

Planning Commission Chair:
Commissioners:

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

Secretary:
City Council Representative:

UINTAH CITY
PLANNING COMMISSION MEETING
Tuesday, September 24, 2019
7:00 PM



2191 East 6550 South – Uintah, Utah 84405

(801) 479-4130 Fax: (801)476-7269

Meeting Minutes

Meeting Called to Order by Robert Guillier at 7:00 pm

Pledge of Allegiance led by Daniel Combe

Roll Call: Present – Glen Woolsey, Brent Stuart, Robert Guillier, Daniel Combe, Jon Arends, Scott Dixon

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. Robert asked the commissioners if they had any conflicts of interest with tonight's agenda; Robert claimed a conflict with item #4.

Attendees: Cheryl White, Grady Forte, Sharlene Forte, Gordon Cutler, Marc Sacco, Abby Stuart, Brett Parke, Lori Woolsey, Linda Knight, Mike Knight, Wendy Kendell, Camille Chapman, Joshua Chapman, Kristi Bell, Andrea Stuart, Brett Kennedy

Agenda Items:

1. Public Comment (2 minutes per person). (recording 00:01:35)

- **Marc Sacco** – addressed the possible need for a fire inspection for short-term rentals. He stated that if the public is invited into a place of business (and he assumed that was what these were), they are required to have an inspection. He wanted the commissioners to be aware of this.
- **Linda Knight** – wanted to share information about the Airbnb website. She said she understood that there are checks and balances built into the website for safety, but she still feels that they should be regulated. She stated that she has researched how other communities in our area have dealt with this and presented a copy of Ogden's guidelines as something the commissioners should look at while deciding their next step. She is still concerned that short-term rentals could potentially be close to bus stops where children gather unattended while it's still dark. This is something that needs to be addressed. She also pointed out that some people go through websites with checks and balances, while other could simply advertise on their own. She asked that the two scenarios be addressed separately since they present different problems.

2. Approval of minutes for the Planning Commission meeting held August 27, 2019 (recording 00:05:40)

Presenter: Robert Guillier

- Robert asked if the commissioners had a chance to look over the minutes from August 27, 2019 and if any corrections were needed. Brent said he didn't see any issues and motioned that both the minutes from the work

session and the meeting be approved. Daniel seconded the motion. All in favor, motion passed

Glen motioned to close the planning commission meeting and open the public hearing. Brent seconded the motion. All in favor, motion passed.

*******OPEN PUBLIC HEARING*******

7:05 P.M. OR AS SOON AS POSSIBLE THEREAFTER: OPEN PUBLIC HEARING TO DISCUSS SHORT-TERM RENTALS

Presenter: Robert Guillier (recording 00:07:00)

- **Robert** – stated that one of the great things about America is the entrepreneurial spirit of the citizens. He stated that we are here to protect that right along with the rights of the community. He suggested that the commissioners take notes on what is presented.
- **Abby Stuart** – stated that they operate an Airbnb over their garage. It is in a detached building. She said that she appreciates the opportunity to provide this service. She has enjoyed staying at Airbnb's often. She loves learning about new communities, meeting the hosts, and has had nothing but positive experiences as both host and renter. She said that she has specific house rules that are posted, so guests know before they apply what is expected. She always reads the reviews for those applying to stay and only accepts the ones she feels comfortable with. She cited a survey that stated that Airbnb users are satisfied or extremely satisfied 89% of the time and 91% of users would recommend it to friends. She feels it is a positive thing not only for users, but for our community as well. Robert asked who sets up the house rules. He was told that Airbnb gives guidelines, but she has also spoken with others and then set her own rules. Daniel asked if they tell people upfront whether they are allowed to smoke, drink, have parties, etc. He was told yes.
- **Camille Chapman** – started by explaining how easy the Airbnb platform is to use. She went on to say that she, also, sets her own house rules. They have learned as they go and now post their rules in several different places to ensure potential renters understand them. She has also implemented a more extensive screening policy. She says she does accept people with no existing reviews, but only after they have answered certain questions. For instance, they need to state their purpose for staying there and acknowledge that they have read and understand the rules. She said that she has been given 38 positive reviews. She went on to say that they don't take this responsibility lightly. Robert asked Camille to expand on the screening process. She said that the website doesn't do background checks; they do, however require a credit card and drivers license. She said that she looks for "red flags" before approving a guest. Someone without a profile picture or someone who refuses to answer their questions would be denied. Scott asked what percentage of people she

actually approves. She said she didn't know the percentage, but has only turned down 2 or 3 out of 40-50 applicants.

