

ON JANUARY 16, 2020 AT 5:15 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT.

Members Present: Mark Sampson, Shelley Goodfellow, Chris Christensen, Paul Farthing, Dayton Hall, Ralph Ballard, and Rebecca Bronemann arriving at 5:45 p.m.

Members Excused: Michelle Cloud

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

Work meeting:

1. Continued discussion and work on proposed A-1, Agricultural one acre, zone

Commissioners discussed the proposed chapter including various definitions and uses and made recommendations for the final version.

Call to Order: Vice Chair Paul Farthing called the meeting to order at 6:05 p.m. The Pledge of Allegiance was led by Chris Christensen and Rebecca Bronemann offered the prayer. Roll call was taken.

Ralph Ballard motioned to approve the agenda as posted, seconded by Dayton Hall. Motion passed unanimously.

Vice Chair Farthing opened the Public Hearing at 6:07 p.m. to take comments on the following:

1. A proposed Land Use Code amendment clarifying time frame for recording final plats and extension process.

Toni Foran explained this process was changed to administrative however they failed to change the section that had to do with applying for an extension. This cleans it up and sets the standards for when it is appropriate to apply for an extension. Mark Sampson asked if there would be a new form that would allow administration to approve an extension without having to go to the City Council. Mr. Sampson stated it should be limited it to one extension. Commissioners agreed.

2. A Zoning Map amendment request on 40.689 acres located at approximately 2800 South on the west side of Sand Hollow Road from RA-1, Residential Agricultural one acre, to R-1-8, Single Family Residential 8,000 sq. ft. lots

Brett Burgess stated he is representing the applicant. He explained they completed a development lease with STILA about a year ago on this property which extends to Turf Sod Road. He stated they are working on all of the property but some of it requires a General Plan amendment so they are starting with these two parcels since they require that amendment. He explained he has been developing for twenty five years in Southern Utah. He gave a history of his work. He stated they are applying for R-1-8 zoning on this parcel and R-1-6 on the other one. He commented they did go look at the surrounding areas. They want to offer seven different products in this area because it gives a good mix. He mentioned they want to cover all ranges and prices. This proposal stays consistent with the General Plan. They have local builders they work with who are excited to work on this project.

Ralph Darley asked what style of homes would be built. He has a lot of concern with the density. He feels that 6,000 square feet lots is too small. He asked if it would be single family. Toni Foran stated they are requesting R-1-8 which is single family. He would like to see a master plan so they know what is going to be built.

Dena Shepard stated she walks in this area twice a day. She stated she looked all through Dixie Springs and the smallest lot is 10,000 square feet. She would like to see this development that size.

Doug Clauser stated he is a resident of Sand Hollow. He stated the applicant mentioned seven different products types all at different price points. He asked him to narrow it down. He thinks it would be better to see the master plan before the zone is approved.

Brett Burgess stated the price points haven't been determined yet. They are still in the planning phase. He commented Sand Hollow is a great community but part of their contract with STLA is they have to create CCR's and a master plan. They try to follow the General Plan because that is what the City wants. He pointed out most of the pads in Sand Hollow are the same size as what they are requesting. He stated they are on the low end of what the General Plan currently shows for the zoning on this property. He feels it is a good zone to ask for in this area. He mentioned there is a lot of high density in Elim Valley. He stated there is a knoll in the middle of the property and some rock features that they want to preserve as well a plateau that they want to emphasize. They don't build low end. They want to build a good community.

ElRae Bench stated she lives in Sand Hollow. She asked if they as home owners have any say in the square footage of the lots. She thinks if they are smaller lots then it will devalue their property values. Ralph Ballard stated this is where surrounding home owners voice their opinion.

Karl Simer stated he also lives in Sand Hollow. He thinks the 6,000 square feet is the contention for tonight. He thinks the density will impact the infrastructure.

