

**ON NOVEMBER 12, 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:** Yovonda Hall, Paul Farthing, Bill Wilkey, Ryan Cashin, Bob Petersen, Branden Anderson, John Johnson, and Ralph Ballard

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

The meeting was called to order by Chairman Cashin at 6:00 p.m. The Pledge of Allegiance was led by Bob Petersen and John Johnson offered the prayer. Roll call was taken.

**Approval of agenda:** Bob Petersen motioned to approve the November 12, 2015 agenda as posted. Yovonda Hall seconded the motion. Motion carried with all Commissioners voting aye.

Chairman Cashin opened the public hearing at 6:01 p.m. to take comments on the following proposed Land Use Code Amendment:

An amendment to Title 10, Chapter 3 Definitions, Tables 10-13-1 and 10-14-1, Chapter 34 Off Street Parking, and Chapter 51, Bed and Breakfast to establish new definitions, standards and parking requirements for home Bed and Breakfast and Residential Hosting facilities

Kevan and Shelly Adams. Kevan Adams stated he appreciates the work the Commissioners have put into this ordinance but he has a couple concerns on the proposed draft. He handed out pictures of a number of homes close to where he lives. Mr. Adams went through the five pictures explaining why each one would be a great home to do residential hosting. He stated they each meet all the requirements in the proposed ordinance other than the zone where they are located. He stated he just gave the Commissioners six examples, counting his own home, of homes that should qualify for residential hosting but don't because of their zone. He stated the Commissioners have put eight months into working on this ordinance and the ordinance was intended to make it possible for all single family residential homes but was changed at the last minute to only allow R1-8 and larger. He stated the Commissioners rewrote this whole code with new requirements to give more people opportunity of doing residential hosting. He asked the Commission to reconsider and make residential hosting available in all single family zones including MH/RV and possibly multi family. He stated that is why they recreated the requirements. He asked them to also reconsider not allowing them on dirt roads. He stated there are a lot of great locations with no safety concerns that are located on a dirt road. He feels if the house is deemed able to be occupied then it should be allowed. He stated it is too restrictive of where residential hosting is allowed.

Chad Utley, attorney in St. George, stated he was asked by Brian Sanderson to assist him in addressing the Planning Commission tonight. He stated Mr. Sanderson's concerns are the same as the previous speaker. He read development standard *H: Street Standards: A home bed and breakfast or residential hosting facility shall be located on a public street that meets fire code requirements and is not a dirt or gravel road.* He stated *public road* and *no dirt or gravel road* is one of the proposed changes. He stated they don't understand why it was added. He stated it doesn't seem there is any evidence for that additional language. He stated there are existing homes that have received a certificate of occupancy and met all fire codes so why couldn't they be occupied by short term tenants. He stated in theory residential hosting basis is only for two to three rooms, which is not a substantial amount of people. He stated the proposed changes would create an undue burden and he would like

them stricken from the ordinance or he would like the Commissioners to address the evidence of why the language was added.

He mentioned they have other concerns with where there may be conflicts of interest with members of the Commission who may or may not want to host residentially. He stated if that is the case and these restrictions go into the ordinance, then they look a little self-serving. He asked any Commissioners to excuse themselves if they are interested in doing residential hosting for themselves. Chairman Cashin stated he would like to address their concerns of the proposed changes concerning the road. He stated when people are here temporarily and they are not familiar with their surrounding it can create a hazard if a natural disaster was to occur. He stated the Fire Department also recommended these changes for make emergency access easier. City Attorney Fay Reber stated he is unsure of all the reasons but he thinks the question Mr. Utley is asking is, if the homes were approved initially and the City had those same concerns with gravel roads and emergency access then how were residents allowed to maintain a home there. He asked what is the difference. Chairman Cashin stated someone coming in on a temporary basis wouldn't know the risk or situation but someone who lives there knows the concerns. Mr. Utley asked if the City required the same for all home based businesses. Chairman Cashin stated that is a different situation because in other businesses they are only there for an hour or so, not overnight. Mr. Utley asked the Commissioners to remove the language. He stated a daycare would be a higher concern than residential hosting and he feels they should be the same standard. Paul Farthing mentioned when some of these homes were built twenty or thirty years ago there was a lot of codes that were not enforced and they wouldn't be allowed today.

