

# BRIGHTON TOWN COUNCIL MEETING AGENDA

Tuesday, October 12<sup>th</sup>, 2021, at 6:30 pm

**NOTICE** is hereby given that the Brighton Town Council will meet electronically, without an anchor location via Zoom, on Tuesday, October 12<sup>th</sup>, 2021 for it's regular meeting at 6:30pm.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Knopp's October 9<sup>th</sup>, 2021 determination:

[determination letter location october.pdf \(utah.gov\)](#)

## TO JOIN THE ZOOM MEETING

<https://us02web.zoom.us/j/81043292671?pwd=MUhxMGdLVms0bWZkdnh2MjliUkRiZz09>

Meeting ID: 810 4329 2671

Passcode: 165199

One tap mobile

(669)900-6833

### 1. CALL TO ORDER AT 6:30 PM.

### 2. ANNOUNCEMENTS

Voter Registration Deadline: 10/22

Vote by Mail ballots will be sent the week of 10/11

If not received, replacement ballot requests must be made by 10/26

Candidate Financial Disclosures are due 10/26 and a follow up report on 12/2

GENERAL ELECTION is 11/2

**3. PUBLIC INPUT** You can email your comment to [townclerk@brighton.utah.gov](mailto:townclerk@brighton.utah.gov) ahead of time to be read during the public input section. You may also use the raise hand feature to speak at this time. All comments during the meeting shall be held until section 8.

**4. MINUTES** Approval of Town Council Minutes for September 14<sup>th</sup>, 2021

**5. UPD** Wayne Dial

**6. UFA** Dusty Dern

### 7. BUSINESS

- a. Department of Environmental Quality (DEQ) definitions on air quality and regulations for No Burn days. Presented by Becky Close. For discussion.

- b. **\*\*CONTINUED NEXT MONTH\*\*** Quarterly Financial Update and FY2021 year-end review. Presented by Nate Rockwood. For discussion.
- c. Town policy for gates. For discussion.
- d. Update on Short Term Rentals. For discussion.
- e. Consideration of an ordinance amending Section 5.19.084 Exemption From Certain Regulations For Short-Term Rentals In Solitude Village of the Brighton Code to clarify which properties are exempt. For discussion and possible action.
- f. Electronic signs. For discussion.
- g. What would we like to see in Big Cottonwood Canyon in terms of transportation. For discussion.
- h. Follow up on Old Fire Station ideas from Town Hall. For discussion.

**8. PUBLIC INPUT** The chat box will reopen for written public comment. You may also use the raise hand feature to provide verbal input.

## **9. REPORTS**

- a. Mayor's Report
- b. Council Members' Reports
- c. Emergency Management Report
- d. BCCA Report

## **10. PROPOSALS FOR FUTURE AGENDA ITEMS**

## **11. ADJOURN**

# BRIGHTON TOWN COUNCIL MINUTES

REPRESENTATION ▪ COMMUNITY ▪ LEGACY

September 14<sup>th</sup>, 2021 ▪ 6:30 pm ▪ Electronic Meeting ▪

Presiding: Mayor, Dan Knopp

## ATTENDANCE

Jenna Malone, Jeff Bossard, Carolyn Kiegley, Keith Zuspan, Polly McLean, Cameron Platt, Nate Rockwood, Jane Martain, Kara John, Barbara Cameron, Wayne Dial, Jake Peterson, Frank Nakamura, Jake Peterson, Lisa Dudley, Don Despain, Rosie Rivera, Zinnia Wilson, Chelsea Phillippe, Renae Olsen, Lupita McClenning, Kayla Mauldin, Erin Okelley, Doug Fry, Angus Robertson, Adrienne Aldus, Jon Lange

## CALL TO ORDER AT 6:30 PM

## ANNOUNCEMENTS

- A. Salt Lake County Animal Services received a very large donation from the company Chewy. We have soft pet carriers, small mammal cages, cat trees, etc. Everything is brand new. Their office and shelter staff are working with residents in need to ensure people have what they need for their pets. Solitude: Saturday Yoga (9-10 am-free) and Sunday Concerts (4-6 pm-free)
- B. Wasatch Mountain Lodge Fundraising Dinner and Silent Auction / Saturday, September 25, 2021 5-7PM  
Buy tickets at [www.wasatchmountainlodge.org](http://www.wasatchmountainlodge.org)
- C. Brighton General Plan Open House | Wednesday, Sept 15 | 6-8 pm | Brighton Chapel
- D. Ice Cream & Candidates + Old Fire Station Discussion | Friday, October 1 | 6-8 pm | Fire Station
- E. Ballots mailed to voters by County Clerk | October 11 | All voting is by mail this year.

