

ON OCTOBER 27, 2021 AT 6:04 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, Mark Sampson, Shelly Goodfellow, Paul Farthing, Ralph Ballard, Rebecca Bronemann, Michelle Cloud, and Penny James-Garcia.

Members Excused:

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

Paul Farthing motioned to approve the amended agenda, removing the item about Falcon Ridge lot 38. Mark Sampson seconded the motion. Unanimous.

Chairman Dayton Hall called meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Fred Resch and Leah Thompson offered the prayer. Roll call was taken.

Public Hearing

1. A Zone Change request located at 161 W 600 N from MH/RV to RM-1. Parcel number H-281-A-4-N.

No comments.

2. A Zone Change request located at approximately 3900 W and 1000 S in Sand Hollow PID from R1-6 and R1-8 to R1-6 and R1-8 with a PDO. A piece of parcel number H-4-2-1-1103 and a section of H-4-2-12-1102.

Leah Thompson lives just to the south and east of this property. As far as the PID goes, she hears that it's not funded yet. Do we have the cart before the horse? Where are we with the PID? Any information would be good on how we move forward with this. She's not necessarily opposed to the zoning, but she doesn't want to have another issue and not have the funding for the development. She mentioned a section of lots in the Peach Springs Estates that is on the agenda at a later time being in a different PID and was curious about that. She just wonders what the collateral is if the PID goes under and if they default on it.

3. A Zone Change request located at approximately 2700 S and 2300 W from RA-1 to R1-10 with a PDO for 133 acres and M-1 for approximately 27 acres. Parcel number H-3373-NP

Stephen Nelson stated there was a comment submitted that was forwarded onto the Planning Commission. It is attached to the end of these minutes. No additional comments

New Business:

2021-ZC-36 Discussion and consideration of a recommendation of a proposed zone change located at 161 W 600 N from MH/RV to RM-1. Parcel number H-281-A-4-N. Katie and Lloyd Leavitt Applicant

Katie Leavitt shared that with the current .25 of an acre, they could put 3 modular homes on it. They thought that it would be in the best interest of everyone with the increased traffic on 600 North and it would more eye appealing to have a duplex stick build. Ralph Ballard shared that he agrees with the traffic and it looks like the engineers are okay with it as well. Michelle Cloud stated that it meets all four criteria, and she has no issues with it. Mark Sampson asked about the surrounding zoning and if everything else is zoned MH/RV even though they are single family homes on many of them? Stephen Nelson stated that they are all zoned MH/RV but most homes are single family which is a permitted use, they have to change the zone to do a duplex. Penny James-Garcia asked if the lot was an adequate size to meet the parking requirements. Mr. Nelson stated that they just need two spaces per unit. Mrs. Leavitt stated that she is thinking a smaller three bedroom and two bath with room for a garage because there is no street parking right in front. Mrs. James-Garcia asked what the plans are for the ownership of the property. Mrs. Leavitt stated that they plan to keep them as rentals but maybe in the future they might need to sell one off, it just depends on how things go.

Penny James-Garcia motioned a recommendation of approval of 2021-ZC-36 subject to staff and JUC comments. Shelly Goodfellow seconded the motion. Unanimous.

2021-ZC-37 / 2021-PSP-21 Discussion and consideration of a recommendation of a proposed zone change request located at approximately 3900 W and 1000 S in Sand Hollow PID from R1-6 and R1-8 to R1-6 and R1-8 with a PDO. A piece of parcel number H-4-2-1-1103 and a section of H-4-2-12-1102. Western MTG and Realty Co Applicant. Brent Moser Agent

Penny James-Garcia asked Stephen Nelson where the PID is at and what happens by default if the developer doesn't put in the infrastructure? Mr. Nelson stated that if they default, then that falls onto the PID, not the city. What Western Mortgage has essentially done is tell all the property owners that they will put in all the infrastructure to provide all the services. He is unsure if they have officially closed but they have turned in a mylar for recording and began construction drawings. However, we haven't signed off on the construction drawings yet. Rebecca Bronemann asked what a redline was. Mr. Nelson explained that they are corrections to the developer from the different departments. Mrs. Bronemann asked about some roads on the North end of the development that is longer than the 800-foot maximum and asked if they had a plan to break it up. Mr. Nelson stated that the engineering department can waive that requirement if they provide trails or other things, but they don't believe they meet that criteria. Mrs. James-Garcia asked Karl Rasmussen how far out the PID is from being fully executed. Mr. Rasmussen stated that the plans for second review was just submitted. The roads around Glampers Inn will be done in about 6 months. By the time they get approval, it'll be a few months before they get construction drawings signed off, so it'll be at least January before they even break ground. Mrs. James-Garcia asked if this will be a 55+ age community, which Mr. Rasmussen replied it will be. Dayton Hall clarified that what the PDO allows is for a cluster of homes and more open space but does not increase the density. Mr. Nelson stated that is correct. Mr. Hall's concern is the PID won't be approved and they will have approved a zone change without a way to pay for the infrastructure to support it. Mr. Rasmussen stated that it was already approved once, they just had to make some changes to some properties so they didn't have to chase signatures to secure it. Mr. Hall asked what happens if the financial institution that lent the money defaults or goes bankrupt, is the property within the PID collateral? Mr. Rasmussen stated that the developer has already started purchasing materials to put in the infrastructure. The way the state has written the code, it makes it hard to default because property taxes are still getting paid and that is what pays for the PID.

