

Pleasant Grove City Council Work Session Minutes
February 24, 2009
7 p.m.

PRESENT:

Mayor:

Michael W. Daniels

City Council Members:

Mark K. Atwood

Cindy Boyd

Lee Jensen

Jeffrey D. Wilson

Excused:

Bruce Call, City Council Member

Deon Giles, Leis Services Director

Frank Mills, City Administrator

City Recorder:

Kathy T. Kresser

Colleen A. Mulvey, Deputy Recorder

Others:

Tina Petersen, City Attorney

Gary Clay, Finance Director

Ken Young, Comm. Dev. Director

Richard Bradford, Ec. Dev. Director

Lynn Walker, Public Works Director

Tom Paul, Police Chief

Marc Sanderson, Fire Chief

Karen Bezzant, Treasurer

Libby Flegal, NAB Chair

The City Council Members and staff met in the Pleasant Grove Junior High School Auditorium, 810 North 100 East, Pleasant Grove, Utah 84062 at 7 p.m.

1. Call to Order

Mayor Daniels called roll for the Council and noted that Council Members Atwood, Jensen, Boyd and Wilson were present. Council Member Call was excused.

2. Opening Remarks

Opening Remarks were given by Council Member Wilson.

3. Public Hearing to consider adoption of the Capital Facilities Plan (CFP) and written Impact Fee Analysis for the 2000 West Service Area as set forth in the enclosed map. The Plan addresses growth and development along 2000 West from 1300 West to State Street, and summarizes the demand placed on the roadway along with the associated costs to purchase right-of-way and construct the improvements.

Mayor Daniels turned the time over to Elise Lechtenberg of Lewis, Young, Robertson and Burningham, Inc., financial consultants to the City, to present an analysis/overview of the 2000 West service area impact fees. Ms. Lechtenberg went on to explain what an impact fee is, that it is a one time fee charged on new development which basically offsets the impact the said development has on the infrastructure that's provided by the City which can include water, storm drains, roads and

public safety. We are talking tonight about roads. What is being recommended is the maximum impact fee that the City is allowed to legally adopt. City Council does have the option to adopt a lesser fee, however it is not recommended because of the fact when adopting the lesser fee the City has to find other means of making up the difference between the recommended fee and what's actually implemented in order to pay for the public improvements that the impact fee is designed to cover, i.e. roads. Ms. Lechtenberg stated that Horrocks Engineers has put together the Capital Facilities Plan (CPF) and they have used the numbers in that plan to base the cost overview. Ms. Lechtenberg stated that the City wide impact fee (to be adopted in two weeks) will be assessed in all other areas of the City. Ms. Lechtenberg handed out a packet with an overview of the impact fees which included project costs and calculations of the impact fees and a map showing the areas where the roadway impact fees will be assessed, see Exhibit "A". Ms. Lechtenberg pointed out that also included is a time price differential adjustment, which is an inflation factor of the impact fee each year, the increase is set at about three percent per year.

Mayor Daniels thanked Ms. Lechtenberg for the presentation and stated that this was a lot of information to digest. The Mayor then asked if the Council Members had any questions.

Council Member Jensen asked what period of time is this projected. Ms. Lechtenberg stated ten years.

Council Member Boyd asked when are the impact fees triggered, when the road goes through our three lanes or the lanes of the county. Mayor Daniels explained that currently there are two separate things going on, there is a construction project going on now which the City is working on with the County, there are three segments which we have already worked on and completed ourselves. The Mayor stated that this action tonight is taking in consideration the entire road going into service so we are looking at beginning the noticing period and then adopting these roadway impact fees.

Elise Lechtenberg stated that if there is no objection this can be adopted tonight and then there is a ninety day waiting period before the fees can actually be implemented.

Mayor Daniels opened up the meeting to the public for any questions or comments on the roadway impact fees.

John Ellis, 276 N 1350 E stated his concern with only incorporating a three percent increase for inflation/cost of construction. He stated with the economic picture of today, we should get a fifteen percent increase each year.

Elise Lechtenberg stated that as the financial consultant for the City they have taken a ten to twenty year analysis of average construction cost inflation which is actually in the three to four percent range. Ms. Lechtenberg also stated that it is recommended for the City to regularly update and revisit so if the cost of construction does increase that the City go back and revise it. Ms. Lechtenberg explained that three of the four segments are already completed so those are actual construction costs, on the fourth segment that is under construction a ten percent contingency is built into the cost on the bids for any changes that may arise.

