

**ON WEDNESDAY, DECEMBER 15, 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:** Mark Sampson, Shelly Goodfellow, Paul Farthing, Ralph Ballard, Rebecca Bronemann, Michelle Cloud, and Penny James-Garcia.

**Members Excused:** Dayton Hall

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

Vice Chairman Mark Sampson called meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Michelle Cloud and Shelly Goodfellow offered the prayer. Roll call was taken.

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

**Public Hearings**

- 1. A Zone Change Amendment request located at 1100 W 3000 S from RA-0.5, residential agricultural one unit per half acre, to RA-0.5 with a PDO, Planned Development Overlay, Parcel numbers H-3396-C, H-3396-D, and H3396-E.**

No comments

- 2. A Zone Change Amendment request located at 1766 W 400 N from R1-10, residential, one unit per 10,000 sq ft, to R1-6, one unit per 6,000 sq ft with a PDO, Planned Development Overlay. Parcel number: H-3-1-33-2446.**

No comments

*Ralph Ballard motioned to close the public hearing and move to the open meeting. Paul Farthing seconded the motion. Unanimous.*

**New Business:**

**2021-ZC-43 / 2021-PSP-24 Discussion and consideration of a recommendation of a proposed zone change located at 1100 W 3000 S from RA-0.5, residential agricultural, one unit per half acre, to RA-0.5 with a PDO, Planned Development Overlay. Diamond Edge Construction, Applicant. Scott Stratton, Agent**

Scott Stratton went over his application. He explained the sizes of his lots, bigger in phase one along the front of the project. Phase three was put in to have nightly rentals which will provide horse stalls for its guests. After speaking with many members of the community, they thought having those amenities available for a nightly rental would be an asset to our city so he decided to add a section that would provide that amenity for guests. There is no other place aside for Winchester Hills that allows overnight guests to keep their horses onsite. He shared that Kelby Iverson is boarding 80-90 horses a night and stated this would be a desirable product. Stephen Nelson went over the changes brought before the commission. The applicant has requested a 20% density bonus because they will be dedicating land to

the city, which meets the standards of the code. He also went over the fire concern and the spacing of accesses. Typically, when you have two access points, they need to be a specific distance apart. They have made the changes with those, which now meets the code. Mr. Nelson stated that his real big concern with the project is phase three that allows for nightly rentals. In the past, we have approved nightly rentals in a PDO but have been required to have amenities and onsite management. What the applicant is presenting does not meet that typical standard. We don't have anything like this, so our code doesn't really state anything about it so it is up to the Planning Commission to consider whether or not it meets the intent of the commercial part of the PDO code. Mark Sampson stated that they originally recommended denial, the city council workshopped it and they recommended RA-0.5 while encouraging the applicant to come back with a PDO which would allow for larger lots in the front and smaller lots in the back while providing a buffer. Councilman Darren Larsen asked Mr. Stratton what his plans are with the open space on the South side of the property. Mr. Stratton stated that he didn't want ready mix to have to come in and mitigate the slope separating the two properties and it provides a buffer between them. The plan is to dedicate the open space for parking to the trail head. Mr. Sampson asked if there was a concern to someone rolling off the cliff? Mr. Stratton thought they would put a big chain link fence in so people could see what was on the other side of it. Mr. Sampson shared that a few months ago we went through a process to protect Ready Mix and asked if there is any interaction that we are playing with. Mr. Nelson stated that when they record the subdivision, they will have to have language on the plat that states they are close to a critical infrastructure materials overlay. Michelle Cloud asked if the lots in phase three are big enough to build a house and have a place for horses to be. Mr. Stratton stated that they are all third acre lots. The horses will really only be in the stalls at night, most horse people keep their horses with them. Mr. Nelson stated that typically all you need is a tenth of an acre to board a horse. Mrs. Cloud shared that we are at our tipping point with vacation rentals but this is not something we have and she can see how it would be a marketable product. Penny James-Garcia stated that she doesn't like the PDO, she feels like it's a sneaky way to get what he originally asked for; RA-1 to R-10, which is what the planning commission voted against. He persuaded the council to go from one acre to half acre. 68% of the lots are less than half an acre, which is what it's zoned for. This was set up to protect the ag area out there, to protect the larger lots. She thinks going down to less than half acre is not okay. She asked Mr. Nelson if there are any plans for stables at the new equestrian park. He shared that he is unaware if there will be overnight boarding options. Shelly Goodfellow asked if the original zone change was contingent on a 300-foot buffer zone up against the gravel pit like the Interstate Rock critical infrastructure materials protection as well as having access to the trail? She hopes that it is because she hates to see an established business and then we allow a development right next to it. And then we get meetings full of people coming in and complaining about the operations. She doesn't want the burden to fall back on the gravel pit when they were there first. If the zone change was contingent on those two things, she doesn't think the dedications should be counted towards a density bonus as well. Mrs. Goodfellow loves the idea about the vacation rentals because she thinks it's something that is needed in Hurricane because we don't have anything like it. The vacation rental needs to be a permitted use under the ag zones. Also, if amenities are required, the corrals and stables should count towards that requirement. She doesn't think that it should be lumped in with our normal recreation resort zone because if the units are sold and if the new owners decide to remove the stables, it can just be used as regular nightly rentals. Mr. Nelson stated that typically within a PDO, requirements for the development are put into a development agreement. Mrs. Goodfellow thinks that the density meets the half acre zone. She thinks everything is good but she thinks it needs work with the PDO.

