

ON THURSDAY, AUGUST 12, 2021 AT 6:00 PM., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 NORTH 870 WEST HURRICANE UT, 84737

Members Present: Dayton Hall, Mark Sampson, Shelley Goodfellow, Paul Farthing, Ralph Ballard, Rebecca Bronemann, Michelle Cloud, and Penny James-Garcia.

Members Excused:

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. Roll Call was taken.

Rebecca Bronemann motioned to approve the agenda as posted. Ralph Ballard seconded the motion. Unanimous.

The Pledge of Allegiance was led by Del Beatty.

Brian Hawkins offered the prayer.

Public Hearing

1. A General Plan map amendment request located at 3071 S 1100 W on 57.5 acres from Rural Residential to lower density Single Family Residential. Parcel numbers: H-3343-A-4, H-3343-A-1, H-3396-A, H-3396-C, H-3396-D, H-3396-E.

Comment submitted is on the record, it is attached at the end of the minutes.

Wendy Goldwich lives kiddy corner to the proposed amendment. She has a lot of animals and would like it to stay the agriculture. They want people in there that will also have animals.

Jennifer Lester lives on 2200 West. She is opposed to any changes to make it smaller than the acre it's already zoned. When they moved in, it was zoned one acre and you should plan your life around what is currently already there. They shouldn't have to come to every meeting to defend what is already there.

Howard Woods lives right at the corner of 3000 South and 1100 West. He came here to live out his life, he looked all over. He hates to see it change so fast; he just finished his house. He loves farming and the atmosphere and hates to see it go.

Kelby Iverson asked for clarification on the request. Staff/Commissioners responded. He continued to read his public comment. This comment included the due diligence that needs to be done when purchasing property as well as being considerate to your neighbors. He also mentioned the thousands and thousands of tax dollars spent on updating the general plan just last year.

Lynn Kofoed quoted statements from the updated general plan. She would like to encourage the Planning Commission to stick to the general plan. We are being drowned by rezones in the south. We do not have the services. She has been in Sky Ranch for 15 years; it was quiet and it is no longer that way.

Dana Bowen lives in Cliff Dwellers and she feels the commissioners need to think about our drought, the number of homes that need services will not help that.

Sandy Cattoor owns some of the property and she has never had Scott Stratton come and ask about including her property on the zone change. She does not plan to change this. Some of the grounds are for her kids. They like the lifestyle this area gives off.

April Winkle lives in Angell Heights and it hurts her heart to see all that is going on out here. She asked the commissioners to consider the beauty of the city.

Michael Benson read the letter that Michael Bird submitted (it is attached to these minutes)

2. A Zone Change request on 37 acres from RA-1, residential agriculture 1 unit per acre, to R1-8, residential 1 unit per 8,000 square feet, with a PDO, planned development overlay. Parcel H-3386-B

Comments made about the previous item were reiterated by raise of hand.

Mrs. Lester stated that she feels like everyone who comes in for a zone change out south, it gives hope and encourages others to request a change. She feels we need to keep the integrity of our zones.

3. A General Plan map amendment request located at approx. 2100 W and 2500 S from agriculture to Rural Residential. Parcel H-3386-B

Comments made about the first public hearing item were reiterated by raise of hand.

John and Jan opposed this zone change. They are the first ones directly impacted.

Stewart Stout and his brother own the property directly to the east of this property. There are some special issues on this property. In July of 2018, they had about 2 inches of rain in about 45 minutes. It completely flooded this area. This is benchlake because it has been completely underwater at least 3 times in his dad's lifetime. In 1949, this entire place was under water. This zone change is 6 feet from the bottom of benchlake. This is not residential ground. This is the drain for the entire valley. If it goes in, it's going to cost him a lot of money to redirect the water. It's very important these issues are brought up so the proper things can be addressed. The soil isn't the best, sink holes appear every time they water. It's usually the people who live there that have to deal with this not the developer. We don't need another rainbow canyon.

Andrew Hall 2720 W 1100 S is opposed to the first general plan map amendment and this one. In the last 10 years we have to deal with law enforcement because someone doesn't like the animals and moving of the cows. Please don't. No one wants it changed.

