

BRIGHTON TOWN COUNCIL MEETING AGENDA

Tuesday, March 12th, 2024, at 6:30 pm

NOTICE is hereby given that the Brighton Town Council will meet on Tuesday, March 12th, 2024, for its regular meeting at 6:30pm, in a hybrid format. In person at Fire Station 108, 7688 S Big Cottonwood Canyon Road, and electronically via Zoom.

TO JOIN THE ZOOM MEETING

Join Zoom Meeting

<https://us02web.zoom.us/j/88336077345>

Meeting ID: 883 3607 7345

One tap mobile

(669)444-9171

1. CALL TO ORDER AT 6:30 PM.

2. CLOSED SESSION

Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property pursuant to per Utah Code §52-4-205.

3. ANNOUNCEMENTS

4. **PUBLIC INPUT** You can email your comment to 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 9.

5. **MINUTES** Approval of Town Council Minutes for February 13th, 2024. Pages 3-15.

6. **UPD** Cheryl Lenzer. Pages 16-19.

7. **UFA** Dusty Dern

8. SKI RESORTS

Solitude

Brighton

9. BUSINESS

- a. An ordinance of the Town of Brighton amending Title 19 zoning, by repealing Chapter 19.02 Title, Purpose, Applicability, Chapter 19.56 Floodplain Hazard Regulations, and Chapter 19.58 Geological Hazards ordinance. Presented by Morgan Julian. For discussion and possible action. Pages 20-58.
- b. Discussion and possible action on Law Enforcement.
- c. Amendment to Title 5 Business Licenses and Regulations Chapter 5.19 Short Term Rental Section 63 Water Supply and Public Sewer Required. For discussion and possible action. Pages 59-60.
- d. Authorization for the mayor to purchase a shed for package pick up at the Old Fire Station in an amount up to \$15,000. For discussion and possible action.
- e. Mailbox shelter in Silver Fork. For discussion.

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

11. REPORTS

- a. Mayor's Report
- b. Council Members' Reports. Pages 61-75.
- c. Emergency Management Report
- d. BCCA Report

12. PROPOSALS FOR FUTURE AGENDA ITEMS**13. CLOSED SESSION**

Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property pursuant to per Utah Code §52-4-205.

14. ADJOURN

BRIGHTON TOWN COUNCIL MEETING MINUTES

Tuesday, February 13th, 2024, at 6:30 pm

ATTENDANCE

Dan Knopp (Mayor and meeting chair)

Council Members: Keith Zuspan, Lise Brunhart, Jeff Bossard, Carolyn Keigley

Staff: Polly McLean, Kara John, Jim Nakamura, Morgan Julian, Curtis Woodward

Partners: Cheryl Lenzer, April Morse, Dustin Dern, Amber Broadaway, Mike Doyle, Barbara Cameron, Ella Abelli-Amen, Sheriff Rivera, Jay Springer, Chief Justin Hoyle, Chief Jason Mazuran, Chief Wayne Dial, Lieutenant Acromin, Lieutenant Barker, Rick Moon

Public: Don Despain, Brian Reynolds, Nathaniel Dunlap, Chad Smith, Ulrich Brunhart, Mark Brinton, Eli Lovett, Laurie Hilyer, Tom Loken, Nicholas' iPhone, Mike Kessler

WORK SESSION. Mayor Knopp called the work session to order at 6:00 pm.

Updates on Law Enforcement Changes Effective July 1, 2024. Presented by Sheriff Rosie Rivera. Pages 3-9.

Sheriff Rivera presented. She acknowledged the great work UPD does, and noted the separation was a legislative decision to address the perception of double taxation since the Sheriff's office oversees both departments. With the separation, there will be statutory duties that the Sheriff's office will provide and shared services that the county will pay for. Some of the statutory duties require the sheriff to oversee things like the civil department that serves civil papers, warrants, and extraditions. Additionally, they are over public lands, which includes all Forest Service land which is where the Canyon Patrol comes in. County wide services are things the county chooses to pay for such as the Metro Gang unit, some of the positions in the DEA, the Major Investigations unit, and the Metro Mental Health unit. Under the new legislation, there will be a new Law Enforcement Bureau. There was a bureau prior to UPD. UPD was created in 2010 because of legislation from 2008. That is when it was decided for the Sheriff's office to be over UPD. Legislation in 2019 said that the sheriff's office didn't have to be over UPD, but the board chose to stay with the sheriff. Southwest parts of the county wanted them to be separated which resulted in the statewide legislation requiring the separation.

The sheriff's office has a goal to maintain the same level of service and to take care of the officers providing that service. Salt Lake Valley Law Enforcement Service Area (SLVLESA) asked the sheriff's office to provide a contract model. In that model, the goals are to be operationally sound, and fiscally responsible. In 2019 it was estimated that UPD would reach the SLVLESA tax cap by 2026, but the cap was met this year so property taxes can't be raised unless legislation is changed. They also want the model to avoid the concern around subsidies that the southwest part of the county viewed as double taxation. With a contract model and the ability to choose services, it may help them feel they get the same benefit. Economies of scale are how entities will get services cheaper. There's an option for entities to go on their own, but losing members changes the cost dynamic for both sides. To calculate a budget, the sheriff's office based their numbers off UPD's budget. Revenues have not been estimated yet because they need to determine what revenues will go to UPD. They are still working out costs with dispatch. They are still estimating personnel costs and have decided to go with the 75-percentile rate rather than the midpoint. The equipment is fully costed, and they anticipate underspending by 5%. The organization chart has a different structure and includes deputy sergeants, lieutenants, captains, deputy chiefs, chief deputies, the undersheriff, and the sheriff. They also operate the jail and the court security.

Their captains test into position and do the work of chiefs, which saves on costs. She estimated there are 342 sworn officers now, and after the split, the sheriff's office will have 73. If SLVLESA stays with the sheriff's office, there will be 185 in total. The actual numbers will be a guessing game until it is known which entity the towns and cities will join. Right now, the county pays \$15M. If the sheriff's office only did law enforcement and statutory duties the cost would go up to \$20M. If SLVLESA came on board, costs would go down to \$17M. There is still a 10% increase for the county, but it's estimated that SLVLESA could sustain longer than 2026. Sheriff Rivera expressed the issue with the legislation is that if SLVLESA goes with the sheriff then UPD's costs will go up. If the unincorporated areas get annexed, their property taxes will no longer be part of the SLVLESA budget because they will go toward the cities they join. It is unknown how much it will affect SLVLESA.

Mayor Knopp had concerns that although the canyon patrol deputies will increase from 14 to 22, they will now also be covering Copperton and White City and we may never know where they are. Sheriff Rivera explained there will be officers designated to the southwest, and other officers to the southeast for Little and Big Cottonwood and some other areas, as it is now. They'll all be working out of the Central Ops building located on 3300S. They'll be adding a substation on the west side. The county owns all the precincts, which is also a benefit.

Sheriff Rivera explained the organization chart. She oversees all departments, jail, court security, and the undersheriff is her backup. This model shows corrections chiefs, court security chiefs, and law enforcement chiefs who will run the law enforcement bureau. Then there is the professional standards unit that will cover internal affairs. There is the range, training unit, and tech support division. Special ops include canyon patrol, search and rescue, canine unit, and tactical support, investigations, and forensics. The SWAT team will still work with UPD as well, but it will need to be negotiated which other departments can be used under the new legislation.

REGULAR MEETING

Dan Knopp called the regular meeting to order at 6:40 PM.

Keith Zuspan moved to open the public hearing and Carolyn Keigley seconded the motion. The hearing was opened unanimously.

PUBLIC HEARINGS

- a. **PAM2023-001054 Mr. Kessler is requesting approval to vacate by ordinance of an existing 10' (foot) utility easement located inside the East side property line. Acreage: 0.28 acres. Location: 10806 E MOOSE RUN LN Zones: FR-1 (FCOZ) Zone. Planner: Jim Nakamura. Pages 10-30. Recording 38.26.**

Jim Nakamura, MSD planning staff, presented the application for approval. This application is for a vacation of a utility easement in the Pine Tree subdivision, owned by the Kessler family. There hasn't been any public input. The hearing was publicly noticed, and a sign was placed on the property as well. A map was shared on the screen to indicate the curve of the property where the vacation is requested. There are no utilities currently in the area. It is lot 51, and the rest of the easement will remain. In relation to the subdivision, the easement runs along the edge of most properties, but when it gets to lot 51, it bisects the property which wouldn't allow the homeowner to rebuild the cabin as planned. The easement stops when it reaches the creek. Letters were provided by the utility companies saying they don't have a use for the area. It was clarified this easement is not in the road.

Looking at the proposed site plan, the house is within 50 feet of the stream, but it was given approval as a noncompliant rebuild by Salt Lake City Public Utilities. When the existing cabin by the creek is demolished, the vegetation will be reclaimed. The existing cabin footprint is 400 square feet, and the rebuild is 3,000 square feet for the footprint.

Mayor Knopp opened public input.

Mr. Kessler was grateful for the help he received from Jim and Polly McLean. It was a lot of work.

Garth Jackson commented asking why the entire easement can't be vacated.

It was explained the application is only for this property and he'd have to apply.

Additionally, Mr. Jackson asked when he can comment on the building permit itself.

Jim Nakamura explained the application already went through the permit process for a rebuild of a non-complying structure in a public meeting with the land use hearing officer. It was posted on the state website. It's not in the ordinance requirements to notify neighbors.

Mayor Knopp closed the public comment.

Lise Brunhart moved to approve ordinance PAM2023-001054 and Jeff Bossard seconded the motion.

The motion passed unanimously.

Carolyn Keigley: Aye

Jeff Bossard: Aye

Lise Brunhart: Aye

Dan Knopp: Aye

Keith Zuspan: Aye

- b. OAM2023-001056: The Planning Commission has been working with staff over the past year to draft amendments to Title 19 (Zoning) of Town of Brighton Municipal Code. This amendment affects all areas within the Town of Brighton. The drafted sections of Title 19 will be proposed as a repeal and replacement of existing Title 19 of Municipal Code. This item covers ordinance text amendments ONLY. There are no map amendments proposed. Planner: Morgan Julian. Pages 31-119. Recording: 54.57.**

Morgan Julian, MSD Long Range Planner, presented the proposed changes to the Title 19 ordinance recommended by the Planning Commission. The purpose of the update is to amend the code to be more reflective of the community and ensure compliance with state statute. The existing code was adopted from Salt Lake County and does not address Brighton's community issues. This update aims to conform with Brighton's general plan which identifies those specific community goals. This project was initiated in January 2023 and public workshops with the planning commission have been held since then to revise these chapters accordingly. The chapters reviewed in this meeting are: Chapters 19.24 (Forestry Zones), 19.32 (C-V Commercial Zone), 19.38 (Foothills and Canyons Overlay Zone), 19.42 (Specific Use Standards).

19.24 The existing code has multiple forestry zone chapters. The proposed code compiles them into one while maintaining the Forestry Zone (FR), and the Forestry Multifamily (FM). It also reflects residential use while removing uses that don't apply such as agriculture and commercial. It was clarified that utilities are still allowed in these zones and the exclusion of underground vaults refer to storage such as the ones in Little Cottonwood Canyon. Vaults for utilities are ok. A parks and recreation zone will be proposed later, and the commercial zone will be revised when the neighborhood nodes project is completed.

The planning commission discussed a limitation on residential building size and building setbacks in the forestry zone multiple times in many of the public workshops. The maximum building size will be 4,500 gross square feet. So that's including multiple stories, garages, and anything with a roof cover such as a porch, patio, or deck. The proposed limitation is an effort to maintain the overall character of Brighton as the average gross square footage of homes in Brighton is around 1,800 square feet. It is also to help limit the amount of natural resources being used such as water. Setbacks are 8 feet from property lines and 10 ft from any right of way. These standards only apply to new applications.

19.38 Foothills and Canyons Overlay Zone proposed changes will reduce the Limits of Disturbance (LOD) as an effort to preserve natural resources. The maximum LOD would change from 20,000 to 10,000 sq. ft. or 40% of the lot, whichever is less. This includes driveways. The minimum LOD is 3,000 sq ft or the size of the lot, whatever is less. Vegetation language was added to this chapter from the landscaping chapter since that will be removed. 19.38.190 is a waiver for ski resort improvements. Regarding Mayor Knopp's concern about requiring revegetation when the forest is overgrown, it was clarified that the planning commission will need to revisit the topic since that point hadn't been discussed. It was clarified that although the Forest Service approves the resort operations, the building department still needs to review their structures.

Setbacks from perennial stream corridors were recommended to change from 50 feet to 100 feet. Historical perspective explained that the county was at 100 feet, and we adopted the county code. Upon realizing Salt Lake City Public Utilities setback of 50 feet, the town adopted a 50-foot setback. The town then adopted a sustainability plan, which recommended a setback of 100 feet. Input from the sustainability consultants noted 100 ft setback give an increased watershed resilience because of riparian areas acting as natural fuel breaks; beavers widen riparian zones. It increases water residency time by slowing water and allowing it to absorb into banks; less flash flooding. It improves water quality and increases biodiversity due to habitat complexity (temperature, vegetation, flow patterns, depth). The stream needs room to recover some of its historic floodplain which has been reduced since beavers were removed from the landscape by trappers in the 1800s. The planning commission may grant a reduction relief up to 25% of the setback. However, the Planning Commission recommends increasing the relief to 50% to accommodate properties that would be rendered unbuildable with a 100 ft setback. It was noted that some cabins are within the 50-foot setback. They would be subject to the non-complying structure chapter, so they would be able to rebuild in the same size footprint, but they could not expand within the setback. If a home is on a septic system opposed to the sewer, they must be 100 feet away, no exceptions.

