the procedure on an application shall be:
 - a. The supporting agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application
 - b. The applicant will be allowed up to 15 minutes to make their presentation.
 - c. The Community Council representative can present their comments as applicable.
 - d. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
 - e. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
 - f. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
 - g. Surrebuttals may be allowed at the discretion of the Chair.

CONDUCT FOR APPLICANTS AND THE PUBLIC

1. Speakers will be called to the podium by the Chair.
2. Each speaker, before talking, shall give his or her name and address.
3. All comments should be directed to the Commissioners, not to the staff or to members of the audience.
4. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.
5. Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.
6. Only one speaker is permitted before the Commission at a time.
7. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.
8. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
9. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
10. No applause or public outbursts shall be permitted.
11. The Chair or supporting agency staff may request police support to remove offending individuals who refuse to abide by these rules.
12. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.



Planning and Development Services

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

MEETING MINUTE SUMMARY TOWN OF BRIGHTON PLANNING COMMISSION MEETING Wednesday, July 16, 2025, 6:00 p.m.

Approximate meeting length: 1 hour 28 minutes

Number of public in attendance: 19

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Despain

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

ATTENDANCE

Commissioners and Staff:

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

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Jim Nakamura	x	x
Justin Smith		
Curtis Woodward	x	x
Trent Sorensen	x	x
Kara John	x	x
Polly McLean	x	x

BUSINESS MEETING

Meeting began at – 6:00 p.m.

- 1) Approval of Minutes from May 21, 2025, Planning Commission Meeting.

Motion: To approve Minutes of May 21, 2025, Planning Commission Meeting as presented.

Motion by: Commissioner Brunhart

2nd by: Commissioner Conway

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

- 2) Other Business Items. (As Needed)

No other business items to discuss.

Commissioner Conway motioned to open the public hearings, Commissioner Brunhart seconded that motion.

PUBLIC HEARING(S)

Hearings began at – 6:05 p.m.

REZ2025-001421 - Stephen Burt (applicant) is applying to rezone a property from FR-1 to FR-0.5. **Acres:** 0.72. **Location:** 11456 East Mountain Sun Lane. **Zone:** FR-1. **Planner:** Justin Smith (Discussion/Recommendation)

Commissioner Despain opened the public hearing.

PUBLIC PORTION OF HEARING OPENED

No one from the public was present to speak.

Commissioner Despain closed the public hearing.

PUBLIC PORTION OF HEARING CLOSED

Motion: To continue application #REZ2025-001421 Stephen Burt (applicant) is applying to rezone a property from FR-1 to FR-0.5 to the August 20th planning commission meeting.

Motion by: Commissioner Machlis

2nd by: Commissioner Brunhart

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

OAM2025-001431 - An ordinance of the town of Brighton amending section 19.04.070 Use Definitions and 19.24.030 Schedule of Uses to clarify the difference between “Ski Resort” and “Ski Resort Support Facilities”, to define “Ski Resort Boundaries” and to establish ski resort support facilities as a conditional use in the FM-10 and FM-20 zones. **Planner:** Curtis Woodward (Discussion/Recommendation)

Greater Salt Lake Municipal Services District Senior Planner Curtis Woodward provided an analysis of the staff report.

Commissioners, staff, and counsel had a brief discussion regarding ski resort boundary and setting, defining support facilities, setting boundaries can be changed on a CUP and amending the map, Solitude and Brighton own parcels contiguous to forest service, if falls under a ski resort it would go through a conditional use. Anything a support facility would have to be within the ski resort boundaries. Discussed removing ski resort facilities from the table, as is misused in the table. Without the change someone will buy a lot elsewhere where they can get access. Supply clarity and resort boundaries. Discussed creating a new zone with a clear definition where a parking lot can be put but clarify a CUP.

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

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Brighton Ski Resort

Name: Mike Mulbrich

Address: 8302 South Brighton Loop Road

Comments: Mr. Mulbrich said it sounds like there is a process currently. Doesn't know what the ski resorts will look like in the future, and it's hard to think about.

Speaker # 2: Solitude Ski Resort

Name: Amber Broadway

Address: 12000 Big Cottonwood Canyon

Comments: Ms. Broadway said she sat here for an hour and listened to the commission and staff talk about this but finds that staff didn't spend any time talking to the two stakeholders that are affected by this, and it is a mess. An attempt to try to tie the ski resorts to the special use permit. The special use permit to the issues related to the forest, not for setting in lock and stone how a resort, private business can operate.

Solitude has owned multiple parcels outside the forest service boundary for decades. The parcels were purchased with business intent based on the zoning. She is troubled the town is moving to changing zoning after the fact of the acquisition. Encourage the forest service map is wrong, boundary changed significantly. Special use permits have changed where they want to lock boundaries. Business owners in the canyon come to them asking them to purchase their business outside their boundaries. This matter is being rushed in retaliation for the parking lot proposal. She said she understands that the parking proposal is highly unpopular. Been expected as a stakeholder for staff to meet with them how they are affected. They request proposal continued for staff to meet with them, not after the fact, but first and be involved in the conversation. We don't know what these resorts will look like, but no one cares more than the resorts, but locking boundaries is troubling. We own land outside of the boundaries. Solitude acquired a parcel at old stagecoach, and they did that based on the zoning at the time. They look forward to continuing this discussion and know they need to solve some challenges here that are troubling to them as well as community members. Please direct staff to meet with them first, so they can bring back to the commission informed details before the planning commission agrees to move forward to the council.

