

**Hurricane Planning Commission  
Meeting Minutes  
July 13, 2023**

Minutes of the Hurricane City Planning Commission meeting held on July 13, 2023, at 5:08 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

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

**Members Excused:** Rebecca Bronemann, Mark Sampson, Paul Farthing

**Staff Present:** Assistant Planner Fred Resch III, Planning Technician Brienna Spencer, City Engineer Representative Jeremy Pickering, and City Council Representative Kevin Thomas

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

**1. Discussion on the subdivision ordinance**

Fred Resch III explained that the recently passed Senate Bill 124 made several changes to the Utah State Land Use Development Management Act. These changes modify the internal accessory dwelling provision to count garage apartments as internal. The act creates a penalty system for cities that fail to comply with the Moderate Income Housing Plan and a new process that cities and counties must follow for subdividing residential lots. He reported that per state law, subdivisions are administrative, and all applications that meet the city ordinance must be approved. Mr. Resch III shared the phases of the current subdivision process. The first step is the preliminary site plan, which is reviewed for completeness by city staff. After approval by the Planning Commission and City Council, the applicant provides construction drawings to the Public Works Department. When the redlines are approved on the construction drawings, planning staff reviews the final plat application to verify that the application complies with the preliminary plat.

The new bill requires the city to allow pre-application meetings and respond to preliminary plat applications within fifteen days. The law requires construction drawings to be submitted with the preliminary plat. The updated state law states that an administrative land use authority must approve preliminary plats. The law clearly states that the preliminary plats cannot be approved by the municipal legislative body or any member of the municipal legislative body. Mr. Resch III reviewed the drafted updates to Title 10 Chapter 39: Subdivisions. He explained that the changes must be implemented by February 2024.

**2. Discussion on fencing standards**

Fred Resch III is unprepared to proceed with the fencing standards discussion.

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

Roll Call

Pledge of Allegiance led by Michelle Cloud.

Prayer and/or thought by invitation given by Ralph Ballard.

Declaration of any conflicts of interest

No conflicts declared

*Michelle Cloud motioned to approve the agenda as posted. Brad Winder seconded the motion. Unanimous.*

## **Public Hearings**

**1. A Zone Change Amendment request located at 1300 W 3000 S from RA-1, residential agriculture one unit per acre, to PF, public facility. This change will affect a portion of parcel number H-3394-B-1.**

Comments received are attached to the end of these minutes. No further comments.

**2. A Zone Change Amendment request located at 1147 W 400 S from RA-1, residential agricultural one unit per acre, to RA-0.5, residential agricultural one unit per half acre. Parcel number H-3-2-3-4443.**

No comments.

**3. A Zone Change Amendment request located at approximately 1000 W 3100 S from RA-0.5, residential agriculture, one unit per half acre, to M-1, light industrial. Parcel number H-3396-E.**

The comment received is attached to the end of these minutes. No further comments.

**4. A Zone Change Amendment request located at 560 N 1380 W from R1-10, residential one unit per 10,000 square feet, to NC, neighborhood commercial. Parcel number H-3-1-33-1142.**

No comments.

**5. A General Plan Amendment to amend the 2022 Moderate-Income Housing Plan**

No comments.

**6. A Land Use Code Amendment to Title 10 Chapter 3 and Chapter 43 regarding Park Model Developments.**

No comments.

## **OLD BUSINESS**

**1. ZC23-15: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at 1300 W 3000 S from RA-1, residential agriculture one unit per acre, to PF, public facility. This change will affect a portion of parcel number H-3394-B-1. John Bramall Applicant. JJ Allred/Lance Hutchings Agent.**

John Bramall feels that commercial zoning is a more appropriate zoning for the proposed athletic training facility. The Planning Commission previously recommended that the applicant brings forward an

application for a zone change to public facilities. However, the allowed uses in Public Facility zoning are very restrictive. Fred Resch III stated that Public Facility zoning governs how the facility is used, not how the facility is operated. He noted that the Planning Commission needs to consider the utilities at this location. Mr. Bramall explained that he was required to install an eight-inch water line and pay electric impact fees for over one hundred homes. Michelle Cloud feels this does not meet the zone change criteria pertaining to adequate public facility services. Brad Winder is concerned about the impact on agriculture operations.

