

ON JANUARY 27, 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: Paul Farthing, Dayton Hall, Shelly Goodfellow, Rebecca Bronemann, Penny James-Garcia and Michelle Cloud (electronically).

Members Excused: Ralph Ballard and Mark Sampson

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

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

Public Hearing opened at 6:03 P.M.

A Zoning Map amendment request located at 1355 S 3325 W from RA-1, residential agriculture 1 unit per acre, to MH/RV, mobile home/RV. Parcel numbers H-3-2-7-45031 and a portion of H-3-2-7-4501.

Comments submitted are on the record and attached at the end of these minutes.

New Business:

2021-ZC-06 Consideration and possible recommendations on a zoning map amendment request located at 1355 S 3325 W from RA-1, residential agriculture 1 unit per acre, to MH/RV, mobile home/RV. Parcel numbers H-3-2-7-45031 and a portion of H-3-2-7-4501, located at Flora Tech Road. Jason Park LLC Applicant, Jeremy Johnson Agent.

Jeremy Johnson summarized to the commissioners on past conversation for what needed to happen with this land. He must update the services to bring the land up to compliance with the State. He would like to put all the current mobile homes residence in the same location so bringing the infrastructure in is cheaper. He doesn't want to have empty buildings and would like to address the zoning on the rest of the property. He went over the staff comments and commented on how he was going to comply with them. Shelly Goodfellow asked if anyone knows when this specific property was annexed into the City limits. Mr. Johnson stated he believes it was prior to 2006. Mrs. Goodfellow stated the commissioners need to understand why they are in the situation they are in. People were living there before the City annexed the property and put in the current zoning and suddenly, they are out of compliance with the City zoning. She doesn't see any issues as long as staff comments 1 and 2 are addressed and shared that a few of the comments don't apply to the section he is requesting. Mrs. Goodfellow asked why staff has an issue short term. Stephen Nelson stated that because there are no roads to cater to short term use. Mr. Johnson asked if the language could be changed with staff comment number 6 stating no RV's coming in and out until the infrastructure is appropriate for it. Mrs. Goodfellow asked if he would have to come in with a plan to grant the development of an RV park. Mr. Nelson stated that he would, however, granting the zone change would allow him the right to come in with a development plan for an RV park unless the owner voluntarily signs a development agreement restricting that. Mr. Johnson stated he would be willing to do that if it was the way he had previously described with the short term

and long-term residence language. He stated they are not looking to add more residences. Dayton Hall stated how the planning commission needs to make their recommendation. He agrees with Mrs. Goodfellow that it would be nice to get something worked out on this property. He would like to figure out a way to develop this land and come to an agreement. He suggests that the zone be approved conditioned upon a development agreement while adopting staff comments. A concern for this is that they would be putting high density next to third acre lots. Another concern is that the general plan recommends that this type of RV park be adjacent to major roadways and this won't be. Mr. Johnson and Mr. Hall discussed possible options for where this RV/MH zoning could be put on the property. Paul Farthing stated that the entire general plan is to think long term. He understands the issues of the property but he doesn't think they should try to solve those with a zone change. If you look at a zone change as part of the planning for this property, it doesn't meet the criteria for a zone change. The zone change should stand on its own and not to try and resolve these problems. Rebecca Bronemann referenced the staff comment stating that flora tech road to the West of the property is planned to be developed into a major collector roadway and asked if that would address the issues of the access comment. She doesn't think that what the applicant is planning is going to be impacting the road too much. She agrees with Mrs. Goodfellow how this property was grandfathered in. She would like to see this happen and thinks it's the best plan for the proposed parcel. Penny James-Garcia sides with Mr. Farthing. She took some time to go and look at the property and thinks the property is what she would call squaller. Mrs. James-Garcia thinks that it is unacceptable, shameful, and embarrassing that we have allowed that kind of living existence to continue in our city. She is in favor of affordable and obtainable housing but just because you don't have very much money doesn't mean you should live in unsafe and unsanitary conditions, which is what she saw. She doesn't think there is a good faith effort to show that he is going to do things when it seems like there are improvements that could be done now that wouldn't cost a great amount of money. Mr. Johnson admitted that the property conditions are not where they should be and that it was worse when he took over the property. He asked if he should make the improvements where everything is now, scattered about or does it make more sense to find one location on the property where people should live. Fay Reber stated that even though they have the right to utilize what it is being used for, the property owner still must keep the living situations up to health and safety codes. The city can, if they choose, attempt to go in and clean it up if there are violations. Mrs. Bronemann looked up non-conforming use and shared the definition. Michelle Cloud stated that when approving a zone change, they must look at the four criteria and she doesn't see this meeting them. Mrs. Goodfellow stated they seem to only have two options. The first is to leave it as is, bring in infrastructure to bring everything up to code and it stays the way it is. The other option is to make it a little more organized for future use so the infrastructure, instead of being spread out all over, will be in one designated area that is more appropriate for this type of housing.

