

**Hurricane Planning Commission
Meeting Minutes
January 12, 2023**

Minutes of the Hurricane City Planning Commission meeting held on January 12, 2023, at 5:00 p.m. in the City Council Chambers located at 147 North 870 West Hurricane UT, 84737

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

Members Excused:

Staff Present: Planning Director Stephen Nelson, Assistant Planner Fred Resch III, 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 code updates on water conservation

Stephen Nelson explained that the Planning Commission is reviewing potential updates to the water conservation code at the request of Mayor Nanette Billings. He reported that Utah State passed a law to provide a rebate of one dollar per square foot to property owners who replace a lawn with drought-tolerant landscaping. The city ordinance must meet the state code to qualify for this rebate program. Washington County Conservancy District's rebate program requirements are more restrictive than the state requirement. Per Utah state law, up to fifteen percent of the lot size can have a lawn, and Washington County Conservancy District limits grass to eight percent of the lot size and prohibits nonfunctional grass. If Hurricane City code complies with the state code and Washington County Conservancy District code requirements, homeowners could be eligible to receive a two-dollar per square foot rebate. Mr. Nelson noted that Hurricane City could choose to match the state ordinance, and homeowners would still be eligible for the Utah State rebate of one dollar per square foot.

Mr. Nelson explained that the standard for a lawn in Hurricane City is thirty-five percent. Therefore, residents in Hurricane City do not qualify for a rebate from Utah State or Conservancy Districts. He reviewed the proposed changes, which lowered the threshold of lawn to eight percent. He explained the added exceptions for areas that have access to the secondary water system and are in areas that were areas traditionally served by Hurricane Canal Company.

Kelby Iverson clarified that there are no limitations in irrigated areas, and Shelley Goodfellow confirmed that the standard only applies to new construction. Ralph Ballard asked if requiring developers to bring water with their development is the best way to address the water shortage. Mr. Nelson explained that Hurricane City's pooling agreement with the Washington Conservancy District requires developers to pay an impact fee to develop the area's water supply.

Mr. Nelson recommends the Planning Commission thoroughly review the proposed update before making a recommendation. He noted that he is waiting for feedback from the Conservancy District on the updated proposal.

6:00 p.m. - Call to Order

Roll Call

Pledge of Allegiance, led by Shelley Goodfellow

Prayer and/or thought by invitation led by Kelby Iverson

Declaration of any conflicts of interest

Public Hearings

1. A Zone Change Amendment request located at approximately 2445 W 2890 S to readjust the underlying zones within the existing PDO, planned development overlay, to allow housing to fit better within the PDO, which would result in moving the M-1, light industrial, zone boundary to the West and expanding the R1-10, residential one unit per 10,000 square feet, zone.

No comments

2. A Land Use Code Amendment request to Title 10 Chapter 32: Landscaping and Screening to make updates to the water conservation standards.

No comments

Paul Farthing motioned to approve the agenda as posted. Brad Winder seconded the motion. Unanimous.

OLD BUSINESS

1. 2022-PP-24: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Gateway at Sand Hollow Resort Phase 1-3, a 219-unit resort condominium development located south of Sand Hollow Road and west of 3700 W. Western Mortgage and Realty Co Applicant. Brent Moser Agent.

Stephen Nelson reported that the applicant recently received a zone change to line up roadway boundaries and develop the southern area as RM-3. However, the initial site plan needed to address RV parking requirements. The applicant is meeting with staff to discuss offsite parking next week. Jeff Thomas with Pro Value Engineering reviewed the updated plat and reported that eleven parking stalls were added. Mr. Nelson reported that the water will serve letter was received. However, the water acknowledgment letter has yet to be received. Rebecca Bronemann voiced concern noting that per JUC's comment, the PID has been moving very slowly, and no water is available. Mr. Nelson shared that they have signed construction drawings for the surrounding roads but agreed that the progress has been slower than anticipated. Mr. Thomas conceded that there is no water and explained that the PID roadways are meant to bring in water and utilities. The roadways have been stalled due to blasting, but he anticipates some roadways will be paved by March.

Paul Farthing motioned a recommendation of approval of 2022-PP-24 subject to staff comments and clarification of the gas line concern. Michelle Cloud seconded the motion. Unanimous.

2. 2022-FSP-19 and 2022-CUP-34: Discussion and consideration of a possible approval of a final site plan for Bryson Young, a commercial development consisting of a retail/office/warehouse building and seven nightly rental units located at approx. 450 E State St. R+B Young Applicant. Bryson Young Agent.

Stephen Nelson reported that there were some concerns about landscaping and onsite management.

The applicant provided a letter addressing the onsite management, parking, and landscaping. Paul Farthing questioned how the city addresses onsite management. Mr. Nelson reported that business licensing regulates and enforces it and explained that onsite management is required when one or more units are occupied.

Ralph Ballard motioned to approve 2022-FSP-19 and 2022-CUP-34 with the understanding that the applicant will provide onsite management and adjust the landscape plan to increase the sight distance on the corner as submitted and approved within the packet. Shelley Goodfellow seconded the motion. Unanimous.

