

City of Green River

460 East Main Street, Green River, Utah
Planning Commission Minutes
Regular Meeting
Tuesday, October 19, 2021

ATTENDING: Kim McFarlane joined at 7:55 p.m., Don Meadows, Stephanie Crabtree and Kent Johnson; Employees, Conae Black, from the Association of Governments Michael Bryant
ABSENT: Royd Hatt

CONDUCTING: Planning Commission Member, Kent Johnson, the meeting began at 7:01 p.m.

ORDER OF BUSINESS:

1. Discussion on short term rental, updating the General Plan, locating C-2 zone on zoning map, reviewing C-1 permitted uses and updating the Land Use Authority ordinance. Michael Bryant, Citizen Planner from the Southeastern Utah Association of Local Governments, was asked to help the Planning Commission. He stated that when he spoke with Conae Black about short term rental homes she mentioned the Planning Commission considered imposing an ordinance based upon a reasonable percentage. He did not see that type of ordinance in any other community. He did find an ordinance where the short term rentals can only be so many feet apart from each other. For example, there can only be one every 500 feet. Stephanie Crabtree said she couldn't remember where she saw it or if she just made it up but it could have been something that Moab City had discussed. She said Moab also requires that any new motel to either give money to go towards affordable housing or build affordable housing. It may have been something tied into that. Don Meadows stated there are many permitted short term rental homes that would not meet the 500 feet apart requirement. Conae Black said all existing permitted short term rentals would not be required to change under any newly imposed ordinance. Michael Bryant said some communities have limited them to certain subdivisions or certain parts of town. What you need to look out for with zoning requirements is the ability to enforce them. He assumes that there is some concern of short term rental homes have taken away from affordable housing. Stephanie Crabtree said at one point when the short term rentals came they swooped up the housing stock at the time and it seemed like a big influx at the time. That is where the percentage discussion came up because as more housing stock is built it allows for more of the short term houses to come in. Michael Bryant said maybe it could be allowable in certain zones for accessory dwelling units and those units could be the short term rental or a care taker dwelling. It could be a way for people with lower incomes to have the opportunity to live in them. State law now states that you cannot restrict an accessory dwelling unit if it is part of the main building. State law also has as part of the requirement for the affordable housing section of the General Plan 20 different strategies that can be pulled from to develop affordable housing. Some of those things could be considered. Many are reducing barriers for affordable housing, reducing fees if someone wanted to build some kind of housing complexes and streamlining the process. More extreme things would some kind of community reinvestment area. Any new development could have funding that comes to the community for various purposes and affordable housing could be one of them if it was done the right way. These are things that he found on short term rentals and could look further about a percentage of the housing stock. Kent Johnson asked about inspections of the short term rental homes. He didn't think the city could single out the homes to require it and the city would need to change their codes. Stephanie Crabtree said that is handled through the business license process and it should be required. There was some discussion on inspections of businesses. Stephanie Crabtree said we don't have urban spaces and she can't imagine how they could limit short term housing to a certain area unless you came up with an R-3 zone or something. She thought that treating it like a hotel and taxing them differently and we talked about how short term rentals used to be one bedroom of the house and not the whole house. People are turning to short term rentals as opposed to long term rentals because they can make more money. Michael Bryant suggested instead of basing it on a percentage of housing stock you

could base it upon the property owner so the property owner could only have X amount of short term rentals. To offset that they need to have greater or equal amount of long term rentals. That would be a question that you would need to take to an attorney. Kent Johnson agreed. Michael Bryant said you should require them to have a business license. The Planning Commission said that is being done. He would say that the host must be a permanent resident or a caretaker who is a permanent resident. Don Meadows asked who the caretaker is, is it someone who is cleaning the house between visits. Michael Bryant said it would be someone who would be handling complaints or potential break-ins. Kent Johnson said that is simple rule to put into place. Michael Bryant said instead of discouraging them you could encourage them into certain areas, for example on Main Street and Broadway they could be encouraged as upstairs apartments or back lot apartments. You could make that area a permitted use instead of a conditional use. There was more discussion on requiring the houses to be listed as a secondary home in order to collect the taxes on a secondary home. There was some discussion on assessing commercial water and sewer rates to the short term rental homes. Kent Johnson asked if short term rentals were defined in the city codes. Michael Bryant said most communities define it as homes or a portion of the home where that are rented out on a nightly basis less than 30 days at a time. He said in your Conditional Use Ordinance you have your general review criteria and some specific use criteria. If you wanted to make short term rentals as specific review criteria we could add it. Some of these things that we have talked about could be added such as requiring the home to be listed as a secondary home, a business license and commercial utility rates. He didn't think that any of these things that we have talked about will discourage any short term rentals but it could help to control them to some degree. In the very least the city would be getting additional revenue to help deal with them. It is important that you run any regulations that you have changed past an attorney for their approval.