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

PUBLIC PORTION OF HEARING CLOSED

Commissioners had a brief discussion regarding the general plan, ski resorts with its own topic now addressed in the general plan, ski resort can apply to amend the resort as acquired through the CUP. Ski resorts have an advantage in the current code they don't have to apply for a carve out within their boundary but outside is that what they want and come to us but should be a process and not just CUP.

Motion: To continue file #OAM2025-001431 An ordinance of the town of Brighton amending section 19.04.070 Use Definitions and 19.24.030 Schedule of Uses to clarify the difference between "Ski Resort" and "Ski Resort Support Facilities", to define "Ski Resort Boundaries" and to establish ski resort support facilities as a conditional use in the FM-10 and FM-20 zones to the September 17th planning commission meeting to allow staff to work with resorts and hammer out where the boundaries are and discuss the direction Solitude and Brighton should move in and where the community lies and where development will go.

Motion by: Commissioner Brunhart

2nd by: Commissioner Machlis

Vote: Commissioner Conway did not vote, all other commissioners voted unanimously (of commissioners present). Motion passed.

MEETING ADJOURNED

Time Adjourned -7:28 p.m.



Staff Report

Meeting Body: Brighton Planning Commission

Meeting Date: September 17, 2025

File Number & Project Type:
REZ2025-001421

Current Zone: FR-1

Proposed Zone: FR-0.5

Address: 11456 E Mountain Sun Ln

Planner: Justin Smith

Applicant: Stephen Burt

Exhibits:

Site Plan

Narrative

Legal Description

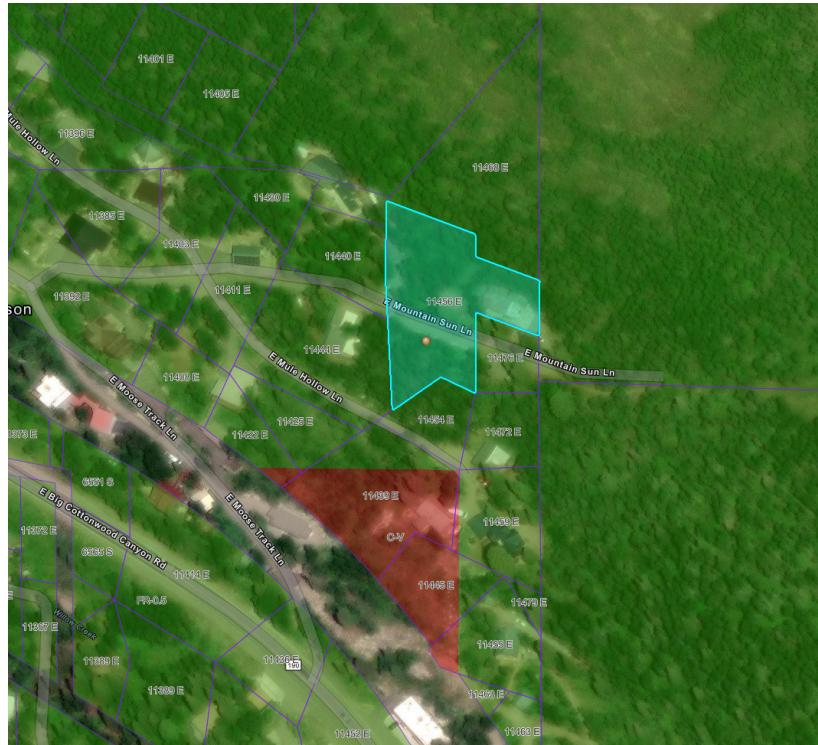
DESCRIPTION

The applicant is seeking to rezone the property in order to proceed with their subdivision application. The applicant is wanting to rezone from FR-1 to FR-0.5 so that the minimum lot size requirements can be met. Their property is 0.72 acres in size and is made up of two separate properties that were combined.

SITE & VICINITY DESCRIPTION

Surrounding Zoning and Use	
North	FR-1, Residence
South	FR-1, Residence
East*	FR-1, Residence
West	FR-1, Residence
Known Overlays/Site Constraints	
FCOZ	

South of Mountain Sun Lane and north of Mule Hollow Lane, just west of US Forest Service land. *East is 11476 E Mule Hollow Lane on the table.
(vicinity map below)





GENERAL PLAN CONSIDERATIONS

This property is located within the Silver Fork character area as defined by the Town of Brighton's General Plan. The General Plan calls out Silver Fork as an area that would see minimum changes in use and stay connected to the natural environment. The General Plans lists the maximum density of 2 units per acre and lists residences as one of the primary uses in the character area.

A consequence of approving this rezone would be that other parcels in this area that are currently zoned FR-1 could come to the Town and also ask for a rezone for the same reasoning being asked for here. That could increase the number of parcels which would then meet zoning requirements, and or could increase existing 1 acre parcels into 2 ½ acre parcels.

