

APPROVED

**MINUTES OF THE REGULAR MEETING OF
THE RUSH VALLEY PLANNING & ZONING COMMISSION
HELD ON DECEMBER 7, 2022 AT THE RUSH VALLEY TOWN HALL
52 SOUTH PARK STREET, RUSH VALLEY, UTAH
THE MEETING BEGAN AT 7:00 P.M.**

Planning & Zoning Commission Members Present: Boone Baird, Paul Bishop, Scott Hawkins, Blaine Russell and Carl Wall

Appointed Officers and Employees Present: Attorney Rob Clegg

- 1. Roll Call.** Paul Bishop, Boone Baird, Blaine Russell, Scott Hawkins and Carl Wall
- 2. Approval of Meeting Minutes for 10-05-2022.** Scott Hawkins made a motion to approve the minutes as written for 10-05-2022. Boone Baird seconded the motion. All present voted in favor and the motion carried.
- 3. Discussion Regarding Ordinance 2022-06 Imposing a Temporary Moratorium on Accessory Dwelling Units (ADUs).** Carl Wall said that he took to the town council two concerns. One being about building permits that was brought up in the last meeting by Blaine Russell and the other the ADU law that was passed by the State of Utah. After Attorney Clegg did some research, it was determined that a moratorium should not be placed on building permits, but only on ADUs. The moratorium on ADUs was issued by the town council for 180 days until it can be addressed in the Land Use Management Code. According to Carl and Blaine, there are already some of these units within the town that may be used as rentals. Carl said that he believes those already built would be grandfathered in and the town could do nothing about it. Attorney Clegg agreed with this. Carl also said that the commission may be able to put a number on how many building permits they will issue per year, but that is a different topic than the ADUs. This is not an agenda item, just a notification that the moratorium has been issued on ADUs for 180 days.

Blaine asked if this is the same as a camp trailer being used as a residence and Attorney Clegg said that has not changed and there is still a two-week limit on those or the conditional use permit option. Carl said that the town is not necessarily disallowing ADUs but issuing a moratorium until the parameters can be set on where an ADU can be placed. Attorney Clegg said that many things must be contemplated on the ADU i.e., guest house such as size, septic system, non-conforming use, etc. Blaine asked if the moratorium can be extended if needed and Attorney Clegg said the intent is to have it resolved within 180 days.

- 4. Review of Chapter 15 Subdivision Regulations.** Attorney Clegg said that he has begun working on it but trying to re-write Chapter 15 all at one time is quite an

undertaking. He said that he will continue to work on it as time permits. Attorney Clegg said that there was an unfinished discussion on the open space requirement, and he needs to close some loopholes. Blaine Russell asked if we could make the open space requirement apply only to major subdivisions. Carl Wall said that he thought it was determined that a major subdivision divided into three or more pieces would require open space. Carl said that 15.1.15 is talking about open space that is not owned by a landowner but set aside as open space. Boone Baird said that he thinks this is more applicable for larger subdivisions like 15 lots and there should be some guidance on open space for one that large. Attorney Clegg said that trying to maintain 20 percent open space on the large subdivision is a lot of acreage to maintain.

Boone Baird said it is also difficult for the town to enforce that the open space is maintained if there is no homeowner's association established for the subdivision. He said he would go off the number of lots and not the acreage. If he had 40 acres and wanted to try to get around the open space requirement, he would just make the acreage bigger. Attorney Clegg said the question is does the town really care about having open space or would they rather the subdivision just have bigger lots? Carl said that he thinks it is better to have bigger lots because it takes the maintenance and leasing of the open space out of it. The town does not want to get stuck with maintaining the open spaces. One of the loopholes to close is that a lot needs to be smaller than 10 acres so that it cannot be a minor subdivision in itself. Carl said that he thinks we should put a ceiling on the number of lots that can be in a subdivision and still use larger lots to fulfill the open space requirement. There are many things that need to be worked out on this issue. Carl said that we have made it through 15.1 and Attorney Clegg has plenty to work on with that.

Blaine Russell asked about the building that Bill Nelson is building on his property. He and Scott Hawkins do not believe that he ever came in for a permit.

5. **Adjourn.** Scott Hawkins made a motion to adjourn. Blaine Russell seconded the motion. All present voted in favor and the motion carried. The meeting ended at 8:09 p.m.