

**Hurricane Planning Commission
Meeting Minutes
July 14, 2022**

Call to Order - 6:00 p.m.

ON JULY 14, 2022, AT 5:00 p.m., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N. 870 WEST HURRICANE UT, 84737

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

Members Excused: Shelley Goodfellow

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

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

1. Presentation on the 2022 Moderate Income Housing Plan

Stephen Nelson explained that the City has been working on a Moderate Income Housing Plan over the past several months. He reported that Senate Bill 34 was approved in 2019. This bill required every City to adopt a Moderate Income Housing Plan. Mr. Nelson explained the strategies Hurricane City chose to adopt in the first Moderate Income Housing Plan. This year the State passed House Bill 462, updating the code. After reviewing the updated code, Staff concluded that the current plan was not adequate for the housing needs in Hurricane City. A Steering Committee was formed, a survey was administered, and the Public Open House was advertised. The Public Hearing is scheduled for July 28th. The new plan must be adopted by October 1st, 2022, and the goal is for the City Council to approve the plan on September 22, 2022.

The new code requires the City to pick three of the twenty-eight provided options. Mr. Nelson read the options provided. The Steering Committee selections were:

Identify and utilize general fund subsidies or other sources of revenue to waive construction related fees otherwise generally imposed by a municipality for construction or rehabilitation of moderate-income housing to create or allow for and reduce regulations related to internal or detached accessory dwelling units in residential zones.

Implementing zoning incentives for moderate-income housing developments.

Preserving exiting new moderate-income housing and subsidized units by utilizing landlord incentive programs, provide deed-restricted units through grant programs, or establishing a housing loss mitigation fund.

Reduce waive or eliminate impact fees related to moderate-income housing.

Demonstrate creation of or participation in community land trust programs for moderate-income housing.

Eliminate impact fees for accessory dwelling units that are not internal accessory dwelling units.

Create or allow for and reduce regulations related to multifamily residential dwellings comparable in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

Mr. Nelson summarized the survey response, objectives, and recommendations for the moderate-income housing plan. He explained the data collected during the open house and how discussions from the Steering Committee are reflected in the Moderate Income Housing Plan.

2. Discussion of amendments to the city code with regards to residential agriculture and agriculture zones

Gabriel Waters purchased the orchard on 1300 South. When the family made plans to build a barn on the property, they were approached by many residents asking to use the barn as a venue for weddings or receptions. The Waters feel this is a great way to have something special for the community and preserve the peach orchard. Stephen Nelson stated that the code does not allow reception centers within agriculture zones. He explained that the staff feels the solution is to change it to a conditional use within an agricultural zone or residential agriculture zoning. Dayton Hall reported that this was removed from the code several years ago. Although, he does not know the details why. Mr. Nelson asked if the Planning Commission would like Staff to move forward with this change. Kelby Iverson feels optimistic about moving forward with the idea. City Staff will research the language in the general plan and gather the meeting minutes when the use was removed from the code.

3. Discussion of amendments to the city code with regards to the issuance of building permits

Dayton Hall reported that the City Council passed an ordinance requiring an owner to sign a waiver releasing the City from liability for structures built in unstable soil or other geographical hazards. There are concerns about how these areas are decided. The proposal is to change the ordinance to require a soil study before building. He reported that a public hearing must be held before the change occurs.

Rebecca Bronemann was dismissed from the meeting.

6:00 p.m. or soon after that - Call to Order

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

Pledge: Paul Farthing

Prayer: Brad Winder

Declaration of a conflict of interest

Paul Farthing motioned to approve the agenda as posted. Michelle Cloud seconded the motion. Unanimous.

Public Hearing:

- 1. A Zone Change Amendment request located at approx.. 88 N 1690 W from R1-10, residential one unit per 10,000 square feet, and HC, highway commercial, to add 0.127 acres to the existing highway commercial area and the rest as R1-8, residential one unit per 8,000 square feet with a Planned Development Overlay. Parcel numbers H-3-1-33-3141**

and H-3-1-33-4221

Brent Peterson owns the commercial property left of the proposed zone change, and this disregards his legal rights with the deed, warranty deed, and right-of-way to his 66-foot easement. He wants to work with Mr. Hinton and favors this housing development. However, he feels that the preliminary plat should not be approved until it reflects how the back affects the front.

OLD BUSINESS

- 1. 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 reported that the water model for phase one is complete, and they have received the will serve letter from the Water Department. Stephen Nelson reported that the applicant provided a table showing the number of units within the development. The same development agreement now governs multiple owners, and he would like an updated table showing the number of units in each property.

