



Planning and Development Services

2001 S. State Street N3-600 • Salt Lake City, UT 84190-4050

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

Brighton Town Planning Commission

Public Meeting Agenda

Wednesday, March 16, 2022 7:00 pm

Pursuant to Utah Code Ann. § 52-4-207(5), I, Don Despain, have determined consistent with Section 52-4-207(5) of the Utah Open and Public Meetings Act, in my capacity as Chair of the Town of Brighton to hold the public meeting without an anchor location due to COVID19, which presents a substantial risk to the health and safety of those who may be present at the anchor location. The Town is located in Salt Lake County and is still under a 'Moderate Level of Transmission' alert stage for the COVID-19 pandemic; and the regular meeting place for the Planning Commission (the Fire Station in the Canyon) does not have sufficient space in the meeting room to provide for the recommended physical distancing to keep people safe from infection. This written determination shall expire 30 days from today. This meeting will not have a physical anchor location. All attendees will connect remotely.

Join meeting in WebEx

Meeting number (access code): 961 841 420

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UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.

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) Approval of the February 16, 2022 Planning Commission Meeting Minutes.
(Motion/Voting)
- 2) Discussion on Future Amendments to the Foothill Canyons Overlay Zone (FCOZ).
Planner: Jim Nakamura
- 3) Other Business Items. (As Needed)

PUBLIC HEARING(S)

OAM2022-000527 - An Ordinance amending the Brighton Land Use Code, Section 19.02.150. The amendment to Section 19.02.150 is proposed to address Inactive Applications. **Presenter:** Melissa Anderson (Motion/Voting)

OAM2022-000545 – An Ordinance amending the Brighton Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.130, “Stream Corridor and Wetlands Protection.” The proposed amendment will amend the Perennial Stream Corridor Setback for Buildings and accessory structures from 100’ to 50’ measured from ordinary high-water mark. **Planner:** Jim Nakamura (Motion/Voting)

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.

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MEETING MINUTE SUMMARY TOWN OF BRIGHTON PLANNING COMMISSION MEETING Wednesday, February 16, 2022 7:00 p.m.

Approximate meeting length: 1 hour 52 minutes

Number of public in attendance: 3

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	
Phil Lanuoette (Alternate)		x	
John Carpenter (Alternate)	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Jim Nakamura	x	x
Melissa Anderson	x	x
Polly McLean	x	x

BUSINESS MEETING

Meeting began at – 7:06 p.m.

- 1) 2022 Planning Commission Meeting Schedule for Approval. (Motion/Voting)
Motion: To approve the 2022 Planning Commission Meeting Schedule as presented.
Motion by: Commissioner Ward
2nd by: Commissioner Brunhart
Vote: Commissioners voted unanimous in favor
- 2) Approval of Minutes from the December 15, 2021 Planning Commission Meeting.
Motion: To approve Minutes from the December 15, 2021 Planning Commission Meeting as presented.
Motion by: Commissioner Brunhart
2nd by: Commissioner Lanuoette
Vote: Commissioners voted unanimous in favor
- 3) Discussion on Future Amendments to the Foothill Canyons Overlay Zone (FCOZ). **Planner:** Jim Nakamura

Commissioners and staff had a brief discussion regarding setback from health department requires 50 feet to zoning ordinance requires 100 feet from the stream, wetland setback and definition, and floodplain governance. Vetted with SLCPU and health department, Patrick with the watershed and

will confirm with them they are good with 50 feet. Reach out to hydrologist regarding meandering corridor.

4) Other Business Items. (As Needed)

Commissioners and staff discussed dealing with how lots of disturbance and building on the lot, the ordinance allows for 20000 feet of disturbance for any parcel and acre or less with exception for sewer and septic, over an acre allowed more feet of disturbance, could disturb entire lot. Decrease limits of disturbance to more realistic number or percentage and may help with concern of filling up the lot. Disturbance is everything, driveway, grading, and exterior structures. Thought maybe starting point is 10000 feet of disturbance and larger lot added on based on the size of the lot. If LOD is limited, may add hardscape or regulation, percentage may be better, than hard number.

