

**Hurricane Planning Commission
Meeting Minutes
June 9, 2022**

Call to Order - 6:00 P.M.

ON JUNE 9, 2022, AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N. 870 WEST HURRICANE UT, 84737

Chairman Mark Sampson called the meeting to order at 6:00 P.M. Roll call was taken.

Pledge: Chris Christensen

Prayer: Rand Lemmon

Members Present: Mark Sampson, Shelley Goodfellow, Michelle Cloud, Brad Winder, and Kelby Iverson

Members Excused: Paul Farthing, Rebecca Bronemann, and Ralph Ballard

Staff Present: Planning Director Stephen Nelson, City Attorney Dayton Hall, Planning Technician Brienna Spencer, and City Engineer Representative Jeremy Pickering

Michelle Cloud motioned to approve the agenda as presented. Shelley Goodfellow seconded the motion. Unanimous.

Public Hearing:

1. A Zone Change amendment request for the existing Dixie Heights subdivision, to contain a PDO, planned development overlay, to allow for reduced setbacks.

Chris Christensen lives south of the proposed PDO. He voiced his opposition. Reduced setbacks are the first step to increasing density. The developer is already building a very high-density development in Elim Valley, and he is assuming that this will result in the same type of housing. This would be a drastic variance to the overall neighborhood. He expressed concern about potential vacation rentals and the negative impact they already have in Dixie Springs.

Jim Clark abuts the far Southeast corner of the development. He is also speaking on behalf of his brother. When they purchased their property, they believed it was school district property, and they were okay with that because it would have minimal impact and be quiet in the evenings and weekends. They feel that reduced setbacks and smaller lots will increase the density and ruin the overall character of the Dixie Springs development.

Dwayne Gwen lives on the west side of this proposal; his backyard faces the homes that will be built. They were under the impression that this was school property, and this seems like someone is trying to make more money by making smaller lots with larger structures.

Lance Garner lives west of the proposed job site. He agrees with the previous comments. Dixie Springs is a harmonious development; all the homes are similar in appearance, size, and height.

2. A Zone Change amendment request located at 650 S and 1100 W from RA-1, residential agriculture one unit per acre, to R1-15, residential one unit per 15,000 square feet

Dale lives directly south of the proposed zone change. They drove through this area thirteen years ago, and it felt like home. They moved here from California after Dale retired. They love their community, and although it is growing fast, they accept everyone's lifestyle. This does not fit the area and what they picture Hurricane South Fields as. Especially when all the surrounding homes are at least $\frac{3}{4}$ acre lots, he assumes that those who purchased the lots knew about the agriculture one-acre zoning. He asked the Planning Commission to protect the rural area of the community.

Margaret Harris lives directly across the street. When they moved here twenty years ago, their property was surrounded by vacant lots. Now this area is being consumed by housing. This is not the atmosphere they moved here for. There comes the point in time when enough is enough. She asked the Planning Commission to deny this zone change and protect the rural atmosphere.

Melinda Ronemaker lives adjacent to this property. The landowners knew that they were buying one-acre lots. Multifamily housing should be built in multifamily zoning. Homeowners don't want to live in crowded areas and are willing to pay a higher price to have their quality of life. Please don't take that from us. We are happy with how things are.

Shawn Bowen lives east of this property. They just bought their home two years ago because they love the neighborhood's feel. He is not opposed to one home on the lot, but he is opposed to multiple homes on the lot. More houses require more water and power, and we are already in a water crisis. He asked if these four homes would eventually become short-term rentals. We don't want that in our neighborhood. This is a close-knit neighborhood. Let's keep our community gorgeous.

3. A Land Use Code Amendment request to Title 10, Chapter 3, Chapter 13, Chapter 33, and Chapter 34 and Title 4 Chapter 2- with regards to site plan design, open space and amenities, outdoor lighting, and parking in new developments.

No Comment

4. A Land Use Code Amendment request to Title 10, Chapter 7 and Chapter 39 to consider adding water acknowledgment waiver requirements to land use applications.

