



APPLE VALLEY PLANNING COMMISSION PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, February 01, 2023 at 6:00 PM

MINUTES

Chairman | Michael Farrar

Commissioners | Lee Fralish | Richard Palmer | Garth Hood | Bradley Farrar

CALL TO ORDER – Chairman Farrar called the meeting to order at 5:59 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Chairman Michael Farrar

Commissioner Lee Fralish

Commissioner Richard Palmer

Commissioner Bradley Farrar

ABSENT

Commissioner Garth Hood

Other Staff present.

Town Clerk/Recorder Jenna Vizcardo

Town Administrator Jauna McGinnis

Mayor | Planning Department Manager Frank Lindhardt

Planning and Zoning Assistant Kyle Layton (via zoom)

CONFLICT OF INTEREST DISCLOSURES

None declared.

JOINT WORK SESSION WITH TOWN COUNCIL AND HURRICANE CITY PLANNER

1. Discussion: Accessory Dwelling Unit (ADU).
2. Discussion: Accessory Buildings.
3. Discussion: Vacation Rentals.

Hurricane City Planner Stephen Nelson presented PowerPoint presentation. (See attached – Attachment A – 12 pages.)

Council Members present for presentation: Mayor Lindhardt, Council Member Barratt Nielson, Council Member Kevin Sair, and Council Member Robin Whitmore.

APPROVAL OF MINUTES

4. Minutes: January 04, 2023.

MOTION: Commissioner Fralish motioned to approve minutes as written for January 4, 2023.



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SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye
Commissioner Hood - Absent

The vote was unanimous and the motion carried.

HEARING ON THE FOLLOWING | DISCUSSION AND ACTION

5. Public Hearing: Update Title 10.06 Land Use Authority, Ordinance-O-2023-14.

Mayor Lindhardt reported discovered on item # 6 which is the Discussion and Action item of this public hearing item. We discovered section in land use code where it doesn't belong. We already have this section in municipal code. Reviewed proposed changes in the packet.

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.

6. Discussion and Action: Update Title 10.06 Land Use Authority, Ordinance-O-2023-14.

MOTION: Chairman Farrar motioned we approve.

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar - Aye
Commissioner Hood - Absent

The vote was unanimous and the motion carried.



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7. **Public Hearing:** Update Town Design Standards and Specifications, Section 3.4.5 Design Criteria-Bridges.

Mayor | Planning Department Manager Frank Lindhardt reported on the changes and the reference bridge picture in the packet was shown to the public in the meeting and online via zoom. He read the proposed changes presented in the packet.

Chairman Farrar opened the public hearing.

No public comments.

Chairman Farrar closed the public hearing.

8. **Discussion and Action:** Update Town Design Standards and Specifications, Section 3.4.5 Design Criteria-Bridges.

MOTION: Commissioner Farrar motioned that we recommend approval to the Town Council on updating the Town Design Standards and Specifications, Section 3.4.5 Design Criteria-Bridges.

SECOND: The motion was seconded by Commissioner Fralish.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar – Aye
Commissioner Hood - Absent

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION ITEMS

9. **Discussion and Action:** Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance-O-2023-15.

Chairman Farrar commented he has worked through this all weekend. He continued, not everyone is going to be happy. We the Town are not a HOA and CCRs are a civil matter that do not have anything to do with the Town. Apple Valley is a complicated and one reason in his opinion is due to mixed areas



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with neighborhoods. On page 5 section item 3E based on research, suggested 0-1 acres you can have no shipping containers. He has read what other cities are doing. He would like to propose verbiage that says under shipping containers defined as "a shipping container shall be no greater than forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height" and the change under section e "On lots 0-1 acres no shipping containers, greater than one (1) acre to two and half (2.5) acres we will allow one (1) shipping container, greater than two and a half (2.5) acres to five (5) acres can have two shipping containers, one additional shipping container per five (5) acres only not to exceed six (6) containers per lot. Any more than six (6) shipping containers would require a conditional use permit.

