



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

**Approximate meeting length:** 3 hours

**Number of public in attendance:** 20

**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            |
| Jim Nakamura        | x          | x            |
| Jake Young          |            |              |
| Ryan Perry          | x          | x            |
| Jim McNulty         | x          | x            |
| Joselyn Romero      | x          | x            |
| Greg Baptist        | x          | x            |
| Zach Shaw (DA)      | x          | x            |

**BUSINESS MEETING**

**Meeting began at – 4:01 p.m.**

*Commissioner Jones read the OPMA statement and Chair Reading.*

- 1) Approval of the January 7, 2021 Planning Commission Meeting Minutes. (Motion/Voting)

**Motion:** To approve the January 7, 2021 Planning Commission Meeting Minutes as presented.

**Motion by:** Commissioner Despain

**2<sup>nd</sup> by:** Commissioner Derr

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

- 2) Other Business Items. (As Needed)

*No other business items to discuss.*

**LAND USE APPLICATION(S)**

**Meeting began at – 4:06 p.m.**

**CUP2020-000095** - Larry Drapkin is seeking Conditional Use approval for a new short-term rental. **Parcel**

**Area:** .23 acres. **Location:** 11452 Balsam Forest Lane. **Zone:** FR-0.5. **Town Council:** Brighton. **Planner:** Jim Nakamura (Motion/Voting)

*Greater Salt Lake Municipal Services District Planner Jim Nakamura provided an analysis of the Staff Report.*

*Commissioner Reid said she noticed the standard conditions and asked when it says snow needs to be removed is that all the time or only when rental is in operation. Mr. Nakamura said if not rented, would not be enforced. Mr. Shaw said that requirement just applied to the short-term rental, when not a short-term rental all snow removal is applicable to county ordinance. Commissioner Despain asked number of bedrooms. Mr. Drapkin said it is three bedrooms not four.*

**Speaker # 1:** Applicant

**Name:** Larry Drapkin

**Address:** Not provided

**Comments:** Mr. Drapkin said he bought this property last fall, primarily as a family retreat. Have capability for renting from time to time, no aspiration of hardly seeing. Wants to be part of community, relationships, do good by the community, not looking for a party home, limited number of people. Imposing car limits. Do not want to cause traffic burden or otherwise burden community. Will be in compliance with conditions and be good neighbors.

*Commissioner Jones asked if applicant read the conditions, and if he is aware of the condition to require the disclosure to renters of four-wheel drive.*

*Commissioner Cohen motioned to open the public hearing, Commissioner Despain seconded that motion.*

*No one from the public was present to speak.*

*Commissioner Derr motioned to close the public hearing, Commissioner Despain seconded that motion.*

**Motion:** To approve application #CUP2020-000095 as presented with Staff Recommendations.

**Motion by:** Commissioner Despain

**2<sup>nd</sup> by:** Commissioner Reid

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

**CUP2020-000024** - Jami Richardson is seeking Conditional Use approval for a new short-term rental. **Parcel Area:** .07 acres. **Location:** 7950 South Old Prospect Avenue. **Zone:** FR-0.5. **Town Council:** Brighton. **Planner:** Jim Nakamura (Motion/Voting)

*Greater Salt Lake Municipal Services District Planner Jim Nakamura provided an analysis of the Staff Report.*

**Speaker # 1:** Applicant

**Name:** Jami Richardson

**Address:** Not provided

**Comments:** Ms. Richardson said staff report/presentation was comprehensive, wants to continue with short term rental, no complaints regarding anything and wishes to get legalized.

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

**Speaker # 2:** Citizen

**Name:** Brent Ford

**Address:** Not provided

**Comments:** Mr. Ford said he owns properties to the south and west. Concerned in the past that people were parking on his property, which is his only concern, no problem with the application. Prefer they have parking to the north.

*Ms. Richardson said she does not want parking on neighbor's property either, and maybe will place rocks and make maps so people know where they can park, and rest assured she can make this right.*

*Commissioner Despain motioned to close the public hearing, Commissioner Omer seconded that motion.*

*Commissioners and Counsel had a brief discussion to help avoid parking on other parcels and violations to address enforcement of the ordinance.*

**Motion:** To approve application #CUP2020-000024 as presented with Staff Recommendations.

**Motion by:** Commissioner Despain

**2<sup>nd</sup> by:** Commissioner Omer

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

**31241 – (Continued from January 7, 2021)** - 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.*

*Ms. Gurr confirmed there is still a quorum.*

*Mr. Shaw summarized the steps in the process and advised the applicant has not come to an agreement with the opponents. 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 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. Mr. Shaw turned the time over to John Brems. Mr. Brems asked to reserve five minutes for a reply. Commissioner Omer asked if there was new evidence received since the last meeting. Mr. Shaw said no new evidence, because of the notices sent out had outlined deadlines for evidence to be submitted and time has passed. Mr. Shaw advised attorneys to not submit any new evidence.*

*Mr. Brems request the applicant make an opening statement. Mr. Shaw said he does not think it is appropriate to open the door to the applicant to provide an opening statement, which is oral testimony. Mr. Kopp said he objects to an opening statement from the applicant. Commissioner Despain said he agrees with Mr. Shaw's recommendation.*

*Mr. Brems read a statement made by the applicant. Mr. Kopp said he is objecting to the reading. Mr. Shaw recommended to Commissioner Despain that this line of history is new evidence and not submitted previously and Mr. Brems limited to a summary of what has been submitted.*

*Mr. Brems advised business, liquor and food truck all licensed and permitted. Four contiguous parcels listed in two different zones. Hired for approval for parcel in FR zone. Contentious among the neighbors. If the requested special exception is granted, applicant will stop operating the food truck. Mr. Brems said liberal construction of ordinance in favor of granting the exception. Mr. Brems read criteria's of the CV zone and components of special exception ordinance. Agree appropriate conditions can be imposed.*