Brian Sanderson stated he lives in Hurricane. He stated his concerns are what Mr. Utley presented. He thanked the Commissioners for their work. He asked when the City last approved a building permit on a gravel road. Chairman Cashin stated it would have to be researched. Mr. Reber explained the Planning Commission does not approve building permits so they wouldn't know when one is approved. Mr. Sanderson asked if they all agreed an HOA on a PDO development overlay exist to govern themselves. Chairman Cashin stated they are an organization on their own but the City doesn't regulate them. Mr. Sanderson stated there has been discussion of not allowing areas with a PDO overlay or subdivisions with an HOA to do residential hosting. Chairman Cashin explained if an HOA didn't allow residential hosting then the City wouldn't allow them to have a license. Mr. Sanderson asked why the Commissioners are proposing to only allow R1-8 and larger for residential hosting. Chairman Cashin stated mainly because of the size of the lot. He stated there are some examples of lots who have the property but the zoning doesn't coordinate properly so the City is trying to work at rezoning those areas correctly at the City's cost. Mr. Sanderson stated in 2009 the City Council approved the home based business ordinance. He asked if the Commissioners were involved with that ordinance. Toni Foran stated it is in the Land Use Code so the Planning Commission would have made a recommendation to the City Council. Mr. Sanderson read statement from the home based business chapter, *Modification of Structures: There shall be no visible evidence from the exterior of a dwelling or structure that it is being used for any other purpose than that of a dwelling or accessory building.* He asked why the Planning Commission and City Council would agree to that. Chairman Cashin stated that doesn't apply to tonight's topic. Mr. Reber stated it is not fair to go back to 2009 when these Planning Commissioners may have not been present. Mr. Sanderson stated he thinks that language was put into the ordinance because the surrounding residences don't want the home based business to stick out. He stated he brings up this point because the proposed ordinance has parking restrictions that state they can take up to as much as 40% of the front yard of the home with concrete and they cannot park on the street. He is concerned people will start pouring a driveway right in front of their house to accommodate the guests and then they will put a sign up to announce that it is a business. He thinks the City will receive a lot of complaints regarding signs and driveways. He thinks the Planning Commission should strike the no street parking restrictions. Chairman Cashin stated the ordinance has changed since 2009 and there is not a restriction on the driveway width now. He stated off street parking is already restrictive on residents who park on the street for more than 48 hours. Mr. Sanderson stated if the guests were there less than 48 hours then what harm

is done. Chairman Cashin stated the purpose of not allowing on street parking was to reduce the congestion on the street. He stated it is a safety issue. Mr. Sanderson stated that should be in the code for residences as well. Chairman Cashin read 10-34-5 D.1; *Vacant lots, public rights of way, or open land areas shall not be used as parking areas for customers or employees.* He explained this requirement is already in the ordinance so by adding it to this section it makes it comply with the current ordinance.

Mr. Sanderson stated in 2011 the State of Utah mandated that all municipalities adopted a set of parliamentary rules to govern meetings. He mentioned a work meeting that voluntarily became public hearing because Mayor Bramall allowed it. He stated someone could have a lawsuit because it wasn't properly advertised. Chairman Cashin clarified someone could take action if a decision was made but no decision was made. Mr. Sanderson stated any rules adopted by the City are to protect the City and the citizens. He stated in Robert's Rules of Order it says any person with financial interest in anything that is discussed or voted on should recuse themselves from the discussion. Chairman Cashin explained they are not a voting body they are a recommending body. He told Mr. Sanderson if he is questioning the procedures, he needs to discuss it with the City Attorney. Mr. Sanderson asked Chairman Cashin if he was planning on doing residential hosting in the house he was currently building. Chairman Cashin stated that is a possibility in the future. City Attorney Reber clarified all the Commissioners or Council members who own a home in Hurricane that may be affected by an ordinance are not required to recuse themselves.

Kendall Clements, owner of Escape Properties, stated he operates vacation rentals throughout Washington County. He thanked the Commission for all their efforts and expressed how great they are to work with. He asked if someone could apply for a variance if they live on a gravel road and wanted to do residential hosting. Chairman Cashin stated Public Safety has asked a hard packed surface is required. Mr. Clements asked if they did compaction would they qualify. Ms. Foran stated all variances go to the Board of Adjustments.

