

MEETING MINUTE SUMMARY
MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION MEETING
Thursday, August 15, 2019 4:00 p.m.

****Meeting minutes were approved on October 3, 2019****

Approximate meeting length: 1 hour 59 minutes

Number of public in attendance: 8

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Despain

***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
NICOLE OMER	x	x	
TOD YOUNG			x
BROOKE DERR	x	x	
DON DESPAIN (CHAIR)	x	x	
LAYNEE JONES (VICE CHAIR)			x
JAMES PALMER	x	x	
CHRISTIE HUTCHINGS	x	x	
VICTORIA REID	x	x	
F BARTON REULING	x	x	

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Jake Young	x	x
Jim Nakamura	x	
Zach Shaw (DA)	x	x

PUBLIC HEARINGS

Hearings began at – 4:05 p.m.

30980 – Andrew Butler is requesting conditional use approval to establish a short-term rental on property. **Parcel Area:** .51 Acre. **Location:** 12286 East Willow Loop. **Zone:** FR-0.5. **Community Council:** Big Cottonwood. **Planner:** Jim Nakamura

Salt Lake County Planning and Development Services Planner Jim Nakamura provided an analysis of the Staff Report.

Commissioner Hutchings asked if there is a requirement for neighborhood response and if we know if it's bigger than four bedrooms. Mr. Nakamura said he doesn't know if it has more than four bedrooms, but they are restricted to four bedrooms. Commissioner Hutchings asked which lot they are approving. Mr. Nakamura said the one where it shows the corner and the new picture shows the correct house. Commissioner Despain asked if this is the suggestion for both applicants. Mr. Nakamura said different. Commissioner Reuling asked if there is a requirement on how to handle trash. Mr. Nakamura said no,

brought up because of bears. Commissioner Reid asked if parking in general is a problem and is overnight parking allowed. Mr. Nakamura said would be a violation as conditional use. Commissioner Derr asked if Mr. Nakamura makes a recommendation at the end of the day to the department. Mr. Nakamura advised make sure hooked up to sewer, year-round water, and parking.

Commissioner Reid said tires and chains and four-wheel drive can be strengthened. Mr. Shaw said under Utah law, conditions of approval in accordance with local standards, planning commission is not at liberty to make up conditions and consistent with standards. Administrative rule with eight sections and we could specify the refer specially to the administrative rule or link. Summarize the rule can make a determination when snow tires, chains, or four-wheel drive are required. Maybe condition to advise renters. Mr. Young said he heard from UDOT that this is top priority. Commissioner Palmer asked if we adopted a standard set of rules. Mr. Shaw said he doesn't know if we adopted but have tried to be consistent. A condition in the rental agreement that in cases for severe winter weather advised by law enforcement should be required. Mr. Shaw confirmed Commissioner Despain lives in the Brighton area and asked how the trash handled. Commissioner Despain said waste and recycling, no trash pick-up.

Commissioner Palmer motioned to open the public hearing, Commissioner Derr seconded that motion.

PUBLIC PORTION OF MEETING OPENED

No one from the public was present to speak.

Commissioner Palmer motioned to close the public hearing, Commissioner Hutchings seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Motion: To approve application #30980 with seventeen Conditions as follows in Rental Agreement:

1. Information about quiet hours and property management contacts shall always be posted. Quiet hours are 10 pm to 7 am.
2. Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses. Quiet hours are 10 pm to 7 am.
3. The Rental Agreement shall require compliance with Regulation 21 of the Salt Lake County Health Department, which identifies the permitted decibel level and other noise limitations for the property.
4. Owner must advise renters that they must comply with UDOT (Utah Dept of Transportation) requirements regarding snow tires and chains.
5. Owner must advise renters that no dogs are allowed in Big Cottonwood Canyon due to Watershed regulations.
6. Parking for this use shall be contained on the site and shall not be allowed on the public rights-of-way.
7. Required parking areas and access to parking areas shall always be maintained and available for use.
8. The on-site parking and the access to the site must be available for use and maintained, including snow removal, throughout the entire year.
9. Snow is removed by community snow plows as soon as feasible. Owner is responsible for paying road and driveway snow plow costs. Renter is responsible for light snow removal if necessary when no plows are present. Snow shovels and brooms must be provided to the renter for that purpose.
10. The short-term rental shall not contain more than four bedrooms.

11. Structures shall be properly maintained, painted and kept in good repair, and grounds shall be properly maintained in order that the use in no way detracts from the general appearance of the neighborhood.
12. The short-term rental shall not have any signs on the premises that advertise the use.
13. The use of the dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.
14. Hot tubs or spas shall not be used between the hours of 10 p.m. and 8 a.m. They shall be connected to the sewer.
15. Owner shall advise renters how trash is to be deposited (in the community dumpster) and that trash is not to be stored outside due to wildlife and environmental concerns.
16. Owner shall advise renters that in the event of severe winter weather as determined by UDOT or law enforcement in accordance with State law, snow tires, chains or 4-wheel drive is required.
17. Owner shall advise renters that to the extent prohibited by Salt Lake County Health Department Regulation 14, dogs are not allowed in the watershed.