No Comment

NEW BUSINESS

1. 2022-PSP-19: Discussion and consideration of a possible approval of a preliminary site plan for Bryson Young, a commercial project consisting of one commercial building and seven vacation rentals, located at 470 E 800 N. R+B Young Applicant. Bryson Young Agent.

Bryson Young reported that this is a 20,000 square foot warehouse. Mr. Young reviewed the proposal. The warehouse space would be used for his business, a storefront, and vacation rentals. Stephen Nelson reviewed the previously approved preliminary site plan. The changes to the site plan include reduced building size, removal of the drive-through, and the addition of short-term rental units. Kelby Iverson stated that the vacation rentals in this project are unusual, although the commercial use fits. He supports private property rights. This project does not deviate from the general plan or zoning. Mark Sampson asked if a hotel could be built on this property. Mr. Nelson confirmed that the applicant could have a hotel. However, code requires

onsite management at all times during the occupancy of the units. Shelley Goodfellow asked if the applicant has an issue with onsite management if it is required. Mr. Young stated that he has no problems with this requirement. Mrs. Goodfellow agrees with Mr. Iverson. The design is unusual but is compliant, and the market will determine if it is successful or not. Brad Winder is concerned that the noise from the automotive garages and paint shops will disrupt the vacation rental guests. He is not sure this is the best use of the property. Michelle Cloud asked if the applicant was aware of staff concerns regarding the Welcome to Hurricane sign. Mr. Young stated that he is aware of the Staff's concern but does not feel his project will obstruct the sign.

Shelley Goodfellow motioned to approve 2022-PSP-19. Michelle Cloud seconded the motion. Unanimous.

2. 2022-ZC-27: Discussion and consideration of a recommendation to the City Council on a zone change request located at approximately 2470 S 3870 W, from R1-10, residential one unit per 10,000 sq ft to R1-10 PDO, planned development overlay, to reduce the setbacks for the already approved Dixie Heights subdivision. Enhanced Home Builders Applicant. Brent Moser Agent.

Brent Moser explained that the applicant is requesting setbacks of five feet and ten feet to accommodate RV parking along the narrow lots. The setbacks will not increase density or reduce the lot size. Stephen Nelson noted that when the application was brought to JUC, the Fire Department did not raise any concerns. However, during staff meeting this week, a concern regarding the reduced setbacks within the city was raised. Denying PDO zone changes was not discussed during the staff meeting. Mr. Nelson explained setbacks within PDOs. Several other developments are building to the current setback requirements. Jeremy Pickering noted that the Fire Department is concerned that reduced setbacks will interfere with property access. Kelby Iverson noted that the applicant is applying for more than the nine lots at the top of this property. Mr. Moser stated that the applicant is willing to amend the application to only the top nine lots. Mrs. Goodfellow is pleased that this application is not requesting increased density. Michelle Cloud has no opposition to the application.

Shelley Goodfellow motioned a recommendation of approval for 2022-ZC-27. Regarding the nine lots in phase one. Subject to Staff and JUC comments, fire recommendations, and a twenty-foot distance between houses, Brad Winder seconded the motion. Shelley Goodfellow, Michelle Cloud, Brad Winder, Mark Sampson, and Kelby Iverson – aye. Unanimous.

3. 2022-ZC-26: Discussion and consideration of a recommendation to the City Council on a Zone Change amendment request located at 650 S and 1100 W from RA-1, residential agriculture one unit per acre, to R1-15, residential one unit per 15,000 sq ft to facilitate a lot split. Jaymie Wetzel Applicant. Jeffrey Hatcher Agent.

