



**Planning and Development Services**

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**MEETING MINUTE SUMMARY  
TOWN OF BRIGHTON PLANNING COMMISSION MEETING  
Wednesday, August 17, 2022 7:00 p.m.**

**\*\*Meeting minutes approved on September 21, 2022\*\***

**Approximate meeting length:** 48 minutes

**Number of public in attendance:** 4

**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
Don Despain (Chair)	x	x	
Ulrich Brunhart	x	x	
Tom Ward	x	x	
Ben Machlis (Vice Chair)	x	x	
Phil Lanuette (Alternate)			x
John Carpenter (Alternate)			x

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Jim Nakamura	x	x
Brian Tucker	x	x
Curtis Woodward	x	x
Erin O’Kelley	x	x
Kara John		
Cameron Platt	x	x

**BUSINESS MEETING**

**Meeting began at – 7:16 p.m.**

- 1) Election of Chair for 2022

**Motion:** To continue Election of Chair for 2022 to the September 21<sup>st</sup> meeting to allow more commissioners in attendance.

**Motion by:** Commissioner Machlis

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

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

Election of Vice Chair for 2022

**Motion:** To continue Election of Vice Chair for 2022 to the September 21<sup>st</sup> meeting to allow more commissioners in attendance.

**Motion by:** Commissioner Machlis

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

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

- 2) Approval of Minutes from the March 16, 2022 Planning Commission Meeting.

**Motion:** To approve Minutes from the March 16, 2022 Planning Commission Meeting as presented.

**Motion by:** Commissioner Machlis

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

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

3) Other Business Items (as needed)

*No other Business Items to discuss.*

*Commissioner Ward motioned to open the public hearing, Commissioner Brunhart seconded that motion. Commissioners voted unanimously (of commissioners present).*

### **PUBLIC HEARING(S)**

**Hearings began at – 7:19 p.m.**

**OAM2022-000652** – An Ordinance amending the Town of Brighton Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.130, “Stream Corridor and Wetlands Protection.” The proposed amendment will remove the mention of “on-site wastewater disposal systems” in relation to stream corridor setbacks which are regulated by Salt Lake County Health Department. **Planner:** Jim Nakamura (Motion/Voting)

*Greater Salt Lake Municipal Services District Planner Jim Nakamura provided a presentation regarding the ordinance amendment.*

*Commissioners and staff had a brief discussion regarding septic systems, wastewater within 100 feet safeguards and basic requirements and regulation, structures closer and feedback from Salt Lake City and health department impact, regulated by the State of Utah and the health department approved by regulations, recognize the health department may regulate most restrictive at the time of an application, and an exception to Variances and criteria.*

*Mr. Platt advised there have been inconsistencies between county and town and could come up with processes or if the town could withhold or require a variance. If state statute designates the authority to the town, recommend research before a decision is made and determine if administrative or legal.*

*Commissioner Despain asked for the definition of an ephemeral stream. Mr. Nakamura provided the Town of Brighton municipal code definition.*

*"Stream, **Ephemeral**." Those channels, swales, gullies, or low areas that do not have flow year-round or are not shown on United States Geological Services (U.S.G.S.) topographic maps as perennial streams. These are generally channels that are tributary to perennial streams, other **ephemeral** streams, terminal low areas, ponds, or lakes. They are typically dry except during periods of snowmelt runoff or intense rainfall. (Contrast with "Stream, Perennial.")*

*"Stream, Perennial." Those streams, excluding **ephemeral** streams, or ditches and canals constructed for irrigation and drainage purposes, which flow year-round during years of normal rainfall, and that are identified on the appropriate United States Geological Services (U.S.G.S.) topographic maps as perennial streams. (Contrast with "Stream, **Ephemeral**."*

*Commissioner Despain opened public hearing portion to comment.*

## PUBLIC PORTION OF HEARING OPENED

*No one from the public present to speak.*

*Commissioner Despain closed the public hearing portion.*

## PUBLIC PORTION OF HEARING CLOSED

**Motion:** To continue file #OAM2022-000652 an Ordinance amending the Town of Brighton Land Use Code, Foothill Canyons Overlay Zone (FCOZ), Section 19.72.130, “Stream Corridor and Wetlands Protection.” The proposed amendment will remove the mention of “on-site wastewater disposal systems” in relation to stream corridor setbacks which are regulated by Salt Lake County Health Department to the September 21<sup>st</sup> Planning Commission Meeting to allow staff and counsel to research and understand if the decision is administrative or legal.

**Motion by:** Commissioner Ward

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

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

**OAM2022-000653** – An Ordinance amending Section 19.04.462 of the Brighton Code of Ordinances to Include Wedding and Reception Uses in the Definition of “Restaurant Liquor License;” and to Enact Related Regulations. **Planner:** Brian Tucker (Motion/Voting)

*Greater Salt Lake Municipal Services District Planning Manager Brian Tucker provided a presentation regarding the ordinance amendment.*

*Commissioners and staff had a brief discussion regarding different licenses from the DABC and requirements for a liquor license, banquets and falling into a different category than weddings.*

*Commissioner Despain opened public hearing portion to comment.*

## PUBLIC PORTION OF HEARING OPENED

*No one from the public present to speak.*

*Commissioner Despain closed the public hearing portion.*

## PUBLIC PORTION OF HEARING CLOSED

**Motion:** To continue file #OAM2022-000653 an Ordinance amending Section 19.04.462 of the Brighton Code of Ordinances to Include Wedding and Reception Uses in the Definition of “Restaurant Liquor License;” and to Enact Related Regulations to the September 21<sup>st</sup> Planning Commission Meeting or until staff recommendations are completed and more of a study completed regarding definitions of liquor licenses.

**Motion by:** Commissioner Despain

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

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

**OAM2022-000654** – An Ordinance Amending of Section 19.12.030 of the Brighton Code of Ordinances to eliminate mineral extraction and processing as a conditional use and explicitly prohibit the same and similar uses in the Forestry and Recreation zones; amend section 19.72.190 to eliminate mineral extraction and processing as a use for which waivers can be granted; amend section 19.76.030 regarding classification of permitted and conditional uses not listed in title 19; and to enact related regulations. **Planner:** Brian Tucker (Motion/Voting)

*Greater Salt Lake Municipal Services District Planning Manager Brian Tucker provided a presentation regarding the ordinance amendment.*

*Commissioners and staff had a brief discussion regarding moving dirt on roads and addressing in FCOZ and that wouldn't be affected. Forest service land and accommodate local land use authorization enforcement.*

*Commissioner Despain opened public hearing portion to comment.*

### **PUBLIC PORTION OF HEARING OPENED**

*No one from the public present to speak.*

*Commissioner Despain closed the public hearing portion.*

### **PUBLIC PORTION OF HEARING CLOSED**

**Motion:** To recommend approval on file #OAM2022-000654 an Ordinance Amending of Section 19.12.030 of the Brighton Code of Ordinances to eliminate mineral extraction and processing as a conditional use and explicitly prohibit the same and similar uses in the Forestry and Recreation zones; amend section 19.72.190 to eliminate mineral extraction and processing as a use for which waivers can be granted; amend section 19.76.030 regarding classification of permitted and conditional uses not listed in title 19; and to enact related regulations to the Town of Brighton Council with amendment to include never trying to regulate activity on forest service lands.

**Motion by:** Commissioner Machlis

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

**Vote:** Commissioners voted unanimous in favor (of commissioners present)

*Commissioner Machlis motioned to adjourn, Commissioner Brunhart seconded that motion.*

### **MEETING ADJOURNED**

**Time Adjourned – 8:04 p.m.**