

ON SEPTEMBER 9, 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, Mark Sampson, Shelly Goodfellow, Rebecca Bronemann, and Penny James-Garcia.

Members Excused: Michelle Cloud, Paul Farthing, Ralph Ballard

Staff Present: Planning Director Stephen Nelson, Assistant Planner Fred Resch, Councilman Darin Larsen, City Attorney Fay Reber, and Planning Technician Brienna Spencer

Chairman Dayton Hall called meeting to order at 6:00 p.m. Roll call was taken.

Penny James-Garcia motioned to approve the agenda as posted. Shelly Goodfellow seconded the motion. Unanimous.

The Pledge of Allegiance was led by Tyson Williamson and Ryan Anderson offered the prayer.

Public Hearing opened at 6:05

1. A Zone Change Amendment request located at approx. 4800 South and 1500 West from RA-1, residential agriculture, to R1-10, residential one unit per 10,000 square feet, with a PDO, planned development overlay. Parcel numbers H-3403-W, H-3403-X, and H-3403-U.

Dallin Jolley owns the parcel kiddy corner on the northeast side of the proposed zone change. He would like to understand the zone and find out what the applicant is planning to do. The R1-10 seems out of character. It seems like a substantial jump from the 10+ acre lots in Moccasin Flats to one acre lots it's already zoned, but to go down to R1-10 seems even more of a jump.

Kelby Iverson brought up the master plan and investing in agriculture. He shared that he has leased Moccasin Flats as well as 30 acres of the proposed zone change his BLM land abuts this property. What is this master planned for? If it is master planned for quarter acre, he would hope that there would be a significant buffer zone. It's currently open range with no fencing. If it is rezoned, he hopes the area will be fenced appropriately for grazing on the BLM.

Ryan Anderson owns the parcels to the south and the west of the proposed zone change. The area is growing and they are open to growth, but what is the commission's stance on smaller or larger lots? He is supportive of the development.

Maryann Perkins lives in Sky Ranch and has her horses on some property nearby. There are so few areas that have the larger lots and this is the perfect place to preserve them. It makes her sad to see quarter acre lots and has a concern about the multifamily. There are also a lot of people who ride their ATV's out to Sand Hollow and she's worries this might cause an issue for them with high density.

Comments Closed

New Business:

2021-ZC-31 Discussion and consideration of a recommendation of a proposed zone change amendment request located at approx. 4800 South and 1500 West from RA-1, residential agriculture, to R1-10, residential one unit per 10,000 square feet, with a PDO, planned development overlay.

Parcel numbers H-3403-W, H-3403-X, and H-3403-U. The Will Group Applicant, Tyson Williamson Agent.

Dayton Hall stated that the general plan has this area set aside for residential agriculture that ranges from 40 acres down to half acre lots, which quarter acre lots would not fall under. Stephen Nelson explained why Moccasin Flats was done in 10 acre lots; it's mainly because there is a fault line that runs through them so most of the back half of the lots are unbuildable. He also addressed the comment about fences. When someone subdivides next to agriculture, they are supposed to provide a barrier that separates the development and the agricultural land. Tyson Williamson stated that one of the things they liked about this area is the quiet nature. They are trying to preserve the land a bit. While they are asking for the higher density overall, they are wanting to keep a sense of quiet and larger lots on the outskirts of the property and bordering the BLM land. They are trying to be considerate of the neighbors while adding amenities tucked away from anyone who isn't intentionally going there. There is already talk about adding a water tower and well on the southeast ridge to service water in this area. Rebecca Bronemann asked about when services are going to be out here and how far out they are. Mr. Nelson stated that the landowners are looking at doing a PID to pay for the services to get out there. If it's up to the city to put the services in, it could be quite a few years. Mr. Williamson stated that his contract with Lauren Lowe will honor any contracts already in place with the city. He stated that the properties that are just floating further out, they will bring the road and services to them which will allow them to build the community the way the city wants it. Mr. Hall stated the four considerations for a zone change and he doesn't think it meets any of them. It doesn't comply with the general plan, it isn't harmonious with the surrounding neighborhood, it will have a negative impact on existing residents, and it does not have adequate services. It seems straight forward. Penny James-Garcia stated that she is glad she lives in Hurricane because St. George is pushing for high density and moving forward with technology. We need to protect our agriculture. It does not fit with our general plan; it needs to be supported all the way around not just part of it. It is not the right location for this development. Mr. Williamson doesn't understand how they are detrimental to the neighbors. Mrs. Bronemann's concern is that there is nothing out there. We are years out on services to support this. There isn't commercial, schools, or safety response time. It's coming but it isn't here yet. Shelly Goodfellow asked if they have to come in and amend the general plan before requesting a zone change. Mr. Nelson stated that they don't have to. Typically, the general plan should be the guideline on approving zone changes but it can be changed without a general plan amendment. Mrs. Goodfellow agrees with what has been said but she does think the city should work with developers who have a lot of land out in this area, they cannot afford to bring services out if they do one acre lots, but this specific one is very high dense. Mrs. Goodfellow asked which direction services are coming. She was under the impression they will be coming off of SR-7 but are they coming off of 1100 west instead? Mr. Nelson referenced the utility master plan. He shared that once all the water wells and tanks are all in place, there will be plenty to service this area, however, we don't have it all in place yet. He shared that power would come down 2800 west connecting to SR-7 as well as extending and improving the line down 1100 west. With these upgrades and new services brought in, the city will be able to service about 2000 units and we currently have 7500 units approved. He went over the plans for bringing sewer into the area that will be more than enough to service this area. Mrs. Goodfellow stated it seems to her that there are a lot of other developments that need to be put in before this one can be done. Mr. Nelson stated that typically you start in the middle where services already are and grow out from there. Mrs. Goodfellow doesn't know how they can support this right now. Mr. Williamson stated that he is encouraged by the city to do this development right. He

would be open to doing a work meeting to figure out density and utilities. Mr. Nelson shared what he would feel comfortable with seeing in this development the density but there is still the issue with the services not being available yet. Mrs. Goodfellow stated that we need to look at the bigger picture. We obviously don't have the services right now but what do we want for that area in the future as we annex more land? That is a discussion we need to have. The applicant requested to table the application so they can work out the density issues.