NEW BUSINESS

1. 023-ZC-01: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at approximately 2445 W 2890 S to readjust the underlying zones within the existing PDO, planned development overlay to allow housing to fit better within the PDO, which would result in moving the M-1, light industrial, zone boundary to the West and expanding the R1-10, residential one unit per 10,000 square feet, zone. Molly View LLC-Richard Wedig Applicant. ProValue Engineering-Karl Rasmussen Agent.

Richard Wedig shared that the Balance of Nature is deeding property to the Liberty Village, and the application wants to ensure that the deeded property has the correct zoning. Stephen Nelson reviewed his understanding of the request and noted that he does not have any concerns. It is essential to note that the development agreement has yet to be signed, so technically, the property is still zoned RA-1. Mr. Wedig reported that the signed development agreement will be submitted by Monday. Dayton Hall reiterated that this is a zone change request and does not give any authorization to split or deed the property.

Kelby Iverson motioned a recommendation of approval of 2023-ZC-01 subject to staff and JUC comments. Shelley Goodfellow seconded the motion. Michelle Cloud, Ralph Ballard, Shelley Goodfellow, Mark Sampson, Kelby Iverson, Brad Winder - aye. Paul Farthing and Rebecca Brone ann - nay, because they feel the development agreement should be signed before this recommendation. Motion carries.

2. 2023-LUCA 01: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment request to Title 10 Chapter 32: Landscaping and Screening to make updates to the water conservation standards. Hurricane City Applicant.

Paul Farthing reported that Hurricane City should match the county standard of eight percent. It is important to understand that Hurricane City is in the desert, and conserving water is critical. Shelley Goodfellow will concede to the Water Conservancy District recommendation of eight percent if the district agrees to the exceptions for agriculture and those with water shares. If the district does not agree to those exceptions, the city should adopt the state requirement of fifteen percent. Ralph Ballard thinks there should be further discussion and a guarantee of protection for agricultural water. He believes landowners have the right to an agriculture pursuit whether it benefits developers or not. Kelby Iverson feels municipalities do not have the right to determine how landowners use their water. Water owners determine what they do with their water rights. Mrs. Goodfellow doesn't think this should be approved until further information is received.

Brad Winder motioned to continue 2023-LUCA-01 due to the necessity for information and answers from the Water Conservancy District. Rebecca Bronemann seconded the motion. Unanimous.

3. 2023-AFP-01: Discussion and consideration of a recommendation to the City Council on an amended final plat for Coral Springs Phase 2 Amended and Extended located at 204 N Cliff Side Dr. SU Commercial Construction, LLC Applicant. Drake Howell Agent.

Adam Allen with American Land Consulting reviewed the application. The first phase was completed in 2005. However, only two units were completed in phase two. The applicant recently acquired the property and would like to amend the final plat to remove buildings from the original plat. Fred Resch III reported that staff and engineering concerns were addressed.

Shelley Goodfellow motioned a recommendation of approval for 2023-AFP-01, subject to staff and JUC comments. Ralph Ballard seconded the motion. Unanimous.

4. 2023 PSP-01: Discussion and consideration of a possible approval of a Washington County Fairgrounds EOC/Parks Building, an office and warehouse located at approximately 5700 W Regional Park Road. Washington County Applicant. Jeff Mathis Agent.

Jeff Mathis explained that the building will house the Emergency Operations Center, search and rescue training base, and additional storage for Legacy Park. Stephen Nelson reported that the staff recommended denying the applicant due to a zoning issue. The site is zoned for open space, and the proposed building is not a permitted use. He reviewed a map of the zonings on the property and recommended that the applicant apply for a zone change to public facilities.

Ralph Ballard motioned to table 2023-PSP-01 until the applicant completes the proper steps to secure a zone change. Rebecca Bronemann seconded the motion. Unanimous.

5. 2023- SP-02: Discussion and consideration of a possible approval of a preliminary site plan for Robert's Roost Expansion, eight RV stalls located at 113 W 400 S. Todd Langston Applicant.

Todd Langston, the owner of Roberts Roost RV Park, would like to remove the home on the front of the property because it is not livable. He is seeking approval for eight RV spaces for monthly rentals. Stephen Nelson reported that the Fire Marshal had withdrawn the denial. He reviewed the use of the property and explained that the space is a combination of an RV park and a mobile home park. He noted that the property is more aligned with mobile home long-term residential use. It does not meet the standards for an RV Park expansion, and the proposed lot sizes do not conform to the requirement for modular units. Ralph Ballard likes Robert Roost RV Park; he feels it is a pleasant environment and is a benefit to the community. However, he understands the necessity to adhere to the standards. Paul Farthing feels apartments would be the best use of the property. Kelby Iverson noted that the site is grandfathered into the Mobile Home/RV zoning and asked if the application meets the standard of an RV Park. Mr. Nelson reviewed the required amenities within the RV Park standard. Dayton Hall reviewed the definition of nonconforming expansion per Hurricane City code.

Rebecca Bronemann motioned to table 2023-PSP-02 until a plan is created to meet Hurricane City code. Paul Farthing seconded the motion. Unanimous.

