

IN ATTENDANCE

Commissioners Present: Chairman Frank Young, Genevieve Baker, Michael Clay, Carl Clyde, Karen Ellingson, Michael Farrer and Brad Mertz

City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Chris Creer

CALL TO ORDER

Chairman Young called the meeting to order at 7:00 p.m.

DISCUSSION OF AGENDA

Chairman Young asked if there were any corrections to the agenda. There were no corrections to the agenda.

DISCUSSION OF MINUTES *August 27, 2019*

Chairman Young asked if there were any corrections to the minutes. There were no corrections to the minutes.

CONSENT AGENDA

No items

LEGISLATIVE SESSION

No items

ADMINISTRATIVE SESSION

1. Discussion regarding accessory dwelling units (discussion item only, no action will be taken.)

With nothing further to discuss, Commissioner Mertz moved to adjourn the briefing meeting. Commissioner Baker seconded the motion. The vote to adjourn the briefing meeting was unanimous.

Chairman Young adjourned the briefing meeting at 7:01 p.m.

IN ATTENDANCE

Commissioners Present: Chairman Frank Young, Genevieve Baker, Michael Clay, Carl Clyde, Karen Ellingson, Michael Farrer and Brad Mertz

City Staff: Josh Yost, Community Development Director
Laura Thompson, City Planner
Heather Bakker, Executive Assistant

City Council: Chris Creer

CALL TO ORDER

Chairman Young called the meeting to order at 7:01 p.m.

APPROVAL OF THE AGENDA

Commissioner Clyde moved to approve the agenda as written. Commissioner Farrer seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

August 27, 2019

Commissioner Farrer moved to approve the date of minutes here meeting minutes. Commissioner Clay seconded the motion. The vote to approve the meeting minutes was unanimous.

Commissioner Ellingson arrived at 7:02.

CONSENT AGENDA

No items

LEGISLATIVE SESSION:

No items

ADMINISTRATIVE SESSION

1. Discussion regarding accessory dwelling units (discussion item only, no action will be taken.)

Director Yost Presented. There are a large number of topics given to Community Development to address. We are moving forward on accessory dwelling units. Laura has done a lot of research on this topic. Director Yost asked the Commissioners how many have experience with this. Commissioners Young, Clyde, Clay, Mertz raised their hands.

Commissioner Baker pointed out that there are several in the Historic District.

Chairman Young asked if the appetite to enforce was stronger than in 2011.

Director Yost explained that accessory dwelling units can be attached, detached, in a basement or over a garage on a single family lot. They are created for a lot of reasons, including generating income, accommodating family members and social support. Benefits for owners include viability of aging, social support and space for returning family. Providing more people housing, which results in lower vehicle miles traveled. Also, when they are within the same unit, energy efficiency is created.

Commissioner Baker asked about tiny homes. Director Yost explained that accessory dwellings are placed on permanent foundations generally. Tiny homes are not on foundations.

Director Yost explained that the benefits to the City include an increase in the supply of affordable housing, smooth demographic transitions, better utilization of existing infrastructure.

Commissioner Baker asked if we doubled the size of the population with ADU's, could Springville accommodate that growth with the current infrastructure. Director Yost said he can't speak to that. It will have an impact on gross water supply and sewer services. The Foxridge project pushes us closer to making sewer improvements. One hundred and fifty units didn't require it. With the Allen's development, 300 West would have to be fixed.

Director Yost continued listing benefits ADU's provide to the city. ADU's increase our density, without impacting the character of the neighborhood. They widen the range of affordable housing options. For example, in the River Bottoms. where housing might be expensive, someone could live there in a basement or ADU opening a way for them to live in a nicer, more expensive neighborhood. They provide more citizens to utilize the city. Provide walkable areas.

Commissioner Baker asked if ADU's are currently allowed in Springville. Director Yost said that Plat A allows them with certain conditions.

Director Yost said the front set back 100 feet in Plat A. That makes it very limited as there are not many with that 100 foot setback. Lot standards, floor area (min, max) additional parking, attached, detached, owner occupied, designing to construction

standards. Seattle passed a law allowing all single family dwellings to have two accessory units and no owner occupant requirement or parking requirement. Enforcement of decision will also need to be addressed.

