

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

Minutes of the Hurricane City Planning Commission meeting held on October 12, 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, Michelle Cloud, Ralph Ballard, Kelby Iverson, and Brad Winder.

Members Excused: Shelly Goodfellow and Rebecca Bronemann

Staff Present: Planning Director Gary Cupp, City Planner Fred Resch III, City Attorney Dayton Hall, City Engineer Representative Jeremy Pickering, City Councilman Kevin Thomas, and City Recorder Cindy Beteag.

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

1. Discussion on the vacation rental ordinance

Gary Cupp explained that the Planning Department intends to update the ordinance due to nuisance enforcement concerns. The revised ordinance will disallow future whole-home short-term vacation rentals in single-family zones. The currently approved residential hosting licenses will not be affected. However, the wait list will be terminated, and the license will not be transferred upon the sale of the property. Michelle Cloud reported that the owners purchased these properties as an investment, and she is concerned about the financial loss the owners will incur. Although, she agrees that this may be necessary to address the issue. Kelby Iverson agrees with Mrs. Cloud. Fred Resch III reported that Washington County no longer issues vacation rental licenses. He reported that three documented code violations within twelve months constitute revocation of the business license. Ralph Ballard feels this stems from the inability to enforce the nuisance ordinance. He is concerned about the loss of investment upon the home's sale.

Kevin Thomas reported that the City Council had received several complaints regarding short-term vacation rentals, and neither the homeowners nor the property managers responded to the nuisance letters. Many owners living out of state are detached from the management of the home. There is an affordable housing crisis within Hurricane City, and the overpriced value of short-term rentals is negatively affecting the market. He reiterated that this change will not affect the currently licensed properties. Ralph Ballard does not think it is appropriate to penalize homeowners who do not violate the ordinance. Paul Farthing has never approved of vacation rentals in single-family zones. He feels it is a commercial venture in a residential zone. Investment is part of the capitalistic venture, and property values constantly change. Mr. Cupp reiterated that the owner will retain their investment value if they still own the property.

Mr. Iverson agrees with Mr. Farthing. However, he is concerned about the City's role in negatively affecting property investments. He confirmed that there are currently seventy licenses, and the ordinance has been in place since 2016. Mr. Resch III reviewed the violation letter. Mr. Iverson recommended allowing the license transfer upon the home's sale and banning any future whole-home vacation rentals. Ralph Ballard recommended providing a letter explaining the city ordinance and violations and notifying the owners of the proposed ordinance. Cindy Beteag reported the rules are posted in the current ordinance.

2. Training on ethics and the open and public meetings act

Fred Resch III presented ethics training videos from the Utah League of Cities and Towns.

6:00 p.m. – Call to Order

Roll Call

Pledge of Allegiance, Brad Winder

Prayer and/or thought by invitation led by Kelby Iverson

Michelle Cloud motioned to approve the agenda as posted. Seconded by Paul Farthing. Unanimous.

Declaration of any conflicts of interest

Brad Winder declared a conflict on New Business item 9. He will not abstain from voting.

Public Hearings

1. A Land Use Code Amendment to Title 10 Chapter 7 Subsection 23 regarding grading permits

Gary Cupp reviewed the current grading permit ordinance. The proposed update would allow grading of the site prior to approved construction drawings. The proposed ordinance includes requirements for complete bonding and submission of drainage plans, grading plans, weed control, and dust plans.

No comments.

2. A Zone Change Amendment request located at 251 W 725 South from R1-10, residential one unit per 10,000 square feet to RA-0.5, residential agriculture one unit per half acre

Gary Cupp reported that this standard zone change from r1-10 to residential agriculture will reduce density.

No comments.

NEW BUSINESS

1. LUCA23-09: Discussion and consideration of a recommendation to the City Council on a Land Use Code Amendment to Title 10 Chapter 7 Subsection 23 regarding grading permits. Hurricane City Applicant.

Michelle Cloud motioned a recommendation of approval for LUCA23-09. Paul Farthing seconded the motion. Unanimous.

2. ZC23-22: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at 251 W 725 South from R1-10, residential one unit per 10,000 square feet, to RA-0.5, residential one unit per half acre. Casey and Kelsey Stratton Applicant.

Casey Stratton explained that this zone change is more harmonious with the surrounding uses, and they to build a large shop on the property. They would like a traditional agriculture barn look, which is not allowed in r1-10. Paul Farthing asked if the fire department requirement had been resolved. Gary Cupp reported that this will be addressed in the conditional use permit. He noted that staff recommends approval.

Kelby Iverson motioned a recommendation of approval for ZC23-22. Paul Farthing seconded the motion. Unanimous.

3. PSP23-28: Discussion and consideration of a possible approval of a preliminary site plan for Goulding casita, an additional residential unit in a multifamily development located at 220 W 200 N. Dace and Laurie Goulding, Applicant. Ben Sorenson, Agent.

Ben Sorenson reported that the applicant has owned the property for fifteen years. They originally intended to build a four-plex. However, that was stalled due to the economy. They are seeking permission to move forward with building the multifamily unit.

Paul Farthing motioned to approve PSP23-28 subject to staff and JUC comments. Kelby Iverson seconded the motion. Unanimous.

4. CUP23-14: Discussion and consideration of a possible approval of a conditional use permit for a metal building located at 1208 W 50 N. Seret Rafferty Applicant.

Seret Rafferty reported that the metal building is intended for covered RV parking on their property.

Kelby Iverson motioned to approve CUP23-14 subject to staff comments. Paul Farthing seconded the motion. Unanimous.

