

**ON MAY 26, 2021 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 NORTH 870 WEST HURRICANE UT, 84737**

**Members Present:** Dayton Hall, Paul Farthing, Ralph Ballard, Rebecca Bronemann, Ralph Ballard, Shelley Goodfellow (electronically), Michelle Cloud, and Penny James-Garcia.

**Members Excused:** Mark Sampson

**Staff Present:** Planning Director Stephen Nelson, Planning Technician Brienna Spencer and City Engineer Representative Darrin LeFevre.

Chairman Dayton Hall called meeting to order at 6:00 p.m.

*Rebecca Bronemann motioned to approve the agenda as amended. Paul Farthing seconded the motion. Unanimous.*

Roll Call was taken.

The Pledge of Allegiance was led by Brienna Spencer and Stewart Stout offered the prayer. Roll call was taken.

**2021-AFP-08 Discussion and consideration of a recommendation for an amended final plat for Dixie Springs Lots A206 & A286, located at 3808 W 2700 S Hurricane. James F & Mary Ann Clark Applicants.**

Commissioners stated they were all okay with as long as everything is brought up to standards. Stephen Nelson stated that currently there are three services to these lots. Staff would like to see one of the three services stubbed off. They will need to provide proper signature boxes to actually record.

*Paul Farthing motioned approval of 2021-AFP-08 subject to staff concerns about addressing the signature boxes on the amended plat and killing the third service on the property. Rebecca Bronemann seconded the motion.*

Discussion was had.

*Paul Farthing amended his motioned to send a recommendation of approval of 2021-AFP-08 to the City Council subject to staff concerns about addressing the signature boxes on the amended plat and killing the third service on the property. Rebecca Bronemann seconded the motion as amended. Unanimous.*

**Public Hearings:**

- 1. A Zone Change Amendment request on 57.5 acres located at approx. 3071 S 1100 W from RA-1, residential agriculture 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet. Parcel numbers: H-3343-A-4, H-3343-A-1, H-3396-A, H-3396-C, H-3396-D, H-3343-A-4.**

Written comments were submitted on the record and are attached at the end of these minutes.

Mike Bird lives on the corner of 1100 West and 3000 South. When the last master plan was created prior to being brought into the City, it had them all at RA-1. Does the current master plan have anything in it have a recommendation of 10,000 square foot lots? His recommendation is that we do not do anything that isn't in the general plan. Mr. Bird asked about the process of the zone change and asked if Scott Stratton owns any of these properties. Stephen Nelson stated that Mr. Stratton just closed on some of the properties to the South. Mr. Bird proceeded to asked how the notification of the process works and if all the involved parties were aware of this proposed zone change. He is opposed to anything that is not in line with the General Plan.

James Elegante noted that the owner of the gravel pit he represents agrees with most of the staff comments. He stated that per his research, he could not find where the application included H-3396-E and would ask the Planning Commission take that into consideration. This is not the place for high density.

Wendy Gouldridge is kiddy corner to the proposed zone change. One of the reasons she loves this area is because of the agricultural aspect. She also did the agricultural protection overlay like a few other adjacent property owners. She thinks it's sad to see the agriculture going away.

Howard Woods lives at 2952 S 1100 W and came here to enjoy the country. He doesn't think we should change it. One acre is small enough for the area and what is around it. Mr. Woods thinks they will have issues having that many people next to that gravel pit. He asked the Planning Commission to take into consideration of this high density out there.

Kelby Iverson stated that several years ago, this area was mostly homesteaders. A lot of those landowners agreed to set this area to RA-1 to develop in a rural setting. There aren't any subdivisions that are currently RA-1 and the moment they see one, he will not oppose that because that is what it set up for. That area is sort of a buffer zone. This proposed zone change isn't the best farmable ground but the general plan currently has this for RA-1 not R1-10. He hopes that their land will be protected with this zoning. The City has spent a lot of money on a new General Plan and if it had plans for a quarter lots right there, then maybe this would be a different conversation, but it does not.

Ruth Jepson votes no for the half acre lots.

Troy Cattoor bought 30 acres in this proposed zone change. He has tried to get water here and you cannot farm this area. He has been here for the last 5 years and the traffic has already increased because of the development to the South. You cannot ride a horse down this road because of that. Most of the agriculture is already gone and you need water to farm.

