

ON OCTOBER 26, 2016 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT.

Members Present: John Johnson, Ken Bradshaw, Ryan Cashin, Yovonda Hall, Bob Petersen, and Ralph Ballard

Members Excused: Paul Farthing and Bill Wilkey

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Beteag, and City Council Representative Darin Larson. City Council member Kevin Thomas was also present.

Chairman Cashin called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Yovonda Hall and Bob Petersen offered the prayer. Roll call was taken.

Approval of agenda: Bob Petersen motioned to approve the October 26, 2016 agenda as posted. Yovonda Hall seconded the motion. Motion carried with all Commissioners voting aye.

New Business:

2016-FP-08 Consideration and possible recommendation to the City Council on a final plat for Colonial Heights, an 8 lot subdivision located at 2500 West and 150 South – Jim Peterson applicant

Jim Petersen stated he appreciates the Planning Commission and staff's help during the design process. Bob Petersen stated the lot lines look a lot better realigned. *Bob Petersen motioned to recommend approval of application 2016-FP-08 to the City Council. Ken Bradshaw seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, and Ralph Ballard-Aye. Motion carried.*

2016-PP-11 Consideration and possible recommendation to the City Council on a preliminary plat for the Villas at Sand Hollow Condominiums, Phase 4, a 3 building 54 unit plat located at approximately 5228 West Villas Drive North – The Villas at Sand Hollow Resort Phase 4, applicants; Reed Scow agent

Yovonda Hall asked the applicant if he had seen the staff and JUC comments regarding RV parking. She asked if they had plans for another option other than the clubhouse parking lot. Reed Scow stated they have started to plan for it but do not have anything right now. Ms. Hall asked if additional parking would be done with these phases. Mr. Scow stated they have overflow parking planned once the buildings have reached the round-a-bout. He explained the buildings would block the parking lot so it wouldn't be an eyesore. He stated they are hoping they can do temporary parking until they are ready to build the permanent parking. Ms. Hall asked if they would still use the clubhouse parking lot and if so, does it have the capacity for RV parking. Mr. Scow stated even on a busy day it generally isn't full. Ms. Hall asked if there is parking by the other Villas. Chairman Cashin stated he sees RV's parking there all the time. Ms. Hall asked staff if parking was an issue. Toni Foran stated this is preliminary so it is up to Commissioners if they want to require it before final plat. She stated it will be a problem in the future. Chairman Cashin asked if the guests are notified there is additional RV parking at the clubhouse. Mr. Scow stated yes. Chairman Cashin asked if the City had received complaints. Ms. Foran stated no, any complaints come from parking in the Retreat. Mr. Scow stated each unit in the Villas has two parking spaces and these units are only two or three bedroom so he feels they will have adequate parking. Ms. Hall asked what the time line would be for the additional parking. Mr. Scow stated not until the buildings are to the round-a-bout. Chairman Cashin stated he doesn't think the parking is currently a problem but they need to plan enough ahead so it gets done before it becomes a problem. *Yovonda Hall motioned to recommend approval of application 2016-PP-11 to the City Council with the recommendation they look towards parking in the future. Approval is subject to staff and JUC comments; 1. Construction drawings will have to be developed and signed for this site. 2. The unit layout is the same as Phase 3A, which has been built and recorded, and matches what was*

approved for that phase. It is interesting to note that the building and parking lot in Phase 3B which is located between this Phase 4 and Phase 3B, is still not started. 3. Final plat submittal must be accompanied by the condominium declaration annexing this project into the other phases or a new declaration for this property, whichever applies. 4. Final site plan will be required with final plat. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, and Ralph Ballard-Aye. Motion carried.

2016-PSP-03 Consideration and approval of a preliminary site plan for the Villas at Sand Hollow Condominiums, Phase 4, a 3 building 54 unit plat located at approximately 5228 West Villas Drive North – The Villas at Sand Hollow Resort Phase 4, applicants; Reed Scow agent

Yovonda Hall commented this application has the same issues as the previous application. Ralph Ballard asked if the use in this building will be the same as the other Villas. Reed Scow stated yes. Ms. Hall asked what phase the full parking would be completed. Mr. Scow stated he thought there were seven or eight more buildings planned but he hasn't looked at it in depth. He stated the first time they get a complaint or bad review they will move forward with parking. Ms. Hall suggested being proactive before they get complaints. Mr. Scow stated it hasn't been a problem. Darin Larson asked if guests park their boats at the lake. Mr. Scow stated he is unsure. *Yovonda Hall motioned to approve application 2016-PSP-03. John Johnson seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, and Ralph Ballard-Aye. Motion carried.*

