



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] and clarify that ski resorts must be located within Ski Resort Boundaries

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." and clarifies that Ski Resorts must be within the Ski Resort Boundary.
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." Because the conditional use associated with Ski Resorts allows uses that otherwise are not permitted within the Forestry zones, the code needs to be clarified where this use can be conditionally allowed. The intent was to have Ski Resort uses in the resort areas.

Analysis:

Although "Ski Resort Facilities" is not a defined land use or term 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 find 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 Ski Resort itself (associated facilities being contained within the definition of “ski resort”) 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.

It should be noted that “Minor Ski Resort Improvements” are defined as construction activities associated with the ongoing operation and maintenance of previously approved facilities, ski runs, ski trails, ski lifts, and related resort appurtenances, equipment, recreational access corridors, pedestrian or non-motorized trails, non-snow related activities, and accessory uses, or vehicular maintenance roads constructed or used in connection with the construction, operation, or maintenance of a resort. Minor ski resort improvements also include the construction, operation and maintenance of Remote Avalanche Control Devices are a permitted use, subject to Brighton Code 19.42.300 (G) (Specific Use Standards, Ski Resorts and Minor Ski Resort Improvements). Therefore, making upkeep and improving the Resorts more streamlined for the Resorts.

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. 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. The intent is to acknowledge the expectation of the public that ski resorts and ski resort facilities are limited to where the resorts are located and do not automatically include land owned or acquired by the resorts outside their previously approved resort boundaries.

Analysis:

Establishing approved boundaries for each resort is being proposed as part of this ordinance amendment. The proposed amendment allows for the boundaries to be set by the Town Council based on prior applications by the resorts, USFS special use permits and requests by the resorts. The Council can amend these boundaries in the future if the resorts are looking to expand. The amendment would be a legislative process and would go to the Planning Commission and then the Town Council for review and approval.

Often there is a separate zone for ski resort activities. However, when the Resorts were established and they were located in Salt Lake County, the County did not have a separate “resort” zone. Therefore, this definition serves to address the lack of a separate zoned area.

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:

GUIDELINES FOR CONSIDERING ZONING TEXT AMENDMENTS
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 at the last meeting 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.

In addition, the Town has received around 50-60 public comments supporting an amendment to the Code which clarifies that ski resorts can only build parking lots and other support facilities within resort boundaries, or in the Forestry Multifamily zones as a conditional use, and that ski resorts should not be allowed to expand their commercial activities into “FR” zones that are not within ski resort boundaries.

PLANNING COMMISSION OPTIONS:

Included with this packet is Staff’s Recommendation of a draft ordinance. There is also a draft ordinance submitted by Solitude Ski Resort.

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 the draft ordinance application OAM2025-001431 to amend Title 19 of the Brighton code. As part of the approval, the planning commission should recommend a version of the maps to be associated with the resort boundaries.
2. **Approval with changes:** The planning commission recommends approval of the draft ordinance for 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. Draft Ordinance as recommended by Staff.
2. Resort Boundary maps from Salt Lake County Conditional Use files
3. Resort Boundary maps from 2018 Forest Service Special Use Permit
4. Resort Boundary maps from the Municipal Service District GIS mapping system
5. Draft language Submitted by Solitude Ski Resort
6. Boundary map submitted by Solitude Ski Resort
7. Public comments received by the Town.

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[I]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
Residential:					
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
Other:					
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 [and Ski Resort Facilities]	C	C	C	C	C

<u>Ski Resort Support Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>C</u>
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