Mayor Daniels summarized that three of the sections are already completed, we have taken a ten year average so right now the current estimate if adopted will be adequate, if not then we will go back and revisit for more accurate figures and readjust.

Taylor Oldroyd, a Provo resident representing the Utah County Association of Realtors congratulated the City for having this discussion about development and stated that impact fees are not a very “fun” topic to talk about. He remarked that there are studies that indicate that impact fees do not cover all the costs but on the other side there are discussions about the impact for the developer and in this instance four point two million dollars of the twelve point two million dollar project is a pretty significant amount for developers to come up with. Mr. Oldroyd stated that impact fees raise the cost of future business that will hopefully come and the developer is going to have to pass those costs on so it does raise the cost of doing business for everybody in the community, he said that many would prefer to see the City broaden the impact out. Mayor Daniels asked that he explain what he meant by “broaden” in that statement. Mr. Oldroyd explained that another way to do it is for the whole entire community to help with this and to do it as a tax increase and not an impact fee. Mr. Oldroyd went on to say that even though the City is legally allowed to raise that impact fee to what the consultant said, the City may want to consider a more modest impact fee and raise it as, hopefully, the economy gets better. Mr. Oldroyd said that to do it all at once the City may not see the results come in that ten year time frame.

Mayor Daniels thanked Mr. Oldroyd and remarked that his points were well taken. The Mayor went on to say that in the City’s situation where we have a road project that is two thirds built and the final section being built as we speak, the costs for the construction have to be paid when the road projects are completed. In our situation here if we did not have the impact fees where the benefits will be taking place, then the cost of the twelve million dollars would be spread out amongst all the people that live within the City of Pleasant Grove which they are not necessarily contributing to that impact nor are they personally benefiting from it. The Mayor stated that the impact fee was a fair way of sharing that burden between taxpaying citizens, new tax paying landowners, new business development and pass through traffic in this case because it’s going to be part of a road of regional significance that reaches from Lindon clear out through to Alpine. The Mayor stated that the comments were appreciated and that the City feels that the estimates given were conservative.

Steve Phelon, 3657 N 1150 W commented that he, as a developer in the past understands that of the twelve million dollars in infrastructure they will only get one third back. They have already taken into consideration for the flow through traffic and for everybody else, he would be offended if the people who are going to benefit the most don’t get any tax because the rest of us who develop everywhere else, we pay it. Mr. Phelon stated that he thinks that they have done a great job.

Mayor Daniels invited any other public comments at this time. There were none so he closed the hearing to the public.

ACTION: Council Member Boyd moved to adopt Ordinance No. 2009-04, an ordinance fixing and prescribing a policy for impact fees for roadway facilities, adopting a capital facilities plan for the provision of said improvements, establishing a 2000 West service area for purposes of roadway impact fees, and other related matters. A public hearing was held. Council Member Atwood seconded the motion passed with Council Members Boyd, Atwood, Jensen and Wilson voting “Aye”.

Mayor Daniels stated that the motion was adopted and Ordinance No. 2009-04 is accepted.

4. Discussion on accessory apartments.

Mayor Daniels explained that the reason this meeting was scheduled here at the Jr. High School is because we did anticipate a larger audience and wanted to accommodate them. The Mayor went on

to say that to begin there will be a presentation by Ken Young, Community Development Director and then Tina Petersen, City Attorney will give an explanation of how ordinances are interpreted followed by opening up the hearing to mainly listen to feedback from the citizens present. The Mayor stated that his hopes would be that this be an education process for all with respect to the subject of accessory apartments.

