

ON MARCH 12, 2020 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: Ralph Ballard, Mark Sampson, Rebecca Bronemann, Paul Farthing, Shelley Goodfellow, Dayton Hall, Chris Christensen, and Michelle Cloud

Staff Present: Planning Director Toni Foran, Planning Assistant Cindy Beteag, City Attorney Fay Reber, City Council member Nanette Billings, Hurricane City Parks Superintendent Darren Barney, City Council Representative Darin Larson and City Engineering representative Darrin LeFevre

Chairman Farthing called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Mark Sampson and Shelley Goodfellow offered the prayer. Roll call was taken.

Chairman Farthing stated the conditional use permit application needs to be moved to the first of the agenda. Rebecca Bronemann motioned to approve the agenda with the mentioned changed, seconded by Shelley Goodfellow. Motion passed unanimously.

New Business:

2020-CUP-01 Consideration and possible approval of a conditional use permit for a metal building in a residential zone at 3838 W 200 North – Bruce Miklautsch applicant

Bruce Miklautsch was present to represent the application. He explained he wants to build a 12x20 garden shed that will be located in his back yard behind the wall. He will use it to store garden items, gas cans, atvs, and tools. He stated he has a plan for a quality building with durable finishes. The colors will match the neighborhood. He mentioned he has talked to the neighbor to the east who would be most affected by this building and she is fine with it. Mark Sampson asked if it would be taller than wall. Mr. Miklautsch stated yes it will be twelve feet tall. *Ralph Ballard motioned to approve application 2020-CUP-01 based on the following findings; 1. Colors are compatible with other structures in the area. 2. There is no opposition from neighbors. 3. The proposed building meets the intent of code. Rebecca Bronemann seconded the motion. The vote was as follows; Ralph Ballard-Aye, Mark Sampson-Aye, Rebecca Bronemann-Aye, Paul Farthing-Aye, Shelley Goodfellow-Aye, Dayton Hall-Aye, Chris Christensen-Aye, and Michelle Cloud-Aye. Motion carried.*

2020-FSP-02 Consideration and possible approval of a final site plan for Tagg-N-Go Car Wash at 82 N. 3400 West, a commercial pad in the Wal-Mart Subdivision – Twin Towers LLC applicant, Premier Design agent

Eric McFadden was present to represent the application. He mentioned this business has five sites and this will be their sixth. Dayton Hall commented this type of business will generate a lot of water waste. He asked if it would run into the storm drain system. Mr. McFadden explained they recirculate a lot of the water and filter it. It is then released into a grease separator and then into the sewer system. Chris Christensen stated that intersection gets congested. He asked if UDOT regulates where this driveway can be. Toni Foran explained this driveway will be the existing driveway where you enter for Walmart. *Shelley Goodfellow motioned to approve application 2020-FSP-02 subject to the staff recommendations; submittal of light fixture details for review and approval before a building permit is issued and based on UDOT response. Rebecca seconded the motion. The vote was as follows; Ralph Ballard-Aye, Mark Sampson-Aye, Rebecca Bronemann-Aye, Paul Farthing-Aye, Shelley Goodfellow-Aye, Dayton Hall-Aye, Chris Christensen-Aye, and Michelle Cloud-Aye. Motion carried.*

2020-APA-01 Review of application and preparation of report items for report to the City Council on a proposed Agricultural Protection Area overlay on the following parcels: H-3-2-4-4101 containing 6.54 acres; H-3-2-4-1443 containing 7.94 acres; H-3-2-4-4104 containing 1.39 acres; H-3-2-4-41021 containing 1.6 acres; H-3-2-3-4416 containing 3.9 acres; and H-3-2-3-4411 containing 1 acre – Benjamin Scow and David Stirland applicants

