

ON January 15, 2015 AT 6:00 P.M. THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT

Members Present: Bob Petersen, Ralph Ballard, Ryan Cashin, John Johnson, Larry Jaussi, Yovonda Hall, and Bill Wilkey

Members Excused: Chairman Cashin excused Patti Lichfield explaining she had vacated her seat.

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Hyatt, City Council Representative Darin Larson, and City Attorney Fay Reber

Also present were interested residents Branden Anderson and Paul Farthing.

The meeting was called to order by Chairman Cashin at 6:00 p.m. The Pledge of Allegiance was led by Ralph Ballard and Larry Jaussi offered the prayer. Roll call was taken.

Approval of agenda: Yovonda Hall motioned to approve the amended agenda for January 15, 2015 as posted. John Johnson seconded the motion. Motion carried with all Commissioners voting aye.

2015—AFP-01 Consideration and possible recommendation for an amended plat for The Retreat at Sand Hollow Resort Phase 2 – Sand Hollow Resort applicant

Toni Foran explained Phase 2 of The Retreat was originally one phase but the applicants have brought in a new plan for The Retreat Phase 2 and The Retreat Phase 2A. She explained the improvements are already there so the City will need a public utilities and egress and ingress easement on the existing road in 2A before 2A gets recorded. This needs to be a condition of the approval for Phase 2 to ensure emergency access. Bill Wilkey, applicant, stated the Retreat was originally laid out in 2007 and they now starting construction again. He explained Phase 1 was done in 2008 and they are ready to move forward. Chairman Cashin stated a comment brought up in staff meeting was a stop sign has been removed and they would like it put back. Mr. Wilkey stated that wouldn't be a problem. Yovonda Hall asked Ms. Foran if her recommendation to forward this applicant to the City Council was exclusive to the ingress and egress easement being in place. Ms. Foran stated she would like those documents before it goes to City Council. She explained this agreement would only be for Phase 2 because once Phase 2A is built, the easement won't be needed. Bob Petersen asked if there was a problem with Phase 2A and that is why they want to split it into two phases. Mr. Wilkey explained the previous owners filed bankruptcy and it's been in litigation for a while. The property was split between different owners. Phase 2A is still under negotiation so they would like to start on Phase 2 now. Yovonda Hall motioned to recommend approval of application 2015-AFP-01 to be forwarded to the City Council with the condition it will not be put on the Council agenda until the required signed easements and mylar have been received by the City and the stop sign is put back in Phase 1. John Johnson seconded the motion. The vote was as follows; Bob Petersen-Aye, Ralph Ballard-Aye, Ryan Cashin-Aye, John Johnson-Aye, Larry Jaussi-Aye, Yovonda Hall-Aye, and Bill Wilkey-abstained. Motion carried.

Approval of minutes: Ralph Ballard stated on page 4 line 35 it should read "Darin Larson stated the Council did agree" not just "the council agreed" since they were not present. Bob Petersen motioned to approve December 11, 2014 minutes with the correction. Yovonda Hall seconded the motion. The vote was as follows; Bob Petersen-Aye, Ralph Ballard-Aye, Ryan Cashin-Aye, John Johnson-Aye, Larry Jaussi-Abstained, Yovonda Hall-Aye, and Bill Wilkey-abstained. Motion carried.

Planning Commission business:

A. Discussion regarding possible changes to subdivision ordinance regarding improvements

Toni stated on the 2nd page #11 *Certificate of approval of the county treasurer* has been added. The County is now requiring this. She stated Page 3, #8 *Preliminary acceptance by City of all public and private improvements as shown on approved construction drawings*, was added. She explained the Public Works Director and City Engineer have found no other city allows a subdivision to be recorded on a bond. She stated on the same page under Guarantee of Completion, it is proposed to take out *In lieu of the actual completion by the subdivider and acceptance by the city of all improvements required by this title*. Toni mentioned that Ryan and she had discussed mylars before the meeting and wanted to get the rest of the Commissioner's opinion on if a paper copy would be sufficient to go to the City Council for approval. She explained right now a mylar is required before it goes to City Council; however, there have been some instances where changes need to be made i.e. drainage easements or changes during construction. She questioned if paper copy might be better to send to the City Council with signatures and then if there are no changes the mylar can be made before it gets recorded. She wondered if there was a specific reason to have it on the mylar. Fay stated the question that comes to his mind, is if there are substantial changes made to the mylar or paper then it would require a new approval from the Planning Commission. Toni stated small changes could be fixed on paper without having to redo the mylar. Darin stated a mylar is required before it can be recorded. Toni agreed and said as long as the mylar matches the approved paper copy then it could get recorded. Darin asked what the logic was for requiring it. Fay explained it was to have everything in place before City Council so the Council knew what they were approving. He stated he double checks everything before it is recorded. He stated he isn't opposed to allowing the Council to review it on paper as long as it is worded that no substantial changes can be made without the proper approval. The cost of mylar was discussed. Yovonda asked how signatures would be done on the paper form. Toni stated the owner signs and staff gathers the rest of the signatures. Toni clarified the paper copy would have everything the mylar is required to have. Yovonda asked if this change would facilitate the developer or staff more. Toni stated both. Fay mentioned the Council has approved a plat before with the condition of the mylar being done. Fay stated if it helps staff then he doesn't see a problem. Commissioners agreed. Toni stated she will advertise for a public hearing to this section of the code in February.

