

ON DECEMBER 10, 2020 AT 6:00 P.M., THE HURRICANE CITY PLANNING COMMISSION MET IN THE CITY COUNCIL CHAMBERS LOCATED AT 147 N 870 WEST HURRICANE, UT. AND ELECTRONICALLY

Members Present: Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud

Members Excused: Paul Farthing and Rebecca Bronemann

Staff Present: Planning Director Stephen Nelson, City Council Representative Darin Larson, Engineering Department Representative Darrin LeFevre, City Attorney Fay Reber. Deputy Chief Gildea, and City Recorder Cindy Beteag

Vice Chairman Dayton Hall called meeting to order at 6:00 p.m. The Pledge of Allegiance was led by Shelley Goodfellow and Ralph Ballard offered the prayer. Roll call was taken.

Workshop

A workshop to discuss the proposed General Plan Update, including goals and the General Plan Map. Logan Simpson Host

Olivia Cvetko and Jim Carter with Logan Simpson were present to represent this item. Ms. Cvetko updated everyone on what the process has been and explained they are currently on phase 4 which is the developing and adopting phase. A public hearing will be held so they can get everyone's input on the proposed changes. Chapters 2-7 have been seen and discussed throughout the process. Chapter 1 is new giving the background information of all the changes. Chapter 8 is also new. It is where all of the action items of how to adopt the changes are located and the future land use changes. Ms. Cvetko stated the Commissioners need to discuss the following five topics. 1. Affordable housing. Commissioners discussed where it was appropriate and how to ensure affordable housing is available. Stephen Nelson explained Hurricane City's current moderate income housing plan. Commissioners discussed different strategies and incentives. Ms. Cvetko suggested adding, *up to five percent of total number of residential units in certain zones*. They will get some examples for the Commissioners before the next meeting. 2. Short term rentals. Logan Simpson received conflicting comments on this; some people think it's a good option for people while others think they are a problem and taking away possible long term rental units. A plan needs to be created to enforce violations. Commissioners discussed the current problems with short term rentals. 3. Public Transportation. Logan Simpson had this step as *"Pursue the addition and or expansion of a public transportation system*. She questioned what the City wants. Should it be consider or pursue? Darin Larson feels it needs to be "pursue". Surrounding communities are already starting it. 4. Scenic Preservation. A strategy to protect scenic corridors was added to the plan. 5. Dark Skies. Ms. Cvetko explained the policies and strategies of how to implement. She gave the option of adding shall to the policy or just providing a sheet of lighting that is recommended. Chris Christensen commented he would like to see regulations for residential. Mr. Larson thinks "shall" wording will create problems on the regulatory side. Commissioners agreed changing 2.5 to *considering updating current dark sky ordinances to include shall wording*.

Ms. Cvetko will update the plan with the changes discussed tonight. She will have it published for the public to start reviewing by Monday. They will come back in January to give an update on the comments received.

Vice Chair Hall opened the public hearing at 7:22 p.m.

1. **A Zoning Map amendment request on 25.99 acres located at approximately 3300 West 600 North from M-1, Light Industrial, to R1-6, Single Family Residential up to around 6 units per acre**

Chase Stratton with Interstate Rock Products explained they border this project. They mine and extract on the property to the north. They plan on moving their mining operations closer to this area in the future. They have been there forty years and feel it will cause problems having residential that close.

An email in opposition was received and is attached to the minutes.

2. **A Zoning Map amendment request on 5.814 acres located at approximately 170 S 1760 West from R1-6, Single Family Residential 1 unit per 6,000 square feet and R1-10, Single Family Residential 1 unit per 10,000 square feet, to PDO, Planned Development Overlay**

No comments

3. **A proposed Land Use Code amendment to Title 10-chapter 16, table 10-16-1 regarding uses in the M-1 zone.**

No comments

The public hearing closed at 7:27 p.m. and the public meeting continued.

2020-ZC-37 Consideration and possible recommendation of a zoning map amendment request on 25.99 acres located at approximately 3300 West 600 North from M-1, Light Industrial, to R1-6, Single Family Residential up to around 6 units per acre. Lagom LLC Applicant, Greg Sant-Perry Homes Agent.

Greg Sant, representing Lagom, stated they are asking to change the zoning to R1-6 which is what shows on the General Plan. They would be the same size of lots as Peregrine Pointe to the east. The mining operation is not north it is west. They understand it is there. He commented mining is not allowed in an M-1 zone so he's not sure why it is allowed there. This property is surrounded by open space and BLM. He agreed there should be a buffer between industrial and residential but he thinks it is the industrial uses responsibility to create that buffer. Stephen Nelson stated mining that was in process before 2019 is grandfathered in with the State. There are additional protection zones that mining operations can apply for but Interstate Rock has not applied for that. One advantage in applying for the protection zone is it allows them to expand their use. Mr. Sant stated they don't have any concerns with mining next to the residential.