Rand Lemmon reported that he discussed the application with some of the neighbors before the public hearing. Mr. Lemmon explained that the applicant only intends to have two lots. They are requesting this zoning due to roadway dedications on three sides of the property. Mr. Nelson reported that the buildable property may be slightly over one acre after the dedications. If the lot size is one acre after roadway dedications, the applicant would have a maximum of three lots. However, it is unlikely. Mr. Lemmon stated that the developable land will be less than one acre after roadway dedications. Kelby Iverson stated he has no problem with two homes on this property. He is concerned that granting R1-15 will set a precedence for the neighborhood. He asked if it was possible to create two RA-05 zones after the roadway dedications. Mr. Lemmon explained that RA-05 was the initial intent. However, Staff recommended the change to RA-15 because of the roadway dedication. Mr. Nelson reported that when the city takes property for roadways, the code provides an exception allowing the property to be developed as if it meets the criteria. The code does not allow the dedicated area to count towards the overall project size if the dedications are required as part of the

subdivision process. Shelley Goodfellow disclosed that she has a close relationship with the applicant but does not have a conflict of interest. Brad Winder shared that this lot has steep hills, which is more compatible with one home on the lot. He would like to continue the application to get more clarification from the applicant. Michelle Cloud thinks that the application meets the four criteria. R1-15 zoning requires an average lot size of 15,000 square feet. With road dedication, it is not possible to have a third lot.

Michelle Cloud motioned a recommendation of approval for 2022-ZC-26. Based on the findings that it meets the standards of the general plan, it is harmonious and will have minimal impact on with surrounding area, and there are adequate services. Shelley Goodfellow seconded the motion. Michelle Cloud, Mark Sampson, and Shelley Goodfellow – aye. Brad Winder and Kelby Iverson – nay. Motion carries.

4. Discussion and consideration of allowing reapplying for 2021-ZC-26: Dratter Zone Change within a year from denial of the original application- Applicant Interstate Rock

Stephen Nelson explained that the Planning Commission made no recommendation during the previous meeting because this was not a decision item. Mr. Nelson reported that the applicant applied for a zone change to R1-15 in July 2021 and was denied. The application was approved for RA-05. The applicant feels that the recent zone change on 400 West is a substantial change, prompting them to request approval to apply for a zone change before the one year wait period. Mr. Nelson noted the Planning Commission can determine whether a substantial change has occurred that merits consideration of the application. Brad Winder asked what defines a true neighborhood and what distance defines a neighboring project. He asked if the Planning Commission could tie the applicant to an agreement with a limit of nine lots, and would that satisfy Interstate Rock? Mr. Stratton reported that the applicant would prefer ten lots. Shelley Goodfellow does not think the zone change on 400 West is substantial. Kelby Iverson stated that he is not in favor of R1-15.

Mark Sampson motioned to deny the request to bring forward the reapplication because it does not meet the threshold of a substantial change. Shelley Goodfellow seconded the motion. Kelby Iverson, Shelley Goodfellow, Mark Sampson, Brad Winder, and Michelle Cloud – aye. Unanimous.

Mark Sampson motioned to move agenda item 8 to the next item and agenda items 5 and 6 to the end of the meeting. Kelby Iverson seconded the motion. Unanimous.

8. 2022-CUP-13: Discussion and consideration of a possible approval of a conditional use permit for a building of greater height located at 3349 W 2900 S. American Heritage Applicant.

Abbey Dick opposes this conditional use. She spoke with American Heritage, who explained that these are spec homes. The dirt level has risen by five feet in the past two months, and she has had to stop them from pushing the dirt against her fence. She shared that she authors children's books for cancer patients between the ages of 2-8. Children who survive treatment come to her house to see the wizard behind her property. Her neighbor built a home with an RV garage and a two-car garage. The approval of this conditional use permit will completely block her view. She asked if the applicant could reduce the peak of the roof. She explained that she wants a view for the children to see the wizard.