19.32 Commercial Zone (CV), small revisions were made, but the full revision will be initiated after the Brighton Neighborhood Nodes Design Plan. The planning commission recommends removing uses for automobile service stations, campgrounds and travel trailer parks, Class C fireworks store, bed and breakfast inn, hotel tourists court, and mortar courts. Hotels are kept as a use. The reasoning was that short-term rentals and hotels are well regulated in the code and their uses are close enough to the lodging uses proposed to be removed. Single family use isn't allowed in a CV zone, so that was also removed.

19.42 Specific Use Standards is a new chapter that takes uses from zoning chapters and puts them in one location for uses such as STRs, and IADUs. Things able to be removed are check cashing, drive-thrus, pawn shops, Reiki, tobacco sales, and self-storage.

On January 31, 2024, planning commission recommended adoption for the entirety of Title 19 amendments with revisions including grammar formatting, or referencing revisions or other revisions determined as necessary to prepare for the final draft adoption. Staff recommendation is to adopt chapters 19.24, 19.32, 19.38, and 19.42.

Open Public Hearing

PUBLIC INPUT:

- 1) John Cooper appreciated Jeff's comment about stream setbacks for environmental protection. He agrees with Dan that 50 feet may be a sticky point for some owners. If the concern is for environmental preservation, then he wonders why we don't mandate the required sewer connection for properties within 300 feet of the sewer.
Jim Nakamura noted it is the Sewer District and Health Department that would force those owners to connect.

- 2) Eli Lovett is a resident of Silver Fork and her parents, Frank and Cindy Brewer, have been trying to get permission to do an addition to their property in Silver Fork, and they've been trying to get an easement for the 50-foot variance. It has taken over two years to get this done. She's concerned that if this goes through with 100 feet, it will not be possible. Similar to short-term rentals that were in process for a license for one to two years, but were still allowed, she hopes that a house trying to get a variance for the 50-foot set back can be allowed.
Mogan Julian confirmed that if a house has a complete application, meaning it has been through the initial review phase, then it will be vested under the previous limit.
- 3) Merril Maxfield has a cabin in Pine Tree and has a septic tank. He wondered how soon he would be required to convert to sewer.
Don Despain from the Big Cottonwood Canyon Sewer District responded that in this area when they put in the water improvements, they installed a grinder pump station rather than a main sewer. They do not require the 300-foot connection because it's a pump station.
- 4) Don Despain provided a written comment ahead of time:
"On the proposal to change setback from 50ft to 100ft. Policy Standards throughout the County and State and elsewhere have analyzed dwellings on a septic system (grey water field) adjacent to a stream(waterway) need to have a 100 ft. setback. Dwellings connected to a sanitary sewer system the setback reduces to 50 ft. The Big Cottonwood Improvement District and Cottonwood Improvement District have placed this standard into their policy and best practices. This setback change has been argued frequently within the development of General Plans both at the County and TOB. The Mountainous Planning Commission adopted the 50 ft setback for dwellings on the sanitary sewer.
Polly McLean explained this comment came in before the January Planning Commission meeting, which he is the chair of, and he voted in favor of the ordinance after lengthy discussion.
- 5) Chad Smith asked if the stream setback includes wetlands in addition to perennial streams. He provided history on two lots in his neighborhood. One was purchased in March 2022. After due diligence, however, it would not have been purchased with more than a 50-foot setback. The second example was purchased in November, and it is barely buildable with a 50-foot setback from the wetlands. He made the point There are people who have done due diligence prior to a purchase, but they had not yet started the building application process. If a waiver is easy enough, then he hopes that will work for them.
Morgan Julian clarified that the proposed setbacks of 100 feet are for perennial streams. The setbacks for wetlands and ephemeral streams are still 50 feet.
Chad's second comment was about the 4,500 gross square foot limit. Until tonight he thought this only applied to living space, not to include covered parking. Not only does this impact his building plans, but a neighbor removed their garage to have more square footage added to their home. Now they have no covered parking, and their cars are on the road causing a safety and liability issue. Everyone knows how hard winters are in Brighton and this only discourages people from having covered parking. He suggests making it easier for people by excluding garages in the building size limits.
Morgan confirmed that the planning commission's intention was to limit the total square footage of a building per lot.

Jeff Bossard agreed with Chad that garages should be excluded. For his personal plans, this would put him over the limit because he also has a covered deck and garage.

- 6) Brian Reynolds asked for clarification and it was confirmed that decks that are uncovered are not included in the total gross square footage.
- 7) Ulrich Brunhart, from the Brighton Planning Commission commented that the planning commission decided on 4,500 square feet maximum to include covered decks and garages because they don't want people to later convert a covered area into more living space because they would exceed the living space max square footage.
Jeff Bossard thought we should keep it consistent with what real estate valuations are. When they assess your taxes, they're not including garage space, or covered decks. He thought Ulrich brought up a good point, but suggested a requirement for people to sign something upon plan approval that they won't enclose an outdoor area.
Polly noted the planning commission talked about this at length in at least one or two meetings. It would be hard to enforce when people sometimes don't use a building permit. She also noted that sometimes people use garage space for things other than parking, so if excluded it would be hard to ensure proper use.
Morgan noted that in the existing code proposed code that there is an allowance for accessory structures up to 800 square feet. So, the residential structure could be limited to 4,000 square feet instead. The accessory structure could be attached or not.
Keith was unsure of how to address the garage because he doesn't think of his garage as a living space.
Dan noted if the garage is separate, then people might want to add a covered walkway to the house and then we end up with an even larger net square footage.
Carolyn preferred to defer to planning commission because they are very competent people. She reminded all that the intention of the limitation is to protect finite resources, and the bigger it gets the more bedrooms, bathrooms, and people in there.
Ulrich added that the intention is to prevent loopholes for mansions.
Mayor Knopp closed the public comment.

Keith Zuspan moved to approve the ordinance as it stands. Additionally, the council will ask the planning commission to reconsider the garage size and exclusion from total square footage at their March meeting and return any potential amendments to the council in April. Lise Brunhart seconded the motion. The motion carried.

Keith Zuspan: Aye
Lise Brunhart: Aye
Dan Knopp: Aye
Jeff Bossard: Nay
Carolyn Keigley: Aye

ANNOUNCEMENTS

None

PUBLIC INPUT

Written Input:

- 1) Don Despain

The Town of Brighton has developed a Short- Term Rental application guide listing limitations and conditions that apply. It is appropriate, as in item #6, to provide evidence of an approved water service provider and a connection to the public sewer system. Water Companies and sewer district will provide letters of availability to the property owners on initial applications.

On the annual license renewal guideline #4 states that an updated water provision letter needs to be submitted from the water company and Salt Lake City Public Utilities. This requirement is unnecessary as water stock certificates are appurtenant to the lot and the developed residence. Likewise, the sewer connection. These connections will not change over time. The property owner can be trusted to provide a copy of their water company annual assessment invoice as evidence to the MSD and SLCPU.

Most water companies serving the Brighton Community do not have full time staff to respond to renewal verification that have already been provided. The water companies are better equipped to monitor compliance issues through their rules and regulations, including water capacity limitations. Please remove these renewal requirements from the guidelines or ordinances

2) Laynee Jones

I am writing to request that the town notify its residents of the pending conditional use permit for a 60' cell tower on Rufus Road on property owned by Dan Knopp. Verizon is proposing to lease the land from Dan in exchange for compensation.

Notifying residents through the town email database or newsletter is in accordance with good governance, transparency, and integrity (and is not precluded by law). If the cell tower is constructed without residents knowing ahead of time, they may rightly ask the town why the town did not share the knowledge. Notifying also allows residents to comment on mitigation at the upcoming planning commission meeting. (Note that property owners adjacent to the site received a notice; however, this is a small number).

Dan has played a pivotal role in the community for years and in standing up our town, and I believe the cell tower will sully this legacy. I understand that in facing retirement he is seeking a source of ongoing funds and ask that the town consider the purchase of this parcel for snowblower storage, if amenable to Dan, as an alternative to the cell tower.

I want to thank you all for your service to the town, including the Mayor. You do not have easy jobs and are faced regularly with difficult and sometimes intractable issues.

3) Tom Loken - the town residents need to be aware that the visual impact of this Verizon proposal will be more than just the tower. It will also consist of a 12 x 20 ft. shed surrounded by a 6 ft. high chain link fence topped with barbed wire. It will be visible to all traffic and people along Rufus Rd. and Silver Fork Rd.

- The current Verizon proposal only includes 10 aspens on the west and north sides of the shed.

- Residents also need to know that the Verizon proposal's graphics are misleading. In reality, the structure will be larger and more unsightly than they indicate.

- Additionally - there is potential for many other issues with this Verizon proposal, such as monthly required generator maintenance noise and snow removal problems.

Thank you.

4) Nathaniel Dunlap

I am writing to the town council to express my opposition to the pending conditional use permit to build a 60' Verizon wireless tower near Silver Fork Lodge submitted to the Town of Brighton Planning Commission on January 17, 2024.

I am opposed to construction of the tower for the following reasons:

- Adverse visual and environmental impact
- Constant high-pitched buzzing emanating from the tower and generator noise
- The tower location introduces snow removal problems
- Potential adverse impact on human health
- Deficient Verizon disclosure
- Diminished local property values
- 250' is the minimal reasonable setback in a residential neighborhood
- There is a current boundary line dispute between the Loken property (parcel 24-21-208-014) and the Silver Fork Lodge parcel (24-21-208-013) - it is unclear if the cell tower proposal is in compliance with building code.

The public's interest would be better served if the town council can strike a deal to purchase the proposed cell tower property from Mayor Knopp to use as snowblower storage or conservation easement.

While the construction of the cell tower will likely decrease the value of all nearby properties, I believe Silver Fork Lodge and Restaurant will experience the most significant diminishment in valuation. If the cell tower project proceeds it seems unlikely that neighbors in close proximity will continue to extend the same level of courtesy and cooperation that has enabled the Silver Fork Lodge outdoor events and wedding business to thrive.

Additionally, in accordance with good governance, transparency, and integrity, I request that the town make an effort to notify all residents of Brighton of the Verizon cell tower plan through the town email database and newsletter.

Thank you,

MINUTES

Jeff Bossard moved to approve the minutes for the Town Council Meeting on January 9th, 2024, and Carolyn Keigley seconded the motion. The minutes were approved unanimously with the correction to the misspelling of a name.

UPD

Officer Lenzer provided a verbal and written report:

We had a total of 217 calls for the Town of Brighton. That is down significantly from last year. I think the milder January weather is contributing to that number. There were 8-Thefts, 1-Assault, 1-Burglary Alarm, 2-Trespass calls, 2-Dogs in a Watershed, 1-Camping in a Watershed, 1-Canyon Closure, and a few Citizen Assists. There were 51-Traffic related calls including 17-Canyon Vehicle Assists, 6-Hit and Run Accidents, and 6-Traffic Accidents. Officers wrote 21 regular traffic citations and 65 Parking Notices. We have observed the traffic issues and the back up during the weekends around noon-2 PM. We have had officers present during peak times. We are taking enforcement actions when appropriate, however we don't really have any other solutions at this time.

We are currently one Officer short on the weekend shift due to a transfer. Officer Trevor Parker has returned from his medical leave relieving some of the weekend shortage. We are currently looking to fill the open spot however there isn't an exact timeline for when an officer is up here.

Detective Cheryl Lenzer C.O.P/Fraud/Property Crimes

Special Operations/Canyon Patrol and Rescue

Unified Police Department

Dispatch 801-840-4000

UFA

Dustin Dern reported they are in the budget process and are talking about benefits and compensation this week. They are tracking the legislative session and there is a lot going on to affect them. Recruit camps started this month, and they are down to 30 candidates from 33. Graduation is expected May 16th. The board will approve the draft strategic plan this month. Fire school 101 is happening on April 12th and the council is welcome to sign up. Pancake breakfast is anticipated for the fall. It was a busy past month. There were 81 medical and traumatic injuries and 38 were emergent. There was also a structure fire and compactor fire. He thanked Brighton resort for the equipment to pull the compactor out of the building.

SKI RESORTS

Brighton

Mike Doyle commented that business has picked up from the slow start at the beginning of the season. It took 3 years, but the Sidewinder restaurant is open. There was a big Redbull event last weekend. This coming Friday night is a firework show with the band Pixie and the Party Grass Boys. He will be following up on the call from the MSD that the VMS sign needs to be permitted. He appreciated the great work UDOT has done this season.

Solitude

Not present.

BUSINESS

- e. Presentation by UPD on Law Enforcement Services effective July 1, 2024. Pages 193-206. Recording: 2:20.32.**

Mayor Knopp moved this item to the top of the business items.

Justin Hoyle, Holladay Precinct Chief, thanked the mayor, council, and community for the opportunity to present the services they can provide after July 1st. Chief Jason Mazuran was in Magna making the same presentation and was unable to attend, (although he arrived later). He shared the vision and mission statement and the goals of working together to provide the highest level of police service to keep the community safe. They will do this through integrity, respect, and professionalism as we move into the reorganization. Looking at the organization chart, the cities that have currently partnered are Millcreek, Holladay, and Midvale. Brighton will be under the Holiday Precinct. There are resources that will be provided directly to the entities from SLVLESA. UPD provides shared services such as specialized investigative services including homicides, special victims, domestic violence, fraud. There is a canine unit, SWAT team, and our major accident team are all part of that. They have a human resources department, legal team, and fiscal department. Each group is responsible for hiring and recruiting new officers, getting them trained and maintaining training throughout the year. The legal department continually looks at updates in the law and defends the organization so that our communities don't have to and then our fiscal team that provides budgets, and work very hard ensure accuracy and transparency. The Technical Services Division provides officers with radios, computers, record maintenance, and police reports for the public upon request. There is a robust property and evidence unit to handle storage and disposal. And finally, a fleet. Looking at the reorganization moving forward, there's going to be 270 sworn officers, 68 civilian members, and 7 part time officers. It was clarified that some of the services mentioned are being discussed with the sheriff's office to see if they can work together on any of the overlapping services.

