

**Hurricane Planning Commission
Meeting Minutes
May 23, 2024**

Minutes of the Hurricane City Planning Commission meeting held on May 23, 2024, at 6:00 p.m. in the City Council Chambers located at 147 N. 870 West Hurricane UT, 84737

Members Present: Mark Sampson (online), Paul Farthing, Shelley Goodfellow, Ralph Ballard, Rebecca Bronemann, Michelle Cloud, Brad Winder

Members Excused: Kelby Iverson

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

6:00 p.m. - Call to Order

Roll Call

Pledge of Allegiance led by Michelle Cloud

Prayer and/or thought by invitation given by Rebecca Bronemann

Declaration of any conflicts of interest

None declared.

Brad Winder motioned to approve the agenda as posted. Seconded by Rebecca Bronemann. Motion carried unanimously.

Public Hearings

- 1. A Zone Change Amendment request located at approximately 2250 S 5140 W from A-5, agriculture one unit per 5 acres to RA-0.5, residential agriculture one unit per half acre. Parcel number H-4138-K**

No comments.

- 2. A Zone Change Amendment request located approximately 5210 W 2250 S from A-5, agriculture one unit per 5 acres, to RR, recreational resort. Parcel numbers H-4138-A, H-4138-G, H-4-2-15-112, and H-4138-F.**

No comments.

NEW BUSINESS

- 1. ZC24-05: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located at approximately 2250 S 5140 W from A-5, agriculture one unit per 5 acres to RA-0.5, residential agriculture one unit per half acre. Parcel number H-4138-K. Dylan Stratton, Applicant. CivilScience, Agent.**

Alex Stewart from Civil Science was online to represent the applicant, requesting a zone change. However, Mr. Stewart lost connection and was unable to rejoin the meeting. Gary Cupp explained that staff recommended denying the request due to the property being improperly subdivided. A zone change cannot be approved until this issue is resolved. He noted that the land was split two months ago without following the proper procedures. Ralph Ballard asked if there was an intermediate zoning option between the current zone and the requested one. Dayton Hall confirmed there was a one-acre allowance. Mr. Ballard suggested that if the applicant only wants one home, a different zone should be considered. Mr. Cupp further clarified that the applicant must refile the deeds to restore the land to its original state, after which they can legally apply for a zone change and subdivision.

Mr. Stewart was able to reconnect and explained that the homeowner is trying to build on the lot, but the Engineering Department informed them they needed a zone change before obtaining a building permit. Jeremy Pickering noted that the warranty deed showed the parent parcel was split, with Dylan Stratton as the original owner, and the split-off portion given to Chris Wyler. Per City ordinance, the property must be brought into compliance before a building permit can be issued. Mr. Pickering added that the split made Dylan Stratton's application non-compliant. The lots were annexed into the City under A-5 zoning, and Mr. Hall clarified that the original lot, smaller than five acres, was considered a legal nonconforming use until the split occurred. Additionally, the City ordinance requires property dedication for any master-planned roads abutting the property before a building permit is issued, which applies to the east side of 5140 West. Mr. Hall mentioned another issue: a strip of land along 2250 South, owned by Chris Wyler, that was supposed to be dedicated to the City but hasn't been yet. Mr. Stewart stated that while the Chris Wyler issue is separate, the Strattons are willing to dedicate the property to the north. Mr. Hall suggested the best path forward would be to undo the lot split, then apply for a zone change. Shelley Goodfellow asked whether the Commission would recommend approval of the zone change if the subdivision were undone, or if they could approve it with conditions for correction. Mr. Hall clarified that if RA-0.5 zoning were granted, the applicant could build one house without needing a preliminary plat, and the City couldn't require roadway dedication. Ms. Goodfellow noted that if the zone change was denied, the applicant couldn't reapply for a year, but Fred Resch III pointed out that a change in circumstances would allow them to reapply.

Chris Wyler mentioned that the building department could address the master-planned road. Mr. Hall clarified that two different roads were being discussed. The northern section of these two parcels is meant to be part of a road, while there is another master-planned road to the east, which would have been identified if the proper process had been followed. Mr. Wyler emphasized that the zone change is needed to resolve the issue and is time-sensitive. Ms. Goodfellow pointed out that the City should have a small subdivision ordinance, as this situation resembles a lot split rather than a large subdivision, and shouldn't be held to the same standards. Mr. Hall explained that there are limits on what can be required, with exaction laws dictating what must be dedicated. Mr. Wyler requested a positive recommendation to the Council contingent on correcting the issues. Mr. Ballard suggested tabling the item until the deeds are corrected, with Mr. Hall agreeing it could be tabled until the subdivision issue is resolved. Mark Sampson asked how such situations occur. Mr. Hall explained that the County records any documents submitted to them, without verifying if city processes have been followed.

Rebecca Bronemann motioned to table ZC24-05 until the unlawful subdividing can be resolved. Seconded by Michelle Cloud. Motion carried with Paul Farthing, Shelley Goodfellow, Ralph Ballard, Rebecca Bronemann, and Michelle Cloud voting aye. Brad Winder voted nay, and Mark Sampson abstained.

2. ZC24-06 PSP24-09: Discussion and consideration of a recommendation to the City Council on a Zone Change Amendment request located approximately 5210 W 2250 S

from A-5, agriculture one unit per 5 acres, to RR, recreational resort. Parcel numbers H-4138-A, H-4138-G, H-4-2-15-112, and H-4138-F. Chris Wyler, Applicant. CivilScience, Agent.

