

**ON APRIL 25, 2018 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:** Paul Farthing, Yovonda Hall, Michelle Cloud, Bob Petersen, Mark Borowiak, Ralph Ballard, and Chris Christensen

**Members Excused:** Rebecca Bronemann

**Staff Present:** Planning Director Toni Foran, Planning Assistant Cindy Beteag, and City Attorney Fay Reber

Chairman Ballard called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Michelle Cloud and Yovonda Hall offered the prayer.

Yovonda Hall motioned to approve the agenda as posted. Paul Farthing seconded the motion. Motion carried with all Commissioners voting aye.

Chairman Ballard opened the Public Hearing at 6:02 p.m. to take comments on the following zoning map change request:

**A zone change request on approximately 5 acres located at 1267 W 400 South from RA-1, Residential Agricultural one acre, to R-1-15, Single Family Residential 15,000 sq. ft. lots.**

**Loretta Winder** stated she is confused how they are requesting all five acres to be rezoned because she thought there was a proposed road that was part on this property and part on her land. She asked if the road would still come out of both properties. Chairman Ballard stated both properties. Ms. Winder asked if all the properties would change or if it was only this five acres. Chairman Ballard explained each parcel is only changed as requested. Ms. Winder stated she would have liked to be included in the request. She asked if this will change the tax base for the area. She stated there is a discrepancy on thirty feet of her property. She feels like her land keeps getting taken away and she feels like she will have nothing left to leave as a heritance. She asked if this is going to be developed will they still be able to have animals on their property. City Attorney Fay Reber stated as long as animals are legal now then they will be able to continue that use. Ms. Winder stated when new owners come in and don't like the animals then they will complain. Mr. Reber stated that is probably correct but as a legal matter she can still have the animals there. Ms. Winder would like the City to make a decision on where the future road will go and whose property is whose. Chairman Ballard explained the City doesn't do the survey. Ms. Winder stated every owner is getting a different description when it's surveyed. Barry Thompson, a surveyor with Pratt Engineering, stated if there is a discrepancy on the surveys then a real estate attorney would get involved or the land owners can come to an agreement. He stated when it comes to a legal issue the surveyor can't make decisions. Chairman Ballard suggested getting together with the surrounding property owners. Ms. Winder stated she is opposed to this request because she feels it should all be residential or all farm land.

Chairman Ballard closed the Public Hearing at 6:14 p.m. and the Public meeting continued.

**2018-ZC-04 Consideration and possible recommendation to the City Council on a zone change request on approximately 5 acres located at 1267 W 400 South from RA-1, Residential Agricultural one acre, to R-1-15, Single Family Residential 15,000 sq. ft. lots – PM Development Corp/Interstate Rock Products applicants**

Craig Stratton was present to represent the application. He stated they are trying to develop the five

acres and they will leave thirty feet on the west side for the future road. They are planning on building a ten lot subdivision with a cul-de-sac. Chairman Ballard asked about the small lot along 400 South on the concept plan. Mr. Stratton stated they left a little piece for detention area. Chris Christensen asked if it would be retention or detention. Mr. Stratton stated whatever is required by the City. Paul Farthing stated this is almost a mirror image of Windsor Estates and it turned out well. He thinks it is a good use of property. Loretta Winder asked about the runoff water from the irrigation ditches. City Attorney Fay Reber stated if they create excess water or change the direction they have to take steps to mitigate the water. Chairman Ballard explained it is flood irrigation that runs along the lane and to the east so it goes across this property. Mr. Stratton stated they plan on creating a swale that will drain to 400 South and then do what they need to do to keep it going. Brad Winder asked what the width of the proposed road in the middle of this project would be. Mr. Stratton stated it will be a minimum of 41 feet. Mr. Winder asked about the other road on the outside of the proposed subdivision. Toni Foran stated sixty feet is required so the applicants will leave thirty feet and the neighbor will give thirty feet. Mr. Winder asked when the road will be built. Ms. Foran stated it depends on time, budget, and development in the area. Ms. Winder asked if the proposed lots would have access to their lots off the road in between. Ms. Foran stated generally with access management they try to keep driveways off minor collectors but it depends on the property. Michelle Cloud stated they previously discussed different options other than cul-de-sacs with another project. She asked if a cul-de-sac was best for this project. Ms. Foran pointed out this is just a concept plan, they will still need to present a preliminary plat. Mr. Christensen asked what the City standard was if a parcel goes from residential agriculture to residential. Ms. Foran explained they are asking for residential 15,000 square foot lots so that zoning determines the residential lot size. Chairman Ballard clarified there is not a restriction from someone requesting a change from agriculture to residential. *Paul Farthing motioned to recommend approval of application 2018-ZC-04 to the City Council subject to the staff findings; 1. The proposed amendment is compatible with the existing General Plan map and several policies. 2. The proposed amendment is not particularly harmonious with the overall character of existing development in the vicinity. 3. Public facilities and services are adequate to serve the property. 4. The proposed amendment will affect adjacent property because it is anticipated it will bring development. However, any development on this property at any zoning will affect adjacent property. Yovonda Hall seconded the motion. The vote was as follows; Paul Farthing-Aye, Yovonda Hall-Aye, Michelle Cloud-Aye, Bob Petersen-Aye, Mark Borowiak-Aye, Ralph Ballard-Aye, and Chris Christensen-Aye. Motion carried.*

**2018-FSP-09 Consideration and possible approval of a final site plan for the My Place Hotel at 80 S. 1150 West – Vince and Danyale Blackmore applicants**