It was emphasized that membership allows local control. UPD is governed by a board of directors, which represents all communities. This allows a council member to sit on the board and help make decisions

for things such as Chief of Police and local precinct chiefs, and budget. The level of service will be tailored to each community. Also highlighted was their level of expertise in law enforcement. Rick presented the budget proposal for 2025. The precinct direct charge estimates \$1,327,180 to cover 6 officers, and to be shared with Holladay .75 sergeant, .20 use of: chief, lieutenant, office coordinator, and victim advocate. It includes all expenditures such as wages, benefits, vehicles, gas. Shared services are estimated to be \$492,869. The total 2024-25 fiscal year cost was estimated at \$1,820,049, which is an increase from 2023-24 by 13.05%, or \$210,151. The numbers calculated for an estimated health insurance coverage increase by 9.7%. URS shows a 1% increase for sworn, and a 1% decrease for civilian. Dispatchers may be a 5% increase. Wage increases are not included in these numbers, but it could be a 3% increase. Wage wars from a few years ago have calmed down, but there are still not a lot of new officers applying. Brighton's tax revenue collected by SLVLESA in 2023 was \$1,285,455. In reviewing the partnership, Brighton will pay 20% and Holladay will pay 80% for four positions: a precinct chief, executive lieutenant, administrative assistant, and victim advocate. There will be a full-time sergeant to oversee all patrol operations that Brighton will pay 75% of and Holladay will pay 25%. There will be 5 patrol officers assigned specifically to Brighton from 6am to 2am, with additional coverage on the weekends. Hours could be adjusted for 24/7 coverage. We will have access available for specialized resources such as a mental health detective, two traffic officers, a detective for code enforcement, and a justice court bailiff. The tentative schedule will be two officers Fri-Mon and one officer Tues-Thur. with the availability of back of up from Holladay as needed. All vehicles will be outfitted for snow days and adequate for any special operation so they can help with search and rescue, although that's managed by the sheriff. It's important to UPD to maintain relationships with all other entities from canyon patrol to UDOT, the Forest Service, and watershed. The incorporated boundaries of Brighton would be UPD's primary responsibility, although canyon patrol is responsible by statute for public lands, which is Forest Service land and makes up 2/3 of the town. Incidents can happen on both Forest Service land, and within the town boundary. Chief Hoyle will investigate the division further to determine exact responsibilities between the two entities. Dispatch is the same for both entities, so they will help determine who to send. The benefit of having dedicated officers is that they will be familiar with the roads, neighborhoods, residents, and businesses. They will be present at events such as the 4th of July parade and races that take place in the canyon. They will be selective in the officers chosen for the canyon to find the right fit. It is unknown which officers will stay with UPD and those that will go with the sheriff. To demonstrate their track record, in a year's time there were 7,000 survey responses about citizen interaction with the officers and the average is 4.67 stars out of 5.

b. Cottonwood Canyons Invasive Weeds Program 2023 Report, and Proposal for Funding. Pages 136-192. Recording 2:56.19

Ella Abelli-Amen introduced herself as the Plant Stewardship Director for Cottonwood Canyons Foundation. She was appreciative of the support the town has provided in the past. The town has given them \$15,000 annually and will continue this year as a part of the budget process to make payment around July 1st.

c. Authorization for the mayor to purchase a shed for package pick up at the Old Fire Station. For discussion and possible action. Recording 2:57.41

Continued from last month. Dan Knopp explained since we have the concrete pad at the old fire station, it can be designated for a shed for package pick up until the area is needed for another use. It will improve deliveries for Forest Glen, Silver Lake Estates, and the loop. It will be a simple structure with shelves on both sides, no lights, no heat, and perhaps a digital access code. The specs will be roughly 10X15 with shelves on both sides. Quotes can be gathered from tough shed and an RFP can be created if

it exceeds the amount allowed to be spent. Snow can be removed by Paul Nell as a part of what we already pay him to plow within the town.

d. Discussion on short-term rentals on Church Road and possible exclusion from the Silver Fork cap. Recording: 3:02.49.

Dan Knopp heard from several residents on Church Road. There are 4 or 5 new \$3M houses and all want to rent them short-term. He asked for consideration to exclude them from the cap in Silver Fork because they are separated from Silver Fork proper by having separate access that comes in from Solitude. They are shareholders in the Silver Fork water system, but renting wouldn't affect anyone but them. Jeff Bossard recommended the water letter, sewer letter, and this item to be discussed in an STR subcommittee meeting in April.

a. Agreement with Smith Hartvigsen for Legal Services to Review, Revise, and Update the Subdivision Ordinance per SB 174. For discussion. Pages 129-135.

Mayor Knopp moved this item to be last.

Polly McLean explained the state legislature passed a bill that all municipalities must revise their subdivision code, Title 18. The state allocated \$14,000 for towns of our size to implement this. They approved 5 vendors, but rather than going through the formal process, it was suggested to partner with Smith Hartvigsen because they are already redoing this for townships and MSD, and they have worked with our planners on land use matters. We've known their attorneys to do a good job, and we've also used them before. Jay Springer was present at the meeting and previously assured Polly it would be under the \$14,000 allowance. Jay added the MSD has a separate allocation of funds, and to the extent that we're using some of the same work, we won't be billed for that. He provided a proposed memorandum of understanding.

Keith Zuspan moved, and Lise Brunhart seconded to allow the mayor to sign a contract. The motion passed unanimously.

PUBLIC INPUT

None

CHAT BOX COMMENTS

01:43:10 eli lovett: This will directly effect cyndy and Frank's property. I feel strongly

REPORTS

Mayor's Report

Dan Knopp reported that he met with Madison Aviles, the community support person from Wasatch Front Regional Council. She helps small communities figure out administrative functions such as obtaining .gov email addresses. Although we have most things established, we can contact her if things come up.

Dan signed the local consent for the new Snake Creek restaurant.

He also signed a local consent for Solitude's hotel liquor license.

Parking is working well. The unintended consequence is the big rush at 1pm when reservations end and parking spots start opening for the general public. Cars have started to queue up in the No Parking areas to wait. He's asked UPD for presence at the turnover to help diffuse the issue, and Kyle is also helping to work on it. The bigger issue is that the capacity of the road is for 1,200 cars to exit an hour. We get 4,000 plus cars on a given day. The resorts are trying to help stagger departures with night skiing or opening earlier. Crest and Majestic are open until 5pm to help with traffic and in a few weeks when it's lighter,

Solitude will be doing the same thing. Dan spoke to Carlos Braceras today and there will be no forward movement with phase 1, buses, tolling, or parking structures, until the lawsuit is settled. They may move forward soon to purchase the gravel pit at the mouth from Doug Shelby and the Walker family with the \$13M allocated for it. In the Wasatch Front Regional Council Technical Advisory Committee, there is a program considering our transportation needs outside of the EIS. They have \$250M and \$40M from a previous allocation, so we may be eligible for some of that funding for a parking structure at the base without it being attached to the gondola EIS. UDOT, CWC and the resorts will meet to talk about the local transportation district in both canyons.

Dan met with both ski areas and Wadsworth Brothers to discuss parking structures at the resorts, but the concern is that would bring more cars into the canyon.

Per Jeff's question, the bus issue from last month is resolved. They were able to get a flashing sign.

Council Members' Reports

Keith Zuspan reported that Zion's bank account has \$173,088 from the December distribution received in January. The Resort Community Tax was \$159,387. The PTIF has \$3.642M. The last interest paid out was \$16,880 which equates to 5.4% annual rate.

He met with Pam Roberts from WFWRD. The electrical crew is coming out to relocate the activation switch back to the original position next to the door. They are preparing the paperwork for a glass recycling container.

Lise Brunhart reported that she finished the introduction to legislature coursework training. She has talked to Chad Smith and John Knoblock about the Silver Lake trail restoration. There will be a meeting to understand the schedule, equipment and materials coming in. It will be between June and August. She attended the BCCA meeting where Barbara asked if she could write a letter on their behalf to our representatives arguing against HB 502 and SB 172. These bills would remove local control from mining. She learned the governor will give money to trails that connect communities. They must accommodate all ages for pedestrians, bicycles and be ADA compliant. They need to be asphalt. The amenities should have rest areas for sitting, and signage about history and Natural History. There may be an opportunity for us on the south side of the highway. Maintenance and trail upkeep could be shared with the Forest Service. It could take time to get agreement from all stakeholders such as the Forest Service because trails cannot go through the campgrounds. Some residents may not want trails by their homes because it could bring too many visitors. It could also be problematic in the watershed. Potentially, there will be a Firewise Chili dinner and tour on a Thursday in May. She attended the AMC meeting today with Rosie Rivera as the speaker.

Jeff Bossard attended the quarterly Animal Services board meeting. He was unable to attend today's Mosquito Abatement meeting today because of his teaching schedule. He's also helping with the Neighborhood Nodes project. He represents the town, and Tom Ward represents the planning commission. They have been instrumental in moving it forward.

Carolyn Keigley commented on the trail connecting communities. She volunteered to take video footage of the Legacy Trail in Tahoe from Glenshire community to downtown Truckee. It follows the river. People commute to work by bike because the road is skinny and dangerous. Kids can go to the Regional Park to play games or to high school. The trail continues to South Lake Tahoe. It took many years and cooperation from many jurisdictions, landowners, and different entities to get it done.

Polly sent a legislative update to the council via email. The committee meets every Monday, and the council can have two people on it.

Emergency Management Report

Not present

BCCA Report

Barbara Cameron reported that the BCCA will be sending a report and will be requesting \$5,000 to the town next month for the 4th of July and adopt a trail. BI will be requesting \$5,500 for their work on Brighton Days and the history committee. They hope for continued support.

PROPOSALS FOR FUTURE AGENDA ITEMS

- a. Decision on UPD or Sheriff's office.

CLOSED EXECUTIVE SESSION

Keith Zuspan moved to go into closed session for a discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property pursuant to per Utah Code §52-4-205. Jeff Bossard seconded the motion. The motion carried unanimously.

Jeff moved out of closed into open session and Lise Brunhart seconded the motion. The motion passed unanimously.

ADJOURN

Jeff Bossard moved to adjourn the meeting and Carolyn Keigley seconded the motion. The meeting was adjourned at 10:15PM

Submitted by Kara John, Town Clerk

BRIGHTON

FEBRUARY 2024 CALLS



BRIGHTON

FEBRUARY 2024 CALLS

TOTAL = 237	DAMAGED PROP=1	INV OF PRIVACY=4	PUBLIC PEACE=3
UNK=5	FRAUD=1	LARCENY=8	TRAFFIC=38
ASSAULT=	HEALTH/SAFETY=3	PUBLIC ORDER=172	
BURGLARY ALARM=1			


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

BRIGHTON

FEBRUARY 2024 TICKETS

BRIGHTON

FEBRUARY 2024 TICKETS

 TRAFFIC = 17



Meeting Body: Brighton Town Council

Meeting Date: March 12th, 2024

Planner: Morgan Julian, Long Range Planner

Project Name and File Number:
OAM2023-001056

Project Type:

- ☐ Repeal and Replace of Text Ordinance
- ☐ New Text Ordinance

Areas Affected: Town of Brighton

Key Findings:

- The drafted ordinance furthers the goals of the General Plan.
- The drafted ordinance increases the clarity and navigability of the ordinance for the staff and the public.
- The drafted ordinance meets existing state code requirements.

Staff Recommendation: Staff is recommending that the Planning Commission make a recommendation of adoption with revisions to the Council.



**Municipal Services
District**

EXECUTIVE SUMMARY

MSD Planning & Development Services ("PDS") was tasked by the Town of Brighton Council to lead an overhaul of the community's land use ordinances, including Title 19: Zoning. From the summer of 2023 to January 2024, the Town of Brighton Council ("Council") and Planning Commission ("Commission") were sent drafted revisions of these ordinances (a total of 13 chapters). During the spring and summer of 2023, staff held public workshops with the Commission to facilitate in-depth discussions of the drafted ordinances.

At the last Planning Commission meetings held in January, 2024, the Planning Commission recommended approval with revisions to Council for all Title 19 Chapters.

On March 12th, Council will hear ten of these Chapter and may make a motion to adopt these Chapters. In the interest of time and for more effective review, Staff believes that it would be best for Council to review and hear certain chapter at a time.

This meeting Staff will be bringing forward Chapters 19.02 (Title, Purpose, Applicability), 19.56 (Floodplain Hazard Regulations) and 19.58 (Geological Hazards Ordinance).

Key Revisions:

Key Revisions made by the Planning Commission are underlined in "red" and revisions made by Staff and Brighton's Attorney are underlined in "green", in Attachment 3.

1. **19.02 TITLE, PURPOSE, AND APPLICABILITY:** this chapter is much shorter than the existing Chapter 19.02 and explains the new format of the zoning ordinance.
2. **19.56 FLOOD PLAIN REGULATIONS:** this Chapter was updated to match current FEMA standards.

3. **19.58 GEOLOGICAL HAZARDS:** the Geologic Hazards Chapter retains the same content as what is existing in Title 19 but has been renumbered and reformatted to match the rest of the drafted ordinances.