Moving onto the C-2 zoning. This has been discussed in the past but never has been created on the map. Stephanie Crabtree said a City Main Street is a marketable business zone as you drive through and notice what is available. Michael Bryant suggested that the Planning Commission make a copy of the commercial ordinance and make a note as to whether you would like to see that use permitted, conditionally permitted or not permitted and compare notes. The commercial zone is 600 feet from the center line on Main Street on both sides. Kent Johnson suggested looking at 300 feet as C-1 and 300 feet as C-2. Michael Bryant asked what is the size of a typical commercial lot and follow that. Some of this might take a field trip to take a look and see how it is shaped up. You could even color code your suggested changes such as yellow needs to be looked at further, no color is just fine, etc. Conae Black mentioned some contradictions and the number of conditional uses in the commercial zones. Conditional uses can be good and bad. For example, you can control how the business will look but it can also discourage business owners because it is another step they have to take to get their business approved. Stephanie Crabtree mentioned previous discussion on businesses changing the use. For example, the abandoned motel that was just purchased and the new owner wants to convert it into housing units. They are doing small rehabs they are getting away with no inspections. There should be something required if you are changing the type of business. Conae Black stated that if the use of the building has changed she requires an inspection through the business license application process. The business owner pays for that inspection. One is scheduled for the property that Stephanie Crabtree spoke of.

Michael Bryant mentioned the Planning Commission wanted some advice on residential setbacks on a corner lot. He said there is no reason they couldn't be reduced especially if you have big sidewalks or a wide street. Kent Johnson said the States standard is 25 feet. He thought a 15 foot setback on the side street and 20 foot setback in the front would be adequate however may not aesthetically look good. There was a discussion on how fencing a corner yard could interfere with the sight triangle and deciding the best location for the fence. Michael Bryant felt there shouldn't be any concern on the aesthetics as long as the sight triangle is protected for safety reasons. He said there are not any hard fast rules but is typically based upon the speed of the road and how well a vehicle can see when they pull up to the street. Stephanie Crabtree suggested they could change the setbacks in the R-3 zone where the lots and houses are smaller. Kent Johnson and Conae Black thought that was a good idea.

Michael Bryant said the last subject to discuss is an Appeal Authority. Green River has a Board of Adjustments however there is not an ordinance defining their duties. Any appeals or variances should go to any other body other than the Planning Commission or City Council. The best one that he has seen is where Moab City's appeals go to their City Attorney. An appeal authority can be an individual or a group of people. It is fairly rare that you have appeals and if it is an individual they are going to be very thorough in making sure that it meets the criteria and are arbitrary or unbiased opinion. Kim McFarlane asked who pays for that if it goes before a city attorney. Michael Bryant said the fees would be assessed by the city so the individual applying for the appeal or variance would pay for it. Michael Bryant said fee schedules could be based upon the attorney's hourly rate. If the research takes three hours, then the appellant would need to pay the hourly rate X 3. Kim McFarlane thought that was a reasonable option as long as the city does not have to incur that expense. Michael Bryant said variances are different because a variance is sort of a land decision but also deviating from what the code book states because special circumstances exist on that property. Kent Johnson asked if the City Council could make a decision on variances. Michael Bryant said the only problem he can see is the City Council may not be arbitrary because they know the property owner. It could create a difficult situation. He said more than half of all variances should not be granted. Conae Black explained the last variance that was heard by the Board of Adjustments in Green River. Michael Bryant explained that the applicant of a variance has the burden of proving that their situation is a hardship. His recommendation is having a neutral party make decisions on appeals and variances. It is already political enough with your land use decisions. Another problem with Board of Adjustments is they meet so rarely that they are not up to speed with the land use laws and regulations so they need a crash course to bring them current or refresh their minds. Then they are swimming with all of the information and find it difficult to make a proper decision. Conae Black said we do not have an ordinance for Board of Adjustment and we need to have one for appeals and variances. Michael Bryant said having a section that states all of the duties of each position of the Land Use Authority is helpful.

To summarize Michael Bryant said he would share the League of Cities and Towns suggested Land Use Authority powers matrix and recommend appeal authority and variance authority be the city attorney. The homework is to look at all of the uses in the C-1 and C-2 zones and mark on there what you think should change. Once we figure out what the C-2 zone should look like we can move forward with mapping it out. The last thing he has is to update the General Plan but he thinks we should take care of these other items discussed today before we take that on.

2. Discuss/approve/deny minutes from September 21, 2021. **MOTION:** Stephanie Crabtree made a motion to approve the minutes from September 21, 2021. Don Meadows seconded the motion. **VOTE:** Don Meadows, Stephanie Crabtree and Kent Johnson voted aye. The motion carried.

3. Adjourn. The meeting adjourned at 8:24 p.m.

Royd Hatt, Chair

Conae Black, City Recorder

Approved: January 18, 2022