Gwen Wadsworth talked about trees and grass bring in benefit to communities. We have been experiencing a drought and as we allow all these developments to come in, it is asking current residence to give up more of their water. Developments with thousands of homes, where is the water going to come from? She hopes the commissioners take into consideration the issue of water.

Joby Venuti shared that nobody ever talks about water. The amount of water farms use is way more than what a residential home uses.

Kathy Iverson stated that we need to make our cities to be self-reliant. This is the only area left in all the valley for agriculture. We need to have a balance and the areas we need to protect.

Kelby Iverson stated that the citizens plead, follow the master plan.

Public comments closed at 7:04PM

New Business:

2021-PP-19 / 2021-HIL-03 Discussion and consideration of a recommendation of a preliminary plat, Copper Rock Estates, located at 1100 W and just north of Copper Rock Parkway, for a 30-lot subdivision and a sensitive lands application for hillside. DAF Development LLC Applicant, Rick Richardson Agent.

Rob Reid is representing the applicant. Stephen Nelson did a quick recap of the application. He went over the changes and the shared that the applicant has provided the required materiel from the last meeting. He stated that the applicant has requested an exception to our sensitive lands to allow for building to happen on the 6 lots that do not meet the requirements. Mr. Nelson stated he believes it meets the intent of the code and has given it a positive recommendation. Mr. Reid stated that they plan to put retaining walls on all the lots, they will likely get the height down to about 8 feet instead of 13 feet. Penny James-Garcia asked about the fire turnaround time and asked if that comment had been addressed. Mr. Reid stated that they plan to have the end of the road be a fire turnaround until it goes through to the adjacent property. Mrs. James-Garcia asked about the name of the subdivision and changing it. It was shared that as of right now, they don't have plans to change the name but wouldn't be opposed to it. Dayton Hall doesn't feel this should be granted a sensitive land and have even smaller lots that the current zoning. Rebecca Bronemann asked about the JUC comments about the services needed as well as a water loop. Mr. Reid shared that the water department and Ash Creek have submitted will serve letters. Mrs. Bronemann addressed the email sent out about the water and power. Mr. Hall asked Dave Imlay with the power department if this is something they feel they can sign off on. Mr. Imlay talked about the upgrades they have made to this area and stated they can probably only service about 250 homes and would be very hesitant to sign off on anymore construction drawings at this point. He continued to tell the commissioners about upgrades within the valley and getting services to the areas south of 3000 south. He pointed out on a map presented where they are having issues bringing services and the struggle to obtain land to do so. They don't have a timeline of when they will have the capacity along this south corridor. Long term planning, they are ready but they don't have the right of way yet. Mrs. Bronemann asked if we need to put a halt on applications or what we should do at this point. Mr. Nelson stated that if the zoning is there, we probably can't hold off on approvals but we can hold off on signatures on construction drawings. Ralph Ballard asked what the supply demand is looking like. Mr. Imlay stated they are about 6 months out on materials once they are ordered. Shelley Goodfellow asked if the retaining wall will be required by the developer. Mr. Reid stated that economically, it'll be the best to go in with the development.

Paul Farthing motioned a recommendation of approval of 2021-PP-19 / 2021-HIL-03 subject to JUC and staff comments with the exception of the lot sizes highlighted in the staff findings. Penny James-Garcia seconded the motion. Majority aye with Dayton Hall as nay. Motion carries.

2021-GPA-01 Discussion and consideration of a recommendation for a General Plan Map Amendment request located at 3071 S 1100 W on 57.5 acres from Rural Residential to Single Family Residential. Parcel numbers: H-3343-A-4, H-3343-A-1, H-3396-A, H-3396-C, H-3396-D, H-3396-E. Troy Catoor and Diamond Edge Construction LLC and Moses Russ and Judy Applicants. Scott Stratton Agent.

