

**Hurricane Planning Commission
Meeting Minutes
April 27, 2023**

Minutes of the Hurricane City Planning Commission meeting held on April 27, 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, Michelle Cloud, Rebecca Bronemann, Brad Winder, and Kelby Iverson

Members Excused: Ralph Ballard

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. Discussion on inclusionary zoning

Stephen Nelson reported that staff met with builders and state and local authorities who have worked with inclusionary zoning. The presented draft reflects changes from those conversations. He explained that Hurricane City's Moderate Income Housing Plan recommends incentivizing developers to develop a percentage of their development as affordable housing. The incentive in the presented draft applies to new residential in R1-6, RM1, RM2, RM3, and planned development overlays. However, single-family zoning could be added to the ordinance. Mr. Nelson reviewed the definition and explained the incentives in each section.

Rebecca Bronemann asked if the city budget subsidizes the incentives. Mr. Nelson reported that the city has the power under State Law to wave impact fees for units that meet specific affordability criteria. Brad Winder questioned if impact fees will be increased for others to cover the additional money that would have been collected from developers. He expressed concern that incentivizing is the opposite of a free market. Shelley Goodfellow feels that after the deed restrictions expire, housing affordability will become an issue again. Mr. Nelson reported that the deed restriction could be extended up to fifty years or the lifetime of the building. He will bring the ordinance back to the Planning Commission to review after adding single-family zoning.

2. Legislative Update

Stephen Nelson presented the slide show made public at the Utah Legislative session. Nineteen bills were passed on land use amendments. Changes were made to the moderate-income housing plan, requiring the adoption of different strategies and timelines for reporting. Preliminary plats must be reviewed within fifteen days, and the final plat must be reviewed within twenty days. There is a maximum of four review cycles during the construction drawing process. Mr. Nelson noted that there are exceptions to the review cycle requirements. Residential roadway widths, landscape

bonding, and business license requirements for food trucks are some of the changes that will impact Hurricane City.

6:00 p.m. - Call to Order

Roll Call – Rebecca Bronemann was excused from the meeting at this time.

Pledge of Allegiance by Brad Winder

Prayer and/or thought by invitation from Shelley Goodfellow

Declaration of any conflicts of interest

ELECTION OF A NEW CHAIRPERSON – moved to the end of the meeting.

Public Hearings

1. A Zone Change Amendment request located at approximately 2700 W 600 N, from R1-8/PDO, residential one unit per 8,000 square feet with a planned development overlay, to RR, recreational resort. This change will affect all of the Eagle Pointe Ph 1A, 1B, and 1C subdivisions.

Multiple comments were submitted and are attached to the end of these minutes.

Larry Whiting is speaking on behalf of his neighbors. He and his wife have lived in their home for seventeen years. They strongly oppose this zone change and have gathered 401 signatures against this petition. This will reduce property values, create unsightly and noisy conditions, and cause parking congestion on the narrow streets. He read a statement from the Assistant Manager of the Golf Course.

Scott Clausen agrees with what was previously shared. He was on a Home Owners Association board for six years in Summit County and reported that noise, litter, trespassing, and parking concerns were some of the primary issues caused by short-term rentals.

Roy Moffat feels Perry Homes has taken the charm and beauty from the subdivision. To build this development, they removed a part of tee five on the golf course. Two years ago, Perry Homes promised that the dirt and dust would be taken care of. However, this has never happened. This is an opportunity for a company to overcome its financial debt by changing the zoning to sell its properties.

Eric Sorenson feels the streets are too narrow to accommodate this proposal and asked the Planning Commission to deny the application. They bought their home expecting the property to remain R1-8.

Clelen Tanner stated that the voting citizens of Hurricane City have no responsibility to save Perry Homes from its poor business decisions.

Brenda Luis's backyard faces 600 North. They bought their house eleven years ago as a second home. Eagle Pointe has ruined the views of Pine Mountain, the road is too narrow to accommodate the existing traffic, and there are already issues with short-term rentals in the neighborhood.

Stephen Daniels is an employee of Hurricane City Golf Course. He reported that the golf course is very busy and questioned why the developer stated that the golf course does not generate business. He asked how the increased parking would be accommodated.