Dave Andersen lives in Sand Hollow. He asked, "Where does this road lead? They have 460 acres. When does it become a plan or are they just going to piece meal it? What is the end game? Traffic will be impacted. What will the CC&R's do for this property? What happens after they change these two parcels? He feels this raises more questions because there are too many unknowns.

Vice Chair Farthing stated the Commissioners follow the General Plan for what is developed. Mr. Andersen asked what this was zoned. Toni Foran explained this is a zone change request but the General Plan already shows single family units up to eight units per acre. Mr. Andersen suggested they wait for more information before it moves forward.

Cindy Crops asked if they would be single level or two story. Rebecca Bronemann explained they don't get that information at a zone change but the maximum height for single is thirty five feet.

3. **A Zoning Map amendment request on 35.94 acres located at approximately 4750 West on the north side of 3150 South Street and west of Sand Hollow Road from RA-1, Residential Agricultural one acre, to R-1-6, Single Family Residential 6,000 sq. ft. lots**

Brett Burgess commented he thinks the R-1-6 zone is causing the contention. He stated he looked at the property that is closest to this property and they are about 7500 square feet. The school district owns fifty acres to the north of this property. He explained they are requesting this zone because Hurricane City doesn't have R-1-7 zoning but their plan is to have the lots more to that size instead of 6000 square feet. He commented again the General Plan is what they use as their master plan. They want to stay consistent with it and this request matches it. They are looking more for 7500 square feet lots than 6,000 sq. ft.

Ralph Darley stated he is opposed to this request. It is too dense. He thinks the developers just want more money. He hopes they take into consideration the dark skies. It is very important to them. He commented when Tava started being developed it affected them greatly.

Roger Garrelly lives in Sand Hollow. He urged them to consider CCR's and uniformity of housing at different price points. He wants to see something more homogeneous for this area.

Beth Bailey lives in Sky Mountain. She asked if Sand Hollow Road would ever be a four lane road. This will put a lot more people on Sand Hollow Road.

Toni Foran stated the plans for SR-9 will be on display at the transportation expo on February 7th. There will also be a public hearing for SR-9 on February 25th at the Community Center. She stated the width of Sand Hollow Road is planned for as an eighty foot road with a turn lane. It is planned for a four lane road as developments comes.

Vice Chair Farthing closed the Public Hearing at 6:46 p.m. and the public meeting continued.

Old Business:

2019-LUCA-05 Consideration and possible recommendation to the City Council on a proposed Land Use Code Amendment changing setbacks in the Multi-Family Zones – Mike Stewart applicant

Toni Foran stated this was tabled at the last meeting but nothing new has been submitted. She suggested tabling it until more information has been submitted. *Chris Christensen motioned to table application 2019-LUCA-05 until the applicant has submitted more documents, seconded by Rebecca Bronemann. Motion passed unanimously.*

New Business:

2020-LUCA-01 Consideration and possible recommendation to the City Council on a proposed Land Use Code Amendment clarifying the time frame for recording final plats and a time extension process

Chris Christensen asked for a summary on these changes. Toni Foran explained when an applicant brings in a final plat application the City considers the approval date as the date the engineer approves the plat. The applicant then has a year to record the plat. They can build all the infrastructure or bond for the infrastructure and record. She stated there are cases where the infrastructure takes longer than a year so this gives people the format for how they can apply for an extension. If this is approved it will make it administrative and makes it so it can't be approved if there has not been significant progress on the subdivision. *Shelley Goodfellow motioned to recommend approval on application 2020-LUCA-01 to the City Council. Ralph Ballard seconded the motion. The vote was as follows; Mark Sampson-Aye, Shelley Goodfellow-Aye, Chris Christensen-Aye, Paul Farthing-Aye, Dayton Hall-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Chris Christensen amended the motion to say no more than one extension may be approved. Mark Sampson seconded the motion. Motion passed unanimously.*

2020-ZC-02 Consideration and possible recommendation to the City Council on a proposed Zoning Map Amendment on 40.689 acres located at approximately 2800 South on the west side of Sand Hollow Road from RA-1, Residential Agricultural one acre, to R-1-8, Single Family Residential 8,000 sq. ft. lots– Utah State School Trust Lands applicant, Brett Burgess agent

