



# Ordinance Amendment Staff Report

**Meeting Body:** Planning Commission

**Meeting Date:** September 17, 2025

**File Number & Project Type:** OAM2025-001431

[Clarify the difference between "Ski Resort" and "Ski Resort Support Facilities", define "Ski Resort Boundaries" and establish ski resort support facilities as a conditional use in the FM-10 and FM-20 zones]

**Planner:** Curtis Woodward, Senior Planner

## Key Findings:

Finding 1: The current definition of "ski resort" includes: "Associated facilities...authorized in conjunction with the operation of a year-round resort."

Finding 2: The original intent of listing "ski resorts and ski resort facilities" was to acknowledge those associated facilities within the resort boundaries.

Finding 3: Amending the ordinance to clarify these terms consistent with the original intent.

## Exhibits:

- A. Proposed ordinances
- B. Resort boundary maps

## PROJECT DESCRIPTION

The proposed ordinance amendment makes the following changes:

1. It removes paragraph 5, "Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort," from the definition of "Ski Resort."
2. It creates a new definition of "Ski Resort Support Facilities" to include the items listed in paragraph 5 (above), adding the clarification that they are "located within the ski resort boundaries..."
3. It defines the "ski resort boundaries" of each resort in the Town of Brighton by map adopted with this ordinance.
4. It separates "Ski resort and ski resort facilities" into two separate uses on the table in 19.24.030: "Ski resort," and "Ski resort support facilities."
5. It designates "Ski resort support facilities" as a conditional use in the FM-10 and FM-20 zones.

## ISSUES/CONCERNS

### Issue:

19.24.030 of the Brighton code lists "Ski Resorts and Ski Resort Facilities" as conditional uses in the Forestry zones. However, "Ski Resort Facilities" is not a defined term in the code. The question then is whether "Ski Resort Facilities" is a separate land use from "Ski Resorts."

### Analysis:

Although "Ski Resort Facilities" is not a defined land use in Brighton's code, the definition of "Ski Resort" includes under #5: "Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort." Because the above listed items are facilities commonly found in and are accessory to a ski resort, it is reasonable to assume

that “Ski Resort Facilities” as listed in 19.24.030 is referring to paragraph 5 of the “Ski Resort” definition. This is supported by the fact that “Ski resort and ski resort facilities” is listed as one line item in the land use table rather than being listed on separate lines.

**Issue:**

10-9a-306 of the Utah code states that “If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.” In other words, if there is ambiguity in the code, the regulation is interpreted in favor of an applicant.

**Analysis:**

Although the intent of the code is that “ski resort facilities” are those facilities contained within the resort itself (associated facilities being contained within the definition of “ski resort” itself) an argument could be made that the code is ambiguous. The solution is to amend the code to remove any ambiguity in the code to clearly define these facilities and to specify where they are allowed, consistent with the original intent.

**Issue:**

The boundaries of the ski resorts in the Town of Brighton for purposes of local land use regulations were based on Master Plans approved by Salt Lake County and the U.S. Forest Service many years ago and have unfortunately not been accurately documented. Since “ski resort” is listed as allowed in all forestry zones within Brighton (representing over 90% of all land in the town), documenting the approved boundaries of each resort is a critical step in reviewing future land use applications for ski resort buildings, improvements, and facilities.

**Analysis:**

Establishing approved boundaries for each resort is being proposed as part of this ordinance amendment.

### **APPLICABLE FACTORS FOR CONSIDERATION**

Table 19.16-2 includes the following guidelines a planning commission and Council may consider in deciding zoning map and text amendments:

<b>GUIDELINES FOR CONSIDERING ZONING TEXT AMENDMENTS</b>
The proposed amendment is compatible with the Adopted General Plan.
The proposed amendment promotes the public health, safety and welfare.

The proposed amendment is compatible with the intent and general purposes of this Ordinance.
The proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
The proposed amendment benefits the citizens of the Municipality as a whole.
The proposed amendment does not create a significant number of nonconformities.

## PUBLIC INPUT

Public comment was received from representatives of Solitude Ski Resort expressing disappointment in the lack of communication with the resorts in the drafting of the ordinance language, and requesting a meeting to discuss their concerns. Planning staff and legal counsel for the Town of Brighton have met with representatives of both Brighton and Solitude ski resorts to receive input regarding the proposed ordinance amendments.

## PLANNING COMMISSION OPTIONS:

Included with this packet are two potential versions of the draft ordinance. The first one is based on the original ordinance, showing recommended edits from Solitude Ski Resort. The second one is a simplified version, reflective of comments received from planning commission members regarding a simpler approach to solving the perceived problems with the code.