STAFF RECOMMENDATION

On January 31st, 2024, Planning Commission recommended adoption of the entirety of the Title 19 Amendment with revisions which include grammar, formatting, or referencing revisions or other revisions as determined necessary to prepare the final drafts for adoption; and to include any non-substantive revisions as determined by the Town of Brighton's legal team. Staff recommend the Council adopt Chapters 19.02 (Title, Purpose, Applicability), 19.56 (Floodplain Hazard Regulations) and 19.58 (Geological Hazards Ordinance).

ATTACHMENTS

The following attachments are included as supplementary materials to the end of this staff report:

1. **Ordinance OAM2023-001056:** 19.02 (Title, Purpose, Applicability), 19.56 (Floodplain Hazard Regulations) and 19.58 (Geological Hazards Ordinance).

BRIGHTON, UTAH

ORDINANCE 2024-O-_____

AN ORDINANCE OF THE TOWN OF BRIGHTON AMENDING TITLE 19 ZONING, BY REPEALING CHAPTER 19.02 TITLE, PURPOSE, APPLICABILITY, CHAPTER 19.56 FLOODPLAIN HAZARD REGULATIONS, AND CHAPTER 19.58 GEOLOGICAL HAZARDS ORDINANCE.

RECITALS

WHEREAS, the Greater Salt Lake Municipal Services District provides services to the Town of Brighton; and

WHEREAS, the Town of Brighton has authority to adopt Zoning ordinances pursuant to Utah Code Ann. § 10-9a-501 in accordance with the Municipal Land Use, Development, and Management Act, (“MLUDMA”), Title 10, Section 9a, Utah Code, to establish zones and regulate development; and

WHEREAS, the Council deems it necessary to amend its ordinances in order to help accomplish the vision of the adopted general plan; and for the protection and preservation of the public health, safety and general welfare; and

WHEREAS, the Planning Commission noticed and conducted a public hearing on January 31, 2024, and forwarded a positive recommendation to the Town Council; and

WHEREAS, legal notice was properly published; and

WHEREAS, the Brighton Town Council (“Council”) met in a regular session on March 12, 2024 to consider this Ordinance;

BE IT ORDAINED BY THE BRIGHTON TOWN COUNCIL as follows:

1. Chapter 19.02 General Provisions and Administration, 19.74 Flood Damage Prevention and Control, and Chapter 19.75 Geological Hazards Ordinance, are hereby repealed.
2. Chapter 19.02 Title, Purpose, Applicability, Chapter 19.56 Floodplain Hazard Regulations, and Chapter 19.58 Geological Hazards Ordinance hereto attached as **Exhibit A** are hereby adopted.

3. Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

4. Effective Date. This Ordinance will take effect immediately upon posting and publication as required by law.

PASSED AND ADOPTED this 12th day of March, 2024.

BRIGHTON TOWN COUNCIL

By: Danial E. Knopp, Mayor

ATTEST

Kara John, Town Clerk

Voting:

Council Member Bossard voting ____

Council Member Brunhart voting ____

Council Member Keighley voting ____

Council Member Knopp voting ____

Council Member Zuspan voting ____

EXHIBIT A

Chapter 19.02 Title, Purpose, Applicability

19.02.010 - Title.

This Title is known as "The Zoning Ordinance of the Town of Brighton" and is referred to herein as "the Ordinance" or "this Ordinance."

19.02.020 - Organization.

The Zoning Ordinance of the Town of Brighton is organized into five articles:

- A. Article I, "General Provisions" comprising Chapters 19.02 – 19.10, addresses:
 - 1. The organization and purpose of the Ordinance, together with definitions and enforcement procedures; and
 - 2. The criteria for addressing nonconforming uses, as well as procedures for analyzing takings.
- B. Article II, "Administration" comprising Chapters 19.12 – 19.20, addresses:
 - 1. The process for applying for various types of land use and land development permits, and the procedures for amending the General Plan, amending the Ordinance, and petitioning for zone changes; and
 - 2. The roles of each administrative body in the land use and development process;
- C. Article III, "Zone Regulations" comprising Chapters 19.22 – 19.40, addresses the regulations for each zoning district, including the permitted or conditional land uses and densities that are allowed in each zone.
- D. Article IV, "Specific Use Standards," comprising Chapters 19.42 – 19.44, addresses standards that are specific to the activity or use of a given property, including standards for long-term as well as temporary uses.
- E. Article V, "Development Standards," comprising Chapters 19.46 – 19.64, addresses:
 - 1. General standards applicable to the development of land;
 - 2. Standards particular to a development district or overlay zone; and
 - 3. Infrastructure, site design, signs, additional building standards (mass, height, setbacks), and natural conditions (such as slope, soils, drainage, etc.).

19.02.030 - Purpose.

- A. The Ordinance is intended to promote and support the goals and policies of the Town of Brighton's General Plan, and for the following purposes:
 - 1. To promote the general health, safety and welfare of the present and future inhabitants, Businesses, and visitors of Brighton,
 - 2. To support small-scale economic opportunities and business that promote outdoor recreation, community services for residents, environmental preservation, or sustainable transportation,
 - 3. To support sustainable and responsible recreation and tourism,
 - 4. To regulate responsible alteration and development of land that promotes safety for people, wildlife, water, and the natural landscape.
 - 5. To provide for well-planned commercial and residential centers, safe and efficient traffic and pedestrian circulation, preservation of night skies and efficient delivery of municipal services,
 - 6. To preserve existing residential properties that embody Brighton's Mountain community,

Town of Brighton Draft Ordinance for Title 19 Public Hearing Draft

Last Updated: 02/05/2024

7. To regulate housing and development to reduce impacts on the environment.

19.02.040 - Applicability.

- A. Territorial Application. All land and parcels of real property within the jurisdictional limits of the Town of Brighton is covered by the provisions of this Ordinance.
- B. General Applicability.
 1. The regulations contained in this Ordinance apply to all uses, structures, and parcels of real property, including those recorded prior to the enactment of this Ordinance.
 2. Every dwelling shall be located and maintained on a lot, as defined in this Ordinance. Except for dwelling groups, not more than one (1) dwelling structure may occupy one (1) lot.
- C. General Prohibition. No portion or whole of any structure or land may be used, occupied, constructed, moved, enlarged, or structurally altered except as provided by this Ordinance. Land needed to meet the width, yard, area, coverage, parking or other requirements of this Title for a lot or building shall not be sold or conveyed away from such lot or building.
- D. Private Agreements. This Ordinance is not intended to enforce any private agreement or covenant. If this Ordinance is more restrictive than a private agreement or covenant, this Ordinance prevails.
- E. Other Laws and Regulations. This Ordinance controls over less restrictive State or municipal statutes, ordinances, or regulations.

19.02.050 – Transition Rules.

- A. In those instances where this Ordinance conflicts with previously applicable zoning regulations, the following rules apply:
 1. Division of Consolidated Lots. Previously platted lots consolidated into one taxable parcel may not be re-divided into lots smaller than the minimum area required in the underlying zone.
 2. Previously Issued Building Permits. If a building permit for a structure was lawfully issued prior to the effective date of this Ordinance or any amendments to this Ordinance, and if construction has begun within 180 days of the issuance of that permit, the structure may be completed in accordance with the plans on the basis of which the building permit was issued and upon completion may be occupied under an occupancy permit for the use originally intended.
 3. Previously Granted Approvals.
 - a. All approvals granted prior to the effective date of this Ordinance remain in full force and effect. The recipient of the approval may proceed to develop the property in accordance with the approved plans and any applicable conditions.
 - b. If the recipient has failed to act on an approval before the approval expires, including any periods of extension granted, the provisions of this Ordinance control.

19.02.060 - 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, 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 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.

19.02.070 – Severability.

If any provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, that judgment does not affect, impair, invalidate or nullify the remaining provisions of this Ordinance. The effect of the judgment is confined to the provision immediately involved in the controversy in which the judgment or decree was rendered.

19.02.080 – Vesting

1. An Applicant is entitled to a substantive review and approval of a land Use Application if the Application conforms to the requirements of the Town's Land Use and Zoning Maps, the municipal specification for public improvements application to a Subdivision or Development, and the applicable land Use ordinance in effect when a Complete Application is submitted and all fees have been paid, unless:
 1. the land Use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the Application; or
 2. in the manner provided by local ordinance and before the Application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the Application as submitted.
2. The municipality shall process an Application without regard to proceedings initiated to amend the municipality's ordinances if:
 1. 180 days have passed since the proceedings were initiated; and
 2. the proceedings have not resulted in an enactment that prohibits approval of the Application as submitted.
3. An Application for a land Use approval is considered submitted and complete when the Application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.
4. The continuing validity of an approval of a land Use Application is conditioned upon the Applicant proceeding after approval to implement the approval with reasonable diligence.
5. A municipality is bound by the terms and standards of applicable land Use ordinances and shall comply with mandatory provisions of those ordinances.

Chapter 19.56 Floodplain Hazard Regulations

19.56.010 – Authorization and Findings

A. Statutory Authorization.

1. The Legislature of the State of Utah has in Utah Code Unannotated 10-3-701 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Municipal Council of the Town of Brighton does ordain as follows:
2. The Town of Brighton elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary

program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and the Town of Brighton 's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the Town of Brighton having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, the Town of Brighton may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

B. Findings of Fact.

1. The flood hazard areas of the Town of Brighton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.
3. These potential flood losses are caused by:
 - a. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities;
 - b. The occupancy of flood hazard areas by structures vulnerable to floods because they are inadequately elevated or otherwise unprotected from flood damages; and
 - c. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

19.56.020 – Purpose of Provisions

- A. It is the purpose of this Chapter to promote the public health, safety and general welfare of the community and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:
1. Protect human life and health;
 2. Minimize expenditure of public money for costly flood control projects;
 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 4. Minimize prolonged business interruptions;
 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
 7. Ensure that potential buyers are notified that property is in a flood area and can make their decisions based on full information.
 8. Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

19.56.030 - Methods of Reducing Flood Losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities;
- B. Requiring that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Controlling filling, grading, dredging and other developments that may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers that will unnaturally divert floodwaters or may increase flood hazards to other lands.

19.56.040 – General Provisions.

- A. Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Town of Brighton.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Salt Lake County and Incorporated Communities," dated November 19, 2021, with accompanying flood insurance rate maps (FIRMs), and any revisions thereto are hereby automatically adopted by reference and declared to be a part of this chapter.
- C. Establishment of Development Permit. A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Chapter.
- D. Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Chapter and other applicable regulations.
- E. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this Chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
- G. Warning and Disclaimer of Liability.
 - 1. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes.
 - 2. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the municipal Township, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder.

19.56.050 – Administration.

- A. Floodplain Administrator Appointed. The Director of Planning and Development Services is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. Duties and Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:
1. Review all applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 19.56.100 (F) are met,
 2. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter.
 3. Obtain and record the actual elevation provided by the developer (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures except those located in zone A where base flood elevation data was not available nor required by this chapter,
 4. For all new or substantially improved floodproofed structures except those located in zone A where base flood elevation data was not available nor required by this chapter:
 - a. Verify and record the actual elevation provided by the developer (in relation to mean sea level), and
 - b. Maintain the floodproofing certifications required in Subsection (A)(6) of Section 19.56.080,
 5. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 6. Review, approve or deny all applications for development permits required by adoption of this Chapter.
 7. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
 8. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
 9. Verify that notification has been made to cities adjacent to the watercourse and to the State Division of Comprehensive Emergency Management, prior to any alteration or relocation of a watercourse, and evidence of such notification has been submitted to the Federal Emergency Management Agency.
 10. Verify that maintenance is provided for within the altered or relocated portion of such watercourse so the flood-carrying capacity is not diminished,
 11. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 12. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

13. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

19.56.060 - Relationship of floodplain hazard regulations to zones.

The floodplain hazard regulations of this chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the zone in which the land is located, and/or general provisions under Title 19 of this code, as amended. Property located within such areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. In cases of conflict between such zone classifications and the floodplain hazard regulations, the most restrictive provisions shall govern. Permitted and conditional uses permitted in the areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. All uses involving development, as defined in this chapter, shall further meet the supplemental conditions and standards set forth in this chapter.

19.56.070 - Conditional use permits required when.

A conditional use permit, if required by this title, shall be obtained prior to special flood hazard area approval under Section 19.74.080. Prior to issuance of a conditional use permit, the planning commission shall insure that requirements of this chapter are met.

19.56.080 – Permit Procedures.

- A. Application. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following submittals and information are required:
 1. Plans drawn to scale showing the location, dimensions, and elevations of proposed landscape alterations.
 2. Plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
 3. Location of the foregoing in relation to SFHA's.
 4. Elevation, in relation to mean sea level, of the lowest floor (including basement and crawlspace) of all new and substantially improved structures.
 5. Elevation, in relation to mean sea level, to which any nonresidential structure (if applicable) shall be floodproofed.

6. A certificate from a registered professional engineer that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this chapter and the NFIP Regulations.
 7. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 8. All other information that may reasonable be required by the Floodplain Administrator.
 9. Reasonable fees in accordance with the adopted fee schedule.
 10. The Town of Brighton shall become the owner of all Floodplain Development Permits and shall maintain a record of all such information in accordance with this chapter and the NFIP Regulations.
- B. Approval or Denial. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Chapter and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 8. The necessity to the facility of a waterfront location, where applicable;
 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
 10. The relationship of the proposed use to the comprehensive plan for that area.

19.56.090 - Variances and Appeal Procedures.