*Mr. Brems said FR zoned property subject to the same evidence as the CV property. No amplified noise.*

*Commissioner Despain opened for questions of the commission to Mr. Brems. Commissioner Reuling asked when the property was purchased if the FR 0.5 and CV were purchased at the same time. Mr. Brems said the concern is that the use could violate a zoning ordinance. Commissioner Reid asked about recommendations with CV property and is applicant in agreement. Mr. Brems said all but the noise, which should be limited by the Noise Regulation.*

*Mr. Kopp said the activities are not approved in either of the zones. The food truck is another issue, not part of this application. Application does not qualify under the special exception. Mr. Kopp shared his screen, exhibit 20 showing where his clients reside in relation to the parcels. This does not qualify for a special exception because all three qualifications have not been met. ADA problems, parking issue, understands that staff is trying to find a compromise, and conditions are a fair starting point. No events should be allowed on FR zone property. Mr. Kopp provided the cv zone map, the special exception should be limited to the parcel with the building, not parking parcels (eastern or southern). Nothing should be held on FR zone. Western most FR zone should not be included or used with special exception. Parking requirements should be applied. Specify maximum number of events, limit amplified noise, and review the conditions by meeting annually.*

*Commissioner Derr asked how possible it would be to have the parties work out before Commission makes a decision. Mr. Kopp said his clients may be open to that. Commissioner Palmer asked the capacity of the building. Mr. Kopp said he does not have square footage but knows of parking spaces. Despain encouraged settlement. Mr. Kopp said he could check with Clients if allowed a five-minute break.*

*Commissioners and Counsel had a brief discussion regarding parking and overflow, food truck, wedding, and reception.*

*Commissioner Despain allowed Mr. Brems to speak.*

*Mr. Brems said the capacity is based on restrooms and not on number of people, will comply with the rule. Eleven affidavits from independent people. Applicant and function sheets of events held in FR-0.5 area. Will comply with ADA, no evidence of speeding or accidents on Big Cottonwood Canyon Road. One parcel with two different zones, and CV zone may allow restaurants and meeting rooms. Willing to comply with conditions that are applicable.*

*Commissioner Palmer motioned for a five-minute recess, Commissioner Derr seconded that motion.*

*Commissioner Despain resumed. Mr. Shaw asked Mr. Brems to speak to noise. Mr. Brems' recommendation was to rely on County noise ordinance as it is written.*

*Mr. Shaw had a discussion with planning staff regarding the location of the patio in relation to the CV and FR zones.*

*Commissioners, Staff, and Counsel had a brief discussion regarding County Health Regulations, noise control and amplified music, maximum capacity, and no parking along Rufus Road and East Silver Fork Road, and parking requirements for restaurants/dance, and assembly halls. Written decision with appeal rights would be issued by Vice Chair and would not come back to the Planning Commission.*

**Motion:** To approve application #31241 regarding the CV zone with staff recommendations and amendments, along with written findings produced by the Vice Chair, Don Despain, consistent with the decision:

1. That the applicant is required to comply with Salt Lake County Health Department, Health Regulation #21, Community Noise Pollution Control. No amplified music outdoors.
2. That a maximum number of total persons for the wedding/reception/event use be set at 4 persons for each parking spot approved pursuant to Salt Lake County Code Chapter 19.80, which is currently 38 spaces or 152 persons total capacity (including staff).
3. That the applicant be required to apply for an "Access Permit" with UDOT and go through a required process allowing for safe site ingress/egress.
4. That the applicant be required to work with UDOT to address bicycle and pedestrian safety along the frontage of the Silver Fork Lodge, SFL, as well as areas impacted by wedding/reception/event parking as part of the UDOT "Access Permit" review process.
5. That the applicant be required to work with UDOT to address site distance and visibility issues along BCCR at the intersection of Rufus Road to see if "No Parking" signs can be placed in appropriate locations allowing for better visibility in the area.
6. That no parking or vendor access be allowed along Rufus Road or East Silver Fork Road. This roadway provides access to homes in the area and is used for fire and emergency vehicle access for the Unified Fire Authority, UFA.
7. That all outdoor lighting be shielded and directed downward to avoid light spill on adjacent properties, consistent with Salt Lake County Code Section 19.72.170, Figure 19.72.23.
8. That the applicant be required to work with MSD staff both seasonally and annually to remain in compliance with all Business Licensing requirements. Violation of any of these conditions may be grounds for suspending or revoking applicant's business license in accordance with Salt Lake County Code Section 5.07.020(C).

**Motion by:** Commissioner Reid

**2<sup>nd</sup> by:** Commissioner Palmer

**Vote:** Commissioner Omer voted nay, all other Commissioners voted in favor (of commissioners present). Motion passed.

*Commissioners, Staff, and Counsel had a brief discussion regarding staff recommendations for denial, detrimental effect, wedding reception use, light adjustment and rezoning, FR zone portion included with the patio, and lot lines. Staff discussion with applicant for the best options.*

**Motion:** To continue application #31241 to study and research including the existing patio in the FR-0.5 zone to the March 4<sup>th</sup> Planning Commission Meeting.

**Motion by:** Commissioner Palmer

**2<sup>nd</sup> by:** Commissioner Derr

**Vote:** Commissioner Omer voted nay, all other Commissioners voted in favor (of commissioners present). Motion passed.

*Commissioner Palmer motioned to adjourn, Commissioner Omer seconded that motion.*

**MEETING ADJOURNED**

**Time Adjourned – 7:06 p.m.**

DRAFT