

WALLSBURG TOWN PLANNING COMMISSION MEETING

January 21, 2025 - 7 pm

1. Call to Order 7:11PM

- a. Roll Call: Lucille O'Driscoll, Alisha O'Driscoll, Spencer Foster (MAG), Travis Defibaugh, Tammy Graham

2. Consent Calendar: Be it hereby moved that the following consent calendar items stand approved:

- a. Agenda of the January 21, 2025 Planning Commission Meeting
- b. Minutes of the November 26, 2024 Planning Commission Meeting

Motion: Tammy Graham **Second:** Travis Defibaugh **Vote:** Unanimous

- c. Minutes of the January 2, 2025 Planning Commission Public Hearing

Motion: Tammy Graham **Second:** Travis Defibaugh **Vote:** Unanimous

3. Agenda Items:

a. Short Term Rentals and Accessory Dwelling Units – Information and Discussion Only

- i. Review and discuss draft ordinances for Short Term Rentals and Accessory Dwelling Units with Spencer Foster from Mountainland Association of Governments (MAG).

Spencer Foster (MAG) explained that he has put these ordinances together based on other small communities and what they would like to do. These are drafts and can be changed as needed to fit Wallsburg Town needs.

Short Term Rentals: Spencer Foster explained that the purpose of this ordinance for Short Term Rentals is to put regulations on Short Term Rentals, like Air BnB's that pop up. A lot of Towns want to regulate so that these take over. This ordinance says that they are not approved in residential areas, but would be allowed if Wallsburg were to get a hotel, motel, RV park, bed and breakfast- etc. Travis Defibaugh asked how the Town could combat if someone were to say "this isn't an Air BnB, it's a Bed and Breakfast". Spencer Foster commented that you could add definitions of each to clarify. Lucille O'Driscoll clarified that this ordinance would allow hotel, motel, RV park, bed and breakfast, etc. And Spencer Foster confirmed. Lucille O'Driscoll confirmed that Wallsburg Town is only zoned residential. Alisha O'Driscoll asked if this is meant for future planning, if Wallsburg were to get commercial zoning- then this would apply. Spencer Foster confirmed. Miscellaneous discussion about conditional use permits, where case by case could be considered. Based on this ordinance, you could set up a form or permit to allow Short Term Rentals. Travis Defibaugh commented that right now people are just hiding Air BnB's and not getting permits. Spencer Foster said that is why a lot of Towns just don't want to allow them because of the nuisance and the bandwidth of the Town to enforce. Lucille O'Driscoll commented that the Town doesn't have any of that right now. Spencer Foster commented that he created an Enforcement Guide based on Utah law to help with that. Lucille O'Driscoll thanked him and commented that we are already seeing issues with that right now, with not being able to enforce things. And if that is an issue now, it definitely will be in the future. Travis Defibaugh asked about why there are exemptions that leave the door open for hotels/motels, etc. Side talk about how that leaves the door open for people to do it the right way and for future growth to be managed and prepared for. It also gives the option for the Town to benefit from tax on those types. Spencer Foster can help with all of that as it comes, he has been helping multiple small communities with getting these in place. Spencer Foster went through the Short Term Rental ordinance and explained some of the things it covers, gathering data, enforcement of violations, public complaints, investigating restrictions, penalties for non compliance. If you find out someone is doing an Air BnB and they are restricted, you can call a code enforcement officer or a police officer to investigate and issue a citation or a violation notice that would give them time to correct it. Penalties include written citations and fines. It helps to have the penalties written down so they can't get away with it. Tammy Graham asked about the differences between and Air BnB and a Bed and Breakfast. Talked about staff, serving food, etc and not just property rental. Lucille O'Driscoll asked if there are any benefits to short term rentals. Spencer Foster commented that tourism, taxes, inviting people to Town that may want to live here. The Planning Commission all agreed that those are not goals or benefits of the Town at this time. Spencer explained that is why a lot of Towns are not wanting Air BnB's and why it's written that they aren't allowed. If you were to decide to allow them, you could add in that the Homeowner must be local or a certain distance to respond to nuisances or anything. The Planning Commission collectively agreed that allowing Short Term Rentals wouldn't be worth it to the Town. Travis Defibaugh commented that Short Term Rentals could take away from long term rentals of kids that grew up here that want to

