



Planning Commission Meeting

June 8, 2023

6:00pm

125 West 400 North
Mapleton, UT 84664



PLANNING COMMISSION AGENDA

Thursday, June 8, 2023, at 6:00pm
125 West Community Center Way (400 North), Mapleton, Utah 84664

The order of agenda items is subject to change at the discretion of the Planning Commission Chair.

6:00 p.m. Call to order: Pledge, Invocation, and Introductions/Announcements.

Consent Item

Items on the consent agenda are routine in nature and do not require discussion or independent action. Members of the Commission may ask that any items be considered individually for purposes of Commission discussion and/ or for public comment. Unless that is done, one motion may be used to adopt all recommended actions.

1. Planning Commission Meeting Minutes – May 11, 2023.

Action Item

2. Consideration of an ordinance adopting Mapleton City Code section 18.84.425 governing short-term rentals within the City.

PUBLIC COMMENT MAY BE ACCEPTED AT THE DISCRETION OF THE CHAIR

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting/hearing should notify April Houser at the Community Development Office, at Mapleton City, 125 West 400 North, Mapleton UT 84664, or by phone, (801) 489-6138, giving at least 24 hours notice. Signature on this document certifies that it was posted in the City Office on 5/26/23.

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24 HOURS NOTICE
(Last Modified May 26, 2023)

April Houser, Executive Secretary

Item:

2

REQUEST

Consideration of an ordinance adopting Mapleton City Code section 18.84.425 governing short-term rentals within the City.

Date:

6/8/2023

BACKGROUND & DESCRIPTION

Short-term rentals are generally considered rentals that are for less than 30 days. In 2014, the City council adopted an ordinance allowing short-term rentals as a conditional use in the A-2 zone on five acre lots or larger. The City approved two short-term rentals under that ordinance, one of which is no longer in operation. In 2021, the City Council removed short-term rentals as a conditional use in the A-2 zone but expressed some interest in adopting an ordinance that addressed all residential zones, not just the A-2 Zone.

Applicant:

Mapleton City

Location:

Residential zones

Prepared By:

Sean Conroy, Community
Development Director

Public Hearing:

No

The Planning Commission held a public hearing on October 27, 2022 to review the attached ordinance. The Commission continued the application with a request for staff to do more research into what other cities are doing, particularly when it comes to enforcement. Staff will summarize its finding at the meeting. Part of the reason staff has waited to bring this item back to the Commission was to allow the 2023 state legislative session to be completed as short-term rentals was a topic of debate. The legislative session has concluded and no new legislation was passed that would impact the City's ability to regulate short-term rentals.

Zone:

All residential

EVALUATION

The adoption of an ordinance is considered a legislative action. The Planning Commission and City Council generally have broad discretion when acting on legislative matters, provided it can be reasonably debated that the action taken will promote or protect the general welfare of the community.

Attachments

1. Draft ordinance.
2. Correspondence.
3. PC minutes.

Correspondence: In addition to the public comments received on October 27th, staff also received 22 emails both for and against the proposal. Some of the reasons suggested in the correspondence as to why short-term rentals should not be allowed included:

- The use would detract from the character of the City;
- The transient nature of renters leads to residents that are often not considerate of the neighborhoods;
- Would require increased investment in public safety to police and enforces;
- Potential increase of crime, traffic and noise;
- Would impact the peaceful nature of the community;
- They are difficult to enforce; and
- Potential reduction of accessory apartments available for rent.

Some of the reasons why people suggested that short-term rentals should be allowed include:

- Property owners should be allowed to use their property as they see fit;
- Allows property owners another source of income;
- Provides a needed service to allow people to stay within the community;
- Provides revenue to the City; and
- Short-term rentals are better than long-term rentals for property maintenance.

General Plan: Goal 3 and policy 3.1.C of the Land Use Element of the General Plan state the following:

“Goal 3: Ensure land uses are compatible and/or utilize adequate buffers to enhance compatibility.”

Policy 3.1.C: Ensure commercial uses that are allowed in residential zones are incidental to the main residential or agricultural use and do not negatively impact the quiet, rural atmosphere of the area.”

The Planning Commission should first discuss whether allowing short-term rentals is consistent with the goal and policy stated above. If the answer is no, the Commission should make that recommendation to the City Council. If the answer is yes, the Commission should discuss the draft ordinance that has been provided.

Below is a summary of the primary restrictions proposed in the draft ordinance followed by a staff response. The restrictions are meant to balance the ability of a property owner to use their property with the goal and policy of ensuring that commercial uses in residential zones are incidental and do not create negative impacts on adjacent land uses.