Maybe come back with LOD and have commissioners look at FCOZ. Would be helpful to have a copy of FCOZ printed out and sent to commissioners. Can obtain a digital copy on Municode at 19.72.

PUBLIC HEARING(S)

Hearings began at – 7:47 p.m.

OAM2022-000526 – An Ordinance amending the Brighton Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.110, “Tree and Vegetation Protection.” The proposed amendments will amend the tree replacement standards and clarify that maintenance of defensible space around existing buildings for fire safety is an allowed use. **Presenter:** Melissa Anderson (Motion/Voting)

Greater Salt Lake Municipal Services District Planning Manager Melissa Anderson provided a presentation regarding the FCOZ ordinance amendment and read public comment.

Commissioner Conway said she thinks we should postpone the decision, really need assistance of an arborist, protection of trees is important, would willows be an example. Doesn't want to see people take everything down within a 30-foot parameter of their house. Commissioner Carpenter said Privall is an arborist in the canyon and knowledgeable of the trees.

Commissioners and staff had a brief discussion regarding homeowners rights and LOD, NFPA setback, right to build and right to defensible space, seedlings, 2 to 1 replacement.

Commissioner Despain opened the public hearing motioned to open the public hearing.

PUBLIC PORTION OF HEARING OPENED

Speaker # 1: Big Cottonwood Community Council

Name: Barbara Cameron

Address: Not provided

Comments: Ms. Cameron said biggest complaints about removing trees, since 2005 been doing defensible space. In the past plans, asked for graphic drawings, UFA recommendations include 30 feet around the cabin, but also shows 50 feet, 100 feet and 200 feet. USFS allows some cutting expanded past a certain number of feet from home. Curious about type of trees used to replace. Utah state doesn't recommend conifers, recommend aspen and maple. Concern to get graphic drawing and acknowledge the UFA recommendations. Scott Zeidler said containerized trees would be better.

Commissioner Despain closed the public hearing.

PUBLIC PORTION OF HEARING CLOSED

Motion: To recommend application #OAM2022-000526 an Ordinance amending the Brighton Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.110, “Tree and Vegetation Protection.” The proposed amendments will amend the tree replacement standards and clarify that maintenance of defensible space around existing buildings for fire safety is an allowed use to the Town of Brighton Council for approval with two amendments:

1. Accommodate Salt Lake City Public Utilities and maintain defensible space outside the 50-foot riparian environment; and
2. Tree replacement container seedlings, instead of bare root seedlings.

Motion by: Commissioner Brunhart

2nd by: Commissioner Ward

Vote: Commissioner Machlis voted nay, all other Commissioners voted in favor. Motion passed.

OAM2022-000527 - An Ordinance amending the Brighton Land Use Code, Sections 19.01.010, 19.02.060 and 19.02.150. The proposed amendments will remove Section 19.01.010 and adopt Section 19.02.060 to address scrivener errors. The proposed amendments will also adopt Section 19.02-150 to address Inactive Applications. **Presenter:** Melissa Anderson (Motion/Voting)

Greater Salt Lake Municipal Services District Planning Manager Melissa Anderson provided a presentation regarding scrivener errors and address Inactive Applications of the ordinance amendment.

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

PUBLIC PORTION OF HEARING OPENED

No one from the public present to speak.

Commissioner Despain closed the public hearing.

PUBLIC PORTION OF HEARING CLOSED

Commissioners, Staff, and Counsel had a brief discussion regarding responsiveness, business practice, final notice and notification, Inactivity – Planning vs. Applicant, authority and clarity, shall be deemed lapsed and may be closed, expectation and responsibility of staff, granting extensions, and burden of inactivity.

Motion: To recommend application # OAM2022-000527 an Ordinance amending the Brighton Land Use Code, Sections 19.01.010, 19.02.060. The proposed amendments will remove Section 19.01.010 and adopt Section 19.02.060 to address scrivener errors to the Town of Brighton Council for approval.

Motion: To continue application # OAM2022-000527 regarding the proposed amendments in Section 19.02.150 to address Inactive Applications to the March 16th Planning Commission Meeting to refine language based on input and concerns and clarify the definition of Inactive Application.

Motion by: Commissioner Machlis

2nd by: Commissioner Brunhart

Vote: Commissioners voted unanimous in favor

Commissioner Despain adjourned the meeting.