JJ Allred pointed out that the city plan acknowledges that commercial facilities in this area are necessary to support incoming residential. Scott Hughes was unaware that the power impact fees were paid and would like to discuss options with the applicant. Ralph Ballard clarified that the applicant wants to build a private facility open to the public. Mr. Winder asked how the project would affect night lighting. Mr. Bramall stated that they would comply with the dark sky lighting ordinance. Kelby Iverson noted that per county code, fencing is required for properties that abut or are adjacent to agriculture or grazing land with livestock. Mr. Resch III stated that there is similar language within Hurricane City Code. Shelley Goodfellow feels the utilities can be addressed and that this fits with the agriculture area.

*Brad Winder motioned a recommendation of approval of ZC23-15 with the conditions that the applicant work out the power and water services with the city and/or provide their services, subject to staff and JUC comments. Michelle Cloud seconded the motion. Roll call vote. Unanimous.*

## **NEW BUSINESS**

**1. ZC23-18: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at 1147 W 400 S from RA-1, residential agricultural one unit per acre, to RA-0.5, residential agricultural one unit per half acre. Parcel number H-3-2-3-4443. Ellen and Matthew Bentley Applicant. Buy Sell Build STG Construction Agent.**

Matt Bentley reported that after speaking with the Planning Department, it was determined that a zone change is necessary for the applicant to build a larger home. Fred Resch III reported that the applicant is required to improve their portion of 1150 West and dedicate property for the roadway. Kelby Iverson clarified that the applicant could wait for the city to purchase property for the roadway. However, if the applicant chooses to proceed with the development, he will be required to dedicate a portion of the roadway and make the required improvements. Michelle Cloud feels the request in the affirmative meets the four zone change criteria.

*Michelle Cloud motioned a recommendation of approval of ZC23-18 as it meets all four criteria in the affirmative and subject to staff and JUC comments. Brad Winder seconded the motion. Roll call vote. Unanimous.*

**2. ZC23-19: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at approximately 1000 W 3100 S from RA-0.5, residential agriculture one unit per half acre, to M-1, light industrial. Parcel number H-3396-E. Scott Stratton Applicant. Karl Rasmussen Agent.**

Karl Rasmussen reported that this property was included in the legal description of the previous zone change; however, it was not included in the map. Fred Resch III confirmed that this was not included in the map. He did not review the legal description. Kelby Iverson reviewed the previous zone change, noting that the Planning Commissioners all favored the zone change. Shelley Goodfellow cited staff comment #4. Mr. Resch III shared that there is a plan in place that will allow the Power Department to allocate additional service to this area.

*Kelby Iverson motioned a recommendation of approval of ZC23-19 subject to staff and JUC comments. Michelle Cloud seconded the motion. Roll call vote. Unanimous.*

**3. ZC23-20: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at 560 N 1380 W from R1-10, residential one unit per 10,000 square feet, to NC, neighborhood commercial. Parcel number H-3-1-33-1142. Roger and Leslie Coleman Applicant. April Gates and Marcia Pierce Rasmussen Agent.**

April Gates explained that the property's location is not ideal for residential. Therefore, the applicant is applying for neighborhood commercial zoning. Noting that the applicant plans to sell the property as a commercial zoned property. Shelley Goodfellow asked if neighborhood commercial zoning allows vacation rentals. Fred Resch III shared that the zoning allows bed and breakfast-inns but not hotels or motels. Ralph Ballard asked about access off 600 North. Mr. Resch III stated that the residential access is off 600 North. However, when the property is developed in neighborhood commercial zoning, the applicant must dedicate and improve their portion of 1380 West. Kelby Iverson confirmed that residential commercial fits within the general plan and asked why the applicant is applying for neighborhood commercial zoning. Ms. Gates reported that this was the direction given by staff.

*Brad Winder motioned a recommendation of approval of ZC23-20 subject to staff and JUC comments. Michelle Cloud seconded the motion. Unanimous.*

*Kelby Iverson motioned to move item #4 to the end of the agenda. Ralph Ballard seconded the motion. Unanimous*

*Kelby Iverson motioned to move item #5 to the end of the agenda. Ralph Ballard seconded the motion Unanimous.*

**4. A General Plan Amendment to amend the 2022 Moderate-Income Housing Plan**

Fred Resch III explained that Utah State denied two items on Hurricane City's Moderate-Incoming Housing Plan. To maintain priority funding from the Utah Department of Transportation, Hurricane City must provide seven menu options. The items rejected pertain to internal and detached accessory dwelling units in residential zoning. Utah State denied these items because Hurricane City already allows accessory dwelling units. Mr. Resch III reviewed the updated Moderate Income Housing Plan. He noted that the Planning Commission is evaluating lowering the required acreage for two accessory dwelling units per the Mayor's request. The current requirement is .8 acres for two ADUs the Mayor requests to lower the acreage to a half acre. Michelle Cloud is concerned about the increased parking.

