



MEETING MINUTE SUMMARY
MOUNTAINOUS PLANNING DISTRICT PLANNING COMMISSION MEETING
Thursday, January 7, 2021 4:00 p.m.

****Meeting minutes approved on February 4, 2021****

Approximate meeting length: 2 hours 7 minutes

Number of public in attendance: 30

Summary Prepared by: Wendy Gurr

Meeting Conducted by: Commissioner Jones

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

Planning Staff / DA	Public Mtg	Business Mtg
Wendy Gurr	x	x
Shad Cook	x	
Jake Young	x	x
Ryan Perry	x	x
Jim McNulty	x	x
Joselyn Romero		
Zach Shaw (DA)	x	x

LAND USE APPLICATION(S)

Meeting began at – 4:06 p.m.

Commissioner Jones read the OPMA statement and Chair Reading.

31231 – Jason Hunt is seeking Conditional Use approval for a new short-term rental. **Location:** 11463 East Big Cottonwood Canyon Road. **Parcel Area:** 0.13 Acres. **Zone:** FR-1. **Town Council:** Brighton. **Planner:** Shad Cook (Motion/Voting).

This application will be subject to the Rules of Conduct below.

Greater Salt Lake Municipal Services District Planner Shad Cook provided an analysis of the Staff Report.

PUBLIC PORTION OF MEETING OPENED

Speaker # 1: Applicant

Name: Jason Hunt

Address: Not provided

Comments: Mr. Hunt said they would abide by the conditions.

Commissioner Cohen motioned to open the public meeting, Commissioner Palmer seconded that motion.

No one from the public was present to speak.

Commissioner Derr motioned to close the public meeting, Commissioner Palmer seconded that motion.

PUBLIC PORTION OF MEETING CLOSED

Motion: To approve application #31231 with staff recommendations as presented.

Motion by: Commissioner Despain

2nd by: Commissioner Reid

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

Commissioner Derr said when there are a large number of people parking, need to have enough parking in designated spot.

31241 – Dan Knopp has submitted a revised application to have a use violation declared legal through Special Exception. **Location:** 11332 East Big Cottonwood Canyon Road; **Parcel #24-21-208-011, Parcel #24-21-208-008, Parcel #24-21-208-013, Parcel #24-21-208-025, and Parcel #24-21-208-026. Acreage:** Approximately 0.87 Acres (combined). **Zone:** C-V and FR-.05. **Town Council:** Brighton. **Planner:** Jim McNulty (Motion/Voting).

Commissioner Jones announced that she has a conflict of interest due to the personal and financial impacts of the Application's outcome on her and her property, which is immediately adjacent to the subject property of the Application and is therefore recusing herself.

Commissioner Cohen announced he has a conflict of interest due to a long-standing friendship with the applicant and is therefore recusing himself.

Mr. Shaw confirmed there is still a quorum.

Commissioner Despain read an ex-parte disclosure statement as follows: I, Don Despain, hereby disclose the following, pursuant to Salt Lake County Ordinance Section 2.70.050(B):

- 1. I am acquainted with Dan Knopp through my position with the Solitude Improvement District, which provides sewer service to the Silver Fork Lodge, and Big Cottonwood Community Council. Through this acquaintance, I talk with Dan Knopp 2-3 times per month on a professional basis.*
- 2. Shortly after Dan Knopp's Application for Special Exception was submitted, and after receiving advise from the Salt Lake County District Attorney's Office that I was not to engage in ex parte communication about the merits of the Application, I contacted Dan Knopp and advised him that I was unable to have any communication regarding his Application outside of the planning commission process.*
- 3. I do not recall specific dates, but on approximately two occasions during the months of October and November 2021, Dan Knopp made complaints in mine and others' presence about opposition to his Silver Fork Lodge operation, complaining that such opposition may put him out of business.*

Mr. Shaw said the disclosure is required by county ordinance when there is communication regarding an application outside of the planning commission meeting from an applicant or another party in the presence of a planning commissioner. Members of public and parties have an opportunity to respond to the ex-parte communication, and the disclosure will be posted on the MSD planning website. Parties have an opportunity to respond and responses shall be reviewed by the planning commission.

Mr. Shaw reviewed the legal standard in play with this application. Mr. Shaw advised this application is filed under ordinance 19.88.140. Commissioner Palmer asked about criteria number two, if complaints filed under the health department are applicable, or just complaints to planning and development. Mr. Shaw confirmed only complaints filed with planning and development are applicable.

Mr. Shaw confirmed there will not be a public hearing and outlined the process for the meeting. Commissioner Reid asked how this came to the attention of the planning commission. Mr. Shaw said it was in response to complaints of adjoining property owners and through the process of complaints and review of county ordinances, this option was identified, and applicant filed an application.

Mr. Shaw turned the time over to Mr. McNulty.