As a recommending body to the Council for zoning map amendments and text changes, the planning commission has the following options:

1. **Approval:** The planning commission recommends approval of {option 1 or 2 of} application OAM2025-001431 to amend Title 19 of the Brighton code.
2. **Approval with changes:** The planning commission recommends approval of {option 1 or 2 of} application OAM2025-001431 to amend Title 19 of the Brighton code with the following changes:
  - a. ...
  - b.
3. **Denial:** Having considered the Guidelines for Zoning Text Amendments contained in Chapter 19.16 of the Brighton zoning ordinance, the planning commission recommends denial of application OAM2025-001431 to amend Title 19 of the Brighton code.

### **ATTACHMENTS:**

1. The original draft ordinance with suggested edits from Solitude Ski Resort (shown in green)
2. A draft of a simpler amendment based on planning commission comments, also with suggested edits from Solitude Ski Resort (shown in green)
3. Resort Boundary maps from Salt Lake County Conditional Use files
4. Resort Boundary maps from 2018 Forest Service Special Use Permit
5. Resort Boundary maps from the Municipal Service District GIS mapping system
6. Boundary map submitted by Solitude Ski Resort

**ORDINANCE 2025-\_\_\_\_\_**

File No. OAM2025-001431

Date: \_\_\_\_\_

**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**

**RECITALS**

**WHEREAS**, the Town of Brighton adopted a zoning ordinance pursuant to Utah Code Ann. Subsection 10-9a-102(2) and has authority to amend said zoning ordinance when it determines it is necessary; and

**WHEREAS**, the Town of Brighton is a municipality and has authority to regulate land use and development standards in general pursuant to Utah Code Ann. Subsection 10-9a-104 (1); and

**WHEREAS**, Section 19.24.030 of the Brighton zoning ordinance currently lists, “Ski Resorts and Ski Resort Facilities” as a conditional use in the forestry (FR and FM) zones within the Town of Brighton; and

**WHEREAS**, the Town Council finds that the original intent of “Ski Resort Facilities” as included in the current code was to allow structures, uses and facilities that are contained within and clearly accessory to a ski resort base area in the forestry zones; and

**WHEREAS**, the Town Council finds it necessary to clarify the original intent by defining “ski resort support facilities” and specifying the zones in which they are allowed in order to remove any perceived ambiguity in the code.

**BE IT ORDAINED BY THE BRIGHTON TOWN COUNCIL** as follows:

1. Sections 19.04.070 and 19.24.030 are amended as attached hereto as **Exhibit A**. The amendments made Therein are designated by underlining the new words, with words being deleted designated by brackets with a line drawn through said words.

2. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

3. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

BRIGHTON TOWN COUNCIL

\_\_\_\_\_  
By: Dan Knopp, Mayor

ATTEST

\_\_\_\_\_  
Kara John, Clerk

Voting:

Council Member Bossard	voting ____
Council Member Brunhart	voting ____
Council Member Keighley	voting ____
Council Member Knopp	voting ____
Council Member Zuspan	voting ____

## EXHIBIT A

**19.04.070 USE DEFINITIONS**

CC. “Ski Resort” means:

1. Any publicly or privately developed recreational use permitted by relevant local, state, and federal authorities, for snow-related activities, accessory year-round or non-snow related activities located within Ski Resort Boundaries, ~~and associated facilities and improvements.~~
2. Such uses, activities, and facilities may be conducted on a commercial or membership basis, solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.
3. Snow-related activities include but are not limited to: downhill skiing, cross-country skiing, snowboarding, snow shoeing, snowmobiling, or other snow-related activities.
4. ~~[Accessory-y]~~ Year-round and non-snow related activities include but are not limited to: alpine recreational activities; cultural events and festivals; and conference events.
5. ~~[Associated facilities and improvements include, but are not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.]~~

**CD. “Ski Resort Boundaries” means the outer boundaries of each ski resort as illustrated in Appendix “A” , “B” and “C” attached to this ordinance.**

**CE. “Ski Resort Support Facilities” means facilities and improvements accessory to, and located within “Ski Resort Boundaries” of a “Ski Resort,” including, but not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.**

- ~~C[D]E~~. “Ski Run” means a groomed path on a slope for the purpose of skiing; typically associated with a ski resort.
- ~~C[E]G~~. “Solar Energy System, Accessory” means a roof-mounted, wall mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.
- ~~C[F]H~~. “Swap Meets And Flea Markets” means a market operating for the sale or exchange of merchandise at retail by many sellers within a parking lot or enclosed building. This does not include garage sales.
- ~~C[G]I~~. “Tavern” means the same as “Bar.”
- ~~C[H]J~~. “Temporary Sale, Farm Products” means a type of temporary use that is less than six hundred square feet (600 sq. ft.) and at least seventy-five percent (75%) of the products sold are farm products or value-added farm products.
- ~~C[H]K~~. “Tiny Home” means a dwelling less than four hundred square feet (400 sq. ft.) in size, not including loft space, that meets building code requirements and is on a permanent foundation. A tiny home is either a single-family dwelling or an accessory dwelling unit. A tiny home used as the primary residential use on a lot or parcel is a single-family dwelling for the purposes of this Ordinance. A tiny home used as an accessory dwelling is prohibited in the Town of Brighton.
- ~~C[H]L~~. “Impound Lots” means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public to private property for impoundment in a public or private impound yard. These uses are prohibited in Brighton.
- ~~C[K]M~~. “Twin Home” means the same as “Dwelling, Two Family.”
- ~~C[L]N~~. “Vertical Indoor Agriculture” means growing crops in vertically stacked layers indoors, often incorporating controlled-environment agricultural techniques and soilless farming techniques such as hydroponics, aquaponics, or aeroponics.
- ~~C[M]O~~. “Water Pumping Plant and Reservoir” means a natural or artificial water storage basin with a pumping station to distribute potable or irrigation water.
- ~~C[N]P~~. “Water Treatment Facility” means the facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.