Chairman Farthing stated the 3.9 acre and 1.0 acre parcels are not to be included in the motion because the 1.0 acre was not approved by the County Advisory Board so the 3.9 acre parcel doesn't meet the City requirement. Benjamin Scow and David Stirland were present to represent the application. Mr. Stirland stated the criteria for this type of application is set by the State but if the Commissioners want more information they can explain. He stated they have an eight hundred and fifty peach tree farm located partially on his property and partially on the Scow property. He mentioned he did purchase some property on 920 West that will be agriculture production in the future that he would like to include. He explained it hasn't been decided at this point if it can be used as agriculture because he is working on getting water to the property. Toni Foran explained without the one acre piece that is attached to the 920 West property it doesn't meet the qualifications for the City's ordinance. Cindy Beteag stated the County Advisory Board did not include the one acre parcel in their recommendation because a signature was not received from the property owner on the application. Commissioners determined they can recommend approval based on a signature being received. City Attorney Fay Reber explained the Planning Commission and the County Advisory Board only make a recommendation to the City Council, one isn't dependent on the other one. So even though the County didn't consider all the parcels, the City still can. Mark Sampson asked what the County Advisory Board recommended. Ms. Foran stated they recommend approval on everything except for the one acre parcel on 920 West but Hurricane City code requires five contiguous acres for agriculture protection. Without the one acre parcel, there isn't enough acreage to get the protection on 920 West. Mr. Stirland stated they can come back if they need to but the other property is the main focus. Mr. Sampson asked if it met the requirements for agricultural protection if the one acre is included. Ms. Foran stated yes, if the Commissioners consider it in agriculture production right now. Mr. Stirland stated it isn't right now but he is working with the City to get adequate water there. He mentioned it previously had agriculture uses and it will again in the future. Ms. Foran asked him to explain what agriculture production they will be doing on that parcel. Mr. Stirland stated if they can get adequate water supply they will do grass/alfalfa or possibly trees because the trees they have are old and will have to be replaced. Mr. Sampson asked if he had irrigation shares already. Mr. Stirland stated yes.

Dayton Hall commented he is glad they are doing this. Mr. Sampson asked if there was a specific reason for the request. Mr. Scow explained there is a subdivision being built around them and they want to make sure the new residents are aware of the agriculture uses so it will hopefully prevent nuisance complaints. He read the following staff comment; *An Agricultural Protection Area grants certain legal protections to the property including preventing rezoning the property, providing a defense against nuisance actions, notice to new subdivisions, and limiting eminent domain actions.* He stated as a State they recognize a lot of farms are getting pushed out because of litigation so this allows them to be protected. He commented they want to be a good neighbor and let the new neighbors know beforehand. Mr. Reber asked if this will be in an area where any master planned roads or new sewer lines are planned. Ms. Foran stated roads do border a couple parcels but don't go directly through them. Mr. Reber explained City couldn't condemn the property for those purposes if it has this protection unless it is the only viable option. Ms. Foran stated the width of 1530 West and 400 South meets the master plan but she isn't sure about 920 West. Ms. Foran asked the applicant to explain the current uses on all the parcels. Mr. Scow stated the property on 400 South has pomegranate trees with a house behind it and to the side but the parcels are kind of broken up so they had to include all the parcels to

capture everything. He mentioned they do have cows on property with corrals. This will protect the tractors and farm equipment as well.

City Attorney Reber stated the recommendation should include any limitations the Commissioners want to include with the protection. Mr. Hall asked if the current use includes livestock feeding. Mr. Scow stated yes and they would like to keep that use but they are fine with restricting the number of animals. Ms. Foran explained the City had to schedule public hearing with the City Council to take comments which is scheduled for next week. The Planning Commission has forty five days to make a recommendation to the City Council. The Council can't make a decision until they have a recommendation from the Planning Commission so if the Commissioners need to discuss it more the application can be continued. Chris Christensen asked what concerns the applicants think the neighbors will complain about. Mr. Scow stated they have already received complaints about their equipment. Mr. Ballard mentioned some farm procedures have to be done early in the morning and this will give them the protection to continue. Mr. Scow stated his number one concern is the spraying. This protection doesn't relinquish his responsibility to use the best agriculture practices but it gives him protection. Mr. Reber asked if there were any problems with mosquitoes. Mr. Stirland stated no. Mr. Reber stated another protection this allows is the City can't draft ordinances that define nuisances in a way that would infringe on their ability to do what they want with their land unless it affects the public health and safety. He added any new plat within five hundred feet has to read that they are near an agriculture protection area. Mr. Ballard commented this protection section of the law covers agriculture, industrial, and critical materials and each one has special provisions. He said the land owners have to conform to the law for the protection because if they break it they lose the protection. Mr. Sampson asked if it can moved forward or if it has to go back to the Advisory Board with all the parcels before the Planning Commission can review it. Mr. Reber stated he thinks it can moved forward subject to it being contingent on getting the acre included. Mr. Hall questioned if it needed to be contingent on getting the parcel included since the Planning Commission's recommendation is independent from the Advisory Board's recommendation. Mr. Larson stated he thinks it does need to be contingent because they need the one acre parcel to meet Hurricane City's code. It was determined it doesn't need to go back to the County Advisory board. *Dayton Hall motioned to direct staff to prepare a report with finds and conclusions for approval to the City Council. The report should include the following 1. The land is currently being used or will be used in the immediate future for agriculture production. 2. The land is zoned for agriculture use. 3. The land is viable for agriculture production 4. The agriculture production area is consistent with anticipated trends in agricultural and technological conditions. The recommendation is subject to the applicant meeting the five acre requirement. Mr. Reber asked if they want to include any limitations on the protection. Commissioners decided no. Mark Sampson seconded the motion. The vote was as follows; Ralph Ballard-Aye, Mark Sampson-Aye, Rebecca Bronemann-Aye, Paul Farthing-Aye, Shelley Goodfellow-Aye, Dayton Hall-Aye, Chris Christensen-Aye, and Michelle Cloud-Aye. Motion carried.*