Ken Young, Community Development Director stated that the issue of accessory apartments in Pleasant Grove has been a subject that has been ongoing for several years; the City had addressed it previously with questions about how to provide different housing opportunities. Director Young then stated that the Planning Commission chose to create a committee to study the issue of accessory apartments. This committee came up with some recommendations if the City were to have an ordinance regulating accessory apartments, the committee came up with a proposal which was presented to City Council. The Council determined that they would rather first deal with the question of whether or not the City wants to regulate accessory apartments. Director Young then stated that with that decision they then received direction to survey the public. Director Young noted that at present accessory apartments are not permitted in Pleasant Grove, there are many existing situations and the problems are currently handled on a complaint basis. Director Young then explained the proposed definition of what an accessory apartment is; an accessory apartment is a subordinate dwelling, which has its own eating, sleeping and sanitation facilities within a main residential building of a single-family detached dwelling located in a residential zone, an accessory apartment is normally used as a rental unit. Director Young then went on to state the proposed definition of what is not an accessory apartment; an accessory apartment is not a single family home shared by up to three non-related individuals, it is not extra rooms within a house, it is not a mother-in-law apartment used for family, it is not a second kitchen/living area in a home, it is not a duplex dwelling unit and it is not a multi-family apartment dwelling unit. Director Young explained that the public survey was sent out in the utility bills and was available on the City's website. The survey posed the following two questions; 1) Should a homeowner in Pleasant Grove be able to legally rent out a portion of their home as an accessory apartment? 2) What concerns do you have regarding the ability or inability to have accessory apartments in your neighborhood? Director Young stated that two hundred and twenty seven surveys have been returned with eighty two percent in favor of permitting accessory apartments and eighteen percent against them. Director Young then pointed out the top six, most common concerns collected from the survey responses; 1) Enforcement of laws/permitting 2) Parking issues 3) Restricted number of tenants 4) Owner occupancy required 5) Construction guideline 6) Lower income demographics. Director Young's accessory apartment presentation with a summary of the survey responses and proposed ordinance elements are presented in a packet, see Exhibit "B".

Mayor Daniels asked if there were any questions for Director Young, there were not. He then asked Attorney Petersen to explain how ordinances are interpreted.

Attorney Petersen stated that what was discovered from reviewing the surveys was that many citizens are under a false impression that accessory apartments are currently allowed in the City, so to clarify for everyone in the audience, currently accessory apartments in residential zones are not allowed. The ordinance (§10-9B-2-F) states that these uses and no other are permitted in the residential zone and accessory apartments are not listed in the ordinance, so having an accessory apartment is essentially illegal. Attorney Petersen then stated that the second issue is what is called the second kitchen ordinance which requires any homeowner who is either building or remodeling a home and installs a second kitchen, they sign a second kitchen agreement where

they basically agree that the property owner will not divide the home up and use it as an accessory apartment and create a two dwelling unit in a single family residence. Mayor Daniels stated that Director Young described why there may be some confusion about the definition of what an accessory apartment is, finding that it is not an allowed or permitted use but in our search there is was no definition of accessory apartments found. Attorney Petersen stated that the reason why there is no definition currently is because we haven't permitted it so there wasn't a need to define it, we have prohibited it. Mayor Daniels clarified that by not including a use in a zone ordinance it is not legal to utilize that type of use in the zone. Attorney Petersen stated that was correct and went on to say that if we are to address the accessory apartments issue we will have to define what an accessory apartment is. The Mayor then asked if it was necessary to identify what the definition of an accessory apartment is even if we choose to leave them as not permitted. Attorney Petersen stated that it is necessary because it would clear up the confusion and would be helpful to have the definition. Council Member Jensen posed the question that since there is nothing on the books that specifically prohibits accessory apartments or does not allow them, in the case of a residence where the accessory apartment already exists, in the enforcement there is no ordinance and therefore there is no direction given about what to do in these cases. Is that the reason why when an accessory apartment violation is brought to the attention of the City it is treated through other means such as the parking or nuisance almost as if the City was avoiding actually explaining to the resident that they are in violation of having an accessory apartment? Council Member Jensen then asked is there anything on the books that defines the action that the City would take. Attorney Petersen stated that currently it would be considered a zoning violation and the City has the discretion to cite them either civilly or criminally and require them to remove the accessory apartment and restore the home to a single family dwelling, that is an option. As a practical matter, once it comes to the attention of the City typically it's the parking, the noise and the over occupancy that is addressed, but there is nothing that prohibits the City currently from enforcing the zoning violation. Mayor Daniels asked that in order to do that enforcement wouldn't the City if it was acting on its own need to know that there was an accessory apartment there or have probable cause to know? Attorney Petersen stated that that is typically done through investigation of the Zoning Officer if they have received a complaint.

Mayor Daniels commented that this can be a delicate matter at times because the offender can be a neighbor that we interact with in various ways be it through our faith and religion or our work or on a daily basis, so we as individuals may be reluctant to confront the person or report the violation and that the person may not have even known that what they are doing is actually illegal. Mayor Daniels then opened up the meeting to the public for comments on the subject of accessory apartments.