**19.24.030 SCHEDULE OF USES**

Use Categories	FR-0.5	FR-1	FR-20	FM-10	FM-20
<b>Residential:</b>					
Accessory Structures (shall be reviewed based on underlying use)	P	P	P	P	P
Accessory Dwelling Unit, Internal; subject to 19.42	P	P	P	P	P
Dwelling, Multi-Family	X	X	X	C	C
Dwelling, Single-Family	P	P	P	P	P
<b>Other:</b>					
Child Care subject; to 19.42	P	P	P	C	C
Home Occupation; subject to 19.42	P	P	P	X	X
Minor Ski Resort Improvements; subject to Section 19.42.300. G.	P	P	P	P	P
Public or Quasi-Public Use	C	C	C	C	C
Residential Facility for Elderly Persons	C	C	C	P	P
Residential Facility for Persons with a Disability; subject to 19.42	P	P	P	P	P
Short-term Rentals	P	P	P	P	P
Ski Resorts <del>[and Ski Resort Facilities]</del>	C	C	C	C	C

<b><u>Ski Resort Support Facilities</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>X</u></b>	<b><u>C</u></b>	<b><u>C</u></b>
Water pumping plant and reservoir	C	C	C	X	X
Water Treatment, water storage, and watershed management facilities	C	C	C	X	X
Wireless Telecommunications Facilities, subject to Chapter 19.42	C	C	C	C	C

**SUMMARY OF**  
**BRIGHTON**  
**ORDINANCE NO. 2025-**

On \_\_\_\_\_, 2025, the Brighton Town Council enacted Ordinance No. 2025-\_\_\_\_, 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.

