

**ON, JUNE 11, 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:** Mark Sampson, Shelley Goodfellow, Chris Christensen, Dayton Hall, Ralph Ballard, and Michelle Cloud

**Members Excused:** Rebecca Bronemann and Paul Farthing

**Staff Present:** Planning Director Stephen Nelson, Planning Assistant Brienna Spencer, City Council Representative Darin Larson, Engineering Department representative Darrin LeFevre, and City Attorney Fay Reber

Co-Chairman Dayton Hall called the meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Michelle Cloud and offered the prayer by Shelly Goodfellow. Roll call was taken.

Note that the following were changed to the original agenda: the date and two additional agenda items were added.

Agenda was opposed by Chris Christensen because he was unable to review the new agenda material information beforehand.

Michelle Cloud motioned to approve the agenda as posted, seconded by Shelly Goodfellow. All aye, Chris abstained.

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

1. **A Zoning Map amendment request on 120 acres located at the south end of the unfinished 2100 West south of 3000 South at approximately 2400 West from R-1-10, Single Family Residential 10,000 sq. ft. lots, to 40 acres of RR, Recreation Resort to allow 120 vacation rental units, and 80 acres of R-1-6, Single Family Residential, 6,000 sq. ft. lots. Parcel #'s H-3400-N, H-3400-O, H-3400-Q, H-3400-R, H-3400-S, and H-3400-T.**

No comments

2. **A Zoning Map amendment request on 6.34 acres located at 1051 N. 200 West from R-1-10, Single Family Residential 10,000 sq. ft. lots, to RA-1, Residential Agricultural one acre, to allow establishment of a public stable and other agricultural uses. Parcel # H-3-1-27-12011**

**Roxanne Sanchez** new resident to the area adjacent to property. Based on the proposed zone change, she would not have bought her house that she closed on 3 weeks ago because she believes it will decrease property value. Her property line is only about 14 yards from the building. The health concerns such as dust, smell, flies, and traffic, she believes would be a nuisance to the area. The last concern is people coming and going from the property. Is there going to be any parking for the public? She bought her home for the privacy and her home being in a residential area not commercial. She does not think that the land should be zoned as a commercial area and it would help only one land owner and hurt everyone else adjacent to the property.

**David Johnson** believes the business has already been established without the zone change. Flies, dust and smell are already affecting the area. His wife has horrible allergies that are

already being affected. Believes the neighboring properties will be affected negatively. Has the city already approved the business? He expected to move into a quiet and decent place and feels like the zone change should not be approved.

**Jared Mangleson** does not feel the zone change will affect him personally unless there is a big wind change. He thinks having animals will be better than more homes and does not think having the zone change will negatively impact the community.

**Adam Nielsen** boards the pasture of the property. He does not think anything will change as far as the volume of animals housed at the property. He does not feel like property owners will do anything to make surrounding neighbors uncomfortable. People do need to know more details as far as how many horses and how many stables they plan to have. He supports what they plan to do and does not think it will affect the property value of his home.

**Conrad Sanchez** 14 yards is not a great distance from the property lines. He does not want more than the two horses that are already on the land. Feels like it will negatively impact the area.

**Will Hall** grew up in Hurricane and moved back because he loves the small town feel and people who have animals. He supports the zone change and housing the horses. Numbers of horses and additional information would be nice to have.

Closed comments at 6:25p.m.

