

**ON JULY 25, 2018 AT 5:00 P.M., THE HURRICANE CITY COUNCIL AND HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT.**

**City Council Present:** Pam Humphries, Cheryl Reeve, Kevin Thomas, Kevin Tervort, Darin Larson and Mayor Bramall

**Planning Commission Present:** Mark Borowiak, Michelle Cloud, Ralph Ballard, Paul Farthing, Yovonda Hall, Rebecca Bronemann, and Chris Christensen

**Members Excused:** Bob Petersen

**Staff Present:** Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Recorder Kaden Demille, and City Manager Clark Fawcett

Chairman Ralph Ballard called the meeting to order at 5:05 p.m. The Pledge of Allegiance was led by Kevin Thomas and Darin Larson offered the prayer.

Ralph Ballard stated the purpose for this meeting is for the Commissioners to get clarification on why the Council voted the way they did on some of the applications when the Commissioners had recommended denial. He mentioned the application in the south fields and he explained the Commissioners were trying to protect the City from a lawsuit. He stated there are drastic concerns about the soil in that area. His other concern was it had been turned down so many times before for that reason and yet this time it was approved. Yovonda Hall stated collapsible soil is the biggest issue. She stated the people that buy the lots are the ones that will pay if there are issues. She feels they should reduce the density on areas with known problems. Mr. Ballard stated the infrastructure needs to be protected as well as the future homes. Darin Larson pointed out if someone is going to develop the subdivision then the infrastructure would be the same regardless of the lot sizes. He saw this as a positive because now it will have curb, gutter and sidewalks. He stated his biggest question is if they are all seeing eye to eye on development. He stated people are coming and the City needs to manage it. Pam Humphries stated when someone buys property they are not guaranteed a zone change. She lived in the same area and she knows what the soil is like. She thought they could still have a good project leaving it at one acre.

Mayor stated Dave Wadman, the previous property owner, worked with Rosenberg and Associates to design a subdivision for the property but he told Mayor Bramall no one wanted to buy the property when it was zoned one acre. He discussed ideas that have tried to get approved in the south fields. Ms. Humphries stated land prices are going sky high. She stated she prefers larger lots but the cost will be prohibitive. Mr. Larson stated they approved quarter acre lots in Copper Rock so why not here. Ms. Foran stated the soil issues are different. Mr. Ballard questioned if something needs to be in the code to protect the infrastructure in the future. Mr. Larson suggested putting something in the code that says it must exceed what the engineer recommends. Ms. Foran stated when there are special requirements by the geotechnical company the City requires the geotech to do special inspections. Ms. Humphries stated the contractor is liable to a point but questioned what happens to the third owner that doesn't know the issues. Mr. Larson expressed his belief the City is setting themselves up for possible litigation if they require a deed restriction to be signed on all lots with issues.

Mr. Larson asked if the Commissioners had any other concerns. Ms. Hall mentioned a lot of the neighbors came in for the zone change on 1760 West and they were very opposed. She stated the neighbors didn't realize the application went on to the City Council or they would have gone to that meeting to voice their opposition. Kevin Thomas stated the only neighbor he knew that was opposed was the Leavitt's but they weren't opposed to Bud Scow's zone change so why this one. Ms. Foran stated she puts all the objections expressed in a public hearing into the staff report so the Council knows what happened at the Planning Commission meeting. Mr. Thomas stated he doesn't have time to read everything. Mr. Ballard stated the Commissioners did put in the recommendation on this one that if they do approve it then they would recommend a larger zone than R-1-6. Ms. Humphries stated the Council did change the road to make it connect to 200 North.

Rebecca Bronemann asked why they turned down the multifamily project on 3700 West. Mayor Bramall said because a lot of neighbors were opposed to it. Michelle Cloud asked what the Council sees for affordable housing. Mr. Larson stated mortgage rates for a \$200,000 home are similar to rent but there aren't any homes being built for that price.