**BRIGHTON TOWN COUNCIL**

\_\_\_\_\_  
By: Dan Knopp, Mayor

ATTEST

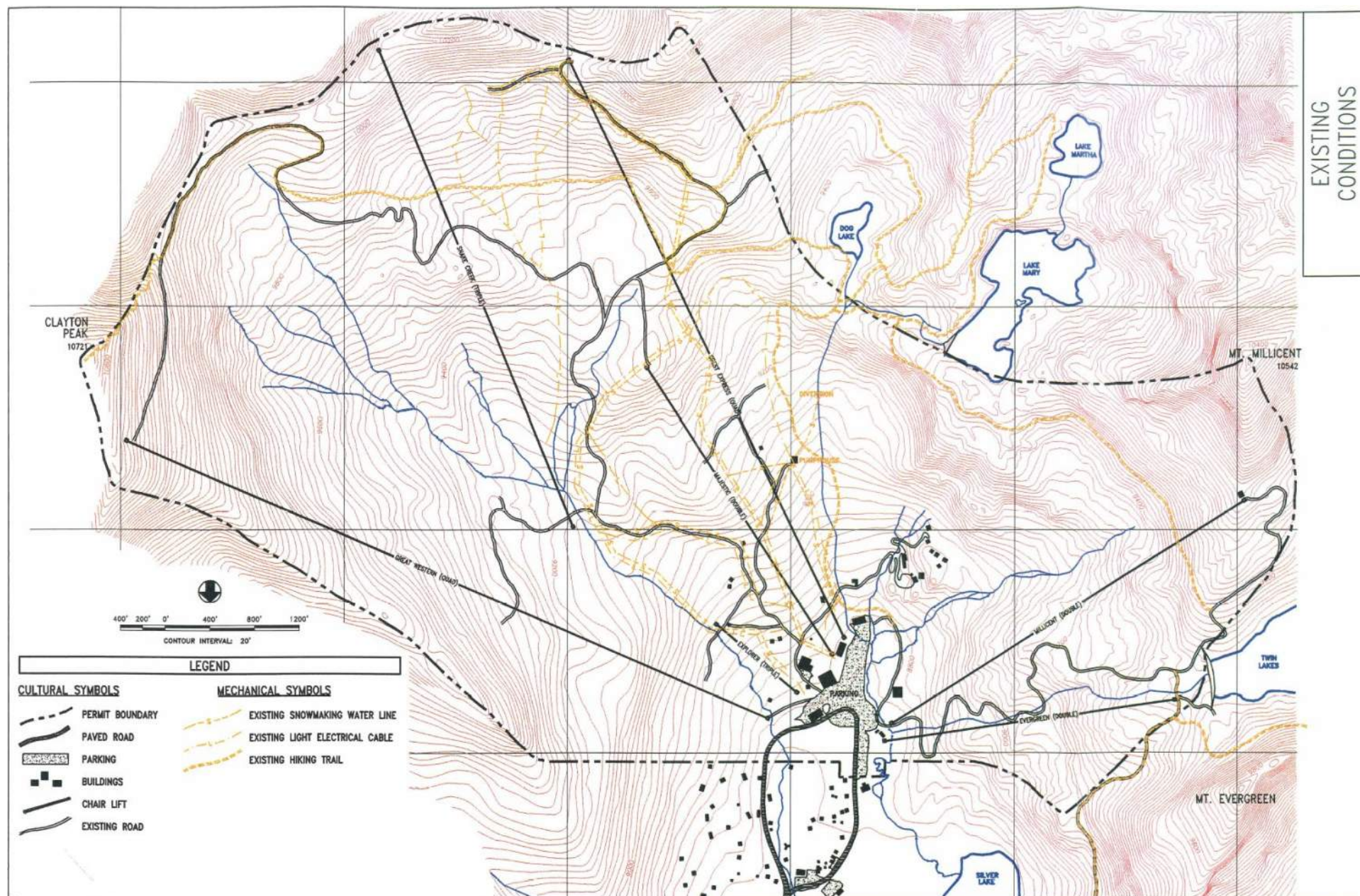
\_\_\_\_\_  
Kara John, Clerk

Voting:

Council Member Bossard	voting ____
Council Member Brunhart	voting ____
Council Member Keighley	voting ____
Council Member Knopp	voting ____
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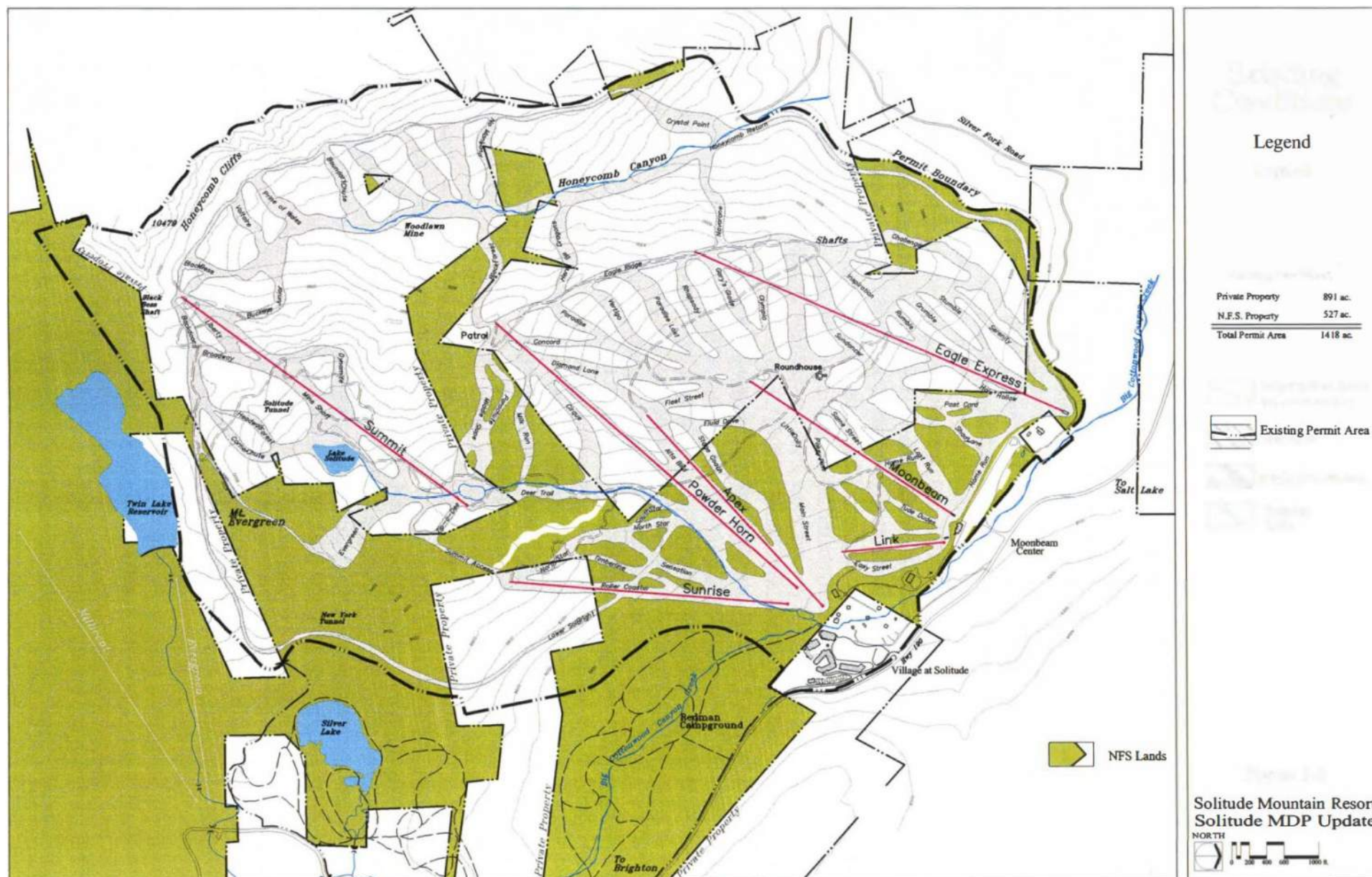
A complete copy of Ordinance No. 2025-\_\_\_\_\_ is available in the office of the Greater Salt Lake Municipal Services District, 860 Levoy Drive, Suite 300, Taylorsville, UT 84123.

