SECOND: Adel Murphy
VOTE: The motion carried.

Chairman Jeff Loris	AYE
Adel Murphy	AYE
Bryan Pack	AYE
Mike Scott	AYE
Lance Anderson	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider recommendation of proposed Amendments to Ivins City Code/Zoning Ordinance, Title 16 Chapter 12 Section 123 (Short Term Leases of Residential Properties) and Title 16 Chapter 9 (Development Agreements). David Lynn/VE Mgmt & Investment Co LC, Applicant.

Kevin Rudd stated that he was not present at the last meeting, so Dale Coulam and Sharon Allen went over the Planning Commission's comments and concerns with him. Staff tried to incorporate those discussed changes. He researched St. George and Hurricane that both have short-term rental ordinances. One of the things he incorporated was that the property manager would be the responsible party for short term developments for resolving any problems, concerns, complaints, maintenance issues, business licensing, and sales and room tax collection. The next concern was how small a parcel would you allow this to be built on? We started on 5 acres but you could move it to whatever you'd like to recommend. St. George says theirs is a minimum of 100 units. Hurricane allows anyone anywhere to do a short-term rental if they go through the process. Staff doesn't recommend that. Moving to 5(a), we better defined the property manager to be on-site or located within 20 minutes commute time from the development. The property manager needs to be available 24 hours a day to respond to complaints and concerns within one hour of any phone call. The property manager shall maintain their Utah sales tax license and collect and submit to state tax commission the required transient room tax for all the short-term rentals. The next thing that was added was that all short-term rental developments would need to display at each entrance a sign that would have the property manager name and phone number so 24 hours a day so that anyone living outside of it could call from the entrance. **Chairman Jeff Loris** inquired if there were sign requirements? **Kevin Rudd** stated that it was not specifically defined in this, but we can certainly do that. The next thing was when short-term rentals are adjacent to single family properties, a buffer of single family residential units, that is one layer of single family non-rental units, or an 80 foot open space buffer on the perimeter where it abuts. **Commissioner Lance Anderson** inquired where we came up with 80 ft? **Kevin Rudd** stated that is the minimum width of a single family lot. The biggest complaint we get on illegal short-term rentals right now is on noise, partying, being disrespectful of the neighborhood. If single family dwellings have them right in their backyard it could end up being disruptive. **Commissioner Lance Anderson** stated 80 feet seems like a lot. **Kevin Rudd** stated that it would push the development to do a layer of single family dwellings in the development that were non-rentals. Commissioner Lance Anderson stated that a 40 foot maintained landscaped buffer with trees takes the noise down. He would suggest that. **Chairman Jeff Loris** inquired if this would be to existing adjacent subdivisions? **Kevin Rudd** stated that the Planning Commission would need to determine that. **Commissioner Lance Anderson** inquired what if it was abutting commercial? **Kevin Rudd** stated they would have to build a six foot solid wall and have the same setback as the single family zone. **Commissioner Adel Murphy** stated that it says one unit in depth. Resort Mixed Use has commercial components and we are buffering having commercial components next to existing