Kristen Fawcett stated when they did a conditional use permit for a casita they signed a deed restriction stating they wouldn't rent the casita out separate from the house. She explained her son is living there now but she is wondering if there was a possibility of renting it out in the future. She stated she feels there is a conflict in the ordinance because she can't do residential hosting because it is two units but she can't do it as a long term rental because it is a single unit. Chairman Cashin explained this ordinance was modified to meet today's standards for overnight hosting. He stated casitas are still being considered. Ms. Fawcett stated it is considered a one person dwelling unit according to the bank. She asked the Commissioners to consider being able to rent casitas.

Darin Larson stated a comment he received from a citizen was for the Commissioners to consider allowing residential hosting in the other zones as a conditional use permit. He stated there are always variations in the zones and stated it could be a possibility to allow them with a conditional use permit. Chairman Cashin stated they did look at doing that but a conditional use permit goes with the land and they are trying to make it consistent with the business license chapter.

Kevan Adams stated he would like to respond to some of the comments that have been made. He stated it was discussed conditional use permits wouldn't work but they are currently allowed now and there haven't been any problems. He stated he thinks the casita should be discussed for residential hosting and now is the time to discuss it. He stated if it is hosting then it is still a single family use. He stated long term rentals in casitas become multifamily. He stated this ordinance conflicts with the business license chapter. He stated by requiring the parking people have to modify their homes. Chairman Cashin explained the ordinance means an owner can't add doors to close off the rental. He stated the reasoning for the language is the Commissioners want people to leave their home as a residential structure not a commercial structure. It doesn't say you can't change the driveway. Shelly Adams stated they have kids that come and go that park on the street when they are there. She

asked if someone will be policing if it is a guest or a child. Chairman Cashin stated parking will be looked at during the application process to see if it meets the requirements and then it would be by complaint if people are parking on the street. Mrs. Adams stated when they were doing a bed and breakfast the guests were only there really early or really late. Mr. Ballard stated part of the consideration for no parking on the street was it helps eliminate people from parking in front of the neighbors. Mrs. Adams commented the people that do Air BNB have yards that look a lot better than other residents. Chairman Cashin agreed hosts can't afford the negative reviews so they keep their yards clean. Mr. Adams stated this has a financial economic impact on Hurricane. He is part of board at Hurricane High School that deals with how they spend land money. He stated residential hosting doesn't require a lot of capital; if you have a house and you're a good host, you can do well at it. He stated there could be a great family on a smaller lot that is struggling who could use the extra money by doing hosting.

Brian Sanderson stated he agreed with the Adams' and residential hosting should be allowed in all zones. He stated the free market works itself out. He stated Chairman Cashin previously stated to him that Hurricane City approves houses on gravel roads all the time. He stated if the City is allowing homes to be built on gravel or dirt roads then a quick easy fix would be to strike that it isn't allowed on a gravel road in the residential hosting. He mentioned if it is on a gravel road the City could require the owner has to advertise as such.

The Public Hearing closed at 7:04 p.m. and the Public Meeting began.

**2015-PP-13 Consideration and possible recommendation to the City Council for an updated Preliminary Plat for the Retreat at Sand Hollow Resort – Sand Hollow Resort applicant: Robert Allen agent**

Robert Allen, agent for Sand Hollow Resort, asked if any of the Commissioners had questions. Chairman Cashin asked Mr. Allen if he had seen the JUC and staff comments. Mr. Allen stated yes. Toni Foran read in comments from Ash Creek Sewer District; when construction drawings are done watertight manholes are required and no basement sump connections to sewer. Ralph Ballard asked if any basements were planned. Mr. Allen stated there aren't any house plans yet. He explained they pass along the information to people who purchase lots but they can't tell them they can't have a basement. Branden Anderson asked if the geotechnical report would be provided in the future. Mr. Allen stated yes. Ms. Foran explained as people apply for a building permit they have to sign a waiver that they are aware of the conditions in this area. Paul Farthing asked if a geotechnical report was required for each building. Ms. Foran stated yes. City Attorney Reber stated the waiver also says even if there a geotech report stating they can build a basement the city is not guaranteeing there won't be problems with the soil and the owner takes all responsibility.