2020-ZC-01 Consideration and possible recommendation to the City Council on a proposed Zoning Map Amendment on 35.94 acres located at approximately 4750 West on the north side of 3150 South Street and west of Sand Hollow Road from RA-1, Residential Agricultural one acre, to R-1-6, Single Family Residential 6,000 sq. ft. lots – Utah State School Trust Lands applicant, Brett Burgess agent

Brett Burgess was present to represent the application. Mark Sampson summarized the neighboring properties owners concerns as the following; 1. Density. 2. They would like to see consistency for all of

the area. 3. Can the facilities handle more development? 4. Will the dark skies be protected? He mentioned roads were brought up but Ms. Foran addressed that. Ms. Foran pointed out a concern that was raised several times was the residents would like to see a master plan for the area before the zone change is approved. Mr. Sampson stated all the infrastructure is there to serve the property. Ms. Foran explained that is one of the criteria the Commissioners need to consider when reviewing an application. She stated it is taken to the Joint Utility Committee to review before the application comes to Planning Commission. Mr. Sampson asked if the dark sky ordinance would protect that concern. Ms. Foran stated she has started getting complaints on lights in residential developments but the ordinance does not have a "shall" requirement for residential subdivisions. It only has suggestions not requirements. Mr. Sampson stated that could be a potential issue. He clarified they can't make that a requirement with the zone change.

Chris Christensen stated he lives in Dixie Springs. He clarified where each of these locations are located. He stated the traffic circulation will change this area. Ground water could be an issue. He is a supporter of dark skies. He commented the area needs to be developed in order to get the roads improved. Vice Chair Farthing asked if a development agreement could be considered with this application. Ms. Foran commented it can be with any zone change but she doesn't know what they would want in a development agreement. She mentioned the applicant did offer to stay R-1-8 for all of the property so that is something they can consider. Mr. Christensen stated there are big rock areas in this development. He asked if they would be included in the calculations for the lot sizes. Ms. Foran explained the calculation of lots is based on the land that is included in residential lots. Rebecca Bronemann asked if the minimum lot size was 6000 square feet for R-1-6. Ms. Foran stated no it is based on an average, with the minimum allowed at 80%. Ralph Ballard commented the community has grown and changed and property rights have to be balanced. Dayton Hall asked about the staff comments regarding density for the R-1-6 which states it is consistent with the General Plan map but the other application for R-1-8 would exceed what the General Plan shows. Ms. Foran stated it calculates to 4.5 units per acre for the R-1-8. She commented that is one of the criteria the Commissioners look at and it is not quite compatible. Mr. Hall stated his concern is procedural. They need to stay consistent. Shelley Goodfellow clarified on the master plan roads it has Sand Hollow Road as one hundred six feet which is the same width as SR-9. Ms. Foran stated the applicant just pointed out a mistake in the staff report. Both properties are located in the same density on the General Plan so there is no inconsistency in with the General Plan. Ms. Goodfellow said the proposed lot sizes are homogeneous with The Retreat. Vice Chair Farthing pointed out without a development agreement the applicant could sell the property and the next owner could build the lots at 6000 square feet and put as many as they can on it. He asked if an agreement was appropriate. City Attorney Fay Reber stated it depends on how far the applicants have planned. He stated the Commissioners job is to determine if the proposed zone is good for the area and Hurricane. Vice Chair Farthing asked if they are willing to consider 8000 square feet lots instead of 6000 square feet. Mr. Burgess stated yes, especially with what Ms. Foran explained that it is an average not a minimum. *Chris Christensen motioned to recommend approval of both applications 2020-ZC-01 and 2020-ZC-02 to the City Council with R-1-8 zoning on both parcels. Approval is subject to staff comments; 1. The proposed amendment is compatible with the existing General Plan map and goals and objectives of the General Plan. 2. The proposed amendment is 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 will increase the population and the traffic and develop vacant ground. Commissioners discussed having both applications under one motion. Mr. Burgess stated the project will be done in phases and probably by different builders. They can still come in with different preliminary plats. Mr. Reber stated approving both applications under one motion will not prevent the Council from reviewing them separately. Shelley Goodfellow seconded the motion. The vote was as follows; Mark Sampson-Aye, Shelley Goodfellow-Aye, Chris Christensen-Aye, Paul Farthing-*

Aye, Dayton Hall-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.