Shelley Goodfellow stated this one has the same concerns as the previous applicant. Brad Winder explained the reason he voted nay on the last one is because they don't know if it matches what they are requesting. Ralph Ballard clarified they would no longer meet the legal nonconforming use if it is changed.

Rebecca Bronemann motioned to table ZC24-06 until the unlawful subdividing can be resolved. Seconded by Michelle Cloud. Motion carried unanimously.

3. CUP24-15: Discussion and consideration of a possible approval of a conditional use permit for a metal building located at 1833 W 200 S. Gary Maurin, Applicant

Commissioners had no concerns with this request.

Paul Farthing motioned to approve the conditional use permit for a metal building located at 1833 W 200 S. subject to staff and JUC comments. Seconded by Rebecca Bronemann. Motion carried unanimously.

4. PSP24-08: Discussion and consideration of a possible approval of a preliminary site plan for Hurricane Rehab Center, a treatment facility located at 860 N State St. Brandon Neil, Applicant. Civil Science, Agent.

Alex Stewart from Civil Science explained they are proposing a treatment facility at the corner of State Street and 860 North. He acknowledged the staff comments about parking and said they would address those concerns. Paul Farthing noted that while the project meets all the requirements, neighbors might have issues with a drug and alcohol treatment facility nearby. Rebecca Bronemann expressed concern about the center's proximity to a cliff, particularly when individuals may not be in a stable state of mind. Mr. Stewart assured that this concern would be addressed in the final design. The Commissioners agreed that the project meets all the requirements and is appropriately located.

Rebecca Bronemann motioned to approve the preliminary site plan for Hurricane Rehab Center subject to staff and JUC comments. Seconded by Michelle Cloud. Motion carried unanimously.

5. 2023-PP-14: Discussion and consideration of a possible approval of an extension of the preliminary plat approval for Hurricane Cliffs, a 30 lot subdivision located at 1100 W and north of Copper Rock Parkway. DAF Development, Applicant.

Riley Richardson requested an extension, explaining that they are ready to break ground but encountered delays in the construction process.

Michelle Cloud motioned to approve the extension of the preliminary plat for Hurricane Cliffs. Seconded by Paul Farthing. Motion carried unanimously.

6. PSP24-10: Discussion and consideration of a possible approval of a preliminary site plan for Sky Mountain-600 N, a mixed use development consisting of 27 townhome units and two commercial pads, located at 2260 W and 600 N. Paul Jenson, Applicant. Rosenberg Engineering, Agent.

Greg Sant explained that the property owner has four acres zoned as planned commercial and is requesting approval for half of the allowed residential units. The development would be similar to the Perry Homes project along 600 North. Though there were issues during the initial review, Mr. Sant believes they have addressed all concerns. He acknowledged that a drainage and traffic study will be required. Commissioners discussed previous requests for this parcel. Fred Resch III mentioned that he had sent out an updated recommendation and map.

Paul Farthing motioned to approve the preliminary site plan for Sky Mountain-600 N. subject to staff and JUC comments. Seconded by Brad Winder. Motion carried unanimously.

7. CUP24-16: Discussion and consideration of a possible approval of a conditional use permit for an accessory building of greater height and size located at 1087 W 650 S. Shawn Bowen, Applicant.

Shawn Bowen explained that he wants to build a new shop for storage and to clean up his property. He mentioned that he has spoken with his neighbors, and they are supportive. Once the new shop is completed, he plans to tear down the existing shop. The new building will be 3,000 square feet with a peak height of 25 feet at the center. Paul Farthing asked if they could require him to tear down the old garage once the new one is finished. Dayton Hall clarified that as long as the applicant meets the conditions, he's entitled to approval and can have multiple accessory buildings as long as they don't cover more than 50% of the lot. Mr. Bowen added that he will place the new shop five feet from the property line.

Ralph Ballard motioned to approve the conditional use permit for an accessory building with the provision they comply with the five-foot setback. Seconded by Michelle Cloud. Motion carried unanimously.

Approval of Minutes:

1. February 29, 2024 – Mark Sampson asked what came of that emergency meeting. Gary Cupp stated the construction drawings have been submitted. He explained they called a special meeting because they didn't meet the deadline, so staff made an accommodation. Shelley Goodfellow asked if the fire comment was resolved. Fred Resch III stated he doesn't know if it was resolved yet.

Michelle Cloud motioned to approve the February 29, 2024, minutes as written. Seconded by Rebecca Bronemann. Motion carried unanimously.

Mark Sampson shared that he recently visited Apple Valley to explore tiny houses and spoke with a builder about their potential use for affordable housing. These tiny homes are constructed in Hurricane and then delivered to their final location. He is planning to organize a tour to discuss further options, provided the Planning Commission is interested. Dayton Hall noted that if more than five members attend, it will need to be properly advertised as required by law.

Shelley Goodfellow inquired if they could give a report on the APA conference. Dayton Hall responded that while it's preferable to list it on the agenda, since it's just a discussion, he felt comfortable proceeding. Paul Farthing noted that he attended a session about Planning Commission bylaws and realized they don't have a copy of their own. In the class, they recommended starting with the simpler items on the agenda and having the developer explain their project first before opening the public hearing. Afterward, the Commission would return to the applicant for a decision. Mr. Hall agreed that

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these were solid suggestions and mentioned that the agenda could be structured that way. Ms. Goodfellow requested that this topic be added to the next agenda for further discussion.

Adjournment Paul Fathering motioned to adjourn the meeting at 7:15 p.m. Seconded by Michelle Cloud. Motion carried unanimously.