2016-CUP-15 Consideration and possible approval of a conditional use permit for a communications tower on the ridge accessed at 2261 S. 3400 West – American Wireless, Inc applicant – Mical Terry agent

Bob Petersen asked for clarification where the tower would be located. Mical Terry explained on the ridge west of Scott Nielson's home. Chairman Cashin asked if they would be leasing power from Nielson's home. Mr. Terry stated no, they would be contracting for new service. There is a line that goes up the hill. They will put in a transformer and extend the secondary service over to the tower site. He stated Mr. Nielson has approved the plan. Toni Foran asked if the tower would be at least twenty five feet from the edge. Mr. Terry stated it is close to that. Ms. Foran stated that is a requirement. Mr. Terry stated it is set back far enough to ensure the ground is stable. Chairman Cashin clarified it is twenty four feet tall. Mr. Terry stated they originally looked at the tower further down the ridgeline but it sits back too far and wouldn't be able to reach the new development. He stated this tower will be adequately placed to help service in the area. Ralph Ballard asked if this tower would be for one provider. Mr. Terry explained because of the size of the tower it is limited on colocation. Yovonda Hall asked staff if they had any concerns. Ms. Foran stated not for only a twenty four foot tower. *Ralph Ballard motioned to approve application 2016-CUP-15 based on that it meets the code and it is located twenty five feet back from the ridge. Ken Bradshaw seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, and Ralph Ballard-Aye. Motion carried.*

2016-PP-10 Consideration and possible recommendation to the City Council on a preliminary plat for Falcon Ridge Phase 3, a 14 lot subdivision divided into 2 sections – one at 920 North 300 East and one at 1100 North 260 East – Home Company applicant

Yovonda Hall asked the representative, Gerald Pratt, if this project would be located north east from the chapel on 1050 North. Mr. Pratt stated yes it will tie into Falcon Ridge, the subdivision known for all the rock. Ms. Hall stated the staff comment that interested her the most was *the applicant has provided notes on the plat identifying the potential hazards on the site. These include potentially high liquefaction, moderate landslide danger, and caliche deposits.* Mr. Pratt stated the geological map shows there is potential for those hazards in this area but the geotechnical report will address those issues actually on the property at that time. Chairman Cashin asked if he had seen the JUC and staff comments. Mr. Pratt stated yes, he doesn't see a problem with them. Ms. Hall read staff comment 2. *The concerns with Phase 3A expressed above in the discussion should be seriously considered before a recommendation is made. At least*

5 of the lots in Falcon Ridge 2 are essentially considered unbuildable and this is not a mistake that should be made again. She stated five unbuildable lots is a lot. Ms. Foran stated there is also a few lots in Phase 3A that don't meet the ordinance. Chairman Cashin stated that was a problem with a previous plat so they need to make sure they don't approve more unbuildable lots. Ralph Ballard asked if preliminary plat is more like a checklist so the developer knows what to needs to be done before final. Ms. Foran explained preliminary plat approval gives them the right to build to what is on the plat. Commissioners discussed the different lots. Mr. Pratt asked what staff's recommendation is so they can move forward. Ms. Foran stated the Commissioners could approve phase 3b tonight and continue phase 3a until some issues can be resolved. Chairman Cashin agreed. Mr. Pratt stated the applicant is ok to continue with phase 3b only. Bob Petersen suggested a field trip to look at the property for phase 3a. Everyone agreed. Yovonda Hall motioned to table phase 3a of application 2016-PP-10 and approve phase 3b of application 2016-PP-10 subject to staff and JUC comments 1. The tentative plan for storm water drainage is not clear from information provided. Full drainage plan will be required with construction drawings after preliminary plat is approved. 2. A pressurized irrigation system will be required in the subdivision. 3. The proposed location of the future road connecting these two phases may be better if located at 300 East rather than at 325 East as proposed on this plat. 4. Full construction drawings must be approved before application for final plat. 5. Will serve letters have been received from Ash Creek Special Service District and Hurricane Water Department. 6. The applicant has provided notes on the plat identifying the describing the potential hazards on the site. These include potentially high liquefaction, moderate landslide danger, and caliche deposits. A detailed geotechnical engineer's report must be obtained by the developer addressing these possible hazards and included with construction drawings for the site. Bob Petersen seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, and Ralph Ballard-Aye. Motion carried.