City Councilman Kevin Thomas is not confident in Utah States affordable housing solution. He feels affordable housing can be accomplished by developing homes without luxury products. He would like to see developers create affordable housing by using affordable building products. However, developers are driven by profits. Kelby Iverson asked how moderate-income housing and inclusionary zoning relate. Mr. Resch III noted that in the 1950s, a developer could build a home on a four thousand-square-foot lot. However, per the city's current zoning, a developer would not be allowed to build on a lot that does not comply with the current zoning. He explained inclusionary zoning is a way to incentives affordable housing from developers. Shelley Goodfellow summarized that allowing two ADUs on one half acre creates three living units per half an acre. Essentially creating .16 acre lot sizes. Creating high density multifamily housing does not protect rural areas, and increased street parking burdens the neighboring homeowners and the city.

*Michelle Cloud motioned a recommendation of approval to annually assess regulations and success regarding ADU use and reduce the minimum lot size to one half acre for two ADUs. Motion fails for lack of a second.*

*Ralph Ballard motioned a recommendation of approval to annually assess the regulations and success and make any necessary changes concerning ADUs. His motion does not include approval for lowering the lot size to one half acre for two ADUs. Brad Winder seconded the motion.*

Mr. Resch III reviewed alternative options included in the State's Moderate-Income Housing Plan that the Planning Commission could adopt.

Ralph Ballard's motion was amended to include incentivizing owner builder programs.

Motion is as follows: *Ralph Ballard motioned a recommendation of approval on the proposed change to annually assess and make changes as necessary regarding ADUs and explore alternative options with an emphasis on facilitating owner builder programs. His motion does not include approval for a smaller lot size of one half acre for two ADUs. Brad Winder seconded the motion. Roll call vote. Shelley Goodfellow – aye. Brad Winder – aye. Ralph Ballard – aye. Kelby Iverson – nay, because he does want the state involved with supply and demand and private property rights. He feels the market should dictate affordable housing. Michelle Cloud – nay, because she agrees with reducing the acreage to one half acre. Motion carries.*

**5. LUCA23-04: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment to Title 10 Chapter 3 and Chapter 43 regarding Park Model Developments.**

Fred Resch III reported that Dayton Hall reviewed the land use code amendment as presented. Mr. Resch III explained that the Planning Commission could continue the item to discuss further allowing additional residential uses in RV Parks.

*Kelby Iverson motioned to continue LUCA23-04. Brad Winder seconded the motion. Unanimous.*

**6. PSP23-17: Discussion and consideration of a possible approval of a preliminary site plan for Elim Valley Village, a 283-unit apartment complex located at future Sand Hollow Road East and Gateway Blvd. Wright Development-Logan Johnson Applicant.**

Logan Johnson reported that the application previously requested a development agreement to transfer density to an adjacent property. However, due to the uncertainty of the PID roadway, the applicant has created a site plan that complies with the existing zone. Fred Resch III reported that the zoning is in flux. The City Council approved the zoning subject to a development agreement which was never signed. For the current phasing, the zoning is not an issue. He noted that the roadways are conceptual and are not planned to be developed by the applicant. He advised the applicant that there is no solid timetable for the roadway construction. Ralph Ballard asked if all the legal issues were addressed. Mr. Resch III stated that approval of the PID in Elim Valley was contingent upon resolving the legal issues. Brent Moser reported Gateway Blvd is fully bonded and under construction. The roundabout on Sand Hollow Road and the roadways on Resort Drive, Jellystone, Bash Parkway, and Glampers are under construction. However, Sand Hollow East has not gone through the Planning Department. Jeremy Pickering reported that the construction drawing for Sand Hollow East was submitted.