Mark Sampson motioned a recommendation of approval of 2021-ZC-37 and 2021-PSP-21 subject to staff and JUC comments. Paul Farthing seconded the motion. Unanimous.

Discussion was had. Motion carries as presented above.

2021-ZC-38 / 2021-PSP-19 Discussion and consideration of a recommendation of a proposed zone change located at approximately 2700 S and 2300 W from RA-1 to R1-10 with a PDO for 133 acres and M-1 for approximately 27 acres. Parcel number H-3373-NP. Molly's View, LLC Douglas Howard, CEO Applicant. Richard Wedig Agent.

The applicant has reviewed the staff recommendations. They are all in for the PID because they think it gives all the developers a level playing field but also gives the city the ability to make sure everything goes in properly. They think the timing will match up perfectly for what they are needing for their building purposes. Ralph Ballard stated that the build out to the area is what stood out to him and wants to make sure we get a development agreement in with the motion. Mark Sampson asked at what point they will have the architectural details complete. The applicant stated that they are getting to the technical details and how they are going to have everything fully laid out but they don't have everything set just yet. Stephen Nelson stated that he believes this plan meets the intent of what they had initially presented in January. His biggest concern is with utilities and infrastructure. A development agreement will need to be tied onto this. Paul Farthing asked about major roadway access because there isn't direct access to any right now. Mr. Nelson stated that the WCWCD has agreed to give them easements through their land to access onto 3000 South. Dayton Hall gave a background on this specific parcel. He stated that this is not what he was envisioning based off their original proposal to the city council. He thinks it's too dense having all the units on 34.5 acres and it does not compliment the neighborhood. It is a mini community. The lack of services is another concern. One of the factors to consider when granting a zone change is whether there is adequate facilities and services intended to service the subject property included but not limited to roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, etc. He doesn't think it is good policy to continue to approve all these zone changes subject to a development agreement because he doesn't think it can encapsulate and adequately circumvent this requirement in the zone change ordinance. Not just utilities but roads, schools, police, and fire are all needed. Are we going to try to craft a development agreement that requires the city to build all that before the development happens? That is what you would have to do to adequately circumvent this fourth consideration. His third concern is that it's also not harmonious with the surrounding neighborhood. There are irrigated and cultivated farmland on both sides of this project. This type of city in the middle of the fields is not harmonious. Shelly Goodfellow stated that this is a good project economically for our city but she agrees with everything Dayton has said. It is a massive development but does that mean it has special rights next to those we've turned down in the same area recently? The economic value this brings to our needs to be taken into consideration but it is extremely dense. She asked who was notified because nobody showed up for the public hearing. Mr. Nelson stated that everyone within 250 feet was notified. Mrs. Goodfellow wanted it noted on record that it is hard to get community input on such a massive project when nobody lives within 250 feet of this property. One concern she has is from what she has heard, this land is very alkaline, she knows there is an issue with the drainage and she will be paying attention to the drainage plan when it comes out because this is a lake and this property is the bottom of the lakebed. She asked what the build out timeline is. The applicant stated it'll be about a 5 year build out. Geotechnical reports are being done to see what kind of foundations and drainage they need. It is a