Rebecca Bronemann agrees with Mrs. Goodfellow. She also thinks that owners are not going to want to buy a large lot next to a gravel pit. Recreation resort in phase three, closest to the gravel pit is the best place for it because they are only there temporarily which means they are less likely to come in and complain about the gravel pit. She would like to see some sort of mitigation of smell and all the things that come with horses to a minimum. Paul Farthing shared that the subdivision is a good subdivision but the vacation rentals is a really bad idea. Everyone is saying horses and half acre lots, but it's not half acres. They are basically quarter acre lots and that is too small for horses. He is thinking about those living long term and dealing with the vacation rentals. It's not conducive to the area, it's not a fit. He asked about the second fire access and who's property it is on. Mr. Stratton stated that it is access through the Catoor's property. Mr. Nelson stated that they will have to sign an easement through the property, that is typically obtained during construction drawings. Mr. Stratton doesn't care if this is vacation rentals or not. He just had a lot of people come to him and tell him this is a product that is needed so he thought he would try. Mr. Farthing doesn't think quarter lots is big enough for a horse, let alone more. He asked Councilman Darrin Larsen if he could fit a horse on his half acre lots. Mr. Larsen stated he has plenty of room for a big pool but all a horse really needs is a 10x12 space. Ralph Ballard shared that when he saw the first plan proposed, he hated it because there has been so much resistance to the fields being chopped up. But when he saw this, he got thinking that this idea amazes him. He would leave it all half acre and make them a bit more fancy with bigger lots so the entire subdivision could be horse stuff and completely agriculture. If this is a product needed, he should run with it. Mr. Stratton shared that people don't want some kind of fancy rental. They want a place to sleep and keep their horses. They are at the rodeo, they aren't sitting around the pool and giving their horse a bath. He understands what Mr. Ballard is saying. Mr. Ballard stated that he's not meaning a fancy house, but a nice stable. Something he noticed was the design and even landscaping wasn't really designed to get horses in. Mr. Stratton stated that each unit would have to be designed for it. Mr. Ballard stated that he wouldn't just do vacation rentals but he would incorporate it into the entire subdivision because it would be tied into the atmosphere of the fields. Mrs. Bronemann stated to make it all horse property so the phase one people know what they are buying so they don't complain later on that horses will be coming and going with temporary vacation rentals, she thinks it could be really good.

*Paul Farthing motioned a recommendation of approval of 2021-ZC-43 and 2021-PSP-24 as presented without any vacation rental aspects. Michelle Cloud seconded the motion. Ralph – nay, because he feels like the horse portion of it would be an asset to furthering the ag feel of the fields and the proximity to the fairgrounds and he thinks that would be what pulls him to an eye vote, Paul Farthing – aye, Rebecca Bronemann– nay, for the same reasons as Ralph Ballard, Mark Sampson – nay, Shelly Goodfellow – nay for the same reasons as Ralph Ballard, if not, she would rather see half acre lots. Penny James-Garcia – nay because it does not meet the rezoning of half acre. Michelle Cloud- aye, Mark Sampson – nay. Motion fails.*

Further discussion was had – Scott Stratton argued that all he hears is that they don't want agriculture because of the flies and people not taking care of their horse but it wouldn't be any different than if they were half acres and had their own horses on it. There will still be flies, there will still be horses, and they still crap. It doesn't matter whether they are rentals or not. They either want agriculture there or they don't want agriculture. He stated that he bends over backwards to give as much agriculture as he can. He's met with Kelby Iverson, whose boarding 80-90 horses a night right now, multiple time and he said this is awesome. He was going to be here tonight in support, he's fought him on everything else

