MINUTES OF A WORK SESSION AND REGULAR
MEETING OF THE VINEYARD CITY COUNCIL MEETING
September 13, 2017 at 6:00 PM

Present	**Absent**
Mayor Randy Farnworth	Councilmember Nate Riley
Councilmember Tyce Flake	
Councilmember Julie Fullmer (6:04 PM)	
Councilmember Dale Goodman	

Staff Present: Planning Commission Chair Chris Judd, City Manager/Finance Director Jacob McHargue, Public Works Director/Engineer Don Overson, City Attorney David Church, Sergeant Holden Rockwell and Deputy Brett Ryan with the Utah County Sheriff's Department, Community Development Director Morgan Brim, City Recorder Pamela Spencer, Plans Examiner Patricia Abdullah, Planning Department Intern and Building Permit Technician Claire Hague, and Water/Sewer Operator Sullivan Love

Others Present: Residents: Kevin Mehner, Teresa Goodman, Tristy and Mike Lee, Stan Jenne, Brock Waters, and Matthew Davidson, Cindy Jones, Brant Tuttle with Northern Engineering

6:01 PM WORK SESSION

Mayor Farnworth opened the work session at 6:01 PM and gave the invocation.

DEMOGRAPHIC REPORT PRESENTATION

Claire Hague, the Planning Department intern, will present a demographic report of Vineyard.

Mr. Brim introduced the Planning Department intern Claire Hague.

Ms. Hague presented the Vineyard Demographics report. She explained what multiplier were and how she used them. Highlights of the report were:

Multipliers

- Used cities that have experienced at least a doubling in size since the year 2000
- Have large communities developed within the last ten years
- Mostly Suburban
- Cities used to find the persons per household multipliers: Cedar Hills, Eagle Mountain, Mapleton, Santaquin City, and Saratoga Springs

Population Estimation - 10, 250

- The Housing Method was used to determine the population in Vineyard.
  - Single Family Homes: 1068
  - Multifamily Dwellings: 736
  - Townhomes: 930
  - Single Family Multiplier: 4.08
  - Multifamily Multiplier: Total occupant number was given by complex or 4.14 when unknown
  - Townhome Multiplier: 3.89

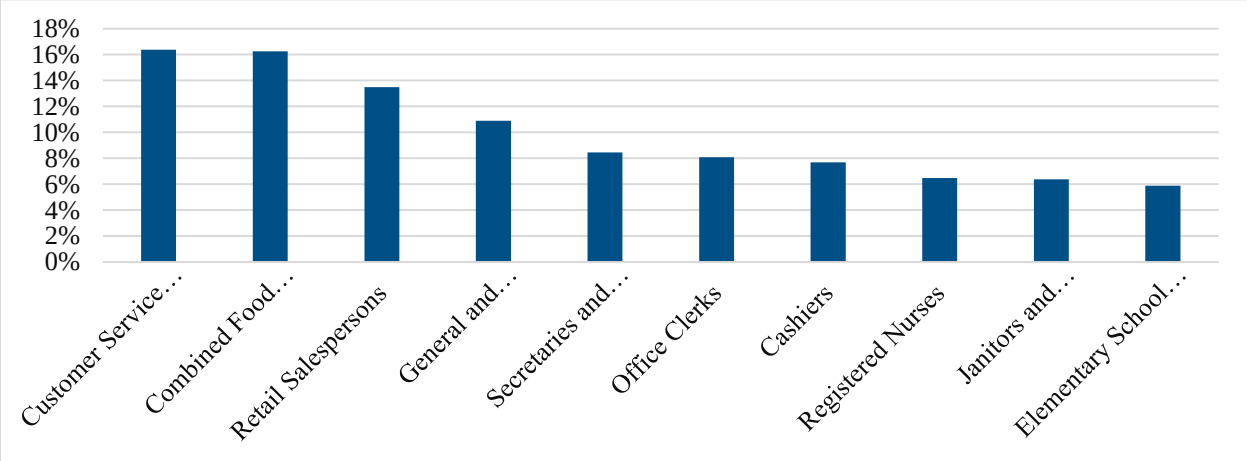
Population Pyramid – breaks down the demographics of the city. She showed a comparison by age of how many people were living in Utah county and Vineyard. She also included a breakdown by male and female. Compared to the county, Vineyard had a larger percentage of youth,

Ethnic Makeup of Vineyard

- About 89% Caucasian
- Follows the Utah County trend of a growing population of Hispanics. Vineyard was currently at around 6% and Utah County was at 10%.

