Minutes of the Hurricane City Council meeting held on December 19, 2024, in the Council Chambers at 147 North 870 West, Hurricane, Utah at 5 p.m.

Members Present: Mayor Nanette Billings and **Council Members**: David Hirschi, Kevin Thomas, Clark Fawcett, and Joseph Prete.

Members Excused: Drew Ellerman

Also Present: City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates, Power Superintendent Scott Hughes, Public Works Director Mike Vercimak, City Planner Gary Cupp, Assistant Planner Fred Resch III, Street Superintendent Weston Walker, City Engineer Arthur LeBaron, Building Official Larry Palmer, HR Director Sel Lovell, Water Superintendent Ken Richins, Parks Superintendent Darren Barney, and City Recorder Cindy Beteag.

AGENDA

5:00 p.m. Pre-meeting - Discussion of Agenda Items, Department Reports

Larry Palmer reported they have issued twenty-four single family building permits, one four plex, and two commercial permits for Wasatch Trailers and a sales office in the Dunes area.

Darren Barney provided an update on the Veterans Park, noting that progress is being made, with the pavilion footings poured earlier this week. He also shared that Toleua has returned home from the hospital but is unlikely to return to work for some time, if at all. The department has been operating with three vacant positions for a while, but after conducting numerous interviews, offers have been extended to two candidates who are expected to start soon.

Ken Richins stated that the irrigation project is underway, with piping delivered to 1300 South. Work on the project is scheduled to begin during New Year's week. The settling pond and booster project near the power substation on 1300 South has also started, and he expressed enthusiasm about moving forward with these efforts. He noted that the test well in Sky Ranch has encountered lava at approximately 121 feet, but they remain hopeful about breaking through it next week. The power conduit has been installed for the Dixie Springs Well, and the plans are nearly ready to go out for bid pending the Health Department's final review.

Chief Yates stated that last week's Shop with a Cop event was a great success, with support from the community making it possible to shop for fifty kids that were present and an additional ten. The Youth City Council assisted with wrapping gifts, contributing to the event's success. He noted there were several vehicle break-ins recently. However, the suspect was apprehended in Hurricane after using a stolen card in St. George. A search of the suspect's vehicle revealed a significant amount of drugs and paraphernalia. He shared that a major case involving child pornography has been finalized. He explained that confiscated drugs remain in evidence until the related case is resolved, after which they are destroyed.

Scott Hughes expressed gratitude to Mayor Billings for attending the UAMPS meeting and showing support. He shared that the City received an award for improvements made to the Three Falls Substation. He mentioned that UAMPS is currently studying a geothermal project near Beaver and a wind project located in either Idaho or Wyoming, with more details to come. Of the two natural gas projects previously approved, only the Delta project is moving forward, while the American Falls project is awaiting approval from Logan. Logan's support is crucial, as 85% participation is required for the project to proceed. UAMPS is also exploring the possibility of involving additional cities in these initiatives.

Mike Vercimak expressed his gratitude to the Mayor and Council for the longevity bonus, stating it is greatly appreciated. He shared that they held a couple of preconstruction meetings in recent weeks and issued a notice to proceed for the Mesa Cove project, which will connect 1150 W to 600 N. He also thanked all the departments for their collaboration and hard work. Councilman Hirschi clarified that the section of 1150 W south of 400 S will not be on the project list for at least five years.

Sel Lovell reminded everyone that the employee Christmas party is scheduled for tomorrow at noon. He noted that there are still several job openings they are actively working to fill. Mayor Billings inquired about the timeline for posting the Public Works Assistant position. Mr. Lovell explained that it is still under review but will be posted as soon as possible.

Weston Walker provided updates on several ongoing projects. Signs have been installed on 600 North at 700 West and 2800 West as requested by the Council, and he asked for feedback once they've been reviewed. Stripping and signage have started at the golf course for the cart crossing, and parking on the east side of the high school has been striped. Additionally, delineators around the lake have been completed, and repairs on Old Hwy 91 have wrapped up, marking the project's completion. The Sand Hollow Road extension to Bash Parkway near the roundabout is nearly finished and is anticipated to open by early January. Meanwhile, crews have been busy with crack sealing in the downtown area.

