

## Mountainous Planning District Planning Commission

### Public Meeting Agenda

**Thursday, December 3, 2020 4:00 P.M.**

**Location:** Due to the current COVID-19 pandemic, the Public Hearing will occur electronically with no physical location, as authorized by Utah Code Ann. § 52-4-207(4) and written determinations issued by the Chair of the Mountainous Planning District Planning Commission. The public can join the Public Meeting via live broadcast using Cisco Webex.

**Join meeting in WebEx**

Meeting number (access code): 961 841 420

**Join by phone**

Tap to call in from a mobile device (attendees only)

[+1-213-306-3065](tel:+12133063065) United States Toll (Los Angeles)

[+1-602-666-0783](tel:+16026660783) United States Toll (Phoenix)

Access code: 961 841 420

[Global call-in numbers](#)

**Join from a video conferencing system or application**

Dial [wgurr@slco.webex.com](mailto:wgurr@slco.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

Need help? Go to <http://help.webex.com>

*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 November 5, 2020 meeting. (Motion/Voting)
- 2) Other Business Items (as needed)

### **LAND USE APPLICATION(S)**

**31186 – (Continued from 11/05/2020) -** Robert Asay is seeking Conditional Use approval for a short-term rental. **Parcel Area:** 0.37 Acres. **Location:** 11174 East Dunyon Canyon Drive. **Zone:** FR-0.5. **Planner:** Shad Cook (Motion/Voting)

The Planning Commission, in its discretion, may request public input on these applications prior to acting on the application. If public input is requested, public comment will be limited to three minutes per person.

### **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.

Consistent with provisions of the Utah Open and Public Meetings Act, Utah Code Ann. § 52-4-207(4), and acting in my capacity as Chair of the Mountainous Planning District Planning Commission (“Commission”), I hereby make the following written determinations in support of the Commission’s decision to hold and convene electronic meetings of the Commission without a physical anchor location:

1. Conducting Commission meetings with an anchor location that is physically accessible for members of the public to attend in person presents a substantial risk to the health and safety of those who may be present at the anchor location; and
2. This determination is based upon the following facts, among others:
  - a. Salt Lake County remains under a state of public health emergency related to the ongoing COVID-19 pandemic, and significant, continued person-to-person transmission of the SARS-CoV-2 virus continues to occur in Salt Lake County;
  - b. State and local health authorities have adopted “Phased Guidelines for the General Public and Business to Maximize Public Health and Economic Reactivation, Version 4.6,” which orders institutions and persons in moderate risk or “orange” jurisdictions, including Salt Lake City, to take “extreme precautions,” including allowing “in-person interactions in decreased group sizes that enable all physical distancing guidelines to be maintained; social interactions in groups of 20 or fewer” and recommending “increase[d] virtual interactions”;
  - c. Mayor Jennifer Wilson has ordered that the Salt Lake County Government Center be open to the public on an “appointment only” basis during the current period of Salt Lake County Government’s phased re-opening;

- d. The health and safety of Commission members, County officials and employees, staff, and members of the public is best served by holding electronic meetings of the Commission with limited in-person interaction of fewer than 20 persons;
- e. The Commission has prepared for and demonstrated the ability to effectively conduct its public meetings electronically, including providing members of the public means to observe the Commission's meetings and provide comments electronically.

These written determinations shall be read into the minutes at the beginning of the Commission Meeting, held in Salt Lake City on December 3, 2020, and at future Commission meetings as appropriate. Commission staff are instructed to continue including in the public notice information on how a member of the public may view and make comments at the Commission's electronic meetings.

This written determination is effective until future determinations of the Chair.

Dated this 3<sup>rd</sup> day of December, 2020.

MOUNTAINOUS PLANNING DISTRICT  
PLANNING COMMISSION

By: \_\_\_\_\_

Laynee Jones, Chair



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www.msd.utah.gov

File # 31186

## Mountainous Planning District Planning Commission Summary and Recommendation

**Public Body:** MPDPC

**Meeting Date:** December 3, 2020

**Parcel ID:** 24-21-255-001

**Current Zone:** FR-0.5

**Property Address:** 11174 E Dunyon Drive, Brighton, UT

**Request:** Short-Term Rental

**Town Council:** Brighton

**Planner:** Shad Cook

**Planning Staff Recommendation:** Approval w/Conditions

**Applicant Name:** Robert Asay

### PROJECT DESCRIPTION

The applicant, Robert Asay, is requesting Conditional Use approval for a Short-Term Rental. The current zone is Forest & Recreation, FR-0.5. The property is located within the Foothills & Canyons Overlay Zone, FCOZ. The original structure was built in 1982. This project was presented during the November 5, 2020, Mountainous Planning District Planning Commission, MPDPC meeting. However, the item was continued because the application had not been reviewed by the Brighton Town Council.