2020-PP-01 Consideration and possible recommendation to the City Council on a Preliminary Plat for Skyline Roofing single lot subdivision located at approximately 2350 S. 1500 West – Adam Stout applicant

Karl Rasmussen was present to represent the application. He explained this is on two master planned road and there are some improvements they need to do. He stated they need approval of this plat so Mr. Stout can do the improvements. Shelley Goodfellow asked how the applicant felt about the JUC and staff requirements.

Ms. Goodfellow declared she will not vote on this application because the applicant is her brother. She asked if curb and gutter would be required. Toni Foran stated yes. Ms. Goodfellow stated the Commissioners previously discussed cross country road sections in agricultural areas. Ms. Foran pointed out this is an industrial subdivision not agricultural. Ms. Goodfellow said there will be curb and gutter on one side and not the other. She talked about the terrain and it would be a lot of excavation to improve the road. Ms. Foran explained the applicant has an option to pay for the improvements but it gets built when road development comes in. Ms. Goodfellow clarified the applicant is bringing the utilities along 1500 West and to the end of the property. Ms. Foran explained that is a requirement for any subdivision. Ms. Goodfellow stated it was her understanding he is only doing this for liability. He is not developing right now. She thinks the 1500 West improvements is appropriate but the 2300 South improvements are excessive. Ralph Ballard asked if the applicant pays for the road improvements at today's cost or future costs. Ms. Foran stated it is at today's costs. She gave some examples of what has been done in the past. Ms. Goodfellow mentioned this is for two master planned roads so there is a bigger cost. Chris Christensen questioned how subdividing the land is a liability litigator. Ms. Foran explained if the business is sued then the property where the home is located can't be touched and it was also a requirement for completion of the zone change. Mark Sampson asked if the road would be paved. Mr. Rasmussen stated they are requesting to do that in the future. Mr. Sampson asked if he had a plot plan for when it would be subdivided. Mr. Rasmussen showed him the plan. Vice Chair Farthing stated they have to apply rules equally and the applicant knew it was two master planned roads. *Mark Sampson motioned to recommend approval of application 2020-PP-01 to the City Council subject to JUC and staff comments; 1. Complete construction drawings reviewed and approved before any work is done on the property. 2. Water service needs to be moved onto new lot. 3. Road improvements required up to and along entire frontage of new lot on 1500 West. 4. Road improvements required along 2300 South frontage. 5. Utilities to be extended to end of lot in road right of way. 6. Address change will be needed for lot. 7. Lot meets minimum size for zone. 8. Plat is required because this property has already been split once. 9. It is not clear what the second rectangle on the property indicates. Since this is a preliminary plat this is just a comment. Chris Christensen seconded the motion. The vote was as follows; Mark Sampson-Aye, Shelley Goodfellow-Abstained, Chris Christensen-Aye, Paul Farthing-Aye, Dayton Hall-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

2020-PP-02 Consideration and possible recommendation to the City Council on a proposed Preliminary Plat and Sensitive Lands Review for Rock View Subdivision, a proposed 37 lot subdivision located north of 3270 South Street and east of 1100 West – W&B Dirt applicant, Jared Madsen of Alpha Engineering agent

