



Planning and Development Services

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

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

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

****Meeting minutes approved on March 16, 2022 with one amendment****

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 square 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 square 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.