Steve Phelon, 3657 N 1150 W came forward and stated that his biggest concern is with the parking situation, he believes that there should be some sort of guideline in place. Mr. Phelon is in favor of owner occupation to a degree, at least of having a family member live in the residence. Mr. Phelon stated because of these economic times that this will make a difference of whether some people can stay in their homes. Mr. Phelon also stated that he feels that having an extra family in a house without it being updated to today's fire code is a real issue, but to eliminate everyone with existing units until they make the upgrade is not necessary, the City should require it for everyone who changes from here forward.

A resident who lives on E Murdock Dr., stated that he heard a lot of discussion in regards to the survey about the different use of the word "permitting" (using it as a noun vs. a verb) he pointed

out that the City needs to recognize that the community may confuse the use of this word. Mayor Daniels then clarified on the definition of the word permit, one is a form; for example a building permit, the other being like within an ordinance or code allowing that as a permitted use. The resident agreed, he stated that he just wanted to bring this to the City's attention. The resident also stated that he was in favor of having accessory apartments and if the City were to allow them he asked that they would not put a fee or add a burden, he hopes that the City will "take the higher road" and not to look at this as a way to increase revenue, stating that the community would be thankful and grateful.

Taylor Oldroyd, a Provo resident representing the Utah County Association of Realtors came forward and stated that he appreciated the opportunity to offer a perspective from this county wide organization. Mr. Oldroyd remarked that part of the role of the Council is to discuss budget issues, protect its residents and help improve the quality of life which includes helping raise property values he stated that the Realtors organization supports what the City is trying to do. Mr. Oldroyd went on to say that there is really never a good time to do this but as long as the City has a defensible and transparent process it will help in the decision to enforce it. Mr. Oldroyd stated that accessory apartments that are illegal may not have gone through some of the health and safety issues. Mr. Oldroyd expressed concern as a business associate that they do not want to see this open up for requiring a business license or a rental license. Mayor Daniels stated that there are no decisions being made tonight, everything we receive tonight is input. The Mayor then asked him if it was reasonable if a resident wanted to rent out a portion of their home for income and there may need to be enforcement associated with that rental, is it reasonable to spread the burden of the cost of that enforcement to everyone in the population or should the residents who are benefiting from that income pay for that service? Mr. Oldroyd stated that the state actually allows communities to do what's called a disproportionate fee study and he encourages the City to do the study rather than start right off with fees or a permit process. Mayor Daniels asked that since he was in the real estate/building profession, where does the building association stand on the perception of accessory apartments either decreasing or increasing the value of homes in a neighborhood. Mr. Oldroyd stated again that they support the City and that their opinion is that it adds value to the property because of the additional use of the property; negative impact would be what lowers the perceived value. Council Member Atwood commented that he has seen couples get into buying situations that they cannot really afford, being sold on the idea of the home with the accessory apartment with the idea of the supplemental income and that they were sold on something that may go away. In the event they lose their renters and cannot afford the home, what is the difference with that and the problem we have right now when we have an empty house, we've done no good. Mr. Oldroyd replied that the lending institution would have to access that risk stating that anytime you buy a home you are taking some risks. A member of the audience who stated that she is a lender said that never at any time has she seen a mortgage company allow counting the income from an accessory apartment as qualifying income.

Sandra Wilkes, 1160 N 730 E next came forward and stated that she does not have an accessory apartment but that her biggest concern is with the actual regulation itself and the costs involved, stating that regulation by nature opens up licensing and all types of permits. Ms. Wilkes said that she is in agreement with owner or family occupancy. Ms. Wilkes stated that she is in favor of an ordinance that allows accessory apartments, but is concerned about an ordinance opening up to require a license or to be taxed.

Colleen Larsen then came forward to express her concern about what will happen in her situation stating that when they bought the home it already had the apartment and that they have lived

there for fifty years and it has allowed them the opportunity to help out a lot of young people to be able to go to college, etc. They have kept it in good condition. Ms. Larsen stated that now, as a widow it allows her to have someone in her home with her and she feels safe and there is someone there to look after the place when she is not home. Ms. Larsen posed the question of what would you call a home that was built as such with the apartment in which they have lived for fifty years, does the grandfather clause come into this? Mayor Daniels stated that these are valid concerns and they will have to be considered but that we are not here tonight to make any ruling on anything, we are here to collect input. Ms. Larsen mentioned that some of the materials used in the construction of her home are heirlooms; they came from the old tabernacle that was torn down. Mayor Daniels commented that that must have a lot of sentimental value to her.