Arthur LeBaron noted that the Sand Hollow Road project includes a notable roundabout with a large central space that presents an opportunity for development. While there have been discussions about what to place there, no consensus has been reached. Mr. LeBaron requested an agenda item for the January 2nd Council meeting to discuss the matter further. He plans to include concept drawings for review, emphasizing the need to consider the utilities located beneath the site. Mayor Billings suggested that each department submit a list of their needs and ideas for the space. Mr. LeBaron also addressed the irrigation project, cautioning that it will be inconvenient for the public and advised the Council to be prepared for questions. The project will be extensive, requiring significant coordination as multiple tasks are completed in the same areas. He stated FEMA has provided draft maps, which represent the most detailed mapping to date. While the maps will not be adopted for another year or two, they largely align with previous versions. Properties affected by the new mapping will not face immediate changes unless sold, at which point the new owner may need flood insurance. The updated maps will also bring more stringent regulations for new development.

Gary Cupp reported that the Planning Department has been busy handling land use applications. Last week, the Planning Commission had a heavy agenda, and the upcoming one is expected to be similar. Tonight, the Airport Overlay Zone is on the agenda, which needs to be adopted by the end of the year. The department is also continuing work on several projects, including the public facility zoning, downtown overlay, domestic lot splits, and other smaller updates. The R-1-4 zoning will be revisited at the next meeting. Additionally, the department has secured a $15,000 grant to help prepare the water element of the General Plan.

Fred Resch III thanked the GIS department for updating all the maps. Over the past week, he sent out about twenty violation letters to vacation rentals, including a final violation notice to the business on 920 West. The Planning Commission approved a preliminary plat for a 149-lot townhome subdivision east of Peregrine Pointe, as well as a final site plan for phase 2 of Liberty Village. Additionally, they approved three residential developments, several commercial developments, and a new city park near Sand Hollow. Dayton Hall added that, regarding the property on 920 West, the ordinance prohibits a business from using a residential lot to store business inventory. He also noted that the car lot is using the public street along the dealership for parking, and efforts are being made to bring them into compliance with both of these issues.

6:00 p.m. - **Call to Order** –

Mayor Billings welcomed everyone and called the meeting to order.

Prayer, Thought, and Pledge led by Joseph Prete.

Declaration of any conflicts of interest

None declared.

Minutes of the Regular City Council Meeting for November 21, 2024, and December 5, 2024

Kevin Thomas motioned to approve the November 21, 2024, and December 5, 2024, minutes as written. Seconded by David Hirschi. Motion carried unanimously.

Public Forum – Comments From Public

OLD BUSINESS

1. Discussion regarding the Park, Recreation, and Trail Impact Fee

Mayor Billings distributed a spreadsheet detailing impact fees charged by other communities. Among those surveyed, no other city imposes a parks and recreation impact fee on commercial properties. Kaden DeMille explained this stems from previous council meeting when a business inquired about the validity of charging parks and recreation impact fee on commercial properties. According to Civil Science their methodology for determining impact fees on commercial properties is appropriate. By analyzing revenue from September to November, he estimated that if commercial properties were excluded from the parks and recreation fees, the residential component would need to increase by $1,400, raising the residential fee from $4,663 to $6,133. However, this exceeds the maximum allowable amount of $5,023 set by the impact fee study. He outlined three options: maintaining the current structure, eliminating the commercial fee entirely, or shifting the burden to residential properties. Using data from the prior year, he noted that approximately 24% of parks and recreation impact fee revenue would come from commercial properties. Mayor Billings suggested calculating the impact fee by square footage instead of by the water meter size. Mr. DeMille stated if the Council did away with it and didn't make it up in residential, we would lose about three million dollars in revenue in five years. He noted that the funding for the gym is secure, as the calculations were based on the prior parks impact fee, so there is no immediate concern there. However, the pool project, which is estimated at $13 million, presents a significant funding challenge. With a shortfall of approximately $4.7 million, Mr. DeMille emphasized the need to seek additional funding, possibly from the county and the school district. He had already discussed the possibility with the county, and they expressed interest, but it is still too early to provide detailed projections. If the decision is made to shift the impact fees from commercial properties to residential, it could delay future projects such as trails, parks, and other facilities. He also pointed out that even with county and school district participation, the City may still fall short by about $1 million. He suggested the possibility of using RAP tax funds, as discussed in a prior meeting, to bridge the gap.