2016-CUP-16 Consideration and possible approval of a conditional use permit to allow the placement of up to four temporary storage containers on a parcel designated as Civic in the transect zone where all uses are conditional for property located east of Diamond Ranch Academy – Daniel Baker applicant

Ryan Cashin asked the applicant if he had seen the staff comments. Daniel Baker stated yes. Bob Petersen asked if he was aware of the zoning when he purchased the property. Mr. Baker stated yes but he didn't realize the extent of Elim Valley. He stated his long term goal is to change the zone and do boat/RV storage. He mentioned he has talked to Diamond Ranch Academy and they are ok with the storage units there. Ralph Ballard expressed the need to make sure all the containers are the same color. Mr. Baker asked if he would be allowed to put gravel down under the storage containers. Toni Foran stated that is still temporary so it should be fine. Mr. Ballard clarified it was personal storage only. *Ralph Ballard motioned to approve application 2016-CUP-16 based on the storage containers will not impact the health, safety, or welfare of the City or person in the area. Approval is subject to the following conditions; 1. No more than four storage containers for personal use. 2. All containers must be the same color and must be located against the rock wall. 3. The use will reviewed in three years to determine if it is still appropriate for the location and may be revoked at that time if necessary to uphold the purpose of the zone and the Development Agreement. 4. The use is for the owner's personal property only. Yovonda Hall seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, and Ralph Ballard-Aye. Motion carried.*

2016-FP-09 Consideration and possible recommendation to the City Council on a final plat for Painted Sands Phase 1, a 48 lot subdivision located at approximately south of 600 North, west of 1380 West, and east of Gould's Wash-Kings Gate Development, applicant; Douglas Brady agent

Scott Heagy, partner with Kings Gate and John Reeve, engineer for this project, were present to represent the application. Yovonda Hall asked about the drainage swale on the backside of lots 34 to 13.. She asked what the landscaping plan was for the detention basin. Mr. Reeve stated the drainage swale and the

detention basin are two different things. He stated the detention basins will be gravel and have low maintenance. He explained there is a drainage berm and swale to take water off their property so it does not affect the properties below. Mr. Reeve stated there is a document that was developed between themselves and the property below and that was one of the issues. Chairman Cashin asked if the twin homes would be sold as rental units. Mr. Reeve stated they have been told they will be sold to owners. Ms. Hall asked if they were aware of the staff comments. Mr. Reeve stated yes. Toni Foran pointed out the staff comments the Commissioners are referencing are for the site plan and this is final plat. She stated the only requirement for this application is to have the signatures on the construction drawings and the plat. Ralph Ballard read the following staff comment; *finish in the common area between Painted Sands and Garden Home Subdivision will be gravel with large boulders. Weed control will be the responsibility of the Painted Sands developer and later an HOA.* He stated large boulders sometimes make weed control hard and asked if they would be able to keep it maintained. Mr. Reeve stated it will be boulders and crushed rocks and will not have any vegetation. Mr. Ballard questioned if the area needed to be disturbed or if they could just use the natural vegetation. Mr. Reeve stated they have to put the berm there so that will be the only disturbance. *Bob Petersen motioned to recommend approval of application 2016-FP-09 to the City Council. Ralph Ballard seconded the motion. The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, and Ralph Ballard-Aye. Motion carried.*

2016-FSP-08 Consideration and approval of a final site plan for Painted Sands, Phase 1, a 48 lot subdivision located at approximately south of 600 North, west of 1380 West, and east of Gould's Wash-Kings Gate Development, applicant; Douglas Brady agent

Chairman Cashin stated part of this application was discussed during the last application. Yovonda Hall pointed out the requirement of different species of trees. Mr. Reeve stated they are aware of that requirement and appreciate the comment. *Yovonda Hall motioned to approve of application 2016-FSP-08 subject to staff comments and recommendations; 1. An irrigation plan is submitted AND approved for all landscaping before any landscaping is installed. 2. At least 3 different tree species trimmed to a single trunk are used in the planter strips and the front yards. 3. A lighting plan is provided before any construction begins on the site. 4. The developer must understand landscape and lighting plans are required. 5. The detention basin is designed so it cannot be a nuisance or maintenance burden.* Ken Bradshaw seconded the motion. *The vote was as follows; John Johnson-Aye, Ken Bradshaw-Aye, Ryan Cashin-Aye, Yovonda Hall-Aye, Bob Petersen-Aye, and Ralph Ballard-Aye. Motion carried.*