- A. The Land Use Hearing Officer shall hear and decide all appeals and requests for variances from the requirements of this chapter, as provided in Chapter 19.20 of this Title, as amended. The following conditions shall apply, in addition to the provisions of Chapter 19.20:
1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below one foot above the base level, providing the Land Use Hearing Officer has considered all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, providing the following items have been considered:
 - a. The danger that materials may be swept onto other land to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;

- f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with the existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- 2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - 4. The Floodplain Administrator shall maintain in perpetuity a record of all variance actions, including justification for their issuance, and shall report variances to FEMA and the State Coordinating Agency upon issuing a variance.
- B. Prerequisites for Granting a Variance.
- 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional and undue hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood risk resulting from the reduced lowest floor elevation.
- C. The Land Use Hearing Officer shall maintain the record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

19.56.100 – Provisions for Flood Hazard Reduction.

- A. General Standards. In all areas of special flood hazards, the following standards are required for all new construction and substantial improvements:
- 1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads, including the effects of buoyancy.
 - 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
 7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. Substantial Improvement and Substantial Damage Determination. For applications for building permits to improve buildings and structures within a special flood hazard area, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, shall:
1. Estimate the market value of the building or structure only (not of land) before the start of construction of the proposed work. If the applicant disagrees with the estimated market value, the applicant may obtain an appraisal of the market value prepared by a qualified independent appraiser. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs.
 4. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
 5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
 6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage, compliance with the flood regulations of this chapter is required.
- C. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in this chapter, the following standards are required:
1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to 1 foot or more above the base flood elevation. A registered professional engineer, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this chapter are satisfied.
 2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to 1 foot or more above the base flood elevation or together with attendant utility and

sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. Enclosures. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot (1') above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Enclosures below the BFE. Enclosures below the BFE may only be used for building access, vehicle parking, and storage. Certification and documentation from a professional, licensed engineer is required if the structure's lowest floor is built below the BFE. Applicant shall enter into a maintenance and nonconversion agreement with the Town of Brighton that it will maintain the improvements outlined in this paragraph and not modify or convert them to uses other than approved uses.
5. Crawlspaces. New construction and substantial improvements built on an at grade crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:
 - a. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet (5') per second unless the design is reviewed by a qualified design professional, such as a registered professional engineer.
 - b. The crawlspace is an enclosed area below the BFE and, as such, must have flood openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot (1') above the LAG.
 - c. The crawlspace enclosure must have proper flood openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of one square inch of flood opening is required per one square foot of the enclosed area subject to flooding.
 - d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the

- building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork must either be placed above the BFE or sealed from floodwaters.
- e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
 - f. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the LAG.
 - g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed four feet (4') at any point.
 - h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
 - i. Note. Buildings with below grade crawlspaces will have higher flood insurance premiums than buildings that have preferred crawlspace construction, with interior elevation at or above the LAG.
6. Manufactured Homes.
- a. All manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
 - b. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot (1') or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. In the A1-30, AH, AO and AE Zones, manufactured homes placed or substantially improved in an existing manufactured home park shall be elevated so that the lowest floor is one foot (1') or more above the base flood elevation; or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
7. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a. Be on the site for fewer than one-hundred and eighty (180) consecutive days and be fully licensed and ready for highway use;
 - b. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

- c. Meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" in this section.
- D. Standards for Subdivision Proposals.
 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit and other requirements of this chapter.
 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development that is greater than fifty (50) lots or five (5) acres, including the placement of manufactured home parks and subdivisions.
 4. All subdivision proposals, including the placement of manufactured home parks and subdivisions shall, have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- E. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established by this chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
 1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 2. All new construction and substantial improvements of non-residential structures:
 - a. Have the lowest floor (including basement) elevated one foot (1') or more above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet (2') if no depth number is specified), or;
 - b. Together with attendant utility and sanitary facilities be designed so that below one foot (1') above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 3. A registered professional engineer shall submit a certification to the Floodplain Administrator that the standards of this subsection are satisfied.
 4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.
- F. Floodways. Located within areas of special flood hazard established in Section 19.56.040 are areas designated as "floodways." Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
 1. Encroachments, including fill, new construction, substantial improvements, placement of manufactured homes, and other developments, are prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. If subsection A of this section is satisfied, all new construction and substantial improvements and placement of manufactured homes shall comply with all applicable flood-hazard reduction provisions of Sections 19.56.100 through 19.56.180.
3. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

19.56.110 – Definitions.

- A. The following definitions shall apply to terms used in this Chapter only. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted to give them the meaning they have in common usage and to give this Chapter its most reasonable application.
1. “100-Year Flood” means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms “100-hundred-year flood” and “1-percent-annual-chance flood” are synonymous. The term does not imply that the flood will necessarily happen once every 100 hundred years. Mandatory flood insurance requirements may apply.
 2. “100-Year Floodplain” means the area of land susceptible to being inundated due to the occurrence of a 1-percent-annual-chance flood.
 3. “500-Year Flood” means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The term does not imply that the flood will necessarily happen once every 500 years and mandatory flood insurance requirement generally does not apply.
 4. “500-Year Floodplain” means the area of land susceptible to being inundated due to the occurrence of a 0.2-percent-annual-chance flood.
 5. “Accessory Structure” means a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure. The ownership of the accessory structure is the same owner as of the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure.
 6. “Addition” means any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.
 7. “Alluvial Fan Flooding” means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.
 8. “APEX” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
 9. “Appurtenant Structure”—see Accessory Structure.
 10. “Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood, based on future-conditions hydrology.
 11. “Area of Shallow Flooding” means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an

average depth of one to three feet (1'-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

12. "Area of Special Flood-Related Erosion Hazard" means the land within a community that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area, in preparation for publication of the FIRM, Zone E may be further refined.
13. "Area of Special Flood Hazard" means the lands in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V
14. "Base Flood" means the flood having a 1-percent chance of being equaled or exceeded in any given year.
15. "Base Flood Elevation (BFE)" means the water surface elevation of the 1-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1-percent chance of equaling or exceeding that level in any given year.
16. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.
17. "Best Available Data" means existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community. {If Higher Standard Option elected refer to ARTICLE III, SECTION B.1 USE OF BEST AVAILABLE DATA}
18. "Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns. Breakaway walls apply only to V or VE Zones.
19. "Building" see Structure.
20. "Channelization" means the artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.
21. "Code of Federal Regulations (CFR)" means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.
22. "Conditional Letter of Map Revision (CLOMR)" means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding

source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

23. "Conditional Letter of Map Revision Based on Fill (CLOMR-F)" means FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.
24. "Crawlspace" means an under-floor space that has its interior floor area (finished or not) no more than four feet (4') from the bottom floor joist the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation.
25. "Critical Facility" means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living and similar facilities.
26. "Critical Feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.
27. "Deed Restriction" means a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, they may limit the density of buildings, dictate the types of structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.
28. "Detached Garage" means a building that is used solely for storage of materials or vehicle parking for up to four housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.
29. "Development" means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.
30. "Elevated Building" means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.
31. "Enclosure" means an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.
32. "Erosion" means the process of the gradual wearing away of land masses by wind, water, or other natural agents.

33. "Existing Construction" means structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as Existing Structures.
34. "Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.
35. "Existing Structures"—see Existing Construction.
36. "Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
37. "FEMA" means the Federal Emergency Management Agency.
38. "FHBM" means Flood Hazard Boundary Map.
39. "Fill" means the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.
40. "Flood or Flooding" means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - b. The overflow of inland or tidal waters.
 - c. The unusual and rapid accumulation or runoff of surface waters from any source.
 - d. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this Chapter and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 - e. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this Chapter.
41. "Flood Insurance Manual" means the document FEMA produces twice a year and is used to write flood insurance policies underwritten by the NFIP. The document contains definitions, policy rates, coverage and limitations, application and insurance policy forms.
42. "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
43. "Flood Insurance Study (FIS) or Flood elevation study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an

examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

44. "Floodplain Development Permit" means a community issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the community. It is used to address the proposed development to ensure compliance with the community's ordinance.
45. "Floodplain or Flood-Prone Area" means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of Flooding).
46. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, mitigation plans, and floodplain management regulations.
47. "Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for flood damage prevention and reduction.
48. "Flood Opening" means an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.
49. "Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee have met and continue to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).
50. "Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.
51. "Floodway"—see Regulatory Floodway.
52. "Floodway encroachment lines" mean the lines marking the limits of floodways on federal, state, and local flood plain maps.
53. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.
54. "Functionally Dependent Use" means a development that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities,

port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and repair facilities. It does not include long-term storage or related manufacturing facilities.

55. "Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone.
56. "Historic Structure" means any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic reservation programs that have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - e. By an approved state program as determined by the Secretary of the Interior, or
 - f. Directly by the Secretary of the Interior in states without approved programs.
57. "Letter of Map Amendment (LOMA)" means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when it is actually on natural high ground above the BFE.
58. "Letter of Map Revision (LOMR)" means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.
59. "Letter of Map Revision Based on Fill (LOMR-F)" means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property or structure above the BFE.
60. "Levee" means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
61. "Levee System" means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
62. "Lowest Adjacent Grade (LAG)" means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch, including but not limited to attached garages, decks, stairs, and basement windows.
63. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or

storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Title.

64. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
65. "Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
66. "Map" means the FHBM or the FIRM for a community issued by FEMA.
67. "Mean Sea Level" means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on a community's FIRM are referenced.
68. "Mixed Use Structures" means structures with both a business and a residential component, but where the area used for business is less than 50 percent of the total floor area of the structure.
69. "New Construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
70. "New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
71. "No-Rise Certifications" means formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the community during the occurrence of a base flood event.
72. "Physical Map Revision (PMR)" is FEMA's action whereby one or more map panels are physically revised and republished.
73. "Recreational Vehicle" means a vehicle which is:
 - a. Built on a single chassis;
 - b. four-hundred square feet (400 sq.ft) or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and

- d. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.
- 74. "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 75. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.
- 76. "Section 1316" means to the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section 1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.
- 77. "Special Flood Hazard Area"—see Area of Special Flood Hazard.
- 78. "Start of Construction" means substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one-hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 79. "Structure for Floodplain Management Purposes" means a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- 80. "Structure for insurance purposes" means:
 - a. A building with two or more outside rigid walls and a fully secured roof, which is affixed to a permanent site.
 - b. A manufactured home ("a manufactured home," also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
 - c. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.
 - d. For insurance purposes, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.
- 81. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

82. "Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.
- The term does not, however, include:
 - Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and are the minimum necessary to assure safe living conditions; or
 - Any alteration of a "historic structure", if the alteration will not preclude the structure's continued designation as a "historic structure."
83. "Variance" means a grant of relief by a community from the terms of a flood plain management regulation.
84. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
85. "Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood event, in the flood plains of coastal or riverine areas.
86. "Watercourse" means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch or other similar feature.

Chapter 19.58 Geological Hazards Ordinance

19.58.010 - Purpose of provisions.

The purpose of the geologic hazards ordinance is to promote the health, safety and general welfare of the citizens of the Town of Brighton, and minimize the potential adverse effects of geologic hazards to public health, safety and property by encouraging wise land use in geologically hazardous areas.

19.58.020 - Definitions.

- A. As used in this chapter, the following terms have the following meanings:
- "Active fault" means a fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 10,000 years ago to the present).
 - "Avalanche" means a large mass of snow, ice, and debris in swift motion down a slope; includes both wet and dry snow avalanches.
 - "Buildable area" means that portion of a site where an approved engineering geology and/or geotechnical report, as required, has indicated is not impacted by geologic hazards, or concluded

that the identified hazards can be mitigated to a level where risk to human life and property are reduced to an acceptable and reasonable level, and where structures may be safely sited. Buildable areas must be clearly marked on the site plan and/or final approved plat, as appropriate.

4. "Critical facilities" means essential facilities, and lifelines such as major utility, transportation, and communication facilities and their connections to essential facilities.
5. "Debris flow" means a slurry of rock, soil, organic material, and water transported in an extremely fast and destructive flow that flows down channels and onto and across alluvial fans; includes a continuum of sedimentation events and processes including debris, flows, debris floods, mudflows, clearwater floods, and alluvial fan flooding.
6. "Development" includes all critical and essential facilities, subdivisions, single- and multi-family dwellings, commercial and industrial buildings, additions to existing buildings, storage facilities, pipelines and utility conveyances, and other land uses.
7. "Engineering geologist" means a geologist who, through education, training and experience, is able to conduct field investigations and interpret geologic conditions to assure that geologic factors affecting engineered works are recognized, adequately interpreted, and presented for use in engineering practice and for the protection of the public.
8. "Engineering geology" means the application of geological data, principles and interpretation so that geological factors affecting planning, design, construction, and maintenance of engineered works are properly recognized and adequately interpreted.
9. "Essential facility" means buildings and other structures that are intended to remain operational in the event of extreme environmental loading from snow or earthquakes, including all Category II and III structures as classified in Table 1604.5 of the Building Code.
10. "Fault" means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (see "Active fault").
11. "Fault setback" means an area on either side of a fault within which construction of structures for human occupancy or critical facilities is not permitted.
12. "Fault scarp" means a steep slope or cliff formed by movement along a fault.
13. "Fault trace" means the intersection of a fault plane with the ground surface, often present as a fault scarp, or detected as a lineament on aerial photographs.
14. "Fault zone" means a corridor of variable width along one or more fault traces, within which deformation has occurred.
15. "Geologic hazard" means a surface fault rupture, liquefaction, landslide, debris flow, rockfall, avalanche, and/or other geologic processes that may present a risk to life and property.
16. "Geologic hazard maps" refers to the following maps showing Geologic Hazards Special Study Areas in then unincorporated Salt Lake County:
 17. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;
 18. "Avalanche Special Study Areas" dated March 31, 1989;
 19. "Landslide, Debris Flow, and Rockfall Special Study Area Map" dated April 9, 2002.
20. "Geologic Hazard Special Study Area" means a potentially hazardous area as shown on the geological hazards maps, or in other areas defined under "Applicability" (Section 19.58.030), within which hazard investigations are generally required prior to development.
21. "Geotechnical Engineer" means a professional engineer licensed in the State of Utah whose education, training and experience, is in the field of geotechnical engineering.