Klen Brooks with American Heritage represents their client who desires to have a detached garage with a height of twenty-two feet. They have met the development standards per code for a conditional use permit of greater height. Stephen Nelson stated that per state code, if a conditional use permit meets the standards, there are no grounds for denial. Mr. Nelson cited the greater height code. This building's height is twenty-two feet ten inches with setbacks of five feet. Based on the code standards, the Staff recommends approval. Dayton Hall reported that the Commission's job is to decide whether or not this meets the conditional use criteria. If the Planning Commission does not agree that the conditions are met, they can discuss the reason and deny the application. Shelley Goodfellow asked why the lot was raised five feet. The applicant explained

that the roadway is higher than the Abbeys property, and the lot had to be raised for drainage. Mr. Hall explained that a CCNR creates an Architectural Control Committee. CCNRs restrictions are not set by the Planning Commission and should not be considered by the Planning Commission.

Kelby Iverson motioned to approve 2022-CUP-13 because it meets the standards of the conditional use permit. Michelle Cloud seconded the motion. Unanimous.

The homeowner thanked the Commission for their time and stated that she is excited to be part of the community.

7. 2022-ZC-25: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request and Development Agreement Modification located at 2346 S 1500 W from RA-1, residential agriculture one unit per acre, and M-1, light industrial, to RA-1, residential agriculture one unit per acre, with a PDO, planned development overlay. Parcel numbers H-3350-A, H-3350-B-1, H-3501-A, H-3357-A-1. Ron Lee and Monterey Jones, LaRae Ellsworth Stout Trust Applicant. Adam Stout Agent.

Stephen Nelson reported that the application was previously continued because the site plan was submitted too late for Staff and JUC to review. The application has not changed, and the applicant has no major concerns about the development agreement. JUC is concerned about how this will be developed in the future and the spacing between access points. Jeremy Pickering stated that the code allows for one hundred and fifty feet at an intersection. Kelby Iverson stated that he is in favor of the project. This area is dedicated to agriculture, and he fully supports allowing no curb gutter and sidewalk. It is a good way to preserve agriculture. Shelley Goodfellow asked why the Sewer District and JUC comments report that the applicant must have an advanced septic system with four acres. The Sewer District typically requires two and a quarter acres with an advanced septic system. Mr. Iverson reported that it is likely that an advanced septic tank cannot reduce the nitrates on two and a quarter acres in Hurricane City.

Kelby Iverson motioned a recommendation of approval of 2022-ZC-25 subject to the development agreement. Brad Winder seconded the motion. Michelle Cloud, Brad Winder, Mark Sampson, Kelby Iverson– aye. Shelley Goodfellow abstained because she uses the land. Motion carried.

9. 2022-PP-16: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Cordero Phase 3, a 214-lot residential subdivision, located at 2100 W 3900 S. Brant Tuttle Applicant.

Brant Tuttle stated that they have made the recommended changes. Stephen Nelson reported that Staff has not completed a full application review. He explained that Ash Creek provided a will serve letter, but the Water Department did not. The Water Department is hesitant to issue a will serve letter until the water model is sufficient. Mr. Tuttle has submitted the water model, but the Water Department has not issued an official approval. Mr. Tuttle reported that in phase one, they were required to complete water line improvements which cost three million dollars. He is confident that the water model can meet the demands of the development. He noted that if there is an issue with the water model in the last phase, final approval of the construction drawings cannot be given.

Michelle Cloud motioned to table 2022-PP-16 pending a will serve letter from the Water Department. Shelley Goodfellow seconded the motion. Unanimous.

10. 2022-ZC-17: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at approx.. 5300 West 2600 South from A-5, agricultural one unit per 5 acres, to RR, recreational resort to expand the existing resort zoning. Parcel

numbers H-4138-L and H-4138-E. Chris Wyler Applicant. Civil Science-Brandee Walker Agent.

Stephen Nelson reported that the applicant requested several continuations in the past and is now requesting to withdraw the application.

11. 2022-PP-10: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Black Ridge Phase 1A-1C, a 93-lot residential subdivision, located at 1760 W and Weeping Rock Road in the Black Ridge development. Josh Lyon/Wasatch Group Applicant. Rosenberg Engineering Agent.

Stephen Nelson reported that the applicant has requested to table the application.

