

**Hurricane Planning Commission  
Meeting Minutes  
October 13, 2022**

Minutes of the Hurricane City Planning Commission meeting held on October 13, 2022, at 5:00 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

**Members Present:** Mark Sampson, Shelley Goodfellow, Rebecca Bronemann, Ralph Ballard, Michelle Cloud, Brad Winder, and Kelby Iverson

**Members Excused:** Paul Farthing

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

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

**1. Discussion of short-term rentals in accessory dwellings, residential hosting, and commercial zones.**

Stephen Nelson reported that upon recommendation from the City Council, the staff is reviewing the short-term rental code. Mr. Nelson explained the difference between long-term, short-term, residential hosting, and vacation rentals. He noted that several short-term rentals are using multiple rooms. Many of those units have external entrances, separate kitchens, and restrooms. The residential hosting license allows four rooms making it unclear when the rooms become an ADU. The goal is to clarify the definition, eliminate any gray areas, and tie the ADU code and residential hosting code together because they do not coincide. Property owners are building ADUs with one entrance and multiple studio apartments within that building, creating mini hotels/motels. The current code for a hotel or motel requires onsite management, but the code for short-term rentals does not. It is important to update the code to clarify at what point onsite management is required. The short-term rental policy within commercial zoning needs to be clearly defined. The City Council had suggested only allowing one party to rent multiple rooms. Mrs. Goodfellow feels it will be difficult to define what a party is.

**2. Discussion of updates to the public notice process**

**6:00 p.m. - Call to Order**

Roll Call

*Ralph Ballard motioned to move old business item number 1 to the end of the agenda. Rebecca Bronemann seconded. Unanimous.*

*Shelley Goodfellow motioned to approve the agenda as amended. Ralph Ballard seconded the motion. Unanimous.*

Pledge of Allegiance – Joe Johnson

Prayer and/or thought by invitation - Shelley Goodfellow.

Declaration of any conflicts of interest

### **Public Hearings**

**1. A Zone Change Amendment request located at approx.. 1436 W State Street from the split zoning of HC, highway commercial, and RA-1, residential agricultural-one unit per acre, to expand the HC, highway commercial, to develop the whole property with commercial type uses. Parcel Number: H-3-1-33-3217.**

No comments

**2. A Zone Change Amendment request located at approx.. 5200 West and 2500 South from A-5, agriculture one unit per 5 acres, to RM-1/PDO, multifamily 6 units per acre with a Planned Development Overlay, and RR, recreation resort. Parcel numbers: H-4138-B, H-4138-L, H-4138-E.**

No comments

**3. A Land Use Code Amendment Request to Title 10-Chapter 3-Subsection 4 and 10, Title 10-Chapter 15-Subsection 3, Title 10-Chapter 41, and Title 10-Chapter 51 to make changes regarding short-term rental standards for accessory dwelling units within residential areas, residential hosting standards, and short-term rental standards in commercial zones.**

Steve Nation lives in the county boundaries. There are three short-term rentals with a combined 153 beds outside Sky Ranch. He lives 4,000 feet away from the rentals, and in the evening, he can hear the screaming in the pools. It is important to limit the number of people allowed at a rental. He thinks eliminating grandfathered licenses is an excellent way to address the short-term rental issues.

**4. A Land Use Code Amendment Request to Title 10-Chapter 25 to consider requiring a note be placed on new subdivision plats for areas within the airport runway protection zone.**

Mark Hudgens lives in Sky Ranch. He is working with the city regarding the potential annexation of Sky Ranch. The Soloroca project was approved directly under the flight traffic pattern. He feels that the note should be on any plat within the traffic path and runway of any airport, whether a public or private airport.

Scott Freeman is on the Airport Advisory Board and owns a business at the Hurricane Airport. He encourages the Planning Commission to look at other cities' airport land use guidelines. Accommodations have to be made when building under the pattern of the airport. When looking at development around an airport, there should be agriculture, industrial, and housing; that is not how it has been developed. Mr. Freeman noted that there were zero noise complaints in the last month.

