



MINUTES
Planning Commission
Work Session
Tuesday, July 28, 2020

IN ATTENDANCE

Commissioners in Attendance: Chair Brad Mertz, Genevieve Baker, Frank Young, Karen Ellingson, Michael Farrer, Rod Parker and Kay Heaps

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

City Council: Matt Packard

CALL TO ORDER

Chair Mertz called the meeting to order at 7:00 p.m.

DISCUSSION OF AGENDA

Chair Mertz asked if there were any corrections to the agenda. There were no corrections to the agenda.

DISCUSSION OF MINUTES

No minutes

CONSENT AGENDA

1. *Cory Andersen seeking approval for the Foxridge Plaza Condominiums-Phase 1 located at 644 S Main in the CC-Community Commercial Zone.*

LEGISLATIVE SESSION

2. *Springville City requests amendment of the Springville City Code Title 11 to include an ordinance to allow Short-term Rental Units in all residential zones.*
3. *Springville City requests amendment of Springville City Code Title 11 to include an ordinance to allow Accessory Dwelling Units in all residential zones.*
4. *Springville City consideration and recommendation of the Springville Sewer Master Plan to include the IFFP-Impact Fee Facilities Plan and IFA-Impact Fee Analysis.*
5. *Springville City Power Department 2019 Update to the Power Capital Facility Plan (CFP), Impact Fee Facility Plan (IFFP) and Impact Fee Analysis (IFA) as per the Utah State Impact Fee Act.*

ADMINISTRATIVE SESSION

No Items

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

Chair Mertz adjourned the briefing meeting at 7:02 p.m.



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Commissioners: Chair Brad Mertz, Genevieve Baker, Frank Young,
Karen Ellingson, Michael Farrer Rod Parker and Kay Heaps

City Staff: Josh Yost, Community Development Director
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City Council: Matt Packard

CALL TO ORDER

Chair Mertz called the meeting to order at 7:02 p.m.

APPROVAL OF THE AGENDA

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

APPROVAL OF THE MINUTES

No minutes

CONSENT AGENDA

1. *Cory Andersen seeking approval for the Foxridge Plaza Condominiums-Phase 1 located at 644 S Main in the CC-Community Commercial Zone.*

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

LEGISLATIVE SESSION

2. *Springville City requests amendment of the Springville City Code Title 11 to include an ordinance to allow Short-term Rental Units in all residential zones.*

John Penrod, City Attorney presented. He consulted with Josh Yost, Community Development Director on this issue. He is presenting to help Mr. Yost.

Currently there is nothing in our ordinance for short term rentals. It is of interest to the City Council that we look at these.

This is a hot issue and has caused cities to look at planning in residential zones. They are closer to other types of uses like bed and breakfast and hotels.

Mr. Penrod and staff researched what an STR is, what State law says about short term rentals, the benefits and concerns of STR's (these came from a meeting that Mr. Yost held), the purposes of the ordinance and the proposed ordinance.

The City Council raised the questions of how many guests allowed in STR and should the rental be owner occupied.

Mr. Penrod explained that a STR is a space rented in a home for less than 30 days. It could be the entire home, basement, or a bedroom. These happen within the country and state on a regular basis. State law states that the City cannot enact or enforce an ordinance that prohibits an individual from advertising on a STR website. State law makes them hard to enforce.

The benefits of STR's include a positive rental experience, person financial gain, helps people afford their house, municipal revenue from transient sales tax, short term housing needs, and promotes pro-property rights. Concerns include administration/enforcement issues, parking, noise and potential to become a party house, hospitality industry hurt, and neighborhood safety.

The ordinance purposes are to provide STR regulations for residential zones, preserve residential character of the neighborhood, provide existing homeowners economic relief, help promote affordable housing and protect the safety and general welfare of Springville residents.

A STR is not the same as a single family dwelling. Our ordinance defines a single family dwelling as occupied by exclusively one family. STR's are occupied by groups, families and different entities and are not consistent. We don't want event centers, hotels, bed and breakfasts or business that impact surrounding properties in our residential neighborhoods. Most people prefer regular neighbors and quieter neighborhoods.

The ordinance will require two different permits. An annual business license and a special use permit. General requirements include the STR owner has to designate areas of the property being used. For example, the whole house, or a room. The owner must be a fee title owner that owns 50% or more or a trustor of a family trust that owns 50% or more. It can't be owned by a business entity.

There can be no more than one renter at a time, may not rent more than 182 nights maximum per year, maximum rental period is 29 days and there must be one night of vacancy between rentals. The owner must provide a parking plan and all parking must be on-site, not on the street.

The owner must respond to a legitimate complaint within one hour. The STR must follow all noise related ordinances: disturbance of the peace, nuisance and disorderly conduct. There are a number of noticing requirements the owner would have to provide for those staying there.

We would limit STR's to one per every 500 residents, which would allow about sixty-six in the City. They would have to be spaced out. If none are available, they can be put on a waiting list. An annual report to City Council that states the number and location would be required. Five STR's allowed within a 1,000 foot radius.

Mr. Penrod covered how many guests would be allowed in an STR. Many cities don't have a limit. Sandy allows 8 family members and 4 unrelated guests. The four unrelated guests is part of a State law definition of a family. Commissioner Young asked if it is 8 and 4 making it 12, or something else. Mr. Penrod said it is not 'and' it should be an 'or'. Cedar City allows two guests per bedroom and 4 guests per home. Henderson, Nevada allows 1 person for every 150 square feet, up to 10. Then one person per every additional 300 square feet up to 20. Children 16 and under do not count as a person.

The proposed ordinance says rentals that are equal to or less than 2000 square feet would allow 8 family members or 4 unrelated guests. Rentals more than 2000 square feet would allow one guest for every 500 square feet and no more than 14 guests. No exception for children. If the Commission wants to make the children exception or do something different, they can recommend something else.