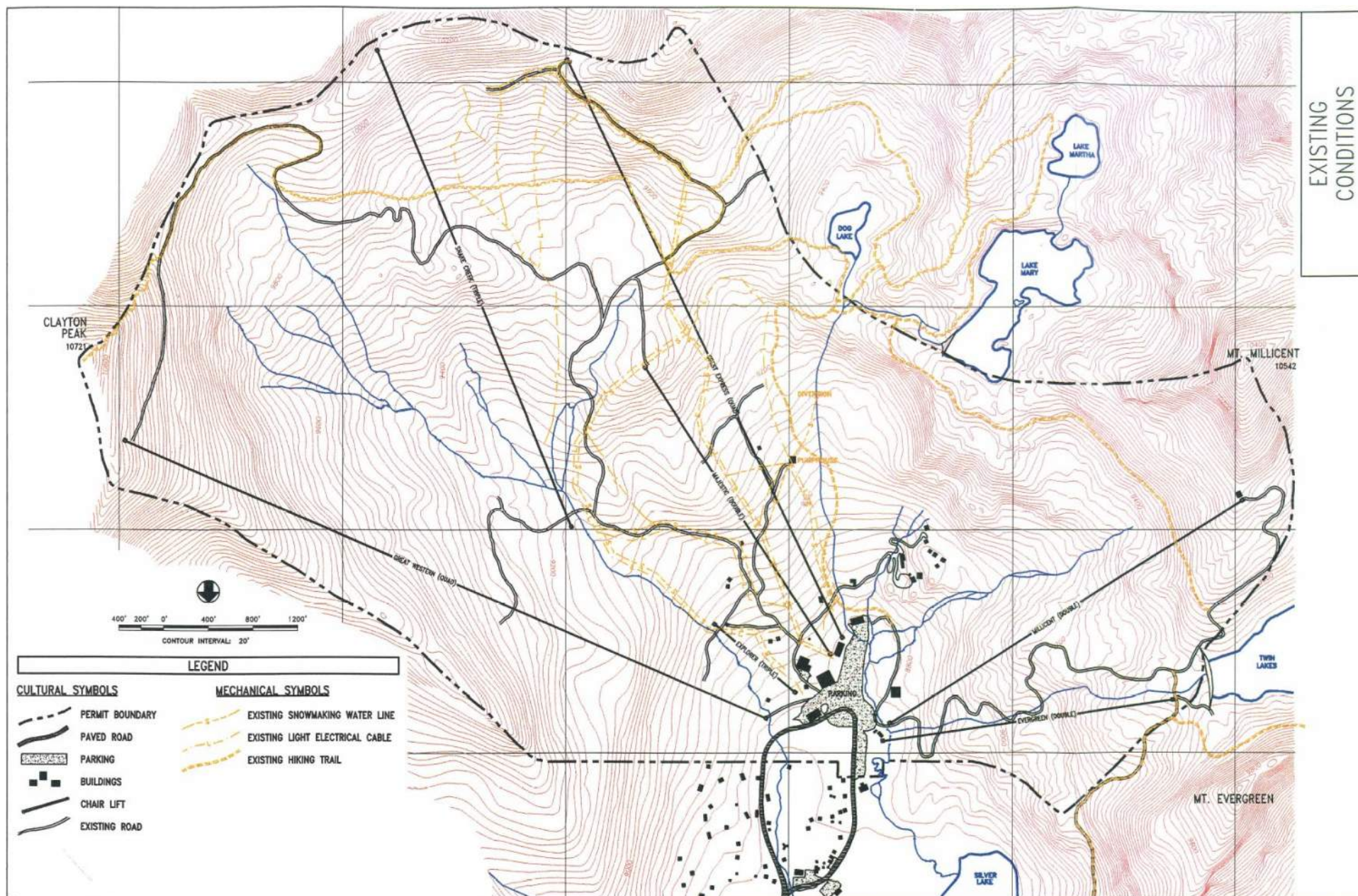
ATTEST

Kara John, Clerk

