

ALPINE CITY PLANNING COMMISSION MEETING
Alpine City Hall, 20 North Main, Alpine, UT
September 17, 2019

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00 pm by Chairman David Fotheringham. The following were present and constituted a quorum:

Chairman: David Fotheringham

Commission Members: Jane Griener, Alan MacDonald, John MacKay, Jessica Smuin, Sylvia Christiansen

Excused: Bryce Higbee

Staff: Austin Roy, Marla Fox

Others: Keith Wilson, Landon Wallace, Jennie Wallace, Craig Chagnon, Chris Paulson, Will Jones, Brandon Jensen, Shellie Slade, Breezy Anson, Jim Smith, David Walter, Dick George, Penn Owens, Tom Dellegro

B. Prayer/Opening Comments: David Fotheringham

C. Pledge of Allegiance: Tom Dellegro

II. PUBLIC COMMENT

There were no public comments.

III. ACTION ITEMS

A. Public Hearing – Site Plan – AT&T Antenna Upgrade

Austin Roy explained that AT&T was seeking to replace six antennas and auxiliary equipment at the tower site located at 10 East 600 South. The proposed replacement did not substantially change the physical dimensions of the tower or base station (height and width to remain the same), and thus, should be approved per the Wireless Telecommunications Ordinance of the Development Code. Austin Roy noted that this request was in line with the City's ordinance.

Article 3.27.030 states:

State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station. For purposes of this Part, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves:

1. *Collocation of new transmission equipment;*
2. *Removal of transmission equipment; or*
3. *Replacement of transmission equipment.*

David Fotheringham opened the Public Hearing.

Keith Wilson asked how much money the City was making on the towers. Austin Roy said Alpine earned about \$20,000 - \$30,000 per carrier for towers located on City property. However, this particular site was not on City property; it was on the Shepherd's property. The tower in question was originally approved many years ago and was one of the first towers built in Alpine.

Craig Chagnon, Tower Owner, said the data of radio frequencies were available, and were regulated by the FCC. Additionally, information with the American Cancer Society was also available to address relevant concerns during previous public hearings.

David Fotheringham closed the Public Hearing.

MOTION: Sylvia Christiansen moved to recommend approval of the AT&T Antenna Upgrade. Jessica Smuin seconded the motion. There were 5 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
John MacKay
David Fotheringham
Jessica Smuin
Sylvia Christiansen

Nays:

None

B. Public Hearing – Voter Participation Areas

Austin Roy presented a map for the proposed 2020 voter participation area boundaries. He explained that House Bill 119 set forth the following requirement that must be met by January 1, 2020:

(ii) a metro township with a population of 10,000 or more, a city of the third or fourth class, or a county of the third or fourth class shall, no later than January 1, 2020, again on January 1, 2022, and January 1 each 10 years after 2022, divide the metro township, city, or county into four contiguous and compact voter participation areas of substantially equal population.

Ideally, voter participation areas would be based on population data from the latest census. However, the most recent census was almost 10 years ago, and Alpine City had grown since then (including many new subdivisions and the annexation of the Cove). Thus, staff had looked at other methods to get a current estimate of the current population. Ultimately, staff used the building permit records to create an estimate of the current population since these records were updated on a continual basis. Staff used the total number of buildings in each sector of the City to create a population estimate. In using an estimated average household size of 4.0, this method matched the U.S. Census Bureau's 2018 population estimate number of approximately 10,504.

When asked by Sylvia Christiansen if this action would lead to changes in the make-up of the City Council based on voting districts, Austin Roy responded in the negative. There was subsequent discussion regarding the administrative implications of this action.

**Note: Commissioner Alan MacDonald joined the meeting.*

David Fotheringham opened the Public Hearing. There were none, so he closed the public hearing.

MOTION: John MacKay moved to recommend approval of the Voter Participation Areas as outlined. Sylvia Christiansen seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
John MacKay
Alan MacDonald

Nays:

None

David Fotheringham
 Jessica Smuin
 Sylvia Christiansen

C. Public Hearing – General Plan – Moderate Income Housing Element

Per Senate Bill 34, Alpine City was tasked with implementing three or more items from the menu below as part of the Moderate Income Housing Element of the General Plan by the end of 2019. Austin Roy presented the following information as detailed in the Bill:

Menu: Shall include a recommendation to implement 3 or more of the following strategies, aka the 'menu' (518; 1205):