Councilman Fawcett stated he doesn't see that commercial is an impact on the parks, but he understands it will have to go back to residential if they take it off. He would feel more comfortable charging the commercial the same as residential. Mr. DeMille questioned if a new study would need to be done. Gary Cupp agreed it not usually charged to commercial, but it is not unheard of. Councilman Thomas pointed out Starbucks wanted a large meter so theirs wasn't proportionate. Councilman Prete compared the legal term "bad facts make bad law". The case that was presented was unusual and misleading. The sheet that was provided tonight was also misleading because it only included 22 cities out of the 330 cities in the state. He stated Hurricane's land area, 54 square miles, is significant and there is a need to fund the parks and trails. He thinks it is reasonable to charge commercial properties a fee that would help support the costs of maintaining the community, which heavily relies on tourism. Mayor Billings pointed out this is a new fee, and it is affecting businesses. Councilman Fawcett agreed but stated this particular business doesn't need that big of meter and could remedy their problem. Councilman Hirschi agreed we have a large area to cover. Councilman Thomas stated tourists will benefit from our parks and they will contribute to the commercial. Council agreed to keep it the same. Councilman Prete asked in there was a legal concern for keeping it how it is. Dayton Hall stated they had engaged an engineer and a consultant to establish the commercial fee based on its actual impact. He clarified that the issue at hand is not about legal compliance but rather a policy decision for the council to address. He also mentioned Starbucks has requested to downsize their water meter to 1 1/2" instead of 2".

NEW BUSINESS

1. Consideration and possible approval of the amended Capital Improvement Plan for the Hurricane City Airport - Mike Vercimak

Mayor Billings read the following summary that was provided in packet written by Mike Vercimak. "The amended CIP that is in the packet reflects a couple of changes from our last CIP document. The lighting project was taken off the CIP and the dates have been updated to reflect the removal of the lighting project and the delay in the AWOS project. The only new item added is the update to our ALP (Airport layout plan). The FAA has asked for an updated ALP due in part to our request to install new power poles on the west side of the airport. To obtain permission to do so we had to acknowledge that the 748-foot runway extension would not be requested in the future, due to the fact that this would require the complete re-location of 1100 West."

Mike Vercimak explained that the current Airport Layout Plan (ALP) shows a potential runway extension at the south end, which would reach 1100 West. However, a previous review determined that any extension would require shifting the runway westward and rotating it. For the present discussion, the focus is on amending the capital improvement plan. The proposed changes remove the lighting project from the plan, reschedules the delayed installation of the AWOS project, and acknowledges that the newly installed power poles on 1100 West make the runway extension no longer feasible. Councilman Prete referenced past discussions about runway lights and noted that the runway's current length limits larger planes, which had been a factor in not approving the lights at the time. He asked how much of an extension would be needed to accommodate larger planes. Mr. Vercimak responded that a total runway length of 6,000 feet would be required, necessitating the removal of 1100 West. Mayor Billings added that the airport manager had informed the FAA via a formal letter that the City did not plan to extend the runway, which allowed for the installation of the power poles. The amendment to the capital improvement plan formalizes this decision. Mr. Vercimak also mentioned that funds allocated for use within the next couple of years will be directed toward engineering for apron expansion in 2025, followed by taxiway improvements in 2026.

Clark Fawcett motioned to approve the amended Capital Improvement Plan for the Hurricane City Airport. Seconded by Kevin Thomas. Motion carried unanimously.

2. Consideration and possible approval of an extension to the Peach Pit Development Agreement - Danielle Stirling

Mayor Billings read the following summary that was provided in the packet written by Fred Resch III. "This item is being placed on the agenda at the request of the applicants, David and Danielle Stirling, they are the owners of 20 acres of currently agriculturally used property located within the Gateway to Sand Hollow PID at the newly constructed intersection of Bash Parkway and Flora Tech Road. They received a zone change in October 2020 from RA-1 to PC, Planned Commercial which was conditioned on a signed and executed development agreement. The development agreement states that, "Notwithstanding anything in this Agreement to the contrary, it is agreed by the parties hereto that in the event the final plat for the Property has not been recorded in the Office of the Washington County Recorder within