Scott Stratton asked for the application to be tabled or continued as there have been some concerns that have come to light tonight that he would like to address before he is comfortable with moving forward. Stephen Nelson stated that there is some question on who is right to make the request and that would need to be figured out if there was a positive recommendation. Mark Sampson stated that the staff can't turn these down. They'll do a preliminary look through but they still have to present applications to the public for comment. Paul Farthing stated that we just updated our general plan, why are we amending it already? Fay Reber and Mr. Nelson both agree it would be appropriate to honor the request of the applicant. The commissioners and staff discussed how to proceed with the application. Shelley Goodfellow stated that this is a legal issue. It's who has the right to bring the application to the Planning Commission. The landowner has made in public comment that she will not agree to this. Mr. Reber shared that we have not verified ownership yet. Penny James-Garcia stated when the zone change came up, she was against it. She stands by that. The general plan was just updated. Michelle Cloud stated in regard to continuing this, we're concerned about the citizens coming back but if it is important enough to them, they would come back. However, her opinion on changing the general plan, we have a brand new one and we worked extremely hard on it and she doesn't think we should be changing it this soon. Ralph Ballard stated that continuing this allows for all the facts to come to light. If it were any other situation, we would allow it to be continued.

Shelley Goodfellow motioned a recommendation of denial of 2021-GPA-01 to the city council. Penny James-Garcia seconded the motion. Unanimous.

2021-ZC-27 Discussion and consideration of a recommendation for a Zone Change request on 37 acres from RA-1, residential agriculture 1 unit per acre, to R1-8, residential 1 unit per 8,000 square feet, with a PDO, planned development overlay. Parcel H-3386-B. Louise P Spendlove Applicant. Tyler Meyers Agent.

Paul Farthing asked the applicant if they have seen the comments from staff. He stated that the biggest wild card is they just found out about the power situation. Stephen Nelson stated that he spoke with some city Councilmen and what he thinks needs to have happen is a workshop with the power department, City Council, and the Planning Commission. Shelley Goodfellow asked Darin Larsen how the City Council feels about approving something like this? Mr. Larsen stated that we have the issue with the power for the approved subdivisions and not approved subdivisions. They can only get so far with their development and services. The issue about the services was discussed and how they should move forward with this application. Mrs. Goodfellow stated that if the power wasn't an issue, she would like to approve this. We will always get zone changes for RA-1. She asked if we could approve this contingent on the power coming out. Dayton Hall is opposed to any zone change south of 3000 south. Just like he stated last meeting, we have to have adequate services. We have reached a point now to allow the infrastructure to catch up to the properties we've already rezoned. We now have a development along 1100 west and they don't have adequate services and the reason we are seeing this issue is because we granted the zone change without there being adequate services. Dave Imlay shared that they have services for the approximate capacity for the already signed off 250 units so unless this is included in those signed off construction drawings, there is not the services. Tyler Meyers feels that this is being treated differently than the Cordero subdivision. Ralph Ballard shared that what he is hearing is if this is approved, we are allowing him to proceed. Michelle Cloud feels the zone change is appropriate and we should approve it contingent on the services.

Paul Farthing motioned a recommendation of approval of 2021-ZC-27 with the requirement of a development agreement. Mark Sampson seconded the motion. Shelley Goodfellow, Rebecca Bronemann, Paul Farthing, Penny James-Garcia, Ralph Ballard, Michelle Cloud, and Mark Sampson – aye. Dayton – nay. Motion carries.

Paul Farthing asked Dave Imlay if the power department had this planned to be taken care of in April. Mr. Imlay addressed this question. We don't know when we will get the power out there. Everything south of 1500 south and west of 1100 west is affected by this.

2021-GPA-02 Discussion and consideration of a recommendation for a General Plan Map Amendment request located at approx. 2100 W and 2500 S from agriculture to Rural Residential. Parcels H-3345 and H-3346. Nielsen, Kristin L TR Applicant, Neil Walter Agent.