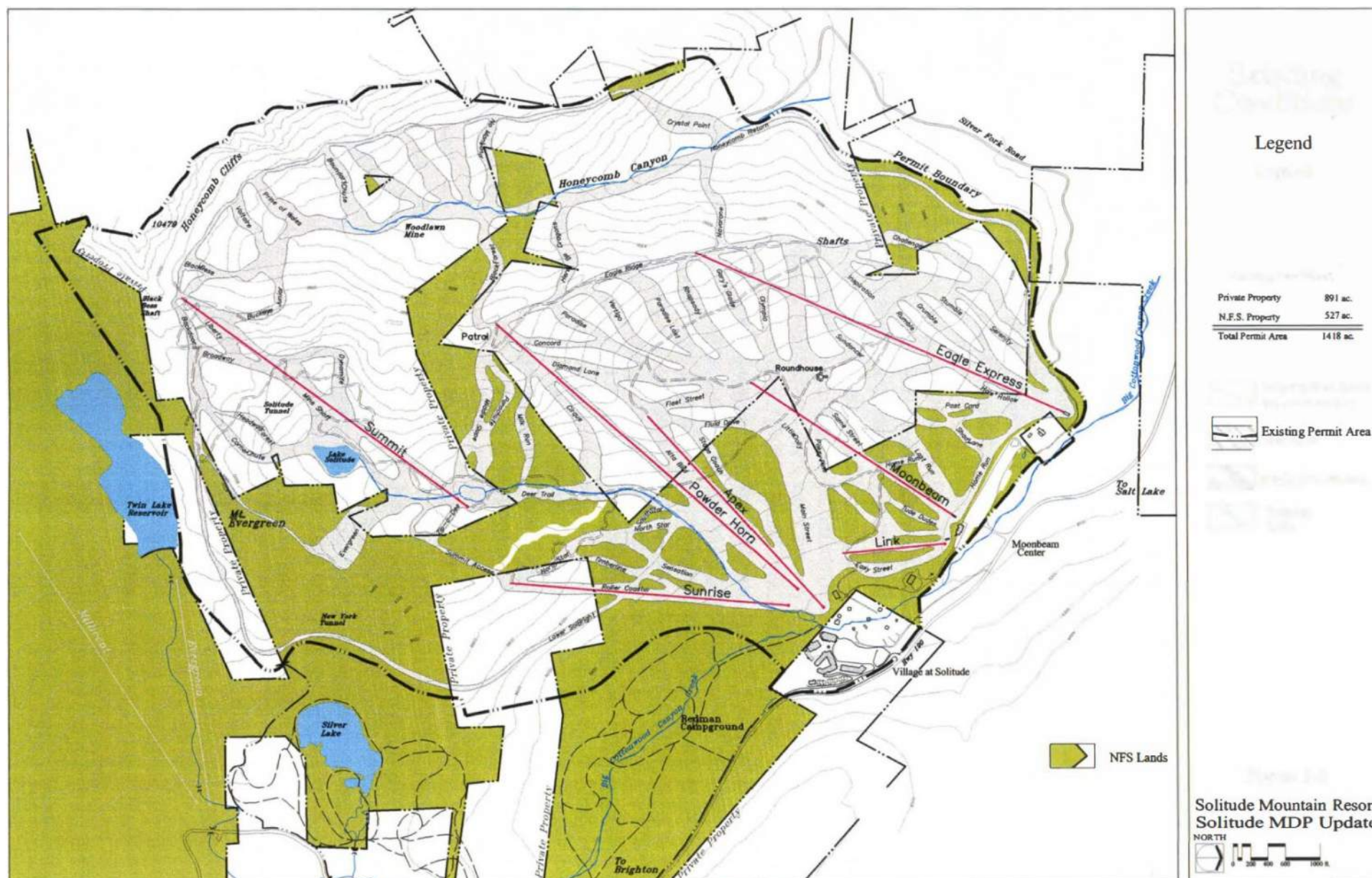
Voting:

