

**Hurricane Planning Commission
Meeting Minutes
October 26, 2023**

Minutes of the Hurricane City Planning Commission meeting held on October 26, 2023, at 5:00 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

Members Present: Paul Farthing, Michelle Cloud, Ralph Ballard, Kelby Iverson, Brad Winder, Shelly Goodfellow, and Rebecca Bronemann

Members Excused: Mark Sampson

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

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

Discussion on updates to the subdivision ordinance

Fred Resch III provided a presentation detailing State Law SP 174 and reviewed the subdivision definition. He reported that the new bill applies to single-family, family, and townhome subdivisions. The first change requires the city to assign an administrative land use authority. The land use authority cannot be the municipal legislative body. Hurricane City Code requires pre-application meetings; however, per State Law, pre-application meetings cannot be required. Civil engineering plans are now required with the preliminary plat, and the first review must be completed within fifteen days. He explained that the final plan review cycle includes the submittal of the application, the city's review of the application, and the developer's response to the city's review. This cycle must be completed within twenty days. Staff comments must be based on City Code and Standards, and the developer must respond to each staff comment individually. Mr. Resch III reviewed Hurricane City's current subdivision review process.

6:00 p.m. – Call to Order

Roll Call

Pledge of Allegiance, Paul Farthing

Prayer and/or thought by invitation led by Jeremy Pickering

Declaration of any conflicts of interest

No conflicts were declared.

*Ralph Ballard motioned to approve the agenda as posted. Michelle Cloud seconded the motion.
Unanimous*

Public Hearings

1. A Zone Change Amendment request located at approximately 1500 S and 1300 W from R1-10, residential one unit per 10,000 square feet, to RM-2, multifamily 10 units per acre. Parcel number H-3-2-9-123.

This item has been moved to the November 9, 2023, meeting at the applicant's request.

2. A Land Use Code Amendment regarding Title 10 Chapter 51 Subsection 13 regarding whole house vacation rentals.

Terry Spinks has lived in Southern Utah for thirty-five years. He purchased two lots in Dixie Springs to operate an Airbnb. Mr. Spinks planned to live on the second lot to monitor the vacation rental. He feels rules should be implemented to approve Airbnb's on a case-by-case basis. Mr. Spinks noted that he has been on the waiting list for three years.

NEW BUSINESS

1. LUCA 23-10: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment regarding Title 10 Chapter 51 Subsection 13 regarding whole house vacation rentals. Hurricane City, Applicant.

Gary Cupp reported that there have been discussions regarding the transfer of existing licenses. Mr. Cupp explained that Option A voids the business license upon selling the property. Option B allows the transfer of the existing license upon the sale of the property. He noted that no new whole-home vacation rentals in single-family residential districts will be allowed, and the waiting list will be eliminated.

Brad Winder would like to add stipulations to allow the Planning Department to consider a license transfer on a case-by-case basis. Kelby Iverson also favors Option B. He asked if closing the waiting list to future applicants and allowing the current waiting list applicants to operate a licensed vacation rental as their business license application is approved is a feasible option. Paul Farthing supports Option A. Michelle Cloud agrees with Mr. Iverson and feels protecting property owners' investments is important.

Rebecca Bronemann asked if the current ordinance is working. Fred Resch III noted there are problems with reporting and difficulties gathering proof. Mr. Cupp noted that enforcement is difficult and whole home vacation rentals are incompatible in a single-family zone. Paul Farthing is in favor of eliminating the waiting list. He suggested providing the current license holders with notice of the city's intent to update the ordinance.

Shelley Goodfellow strongly advocates property rights. She feels all other options should be exhausted before the city eliminates the property owners' vested rights. She would like the ordinance to be updated to limit the nightly guest and require a manager within the city. Mr. Iverson noted that the City Council has directed staff to update the ordinance to limit the expansion of whole-home vacation rentals. Regardless of the two options, the ordinance should be updated to address the concerns and complaints regarding the currently licensed vacation rentals.

Paul Farthing motioned to approve option LUCA 23-10 option B, with a deferred date. Seconded by Rebecca Bronemann, Michelle Cloud, Paul Farthing, Rebecca Bronemann, and Brad Winder – aye. Shelley Goodfellow, Kelby Iverson, and Ralph Ballard – nay. Motion carries.

Shelley Goodfellow feels it is essential to consider the property owners on the waiting list. Kelby Iverson noted that he favors limiting the expansion. However, he is opposed to taking away vested rights. Ralph Ballard would like to add additional restrictions to decrease the staff's burden of enforcement.

2. FSP23-43: Discussion and consideration of a possible approval of a final site plan for Jeremy Black duplex, a duplex located at 663 W 400 S. Jeremy Black, Applicant.

Gary Cupp reported that staff recommends continuing pending an adequate landscaping plan. Jeremy Black explained that he wants to xeriscape the property due to the current landscaping and the power lines. Fred Resch III reviewed the landscaping requirement. Brad Winder feels additional landscaping will cause line-of-sight issues. Kelby Iverson noted the location of the city-owned property. Paul Farthing recommended a landscape variation.

Rebecca Bronemann motioned a recommendation of approval for FSP23-43 with accommodation that the landscaping have 6 bushes and no trees. Paul Farthing seconded the motion. Unanimous.

3. FSP23-53: Discussion and consideration of a possible approval of a final site plan for Katie Leavitt duplex, a duplex located at 161 W 600 N. Katie Leavitt, Applicant. Karl Rasmussen, Agent.

Kelby Iverson motioned to approve FSP23-53 subject to staff and JUC comments. Seconded by Michelle Cloud. Unanimous.

4. 2022-PP-33: Discussion and consideration of a possible approval of an extension of the final plat deadline for Obsidian Resorts, a 372 unit resort condominium complex located north of Iron Bridge Road. Western Mortgage and Realty Co, Applicant. Brent Moser, Agent.

Ralph Ballard motion to approve extension of 2022-PP-33. Brad Winder seconded the motion. Unanimous.

Approval of Minutes:

1. December 8, 2022

Michelle Cloud motioned to approve the October 12, 2023 meeting minutes. Rebecca Bronemann seconded the motion. Unanimous.

2. October 12, 2023

Michelle Cloud motioned to approve the October 12, 2023 meeting minutes. Ralph Ballard seconded the motion. Unanimous.

Adjournment

Paul Farthing motioned to adjourn the meeting. Michelle Cloud seconded the motion. Unanimous.