

ON MARCH 9, 2017 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: Ken Bradshaw, Rebecca Bronemann, Bob Petersen, Ralph Ballard and Paul Farthing

Members Excused: Yovonda Hall

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Council Representative Darin Larson, and City Attorney Fay Reber

Chairman Petersen called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Ralph Ballard and Rebecca Bronemann offered the prayer. Roll call was taken.

Toni Foran stated the Public Hearing and the application for 2017-ZC-06 should be tabled because the applicants have made some changes and want to be better prepared. The old business regarding the Ski Lake needs to be tabled until the next meeting because they submitted a different application. She explained comments will be taken for the proposed Land Use Code text Change but the City Attorney has asked for that item to be tabled in order for him to review the legal aspects. *Ralph Ballard motioned to approve the agenda with the changes. Ken Bradshaw seconded the motion. Motion carried with all Commissioners voting aye.*

Chairman Petersen opened the Public Hearing at 6:06 p.m. to take comments on the following:

- 1. A zone change request for property located at 280 E. 860 North from R-1-10 to PF, Public Facilities, for the purpose of locating the Hurricane City Parks Department offices in the house.**
Toni Foran stated Darren Barney, the Parks Department Supervisor, wasn't able to make the meeting but asked her represent them. She explained the City would like to buy this house and make it into the Parks Department office. She stated their current office is located at the back of the cemetery so if they purchase this home they can access it from the back as well. Del Despain stated this house is located at a dangerous intersection with a lot of traffic. The traffic will only increase as more is built and there isn't another outlet. He questioned how much traffic will it be on the road and if it will be just the Parks Department or Parks and Recreation? If the Recreation department is there it would create a lot traffic with people signing up for sports.

And

- 2. A proposed Land Use Code change regarding requirements for road improvements for building permits.**
Toni Foran stated the City Council asked staff to look at this ordinance because there have been some concerns. She explained the current ordinance requires that if someone wants a building permit but the road isn't done to City standards then the property owner is required to provide enough funds to complete that road before a certificate of occupancy can be issued. She stated the Council felt that was extreme and it also put a hardship on the City because then only a portion of the road is complete and it may not match the long term plan. The Council wanted staff to come up with agreement to let people who are building on a non-improved street know they are responsible to come up with part of the money when it time to develop and the City would notify them when it is time. She stated it has pluses and minuses both ways because it is hard to come up with the money when you build a house but it also could come at a bad financial time in the future. She mentioned a citizen sent a letter stating they felt it was an unfair burden. Ms. Foran stated the City Attorney will review the proposed code change and make a recommendation but the basis is an agreement will get recorded on the property stating the property owner will be responsible for road improvements when it is time to develop the road.

Kolby Winsor stated it would be a huge burden to put on people. He stated the impact fees are already high and if he had to improve the road then building wouldn't be feasible. He stated it seems that the City is trying to prevent people from moving here.

Chairman Petersen closed the Public Hearing at 6:13 p.m. and the Public Meeting began.

Old Business:

2017-ZC-03 and 2017-PSP-01 Consideration and possible recommendation to the City Council on a zoning map change request from RA-1, Residential Agriculture, to PDO/RA-1, Planned Development Overlay, for approximately 84 acres located south of 1500 South at 920 West with 24 parcel numbers for the purpose of building a ski lake subdivision with 49 single family lots and 3 lakes – Brittany Christensen, applicant
Paul Farthing motioned to table application 2017-ZC-03 and 2017-PSP-01. Rebecca Bronemann seconded the motion. The vote was as follows; Ken Bradshaw-Aye, Rebecca Bronemann-Aye, Bob Petersen-Aye, Ralph Ballard-Aye and Paul Farthing-Aye. Motion carried.

