

**ON SEPTEMBER 10, 2020 AT 6:02 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT.**

**Members Present:** Dayton Hall, Mark Sampson, Ralph Ballard, Chris Christensen, Michelle Cloud.

**Members Excused:** Shelly Goodfellow, Paul Farthing, Rebecca Bronemann

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

Vice Chairman, Dayton Hall, called meeting to order at 6:00 p.m. Roll call was taken. The Pledge of Allegiance was led by Stephen Nelson and Darin Larson offered the prayer.

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

Public hearing opened at 6:03pm

**1. A Zoning Map amendment request on 20 acres located at 1468 S 3400 West, Parcel H-4-2-12-12011, from RA-1, residential agriculture 1 unit per acre, to PC, planned commercial.**

No comments

**2. A Zoning Map amendment request located at 2300 W 3900 South on 80 acres from R1-10, residential 1 unit per 10,000 square feet, to R1-6, residential 1 unit per 6,000 square feet, for smaller lots for owners to maintain and purchase and 40 acres from R1-10, residential 1 unit per 10,000 square feet, to RR, recreational resort, for owners to enjoy amenities with the option to put their property up for a vacation rental with management. Parcel #'s H-3400-N, H-3400-O, H-3400-Q, H-3400-R, H-3400-S, and H-3400-T.**

No comments

**3. A Zoning Map amendment request located at 1015 N 300 East from R1-10, residential 1 unit per 10,000 square feet, to PDO, planned development overlay, to allow single family lots averaging 9772 square feet while protecting sensitive lands. Parcels H-3-1-26-241-B, H-3-1-26-241-B, and H-3-1-26-132-SA.**

No comments

**4. A Zoning Map amendment request located at approx. 785 W 600 North to overlay the existing RM-2, multifamily 10 units per acre, to have a PDO, planned development overlay. Parcel H-3-1-34-411.**

Comment submitted and on file. Attached at the end of these minutes.

**Comments closed at 6:09**

**New Business:**

**2020-ZC-29 Consideration and possible recommendation to the City Council on a Zoning Map amendment request on 20 acres located at 1468 S 3400 West, Parcel H-4-2-12-12011, from RA-1, residential agriculture 1 unit per acre, to PC, planned commercial. Peach Pit LLC Applicant.**

Carl Rasmussen represents the applicant. He went over the map that was submitted with the application and explained what the applicant is wanting to do with their development. Chris Christensen asked if this parcel was part of the overall development of Elim Valley. There were 3 parcels that were not a part of the Elim Valley development and this was one of those pieces. Dayton Hall asked if the surrounding areas will be zoned R1-10 or if they will be zoned R1-8 because the surrounding parcels are zoned R1-10. Mr. Rasmussen stated that he believes if the applicants need to change their proposed R1-8 to R1-10, they will be okay with that. Mark Sampson brought up the past agenda item adjacent to the proposed zone change and asked why this zone change would be dealt with any different. Mr. Rasmussen stated that he believes the controversy with that specific parcel was that it would contain mobile home and RV whereas this one would not. Mr. Sampson asked if Leah Thompson, owner of the Thompson Pecan farm which is located next to the proposed zone change, had anything to say about the matter. Stephen Nelson stated that he had spoken with Mrs. Thompson and she expressed that she isn't particularly excited about the zone change. Nothing official has been submitted on the property but she did have conversation with him. Mr. Sampson wanted Mr. Rasmussen and his clients to understand that they would need to put in the development agreement that the development will be next to a pecan farm and that they won't be able to complain about what the farm does to maintain it. Fay Reber stated that by having the language put on the plat, the owners are put on notice before they purchase the property that right next door is an agriculture protected area. For any lawsuit based on nuisance, The Thompson's would be protected as long as they follow standard agriculture practices. Ralph Ballard stated in the staff findings it states that it's not compatible with the zones and policies of general plan as it stands and asked what the other changes are going to be. Mr. Nelson stated that he thinks staff used this zone change proposal the same way they did Paradise Ranch although the property is smaller in size. He has some hesitancy with how wide open a planned commercial development is, especially without going through a PDO application or having some kind of development agreement. Mr. Rasmussen stated that the applicants would be willing to do a development agreement. Mr. Nelson shared that the Planning Commission and City Council should consider that there is no multifamily or commercial zoning in Elim Valley. There is a proposal for some of that for across the street. Mr. Rasmussen shared that this zone change is going to help with the overall area and that it will help with utilities that need to be brought in. Mr. Ballard asked what commercial will be in Elim Valley. He also asked Mr. Nelson if a development agreement will help change staffs' thoughts. Mr. Nelson stated it could potentially change their thoughts, however, it would depend on what the Planning Commission and City Council's vision is for the property. He thinks there are some other concerns because of the surrounding land use, but they didn't have any opposition from other property owners. Dayton Hall stated his concern is that at first glance, it doesn't seem to be consistent with what they approved with Elim Valley, where there is commercial along Sand Hollow Rd, high density to where it turned to R1-10. However, the way it is being explained now, it sounds like they are just wanting to do the same thing just along 3400 West. As long as it is subject to a development agreement and the change of R1-8 to R1-10, he doesn't know why they wouldn't approve it. Michelle Cloud mentioned that they worked really hard when they were working on the Elim Valley piece to keep most of our densities and these types of properties closer together on the other side, so it bothers her that this small chunk in the middle that wants to be changed. Mr. Ballard shared that he sees so much growth out in that area that he feels like there needs to be a certain