Shelly Goodfellow commented the applicant meets the requirements for a zone change other than the General Plan does recommend heavy industrial activity is separated from residential zones. She doesn't want development to create problems or shut down the mining operation. Mr. Sant commented he met with Interstate Rock this morning and they indicated they will not expand to this property for 20-30 years. Dayton Hall agrees industrial shouldn't be allowed by residential but Interstate Rock can expand without getting approval through the State with the overlay. His understanding is on gravel pits is as long as there is a pre-existing use on the parcel then that use can expand to the boundaries of the parcel. If that is the case, he has a problem with approving more residential right next to it. Mr. Sant commented if that is the case then Interstate Rock should have purchased this property to create that

buffer. He suggested leaving a 300' strip along the west side as M-1 and change the rest of the parcel to R1-6.

Ralph Ballard motioned to recommend approval of zone change 2020-ZC-37 to the City Council subject to a 300' buffer on the west remaining M-1. Approval is based on there are critical materials in the area that need continue to be utilized. Seconded by Shelley Goodfellow. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

2020-ZC-38 Consideration and possible recommendation of a zoning map amendment request on 5.814 acres located at approximately 170 S 1760 West from R1-6, Single Family Residential 1 unit per 6,000 square feet and R1-10, Single Family Residential 1 unit per 10,000 square feet, to PDO, Planned Development Overlay. Jame Duane and Julie White, Stormi LLC, Michael Ray and Sherrie Yvette Foote, Cody Olsen, Colten Iverson, TC INV Holders LLC Applicants; Scott Stratton Agent

The applicant is asking for the zone change to allow different setbacks on the street side yard in order to get the house to fit on the lot. There is a ten-foot utility easement along the lots. Dominion Energy had concerns with a house being that close to the gas line. Staff recommends the side yard setback is a minimum of fifteen feet to allow enough room for the gas line. The gas company likes ten feet in between the house and the gas line. Road improvements along 1760 West have already been completed. Colten Iverson pointed out on lot 1 and 14 the gas line is within six inches of the sidewalk so they have plenty of room to meet the setback. There are no plans for a light at that intersection.

Shelley Goodfellow motioned to recommend approval of application 2020-ZC-38 to the City Council subject to a fifteen-foot side yard setback on the street side. Seconded by Ralph Ballard. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

2020-LUCA-09 Consideration and possible recommendation on a proposed Land Use Code amendment to Title 10-chapter 16, table 10-16-1 regarding uses in the M-1 zone. Proposed by the Planning Department

The proposed change will allow vehicle sales in the M-1 zone. Vehicle repairs are currently allowed so this change will allow for both.

Mark Sampson motioned to recommend approval of application 2020-LUCA-09 to the City Council. Seconded by Shelley Goodfellow. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

2020-CUP-11 Consideration and possible approval of a conditional use permit for a metal building at 1289 S 160 W, Carol Dever Applicant.

Carol Dever explained they are wanting to do a pre-built metal garage. She questioned if they could put living area in the garage in the future. It is a permitted use in her zone but it would require a building permit and business license if they are using it as a rental unit. Metal building can't be larger than what is allowed in the zone.

Ralph Ballard motioned to approve application 2020-CUP-11 based on staff findings. Seconded by Michelle Cloud. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

2020-CUP-12 Consideration and possible approval of a conditional use permit for a Greater Height and Size Accessory Building at 1442 S 700 W, Heather Lewis Applicant.

The address on the staff report was listed incorrectly. The correct location is on 700 West. Stephen Nelson mentioned the accessory building is planned to be 31' which is just over the 1.5 times taller than adjacent buildings standard. Shelley Goodfellow feels it is appropriate for this location. There will be a balcony on the second floor but it will not look into the neighbor's yard. The building will match the exterior of the house. Dayton Hall pointed out the code allows two stories and this meets that requirement.

Shelley Goodfellow motioned to approve application 2020-CUP-12. Seconded by Ralph Ballard. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

2020-CUP-13 Consideration and possible approval of a conditional use permit for a Greater Height and Size Accessory Building at 717 S 775 W, Michael Nielson Applicant.