## Appendix B

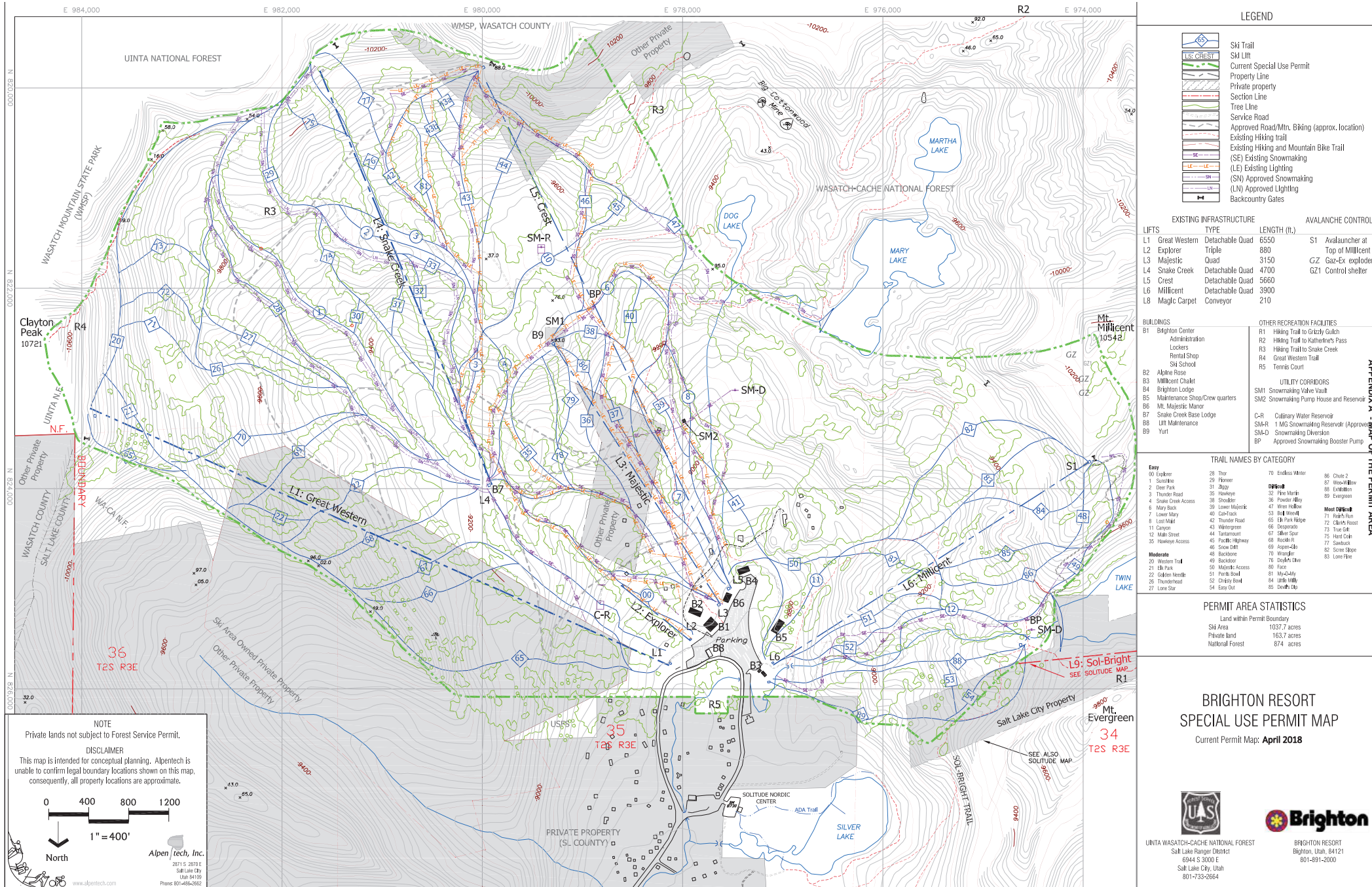




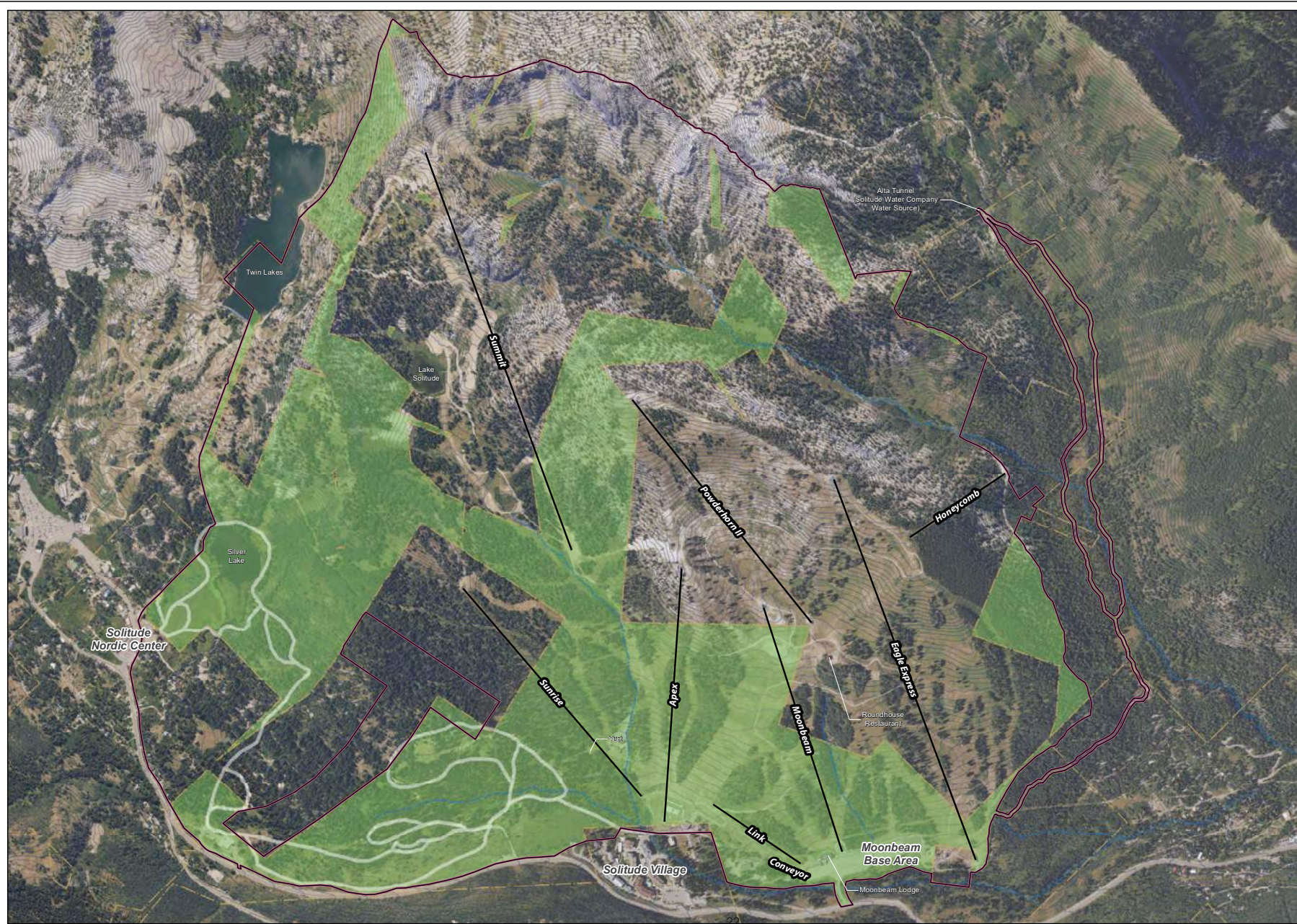
## Appendix A



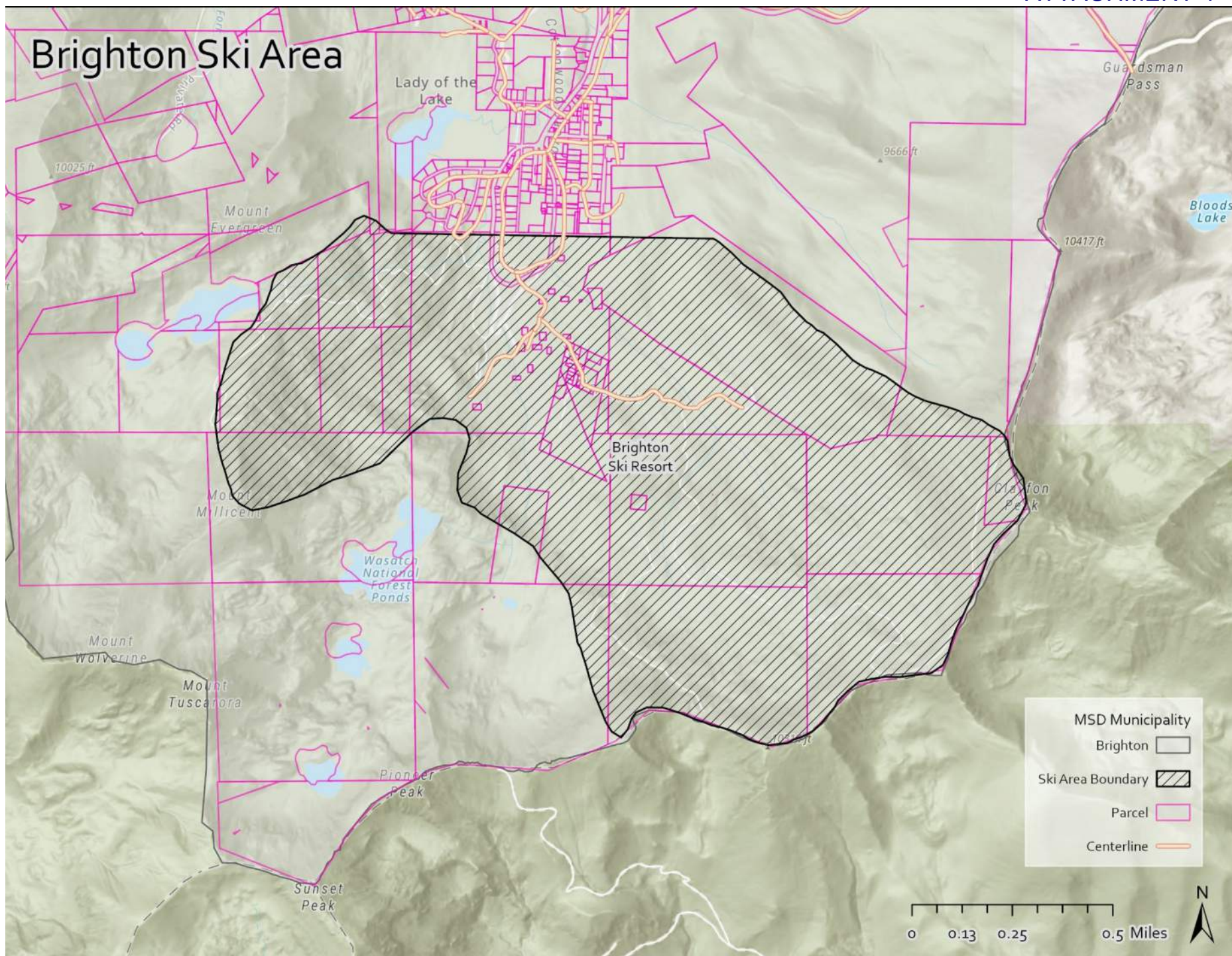






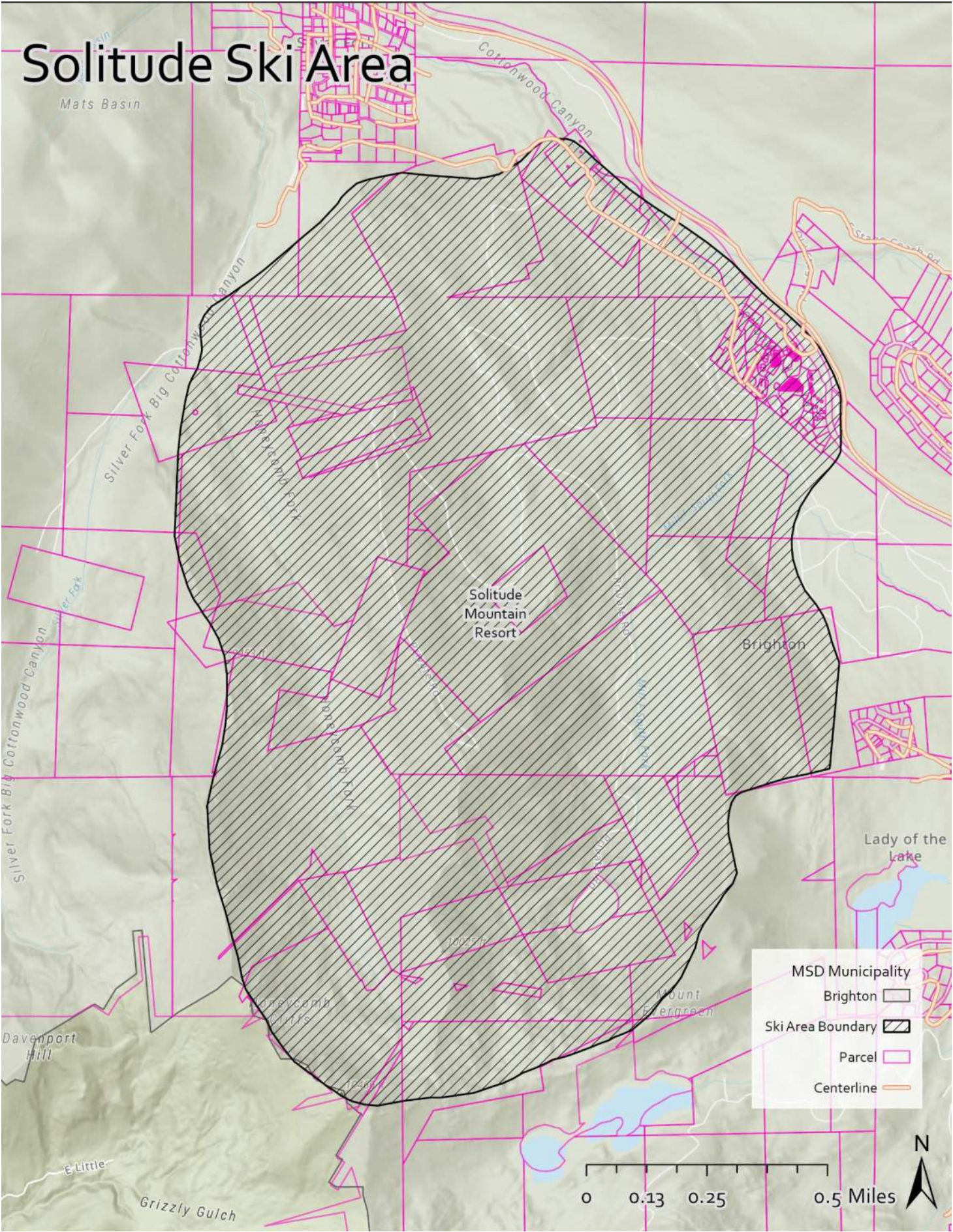








# Solitude Ski Area





**Black = Existing Town code**

**Red = Town's proposed removal**

**Blue = Town's proposed addition**

**Green = SW Proposed edits**

#### **19.04.070 USE DEFINITIONS**

CC. "Ski Resort" means:

1. Any publicly or privately developed recreational use permitted by relevant local, state, and federal authorities, for snow-related activities, accessory year-round or non-snow related activities, and associated facilities and improvements.
2. Such uses, activities, and facilities may be conducted on a commercial or membership basis, solely on privately-owned property or on privately-owned lots or parcels interspersed with public land under a special use permit from the