Richard Eastman feels that this will ruin the golf course. The developer should have developed a better marketing plan.

Debbie Sorrano feels that if this is approved, it will set a precedence for other developers. She asked the Commission to side with the residents.

Lisa Reed read a prepared statement.

Fred Hernandez stated that the Planning Commission represents the citizens, not the developers.

2. A Zone Change Amendment request located at approximately 1202 S Sand Hollow Road and 1151 S Sand Hollow Road from NC, neighborhood commercial, to PC, planned commercial. Which will affect parcel numbers H-4-2-11-2112-GS1, H-4-2-12-1207-GS1, H-4-2-11-129, H-4-2-11-122, and H-4-2-11-128. As well as the location at approx.. 1175 S Sand Hollow Road from NC, neighborhood commercial, and RR, recreation resort, to PC, planned commercial, and RR, recreation resort. To allow for the realignment of zoning for the proposed development Obsidian Resort. This includes parcel numbers H-4-2-11-126 and H-4-2-12-1113-GS1.

No comments

3. A Land Use Code Amendment request on Title 10 Chapter 39 Subsection 15 regarding model homes.

A comment from Interstate Homes is attached at the end of these minutes.
No further comments.

4. A proposed amendment to the Hurricane City Standards for Design and Construction and Hurricane City's Drainage Manual to require development within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events.

No comments

OLD BUSINESS

1. 2023-PSP-09: Discussion and consideration of a possible approval of a preliminary site plan for Pearce Cabins Phase 2, a nightly vacation rental development located at 83 E State St. VR Properties LLC Applicant. Chris Pearce Agent.

Stephen Nelson explained that this item was continued due to concerns regarding landscape requirements, onsite management, and fire turnarounds. The applicant has provided an updated landscaping plan and has committed to having onsite management. The fire district has yet to confirm that the fire turnaround is sufficient. However, staff recommends approval subject to staff and JUC. Shelley Goodfellow asked how onsite management is enforced. Mr. Nelson explained that onsite management is enforced during the business licensing process.

Paul Farthing motioned to approve 2023-PSP-09 subject to staff and JUC comments. Shelley Goodfellow seconded the motion. Unanimous.

NEW BUSINESS

1. 2023-APP-02: Discussion and possible approval of an amended parking plan for Carlson Distributing located at 451 N Old Highway 91. Eric McFadden Applicant.

Stephen Nelson reported that Carlson Distributing is expanding its warehouse. The applicant has provided a parking study showing that the proposed parking is adequate for the expansion.

Brad Winder motioned to approve 2023-APP-02 as presented. Shelley Goodfellow seconded the motion.

2. 2023-ZC-09 2023-PSP-08: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at approximately 2700 W 600 N, from R1-8/PDO, residential one unit per 8,000 square feet with a planned development overlay, to RR, recreational resort. This change will affect all of the Eagle Pointe Ph 1A, 1B, and 1C subdivisions. Perry Development Applicant. Greg Sant Agent.

Stephen Nelson reported that this development is already approved. The current entitlement is for long-term residential use. The applicant is requesting approval to add short-term rentals to the development. The vote tonight will not change the entitlement of units on the site plan. Greg Sant reported that the preliminary plat was approved for 345 units. This request pertains to eighty-eight units. Mr. Sant asked Jeremy Pickering how many traffic lanes are planned for 600 North. Jeremy Pickering reported that 600 North would be a three-lane minor arterial road. It is anticipated that 2800 West and 700 West will relieve the pressure on 600 North. Mr. Sant asked if the right of way could accommodate four lanes. Mr. Pickering explained that the current model does not indicate 600 North needs more than three lanes. Mr. Sant reported that long-term rentals average seven to eight trips per day, whereas short-term rentals average three to four.

Mr. Nelson agrees that long-term rentals generate seven to eight daily trips. Currently, no studies can be relied upon to account for trips generated by short-term rentals. Shelley Goodfellow stated that Hurricane City has 5,250 approved recreation resort units. The Planning Commission's purpose is to review the four criteria of a zone change. Mrs. Goodfellow feels that the proposed amendment is not harmonious with the overall character of the existing development and affects the adjacent property. Paul Farthing agrees with everyone's sentiment. He noted vacation rentals in Copper Rocks, Sand Hollow, and Coral Canyon. These units are being built around a golf course, and with good onsite management, this development could work. Michelle Cloud agrees with Shelley

Goodfellow and points out that the Moderate Income Housing Plan suggests limiting the growth of resorts. Mr. Sant stated that only seven percent of the approved recreation resort units are complete. The remaining ninety-three percent have not broken ground yet.