amount of services to accommodate the people. Applicant, staff, and commissioners discussed what is going to be happening with the road development and accessibility of those. Mr. Christensen asked about the agriculture protection overlay on that property and isn't proceeding with this zone change an issue because of that? Mr. Nelson stated that this zone change request is essentially their petition to remove that protection.

*Ralph Ballard motioned recommendation of approval to the City Council subject to the approval be accompanied with a development agreement and the R1-8 being changed to R1-10. As well as the development agreement addressing the issues with the roadways and the infrastructure such as utilities, the agriculture protection zone, and a density consideration. Dayton Hall seconded the motion. Ralph Ballard – aye, Mark Sampson – aye, Dayton Hall – aye, Michelle Cloud – nay, Chris Christensen – nay. Motion passed three to two.*

**2020-ZC-30 Consideration and possible recommendation to the City Council on A Zoning Map amendment request located at 2300 W 3900 South on 80 acres from R1-10, residential 1 unit per 10,000 square feet, to R1-6, residential 1 unit per 6,000 square feet, for smaller lots for owners to maintain and purchase and 40 acres from R1-10, residential 1 unit per 10,000 square feet, to RR, recreational resort, for owners to enjoy amenities with the option to put their property up for a vacation rental with management. Parcel #'s H-3400-N, H-3400-O, H-3400-Q, H-3400-R, H-3400-S, and H-3400-T. Brant Tuttle, Northern Engineering Applicant.**

Brant Tuttle explained that this same zone change was approved by the planning commission but denied by the City Council a few months ago. One of the recommendations from the City Council was to come back with a development agreement as well as a more detailed plan. The overall density of the 200 acres is 2.5 units per acre with a lot of open space due to the ski lake in the middle. The neighbors directly on the west boarder is the Copper Rock community and Spilsbury families. They are bringing utilities and roadways. The 2100 West road bond was just posted September 9, 2020 and a pre-construction meeting is set for next week. There will be two major access points and the staff comments and concerns about roads and utilities have been addressed. Michelle Cloud asked if when this was in front of them before, was there already recreational resort areas. She also asked how many units will be on the total development. Stephen Nelson explained that the recreational resort allows them 15 units per acre but their development agreement locks them into about 4 units per acre. Chris Christensen referenced staff comment number 4 and asked what the estimate cost to the City would be if the zone is approved. Mr. Nelson stated that he doesn't have a number right now but within the development agreement it states that there is an obligation to the City to pave the roadway and pay for it. Most of the development agreement lists out that we will help the developer if it is beyond their proportional impact; except this portion is excluded from that. Which he doesn't like because he doesn't want the City to be involved in helping a developer be able to do improvements that are needed to develop. Mr. Nelson read this portion of the development agreement and explained what this small section means and what position the City would be in. Mr. Christensen asked for a cost estimate these improvements the City would be on the hook for. Mr. Tuttle stated that he believes the pavement reimbursement amount would be somewhere around 400 thousand dollars. Mr. Nelson stated he is open to discussing this portion of the agreement with the developer. This is a regional road and will benefit other roadways in the area. There are some portions in the code that would allow us to reimburse them through impact fees and other costs. He thinks that would be completely appropriate but he doesn't like where it states "to be clear, the City will reimburse the developer for the full costs of asphalt not just a proportionate