Employment in Utah

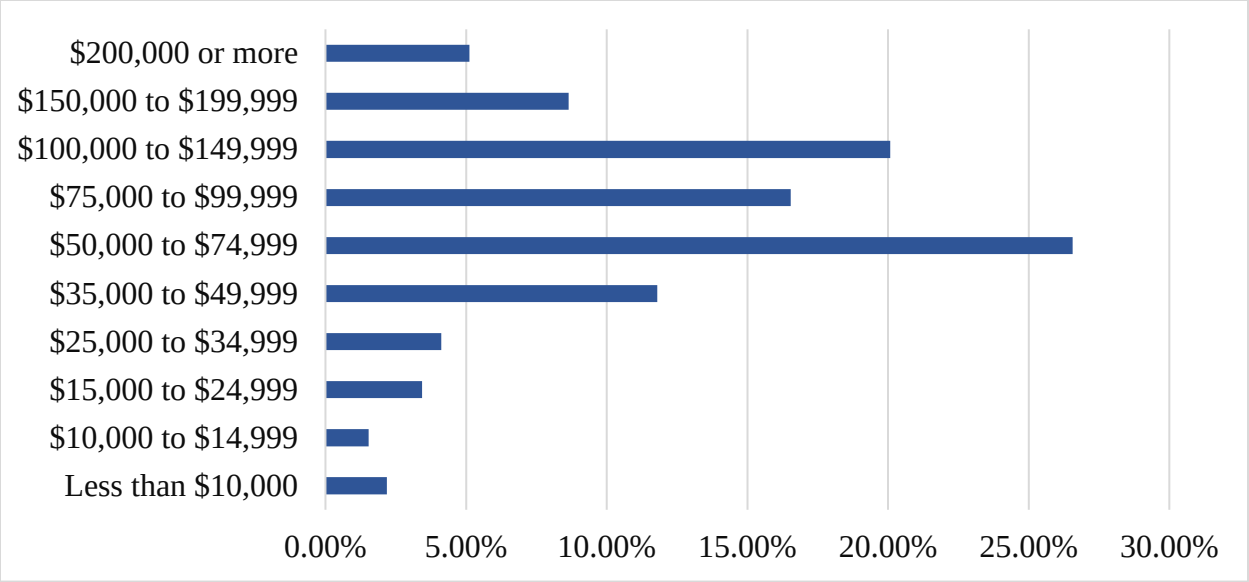
- Unemployment Rate for the U.S. is currently 4.4%
- Unemployment Rate for the state of Utah: 3.2%
- Unemployment Rate for the Provo/Orem Metropolitan Area 2.9%
- Employment Data is broken up by Metropolitan and Non-Metropolitan Areas in Utah These areas include:
    - Logan, UT-ID
    - Ogden-Clearfield, UT
    - Provo-Orem, UT
    - St. George, UT
    - Salt Lake City UT
    - Wasatch Back nonmetropolitan area
    - Central Utah nonmetropolitan area
    - Southwest Utah nonmetropolitan area
    - Eastern Utah nonmetropolitan area



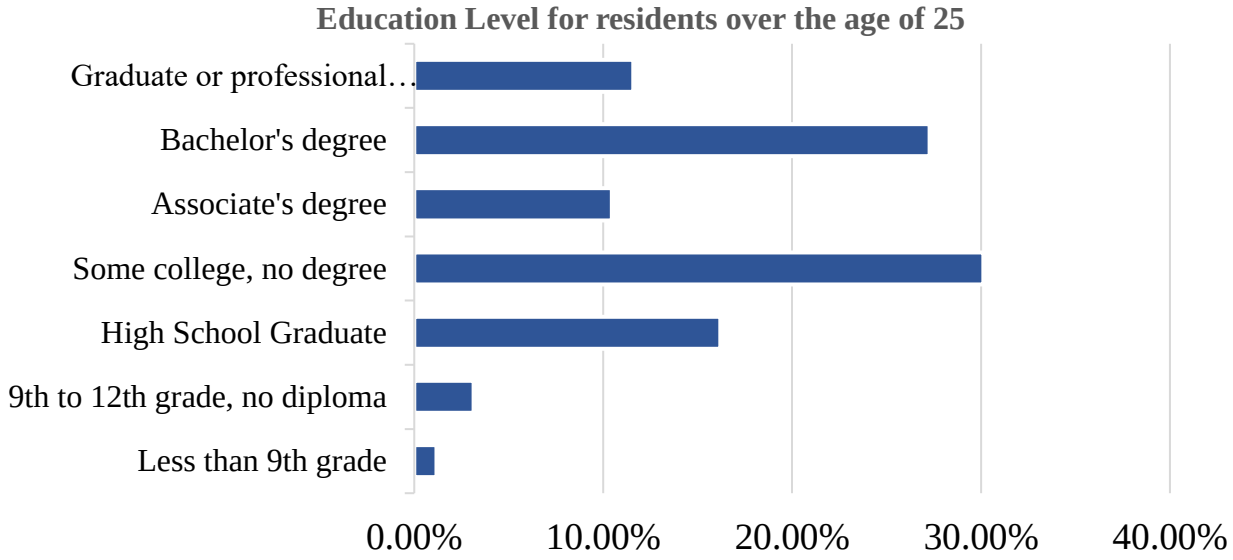
Annual Income

- Average annual income is estimated to be around $91,692 per household.
- The average household in Vineyard is considered to be middle or upper-middle class depending on the number of people per household.
- About 30% of the residents have an income of over $100,000

Income Distribution



Education



Education

- 38.88% of residents over the age of 25 have a bachelor's degree or higher
- 50% of the population over the age of 25 has a post-secondary degree
- 80% of the population over the age of 25 has a taken at least some college courses

Mr. Brim pointed out that the "some college, no degree" category was pretty large because of the city's student population. He said that he had never seen a city where the multi-family dwelling multiplier was higher than the single-family dwelling multiplier. He explained that UVU did not have their own student housing so that contributed to the higher number of single residents. Ms. Hague stated that apartment complexes were allowing a maximum of six people per three-bedroom apartment. Mr. Brim mentioned that not only did the city have a high student

population, but they also had a high young professional population, who were more interested in spending their money on travel and experiences rather than housing.

OPEN SESSION – Citizens' Comments

Mayor Farnworth called for public comment. Hearing none, he closed the public session.

PLANNING COMMISSION UPDATE AND RECOMMENDATIONS TO THE COUNCIL – Planning Commission Chair Chris Judd – Chair Judd reported that Planning Commission had given recommendations for approval of the items on tonight's agenda.

MAYOR AND COUNCILMEMBERS' REPORTS/DISCLOSURES/RECUSALS
There were no new items to report.

STAFF REPORTS
City Manager/Finance Director – Jacob McHargue – Mr. McHargue reported that the budget report was in the Dropbox. He mentioned that he and the mayor would be meeting with the Transportation Commission this week.