- **Short-term rental properties must be owner occupied.** According to this requirement, the owner of the property must have their primary residence on the property. This requirement would avoid investors purchasing properties with the sole purpose of operating a short-term rental full time, and would help ensure that the short-term rental use remains incidental to the primary use. This does not mean the owner needs to be present on the property when a short-term rental is occurring.
- **The primary dwelling or an accessory unit could be rented for no more than 90 days per year.** This requirement would allow some commercial use of the property but would keep it incidental to the main residential use. A property could be booked for 90 days, or 25% of the year. Several of the comments from the public hearing and the correspondence suggested that this requirement is too restrictive. They argued for either no limit on the number of days or at least more than 90. The Commission should discuss whether this requirements is appropriate.
- **Maximum occupancy.** The draft ordinance proposes a maximum occupancy based on the number bedrooms in a rental multiplied by two. For example, a dwelling with five bedrooms would be allowed a maximum occupancy of 10 people (5 bedrooms x 2). However, in no case could occupancy exceed 12 people. This would help address concerns that often come with larger groups (parking, noise, etc.). There were also several public comments suggesting that the occupancy limitations were too strict. The Commission should discuss whether this requirement is appropriate.
- **Require sufficient on-site parking.** This would help ensure that cars do not need to be parked along the street or in front of other neighboring dwellings.
- **Require a two night stay minimum.** This would help avoid single night “party” groups and excessive turnover.
- **Neighbor Notifications:** Upon approval of a license for a short-term rental, the City would notify adjacent

property owners of the approval, conditions of use and contact information for the applicant.

- **Enforcement:** MCC indicates that a violation of the zoning ordinance is a class “C” misdemeanor subject to a fine of up to \$1,000 or by a term of imprisonment of up to 90 days. If an owner is cited two or more times during a calendar year, the license would be revoked. There was some discussion during the public hearing regarding enforcement and creating stricter requirements. In staff’s discussions with other cities that are similar to Mapleton (not vacation destinations), the main enforcement issues were with property owners that were not properly licensed. Once an owner has become licensed, enforcement has not been a significant challenge. The Commisison should discuss if the enforcement standards are appropriate.

RECOMMENDATION

Make one of the following recommendations to the City Council:

- Recommend adoption of the ordinance to allow short-term rentals as proposed;
- Recommend adoption of the ordinance to allow short-term rentals with amendments; or
- Recommend adoption of the ordinance prohibiting short-term rentals in residential zones.

Draft

Changes since previous review are shown in underline

18.84.425: Short-term Rentals

A. Purpose: The purpose of this section is to establish regulations that allow for the use of privately owned residential dwellings as short-term rentals while also:

1. Ensuring basic health and safety to renters, hosts, and neighbors.
2. Minimizing potential negative secondary effects of such use on surrounding uses; and
3. Preserving the residential character of Mapleton City neighborhoods.

B. Definitions: The following words, terms and phrases, when used in this Section, shall have the meanings:

1. **"Bedroom"** means a room of at least 70 square feet of conditioned space designed for sleeping that includes two means of egress including at least one door.
2. **"Host"** means an owner who rents their primary residence or accessory unit as a short-term rental.
3. **"Occupant"** means an individual that is two (2) years of age or older that is occupying a residence or accessory unit during a short-term rental stay.
4. **"Owner"** means a person or persons who permanently occupies a primary residence they own in fee title. A permanent resident shall not be a corporation, partnership, limited liability company, or similar corporate entity.
5. **"Owner Occupied Primary Residence"** means the owner's usual place of return for housing as documented by at least two (2) of the following: motor vehicle registration; driver's license; voter registration; or tax documents showing the residential unit as the owner's residence for the purposes of a homeowner's tax exemption. A person may have only one (1) primary residence.
6. **"Short-term rental"** or "STR" means all or a portion of a residential dwelling unit that is used for a temporary overnight stay by a renter(s) for a period of less than thirty (30) consecutive days. An STR shall not be a place that hosts events, parties or activities.
7. **"STR stay"** means the entire period of time, including both days and nights, a renter stays within an STR.

C. Requirements: The following requirements apply to short-term rentals:

1. The primary residence on the lot or parcel must be owner occupied.
2. No more than one (1) short-term rental is allowed per each lot or parcel.
3. If an attached or detached accessory unit is proposed to be used as a short-term rental, the accessory unit must comply with the requirements of section 18.84.410.(D)(E) of this title.
4. The primary residence or an accessory apartment may be rented for a maximum of ninety (90) days per calendar year. Upon request, the applicant

shall provide to the City documentation verifying compliance with this section with penalty of perjury.

5. The maximum occupancy allowed in the short-term rental shall be determined by multiplying the number of bedrooms by two (2). However, in no case shall the maximum occupancy exceed twelve (12) occupants. For example, a short-term rental with four (4) bedrooms, would be allowed a maximum occupancy of eight (8).
6. The short-term rental lot or parcel must provide off-street parking at a minimum rate of one (1) parking space per four (4) occupants. If the parking calculation results in a fraction, the required parking shall be rounded up to the next whole number.
7. The short-term rental must be rented out for at least two consecutive nights per stay.
8. The occupants shall comply with Mapleton City's disturbing the peace ordinance (MCC section 9.12).
9. The owner, or a designated representative, shall be available to immediately respond twenty-four (24) hours/day, three hundred sixty-five (365) days/year by telephone, electronic communication, and when necessary, be able to physically respond within one hour of any legitimate complaint. If the owner is unreachable after three (3) attempted contacts by the City, a notice of violation will be issued.

D. Application and Review Process: The application process shall include the following:

1. Property owners desiring to establish a short-term rental shall submit a Mapleton City Business License application to the Community Development Department.
2. The Community Development Director, or his or her designee shall review the application for compliance with this section.
3. A building and fire inspection shall be required. A checklist of inspection items will be provided with the business license application form maintained by Mapleton City.
4. Upon completion and satisfaction of the building and fire inspections, and a determination that the application complies with subsection "C", the Business License shall be approved by the Community Development Director, or his or her designee.
5. The Community Development Director, or his or her designee, may refer an application to the Planning Commission if there are unique circumstances or questions regarding compliance with the required standards.

