Mountainous Planning District Planning Commission
Public Meeting Agenda
Thursday, October 5, 2017 4:00 P.M.

Location
SALT LAKE COUNTY GOVERNMENT CENTER
2001 SOUTH STATE STREET, ROOM N1-110
NORTH BUILDING, COUNCIL CHAMBERS
(385) 468-6700

UPON REQUEST, WITH 5 WORKING DAYS NOTICE, REASONABLE ACCOMMODATIONS FOR QUALIFIED INDIVIDUALS MAY BE PROVIDED. PLEASE CONTACT WENDY GURR AT 385-468-6707.
TTY USERS SHOULD CALL 711.

The Planning Commission Public Meeting is a public forum where, depending on the agenda item, the Planning Commission may receive comment and recommendations from applicants, the public, applicable agencies and County staff regarding land use applications and other items on the Commission’s agenda. In addition, it is where the Planning Commission takes action on these items, which may include: approval, approval with conditions, denial, continuance or recommendation to other bodies as applicable.

BUSINESS MEETING

1) Approval of minutes from the September 7, 2017 meeting.
2) Wasatch Canyons General Plan Update – Max Johnson (recurring)
3) Other Business Items (as needed)

PUBLIC HEARINGS

30442 – James Schnepel is requesting conditional use approval for a Short-Term Rental and living quarters for persons employed on the premises. Location: 12274 East Willow Loop Road. Zone: FR-0.5. Community Council: Big Cottonwood. Planner: Todd A. Draper, AICP

ADJOURN
Rules of Conduct for the Planning Commission Meeting

1. Applications will be introduced by a Staff Member.

2. The applicant will be allowed up to 15 minutes to make their presentation.

3. The Community Council representative can present their comments.

4. Persons in favor of, or not opposed to, the application will be invited to speak.
   a. Speakers will be called to the podium by the Chairman.
   b. Because the meeting minutes are recorded it is important for each speaker to state their name and address prior to making any comments.
   c. All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
   d. For items where there are several people wishing to speak, the Chairman may impose a time limit, usually 2 minutes per person, or 5 minutes for a group spokesperson.

5. Persons opposed to the application will be invited to speak.

6. The applicant will be allowed 5 minutes to provide concluding statements.
   a. After the hearing is closed, the discussion will be limited to the Planning Commission and the Staff.
MEETING MINUTE SUMMARY
MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION MEETING
Thursday, September 7, 2017 4:00 p.m.

Approximate meeting length: 1 hour 44 minutes
Number of public in attendance: 0
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Young

ATTENDANCE

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<tr>
<th>Commissioners</th>
<th>Public Mtg</th>
<th>Business Mtg</th>
<th>Absent</th>
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<tr>
<td>NEIL COHEN</td>
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<tr>
<td>NICOLE OMER</td>
<td>x</td>
<td>x</td>
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<tr>
<td>TOD YOUNG (Chair)</td>
<td>x</td>
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<tr>
<td>LIBBY ELLIS</td>
<td></td>
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<tr>
<td>LINDA JOHNSON</td>
<td>x</td>
<td>x</td>
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<tr>
<td>DON DESPAIN</td>
<td>x</td>
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<td>REID PERSING (Vice Chair)</td>
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<tr>
<td>CATHERINE KANTER</td>
<td>x</td>
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<tr>
<td>JAMES PALMER</td>
<td>x</td>
<td>x</td>
<td></td>
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<tr>
<td>CHRISTIE HUTCHINGS</td>
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Planning Staff / DA

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<tr>
<th>Planning Staff / DA</th>
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<tbody>
<tr>
<td>Wendy Gurr</td>
<td>x</td>
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<tr>
<td>Max Johnson</td>
<td>x</td>
<td>x</td>
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<tr>
<td>Spencer Hymas</td>
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<td>Curtis Woodward</td>
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<td>Jake Young</td>
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<tr>
<td>Wilf Sommerkorn</td>
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<tr>
<td>Zach Shaw (DA)</td>
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*NOTE: Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

BUSINESS MEETING
Meeting began at – 4:00 p.m.