As these parcels are in the middle of other FR-1 zoning, there could be the claim that this is spot zoning. Under Utah law, spot zoning occurs when a zoning authority either grants a special privilege or imposes a restriction on a particular small property that is not otherwise granted or imposed on surrounding properties in the larger area, without regard to a unified plan. Under this legal standard, it is not impermissible spot zoning when a land use ordinance allows for certain modifications to zoning requirements *as part of a general or comprehensive plan*. (quoting Office of the Property Rights Ombudsman Advisory Opinion 222 quoting a Utah Supreme Court Case Marshall v. Salt Lake City, 105 Utah 111 (Utah 1943). Zoning is done for the benefit of the city as a whole, and the limitations imposed on respective districts must be done with a view to the benefit of the district as a whole, and not from consideration of particular tracts. (quoting Marshall case).

PUBLIC INPUT

Planning Staff did receive public comment regarding a potential rezone. There was a comment concerning the future implications of this rezone for the neighboring property 11444 E Mule Hollow Lane. That property has been long owned by the county and neighbors the proposed lot to the southwest and is roughly the same size as the subject property. Another member of the public had comments regarding a potential area rezone and a potential change in setback requirements. FR-0.5 and FR-1 both have the same setbacks and require structures to be 8 feet from any property line and 10 feet from the edge of any right-of-way. Those were the comments that were received as of September 12th. Any comments that are received after that date will be forwarded to the Brighton Planning Commission.

Planning Staff reached out regarding water availability in the area. Planning Staff was informed that in this area there are roughly 300 parcels and 260 water shares.

SUMMARY AND RECOMMENDATION

Background

The zoning in unincorporated Salt Lake County in the area which is now Brighton was set some time in the late 1960's or early 1970's. During research into the background of the zoning of the



Silver Fork area the earliest found zoning map that had a zone in this area was from 1973. Earlier zoning maps either did not include the area where Brighton is now located or had it marked as unzoned. When the zoning was established in 1973, this section of Silver Fork was mostly FR-1 and FR-5 with the portion south of Big Cottonwood Road being predominately zoned FR-0.5. On June 3, 1975, the Utah Supreme Court ruled that the enactment of FR zoning had not gone through the proper public notice process (Melville v. Salt Lake County). After publishing the required legal notice, the FR zoning for the canyons was re-adopted August 4, 1975 (zoning file 2249).