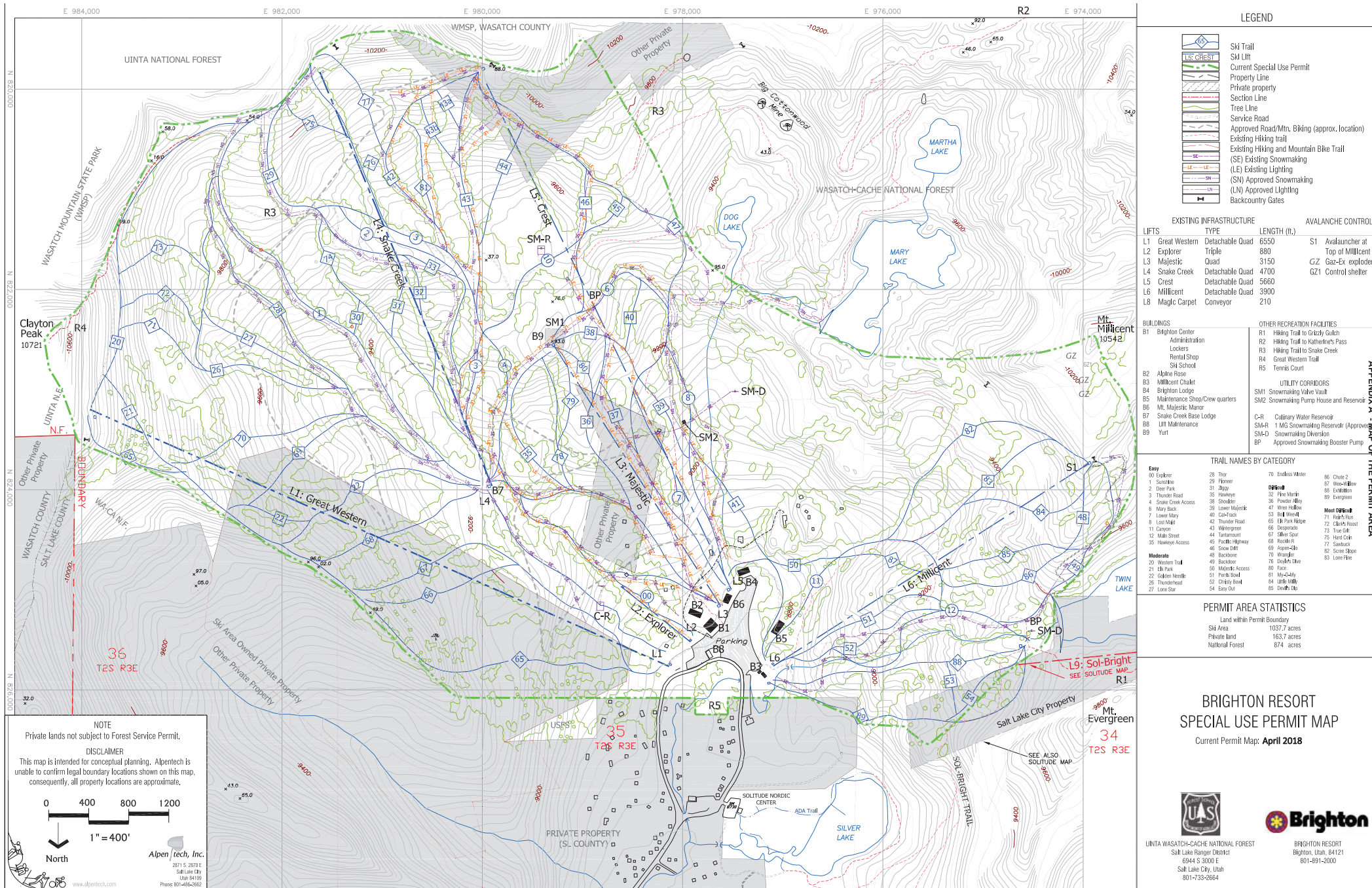
Council Member Bossard	voting ____
Council Member Brunhart	voting ____
Council Member Keighley	voting ____
Council Member Knopp	voting ____
Council Member Zuspan	voting ____

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.