Michelle Cloud motioned a recommendation of denial of 2023-ZC-09 and 2023-PSP-08 to the City Council with the finding that it does not meet the general plan standards, is not harmonious with the surrounding development, will impact the area, does not meet the requirements of rezoning to property of recreation resort. The subdivision was not designed with the standards of recreation resort zoning in mind. Brad Winder seconded the motion. Roll Call – Kelby Iverson, Paul Farthing, Shelly Goodfellow, Brad Winder, and Michelle Cloud – aye. Unanimous.

3. 2023-ZC-11 2023-PSP-09: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at approximately 1202 S Sand Hollow Road and 1151 S Sand Hollow Road from NC, neighborhood commercial, to PC, planned commercial. Which will affect parcel numbers H-4-2-11-2112-GS1, H-4-2-12-1207-GS1, H-4-2-11-129, H-4-2-11-122, and H-4-2-11-128. As well as the location at approx.. 1175 S Sand Hollow Road from NC, neighborhood commercial, and RR, recreation resort, to PC, planned commercial, and RR, recreation resort. To allow for the realignment of zoning for the proposed development Obsidian Resort. This includes parcel numbers H-4-2-11-126 and H-4-2-12-1113-GS1. Brent Moser applicant. Karl Rasmussen Agent.

Stephen Nelson reported that the Planning Commission needs to consider staff's recommendations for the site plan and determine whether planned commercial is an appropriate zone for these locations. Brent Moser reported that the phases in this application model the strategies of attainable housing. He listed the amenities in the commercial aspect of the development. Shelley Goodfellow asked for clarification of the zoning boundaries. Mr. Nelson explained the location of the planned and neighborhood commercial.

Paul Farthing motioned a recommendation of approval of 2023-ZC-11 and 2023-PSP-09, subject to staff and JUC comments. Shelley Good Fellow seconded the motion. Unanimous

4. 2023-LUCA-02: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment request on Title 10 Chapter 39 Subsection 15 regarding model homes.

Stephen Nelson reported that the JUC does not support model homes/units. He explained that the Planning Commission can make a recommendation based on the presented proposal or make a recommendation to remove the model home ordinance. The JUC's recommendation is to remove the model home ordinance. Paul Farthing asked for clarification of the JUC objection. Mr. Nelson explained that the JUC feels allowing a model home makes it challenging to manage development as utilities are brought into the subdivision.

Greg Sant reported that per State Law if the improvement bond is posted and the building and fire code safety guidelines are met, the City must issue the permit. Dayton Hall explained that state code addresses the building permit period, not model homes. Paul Farthing feels there are benefits to model homes. Jeremy Pickering shared the reasonings for his opposition to model homes. Mr. Nelson and the Planning Commission discussed adding a section requiring the model home to be

reflected on the construction drawings. The drawing will be reviewed and approved by the JUC before issuing the building permit. Kelby Iverson asked if this proposal addresses JUC concerns. Mr. Nelson stated that it does not address all of the JUC concerns.

Shelley Goodfellow motioned a recommendation of approval of 2023-LUCA-02 to the City Council as amended with Subsection E. Michelle Cloud seconded the motion. Unanimous.

5. Discussion and consideration of a recommendation to the City Council on a proposed amendment to the Hurricane City Standards for Design and Construction and Hurricane City's Drainage Manual to require development within the Frog Hollow Sub-basin to retain stormwater from 10-year storm events.

Stephen Nelson reported that this amendment was brought forward in response to the extraction overlay for Washington Conservancy Districts' clay pit. As part of the zone change, Hurricane City and the Conservancy District are working on an agreement regarding the maintenance of the property and eventual dedication to the City. Within that agreement, the Conservancy District asked Hurricane City to increase the stormwater detention standards. The clay pit is the lowest point in the area, and they are concerned about water contamination. Jeremy Pickering reported that a stormwater impact assessment is the standard procedure for development and explained the difference between retention and detention. Frog Hollow Basin is a large geographical area, and this will significantly impact those who are required to follow this.

