

MEETING MINUTE SUMMARY
SALT LAKE COUNTY PLANNING COMMISSION MEETING
Wednesday, November 16, 2022 8:30 a.m.

Approximate meeting length: 1 hour 27 minutes
Number of public in attendance: 2
Summary Prepared by: Wendy Gurr
Meeting Conducted by: Commissioner Collard

***NOTE:** Staff Reports referenced in this document can be found on the State website, or from Planning & Development Services.

ATTENDANCE

| Commissioners | Public Mtg | Business Mtg | Absent |
|-----------------------------|------------|--------------|--------|
| Neil Cohen | x | x | |
| Ronald Vance | x | x | |
| Mark Elieson | x | x | |
| Christopher Collard (Chair) | x | x | |
| Sara Hiatt (Vice Chair) | x | x | |
| Jeff Watkins | | | x |
| Ofa Matagi | | | x |

| Planning Staff / DA | Public Mtg | Business Mtg |
|---------------------|------------|--------------|
| Wendy Gurr | x | x |
| Jim Nakamura | x | x |
| Curtis Woodward | x | x |
| Brian Tucker | | |
| Helen Peters | | |
| Zach Shaw (DA) | x | x |

Commissioner Collard read the Chairs Opening Statement.

Commissioner Vance motioned to amend the agenda and move the Business Meeting to the end of the agenda, Commissioner Cohen seconded that motion.

ADMINISTRATIVE LAND USE APPLICATION(S)

Meeting began at – 8:31 a.m.

EXP2022-000643 - Andrew Rothkopf is requesting a Special Exception for Short-Term rental use.
Parcel Area: .01 (Condo). **Location:** 4094 East Quarry Drive. **Zone:** R-1-15. **Planner:** Jim Nakamura (Motion/Voting)

Greater Salt Lake Municipal Services District Senior Planner Curtis Woodward provided an analysis of the staff report.

Commissioners, staff, and Counsel had a brief discussion regarding applicant and home owner, consideration of three criteria for a special exception, similarities and differences with a conditional use, staff report recommendations, evidence being limited to a documentary nature, standard of continuous use, whether standards apply to property owner or property itself, mitigating detrimental impacts and continued use, use during each calendar year, meaning of unlawful use for ten years, and meaning of detrimental effect of health, safety, and welfare.

PUBLIC HEARING PORTION OF MEETING OPENED

Speaker # 1: Representative/Owner

Name: Jacob Laskin

Address: Not provided

Comments: Mr. Laskin said he is the owner, Mr. Rothkopf is the property manager and submitted the application on his behalf. He summarized the previously submitted evidence and argument as follows. He submitted rental history, didn't keep excellent records, purchased unit in 2014, unit was owner occupied and rented on holiday when not there. Made a mistake on the application and wrote that one of his rentals took place in 2013, that was an error, he didn't own the property then. A lot of evidence submitted, small community, this would be a fourth short-term rental in the community. HOA board controls three of the rentals. All opposition submitted by the HOA board. The violations spoken of are parking tickets and are not linked to his unit, and zero evidence of parking violations at his unit, except for a truck parked a foot over his driveway. Is this a health, safety, or welfare issue besides a parking ticket. Did make mistakes early in the rental, no parties allowed but was lied to by a renter. No one called to complain, received a letter from the HOA board and changed to a two-night minimum, would be agreeable to a three-night minimum. Would love to comply with restrictions. Will be happy to agree to CC&Rs. Never received a complaint for noise, offered to install a noise monitor to link to cell phones if decibel level exceeded. Has other short-term rentals and never had any problems. Underline complying with and changing policies to be a better part of the community.

Commissioners and staff had a brief discussion regarding representation and participation. Mr. Shaw said everything said by the applicant was a summary of evidence that was submitted, with the following exception: no evidence was submitted of changes to the CC&Rs, which is not part of the evidence that should be considered.

Commissioners and counsel had a brief discussion regarding the complaints by the HOA members.

Mr. Laskin said parking complaints not tied to the unit were handled by paying \$50.00 tickets. Mr. Laskin said he just pays and is picked on by the HOA. When he purchased this property, the listing said short-term rentals were allowed. Not only was it his agent, but the seller's agent as well. Commissioner Cohen confirmed that when purchased, the understanding was that the unit was licensed for short-term rentals.

Commissioners had a brief discussion regarding ambiguity of HOA documents.

No one from the public was present to speak

PUBLIC HEARING PORTION OF MEETING CLOSED

Commissioners and Counsel had a brief discussion that other units are being used as short-term rentals and application of standards. Penalties for violations are outlined in ordinance, including revocation of business license.

Motion: To approve application #EXP2022-000643 Andrew Rothkopf requesting a Special Exception for Short-Term rental use with staff recommendations. Final written decision to be issued by the chair consistent with the motion. Motion incorporates analysis of the staff report.

Motion by: Commissioner Hiatt

2nd by: Commissioner Vance

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

BUSINESS MEETING

Meeting began at – 9:44 a.m.

- 1) Approval of the October 12, 2022 Planning Commission Meeting Minutes. (Motion/Voting)

Motion: To approve the October 12, 2022 Planning Commission Meeting Minutes as presented.