MEETING ADJOURNED

Time Adjourned – 8:58 p.m.

DRAFT



File # OAM2022-000527

Ordinance Amendment Related to Inactive Land Use Applications

Public Body	Brighton Town Planning Commission
Meeting Dates	March 16, 2022
Proposal	An Ordinance amending the Brighton Land Use Code, Section 19.02.150. The proposed amendment will adopt Section 19.02-150 to address Inactive Applications.
Planner	Melissa Anderson
Recommendation	Recommend approval of the ordinance to the Brighton Town Council

DESCRIPTION OF THE PROPOSAL AND BACKGROUND

The proposed ordinance amends the Brighton Land Use Code by adopting new Section 19.02.150, "*Inactive Applications.*" The existing code does not provide clear guidance on when an application may be closed due to inactivity by the applicant. This creates a problem because inactive applications use staff resources and create confusion regarding vesting and process. The proposed ordinance establishes when inactive applications can be closed and thus will resolve this situation.

REVISED ORDINANCE

On February 16, 2022, the Brighton Town Planning Commission held a public hearing to consider the proposed code amendment. At that meeting, the Commission directed staff to provide more clarity on when an application would be considered as "*inactive.*" Staff has updated the proposed ordinance as directed by the Planning Commission and the proposed language is revised as follows:

"If no activity such as plan submittals, reviews, meetings, or communication by the applicant has occurred on an application for one hundred eighty (180) days from the submittal date, the application will be deemed as inactive, and the file closed."

The ordinance has been revised to reflect this new language and it is included as Attachment B to this report.

PUBLIC NOTICE AND COMMENT

Public notice was provided in accordance with Utah Code 17-27a-205. Public notice was mailed to affected entities, notice was posted in three public locations, and notice was posted on the Utah Public Notice Website at least 10 days prior to the first public hearing on February 16, 2022.

At the time of writing this report, no written comments have been received by the MSD Department of Planning and Development Services.

OPTION FOR THE PLANNING COMMISSION

The Planning Commission has three options with respect to the proposed ordinance amendment:

- Option 1: Recommend approval of the ordinance as proposed to Council; or
- Option 2: Recommend approval of the ordinance with amendments to Council; or
- Option 3: Recommend denial of the ordinance to Council.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the ordinance as proposed to the Brighton Town Council.

ATTACHMENT

- A. Public Notice
- B. Proposed Ordinance as Revised



NOTICE OF PUBLIC HEARINGS TOWN OF BRIGHTON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN Pursuant to Utah Code Title 10, Chapter 9a, Section 205, that the Town of Brighton Planning Commission (the "Commission") will hold a public hearing on Wednesday, February 16, 2022 at 7:00 PM. The purpose of the hearing is to receive public comment regarding the below proposed changes to land use ordinances as follows:

- **OAM2022-000526** – An Ordinance amending the Brighton Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.110, "Tree and Vegetation Protection." The proposed amendments will amend the tree replacement standards and clarify that maintenance of defensible space around existing buildings for fire safety is an allowed use. **Presenter:** Melissa Anderson.
- **OAM2022-000527** - An Ordinance amending the Brighton Land Use Code, Sections 19.01.010, 19.02.060 and 19.02.150. The proposed amendments will remove Section 19.01.010 and adopt Section 19.02.060 to address scrivener errors. The proposed amendments will also adopt Section 19.02-150 to address Inactive Applications. **Presenter:** Melissa Anderson.

The Planning Commission will act on the proposed ordinances after taking comments from the public during the public hearing. The public and affected entities are also invited to review and inspect the proposed ordinances at <https://www.utah.gov/pmn/index.html> and <https://www.brighton.utah.gov/>

Pursuant to Utah Code Ann. § 52-4-207(5), Don Despain has determined in his capacity as Chair of the Town of Brighton Planning Commission that this meeting and/or public hearing will be held electronically without an anchor location given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, which the Chair has determined to present a substantial risk to the health and safety of those who may be present at an anchor location. To participate in the meeting and to make public comments where indicated in the agenda, please use the below webinar instructions.

