

ON OCTOBER 8, 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: Paul Farthing, Dayton Hall, Ralph Ballard, Chris Christensen, Michelle Cloud, and Rebecca Bronemann.

Members Excused: Shelly Goodfellow and Mark Sampson

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.

Chairman Paul Farthing called meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Chris Christensen and Dayton Hall offered the prayer. Roll call was taken.

2020-CUP-07 Consideration and possible approval of a conditional use permit of a taller accessory building, located at 332 S 985 W. Chance Holliday Applicants.

Chris Wilcox represents the applicant and stated that what they are doing is building an addition to an existing garage. The property owner is located in a neighborhood that has buildings throughout that are taller. The property owner stated the reason she is needing this add on done is because she sold her airport hangar to the Police Department and she needs somewhere to put her Christmas decorations. Dayton Hall stated that the height and look of the structure isn't the issue. It's the fact that one of the conditions for an over height building is that it be five feet from the property line which is required by City code. Stephen Nelson stated when you go through the conditions of the code for a greater height accessory building, it meets all those except for the side yard setback of five feet. Typically, when you see this happen, you would just tell them to move the building over 2 feet, however, because they are adding on, they don't have that option. The only real solution is to shorten their building by 2 feet. Mr. Wilcox stated that the block wall separating the properties comes 6 inches past the property line and he thinks it would be fair to measure the distance from the property line and not the block wall. Dayton Hall agrees with Mr. Wilcox of how the measuring should be done. Mr. Nelson stated there is a provision in the code that if it comes down to a rounding issue, besides acres, you are able to round to the nearest whole number. If they had 4'7" they could round that up to 5' however, their building is still too far with the current measurements of 3'3". Staff and Commissioners further explained to Mr. Wilcox the distance and how the variance for rounding up works and what requirements of the building would have to happen to make that work. Ralph Ballard stated the reason they have the 5-foot set back is for water runoff. The Planning Commission spent a lot of time on figuring out this specific ordinance. Rebecca Bronemann and Mr. Ballard both suggested taking the roof height on the addition down a foot to bring it into compliance with the code. Mr. Nelson stated that the issue with that is because the height of the current building is 17 feet and the current permitted height is 16 feet, it would not comply. The building was built before that part of the code was changed so it was grandfathered in. However, grandfathering only applies until you add onto that use. Once you start adding onto it, it is no longer grandfathered. You have to meet the current standards. Even if they did just cut the roof straight down like they are proposing, the building is technically still above the 16 feet and the addition would make it have to comply with current code. Michelle Cloud has the same concerns as everyone else but she doesn't have an issue with giving the conditional use permit for the height. However, they need to come up with some solution. Paul Farthing asked Mr. Wilcox if there was any way they could cut the building down 1

foot 5 inches. Mr. Wilcox shared that they can, however, if they do cut it down, they would not be able to utilize the garage because it'll be too tight to get in and out of a vehicle. Mr. Farthing stated that it's difficult because they can't go against our ordinances that are passed. A gentleman from the audience asked if there could be a variance approved. He argued that the owner has a lot of support and that there are other homes that match up perfectly with what she is wanting to do. Mr. Nelson stated that there is a variance process, however, the Planning Commission cannot approve a variance but there is a body that has been appointed to do so. There is a pretty high bar for a variance to be approved where the applicant would have to prove why the building would meet those standards. The Planning Commission isn't legally allowed to approve something that would break the law. The current City law puts the set back at 5 feet and the Planning Commission doesn't have the authority to circumvent that. They could potentially make a recommendation to change the law and the City Council could take it up but as the current code stands, the set back is five feet. Ralph Ballard asked if there was a dividing wall in the addition and asked if they could add half the addition on one side and half on the other. The property owner, Becky Brittingham, stated that if they were to do that, it would not allow room for a garage. Mr. Nelson referenced code 10-8-5-2. The applicant, staff, and planning commission discussed the application further to come up with a way to approve what the applicant was requesting resulting in the need for the appeals board needing to approve the nonconforming setbacks.

Chris Christensen motioned to approve 2020-CUP-07 with the condition that it meets the setback requirements. Dayton Hall seconded the motion. Unanimous.