*Bob Petersen recommended approval of application 2015-PP-13 to the City Council subject to JUC, staff, and Ash Creek Sewer District comments; 1. Storm drain and retention basin design will be required. 2. Current road cross sections are shown. 3. Well protection zones should be identified. 4. Shallow groundwater areas should be identified. 5. Lot sizes meet the overall density requirements of the PDO preliminary site plan. They vary in size from 13,405 square feet to 6,958 square feet, with the average size around 7,000 square feet. One corner lot, #337, appears too small to accommodate the corner lot setback requirements and fit a house. The developer might want to look closely at this lot before final plat to ensure it is developable. 6. No geotechnical information was submitted with the preliminary plat application. This area is subject to wind-blown sand and shallow groundwater. Basements are not recommended. Wind-blown sand is an adverse construction condition and is not likely to cause extensive property damage or loss of life. 7. A detailed landscape plan for common areas will be required with the final site plan for each phase. 8. Walls are not permitted in other phases of the Retreat but it is not clear if a wall will be placed between the twin homes and the lots in phase 4 that back up onto them. If there is a wall, a pathway between lots 441 and 443 to the open space in the townhomes could create better neighborhood connectivity. 9. A no access line will be required behind lots 443, 327, 326, 325, 324, and 323 to ensure 3150 South Street has no driveways. 10. Watertight manholes are required. 11. No basement sump*

*connections to sewer. John Johnson seconded the motion. The vote was as follows; Yovonda Hall-Aye, Paul Farthing-Aye, Bill Wilkey-Abstained, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

**2015-PP-14 Consideration and possible recommendation to the City Council for a Preliminary Plat for the Villas at Canyon View – a 6 unit townhome subdivision located at the corner of 600 North and 2480 West – Rick Christensen applicant**

Gerold Pratt, representative from Pratt Engineering, stated he is aware of the staff comments and he feels like they have addressed them. Toni Foran stated the applicant has brought in a new landscaping plan but that is for the site plan application. Mr. Pratt mentioned the comments reference the colors need to be on record. He stated they understand black roofs are frowned upon so they are changing the roof color to gray. Ms. Foran stated that is all site plan not preliminary plat. *Paul Farthing motioned to recommend approval of application 2015-PP-14 to the City Council subject to staff and JUC comments. 1. Private sewer agreement is required. 2. Individual lots consist of the building pads only. Common, limited common, and private areas have been shown. Landscape areas adjacent to parking in front of units 4 and 5 should be common or limited common. The developer might fine tune these areas as final plat and condominium documents are finalized for final plat. 3. The geotechnical note submitted on the preliminary plat shows some caliche and shallow bedrock as adverse construction conditions. 4. Condominium documents including HOA and CC&R documents will be required before final plat. 5. Final plat submittal must be accompanied by a final site plan application. Common area landscaping and maintenance and ownership must be addressed. Bill Wilkey seconded the motion. The vote was as follows; Yovonda Hall-Aye, Paul Farthing-Aye, Bill Wilkey-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

**2015-FSP-07 Consideration and possible approval of a final site plan for the Villas at Canyon View – a 6 unit townhome subdivision located at the corner of 600 North and 2480 West – Rick Christensen applicant**

Chairman Cashin explained this is the application where the colors and the landscaping plan apply. It was clarified the roof will be gray with white trim. Toni Foran handed out the new landscaping plan. Mr. Pratt stated they added a block wall on the west and fixed the landscaping. Ms. Foran stated the only two items that need to be determined is the lighting plan and the detention basin but they can be addressed later. *Bob Petersen motioned to approve application 2015-FSP-07 subject to a lighting plan that complies with the standards in 10-33-5-F of the Land Use code being approved by staff before construction begins and a landscape and surface finish design for the detention basin must be submitted and approved. The colors for the project will be gray and white. John Johnson seconded the motion. The vote was as follows; Yovonda Hall-Aye, Paul Farthing-Aye, Bill Wilkey-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

**2015-CUP-16 Consideration and possible approval of a Conditional Use Permit for a tattoo establishment at 985 W. State unit #4 – Fredrick A. Martinez applicant**