MOTION: Chairman Farrar motioned we recommend to the Town Council for approval Update Title 10.28.230 Accessory Buildings And Accessory Uses General Requirements, Ordinance O-2023-15. Approve it as is with verbiage that says under shipping containers defined as "a shipping container shall be no greater than forty (40) feet in length, eight (8) feet in width, and nine (9) feet in height" and the change under section e "On lots 0-1 acres no shipping containers, greater than one (1) acre to two and half (2.5) acres we will allow one (1) shipping container, greater than two and a half (2.5) acres to five (5) acres can have two shipping containers, one additional shipping container per five (5) acres only not to exceed six (6) containers per lot. Any more than six (6) shipping containers would require a conditional use permit."

SECOND: The motion was seconded by Commissioner Palmer.

VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Nay
Chairman Farrar - Aye
Commissioner Hood - Absent

The vote was four aye and one nay and the motion carried 4-1.

ADJOURNMENT

MOTION: Commissioner Fralish motioned to adjourn the meeting.

SECOND: The motion was seconded by Commissioner Palmer.



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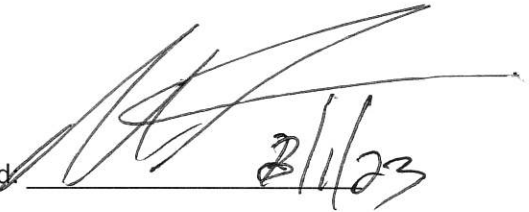
VOTE: Chairman Farrar called for a vote:

Commissioner Farrar - Aye
Commissioner Palmer - Aye
Commissioner Fralish - Aye
Chairman Farrar – Aye
Commissioner Hood - Absent

The vote was unanimous and the motion carried.

Meeting adjourned at 6:53 p.m.

Date Approved: _____



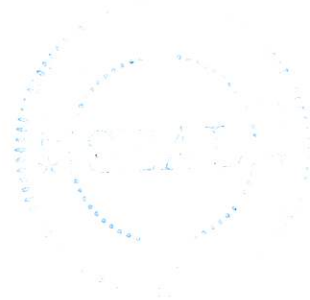
2/1/23

Approved BY: _____

Chairman | Michael Farrar

Attest BY: _____

Town Clerk/Recorder | Jenna Vizcardo



Short Term Rentals and Accessory Dwelling Units

Apple Valley City
Council 2/1/2023

Stephen Nelson, AICP, MPA



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Why I am Here

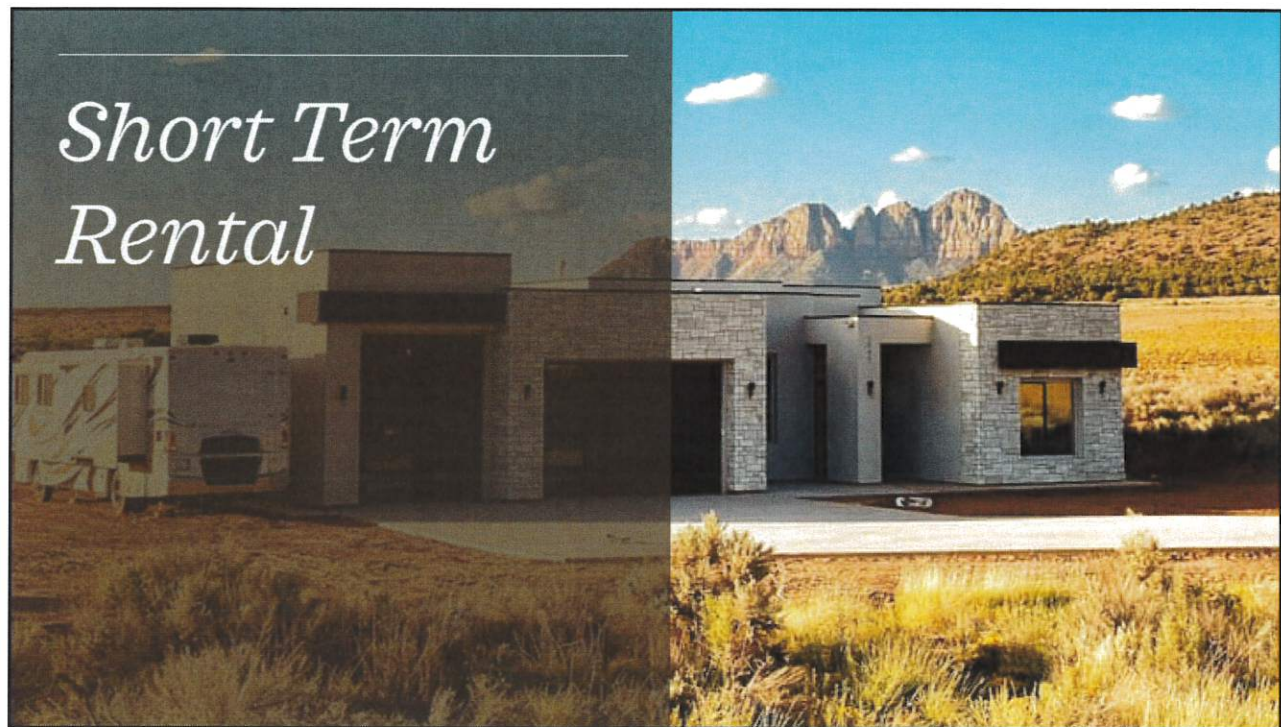
- Provide Information
- General Advice
- Talk about Hurricane Policy
- Talk about some best practices

