

Planning Commission Chair:	Tim Petty
Planning Commission Vice-Chair:	Todd Burton
Commissioners:	Robert Guillier Scott Dixon Glen Woolsey
Secretary:	Crystal Western
City Council Representative:	Michelle Roberts

UINTAH CITY
PLANNING COMMISSION MEETING
Tuesday, August 28, 2018
7:00 PM



2191 East 6550 South – Uintah, Utah 84405

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Meeting Minutes

Meeting Called to Order by Tim Petty at 7:00 p.m.

Pledge of Allegiance led by Tim Petty.

Roll Call: Present – Tim Petty, Scott Dixon, Todd Burton, Robert Guillier, Glen Woolsey

Declaration of Conflicts of Interest: Commission members are required by law to file a public disclosure statement with the Secretary listing business interests and investments that could create a conflict of interest with the duties of the Commission Member. When a matter in which a Commission member has a business or investment interest appears on the agenda, the Commission member must publicly disclose that interest. Tim Petty asked the Commission if they had any conflicts of interest with tonight's agenda; There were none.

Attendees: Crystal Western, Jeff Holden, Michelle Roberts, Marc Sacco, Matt Hartvigsen, Lori Woolsey, Lesa Best, Paxie Holmes, Mitzi Holmes, and William Picard.

Agenda Items:

1. **Public Comment (2 minutes per person) *(recording: 00:00:30)**
 - There were none

2. **Approval of minutes for the Planning Commission meeting held June 26, 2018. *(recording: 00:01:00)**

Presenter: Tim Petty

- Tim asked if there were any comments on the minutes.
- There were none.
- Robert Guillier motioned to approve the minutes from June 26, 2018.
- Seconded by Todd Burton.
- All in favor, motion passes.

3. **Discussion on Uintah City Rail Road Crossings. *(recording: 00:01:43)**

Presenter: Tim Petty

- Matt Hartvigsen, the City Engineer, explained to the Commission that these were plans initiated by UDOT that had come across his desk. He said UDOT has funding to upgrade some railroad crossings in the State, and the City's crossing on 1500 E. has been selected for an upgrade. He said that the plans he received seemed very preliminary. After reviewing the plans, Matt expressed concerns about the proposed project. He stated that it costs a lot of money to upgrade a crossing, and he felt perhaps a new crossing in a different location would be a better use of the funds. He thought it might be more beneficial to the City to use this opportunity to create a second access to that area of the City. He said that in closing the 1500 E crossing, another access would have to be created to service the existing homes in the area. He explained that frontage roads would be the most desirable solution in his opinion; however these would have to be located on the railroad's property. However, even improving one of the City's other existing crossings might be a better use of the funds. He explained that his concern is they are just going to move ahead without involving the City, and it would nice to be able to at least provide some input before they begin such a costly project. Matt explained that it's best to have at least two crossings and that they be placed as far apart as possible, especially for emergency vehicle access.
- Tim asked where the plans originated from, either UDOT or the railroad.

- Jeff Holden answered that Scott Shay is the engineer on this project, and he is an engineer contracted by the railroad. He also explained that he met with the railroad a year ago about a similar project because they felt this crossing was unsafe; however at that time they decided they were not going to peruse an upgrade.
- Matt answered that he believes UDOT has some funding for railroad crossing projects, and they selected this crossing in Uintah as a site they felt needed improvements. He said no explanation was given to him why UDOT chose this particular site. He said that UDOT does receive funding for various types of transportations programs that don't have to be spent on state roads.
- Tim Petty displayed a map showing the rail road crossings. The map and proposed plan were studied by the Commissioners.
 - Matt explained that, in these plans, there is no room for a queue on 1500 E, and the queue would have to be located on 6600 S. This could impact traffic flow on 6600 S. significantly, especially if there were a long train.
 - Tim said he doesn't know where the money would come from for the installation of a frontage road.
 - Jeff said a year ago the City offered to help pay to put a frontage road in. He said the bid was around \$150,000. He stated that it will cost over \$350,000 to complete this proposed crossing upgrade.
- Todd asked if there had ever been any accidents at this crossing.
 - Jeff Holden responded that earlier this year, a horse trailer high-centered on the tracks, but they were able to remove it before anything happened. That is the only incident he's aware of.
- Tim Petty asked why UDOT would be doing a project like this without getting prior consent from the City. He thought the City should have a say in whether or not this happens.
 - Jeff Holden responded that he wasn't involved in any of UDOT's planning meetings regarding this issue. He was notified of one, but when he went to it, it had been rescheduled, no one had informed him and he missed it. He doesn't know why they haven't included the City. He said that as soon as he heard about these plans he'd tried to contact the railroad to get more information about it and he has gotten no response.
 - Scott said that he felt that the railroad was going to do what they want to do on their own property whether the City agrees or not.
- The Commissioners agreed that it would be nice to get some background information on why this crossing had been chosen and possibly give the City's input on the project. They suggested that the City Council Member over the railroad try to contact them and pursue these questions.
- Tim said at this point he doesn't know what the Planning Commission could or should do; it sounds like it is out of their hands. He said that there was no decision to be made at this time, but this is something the Commissioners should keep on their mind. He explained if nothing else, it will at least give them an idea of things to incorporate next time they update the City's General Plan.

