

City of Green River

460 East Main Street, Green River, Utah
Planning Commission Minutes
Regular Meeting
Tuesday, July 19, 2022

ATTENDING: Planning Commission Members Stephanie Crabtree, Kent Johnson, Don Meadows, Kim McFarlane; Employees Mayor Ren Hatt, Conae Black, Julie Spadafora, David Wilson; Todd Thorne from the Southeastern Utah Association of Local Governments (SEUALG).

ABSENT: Tammy Howland

CONDUCTING: Chair, Stephanie Crabtree, the meeting began at 7:02 p.m.

ORDER OF BUSINESS:

1. Discuss/approve/ deny nightly rentals ordinance. Stephanie Crabtree talked about how nightly rentals must stay under 29 days and will require a business license and a nightly rental license, one of each. Todd Thorne commented, when a residential property rents nightly it falls under short term rentals, it then becomes commercial use on utilities. Conae Black, so you could make a short term rental home a permitted use conditionally. David Wilson commented, if it is in a residential area you will have an additional condition use permit. Conae Black commented, short term rentals can be a permitted use, but should be conditional. The following standards were agreed upon by all attending Planning Commission members. General Operating Standards for nightly rentals. A. The nightly rental must meet all applicable building, health and codes for the intended use. B. A maximum stay at a nightly rental by an individual or particular group shall not exceed thirty (29) consecutive days. C. maximum occupancy of any nightly rental shall not exceed the safe occupancy limit of a single family home. An abnormally large occupancy limit shall be approved and set by the Fire Inspector. D. Each sleep room must meet current International Residential Code for egress and be equipped with a smoke and CO (carbon monoxide) detector. E. All nightly rental owners or property managers must collect and pay the applicable taxes and pay the City business license fee. F. Water, sewer and garbage fees for nightly rentals will calculate at the commercial rate. The Planning Commission Members asked to schedule for a Public Hearing during September's City Council meeting. There was not an action taken.

2. Discuss ADU's and tiny homes -Stephanie Crabtree spoke, as she started to write this up she realized, there are still a lot of questions to be answered. It will need to be looked at more extensively, and she will need to rewrite the language, it will then make more sense to be discussed at August's Planning and Zoning Meeting. Stephanie Crabtree continued, one accessory building will be allowed per lot. Stephanie Crabtree said, she has seen some instances where, they allowed more accessory buildings for a larger lot. Some examples suggested, up to two or more on a larger lot. Conae Black gave, an example of Penney & Duane Riches, where they have a large lot and it has two accessory units. Todd Thorne commented, you may want to restrict the size of the ADU, if more than one, on a lot. If you have a 6,000 square foot house and two 2500 square foot ADU's on the property, you may want to restrict the size of your ADU's you allow. It is best not to have a bunch of single family homes on one lot, that avoid a subdivision regulation. Stephanie Crabtree read, the actual owner of the residence, must live in one of the primary units. Mayor Ren Hatt shared his thoughts, his primary concern is, if you take a vacant lot and build an ADU, and you never build the house that should have been attached to it. There needs to be full faith in building the home. Kent Johnson suggested a time limit to be set, how does one enforce it? Gayna Dunham said, it is a reality, house prices are way too high which will force people to build smaller homes they can afford. Stephanie Crabtree asked, what is the consequences of a zoning violation? Conae Black answered, it is a class B Misdemeanor. It is best to put in the penalties for a zoning violation, before you have an ADU out of compliance, not after, it is then grandfathered in. Kim McFarlane suggested, five years to apply for a building permit. Todd Thorne said, that will leave a lot of problems. They are building a smaller home first, with hope of building a larger one later. Emery County will tax it as a primary residence, because it is the only structure on the property. Stephanie Crabtree asked, do we want to put a clause that states, an ADU cannot be turned into a nightly rental? Don

Meadows commented, I can see why they would do that. They could rent it out to help pay for itself. Stephanie Crabtree mentioned, it could be an extra form of income, when times get difficult. All ADU's must meet the minimum building code requirements which does start to restrict the size of the ADU. Todd Thorne commented, if someone is going to build an ADU first, then it starts to fall in to being a tiny home. If an existing structure is on the property, then there is no minimum building an ADU. If there is an existing structure on the property, then the minimum zoning requirements do not apply to an ADU, but if no structure, then all zoning requirements are required. Stephanie Crabtree read, no detached ADU, may not exceed 75% of the primary residence. Stephanie Crabtree said, accessory building setbacks cannot be closer than five feet from the property line or the building code will require them to have a one-hour fire wall. The accessory building would be 10 feet between ADU or primary residence, rear set-back, no closer than 6 ft., side set-backs the same as an accessory building. Todd Thorne mentioned, you need to have two off street parking spaces for houses and one space for each additional dwelling unit. Stephanie said, she would write the ordinance, using what the notes are.

3. Discuss/approve/deny Conditional Use Application from Jodell Steele - Jodell Steele applied for a Residential Nightly Rental Permit, at his property located at 245 East Farrer Street, 2 bedrooms, one bed in each, 4 person's maximum. **MOTION:** Kent Johnson made a motion to approve the Conditional Use Application for Jodell Steele with the following conditions. 1. According to Title 3 of the City of Green River Codes, a Business License is required and shall be obtained. Register your business with the State of Utah for Sales tax. List your property as a residential secondary property with the county. Commercial water and sewer rates will be assessed. 2. The owner shall set an occupancy limit for the vacation rental houses and submit that on the business license application. This stipulation is for the renters of the house and not for those times the owners are using the house. 3. No vehicles shall be ridden on or around the property to create loud noise and stir up dust. Kim McFarlane seconded the motion. **VOTE:** Stephanie Crabtree, Kent Johnson, Don Meadows and Kim McFarlane all voted aye. The motion carried.

4. Discuss/approve/deny May 17, 2022 regular meetings minutes

MOTION: Stephanie Crabtree made a motion to approve the May 17, 2022 regular minutes. Don Meadows seconded the motion. **VOTE:** Stephanie Crabtree, Kent Johnson, Don Meadows and Kim McFarlane all voted all. The motion carried

5. Adjourn. The meeting adjourned at 8:50 p.m.

Stephanie Crabtree, Chair

Conae Black, City Recorder

Approved: September 20, 2022