Fredrick Martinez explained his family has a tattoo shop in St. George. They moved here fifteen years ago and they have had the longest operating establishment in this area for this type of business. He stated he and his father have recently split ways and instead of competing with his dad, he would like to open in Hurricane. He stated he has many clients here. He stated he takes a lot of pride in his work and he wants it represented correctly. He explained with the TV shows and internet promoting tattoos, it is a growing thing. He would like to offer a safe environment instead of people trying to do it in the house or garage. Chairman Cashin asked if he is required to meet health requirements by the state. Mr. Martinez stated he is licensed but it was for St. George so he would have to get approval for the Hurricane location. Chairman Cashin clarified this business requires a health safety inspection. Mr. Martinez mentioned he included examples of his work in the application. He stated he has a lot of cliental that he will bring to Hurricane. Chairman Cashin stated the South West Health

Department has established regulations to ensure body art facilities operate in a manner that will protect the public health, safety, and welfare, prevent the spread of disease, and prevent the creation of nuisance. He stated Mr. Martinez has to stay in compliance with that requirement and State Law does not allow minors to get body piercing or tattoos without the consent of a parent or legal guardian. Bob Petersen commended Mr. Martinez on the great application. He thought it was very thorough and a great location for this type of business. Mr. Martinez stated he knows this business is tagged with negativity but they have a high standard and he plans on representing well. *Branden Anderson motioned to approve application 2015-CUP-16 based on the staff findings; 1. The proposed use is in keeping with the General Plan and Land Use Code. 2. The facility will not have negative effects on surrounding properties 3. The facility will have a positive economic impact on the area and surrounding properties. 4. If the proposed use abides by the Southwest Utah Health Department regulations and the State law there should be no negative effects on the health, safety, and welfare of the community. Bill Wilkey seconded the motion. Yovonda Hall asked if any neighboring businesses were present and had any issues with this business opening by them. No one was present. The vote was as follows; Yovonda Hall-Aye, Paul Farthing-Aye, Bill Wilkey-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

**2015-FSP-08 Consideration and possible approval of a Final Site Plan for Phase 1 of Zion Village Townhomes, 7 townhome buildings with the pool, clubhouse, and associated parking and private driveways at approximately 200 N. 2170 West – Zion Village Development Inc. applicant; Todd Getz agent**

Chairman Cashin asked Mr. Getz if he was aware of the staff comments. Mr. Getz stated yes. Branden Anderson asked if all the parking issues had been resolved. Chairman Cashin stated the site plan is a big change. Toni Foran stated the biggest change is the alley way that has parking at end or either side so single garages are able to park there. She stated if the Commissioners want to specifically state stack parking is allowed on the other single car garages then all parking is covered. *Branden Andersen motioned to approve application 2015-FSP-08 with the approval to take effect when a Memorandum of Understanding on 2170 West road and associated utility development is signed. Before construction begins on the site a lighting plan that complies with the standards in 10-33-5-F of the Land Use code must be submitted to staff and approved. The final landscape plan must be submitted to staff and approved before the plantings are started and all staff comments are included. Bob Petersen seconded the motion. The vote was as follows; Yovonda Hall-Aye, Paul Farthing-Aye, Bill Wilkey-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

**2015-FP-07 Consideration and possible recommendation to the City Council on a Final Plat for Zion Village Townhomes Phase 1, a 7 building Recreation Resort subdivision located at approximately 200 N. 2170 West – Zion Village Development Inc applicant; Todd Getz agent**

*Bob Petersen motioned to recommend approval of application 2015-FP-07 to City Council subject to the review of C&R's before recordation. Branden Anderson seconded the motion. The vote was as follows; Yovonda Hall-Aye, Paul Farthing-Aye, Bill Wilkey-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

**2015 – FSP-09 Consideration and possible approval of a Final Site Plan for a commercial composting site at approximately 1455 W. 3000 South – Kent Beecher applicant**

Kent Beecher stated they want to start a composting business on John Bramall's property. He stated there is a high demand in Washington County and Mesquite. Chairman Cashin asked if Mr. Beecher was aware of the staff recommendations. Mr. Beecher stated yes. Chairman Cashin read the comments; 1. Site plan is for an agricultural use in an agricultural area. 2. Property is zoned RA-1 and Agricultural Business is permitted in the zone. And subject to the following conditions: 1. Any dust be controlled. 2. Adequate room is left for vehicles to back up on the lot and enter 3000 South facing forward. City Attorney Reber asked what materials would be composted. Mr.

