

**ON JUNE 24, 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:** John Johnson, Ryan Cashin, Bob Petersen, Branden Anderson, and Yovonda Hall

**Members Excused:** Paul Farthing, Bill Wilkey, and Ralph Ballard

**Staff Present:** Planning Director Toni Foran, Planning Assistant Cindy Beteag, 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 Ryan Cashin offered the prayer. Roll call was taken.

**Approval of agenda:** Toni Foran stated item #3 needs to be removed from the discussion items. Bob Petersen motioned to approve the June 24, 2015 agenda with the changes. Branden Anderson seconded the motion. Motion carried with all Commissioners voting aye.

**2015-CUP-06 Consideration and possible approval of a conditional use permit to allow a home bed and breakfast at 188 S. 100 West – Marla Nones applicant**

The applicant was not present. Yovonda Hall asked if this applicant had been to the Planning Commission recently. Toni Foran stated yes. She previously applied for a zone change. She explained the applicant wants to operate a Bed and Breakfast not vacation rental but a conditional use permit is required in the zone. Ms. Foran mentioned Ash Creek Sewer District will impose a \$744 impact fee per bedroom. Ms. Hall asked if the applicant was aware of the requirement for gravel off street parking. Ms. Foran stated yes. They have agreed to that requirement. Chairman Cashin asked Ash Creek Sewer District Superintendent, Darwin Hall, why they are charged an impact fee for a Bed and Breakfast when a normal home that had all the bedrooms filled wouldn't have that fee.

Darwin Hall stated it has been pleasure to work with the City for last twenty years. He stated he will be retiring on June 30, 2015 and introduced Mike Chandler who will be replacing him. Mike Chandler stated the base fee schedule is based on usage. He explained water and power have the ability to meter use so they can charge a tier structure fee schedule and recoup some of the costs if usage exceeds a certain level but sewer is a flat rate fee. He stated when the impact fee schedule was adopted, Bed and Breakfast was designated as a commercial use so it requires additional impact fees. Ms. Hall asked if any city could meter sewer use. Mr. Chandler stated no. *Branden Anderson motioned to approve application 2015-CUP-06 based on the staff findings; 1. The proposed building is in keeping with the General Plan and Land Use Code. 2. The use will not have negative effects on surrounding properties. 3. The historic building will be maintained and used in the Downtown area. 4. The use could have a positive effect on the economy in the downtown area. 5. Applicant can avoid any possible offensive affects by installing lighting that does not impact neighboring properties or the night sky. 6. There is a need for visitor housing options in the area, with the condition that off street parking be graveled before a business license is issued and the Ash Creek Sewer District impact fee has been paid. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, and Yovonda Hall-Aye. Motion carried.*

Ms. Foran stated there has been some confusion with both applicants on the agenda tonight. She stated she just called them because they were not present and they both thought the meeting was on Thursday. She explained to the Commissioners it was their choice to move forward with the next application or table it until the applicant can be present. It was decided to move forward without the applicant present.

**2015-CUP-07 Consideration and possible approval of a conditional use permit to allow a 1350 square foot 25' high garage accessory building that is larger and taller than allowed by permitted use for an accessory building in an RM-1 zone at 238 W. 200 South – Brad Holt applicant**

Yovonda Hall stated from the sky view it looks like a shed is in the way of the access to the new garage. Toni Foran stated it appears the shed and house to the west have been removed. Branden Anderson asked Ms. Foran if the lot could be split making this a separate residence. He stated there is only a three foot off set on the side property line. Ms. Foran explained a detached accessory building has to be ten feet from the main structure and two feet from the drip edge of the roof to the rear and side property lines. Ms. Hall asked if the 1300 square feet will fit the proposed area. Ms. Foran stated yes and explained the location of the outbuilding. *Branden Anderson motioned to approve application 2015-CUP-07 based on the staff findings; 1. The proposed building is in keeping with the General Plan and Land Use Code. 2. The greater size building will not have negative effects on surrounding properties where it is proposed to be located on the property. 3. The total buildings on the property will not cover more than 50% of the property. 4. The building's colors have been chosen to blend in with surrounding buildings. 5. Applicant can avoid any possible offensive affects by installing lighting that does not impact neighboring properties or the night sky, and including the condition no living area is permitted in the accessory building. Bob Petersen seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, and Yovonda Hall-Aye. Motion carried.*

**Discussion items:**

- 1. TW and Brandy Petersen would like to discuss chickens in R-1-6 zones and the odds of getting the ordinance changed to expand the use into R-1-6 zones.**