Lee Arnold's Message: I would like to thank all of those with whom I have worked over the past 11 years. I will be retiring as of September 9, 2021. It has been very much my pleasure to work with all of you. Brighton has come a long way and I was happy to be a part of that. Brighton is like a second home to me thanks to you for making me feel a part. It has always seemed that the people there watch out for each other. I wish you all success with your endeavors and making Brighton Great.

Randy Doyle's Report from Brighton.

The Brighton Flea Market has closed after a very successful summer season. We are currently working on fuel reduction due to beetle kill trees. There will be burning and smoke involved, probably in late October, or after about 3 inches of snow, so no need call us if you see smoke. However, if you see smoke before that, do call us. We've already put out a lightning strike fire on Great Western ridge in late July. We want to support Dark Sky initiatives, even with our night skiing. We will be replacing lights gradually with Dark Sky design lighting.

Amber Broadway's Report from Solitude.

We are winding down our summer operations, which have been very strong with excellent visitation this summer and record numbers at our cinemas and concerts. We've also had a strong private event season...mostly weddings. We end our summer operations on Sunday, October 10. Our planned winter opening day is Friday, November 19, weather permitting. Our resort move to \$15/hr minimum wage has showed good results thus far in our recruiting process. We will be announcing some winter operational enhancements, activities, and guest amenities for the winter...coming soon. Local resident passholders will be excited!

## **PUBLIC INPUT**

Agenda Item J.

Distinctions on fire restrictions between the national forest and the Town of Brighton:

The Uinta/Wasatch/Cache National Foresters supervise a large area from Idaho and Wyoming to San Pete County, Utah. Criteria for decisions for large areas and for non-residential areas on the national forest are different from the criteria for smaller, high-population-density residential areas. A wildfire on the general national forest may even have a positive consequence for the long-term health of the forest. The consequence of a wildfire in the residential areas of the Town of Brighton will always involve extreme harm. The Town of Brighton's fire restrictions should be considered independently of the national forest restrictions and therefore not always in lock-step with the forest's fire restrictions. When considering the consequences of wildfire, it makes sense that fire restrictions in residential area be more conservative than restrictions for a non-residential area. It makes sense that a residential area actively supports fire mitigation work that mimics the healthy aspects of wild fire by reducing fire-carrying ground litter and standing dead trees near residences.

thank you for listening,

Kirk Nichols

Home Owner, HOA President, Watermaster - Evergreen, Brighton, Ut

## **MINUTES**

The minutes were approved as submitted for the Town Council Minutes for August 10<sup>th</sup>, 2021 and the Subcommittee Meeting Minutes for September 7<sup>th</sup>, 2021.

## **UPD**

Wayne Dial thanked Lee Arnold for many years of service in the canyon. He did a great job. They are working on filling his position which should be done in the next few weeks.

UPD will focus on writing citations for motor vehicle noise violations under the Health Department code. The increased attention is intended to get a better sense of how many occurrences there are and how often the DA's office dismisses those cases. It may help to improve enforcement by informing legislation at the county and state level with data on this issue.

## **UFA**

Dusty Dern reported that they've started recruitment for full time hire. There were 800 candidates initially interested which they narrowed to 448. There are 92 individuals still in the process. Recruit camp is expected to finish up in June next year. Station 102 is being rebuilt and will temporarily operate out of station 111. They've been sending single engines and resources to help in California. They spent 16 days on the Dixie fire and are home now and all is well with them. They were busy with the Parleys Canyon fire last month, but were able to still manage time and crews on that appropriately. Call volumes are the same as typical for this time of year and they continue to assist with search and rescue.

## **BUSINESS**

### **Utah Forest Fire and State Lands and Support for FEMA funds**

The Council agreed to enter a 5-year agreement to spend \$20,000 per year, recommended by the mayor, for fire mitigation projects. Dax Reid from the Division of Natural Resources and Forestry Fire and State Lands presented this request. He is also the coordinator for Wildland Urban Interface (WUI) which is the border where homes meet the forest. They've been working with all partners, UFA, Forest Service, SLC Public Utilities, and UDOT to help residents achieve defensible space. Ideally, the work done around a home will last for approximately 10 years with homeowner maintenance before it'll need professional care again. The objective is to keep fires on the ground and reduce intensity and duration. Clearing ground vegetation removes the risk of fire climbing a tree and sending embers toward buildings. State legislative fire funding has assisted this far. They've been working with Barbara Cameron to get permission from private property owners to perform work on their land. UFA goes to these homes and forms a defensible space plan with the homeowner, then they work to clear the area at no charge. Debris is either chipped on site or UDOT hauls away the Green Waste.