Kelby Iverson reported that during the first conversation with the Water District, it was indicated that the clay pit would be a type of drainage pond. Two weeks later, the Water District returned with this proposal that will affect every home in the Bench Lake area. Dayton Hall explained that the Water District requested an agreement guaranteeing the district's clay extraction. The city's position was that the district needed an extraction overlay to accomplish this. In return for the zone change, the district offered to give the city property for four master-planned roadways and asked the city to require future developments in the Frog Hollow basin to retain their ten-year storm event. Mr. Iverson feels opposition to changing the standards for those willing to comply with the existing zoning but would be in general favor of the standards changing for those who ask for a zone change and develop under a different zoning.

Shelley Goodfellow feels this is a result of the new developments in this area, and this was her primary concern when Balance of Nature presented its application. Initially, they stated that they would take care of their water retention. Now Balance of Nature wants to push the problem onto the Water District, and the district's solution is to push the problem onto future developments. She understands why the Water District does not want the water coming into the pit, but she believes Balance of Nature should be held to its commitment. Mrs. Goodfellow recommends continuing the item to allow the Planning Commission to review the amendment thoroughly. Mr. Pickering clarified that the Planning Commission is concerned that the impact on neighboring developments is disproportionate to this request. Karl Rasmussen reported that the roadway dedications are necessary to build utilities in this area. Delaying this will affect what the Water District and Balance of Nature are trying to accomplish.

Paul Farthing motioned a recommendation of approval to the City Council. Michelle Cloud seconded the motion. Roll Call. Michelle Cloud and Paul Farthing – aye. Shelley Goodfellow, Brad Winder, Kelby Iverson, and Mark Sampson – nay. Motion fails

Shelley Goodfellow motioned to continue the item until the Planning Commission has more details on the size of developments required to do runoff, the amount that will be retained based on that, and the sub-basin locations. Brad Winder seconded the motion. Kelby Iverson, Brad Winder, Shelley Goodfellow, and Mark Sampson – aye. Paul Farthing and Michelle Cloud – nay. Motion carried.

6. 2022-PP-14: Discussion and consideration of a possible approval of an extension of the preliminary plat for Cordero Phase 2, a 40-lot single family subdivision located at 2100 W 3900 S. Brant Tuttle, Northern Engineering Applicant.

Stephen Nelson reported that construction drawings have not been approved due to inadequate services. The application requests to renew the preliminary plat to continue when the facilities arrive. Brant Tuttle reported that sewer and water are available at the location, and developers are working with the power department.

Paul Farthing motioned to approve an extension for 2022-PP-14, subject to the original conditions and a stipulation that construction drawings will not be signed or approved until adequate infrastructure is in place. Brad Winder seconded the motion. Unanimous.

7. 2023-PSP-10: Discussion and consideration of a possible approval of a preliminary site plan for Access Scuba, a scuba shop and medical office complex located at SR-9 and Rlington Parkway. Kade Beatty- Desert Edge Architecture Applicant.

Scott Gilbert with Desert Edge Architecture explained the application. Stephen Nelson reported that the packet did not include the updated site plan, which addressed the intersection's realignment as staff recommended. He reported that traffic movement concerns can be addressed during the construction drawing process.

Shelley Goodfellow motioned to approve 2023 PSP-10 subject to staff and JUC comments. Kelby Iverson seconded the motion. Unanimous.

8. 2023-AFP-10: Discussion and consideration of a recommendation to the City Council on an amended final plat for Fairgrounds Lots 25-29 located at 368 S Commerce St. Bill West Applicant. Pratt Engine ring Agent.

Stephen Nelson reported that the staff has no concerns with the application.

Kelby Iverson motioned a recommendation of 2023-AFP-10 to the City Council subject to staff and JUC comments. Michelle Cloud seconded the motion. Unanimous.

9. 2023-PP-13: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Jacolenne Properties, a 12-lot subdivision located at 1280 W and 4620 S. Patrick & Amy Jacolenne Applicant. Spilker Team LLC Agent.