Neil Walter stated that this issue has been going on for a few years. He understands the importance of agriculture. He thinks the issues that have been voiced are a legit issue and he recognizes those concerns. They are aware of two very difficult issues with the general plan. Right now, they face rising prices and rising rents. This problem has become more acute since the general plan began discussion. Another really big thing that has changes is the opening of the corridor. For a really long time, this area took a long time to get to any other part of the county but with it opening up, it has made travel time quicker. They are not asking for high density, they are asking for rural residential. Very few people are coming out and stating they need higher density in the area but we do need more affordable housing. They recognize geotechnical issues and water/flooding issues. Open space and desire for larger lots which is why they have requested a lower density rural residential. Dayton Hall reminded the commissioners about the balance to nature property and the presentation they shared. He agrees with the two objectives, and they have already tried to strike the zoning with what is currently there. Rebecca Bronemann asked where they were planning to sit with the acreage lot sizes. Mr. Walter stated they were looking to get closer to half acre lots. Mrs. Bronemann's other comment is that it kind of fits next to balance of nature as a buffer. Shelley Goodfellow stated that this is the second to lowest area in benchlake. It's going to cause a financial burden on the surrounding neighbors to reroute their water runoff. Paul Farthing stated that he thinks engineering can resolve the issues, however, he doesn't think half acre agriculture is really agriculture. You put giant homes and detached garages with a pool. After it's done, you don't have much left. Michelle Cloud disclosed that Mr. Walter is the CEO of the company she works for. She proceeded to state that she stands by what she has said in the past. We just revised our general plan and we need to stand by it. Ralph Ballard asked if there is a drain out of this area. Darin LeFevre stated that there is not. Mr. Ballard stated we need to recognize we have an issue and it needs to be addressed. Penny James-Garcia agrees with Michelle. We have a general plan and we need to stick to it. She loves a drive by experience. She is thankful the City Council has protected this area. She also doesn't know of a single house on half an acre that is affordable.

Mark Sampson motioned a recommendation of denial of 2021-GPA-02 to the City Council based on the findings that is not compatible with the current general plan and it is not compatible with the general area. Ralph Ballard seconded the motion. Unanimous.

2021-ZC-25 Discussion and consideration of a recommendation of a proposed zone change amendment request located at approx. 2170 W and 600 N. with parcel numbers H-3-1-33-4401 and H-3-1-33-441 from R1-6, residential one unit per 6,000 square feet, to RR, recreation resort. While parcel number H-3-1-33-4420 is from R1-10, residential one unit per 10,000 square feet, to contain a split

zoning of NC, neighborhood commercial, and RR, recreation resort. Zion Village Resort LLC, Jay Rice Applicant, Alpha Engineering, Jared Madsen PE Agent.

Stephen Nelson noted that more public comments had been submitted and are on the record, they are attached at the end of these minutes. Jared Madsen went over the changes from last time. They added additional parking as well as more dumpsters for the existing Zion Village development. The roadway issue of 500 north has been addressed. Michelle Cloud still has concerns about vacation rentals going up where our multifamily and commercial zones are. Mr. Madsen stated they will have to put a fire egress in because of the Firerock subdivision. Mr. Nelson stated that 500 north will have very moderate traffic. The subdivision to the east is approved with the condition of access of 500 north. It mostly needs to be there for services, mainly a water loop. Ralph Ballard asked about the off-street parking and the flow of the sidewalks. Penny James-Garcia asked what the updates and changes are going on at the current resort and asked what those are. Mr. Madsen shared the changes and updates planned for both developments. Rebecca Bronemann agrees with Michelle and Penny. We are in a housing crisis. To put in more vacation rentals when you could put in multifamily, she is not compelled to vote for this. Shelley Goodfellow asked about the parking in the 2 acres. Mr. Madsen stated that some of the parking will have an additional fee to be leased and 27 spaces will be free overflow parking. Mrs. Goodfellow asked about the onsite management required. She stated that it's hard to allow more to this developer when this is already a concern to the existing development. Another thing is, how much of this are we going to allow? We need to look at this as a commission and figure out what we want to see in our city. Paul Farthing also agrees, how many more resort spots do we want to allow? He is concerned about the RV parking being charged for. He can see the issue of someone pulling up with their RV and having to pay for a spot to park it, they will park in the street. Mrs. Goodfellow stated that the plan for the RR is actually a pretty good plan. Dayton Hall asked Fay Reber which code the applicant would be given the vested right to.