Public Works Director/Engineer – Don Overson – Mr. Overson reported that the new Vineyard Road and 650 North would be completed by the end of October. He reported that he had been working with Freedom Preparatory Academy and Franklin Discovery Academy on their traffic control issues. He stated that the three E's that engineers liked to follow were education, enforcement, and engineering. He explained that they were working on the education and enforcement part of the traffic control plan. He hoped that the residents would be patient with them while they work through these issues.

Attorney – David Church – Mr. Church was not present at this time.

Utah County Sheriff's Department – Sergeant Holden Rockwell – Sergeant Rockwell introduced Deputy Brett Ryan who would be replacing Deputy Gordon.

Community Development Director – Morgan Brim – Mr. Brim reported that the consultant that they hired was working on the General Plan diagnostic to determine which areas were not in compliance with the state code and which ones needed to be updated. The consultant was also looking at making the General Plan current and encapsulate the city's vision for the community. He added that the city had followed the General Plan closely, but needed to update it.

City Recorder – Pamela Spencer – Ms. Spencer remined everyone that the General Election was under way. She asked that residents not remove political signs. She reminded everyone to check their voter registration to make sure it was current.

Building Official – George Reid – Mr. Reid was excused from the meeting. Plans Examiner Patricia Abdullah welcomed Claire Hague as the new part-time permit technician. She mentioned that all of the building inspectors were fully certified. She then gave the monthly report. Highlights were:

Revenues:

- Total revenue for August $218,721
- Estimated revenue $ 89,000
- Units issued permits 82
- Total units occupied 2,779
- Population estimate (conservative) 8,782
- Building applications received 138
- Applications in review 81
- Plans approved 165
- Active construction sites 631
- Total inspections 1,060

Water/Sewer Operator Sullivan Love – Mr. Love had no new items to report.

DISCUSSION ITEMS
No items were submitted.

ITEMS REQUESTED FOR FUTURE AGENDAS

Item **Requested by**
No items were submitted.

6:20 PM REGULAR SESSION

Mayor Farnworth opened the regular session at 6:20 PM.

MAYOR'S APPOINTMENTS
Planning Commission…….....1 vacancy

Mayor Farnworth appointed Jeff Knighton as the alternate Planning Commissioner.

CONSENT ITEMS
a) Approval of the August 23, 2017 City Council Meeting Minutes
b) Approval of the August 29, 2017 City Council Special Session Minutes
c) Approval of The Willows at Waters Edge Final Plat C
d) Approval of Bridgeport at Water Edge Final Plat C
e) Approval of Westbrook at Waters Edge Final Plat C
f) Approval of Holdaway Farms Final Plat

Mayor Farnworth called for comments. Hearing none, he called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE ITEMS A-F AS NOTED. COUNCILMEMBER GOODMAN SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

BUSINESS ITEMS

12.1 DISCUSSION AND ACTION – <u>Milltown Preliminary and Final Subdivision Plat</u>

Eric Towner, owner of 600 Mill LLC, is requesting preliminary subdivision plat approval for the Mill Town commercial development, which is located in front of the Megaplex at 586 North Mill Road. The mayor and City Council will take appropriate action.

Mayor Farnworth turned the time over to Community Development Director Morgan Brim.

Mr. Brim gave a brief overview of the request. He explained that the area was just west of the Megaplex. He said that it met all of the planning standards. He mentioned that there was an Access and Parking Agreement for the internal properties. Mr. Brim turned the time over to Brant Tuttle with Northern Engineering, representing the Milltown development.

Mr. Tuttle explained that there was a 30+ page document for the properties in the area to hopefully solve some of the parking problems. He mentioned that the site plans had been submitted and were in the review process. He explained that the plat was required by the bank for financial funding. He added that the other parcels, numbers 4, 5, 6, and 7, were divided at the request of the bank as well. Mr. Brim clarified that all that was being approved tonight was breaking the site into parcels. He noted that the first two buildings had a vested right for their site plan under a site plan that was approved for the Megaplex.

Mayor Farnworth asked if the roundabout would remain and be finished. Mr. Brim replied that it would remain and be finished with a water feature. He said that Planning Commission and staff were recommending approval.

Resident Kevin Mehner living in the LeCheminant subdivision asked if there would be a pedestrian walkway between the building or just a roadway. Mr. Tuttle explained that there would be a road and parking, but that the majority would be for walking. Mr. Brim mentioned that they had submitted the site plan, which included wide sidewalks. He added that people could come to the office and look at it. There was a discussion about the walkways and parking.

Resident Teresa Goodman living in the Shores subdivision asked how many parking spaces were included. Mr. Brim replied that it met the minimum requirements on the site plan application.

Mayor Farnworth called for question from the council. Hearing none, he called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO GRANT PRELIMINARY AND FINAL APPROVAL FOR THE MILL TOWN COMMERCIAL PLAT WITH THE THREE PROPOSED CONDITIONS AS NOTED BY STAFF. COUNCILMEMBER GOODMAN SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

12.2 PUBLIC HEARING – <u>Zoning Code Text Amendments</u>

Community Development Director Morgan Brim will be presenting amendments to the Zoning Code. This item has been divided into two parts to allow for separate public comment. The mayor and City Council will take appropriate action.

12.2. a) Section 605 District Use Table - to establish Short-Term Residential Lease as non-permitted in all zoning districts; Section 3002 Definitions of General Purpose – to retitle Section 3002 to "Definitions" and to define Short-Term Residential Lease.

Mayor Farnworth turned the time over to Community Development Director Morgan Brim.