E. Neighbor Notifications: Upon approval of a business license to operate a short-term rental, the Community Development Department shall mail a notice to all property owners within 100 feet of the applicant's lot or parcel. The notice shall include:

1. Indication that a short-term rental has been approved at the subject location and a summary of the conditions of the license.

2. The name and phone number of the applicant.
3. Mapleton City contact information and process for filing a complaint.

F. Appeals: An applicant may file an appeal of any final decision by the Community Director, his or her designee, or the Planning Commission in accordance with section 18.84.460 of this title.

G. Violations: Violations of this section may be subject to the penalties described in section 18.88 of this title. If a property owner is cited more than two (2) times within a calendar year, the business license may be revoked for a period of one (1) year. Should a renter be found to be in violation of the disturbing the peace ordinance 9.12 as determined by the Community Development Director or their designee more than once in any given 72-hour period the renter shall be immediately evicted from the property by the owner.

If the Planning Commission recommends that STRs not be allowed, the following ordinance should be recommended:

18.84.425: Short-term Rentals

Short-term rentals are prohibited in all residential zones within the City. For the purpose of this section, a short-term rental is defined as all or a portion of a residential dwelling unit that is used for a temporary overnight stay by a renter(s) for a period of less than thirty (30) consecutive days.

Correspondence regarding Short-Term Rentals

Comments that are generally against allowing Short-Term Rentals

We are strongly opposed to allowing short-term rentals in Mapleton. We have lived in Mapleton for 7.5 years and have seen many changes, some of them not for the better. We live in a single-family home in Harvest Park. Next door to us is a renter. The owner lives out of state. The occupants are nice enough, but it isn't the same as owner occupied. There is no pride of ownership. The landscaping is unkempt. Even the sprinklers aren't set correctly and go on mid-day, every day, for a long time. The renters don't care. And why should they? They are doing their part by paying rent. The tenants have come and gone since we moved here, but the impact on us is the same.

Allowing short-term rentals would be a mistake. Air B&Bs, VRBOs and Vacayo would detract from the what we hoped would be a small town, family-oriented community. Our quality of life would be diminished. Property values would suffer. Security would be a concern. Additional foot and vehicle traffic, noise, and parking problems would negatively impact us as transient visitors would come and go. Crime would likely increase as well. City services such as EMT, ambulance and fire would need to be increased. News accounts tell of loud and raucous parties with drugs and alcohol held in short-term rentals. Many times too many bodies are packed into a unit, exceeding sensible capacity.

You can't throw a rock without hitting a city that is moving toward aggressive regulation of short-term rentals. Mapleton City needs to protect our citizens and our quality of life by strictly banning short-term rentals and fining those property owners who violate this code.

Jayme Blazian
Randy Blazian

I am TOTALLY against short term rentals. It would ruin our community feel, increase crime and noise. We don't need this in our rural community. If someone wants a short term rental, they can go to the city or to a hotel. Please vote NO to keep it out of Mapleton! Thank you!

Michele Dennis

Sent From Michele Dennis Phone.

Mapleton City Planning Commission,

As residents of Mapleton City, for seventy-two and forty-six years respectively, we both strongly believe that short-term rentals will negatively impact our community for the majority of it's residents. We have owned properties in other Utah counties where this was allowed and/or the terms of leases were abused resulting in frustration by surrounding neighbors. We have chosen to live in Mapleton because of the peaceful, safe, and respectful community it is known to be. We are strongly opposed to short-term rentals in our beautiful town.

Thank you for giving us the opportunity to express our opinion regarding this important matter.

Don & Heidi Bleggi

Heidi Bleggi

Hi my name is John Snyder and I live at 66 S. 680 W., Mapleton UT 84664. I own Coin crazy family fun center and was a main sponsor of our Pioneer Day celebration. I am completely against any form of short term rental in our city. Here is a link to crime rate increases within airbnb cities to start.

<https://www.wired.com/story/why-some-crimes-increase-when-airbnbs-come-town/amp>

We are already growing at a rate where it is hard for a culture to assimilate the population, adding this type of environment onto our community will do us no favors. All in exchange for some dollars. Who is pushing this?

Here is another study,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8279333/>

“ Airbnb prevalence in a neighborhood appears to be associated with increases in violence, but not with public social disorder or private conflict. Interestingly, the effect on violence was only consistent visible for the measure of Airbnb penetration—or the extent to which buildings in the neighborhood have one or more listings (and for the measure of density, or the listings per household in the two-year lags). It was never present for overall usage, or the estimated quantity of Airbnb guests. Further, the effect of penetration on violence appears to emerge and strengthen over multiple years.”

You may think you are correcting this with your limitations, but I say Mapleton should not be the experiment. Why are we trying to destroy our community?

Thanks for your time,

John

I'm writing to share my thoughts on Short-Term Rentals in Mapleton. I am against allowing our city to have short-term rentals. I understand that The Planning Commission is discussing this at their meeting tonight. I will be there and hope to share how I feel about it, but I also want to send in my thoughts in an email.