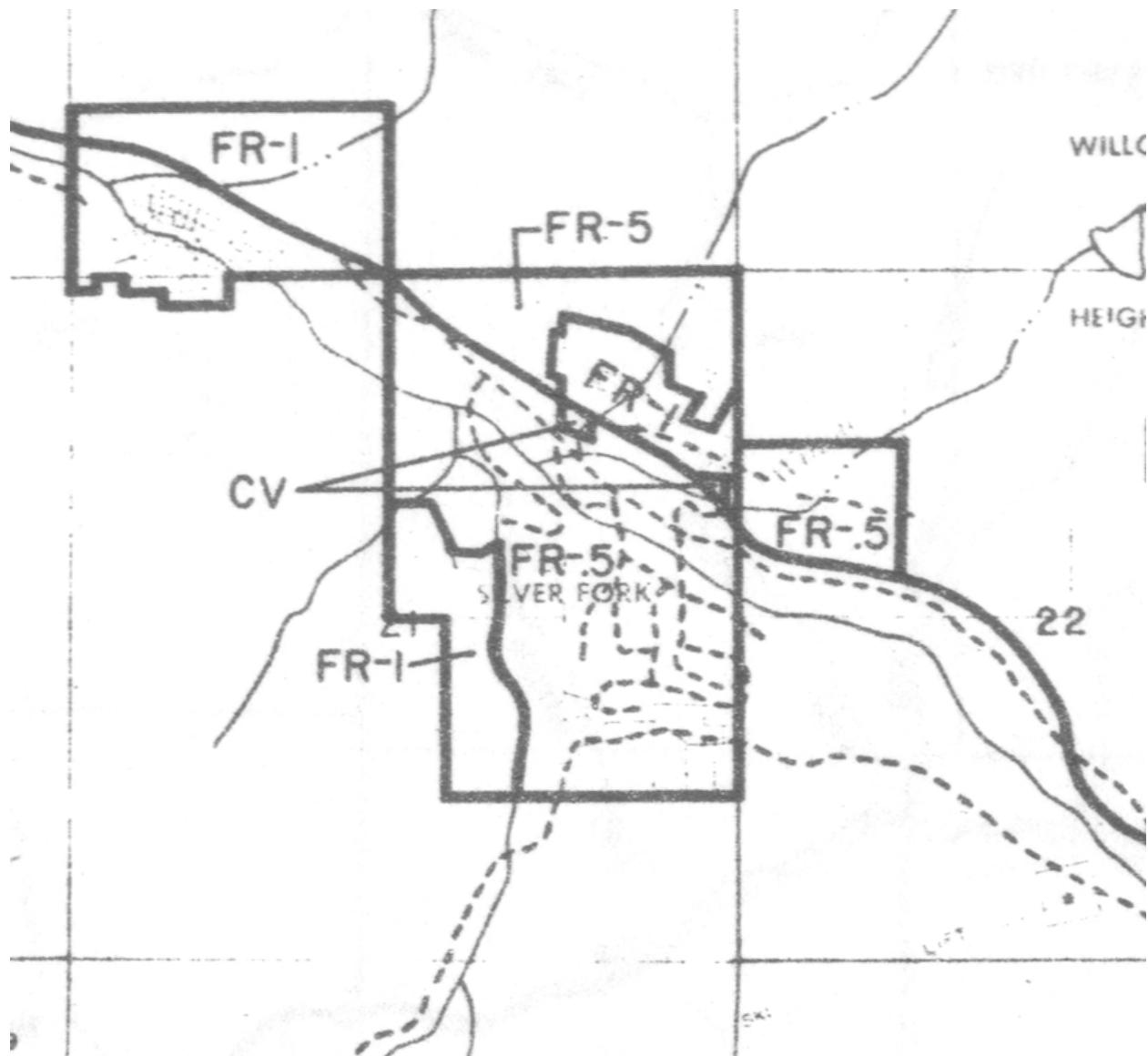


Figure 1. Screenshot of 1973 zoning map highlighting the area of this rezone application.

By 1983, there were 3 parcels the western end of this area north of Big Cottonwood Road had been rezoned from FR-5 to FR-0.5 as well as a few properties located in the middle of the FR-1 zoned portion. It is unclear as to how and why many of the FR-5 zoned properties in Silver Fork were rezoned to FR-0.5. A copy of the July 29, 1975 Salt Lake County Commissioners Meeting minutes mentions the Silver Fork and Reynolds Flat areas as being zoned FR-1 and FR-5.

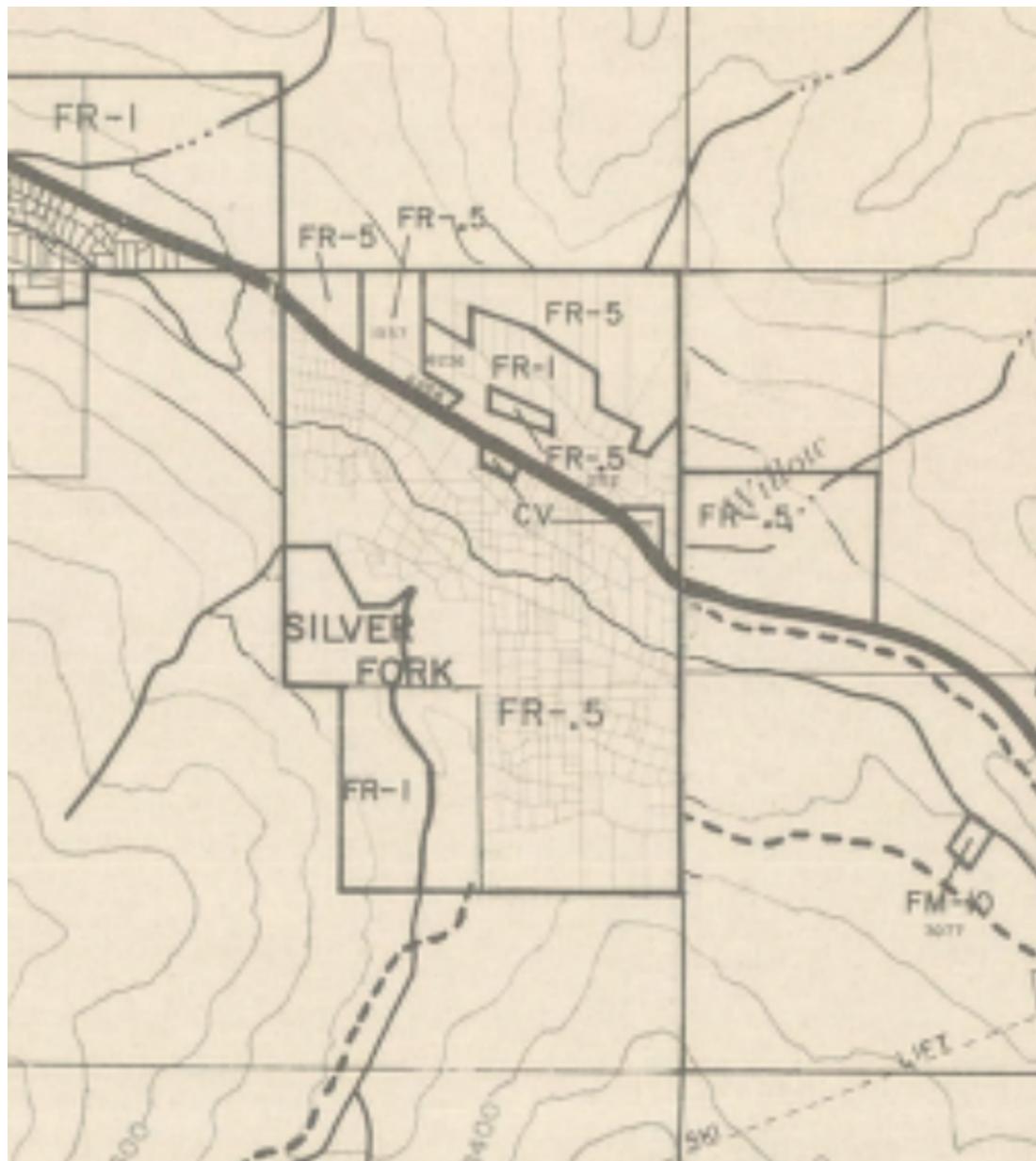


Figure 2.