Vincent Blackmore was present. He stated they have seen the staff comments and will work with the City to address the lighting. He stated the only thing that needs to be clarified is the landscaping. He explained the reason they have had to shorten the landscaping is because they are out of property. He stated they tried to maximum the property and will do an attractive job with what they have. He stated they hope the Commissioners feel it will be an asset and they can look at granting a variance for the landscaping. Chairman Ballard stated he remembered the discussion from before and the Commissioners were in agreeance with the variance. Chris Christensen asked for staff's opinion on the landscaping variance. Toni Foran stated there is a standard that sets the landscaping requirements and at the preliminary site plan there was reasons presented for why they couldn't meet it. She stated the code does give the Commissioners the option to deviate from the code if they feel it is good fit. She stated construction drawings have been signed. Yovonda Hall asked if staff was ok with the applicants working with them on lighting. Ms. Foran stated yes. *Bob Petersen motioned to approve application 2018-FSP-09 subject to the deviation of the landscaping and a lighting plan is submitted. Michelle Cloud seconded the motion. The vote was as follows; Paul Farthing-Aye, Yovonda Hall-Aye, Michelle Cloud-Aye, Bob Petersen-Aye, Mark Borowiak-Aye, Ralph Ballard-Aye, and Chris Christensen-Aye. Motion carried.*

**Approval of Minutes:** March 28, 2018. Cindy Beteag stated she has received the corrections from City Attorney Fay Reber. *Bob Petersen motioned to approve the March 28, 2018 as corrected. Paul Farthing seconded the motion. The vote was as follows; Paul Farthing-Aye, Yovonda Hall-Aye, Michelle Cloud-Aye, Bob Petersen-Aye, Mark Borowiak-Aye, Ralph Ballard-Aye, and Chris Christensen-Aye. Motion carried.*

Commissioners discussed the status of the construction in Marla Elim Valley.

Toni Foran stated she has received a new zone change application on the South Field Estates where the ski lake was proposed. The applicant wants to double the density. She mentioned after staff meeting this morning she went to the property across from the animal shelter where they have been trying to collapse a trench on the property. She stated she was able to observe how far the water went laterally. She suggested a field trip tonight for the Commissioner to see as well.

**Planning Commission business:**

1. **Report on conference sessions and things learned.** Chris stated he got to go to the dark sky class and he will pass on the information to everyone.
2. Yovonda went to a class talking about the 2007 construction rush compared to today. She stated 2007 was explosive but today is different mostly because of who is purchasing the homes. People are building fewer homes today then back then. She mentioned there was some concern that we were ramping up to the same collapse but their data shows it isn't. Yovonda stated another class she attended was if an area can support more hotels. She stated they discussed what was needed to break even and Washington County is above the average. Michelle mentioned the presenter stated Hurricane is perfect area for more restaurants. Yovonda stated another class she liked was affordable housing. There has to be some kind of analysis of need. She stated the class had a lot of wows but not a lot of what can be done to help. Mark stated builders are not building smaller affordable houses anymore. Mark stated the Water District has hired a PR person to talk about the pipeline. He stated he thought it was the best presentation he had heard on the pipeline. He stated the Water Conservancy said they would pay for the pipe line seventy percent with impact fees. Chris stated he really enjoyed the geology class. They learned about the different soil types and saw a cliff in Santa Clara that was sloughing away. He also enjoyed the water treatment tour. Toni asked if anyone went to legal one on natural hazards. Paul stated he did but he didn't bring his notes.
3. **Report on City Council actions and final plats.** Toni stated she is working on a spreadsheet that shows everything that has been received and she will have it ready soon.
4. **Discussion on Night Sky ordinances and formulation of policy recommendations.** Toni stated after they review what everyone learned at the Conference they can put something in place. She stated the ordinance is going to be policy recommendations not requirements. Ralph mentioned he talked to Darin Larson and he suggested possibly creating some incentives if they follow the recommendations. Paul stated it is not expensive and it doesn't have a negative impact so people shouldn't be opposed to it. Chris asked if something was being done on a state level. Toni stated there is a group at the University of Utah that has been working on something to put forward State wide recommendation. She stated the Power Superintendent told her that

they are working hard to come up with lighting standards that protect the night sky. He is purchasing a meter to measure the lumen levels.

5. **Discussion on possible land use code amendment pertaining to Appeals Authority.** Toni stated the state law allows an Appeal Authority instead of a Board of Adjustments. She stated with the possible legal action with Marla the City Attorney feels it will be better to have someone with training in Land Use Law. She made copies of Hurricane's current code, other cities with an appeal authority, and the state code. She stated she knows people like the idea of local citizens handling appeals but with more lawsuits that are coming in she feels it would be better to have a professional individual. Ralph stated he is hesitant to hand that power to one person because then it is based on one person's opinion. He suggested creating a board where each person has experience in a certain field. Fay stated it could be structured that way but a problem with the board now is they are the least informed of the city codes and laws. He stated they don't have any training and only meet as needed. He stated if you have a local board the natural inclination is to do whatever they can do to help people use their property as they want. He stated the idea of a variance is the application must meet all five criteria, not only one, in order to be approved. He mentioned the current board doesn't consider all the facts and circumstances following the standards. He stated having a local board is a problem because they want to help people where a professional won't have that connection. Yovonda stated a local board would be more collapsible under pressure. Toni gave examples of what items the Board of Adjustments review. She stated an appeal authority is necessary. Commissioners discussed making a board that requires certain criteria to serve on the board. Mr. Reber voiced a concern that the Board of Adjustment can overturn every decision the Planning Director makes when the Director has had a lot of training and experience. Toni asked them to look at handouts and come up with ideas.
6. **Planning Commission concerns and ideas**

**Meeting adjourned at 7:25 p.m. to take a field trip to observe soil settling in the South Fields.**