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Need help? Go to <http://help.webex.com>

You may also obtain copies of the ordinances and submit written comments prior to the public hearing by contacting Wendy Gurr at wgurr@msd.utah.gov or (385) 468-6707. Individuals needing special accommodations (including ancillary communicative aids and services) during this public hearing should contact Ms. Gurr three days before the public hearing.

ORDINANCE NO. 2022-__ -

ORDINANCE ADOPTING 19.02.150 INACTIVE APPLICATIONS

WHEREAS, the Town of Brighton (“Brighton”) Town Council ("Council) is authorized to enact ordinances for the health, safety, and well-being of its residents and visitors; and

WHEREAS, inactive applications use staff resources and create confusion regarding vesting and process;

WHEREAS, the Council wishes to enact an ordinance establishing when inactive applications shall be closed.

NOW, THEREFORE, BE IT ORDAINED by the Brighton Town Council as follows:

SECTION 1. ADOPTED. 19.02.150 INACTIVE APPLICATIONS is adopted as written below:

19.02.150 INACTIVE APPLICATIONS:

All applications for property development and/or use permits shall be actively pursued to a final decision by the town. If no activity ~~such as plan submittals, reviews, meetings, or communication by the applicant~~ has occurred on an application for one hundred eighty (180) days from the submittal date, the application will be deemed as inactive, and the file closed. The applicant may submit a written request to maintain the application as active, wherein upon finding that there is good cause and reasonable belief that the application will be pursued to completion, the ~~planning director, or their designee zoning administrator~~ may grant a one-time ninety (90) day extension. Once a file is closed, an applicant will be required to reapply for permits or development.

SECTION 2. Effective Date. This Ordinance shall go into effect upon publication.

PASSED AND APPROVED this ____ Day of _____, 2022.

TOWN OF BRIGHTON

By: _____
Dan Knopp, Mayor

ATTEST:

Kara John, Town Clerk



File # OAM2022-000545

Ordinance Amendment Related to Stream Setbacks in the Foothills and Canyons Overlay Zone

Public Body	Brighton Town Planning Commission
Meeting Dates	March 16 th , 2022
Proposal	An ordinance amending the Brighton Land Use Code, Section 19.72.130 regarding setbacks for all buildings, accessory structures and parking lots from a (high-water mark) of a perennial stream corridor.
Planner	Jim Nakamura
Recommendation	Approve the ordinance as proposed

DESCRIPTION OF THE PROPOSAL

The Brighton Planning Commission has been engaged in the process of assessing and considering amendments to the Foothill Canyons Overlay Zone (FCOZ). The Planning Commission recognizes the need for consistency with partner agency standards and the standards in the FCOZ. As such, the MSD Planning staff was directed to craft an ordinance to amend the FCOZ for the health, safety, and well-being of its residents and visitors.

The purpose of the proposed code amendment to the FCOZ is to adjust the setback standard for development from a perennial stream to be consistent with the Salt Lake County Health Department and Salt Lake City Public Utilities. As such, the proposed amendment reduces the setbacks to a perennial stream corridor from 100 feet to 50 feet.

PUBLIC NOTICE AND COMMENT

Public notice was provided in accordance with Utah Code 17-27a-205. Public notice was mailed to affected entities, notice was posted in three public locations, and notice was posted on the Utah Public Notice Website at least 10 days prior to the public hearing on March 16, 2022.

At the time of writing this report, no written comments have been received by the MSD Department of Planning and Development Services.

OPTION FOR THE PLANNING COMMISSION

The Planning Commission has three options with respect to the proposed ordinance amendment:

- Option 1: Recommend approval of the ordinance as proposed to Council; or
- Option 2: Recommend approval of the ordinance with amendments to Council; or
- Option 3: Recommend denial of the ordinance to Council.

STAFF RECOMMENDATION

Staff recommends that the Brighton Town Planning Commission recommend approval of the ordinance as proposed to the Brighton Town Council.

