

**ON AUGUST 13, 2015 AT 5:00 P.M., THE HURRICANE CITY COUNCIL AND HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT.**

**City Council Present:** Kevin Tervort, Mayor Bramall, Darin Larson, Ethelyn Humphries, Pam Humphries, and Darin Thomas

**Planning Commission Present:** Ralph Ballard, Paul Farthing, Bill Wilkey, Bob Petersen, Ryan Cashin, Branden Anderson, and Yovonda Hall

**Members Excused:** John Johnson

**Staff Present:** City Attorney Fay Reber, Planning Assistant Cindy Beteag, and City Manager Clark Fawcett

Mayor Bramall called the meeting to order at 5:00 p.m. The Pledge of Allegiance was said and Ralph Ballard offered a prayer.

**1. Discussion and possible recommendations regarding vacation rentals**

Mayor Bramall stated this meeting is to give the public an opportunity to give input regarding vacation rentals as well as the Council and Commissioner's opportunity to discuss existing laws and possible changes. He commented the City wants to protect everyone's land rights as well as the health, safety and welfare of the community. He stated there is a request for a letter to be read in the meeting from Vicky Picket and Jeanette Beck. Mayor Bramall asked if they were present and if they would like to explain the letter.

Vicky Picket came forward and stated she is concerned about vacation rentals being allowed in residential areas. She stated she is so angry at the City Council for allowing a vacation rental on her street without warning residents before it happened. She felt notice should have been given before, not after, the license was issued. She mentioned she is an owner of condos and she knows how renters treat the property and it is the same story in any town. Ms. Picket stated there are little children on the block and it is unknown who is coming into the neighborhood. She stated her house is at risk when she is out of town because of the transient people. She feels rentals should be done in a hotel where there is legal cause if there is a problem. She stated she called the City Council to see what cop to call when there is a problem and they didn't know who to call. She explained she moved to Hurricane because it was a nice quiet place. There are a lot of older folks on her street and they want to keep it quiet. Ms. Picket mentioned her subdivision does have covenants that read the subdivision is only for residential use but there isn't an active HOA to enforce them.

Ray Belka stated he talked to Mayor Hirschi and he told him there are only two officers on each shift. Mr. Belka stated both officers are always on the highway not in the neighborhoods. He stated they need to be protecting his property. He stated he doesn't understand how the government can come in and tell people what can be in the neighborhoods. He stated property just keeps going up even though government says they are protecting people's rights. He feels they should have a lower property tax because of the rental. Mr. Belka stated Hurricane is getting a reputation for visitors which can create more crime. Mayor Bramall asked Mr. Belka if he was aware that Hurricane was voted one of the safest cities in America. The police force has also arrested over 55 people for drug related charges in the first six months of this year. City Attorney Fay Reber asked Mr. Belka if his home had been burglarized. Mr. Belka stated no. Mr. Reber commented there is no guarantee someone's home wouldn't be broken into or

vandalized with a cop sitting there 24/7. Mr. Belka stated he pays taxes for police and he wants them protecting his property.

Ryan Cashin stated security isn't the issue; the issue is to decide if residential neighborhoods are the right area for vacation rentals. He explained the meeting is to help decide what type of rules and regulations need to be in place to help protect the neighbors of vacation rentals as well as the property owners. Location of vacation rentals was discussed.

Mayor Bramall explained the City didn't allow any vacation rentals before this ordinance was passed except for three designated areas. Darin Larson stated Bill Wilkey is located in one of the areas that is currently zoned for vacation rentals. Mr. Wilkey stated they have found that there is more interest in keeping the properties and areas safe and neat when there is a vacation rental.

Ron Dosey Jr. stated he disagreed with Mr. Wilkey because he called 911 when the rental next to him was being too loud and a cop never came.

Vicky Pickett asked what happened to the homes that were operating before rentals were allowed. Mayor Bramall explained an ordinance wasn't in place that allowed the City to enforce other than sending a letter. Kent Dodge stated his son lives in Sandy and he has a vacation rental next door to him. He stated his son has multiple problems since he moved there including drugs, naked people in the back yard and their property taxes dropping. Mr. Dodge stated he is against the ordinance. He feels if there are three violations, the rental should lose their license.