Shelley Goodfellow motioned to table 2022-PP-10 until the signed development agreement and will serve letters are received, and the applicant has submitted a new site plan. Brad Winder seconded the motion. Unanimous

5. 2022-LUCA-05: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment request to Title 10, Chapter 3, Chapter 13, Chapter 33, and Chapter 34 and Title 4 Chapter 2- with regards to site plan design, open space and amenities, outdoor lighting, and parking in new developments. Hurricane City Planning Applicant.

Stephen Nelson shared that the legal review made some last-minute changes, but he has no issues with the recommendations. He stated that the off-street parking concerns from the Engineering Department are not yet implemented into code. Shelley Goodfellow asked if this code pertains specifically to multifamily and not to single-family housing. Mr. Nelson explained that a single-family development is not required to present a site plan, so this only applies to multifamily.

Shelley Goodfellow motioned to continue 2022-LUCA-05 until the parking recommendations are received from the JUC. Michelle Cloud seconded the motion. Unanimous.

6. 2022-LUCA-06: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment request to Title 10, Chapter 7 and Chapter 39 to consider adding water acknowledgment waiver requirements to land use applications. Hurricane City Applicant

Dayton Hall explained that the Water Conservancy District has recently completed a usable water study within the county. There are serious concerns regarding the amount of approved platted lots and the remaining water. The district is asking the cities to decide how the remaining water will be allocated. The county has situations where approved developments do not have water. The water acknowledgment waiver clarifies the city's obligation. Surrounding cities have adopted waivers stating that the city is not responsible for guaranteeing water unless they provide a will serve letter guaranteeing water. Mr. Hall discussed an acceptance and acknowledgment waiver stating that the developer understands that water is not guaranteed unless they have received a will serve letter guaranteeing water. Developers will be required to sign the acknowledgment. Kelby Iverson asked if a developer could provide their own guarantee of water. Stephen Nelson explained that most cities in the state require developers to turn in their shares of the water tied to the property. However, Hurricane City is in a pooling agreement and requires an impact fee paid to the Conservancy District to secure and develop water. Mr. Nelson explained that chapter seven includes a new subsection, "Acknowledgment and Water Supply Waiver." He reported that changes were made to the final plat sections and these changes echo this acknowledgment.

Kelby Iverson motioned a recommendation of approval of 2022-LUCA-06. Shelley Goodfellow seconded the motion. Unanimous.

Planning Commission Business:

1. City Council Recap

Approved	Denied	Continued	Tabled
Item 3 – Power Department zone change		Agricultural overlay – Pending a recommendation from the County Agricultural Advisory Board or the 45-day notification period expires.	
Strawberry Fields preliminary plat			
Off-Highway Vehicle ordinance			

Mr. Nelson reported that the city council discussed building a park space along the Falcon Ridge Overlook. The City Council's annual budget meeting is next week.

2. Discussion of amending the Planning Commission's schedule.

Mark Sampson proposed holding a staff report meeting at 5:00 p.m. to allow staff time to discuss items. Stephen Nelson stated that he favors having dedicated time to meet with the Planning Commission before the meeting. The staff meeting will be an open public meeting. Kelby Iverson discussed the potential difficulties of the commissioners arriving at 5:00 pm.

The Planning Commissioners agreed to attempt having a staff report meeting at 5:00 p.m.

Approval of Minutes:

1. May 26, 2021

Kelby Iverson motioned to approve minutes from May 25, 2021, with changes as stated. Michelle Cloud second the motion. Unanimous.

2. February 23, 2022

Brad Winder motioned to approve minutes from February 23, 2022, with the corrections made. Shelley Goodfellow seconded the motion. Unanimous.

3. May 12, 2022

Change councilman to commissioner throughout the minutes.

Michelle Cloud motioned to approve minutes from May 12, 2022, as adjusted. Shelley Goodfellow seconded the motion. Unanimous

Mr. Iverson reported that the state has recently changed the green belt law to allow a tax exemption for a property less than five acres if the property owner owns five acres elsewhere. Mr. Iverson is requesting to

adopt an ordinance to match the state law.

Adjournment.