B. Discussion and review of possible ordinance changes regarding regulating vacation rentals in certain residential zones

Toni explained she underlined and italicized things that will need to be changed in Chapter 9 if vacation rentals are allowed. She stated short term rentals is in the end of the chapter. Chapter 9 is definitions of rental units, mobile homes and RV parks. Yovonda asked if vacation rentals should be removed from this chapter and a new chapter created just for them. Toni explained parts of this chapter correlate with rentals like on page 2, section 3-9-3 it states rentals of less than 30 days are prohibited. She added an exception under section 3-9-4 stating; *A single family home dwelling unit may be rented as a short term rental subject to the requirements for vacation rentals and the owner obtaining and maintaining in good standing a vacation rental license*. Mobile Homes was removed from exception A, under 3-9-4. Toni stated chapter 10 is Transient Lodging facilities, which is what short term rentals would be considered. She thought the requirements could be put in this chapter instead of the Land Use Code with a reference to short term rentals in the Land Use Code. Commissioners discussed the difference between an Owner Bed and Breakfast and a Commercial Bed and Breakfast. Toni explained the definition has always been in the chapter she just clarified an owner Bed and Breakfast has to be in an owner occupied home. Toni explained she took out *a garage attached or parking space conveniently located to each unit* from the Motel definition because there are already parking requirements in place. The definition for *Short Term or Vacation Rental: A detached single family dwelling unit used as a transient lodging facility* was added.

Darin asked why it had to be detached. Toni stated when the Commissioners previously discussed vacation rentals it was decided vacation rentals should only be allowed in single family homes, not a duplex or town home. So adding detached in the definition makes it not allowed in those types of homes. Ralph asked if casitas could be used as vacation rentals. Toni stated it wouldn't be allowed in casitas only the whole unit. Toni stated on page 4 under Management, an onsite manager is required for each bed and breakfast, boarding house, hostel, hotel or motel but she didn't want to require it on all transient lodging facilities because a vacation rental is considered transient lodging. The total number of people it can safely accommodate was added under section 3-10-3 for police department. Yovonda asked who would decide if it is safely accommodated. Toni explained the dwelling is what would be reviewed to ensure it is safe at the time of the permit. Toni stated she added a 24 hour notice is required if accommodations change i.e. a room is added. Ralph stated he thought 24 hours is too short because something could happen on the weekend. Toni suggested changing it 72 hours. Commissioners all agreed. Toni mentioned requiring the license to be display is good. She stated under 3-10-4 B a register wouldn't be possible on vacation rentals because there isn't anyone onsite so she added that exception. Toni stated she talked to the police chief and he would like to be able to have access to the guest register but it is the business owner's responsibility to have that information. If the police need the information, then they can contact the business owner. Toni clarified *guest* refers to the person that made the reservation not all people that are staying there.

Commissioners discussed if towels should be required under the sanitary section. It was decided paper towels would qualify for that requirement. Toni explained the requirements under this section are ones that the State requires. Changed the cleaning schedule to read *each transient lodging facility shall be cleaned after the departure of each guest and before the arrival of any subsequent guest.*

Toni stated on Page 7 it has the definitions out of the Land Use Code. She has highlighted thirty (30) days or less to get the Commissioners opinion on if it should it be changed to 28 to accommodate the shorter month of February. It was decided to leave it as thirty (30) days since there haven't been any problems. Toni stated page 7 under section 10-11-2 it describes the zone purposes. # C Residential Zones states *these zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.* She asked if vacation rentals serve those purposes. Commissioners decided to leave it.