Steve Nation shared that when an airport safety zone is adopted, the notice should remain with the home indefinitely.

### **OLD BUSINESS**

**2. 2022-PP-23: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Bash Resorts, a 375-unit recreation resort development located north of Iron Bridge Blvd. Western Mortgage and Realty Co-Applicant. Brent Moser Agent.**

Brent Moser reviewed the changes made to the project. The name of the development will be changed from Bash Resort to Adventus Resort. He presented pictures of the amenities and units. Stephen Nelson reported that the applicant has replied to staff comments from the previous meeting. The affidavit issue has been resolved. There were concerns regarding the zoning boundary because parking and a section of the building were outside the resort zoning. The applicant has stated that they would like to change the use of the proposed retreat center to a commercial-use bed and breakfast. Mrs. Goodfellow confirmed that the pool space needs to be in the resort zoning. Mr. Nelson reviewed the list of proposed amenities. Many of the proposed amenities are not required by code. However, the Planning Commission can approve alternative amenities to offset other amenity requirements. The Planning Commission can also approve offsite parking if it does not cross the main road.

*Shelley Goodfellow motioned to send a **recommendation of approval** of 2022-PP-23. Subject to staff and JUC comments with the alternate amenities, parking, and sufficient buildout of the PID. Michelle Cloud seconded the motion. **Unanimous.***

**3. 2022-PP-21: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Marla Phase 2, a nine-unit recreation resort development located at approximately 1600 S Sand Hollow Road. Western Mortgage and Realty Company Applicant. Brent Moser Agent.**

Stephen Nelson explained that previously the public streets ended in a parking lot and the proposed city park. The Parks Department is concerned about the public streets going into the parking lot and whether the parking lot will be city-owned and city-maintained. The applicant reported that the parking lot would be privately owned and maintained. Brent Moser reported that the four parks will be used for detention ponds throughout the PID. The parks are designed in levels to prevent flooding of the soccer fields. Mr. Nelson stated that the parks require final approval of the site plan, which will come before the Planning Commission. Mr. Moser reported that the development is built under fire suppression, and there are no dead-end points. Mr. Moser reported that he has taken the City Council members to the sight to show them the plan. This will be part of PID three, and they plan to enhance the existing basin and turn it into a park. Mr. Ballard confirmed that the development is part of an HOA. He does not want this parking lot to become a liability for the development when maintaining the area. Mr. Moser noted that the public roads are very narrow and will only be traveled by guests. Mark Sampson asked if the Parks department was surprised by this park. Mr. Nelson stated that they were. The department knew there would be a detention basin, but they were surprised about the park's location. Mr. Iverson asked if the applicant is required to improve detention basins. Mr. Nelson reported that they are not required to provide beautification and recreation amenities; however, they would have to enhance them to a point where they aren't a dust and weed hole.

*Michelle Cloud motioned a **recommendation of approval** of 2022-PP-21. Subject to staff and JUC comments. Rebecca Bronemann seconded the motion. **Unanimous.***

**NEW BUSINESS**

**1. 2022-CUP-23: Discussion and consideration of a possible approval of a conditional use permit for a building of greater height located at 1042 W 400 S. Travis Dickey Applicant.**

Travis Dickey explained that he was given approval for an addition on the back side of the home. He would like to add a second story to the existing accessory building to add a mother in-law suit. Stephen Nelson reported that the applicant received a variance from the appeals board to add a second story onto the garage.

*Rebecca Bronemann motioned to **approve** 2022-CUP-23. Kelby Iverson seconded the motion. **Unanimous.***

**2. 2022-CUP-22: Discussion and consideration of a possible approval of a conditional use permit for a greater height wall located at 90 W 100 N. Luis Martinez Applicant.**

Stephen Nelson reviewed the code regarding site triangles. This area has no sidewalks, and an eight-foot wall will block the view of the sidewalk and neighboring driveways.

