

**Hurricane Planning Commission
Meeting Minutes
August 10, 2023**

Minutes of the Hurricane City Planning Commission meeting held on August 10, 2023, at 5:00 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

Members Present: Mark Sampson, Paul Farthing, Shelley Goodfellow, Ralph Ballard, Brad Winder, and Kelby Iverson

Members Excused: Rebecca Bronemann and Michelle Cloud

Staff Present: Planning Director Gary Cupp, City Planner Fred Resch III, City Attorney Dayton Hall, Planning Technician Brienna Spencer, Councilman Representative Kevin Thomas, and City Engineer Representative Jeremy Pickering

5:00 p.m. - Planning Commission Business:

1. Discussion on fencing standards

Fred Resch III reviewed the proposed updated fencing standards. The Planning Commission directed Mr. Resch III to move forward with updating the standard.

2. Discussion on agricultural protection overlays

Gary Cupp reported that the City Council denied two protection overlay applications that did not meet the requirements. Staff was directed to amend the definition of contiguous and better clarify the definition of agriculture production. Mr. Cupp reported that the current ordinance mirrors the state code, and there is little flexibility to change the ordinance. Dayton Hall reported that the definition of agriculture production and the requirement for the property to be zoned agriculture is state code and cannot be changed. However, the city can establish the minimum number of continuous acres. Kelby Iverson explained that the Planning Commission attempted to change the city's agriculture protection zone to match the State's Greenbelt Law. However, The City Council chose not to move forward with that change. Mr. Resch III reported that the Planning Commission could redefine contiguous acres not to include intersecting masterplan roadways or local roadways. Shelley Goodfellow noted that the Master Planned roadways gridded throughout the Bench Lake area affect most of the city's agriculture area. She feels that a roadway should not disqualify the property from being considered contiguous acres. Kelby Iverson presented a property diagram as an example. The Planning Commissioners discussed allowing property of one-half acre or above to join a five-acre parcel even if a dedicated Master Planned road is between them. Mr. Resch III reported that per his understanding of the City Council's direction, the Council is okay with not having the roadway break the contiguity.

3. Discussion on grading permit standards

Mr. Cupp reported that there is an exception for a grading permit, which requires the City Council to approve the grading permit if there is no immediate or reasonably imminent development associated with the grading proposal. The Council would like to eliminate that verbiage from the code and allow staff to approve grading permits. Mr. Resch III asked for direction as to when a grading permit application can be submitted. He explained that if development is immediate or imminent, the grading permit application is submitted after the

construction drawing are signed off. Kelby Iverson feels there should be lot size requirements. Shelley Goodfellow suggested adding an agriculture exemption.

6:00 p.m. - Call to Order

Roll Call

Pledge of Allegiance led by Ralph Ballard.

Prayer and/or thought by invitation given by Kelby Iverson.

Declaration of any conflicts of interest

Public Hearings

1. A Land Use Code Amendment to Title 10 Chapter 15 regarding food trucks

No comments

2. A Zone Change Amendment requested located at approximately 820 S 840 W from RA-1, residential agricultural one unit per acre, to RA-0.5, residential agriculture one unit per half acre. Parcel number H-3-2-3-4220-C.

Travis Dunsmore with Ruesch and Reeve Law firm represents Joan Wood. He asked if the connection of 900 South would affect the client's property. Fred Resch III reported that the connection would likely not affect the client's property. Jeremy Pickering reported that the city avoids exercising eminent domain on behalf of a developer.

Thomas Pitcher stated that the roadways along 650 South are inadequate, and 920 West is being used like a highway because of the influx on 700 West, and he is concerned about the safety of children. He asked if the drainage would be appropriate.

Anne Reeve is concerned that she will be liable if her tail water floods the development. She believes her property will be on a sprinkler system by 2024. The pressurized system needs to be installed before the second phase is allowed.

Paul Farthing motioned to approve the agenda as amended. Kelby Iverson seconded the motion. Unanimous.

NEW BUSINESS

1. LUCA23-06: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment to Title 10 Chapter 15, regarding food trucks. Hurricane City Applicant

Gary Cupp shared that the state passed House Bill 408, which affects mobile businesses. The most significant change is that municipalities must accept business licenses from other jurisdictions. He reported that the term "vendor carts" is being removed from Hurricane City code, the mobile business regulations are being moved to Title 3 under Business Licenses, and the standards and definitions were updated.

Shelley Goodfellow motioned a recommendation of approval of LUCA23-06. Ralph Ballard seconded the motion. Unanimous.

2. ZC23-21: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at 820 S 840 W from RA-1, residential agriculture one unit per acre to RA-0.5, residential agriculture one unit per half acre. Parcel H-3-2-3-4220-C. Interstate Rock Products Applicant. Chase Stratton Agent.