1) Approval of Minutes from the May 4, 2017 meeting.

Motion: To approve minutes from the May 4, 2017 meeting with amendments.

Motion by: Commissioner Johnson
2nd by: Commissioner Cohen

Vote: Commissioner Omer abstained, all other commissioners voted in favor (of commissioners present)

2) Approval of Minutes from the June 1, 2017 meeting.

Motion: To approve minutes from June 1, 2017 meeting as presented.

Motion by: Commissioner Johnson
2nd by: Commissioner Omer
Vote: Commissioner Palmer abstained, all other commissioners voted in favor (of commissioners present)

3) Other Business Items (as needed)

Max Johnson and Jake Young from the regional office for an update of the canyons general plans. Update for stakeholder interviews provided. Commissioner Palmer is a member of the steering committee, which will meet on September 22nd from 10-11:30. There will be the first public open house on September 27th from 4:30 to 6:30 at the Whitmore Library. Process will be a walk through event with a presentation. MPDPC will be updated. Extensive questionnaire by the consultant regarding the canyons and would love input. Jake Young will be involved in the project; this Saturday consultant will be up Millcreek Canyon at a trailhead, and for 18 months the process will be extensive. Commissioner Kanter asked if 18 months is the general timeline. Mr. Johnson said 18 to 24 months is needed to get as much information from the public. Commissioner Kanter asked when the first draft will come out. Mr. Johnson said a good eight months from now. Mr. Johnson said the consultant has been working with citizens.

4) Utah Open and Public Meetings Act Training – Zach Shaw

Zach Shaw provided a PowerPoint presentation.

PUBLIC HEARINGS

Hearings began at – 5:13 p.m.

30521 – Ordinance Amendment – A proposal to amend Section 19.04.440, 19.66.030, and 19.68.030 of the Uniform Zoning Ordinance of Salt Lake County, Utah, to restrict “public use” to uses and facilities compatible with residential and agricultural areas and to allow utility production, storage, and treatment facilities in the M-1 and M-2 zones. Planner: Curtis Woodward

Salt Lake County Planning and Development Services Zoning Administrator Curtis Woodward provided the updates.

Commissioner Johnson asked if the three acres is in one place or accumulated small areas. Wireless telephone service was put up the canyon and some people complained it was ugly. Commissioner Kanter asked where this came from. Mr. Woodward said public utility companies, even though private, still called public utilities and have rights to condemn property, and a property owner and the county became concerned. Commissioner Kanter asked if the eminent domain or utility company trying to purchase land and fit within the zoning. Mr. Woodward said we heard about this third hand. Commissioner Omer asked about small substations. Mr. Woodward said the utilities look at substations as a big facility. Commissioner Despain asked about the wireless facilities in the canyons. Mr. Woodward said that those facilities started out with UDOT. Mr. Shaw said that one of those facilities went through litigation. Commissioner Kanter said Granite Community Council spoke to this ordinance change and didn’t have any concerns. Mr. Woodward said the unincorporated community councils didn’t respond. Mr. Woodward said this definition excludes from public use those uses that are industrial in nature.

Commissioners voted to open the public hearing, commissioners voted unanimous in favor (of commissioners present).

PUBLIC PORTION OF HEARING OPENED

No one from the public was present to speak.

Commissioners and staff had a brief discussion regarding M-1 and M-2 and conditional uses.
Commissioner Johnson motioned to close the public hearing. Commissioner Despain seconded that motion. Commissioners voted unanimous in favor (of commissioners present).

PUBLIC PORTION OF HEARING CLOSED

**Motion:** To recommend approval of file #30521 to the County Council with the amendment of adding the word “conditional” to section three.