New Business:

2017-CUP-06 Consideration and possible approval of a conditional use permit for a detached garage building larger than allowed by permitted use at 3461 W. 2900 South – Dan and Konni Hacking applicants
Konni Hacking explained they bought two lots and combined them to one last year. She stated they want to build a detached garage next to the house and they will be using the same contractor that built the house. It will match to the house exactly. She stated they are running electric but not water to the garage. Chairman Petersen asked if it would be a separate power meter. Ms. Hacking stated no, when they built their house they had the electrician stub the electrical on the back of house so they could build this garage in the future. Chairman Petersen commented a lot of detached garages are being built. Ms. Hacking stated they want to keep the property neat and have everything inside. Chairman Petersen stated it meets all the criteria. He asked if they were aware of the staff comments. Ms. Hacking stated yes and they already have the ACC's approval. *Ken Bradshaw motioned to approve application 2017-CUP-06 based on staff findings; 1. The proposed building is of compatible architecture. 2. The proposed building is for a use permitted in the zone. 3. The property will still contain more than 35% of pervious surface. Paul Farthing seconded the motion. The vote was as follows; Ken Bradshaw-Aye, Rebecca Bronemann-Aye, Bob Petersen-Aye, Ralph Ballard-Aye and Paul Farthing-Aye. Motion carried.*

2017-ZC-05 Consideration and possible recommendation to the City Council on a zoning map change request from R-1-10, Single Family Residential, to PF, Public Facilities, for property located at 280 E. 860 North – Hurricane Parks Department applicant

Toni Foran clarified this would only be for the Parks Department personnel. It will not be a recreational facility. She explained the Parks Department currently don't have a place to meet that is large enough to accommodate them all. She stated there will be vehicles coming in and out in the front but she doesn't know if it would be any more than if a family lived there with multiple drivers. She mentioned they will be parking in the rear so they wouldn't be backing out onto the street. Rebecca Bronemann asked if it can be accessed through the cemetery. Ms. Foran stated yes, there is currently a chain link fence there but they can open the fence so it is connected. Chairman Petersen asked if heavy equipment would be stored there. Ms. Foran stated she doesn't believe so. They try to keep equipment off the roads so they would probably continue to take them through cemetery or on a trailer. Del Despain asked if some provisions could be attached to the zone change to not allow public there. Ms. Foran stated signups for activities are done at the Community Center but the Commissioners could recommend approval with the provision that it is for personnel only. Mr. Despain didn't think there would be any more noise than it is now. Ms. Foran stated they will be gone by 5 p.m. but they would be getting there earlier in the summer. Commissioners

discussed the intersection in relation to the driveway. Ms. Bronemann pointed out anyone that bought that property would have a problem with the driveway. Ralph Ballard stated it might be better to have the Parks Department there instead of a family because they will have the back property to turn around and come out forward onto 860 North. *Rebecca Bronemann motioned to recommend approval of application 2017-ZC-05 with the understanding the recreational programs are done at the Community Center. Ken Bradshaw seconded the motion. The vote was as follows; Ken Bradshaw-Aye, Rebecca Bronemann-Aye, Bob Petersen-Aye, Ralph Ballard-Aye and Paul Farthing-Aye. Motion carried.*

2017-ZC-06 and 2017-PSP-02 Consideration possible recommendation to the City Council on a zoning map change request from RA-1 Residential Agricultural 1 acre, to PDO/R-1-10, Planned Development Overlay/ Single Family Residential for 200 acres south of 3000 South and west of Sand Hollow Road – Toquerville Enterprises/Northern Engineering applicants

Rebecca Bronemann motioned to continue applications 2017-ZC-06, 2017-PSP-02 and the Public Hearing until the next meeting. Paul Farthing seconded the motion. The vote was as follows; Ken Bradshaw-Aye, Rebecca Bronemann-Aye, Bob Petersen-Aye, Ralph Ballard-Aye and Paul Farthing-Aye. Motion carried.

2017-ANNEX-01 Discussion and recommendations to City Council on the Copper Rock master plan, annexation agreement, and zoning – Copper Rock LLC

Gordon Zitting, manager of Copper Rock, stated they feel like they are in good shape with providing documentation of what they are proposing. Toni Foran handed out an updated plan. She explained it doesn't change the density or the roads but they would like a few more areas to be designated as recreational resort. Mr. Zitting explained they started the process in the County but the County got crossways because they thought the applicants had made too many changes to the original plan. He stated they have applied to be annexed into Hurricane and to his knowledge they have answered all questions. He stated they are well on the way of working on a Development Agreement with the City Council. He mentioned there will be a delay because they had an objection to the annexation so it has to go to the Boundary Commission before it can move forward. He stated they want to make sure everyone is on the same page so they can move forward once the Boundary Commission has reviewed the complaint. He expressed his biggest concern is they only have about two more months before it gets too hot to plant grass. He stated they have 9 holes that are ready to purge out the lines, put sprinkler heads on, and plant grass. He stated if it bogs down, it could delay them until fall.