Gary Cupp shared that this zone change will match the first phase. However, the applicant does not have representation at this meeting, and he recommended continuing the item. Dayton Hall advised the Planning Commission to focus on the four zone change criteria. The applicant will return with the preliminary plat application to discuss road placements and second access. Paul Farthing feels this is consistent with the area. However, with the addition of more homes, 920 West and 650 South are inadequate roadways. Jeremy Pickering reported that 650 South and 920 West are not on the short-term, mid-term, or long-term roadway plan. Ralph Ballard shared that zoning is being approved without adequate roadways, and the city is being developed beyond the available services. Shelley Goodfellow feels this meets the four zone change criteria in the affirmative. Kelby Iverson understands that this is not premature for water, sewer, or power, but it is premature for the roadways in the area. Brad Winder feels approving the zone change does not guarantee that the development will take place. He thinks working through these concerns with the preliminary plat is important. that this zoning is what we want here. Mr. Farthing reiterated that the city needs to address this roadway. Mr. Ballard feels it is important to evaluate the previous approvals and address the issues they may have caused. He explained that if this is developed, tail-end water could be an issue for the neighbors. Mrs. Goodfellow asked if this meets the block length requirement. Mr. Pickering reviewed the ordinance and explained the roadway connections that may be required. Mr. Iverson explained that zoning protects the city. It is vital to plan for development wisely.

Kelby Iverson motioned to table ZC23-21 until the applicant is present for further discussion. Shelley Goodfellow seconded the motion. Roll call vote. Ralph Ballard, Kelby Iverson, and Shelley Goodfellow – aye. Paul Farthing, Brad Winder, and Mark Sampson – any. Motion fails.

Paul Farthing motioned a recommendation of approval of ZC23-21 based on the findings that this is consistent with the goals and objectives of the city policy, is harmonious with the overall characteristics of the neighborhood, and will not adversely affect the adjacent property. Noting that the available facilities are not ideal but can support the development. Brad Winder seconded the motion. Mark Sampson, Brad Winder, and Paul Farthing – aye. Ralph Ballard, Shelley Goodfellow, and Kelby Iverson – nay. Motion fails.

Kelby Iverson motioned to table ZC23-21 because the Planning Commission would like to speak with the applicant before sending a recommendation to the City Council. Paul Farthing seconded the motion. Roll call. Shelley Goodfellow, Brad Winder, Mark Sampson, Ralph Ballard, Kelby Iverson, and Paul Farthing – aye. Unanimous.

3. ~~PSP23-21: Discussion and consideration of a possible approval of a preliminary site plan for Balance of Nature Production Center, a manufacturing building located at the northeast corner of 2400 W and 2900 S. Balance of Nature Applicant. Brian Fish Agent. This application has been withdrawn.~~

This application has been withdrawn at the request of the applicant. Dayton Hall reported that the zone change was granted subject to a development agreement that has yet to be signed. Therefore, they do not have the zoning to proceed with the application.

4. PSP23-22: Discussion and consideration of a possible approval of a preliminary site plan for Firerock Townhomes, a 30-unit townhome project located at 184 N 2170 W. Randy Simonsen Applicant. Pratt Engineering Agent.

Gerold Pratt shared that the property is two acres and is zoned RM-3, which allows for thirty units. He noted that the applicant had submitted an amenities plan. Gary Cupp reported that staff recommends approval. Shelley Goodfellow asked if the parking and open space requirements have been met. Mr. Cupp shared that the plan submitted meets the standards.

Shelley Goodfellow motioned to approve PSP23-22 subject to staff and JUC comments. Ralph Ballard seconded the motion, noting that the application number shows PSP23-23. Unanimous.

5. 2022-PP-16: Discussion and consideration of an extension of the preliminary plat approval for Cordero Phase 3, a 214-lot subdivision located at 2100 W 4000 S. Brant Tuttle Applicant.

Brant Tuttle provided an update on the construction drawings. They are requesting an extension to continue moving forward with the project. Dayton Hall cited an email from the Power Department Superintendent.

Ralph Ballard motioned to grant the extension for 2022-PP-16. Paul Farthing seconded the motion. Unanimous.

Approval of Minutes:

1. July 13, 2023

Shelley Goodfellow motioned to approve the July 13, 2023, minutes. Ralph Ballard seconded. Unanimous.

2. July 27, 2023

Shelley Goodfellow motioned to approve the July 27, 2023, minutes. Ralph Ballard seconded. Unanimous.

Paul Farthing motioned to adjourn the meeting. Shelley Goodfellow seconded the motion. Unanimous.

Adjournment