What I am not here to do

- Tell you what you should put in your code
- Give you legal advice

It is your job to decide what policies and codes you should adopt

2



3

Hurricane City Policy

Residential Hosting

- Renting out a guestroom or accessory dwelling unit.
- Required primary unit to be owner occupied, must obtain business licenses, and be in a single family zone

Vacation Rental in Single Family Zone

- Renting an entire home
- Hurricane restricts it to three licenses for every 1000 residents. Property owners may be put on a waiting list

Vacation Rental in Resort

- Renting out a unit built in a resort zoning
- Development must provide amenities, on-site management and meet parking standards

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Pros and Cons

→ Pros

- Allow property owners a way to utilize the property for the highest and best value
- Positive to Local Economy
 - Guests are more likely to eat, shop, and get gas in the City
- Generate Tax Dollars
 - Airbnb is one of the larger tax producers in Hurricane. Additional taxes from shopping and eating in the area.



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Pros and Cons

→ Cons

- Current Housing Shortage. Short Term Rentals take up housing that could be used for residents
- Change in Community Charter
- Nuisance. Disrupts normal neighborhood functions and feeling
- Those that often benefit most do not live in our community
- Competes with hotels and motels



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Enforcement

- Utah Law prohibits the use of the posting of the short term rental as evidence
- Gathering evidence can be difficult. Need witnesses and statements from those who stayed there
- Many City (including Hurricane) have started to use reviews posted online as evidence
- Hurricane and Springdale have switch from a criminal citation to an administrative citation



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Where has Hurricane had problems

Short Term Rentals in Resorts and for Residential Hosting have had very Minimal Problems

- Normally better managed (onsite management required)
- Resorts have limited fulltime neighbors
- Residential Hosting is normally small in scale
- Some problems with adding multiple rooms.

Short Term Rentals in Single Family Zones have been Problematic

- Many do not have constant issues, but some have.
- Remotely Managed
- Adjacent to Residential Homes
- Tend to be larger and have more occupants

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New Legislation

- H.B. 291 Short Term Rental Amendments
 - Creates New Enforcement Rules
 - Creates the Short-term Rentals Municipal Pilot Program

It may be worth waiting on creating new rules until after this legislative session



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Questions?