Mr. Brim explained that a short-term rental was a residential unit that was occupied for 30 days or less. He stated that the current zoning code did not allow short-term rentals. He said that the current Zoning Ordinance Section 605.2 stated "uses not specifically listed are prohibited, except where state or federal law otherwise preempts local land use regulation." He explained that one of the options would be, if they were going to allow short-term rentals, to look at the state code and pending legislation. He added that short-term residential leases or other similar uses were not specifically listed in the District Use Table. He said that the intent of this proposed amendment was to make the code clear to citizens and future citizens that "Short-term Residential Lease[s]" (Short-term Rentals) were prohibited. He added that all uses needed to be clearly defined. The following definition for Short-term Residential Lease was proposed: *The use, occupancy, rent or lease, for direct or indirect compensation, of a structure or any portion thereof constructed for single family or multifamily occupancy or of any other residential property for an effective term of thirty (30) days or less.*

Mr. Brim explained that he had reached out to most of the communities in Utah County and most did not allow them. He stated that Orem allowed them, but regulated them through the occupancy level. Provo had a provision on short-term rentals, which did not allow them. Salem allowed for bed and breakfasts in two of their districts and were in the process of allowing short-term rentals as a conditional use. Utah County did not have clear regulations.

Mr. Brim said that the Planning Commission held a public hearing and recommended approval of the proposed text amendments on September 6, 2017. He said that council had some options, which included:

- Approve the proposed text amendments.
- Deny the proposed text amendments.
- Table the text amendment regarding short-term rentals and direct staff to research state code regulations, case law, and options to potentially permit short-term rentals. Staff would come back to the council for a work session with the requested research and a proposed procedure for allowing short term rentals (Application form, fee, transient tax, inspections, conditional use permit?)

Mayor Farnworth noted that they already had people who were using short-term rentals. He asked if the city had had any complaints. Mr. Brim replied that they had a few complaints come in, but felt that the bulk of the rentals were probably managed well. He stated that staff was willing to research any pending state code and come back with options.

Mayor Farnworth commented that there were only 3,800 acres in the city boundary and that they needed to build a successful city. He said that they needed to look at all options to make sure they had revenue coming in and to support what the people wanted. He stated that if they were going to allow them then they had to have to a process to cover the cost for inspections, etc.

Mayor Farnworth called for a motion to open the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 6:43 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Resident Tristy Lee living in The Shores subdivision mentioned that she owned several long term and short-term rentals, one of which was in Vineyard. She explained that she had called the city and was not told there were any issues with it. She said that she had brought the issue up in

Planning Commission, that there was the assumption that long-term rentals were allowed. She wanted to know where the short-term rentals fit in. She said that one of the positives was that they were bringing in good people who wanted to attend sports camps or family events. She added that they had been paying transient and sales taxes since they started the rentals. She felt that it gave good travel and tourism options for people. She also felt that it gave a good option for additional family income. She said that the city allowed accessory properties and rentals and that the same rules could apply to short-term rentals. She said that they do identity verification of their renters. She added that she had a large investment in the property. She explained that their lease agreements for short-term rentals were more extensive than for their long-term rentals. She mentioned some of the rules they had for rentals. She said that she had signatures from her neighbors in favor of short-term rentals and emails from others who have rentals.

Resident Stan Jenne living in The Shores subdivision noted that he was in favor of the ordinance. He felt that like every other use, that careful zoning was very important. He stated that he was not opposed to short-term rentals, but was concerned about where they might be. In his opinion transients did not belong in a family neighborhood. He said that when there was a neighborhood watch program, the assumption was that you knew who your neighbors were and you understood when there was someone around who did not belong in the neighborhood. He stated that as an employer he had to order background checks for employees at a rate of $40 to $50 each. He felt that that type of vetting was not going on. He was concerned for the safety of his family living in the area. He said that he understood that most of renters and landlords might be good upstanding people, but it would only take one time for someone to be hurt. He felt that the city needed to have good zoning to not endanger the neighborhoods. He explained that he was employed at UVU and that there were stories from students returning from spring break that would curl your hair. He felt that renters did not behave in a rental as they did in their own homes. He felt that by approving the ordinance they might lay the groundwork to determine where they could zone short-term rentals. His recommendation was to keep short-term rentals out of the family neighborhoods.

Mr. Mehner stated that he respected the concern of those that owned the short-term rentals. He added that he was in favor of them. He mentioned that he had used them himself and had hosted over 100 people and was not aware of any complaints. He stated some of the cities on the list who had said “no” had Airbnbs in their cities. He suggested that the city could put zoning in place to collect revenues. He preferred short-term rentals to be owner occupied or the owners to live nearby, and was not in favor of out of state owners.

Resident Brock Waters living in The Lakes at Sleepy Ridge subdivision stated that he was in favor of short-term rentals. He said that he had no say in who purchased the home next to him and that he could not do a background check on them. He explained that part of his financial planning when he purchased his home was that needed to have short-term renters to supplement his income. He said that he did not allow anyone to park on the street and did not rent to kids. He expressed concern over eliminating the ability to provide for his family. Councilmember Flake asked what the frequency was that he rented out his home. Mr. Waters replied that it was at least two weeks out of the month. He mentioned that he was gone during the summer with his job and rather than leave it empty he rented it out.

Resident Matt Davidson living in the Garden subdivision said that his neighbors had a short-term rental and he and his family had never felt that they were in any danger. He said he did not currently have a short-term rental, but would like the option in the future. He felt it would be a smart investment.

Mayor Farnworth called for further comments. Hearing none, he called for a motion to close the public hearing.