Michelle Cloud motioned for a recommendation of approval of 2022-PP-16. Subject to Staff and JUC comments and an updated table reflected on the plat. Brad Winder seconded the motion. Unanimous

- 2. 2022-ZC-28 2022-PSP-24: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located on the northwest corner of SR-7 & SR-9 intersection from R1-8, one unit per 8,000 square feet, to PC, planned commercial. Parcel numbers H-3-1-31-1101 and H-3-1-31-2101. Silverado Development LLC Applicant**

Dave Hunter reported that the comments from the previous meeting were incorporated, and he reviewed the changes in the plan. Stephen Nelson likes this design better, and it meets the code if they do not exceed fifteen units per acre. The applicant needs to bring in a more detailed site plan for the areas they are not subdividing, and there are questions about the access roadways. Brad Winder likes the access on the east side. Paul Farthing likes the commercial. However, the general plan calls for single-family, and there were negative responses from the neighbors when duplexes were proposed. He is concerned that notification was not given to everyone whom this will impact. He feels that planned commercial is a way of sneaking in multifamily. Mr. Nelson explained that Staff did report that this area should be reclassified as mixed use to match the interchanges along SR-7. The Commission supported the change, but the general plan has not been updated. Kelby Iverson feels that the applicant made the necessary changes and has no concerns. Michelle Cloud also feels that the applicant has considered Staff and the Planning Commission's comments.

Michelle Cloud motioned for a recommendation of approval for 2022-ZC-28 and 2022-PSP-24. Brad Winder seconded the motion. Michelle Cloud, Kelby Iverson, Mark Sampson, Ralph Ballard – aye, Paul Farthing – nay. Motion carried.

NEW BUSINESS

- 1. 2022-ZC-29 2022-PSP-36: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at approx.. 88 N 1690 W from R1-10, residential one unit per 10,000 square feet, and HC, highway commercial, to add 0.127 acres to the existing highway commercial area and the remainder as R1-8, residential one unit per 8,000 square feet with a Planned Development Overlay. Parcel numbers H-3-1-33-3141 and H-3-1-33-4221. Hinton Holdings LLC Applicant. Richard & Kathleen Hinton**

Agent.

Stephen Nelson shared that the easement was brought to their attention by Brent Peterson, and there is a legally recorded right of access easement between these two properties. The density doesn't match and needs to be discussed. There are also ponds on the property listed on the National Wetland Registry. Wetland mitigation is a lengthy process that the applicant will need to take. He would like the preliminary site plan to show the wetland and state how the applicant intends to address the wetlands. Richard Hinton stated that his dad created the ponds for irrigation to keep horses on the property. He is surprised that it is on the National Registry. Karl Rasmussen reported that the applicant will mitigate the wetlands through the proper channels. Mr. Rasmussen shared that the site plan is conceptual, and they intend to work with Mr. Peterson. He feels that the easement is irrelevant to the zone change. Dayton Hall stated that this is a private easement and not something the City would enforce. However, the City should not encourage encroachment on a private easement. He would like to see the easement on a preliminary site plan. Mr. Rasmussen feels that the City, the Hinton's, and Mr. Peterson must come together and figure out the best placement for road and access.

Paul Farthing motioned to continue 2022-ZC-29 and 2022-PSP-36 until the wetlands, easement, and density issues are resolved. Ralph Ballard seconded the motion. Unanimous.

2. 2022-AP-02: Discussion and consideration of a recommendation to the City Council on an Agriculture Protection Overlay for Bevin Johnson located at 1235 S 700 W. Parcel number H-3-1-3-13192. Bevin Johnson Applicant

Bevin Johnson explained that they are seeking farm protection to allow them to continue farming. Michelle Cloud feels that it is essential to protect agriculture and the application meets all of the findings and requirements. Kelby Iverson supports the application. Stephen Nelson reported that the County Advisory Board made a positive recommendation.

Kelby Iverson motioned to send a letter of recommendation of approval for 2022-AP-02 to the City Council. Whereas the Planning Commission supports preserving agriculture. Paul Farthing seconded the motion. Unanimous

3. 2022-AP-03: Discussion and consideration of a recommendation to the City Council on an Agriculture Protection Overlay for Dale Johnson located at 1239 S 700 W. Parcel numbers H-3-2-3-23193 H-3-2-3-23180 and H-3-2-3-2317. Dale W. Johnson Applicant

Dale Johnson asked Dayton Hall to explain agricultural protection. Mr. Hall stated that agricultural protection protects against nuisance complaints from neighbors and provides a layer of protection from the City exercising eminent domain. The protection doesn't allow the ordinances to be amended to restrict agricultural practices. Stephen Nelson reported that the County Advisory Board gave a positive recommendation.