five (5) years from the date of this Agreement (the "Term"), or upon the occurrence of an event of default of this Agreement that is not cured, the City shall have the right, but not the obligation, at the sole discretion of the City Council, to terminate this Agreement as to the defaulting party (*i.e.*, the Developer). The Term may be extended by mutual agreement of the Parties." This agreement was recorded on December 1st, 2020, which would mean the agreement expires on December 1st, 2025. The applicant has requested this extension because they want to continue the agricultural use of the property while retaining the right to develop under the development agreement when they are ready to. Planning and Legal staff have reviewed this request and find this acceptable and recommend approval. Attached is the development agreement as recorded with the County Recorder."
Danielle Stirling explained that while they intend to continue farming, they want to preserve the option to develop the land in the future. They approached the Council early to ensure support for their plan, which would allow those leasing the trees to continue their activities without interruption. Dayton Hall clarified that, although there is not yet a draft amendment to the development agreement, the Council could, by motion, authorize the mayor to sign an amendment extending the five-year period to the requested timeframe. He expressed confidence in this approach, noting that the only change would be the extension, which would enable the amendment to proceed without requiring further Council review.

Kevin Thomas motioned to extend the time period for another five years for the Peach Pit Development Agreement with same terms as the existing agreement. Seconded by David Hirschi. Motion carried unanimously.

3. Consideration and possible approval of the location of new pickleball courts - Tiffani Wright/Darren Barney

Arthur LeBaron provided a drawing with the courts on east side. Councilman Hirschi mentioned he has been discussing different options with Councilman Thomas and they would like to discuss it more before the Council makes a decision.

David Hirschi motioned to continue the possible approval of the location of pickleball courts to January 2, 2025. Seconded by Clark Fawcett. Motion carried unanimously.

4. Discussion and consideration of LUCA24-09 a Land Use Code Amendment to Title 10, Chapters 11 and 25 to establish an airport overlay zone. Hurricane City, Applicant.

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "In 2023, the Utah State Legislature passed HB 206, establishing airport use amendments. These amendments establish land use requirements for land located within an airport influence area, which is defined as land within 5,000 feet of an airport runway. The purpose of the airport overlay zone is to prevent the creation or establishment of an airport hazard and to eliminate, remove, alter, or mitigate existing airport hazards to promote the health, safety, and general welfare of the public. The Mandate requires municipalities to adopt an Airport Overlay Zone by December 31, 2024. Accordingly, staff has updated Chapter 25 of Title 10 with the mandated requirements in order to comply with HB 206. Chapter 25 is currently entitled "Runway Protection Zone," and has been renamed "Airport Overlay Zone." Also proposed is an update to the airport zoning map to depict the 5,000-foot airport influence area. The Airport Board heard this item on November 19, 2024, and recommended approval. The proposed land use code amendment was heard by the Planning Commission on December 12, 2024, who unanimously recommended approval. Staff recommends approval."

Steve Nation, a Sky Ranch resident, addressed the Council regarding the private airport at Sky Ranch. He explained that when a bill went to the State, it addressed public airports but omitted private ones, though it was intended to be revisited. He suggested adopting an overlay for Sky Ranch's private airport to prevent future conflicts and expressed hope that Sky Ranch would eventually become part of the City. Councilman Thomas noted that Sky Ranch is surrounded by city property, which makes its operations relevant to the City. Councilman Fawcett questioned whether the City could impose regulations on an airport outside its limits. Mr. Cupp acknowledged uncertainty about applying an overlay to a private airport in the County. Councilman Thomas pointed out that while the law requires regulation for public airports, it does not prohibit similar measures for private airports. Mr. Cupp stated he would contact the County to determine whether they are addressing the issue or if the City should take the lead. Mr. Nation highlighted the potential for 56 additional hangars at Sky Ranch. Dayton Hall recommended approving the current draft and coordinating with the County regarding Sky Ranch, as the City cannot regulate land outside its boundaries.

Clark Fawcett motioned to approve Ordinance 2024-17 amending Title 10, Chapters 11 and 25 establishing an airport overlay zone. Seconded by Joseph Prete. Motion carried unanimously.

Mayor Billings recommended staff scheduling a meeting with the County to discuss this further.

5. Discussion and consideration of ZC24-13 PSP24-38 a Zone Change Amendment request and preliminary site plan approval located approximately at the southeast corner of Gateway Blvd and Jellystone Rd to add a PDO, planned development overlay, over the existing R1-8, single-family residential one unit per 8,000 square feet. Parcel numbers H-4-2-12-1208-GS1 and H-4-2-12-1209-GS1. Western Mortgage and Realty Co - Tim Tippett, Applicant. Karl Rasmussen, Agent.