2020-FSP-03 Consideration and possible approval of a final site plan for the first phase of the Hurricane Equestrian Park property located south of Rainbow Canyon and the Hurricane Municipal Airport – Hurricane City Parks applicant

Darren Barney was present to represent the application. He explained they are moving the rodeo grounds from where they are on 200 West. Mark Sampson asked what will happen at the old location. Mr. Barney stated they will probably expand the ball fields. Mr. Sampson asked if the traffic would go through Rainbow Canyon. Toni Foran stated it will go through Frog Hollow Subdivision, not Rainbow Canyon. Mr. Sampson mentioned the parking starts small but he can see it grows quite large. He asked how many parking places there would be when it is fully developed. Mr. Barney stated he is unsure but there will be overflow parking available. Mr. Sampson expressed his concern is overflow parking on the

street. Mr. Barney stated they don't anticipate overflow parking on the street. Mr. Sampson asked if there would be parking for the trail. Mr. Barney stated yes, Rainbow Canyon requested that. There will be a small park that will serve as a trail head. Dayton Hall thanked the applicant for all their work in doing this project. Shelley Goodfellow asked if a second access would be required. Mr. Barney stated not that he is aware of. Toni Foran explained if there was an emergency there could be a second exit through the airport. City Council Representative Darin Larson stated they tried getting access from the other side but they weren't able to. Mr. Barney mentioned he thinks they will be able to get a second access in the future. Ms. Goodfellow asked about the lighting. Mr. Barney stated they will be using LED lighting that is all down lighting. It will be very well shielded. Rebecca Bronemann stated she thinks this is a better location than existing one. Mr. Sampson asked if there would be enough parking for horse trailers. Mr. Barney pointed out the area to the east that will accommodate trailers. Ralph Ballard asked how many acres are planned to be used. Mr. Barney stated the site is forty acres in total but only sixteen acres will be used for this. *Mark Sampson motioned to approve application 2020-FSP-03 based on the staff review. Ralph Ballard seconded the motion. The vote was as follows; Ralph Ballard-Aye, Mark Sampson-Aye, Rebecca Bronemann-Aye, Paul Farthing-Aye, Shelley Goodfellow-Aye, Dayton Hall-Aye, Chris Christensen-Aye, and Michelle Cloud-Aye. Motion carried.*

2020-PP-05 Consideration and possible recommendation to the City Council on a proposed preliminary plat for Lone Rock Condominiums – a 200 unit condominium project located at Old Highway 91 and Foothills Canyon Drive – Lone Rock LLC applicant

Ben Willits was present to represent the application. Mark Sampson asked if this had been reviewed before. Toni Foran explained the Commissioners saw the preliminary site plan with the zone change. They will have to do a final site plan but they can't do that until construction drawings have been signed. Mr. Willits stated not much has changed other than it shows the phasing lines. Ralph Ballard stated there are twelve phases. He asked if they will be done one building at a time. Mr. Willits stated the developer typical starts with one but it depends on demand. The unit on the southeast corner and the amenities will be built first but they will grade four to five pads so they are ready to go. Mr. Sampson stated Knollwood had concerns about separating the developments. He asked if there would be a wall there. Ms. Foran stated they will show that detail on final site plan. Mr. Willits stated there will be a wall to separate the Knollwood townhomes but on the east side there will be berms and heavier landscaping to screen them from Orgill. Shelley Goodfellow asked if any road improvements would be required. Mr. Willits stated there is a small amount on Old Highway 91. They will only need new entry cuts and ADA ramps on Foothills Canyon Drive. Ms. Goodfellow mentioned the residents from Knollwood wanted a turning lane. Mr. Willits stated the only lane that would be needed is a left turn because there won't be a lot of traffic coming from the industrial. They just need to stripe Old Hwy 91 to accommodate that. They are not opposed to striping it if it is required. Mr. Sampson questioned why the City wouldn't do that. Ms. Foran stated she is unsure of the history on the road. Ralph Ballard stated with the traffic increase on Old Highway 91 something might need to be done to improve the shoulder. Mr. Willits pointed out the planned fifteen feet wide of improvements on Old Hwy 91. Mr. Sampson asked if the Streets Department had reviewed this plan. Ms. Foran explained it will be reviewed with construction drawings but they have seen the plan. *Dayton Hall motioned to recommend approval of application 2020-PP-05 to the City Council. Shelley Goodfellow seconded the motion. The vote was as follows; Ralph Ballard-Aye, Mark Sampson-Aye, Rebecca Bronemann-Aye, Paul Farthing-Aye, Shelley Goodfellow-Aye, Dayton Hall-Aye, Chris Christensen-Aye, and Michelle Cloud-Aye. Motion carried.*

Approval of minutes: Dayton Hall stated on page 4, line 17 of the February 13th meeting it should read "knull" instead of "null". Dayton Hall motioned to approve February 13, 2020 minutes with the discussed change, seconded by Ralph Ballard. Motion passed unanimously.

