



## 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

<https://slco.webex.com/join/wgurr>

Join meeting in WebEx (download available at <https://www.webex.com/downloads.html> for Windows, Android, and Apple devices)

#### Tap to join from a mobile device (attendees only)

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#### Join from a video conferencing system or application

Dial [wgurr@slco.webex.com](mailto:wgurr@slco.webex.com)

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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

**2<sup>nd</sup> 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

**2<sup>nd</sup> 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

**2<sup>nd</sup> 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 16<sup>th</sup> Planning Commission Meeting to refine language based on input and concerns and clarify the definition of Inactive Application.

**Motion by:** Commissioner Machlis

**2<sup>nd</sup> by:** Commissioner Brunhart

**Vote:** Commissioners voted unanimous in favor

*Commissioner Despain adjourned the meeting.*

**MEETING ADJOURNED**

**Time Adjourned – 8:58 p.m.**

DRAFT