

ON JUNE 11, 2015 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSISON MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE,UT

Members Present: Paul Farthing, Ryan Cashin, Bob Petersen, John Johnson, Branden Anderson, Ralph Ballard and Yovonda Hall

Members Excused: Bill Wilkey

Staff Present: Planning Director Toni Foran, City Attorney Fay Reber and Planning Assistant Cindy Beteag

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 June 11, 2015 agenda as posted. John Johnson seconded the motion. Motion carried with all Commissioners voting aye.

1. Discussion and request for interpretation of vacation rental regulations regarding renting of entire property but only allowing guests to use the casita – Keith and Mary Seely

Toni Foran stated when the vacation rental ordinance was approved it was discussed if the whole house, just a room or casita could be used. Chairman Cashin stated in most cases casitas have a deed restriction to not allow individual rental but this one is located in a zone where casitas are a permitted use and it was built before the ordinance was in place.

Mary Seely introduced herself and her husband, Keith. She stated they have lived in Hurricane for thirteen years. She explained her husband is a contractor and remodeled their outbuilding to a casita for her mother in law. Her mother in law passed away last year so they have been using it for family. She stated her daughter's friend told her about Air BNB and she thought it was a good use for their casita. She felt it was a good way to offset the mortgage and optimize the use of their home. She stated she thought it was completely legal since it is used worldwide and gave them a W-9 tax form. They had only been listing it for a week when they received a letter from the City. She stated they went and talked to Ms. Foran as soon as they received the letter. Ms. Foran explained to them the new ordinance that only allowed whole house rentals not partial house or casita. Ms. Seely stated she researched the meeting when vacation rentals were approved and found that all the Council members were in favor of vacation rentals and some had even used them when they traveled. She stated she felt the Council could see the benefit of vacation rentals and asked for the same rights and consideration on partial rentals. She stated there is a need and market for partial home rental. She stated they feel it is a safer form of vacation rental because they will be on site at all times. They also have more of a vested interest to make sure the renters are well behaved and will not disturb neighbors. She explained Air BNB is done on checks and balances, she reviews everyone before they stay and the renters review the owners. Allowing the hostess to choose people who will treat their property with the most care. She stated Air BNB started in 2008 when three guys decided to start renting out an air mattress and it now has more listings than Hilton or Marriott. She stated Air BNB is global now and cities are trying to figure out how to regulate them. She mentioned Lance Gifford, Hurricane City Building Inspector, came out last week and did an inspection on the casita. Ms. Seely quoted from an article stating boarding out has been around for hundreds of years. Stating it is efficient because it takes advantage of unused space. She stated there is a need and a use so she feels it is the

best of both worlds. She states it benefits the whole community by boosting local economy. She explained people come from all over the world going to Zion and they are able to give references of where to go locally. It also allows travelers to choose lodging conducive to their needs and to choose a home environment rather than commercial. She asked the Commissioners why a partial rental is not accepted opposed to a whole rental. Bob Petersen asked Ms. Seely what her address was. She stated 313 W 1180 South, just north of the peach orchard. Chairman Cashin explained the vacation rentals are something the City has been dealing with for a while trying to come up with the right ordinance. He clarified the Seely's live in the house but want to use the casita as a nightly rental. Ms. Seely explained she is not comfortable with people coming in their home but they would like to utilize their property by renting out the casita. Chairman Cashin stated this situation doesn't apply to the vacation rental ordinance because it is designed for homes that are vacated. He explained the Commissioners and Council members are working on the ordinance but partial rentals are not allowed at this time. He stated the Adam's have been discussing their property for a while trying to do something similar to the Seely's but it will be a different discussion than a vacation rental. Yovonda Hall stated Toni Foran had brought up concerns when vacation rentals were originally discussed. She asked Ms. Foran to explain some of the concerns. Ms. Foran stated when a casita is rented the property is essentially becoming a duplex and two families are living on one parcel and then it no longer fits the zone. She stated the Seely's and the Adam's have made valid points but it is not something that is addressed in the current ordinance. She stated she doesn't see how it can work in the current ordinance but it could be discussed at the joint meeting in July. Ms. Seely stated California limits how many nights can be rented out in a year. Chairman Cashin stated there are definitions for short term and long term rentals. Ms. Foran stated Air BNB becomes a hotel in your house. Mr. Seely asked if the Commissioners were opposed to Air BNB or if it had been discussed. Chairman Cashin stated it has been discussed but they haven't got direction from the City Council to draft an ordinance. He stated they will be having a joint meeting on July 22nd to discuss this matter. Ms. Hall stated this ordinance was addressed because the City was seeing a trend. Paul Fathering stated he is concerned the zoning laws are slowly getting circumvented. He feels vacation rentals are better for the home owners but not for the surrounding properties. City Attorney Fay Reber stated this topic will probably be addressed at the State Legislature level. He stated it will be a learning experience for everyone.