Lisa, 50 S 800 E next came forward and asked when the land use ordinance was written. Attorney Petersen stated that it has been in effect since she has been with the City, ten years. Lisa stated that her home was originally built with two apartments. Lisa stated that economically she is in favor of having renters and agrees with owner occupancy.

George Church 210 W 810 N, then came forward and stated that his home does have an accessory apartment and was clarifying that right now having the apartment is not illegal, it's the renting it out that is not permitted. Mr. Church stated that he does support being able to use it and would be willing to pay a small fee.

Alicia Redding came forward and stated that she is in favor of the owner occupancy of an accessory apartment she feels that they would care about the upkeep more if they lived in it. Ms. Redding stated that she agrees that parking is already an issue and thinks it is a good idea to have an application process.

Robert Williams, 140 W Center St., came forward and stated that the City does not charge duplex owners to rent why would you charge for renters of accessory apartments? In his experience with them some have had problems and some have not. Mr. Williams stated that he thinks that they are a good thing so let them do it.

Paul Taylor, 1528 W 3400 N, next came forward and stated that it has always been their practice to open their home to share and to help people who need it; it is what they choose to do to help bless other people's lives. Mr. Taylor stated that he does agree that regulations are necessary and that if there is an owner occupancy provision that it be subject to conditional use. Mr. Taylor stated that he believes that it is appropriate to allow people to help each other out and allow them to be able to provide a means to subsidize their income if necessary to maintain their standard of living.

Melissa Finch, 1061 E 1010 N then came forward to share information that she has from research that she compiled from working with community services and community structures and went on to share from this research on accessory apartments these seven positive impacts; 1) It provides older homeowners an opportunity to generate additional income and give them an opportunity to provide in home care help if needed. 2) It prevents bankruptcies and foreclosures because of the supplemental income. 3) It increases the supply of modest cost rental housing without impacting the infrastructure. 4) It provides supplemental income. 5) Makes it possible for young couples to buy into the housing market or maintain ownership of the present home. 6) It increases the economic activity in the private sector of the community. 7) It increases property value. Ms. Finch stated that the most important impact is that the renting family becomes a valuable part of

the community, they purchase commodities, pay for services, etc. Ms. Finch also stated that she is in favor of accessory apartments.

Deanna Taylor, 1195 N 730 E next came forward she handed out a copy of her son's statement on accessory apartments, see Exhibit "C". Ms. Taylor then stated that she wanted to point out the issue of parking as a major concern not only with the accessory apartment situation but with the single family homes as well. Ms. Taylor says she also has concerns with the speed of the drivers and again not necessarily from the renters but from many neighborhood teenagers as well.

Rod Young then came forward he stated that he is a landlord by trade he has rental properties and is not in favor of accessory apartments. Mr. Young stated that it creates a transient neighborhood and that it does not increase the value of property. Mr. Young also thinks that a lot of us are forgetting about the people who bought their property because they wanted to get away from the transient neighborhoods. Mr. Taylor said that he believes that the City has a certain responsibility to the residents who bought property zoned for single family homes, a responsibility not only to not permit it but to enforce on the zoning violations.

Jeremy Washburn 1286 E 900 S next came forward and stated that in his experience as realtor/broker he believes that in the case of the accessory apartment the cost is already built into the cost of the home and that they do increase the property value. Mr. Washburn pointed out that after the discussion on this subject from the January 6th hearing he did go look up the City ordinance and found that the only place accessory apartments are mentioned is under nuisance and under the nuisance item it says "see accessory apartments ordinance", and there is no ordinance for the accessory apartments. Mr. Washburn is concerned that because the ordinance is so vague, are accessory apartments legal or not?

Vaughn Mayo, 50 N 1300 E came forward next and stated the he was a real estate broker in California and that he has rental properties here in Utah. Mr. Mayo went on to say that he has a problem when government agencies start to institute ordinances and things that restrict private property rights. Mr. Mayo said that he feels if there is to be an ordinance restricting accessory apartments then it should apply to all residences, for instance the mom and dads who allow their married children to live in the basement, otherwise he feels it is discriminating. Mr. Mayo stated that all of the negative issues stated regarding the impact of accessory apartments are not unique to only renters; the same issues arise with homeowners as well. Council Member Atwood asked if Mr. Mayo felt that the City was in conflict with the individuals who build or own rental properties. Mr. Mayo responded yes and no, as far as competing for tenants, accessory apartments are considerably less than those of apartments or duplexes. Council Member Atwood then asked if it would bother him as a landlord of a twelveplex that the rental community was choosing to rent accessory apartments and your property sat empty. Mr. Mayo said no because he bases his choice of renters on their income and typically students and those who usually rent accessory apartments have the lower income.

