

City of La Verkin

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La Verkin City Council Work Meeting Minutes

Wednesday, July 20, 2022, 5:00 pm.

Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson, Council Members: Micah Gubler, Richard Hirschi, Patricia Wise, Blair Gubler, and Chuck Hardy;
Staff: Kyle Gubler, Kevin Bennett, Derek Imlay, and Christy Ballard, Public: John Valenti.

A. Called to Order-Mayor Wilson called the work meeting to order at 5:03 pm.

1. Accessory Dwelling Units

Derek Imlay gave an Accessory Dwelling Unit (ADU) PowerPoint presentation. See Exhibit A

There would not be an increase in the impact fees. However, Ash Creek Sewer District would charge an additional monthly fee, and he feels La Verkin City should do the same. They should be commercial use because the water usage would increase.

Kevin stated that would require an ordinance change. The ordinance changing vacation rentals to commercial is for whole house vacation rentals.

The City would also need to decide if ADUs need to be attached or can be detached.

There was a discussion on the pros and cons of detached and attached ADUs and lot sizes.

Derek feels the Mobile Home Zone and the R-3-6 Zone are the only two residential zones ADUs should not be allowed in. Some R-1-8 properties could fit a small ADU.

He also thinks the City would need to remove the current accessory buildings not to exceed 8% of the property size requirement and replace it with individual zone standards.

Setbacks and minimum size building requirements would need to be met to have a detached ADU.

Mayor Wilson stated the City would require the property owner to live in one of the dwelling units.

Christy asked how the City would enforce the owner living on-site.

Derek replied that ADUs would need to require a business license. They could also be required to record a document with the County stating they reside on the property that would need to be submitted to the City each year.

There would also need to be a penalty for violating the requirement.

There was a discussion on increasing the penalty for illegal vacation rentals to something more substantial.

Councilwoman Wise pointed out a difference between a property owner and a resident. Washington County only requires someone to be here 50% of the year to be considered a resident. The Code would need to be specific in that regard.

Councilman Micah Gubler said the City should require one of the units to be listed as the property owner's primary dwelling with the County.

There was a discussion on which dwelling unit the property owner must live in and whether they should be allowed to short-term or long-term rent the other unit.

Allowing them to be rented is how many people can afford a house in this environment.

Councilwoman Wise said she feels allowing detached ADUs is a necessity. The City needs to determine how to close as many loopholes as possible, so we don't have outside investors coming in to the detriment of the community.

Kyle reported Mr. Leavenworth is against affordable housing complexes, but he is in favor of a detached ADU. That would solve some of the housing crises but keep the property owner on-site to manage what is happening.

Councilwoman Wise is not opposed to low-rise affordable housing complexes but feels there needs to be enough open space to feel like a home, which is not cost-effective. Perhaps detached ADU's will solve the issue for La Verkin.

Mayor Wilson mentioned parking requirements would need to be considered. He feels it should be off the street.

Derek reported much of what the Planning Commission has talked about includes what is being discussed. This presentation does not cover those details. The primary purpose was to see if the Council was interested in moving in this direction before putting much time into it. It covers affordable housing and elderly individuals struggling to pay bills in today's economy. That would open the unit to rentals, short-term or long-term. His opinion is to let them be either if the property owner is on-site. That would keep the population. He also mentioned short-term rentals would regulate themselves. Once they are over-saturated and not making money, people will do other things with the property.

Councilman Micah Gubler said he feels an ADU benefits the residents. It could supplement their income or provide a place for a family member to live. The resident is still part of the community and neighborhood.

Mayor Wilson would like to limit the amount of vacation rentals allowed on a single parcel of the Tourist Commercial Zone. He does not want to see our commercial areas become tiny vacation rentals.

There was a discussion on vacation rental villages on the topside. People would be aware they are purchasing a property surrounded by vacation rentals.

Derek continued with his presentation (Exhibit A). The Planning Commission will bring recommendations to the City Council for vacation rentals shortly. He felt like ADUs, and vacation rentals may go hand in hand. That is why he would like to know what the Councilmembers thought about the possibility of allowing them.

The Councilmembers were in favor of moving forward with developing something for ADUs.

Kyle mentioned enforcement needs to be included in the ordinance.

Mayor Wilson wants to see the penalty large enough to deter people from illegally operating. We also need to determine how we are going to enforce them.

Kyle suggested changing the way we enforce them to administrative may help.

Kevin reported that change doesn't prevent individuals from going to court. It only changes what court would process it. The administrative code enforcement only works if people pay the fine and don't challenge it. If they challenge it, it will have to go to court, and the court doesn't like dealing with this type of issue. Getting money from the criminal procedure is easier than the civil procedure. The administrative process would also require the additional expense of an administrative judge. This is a problem either way.

Derek said they would be talking to Hurricane about how they deal with administrative enforcement. Springdale and Washington also use administrative enforcement.

Councilwoman Wise mentioned the City needs to decide if ADUs will be included in the percentage of allowed vacation rentals or if we keep it the way it is now and then create an entire policy for them.