Screenshot of the 1975 zoning map (updated to 1983) highlighting the area of the rezone application.

The 1999 zoning map shows that all of the lots that were originally zoned as FR-5 lots along the northern edge of this area were rezoned to FR-0.5. Many of the zone changes that occurred have numbers next to the zone that reference the rezone application number. Despite that, the FR-5 to FR-0.5 zone change does not have an application or planning file number attached to it. This could have been the result of a mistake or error at some point. In addition, two other properties were also rezoned to FR-0.5 along Big Cottonwood Road. Two of these properties are part of the Larry Rogers Subdivision and had to be rezoned as part of the subdivision application. The Larry Rogers Subdivision was a three-lot subdivision that took 2.34 acres and created two lots that are 0.5 acres in size and the land was rezoned on May 6, 1998. The remaining 1.34 acres are Lot 1 of the Larry Rogers Subdivision. The rezone was approved by the Salt Lake County Commissioners due to it being similar to other development in the area.

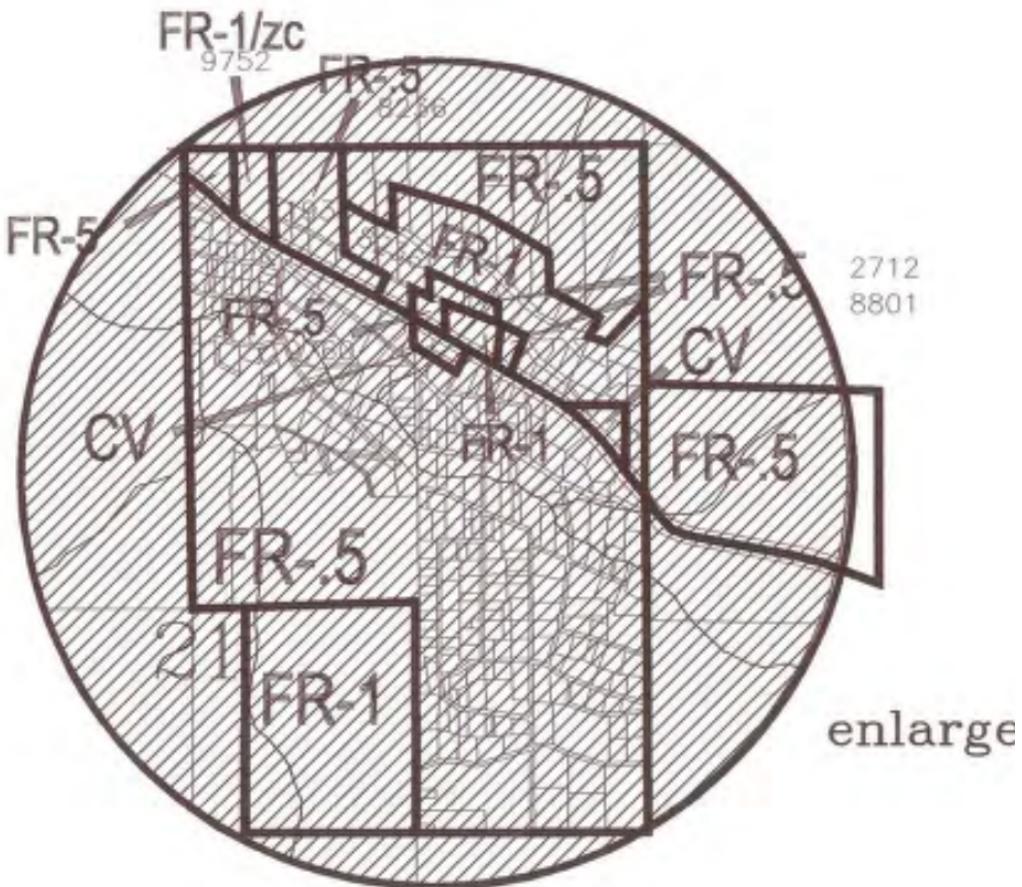


Figure 3.

Screenshot of an enlargement of Silver Fork from the 1998 Big and Little Cottonwood Canyons Zoning Map.

11185 E Mountain Sun Lane was rezoned in 1986 from FR-5 to FR-1/zc, but in 2024 there was another rezone to remove the zoning condition. That zoning condition restricted the maximum density to one unit per 2.25 acres until its removal. Now, with the zoning restriction removed, the area is zoned FR-1.

11267 E Mule Hollow Lane was rezoned at some point between 1975 and 1998 and a search of the Salt Lake County Recorder's Office's records did not find anything and the book and page references in the legal description did not relate to any zone changes. This property is Lot 10 of the Utley Subdivision and was the lot was legal at the time of its creation. It is unclear why this property was rezoned.