Guy Wilson proposed a bigger plan on the roadway from Cardiff to Solitude to remove dead standing trees. The project is mainly concerned with conifers since aspen hold more moisture and are less fire prone. They'll stay 25 feet away from streams. Some trees have been killed by salting the road. To support this defensible space work, they need community involvement. Forestry Fire and State Lands initiated a long-term agreement with Emigration Canyon for \$1,200 for fuel reduction, which is about a week's worth of work for UFA. For cutting, chipping and UDOT assistance with hauling, it costs roughly \$1,100-\$1,600 per acre depending on slope, access, amount of travel, equipment and personnel. Chief Widdison noted that the treatment project presented has straight lines and goes around private lands, but fire doesn't follow boundaries. It is important to have community support to uniformly protect all lands.

### **Presentation by Kathleen Riebe on the Equal Rights Amendment Bill. Consideration of a Resolution in support of the Equal Rights Amendment Bill**

Jeff Bossard moved that the council adopt Resolution 2021-R-9-1 and Jenna Malone seconded it. Jeff Bossard, Jenna Malone, Carolyn Keigley, Keith Zuspan, and Dan Knopp voted in favor.

Kathleen Riebe explained that this bill was run for the last 3 years and she is running it again this year. Last year, despite female republican support, it still didn't come out of committee. It doesn't change much officially, but it provides the opportunity to say that equal rights are something Utah believes in. In citizen polls, 70% of Utah population supports it. Utah has been the lowest for equal rights, gender inequality, and workplace environments for women in the country.

### **Flood Insurance Ordinance recommended by the Planning Commission**

Carolyn Keigley moved to adopt Ordinance 2021-O-9-2 and Jeff Bossard seconded it. The motion passed unanimously. Planning Commission discussed this at two meetings. This will update the statue so we can be eligible for FEMA coverage for flood insurance. The only thing that has changed was a correction to the date on the map.

### **Resolution for Joining National Flood Insurance Program**

Jeff Bossard moved to adopt Resolution 2021-R-9-2 and Keith Zuspan seconded it. The resolution was adopted unanimously. This was an update because the previous resolution expired.

## **Ordinance regulating Internal Accessory Dwelling Units (IADU) and adopting definitions for breezeways and second kitchens and striking caretaker units as its own conditional use recommended by the Planning Commission**

Carolyn Keigley moved that the council adopt the IADU ordinance 2021-O-9-2 as amended because the incorrect version was included in the packet. Jeff Bossard seconded it as amended. Carolyn Keigley, Keith Zuspan, Jeff Bossard, Jenna Malone, and Dan Knopp voted in favor. The MSD planner, Travis Hair presented. This came about because of State Legislation from HB82 that mandates IADUs in all residential zones throughout the state. There are restrictions to the bill that Brighton can control, such as a minimum lot size of 6,000 sq. ft. Most of the lots in Brighton already meet that requirement. We can require an extra parking space, and that the IADU stay on the same utility service as the main dwelling. The state requires that these are owner occupied units only. The intention is to prevent forming a second dwelling in a unit that is already being rented out. IADUs cannot operate as short-term rentals. STRs must be rented out in the entire dwelling. The ordinance has changes in definitions such as attributes of a second kitchen, and breezeway. The intention with these units is for them to be owner occupied and rented out long term to serve moderate income housing.

There is a requirement to have adequate water and sewer services, so the property owner must provide a letter from the water company as a part of the application for permitted use. There is no grandfathering clause for the IADUs that are already in existence. Property owners that have a current IADU, mainly determined by having a second kitchen, should apply for a permit through the building department of the MSD so it can be inspected for safety. If proper inspections and permitting aren't obtained, it will be a code enforcement issue. If someone signs a form saying they won't use and IADU as an STR but they do it anyway, there can be a lien on the property.