#### **New Business:**

**2020-ZC-09-Consideration and possible recommendation to the City Council on a proposed Zoning Map amendment request on 120 acres located at the south end of the unfinished 2100 W and south of 3000 S at approximately 2400 W from R-1-10, Single Family Residential 10,000 sq. ft. lots, to 40 acres of RR, Recreation Resort to allow 120 vacation rental units, and 80 acres of R-1-6, Single Family Residential, 6,000 sq. ft. lots. Parcel #'s H-3400-N, H-3400-O as Recreational Resorts and H-3400-Q, H-3400-R, H-3400-S, and H-3400-T as R1-6. Brant Tuttle- applicant.**

Brant Tuttle representing 200 acres of property. Zone change from agricultural to R-1-10 was settled upon a few years ago until utilities could be established. Since then utilities have been established along 2100 W. Bond amount has been obtained and almost approved. Sewer has been extended and installed along 2100 W. Working with city staff to have a secondary access on 2600 W. City staff and other property owners have already met to prepare a road dedication plat along 2600 W. Leaving the middle section as the current zone of R-1-10 and proposing the east 80 acres be zoned as R-1-6. The west remaining acres of the current R-1-10 is proposed to be RR. The zone change is strong marketing for amenities, like a clubhouse and pool. The overall density is 3 units per acre throughout the full 200 acres. The project still has to go through preliminary site plans and final site plans being approved. The zone being changed will be compliant with the general plan. Mr. Tuttle believes the subdivision will be an anchor for bringing in all the utilities to the area.

Commissioners discussed the amount of approved and proposed recreational resorts in the area. Also discussed is the type of homes that are planning to be in the RR zone. Chris Christensen referenced 10-26-4, site location, *the recreation resort zone shall only be allowed on collector or higher street classification. However, a lower street classification may be considered if the applicant can demonstrate that the development would have no negative affect to adjoining properties.* Ralph Ballard expressed his personal opinions with the density of the project and the infrastructure that currently exists. Commissioners also discussed issues with the current road conditions and the amount of traffic on them and the development for improvements.

Shelly Goodfellow motioned a recommendation of approval to the City Council. Seconded by Mark Sampson. Roll call Michelle Cloud nay, Mark Samson aye, Ralph Ballard aye, Chris Christensen nay, Shelly Goodfellow aye, Dayton Hall aye. Majority in favor. Will go onto city council

**2020-ZC-10-Consideration and possible recommendation to the City Council on a proposed Zoning Map amendment request on 6.34 acres located at 1051 N. 200 West from R-1-10, Single Family Residential 10,000 sq. ft. lots, to RA-1, Residential Agricultural one acre, to allow establishment of a public stable and other agricultural uses. Parcel # H-3-1-27-12011. Jade and Staci Glazier applicant.**

Jade and Stacy Glazier – the property has been owned for about 20 years and has always had 10-12 horses at a time. People already want horses boarded so why not make a profit? The concerns of the neighbors have been heard and are appreciated. Currently have 8 stalls holding two horses each and they don't foresee adding anymore. They live there as well so they don't want the smell either. Mrs. Glazier does not feel the traffic will increase along the dirt road. Helps the community to help enjoy what is around us. The barn has been built for over 20 years and no new stalls have been installed and there are no plans to add more. Mrs. Glazier addressed the concerns from her neighbors about the dust from the dirt road and the allergies but said they purchased a house on a dirt road next to horses and there isn't anything she can do about that. They have 5 children of their own and want nothing more than a quiet safe place to raise them. It was stated that the closest neighbor they have is the father in law and that everyone is at least 300 feet away from the barn. Mentioned the easement on the property on 200 W and that it will be the primary access to the property. Fly traps are used to try and keep the flies under control. No intent to expand.

