

Worden Public Hearing Continuation  
February 17, 2011

Present: Danny Tanner, Dave Mount, Stephen Dahl  
Also Present: Tim Strom, Don McTavish, Clerk Ann K. Cox

Meeting opened at 5:45 p.m. This is a continuation of the CUP revocation appeal of 5249 Greenwood Road. There is no audio recording this evening, the only record will be the Clerk's minutes.

Dave Mount provided a handout (Attachment #1) with revised language. The paragraph numbering is incorrect. The last three pages show strike outs and added language. All changes were read in their entirety. The Worden's do not believe they need permits and licenses from the Dept of Health.

Tim Strom: If we are satisfied that the Department of Health requires the documents, then it would follow that the failure to have one would then create the need to have a meeting to discuss the failure to obtain such a document.

Dave Mount: So the scenario would be that Sue Lawson would send a letter saying she has not received such a document.

Tim Strom: Sue would have to do her homework in finding out if such a document is indeed required.

Stephen Dahl: If the law ends up in limbo for a while?

Tim Strom: If the Department of Health says the requirement is in limbo until the law has passed, then the requirement does not exist. Suggestion: replace the word "will" with "shall".

A break was taken at this point to allow everyone to read the document in its entirety.

Definition: Township means geographical area.

Tim Strom: Change request; Third party/not the owner and "Someone other than the owner will be responsible" in the third paragraph.

We will re-file the CUP with the County, attach the new changes to the original with today's date. Additional conditions February 17, 2011.

Paragraph corrections:

- Replace the word "must" and "will" with "shall"
- Correct spacing issue before last sentence.
- Paragraph number correction: #3 beginning with the words "Property Oversight and Complaint Response."
- Correct bolding issue.
- Halfway down paragraph #3: "if someone other than the owner will be responsible for such response, then the owner must provide".
- Last sentence, Paragraph #3: "during the calendar year shall be evidence".
- Last line Paragraph #3 "phone number shall".

Paragraph #4 Discussion:

Dave Mount: If they let someone else (friends) use the property they do not want to be responsible for the complaints.

Tim Strom: It is hopelessly confusing for us, how do we know? They need to keep the log of complaints and simply say it is not a renter.

Paragraph #4 corrections, changes: Replace the words “will” with “shall”.

Paragraphs #5 & 6: correct bolding issues.

Paragraph #6:

- remove the hyphen between 24 and hours
- Replace “will” with “shall” (5 replacements).

Paragraph #7

- Replace “will” with “shall”
- Spacing issue in the middle “includes making”.

Paragraph #8

- “Shall” not exceed 6.
- Occupancy “shall” be defined.

Paragraph #9: “may” to “shall” and “will” read to “shall” read.

Tim Strom: One more suggestion there is no conflict between the two documents but typically when you do an additional document language is put at the end such as “if any of these additional conditions conflict with the original conditions these additional conditions shall apply”.

Dave Mount: that will now become paragraph #10.

Tim Strom: Changes to his document are outlined on an e-mail dated Wed. February 16, 2011 (attachment #2)

Dave Mount made a motion that the Board of Adjustment reinstates the conditional use permit for the short term rental at 5249 Greenwood Road with additional conditions to be imposed, Stephen Dahl seconded. Motion passed unopposed.

Dave Mount made a motion to adopt the conditions as written in the document titled “Additional Conditions” February 17, 2011. Stephen Dahl seconded. Motion passed unopposed.

Dave Mount made a motion that we approve the decision document titled Decision on Appeal from Planning Commission regarding 5249 Greenwood Road (Edward and Shawn Worden), Stephen Dahl seconded. Motion passed unopposed.

Dave Mount made a motion to close the Board of Adjustment hearing at 5249 Greenwood Road, Danny Tanner seconded. Motion passed unopposed.

Attachment #3, dated, signed and attested copy of the completed documents.