5. PSP23-30: Discussion and consideration of a possible approval of a preliminary site plan for Copper Cave Storage, a 225-unit storage facility located at 3087 S 1100 W. Clint Hadfield Applicant.

Karl Rasmussen reported that the storage unit facility is north of the gravel pit on 1100 West. He reviewed the location of the entrance and exit, noting that the setback requirements have been met. Gary Cupp reported that staff recommends approval.

Paul Farthing motioned to approve PSP23-30 subject to staff and JUC comments. Michelle Cloud seconded the motion. Unanimous.

6. PP23-20: Discussion and consideration of a recommendation to the City Council on a preliminary plat for High Desert Ranch, a 10 lot single family subdivision located at 4600 S 1300 W. Patrick Jacolenne, Applicant. Robbie Pope, Agent.

Jeff Armor reported that the applicants were not part of the previous zone change application. However, they are in favor of the current zoning. Mr. Armor reviewed staff comments. Kelby Iverson noted that this application complies with the current zone. Patrick Jacolenne explained that they intend to split off two lots for horse property. Gary Cupp reported that staff recommends tabling the application due to inadequate power capacity. The applicants are in discussions with the Power Department to enter into the power increase agreement. Michelle Cloud asked if this could be approved conditional upon signing that agreement. Dayton Hall reported the Planning Commission could grant the entitlement conditional upon the signed agreement. However, the Power Department recommends tabling the item until the agreement is signed. Ralph Ballard asked if there are any concerns regarding the runway. Mr. Jacolenne reported restrictions on the property south of the runway. Sky Ranch has requested that the applicant acknowledge the air traffic in their CCRs.

Mr. Hall explained that several preliminary plats in the area were approved without adequate capacity. The Power Department has determined how to reconfigure the grid to provide additional capacity. However, the developer must pay their proportionate share of the capacity development. Mr. Armor explained that tabling the item creates a hardship for the applicants. He asked for approval subject to the agreement. Mr. Jacolenne explained that they have been working with JUC since March and are willing to absorb the cost of developing the power capacity. Mr. Hall reported that the Power Department has purchased the power service in the Sky Ranch area and is in the process of taking over the service system. The cost of development has yet to be determined.

Michelle Cloud motioned to table PP23-20 pending a signed power agreement. Ralph Ballard seconded the motion. Unanimous.

7. PSP23-32: Discussion and consideration of a possible approval of a preliminary site plan for Hat Trick Townhomes, a 13 unit townhome development located at 520 W 100 N. Hat Trick Holdings LLC, Applicant. Tyler Hughes, Agent.

Mr. Cupp reported that staff has no concerns. Michelle Cloud noted the Fire Department comments in the staff report. Fred Resch III reported that this will be addressed in the construction drawings.

Kelby Iverson motioned to approve PSP23-32 subject to staff and JUC comments. Paul Farthing seconded the motion. Unanimous.

8. AFP23-17: Discussion and consideration of a recommendation to the City Council on an amended final plat for Painted Hills Phase 1 Lots 108 & 84, located at 35 S Rlington Parkway. Ronald Ertman, Applicant. Ryan Scholes, Agent.

Gary Cupp explained that the applicant wants to adjust the lot line to increase yard space.

Paul Farthing motioned a recommendation of approval for AFP23-17, subject to staff and JUC comments. Ralph Ballard seconded the motion. Unanimous.

9. 2022-PP-25: Discussion and consideration of a possible approval of an extension of the preliminary plat approval for Lone Pine, a nine-lot single-family subdivision located at 400 W 820 S. Brant Tuttle, Northern Engineering, Applicant.

Kelby Iverson motioned to approve 2022-PP-25. Michelle Cloud seconded the motion. Unanimous.

10. FSP23-34: Discussion and consideration of a possible approval of a final site plan for Hurricane LDS meetinghouse, a church building, located at 4300 W Dixie Springs Drive. LDS Church, Applicant. Brian Scott, Agent.

Bryan Scott reported that the parking concerns have been addressed.

Paul Farthing motioned to approve FSP23-34 subject to staff and JUC comments. Brad Winder seconded the motion. Unanimous.

11. CUP23-16: Discussion and consideration of a possible approval of a conditional use permit for an accessory building of greater height and size located at 251 W 725 S. Casey Stratton Applicant.

Casey Stratton explained that the proposed shop will include an ADU. The size of the building and the second ADU require a conditional use permit. Gary Cupp reported that staff recommends approval conditional upon recording the easement to include the fire turnaround. Mr. Stratton feels there is adequate property to provide the fire turnaround. Mr. Cupp asked if the proposed building would affect the established turnaround. Mr. Stratton reported that the turnaround to the north will not interfere with the new building. Dayton Hall explained that the City needs an updated easement to ensure an appropriate turnaround.

Kelby Iverson motioned to approve CUP23-16 subject to a recorded fire easement. Paul Farthing seconded the motion. Unanimous.

Approval of Minutes:

1. August 24, 2023

Michelle Cloud motioned to approve the August 24, 2023, minutes. Paul Farthing seconded the motion. Unanimous.

2. September 14, 2023

Hurricane City Planning Commission Minutes September 14, 2023

Michelle Cloud motioned to approve the September 14, 2023, minutes. Paul Farthing seconded the motion. Unanimous.

3. September 26, 2023

Michelle Cloud motioned to approve the September 26, 2023, minutes. Paul Farthing seconded the motion. Unanimous.

Adjournment at 7:20 p.m.