share". Mr. Christensen asked as Mr. Nelson has analyzed things if that is the main sticking point or if there was another sticking point that concerning. Mr. Nelson shared that with the development agreement, that was the biggest red flag. There is a lot in their development agreement that references our PDO code and the applicants aren't applying for a PDO so the language would need to be cleaned up as well. Mark Sampson asked if the City Council concerns had been addressed. Darin Larson stated that they had been, the services and roadways were the issue for them. There is a reasonable plan to get the utilities run to the project. Ralph Ballard stated that the water issues seems to be taken care of by the development agreement, however, he has concerns about the roadway. Mr. Nelson stated that most of the development agreement for infrastructure basically states that the City will partner with the developer when appropriate or will reimburse when a piece of infrastructure is beyond their proportional impact. The roadway was the only one that was excluded from that section. Proportional impact is the standard set within state law within our City code and if the development agreement reflects that, he wouldn't have an issue with it. Mr. Ballard asked what the outlook was on providing secondary water to the development. He referenced another portion of the proposed development agreement. Mr. Larson stated that within the city, we only have irrigation to 400 South and the infrastructure is not for the irrigation. Dayton Hall asked what the status is for the Southern Shores development and asked what it is zoned. Mr. Nelson shared that they submitted construction drawings two weeks ago and just received their redlines on that. They have to rely on some of these other roadways to go in before they can actually record a mylar for new construction out there. Mr. Hall asked if all the properties surrounding the requested property is already zoned R1-10 and the applicant is willing to reduce the density to an R1-10 level, then what is the point of this? The applicant stated that the property owners haven't closed their sale with Southern Shores yet so as you look at the overall density on the 200 acres, once adding the Southern Shores in brings them to the 2.5 density. Mr. Larson stated you can't have recreation resort in a R1-10 zone. Mr. Nelson elaborated on what he believes they should do as far as the development and the zone change. A PDO zone change gives them the flexibility to do more and the development agreement controls the overall density. Ralph Ballard asked if there is an averaging clause that would allow a certain amount of lots to be smaller and some to be larger. Mr. Nelson stated that R1-6 requires that the average lot be 6,000 square feet but the minimum be 4,200. With the recreational resort, there isn't any criteria, allowing them to go up to 15 units per acre. Without the development agreement, there isn't a cap on what they can do.

*Dayton Hall motioned a recommendation of approval of 2020-ZC-30 to the City Council subject to a development agreement which limits overall density to R1-10 density and the development agreement further addresses the cost to build the road to access the project. Ralph Ballard seconded the motion. Unanimous.*

**2020-ZC-31 / 2020-PSP-09      Consideration and possible recommendation to the City Council a Zoning Map amendment and preliminary site plan request located at 1015 N 300 East from R1-10, residential 1 unit per 10,000 square feet, to PDO, planned development overlay, a proposed 32 lots contained on 10 acres. Parcels H-3-1-26-241-B, H-3-1-26-241-B, and H-3-1-26-132-SA. The Home Company, Lane Blackmore Applicant**

Lane Blackmore wanted to clarify that the submitted preliminary site plan contains 33 units not 32. Dayton Hall noted that the agenda states 32 but what was submitted is actually 33 lots. Lane Blackmore stated that for years they have tried to utilize a way to develop this property. The latest version of the land use is to move the road completely out where it stays close to the profile of the natural grade.