**2. A Zone Change Amendment request on 50 acres located at approx. 2618 S 2100 W from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre, to produce an active agricultural community with uses of half acre lots. Parcel numbers: H-3345 and H-3346.**

Stewart Stout stated that he and his brother own property to the North of this proposed zone change. The bottom South corner sets right at the Frog Hollow wash and this portion gets flooded; retention will need to be figure out. Every time he waters, there is always a new hole due to a lot of settling. Allowing half acre lots defeats the purpose of all the work they have done in the last year to keep this one acre

lots. It destroys the rural atmosphere they have created out there. This is a low area in the valley and a lot of the higher up landowners have water runoff into this area and it will cost a lot for them to figure out other ways for their water runoff.

Kelby Iverson reiterated that they know growth is coming but we just spent a lot of money to get a new general plan hashed out. It seems like it's always a fight when it seems like a no brainer. This proposed zone change sits right in the middle of this bubble the City Council created for Benchlake with the country cross section. RA-1 is what this is and the property owner knew that when it was purchased. It is a little premature for half acre lots. The roads leading up to this area need to be expanded to accommodate this development and it should be done at the cost of the developer.

MaryAnn Furse represents the Zundell's. They want to keep this atmosphere and right now they are opposed to this.

Todd Furse stated he has a very elementary understanding of property rights. The property rights of the surrounding owners need to be put into consideration. When infrastructure needs to be put in, it affects everyone not just the developer. If you were to divide this then curb gutter and sidewalk would be required. When MaryAnn develops her few lots with a few homes, the city will require her to put that in as well and that infringes on their property rights.

**3. A Zone Change Amendment request on a small portion of parcel number H-3-1-34-4220-A from R1-6, residential 1 unit per 6,000 square feet, to RM-2, multifamily 10 units per acre, to allow for more townhome building.**

Written comments were submitted on the record and are attached at the end of these minutes.

Kevin Francis lives in Ivywood and his back wall backs onto the proposed zone change. He feels that high density next to him will degrade his living he has come to enjoy. Two story homes will also infringe on his privacy and people looking down into his yard.

Jennifer Francis is opposed to the zone change. One of the reasons they moved here was because they had a larger lot and single-family homes. She doesn't think that multifamily fits here. It's going to be very congested right in this area.

Derek Campbell lives to the South of the proposed zone change. Value, density, and traffic are concerns. He was under the impression that the larger piece was not multifamily and according to the map provided, it is he would like clarification on that. 100 North is a busy street and it doesn't need any more traffic.

Hicken stated it was a surprise that the big portion was already zoned for high density. 100 North is already very busy, to add multifamily doesn't make sense in this section of town.

Mark Hicken lives right on the corner of 700 west and 100 north. He believes single family homes there would be a great experience. High density is alarming for this area. He opposes high density.

Diana Dutton shared that 100 north is too busy and people come flying down that road and it is not safe. High density is only going to make it worse.

**New Business:**

**2021-ZC-15 Discussion and consideration of a recommendation of a proposed zone change amendment request on 57.5 acres located at approx. 3071 S 1100 W from RA-1, residential agriculture 1 unit per acre, to R1-10, residential 1 unit per 10,000 square feet. Parcel numbers: H-3343-A-4, H-3343-A-1, H-3396-A, H-3396-C, H-3396-D, H-3343-A-4. Troy Catoor, Moses Russ and Judy, and Diamond Edge Construction LLC Applicants, Scott Stratton and Troy Catoor Agents**