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "The applicant requests a zone change to add a Planned Development Overlay (PDO) to the existing R1-8 zoning on their property. This property was formerly part of the Desert Bloom development that was approved at the preliminary plat level in 2022, but that approval has since expired. The applicant has informed staff that their intention with the zone change application is to request more generous setbacks that could be allowed with the Planned

Development Overlay. The Planning Commission heard this item on December 12, 2024, and unanimously recommended approval. Staff recommends approval."

Karl Rasmussen explained this development is right across from Peach Pitt. The south portion is R1-8, and north is R1-6 but they are asking for increase of 16 units to the south portion and a decrease of 21 to the north one. Which would be a 3% decrease overall. They are also adding pocket parks within the subdivision that will tie together with the 12-foot paved trial around the entire thing that will connect to other developments in the area. Kaden DeMille asked who would be responsible for the parks. Mr. Rassmussen stated it would have to be the HOA. He handed out a drawing of a proposed park to the west of this development that includes eighteen pickleball courts. Gary Cupp explained they want to build closer to the lot lines. This is solely to allow smaller setbacks. Mike Vercimak stated speaking for the JUC, they wrestle with these smaller setbacks all the time. He stated the PDO zoning started out as exception to the rule but not they are becoming the normal. Utilities are struggling with this, and it is brought up all the time. Setbacks are there for a reason. They have to have minimum clearance on each of the utilities. He asked the Council to be cognizant of the problems it can cause.

Mr. Cupp explained the PDO overlay is to consolidate uses and allows clustering. However, that isn't what the applicant is doing here but we are not losing open space, and they are asking for lower density. He stated the objective of this zone is to encourage a variety of development patterns and flexibility in building locations. Which he thinks this development meets that. Councilman Prete pointed out the report says staff recommends approval however it seems the planning department feels differently than the JUC Committee. Fred Resch stated the JUC comments are part of the report, and those objections were not brought up when they took this to them. Mr. Cupp explained the staff comments come from Planning Department. They ask the JUC Committee for comments and based on their comments they make a recommendation. They did not see anything objecting to what they are requesting so that is why they recommended approval. Councilman Prete stated he wants more information on the report they get from the Planning Commission including what they discussed. He stated it is helpful to the Council to know if there is a split recommendation on the staff level. Mr. Cupp explained they rely on the JUC recommendations to complete the staff report and no concerns were raised when they took it to them.

Mr. Rasmussen stated if this is not approved then they will go back to the layout that was already approved. Councilman Hirschi asked how that benefited the City if it reverted back to what was already approved. Mr. Vercimak stated it gives six more feet to the front setback. Mr. Rasmussen explained what they are proposing will give a larger setback to the house. Councilman Thomas doesn't want to use the PDO code just to reduce setbacks. He doesn't see the pocket parks as a reasonable trade to get smaller setbacks. He thinks it will feel denser because of the setbacks. Councilman Prete asked Mr. Vercimak to explain the setback and what is needed for each utility. Councilman Fawcett stated he doesn't think there is a concern with every lot but once all these lots get built out there are spots where things are close and there isn't enough room for all the utilities. Mr. Vercimak stated the JUC tries to identify the problems, but it isn't always caught when they are just seeing it on paper. It never fails that something is hit because they are all so close together. Arthur LeBaron pointed out there are