Gerald stated the average density is just below 10,000 square foot lots. Mr. Hall asked about Confluence Park. Mr. Blackmore stated their intentions is to work with Confluence park to bring a trail up to below the bridge. They will be contributing about 17 acres to the park to bring it up to the bridge. The property boundaries were discussed. Mr. Hall stated that it looks like there is a plan to give away or donate some land and asked what effect it has on the calculations where we're going to give them credit for that land to have higher density up on the hill where it is developable. Mr. Nelson shared that without a full sensitive land report, some of that density swapping is difficult to calculate. Sensitive land allows for clustering off of sensitive areas. The overall project, they could probably do 36 units on the developable area. He thinks the 33 lots will meet the code without any issues. Mark Sampson asked about the intersection at 920 N and 300 E. Stephen Nelson addressed this question and explained that right where 300 E connects, there is a huge block wall of lava rock. Staff feels that 325 E is more appropriate for the roadway. Mr. Sampson also asked if the retaining walls will match the existing rock retaining walls. Mr. Blackmore stated there will be some engineered retaining. But comparatively, there will be little stone work. Ralph Ballard commented that he didn't realize the property line went as far into the river as it did.

*Mark Sampson motioned a recommendation of approval of 2020-ZC-31 and 2020-PSP-09 to the City Council with 33 lots subject to the staff recommendations. Michelle Cloud seconded the motion. Unanimous.*

**2020-ZC- 32 / 2020-PSP-08      Consideration and possible recommendation to the City Council on a Zoning Map amendment request located at approx. 785 W 600 North to overlay the existing RM-2, multifamily 10 units per acre, to have a PDO, planned development overlay. Parcel H-3-1-34-411. Jon Cheney, Forte Land Co. CSB Development.**

Hr Brown stated the purpose of this is to provide affordable housing to the residence of Hurricane City. Nothing has changed since the last time the zone change was proposed. They are compatible with the general plan, in general harmony of the area, and they have public services coming out of three different directions from 870 W, Ivy Wood, and 700 W. The impact from the project was partially traffic, but they will have three access points coming out of the development. It is anticipated in the general plan that traffic impact. Arthur Lebaron will be contacted about conducting a full traffic study. The development agreement is in process that will memorialize the limit on density to 136, putting single detached along Ivy Wood, as well as determine the way they develop phase 2 on the upper twin homes. Mr. Nelson stated that staffs concern is that the first phase will all access off 870 West, but that is where all the utilities are. When reviewing things, staff thought it would be appropriate that they could do the first phase off 870 West but the next phases would need to be done off 700 West. Mr. Brown stated that during the first phases, they will also be coming up through Ivy Wood and not just off 870 West. Dayton Hall asked how we got here with the application being a PDO now. Mr. Nelson stated that the PDO gives them different setbacks for the development. Mr. Hall shared that his thought on the zone change stays the same as it was two weeks ago simply because its across the street from two elementary schools and a preschool. It's already a magnet for traffic and adding multifamily right there doesn't seem appropriate. Chris Christensen said as long as Mr. Nelson is satisfied and all previous issues are addressed, he has no issues with it. Mark Sampson clarified that they were going to do a traffic study. Mr. Brown replied yes, but they really don't need to do one because they've already committed to three accesses. Mr. Sampson asked if there are any plans to put in lights at the intersections at 600 N.

Mr. Nelson stated that there is not, but there is a current plan to have a roundabout at 600 N and 700 W.