Dayton Hall stated on page 5, line 3 of the February 26th minutes where it reads “exceptions shouldn’t be allowed” should be changed to “amendments to the General Plan should be the exception not the general rule” and on page 7, line 45 “affected” needs to be changed to “effected”. Dayton Hall motioned to approve the February 26, 2020 minutes with discussed corrections, seconded by Mark Sampson. Motion passed unanimously.

Planning Commission business:

1. **Discussion with Frank Lindhardt about goal 3 of the moderate income housing plan.** Mr. Lindhardt wasn’t able to come but Toni Foran reminded the Commissioners they did make some goals with the moderate income housing plan adopted in December. She stated the number 3 goal is what Mr. Lindhardt wanted to discuss. She passed out handouts of the moderate income housing plan. She stated what Mr. Lindhardt talked about was changing the density based on the size of the unit instead of the acreage. She asked what the motivation to build single bedroom units is if developers can’t get any more units based on the density. She asked the Commissioners to think of ideas of how to address this. She asked if this is one of the goals we can accomplish this year. Paul asked what the Sky Mountain Apartments did. Toni stated they have a mixture of units so there is a mixture of parking requirements because they had different unit sizes. Paul pointed out people are going to maximize the square footage to get the most rent for square foot. Toni questioned how to fix that. Can they offer a density bonus? Chris questioned if this should be discussed with the General Plan update. Toni stated this has to do with the Land Use Code that we committed to do as part of the moderate income housing plan. She mentioned the consultants for the General Plan update will be here next week to give a presentation to the City Council. She told the Commissioner they are all encouraged to attend the presentation.
2. **Report on information learned at Utah APA conference.** Rebecca mentioned one of the classes on dark sky that was very informative. She stated dark skies help with tourism and create visibility. They also reduce energy cost and increases quality of life. She stated another interesting class was the Moab brands active transportation tour. She explained they created a group from all different groups of people and their job is to find areas where people are already going and designate it as an area for trails. They have created 150 miles of single track trails. They have trails designated for atv’s, horses, hiking etc. This helps reduce the environmental impact. They have maps showing all the trails so visitors know where to go. She stated another interesting class was called multifamily residential design guidelines. The class stated the more affordable units often look like a box with windows. They discussed about how to make them more aesthetically pleasing. People take more pride in where they live if it looks better. Shelley agreed that was one of her favorite classes as well. She was impressed with the night sky class too. She commented she really liked the presenters approach to address night skies. Most people want a dark sky all you have to do is ask. They told them not to force or regulate lighting but to just ask. Chris asked what it will take to get residential lighting restrictions.
3. Toni stated she has received a lot of complaints on residential lighting. Shelley stated they need to give freedom but ask them to keep night skies in mind. Toni stated most people equate lights for safety.
4. **New Hire.** Toni stated the City has hired Stephen Nelson from Nibley to replace her when she retires. He will start on April 6th. Dayton mentioned how much experience Toni has and the Commissioners rely on her a lot. He feels they defer a lot of things to her but they need to tighten the reins and not forward applications until everything is complete until the new Planner is familiar with the regulations to ensure their recommendations are what they want. There is a lot they could do that they are not doing.

5. **Nomination and vote on Vice-Chairman for Planning Commission.** Ralph nominated Dayton, seconded by Shelley. He was unanimously approved.
6. **Update on City Council actions.** Toni stated Chums General Plan Amendment was denied. The Council approved the multifamily setbacks at twenty two feet for the driveway and twenty feet to the living. The widths were removed. The Front 9 zone change was denied. Paul asked if the storage place on 700 West was approved for storage containers. Toni stated the development agreement was updated to allow them.
7. Bruce Miklautsch stated the fee for a conditional use permit is too high. Toni mentioned she talked to Mr. Miklautsch about bringing in a conex box which wouldn't need building permit or conditional use permit. Bruce suggested doing a percentage instead of a flat rate would be fairer. Toni stated he has a good point because when fees where set the standards were different. They have streamlined the process so the fee could be streamlined as well.

Meeting adjourned at 7:45 p.m.