Chairman Young noted that there are many of these all over the city currently. They are everywhere, legal or not. We need to acknowledge them, can't get rid of them. He also doesn't want every street to look like a used car dealership.

Commissioner Baker expressed concern about creating a flag lot and not subdividing the lot. She doesn't feel like that is a good thing. In Plat A there are a few instances of homes being built on the same lot and too close together.

Commissioner Ellingson pointed out there will be implications on the Fire Department.

Commissioner Baker said that building a second home on their lot, is it getting around the protections of a flag lot. Director Yost explained there are considerations for detached units, setbacks, height, shorter than primary residence all things that can be looked at.

Commissioner Farrer asked why the Council chose not to act on proposed ordinance. He wasn't here in 2014.

Councilman Creer addressed the Commission and said that, at that time, two were new on the Council, and the City Council was against ADU because of parking and clutter. It wasn't wanted at the time by the council or those in attendance. While not wanting to speak for all the Council members, he said the feeling now is that they are for ADU's. There are so many around and there is a feeling to address the housing shortage. Senate Bill 34 is requiring the city to address the housing shortage. Now we are willing to test the waters and see how it works.

Commissioner Clyde pointed out that they exist in his neighborhood and someone from the City told one of his neighbors that ADU's were allowed in his neighborhood. Planner Thompson said no, they are not allowed in the R1-15 zone. Commissioner Clyde would want them allowed as long as the owner lives in the house

Commissioner Clyde commented that ADU's have a similar number of cars as families with teens. He doesn't see a lot of car issues. A lot of ADU's dwellers are students, they aren't there long term. He hasn't seen too many problems in my neighborhood.

Commissioner Baker pointed out ADU's are all over in Plat A and there are an excessive amount of cars. They even park diagonally which is illegal. Certain areas have a lot of cars parked on the road and that don't ever move. There is a fifty-foot frontage in Plat A. Reducing the lot frontage requirement is not a good idea because it needs to allow for them to park on the streets. When it is a fifty-foot frontage, they park in crazy ways. Two cars fit in front of her house. No place on her lot to widen her driveway. Other places where they have accessory apartments, and they aren't owner occupied, are in disrepair, subdivided into multiple apartments. It is a real issue if it's unchecked.

Commissioner Ellingson stated that these issues can become systemic with these concerns. If we are going to look into this, we need to have conversations with other cities and see what they have had success with.

Commissioner Baker said that enforcement should also be addressed and what the city is going to do if ADU's are allowed. Commissioner Ellingson pointed out that Code Enforcement Officer's hands are tied and there is only one officer currently.

Commissioner Clay asked how an ADU is different from a duplex. Director Yost explained that an ADU creates a smaller subsidiary unit, not equal units with the same amount of frontage. They have separated metering. He mentioned Seattle's ADU ordinance.

Commissioner Clay commented that he has seen instances where people have separated a duplex to make the top portion and the basement separate units with separate locking doors. We need to make it so the ADU ordinance is not zoning everything for duplexes. Property owners may ask what right does the city has to change my SFD zoned home. We don't want to send mixed messages. The way the ordinance is written will play a huge role in if the citizens will support it.

Director Yost used an example used in Provo to maintain the fact that it's a single family home.

Commissioner Clyde said that they will need egress windows and a door to get out and separate living areas.

Commissioner Clay suggested a vertical arrangement instead of a horizontal one.

Director Yost said this is an ownership issue. In Provo, they have six Code Enforcement Officers and ADU's are very difficult to enforce. Obtaining burden of proof is difficult. Determining if they are the person on the title. Therefore, relying fully on enforcement is difficult.

Commissioner Baker mentioned a size issue. Her house the basement is the same footprint as the upstairs. Director Yost explained that size requirements are employed when ADU's are detached. They are not seen as a second use in a main dwelling.

Director Yost described the initial licensing and inspection in Provo. They check that it meets minimum requirements for egress and that it meets ADA, handrails and GFCI requirements. They do not have an ongoing license. They are considering maintenance of a license to maintain the compliance.