Dayton Hall motioned a recommendation of approval to the City Council subject to the City council and the applicant reaching a development agreement that will include the following terms: the applicant makes improvements to the water system for the entire property to comply with state standards, the property owner work with the City to bring dwelling units up to code for all the buildings on the applicants property, all illegal uses including unlicensed operations on all the applicant's property be discontinued, no additional units beyond what is existing presently be added to the property, all mobile homes and RV's are moved and contained within the future MH/RV zone, no short term residency permitted in the MH/RV area, and the applicant forfeits any rights under Utah's preexisting non-conforming statue on all the applicants property. Rebecca Bronemann seconded the motion. Roll call:

Shelly Goodfellow, Dayton Hall, Rebecca Bronemann – aye, Paul Farthing, Penny James-Garcia, Michelle Cloud – nay. Motioned moves to the City Council as a tie vote.

Mr. Johnson commented that if he wasn't as involved as he is, he probably wouldn't care but he's trying to fight and figure out the solution to for the people there. He would make way more if he were to develop it but if he were to do that, there would be about 80 people without a place to live. If he can make it happen, great. But if he can't, at least he tried.

2021-PP-01 / 2021-PSP-01 Consideration and possible recommendation of a preliminary plat and preliminary site plan for The Estates at Sand Hollow, a 216-lot subdivision located in the west section Sand Hollow PDO at Sand Hollow Parkway and 3150 S. Hurricane Hills Ranch Estates LLC Agent, Valerie Espinoza Agent.

Stephen Nelson stated that the applicants addressed all the staff concerns and went over some language that isn't currently on the presented application, but they are willing to add to the final plat. Penny James-Garcia questioned what the applicant plans to do with the signage on the golf cart crossing areas. The applicants stated that they want to tie them into the golf course as well as they can. Mrs. James-Garcia suggested they do a flashing light system to alert cars that a cart is coming. Michelle Cloud asked if they homes will be utilizing the Sand Hollow Resort amenities or if they will have their own. The applicant shared that they won't have access to the Sand Hollow amenities unless they choose to go there and they will not have any amenities of their own. Shelly Goodfellow asked if there were any parks. It was stated that they have a pond in the area as well as trails throughout sections within the development. The applicant doesn't have any issues with staff comments, and they will address and handle them all.

Shelly Goodfellow motioned a recommendation of approval on 2021-PP-01 and 2021-PSP-01 to the City Council subject to staff comments. Dayton Hall seconded the motion. Unanimous.

2021-PP-02 Consideration and possible recommendation on a preliminary plat for Sky Valley Town Homes PDO, a 111-lot subdivision located at 3100 W and 600 N. Frank Lindhart/Shoshone Land Company Applicant, Civil Science Agent.

Shelly Goodfellow asked if the applicant had read the staff and JUC comments and is planning to address them. Frank Lindhart stated they don't have any issues with staff comments. Dayton Hall questioned the potential access issues and asked for clarification on some of the maps presented. Stephen Nelson stated that they will require a full traffic study because there will likely be some access issues and potential improvements. Penny James-Garcia stated she wants to make sure we get down to the 400 unit agreed upon and asked if they have thought about putting in any amenities for these homes because it is a lot of homes. Mr. Lindhart explained and elaborated on this project and what they have done with the overall development. Mrs. James-Garcia asked if when they start development if they plan to access from 600 North. Mr. Lindhart went over the different access points into the development.

Dayton Hall motioned a recommendation of approval on 2021-PP-02 to the City Council subject to all JUC and staff comments and on the condition that the plat be adjusted as necessary to accommodate the future 3000 West master planned road. Rebecca Bronemann seconded the motion. Unanimous.