2. Discussion regarding zoning for Sage Pointe Subdivision Phases I and II.

Toni Foran explained in order to do a zone change the general map would have to be amended first. She stated the first order of business is the Commissioners need to decide if this is appropriate designation of this area. She stated the other item to consider is what the permitted uses are in the Mobile Home/RV and R1-6 zones. She asked the Commissioners if they wanted to move forward and advertise for a general plan amendment. Branden Anderson asked if anyone was using it as it was currently zoned. Toni stated they are all single family homes. She explained the subdivision was originally approved as a Manufactured Home Subdivision but the developers found out they could build stick build homes without changing the zone. Toni Foran stated when Green Acres was developed it was mostly mobile homes but then people started building homes on the mobile home lots. Yovonda clarified if someone moved one of the current mobile homes then they could replace it with a stick built home. Toni stated you can have an earth sheltered dwelling in R1-8 but not in the Mobile Home/RV zone. Toni read the definition of an earth sheltered dwelling; *an engineered dwelling unit located primarily underground for the purpose of energy conservation*. Toni stated a recreational vehicle park can be located in the Mobile Home/RV zone but there isn't enough space in to do that in this subdivision. Bob Peterson asked if it would stabilize appraisals and prices. Toni stated she is unsure if it changes the value but makes it easier for an

appraiser. She stated the R1-8 zone does allow a temporary dwelling but not in the mobile Home/RV zone. She stated in R1-8 zones a casita is permitted with a conditional use permit but not in the Mobile Home zone. Vacation rentals are allowed in R1-8 zone but not in Mobile Home zone. Toni stated Darin Larson was unable to attend but he did send her an email stating his opinion is the zone should be changed to R1-8 because all the lots meet the lot requirements and he is in favor of vacation rentals. Toni asked if the Commissioners wanted to advertise the changes to bring the use more in line with the zone. Ralph asked how the zone change would affect the mobile homes that are bordering this subdivision. He stated they are not in the subdivision but they are right next to them. Ralph stated the Mobile Homes are an island and a lot are moving out and being replaced by stick builds. He questioned if it would be more beneficial to change the zone in the whole area and grandfather in the current mobile homes rather than only changing Sage Pointe. Ryan stated for the general amendment it would be a good idea but he is unsure if the zone change would be beneficial. Toni stated Single Family Homes are permitted in the Mobile Home zone because they are considered an upgrade but Mobile Homes are not allowed in a Single Family zone. She explained the Commissioners would have to decide how many mobile homes they wanted to become pre-existing non-conforming uses because it would preclude the owners from being able to add additions because then it is an expansion of a non-conforming use. Paul Fathering stated if there is a fire they can rebuild the same thing that was there. Toni stated the City would have to send notification to everyone that would be affected by the change as well as anyone within two hundred fifty feet. Toni questioned if they are taking away property rights or adding property rights because it would make them all non-conforming uses. Yovonda stated spot zoning is no longer an issue so some owners could choose to stay their current zone. Toni stated the City could ask all property owners to see what they wanted and then just change the ones that are already a stick built home. Toni stated the Adam's still wouldn't be able to do a bed and breakfast because it isn't allowed in R1-8 zone. Shelly Adam's asked if they would be considered a bed and breakfast. Toni stated the City suggested to other people that were renting out a single room to apply for a bed a breakfast license but they are only permitted in zones starting at R1-10. She stated the ordinance isn't consistent with where it is allowed. She stated as it reads now, they are allowed in R1-10, R1-15, and RA-1 but not RA-.5 so they will need to address this when it is looked at.

Branden asked if the lot sizes all met the lot requirements for R1-8. Toni stated the land use code allows lots in the zone to be less than 8000 square feet as long as they meet the frontage requirement and you can average the lots together and still get 8000 square feet. Ralph suggested changing the ordinance for Bed and Breakfast that as long as your lot was a certain size it was allowed instead of changing the zone. Toni stated the Bed and Breakfast definition needs to be looked at because Air BNB doesn't offer breakfast. Paul stated it would create boarding houses throughout neighborhoods. Toni read the definition of a boarding house, *a building with not more than five (5) guestrooms, where, for compensation, meals are provided for not more than fifteen (15) persons*. Ryan suggested starting with a general plan amendment. Toni asked how big of an area the Commissioners wanted to start with. Commissioners discussed having some multifamily zones available as well as Single Family zones. Ralph stated he thought it would be smarter to just change Sage Pointe. Toni stated the general plan does currently allow Green Acres to do multifamily. Toni clarified the Commissioners wanted to move forward with changing the zone of Sage Pointe phase 1 and 2 to R1-8 Single Family. Kevan Adam stated the General Plan states the City needs to preserve mobile homes. He feels there is need for them in this community and if they are zoned out, they won't be available. Toni stated mobile homes are no longer allowed in the City. Manufactured Homes are allowed in Single Family zones if they are attached to permanent foundation and can meet the wind and earthquake regulations. Kevan asked if the mobile homes that are

