

MILLVILLE PLANNING COMMISSION MEETING

City Hall - 510 East 300 South - Millville, Utah

January 5, 2023

PRESENT: Garrett Greenhalgh, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger, Matthew Anderson, Pam June, David Hair, Tara Hobbs, Kara Everton, Barb Lewis

Call to Order/Roll Call:

Commissioner Greenhalgh opened the meeting for January 5, 2023, at 8:00p.m. Commissioners Garrett Greenhalgh, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) were present. Commissioner Dickey excused with Commissioner Thompson absent. Development Coordinator Kara Everton was present and took the minutes.

Opening Remarks/Pledge of Allegiance

Commissioner Greenhalgh led all present in the Pledge of Allegiance.

Approval of Agenda

The agenda for the Planning Commission Meeting was reviewed. **Commissioner Farmer moved to approve the agenda for January 5, 2023.** Commissioner Ripplinger seconded. Commissioners Garrett Greenhalgh, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor. Commissioner Dickey excused with Commissioner Thompson absent.

Approval of the Minutes of the Previous Meeting

The Planning Commission reviewed the minutes for the Planning Commission Meeting for December 1, 2022. **Commissioner Ripplinger moved to approve the minutes.** Commissioners Garrett Greenhalgh, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor. Commissioner Dickey excused with Commissioner Thompson absent.

5.A. PUBLIC HEARING- beginning as close to 8:05 p.m.

Commissioner Farmer moved to open the public hearing at 8:03 p.m. Commissioner Lewis seconded.

PRESENT: Garrett Greenhalgh, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger, Matthew Anderson, Pam June, David Hair, Tara Hobbs, Kara Everton, Barb Lewis

Items for Discussion included:

- i. Millville City Code- Chapter 17.46 Accessory Dwelling Units
- i. Millville City Code- Chapter 17.50 Short-term Rentals

Discussion:

Barb Lewis, a Millville resident, and current owner of a short-term rental, asked about parking violations and who the responsible party would be, either the owner of the short-term rental or the owner of the vehicle. Commissioner Greenhalgh answered stating that if there is a violation because there are not enough parking spaces provided then that would go to the homeowner, but if there is a parking violation because it is breaking the law then that would go to the vehicle owner.

Commissioner Thompson arrived at this time.

Barb wanted further clarification on what the parking code was. Commissioner Greenhalgh stated the code states adequate parking available and to be informed by the homeowner. Barb then asked what the noise ordinance was, and Commissioner Greenhalgh stated that from quiet hours are between the hours of 10:00 p.m. and 7:00 a.m.

Tara Hobbs asked if being a resident of Millville City is still required. Commission answered Yes. Tara Hobbs wanted clarification on if an individual needed one business license for each property or a business license to cover the one owner. Commissioner Greenhalgh suggested it should be per owner not property. Barb Lewis stated that Logan City does it per owner and not property. The commission was in favor of that.

Discussion began referencing the code relating to Accessory Dwelling Units, it specifies that a permit is needed, but a Short-term Rentals it states a business license is needed. Commissioner Greenhalgh suggested that because the city does not have a current permit that we can switch the verbiage to business license to simplify the process:

Commissioner Thompson moved to close the public hearing at 8:15 p.m. Commissioner Farmer seconded

5.B. Discussion on Millville City Code

i. Millville City Code- Chapter 17.46 Accessory Dwelling Units

Clarification among Commissioners were discussed specifying that an Accessory Dwelling Unit can be both short term and long term. Tara Hobbs stated that years ago a Conditional Use Permit was used to allow a rental.

Commissioner Greenhalgh asked if in referencing Section J if we need to have a minimum square foot that is required. Commissioner Anderson asked if someone wanted to come and build a one-bedroom small casita then he would be in favor of that, but do we require a kitchen and how would that be regulated. Commissioner Thompson looked up the definition of 'self-regulated' online and read that to the commission and it was determined that it should include access to both a kitchen and bathroom.