11245 E Big Cottonwood Road has split zoning since 1975. It was originally FR-5 and FR-1, but the FR-5 was changed to FR-0.5 by 1998 along with many of the other parcels that were zoned FR-5 in 1975.



11341 E Mule Hollow Lane, 11435 E Mountain Sun Lane, 11405 E Mountain Sun Lane, 11351 E Mountain Sun Lane, 11339 E Mountain Sun Lane, 11249 E Mountain Sun Lane, 11247 E Mountain Sun Lane, 11267 E Mule Hollow Lane, 11211 E Mountain Sun, 1192 E Mountain Sun Lane, 11202 E Mountain Sun Lane, and the southern half 11245 E Mountain Sun Lane were originally zoned FR-5, but were at some point all rezoned to the FR-0.5 zone.

There are currently 65 parcels that staff counted being north of Big Cottonwood Road in Silver Fork. Of the 65 parcels, there are 26 parcels that are zoned FR-0.5. Of those, 16 parcels have been zoned FR-0.5 since 1975. Of the remaining 39 parcels that are zoned FR-1 there are only 4 parcels that meet the minimum lot size requirement of 1 acre. The idea of an area rezone was proposed and would include the property that is part of the original rezone application. This is not currently being proposed and the rezone application is for the one property, 11456 E Mountain Sun Lane, but the "Area" piece of the staff report was retained in order to give the Brighton Planning Commission and the Town Council additional information.

A consequence of approving this rezone would be that other parcels in this area that are currently zoned FR-1 could come to the Town and also ask for a rezone for the same reasoning being asked for here. That could increase the number of parcels which would then meet zoning requirements, and or could increase existing 1 acre parcels into 2 ½ acre parcels.

Eight of the parcels that are zoned FR-0.5 have residences or cabins located on-site. The oldest one is located at 11435 E Mountain Sun Lane which was built in 1954. This structure is older than the subdivision ordinance and would have been constructed before this area was assigned a zone. The next oldest structure was built in 1979 at 11315 E Mountain Sun Lane. 11315 E Mountain Sun Lane was originally zoned FR-1 in 1973, but had been rezoned to FR-0.5 by 1975. When this home was built in 1979, it would have met the minimum lot size requirement. 11245 E Big Cottonwood Road has a home that was built in 1986. This parcel was originally zoned FR-5 in 1973, but the zone was changed to FR-0.5 by 1975. 11221 E Big Cottonwood was originally zoned FR-5 in 1973, but the zone was changed to FR-0.5 by 1975. The home on this property was built in 1992. 11233 E Mountain Sun Lane was built in 1994. This parcel was originally zoned FR-5, but was rezoned to FR-0.5 by 1975. 11211 E Mountain Sun was originally zoned FR-5 in 1973, but was rezoned to FR-0.5 by 1975. The home was built in 1999. 11388 E Mountain Sun was originally zoned FR-1 and is lot 3 of the Larry Rogers Subdivision. The home was built in 2002. All of the lots that are zoned FR-0.5 and have residences meet the minimum lot size requirement of 0.5 acres except for 11329 E Mountain Sun Lane which is 0.1 acres in size.

Summary of Issues:

There are eight guidelines for potential consideration a rezone application in the Town of Brighton and they are included in the table on the next page.



Table 19.16-2: GUIDELINES for CONSIDERING Zoning MAP & TEXT Amendments

FACTORS	MAP AMENDMENTS	TEXT AMENDMENTS/ LAND USE REGULATIONS
1. The proposed amendment is compatible with the Adopted General Plan.	X	X
2. The proposed amendment promotes the public health, safety and welfare.	X	X
3. The proposed amendment is a more suitable zoning classification for the property than the current classification.	X	
4. The proposed amendment is compatible with the intent and general purposes of this Ordinance.	X	X
5. The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.	X	X
6. The proposed amendment benefits the citizens of the Town of Brighton as a whole.	X	X
7. The proposed amendment does not create a significant number of nonconformities.	X	X
8. The proposed amendment is compatible with the trend of development, if any, in the general area of the property in question.	X	

The original rezone application was made by Stephen Burt on behalf of Ryan Perkins and this application was only for 11456 E Mountain Sun Lane. There was concern of the potential ramifications of a spot zone to rezone the property from FR-1 to FR-0.5. .

11456 E Mountain Sun Lane is owned by Ryan Perkins who is wanting to build a home on this property. Ryan Perkins is required to complete a one-lot subdivision so that he has a legal and subdivided lot instead of two parcels that have been joined together.

The Town of Brighton's zoning ordinance has a table that lists the guidelines for considering zoning map and text amendments. Not all of the guidelines are applicable to every rezone as some guidelines are for correcting errors and such. In addition, the Planning Commission and the Town Council are not required to consider every guideline, but may consider one or more of them.