Rebecca Bronemann motioned to table 2021-ZC-31 until the applicant makes changes he feels appropriate. Shelly Goodfellow seconded the motion.

Dayton Hall stated that because there are no services now, his opinion is not going to change regardless of if this is tabled or not.

Roll call: Shelly Goodfellow, Rebecca Bronemann, Dayton Hall, Mark Sampson – aye, Penny James-Garcia – nay. Motioned carries.

2021-CUP-03 Discussion and consideration of approval of a conditional use permit for a metal building located at 590 S 60 E. Phillip and Christina Higgins Applicant

Stephen Nelson stated that the applicant had some issues with coloring, location on the property, and they did not provide a proper site plan. The applicant no longer wants to build the shed because they don't feel they can make it comply with city code. In order to return it, they have requested the commission officially deny the application. Dayton Hall asked what denying the application will do for the applicant. Mr. Nelson stated that it will allow them to return the structure that does not comply with our code.

Penny James-Garcia motioned to deny 2021-CUP-03. Rebecca Bronemann seconded the motion. Unanimous.

Mark Sampson asked what the color palate issue was. Mr. Nelson stated that there were two issues with the structure. The first was that the applicant would not be able to properly fit it on their lot and the second issue was a white reflective color that did not comply with our code.

2021-AFP-12 Discussion and consideration of a recommendation of a proposed amended final plat, the Port at Gateway, Lots 1, 3, & 3A Second Amendment, located at 290 N and approx. 5450 W. Rick Norton Applicant, Pro Value Engineering Agent.

Stephen Nelson stated that if this is given a positive recommendation, they will have to abandon the right of way and notice for a public hearing with the City Council. Rocky Mountain Power has a power line on the east side of the property and has not weighed in on the abandonment and there might need to be an easement for access.

Shelly Goodfellow motioned a recommendation of approval of 2021-AFP-12 based on them bringing the plat up to standards as referenced in the staff report and that a proper public hearing be held. Rebecca Bronemann seconded the motion. Unanimous.

2021-FSP-25 Discussion and consideration of approval of a final site plan for the Sky Mountain Power Substation, located at 600 N and 2200 W. Hurricane City Power Applicant

2021-CUP-08 Discussion and consideration of approval of a conditional use permit for a fence that is taller than six feet, located at 600 N and 2200 W. Hurricane City Power Applicant.

Dayton Hall made notes that a letter with comments and questions was submitted and is on the record. Stephen Nelson stated that JUC hasn't signed off on this completely. They are adding an entrance to 600 North. Engineering initially told them not to do that but from his understanding, they have now been given a tentative ok on it. Penny James-Garcia stated that Sky Mountain supports this substation. She has questions about the landscaping and how that will look. She also has a concern about the dark sky and lighting for it. She shared that in the past when she spoke with Dave Imlay, he stated that they will comply and do what they need to shield Sky Mountain from the light as best they can. She would like to note that they be dark sky compliant.

Mark Sampson motioned to approved 2021-FSP-25 and 2021-CUP-08 subject to staff addressing comments and dark sky compliance. Penny James-Garcia seconded the motion. Unanimous.

2021-AFP-13 Discussion and consideration of a recommendation of a proposed amended final plat, located at 4146 W 2780 S Cir. Daniel Sanger Applicant.

Stephen Nelson stated that he is already utilizing both lots but he wants to build a detached garage that straps the property line.

Penny James-Garcia motioned recommendation of approval of 2021-AFP-13 as long as they comply with staff and JUC comments. Shelly Goodfellow 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.

Penny James-Garcia motioned to continue 2021-LUCA-03 until the planning director is prepared to present. Rebecca Bronemann seconded the motion. Unanimous.

Planning Commission Business:

- Training and Conferences
- New staff introduction
- City Council Recap

Penny James Garcia stated that she feels it's a waste of time to approve or continue applications on the south bench area. She would like guidance from the Council on how to proceed with those applications. She can't vote to approve a development when there are no utilities out there and there won't be for quite a few years. Why are we beating ourselves in the head when the developments cannot be done? Stephen Nelson stated that we need to be consistent with how we treat applications across the board. He spoke with other city planners and how they've addressed this type of problem and he got mixed feelings about it. Some just continued to approve and things were fine, whereas others had issues and there ended up being incomplete projects. Mrs. James-Garcia stated that this is different because the utility departments are now saying they cannot service these developments. Rebecca Bronemann stated the reason she motioned to table one of the applications was to hopefully give the applicant some time

to go back to the drawing board and get feedback from the community as well as give the planning commission and council an opportunity to figure some of these things out so when he comes back, they have a plan in place. Darin Larsen stated that when the applicant is requesting to table the application, it's appropriate to do so. Dayton Hall stated that the first step to this issue is to say no and continue to say no and then decide when we can start allowing development again once those services are there. He shared that at some point the councilmembers are going to have to decide on the pending zone changes. And whatever the Council decides, that doesn't mean that the Commission must fall in line. As a recommending body, the Commission should form its own opinions. Stephen Nelson stated that if the city council comes to a conclusion that the planning commission disagrees with, it is within their right and obligation to make a recommendation they think is right for the city.

Adjournment