22. "Geotechnical Engineering" means the investigation and engineering evaluation of earth materials including soil, rock and man-made materials and their interaction with earth retention systems, foundations, and other civil engineering works. The practice involves the fields of soil mechanics, rock mechanics, and earth sciences and requires knowledge of engineering laws, formulas, construction techniques, and performance evaluation of engineering.
23. "Governing body" means the Municipal Council.
24. "Landslide" means a general term for the downslope movement of a mass of soil, surficial deposits or bedrock, including a continuum of processes between landslides, earthflows, mudflows, debris flows and debris avalanches, and rockfall.
25. "Liquefaction" means a process by which certain water-saturated soils lose bearing strength because of earthquake-related ground shaking and subsequent increase of groundwater pore pressure.
26. "Non-Buildable Area" means that portion of a site which an engineering geology report has concluded may be impacted by geologic hazards that cannot be feasibly mitigated to a safe level, and where siting of structures is not permitted.
27. "Rockfall" means a rock, or mass of rock, newly detached from a cliff or other steep slope which moves downslope by falling, rolling, toppling, or bouncing; includes rockslides, rockfall avalanches, and talus.
28. "Setback" means an area within which construction of habitable structures or critical facilities is not permitted.
29. "Slope Stability" means the resistance of a natural or artificial slope or other inclined surface to failure by landsliding; usually assessed under both static and dynamic (earthquake induced) conditions.
30. "Structure designed for human occupancy" means any residential dwelling or other structure used or intended for supporting or sheltering any human occupancy.

19.58.030 - Applicability.

These regulations are applicable to:

- A. All lands within Geological Hazard Special Study Areas in the Town of Brighton, as shown on the following geologic hazards maps on file with Planning and Development Services:
 1. "Surface Fault Rupture and Liquefaction Potential Special Study Areas" dated March 31, 1989 and revised March 1995;
 2. "Avalanche Special Study Areas" dated March 31, 1989; and
 3. "Landslide, Debris Flow, and Rockfall Special Study Areas" dated April 9, 2002.
- B. Areas where slopes are in excess of thirty percent (30%); and
- C. Areas where topography, geology, soil conditions, slope instability, slope angle or aspect, whether on-site or off-site, indicate a potential for geologic hazards.
- D. Such maps and areas described above and all amendments thereto are made a part of this chapter as if fully described and detailed herein. Each change in the geologic hazards maps shall be subject to the amendment procedures set forth in Chapter 19.16.

19.58.040 - Disputes.

- A. Disputes may arise when:
 1. There is a conflict between the boundary lines illustrated on the map and actual field conditions,

2. Detailed investigations show that mapped hazards are not present within a particular area, or
 3. Field conditions indicate that unmapped hazards may exist that require study.
- B. Disputes shall be settled as follows:
1. The person disputing the special study area boundary or the presence of mapped or unmapped hazard(s) within a particular area shall submit technical and geologic evidence to support their claim to the Municipal Geologist in the form of a site-specific geologic hazards report (see Section 19.58.060).
 2. The Municipal Geologist may request the Utah Geological Survey, U.S. Forest Service, and/or other experts to review the evidence (third-party review) prior to making a decision concerning the dispute. The cost of the third-party review shall be paid by the person disputing the map.
 3. The Municipal Geologist may allow deviations from the mapped boundary line only if evidence is provided by the applicant that, to the satisfaction of the Municipal Geologist, clearly and conclusively establishes that the Geologic Hazard Special Study Area boundary location is incorrect, or that the mapped hazards are not present within a particular area.
 4. Any decision of the Municipal Geologist may be appealed to the Land Use Hearing Officer pursuant to the appeal procedures set forth in Chapter 19.20.

19.58.050 - Studies and reports required.

Any applicant requesting development on a parcel of land within a Geologic Hazard Special Study Area, as required under Chart 19.58.050, or in other applicable areas as defined in Section 19.58.030, shall submit to the Planning and Development Services Division two copies of a site-specific geologic hazard study and report.

Chart 19.58.050: Special Study Area Report Requirements					
Based on Special Study Area Maps					
Is a Site-Specific Geological Hazards Report Required Prior to Approval?					
Land Use (Type of Facility)	Surface Fault Rupture	Liquefaction Potential		Landslide, Debris Flow & Rockfall	Avalanche
		HIGH and MODERATE	LOW and VERY LOW		
Critical and Essential Facilities as defined in Section 19.58.020	Yes	Yes	Yes	Yes	Yes
Industrial and Commercial Bldgs. (1 story and <5,000 sq. ft.)	Yes	No*	No	Yes	Yes
Industrial and Commercial Bldgs. (>5,000 sq. ft.)	Yes	Yes	No	Yes	Yes
Residential-Single Lots/Single Family Homes	Yes	No*	No	Yes	Yes
Residential Subdivisions (>9 Lots), and Residential Multi-	Yes	Yes	No	Yes	Yes

Family Dwellings (4 or more units per acre)					
Residential Subdivisions (<9 Lots), and Residential Multi-Family Dwellings (<4 units per acre)	Yes	No*	No	Yes	Yes

*Although a site-specific investigation is not required, the owner is required to file a disclosure notice prior to land use approval

19.58.060 - Geologic hazard and engineering geology reports.

This section describes requirements for site-specific geologic hazard studies and reports, where required according to Section 19.58.050, the Geologic Hazard maps and Chart 19.58.050:

- A. An engineering geology report that includes a geologic hazards investigation and assessment shall be prepared by a qualified engineering geologist, except as provided in Sections 19.58.060 (C) and (F), below. A "qualified engineering geologist" requires 1) an undergraduate or graduate degree in geology, engineering geology, or a related field with a strong emphasis in geologic coursework, from an accredited university; 2) at least three full years of experience in a responsible position in the field of engineering geology; and 3) per State law, after January 1, 2003, geologists practicing before the public must be licensed in Utah. The report shall be site-specific and shall identify all known or suspected potential geologic hazards, originating on-site or off-site, whether previously mapped or unmapped, that may affect the particular property. All reports shall be signed and stamped by the preparer and include the qualifications of the preparer.
- B. Fault rupture hazard reports shall contain all requirements as described in the document "Minimum Standards for Surface Fault Rupture Studies" published by Salt Lake County, and incorporated by reference as Appendix A of this Ordinance. Fault study reports shall be prepared, signed, and stamped by a qualified engineering geologist as described in Appendix A.
- C. Liquefaction analyses shall contain all requirements as stated in the document "Liquefaction: A Guide to Land Use Planning" published by Salt Lake County and incorporated by reference as Appendix B to this Ordinance. Liquefaction analyses shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah, and shall include the professional engineer's original stamp and signature.
- D. Debris flow hazard studies and reports shall include test pits or trench logs (scaled one inch (1") to five feet (5')), include estimates of the number and frequency of past events and their thicknesses, volume and maximum clast sizes; and include estimates of the recurrence, depth, and impact forces anticipated in future events. While debris flow hazard analyses may require contributions from hydrologists and engineers, the debris flow report shall be under the control of, and prepared by, a qualified engineering geologist, and shall include the geologist's qualifications to perform the study (such as their experience in performing similar studies).
- E. Landslide reports shall be prepared in accordance with the Utah Geological Survey's "Guidelines for Evaluating Landslide Hazards in Utah" (Hylland, 1996). Landslide reports shall be prepared, signed, and stamped by a qualified engineering geologist, and include the qualifications of the preparer. Slope stability or other analyses included in these reports shall include both static and dynamic conditions,

and shall be prepared by a qualified professional geotechnical engineer licensed in the State of Utah, and shall include the professional engineer's original stamp and signature.

- F. Snow avalanche hazard reports shall be prepared in accordance with the document "Snow-Avalanche Hazard Analysis for Land Use Planning and Engineering" (Colorado Geological Survey Bulletin 49) or other appropriate references. Avalanche hazard reports must be prepared by an experienced avalanche expert, and shall include the avalanche expert's qualifications to perform the study (such as their experience in performing similar studies).
- G. Other geologic hazard or engineering geology reports shall be prepared in accordance with Utah Geological Survey Miscellaneous Publication M, "Guidelines for Preparing Engineering Geologic Reports in Utah." All reports shall be signed by the preparer and include the qualifications of the preparer. Generally, these reports must be prepared, signed, and stamped by a qualified engineering geologist licensed in the State of Utah. However, reports co-prepared by a professional engineer must include the professional engineer's original stamp and signature.
- H. All reports shall include, at a minimum:
 - 1. A 1:24,000-scale geologic map (with reference) showing the surface geology, bedrock geology (where exposed), bedding attitudes, faults or other structural features, and the locations of any geologic hazards;
 - 2. A detailed site map of the subject area showing any site-specific mapping performed as part of the geologic investigation, and including boundaries and features related to any geologic hazards, topography, and drainage. The site map must show the location and boundaries of the hazard(s), delineation of any recommended setback distances from hazard(s), and recommended location(s) for structures. Buildable and non-buildable areas shall be clearly identified. Scale shall be one inch (1") equals two hundred feet (200') or smaller.
 - 3. Trench logs and test pit logs (scale: one inch equals five feet (1"=5'), or smaller), boring logs (scale: one inch equals feet (1"=5'), or smaller), aerial photographs, references with citations, and other supporting information, as applicable
 - 4. Conclusions that summarize the characteristics of the geologic hazards, and that address the potential effects of the geologic conditions and geologic hazards on the proposed development and occupants thereof in terms of risk and potential damage.
 - 5. Specific recommendations for additional or more detailed studies, as may be required to understand or quantify the hazard, evaluate whether mitigation measures are required, and evaluate mitigation options.
 - 6. Specific recommendations for avoidance or mitigation of the effects of the hazard(s), consistent with the purposes set forth in Section 19.58.010. Design or performance criteria for engineered mitigation measures and all supporting calculations, analyses, modeling or other methods, and assumptions, shall be included in the report. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate.
 - 7. Evidence on which recommendations and conclusions are based shall be clearly stated in the report.
 - 8. Additional or more detailed studies may be required, as recommended by the report or as determined by the Municipal Geologist, to understand or quantify the hazard, or to evaluate whether mitigation measures recommended in the report are adequate.

19.58.070 - Review of reports—Approval procedure.

- A. In order to fulfill the purposes of this chapter, the Planning and Development Services Division or the Planning Commission, as appropriate under the Town of Brighton's Development Standards, shall review any proposed land use which requires preparation of a geologic hazard report under this chapter to determine the possible risks to the safety of persons or property from geologic hazards.
- B. Prior to consideration of any such development by the Planning and Development Services Division and the Planning Commission, the geologic hazard report shall be submitted to the Municipal Geologist for review and recommendation. The Municipal Geologist may request the Utah Geological Survey, the U.S. Forest Service, and/or other experts to review the report (third-party review) and provide additional recommendations. Any cost the municipal must pay for such third-party reviews shall be paid by the applicant prior to Planning Commission or Planning and Development Services Division action. The Municipal Geologist shall file a copy of the geologic hazard report in the Municipal Geologist's Geologic Hazards Library, and another copy in the Planning and Development Services project file. A copy may also be forwarded to the Utah Geological Survey.
- C. The Municipal Geologist and other retained experts in their review of the report, and the Planning Commission or Planning and Development Services Director in their consideration of the development, shall determine whether the development complies with all of the following standards:
 - 1. A suitable geologic hazard report has been prepared by a qualified professional as defined in Section 19.58.060.
 - 2. The proposed land use does not present an unreasonable risk to the safety of persons or property (including buildings, storm drains, public streets, utilities or critical facilities, whether off-site or on-site), or to the aesthetics and natural functions of the landscape (e.g. slopes, streams or other waterways, drainage, wildlife habitat, etc., whether off-site or on-site) because of the presence of geologic hazards or because of modifications to the site due to the proposed land use;
 - 3. At the Planning Commission's discretion, with advice from the Municipal Geologist, the proposed land use may be approved if the applicant submits substantial evidence in the geologic hazard report that, using best available practices, the identified hazards can be mitigated to a level where the risk of human life and damage to property are reduced to an acceptable and reasonable level in a manner which has a minimum effect on the natural environment. Mitigation measures should consider, in their design, the intended aesthetic functions of other governing ordinances such as the Foothills and Canyons Overlay Zone (Ch. 19.72).
- D. Any area determined to contain geologic hazards to life or property shall not be approved for development unless the applicant demonstrates that the identified hazards or limitations can be overcome in such a manner as to minimize hazard to life or property. The applicant must include, with the geologic hazards report, an acceptable mitigation plan that defines how the identified hazards or limitations will be overcome in such a manner as to minimize hazard to life or property, as described in Section 19.58.070C(1), above, and without impacting or affecting off-site areas.
- E. The Municipal Geologist may set other requirements as are necessary to overcome any geologic hazards and to ensure that the purposes of this chapter are met. These requirements may include, but are not limited to:
 - 1. Additional or more detailed studies to understand or quantify the hazard or determine whether mitigation measures recommended in the report are adequate;
 - 2. Specific mitigation requirements; establishment of buildable and/or non-buildable areas; limitations on slope grading; and/or revegetation;

3. Installation of monitoring equipment and seasonal monitoring of surface and subsurface geologic conditions, including groundwater levels;
 4. Other requirements such as time schedules for completion of the mitigation, phasing of development, etc.
- F. The Planning Commission or Planning and Development Services Director may set requirements necessary to reduce the risks from geologic hazards as a condition to the approval of any development which requires a geologic hazards report.