Commissioners discussed the amount of dust and the access to the property. Number of animals doesn't seem to be an issue. Fay Reber stated that right now they are limited to the use of their making of the property if the zone change isn't granted. If the zone is changed, they can increase the number of animals and the use of the property. If the property is sold, there isn't anything keeping new owners from adding and expanding within the zone area. Mark Sampson addressed that the benefit to RA-1 is that they will no longer be nonconforming and Stephen Nelson commented that they will also be granted the business license. It was commented by Michelle Cloud that agricultural has been Hurricane's heritage. Shelly Goodfellow referenced the general plan, Chapter 5 Agricultural Policies A, *The City encourages and will take all effective measures to permit land-owners to retain land in agricultural use as long as possible, and will provide incentives to retain significant portions of the land as agricultural.* Mrs. Goodfellow stated that she lives next to a public stable and that it doesn't bother her. She moved out to where she lives for the agriculture because she loves it. It was mentioned that it seems the intent for the zone change is so the property owners could get their business license and that it isn't going to change what they are already doing. Mrs. Goodfellow also mentioned that with the horses being in the barn or in the pasture it will help minimize the dust. The zone change will not affect the neighbors more than it already has. Chris Christensen asked about whether or not they could get a business license without the zone change and Mr. Reber told him they could not and that if the zone change is not granted, they could continue what they are doing as non-conforming but not charge. Mr. Christensen then referenced 10-14-2, *the provisions of this chapter shall apply to any real property located in a residential agriculture zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, or other laws.* Mr. Christensen questioned if under that title code if public stables were permitted and Mr. Nelson explained that the permitted use

of public stables in RA-1 is mentioned under the public and civic use. Ralph Ballard mentioned air quality and state that preserving agricultural is preserving our open space and air quality. Mr. Ballard also asked Mr. Reber if there was some kind of development agreement that could be done at their property owners own will to limit the growth on the land. Mr. Reber stated that they could do something like that but the property owner would need to be willing to do so. If that was something they decided to do, they would be surrendering what they could do with their property. Dayton Hall mentioned that housing is already happening and that they want to change the zone so they are able to charge to do so. It was mentioned multiple times that the general plan encourages agricultural.

Mark Sampson motioned a recommendation of approval to City Council. Seconded by Shelly Goodfellow. Unanimous.

**2020-APA-05-Consideration and a possible recommendation to the City Council of a new Agriculture Protection zone, located at 4650 W 2300 S. Parcel # H-4119-C and H-4119-C-1. Carson D Tait applicant.**

Carson Tait mentioned that Ash Creek has initiated an agricultural protection all around this property. Property is 4 acres. He could piggy back onto the agricultural protected areas. Change the entire area.

Commissioner discussed the Ash Creek agricultural protection zone change that is going to City Council on 6/18/2020. Applicant wants to add to that larger zone as long as it is approved. Dayton Hall noted that the approval of application is contingent upon the approval of the Ash Creek zone change.

Ralph Ballard motioned to recommend approval to City Council contingent upon the approval of the Ash Creek zone change. Seconded by Michelle Cloud. Unanimous

**2020-CUP-03-Consideration and possible approval of a Conditional Use Permit for an accessory metal building, located at 280 W 300 N. Curtis Brown Applicant.**

Metal garage building.

Commissioners discussed why metal structures have to be brought to planning commission. Attached at breeze way. No additional comments made.

Mark Sampson motioned to approve. Seconded by Shelly Goodfellow. Unanimous.

**2020-FSP-08-Consideration and possible approval of a final site plan for Desert Sage Townhomes located at 295 N and 2170 W. Bill Zitting Applicant, Charles Hammon Agent,**

Stephen Nelson mentioned that staff would like to see the plans for the playground. The applicant has asked that comment 6 in staff notes be removed. The City would like to see a commercial grade playground however; it will not belong to the City and will be privately owned and maintained by the HOA. Staff comment 5 has also been addressed with the applicant. Charles Hammon mentioned intentions of the playground are still unsure and would be happy to provide the design once it has been chosen. Mr. Hammon also addressed that the staff comment 5 will be dark sky compliant.

Commissioners discussed/questioned why there is an issue with there being a playground installed. The City code doesn't mention anything on playgrounds. Dayton Hall commented that staff comment 6 should be removed.

Michelle Cloud motioned to approve with removal of staff comment 6. Ralph Ballard seconded the motion. Unanimous.