We live in a neighborhood along the north east bench in Mapleton. It's a quiet neighborhood on a street with eleven houses and a dead end at the end of the street. Our house was built in 2019 as was the house to the south of us. The builders of the house next to us sandwiched in a "shop" between our homes. We had a meeting with our neighborhood at the time they were building to oppose this "shop" which they were going to put in a bedroom, bathroom and a kitchenette. This was to be used for parents when they came to visit. They deceived us after we allowed them to continue with the building of this "shop". It became a home with three bedrooms, two bathrooms, kitchen, family room with a fireplace. Now the new owners have used it for AirBNB and we have had to deal with some uncomfortable situations.

One of the renters was actually several men here for a High Powered Rifle Convention, in fact, the neighbors rented out their main home to them too. So, the rented both the "shop" and the main home. These men came from all over the world. And they set up targets in the backyard and were doing target practice right next door to us. We had to call the Mapleton Police to handle the situation. They also invited people over after the convention each evening and had Food Trucks at the house every night for a week. The home owners were not there to even see what was going on. We the neighborhood had to deal with it. There were other people that rented here also. It is unnerving to have a constant stream of strangers in your neighborhood.

Mapleton is not a vacation destination like St. George or other vacation spots in the state. We are a quiet community that likes our quiet country roads and neighborhoods.

My husband and I also own a home in Hurricane at Sand Hollow and see how short term renters change a neighborhood. They are loud, drive fast on the roads, don't care about the neighborhood or the neighbors. The only people that benefit from short term renters are the people who own the home.

Short Term rentals don't bring in anything good. It brings more noise, crime, and will change Mapleton.

Questions for you are:

Why are you even considering this? What is the motivation of Mapleton to allow this?

I plan on being at the meeting tonight.

Debbie Legge

Hi,

I'm really not happy to learn that Mapleton is considering letting people rent their homes for 90 days of the year.

We own a second home in Washington city, right outside of St George. A lot of people own second homes there. They started renting them with things like AIRBNB the neighbors hated it, people would be up all hours of the night making all kinds of noise.

They now have an ordinance that says no one can do that. It's been much better since that happened.

Thanks Sylvia Russo

Comments that are generally supportive of allowing Short-Term Rentals

Hi,

I'd like to voice some concern over the restrictions to short term rentals being proposed in the draft ordinance 18.84.425. I believe that property owners should have the right to make use of their property in any way that they deem appropriate. Obviously if it affects the safety of others then restrictions may be needed.

With today's economic climate more and more individuals require additional opportunities to keep up with inflation and soaring costs. The city should be looking for ways to cut regulations instead of implementing more of them.

Why is there a 90 day per calendar year limit? If someone has a place available and can rent it for 180 or 300 days wouldn't that show that there is a need for this service? Why have a limit? Why not just let the market decide instead of imposing an arbitrary limit? Right now it appears that there are no hotels or motels to stay in within the Mapleton city limits.

I also do not understand the occupancy restriction based on bedrooms. It seems like a better approach would be to base it off of square footage. For example, if you have a 2000 sq ft basement with only 2 bedrooms, but also have a sofa with a pull out bed and perhaps some built in bunk beds I don't see why it would be an issue to have 10 people occupy that space if it complies with the building and fire inspection.

There are 5 people in my family and we run into restrictions with some hotels because they limit you to 4 individuals. They want you to rent 2 rooms thereby doubling the cost. If your family consists of more than 4 people then oftentimes a short term rental is the most cost effective way to stay somewhere.

Thank you for your time.

-Sebastian Jakins

Hello,

I have a question about the proposal on short term rentals. Is there something that explains the difference between short term and long term rentals?

Comments: People use rentals to help subsidize the costs of home ownership. In this economic environment, I think we should be accommodating to that so that people can afford their homes. The current environment is going to put pressure on married children returning home to live with parents for a while as well as others who may be in a similar situation but don't have the same benefit of having family close by. Why would we prevent them from doing so?

I have rented a place to a family that lost their house to a fire and needed a place to stay for a few months. Following that, I had a couple that was awaiting g their house to be built and needed a place for a couple months. Another man had just lost his wife to sickness and needed to move. He needed a place to stay while he figured that out.

Reading the new code I am not sure if that is ok or not under the description and it seems a shame that we would limit those peoples option for residence.

Thank you,
John

Sean,

I am writing regarding the STR Draft Proposal as posted on the website. I think it is great that the city is coming up with this but I have a few issues with it as proposed. First off let me say I do not even do Short Term Rentals so it is not that I have a personal interest at this point. I just feel the City is over reaching it bounds.

Section C #4 states that it can only be rented for a max of 90 days per year. I personally do not think the city should be able to dictate how many days a year the STR is rented in a year.

Section C #5 states that you can only have 2 people per room so to speak. Well some rooms are large rooms and can have a set of bunk beds real easy. I get it says no more than 12 people and that is fine but it should read max 12 people not that if there is two rooms only 4 people allowed. Maybe better max number allowed is defined by how many beds or sleeping pads are provided by Host.

Section C #7 Two Night Minimum- Again the city should not be dictating a two day stay requirement. The whole idea of a STR is SHORT TERM. Many times people only need one night. If the home owner wants to clean the place twice in two days then that's their problem.

Section C #6 Parking. I was not going to say anything about this one but the more I look at it the more I take issue with it. So if a STR can house 12 people max then you are saying you have to have 3 off street parking spots. That's not going to happen and a large family could easily drive up in a 15 passenger van. You do not hold a large family that has 4-6 teenagers all having cars to the same standard. They all park out in the street in front of houses all over the city.