Ralph Ballard wanted to note that Scott Stratton is married to his cousin and that he also spoke with Mr. Stratton about this zone change earlier today. He is big on property rights but every decision has a tremendous effect on everyone in this community. The deeper issues we are looking at is a water shortage. As far as this parcel is concerned, we have tried really hard to keep preserve the agriculture in this area. One of the points Mr. Stratton pointed out to him was the gravel pit. People moving here want some sustainability. We need to measure how fine we are going to keep chopping because we are changing the entire feel of our city. Mr. Stratton stated that the gravel pit was there first and he has no intent on complaining about it. The agriculture for some of these lots is not there anymore. You cannot pump water up there and grow something. Maybe open space but it is not an ag area. Paul Farthing stated that we should respect the fact that we just spent a lot of money on a General Plan. It is not compatible with that. He thinks in 10 years when everything around is developed, this could be approved and be good for R1-10 but he feels it is too soon for this. Mr. Stratton stated that before the General Plan was complete, this was zoned for 8 units per acre and he's asking for half that. Dayton Hall disclosed his relationships with interested and opposing parties and shared he will be abstaining. He mentioned the General Plan and keeping in line with it. He thinks we need to stick to it and have really good discussion prior to amending the general plan. Rebecca Bronemann stated that it is more marketable to have a quarter lot. However, she believes there are still people out there that would like a one-acre lot just to have an acre lot. She leans more toward doing what the General Plan says and sticking to it. We have to find the balance out with our rural heritage and property rights. Mr. Hall stated that yes, the top part is rocky and the best farmer in the world couldn't farm it. But it is set there for a buffer zone. Mr. Ballard commented that there are things that are more viable for that area. There is infrastructure going in to market the agricultural. Penny James-Garcia thanked the public for coming and speaking on this zone change. She shared that she thinks there is a high demand for one acre lots and that type of development would be very successful. Where the General Plan is not the law, it is a guideline for what we want to see in our community. Michelle Cloud stated that before the General Plan was updated, they had to make zone changes that went against it and it was uncomfortable. She stated that there are four criteria they have to ask themselves when granting a zone change and this proposal goes against two of those big questions. She is an advocate for obtainable housing but she doesn't think this is the area for this. Shelley Goodfellow shared that these parcels are different from the application that was withdrawn because the land is not as farmable. Her main issue is the density they are asking for. She also stated that the planning commission is required to ask themselves four questions and they cannot answer three of the four questions so she doesn't think they can approve this application. Stephen Nelson stated that with this type of zone request, the applicant would need to amend the general plan, which the applicant has done but they cannot see this until August.

*Penny James-Garcia motioned a recommendation of denial of 2021-ZC-15 based on the following: it is not in keeping with the general plan, it is not harmonious with the overall character of the existing developments in the subject property vicinity, and it is not in keeping with the flavor of the area at all. Paul Farthing seconded the motion.*

No further comments made.

*Shelley Goodfellow – aye, Michelle Cloud – aye, Penny James-Garcia – aye, Rebecca Bronemann – aye, Dayton Hall – abstained, Paul Farthing – aye, Ralph Ballard – abstained. Motion carried.*

**2021-ZC-16 Discussion and consideration of a recommendation of a proposed zone change amendment request on 50 acres located at approx. 2618 S 2100 W from RA-1, residential agriculture one unit per acre, to RA-0.5, residential agriculture one unit per half acre, to produce an active agricultural community with uses of half acre lots. Parcel numbers: H-3345 and H-3346. Nielsen Kristin L TR Applicant, Scott Nielson Agent.**

Applicant withdrew application

**2021-ZC-17 Discussion and consideration of a recommendation of a proposed zone change amendment request on a small portion of parcel number H-3-1-34-4220-A from R1-6, residential 1 unit per 6,000 square feet, to RM-2, multifamily 10 units per acre, to allow for more townhome building. Short Term Investments LLC Applicant, Mike Stewart Agent.**

Stephen Nelson addressed the concerns of the previous approval of this parcel. Darrin Larsen stated the initial request was for RM-2 for the entire parcel which would allow for 40 units but they wanted to see the R1-6 as a buffer. This request is squaring off the existing RM-2 and it would only allow for one more townhome which would be 27 units total. The applicant stated they are struggling to get to the 27 units even with the squared off added to it. The commissioners and staff talked about the proposed road to the west of the proposed zone change. Stephen Nelson stated that a roundabout will be put right at the intersection of 100 N and 700 W, which is in the plan for this year. The applicant stated that they will not be adding any more intersections onto 100 N. Rebecca Bronemann stated that she appreciates that they are wanting to do obtainable housing. She knows multiple people who need a place to live. We cannot get obtainable housing up quickly enough. You cannot find a starter home for less than 300 thousand dollars. Washington County is the fastest growing county in Utah. Penny James-Garcia agrees with a lot of what Mrs. Bronemann shared. She stated that just because it will be obtainable or affordable, it should still be nice because people deserve that. Michelle Cloud stated that for this property, it makes sense to square this off. Multifamily in this area makes sense to her. It is in walkable distance from everything. Shelley Goodfellow stated that this meets the criteria when looking at approving multifamily. However, she would rather see it stay as is. Ralph Ballard stated that there are so many things we say are affordable and things are changing. When talking about price, we have to weigh in what the cost of everything else is. He hopes that the applicant be respectful of the neighbors and make this as harmonious with the neighbors' concerns as possible. Paul Farthing stated that one more unit isn't going to make much of a difference. Dayton Hall stated that it seems more harmonious to leave it the way that it is. The applicant stated that they are just trying to recuperate the lost 2 or 3 units from adding the round-a-bout, wider roads, and nicer things for the development. Commissioners discussed what this zone change would do as far as units.