Commissioner Baker asked if there are 7 related and one unrelated how that would be considered. Mr. Penrod said that it is a good question. In that case it would be 4 unrelated people and unrelated to at least 3 other people. That is the problem with the State law. It makes it hard to understand and there isn't case law on this yet.

Mr. Penrod continued the presentation asking if the owner be required to live in an STR. The proposed ordinance says the owner must reside in the home with the STR for 183 days. That is one more day than half the year. We are trying to maintain the character of the neighborhood. A single family dwelling is designed for and occupied exclusively by one family on a lot.

Mr. Penrod discussed with staff and we could require the owner to reside in the home with the STR year round. This would limit the rental to only allow for bedroom and basement apartments or a guest house to be rented. It maintains the residential character of the neighborhood and facilitates affordable housing.

Commissioner Baker asked how this would work if the accessory part of the ordinance is passed, and they had a guest house, like a pool house or a guest house, would it not fall under accessory apartment because it doesn't have all of the required facilities of an accessory apartment, and therefore could be rented out as a STR. Mr. Penrod stated that the main difference between an ADU and a STR is allowed amount of stay time. An accessory dwelling unit has to be rented for 30 days or more. An STR is rented less than 30 days. You can use an ADU for an STR.

Commissioner Baker asked if there is a separate dwelling on their property, is there something that says that this is an accessory apartment or the thing that is considered

an accessory apartment is actually a short term rental. Mr. Yost clarified Commissioner Baker's question to can you use an ADU for a short term rental. As in using a detached ADU and use it for a short term rental. Mr. Penrod said if the ordinance were to pass, if there is a detached tiny home in the backyard, would you be able to rent it as a short term rental. The ordinance doesn't define the space. When you come for your permit, you must define the space at that point. Commissioner Baker said that if we pass the second way and they live in it year round, but they have a tiny home in the backyard, they could have STR year round as well, as long as there is a day in between. Mr. Penrod said yes, or you could take the day out if you wanted. Currently the ordinance states 182 days, but if you want to take that out and let them rent all year, you could.

Commissioner Young asked about the placard notifying the neighborhood mentioned in section D8 and if they should prescribe the size. Commissioner Baker asked if there are privacy concerns posting contact information on their door. Commissioner Young said they are volunteering and becoming a land lord, so they need to be contacted, you need to know their number. It states that this will be posted on the exterior side of the main entrance. There is a required packet of contact information on the inside, but there must be a service size sign on the outside identifying it as an STR. Commissioner Ellingson pointed out that if code enforcement is called out, then they can call the number on the door. Commissioner Baker said it is similar to having a business license posted on the door. Mr. Penrod said yes and this is information you can find publicly anyway. Chair Mertz asked about the size. Commissioner Young said it needs to be just right.

Chair Mertz asked why this ordinance is modeled after Sandy's. Mr. Penrod said as they looked at it, it they felt that Sandy's kept the promoted maintaining the residential feel of the neighborhood as much as possible. Provo doesn't allow STR's in residential areas. Chair Mertz asked if Provo's ordinance doesn't allow it, but they have not addressed it. Mr. Penrod stated that in Provo, in residential and agriculture zones, they are not allowed. Commissioner Heaps asked if Provo is choosing not to enforce. Mr. Penrod said Provo would have to base it on complaints and evidence that it is happening. Commissioner Baker asked if Provo has occupancy limits on the areas that allow STR's. Mr. Penrod said he doesn't think Provo does.

Commissioner Parker asked if the homeowner is required to live in the home, will we put a limit of 182 days. Mr. Penrod said that is up to the Commissioners. Commissioner Parker asked what Mr. Penrod's recommendation would be. Mr. Penrod stated that we wouldn't put a limit on it, if the homeowner is there.

Chair Mertz said that Mr. Penrod mentioned that most STR's are not occupied by a family and asked if there were any stats on that. Mr. Penrod said that STR's are rented by different groups like neighbors or 3 or 4 different families. He reiterated that in a residential zone, a single family detached dwelling is required to be occupied by a single family.

Commissioner Young asked how many do we think are in the city now. Mr. Penrod said after a quick look on AirBNB, about 20 to 30.

Chair Mertz mentioned that St George has someone on staff tracking the AirBNB listings. Mr. Penrod said they might but they can't use the information to prosecute.

Commissioner Heaps asked in regards to the amount you can have in the City, we are proposing one per 500 residents. Mr. Penrod said yes. Commissioner Heaps said that we will allow 3 per block. Mr. Penrod said it is 5 STR's in a 1000-foot radius, so roughly 2 to 3 per block. Commissioner Heaps said that Ogden allows one per block. They seem to be more restrictive than what we would have here. We could call out a number per block. Mr. Yost said that blocks are hard to define in a way that is fair. Some are 400 feet and some are 2000 feet long, with different numbers of houses. We could come up with a linear frequency if you would like. We need something more objective. Commissioner Heaps said that he is looking at 9 (a) iii where it says they shall be not more than 3 within a block of each other. Mr. Penrod said yes, and the one above that states it allows 5 within a 1000-foot radius. You just have to look and see where they are located.

Chair Mertz asked if a license is based on a particular property or can it be transferred. He expressed concern about someone buying up all the licenses. Mr. Penrod depends on what your recommendation is and what the City Council approves. As it is right now, you have to be the owner of the house and reside there for half year. You can apply but you have to be the owner to apply for the permit. There could be a situation where a number of them throughout the city are owned by the same person.

Chair Mertz asked if Mr. Penrod researched other Utah cities. Mr. Penrod said other cities ordinances are all over the place. Some want you to rent at least 30 days, others have it so it can be whenever. I haven't looked at Park City. Looking at bigger cities, helps us to focus on how we can maintain the residential nature of the neighborhood. To require the owner to live there and be there, helps achieve that.

Chair Mertz asked about a home in Hobble Creek Canyon that has been donated to BYU using for STR. Mr. Penrod stated that is in the county, and wouldn't affect Springville. Commissioner Baker asked about those around the golf course and Mr. Penrod said it is in the county.