The first guideline is whether or not the proposed amendment is compatible with the Adopted General Plan. The Town of Brighton's Adopted General Plan includes the area north of Big Cottonwood Road with the rest of the Silver Fork area to the south. The Adopted General Plan states that the maximum allowable density in Silver Fork is 2 dwelling units per acre. Two dwelling units per acre would be consistent with the FR-0.5 zone as it requires a half-acre minimum for a dwelling unit. However, parts of Silver Fork are dense with 1/2 acre lots or parcels, or smaller, and parts of the area include larger parcels, and area that are much larger, or unbuildable due to steepness or lack of access.

The second guideline is that the proposed amendment promotes the public health, safety, and welfare. There have not been any issues brought in any of the reviews of either the rezone or the subdivision that hint at potential safety, health, or welfare issues. Many of the roads in this area do not meet the requirements set forth in Chapter 14, but it is possible to get an exception from roadway width requirements from Unified Fire Authority.

The third guideline is whether the proposed amendment is a more suitable zoning classification for the property than the current classification. The current zoning requires a larger area to meet the minimum parcel size to be developed. The rezone application meets this standard due to the



property not meeting the minimum area of 1 acre of the current FR-1 zone. This property exceeds the minimum area requirement if it is zone FR- 0.5 and exceeds the minimum lot width requirement.

The fourth guideline is whether the amendment is compatible with the intent and general purposes of this Ordinance. Section 19.02.030 of the Town of Brighton Zoning Ordinance lists the purpose of the Zoning Ordinance. The seven purposes are:

1. To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of Brighton,
2. To support small-scale economic opportunities and business that promote outdoor recreation, community services for residents, environmental preservation, or sustainable transportation,
3. To support sustainable and responsible recreation and tourism,
4. To regulate responsible alteration and development of land that promotes safety for people, wildlife, water, and the natural landscape,
5. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
6. To preserve existing residential properties that embody Brighton's Mountain community,
7. To regulate housing and development to reduce impacts on the environment.

The applicant has previously created applications for a subdivision as well as an FCOZ application for a cabin/home. The applicant has made an effort to comply with all of the requirements set by the Town of Brighton. In addition, the applicant is pursuing a rezone to build a home/cabin that complies with FCOZ requirements that are set forth in the Zoning Ordinance.

The fifth guideline is to correct an error or omission may apply to this application. It is unclear exactly why this lot is left alone or why it was zoned FR-1.

The sixth guideline is whether the proposed amendment benefits the citizens of the Town of Brighton as a whole. This rezone would allow for one property to be developed on to the benefit of the landowner, but would likely not affect Brighton as a whole. The owners proposed plans are similar to other surrounding development.

The seventh guideline is whether the rezone would not create a significant number of nonconformities. This rezone would not create any non-conformities.

The eighth guideline is that the proposed amendment is compatible with the trend of development, if any, in the general area of the property in question. There is development in this area and what the owner has proposed is consistent with the development in the area. The owner is looking to build one residence on 0.72 acres for a density of approximately 1.44 units per acre. 1.44 units per acre complies with what the Adopted General Plan calls for in the Silver Fork Area. Every lot in the Utley Subdivision is between 0.5 and 1 acre in size. None of the Utley subdivision lots have the required 200 feet lot width. Only one lot of the Neilson Subdivision is over half an acre in size.

Furthermore, in 1998 two properties were rezoned from FR-1 to FR-0.5. These two properties were part of the Larry Rogers Subdivision application and are on the east and west sides of the Larry Rogers Subdivision and were roughly 0.5 acres in size. The rezone was approved by the Salt



Lake County Commissioner due to the FR-1 to FR-0.5 rezone being consistent with the general development in the area.

Area

After the application was submitted and reviewed there was some concern over the possibility of spot zoning. If this application is approved, it may open the Town up for an application for the entire area to be rezoned. This area rezone would rezone several properties that are currently zoned FR-1 to FR-0.5. Several of these properties are located within the Utley and Neilson subdivisions or have existing residences or cabins built on them.

In reviewing the area that could be considered, proposed area for the rezone would include the properties starting from the northwestern corner of the Utley Subdivision down to Big Cottonwood Canyon Road and then east to the US Forest Service land east of Silver Fork, but going around the portion that is zoned C-V. It would then run north and include and run around the property addressed as 11468 E Mountain Sun Lane (Parcel ID 24-21-226-025-0000). It would then include 11405 E Mountain Sun Lane and 11401 E Mule Hollow Lane before running along the rear property line of the Utley Subdivision lots located on the north side of Mule Hollow Lane. For lots that are interior to the area that I have described, there are ten properties that are not included in this. The first is 11355 E Big Cottonwood Canyon Road, which is Lot 1 of the Larry Rogers Subdivision. This lot is not included because it complies with the requirements of the FR-1 zone. The other properties are 11388 E Mountain Sun Lane, 11311 E Big Cottonwood Canyon Road, 11329 E Mountain Sun Lane, 11267 E Mule Hollow, and the three properties that are addressed as 11315 E Mountain Sun Lane. These properties are excluded from the rezone because they are already zoned FR-0.5. The last two properties are 11439 E Big Cottonwood Canyon Road and 11445 E Big Cottonwood Canyon Road. These two properties have large portions of land that is zoned C-V. The property addressed as 11445 E Big Cottonwood Canyon Road is the site of a commercial building.