Commissioner Greenhalgh brought up Section P asking if we cared if the structure was one-story. Commissioner Anderson brought up that in previous discussion we didn't want it to taller than the primary residence. Commissioner Greenhalgh stated that when he envisions this he thinks of a garage with an apartment on top, but that would be over what is suggested.

Discussion ensued regarding different building heights and options that could be possible and decided to state a 25' maximum height.

Commissioner Ripplinger wanted to know why under rental provisions option C was crossed out. Kara Everton stated it was redundant.

Commissioner Anderson said the utility fee of \$50 was discussed and asked if that includes long-term rentals as well as short-term rentals.

ii. Millville City Code- Chapter 17.50 Short-term Rentals

Commissioner Anderson asked if we need to specify the number of parking stalls per bedroom. Commissioner Greenhalgh said the term *adequate* and linking it to a business license covers that.

Commissioner Ripplinger wanted a definition of why a short-term rental contract was non-transferrable. Kara Everton explained that the new homeowner needs to be held responsible for the future renters and needs to be made aware, thus coming in for their own business license.

Barb Lewis asked why the city feels the need to define what a short-term rental is versus a long-term rental and is there really a difference? The commission answered that it's a way to hold the homeowner responsible for all renters coming and going and allows the city to be aware and have leverage in case of violation.

Commissioner Thompson moved to recommend the code for Chapter 17.46- Accessory Dwelling Units and 17.50 Short-term Rentals to the City Council. Commissioner Larry Lewis seconded. Commissioners Garrett Greenhalgh, Rachel Thompson, Bonnie Farmer, Larry Lewis, Darcy Ripplinger (Alt.) and Matthew Anderson (Alt) voted in favor. Commissioner Dickey excused.

5.C. Other

6. City Council Report – review minutes from the December 8, 2022 meeting

7. Agenda Items for Next Meeting

8. Calendaring of future Planning Commission Meeting

The next regularly scheduled meeting will be held Thursday, February 2, 2023, at 8:00 pm.

9. Adjournment

Chairman Greenhalgh moved to adjourn the meeting at 9:33 p.m.

**MILLVILLE CITY
CODE TITLE 17 -
ZONING
CHAPTER 17.46 - ACCESSORY DWELLING UNITS**

[17.46.010: DEFINITIONS](#)

[17.46.020: REGULATIONS](#)

[17.46.030: RENTAL PROVISIONS](#)

[17.46.040: LEGALIZING ACCESSORY DWELLING UNITS](#)

[17.46.050: PENALTY](#)

17.46.010: DEFINITIONS

“Accessory Dwelling Unit (ADU)” is a second residential dwelling on the same lot or parcel as the primary residence. An ADU may be detached or inside the primary residence.

“External Accessory Dwelling Unit (EADU)” is a second residential dwelling unit which is a self-contained dwelling unit located in a detached building on the same lot or parcel as a single family residence.

“Internal Accessory Dwelling Unit (IADU)” is a second residential dwelling unit which is a self-contained dwelling unit located within the footprint of a single family residence.
(Ord. 2023~~2~~?, 20223)

17.46.020: REGULATIONS

- A. An ADU shall comply with all applicable building, health, and fire codes.
- B. The owner of the property shall occupy either the ADU or the primary dwelling where

- O. An ADU shall not be permitted within a mobile home or within the property area of a mobile home. ~~(Ord. 2022-?, 2022)~~
- P. An EADU shall have a permanent concrete foundation, meet minimum uniform building code requirements, and not exceed one story above ground.
- Q. Before renting, an owner of an ADU shall first obtain a valid permit for the purpose of renting from Millville City. The unit will not be made available to rent without that permit. (Ord. 2023-?, 2023)

~~17.46.030: RENTAL PROVISIONS~~



~~A. An owner of an ADU shall first obtain a valid permit from Millville City for the purpose of renting from Millville City, and will not be made available to rent without that permit. the owner of the property on which the ADU is located first obtaining a valid permit for the purpose of renting an ADU from Millville City.~~