Commissioner Ellingson clarified that this ordinance says if it is owned by a person, not a corporation. Mr. Penrod said that is what it says. We want to see an actual owner in the house.

Commissioner Heaps asked if the owner occupies 183 days, does that need to be their primary residence. Mr. Penrod said yes.

Chair Mertz read a statement about Planning Commission's role and rules for the public hearing. Chair Mertz opened the public hearing at 7:38 p.m.

Larry Ruff
No address stated

Mr. Ruff and his wife converted their unfinished basement into an Air BNB. It has been a wonderful experience for just over a year. They have between 9 and 14 people stay there. They charge \$185/night or \$60 per bedroom. Neighbors want to use it for their family reunions. They have made wonderful friendships. He recommends Henderson, NV regulations. He feels it regulates better than the Sandy ordinance. We have used this to stay in our home. Planning to continue this while on a mission. There have been

zero specific complaints for code enforcement in Springville. He feels it is unnecessary to regulate. He suggested if a property has 6 complaints, then they can lose their right to have a STR. Invites anyone to come and see their Air BNB. They don't ever want to be a nuisance to their neighborhood. Their neighbors are thrilled with it. This new ordinance is sad for he and his wife. It limits the renters to 5 people, which wouldn't work for them. It limits the amount of days that they can rent, especially with day in between. It requires them to live in it, and would not allow them to serve a mission, creating a hardship on my wife and I. He feels this current proposal is unnecessary.

Melissa Nickle
261 S 200 W

Ms. Nickle is a homeowner in Springville and loves Springville. She lives in an historic neighborhood and that is part of the draw to rent here. She has a full time job and multiple sclerosis. She pays her medical bills with the Air BNB revenue. It is essential to her to have this revenue or she wouldn't be able to have her home. People come to visit grandkids, and other events. She has reviewed the ordinance in full. She feels that this ordinance is not written for hosts like her. She feels like it was written for the exception, not the rule. She has an issue with getting a business license and then being told she can only use it ½ of the year. She has a huge issue as a single woman with putting her contact information on the door. She feels that is scary and it is a violation to her. She has been a landlord before, and have never been required to put her contact information anywhere.

Michael Whiting
663 S 2080 E

He appreciates that the council has thought about this and appreciates the Planning Commission. This has been difficult. In the staff report, it says 'short term rentals have the potential to become a business, fall out of the definition of a single family dwelling and detract from the character of a residential neighborhood'. He is not an owner of an Air BNB, but he lives adjacent one and that description fits well with what is happening in his neighborhood. This AirBNB has been operating for 3 years. There were 54 people in one on the 4th of July. It has become a problem and a nuisance. We have been left with no recourse to deal with it, as there is no statute on the books. Pleased that there is an ordinance before us today and pleased for the opportunity to protect the integrity of the neighborhood. One concern is the occupancy limits. Sandy's ordinance limits it to 8 people, and this ordinance proposes 14, if you have a large enough home. Fourteen isn't an accurate representation of a single family dwelling. Most families don't have 14 people. The average family size in Springville is 3.75. This seems to be doing something beyond the original intent to maintain the single family dwelling and getting away from the residential neighborhood. He has never used an Air BNB where there weren't regulations on the books. In his neighborhood, there have been no limitations and they have had no recourse. He looks forward to going back to a quiet neighborhood. It's time to follow suit of other surrounding cities. We need to deal with it now.

Allen Erdmann
2378 E 700 S

Mr. Erdmann likes Air BNB and uses it. Short term rentals provide a very valuable service. He is here to hear the arguments before and against. He read the ordinance and it raises a lot of questions. Important to consider that it's not just in my backyard situation. There are potential for problems. He asked if a City ordinance the best way to manage this. And if there have there been documented police reports that are different than what has happened in another city. His suggestion is, are we limiting business and recreational opportunities here. Parking is not restricted in other areas. He sked what the legality is of targeted laws to certain people to park on the public street. Why it is restricted for some and not all. He wonders if that could that raise legal concerns down the road. Ordinances like this he is not in favor of, in general, because there are other ways they can be self-regulating. The numbers seem arbitrary. Seems like we pointed at something, without clear evidence. He is in healthcare and evidence drives his decisions. He asked what is the economic analysis has been done to show that having a couple of Air BNB's are going to drive up the market. He would like to see that built into the proposal. This has been going on for a long time in other cities. Having this information of how it is affected can drive decision of the City Council.

Tom Hawks
893 S 1650 E

Mr. Hawks said that he stayed in an Air BNB around a bunch of Air BNB's and it didn't change the neighborhood. There is an opportunity to make these kind of things happen. He is a contractor and deals with zoning all the time. You plan the zoning ahead of time and don't change it afterward. To make the city the whole thing, is not the best way to do it. The gentleman that said there were 54 people next door. The reason that is there is because no one enforces any of those rules. He doesn't see any rules in the proposal that are going to be enforced. He asked who is going to check to see they have only been there a certain number of days. No one is doing it now, who is going to in the future. He is a big proponent that when someone buys a home in a neighborhood, they expect it to stay that way. I would love to see an item like this on the ballot. Most people don't want an Air BNB as a neighbor. It changes the neighborhood.

Barry Clanton
2140 E 850 S

Mr. Clanton lives down the street from the Air BNB under review. It has been there 3 years and he has not heard a word or heard any complaints that it was going on until a neighbor told him that this meeting was happening. He walks the neighborhood and sees that it is a large home and has a pool. It is an attraction. He feels that we shouldn't restrict opportunities people have that people want to do with their home. In the COVID climate, a lot of people have lost their jobs. He asked what happens to their home if they can't sell. Doesn't think it is right to limit people's ability to be free with what they can do with their own property. He doesn't have one and doesn't want to have one. People can use it as a means to provide for their life. If someone is moving, because they need to, it wouldn't be good that they couldn't rent their home to help make their mortgage payment. If there were a certain number of complaints, determine where they are coming from. If it is from the same person, because he doesn't like and Air BNB, that needs to be taken into consideration. We see the cars and people swimming. Even if the family had friends over, it would be loud. Kids are loud. But it doesn't need to be disruptive. There needs to be some regulations on renting those places. This is a blanket

decision that affect people's finances and that is a big deal. We need to be free and not have more governmental control. Not a wise choice to keep throwing ordinances that will affect people. Less governmental control and more freedom.