Ralph Ballard motioned to approve application 2020-CUP-13. Seconded by Shelley Goodfellow. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

2020-APA-08 Consideration and possible recommendation of an agriculture protection overlay zone request on 40 acres located at approximately 1100 W and 2700 S, for parcels H-3359-A, H-3359-B, and H-3359-C. Milton W Hall Family LC, and Eight Acres, LLC Applicants, Mac J Hall and Dayton L Hall Agents.

Dayton Hall declared a conflict of interest so he will not vote. Mac Hall stated they have about forty acres that they would like the agriculture protection overlay. There were no concerns from Commissioners. Staff has supplied a letter for the Commissioners to forward if they agree with it. There were no comments from the JUC regarding utilities.

Mark Sampson motioned to recommend forwarding the letter of approval to the City Council. Seconded by Michelle Cloud. Motion carried with Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye. Dayton Hall abstained.

2020-PP-23 Consideration and possible recommendation for a 3 Lot Preliminary Plat for Parkside Subdivision, located at appx at Main Street and 200 N. Laine Matthews Applicant, Brown Consulting Engineers Agent.

This is the property just north of the park on Main Street. There is an older home on the corner and they want to subdivide the property to provide two additional lots. Shelley Goodfellow commented they need a different name because there is already a Parkside. Applicant has no concerns with JUC comments or changing the name.

Shelley Goodfellow motioned to recommend approval of application 2020-PP-23 to the City Council subject to JUC and staff comments. Seconded by Ralph Ballard. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

2020-PP-24 Consideration and possible recommendation for a 71 Lot Preliminary Plat for Dixie Heights Subdivision, located at appx at 3870 W and 2570 S. Western Mortgage and Realty Company Applicant, Brent Moser and Karl Rasmussen Agent

Jeff Thomas and Brent Moser were present to represent the application. This is a new subdivision by Dixie Springs. It is not part of Dixie Springs and will not have their CCR's. They plan to have their own ACC. Fay Reber mentioned this property is part of Elim Valley and it is subject to master communication easement. He questioned how this development would impact a utility easement that is provided for the City. Mr. Moser stated the attorneys are working on the master communication easement but they will still provide a utility easement. Mr. Reber doesn't want the City to approve something and then get dragged into the lawsuit. The owner of the easement got a hold of all lien holders making them aware of the easement. Mr. Moser explained there are parcels that are exempt from the easement. It is a communication easement only dealing with who they can use for communications nothing to do with utilities easements. Stephen Nelson stated he is trying to meet with the stake holders. A Preliminary Plat does not give them vested interest. Mr. Reber stated he has no concerns if they approve the application if it is subject to that being resolved. JUC had concerns about the limited connectivity. Mr. Moser explained they reduced the number of cul-de-sacs. Stephen Nelson agreed there is a slope on the property but it's not undevelopable. Staff has concerns with no east west connectivity. The City design standards state long blocks and excessive dead-end streets should be avoided. Commissioners discussed safety and misinformation about cul-de-sacs. Mr. Moser stated they are working with the Water Conservancy on purchasing the land to the east of this property. He agreed to change the second cul-de-sacs to a through street. It will dead end for now so fire may require a hammerhead or something.

Ralph Ballard motioned to recommend approval of application 2020-PP-24 to the City Council subject to the JUC and staff comments, including the connectivity issue, and the communication easement being resolved. Seconded by Shelley Goodfellow. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

2020-PP-25 Consideration and possible recommendation for a 7 Lot Preliminary Plat for Winder Estates Subdivision, located at appx at 1400 W and 400 S. Winder Loretta TR Applicant, Kathy Hurst Agent

Bryan Winder explained they have five siblings that want to build in this subdivision. The property has been in the family for years and now the kids want to all live there. The City wants them to connect to 1400 W instead of 400 South. They think 400 S will be less traffic and no one knows when 1400 West will be built. They want to do the same thing as Stratton's next to them. If they have to access off 1400 West then they would have to do improvements all along 1400 West instead of just 400 South. If they are required to then Stratton's should have had to do the same thing. City Standards require 250 feet in-between a road and access to a subdivision. There is only 130 feet between 1400 West and 1310 West. Stephen Nelson agreed Stratton's should have done some improvements. Loretta Winder commented she think they shouldn't have to pay to put in a City road. Mr. Nelson explained State law states a developer is obligated to put in the proportional impact, however it is not clear on what proportionate impact means. The City code has provisions for the developer and City to enter into negotiations to enter into an agreement. He explained part of the problem is having three intersections right in a row. He does understand their concerns. Kathy Winder stated they want a private family street without through traffic. They don't have room to move the access road to the west. The entrance to their development is further away from 1400 West then the entrance to Stratton's development. Dayton Hall