- **Motion by:** Commissioner Johnson
- **2nd by:** Commissioner Omer
- **Vote:** Commissioners voted unanimous in favor (of commissioners present)

**MEETING ADJOURNED**

Time Adjourned – 5:44 p.m.
Conditional Use Summary and Recommendation

Public Body: Mountainous District Planning Commission  Meeting Date: October 5, 2017
Parcel ID: 22-35-153-011  Current Zone: FR-0.5
Property Address: 12274 East Willow Loop Road
Request: Short Term Rental

Planner: Todd A. Draper, AICP
Planning Staff Recommendation: Approval with Conditions
Applicant Name: James Schnepel

PROJECT DESCRIPTION

James Schnepel is requesting conditional use approval for a Short-Term Rental. The short-term rental will also feature separate quarters for a live-in property manager over the existing garage.

SITE & VICINITY DESCRIPTION (see attached map)

The property is located in the Silver Lake Estates subdivision at the top of Big Cottonwood Canyon. Surrounding land uses are predominantly residential in nature and FR-0.5 zoned. The Brighton LDS Church is directly South East of the subject property on Brighton Loop Road.
**LAND USE CONSIDERATIONS**

<table>
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<tr>
<th>Requirement</th>
<th>Standard</th>
<th>Proposed</th>
<th>Compliance Verified</th>
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<tbody>
<tr>
<td>Height</td>
<td>30’</td>
<td>n/a</td>
<td>Yes. Met requirements at time of construction.</td>
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<tr>
<td>Front Yard Setback</td>
<td>Case by case</td>
<td>n/a</td>
<td>Yes. Met requirements at time of construction.</td>
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<tr>
<td>Side Yard Setback</td>
<td>Case by case</td>
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<td>Yes. Met requirements at time of construction.</td>
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<tr>
<td>Rear Yard Setback</td>
<td>Case by case</td>
<td>n/a</td>
<td>Yes. Met requirements at time of construction.</td>
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<td>Landscaping</td>
<td>Compliance with F.C.O.Z ordinance</td>
<td>n/a</td>
<td>Yes. Met requirements at time of construction.</td>
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<tr>
<td>Lot Width</td>
<td>100’</td>
<td>n/a</td>
<td>Yes. Met requirements at time of construction.</td>
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<tr>
<td>Parking</td>
<td>4 spaces plus one for caretaker unit</td>
<td>5 parking stalls</td>
<td>Yes.</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>Case by case</td>
<td>n/a</td>
<td>Yes. Met requirements at time of construction.</td>
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<tr>
<td>Lot Area</td>
<td>.5 acres min</td>
<td>n/a</td>
<td>Yes. Met requirements at time of construction.</td>
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</table>

**GENERAL PLAN CONSIDERATIONS**

The proposed use is consistent with the current General Plan for the area.

**ISSUES OF CONCERN/PROPOSED MITIGATION**

Concerns were raised about the potential for noise from renters and use of the outdoor patio and hot tub. Both are regulated by the Health department and the standard ordinances listed below governing short-term rentals.

Minor remodeling is occurring to separate the caretaker unit from the main rental unit, also some minor changes regarding existing bedroom walls and closet space is occurring. These are being completed under a separate building permit.

**NEIGHBORHOOD RESPONSE**

The Big Cottonwood Community Council has reviewed the application at their regularly scheduled meeting on September 4, 2017. Their response and recommendation is attached.

**REVIEWING AGENCIES RESPONSE**

AGENCY: SLC Watershed  
RECOMMENDATION: Did not respond – will need letter from watershed.

AGENCY: SLCo Health  
RECOMMENDATION: Additional Items required  
DATE: 8/23/2017
1. Needs a watershed letter

AGENCY: Building
RECOMMENDATION: Approved
   1. Building permits are required for the remodel work being done to the building.

AGENCY: Addressing
RECOMMENDATION: Approved

AGENCY: Unified Fire Authority
RECOMMENDATION: Approved with Conditions
   1. Will review at building permit for fire sprinklers, smoke detections, and Fire extinguishers.

Compliance with current building, construction, engineering, fire, health, landscape and safety standards will be verified prior to final approval.

