

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

Minutes of the Hurricane City Planning Commission meeting held on July 27, 2023, at 5:00 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

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

Members Excused: Shelley Goodfellow

Staff Present: Assistant Planner Fred Resch III, City Recorder Cindy Beteag, City Engineer Representative Jeremy Pickering, City Council Representative Kevin Thomas, and City Attorney Dayton Hall

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

1. Discussion on MH/RV zoning standards

Fred Resch III explained that the Planning Commission previously continued this item to discuss how this ordinance interacts with the city's affordable housing goals. The elimination of the park model ordinance eliminates an affordable housing option within the city. Manufactured homes and recreational vehicles are an important source of affordable housing. Mr. Resch III reviewed RV Park and manufactured home statistics. He modified the draft to state that recreation vehicle parks shall not be designed for use as permanent residences. This change provides owners the opportunity to allow extended rentals. Ralph Ballard asked for data to determine whether water usage is higher in mobile home subdivisions. Mr. Resch III will research the usage data to provide an analysis. Mr. Ballard asked if creating a separate approval process for park model developments would provide an affordable housing option. Noting that this subdivision type could be less impactful to utility services. Mr. Resch III agrees that dense areas use less water due to the lack of yard space. He reviewed the options the city can pursue to provide affordable housing. The city can allow long term rentals in RV parks, lower the restriction for residing in an RV on private property, and increase the allowed density in manufactured home developments. He discussed the advantages and disadvantages of each option. He asked for direction from the Planning Commission on whether to move forward with modifications to the zoning standard.

In preparation for this discussion, Mark Sampson surveyed the RV residents in the region. He found that there are individuals residing in trailers on BLM land, and there are other situations where individuals are moving from park to park; he determined that the lack of affordable housing is the primary cause. Ralph Ballard feels good people are living in RV parks. He understands the stigma of RV Parks but believes this is an affordable housing option. Rebecca Broneman agrees with Mr. Ballard. Mr. Resch III summarized the proposed changes, read the standard for temporary use permits, and reviewed the zoning that allows manufactured homes or RV Parks. Mr. Iverson recommends striking B.2, which pertains to a family member's temporary use. Michelle Cloud confirmed that eliminating the Park Model ordinance does not eliminate housing options. The change merges park models into the manufactured homes ordinance.

2. Discussion on fencing standards

Fred Resch III updated the retaining wall standards, adding a swimming pool clause, defining prohibited and allowed materials, and including enforcement of site triangles in the front and back yards. Kelby Iverson feels it is essential to protect agriculture uses that abut public facilities or other uses. Mr. Resch III explained that in the subdivision code, the subdivider must install fencing on property that abuts agriculture property. He noted that this only pertains to the property that is being subdivided. City Councilman Kevin Thomas asked if eight feet fences are allowed on side yards against the street. Mr. Resch III read the updated fencing standards and explained this is not allowed in the proposed standards.

6:00 p.m. - Call to Order

Roll Call

Pledge of Allegiance led by Paul Farthing.

Prayer and/or thought by invitation given by Kelby Iverson.

Declaration of any conflicts of interest

No conflicts were declared.

Rebecca Bronemann motioned to approve the agenda as posted. Paul Farthing seconded the motion. Unanimous.

Public Hearings

1. A Land Use Code Amendment to Title 10 Chapter 7 and Chapter 41 regarding accessory dwelling units

No comments

OLD BUSINESS

1. 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.

Paul Farthing motioned a recommendation of approval for LUCA23-04. Michelle Cloud seconded the motion. Unanimous.

2. 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 reported that all issues have been resolved and verified that this phase meets the Planned Commercial standards.

Michelle Cloud motioned a recommended approval for PP23-17 subject to staff and JUC comments. Rebecca Bronemann seconded the motion. Unanimous.

3. 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.