Greater Salt Lake Municipal Services District Planning Manager Jim McNulty provided an analysis of the Staff Report and a copy of the map identifying the parcels.

Commissioner Despain said something on the map is unclear, parcel 208-011 appears to be divided between Commercial and FR zone. Mr. McNulty confirmed that is correct, split zone on the property.

Mr. Shaw said because this is a public meeting, public is welcome to attend, but because the planning commission cannot consider oral evidence, it would not be appropriate for public to use the chat box. Notices indicated deadlines for evidence, and it would not be appropriate for the attorneys to provide any new evidence. Notices of evidentiary deadlines were mailed to all addresses of record within 300' feet of the property.

Mr. Shaw turned the time over to John Brems. Mr. Brems said his applicant Mr. Knopp has a business license and liquor license to operate. They have a proposal to present to the planning commission.

Mr. Kopp advised he represents four of the adjacent residents adjacent to the Silver Fork Lodge. Mr. Kopp said reached an agreement that makes sense for Silver Fork and adjacent residents.

Mr. Kopp read the terms of the agreement under consideration for the record. Mr. Brems indicated that these were not all the terms agreed to. Mr. Shaw asked if we should take a break to allow time to resolve. Mr. Brems asked for a 15-minute break.

Commissioner Derr motioned for a 15-minute recess and reconvene at 5:17pm, Commissioner Palmer seconded that motion.

After Commission reconvened, Commissioner Omer asked about the difference between a non-conforming use and a special exception. Mr. Shaw said non-conforming use is a use that was lawful when an ordinance was adopted, but the ordinance made it unlawful. A special exception is a use that is an unlawful use under the ordinance but recognizing it as a lawful use now.

Mr. Brems asked for another 10-minute recess.

Commissioner Palmer motioned for another 10-minute recess and reconvene at 5:33pm, Commissioner Omer seconded that motion.

After the Commission reconvened but before Mr. Brems and Mr. Kopp re-joined, Commissioner Despain said he is pleased they found a compromise and suggested that the planning commission should impose some of the conditions and continue to the February meeting and post the settlement agreement for review. Mr. Shaw said the Commission should wait until the attorneys return before making a motion and to save any discussions.

Mr. Brems asked to continue the application to the next meeting as it is difficult to negotiate an agreement under stress. Mr. Shaw said Mr. Kopp represents four property owners, the planning commission received evidence and input and opposition from a number of other opponents, and it is important Mr. Brems and Mr. Kopp get the other opponents on board; they need to be in agreement. On the issue of ex-parte communication, County ordinance entitles parties an opportunity to provide a written response while evidentiary proceedings are still open, and people must have an opportunity to submit comments in writing. Mr. McNulty asked if the agreement needs to be shared with all parties for decision to be made next month. Mr. Shaw said the opponents not represented need to be provided a copy of the agreement. Mr. Shaw said the opposition responses are online and the two attorneys should look at the responses and reach out to those who provided a response.

Motion: To continue application # 31241 to the February 4th Planning Commission meeting.

Motion by: Commissioner Palmer

2nd by: Commissioner Reid

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

BUSINESS MEETING

Meeting began at – 5:43 p.m.

- 1) Election of Chair and Vice Chair 2021. (Motion/Voting)

Election of Chair for 2021

Motion: To continue to the March Planning Commission meeting, as Silver fork Lodge application was continued and there are several expired commissioner terms.

Motion by: Commissioner Despain

2nd by: Commissioner Omer

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

Election of Vice Chair for 2021

Motion: To continue to the February or March Planning Commission meeting, as Silver fork Lodge application was continued and there are several expired commissioner terms.

Motion by: Commissioner Despain

2nd by: Commissioner Omer

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

- 2) Approval of minutes from the November 5, 2020 meeting. (Motion/Voting)

Motion: To approve minutes from the November 5, 2020 Planning Commission meeting with one correction of the word Noric to Nordic.

Motion by: Commissioner Omer

2nd by: Commissioner Cohen

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

Approval of minutes from the December 3, 2020 meeting. (Motion/Voting)

Motion: To approve minutes from the December 3, 2020 Planning Commissioner meeting with one correction, marking Commissioner Omer in attendance.

Motion by: Commissioner Omer

2nd by: Commissioner Cohen

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

3) Update on Short-Term Rental Ordinance Revision. **Presenter:** Zach Shaw

Mr. Shaw provided an Update of the Town of Brighton's proposed faster and less costly process in the approval of Short-Term Rentals by converting them from conditional uses to permitted uses, codifying standard conditions into ordinance, and allowing Brighton and SLCO to adopt their own solutions on certain issues in their respective business license ordinances. Mr. Shaw outlined the process for presenting this proposal to the County Council, community councils, and formal recommendation from the planning commissions.

4) Other Business Items. (As Needed)

No other business items to discuss.

Commissioner Jones adjourned

MEETING ADJOURNED

Time Adjourned – 6:38 p.m.