### EXECUTIVE SUMMARY

**The application appears to meet the provisions stated in Section 19.04.547 County Ordinance –  
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 5:00PM in the afternoon and 6:00AM in the morning, the sidewalk shall be cleaned before 8:00AM 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 10:00 PM and 8:00 AM daily.

## **SITE & VICINITY DESCRIPTION** (see attached map)

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The surrounding properties are zoned Forest & Recreation, FR-0.5. The Foothills and Canyons Overlay Zone (FCOZ) applies to all properties in this area. This neighborhood includes other cabin properties of a similar size and nature.

## **GENERAL PLAN CONSIDERATIONS**

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Staff has not identified any negative impacts to the current General Plan with the approval of this application.

## **NEIGHBORHOOD RESPONSE**

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No response has been received from the adjacent property owners as of the time this report was completed.

## **BRIGHTON TOWN COUNCIL**

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The Brighton Town Council reviewed this application (#31186) during their meeting on November 10, 2020. No concerns or comments were provided to the MSD staff.

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## REVIEWING AGENCIES RESPONSE

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**AGENCY: MSD Building Department**

A building inspection is required for the use of the building as a short-term rental. This inspection is to be completed under the business license process. Please note that the inspection is to verify minimum life safety requirements are being met. This includes (but is not limited to): emergency egress window or door in the bedrooms, smoke and co detectors installed to meet minimum code requirements, GFCI outlets as applicable, handrail and guardrails installed, etc.

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## PLANNING STAFF ANALYSIS

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**Chapter 19.12 - FR-0.5, FR-1, FR-2.5, FR-5, FR-10, FR-20, FR-50 AND FR-100 FORESTRY AND RECREATION ZONES**

**19.12.030 - Conditional Uses.**

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"

**O. Short-term rental 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;

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## PLANNING STAFF RECOMMENDATION

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The MSD Planning Staff is recommending Conditional Use approval for this short-term rental with the following conditions:

1. The short-term rental shall not contain more than four bedrooms.
2. Information about quiet hours shall always be posted. Quiet hours are 10:00PM to 7:00AM.

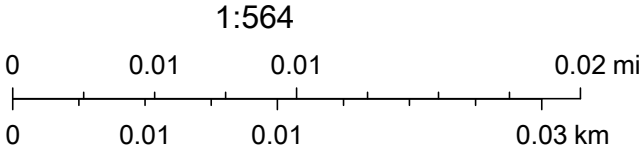
3. Occupants of a short-term rental shall not create excessive noise that is incompatible with adjacent land uses. Quiet hours are 10:00PM to 7:00AM.
4. The Rental Agreement to advise renters of the following requirements:
  - a. Quiet hours per Salt Lake County Health Regulation 21 (10:00PM – 7:00AM), with noise no louder than 5 decibels above ambient (surrounding) sound and no louder than 50 decibels.
  - b. UDOT requirements for snow tires/chains (during severe weather, as determined by UDOT or local law enforcement, who notifies the public via road signs, message boards, UDOT Traffic app, and/or UDOT social media, the following are required: all-wheel or 4-wheel drive with M/S or M+S tires, snow tires (3PMSF), OR chains/snow socks.
  - c. Dogs not allowed in Big or Little Cottonwood Canyons under County Health Department Regulation 14 (except for service dogs or permitted watershed dogs)
  - d. Garbage/Recycle cans to be kept inside the garage to eliminate wildlife and rodents from scattering trash.
  - e. Parking not allowed on public rights-of-way but must be contained on-site.
  - f. Hot tub or spa use not allowed between 10:00PM – 8:00AM.
  - g. (For short-term rentals with campfire amenities): Campfires are only allowed if:
    - i) campfires are not prohibited by a Fire Restriction Order issued by the Utah Division of Forestry, Fire and State Lands (FFSL)(which can be found at [utahfireinfo.gov/active-fire-restriction-documents](http://utahfireinfo.gov/active-fire-restriction-documents)); and ii) campfires comply with Unified Fire Authority requirements for Recreational Fires (which can be found at [unifiedfire.org/prevention/open-burning](http://unifiedfire.org/prevention/open-burning))
    - ii) Owner shall provide Renters a copy of any active Fire Restriction Order, plus the UFA Recreational Fire requirements at check-in.
  - h. These requirements to be posted in a prominent place in the home.
5. Post the owner or manager's contact information on the outside of the home so that neighbors can report problems.
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 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 5:00PM in the afternoon and 6:00AM in the morning, the sidewalk shall be cleaned before 8:00AM the morning following the storm.
10. 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.
11. The short-term rental shall not have any signs on the premises that advertise the use.
12. The use of the dwelling as a short-term rental shall not change the appearance of the dwelling or property for residential purposes.



11174 E DUNYON DR



October 29, 2020





# 11174 E DUNYON DRIVE

## SITE PLAN