Council Member Atwood then asked if the City was competing with landlords by permitting accessory apartments and is there a legal issue or conflict on that. Attorney Petersen stated that she doesn't see a conflict with the City just like everything else; you do what is allowed within a zone, so if it is a permitted use then it's just natural market competition.

Ms. Richards then came forward and stated that she does have a basement apartment and that because of tonight's discussion she realized that she has an illegal apartment. Ms. Richards said

that when they bought the house they were informed that there was no law against it as long as they also lived in the residence. Ms. Richards stated that she is a lender and has lost sixty five percent of her income this past year, so being able to rent out the basement has helped. Ms. Richards also stated that she is in favor of owner occupation because if you live in the home you will take more responsibility for who you choose as tenants.

Jerald Taylor next came forward and stated that he has a home with an accessory apartment and he would not be able to afford his home without the extra income generated from this apartment. Mr. Taylor said that his utilities are doubled because of having the apartment and believes the extra revenue contributes to the community. Mr. Taylor stated that he is in favor of accessory apartments and hopes the City does something to make it possible to have them so he is not breaking the law.

Jonie Smith came forward and told the Council about a devastating situation that she is associated with in a Kansas City intercity neighborhood where they are not permitted to rent out any portion of the home. Ms. Smith said that two out of three homes are vacant in that area and that they cannot retain homeowners. Ms. Smith pointed out that if we are allowed accessory apartments we will not have these vacancy issues and asked that the City not let this happen to Pleasant Grove.

Dean Davis, 319 N 400 E then came forward, he stated that he is the Neighborhood Chairman of Monkey Town and that he does not have an accessory apartment but in his discussions with residents in his area he observed that they fall into four categories; 1) Those who have accessory apartments 2) Those who want accessory apartments 3) Those who don't care if a neighbor has one 4) Those who don't want them at all. Mr. Davis stated that on those who do want them that they are in agreement that they want to make them legal and that regulation is going to be necessary. Mr. Davis remarked that the people currently in accessory apartments are not paying their share of impact fees in the areas of garbage pickup, storm drains and other fees tacked on to the utility bills and he feels that this needs to also be addressed.

Craig Wimmer came forward next and stated that he believes the City needs a master plan that includes areas for all types of dwellings. Mr. Wimmer stated that when they bought their home they were under the impression that it was in a single family home neighborhood which turned out not to be the case because there are a numbers of renters in accessory apartments. Mr. Wimmer stated that he believes his property value goes down because they are surrounded by these apartments. Mr. Wimmer then stated that the City needs to have some areas that are only for single family dwellings.

Travis Genta, 2078 N 80 W came forward and stated that they also moved into an area where they understood that there would be no accessory apartments with the single family dwellings. Mr. Genta pointed out that as a homeowner we pay property taxes but are the extra individuals in the accessory apartments paying taxes to help pay for the fire, police, the roads and the schools. Mr. Genta said that he is in favor of a master plan and that he is against accessory apartments but if it were to pass or be allowed then there has to be some sort of regulations and licensing.

Another resident came forward and stated that he has been a landlord for twenty years and that he does have an accessory apartment in his home. He stated that the renters that he chooses to live in his home are top quality stating that these are the type of renters who are looking for a community; they want to get out of the renter scene. He stated that he is concerned about any

business licenses or fees associated with an accessory apartment and stated that he will not buy a property in Provo for that very reason. He again expressed his concern about having fees or taxes but does agree that there has to be inspections. He stated that he feels that in some cases if you have a bad homeowner you will have a bad renter and believes that conditional permits are a good idea and that the idea of having CC&R's (covenants, conditions & restrictions) is an excellent alternative. He stated that having an accessory apartment makes the property more marketable and that it does raise the property value. He stated that having the City on board offering an alternative, something that is controlled would be excellent for this area.