Fred Resch III reported that the application cannot be granted because it does not meet the city code. The property is .47 acres and is not contiguous with other agriculture protection areas. The property is not zoned for agricultural use, is not used for agricultural production, and is too small to be viable for agricultural use. He noted that Dixie Conservation District recommend denial. Dayton Hall explained that the Planning Commission could determine whether the criteria are met and encouraged the Planning Commission to make the recommendation based on the code. Donald Stratton reported that his neighbor is trying to obtain agriculture protection. He is trying to help facilitate the protection with his neighbors. He has fruit trees, nut trees, and bees. If the property is a Master Planned road, the city should buy the property; if the city does not plan to purchase the property, they should allow him to use it as he sees fit. Mr. Stratton thought his property was zoned RA-1. Mr. Resch III reviewed the zone maps and could not find where this property was ever zoned agriculture. Mr. Resch III explained that the criteria in the code does not consider the previous zoning. It pertains to the current zoning on the property. Brad Winder asked if the applicant can apply with Kenneth Heaton. Mr. Resch III reported that Mr. Heaton's protection was already granted with the exclusion of the right of way for 900 South. Therefore, this property is not contiguous.

Mark Sampson explained that the applicant can continue with the current if this protection is denied. Mr. Heaton understands that he can continue his use. However, he is seeking agricultural protection to help his neighbor. Kelby Iverson asked if the applicant could combine his application with Mr. Heaton's property if Mr. Heaton withdrew his protection, could these applications be combined. Mr. Resch III reiterated that these properties are not contiguous, and the uses on the property do not meet the intent of agriculture use.

Dayton Hall explained that the agricultural protection zoning grants protection from nuisance complaints and limits the City's use of eminent domain. The City's policy is to deny agricultural protection zones over master planned roads. Mr. Hall explained that there are six criteria for agriculture protection zoning. The property does not meet the acreage or agricultural zoning requirements, and it is debatable whether the use of the property qualifies as commercial agriculture production.

Mr. Iverson feels the commissioners need additional training regarding agriculture protection zoning. However, the code is black and white. He suggested that the applicants apply together to change the zoning. Mr. Iverson asked for clarification on commercial or retail use. Mr. Hall read the definition for commercial use. Mr. Iverson asked Mr. Stratton why he did not include all of his property in the application. Mr. Heaton explained that he thought the property on his application was contiguous with Mr. Heaton's property.

Bruce Zimmerman provided a document that included information regarding an ordinance from 2022. He stated that based on information they received when purchasing the home, he believed the property was zoned RA-1. He reported that there is a 24x48 greenhouse, seventeen raised garden beds, and over one hundred trees on this property, and they grow crops to feed their chickens, ducks, and small animals. They want protection for their agricultural activities. Mr. Hall explained that the document provided by Mr. Zimmerman was from a City Council packet. He explained that City Council denied the Planning Commission's recommendation to revise the Hurricane City code. Michelle Cloud explained that the Planning Commission feels strongly about protecting agriculture use. However, this does not meet the six criteria. Rebecca Bronemann agrees with Mrs. Cloud. Mr. Ballard feels it is vital to protect all agricultural use. He disapproves of the City taking property from citizens.

Michelle Cloud motioned a recommendation of denial for APA23-02 as described in the letter, based on the application does not meet the six criteria. Rebecca Bronemann seconded the motion. Michelle Cloud and Rebecca Broneman – aye. Ralph Ballard, Paul Farthing, Kelby Iverson, Mark Sampson, and Brad Winder – nay. Motion failed.

Ralph Ballard believes the residents have historically used their property for agriculture pursuit.

Kelby Iverson agrees with Mr. Ballard; he added that based on previously approved agriculture protection zones, it appears that the City Council has the authority to grant agricultural protection if the application does not meet the six criteria.

Paul Farthing echoes Mr. Ballard's statement.

Mr. Iverson asked if the City Council can grant agriculture protection to property without RA.5 or above zoning. Mr. Hall explained that they could make that determination by reviewing the property's zoning. Mr. Ballard feels the code needs to be reviewed and clarified. City Councilman Thomas feels the City Council would approve changing the zone to agricultural and agrees that the code needs to be improved. He suggests continuing the item until the applicant applies for a zone change. Mr. Hall explained that the code requires a decision within 45 days.

Kelby Iverson motioned a recommendation of approval for APA23-02 based on the reasoning that the city has approved agriculture protection zones where Master Planned roads have not been excluded. The City has approved agriculture protection zones when agriculture zoning was not in place. The city has approved agricultural protection zones with lots not contiguous with the base five acres. He referenced the Sterling property. He noted that both applicants are willing to exclude property for Master Planned roads and the utility line. Fred Resch III confirmed that the motion recommends excluding the Master Planned roadways from the agriculture protection area. Brad Winder seconded the motion. Michelle Cloud, Rebecca Broneman, and Mark Sampson – nay. Ralph Ballard, Paul Farthing, Kelby Iverson, and Brad Winder – aye. Motion carries.