6. 2023-CUP-01: Discussion and consideration of a possible approval of a conditional use permit for a building of greater size and height located at 53 W 100 N. Eric Shorr Applicant. Greg Esteban Agent.

Fred Resch III reported that the applicant withdrew the previously submitted site plan for a duplex. The updated site plan is for an ADU in a commercial zoned property and is compliant with the current zoning.

Michelle Cloud motioned to approve 2023-CUP-01. Brad Winder seconded the motion. Unanimous.

7. 2023 FSP-01: Discussion and consideration of a possible approval of a final site plan for Standard Plumbing, a retail and warehouse facility located at 1621 W and 1639 W State St. Standard Plumbing Applicant. EA/Architecture Agent.

Stephen Nelson reported that the applicant submitted building renderings and the lighting plan. The building official requests that the access to the public right-of-way is hashed as a crosswalk.

Paul Farthing motioned to approve 2023-FSP-01 subject to staff and JUC comments. Rebecca Bronemann seconded the motion. Unanimous.

8. 2023-CUP-02: Discussion and consideration of a possible approval of a conditional use permit for a building of greater height and size located at 749 S 990 W. Dan Borchardt Applicant.

Dan Borchardt explained that the building expands the garage, gym area, and pool house and is not meant for commercial use. Stephen Nelson reported that staff recommends tabling the item to address subdivision issues. The applicant owns both properties with the same parcel ID. However, the properties have not been merged based on the subdivision plat. Mr. Nelson noted that the setback is inadequate, and the building encroaches on an existing easement.

Rebecca Bronemann motioned to table 2023-CUP-02 until the lots are combined and the easement and setbacks are addressed. Brad Winder seconded the motion. Unanimous.

9. 2023-AFP-02: Discussion and consideration of a recommendation to the City Council on an amended final plat for Hurricane Industrial Park Lot 24, located at 2430 W 350 N. Darryl Zitting Applicant. Ryan Scholes Agent.

Stephen Nelson reported that the utility easement is not being used, and JUC has no objections to removing the easement.

Paul Farthing motioned a recommendation of approval of 2023-AFP-02 subject to staff and JUC comments. Michelle Cloud seconded the motion. Unanimous.

10. 202 -PP-02: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Bench Lake Townhomes, a 200-unit townhome development located at approximately 3145 S 1100 W. Blue Mountain Property Enterprises LLC and Diamond Edge Construction, LLC-Scott Stratton Applicant. ProValue Engineering-Karl Rasmussen Agent.

Stephen Nelson reported that staff recommends denying the application due to the lack of public facilities. Staff recommends denying preliminary plats and construction drawings in this area based on the limited power capacity. Mr. Nelson provided an overview of the property's history. Scott Stratton reported that the Planning Commission and City Council approved the preliminary plat, which has expired. Mr. Nelson reported that the applicant was required to submit a new preliminary site plan due to the changes on the preliminary plat. He noted that during that time, a power capacity study was performed and determined that capacity had been overextended based on approved construction drawings, building permits, and preliminary plats. Karl Rasmussen reported that the applicant needed proper notice that the preliminary plat was expiring. He noted that the applicant has been working with the Power Department and deeded property on 1100 West to bring power to the location. Mr. Nelson

explained that this decision was based on a specific study and was not made arbitrarily. Shelley Goodfellow feels this application is different from previous denials. She noted that in 2021 vested rights were given for 170 units, and she asked why the units were not included in the study. Dayton Hall reported that the analysis was based on signed construction drawings. Mr. Nelson reported that the city can deny land use applications based on inadequate facilities per code. Mr. Rasmussen explained that development brings in infrastructure and suggests a development agreement. Mr. Nelson agrees that development brings infrastructure. However, the problem in this area is capacity. The capacity cannot be supported until the substation is complete. Kelby Iverson confirmed that the applicant had preliminary plat approval and that staff requested changes to the preliminary plat. Mr. Nelson explained that regardless of the expiration of the original preliminary plat, an updated preliminary plat was required because the applicant filed a zone change application with a new site plan and a change to the unit count.

Rebecca Bronemann motioned a recommendation of denial of 2023-PP-02 based on Hurricane Code 10-37-4 and Hurricane Code 9-6-3. Paul Farthing seconded the motion. Roll call vote. Unanimous.

11. 2021-PP-36 2021-HIL-07: Discussion and consideration of an extension of the final plat deadline for Paraiso, a 390-lot single family and patio home subdivision, located at 2800 W 200 N. Middon LLC Applicant.

Stephen Nelson shared that this is a preliminary plat extension. The applicant is designing their utility lines through the adjacent development, and they are obtaining the signatures on the construction drawing.

Brad Winder motioned to grant the extension for 2021-PP-36 and 2021-HIL-07. Paul Farthing seconded the motion. Unanimous.

Approval of Minutes:

1. June 10, 2021

The Planning Commission asked for a correction to the spelling on page 1, line 27. Changing the word from fourt to four.

Ralph Ballard motioned to approve June 10, 2021, as amended. Paul Farthing seconded the motion. Unanimous.

2. November 22, 2022

Shelley Goodfellow motioned to approve November 22, 2022. Brad Winder seconded the motion. Unanimous.

Adjournment