Planning Commission business:

First discussion and review of proposed new Chapter 41, Accessory Apartments, in the Land Use Code as recommended for review by the City Council. Toni explained the ordinance that was in the packet was the starting point the City Council had discussed. She handed out a draft copy of a proposed ordinance with some changes to accommodate what the City Council discussed. Toni explained chapter 41 used to be called Accessory Apartments so she used that as the basis for how this would work and what development standards would work. Toni stated the one Kevin sent states short term rentals are allowed in casitas. Kevin Thomas clarified this is separate issue and he just wanted to make sure they didn't get confused with each other. Yovonda clarified this is long term rentals. Toni stated a lot of people are already doing residential hosting but they wouldn't qualify for long term rental because they don't have a separate entrances or cooking facilities. Toni stated she doesn't know how they will be regulated because a business license isn't required for only one rental. The group discussed how to ensure safety standards are met. Toni stated major issue is the current utility code states a separate water meter is required for each dwelling or tenant so that code would have to be reviewed with the Water Board. There is a concern this might affect the Water Conservancy pooling agreement.

Toni pointed out the City Council discussed the fact that using accessory dwelling units for long term rental is part of the affordable housing plan. Toni read over the definitions. Ralph asked how long the code has been in place and if staff knew why it was written with the restrictions. Toni stated as far as she knows the

second kitchen section has been in the book since about 1998. She state she thinks the restrictions were put in because of the separate metering and the fear of every single family dwelling becoming a duplex. She stated that was also a concern expressed this morning in staff meeting and that this ordinance is doing away single family zones. Yovonda stated it could create two dwelling units on one lot.

Kevin Thomas stated lots of people have older children or older parents who move back home and this makes it so the property owner can recoup the cost of building a dwelling unit for the family member in the future. Toni stated the current ordinance allows only family members to live in an accessory unit. Kevin explained he built an addition for a family member but then she passed away and now they have no way to recoup the cost. Toni explained they can use it for residential hosting but that doesn't help with the affordable housing problem in the community. Darin stated this came to the Planning Commission to work out the issues. Ralph asked if rentals require a business license. Toni stated the ordinance requires a license if the property owner has more than one rental but not everyone complies. Ryan stated his first thought is they need to license them and inspect them. Toni stated the ones built with a building permit are probably ok but the ones that got converted might have problems. Ryan suggested changing the ordinance to say any one with a rental unit is required to have a license. Ralph stated he disagrees because that puts the City liable if something goes wrong in the rental. Toni stated the City doesn't have enough staff to inspect every rental. Ralph stated a lot of people build for family but then something happens and they are stuck with the building they can't use because they signed a deed restriction. Ralph stated allowing this would bring revenue to the City. Toni stated there are some that are currently doing it and she hasn't heard too many problems. Darin stated the owner is on the site so it helps. Toni asked if there was a difference in impact between two families that are related and two families that aren't related living on the same parcel. Yovonda asked why they would allow long term rentals in casitas but not short term rentals. Toni stated short term rental doesn't address affordable housing issue and wouldn't impact neighborhoods the same as a long term.

Ryan stated he thinks the commissioners should take time to look at it and come back with comments. Yovonda asked about the people that already signed a deed restriction. Toni stated the deed restriction can be removed. Ryan asked if the water meter issue could be looked at in the meantime. He asked if there was anything in there about parking. Toni stated it is already in the code that three spaces are required for a house with an accessory apartment so they don't need it in the development code. Commissioners decided to review the proposed changes and come back with recommendations at the next meeting.

Report on City Council actions on Planning Commission items. Toni stated the Council followed the Commissioners recommendations and The Old Farm zone change didn't pass and Mulberry Estates preliminary plat passed subject to all the comments and working out the cross sections.

Approval of minutes: Yovonda Hall motioned to approve the September 28, 2016 minutes. Ken Bradshaw seconded the motion. Motion carried with all Commissioners voting aye. Bob Petersen motioned to approve the October 13, 2016 minutes. Yovonda Hall seconded the motion. Motion carried with all Commissioners voting aye.

Meeting adjourned at 7. 35 p.m.