

Planning Commission Chair: Robert Guiller
Planning Commission Vice-Chair: Glen Woolsey
Commissioners: Brett Parke
Scott Dixon
Brent Stuart
Secretary: Christie Blackner
City Council Representative: Dave Boothe

UINTAH CITY
PLANNING COMMISSION MEETING
Tuesday APRIL 27, 2021
7:00 PM



2191 East 6550 South – Uintah, Utah 84405

(801) 479-4130

Attendees: Brent Stuart, Glen Woolsey, Rob Guiller, Brett Parke, Scott Dixon, Mayor Cutler, Darinda Wallis, Dave Boothe, Debra Wickizer, WFD, Fire Marshal: Dave Reed .

Meeting Minutes

Meeting Called to Order by: Rob Guiller

Pledge of Allegiance: Scott Dixon

Roll Call: Brent Stuart, Glen Woolsey, Rob Guiller, Brett Parke, Scott Dixon.

Conflict of Interest : Brent Stuart mentioned a possible conflict with Gregory Stuart.

Agenda Items:

1. **Public Comment (2 minutes per person) None**

2. **Approval of the Planning Commission Meeting Minutes held: March 23, 2021**

- Brent Stuart motioned to approve Minutes from March 23rd, 2021
- Brett Parke Second motion
- Motion Carried

3. **Discussion/ Action: Weber Fire District – Fire Marshal Dave Reed discussion regarding Inspections for Long Term Rentals, Short Term Rentals and Cul-de-sac Length**

Presenter: Dave Reed

First: discussion is on Inspections for rentals. If you are going to turn your home into a rental you must have working smoke detectors that are within the age and also Carbon Monoxide detectors. The CO detector has to be working on every habitual level. It's preferred that they are combo units with the Smoke & CO Detectors and that they are inter-connected so that if one goes off, they all go off. The problem is that once they tell people that that is what is needed, they don't go back in and inspect on a long term rental. After 30 days it falls in under the Castle Doctrine. This limits their access to the home as Government Officials (that is the City and the Fire Department) to enter someone's home. In Utah it is very hard to do after they take ownership of the home. If the city wants to have recommendation or a check sheet, that would be his advice to do. A smoke Detector is only good for 10 years and then it starts to go bad.. The batteries need to be replaced by the manufactures recommendation.

Once you have that bad exposure to CO, it becomes worse the next time. Chief Matthew, from Ogden Fire, felt that they needed to go down to the State and put it into law because it was killing people. Dave felt that sometimes an explanation is nice so that if you receive push back you can fire back with how it came about.

Dave explained that older homes that have had someone living in them fall under the Castle Doctrine. Dave stated that Castle Doctrine is not an Ordinance but a State Law. Brent stated the question is not what the requirements are but whether we can have an inspection on a long term rental. Our Ordinance say: "Obtain an inspection from the Fire Marshal on Long and Short Term Rentals with fire safety provisions and occupancy requirements". That is our city Ordinance adopted by this Planning Commission, forwarded on to the City Council and the City Council has adopted that. Brent stated Short Term Rental is 30 days or less and Long Term is 30 days or more. Dave stated that he would have to go the Fire District's legal counsel and we would have to go ours because as far as he knows, no city in the State of Utah requires that for Long Term. Short Term is a different game; that is considered Transient Living. Brent stated that Dave had just told us that there were problems with rentals and that is why we adopted this Ordinance. We want to be concerned and make sure rentals are safe. So the question is, can we not say that is our ordinance? Dave clarified "that you can do reoccurring rental inspections in Long Term Rentals"? Brent stated that we don't say reoccurring; we say "If you have a rental, you get a Fire Inspection one time". I don't think we say yearly or every 5 years but you have to have a Fire Marshal Inspection when it becomes a rental. We have not been specific either way. We require a business license for Long Term and Short Term. The question is; are we violating a State Law by requiring that? Dave stated that he would have to get Legal Involved to educate him. He stated that you live in your home and I can't go in. I can ask: for example: Mr. Stuart is you would like, I can go in and inspect your smoke detectors. Brent agreed but stated that when someone decides to turn their home into a rental, we don't know what condition the home is in.

We as a Planning Commission have sent out letters regarding this and that they now need to comply with the new ordinance and have a Conditional Use Permit and a Business License. Darinda stepped to the mike and stated that the Home Owners will not have to have a yearly inspection. They have to renew their Business license every year but they don't have re-new their conditional use permit. Every year when we send them the Business License renewal, we send them the self-questionnaire list with regard to the safety and fire. That kind of reminds them that they need to be on the up and up. If they can do that, will that satisfy your requirements of what is needed? On the conditional use, when they come in to get a new business license, it triggers these things to happen.