PLANNING STAFF ANALYSIS

19.04.547 - Short-term rental.
A. "Short-term rental" means any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or other compensation for a period of less than thirty consecutive days.
B. A short-term rental shall not contain more than four bedrooms.
C. A short-term rental shall be maintained to the following minimum standards:
   1. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered in order that the use in no way detracts from the general appearance of the neighborhood; and
   2. Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights-of-way; and
   3. Snow shall be removed from sidewalks and driveways within one hour after the snow has ceased falling, provided that in case of a storm between the hours of five p.m. in the afternoon and six a.m. in the morning, the sidewalk shall be cleaned before eight a.m. the morning following the storm.
D. Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses.
E. A short-term rental use shall not have any signs on the premises that advertise the use.
F. The use of a dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.
G. Outdoor pools, hot tubs or spas shall not be used between the hours of ten p.m. and eight a.m.

The following conditional uses are subject to the requirements of this chapter, all general and specific conditions, criteria, and approval procedures set forth in Chapter 19.84, "Conditional Uses," and for properties situated within the foothills and canyons overlay zone, the procedures and provisions of Chapter 19.72, "Foothills and Canyons Overlay Zone"

H. Living quarters for persons employed on the premises of any main use;
O. Short term rentals provided that:

1. The property is located within Big or Little Cottonwood Canyons east of the dividing line between R1E and R2E, and
2. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the entire year, and
3. The dwelling unit is served by an approved drinking water supply and public sewer system that are capable of supporting the use throughout the entire year, and are approved by the health department prior to issuance of a license;

**19.84.050 - Approval/denial authority.**
The planning commission has the authority to approve, deny, or approve with conditions conditional use applications.

A. Planning Commission Approval.

1. The planning commission shall review and approve or deny each application during a public meeting.
2. The planning commission's decision shall be based on information presented through the public meeting process, including: the materials submitted by the applicant, the recommendation of the director or director's designee, and input from interested parties and affected entities.
3. If conditions are specified, the director or director's designee shall issue a final approval letter upon satisfaction of the planning commission's conditions of approval.
4. If the applicant fails to meet all conditions of approval within twelve months of the planning commission's decision, the application is deemed denied. A twelve-month extension may be granted upon the payment of an additional filing fee equal to the original filing fee.
5. A planning commission decision shall be made on a complete conditional use application within a reasonable time frame, not to exceed ninety days. The planning commission is authorized to review and take action on an application as outlined in Section 19.84.040 after having notified the applicant of the meeting date.
6. Failure by the applicant to provide information that has been requested by the planning commission, the director or director's designee to resolve conflicts with the standards in Section 19.84.060 (above) may result in an application being denied.

B. Decision. Each conditional use application shall be:

1. Approved if the proposed use, including the manner and design in which a property is proposed for development, complies with the standards for approval outlined in Section 19.84.060; or
2. Approved with conditions if the anticipated detrimental effects of the use, including the manner and design in which the property is proposed for development, can be mitigated with the imposition of reasonable conditions to bring about compliance with the standards outlined in Section 19.84.060; or
3. Denied if the anticipated detrimental effects of the proposed use cannot be mitigated with the imposition of reasonable conditions of approval to bring about compliance with the standards outlined in Section 19.84.060.

**19.84.060 - Standards for approval.**
Prior to approval, all conditional uses and accompanying site development plans must be found to conform to the following standards:

A. The proposed site development plan shall comply with all applicable provisions of the zoning ordinance, including parking, building setbacks, and building height.
B. The proposed use and site development plan shall comply with all other applicable laws and ordinances.
C. The proposed use and site development plan shall not present a serious traffic hazard due to poor site design or to anticipated traffic increases on the nearby road system which exceed the amounts called for under the county transportation master plan.
D. The proposed use and site development plan shall not pose a serious threat to the safety of persons who will work on, reside on, or visit the property nor pose a serious threat to the safety of residents or properties in the vicinity by failure to adequately address the following issues: fire safety, geologic hazards, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.