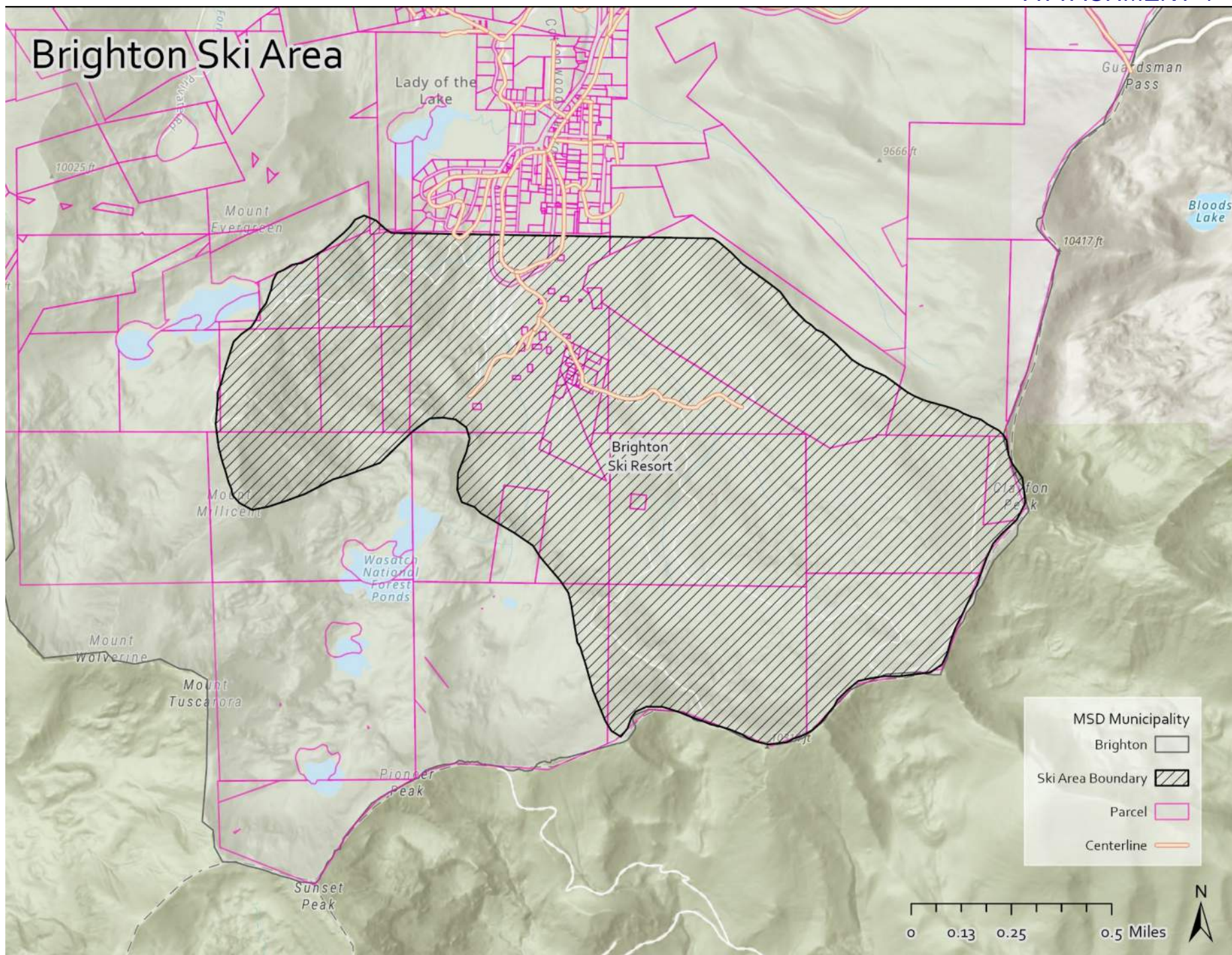


Appendix A

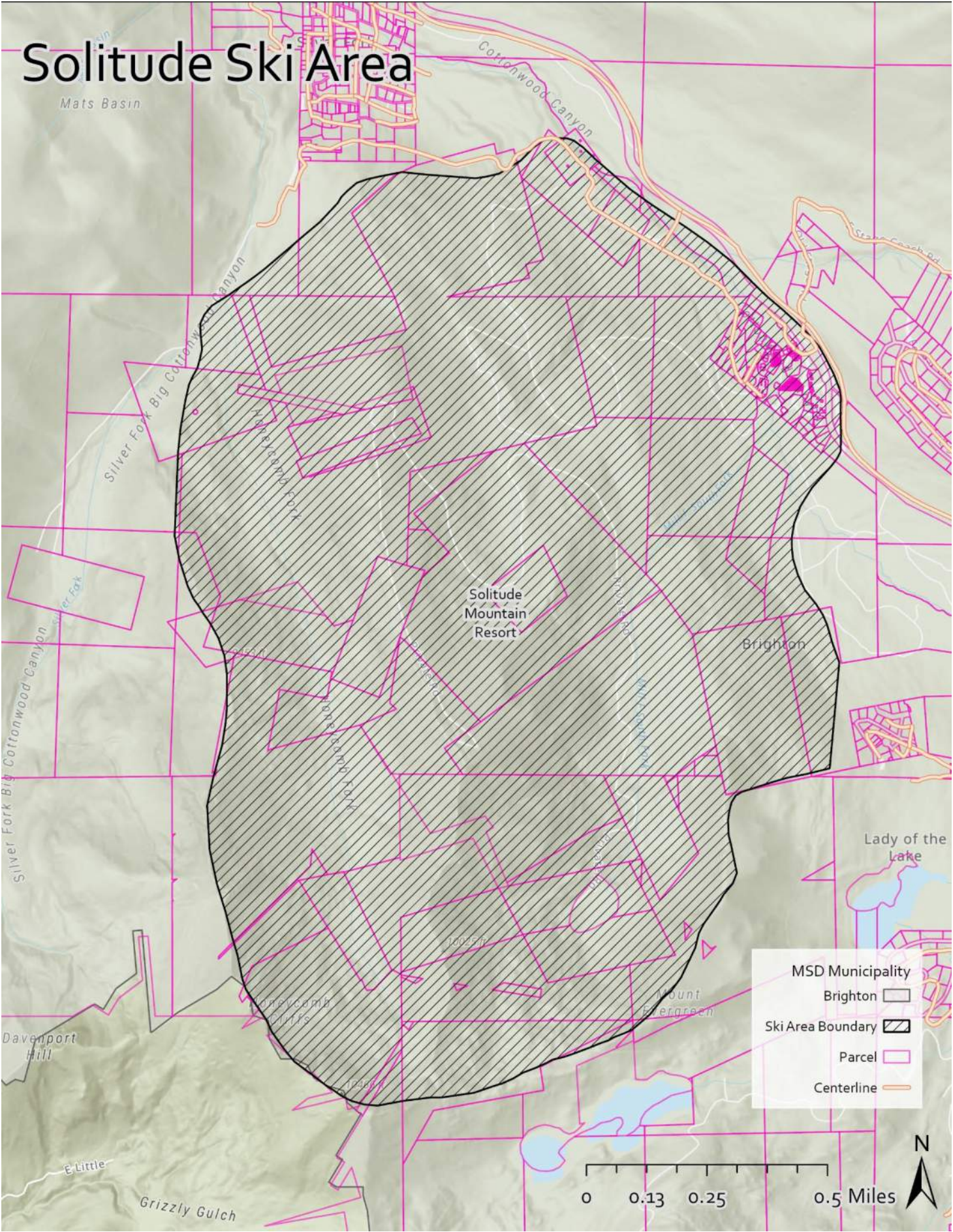








Solitude Ski Area



Black = Existing Town code

Red = Town's proposed removal

Blue = Town's proposed addition

Green = SW Proposed edits

19.04.070 USE DEFINITIONS

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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.
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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.

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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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Dwelling, Multi-Family	X	X	X	C	C
Dwelling, Single-Family	P	P	P	P	P
Other:					
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 and Ski Resort Facilities	C	C	C	C	C
Ski Resort Support Facilities ¹	X C	X C	X C	C	C

¹ There are support facilities in each zone.

ATTACHMENT 6

