

April 7, 2016
Public Hearing
Amending Zoning Ordinance

Present: Gladys LeFevre, Farlan Behunin, Steve Cox, Pete Benson, Council Members;
Judi Davis, Clerk.

Absent and excused: Bill Muse, Mayor.

Public Present: Peg Smith, Mary Behunin, Chyleen Mackey.

Gladys, acting on behalf of the Mayor, opened the public hearing at 6:35.

The purpose of the public hearing is to consider the Planning Commission's recommendation that a change be made to the definition of Long-term Temporary Use, that change being the removal of the words "mobile food concessions." Comments were invited.

Peg, representing the Planning Commission, clarified that it is an administrative clarification. When mobile food concessions were approved as a conditional use, this definition remained, and it seemed that the two were in conflict with each other. They felt that would be resolved by removing these words from the Long-term Temporary Use definition.

As a citizen and not in an official capacity, Judi asked if removing those words would make a difference, because the definition identifies possible uses that would be allowed with the use of the term "such as." Her question was whether the use could continue under the "such as" designation, which does not state that the only uses allowed are those which are listed.

Peg responded that, because there is a separate definition and statement about mobile food vendors, leaving it the way it now is puts the two situations at odds. The conditional use would be the typical situation for mobile food vendors, but there is also accommodation for their use in special events. By leaving these words in the definition, it allows someone to circumvent applying for a CUP for their business. Judi asked whether the ordinance just permits mobile food stands as a conditional use in the Commercial Zone, or does it also forbid it anywhere else as a temporary use except in the special event venue? Peg's response was that the intent was that mobile food vendors operating as a business have a CUP, whereas the same kind of stand just participating in an activity could get a temporary permit for a special event. The PC's concern was that the long-term temporary use could be misapplied when the intent was to recognize them as an actual business in a stable location and regulate them as such.

Chyleen asked if it is legal to sell meat at a farmstand. We issue permits for farmstands

April 7, 2016
Public Hearing
Page 2

with the underlying understanding that they are in compliance with all Health Department requirements. Farmstands are only allowed to sell things they produce on site.

There were no more comments, and the public hearing was closed at 6:50 p.m.