Beecher stated cow, goat and horse manure. He explained there are 250 horses at the fairgrounds and he has the contract to collect the manure. Mr. Reber asked if he was governed by state law. Mr. Beecher stated no. Mr. Reber stated the landfill has a composting operation that involves mixing human waste and they are required to meet a lot of conditions. He stated they have an odor problem and have to meet regulations for that as well. He asked if that is a problem with this business. Mr. Beecher stated the landfill stopped composting with human wastes so now they are just composting grain. He stated there is an odor but nothing compared to the landfill. He stated because the smell is so strong, they mix sand with the manure and that cuts the smell down. He explained the compost is in a pile so the smell stays there. Chairman Cashin commented some facilities cover their compost piles. He asked if the applicant would be covering the piles. Mr. Beecher stated theirs will be open. Bill Wilkey questioned the circumference the smell would extend to. Mr. Beecher stated John Bramall lives the closest and he isn't concerned. Paul Farthing stated the pictures Mr. Beecher handed out showed pallets being ground up. He asked if pallets would be stored out there. Mr. Beecher explained they got a machine because they were going to the dump twice a day. They also produce mulch for groundcover. Chairman Cashin asked if they would be producing the mulch on this site. Mr. Beecher stated they would sell it there but they wouldn't grind the mulch there. Ms. Foran stated that changes the application. Mr. Beecher stated they would grind the pallets in Washington. He stated they do not have plans for selling the mulch at this time but it is a possibility in the future. He stated they mainly just want to compost the product on this property. Ralph Ballard asked staff if selling the product was the issue. Ms. Foran explained he is processing by bringing in manufactured products to mix and sell; which isn't the same as an agriculture business. Branden Anderson clarified they are discussing composting only and if they want to change it in the future he would have to come back in for approval. Mr. Beecher stated yes. Mr. Reber asked how much compost they plan on producing. Mr. Beecher stated about 10,000 yards or about 5 tons a year. Mr. Reber asked if it is in piles as it processes. Mr. Beecher explained there are three piles. One for the manure brought in, the composting pile, and the finished product. Bob Petersen asked if it is approved and it becomes a nuisance, could anything be done. Ms. Foran stated there is always nuisance complaints but it is harder to control after it is approved. Mr. Reber stated he is concerned about the smell but also knows the Solid Waste District has rules on disposal that it requires all waste to be deposited at the land fill. He doesn't know if this qualifies as the waste they are referring to. Mr. Beecher stated composting changes the makeup of the material. It becomes nitrogen to feed the plants. *Paul Farthing motioned to approve application 2015-FSP-09 subject to the staff findings; 1. Any dust be controlled. 2. Adequate room is left for vehicles to back up on the lot and enter 3000 South facing forward. John Johnson seconded the motion. Bill Wilkey stated if the odor does cause a problem, they need to have something in the approval to help resolve it. Mr. Reber stated the only thing they could do is have it declared a nuisance and go through the abatement process. He suggested adding a condition that approval is subject to controlling odor within reason. Mr. Farthing amended the motion to include controlling odor within reason. Yovonda Hall stated odor is subjective. She stated manure has an odor to begin with so anyone could complain. Mr. Reber stated they could define it better and say the odor is controlled to the extent it does not interfere with surrounding home owner's right for quiet use and enjoyment of their property. Mr. Farthing amended the motion to include the condition on odor as stated by Mr. Reber. John Johnson seconded the motion. The vote was as follows; Yovonda Hall-Aye, Paul Farthing-Aye, Bill Wilkey-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, John Johnson-Aye, and Ralph Ballard-Aye. Motion carried.*

**Commission Work Session:**

1. **Continued discussion regarding zone changes in areas of collapsible/expansive soils.** Toni stated staff has been working on getting all property owners identified but she wanted to make sure this is still the path the Commissioners wanted take. She suggested setting a date in January to hold a meeting for all property owners to come in to discuss the zone change. She recommended changing it to A-5 if they decide to do the zone change. Ralph asked what area would be changed. Commissioners discussed the

