PLANNING COMMISSION MINUTES

October 27, 2022

PRESIDING AND CONDUCTING:	Vice Chairman Jake Lake
Commissioners in Attendance:	Jesse McLean Lewis Nuttall Sharee Killpack TJ Uriona
Staff in Attendance:	Sean Conroy, Community Development Director Ryan Robinson, Planner
Minutes Transcribed by:	April Houser, Executive Secretary

Vice Chairman Jake Lake called the meeting to order at 6:00pm. Alternate Commissioners Lewis Nuttall and TJ Uriona were seated as voting members this evening.

Item 1. **Planning Commission Meeting Minutes – September 8, 2022.**

Motion: Commissioner Killpack moved to approve the Planning Commission Meeting Minutes for September 8, 2022.
Second: Commissioner McLean
Vote: Unanimous

Item 2. **Consideration of a Conditional Use Permit for an auto repair/detailing business located at 1655 West Maple Street in the General Commercial (GC-1) Zone.**

Motion: Commissioner Killpack moved to approve the Conditional Use Permit for an auto repair/detailing business located at 1655 West Maple Street in the General Commercial (GC-1) Zone with the conditions listed below:

1. The applicant shall maintain a current business license with the city.
2. The applicant shall have no client visits to the site and will not use the site as a car sales lot.
3. Vehicles that are being repaired or worked on shall be stored within the structure and not stored outside.
4. The applicant shall comply with the City's disturbing the peace and nuisance ordinances.

Second: Commissioner McLean
Vote: Unanimous

Item 3. **Consideration of a Preliminary Plat for the Preserve Plat B Subdivision**

consisting of 27 lots located at approximately 2000 South Preserve Drive, in the Planned Residential Unit (PRC-4) Zone.

Sean Conroy, Community Development Director, went over the Staff Report for those in attendance. Back in 2006 this area was approved for the PRC Zoning. Currently 5 plats have been developed as part of this subdivision. This would be the remaining 27 lots of the development. There are some minor changes to this phase, but the lot sizes and layout are still consistent with the original approved Preliminary Plat. The neighbors to the south submitted an email requesting a stub street to their property. The applicant is asking to do this final plat in 3 phases. Staff has discussed, with the applicant and southern property owner, the possibility of approving the first 2 phases at this time. This would allow the final phase to come forward when the potential installation of the stub road has been determined. **Commissioner McLean** asked if the stub street would be between lot 87 and the open space, which Sean stated that it was. The continuation of the trail is being proposed as a cash donation that could be used when the trail location is determined in the future.

The applicant, **Matt Peterson**, felt Sean covered their development proposal. They would prefer not to stub a road to the Joyner property if it will never be developed. They are open to putting in an easement in this location that would allow for a street in the future if needed. The easement under Ensign-Bickford (EBCo) would take place between the applicant and EBCo directly. The applicant is working with them to make sure the easement will stay in place with an agreement between. The park in the development will remain private for the residence in this area. **Commissioner Uriona** felt an easement to the Joyner's would be a better decision at this time since they do not currently have a proposed concept plan for their property in place. Sean stated again that delaying the third phase until the street stub concern is addressed would likely be best at this time. Mr. Peterson would like all 3 phases to be approved at this time, so they can move smoothly ahead with the entire project. They would like some clarity and the ability to move forward with the entire final plat. **Commissioner Killpack** asked if this stub street concern could be addressed by Staff, not requiring the applicant to return to Planning Commission for the final phase approval in future. Sean stated that no more than 30 homes can be located on a single street development. If the stub road is required it would be approximately 500' in length, accruing the additional costs for the improvements along that area. The Planning Commission and City Council needs to determine if the stub road is necessary for connectivity and access in this area. Commissioner Uriona was comfortable with requiring the easement at this time, allowing the Joyner's to develop their property and complete this street if needed in the future.

Commissioner Uriona stated again that he was okay with approving the development with the required easement at this time. **Commissioner Killpack** felt that leaving the 3rd phase out of the approval would be more appropriate. **Commissioner Lake** stated this could potentially hold up the developer from recording the development, allowing them to sell lots, until it's brought back for additional approval on the third phase.

Motion: Commissioner McLean moved to recommend approval to the City Council for the Preserve Plat B, Phases 1 and 2, Subdivision consisting of 27 lots located at approximately 2000 South Preserve Drive, in the Planned Residential Unit (PRC-4) Zone with the condition that the applicant comply with any outstanding Development Review Committee (DRC) comments.
Second: Commissioner Nuttall
Vote: Unanimous

Item 4: Consideration of an ordinance adopting Mapleton City Code Section 18.84.425 governing short-term rentals within the city.

Ryan Robinson, Planner, went over the Staff Report for those in attendance. In 2014 the City Council approved 2 short term rentals in the city. One of these is no longer in operation, and in 2021 short term rentals were removed as a potential use in Mapleton. The occupancy would not allow for more than 12 individuals, or an average of 2 individuals per room. A 2-night minimum would also be required, as well as the property being owner occupied. The Commission can recommend whatever they feel is best for Mapleton to the City Council for final review. **Sean Conroy** stated that the feedback received has been for both allowing, and prohibiting, these types of uses. Staff would recommend taking public comment and then discussing it further from there.