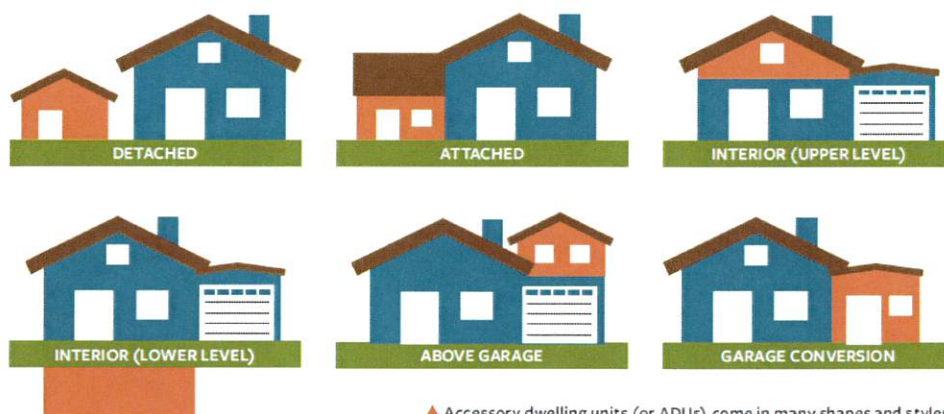


10



11

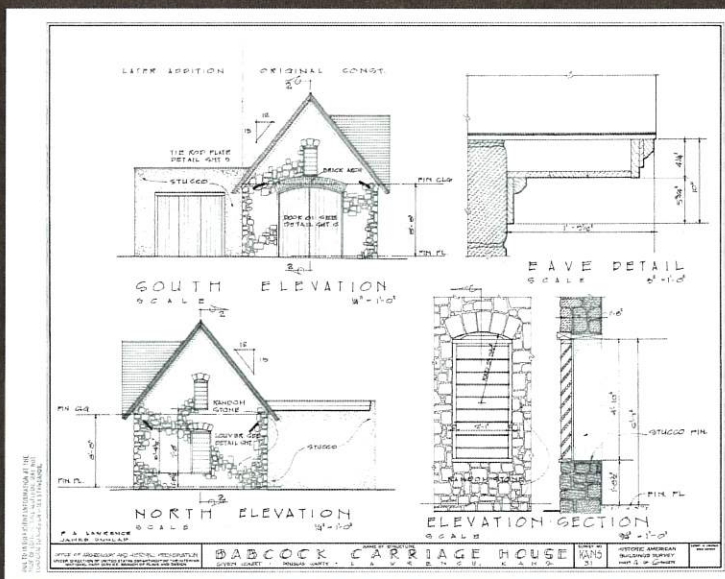
What is an Accessory Dwelling Unit (ADU)



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ADU History

- ADU's have been very common throughout history
- Have been known as guest houses, carriage house, servant quarters, etc.
- Early settlers would often build farmhand houses
- ADU's began to lose popularity with the creation of strict single family zoning



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Why ADUs?

- They expand housing options within a City
- Efficient Use of Space
- Allows families to take care of each other (a study showed that 50% of ADUs were rented by family or close friends in one City)
- Provide second source of income for property owners
- Tend to be more affordable housing option.
- Minimal impact in neighborhoods.



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Governing Standards

- State Code 10-9a-530. Internal accessory dwelling units
 - Cities must allow for internal ADUs as permitted uses in any area zoned for residential (for lots 6,000 sq. ft. or larger)
 - May Require
 - Prohibit additional utility meters
 - That the Internal ADU unit be designed to match the rest of the home
 - Include one additional parking space
 - Owner to get a permit or license
 - Owner Occupied
 - Recorded a notice or deed restriction for an ADU
 - etc



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Governing Standards

- Detached ADU there are more options
 - Can govern everything an attached ADU
 - Setbacks
 - Size limitation
 - Square foot, percentage of the property, percentage of the size of home
 - Some Façade Requirements
 - Access Requirements



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Other Things to Consider

- Local Market
 - Most areas ADUs offer housing choices for long term renters
 - Property owners can make more money off Short Term Rentals than Long Term Rentals.
- Multiple ADUs on a single property and Short Term Rentals
 - Hurricane has had issues where property owners construct multiple ADUs (internal and detached) for short term rentals.
 - Definitions and defined uses are key to governing these concerns
 - Can require deed restriction on property to ensure compliance with code

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Other Resources

- AARP: [*ABCs of ADU*](#)
- [*Homeowner's Handbook to Building an ADU*](#)
- <https://ahomeforeveryone.net/>
- <https://www.buildinganadu.com/>

AARP

The ABCs of ADUs

A guide to
Accessory Dwelling Units
 and how they expand housing options
 for people of all ages