*Michelle Cloud motioned to approve PSP23-17 subject to staff and JUC comments and sufficient build out of the Gateway to Sand Hollow PID. Brad Winder seconded the motion. Roll call vote. Unanimous.*

**7. PSP23-19: Discussion and consideration of a possible approval of a preliminary site plan for The Perch-cabins, a short-term rental complex located at 240 N State St. R-Treehouse Applicant. James Derby Agent.**

Denis Parker representing Northern Engineering explained that the drainage detention basins were addressed, and the applicant agrees with staff comments. Kelby Iverson asked if the Utah Department of Transportation (UDOT) approved the curb cut. Fred Resch III stated that UDOT would need to sign off on the expansion of the existing curb cut. Mr. Iverson asked if engineering feels comfortable with the updated drainage plan. Jeremy Pickering reported that any concerns can be addressed during the construction drawing process. Ralph Ballard asked if the applicant was removing the house on the property and if fire access concerns were addressed. Mr. Parker confirmed that the house would be removed, the applicant has agreed to install a new sewer line, and fire access concerns were addressed.

*Brad Winder motioned to approve PSP23-19 subject to staff and JUC comments. Michelle Cloud seconded the motion. Unanimous.*

**8. PP23-17: Discussion and consideration of a recommendation to the City Council on a preliminary plat for The Adventus Phase 1, a mixed-use development consisting of Hotel condominiums, commercial, and restaurant space located at the corner of Abbey Road and Sand Hollow Road. Brent Moser Applicant. Karl Rasmussen Agent**

Fred Resch III stated that the applicant has requested to continue the item. They have provided an updated plan to address the staff's concerns. However, he has not had time to review the plan.

*Ralph Ballard motioned to continue PP23-17. Michelle Cloud seconded the motion. Unanimous.*

**9. FSP23-18: Discussion and consideration of a recommendation to the City Council on a final site plan for Coral Junction RV Resort, an RV park with 120 spots located at 201 N Foothills Canyon Dr. Derek Rowley Applicant. Deloss Hammon Agent.**

Derek Rowley reported that the site plan was previously approved with modifications. The primary changes pertained to the width of the roads. Those changes made it necessary to redesign the roadways and drainage. He explained that an RV pad's minimum lot size requirement is forty feet. The project's shortest back in pad is seventy-five feet. He feels this is sufficient to meet the parking standard. They are redesigning the landscaping plan to meet city standards.

*Kelby Iverson motioned a recommendation of approval of FSP23-18 to the City Council subject to staff and JUC comments and submission of a new landscaping plan. Brad Winder seconded the motion. Unanimous.*

**10. APA23-02: Discussion and consideration of a recommendation to the City Council on an Agricultural Protection Area for Donald Stratton located at 900 S 1100 W. Donald Stratton Applicant.**

Kelby Iverson reported that the Dixie Conservation Committee denied the applicant because it does not meet the minimum acreage. Fred Resch III reported that Kenneth Heaton's zone change had not been approved. If approved, it will exclude the master-planned roadway, preventing this property from being contiguous with any other agricultural protection. The Planning Commissioners discussed surrounding

properties with agriculture protection zoning. Mr. Iverson reviewed the acreage requirements and discussed the applicant's options.

*Kelby Iverson motioned to continue APA23-02 until the applicant provides further information. Ralph Ballard seconded the motion. Unanimous.*

**11. APA23-03: Discussion and consideration of a recommendation to the City Council on an Agricultural Protection Overlay for Bruce and Linda Zimmerman located at 890 S 1100 W. Bruce and Linda Zimmerman Applicant.**

Kelby Iverson asked if the applicant has property within Washington County or Hurricane City limits and can provide evidence that the property has historically been agriculturally utilized. Bruce Zimmerman reviewed the evidence provided on the application. Mr. Iverson reviewed the current Hurricane City ordinance and discussed options the applicant can pursue.

*Kelby Iverson motioned to continue APA23-03. Michelle Cloud seconded the motion. Unanimous.*

**12. Update on the Downtown Master Plan**

Fred Resch III shared that an open house with multiple conceptual plans was held on July 7<sup>th</sup>. The feedback received from the public was to replace what the city is tearing down with what currently exists. Mr. Resch III reviewed the proposed green space, retail space, and parking. Shelley Goodfellow asked if the conceptual plan includes the Family History Center. Mr. Resch III shared that direction received was not to include the family history center.

**Approval of Minutes:**

**1. June 22, 2023**

*Michelle Cloud motioned to approve the June 22, 2023, minutes. Kelby Iverson seconded the motion. Unanimous.*

*Kelby Iverson motioned to adjourn. Michelle Cloud seconded the motion.*

**Adjournment**