Jeff Mills
No address given

Mr. Mills doesn't have an Air BNB here, but has one in Lake Powell. If there are complaints, how do you decide if they are legitimate. There needs to be controls in place. It goes back to the communications between guest and VRBO operator. We communicate well with our guests. It is when things get out of control that there are problems. He cautioned that as you look at this, are you looking at a couple of homes that have presented a problem, and now you are looking to do some big thing to cover everything, or is it really a problem. Mr. Mills gets taxed by Page City, with the same tax as the hotel industry. Those come through Air BNB and VRBO. Springville isn't a destination spot, and asked how many places are going to be opening up here. He asked if you are you creating something that is more than it needs to be.

Eric Baker
153 S 300 E

Mr. Baker is fine with regulation. He has Air BNB in Idaho. He has a legal accessory apartment and wonders how it would affect him. His current tenant has been there 5-6 years, but when they do move out, he is concerned if there is a limit on Air BNB permits available and if they are taken. He is also concerned about the square footage requirements. He wouldn't be able to fit two people in their space with that restriction. Be clear to define number of people per bedroom or area. Mr. Baker bought his home knowing it was a legal accessory apartment. If he decided to increase his revenue with an Air BNB, he would still maintain character of the neighborhood. He is fine with the regulation. Really think through this so we don't come up with something that is burdensome to us in the future.

Mary Lou Condie
655 S 2100 E

Ms. Condie is a homeowner and Air BNB owner and a long term renter of a home. They built their home 43 years ago on a dead end street. It was built with the intent for our large family, there are 57 of us. When we are all together, there are neighborhood issues with parking. She has a concern with an Air BNB in the neighborhood because she built her home as a private residence with the intent to live there with her family. She is not against Air BNB's, she has used them, but the ones she used were in areas that we designated as destination points. She is not prepared to have a business in her neighborhood. There should be ordinances. She has a home in Midway that was put for rent after her husband's passing. They tried to do a STR, but Midway restricts areas where they can be. And hers falls right out of the area. There needs to be an ordinance in place to have them in certain areas so people understand and know that this is an Air BNB or STR neighborhood. She thinks there needs to be specified areas for them. Wasatch County charges double the taxes on a second home until she could prove that I had long term renter, for more than 6 months.

Brian Stewart
1697 E 750 S

Mr. Stewart travels for a living and he stayed in Air BNB's. The people lived in the home and they explained the rules. Other areas have been owner occupied. He feels that the rules are explained and well mandated. He sees side by sides going down the road, speeding and it is not safe because they feel they can do whatever they want. He knows personally that people have called the police on that residence. It needs to be zoned in a non-residential area. It is a business and needs to have a license and regulations. He thinks a 30-day minimum will keep people in their homes. If you can't afford your life, and you have to use Air BNB to afford it, that is poor planning. He feels that the residents around those shouldn't have to deal with it. If you can't afford your life, sell your house.

Terrell Winston
1041 S 700 E

Mr. Winston stated the people that come to his Air BNB come from out of state. They come to see the temples. People can't afford to stay in a hotel with families. We have rules. We live upstairs and rent the downstairs. Mr. Winston is a disabled vet, and he doesn't need the extra income, but it does help.

Nathan Rich
2061 E 775 S

Mr. Rich feels we need an ordinance that we regulates Air BNB's. He feels that they should be owner occupied, maintain the residential character of the neighborhood and have areas zoned for them. An ordinance is needed for the neighbors.

Chair Mertz read the Grant and Mary Jane Palfreyman email. They do not support allowing Air BNB's in any residential neighborhood in Springville. They believe they cause increased traffic, parking issues, and noise. They do not want one next to them in their neighborhood. They thanked the Planning Commission for their service.

Commissioner Young moved to close the public hearing. Commissioner Parker seconded. Chair Mertz closed the public hearing at 8:20 p.m.

The Commissioners asked Mr. Penrod the following questions:

Commissioner Young asked what the rules are for parking for this. Mr. Penrod because it is under a business license and a permit, we could restrict how the parking is for the short-term rental. Commissioner Young clarified that the licensing would require them to be off the street. Mr. Penrod said yes.

Commissioner Heaps asked about legal ramifications of having an exterior sign. Mr. Penrod said no and after hearing the public comment on this, he sees the concern that has been raised. Commissioner Young stated that the information is readily available, parcel maps on Utah County. Mr. Penrod said that the public comment said they live in the home, so having that outside could be a concern. Commissioner Heaps asked Mr. Penrod if it would be OK if they removed that requirement. Mr. Penrod said yes.

Commissioner Young said that there is the owner occupied requirement. Mr. Penrod said that not only that, but they are required to have the information inside the dwelling. Commissioner Baker said it will be registered with the City on the business license. Mr. Penrod said yes. Commissioner Baker said that after hours they wouldn't have access to that. Mr. Penrod said that they could set it up. Right now they wouldn't because code enforcement has switched from Community Development and is now in police.

Commissioner Farrer said that in the public comment over in 2500 square feet in his unit - only 4-5 people there. He reads it as if less than 2000 square feet, there can be 8 people or 4 unrelated people. Mr. Penrod confirmed that is the case. Commissioner Farrer said that for every 500 square feet more, you get another person. Mr. Penrod said yes. Commissioner Heaps feels that is confusing and not worded well.

Chair Mertz asked if there is a way to verify complaints. Mr. Penrod said that there would have to be some evidence. Like a recording that is authenticated, or something to authenticate the complaint. You can't shut down a neighbor you don't like. It has to be legitimate complaints.