ATTACHMENT

1. Public Notice
2. Proposed Ordinance



NOTICE OF PUBLIC HEARINGS TOWN OF BRIGHTON PLANNING COMMISSION

NOTICE IS HEREBY GIVEN Pursuant to Utah Code Title 10, Chapter 9a, Section 205, that the Town of Brighton Planning Commission (the "Commission") will hold a public hearing on Wednesday, March 16, 2022 at 7:00 PM. The purpose of the hearing is to receive public comment regarding the below proposed changes to land use ordinances as follows:

- **OAM2022-000527** - An Ordinance amending the Brighton Land Use Code, Section 19.02.150. The amendment to Section 19.02.150 is proposed to address Inactive Applications. **Presenter:** Melissa Anderson
- **OAM2022-000545** – An Ordinance amending the Brighton Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.130, "Stream Corridor and Wetlands Protection." The proposed amendment will amend the Perennial Stream Corridor Setback for Buildings and accessory structures from 100' to 50' measured from ordinary high-water mark. **Planner:** Jim Nakamura

The Planning Commission will act on the proposed ordinances after taking comments from the public during the public hearing. The public and affected entities are also invited to review and inspect the proposed ordinances at <https://www.utah.gov/pmn/index.html> and <https://www.brighton.utah.gov/>

Pursuant to Utah Code Ann. § 52-4-207(5), Don Despain has determined in his capacity as Chair of the Town of Brighton Planning Commission that this meeting and/or public hearing will be held electronically without an anchor location given the ongoing Coronavirus disease 2019 (COVID-19) pandemic, which the Chair has determined to present a substantial risk to the health and safety of those who may be present at an anchor location. To participate in the meeting and to make public comments where indicated in the agenda, please use the below webinar instructions.

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ORDINANCE NO. 2022-0-__ -__

ORDINANCE AMENDING BRIGHTON CODE SECTION 19.72.130
STREAM CORRIDOR AND WETLANDS PROTECTION

WHEREAS, the Town of Brighton (“Brighton”) Town Council ("Council) is authorized to enact ordinances for the health, safety, and well-being of its residents and visitors; and

WHEREAS, consistency with partner agency standards is an objective in Brighton;

WHEREAS, the Salt Lake County Health Department and the Salt Lake City Public Utilities require a 50-foot setback from perennial stream corridors;

WHEREAS, the Foothills and Canyons Overlay Zone standards for setbacks from perennial streams should be amended from 100 feet to 50 feet to be consistent with partner agencies;

NOW, THEREFORE, BE IT ORDAINED by the Brighton Town Council as follows:

SECTION 1. AMENDED. Section 19.72.130 is amended as redlined in Exhibit A.

SECTION 2. Effective Date. This Ordinance shall go into effect upon publication.

PASSED AND APPROVED this ____ Day of _____, 2022.

TOWN OF BRIGHTON

By: _____
Dan Knopp, Mayor

ATTEST:

Kara John, Town Clerk

19.72.130 Stream Corridor And Wetlands Protection

- A. Purpose. The following requirements and standards are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions of stream corridors, associated riparian areas, and wetlands.
- B. Applicability. Unless previously delineated by Brighton, boundaries for stream corridors and wetland areas are delineated according to the following standards:
 - 1. Stream corridor and wetland area delineation shall be performed by a qualified engineer or other qualified professional with demonstrated experience and expertise to conduct the required site analysis. Delineations are subject to the approval of the director.
 - 2. Stream corridors shall be delineated at the ordinary high-water mark. Stream corridors do not include irrigation ditches that do not contribute to the preservation and enhancement of fisheries or wildlife.
 - 3. Boundary delineation of wetlands are established using the current Federal Manual for Identifying and Delineating Jurisdictional Wetlands jointly published by the U.S. Environmental Protection Agency, the Fish and Wildlife Service, the Army Corps of Engineers, and the Soil Conservation Service.
- C. Prohibited Activities. No development activity may be conducted that disturbs, removes, fills, dredges, clears, destroys, or alters, stream corridors or wetlands, including vegetation, except for restoration and maintenance activities allowed in this title as approved by Brighton flood control, the state engineer's office, and other applicable authorities.
- D. Setbacks.
 - 1. Perennial Stream Corridors. All buildings, accessory structures, parking lots, and all on-site wastewater disposal systems shall be set back at least ~~one hundred~~ fifty feet horizontally from the ordinary high-water mark of perennial stream corridors. (See Figure 19.72.7: Setback from Stream Corridor)
 - 2. Wetlands. All buildings, accessory structures, and parking lots shall be set back at least fifty feet, and all on-site wastewater disposal systems shall be set back at least one hundred feet horizontally from the delineated edge of a wetland.
 - 3. Ephemeral Streams. Leach fields shall be set back one hundred feet from the channel of an ephemeral stream. All buildings, accessory structures, and parking areas or parking lots shall be set back at least fifty feet from the channel of an ephemeral stream. The zoning administrator may recommend to the land use authority modifications to this prohibition upon finding that the modification is likely to cause minimal adverse environmental impact or that such impact may be substantially mitigated. For properties located within the Salt Lake City watershed, the zoning administrator shall consult with Salt Lake City public utilities prior to making a recommendation.