So with all that said I think people that have an accessory building, basement or even just an extra room in their house that want to make them some extra cash instead of downsizing to a smaller house is great. Many of our residents are seniors and their kids have left the big house. These people want to stay in their home but property taxes keep increasing and people on fixed incomes are having a hard time. Using part of their home as an STR could be a blessing for some to stay in their home and make the extra money needed and they get to meet new people and make new friends. If they do it correctly it should not be a nuisance to the neighbors. Remember that family had 6 kids with 8 cars back in the day and no one complained about their being too much traffic and cars on the road. If neighbors do find it is a problem then they must not be following the "Quiet Time" rules. As for parking all cars of occupants should fit in the driveway OR in the street in front of the Host home or side of home if on a corner including the cars of the home owners. As long as cars are currently registered then parking is allowed on city streets.

The 90 days max and two night minimum rule does not even allow people to rent out every weekend of the year. If they by chance were able to rent 45 weekends then now they cannot rent during the week as they would be maxed out on allowed time. If the city is going to allow STR's then it should not limit the amount of days that are allowed. If you do you are just going to push people to not get licensed and do it underground and then you get none of the taxes.

Pool parties, back yard parties etc must be quite by 10PM. No large scale parties unless property is large enough to accommodate properly.

Thank you for reading through all this it may not be eloquent but I think it gets to the point.

Dan Sutherland

Hello there

I favor short-term rentals in owner-occupied homes. A home owner should be able to use their home as a revenue source without a limit on days (such as 90 nights per year) as long as common-sense guidelines are followed, such as providing parking.

I hope Mapleton will not restrict short-term rentals.

Thanks,
Angela Ashurst-McGee

Sent from my iPhone

Dear Mapleton City,

I am a resident of Mapleton 5 years now.

We have built a home here and are settled here for good.

I want to give my opinion as a resident of Mapleton on the vacation rental decision.

-My vote is that we DO allow vacation rentals as long as it doesn't disrupt the safety and well being of a specific, particular neighborhood.

-I agree that the neighbors should be notified and okay with the rental property. -I disagree with not allowing ANY street parking (unless it's a neighborhood with narrow streets, or is in any other way a safety problem for cars, children, or pedestrians). Our neighborhood is full of mostly half acre/ full acre and larger lots. Our street is a VERY wide street. Almost no one needs/uses street parking. I think one car should be allowed for the vacation rental property on street (so long as it's not within 50 feet of a corner nor is it parked in front of any part of a neighbor's property). Any other vehicles over 1, should be parked in owner's driveway.

-I agree that no one should stay at the rental area unless owner is present and on-site.

- I agree that 2 people only per bedroom, unless it's a few extra children small children. (Maybe like 6 max per two bedroom and 4 of the occupants MUST be adults).

-The last thing is: I think the amount of days per month allowed to rent should be approx 12 days. (This allows someone to rent it out on the weekends while they are home, like a Friday to a Sunday and when school is out and kids are not walking/driving to and from school throughout the day).

I hope you will consider this as a vote from a Mapleton citizen. I really care about this decision.

Thank you,
Alyssa James

Sent from my iPhone

My husband and I were sad to have missed the city meeting last night. We are currently out of town.

We live at 630 N 1600 E. We were actually told when we bought the house that we could rent it out. The previous owner wasn't truthful and later actually said we could get in trouble for renting it out. It was a strange experience.

We were pitched buying this property because prior to owning it we filmed a kids TV show in the 4000 square foot barn on the property. We have rented the home to BYU for Studio C, Macys for a Christmas commercial, other production companies for commercials and a few times for weddings. The main part of our draw to the property was the ability to rent it as we work as film producers. The property is over 6.5 acres, set back from the street with plenty of parking. We travel for our job and have recently filmed in Romania, Philippines, Albania and the country of Georgia. We would love to be able to rent our home out while we travel. These would be anywhere from a few weeks to a couple months.

We are in support of short term rentals for the city of Mapleton and would love to know more about what is currently allowed for special events. Thanks so much for the work you do!

Melissa and Brad Johnson

Dear City of Mapleton planning commission,

We are writing this letter to share our hopes and concerns regarding the new short-term rental restrictions being considered by the city. We recently moved to the area and are renting a home at 70 E 600 N while our home is being built in the Whiting Farms subdivision.

When choosing a location to build, the ability to have a short-term rental within our home was paramount. We almost built a home in Farmington but the neighborhood restricted short-term rentals so we chose Mapleton instead. We checked the city restrictions and saw there was nothing at the time that would diminish the potential we were looking for. We are building a 2 bedroom apartment within our home for the purpose of a short term rental as well as a place for our grown kids and future grandkids to stay when visiting. There are obvious financial benefits to this plan as well.

While we agree that some restrictions are valuable and necessary, we disagree with some you are proposing. Occupancy and event restrictions are great. We also are fully onboard with the primary home being owner occupied and off street parking. Those regulations will keep neighborhoods protected from the many downsides of rental properties in general. We do however disagree with the following:

- Rentals for no more than 90 days. This does not give the property the ability to be a consistent, potential income stream which is what many homeowners are desiring. How does limiting it to 90 days for short term renters make sense when a long term renter could reside in the apartment for 365 days? Short-term rentals have increased vacancies in general when compared with

a long-term rental. If we are unable to do a short-term rental scenario that creates the income we need, we will instead have a long-term renter which is consistently more traffic and inconvenience for the neighborhood. We ask that you reconsider allowing short-term rentals to operate their businesses for 180-270 days per year.