The first guideline is whether or not the proposed amendment is compatible with the Adopted General Plan. Rezoning properties from FR-1 to FR-0.5 would increase the density to a maximum of 2 units per acre, but steep slopes and other challenges would likely reduce the density due to unbuildable areas.

The second guideline is that the proposed amendment promotes the public health, safety, and welfare. There have not been any comments that are opposed to the rezone on the grounds of public health or safety. There has been one comment regarding the property 11444 E Mule Hollow Lane. This land is owned by Salt Lake County. If this property were to be rezoned to the FR-0.5 zone then it may be a property that could be developable in the future. This property does not appear to be a lot of record and as such would most likely be required to go through the subdivision process for a one-lot subdivision before anything could be done. There also appear to be steep slopes on this property that show it being in the 25-35% slope range with decent sized portions being over 35% slope. It is unclear exactly what the slope is on this property, but if the slope were under 30% then it could become a buildable lot.

The third guideline is whether the proposed amendment is a more suitable zoning classification for the property than the current classification. The FR-0.5 zone is more appropriate for a majority of the properties in Silver Fork on the north side of Big Cottonwood Road. The entire Utley and Neilson Subdivisions do not meet the required area requirements set by the FR-1 zone. However,



they are already lots of record since they went through a subdivision process and were approved as lots, with their current size. The FR-1 zone requires a minimum lot width of 200 feet and a minimum area of 1 acre.

The fourth guideline is whether the amendment is compatible with the intent and general purposes of this Ordinance. Section 19.02.030 of the Town of Brighton Zoning Ordinance lists the purpose of the Zoning Ordinance. The seven purposes are:

1. To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of Brighton,
2. To support small-scale economic opportunities and business that promote outdoor recreation, community services for residents, environmental preservation, or sustainable transportation,
3. To support sustainable and responsible recreation and tourism,
4. To regulate responsible alteration and development of land that promotes safety for people, wildlife, water, and the natural landscape,
5. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
6. To preserve existing residential properties that embody Brighton's Mountain community,
7. To regulate housing and development to reduce impacts on the environment.

Many of these properties have already been developed although there are many that have not. The properties that have not been developed would still be required to go through the FCOZ process before being able to apply for a building permit.

The fifth guideline is to correct an error or omission may apply to this application. Similar to 11456 E Mountain Sun Lane, it is unclear why much of this area is zoned FR-1 when the majority of the properties do not meet the size requirements of the FR-1 zone. Both the Utley and Neilson Subdivisions had been approved and recorded before zoning was adopted in Brighton.

The sixth guideline is whether the proposed amendment benefits the citizens of the Town of Brighton as a whole. This rezone would bring several properties into zoning compliance and would also bring several properties closer to compliance.

The seventh guideline is whether the rezone would not create a significant number of nonconformities. This rezone would not create any non-conformities but would eliminate several non-conformities of existing parcels and lots.

The eighth guideline is that the proposed amendment is compatible with the trend of development, if any, in the general area of the property in question. A lot of these properties have been built on or are facing challenges related to things other than zoning like slope or a lack of access to water. Of the existing development many of it is built on lots and parcels that are less than 1 acre in size with many also being under 0.5 acres in size. The FR-0.5 zone would be more compatible to the area than the FR-1 zone due to 200 foot width requirement of the FR-1 zone in addition to the 1 acre area requirement.

Entellus was contacted by the property owner's architect for survey and engineering services. As part of those services, Entellus has been acting as the applicant for a subdivision application for the proposed Perkins Subdivision. Justin Smith, a planner from the Greater Salt Lake Municipal Services District, reached out to request that the property be rezoned from an FR-1 to the FR-0.5 zoning based on the fact that total acreage of the property is less than 1-acre. This application is being submitted based on that request.

DESCRIPTION

A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN, TOWN OF BRIGHTON, SALT LAKE COUNTY, UTAH, SAID PARCEL IS FURTHER DESCRIBED AS FOLLOWS.

BEGINNING AT THE U.S. GENERAL LAND OFFICE BRASS CAP MARKING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION, SAID CORNER IS ALSO KNOWN AS THE NORTH 1/16 CORNER BETWEEN THE NORTHEAST CORNER AND THE EAST QUARTER CORNER OF SAID SECTION BASED ON SURVEY #2023-03-0311 FILED IN THE SALT LAKE COUNTY SURVEYOR'S OFFICE; AND RUNNING THENCE NORTH 69°31'00" WEST 89.09 FEET; THENCE SOUTH 00°21'00" WEST 106.08 FEET; THENCE NORTH 64°53'00" WEST 52.20 FEET; THENCE SOUTH 53°45'00" WEST 78.99 FEET; THENCE NORTH 02°01'00" WEST 174.73 FEET; THENCE NORTH 00°21'00" EAST 100.50 FEET; THENCE SOUTH 69°31'00" EAST 124.80 FEET; THENCE SOUTH 00°21'00" WEST 30.00 FEET; THENCE SOUTH 69°31'00" EAST 90.00 FEET TO THE SECTION LINE; THENCE SOUTH 00°21'00" WEST 70.50 FEET ALONG SAID LINE TO THE NORTH 1/16 QUARTER AND TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.733 ACRES.