ten-foot utility easements around each lot that is there for the utilities. The front set back allows a buffer from the easement to the front of the house. He stated just because it is tight it doesn't give the utilities the right to go out of the easement. He stated if we need more room then there needs to be a bigger easement. Mr. Vercimak stated that could cause an issue with getting them too close to the house. Mr. LeBaron thinks the garage should be at least 22 feet from back of curb. Councilman Thomas stated the purpose of the code is not just to get smaller setbacks. Councilman Fawcett stated he thought the purpose was to give flexibility to layout it out according to the topography. Mr. Rasmussen stated this is a unique area that is all basalt. They will have a lot of retaining walls and this will make it look nicer.
Mr. Vercimak explained it isn't the utility getting out of the easement it is the house getting closer to the easement. Mr. LeBaron agreed there have been issues with this in other areas, but he doesn't see it being a problem with what is being presented. Mr. Rassmussen stated they need approval to make all the different projects work. Scott Hughes mentioned the National Electric Code that requires structures to be ten feet from electrical. This is getting down to the inches, but he thinks it can be done. He agreed that sometimes other utilities are in the way, and it causes them to have to move the power, so it gets everything squeezed in tight. When the elevation changes it causes issues with dirt and rocks sluffing into the conduits. Councilman Thomas stated because of that he thinks they need to keep the current setbacks. Mr. LeBaron stated his biggest concern is the setback to the garage. They need more space for parking. Dayton Hall stated the ordinance allows Council to deviate from the setbacks and set something they are more comfortable with. Mr. Rasmussen stated they would have to get a different builder and go back to what they had before if the smaller setbacks are not allowed. Councilman Fawcett stated there is room to move the house back two feet and still have room in the back. Mayor Billings stated they could keep the PDO setbacks on the side but make the front setback 22 feet and that would address all the concerns. Councilman Hirschi asked if the developer would commit to making some of the lots affordable housing. Mayor Billings recommended asking them to deed restrict 5% of future developments. Mr. Rasmussen stated there are products that are being worked on.
Mr. Hall stated PDO zone changes have a site plan that is associated with them and is part of the zone change. These unique setbacks need to be on the site plan. The Council could request an updated site plan showing the 22' setback. Staff would prefer the site plan in front of the Council before a decision is made. Councilman Thomas still has an issue with PDO being part of every development. He questioned why they have zones and setbacks if PDO is allowed everywhere. Councilman Hirschi wants to see affordability as part of this development. Councilman Fawcett stated he thinks they use the PDO zone to help accommodate the property. He doesn't see it as just a way to get smaller setbacks. Councilman Prete pointed out as water becomes limited the large back yard diminishes.
Troy Ence online asked what the Council considers as affordable housing. He explained they want these setbacks to get good pricing for the homes. He has been doing this for twenty years and he has never seen a problem with the utilities in the 20-foot setback. Councilman Thomas explained the Mayor was talking about deed restrictions to make if affordable but he would like to see things done naturally to get the homes affordable. This is just going to allow a bigger

home on a smaller lot. Mr. Ence stated the smaller setbacks bring the lot cost down. He explained with larger setbacks you need a larger lot, and it is more money. He stated this product is for younger families and retired people. It is a price consensus product for people. If they have to go to 22' setbacks then they will lose their deeper homes. Councilman Thomas asked if a homeowner would pay less for a home with smaller setbacks than they would for the same house with larger setbacks. Mr. Ence stated this house will be priced less than other developments. It will directly reflect into the price of the home. This allows a larger footprint of the house. Councilman Prete asked what zone they have built in to allow the 20' setback. Mr. Ence explained the only way to get more affordable housing is to do the PDO zoning. He stated he can come back and talk to the Council about pricing, but he doesn't want to come back with 22' setbacks. Ence Homes has a subdivision in Hurricane called Sedero that they built with the same setbacks.

Clark Fawcett motioned to approve ZC24-13 a zone change request and preliminary site plan for H-4-2-12-1208-GS1 and H-4-12-1209-GS1. Councilman Hirschi would prefer to see affordable housing included in the development, but he likes the less dense. Seconded by David Hirschi. Councilman Prete voiced concerns with excess use of the PDO zoning and the front setback. Motion carried unanimously. Councilman Thomas doesn't want the PDO to become the normal just to get smaller setbacks. Councilman Fawcett suggested looking at that code and see if it needs to be amended and possibly requiring some affordability.

6. Discussion and consideration of ZC24-14 PSP24-35 a Zone Change Amendment request and preliminary site plan approval approximately located at the northeast corner of Gateway Blvd and Jellystone Rd to add a PDO, planned development overlay, over the existing R1-6, residential one unit per 6,000 square feet. Parcel numbers H-4-2-1-1112-GS1, H-3-2-6-340, and H-4-2-1-11112-GS1. Western Mortgage and realty Co -Tim Tippett, Applicant. Karl Rasmussen, Agent.

Mayor Billings noted that this item also pertains to Ence Homes. Karl Rasmussen highlighted that the development includes pocket parks and a surrounding trail. He recommended scheduling a future work meeting to address affordable housing. He mentioned that the average lot size is approximately 6,000 square feet and that the proposal includes reducing the density by 33 units. Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "The applicant has filed a zone change to add a Planned Development Overlay (PDO) to the existing Single Family Residential R1-6 zoning on their property. This property was formerly part of the Desert Bloom development that was approved at the preliminary plat level in 2022, but that approval has since expired. The applicant has informed staff that their intention with the zone change application is to request the more generous setbacks that could be allowed by the Planned Development Overlay. The Planning Commission heard this item on December 12, 2024, and unanimously recommended approval. Staff recommends approval." Councilman Fawcett pointed out they are not changing the density. They are just getting a smaller setback which should be more affordable.

