

Francis City Planning Commission Meeting

Thursday, October 17, 2024 6:00 pm

2317 South Spring Hollow Road, Francis, UT 84036

Comments may also be made by email to comments@francisutah.gov

This meeting will be streamed live on the Francis City YouTube channel:

<https://www.youtube.com/channel/UC-9wahpEELShvGQShXGIXg>

Planning Commissioners: Chair Justin Ciampi, Vice-Chair Rich Christiansen,
Kim Lawson, McKenna Marchant

Staff: Planner Katie Henneuse

Public: Colette Madsen, Nacia Franco

1. **Call Meeting to Order:** Chair Ciampi called meeting to order.

Justin Ciampi welcomed everyone to the meeting, the recorder was not in attendance.

Just a reminder about the short-term rental code conditional use permits are only with reasonable conditions that fall within the code. This commission does not have control over that.

Planner Henneuse reiterated that this commission is not determining if there should be short-term rentals in a residential area the code has already made a place for that. Short term rental code started a couple of years ago. There were some conditions put in place so that there is some control over it. Some people do not want to go through the process as it is complex. She applauds those that go through the process.

Mike and Kim Lincoln, the recent purchasers of 795 West Oak Lane, applied for a short-term rental Conditional Use Permit. They plan to spend several weeks in the summer and winter here but would like to rent it out on a short-term basis to friends and through listings on VRBO and Airbnb. *See attached notes for property and parking specifics.

Code Analysis (18.115.220)

By definition in the Francis Code, the party responsible is the owner(s), agent(s) or management company responsible for the operation and maintenance of the short-term rental property and for its compliance with all laws, rules, and regulations applicable to the same. The parties responsible are the Lincolns and their property manager. By applying for the conditional use permit, they agree to ensure compliance with the following noise and nuisance regulations, the Maintenance Standards (18.115.220 (5)), and all other code regulations. "The responsible party shall regulate the occupancy of the

short-term rental and ensure that: a. Occupants and their pets do not create noise or other conditions that by reason of time, nature, intensity or duration are out of character with noise and conditions customarily experienced in the surrounding neighborhood; b. Occupants do not disturb the peace of surrounding residents by engaging in outside recreational activities or other activities that adversely affect nearby properties before 7:00 a.m. or after 10:00 p.m.; c. Occupants and their pets do not interfere with the privacy of nearby residents or trespass onto nearby properties; d. Occupants do not engage in disorderly or illegal conduct, including illegal consumption of drugs or alcohol; and e. The premises, responsible party and all occupants comply with Utah Administrative Code Rule R392-502, Public Lodging Facility Sanitation. Per 18.115.220 (10), "On-street parking is prohibited. The number of occupants' vehicles shall not exceed the number of bedrooms available. Parking of vehicles shall be entirely within a garage or carport, or upon a driveway or other gravel or paved surface."

The conditional use permit and the associated business license may be revoked if complaints are received by the city and, after investigation, violations are found.

A public hearing is required for Conditional Use Permits and Short-term rentals. Adequate notice of the public hearing was given in accordance with the state and local law.

Planner Hennuse shared the public comments that were posted through city email. She also read the applicants letter as they were not able to attend this meeting. **see staff report packet*

Planner Henneuse explained that code enforcement is not able to enforce the properties that are operating without a permit by researching the rental websites but can only address them if a formal complaint is filed. Commission Marchant wanted it on record that if the public is against short term rentals to please make sure you file a complaint.

Time was opened for public comment.

A citizen, Collette Madsen asked what the process of revoking permits and is there a way to make sure that corporations are not allowed to come into the community but only let private owners have the short-term rentals? Planner Henneuse explained that they are not allowed to stop corporations from purchasing properties, but they can put limits and restrictions to avoid the things that would negatively affect the surrounding homes. Commissioner Lawson mentioned that the code requires that they reapply every year for the permit and if there were complaints filed against them the commission would not renew their permit. Commissioner Ciampi clarified that if they were in violation at any

time the permit could be revoked. Planner Henneuse explained the process when complaints are filed.

Planner Marchant asked if they could require short term rentals be owner occupied. Planner Henneuse mentioned that there are some but that we are not looking at the code at this meeting. Planner Henneuse said there has not been many complaints about them. Commissioner Marchant would like to add that condition to restrict corporations from coming into the community.

Commissioner Ciampi closed the public comment section.

Commissioner Marchant said that she does not love the idea of short-term rentals but with the conditions set forth by the code she suggests that the Conditional Use Permit be granted.

Commissioner Christiansen asked if they have a way to limit the amount of people can be in the home at any given time. Planner Henneuse said no perhaps the fire code may. He expressed concern about the noise, and traffic that comes along with these short term rentals. He also expressed that he feels like people make promises to get the permit and then never follow through with them. He wishes that the applicants were in attendance he would like to see that the time of the year listed be the only time that their permit is allowed. Commissioner Marchant wanted to table the discussion until the applicants are attendance Planner Henneuse said that she did not believe they could require them to be in attendance.