**2020-PP-12-Consideration and possible recommendation to the City Council on a preliminary plat for Pecan Valley Phase 3, a 21-lot subdivision located 5140 W and around 2060 S. Chris Wyler Applicant.**

Chris Wyler stated that phase 1 and 2 have been completed and would like to add a phase 3 as well.

Dayton Hall asked what the up size of the power will be. Mr. Wyler replied that they want to upgrade the transformer on the corner of the property. Toni Foran stated that Dixie power wanted to make sure that their comment be seen so they can protect their easement. There is a pump house that belongs to Ash Creek on the property. There is an easement that Ash Creek has to keep the accessed protected. Staff comments noted that the parking lot will need to be developed in a way that Ash Creek still has access to pump station. Stephen Nelson pointed out that the clubhouse and pool will be future on the plat but with the zone, they have to be built at the same time as the phase is completed.

Shelly Goodfellow motioned a recommendation of approval to City Council subject to all JUC and staff comments with the exception of JUC comment 4 which was amended to say access to the pump station will be preserved. Seconded by Mark Sampson. Unanimous.

**2020-AFP-02-Consideration and possible recommendation to the City Council on an amended final plat for Seville Subdivision, located at 900 W 360 S. Jason Smith Applicant.**

Stephen Nelson explained what changed on the plat. The applicant has amended their proposal to remove the utility easements and only subdivide lot 1 and lot 1A.

Dayton Hall asked Fay Reber if all the interested parties had to sign off on the amended lot split. Mr. Reber stated that only the effected parties had to sign off. Mark Sampson questioned the building within the flood plain and what steps needed to be taken to do so. Toni Foran explained that building in the flood plain requires that it be built at least one foot above flood plain elevation and that they will have to provide an elevation certificate.

Michelle Cloud motioned a recommendation of approval to City Council. Ralph Ballard seconded the motion. Unanimous.

**Consideration and possible approval of a request for an alternate method of landscape irrigation located at 5211 W Industrial Dr. - Deron Leach is the applicant.**

Deron Leach explained the retention basin contains all utility lines. Mr. Leach stated that he did not dare adding the trenches to add drip lines for the landscaping. When digging for the trees the electrical lines were found. He would like to have the approval to receive his certificate of occupancy without having the backflow test and not having a drip system. He would like to hand water the trees he has planted. He does have a hose bib installed at the water meter. Stated that more plants will be added to bring the landscaping up to code.

Stephen Nelson noted that the amount of landscaping required by code is also not up to standards. Commissioners questioned the method of watering and discussed alternate methods but do not see an issue with hand watering. Ralph Ballard suggested putting more dirt in the plantar strip and get the irrigation taken care of. Mr. Leach explained that it was a retention volume issue on why he couldn't do that. Dayton Hall asked if there is code for obligation to keep the plans alive and Toni Foran stated there is and if they die, it is his responsibility to replant them.

Ralph Ballard motioned to approve a deviation on the landscape by allowing hand watering of the vegetation. Shelly Goodfellow seconded the motion. Unanimous.

**2020-LUCA-04-Consideration and possible recommendation to the City Council on a proposed Land Use Code amendment to Title 10 Chapter 15 regarding vendor carts**

Stephen Nelson went through the code changes that the staff proposed.

Commissioners discussed what classifies as a vendor cart and what classifies as a vendor truck. It was discussed that a vendor cart can either be motorized or not, but you cannot stand within the cart. Michelle Cloud asked that by removing the section about umbrellas, does that mean they are allowed? Mr. Nelson stated that it does. They also discussed safety and fire hazards of using a tent as the vendor cart. Chris Christensen asked about whom would be in charge of trash and the premises around the cart. Ultimately, it would be up to the vendor to care for that. Dayton Hall recommended clarifying and elaborating on a few of the items proposed title/chapter change.

Shelly Goodfellow motioned a recommendation of approval to City Council as items were discussed. Michelle Cloud seconded the motion. Unanimous.

**Meeting adjourned at 8:50p.m.**