Commissioner Clay asked what percentage of ADU's are legal in Provo. Director Yost said that half of them are licensed.

Commissioner Baker asked about existing ADU's and how you prove they were already in place before an ordinance is written.

Commissioner Clyde added that if they are illegal now, they should not be grandfathered.

Director Yost discussed the need for a building permit, second meter and separate addresses.

Planner Thompson was asked how many requests for approved accessory apartments are made currently. She gets one to two calls a month to verify.

Commissioner Clay is a fan of ADU's. But there is a lot of illegal behavior already. We will have to address keeping it reined in. He used the example of the speed limit. When people drive 45 mph in a 35 mph zone.

Commissioner Clay explained that the existing ones work well in my neighborhood. Tensions between neighbors is because some are allowed and others are not. He wondered if they were legal, would more people adopt the behavior.

Commissioner Baker brought up Air BNB's.

Commissioner Clay pointed out that we are distant from national parks and resorts. So wouldn't be such a problem. When he says negative things, it is cautionary. He's not opposed to the idea. We will need to have an understanding of how to make them better and aesthetically pleasing. In California, the people had to live in the back house to rent out the front house. There are positives to this idea.

Commissioner Baker likes the notion of accessory apartments and also likes the idea of licensing and continued licensing so that it's being looked at and reviewed on a regular basis.

Commissioner Clay reminded the Commissioners that Director Yost mentioned that in Provo, only half are licensed. Director Yost clarified that most of the illegal ones are where they are not permitted. Where they are legal they are getting licenses.

Director Yost said that Provo has put an incentive in place and they charge \$20 for a zoning verification letter.

Commissioner Baker asked if there are Air BNB ordinances in place in Springville. Director Yost replied that there aren't, but they will be coming.

Commissioner Baker asked if right now can an accessory apartment be rented as a separate address. Director Yost replied not legally. The whole house can be Air BNB, but the establishment of the second unit is what this ordinance would be addressing.

Planner Thompson commented that usually the realtor calls and gets the certificate of non-conformity. If there are issues, it is complaint driven. Our Code Enforcement Officer, which there is only one, sends letters and then sends to court if needed.

Director Yost clarified after this discussion, that the items needing to be addressed are parking, livability, safety, appearance, clutter and licensing.

Commissioner Baker is concerned about the de facto creation of flag lots. It would be like they have a flag lot. One lot divided into two, and if they have an accessory apt on

that lot, then they have two houses on one lot, increases housing density on the lot. Her concern is in Plat A. She doesn't want to increase the number of flag lots in this area. The Historic District has lots of deep lots. If they got filled with homes, it would change the character of the neighborhood.

Commissioner Mertz said that the owner could live in the smaller unit. Having it owner occupied is key.

Director Yost pointed out that the most concerning ADU's in his neighborhood are the owner-occupied homes. We would need to tailor the ordinance to make it a gift instead of a threat.

Commissioner Clay mentioned private property rights. Director Yost stated that there could be multiple public meetings or an article in City Source newsletter to keep the public involved. Commissioner Clay pointed out that any neighborhood in a zone that is being considered for ADU's should be invited to a meeting.

Commissioner Baker talked about an information gathering meeting where people broke into groups and discussed different concerns that they had. Flyers were sent to everyone. Many people came and they could continue to sign up for Ad Hoc committee, and further discussions. This approach helped the neighborhood to feel like they were heard. Getting the public involved helps them not be mad.

Commissioner Ellingson said that we would need to explain the reasons, the why and the how.

Commissioner Clay said that when government does things, it tends to make citizens mad. So educating them outside of this meeting is best.

Commissioner Farrer commented that the State legislation is not well known.

Chairman Young said that we look forward to future discussions on involving the public.

Commissioner Baker added that there is the good and bad of real-life applications.

Commissioner Clay offered that if this is not immediate, BYU students would like to help.

Commissioner Ellingson mentioned the new civic engagement minor could be used.

With nothing further to discuss, Commissioner Clay moved to adjourn the meeting. Commissioner Clyde seconded the motion.

Chairman Young adjourned the meeting at 7:56 p.m.