Commissioner Lawson talked about campground limitations and compared it to the short term rentals. She said that she has heard from neighbors how against them they are. She is also concerned about the fact that we do not have law enforcement to address issues. She lives across the street from another rental and is concerned about the traffic associated with them. She wants to wait to approve any until we have full time law enforcement in the area to address problems. Commissioner Ciampi said he didn't believe that they could do that. Commissioner Christiansen said that he read in state code that supreme court of Utah said that lacking critical infrastructure is a valid reason for denying a conditional use permit. Planner Henneuse did hear from the applicant who is watching the meeting. If he were here he would love to speak. He said he wants to be treated fairly and the code as listed would allow them. Planner Henneuse explained that the law as it is written needs to be followed. If we need to change our code that can be add

Commissioner Marchant made a motion to approve the conditional use permit with the conditions that are in the code. Commissioner Ciampi interjected and said that they needed to be thoughtful about adding conditions that are not enforceable. People need to be able to use their property in the way they want that is within the law. We should approve or not. He cannot think of another restriction that would change is. Commissioner Christiansen asked that they add

the restrictions of rental dates as a limit. Planner Henneuse agreed if they want to amend that later they can.

Chair Ciampi made a motion to approve the permit with the conditions outlined by Commissioner Christiansen that it be owner occupied during the time frame that the owner stated they would by there. Vice-Chair Christiansen seconded. Chair Ciampi and Vice Chair Christiansen voted for, Commissioner Marchant voted for and Commissioner Lawson voted against. Motion passed three to one.

Commissioner Marchant said she would like to be able to revisit this discussion and look at requiring the applicants attend the meeting. Chair Ciampi said that he would also like to ask the Mayor directly if it is something that they are interested in opening discussion. Planner Henneuse suggests that we ask if there is support from the City Council. Commissioner Marchant said that she feels that the code is where they get to make recommendations and it is important that they are on the same page.

Public Hearing Subdivision Code Text Amendment. (Title17)

Planner Henneuse reviewed the requirements for the ordinance updates. These laws require a new review of the process for approval of single-family town home development. This makes the item an administrative decision not a legislative decision so it will no longer fall into the scope of the City Council. The city must now expedite the process and have its process take no longer than 4 review cycles. They must have a written response within 30 days. Public hearings are discouraged because subdivision is administrative. The new law restricts the review of the subdivision improvement plan. In talking through other municipalities, they are doing most of the heavy lifting through the permitting process. They must provide a list of everything that is needed upfront. Francis has elected to follow the new subdivision process for all applications. Making the exception for public hearings and not requiring it for developments of less than four homes. The new code must be in place prior to December 31st. The annexation by separated boundary was updated and Washington irrigation asked for changes in their code. They also updated grammar and text. She said we can either approve or table for more discussion.

Chair Ciampi opened the meeting for public comment.

Collette Madsen with Washington Irrigation and Nacia Franco with Kamas Irrigation Company related with Francis Commons development they met with the project manager to address concerns from a citizen located near the area. They were told that there was no easement listed. She explained how important it is to protect the waterways. That is why they are asking for applications with every development to make sure that people can access their water. They are trying to make sure there are not big problems in the future. The law covering this is very vague. The cost of this should be on the developer not on the water company. Vice-Chair Christiansen asked if the code written as it protects their interest and Collette Madsen said no it does not. That

is why they are asking to be included in the process. Chair Ciampi read the addition. Asked what else needed to happen. Nacia said that they would like it to add into the code that when things change, they need to be updated. They are asking that those two boards be notified when there are changes or updates to the developments. They simply need things in writing. Engineer Scott explained that they need to coordinate and that is why this is written in the code.

Chair Ciampi thanked them for attending and their work on it. They also thanked the Commission for their time.

Public Comment was closed.

Commissioner Lawson is for passing it as written and finds no need to continue to talk about it. Chair Ciampi asked Planner Henneuse if there were any items that should be discussed further. She said the only thing was if the Planning Commission is ok to be included in the process. Planner Henneuse also was concerned about not taking public comments. Chair Ciampi said he thinks that they need to be open to listening to public comments so that they all have a good finger on the pulse of the community. Vice-Chair Christiansen asked where the content came from. Planner Henneuse explained that there was funding allowed by the state to hire professionals who write the code, this consisted of the City Attorney along with Planner Henneuse, and Engineer Scott Kettle.

At her conference Planner Henneuse said that there was discussion about how the other communities are managing these changes.

Commissioner Marchant asked some qualifying questions about design standards. Planner Henneuse explained those are included in the code in a different place. Commissioner Marchant says she thinks that they table it but Chair Ciampi said there is not much time as it has to be in place by December 31st. Engineer Kettle suggested that the items Commissioner Marchant mentioned are more changes to the subdivision code that can be done at another time, but let's pass this particular item now.

Chair Ciampi made a motion that they pass the staff revisions and give a positive recommendation to the City Counsel. Commissioner Marchant, with the agreement to revisit the design standards in January, will second the motion. All voted Aye. Motion passes unanimously.

Noise and Sound Disturbances (8.10) Code Text Amendment

Chair Ciampi read through it and all things were addressed and Chair Ciampi thought it was well done, and it is reasonable. Commissioner Marchant has no comments about it, neither did Vice-Chair Christiansen or Commissioner Lawson.

Vice Chair Christiansen made a motion to send it to the City Council with a positive recommendation. Commissioner Marchant seconded. Motion passed unanimously.

No minutes to be approved.

Staff Update: Planner Henneuse asked the Planning Commission to attend a meeting in November they are having the Property Rights Committee come to the City Council meeting in November, and they would like to have the Planning Commission attend they will be doing some training on Conditional Use Permits. November 14th.

Chair Ciampi made a motion to adjourn the meeting, Commissioner Lawson seconded it. Motion passed unanimously.

Meeting adjourned.