

**MINUTES OF THE HUNTSVILLE TOWN
PUBLIC HEARING
ORDINANCE 2020-6-25: Amendments to Use Regulations in R-1 Zone 15.6.2.**

MEETING DATE: July 30th, 2020
PLACE: Huntsville Park, South West Bowery, 7400 East and 200 South
TIME: 7:00 p.m.

NAME	TITLE	STATUS
Doug Allen	Planning Commission Chair	Present
Sandy Hunter	Planning Commissioner	Present
Liz Poulter	Planning Commissioner	Present
Jeff Larsen	Planning Commissioner	Present
Larel Parkinson	Planning Commissioner	Present
Steve Songer	Planning Commissioner	Present
Blake Bingham	Town Council Liaison	Present
Beckki Endicott	Recorder	Present
Bill Morris	Town Attorney	Excused

Citizens: Mayor Truett, Mikelle and Brent Weil, Jake and Rebekah Songer, Rex Harris, Bill & Alane White, Dave Robinson, Jay Curtis, Redd and Aimee Erickson, Ron Gault, Randy Lloyd, Brooke Saunders, Willow Buttars, Leta Bailey

1–Roll call: Chairman Doug Allen called the meeting to order.

2–Explanation of Edits to 15.6.2: TCM Blake Bingham summarized the process for these edits on 15.6.2. He read from the recitals on Ordinance 2020-6-25:

WHEREAS, Title 15.6.2 currently does not clearly define limitations associated with the rental of dwelling units and accessory buildings and structures in Residential Zone R-1.

WHEREAS, the proposed change to the ordinance specifies the extent that the renting of dwelling units accessory structures or buildings in Residential Zone R-1 is allowed; refers to Appendix One, Table 15-1 Huntsville Town Acceptable Uses by Zone; clarifies language in the Bed and Breakfasts standards; and eliminates redundant references for permitted uses.

TCM Blake Bingham outlined the changes in 15.6.2. (See Attachment #1) Bill White stated the code called for one single-family dwelling on an R-1 lot. Then going to the last paragraph, the ordinance states that an accessory structure could not be rented out. Bill wants to know if an accessory structure is capable of having amenities to rent out? Is an accessory building an additional dwelling? TCM Blake Bingham referred him to the Planning Commission for later discussion.

Chairman Allen stated Weber County is meeting and discussing the issue of nightly rentals. Mayor Truett stated he took calls from the County regarding how Huntsville handles nightly rentals. Mayor Truett asked them to keep the nightly rentals up by Wolf Creek.

3-Motion to open Public Hearing on 15.6.2: PC Chairman Allen called for the public hearing to be open if there were no objections. There were no objections. The meeting is now open for a public hearing.

4-Public Comment on 15.6.2:

Bill White: He stated he was on the Planning Commission when they had the last hearing on this ordinance. The questions always came before them about garages with accessory space above the garage. The residents always wanted to know what the limitations were on the amenities in that space. He believes that question needs to be answered because an accessory building with no definitions creates another dwelling. He would like some clarification on the amenities allowed in an accessory building.

TCM Blake Bingham stated the amenities are not prohibitive. If it isn't prohibitive then it is allowed.

Dave Robinson: He stated he doesn't see a problem with having a garage with living space above it. He believes it is the right of the property owner to add living space on their property. He thinks that if you have a little space on your property that you can rent out, then he is all for that. Dave stated that we have a hotel and yet we are not allowing the residents to make money off their own property.

Rex Harris: He agrees with Bill White. He would like to see some clarification on what is allowed in an accessory structure.

On a second note, and as a citizen on Huntsville, it is his opinion that once you open nightly rentals, everyone will want to move out of Town and rent their home. It will be profitable because people love to stay in Huntsville. He believes Huntsville will turn into a nightly rental destination. The General Plan opposes this concept of a resort town.

Jay Curtis: Jay owns a home on 100 South and looks forward to the day that he can retire to Huntsville. Jay practices law in Salt Lake. He has a client that has owned two hotels in Moab for the last 35 years. Those hotels have struggled because of VRBO's and AirBnB's. It is regulated now, but it has been a struggle. Jay has another client that owns half of the water shares in Springdale. With water shares they have a lot of leverage on what they can build in Springdale. That client is a part owner in the three newest hotels in Springdale. That client is now struggling with the private nightly rentals. He is wanting to know where the 30-day limit came from. Every year he gets calls from the property manager in Wolf Creek with offers to rent his home for \$10,000 or \$12,000 a week. He doesn't want to rent his home. Jay thinks the time limit for rentals should be well above the 30 days that is already there. He states that people will come to ski and pay for 30 days and be content to be there for just 10 days. The owner could let the property sit vacant at the prices that people are willing to pay. Money seems to be no object. He would like Huntsville to stay the way that it is.