currently in Green Acres could be replaced. Toni stated they could only be replaced with a manufactured home not another mobile home. Yovonda stated every Mobile Home she has seen has been added on to so if people were no longer allowed to add on it would cause problems. Kevan stated there is no protection offered in the current zoning. Toni stated there is because owners can add on with the current zone but if the zone changed they would no longer be able to. Kevan stated when Sage Pointe was developed it created a bad situation when the developer didn't change the zone. He stated his lot isn't part of Sage Pointe but was built by the same developer. He stated the average of the four lots around him would meet the requirements for R1-8 zone and he would like his lot rezoned to R1-8 when Sage Pointe changed. Toni stated spot zoning doesn't apply but changing one lot in a subdivision is complicated. It was decided to schedule a hearing for a General Plan amendment.

3. Discussion on proposed lighting regulations.

Toni handed out a copy of Ivins City's chapter on outdoor lighting. She stated Commissioners need to discuss definitions but first a purpose statement needs to be decided. She handed out Toquerville's purpose statement for review. Toni read through each statement, see attached. She stated the Commissioners need to decide which statements are wanted and what ones are not. She suggested having a simple statement stating; protect ability to view stars at night. Yovonda stated C is too ambiguous and should be left out. She suggested adding, *upward light pollution needs to be prevented*. Toni stated it could read, *prevent light trespass in all of the city*. She read Ivins City's definition of spill light, *undesired light falling beyond the desired and allowable target*. Toni commented that she likes the definition for light trespass but not spill lighting.

Ryan asked how much they wanted to regulate light trespassing. Toni stated the question is if the Commissioners see value in writing this ordinance and if they don't, then nothing should be put in place. Ryan stated he thinks something should be put in place but it needs to be kept simple. Ralph stated he prefers to keep the ordinance general but in order to enforce trespassing, people need to know what qualifies as trespassing. Bob stated the enforcement would have to decide if it was trespassing or not. Commissioners discussed enforcement. Toni stated she has had complaints on the hotels along 2600 West because instead of having a parking lot light they have a large flood light on the side of the building that lights up the side of the hill. She asked if that is something that should be addressed in the ordinance. Ryan stated he thinks there needs to be an ordinance but it needs to be kept minimal with the main emphasis on not infringing on neighboring properties. Ryan commented the current market limits what is available. Ralph asked if the Commissioners are thinking of requiring covers for down lighting but not setting limits on the brightness. Toni stated she doesn't want to regulate the watts and lumens in parking lots but she likes Ivins statement F. She suggested picking the statements the Commissioners like from Ivins and then create a purpose statement. John stated Ivins purpose statement is good and simple. Branden stated if this is put in place than half the homes in Hurricane wouldn't be in compliance. Commissioners discussed grandfathering in existing lights but putting a time limit on when residents need to update to the new ones. Branden asked if a flag pole could have a light on it. Toni stated there is a clause covering flags. Branden stated that clause would have to be addressed in the ordinance. Paul stated businesses have to have lighting for protection. Ryan stated he read that intrusion happens when your light trespasses into your neighbor's yard so many feet. Toni stated she thinks the regulation is on outdoor lighting not indoor lighting. Yovonda suggested using Toquerville's statements A, B and D. Ryan stated there needs to be more regulation in the commercial areas so they don't intrude on residential. Toni stated definitions need to be defined. Branden stated he is ok with regulating lighting in commercial areas but not residential. Toni stated the

only place lighting is currently addressed is in the parking lot design ordinance; making it hard to approve or enforce plans. Bob was excused at 7:28 p.m.

4. Staff reports and Planning Commissioner concerns

Toni stated there is an APA webinar regarding a nationwide trend that is looking at planning healthy living by providing access to parks. She stated she will watch it and report back to the Commissioners on it.

Approval of minutes: Branden Anderson motioned to approve the May 26, 2015 minutes as posted. Ralph Ballard seconded the motion. The vote was as follows; Paul Farthing-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, John Johnson-Aye, Branden Anderson-Aye, Ralph Ballard-Aye and Yovonda Hall-Aye. Motion carried.

Meeting adjourned at 7:30 p.m.