Vice-Chairman Lake opened the Public Hearing. **Mike Cobia** asked what portion of the home could be rented if the owner occupied the home? Parking was the only real issue that Mr. Cobia had seen when utilizing these types of rentals for his own personal travels, when some would be pulling trailers, or other recreational vehicles. Mike felt these can be mitigated easily by local law enforcement. He felt some of the new developments have CC&R's that would restrict these types of uses. **Charly Hannah** would like this item to be continued until some further discussion could take place. She felt this could open some wonderful opportunities for the city. Charly felt this was a step in the right direction and wanted to meet with staff to further discuss her ideas. **Lauretta Rose** asked if the violation section was included, and Sean said that it was already part of the City Code. She felt the "*Disturbing the Peace*" issue be more strongly addressed. The owner of the property should be able to immediately address any urgent issues that take place. **Sabastian Jenkins** feels these short-term rentals give a better compacity to handle larger families when traveling. We should embrace these types of uses and should not restrict people to use their property in the way they see fit. **Heather Naylor** wrote an email but wanted to readdress some of her comments. She does not feel short-term rentals are a problem in this area. This is not where people come to party. They are good quality people. The owner-occupied requirement is great and should lower the possibility of any issues that may arise. **Ellen Jensen** thinks these uses can be a great benefit for many people. She would like some more clarification regarding Sections B5 and B6. How will these short-term rentals be monitored? Will short term rentals be taxed, or just require a 1-time fee, like a Business License? **Angela Silva** felt the 90-day limit is a wise addition to the ordinance. These would mitigate some of the negative impacts of these types of rentals. **Rick Silva** stated that because change is happening, doesn't require that more change needs to happen. This proposal could change the nature of neighborhoods without any notification taking place. There may not be current problems with these types of uses now, but that does not mean there will not be in the future. Mr. Silva felt more angles needed to be addressed before this ordinance moves on to City Council. **John Legge** was not sure there were any short-term rentals allowed in Mapleton at this time. If CC&R's are in place that restrict these types of uses, does it trump the city code, which staff stated that it would. CC&R's are allowed to be more restrictive than the city but are not monitored by the city. He felt that the city should look how St. George handles these types of rentals and create more of an area that allows for these uses. A member of the audience wanted to make sure we had enough Police Officers to handles these types of rentals if they are allowed. **Dan and Janet Barton** live in the Silver Leaf Subdivision and have used their home for these types of rentals. Without this use they would not have been able to remain in their home. Mr. Barton does not feel the owner-occupied rentals have as many issues as those who rent a whole home. He has never had any issues with his unit. They would prefer the 90-day limit be removed or extended. There are some things in place through rental companies that help mitigate so called "party houses". **Commissioner Killpack** asked Mr. and Mrs. Barton if there were rules, they would like to see enforced. She felt that not allowing street parking, as well as keeping these

units owner-occupied, helps mitigate most of the issues that come with these types of units. **Commissioner Uriona** asked why they prefer a short-term rental over a long-term. They like the flexibility of the use, as well as the extra income that comes from short term verse long term. The Barton's keep their neighbors informed of nights they are renting the unit. **Trent Wride** aims for short term rentals, but states that there will be issues eventually with these types of rentals. His question would be to the city, if it is illegal to be doing this right now and it is still happening, how would the city plan to monitor these if they legalize them. Most renters are good people, and Mr. Wride feels that requiring them to be in owner-occupied would help mitigate most issues. He also wondered how the city planned to monitor the 90-day allowance, along with the owner-occupied requirement, to make sure these are being met. He felt it would be nearly impossible for the city to do this but was in favor of allowing these types of rentals. **Shiloh Sorensen** believes in this option. Being owner-occupied will mitigate a great deal of concerns. Mapleton is a great place for families, and a place to feel comfortable, so residents are not going to want to alienate their neighbors by allowing bad behaviors to take place on their property. Shiloh feels these uses should be done over a business license with the city. This would allow homeowners to stipulate how large of an area they plan to rent and list out where off street parking is going to take place. Neighbors are typically notified with a Home Occupation as well, which would help to get feedback from the neighbors if there are specific concerns throughout the city. To blanket the rules over the city does not make sense but should be more specific to each property with a short-term type of business license. **John Legge** stood again with concerns where this take places already when it's currently illegal, and how will the city regulate further issues that may arise if these become a permitted use. Under the DRAFT ordinance some of the current long-term rentals could be utilized on more of a short-term timeframe. **Commissioner Uriona** stated that these rentals do not come without an impact. Noise from these areas preclude some types of family activities for themselves when they live next to these units. The neighbors end up policing the issues with these units. He feels this ordinance would be a short-term solution for a long-term problem. Enforcing these units will always come with problems. He feels it does distract from the feel of the community. **Vice-Chairman Lake** felt continuing this ordinance at this time until information is gathered form other cities in the area so that we can get it right the first time. Staff would ask if the item were continued to give direction on what the Planning Commission would like to see before the item is brought back before them. **Commissioner Nuttall** would like to hear from Police Chief Jackson as well regarding any concerns he may have. Having a work session was suggested as well to help discuss all the possible concerns and address everything possible before moving forward with an ordinance. The state has very much been saying that cities should not be regulating these short-term rentals, where now they are moving more toward the long-term rentals over these types of uses. These units could affect how we meet our Affordable Housing requirements.

1st Motion: Commissioner Uriona moved to recommend denial to the City Council of an ordinance adopting Mapleton City Code Section 18.84.425 governing short-term rentals.

Second: Motion died due to lack of second

2nd Motion: Commissioner Killpack moved to continue the consideration of an ordinance adopting Mapleton City Code Section 18.84.425 governing short-term rentals within the city directing staff to gather more information from other cities, Police Chief John Jackson, and that a work session possibly be held to further discuss concerns and regulations that can be put in place

Second: Commissioner Nuttall

Vote: 4:1:0 with Commissioners Killpack, McLean, Nuttall, and Lake voting aye, and Commissioner Uriona voting nay feeling that these uses should not be allowed.

Item 5. Adjourn.

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April Houser, Executive Secretary Date