- The minimum 2 night stay rule is also a problem for us. We do not understand how this helps neighborhoods. If someone stays for one night and is unable to have a large group or event, how does that make a difference? Why can't a young family with children find a nice Airbnb in Mapleton for one night that accommodates their needs much better than a hotel would? This seems to be a move to funnel business to local hotels which is unfair to the homeowners/short-term rental owners in Mapleton.

One advantage to neighborhoods of short-term vs long-term rentals is the ability to remove nuisance renters without the headache of a long term renter. This makes it a much better situation for neighborhoods when compared with tenants that have a contract and are protected by so many laws it's difficult to remove them from your property. We request you do not create so many restrictions that it is no longer feasible for homeowners to have an additional income stream on their own property by offering short-term rentals. This will create the need for people to offer long-term contracts which will certainly be less desirable for neighborhoods.

We designed our home and spent additional money to prepare for a short-term rental situation. This includes additional driveway space for renter parking, separate and private entrance to basement, and orienting the entrance to the rental to minimize impacts to our neighbors. We also made sure we had a nice sized lot (.80 acre) so we could have room for the additional people who may rent. We will be living in the property as well and want it to be a good experience for both ourselves and the renter, as well as completely a non-issue for neighbors. If you implement the proposed restrictions we will be frustrated and unhappy with our decision and will possibly decide not to purchase our home due to the loss of potential income we hope to gain to offset the high interest rates.

Please keep these comments in mind, and possibly come up with other measures that protect both the neighborhood and homeowner. Please make sure the restrictions actually make sense and won't create other, more frustrating scenarios for neighborhoods. Most people doing short-term rentals have lovely homes and want to keep it clean, quiet, and comfortable for all involved. If not, they do not get renters. Short-term rentals are required to meet a higher standard than long-term rentals to be successful due to public reviews. Again, this scenario benefits neighborhoods over the use of long-term rentals to which there is no public feedback process. Restrictions should be aimed at investors who buy properties to do short-term rentals and are absent and unaware of what it's doing to the neighborhood.

Thank you for reading this and for allowing our input. We don't feel as though this is a good time to limit those who need the additional income from renting out portions of their home to stay afloat. Things are bad enough out there. Please don't make it worse for the residents of Mapleton!

Sincerely,
Mark and Corrie Pankow

Hello Sean,

Thank you for taking the time to meet with me and Janet after the Planning Commission meeting last night. I was impressed with the sincerity and open-mindedness of the commission members as they consider whether to recommend to the Mapleton City Council a new ordinance governing short-term rentals. Something that might balance individual property rights of Mapleton citizens and the common good of Mapleton citizens.

After the meeting I talked with TJ about the problems he was experiencing with the renters of the home next to his. I wanted to offer some insight on how Airbnb has officially codified a party ban on all their listings. Airbnb understands that the majority of their hosts share their homes responsibly, just as the overwhelming majority of guests are responsible renters. This ban went into effect June of this year. Hosts (like us) that violate this party ban will have their account suspended, and then removed if they do not comply with this ban.

Unfortunately, TJ's made it sound like that his neighbor rents outside of the Airbnb and Vrbo network. This eliminates the internal policing built into Airbnb and Vrbo rentals. I can understand how stressful it must for TJ to continually rely on Mapleton city ordinances that are already in place to govern noise, parking, public safety and trash issues to deal with renters at his neighbor's home. If his neighbor is aware of these public nuisance ordinances, but not willing to responsibly follow them, it must be very frustrating for TJ. I wonder if existing city nuisance ordinances might be modified/strengthened to address these concerns instead of creating a new city ordinance for short-term rentals that would address these same concerns? You may be interested in how Airbnb addresses these concerns with us (the hosts) and our guests. Here is a link that takes you to Airbnb's Neighborhood Support page. If a short-term rental neighbor feels there is an urgent situation, or needs help reporting a party, excess noise, or any other concern to Airbnb, this is where they would get that assistance. (<https://www.airbnb.com/neighbors>)

As Janet and I mentioned last night, we have a finished basement with 1 bedroom, 1 bath, kitchen and entertainment area. Last night we were asked if we had considered using our finished basement as a long-term rental. The short answer is

no. We have five children living away from our home and they often come to visit. We also have extended family members and friends that like to come and visit us. Having a long-term renter would not allow our basement to be available for their visits. So, we have done short-term rentals over the past three years that allow us to accommodate family/friend visits. We have had approximately 40 different individuals and couples come to us through the Airbnb/Vrbo network during that time span. About 75% of these short-term renters came to us for the following reasons:

1. Weddings
2. Dropping a child off at BYU or MTC
3. Education Week
4. Family reunions
5. Funerals

The remaining renters came to us as they would be in town on a business trip. We always supply our renters with a guidebook that clearly states our rules and expectations. We have security cameras on our residence that help us ensure that our guests are adhering to them. This in turn helps us make sure that we are in compliance with our HOA and City ordinances and guidelines. The last thing we want is to have a negative reaction from neighbors or the city. We have not had a single complaint these past three years.