Kevin Thomas motioned to approve ZC24-14 a zone change request and preliminary site plan for H-4-2-1-1112-GS1, H-3-2-6-340, and H-4-2-1-11112-GS1. Seconded by Clark Fawcett. Motion carried unanimously.

Councilman Fawcett expressed a desire for a work meeting with developers to discuss affordability. Mayor Billings scheduled the meeting for 3:30 p.m. on January 2nd. Councilman Fawcett also requested that staff inform the Council of any utility issues in other developments to better understand potential problems related to PDO zoning. Dayton Hall noted there were comments about revisiting the PDO ordinance and mentioned that the Planning Department is currently working to align the ordinance with the Civic Center's needs. He explained that differing staff opinions make it challenging to create a cohesive product and requested direction from the Council. Councilman Fawcett asked for the existing code and the proposed changes to be shared with the Council. Councilman Prete emphasized the importance of defining the limited circumstances under which PDO zoning is considered. He highlighted the need to address issues such as street parking, driveway lengths to prevent vehicles from obstructing sidewalks, and setting clear criteria for granting PDO zoning. Mr. Hall inquired if the Council was comfortable with the 20-foot setback approved during the meeting. The Council agreed to research the matter further and discuss it during the upcoming work meeting.

7. Discussion and consideration of ZC24-15 a Zone Change Amendment request located at approximately 2600 W 100 N from HC, highway commercial, to RM-3, multifamily 15 units per acre and at approximately 2800 W 100 N from MH/RV, mobile home/RV, and R1-8, residential one unit per 8,000 square feet, to GC, general commercial. Parcel numbers H-3-1-32-341, H-3-1-32-342, H-3-1-32-343, H-3-1-32-344, H-3-1-32-44031, H-3-1-32-440112 and H-3-1-32-312 and a portion of parcel numbers H-3-1-32-314 and H-3-1-32-41011. Western Commercial Real Estate, PLLC, Applicant. Joby Venuti, Agent.

Mayor Billings read the following summary that was provided in the packet written by Gary Cupp. "The applicant requests approval of a zone change for two properties to essentially swap the residential and commercial zoning designations between two properties. The first property is located off the SR-7/SR-9 interchange north of 100 N and is currently zoned MH/RV (PDO) as part of the Canyons RV development with a portion of the property as Single Family Residential R1-8. This property is proposed to be changed to General Commercial to allow for commercial development at the interchange. The second property is located off 2600 W, located north of the Comfort Inn. This property is currently zoned Highway Commercial and is proposed to be rezoned to Multiple Family RM-3. A site plan for the RM-3 request was submitted with this application, but a preliminary site plan application was not submitted at this time. A request to rezone to Planned Commercial was denied by the City Council earlier this year. The Planning Commission heard this item on December 12, 2024, and unanimously recommended approval. Staff recommends approval."

Joby Venuti reminded the Council that he had presented this proposal at a work meeting a few weeks ago. He explained that the initial plan was to designate Parcel A as planned commercial and convert it into apartments. However, the Council expressed a preference to preserve the commercial parcels. Taking a broader perspective, he noted the importance of considering 2800 West, which will serve as a future extension in this area. Mr. Venuti stated that most of Parcel B is zoned MH/RV, with a small portion zoned R1-8. He shared his view that the City already has too many RV parks and proposed converting Parcel B to commercial if the project is approved. Parcel A would include 75 residential units. Since this parcel is not highly visible, they believe higher-density residential development is a more suitable use. He added that they plan to extend 100 North as part of the Parcel A development, covering the costs themselves. They are also exploring a connection to 100 North in the Canyons area, though existing homes in the area would need to be relocated to make this feasible. Councilman Prete confirmed that 2800 West would not be widened. Mr. Venuti also noted that his team had donated the bike trail to the City. While Councilman Hirschi expressed a preference for more commercial development and concern about the City already having too much high-density housing, Councilman Thomas pointed out that the proposal provides a good buffer between commercial and residential zones, making it a reasonable compromise. Mr. Venuti concluded by noting that 2800 West's location makes it unlikely people would want to live directly adjacent to it.