Mr. Reber stated the ordinance already states if there are three violations the license can be revoked. Ryan Cashin asked if anyone in the audience had read the ordinance and if they understood it. He explained one of the reasons for the meeting tonight was to discuss the regulations and decide who has the ability to enforce them to ensure both sides are treated fairly.

Daryl Daughters stated there have been as many as seven cars at the rental across from him. He stated what bothers him most is all the kids which creates a lot of trash and no one takes care of it.

Cari Homer stated she has a home adjacent to a vacation rental. She stated she has read the ordinance and it seems clear but still a little vague. She feels it needs a little work. Ms. Homer stated one of her concerns is the pool hours. She stated 11:00 p.m. is an issue for neighbors who work or have small children. She asked for clarification on parking. She asked if any parking was allowed on the street. Council told her no parking was allowed off the property. Ms. Homer asked if the ordinance could restrict alcohol use around the pool. Mr. Reber stated if it is minor it is already illegal but if they are of age it is their right. Darin Larson stated that is why the noise ordinance was put into place. She stated it is important to nail down all the issues and treat each other with respect. Darin Larson asked if the owners of the vacation rental next to Ms. Homer lived there but leave when the home is rented. Ms. Homer stated yes. Mr. Larson stated he can see why that would increase problems. Ms. Homer stated she feels it is a burden on neighbors to police the rentals. Mayor Bramall stated that is the City's concern as well. Yovonda Hall mentioned the time frame for the pool hours was decided based on the hours in the noise ordinance.

Ron Dossey Sr. stated he is a retired law enforcement officer and has had to enforce at these rentals. He commented his biggest problem is the people coming and going and not knowing who they are. He stated he called to see what could be done about the noise, cars, and the parking on the lawn. He was

told to call the code enforcement only to find there is no code enforcement in place. He feels that is a major problem. He stated when he called the police they told him to call the number listed on the house as the local contact but when he called her she didn't know anything about it and stated she is only the cleaning lady. He feels there should be a thirty day notice to anyone within 1000 feet before a rental is issued a license. He feels having a vacation rental in neighborhoods changes the dynamic. He stated he is worried about safety and licensing but he does support the three violations rule. He feels a higher fine is necessary to discourage violations. He stated people need to know if the police are called then they will come. He also feels Hurricane is in need of more police officers. Mayor Bramall stated Hurricane has ten more officers than what is recommended for the population. Mr. Dossey stated he moved here because it is safe and he doesn't want to see it change. Ryan Cashin stated the income the City receives for vacation rentals isn't enough for the Council to base their decision on that. Mr. Dossey asked if the licenses could be frozen until an agreement has been made. Kevin Tervort stated he thinks they should be frozen.

Mayor Bramall stated his concerns are; 1. Annual inspection need to be done 2. If a rental receives one violation they are put on probation if they receive a second violation, they lose their license. 3. If there is an active HOA, they can enforce if they are allowed or not in that subdivision. 4. Tax ID number are required 5. There are rights for both sides 6. Code enforcement could be re-established 7. He likes the idea of a more serious fine.

Greg Reed stated he owns a rental in Dixie Springs. He explained he built the home in 2008 with the plan of moving in after retirement. His plan changed so he started doing short term rentals only to have code enforcement start sending him letters, so he stopped. He mentioned he has a big family that comes and goes so the house gets a lot of use. He stated he was trying to follow the code and do monthly rentals but he had more problems with long term rentals than short term rentals so he stopped renting it. Once he heard the City passed the ordinance to allow short term rentals, he got licensed and started doing it again. His stated his property is in better shape now. He has it cleaned professionally after each use. He explained since this is not his primary residence, he pays double the property tax. He feels the ordinance has some teeth but stated some corrections could be made. He is in favor of this ordinance. He stated he knows three people that want to buy here because of this ordinance. Pam Humphries asked if he had a local contact that neighbors or renters could call. He stated yes all numbers are posted on the house. Darin Larson pointed out having the contact number posted is a requirement in the ordinance.

Ron Dossey Jr. stated he would like to see the ordinance changed to require a professional management company to oversee all rentals. He feels a check-in time should be established. He stated he has had vacationers coming in at all hours of the night across from him and he feels that is unfair. Darin Larson asked what is to stop a regular neighbor from being too loud in the night. Mr. Dossey stated he would have more of a relationship with a full time neighbor and could talk to them about the issue as opposed to someone who is only there for a few days. He mentioned he talked to Toni Foran about who to contact regarding enforcement and she told him she would have to contact the attorney to see where to go from here. He stated the violations need to be listed and who can enforce them should be in the ordinance. Mr. Larson asked Mr. Dossey if he saw a winning solution for both sides. Mr. Dossey stated he feels a solution could be found.

