

Planning Commission Chair:
Commissioners:

Robert Guiller
Jon Arends
Scott Dixon
Glen Woolsey
Brent Stuart
Cheryl White
Dave Boothe

Secretary:
City Council Representative:

UINTAH CITY
PLANNING COMMISSION
WORK SESSION
Tuesday, October 22, 2019
6:00 PM



2191 East 6550 South – Uintah, Utah 84405

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MEETING MINUTES

Meeting Called to Order: Robert Guiller

Roll Call: Glen Woolsey, Brent Stuart, Robert Guiller, Jon Arends, Scott Dixon

Declaration of Conflicts of Interest: Commission members are required by law to file a public disclosure statement with the secretary. The statement lists businesses and investments that could create a conflict of interest with the duties of the commissioner. When an item on the agenda is in conflict, the commissioner must publicly disclose that interest. Robert asked the commissioners if they had any conflicts of interest with tonight's agenda; Brent claimed a conflict with short-term rentals.

Attendees: Brett Parke, Michelle Roberts, Marc Sacco, Debra Wickizer, Dave Boothe, Daniel Combe, Cheryl White

Agenda Items:

- **Training on short-term rentals with Matt Wilson** (recording 00:01:00)
 - Matt started by giving a "short answer" regarding short-term rentals. He said that the Utah State legislature passed a bill that prevents cities from banning short-term rentals. However, they can be regulated. You can regulate which zones they are in. You can also regulate them by requiring a CUP.
 - Robert said the law seemed contradictory because it says we must allow them but can have ordinances to stop them also. Matt reiterated that while we can't prohibit them, but we can regulate them. We can require a business license and CUP, but we cannot penalize them if they advertise without going through that process. He did point out, though, that every business must adhere to city ordinances, and if they are in violation, we can intervene. The trick with short-term rentals is that we can't use the website advertisement as evidence. We must be able to prove they have violated the ordinance in a different way. Matt then went on to answer some of our questions.
 - Matt said we cannot prohibit short-term rentals in residential zones. He said that the intent of the law is to allow them, and the state has taken that option away from cities. Brent brought up that many subdivisions already have HOAs or CCNRs in place, and residents could prevent them that way. He specifically brought up that new subdivisions are in a position to put restrictions in place.
 - Matt explained the process of grandfathering in businesses. If our ordinance requires compliance to renew a business license/CUP, a business can't renew until they are in compliance. However, they don't need to comply until they are up for renewal. If we decide to regulate a business that we haven't regulated in the past, we could give them a time limit for complying with the new ordinance. Jon suggested that we place reviews on short-term rentals at 90 days so we could iron out the problems as we go.
 - Brent brought up the fact that there are different types of short-term rentals and wondered if we could prohibit certain types. For instance, can we allow rentals where owners live onsite, but prohibit those where owners don't? He was told that it comes down to how we define short-term rentals in our code. The state defines it as 30 days or less. We can define it differently if we choose, and include the actual owner of the residence being present as part of the definition. In short, we cannot prohibit an owner

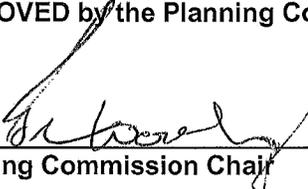
from renting, but we can require them to be consistently available in case there are issues. We can also revoke the business license/CUP if they don't comply. Wording should also state that the owner of the property is responsible for anything that happens on their property, whether or not they are present.

- Marc Sacco asked if we could require a fire inspection and not issue a business license/CUP until the inspection was completed. He was told yes. Jon pointed out the packet they received actually had an example of a fire safety checklist that would be appropriate.
 - Jon read from an example of another city's code that stated "there cannot be 2 short-term rentals in the same linear block". Matt said he didn't think that requirement fell in line with state code and we could face issues by adding something similar. He was then asked, "How we stop the whole community from becoming short-term rentals?". Can we limit them to a certain percentage of the overall population? Matt said his gut reaction is no, but he would like to look into it more before he gives a definitive answer.
 - Matt was asked if we could require short-term rentals to go through the same process required for any other business. He said yes.
 - Matt went on to address penalties for non-compliance. He said that's the main issue. We cannot penalize anyone for advertising their rental, even if they haven't gone through the business license/CUP process. However, we can act on a complaint if there is evidence that a rental happened. Matt said that a host admitting they have a rental is sufficient evidence for the city to act. Matt also pointed out that hosts are responsible for their guest's behavior, and their business license/CUP can be revoked if ordinances are violated. We just need to ensure we have the ordinances and penalties in place.
 - Robert asked, "How do we honor the wishes of citizens while allowing homeowner's their rights and complying with state law?" Matt's recommendation was to require a business license/CUP. Ultimately, the homeowner is responsible for anything that happens, so we can include anything that may be a nuisance in the requirements for a CUP and revoke the license if it's not complied with. It was also suggested that we require hosts to complete the Good Landlord program before renting.
 - Can the city be held liable if a tragedy happens at a short-term rental that we've issued a business license/CUP to? No, it is the homeowner's responsibility.
 - Glen asked what would prevent someone from buying a home with no intent to live there? At that point the home becomes a commercial property in a residential area and it is unregulated. He was told that there was nothing we can do to stop it, but we can regulate it as we've talked about before.
 - Jon asked if a property owner can switch from long-term to short-term rentals. He was told yes. There was discussion about needing to regulate both short- and long-term rentals through CUPs or some other way. Matt reiterated that while we can't penalize someone for advertising, we can penalize them for renting it if they aren't in compliance with all our ordinances. He suggested that the fine should increase for each offense; thereby discouraging them from doing it.
 - Marc pointed out that changing from short- to long-term rentals changes the occupancy regulations. He suggested that we should require a business license/CUP, fire inspection, etc, for both businesses.
 - Robert asked if going the business license/CUP route would be best for our city. He was told yes.
- **Discussion on short-term rentals** (recording 00:37:05)
 - Scott explained that he went home after the last discussion and asked "What can we do?" He realizes that many people have good experiences with short-term rentals; but is afraid that the industry will be economic driven. He feels it's the planning commission's responsibility to protect citizen's right to quiet enjoyment of the community, they also need to allow property owners their rights also. He said that, personally, he would like to go home and enjoy peace and quiet. He wants to know his neighbors and not worry that there are strangers in the community. He wants to know that home is a safe place; that is why he lives in Uintah. So how do we protect people's safety while protecting

everyone's interest. He has mixed feelings about how to do that without over-regulating. He also feels that the state is skirting the issue because they don't know what to do about it.

- Jon stated that he didn't want to have a lot of regulations in place, but felt the same mixed feelings. He pointed out that South Weber is developing a riverside community that will impact Uintah residents. He said it's possible for developers to buy land along the river to take advantage of the river activities that will be offered. He also has mixed feelings, and agrees that we go the business license/CUP route. He recommended coming up with a list like Ogden City has, that stated the expectations of guests in our community.
 - Brent explained the process for short-term rentals and stated that he was more concerned about long-term rentals. He questioned why we are only discussing short-term; we should have the same requirements for long-term.
 - Scott suggested that we use the Good Landlord program as a model for short-term rentals also.
 - Robert reiterated that the way to go is to require a business license/CUP. Jon agreed and suggested that we issue CUPs for 90 days until we know better what requirements are needed. He was told we would need to adopt an ordinance to do that.
 - Robert asked that the discussion be continued during the regular Planning Commission meeting.
- **Meeting Adjourned**
 - Brent made a motion to adjourn; Jon seconded the motion.
 - All in favor, motion passed.

APPROVED by the Planning Commission this 28 day of JANUARY, 2020.



Planning Commission Chair