

IN ATTENDANCE

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

Commissioners Excused: 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

No minutes

CONSENT AGENDA

1. Approval of the Jonah Phillips Homestead Subdivision located at 208 S 200 W in the R1-5 Single-Family Residential Zone.
2. Plat Amendment and Site Plan Approval for Spring Haven Farms Lots 8 & 9 located at 2414 West 700 South in the HC-Highway Commercial Zone.

LEGISLATIVE SESSION

3. Recommendation regarding amendments to the Housing Element of the General Plan to be in accordance with SB 34
4. Recommendation regarding an amendment to Section 14-5-204 of Springville City Code concerning performance guarantee releases.

ADMINISTRATIVE SESSION

Discussion concerning short term rentals.

Chairman Young asked if any consent agenda items should be pulled off the consent agenda to be discussed further. The consensus was to leave them on consent.

Chairman Young then asked if there were questions for staff regarding any of the items.

Commissioner Ellingson asked about the public hearing items that were not included in the packet. Director Yost explained that #3 will be moved to an Administrative item and be discussed tonight. Item #4 we ask you to continue that to the next meeting, due to a noticing error. Both will be continued to the next meeting. Commissioner Baker clarified that item #3 is being moved to the Administrative Session because we are just discussing it. Director Yost said that is correct. Commissioner Clay said the adjustment will be made when we approve the agenda.

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

Chairman Young adjourned the meeting at 7:02 p.m.



MINUTES
Planning Commission
Regular Session
Tuesday, October 22, 2019

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CALL TO ORDER

Chairman Young called the meeting to order at 7:02 p.m.

APPROVAL OF THE AGENDA

Commissioner Clay moved to approve the agenda with the amendment that the two Legislative Session items which were noticed incorrectly are being moved to the Administrative Session. Commissioner Clyde seconded the motion. The vote to approve the agenda was unanimous.

APPROVAL OF THE MINUTES

No Minutes

CONSENT AGENDA

1. Approval of the Jonah Phillips Homestead Subdivision located at 208 S 200 W in the R1-5 Single-Family Residential Zone.
2. Plat Amendment and Site Plan Approval for Spring Haven Farms Lots 8 & 9 located at 2414 West 700 South in the HC-Highway Commercial Zone.

Commissioner Baker moved to approve the Consent Agenda. Commissioner Ellingson seconded the motion. The vote to approve the Consent Agenda was unanimous.

LEGISLATIVE SESSION:

1. Recommendation regarding amendments to the Housing Element of the General Plan to be in accordance with SB 34

Director Yost presented. SB34 was adopted in the previous legislative session in regards to moderate income housing. The legislature has told us that in our General Plan:

1. We need to correlate our transportation plan with our population and employment projections and local land use. They are saying to put correct land uses and transportation infrastructure together so they make sense so that we put the right land use with the right related transportation infrastructure. This mandate that requires that cities to address this shows the State is becoming more progressive in regards to planning policy.

2. Requires us to consider long-range regional plans like the MAG TransPlan50 that guides large scale regional improvements and active transportation: pedestrian, bicycle and other active transportation facilities.

3. Requires residential commercial development around major transit investment corridors and stations for communities that have them. We don't currently, but we will. We have planned and will continue to plan for that.

4. Adopt and report on moderate income housing plan annual in order to receive Transportation Improvement Plan funds (TIF) and Transportation Improvement funds for Transit (TTIF).

Commissioner Farrer asked if that is what is due on December 1. Director Yost said the obligation this year is to adopt 'the menu' choices of the bill into our plan. We don't have to adopt the updated transportation and land use sections at this time, just the Moderate Income Housing elements. Thereafter, we will be required every year to review and adopt and publish a Moderate Income Housing report documenting our progress in providing Moderate Income Housing in the different categories.

Facilitate a reasonable opportunity for a variety of housing including Moderate Income Housing and shall now

1. meet the needs of people of various income levels living, working, or desiring to live or work in the community (509);
2. "allow people with various incomes to benefit from and participate in all aspects of neighborhood and community life" (511);
3. towns may and cities shall analyze how they will provide a realistic opportunity for the development of MIH within 5 years for (513)

Shall include a recommendation to implement 3 or more of the following strategies, aka the 'menu' (518).

Cities that have a high transit investment corridor, which we will have, are required to adopt a fourth related to development around those facilities. This includes Springville.

We need to implement three or more of the list of strategies called the menu. And adopt a fourth related in their plan.

Director Yost presented the menu. The menu was developed by soliciting strategies and policies from cities and towns and then collating ideas to be chosen from. We will be selecting four of these to implement in our Moderate Income Housing plan.

Chairman Young asked if the requirement to adopt is tiered based on population. Director Yost explained the requirement to adopt these is 5,000 and not tiered by population. But any size municipality can choose from this list.