Mike Bradshaw, with Alliance Consulting, stated they are the Engineer for this project and they were the Engineers for the Coral Canyon Project. He explained their general design idea is to have mixed use, residential, and master plan development where you have several options for homes in the neighborhood. He feels it has worked really well in Coral Canyon because it gives a good variety of homes but it's not an isolated community. They feel that demand for recreational resort is significant right now so they have that centered around the golf course so they can provide facilities. Paul Farthing asked how people would get to this development. Mr. Bradshaw explained initially the residents would go down 700 West which ties into 1100 West but ideally the access would come off Sand Hollow Road. He stated the City has a master plan road that comes from the west and connects to the back of Copper Rock, however, until there is a demand the other road won't get built. Mr. Farthing stated he has a concern with the access being on 700 West. He mentioned it could be ten years or more before another road is built and 700 West can't handle that amount of traffic for that long. He questioned if this size of a development was premature for that area. Mr. Bradshaw stated it could take that many years to build a hundred homes and the owners feel it is time to start now. Mr. Farthing stated the timeline for the continuation of SR-7 is unknown at this time. Mr. Zitting explained their plan doesn't require them to build a lot of houses in the beginning. He stated it is a thirty year process and they would be happy to build fifty to hundred houses every couple of years. The financial leverage isn't why they are building homes. They are planning on building as it makes sense not because they have financing to pay off.

Sue Sanborn, a resident in Cliff Dwellers, stated she is there representing her neighbors. She expressed their concern about the impact the traffic will have on the area. She stated the nature of a PDO is it is a master plan so if it is approved, they approve the whole development. She stated the applicants are stating they will only build fifty to hundred homes a year but if the whole development is approved they can build as fast as they want. She noted they are proposing 2200 homes which equates to 4400 cars and right now the main entrance is directly across from the entrance to Cliff Dwellers. She feels it is inconceivable for that much traffic on the current roads. She stated their other concern is the high density housing on the ridge lines as well as a road that wraps around behind their properties. The high density housing is not consistent with what is there. She mentioned she met with Mr. Bradshaw and reviewed the plans for Coral Canyon. She feels they did a great job with designing that project around the topography but she doesn't think they have done the same for Copper Rock. She stated they need open space to buffer between the developments. She noted they understand development will happen but they would prefer low density like what is already there but if it is going to be high density she asked to make sure it doesn't grossly impact the existing residents. She asked the Commissioners to insist they stay off the ridge lines and work with the topography. She expressed their love for the dark sky and would like some accommodation to keep it. Mr. Zitting stated they recognize that Cliff Dwellers and Sky Ranch have one acre or more lots so the lots in their development that are closest to them are $\frac{3}{4}$ acre or more to minimize the impact.

Mr. Bradshaw pointed out the area Ms. Sanborn was referencing on the map. He stated they put lots on the plan as a best case scenario but when they actually start building it depends on the land and if it is feasible. He mentioned they did move the road to the back side of the ridge instead of the front in the updated plan because of Ms. Sanborn's concerns. He stated they are listening to the concerns and trying to accommodate.

Deborah Stone stated she owns the lots closest to Copper Rock. She mentioned Copper Rock has been very cooperative from the beginning but her main concern is seeding the ground that is already graded. She asked if they could seed now so residents don't get a sand storm when the wind blows.

A resident asked what would be done with the sewer water and will the plans accommodate land to the east of this project.

Mr. Bradshaw stated the plan is to run a line out to the west and connect to the Dixie Springs sewer line. They are working with adjacent property owners to secure easements and find the best fit. He stated it will most likely require a lift station. He stated they can size it to accommodate the property to the east but they don't have a way to get it there. It will facilitate them when they are ready. Chairman Petersen asked if all the sewage would have to be lifted over the ridgeline and into Dixie Springs. Mr. Bradshaw stated they have had many meetings with Ash Creek Sewer District regarding lift stations and gravity flow lines but they are working on the details. Chairman Petersen expressed the opinion that this would be a major obstacle. Mr. Bradshaw stated it is but it is doable. Chairman Petersen asked if the development agreement was final. City Attorney Fay Reber stated it is not the final copy but he thinks it is close. He mentioned if the Planning Commissioners had any concerns they would like addressed, then they could recommend the City Council include those in the agreement. He stated for example there is a provision to preserve the night sky in the current agreement.