residential. **Commissioner Lance Anderson** stated that if it was strictly commercial it has to have the same setback as the property next to it. **Dale Coulam** stated there is a distinction that you have commercial, a building not making a whole lot of noise, you may have some parking and some traffic, pedestrians, but a Resort Mixed use, you typically have more of the louder activities, such as a swimming pool, so for Resort Mixed Use it was defined as a layer of single family homes buffering the residential zone and that lessens the impact on the neighboring residential. We haven't defined what short-term rental projects are yet, but with some of the current concerns that have been expressed, it sounds like a resort atmosphere rather than a business atmosphere. He thinks Commissioner Adele Murphy is saying we should apply the same requirement that we do in a Resort Mixed Use with a layer of non-rental homes to buffer what would otherwise be considered a nuisance to residential properties. **Commissioner Lance Anderson** stated that we could require all recreational facilities to be one unit in and less of an outside buffer, like 40 feet. **Commissioner Adele Murphy** stated swimming, garbage, RVs, parking, none of that stuff should be anywhere near a neighboring residential project. The one in Santa Clara the RV storage is abutting commercial and the pool is closer to the street. The garbage is going to make noise. It all needs to be pushed away as far as it can, or in the middle of the development and not bothering residents. **Commissioner Lance Anderson** stated if we make it one unit in or a 40 foot maintained landscape buffer we could get the best of both worlds. **Kevin Rudd** stated that the buffer of a structure provides more sound barrier than open space. The distance on some of these illegal short-term rentals we get complaints on are 40-60 ft away but it's wide open and the sound carries. A structure would stop the sound. **Commissioner Lance Anderson** stated trees and homes do stop it. **Chairman Jeff Loris** inquired if we are talking about existing residential. **Commissioner Lance Anderson** stated no. He means the zone. **Chairman Jeff Loris** inquired if the adjacent subdivision comes in they would know this was a commercial application and a short-term so they would build differently or would they have to have a buffer? **Commissioner Lance Anderson** stated that if it is zoned residential around it, we don't want to take away the value of the person next to them. It should be treated as a privilege. **Kevin Rudd** stated that the next item that was added in was (g). All short term rental lease developments shall install a six foot colored masonry wall on all perimeter property lines. That is imperative because of the impact this type of subdivision would have on neighboring properties, just like commercial, it should be required. **Commissioner Lance Anderson** stated that he doesn't disagree with a six foot wall, just that it has to be on the perimeter lines. It makes a more appealing openness to it. **Kevin Rudd** stated that our transportation master plan requires a streetscape buffer on the perimeters of subdivisions. **Commissioner Adel Murphy** stated that she likes the idea that you either put residential non-short-term rentals, which she thinks it needs to say that. It just says single family residential. It just needs to be spelled out. **Commissioner Lance Anderson** stated that as long as the criteria is met, in his opinion, we don't care whether it is short or long-term, just that the taxes are being collected correctly. **Commissioner Adel Murphy** stated that we care that the ones on the perimeter that are buffering are prohibited from being short-term rentals. **Commissioner Lance Anderson** stated that if someone wants to put in a 40 foot buffer wall landscape, even if it's not a perimeter buffer it still creates openness for the people living next to it. **Commissioner Adel Murphy** stated that it needs to be a buffer, not become a park. **Mike Scott** stated there are also risks the adjacent residential community will have by having short-term rentals next to them. This becomes an amenity then. **Commissioner Lance Anderson** stated yes. He is suggesting a 40 foot buffer maintained and landscaped and some type of trees. **Commissioner Adel Murphy** stated that it would be a maintained open space. **Chairman Jeff Loris** stated that a parkway would make sense. **Commissioner Lance Anderson** stated that if there was a