Director Yost continued. As administration, we've identified the ones we are already doing, and are most straightforward and make sense to adopt into our General Plan.

Five items being proposed:

A - rezone for densities necessary to assure the production of MIH

E - create or allow for, and reduce regulations related to, accessory dwelling units in residential zones. We permit a limited amount of ADU's and are looking to expand that potentially.

F - allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers. We have done that and allow that in most areas of the city and most intensively in the TC zone, next to the FrontRunner station.

G - encourage higher density or moderate income residential development near major transit investment corridors. G or H needed to be selected if we have a major transit corridor, so we selected G.

V- utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency. We have to do this anyway and anticipate doing more of this. Under the current Community Development Act at the State, we have to take 20% of the tax increment derived from redevelopment or Community Development areas and apply that to either donating to the Olene Walker Affordable Housing Fund or use it in our own communities to provide for or facilitate the production of Moderate Income Housing.

By our next meeting we need this adopted so we can take it to the Council on November 19 and get it adopted before December 1. Otherwise the Public Works Director and City Engineer will come after me for the State Transportation Funds.

Chairman Young asked if there are percentages in this housing number. For example, the Allen's block and if there are 100 units and two of them are Moderate Income Housing, is that what they are asking for. Director Yost said there is not a requirement for inclusionary housing, we are just measuring what we are providing. In the case of using the 20% portion of the tax increment, we could either put into Allen's block project or dedicate to the housing authority, or even parking can be paid for if they are dedicating a certain number of units equal to the money that we put into the project as long term Moderate Income Housing. We are currently running the numbers across the City. It looks as though we are in better shape than we thought we were, and we are

continuing to refine the numbers, checking data sources, so the numbers were not brought tonight so we can do some more checking on the math. We will bring back the revised plan with these five elements included and updated numbers of population will be brought to the next meeting.

Director Yost asked if you concur or have any comments on menu elements that were selected.

Chairman Young asked why are we choosing just five menu items. He asked if we are trying to do a minimum and we don't want to do more. Director Yost explained that we only have to do three. Doing more may increase our reporting burden and we would have to document our progress on each element that was adopted in our yearly reports. There are items listed that would require additional legislative action or we would need to be more politically sensitive to, like reducing impact fees. Which then affects the revenue of the department. Additional legislative action or politically sensitive. Reducing impact fees are difficult because it requires legislation. Deed restrictions and land trust are also more difficult to accomplish. We are trying to just exceed the requirement but not create an increase of reporting or legislative political burden on us in the future.

Commissioner Baker asked if there is anything that says we can't adopt more of these on our own. Director Yost answered no. Commissioner Baker said but any of these that we adopt as part of this, we are then required to report on. Director Yost said correct. Commissioner Baker said that just because we are doing the minimum, means we will only ever do the minimum. Director Yost said that it doesn't mean we can't have affordable housing strategies above and beyond our Moderate Income Housing element in the General Plan.

Commissioner Farrer asked for clarification on the concept Moderate Income Housing. He understands that it consists of what is the annual average income of the community. And that comes from unemployment records. Director Yost responded that we base our measures of affordable housing by starting with area median income (AMI). Or if looking at the HUD information, it's called the HAMFI (HUD Median Area Family Income). The number comes from the Census with is a rolling 5-year average survey. The Gardner Institute at the University of Utah also tracks the information. We then look at that and say there are categories of affordable housing. Generally, Moderate Income Housing is affordable for someone making up to 80% of the AMI. Affordable housing is typically affordable for a household making up to 60% of AMI. Low income housing would be affordable to someone making up to 30% of AMI.

Commissioner Farrer asked where the numbers come from for the determination of the amount of housing rental units available. Director Yost answered that the census bureau gathers the data and they run the numbers and come up with the CHAS data set (Comprehensive Housing Affordability Strategy). That is an eighteen table data set that tells us how many families fall into each category of income and how many units we have in each category of affordability. Then we take the number of each units in each bucket and subtract the number of households in each bucket and if we end up negative, we know that we have an issue. We didn't end up very negative and we are looking at the numbers.

Commissioner Farrer asked how often those numbers are updated. Director Yost said the CHAS numbers that we are using are based on the 2012 - 2017, in a five-year rolling average. They are relatively recent. Housing units have been updated recently, as we have had hundreds of housing units come online since then. We looked at the residential power meters ran a report against those, even though it doesn't pick up the illegal apartments.

Commissioner Ellingson asked as far as the accessory dwelling, are there anything in the code that gives more parameters on or is it as long as we are doing something, we are meeting that expectation.