Janet and I would be happy to offer our insights to any member of the planning commission or city council regarding our experience with short term rentals. For example, there might be some interest in how Airbnb and Vrbo collects and remits local taxes on our behalf. Our basement apartment has a combined Utah sales and lodging tax rate of 11.72% (about \$680 so far this year) that we remit to Airbnb and Vrbo. They, in turn, remit those monies to the appropriate state, county, and city governments.

In conclusion, I would like to make one suggestion regarding any ordinance that the Planning Commission might propose to the City Council. Janet and I feel that regulation on short-term rentals, if regulated at all, should not be instituted for the purpose of limiting the number of days we can rent to our guests. This would feel like we, and the majority of short-term renters in Mapleton, are being punished for the few irresponsible home owners in Mapleton who do not take responsibility for how their rental homes are being used.

Thank you again for your service and your willingness to take our observations and experience under consideration.

Dan and Janet Barton / Silver Leafe Subdivision

PS I was going to submit this to the members of the Planning Commision but don't have their email addresses. Would you be able to forward this email to them for their consideration? Thank you 😊

To whom it may concern,

My name is Sean Sibbett. I built here about 3 years ago and have a good hike for my family which I was planning on Airbnb'ing to help out with the cost of inflation and to pay my student loans. I personally don't think that the city should have any say in how or what I do with my house especially since I bought 3 years ago.

If you want to limit the new construction houses of being able to Airbnb/rent out their house then go for it but that should be in writing before you sign up to live in an area and not after the fact because you guys don't like it. Government shouldn't have any say in what I do with my property as long as it's not illegal.

Sincerely,
Sean

Sent from my iPhone

To Whom it May Concern,

I am writing this email to address some of the concerns that were brought up in last week's City Planning meeting regarding short-term rentals. My feelings from my original email have not changed, but because we were only allowed a few minutes to speak, I am adding these points to those I originally addressed.

- Several times during the meeting, I heard the terms "quiet rural atmosphere" and "transient nature" used in conjunction as reasons to shutdown/prohibit short term rentals. How is the atmosphere changing due to STR's? The same STR's that have existed in town for years and apparently no one was even aware of, based on the reaction of those in attendance when me and another couple stated we have an STR in town.

The City Planning member who mentioned the issues with his neighbors STR could be a problem regardless of who resides at the residence. If you take away that person's ability to operate an STR, they may choose to turn that home into a fulltime long-term rental. Do you think he can't get bad tenants for a much longer term at that point? People who play loud music and use foul language can just as easily rent a home for a year versus a few days/weeks/months. As I mentioned previously, several landlords I spoke with stated such. They told me that it's hard to determine if someone will be a good tenant or not, no matter the due diligence done prior to a contract

being signed. Once they are in there, it's almost impossible to get them out. Oftentimes they damage the property while renting or prior to leaving.

Currently, as an STR host, if someone damages my property, I can ask them to pay for it. If they don't, Airbnb can charge their card on file or Airbnb will cover it. For example, I had a guest who wanted to air dry a shirt and they put it on the back of a chair, but the chair accidentally got moved against the wall causing the paint to bubble, which required minor repair. If they were my tenants and didn't pay for the damage above and beyond the deposit amount, I would have to go to court, pay filing fees, then try to recoup that money after winning the case, which would be nearly impossible to get back. Rather, in this scenario, I submitted a claim to the platform, with a quote to fix it and I received a check within 2 weeks.

In the case of the City Planning member, all he needs to do is reach out to the platform and show the issues (video, police report, etc.) and the platform will remove the hosts from the platform. They will no longer be able to rent as an STR because they violated the no-party policy, and they didn't respond to the issues. This would be the same in any other scenario in the city, including the next gentleman.

The other gentleman spoke of his tenants renting his place out on a platform and having constant issues- it seemed like we weren't getting the whole story. I would be willing to bet that the tenants were already not the type of crowd that fits your ideal resident, and they were renting to those they knew for the purpose of a party. As he stated it was "constant" but seemingly only at that house.

In BOTH of the scenarios where negative experiences were relayed, they were not owner occupied. As someone stated, "there will eventually be a problem". I'm sure that's entirely possible; however, those chances drop drastically when the dwelling is owner occupied. I have been renting on a platform for 16 months and I have not had a single issue with a guest(s). None of my neighbors have brought up any issues or concerns and I'm pretty good friends with several of them. In fact, the neighbor 2 doors down has a non-owner occupied rental and I have never experienced any issues with their guests as a neighbor. Additionally, as a single woman, if I felt like the people who were renting from me were potentially dangerous, I wouldn't be doing this. I have never felt unsafe while sharing my home, in fact, there is some comfort in other people being around.