Mark Borowiak clarified he thought they were getting together because there is a communication issue. He stated if the Council is going to overrule then there needs to be something in place so the Commissioners know what they should look at differently. Kevin Tervort pointed out the Commissioners are there to make a recommendation. Mayor Bramall stated the Council in the past didn't look at what the Commissioners voted for and now they do. He stated the Commissioners are following the guidelines and General Plan very well and that is why they vote the same way as them the majority of the time. He said they have the job to make recommendations to the Council by looking to make sure everything is met. Mr. Larson felt both bodies get influenced by the public clamor but that needs to be put away when considering all the factors. He stated they are all going to have different opinions. Ms. Bronemann agreed but she wants to understand the Council's thinking. Mr. Larson stated the reason he voted for the zone change in the south fields is because half acre lots are easier to sell. His vision is good managed growth and he would like to see affordable housing. Ms. Hall asked if they could require a percentage of each project to be affordable housing. Mr. Tervort stated people are completely against it in their neighborhood. Ms. Humphries said at one time the State was requiring a percentage to be affordable housing. Ms. Foran mentioned the General Plan used to suggest a destiny bonus if they offered affordable housing. Mr. Ballard stated they might want to look at incentives.

Ms. Humphries told the Commissioners they are doing a great job. She feels they are the experts on the Land Use Code so she thinks the Council should go with their recommendations the majority of the time but sometimes they do make changes. Mayor Bramall explained he was fine with both of the recommendations but when he heard the Council's point of views he reconsidered. He stated most people now of days don't want an acre because they don't want to take care of it. Ms. Humphries disagreed by saying there are a lot of people in Dixie Springs that have been buying two lots. She stated a lot of people want larger lots to have space in between neighbors. Mayor Bramall stated Cliff Dwellers has two acre lots but they only build on a quarter of their property. They were still opposed to half acre lots proposed next to them when the only difference was that there wouldn't be open space.

Paul Farthing said when Hardcastle and Mulberry subdivisions came in the Commissioners had turned down both applications because of the street conditions on 650 South, 920 West and 1100 West but then the Council approved them. He stated it is a catch twenty- two because you need the development

to get the improvements but need the improvements to accommodate the people development brings. He questioned how they address those problems. Ms. Humphries explained the Street and Water departments are on a five year plan and she doesn't see 650 South or 920 West on either plan. Mr. Larson stated priorities change as development happens. Mr. Ballard asked if an incentive could be used for this as well. Mayor Bramall suggested an offer to developers if they complete the improvements then the City will work with them on density. Ms. Hall said it should be a balance as to what the City is required to do and what the property owner needs to do.

Ms. Hall asked if the Council could send back something to the Commissioners that explains why they voted the way they did. Mr. Ballard pointed out it is the same as the findings for the Commissioners. Ms. Foran stated there is always criteria so they can use that as the basis for why they voted the way they did. Mr. Larson stated the Commissioners need to make a point of letting people present at the public hearing know when an applications will go from the Planning Commission to the Council. He agreed the vote does includes that it is a recommendation but people aren't hearing that.

Ms. Hall asked what role the neighbor's comments should make in a zone change. She knows some processes need to listen to public clamor and some don't. Mayor Bramall stated it is part of the input process but all the other laws need to be followed as well. Mr. Thomas stated he didn't vote for the town homes because of the number of neighbors that were against it. Fay Reber joined the meeting and stated most people are not in favor of a zone change if they come to the meeting but one of the things to consider is how will the zone change affect the neighboring properties and neighbors' input helps with that consideration. He stated they don't make the decision based solely on their comments. They need to make a decision on what is best for the community. Mr. Thomas stated his opinion is that collapsible soils are not the City's problem. It should fall to the builder and engineer. Ms. Bronemann asked about the neighbors that will be affected by the water settling when the property is developed. Mr. Thomas stated that is something that needs to be considered. He mentioned one of the City requirements is that properties cannot drain onto the neighbor's property.

Meeting adjourned at 6:05 p.m.