

MEETING MINUTE SUMMARY
MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION MEETING
Thursday, March 2, 2017 4:00 p.m.

****Minutes approved on April 6, 2017****

Approximate meeting length: 1 hour 34 minutes

Number of public in attendance: 4

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Young

***NOTE:** Staff Reports referenced in this document can be found on the State and County websites, or from Salt Lake County Planning & Development Services.

ATTENDANCE

Commissioners	Public Mtg	Business Mtg	Absent
NEIL COHEN	x	x	
BRYAN O'MEARA			x
TOD YOUNG (Chair)	x	x	
LIBBY ELLIS	x	x	
LINDA JOHNSON	x	x	
DON DESPAIN			x
REID PERSING	x	x	
CATHERINE KANTER	x	x	
JAMES PALMER	x	x	
CHRISTIE HUTCHINGS	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Max Johnson	x	x
Spencer Hymas		
Curtis Woodward		
Tom Zumbado	x	x
Chris Preston (DA)		
Zach Shaw (DA)	x	x

BUSINESS MEETING

Meeting began at – 4:01 p.m.

- 1) Approval of Minutes from the January 5, 2017 meeting.

Motion: To approve minutes from the January 5, 2017 meeting, with an update from Commissioner Young.

Motion by: Commissioner Persing

2nd by: Commissioner Johnson

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

- 2) County Resource Management Plan – Update from staff. Planner – Max Johnson
Salt Lake County Planning and Development Services Planning Supervisor Max Johnson provided an update. There was an open house, with approximately twenty-five attendees. Feedback from

consultant and copies of boards provided at the open house and 150 comments through the website.

Commissioners and Staff had a brief discussion regarding issues.

- 3) MPDPC Ordinance Amendment discussion. Planner – Max Johnson
Salt Lake County Planning and Development Services Planning Supervisor Max Johnson provided an update and process.

- 4) Other Business Items (as needed)

No other business items to discuss.

PUBLIC HEARINGS

Hearings began at – 4:23 p.m.

30001 – David Fillmore is requesting conditional use approval for a short term rental in Brighton and Living quarters for persons employed on the premises. **Parcel Area:** ≈.53 Acre. **Location:** 8118 South Brighton Loop Road. **Zone:** FR-0.5. **Community Council:** Big Cottonwood Canyon. **Planner:** Tom Zumbado

Salt Lake County Planning and Development Services Planner Tom Zumbado provided an analysis of the staff report.

Commissioner Johnson stated the structure already exists and is too late to say it can't be built. Commissioner Hutchings asked what the nature of the concerns the neighborhood had. Mr. Zumbado said some nature of concern was rowdy tenants, caretakers who are not accustomed to the area or poorly prepared to do their job, and snow removal. Commissioner Hutchings asked in his opinion can concerns mitigated with conditions of approval. Commissioner Persing said there are three components, short term rental, paving and additional square footage. Mr. Zumbado said there is a garage being converted into caretaker quarters. Commissioner Persing asked about stream setbacks. Mr. Zumbado said stream and limits of disturbance, the driveway is already built and parking spaces and the stream are not on their property. Commissioner Kanter asked if the decision to recommend on the two issues, that adequately meets the concerns of the residence. Mr. Zumbado said the original intent was to allow the public to come up and address and help the planning commission. Commissioner Kanter said they suggested continuance and assumption this is continued. Commissioner Johnson said lighting would be addressed later and she would like to tell the applicant and wouldn't want to address lighting later and should be modest lighting and know what they have this in mind. Mr. Zumbado said these items are handled in the technical review. Commissioner Persing asked if there is a tree replacement component. Mr. Zumbado said no trees will be removed and will be monitored and adequately verified. Commissioner Persing asked if the current property has three bedrooms and will the caretaker be a fourth bedroom. Mr. Zumbado said maximum for short term rentals and with the caretaker will be four bedrooms. Commissioner Palmer said the health agency didn't include approval and said revisions are required and asked if the driveway and retaining wall considered building. Mr. Zumbado advised he doesn't know. Salt Lake County Counsel Zach Shaw said all these questions are FCOZ revisions. The issues are routinely dealt with by staff before building permits are issued, so when staff looks at the issues, they're not going to issue a building permit. All issues will be addressed and no building permits will be issued without the provisions. The focus today is are these and what conditions should be imposed. Commissioner Palmer said the project is described and goes on to include a driveway remodel and reference to building permit required for the driveway. Mr. Shaw said there is confusion with conditional uses provided, but he doesn't believe construction of a driveway is a conditional use within this zone, but living quarters is. The parking stalls are relevant to the

short term rentals. Commissioner Persing said Salt Lake County will handle the driveway over the desk and they'll approve uses. Commissioner Palmer said revisions are required. Mr. Zumbado said it hasn't been signed off and is taken care of in the technical review. Commissioner Johnson asked if this is appropriate as long as everything else is provided at technical review and neighborhood council request to put off. Mr. Zumbado said he was able to speak with public and community council. Commissioner Persing said maybe ask the applicant to speak. Commissioner Young asked if that caretaker unit could be rented out.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: David Fillmore