## **Old Fire Station update**

Now that Brighton has the title to the old firestation and land that the dumpsters are on, we can start planning for the best use of the area. Mayor Knopp would like to see storage and office space for Big Cottonwood Canyon Improvement District. He would also like to see a place for mail and package pick up for residents as well as a booth with information on the town. The dumpsters will remain on the lot, and when it's reconstructed, the recycle bin will be brought back. Ideally, we can keep the town offices in the current firestation since they have been serving us well. Since the dumpster area needs cleanup, we can now install a grease trap and drain to pressure wash the structures. There is currently a storage shed that Paul Nell has leased and will maintain through the winter. Potentially, next summer this building can be torn down to begin plans and permitting for a new structure. The property will need a water share for construction. In the agreement, it is written that we can't sell the property, or the county will take it. We'll put an agreement in place with BCCID to rent space at an equitable cost. Community ideas are wanted for how else the space could be used. There is a town hall and meet the candidates event on October 1<sup>st</sup> at the new firestation where ideas can be discussed.

## **Wasatch Front Waste and Recycling District increased frequency for pick up days in Silver Fork**

Keith met with Pam Roberts and Paul Korth to understand how much trash is being collected in the containers. The two bins have been picked up twice a week and the typical load is between  $\frac{3}{4}$  full to completely full. They are bringing a 3<sup>rd</sup> container to Silver Fork this week for no additional cost. If that seems to be insufficient, they will add a third pick up date. If we go that route, it may change the price for service next year. Our current reduced rate is calculated for bulk rather than individual residence pick up. They will be responsive and would like to meet our needs.

## **Bids for the electronic signs. For discussion and possible action to authorize the Mayor to enter into a contract to purchase signs.**

Mayor Knopp is waiting for the sign company, Interstate, to come back with a quote. The initial one was inaccurate. The rough cost is around \$17,000. Mayor Knopp mentioned the new signs to Bekee Hotze from the US Forest Service. She is worried we are getting too many signs in the canyon. Dan asked for everyone to think about

the purpose these will serve and if the council thinks we really need to make this investment. He will bring the final bid to next month's meeting.

### **Noise restriction and quiet hours Ordinance**

Carolyn Keigley moved to adopt Ordinance 2021-O-9-3. Jeff seconded it, and it passed unanimously. Carolyn reported that the Special Events subcommittee meeting has been discussing this topic since noise is the primary complaint of special events. There was a recent wedding at Solitude that caused complaints of loud music that lasted past 11:00pm. Carolyn forwarded the complaints to Solitude. This brought the question and realization that there isn't an ordinance for quiet hours from ambient noise in the town. Cameron Platt presented information that there is a state law for disorderly conduct, and the county Health Department has regulations we are subject to. This proposed ordinance covers quiet hours from 10pm to 7am. It includes enforcement for specific activities such as radio and domestic power tools. There are already commercial construction noise requirements that are set at 8pm -9am. It was asked why motor vehicle noise isn't included since it is the most frequent noise complaint in the canyon. This has been discussed with UPD, the DA's office and the Justice Court Prosecutors office. A motor vehicle ordinance needs noise to be measured for it to be enforceable. It was determined that the existing county ordinance is prosecutable and UPD is committed to enforcing it.

### **Amendment to Fire Restrictions in the Town of Brighton**

Jeff Bossard moved to adopt Ordinance 2021-O-9-4 and it was seconded by Ketih Zuspan. Dan Knopp, Keith Zuspan, Jeff Bossard, Jenna Malone, and Carolyn Keigley voted in favor. The level 2 fire restrictions were lifted to level one based on expert opinion. On September 1<sup>st</sup>, 2021, the Forest Service lifted their stage 1 restriction based off data showing a decreased risk. Jeff was personally impacted by the Park City fire evacuation and also had a family home leveled in CA due to fire. Carolyn also had family property effected by fire. With the risk being so high it's worth being conservative, but the ban must be meaningful so that it's respected. The Division of Air Quality implements mandatory action no burn days now that summer has seen such poor air quality days due to fire smoke. The restrictions only apply up to 7,000 ft. elevation. Brighton could consider preventing fires to reduce particulate matter on those days.

### **Ordinance updating Short Term Rental Regulations to include requirements for proof of insurance and clarifying egress requirements**

Keith Zuspan moved to adopt Ordinance 2021-O-9-5, as amended. Jeff Bossard seconded it, and it passed unanimously. Requiring insurance wasn't included in the regulations, but a lot of places require it as a safety measure. This will also make sure STRs meet building requirements with proper egress for guest safety.