commented two wrongs don't make a right. He thinks 1400 West is needed for connectivity. Darrin LeFevre explained they wouldn't be required to build the entire road and the City may do impact fee vouchers. Applicants will need to work with the City to find a solution on improvements. Mr. Nelson explained the process of what they would need to do move forward. He mentioned Sean Reddish's 5-acre development and he was required to do the same thing. Shelly Goodfellow stated that she felt this subdivision has such minimal impact. The Winder family voiced a lot of opposition of requiring them to do the road improvements but not the Stratton's. Mrs. Goodfellow asked how far the distances between roads on the presented map are to 400 S and that it does not appear to meet the requirements either. She stated that it contradicts the exact issue they have with allowing them to go with it the way they are requesting. It doesn't meet the requirement on 1400 West and it doesn't meet the requirement on 400 South, why do they have to require that it come out on 1400 West? Mr. Nelson stated the City is trying to avoid too many accesses in a row with a road in the middle. Fay Reber commented there is no guarantee it will stay a family subdivision. Everyone needs to be treated the same. He suggested reviewing the previous minutes to see why the Stratton's weren't required to do improvements.

Shelley Goodfellow motioned to recommend approval of application 2020-PP-25 to the City Council as applicant requested with the cul-de-sac coming off 400 S because either location of where they put the cul-de-sac, it still does not meet the requirement. Seconded by Ralph Ballard. Motion failed with Michelle Cloud, Dayton Hall, and Chris Christensen voting nay. Mark Sampson, Shelley Goodfellow and Ralph Ballard voted aye.

Dayton Hall motioned to recommend approval of application 2020-PP-25 subject to staff comments. Seconded by Ralph Ballard. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

Planning Commission Business:

- Consideration and Approval of Planning Commission 2021 Schedule

Stephen Nelson stated there are a couple conflicts. Ralph questioned if Ash Creek would move their day so Planning Commission could meet on the 4th Thursday. Ash Creek involves more Cities so it's easier for us to stay on Wednesday. Two of the meetings fall on Spring and Fall Break for the schools. November falls on Veterans Day so it needs to be rescheduled. November 17th would be in the middle but the day before City Council. Commissioners agreed on the 17th and to still hold meetings during spring and fall breaks. Stephen stated application deadlines are Tuesday the week before if it goes to JUC but longer if it requires a public hearing. It has been flexible, but he questioned if the Commissioners want it stricter. Staff is comfortable with how it is. Commissioners support staff with whatever they feel is best.

Dayton Hall motioned to approve the 2021 meeting schedule as proposed with amendment that there is only one meeting in November and it is held on the 17th. Seconded by Shelley Goodfellow. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

Approval of Minutes: Nov 12, 2020
Page 5 line 21 change fells to feels.

Hurricane City Planning Commission Minutes December 10, 2020

Shelley Goodfellow motioned to approve the November 12, 2020 minutes with mentioned change. Seconded by Dayton Hall. Motion carried with Dayton Hall, Shelly Goodfellow, Mark Sampson, Ralph Ballard, Chris Christensen, and Michelle Cloud voting aye.

Shelley suggested putting workshops or work meetings at the end of the agenda so applicants don't have to sit through them too. Stephen stated he received some site plan applications this week. They are requesting to meet earlier than January if possible. He will send out an email with some proposed dates. Due to COVID, the Christmas dinner couldn't be held but the City will be doing something to thank them for their service.

Meeting adjourned at 10:20 p.m.

Tuesday, December 8, 2020

City of Hurricane / Planning Commission
Paul Farthing, Chair
147 N 870 W Hurricane, UT 84737
(435) 635-2184 fax

Mark & Pamela Simons
627 N 3000 W
Hurricane, UT 84737
(435) 862-1574
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Regarding Zone Change request for 3300 W 600 N (H-1-30-320) – 12/10/2020 meeting.

Commission members,

My wife and I live right next to the above area with our backyard at the lot line. The current area is zoned M-1 light industrial and it has been asked to rezone to R1-8. We believe, as well as my neighbors, that this is a bad idea and the area is not ready for an influx of 200 more homes (25 acres * 8 homes per acre).

600 North is only a two-lane road with no turn lanes. The traffic already is rough enough when trying to turn left while waiting for cars coming in the opposite direction. The city council has already approved H-3-1-31-4101, H-3-31-420 and H-3-1-31-411 to be rezoned and include several hundred homes on the south side of 600 N directly across from this property. Perry homes is already adding several hundred more homes to the Sky mountain area to the west and Peregrine Pointe. At what point is enough? What is too many houses for an area not designed infrastructure wise to handle?