E. The proposed use and site development plan shall not adversely impact properties in the vicinity of the site through lack of compatibility with nearby buildings in terms of size, scale, height, or noncompliance with community general plan standards.

Staff has reviewed the proposal for compliance with ordinance requirements and has determined that the proposal meets or will meet all ordinance requirements.

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**PLANNING STAFF RECOMMENDATION**

Planning staff recommends that the Mountainous District Planning Commission grant approval to file #30442 a Conditional Use permit for a Short-Term rental and living quarters for persons employed on the premises subject to the following conditions:

1. A building permit is required for installation of the proper separation between the dwelling units and all other proposed interior remodeling.
2. Compliance with all aspects of short-term rental ordinances and regulations.
3. Must obtain a business license.
4. Caretaker living quarters may not be rented and can only be occupied by the onsite property caretaker.
LOWER LEVEL  2,983 square feet

Short-term rental permit will apply to the portion of the home that is within the orange lines. The rental area has a total of 4 bedrooms (two on this level, and two on the Upper Level)

We have applied for a building permit to build a wall, install a door, and add some storage cabinets in this area.

And to build a wall, install a barn door.

We have applied for a building permit to reconfigure the laundry area to allow for a second washer and dryer.

And to widen this doorway.

A full-time caretaker lives in this part of the house.
A full-time caretaker lives in this part of the house.

MAIN LEVEL 1,316 square feet

Short-term rental permit will apply to the area of the house within the orange lines.
The rental area has a total of 4 bedrooms (2 on the Upper Level, and 2 on the Lower Level)
UPPER LEVEL  

675 square feet

Short-term rental permit will apply to all of the rooms shown on this plan, everything within the orange lines.

The actual build-out of the rooms is a little different than this architectural plan. The bathroom is a little smaller, and the main wall for the bedroom is in a different location, as shown by the blue lines. We plan to keep them as built.

The walls and door for the 3rd Bedroom were never built. We have an application for a building permit to finish them.
PARKING

There are 5 parking spaces (2 in the garage, and 3 in the driveway)

We have applied for a building permit to:
Move the front entry door, and
Install a new man-door to the garage

The short-term rental requires 2 spaces per dwelling unit, plus one additional space for each bedroom exceeding two bedrooms. Thus, the rental requires 4 spaces (given the 4 bedrooms), plus 1 space for the caretaker, for a total of 5.

APPLICANT
James Schneepel
12274 E. Willow Loop Road
Brighton UT 84121
801-231-3666

PREPARED on 20 July 2017
16 July 2017

To Whom It May Concern:

Please be advised that Brighton Properties, Inc. ("BPI") owns and operates a private water delivery system for the benefit of Silver Lake Estates No. 1, a residential subdivision in Brighton, Utah. Please be further advised that Lot #24 of Silver Lake Estates No. 1 (12274 E. Willow Loop Road) is entitled to, and BPI has provided, a water connection for single family residential use, subject to all the terms and conditions of use thereof as promulgated from time to time by BPI.

Please be advised further that snow on Willow Loop Road is plowed under contract each winter by a third party engaged and paid for by BPI provided the HOA assessment for such service are timely paid by the property owner.

If you have any questions, please contact the undersigned (801-944-0678).

Sincerely,

[Signature]

Brighton Properties, Inc
H. Ross Workman, President
Dear Todd,

Big Cottonwood Community Council recommends approval of application #30442 (12274 E Willow Loop Road, owned by Brian Reynolds) for a Short-Term Rental Permit. Council members expressed two concerns:

1. The HOA involved does not permit short-term rentals. We have notified the HOA President so that he can submit a written statement or appear at the Mountainous Planning Commission meeting.

2. Guests should be advised of Noise Ordinance restrictions to prohibit loud noise after 10 pm. Noise complaints have been submitted frequently on a nearby property.

Thank you for considering our response.
Barbara Cameron, President, Big Cottonwood Community Council