Director Yost stated that we must have it adopted in the Moderate Income Housing in the General Plan and report on it. There is no more delineation in the legislation that qualifies as meeting that strategy. The intent is to get cities to consider the strategies, put them in the general plan and work towards them. No performance measures are indicated.

Commissioner Clay asked about the first three menu items. He stated that these are all General Plan issues that will come up in the update of a General Plan that we do every five to ten years. These aren't immediate, but we will get to them in those times. Director Yost said the only thing that needs to be adopted by December 1st are the updates to the Moderate Income Housing element specifically.

Commissioner Clay asked if it will have to be updated every year. Director Yost clarified that it would need to be reported every year. We (Planning Commission) decide on these menu items and your department runs the number to say where we fit in the Moderate Income Housing, how well we are doing.

Commissioner Clay clarified that cities over 5000 need to make the requirement. Director Yost said yes, he believes that is the right number.

Commissioner Farrer asked is next meeting we would be looking at the recommendations for ADU regulations. Director Yost said no, next meeting we'll discuss the fully updated Moderate Income Housing presentation next time and see the updates to the bond release procedures that John Penrod will bring.

2. Recommendation regarding an amendment to Section 14-5-204 of Springville City Code concerning performance guarantee releases.

Item continued to next Planning Commission Meeting

ADMINISTRATIVE SESSION

Discussion concerning short term rentals.

Director Yost presented. In the interim between directors, the Council directed John Penrod to address Short Term Rentals.

Planner Thomson and I checked listings today and there are three on VRBO and 20 on Air BNB. Only one that is a full house, the rest are basements, individual rooms or suites. We have a small number of them offered in the city. We haven't had many reports of concern, although one neighborhood is concerned about one in their area. As staff we are staying on top of this trend.

Not many other cities regulate short term rentals. Provo outlaws any rental shorter than 30 days, but allows a renter or a boarder for less than 30 days twice in a calendar year. Spanish Fork defines short term rentals and have a transient room tax in their ordinance. Our ordinance is silent on the issue currently.

Sandy City adopted a short-term rental ordinance in August. Very comprehensive and vetted publically. There is a substantial amount of demand for these in their city. Definitions state that a short-term rental is less than 30 days. Accessory apartment is also defined and is correlated to that. Having an accessory apartment does not give you the right to have a short-term rental on your property. This ordinance is being used as a basis for our discussion. We can make changes as needed to work for Springville.

Sandy's requirements include the following: It must be owner occupied and be the primary residence of the owner. You must live there 183 night/year, individual with at least 50% of the ownership. Allowed rental nights are 182 nights/year. They permit one Short Term Rental per dwelling unit. Require owner or representative to respond 24/7 by phone. And within an hour if physical response is required. Allows a maximum of 29 consecutive nights per renter. With a minimum of one night between renters. Occupancy is limited to eight related or four unrelated people. All parking is required to be off street. A packet explaining these regulations is placed in plain view in the rental unit. Nameplates posted on the entrance. Must be confined to the main dwelling, not allowed in accessory or out-buildings.

They require a special use permit application that requires verification that you meet requirements of the zone. Licenses are not transferrable. Portion of their Business License regulations provides additional regulatory mechanisms to regulate the operational side.

More than one violation in a 72 period will result in eviction. You must maintain your property with city codes in general. If you have three or more violations of any of these relevant codes within a 12 month period, you lose your special use permit and lose your in lost business license to operate your short term rental. Failure to renew will result in expiration of license and loss of your special use permit. It would go to the next person in line, if there is a waiting list.

Sandy permits two Short Term Rental permits in each community (divided up their city to make 'communities') plus 1 per 100 SFD per communities' boundary. Springville would allow about 100 in the city, based on Sandy's parameters.

Positives include providing owners with supplemental income, creates more affordable housing, increase visitation and help with tourist dollars. Downsides include inflationary effect on the housing market in more dense urban areas, regulatory issues such as defacto hotels, adverse effects from renting every night.

We are concerned about and want to maintain the calm enjoyability of our neighborhoods.

Director Yost asked the Planning Commission to give feedback on the following:

1. How do you feel about permitting and regulating these types of operations? What feedback would you give to the Council?
2. Would permitting and regulating these operations be positive? What requirements would be necessary to mitigate the adverse effects and maintain orderly operation of these type of businesses?

Chairman Young states that it comes down to enforcement. If we do this, will we enforce the bad behavior clauses, like the ADU, or do we look the other way. Director Yost states that we would intend to and be committed to enforcing them. Chairman Clyde asked if we would make one person administrator for those permits. Director Yost responded that he doubts it, with the current demand. It would be another responsibility of the Code Enforcement operations. When accessory dwelling units are reported, we always send a letter of noncompliance sent. We are not actively searching them out, but we have a good track record for taking action on those that we find out about.