- Miss Killpack mentioned some articles about potential housing not being available due to STR's. These again are from places where corporations or investors have been allowed to purchase homes and use them as STR's. Another problem solved by an owner-occupied policy.
<https://www.wsj.com/articles/that-vacation-home-listed-on-airbnb-might-be-owned-by-wall-street-11644930000>

- Another comment was made by the City Planner that STR's don't give Mapleton the same feel and they don't bring the same sociable interactions; I have to argue that point. As I mentioned previously, oftentimes the people who are using an STR are the family members of people here in town. Why are we automatically judging them to not be up to our standards because they don't already live here? In fact, the 2 families that stayed with me for several months were of the same predominant religion as everyone else here in town. They went to church every Sunday and in my ward. My neighbors saw them and interacted with them regularly. I don't even go to church, which means, by that statement alone, my guests fit your "standard" more than I do.
- The moderate income argument can be addressed via an incentive program such as this: <https://www.iheart.com/content/2022-08-11-this-arizona-town-is-paying-residents-to-not-use-homes-as-airbnb-rentals/#:~:text=One%20city%20in%20Arizona%20is,instead%20of%20websites%20like%20AirBNB>. I believe that if you poll those in town and ask why they chose a STR over an accessory the response would be overwhelming similar to that which I previously addressed and was addressed in the meeting by the couple who also has an STR. A STR means I can keep my place clean and relatively undamaged; I don't have to deal with costly and timely evictions, extensive damages and constantly sharing my space. I have flexibility to supplement my income, I help people, I have a say in who stays here and if I decide it is no longer a good fit for me, I can stop at any time. By implementing a plan like this, people can use that funding to file an eviction, pay for papers to be served, pay for damages caused by tenants, etc., that wouldn't otherwise be covered. If the city bans STR's, families could decide that the risk of an accessory is too high, and they no longer want to offer anything. In that case, the city STILL hasn't solved the issue of housing. In my personal scenario, if I was no longer allowed to have an STR, I would find another job to supplement the income before using the extra space as an accessory dwelling and dealing with the issues related to doing so.
- In the November 2022 Mapleton Newsletter, Public Safety section it states: "From October 1-15, 2022, officers confiscated marijuana, methamphetamine, heroin, psilocybin mushrooms, and multiple items of drug paraphernalia in several different drug related cases." In your conversation with Chief Jackson, can you ask him how many of these offenses were committed by citizens of our "rural quiet atmosphere" and how many of these offenses were committed by patrons of a STR in the community?

- Spring City, Utah has an approximate population of 978 with 1 full-time officer and 2 part-time officers, yet they have the same amount of STR's in town (10, per my research) as Mapleton. Maybe in your work session you can ask them how they handle it and if it disrupts their "quiet rural atmosphere".

I'm asking again that you please not use stories from incomparable cities to make your decision. It appears as though people have heard or read stories about a bad experience(s) and are unjustly applying them to all STR's. Ultimately, Mapleton could very easily acquire the policy that STR's are allowed in owner occupied residences only. You then have people prove once a year that they live at the residence. That's it. That simple.

Sincerely,

Heather Naylor

People are already doing short term rentals in mapleton anyways there are other websites for short term rentals so allow the rest of us to do it. Im retired and we need other ways to make money we just had our property taxes go through the roof we need other tax revenues that the city can make instead of taxing us to death we need a reams or smiths or more business in this city instead of tons of houses to offset the property taxes.

Brent Hatch

To the City of Mapleton City Council Members,

We have been residents of Mapleton for just over 5 years. We rented for the first 3 of those years, and would like to give our input on the decisions being made regarding short-term rentals.

We would prefer that short-term rentals were allowed as long as it doesn't disrupt the safety and well-being of the community. We agree that neighbors should be notified regarding the rental property. However, we do not agree with not preventing renters from parking on the street. This seems to be a critical option for those wanting to rent their property. We think 1 car should be allowed to park within the boundaries of the rental property. However, they should be required to move for city vehicles (garbage trucks, snow plows).

We also agree the home owner should be present and on-site. We would also agree that a reasonable amount of people should be allowed in the rental property (i.e., 2 people per bedroom, unless it's a few small children).

Finally, we think if these terms are met, the amount of days per month allowed to rent should be up to the home owner. We are still facing a financially challenging time. It is difficult for many families to qualify for home loans and compete with rising prices. Even though we have built our dream home here in Mapleton, we were renters for 18 years of our marriage during college, medical school, and further training. We now worry about our grown children being able to keep up with the financial demands of the economy. We feel that if someone has built a home and desires to rent their space to others, and it's done in a safe and reasonable way, they should be allowed that opportunity. We feel largely serves the home owners in Mapleton as they look for opportunities relieve their financial burdens.

Regards,

Lisa and Matthew Call

I am in support of allowing short term rentals in the city and see no point in minimizing the frequency to 90 days per year. All that does is to discourage the practice of short term rentals and make them less financially feasible. Other than that, the ideas that have been proposed make good sense.

Regards,

Richard C Young

Former mayor of Mapleton

Sean,

I've talked to lots of neighbors that are retired like me and we love it in Mapleton. We all live on a fixed income and because of our property taxes that shot through the roof, which none of us can afford when they almost double in price, we need to look for ways to offset inflation including property taxes with short term rentals. It would help offset some of those costs. Please consider allowing us residents to have short term rentals. There are people already doing Airbnb and Vrbo, which the city makes a hotel tax off of. There are also other websites that people can use to do

short term rentals that can be found so residents will still do it whether it passes or not. Please allow this so we don't have to do side work in our golden years to stay a float. The city has added so many houses recently and continues to do so, so they should have increased their revenue from property taxes from that so they shouldn't need to raise ours so much. The city also needs to figure out ways to get more business so we can have those taxes for our city.

Thanks

Brent Hatch

626 390-0773



MAPLETON UTAH

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

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.

April Houser, Executive Secretary

Date