*Paul Farthing motioned a recommendation of approval of 2021-ZC-17 to the City Council based on the findings: it is generally compatible with the general plan, it is in general harmony with the overall character of existing development, it will not have a significant impact on the area, and services are adequate in the area. As well as make improvements of the 100 N and 700 W intersection at and construct 700 W. Michelle Cloud seconded the motion.*

Penny James-Garcia shared that when listening to comments made, the current configuration was a compromise that was come to last time. But she thinks we need to stick with what was done previously. Ralph Ballard asked if the previous approval was made with the roundabout in mind. Stephen Nelson shared that it was not and that the roundabout was only decided on a year ago.

*Roll call as follows: Ralph Ballard – nay, Paul Farthing – aye, Dayton Hall – nay, Rebecca Bronemann – aye, Penny James-Garcia – nay, Michelle Cloud – aye, Shelley Goodfellow – nay.*

Motion fails

*Dayton Hall motioned a recommendation of denial of 2021-ZC-17 to the City Council based on the findings that it is not harmonious with the overall character of the existing development in the vicinity and it will significantly negatively affect the adjacent property by removing part of the buffer that was previously agreed to. Ralph Ballard seconded the motion.*

Discussion was had

*The final motion was made by Dayton Hall to send a recommendation of denial of 2021-ZC-17 to the City Council based on the findings that it is not harmonious with the overall character of the existing development in the vicinity and it will significantly negatively affect the adjacent property by removing part of the buffer that was previously agreed to. Noting that the existing zoning was obtained through a previous compromise that should be honored. Ralph Ballard seconded the motion. Roll call as follows: Ralph Ballard – aye, Paul Farthing– nay, Dayton Hall – aye, Rebecca Bronemann – nay, Penny James-Garcia– aye, Michelle Cloud– nay, Shelley Goodfellow – aye.*

**2021-AFP-09 Discussion and consideration of a recommendation of an amended final plat for Quail Lake Estates Lot 22, located at 22 Quail Creek Drive. Mary Wintzer Applicant, Brown Consulting Engineers Agent.**

*Paul Farthing motioned a recommendation of approval of 2021-AFP-09 to the City Council. Penny James-Garcia seconded the motion. Unanimous.*

**2021-PP-13 Discussion and consideration of a recommendation for a preliminary plat, River Heights Subdivision, a 70-lot subdivision located at Turf Sod Road and 5200 W. Alcoa Holdings LLC Applicant, Corey Anderson Agent.**

Stephen Nelson went over what the applicants engineer sent in response to staff comments as well as an updated plat which addresses those concerns. Rebecca Bronemann referenced staff comment 4 and stated that her concern is if they do improvements to this section of Turf Sod Road and the city coming in and tearing it up when maintenance is done. She doesn't want them to spend the money just to have it removed at a later time. Corey Anderson stated that when Pecan Valley did their development, they only had to do a certain amount of road improvements and he wants to make sure his development road requirements is proportionate to what Pecan Valley did. When they talked to Author LeBaron, they were told they would need to have 28 feet of road but just told yesterday they would need 32 feet. Penny James-Garcia has one concern and that is the increase of traffic on Sand Hollow Road and how they are going to get people off Turf Sod onto Sand Hollow Rd safely but it doesn't sound like there is anything in place yet. Dayton Hall asked for clarification on who owns the other 10 feet that doesn't belong to them and the road improvements that'll be needed.

*Ralph Ballard motioned a recommendation of approval of 2021-PP-13 to the City Council subject to staff comments. Michelle Cloud seconded the motion.*

Ralph Ballard made a comment about Turf Sod Road and the improvements that the City is planning to make.

*Unanimous Vote*

**Planning Commission Business:**

**-Road Improvement (Exaction) Ordinance Amendments**

Stephen Nelson went over the changes made since the last meeting. The commissioners put their input on the new language and discussed legalities of the ordinance.

**-Planned Commercial Ordinance Update**

Stephen Nelson went over the drafted update.

**-Annexation Map Presentation (moved to next agenda)**

**-RV Parks in Hurricane (moved to next agenda)**

**-City Council Recap**

**-Utah Ombudsman on June 10, 2021 at 5:00 p.m. Joint meeting with City Council**

**Adjournment**