Commissioner Clay asked if this was on the list he was given. Director Yost responded not on the top fifteen, but in the next three. The Council heard from residents and instructed John Penrod to wait for new Community Development Director. Director Yost explained what he has done to date.

Commissioner Clay asked if the comments coming from the people. He asked if they concerned that it in their neighborhood now or is there a real problem generated by this use. Director Yost said the only complaints of the impacts are from Mr. Whiting who states he represents some of his neighbors with the same concerns. His sentiments are that it is too noisy and there are too many people. Maybe one family is renting, but they invite more people to visit for a night for a party. This is a single occurrence, and we are trying to avoid adjudicating the truth of what is happening to the neighborhood vs what the owner is representing. Understanding what the impacts are and addressing them with the ordinance. We are looking at this from a broad perspective.

Commissioner Farrer asked if this should be opened to the public for comment. Director Yost mentioned that we can receive public comment anytime.

Commissioner Clay asked Director Yost if the Sandy ordinance was what he felt was best for Springville. Director Yost states that he would like to do further study and analysis, look at impacts, and the best way to mitigate those impacts. The Code of Ethics for Planners is to try to not transplant regulatory or planning methods from one municipality to another, but recognize individuality of each place that we work. Not ready to say that this is what we should do. Sandy's ordinance is good, and it is a good starting point for discussion.

Commissioner Ellingson asked if we are counting homes in the canyon because they are County jurisdiction. Director Yost responded we are not counting those as they are outside of our jurisdiction.

Commissioner Clay asked if Director Yost can get the addresses of these rentals to see if there are more police calls to those areas. Director Yost commented that the rentals are concentrated in the river bottoms. Planner Thompson directed the Planning Commission to check the AirBNB website to see where they are located.

Commissioner Baker asked why Sandy put in these specific regulations and their reasoning behind them. She asked if there is a way to find out about those rules. Director Yost answered that we can ask Sandy City or postulate what we think about it.

Commissioner Baker is concerned about peak times for events in Springville and surrounding areas such as BYU, homecoming, etc. but during those times it may be more impactful. She wonders about the regulation of having one night between renters. That may be seen as too restrictive. She would like to know why that is specifically in there. She wonders if the owner is there, will it mitigate the party problem. Director Yost suggested that we could bring one of their regulators there to discuss why the ordinance is written that way.

Commissioner Ellingson asked what the Mapleton and Spanish Fork codes say about short term rentals. Director Yost said that Mapleton's code is silent. Spanish Fork has short-term rentals called out in their tax code, but nothing else is mentioned. Commissioner Baker asked if Provo restricts short term rentals outright. Director Yost confirmed that is true.

Commissioner Clay asked if we need to officially table items #3 and #4. Chairman Young stated that was done in approval of the agenda. Planner Thompson confirmed.

Director Yost asked for the Planning Commissioner's feedback on the concept.

Commissioner Baker stated that we need to address short term rental. It's becoming more and more relevant and staying silent doesn't help us.

Commissioner Ellingson stated that we need some way of correcting or addressing adjusting for them.

Director Yost states as we move forward with this, we would facilitate events for public feedback.

Commissioner Clyde is glad for Sandy City's comprehensive list. We have a good basis to look at these ideas and come back another time to talk about it and address any violations.

Commissioner Baker likes the idea of getting community involvement. To find out what is meaningful for the people in the community. We can find ways to find compromise. Short term rentals have the utility and benefit, but not at the expense of the neighbors. There is an interest since it is happening. There are ways to compromise. They are new, so it is important to find out everything we can on it.

Director Yost clarified that the Planning Commission feels that there is mutually acceptable outcome that does permit short term rentals in some category in the city. Because if the answer is no, then I can easily take that answer to the Council.

Commissioner Ellingson feels that she can't say yes or no until we have gathered the public data. She is glad that she can see where they are located in the city.

Commissioner Clyde recognized that we have noise and nuisance ordinances in place and those should apply to short-term rentals.

Commissioner Baker talked about events that happen that the church close to her home. Parking is a problem, even on permitted events.

Director Yost said we don't want to attribute all bad things happening in neighborhoods to one source.

Commissioner Baker stated that we need to know what the concerns are so we can address them.

Director Yost relisted the direction he had heard from the Planning Commission: to bring someone down from Sandy to address their ordinance and evaluate public safety responses to see if there is a correlation there. He asked if there is any other direction that was missed. There was none.

Commissioner Farrer said that we really don't need Sandy to come, just have them contact you and get the information.

Commissioner Clay suggested that Director Yost look at St George's short-term rental ordinance. He said they are building them in concentrated areas and it is working.

Commissioner Clay recognizes that enforcement is a burden, and we need to have staff for that.

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

Chairman Young adjourned the meeting at 7:59 p.m.