19.58.080 - Requirements in geologic hazard areas.

A. Active fault considerations.

1. No critical facility (excluding transportation lines or utilities, which by their nature may cross active faults) or structures designed for human occupancy shall be built astride an active fault. A fault study must be prepared as defined in Sections 19.58.030 and 19.58.060, and Appendix A, prior to final approval of the land use or building permits. If a fault is discovered in the excavation for such a structure, whether located within a Special Study Area or not, a special study, as described in Section 19.58.060 must be performed to determine if the fault is active. If the fault is determined to be active, the procedures set forth in Section 19.58.070 shall be followed. The fault study report shall establish a fault setback on either side of the fault following the requirements in Appendix A, within which no critical facilities or structures for human occupancy shall be placed.
2. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements in Appendix A or the requirements of the Building Code, whichever is more stringent. The Planning and Development Services Director may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance.

B. Liquefaction considerations.

1. Liquefaction analyses shall be performed for all critical facilities regardless of the mapped special study area designation for the site.
2. For all structures for which a liquefaction analysis indicates that ground settlement may be anticipated, the project structural engineer shall provide documentation to the Municipal Geologist that the building will be designed to accommodate the predicted ground settlements, in such a manner as to be protective of life safety during the design event.

C. Avalanche considerations.

1. Development of structures for human occupancy is not permitted within an avalanche special study area, or in other areas where avalanche hazards may exist, unless a detailed avalanche hazard analysis is performed, as described in Section 19.58.060, by a qualified avalanche expert.
2. If the avalanche analysis indicates that the site may be impacted by avalanches, the report shall delineate the following areas:
 - a. A "red zone" of high avalanche potential [return period of twenty-five years or less, and/or impact pressures over six hundred pounds per square foot (psf)] within which critical facilities or structures for human occupancy are not permitted;
 - b. A "blue zone" (return period between twenty-five and three hundred years, and impact pressures less than six hundred psf) within which critical facilities or structures for human occupancy shall only be permitted when at least one of the following requirements has been met:

- (1) The structure is designed to incorporate direct protection measures that address the estimated impact forces (flowing snow/debris and powder blast loading). The estimated impact forces shall be calculated by the avalanche expert. The structure shall be designed by, and the plans stamped by, a qualified structural engineer licensed in the State of Utah; or
- (2) Appropriate engineering controls (i.e. deflection structures, snow retention nets, dams, etc.) are designed and installed to mitigate the avalanche hazard. Design or performance criteria for engineered mitigation measures (including estimated impact forces, flow heights, location and dimensions of the mitigation structures) and all supporting modeling or other analyses, calculations, and assumptions, shall be calculated by the avalanche expert and included in the report. Final design plans and specifications for engineered mitigation must be signed and stamped by a qualified professional geotechnical or structural engineer, as appropriate, licensed in the State of Utah.

19.58.090 - Disclosure.

Disclosure when a geologic hazards report is required. Whenever a geologic hazards report is required under this chapter, the owner of the parcel shall record a restrictive covenant running with the land in a form satisfactory to the Town of Brighton prior to the approval of any development or subdivision of such parcel. Disclosure will include signing a Disclosure and Acknowledgment Form provided by the Town of Brighton, which will include the following:

- A. Notice that the parcel is located within a Geologic Hazard Special Study Area as shown on the geologic hazard map or otherwise defined in Section 19.58.030;
- B. Notice that a geologic hazards report was prepared and is available for public inspection in the Municipal Geologist's Geologic Hazards Library;
- C. Where geologic hazards and related setbacks are delineated in subdivisions and PUDs, the owner shall also place additional notification on the plat stating the above information, prior to final approval of the plat.

19.58.100 - Disclosure when a geologic hazards report is not required.

Whenever a parcel to be developed is located within a Geologic Hazard Special Study Area but a geologic hazards report is not required under this chapter (such as but not limited to, a single-family home located in a moderate liquefaction potential area), notice that the parcel is located within such area(s) shall be recorded by the land owner by signing a Disclosure and Acknowledgment Form provided by the Town of Brighton, prior to the approval of any such development.

19.58.110 - Warning and disclaimer.

The geologic hazards ordinance codified in this chapter and geologic hazard maps represent only those hazardous areas known to the Town of Brighton and should not be construed to include all possible potential hazard areas. The geologic hazards ordinance and the geologic hazard maps may be amended as new information becomes available pursuant to procedures set forth in Chapter 19.16.080. The provisions of this chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of geologic hazards. This chapter shall not create liability on the part of the Town of Brighton, any officer or employee thereof for any damages from geologic hazards that result from reliance on this chapter, or any administrative requirement or decision lawfully made thereunder.

19.58.120 - Change of use.

No change in use which results in the conversion of a building or structure from one not used for human occupancy to one that is so used shall be permitted unless the building or structure complies with the provisions of this chapter.

19.58.130 - Conflicting regulations.

In cases of conflict between the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of the Town of Brighton and the geologic hazards ordinance codified in this chapter, the most restrictive provision shall apply.

SUMMARY OF
TOWN OF BRIGHTON
ORDINANCE NO. 2023-O-

On February 13, 2024, the Brighton Town Council enacted Ordinance No. 2023-O-_____, repealing Chapter 19.02 General Provisions and Administration, Chapter 19.56 Floodplain Hazard Regulations, and Chapter 19.58 Geological Hazards Ordinance as part of the Zoning Ordinance of the Town of Brighton.

BRIGHTON TOWN COUNCIL

By: Danial E. Knopp, Mayor

A complete copy of Ordinance No. 2024-O-_____ is available in the office of the Greater Salt Lake Municipal Services District, 2001 South State Street, N3-600, Salt Lake City, Utah.

BRIGHTON, UTAH

ORDINANCE NO. 2024-O-____ - ____

**AN ORDINANCE AMENDING TITLE 5 BUSINESS LICENSES AND REGULATIONS
CHAPTER 5.19 SHORT TERM RENTAL SECTION 5.19.063 WATER SUPPLY AND
PUBLIC SEWER REQUIRED**

WHEREAS, year round water and sewer are necessary for the health and safety of those renting dwellings on a short term basis;

WHEREAS, not all water systems in the Town of Brighton are public water systems;

WHEREAS, confirmation of year round water must given by the water provider and Salt Lake City Public Utilities; and

WHEREAS, once a property's sewer is connected to the Big Cottonwood Canyon Improvement District it remains connected;

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

Section 1. Amended. Title 5, Chapter 19, Section 063 of the Brighton Town Code is hereby amended as follows:

5.19.063 Water Supply And Public Sewer Required

The short-term rental dwelling unit shall be served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year. Provide, A(i) a letter from the water provider that serves as the public water system serving the property or from the certified water master for water providers who do not meet the definition of a public water system approving the use and confirming that there is water available year round, (ii) a letter from Salt Lake City Public Utilities confirming the use is allowed pursuant to its water supply contract and ordinances, and (iii) approval by the Salt Lake County Health Department ~~are required~~ prior to issuance of a license or a renewal of a license. Black water holding tanks do not qualify as a public sewer system. Provide a letter for the initial application for a license from the Big Cottonwood Canyon Improvement District which serves as the sewer district for the property confirming that the property is connected to the sewer year-round.

Section 2. Effective Date. This ordinance shall go into effect upon publication.

PASSED AND APPROVED THIS ____ Day of March, 2024.

TOWN OF BRIGHTON

By: _____
Dan Knopp, Mayor

ATTEST

Kara John, Town Clerk



Town of Brighton

2023 Annual Report

**IN 2023 ANIMAL SERVICES
CELEBRATED OUR ANNIVERSARY
OF ACHIEVING A DECADE OF NO-KILL
SHELTERING.**

**10 ORGANIZATIONS & INDIVIDUALS
RECEIVED AN AWARD IN A
CEREMONY AT OUR ANNUAL
SPAYGHETTI GALA FOR PROVIDING
CRUCIAL SUPPORT IN ACHIEVING AND MAINTAINING
OUR NO-KILL MISSION.**

**WE ALSO OFFICIALLY LAUNCHED OUR HANG TEN
SHELTER CLUB CAMPAIGN CHALLENGING OTHER
MUNICIPAL SHELTERS ACROSS THE NATION TO JOIN
THE NO-KILL MOVEMENT.**



2023 INTERESTING FACTS & HIGHLIGHTS

**OUR ANIMAL CONTROL OFFICERS
RESPONDED TO OVER 18,000 CALLS
FOR SERVICE.**

**OUR DEDICATED TEAM OF FOSTERS AND
VOLUNTEERS PROVIDED OVER 43,000
HOURS HELPING OUR PETS.**

**OVER 2,600 PETS WERE ADOPTED OR
SENT TO RESCUE ORGANIZATIONS.**

**3,500 PETS WERE STERILIZED BY OUR IN
HOUSE VETERINARY CLINIC.**



2023 ACCOMPLISHMENTS

**NACo ACHIEVEMENT AWARD
FOR FINANCIAL MANAGEMENT-
F.A.C.E.S. ENDOWMENT**

**NACo ACHIEVEMENT AWARD
FOR CIVIC EDUCATION &
PUBLIC INFORMATION –
ADVISORY COMMITTEE**

**15TH TIME WINNER FOR
BEST IN STATE**



2023 SUMMARY OF OVERALL ASILOMAR STATS 1-1-23 TO 12-31-23

- Full Asilomar stats are available upon request.
- Features Adjusted Totals - Excludes Owner Requested Euthanasias

Category	Dogs	Cats	Other	Total Animals
Beginning Shelter Count	94	74	11	179
Intake Totals	2706	3322	183	6211
Adoptions	1048	1131	93	2272
Transfers/Rescue	119	511	43	673
Redemptions	1347	1337	18	2702
Euthanasia	112	236	23	371
Outcome Totals	2626	3215	177	6018