### **Resolution repealing and replacing fee schedule in order to adopt fines for holding special events in a short term rental**

Carolyn Keigley moved to adopt Resolution 2021-R-9-3, and Jeff Bossard seconded it. It passed unanimously. Polly McLean informed that renting an STR for commercial use is prohibited in Brighton. Personal family weddings are still permitted, but by limiting special event property owners and their families, it will reduce frequency of events that disrupt residential areas. The requirements on single family homes and town homes in the Solitude village are still being investigated. We'll have an update on this next month. Solitude condos are exempt from most of the STR regulations since Solitude handles enforcement for noise etc. The Solitude village master association does not allow more than 14 people to rent one place and some of the single-family homes can accommodate more than that. The fee was \$100 per day for holding a Special Event at a short-term rental, which could be seen as a cost of doing business. It will now be \$650, which is the same cost as the fee for renting without a business license. If it happens more than once, the fee will be doubled. The code already included a three strikes policy where the license will be revoked after three occurrences.

### **A Resolution Approving SYLVESA to Decide to Follow Processes to Increase Budgeted Property Tax Revenues**

Carolyn Keigley moved to adopt Resolution 2021-R-9-4. Jenna Malone seconded the motion. Dan Knopp, Keith Zuspan, Carolyn Keigley, Jeff Bossard, and Jenna Malone voted in favor.

UPD was represented by Chief Wayne Dial, Chief Jason Ackerman, the CFO for UPD and SYLVESA, Lisa Dudley, Frank Nakamura from SYLVESA, Chief Mazuran of UPD, and Jim Bradley, the chair of the SYLVESA board. Frank Nakamura explained that the SYLVESA board is looking for support from the member communities to increase property tax revenues by 16.5%. Utah law requires council approval from all members before reporting to county council. Property tax is their only revenue, and budget projections show SYLVESA isn't sustainable without this increase despite all of the budget cuts they've made over the last few years. The primary expenditure is compensation and benefits for sworn officers and that accounts for 85% of all costs. There has been a significant decrease in the pool of applicants as well as people leaving law enforcement. Wages are getting competitive among police entities, and SYLVESA needs to be able to offer better wages to retain the police force we have without disrupting the quality of service. Chief Ackerman further explained the compensation and benefits situation relative to recruiting and retaining officers. Ten years ago, the rate of new applicants to retiring officers started to decline. With the unprecedented nationwide civil unrest over the last year, the rate of officers leaving the field has been significantly impacted. They haven't been able to replace officers as fast as they're losing them. Agencies are taking officers from other departments to fill vacancies while they try to recruit new officers. Over the last fiscal year, 40 officers have left. Taylorsville's departure slightly helped because several officers decided to stay with UPD rather than go to Taylorsville. Salt Lake City Police Department has had to cut calls for service or not respond to calls when there are not enough officers. They're removing detectives and putting them in patrol positions, making it challenging to investigate crimes. Organizations are competing with compensation offers to keep officers. The UPD standard is an annual pay increase that tops out at eight years, but other agencies are starting officers out at the top end pay rate. The top out amounts set the retirement amount, so there is incentive to earn as much as possible. When there are vacancies in patrol operations, it takes at least four months to replace and train one officer. Many officers are experiencing a large amount of overtime which is not a sustainable way to staff. When workload and the volume of calls increase per officer it diminishes morale. The average residential property in SYLVESA's boundary is valued at \$328,900. Based off that amount, the calculation results in a property tax increase of \$107.55 annually, or \$8.96 per month.

### **PUBLIC INPUT**

No Verbal Input was given.

### **CHAT BOX COMMENTS**

00:32:30 Keith Zuspan: 2021-R-9-1 A Resolution Supporting Ratification by the State of Utah of the Equal Rights Amendment to the United States Constitution

00:35:15 Keith Zuspan: 2021-O-9-1 Flood Insurance Ordinance

00:46:45 Keith Zuspan: 2021-O-9-2 Internal Accessory Dwelling Units (IADU) Ordinance

00:48:51 Keith Zuspan: 2021-R-9-2 for Joining National Flood Insurance Program

01:09:32 Keith Zuspan: 2021-O-9-3 Ordinance Enacting Noise Restrictions And General Quiet Hours Within The Town Of Brighton

01:11:40 Keith Zuspan: 2021-O-9-4 Ordinance Amending Ordinance No. 2021 O-06-01 to Reduce Fire Restrictions

01:22:19 Keith Zuspan: 2021-O-9-5 Ordinance updating Short Term Rental Regulations to include requirements for proof of insurance, clarifying egress requirements and revising Solitude Village exemptions to licensing requirements

01:28:24 Keith Zuspan: 2021-R-9-3 Resolution Repealing And Replacing Resolution 2020-4-01, Dated April 13, 2021 to update fines for holding Special Events in a Short Term rental.