Commissioner Heaps asked what is the rationale between a day between renters. Mr. Penrod said it is so it's not becoming an every night thing, like a bed and breakfast. Where it is in a residential neighborhood, it gives relief. There isn't a lot of rationale other than that. It doesn't change much if taken out. We are looking at how we can help the neighborhood feel like it is a single family neighborhood and not feel like it is a business constantly happening in the neighborhood.

Chair Mertz asked if there is anything that would prevent having 50 + people. Mr. Penrod said no, families can have that many people, but it isn't constant. In a single family residence though, it is not on a regular basis. Commissioner Baker asked if these regulations are only for overnight. Mr. Penrod intended to be specify that that it was the number of people that can be there during the night or during the day. That is something we can type up.

Commissioner Farrer's major concern is overregulating, but there have been complaints. People have called him to talk about it, told them here in this forum is the place to do it. He feels that what is being proposing is reasonable. Those who rely in it for income, he understands their concern. He mentioned the commenter who said they wanted to go on a mission. He said that his wife and I went on a mission and we rented it and it provided income. You may not get as much income as a short term rental, but it can be rented. The other issue, don't ask to go to London. The fact that it is a person's livelihood is not a serious concern for him. The owner occupancy issue is one he struggles with. As long as someone is available it's OK, but he sees that works better if the owner is there and available. He would support the owner occupied requirement.

Commissioner Young said that he would be more restrictive and decrease it to .75 for every 500 residents, take out three per block, as that is hard to measure in our town and delete sign requirement as the information is on the license application. We only have 30 short term rentals that we know of now, he doesn't feel we'll get a lot more of them, as we are not a destination city. Allow them and regulate them to have some enforceability.

Commissioner Parker we have to draw line fine line. He feels that they should give those who have short term rental the opportunity to continue. He lives near one and feels that there is an increase in traffic and people don't obey the speed limit when they are out playing. He is in favor of having the owner live there. And if it is owner-occupied, then we don't need a restriction on the number of nights. He feels full time occupancy is OK with owner occupancy.

Commissioner Baker said she likes owner occupied in single family, residential areas, zoning and thinking that it can be in residential areas be owner occupied but not require it in commercial areas as a compromise. She has stayed in many of them. Allow hotels in those areas. Concerning the number of people in the units, she takes issue with 4 unrelated people. Don't distinguish between related and unrelated, as to not discriminate against those who are unrelated. To have 14 people, you would have to have 7000 square feet and that seems restrictive when you don't have that much square feet. Children aren't included.

Mr. Penrod said that it currently states 2000 square feet or less would allow 8 related or 4 unrelated people, and if you have 2000 square feet or more, then 1 additional person per every 500 square feet. It would have to be re-written to how we intended it as it wasn't written correctly. The intention that 14 is the maximum.

Commissioner Baker that is 250 square feet per person and she feels that is too much. If it is owner occupied she sees no reason why it couldn't be rented full time. She feels one night in between is restrictive. She shares the privacy concern with phone number on the front of the house. Police would have access to the information from the application. She agrees with limiting the short term rentals to 1.5 to 2, something lower than 5.

Commissioner Heaps favors limiting the number of units to 2 per 1000 feet residents. Chair said that is what it is now. radius; number of people. Under 2000 and not more than 8 and rewrite to add the additional 1 per 500 square feet. Get rid of exterior signage and get rid of the day in between. In favor of owner occupied to maintain single family integrity of the residence. Give people to have the freedom to do that they want, but also protect the rights of those who chose to move to a residential area.

Commissioner Ellingson feels that the intent of this ordinance is to establish good neighbor policies. She is in favor of having an ordinance. No ordinance means we can't address problems. She agrees with having no sign outside, giving the code enforcement officer access to the business license database for all information, and removing the day in between restriction. She expressed the need to take out the limitation on the number of people allowed. In order for this to function as a residential area, there needs to be more people. Families get big and gather together. That is part of the character of the neighborhood. What is normal for one neighborhood isn't always normal for another one. The quieter ones may notice an Air BNB more easily. That is where the complaint factor comes in, with external factors such as parking and noises. We don't go into someone's home to see how many are sleeping there, so why would we for this use. She suggests adding the ADU section to this ordinance that allows the owner to be gone for a temporary absence for things such as a military, sabbatical, etc. as it is compatible for this ordinance. Commissioner Young asked if that would be with a designated

agent. Commissioner Ellingson said yes, with a designated agent. Chair Mertz said that is currently required.

Commissioner Heaps said the concern is there will be less nuisances if an owner is present. Commissioner Ellingson agreed.

Commissioner Baker said that part of it is to maintain the character of a residence. There are people who leave for three years and come back. But they are coming back and you know who the owner is and have the connection with them. She supports Commissioner Ellingson's suggestion to add the ADU section to this code.

Chair Mertz stated that the number of people needs to be addressed and whether to require owner occupancy is up for debate. He has seen STR's that are not kept up. He is fine either way, and sees the advantage of owner occupancy. He is in agreement with the other items brought out.

Chair Mertz has ten points that need to be decided upon. They are as follows:

1. Number of people
2. Unrelated/related and how children impact that count
3. Owner occupancy
4. Number of units allowed in town - now is 1 per 500 residents
5. Sign requirement
6. Number of nights with day in between
7. Zoning requirement
8. Full time rental vs one night in between
9. Complaint mechanism
10. Temporary absence

Commissioner Baker asked how many residences are in Springville. Mr. Penrod stated there are about 10,000 home units. Mr. Yost stated that there are 33,000 residents. Commissioner Heaps stated that the ordinance is basing the numbers on residents, not residences.

One night in between - all in favor of removing it
Sign requirement - all agree to not have posted on exterior

Number of permitted SSUP's. Now it states one per 500 residents. Commissioner Young said to take it to .75 and do it by household units. Chair Mertz Households makes more sense to him. Mr. Yost said that would make it five per every 1000 residential units. Commissioner Baker suggested stating it 'one per every 200 residential units'.