Jake Songer: Jake read a text from his cousin who is a real estate agent. His cousin had clients that wanted to buy a home in Huntsville to AirBnB. The question from his cousin was regarding enforcement. Jake thinks that Huntsville will change if they allow nightly rentals.

Blake Bingham: TCM Blake Bingham wanted to make sure those in attendance know that Huntsville Town is not changing the ordinance that doesn't allow nightly rentals. Jay Curtis asked TCM Blake Bingham what his opinion was on increasing the time limit to 60 or 90 days. TCM Blake Bingham stated he believes that 30 days seems to be working in Huntsville Town.

Rebekah Songer: She has a question on section E of the new ordinance. It states

Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If an existing dwelling is used as a temporary dwelling during construction of a new dwelling, upon issuance of the occupation permit for the new dwelling, the old dwelling must be removed within thirty (30) days.

She is wondering why Huntsville Town is still allowing residents to live in dwellings while they are constructing new homes on the same property.

Jake Songer: He wanted to respond to TCM Blake Bingham's comments regarding the difference between the commenting on the ordinance 15.6.2 and nightly rentals. Jake states that the changes that are made in this ordinance allows for accessory dwellings. Those accessory dwellings lead to an enticement for nightly rentals because there is a lot of money in that business. It makes the residents properties very valuable. Not only could a resident live here, but now they can rent out an accessory building.

Mayor Truett: Mayor Truett wanted to respond to Jay Curtis. At the time when they determined 30 days should be the minimum for a rental, it was long ago, and it wasn't an issue. He believes that Jay makes a good point. Now, there are people who want to rent homes for whole seasons.

Dave Robinson: He appreciates the comments that have been expressed. He states Huntsville could provide more controls on nightly rentals. For example, they could restrict the amount of people that could rent a VRBO.

Leta Bailey: Leta doesn't want to see restrictions that would prevent families from coming home to stay.

Redd Erickson: He stated he has been through hard, financial times. He would hate to see someone who has valuable property suffer financial losses when they could rent a part of their home. He is for property rights. Down the road, he knows that his kids will have a difficult time to secure housing, especially in Huntsville. He is for more flexibility for residents long term.

Rebekah Songer: She would like to address nightly rentals. Rebekah believes that if nightly rentals are allowed, investors will come, and it will increase Huntsville property taxes. It means that single families would not be able to come to Huntsville. Single families make Huntsville a

community. As to the argument that there are transactions that the Town doesn't know about, the Town still has the teeth in the ordinance to enforce it.

5-Motion to close Public Hearing on 15.6.2:

PC Chairman Allen called to close the Public Hearing if there are no objections. There were no objections. The public hearing is closed. The regular meeting is now open.

6-Discussion and/or action on Ordinance 2020-7-30: Amendments to 15.6.2 Use in and R-1 Zone.

PC Chairman Doug Allen stated he has stayed in VRBO's before and has had good experiences in doing so. Most of the rentals he has stayed at have been in subzones. He could see that working and still being able to have a community in Huntsville.

PCM Jeff Larsen stated he stated there is much to do with regards to defining accessory buildings. He would also like to go back and look at the period of time Huntsville is looking at for a minimum rental. He would like to hear more from the community about 30 or 60-day limits. Also, he would like to see enforcement of the ordinances. PCM Larsen stated nightly rentals will change Huntsville Town. It isn't necessarily bad and or good, but it will change. He is recommending they look at the definition of accessory dwelling again.

PCM Sandy Hunter stated there is more work to do on the accessory building ordinance. She would like to see the ordinance edits pass tonight so it is clear accessory dwellings can't be rented. She is open to discussing the minimum time limit for rentals. PCM Sandy Hunter would like to see some additional restrictions on accessory buildings. She suggests the accessory building be restricted to another primary use, like a garage. PCM Sandy Hunter doesn't want to limit extra bedrooms for families in Town to have their extended family members and friends come stay with them. She believes the changes tonight will help to keep Huntsville from turning into a resort town.

PCM Larel Parkinson would like to speak to the 30-day minimum for rentals. He has had rentals. His kids have rented in Ogden and initially have a year lease. After that year, they are able to rent month to month. It is a great benefit to them to be able to rent month to month. PCM Larel Parkinson would like to see what is already in the ordinances enforced.

PCM Liz Poulter commented that if anyone has more suggestions on how to clearly define single family dwelling, she would welcome the suggestions. She agrees that enforcement is an issue. She is in favor increasing the minimum rental past 30 days. She is recommending that the edits tonight be passed, and considerations could be made going forward.

PCM Steve Songer stated there is a major problem with enforcement. We spend a lot of time writing ordinances and we need to figure out how to enforce them.