01:55:06 Keith Zuspan: 2021-R-9-4 A Resolution Of The Town Of Brighton Council Approving A Decision, If Made By The Board Of Trustees Of The Salt Lake Valley Law Enforcement Service Area (Slvlesa) Following Processes Required By Utah Law, To Increase Slvlesa Budgeted Property Tax Revenues By 16.5% For Calendar Year 2022 Which Would Result In The Levy Of A Property Tax Rate In Excess Of The Certified Tax Rate Pursuant To Section 17b-2a-903 Of The Utah Code.

## **REPORTS**

### **Mayor's Report**

Dan Knopp reported that the CWC has closed the comment period for transportation. Positions are still divided. They will be discussing this at a retreat next month and will have to come to a consensus.

Dan is still working on the parking issue with UDOT and Salt Lake County Public Works to get "No Parking" signs on the north side of the road from Brighton to about a half mile above Willow Lake. Since the Forest Service owns the road right of way, they put a stop on the project. There was language in the agreement that there would be signage on the south side of the road as well, which the ski resorts wouldn't accept. It is being revised to only include the north side, which was the initial intent. Unified police supports the signs, and potentially, they'll be ready by this winter. The welcome signs at the town boundaries are nearly ready.

### **Council Members' Reports**

Keith Zuspan reported on the MSD and their staff changes. Bart Barker has retired, and Brian Hartsell has taken over in the interim. There has been other turnover in planning and development services, but it hasn't affected the service they provide. The second half of Brighton's fiscal year 2021 and the first half of the fiscal year 2022 was presented and accepted by the MSD board. The money for signs has been appropriated.

He is working with WFWRD to get molded lids that fit the size of recycling items. This will allow us to return the recycle bin to the loop. It was removed because of repeat levels of high contamination.

Carolyn Keigley reported on the Special Event committee meeting. The goal is to have Special Events on a master calendar on the town website so that multiple events aren't conflicting and causing canyon congestion on trails and the highway. The group is also working to define terms for special events.

Jeff Bossard reported that there have been several cases of West Nile in northern Salt Lake County, Davis and Weber County. As the weather cools, this will improve cases. Since we are limited to what we can do in the watershed, the guidance that will aid the situation is to eliminate standing water to prevent attracting mosquitos. The animal services board is having a pet palooza and pets can be adopted at 511 W 3100 S on September 25<sup>th</sup> from 12:00-4:00pm.

He attended his first meeting for the Association of Municipal Councils. One of their focuses is to help cities bring in economic development and to protect air quality as it continues to diminish.

Jenna Malone reported that she reached out to Laura Briefer with Public Utilities about dogs in the canyon. Currently, there isn't an incentive for people to get a tag since the fee for walking a legal or illegal dog is the same amount of \$750. She will continue discussions with the Public Health Department, Public Utilities, and Forest Service.

In reference to the anonymous comment at last month's meeting about bridge wear and tear, she followed up with UDOT. They inspect bridges every 24 months. It was last inspected in June 2020 and is structurally sound. Social media outreach covered the Parleys Fire on Aug. 15<sup>th</sup> and mentioned the traffic app from UDOT. On Aug. 23<sup>rd</sup>, she shared the FDA's full approval of COVID-19 vaccines. On September 8<sup>th</sup>, she also shared that Idaho is operating under a crisis care model and having to ration care due to the increase in COVID cases. Utah won't declare crisis state, but we are at the same levels. The vaccine is doing a great job. ICUS are predominantly filled

with unvaccinated people. She posted an announcement today of the Town Council meeting. There are 432 followers on Instagram, 191 on facebook, and 25 followers on Twitter.

### **Emergency Management Report**

Jane Martain reported that we are complying with HB96. By working with James Woodward, we have an emergency planner, implemented a COOP plan, and begun the fuel reduction project. She has been canvassing the Silver Fork neighborhood to make sure maps are up to date. There are several structures without address signs that property owners are responsible for.