The Commissioners quickly discussed the option of adding a zoning requirement and determined to not include it.

For the complaint mechanism, they agreed to keep it to violations. The Commissioners are OK with the violations section as written.

Currently the ordinance states 8 people maximum under 2000 square feet and 14 people maximum above 2500 square feet. Commissioner Baker is in support of more people in 2000 square feet and feels the four unrelated people stipulation should be

removed. If provision that kids don't count. Commissioner Heaps is concerned about too many people. Commissioner Young mentioned that Sunday dinner is one thing, but every night is tiresome. The Commissioners agreed that it should be changed to 14 people maximum with no square footage restriction or relation restriction and does not include children under age 2.

Owner Occupancy requirement - ½ year and a day and owner occupied.

Temporary Absence - The Commissioners agreed to add provision for a temporary absence as is written in the ADU ordinance.

Commissioner Baker stated concerning occupancy, if the owner is only required to be there 183 days, we should address the number of nights. She feels they should be able to rent it for the number of nights that they live there. For example, if they live there all year round, then they can rent all year. But if only living there 183 days, they should only be allowed to rent 183 days. Chair Mertz feels that would be hard to regulate. Commissioner Heaps said that he does not feel comfortable with the home not being owner occupied. Commissioners agreed to remove D3 out. For temporary absences, Commissioner Heaps said they would need to add language about the representative. Commissioner Baker said that if it says they are unsure how to regulate that.

Chair Mertz said the designated representative must be included in the temporary owner absence.

Allow for people to have it all year round.

Commissioner Farrer wants to limit the amount of days it can be rented each year. Commissioner Young said that it keeps the residential feel of the neighborhood if it is not rented 100% of the time and maintains the intent of the short duration.

Commissioner Heaps said it is written that you only have to be there half of the year. Commissioner Parker stated that it just needs to be your primary residence. Chair Mertz suggested: Property rented 365 nights per year if the owner lives there a min 183 nights per year.

Mr. Penrod asked for clarification. Chair Mertz You can rent it for half of the year, it has to be your primary residence, but you don't have to be there for the full year. Mr. Penrod said that is correct. Only 183 days out of the year, and when you are not there you can rent it. But he is hearing from the discussion that the Commissioners want it to be owner occupied, allowing a temporary absence for a reason such as a vacation, with a reachable designated representative.

Commissioner Young wants to keep the short term nature of this with 183 nights maximum. Commissioner Parker added that the intent is to keep residential feel. They determined to keep it at 183 nights

Commissioner Heaps moved to recommend approval of the proposed Short Term Rental ordinance that amends sections 11-3-402 and 11-4-301 and adopt sections 11-6-133 of Springville City code with the following recommended changes: that there be no day between rentals, that there be no exterior signage necessary, that SSUP's be one

per 200 per residential units, the max occupancy be 14 individuals with no square footage limitations, adopt temporary absence language from ADU's with a provision to designate a representative. Commissioner Parker seconded.

Chair Mertz called for a roll call vote:

Ellingson - Aye
Heaps - Aye
Baker - Aye
Mertz - Aye
Parker - Aye
Young - Aye
Farrer - Aye

The vote to approve the Legislative Session item was unanimous.

Chair Mertz called for a 5- minute recess.

3. *Springville City requests amendment of Springville City Code Title 11 to include an ordinance to allow Accessory Dwelling Units in all residential zones.*

John Penrod, City Attorney, presented. An ADU is an additional unit on a lot that already has a single family detached home. There are two types: One within the home such as a basement apartment, or outside the home like a garage, tiny home, or detached ADU.

Mr. Penrod listed reasons why ADU's should be allowed. For owners and tenants, they increase viability of aging in place near family; provide social support; provides space for extended returning family; reduces carbon footprint per occupant; increases affordability through rental income; increases supply of affordable housing.

Benefits for the City include smoothing demographic transitions; better utilization of affordable housing options; invisible or soft density; wider range of affordable housing options; additional housing in central established areas. One of City's general plan strategies is to address housing shortage and affordable housing. ADU's are a way to achieve this.

The goal is to maintain the residential nature of the neighborhoods and increase affordable housing.

Mr. Penrod listed rules for attached and detached ADU's. Only one ADU is allowed on a lot that has one single family dwelling. The ADU must be rented for 30 days or longer. It must be owner occupied and their name listed on the recorded deed. This could also be a person related to the owner or trustor of a family trust. The owner may live in ADU or principle residence.

Parking in R1-10 and R1-15 zones requires two additional on-site parking spaces as these allow for potential of a bigger ADU and potentially more people. All other zones require one addition on-site parking space. And those near transit stops or business districts would not require on-site parking.

Mr. Penrod listed exceptions to owner occupancy requirement. The owner must live in home for one year before you have a bona fide reason to leave, such as a sabbatical or military service, for up to 3 years. Must obtain a permit for the ADU that shows proof of owner occupancy and deed restriction and meet all ADU requirements. And provide an annual report to City Council that shows number and location.

If the ADU is in the home, it must be compliant with building and fire codes. The ADU must be a complete housekeeping unit with a place to sleep, prepare food and have bathrooms. A separate entrance required. It must have an interior connection. Commissioner Heaps asked if that can be a doorway. Mr. Penrod said yes, but it would have to be a fire resistant door.

The minimum attached ADU size is 200 square feet. The maximum size is greater than 650 square feet or 50% of the square footage of the dwelling.

Detached ADU's must follow accessory building requirements. Maximum size is the same as the accessory structure requirements. Minimum size is 200 square feet. Maximum height is 15 feet in most zones and 25 feet in R1-15. Entrance requirements and setbacks must be met.