Kevin Thomas motioned to approve ZC24-15 a zone change request located at approximately 2600 W 100 N and approximately 2800 W 100 N. Seconded by Clark Fawcett. Motion carried with Kevin Thomas, Clark Fawcett, and Joseph Prete voting aye. David Hirschi voted nay.

8. Consideration and possible approval of the renewal of all liquor licenses - Cindy Beteag

Cindy Beteag reported that all required documents and training have been received and verified. For any training that cannot be verified, a letter accompanies the license, giving the business 30 days to provide proof of completion.
Chief Yates noted that there were two instances of underage sales over the past year, both of which were first offenses for the respective businesses. He explained that the State regulates on-premises licenses, but he has requested that they share investigation results with the City moving forward.

Kevin Thomas motioned to approve the renewal of all liquor licenses. Seconded by Joseph Prete. Motion carried unanimously.

9. Consideration and possible approval of the 2025 Annual Meeting schedule - Cindy Beteag

Cindy Beteag explained that State Code mandates municipalities to post an annual meeting schedule. The proposed schedule complies with the City ordinance, which designates meetings on the first and third Thursdays of each month.

Clark Fawcett motioned to approve the 2025 Annual Meeting schedule. Seconded by David Hirschi. Motion carried unanimously.

10. Discussion and possible decision regarding policy 704 Holiday Leave - Kaden DeMille

Mayor Billings stated she would not be present on Christmas Eve and questioned the necessity of working that day, given the typically slow pace and minimal customer activity. Councilman Hirschi suggested granting Christmas Eve off but not New Year's Eve. Mayor Billings clarified that if a holiday falls on a weekend, it will be at the discretion of the City Manager to determine the observed day off.

David Hirschi motioned to approve updating policy 704 Holiday Leave to include Christmas Eve. Seconded by Kevin Thomas. Motion carried unanimously.

11. Mayor, Council, and staff reports

Cindy Beteag mentioned there is a new requirement for the Council to provide conflict of interest forms on annual basis. Staff is still working through the requirements, but it will be brought to the Council before the deadline.

Councilman Prete shared his experience attending the Shop with a Cop event. He stated it is an event, and he encouraged everyone to participate in the future.

Mayor Billings announced that Councilman Fawcett has been appointed to the Water Conservancy Board. Councilman Fawcett noted that the Fire District's board meeting falls on the same day and mentioned plans to discuss rescheduling it. In the meantime, he asked if someone could cover for him at the first meeting. Mayor Billings stated she might consider making changes to board assignments. Councilman Prete suggested keeping Councilman Fawcett on the Fire Board, especially during budget discussions. Councilman Fawcett emphasized the importance of ensuring that property taxes decrease if the sales tax proposal is approved.

12. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Kevin Thomas motioned to go into closed to session at 9 p.m. to discuss the purchase of property and pending litigation. Seconded by David Hirschi. Motion carried unanimously.

Joseph Prete motioned to go out of closed meeting at 9:44 p.m. Seconded by Kevin Thomas. Motion carried unanimously.

Mayor Billings invited the Council to listen to children read on January 23rd from 9:30 to 10:45 a.m. Councilmen Fawcett and Thomas confirmed they could attend.

Mayor Billings also mentioned that Ash Creek would soon submit a zone change request for their land to develop affordable housing. She has been discussing the possibility of Ash Creek selling a portion of the land for a future cemetery instead of the planned park. Kaden DeMille noted that the City's current cemetery might only have 20 years of capacity remaining. As St. George and Washington run out of space, more people may turn to this area. He added that the City's nonresident burial fee is comparatively low and may need to be increased.
The Council agreed that the fee should be raised and expressed support for acquiring additional cemetery space. Mayor Billings distributed a letter from the Water District regarding water conservation.

Councilman Prete mentioned there was a discussion several months ago about keeping the Justice Court. He stated if we are planning a new facility, then it is important to know if we need it. Kaden DeMille explained there was a city manager on the committee that was investigating this. However, progress stalled, and the committee went away. There is no more talk about the court going away that he is aware of. Councilman Fawcett explained the only time you can get rid of the court is when the judge retires. Mayor Billings stated she likes having a court because people have a difficult time getting to court if it isn't in town. Mr. DeMille explained his plan is to have the court in this building. He stated one wing could be the court with a remodel. He didn't plan on building a new one.

Adjournment: David Hirschi motioned to adjourn the meeting at 10 p.m. Seconded by Joseph Prete. Motion carried unanimously.