### **BCCA Report**

Barbara Cameron reported on the BCCA meeting last night. CWC has approved funding for studies to determine the presence of endangered species, watershed condition, noxious weeds, etc. It didn't fund the social aspect, such as who is coming to the canyon, where they live, the purpose of the visit, and if they were satisfied. Brighton, along with the BCCA may want to consider providing funding for other studies to determine these factors. To help build a case file, we can track occurrences of motor vehicle noise complaints. It will help to demonstrate that the problem is bigger than the DA's office realizes. Secondary property owners want to be included in discussions and decisions regarding STRs. BCCA is honored to host the Meet the Candidates event on Oct. 1. The bay doors will be open, so bring a coat and mask. Only vaccinated people should attend.

### **PROPOSALS FOR FUTURE AGENDA ITEMS**

None were suggested.

### **ADJOURNED At 8:52 PM**

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Submitted by Kara John

## **R307. Environmental Quality, Air Quality.**

### **R307-302. Solid Fuel Burning Devices.**

#### **R307-302-1. Purpose and Definitions.**

(1) R307-302 establishes visible emission standards and specifies when it is permissible to burn in solid fuel burning devices used to provide comfort heating.

(2) The following additional definitions apply to R307-302:

"Seasoned wood" means wood that has a moisture content of less than or equal to 25%.

"Sole source of heat" means the solid fuel burning device is the only available source of heat for the entire residence, except for small portable heaters.

"Solid fuel burning device" means fireplaces, wood stoves and boilers used for burning wood, coal, or any other nongaseous and non-liquid fuel, both indoors and outdoors, but excluding outdoor wood boilers, which are regulated under R307-208.

#### **R307-302-2. Applicability.**

(1) R307-302-3 and R307-302-6 shall apply to any solid fuel burning device used to provide comfort heating in PM10 or PM2.5 nonattainment or maintenance areas as defined in 40 CFR 81.345 (July 1, 2011). Collectively, The PM10 and PM2.5 nonattainment and maintenance plan areas are geographically defined as all regions of Salt Lake and Davis counties; all portions of the Cache Valley; all regions in Weber County west of the Wasatch mountain range; all regions of Utah County; in Box Elder County, from the Wasatch mountain range west to the Promontory mountain range and south of Portage; and in Tooele County, from the northernmost part of the Oquirrh mountain range to the northern most part of the Stansbury mountain range and north of Route 199.

(2) R307-302-4 shall apply only within the city limits of Provo in Utah County.

(3) R307-302-5 shall apply in all portions of Box Elder, Cache, Davis, Salt Lake, Tooele, Utah and Weber counties.

(4) The following exemptions apply to R307-302:

(a) R307-302 does not apply to restaurant and institutional food preparation.

(b) R307-302 does not apply to commercial and industrial boilers subject to an approval order issued under R307-401.

(c) R307-302-3 does not apply to sources located above 7,000 feet in elevation within Box Elder, Davis, Salt Lake, Tooele, Utah and Weber counties.

(d) R307-302 does not apply to firefighting training devices that meet the definition of a solid fuel burning device.

#### **R307-302-3. No-Burn Periods for Particulates.**

(1) A person using a solid fuel burning device as a sole source of heat must register with the director in order to be exempt during mandatory no-burn periods.

(2) When the ambient concentration of PM10 measured by the monitors in Salt Lake, Davis, Weber, or Utah counties reaches the level of 120 micrograms per cubic meter and the forecasted weather for the specific area includes a temperature inversion which is predicted to continue for at least 24 hours, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices is in effect. The mandatory no-burn periods will only apply to those areas or counties impacting the real-time monitoring site registering the 120 micrograms per cubic meter concentration. A person in the affected areas shall not use a solid fuel burning device unless it is the sole source of heat for an entire residence and registered with the director.

(3) PM10 Contingency Plan. If the PM10 Contingency Plan described in Section IX, Part A, of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(2) will be 110 micrograms per cubic meter for that area where the PM10 Contingency Plan has been implemented.

(4) When the ambient concentration of PM2.5 measured by monitors in Box Elder, Cache, Davis, Salt Lake, Tooele, Utah or Weber counties are forecasted to reach or exceed 25 micrograms per cubic meter, the director will issue a public announcement to provide broad notification that a mandatory no-burn period for solid fuel burning devices is in effect. The mandatory no-burn periods will only apply to those counties identified by the director. A person within the geographical boundaries described in R307-302-2(1) shall not use a solid fuel burning device unless it is the sole source of heat for an entire residence and registered with the director.