Mr. Farthing read section 11.1 of the development agreement, *Developer shall design, fund, and construct a culinary water transmission line to run from the nearest City water main.* He asked if that had been done or if they had done a cost analysis. Mr. Bradshaw stated they have participated in an upsize along 1100 West that will bring it from 3000 South to Cliff Dwellers and then they would upgrade the line to their project. Mr. Farthing asked what the first phase would include. Mr. Bradshaw stated the golf course will be the first phase and then the club house and condos would be the second phase. He explained towards the entrance and holes 13 and 14 is where they want to build the first hundred single family homes. Mr. Farthing commented they would have to build the road to the clubhouse.

Ralph Ballard stated the traffic is a big concern. Mr. Farthing stated it seems very premature. He stated when Suncor developed Coral Canyon they had to put in around \$40 million before they sold anything. He mentioned the two failed golf courses already here so when the applicants talk about a thirty year buildout

it doesn't make sense. Mr. Bradshaw agreed there is a lot of infrastructure and Suncor did put a lot of money in but these owners are willing to front the money to get the project going. He agreed 1100 West is not adequate to serve this project but he feels it is for the first couple years. He stated it is in the owner's best interest to connect to Sand Hollow Road but they will not be able to do that in the beginning. Mr. Ballard pointed out the collapsible soil in that area and the difficulties of putting infrastructure in the roads. Ms. Foran stated all departments have put a lot of hours into reviewing the agreement. Mr. Ballard asked if the Street Department felt 1100 West would be adequate. Ms. Foran stated they have a lot of the same concerns. It might be adequate now for a golf course but as it gets bigger it won't be. She stated it could be done in phases and once the development was too big for 1100 West, they would have to construct the other road before more is built. Mr. Farthing stated he would feel better if it was specified in the agreement that after so many homes are built the other road is required. Ms. Foran mentioned UDOT has requested the City provides them with maps that show any proposed development that will impact SR-7 so they can decide where to put funding for the next phases. She stated they have funded a study to tie down the alignment and help advise property owners of where a connection could be built. Mr. Bradshaw stated these developments push UDOT to make connections happen.

Mr. Farthing asked if the agreement included any bonding. Mr. Reber stated no. Ms. Foran stated there is a paragraph that asks for financial assurance with each phase. Ken Bradshaw stated he is concerned because they were shut down by the County for not following directions so what assurance does Hurricane have they will follow the agreement. Mr. Ballard stated the City needs to be very specific. Chairman Petersen asked if they needed to vote on the recommendations to the City Council. Ms. Foran explained the Commissioners didn't need a motion on this item as it is not a formal application. The City Council wanted their input on any concerns they had. She stated it has been advertised to be annexed but there is a protest so the Boundary Commission will review it before the City Council can review the annexation. Mr. Ballard asked what the nature of the protest was. Mr. Reber stated someone felt it would create a peninsula and under Utah law a City is not supposed to annex if creates an island or peninsula. He stated there is some questions of if the protest meets the qualifications for a protest but the Boundary Commission will decided that. He recommends the Commissioners write down a list of their concerns that were discussed in this meeting and present it to the City Council. That way the Council can make sure their concerns are addressed in the development agreement.

Jerry Ferman, a resident adjacent to Cliff Dwellers, stated if this is approved it would put 8000 cars going to town every day. He questioned if SR-9 gets that amount of usage in a day. He is concerned about the drainage into Cliff Dwellers. He stated they are showing houses on steep slopes and they will drain down to other property. He stated 2000 homes is a lot of homes. He said he thought open space within a development is to connect areas and he doesn't feel like this plan does that. He would like to see the open space be more meaningful and usable. His concerns are the density, traffic flow, the drainage, and the view on the ridgeline from Cliff Dwellers would only be homes.