Brad Winder motioned to send a letter of recommendation for approval of 2022-AP-03 to the City Council. Michelle Cloud seconded the motion. Unanimous

4. 2022-CUP-14: Discussion and consideration of a possible approval of a conditional use permit for a building of greater height and size, located at 1375 W 3000 S. John Brammall Applicant. Colten Iverson Agent

Kelby Iverson declared that Colten Iverson is his brother. Stephen Nelson explained that a conditional use permit is required because the structure is larger and taller than the zoning allows. There is a home

on the current property, and the applicant wants to build a second home. The unit meets the ADU standard. However, within the code, a second ADU needs an additional, conditional use permit done at a staff level. John Bramall reviewed the acreage and parcel sizes and the layout of access to the property. Mr. Iverson would like the City to favor allowing a home to be built on farmland. Michelle Cloud feels this meets the conditions for approval.

Paul Farthing motioned to approve 2022-CUP-14. Subject to staff approval of the second conditional use permit for the casita. Brad Winder seconded the motion. Unanimous.

Dayton Hall mentioned that this is bigger than just a conditional use permit. He feels it is important to review minor and major subdivision development standards.

5. 2022-FSP-07: Discussion and consideration of a possible approval of a final site plan for Zion Hub, a recreation resort development consisting of 35 units and two restaurants, located at the northwest corner of State St. and 500 N. Henry Hill Oil Services LLC Applicant. Matt Lowe Agent

Karl Rasmussen presented the final site plan. Stephen Nelson reported that JUC has signed off on the plans, but the applicant did not provide townhome and clubhouse renderings in the packet.

Brad Winder motioned to approve 2022-FSP-07 subject to staff and JUC comments. Kelby Iverson seconded the motion. Unanimous.

6. 2022-CUP-15: Discussion and consideration of a possible approval of a conditional use permit for a metal building located at 163 S Main St. Catholic Diocese of Salt Lake City Applicant. Lynn Olds and Steve Muno Agents

Stephen Nelson explained the applicant would like to replace the shipping containers used for inventory with a storage building. Staff is fine with the building without requiring the development of frontage along 200 South. Mr. Nelson read that code for metal buildings. He explained that a facade treatment is required for the side of the building facing 200 South. The application understands the requirement and is willing to incorporate a facade treatment.

Kelby Iverson motioned to approve 2022-CUP-15 with the condition that there is a facade that gives the side of the building facing 200 South a pleasing look. Paul Farthing seconded the motion. Unanimous.

7. 2022-PP-17 2022-PSP-22: Discussion and consideration of a recommendation to the City Council on a preliminary plat and a possible approval of a preliminary site plan for Lakeview Townhomes, a multifamily development consisting of 88 townhomes and 62 duplexes, located at the northwest corner of Sand Hollow Road and Dixie Springs Dr. Brett Burgess Applicant.

Brett Burgess reported that this is the next phase of the Desert Sands development. He reviewed the approved preliminary site plan of the entire project. Staff comments were addressed, and all other concerns will be addressed during the construction drawing process. Stephen Nelson reported that Water Department has not provided a will serve letter. He reported that Water Department Superintendent Ken Richins sent the applicant an email stating that the Washington County Water Conservancy District (WCWCD) would likely supply the water. Therefore, he cannot issue a will serve letter until the WCWCD policy is updated. Mr. Nelson would like the preliminary plat to reflect the location of the resort units in each phase. He is fine if they want to push all the resort units into other phases, but he would like it to be specified so the number of resort units can be tracked. There is also a

concern regarding the private roadway system. Mr. Nelson requested another connection into the property to provide better access to the trail system.

Paul Farthing motioned to send a recommendation of approval of 2022-PP-17. Subject to Staff, and JUC comments, specifying that there are no vacation rentals in this project and a will serve letter from the Water Department before submission to the City Council. Brad winder seconded the motion. Unanimous.

Paul Farthing motioned to approve 2022-PSP-22. Subject to Staff, and JUC comments, specifying that there are no vacation rentals in this project and a will serve letter from the Water Department before submission to the City Council. Ralph Ballard seconded the motion. Unanimous

Approval of Minutes:

1. June 9, 2022

Brad Winder motioned approval of June 9, 2022, minutes. Michelle Cloud seconded the motion. Unanimous

2. June 23, 2022

Ralph Ballard motioned to approve June 23, 2022, minutes. Michelle Cloud seconded the motion. Unanimous.

City Council Recap

Approved	Denied	Tabled	Continued
Water Conservation Ordinance – with the addition of smart irrigation controllers and grass limitations	The Conditional Use Permit for taller building heights.		
Wetzel Property Zone Change			

Brad Winder motioned to adjourn. Paul Farthing seconded the motion. Unanimous.

Adjournment