4. Review/Action on Conditional Use Permit #2017-202 for Utah Storm Volleyball Club; Lisa Best located at 6663 Buena Vista Dr., Uintah. **(recording: 00:15:00)*

Presenter: Lesa Best

- Lesa Best was in attendance at the meeting.
- Tim explained that since this CUP was issued, the CUP ordinance has been updated, which in turn makes this CUP no longer necessary.
 - The other Commissioners were in agreeance.
- Tim asked Lesa to summarize what her home is used for in regards to this CUP.
 - Lesa responded that she stores equipment, paperwork, and once in a while the team members are dropped at her front yard to load into a van that takes them to

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a different location and team member's cars are not left at her property.
Everything else is done off-site.

- Lesa said that she would be fine with closing this CUP. She also reported that the team did very well this year. She stated that she would like to thank the City for all the support their team had received from the City and the community.
- Glen Woolsey motioned to close Conditional Use Permit #2017-202 for Utah Storm Volleyball Club because it is no longer required.
- Seconded by Robert Guillier.
- All in favor, motion passes.

5. Review/Action on Conditional Use Permit #2005-024 for Roper's Auto Body; Randall & Marilyn Roper located at 6668 S 1650 E, Uintah. *(recording: 00:16:47)*

Presenter: Randall & Marilyn Roper

- Randall and Marilyn Roper were not in attendance. Neither the Commissioners, nor the Planning Commission Secretary had heard from the applicants.
- Tim recommended tabling the item to give the Commission time to contact the Roper's and ask if they would like to be in attendance when this CUP is reviewed.
- Scott Dixon motioned to table the review for Conditional Use Permit #2005-024 for Roper's Auto Body, until the next meeting.
- Seconded by Glen Woolsey.
- All in favor, motion passes.

6. Discussion/Action on Site Plan Review for William Picard; Home, outbuildings, and flag pole located at 6658 S 2275 E, Uintah. *(recording: 00:17:50)*

Presenter: William Picard

- Tim explained that he had contacted some of the neighbors, and that they would be given time to comment on this item if they desired to. Neighbors Paxie Holmes and Mitzi Holmes were in attendance.
 - Paxie stated that she was unsure of the details on the proposed plans, and said that they wanted to withhold their comments until they heard further explanation.
- Tim displayed the Preliminary Site Plan and summarized the request as a 30x60' flag on a 80' pole. He said that the Planning Commission originally reviewed this item two months ago, and had been spending time since then visiting and researching similar sized flag poles to gain a better perspective. He said the Commission had concerns about how this would affect the neighboring properties, and what kind of precedence this might set. He specifically listed the following concerns:
 - Lighting
 - Sound
 - Wind
 - Set-backs
- The Commissioners discussed the flags they'd visited since the last time they reviewed this item. Scott showed a picture of the flag pole at Macey's in Ogden for a visual reference.
- Tim explained that while the Commissioners are all patriotic and have respect for the flag, they also have to be sensitive to the issues that something this large may cause. Tim stated that he really felt like a 80' pole is just too large for a residential zone. He said that if the Commissioners agreed with him, then they would now need to decide on the appropriate maximum height for a flag pole in a residential zone. They would then need to determine if that size is covered in an existing City ordinance, or Conditional Use Permit, or if a new ordinance regarding flag poles needs to be drafted. He explained that nothing in the City code specifically lists dimensions or restrictions for flag poles.
 - Scott suggested starting with the sign ordinance to see if it would apply to a flag pole.