*Brad Winder motioned to **continue** 2022-CUP-22. Kelby Iverson seconded the motion. **Unanimous.***

**3. 2022-ZC-34: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at approx.. 1436 W State Street from the split zoning of HC, highway commercial, and RA-1, residential agricultural one unit per acre, to expand the HC, highway commercial, to develop the whole property with commercial type uses. Parcel Number: H-3-1-33-3217. Buck Hurst Applicant.**

Buck Hurst, the owner of Ace Hardware, purchased this property and plans to relocate Ace Hardware. The new building will be twice the current size of Ace Hardware, with increased parking. The applicant has a plan, but he is not committed to it. He would like the entire property to be commercial zoning. Stephen Nelson stated that there is a master-planned road along the east boundary. The applicant and engineering department are working to address access off the highway and the road's alignment. Jeremy Pickering stated that a traffic study has been completed. Mrs. Bronemann asked about the comment regarding the 100-year floodplain and if it is a significant problem. Mr. Pickering stated that this was a note for development during construction drawings.

*Kelby Iverson motioned to send a **recommendation of approval** of 2022-ZC-34. Shelley Goodfellow seconded the motion. **Unanimous.***

**4. 2022-ZC-35 2022-PSP-43: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at approx.. 5200 West and 2500 South from A-5, agriculture one unit per 5 acres, to RM-1/PDO, multifamily 6 units per acre with a Planned Development Overlay, and RR, recreation resort. Parcel numbers: H-4138-B, H-4138-L, H-4138-E. Chris Wyler Applicant. Brandee Walker-Civil Science Agent.**

Stephen Nelson explained that similar applications have been presented multiple times. The applicant is proposing to rezone sections of his property as a resort and RM-1/PDO with additional parking. He explained that there are several things the Planning Commission should consider. The applicant is requesting to move some of the long-term rental units and create another resort area. There is a minimum requirement of five acres for a PDO, and this proposed PDO is only three acres. The amenities also do not meet the requirements. The Planning Commission can approve an alternate amenity package. Mr. Nelson reported that the staff would like another pool to the south. Dayton Hall stated that this is more complex than a zone change because the overlay zone requires a preliminary site plan. He reminded the Planning Commission to focus on the four zone change criteria, and any motion made should be subject to staff and JUC comments. Mr. Nelson noted that there is a lack of infrastructure that will likely require additional review by the JUC during the construction drawing process. The applicant has final site plan approval and associated infrastructure for the first phase. However, the expansion of the units has raised concerns. Mr. Wyler explained that the bonds to extend the power services are in place, and Dixie Power is working to secure land for another substation. There is also an area where an additional tank and sewer lift station can be added. Mr. Nelson read through comments from Dixie Power. Mrs. Cloud does not think this addresses the four zone change criteria in the affirmative. She

asked how many additional units are being proposed. Mr. Nelson shared that there are twenty-three additional units. Mr. Wyler stated that they are well below the capacity of the zoning. He anticipates four hundred townhomes and twenty-three single-family homes. All of the units are vacation rentals. Mrs. Cloud is concerned about the number of vacation rentals in Hurricane City.

Mr. Ballard thinks this is a phenomenal product. Mrs. Goodfellow is concerned about the lack of utilities and agrees with Mrs. Cloud and Mr. Ballard. Mr. Wyler explained that Dixie Power has property secured for the substation, and the utility expansion will provide adequate infrastructure. Mrs. Bronemann is concerned about the lack of services and easy access to public amenities. Mr. Iverson feels this is harmonious with the master plan but thinks this is a black-and-white issue. Zone changes should only take place once there is proper infrastructure. Mr. Wyler feels the concerns regarding access, amenities, and services have been addressed. He does not feel this is premature. The infrastructure is paid for and approved. Mr. Wyler shared that he needs the zoning to complete the engineering so he can design his development. Mr. Nelson reported that some of the infrastructure is bonded. However, the biggest issue is if the infrastructure is adequately sized. The Water Department would like to review a water model to ensure the water system can serve the higher density.