Motion by: Commissioner Reid

2nd by: Commissioner Palmer

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

30981 – Ben Bennett is requesting conditional use approval to establish a short-term rental on property. **Parcel Area:** .46 Acre. **Location:** 6270 South Rivers End Rd. **Zone:** FR-1. **Community Council:** Big Cottonwood. **Planner:** Jim Nakamura

Salt Lake County Planning and Development Services Planner Jim Nakamura provided an analysis of the Staff Report.

Commissioner Palmer asked if year-round share or summer water share. Mr. Nakamura said he is relying on the applicant. Mr. Nakamura said two parking spaces are big enough to meet requirements.

Commissioner Omer motioned to open the public hearing, Commissioner Palmer seconded that motion.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Ben Bennett

Address: 6270 Rivers End Road

Comments: Mr. Bennett said he's owned the property since September, as a part time second residence and using as part time rental. Sufficient parking, roads cleared of snow. Water when purchased and isn't aware of difference. Neighborhood has a spring that runs in summer and adding a second spring. Collective neighbors contributed half a million dollars to make that happen. Intent is the process takes a number of months to go through.

Commissioner Omer asked why there is concerns with parking and people parking in others drive ways. Mr. Bennett said there is ample parking and not familiar. Winter time you could not park on the road. Commissioner Omer said didn't see the emails. Mr. Bennett said they were only relayed and hasn't had anyone express concern. Commissioner Despain said he doesn't contribute to plowing. Mr. Bennett said he is happy to provide proof. Commissioner Derr asked if he has a management. Mr. Bennett said he will manage it. Commissioner Palmer asked if we could make it a condition of approval for year-round water.

Mr. Nakamura said Mr. Bennett would get him whatever he has as proof, and he will send it to the health department. Commissioner Reuling asked if it means it is connected to a pipe or spring. Mr. Nakamura said he just understands it won't shut off in the winter months.

Speaker # 2: Citizen and president of the water company

Name: Nathan Breinholt

Address: 10863 East Moose Run

Comments: Mr. Breinholt said he can't say it will be connected to water and willing to abide by the rules under certain circumstances. His neighborhood is changing, but going from the bedroom communities and turning in to rentals. His experience there hasn't been complaints, he knows of complaints. He's concerned with property owner and trespassing, and he is concerned with strangers in the neighborhood.

Commissioner Palmer asked Mr. Breinholt his role of president. Mr. Breinholt said they have a contract with Salt Lake City water and is June through December, working on a point of diversion. Hurdles with Army Corps of Engineers and forest service. Pipes and distribution lines to be replaced. Been granted a second point of diversion. Commissioner Reid asked about the easement. Mr. Breinholt said Pinetree village and Spruce estates are not on the county road. No HOA, no easement, prescriptive easement says your neighbor can drive across my property. Commissioner Reid asked how many and there is nothing written. Commissioner Palmer confirmed this is prescriptive easements. Mr. Breinholt said it has been considered the road and jointly maintained. Commissioner Hutchings said there is something labeled pole line road. Mr. Breinholt said the names have changed and not a right-of-way, power easement. Commissioner Palmer said looks like a private easement road recorded, twenty feet total. Mr. Nakamura said where the road is, may not be right on. No HOA or CC&R's.

Speaker # 3: Applicant

Name: Ben Bennett

Address: 6270 Rivers End Road

Comments: Mr. Bennett said the plat was done in 1957, the access to the property is Front Rivers End road. Stated there are other access points. His intent is not to have renters use the other access points. The access point on the south, is gated. The concern is overstated.

Speaker # 4: Citizen and president of the water company

Name: Nathan Breinholt

Address: 10863 East Moose Run

Comments: Mr. Breinholt said the gate is a tilt and has been open.

Commissioner Hutchings motioned to close the public hearing, Commissioner Palmer seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Commissioners and Counsel had a brief discussion regarding water rights, sewer verification, and parking.

Motion: To continue application #30981 until proof of water and sewer availability has been received.

Motion by: Commissioner Palmer

2nd by: Commissioner Reuling

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

BUSINESS MEETING

Meeting began at – 5:15 p.m.

- 1) Approval of Minutes from the July 18, 2019 meeting.

Motion: To approve minutes from the July 18, 2019 meeting as presented.

Motion by: Commissioner Omer

2nd by: Commissioner Palmer

Vote: Commissioner Hutchings abstained, all other commissioners voted in favor (of commissioners present) Motion passed.

- 2) Wasatch Canyons General Plan review – Jake Young

Jake Young provided an update to the draft Wasatch Canyons General Plan. Commissioners and staff had a discussion regarding transportation.

- 3) Other Business Items (as needed)

No other business items to discuss.

Commissioner Palmer motioned to adjourn, Commissioner Hutchings seconded that motion.

MEETING ADJOURNED

Time Adjourned – 6:04 p.m.