Motion: COUNCILMEMBER GOODMAN MOVED TO CLOSE THE PUBLIC HEARING AT 6:57 PM. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Farnworth thought that it was interesting that Provo had the most experience with dealing with this situation and did not have it solved. He said that in communities outside of Utah most people did not know their neighbor nor did they care to. He stated that council needed to come up with what was going on at the city level and make it clear. Ms. Lee stated that Provo did allow it in certain areas. Resident Mike Lee living in The Shores subdivision said that Provo allowed the short-term rentals in the center street area, etc. Mr. Brim stated that he would look into it further.

Mr. Judd explained that the Planning Commission's recommendation was to better define and clearly state the current code. He stated that the understanding was that State Legislature was looking at this so the laws could potentially change. He said that the information given to the commission by staff was not to change the code to allow it as a permitted use and that was why their recommendation was to clear up the code. Mayor Farnworth asked if they were looking at grandfathering those in that were currently running short-term rentals. Mr. Judd explained that the code changes approved at the state level were to not allow cities to use rental websites to enforce the code. They must catch them in the act. He felt that in the near future it would be a tax issue that the state would be looking at. He also felt that there were a lot of good people who had short-term rentals and doing them the correct way. He added that there was a 5.25% transient tax to be paid, which was not an easy process. He stated that the city needed to make the zoning clear if they were not going to allow short-term rentals. He said that staff had received calls from out-of-state investors who wanted to purchase homes for short-term rentals. He felt that there needed to be some discussion. He mentioned that he had met with Provo and their code strictly stated that short-term rentals were not allowed. He added that other cities defined a mixed-use area where short-term rentals might be allowed. He said that he spoke with a planner in Orem and they regulated it with occupancy restrictions.

Mr. Church explained the legislation that was proposed last year. He said that the city may not enact or enforce an ordinance that prohibits an individual from listing or offering a short-term rental on a short-term rental website; or use an ordinance that prohibits the act of renting a short-term rental to fine, charge, prosecute, or otherwise punish an individual solely for the act of listing or offering a short-term rental on a short-term rental website. He clarified that the city could have an ordinance that short-term rentals were not allowed, but they could not have an ordinance that stated it was against the law to advertise on a website.

Mr. Church explained the problems other cities were having and how they were working around this code. He gave Garden City as an example. He said that Garden City's requirement was that short-term rentals must be owner occupied or have a local registered property manager in town. He added that other communities have gone with only owner occupied on the idea that they allow accessory apartments. He clarified that in Vineyard homeowners could not have an accessory apartment unless the homeowner lived in the house. He said that there were other cities whose position was that people had property rights, allow short-term rentals, and then regulated them through the nuisance, parking, and noise ordinances, etc. He mentioned that

rentals of less than 30 days were subject to sales tax and transient room tax. He added that the county had a transient room tax and that cities had the option to enact a one percent transient room tax. He said that the issue would the same with enforcement. He said that the websites were good at collecting and remitting the appropriate taxes to the cities where they were listed and registered. He stated that it was almost impossible to collect the taxes if the city did not know the rentals existed and Airbnb did know which city the rentals were in, or for people who were not using the major websites. He stated that he understood both arguments to protect neighborhoods and property rights. He said that most cities who regulate and license short-term rentals made a conscientious decision on zoning. Mr. Brim mentioned that Cottonwood Heights allowed short-term rentals in only the multifamily districts.

Colleen Jones speaking for resident Bryce Jones living in The Lakes at Sleepy Ridge subdivision explained that her son had just started setting up for Airbnb. She mentioned that he had put a lot of money into upgrading the home. Mr. Waters explained that Mr. Jones worked out of state and had a full-time renter who did not maintain the home and yard. He further explained that a short-term rental must be well taken care of because if they did not take care of their property they would not get a good review and lose rental prospects.

Mayor Farnworth noticed in his line of work that short-term rentals were inspected more often than long-term rentals.

Councilmember Fullmer struggled to see how the amendment would be clarifying the code because there were already people doing short-term rentals. She stated that she had looked up the complaints for short-term rentals and felt that if they were going to put the wording in now, that the enforcement process would increase. She felt that if they were not actively enforcing the code that it did not make sense to amend it, unless they were going to start enforcing the code and zoning. She stated that if there was going to be legislation in the next state legislative session that could change how they regulate things, that it would be a waste of resources to work on it now. She felt that they should wait until after the session unless the city wanted to look at allowing short-term rentals. She mentioned that the city had an inclusive code that stated that if it was not listed, it was prohibited. She said that if there were already 40+s people doing short-term rentals that the city needed to move in a direction where they were either going to wait for legislation or send it back to Planning Commission and have it be more than just a quick wording change.

Mayor Farnworth felt that the council could not just say no. He said that what they were trying to protect the city from was other people turning homes into rentals before they could complete the legislation. He said that they could not leave it open for others to purchase a large number of homes for short-term rentals.

Councilmember Fullmer said that 605.2 already stated that they were inclusive and prohibiting it. If it was not listed in the code it was not allowed. Mayor Farnworth said that they needed to educate the staff and have a paper trail of who people had spoken to.

Councilmember Fullmer felt that the city needed to have a complaint log. Mr. Brim stated the city already had a complaint system in place. He said the code was by default that if the use was not allowed then it was prohibited. They wanted to make the code clear for people who were looking at the use table. Mayor Farnworth asked how the city would be taking care of the people who were already doing short-term rentals.