*Kelby Iverson motioned to send a **recommendation of denial** of 2022-ZC-35 and 2022-PSP-43 on the grounds of inadequate infrastructure. Michelle Cloud seconded the motion. Kelby Iverson - aye, Brad Winder- aye, Shelley Fellow – aye, Rebecca Bronemann- aye, and Michelle Cloud- aye. Ralph Ballard – nay, and Mark Sampson- nay. **Motion carries.***

**5. 2022-LUCA-09: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment Request to Title 10-Chapter 3-Subsection 4 and 10, Title 10-Chapter 15-Subsection 3, Title 10-Chapter 41, and Title 10-Chapter 51 to make changes regarding short-term rental standards for accessory dwelling units within residential areas, residential hosting standards, and short-term rental standards in commercial zones. Hurricane City Applicant.**

Stephen Nelson recommended continuing the item to address the concerns brought up during the workshop. He reviewed the reasons the code is being reviewed for the public that were not present during the workshop. The comments from the workshop will be presented at the next meeting.

*Ralph Ballard motioned to **continue** 2022-LUCA-09 until the next Planning Commission meeting to provide an opportunity for the public to comment. Kelby Iverson seconded the motion. **Unanimous.***

**6. 2022-LUCA-10: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment Request to Title 10-Chapter 25 to consider requiring a note be placed on new subdivision plats for areas within the airport runway protection zone.**

Dayton Hall reported that the mayor has requested a way to provide additional protections to the airport and future airports. This Airport Board recommended that staff prepare a note that will be added to a plat within 300 feet of an airport runway protection zone. The note serves as notice that the home is in the vicinity of the airport with noise and nuisance. Mr. Iverson noted that the subdivisions near the Sky Ranch area are not within the city. Mr. Winder thinks three hundred feet is too limited and should be expanded and added to Sky Ranch. The Planning Commission discussed the different options for the plat notice distance. Mrs. Goodfellow suggested wording for the ordinance and suggested a half-mile distance for any public, private, or municipal airport.

*Shelley Goodfellow motioned to **continue** 2022-LUCA-10 to make amendments. Kelby Iverson seconded the motion. **Unanimous.***

**7. 2022-PP-25: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Lone Pine subdivision, a nine-lot residential subdivision located at 400 W 820 S. Brant Tuttle, Northern Engineering Applicant**

Brant Tuttle explained that this is a nine-lot subdivision on five acres. Stephen Nelson shared that the power line along 400 West is insufficient for development. The power department has expressed that they want to do a joint venture and work with the developer to develop sufficient power. An irrigation ditch runs along the east side of the property, and the applicant will need to work with the Hurricane Canal Company to move the location of the irrigation ditch. A representative for Lone Pine Subdivision reported that the ditch would be destroyed when Ash Creek runs the planned sewer line. Mr. Nelson feels these issues can be addressed during the construction drawing process.

*Shelley Goodfellow motioned to send a **recommendation of approval** of 2022-PP-25 based on staff and JUC comments, in particular, that the applicant coordinates with the power department to extend services to the sight, including moving the power line to the property location and canal company for future placement and improvements of the distribution and wastewater along the east side of the property. Rebecca Bronemann seconded the motion. **Unanimous.***

**8. 2022-PSP-42: Discussion and consideration of a possible approval of an amended preliminary site plan for Silverado Development, a Planned Commercial development consisting of 192 multifamily units, 52 townhomes, hotels, retail, and a gas station located at the northwest corner of the SR-9 and SR-7 interchange. Silverado Development LLC Applicant**

Julian Stemmer with Silverado Development explained that the City Council approved the zone change for the planned commercial. This proposal adds another restaurant, eliminates the toy garages, and increases the townhomes to fifty-two units. Mrs. Bronemann asked if the second access was being provided. Stephen Nelson stated that in the future, the applicant needs have secondary access that is not off of 2800 west. When they get into phasing, they may have to phase the project differently until they can meet fire access requirements. Jeremy Pickering that the pump station to the east will likely need to be upsized.