- **Joshua Chapman** – started by explaining that he has been a landlord for 15 years. This is his first experience with short-term rentals, but he finds that the screening process is much better. It is difficult to learn about long-term renters, but the Airbnb website allows each host to review each renter that stays with them. This allows hosts to better understand whether the potential renter meets their personal criteria. He then explained how a potential renter could use the website to find the accommodations that fit them. They can search by location, but also add things like the number of bedrooms, amenities, etc that they need. Daniel asked about quarterly reports and taxes. He was told that the company will send him a 1099 at the end of the year. The company also takes out and distributes the required transient room tax. Joshua stated that he did not have a state tax ID number.
- **Robert** asked if there were any other comments. There were none. Brent motioned that they close the public hearing and open the planning commission meeting. Glen seconded the motion. All in favor, motion passed.

*****CLOSE PUBLIC HEARING*****

3. Discussion/ Action on CUP 2019-211 for Wendy Kendell; PWR Enterprises located at 1784 E 6450 S (recording 00:30:45)

Presenter: Wendy Kendell

- **Wendy** – stated that she was there for her business PWR Enterprises. She said she has had the business for years, but recently moved and needed a new CUP. She employs 3 people and they clean homes that have fire damage. She uses her home as an office and to store supplies. Also, employees will meet her there and ride with her to a job. Glen asked if all the parking was contained on the property. He stated that at her last location they parked on the road, and that was against the stipulations of the CUP; they must park in the driveway or elsewhere on the property. Wendy stated that they made a parking strip about 125 feet long with a curb and also had parking around back. She felt this was enough to keep people from parking on the street. Brent explained that she needed a new CUP because they aren't transferable if you move. He felt she should be granted a new one based on the stipulations of the old one. He then made a motion to approve the CUP. Jon seconded. All in favor, motion passed
- Later in the meeting it was pointed out that no review date was set for this CUP. Brent motioned to amend his previous motion to include a 5 year review. Jon seconded the motion. All in favor, motion passed.

4. Discussion/ Action on CUP 2019-212 for Sharlene Forte; Wedding Rentals Are My Forte located at 2085 E 6650 S (recording 00:34:11)

Presenter: Grady Forte

- **Grady** – stated that he has been a resident of Uintah since 2006. He loves the community and finds himself with time on his hands since his retirement. Because of this, and his love for woodworking, he and his wife decided to run a business that rents wedding décor. The items will be stored in a detached garage on his property. He and his wife are the only employees. He said that his driveway will hold 6 cars and there's space for 2 more on the side, but he didn't think they would need that much. Scott asked if there might be instances where renters picked up items late at night. He was told that renters would arrange to pick up items on a Friday or Saturday and return them Monday morning, so there shouldn't be any inconvenience to the neighbors. He said that their hours for pick-up would not be later than 7 pm. Brent asked if this was a minor business; if they needed a business license and possibly a fire inspection. He was told yes. Brent made a motion to approve the CUP based on the conditions that they get the business license and inspection necessary. Scott asked about renewal time. It was stated that generally a new business has a review scheduled after one year to ensure that conditions have been met. Brent revised his motion to include the 1-year review. Daniel seconded. All in favor, motion passed.

5. Discussion/Action on CUP 2004-005 for Marion Stuart; an apartment located at 2125 E 6560 S (recording 00:44:15)

Presenter: Brent Stuart

- Brent explained that this house was sold to his brother. Since the CUP is not transferable, he motioned that it be tabled until we had the needed paperwork. Scott seconded. All in favor, motion passed.