Mr. Church stated that they needed to adopt the ordinance clarifying that short-term rentals were not allowed. They needed to administratively allow those who were currently doing the short-

term rentals, before this ordinance was passed, to be registered with the city. The city would consider grandfathering them in. This would give the city time to determine whether or not they were allowing them in the code. He said that the staff did not have the inclination to go after good neighbors and those running short-term rentals who were doing it properly. He said that they needed to have a line drawn so that they did not get any more short-term rentals. His suggestion was to make it clear in the code now so that no one would have an argument that would give them the impression that short-term rentals were allowed. He said then the city could work on not enforcing the code on those that could prove that they had been doing short-term rentals with all of the necessary paper work. He said that was his recommendation to give the city time to decide if they were going to allow it, not allow, or if allowed, where and how.

Mayor Farnworth commented that people were asking him how the city got to this point. He said that the point was that as a new town they were not going to get every ordinance perfect every time because they had so many things on their plates. He said that there were several things that they could not catch upfront and that needed to be addressed as they come up. Mr. Church stated that because of the internet things moved faster even in the established towns. He said that people could register with Airbnb, etc., without ever talking to the city. Mayor Farnworth stated that there was so much coming at them that they had to take them as they come.

Mr. Mehner agreed that something needed to be done. He felt that the urgency to make the code clear was because people were calling in from out-of-state. He said that making it owner occupied or in a certain radius would eliminate the fear of out-of-state people purchasing the homes.

Mr. Church said that they could not draft those type of ordinances on the fly, and that it would take time.

Ms. Lee felt that by grandfathering the short-term rentals they could get good information on what was happening.

Councilmember Fullmer asked if the idea was to grandfather them in, approve the code, have staff start researching it, and not wait for legislation. Mr. Church said that if the legislature acts it acts, but there was no sense waiting for the legislature. He said that as long as they could regulate short-term rentals, they needed to have a good ordinance and zoning in place. Mayor Farnworth asked what would happen if there were already short-term rentals in zones that did not allow them. Mr. Church said that the only fair way was to have a grandfathered use, if they had the proper paper work. Mr. Brim said that if they did open up a process that they needed to have those that were grandfathered in go through that process.

Mr. Church explained that the term was not grandfathered, but a preexisting non-conforming use, which would allow them to continue the use until they abandoned it. He stated that in order for it to be a preexisting non-conforming use it had to be legal at the time it was started. He said that the argument he was trying to avoid was when someone came in said that it was legal when they started. He said that if someone breaks the law that they could never get grandfathered rights and was trying to avoid the argument as to whether they were breaking the law or not. He suggested that they make it clear now. Mr. Brim asked if the preexisting non-conforming use language needed to be put into the ordinance. Mr. Church replied that the preexisting non-conforming use language was already in the code. He said that if they passed the ordinance as presented, let staff know administratively that the council's choice was that they did not attempt to prove that they were a preexisting non-conforming use, and just acknowledge them as if they said that what they were doing was true and they were registered.

Mayor Farnworth called for a motion.

Mr. Judd stated that with the permitted non-conforming uses, council was going to allow short-term rentals with the understanding that they were a commercial use and make sure they were up to standard. He suggested that they make sure they were up to code. Mr. Church said that in grandfathering, they were talking about an appropriate Airbnb. For example, if it were a full house that was being rented by people then there would be no problem. In contrast, if someone had cut their home into five apartments illegally and had been renting them, then they would be violating not just the short-term rental but the accessory dwelling unit ordinance and the building code, etc. Mr. Church emphasized that they were not grandfathering in any illegal uses. What they were saying was that any appropriately done short-term rental that meets all other codes, would be recognized as a preexisting non-conforming use. Mr. Judd said that they needed give staff the ability to do an inspection and make sure they were up to code. Mayor Farnworth said he understood what could happen, but the only time they would know what was going on was when someone reported a complaint. Mr. Judd asked how the people would prove they had previously been doing a short-term rental and bring it up to code. Mr. Church said that the owner-occupied rentals would be up to code. He explained that the nonowner-occupied renters were renting out full houses. He said that there might also be some who had long-term rental apartments without the city's knowledge. Mr. Judd asked them to allow the staff to review each short-term rental and make sure they were up to code. Mr. Brim said that he would work on a process to make sure they had proper permits.

Councilmember Fullmer asked what the timeline would be for addressing the short-term rental code. Mr. Brim replied that it would take at least six months, which would allow time to do research. He suggested that if they approved the recommended amendment tonight it would give staff time to put it in place, so that new ones could not come in while they were in the process of amending the code.

Councilmember Fullmer clarified that they would not recognize any new rentals if they came in and asked how they would enforce the current ordinance. Mr. Brim replied that it would be on a complaint basis and they would enforce things such as noise and parking issues. Councilmember Fullmer asked if this were to happen in the next month and there was a complaint and staff would address the complaint and ask them for their paperwork. Mr. Brim replied that if council approved the amendment tonight and allowed the non-conforming uses to have a vested right, then staff should post it on Facebook, let the residents know, and then give them the opportunity to prove that they had a preexisting short-term rental use. He added that Mr. Judd had a valid point that if people were using their basement as a short-term rental then staff could pull up the building permit and see if they had a valid permit or not. Councilmember Fullmer asked if they would be giving people a timeframe to come in and prove that they were using their short-term rental before the ordinance was passed or just when it became an issue. Mr. Brim felt that staff needed to do their best to reach out to people and provide the opportunity for them to come in. Councilmember Fullmer stated that not everyone followed the city's website or social media. She asked how they would regulate it if a new person came in and there was a complaint. Mr. Church hoped these things did not happen but if in six months they came in and stated that they did not know they had to register and could prove the use, then they would recognize the use. However, if they came in six years, then they would not allow the use. He said that it would be easy for them to prove it six months from now.