*Rebecca Bronemann motioned to **approve** 2022-PSP-42 subject to staff and JUC comments. Ralph Ballard seconded the motion. **Unanimous.***

**9. 2022-PP-26: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Desert Sky Estates, a 73-lot residential subdivision located at 2100 W and 3350 S. Desert Sky Estates Applicant. Ben Willits and Tony Carter Agents.**

Tony Carter shared that this project is west of the Copper Rock golf course. Stephen Nelson noted the concerns in the staff report. Mr. Nelson explained that a water model is required. However, the water model for the Cordero development to the south shows very limited water. Based on the existing water model for that area, he is concerned that there will not be adequate water to serve the development. The power department has reported that, based on signed construction drawings, there is not an adequate capacity to serve the area. The third phase of Cordero was recommended for denial based on inadequate services, and staff feels the same about this development. Dayton Hall cited the development agreement. Mr. Carter reported that adequate water is available according to the water model they are working on. Mr. Hall explained that these zone changes were made subject to a development agreement stating that the preliminary plat would not be presented until there is adequate infrastructure. However, preliminary plans are coming in for approval without adequate infrastructure. Mr. Iverson reiterated Mr. Hall's comments.

*Shelley Goodfellow motioned to **continue** 2022-PP-26 to give the applicant time to deal with the water and power issues. Kelby Iverson seconded the motion. **Unanimous.***

**10. 2022-FSP-12: Discussion and consideration of a possible approval of a final site plan for Mesa Cove, a 64-lot townhome subdivision located at 1117 W 600 N. Goldline Homes LLC Applicant.**

Stephen Nelson explained that grass can only be in active recreational areas per the new code. He reviewed the areas in which the grass needs to be eliminated.

*Kelby Iverson motioned to **approve** 2022-FSP-12 subject to the development meeting the requirements of the active recreation grass areas. Brad Winder seconded the motion. **Unanimous.***

**11. 2022-PP-27: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Peregrine Pointe West Phase 1A, a three-lot residential subdivision located at 3000 W Cliffhanger Dr. Peregrine Pointe West Phase 1A Applicant. Greg Sant Agent.**

Stephen Nelson needs to confirm receipt of the will-serve letters. The applicant must follow the sensitive land and grading code during construction drawings. However, the applicant does not need to apply for a sensitive land application because the entire property is less than two acres.

*Rebecca Bronemann motioned to send a **recommendation of approval** of 2022-PP-2. Subject to staff and JUC comments and the receipt of the will-serve letters. Brad Winder seconded the motion. **Unanimous.***

**12. 2022-AFP-08: Discussion and consideration of a recommendation to the City Council on an amended final plat for Dixie Springs Plat E located at 2799 S 3680 W. Kevin and Ralene Scott Applicant. Ryan Scholes Agent.**

Stephen Nelson reported that staff recommends the applicant abandon the utility easements along the sides and rear property and disconnect the water and sewer on the undeveloped lot.

*Kelby Iverson motioned a **recommendation of approval** of 2022-AFP-08. Subject to JUC and staff comments. Rebecca Bronemann seconded the motion. **Unanimous.***

**13. 2022-FSP-13: Discussion and consideration of a possible approval of a final site plan for storage units located at 600 N and 3100 W. James Cheney Applicant.**

Stephen Nelson stated that the construction drawing for the project have been signed. The applicant filed for a conditional use permit because the units will be metal. However, the staff forgot to add it to the agenda. Mr. Nelson feels comfortable with approving this subject to the approval of the conditional use permit.