U.S. Forest Service or other public agency, primarily for the use of persons who do not reside on the same lot or parcel as that on which the recreational use is located.
3. Snow-related activities include but are not limited to: downhill skiing, cross-country skiing, snowboarding, snow shoeing, snowmobiling, or other snow-related activities.
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~~CD. "Ski Resort Boundaries" means the outer boundaries of each ski resort as illustrated in Appendix "A" and "B" attached to this ordinance.~~

**CD. "Ski Resort Boundaries" means the outer boundaries of each ski resort on file with the Director, as may be adjusted by resort owner through amendments to any permit with the US Forest Service or through an approval of a land use permit, including a conditional use permit.**

~~CE. "Ski Resort Support Facilities" means facilities and improvements accessory to, and located within the ski resort boundaries of a "ski resort," including, but not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature specifically authorized in conjunction with the operation of a year-round resort.~~

**CE. "Ski Resort Support Facilities" means facilities and improvements accessory to, and located within the ski resort boundaries of a "ski resort," including, but not limited to: lodging; food, retail, and support services; recreational and fitness facilities; parking accommodations; and other uses of a similar nature, that are not defined as a Minor Ski Resort Improvement.**

~~C[D]F.~~ "Ski Run" means a groomed path on a slope for the purpose of skiing; typically associated with a ski resort.

C[E]G. “Solar Energy System, Accessory” means a roof-mounted, wall mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.