Address: 2750 East 9800 South

Comments: Mr. Fillmore said the stream is on the opposite of the property from the driveway. He said there is plenty of room and his parking will have zero effect on the stream. As a background, he started buying cabins in 1977, sold seven cabins to cold creek, and water, sewer and propane were across. Neighbors weren't excited when he started buying cabins. Most of the time no one has liked him and they prefer owned by families and not rentals. Substance abuse operation is dead silent. He has a lot of people that like to come up to his place. He has been in the rental business and is nice to have someone living up there. They have asked people to turn off the noise. He personally has felt bad his neighbors don't like him. All his properties have had legal permits and continuation of his Brighton Chalets and continue to collect 11.6 percent sales and room tax. This cabin has been a rental for 20 years. He said they should worry about becoming corrupt and turn into a duplex. If he decided he didn't want a housekeeper, he would turn the bedroom into a fourth bedroom and rent the whole building. For health, he is going to debate what kind of kitchen sink he has to have. He has a recording from head of health department of Salt Lake County saying he doesn't have to have a three sink. A previous caretaker borrowed tools from a neighbor and he has snow removal. All the complaints are emotional, not valid. The driveway as it sits is kind of muddy with pine needles and a little gravel, he had asphalt at his other properties. He wants to have this one twenty feet at the mouth. Right now parking is ten feet wide. State will ask if you can turn around and drive forward onto the road.

Commissioner Young said the staff report identifies the stream is a small, unnamed stream. Mr. Fillmore said it connects to Silver Lake. Mr. Fillmore said Commissioner Johnson asked about the lights and they are spot on. Mr. Fillmore said the driveway is not a conditional use, just needs a permit and does it right.

Speaker # 2: Citizen

Name: John and Mary Zeigle

Address: 12281 East Willow Loop Road

Comments: Mr. Zeigle said they knew the previous owner. For short term rental he is on the board of Silver Estate and there is something in HOA and should not be any commercial operation.

Mr. Shaw said that's a contractual obligation and should be discussed with the applicant. Mr. Zeigle said he didn't know if there were plans for signs. Mr. Shaw said no signage. Mr. Zeigle asked for maximum number of occupants and noise, he likes the idea if there is someone to complain to. Mr. Shaw said ordinance does not have a number of occupant limits, but bedroom limit. As far as noise, there is a county noise ordinance through the health department or go privately through the property manager. Mr. Zeigle said he thinks if Mr. Fillmore can meet the concerns, they wouldn't be opposed, as he has cleaned up the lot. Commissioner Ellis asked about county health, if he could call and is that 24/7 availability. Mr. Zumbado said normally the procedure would be to call law enforcement for immediate. If it is something

long term, contact health or code enforcement. Mr. Shaw said there is a provision using the use of hot tubs past 10:00 pm. If that were to take place, call county code enforcement.

Speaker # 3: Citizen

Name: John Gleave

Address: 236 North “D” Street

Comments: Mr. Gleave said he has owned the property next to Mr. Fillmore’s property for 30 years. His experience has been disappointing. He doesn’t think this will be a global positive for Brighton. He is discouraged, his mother is building a summer cabin. He doesn’t know how many rooms are in his chalet. He said it hasn’t been worth dealing with Mr. Fillmore. He asked for metaphor asphalt border to border.

Commissioner Johnson asked if the property is included in the HOA. Mr. Gleave said no he is across the street from his current property. Commissioner Kanter asked if his primary concerns are noise or over occupancy. Mr. Gleave said all of it, main lighting, and the big picture, how it will impact that area. Single cabins and he can’t build because of what Mr. Fillmore has built. Commissioner Palmer asked if this was a different applicant and didn’t have concerns of the applicant, would you have specific objections of the conditional use itself. Mr. Gleave said if he lived across the street he would, that might be noisy, traffic, parking and snow removal. He prefers handled in a professional way. Commissioner Persing said the conditional use shall be approved and can’t fix the relationship. Mr. Gleave said they will hopefully get more community involvement.

Speaker # 1: Applicant

Name: David Fillmore

Address: 2750 East 9800 South

Comments: Mr. Fillmore said speaking of trees, he bought the property last spring, there were eight trees moved out to where they needed trees.

Commissioner Persing asked if there is standard in ordinance with regards to maximum occupancy. Mr. Shaw said conditions need to be based on standards and need to tie commissions to standards in the ordinance. There is a standard for four bedrooms and the conditions could be met. Specifically there isn’t in the ordinance and in general need to make sure conditions are tied to the standards in the ordinance.

Commissioner Persing asked Mr. Fillmore if it would show a hardship if this was continued to the April. Mr. Fillmore said no.

PUBLIC PORTION OF MEETING CLOSED

Commissioners, Staff and Counsel had a brief discussion regarding members of the public being informed, and things be done prior to decision or after.

Motion: To continue application #30001 to the April 6th meeting, to provide for public input.

Motion by: Commissioner Palmer

2nd by: Commissioner Hutchings

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

MEETING ADJOURNED

Time Adjourned – 5:35 p.m.