Councilmember Fullmer acknowledged that they could not catch the rentals through advertisements. She asked if they catch them through a complaint and they did not fit the preexisting non-conforming use because they did not file on the deadline set or have the proper paperwork, did staff have to ask for proof. Mr. Brim replied said that they would have to provide

paperwork for proof if they were claiming a vested right. Mr. Church explained that if they had done it correctly they would show up on the state sales tax records. Sergeant Rockwell commented that if the deputies go out on a complaint and felt that they were running a short-term rental they could report it to the zoning department. Councilmember Fullmer felt that if the deadline to come in and prove the preexisting non-conforming use was six months out, it would be difficult for people to meet it. Mr. Brim stated that it was only a suggestion and that there would be a certain point that they were out too far. Councilmember Fullmer asked if as a city there were going to start addressing the issue of allowing or not allowing people to have a short-term rental. Mr. Brim felt that the city needed to do their part to notify the residents.

Mr. Jenne agreed with Mr. Church's proposal and felt that by delaying a decision, that would perpetuate the idea that it was okay to have short-term rentals. He added that for people who were in neighborhoods that did not want the short-term rentals it would open the door for more of them. He said that they needed to make the process as painless as possible for those who were already doing short-term rentals. He felt that there were people who were not following the regulations who needed to be held accountable. He stated that it needed to be regulated and that delaying the decision would increase the problem of regulating short-term rentals in the future, and that a lot of people would lose money.

Councilmember Fullmer commented that she was hoping that the council would move it forward.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE LANGUAGE IN SECTION 605 THE DISTRICT USE TABLE AND CHAPTER 30 DEFINITIONS WITH THE PROVISO THE FOLLOWING THAT THEY APPROVE THE PREEXISTING NON-CONFORMING CONDITIONS UPON THEIR REGISTERING THEIR NON-CONFORMING USE AND REVIEW OF THE STAFF FOR ALL OTHER CODE, AND CHAPTER 30 DEFINITIONS AND ALLOW STAFF TO TAKE THE PROBLEM, REVIEW IT AGAIN TO ESTABLISH HOW THEY ARE GOING TO TREAT THIS ACROSS THE CITY TO MAKE A REASONABLE APPROACH. IGNORING WHAT THE STATE WAS GOING TO DO BECAUSE THEY NEVER KNOW WHAT THEY ARE GOING TO DO.

Councilmember Flake restated his motion to say: APPROVE THE LANGUAGE AS NOTED, BUT APPROVE NON-CONFORMING USES IF THEY MEET ALL OTHER REQUIREMENTS AND STAFF GOING BACK AND READDRESSING THIS ISSUE WITH THE ZONING COMMISSION AND THEN REFER IT BACK TO COUNCIL. COUNCILMEMBER GOODMAN SECONDED THE MOTION.

Mayor Farnworth called for further discussion or questions. Hearing none, he called for a roll call.

ROLL CALL WENT AS FOLLOWS: MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

12.2.b) Section 606 Dimensional Standards Table - adding dimensional standards for accessory buildings; Section 1703 & 1704 - to clarify standards for accessory buildings; Section 1706 - to add driveway parking length standards for accessory dwelling units; adding new Section 1719 Drive-thru Facilities - to establish standards for drive-thru

facilities including lane length/width, stacking spaces, building orientation, drive-up windows, layout, signage, hours of operation, pedestrian access, traffic circulation, noise levels and landscaping.

Mr. Brim explained that short-term rentals were only one piece of the code amendment. He said that next piece was accessory dwellings. He stated they were clearing up and clarifying the section. He said that there were items in the chapter that were in different chapters from the rest of the dimensional standards. He explained that this amendment would bring the accessory building provisions into the dimensional standards table. He said that one change was that they did not have a distance requirement from the main building so they listed it at six feet to meet fire code and the general esthetics. The other change was to keep the height at 14 feet but allow accessory structures to go up to 25 feet. He stated that the code allowed for accessory dwelling units to go on top of garages but they could not put them on top with the 14-foot maximum height. He said that the code would read for every one foot above the 14-foot height they would have to set back an additional one foot. He explained that the provision made it so that someone could not build a 25-foot structure three feet from the property line. He explained that the amended section in Chapter 17 would clarify that accessory buildings were required to be in the read yard, reference the dimensional standards table, and reference the Accessory Dwelling Unit Section 1706. He stated that it deleted Section 1704 because all standards had been moved to the Dimensional Standards Table. He added that 1704 would be retitled "Reserved" for future use.

The next piece of the amendment was the Accessory Dwelling Units (ADU). Mr. Brim explained that some homes had driveways that were not long enough to allow for ADUs. He stated that they needed to clarify the code to say that if the applicant wanted to use the driveway toward onsite parking requirements for ADUs then it must maintain a minimum length of 18 feet. He said that they also cleaned up the ADU licensing process. He explained that the code currently required them to have a business license before they acquired a building permit. They were amending the code to require a building permit prior to issuance of the ADU business license.

The final piece of the amendment to the code was drive-thru requirements. Mr. Brim said that there were going to be several businesses requesting to have drive-thrus and that the city did not have real standards for them. He said that the General Plan talked about making the city a walkable, safe environment and felt that drive-thrus could jeopardize that. He explained that the amendment would provide minimum standard requirements as follows:

- Drive-thru lane length and width standards
- Landscaping
- Noise
- Hours of operation if located adjacent to residential, excluding mixed use.
- Pedestrian route requirements
- Building orientation
- Conflicts with traffic and onsite parking
- Materials to match the building

He explained that the Planning Commission did not want to duplicate the look of the Dairy Queen drive-thru.

Mayor Farnworth called for a motion to open the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO OPEN THE PUBLIC HEARING AT 8:04 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Farnworth called for public comment. Hearing none, he called for a motion to close the public hearing.