Audrey Genta 2078 N 80 W, then came forward and expressed her concerns from a mother's perspective stating that the schools are full to overpopulated and feels that her property taxes allow the renters children to go to school tax free. Ms. Genta stated that she felt the parking issue is not being monitored. Ms. Genta's other concerns were about the number of accessory apartments that will be allowed and that they are in the areas that are zoned for them.

John Ellis 276 N 1350 E, came forward and stated that they have always lived in a single family area and feels that people who desire to have the accessory apartments should buy in areas where it is permitted. Mr. Ellis also stated that he has seen neighborhoods deteriorate because of the accessory apartments being rented. Mr. Ellis expressed his concern about Pleasant Grove running out of water and the infrastructure costs. Mr. Ellis said that he feels that renters should be paying additional fees and the property owners with these apartments should be paying extra taxes. Mr. Ellis expressed his concern with the potential fire hazard being created by poor or faulty wiring in these homes with extra apartments. Mr. Ellis also stated that he feels the City does need a community plan and does not feel that it's right to have single family homeowners without accessory apartments to be impacted by fees.

Paul Dolemar next came forward and stated that he never remembers a time where there were not accessory apartments. Mr. Dolemar stated that he is in favor of accessory apartments and if there is a fee it's fair that the owner should be responsible for it.

Marla came forward and stated that when they moved in the basement accessory apartment was already there and that she uses an extensive application for her tenants and usually gets quality people. She stated that she considers the money from the rent as income and she does report it in her tax return and that she would lose her home without the income generated from this rental. She stated that she had done some research on other cities that allow accessory apartments and found that there are some very harsh requirements. She mentioned that she would prefer simple rules without a lot of expense and keep it fair and legal and that she believes the individuals should be able to use their homes in whatever way they feel necessary to live a comfortable life.

Laurel Backman Riddle then came forward and stated that she doesn't have an accessory apartment but there is one directly next door on the property line, she went on to say that there has never been one problem. Ms. Riddle stated that she does not have a problem with accessory apartments and feels that the negative comments are mostly out of fear from those who have not had experience with them.

Brian Farris, 1845 N 320 E next came forward and stated that he felt the City has to take action and to have guidelines that are enforced, the officers and residents need to know what they can and cannot do.

Bruce Hock, 837 E 750 N came forward and stated that he was opposed to accessory apartments

and that when he purchased his home he anticipated that it was a neighborhood of single family properties lived in by the owners. Mr. Hock stated that there are now four accessory apartments that he is aware of and believes that they are changing the dynamics of the neighborhood and not for the better. Mr. Hock stated that he does not want to live in a community with accessory apartments and that there ought to be an area for residents who want to live only in a single family home community.

Jennifer Jensen then came forward and posed the question if accessory apartments are to be allowed then what is the definition of a single family neighborhood? Ms. Jensen stated that she does live in a neighborhood with a CC&R and said that there are at least seven homes with the accessory apartments and if they cannot be governed in the current situation, how is the City going to possibly control the regulations that will accompany allowing the accessory apartments?

Ryan Nolan came forward and told the Council that he thinks the City should allow accessory apartments and that we do need regulations, detailed regulations. Mr. Nolan said that he felt neighborhoods that do have CC&R's that their homeowners association should take action because it is their responsibility to enforce it not necessarily the City's. Mr. Nolan commented that he was glad that the City is addressing this issue and taking residents input.

Paul Taylor, 1528 W 3400 N came forward again and commented on the CC&R's that currently they are in an unenforceable situation because of the number of accessory apartments, that it is not possible to shut them all down. Mayor Daniels then remarked that it was not going to be popular to shut them all down. Mr. Taylor then stated that if an ordinance on this moves forward and there is the opportunity for more accessory apartments, it will provide more possibility in enforcing the CC&R regulations.

Eileen Chamberlain came forward and asked for a clarification on an accessory apartment not being a single family dwelling with up to three non-related people. Mayor Daniels then asked Attorney Petersen to clarify. Attorney Peterson stated that if you have a single family dwelling and you have a family *or* three unrelated people living all in the same house, eating, cooking, sleeping that is not an accessory apartment. Mayor Daniels stated that there has been no definition officially from the City in writing on what an accessory apartment is, there is only one reference in the code book that uses the term accessory apartment and it refers to an ordinance that's non-existent. The Mayor went on to say what the City has said in all the single family neighborhoods is what the approved uses are and nowhere listed is the accessory apartments, however in the code there are some definitions that define legitimate uses in single family homes. The Mayor stated that our attempt here is to seek understanding before we try to launch out with an effort down that path. Ms. Chamberlain said that this explanation does help in understanding and that she is in favor of accessory apartments and it appears that there is need a for action so that we know what is and is not an allowed use. Mayor Daniels pointed out that we need to be very careful with what definition we use for the purpose of discussion as to what we think an accessory apartment is.