2020-PP-17 / 2020-HIL-02 Consideration and possible recommendation to the City Council of a preliminary plat and sensitive land application for Falcon Ridge, located at 300 E and 1050 N. Lane Blackmore Applicant, Gerald Pratt Agent

Stephen Nelson presented the applicants response to the staff comments to the Planning Commission. Mr. Nelson met with the applicant just yesterday to review the lot layout. Within the code it states that if any lots are above 10% grade, they have to meet minimum lot size requirements. However, the code gives the Commission the ability to give an exception to it. Code 10-24-3-G-1 was referenced. *"An alternative solution is proposed for the protection of the sensitive land, based on sound and generally accepted engineering and land development principles, and said alternative will result in equal or better protection than development under the standards of this chapter; and is consistent with the purposes of this chapter. The alternative shall also be consistent with the general plan policies affecting sensitive lands."* Staff feels the applicant meets the intent of the code. Engineering was okay with it and felt it would be an overall enhancement to the development. All other items in staff comments have been submitted and reviewed. Staff would like to see the notes change on the setbacks to make sure it's clear there is a 25-foot setback on the cliffs on the preliminary plat. Mr. Nelson stated he feels the applicants have done a lot to preserve the hillside. Rebecca Bronemann commented about the road along the cliff and shared that she likes that she will be able to walk along it without having to peek through someone's back yard. Ralph Ballard asked about the two feet below natural grade and if there will be any drainage issues.

Michelle Cloud motioned a recommendation of approval of 2020-PP-17 and 2020-HIL-02 to the City Council with the consideration of the notes being changed beforehand. Rebecca Bronemann seconded the motion. Unanimous.

2020-PP-18 Consideration and possible recommendation to the City Council of a preliminary plat application for Sage Pointe Phases 5 &6, located at 1126 N 200 W. Lane Blackmore Applicant, Gerald Pratt Agent

Stephen Nelson stated the applicants updated the plat based on staff comments. The original plat that they presented was approved a few years ago but things have changed with connective roads. That section now meets City standards. A few things should be considered, one is the transportation master plan and the code states that any collector road must have a 60 foot right of way. When the applicants met with Mr. Nelson yesterday and the City Engineer yesterday, the City Engineer recalls when the original plat that was approved last year, it had been approved contingent on the right of way being updated to 60 feet. After reviewing minutes from that meeting, Mr. Nelson found that it had in fact been changed to a 60 foot right of way so this plat will need to show that updated information. After review, staff feels like the connection from the subdivision to main street is important to provide the connectivity across. However, when they met, the City Engineer felt comfortable if the applicant improved the roadway to meet the master plan roadway to 60 feet. Because of Confluence park and the BLM land, the City will not see any development to the west of the road. Mr. Nelson stated he thinks based off that; it meets the intent of the code. Ralph Ballard asked if they would be better off moving the connector road more to the South and if there is a way to do it that would be complimentary to the subdivision. Mr. Nelson stated that the issue is that the City wants to see 200 West connect to Main Street. If they were to have it more to the South, there would be several homes in the way so the only logical path is to have it go up through the North. Paul Farthing stated that his only concern is the BLM land on the west side of the road and the BLM all of a sudden trading the land and now it being up for development. Mr. Nelson stated that the BLM land is part of the tortoise reserve and that he doesn't think it's going anywhere any time soon. Dayton Hall asked about the 60-foot collector road and asked if it matched up with what the plat shows. Mr. Nelson stated that the cross section that connects in is only 52 feet and in order to meet the master plan, it'll need to be changed to 60. Mr. Hall stated that some of the other comments were the frontage issues on lot 22 and 23. Mr. Farthing asked if those have been cleared up. Mr. Nelson stated it looks like they have changed things on the new plat.

Dayton Hall motioned a recommendation of approval of 2020-PP-18 to the City Council as it has been revised and provided to them today subject to the remaining applicable staff comments. Ralph Ballard seconded the motion. Unanimous.

Planning Commission Business: Stephen Nelson updated the commissioners on what happened at the last City Council meeting held on October 1, 2020. He also updated them on the general plan. They will be setting up another meeting in the next few weeks to go over what was heard in the public open houses and online survey. The other thing he wanted to talk about was potentially holding a second meeting in November or December if needed. Due to the meeting on October 28th being such a full agenda, he would like to see how many applications come in because it might be easier to hold two separate meetings instead of trying to cram it all into one meeting.

Approval of Minutes:

August 26, 2020

pg. 4-line 29 "height" add a "t" to "heigh". pg. 1 line 34 residence to resident.

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Michelle Cloud motioned approval with the discussed corrections. Rebecca Bronemann seconded the motion. Unanimous.

Meeting adjourned at 7:16p.m.