PCM Sandy Hunter motioned to recommend approval of Ordinance 2020-7-30 an ordinance amending Title 15.6.2 Use Regulations Further defining authorized and conditional uses in Residential (R-1) Zone as written. PCM Jeff Larsen seconded the motion. Roll Call Votes. All votes aye. Votes are reflected below. Motion passes.

VOTES:	
AYES:	Chairman Doug Allen Commissioner Sandy Hunter Commissioner Jeff Larsen Commissioner Liz Poulter Commissioner Larel Parkinson Commissioner Steve Songer
NAYS:	

PCM Larel Parkinson motion to adjourn the meeting. PCM Sandy Hunter seconded the motion. All votes aye. **Meeting is adjourned at 8:15 p.m.**

Beckki Endicott, Recorder

**HUNTSVILLE TOWN
ORDINANCE 2020-7-30**

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15.6.2 USE REGULATIONS FURTHER DEFINING AUTHORIZED AND CONDITIONAL USES IN RESIDENTIAL (R-1) ZONE.

RECITALS

- A. **WHEREAS**, Huntsville Town (hereafter “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. **WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;
- C. **WHEREAS**, Title 15.6.2 currently does not clearly define limitations associated with the rental of dwelling units and accessory buildings and structures in Residential Zone R-1.
- D. **WHEREAS**, the proposed change to the ordinance specifies the extent that the renting of dwelling units accessory structures or buildings in Residential Zone R-1 is allowed; refers to Appendix One, Table 15-1 Huntsville Town Acceptable Uses by Zone; clarifies language in the Bed and Breakfasts standards; and eliminates redundant references for permitted uses.
- E. **WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on 30th of JULY to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on 30th OF JULY.
- F. **WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on 6th of AUGUST 2020 and desires to act on this Ordinance;

ORDINANCE

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

- Section 1:** **Repealer.** Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.
- Section 2:** **Amendment.** The Huntsville Municipal Code is hereby amended to read as follows:

15.6.2 Use Regulations

Refer to Appendix One, Table 15.1 (Acceptable Uses by Zone) for all permitted uses in Residential Zone R-1.

In Residential Zone R-1, ~~no building or structure or land shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses~~ the following uses are subject to the respective conditions:

A. Single-family dwellings. Only one single-family dwelling is allowed on an approved R-1 building lot. ~~No residential single-family dwelling, or a portion thereof, of a residential dwelling shall be rented for a term less than 30 days. No single-family dwelling, or portion thereof, shall be rented while occupied by the respective owner. Violations will be subject to a Class B Misdemeanor.~~

~~B. Churches.~~

~~C. Cemeteries.~~

~~D. Libraries, museums, public art galleries.~~

~~E. Public schools, pre-school, child day care or nursery.~~

~~FB. Agriculture; nurseries and greenhouse, provided sale of goods is limited to materials produced on the premises and there is no retail shop operated in connection therewith.~~

~~G. Large animals and household pets, in accordance with the Huntsville Town Animal Control Title.~~

HC. A Residential Zone Bed and Breakfast subject to the following standards: (see definition of Bed and Breakfast in Title 0 of the Huntsville Municipal Code)

1. Two parking spaces shall be provided for the family plus one space for each guest room. No parking may be located on the public thoroughfare;
2. Proprietor or owner must occupy the ~~property~~dwelling;
3. Meals may only be served to overnight guests;
4. Not more than three (3) guests sleeping rooms per dwelling;
5. Allowed only in existing dwellings with no exterior additions nor change in residential character;
6. Business license must be obtained;

~~ID. Signage as regulated under Title 15.21 is restricted. These regulations are contained in the Huntsville Town Signs Title.~~

JE. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If an existing ~~residence~~dwelling is used as a temporary ~~residence~~dwelling during construction of a new ~~residence~~dwelling, upon issuance of the occupation permit for the new ~~residence~~dwelling,

the old ~~residence~~dwellings must be removed within thirty (30) days.

~~KF.~~ Home occupations as regulated under Title 15.18, in accordance with the Home Occupations Title of this Ordinance.

~~LG.~~ Accessory uses ~~Structures or Buildings (e.g., garage, shop, storage, etc.)~~ No accessory structure or building, or portion thereof, shall be rented as a dwelling unit—including in-kind considerations.

~~MH.~~ No mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (greater than 30 days) ~~residence~~dwellings, except as outlined in ~~JE.~~ above.

~~N.~~ ~~Hotels, Motels, and condominiums are not allowed.~~

VOTES:	AYES	NAYS	EXCUSED	RECUSED
Mayor Truett				
CM Max Ferre'				
CM Blake Bingham				
CM Wendy McKay				
CM Richard Sorenson				

PASSED AND ADOPTED by the Town Council on this 6TH day of AUGUST, 2020.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this <Month/Day/Year>