*Michelle Cloud motioned a recommendation of approval on 2020-ZC-32 and 2020-PSP-08 to the City Council for the reasons that it is compatible with the goals of the general plan, its harmonious with the area, the facilities are adequate, it will have a noticeable increase in the area but the growth is anticipated for that area, it meets the standards set by the City Council for the zone change and it meets the standards for the Planned Development Overlay with the recommendation that they follow the staff phasing recommendation. Mark Sampson seconded the motion. Motion carried with Mark Sampson, Ralph Ballard, Chris Christensen, Michelle Cloud voting aye. Dayton Hall voted nay.*

**2020-PSP-10 Consideration and possible recommendation to the City Council on an amended preliminary site plan for Sector 5 (Back 9) at Sky Mountain, PDO. Matt Carter Applicant, Dan Porter Agent**

*Ralph Ballard motioned to table 2020-PSP-10 indefinitely until the applicant is ready. Chris Christensen seconded the motion. Unanimous.*

**2020-APA-06 Consideration and possible recommendation report to the City Council on a proposed Agriculture Protection Overlay Zone, located at 3000 S and 1100 W, parcels H-3354-B-1, H-3354-D-1, H-3354-A and H-3354-C. Approx. totaling approx. 39.49 acres. Howard Woods and Michael Bird Applicants**

Stephen Nelson stated the only concern staff has on this is that 1100 W and 3000 S are going to be widened and having an agriculture protection could impact that. Mark Sampson stated he talked with the land owners and this is a reaction and protection for the future. A proposed zone change that was presented a month ago was located next to the applicant's property and that is what pushed them to do this protection overlay. Mr. Nelson stated other than the roadways, he thinks this is a great place for the agriculture protection and that it's where the City Council is wanting to remain agricultural. However, engineering and the power department have some concerns about this overlay. Dayton Hall shared what he doesn't understand about their concerns. The only protection against taking a utility easement in the ag overlay zone is an eminent domain. It doesn't prevent a utility from taking something for the public good as long as the correct process is taken. Mark Sampson asked why this concern wasn't raised on other agriculture protection overlays they have done recently. Darin Larson stated because it's right on two major corridors. Mr. Nelson stated that these two roadways are going to be developed sooner than later due to all the development happening South of the proposed overlay. Mr. Larson brought up the potential country roads in that area and how things will be developed with the roads and asked Fay Reber if the same steps will need to be taken with an ag protection. Mr. Reber stated he thinks it would be included in the overall roadway width. Stephen Nelson referenced the ag protection section from the code. Based off that, the City has no choice but to condemn the zone change. Ralph Ballard asked how much wider the roads will be. Mr. Nelson stated that because they are major roadways; they require a 90 foot right of way. Michelle Cloud thinks we need to protect all the agriculture that we can.

*Dayton Hall motioned to adopt the staff report as amended to remove the reference to Ash Creek and send a recommendation of approval on 2020-APA-06 to the City Council. Chris Christensen seconded the motion. Unanimous.*

**2020-APA-07 Consideration and possible recommendation report to the City Council on a proposed renewal Agriculture Protection Overlay Zone, located at on 3400 W, parcels H-4-2-12-1203 and H-4-2-12-1206. Approx. totaling approx. 5.3 acres. Tim and Leah Thompson-Thompson Family Pecan.**

Stephen Nelson stated that after 20 years, an agriculture protection must be renewed. Potentially the City could just make a motion to renew, but the applicant wanted to make sure that it was renewed. Mark Sampson asked when the due date is. Leah Thompson replied that it needs to be done before calendar year.

*Ralph Ballard motioned to forward the draft report on 2020-APA-07 to the City Council. Dayton Hall seconded the motion. Unanimous.*

**2020-FSP-13 Consideration and possible approval of a final site plan for Hurricane Views and Village Plat A, located at 2180 W and around 300 S. Hurricane Views, LLC Applicant, Clark Colledge Agent.**

Dan Porter is representing the applicant. Michelle Cloud stated that there are two roads that sort of dead end and was wondering if the fire department had any issues with that. Ralph Ballard stated that he recalls the length of the street that makes the determination. Stephen Nelson stated that if the road is shorter than 150 feet, it is okay. Fire has signed off and is okay with the development. Dayton Hall was happy to see the storm drain overflow out of the detention pond went into the street.