- A. *rezone for densities necessary to assure the production of MIH*
- B. *facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of MIH*
- C. *facilitate the rehabilitation of existing uninhabitable housing stock into MIH*
- D. *consider general fund subsidies or other sources of revenue to waive construction related fees that are otherwise generally imposed by the city*
- E. *create or allow for, and reduce regulations related to, accessory dwelling units in residential zones*
- F. *allow for higher density or moderate income residential development in commercial and mixed-use zones, commercial centers, or employment centers*
- G. *encourage higher density or moderate income residential development near major transit investment corridors*
- H. *eliminate or reduce parking requirements for residential development where a resident is less likely to rely on their own vehicle, e.g. residential development near major transit investment corridors or senior living facilities*
- I. *allow for single room occupancy developments*
- J. *implement zoning incentives for low to moderate income units in new developments*
- K. *utilize strategies that preserve subsidized low to moderate income units on a long-term basis*
- L. *preserve existing MIH*
- M. *reduce impact fees, as defined in Section 11-36a-102, related to low and MIH*
- N. *participate in a community land trust program for low or MIH*
- O. *implement a mortgage assistance program for employees of the municipality or of an employer that provides contracted services to the municipality*
- P. *apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of MIH*
- Q. *apply for or partner with an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity*
- R. *apply for or partner with an entity that applies for affordable housing programs administered by the Department of Workforce Services*
- S. *apply for or partner with an entity that applies for programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act [not in county list of recommendations]*
- T. *apply for or partner with an entity that applies for services provided by a public housing authority to preserve and create MIH*
- U. *apply for or partner with an entity that applies for programs administered by a metropolitan planning organization or other transportation agency that provides technical planning assistance*
- V. *utilize a MIH set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency*

W. any other program or strategy implemented by the municipality to address the housing needs of residents of the municipality who earn less than 80% of the area median income

After a discussion between staff and the City Council at the September 10, 2019, City Council Meeting, it was proposed that the following menu items be under consideration to be added to the Moderate Income Housing Element of the General Plan:

1. Item E: Alpine City already meets this requirement based on the current ordinance that allows for Accessory Apartments on any lot in any zone of the City.
2. Item J: Developers could be given incentives such as, higher density, smaller setbacks, etc. to help incentivize moderate income units in new developments. Moderate income units would be deed restricted.
3. Item L: Alpine City has duplexes, four-plexes, and smaller homes that could be preserved and protected as moderate income housing through new ordinances.
4. Item M: Impact fees could be reduced or even waived for developers who would participate in creating new deed restricted moderate income housing.
5. Item N: Alpine City could set aside money each year that would be given to the Provo Housing Authority, Olene Walker Housing Loan Fund or similar trust.
6. Item O: In order to encourage Police, Fire, and other City employees to live in town a mortgage assistance program could be implemented for qualifying employees.
7. Item W: City could set aside money to subsidize rent and wave utility bills for certain qualifying candidates (i.e. fixed income households, etc.).

David Fotheringham opened the Public Hearing.

Tom Dellargo asked what Moderate Income Housing meant. Sylvia Christiansen explained it was housing that was reasonably affordable to a resident earning 80% of the median within the County. Austin Roy added that in Utah County this meant housing with a value of around \$300,000.

David Fotheringham closed the Public hearing.

John MacKay asked what a deed restriction entailed. Austin Roy explained that when a new home was built, there would be rent control on the property for a certain number of years. Alternatively, if the home was sold it would have to be sold to a moderate income candidate.

Sylvia Christiansen said she was in favor of employee housing benefits. The question was raised as to how this would be funded, and staff explained it would have to be budgeted during the annual review process.

Alan MacDonald said it would be great if fire fighters and policemen could live in the City they worked for so they could be part of the fabric of the community. David Fotheringham agreed, stating that this would also help retain these employees as well.

Jessica Smuin stated that in asking several residents for their input on this matter, they expressed the desire of also seeing teachers, police officers, and fire personnel to be able to afford to live in Alpine as well. She said she would like to see detached buildings be allowed for housing options. Additionally, she would like to see a zone where higher density housing could be developed so as to have different housing price points available. She identified a parcel near the entrance of Alpine that could be developed for this purpose.

Alan MacDonald said he was not in favor of detached apartments but was in favor of apartments within existing homes. He was concerned with deed restrictions because they were difficult to enforce. He wanted to preserve the duplexes and apartments that were already in Alpine.

John Mackay asked how the City would control preserving duplexes and apartments. Austin Roy said rules would have to be put in place where they couldn't be torn down. Jessica Smuin said this plan could bring forth legal issues because of the challenges associated of enforcing restrictions on private property.

MOTION: Alan Macdonald moved to recommend menu items A, E, J, L, and O, be added to the Moderate Income Housing Element of the General Plan. John MacKay seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
John MacKay
David Fotheringham
Alan Macdonald
Jessica Smuin
Sylvia Christiansen

Nays:

None

D. Public Hearing – Short Term Rentals

Austin Roy explained that Alpine City currently had approximately 30 to 35 Short Term Rentals (i.e. Airbnb, VRBO, etc.) in town. Staff received complaints about one of the rentals in the past, but overall there had been few complaints regarding existing Short Term Rentals (STRs). Currently, STRs were not allowed in the residential zones of the City per the definition of Residence found in Article 3.1.110:

RESIDENCE. *A dwelling unit where an individual or family is actually domiciled at a given point in time and not a place of temporary sojourn or transient visit. Temporary sojourn or transient visit shall be thirty (30) days or less.*