Penny James-Garcia motioned a recommendation of denial of 2021-ZC-25 to the City Council based on it not being compatible with the surrounding area and it would have an adverse effect of the adjoining residence. Seconded by Michele Cloud. Paul Farthing – aye, Shelley Goodfellow – nay, Rebecca Bronemann – aye, Dayton Hall – abstained, Penny James-Garcia – aye, Ralph Ballard – aye, Michelle Cloud – aye, Mark Sampson – nay. Motion carries.

2021-ZC-29 Discussion and consideration of a recommendation of a proposed zone change amendment request located at 475 N State St from HC, highway commercial, to RR, recreation resort. Parcel ID's H-286-A-1 and part of H-30252-A. Shamo Christen D and Charo S and Corporation of the Episcopal Church in Utah Applicant. Matt Lowe Agent.

Karl Rasmussen went over the parking throughout the development. They plan to have a 25-foot front set back that will allow for more parking in front of the units. Paul Farthing thinks the development looks great. Shelley Goodfellow stated that she is more in favor for smaller recreation resort spread throughout the city and there isn't any over in this area. She wishes she knew how many vacation rentals are in the city.

Shelley Goodfellow motioned to open up for public comment. Rebecca Bronemann seconded the motion. Unanimous.

Gwen Wadsworth stated that safety is a concern to the rest of the neighborhood as well as the quality of life. Is there any type of research for the type of clientele brought in?

Kevin Thomas stated that one of the problems he has with it, besides it being in his neighborhood, is that there isn't any transition between high density to big vacant fields. To him, it's really high density.

Paul Farthing asked if these are private or public streets. Mr. Rasmussen stated that they are private. Rebecca Bronemann stated that she understands the public concerns. She prefers little resort developments throughout the town. It is right off two major arterial roads. She asked about the onsite management. Mr. Rasmussen stated that it will be treated like a hotel. Dayton Hall stated that it is surrounded by other commercial. Penny James-Garcia stated she would rather keep it commercial as well, rather than bring in more tourists. When looking at the general plan and what it talks about for this specific area, this doesn't check all the boxes. Ralph Ballard stated that traffic turnaround is a concern. He asked Mr. Rasmussen what the plan is for the units. Mr. Rasmussen stated that they will be town homes with the garage underneath and the unit on top.

Chris Shamo stated that as a neighbor, he would rather see this as RR/commercial and not have high commercial.

Hirshi stated to leave it as commercial.

Michelle Cloud stated she is torn because it has been commercial but no one has done anything with it. She feels it is split on the four criteria. She feels we are at our tipping point of vacation rentals. She hates to see commercial gobbled up by recreation resort. Mark Sampson asked about the hotel across the street. If you keep this commercial, you need to have something to put here instead. He thinks the business model is correct. Mr. Farthing stated that he would like to see how many units we have approved. We're going to saturate this and the market is going to fail. Darin Larsen stated that this won't be a ghost town. Because our housing market is in a demand, these units will be allowed to be long term. Mrs. Cloud stated that we do not have anything like this on this end of town, that is why she is torn because this fits here. Mr. Ballard stated this is on the Zion side of things while most things are targeted for Sand Hollow. Mrs. James-Garcia pointed out that by allowing more of this type of developments, the more we cut into the potential income of our residence who are trying to make a living by renting out their casita or a portion of their house to add to their household income. We need to think first and foremost of our own residents.

Penny James-Garcia motioned a recommendation of denial of 2021-ZC-29 to the City Council based on the findings that we need more highway commercial, it would negatively affect the area, and we need to focus on things that serve our residence and allow them to do their rentals on their properties before we start anymore recreation resort. Dayton Hall seconded the motion. Paul Farthing – aye, Shelley Goodfellow – aye, Rebecca Bronemann – aye, Dayton Hall – aye, Penny James-Garcia – aye, Ralph Ballard – nay, Michelle Cloud – aye, Mark Sampson – nay. Motioned carries.