necessity for connectivity for pedestrians, then there's a need. We are not inviting people there to play, but it is a pass through. It is just a maintained open space as a buffer. **Chairman Jeff Loris** stated that he likes 40 feet better in that case. **Commissioner Adel Murphy** stated that then the house itself will have a minimum of 10 feet. (Applicants stood up and left the building.) **Chairman Jeff Loris** stated if we do a one unit residential buffer on the outside then a wall makes sense but if it a buffered area, then it needs to be a minimum 40 feet in from the property line. **Dale Coulam** stated that we are safest to say there is a layer of non-short-term rental single family residential units rather than defining a buffer zone that is larger than any buffer zone we have. We can state that if this type of project abuts residential then they are going to put a row of non-short-term rentals in their project and the rest on the interior can be short-term rentals. They have no right to do short-term rentals currently. If we give them the right, then we can say that the amenities are going to be on the inside of their project. The outside is still going to be normal residential. **Commissioner Lance Anderson** stated that he doesn't think it is a taking, when we cluster we tell people they are giving up open space. Our ordinances say that. **Dale Coulam** stated that maybe we should phrase it that way; if they want to do an overlay to do a short-term rental project then this would be what they were giving up as consideration. **Commissioner Bryan Pack** stated if we give a developer options they could pick and choose to do a row of single family units or a 40 foot landscaped buffer zone. **Dale Coulam** stated that he thought it was good to use the Enhancement Overlay language that says if they choose to cluster and leave open space then you get the right to do it. **Commissioner Adel Murphy** stated that our Subdivision Enhancement Overlay basically says that it rewards subdivisions located in these zones for the provision of subdivision and community features not typically required by the City and may include street enhancement, improvement dedications, subdivision landscaping, buffering, compatibility features and amenities. That's what the SEO says. The PD also says that this promotes efficient use of all land resources and requires the provision of development and community amenities, the preservation of natural and scenic qualities of the development site. So both of those encompass the idea that if you want to cluster you have to leave some open spaces. **Commissioner Lance Anderson** stated that we just need to clarify that if you don't want to put a residential unit on the outside then give up 10% on the outer boundaries of the development. We already have that in place, we just need to clarify one step further. **Dale Coulam** stated that it would be tied to the Overlay and the right to do it. **Commissioner Lance Anderson** stated that if we leave it in the SEO or PD overlay and just state amenities to the inside and open space needs to be on the outer boundaries. Then we are following our own rule and just clarifying it. **Dale Coulam** stated that would allow you to cluster your densities inside and they are not losing density. They'd get the same density, but give up open space so there has been a trade-off. **Chairman Jeff Loris** recapped that we are not necessarily requiring 80 foot open space, but we do want at least a single layer of residential non-short-term rentals on the exterior or that any open space, the 10% they gain from the SEO or PD is required to be on the exterior of the development. **Commissioner Lance Anderson** stated yes, and all amenities and storage, garbage, needs to be interior. **Chairman Jeff Loris** stated that it is then not a taking, but a benefit. **Commissioner Lance Anderson** stated that next on section (g) on the masonry the only thing he would say is it should border the living space of the units. **Kevin Rudd** stated that it doesn't make sense when it is adjacent to a property line because then you wind up with this space and someone builds a home, they are going to want to put a fence on the property line. So then we are going to have a fence there and one for the short-term rental, this 40 foot area, so now we have it fenced in on two sides. **Dale Coulam** inquired what if we made it consistent with commercial and multi-family and say where it abuts residential then there must be a 6 foot masonry block wall on the perimeter adjacent to abutting residential property? **Commissioner**

Lance Anderson stated that we would want them to put their buffer in closer to their house. **Kevin Rudd** stated that there are areas that we wouldn't want it that way. **Commissioner Adel Murphy** inquired if these projects have HOAs? She is thinking what about 100 houses that need painting, etc. How would that all work with this kind of project where you have separate ownership? **Kevin Rudd** stated that we would go to the Property Manager for any problems and they could lose the privilege of short-term rentals. **Commissioner Adel Murphy** stated that you would hope that the people that buy these want to use it themselves for part of the year and have them as a second home and also use it as income. It wouldn't just be an investor putting people in there. **Kevin Rudd** stated that Red Mountain Spa has the condos with the short-term rentals and we consider them the Property Manager. I think in Encanto we are going to require the same type of thing, they will need a development agreement soon. It will be the same stipulation that there is one Property Manager that the city can turn to. **Commissioner Lance Anderson** stated it needs to be defined with a development agreement and that they are responsible for every home in the project because they want to rent them short-term and long-term. **Kevin Rudd** stated that RV on-street parking or boats shall not exceed 6 hours instead of 48 hours. It says that they need to provide off-street parking within the development. The next thing was on the parking he basically defined it as single family detached units, they would need a two car garage and two spaces on the driveway fronting the garage. If they did multi-units, connected units that are either condos or townhomes, apartments, then they would have to follow parking requirements we have for those types, which is two parking spaces for each two bedroom unit, tow and a half spaces for three-plus bedroom units, and .25 spaces for guest parking. One covered parking space shall be provided for each unit. Driveways fronting garages shall be at least 20 feet in length and a minimum of 16 feet wide. **Commissioner Mike Scott** inquired where it stated that a detached single family would have a two car garage. Some of these may be larger and so the way he reads it, it can only have a two car garage, it can't have a three car garage? Can we say minimum 2 car garage? Also, on the section of how many parking spaces based on the number of bedrooms, we don't mention one bedroom. **Kevin Rudd** stated we could take it down to one unit. **Commissioner Lance Anderson** stated that a one bedroom should still have two parking spaces if it is a husband and wife with two cars. **Commissioner Mike Scott** stated that on guest parking he thinks it should be .25 spaces per unit for guest parking. **Kevin Rudd** stated yes. That represents per unit. **Commissioner Mike Scott** stated that in Section (s) it states that no short-term residential lease shall be located closer than X feet to an existing short-term development. He doesn't know why we would require that. **Kevin Rudd** stated this was just an option if we want to spread them out throughout the city instead of them stacking a whole bunch next to each other. **Commissioner Adel Murphy** stated that she could see a whole bunch of these on Hwy 91. She wouldn't mind them stacked up in that area. It makes the most sense. **Commissioner Mike Scott** stated that he is inclined to scratch Section (s). He sees it as a benefit to group them together rather than separate them. He stated that on item number six states vacation rental properties. That is the only place in this document where we use the term vacation rental properties. He would like to change it to short-term rental properties. **Kevin Rudd** stated he will change it to reflect that. Short-term rentals have to advertise. That is what makes it difficult for them because we can go on and we can find them. **Commissioner Adel Murphy** inquired about the 5 acre minimum. **Commissioner Lance Anderson** stated that with all our criteria, he thinks that is a good number. **Commissioner Mike Scott** stated with all the things Kevin Rudd has put in there, he is good with that. There is enough protection there. He inquired about remuneration and the city getting some tax revenue. It states compensation, money, rent or other consideration. If it is non-monetary how would we collect taxes on it? It is in Section 3 Definitions. **Kevin Rudd** stated that this refers to someone that is illegally renting a