- Tim responded that the sign ordinance is the closest thing we have to addressing flag poles, but that it doesn't apply to flag poles specifically. He stated that if flag poles were held to the current sign ordinance regulations, any flag pole on residential property in the City would be in violation of the sign ordinance.
- Tim explained there needs to be a minimum offset. He said he would use the offsets already dictated by the City for accessory buildings. He said right now, 35' is the maximum height allowed for a structure in a residential zone.
- Tim presented a diagram and said something he'd considered is putting the restriction of the maximum height of 35' until it reached the required setback, then from that point it could grow so that it is always set back at least as much as it is tall.
 - Scott questioned if this diagram is allowing something taller than the 35' maximum height allowed in residential zones
 - Tim responded yes, but only at a 1:1 ratio so it would be set back as much as it is tall.
 - William Picard asked if this meant it could be taller than 35', but a Conditional Use Permit would be required.
 - Tim responded that is probably how they would have to set it up.
 - Jeff Holden said that anything that big would be considered a structure, and then a fire hydrant becomes an issue.
 - Tim asked what rules makes it a structure. Jeff responded that he is unsure. He said that Chief Sacco had to leave the meeting and asked Jeff to mention that for him.
- Tim expressed concern about not wanting to set precedence with this. He suggested not allowing anything that the Commissioners wouldn't be comfortable with in any other residential area of the City.
- Paxie Holmes approached the Commission and said she has the same concerns as the Planning Commission. She explained that her bedroom window is 30 feet high. She said she is concerned about the flag being right outside her bedroom window. She expressed concern about the noise from the chain and the flapping in the wind. She also said that every other flag she knows of that is so large is located on commercial property. She said they have no problem with the American Flag, it's the lighting, the height, and the noise they are concerned about.
- Mitzi Holmes explained that they too are patriotic and weren't sure if they should comment at this meeting, but after much thought they decided they should. She told the Commission that she has a child with Autism and it is hard to get him to bed. She expressed concerns about the noise and the light making it even harder for him. She also stated that the winds are extremely strong in that area,
- Tim said the first decision to make is whether the Commission wants to consider flag poles as a structure, which would make them subject to the 35 foot structure height maximum; or would they would like to add something to the city code that specifically addresses flags and allows them to be higher.
 - Tim said that he doesn't think they need to allow anything over 35'
 - Todd said that a flag in an accessory, and resident's quiet and sanctity of home life should take precedence before an accessory.
 - Scott said that he'd be more willing to consider something like this in the center of some acreage, not right next to neighboring residential houses.
 - Scott stated that he is comfortable with considering it a structure and only allowing the 35', then if someone wants higher than that, they would have to apply for a variance with the City. Then decisions could be made on a case by case basis due to the specific properties of each lot.
- Robert asked if they could locate the flag pole somewhere else on the property further away from neighbor's homes.
 - Tim said that he thinks they need to decide if it is considered a structure first before they can start into details like that.

- Scott and Glen pointed out that the chain is internal and is not supposed to make any noise.
- Mr. Picard asked if that means a 35' high is already allowed.
 - The Commissioners confirmed that that was correct.
 - Robert clarified that if he would like to put up a 35' or lower flag pole right now, it is already allowed and Mr. Picard would not need to apply for anything more from the Planning Commission, he would just need a building permit from the City.
- Paxie Holmes commented that at 35' it would sit right outside her bedroom window.
 - Tim said according to the submitted plans, it would sit at least at a 90' offset. He also stated that they are not about to ban people from having flag poles on their property.
 - There was some additional discussion about possibly relocating the location of the flag.
 - Mr. Picard commented that he never knew it would be such a hassle to put up a flag in Uintah City.
 - Todd stated that flags can be quite noisy and disruptive to neighbors.
 - Robert responded that they needed to be careful being too restrictive, and they have to consider all of the flags that already exist on residential properties in the City.
- The Commissioners decided to consider flag poles as structures, which allows them to be at a maximum height of 35'. They decided not to write a new ordinance or allow a taller flag with a variance.
- No changes were made, no motions were made; no vote was needed.