concern to them as well. They are putting their corporate center and main manufacture plant there, the last thing they want is a drainage or flood issue. Mrs. Goodfellow asked if it becomes too expensive to put in the required drainage, will they go through with it? The applicant stated that if it becomes not economic feasible, probably not. There are over 2500 trees going in on the site as well as garden areas and vegetation on the outside of the project. The density is within the center of the development. Mrs. Goodfellow stated that the interchange located on their map is not correct because the road is further north on 2300 South. Penny James-Garcia agrees with Dayton's concerns 100%. When we are dealing with a development as great in size as this, she can't help but stress the lack of services. They need to have those before trying to plan for this large of a development. Their manufacture building is going to be a minimum size of the largest Costco in the world and possibly have an additional 160k square feet. She has a lot of concerns for the manufacturing and business side of this project. The roads are not adequate for a project of this size especially with how many trucks will be coming in and out of the community. The applicant stated that the buildings won't be a box like Costco, it'll be very colonial looking. The 230k-240k square feet will be all three of the sections of the process, distribution, manufacturing, and storage. The applicant continued to address some of Mrs. James-Garcia's concerns/comments. Rebecca Bronemann specifically remembers asking about collapsible soil and she was told that generally the further you get from the hillside, you tend of have less collapsible soil so from her understanding, she doesn't see it as something that'll have that huge of an issue. She personally believes this complements our agriculture in a way. There are gardens and orchards. It not only complements our existing agriculture but supports it. There are four huge developments that are planning to work together to get the services to this area. It is different than what is out there, it's not the traditional agriculture as we've had out there. It doesn't look like anything can currently grow out there and they are wanting to make it an oasis. Michelle Cloud asked the applicant the approximate number of employees they will have. He stated there will be about 1700- 2000 employees over the 5-year growth.

Rebecca Bronemann motioned a recommendation of approval of 2021-ZC-38 and 2021-PSP-19 subject to staff and JUC comments and a development agreement regarding the public utilities and services not in the area. Mark Sampson seconded the motion.

Ralph Ballard thinks the city needs to look at the risk factors of the drainage ponds. Ponds aren't going to do very much good if they are already full. Dayton Hall stated that most of the irrigated fields drain onto this property. The issue of drainage is part of the infrastructure that should be put in before a zone change is granted. Drainage and water rerouting was discussed. Rebecca Bronemann asked if all this vegetation will help with the water/drainage issue. Darin LeFevre stated that it will help but gravity still wins. Right now, there is no concrete plan for the drainage and water retention. Mr. Hall asked Mr. LeFevre what the city policy states about drainage that is going to pass through and land on a development. Mr. LeFevre stated that it would be up to the developer to mitigate it and pass it through. The language within the development agreement was discussed.

Rebecca Bronemann amended her motion to send a recommendation of approval of 2021-ZC-38 and 2021-PSP-19 subject to staff and JUC comments and a development agreement regarding the public utilities and services not in the area as well as including a regional drainage plan be designed, approved and installed before starting construction. Mark Sampson seconded the motion. Roll call: Rebecca Bronemann, Shelly Goodfellow, Paul Farthing, Mark Sampson, Ralph Ballard – all ayes. Penny James-Garcia, Dayton Hall, and Michelle Cloud – all nays. Motion carries.

2021-CUP-09 Discussion and consideration of approval of a conditional use permit for a greater size and height building located at 4075 S 1100 W. Jennifer Cogan Applicant

Fred Resch shared that the code states an accessory building must be in the rear yard. With a lot this size, where the line of front and rear yard can be bit subjective. When speaking with the applicant, they concluded that it needs to be at least parallel with the house. Mark Sampson asked what made this one be the lot that they cannot have a casita in the front because he sees a lot in the front. Stephen Nelson stated that the intent of the code was to not allow a casita or accessory building in the front yard and it is appropriate to ask that it be parallel with the house. Joe Kolar is the general contractor and stated they are working on addressing the issue staff has with it in the front yard and they are happy to comply with city code. Penny James-Garcia has some heartburn about making him move it when her casita is in her front of her house and there must be at least a dozen of them in Sky Mountain that have casitas in the front of their house. How did those get approved and we're asking this homeowner not to have a casita in the front of their house? That is a common place for casitas. Mr. Nelson stated that the code was adopted in 2017 so they could have been approved prior to that. It seems arbitrary when even staff is saying the code is vague. Staff isn't standing on a firm statement. Mr. Nelson stated that it does not meet code, the only thing that is vague about it is that our code does not define what a front yard is and generally speaking, a front yard is anything in front of the home.

Mark Sampson motioned to approve 2021-CUP-09 subject to the applicant complying with the staff findings. Rebecca Bronemann seconded the motion. Unanimous.

2021-PSP-18 Discussion and consideration of an approval of a Preliminary Site Plan application for a new commercial building for Construction Sales and Services, located at 530 W 600 N. Jeremy Witte Applicant.

Mark Sampson brought Dayton Hall up to speed with the application as it was continued last time. Stephen Nelson stated that all desired information has been provided, which satisfies staffs concerns. Penny James-Garcia asked if the applicant will be storing their products outside the warehouse. Jeremy Witte stated that they will not be. His drivers load their trucks in the morning and are gone all day. Mrs. James-Garcia asked about the lighting and if it is planned to be dark sky compliant. Her concern is the possibility of the lighting on the rear of the building bothering the neighbors. Mr. Witte stated that it will not have any lighting or access into the building on the back side. Rebecca Bronemann asked how early they will be start and the noise coming from the trucks.