~~B. An ADU shall not be made available for use as a short-term rental (any rental occupancy for a period of less than 30 consecutive days) unless all requirements are met in Chapter 17.50 Short-term Rental Housing.~~



~~C. An ADU shall not be made available to rent where the owner does not reside within a the primary dwelling unit on the property. (Ord. 2022-?, 2022)~~

~~17.46.0340: LEGALIZING ACCESSORY DWELLING UNITS~~

~~Any existing illegal ADU will not be subject to any enforcement action if an application to legalize the ADU is submitted within twelve (12) months of the adoption of these regulations. (Ord. 2022-?, 2022)~~

17.46.0350: PENALTY

In addition to applicable remedies for correction of non-compliance found in Millville City and Utah State Code, Millville City may charge a fee ~~hold a lien~~ of up to \$1050 per day against a Millville City Code Title 17, Chapter 17.46

MILLVILLE CITY CODE
TITLE 17 - ZONING
CHAPTER 17.50 - SHORT-TERM RENTAL HOUSING

[17.50.010: DEFINITION](#)

[17.50.020: LICENSE REQUIRED](#)

[17.50.030: LIMITATION ON TOTAL NUMBER OF SHORT-TERM RENTALS](#)

[17.50.040: REGULATIONS](#)

17.50.010: DEFINITION

"Short-Term Rental" is the use, occupancy, rent or lease, for direct or indirect remuneration, of a structure or any portion thereof constructed for single-household or multi-household occupancy or of any other residential property for an effective term of thirty (30) consecutive calendar days or less. (Ord. 2022-?, 2022)

17.50.020: LICENSE REQUIRED

- A. The owner of a ~~Short-term rental housing owner~~ in Millville City must reside in Millville City.
- B. It is unlawful for any person or firm to keep, conduct, operate or maintain a short-term rental within the City without a business license.
- C. A business license for a short-term rental is not transferable. Any owner holding a license shall give written notice within thirty (30) days to the business license official after having transferred or otherwise disposed of legal or equitable control of any short-term rental. Such notice of transferred interest shall include the name, address and information regarding the person(s) or entity succeeding to the ownership of control thereof. The new owner shall obtain a business license within thirty (30) days of the date of purchase as required by this chapter.

~~application and filing fee within thirty (30) days or fails to complete the licensing process within sixty (60) days, the application shall be deemed to have expired, and the next applicant will be notified of the license availability, and the same procedure shall apply.~~

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- ~~D. In the event of a sale or other transfer of any property containing a dwelling licensed as a short term vacation rental, the purchaser or transferee of the property shall be required to apply for a new license within thirty (30) days of the date of purchase. In the event that the purchaser or transferee fails to apply for a new license within said thirty (30) days, the license will be forfeited, and the owner must reapply for any available license or be placed on the waiting list. (Ord. 2022-?, 2022)~~

17.50.040: REGULATIONS

- A. Short-term rentals are only allowed within a permanent, residential structure. Short term rental of accessory structures or spaces for camping, within recreational vehicles, or other locations outside of a permanent residential structure shall not be permitted.
- B. Only one Short-term rental shall be allowed for each property.
- C. Adequate off-street and off-right-of-way parking must ~~shall~~ be provided ~~at the following rates,~~ based upon occupancy limitation of the short-term rental.

~~¶~~

~~Maximum occupants~~	~~Minimum parking stalls~~
~~1-4~~	~~1~~
~~5-8~~	~~2~~
~~9-12~~	~~3~~
~~13-16~~	~~4~~
~~17-20~~	~~5~~
~~Above 20~~	~~Commensurate with the rates listed above~~

~~¶~~

For short-term rentals, which are incidental to a permanent residence, this parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit. Parking surfaces shall be constructed of a hard surface, such as concrete, asphalt, or gravel.

- D. Each host of a short-term rental shall inform short-term rental tenants about Millville City Code noise, parking and other applicable City ordinances. The record owner of the property shall be held responsible for any nuisance or noise violations at the short-term