4. Natural Open Space/Landscape Credit for Setback Areas. All setback areas are credited toward any relevant private natural open space or landscape requirements but are not credited toward trail access dedication requirements.
- E. Preservation of Vegetation. All existing vegetation within the stream corridor or wetland setback area shall be preserved to provide adequate screening or to repair damaged riparian areas, supplemented where necessary with additional native or adapted planting and landscaping.
- F. Bridges. Any bridge over a stream corridor and within the stream setback area may be approved provided the director affirms that the bridge is planned and constructed in such a manner as to minimize impacts on the stream corridor.
- G. Modification of Setbacks.
 1. The director has discretion to administratively reduce the ~~perennial stream corridor and wetlands setbacks~~ by a maximum of twenty-five percent where applicable upon satisfaction of the following criteria:
 - a. The modification is designed to yield:
 - i. More effective preservation of existing mature trees, vegetation, riparian areas, rock outcrops, or other significant natural features of the site;
 - ii. Less visual impact on the property or on the surrounding area; or
 - iii. Better protection of wildlife habitat; or,
 - b. Strict application of the standard(s) would render a site undevelopable.
- H. Perennial Stream Corridor and Wetland Setback Requirements for Lots of Record.
 1. Existing Legally Established Structures. A structure legally existing on the effective date of this chapter that is within fifty feet of a perennial stream corridor or wetland may be renovated, altered, or expanded or reconstructed if damaged or destroyed by fire, flood, or act of nature as follows:
 - a. Renovations or alterations or reconstruction of a damaged or destroyed structure that will not increase the gross floor area of the original, existing structure are permitted.
 - b. Renovations, alterations, or expansions that will increase the gross floor area of the original, existing structure are limited to a cumulative total expansion of no more than two hundred fifty square feet of gross floor area located closer than fifty feet to a perennial stream corridor or wetland.
 - c. Renovations, alterations, expansions, or reconstruction of a damaged or destroyed structure that increase the gross floor area of the original, existing structure but which are no closer than fifty feet to a perennial stream corridor or wetland are permitted, subject to compliance with all other applicable regulations and standards.

2. New Structures. For new developments, the director may authorize construction to no closer than fifty feet from a perennial stream corridor or to no closer than twenty-five feet from a wetland subject to the following criteria:
 - a. Denial of an encroachment of more than the twenty-five percent into the stream or wetlands setback area allowed by Section 19.72.130(G) would render the site undevelopable.
 - b. No alternative location for the development further away from the stream or wetland is feasible or available.
 - c. Creative architectural or environmental solutions have been incorporated into the development proposal in order to ensure that the purposes of stream corridor protection, as set forth in Subsection 19.72.130 are achieved.
 - d. No federal or state laws, or other Brighton ordinances or regulations are violated.
3. Limitation. In allowing for the preceding improvements, the director may not:
 - a. Increase the maximum limits of disturbance set forth in Subsection 19.72.160.
 - b. Authorize the encroachment of more than five-hundred square feet of gross floor area of structural improvements (cumulative total) within the land area ~~between seventy-five feet and~~ fifty feet from perennial stream corridor or within the land area between fifty and twenty-five feet of a wetland.
4. In the interest of protecting the public health, safety, and welfare, Brighton may pursue negotiations with a property owner to purchase their property as open space as an alternative to granting a waiver. These negotiations, as long as they are performed in good faith, shall not delay Brighton's processing of any land use application.