2021-PP-03 Consideration and possible recommendation on a preliminary plat for Sky Valley PDO, a 292-lot subdivision located at Coronado Drive and 3000 W. Frank Lindhart/Shoshone Land Company Applicant, Civil Science Agent.

Rebecca Bronemann stated that if they have the proper setbacks and access into the development, she doesn't have a problem with it. Penny James-Garcia wants the traffic study to determine the access points to provide sufficient access for all the property owners, not just the new development. Michelle Cloud questioned phasing and the access and the roadways aligning. Frank Lindhart addressed these concerns and how they do their phasing. Paul Farthing addressed that he understands that 600 North is getting busier but that is the only access for some of this development.

Rebecca Bronemann motioned a recommendation of approval of 2021-PP-03 to the City Council subject to JUC and staff comments and the recommended traffic study. Shelly Goodfellow seconded the motion. Unanimous.

2021-ZC-05 / 2021-PSP-02 Workshop: Discussion regarding a PDO application for Sand Hollow Mesa, a proposed 920-acre mixed use development with a proposed 3,660 units located south of 3000 S and bisected by the Southern Parkway. RG Sand Hollow, LLC Applicant, Anthon Stauffer Agent

Applicant went over the plans for what they are wanting to do. He addressed the density for both residential and commercial, they are approved for 3,600 homes. There will be a trail system with connectivity at the interchange in the middle and two ends of the property. They want to maintain the beauty of the property with the open space. They want to do a big commercial zone throughout with 540,000 total square footage. Karl Rasmussen stated they have been working with the City on infrastructure for the property. The power would be coming down 2600 West and there will be a transmission line to disperse power to not only this development but all surrounding areas. The infrastructure isn't there for the entire build out just yet but it will come in phases as development grows. They discussed how the neighborhoods will flow and what type of homes/development will happen throughout the subdivision. Penny James-Garcia asked about neighborhood 5 and 6 with the heavy RV usage, questioning if the amount of RV pads coming into the area is too much for the Sand Hollow State Park to handle. Paul Farthing appreciates the fact that this developer has really spent time to come up with a master planned community. Dayton Hall asked what they classify as attached and detached. Definitions are on page 37 of the application. Mr. Hall would like to see more stand-alone single-family homes than what is being proposed. He thinks that would help with the services and traffic. He feels 3,600 approved units that does not include commercial seems like a lot of units. Stephen Nelson addressed his concerns and questions about the density for the PDO. The developers have addressed the requirements for a PDO and density. Within the code, it states that commercial is allowed as long as it enhances the community and is approved by City Council with the recommendation from the Planning Commission. Mr. Hall asked about the proposed public facility sites and how will that work? Are they just assuming they are going to sell some land for a school or an admin building or what? Penny James-Garcia asked if they perceive any of this to have HOA. The applicant stated possibly HOA or some kind of management for the RV site but it hasn't been discussed for the residence. Stephen Nelson stated that townhomes have to have some kind of HOA and management because they have a common roof. Shelly Goodfellow stated that looking at the concepts, it does look like a lot of high density. She asked what the concept is behind the detached minimum cottage RV. Anthon Stauffer stated that the concept behind this is to have a small home with an RV or boat storage on the property. Mr. Nelson

stated that the biggest issue is the services and infrastructure. The city is going to want to see a very thorough traffic study for how all the roadways and connections are going to work. The overall site for connectivity within is actually a good concept. Overall connection into the city's system is going to need to be addressed. Mr. Hall stated that if the interchange at 2600 South doesn't go in, it will change the way they look at traffic and other things. It's hard to plan now without knowing if that will go in.

2021-PP-04 Discussion and consideration of a preliminary plat for Redstone Spring Estates Phase 2, a 11-lot subdivision located on Redstone Drive and 3400 W. Big Rock Homes Applicant, Eric Boucher Agent.