unit and not receiving cash for it. **Commissioner Mike Scott** stated that if a developer builds one of these short-term projects that there will be rental income on those units. There will be tax dollars as a result of that. But if they are allowed to bargain for something other than money, he wonders how it would be collected. **Kevin Rudd** stated it has changed and it is more difficult to track. **Commissioner Adel Murphy** stated that we can ask the tax commission to audit something. (Chairman Jeff Loris left for an appointment and Commissioner Adel Murphy chaired the remainder of the meeting.) **Commissioner Adel Murphy** opened the discussion on Chapter 9 Development Agreements. **Commissioner Mike Scott** inquired on Section 103. We took out "shall specify" and put in "should consider" but most of these items seem like they are 'shalls' rather than 'shoulds.' **Dale Coulam** stated that Development Agreements are typically triggered by phasing and we have more projects where a Development Agreement should be required but not all of these items would be applicable. **Commissioner Mike Scott** inquired who it is that should or shall consider these items? The applicant of the City? If it's the City then should is just fine. **Commissioner Adel Murphy** stated that makes much more sense now. **Dale Coulam** stated that oftentimes we wait for final plat and we don't hold a separate public hearing. This makes it sound like it needs a separate one for the Development Agreement, and that is not the way we do it. The Public Hearing is for the Conditional Use or the Preliminary Plan. The development itself is going through the Public Hearing, not the Development Agreement. Once the conditions are established, you then draft a Development Agreement to memorialize what those conditions were and there is nothing the public could say at that point. **Commissioner Mike Scott** inquired as to why we were taking out Section 111? **Dale Coulam** stated that you can't do conditional zoning. It's against the law. The law would strike that section anyway so we are just cleaning this up. **Commissioner Lance Anderson** stated that 16.09.107 it says that **Kevin Rudd** reviews each Development Agreement every year. **Kevin Rudd** stated that we can say periodically.

B. Discuss and Review updating the General Plan.

MOTION: Bryan Pack moved to table Discuss and Review updating the General Plan.
SECOND: Mike Scott
VOTE: The motion carried.

Adel Murphy	AYE
Bryan Pack	AYE
Mike Scott	AYE
Lance Anderson	AYE
Chairman Jeff Loris	ABSENT

C. Discuss and Review updating the Historic Township Overlay District.

MOTION: Bryan Pack moved to table Discuss and Review updating the Historic Township Overlay District.
SECOND: Lance Anderson
VOTE: The motion carried.

Adel Murphy	AYE
Bryan Pack	AYE
Mike Scott	AYE
Lance Anderson	AYE
Chairman Jeff Loris	ABSENT

D. Discuss and consider approval of the Ivins City Planning Commission minutes for March 31, 2015.