Michelle Wimmer next came forward and stated that they built in an area zoned for single family dwellings also stating that she understands the need for mother in law apartments but is not happy with the single family areas being used for other than what they are zoned for. Ms. Wimmer expressed concern about the number of people and the number of cars the apartments bring to the neighborhood. Ms. Wimmer stated that she believes that single family areas are necessary for the community being more stable than other types of neighborhoods and it's her

hope that the City will consider the laws that are already in place.

Ryan Nolan came forward again to comment on fees stating that he feels there should be a penalty for not following the rule set forth, charging a higher fee for the people who don't comply.

Mayor Daniels asked if there were any further comments. There were not and the Mayor closed the hearing to the public and then asked the Council Members if they had comments at this time.

Council Member Boyd remarked that this was great input and she thinks that it will give us a lot of things to consider on what will be the best use for our City.

Council Member Jensen commented that what we witnessed here tonight is what small town government is all about where the elected officials turn to the citizens and get their input on how they feel about what is being proposed. Council Member Jensen stated that this was valuable input to help keep us in tune with the community, and appreciates those who participated and the diverse opinions shared and as a Council Members representing the citizens we will do our best to come up with a responsible decision.

Council Member Atwood stated that he also appreciated what was said tonight and mentioned that for those who were not in attendance, the door is still open, we are still debating. Council Member Atwood encouraged those present to rally their neighbors stating that the more input on this the easier it will be to make a decision.

Council Member Wilson thanked the audience for the input stating that it was very helpful for him listening to the pros and cons that were presented.

Mayor Daniels went on to make the following closing remarks; stating that it is possible to have a public meeting with very diverse and emotional issues and still maintain a spirit of warmth, it is possible for people to express those opinions in a very respectful way of each other and in his opinion this is how democracy should work. The Mayor stated that we are a good example of a City when people are willing to come together and express their opinions and then allow the people you have currently elected to try to grapple with those issues and come to some kind of decision and if you don't like those decisions, you are free to elect different people to represent you. Mayor Daniels stated that we have heard a lot of practical and real issues that have come up, the Mayor expressed concern that when comments regarding legislating morality come up because he doesn't think that it's possible for government to legislate morality, that is something that needs to be taken care of in the churches and in the private sector and in your families. The Mayor went on to say that times change, this town was founded in 1853 and he does not believe that those people who settled here had any concept or idea that one day we would be worried about overcrowding a quarter acre lot with too many vehicles or an accessory apartment. The Mayor went on to say that time will change again so whatever we do with respect to something like this type of a legislation we have to be careful because some of these legislations go with the land so once they are enacted you don't come back to make change, whatever you've enacted stay with that property in perpetuity and that is another thing we have to consider. The Mayor thanked the audience for coming out and encouraged them to go back to their neighborhoods and share what was said tonight and said that this is not the last of this type of forum, stating that we will have to entertain this question in many other ways before we ever get to a decision. The Mayor then thanked the Council Members for being brave enough to tackle what could have

been an extremely controversial and politically charged issue.

The Mayor in closing asked the staff if there was anything on the agenda for next week that absolutely needs to be covered tonight. There was not. The Mayor went on to encourage the Council Members to look at the recommendations on next week's agenda to make sure that we are prepared to discuss it. The Mayor then thanked Mr. Bezzant of Pleasant Grove Jr. High for his assistance with this meeting. There being no more business with the staff and Council to discuss the Mayor entertained a motion to adjourn.

ACTION: At 10:15 p.m. Council Member Wilson moved to adjourn the meeting. Council Member Atwood seconded the vote and the motion passed unanimously with Council Members Wilson, Atwood, Boyd and Jensen voting "Aye".

ADJOURN

Meeting adjourned at 10:16 p.m.

This certifies that the Work Session Minutes of February 24, 2009 are a true, full and correct copy as approved by the City Council on March 17, 2009.

Colleen A Mulvey, Deputy Recorder