6. Discussion/Action on CUP 2005-061 for Church of Jesus Christ of Latter-day Saints located at 6660 S 1775 E

Presenter: Brent Stuart

- Brent stated that he didn't understand why a church needed a CUP. He thought the ordinance should be amended to make it an acceptable use. Daniel said that it might have something to do with the fact that the building is used for other things besides church meetings. Brent made a motion to renew the CUP for another 5 years, but suggested that they think about changing the ordinance. Scott seconded. All in favor, motion passed.

7. Discussion/ Action on recommendations for short-term rentals in Uintah (recording 00:47:31)

- Robert reiterated the commissioners desire to protect the entrepreneurial spirit while at the same time maintaining the integrity of the community. He asked for the commissioners thoughts.

- Daniel wondered if the city could be held liable in any way if a tragedy occurred. If we don't require a business license or fire inspection; could that mean negligence on our part? Robert stated that we may need input from the fire chief on this. Daniel also felt that these rentals should be treated like any other business. If they are soliciting customers, they should have the same requirements that any other business has... require a business license, fire inspection, etc.
- Scott felt it might be good to have legal input as well. He was told that the city attorney was on call if they had any questions for him. It was stated that perhaps they should get their questions down on paper and invite the attorney to the next meeting. He also pointed out that this probably won't be solved in one meeting. He said that they need to respect the neighbor's rights for quiet enjoyment and they need to be comfortable with what is happening. He also cautioned about looking at all sides because what is done now will set a precedent.
- Brent pointed out that there are at least 3 different uses of short-term rentals. Some people rent a space separate from their home, some rent their whole home (and don't reside on site) and others simply rent a room in their home. He felt all these aspects needed to be addressed. He went on to point out that short-term rentals have existed since people started traveling. Websites simply cut out the middleman. He says he enjoys the community and saves money by using them. He pointed out the many of the concerns are "what ifs," and he feels totally comfortable with the system. He also stated that he disagrees with a statement in the newsletter saying there is a trend towards crime at Airbnb's. He wants to look at things like requiring the home to be occupied by the host and limiting the number of people who can stay at a time; but he doesn't think there is a trend toward crime.
- Jon stated that he moved here because Uintah is unique and conservative. He defined conservative as "limited government". He feels that simply cutting and pasting requirements isn't the answer. They need to look at probability, risk analysis, etc. In the end, he believes government should stay out of people's lives and only add to the ordinance if there is a trend that requires action.
- Glen stated that they were getting off track. He agreed that any ordinance should address what is allowed and put controls in place, and that is where the discussion should focus.
- Robert felt that over-regulating would take the fun out of it. He pointed out that there is a lot of fear connected with this topic, but there are strangers in our city every day. He then asked for a motion to discuss this in a work session.
- Jon motioned to table the discussion and proposed a work session for 6:00 on October 22, 2019. Glen seconded. All in favor, motion passed.

8. Discussion/Action to review and amend the general plan: transportation section (recording 01:14:40)

Presenter: Brett Parke

- Scott motioned that this item be tabled until they had more information. Jon seconded. All in favor, motion passed.

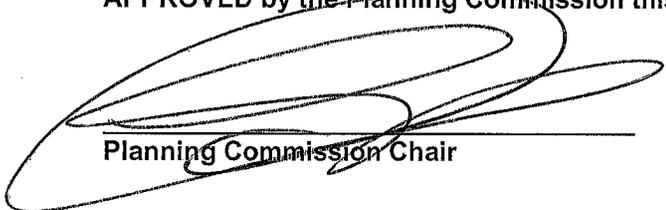
9. Commissioner's Responsibility reports and follow-up from previous meeting.

- **New Business Licenses – Cheryl White:** Starbucks is open
- **CUP's- Brent Stuart:** He will follow up with Jeff Monroe on drafting new ordinance from discussion last month
- **Commercial Building- Scott Dixon:** None
- **Training- Glen Woolsey:** None
- **Nuisance- Jon Arends:** Responded to a complaint about a kennel CUP. Went several times and didn't see anything in violation of conditions. There have been e-mails exchanged about the ATV problem, but it seems to have died down
- **Other- Robert Guiller:** None

10. Meeting Adjourned (recording 01:16:05)

- Scott made a motion to adjourn the meeting, Glen seconded. All in favor, motion passed.

APPROVED by the Planning Commission this 22 day of October, 2017



Planning Commission Chair