area that would be affected. Toni stated they have looked at the Geotechnical maps and the area is larger than what is on the map. She asked if they want to proceed. She stated she knows some of the City Council wants to avoid the problem of one acre zones. She stated it is not going to be easy because some people want to subdivide and won't want the larger zoning. Ryan stated one of things the City wants to accomplish is to preserve agriculture. Ralph stated they are too late on saving agriculture but he doesn't think the City should force people to do something with their property they have had for a long time. He thinks the owner should determine the best use for their property. He suggested instead of doing a zone change, they should address the collapsible soils. Bill asked if Ralph meant requiring a geotechnical report to show what areas can be built on. Darin stated the City Council is looking at putting a deed restriction on properties that have soil problems but that is to protect litigation against the City. Toni mentioned the infrastructure collapses as well. Darin stated they can add in language to over excavate the roads more in those areas. He stated if they proceed with the zone change, they would have to notify all owners in area. Some people would be for the change and others wouldn't want the change. The City needs to look at it from the perspective are they a preserving the area or should they allow it to be developed as market dictates. Ralph asked if they could include language in the ordinance to protect the roads and infrastructure. Toni stated she thinks it is more of a policy decision. Do the Commissioners want to keep the General Plan as agriculture or do they want it to get developed. She doesn't think it has to do with property rights; it is if the General Plan is still what they see as best for Hurricane. She stated the zoning map doesn't match the General Plan. Ralph mentioned it is the coarsest ground in the area for agriculture.

2. Toni stated the Residential Hosting wasn't on the agenda as a voting item. She suggested putting it on the next agenda to discuss the comments heard during the public hearing and then make a recommendation to the City Council. Ryan stated he talked to Fay before he left tonight and he asked him to bring some type of language regarding if they make residential hosting a conditional use permit because it is a conflict with the business license permit. Yovonda stated Kevan was referring to it is currently a conditional use permit but they are proposing it to be permitted in those zones and he wants it to be permitted in those zones and conditional use in the smaller zones. She stated she thinks his theory is that if the house fits they should be able to host but the Commissioners are looking at properties not the building. Ralph stated he thought the discussion on the roads was valid. He stated he thought the Commissioners put the requirement of no dirt or gravel roads in the ordinance because of the dust but that wasn't mentioned in tonight's meeting. Yovonda stated someone who does residential hosting will create more dust and traffic. She stated when someone applies for a conditional use permit one of the biggest concerns is if it effects the neighbors. She stated as they make this ordinance they need to ensure it doesn't disturb the neighbor's life. Ralph stated they need to make sure the reasons for no dirt or gravel roads i.e. dust and not take away from other residents is in the findings. Paul stated residential hosting is a commercial venture so the owner should meet commercial requirements. Yovonda stated it shouldn't be at the expense of someone else. Ralph suggested having them permitted in R1-8 and above or by a conditional use permit if the lot meets the size requirements. Toni stated they would need to make it conditional use permit in the chart for the smaller zones. Bob asked if they could do it as conditional use permit for all lots 8000 square feet or smaller. Toni stated that is too hard to make it work in the code. Bob asked if the Commissioners could make the conditional use permit end if the owner sells the property. Toni read the approval standards for a conditional use permit; *a conditional use permit may be issued only when the proposed conditional use is allowed by the zone where the conditional use will be located, or by another provision of this title. Conditions may be imposed as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of a conditional use, upon the city as a whole, or upon public facilities and services. Such conditions may include, but are not limited to, conditions concerning use, construction, character, location, landscaping,*

*screening, parking, hours of operation, and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in a motion authorizing a conditional use permit. She stated it also reads, unless otherwise specified by the planning commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land. She stated it does say they could put a condition that the conditional use permit ceases if there isn't use on the property for over a year. She stated the use may be transferred as long as it still conforms. Paul asked if they could put an expiration date on the conditional use. Toni stated the ordinance reads, a conditional use permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within one year after approval. She explained if the person that gets the approval for residential hosting doesn't ever operate then it would expire in a year. Ryan stated he doesn't see a problem with allowing it as conditional use permit in the smaller zones. Toni stated it gives the Planning Commission the chance to review each application in the smaller zones. Commissioners discussed their consensus was not allowing residential hosting in casitas. Darin stated the City Council is doing a public hearing on whole house vacation rentals next week. He explained it isn't required but they have chosen to hold a hearing. Toni mentioned Kevin Tervort thanked the Commissioners for their work on the vacation rentals.*

**Staff and Commission concerns and updates**

Ralph stated he thinks someone should only be allowed to talk once during a public hearing.

**Meeting adjourned at 8:35 p.m.**