Commissioner Baker asked how it affects the accessory apartment code in place for Plat A now. Mr. Penrod said that if there was a valid accessory apartment established that meets the code, it could be grandfathered. Otherwise, it would have to follow this code. If the use was abandoned for one year, and then they want to use it again for an ADU, it would have to meet this new code. Commissioner Baker asked if it would take away the frontage requirement and Mr. Yost said this takes away the current ADU ordinance.

Chair Mertz asked what constitutes a separate HVAC system. Mr. Penrod said the reason for it is so the air isn't shared. Commissioner Young said it would be to have two blowers.

Commissioner Ellingson asked about setbacks are they curb to building, not sidewalk to building. Mr. Penrod said that it from back of sidewalk, which is typically property line.

Commissioner Ellingson asked if this addresses clear view corners. Mr. Penrod said yes.

Commissioner Young said that the vast majority would be the basement.

Mr. Penrod pointed out that Spanish Fork passed this last year without the detached option and now they are going back to allow it.

Commissioner Baker asked if the ADU was in Plat A and it was over the garage and over 15 feet tall, they are OK as long as they don't abandon it for a year. Mr. Penrod stated it's hard to say yes, because there are a lot of factors, but if it is established lawfully, and not abandoned then it would be OK. Commissioner Baker asked if there were other non-conforming things in Plat A that were there before we had this. Mr. Penrod said there are several zones that have lawful, non-conforming uses. Those that

have them need to go through the non-conforming certificate process, as it is the best way to keep it.

Chair Mertz said to apply, you would need to pay a fee and asked what it would be. Mr. Penrod said the fee hasn't been calculated yet. It has to be the cost of processing the fee for the permit. It could be additional cost if the police have to visit it more often. But it would most likely be what the cost of the permit is. For second utility meters, there would be an additional fee. The number hasn't been established yet.

Commissioner Baker asked what the impact fees are for building a new structure. Mr. Penrod said there is not a set answer. It could be for sewer and electrical. Other impact fees are set up differently. Parks fees are based on the number of units being built. Commissioner Baker stated that they would have to get a building permit, and all of those fees would be included in that. Mr. Penrod said yes, and also need to make sure they meet building code. Commissioner Baker said that a shed doesn't need a permit. Mr. Yost clarified that under 200 square feet doesn't, but if it is larger or if there is plumbing or electrical in the shed, it needs a permit independent of size.

Chair Mertz opened the public hearing at 9:53 pm

Anisa Woods
184 W 800 S

Ms. Woods asked about renting and going on leave. She asked if she is required to have lived in the building for a year before renting. Mr. Penrod said that living there for one year is required before you can go on leave, but you can rent it right away. Ms. Woods is excited to see this come up. Affordable housing is hard to find. She is glad we are looking at it.

Eric Baker
153 S 300 E

Mr. Baker has a legal accessory apartment now. He asked how this will affect the requirements and what requirements would be imposed upon apartments in use right now. Chair Mertz said they would ask Mr. Penrod after the public hearing.

Tom Hawks
893 S 1650 E

Mr. Hawks builds homes that have ADU's. He said Mapleton has a \$5000 impact fee to have an ADU and they require a passageway to the other part of the home. What is proposed is not going to happen with the building requirements. Illegal basement apartments are everywhere and are not enforceable. If we put rules in place, then you have to be able to enforce them. Parking & traffic are a big problem. The infrastructure doesn't support the number of people. Installing a separate HVAC and panel is a big deal. Mr. Hawks doesn't like it being a city wide thing. When you buy a home in a certain zone and then have it changed is not good. Neighbor is parking in front of your house and you call and nothing can be done. Enforcement is the biggest problem. This ordinance won't work for how it is written.

Logan Millsap

531 S 300 E

Mr. Millsap is excited about ADU's. He feels that it is a win because you get more affordable housing, people can help afford their mortgages, and you get new neighbors. Previous presentations there are more of these being built in other cities. He wants the City to minimize the number of barriers put in place for those that want to build these. Let people make sensible decisions for themselves. Most people have their neighbors and their neighborhood in mind when they do this. He feels there is no need to over regulate or restrict. Please keep it simple.

Brayden Murdock
1031 N 800 E

One of the things we love about Springville is how beautiful it is, but affordable housing is a concern. The HVAC is a significant cost. Parents live in the county and they check for safety things, that don't cost thousands of dollars. Look at what can be grandfathered in.

Commissioner Young moved to close the public hearing. Commissioner Parker seconded. Chair Mertz closed public hearing at 10:03 p.m.

Commissioner Young asked if the process for having existing ADU's is the non-conforming permitting. Mr. Penrod said that Mr. Yost makes that determination. The process is to file an application and show evidence that it was legal. If it was legally established and stayed that way ever since, it can be determined to be legal non-conforming. Mr. Yost stated that the process for legal, non-conforming is fact based and individually decided.

Mr. Penrod hears the comments about it being expensive with the building requirements. It is put on place for safety for both units. The building code is International, adopted by the State and we have to adopt that.

Commissioner Baker asked if they could be in an 8-plex. Mr. Penrod said it is meant for a property with a single family home.

Commissioner Baker has an issue with the parking portion in areas within a quarter mile of public transit and reducing it to one off street. She sees a problem getting rid of any off street requirement near a business district or transit stop (a bus route) because people will still have a car. Those areas have less street parking anyway with less frontage. That will put everyone on the street. The Commissioners agree.

Commissioner Heaps pointed out Tom Hawk's comment and how there isn't anything to address enforcement. He asked how this can be enforced when there are no violations listed in the ordinance. Mr. Penrod stated that when they are not specifically listed in the ordinance, it falls back to regular violations of any city code which would be a fine of \$1000 and up to 6 months in jail which is a Class B misdemeanor. This is hard to enforce, but when someone knows there is a separate unit, they can complain.

Commissioner Baker moved to recommend approval of the proposed accessory dwelling unit ordinance that amends section 11-3-402, 11-4-301, 11-4-402, 11-4-403,

11-6-104, 12-2-113, and adopt section 11-6-134 to Springville City code with the exception of not including if an ADU is within a quarter mile of a transit stop and within a half mile of a business district no additional parking stalls would be required. Commissioner Heaps seconded. Chair Mertz called for a roll call vote.