Derek replied that decision could be made when the Planning Commission submits the recommendations to the Council.

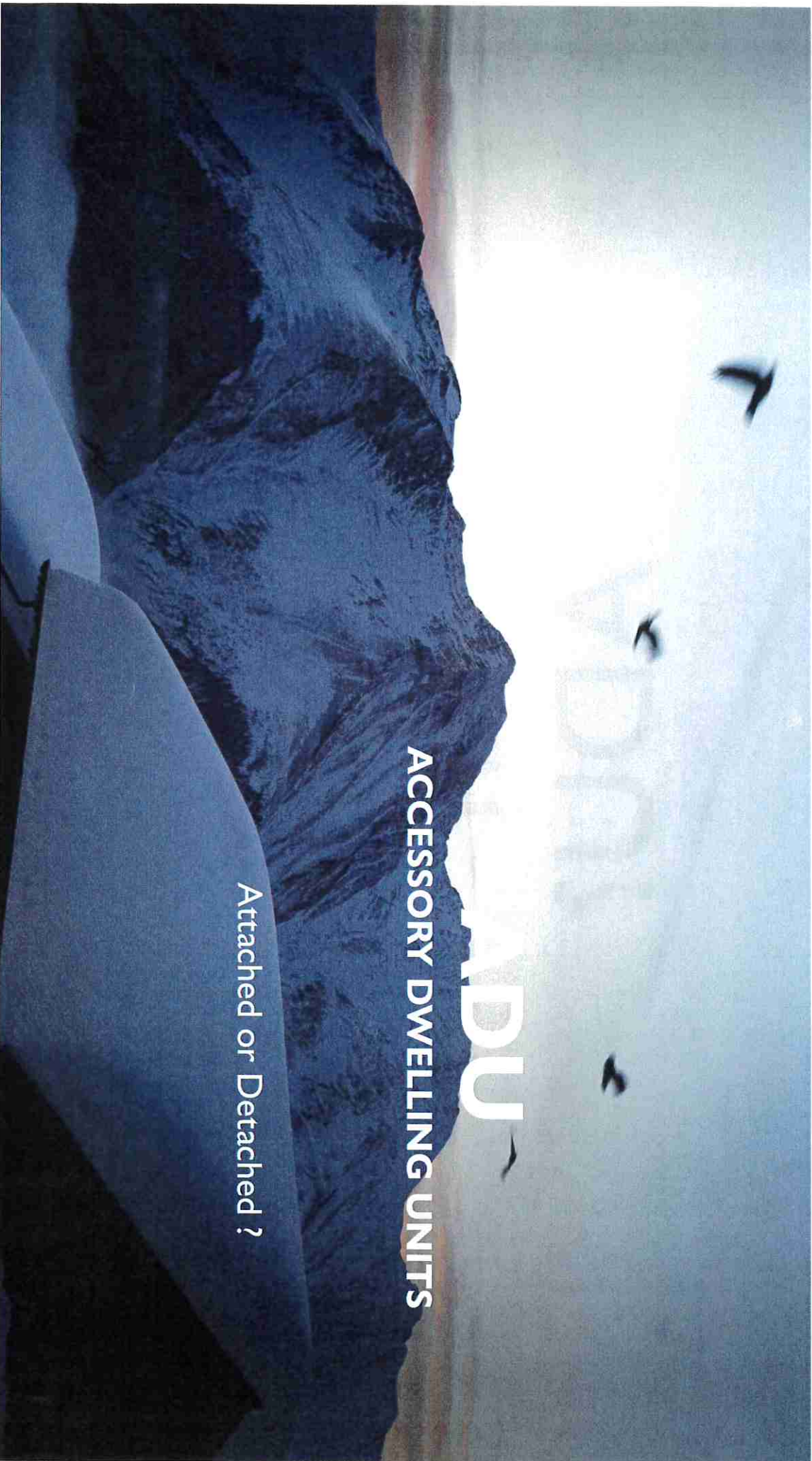
B. Adjourn:

The meeting adjourned at 5:53 pm.

August 17, 2022
Date Approved

ATTEST: Christy Ballard
Christy Ballard
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson



ADU

ACCESSORY DWELLING UNITS

Attached or Detached ?

Why An ADU?



• In 2021 AARP Home and Community Preferences Survey, adults age 18 or older who would consider creating an ADU said they'd do so in order to:

- provide a home for a loved one in need of care (86%)
- provide housing for relatives or friends (86%)
- have a space for guests (82%)
- create a place for a caregiver to stay (74%)
- increase the value of their home (69%)
- feel safer by having someone living nearby (67%)
- earn extra income from renting to a tenant (63%)

ADUs are flexible. Over time, a single ADU might be used in many ways as an owner's needs and life circumstances change.

EMPTY NESTERS can build an ADU and move into it, then rent out the main house for supplemental income or make it available to their adult children.

FAMILIES WITH YOUNG CHILDREN can use an ADU as housing for a nanny or au pair or even a grandparent or two, who can then help raise their grandkids and be assisted themselves as they age.