(5) PM2.5 Contingency Plan. If the PM2.5 contingency plan of the State Implementation Plan has been implemented, the trigger level for no-burn periods as specified in R307-302-3(4) shall be 15 micrograms per cubic meter for the area where the PM2.5 contingency plan has been implemented.

#### **R307-302-4. No-Burn Periods for Carbon Monoxide.**

(1) Beginning on November 1 and through March 1, the director will issue a public announcement and will distribute such announcement to the local media notifying the public that a mandatory no-burn period for solid fuel burning devices is in effect when the running eight-hour average carbon monoxide concentration as monitored by the state at 4:00 PM reaches a value of 6.0 ppm or more.

(2) In addition to the conditions contained in R307-302-4(1), the director may use meteorological conditions to initiate a no-burn period. These conditions are:

(a) A national weather service forecasted clearing index value of 250 or less;

(b) Forecasted wind speeds of three miles per hour or less;

(c) Passage of a vigorous cold front through the Wasatch Front; or

(d) Arrival of a strong high pressure system into the area.

(3) During the no-burn periods specified in R307-302-4(1) and (2), a person in Provo City shall not use a solid fuel burning device unless it is the sole source of heat for an entire residence and is registered with the director.

**R307-302-5. Opacity and Prohibited Fuels for Heating Appliances.**

(1) Except during no-burn periods as required by R307-302-3 and 4, visible emissions from solid fuel burning devices shall be limited to a shade or density no darker than 20% opacity as measured by EPA Method 9, except for the following:

(a) An initial fifteen minute start-up period, and  
(b) A period of fifteen minutes in any three-hour period in which emissions may exceed the 20% opacity limitation for refueling.

(2) Prohibited Fuels: A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device at any time:

- (a) asphaltic products;
  - (b) books and magazines;
  - (c) garbage;
  - (d) paints;
  - (e) colored/wrapping paper;
  - (f) plastic;
  - (g) rubber products;
  - (h) treated wood;
  - (i) waste petroleum products; or
  - (j) any other material not intended by a manufacturer for use as a fuel in a solid fuel burning device.
- (3) A person burning wood in a solid fuel burning device shall only burn seasoned wood.

**R307-302-6. Prohibition.**

(1) No person shall sell, offer for sale, supply, install, or transfer a wood burning stove that is not EPA certified or a fireplace that is not EPA qualified.

(2) Ownership of a non EPA certified stove within a residential dwelling installed prior to March 6, 2014 may be transferred as part of a real estate transaction, so long as the unit remains intact within the real property of sale.

**KEY: air pollution, fireplaces, stoves, solid fuel burning**

**Date of Enactment or Last Substantive Amendment: February 1, 2017**

**Notice of Continuation: March 5, 2020**

**Authorizing, and Implemented or Interpreted Law: 19-2-101; 19-2-104**

ORDINANCE #2021- O - \_\_\_\_

ORDINANCE AMENDING EXEMPTIONS FROM CERTAIN REGULATIONS  
FOR SHORT-TERM RENTALS

WHEREAS, the Town of Brighton (“Town”) Town Council (“Council”) previously enacted an ordinance regulating short-term rentals on property within the Town; and

WHEREAS, short-term rental units located within multi-family structures and subject to the approved Master Plan in Solitude Village were approved for short term rentals; and

WHEREAS, the Multi-Family units in Solitdue Village subject to the approve master plan require fewer regulations due to the existing regulations and resort purpose;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF BRIGHTON TOWN COUNCIL OF, UTAH, THAT:

SECTION I: Title 5 Business Licenses and Regulations, Chapter 19 Short Term Rentals, Section 084 is amended to as follows:

**5.19.084 Exemption From Certain Regulations For Short-Term Rentals In Multi-Family Units at Solitude Village**

Short-term rental units located within multi-family buildings (5 or more dwelling units) in the Solitude Village ~~Conditional Use Permit~~ Approved Master Planned area are exempt from the following sections of this Chapter:

1. 5.19.065 - Minimum Rental Period of Two Nights
2. 5.19.070 - Maintenance—Structures and grounds—Other requirements and limitations.
3. 5.19.075 - Parking and Parking Areas
4. 5.19.080 - Interior signage.
5. 5.19.083 - Required communication with Renters

Section II: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND APPROVED by the Town of Brighton Town Council, Utah, this \_\_\_\_ day of \_\_\_\_\_ in the year 2021.

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TOWN OF BRIGHTON

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Dan Knopp, Mayor

ATTEST:

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Kara John, Town Clerk