Motion by: Commissioner Hiatt

2nd by: Commissioner Vance

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

- 2) Discussion regarding state training requirements. **Presenter:** Zach Shaw

Mr. Shaw said he wanted to remind commissioners of the requirements that each commissioner receives four hours of training. Timeline from May to April to fulfill the four hours. Advise of resource for training, attend training by Mr. Shaw and luau.utah.gov to help achieve the training requirements. Track the time spent on the website in reviewing the materials for reporting purposes.

Commissioner Cohen asked if you're on more than one planning commission do you need eight hours. Mr. Shaw advised only four hours is required. Commissioner Hiatt asked if Ms. Gurr would be the contact for reporting the requirements met. Mr. Shaw advised to track your time and report to Ms. Gurr.

- 3) Other Business Items (as needed)

No other business items to discuss.

Commissioner Collard adjourned the meeting.

MEETING ADJOURNED

Time Adjourned – 9:58 a.m.



January 9, 2023

Andrew Rothkopf
Jacob Laskin
3750 E. North Little Cottonwood Rd.
Cottonwood Heights, Utah 84092
drewmr84@gmail.com

RE: Findings of Fact, Conclusions of Law, and Decision on Application for
Special Exception, Application No. EXP2022-000643

Dear Messrs. Rothkopf and Laskin:

You submitted an application to have a use violation declared legal through special exception ("Application"). On November 16, 2022, the Salt Lake County Planning Commission ("planning commission") announced its approval of Application No. EXP2022-000643 subject to certain conditions, and indicated that the planning commission chairperson would issue a written decision consistent with its motion. The written Findings, Conclusions, and Decision of the planning commission is set forth below.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION

Pursuant to the planning commission's motion, the planning commission chairperson ("Chair") hereby issues these Findings of Fact, Conclusions of Law, and Decision. The planning commission hereby incorporates as its written Findings of Fact and Conclusions of Law the contents of the Application for Special Exception Summary and Recommendation (located at the following link and hereafter referred to as the "Staff Report": <https://www.utah.gov/pmn/files/911519.pdf>)

The planning commission issues these Findings and Conclusions based on its review of the written evidence, argument, and information contained in Exhibits A – M of the Staff Report.

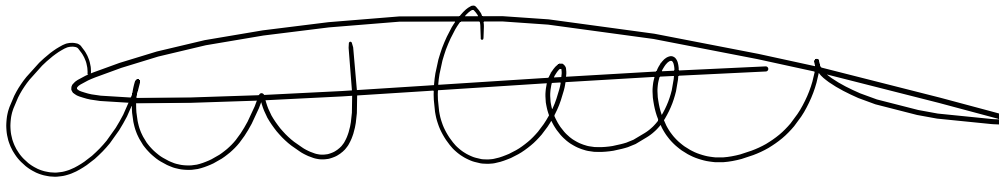
Pursuant to its review of this written evidence, argument, and information, together with its Findings of Fact and Conclusions of Law, the planning commission hereby approves Application file EXP2021-000643 for a Special Exception to conduct a Short-Term Rental in the R-1-15 zone, with the following conditions: that the application be subject to the following standards that are applicable to short-term rentals in the unincorporated county.

1. Short-term rental definition in Salt Lake County Code section 19.04.547, which includes the following standards: no more than 4 bedrooms, proper maintenance and repair of home and yard, no off-site parking or parking in a right-of-way (street), on-site parking to be maintained and available at all times, timely removal of snow from sidewalks and driveways, no excessive noise, no use of outdoor hot tubs between 10 pm and 8 am.

2. Short-term rental parking standards in Salt Lake County Code section 19.80.040(30), which requires the following off-street/on-site parking: two spaces per dwelling unit plus one additional space for each bedroom exceeding two bedrooms (parking spaces can be tandem spaces).
3. Short-term rental business licensing standards in Salt Lake County Code chapter 5.19, which includes the following requirements: applying for and obtaining a business license, designating a responsible person who is available 24 hours/day and who responds to inquiries within 20 minutes, having a sales tax account, and having a nameplate sign with the phone number of the responsible person posted in the front of the home.
4. Salt Lake County Health Department Regulation 21, which include the following requirements regarding noise: Quiet hours between 10 pm – 7 am, with noise no louder than 5 decibels above ambient (surrounding) sound and no louder than 50 decibels.
5. Prominently posting for the renter to see the noise and parking requirements from the above standards in the short-term rental home and on the short-term rental agreement.

This decision is final and may be appealed to the Salt Lake County Land Use Hearing Officer within sixty days of the date of this written decision by any person adversely affected by this decision as provided in Salt Lake County Ordinance Section 19.88.140 and 19.92.050. Appeals shall be submitted to the Municipal Services District Planning and Development Services Division, Attn: Wendy Gurr, 2001 S. State St., N3-600, Salt Lake City, UT 84190. Appeals must be accompanied by the \$1,000 application fee (\$900 of which will be refunded if the Land Use Hearing Officer finds in favor of appellant).

Respectfully,

A handwritten signature in black ink, appearing to read 'Christopher Collard', written in a cursive style.

Christopher Collard, Chair
Salt Lake County Planning Commission

CC to the following neighbors who submitted email responses to the Application:

bobe@bruincp.com

b.able@sbcglobal.net

jmb@starfleet.org

altabirdapproach@hotmail.com