Farrer - Aye
Young - Aye
Parker - Aye
Mertz - Aye
Baker - Aye
Heaps - Aye
Ellingson - Aye

The vote to approve the Legislative item was unanimous.

4. ***Springville City consideration and recommendation of the Springville Sewer Master Plan to include the IFFP-Impact Fee Facilities Plan and IFA-Impact Fee Analysis.***

Steven C Jones PE, Hansen Allen and Luce Inc, presented.

The purpose is to get an existing report card of the system, serves as a planning document for future growth and basis for the impact fees. Same growth assumptions used on the water plans using the City General Plan and Governor's office growth projections.

The Level of Service, is what they are designing the sewer systems for. An ERU is Equivalent Residential Unit, based on a single family home. It is based on indoor water usage which is about 172,000 gallons per day, per household, with a peak of 226,000 gallons per day per household.

The cost of the system capacity is applied to provide the capacity for future development. There are \$6.2 million dollars that are assigned to growth in the next ten years.

Impact fees are \$1,726 per resident for a one-inch line. These may be cut in half based on discussions with the Home Builders Association. The impact fee is based on the drinking water meter. It is going from \$1,426 to \$1,717.

Commissioner Baker asked if this impacts a new build or remodel. Mr. Penrod said it would be any time you add a water line to a facility. Commissioner Young said that if you change the size of your water line, then you would have to pay the fee. Mr. Penrod continued to say that you are credited for whatever size of line you have going into your home. If you have a one-inch line and you go to a two inch, then you pay the difference in the impact fees. Commissioner Baker clarified that if you don't make any changes, then you don't have to pay the fee. Mr. Penrod said that is right. Commissioner Baker said that if you had a one-inch line, and you rebuilt with a one inch line, then you wouldn't have to pay the fee. Mr. Jones said in that scenario, you only pay the impact fee once.

Commissioner Heaps asked if each condo has a separate impact fee. Mr. Penrod said it is just based on the water line going to the facility and then it is figured using ERU's.

Commissioner Baker asked about if irrigation water affects what is going into the sewer. Mr. Jones said it is indirect and part of the infiltration. It can be considered part of the ground water.

Chair Mertz opened the public hearing at 10:27 p.m.

Tom Hawks
893 S 1650 E

Mr. Hawks asked if the \$300 fee increase is to fix the sewer system from infiltration. Mr. Jones said no, it is for future growth. Mr. Hawks said that the City should look at fixing existing system. He has heard of infiltration in the sewer system and feels that would be a good change in our city. So, ultimately, no comment.

Commissioner Baker moved to close the public hearing. Commissioner Farrer seconded. The public hearing was closed at 10:29 pm

Commissioner Farrer moved to recommend approval of the updated waste water master plan. Commissioner Young seconded. The vote to approve the legislative session item was unanimous.

5. *Springville City Power Department 2019 Update to the Power Capital Facility Plan (CFP), Impact Fee Facility Plan (IFFP) and Impact Fee Analysis (IFA) as per the Utah State Impact Fee Act.*

Leon Fredrickson presented. He introduced Brandon Graham, Superintendent, who is in attendance.

The objective is to maintain an electric system that has the facilities necessary to deliver the resources needed to meet the demands of capacity and energy of the customers connected in a safe, reliable and economical manner.

Any monies collected today need to be expended within a six-year window.

There is a need for an additional substation in the Westfields with continued growth. The distribution system guides the impact fees.

Rate payers pay what they are responsible for with the impact fee.

They determine the total cost of the projects; proportional share of the system demand associated with peak of new growth; and forecast future demand.

We have managed the system and the impact fees well enough that the impact fee for a standard 200 amp residential service can be lowered.

Commissioner Baker asked about going from 1 inch to a 1.5-inch line with the water, where the resident pays a difference in the fee, is there an equivalent with the power fees. Mr. Fredrickson said yes, and showed the fee table and how they use it. The difference is charged based on what there is in place currently.

Commissioner Baker asked about the pole strength test happening now. Mr. Fredrickson said that the renewal and replacement system that is in place. Nothing to do with the impact fees.

Commissioner Ellingson asked about the impact of residential solar on our grid system. Mr. Fredrickson said it provides 1.5-2 million kilowatt hours of energy for the community. It does have its benefit and place. She asked how you work with the fluctuation in demand. Mr. Fredrickson it blends together. A 24-hour desk that looks at all the different resources and we schedule as needed, and as needed, we bring in our internal generation to help with fluctuations.

Chair Mertz and Commissioner Heaps commended Mr. Fredrickson and his department for their work.

Chair Mertz opened the public hearing at 10:47 pm

Karen Ifediba
450 S 100 E

In 1988-89 we built the Springville post office. We were in charge of taking care of the landscaping. The sprinkling system went off every 3 days because the power went off every three days. Every morning at 7:00 am we would get a call from the Post Master to fix the meter that kept turning off. She has watched what has gone on with the electric system and when we had this last power outage, with the work around substations, the amount of time we were out of power was outstanding. These are well thought out fees. She commended the power department for their work and for being prepared for those who are moving in. She is impressed that the fees are going down.

Commissioner Young moved to close the public hearing. Commissioner Baker seconded. The vote to close the public hearing was unanimous. The public hearing was closed at 10:51 p.m.

Commissioner Farrer moved to recommend that the Power Impact Fee Study and Enactment Ordinance be adopted for the benefit of the existing and new connections to the Springville City Power System. Commissioner Heaps seconded the motion. The vote to approve the Legislative Session item was unanimous.

ADMINISTRATIVE SESSION

Commissioners Mertz and Ellingson will be absent on August 11.

With nothing further to discuss, Commissioner Farrer moved to adjourn the meeting. Commissioner Young seconded the motion.

Chair Mertz adjourned the meeting at 10:53 p.m.