Dave stated that he didn't know of another city that does this. That does not mean that it is wrong. Dave stated that if we came up with something that we want done, he will do it. That is the bottom line as long as we keep it legal and above board, he said, I'm all in with you guys. Rob stated that our heart is really about making this as safe as possible. When it comes to this level, he works for us. Dave stated that part of his condition on an inspection is that the Building Official accompanies Dave on an inspection to state whether or not the building is safe.

Scott Dixon asked if the same person that would come and stay in a Short Term rental is the same kind of a person who would go across the street and stay at the Best Western. Scott asked how often does the Fire District inspect the Best Western? Dave stated annually. Scott stated that to the person that is coming in for out of town or out of state to stay in a short Term rental, they are thinking both are safe. We'd like to think that they are both safe but certainly we have the added protection when you go into a Hotel and check it. Dave stated that Scott was absolutely right. Right now the State Fire Marshall is fighting the Air BNB's. He stated that he wasn't saying this because he knows that there are good clean rental out there but people building homes and they are saying that they are going turn them into an Air BnB. They build a home to be an Short term rental and it doesn't have to meet fire code.

So if there is a fire in a Best Western, none, because the sprinklers go off and the fire is put out. Now if you have an Air BnB and you have a drunken party up in the valley and that house catches on fire, you can lose a lot of people because they are still transient living. Scott stated that unfortunately loss of life is what it takes to change things. What can we do to attempt to be safe? A questionnaire is at least acknowledging that we know of this. Dave stated that at the county level, and a few other cities are adopting this as well, that in an Air BnB, you have to keep occupants at 10 or less. Over 10 occupants, it has to have a suppression system..

Brent asked Dave if he thought that Short Term Rentals should have a yearly inspection just like the Best Western. Dave stated that one of his jobs is to keep Uintah City off of Fox news. He stated that if something happens and we are asked why did this happen? We have to answer because we allowed it. So if Uintah City decides that we want an annual inspection, then we will do it. It would give peace of mind know that everything is safe and the Owner can advertise that he passed a yearly Fire Marshall inspection. Scott Dixon stated that he felt there were other things that get taken care of beyond the Fire Inspection. In an Inspection, it's going to be cleaned up and it is going to be in a presentable order. Frankly he stated, he likes the idea. Scott stated that when people move into our area from another area, they want to know that the home that they are renting is safe and if that is our means of going one level above and being more safe then so be it. Rob stated that if something happens and the Mayor does have to go on the news, if they ask was there a Fire Inspection? He can answer absolutely, every year.

Rob asked Dave to please walk us through the Cul-de-sac. Dave stated that remember, that if you ever have a question or need to run something by him, just call him. It does not have to be in a meeting. Dave said that he had just looked at a new subdivision, and somebody said that we had just changed the Cul-de-sac requirements. He said that he didn't even remember what the length was. Scott Dixon stated that we were advised by the Chief Saco that Fire Code was 96 ft. so when we did our study of cul-de-sac lengths, we decided that the fire code allows 30 homes. The 100 feet only pertains to the diameter at the end of the cul-de-sac, which is where the fire department would turn around. Dave stated fire code was 96 feet and that he wouldn't argue with that length. Dave said keep the 100 feet, he loves it! Rob thanked Dave for his expertise. That it is our hearts desire, is to do what is best for Uintah.

4. Discussion/ Action: CUP 2011-0150 Kent's Repair Kent Williams at 6600 S HWY 89

***There have been no complaints regarding this business.**

Presenter: Kent Williams

- Brent Stuart motioned for us to table until Mr. Williams can be here to answer questions.
- Brett Parke Second
- Motion Carried

5. Discussion/Action: CUP 2021-011 Gregory Stuart 2122 E 6550 S

***There have been no complaints regarding this business.**

Presenter Greg Stuart

- Glen Woolsey motioned tabling this item until the form is filled out correctly
- Brett Parke Second
- Motion Carried

6. Discussion/Action: CUP 2021-012 4-D Enterprises Dan Cameron at 1688 E 6750 S

***There have been no complaints regarding this business.**

Presenter: Dan Cameron

- Brent Stuart motioned to approve this CUP on the condition that all trailers stay in the driveway and a 1 year review.
- Brett Parke Second

- Motion Carried

7. Discussion/Action: Variance for a 6 foot fence. (Revisit from Oct 2020 Planning Commission)

Presenter: Roger Nichols

- Brent Stuart motioned to table until we know where the property boundary is.
- Brett Parke Second
- Motion Carried

8. Commissioner's Responsibility Reports and follow-up from previous meeting.

- New Business Licenses – Christie Blackner
- CUPs – Brent Stuart
- Commercial Building – Scott Dixon
- Training – Glen Woolsey
- Nuisance – Brett Parke
- Other – Robert Guiller

9. Meeting adjourned.

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APPROVED by the Planning Commission this 9 day of June, 2021.



Planning Commission Chair