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<b>19.24.030 SCHEDULE OF USES Use Categories</b>	<b>FR-0.5</b>	<b>FR-1</b>	<b>FR-20</b>	<b>FM-10</b>	<b>FM-20</b>
<b>Residential:</b>					
Accessory Structures (shall be reviewed based on underlying use)	P	P	P	P	P
Accessory Dwelling Unit, Internal; subject to 19.42	P	P	P	P	P
Dwelling, Multi-Family	X	X	X	C	C
Dwelling, Single-Family	P	P	P	P	P
<b>Other:</b>					
Child Care subject; to 19.42	P	P	P	C	C
Home Occupation; subject to 19.42	P	P	P	X	X
Minor Ski Resort Improvements; subject to Section 19.42.300. G.	P	P	P	P	P
Public or Quasi-Public Use	C	C	C	C	C
Residential Facility for Elderly Persons	C	C	C	P	P
Residential Facility for Persons with a Disability; subject to 19.42	P	P	P	P	P
Short-term Rentals	P	P	P	P	P
Ski Resorts <del>and Ski Resort Facilities</del>	C	C	C	C	C
<b>Ski Resort Support Facilities <sup>1</sup></b>	<del>X</del> C	<del>X</del> C	<del>X</del> C	C	C

<sup>1</sup> There are support facilities in each zone.