Ken Bradshaw commented when Sky Ranch was built the owner designated a 9 hole golf course but he didn't have the finances to get the water to it. He questioned if this was a ploy to get water out there. Mr. Bradshaw stated the owners are in the process of drilling a well and have water rights. They have enough water for the golf course and are working to secure additional water rights. Mr. Farthing asked if they had enough water for the homes. Mr. Bradshaw stated the water for the homes would have to come from the City's water. Mr. Farthing asked how many homes where in Hurricane. Ms. Foran stated about 5600. She stated Dixie Springs will be about 1600 homes once it is completely built. Mr. Farthing pointed out this would be a 40-50% increase in what the City would have to supply. Mr. Bradshaw stated impact fees will help pay for infrastructure. Mr. Ballard stated it is one thing to have water rights but questioned if there is enough aquifer to supply it. Mr. Zitting stated they have 24" well down 1100 feet that they are in the process of developing. He mentioned they found water at 300 feet. Mr. Ballard asked how much water. Mr. Zitting stated the driller anticipates 1000 gallons a minute and they only need three quarters of that. He stated they purchased canal water as well. Mr. Ballard asked if they plan to be self-sufficient with water. Mr. Zitting stated on the golf course water they do. He mentioned they have designed the well to culinary

standards in case they need to work with the City to provide more culinary water. Mr. Ballard expressed a backup water supply is prudent because the project will fail without it. Chairman Petersen recommended to compose a letter with all the Commissioners concerns that were discussed tonight and he will sign it after the Commissioners have reviewed it.

2017-LUCA- 03 Consideration and possible recommendation to the City Council on a Land Use Code change requiring road improvements for building permits – City staff

Ralph Ballard motioned to table application 2017-LUCA-03 until the City Attorney has a chance to review it. Paul Farthing seconded the motion. The vote was as follows; Ken Bradshaw-Aye, Rebecca Bronemann-Aye, Bob Petersen-Aye, Ralph Ballard-Aye and Paul Farthing-Aye. Motion carried.

Planning Commission business:

1. Toni stated she talked to some Canal Board members and they said Copper Rock only has enough shares to water half the course unless they have purchased more. She stated they could only water every 14 days with canal water unless they put it in a pond and pump it. Paul stated Coral Canyon was right off the freeway so it made more sense. Ralph discussed the danger of putting more traffic on 1100 West. Darin stated the City Council will be reviewing the master road plan sometime this year so these types of projects will drive their thought process. Toni stated the intersection along 1100 West would be changed if the ski lake subdivision is built. Rebecca commented both of the projects require a lot of water. Toni stated the development agreement is clear the City will not supply water for the golf course. She explained this Project was first proposed in 2002. Darin stated the City Council has discussed that if it remains in the County the City will still be impacted if it's built. So if it is annexed they can have more control over what is done. Ralph stated the City needs to have guarantees. Darin stated the development agreement is what would be different from the other projects. Ralph stated it needs to be looked at very carefully. Darin stated this is all owned by one owner and Elim Valley had multiple owners. Toni clarified Elim Valley started as one owner. She stated there is language in this agreement that says if property gets foreclosed on then the whole project is done. Darin stated if that happens, it leaves things half finished. Commissioners discussed the project starting without permits.
2. Report on Council actions. Toni stated the Eves zone change was approved. She mentioned the property at 2000 West and SR-9 received a grading permit from the City Council. She stated they will bring in a site plan but the grading needs to be done first so they know how to lay out the building. Bob asked what will be built there. Toni stated a 24 hour Fitness place. She stated the Pride Rock zone change was tabled so they could work on an agreement, Mulberry Estates Final Plat was approved, and the Gateway Commercial was tabled because the applicants weren't there.
3. Discussion on downtown options. Toni stated she had an applicant come in that wants to build a building with mixed use with having commercial on the bottom and apartments on the top. She stated they need to decide on setbacks for the proposed downtown district. Commissioners talked about areas that have apartments above commercial within the City. Toni stated they need to think about quality of living too because they don't want living spaces with commercial setbacks and no open space. She stated her biggest concern is setbacks. They don't want to create stark buildings but it needs to be viable. Toni gave quote from training, *Density isn't bad, it's badly planned density that is bad*. She stated they need to eliminate bad places but make areas that are affordable. Toni suggested encouraging building at the back of sidewalk but if there is residential use then require a ten foot setback. Ralph suggested that if it is mixed use they could require a patio or balcony.
4. Handed out a copy of Vision Dixie principles. Toni explained this was a County wide planning effort to try and create a vision for the whole County. They want to make sure everyone is aware of the principals included in the document.

Paul Farthing motioned to approve the February 9, 2017 minutes as presented. Ken Bradshaw seconded

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the motion. *The vote was as follows; Ken Bradshaw-Aye, Rebecca Bronemann-Aye, Bob Petersen-Aye, Ralph Ballard-Aye and Paul Farthing-Aye. Motion carried.*

Adjournment at 7:50 p.m.