Jared Madsen was present to represent the application. He stated this is a thirty four lot subdivision not thirty seven. He stated they will work with the City on all staff comments. He said one of the comments state there is property that has to be removed from Hurricane Cliff Estates and they have been working with Fay Reber to get that recorded. It will be taken care of fast. He mentioned there is a power easement and it will be shown. He will make sure it lines up with the lots. He stated he didn't realize

they needed the hillside review application and the required lot size average at this point. They want to keep it moving. He asked if they can submit the application. They have already done a plan that shows the slopes and everything just need to be submitted. Toni Foran stated she didn't get a geotechnical report or drainage and grading plan so that makes it an incomplete hillside application. Mr. Madsen stated it has all been done he just needs to get it submitted. He mentioned they can move lot lines if they need to in order to meet the lot size requirements but they would like to keep it how it is because of the layout. If they have to make them larger they can but it would create weird lots. Ms. Foran stated this application would have to be tabled and they would have to go to the Board of Appeals. Mr. Madsen stated they wanted a suburban feel with no curb, gutter, and sidewalk. They feel the larger lots is consistent with that feel. He mentioned the surrounding subdivisions don't have curb, gutter, and sidewalk and they want to request a variance to not have it either. There is a shoulder and a ditch for drainage. They want to keep the application moving. Chris Christensen asked if the application was complete enough to move forward. Ms. Foran stated that is up to the Commissioners. She has presented the facts but she doesn't think they can recommend approval without a variance. Mr. Christensen asked what items were needed before it could move forward. Ms. Foran said the drainage and soils reports and figuring out the lot sizes. She mentioned the Board of Appeals can't grant a variance for no curb, gutter, and sidewalk. Mr. Madsen asked if the Council could. City Attorney Reber stated no. Mr. Madsen asked what the process was for that. Mr. Reber explained they have to follow the code or request the code to be changed. Ralph Ballard pointed out the area is changing and growing and there is a need for curb, gutter, and sidewalk. Mr. Madsen stated from an aesthetic point it would look better without it but if it is code then they understand. Commissioner discussed creating standards for areas where curb, gutter, and sidewalk would not be required. Dayton Hall questioned why they couldn't borrow from the half acre lots for the one acre lots to meet the overall density requirements. Ms. Foran explained the density is based on the zone. You can't borrow from one zone to average the lot sizes. She explained there was a reason the City Council set the zone line at that location. Mr. Madsen asked if the City Council could approve the application with how they presented the application. Mr. Reber stated he would recommend against it. Mr. Hall stated he would like to see the soils and drainage reports before they vote. He stated tabling the application is probably the best option so everyone has time to review it. *Dayton Hall motioned to table application 2020-PP-02 until the next meeting to allow the applicant to provide the needed documentations. Rebecca Bronemann seconded the motion. The vote was as follows; Mark Sampson-Aye, Shelley Goodfellow-Aye, Chris Christensen-Aye, Paul Farthing-Aye, Dayton Hall-Aye, Ralph Ballard-Aye, and Rebecca Bronemann-Aye. Motion carried.*

Approval of Minutes: Dayton Hall stated on page 8, line 6 and 7 recommend needs to be changed to recommended. Mr. Hall motioned to approve the November 14, 2019 minutes with the correction. Chris Christensen seconded the motion. *The vote was as follows; Mark Sampson-Aye, Shelley Goodfellow-Aye, Chris Christensen-Aye, Paul Farthing-Abstained, Dayton Hall-Aye, Ralph Ballard-Abstained, and Rebecca Bronemann-Aye. Motion carried.*

Planning Commission business:

1. Continued discussion and work on proposed A-1, Agricultural one acre, zone. Dayton stated they will make the changes that were discussed during the work meeting. A Public Hearing will be held at the next meeting.
2. Updates on City Council actions
3. Toni handed out APA references on hillside developments.
4. Chris asked for update on the RFP for the General Plan. Toni stated she would like to get the two lowest priced proposals on the phone and decide which one they want to use and then

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recommend the one they choose to the City Council. Chris and Mark volunteered to help call them.

5. Toni mentioned the City has advertised for Senior Planner.

Meeting adjourned at 8:00 p.m.