A directive was sent to the City Council to review the agricultural protection zoning code.

4. 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 motioned a recommendation of approval for APA23-03 using the same language as APA23-02. Brad Winder seconded the motion. Michelle Cloud, Rebecca Broneman, and Mark Sampson – nay. Ralph Ballard, Paul Farthing, Kelby Iverson, and Brad Winder – aye. Motion carries.

NEW BUSINESS

1. LUCA23-05: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment to Title 10, Chapter 7, and Chapter 41 regarding accessory dwelling units.

Fred Resch explained that Mayor Billings had asked the Planning Commission to lower the standard from .8 acres to one-half acre for two ADUs. He noted that only one ADU can be used as a short-term rental. Brad Winder feels half acre lots are too small to accommodate two ADUs, and parking will become an issue. Kelby Iverson understands that the motive is affordable housing. However, this is not

congruent with preserving agriculture and open space. Ralph Ballard would be more in favor of updating the standard if both ADUs were long term rentals. City Councilman Thomas feels the city is over saturated with recreation resorts and vacation rentals. He believes property owners will eventually convert their ADUs to long term rentals. He does not think this amendment is necessary to accomplish that. Rebecca Bronemann does not want to restrict the ADUs to long term rentals. Paul Farthing agrees with Mr. Winder. Michelle Cloud feels a half-acre is appropriate for two ADUs. However, only one unit should be a short-term rental.

Michelle Cloud motioned a recommendation of approval for LUCA23-05 as written. Rebecca Bronemann seconded the motion. Ralph Ballard, Paul Farthing, Brad Winder, Michele Cloud, and Rebecca Broneman – aye. Kelby Iverson – nay. Motion carries.

2. PSP23-20: Discussion and consideration of a possible approval of a preliminary site plan for Jellystone Park Adventure Center, a commercial development located at 3950 W Jellystone Road. Blow Sand LLC Applicant. Karl Rasmussen Agent.

Fred Resch III reported that the property line does not match the approved final site plan or plat for Glampers Inn. Karl Rasmussen stated the property line does match the master plan, and he will provide updated information.

Kelby Iverson motioned to approve PSP23-20 subject to staff and JUC comments. Rebecca Bronemann seconded the motion. Unanimous.

3. PP23-19: Discussion and consideration of a recommendation to the City Council on a preliminary plat for Buck's Ace Hardware, a four lot commercial subdivision located at 1447 W State St. Buck Hurst Applicant. Jared Bates Agent.

Fred Resch III reported that the will serve letters have been received.

Kelby Iverson motioned to recommend approval of PP23-19 to the City Council subject to staff and JUC comments. Rebecca Bronemann seconded the motion. Unanimous.

4. PSP23-22: Discussion and consideration of a possible approval of a preliminary site plan for Hurricane City Gymnasium, a gym building located at 748 N 200 W. Hurricane City Applicant. Karl Rasmussen Agent.

Karl Rasmussen reported that the building must go vertical by September. Fred Resch III explained the metal building was donated to the city with the condition that it must go vertical by September. He reported that building the gymnasium behind the American Legion will provide access to future amenities. Dayton Hall explained to the Planning Commission that the deadline should not be considered when making their recommendation. The application should be reviewed as any other application. Michelle Cloud asked if the building meets the standards for a metal building. Mr. Resch III reported that the facade would meet the standards.

Rebecca Bronemann motioned to approve PSP23-22 subject to staff and JUC comments. Michelle Cloud seconded the motion. Unanimous.

5. AFP23-14: Discussion and consideration of a recommendation to the City Council on an amended final plat for Quail Creek Industrial Park Phase 5 located at 1100 S Regional Park Road. Doug Dennett Applicant. Brandee Walker Agent.

Alex Stewart with Civil Science reported that the lift station was moved back ten feet, and the shift does not affect the detention basin.

Paul Farthing motioned a recommendation of approval for AFP23-14 subject to staff and JUC comments. Kelby Iverson seconded the motion. Unanimous.

Approval of Minutes:

1. January 12, 2023

Michelle Cloud motioned to approve the minutes as written. Paul Farthing seconded the motion. Unanimous.

Paul Farthing motioned to adjourn the meeting. Rebecca Bronemann seconded the motion. Unanimous.

Adjournment 8:02 p.m.