get back. Lucille O'Driscoll commented that the sense of community it what makes this Town great and not having tourism and transient rooms. Spencer Foster commented that it's good to get this taken care of before they start popping up because it will be harder to get rid of them, like Summit County is facing. All Planning Commission members in attendance agreed. Lucille O'Driscoll commented that adding in conditional use permit process for the exempt items like hotels, motels, Air BnB, etc. Travis Defibaugh commented to add in that those exempted items would be subject to transient room taxes if they were to be enacted in the future.

Accessory Dwelling Units: Moving on to accessory dwelling units. Tammy Graham asked why you would allow one and not the other in regards to internal and external dwelling units. Spencer Foster explained that it takes more regulation and more involved to build or have external dwelling units. Tammy Graham asked if with internal dwelling units since they are sharing utilities why the State would require them to be allowed if the Health Department requires you to put in a new septic system to have additional living space. Alisha O'Driscoll commented that that wouldn't be on the Town, it would be on the property owner, if they want to have an internal accessory unit, they have to be willing to jump through the hoops to make it work with the county. Lucille O'Driscoll asked what the cons of an external dwelling unit would be. Spencer Foster said that overcrowding, unsightly, etc. Tammy Graham commented that someone living in an RV would be an external dwelling unit. Spencer Foster said it would be considered if they were paying rent and using the main dwellings utilities. Trevor Defibaugh commented that internal dwelling units benefit the Town, but not sure about the external dwelling units. Spencer Foster commented that is how it's written currently, to mirror state code. These ordinances can be amended if you decide in the future to allow external dwelling units. Miscellaneous side discussion about the pros/cons of external dwelling units and Utah State Code. Spencer Foster commented that as you go through these and come up with questions, these drafts can all be updated before they are adopted. Travis Defibaugh commented about adding a penalty for not disclosing and accessory dwelling unit. Spencer Foster commented that there wouldn't really be a benefit if you aren't inspecting and permitting or taxing them, if you don't want to have another thing to enforce.

Enforcement Guide: Spencer Foster quickly touched on the Enforcement Guide that he created. It goes through the step-by-step process of enforcing codes and making things happen when people don't do what they need to do. Discussion of appointing a code enforcement officer, creating a template for violations, penalties and fees to be listed in the notice. Establish Clear Ordinances and Penalties, Appoint a Code Enforcement Officer or Official, Issue Warnings and Notices, Administrative Citations and Fines, Partner with the County Health Department, Utilize Civil Penalties and Liens, Abatement and Cleanup Orders, Small Claims Court or Civil Action, Leverage the Sheriff's Office for Criminal Violations, Community Involvement and Voluntary Compliance.

The Planning Commission thanked Spencer Foster for his time and assistance with creating these ordinances and help to know what other small communities are doing and giving Wallsburg a great starting point.

4. Commission Member Reports (questions, general discussion, assignments)

Travis Defibaugh would like to work on AG Exemption in future discussions.

Alisha O'Driscoll commented that the Everson's will plan to meet with the Planning Commission in the next little bit to work on their building permit process.

5. Schedule Next Planning Commission Meeting

a. Schedule Next Meeting

Tuesday February 18th 2025, 7:00PM

b. Call for Agenda items for next Planning Commission Meeting

AG Exemption (Spencer Foster will look into this), Review Short Term Rentals and Accessory Dwelling Unit Ordinances to prepare for Public Hearing to recommend to the Town Council. Spencer Foster with MAG will come.

6. Adjourn

Motion: Tammy Graham
Time: 8:36PM

Second: Travis Defibaugh

Vote: Unanimous