Shelly Goodfellow motioned to approve 2021-PSP-18. Penny James-Garcia seconded the motion. Unanimous.

2021-PP-31 / 2021-HIL-05 Discussion and consideration of a possible recommendation on a preliminary plat and sensitive lands application, for Cliff Shadow Phase 2 located at the north end of Angell Heights Drive. Todd Tank Applicant.

Stephen Nelson stated staff's recommendation is to continue the item. He went over a few concerns with the slope analysis. They will need to provide a more simplified slope analysis plan. Mark Sampson asked if they are still planning to have a trail along the canal. Mr. Nelson stated that city council did not make that a requirement.

Ralph Ballard motioned to continue 2021-PP-31 and 2021-HIL-05. Shelly Goodfellow seconded the motion. Unanimous.

2021-PP-32 Discussion and consideration of a possible recommendation on a preliminary plat, containing 64 lots, located at 2105 S 3325 W. Western MTG and Realty Co Applicant, Matt Lowe Agent.

Karl Rasmussen shared the plans they have for this project as well as the first things they will do in terms to infrastructure. Comments about the PID was made. Rebecca Bronemann asked about staff comment 7 which was about the fire secondary access. Stephen Nelson stated that the road with the PID will address that comment. Penny James-Garcia asked Mr. Nelson about the comment Mrs. Thompson had made about a strip of lots being in a different section of the PID. Mr. Nelson addressed this on the map presented.

Dayton Hall motioned a recommendation of approval on 2021-PP-32 subject to staff and JUC comments and on the condition that the Sand Hollow PID roadway and utility plan be approved by the JUC and that the PID provide a plan and timing for bringing services to this property before it can move forward. Ralph Ballard seconded the motion. Unanimous.

2021-PP-30 / 2021-HIL-04 Discussion and consideration of a recommendation of a preliminary plat for a proposed single-family subdivision located at approximately 3350 W and 500 N. Mortar & Beam Applicant, Jim Lyman Agent.

Stephen Nelson stated that one of the concerns they had was that there are quite a few lots that are on a hill. One of the requirements was that the applicant provide a table that shows which lots do not comply with the slope ordinances. Anything under 15% is okay to build on, but he wouldn't mind a slope analysis. Jim Lyman stated that a few of the lots that are on the plan are part of the land they are in the process of land swapping. He went over the plans for those few lots and how they would go about developing them. The plans for the park were shared and what was originally proposed.

Paul Farthing motioned a recommendation of approval of 2021-PP-30 and 2021-HIL-04 to the city council subject to staff and JUC and subject to staff approving the grading plan. Ralph Ballard 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.

Staff has been unable to meet with the Solid Waste District but they did add the language that garbage cans/dumpsters provided will need to be approved by the Solid Waste. Stephen Nelson went over the added table about clubhouse and pool requirements. Penny James-Garcia asked if we have adequately addressed the garbage requirements. Mr. Nelson stated that his biggest concern about making a big deal about the trash is that he's never had any complaints about any resorts aside from Zion Village and it was only when there was a zone change next door. He thinks having a signed off trash plan by the Solid Waste District is adequate. Mrs. James-Garcia asked about the combination of square footage of required pool space in case they decide to put in an indoor pool as well as the outside. Mr. Nelson stated that a combination between two would meet the requirements.

Shelly Goodfellow motioned a recommendation of approval of 2021-LUCA-03 to the city council. Rebecca Bronemann seconded the motion. Unanimous.

Planning Commission Business:

- ULCT Conference Recap
 - drone delivery
 - it's coming sooner than later. Most big cities already have it
 - disaster prep work
 - moderate housing
 - downtown master plan
 - PID's
 - asking more questions
 - went over what it is and the purpose for it
 - there are a few ways to collect those fees
 - raising taxes in one area could potentially affect the way the city can raise taxes in the future
 - taxes on people who aren't here yet
 - proceed cautiously with approval
 - makes more sense in commercial development than residential development
- Holiday Schedule
- City Council Recap

Approval of Minutes

- 02-24-2021

Rebecca Bronemann motioned to approve minutes as presented. Shelly Goodfellow seconded the motion. Unanimous.
- 09-22-2021

Paul Farthing motioned to approve minutes as presented. Penny James-Garcia seconded the motion. Rebecca Bronemann, Penny James-Garcia, Shelly Goodfellow, Dayton Hall, Paul, Farthing and Mark Sampson – aye. Michelle Cloud and Ralph Ballard – abstained.

Dayton Hall apologized for losing his cool with Councilman Darin Larsen when speaking on behalf of the entire council.

Adjournment