Motion: COUNCILMEMBER FLAKE MOVED TO CLOSE THE PUBLIC HEARING AT 8:04 PM. COUNCILMEMBER FULLMER SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Mayor Farnworth called for a motion.

Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE SECTION 606, DIMENSIONAL STANDARDS TABLE AS PRESENTED.

Councilmember Flake amended his motion.

Amended Motion: COUNCILMEMBER FLAKE MOVED TO APPROVE THE ORDINANCE AS NOTED. COUNCILMEMBER GOODMAN SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

12.3 DISCUSSION AND ACTION – <u>Town Center Roadway Design and Layout</u>
Public Works Director/Engineer Don Overson will present the amended Town Center roadway design and layout. The mayor and City Council will take appropriate action.

Mayor Farnworth turned the time over to Public Works Director/Engineer Don Overson.

Mr. Overson explained that since the council had approved the Town Center Ordinance in September of 2015, he had been working on a grading plan and design for Main Street through the Town Center area. He stated that they had been trying to follow two basic statements:

- The Districts are composed of blocks in a network making it easy for pedestrians, bikers and automobiles to move through the City.
- Transit access and pedestrian accommodations such as spacious sidewalks will minimize the need for cars. Street corner setbacks and the Lake Promenade will reveal views from the mountains to the lake.

He said that they took those two statements and tried to incorporate them into the design. They had to include traffic flow and volume. A study was done by Hales Engineering that talked about the train station traffic, population density traffic, and the limited access off of the Vineyard Connector. He said all three factors were key elements for traffic flow and volume. They also had to look at parking. They looked at good access and sufficient parking for the use. He said that as there were two parking lots included in the design and as development happened they would convert one of the lots into a parking structure. He said that they also looked at the

walkability in Town Center area, the connection to the train platform, and minimizing conflicts between walking and car traffic.

Some of the issues with the design were:

- Queueing from the south
- Volume of traffic coming to the station at Main Street
- Limited traffic movement out of the Train Station

Mr. Overson explained that the issue with the queueing from the south was that most of the commuter traffic from the train station would be coming off of Main Street and the Vineyard Connector. He stated that the issue was volume of traffic and the limited movement. He said the they looked at changing the configuration. He explained that they moved the promenade from the north side to the center of the train station and added a walking bridge across main street to allow the walking traffic to continue down the promenade. By moving the parking structures, "kiss-n-ride", and the bus turnaround further to the north it allowed them to use the 1200 North entrance as well as Main Street.

Mr. Overson explained that they wanted the walking bridge to be wider than 10 feet and to make it a focal point.

Mr. Overson said that staff recommended that council allow them to use Exhibit B to move forward with the design plan. The reasons were:

- Resolves the queueing problems at the south end
- Provides access into and out of the train station from 1200 North and Main Street
- Reduces the volume of traffic at Main Street
- Reveals views from the mountains to the lake by centering the promenade in the middle of the platform.

Councilmember Fullmer asked if the promenade would still go to the lake. Mr. Overson replied that would go to the end of the Vineyard Connector and turn and go to the underpass that was already designed there.

Mr. Judd asked if the new design lined up with UVU's Master Plan. Mr. Overson replied that the promenade would line up with the underpass at the railroad tracks. Mr. Brim felt that it would make the promenade a great focal point when people were getting off of the train. Mr. Overson felt that it created a nicer design.

Mr. Overson stated that because the original plan had been adopted by the council, he did not want to move forward without their approval.

Mayor Farnworth called for questions. Hearing none, he called for a motion

Motion: COUNCILMEMBER FULLMER MOVED TO ACCEPT THE CHANGES AS PRESENTED. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

ADJOURNMENT

Mayor Farnworth called for a motion adjourn the regular session until after the RDA meeting.

Motion: MAYOR FARNWORTH MOVED TO ADJOURN THE PUBLIC MEETING AT 8:20 PM UNTIL AFTER THE REDEVELOPMENT MEETING. COUNCILMEMBER FLAKE SECONDED THE MOTION. MAYOR FARNWORTH, COUNCILMEMBERS FLAKE, FULLMER, AND GOODMAN VOTED AYE. COUNCILMEMBER RILEY WAS ABSENT. MOTION CARRIED WITH ONE ABSENT.

Councilmember Goodman left the RDA meeting at 9:27 PM. The regular session resumed at 9:37 PM.

CLOSED SESSION

Mayor Farnworth called for a motion to go into a closed session.

Motion: COUNCILMEMBER FLAKE MOVED TO GO INTO A CLOSED SESSION AT 9:37 PM FOR A DISCUSSION ON PENDING LITIGATION AND THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. MAYOR FARNWORTH SECONDED THE MOTION. ROLL CALL WENT AS FOLLOWS: MAYOR FARNWORTH AND COUNCILMEMBERS FLAKE AND FULLMER VOTED AYE. COUNCILMEMBERS RILEY AND GOODMAN WERE ABSENT. MOTION CARRIED WITH ONE ABSENT.

The regular session resumed at 10:07 PM.

Mayor Farnworth called for a motion to adjourn the regular session.

Motion: COUNCILMEMBER FLAKE MOVED TO ADJOURN THE PUBLIC MEETING AT 10:07 PM. MAYOR FARNWORTH AND COUNCILMEMBERS FLAKE AND FULLMER VOTED AYE. COUNCILMEMBERS RILEY AND GOODMAN WERE ABSENT. MOTION CARRIED WITH TWO ABSENT.

The next regularly scheduled meeting is September 27, 2017.

MINUTES APPROVED ON: September 27, 2017

CERTIFIED CORRECT BY: /s/ Pamela Spencer
PAMELA SPENCER, CITY RECORDER