Kendall Clements stated he operates about fifty vacation rentals in the county. He operates one of the first rentals in Hurricane to receive a license. He commented he thinks Hurricane's ordinance is one of the best ordinances that he has seen. He suggested using property managers to enforce rather than the owners. He stated he deals more with destruction and conflicts on property from long term rentals than short term rentals. He stated one of the biggest complaints he hears on short term rentals is neighbors

that feel like they don't have a voice to address concerns. He explained his company does all check-ins in person to control who all is in the house. He stated short term rentals are paying higher fees and he feels there are some positives in allowing them.

Ray Belka asked if someone opening a vacation rental could get all neighbors approvals before getting their license. Mayor Bramall read the section of the ordinance regarding notifying neighbors of a potential vacation rental. Ryan Cashin explained there are many different areas to discuss such as location of rentals and notifying neighbors. Mayor Bramall stated the City is looking at different areas that would be zoned to allow vacation rentals. He stated there is a demand for vacation rentals in Hurricane but the City wants to do it respectfully and lawfully. Pam Humphries stated she lived in Angel Heights until recently and she agrees having a vacation rental in the neighborhood changes the continuity; however, she had a neighbor renting out her basement for over a year and she had no idea a rental was there. She stated if they are managed correctly, it can work.

Don Parish stated he owns a home in Dixie Springs and he has rentals around him. He stated his problem is they aren't rentals; they are motels, used by large groups or multiple families. He stated the recent renters partied all weekend. They didn't show up until 2:30 a.m. and then proceeded to unloaded ATV's in the night. He commented the following days they raced up and down the street. Mayor Bramall stated Mr. Parish should call that issue in to the police. Mr. Parish feels it is a commercial use and shouldn't be allowed in residential.

James Cheney stated he lives next to a rental in Dixie Springs and he didn't even know it was rental. He explained he is builder and fifty percent of the homes he builds are used as rentals. He commented the majority of people that use these rentals have trailers and ATV's because that is the lifestyle. He thinks it is a good idea to regulate it to ensure safety. He stated values do go up when rentals are allowed in the neighborhood. He stated more people are interested in building here because they have that option to do a rental. He questioned if it was possible to pass the fine on to the person that is staying there if there was a violation as opposed to the owner.

Anavon Dodge stated she appreciates Mr. Reed's earlier comments regarding getting his house professionally cleaned after each renter. She stated her concern with the rental next to her is they can't afford the house and that is why they are doing it as a vacation rental. She explained the family lives there and leaves each time it is rented. She is concerned if they can't afford the house then how can they afford to have it cleaned before and after the renters are there as well as seeing the little kids torn from their house every time it is rented. Ryan Cashin stated one of the concerns when the ordinance was drafted was the possibility of someone trying to rent their house out while they lived there. He commented the ordinance wasn't taken far enough to not allow a rental if it is their primary residence. Pam Humphries asked if a single room could be rented. Mr. Cashin stated it isn't allowed. It was discussed again to require professional management company to oversee all rentals. Mayor Bramall stated there are a lot of responsible people that can control their property so it shouldn't be a requirement unless they receive a citation. Mr. Cashin asked for direction from the City Council on vacation rentals and Air BNB.

Darin Larson asked the City Council to send an email with their concerns to Ryan Cashin or Cindy Beteag so the Planning Commission can discuss changes to present to the City Council. Mr. Cashin told the people in attendance to watch the agendas if they would like to be involved in the process. Yovonda Hall suggested getting ideas beforehand so they can review them. Ryan Cashin explained process of changing an ordinance.

Hurricane City Joint Work meeting minutes 8-13-2015

*Kevin Tervort motioned to issue a moratorium on all new vacation rentals until a new ordinance has been approved subject to all any pending vacation rental applications. Pam Humphries seconded the motion. The vote was as follows; Kevin Tervort-Aye, Mayor Bramall-Aye, Darin Larson-Aye, Ethelyn Humphries-Aye, Pam Humphries-Aye, and Darin Thomas-Aye. Motion carried.*