TW Petersen handed out a letter explaining the situation, maps showing the surrounding zoning, and signatures from surrounding neighbors in support of allowing chickens. He stated they have had chickens for four and half years as well as several other neighbors. He mentioned there had never been a problem in the past with any of the chickens. Chairman Cashin stated he thinks the thought process of not allowing them in R-1-6 was because of the lot sizes and houses being closer together. He stated there was also a concern with the noise. Mr. Petersen mentioned the clause in the ordinance stating roosters are not allowed. Chairman Cashin asked if the chickens would be able to be free range. Mr. Petersen stated no, they will be in a pen. Bob Petersen mentioned the ordinance designates how many chickens a lot can have by the size of the lot. He asked Ms. Foran for clarification on how it is determined. Toni Foran explained each full acre lot is equal to 100 animal points and lots smaller than one acre are permitted a proportionate number of points in relation to the percentage of an acre contained in the lot. She stated one chicken is equal to 3 points so by this equations the Petersen's would be able to have about six chickens on their lot. Mr. Peterson mentioned the people present are in favor of allowing chickens. Yovonda Hall discussed having the chickens in pens. She stated home owners will want to take care of droppings so they don't get roaches. Mr. Petersen stated chickens only need an average of two square feet each. Ms. Hall stated even in a small yard, a few chickens could be permitted. She stated she thought it would be best to change the ordinance to allow chickens by the size of the lot and not by zone. TW Petersen stated Springdale recently approved their ordinance to allow chickens in all residential zones. Mr. Reber asked if St. George allowed chickens in all zones. Mr. Petersen stated they didn't allow them in multifamily zones. Mr. Reber stated he thought most ordinances still had restrictions. He asked Ms. Foran if Animal Control had had any complaints regarding chickens. Ms. Foran stated a neighbor did complain but not about the chickens and that is why a letter was sent. Mr. Reber asked if there had been complaints in zones where chickens are allowed. Ms. Foran stated she hadn't received a lot of complaints other than when people build the coops along the fence, let the chickens run wild, don't clean up the coops, or if they have roosters. She mentioned when the ordinance was originally approved the Commissioners were worried about insects and rodents in the feed storage. Chairman Cashin stated anywhere there is a HOA there is restrictions anyway so if it was opened up, it wouldn't affect a lot of areas. The subdivisions that are zoned R-1-6 and R-1-8 were discussed.

Mr. Petersen stated most people were not aware there was an ordinance in place regarding chickens. Branden Anderson stated there has been a couple problems in his area with chickens. He asked if the ordinance has something in place to keep the area clean. Ms. Foran stated those complaints would be referred to Animal Control. Kevan Adams stated his area is full of chickens and he lives in a Mobile Home/RV zone so the zone shouldn't matter if the lot size is big enough. Chairman Cashin stated he thinks the ordinance should be reviewed. Ms. Foran stated it will be put on the next agenda as a discussion item and then a hearing could be set for August.

Rebecca Stover stated she has been to TW's house and it is kept very clean. She stated they have no issues with the chickens. She mentioned she has never heard her neighbor's chickens and feels they are a quiet animal. Chairman Cashin explained the issue isn't with the owners that take care of the animals, it is with the owners that don't take care of them. Mr. Petersen stated chickens are easy to maintain. He feels problems with chickens should fall under animal control. Ms. Hall pointed out dog fecal matter can't be tilled into the land but chickens' can so they have a benefit to the land and dogs are allowed in every zone. Mr. Anderson stated he doesn't think it is an issue to allow them in the smaller zones but there needs to be something in place for guidance. Ms. Hall asked what the restrictions are for placement of coops. Ms. Foran stated the coop must be five feet from property lines, located in the back or side yard, and twenty five feet from the neighboring house.

Doug Hansgen stated if the Petersens are not approved to have chickens and the City makes them stop having them, then it would have to be stopped everywhere. Bob Petersen stated if they are not in compliance with the ordinance then they would have to stop. Chairman Cashin stated the only way to enforce this ordinance right now is by complaints. Mr. Reber stated people run the risk of "waking the sleeping dog" if they are not in compliance with the land use code and the Council decides not to change the ordinance then they have to become compliant. Chairman Cashin explained the process of changing the ordinance. Ms. Hall asked if the Petersens could keep the chickens until a decision is made. Ms. Foran stated yes.

## **2. Staff reports and planning commission concerns**

Toni reported at the last City Council meeting an ordinance was approved regarding notice to builders and property owners who are building in areas where high ground water or collapsible soil is present. The ordinance requires signing a waiver form when a building permit is obtained in these areas as well as a geotechnical report. Toni read from the form, see attached. She stated the waiver is recorded against the property.

She said she and Cindy met with Manning Butterworth, a member of the St. George Astronomy Society. He was very informative regarding lighting limitations and night sky ordinances. She mentioned Mr. Butterworth brought in a lot of information, Springdale's ordinances, and told them about a YouTube video illustrating lighting. She stated he is willing to come talk to the Commission during the ordinance writing process if they would like. Ryan stated he met him at the Springdale conference and he was a very informative man. Yovonda mentioned the YouTube video was shown at the Springdale conference as well. It was decided to ask him to come discuss lighting with the Commissioners. Ryan stated if an ordinance is created, it needs to be kept simple and then it can reviewed in four or five years.

Toni mentioned Mr. Reber went to a conditional use permits seminar. Mr. Reber stated he will make copies of materials for the Commissioners to review.

Toni explained when the ordinance was changed to allow vacation rentals, it was decided to not allow them in PDO zones. Sand Hollow Resort allows vacation rentals as part of their PDO site plan approval and some of the owners want to license as vacation rentals instead of having them run through Sand Hollow management. Toni stated it creates a problem because the City can't license them as a vacation rentals so then they don't have the same rules. Yovonda asked if the original ordinance allowed vacation rentals in PDO. Toni explained The Retreat was approved with a resort residential overlay to allow vacation rentals there. She stated a lot of the homes are purchased to use as vacation rentals. Resort Residential zones were discussed. It was decided to add this to the next meeting for discussion. Toni stated the second meeting in July will be a joint work meeting with the City Council to discuss vacation rentals because there has been a lot of complaints and concerns. She and Fay Reber

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will meet Yovonda, Branden, and Bob said they will not be present for that meeting. Fay Reber commented it is important to have as many people as possible at the meeting to ensure it is adequately discussed.

**Approval of minutes:** Branden Anderson stated on page 2 line 24 Paul Anderson needs to be changed to Paul Farthing. Branden Anderson motioned to approve June 11, 2015 minutes with the corrections. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Ryan Cashin-Aye, Bob Petersen-Aye, Branden Anderson-Aye, and Yovonda Hall-Aye. Motion carried.

**Meeting adjourned at 7:15 p.m.**