he's proposed. The commissioners stated that it's the lot sizes. Mr. Nelson stated that they could have .4 of an acre for a horse but the intent behind that is so they sufficient grounds for the animal. Mrs. Goodfellow stated that this is new grounds. She loves the agricultural aspect that is being put in but she thinks it needs time. Just because it has to get to the City Council is not a reason to push and rush things through. Mr. Sampson asked what continuing of it would do and Mr. Stratton stated that he does not want to continue it because of the 2.5 million dollars in interest he's paying. Mr. Farthing stated that he doesn't think continuing it is going to do anything because they aren't going to redesign the project to make it all half acre and then approve it. That's not what he submitted and it's his right to submit what he wants. Mrs. James-Garcia stated that it is his right to submit what he wants but he's upset because he's been at it a year but its' because he keeps asking for changes. He gets approved for something but then he comes back and asks for something else. If he would just go with what he is approved, he could be building now. Mr. Stratton wanted to make it clear that he was originally R1-8 and the city changed it to acre. Mr. Nelson stated that when he purchased the property, the general had this for middle density housing but we changed the general plan after the fact and it impacted his ability to get a zone change. It's always had the zoning of RA-1.

*Shelly Goodfellow motioned a recommendation of denial of 2021-ZC-43 and 2021-PSP-24. Penny James-Garcia seconded the motion. Ralph Ballard – aye, Paul Farthing – aye, Rebecca Bronemann – nay, because they should allow the vacation rentals, Mark Sampson – aye, Shelly Goodfellow – aye, Penny James-Garcia – aye, Michelle Cloud– aye. Motion carries.*

**2021-ZC-44 / 2021-PSP-26 Discussion and consideration of a recommendation of a zone change located at 1766 W and 400 N from R1-10, residential one unit per 10,000 sq ft to R1-6, residential one unit per 6,000 sq ft, all to contain a PDO, Planned Development Overlay. ARS Divitae LLC Applicant. Grace Hayes Agent.**

Kyle Rasmussen represents ProValue engineering. He went over the proposal with a detention basin, one 11-unit building, one 12-unit building, and a playground. There will also be 67 parking spots. They will be giving the City the Goulds Wash area. Stephen Nelson stated that they are proposing 23 units all together, the density is based on the developable area. Right now, the proposed density is not permissible under our current code for R1-6. 18-units is what is currently allowed. His other concern is the access point off 600 North, which is on a big hill. It is feasible to have it be an access point but there will have to be a lot of design work to make it possible. The reason the applicant is requesting access off 600 North is because they don't have access from the neighboring project so they are essentially land locked. The project to the west of the proposed zone change has stated that they are willing to sell them a lot to have access through their project, but they would have to come to terms of purchasing. Penny James-Garcia likes this better than the vacation rentals up the street. We need the multifamily units in the area. Her concerns are the point of view off the property. She also is unsure of the housing next to the wash; she thinks it needs to be protected. Mr. Nelson stated that they are dedicating some space along Goulds Wash to the City which will protect it. Grace Hayes stated that she doesn't understand the density of it all which is why they hired out ProValue. However, when they purchased the lot, Firerock was not approved and when it was approved, its land locked their property. Paul Farthing stated the property is not landlocked, they have access off 600 North, it will just be costly. Shelly Goodfellow stated that she doesn't think that they can cost effectively develop their land without the density proposed but she does think that it is up to the property owner to continue to do due diligence while they own the property come in and ask for the connectivity needed for development. Rebecca

Bronemann thinks that the density is needed for the project to work, she hopes we can make it work. Mr. Farthing doesn't think you allow density for a developer to make it work for their development. We're not here to solve their problems, we're here to approve what is best for the city. If you're going to do multifamily, it needs to be in an area for it. Ralph Ballard stated that it is at the bottom of the hill, will there eventually be access down to the cove. He has a little bit of a hard time with developments when we take some ground here and some ground there and tell them where they can build. Mr. Nelson referenced the density code. Density and density bonuses were discussed further. Michelle Cloud shared that this piece of land was looked at to be undevelopable and they have come up with a marketable product.

*Ralph Ballard motioned a recommendation of approval of 2021-ZC-44 and 2021-PSP-26 subject to staff and JUC comments Rebecca Bronemann seconded the motion. Unanimous.*

**2021-AFP-18 Discussion and consideration of a recommendation of an amended final plat for Dixie Springs Plat C Amendment A located at 2622 S 3480 W. Michael Brassannini Applicant-ZC**

Stephen Nelson stated that the only note not in the comments was the back utility easement that is shown, they don't need it there. They are just consolidating two lots.

*Rebecca Bronemann motioned a recommendation of approval of 2021-AFP-18 subject to staff and JUC comments as well as eliminating the public utility easements. Unanimous.*

**Planning Commission Business:**

- **Planning Commission Terms**
  - Staff went over findings of each commissioners' seats and when seats will be up after four-year terms.

**Adjournment**