Eric Boucher stated that Gerald Pratt is in the process of updating the plans to address the staff comments. Stephen Nelson stated that there are a few things that need to be addressed on the plat. His concern is the roadway alignment. He showed on the map presented what he and staff think would be the best for connectivity. Mr. Boucher addressed that comment from a seller standpoint and shared that the property owners of the private drive do not want to give it up to allow for the connectivity. Mr. Nelson stated that there is a lot of stuff shown on the plat that doesn't comply with code and shared what those items were. Paul Farthings stated that he saw a lot of open-ended issues when looking at staff comments. Mr. Nelson addressed the comment about the roadway and referenced the code 10-39-11A subsection 1. Dayton Hall asked about the road and alignment with potential development from surrounding properties. The biggest issue is Redstone Springs Dr not continuing through, connecting to the private drive and being a cul-de-sac instead. Mr. Nelsons stated that one day 3400 West will be a major collector road and the big concern is having multiple accesses off it in such short distances. It would make sense for them to all tie into a couple connections, continuing Redstone Springs through would be best for connectivity. Mr. Hall stated that they should be consistent with city connectivity requirements. Another concern is having another situation that happened on 400 South, now we have 3 roads within a few hundred feet connecting to 400 South. We don't want that with this development.

Rebecca Bronemann motioned to continue 2021-PP-04 until the issues brought up can be resolved. Shelly Goodfellow seconded the motion. Unanimous.

Shelly Goodfellow asked Stephen Nelson what the City's limitations are as far as holding the project up when the developer is kind of dependent upon other properties they do not have control over. Mr. Nelson shared that if the surrounding properties won't give them easements for services, we can hold them up. However, with this specific development, all the property is owned by one owner so it is appropriate to make approval conditioned upon appropriate connectivity.

2021-GPA-01 Consideration and possible recommendation of about the proposed new General Plan and General Plan Map Update

Shelly Goodfellow brought up one of the points with short term rentals and limiting those. She would like to have seen something that shows a way to create more attainable housing. The City Council did recently make some ordinances and she doesn't want the general plan to contradict our ordinances when they were just recently done. She would like to see it more along with what our current ordinances show. Stephen Nelson addressed Mrs. Goodfellow's comment and stated we need to create a plan to enforce short term rental violations with civil penalties to increase regulation authority. Under code, it would be a criminal code to violate short term. A civil penalty lowers the bar of what the requirements are for enforcing this. We have no restrictions on residential hosting which is not being

proposed to change within the General Plan. We will probably see short term rentals being picked over long-term rentals as long as we keep it open. There are consequences either way things go. There is a limit on how many single-family homes are short term rentals. Dayton Hall suggested wording on page 43 item 1.5 to read “continue to allow for accessory dwelling units for long-term and short-term renters which will provide revenue to City residences.” to bring it in line with the current code. Commissioners continued to discuss long-term and short-term rentals in ADU’s and what they would like to see in the plan update. Mr. Hall mentioned the email of landowners asking to be removed from the Bench Lake area and suggested they discuss that. They discussed the comment from Glen Mills about removing his property and the possible zones he could have. They came to conclusion that light industrial would be a good use for that parcel being right off of SR-7. Mr. Hall doesn’t see an issue with allowing this property owner to have a different zoning. There is also a section in the proposed bench lake area that was discussed on if they should continue with it in that plan or exclude it. The property owners have not come forward to say which kind of zoning they would like instead of agriculture. Commissioners continued to discuss this particular parcel and share their concerns and thoughts about it. Penny James-Garcia commented that that she appreciates those comments to create a dark sky in the general plan. The dark sky regulations and preservation were discussed amongst the Commissioners. It was shared that security issues are something people have a concern about when it comes to the dark sky and that flood lights can be added into the ordinance to litigate the lighting. Regulations can be written to allow property owners to utilize their property. Michelle Cloud mentioned the trail system and voiced that we need to up our trail game here in Hurricane. Mr. Nelson stated that the city has hired a consult to create and help build a transportation master plan to incorporate trails.

Dayton Hall motioned a recommendation of approval of 2021-GPA-01 with the revisions of page 43 item 1.5 add that it will read “continue to allow for accessory dwelling units for long term and short-term renters, which provides revenue to city residences.” The second revision on page 83, the future land use map, for parcels H-3374-A and H-3374-B be changed from agricultural to light industrial and parcel numbers H-3373NP, H-3376-A, H-3375 be classified as agriculture. Also, to include any clerical errors provided by Shelly Goodfellow. Seconded by Shelly Goodfellow. Unanimous.

Planning Commission Business:

- 1) City Council Recap

Adjournment

Penny James-Garcia stated opinion on item 2021-ZC-06 after recording stopped. The public hearing act was discussed and it was stated that it is not appropriate to discuss agenda items not on the record when in a group setting.