2021-PP-22 Discussion and consideration of a recommendation of a preliminary plat, Canyons RV North Parcel, located at 2800 W and Black Rock Road, containing 127 lots. 2770 W State St, LLC Applicant, Joby Venuti Agent.

Paul Farthing is abstaining from voting but shared some history on the property. Joby Venuti went over the project. The reason they had asked to continue the last meeting was the roads connecting from

Canyon's RV are private, the city wanted public. The fire access concern has been addressed as well. He is asking for the density bonus which allows for 122 lots instead of the given 102 lots. He went over the number of units they could do it it was an RV park or a mobile home RV park. He presented the potential lot layout. Stephen Nelson stated that to fully feel confident in approving the density bonus, he thinks there should be a public hearing and treat this as a zone change. Mr. Venuti wants to know if this is something the city wants to see here. Mark Sampson asked what the asking price would be. Michelle Cloud stated that she hasn't looked at the average list price for a while and that it was about \$375k the last time she looked. She stated that we don't have anything like this. Ralph Ballard stated this is probably a good place for something like this. Penny James-Garcia thinks this is a good product and it's needed but she doesn't feel comfortable making a motion on it. Dayton Hall stated he likes the product and it's a good place for it but he thinks we need to figure things out.

Penny James-Garcia motioned to continue 2021-PP -22 to allow for proper noticing. Rebecca Bronemann seconded the motion. Mark Sampson, Michelle Cloud, Ralph Ballard, Penny James-Garcia, Dayton Hall, Rebecca Bronemann, and Shelley Goodfellow – aye. Paul Farthing – abstained.

2021-PP-23 Discussion and consideration of a recommendation of a preliminary plat, Dratter Estates, located at 650 S and 840 W, containing 8 lots. Peter J Dratter Applicant, Colt D Stratton Agent.

Colt Stratton stated he wants the commission to just approve this because they already voted against amending it to the master plan and made them go against the master plan. All the commissioners have vocalized tonight that they want to keep to the master plan. Dayton Hall stated that he takes exception to that notion because the vote from the commission is based upon the four zone change criteria. The requested density was not consistent with the adjoining properties and it was likely to cause significant harm to adjoining properties and those are considerations under the ordinance which they relied upon. However, this is for a preliminary plat not a zone change. Mr. Stratton stated that if this was an Interstate Rock property, they would be pulling it right now and resubmitting it as a zone change again because every one of the commissioners have said tonight that we've spent \$90,000 on a master plan, why aren't we following it? Rebecca Bronemann asked about JUC comment about the tail water issue and if they have addressed it. Mr. Stratton stated that they will. There is existing tail water right now and they are in the opinion that it's there with an easement, so why do they have to fix it? They are going to talk to the canal company and see if they want to move their easement but if they don't it's going to stay where it's at. Penny James-Garcia asked Stephen Nelson if the trails plan was adopted by the City Council. Mr. Nelson stated that the City Council has not adopted the active transportation master plan yet. However, they will be putting in improvements that will match the Reddish subdivision to the west, which will comply with our code. He also pointed out that his biggest concern with this project is the fire turnaround. It can be a hammerhead or a cul-de-sac.

Paul Farthing motioned a recommendation of approval of 2021-PP-23 subject to staff and JUC comments. Rebecca Bronemann seconded the motion. Unanimous.

2021-LUCA-03 Discussion and consideration of a recommendation of a proposed code amendment to Hurricane City Code 10-26. Hurricane City Planning Applicant.

Stephen Nelson went over the changes since the last meeting. He shared with the commissioners why he added the wording he did and the issues that have come up when approving RR developments. He would like to clean up the code and clarify what the city would like to see within the development.

Shelley Goodfellow asked if there was a section within this update that addresses dumpsters. Mr. Nelson stated that there isn't but stated that he will add it in. Dayton Hall likes this but would like to see the minimum of 3 parking spaces per house or one per bedroom, whichever is greater, so a huge house built can't get away with minimal parking.

Shelley Goodfellow motioned to continue 2021-LUCA-03. Paul Farthing seconded the motion. Unanimous.

Planning Commission Business:

- Road Improvement (Exaction) Ordinance Amendments
- City Council Recap

Adjournment