H-3-1-31-413, a 1.84-acre site across from 3300 W 600 N was denied a zone change from commercial to multi-family as does not meet the requirements of the area. So, a few houses or town homes does not meet the requirements but let's add hundreds and hundreds of houses to the same area? That would not be fair to Mr. Cheney who applied for that zone change but for a goliath like Perry homes here you go.

In my belief there is not enough retail and food establishments to continue to serve at a small guess of 3 per household 600 people alone in this 25-acre property then add the ones across the street and the new ones at Sky Mountain. We didn't allow a housing community off 600 that wanted to have a themed western area as well as hundreds of homes do to the same infrastructure issues let's not keep adding more homes along 600 N.

With Interstate Rock and their rock quarry literally within yards this development it doesn't make sense. Blasting, large excavators, etc. along with dust and debris who would want that as their neighbor?



Everything in the red boundaries is new or proposed new housing. The orange boundary is Interstate Rock and a green highlighted 2 lane road to handle all of it. Egress of 600 is to the east and west and nothing in between.

You should deny this application, leave the M-1 as is or change to commercial, but no more houses. Not until more services, like a hospital, are added to the Hurricane area and not until 600 N gets at least a turn lane.

I have also attached my letter dated August 11, 2020 where I address this and the property across the 600 N.

Respectfully,

Mark Simons

Mark Simons (electronically signed in St George Utah)

Tuesday, August 11, 2020

City of Hurricane / Planning Commission
Paul Farthing, Chair
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Regarding Zone Change Application 2020-ZC-22 (Shoshone Land Company) – 08/13/2020 meeting

Commission members,

My wife and I live directly across the street from this area that is requesting a zoning change. While I agree people who own property should be allowed to utilize it this change would be a big impact to this area. Looking at the drawings there is only one exit pretty much for 400 houses until others decide to add more neighborhoods, etc. The other would be going through Coronado ridge.

600 North is already a busy street and having to wait to turn north on 3000 W from 600 N can cause delay if traffic is going west on 600 North. This causes traffic to have to wait on 600 N going east as there are not turn lanes, just a narrow 2 lane road.

On 2019-GPA-07 which is JACI Properties H-3-1-31-413 along 600 N the City Council was denied as not meeting the needs of the city, that commercial was warranted for the area. (See reference 1)

If a small 1.84 acre site would have traffic issues, wouldn't a 100+ acres be even worse?

What about things like the schools, right now elementary is bused all the way to Coral Canyon and this would cause issues. Then you have waste services, postal, etc. which will cause delays or shortage of services.

I believe there needs to be more major egress out of the development but not on to 600 N.

If you do approve this site as planned, I would certainly hope that the property of H-3-1-30-320 and adjacent would remain commercial type zoning unless 600 N were to be configured in a 4 lane with turn lane type road.

Respectfully,

Mark Simons

Mark Simons (electronically signed in St George Utah)

Reference 1 : City Council, September 19, 2019 -

192 2. Consideration and possible approval of a General Plan Map amendment request on 1.84 acres
193 located at approximately 3076 West 600 North from Commercial to Multi-family Residential –
194 Jaci Properties

195

196 Planning Commission recommended denial of this application with a vote of 5 to 1. James Cheney is the
197 applicant. He doesn't have a specific plan for the property yet but would prefer to develop a residential
198 project rather than a commercial one.

199

200 Kain Essy lives off 600 North and fights traffic going by this location and shared concerns regarding
201 multi-family housing and potential rise in criminal activities.

202

203 Bill Ennis said it is difficult to find a place to live here in Hurricane. He supports having more multi-family
204 options.

205

206 Murna Trump worries about future high impact fees and supports multi-family developments.

207

208 Without any further comment, Darin Larson made a motion to move out of the public hearing.

209 Seconded by Pam Humphries. Motion approved with Pam Humphries, Darin Larson, Cheryl Reeve, Kevin
210 Tervort and Kevin Thomas voting aye.

211

212 Kevin Thomas feels this does not meet the requirements and he cannot justify this change. Commercial
213 uses will be needed in the future.

214

215 Kevin Thomas made a motion to deny the General Plan Map amendment request on 1.84 acres located
216 at approximately 3076 West 600 North from Commercial to Multi-family Residential, it does not meet
217 the needs or requirements of the area. Seconded by Pam Humphries. Motion approved with Pam
218 Humphries, Cheryl Reeve, Kevin Tervort and Kevin Thomas voting aye. Darin Larson voted no.

<https://www.utah.gov/pmn/files/559875.pdf>