INDIVIDUALS IN NEED OF CARE can reside in an ADU to be near family members, or they can use the ADU to house a live-in aide. (In fact, ADUs can be an affordable and more comforting alternative to an assisted-living facility or nursing home.)

HOME BUYERS can look forward to the rental income from an ADU to help pay their mortgage or finance home improvements, especially in expensive housing markets.

HOME-BASED WORKERS can use an ADU as their office or workshop.

HOMEOWNERS can use an ADU for guests or as housing for friends or loved ones who:

- aren't yet financially independent, such as new high school or college graduates
- need temporary housing due to an emergency or while renovating their own home
- have disabilities but can live independently if family reside nearby

ADUs are an economical housing option

- ADUs can generate rental income to help homeowners cover mortgage payments or simply make ends meet. The income provided by an ADU tenant can be especially important for older people on fixed incomes.
- Since the land on which an ADU is built already belongs to the homeowner, the expense to build a secondary residence is for the new structure only.
- Many ADUs are created for family members or friends to reside in for free or at a discounted rate. In fact, when a loved one is in need of care or can't live alone, an ADU can be a viable alternative to a costly assisted-living facility.
- Although market rate rents for ADUs tend to be slightly more than for similarly sized apartments, they often represent the only affordable rental choices in single-family neighborhoods, which typically contain few or no small or rental housing options at all.
- The state of California and some municipalities are boosting ADUs by providing grants and other incentives as part of affordable housing and anti-displacement strategies to help lower-income households build ADUs or reside in them at reliable rents.

ADUs are community-compatible

- ADUs offer a way to include smaller, relatively affordable homes in established neighborhoods with minimal visual impact and without adding to an area's sprawl.
- ADUs provide a more dispersed and incremental way of adding homes to a community than other options, such as multistory apartment buildings.
- ADUs are typically managed by homeowners who live on the premises. Such landlords are less likely to tolerate a destructive tenant.

ADUs are good for the environment

- ADUs require fewer resources to build and maintain than full-sized homes.
- ADUs use significantly less energy for heating and cooling.

ADUs are just the right size

- Generally measuring between 600 and 1,000 square feet, ADUs work well for the one and two-bedroom homes needed by today's smaller, childless households, which now account for nearly two thirds of all households in the United States.

ADUs are able to house people of all ages

- ADUs offer young people entry-level housing choices.
- ADUs enable families to expand beyond their primary home.
- ADUs provide empty nesters and others with the option of moving into a smaller space while renting out their larger house or letting an adult child and his or her family reside in it.
- An ADU's use can be adapted for different household types, income levels, employment situations and stages of life.

Big houses are being built, small houses are needed

Do we really need more than three times as much living space per person as we did in 1950? Can we afford to buy or rent, heat, cool and care for such large homes?

Year	1950	2020
Median square footage of new single-family homes	983	2,261
Number of people per household	3.8	2.5
Square feet of living space per person	292	904

ADUs make use of the existing infrastructure and housing stock, they're also environmentally friendly and respectful of a neighborhood's pace and style. An increasing number of towns, cities, counties and entire states have been adapting their zoning or housing laws to make it easier for homeowners to create ADUs.



Is The Time Now?

- Some communities allow almost any home to be set up with an ADU — so long as size limits, property line setbacks and placement caveats in relation to the primary dwelling are met. Others start with those basic standards and then layer on extra requirements that can make it challenging to create an ADU.
- Municipalities nationwide have been relaxing their restrictions against ADUs, and several states now require communities to allow them. Some examples:
- New Hampshire and Vermont allow ADUs nearly everywhere single-family housing is permitted. New Hampshire's 2017 legislation stemmed in large part from the frustration of builders who couldn't construct the backyard cottages and garage apartments their clients desired.
- In 2020, the California legislature declared that "allowing accessory dwelling units in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs." The state allows up to one ADU
- Oregon requires cities and counties of certain sizes to allow ADUs in all single-family areas within urban growth boundaries. In 2021, the state extended ADU rights to rural residential areas.
- Other states allowing ADUs include Connecticut, Rhode Island and Utah. Many cities now allow ADUs, including Anchorage, Alaska; Atlanta, Georgia; Annapolis, Maryland; Asheville, North Carolina; Austin, Texas; Denver, Colorado; Honolulu, Hawaii; Houston, Texas; Louisville, Kentucky; Philadelphia, Pennsylvania; Phoenix and Tucson, Arizona; Seattle, Washington; and Washington, D.C.

Note

A survey of ADU owners in three Pacific Northwest cities with mature ADU and short-term rental markets found that 60 percent of ADUs are used for long-term housing as compared with 12 percent for short-term rentals.

QUESTIONS

The Three items that ADU may help address

- 1) **Affordable housing**
 - ☐ Needed housing option for people of all ages
- 2) **Additional income Through long term rental – Vacation rental?**
 - ☐ ADUs are an often-essential income source.
- 3) **Places for family – friends – parents – in-laws to stay**
 - ☐ housing for their parents, adult children, grandchildren or other loved ones.