*Rebecca Bronemann motioned to **approve** 2022-FSP-13. Subject to staff and JUC comments and future approval of a conditional use permit. Michelle Cloud seconded the motion. **Unanimous.***

**14. 2022-FSP-10: Discussion and consideration of a recommendation to the City Council on a final site plan approval for Glampers Inn, an RV park and commercial development located south of Sand Hollow Road. Blow Sand LLC Applicant. Scott Nielson Agent.**

Stephen Nelson stated that the mislabeling on the site plan had been addressed, and the parking now

meets the standards. There are no issues with the internal landscaping plan. However, the plan does not show landscaping in the park strip or the ten-foot buffer zone. The site plan also needs a detailed lighting plan. However, there are notes stating that the landscaping and lighting requirements will meet Hurricane City code which addresses those concerns. Mr. Iverson asked if the water park was open to the public. Katy reported that the water park is only open to campground patrons. Mr. Nelson reported that there are fifty additional parking spaces that are not required by code.

*Kelby Iverson motioned to send a **recommendation of approval** of 2022-FSP-10. Subject to staff and JUC comments, including the updated report sent out today. Michelle Cloud seconded the motion. **Unanimous.***

**15. 2022-FSP-09: Discussion and consideration of a possible approval of a final site plan for BASH Facility, a sports rental sales and maintenance facility located at approximately 850 S Sand Hollow Road. SH Rental Holdings LLC Applicant. Brent Moser Agent.**

Fred Resch noted that the size of the conceptual restaurant pad does not have adequate parking, this need to be addressed at the time of construction.

*Michelle Cloud motioned to **approve** 2022-FSP-09. Subject to staff comments, particularly the restaurant parking. Rebecca Bronemann seconded the motion. **Unanimous.***

#### **OLD BUSINESS:**

**1. 2022-ZC-29 2022-PSP-36: Discussion and consideration of a Zone Change Amendment request located at approx.. 29 N 1690 W from R1-10, residential one unit per 10,000 square feet, to R1-8 with a PDO, 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. Richard & Kathleen Hinton Applicant.**

Mr. Iverson clarified that the orange section on the map presented has nothing to do with the proposed preliminary site plan. If that is the case, the letters submitted are inappropriate and irrelevant. Mr. Peterson still has his easement, and there is nothing illegal happening. Dayton Hall stated his previous request was for the engineer to show where the easements are on the map. This is a private easement. Therefore, the applicant and Mr. Peterson need to address the easement concerns. Stephen Nelson cited sections of the letter provided by Jim Lyman. Mr. Lyman would like more townhome-type housing with fewer parking lot areas and enhanced open spaces. Mrs. Goodfellow feels that the applicant has addressed all the issues. Mrs. Bronemann reported that multifamily units next to single-family homes do not reduce property values; if anything, it raises them. She feels this is a good project and has no concerns. Mr. Iverson thinks the Planning Commission should either grant the density bonus or the zoning but not necessarily both. Mr. Nelson explained that the enhancements qualify for the density bonus.

*Michelle Cloud motioned a **recommendation of approval** of 2022-ZC-29 and 2022-PSP-25 based on the findings that the proposed zone change meets the general plan standards, is harmonious with the surrounding development, and will have a positive impact on the area, and the services are broadly adequate for the development. They meet the conditions for the twenty percent density bonus. Brad Winder seconded the motion. Rebecca Bronemann- aye, Brad Winder- aye, Shelley Goodfellow- aye, and Ralph Ballard- aye. Kelby Iverson- nay. **Motion carries.***

#### **Approval of Minutes:**

**1. July 28, 2021**



*Shelley Goodfellow motioned to **approve** the July 28, 2021, minutes. Rebecca Bronemann seconded. **Unanimous.***

*Kelby Iverson motioned to adjourn the meeting. Brad Winder seconded. Unanimous.*

**Adjournment**