Ryan stated it does mention diverse types of desirable developments. Ryan stated some Cities have put a lot of restrictions on vacation rentals to keep the area the same. He commented he thinks putting a limit on how many allowed in one area is better than putting restrictions on them. Commissioners discussed the need to put a limit on how many are allowed in one area so they don't get put all in one area. Darin asked what they are trying to control by putting a limit. Ralph stated he would rather control it based on complaints not punishing all of them with too many restrictions. Toni stated it would have to be done by distance from each other not sections or subdivisions otherwise they could all end up on the same street still. Ryan stated CCR's will help regulate them as well. Bob stated he thinks it will be self-regulated. Bill stated it will take a year to weed out the bad ones but it will regulate itself. Ryan mentioned Colorado's ordinance where they had fines if multiple complaints were received on a single residence. Ryan asked if there was way to regulate the bad ones to keep the neighborhoods as they were meant to be. Ralph stated it could be done by legitimate complaints. He asked Fay if there was a way to word that requirement so someone couldn't complain just to get rid of the rental. Toni stated that ties into the section on page 12 #J *The requirements of this section shall be in effect throughout the time a vacation rental license is in effect on the property, notwithstanding that such property may be occupied by the owner or non-paying guests of the owner. The City finds that given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements shall be based on*

whether the property is licensed as a short term vacation rental. She stated this requirement is there because there isn't any way to prove if they are a guest or not without being a private investigator. Darin stated at the end of page 12 it states *a vacation rental property license may be revoked if three citations are issued within a 24 month period.* Toni stated they will need to discuss how the citations are issued. Toni asked the Commissioners to go back to the chart on page 9. She stated if the vacation rentals are listed as permitted then a license isn't required. Commissioners decided to add a footnote that with a license they are permitted. Commissioners discussed what zones should be allowed to have vacation rentals. Bill stated parking is an issue in the areas with higher density. Yovonda stated the neighbors would be more affected with the closer houses. It was decided to allow them R-15, R1-10, and R1-8. Toni stated she put they weren't allowed in residential agriculture and asked the Commissioners if they thought it should be allowed. Ralph stated he thought they were big enough acres and they should be allowed. Commissioners agreed to allow them on all residential agriculture zones.

Toni explained pages 11 & 12 are regulations from other cities ordinances. Commissioners discussed if they wanted review each permit or if the permit should be handled like a business license. It was decided for staff to review and approve or deny each permit. *#C A short term rental shall not contain more than four (4) bedrooms. Or total number of occupants in a short term rental shall not exceed 12 persons of any age* was discussed. It was decided to remove C and not regulate the number of bedrooms. Toni read D-2. She commented that she has a problem of allowing people to run their business on the public street. Commissioners agreed public streets shouldn't be used for a home based business and this regulation should be included. Darin suggested putting language in so if there is a complaint then it can be addressed. Toni commented no signs should be allowed because it affects the neighbors. Commissioners decided to leave G in case there is a complaint. H was discussed. Toni stated this ordinance is for the owners to able to post the rules and have something to enforce if there are problems or complaints. Toni mentioned she thought the list of regulations should be posted on premises. All agreed. Ralph asked if they had to display that they had a short term rental. He suggested combining I with E and adding that any other signs are prohibited. Yovonda agreed they contradict each other if it says signs aren't allowed and then it says the information has to be posted. Toni stated it has to be in a City approved location for neighbors to be able to contact if there is a problem. Ralph suggested putting a size requirement and the information required with the clause *all other signs are prohibited.* All agreed.

Commissioners decided to separate, I, into 2 regulations so it isn't so long. Emergency contacts were discussed. Discussed J, if it is licensed as a vacation rental the rules have to be followed at all times no matter what the length of stay. Toni stated she thought K was good to have to remind people it is privilege not a right. Rules have to be followed. Yovonda suggested putting that one at the first for customer relations. *L. Annual Inspections* were discussed. Ryan suggested changing the language to *may be performed* instead of *shall be*. Toni stated it would be best to take out annual and put inspections on a vacation rental may be performed with a 24 hour notice to the property owner if deemed necessary. Toni mentioned she would like to combine the permit and business license so they aren't required to get both. Toni stated she liked the clause stating proof of guests staying wasn't required, they could be cited if they are advertising without a license. Fay stated it is good to have in there. A fine schedule with have to be levied. Fay asked if a class could be assigned to it because then a fee schedule is already in place. Fay explained the difference between infraction and Class C misdemeanor. Commissions decided to make it an infraction. Commissioners discussed the last ordinance, *A vacation rental property license may be revoked if three citations are issued within a 24 month period.* It was decided to change it to 12 months instead of 24 months. Toni stated the revocation process is covered in the business licensing chapter.

C. Updates and Goals for 2015

Toni stated she has money in the budget for a downtown plan. Commissioners decided to work on the Downtown Plan. She asked if they want to work on a lighting ordinance. Ryan stated he thought it needs to be looked at. Toni stated to protect the quality of life in Hurricane it needs to be reviewed. Ralph stated it will have to be monitored if an ordinance is put in place. Toni stated the Fire Chief is concerned with the number of multiple family dwellings on 600 North by Grand Legacy and the Zitting project that have been approved. She reminded the Commissioners of the need to be cautious about zone changes so too many don't get put in one area.

Toni stated she will do a final draft of the vacation rental and subdivision ordinances for the Commissioners to review on January 28th and then a public hearing will be on February 12th.

Adjournment at 7:45 p.m.