This application has been withdrawn.

10. 2023-APP-01: Discussion and consideration of a temporary off-site parking plan for Balance of Nature located at 5514 W 290 N. Richard Wedig Applicant

Karl Rasmussen reported that the applicant is expanding the facility and needs additional parking during construction. Stephen Nelson reported the applicant expressed willingness to work with the city to address drainage on the site. He noted that the property owner needs to provide written proof between the property owners to allow this as temporary off-site parking.

Michelle Cloud motioned to approve 2023-APP-01 as long as the applicant provides the written agreement between the two property owners. Paul Farthing seconded the motion. Unanimous.

11. 2023-PSP-11: Discussion and consideration of a possible approval of a preliminary site plan for Chasebrook Hurricane, three retail buildings with drive-thrus located at 136 N 3400 W. Chasebrook Hurricane LLC Applicant. Jay Larsen Agent.

Steven Zonkins explained that the applicant feels this location is ideal for shopping centers and restaurants. He noted that each of the buildings will have a drive-thru. Stephen Nelson does not have any concerns with the application.

Shelley Goodfellow motioned to approve 2023-PSP-11 subject to staff and JUC comments. Michelle Cloud seconded the motion. Unanimous.

12. 2023-PP-14: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Hurricane Cliffs, a single-family subdivision located at approximately 3350 S 1100 W. DAF Development Applicant.

Stephen Nelson shared that the preliminary plat was approved eighteen months ago. They worked through most of the construction drawing process but never received signatures, and the final plat expired. He noted that the report indicates that some utility companies may have signed off on the plans, but no evidence supports that. The applicant is asking for approval to proceed with their project. Mr. Nelson reported that the applicant has provided a phasing plan to meet water standards, and the layout reflects those changes.

Rick Richardson reported the plat went through the JUC process, and the applicant made the recommended changes. However, they still needed the engineering for the sewer line on 1100 West. While waiting for the last sewer line connection, the economy changed, and the applicant mistakenly allowed the preliminary plat to expire. He reported that the applicant recognizes the Power Department's concerns. However, the Power Department expressed that they could facilitate power to a portion of this development. As a result, the Planning Commission and City Council approved the plan to allow them to move through the construction drawings. He explained that the City Council could approve a preliminary plat to allow an applicant to move forward with an agreement acknowledging that power might not be available. Mr. Nelson noted that Mr. Richardson is referencing approved preliminary plats in this area that are subject to a development agreement.

Kelby Iverson motioned a recommendation of denial of 2023-PP-14 to the City Council due to a lack of adequate infrastructure and facilities. Michelle Cloud seconded the motion. Roll call. Michelle Cloud, Mark Sampson, Brad Winder, and Kelby Iverson – aye. Paul Farthing and Shelley Goodfellow – nay, based on the prior development agreement between the city and the developer.

Mr. Nelson clarified that the preliminary plat was not subject to a development agreement. Dayton Hall summarized that the preliminary plat was approved eighteen months ago without a development agreement, and the applicant allowed the application to expire. Any commitments associated with that approval expired with the preliminary plat.

Shelley Goodfellow confirmed that the available power capacity in the area is reserved for signed construction drawings, and there is no proof that construction drawings were signed for this application.

Kelby Iverson motioned a recommendation of denial of 2023-PP-14 to the City Council due to a lack of adequate infrastructure and facilities. Michelle Cloud seconded the motion. Roll Call. Shelley Goodfellow, Brad Winder, Mark Sampson, Michelle Cloud, and Kelby Iverson – aye. Unanimous.

Approval of Minutes:

1. April 13, 2023

Brad Winder motioned to approve the April 13, 2023, minutes. Michelle Cloud seconded the motion. Unanimous.

Election of Chairperson

Kelby Iverson motioned for Mark Sampson to remain as Chairperson. Brad Winder seconded the motion. Unanimous.

Mark Sampson appointed Shelley Goodfellow as alternate Chairperson. Commissioners consented by unanimous vote.

Kelby Iverson motioned to adjourn. Shelley Goodfellow seconded the motion. Unanimous.

Adjournment at 9:26 pm