Austin Roy said it was difficult to enforce this ordinance as it was a challenge for the City to be able to prove someone was using their home as an STR. Website listings could not be used as evidence, and activity occurred on private property, where staff was limited by its inability to search and inspect the residences in question. Allowing STRs could provide the benefit of an alternative source of revenue, ability to track STRs in town, and the ability to regulate STRs. If the City were to adopt an STR ordinance, the following should be considered:

1. Number of STRs allowed in the City
2. Number of STRs allowed in a single residence
3. Limit on number of bedrooms allowed per STR unit
4. Owner occupied STRs, o managed by a Local Manager
5. Business License requirement
6. In which zones shall STRs be permitted
7. Parking Requirements
8. Fees and Taxes

The Planning Commission had a discussion on whether this service was needed or wanted in the community.

David Fotheringham opened the Public Hearing.

Garrett Sealey, a resident wrote a letter, and explained that Alpine had zoning laws so people could choose where they wanted to live. Companies did not care about laws or the people surrounding short term rentals. He said this increased traffic and on more than one occasion, people had knocked on his door looking for a short term rental. In some cases, strangers had even tried to enter his home. He said short term rentals were a detriment to the community and he asked that they not be allowed in Alpine.

Breezy Anson, resident, said short term rentals hurt the rental industry because apartment owners could make more money doing short term rentals than having longer term contracts. This made it harder to meet the Moderate Income Housing requirement.

Landon Wallace, resident, said he lived by an Airbnb and said it was a destination because it was cheaper than hotels. Vacation companies were reserving these places and sending clients to them with large RVs. He explained that he did not want to enact any more ordinances when the City couldn't even enforce the ones already in place.

Shelly Slade, lived by an Airbnb and said it had caused a lot of problems. Guests of the Airbnb trespass on their property, and use their basketball court and grass to play on. They missed their mail because cars were parked in front of their mailbox all the time. She said the owner of the home did not live in Alpine and did not care about the neighbors.

Brandon Jensen, stated that he lived by an Airbnb. He said it was not one family staying in the home, but three different families in the home at one time. Parking was an issue and was continuing to be a problem. He said he did not envision living next to a hotel in his residential neighborhood.

Penn Owens, said many cities were banning short term rentals. The leaders of the City would not like living next to one of these short term rentals. He was concerned with what would happen in a downturn economy if everyone used their home for short term rentals.

David Walter, said he did not want to tattle on his neighbor so he didn't complain. He explained that even if the City put rules in place, people would not register their properties or pay the fees.

Dick George, said he ran an Airbnb and his property had a five-star rating. He had seven off-street parking spots, and he occupied half of the home while renting out the other part of the home. The people who stayed in his home were from all around the world and appreciated being able to stay in a home. He said he would like to work with the City to be able to keep his short term rental. He explained that quality places for people to stay were needed. Mr. George indicated that he would require properties to be owner-occupied and provide off-street parking.

Keith Wilson, said Alpine was a destination because it was a central location to canyons, national parks, and Temple Square. He suggested that Alpine's leaders investigate what other cities were doing about this issue. He said in his experience with the rental in his neighborhood, he was not in favor of short term rentals unless they were highly policed. If an ordinance was passed, it would need to be enforced.

David Fotheringham closed the Public Hearing.

Jessica Smuin asked how the ordinance would be regulated. Austin Roy explained that the City had a code enforcement officer that was trying to enforce the ordinances. Jessica Smuin asked the City could not just fine someone \$5000 if they didn't comply. Austin Roy explained that it was hard to prove that someone was running an illegal short-term rental.

MOTION: Alan MacDonald moved to recommend to DENY Short Term Rental's and for staff to work with an Attorney to draft a new Ordinance that is clear, provides enforcement mechanisms and has penalties. Jane Griener seconded the motion. There were 2 Ayes and 4 Nays (recorded below). The motion did not pass.

Ayes:

Jane Griener
Alan MacDonald

Nays:

Sylvia Christiansen
John MacKay
David Fotheringham
Jessica Smuin

MOTION: Sylvia Christiansen moved to table this issue until further review. John MacKay seconded the motion. There were 4 Ayes and 2 Nays (recorded below). The motion passed.

Ayes:

Sylvia Christiansen
John MacKay
David Fotheringham
Jessica Smuin

Nays:

Jane Griener
Alan MacDonald

IV. Communications

There were no communications.

V. APPROVAL OF PLANNING COMMISSION MINUTES: September 3, 2019

MOTION: Sylvia Christiansen moved to approve the minutes for September 3, 2019, as written. Alan MacDonald seconded the motion. There were 6 Ayes and 0 Nays (recorded below). The motion passed.

Ayes:

Jane Griener
John MacKay
David Fotheringham
Alan MacDonald
Jessica Smuin
Sylvia Christiansen

Nays:

None

The meeting was adjourned at 9:15 pm.