LIVE RELEASE: 93%

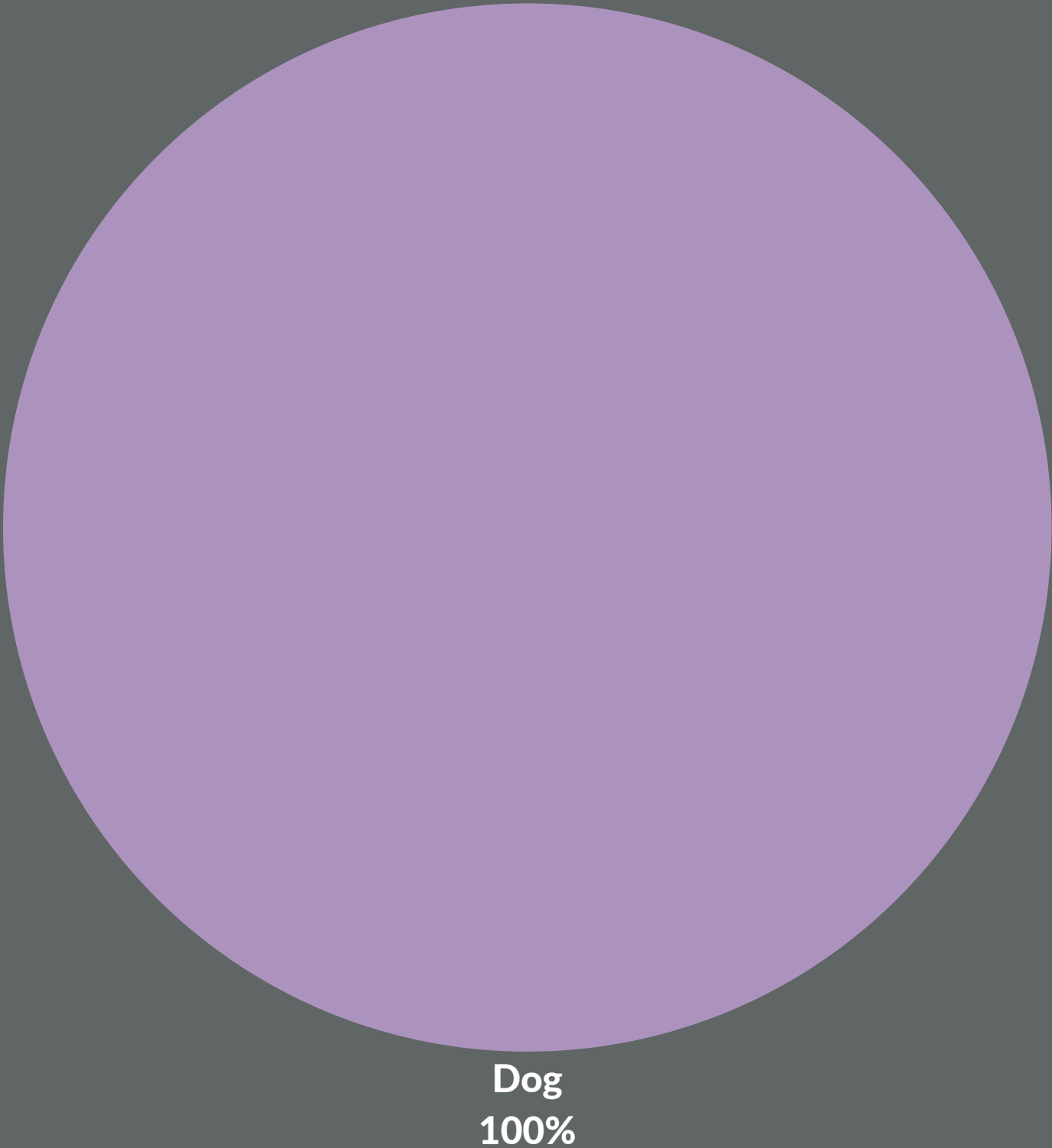


1281
ANIMALS
FOSTERED!

673
ANIMALS
RESCUED!



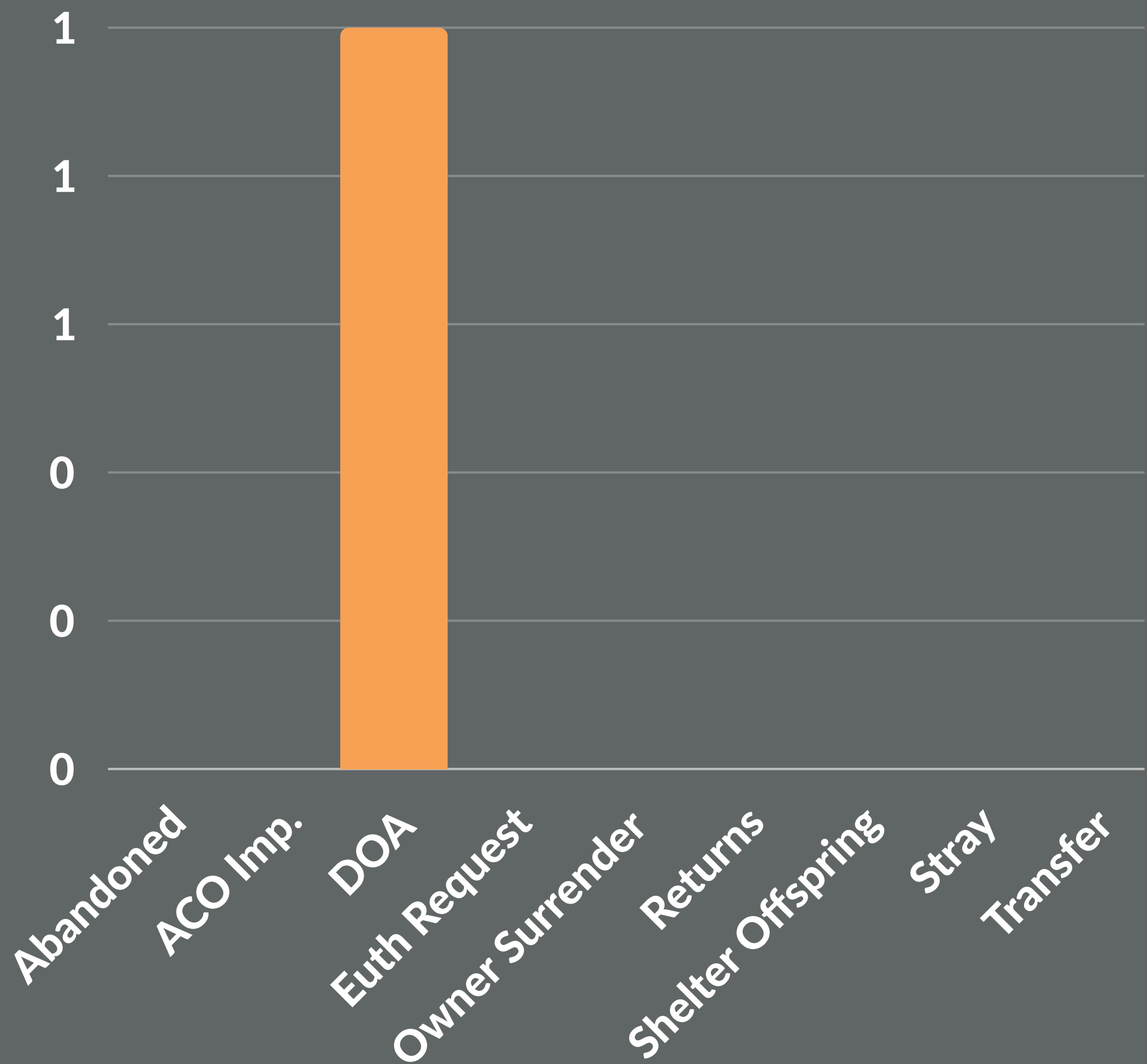
BRIGHTON INTAKE BY SPECIES



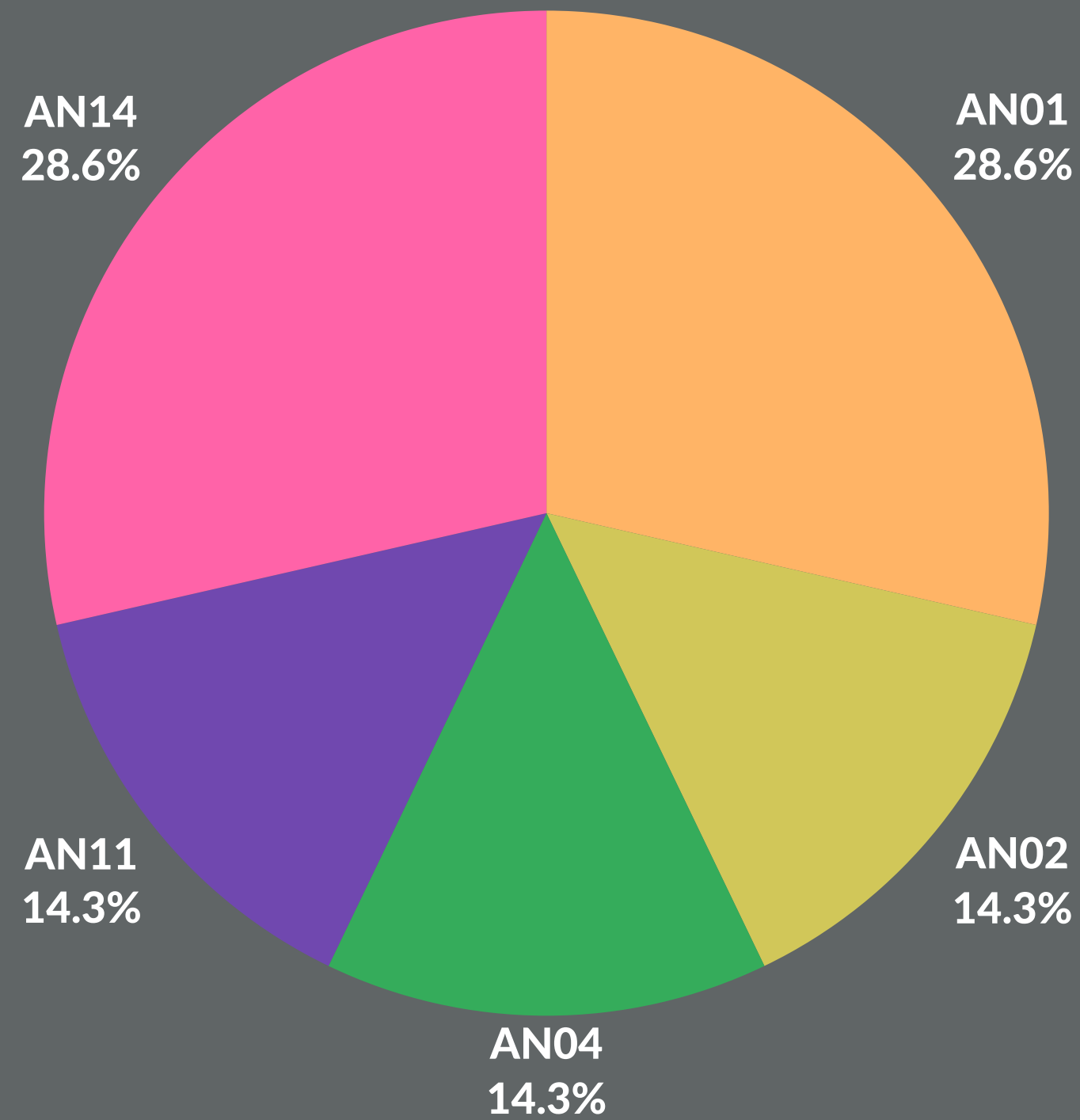
Species	Total
Amphibian/Reptile	0
Bird	0
Cat	0
Crab/Fish	0
Dog	1
Small Mammal	0
Livestock	0
Insect/Arachnid	0
Kitten	0
Puppy	0
Wildlife	0
Totals	1

BRIGHTON INTAKE BY TYPE

Circumstance	Total
Abandoned	0
ACO Impound	0
DOA	1
Euth Request	0
Owner Surrender	0
Returns	0
Shelter Offspring	0
Stray (over the counter)	0
Transfer	0
Totals	1



BRIGHTON FIELD STATISTICS



Call Type	4th Quarter	2023 Total
AN01 - Animal Impound	0	2
AN02 - Animal At Large	1	2
AN03 - Animal Cruelty	0	1
AN04 - Animal In Vehicle	0	0
AN05 - Injured/Sick/In-Distress/Rescue	0	0
AN06 - Wild/Exotic	0	0
AN07 - Animal Attack	0	1
AN08 - Livestock Problem	0	0
AN09 - Animal Bite	0	0
AN10 - Home Quarantine Release	0	0
AN11 - Animal Nuisance	0	1
AN12 - Agency Assist	0	0
AN13 - Special Assignment/TNR	0	0
AN14 - Citizen Inquiry	0	2
AN15 - Permit Inspection	0	0
Contact	0	0
Patrol	0	0
Totals	1	9

BRIGHTON 2023 LICENSES

LICENSE TYPE	TOTALS
ANNUAL STERILIZED	13
ANNUAL UNSTERILIZED	3
SENIOR ANNUAL STERILIZED	7
DANGEROUS DOG	0
RESIDENTIAL PERMITS	0



BRIGHTON URBAN WILDLIFE PROGRAM

- THE STATISTICS FOR THIS PROGRAM IS TRACKED AND GENERATED BY THE USDA APHIS.



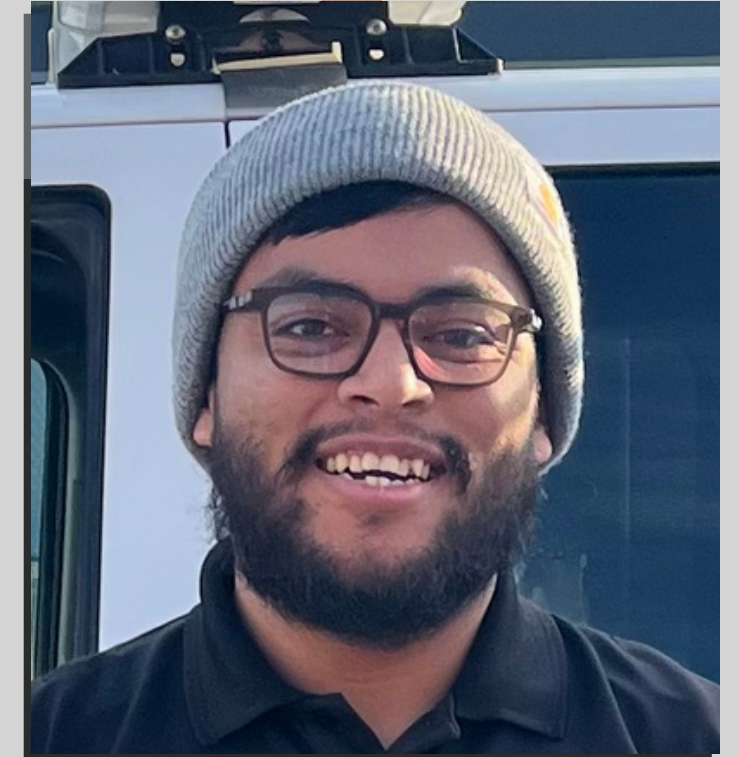
TECHNICAL ASSISTANCE		DIRECT CONTROL/TRAPPING	
PERSONAL CONSULT	WRITTEN/PHONE CONSULT	RACCOONS	STRIPED SKUNKS
0	2	0	0



TAYLOR TURNER



LACY FETT



JOSE MARTINEZ

OFFICERS OF THE YEAR AWARDS

THESE OFFICERS HAVE GONE ABOVE AND BEYOND IN THEIR DAILY RESPONSIBILITIES. EACH HAS SHOWN IMPECCABLE QUALITY IN THEIR WORK AND DEDICATED SERVICE TO THE PUBLIC.



VOLUNTEERS

THESE STATS DEMONSTRATE THE DEDICATION AND SERVICE OUR VOLUNTEERS HAVE PROVIDED TO OUR SHELTER PETS AND AGENCY IN 2023.

3088

HOURS SPENT WITH SHELTER PETS

1718

HOUNDS AROUND TOWN FIELD TRIPS

979

HOURS MAKING TREATS FOR SHELTER PETS

180

HOURS CHILDREN READ TO SHELTER CATS

31

TRANSPORTS TO FREE GROOMING APPTS FOR SHELTER PETS

49

HOSTED/ATTENDED EVENTS

95

ADOPTION EVENTS

2536

CITIZENS EDUCATED ON PROGRAMS

640

CITIZENS HELPED THROUGH PET PANTRY

**OVER
\$192,000**

DONATIONS THROUGH OUTREACH DEPT.



OUTREACH

OUR SPECIAL PROGRAMS TEAM WAS HARD AT WORK HELPING THE COMMUNITY, FUNDRAISING FOR LIFE SAVING PROGRAMS, & ATTENDING EVENTS IN ADDITION TO THEIR REGULAR PROGRAMS TASKS TO SUPPORT OUR NO-KILL MISSION.

UPCOMING FREE WORKSHOPS

**FEB
22ND**

**SEPARATION ANXIETY:
HOW TO HELP YOUR DOG**



**MAR
28TH**

**VIRTUAL BUILDING
BETTER BEHAVIORS**