DETACHED ADU



BASEMENT ADU



GARAGE-CONVERSION ADU



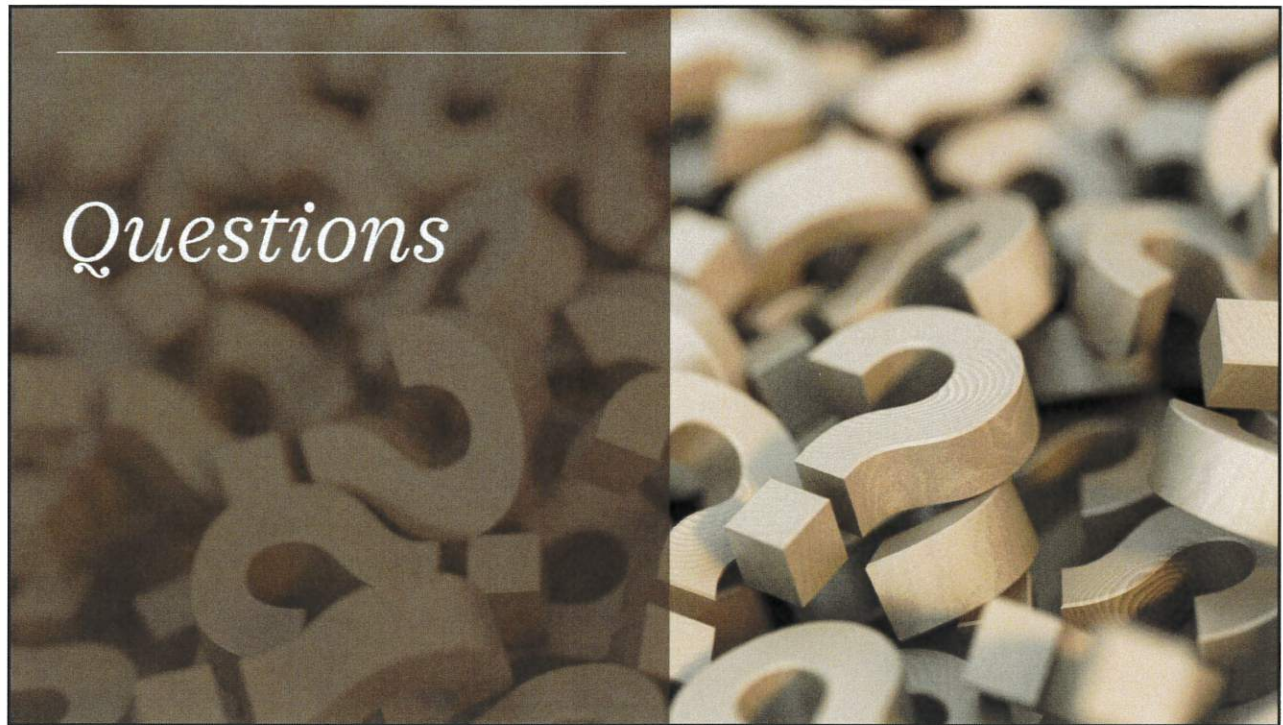
ATTACHED ADU



SECOND-STORY ADU

AARP.org/ADUs

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Hurricane City Policy

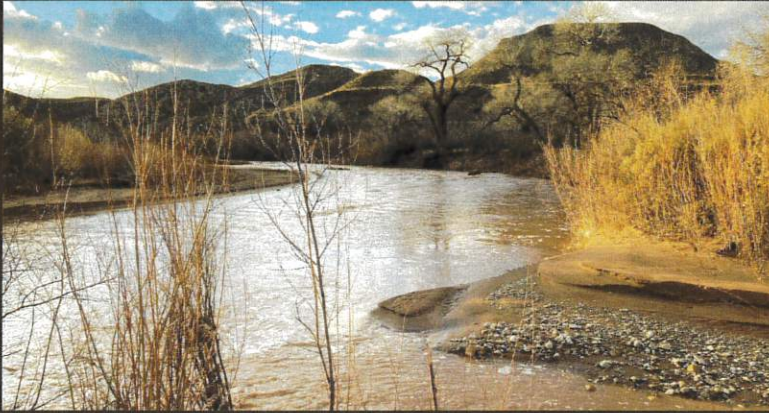
- We have not had much demand
- Treated them like any other building
 - Need Building Permit and Inspection
 - Metal buildings are restricted in size and height depending on zoning.
 - Commercial areas require some face relief (Glass, stone, stucco)

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Questions

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Contact Information



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