*Ralph Ballard motioned approval of 2020-FSP-13. Michelle Cloud seconded the motion. Unanimous.*

**2020-FSP-14 Consideration and possible recommendation to the City Council of a final site plan for Coral Junction RV Resort Park, located at Foot Hills Canyon Dr and SR 9. Coral Junction RV Resort Park Applicant, Mike Bradshaw Agent.**

Derek Rowley represents the applicants. Dayton Hall asked why this final site plan is a recommendation and not approval like the last one. Stephen Nelson stated that per code, RV parks have to go to City Council for approval. Mark Sampson asked if anything has changed from their original intent and the way they are planning to develop. Mr. Rowley stated that they have not, they have just been tweaking and improving what they had on their preliminary site plan, removing some trees and adding an extra dog park, but no more RV spots have been added. Mr. Hall stated that because it is an RV park there are some additional findings they are supposed to make specifically about an approved financing plan for construction. The staff report has those findings at the end of the staff comments.

*Mark Sampson motioned a recommendation of approval of 2020-FSP-14 to the City Council subject to staff findings. Dayton Hall seconded the motion. Unanimous.*

**2020-PSP-11 Consideration and possible approval of a preliminary site plan for Sand Hollow RV Resort, a proposed 6.6-acre RV Park located at Rlington Parkway and SR-9. Paul Patel Applicant, Jeff Mathis Agent.**

Jeff Mathis stated they have a total of 101 spaces and have met the minimum requirements for width, depth, and square footage per RV spaces. They have a pavilion, fire pits, corn hole, laundry room, shower room, and pickle ball court. Mark Sampson asked about the access points coming off Rlington and 2500 West. Mr. Mathis stated that the preferred access would be Rlington but either will be sufficient. He spoke with Excel Design who did the drawings for the proposed gas station on the corner

about coordinating access. Ralph Ballard stated that he thinks the RV resort will be used and full. Dayton Hall asked if the shared access belongs to the applicant or the owners of the lot next to it. Mr. Mathis stated that it belongs to his clients but it is a full width shared access. Mr. Sampson asked if the access for the gas station will be off Rlington. Stephen Nelson stated that they will be sharing a driveway. Michelle Cloud asked Stephen Nelson about the 10% open space. Mr. Nelson stated that on the site plan, there isn't any calculations on the amount of how much open space is going to be dedicated for recreation use. That is one of the conditions that will be required for final site plan that the Planning Commission should insure they meet the minimum requirements. Chris Christensen advocates the dark sky and staff comment number 8. Mr. Hall asked at which point they would look at landscaping. Mr. Nelson stated that comes with the final site plan. Mr. Mathis shared that the landscaping will be similar to the Washington RV park. Mr. Ballard stated that the nicer RV parks seem to be heavy on the trees and he recommends the applicant take that into consideration when doing their landscaping. Especially in the summer time here so the percentage of occupancy goes up.

*Dayton Hall motioned approval 2020-PSP-11 subject to the applicant addressing staff and JUC comments in the construction drawings and showing 10% of open space. Ralph Ballard seconded the motion. Unanimous.*

**Planning Commission Business:**

1. Digital copies of Planning Commission packet uploaded online. Opting out of paper if you would like but we will continue to print them for those who would like to continue to receive them.
2. Comfort of how close the Commissioners meet and if they are comfortable all sitting along the podium. Commissioners all feel comfortable being moved up to the podium.
3. Assigned seating for the Commissioners or continue to keep it random?
4. Possibly changing the meeting days to the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays instead of the 2<sup>nd</sup> Thursday and 4<sup>th</sup> Wednesday.
4. Conflict of interest section on the agenda at the beginning of the meeting instead of waiting for the agenda item to come up before saying something. Discussed what is defined as a conflict of interest and when something needs to be said.
5. Went over the decisions of the Planning Commission items sent to the last City Council meeting.

**Meeting adjourned at 8:34p.m.**