7. Discussion on short term rentals in Uintah City. *(recording: 00:42:09)

Presenter: Tim Petty

- Tim explained that he received a question via e-mail requesting information about short term rentals in Uintah. He read the following email to the Commissioners:
 - Hello, I am looking into investment properties in this area and want to make sure I don't buy something that isn't legally zoned for short term renting. I was on your website trying to find the specific details on the restrictions (if any) regarding short term rentals in Uintah. I have some specific questions and was hoping you could either answer them for me or forward this to the person there who can.
 1. Do you allow property owners to rent their home out as a short term rental which is less than 30 days, basically entire homes and not rooms that can be rented on a nightly basis on Airbnb? If you only allow Bed and Breakfast, I'm looking for something that's not owner occupied or I can hire someone to manage it and be able to rent it out on Airbnb
 2. If yes, is there a minimum night requirement?
 3. Do I need to apply for a business license in order to do this and if so what is the link to where I can find this application?
 4. Are there any current proposals or plans in place to vote on new restrictions for short term rentals? If so, can you tell me about what is going on?
 5. Does the info above pertain to all of the zip codes or only some? If not all, which ones are excluded?
 6. Can you kindly attached a zoning map for reference?
 7. How do I handle the bed tax situation?
 8. Who is the correct person to contact going forward if I have any other questions (phone number and email would be great).

Thank you for your time and I look forward to your feedback. Kindest Regards,
Marnelie Ann
- Robert expressed excitement for the Commission to be asked about such a modern day issue.

- Todd explained that he has used Airbnb rentals before, and the properties are always very well kept, and he feels they actually bring value to neighborhoods. He said he does not feel they are a bad thing.
- Scott said he doesn't think this has been addressed before in Uintah City, and it would be good to look at what neighboring communities have done regarding these issues.
 - Tim said that he had looked into some other cities rules on this and it was a completely mixed bag from high restrictions, to nothing, to totally welcoming it.
- Tim explained that he thinks the Commission should consider the following options:
 - What in the current ordinances already addresses this?
 - It would be a business located in a residential zone, which is not permitted; therefore it would at the very least need a conditional use permit
 - Robert agreed with the need for a conditional use permit and said that it would give them the ability to be aware of what is happening, without having to totally restrict short term rentals.
 - Tim said there is a downside to conditional use permits, in that people may compare conditions on different properties and those conditions may not always be consistent.
 - Scott said he thinks it is best to consider it a commercial business in a residential zone and require a conditional use permit.
 - Michelle Roberts commented that vacationers not from the area would not know that the City is on septic systems. She and Tim agreed that it would need to be addressed in the CUP conditions that landlords will be need to be required to inform renters that there is a septic system and how to properly care for it.
 - Do they want to create a new ordinance that addresses short term rentals specifically?
 - Tim said that he doesn't feel an entire new ordinance is necessary.
 - Scott stated that in the future, especially if requests for short term rentals become more abundant, an ordinance may need to be drafted. He said in that case he would recommend regulating/restricting short term rentals because he feels the Planning Commission's job is to preserve the quiet enjoyment of the residential community. He feels that businesses should grow and flourish in the appropriately zoned commercial zones.
- Robert stated that he wanted the Commission to be careful to not let the minority make decisions for the majority of the citizens. He explained that it's a nice idea to keep the city small and quiet, but they need to be listening to what the majority of citizen's are requesting.
- Glen explained while a short term rental is not something he would be interested in doing with his property, he would be alright with allowing people who wanted to have them to do so.
- The Commissioners decided that if someone comes in wanting to run short term rentals out of their home in a residential zone, the City will have them apply for a conditional use permit which will then be reviewed by the Planning Commission.

8. Commissioner's Responsibility Reports and follow-up from previous meeting. *(recording: 00:55:00)

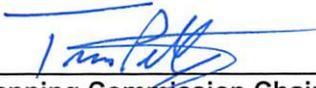
- Business Licenses - Crystal Western
 - Crystal reported that a business license had been issued for "Tuxedo Yard Care", a landscaping and yard care business. This business is located in Pitcher's new warehouse commercial development.
 - There was some discussion about the businesses going into the Uintah Springs Business Park
- CUPs – Robert Guiller
 - None

- Commercial Building – Scott Dixon
 - None
- Training – Glen Woolsey
 - None
- Nuisance – Todd Burton
 - None
- Other – Tim Petty
 - Tim explained that there is a transportation meeting on 08/29/2018 at 9am at the City Hall. Scott asked what it would be regarding. Tim explained it would focus on planning out the future possible roads in Uintah City and what should be incorporated in the next update to the General Plan. Robert said that he would attend the meeting to represent the Planning Commission.

9. Meeting adjourned. *(recording: 01:04:55)

- Scott Dixon made a motion to adjourn the Planning Commission meeting for August 28, 2018.
- Seconded by Glen Woolsey.
- All in favor, motion passed.

APPROVED by the Planning Commission this 25 day of September, 2018.



Planning Commission Chair